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**AVALON ENGINEERING, INC.**  
•Engineering•Planning•Design

COMMUNITY DEVELOPMENT

**LETTER OF TRANSMITTAL**

**TO:** Brandon Dunn, Principal Planner  
Lee County DCD Planning Section  
1500 Monroe Street  
Ft. Myers, Florida

**PROJECT #:** 20-118  
**PROJECT:** CPA2021-00009 Burnt  
Store Road Mixed Use  
Development

**FROM:** Linda Miller, AICP  
Vice President

**DATE:** February 14, 2022

**WE ARE SENDING YOU THE FOLLOWING ITEMS:**

- ☒ Attached Via e-Connect ☐ Under Separate Cover Via \_\_\_\_\_
- ☐ Plans/Prints ☐ Shop Drawings ☐ Specifications ☐ Contract ☐ Disc
- ☐ Permit Applications ☒ Other

**DESCRIPTION OF SUBMITTAL ITEMS**

Written Responses to 2 <sup>nd</sup> Review Insufficiency Comments
Exhibit M11 Lee Plan Consistency
Exhibit M12 Environmental Impact Analysis
Exhibit M7a Wetland Area Sketch and Legal Description
Exhibit M7b Boundary Area Sketch and Legal Description

**THIS DATA IS TRANSMITTED AS CHECKED BELOW:**

- ☐ as requested ☐ for approval ☐ for signature ☒ for review & comment
- ☐ for your use/files/information ☒ for your distribution ☐ to be returned

**REMARKS:**

G:\2020\20-118\CPMA Application\RAI 2\CPA Resubmittal 2 Package Transmittal.doc



**Avalon Engineering, Inc.**  
2503 Del Prado Boulevard South, Suite 200  
Cape Coral, Florida 33904  
Phone: (239) 573-2077 Web: [AvalonEng.com](http://AvalonEng.com)  
#EB 0003128

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**CPA2021-00009 Burnt Store Mixed-Use Development**

Responses to Staff's 2nd Review Comments

Vice President: Linda Miller, AICP

(239-573-2077 or [linda@avaloneng.com](mailto:linda@avaloneng.com))

February 14, 2022

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**Planning Comments**

Reviewer: Brandon Dunn, Principal Planner

**APPLICATION MATERIALS COMMENTS**

1. 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.

Staff Comment: The sketch provided does not include the required state plane coordinates at the point(s) of beginning and opposing corners. Also, the western boundary of the overall property and the wetland run along the eastern right-of-way line of Burnt Store Road but the directional calls are not the same. (Application submittal item Exhibit M7)

***Response: The legal and sketch of the boundary area (Exhibit M7b) and the wetland area (Exhibit 7a) have been revised and are provided with this resubmittal.***

2. Environmental Impact Analysis - Yucca Pen Creek conveys offsite flows through the property. Please expand on how the proposal will continue to convey offsite flows and avoid adverse impacts to surface water flows and quality consistent with Lee Plan policies 125.1.2 and 126.1.4. What impact will the proposed intensification of uses on this property have on Yucca Pen Creek?

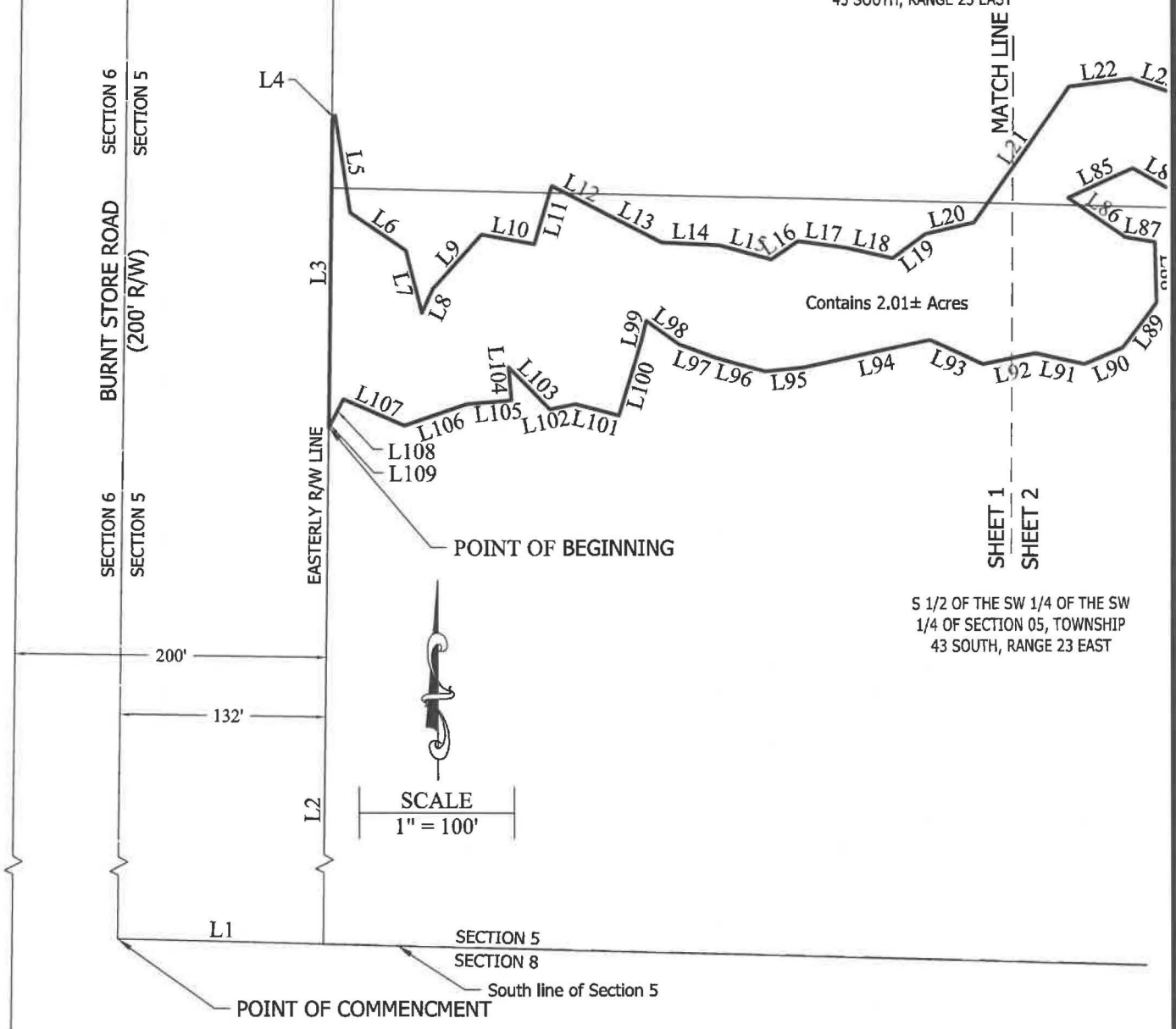
***Response: The future development of this property will require Lee County Development Order approval and South Florida Water Management District Environmental Resource Permit approval. Lee County Development Order review will include verification that any proposed site plan is consistent with Lee Plan policies 125.1.2 and 126.1.4. The South Florida Water Management District Environmental Resource Permit review will include confirmation that off-site and on-site drainage flow patterns are maintained as part of the stormwater management system design.***

***The Environmental Assessment included with this comprehensive plan amendment depicts 33.48 acres +/- of the site as upland and 2.01 acres +/- of the site as existing stream or wetland. Prior to South Florida Water Management District Environmental Resource Permit approval, a jurisdictional wetland determination will be conducted by district staff to verify the boundary of all existing streams and wetlands on-site. Any future site plan that proposes stream or wetland impacts will be reviewed by both municipalities for avoidance, minimization, and development buffering. The intensification of use on this property is not anticipated to have any adverse impacts on the Yucca Pen Creek.***

***See revised M11 and M12 for consistency with the Lee Plan and the Lee Development Code.***

# Sketch

N 1/2 OF THE SW 1/4 OF THE SW  
1/4 OF SECTION 05, TOWNSHIP  
43 SOUTH, RANGE 23 EAST



S 1/2 OF THE SW 1/4 OF THE SW  
1/4 OF SECTION 05, TOWNSHIP  
43 SOUTH, RANGE 23 EAST

## SURVEY NOTES:

1. BEARINGS ARE BASED ON THE EAST RIGHT-OF-WAY LINE OF BURNT STORE ROAD BEING N00°41'31"E.
2. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
3. **THIS IS NOT A SURVEY**
4. 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.
5. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF ARDURRA GROUP, INC.
6. NOT VALID WITHOUT SHEETS 2,3,4,5&6 OF 6.

## LEGEND:

R/W = RIGHT-OF-WAY

Sheet 1 of 6

Sketch to Accompany Description

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

SHEET 1 OF 6

Prepared for: SVR Management, LLC

SECTION 05, TOWNSHIP 43S, RANGE 23E

**THIS IS NOT A SURVEY**



324 Nicholas Parkway W, Unit A  
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Phone: (239) 673-9541  
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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 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.



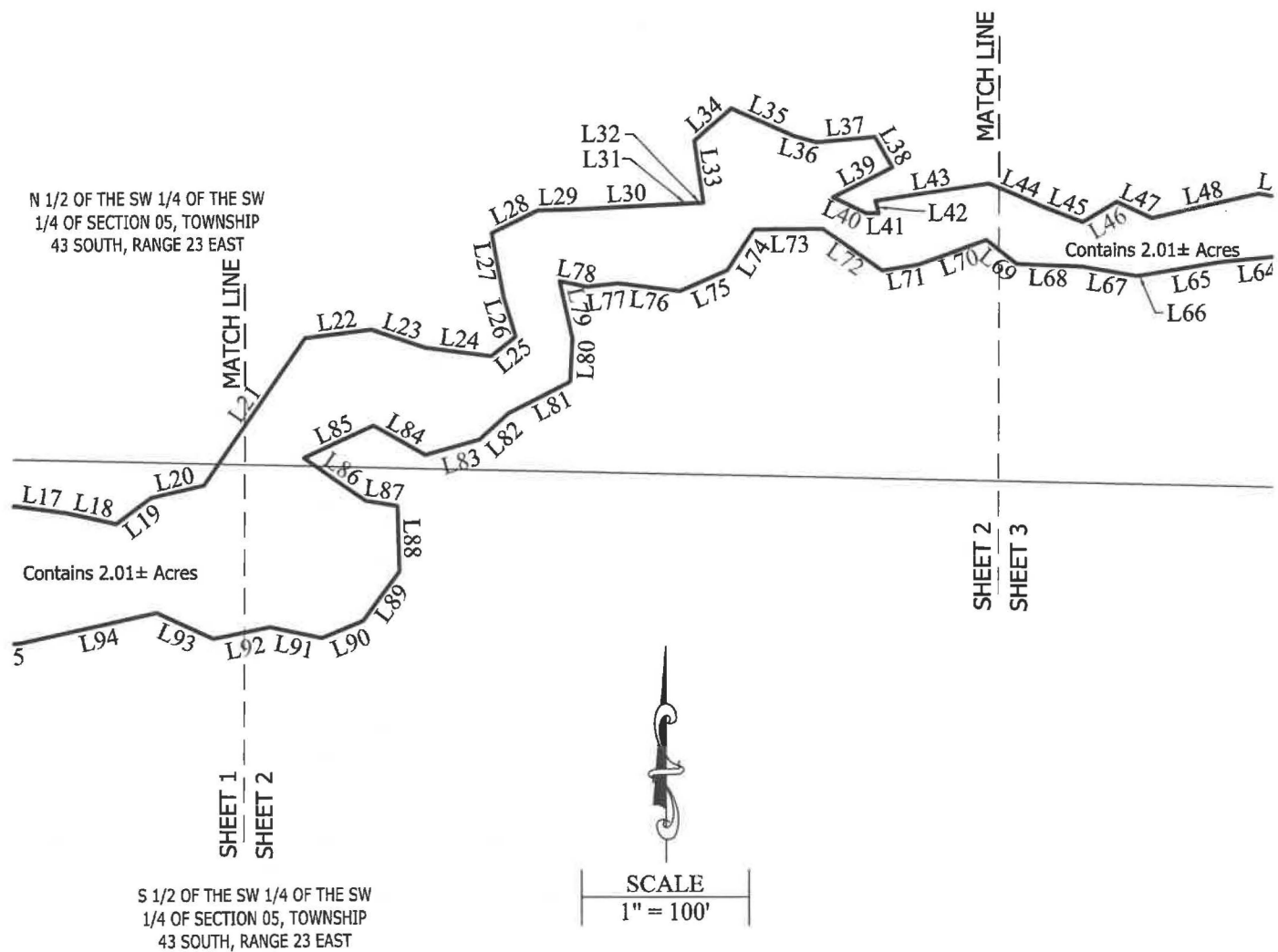
Digitally signed by  
Jeffrey Stouten  
Date: 2021.11.11  
12:35:03 -05'00'

JEFFREY D. STOUTEN (FOR THE FIRM)

FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO.6584  
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DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER



## Sketch



*Not Valid without Sheets 1,3,4,5&6 of 6*

Sketch to Accompany Description  
*Wetland Area*  
 lying in Section 05, Township 43 South,  
 Range 23 East, Lee County, Florida.

SHEET 2 OF 6

Prepared for: SVR Management, LLC

SECTION 05, TOWNSHIP 43S, RANGE 23E

## THIS IS NOT A SURVEY



**COLLABORATE. INNOVATE. CREATE.**

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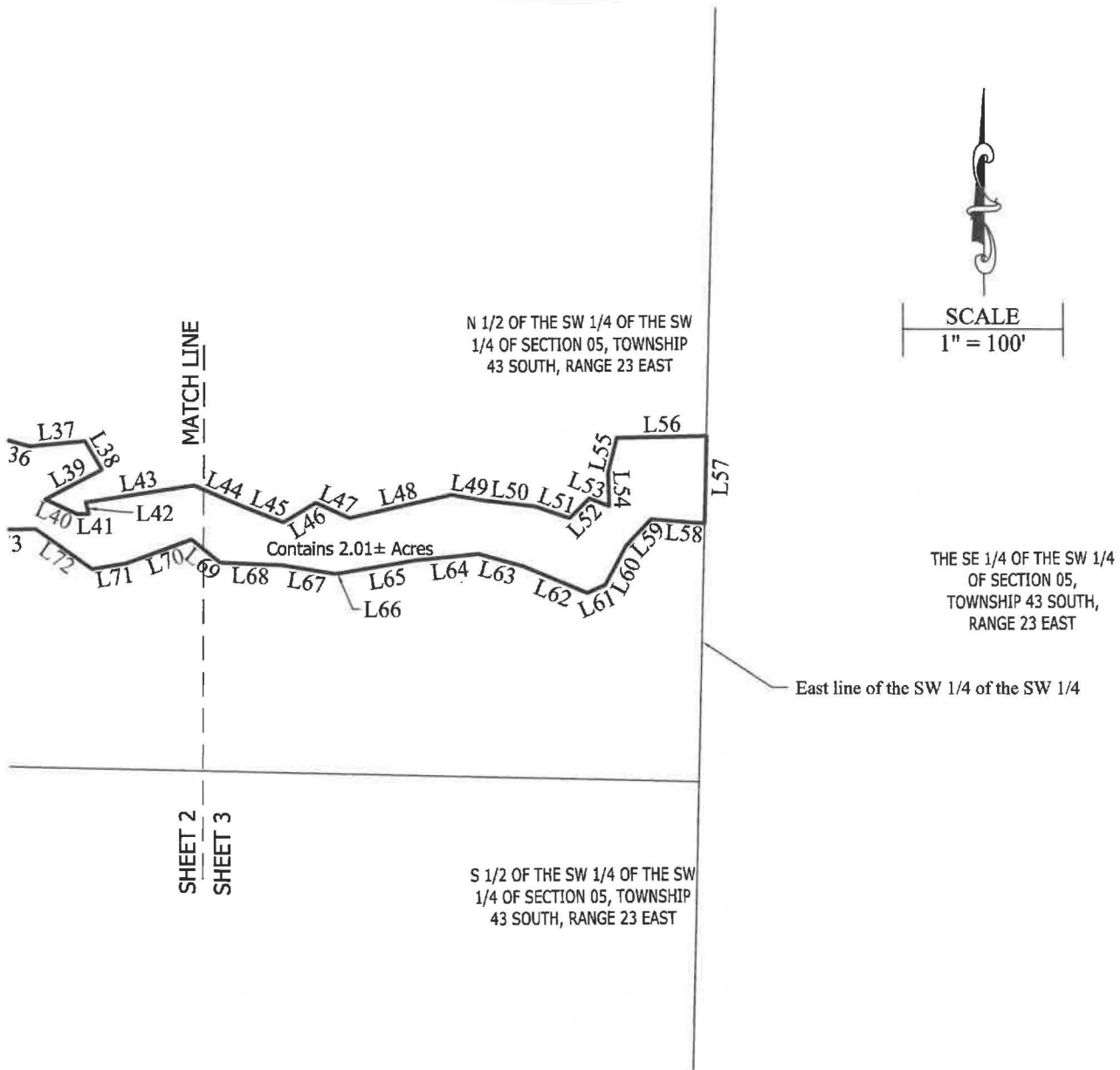
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See Sheet 1 of 6 for Signature and Seal

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# Sketch



Not Valid without Sheets 1,2,4,5&6 of 6

Sketch to Accompany Description  
Wetland Area  
lying in Section 05, Township 43 South,  
Range 23 East, Lee County, Florida.

SHEET 3 OF 6

Prepared for: SVR Management, LLC

SECTION 05, TOWNSHIP 43S, RANGE 23E

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See Sheet 1 of 6 for Signature and Seal

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# Tables

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S 88°38'46" E	132.00'	L37	N 84°39'48" E	35.07'	L73	S 89°30'34" W	41.12'
L2	N 00°41'43" E	489.88'	L38	S 30°21'55" E	20.65'	L74	S 33°18'09" W	29.13'
L3	N 00°41'43" E	198.19'	L39	S 62°29'14" W	40.11'	L75	S 66°14'51" W	30.66'
L4	N 41°51'49" E	3.07'	L40	S 65°26'26" E	21.88'	L76	N 82°44'40" W	37.50'
L5	S 08°32'27" E	63.59'	L41	S 90°00'00" E	7.51'	L77	S 83°19'42" W	18.73'
L6	S 56°04'01" E	43.65'	L42	N 15°03'25" W	7.53'	L78	N 78°38'44" W	16.64'
L7	S 14°18'19" E	40.89'	L43	N 81°08'45" E	68.36'	L79	S 12°30'04" E	34.63'
L8	N 25°39'58" E	17.34'	L44	S 66°50'01" E	35.13'	L80	S 02°53'36" W	25.97'
L9	N 41°55'54" E	46.41'	L45	S 69°06'10" E	25.50'	L81	S 63°00'47" W	41.79'
L10	S 79°45'34" E	34.82'	L46	N 59°21'07" E	23.52'	L82	S 47°33'34" W	23.40'
L11	N 16°31'24" E	39.05'	L47	S 65°58'03" E	23.22'	L83	S 74°18'19" W	33.56'
L12	S 62°41'33" E	34.88'	L48	N 77°12'29" E	65.59'	L84	N 60°30'39" W	35.59'
L13	S 62°41'33" E	44.06'	L49	S 80°10'39" E	19.21'	L85	S 65°01'22" W	45.74'
L14	S 87°27'56" E	36.58'	L50	S 83°37'41" E	32.83'	L86	S 55°22'33" E	44.80'
L15	S 74°59'33" E	35.13'	L51	S 70°44'16" E	23.16'	L87	S 81°14'55" E	19.15'
L16	N 56°05'36" E	20.84'	L52	N 45°06'38" E	17.51'	L88	S 01°26'20" E	38.54'
L17	S 82°23'48" E	30.29'	L53	S 69°07'24" E	13.27'	L89	S 36°36'44" W	36.67'
L18	S 77°56'32" E	31.36'	L54	N 01°49'15" W	20.37'	L90	S 67°26'08" W	26.51'
L19	N 53°50'56" E	25.87'	L55	N 14°03'42" E	22.86'	L91	N 78°11'10" W	32.00'
L20	N 76°27'28" E	32.56'	L56	N 88°39'45" E	55.84'	L92	S 78°30'48" W	34.63'
L21	N 34°45'54" E	107.06'	L57	S 01°19'28" W	54.57'	L93	N 65°45'44" W	37.21'
L22	N 82°40'20" E	39.81'	L58	N 85°20'06" W	33.48'	L94	S 77°36'15" W	82.86'
L23	S 71°44'22" E	33.67'	L59	S 42°57'28" W	23.11'	L95	S 84°14'03" W	25.25'
L24	S 82°41'57" E	40.13'	L60	S 27°43'35" W	27.53'	L96	N 74°43'27" W	33.15'
L25	N 51°37'56" E	18.73'	L61	S 66°16'33" W	12.31'	L97	N 69°52'48" W	24.32'
L26	N 16°38'34" W	25.04'	L62	N 67°01'57" W	42.88'	L98	N 54°14'16" W	26.13'
L27	N 10°21'20" W	38.06'	L63	N 74°47'21" W	29.42'	L99	S 13°18'32" W	14.19'
L28	N 63°52'50" E	30.53'	L64	S 84°14'00" W	39.69'	L100	S 16°55'04" W	49.39'
L29	N 88°18'53" E	24.48'	L65	S 80°21'27" W	47.66'	L101	N 75°27'34" W	28.99'
L30	N 87°07'03" E	57.50'	L66	S 84°14'00" W	3.61'	L102	S 78°40'44" W	16.64'
L31	N 86°49'59" E	13.07'	L67	N 80°29'53" W	33.08'	L103	N 44°24'35" W	38.17'
L32	S 90°00'00" E	3.92'	L68	N 87°50'23" W	38.86'	L104	S 05°06'16" E	21.53'
L33	N 07°59'58" W	37.44'	L69	N 51°40'45" W	22.87'	L105	S 84°53'44" W	28.50'
L34	N 48°37'49" E	29.14'	L70	S 70°06'09" W	42.69'	L106	S 71°18'33" W	43.06'
L35	S 66°25'55" E	40.94'	L71	S 80°42'46" W	22.48'	L107	N 66°51'36" W	42.58'
L36	S 74°47'02" E	13.86'	L72	N 54°56'21" W	43.05'	L108	S 27°44'19" W	16.84'
						L109	S 30°03'12" W	3.56'

**THIS IS NOT A SURVEY**

Description to Accompany Sketch  
*Wetland Area*  
 lying in Section 05, Township 43 South,  
 Range 23 East, Lee County, Florida.

*Not Valid without Sheets 1,2,3,5&6 of 6*

*Sheet 4 of 6*



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*See Sheet 1 of 6 for Signature and Seal*

JEFFREY D. STOUTEN (FOR THE FIRM)  
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Prepared for: SVR Management, LLC


SECTION 05, TOWNSHIP 43S, RANGE 23E

## Description

### LEGAL DESCRIPTION:

A parcel or tract of land lying in the Southwest quarter (SW 1/4) of the Southwest quarter (SW 1/4) of Section 5, Township 43 South, Range 23 East, Lee County, Florida, being more particularly described as follows: Commencing at the Southwest corner of said Section 5, thence S88°38'46"E, along the South line of said Section 5, a distance of 132.00 feet to an intersection with the Easterly right-of-way line of Burnt Store Road; thence run N00°41'43"E, along said Easterly right-of-way line, a distance of 489.88 feet to the POINT OF BEGINNING. From said Point of Beginning, thence continue N00°41'43"E, along said Easterly right-of-way line a distance of 198.19 feet; thence run N41°51'49"E, departing said Easterly right-of-way line, a distance of 3.07 feet; thence run S08°32'27"E a distance of 63.59 feet; thence run S56°04'01"E a distance of 43.65 feet; thence run S14°18'19"E a distance of 40.89 feet; thence run N25°39'58"E a distance of 17.34 feet; thence run N41°55'54"E a distance of 46.41 feet; thence run S79°45'34"E a distance of 34.82 feet; thence run N16°31'24"E a distance of 39.05 feet; thence run S62°41'33"E a distance of 34.88 feet; thence run S62°41'33"E a distance of 44.06; thence run S87°27'56"E a distance of 36.58 feet; thence run S74°59'33"E a distance of 35.13 feet; thence run N56°05'36"E a distance of 20.84 feet; thence run S82°23'48"E a distance of 30.29 feet; thence run S77°56'32"E a distance of 31.36 feet; thence run N53°50'56"E a distance of 25.87 feet; thence run N76°27'28"E a distance of 32.56 feet; thence run N34°45'54"E a distance of 107.06 feet; thence run N82°40'20"E a distance of 39.81 feet; thence run S71°44'22"E a distance of 33.67 feet; thence run S82°41'57"E a distance of 40.13 feet; thence run N51°37'56"E a distance of 18.73 feet; thence run N16°38'34"W a distance of 25.04 feet; thence run N10°21'20"W a distance of 38.06 feet; thence run N63°52'50"E a distance of 30.53 feet; thence run N88°18'53"E a distance of 24.48 feet; thence run N87°07'03"E a distance of 57.50; thence run N86°49'59"E a distance of 13.07 feet; thence run S90°00'00"E a distance of 3.92 feet; thence run N07°59'58"W a distance of 37.44 feet; thence run N48°37'49"E a distance of 29.14 feet; thence run S66°25'55"E a distance of 40.94 feet; thence run S74°47'02"E a distance of 13.86 feet; thence run N84°39'48"E a distance of 35.07 feet; thence run S30°21'55"E a distance of 20.65 feet; thence run S62°29'14"W a distance of 40.11 feet; thence run S65°26'26"E a distance of 21.88 feet; thence run S90°00'00"E a distance of 7.51 feet; thence run N15°03'25"W a distance of 7.53 feet; thence run N81°08'45"E a distance of 68.36 feet; thence run S66°50'01"E a distance of 35.13 feet; thence run S69°06'10"E a distance of 25.50 feet; thence run N59°21'07"E a distance of 23.52 feet; thence run S65°58'03"E a distance of 23.22 feet; thence run N77°12'29"E a distance of 65.59 feet; thence run S80°10'39"E a distance of 19.21 feet; thence run S83°37'41"E a distance of 32.83 feet; thence run S70°44'16"E a distance of 23.16 feet; thence run N45°06'38"E a distance of 17.51 feet; thence run S69°07'24"E a distance of 13.27 feet; thence run N01°49'15"W a distance of 20.37 feet; thence run N14°03'42"E a distance of 22.86 feet; thence run N88°39'45"E a distance of 55.84 feet to an intersection with the East line of the Southwest quarter (SW 1/4) of the Southwest quarter (SW 1/4) of said Section 5; thence run S01°19'28"W, along said East line, a distance of 54.57 feet; thence run N85°20'06"W, departing said East line, a distance of 33.48 feet; thence run S42°57'28"W a distance of 23.11 feet; thence run S27°43'35"W a distance of 27.53 feet; thence run S66°16'33"W a distance of 12.31 feet; thence run N67°01'57"W a distance of 42.88 feet; thence run N74°47'21"W a distance of 29.42 feet; thence run S84°14'00"W a distance of 39.69 feet;

CONTINUED ON SHEET 6 OF 6

<p style="text-align: center;"><b>THIS IS NOT A SURVEY</b></p>	<p style="text-align: center;">Description to Accompany Sketch</p> <p style="text-align: center;"><i>Wetland Area</i></p> <p style="text-align: center;">lying in Section 05, Township 43 South, Range 23 East, Lee County, Florida.</p>	<p style="text-align: center;"><i>Not Valid without Sheets 1,2,3,4&amp;6 of 6</i></p>
<p style="text-align: center;"><i>Sheet 5 of 6</i></p> <p>Prepared for: SVR Management, LLC</p> <p>SECTION 05, TOWNSHIP 43S, RANGE 23E</p>	<div style="text-align: center;">  <p>324 Nicholas Parkway W, Unit A Cape Coral, Florida 33991 Phone: (239) 673-9541 www.Ardurra.com License #LB-2610</p> <p><b>ARDURRA</b></p> <p>COLLABORATE. INNOVATE. CREATE.</p> </div>	<p>I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on <b>March 15, 2021</b> is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors &amp; Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.</p> <p style="text-align: center;"><i>See Sheet 1 of 6 for Signature and Seal</i></p> <p>JEFFREY D. STOUTEN (FOR THE FIRM) FLORIDA PROFESSIONAL SURVEYOR &amp; MAPPER NO.6584 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER</p>

## Description

### LEGAL DESCRIPTION: (CONTINUED FROM SHEET 5 OF 6)

thence run S80°21'27"W a distance of 47.66 feet; thence run S84°14'00"W a distance of 3.61 feet; thence run N80°29'53"W a distance of 33.08 feet; thence run N87°50'23"W a distance of 38.86; thence run N51°40'45"W a distance of 22.87 feet; thence run S70°06'09"W a distance of 42.69 feet; thence run S80°42'46"W a distance of 22.48 feet; thence run N54°56'21"W a distance of 43.05 feet; thence run S89°30'34"W a distance of 41.12 feet; thence run S33°18'09"W a distance of 29.13 feet; thence run S66°14'51"W a distance of 30.66 feet; thence run N82°44'40"W a distance of 37.50 feet; thence run S83°19'42"W a distance of 18.73 feet; thence run N78°38'44"W a distance of 16.64 feet; thence run S12°30'04"E a distance of 34.63 feet; thence run S02°53'36"W a distance of 25.97 feet; thence run S63°00'47"W a distance of 41.79 feet; thence run S47°33'34"W a distance of 23.40 feet; thence run S74°18'19"W a distance of 33.56 feet; thence run N60°30'39"W a distance of 35.59 feet; thence run S65°01'22"W a distance of 45.74 feet; thence run S55°22'33"E a distance of 44.80 feet; thence run S81°14'55"E a distance of 19.15 feet; thence run S01°26'20"E a distance of 38.54 feet; thence run S36°36'44"W a distance of 36.67 feet; thence run S67°26'08"W a distance of 26.51 feet; thence run N78°11'10"W a distance of 32.00 feet; thence run S78°30'48"W a distance of 34.63 feet; thence run N65°45'44"W a distance of 37.21 feet; thence run S77°36'15"W a distance of 82.86 feet; thence run S84°14'03"W a distance of 25.25 feet; thence run N74°43'27"W a distance of 33.15 feet; thence run N69°52'48"W a distance of 24.32 feet; thence run N54°14'16"W a distance of 26.13 feet; thence run S13°18'32"W a distance of 14.19 feet; thence run S16°55'04"W a distance of 49.39 feet; thence run N75°27'34"W a distance of 28.99 feet; thence run S78°40'44"W a distance of 16.64 feet; thence run N44°24'35"W a distance of 38.17 feet; thence run S05°06'16"E a distance of 21.53 feet; thence run S84°53'44"W a distance of 28.50 feet; thence run S71°18'33"W a distance of 43.06 feet; thence run N66°51'36"W a distance of 42.58 feet; thence run S27°44'19"W a distance of 16.84 feet; thence run S30°03'12"W a distance of 3.56 feet to an intersection with said Easterly right-of-way line and the POINT OF BEGINNING.

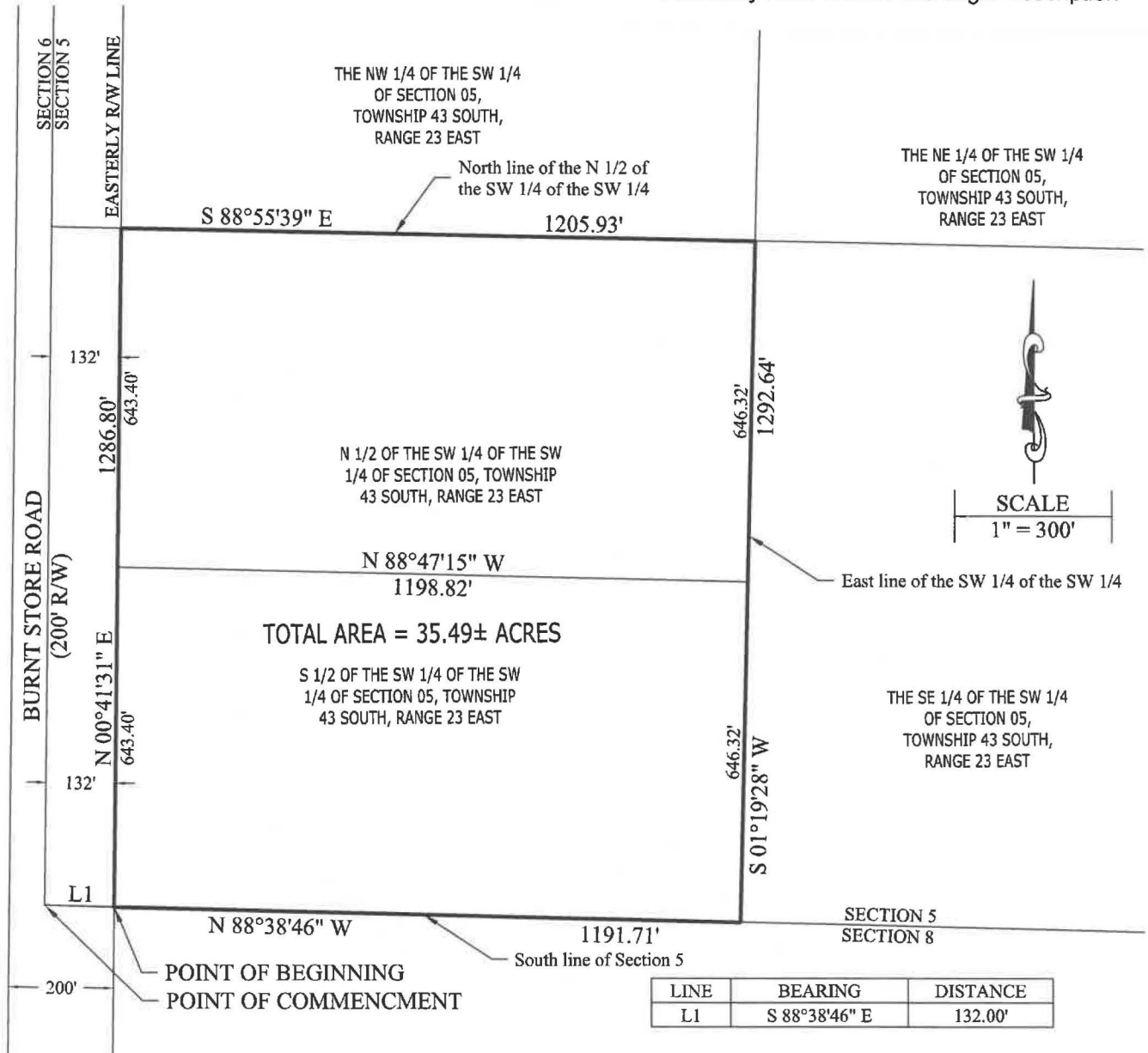
Said parcel contains 2.01 acres (more or less)

Bearings are based on the Easterly right-of-way line of Burnt Store Road being N00°41'31"E.

<b>THIS IS NOT A SURVEY</b>	Description to Accompany Sketch <i>Wetland Area</i> lying in Section 05, Township 43 South, Range 23 East, Lee County, Florida.	<i>Not Valid without Sheets 1,2,3,4&amp;5 of 6</i>
<i>Sheet 6 of 6</i>	 324 Nicholas Parkway W, Unit A Cape Coral, Florida 33991 Phone: (239) 673-9541 <a href="http://www.Ardurra.com">www.Ardurra.com</a> License #LB-2610 <b>ARDURRA</b> COLLABORATE. INNOVATE. CREATE.	I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on <b>March 15, 2021</b> 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.  <i>See Sheet 1 of 6 for Signature and Seal</i>  <small>JEFFREY D. STOUTEN (FOR THE FIRM)                  FLORIDA PROFESSIONAL SURVEYOR &amp; MAPPER NO.6584                  NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER</small>
Prepared for: SVR Management, LLC SECTION 05, TOWNSHIP 43S, RANGE 23E		

# Sketch

## Exhibit 7b Boundary Area Sketch and Legal Description



### SURVEY NOTES:

1. BEARINGS ARE BASED ON THE EAST RIGHT-OF-WAY LINE OF BURNT STORE ROAD BEING N00°41'31"E.
2. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
3. **THIS IS NOT A SURVEY**
4. 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.
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6. NOT VALID WITHOUT SHEET 2 OF 2.

### LEGEND:

R/W = RIGHT-OF-WAY

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.

**THIS IS NOT A SURVEY**



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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 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.



Digitally signed by  
Jeffrey Stouten  
Date: 2021.11.11  
12:33:50 -05'00'

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

SHEET 1 OF 2

Prepared for: SVR Management, LLC

SECTION 05, TOWNSHIP 43S, RANGE 23E



## Description

### LEGAL DESCRIPTION:

A parcel or tract of land lying in the Southwest quarter (SW 1/4) of the Southwest quarter (SW 1/4) of Section 5, Township 43 South, Range 23 East, Lee County, Florida, being more particularly described as follows: Commencing at the Southwest corner of said Section 5, thence S88°38'46"E, along the South line of said Section 5, a distance of 132.00 feet to an intersection with the Easterly right-of-way line of Burnt Store Road and the POINT OF BEGINNING. From said Point of Beginning, thence run N00°41'31"E, along said Easterly right-of-way line, a distance of 1,286.80 feet to an intersection with the north line of the North one half (N 1/2) of the Southwest quarter (SW 1/4) of the Southwest quarter (SW 1/4) of said Section 5; thence run S88°55'39"E, along the North line of said North one half (N 1/2), a distance of 1,205.93 feet to an intersection with the East line of said Southwest quarter (SW 1/4) of the Southwest quarter; thence run S01°19'28"W, along said East line, a distance of 1,292.64 feet to an intersection with the South line of said Section 5; thence run N88°38'46"W, along said South line, a distance of 1,191.71 feet to an intersection with said Easterly right-of-way line and the POINT OF BEGINNING.

Said parcel contains 35.49 acres (more or less)

Bearings are based on the Easterly right-of-way line of Burnt Store Road being N00°41'31"E.

<b>THIS IS NOT A SURVEY</b>	Description to Accompany Sketch <i>Burnt Store Road Parcels</i> lying in Section 05, Township 43 South, Range 23 East, Lee County, Florida.	<i>Not Valid without Sheet 1 of 2</i>
<i>Sheet 2 of 2</i>	 <b>ARDURRA</b> 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 <b>March 15, 2021</b> 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.  <i>See Sheet 1 of 2 for Signature and Seal</i>  <small>JEFFREY D. STOUTEN (FOR THE FIRM) FLORIDA PROFESSIONAL SURVEYOR &amp; MAPPER NO. 6584 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER</small>
Prepared for: SVR Management, LLC SECTION 05, TOWNSHIP 43S, RANGE 23E		



**Exhibit M11 Lee Plan Consistency  
Central Urban Future Land Use  
Application for CPA**

The proposed development is consistent with the Lee Plan, specifically these objectives 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.***

Future Land Use Element

POLICY 1.1.3: The Central Urban Future Land Use Category 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 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 developments are 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, and expand the residential options (by providing Multi-family units) within an area planned for future growth.***

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

***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.***

#### Transportation Element

POLICY 39.1.1: Adopt development regulations providing traffic impact statement requirements for development orders and rezoning; and developer provided site-related improvements, including multi-modal connections and facilities required at time of local development order.

***A traffic impact statement was provided for this amendment. Additional traffic information will be provided as part of the development order process for future development of these tracts.***

POLICY 39.1.3: Through the plan amendment and zoning process, the County will direct high intensity land uses to land proximate to existing and future transit corridors identified on the Transportation Map Series, MPO Long Range Transportation Plan, and TDP.

***The Burnt Store roadway improvements planned 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. This Comprehensive Plan Map Amendment will plan for a future high intensity area of this section of Lee County.***

#### Community Facilities Services Element

POLICY 53.1.9: New development will pay through appropriate financial mechanisms its fair share of the costs of providing standard potable water for that development. (Ordinance No. 00- 22).

***The development of the site will be required to pay for the cost of providing potable water to this site.***

POLICY 57.1.4: Continue to require that all development will pay the appropriate fees and connect to a reuse water system if such system is near or adjacent to the development and has sufficient surplus to supply the development.

***This site will have access to reuse water from Charlotte County through an interlocal agreement between Lee County and Charlotte County.***

POLICY 57.1.5: Continue to encourage the developer driven expansion of infrastructure to provide reuse water service when sufficient supply is available.

***This site will extend reuse water service to serve the proposed development.***

POLICY 65.1.4: Refer requests for rezonings and development reviews to independent fire districts for comments and recommendations.

***The site is served by the Cape Coral Fire Department. A Letter of Availability has been provided.***

#### Park and Recreational Element

OBJECTIVE 77.1: Development regulations will continue to require that new residential developments provide sufficient open space to meet the needs of their residents.

***This development will be required to provide 30% open space within the residential and commercial sections of this development.***

POLICY 77.3.1: Any new development with existing indigenous vegetation is encouraged to provide half of the required open space as existing native plant communities. Any new development with existing native trees without associated native groundcover or understory is encouraged to provide half of the required open space with areas containing existing native trees. The planting of native shrub species within native tree protection areas is encouraged.

***The development of this site will comply with this policy.***

#### Housing Element

POLICY 135.1.9: The County will ensure a mix of residential types and designs on a Countywide basis by providing for a wide variety of allowable housing densities and types through the planned development process and a sufficiently flexible Future Land Use Map.

***Currently, there are no multi-family housing projects within this area of Lee County and Cape Coral. Approving a Land Use classification that permits multi-family residential in this area of Lee County will comply with this policy.***

#### Historic Preservation Element

POLICY 141.1.2: Require all applications for development review to identify the location and status of historic resources (including archaeological sites). The Lee County Historic and Architectural Survey and the Archaeological Site Inventory and Zone Management Plan will serve as data bases. The Historic Preservation Board will advise the Board of County Commissioners as to any action it deems appropriate or perform other duties as specified in the Historic Preservation Ordinance.

***Even though there are no historic resources noted on this site, the development of the site will comply with all policies and procedures if any archaeological items are discovered during construction.***

#### Economic Element

POLICY 158.3.5: Lee County will ensure that adequate land is allocated in this Plan to meet future commercial, industrial, agricultural, residential, and recreational needs.

***This amendment will allocate for commercial uses within this area of Lee County, where the growth is occurring.***

OBJECTIVE 158.4: Lee County, in coordination with the Horizon Council and other appropriate entities, will maintain programs which are designed to encourage the retention and expansion of the County's existing economic base.

***This amendment will allow for the expansion of some existing business and provide space to encourage new commercial uses.***

Exhibit M12 Environmental Impact Analysis  
Central Urban Future Land Use  
Application for CPA

Conservation and Coastal Management Element

GOAL 123: RESOURCE PROTECTION. Manage coastal, wetland and upland ecosystems and natural resources in order to maintain and enhance native habitats, floral and faunal species diversity, water quality, and natural surface water characteristics.

POLICY 123.1.5: Encourage private restoration of natural habitats to support connectivity between public and private conservation and preservation efforts.

**The creek, surrounding wetland, and a 25' average native upland buffer will be included in the preserved onsite flowway which will be protected by the placement of a conservation easement. This creek and the preserved surrounding native habitat is adjacent to the adjacent state lands to the east of the parcel and supports connectivity between public and private conservation and preservation efforts.**

POLICY 123.2.3: Prevent water management and development projects from altering or disrupting the natural function of significant natural systems.

**The proposed preservation of the onsite creek, surrounding wetland, and a 25' average native upland buffer ensures that the project will not disrupt the natural function of the flowway.**

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

**The creek, surrounding wetland, and a 25' average native upland buffer will be included in the preserved onsite flowway which will be protected by the placement of a conservation easement. The preservation areas have been designed to protect the natural character and public investment in the area.**

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

**The creek, surrounding wetland, and a 25' average native upland buffer will be included in the preserved onsite flowway which will be protected by the placement of a conservation easement. The preservation areas have been designed to protect the rare and unique upland habitats to the maximum extent possible.**

GOAL 125: WATER QUALITY. To ensure that water quality is maintained or improved for the protection of the environment and people of Lee County.

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

**The future development of this property will require Lee County Development Order approval and South Florida Water Management District Environmental Resource Permit approval. Lee County Development Order review will include verification that any proposed site plan is consistent with Lee Plan policies 125.1.2 and 126.1.4. The South Florida Water Management District Environmental Resource Permit review will include confirmation that off-site and on-site drainage flow patterns are maintained as part of the stormwater management system design.**

**The Environmental Assessment included with this comprehensive plan amendment depicts 33.48 acres +/- of the site as upland and 2.01 acres +/- of the site as existing stream or wetland. Prior to South Florida Water Management District Environmental Resource Permit approval, a jurisdictional wetland determination will be conducted by district staff to verify the boundary of all existing streams and wetlands on-site. Any future site plan that proposes stream or wetland impacts will be reviewed by both municipalities for avoidance, minimization, and development buffering. The intensification of use on this property is not anticipated to have any adverse impacts on the Yucca Pen Creek.**

**This development will comply with the surface water quality standards as required by the South Florida Water Management District and Lee County at the time of Development Order approval.**

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

**This development will comply with the surface water quality standards as required by the South Florida Water Management District and Lee County at the time of Development Order approval.**

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

**This development will comply with the surface water quality standards as required by the South Florida Water Management District and Lee County at the time of Development Order approval.**

GOAL 126: WATER RESOURCES. Conserve, manage, and protect the natural hydrologic systems of Lee County to ensure continued water resource availability. (Ordinance No. 94-30, 18-28)

POLICY 126.1.1: Natural water system features which are essential for retention, detention, purification, runoff, recharge, and maintenance of stream flows and groundwater levels shall be identified, protected, and managed. (Ordinance No. 18-28)

**The creek, surrounding wetland, and a 25' average native upland buffer will be included in the preserved onsite flowway which will be protected by the placement of a conservation easement. This area will be managed per a Preservation Maintenance and Monitoring Plan. The onsite natural water system feature will be protected and managed in perpetuity.**

**POLICY 126.1.4:** Development designs must provide for maintaining or improving surface water flows, groundwater levels, and lake levels at or above existing conditions. (Ord. No. 00-22, 18-28)

**The future development of this property will require Lee County Development Order approval and South Florida Water Management District Environmental Resource Permit approval. Lee County Development Order review will include verification that any proposed site plan is consistent with Lee**

**Plan policies 125.1.2 and 126.1.4. The South Florida Water Management District Environmental Resource Permit review will include confirmation that off-site and on-site drainage flow patterns are maintained as part of the stormwater management system design.**

**The Environmental Assessment included with this comprehensive plan amendment depicts 33.48 acres +/- of the site as upland and 2.01 acres +/- of the site as existing stream or wetland. Prior to South Florida Water Management District Environmental Resource Permit approval, a jurisdictional wetland determination will be conducted by district staff to verify the boundary of all existing streams and wetlands on-site. Any future site plan that proposes stream or wetland impacts will be reviewed by both municipalities for avoidance, minimization, and development buffering. The intensification of use on this property is not anticipated to have any adverse impacts on the Yucca Pen Creek.**