



APPLICATION FOR PLANNED DEVELOPMENT PUBLIC HEARING UNINCORPORATED AREAS ONLY

Project Name: MIVO North Fort Myers

Request: Rezone from: C-1A and CPD

To: RPD

Type: ☒ Major PD

☐ Minor PD

☐ DRI w/Rezoning

☐ PRFPD

☐ Major PD Amendment

☐ Minor PD Amendment

Bonus Density included? ☐ NO ☒ YES¹ for: 95 Bonus Units

¹ If YES, submit additional fee required by LDC 2-147(A)(3)

Summary of Project:

The proposed project is a multi-family development consisting of approximately 285 apartment units with parking garages. The project site is approximately 19.41 acres total with 0.99 acres of wetlands that would not be impacted. The applicant is requesting 95 of the 285 total units through the County's Bonus Density Program.

PART 1 APPLICANT/AGENT INFORMATION

A. Name of Applicant: Ian Slavin

Address: 20423 State Road 7, STE F6-415

City, State, Zip: Boca Raton, FL 33498

Phone Number: 305-761-1678

E-mail Address: ian@mivodevelopment.com

B. Relationship of Applicant to owner (check one) and provide [Affidavit of Authorization](#) form:

☐ Applicant is the sole owner of the property. [34-201(a)(1)a.1.]

☒ Applicant has been authorized by the owner(s) to represent them for this action. [34-202(a)(3)]

☐ Application is County initiated. Attach BOCC authorization.

C. Authorized Agent: (If different than applicant) Name of the person who is to receive all County-initiated correspondence regarding this application. [34-202(a)(4)]

1. Company Name: Kimley-Horn and Associates, Inc.

Contact Person: Sina Ebrahimi, PE

Address: 1412 Jackson Street, Suite 2

City, State, Zip: Fort Myers, FL 33901

Phone Number: 239 984 6524

Email: sina.ebrahimi@kimley-horn.com

2. **[Additional Agent\(s\)](#):** Provide the names of other agents that the County may contact concerning this application. [34-202(a)(4)]

LEE COUNTY COMMUNITY DEVELOPMENT
PO BOX 398 (1500 MONROE STREET), FORT MYERS, FL 33902
PHONE (239) 533-8585

**PART 2
PROPERTY OWNERSHIP**

- A. Property owner(s):** If multiple owners (corporation, partnership, trust, association), provide a list with owner interest. [34-202(a)(2)]

Name: Hallin Family LLC

Address: 417 West Minnesota Ave

City, State, Zip: Deland, FL 32720

Phone Number: 305-761-1678

Email: ian@mivodevelopment.com

- B. Disclosure of Interest [34-202(a)(2)]:**

☒ Attach [Disclosure of Interest](#) Form.

- C. Multiple parcels:**

☐ Property owners list. [34-202(a)(8)]

☐ Property owners map. [34-202(a)(8)]

- D. Certification of Title and Encumbrances [34-202(a)(7)]**

1. Title certification document, no greater than 90 days old.

2. Date property was acquired by present owner(s): _____

**PART 3
PROPERTY INFORMATION**

- A. STRAP Number(s):** [Attach extra sheets if additional space is needed.] [34-203(a)(5)]

34432400000013020

- B. Street Address of Property:** 15781 N Cleveland Avenue, North Fort Myers, FL 33903

- C. Legal Description (must submit) [34-202(a)(5)]:**

☒ Legal description (metes and bounds) (8½"x11") and sealed sketch of the legal description.

OR

☐ Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. ([Click here](#) to see an example of a legal description with no metes and bounds.)

AND

Boundary Survey [34-202(a)(6)]:

☒ A Boundary survey, tied to the state plane coordinate system.

OR

☐ Not required if the property is located within a subdivision platted per F.S. Chapter 177.

- D. Surrounding property owners** (within 500 feet of the perimeter of the subject parcel or portion thereof that is subject of the request):

1. ☒ List of surrounding property owners. [34-202(a)(9)]

2. ☒ Map of surrounding property owners. [34-202(a)(9)]

3. ☒ One set of mailing labels. [34-202(a)(9)]

Note: When the case is found complete/ sufficient, a new list and mailing labels must be submitted.

- E. Current Zoning of Property:** C-1A and CPD

☒ Provide a list of all Zoning Resolutions and Zoning Approvals applicable to the subject property.

Z-09-025; ADD2020-00054 ZVL2018-00022; HIS2015-02495 C-1A portion

- F. Use(s) of Property:**

1. Current uses of property are: N/A Vacant Land

2. Intended uses of property are: Multi-Family Development with Parking Garages

G. Future Land Use Classification (Lee Plan):

Central Urban	<u>+/- 19.41</u>	Acres	<u>100</u>	% of Total
		Acres		% of Total
		Acres		% of Total

H. Property Dimensions:

1. Width (average if irregular parcel): +/- 1833 Feet
2. Depth (average if irregular parcel): +/- 450 Feet
3. Total area: +/- 19.41 ac Acres or square feet
4. Frontage on road or street: +/- 1833 Feet on Cleveland Avenue Street
- 2nd Frontage on road or street: N/A Feet on N/A Street

I. Planning Communities/Community Plan Area Requirements: If located in one of the following planning communities/community plan areas, provide a meeting summary document of the required public informational session.

- ☐ Not Applicable
- ☐ Captiva Planning Community (Captiva Island). [33-1612(a)&(b); Lee Plan Policy 13.1.7]
- ☐ North (Upper) Captiva Community Plan area. [33-1711]
- ☐ Boca Grande Planning Community. [Lee Plan Policy 22.1.5]
- ☐ Caloosahatchee Shores Community Plan area. [33-1482(a)&(b); Lee Plan Policy 21.6.3]
- ☐ Page Park Community Plan area. [33-1203(a) & (b); Lee Plan Policy 27.11.2]
- ☐ Palm Beach Boulevard Community Plan area. [Lee Plan Policy 23.5.2]
- ☐ Buckingham Planning Community. [Lee Plan Policy 17.7.2]
- ☐ Pine Island Planning Community. [33-1004(a) & (b); Lee Plan Policy 14.7.1]
- ☐ Lehigh Acres Planning Community. [33-1401(a)&(b); Lee Plan Policy 32.12.2]
- ☒ North Fort Myers Planning Community. [33-1532(a)&(b)]
- ☐ North Olga Community Plan area. [33-1663(a)&(b)]

J. Waivers from Application Submission Requirements: Attach waivers, if any, approved by the Director of Zoning. [34-201(c)]

PART 4 TYPES OF LAND AREA ON PROPERTY

- A. Gross Acres (total area within described parcel)** +/- 19.41 Acres
1. Submerged land subject to tidal influence Acres
 2. a. Preserved freshwater wetlands +/- 0.99 Acres
 - b. Impacted wetlands Acres
 - c. Preserved saltwater wetlands Acres
 - d. Total wetlands (A.2.a. plus A.2.b. plus A.2.c.) +/- 0.99 Acres
 3. R-O-W providing access to non-residential uses Acres
 4. Non-residential use areas ^{(1) (2)} Acres
- B. Total area not eligible as gross residential acreage** (Items A.1. + A.3. + A.4.). Acres
- C. Gross residential acres. (A minus B) ⁽³⁾** +/- 19.41 Acres
- D. Gross residential acres (by Land Use Category)**
1. a. Intensive Development – upland Acres
 - b. Intensive Development – preserved freshwater wetlands Acres
 - c. Intensive Development – impacted wetlands Acres
 2. a. Central Urban – upland +/-18.42 Acres
 - b. Central Urban – preserved freshwater wetlands +/-0.99 Acres
 - c. Central Urban – impacted wetlands Acres
 3. a. Urban Community or Suburban – upland Acres
 - b. Urban Community or Suburban – preserved freshwater wetlands Acres
 - c. Urban Community or Suburban – impacted wetlands Acres

4.	a.	Suburban – upland	_____	Acres
	b.	Suburban – preserved freshwater wetlands	_____	Acres
	c.	Suburban – impacted wetlands	_____	Acres
5.	a.	Outlying Suburban – upland	_____	Acres
	b.	Outlying Suburban – preserved freshwater wetlands	_____	Acres
	c.	Outlying Suburban – impacted wetlands	_____	Acres
6.	a.	Sub-Outlying Suburban – upland	_____	Acres
	b.	Sub-Outlying Suburban – preserved freshwater wetlands	_____	Acres
	c.	Sub-Outlying Suburban – impacted wetlands	_____	Acres
7.	a.	Rural, Outer Island, Rural Community Preserve – upland	_____	Acres
	b.	Rural, Outer Island, Rural Community Preserve – wetlands	_____	Acres
8.	a.	Open Lands – upland	_____	Acres
	b.	Open Lands – wetlands	_____	Acres
9.	a.	Resource – upland	_____	Acres
	b.	Resource – wetlands	_____	Acres
10.	a.	Wetlands	_____	Acres
11.	a.	New Community – upland	_____	Acres
	b.	New Community – wetlands	_____	Acres
12.	a.	University Community – upland	_____	Acres
	b.	University Community – wetlands	_____	Acres
13.	a.	Coastal Rural – upland	_____	Acres
	b.	Coastal Rural – wetlands	_____	Acres

TOTAL (should equal "C" above)

+/- 19.41 Acres

Notes:

- (1) Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included except within the Mixed Use Overlay {see Note (2) below}.
- (2) Within the Mixed Use Overlay, lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses may be included in density calculations {see Lee Plan Objective 4.3}.
- (3) Lands to be used for residential uses including land within the development proposed to be used for streets & street rights of way, utility rights-of-way, public & private parks, recreation & open space, schools, community centers, & facilities such as police, fire & emergency services, sewage & water, drainage, and existing man-made waterbodies.

PART 5
RESIDENTIAL DEVELOPMENT - PRELIMINARY DENSITY CALCULATIONS

- i. Complete only if living units are proposed in a Future Land Use Category.
- ii. If more than one classification, calculations for each classification must be submitted. Attach extra sheets as necessary.
- iii. If wetlands are located on the property, density calculations are considered preliminary pending a wetlands jurisdictional determination.

A. Future Land Use Category: Central Urban

Lee Plan Table 1(a)			
	Max. standard density		Units
1. Standard Units			
a. Total upland acres (from Part 4, D.)	+/-18.42	x 10 equals	184.2
b. Total preserved freshwater wetlands acres (from Part 4, D.)	+/-0.99	x 10 equals	9.9
c. Total impacted wetlands acres (from Part 4, D.)		x equals	
d. Total Allowed Standard Units ⁽¹⁾			194.1
2. Bonus Units [2-143]			
a. Site-built Affordable Housing			
b. Transferrable Dwelling Units			95
c. Sub-total			
3. Total Permitted Units ⁽¹⁾			289

Note:

- (1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.

PART 6
COMMERCIAL, INDUSTRIAL, MINING, ASSISTED LIVING FACILITIES, HOTELS & MOTELS
PRELIMINARY INTENSITY CALCUATIONS

A.	Commercial	Height	Total Floor Area (Square Feet)
	1. Medical		
	2. General Office		
	3. Retail		
	4. Other: _____		
	5. TOTAL FLOOR AREA		
B.	Industrial	Height	Total Floor Area (Square Feet)
	1. Under Roof		
	2. Not Under Roof		
	3. TOTAL FLOOR AREA		
C.	Mining	Depth	Total Acres
	1. Area to be excavated		
D.	Assisted Living Facilities	Height	Total Beds/Units
	1. Dependent Living Units		
	2. Independent Living Units		
	3. TOTAL BEDS/UNITS		
E.	Hotels/Motels (Room Size)	Height	Total Rental Units
	1. < 425 sq. ft.		
	2. 426-725 sq. ft.		
	3. 725 < sq. ft.		
	4. TOTAL UNITS		

PART 7
ACTION REQUESTED

- A. Request Statement:** Provide a single narrative explaining the nature of the request and how the property qualifies for the rezoning to a planned development. This narrative should include how the proposed development complies with the Lee Plan, the Land Development Code, and the applicable findings/review criteria set forth in LDC section 34-145(d)(4). This narrative may be utilized by the Board of County Commissioners, Hearing Examiner and staff in establishing a factual basis for the granting or denial of the rezoning. **[34-373(a)(5)]**
- B. Traffic Impact Statement.** A traffic impact statement in a format and to the degree of detail required by the County and in conformance with the adopted Lee County Administrative Code. TIS is not required for an existing development. **[34-373(a)(7)]**
- C. Master Concept Plan:**
1. **Master Concept Plan, Non-PRFPD:** A graphic illustration (Master Concept Plan) of the proposed development, showing and identifying the information required by LCLDC Section 34-373(a)(6)a. Copies of the Master Concept Plan must be provided in two sizes, 24"x36" and 11"x17", and must be clearly legible and drawn at a scale sufficient to adequately show and identify the required information. In addition to the Master Concept Plan, an open space design plan delineating the indigenous preserves and/or native tree preservation areas as required by LDC Section 10-415(b) must be submitted. **[34-373(a)(6)]**
 2. **Schedule of Uses:** A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property including the information required by LCLDC Section 34-373(a)(8)]. **[34-373(a)(8)]**

3. **Schedule of Deviations and Written Justification:** A schedule of deviations and a written justification for each deviation requested as part of the Master Concept Plan accompanied by documentation including sample detail drawings illustrating how each deviation would enhance the achievement of the objectives of the planned development and will not cause a detriment to public interests. The location of each requested deviation must be located/shown on the Master Concept Plan. **[34-373(a)(9)]**

D. Bonus Density: [34-202(a)(11)]

- ☐ Not Applicable
☒ Bonus Density will be used. Provide the number of Bonus Density units being requested and a narrative of how the request meets the requirements of LDC Section 2-146.

PART 8 ENVIRONMENTAL REQUIREMENTS

- A. Topography:** Describe the range of surface elevations of the property. Attach a county topographic map (if available) or a USGS quadrangle map showing the subject property. **[34-373(a)(4)b.iv.]**
-
- B. Sensitive Lands:** Identify any environmentally sensitive lands, including, but not limited to, wetlands (as defined in the LEE Plan Section XII), flowways, creek beds, sand dunes, other unique land forms [see LEE Plan Policy 77.1.1 (2)] or listed species occupied habitat [see LCLDC Section 10-473(f)].
-
- C. Preservation/Conservation of Natural Features:** Describe how the lands listed in PART 6.B. above will be protected by the completed project:
-
- D. Shoreline Stabilization:** If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:
-
- E. Soils Map:** Attach maps drawn at the same scale as the Master Concept Plan marked or overprinted to show the soils classified in accordance with the USDA/SCS System. **[34-373(a)(4)b.i.]**
- F. FLUCCS Map:** A Florida Land Use, Cover and Classification System (FLUCCS) map, at the same scale as the Master Concept Plan, prepared by an environmental consultant. The FLUCCS map must clearly delineate any Federal and State jurisdictional wetlands and other surface waters, including the total acreage of Federal and State wetlands. **[34-373(a)(4)c.]**
- G. Rare & Unique Upland Habitat Map:** Maps drawn at the same scale as the Master Concept Plan marked or overprinted to show significant areas of rare and unique upland habitat as defined in the LEE Plan Section XII. **[34-373(a)(4)b.iii.]**
- H. Existing and Historic Flow-Ways Map:** Map(s) drawn at the same scale as the master concept plan marked or overprinted to show existing and historic flow-ways. **[34-373(a)(4)b.v.]**

PART 9 SANITARY SEWER & POTABLE WATER FACILITIES

- A. Special Effluent:** If the discharge of any special effluent is anticipated, please specify what it is and what strategies will be used to deal with its' special characteristics:
-
- B. Private On-Site Facilities:** If a private on-site wastewater treatment and disposal facility is proposed, please provide a detailed description of the system including:
1. Method and degree of treatment:

 2. Quality of the effluent:

3. Expected life of the facility:

4. Who will operate and maintain the internal collection and treatment facilities:

5. Receiving bodies or other means of effluent disposal:

C. Spray Irrigation: If spray irrigation will be used, specify:

1. The location and approximate area of the spray fields:

2. Current water table conditions:

3. Proposed rate of application:

4. Back-up system capacity:

**PART 10
ADDITIONAL REQUIREMENTS**

A. Major Planned Developments:

1. **Surface Water Management Plan.** A written description of the surface water management plan as required by LCLDC Section 34-373(b)(1). **[34-373(b)(1)]**
2. **Phasing Program.** If the development is to be constructed in phases or if the Traffic Impact Statement utilized phasing, then a description of the phasing program must be submitted. **[34-373(b)(3)]**
3. **Protected Species Survey.** A protected species survey is required for large developments (as defined in LCLDC Section 10-1) as specified in LCLDC Section 10-473. **[34-373(b)(2)]**

B. Amendments to Built Planned Developments: The consent of the owners of the remainder of the original planned development is not required, but these owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property. Attach proof of notice to other property. **[34-373(c)]**

C. Development of Regional Impact: Binding letter of interpretation from DCA or a complete and sufficient ADA. (See also Application for Public Hearing for DRI Form.) **[34-373(d)(9)]**

D. Private Recreational Facility Planned Developments (PRFPDs):

1. **Master Concept Plan, PRFPD.** Master Concept Plan showing and identifying information required by LDC Section 34-941(g)(1). Copies of the Master Concept Plan must be provided in two sizes, 24"x36" and 11"x17", and must be clearly legible and drawn at a scale sufficient to adequately show and identify the required information. **[34-941(g)(1)]**
2. **Conceptual Surface Water Management Plan.** A Conceptual Surface Water Management Plan must be submitted. The plan must be viable and take into consideration any natural flowway corridors, cypress heads, natural lakes, and the restoration of impacted natural flowway corridors. **[34-941(d)(3)b.i.1]**
3. **Well Drawdown Information.** If within an area identified as an anticipated drawdown area for existing or future well development, demonstration of compliance with LCLDC Section 34-941(d)(3)d.i & ii. must be provided. **[34-941(d)(3)d.]**
4. **Preliminary Indigenous Restoration Plan.** A Preliminary Indigenous Restoration Plan must be provided if on-site indigenous restoration is being used to meet the indigenous native plant community preservation requirement. **[34-941(e)(5)f.iii.]**

5. **Environmental Assessment.** An Environmental Assessment must be provided which includes, at a minimum, an analysis of the environment, historical and natural resources. **[34-941(g)(2)]**
6. **Demonstration of Compatibility.** Written statements concerning how the applicant will assure the compatibility of the proposed development with nearby land uses (by addressing such things as noise, odor, lighting and visual impacts), and the adequate provision of drainage, fire and safety, transportation, sewage disposal and solid waste disposal must be provided. **[34-941(g)(4)]**
- E. **Potable Water & Central Sewer.** Will the project be connected to potable water and central sewer as part of any development of the property?
- ☒ **YES** (Provide a letter from the appropriate Utility to which the connection(s) are proposed confirming availability of service.) **[34-202(a)(10)]**
- ☐ **NO** (Provide a narrative explaining why the connection is not planned and how the water and sewer needs of the project will be met.) **[34-202(a)(10)]**
- F. **Existing Agricultural Use:** If the property owner intends to continue an existing agricultural use on the property subsequent to the zoning approval, an Existing Agricultural Use Affidavit must be provided. Entitle as "Existing Agricultural Uses at Time of Zoning Application." **[34-202(a)(12)]**
- G. **Flood Hazard:**
- ☐ Not applicable
- ☒ The property is within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s.
- ☒ The minimum elevation required for the first habitable floor is 15 NAVD (MSL)
- H. **Excavations/Blasting:**
- ☒ No blasting will be used in the excavation of lakes or other site elements.
- ☐ If blasting is proposed, provide Information Regarding Proposed Blasting (including soil borings, a map indicating the location of the proposed blasting, and other required information).
- I. **Hazardous Materials Emergency Plan for Port Facilities: [12-110(a)(16)]**
- ☒ Not Applicable
- ☐ Provide a Hazardous materials emergency plan.
- J. **Mobile Home Park: [34-174(h)]**
- ☒ Not Applicable
- ☐ Request includes rezoning of a Mobile Home Park. Provide facts related to the relocation of dislocated owners that meets the requirements of F.S. § 723.083 (1995).
- K. **Airport Zones & Lee County Port Authority (LCPA) Requirements:**
- ☒ Not Applicable
- ☐ Property is located within _____ Airport Noise Zone: **[34-1104]**
- ☐ Property is located within Airport Runway Protection Zone. Indicate which Zone below. **[34-1105]**
- ☐ Property is located within Airport Residential and Educational Protection Zone: **[34-1106]**
- ☐ Property is located in an Airport Obstruction Notification Zone and subject to LCPA regulations. **[34-1107]**
- ☐ A Tall Structures Permit is required. **[34-1108]**

PART 5 SUBMITTAL REQUIREMENT CHECKLIST		
<i>Clearly label your attachments as noted in bold below</i>		
Copies Required		SUBMITTAL ITEMS
3	☒	Completed application for Public Hearing [34-202(a)(1)]
1	☒	Filing Fee - [34-201(d)] \$8,778 Sina/lan
1	☒	Bonus Density Filing Fee - (if applicable) [34-202(a)(11)] \$2,100 Sina/lan
3	☒	<u>Affidavit of Authorization</u> (notarized) Form [34-202(a)(3)]
3	☐	<u>Additional Agents</u> [34-202(a)(4)] N/A
3	☐	Multiple Owners List (if applicable) [34-202(a)(2)]
3	☒	<u>Disclosure of Interest</u> Form (multiple owners) [34-202(a)(2)]
3	☒	Legal description (must submit) [34-202(a)(5)]
	☐	Legal description (metes and bounds) and sealed sketch of legal description
		OR
	☐	Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click here to see an example of a legal description with no metes and bounds.)
3	☒	Boundary Survey – not required if platted lot (2 originals required) [34-202(a)(6)]
3	☐	Property Owners list (if applicable) [34-202(a)(8)]
3	☐	Property Owners map (if applicable) [34-202(a)(8)]
3	☒	Confirmation of Ownership/Title Certification [34-202(a)(7)]
3	☐	STRAP Numbers (if additional sheet is required) [34-202(a)(5)]
1	☒	List of Surrounding Property Owners [34-202(a)(9)]
1	☒	Map of Surrounding Property Owners [34-202(a)(9)]
1	☒	Mailing labels [34-202(a)(9)]
3	☒	List of Zoning Resolutions and Approvals
3	☐	Summary of Public Informational Session (if applicable)
3	☐	Waivers from Application Submission Requirements (if applicable) [34-201(c)]
3	☒	Preliminary Density Calculations (if applicable)
3	☒	Request Statement [34-373(a)(5)]
3	☒	Traffic Impact Statement (TIS) (not required for existing development) [34-373(a)(7)]
3	☒	Master Concept Plan (MCP), Non-PRFPD [34-373(a)(6)]
3	☒	Schedule of Uses [34-373(a)(8)]
3	☒	Schedule of Deviations and Written Justification [34-373(a)(9)]
3	☒	Topography (if available) [34-373(a)(4)b.iv.]
3	☒	Soils Map [34-373(a)(4)b.9.]
3	☒	FLUCCS Map [34-373(a)(4)c.]
3	☒	Rare & Unique Upland Habitat Map [34-373(a)(4)b.iii.]
3	☒	Existing and Historic Flow-Ways Map [34-373(a)(4)b.v.]
3	☒	Surface Water Management Plan (if applicable) [34-373(b)(1)]
3	☐	Phasing Program (if applicable) [34-373(b)(3)]
3	☒	Protected Species Survey (if applicable) [34-373(b)(2)]
3	☐	Proof of Notice (if applicable) [34-373(c)]

3	☐	Binding Letter from DCA (if applicable) [34-373(d)(9)]
3	☒	Master Concept Plan (MCP), PRFPD (if applicable) [34-941(g)(1)]
3	☐	Conceptual Surface Water Management Plan (if applicable) [34-941(d)(3)b.i.1]]
3	☐	Well Drawdown Information (if applicable) [34-941(d)(3)d.]
3	☐	Preliminary Indigenous Restoration Plan (if applicable) [34-941(e)(5)f.iii.]
3	☒	Environmental Assessment (if applicable) [34-941(g)(2)]
3	☐	Demonstration of Compatibility (if applicable) [34-941(g)(4)]
3	☒	Potable Water & Sanitary Sewer . Letter from the appropriate utility entity indicating the utility entity or explanation of how water and sewer needs will be met if connection will not be made. [34-202(a)(10)]
3	☐	Existing Agricultural Use Affidavit (if applicable) [34-202(a)(12)]
3	☐	Information Regarding Proposed Blasting (if applicable).
3	☐	Hazardous Materials Emergency Plan (if applicable)
3	☐	Mobile Home Park Dislocated Owners Information (if applicable) [34-202(b)(4)]
3	☐	Tall Structures Permit (if applicable) [34-1108]

AFFIDAVIT OF AUTHORIZATION

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

I, Judson Pankey (name), as Owner PRESIDENT & MNG. MBR. (owner/title) of Hallin Family, LLC / 15781 N Cleveland Avenue, North Fort Myers, FL 33903 (company/property), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

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

***Notes:**

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

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

[Signature]
Signature

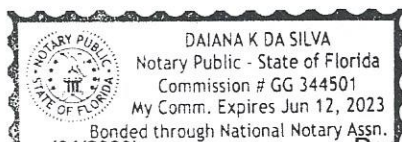
1/13/2022
Date

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

STATE OF FLORIDA
COUNTY OF LEE FLORIDA

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 13 day of January, 2022, by Judson Pankey (name of person providing oath or affirmation), who is personally known to me or who has produced FLDL (type of identification) as identification.

STAMP/SEAL



[Signature]
Signature of Notary Public

DISCLOSURE OF INTEREST AFFIDAVIT

BEFORE ME this day appeared Judson Pankey, Pres. E. MNG. MGR, who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at 15781 N Cleveland Avenue, North Fort Myers, FL 33903 and is the subject of an Application for zoning action (hereinafter the "Property").

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

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

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

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

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

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

Name and Address	Percentage of Ownership
Judson Pankey, 417 West Minnesota Avenue, Deland, FL 32720	100%
NONE	0%

[Signature]
1/13/2022

Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief.



Property Owner

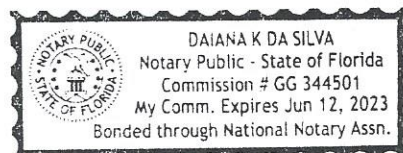
JUDSON PANKAY, PRESIDENT & MNG. MBR.
Print Name KACUN FAMILY LLC

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

STATE OF FLORIDA
COUNTY OF ~~LEE~~ VOLUSIA

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, on 01/13/2022 (date) by Judson Pankay (name of person providing oath or affirmation), who is personally known to me or who has produced FL/DL (type of identification) as identification.

STAMP/SEAL

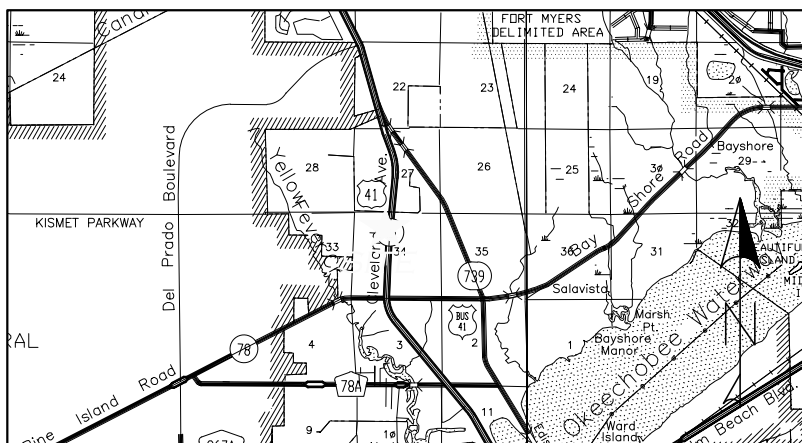




Signature of Notary Public

SKETCH & DESCRIPTION

OF A PARCEL
LYING WITHIN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



VICINITY MAP
(NOT TO SCALE)

DESCRIPTION:

The North one-half (N1/2) of a parcel of land lying in the Northwest Quarter of Section 34, Township 43 South, Range 24 East, Lee County, Florida, more particularly described as follows:

Commencing at a found concrete monument marking the intersection of the westerly right-of-way of U.S. 41 (State Road No. 45)(Tamiani Trail)(200 feet wide) and the Southerly right-of-way of Littleton Road (50 feet wide) thence 94.14 feet along said westerly right-of-way along the arc of a curve concave to the Southeast having a radius of 5829.58 feet and subtended by a chord having a length of 94.14 feet and bearing of South 03°47'10" West to a found Florida State Road Department Right-of-Way concrete monument and a point of tangency; thence South 03°25'50" West along said Westerly right-of-way for 505.63 feet to a set iron pin with cap stamped LB-734 and the Point of Beginning; thence continue South 03°25'50" West along said Westerly right-of-way for 1832.74 feet to a set iron pin; thence North 89°54'50" West for 500.85 feet to a set iron pin; thence North 03°25'50" East for 1126.64 feet to a set iron pin on the Southerly line of Serendipity South Mobile Home Park; thence South 89°54'50" East along said Southerly line for 100.53 feet to the Southeast corner of said Serendipity South Mobile Home Park referenced by a found concrete monument lying 0.18 feet North and 0.65 feet East of said described corner; thence North 03°25'50" East along the Easterly line of said Serendipity South Mobile Home Park for 706.10 feet to a set iron pin; thence South 89°54'50" East for 400.33 feet to the Point of Beginning.

Subject to a 20 foot drainage easement described as follows: Beginning at the hereinabove mentioned Southeast corner of Serendipity South Mobile Home Park; thence North 89°54'50" West along said Southerly line of Serendipity Mobile Home Park for 100.53 feet; thence South 03°25'50" West for 20.00 feet; thence South 89°54'50" East for 100.53 feet; thence North 03°25'50" East for 20.00 feet to the Point of Beginning.

NOTES:

1. THE CERTIFICATE OF AUTHORIZATION NUMBER OF T2UES, INC. IS LB-8336.
2. BEARINGS SHOWN ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41, BEING S 03°25'50" W.
3. LEGAL DESCRIPTION AND SKETCH OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. ADDITIONS AND 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.
5. NOT VALID WITHOUT ALL SHEETS.



Digitally signed by
Scott R. Urquhart,
P.S.M.

Date: 2022.04.19
10:35:51 -04'00'

SCOTT R. URQUHART
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 6524
(FOR THE FIRM - LB 8336)
SIGNED THIS ____ DAY OF _____, 2022

SEE SHEET 2 OF 2 FOR SKETCH

KIMLEY HORN

FOR:

DATE:

4-18-2022

R.J.O.

S.U.

REV. DATE:

DWG DATE:

DRAWN BY:

CHECKED BY:

REV. DATE:

LEE

210906

210906 SKD

REVISION:

COUNTY:

PROJECT NO.:

DRAWING NO.:

REVISION:

SKETCH & DESCRIPTION
OF A PARCEL
LYING WITHIN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST



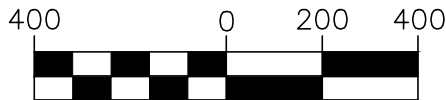
5670 Zip Drive
Fort Myers, FL 33905
Tel: 239.277.0722
Fax: 239.277.7179

1 OF 2

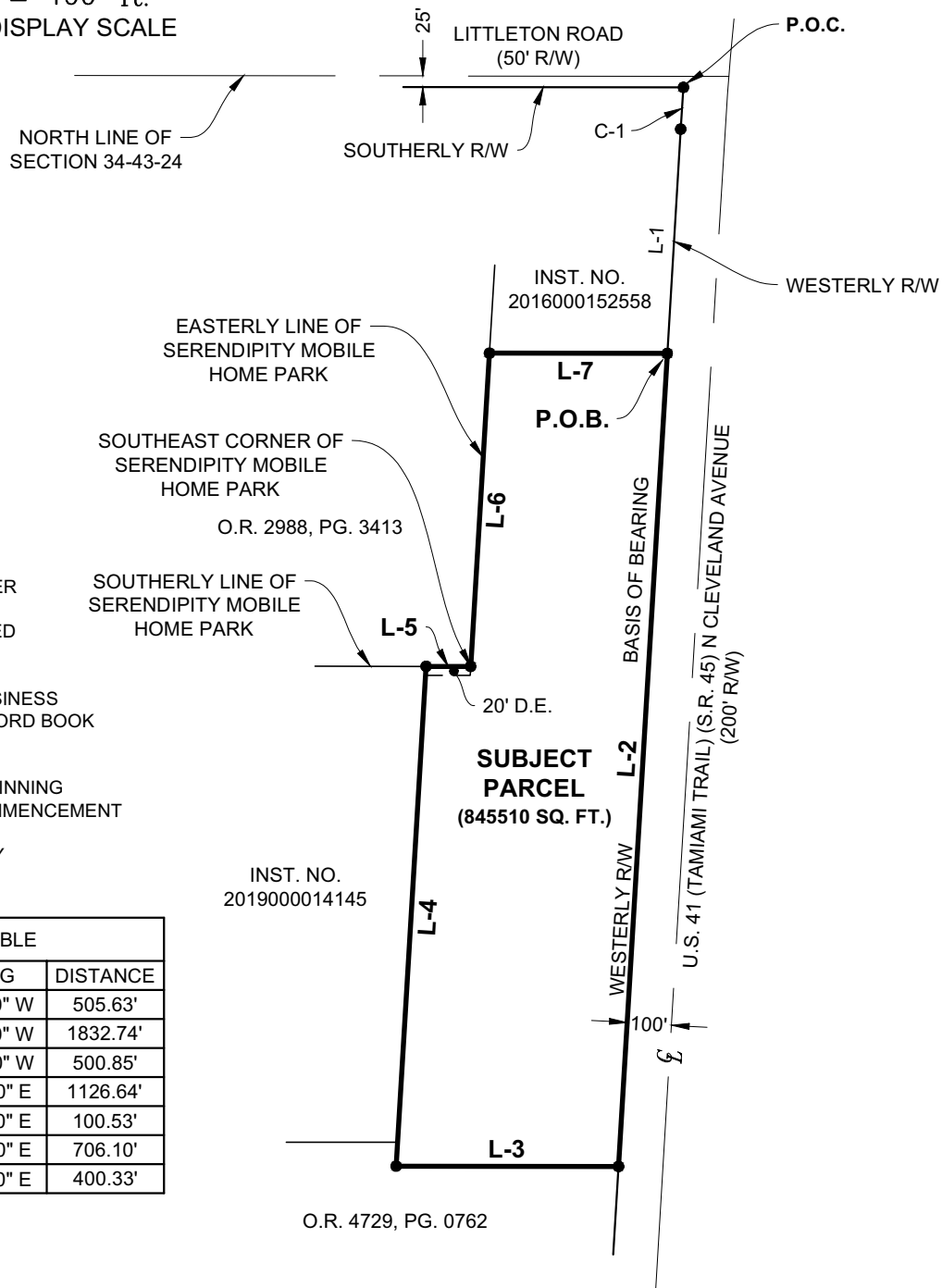
SKETCH & DESCRIPTION

OF A PARCEL
LYING WITHIN

SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



1 inch = 400 ft.
INTENDED DISPLAY SCALE



ABBREVIATIONS

C-X = CURVE NUMBER
FT. = FOOT
INC. = INCORPORATED
INST. = INSTRUMENT
L-X = LINE NUMBER
LB = LICENSED BUSINESS
O.R. = OFFICIAL RECORD BOOK
NO. = NUMBER
PG. = PAGE
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
REV. = REVISION
R/W = RIGHT-OF-WAY

LINE TABLE

LINE	BEARING	DISTANCE
L-1	S 03°25'50" W	505.63'
L-2	S 03°25'50" W	1832.74'
L-3	N 89°54'50" W	500.85'
L-4	N 03°25'50" E	1126.64'
L-5	S 89°54'50" E	100.53'
L-6	N 03°25'50" E	706.10'
L-7	S 89°54'50" E	400.33'

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD BRG.	CHORD DIST.
C-1	94.14'	5829.58'	00°55'31"	S 03°47'10" W	94.14'

SEE SHEET 1 OF 2 FOR DESCRIPTION

KIMLEY HORN

FOR:

DWG DATE: 4-18-2022

DRAWN BY: R.J.O.

CHECKED BY: S.U.

REV. DATE:

2 OF 2

NOTES

1. THE CERTIFICATE OF AUTHORIZATION NUMBER OF T2 UES, INC. IS LB-8336.
2. IMPROVEMENTS ON OR ADJACENT TO THE SUBJECT PARCEL HAVE NOT BEEN LOCATED EXCEPT AS SHOWN. NO SUB-SURFACE FOUNDATIONS HAVE BEEN LOCATED AS PART OF THIS SURVEY.
3. THERE ARE NO VISIBLE ENCROACHMENTS OTHER THAN ANY SHOWN.
4. THIS SURVEY DOES NOT MAKE ANY REPRESENTATIONS AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON THE SUBJECT PARCEL.
5. ALL NOTED RECORDING REFERENCES ARE FROM THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
6. ALL HORIZONTAL SURVEY DATA IS REFERENCED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983 (2011 ADJUSTMENT) BASED ON GPS RTK (REAL TIME KINEMATIC) CORRECTIONS RECEIVED FROM THE TRIMBLE VRS NETWORK. THE BASIS OF BEARING IS THE WESTERLY RIGHT OF WAY LINE OF US 41(CLEVELAND AVENUE) BEING S03°25'16"W AS MEASURED.
7. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF UNLESS OTHERWISE NOTED.
8. COORDINATES, ELEVATIONS, BEARINGS AND DISTANCES SHOWN ARE MEASURED OR CALCULATED FROM FIELD TIES UNLESS OTHERWISE NOTED.
9. SURVEYED PARCEL CONTAINS 845510.28 SQUARE FEET OR 19.41 ACRES, MORE OR LESS.
10. DATE OF LAST FIELD WORK: 4-14-2022; FIELD BOOK 563, PAGE 56.
11. THIS SURVEY OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR ELECTRONIC SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. OTHERWISE THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY.
12. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
13. NO ENVIRONMENTAL AUDIT OR JURISDICTIONAL DELINEATION WAS MADE AS PART OF THIS SURVEY.
14. ANY ADJOINING DEED CITES ARE FOR "INFORMATIONAL PURPOSES ONLY"; NO SURVEY WAS MADE OF ADJOINING LANDS.
15. MO SUBSURFACE UTILITY INVESTIGATION OR EXPLORATION WAS CONDUCTED AS PART OF THIS SURVEY. ONLY ABOVE GROUND UTILITIES WE LOCATED AND MAPPED AS SHOWN.
16. ELEVATIONS SHOWN HEREON ARE BASED ON TIES TO NGS BENCHMARK "E 532 (PID AJ7559) ELEVATION = 17.52 FEET (NAVD 88).
17. SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE "AE" AS PER FLOOD INSURANCE RATE MAP 12071C0259F, LEE COUNTY, 125124 0259 F, EFFECTIVE DATE AUGUST 28, 2008; REVISED TO REFLECT LOMR JANUARY 3, 2021.
18. BACKGROUND AERIAL IMAGE SHOWN IN THIS TOPOGRAPHIC SURVEY MAP WAS OBTAINED FROM THE LEE COUNTY GOVERNMENT GIS WEBSITE, DATED 2021, RELATIVE POSITIONAL ACCURACY OF AERIAL IMAGERY WAS NOT FIELD VERIFIED. IMAGE IS FOR INFORMATIONAL PURPOSES ONLY.
19. THIS MAP IS INTENDED TO BE DISPLAYED AT A SCALE OF 1" = 80' OR SMALLER.

TITLE COMMITMENT NOTES

- I HAVE REVIEWED THE CHICAGO TITLE INSURANCE COMPANY TITLE INSURANCE COMMITMENT. FILE NUMBER CC-48181-4909, ORDER NUMBER 9853437, REVISION #1 DATED NOVEMBER 11, 2021. ALL ENCUMBRANCES, EXCEPT LIENS, IDENTIFIED IN SCHEDULE B, SECTION II OF THE TITLE INSURANCE COMMITMENT HAVE BEEN SHOWN OR NOTED ON THE MAP OF SURVEY. SEE THE FOLLOWING COMMENTS:
1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this form.
- NO KNOWN MATTERS.
 2. Taxes and assessments for the year 2022 and subsequent years, which are not yet due and payable. NOTE: 2021 Real Property Taxes in the gross amount of \$128.37 are paid, under Tax I.D. No. 34-43-24-00-00001.3020.
- NOT A MATTER OF SURVEY.
 3. Standard Exceptions:
A. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
- ANY KNOWN MATTERS AS SHOWN ON SURVEY.
B. Rights or claims of parties in possession not shown by the public records.
- NOT A MATTER OF SURVEY.
C. Any lien, or right to a lien, for services, labor, or materials heretofore or hereafter furnished, imposed by law and not shown by the public records.
- NOT A MATTER OF SURVEY.
D. Taxes or assessments which are not shown as existing liens in the public records.
- NOT A MATTER OF SURVEY.
 4. Any claim that any portion of the insured land is sovereign lands of the State of Florida, including submerged, filled or artificially exposed lands accreted to such land.
- NOT A MATTER OF SURVEY.
 5. Any lien provided by County Ordinance or by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority for unpaid service charges for service by any water, sewer or gas system supplying the insured land.
- NOT A MATTER OF SURVEY.
 6. Rights of tenants occupying all or part of the insured land under unrecorded leases or rental agreements.
- NOT A MATTER OF SURVEY.
 7. Easement in favor of Florida Power and Light Company recorded July 5, 1962 in Official Records Book 137, Page 487.
- DOES NOT AFFECT SUBJECT PROPERTY.
 8. This item intentionally deleted.
 9. Right of Way Easement in favor of Lee County Electric Co-Operative, Inc. recorded June 29, 1973 in Official Records Book 960, Page 205.
- 12-FOOT EASEMENT CANNOT BE DETERMINED FROM THE RECORD DOCUMENT. THERE IS EXISTING OVERHEAD POWER CROSSING THROUGH THE PROPERTY BUT CANNOT BE DETERMINED IF THIS EASEMENT PERTAINS TO THIS EXISTING UTILITY.
 10. Drainage Easement as set forth in Warranty Deed recorded April 19, 1976 in Official Records Book 1135, Page 183 and in Corrective Warranty Deed recorded August 11, 1976 in Official Records Book 1153, Page 1203.
- 20-FOOT DRAINAGE EASEMENT AS SHOWN ON SURVEY.
 11. This item intentionally deleted.
 12. Memorandum of Lease Agreement recorded April 20, 2000 in Official Records Book 3245, Page 4819 and Official Records Book 3245, Page 4820.
- LEASE AGREEMENT NOT A MATTER OF SURVEY, PHYSICAL LOCATION OF LEASE CANNOT BE MAPPED.
 13. Ingress/Egress Easement Agreement recorded February 8, 2008 in Instrument No. 2008-000036064, as affected by Notice of Relocation of Easement recorded December 1, 2016 in Instrument No. 2016-000252985 and Corrective Notice of Relocation Easement recorded January 18, 2017 in Instrument No. 2017-000012544.
- 24-FOOT CROSS-ACCESS EASEMENT ABUTS NORTHERLY PROPERTY LINE AS SHOWN ON SURVEY.
 14. Drainage Easements as set forth in Warranty Deed recorded January 24, 2007 in Instrument No. 2007-000025303.
- 20-FOOT DRAINAGE AS SHOWN ON SURVEY.

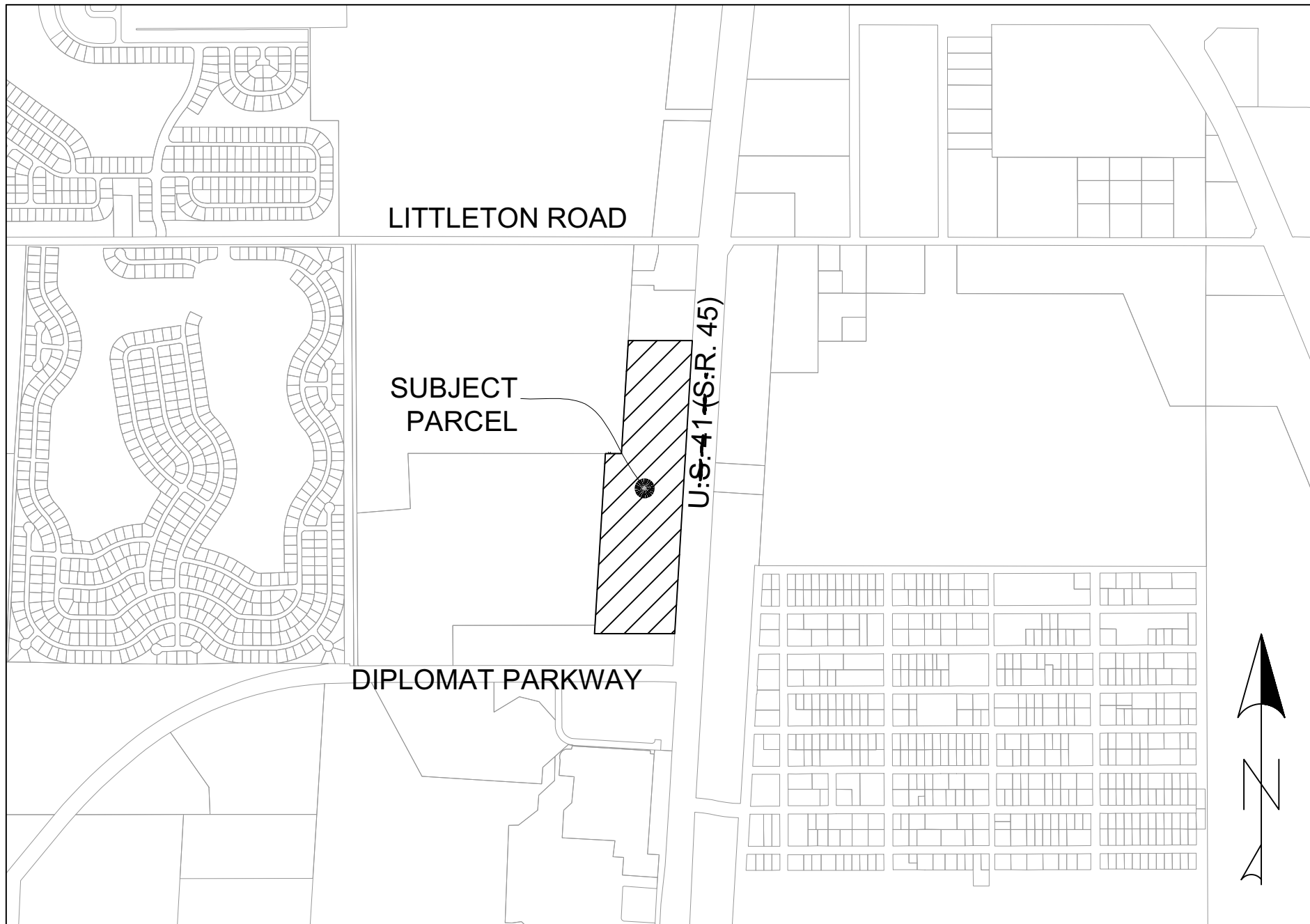
ALTA/NSPS LAND TITLE SURVEY

BOUNDARY AND TOPOGRAPHIC SURVEY

OF A PARCEL OF LAND LYING IN

SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST

LEE COUNTY, FLORIDA



LOCATION MAP
N.T.S.

LEGAL DESCRIPTION: (AS PROVIDED IN TITLE COMMITMENT)

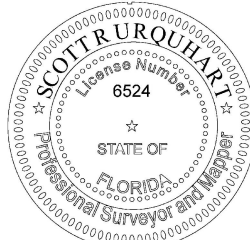
The North one-half (N1/2) of a parcel of land lying in the Northwest Quarter of Section 34, Township 43 South, Range 24 East, Lee County, Florida, more particularly described as follows:

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Subject to a 20 foot drainage easement described as follows: Beginning at the hereinabove mentioned Southeast corner of Serendipity South Mobile Home Park; thence North 89°54'50" West along said Southerly line of Serendipity Mobile Home Park for 100.53 feet; thence South 03°25'50" West for 20.00 feet; thence South 89°54'50" East for 100.53 feet; thence North 03°25'50" East for 20.00 feet to the Point of Beginning.

ALTA CERTIFICATION

To:
Quadrant Communities, LLC
Cobb Cole
Chicago Title Insurance Company
Hallin Family, LLC
Sanibel Captiva Community Bank
Cheffer & Hagan, P.A.
Old Republic National Title Insurance Company
Pavese Law Firm



Digitally signed by
Scott R. Urquhart,
P.S.M.
Date: 2022.04.19
10:39:28 -04'00'

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA / NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6a, 7a, 8, 9, 10, 11, 13, 16, 17 and 19 of Table "A" thereof. The fieldwork was completed on 10-18-21.

SIGNATURE Scott R. Urquhart

DATE 4/19/2022



PROJECT
LOCATION
NOT TO SCALE

LEGEND:

- FOUND CONCRETE MONUMENT
- FOUND IRON ROD & CAP
- FIRE HYDRANT
- GAS MARKER
- ELECTRIC METER
- ELECTRIC DOX
- SIGN POST
- CATCH BASIN
- CONCRETE UTILITY POLE
- GUY ANCHOR
- TOE OF SLOPE
- TOP OF BANK
- TRAFFIC SIGNAL BOX
- FIBER OPTIC BOX
- WOOD POST
- FENCE - BARBED WIRE
- FENCE - CHAIN LINK / U.O.N.
- FENCE - WOOD / U.O.N.
- LIGHT POLE
- WOOD UTILITY POLE
- TELEPHONE RISER
- TELEPHONE VAULT
- WATER VALVE

ABBREVIATIONS:

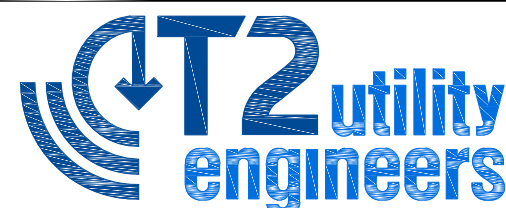
- ASPH. = ASPHALT
- BND. = BOUNDARY
- (C) = CALCULATED
- CONC. = CONCRETE
- CONT. = CONTROL
- CLF = CHAIN LINK FENCE
- CMP = CORRUGATED METAL PIPE
- COR. = CORNER
- EL. = ELEVATION
- EOP = EDGE OF PAVEMENT
- FNC. = FENCE
- FND = FOUND
- FT. = FEET
- CONC. = CONCRETE
- CMP = CORRUGATED METAL PIPE
- I.D. = IDENTIFICATION
- INSTR = INSTRUMENT
- INV. = INVERT
- IR&C = IRON ROD AND CAP
- LB = LICENSED BUSINESS
- (M) = MEASURED
- MON. = MONUMENT
- NAVD = NORTH AMERICAN VERTICAL DATUM (1988)
- OHP = OVER HEAD POWER
- O.R. = OFFICIAL RECORD BOOK / PAGE
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- PT. = POINT
- RCP = REINFORCED CONCRETE PIPE
- (R) = RECORD
- R/W = RIGHT OF WAY
- T.C. = TITLE COMMITMENT
- TOB = TOP OF BANK
- TOE = TOE OF SLOPE
- US = UNITED STATES
- U.O.N. = UNLESS OTHERWISE NOTED
- VRS = VIRTUAL REFERENCE STATION
- W/ = WITH
- ± = MORE OR LESS
- " " = STAMPING OF CAP OR DISK

FOR:
QUADRANT COMMUNITES, LLC
353 MARSHALL AVENUE, SUITE 1
ST. LOUIS, MO 63119

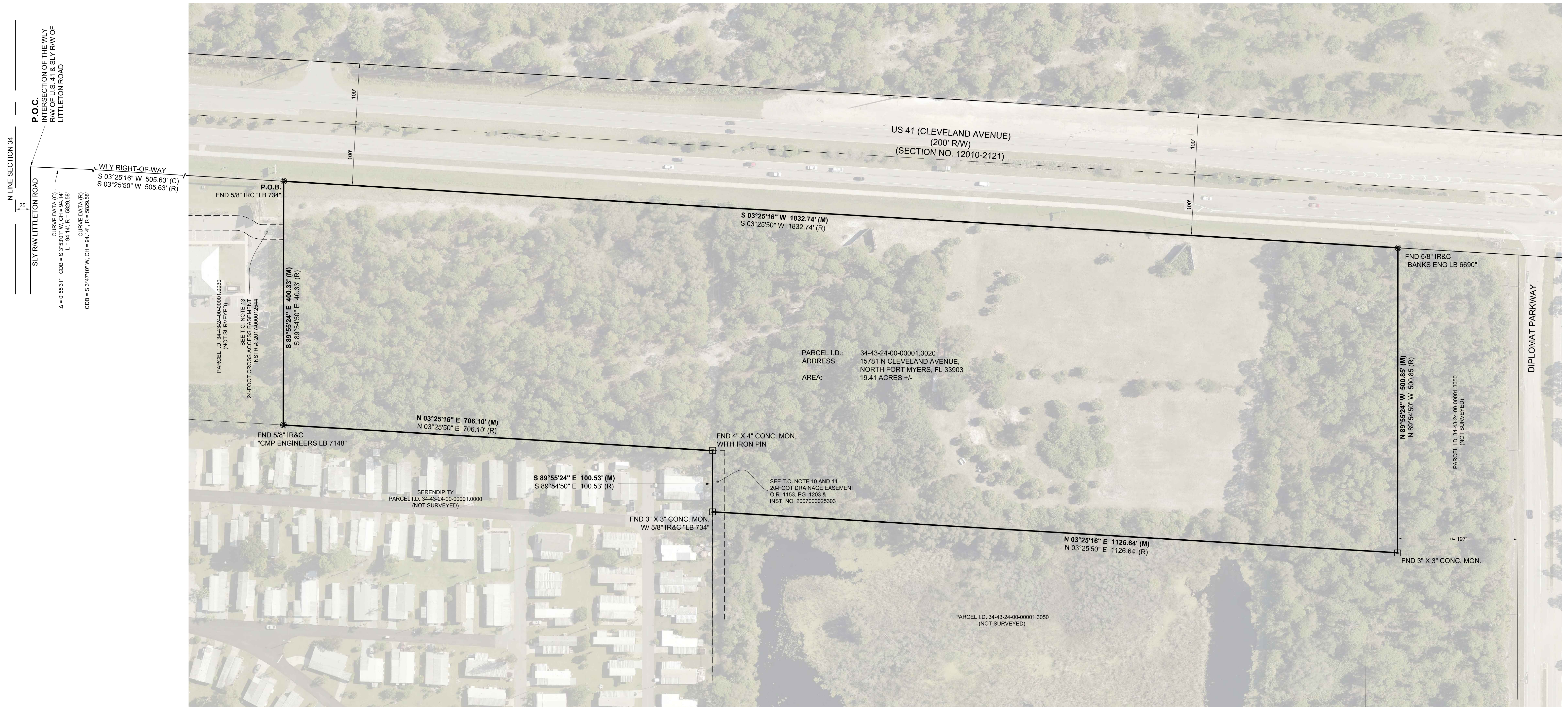
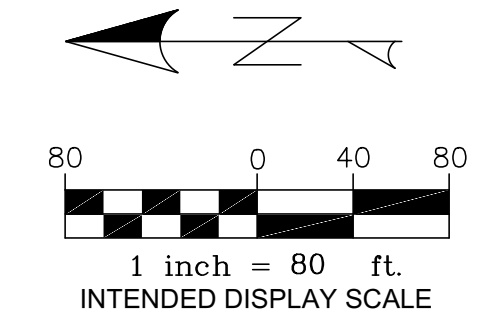
REVISION	DATE
ADD TOPO	12-6-2021
REVISED TITLE COMMITMENT	12-14-2021

DWG. DATE:	11-2-21
SURVEY DATE:	10-18-21
DRAWN BY:	R.J.O.
CHECKED BY:	S.U.
LEE	34-43S-24E
PROJECT NUMBER:	210906
DWG. NUMBER:	ALTA 15781 N CLEVELAND AVE

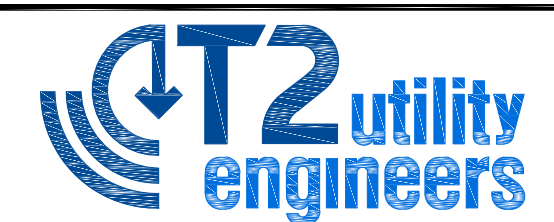
ALTA/NSPS LAND TITLE SURVEY
BOUNDARY AND TOPOGRAPHIC SURVEY
OF A PARCEL LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



5670 Zip Drive
Fort Myers, FL 33905
Tel: 239.277.0722
Fax: 239.277.7179



BOUNDARY DETAIL

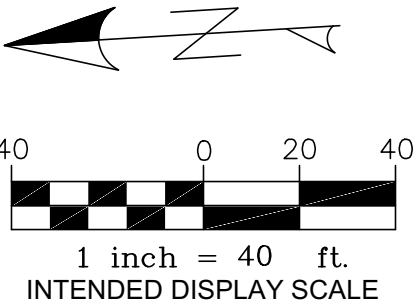


5670 Zip Drive
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ALTA/NSPS LAND TITLE SURVEY
BOUNDARY AND TOPOGRAPHIC SURVEY
OF A PARCEL LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

QUADRANT COMMUNITES, LLC
353 MARSHALL AVENUE, SUITE 1
ST, LOUIS, MO 63119

COUNTY:	DATE
LEE	11-2-21
DWG. DATE:	REVISION
SEC.	ADD TOPO
PROJECT NUMBER:	R.J.O.
DRAWN BY:	ADD ADDITIONAL TOPO
CHECKED BY:	S.U.
DWG. NUMBER:	ALTA 15761 N CLEVELAND AVE
	12-6-2021
	4-18-2022



MATCHLINE "A"
SEE SHEET 4 OF 4

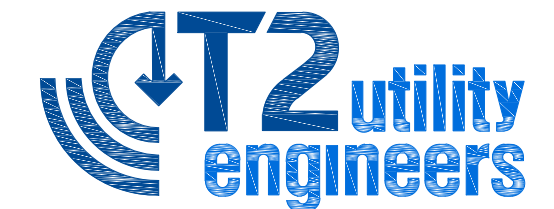
\\FTW024\2022\200027 QUADRANT SURVEY\DWG\ALTA 1201 N CLEVELAND AVE.DWG 4/18/2022 11:11 AM

FOR: **QUADRANT COMMUNITES, LLC**
353 MARSHALL AVENUE, SUITE 1
ST. LOUIS, MO 63119

COUNTY:	LEE	DWG. DATE:	11-2-21	REVISION	DATE
SEC.	34-43S-24E	SURVEY DATE:	10-18-21	ADD TOPO	12-6-2021
PROJECT NUMBER:	210906	DRAWN BY:	R.J.O.	ADD ADDITIONAL TOPO	4-18-2022
DWG. NUMBER:	ALTA 15781 N CLEVELAND AVE	CHECKED BY:	S.U.		

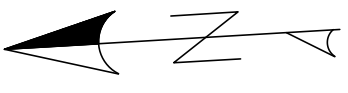
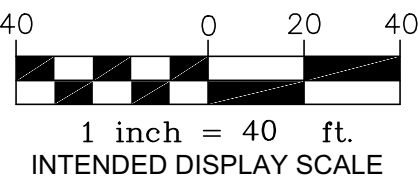
ALTA/NSPS LAND TITLE SURVEY
BOUNDARY AND TOPOGRAPHIC SURVEY
OF A PARCEL LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

IMPROVEMENT & TOPO DETAIL



5670 Zip Drive
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ALTA/NSPS LAND TITLE SURVEY
BOUNDARY AND TOPOGRAPHIC SURVEY
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SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



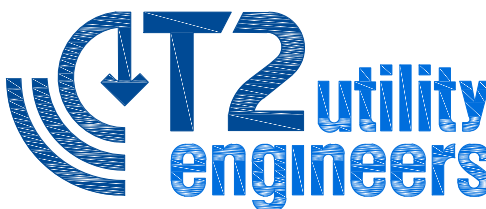
MATCHLINE "A"
SEE SHEET 4 OF 4

FOR: QUADRANT COMMUNITES, LLC
353 MARSHALL AVENUE, SUITE 1
ST. LOUIS, MO 63119

COUNTY:	LEE	DWG. DATE:	11-2-21	REVISION	DATE
SEC.	34-43S-24E	SURVEY DATE:	10-18-21	ADD TOPO	12-6-2021
PROJECT NUMBER:	210906	DRAWN BY:	R.J.O.	ADD ADDITIONAL TOPO	4-18-2022
DWG. NUMBER:	ALTA 15781 N CLEVELAND AVE	CHECKED BY:	S.U.		

ALTA/NSPS LAND TITLE SURVEY
BOUNDARY AND TOPOGRAPHIC SURVEY
OF A PARCEL LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

IMPROVEMENT & TOPO DETAIL



5670 Zip Drive
Fort Myers, FL 33905
Tel: 239.277.0722
Fax: 239.277.7179

Scott W. Cichon
Robert A. Merrell III
John P. Ferguson
Mark A. Watts
Heather Bond Vargas
Michael J. Woods
Raymond L. Schumann
Kathleen L. Crotty
Michael O. Sznajstajler
Matthew S. Welch
Robert E. Doan
William A. Rice
Douglas J. Collins
Sara E. Glover
Holly W. Zitzka
Jessica L. Gow
Nika K. Hosseini
Sydney V. Cichon



Daytona Beach • DeLand

149 South Ridgewood Avenue, Suite 700
Daytona Beach, Florida 32114
(386) 255-8171
CobbCole.com

OF COUNSEL
Larry D. Marsh
Frederick B. Karl, Jr.

RETIRED
Thomas S. Hart

William M. Cobb
(1881-1939)
Thomas T. Cobb
(1916-2004)
W. Warren Cole, Jr.
(1926-2008)

February 4, 2022

TITLE OPINION PURSUANT TO SECTION 34-202(a)(7)
LAND DEVELOPMENT CODE LEE COUNTY FLORIDA

Via CERTIFIED MAIL

USPS Tracking #70201810000090867452

Lee County Board of County Commissioners
2120 Main Street
Fort Myers, FL 33901

Re: 15781 N Cleveland Ave, North Fort Myers, FL 33903
Attorney's Opinion of Title

Dear Honorable Commissioners:

Our law firm is counsel for **Quadrant Communities, LLC, a Missouri limited liability company**. The undersigned, an attorney authorized and licensed to practice law in the State of Florida, has been asked to furnish a title opinion with respect to the project referenced above. (All references to recording information in this opinion are to the Public Records of Lee County, Florida.)

For the purpose of rendering the opinions set forth herein, the undersigned has examined the following:

Title Search Report prepared by Chicago Title Insurance Company, File No. 9853437 with an Effective Date of November 1, 2021 at 5:00 PM (attached) for the following property:

The North one-half (N1/2) of a parcel of land lying in the Northwest Quarter of Section 34, Township 43 South, Range 24 East, Lee County, Florida, more particularly described as follows:

Lee County Board of County Commissioners
February 4, 2022
Page | 2

Commencing at a found concrete monument marking the intersection of the westerly right-of-way of U.S. 41 (State Road No. 45)(Tamiami Trail)(200 feet wide) and the Southerly right-of-way of Littleton Road (50 feet wide) thence 94.14 feet along said westerly right-of-way along the arc of a curve concave to the Southeast having a radius of 5829.58 feet and subtended by a chord having a length of 94.14 feet and bearing of South 03°47'10" West to a found Florida State Road Department Right-of-Way concrete monument and a point of tangency; thence South 03°25'50" West along said Westerly right-of-way for 505.63 feet to a set iron pin with cap stamped LB-734 and the Point of Beginning; thence continue South 03°25'50" West along said Westerly right-of-way for 1832.74 feet to a set iron pin; thence North 89°54'50" West for 500.85 feet to a set iron pin; thence North 03°25'50" East for 1126.64 feet to a set iron pin on the Southerly line of Serendipity South Mobile Home Park; thence South 89°54'50" East along said Southerly line for 100.53 feet to the Southeast corner of said Serendipity South Mobile Home Park referenced by a found concrete monument lying 0.18 feet North and 0.65 feet East of said described corner; thence North 03°25'50" East along the Easterly line of said Serendipity South Mobile Home Park for 706.10 feet to a set iron pin; thence South 89°54'50" East for 400.33 feet to the Point of Beginning.

Subject to a 20 foot drainage easement described as follows: Beginning at the hereinabove mentioned Southeast corner of Serendipity South Mobile Home Park; thence North 89°54'50" West along said Southerly line of Serendipity Mobile Home Park for 100.53 feet; thence South 03°25'50" West for 20.00 feet; thence South 89°54'50" East for 100.53 feet; thence North 03°25'50" East for 20.00 feet to the Point of Beginning.

Based upon an examination of said title evidence, it is the opinion of the undersigned that the record title to the property is vested in the **Hallin Family LLC** subject to the following:

1. **Muniments of Title recorded in the Official Records Books of Volusia County, FL:**

(a) Warranty Deed recorded January 24, 2007 in Instrument No. 2007-000025303, Public Records of Lee County, Florida.

2. **Mortgages, Assignments and Modifications:**

(a) Mortgage in favor of Judson C. Pankey, Mortgagee, dated August 31, 2012, in the original principal amount of \$246,600.00, recorded September 6, 2012 in Instrument No. 2012-000194943, and

Lee County Board of County Commissioners
February 4, 2022
Page | 3

(b) Mortgage Modification and Extension Agreement recorded in Instrument No. 2017-000209474

(c) **3. Liens/Judgments/Unpaid Assessments:**

(a) Any lien provided for by Florida Statutes in favor of any city, town, village or port authority for unpaid service charges for service by any water, sewer, waste or gas system supplying the insured land or service facilities

4. Restrictions/Easements/Encumbrances Affecting Title (all of the following recorded in the Public Records of Volusia County, Florida):

(a) Easement in favor of Florida Power and Light Company recorded July 5, 1962 in Official Records Book 137, Page 487.

(b) Right of Way Easement in favor of Lee County Electric Co-Operative, Inc. recorded June 29, 1973 in Official Records Book 960, Page 205.

(c) Drainage Easement as set forth in Warranty Deed recorded April 19, 1976 in Official Records Book 1135, Page 183 and in Corrective Warranty Deed recorded August 11, 1976 in Official Records Book 1153, Page 1203.

(d) Memorandum of Lease Agreement recorded April 20, 2000 in Official Records Book 3245, Page 4819 and Official Records Book 3245, Page 4820.

(e) Ingress/Egress Easement Agreement recorded February 8, 2008 in Instrument No. 2008-000036064, as affected by Notice of Relocation of Easement recorded December 1, 2016 in Instrument No. 2016-000252985 and Corrective Notice of Relocation Easement recorded January 18, 2017 in Instrument No. 2017-000012544.

(f) Drainage Easement as set forth in Warranty Deed recorded January 24, 2007 in Instrument No. 2007-000025303.

5. Other Encumbrances:

(a) Lis Pendens filed in Case styled Kurt Hallin vs. Hallin Family, LLC et al, being Case No. 20-CA-509 in Lee County, Florida, as disclosed by Notice of Lis Pendens recorded in Instrument No. 2020-000025128.

Lee County Board of County Commissioners
February 4, 2022
Page | 4

The foregoing opinion is rendered solely for the purpose of complying with Section 34-202(a)(7) of the Lee County Land Development Code, and may not be relied upon by, and is not for the benefit of, any person or legal entity other than Lee County Florida.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ray Schumann', with a long horizontal line extending to the right.

Raymond L. Schumann

Direct Dial (386) 323-9272

Email Ray.Schumann@CobbCole.com

Fax (386) 323-9206

RLS/eg
cc: Client
Enclosure

**Transaction Identification Data for reference only:**

Cobb Cole
149 South Ridgewood Avenue, Suite 700,
Daytona Beach, FL 32114
ALTA Universal ID:
LOAN ID Number:
Issuing Office File Number: CC-48181-4909
(Use for AgentTRAX documents)
Property Address: 15781 N Cleveland Ave N
Fort Myers, FL 33903
Order No.: 9853437
Revision Number: Revision#2 02-02-2022 sg

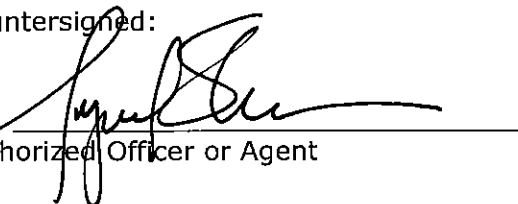
Chicago Title Insurance Company**SCHEDULE A****AMERICAN LAND TITLE ASSOCIATION COMMITMENT**

1. Commitment Date: 01/26/2022 at: 5:00 AM
2. Policy or Policies to be issued:
 - A. ALTA Owners 2006 with Florida Modifications
Proposed Insured: Quadrant Communities, LLC, a Missouri limited liability company
Proposed Amount of Insurance: \$2,500,000.00
3. The estate or interest in the Land described or referred to in this Commitment is (Identify estate covered, i.e., fee, leasehold, etc.):

Fee Simple
4. Title to the Fee Simple estate or interest in the land is at the Commitment Date vested in:

Hallin Family LLC, a Florida limited liability company, by virtue of Warranty Deed recorded January 24, 2007 in Instrument No. 2007-000025303, Public Records of Lee County, Florida.
5. The Land is described as follows in Exhibit "A" attached hereto and made part hereof.

Countersigned:

BY: 

Authorized Officer or Agent



**SCHEDULE B SECTION I
REQUIREMENTS
AMERICAN LAND TITLE ASSOCIATION COMMITMENT**

The following requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
 - A. Duly executed Warranty Deed from Hallin Family LLC, a Florida limited liability company, Grantor, to Quadrant Communities, LLC, a Missouri limited liability company, Grantee, conveying the land described on Exhibit A hereof.

The Company will require the following as to Hallin Family LLC, a Florida limited liability company: ("LLC"):

- i. Proof that the LLC was in existence in its state of organization at the time it acquired title and that the LLC is currently in good standing.
- ii. Present for review a true and complete copy of the articles of organization and operating agreement of the LLC and any amendments thereto.
- iii. Record an affidavit from the person executing the proposed deed on behalf of the LLC certifying: (a) the name and state of organization of the LLC; (b) whether the LLC is member-managed or manager-managed; (c) the identity of the member or manager and the person authorized to execute the deed; and (d) neither the LLC nor any member signing the deed have filed bankruptcy since the LLC acquired title.
- iv. If the member or manager of the LLC is also a business entity, present proof of the entity's good standing and the appropriate entity documents to establish signing authority.

If the proposed deed will be executed by anyone other than a member or manager, those portions of the operating agreement or other documentation evidencing the authority of the signatory must be attached as an exhibit to the affidavit.

5. Proof of payment of any outstanding assessments in favor of Lee County, Florida, any special taxing district and any municipality. NOTE: If this requirement is not satisfied the following exception will appear on Schedule B:

Any outstanding assessments in favor of Lee County, Florida, any special taxing district and any municipality.

6. Proof of payment of service charges for water, sewer, waste and gas, if any, through the date of closing. NOTE: If this requirement is not met the following exception will appear on Schedule B:

SCHEDULE B SECTION I
Requirements continued

Any lien provided for by Florida Statutes in favor of any city, town, village or port authority for unpaid service charges for service by any water, sewer, waste or gas system supplying the insured land or service facilities.

7. This item intentionally deleted.

8. Satisfaction and release of that certain Mortgage executed by Hallin Family, LLC, a Florida limited liability company, Mortgagor, in favor of Judson C. Pankey, Mortgagee, dated August 31, 2012, in the original principal amount of \$246,600.00, recorded September 6, 2012 in Instrument No. 2012-000194943, and release of the following collateral security instrument(s):

a) Mortgage Modification and Extension Agreement recorded in Instrument No. 2017-000209474

Note: The original promissory note secured by the above described mortgage must be produced and cancelled and if this is an equity line mortgage, in addition to satisfying the mortgage, the equity line must be closed and terminated prior to closing.

9. This item intentionally deleted.

10. Dismissal of litigation with prejudice and discharge of the Lis Pendens filed in Case styled Kurt Hallin vs. Hallin Family, LLC et al, being Case No. 20-CA-509 in Lee County, Florida, as disclosed by Notice of Lis Pendens recorded in Instrument No. 2020-000025128.

11. Satisfactory survey, in conformity with the minimum technical standards for land surveys, certified to the Company, and/or its agent, dated no more than 90 days prior to the closing of the subject transaction, disclosing the nature and extent of any encroachment, encumbrance, violation, variation or adverse circumstance affecting the Title to the Land. Additional requirements and/or exceptions will be made for any such matters disclosed.

12. Proof of the good standing of Quadrant Communities, LLC, a _____ limited liability company, in the State of its domicile.

13. An Affidavit in form acceptable to Chicago Title Insurance Company ("Company") and executed by or on behalf of the current record owner(s) of the subject property stating that: (A) there are no parties in possession of the subject property other than said current record owner(s); (B) there are no encumbrances upon the subject property other than as may be set forth in this Commitment; (C) there are no unrecorded assessments which are due and payable and; (D) there have been no improvements made to or upon the subject property within the last ninety (90) day period for which there remain any outstanding and unpaid bills for labor, materials or supplies for which a lien or liens may be claimed must be furnished to the Company, or, in lieu thereof, an exception to those matters set forth in said Affidavit which are inconsistent with or deviate from the foregoing requirements will appear in the policy or policies to be issued pursuant to this Commitment.

END OF SCHEDULE B SECTION I

Order No.: 9853437
CC-48181-4909

**SCHEDULE B SECTION II
EXCEPTIONS
AMERICAN LAND TITLE ASSOCIATION COMMITMENT**

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this form.
2. Taxes and assessments for the year 2022 and subsequent years, which are not yet due and payable.

NOTE: 2021 Real Property Taxes in the gross amount of \$128.37 are paid, under Tax I.D. No. 34-43-24-00-00001.3020.

3. Standard Exceptions:

- A. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
 - B. Rights or claims of parties in possession not shown by the public records.
 - C. Any lien, or right to a lien, for services, labor, or materials heretofore or hereafter furnished, imposed by law and not shown by the public records.
 - D. Taxes or assessments which are not shown as existing liens in the public records.
4. Any claim that any portion of the insured land is sovereign lands of the State of Florida, including submerged, filled or artificially exposed lands accreted to such land.
 5. Any lien provided by County Ordinance or by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority for unpaid service charges for service by any water, sewer or gas system supplying the insured land.
 6. Rights of tenants occupying all or part of the insured land under unrecorded leases or rental agreements.
 7. Easement in favor of Florida Power and Light Company recorded July 5, 1962 in Official Records Book 137, Page 487.
 8. This item intentionally deleted.
 9. Right of Way Easement in favor of Lee County Electric Co-Operative, Inc. recorded June 29, 1973 in Official Records Book 960, Page 205.



Order No.: 9853437
CC-48181-4909

**SCHEDULE B SECTION II
EXCEPTIONS
AMERICAN LAND TITLE ASSOCIATION COMMITMENT**

10. Drainage Easement as set forth in Warranty Deed recorded April 19, 1976 in Official Records Book 1135, Page 183 and in Corrective Warranty Deed recorded August 11, 1976 in Official Records Book 1153, Page 1203.
11. This item intentionally deleted.
12. Memorandum of Lease Agreement recorded April 20, 2000 in Official Records Book 3245, Page 4819 and Official Records Book 3245, Page 4820.
13. Ingress/Egress Easement Agreement recorded February 8, 2008 in Instrument No. 2008-000036064, as affected by Notice of Relocation of Easement recorded December 1, 2016 in Instrument No. 2016-000252985 and Corrective Notice of Relocation Easement recorded January 18, 2017 in Instrument No. 2017-000012544.
14. Drainage Easement as set forth in Warranty Deed recorded January 24, 2007 in Instrument No. 2007-000025303.

NOTE: Exception 1 above shall be deemed deleted as of the time the settlement funds or proceeds of the loan to be secured by the insured mortgage, as applicable, are disbursed by the Company or its authorized agent. Neither the Company nor its agent shall, however, be under any duty to disburse any sum except upon a determination that no such adverse intervening matters have appeared of record or occurred.

NOTES ON STANDARD EXCEPTIONS:

Item 3A will be deleted from the policy(ies) upon receipt of an accurate survey of the Land acceptable to the Company. Exception will be made for any encroachment, setback line violation, overlap, boundary line dispute or other adverse matter disclosed by the survey.

Items 3B, 3C, and 3D will be deleted from the policy(ies) upon receipt of an affidavit acceptable to the Company, affirming that, except as disclosed therein (i) no parties in possession of the Land exist other than the record owner(s); (ii) no improvements have been made to the Land within 90 days prior to closing which have not have been paid for in full; and (iii) no unpaid taxes or assessments are against the Land which are not shown as existing liens in the public records. Exception will be made for matters disclosed in the affidavit.

NOTE: All recording references in this form shall refer to the public records of Lee County, Florida, unless otherwise noted.

NOTE: In accordance with Florida Statutes section 627.4131, please be advised that the insured hereunder may present inquiries, obtain information about coverage, or receive assistance in resolving complaints, by contacting Chicago Title Insurance Company, 2400 Maitland Center Parkway, Suite 110, Maitland, FL 32751; Telephone 866-632-6200.

Searched By: Sandy Grabowski - sgrabowski@fnf.com - 407-618-2968



Order No.: 9853437
CC-48181-4909

**SCHEDULE B SECTION II
EXCEPTIONS**
AMERICAN LAND TITLE ASSOCIATION COMMITMENT
END OF SCHEDULE B SECTION II

EXHIBIT "A"

The North one-half (N1/2) of a parcel of land lying in the Northwest Quarter of Section 34, Township 43 South, Range 24 East, Lee County, Florida, more particularly described as follows:

Commencing at a found concrete monument marking the intersection of the westerly right-of-way of U.S. 41 (State Road No. 45)(Tamiami Trail)(200 feet wide) and the Southerly right-of-way of Littleton Road (50 feet wide) thence 94.14 feet along said westerly right-of-way along the arc of a curve concave to the Southeast having a radius of 5829.58 feet and subtended by a chord having a length of 94.14 feet and bearing of South 03°47'10" West to a found Florida State Road Department Right-of-Way concrete monument and a point of tangency; thence South 03°25'50" West along said Westerly right-of-way for 505.63 feet to a set iron pin with cap stamped LB-734 and the Point of Beginning; thence continue South 03°25'50" West along said Westerly right-of-way for 1832.74 feet to a set iron pin; thence North 89°54'50" West for 500.85 feet to a set iron pin; thence North 03°25'50" East for 1126.64 feet to a set iron pin on the Southerly line of Serendipity South Mobile Home Park; thence South 89°54'50" East along said Southerly line for 100.53 feet to the Southeast corner of said Serendipity South Mobile Home Park referenced by a found concrete monument lying 0.18 feet North and 0.65 feet East of said described corner; thence North 03°25'50" East along the Easterly line of said Serendipity South Mobile Home Park for 706.10 feet to a set iron pin; thence South 89°54'50" East for 400.33 feet to the Point of Beginning.

Subject to a 20 foot drainage easement described as follows: Beginning at the hereinabove mentioned Southeast corner of Serendipity South Mobile Home Park; thence North 89°54'50" West along said Southerly line of Serendipity Mobile Home Park for 100.53 feet; thence South 03°25'50" West for 20.00 feet; thence South 89°54'50" East for 100.53 feet; thence North 03°25'50" East for 20.00 feet to the Point of Beginning.



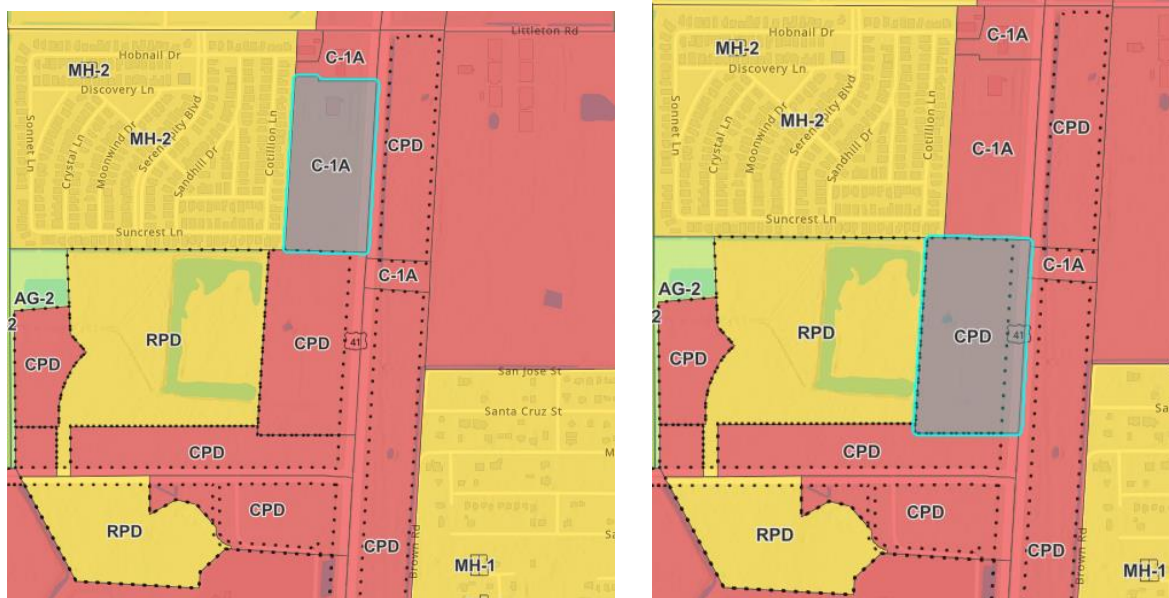
**MIVO DEVELOPMENT GROUP
MIVO NORTH FORT MYERS PROJECT
RESIDENTIAL PLANNED DEVELOPMENT REZONE
LEE COUNTY, FL**

Request Statement: Page | 1

Introduction

The proposed project is located in the Central Urban Future Land Use category, North Fort Myers Community Plan Area, and the Mixed Use Overlay district. The applicant is requesting a rezoning of one (1) parcel from its two (2) existing zoning districts C-1A and CPD to a Residential Planned Development (RPD). The subject property's STRAP ID is 34432400000013020. The proposed MIVO North Fort Myers Development is a multi-family development consisting of approximately 285 apartment units (assuming approval of the requested 95 bonus density units) with surface parking and six (6) detached single story parking garages/storage units. The project site contains approximately 19.41 +/- acres with 0.99 +/- acres of said acreage being wetlands that are not planned to be impacted.

Subject Property Identified on Lee County Zoning Map



The subject property's surrounding area uses include mobile home park and RPD to the west, commercial uses to the north, south, and east which include, but are not limited to, convenience store/gas station, medical offices, self-storage units, shopping center, and automotive services. The MIVO development will provide the area with the missing multi-family units which support the encouraged diversity of housing types and residential use adjacent to retail and services in the Mixed Use Overlay consistent with Lee Plan Policy 30.1.3. Additionally, not only is the proposed project providing this area of North Fort Myers with multi-family dwelling units, but the project also includes the use of the encouraged bonus density program through the County to achieve the desired maximum number of dwelling units, consistent with Lee Plan Policy 11.2.6.

Letters of availability have been acquired for the site confirming there is sufficient infrastructure to serve the proposed project through Lee County Utilities (LCU), Florida Governmental Utility Authority (FGUA), and Lee County Electric Cooperative (LCEC).

Comprehensive Plan Consistency

As stated above, the subject property is in the North Fort Myers Community Plan Area. The proposed use of the subject property is to provide multi-family development consisting of up to 285 apartment units.



**MIVO DEVELOPMENT GROUP
MIVO NORTH FORT MYERS PROJECT
RESIDENTIAL PLANNED DEVELOPMENT REZONE
LEE COUNTY, FL**

Request Statement: Page | 2

Currently in the surrounding area there are mobile home parks, single-family residential, and commercial uses. Allowing for this project will provide the desired diversity of housing in the North Fort Port Myers Community Plan Area per Lee Plan Policy 30.1.3.

Goal 30 NORTH FORT MYERS COMMUNITY PLAN. Improve the livability and economic vitality in the North Fort Myers Community Plan area by: promoting compact, mixed use development in the form of town and neighborhood centers; attracting appropriate investment to revitalize older neighborhoods and commercial corridors; stabilizing and enhancing, existing neighborhoods; and preserving natural resources. (Ord. No. 09-11, 18-18)

POLICY 30.1.3: Encourage a diversity of housing types in the North Fort Myers Community Plan area by supporting mixed use projects, with residential above or adjacent to retail and service uses, within the Mixed Use Overlay.

The subject property is located in the Central Urban Future Land Use category and supports Lee Plan Policy 1.1.3 by providing additional variety of housing to the area which supports the encouraged mixed-use. The proposed density is consistent with the maximum allowable density, with the assumption the request for bonus density units is approved. As previously stated, the subject property is located in the Mixed Use Overlay and the applicant will be applying for bonus density units to meet the highest allowable density which is encouraged by Lee Plan Policy 11.2.6.

POLICY 1.1.3: The Central Urban future land use category can best be characterized as the “urban core” of the County. These areas are already the most heavily settled and have, or will have, the greatest range and highest levels of public services. Residential, commercial, public and quasi-public, and limited light industrial land uses will continue to predominate in the Central Urban future land use category. Future development in this category is encouraged to be mixed use, as described in Objective 11.1, where appropriate. The standard density range is from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre), with 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.

POLICY 11.2.6: Properties in a Mixed Use Overlay are encouraged to utilize bonus density. Projects utilizing Greater Pine Island TDUs are eligible for increased maximum densities and additional development incentives as set forth in this plan to encourage a compact and functional development pattern.

The subject property is proposed to be rezoned to Residential Planned Development, contiguous with the properties to the west which have zoning designations of RPD and MH-2. The subject property is just north of the Merchants Crossing Shopping Center, Walmart, and similar businesses needed to serve the proposed development’s residents. There is direct access to existing utility services along North Cleveland Avenue via an extension of services consistent with Objective 2.1.

OBJECTIVE 2.1: DEVELOPMENT LOCATION. Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities. (Ord. No. 94-30, 00-22)



**MIVO DEVELOPMENT GROUP
MIVO NORTH FORT MYERS PROJECT
RESIDENTIAL PLANNED DEVELOPMENT REZONE
LEE COUNTY, FL**

Request Statement: Page | 3

The proposed project includes development in a future urban area with adequate public facilities to support the development. The proper permitting for a development order will be applied for as well as the concurrency requirements of the Lee County Land Development Code will be met.

OBJECTIVE 2.2: DEVELOPMENT TIMING. Direct new growth to those portions of the future urban areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in §163.3164, Fla. Stat.) will be granted only when consistent with the provisions of §163.3202(2)(g) and §163.3180, Fla. Stat. and the concurrency requirements in the LDC. (Ord. No. 94-30, 00-22, 17-19)

The subject property is located directly along North Cleveland Avenue providing immediate access to a commercial corridor, central sewer, and water lines. The subject property is approximately five (5) miles from Lee Memorial Hospital and there are two (2) medical centers in close proximity. The subject property is approximately one (1) mile from the Carrie D. Robinson Littleton Elementary School, 2.5 miles from J. Colin English Elementary School, and about four (4) miles to North Fort Myers High School. The subject property is compatible with its surrounding properties as it shares the same land use of Central Urban.

POLICY 2.2.1: Rezoning and DRI proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare.

The proposed multi-family project is located along a designated commercial corridor which consists of shopping centers and commercial uses which provides employment opportunities. As stated above there are schools near the subject property and there are two (2) parks within less than 2 ½ miles of the subject property (North Fort Myers Community Park and Judd Community Park). LeeTran bus stops are available south of the subject property. Running north / south along North Cleveland Avenue is a shared use path for bicycling and walking.

POLICY 5.1.3: During the rezoning process, direct high-density residential developments to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities. (Ord. No. 94-30)

The proposed development will comply with all required open space, buffering, landscaping, and recreation areas per the Lee County Lee Plan and Land Development Code.

POLICY 5.1.6: Maintain development regulations that require high-density, multi-family, cluster, and mixed use developments to have open space, buffering, landscaping, and recreation areas appropriate to their density and design. (Ord. No. 94-30)

The proposed development would provide for an additional type of housing in the area encouraged by Lee Plan Comprehensive Plan Goal 11. The area has surrounding commercial uses near the development supporting reduced trip lengths and a shared use path traverses north / south along the Project's east boundary. This supports the encouraged variety of transportation options.

GOAL 11: MIXED USE. Encourage mixed use developments that integrate multiple land uses, public amenities and utilities at various scales and intensities in order to provide: diversified land development; a variety of housing types; greater connectivity between housing, workplaces, retail businesses, and other destinations; reduced trip lengths; more transportation options; and pedestrian and bicycle-friendly environments.



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RESIDENTIAL PLANNED DEVELOPMENT REZONE
LEE COUNTY, FL**

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While affordable housing is not specifically identified in this Residential Planned Development, it is expected that an increase in market rate multi-family will result in additional supply to the area. Also, multi-family may be more attainable than single-family homes.

POLICY 30.1.4: Encourage development of affordable housing options on property with the following characteristics: located within the Intensive Development, Central Urban, and Urban Community on the Future Land Use Map; located where central water/sewer service is available; and located within walking distance of mass transit, commercial and personal services, and parks and recreation facilities. (Ord. No. 09-11, 18-18)

The proposed development consists of interconnected dry and wet ponds to handle the surface water runoff that is created due to the development. These ponds are used to protect and enhance the groundwater by being designed to removed pollutants such as nitrogen and phosphorus from the surface water runoff that will eventually drawdown from the site into the groundwater. These pollutant removal efforts are in the form of providing emergent and submerged aquatic vegetation along the wet pond shorelines which assist in the removal of pollutants. Also, the dry ponds will be designed so that the bottoms of the ponds are at minimum 1 foot above the ground water table which allows the hazardous pollutants to be removed through sedimentation and provides the opportunity to reduce the nutrient concentrations prior to entering the groundwater consistent with Lee Plan Policy 60.1.1:

POLICY 60.1.1: Require design of surface water management systems to protect or enhance the groundwater. (Ordinance No. 07-12, 18-28.)

The proposed development meets the proposed water quality standards set forth by the South Florida Water Management District Criteria. The proposed wet and dry ponds will provide all of the required water quality treatment for this development to ensure that the surface and ground water quality will not be degraded which is consistent with Lee plan Policy 125.1.2.

POLICY 125.1.2: New Development and additions to existing development must not degrade surface and ground water quality. (Ordinance No. 00-22, 18-28)

The proposed development consists of multiple drainage elements that minimizes the nutrient loading and pollution of freshwater and estuarine systems. These drainage elements include providing emergent and submerged aquatic vegetation along the wet pond shorelines which assist in the removal of pollutants. The dry ponds are designed so that the bottoms of the ponds are 1 foot above the ground water table which allows the hazardous pollutants to be removed through sedimentation and provides the opportunity to reduce the nutrient concentrations prior to entering the groundwater.

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. (Ordinance No. 00-22, 18-28)

Lee County Land Development Code Consistency

Sec. 34-145(d)(4)(a)(2)(a) The proposed use or mix of uses is appropriate at the proposed location.

Yes, the subject property's proposed use of Residential Planned Development (RPD) is consistent with the surrounding properties. West of the subject property is an existing RPD and a Mobile Home Park (MH-2). To the north, south, and east of the subject property are developed, and some undeveloped, commercial properties providing a mix of uses to serve the proposed project and existing developments. The proposed use of the subject property is multi-family units. By adding



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multi-family units, it will provide another type of housing to this area, meeting the purpose and intent of the Lee County Land Development Code.

Sec. 34-145(d)(4)(a)(2)(b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development.

The proposed development will consist of the necessary safeguards to protect the public from any negative impacts. The proposed project will provide the required buffering per the Lee County Land Development Code, sufficient supporting infrastructure, and any reasonable measures necessary to protect the health, safety, and welfare of the proposed developments residents and surrounding property owners.

Sec. 34-145(d)(4)(a)(2)(c)(1) Enhances the achievement of the objectives of the planned development.

The proposed development facilitates state of the art site planning to improve the quality of the environment and ensure the most economical use of land and public resources. The proposed development also stimulates the integration of new development within the surrounding land uses and visual harmony will be maintained. The proposed mix of residential uses encourages compatible uses to be developed on the site and promotes patterns of land use that support economical provision of infrastructure.

Sec. 34-145(d)(4)(a)(2)(c)(2) Preserves and promotes the general intent of this Code to protect the public health, safety, and welfare.

The proposed development is consistent with this Code and all other applicable County regulations. Its intent is to implement the goals, objectives, and policies of the Lee Plan while providing some degree of flexibility in planning and designing developments to promote protection of the public, health, safety, and welfare.



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TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

TRAFFIC IMPACT STATEMENT

FOR

MIVO NORTH FORT MYERS

(PROJECT NO. F2110.15)

PREPARED BY:
TR Transportation Consultants, Inc.
Certificate of Authorization Number: 27003
2726 Oak Ridge Court, Suite 503
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November 30, 2021



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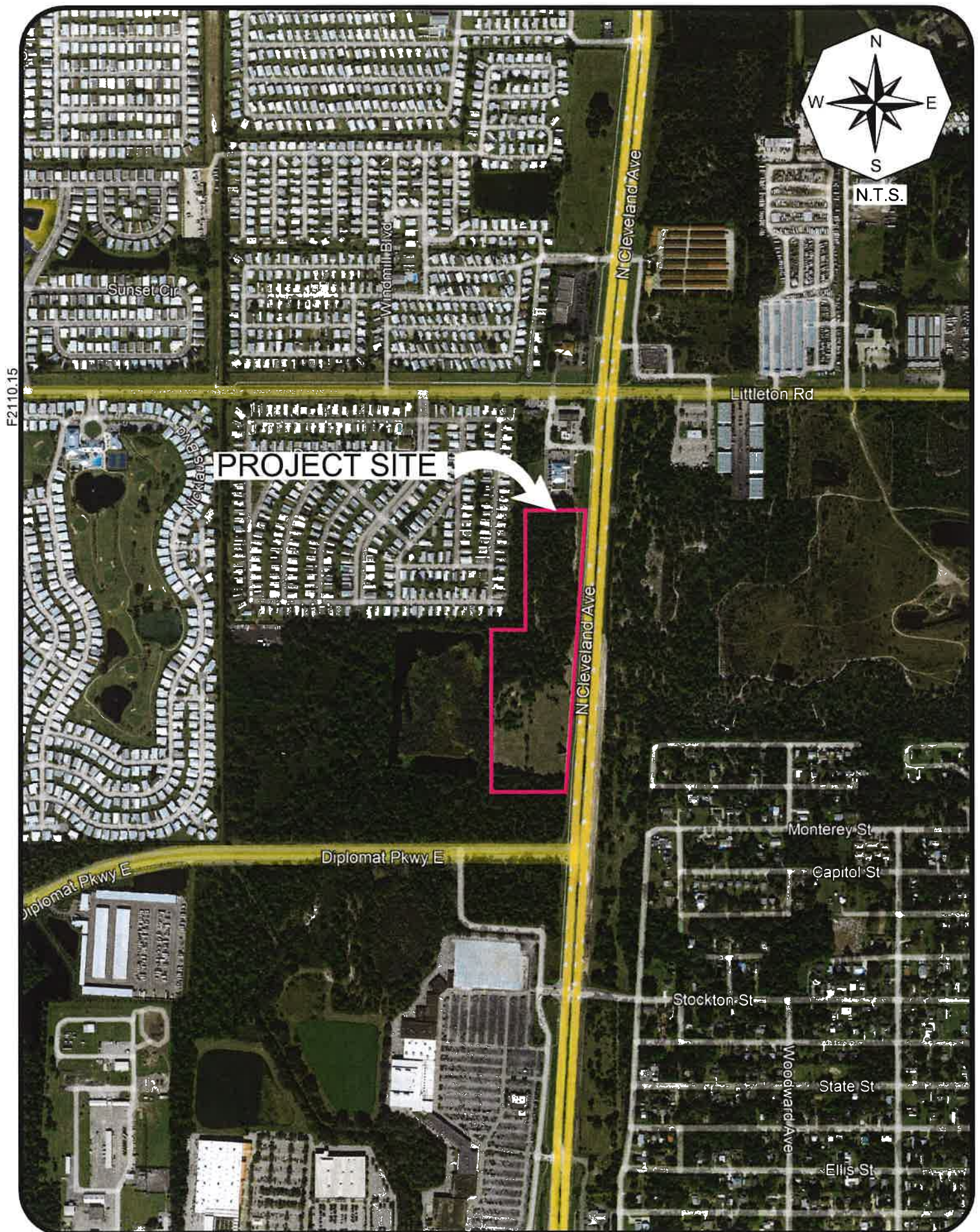
I. INTRODUCTION

TR Transportation Consultants, Inc. has conducted a traffic impact statement to fulfill requirements set forth by the Lee County Department of Community Development for projects seeking rezoning approval. The proposed development is located at 15781 North Cleveland Avenue (US 41) in Lee County, Florida. The approximate location of the subject site is illustrated on **Figure 1**.

Approximately 12.86 acres out of the 19.45 acre subject site is governed by Zoning Resolution No. Z-09-025 as well as Administrative Amendment No. ADD2020-00054, which permit the site to be developed with up to 107,500 square feet of commercial uses and 120 hotel/motel rooms. In lieu of 120 hotel/motel rooms, the Resolutions also permit the site to be developed with up to 128 multi-family residential dwelling units or an assisted living facility (ALF) with a maximum of 110 units. The remaining approximately 6.59 acres of the site is zoned as Commercial (C-1A). The applicant is proposing to rezone the entire 19.45 acre subject site to Residential Planned Development (RPD) to allow a development of up to 285 multi-family dwelling units on the property.

Access to the subject site is proposed to US 41 via a left-in/right-in/right-out only access drive. A cross access connection is also being proposed to be provided to the north as shown on the Master Concept Plan.

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





II. EXISTING CONDITIONS

The subject site is currently vacant. The site is bordered by commercial uses to the north, US 41 to the east, vacant land to the south, and by Serendipity mobile home park and vacant land to the west.

North Cleveland Avenue (US 41) is a north/south four-lane divided arterial that borders the subject site to the east. US 41 has an Access Management Classification of Class 3, which requires a minimum connection spacing of 660 feet between driveway connections, 1,320 feet between directional median openings, and 2,640 feet between full median openings. US 41 has a posted speed limit of 55 mph and is under the jurisdiction of Florida Department of Transportation (FDOT).

Littleton Road is an east/west two-lane undivided major collector within the vicinity of the subject site. Littleton Road has a posted speed limit of 40 mph and is under the jurisdiction of the Lee County Department of Transportation.

III. PROPOSED DEVELOPMENT

The applicant is proposing to rezone the approximate 19.45 acre subject site to Residential Planned Development (RPD) to allow a development of up to 285 multi-family dwelling units on the property. As previously mentioned, approximately 12.86 acres out of the 19.45 acre subject site is governed by Zoning Resolution No. Z-09-025 as well as Administrative Amendment No. ADD2020-00054, which permit the site to be developed with up to 107,500 square feet of commercial uses and 120 hotel/motel rooms. In lieu of 120 hotel/motel rooms, the Resolutions also permit the site to be developed with up to 128 multi-family residential dwelling units or an assisted living facility (ALF) with a maximum of 110 units. However, the development scenario that includes a hotel option was utilized for the trip generation purposes of the approved development on site. **Table 1** summarizes the land uses utilized for the purposes of this analysis. It is important



to note that Table 1 does not include the potential approved commercial floor area that could be developed on the remaining 6.59 acres of the site that is currently zoned as Commercial (C-1A).

**Table 1
Land Uses
MIVO North Fort Myers**

Land Use	Approved Under Z-09-025 & ADD2020-00054 (12.86 Acres)	Proposed (19.45 Acres)
Commercial	107,500 Sq. Ft.	N/A
Hotel/Motel	120 Rooms *	N/A
Multi-Family Residential	128 Units *	285 Units

*In lieu of 120 hotel/motel rooms the site is also permitted to be developed with up to 128 multi-family residential dwelling units.

Access to the subject site is proposed to US 41 via a left-in/right-in/right-out only access drive. A cross access connection is also being proposed to be provided to the north as shown on the Master Concept Plan.

IV. TRIP GENERATION

The trip generation for the approved and proposed rezoning was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled ***Trip Generation Manual***, 11th Edition. Land Use Code 821 (Shopping Plaza W/ Supermarket) was utilized for the trip generation purposes of the approved 107,500 square feet of commercial uses, Land Use Code 310 (Hotel) was utilized for the trip generation purposes of the approved hotel use and Land Use Code 220 (Multifamily Housing Low-Rise) was utilized for the trip generation purposes of the multi-family residential uses. The trip generation equations utilized from these land uses are attached to the Appendix for reference.



Table 2 outlines the anticipated weekday A.M. and P.M. peak hour and daily trip generation of the development as currently approved on the 12.86 acre portion of the site. Note, Table 2 also incorporated the reduction in trips due to “pass-by” traffic associated with the commercial uses. Consistent with the historical traffic studies completed for the commercial uses in the Lee County, the “pass-by” rate was limited to a maximum of 30%. **Table 3** outlines the anticipated weekday A.M. and P.M. peak hour and daily trip generation of the development as currently proposed on the 19.45 acre site.

Table 2
Trip Generation – Approved (Z-09-025 & ADD2020-00054)
Diplomat Center

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Shopping Plaza W/ Supermarket (107,500 Sq. Ft.)	235	144	379	452	491	943	9,686
Hotel (120 Rooms)	29	24	53	31	30	61	877
Total Trips	264	168	432	483	521	1,004	10,563
Less Commercial Pass-By (30%) *	-57	-57	-114	-141	-141	-282	-2,906
Net New Trips	207	111	318	342	380	722	7,657

* Consistent with Lee County guidelines, the pass-by rate for commercial uses was limited to 30%.

Table 3
Trip Generation – Proposed
MIVO North Fort Myers

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Multifamily Housing Low-Rise (285 Dwelling Units)	26	85	111	90	53	143	1,902

Table 4 illustrates the trip reduction when comparing the trip generation of the approved uses to the trip generation of the proposed uses (Table 2 vs Table 3).



Table 4
Trip Generation Comparison – Approved Zoning vs Proposed Zoning
Table 2 vs Table 3

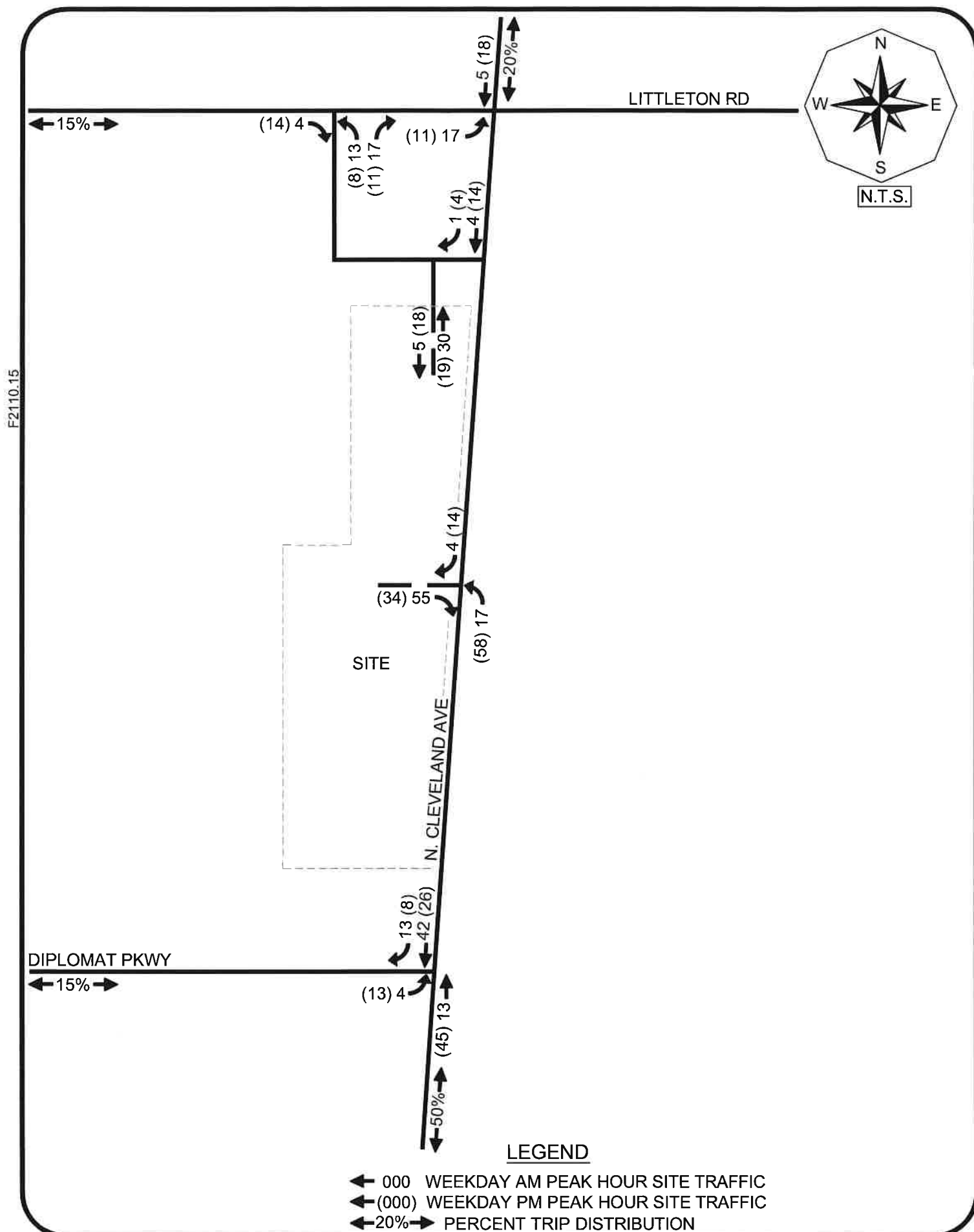
Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Proposed Zoning	26	85	111	90	53	143	1,902
Approved Zoning	-207	-111	-318	-342	-380	-722	-7,657
Trip Reduction	-181	-26	-207	-252	-327	-579	-5,755

Note: Negative number represents a DECREASE in Trip Generation.

As can be seen from Table 4, the requested zoning will **REDUCE** the traffic impacts of the development by approximately 65% in the AM peak hour, 80% in the PM peak hour and approximately 75% over the entire weekday from what is currently approved. Therefore, the proposed rezoning request will be a “down zoning” from what is currently permitted. Note, as previously mentioned the trip generation comparison did not include the potential approved commercial floor area that could be developed on the remaining 6.59 acres of the site that is currently zoned as Commercial (C-1A). Should this portion of the property be included in this analysis, the reduction in trips would be even greater than what is shown in Table 4.

V. TRIP DISTRIBUTION

The trips as a result of the proposed development shown in Table 3 were then assigned to the surrounding roadway system based on the anticipated routes the drivers will utilize to approach the site. Based on current and projected population in the area and other existing or planned competing/complementary uses in the area, a distribution of the site traffic was formulated. The anticipated trip distribution of the development traffic is shown on **Figure 2**. Also shown on Figure 2 is the site traffic assignment to the proposed site access drives and surrounding intersections.





In order to determine which roadway segments surrounding the site may be significantly impacted as outlined in the Lee County Traffic Impact Statement Guidelines, **Table 1A**, in the Appendix, was created. This table indicates which roadway links will accommodate greater than 10% of the Peak Hour Level of Service “C” volumes. The Level of Service threshold volumes for Littleton Road were obtained from the *Lee County Generalized Peak Hour Directional Service Volume Tables* (June, 2016). The Level of Service threshold volumes for US 41 were obtained from the FDOT’s *Generalized Peak Hour Directional Volumes for Florida Urbanized Area, Table 7*. Based on Table 1A, no roadway segments in the study area are projected to be significantly impacted as a result of the proposed development. A copy of the aforementioned service volume tables are located in the Appendix of this report for reference.

VI. FUTURE TRAFFIC CONDITIONS

A horizon year analysis of 2026 was selected as the analysis year to evaluate the future impacts this project will have on the surrounding roadway network. Based on this horizon year, a growth rate was applied to the existing traffic conditions for all roadway links in the study area. The growth rates were obtained through comparisons of annual traffic data obtained from the latest *Lee County Traffic Count Report* and FDOT’s *Florida Traffic Online* webpage. Based on the project distribution illustrated on Figure 2, the link data was analyzed for the year 2026 without the development and year 2026 with the development.

Table 2A in the Appendix of the report indicates the methodology utilized to obtain the year 2026 build-out traffic volumes as well as the growth rate utilized for each roadway segment. The base year traffic volumes were obtained from the 2020 *Lee County Public Facilities Level of Service and Concurrency Report*.

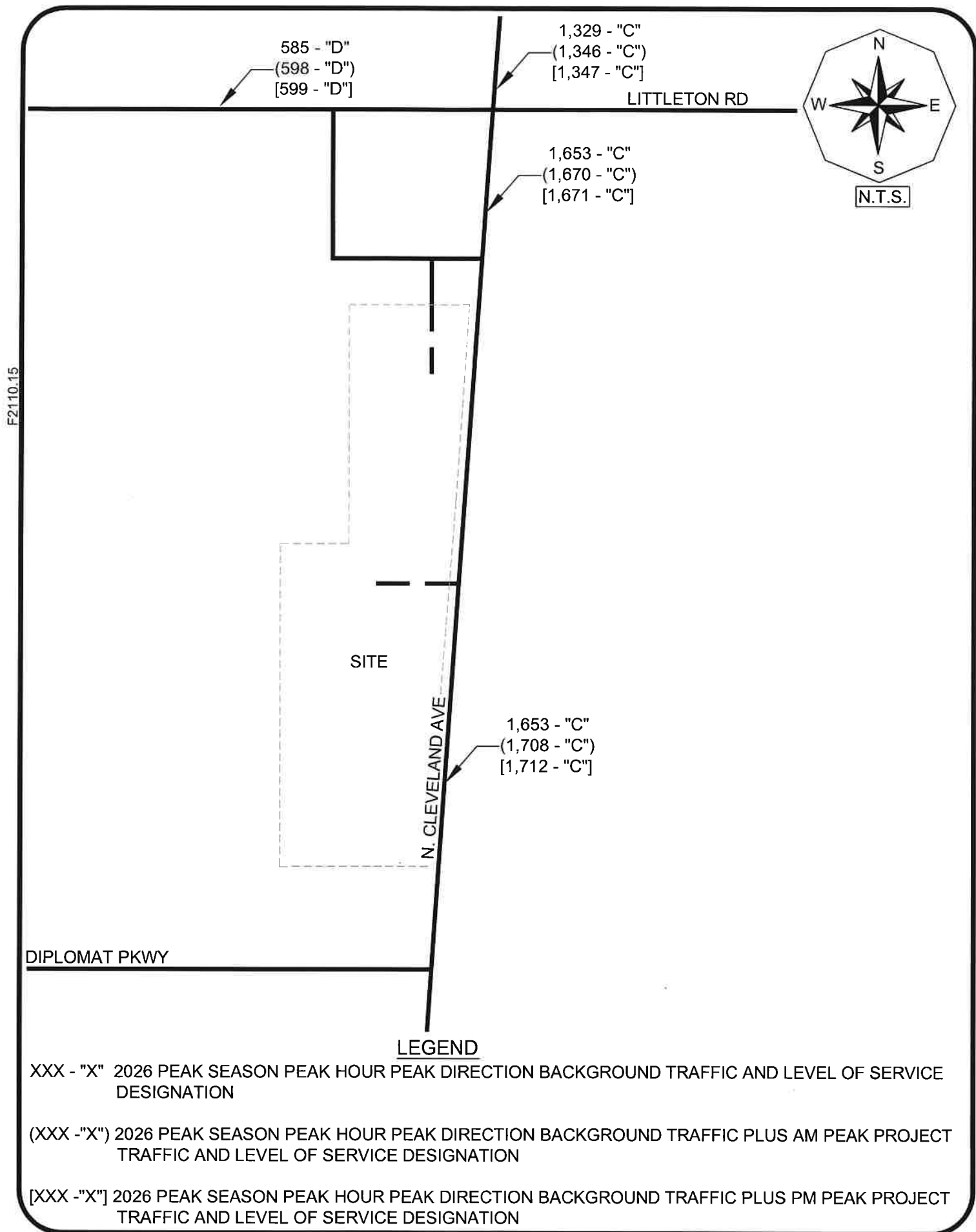


Figure 3 indicates the year 2026 peak hour – peak direction traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 3 is the peak hour – peak direction volume and Level of Service of each link should no development occur on the subject site and the peak hour – peak direction volume and Level of Service for the weekday A.M. and P.M. peak hours with the development traffic added to the roadways. This figure is derived from Table 2A contained in the Appendix.

VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

Adverse impacts are defined as a degradation of the Level of Service beyond the adopted Level of Service Thresholds for those links as indicated in Table 1A. In comparing the links' functional classification and calculated 2026 traffic volumes to the Service Volume Tables, it was determined that all analyzed roadway segments are projected to operate above the minimum adopted Level of Service in 2026 both with and without the proposed development. Therefore, roadway capacity improvements will not be warranted as a result of the additional traffic to be generated by the proposed development. As previously mentioned, the proposed rezoning request will be a “down zoning” from what is currently permitted.

Turn lane improvements at the proposed site access drives will be evaluated at the time the project seeks a Local Development Order approval.





VIII. CONCLUSION

The proposed development is located 15781 North Cleveland Avenue (US 41) in Lee County, Florida. The proposed rezoning request will be a “down zoning” from what is currently permitted on site.

The Level of Service analysis conducted as part of this report indicates US 41 and Littleton Road to operate above the minimum adopted Level of Service in 2026 both with and without the proposed development. Therefore, roadway capacity improvements will not be warranted as a result of the additional traffic to be generated by the proposed development. The zoning amendment as proposed is consistent with the goals and objectives of the Lee County Comprehensive Plan in that there is sufficient roadway capacity projected to accommodate the anticipated development.

APPENDIX

TABLE 1A & 2A

TABLE 1A
PEAK DIRECTION PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES
MIVO NORTH FORT MYERS

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 111 VPH IN= 26 OUT= 85
 TOTAL PM PEAK HOUR PROJECT TRAFFIC = 143 VPH IN= 90 OUT= 53

<u>ROADWAY</u>	<u>SEGMENT</u>	<u>ROADWAY</u> <u>CLASS</u>	<u>LOS A</u> <u>VOLUME</u>	<u>LOS B</u> <u>VOLUME</u>	<u>LOS C</u> <u>VOLUME</u>	<u>LOS D</u> <u>VOLUME</u>	<u>LOS E</u> <u>VOLUME</u>	PERCENT		
								PROJECT	PROJECT	PROJ/
								TRAFFIC	TRAFFIC	LOS C
US 41	N. of Littleton Rd	4LD	0	0	2,005	2,100	2,100	20%	18	0.9%
	N. of Site	4LD	0	0	2,005	2,100	2,100	20%	18	0.9%
	S. of Site	4LD	0	0	2,005	2,100	2,100	65%	59	2.9%
Littleton Rd	W. of US 41	2LU	0	0	310	660	740	15%	14	4.4%

* Level of Service thresholds were obtained from the Lee County Generalized Level of Service Volumes on Arterials.

* Level of Service Thresholds for State roadways were obtained from the 2020 FDOT Generalized Service Volumes (Table 7).

- Denotes the LOS Standard for each roadway segment

**TABLE 2A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS
MIVO NORTH FORT MYERS**

TOTAL PROJECT TRAFFIC AM =	111	VPH	IN =	26	OUT=	85
TOTAL PROJECT TRAFFIC PM =	143	VPH	IN=	90	OUT=	53

							2019	2026					2026		2026					
							PK HR	PK HR	PK SEASON				PERCENT	BCKGRND		BCKGRND				
							PK SEASON	PEAK DIRECTION					PROJECT	AM PROJ	PM PROJ	+ AM PROJ	+ PM PROJ			
							PEAK DIR. ¹	VOLUME	LOS				TRAFFIC	TRAFFIC	TRAFFIC	VOLUME	LOS	VOLUME	LOS	
ROADWAY	SEGMENT	PCS#	ADT	ADT	GROWTH	RATE														
US 41	N. of Littleton Rd	120079	20,500	25,000	15	2.00%	1,157	1,329	C	20%	17	18	1,346	C	1,347	C				
	N. of Site	125029	27,000	31,500	15	2.00%	1,439	1,653	C	20%	17	18	1,670	C	1,671	C				
	S. of Site	125029	27,000	31,500	15	2.00%	1,439	1,653	C	65%	55	59	1,708	C	1,712	C				
Littleton Rd	W. of US 41	316	7,400	9,500	8	3.17%	470	585	D	15%	13	14	598	D	599	D				

¹ Current peak hour peak season peak direction traffic volumes for all roadways were obtained from the 2020 Lee County Public Facilities Level of Service and Concurrency Report.

* AGR for Littleton Road was calculated based the historical traffic data obtained from 2020 Lee County Traffic Count Report.

* AGR for US 41 was calculated based the historical traffic data obtained from FDOT's Florida Traffic Online webpage.

LEE COUNTY GENERALIZED SERVICE VOLUMES TABLE

c:\input5

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

Arterials						
Class I (40 mph or higher posted speed limit)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	140	800	860	860
2	Divided	*	250	1,840	1,960	1,960
3	Divided	*	400	2,840	2,940	2,940
4	Divided	*	540	3,830	3,940	3,940

Class II (35 mph or slower posted speed limit)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	330	710	780
2	Divided	*	*	710	1,590	1,660
3	Divided	*	*	1,150	2,450	2,500
4	Divided	*	*	1,580	3,310	3,340

Controlled Access Facilities						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	160	880	940	940
2	Divided	*	270	1,970	2,100	2,100
3	Divided	*	430	3,050	3,180	3,180

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

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

**FDOT'S GENERALIZED PEAK HOUR
DIRECTIONAL VOLUMES
TABLE 7**

TABLE 7 Generalized **Peak Hour Directional** Volumes for Florida's
Urbanized Areas

January 2020

INTERRUPTED FLOW FACILITIES						UNINTERRUPTED FLOW FACILITIES					
STATE SIGNALIZED ARTERIALS						FREEWAYS					
Class I (40 mph or higher posted speed limit)						Core Urbanized					
Lanes	Median	B	C	D	E	Lanes	B	C	D	E	
1	Undivided	*	830	880	**	2	2,230	3,100	3,740	4,080	
2	Divided	*	1,910	2,000	**	3	3,280	4,570	5,620	6,130	
3	Divided	*	2,940	3,020	**	4	4,310	6,030	7,490	8,170	
4	Divided	*	3,970	4,040	**	5	5,390	7,430	9,370	10,220	
						6	6,380	8,990	11,510	12,760	
Class II (35 mph or slower posted speed limit)						Urbanized					
Lanes	Median	B	C	D	E	Lanes	B	C	D	E	
1	Undivided	*	370	750	800	2	2,270	3,100	3,890	4,230	
2	Divided	*	730	1,630	1,700	3	3,410	4,650	5,780	6,340	
3	Divided	*	1,170	2,520	2,560	4	4,550	6,200	7,680	8,460	
4	Divided	*	1,610	3,390	3,420	5	5,690	7,760	9,520	10,570	
Non-State Signalized Roadway Adjustments						Freeway Adjustments					
(Alter corresponding state volumes by the indicated percent.)						Auxiliary Lane + 1,000 Ramp Metering + 5%					
Non-State Signalized Roadways - 10%											
Median & Turn Lane Adjustments						UNINTERRUPTED FLOW HIGHWAYS					
Lanes	Median	Exclusive Left Lanes	Exclusive Right Lanes	Adjustment Factors		Lanes	Median	B	C	D	E
1	Divided	Yes	No	+5%		1	Undivided	580	890	1,200	1,610
1	Undivided	No	No	-20%		2	Divided	1,800	2,600	3,280	3,730
Multi	Undivided	Yes	No	-5%		3	Divided	2,700	3,900	4,920	5,600
Multi	Undivided	No	No	-25%		Uninterrupted Flow Highway Adjustments					
—	—	—	Yes	+ 5%		Lanes	Median	Exclusive left lanes	Adjustment factors		
One-Way Facility Adjustment						1	Divided	Yes	+5%		
Multiply the corresponding directional volumes in this table by 1.2						Multi	Undivided	Yes	-5%		
						Multi	Undivided	No	-25%		
BICYCLE MODE²						¹ Values shown are presented as peak hour directional volumes for levels of service and are for the automobile/truck modes unless specifically stated. This table does not constitute a standard and should be used only for general planning applications. The computer models from which this table is derived should be used for more specific planning applications. The table and deriving computer models should not be used for corridor or intersection design, where more refined techniques exist. Calculations are based on planning applications of the HCM and the Transit Capacity and Quality of Service Manual.					
(Multiply vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.)						² Level of service for the bicycle and pedestrian modes in this table is based on number of vehicles, not number of bicyclists or pedestrians using the facility.					
Paved Shoulder/Bicycle						³ Buses per hour shown are only for the peak hour in the single direction of the higher traffic flow.					
Lane Coverage	B	C	D	E		* Cannot be achieved using table input value defaults.					
0-49%	*	150	390	1,000		** Not applicable for that level of service letter grade. For the automobile mode, volumes greater than level of service D become F because intersection capacities have been reached. For the bicycle mode, the level of service letter grade (including F) is not achievable because there is no maximum vehicle volume threshold using table input value defaults.					
50-84%	110	340	1,000	>1,000		Source:					
85-100%	470	1,000	>1,000	**		Florida Department of Transportation					
PEDESTRIAN MODE²						Systems Implementation Office					
(Multiply vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.)						https://www.fdot.gov/planning/systems/					
Sidewalk Coverage	B	C	D	E							
0-49%	*	*	140	480							
50-84%	*	80	440	800							
85-100%	200	540	880	>1,000							
BUS MODE (Scheduled Fixed Route)³											
(Buses in peak hour in peak direction)											
Sidewalk Coverage	B	C	D	E							
0-84%	> 5	≥ 4	≥ 3	≥ 2							
85-100%	> 4	≥ 3	≥ 2	≥ 1							

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

5/25/2020

LEE COUNTY Road Link Volumes (County- and State-Maintained Roadways)

LINK NO.	NAME	ROADWAY LINK		ROAD TYPE	PERFORMANCE STANDARD		2019 100TH HIGHEST HOUR		FORECAST FUTURE		NOTES
		FROM	TO		LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	
13500	IMPERIAL PKWY	COUNTY LINE	BONITA BEACH RD	4LD	E	1,920	B	1,017	B	1,069	*
13550	IMPERIAL PKWY	E TERRY ST	COCONUT RD	4LD	E	1,920	B	1,015	B	1,067	
13600	IONA RD	DAVIS RD	McGREGOR BLVD	2LN	E	860	C	381	C	460	
13700	ISLAND PARK RD	PARK RD	US 41	2LN	E	860	C	79	C	251	
13800	JOEL BLVD	BELL BLVD	18TH ST	4LN	E	2,120	B	660	B	876	Joel Blvd CPD
13900	JOEL BLVD	18TH ST	SR 80	2LN	E	1,010	D	495	D	520	
14000	JOHN MORRIS RD	BUNCHE BEACH	SUMMERLIN RD	2LN	E	860	C	62	C	72	old count projection
14100	JOHN MORRIS RD	SUMMERLIN RD	IONA RD	2LN	E	860	C	256	C	267	
14200	KELLY RD	McGREGOR BLVD	SAN CARLOS BLVD	2LN	E	860	C	277	C	291	
14300	KELLY RD	SAN CARLOS BLVD	PINE RIDGE RD	2LN	E	860	C	106	C	120	old count projection(2010)
14500	LAUREL DR	BUS 41	BREEZE DR	2LN	E	860	C	324	C	340	*
14600	LEE BLVD	SR 82	ALVIN AVE	6LD	E	2,840	B	2,202	B	2,318	
14700	LEE BLVD	ALVIN AVE	GUNNERY RD	6LD	E	2,840	B	2,161	B	2,340	
14800	LEE BLVD	GUNNERY RD	HOMESTEAD RD	6LD	E	2,840	B	2,131	B	2,240	
14900	LEE BLVD	HOMESTEAD RD	WILLIAMS AVE	4LD	E	1,980	B	630	B	662	
14930	LEE BLVD	WILLIAMS AVE	LEELAND HEIGHTS	2LN	E	1,020	B	630	B	665	
15000	LEE RD	SAN CARLOS BLVD	ALICO RD	2LN	E	860	C	544	D	614	old count projection(2015)
15100	LEELAND HEIGHTS	HOMESTEAD RD	JOEL BLVD	4LN	E	1,800	B	832	B	867	*
15200	LEONARD BLVD	GUNNERY RD	WESTGATE BLVD	2LN	E	860	D	650	D	706	
15300	LITTLETON RD	CORBETT RD	US 41	2LN	E	860	C	470	C	494	
15400	LITTLETON RD	US 41	BUS 41	2LN	E	860	C	417	C	439	*
15500	LUCKETT RD	ORTIZ AVE	I-75	2LN	E	880	B	326	B	401	4 Ln design & ROW
15600	LUCKETT RD	I-75	COUNTRY LAKES DR	2LN	E	860	C	273	C	287	
15700	MAPLE DR*	SUMMERLIN RD	2ND AVE	2LN	E	860	C	77	C	89	old count projection
15800	McGREGOR BLVD	SANIBEL T PLAZA	HARBOR DR	4LD	E	1,960	B	1,153	B	1,212	
15900	McGREGOR BLVD	HARBOR DR	SUMMERLIN RD	4LD	E	1,960	B	1,114	B	1,170	
16000	McGREGOR BLVD	SUMMERLIN RD	KELLY RD	4LD	E	1,960	A	964	B	1,022	
16100	McGREGOR BLVD	KELLY RD	GLADIOLUS DR	4LD	E	1,960	A	964	A	1,013	
16200	McGREGOR BLVD (SR 867)	OLD McGREGOR BLVD/G	IONA LOOP RD	4LD	D	2,100	C	1,594	C	1,731	
16300	McGREGOR BLVD (SR 867)	IONA LOOP RD	PINE RIDGE RD	4LD	D	2,100	C	1,594	C	1,731	
16400	McGREGOR BLVD (SR 867)	PINE RIDGE RD	CYPRESS LAKE DR	4LD	D	2,100	C	1,832	D	2,082	
16500	McGREGOR BLVD (SR 867)	CYPRESS LAKE DR	COLLEGE PKWY	4LD	D	2,100	C	1,832	D	2,082	
16600	McGREGOR BLVD (SR 867)	COLLEGE PKWY	WINKLER RD	2LN	D	924	C	792	C	861	Constrained
16700	McGREGOR BLVD (SR 867)	WINKLER RD	TANGLEWOOD BLVD	2LN	D	970	C	1,187	C	1,260	Constrained
16800	McGREGOR BLVD (SR 867)	TANGLEWOOD BLVD	COLONIAL BLVD	2LN	D	970	C	1,187	C	1,260	Constrained
16900	METRO PKWY (SR 739)	SIX MILE PKWY	DANIELS PKWY	6LD	D	3,171	C	1,123	C	1,391	
17000	METRO PKWY (SR 739)	DANIELS PKWY	CRYSTAL DR	4LD	D	2,100	C	1,193	C	1,441	
17100	METRO PKWY (SR 739)	CRYSTAL DR	DANLEY DR	4LD	D	2,100	C	1,544	C	1,764	
17200	METRO PKWY (SR 739)	DANLEY DR	COLONIAL BLVD	4LD	D	2,100	C	1,615	C	1,845	
	MICHAEL RIPPE PKWY	US 41	SIX MILES PKWY	6LD	D	3,171	C	1,381	C	1,945	
17600	MILWAUKEE BLVD	ALABAMA BLVD	BELL BLVD	2LN	E	860	C	171	C	180	
17700	MILWAUKEE BLVD	BELL BLVD	COLUMBUS BLVD	2LN	E	860	C	171	C	183	
17800	MOODY RD	HANCOCK B. PKWY	PONDELLA RD	2LN	E	860	C	182	C	206	old count projection(2009)
17900	NALLE GRADE RD	SLATER RD	NALLE RD	2LN	E	860	C	68	C	71	
18000	NALLE RD	SR 78	NALLE GRADE RD	2LN	E	860	C	114	C	134	
18100	NEAL RD	ORANGE RIVER BLVD	BUCKINGHAM RD	2LN	E	860	C	120	C	126	
18200	NO RIVER RD	SR 31	FRANKLIN LOCK RD	2LN	E	1,140	A	156	B	275	
18300	NO RIVER RD	FRANKLIN LOCK RD	BROADWAY RD	2LN	E	1,140	A	156	B	301	
18400	NO RIVER RD	BROADWAY RD	COUNTY LINE	2LN	E	1,140	A	108	A	141	
18900	OLGA RD*	SR 80 W	SR 80 E	2LN	E	860	C	82	C	95	old count projection
19100	ORANGE GROVE BLVD	CLUB ENTR.	HANCOCK B. PKWY	2LN	E	860	C	393	C	488	old count(2009)
19200	ORANGE GROVE BLVD	HANCOCK B. PKWY	PONDELLA RD	4LN	E	1,790	C	590	C	620	
19300	ORANGE RIVER BLVD	SR 80	STALEY RD	2LN	E	1,000	C	427	C	449	
19400	ORANGE RIVER BLVD	STALEY RD	BUCKINGHAM RD	2LN	E	1,000	C	427	C	461	
19500	ORIOLE RD	SAN CARLOS BLVD	ALICO RD	2LN	E	860	C	130	C	136	
19600	ORTIZ AVE	COLONIAL BLVD	SR 82	2LN	E	900	B	764	C	803	
19700	ORTIZ AVE	SR 82	LUCKETT RD	2LN	E	900	B	749	C	788	4 Ln design & ROW
19800	ORTIZ AVE	LUCKETT RD	SR 80	2LN	E	900	B	382	B	402	4 Ln design & ROW
19900	PALM BEACH BLVD (SR 80)	PROSPECT AVE	ORTIZ AVE	4LD	D	2,100	C	1,175	C	1,310	
20000	PALM BEACH BLVD (SR 80)	ORTIZ AVE	I-75	6LD	D	3,171	C	1,199	C	1,310	
20100	PALM BEACH BLVD (SR 80)	I-75	SR 31	6LD	D	3,171	C	1,701	C	2,056	
20200	PALM BEACH BLVD (SR 80)	SR 31	BUCKINGHAM RD	4LD	D	2,100	C	1,774	C	1,824	
20300	PALM BEACH BLVD (SR 80)	BUCKINGHAM RD	WERNER DR	4LD	D	3,280	B	1,361	B	1,421	
20330	PALM BEACH BLVD (SR 80)	WERNER DR	JOEL BLVD	4LD	C	1,607	C	1,180	C	1,254	
20400	PALM BEACH BLVD (SR 80)	JOEL BLVD	HENDRY CO. LINE	4LD	C	2,210	B	954	B	1,006	
20500	PALOMINO LN	DANIELS PKWY	PENZANCE BLVD	2LN	E	860	C	395	C	418	
20600	PARK MEADOWS DR	SUMMERLIN RD	US 41	2LN	E	860	C	197	C	207	
20800	PENZANCE BLVD	RANCHETTE RD	SIX MILE PKWY	2LN	E	860	C	173	C	185	
20900	PINE ISLAND RD	STRINGFELLOW RD	BURNT STORE RD	2LN	E	950	E	607	E	657	Constrained

5/25/2020

LEE COUNTY Road Link Volumes (County- and State-Maintained Roadways)

LINK NO.	NAME	ROADWAY LINK		ROAD TYPE	PERFORMANCE STANDARD		2019 100TH HIGHEST HOUR		FORECAST FUTURE		NOTES
		FROM	TO		LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	
30300	US 41 (S TAMIAMI TR)	BRIARCLIFF RD	SIX MILE PKWY	6LD	D	3,171	C	2,905	D	3,092	
30400	US 41 (S TAMIAMI TR)	SIX MILE PKWY	DANIELS PKWY	6LD	D	3,171	C	2,518	C	2,752	
30500	US 41 (CLEVELAND AVE)	DANIELS PKWY	COLLEGE PKWY	6LD	D	3,171	C	2,615	C	2,924	SR 739 6 laning Design & ROW programmed
30600	US 41 (CLEVELAND AVE)	COLLEGE PKWY	SOUTH RD	6LD	D	3,171	C	2,615	D	3,100	SR 739 6 laning Design & ROW programmed
30700	US 41 (CLEVELAND AVE)	SOUTH RD	BOY SCOUT RD	6LD	D	3,171	C	2,734	D	3,100	SR 739 6 laning Design & ROW programmed
30800	US 41 (CLEVELAND AVE)	BOY SCOUT RD	NORTH AIRPORT RD	6LD	D	3,171	C	2,395	C	2,744	SR 739 6 laning Design & ROW programmed
30810	US 41 (CLEVELAND AVE)	NORTH AIRPORT RD	COLONIAL BLVD	6LD	D	3,171	C	2,395	C	2,744	
30900	US 41 (CLEVELAND AVE)	CITY LIMITS	N. KEY DR	4LD	D	2,100	D	2,068	F	2,347	
31000	US 41 (CLEVELAND AVE)	N. KEY DR	HANCOCK B. PKWY	4LD	D	2,100	D	2,068	F	2,347	
31100	US 41 (CLEVELAND AVE)	HANCOCK B. PKWY	PONDELLA RD	4LD	D	2,100	D	2,068	F	2,347	
31200	US 41 (CLEVELAND AVE)	PONDELLA RD	SR 78	4LD	D	2,100	C	1,439	C	1,556	
31300	US 41 (CLEVELAND AVE)	SR 78	LITTLETON RD	4LD	D	2,100	C	1,439	C	1,556	
31400	US 41 (N TAMIAMI TR)	LITTLETON RD	BUS 41	4LD	D	2,100	C	1,157	C	1,374	
31500	US 41 (N TAMIAMI TR)	BUS 41	DEL PRADO BLVD	4LD	D	2,100	C	1,157	C	1,374	
31600	US 41 (N TAMIAMI TR)	DEL PRADO BLVD	CHARLOTTE CO. LINE	4LD	D	2,100	C	1,847	C	2,001	
27200	VETERANS MEM. PKWY	SR 78	CHIUQUITA	4LD	D	2,040	A	818	A	860	
27300	VETERANS MEM. PKWY	CHIUQUITA	SKYLINE	4LD	D	2,040	F	2,159	F	2,269	old count projection(2010)
27400	VETERANS MEM. PKWY	SKYLINE	SANTA BARBARA BLVD	6LD	D	3,080	A	2,179	B	2,290	*
27500	VETERANS MEM. PKWY	SANTA BARBARA BLVD	COUNTRY CLUB BLVD	6LD	D	3,080	B	2,764	B	2,905	
27600	VETERANS MEM. PKWY	COUNTRY CLUB BLVD	MIDPOINT BRDG TOLL P	6LD	D	3,080	B	2,830	B	2,975	
27700	VETERANS MEM. PKWY	MIDPOINT BRDG TOLL P	MCGREGOR BLVD	4LB	D	4,000	D	3,149	D	3,310	
29000	W. 6TH ST	WILLIAMS AVE	JOEL BLVD	2LN	E	860	C	196	C	206	
29100	W. 12TH ST	GUNNERY RD	SUNSHINE BLVD	2LN	E	860	C	234	C	246	
29200	W. 12TH ST	SUNSHINE BLVD	WILLIAMS AVE	2LN	E	860	C	76	C	168	old count projection(2010)
29300	W. 12TH ST	WILLIAMS AVE	JOEL BLVD	2LN	E	860	C	92	C	104	old count projection(2010)
29400	W. 14TH ST	SUNSHINE BLVD	RICHMOND AVE	2LN	E	860	C	48	C	54	old count projection(2010)
15200	WESTGATE BLVD	GUNNERY RD	LEE BLVD	2LN	E	860	D	724	D	780	
27900	WHISKEY CREEK DR	COLLEGE PKWY	SAUTERN DR	2LD	E	910	C	326	C	342	
28000	WHISKEY CREEK DR	SAUTERN DR	MCGREGOR BLVD	2LD	E	910	C	326	C	342	
28200	WILLIAMS AVE	LEE BLVD	W. 6TH ST	2LN	E	860	D	589	D	627	
28300	WINKLER RD	STOCKBRIDGE DR	SUMMERLIN RD	2LN	E	860	C	461	C	537	old count(2010)
28400	WINKLER RD	SUMMERLIN RD	GLADIOLUS DR	4LD	E	1,520	C	316	C	332	
28500	WINKLER RD	GLADIOLUS DR	BRANDYWINE CIR	2LN	E	880	B	593	B	625	Year 2010 data
28600	WINKLER RD	BRANDYWINE CIR	CYPRESS LAKE DR	2LN	E	880	B	592	B	622	
28700	WINKLER RD	CYPRESS LAKE DR	COLLEGE PKWY	4LD	E	1,780	D	778	D	817	
28800	WINKLER RD	COLLEGE PKWY	MCGREGOR BLVD	2LN	E	800	B	350	B	395	old count projection(Year 2010)
28900	WOODLAND BLVD	US 41	AUSTIN ST	2LN	E	860	C	266	C	300	old count projection(2010)

* Previous Year Data

-  County-Maintained Collector Roadway - Unincorporated Lee County
-  County-Maintained Arterial Roadway - Unincorporated Lee County
-  County-Maintained Arterial/Collector Roadway - Incorporated Lee County
-  State-Maintained Arterial Roadway - Unincorporated Lee County

TRAFFIC DATA FROM THE LEE COUNTY TRAFFIC COUNT REPORT

Updated 2/24/21

Daily Traffic Volume (AADT)

STREET	LOCATION	Sta- tion #	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
LITTLETON RD	W OF US 41	316	7400		6300		7600		8000		9500	
LITTLETON RD	W OF BUSINESS 41	315	6200		5100		6900		7400			
LUCKETT RD	W OF I - 75	317			11400			7300		7400		6900
LUCKETT RD	E OF I-75	506						6500		6200		6200
McGREGOR BLVD	@ SANIBEL TOLL PLAZA	320	15800		16300	23100						
McGREGOR BLVD	AT SANIBEL TOLL PLAZA	<u>120</u>					17900	20600	18400	18000	18200	16400
McGREGOR BLVD	E OF KELLY RD	<u>38</u>	15200	15600	15500	15800	16100	15600	15700	15900	15900	15300
McGREGOR BLVD (SR 867)	S OF PINE RIDGE RD	<u>37</u>	27400	27300	27400	27700	28300	28000	27600	27800	30000	25500
McGREGOR BLVD (SR 867)	N OF A&W BULB RD	<u>126</u>										32200

**TRAFFIC DATA FROM FDOT'S
FLORIDA TRAFFIC ONLINE**

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2020 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 5029 - SR 45/US 41, N OF DIPLOMAT PKWY E LC419

YEAR	AADT	DIRECTION 1		DIRECTION 2		*K FACTOR	D FACTOR	T FACTOR
2020	31500 C	N	15500	S	16000	9.00	52.80	4.10
2019	30000 C	N	14500	S	15500	9.00	53.30	4.70
2018	29500 C	N	14500	S	15000	9.00	53.30	4.30
2017	24000 C	N	12000	S	12000	9.00	53.20	4.90
2016	29500 C	N	14500	S	15000	9.00	56.20	4.10
2015	28500 C	N	14000	S	14500	9.00	54.50	3.90
2014	27000 C	N	13500	S	13500	9.00	54.60	3.70
2013	23500 C	N	11500	S	12000	9.00	59.70	5.30
2012	23500 C	N	11500	S	12000	9.00	54.30	4.30
2011	27500 C	N	13000	S	14500	9.00	55.00	4.00
2010	28500 C	N	13500	S	15000	10.32	57.60	4.50
2009	26000 C	N	12500	S	13500	10.24	54.47	5.20
2008	27000 C	N	13000	S	14000	10.37	58.94	3.90
2007	28500 C	N	13000	S	15500	10.16	54.76	5.30
2006	29000 C	N	13500	S	15500	10.23	54.38	7.30
2005	27000 C	N	12500	S	14500	10.30	54.10	6.70

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE

S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE

V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN

*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2020 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 0079 - SR45/US41, SOUTH OF SR739 & N OF LITTLETON RD LC425

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2020	25000 C	N 12500	S 12500	9.00	52.80	4.90
2019	22500 C	N 11500	S 11000	9.00	53.30	4.90
2018	22500 C	N 11000	S 11500	9.00	53.30	5.40
2017	18200 C	N 9100	S 9100	9.00	53.20	5.50
2016	22000 C	N 11000	S 11000	9.00	56.20	4.70
2015	22000 C	N 11000	S 11000	9.00	54.50	4.80
2014	21000 C	N 10500	S 10500	9.00	54.60	3.80
2013	18500 C	N 9100	S 9400	9.00	59.70	5.00
2012	18500 C	N 9000	S 9500	9.00	54.30	4.80
2011	19600 C	N 9600	S 10000	9.00	55.00	5.20
2010	21000 C	N 10500	S 10500	10.32	57.60	5.20
2009	18200 C	N 9100	S 9100	10.24	54.47	4.50
2008	18800 C	N 9400	S 9400	10.37	58.94	4.80
2007	19400 C	N 9700	S 9700	10.16	54.76	6.10
2006	19600 C	N 9900	S 9700	10.23	54.38	6.30
2005	20500 C	N 10500	S 10000	10.30	54.10	6.50

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE
V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN
*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

Z-09-025

RESOLUTION NUMBER Z-09-025

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, an application was filed by the property owner, Phyllis E. Hallin, Trustee, to rezone 12.86± acres from Agricultural (AG-2) to Commercial Planned Development (CPD), in reference to Diplomat Center; and,

WHEREAS, a public hearing was advertised for July 1, 2009, but then continued and held July 24, 2009, August 13, 2009 and August 14, 2009, with the record held open until August 28, 2009, for written submissions, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2007-00022; and

WHEREAS, a second public hearing was advertised and held on December 7, 2009, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to rezone 12.86± acres from AG-2 to CPD for:

1. A maximum of 107,500 s/f of commercial uses, including a maximum of 100,000 s/f of retail and a maximum of 7,500 s/f of restaurants and a maximum 120 hotel/motel rooms (Option 1); or
2. A maximum of 107,500 s/f of commercial uses, including 83,500 s/f of medical office and a maximum of 24,000 s/f of retail, banks and restaurants and either a hotel/motel with a maximum of 120 hotel/motel rooms (Option 2) or an Assisted Living Facility (ALF) with a maximum of 110 ALF units (Option 2 - ALF Alternate).

Maximum building height requested is 2 stories/45 feet and 6 stories/75 feet for a hotel/motel use only. No development blasting is requested. The development will connect to public potable water and public sanitary sewer service. A Special Case finding was also requested. The property is located in the Central Urban Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions specified in Section B below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

12/7/09 - Z-09-025

1. The development of this project must be substantially consistent with the 2-page Master Concept Plan (MCP) entitled "Master Concept Plan, Diplomat Center, Option 1, Lee County, FL" and "Master Concept Plan, Diplomat Center, Option 2, Lee County, FL," both last revised August 28, 2009, date-stamped "Received Dec 16 2009 Community Development," and attached hereto as Exhibit C.

This development must comply with all requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

Maximum Commercial Floor Area (CPD):

- Option 1: A maximum of 107,500 square feet of commercial uses, including a maximum of 100,000 s/f of retail and a maximum of 7,500 s/f of restaurants and a maximum 120 hotel/motel rooms (MCP Option 1);
or
- Option 2: A maximum of 107,500 square feet of commercial uses, including 83,500 square feet of medical office and a maximum of 24,000 square feet of retail, banks and/or restaurants and **either** a maximum 120 hotel/motel rooms (MCP Option 2) **or** an Assisted Living Facility (ALF) with a maximum of 110 ALF units (MCP Option 2 - ALF Alternate - per Condition 2).

Prior to exceeding 67,500 square feet of commercial retail, the developer must connect to Littleton Road via the easement shown on the approved MCP. No individual retail building or tenant space may exceed 50,000 square feet in floor area. (See Note 2 in Condition 2 below.)

2. **Schedule of Uses**

- A. The following limits apply to the project and uses:

- Accessory Uses and Structures
- Administrative Offices
- Agricultural Uses - See Condition #8.
- Animal, Clinic - Animal Kennel - No outdoor runs
- Assisted Living Facility (ALF) -- 110 units maximum assisted living units 4:1 equivalency ratio per LDC §34-§1494. Any such development must be consistent with LDC §§34-1411, 34-1414 and 34-1494.
- ATM (Automatic Teller Machine)
- Auto Parts Store - No installation
- Automobile Repair and Service - Groups I and II
- Automobile Service Station - Limited to 1 (See Note 1 below.)
- Banks and Financial Establishments, Groups I and II
- Bar or Cocktail Lounge, in conjunction with a hotel/motel only

Boats: Boat Parts Store Boat Repair, and Service, Boat Sales
Must be in compliance with LDC §34-1352.

Building Materials Sales

Business Services, Groups I and II - Excluding bail bonding and armored car services.

Car Wash - Limited to 1 (See Note 1 below.) - Only in conjunction with a Convenience Food and Beverage Store.

Clothing Stores, General - Limited to a maximum 50,000 s/f for each building (See Note 2 below.)

Computer and Data Processing Services

Consumption on Premises, Indoor only. In conjunction with a Group III Restaurant or hotel/motel only. Outdoor seating with a special exception only (Public Hearing Required) - See Condition 11

Convenience Food and Beverage Store - Limited to 1 (See Note 1 below)

Cultural Facilities - Limited to art museums and galleries

Day Care Center, Adult, Child

Department Store - Limited to a maximum 50,000 s/f for each building (See Note 2 below.)

Drive-through for any permitted use

Drug Store/Pharmacy - Limited to 1 stand alone

Essential Services

Essential Service Facilities, Group I only

Excavation, Water Retention (Not to include removal of excavated material from site. *No blasting*).

Fences, Walls

Food and Beverage Service, Limited

Food Stores, Groups I and II - Limited to a maximum 50,000 s/f for each building (See Note 2 below.)

Funeral Home or Mortuary - with or without cremation

Health Care Facilities, Groups I, II and III (but not IV)

Hotel/Motel - Limited to a maximum 120 rooms

Household Office and Furnishings, Groups I and II - No outdoor display or storage

Laundry or Dry Cleaning, Group I only

Lawn and Garden Supply Stores - Limited to a maximum 50,000 s/f for each building. No unscreened outdoor display or storage as it relates to the Lawn and Garden Supply store. (See Note 2 below.)

Medical Offices

Nonstore Retailers, Groups I, II and III

Parcel and Express Services

Package Store - for stand-alone package stores - Limited to 1, but this conditions does not limit package stores as an accessory use and/or as part of a multi-occupancy plaza

Paint, Glass and Wallpaper Store - Limited to a maximum 50,000 s/f for each building. (See Note 2 below.) No outdoor display or storage.

Parking Lot, Accessory

Personal Services, Groups I, II, III and IV - Excluding massage parlors, steam or Turkish Baths, escort services, palm readers, fortune tellers or card readers or tattoo parlors.

Pet Services - No outdoor runs
Pet Shop - No outdoor runs
Pharmacy
Place of Worship
Post Office
Printing and Publishing
Rental or Leasing Establishment, Groups I and II
Repair Shops, Groups I and II
Restaurants, Fast Food - Limited to one stand-alone fast food restaurant within the development, but no limit on the number of fast food restaurants within a multi-occupancy building.
Restaurants, Groups I, II and III
Self Service Fuel Pumps - Limited to a maximum of 16 pumps (See Note 1 below.)
Signs per Chapter 30 of the LDC (including existing billboards)
Social Services, Group I only
Specialty Retail Shops, Groups I, II, III and IV
Storage, Indoor only
Studios
Temporary Uses
Theater, Indoor
Used Merchandise Stores, Groups I and II
Variety Store - Limited to a maximum 50,000 s/f for each building(See Note 2 below.)
Wholesale Establishment, Group III only

NOTE 1: *For Automobile Service Station, Car Wash, Convenience Food and Beverage Store and/or Self Service Fuel Pumps, only one establishment with these uses will be allowed for the entire CPD.*

NOTE 2: *The phrase "limited to a maximum 50,000 square feet for each building" as used herein restricts the maximum individual size/space of the use to 50,000 square feet. There may be more than one 50,000 square foot building or space for the use group. For Example, there may be two or more clothing stores that exceed 50,000 square feet total, but the individual store or tenant space may not exceed 50,000 square feet..*

Site Development Regulations

B. Minimum Lot Area and Dimensions

Lot Size:	10,000 square feet
Lot Width:	100 feet
Lot Depth:	100 feet

Minimum Setbacks *

Street	25 feet (public)/20 feet (private)
Side	15 feet
Rear	20 feet
Water body	25 feet

*(Minimum 30-foot setback for fire protection from indigenous pine flatwoods habitat as identified on the approved MCP.)

Accessory Use and Structure setbacks must comply with Lee County LDC §34-1171, *et seq.* and 34-2194.

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 20 feet

Maximum Lot Coverage: 40%

Maximum Building Height: 2 story/45 feet
6 stories/75 feet (hotel/motel only).

3. **CONCURRENCY**: Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements, including traffic concurrency, prior to issuance of a local development order.
4. **NO BLASTING**: No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.
5. **ACCESSORY USES**: Within the Commercial Planned Development, accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.
6. **TRAFFIC**: Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.
7. **LEE PLAN**: Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function (for commercial uses), as well as all other Lee Plan provisions.

8. **AGRICULTURAL USES:** Agricultural Uses: Existing bona fide agricultural uses on this site are allowed only in strict compliance with the following:
- A. Bona fide agricultural uses that are in existence at the time the application for this project was filed, and as shown on Exhibit D attached hereto, may continue until approval of a local development order for the area of the project containing those uses.
 - B. Additional clearing of trees or other vegetation in agricultural areas is prohibited. Existing areas of bona fide agricultural use may be maintained, i.e., mowed, but not cleared or expanded. This prohibition is not intended to preclude County approved requests for the removal of invasive exotic vegetation.
 - C. Prior to issuance of a local development order, the property owner must provide written proof, subject to approval by the Lee County Attorney's Office, of the following:
 - (1) Termination of all agricultural use on any portion of the property included in the development order application/approval. Proof must include a sworn affidavit from the person or entity holding title to the subject property that specifically provides:
 - a) the date the agricultural uses ceased;
 - b) the legal description of the property subject to the development order approval;
 - c) an affirmative statement that the owner acknowledges and agrees that all agricultural uses are illegal and prohibited on the property and that the owner covenants with the county that they will not allow any such uses on the property unless and until the property is re-zoned to permit such uses; and
 - d) that the affidavit constitutes a covenant between the owner and the county that is binding on the owner and their assignees and successors in interest.

The covenant must be properly recorded in the public records of the county at the owner's expense.
 - (2) Termination of the agricultural tax exemption for any portion of the property included in the development order application/approval. Proof as to termination must include of a copy of the request to terminate the tax exemption provided to the Lee County Property Appraiser.

9. **WATER AND SEWER:** Development of this project must connect to both public water and public sewer. At time of local development order, the developer must also demonstrate there is adequate water and sewer capacity to handle level of development as proposed in the development order submittal.
10. **BUFFER ENHANCEMENT:** All required buffers must utilize 100% all native vegetation.
11. **CONSUMPTION ON PREMISES:**
 - A. Consumption on premises (indoor) is permitted only in conjunction with a Group III Restaurant or hotel/motel.
 - B. No sale, service or consumption of alcoholic beverages will be permitted without the sale or availability of food and non-alcoholic beverages on the same premises.
 - C. Outdoor consumption on premises may only be approved by Special Exception. A public hearing is required. The applicant must provide adequate detail of the outdoor seating area consistent with the requirements of the LDC.
12. **ACCESS TO US 41:** The proposed project access points on US 41 will be subject to approval of the Florida Department of Transportation.
13. **DESIGN STANDARDS**
 - A. Prior to local development order approval, the exterior elevations must be done in substantial compliance with the Diplomat - Proposed Architectural Identity Exhibit, attached as Exhibit E.
 - B. These designs are preliminary and subject to changes in conformance with this resolution and the Lee County LDC, including Article IV, §10-600 "Design Standards and Guidelines for Commercial Buildings and Developments."
14. **SOLID WASTE/RECYCLING:** Prior to local development order approval for vertical development, the Developer must provide facilities in compliance with LDC §10-261 and Lee County Solid Waste Ordinance #08-10 for the pick up/disposal of solid waste and recyclables. The minimum area required for and specific locations of, these facilities will be reviewed at the time of local development order application.
15. **INTERNAL SIDEWALKS:** Development must include internal sidewalks as a site-related improvement, in order to achieve a safe means of connecting internal uses and buildings and connecting with adjacent uses. Such facilities must be included in local development orders as part of construction of the project's infrastructure.

16. **SIGNAGE**: Proposed signage must be designed with a common architectural theme consistent with the applicable Diplomat - Proposed Architectural Identity Exhibit attached as Exhibit E.
17. **PLAT**: A plat in accordance with Florida Statutes Chapter 177 is required for the project unless one of the following requirements is met:
- A. It is developed as a single-entity ownership that only leases space within the project (with no out-parcels); or
 - B. It is developed as a condominium under Florida Statutes Chapter 718; or
 - C. A legal lot split is obtained in accordance with LDC §10-174(5).

If required, the plat must be recorded in the Public Records of Lee County, Florida, before the first Certificate of Occupancy is issued for any building on the project site.

18. **INDIGENOUS VEGETATION**: Prior to local development order approval:
- A. The Developer's surveyor will stake the limits of the Indigenous Preserve, to include trees, and the 50-foot wide native tree buffer, as shown on the approved MCP, and the nearest proposed improvements, i.e., back of curb, toe of fill slope, back of retaining walls, etc., in the field. The Developer's representatives and Lee County Division of Environmental Sciences' (ES) staff will inspect the aforementioned stakes in the field for approval and document any specific construction methods that must be used to insure no impact to the Indigenous Preserves; and
 - B. The development order plans must depict the 1.1-acre Northwest Indigenous Preserve, with a minimum of 0.28 acre credits taken, a minimum of 0.4-acre Southwest Indigenous Preserve, and a 0.31-acre native tree 50-foot wide right-of-way buffer, as field approved by ES staff, for a minimum total of 2.09 acres indigenous preserve/native tree buffer with credits taken; and
 - C. The development order plans must depict the southeast corner of the northwest indigenous preserve containing the two heritage tree clusters being visible to vehicles entering the north project entrance off of U.S. 41. Any proposed parking and/or access road adjacent to these heritage tree clusters must provide open space area abutting this portion of the preserve and must be creatively designed to visually enhance the north project entrance. The open space area must incorporate native clump grasses and/or other native ground cover and may include other native vegetation, signage, ornamental features, sidewalks, etc., which compliment the preserve.

19. **HERITAGE TREES:** Prior to local development order approval, landscape plans must depict heritage trees located within the development footprint, that are determined to be of good health as per a Certified Arborist, must be incorporated in the internal open space (i.e., perimeter planting and/or enlarged landscape areas), or must be replaced with 20-foot-tall like species to a suitable open space area where final site design constraints (i.e., fill requirements, cross access, and entrance roads) do not allow preservation.
20. **DETENTION AREAS:** Prior to local development order approval, landscaping plan must depict dry detention area abutting the indigenous preserves planted to include native herbaceous vegetation and/or native clump grasses, in lieu of sod or seeding. The plan must include specific types, sizes (no bareroot), and densities (calculated at 3-foot on-center) to be reviewed by the ES and Lee County Division of Development Services Staff. Plantings may be clustered to assist with the function and maintenance of the water management facilities. Plantings may not be used to meet the general tree requirements.

SECTION C. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan
- Exhibit D: Bona Fide Agricultural Uses
- Exhibit E: Diplomat - Proposed Architectural Identity Exhibit

The applicant has indicated that the STRAP number for the subject property is:
34-43-24-00-00001.3020

SECTION D. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - c. is compatible with existing or planned uses in the surrounding area;
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and

- e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
- a. the proposed use or mix of uses is appropriate at the subject location;
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The applicant has demonstrated that it meets the "Special Case" standard as set out in Lee Plan Policy 6.1.2 (8).

Commissioner Ray Judah made a motion to adopt the foregoing resolution, seconded by Commissioner Tammara Hall. The vote was as follows:

Robert P. Janes	Absent
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 7th day of December, 2009.

ATTEST:
CHARLIE GREEN, CLERK

BY: *Anna A. Pierce*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *Tammara Hall*
Tammara Hall, Chair

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MINUTES OFFICE
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Approved as to form by:

John J. Fredyma
John J. Fredyma
Assistant County Attorney
County Attorney's Office



LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND CONCRETE MONUMENT MARKING THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD NO. 45) (TAMIAMI TRAIL) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING OF SOUTH 03°47'10" WEST TO A FOUND FLORIDA STATE ROAD DEPARTMENT RIGHT-OF-WAY CONCRETE MONUMENT AND A POINT OF TANGENCY; THENCE SOUTH 03°25'50" WEST ALONG SAID WESTERLY RIGHT-OF-WAY FOR 1226.37 FEET TO THE POINT OF BEGINNING THENCE CONTINUE SOUTH 03°25'50" WEST ALONG SAID WESTERLY RIGHT-OF-WAY FOR 1112.01 FEET TO A SET IRON PIN; THENCE NORTH 89°54'50" WEST FOR 500.85 FEET TO A SET IRON PIN; THENCE NORTH 03°25'50" EAST FOR 1128.64 FEET TO A SET IRON PIN ON THE SOUTHERLY LINE OF SERENDIPITY SOUTH MOBILE HOME PARK; THENCE SOUTH 89°54'50" EAST ALONG SAID SOUTHERLY LINE FOR 100.52 FEET TO THE SOUTHEAST CORNER OF SAID SERENDIPITY SOUTH MOBILE HOME PARK REFERENCED BY A FOUND CONCRETE MONUMENT LYING 0.18 FEET NORTH AND 0.55 FEET EAST OF SAID DESCRIBED CORNER; THENCE SOUTH 87°49'10" EAST FOR 399.74 FEET TO THE POINT OF BEGINNING.

[CONTAINING 12.86 ACRES MORE OR LESS.]

DCI2007-00022

Applicant's Legal Checked

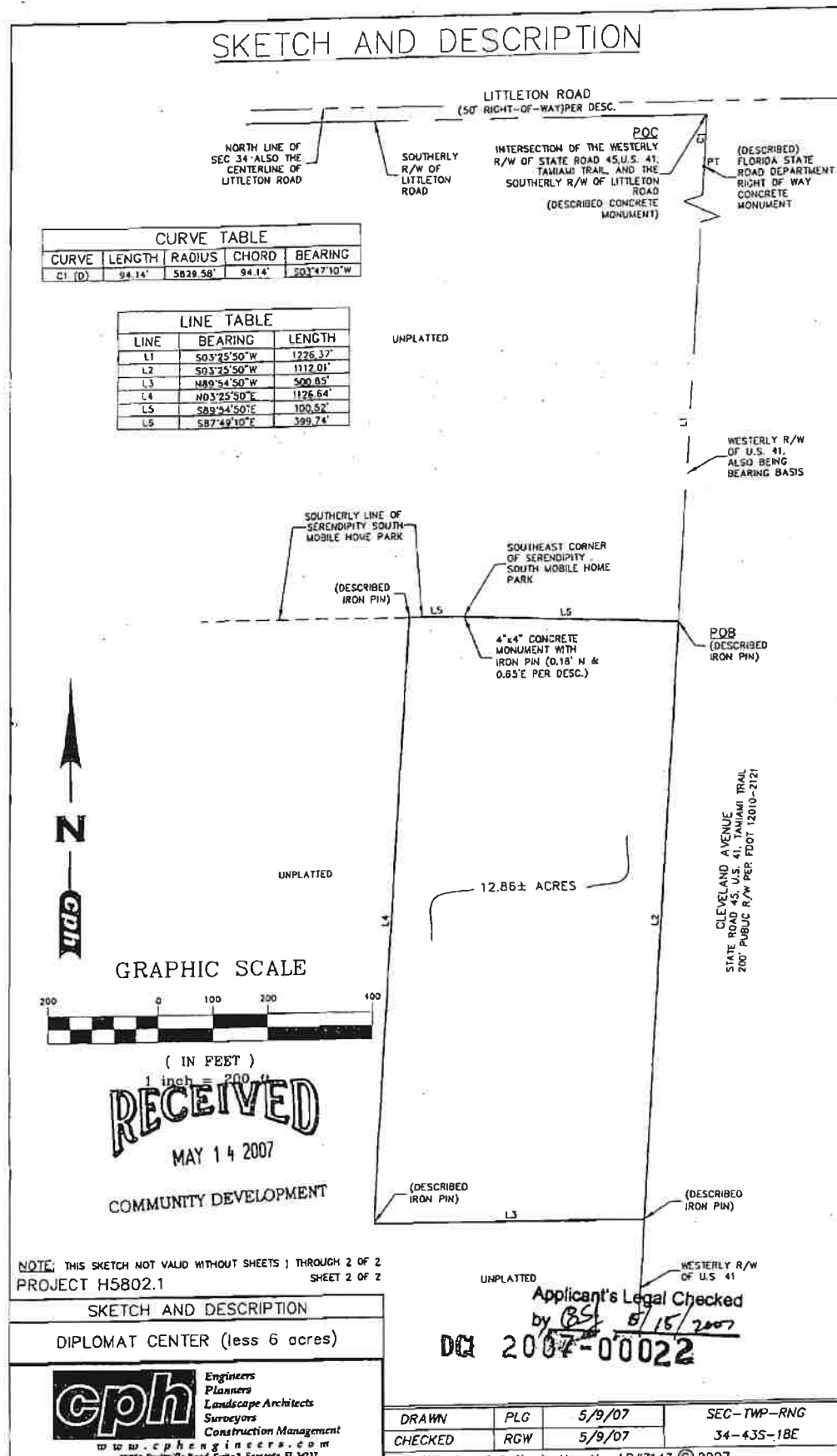
by BSJ 4-30-08

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COMMUNITY DEVELOPMENT

EXHIBIT "A"
(Page 1 of 2)



DCI2007-00022

Zoning Map

4/29/2009

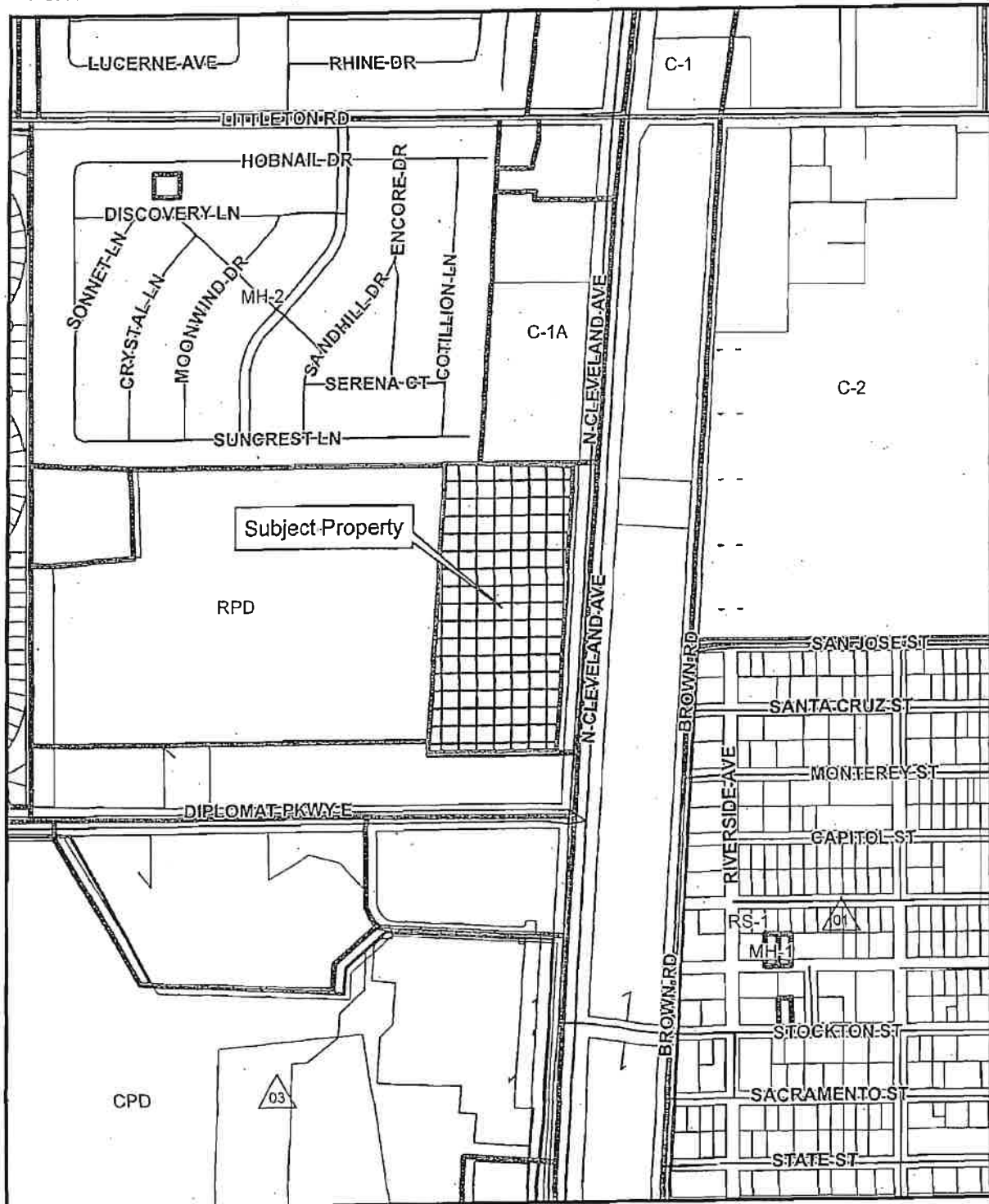


EXHIBIT "B"

250 125 0 250 500
Feet

[illegible]

[illegible]

DCI 2007-00022

**BONA FIDE AGRICULTURAL USES AT TIME OF
ZONING APPLICATION AFFIDAVIT**

RECEIVED
APR 01 2009

**STATE OF FLORIDA
COUNTY OF SARASOTA**

COMMUNITY DEVELOPMENT

BEFORE ME, the undersigned notary public, on this 16 day of May, 2008, personally appeared Phyllis Hallin, Managing Member, of the Hallin Family, LLC, who is personally known to me and who, after first being duly sworn, deposes and says that:

1. She is an authorized representative of the corporate entity that owns the Property described and shown in Exhibit "A" attached hereto and incorporated herein by reference.
2. The Property is currently being utilized for a bona fide agricultural purpose.
3. The specific agricultural activity occurring on the Property is production of feeder cattle. Production occurs over the entire 19.41 acres of the Property.
4. The specific location and type of ongoing agricultural use is set forth on the sketch of the Property attached hereto as Exhibit "B" and incorporated herein by reference.
5. Prior to the issuance of a development order for the property, the owner of the Property will provide written proof, acceptable to the Office of the Lee County Attorney, that agricultural use has been terminated on any portion of Property included in the development order application. Proof will be provided in the form of a sworn affidavit from the owner that specifically identifies the date the agricultural uses ceased, the legal description of the property subject to the development order, a statement from the owner acknowledging that all agricultural uses are illegal and prohibited on the portion of the Property subject to the development order, and a statement from the owner that the affidavit constitutes a covenant between the owner and the County that is binding on the owner, its assignees and successors in interest. Proof as to termination will also include a copy of the request to terminate the tax exemption provided to the Lee County Property Appraiser.

FURTHER AFFIANT SAYETH NAUGHT

Phyllis Hallin
Phyllis Hallin, Managing Member

The foregoing instrument was sworn to and subscribed before me this 16 day of May, 2008, by Phyllis Hallin, who is personally known to me or produced _____ as identification.

My Commission Expires: 09-06-2009

Andrea Vigil
Notary Public



EXHIBIT A

RECEIVED
APR 01 2009

COMMUNITY DEVELOPMENT

A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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(CONTAINING 845,501 SQUARE FEET, 19.41 ACRES MORE OR LESS.)

DCI 2007-00022

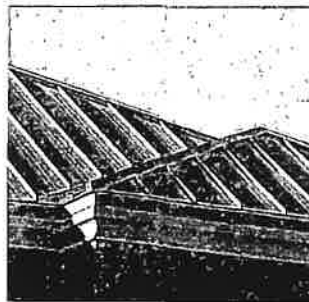


Diplomat ~ Proposed Architectural Identity

Overall character to mostly emulate architectural features and materials associated with a Keywest image. Detail and accents along the lines of traditional Colonial features.

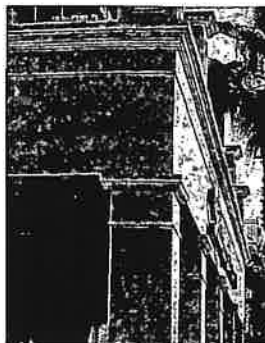
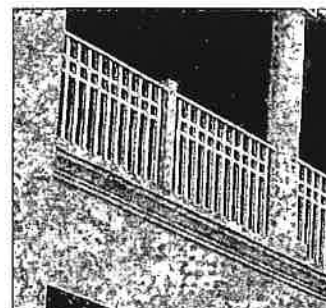
Roof

- Pitched Roofs & Mansards
- Varied gable and hip roofs
- Standing Seam Roofing
- Predominantly medium pitch roofs



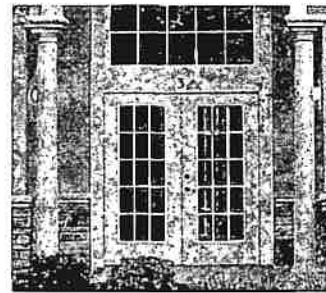
Decorative features

- Bermuda shutters
- Decorative railings
- Accent columns and Arcades
- Trim, Cornice, window frames to be white or predominantly lighter than field colors



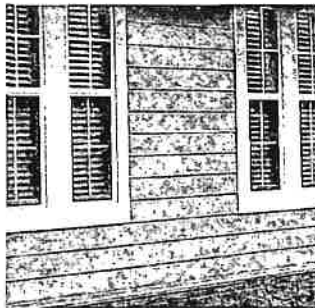
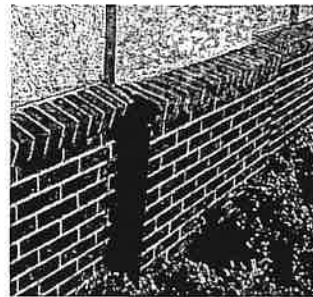
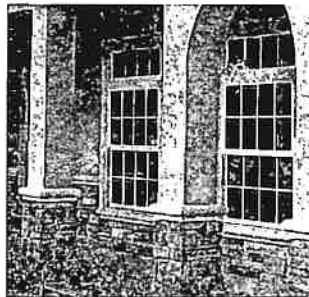
Windows

- Vertical emphasis
- Predominantly white trim, some dark accent trim applied by floor
- Divided lights with vertical emphasis



Wall Finishes

- Horizontal siding as dominant finish
- Stucco as field finish
- Brick or Stone articulated base



ADD2020-00054

ADMINISTRATIVE AMENDMENT (PD) ADD2020-00054

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Hallin Family, LLC, filed an application for an administrative amendment to a Commercial Planned Development (CPD) on a project known as Diplomat Center to include the use of multi-family dwelling units as an alternate development option on property located at 15781 North Cleveland Avenue; and

WHEREAS, the applicant has indicated the property's current STRAP number is 34-43-24-00-00001.3020 (see Exhibit "A"); and

WHEREAS, the property was originally rezoned to CPD by Resolution Number Z-09-025, with no subsequent zoning actions to date; and

WHEREAS, the subject property is located in the Central Urban Future Land Use Category as well as the Mixed Use Overlay (MUO) and the North Fort Myers Planning Community, all designated by the Lee County Comprehensive Plan (Lee Plan); and

WHEREAS, Option 1. of Resolution Z-09-025 approved a maximum of 107,500 square feet of commercial uses (100,000 square feet of retail use, 7,500 square feet of restaurant use) with a hotel/motel not to exceed 120 rooms; and

WHEREAS, Option 2. of Resolution Z-09-025 approved a maximum of 107,500 square feet of commercial uses (83,500 square feet of medical office use with 24,000 square feet of retail, bank and restaurant uses) in conjunction with a 120-room hotel/motel or an assisted living facility (ALF) not to exceed 110 units; and

WHEREAS, Resolution Z-09-024 approved two Master Concept Plans (MCPs) which correspond with the aforementioned enumerated development options; and

WHEREAS, subsequent to this action the County adopted the Mixed Use Overlay (MUO) to designate appropriate areas for mixed uses in proximity to public transit routes, education facilities, recreation opportunities, existing residential, shopping and employment centers; and

WHEREAS, Lee Plan Map 1, Page 6 establishes the MUO areas, which depicts the subject property as being within the overlay in its entirety (see Exhibit "B"); and

WHEREAS, the North Fort Myers community planning area establishes regulations in Chapter 33 of the LDC; and

WHEREAS, LDC Section 33-1537 defines and encourages mixed-use within the North Fort Myers community plan area; and

WHEREAS, the Lee Plan Glossary and Chapter 34 of the LDC establish similar definitions for mixed-use development; and

WHEREAS, the applicant requests to amend the schedule of uses to include the option of 128 multi-family dwelling units as a potential development scenario for Option 2 in the governing resolution, without the 120-unit hotel/motel or 110 unit ALF (see Exhibit "C"); and

WHEREAS, height regulations within the CPD limit the 120-unit hotel/motel use to 6 stories, 75-feet-high maximum; and

WHEREAS, the applicant requests the same height limitation apply to the proposed alternate multi-family development scenario; and

WHEREAS, LDC Section 34-934 lists multi-family dwelling units as permitted within CPD districts provided the multi-family is built in conjunction with a minimum 50,000 square feet of commercial or industrial uses; and

WHEREAS, a trip generation comparison analysis was completed to determine whether the proposed multi-family alternative would generate more vehicle trips than the development currently permitted by the governing resolution (see Exhibit "D"); and

WHEREAS, the traffic impact statement (TIS) concluded that development of 128 multi-family units would generate significantly less trips than the permitted 120-unit hotel/motel; and

WHEREAS, the Development Services Section has reviewed the TIS provided and deemed the TIS sufficient; and

WHEREAS, Policy 11.2.7 of the Lee Plan states that development, redevelopment, and infill development located within the Mixed Use Overlay may use the area of non-residential uses in their density calculations; and

WHEREAS, Lee Plan Policy 30.1.3 encourages a diversity of housing types in the North Fort Myers community plan area by supporting mixed-use projects, with residential above or adjacent to retail and service uses, within the Mixed Use Overlay; and

WHEREAS, 128-multi-family units would comply with the standard density range limitation set forth by the Central Urban future land use category, as applicable to the total ± 12.86 acres of land comprising the subject CPD; and

WHEREAS, the requested multi-family height limitation is consistent with the existing hotel/motel height limitation and the proposed residential density is necessary to facilitate mixed-use within the MUO, as established by directive goals and policies within the Lee Plan; and

WHEREAS, the inclusion of multiple-family units to facilitate a mixed-use development, as conditioned, is consistent with Goals 11 and 30, Policy 1.1.3 and Vision Statement 19 of the Lee Plan; and

WHEREAS, the inclusion of multi-family units is in compliance with LDC provisions pertaining to the North Fort Myers community plan area (Chapter 33), planned development districts amendments and other applicable sections within Chapter 34; and

WHEREAS, the multi-family uses as proposed would be subject to substantial compliance with MCP Option 2, as approved by Resolution Z-09-025; and

WHEREAS, LDC Section 33-1532 requires that the applicant of an administrative amendment within the North Fort Myers community planning area conduct one publicly-advertised information session prior to a finding of application sufficiency; and

WHEREAS, the applicant appeared before the North Fort Myers Design Review Panel at the North Fort Myers Recreation Center on March 3, 2020 for public input (see Exhibit "E"); and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

WHEREAS, it is also found that the proposed amendment will allow for internal capture of vehicular trips; will allow for urban forms of development as mixed-use; will not result in a substantial underutilization of public resources and public infrastructure committed to support the development; will not decrease the amount of native vegetation on preservation area below the amount required by Code; is consistent with applicable provisions of the Lee Plan and land development regulations in effect at the time of the amendment request.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to the Commercial Planned Development is **APPROVED**.

Approval is subject to the following conditions:

1. **Condition 1., Option 2 of Resolution Z-09-025 is hereby amended in strikethrough and underline as follows:**

Option 2: A maximum of 107,500 square feet of commercial uses, including 83,500 square feet of medical office and a maximum of 24,000 square feet of retail, banks and/or restaurants and either a maximum of 120 hotel/motel rooms (MCP Option 2), or an Assisted Living Facility (ALF) with a maximum of 110 ALF units (MCP Option 2 – ALF Alternate – per Condition 2), or a multi-family development with a maximum of 128 dwelling units (MCP Option 2).

2. **Condition 2.A. of Resolution Z-09-025 (Schedule of Uses) is hereby amended to include the following two uses:**

*Dwelling Unit, Multiple-family (128 units maximum in conjunction with at least 50,000 square feet of commercial uses)
Residential accessory uses*

3. **The maximum building height established in Condition 2.B. of Resolution Z-09-025 (Site Development Regulations) is hereby amended in strikethrough and underline as follows:**

*Maximum Building Height: 2 ~~stories~~stories/45 feet. (ALF and commercial uses).
6 stories/75 feet (hotel/motel or multiple-family only).*

4. **This approval is limited to alternatively permitting up to 128 multiple-family dwelling unit (without a hotel/motel or ALF) not to exceed six stories or 75 feet in building height, in accordance with the Master Concept Plan entitled “Master Concept Plan, Diplomat Center, Option 2, Lee County, FL,” last revised August 28, 2009, date-stamped “Received Dec 16 2009 Community Development,”.**

5. **The terms and conditions of Resolution Z-09-025 remain in full force and effect, except as amended herein.**

6. **If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.**

Duly passed, adopted, and electronically signed on 6/23/2020

Audra Ennis, Zoning Manager

ADD2020-00054 Lee County ePlan

Exhibits

Exhibit A: STRAP Number

Exhibit B: MUO Map Exhibit

Exhibit C: Applicant's Narrative

Exhibit D: Traffic Impact Statement

Exhibit E: Public Information Session Summary

Exhibit F: Signed Waiver GEN2020-00174

ADD2020-00054 Lee County ePlan

EXHIBIT A

CASE NUMBER: ADD2020-00054

STRAP NUMBER

34-43-24-00-00001.3020

REVIEWED
ADD2020-00054
Daniel Munt, Planner
Lee County DCD
6/22/2020

Exhibit B

 Subject Parcel
 Mixed Use Overlay
 City Limits



A horizontal number line with a starting point at 0 and an ending point at 1,000. A single tick mark is placed exactly halfway between 0 and 1,000. The word "Feet" is written below the line, centered under the tick mark.



Exhibit C

ITEM 14 – Written Narrative

This request is to amend the zoning resolution Z-09-025 to allow up to 128 multiple-family dwelling units as a third alternative to Option 2 of Condition 1. Also amend condition 2 to allow the building height for the multiple family dwelling units to be up to 6 stories/75 feet. This alternative would be in lieu of a hotel/motel with a maximum 120 rooms OR an Assisted Living Facility (ALF) with a maximum of 110 units. Based on the attached traffic information, the 128 multiple-family dwelling units would generate less traffic than the hotel/motel or the ALF uses. Development of the multiple-family uses would be in conjunction with the minimum required 50,000 square feet of commercial uses and will be developed in compliance with the applicable conditions for development of Option 2 of Condition 1 and in compliance with all applicable LDC requirements. As required by Section 34-380 for amending an MCP administratively, the requested amendments will: (1) not result in underutilization of public resources or public infrastructure committed to support the development; (2) not result in reduction of total open space; (3) will not decrease preservation areas; and (4) will not adversely impact surrounding land uses.

TRIP GENERATION EQUATIONS

Multifamily Housing (Low-Rise) Not Close to Rail Transit (220)

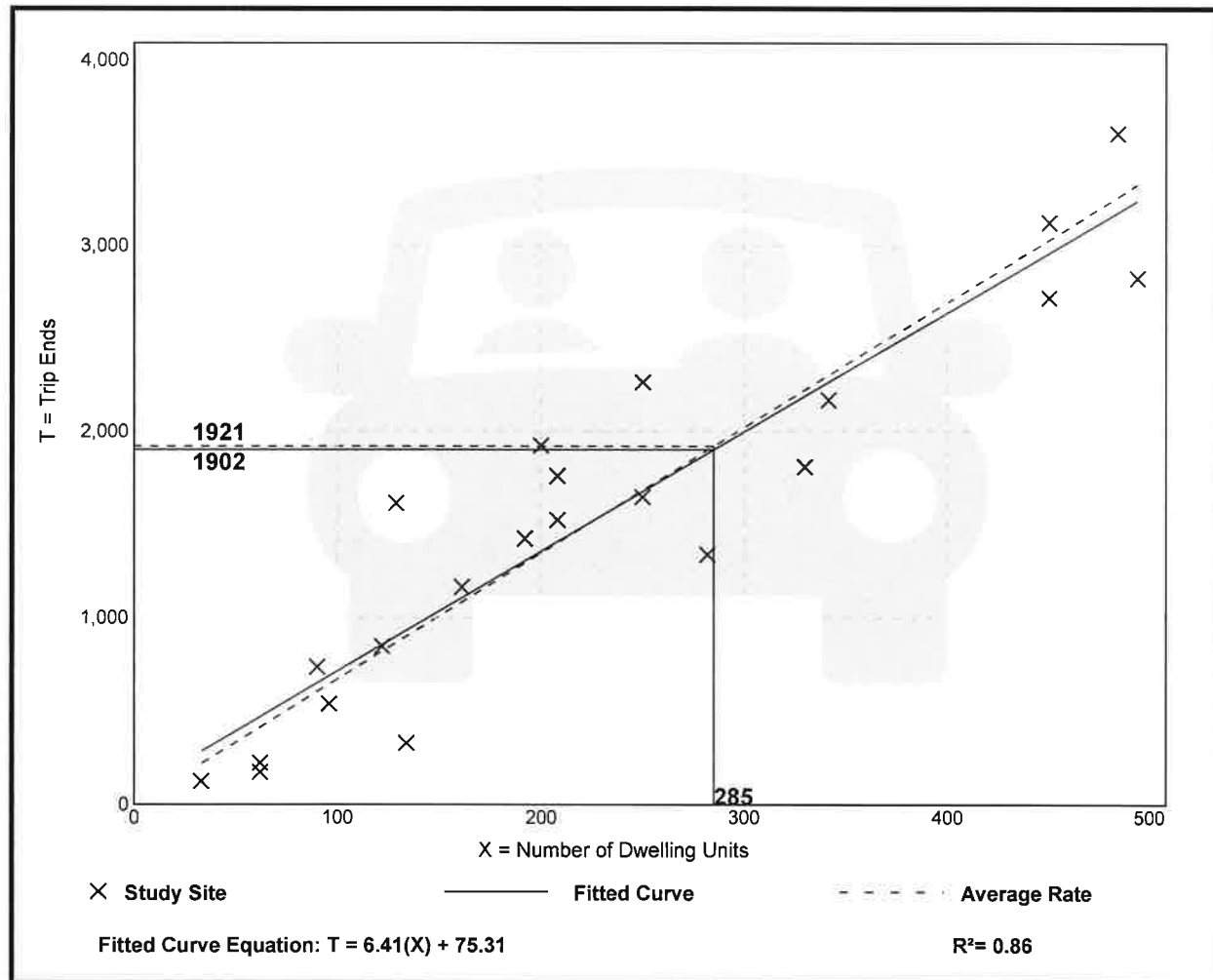
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 22
Avg. Num. of Dwelling Units: 229
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
6.74	2.46 - 12.50	1.79

Data Plot and Equation



Multifamily Housing (Low-Rise) Not Close to Rail Transit (220)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 49

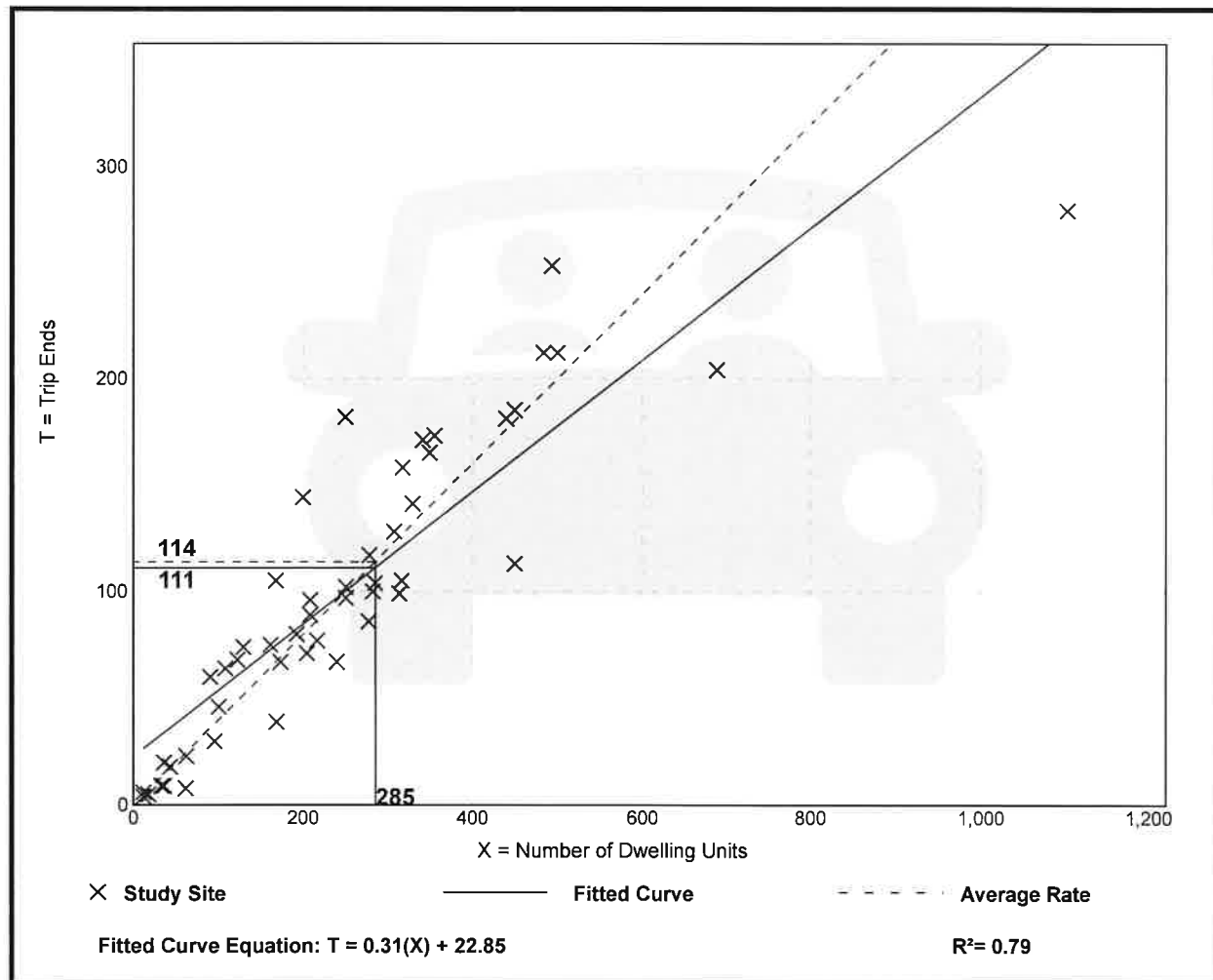
Avg. Num. of Dwelling Units: 249

Directional Distribution: 24% entering, 76% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.40	0.13 - 0.73	0.12

Data Plot and Equation



Multifamily Housing (Low-Rise) Not Close to Rail Transit (220)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 59

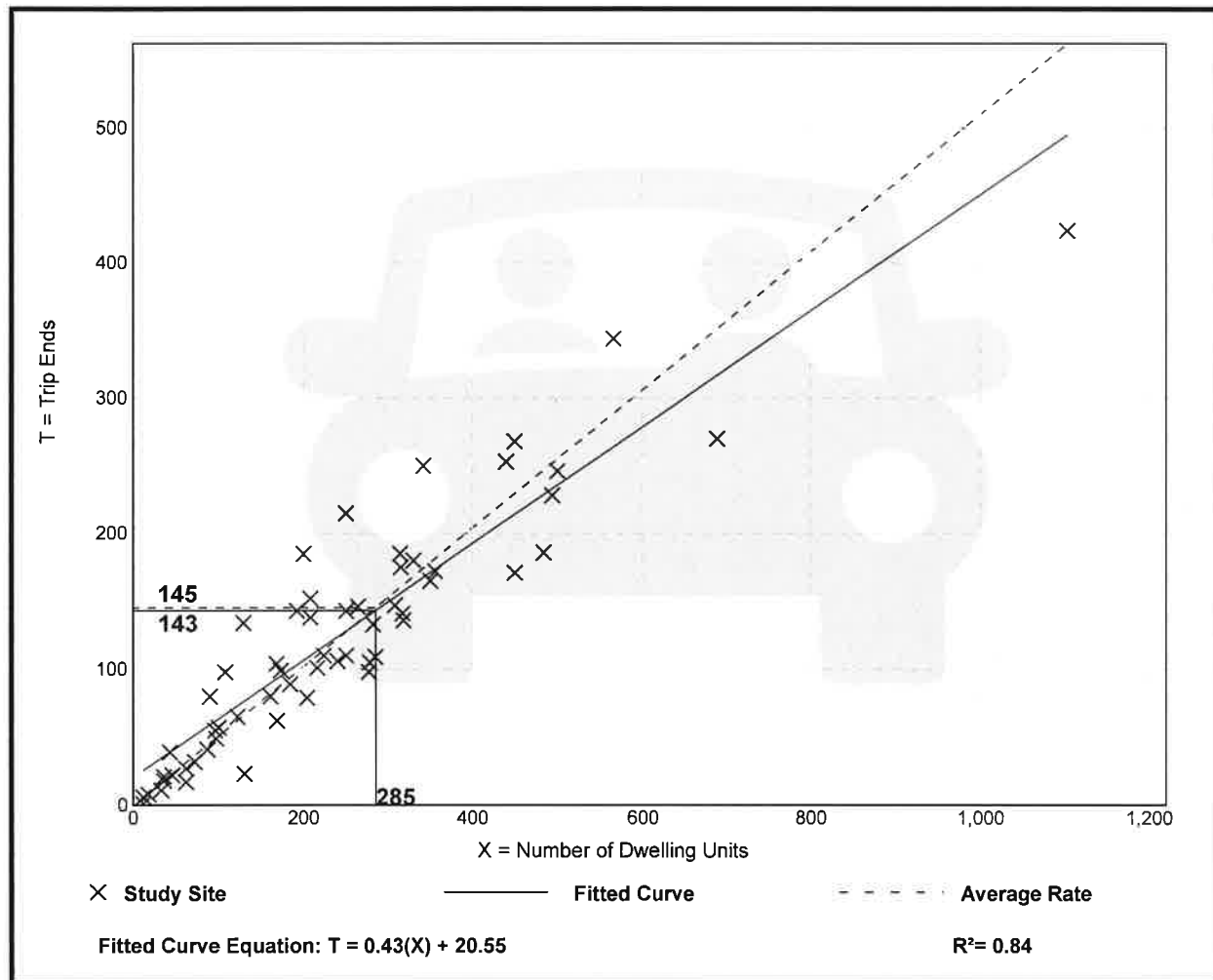
Avg. Num. of Dwelling Units: 241

Directional Distribution: 63% entering, 37% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.51	0.08 - 1.04	0.15

Data Plot and Equation



Hotel (310)

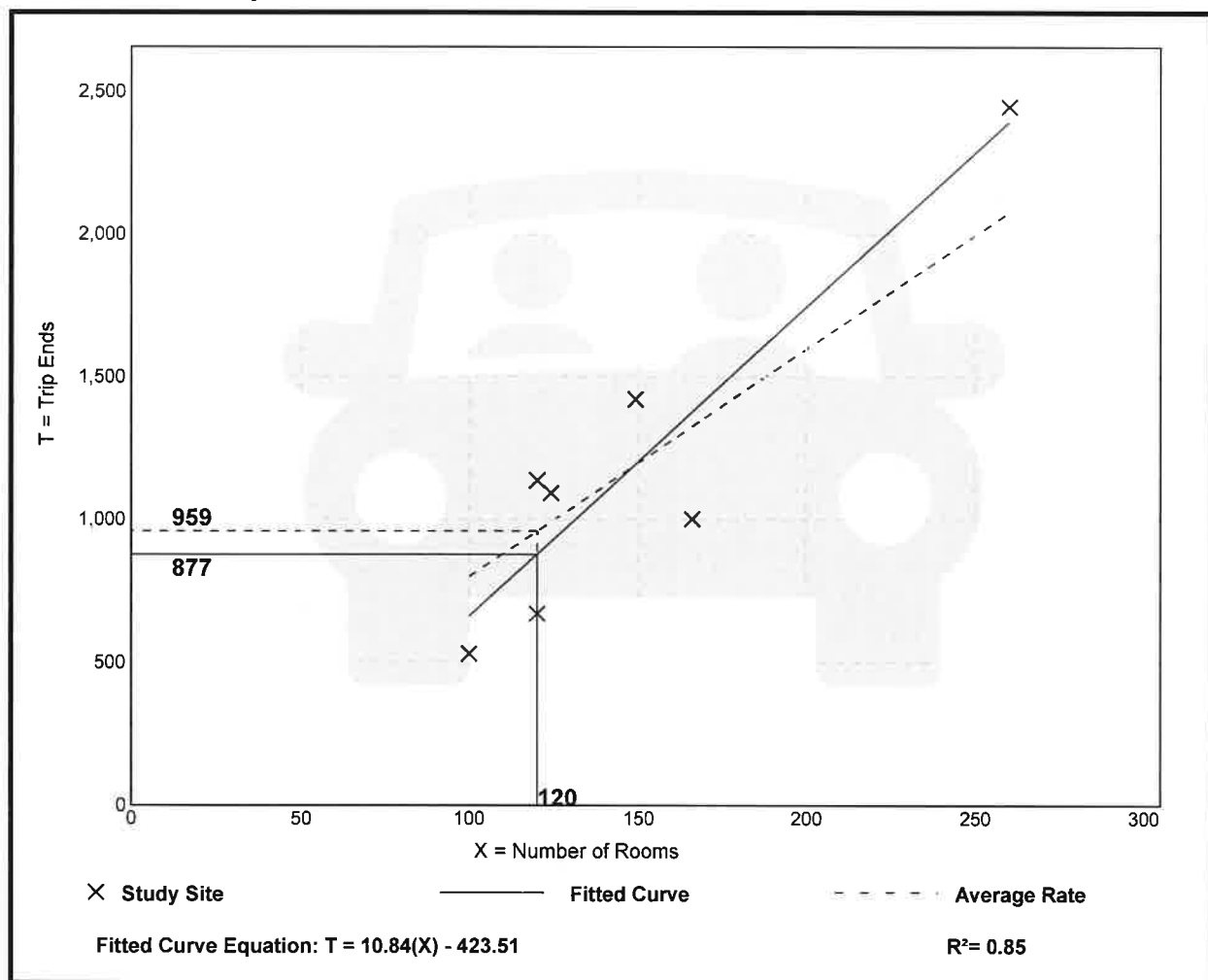
Vehicle Trip Ends vs: Rooms
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 7
Avg. Num. of Rooms: 148
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
7.99	5.31 - 9.53	1.92

Data Plot and Equation



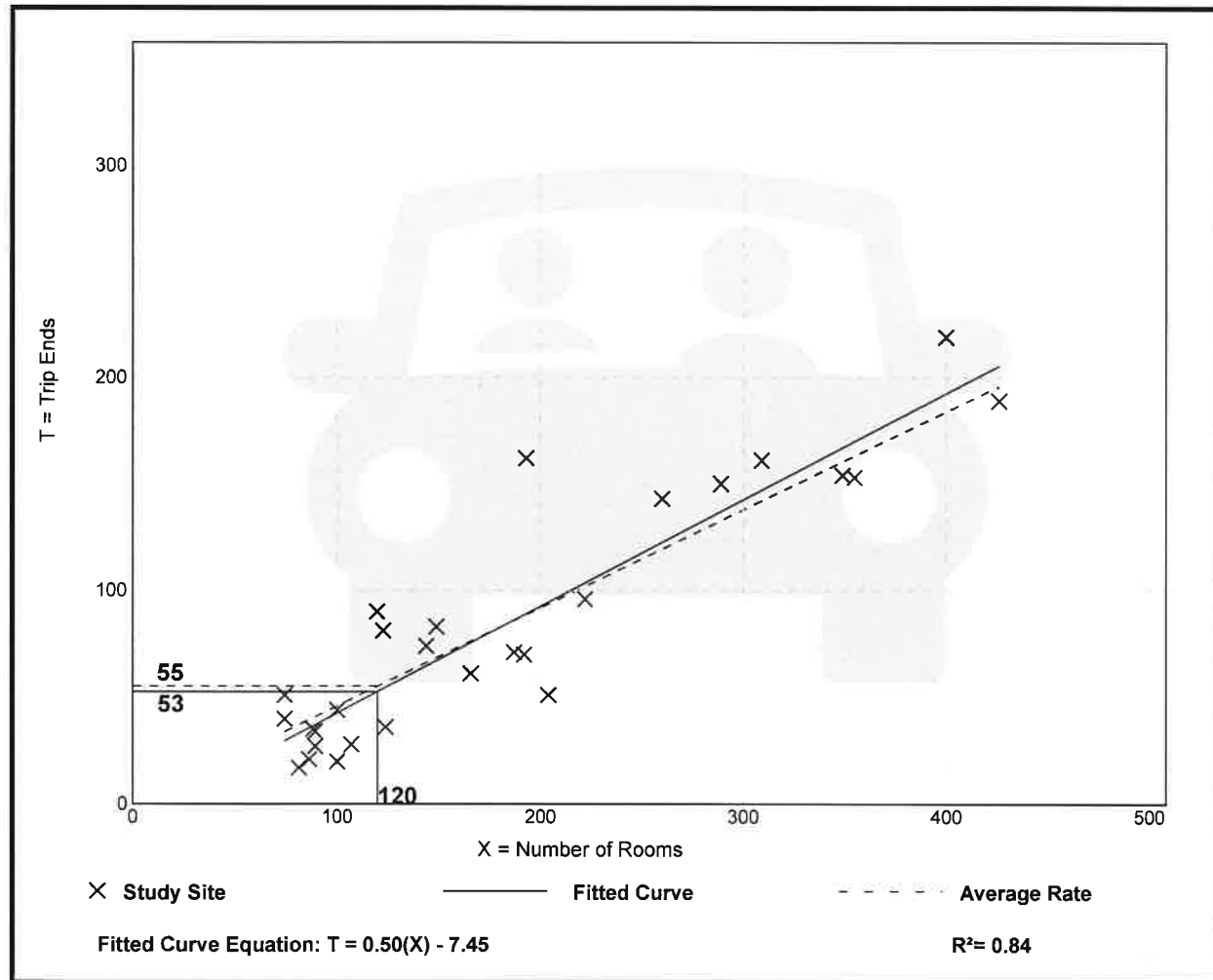
Hotel (310)

Vehicle Trip Ends vs: Rooms
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
 Number of Studies: 28
 Avg. Num. of Rooms: 182
 Directional Distribution: 56% entering, 44% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
0.46	0.20 - 0.84	0.14

Data Plot and Equation



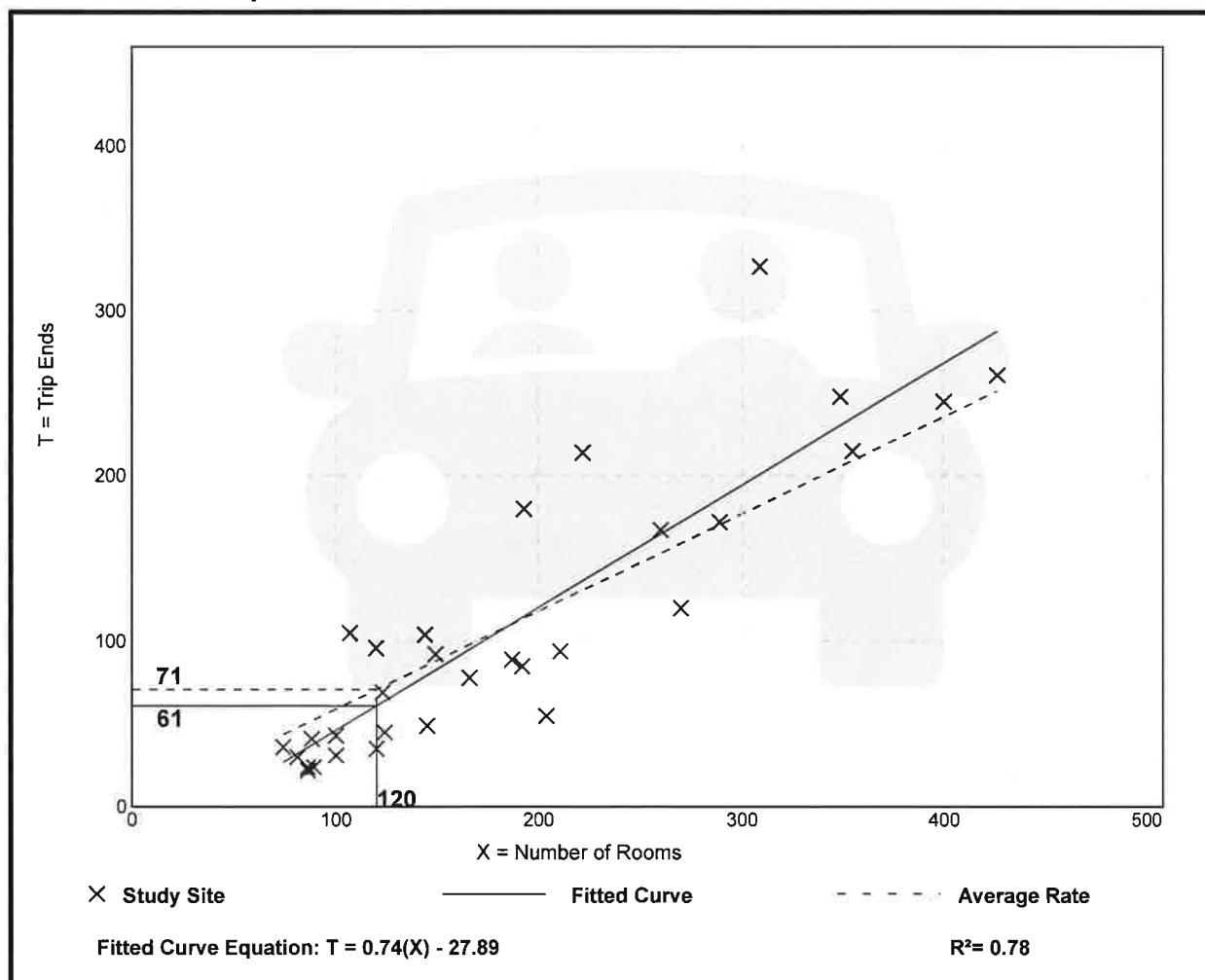
Hotel (310)

Vehicle Trip Ends vs: Rooms
On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
 Number of Studies: 31
 Avg. Num. of Rooms: 186
 Directional Distribution: 51% entering, 49% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
0.59	0.26 - 1.06	0.22

Data Plot and Equation



Shopping Plaza (40-150k) - Supermarket - Yes (821)

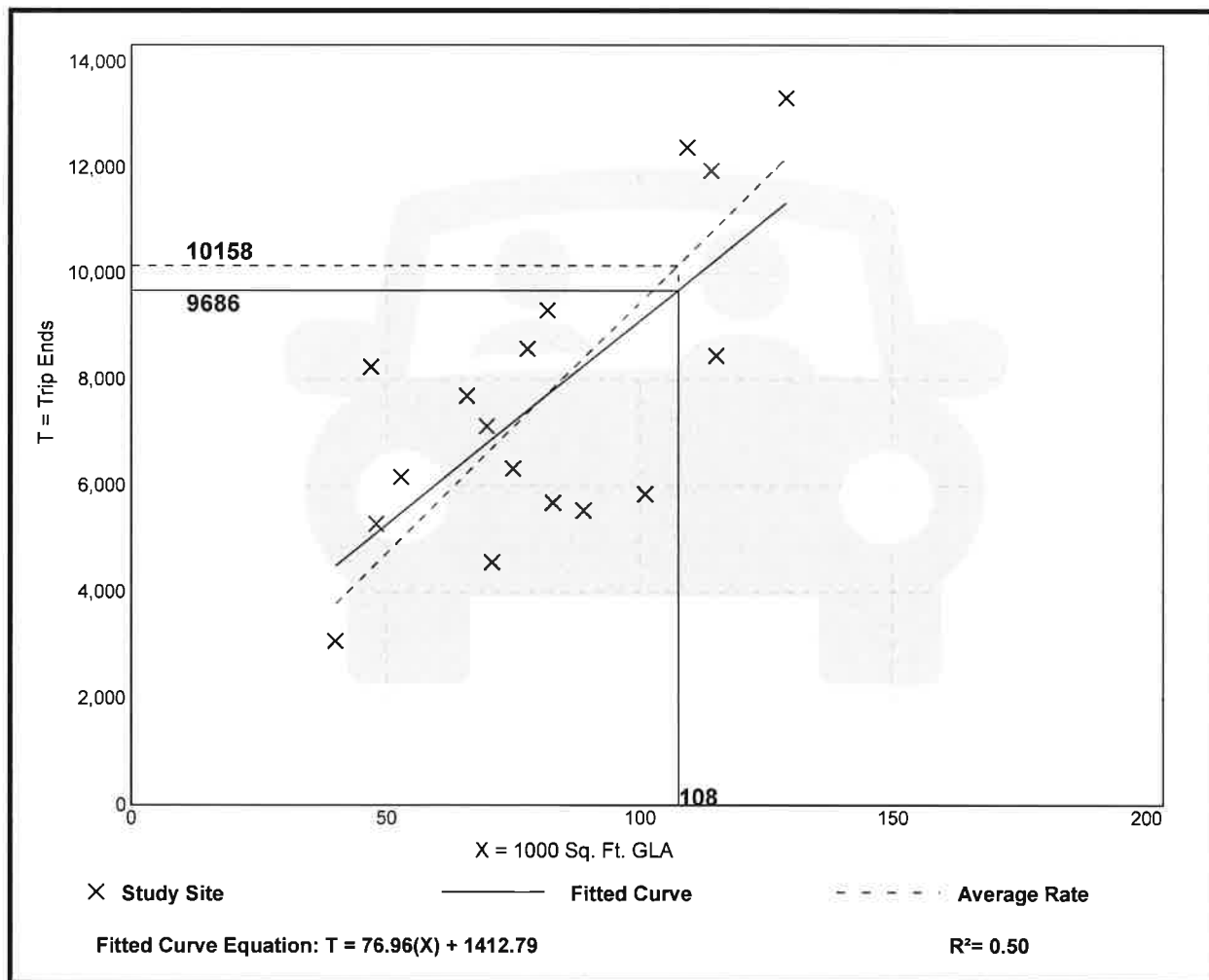
Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 17
Avg. 1000 Sq. Ft. GLA: 81
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
94.49	57.86 - 175.32	26.55

Data Plot and Equation



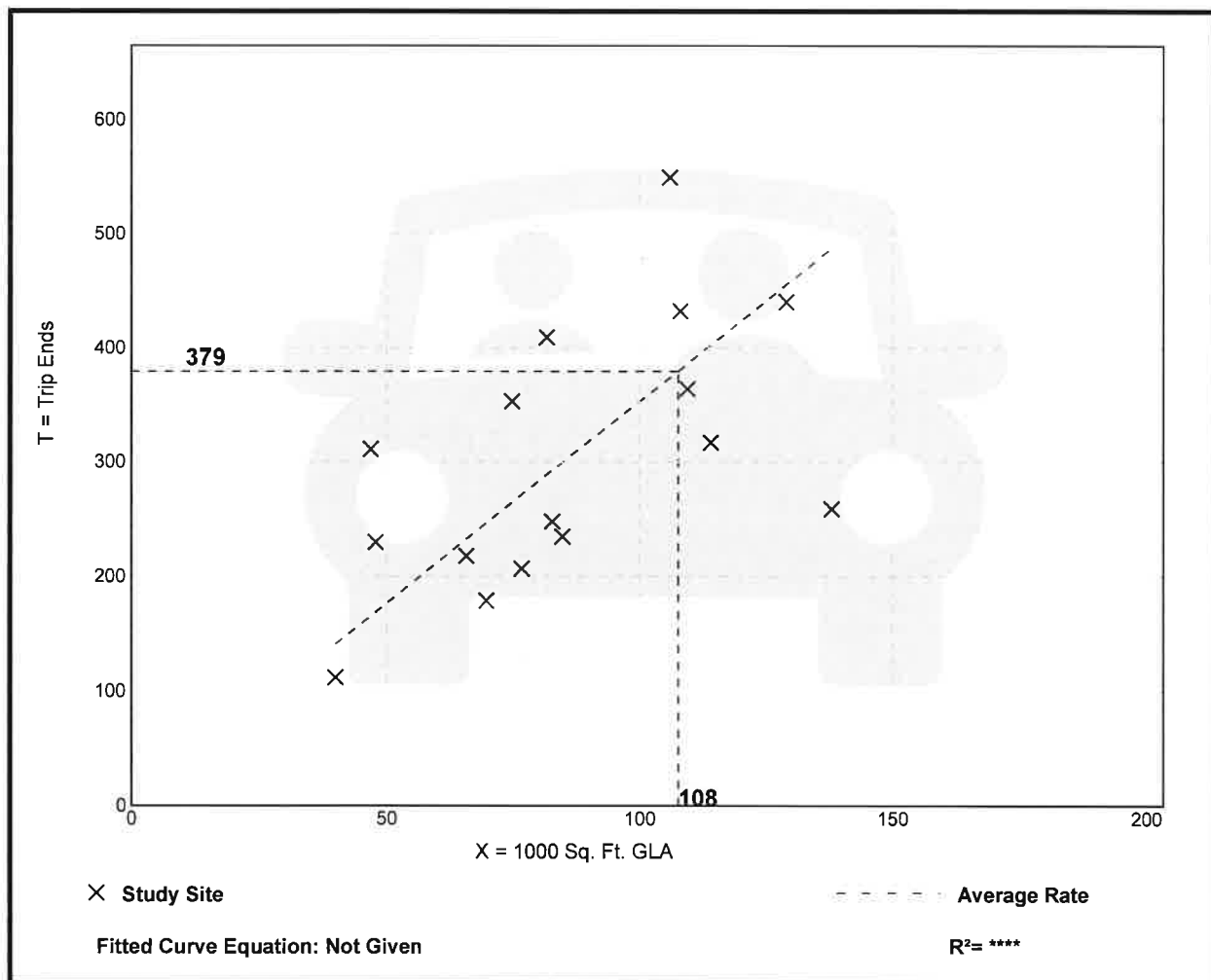
Shopping Plaza (40-150k) - Supermarket - Yes (821)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 7 and 9 a.m.
 Setting/Location: General Urban/Suburban
 Number of Studies: 16
 Avg. 1000 Sq. Ft. GLA: 86
 Directional Distribution: 62% entering, 38% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
3.53	1.88 - 6.62	1.17

Data Plot and Equation



Shopping Plaza (40-150k) - Supermarket - Yes (821)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 51

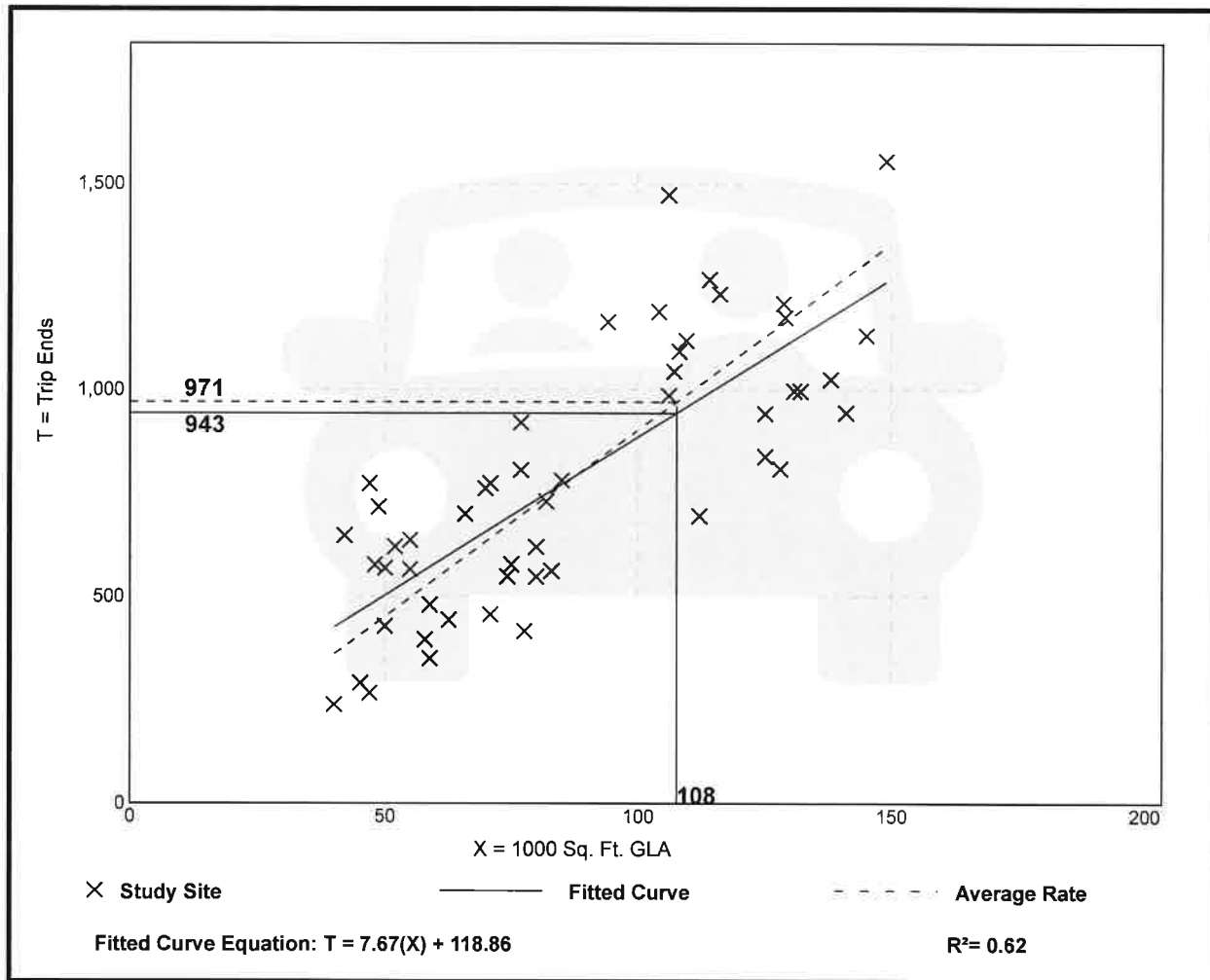
Avg. 1000 Sq. Ft. GLA: 87

Directional Distribution: 48% entering, 52% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

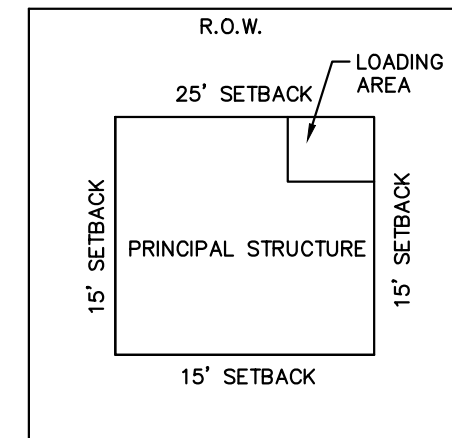
Average Rate	Range of Rates	Standard Deviation
9.03	5.35 - 16.45	2.37

Data Plot and Equation





ACCESS POINTS



1. SETBACKS, LOT COVERAGES, AND BUILDING HEIGHTS PER RESIDENTIAL PLANNED DEVELOPMENT AND MIXED-USE OVERLAY REGULATION TABLES

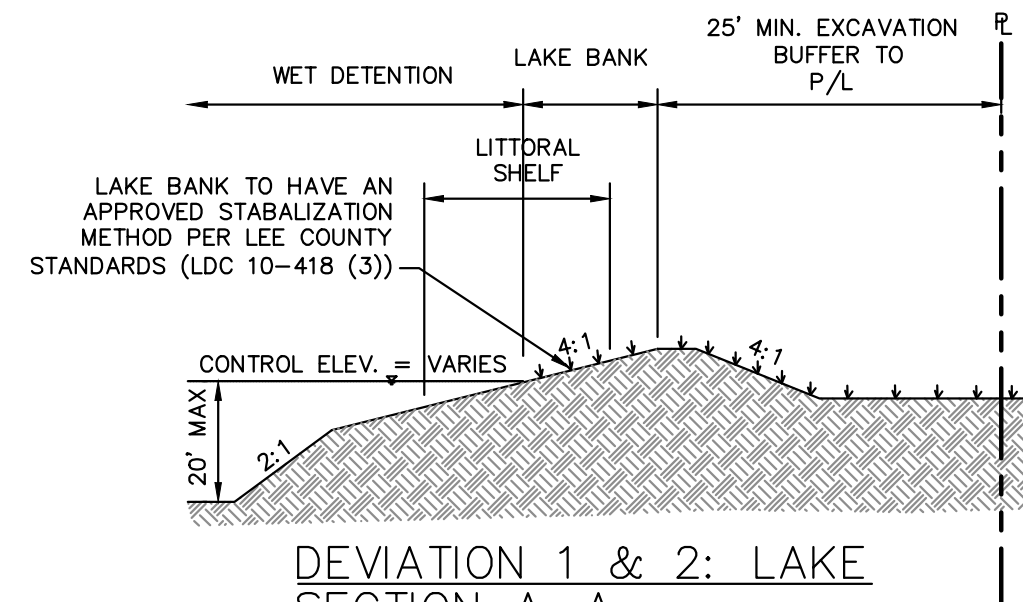
* HATCH PATTERNS ARE FOR ILLUSTRATIVE PURPOSES ONLY, ACTUAL HATCH PATTERNS ON DRAWING MAY VARY IN SCALE, ANGLE & COLOR.

TYPICAL LOT INFORMATION

NTS

*OPEN SPACE MEETS 40% REQUIREMENT PER LCD CH 10 IS FOR RESIDENTIAL USE. OPEN SPACE PROVIDED INCLUDES LANDSCAPE & A PORTION OF THE LAKE ALLOWED PER LDC 10-415

**INDIGENOUS VEGETATION PRESERVATION MEETS THE 50% REQUIREMENT PER LDC 10-415



DEVIATION 1 & 2: LAKE SECTION A-A

NTS

- NOTES: NTS
1. TOP OF BANK LOCATION & ELEVATION WILL VARY DEPENDING ON EX GROUND ELEVATION.
 2. THE LITTORAL AND TREE PLANTING REQUIREMENTS WILL BE ADDRESSED AND LOCATED AT THE LOCAL D.O. REVIEW LEVEL.
 3. THE LITTORAL SHELF WILL NOT EXTEND MORE THAN 2' BELOW CONTROL.

[illegible]

			Special Notes or Regulations	RPD	MHPD	RVPD	CFPD	CPD	IPD Note (37)	MPD	MEPD
Accessory uses and structures			Note (1), 34-1171 et seq., 34-1611 et seq., 34-2441 et seq., 34-1863, 34-2141 et seq., 34-3106	P	P	P	P	P	P	P	—
Accessory apartment and accessory dwelling unit			Note (2), (21), & (28), 34-1177	P	—	—	—	—	—	P	—
Administrative offices			Note (1)	P	P	P	P	P	P	P	—
Agricultural services: office/base operations				—	—	—	—	—	P	P	—
Agricultural uses and agricultural accessory uses			Note (48)	—	—	—	—	—	P	P	—

		Special Notes or Regulations	RPD	MHPD	RVPD	CFPD	CPD	IPD Note (37)	MPD	MEPD
Banks and financial establishments (34-622(c)(3)):										
	Group I		P(4)	P(4)	—	—	P	—	P	—
	Group II		—	—	—	—	P	—	P	—
Bar or cocktail lounge		34-1261 et seq.	—	—	—	—	P	P	P	—
Bed and Breakfast (df)		Note (28), 34-1494	P	—	—	—	P	—	P	—
Boarding house		Note (28)	P	—	—	—	P	—	P	—
Boats:										
	Boat parts store		P(4)	P(4)	—	—	P	P	P	—
	Boat ramps and dockage (not marinas)		P	P	P	P	P	P	P	—
	Boat rental		P(4)	P(4)	—	—	P	P	P	—
	Boat repair and service	34-1352, 34-3001 et seq.	—	—	—	—	P	P	P	—

		Special Notes or Regulations	RPD	MHPD	RVPD	CFPD	CPD	IPD Note (37)	MPD	MEPD
	Car wash	34-1353	—	—	—	—	P	—	P	—
	Cemetery, columbarium, mausoleum		—	—	—	P	—	—	P	—
	Cleaning and maintenance services (34-622(c) (7))		—	—	—	—	P	P	P	—
	Clothing stores, general (34-622(c) (8))		—	—	—	—	P	—	P	—
	Clubs:									
	Country		P	P	P	—	P	—	P	—
	Commercial		—	—	—	—	P	—	P	—
	Fraternal, membership organization	34-2111	—	—	—	—	P	—	P	—
	Private	34-2111	P	P	P	—	P	—	P	—

			Special Notes or Regulations	RPD	MHPD	RVPD	CFPD	CPD	IPD Note (37)	MPD	MEPD
Cold storage, pre-cooling, warehouse and processing plant				—	—	—	—	—	P	P	—
Commercial fishery				—	—	—	—	P	P	P	—
Commercial use of beachfront seaward of the coastal construction control line			Note (7), 34-3151	P	P	—	—	P	—	P	—
Communication facility, wireless			34-1441 et seq. Note (22)	Refer to 34-1441 et seq. for regulations.							
Community gardens				P	P	—	P	P	—	P	
Community residential home			Note (35)	P	P	—	—	P	—	P	—
Computer and data processing services				—	—	—	—	—	P	P	—

			Special Notes or Regulations	RPD	MHPD	RVPD	CFPD	CPD	IPD Note (37)	MPD	MEPD
Consumption on premises			34-1261 et seq.	P(4)	P(4)	P(8)	P	P	P(9)	P	—
Continuing care facilities			Note (28), 34-1414	P	—	—	P	—	—	P	—
Contractors and builders (34- 622(c)(9)), all groups			34-1352, 34-3001 et seq.	—	—	—	—	P	P	P	—
Convenience food and beverage store			34-1353	P(4), (27)	P(4), (27)	—	—	P	P	P(27)	—
Correctional facility			Note (28)	—	—	—	P	—	—	P	—
Cultural facilities (34-622(c)(10))				—	—	—	P	P	—	P	—
Day care center, child, adult			Notes (13) & (28)	P(4)	P(4)	P(8)	P	P	P	P	—
Department store				—	—	—	—	P	—	P	-
Dormitory			Note (28)	P	—	—	—	P	—	P	—

		Special Notes or Regulations	RPD	MHPD	RVPD	CFPD	CPD	IPD Note (37)	MPD	MEPD
Drive-through facility for any permitted use			P(4)	P(4)	—	—	P	P	P	—
Drugstore, pharmacy			P(4)	P(4)	—	—	P	—	P	—
Dwelling unit:										
	Live-work	34-1773	—	—	—	—	P	—	P	—
	Single-family	Note (29)	P	P	—	—	EO	—	P	—
	Duplex	Note (29) & (43)	P	—	—	—	EO	—	P	—
	Two-family attached	Note (28) & (43)	P	—	—	—	—	—	P	—
	Townhouse, multiple-family building	Note (28)	P	—	—	—	P(10)	—	P	—
	Mobile home	Note (29)	—	P	—	—	—	—	P	—
	Zero lot line	Note (28)	P	—	—	—	—	—	P	—
Entrance gates and gatehouse		34-1741 et seq.	P(3)	P(3)	P	P	P	P	P	—

			Special Notes or Regulations	RPD	MHPD	RVPD	CFPD	CPD	IPD Note (37)	MPD	MEPD
Food and beverage service, limited			Note (1)	P(4)	P(4)	—	—	P	—	P	—
Food stores (34- 622(c)(16)):											
	Group I			P(4)	P(4)	P	—	P	P(9)	P	—
	Group II			P(4)	P(4)	—	—	P	P(9)	P	—
Forestry tower				—	—	—	P	P	—	P	—
Fraternity house			Note (28)	P	—	—	—	P	—	P	—
Freight and cargo handling establishments (34-622(c)(17))				—	—	—	—	P	P	P	—
Funeral home and mortuary (with or without a crematory)				—	—	—	P(19)	P	—	P	—
Gasoline dispensing system, special				—	—	—	—	P	P	P	—

			Special Notes or Regulations	RPD	MHPD	RVPD	CFPD	CPD	IPD Note (37)	MPD	MEPD
		Gift and souvenir shop		—	—	—	—	P	—	P	—
		Golf course		P	P	P	—	P	—	P	—
		Golf driving range		P	P	—	P	P	P	P	—
		Hardware store		P(4)	P(4)	—	—	P	—	P	—
		Hatcheries, poultry		—	—	—	—	—	P	P	—
		Health care facilities (34-622(c)(20)):									
	Group I	Note (28) & (47)		P	—	—	P	P	—	P	—
	Group II	Note (28) & (47)		P	—	—	P	P	—	P	—
	Group III			P(4)	P(4)	—	P	P	P	P	—
	Group IV	Note (28) & (47)		—	—	—	P	P	—	P	—
		Heliport or helistop		P	P	—	P	P	P	P	—

			Special Notes or Regulations	RPD	MHPD	RVPD	CFPD	CPD	IPD Note (37)	MPD	MEPD
Hobby, toy and game shops (34- 622(c)(21))				P(4)	P(4)	—	—	P	—	P	—
Home care facility			Note (1) & (28)	P	P	—	—	P	—	P	—
Home occupation			Note (1) & (31), 34-1771 et seq.	P	P	—	—	P	—	P	—
Hospice			Note (28)	—	—	—	P	P	—	P	—
Hotel/motel			34-1801 et seq., Note (36)	—	—	—	—	P	P(13)	P	—
Household and office furnishings (34-622(c)(22)), all groups				—	—	—	—	P	—	P	—
Housing units for employees only			Note (33)	—	—	—	P	—	—	P	—
Impound yard			34-1831 et seq., 34- 2443	—	—	—	—	—	P	—	—

[illegible]

		Special Notes or Regulations	RPD	MHPD	RVPD	CFPD	CPD	IPD Note (37)	MPD	MEPD
Real estate sales office		Note (23), 34-1951 et seq., 34- 3021	P	P	P	—	P	—	P	—
Recreation facilities:										
	Commercial (34-622(c)(38)) Groups I, III		—	—	—	—	P	—	P	—
	Commercial (34-622(c)(38)) Group IV		—	—	—	—	P	—	P	—
	Group V		—	—	—	P	P	—	P	—
	Personal	Note (1)	P	P	P	P	P	P	P	—
	Private—On- site	Note (1)	P	P	P	P	P	P	P	—
	Private—Off- site	Note (3)	P	P	P	P	P	P	P	—
Recreational vehicles		Note (28)	—	P(20)	P(14)	—	—	—	P	—
Recycling facility			—	—	—	P	P	P	P	—

[illegible]

		Special Notes or Regulations	RPD	MHPD	RVPD	CFPD	CPD	IPD Note (37)	MPD	MEPD
	Theater, indoor or outdoor (drive-in)	Note (32), 34-2471 et seq.	—	—	—	—	P	—	P	—
	Timeshare units	Note (28), 34-1494, 34-2020(a)	P	—	—	—	P	—	P	—
	Transportation services (34-622(c) (53)):									
	Group I		—	—	—	—	P	P	P	—
	Group II		—	—	—	—	P	P	P	—
	Group III		—	—	—	P	P	P	P	—
	Group IV		—	—	—	—	P	P	P	—
	Truck stop, trucking terminal		—	—	—	—	P	P	P	—
	Used merchandise stores (34-622(c) (54)):									
	Group I		P(4)	P(4)	—	P(46)	P	—	P	—



**MIVO DEVELOPMENT GROUP
MIVO NORTH FORT MYERS PROJECT
RESIDENTIAL PLANNED DEVELOPMENT REZONE
LEE COUNTY, FL**

Schedule of Deviations and Justification:

Page | 1

Property Development Regulation Table

Uses	Minimum Lot Area and Dimensions			Minimum Building Setbacks				Maximum Height (ft)	Minimum Building Separation (ft)	Maximum Lot Coverage (%)
	Area (sf)	Depth (ft)	Width (ft)	Side (ft)	Rear (ft)	Local Street (ft)	Internal Street (ft)			
Multi-Family	10,000	100	100	15	15	25	15	95	20	45
Notes: (1) Improvements, referring to buildings and paved surfaces, must set back a minimum of 15 feet from the conservation easement.										



**MIVO DEVELOPMENT GROUP
MIVO NORTH FORT MYERS PROJECT
RESIDENTIAL PLANNED DEVELOPMENT REZONE
LEE COUNTY, FL**

Schedule of Deviations and Justification:

Page | 2

DEVIATIONS & JUSTIFICATIONS

DEVIATION 1

Deviation (1) is a request to deviate from Lee County LDC Section 10-329(d)(4) which requires a maximum 6H:1V slope from top of bank to 2 feet below control, to allow a maximum 4H:1V slope from top of bank to 2 feet below control. LDC Section 10-104 (a) allows for this deviation request.

Justification

The property will be under a common ownership and therefore any potential erosion concerns upon build out will be maintained by a common entity such as a homeowners association. 4H:1V slopes are acceptable per South Florida Water Management District requirements and have been proven to be an acceptable slope to allow for maintenance vehicles such as lawn mowers to properly drive along these slopes and maintain slope banks. Slope bank stabilization measures and methods will be provided at time of Development Order, as required.

DEVIATION 2

Deviation (2) is a request to deviate from Lee County LDC Section 10-329 (d)(1) which requires excavation to occur no less than 50 feet from existing property line and collector or arterial street, to allow for excavation to occur no less than 25 feet from existing property line. LDC Section 10-104 (a) allows for this deviation request.

Justification

This deviation is requested to allow 25-foot excavation activities from adjacent private property and along Cleveland Ave, where current conditions do not present a risk to the public's health, safety, and welfare. The stormwater detention areas affected by this requirement are proposed in locations where abutting either an existing swale or drainage canal allowing for a proper buffer thus not creating any concern with excavations up to 25' within property lines or right-of-way lines in reference to existing or proposed structures. In addition, due to the limited access points, geometry of property, and in order to maximize development area, stormwater detention areas should be considered along the property boundaries of the site which pushes them closer to the property line. Proper protection along areas of concern will be addressed during the Development Order process meeting LDC requirements.



**MIVO DEVELOPMENT GROUP
MIVO NORTH FORT MYERS PROJECT
RESIDENTIAL PLANNED DEVELOPMENT REZONE
LEE COUNTY, FL**

Bonus Density Narrative: Page | 1

Introduction

The subject property is approximately 19.41 acres in size and is located at 15781 N Cleveland Avenue in North Fort Myers, Florida (STRAP ID 34432400000013020). The subject property holds a Central Urban Future land use, is in the North Fort Myers Community Plan Area, and the County's Mixed Use Overlay district. The applicant is requesting a rezoning from the parcel's current zoning districts of C1-A and CPD to Residential Planned Development (RPD). The proposed project is a multi-family development with parking garages referred to as the MIVO North Fort Myers (the "Project"). The applicant is requesting 95 bonus density units through the County's bonus density program with the RPD rezoning application to obtain a total of +/-285 units. This is below the allowable maximum density. The Central Urban future land use allows for four (4) to ten dwelling units per acre (10 du/acre), with a maximum of fifteen dwelling units per acre (15 du/acre) (shown on Lee Plan Table 1(a) below).

Lee Plan Consistency

According to Lee Plan Policy 1.1.3, the Central Urban future land use is considered the "urban core" of Lee County and consist of areas that are heavily settled and have, or will have, the highest levels of public services. The Central Urban future land use also encourages development to be mixed use. The project's surrounding area includes existing mobile home parks, single-family housing, and commercial uses. Therefore, providing multi-family housing in this area will successfully fill in the missing housing type of multi-family, expanding the encouraged mix of uses. As stated above the multi-family development project is 19.41 acres and is proposed to consist of +/-285 units which is consistent with the maximum total density of 15 du/acre in the Central Urban future land use.

POLICY 1.1.3: The Central Urban future land use category can best be characterized as the "urban core" of the County. These areas are already the most heavily settled and have, or will have, the greatest range and highest levels of public services. Residential, commercial, public and quasi-public, and limited light industrial land uses will continue to predominate in the Central Urban future land use category. Future development in this category is encouraged to be mixed use, as described in Objective 11.1, where appropriate. The standard density range is from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre), with 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.

**TABLE 1(a)
SUMMARY OF RESIDENTIAL DENSITIES¹**

FUTURE LAND USE CATEGORY	STANDARD OR BASE DENSITY RANGE		BONUS DENSITY
	MINIMUM ² (Dwelling Units per Gross Acre)	MAXIMUM (Dwelling Units per Gross Acre)	MAXIMUM TOTAL DENSITY ³ (Dwelling Units per Gross Acre)
Intensive Development ¹⁴	8	14	22
General Interchange ²	8	14	22
Central Urban ¹⁵	4	10	15

³These maximum densities may be permitted by transferring density from non-contiguous land through the provisions of the Bonus Density Program identified in the LDC, Chapter 2.

¹⁵The maximum total density may be increased to 20 du/acre utilizing Greater Pine Island TDUs.



**MIVO DEVELOPMENT GROUP
MIVO NORTH FORT MYERS PROJECT
RESIDENTIAL PLANNED DEVELOPMENT REZONE
LEE COUNTY, FL**

Bonus Density Narrative: Page | 2

The Project is consistent with Lee Plan Policy 11.2.6 which encourages the use of bonus density in the Mixed Use Overlay.

POLICY 11.2.6: Properties in a Mixed Use Overlay are encouraged to utilize bonus density. Projects utilizing Greater Pine Island TDUs are eligible for increased maximum densities and additional development incentives as set forth in this plan to encourage a compact and functional development pattern.

Consistent with Lee Plan Policy 30.1.3, the proposed multi-family development would provide the missing multi-family housing which is currently not available in the subject property's surrounding area. There is existing commercial, retail, and service uses north and south of the subject property providing for the encouraged mix of uses.

POLICY 30.1.3: Encourage a diversity of housing types in the North Fort Myers Community Plan area by supporting mixed use projects, with residential above or adjacent to retail and service uses, within the Mixed Use Overlay.

Land Development Code Consistency

Consistent with Lee County Land Development Code Section 2-146 the applicant is proposing to use the County's Transfer of Development Rights (TDR) Program. Furthermore, the Project will not require ingress/egress through significantly lower density uses. Access is proposed to be directly from US 41 or Cleveland Ave. (an arterial roadway) via a left-in/right-in/right-out only access drive. The proposed development's increased density is not anticipated to have any adverse effects to existing and committed facilities as shown in the Traffic Impact Statement. The Project is found to be compatible with existing and planned surrounding land uses as explained in the Request Statement for consistency justifications.





Image Source: ESRI 2020
Date: 1-21-22

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Existing Flow-ways Map Cleveland Avenue Property Lee County, Florida



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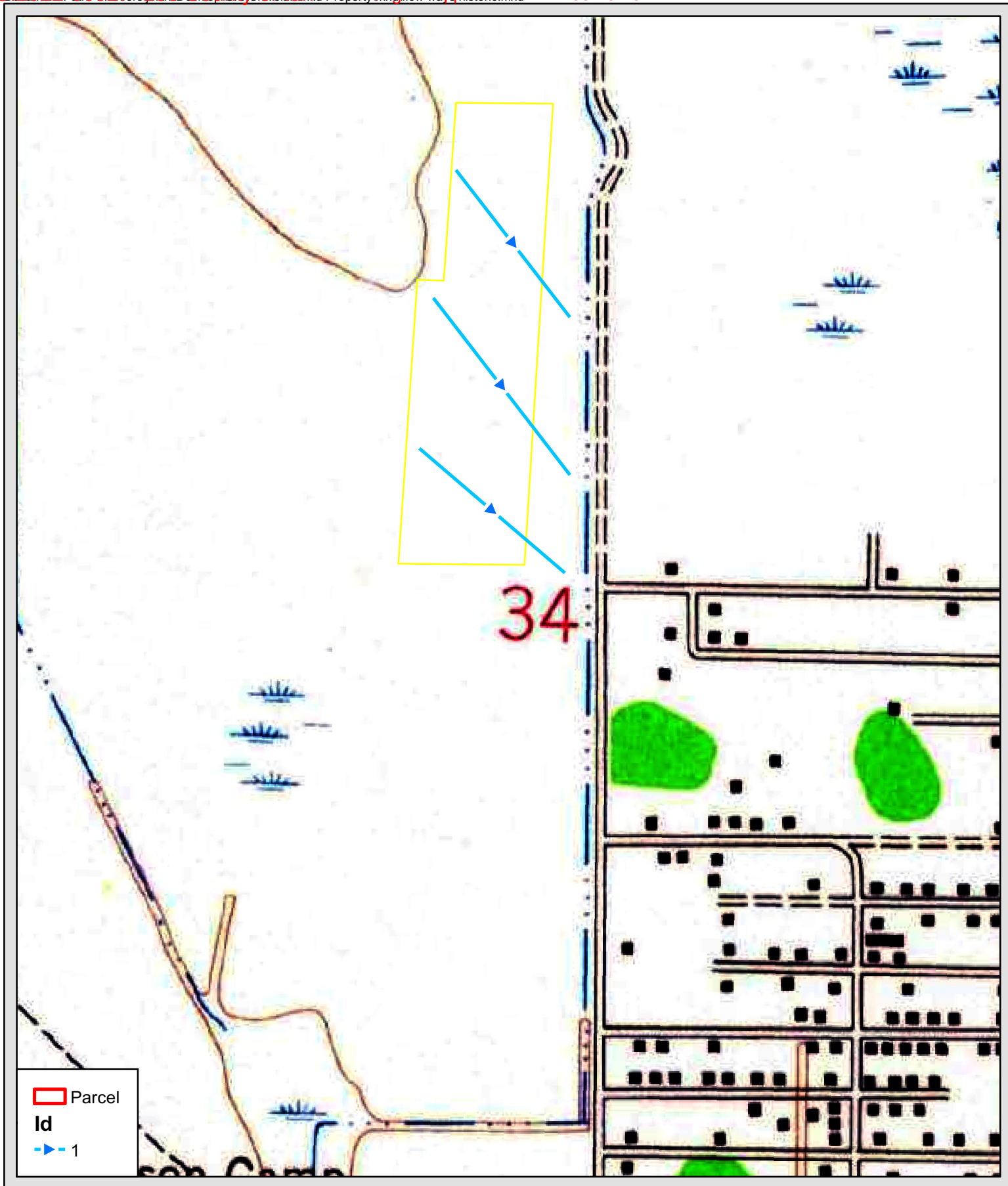


Image Source: USGS 1958
Date: 1-21-22

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Historic Flow-ways Map Cleveland Avenue Property Lee County, Florida



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**ENGINEER'S DRAINAGE STATEMENT
MIVO DIPLOMAT CENTER
NORTH FORT MYERS, FLORIDA**

PROJECT DESCRIPTION

The proposed project includes construction of +/-285-unit multi-family apartment buildings located on +/-19.41 acres of vacant land including approximately 18.42 acres of uplands and 0.99 acres of wetlands. The site is situated on the western side of North Cleveland Avenue, south of Littleton Road, north of Diplomat Parkway East in North Fort Myers, Florida. The proposed improvements will include multi-family apartment buildings, surface parking, maintenance building, garages, club house, amenities and associated drainage infrastructure. The property is located within a flood zone AE per Flood Insurance Rate Map 12071C0259F, Lee County, 1251240259 F, effective date August 28, 2008; revised to reflect LOMR on January 3, 2021. The average October high ground water table elevation is estimated to be 11.0 FT NAVD88.

EXISTING CONDITIONS

Historically, the site is located within the Yellow Fever Creek East Branch Watershed. Looking at the existing topography and flow ways for the property, the site is generally flat and appears to sheet flow from north to south east to an existing on-site drainage ditch as well as the existing drainage ditch off Cleveland Ave. The existing ditch fronting the property along Cleveland Ave. appears to collect the runoff from Cleveland Ave. right of way that is owned and maintained by FDOT. The site also includes an existing drainage easement located on the north western portion of the property that appears to be part of the existing drainage system for the adjacent residential development "Serendipity". It is anticipated this drainage easement will remain as part of the proposed improvements. Based on the existing site conditions, no adjacent run off appears to be routed through the subject property. The subject property has a 0.99-acre wetland that will remain protected as part of the project improvements.

**PROPOSED CONDITIONS**

The proposed project includes a multi-family development that includes multi-family apartment buildings, garages, amenities, and associated stormwater infrastructure. Runoff from the multi-family development is collected in the surface water management system via storm pipes and will convey this runoff to the proposed on-site wet retention ponds. The proposed ponds will be used to provide the required treatment and attenuation based on Southwest Florida Water Management District and Lee County requirements. The proposed development will have no adverse stormwater impacts to the surrounding properties and will follow the design standards set forth by Lee County and Southwest Florida Water Management District. The proposed development will not impact the existing onsite wetland and will plan to preserve the wetland. The proposed outfall is anticipated to be routed to the FDOT swale along Cleveland Ave. which has been accepted by FDOT per a pre application meeting held with the department.

Sina Ebrahimi, P.E.
Florida Registration # 82332

Kimley-Horn and Associates, Inc.
1412 Jackson St, Suite 2
Fort Myers, Florida 33901
Phone: 239-271-2650
Registry No. 696



Environmental Assessment
For
**Cleveland Avenue Property
Lee County, Florida**

AES Project #21-156

Prepared For:

Quadrant Properties, LLC
Attn: Rodney Jones
353 Marshall Ave, Ste I
St. Louis, MO 63119

Prepared By:

Atlantic Ecological Services, LLC
Mr. Jody Sisk
201 Basque Road
St. Augustine, FL 32080
(904) 347-9133

April 2022

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- **Location Map**
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- **Habitat Map**
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1.0 PROJECT INTRODUCTION

The Cleveland Avenue Property is located in Lee County, Florida, in Section 34, Township 43 South, Range 43 East. The subject property is approximately 19.41 acres in total size and consists of undeveloped land. The Property consists of the Lee County Parcel ID # 34-43-24-00-00001.3020. The subject property consists of one parcel located to the south of Littleton Rd, to the west of N Cleveland Ave, to the north of Diplomat Pkwy, and to the east of Cotillion Ln and a stormwater pond. (See attached Aerial Map and Topographic Map for details). The latitude and longitude coordinates for the approximate center of the project are 26° 41' 33.249" N 81° 54' 7.814" W was determined via Google Earth.

The Client for the project is:

Quadrant Properties, LLC
Attn: Rodney Jones
353 Marshall Ave, Ste I
St. Louis, MO 63119

Atlantic Ecological Services (AES) conducted an Environmental Assessment (EA) on the Cleveland Avenue Property (herein referred to as the subject property). The field surveys were conducted on September 28, 2021. The subject property was reviewed to determine habitat type's present, boundaries of habitat types, wetland delineation, presence of or the potential for protected species, wildlife utilization of the site and other environmental constraints noted during the site visits. This EA report discusses the methods used to conduct the EA, the results thereof and includes several supplementary figures.

2.0 EXISTING SITE CONDITIONS

The subject property consists of undeveloped uplands, wetlands, and surface waters. The community and land use areas were categorized according to the Florida Department of Transportation (FDOT) (1991) *Florida Land Use, Cover and Forms Classification System* (FLUCFCS). The communities and land uses observed and delineated on the subject property are described in detail below and are shown on the attached Habitat Map.

2.1 Uplands

Improved Pasture (FLUCCS 211) – The southern/central area (approximately 6.11 acres) of the subject property consist of managed pasture with scattered slash pine (*Pinus elliotii*) and cabbage palm (*Sabal palmetto*). Vegetation is predominately bahia grass (*Paspalum notatum*) with other weedy species such as dog fennel (*Eupatorium capillifolium*), Caesar's weed (*Urena lobata*), and beggar ticks (*Bidens alba*).

Pine Flatwoods (FLUCCS 411) – Forested upland areas (approximately 11.96 acres) consist of pine flatwoods with a canopy of slash pine and scattered laurel oak (*Quercus laurifolia*). Sub-canopy species include cabbage palm, saw palmetto (*Serena repens*), wax myrtle (*Morella cerifera*), grape vine (*Vitis* sp.), and Brazilian pepper (*Schinus terebinthifolius*).

2.2 Wetlands

Wetland Mixed Forest (FLUCCS 630) – An isolated wetland area (0.99 acres onsite, with 0.14 acres offsite within the Cleveland Avenue right-of-way) is located along the eastern side of the subject property adjacent to N Cleveland Ave. The canopy consists of a mix of slash pine, water oak (*Quercus nigra*) and laurel oak. Sub-canopy species include fetter bush (*Lyonia lucida*), wax myrtle, maidencane (*Panicum hemitomon*), and cinnamon fern (*Osmunda cinnamomea*).

2.3 Surface Waters

Ditch (FLUCCS 512) – Two drainage ditches are located in the southern portion of the subject property.

Surface Waters (FLUCCS 530) – A surface water pond is located within the pasture in the center of the subject property. Cattail (*Typha latifolia*) and Brazilian pepper were growing within and at the edges of the pond.

3.0 SOILS

A discussion of each soil type present on the subject property is documented below. Please see the attached Soils Map within Appendix I for the location of each soil type.

Malabar fine sand (34)– This is a nearly level, poorly drained soil located on sloughs. Slopes are smooth to concave and range from 0 to 1 percent. Typically, the surface layer is dark gray fine sand about 5 inches thick. The subsurface is 12 inches thick and is light gray and very pale brown fine sand. In most years, under natural conditions, the water table is at a depth of less than 10 inches for 2 to 4 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 through extended dry periods. The available water capacity is low in the surface and subsurface layers.

Isles fine sand, depressional (39)– This is a nearly level, very poorly drained soil located in depressions. Slopes are smooth to concave and less than 1 percent. Typically, the surface layer is very dark fine gray sand and is about 5 inches thick. The subsurface layer is about 5 inches of light gray fine sand. In most years, under natural conditions, the water table is above the surface for 3 to 6 months. It is within a depth of 10 to 40 inches for 2 to 4 months. The water table recedes to a depth of more than 40 inches during

extended dry periods. The available water capacity is medium in the surface layer and low in the substratum. Permeability is rapid.

Oldsmar fine sand, limestone substratum (50)– This is a nearly level, poorly drained soil in the flatwoods. Slopes are smooth to slightly convex and range from 0 to 2 percent. Typically, the surface layer is dark gray fine sand about 8 inches thick. The subsurface later is fine sand to a depth of 34 inches. In most years, under natural conditions, the water table is above the surface for 3 to 6 months. It is 10 to 40 inches below the surface during extended dry period. The available capacity is medium in the surface layer and subsoil and low in the subsurface layer. Permeability is rapid in the surface and subsurface layers and slow or very slow in the subsoil.

4.0 WETLANDS AND SURFACE WATERS

4.1 Methods and Jurisdiction

Criteria used to determine the presence of the boundaries of wetlands and surface waters were in accordance with Chapter 62-340 F.A.C. AES completed the wetland delineation on September 28, 2021.

Wetlands within the subject property are jurisdictional to the South Florida Water Management District (SFWMD). A small wetland (approximately 0.99 acres onsite and an additional 0.14 acres offsite within the Cleveland Avenue right-of-way) is located on, and adjacent to, the subject property. Please see the Wetland Map within Appendix I.

Based on preliminary desktop review, the wetland areas lack a direct connection to navigable waters and may not meet federal jurisdiction requirements. An Approved Jurisdictional Determination with the Florida Department of Environmental Protection (FDEP) will be required to confirm jurisdiction.

4.2 Wetland Habitat Assessment

The wetland on the subject property is generally moderate quality. The wetland has been affected by surrounding land uses (roads and highways, commercial and residential developments, and agriculture). The property has also been suppressed of wildfire which impacts the biodiversity of flatwoods and wetland systems such as those found on the subject property. AES completed preliminary Uniform Mitigation Assessment Method (UMAM) worksheets for the wetlands on the property. Please see the UMAM summary below:

Project:	Cleveland Rd			date onsite: 28-Sep-21						
	Habitat	Location and Landscape Support		Water Environment		Community Structure			Functional	Total Impact
Impacts	type	before	after	before	after	before	after	Acres	loss	Acres
										0.1
W1	630	5	0	6	0	6	0	1.13	0.6403	
		0	0	0	0	0	0	0	0.0000	
		0	0	0	0	0	0	0	0.0000	Total
		0	0	0	0	0	0	0	0.0000	Functional
		0	0	0	0	0	0	0	0.0000	Loss
		0	0	0	0	0	0	0	0.0000	0.640

4.2 Wetland Impacts

Impacts to wetlands within the subject property will require permitting through the SFWMD. An initial assessment was completed for the property to be used for planning purposes. Since no site plan is currently developed for the site, the assessment was prepared assuming wetland W-1 will be impacted in its entirety.

Based on the initial assessment impact to wetland W-1 would result in 0.64 units of functional wetland loss. Mitigation will be required to offset any wetland impacts. The subject property is located in Mitigation Basin 24 – Tidal Caloosahatchee. Mitigation can be purchased through banks via mitigation credits, where each credit provides offset for each unit of functional loss. If wetland impacts are proposed, mitigation credits are available at Little Pine Island Mitigation Bank.

5.0 WILDLIFE OBSERVATIONS

Wildlife observations, both direct and indirect, were made throughout the course of the site investigation. A list of species observed is provided in the following table:

Table 1: Wildlife species observed on the Cleveland Avenue property, in Lee County, Florida.

Taxon	Common Name	Scientific Name	Protected
Birds	Northern cardinal	<i>Cardinalis cardinalis</i>	No
	Turkey vulture	<i>Cathartes aura</i>	No
Reptiles			
	Brown anole	<i>Anolis sagrei</i>	No
Mammals			
	Nine-banded armadillo	<i>Dasypus novemcinctus</i>	No

6.0 PROTECTED SPECIES

Prior to visiting the site, a background literature search was conducted to compile a list of state and federally protected animal and plant species that could occur on the subject property. The three primary sources of literature reviewed include the Florida Fish and Wildlife Conservation Commission's (FWC) *Florida's Endangered Species, Threatened Species, And Species of Special Concern*, the United States Fish and Wildlife Service's (FWS) Threatened and Endangered Species System (TESS) database, and the Florida Department of Agriculture and Consumer Services (FDACS), Division of Plant Industry's (DPI) *Notes on Florida's Endangered and Threatened Plants*. During the site reconnaissance, observations or evidence of protected species and the likelihood of occurrence of each protected species were noted. Further review was completed following the habitat mapping and descriptions.

6.1 Protected Wildlife Species

The protected animal species with at least some likelihood of occurrence are listed in Table 6.1.1, below. The likelihood of occurrence of each species is noted in the table and those species with at least a moderate likelihood of occurrence are discussed following the table.

Table 6.1.1: Protected wildlife species with the potential to occur on the Cleveland Avenue property, in Lee County, Florida.

Species Name	Common Name	Agency Listing		Likelihood of Occurrence	Habitat
		FWC	FWS/NMFS		
<i>Caracara cheriway</i>	Audubon's crested caracara	T	T	Moderate	Wet prairies with cabbage palms
<i>Drymarchon couperi</i>	Eastern indigo snake	T	T	Low	Pine flatwoods, hardwood forests, moist hammocks, and areas that surround cypress swamps
<i>Eumops floridanus</i>	Florida bonneted bat	E	E	Moderate	Cliff crevices, tree cavities, and buildings
<i>Gopher polyphemus</i>	Gopher Tortoise	T	T	Moderate	Longleaf pine sandhills, xeric oak hammocks, scrub, pine flatwoods, dry prairies, and coastal dunes
<i>Mycteria americana</i>	Wood stork	T	T	High	Marshes, swamps, streams and mangroves
<i>Picoides borealis</i>	Red-cockaded woodpecker	E	E	Low	Mature pine forests
<i>Puma concolor coryi</i>	Florida Panther	E	E	Low	Forested areas that provide dense understory vegetation

<i>Athene cunicularia floridana</i>	Florida burrowing owl	T	Moderate	High sandy areas
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E= Endangered; T=Threatened; SSC=Species of Special Concern; CS=Candidate Species

Those species listed as having a moderate likelihood of occurrence or higher in Table 6.1 are listed as such due to presence of suitable habitat.

The subject property lies within the Consultation Area for the crested caracara (*Caracara cheriway*). The species commonly occurs on dry or wet prairies with scattered cabbage palms and nests primarily in cabbage palms. The subject property contains dry prairie with scattered sabal palms. AES completed a preliminary nest survey while onsite and did not observe any active caracara nests within cabbage palms trees on the subject property.

The subject property lies within the Consultation Area for the Florida bonneted bat. The Florida bonneted bat roots in tree cavities, hollows, loose bark, or crevices. Prior to construction a limited roost survey should be completed to determine if the subject property contains roosting trees for the Florida bonneted bat.

The subject property provides suitable habitat for the gopher tortoise (*Gopherus polyphemus*). A 100% gopher tortoise survey was conducted on the subject property by an Authorized Gopher Tortoise Agent. No gopher tortoise burrows were observed onsite. Prior to development an updated 100% gopher tortoise (*Gopherus polyphemus*) burrow survey will be required.

The presence of the eastern indigo snake is unlikely due to the proximity to heavily trafficked roadways, lack of high-quality upland or wetland habitats, and the absence of gopher tortoise burrows within the property.

While no wood storks (*Mycteria americana*) were observed on the subject property, wood storks have been observed routinely throughout the area. Wetlands and surface waters within the subject property provide suitable foraging habitat for the wood stork. The nearest wood stork rookery is located approximately 4.5 miles to the east. All suitable foraging habitat within 18.6 miles of a know rookery is considered Core Foraging habitat. The project site is located within a Core Foraging Area for wood storks. Any impacts to suitable foraging habitat would require mitigation, however if mitigation bank credits will be purchased for wetland impacts, it will be sufficient to offset the loss of Core Foraging habitat and no additional consultation or permitting for impacts to the wood stork would be required.

AES completed a 100% pedestrian survey of suitable habitat for the Florida burrowing owl (*Athene cunicularia floridana*). No burrowing owl burrows were identified within the subject property. Prior to construction an updated survey will be required. If nests are

identified then proper buffers around the nest should be incorporated until the nesting season is complete.

The FWC's Eagle Nest Locator website was queried for data regarding documented southern bald eagle (*Haliaeetus l. leucocephalus*) nests in the project vicinity. The southern bald eagle is protected under the Bald and Golden Eagle Protection Act (BGEPA). Development guidelines are required for any proposed projects with 330 feet for urban areas and 660 feet for non-urban areas. The nearest eagle nest is approximately 1.38 miles from the subject property. Therefore, this project is not likely to adversely affect the southern bald eagle.

No other protected species are anticipated to utilize the subject property.

6.2 Protected Plant Species

The protected plant species with some potential to occur on the subject property are listed in Table 6.2.1, below.

Table 6.2.1: Protected plant species with the potential to occur on the Cleveland Avenue Property in Lee County, Florida.

Species Name	Common Name	Agency Listing		Likelihood of Occurrence	Habitat
		FDACS	FWS		
<i>Deeringothamnus pulchellus</i>	Beautiful Pawpaw	E	E	Low	Open slash pine or longleaf pine flatwoods with wiregrass and dwarf live oak in the understory

LE= Least Endangered E= Endangered; T= Threatened; CE= Commercially Exploited

No federally protected plant species are expected to occur on the subject property.

7.0 SUMMARY

The Cleveland Avenue Property is located in Lee County, Florida. The subject property is approximately 19.41 acres and consists of pasture lands, forested uplands, 0.99 acres of isolated wetlands (additional 0.14 acres found within the Cleveland Avenue right-of-way) and 0.21 acres of surface waters. If wetland impacts are proposed, permitting through the SFWMD will be required. Wetland mitigation would be required for any impacts to the wetland (direct or secondary).

The subject property provides suitable habitat for the crested caracara, Florida bonneted bat, gopher tortoise, and wood stork. A preliminary survey was completed for crested caracara nests and gopher tortoise burrows. No nests or burrows were observed. Prior to

construction an updated survey for caracara nest, gopher tortoise burrows, and Florida bonneted bat roosting trees should be completed.

No other protected fauna species are anticipated within the project area. No federally protected flora species are anticipated on the subject property.

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APPENDIX I

FIGURES

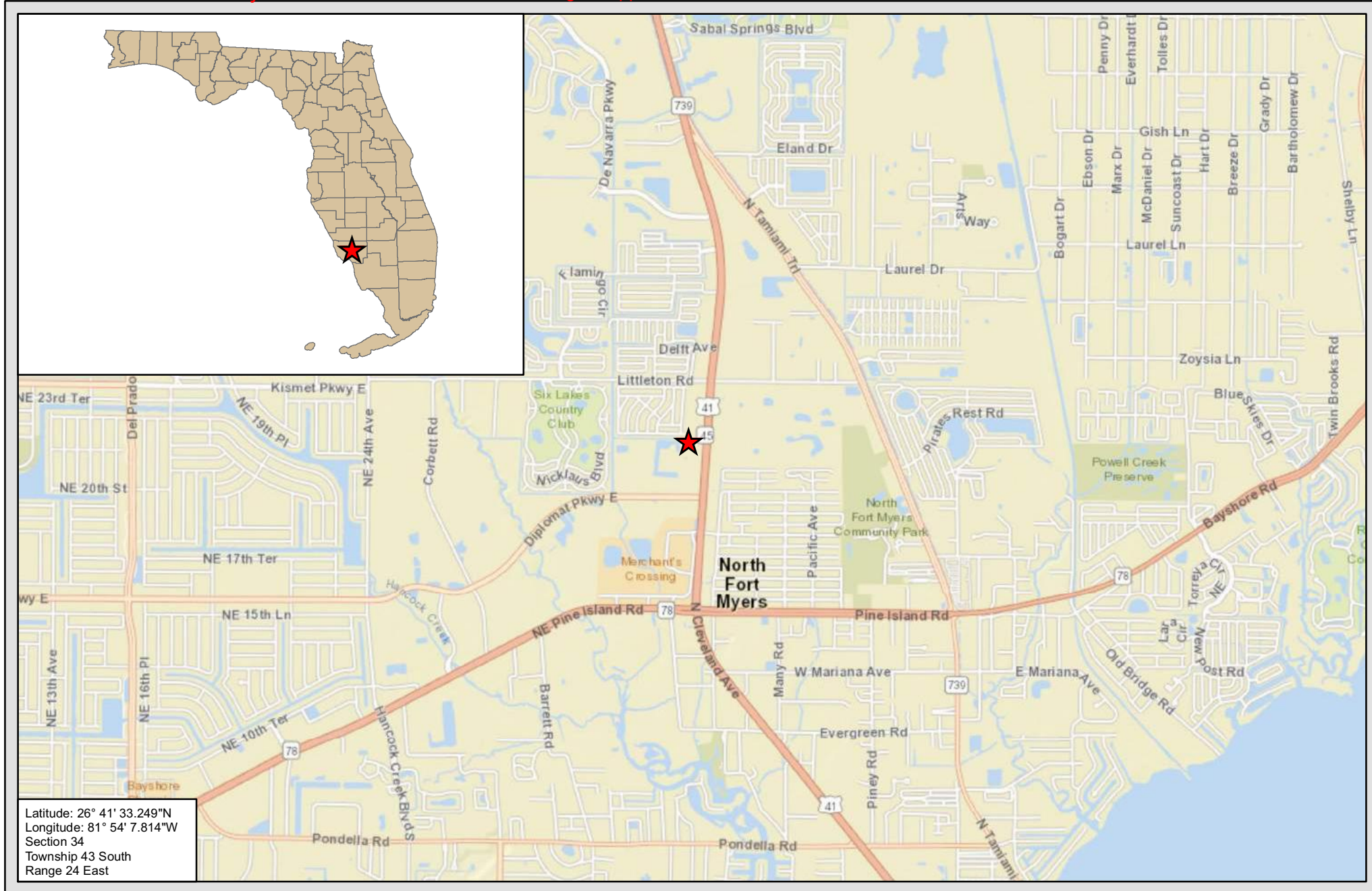


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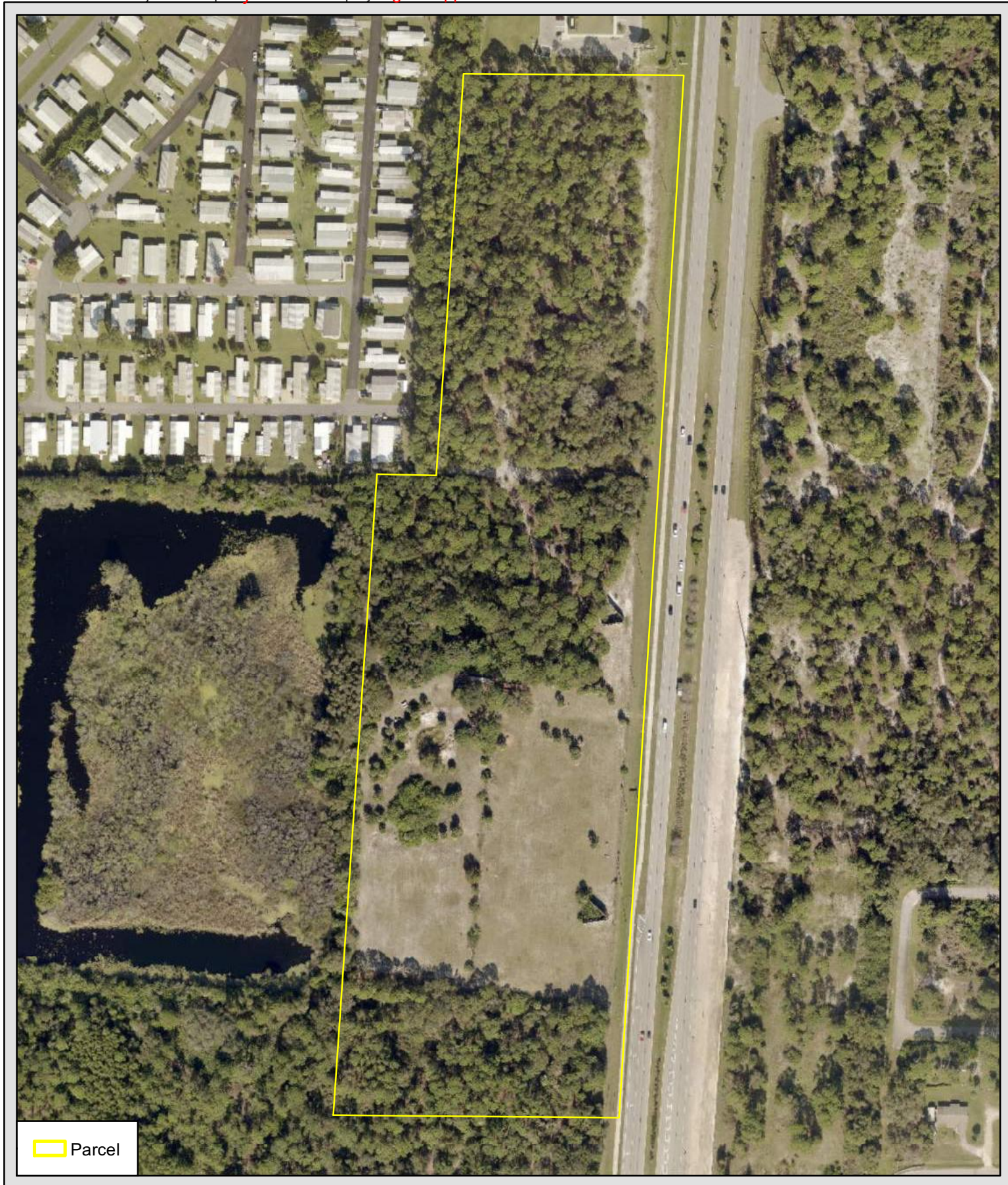
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Location Map Cleveland Ave Property Lee County, Florida



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201 Basque Rd | St. Augustine, FL 32080



Parcel

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Aerial Map Cleveland Ave Property Lee County, Florida



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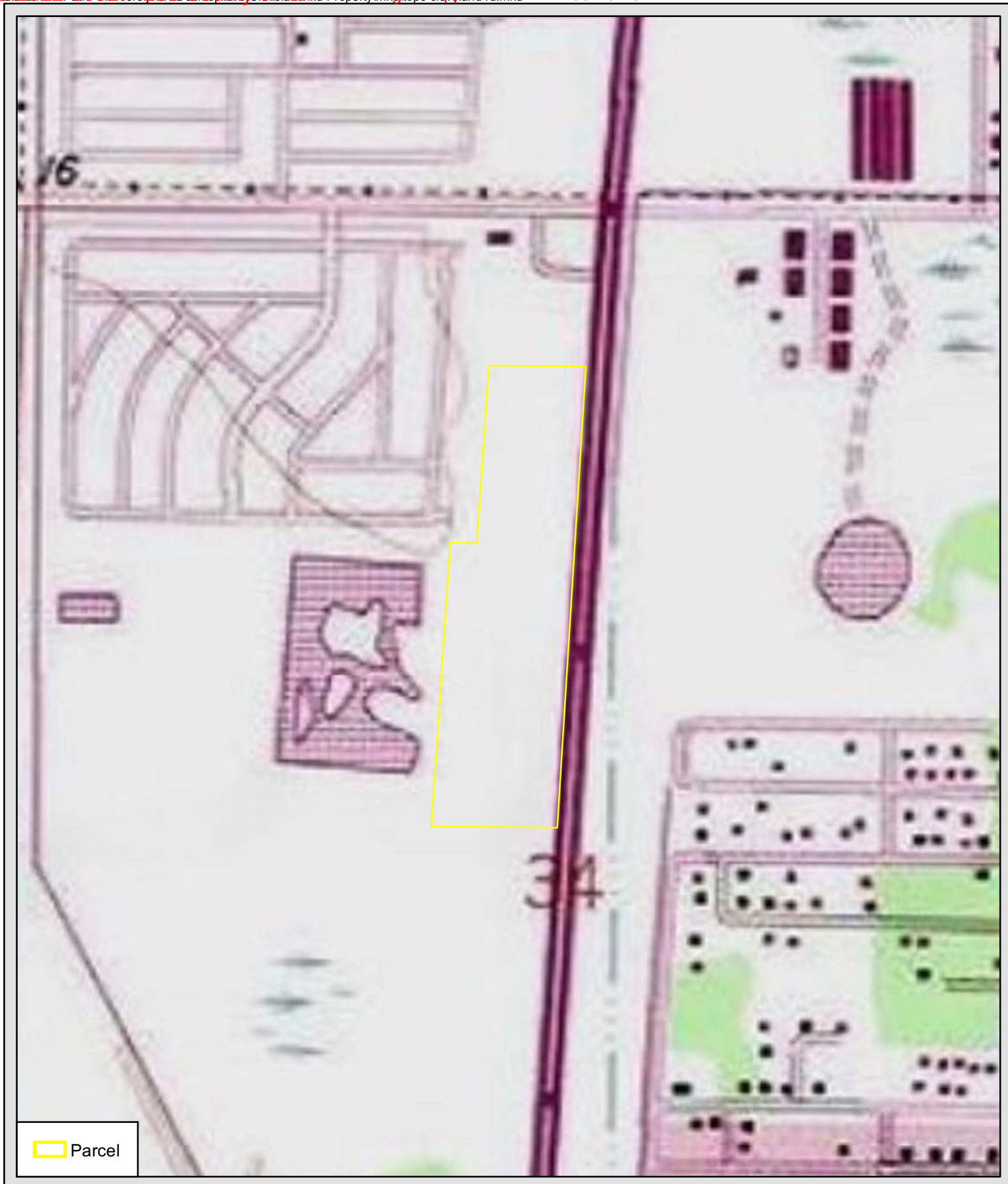


Image Source: ESRI 2020
Date: 9-29-21

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Topographic Map
Cleveland Ave Property
Lee County, Florida



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Soil Map Cleveland Ave Property Lee County, Florida



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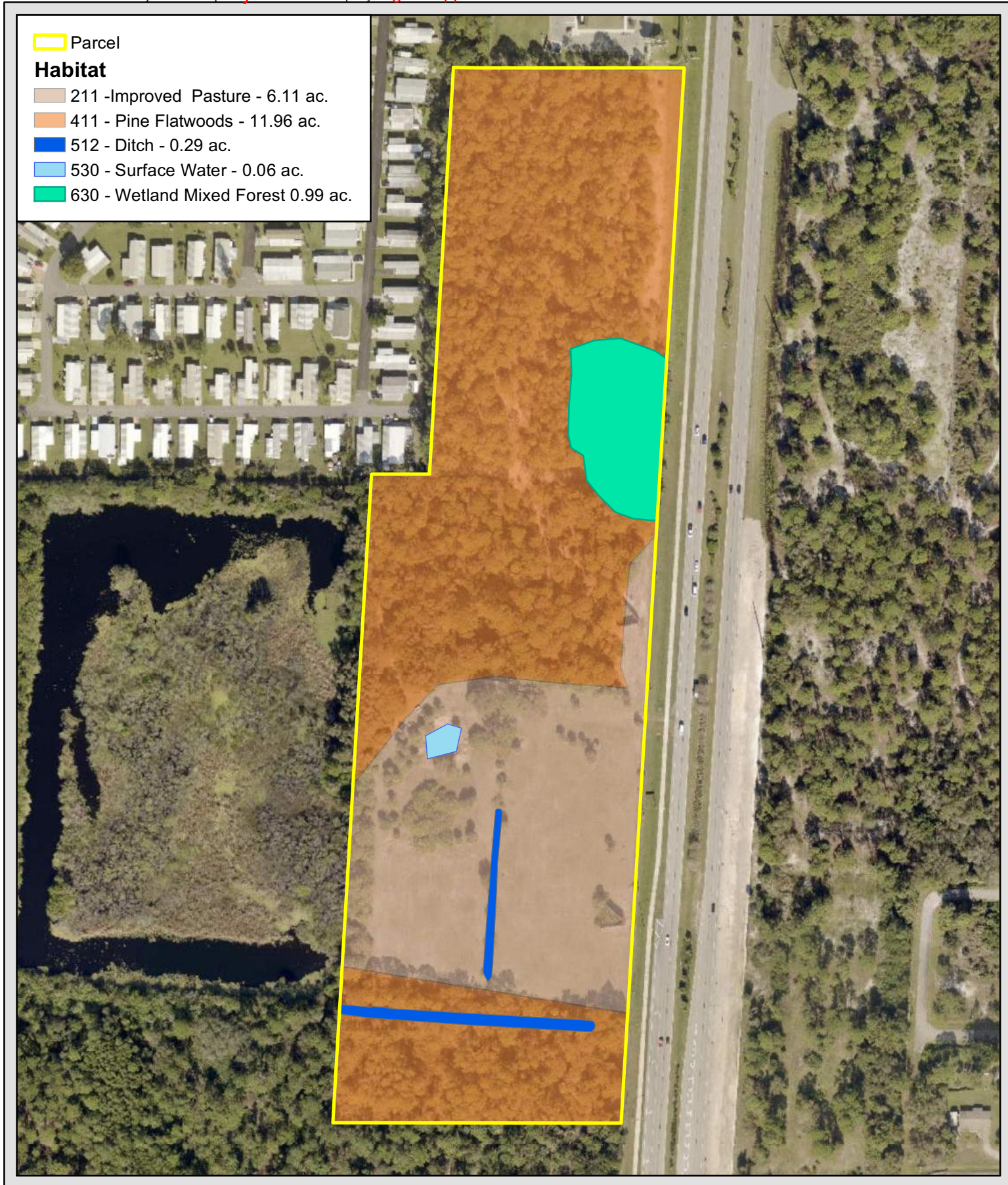


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Habitat Map Cleveland Road Property Lee County, Florida



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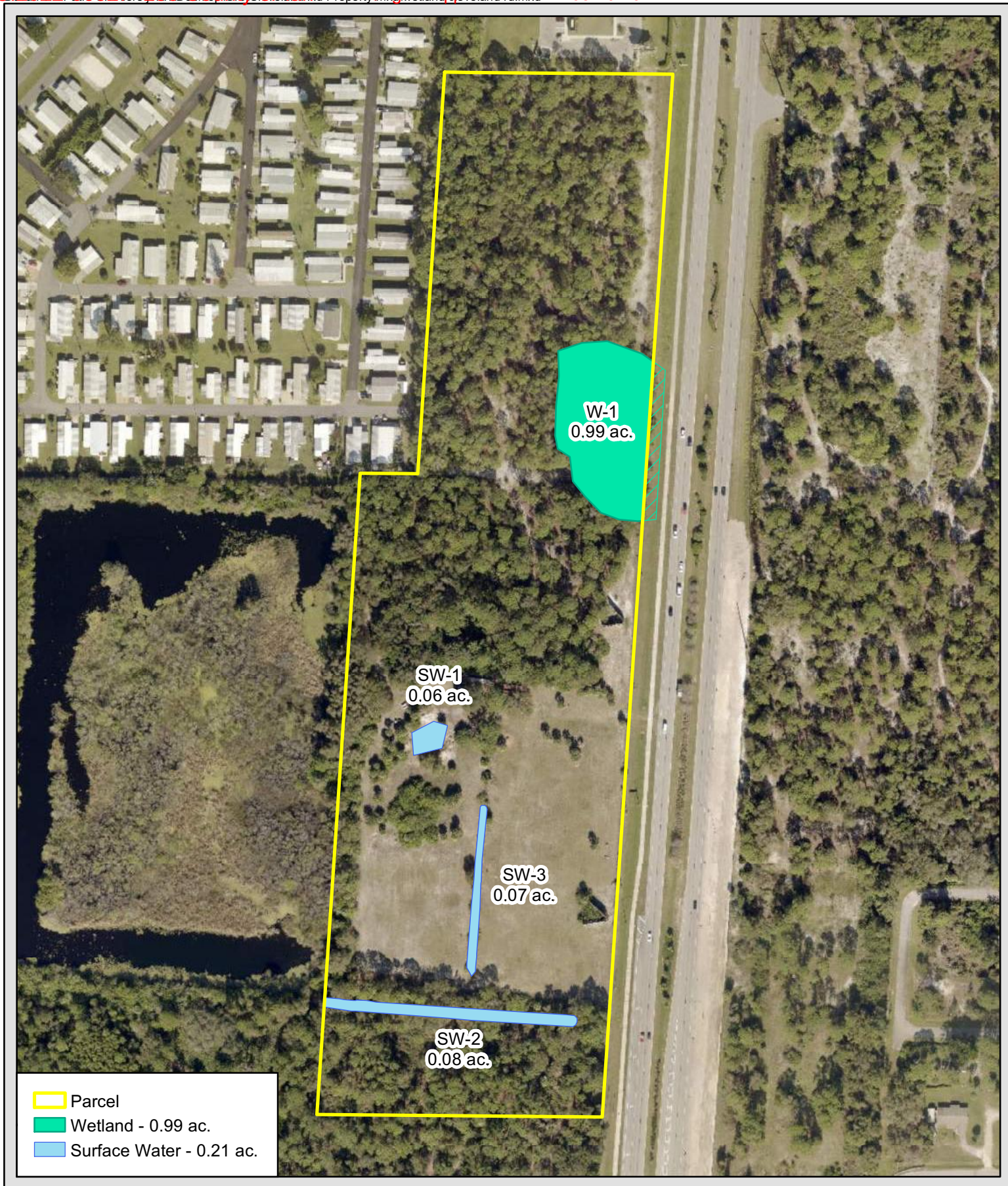


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Wetland Map Cleveland Road Property Lee County, Florida



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**FGUA Operations Office**

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10/29/2021

Sina Ebrahimi
Kimley-Horn & Associates, Inc
1412 Jackson Street Suite 2
Fort Myers, FL 33901
sina.ebrahimi@kimley-horn.com

RE: Water, Wastewater, and/or Reclaim Water Availability – LOA ID#: 22-005 NFMD

Parcel ID No.: 34-43-24-00-00001.3020

15781 N. Cleveland Avenue, North Fort Myers, FL 33903

15781 N. Cleveland Avenue MF

Dear Mr. Ebrahimi:

Pursuant to the submitted Application for Service Availability, please be advised that wastewater lines are in operation in the vicinity of the address mentioned above, and a site map showing the approximate location of the utilities is included for your reference. However, in order to provide service to the subject parcel(s), developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of 291 multi-family units with an estimated wastewater flow demand of 58,200 GPD. FGUA presently has sufficient treatment capacity to accommodate these flows. Please note that during design, the FGUA Utilities Operations Manual requires the project engineer to perform hydraulic computations to determine what impact, if any, this project will have on our existing water and wastewater systems.

This letter should not be construed as a commitment to serve, but only as a statement of the availability of service and is effective for twelve (12) months from the date hereof. The FGUA will commit to serve only upon final acceptance of the utility infrastructure constructed by the developer, receipt of all appropriate capacity (impact) and project fees, an executed Utility Infrastructure Conveyance and Service Agreement (CSA), the approval of all state and local regulatory agencies and proper project closeout. Further, this Letter of Availability is to be utilized for development review for this project only.

FGUA Board of Directors

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Letter of Availability
Page 2 of 3

When you are ready to move forward with your project, please contact Shaddai Spencer, Development Services Technician at 407-629-6900 ext. 103 or via email at SSpencer@govmserv.com to receive the pre-development meeting document that is required to be completed.

Sincerely,

FLORIDA GOVERNMENTAL UTILITY AUTHORITY

Douglas W Black Digitally signed by Douglas W Black
Date: 2021.11.03 15:46:11 -04'00'

Douglas W. Black, PSM, PLS
Property & Development Manager

CC: Mike Currier, South Region Area Manager

Encl.

1. Pre-Development Meeting Information
2. Utility Locates
3. Fee Statement/Receipt



Development Services Division

Pre-Development Meeting Information

Purpose:

The pre-development meeting is designed to be an informative discussion, specifically geared toward assisting the applicant (owner/developer/engineer) understand the FGUA's policies and development process. The pre-development meeting document is required prior to the formal submission and review of any utility construction plans by the Development Division.

It is our goal to assist you through the FGUA development process as smoothly as possible, and for your development to be a success. This mandatory pre-development meeting document will provide you with the details you need to make this a successful and stress-free process.

What to Expect:

If the meeting is requested, you will be provided with a variety of both general and specific information regarding the FGUA's development process. This will include, but not be limited to staff contact information, plan review guidelines, current fees, conveyance, and closeout procedures.

Who Should Attend:

It is encouraged that a representative from the property owner, developer and engineer, at a minimum, attend this meeting. Representatives of the FGUA's Development Division, including the project coordinator, real property coordinator and utility system service area manager will also be in attendance as required.

In an effort to accommodate the potential long-distance commute between the FGUA's Operations Office in Longwood, Florida and the FGUA system areas, these meetings may take place at the local office and/or via video conference call or Microsoft Teams.

Meeting Requests:

Please call or e-mail Paul Arnett, Development Services Coordinator to request a meeting at PArnett@govmserv.com, office: (407) 629-6900, or cell: (407) 885-1756.

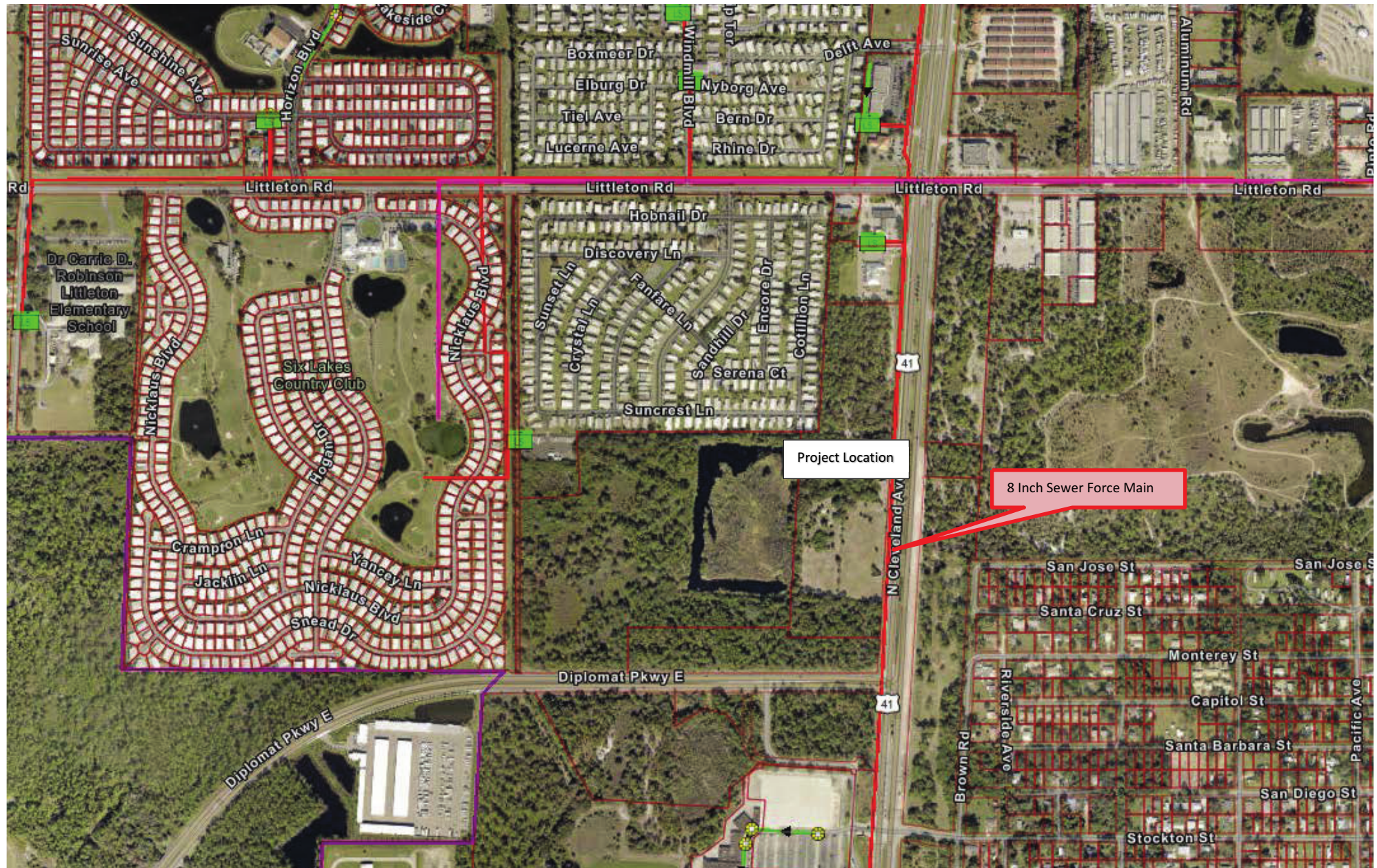
Please have your FGUA Letter of Availability (LOA) Number (included on the first page of your previously issued Letter of Availability) ready when you call or email to schedule this meeting.

You will also be requested to provide a preliminary site utility plan for staff review.

Prior to submitting utility construction plans for approval, you MUST complete the pre-development meeting document. Plans submitted to the FGUA without this completed document will not be reviewed until this meeting takes place.

Project Name: 22-005 NFMD 15871 N. Cleveland Avenue MF

Property Address: 15781 N. Cleveland Avenue, North Fort Myers, FL 33903



ALL UTILITY LOCATIONS SHOWN HERE ARE APPROXIMATE. THE DEVELOPER IS SOLELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS VIA POTHOLING OR OTHER ACCEPTABLE MEANS.



FGUA Fee Statement

Letter of Availability and/or Locate Request

 Property Address or PID: 34-43-24-000000.13020

 System: North Fort Myers 416

 Development/Project Name: 15781 N Cleveland Ave., North Fort Myers, FL 33903

 Date: October 22, 2021

 County: Lee

 LOA ID: 22-005 NFMD

All fee amounts are based on the rates in effect as of the date of this statement and are subject to change.

Fees based on:

0	Letter of Utility Location Availability and Locate Map	\$	100.00
1	Utility Availability Map (Map Only)	\$	75.00
2	Letter of Utility Location Availability (Letter Only)	\$	25.00

<i>FGUA</i>	G/L Code	Fees	Total fees	Amt Previously Paid	Balance Due
LOA Request	202098	\$ 100.00	\$ 100.00	\$ 100.00	\$ -

Fees Due: \$ -

<i>Payment History</i>	Date	Check Date	Check #	Payer Name	Amount
0 Letter and Locate Map	10/22/2021	10/20/2021	4553	TDM CONSULTING INC	\$ 100.00
1 Map Only					
2 Letter Only					

**BOARD OF COUNTY COMMISSIONERS**

John E. Manning
District One

April 18, 2022

Via E-Mail

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Donna Marie Collins
*County Chief
Hearing Examiner*

Justin Napolitano
Kimley-Horn and Associates, Inc.
1412 Jackson Street, Suite 2
Fort Myers, FL 33901

RE: **Potable Water Availability**
15781 N. Cleveland Avenue MF, 15781 N. Cleveland Ave
STRAP # 34-43-24-00-00001.3020

Dear Mr. Napolitano:

The subject property is located within Lee County Utilities Future Service Area as depicted on Maps 4A of the Lee County Comprehensive Land Use Plan. Potable water lines are in operation adjacent to the property mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions will be required.

Your firm has indicated that this project will consist of 291 multi-family residential units with an estimated flow demand of approximately 58,200 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water service as estimated above.

Availability of potable water service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our North Lee County Water Treatment Plant.

There are no reuse mains in the vicinity of this parcel.

Prior to beginning design work on this project, please meet with LCU Staff to determine the best point of connection and discuss requirements for construction.

This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

15781 N. Cleveland Avenue Mf - Letter.Docx

April 18, 2022

Page 2

Further, this letter of availability of potable water service is to be utilized for Due Diligence only. Individual letters of availability will be required for the purpose of obtaining building permits.

Sincerely,

LEE COUNTY UTILITIES



Mary McCormic
Technician Senior
239-533-8532
UTILITIES ENGINEERING

Kimley»Horn

Subjects: 1 Buffer: 500 Date: 1/12/2022 12:00:00 , List Size: 12

Index	FolioId	STRAP	OwnerName	OwnerName2	MailAddress	MailAddress2	MailCity	MailState	MailZip	SiteNumbe	SiteStreet	SiteCity
0	10147462	34-43-24-00-00001.3020	HALLIN FAMILY LLC		417 WEST MINNESOTA AVE		DELAND	FL	32720	15781	N CLEVELAND AVE	NORTH FORT MYER
1	10147456	34-43-24-00-00001.0000	AIOP SERENDIPITY LLC	AMERICAN LAND LEASE	27777 FRANKLIN RD STE 200		SOUTHFIELD	MI	48034	8791	LITTLETON RD	NORTH FORT MYER
2	10147459	34-43-24-00-00001.0030	AVESTA DEVELOPMENT LLC	PAYABLES	3221 TAMIAMI TRL		PORT CHARLOTT	FL	33952	15991	N CLEVELAND AVE	NORTH FORT MYER
3	10147460	34-43-24-00-00001.003B	WESTCOAST OF FLORIDA MANAGEMEN		8671 LITTLETON RD		NORTH FORT MY	FL	33903	8671	LITTLETON RD	NORTH FORT MYER
4	10442049	34-43-24-00-00001.003C	7-ELEVEN INC	CORP INCOME TAX DEPT	3200 HACKBERY RD		IRVING	TX	75063	15999	N CLEVELAND AVE	NORTH FORT MYER
5	10147461	34-43-24-00-00001.3000	HALLIN FAMILY LLC		417 WEST MINNESOTA AVE		DELAND	FL	32720	15800	N CLEVELAND AVE	NORTH FORT MYER
6	10147463	34-43-24-00-00001.3030	HABITAT DIPLOMAT NORTH LLC		1288 NORTH TAMIAMI TRL		NORTH FORT MY	FL	33903		ACCESS UNDETERMINED	NORTH FORT MYER
7	10485558	34-43-24-00-00001.3040	PARK 41 GARDENS INC	ROETZEL + ANDRESS LPA	2320 1ST ST STE 1000		FORT MYERS	FL	33901	15780	N CLEVELAND AVE	NORTH FORT MYER
8	10508294	34-43-24-00-00001.3050	COOPER STREET PROPERTY INC		3200 BAILEY #199		NAPLES	FL	34105		ACCESS UNDETERMINED	NORTH FORT MYER
9	10557311	34-43-24-00-00001.3090	HALLIN FAMILY LLC		417 WEST MINNESOTA AVE		DELAND	FL	32720	15500	N CLEVELAND AVE	NORTH FORT MYER
10	10147465	34-43-24-00-00007.0010	EMBARQ FLORIDA INC	PROPERTY TAX DEPT	1025 ELDORADO BLVD		BROOMFIELD	CO	80021	8441	LITTLETON RD	NORTH FORT MYER
11	10552459	34-43-24-00-00009.0000	PARK 41 GARDENS INC		2320 1ST ST STE 1000		FORT MYERS	FL	33901		LITTLETON RD	NORTH FORT MYER

AIOP SERENDIPITY LLC
AMERICAN LAND LEASE
27777 FRANKLIN RD STE 200
SOUTHFIELD MI 48034

AVESTA DEVELOPMENT LLC
PAYABLES
3221 TAMiami TRL
PORT CHARLOTTE FL 33952

WESTCOAST OF FLORIDA MANAGEMEN
8671 LITTLETON RD
NORTH FORT MYERS FL 33903

7-ELEVEN INC
CORP INCOME TAX DEPT
3200 HACKBERRY RD
IRVING TX 75063

HALLIN FAMILY LLC
417 WEST MINNESOTA AVE
DELAND FL 32720

HABITAT DIPLOMAT NORTH LLC
1288 NORTH TAMiami TRL
NORTH FORT MYERS FL 33903

PARK 41 GARDENS INC
ROETZEL + ANDRESS LPA
2320 1ST ST STE 1000
FORT MYERS FL 33901

COOPER STREET PROPERTY INC
3200 BAILEY #199
NAPLES FL 34105

HALLIN FAMILY LLC
417 WEST MINNESOTA AVE
DELAND FL 32720

EMBARQ FLORIDA INC
PROPERTY TAX DEPT
1025 ELDORADO BLVD
BROOMFIELD CO 80021

PARK 41 GARDENS INC
2320 1ST ST STE 1000
FORT MYERS FL 33901

