



Engineers, Planners & Development Consultants

4301 Veronica Shoemaker Blvd. Fort Myers, FL 33916
239.936.5222 | QAINC.NET | f 239.936.7228

December 29, 2022

Mr. Peter Blackwell, Planner
Lee County Division of Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RE: **Lee Corners
(Rezoning Application)
REZ2022-00019**

Dear Mr. Blackwell,

Please find attached a set of revised plans for the above-mentioned project per your comments dated November 2, 2022. Below are written responses to the comments.

Application Form

The application for states that the requested rezoning is from CPD to CG, but the subject property includes a parcel that is zoned Single Family Residential (RS-1). Part 3B of the application only includes one street address. Part 3E does not include the RS-1 district. Please provide a revised application that includes the RS-1 district in the proposal and which contains the addresses of all the lots.

Response: The application has been updated to include the RS-1, please see attached Lot list for additional parcels

Disclosure of Interest Form

The provided Disclosure of Interest form only lists one property address. Please provide a form that lists all of the property within the area proposed for rezoning per LDC 34-202(a)(2).

Response: Please see the Disclosure of Interest attached.

Legal

Please provide a boundary survey in accordance with the requirements of Lee County LDC §34-202(a)(6).

The survey must be tied to the state plane coordinate system for the Florida West Zone (the most current adjustment is required) with two coordinates, one coordinate being the point of beginning (POB) and the other an opposing corner.

Response: Please see attached survey

Community information Meeting

LDC Section 33-1401 requires that the applicant conduct an advertised public informational meeting in the Lehigh Acres community. Please provide an attendance list and minutes of that meeting, include any questions from the public and comment from the relevant public body

Response: Meeting was held on Dec 15th. The Board approved, and the meeting minutes have been requested from LAAZRB.

Development Services

Development order DOS2016-00010 was approved on the subject property using the schedule of uses, property development regulations, deviations, and conditions contained in the approved zoning resolution Z-08-051.

Please provide either:

- (A) a demonstration that the approved Development Order DOS2016- 00010 will not create conflicts with the proposed General Commercial (CG) district, or
- (B) An approved vacation of Development Order DOS2016-00010.

Response: The current DO meets or exceeds the CG zoning district. However, the current zoning did have a driveway deviation, which was approved with DOS2016-00010 with the stipulation that it was right in and right out only and a cross access easement to be provided.

Environmental:

The existing Veg permit on the property (VEG2021-00252) excluded parcel 29-44-26-07-00055.0060. Please provide a new veg permit to address this parcel.

Response: Parcel 29-44-26-07-00055.0060 is not part of the current approved DO, therefore unable to include in the current VEG permit. Before any clearing a pre-con will be scheduled to ensure silt fence does not include this parcel until a DO can be approved. A DO will be requested for the remaining lot when owner is ready to remove any vegetation.

In addition, staff has the following courtesy comments regarding environmental issues for the case: -Lee Plan policy 4.1.4. states "in any case where there exists or there is the probability of environmentally sensitive areas, the developer/applicant must prepare an environmental assessment that examines the existing conditions, addresses existing or anticipated environmental problems, and proposed means and mechanisms to protect, conserve, or preserve the environmental and natural resources." Please provide a formal Jurisdictional determination (JD) at the time of development order.

Response: The site has previously been approved by a SFWMD and the client has purchased and paid for 0.32 credits to off-set the wetland impacts. Please see the attached PSS report.

Please respond to the enclosed sufficiency review comments within thirty (30) calendar days of the date of this letter. This application will be considered withdrawn if no response is received within this timeframe.

If you have any questions regarding the above responses or any of the attachments, please contact our office at (239) 936-5222.

Sincerely,
Quattrone & Associates, Inc.

Sharon Hrabak
Permitting Manager
Email: Sharon@qainc.net

Attachments:
Property Owner and Map
Letter of Mitigation Credits
PSS Report & Exhibits
Survey
Disclosure of Interest
REV Application



APPLICATION FOR CONVENTIONAL REZONING PUBLIC HEARING UNINCORPORATED AREAS ONLY

Project Name: Lee Corners

Request: ☒ Rezoning from: CPD + RS-1 To: CG
☐ Variance included? ☒ **NO** ☐ **YES**¹ for: _____
☐ Special Exception included? ☒ **NO** ☐ **YES**¹ for: _____
☐ Bonus Density included? ☒ **NO** ☐ **YES**² for: _____ Bonus Units

¹ If **YES**, submit applicable application and fee

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

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PART 1 APPLICANT/AGENT INFORMATION

A. Name of Applicant: Quattrone & Associates, Inc
Address: 4301 Veronica Shoemaker Blvd
City, State, Zip: Fort Myers, FL 33916
Phone Number: 239-936-5222 **E-mail:** permits@gainc.net

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: _____
Contact Person: _____
Address: _____
City, State, Zip: _____
Phone Number: _____ **Email:** _____

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

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: Luis A Bermudez
Address: 325 NW 119th Ct
City, State, Zip: Miami, FL 33182
Phone Number: 305-345-7656 **Email:** lnb246@yahoo.com

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

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

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

☒ Property owners map. [34-202(a)(8)]

1. Title certification document, no greater than 90 days old. **[34-202(a)(7)]**

2. Date property was acquired by present owner(s): 2008 and 2017

29-44-26-07-00055.0020 (29-44-26-07-00055.0060)

(See Lot List for Additional Lots)

B. Street Address of Property: 4923 Lee Blvd. / 4915 Lee Blvd

☒ 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

☒ 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.

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.

☒ Provide a list of all Zoning Resolutions and Zoning Approvals applicable to the subject property. **[34-202(b)]**

1. Current uses of property are: VACANT

2. Intended uses of property are: Commercial

Central Urban	<u>±2.8</u>	Acres	<u>100</u>	% of Total
		Acres		% of Total
		Acres		% of Total

1. Width (average if irregular parcel): ±1493 Feet

2. Depth (average if irregular parcel): ± 272.26 Feet

3. Total area: ±2.8 Acres or square feet

4.	Frontage on road or street:	<u>±1493</u>	Feet on	Lee Boulevard	Street
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2 nd Frontage on road or street:	<u>±249.43</u>	Feet on	<u>Lee Street</u>	Street
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- 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; Lee Plan Policy 25.1.1]
 - ☐ 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 ACTION REQUESTED

- A. Reason(s) for Request:** Provide a statement explaining the nature of the request and how the property qualifies for the rezoning and, if applicable, bonus density. This statement should explain how the request meets the applicable findings/review criteria set forth in LDC section 34-145(d)(4) and, if applicable, LDC Section 2-146(b). This statement 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. [34-202(b)(3)]

PART 5 ADDITIONAL REQUIREMENTS

- A. Potable Water:** Will the project be connected to potable water and central sewer as part of any development of the property?
- ☒ **YES** (Provide 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)]
- B. 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)]
- C. 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 _____ NAVD (MSL)
- D. 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).
- E. Mobile Home Park: [34-202(b)(4)]**
- ☒ 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).

F. 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 6 SUBMITTAL REQUIREMENT CHECKLIST	
<i>Two copies required for submittal</i> <i>Clearly label your attachments as noted in bold below</i>	
☒	Completed application for Public Hearing [34-202(a)(1)]
☒	Filing Fee - [34-201(d)]
☐	Bonus Density Filing Fee - (if applicable) [34-202(a)(11)]
☒	Affidavit of Authorization (notarized) Form [34-202(a)(3)]
☒	Additional Agents [34-202(a)(4)]
☒	Multiple Owners List (if applicable) [34-202(a)(2)]
☒	Disclosure of Interest Form (multiple owners) [34-202(a)(2)]
☒	Legal description (must submit one) [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.)
☐	Boundary Survey (not required if platted lot) [34-202(a)(6)]
☒	Property Owners list (if applicable) [34-202(a)(8)]
☒	Property Owners map (if applicable) [34-202(a)(8)]
☒	Confirmation of Ownership/Title Certification [34-202(a)(7)]
☒	STRAP Numbers (if additional sheet is required) [34-203(a)(5)]
☒	List of Surrounding Property Owners [34-202(a)(9)]
☒	Map of Surrounding Property Owners [34-202(a)(9)]
☒	Mailing labels [34-202(a)(9)]
☒	List of Zoning Resolutions and Approvals
☒	Summary of Public Informational Session (if applicable)
☐	Waivers from Application Submission Requirements [34-201(c)]
☒	Reason(s) for Request [34-202(b)(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)]
☐	Agricultural Use Affidavit (if applicable) [34-202(a)(12)]
☐	Information Regarding Proposed Blasting (if applicable)
☐	Mobile Home Dislocated Owners Information (if applicable) [34-202(b)(4)]
☐	Tall Structures Permit (if applicable) [34-1108]

DISCLOSURE OF INTEREST AFFIDAVIT

BEFORE ME this day appeared Luis Bermudez, who, being first duly sworn and deposited says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at 4915 Lee Blvd., Lehigh Acres, FL 33971 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.

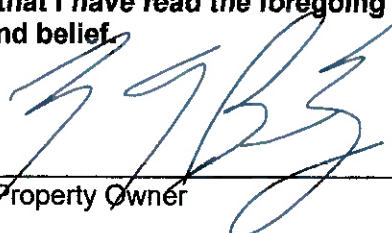
4. That the disclosure identified herein does not include any beneficial Ownership Interest that a Lee County Employee, County Commissioner, or Hearing Examiner may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for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

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

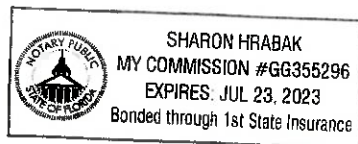
Luis Bermudez
Print Name

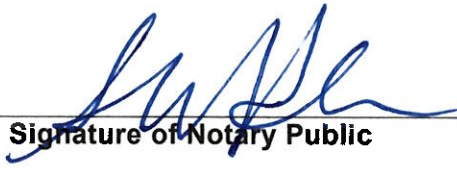
*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, on Aug 1 2022 (date) by ~~Sharon~~ R Fishman- Manager (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL





Signature of Notary Public

DISCLOSURE OF INTEREST AFFIDAVIT

BEFORE ME this day appeared Luis Bermudez, 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 29-44-26-07-00055 0010, 0270, 4923 & 4921 Lee Blvd, 4918, 4920, 4922, 4924 Lee Cir S 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

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.

3963

Property Owner

Luis A Bermudez
Print Name

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

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, on August 1, 2022 (date) by Luis A Bermudez-Owner (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL



[Signature]

Signature of Notary Public

Lee Corners Property Owner List and Map

Parcel #1

Strap # 29-44-26-07-00055.0010
Access Undetermined
Bermudez Luis A + America F
325 NW 119th Ct
Miami, FL 33182

Parcel #2

Strap # 29-44-26-07-00055.0020
4923 Lee Blvd
Bermudez Luis A + America F
325 NW 119th Ct
Miami, FL 33182

Parcel #3

Strap # 29-44-26-07-00055.0030
4921 Lee Blvd
Bermudez Luis A + America F
325 NW 119th Ct
Miami, FL 33182

Parcel #4

Strap # 29-44-26-07-00055.0060
4915 Lee Blvd
GILU Holdings, LLC
770 Ponce De Leon Blvd
Ste 306
Coral Gables, FL 33134

Parcel #5

Strap # 29-44-26-07-00055.0270
Access Undetermined
Bermudez Luis A + America F
325 NW 119th Ct
Miami, FL 33182

Parcel #6

Strap # 29-44-26-07-00055.0260
4924 Lee Cir South
Bermudez Luis A + America F
325 NW 119th Ct
Miami, FL 33182

Parcel #7

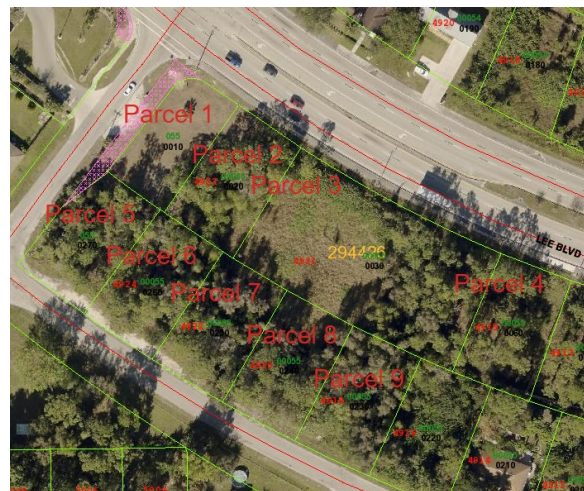
Strap # 29-44-26-07-00055.0250
4922 Lee Cir South
Bermudez Luis A + America F
325 NW 119th Ct
Miami, FL 33182

Parcel #8

Strap # 29-44-26-07-00055.0240
4920 Lee Cir South
Bermudez Luis A + America F
325 NW 119th Ct
Miami, FL 33182

Parcel #9

Strap # 29-44-26-07-00055.0230
4918 Lee Cir South
Bermudez Luis A + America F
325 NW 119th Ct
Miami, FL 33182



**Earthmark Southwest Florida Mitigation, LLC**

PO Box 621990, Oviedo, FL 32762-1990

239-245-7457

Lynn@LZMitigation.com

February 26, 2016

Jewelene Harris
South Florida Water Management District
2301 McGregor Blvd.
Fort Myers, FL 33901

Re: Mitigation Credit Letter of Reservation
Lee Corners
Permit Application No.: 150827-18

Dear Ms. Harris:

This letter confirms the reservation of .32 Freshwater Herbaceous wetland credits from Big Cypress Mitigation Bank on behalf of Luis and America Bermudez.

Do not hesitate to contact me for any questions or concerns at (239) 633-8775.

Sincerely,

A handwritten signature in black ink, appearing to read "Lynn", on a light pink rectangular background.

Earthmark SW Florida Mitigation, LLC

LEE CORNERS
**ENVIRONMENTAL ASSESSMENT &
SPECIES SURVEY REPORT**

*Lee County STRAP #'s: 29-44-26-07-00055.0010, 29-44-26-07-00055.0020, 29-44-26-07-00055.0030,
29-44-26-07-00055.0230, 29-44-26-07-00055.0241, 29-44-26-07-00055.0250, 29-44-26-07-00055.0260,
& 29-44-26-07-00055.0270*

September 2022

Prepared For:

Quattrone & Associates
c/o: Sharon Hrabak
4301 Veronica Shoemaker Blvd.
Fort Myers, Florida 33916
P: 239-936-5222
sharon@qainc.net

Prepared By:



BearPaws Environmental Consulting
1599 Covington Circle East
Phone: (239) 340-0678
Email: BearPaws.Env.Consulting@GMail.com

Introduction

An environmental assessment and species survey was conducted on the Lee Corners project site on September 14, 2022. The 2.86± acre site is located in Section 29, Township 44S, and Range 26E, of Lee County, Florida. More specifically, the site is located immediately south of Lee Boulevard, east of Lee Street, and north of Lee Circle South, in Lehigh Acres, Florida. Please see the attached Project Location Map (Exhibit A).

The purpose of this assessment was to identify the potential for either U.S. Army Corps of Engineers (ACOE) Department of Environmental Protection (DEP), and/or South Florida Water Management District (SFWMD) jurisdictional wetlands. The site was also assessed to determine the potential of listed (endangered, threatened, etc.) species inhabiting the site that are regulated by the U.S. Fish & Wildlife Service (FWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

The species survey was also provided to inspect the property for any and all potential listed species that could inhabit the site. Listed (endangered, threatened, etc.) species are regulated by the US Fish & Wildlife Service (FWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC). Specific attention was paid toward that of locating any gopher tortoise (*Gopherus polyphemus*), as well as locating any potential fox squirrel (*Sciurus niger*) nests, Florida bonneted bat (*Eumops floridanus*) cavity trees, and bald eagle (*Haliaeetus leucocephalus*) nests.

The project's surrounding land uses are a mixture of residential homes, commercial developments, undeveloped vacant land, and forested land. The survey was conducted in the mid-morning; the temperatures were in the low-mid 80's, with light breezes, and partly cloudy skies.

Background

The Lee Corners proposed project site has been previously assessed and approved for development as part of SFWMD ERP Permit #: 36-08589-P. There has been no site work since this permit was issued and the permit has since expired. During the original permitting process, the client purchased and paid for 0.32 credits to off-set the wetland impacts to the isolated exotic wetland and freshwater marsh habitat areas which existed on-site. The site was recently inspected and there was no change in the wetland lines; therefore, all impacts out at Lee Corners have been previously addressed under the original SFWMD ERP permit. There are no additional impacts are proposed by the current project, all on-site impacts have been mitigated for under the previously issued permits.

Wetland Permitting

The ACOE, DEP, and the SFWMD are the agencies that regulate development activities in wetlands. To be considered wetlands by the ACOE, DEP, and/or SFWMD, the area should exhibit wetland hydrology, contain wetland vegetation, and have hydric soils. For an area to be considered wetlands, a site should have hydric soils, wetland hydrology, and wetland vegetation present. The property was reviewed for indicators of these parameters.

Hydric soils are identified by certain characteristics that are unique to wetland soils. Wetland hydrology is normally present if the soil is saturated or inundated for a period of time; typically, from May through November; the rainy season in Southwest Florida. In the absence of visual signs of saturation or inundation, the regulatory agencies typically use hydrologic indicators such as adventitious rooting, lichen lines, or algal matting as method of guidance. If the majority of the shrubs/plants that are present are those that are adapted to saturated soil conditions, it's likely wetland vegetation.

The FWS and FWC are the primary agencies that review potential impacts to listed species. The FWS reviews potential impacts and provides comments to the ACOE and DEP during the permitting process, while the FWC

provides comments to the SFWMD. In general, the wildlife agency concerns need to be addressed in order for the permits to be authorized by the ACOE, DEP, and/or the SFWMD.

Methodology

The species survey was conducted utilizing combined methodologies from Lee County's Land Development Code (LDC, Chapter 10, Article III, Division 8 - Protection of Habitat) and also encompassed the Lee County Endangered Species Ordinance No. 89-34. Surveys for Lee County protected species are based on the presence of specific vegetation associations and habitat types noted on-site, as outlined in the LDC. The frequency of transects performed in these habitats, unless otherwise discussed, were designed to meet the minimum updated coverage requirement. Following the Lee County Endangered Species Ordinance No. 89-34, the specific methodology included pedestrian surveys of parallel transects. The survey was conducted according to the previously approved Lee County methodology, submitted by Kevin L. Erwin Consulting Ecologist, Inc.

These methods are comprised of a several step process. The vegetation communities or land-uses on the study area are delineated on an aerial photograph using the Florida Land Use, Cover and Forms Classification System (FLUCFCS). Next, these FLUCFCS codes are cross-referenced with the Lee County Protected Species List. With a list of the potential listed plants and animals, each FLUCFCS community is searched in the field for these species. An intensive pedestrian survey is conducted using parallel belt transects as a means of searching for protected plants and animals; signs or sightings of these species are then recorded.

Existing Site Conditions

Boundary – The project boundary was obtained from the Lee County parcel data and is assumed to be approximately 2.86± acres.

Soils - The soils on the property have been mapped by the National Resource Conservation Service (NRCS, formerly the Soil Conservation Service). These mappings are general in nature but can provide a certain level of information about the site as to the possible extent of wetland area. The agencies commonly use these mappings as justification for certain wetland/upland determinations. According to these mappings, the parcel is underlain by Wabasso sand, limestone substratum (NRCS #26; hydric), and Malabar fine sand (NRCS #63; non-hydric). Malabar fine sand soil is considered non-hydric at both the local and national levels. Please see the attached NRCS Soils Map (Exhibit D).

Vegetation Descriptions – Vegetation is one parameter used in determining the presence of uplands or wetlands; these community mappings will generally reflect what a specific area could be considered by the regulatory agencies. During the initial permitting process, under SFWMD ERP permit number: 36-01685-S, there were 1.02± acres of wetlands identified on-site; the site was re-inspected and it was noted that this area has not changed. We did not identify any "other surface water" communities on-site, during the initial site assessment.

While on-site, generalized community delineations are hand-drawn on an aerial defining the different vegetation associations on-site. These general delineations were based on the nomenclature of the Florida Land Use, Cover and Forms Classification System (FLUCFCS), Level III and IV (FDOT 1999). Please see the attached FLUCFCS Map with Aerial (Exhibit B) and FLUCFCS Map without Aerial (Exhibit C). Listed below are the vegetation communities and land-uses identified on the site.

FLUCFCS Codes & Community Descriptions

Uplands

The following community areas have been designated as upland habitats. Uplands are any area that does not qualify as a wetland because the associated hydrologic regime is not sufficiently wet enough to elicit development of vegetation, soils, and/or hydrologic characteristics associated with wetlands.

FLUCFCS 411 Pine Flatwoods –0.75± Acres

This upland community type occupies approximately 0.75± acres of the property. The canopy is dominated by slash pine (*Pinus elliottii*), with scattered melaleuca (*Melaleuca quinquenervia*), live oak (*Quercus virginiana*), earleaf acacia (*Acacia auriculiformis*), and java plum (*Syzygium cumini*). The sub-canopy contains cabbage palm (*Sabal palmetto*) buckthorn (*Sideroxylon celastrinum*), wax myrtle (*Myrica cerifera*), and myrsine (*Rapanea guinensis*), and Brazilian pepper (*Schinus terebinthifolius*). The ground cover is dominated by saw palmetto (*Serenoa repens*), with scattered coco plum (*Chrysobalanus icaco*), dog fennel (*Eupatorium capillifolium*), caesar weed (*Urena lobata*), and false buttonweed (*Spermacoce verticillata*), with various other opportunistic weedy species. Commonly observed vines include grapevine (*Vitis rotundifolia*), poison ivy (*Toxicodendron radicans*), greenbriar (*Smilax sp.*), and creeping oxeye (*Sphagnetocola trilobata*). This community would be considered uplands by the regulatory agencies. This community would be considered uplands by the regulatory agencies.

FLUCFCS 420 Mixed Upland Forest – 0.57± Acres

This upland community type occupies approximately 0.57± acres of the property. The canopy is dominated by live oak (*Quercus virginiana*), with slash pine (*Pinus elliottii*), java plum (*Syzygium cumini*), and melaleuca (*Melaleuca quinquenervia*), earleaf acacia (*Acacia auriculiformis*), and mimosa (*Albizia julibrissin*). The sub-canopy contains cabbage palm (*Sabal palmetto*), Brazilian pepper (*Schinus terebinthifolius*), wax myrtle (*Myrica cerifera*), myrsine (*Rapanea guinensis*), wild coffee (*Psychotria nervosa*), cocoplum (*Chrysobalanus icaco*), and beauty-berry (*Callicarpa americana*). The groundcover contained Spanish needle (*Bidens alba*), false buttonweed (*Spermacoce floridan*), cogon grass (*Imperata cylindrica*), caesar weed (*Urena lobata*), dog fennel (*Eupatorium capillifolium*), ragweed (*Ambrosia artemisiifolia*), sandspur (*Cenchrus echinatus*), broomsedge (*Andropogon virginicus*), and bahia grass (*Paspalum notatum*), with various other opportunistic weedy species. Commonly observed vines include air potato (*Dioscorea bulbifera*), greenbriar (*Smilax sp.*), grapevine (*Vitis rotundifolia*), Virginia creeper (*Parthenocissus quinquefolia*), peppervine (*Ampelopsis arborea*), and poison ivy (*Toxicodendron radicans*). This community would be considered uplands by the regulatory agencies.

FLUCFCS 740 Disturbed Lands – 0.52± Acres

This upland area occupies approximately 0.52± acres of the property. This community is found along the northwest and southeast corner of the property and includes some of the surrounding roadway right-of-way. The canopy is mostly open with scattered slash pine (*Pinus elliottii*). The sub-canopy is also mostly open with scattered Brazilian pepper (*Schinus terebinthifolius*), melaleuca (*Melaleuca quinquenervia*), earleaf acacia (*Acacia auriculiformis*), and cabbage palm (*Sabal palmetto*). The ground cover includes broomsedge (*Andropogon virginicus*), Spanish needle (*Bidens pilosa*), dog fennel (*Eupatorium capillifolium*), false buttonweed (*Spermacoce verticillata*), ragweed (*Ambrosia trifida*), caesar weed (*Urena lobata*), hairy beggar-ticks (*Bidens alba*), creeping ox-eye (*Wedelia chinensis*), sandspur (*Cenchrus echinatus*), bahia grass (*Paspalum notatum*), and St. Augustine grass (*Stenotaphrum secundatum*), with various other opportunistic weedy species. Commonly observed vines include greenbriar (*Smilax sp.*), grapevine (*Vitis rotundifolia*), Virginia creeper (*Parthenocissus quinquefolia*), peppervine (*Ampelopsis arborea*), and poison ivy (*Toxicodendron radicans*). This community would be considered uplands by the regulatory agencies.

Wetlands

The following community areas have been designated as wetland habitats. Wetlands are any areas that under normal circumstances have hydrophytic vegetation, hydric soils, and wetland hydrology.

FLUCFCS 619 Exotic Melaleuca Wetlands – 0.45± Ac.

This wetland habitat type occupies approximately 0.45± acres of the property. The canopy is dominated by melaleuca (*Melaleuca quinquenervia*) with scattered cabbage palm (*Sabal palmetto*), slash pine (*Pinus elliottii*), and laurel oak (*Quercus laurifolia*). The sub-canopy is dominated by melaleuca (*Melaleuca quinquenervia*) with scattered Brazilian pepper (*Schinus terebinthifolius*) cabbage palm (*Sabal palmetto*), myrsine (*Myrsine guianensis*), and saltbush (*Baccharis halimifolia*). The ground cover contains yellow-eyed grass (*Xyris floridana*), nutsedge (*Cyperus sp.*), rosy camphorweed (*Pluchea rosea*), dollar weed (*Hydrocotyle umbellata*), little blue maidencane (*Amphicarpum muhlenbergianum*), frog fruit (*Phyla nodiflora*), false buttonweed (*Spermacoce verticillata*), torpedo grass (*Panicum repens*), tickseed (*Coreopsis floridana*), cat-tail (*Typha latifolia*), maidencane (*Panicum hemitomon*), cogon grass (*Imperata cylindrica*), and white-top sedge (*Rhynchospora colorata*), with other various grasses and sedges. This community does contain wetland vegetation, water line staining, and algal matting, as well as other signs in this community that would be classified as wetlands. This community would be considered wetlands by the regulatory agencies

FLUCFCS 641 Freshwater Marsh – 0.57± Acres

This wetland area occupies approximately 0.57± acres of the property. The canopy is mostly open with scattered Carolina willow (*Salix caroliniana*), and melaleuca (*Melaleuca quinquenervia*). The sub-canopy contains primrose willow (*Ludwigia peruviana*), with saltbush (*Baccharis halimifolia*), wax myrtle (*Myrica cerifera*), and Brazilian pepper (*Schinus terebinthifolius*) along the edges. The ground cover includes torpedo grass (*Panicum repens*), swamp fern (*Blechnum serrulatum*), royal fern (*Osmunda regalis*), fire flag (*Thalia geniculata*), yellow-eyed grass (*Xyris floridana*), cat-tail (*Typha latifolia*), rosy camphorweed (*Pluchea rosea*), sand cordgrass (*Spartina sp.*), dog fennel (*Eupatorium capillifolium*), mermaid-weed (*Proserpinaca palustris*), asiatic pennywort (*Centella asiatica*), dollar weed (*Hydrocotyle umbellata*), frog fruit (*Phyla nodiflora*), maidencane (*Panicum hemitomon*), mock bishop's weed (*Ptilimnium capillaceum*), and white-top sedge (*Rhynchospora colorata*), with other various grasses and sedges. This community does contain some transitional wetland vegetation, advantageous rooting, water line staining, and algal matting, as well as other signs in this community that would be classified as wetlands. This community would be considered wetlands by the regulatory agencies.

Table 1. FLUCFCS Community Table

FLUCFCS Code	Community Description	Habitat Type	Acres
411	Pine Flatwoods	Upland	0.75± Ac.
420	Mixed Upland Hardwoods	Upland	0.57± Ac.
619	Exotic Wetlands	Wetland	0.45± Ac.
643	Freshwater Marsh	Wetland	0.57± Ac.
740	Disturbed Lands	Upland	0.52± Ac.
Total			2.86± Ac.

Species Survey Results

There were no protected species or signs thereof observed on-site during the protected species survey. There were no nest-like structures or tree cavities noted, and there were no gopher tortoise (*Gopherus polyphemus*) burrows identified. We observed burrows belonging to armadillos (*Dasypus novemcinctus*), which were not marked in the field; there was no evidence that these burrows were being used by gopher tortoises. We did not observe any cavity trees that could potentially be utilized by the red-cockaded woodpecker (*Picoides borealis*) and/or Florida bonneted bat (*Eumops floridanus*).

There were several non-listed species identified while conducting the protected species survey, among those were several mourning doves (*Zenaida macroura*) and an eastern cottontail rabbit. (*Sylvilagus floridanus*). The various listed species that may occur in the FLUCFCS communities on-site have been tabulated on the attached table. Please see the attached Protected Species Map (Exhibit E).

Mitigation Discussion

Generally, the ACOE and/or DEP does not regulate isolated wetlands or excavation in wetlands where there is only incidental fall back of fill material; the ACOE or DEP do not have jurisdiction over isolated wetlands. In making the determination on whether the wetlands are isolated, the ACOE and DEP considers if water leaves the site, (i.e. ditches) or whether the wetlands are completely contained on-site or extend off-site. If the wetlands extend off-site, they will more than likely assert jurisdiction. Currently, the ACOE and DEP position on most all wetlands is that one of them has jurisdiction; the ACOE regulates navigable waters whereas the DEP regulates both navigable waters and adjacent wetlands. However, the agencies would not make this determination until a Joint Environmental Resource Permit (ERP) and Dredge & Fill Permit (D&F) application is received.

The SFWMD does not require mitigation for impacts to isolated wetlands not used by listed (protected) species that are less than 0.50± acres in size. Impacts to wetlands greater than 0.50± acres or those utilized by protected species would require mitigation. With the ACOE and DEP, impacts to wetlands that are less than 0.50± acres, the activity can usually be processed as a Nationwide Permit application. For projects with greater than 0.50± acres of impacts, the application will be processed as an Individual Permit application. This involves a public notice process and coordination with other federal agencies such as the EPA and the FWS.

There are three steps that are required to be addressed when requesting an ERP permit with the SFWMD and/or the DEP for impacts to regulated wetlands:

- 1) Avoidance (i.e. can these wetland impacts be completely avoided)
- 2) Minimization (i.e. can the amount of wetland impact be reduced while maintaining a feasible project)
- 3) Mitigation (i.e. the loss of wetland function must be replaced)

It should be noted that avoidance and minimization must first be substantiated, before mitigation will be considered by the agencies. When wetlands are proposed to be impacted, the impacts cannot result in any loss of wetland function. In order to prevent net loss in wetland function, wetland mitigation must be provided. Mitigation is a way to off-set impacts to natural resources such as wetlands and may consist of wetland enhancement, wetland creation, wetland preservation, upland compensation, or off-site mitigation. Mitigation costs usually increase with the quantity of proposed impacts. The actual amount of mitigation required would be finalized during the Environmental Resource Permit review process with the SFWMD, ACOE, and DEP.

There are two main categories of wetland mitigation, onsite or off-site. On-site mitigation would include preserving a portion of the on-site wetlands, treating and removing the exotics, potentially providing supplemental plantings, and placing the preserve areas under a Conservation Easement. Preserve areas are required to be maintained in

perpetuity. Off-site mitigation requires the purchase of wetland credits at an approved mitigation bank within the service area of the site.

Summary

In general, this site does not contain much native, undisturbed community types in which protected species would typically inhabit. Due to the disturbed nature of the site, the surrounding land uses, and busy roadways, it is unlikely that this site supports or would provide habitat for protected species. Upland community locations were drawn using non-rectified aerial images with approximate property boundaries; hence their location, aerial extent, and acreage is approximate. The wetland line was re-surveyed and represents the wetland line that was previously approved by the regulatory agencies.

The determination of ecological system classifications, functions, values, and boundaries is an inexact science, and different individuals and agencies may reach different conclusions. It is not possible for BearPaws Environmental Consulting to guarantee the outcome of such determinations. Therefore, the conclusions of this report are preliminary in nature and would require a full review by the appropriate regulatory agencies.

The information contained and the work performed as part of this initial assessment, conforms to the standards and generally accepted practices in the environmental field, and was prepared substantially in accordance with then-current technical guidelines and criteria. The conclusions of this report represent the results of our analysis of the information provided by the client and their consultants, together with information gathered in the course of the study. No other guarantee, expressed or implied, is made.

Table 2: Listed Species by Habitat with Current Status

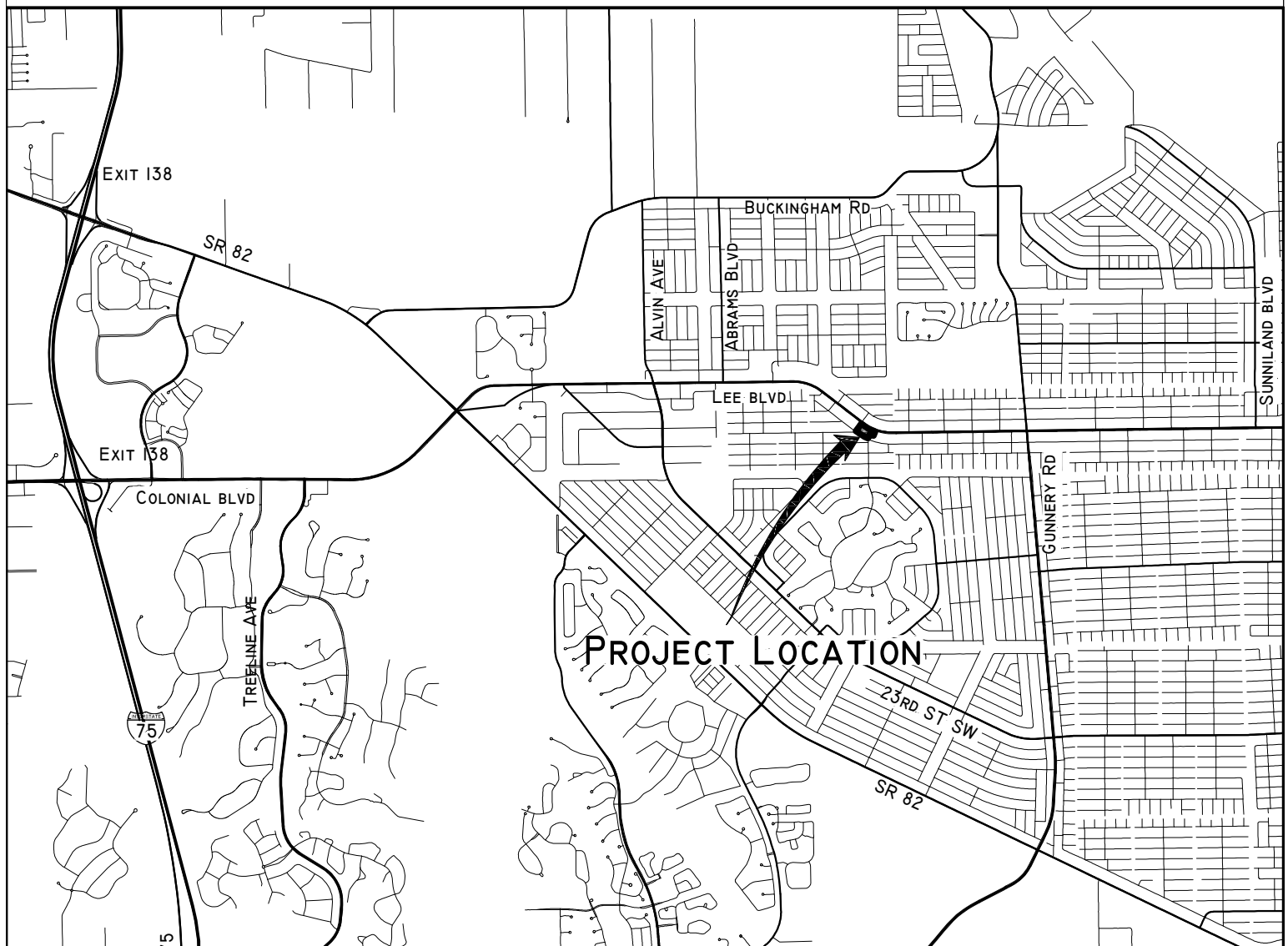
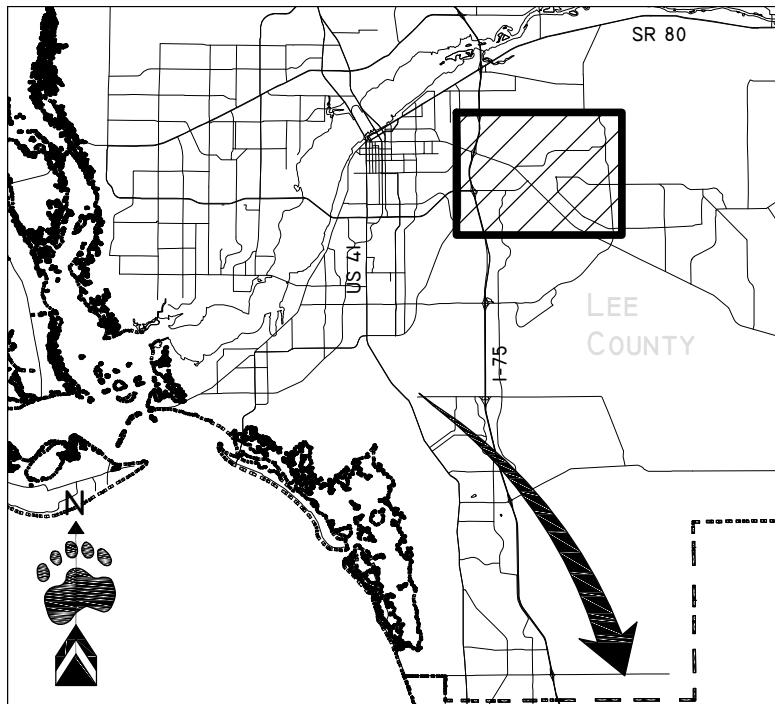
FLUCFCS Code	FLUCFCS Description	Common Name	Scientific Name	Percent Coverage	Observed	USDA	FDA&CS	FWS	FWC
411	Pine Flatwoods	Beautiful paw-paw	<i>Deeringothamnus pulchellus</i>	80	--	E	E	E	--
		Big cypress fox squirrel	<i>Sciurus niger avicennia</i>	80	--	--	--	--	SSC
		Eastern indigo snake	<i>Drymarchon corais couperi</i>	80	--	--	--	T	T
		Fakahatchee burmannia	<i>Burmannia flava</i>	80	--	--	E	--	--
		Florida black bear	<i>Ursus americanus floridanus</i>	80	--	--	--	SAT	T
		Florida coontie	<i>Zamia floridana</i>	80	--	--	C	--	--
		Gopher frog	<i>Rana areolata</i>	80	--	--	--	--	SSC
		Gopher tortoise	<i>Gopherus polyphemus</i>	80	--	--	--	T	T
		Red-cockaded woodpecker	<i>Picoides borealis</i>	80	--	--	--	E	SSC
		Satinleaf	<i>Chrysophyllum olivaeforme</i>	80	--	--	T	--	--
		Southeastern American Kestrel	<i>Falco sparverius paulus</i>	80	--	--	--	--	T
420	Cabbage Palm	Audubon's crested caracara	<i>Polyborus plancus audubonii</i>	80	--	--	--	T	T
		Eastern indigo snake	<i>Drymarchon corais couperi</i>	80	--	--	--	T	T
		Florida black bear	<i>Ursus americanus floridanus</i>	80	--	--	--	SAT	T
		Hand adder's tongue fern	<i>Ophioglossum palmatum</i>	80	--	--	E	--	--
		Simpson's stopper	<i>Myrcianthes fragrans var. simpsonii</i>	80	--	--	T	--	--
		Gopher tortoise	<i>Gopherus polyphemus</i>	80	--	--	--	T	T
619	Exotic Wetlands	N/A	N/A	80	--	--	--	--	--
641	Freshwater Marsh	American alligator	<i>Alligator mississippiensis</i>	80	--	--	--	SAT	SSC
		Everglades mink	<i>Mustela vison evergladensis</i>	80	--	--	--	--	T
		Florida sandhill crane	<i>Grus canadensis pratensis</i>	80	--	--	--	--	T
		Limpkin	<i>Aramus guarauna</i>	80	--	--	--	--	SSC
		Little blue heron	<i>Egretta caerulea</i>	80	--	--	--	--	SSC
		Snail kite	<i>Rostrhamus sociabilis</i>	80	--	--	--	E	E
		Snowy egret	<i>Egretta thula</i>	80	--	--	--	--	SSC
		Tricolored heron	<i>Egretta tricolor</i>	80	--	--	--	--	SSC
740	Disturbed Lands	Gopher tortoise	<i>Gopherus polyphemus</i>	80	--	--	--	T	T

C = Commercially Exploited, SAT = Similarity of Appearance Threatened, SSC = Species of Special Concern, T = Threatened, E = Endangered

Table designates listed species with potential to occur in each FLUCFCS community.

EXHIBIT A

Project Location Map



DRAWN BY:	DATE:	CATEGORY
BWS	9/22/22	LOCATION
JOB NUMBER		SCALE:
		NTS
S/T/R		COUNTY
29/44S/26E		LEE

Lee Corners

Location Map

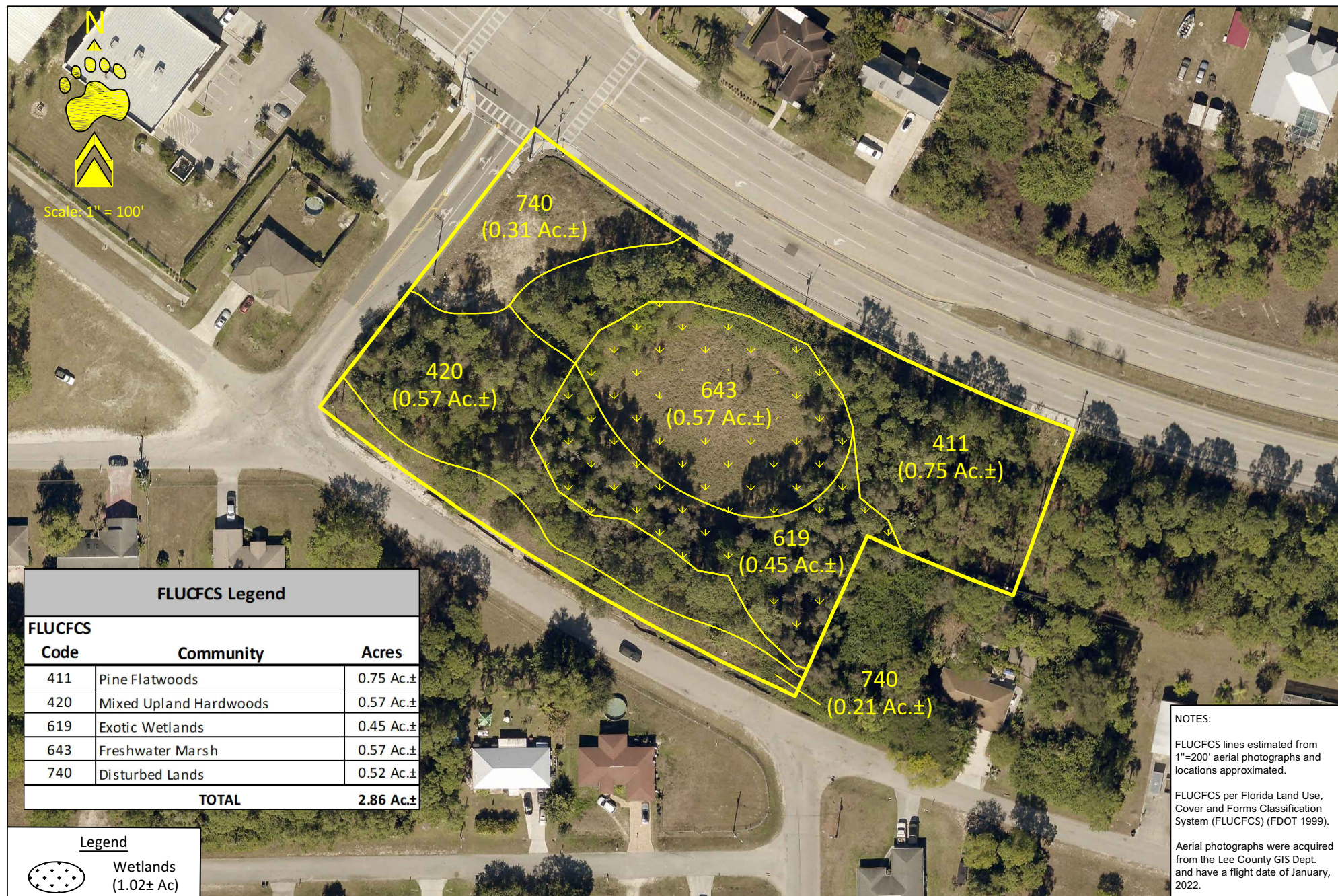


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EXHIBIT

EXHIBIT B

FLUCFCS Map with Aerial



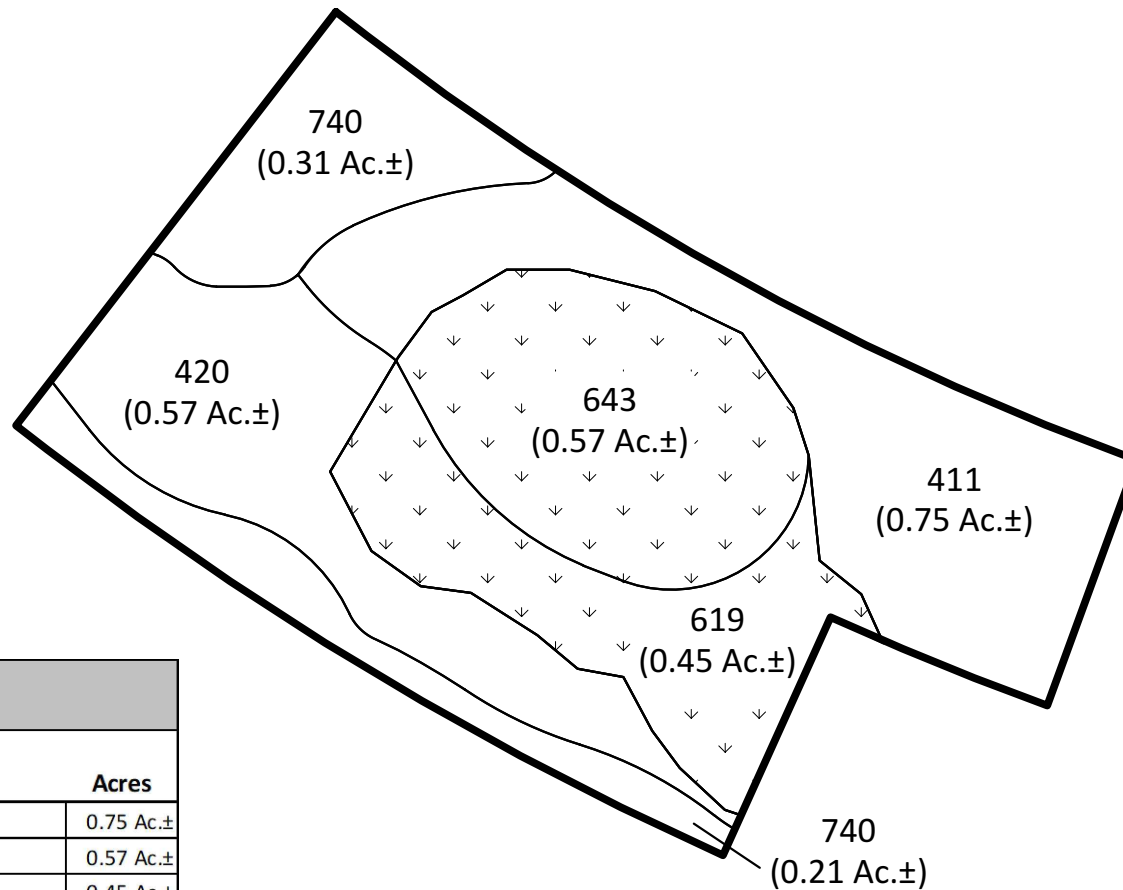
Revisions	Date:	Drawn By: BWS	Date: 9/22/22	Lee Corners Aerial FLUCFCS Map	Category FLUCFCS	 1599 Covington Circle East, Fort Myers, FL 33919 (239) 340-0678 bearpaws.env.consulting@gmail.com	Page -
		Job Number			Scale: 1" = 100'		Exhibit
		S/T/R			County Lee		
		29/44S/26E					

EXHIBIT C

FLUCFCS Map



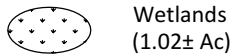
Scale: 1" = 100'



FLUCFCS Legend

FLUCFCS		
Code	Community	Acres
411	Pine Flatwoods	0.75 Ac.±
420	Mixed Upland Hardwoods	0.57 Ac.±
619	Exotic Wetlands	0.45 Ac.±
643	Freshwater Marsh	0.57 Ac.±
740	Disturbed Lands	0.52 Ac.±
TOTAL		2.86 Ac.±

Legend



NOTES:

FLUCFCS lines estimated from 1"=200' aerial photographs and locations approximated.

FLUCFCS per Florida Land Use, Cover and Forms Classification System (FLUCFCS) (FDOT 1999).

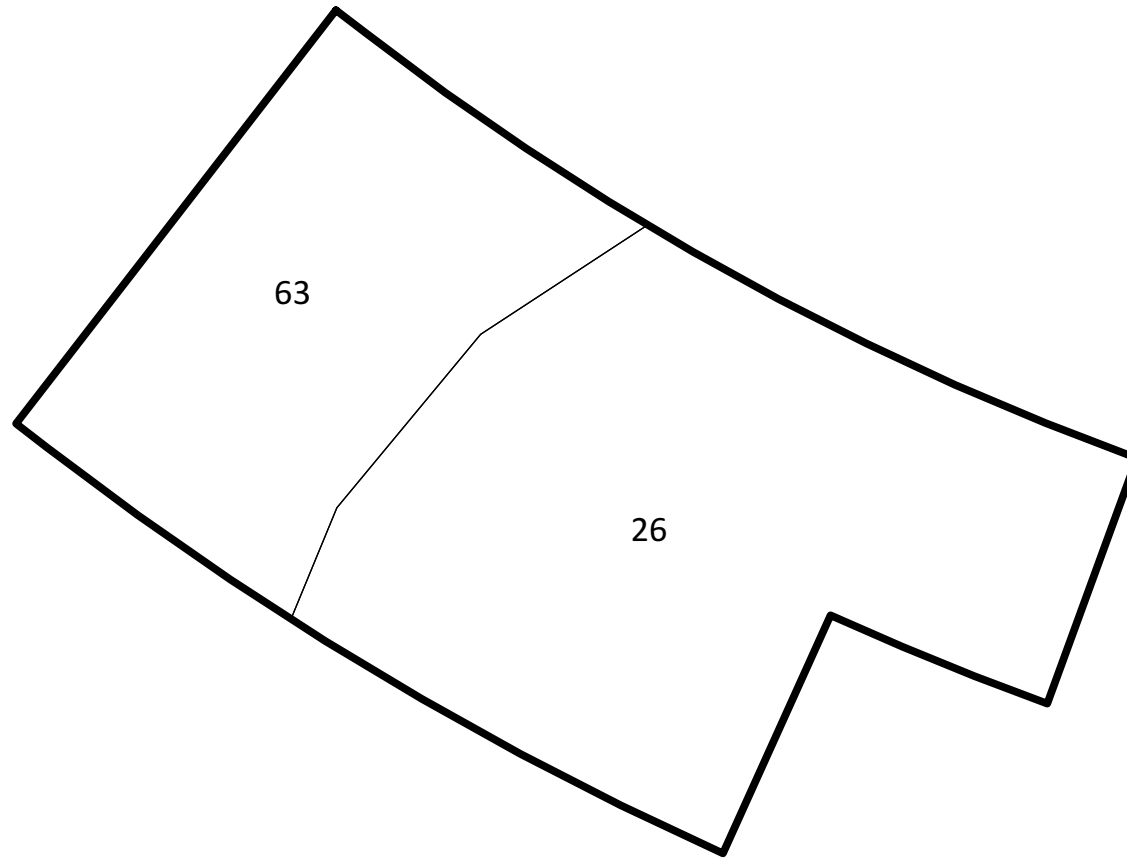
Revisions	Date:	Drawn By: BWS	Date: 9/22/22	Lee Corners FLUCFCS Map	Category FLUCFCS	 1599 Covington Circle East Fort Myers, FL 33919 (239) 340-0678 bearpawsgisconsulting@gmail.com	Page -
		Job Number			Scale: 1" = 100'		Exhibit
		S/T/R			County Lee		-
		29/44S/26E					

EXHIBIT D

NRCS Soils Map



Scale: 1" = 100'



NRCS Soils Legend

Soil No	Description	Status
26	Pineda Fine Sand	Hydric
63	Malabar Fine Sand	Non-Hydric

NOTES

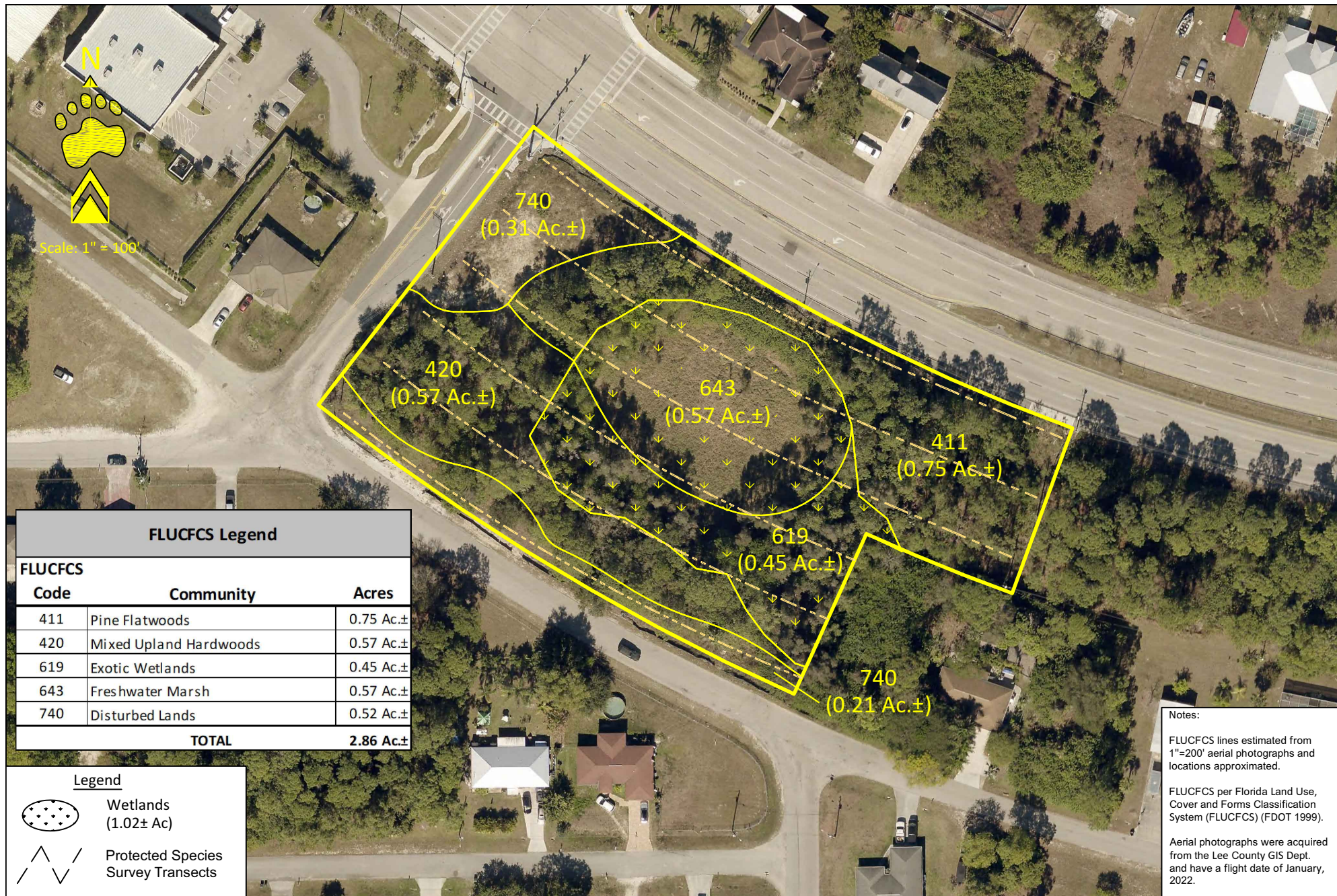
Soils were acquired from LABINS and are from the NRCS.

Revisions	Date:	Drawn By: BWS Job Number	Date: 9/22/22	Lee Corners Soils Map	Category Soils		Page
		S/T/R			Scale: 1" = 100'		-
		29/44S/26E			County Lee		Exhibit
							-

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EXHIBIT E

Protected Species Survey Map



FLUCFCS Legend		
FLUCFCS		
Code	Community	Acres
411	Pine Flatwoods	0.75 Ac.±
420	Mixed Upland Hardwoods	0.57 Ac.±
619	Exotic Wetlands	0.45 Ac.±
643	Freshwater Marsh	0.57 Ac.±
740	Disturbed Lands	0.52 Ac.±
TOTAL		2.86 Ac.±

Legend	
	Wetlands (1.02± Ac)
	Protected Species Survey Transects

Notes:

FLUCFCS lines estimated from 1"=200' aerial photographs and locations approximated.

FLUCFCS per Florida Land Use, Cover and Forms Classification System (FLUCFCS) (FDOT 1999).

Aerial photographs were acquired from the Lee County GIS Dept. and have a flight date of January, 2022.

Revisions	Date:	Drawn By:	Date:
		BWS	9/22/22
		Job Number	
		S/T/R	
		29/44S/26E	

Lee Corners Aerial PSS Map

Category
PSS
Scale:
1" = 100'
County
Lee

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