LOCAL PLANNING AGENCY
ADMINISTRATION EAST BUILDING
2201 SECOND STREET, FORT MYERS, FL 33901
ROOM 118 (FIRST FLOOR)
MONDAY, MARCH 27, 2023
9:00 AM

AGENDA

1. Call to Order/Review of Affidavit of Publication/Pledge of Allegiance

2. Public Forum

3. Approval of Minutes – January 23, 2023

4. Lee Plan Amendments

   A. CPA2022-00003 Daniels Falls Encore Multi-Family

      Amend the Future Land Use Map to redesignate the +/- 29 acre subject property from the Outlying Suburban and Wetlands future land use categories to the Central Urban future land use category, and amend Lee Plan Map 1-C to add the subject property to the Mixed-use Overlay. The subject property is located on the south side of Daniels Pkwy, approximately 0.1 miles west of Fiddlesticks Blvd.

   B. CPA2021-00017 and CPA2021-00018 Daniels Parkway South Text and Map Amendments

      Amend Lee Plan Map 1A to redesignate 153.7 acres from Density Reduction/Groundwater Resource (DR/GR) future land use category to the Sub-Outlying Suburban future land use category; add 1,148 acres of the subject property to Map 4A, Future Water Service Area; add 1,148 acres of the subject property to Map 4B, Future Sewer Service Area; remove 515.4 acres of the subject property from Map 1F, Private Recreation Facilities Overlay; amend Policy 33.2.2 to allow a density transition in Southeast Lee County adjacent to Mixed Use Communities within Lehigh Acres, as identified on Map 2D; and, amend Table 1(b) to accommodate residential development on the subject site. The subject property is located at the southeast corner of Daniels Parkway and SR82 intersection.

5. Other Business

6. Adjournment

This meeting is open to the public. Interested parties may appear at the meeting and be heard. A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.

Lee County will not discriminate against individuals with disabilities. To request an accommodation, contact Joan LaGuardia, (239) 533-2314, Florida Relay Service 711, or ADArequests@leegov.com at least five business days in advance. To receive agendas by e-mail, contact jmiller@leegov.com.

CPA2022-00003

Daniels Falls Encore

STAFF REPORT FOR DANIELS FALLS: CPA2022-00003

Map Amendments to the Lee Plan

Recommendation:
Transmit

Applicant:
Encore Multi-Family, LLC

Representative:
Ben Smith, AICP

Property Location:
Daniels Parkway, 0.1 miles west of Fiddlesticks Boulevard.

Property Size:
± 29.02

Planning District:
Daniels Parkway

Commissioner District:
District #2

Hearing Dates:
LPA: 03/27/23
BoCC #1: TBD
BoCC #2: TBD

Attachments:
1: Proposed Amendments

REQUEST

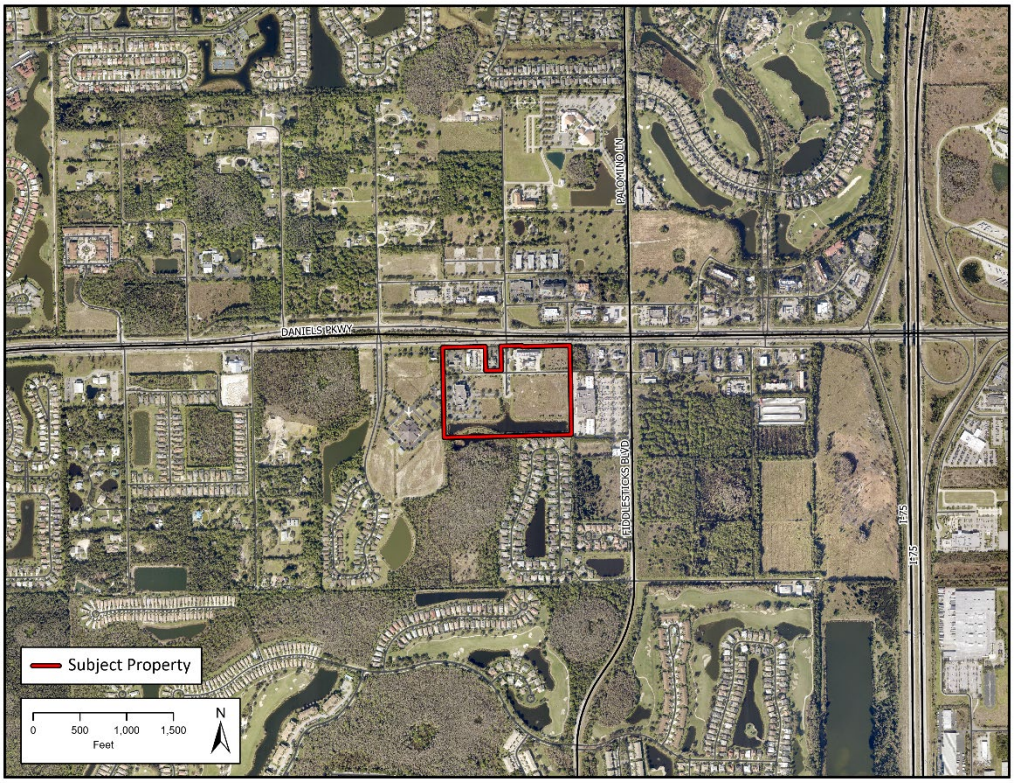
- Amend the Future Land Use Map designation on ±29.02 acres from Outlying Suburban and Wetlands to Central Urban.
- Amend Map 1-C to add ±29.02 acres to the Mixed-use Overlay.
- Amend Table 1(b): 2045 Population Allocation to accommodate residential development on the subject property.

SUMMARY

The requested amendments will allow for the development of approximately 240 multi-family dwelling units in an existing commercial planned development, creating a mixed-use development.

PROJECT LOCATION

The subject property is located on the south side of Daniels Parkway, approximately 0.1 miles west of Fiddlesticks Boulevard, and approximately 1.46 miles east of the Six Mile Cypress Slough.



RECOMMENDATION

Staff recommends that the Board of County Commissioners ***transmit*** the requested amendments based on the analysis and findings provided in this staff report.

PART 1
STAFF DISCUSSION AND ANALYSIS

Concurrent Rezoning
The applicant has filed a companion rezoning application (DCI2023-00003) which is being reviewed concurrently with this plan amendment request. The applicant is seeking to amend the existing planned development to allow multifamily residential development. This rezoning application is still in the early stages of the review process.

Florida Statutes Chapter 163.3184(12) provides that "At the request of an applicant, a local government shall consider an application for zoning changes that would be required to properly enact any proposed plan amendment transmitted pursuant to this subsection." This requires Lee County provide concurrent review of the rezoning request.

Even with the recommended adoption of the proposed amendments, the applicant must demonstrate consistency with the Lee Plan, including the proposed amendments, in order for the companion rezoning to receive a favorable recommendation.

Subject Property
The subject property is located on the south side of Daniels Parkway, approximately 0.1 miles west of Fiddlesticks Boulevard and less than one mile west of I-75. It is currently zoned Commercial Planned Development (CPD) for 196,000 square feet of commercial use and 150 hotel units.[1] Within this CPD is an office, medical center, car wash and gas station.

Since the inception of the Future Land Use map, the surrounding area has gone through significant urbanization. The property has been designated as Outlying Suburban for more than 30 years, originally earning that designation at a time when the surrounding land was largely agricultural in use. As Lee County has continued to develop east of I-75, Daniels Pkwy has become an important thoroughfare. The area between Six Mile Cypress Slough and I-75 in particular has grown as a residential and commercial center.

Surrounding Properties
Immediately to the east is the Shoppes at Fiddlesticks CPD, which contains a Publix, quick service restaurant, bank, and other commercial uses. West of the subject property is Riverside Church. To the south is Cypress Preserve, a single-family neighborhood zoned RS-1. Additional detail is provided in Table 1, below.

[1] Zoning Resolution Z-96-047.

TABLE 1: SURROUNDING PROPERTIES INFORMATION

	Future Land Use	Zoning	Existing Use
North	Outlying Suburban & General Interchange	Daniels Business Center CPD – Approved for 90,000 SF commercial. Daniels Pkwy CPD – Approved for 77,620 SF commercial office, 40,000 SF commercial retail, & 152 hotel rooms.	Retail Commercial, Office, & Hotel
East	Outlying Suburban & Wetlands	Shoppes at Fiddlesticks CPD - Approved for 114,000 SF commercial	Retail Commercial
South	Outlying Suburban & Wetlands	RS-1	Single-Family Residential
West	Outlying Suburban & Wetlands	Riverside Center CPD – Approved for 89,000 SF commercial & 76 residential units	Religious Facility

Discussion and Analysis – Map 1-A: Future Land Use Map

The applicant is requesting to amend the future land use category of the subject property from Outlying Suburban and Wetlands to Central Urban to allow higher density on the subject property. The current future land use category, excluding Wetlands, allows for up to three dwelling units per acre. The proposed future land use category would allow up to 10 dwelling units per acre.

Policy 1.1.6 describes the Outlying Suburban future land use category as peripheral to established urban areas, but are rural or low density in nature. As Lee County has developed, uses along Daniels Parkway have intensified, particularly near I-75. As described above, based on both the subject property and the surrounding properties, "rural" is no longer an accurate description of the surrounding land uses. This location has access to I-75, Daniels Parkway; public services including potable water, sanitary sewer, and transit; as well as retail and service uses that serve surrounding neighborhoods, travelers, and commuters.

Objective 1.5 discusses the methods of interpreting the boundary of the Wetlands future land use category when such a boundary is in doubt. The applicant has submitted an Environmental Resource Permit (ERP). The ERP, issued in 2006, states "There are no wetlands or other surface waters located within the project boundaries." The site of the proposed development remains vacant and the ERP has since expired. Based on this, it is appropriate to redesignate the Wetlands currently shown on the Future Land Use Map to the adjacent upland future land use category (Central Urban as proposed). However, the applicant will need to receive a new ERP to receive a state-approved wetland determination prior to commencement of construction. The conditions of the subject property as shown on the new ERP will determine the final density allowed on the subject property.

Policy 1.1.3 describes the Central Urban future land use category as the "urban core" of the County. The subject property provides access to a variety of public and private services and is located in close proximity to substantial transportation infrastructure. The subject property provides pedestrian access to a variety of uses within the subject planned development and adjacent planned development. The property also provides access to Daniels Parkway, a six-lane arterial road that acts as one of the main East-West connections within the county. Less than a mile east is I-75, an interstate highway that provides North-

South access throughout the county and beyond. Three Oaks Parkway is in the process of being extended north, providing access from the subject property south to Alico Road without accessing Daniels Parkway or I-75. The property is within short distance of Six Mile Cypress Slough, Hammond Stadium, JetBlue Park, and the Southwest Florida International Airport. The location of the subject property over time has transitioned from an outlying, low-use area to one of the County's core areas of development.

Objective 2.2 provides that new development should be directed "to those portions of the future urban areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created." The proposed amendments will allow for an in-fill development project that provides housing within an area where public facilities and urban services already exist. The buildable area of the subject property provides a small footprint in which residential uses can be added, giving future residents access to a range of employment, entertainment, and basic service uses within a compact area. The proposed amendments are consistent with Objective 2.2

The proposed change to the Future Land Use Map will increase the allowable density on the subject property. As such the proposed amendment should be reviewed for consistency with **Policy 5.1.2** which prohibits residential development "where physical constraints exists, or require the density and design to be adjusted accordingly." The Policy provides that such constraints or hazards may include flood, storm, or hurricane hazards; unstable soil or geological conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community. There are no characteristics of the property that would prohibit residential development. The subject property is located outside of the Coastal High Hazard Area and is in FEMA Flood Zone X. Therefore the proposed amendment is consistent with Policy 5.1.2.

Policy 5.1.3 directs high-density residential developments to locations near employment and shopping centers. The subject property is located in close proximity to several commercial planned developments on Daniels Parkway, including office, retail, medical office, and restaurant uses. Policy 5.1.3 also discusses appropriateness of high-density residential uses in proximity to parks, schools, and transportation facilities such as mass transit and bicycle facilities. The subject property is in close proximity to the uses and facilities discussed and is consistent with Policy 5.1.3.

Dwelling unit types in the surrounding area have been primarily single-family homes. Recently, multi-family has been approved north of Daniels Parkway. An additional multi-family housing option at this location supports the Lee Plan's goal of providing different housing options in safe and attractive neighborhoods and is consistent with recent approvals in this area. Allowing for density on the subject property that supports multi-family housing options would further **Objective 135.1, Policy 135.1.9, and Policy 158.1.9** by diversifying the mix of residential unit types within Lee County.

Based on the analysis above, redesignating the subject property from Outlying Suburban to Central Urban is found to be appropriate and consistent with the Lee Plan.

Discussion and Analysis – Table 1(b): Year 2045 Allocations

The applicant is also proposing an amendment to Table 1(b). This amendment is necessary to maintain internal consistency with the 2045 Lee County population accommodations and Policy 1.6.5 of the Lee Plan at time of development order. The Table 1(b) amendment would provide residential acres in the Central Urban future land use category, consistent with Lee Plan **Goal 5**, which is to provide sufficient land in appropriate locations on the Future Land Use Map to accommodate the 2045 projected population of Lee County. The proposed amendments include adding seven acres of residential development to the

Central Urban future land use category in Planning District 11 (Daniels Parkway) and subtracting 50 residential acres in the Central Urban future land use category of Planning District 17 (Lehigh Acres) in order to make the population balance countywide. The proposed changes to Table 1(b) are identified in Attachment 1.

Discussion and Analysis – Map 1-C: Mixed-use Overlay

The applicant is also requesting to add the subject property to the Mixed Use Overlay as identified on Lee Plan Map 1-C. **Policy 11.2.1** provides criteria that must be met to add land to the Mixed Use Overlay. Policy 11.2.1 is provided below, followed by an analysis of each criteria.

> **POLICY 11.2.1:** The Mixed Use Overlay identifies locations where mixed use development will have a positive impact on transportation facilities though increased transit service, internal trip capture, and reduced travel distance. Requests to expand the Mixed Use Overlay will be evaluated based on all of the following criteria:
> 1. Located within the extended pedestrian shed of established transit routes; and,
> 2. Distinct pedestrian and automobile connections to adjacent uses can be achieved without accessing arterial roadways; and,
> 3. Located within the Intensive Development, Central Urban, or Urban Community future land use categories; and,
> 4. Availability of adequate public facilities and infrastructure; and
> 5. Will not intrude into predominately single-family residential neighborhoods.

Located within the extended pedestrian shed of established transit routes: The subject property is located on Daniels Parkway and is served by LeeTran Route 50. Existing sidewalks allow pedestrian access from the development to the nearest bus stop, which is less than 200 feet, or .05 miles, from the subject property (See Figure 1). As defined in the Lee Plan, a Pedestrian Shed is ¼ mile and an extended pedestrian shed is ½ mile. Therefore the subject property is within the extended pedestrian shed of an existing LeeTran route.

Distinct pedestrian and automobile connections to adjacent uses can be achieved without accessing arterial roadways: The subject property is zoned as a Commercial Planned Development and has been developed with commercial uses. Pedestrian and automobile connections to adjacent uses currently exist, and will continue to exist without the need to access Daniels Parkway (See Figure 1).

Located within the Intensive Development, Central Urban, or Urban Community future land use categories: The proposed amendment to the Future Land Use Map would redesignate the future land use category of the property from Outlying Suburban to Central Urban. The Central Urban future land use category is consistent with Policy 11.2.1.

Availability of adequate public facilities and infrastructure: All necessary public facilities serving the subject property are able to provide service as provided for in the "public facilities impact" section of this report.

Will not intrude into predominately single-family residential neighborhoods: The nearest single-family residential development is located on the adjacent land to the south. This development is separated from vacant areas of the subject property by a water management lake that is approximately 180 feet wide (See Figure 1). The Mixed-use Overlay does not intrude into predominately single-family neighborhoods.

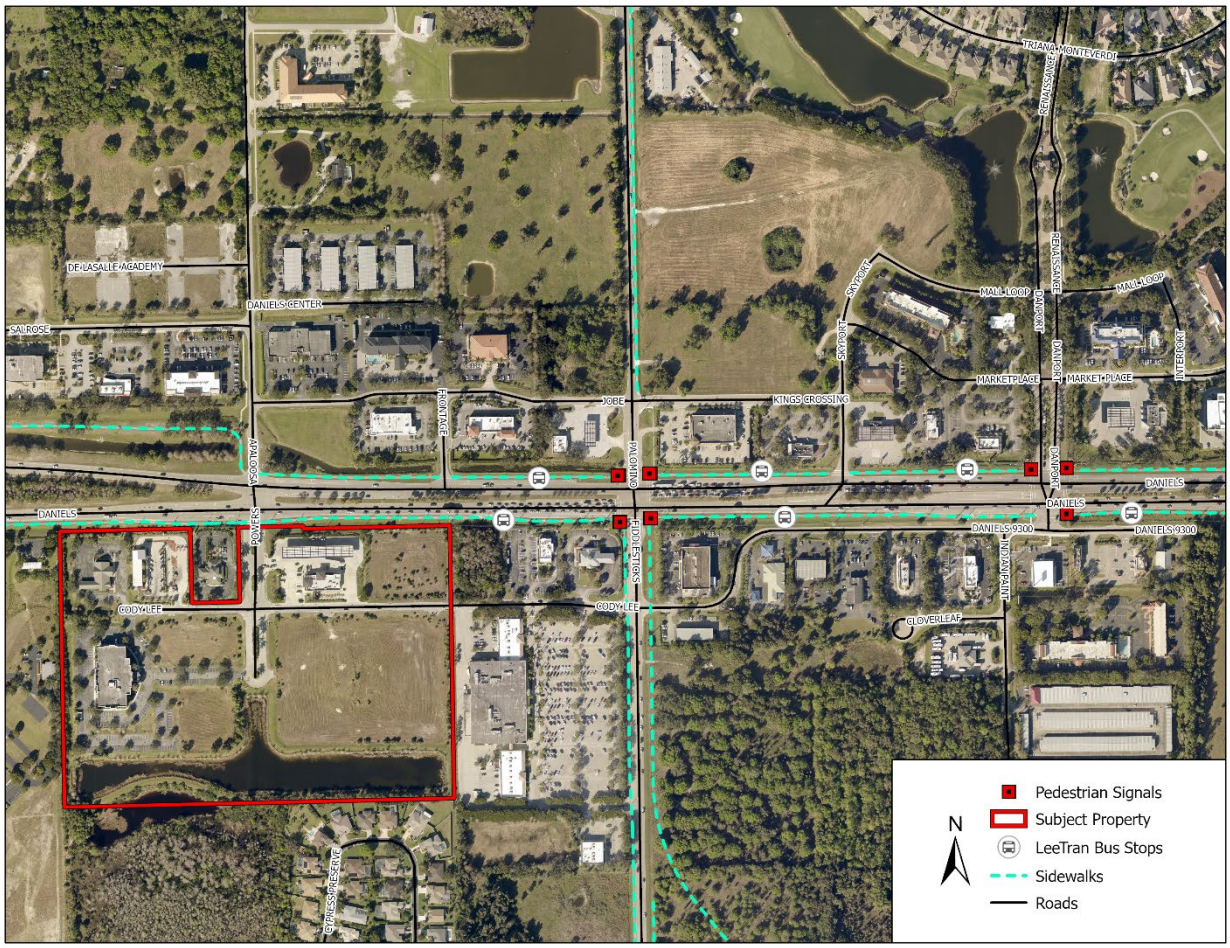


Figure 1: Subject property in relation to transit facilities, pedestrian and automobile interconnections, and residential uses.

Based on the criteria above adding the subject property to the Mixed Use Overlay is consistent with Policy 11.2.1.

Service Availability

The proposed amendment to the Future Land Use Map would increase the allowable density on the subject property. There are adequate potable water, sanitary sewer, solid waste, police, fire/EMS, schools and mass transit services to accommodate anticipated development on the subject property.

Transportation: The subject property is located on the south side of Daniels Parkway, approximately 0.1 miles west of Fiddlesticks Boulevard, and less than a mile west of Interstate I-75. As previously stated, the primary difference in the existing and proposed future land use categories is an increase of residential units allowed on the property. Analysis of transportation impacts shows that the proposed map amendment will not increase the maximum trip generation potential of the property. Uses of the property that would generate the largest number of trips would be allowed both with and without the proposed changes. If the vacant land within the subject property is developed as a residential use, as proposed in the concurrent rezoning, it is likely that traffic will be reduced compared to what is currently allowed.

The proposed amendment would not cause any roadway link to fall below the recommended acceptable Level of Service threshold. Several roadway segments in the area operate at level of service "F" both with

and without the proposed amendment. Transportation concurrency is non regulatory per Florida Statutes Section 163.3180 and Lee Plan Policy 95.1.3, which provides "Compliance with non-regulatory LOS standards will not be a requirement for continued development permitting, but will be used for facility planning purposes."

Mass Transit: The subject property is within ¼ mile of a fixed route corridor and adjacent to Route 50, along Daniels Parkway. The 2016 Transit Development Plan identifies the need for enhanced or additional transit services in the area. Any necessary improvements will be determined at time of Development Order.

Utilities: The subject property is within the Lee County Utilities future potable water and sanitary sewer service areas. Potable water and wastewater lines are in operation adjacent to the property. Potable water is available from the Corkscrew Water Treatment Plant. Wastewater service would be provided by the City of Fort Myers South Water Reclamation Facility.

Solid Waste: The subject property has access to solid waste services. Solid waste collection services will be provided by Lee County using the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill.

Fire: The South Trail Fire District indicated they are capable of providing fire protection in a letter dated January 20, 2022.

EMS: The subject property has access to EMS services. In a letter dated January 9, 2022, Lee County Emergency Medical Services indicates they will be able to serve the property from Medic 35 located 0.7 miles from the property and a second EMS facility located within 6 miles of the property.

Police: The Lee County Sheriff will provide law enforcement services primarily from the Central District office in Fort Myers. The Sheriff indicated in a letter dated January 10, 2022 that development of the subject property will not affect the ability of the Lee County Sheriff's Office to provide core services at this time. The Sheriff's Office requests a Crime Prevention through Environmental Design report at the time of Development Order.

Schools: The School District of Lee County provided a letter on February 10, 2022 stating that capacity is an issue within the Concurrency Service Area (CSA) at the elementary school level, however, capacity is available in the adjacent CSA.

CONCLUSIONS

Both the Outlying Suburban and Central Urban future land use categories allow the same commercial intensity. The main difference is that Central Urban will allow for residential up to 10 units per acre. Outlying Suburban allows for a density range of 1 dwelling unit to 3 dwelling units per acre with no option for bonus density. Inclusion of the subject property in the Mixed-use Overlay will allow the development to use density from the entire project area on their site and allow for the creation of a mixed-use development on the subject property.

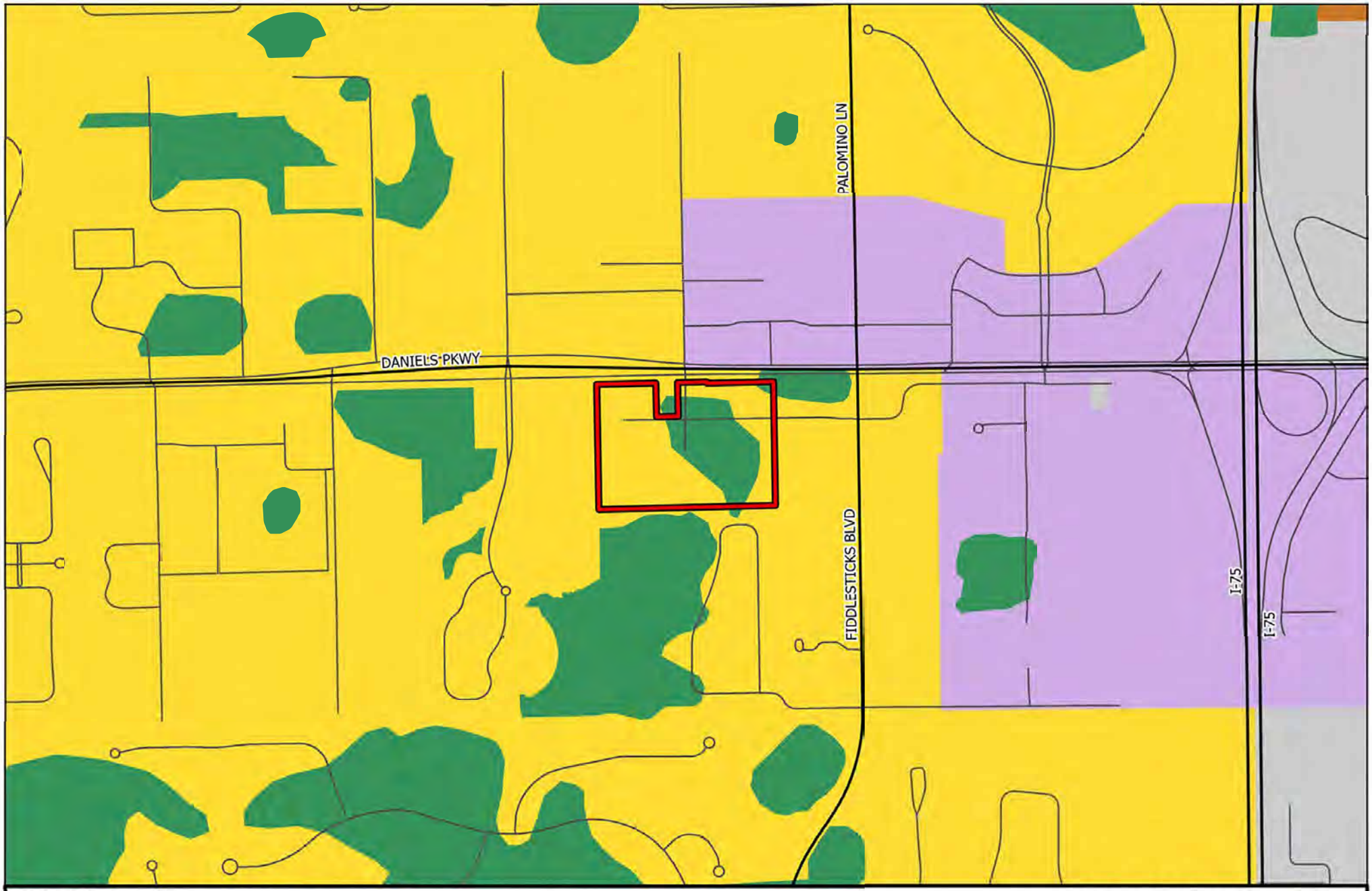
Staff has reviewed the proposed amendments and provides the following conclusions.

- The area surrounding the subject property has transitioned from an outlying area to one that is surrounded by development and regional attractants making it one of the County's core areas of development.
- There are adequate public services available to accommodate anticipated development on the subject property, consistent with Objective 2.2.
- The proposed amendments will not increase transportation impacts as uses that generate the largest number of trips are permitted both with and without the proposed amendments, at the same intensity.
- There are no characteristics of the property that would prohibit residential development, consistent with Policy 5.1.2.
- The proposed amendments will encourage and support multi-family housing options, furthering Objective 135.1, Policy 135.1.9, and Policy 158.1.9.
- Adding the subject property to the Mixed Use Overlay is consistent with Policy 11.2.1.
- The concurrent rezoning request will provide oportunities to address compatibility with surrounding uses.

For the reasons discussed in this staff report, staff recommends that the Board of County Commissioners ***transmit*** the proposed amendments as provided in Attachment 1.

ATTACHMENT 1

- **Map 1-A: Future Land Use Map (Existing)**
- **Map 1-A: Future Land Use Map (Proposed)**
- **Map 1-C: Mixed Use Overlay (Proposed)**
- **Table 1(b): Year 2045 Allocations**



CPA2022-00003

Existing Future Land Use

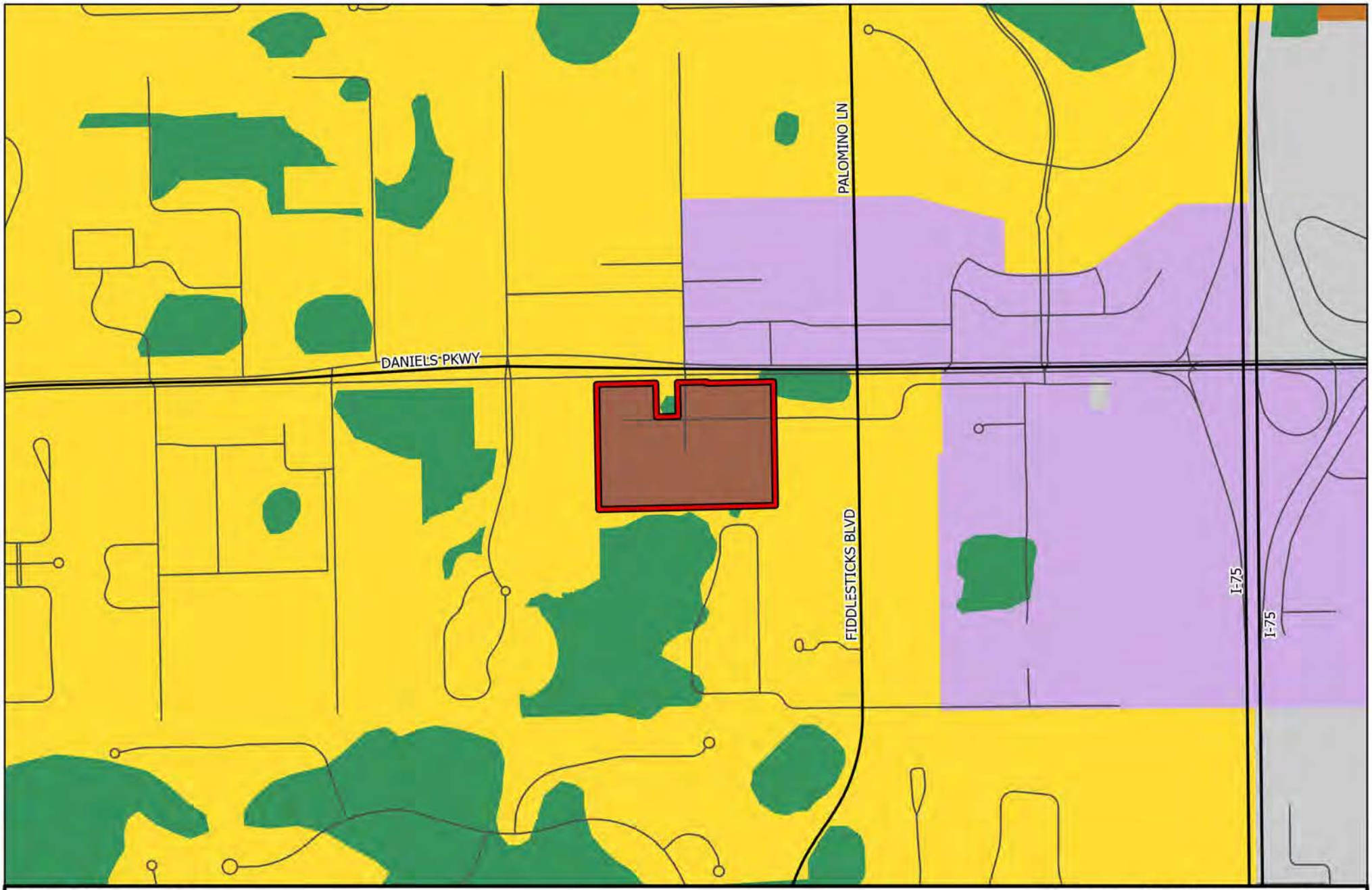
Lee County
Southwest Florida

Urban Community
Outlying Suburban
Public Facilities
General Interchange
Tradeport
Wetlands
Subject Property

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Map Generated: March 2023



CPA2022-00003

Lee County
Southwest Florida

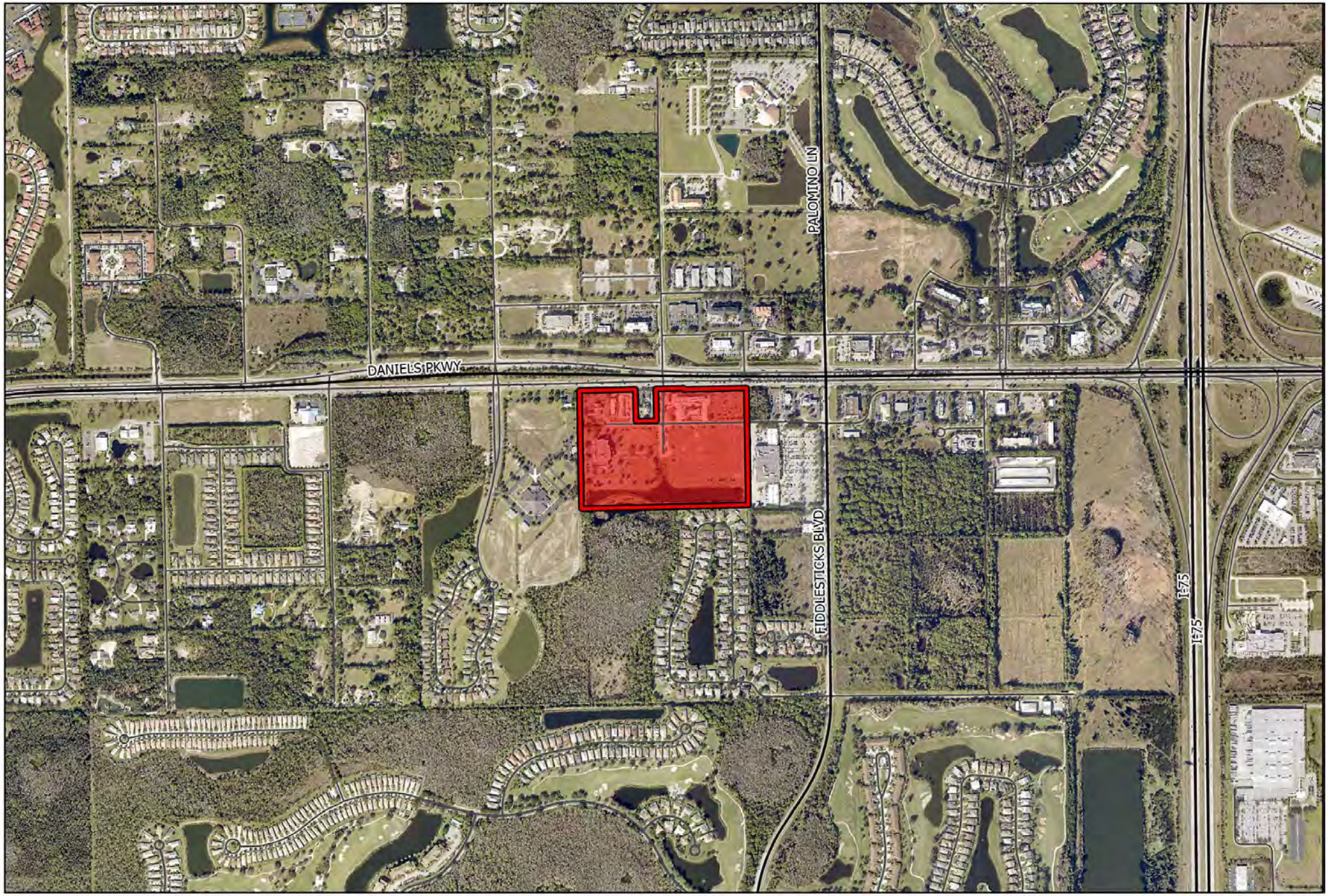
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Urban Community
Outlying Suburban
Public Facilities
General Interchange
Tradeport
Wetlands
Central Urban
Subject Property

Proposed Future Land Use

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CPA2022-00003

Mixed Use Overlay

Proposed Mixed Use Overlay

Subject Property

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Lee County

Southwest Florida

TABLE 1(b)
YEAR 2045 ALLOCATIONS

Future Land Use Category		Unincorporated County	Planning District									
			District 1 Northeast Lee County	District 2 Boca Grande	District 3 Bonita	District 4 Fort Myers Shores	District 5 Burnt Store	District 6 Cape Coral	District 7 Captiva	District 8 Fort Myers	District 9 Fort Myers Beach	District 10 Gateway / Airport
Residential By Future Land Use Category	Intensive Development	1,483	-	-	-	17	-	21	-	238	-	-
	Central Urban	13,838	-	-	-	207	-	-	-	230	-	25
	Urban Community	22,739	813	453	-	475	-	-	-	-	-	150
	Suburban	14,913	-	-	-	1,950	-	-	-	80	-	-
	Outlying Suburban	3,648	25	-	-	490	13	3	429	-	-	-
	Sub-Outlying Suburban	1,731	-	-	-	330	-	-	-	-	-	227
	Commercial	-	-	-	-	-	-	-	-	-	-	-
	Industrial	15	-	-	-	-	-	-	-	-	-	6
	Public Facilities	-	-	-	-	-	-	-	-	-	-	-
	University Community	503	-	-	-	-	-	-	-	-	-	-
	Destination Resort Mixed Use Water Dependent	8	-	-	-	-	-	-	-	-	-	-
	Burnt Store Marina Village	2	-	-	-	-	2	-	-	-	-	-
	Industrial Interchange	-	-	-	-	-	-	-	-	-	-	-
	General Interchange	114	-	-	-	-	-	-	-	-	-	15
	General Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-
	Industrial Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-
	University Village Interchange	-	-	-	-	-	-	-	-	-	-	-
	New Community	2,104	1,115	-	-	-	-	-	-	-	-	989
	Airport	-	-	-	-	-	-	-	-	-	-	-
	Tradeport	3	-	-	-	-	-	-	-	-	-	3
	Rural	7,764	2,431	-	-	800	730	-	-	-	-	-
	Rural Community Preserve	3,517	-	-	-	-	-	-	-	-	-	-
	Coastal Rural	1,338	-	-	-	-	-	-	-	-	-	-
	Outer Island	233	2	4	-	1	-	-	169	-	-	-
	Open Lands	2,186	153	-	-	-	257	-	-	-	-	-
	Density Reduction/ Groundwater Resource	6,974	131	-	-	-	-	-	-	-	-	-
	Conservation Lands Upland	-	-	-	-	-	-	-	-	-	-	-
	Wetlands	-	-	-	-	-	-	-	-	-	-	-
	Conservation Lands Wetland	-	-	-	-	-	-	-	-	-	-	-
Unincorporated County Total Residential		**83,113**	**4,669**	**457**	**-**	**4,270**	**1,002**	**24**	**598**	**548**	**-**	**1,415**
Commercial		**8,916**	**300**	**53**	**-**	**450**	**27**	**9**	**125**	**150**	**-**	**1,216**
Industrial		**4,787**	**30**	**3**	**-**	**300**	**10**	**15**	**70**	**315**	**-**	**2,134**
Non Regulatory Allocations												
Public		**120,211**	**14,191**	**622**	**-**	**4,864**	**7,323**	**6**	**2,340**	**583**	**-**	**9,660**
Active AG		**21,944**	**5,500**	**-**	**-**	**240**	**90**	**-**	**-**	**-**	**-**	**2**
Passive AG		**13,685**	**5,500**	**-**	**-**	**615**	**100**	**-**	**-**	**-**	**-**	**485**
Conservation		**87,746**	**2,458**	**297**	**-**	**1,163**	**3,186**	**67**	**1,595**	**926**	**-**	**2,206**
Vacant		**26,118**	**1,145**	**28**	**-**	**733**	**766**	**8**	**103**	**17**	**-**	**88**
Total		**366,520**	**33,793**	**1,460**	**-**	**12,634**	**12,505**	**129**	**4,831**	**2,538**	**-**	**17,205**
Population Distribution (unincorporated Lee County)		**584,331**	**8,235**	**1,470**	**-**	**35,253**	**2,179**	**152**	**725**	**5,273**	**-**	**22,281**

November 2021 (Ord. No. 02-02, 03-19, 05-19, 07-13, 09-15, 09-16, 10-15, 10-16, 10-40, 10-43, 14-14, 15-10, 16-02, 16-17, 17-12, 17-23, 18-06, 19-13, 19-14, 19-16, 20-05, 21-03, 21-09)
Printed 11/06/2021

TABLE 1(b)
YEAR 2045 ALLOCATIONS

	Future Land Use Category	Planning District											
		District 11 Daniels Parkway	District 12 Iona / McGregor	District 13 San Carlos	District 14 Sanibel	District 15 South Fort Myers	District 16 Pine Island	District 17 Lehigh Acres	District 18 Southeast Lee County	District 19 North Fort Myers	District 20 Buckingham	District 21 Estero	District 22 Bashore
Residential By Future Land Use Category	Intensive Development	-	-	-	-	801	1	30	-	376	-	-	-
	Central Urban	7	656	20	-	3,113	-	~~7,362~~ 7,312	-	2,225	-	-	-
	Urban Community	-	978	1,318	-	863	540	17,034	-	-	115	-	-
	Suburban	-	2,566	2,069	-	1,202	659	-	-	6,387	-	-	-
	Outlying Suburban	1,253	438	-	-	-	502	-	-	406	-	90	-
	Sub-Outlying Suburban	-	-	13	-	-	-	-	-	145	66	-	950
	Commercial	-	-	-	-	-	-	-	-	-	-	-	-
	Industrial	-	3	3	-	3	-	-	-	-	-	-	-
	Public Facilities	-	-	-	-	-	-	-	-	-	-	-	-
	University Community	-	-	503	-	-	-	-	-	-	-	-	-
	Destination Resort Mixed Use Water Dependent	-	8	-	-	-	-	-	-	-	-	-	-
	Burnt Store Marina Village	-	-	-	-	-	-	-	-	-	-	-	-
	Industrial Interchange	-	-	-	-	-	-	-	-	-	-	-	-
	General Interchange	58	-	-	-	-	-	-	8	14	-	-	20
	General Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-	-
	Industrial Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-	-
	University Village Interchange	-	-	-	-	-	-	-	-	-	-	-	-
	New Community	-	-	-	-	-	-	-	-	-	-	-	-
	Airport	-	-	-	-	-	-	-	-	-	-	-	-
	Tradeport	-	-	-	-	-	-	-	-	-	-	-	-
	Rural	1,573	-	99	-	-	227	14	-	454	50	-	1,387
	Rural Community Preserve	-	-	-	-	-	-	-	-	-	3,517	-	-
	Coastal Rural	-	-	-	-	-	1,338	-	-	-	-	-	-
	Outer Island	-	2	-	-	-	55	-	-	-	-	-	-
	Open Lands	80	-	-	-	-	-	-	-	30	-	-	1,667
	Density Reduction/ Groundwater Resource	-	-	-	-	-	-	-	4,742	-	-	-	2,101
	Conservation Lands Upland	-	-	-	-	-	-	-	-	-	-	-	-
	Wetlands	-	-	-	-	-	-	-	-	-	-	-	-
	Conservation Lands Wetland	-	-	-	-	-	-	-	-	-	-	-	-
	Unincorporated County Total Residential	**2,971 ~~2,964~~**	**4,650**	**4,024**	**-**	**5,982**	**3,322**	**24,390 ~~24,440~~**	**4,750**	**10,035**	**3,748**	**90**	**6,125**
	Commercial	**326**	**774**	**938**	**-**	**2,012**	**288**	**900**	**118**	**1,121**	**19**	**18**	**72**
	Industrial	**5**	**198**	**387**	**-**	**566**	**67**	**218**	**215**	**244**	**4**	**2**	**4**
Non Regulatory Allocations													
	Public	**3,214**	**4,898**	**6,364**	**-**	**5,883**	**4,831**	**20,267**	**17,992**	**10,117**	**3,052**	**653**	**3,351**
	Active AG	**5**	**13**	**5**	**-**	**-**	**2,780**	**35**	**12,000**	**90**	**630**	**4**	**550**
	Passive AG	**3 ~~10~~**	**-**	**5**	**-**	**-**	**70**	**50**	**2,500**	**250**	**2,000**	**-**	**2,100**
	Conservation	**1,677**	**9,786**	**2,232**	**-**	**211**	**15,489**	**1,077**	**41,028**	**1,607**	**382**	**1,465**	**895**
	Vacant	**20**	**55**	**158**	**-**	**4**	**2,200**	**14,854 ~~14,804~~**	**2,400**	**1,183**	**850**	**130**	**1,425**
	Total	**8,221**	**20,374**	**14,114**	**-**	**14,658**	**29,047**	**61,791**	**81,003**	**24,649**	**10,684**	**2,362**	**14,523**
	Population Distribution (unincorporated Lee County)	**14,711 ~~14,322~~**	**44,132**	**54,615**	**-**	**76,582**	**13,431**	**161,856 ~~162,245~~**	**17,369**	**110,722**	**5,951**	**741**	**8,653**

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RECEIVED
MAR 14 2023
COMMUNITY DEVELOPMENT

Daniels Falls Encore MFR

Comprehensive Plan Amendment

Lee County LPA; CPA2022-00003



Lee County
Southwest Florida

Board of County Commissioners

Kevin Ruane
District One

Cecil L Pendergrass
District Two

Ray Sandelli
District Three

Brian Hamman
District Four

Mike Greenwell
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
County Hearing
Examiner

February 6, 2023

Ben Smith, AICP
Morris Depew Associates, INC
2914 Cleveland Ave
Fort Myers, FL 33901
Via E-mail Only: bsmith@m-da.com

RE: CPA2022-00003 Daniel's Falls Encore Multi-Family

Dear Mr. Smith:

Staff has reviewed the application submittal for the map amendment CPA2022-00003 stamped received on January 20th, 2023, with additional information received on January 24th, 2023, and finds the application to be sufficient.

Staff's substantive comments, along with the staff report, are being prepared. You will be notified once the Local Planning Agency date has been determined.

The applicant will need to submit 10 copies of the complete and sufficient application materials for use at the LPA and BoCC hearings. These must be provided at least 14 days prior to the LPA meeting.
Sincerely,

Lee County Department of Community Development

Joseph P. Sarracino

Joseph Sarracino, Planner, Planning Section

CC: Mikki Rozdolski, Manager, DCD Planning Section
Brandon Dunn, Principal Planner, DCD Planning Section

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT - MAP

Project Name: **Daniels Falls, Encore, Powers Court**

Project Description: **Future Land Use Map Amendment from Outlying Suburban and Wetlands categories to Central Urban and Mixed Use Overlay.**

Map(s) to Be Amended: **Lee Plan Maps 1-A and 1-C**

State Review Process: ■ Small-Scale Review ☐ State Coordinated Review ☐ Expedited State Review

---

1. **Name of Applicant:** **Encore Multi-Family, LLC**
   Address: 6900 Dallas Parkway, 3rd Floor
   City, State, Zip: Plano, TX, 75024
   Phone Number: 214-259-7000 E-mail: ahill@encore.bz

2. **Name of Contact:** **Ben Smith, AICP**
   Address: 2914 Cleveland Ave
   City, State, Zip: Fort Myers, FL, 33901
   Phone Number: 239-337-3993 E-mail: bsmith@m-da.com

3. **Owner(s) of Record:** **Powerscourt Centre Owners' Association, INC**
   Address: 2100 Electronics Lane
   City, State, Zip: Fort Myers, FL 33912
   Phone Number: E-mail:

4. **Property Location:**
   1. Site Address: 13490-520, 13501/521 Powers CT; 8841,8851,8971,8981,8991 Cody Lee RD
   2. STRAP(s): 21-45-25-17-00000.0010, 21-45-25-17-00000.0020, 21-45-25-18-00000.0060, 21-45-25-17-0000B.00CE, 21-45-25-18-00000.0070, 21-45-25-18-0000A.00CE, 21-45-25-18-00000.0050, 45-25-18-0000C.00CE, 21-45-25-L3-19000.0010, 21-45-25-L3-19000.0020.

5. **Property Information:**
   Total Acreage of Property: 29.03 Total Acreage Included in Request: 29.03
   Total Uplands: 29.03 Total Wetlands: N/A Current Current Zoning: CPD
   Future Land Use Category(ies): Wetlands and Outlying Suburban
   Area in Each Future Land Use Category: 9.01 acres Wetland; 20.02 acres Outlying Suburban
   Existing Land Use: Commercial and Vacant

6. **Calculation of maximum allowable development under current Lee Plan:**
   Residential Units/Density: 87 Commercial Intensity: 200,000 Industrial Intensity: Not Permitted

7. **Calculation of maximum allowable development with proposed amendments:**
   Residential Units/Density: 290 Commercial Intensity: 200,000 Industrial Intensity: N/A

Public Facilities Impacts

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

1. **Traffic Circulation Analysis**: The analysis is intended to determine the affect of the land use change on the Financially Feasible Highway Plan Map 3A (20-year plus horizon) and on the Capital Improvements Element (5-year horizon). Toward that end, an applicant must submit a Traffic Impact Statement (TIS) consistent with Lee County Administrative Code (AC)13-17.

    a. Proposals affecting less than 10 acres, where development parameters are contained within the Traffic Analysis Zone (TAZ) or zones planned population and employment, or where there is no change in allowable density/ intensity, may be eligible for a TIS requirement waiver as outlined in the Lee County TIS Guidelines and AC-13-17. Identification of allowable density/intensity in order to determine socio-economic data for affected TAZ(s) must be coordinated with Lee County Planning staff. Otherwise a calculation of trip generation is required consistent with AC-13-17 and the Lee County TIS Guidelines to determine required components of analysis for:

        i. Total peak hour trip generation less than 50 total trip ends – trip generation.

        ii. Total peak hour trip generation from 50 to 300 total trip ends – trip generation, trip distribution and trip assignment (manual or Florida Standard Urban Transportation Modeling Structure (FSUTMS) analysis consistent with AC-13-17 and TIS Guidelines), short-term (5 year) and long-range (to current Lee Plan horizon year) segment LOS analysis of the nearest or abutting arterial and major collector segment(s) identified in the Transportation Inventory based on the trip generation and roadway segment LOS analysis criteria in AC-13-17. A methodology meeting is recommended prior to submittal of the application to discuss use of FSUTMS, any changes to analysis requirements, or a combined CPA and Zoning TIS short term analysis.

        iii. Total peak hour trip generation is over 300 total trip ends - trip generation, mode split, trip distribution and trip assignment (manual or FSUTMS analysis consistent with AC-13-17 and TIS Guidelines), short-term (five-year) and long-range (to current Lee Plan horizon year) segment LOS analysis of arterial and collector segments listed in the Transportation Inventory. LOS analysis will include any portion of roadway segments within an area three miles offset from the boundary of the application legal description metes and bounds survey. LOS analysis will also include any additional segments in the study area based on the roadway segment LOS analysis criteria in AC-13-17. A methodology meeting is required prior to submittal of the application.

    b. Map amendment - greater than 10 acres -Allowable density/intensity will be determined by Lee County Planning staff.

2. **Provide an existing and future conditions analysis for the following (see Policy 95.1.3):**
    a. Sanitary Sewer
    b. Potable Water
    c. Surface Water/Drainage Basins
    d. Parks, Recreation, and Open Space
    e. Public Schools

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

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

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

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

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

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

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

Environmental Impacts

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

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

Impacts on Historic Resources

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

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

Internal Consistency with the Lee Plan

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

State Policy Plan and Regional Policy Plan

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

Justify the proposed amendment based upon sound planning principles

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

Planning Communities/Community Plan Area Requirements

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

Sketch and Legal Description

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

SUBMITTAL REQUIREMENTS

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

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

MINIMUM SUBMITTAL ITEMS (3 Copies)

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

APPLICANT – PLEASE NOTE:

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

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

AFFIDAVIT

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

_____ _____
Signature of Applicant Date

_____
Printed Name of Applicant

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☐ physical presence or ☐ onlinenotarization on_____(date) by (name of person providing oath or affirmation), who is personally known to me or who has produced _____(type of identification) as identification.

_____
Signature of Notary Public

_____
(Name typed, printed or stamped)

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Daniels Falls Encore MFR

Property Owners Principal Address List

1. Talamh Associates, L.L.C
   2100 Electronics Lane
   Fort Myers, FL 33912
2. Powerscourt Centre Owners Association, INC.
   13500 Powers Court, Suite 201
   Fort Myers, FL 33912
3. Racetrac, INC
   200 Galleria Parkway SE, Suite 900
   Atlanta, GA 30339
4. Michael J. Haiken MD PA
   6017 Cocos Drive
   Fort Myers, FL 33908
5. Hurd Fort Myers, LLC
   2000 Fuller Road
   West Des Moines, IA 50265

DISCLOSURE OF INTEREST
AFFIDAVIT

BEFORE ME this day appeared Bridget D. Crowley, 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 12501/18521 Amber Ct. 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
Talent Agricola LLC	100%

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

Bridget D. Crowley
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 1.15.22 (date) by BRIDGET D CROWLEY (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

ANNE SIMAT
Notary Public - State of Florida
Commission # GG 276984
My Comm. Expires Nov 15, 2022
Bonded through National Notary Assn.

DISCLOSURE OF INTEREST
AFFIDAVIT

BEFORE ME this day appeared Max McBrayer (title) CEO, 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 8971 Cody Lee Rd and is the subject of an Application for Planned Development Amendment (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
N/A	

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

Max McBrayer
Print Name

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

STATE OF FLORIDA
COUNTY OF

The foregoing instrument was sworn to (or affirmed) and subscribed before me on June 22nd, 2022 **(date) by** Max McBrayer **(name of person providing oath or affirmation), who is personally known to me or who has produced** _____ **(type of identification) as identification.**

Deanna Brown
Signature of Notary Public

STAMP/SEAL

DEANNA BROWN
MY COMMISSION EXPIRES
NOTARY
PUBLIC
JULY 23, 2024
DOUGLAS COUNTY, GEORGIA

DISCLOSURE OF INTEREST
AFFIDAVIT

BEFORE ME this day appeared Michael J. Haiken M.D., P.A, Manager, 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 8841 Cody Lee Rd and is the subject of an Application for Planned Development Amendment (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
N/A	

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

Michael J. Haiken M.D., P.A
Print Name

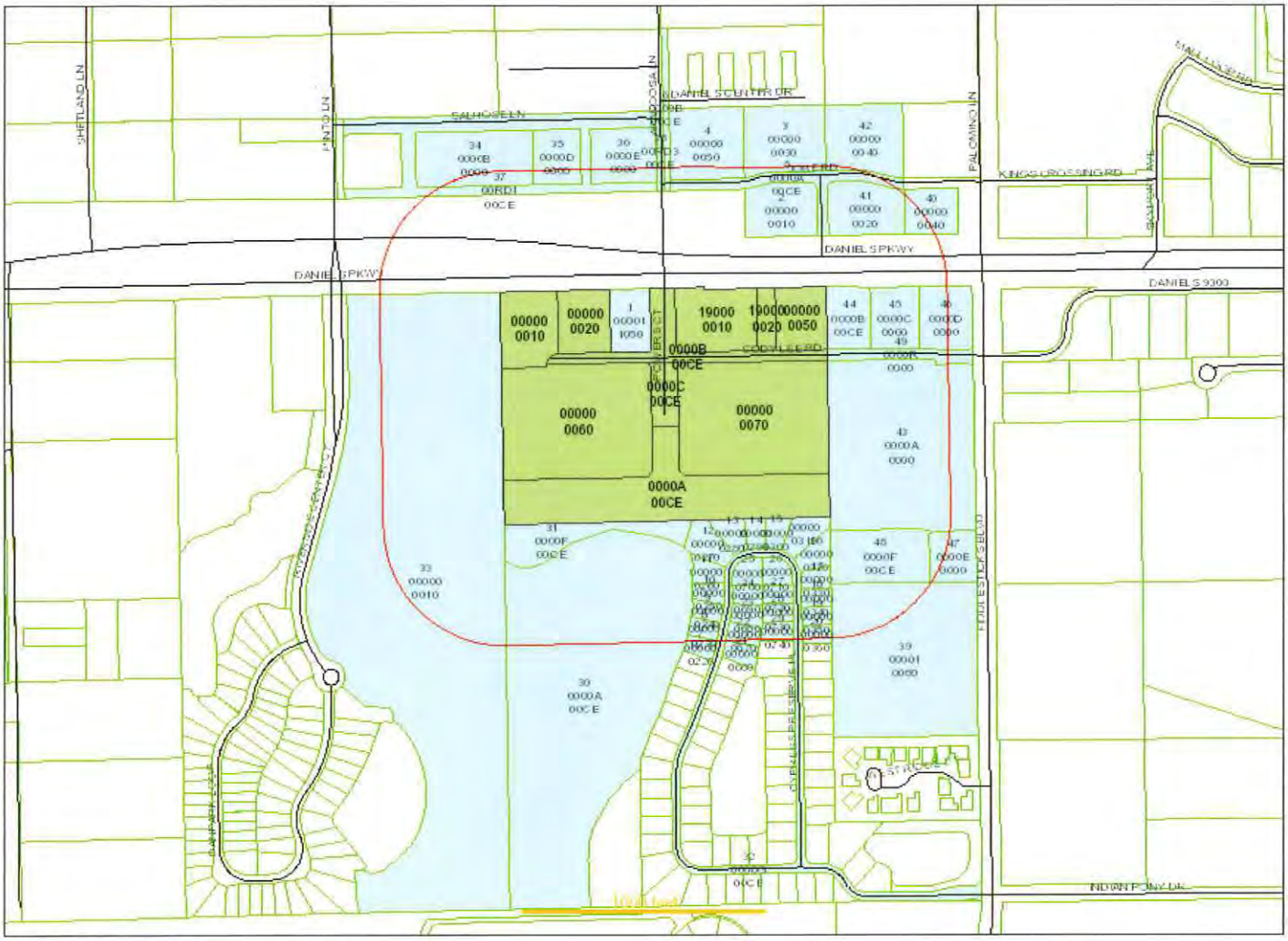
************NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS************
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on _____ (date) by _____ (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



Date of Report: November 02, 2022

Buffer Distance: 500 feet Rerun

Parcels Affected: 50

Click here to download the map image, mailing labels (Avery 5161) and CSV formatted information.

Subject Parcels: **21-45-25-17-00000.0010, 21-45-25-17-00000.0020, 21-45-25-17-0000B.00CE, 21-45-25-18-00000.0050, 21-45-25-18-00000.0060, 21-45-25-18-00000.0070, 21-45-25-18-0000A.00CE, 21-45-25-18-0000C.00CE, 21-45-25-L3-19000.0010, 21-45-25-L3-19000.0020**

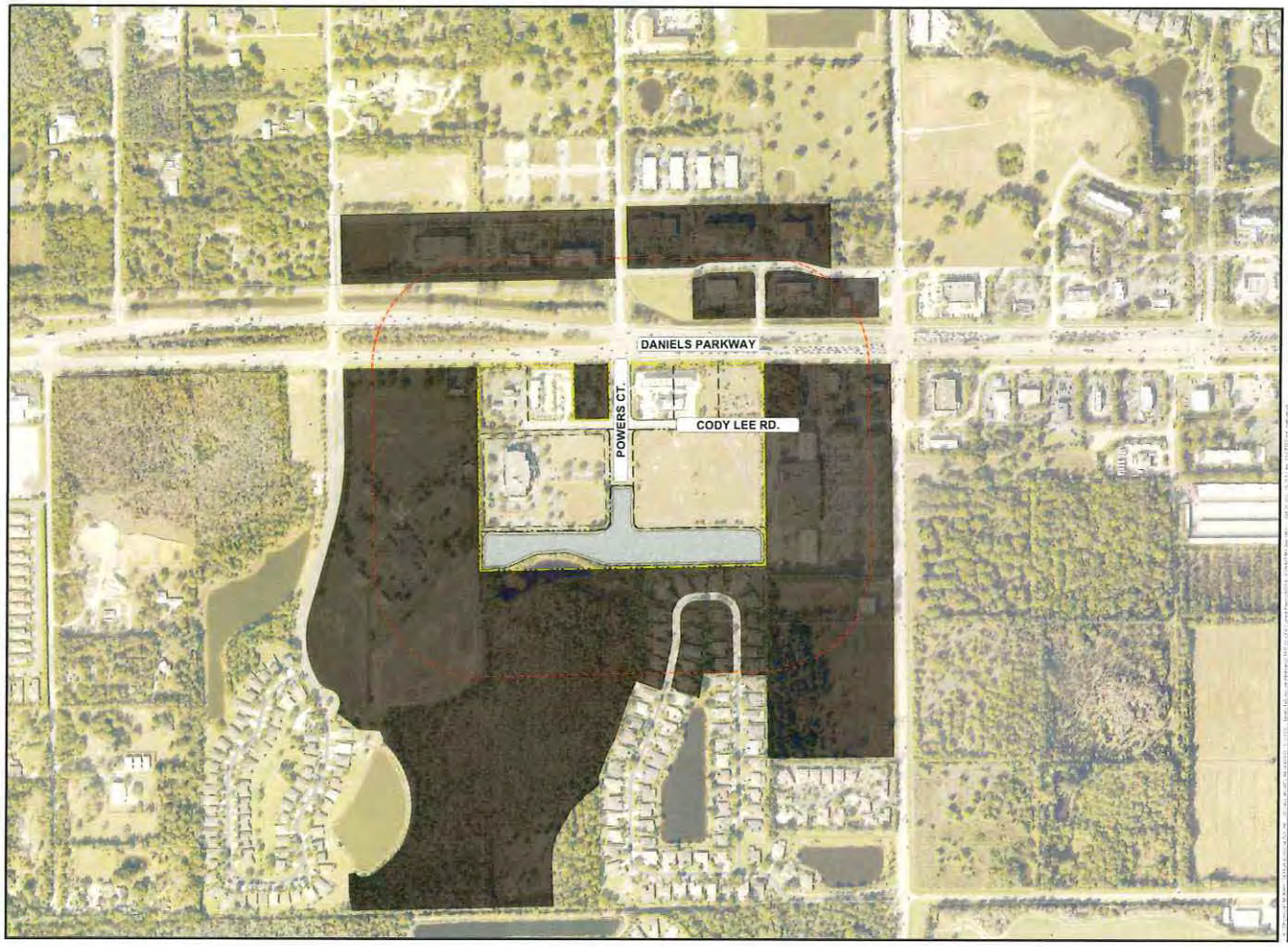
To change, add or remove subject parcels please change the parcel selection in GeoView

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
STI PROPERTY MANAGEMENT LLC 9931 CYPRESS LAKE DR FORT MYERS FL 33919	**21-45-25-00-00001.1050** 8870 DANIELS PKWY FORT MYERS FL 33912	PARCEL IN E 1/2 OF SE 1/4 AS DESC IN OR 4199 PG 2813	1
EBC 8951 DANIELS LLC 1614 COLONIAL BLVD # 101 FORT MYERS FL 33907	**21-45-25-09-00000.0010** 8951 DANIELS PKWY FORT MYERS FL 33912	DANIELS PARKWAY CENTER AS RECD PB 59 PGS 55+56 LOT 1	2
FM HOTEL INVESTMENT LLC 14106 US HWY 19 HUDSON FL 34667	**21-45-25-09-00000.0030** 8955 DANIELS PKWY FORT MYERS FL 33912	DANIELS PARKWAY CENTER AS RECD PB 59 PGS 55+56 LOT 3	3
SALROSE DREAMS INC 6541 BRIARCLIFF RD FORT MYERS FL 33912	**21-45-25-09-00000.0050** 8911 DANIELS PKWY FORT MYERS FL 33912	DANIELS PARKWAY CENTER AS RECD PB 59 PGS 55+56 LOT 5	4
DANIELS PARKWAY OWNERS ASSN 9001 DANIELS PKWY STE 200 FORT MYERS FL 33912	**21-45-25-09-0000A.00CE** RIGHT OF WAY FORT MYERS FL 33912	DANIELS PARKWAY CENTER AS RECD PB 59 PGS 55+56 TRACT A	5
DANIELS PARKWAY OWNERS ASSN	**21-45-25-09-0000B.00CE**	DANIELS PARKWAY CENTER	6

9001 DANIELS PKWY STE 200 FORT MYERS FL 33912	RIGHT OF WAY FORT MYERS FL 33912	AS RECD PB 59 PGS 55+56 TRACT B	
FLINT JESSE E & EMILY R 8900 CYPRESS PRESERVE PL FORT MYERS FL 33912	**21-45-25-10-00000.0220** 8900 CYPRESS PRESERVE PL FORT MYERS FL 33912	CYPRESS PRESERVE PB 63 PGS 73-77 LOT 22	7
SALAZAR JUAN C & AMELIA 8896 CYPRESS PRESERVE PL FORT MYERS FL 33912	**21-45-25-10-00000.0230** 8896 CYPRESS PRESERVE PL FORT MYERS FL 33912	CYPRESS PRESERVE PB 63 PGS 73-77 LOT 23	8
MILLAN JOSEPH & JANET 8892 CYPRESS PRESERVE PL FORT MYERS FL 33912	**21-45-25-10-00000.0240** 8892 CYPRESS PRESERVE PL FORT MYERS FL 33912	CYPRESS PRESERVE PB 63 PGS 73-77 LOT 24	9
LAIN CONSTANCE S 15210 ASPEN DRIVE FORT MYERS FL 33908	**21-45-25-10-00000.0250** 8888 CYPRESS PRESERVE PL FORT MYERS FL 33912	CYPRESS PRESERVE PB 63 PGS 73-77 LOT 25	10
KAZOR MARY P & DEAN P 8884 CYPRESS PRESERVE PL FORT MYERS FL 33912	**21-45-25-10-00000.0260** 8884 CYPRESS PRESERVE PL FORT MYERS FL 33912	CYPRESS PRESERVE PB 63 PGS 73-77 LOT 26	11
COURTNEY JOHN R JR & 8880 CYPRESS PRESERVE PL FORT MYERS FL 33912	**21-45-25-10-00000.0270** 8880 CYPRESS PRESERVE PL FORT MYERS FL 33912	CYPRESS PRESERVE PB 63 PGS 73-77 LOT 27	12
BURNS NANCY J & DAVID E 8876 CYPRESS PRESERVE PL FORT MYERS FL 33912	**21-45-25-10-00000.0280** 8876 CYPRESS PRESERVE PL FORT MYERS FL 33912	CYPRESS PRESERVE PB 63 PGS 73-77 LOT 28	13
CLEVELAND ROBERTA J & 8872 CYPRESS PRESERVE PL FORT MYERS FL 33912	**21-45-25-10-00000.0290** 8872 CYPRESS PRESERVE PL FORT MYERS FL 33912	CYPRESS PRESERVE PB 63 PGS 73-77 LOT 29	14
BONILLA FREDDIE JR & 8868 CYPRESS PRESERVE PL FORT MYERS FL 33912	**21-45-25-10-00000.0300** 8868 CYPRESS PRESERVE PL FORT MYERS FL 33912	CYPRESS PRESERVE PB 63 PGS 73-77 LOT 30	15
TURCHETTA GREGORY & 8860 CYPRESS PRESERVE PL FORT MYERS FL 33912	**21-45-25-10-00000.0320** 8860 CYPRESS PRESERVE PL FORT MYERS FL 33912	CYPRESS PRESERVE PB 63 PGS 73-77 LOT 32	16
CRIDER COLE J & CLAIRE F 8856 CYPRESS PRESERVE PL FORT MYERS FL 33912	**21-45-25-10-00000.0330** 8856 CYPRESS PRESERVE PL FORT MYERS FL 33912	CYPRESS PRESERVE PB 63 PGS 73-77 LOT 33	17
SALATA PHILLIP J & CINDY J 8852 CYPRESS PRESERVE PL FORT MYERS FL 33912	**21-45-25-10-00000.0340** 8852 CYPRESS PRESERVE PL FORT MYERS FL 33912	CYPRESS PRESERVE PB 63 PGS 73-77 LOT 34	18
VANEK CYNTHIA A 358 TALL MEADOW LN YARDLEY PA 19067	**21-45-25-10-00000.0350** 8848 CYPRESS PRESERVE PL FORT MYERS FL 33912	CYPRESS PRESERVE PB 63 PGS 73-77 LOT 35	19
ZANKE JAMES & 8844 CYPRESS PRESERVE PL FORT MYERS FL 33912	**21-45-25-10-00000.0360** 8844 CYPRESS PRESERVE PL FORT MYERS FL 33912	CYPRESS PRESERVE PB 63 PGS 73-77 LOT 36	20
MICKEVICIUS PATRICK J + 23 HORSELEES ROAD KENT ME13 9TE UNITED KINGDOM	**21-45-25-10-00000.0660** 8901 CYPRESS PRESERVE PL FORT MYERS FL 33912	CYPRESS PRESERVE PB 63 PGS 73-77 LOT 66	21
MCGOWAN JOHN E & TERRI L 8897 CYPRESS PRESERVE PL FORT MYERS FL 33912	**21-45-25-10-00000.0670** 8897 CYPRESS PRESERVE PL FORT MYERS FL 33912	CYPRESS PRESERVE PB 63 PGS 73-77 LOT 67	22
ROMERO RAY H III & JENNIFER 8893 CYPRESS PRESERVE PL FORT MYERS FL 33912	**21-45-25-10-00000.0680** 8893 CYPRESS PRESERVE PL FORT MYERS FL 33912	CYPRESS PRESERVE PB 63 PGS 73-77 LOT 68	23
GRAHAM BRETT C & 8889 CYPRESS PRESERVE PL FORT MYERS FL 33912	**21-45-25-10-00000.0690** 8889 CYPRESS PRESERVE PL FORT MYERS FL 33912	CYPRESS PRESERVE PB 63 PGS 73-77 LOT 69	24
WHEATON GEORGE D & 8885 CYPRESS PRESERVE PL	**21-45-25-10-00000.0700** 8885 CYPRESS PRESERVE PL	CYPRESS PRESERVE PB 63 PGS 73-77	25

FORT MYERS FL 33912	FORT MYERS FL 33912	LOT 70	
WILSON ANDREW SCOTT & 8857 CYPRESS PRESERVE PL FORT MYERS FL 33912	**21-45-25-10-00000.0710** 8857 CYPRESS PRESERVE PL FORT MYERS FL 33912	CYPRESS PRESERVE PB 63 PGS 73-77 LOT 71	26
LUCAS CHRISTOPHER & 8853 CYPRESS PRESERVE PL FORT MYERS FL 33912	**21-45-25-10-00000.0720** 8853 CYPRESS PRESERVE PL FORT MYERS FL 33912	CYPRESS PRESERVE PB 63 PGS 73-77 LOT 72	27
LEONARD JOE & DORA 8849 CYPRESS PRESERVE PL FORT MYERS FL 33912	**21-45-25-10-00000.0730** 8849 CYPRESS PRESERVE PL FORT MYERS FL 33912	CYPRESS PRESERVE PB 63 PGS 73-77 LOT 73	28
RODRIGUEZ EUGENIO G & 8845 CYPRESS PRESERVE PL FORT MYERS FL 33912	**21-45-25-10-00000.0740** 8845 CYPRESS PRESERVE PL FORT MYERS FL 33912	CYPRESS PRESERVE PB 63 PGS 73-77 LOT 74	29
CYPRESS PRESERVE OF LEE 5430 BAYSHORE ROAD N FORT MYERS FL 33917	**21-45-25-10-0000A.00CE** CYPRESS PRESERVE C/E FORT MYERS FL 33912	CYPRESS PRESERVE PB 63 PGS 73-77 TRACT A CONSV AREA OR 3204/4752	30
CYPRESS PRESERVE OF LEE 5430 BAYSHORE ROAD N FORT MYERS FL 33917	**21-45-25-10-0000F.00CE** CYPRESS PRESERVE C/E FORT MYERS FL 33912	CYPRESS PRESERVE PB 63 PGS 73-77 TRACT F	31
CYPRESS PRESERVE OF LEE 5430 BAYSHORE ROAD N FORT MYERS FL 33917	**21-45-25-10-0000G.00CE** RIGHT OF WAY FORT MYERS FL 33912	CYPRESS PRESERVE PB 63 PGS 73-77 TRACT G	32
RIVERSIDE BAPTIST CHURCH OF FO 8660 DANIELS PKWY FORT MYERS FL 33912	**21-45-25-11-00000.0010** 8660-8690 DANIELS PKWY FORT MYERS FL 33912	RIVERSIDE CENTER PB 72 PGS 13-14 LOT 1	33
PROCACCI FORT MYERS LLC 95 S FEDERAL HWY STE 10 BOCA RATON FL 33432	**21-45-25-14-0000B.0000** 8860 SALROSE LN FORT MYERS FL 33912	DANIELS PARKWAY BUSINESS PARK DESC IN INST #2006-155366 TR B + TR C	34
RAGMANS LLC 6541 BRIARCLIFF RD FORT MYERS FL 33912	**21-45-25-14-0000D.0000** 8880 SALROSE LN FORT MYERS FL 33912	DANIELS PARKWAY BUSINESS PARK DESC IN INST #2006-155366 TR D	35
GRIFFIN BONITA SPRINGS PROPERT 4141 ROBERTS RD GRAPEVINE TX 76051	**21-45-25-14-0000E.0000** 8890 SALROSE LN FORT MYERS FL 33912	DANIELS PARKWAY BUSINESS PARK DESC IN INST #2006-155366 TRACT E	36
DANIELS PARKWAY BUSINESS 8890 SALROSE LN #220 FORT MYERS FL 33912	**21-45-25-14-00RD1.00CE** RIGHT OF WAY FORT MYERS FL 33912	DANIELS PARKWAY BUSINESS PARK DESC IN INST #2006-155366 INCL TRACTS OS-1 THRU OS-3 + RD-1	37
SALROSE DREAMS II LLP 6541 BRIARCLIFF RD FORT MYERS FL 33912	**21-45-25-14-00RD3.00CE** RIGHT OF WAY FORT MYERS FL 33912	DANIELS PARKWAY BUSINESS PARK DESC IN INST #2006-155366 INCL TRACTS RD-3	38
13800 FIDDLESTICKS LLC MARKHAM NORTON MOSTELLER WRIGH 8961 CONFERENCE DR STE 1 FORT MYERS FL 33919	**22-45-25-00-00001.0080** 13800 FIDDLESTICKS BLVD FORT MYERS FL 33912	NW 1/4 OF SW 1/4 OF SW 1/4 LESS ELY 40 FT DESC IN OR 1711/4096 AKA COLONIAL RANCHETTES UNIT 2 TRACTS 204 + 205	39
SOUTHLAND FT MYERS LLC COLLETT AND ASSOCIATES INC PO BOX 36799 CHARLOTTE NC 28236	**22-45-25-06-00000.0040** 13420 PALOMINO LN FORT MYERS FL 33912	NORTH INTERCHANGE COMMERCE PK PB 52 PGS 15-17 LOT 4	40
ONE PARKER CENTER KLA LLC 18961 KNOLL LANDING DR	**22-45-25-09-00000.0020** 9011 DANIELS PKWY	DANIELS PARKWAY CENTER AS RECD PB 59 PGS 55+56	41

FORT MYERS FL 33908	FORT MYERS FL 33912	LOT 2	
JSA ONE CENTER LLC COMM PROP MANAGEMENT LLC 17595 S TAMIAMI TRL # 110 FORT MYERS FL 33908	**22-45-25-09-00000.0040** 9001 DANIELS PKWY FORT MYERS FL 33912	DANIELS PARKWAY CENTER AS RECD PB 59 PGS 55+56 LOT 4	42
PUBLIX SUPER MARKETS INC EXPENSE PAYABLES LEASE TEAM PO BOX 32018 LAKELAND FL 33802	**22-45-25-12-0000A.0000** 13650 FIDDLESTICKS BLVD FORT MYERS FL 33912	SHOPPES AT FIDDLESTICKS PB 72 PGS 48 + 49 PARCEL A	43
PUBLIX SUPER MARKETS INC PO BOX 32018 LAKELAND FL 33802	**22-45-25-12-0000B.00CE** 9001 CODY LEE RD FORT MYERS FL 33912	SHOPPES AT FIDDLESTICKS PB 72 PGS 48 + 49 PARCEL B	44
D7 3 LLC 7101 W 78TH ST MINNEAPOLIS MN 55439	**22-45-25-12-0000C.0000** 9011 CODY LEE RD FORT MYERS FL 33912	SHOPPES AT FIDDLESTICKS PB 72 PGS 48 + 49 PARCEL C + W 52 FT PAR D	45
ARC BBFTMFL001 LLC PO BOX 167 WINSTON SALEM NC 27102	**22-45-25-12-0000D.0000** 9090 DANIELS PKWY FORT MYERS FL 33912	SHOPPES AT FIDDLESTICKS PB 72 PGS 48-49 PARCEL D LESS W 52 FT DESC IN OR 4031/3344	46
PUBLIX SUPER MARKETS INC EXPENSE PAYABLES LEASE TEAM PO BOX 32018 LAKELAND FL 33802	**22-45-25-12-0000E.0000** 13750 FIDDLESTICKS BLVD FORT MYERS FL 33912	SHOPPES AT FIDDLESTICKS PB 72 PGS 48 + 49 PARCEL E	47
PUBLIX SUPER MARKETS INC EXPENSE PAYABLES LEASE TEAM PO BOX 32018 LAKELAND FL 33802	**22-45-25-12-0000F.00CE** SUBMERGED FORT MYERS FL 33912	SHOPPES AT FIDDLESTICKS PB 72 PGS 48 + 49 PARCEL F	48
PUBLIX SUPER MARKETS INC EXPENSE PAYABLES LEASE TEAM PO BOX 32018 LAKELAND FL 33802	**22-45-25-12-0000R.0000** RIGHT OF WAY FORT MYERS FL	SHOPPES AT FIDDLESTICKS PB 72 PGS 48 + 49 TRACT R	49



PROJECT

DANIELS FALLS
ENCORE
MULTI-FAMILY

LOCATION

13591 POWERS CT
FORT MYERS, FL 33912

CLIENT

ENCORE
MULTI-FAMILY, LLC

CONSULTANT

MORRIS DEPEW

Fort Myers

Tallahassee

Destin

PREPARED BY

REVISIONS	DATE

PROJECT MANAGER	VMM
DRAWING BY	MML
JURISDICTION	LEE COUNTY
DATE	10/28/2022

SHEET TITLE

PARCELS WITHIN 500'
OF SUBJECT
PROPERTY

SHEET NUMBER

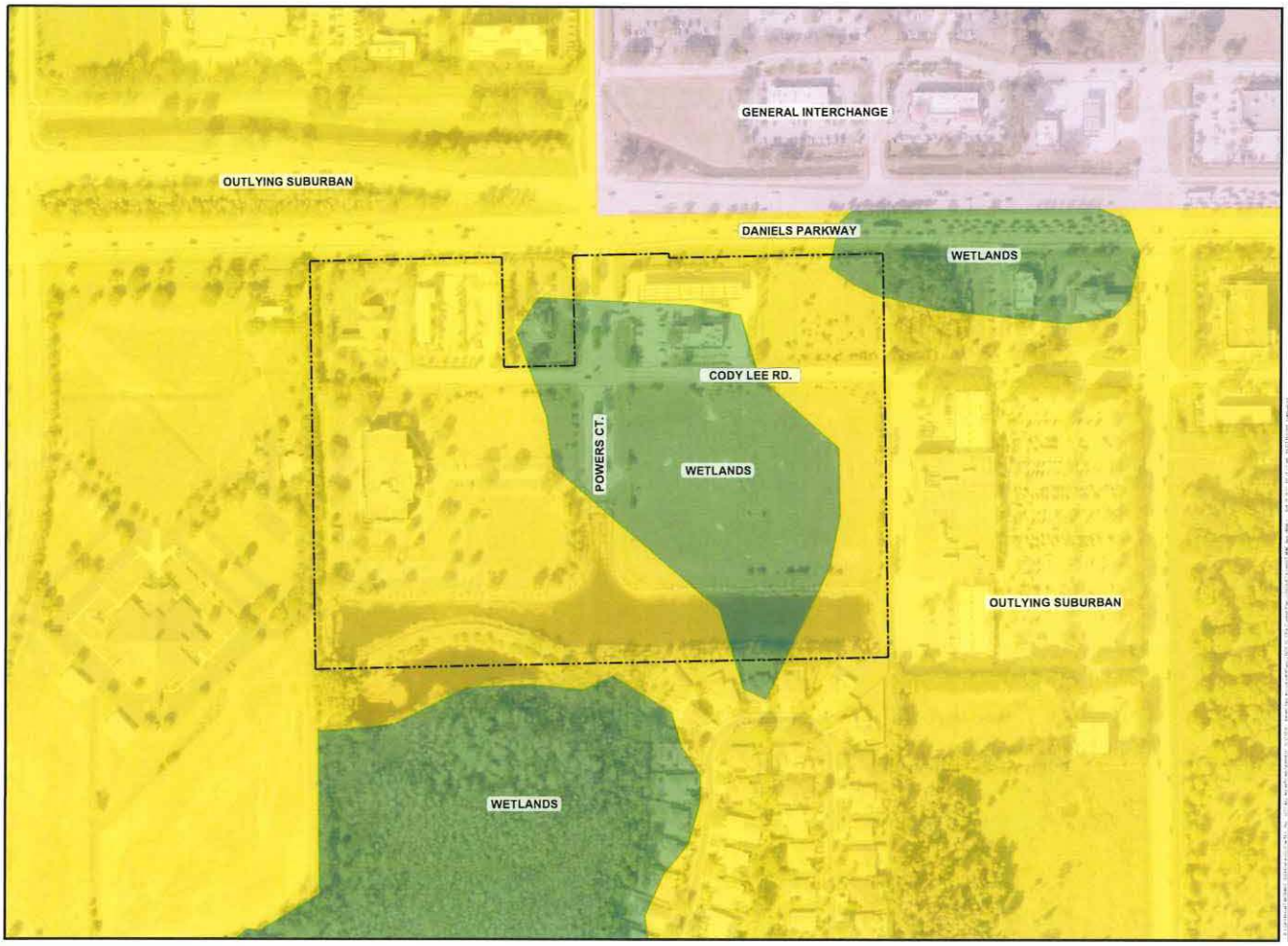
M3

200 0 100 200

SCALE 1"=200'

JOB FILE NUMBER

21035



PROJECT

DANIELS FALLS
ENCORE
MULTI-FAMILY

LOCATION

13501 POWERS CT
FORT MYERS, FL 33912

CLIENT

ENCORE
MULTI-FAMILY, LLC.

CONSULTANT

MORRIS DEPEW

Fort Myers

Tallahassee

Destin

PREPARED BY

REVISIONS	DATE

PROJECT MANAGER	WMM
DRAWING BY	MML
JURISDICTION	LEE COUNTY
DATE	10/28/2022

SHEET TITLE

EXISTING FUTURE
LAND USE MAP

SHEET NUMBER

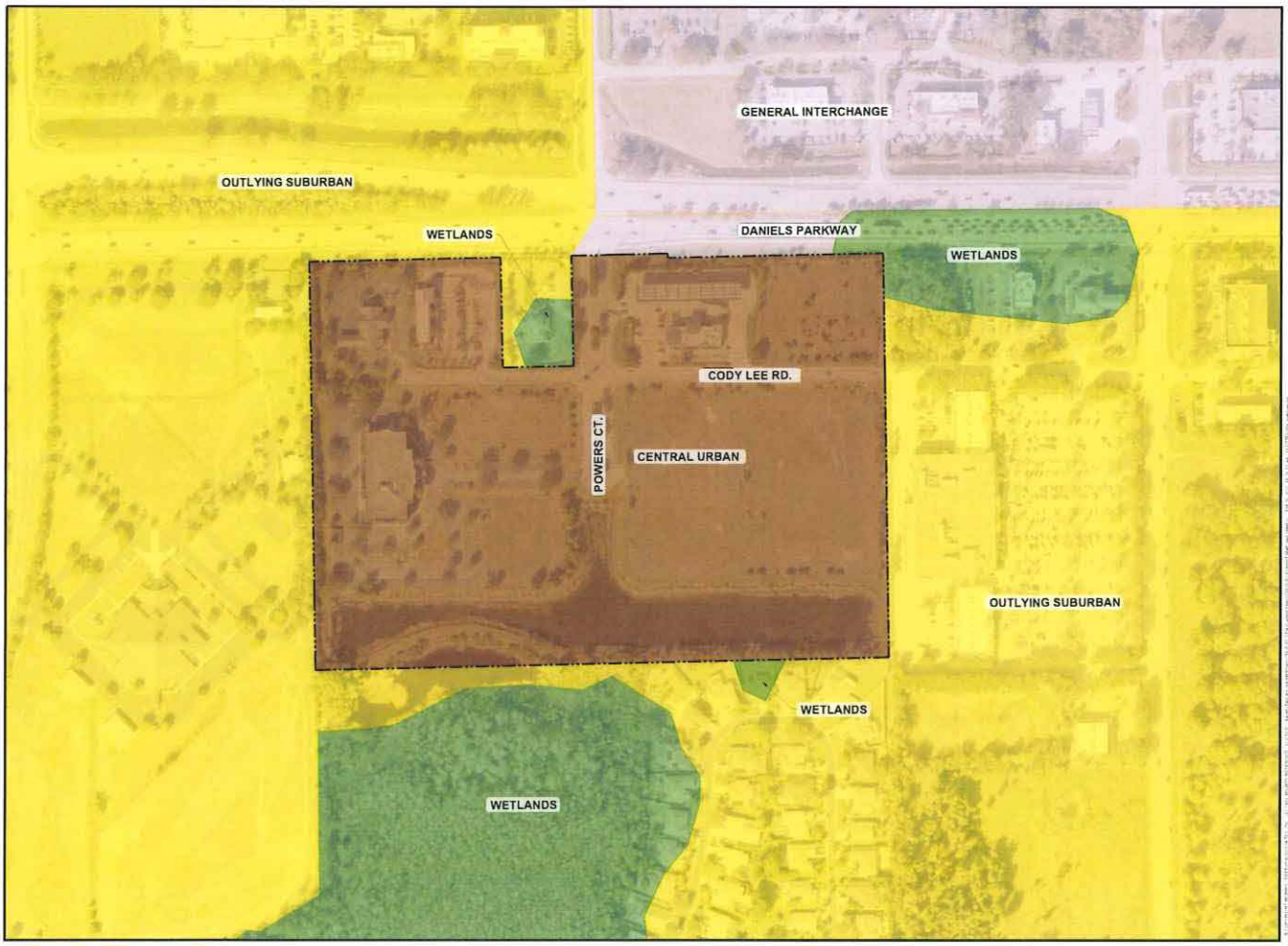
M4E

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SCALE 1"=100'

JOB/FILE NUMBER

21035



PROJECT

DANIELS FALLS
ENCORE
MULTI-FAMILY

LOCATION

13591 POWERS CT
FORT MYERS, FL 33912

CLIENT

ENCORE
MULTI-FAMILY, LLC.

CONSULTANT

MORRIS DEPEW

Fort Myers

Tallahassee

Destin

PREPARED BY

REVISIONS	DATE
PROJECT MANAGER	VMH
DRAWING BY	MWL
JURISDICTION	LEE COUNTY
DATE	10/28/2022

SHEET TITLE

PROPOSED FUTURE
LAND USE MAP

SHEET NUMBER

M4P

100 0 50 100
SCALE 1"=100'

JOB FILE NUMBER

21035



PROJECT

DANIELS FALLS
ENCORE
MULTI-FAMILY

LOCATION

13501 POWERS CT
FORT MYERS, FL 33912

CLIENT

ENCORE
MULTI-FAMILY, LLC

CONSULTANT

MORRIS DEPEW

PREPARED BY

REVISIONS	DATE
PROJECT MANAGER	VMM
DRAWING BY	MWL
JURISDICTION	LEE COUNTY
DATE	9/17/2022

SHEET TITLE

PROPOSED MIXED
USE OVERLAY MAP

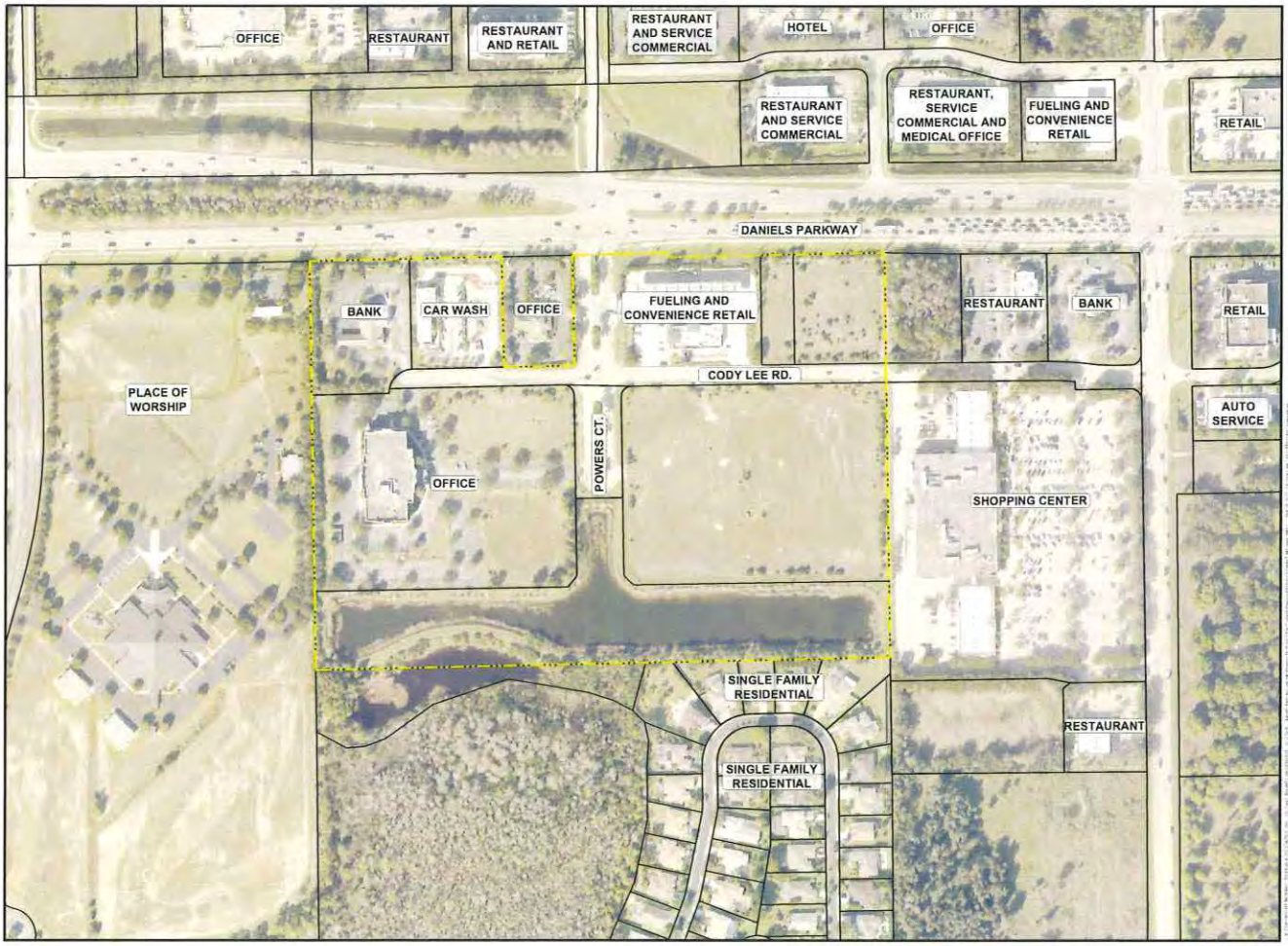
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M1-C

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SCALE 1"=100'

JOB/FILE NUMBER

21035



PROJECT
DANIELS FALLS ENCORE MULTI-FAMILY

LOCATION
13501 POWERS CT
FORT MYERS, FL 33912

CLIENT
ENCORE MULTI-FAMILY, LLC

CONSULTANT
MORRIS DEPEW

PREPARED BY

REVISIONS	DATE

PROJECT MANAGER	VMM
DRAWING BY	MVL
JURISDICTION	LEE COUNTY
DATE	10/28/2022

SHEET TITLE
EXISTING LAND USE

SHEET NUMBER
M5

100 0 50 100
SCALE 1"=100'

JOB/FILE NUMBER
21035



PROJECT

DANIELS FALLS
ENCORE
MULTI-FAMILY

LOCATION

13501 POWERS CT
FORT MYERS, FL 33912

CLIENT

ENCORE
MULTI-FAMILY, LLC.

CONSULTANT

MORRIS DEPEW

PREPARED BY

REVISIONS	DATE
PROJECT MANAGER	VMM
DRAWING BY	MML
JURISDICTION	LEE COUNTY
DATE	10/28/2022

SHEET TITLE

ZONING MAP

SHEET NUMBER

M6

100 0 50 100
SCALE 1"=100'

JOB FILE NUMBER

21035

DESCRIPTION:

ALL OF "POWERSCOURT CENTRE", RECORDED AS CLERK'S INSTRUMENT NUMBER 2007000128664, AND ALL OF "POWERSCOURT CENTRE II", RECORDED AS CLERK'S INSTRUMENT NUMBER 2008000190440, AND ALL OF "POWERSCOURT CENTRE IIA", RECORDED AS CLERK'S INSTRUMENT NUMBER 2015000244355, ALL IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID "POWERSCOURT CENTRE"; THENCE RUN N 88°41'25" E, ALONG THE NORTHERLY LINE OF SAID "POWERSCOURT CENTRE", SAID LINE ALSO BEING THE SOUTHERLY RIGHT-OF-WAY LINE OF DANIELS PARKWAY, A DISTANCE OF 455.71 FEET; THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY LINE, RUN S 01°18'35" E, ALONG THE BOUNDARY LINE OF SAID "POWERSCOURT CENTRE", A DISTANCE OF 260.00 FEET; THENCE RUN N 88°41'25" E, ALONG THE BOUNDARY LINE OF SAID "POWERSCOURT CENTRE", A DISTANCE OF 167.54 FEET; THENCE RUN N 01°18'35" W, ALONG THE BOUNDARY LINE OF SAID "POWERSCOURT CENTRE", A DISTANCE OF 260.00 FEET, RETURNING TO AFOREMENTIONED SOUTHERLY RIGHT-OF-WAY LINE; THENCE RUN N 88°41'25" E, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND AFOREMENTIONED NORTHERLY LINE OF "POWERSCOURT CENTRE", "POWERSCOURT CENTRE IIA, AND "POWERSCOURT CENTRE II", A DISTANCE OF 227.54 FEET; THENCE RUN S 01°18'35" E, 10.00 FEET; THENCE RUN N 88°41'25" E, 511.51 FEET TO THE NORTHEAST CORNER OF SAID "POWERSCOURT CENTRE II"; THENCE RUN S 00°56'13" E, ALONG EASTERLY LINE OF SAID POWERSCOURT CENTRE", "POWERSCOURT CENTRE II, AND "POWERSCOURT CENTRE IIA"; SAID LINE ALSO BEING THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA, A DISTANCE OF 953.50 FEET TO THE SOUTHEAST CORNER OF SAID "POWERSCOURT CENTRE II"; THENCE RUN S 88°41'25" W, ALONG THE SOUTHERLY LINE OF SAID "POWERSCOURT CENTRE II", A DISTANCE OF 1361.07 FEET TO THE SOUTHWEST CORNER OF SAID "POWERSCOURT CENTRE II"; THENCE RUN N 01°00'25" W, ALONG THE WESTERLY LINE OF SAID "POWERSCOURT CENTRE II" AND "POWERSCOURT CENTRE", A DISTANCE OF 963.47 FEET, TO THE POINT OF BEGINNING.

CONTAINING 29.00 ACRES, MORE OR LESS.

SURVEYOR'S NOTES

THE DESCRIPTION SHOWN HEREON IS NEW.

ORIENTATION BASED ON THE SOUTHERLY RIGHT OF WAY LINE ON DANIELS PARKWAY, AS BEARING N 88°41'25" E, PER FLORIDA GRID, WEST.

UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, AND ALL SHEETS ARE INCLUDED, THIS MAP IS NOT VALID.

COORDINATES SHOWN HEREON ARE BASED ON FLORIDA GRID, WEST ZONE, NAD 83/2011.

CERTIFICATE OF AUTHORIZATION LICENSE BUSINESS NO. 6891.

THIS IS NOT A SURVEY!

ABBREVIATIONS

INSTR. = INSTRUMENT
L1 = LINE DESIGNATION
LB = LICENSED BUSINESS
NO, = NUMBER
O.R. = OFFICIAL RECORDS
PG. = PAGE
P.O.B. = POINT OF BEGINNING
R/W = RIGHT OF WAY

PREPARED BY:

PSM 6347

Digitally signed by Thomas M. Rooks Jr.
Date: 2022.11.03 16:30:09 -04'00'

THOMAS M. ROOKS JR. P.S.M. DATE
FLORIDA CERTIFICATE NO. 6347

© COPYRIGHT MORRIS- DEPEW ASSOCIATES, INC. 2022 ALL RIGHTS RESERVED I:\21035 - Daniel Falls Encore\Plans\SKETCH-DESCR\21035-MIXED USE-SD.dwg <SD-1_14x8.5> - Nov 03 2022 04:21:04 pm PLOTTED BY: bhartley

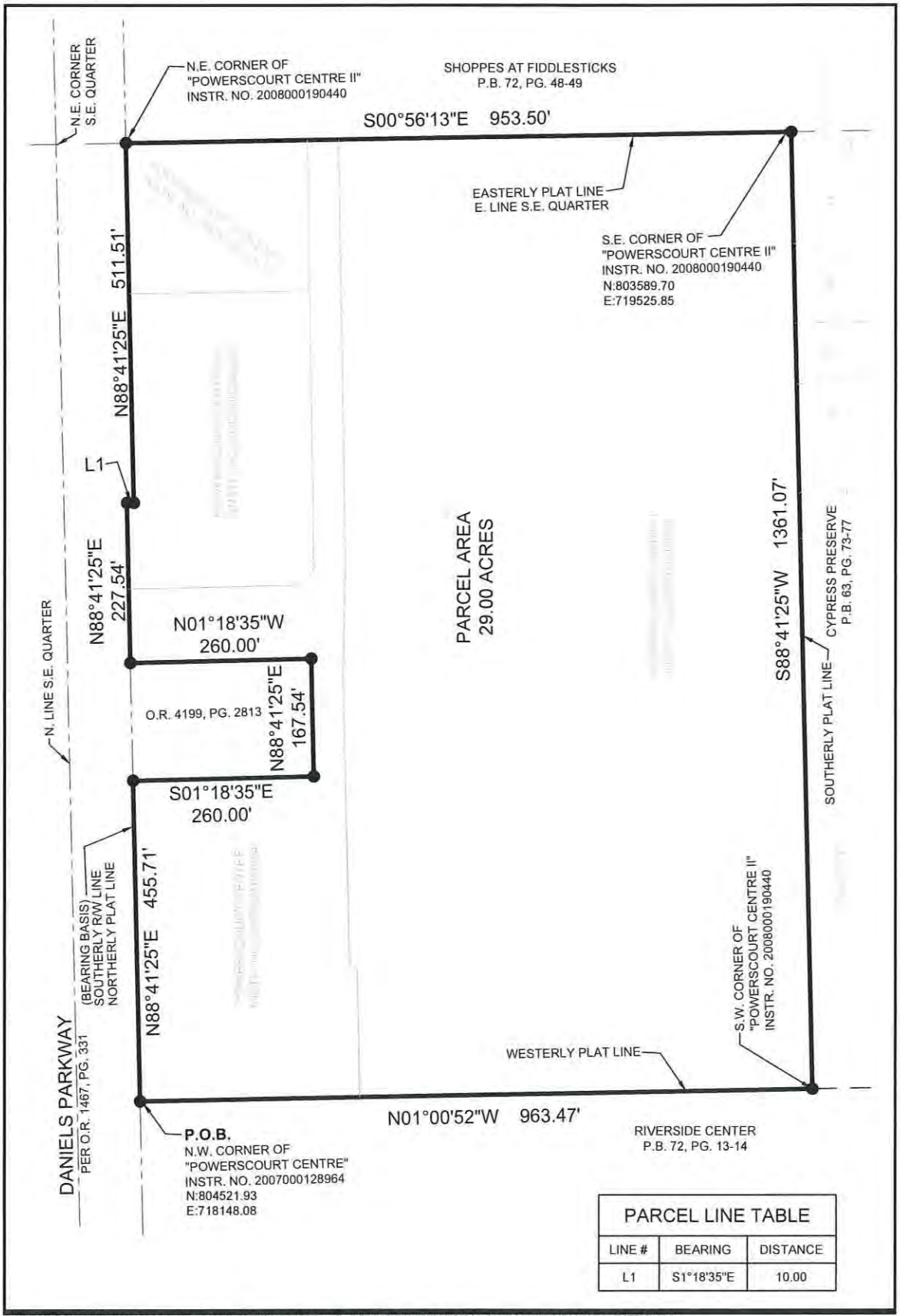
PROJECT:
DANIELS FALLS ENCORE

LOCATION:
SECTION 21
TOWNSHIP 45, SOUTH
RANGE 25 EAST

CONSULTANT:
MORRIS DEPEW
ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS
FL CA NO. 6532 / FL CERT NO. LB6891 / LC26000330
Fort Myers
2918 Cleveland Avenue
Fort Myers, Florida 33901
(239) 337-3993
Fax: (239) 337-3994
Toll free: 866-337-7341
Tallahassee
113 South Monroe Street
1st Floor
Tallahassee, Florida 32301
Toll free: 866-337-7341
Destin
5597 Highway 98
Unit 201
Santa Rosa Beach, Florida 32459
Toll free: 866-337-7341

CLIENT:

PROJECT MANAGER:	TMR
DRAWING BY:	TAB
JURISDICTION:	LEE COUNTY
DATE:	11-03-2022
SHEET TITLE:	SKETCH AND DESCRIPTION
SHEET NUMBER:	1 OF 2
JOB/FILE NUMBER:	21035



PARCEL LINE TABLE		
LINE #	BEARING	DISTANCE
L1	S1°18'35"E	10.00

© COPYRIGHT MORRIS - DEPEW ASSOCIATES, INC. 2022 ALL RIGHTS RESERVED 1121035 - Daniel Falls Encore\Plans\SKETCH-DESCR\21035-MIXED USE-SO.dwg <SD-2_14x8.5> - Nov 03 2022 02:21:47 pm PLOTTED BY: bhartley

PROJECT:

DANIELS FALLS ENCORE

LOCATION:

SECTION 21
TOWNSHIP 45, SOUTH
RANGE 25 EAST

CONSULTANT:

MORRIS DEPEW
ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS
FL CA NO. 6532 / FL CERT NO. LB6891 / LC26000390
Fort Myers
2814 Cleveland Avenue
Fort Myers, Florida 33901
(239) 337-3993
Fax: (239) 337-3994
Toll free: 866-337-7341
Tallahassee
113 South Monroe Street
1st Floor
Tallahassee, Florida 32301
Toll free: 866-337-7341
Destin
5597 Highway 98
Unit 201
Santa Rosa Beach, Florida 32459
Toll free: 866-337-7341

CLIENT:

0 80 160
SCALE 1"=160'

PROJECT MANAGER:	TMR
DRAWING BY:	TAB
JURISDICTION:	LEE COUNTY
DATE:	11-03-2022
SHEET TITLE:	SKETCH AND DESCRIPTION
SHEET NUMBER:	2 OF 2
JOB/FILE NUMBER:	21035

PREPARED BY AND RETURN TO:
THOMAS G. ECKERTY, ESQUIRE
12734 Kenwood Lane, Suite 89
Fort Myers, FL 33907-5638

Strap No.:
Recording: $
Documentary Stamps: $

INSTR # 5590490
OR BK 03747 PG 3952
RECORDED 10/10/2002 10:53:27 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 15.00
DEED DOC 22,869.00
DEPUTY CLERK G Sherwood

(3)

THIS WARRANTY DEED made this 10th day of October, 2002, by

THOMAS G. ECKERTY, successor Trustee under unrecorded land trust agreement, dated December 2, 1991, with full power and authority to protect, conserve, sell, lease, encumber or to otherwise manage and dispose of the real property described herein, as provided in F. S. §689.071,

whose post office address is 12734 Kenwood Lane, Suite 89, Fort Myers, Florida 33907, hereinafter called the Grantor, to

TALAMH ASSOCIATES, LLC, a Florida limited liability company,

whose post office address is 2100 Electronics Lane, Fort Myers, Florida 33912, hereinafter called the Grantee;

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten Dollars ($10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee all that certain land, situate in Lee County, State of Florida, viz:

see attached Exhibit "A"

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

THIS PROPERTY IS NOT NOW NOR HAS IT EVER BEEN THE HOMESTEAD OF GRANTOR.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining;

TO HAVE AND TO HOLD the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land is fee simple; that the Grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Deborah K. Lewis
Printed name: DEBORAH K. LEWIS

Thomas G Eckerty

THOMAS G. ECKERTY, successor Trustee
under unrecorded land trust agreement, dated

December 2, 1991, with full power and authority to protect, conserve, sell, lease, encumber or to otherwise manage and dispose of the real property described herein, as provided in F. S. §689.071

Joann M. Cornell
Printed name: JOANN M. CORNELL

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 10th day of October, 2002, by THOMAS G. ECKERTY, successor Trustee, who is personally known to me, and who did/did not take an oath.

DEBORAH K LEWIS
MY COMMISSION # CC 893007
EXPIRES: Dec 11, 2003
1-800-3-NOTARY Fla. Notary Service & Bonding Co.

Deborah K. Lewis
Deborah K. Lewis, Notary Public
Commission No.: CC893007
My Commission Expires: 12/11/2003

EXHIBIT A

A parcel of land lying in the East one-half of the Southeast one-quarter of Section 21, Township 45 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Commence at a concrete monument marking the Southeast corner of Section 21, Township 45 South, Range 25 East; thence run North 00°56'13" West along the East line of said Section 21 for a distance of 1592.04 feet to the point of beginning; thence run South 88°41'25" West for a distance of 680.35 to a point that is distant 680.72 feet from the West line of the East one-half of the Southeast one-quarter of said Section 21; thence run North 01°18'35" West, perpendicular to the right-of-way of Daniels Road, a distance of 963.48 feet to a point on the Southerly right-of-way line of said Daniels Road; said right-of-way line shown on Lee County Department of Transportation right-of-way maps, Section #12650-2602 and dated December 15, 1975 and revised July 8, 1977; thence run North 88°41'25" East along said Southerly right-of-way line for a distance of 175.03 feet to a point. Said point being marked as Station 308 + 00.00 on the previously described Lee County right-of-way map; thence run South 01°18'35" East (perpendicular to said Southerly right-of-way line of Daniels Road), for a distance of 10.00 feet; thence run North 88°41'25" East along said Southerly right-of-way line for a distance of 511.51 feet to a point on the Easterly line of said Section 21; thence run South 00°56'13" East along said Section line for a distance of 953.50 feet to the point of beginning. Said lands containing 15.00 acres, more or less.

INSTR # 2015000187861, Doc Type D, Pages 3, Recorded 08/27/2015 at 10:48 AM, Linda Doggett, Lee County Clerk of Circuit Court, Deed Doc. D $11200.00 Rec. Fee $27.00 Deputy Clerk PSMITH

This instrument prepared by and after recording, please return to:
RaceTrac Petroleum, Inc.
3225 Cumberland Blvd., Suite 100
Atlanta, GA 30339
Attn: Corporate Counsel-Real Estate

Tax Parcel No.:
21-45-25-18-00000.0030 and a
portion of 21-45-25-18-00000.0040

This space reserved for Recorder's use only.

GENERAL WARRANTY DEED

THIS INDENTURE, made as of the 25th day of August, 2015, by and between **TALAMH ASSOCIATES, LLC**, a Florida limited liability company, whose address is 2100 Electronics Lane, Fort Myers, Florida 33912 (hereinafter referred to as "Grantor") and **RACETRAC PETROLEUM, INC.**, a Georgia corporation, whose address is 3225 Cumberland Boulevard, Suite 100, Atlanta, Georgia 30339 (hereinafter referred to as "Grantee").

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and their respective heirs, legal representatives and assigns of individuals, and the successors and assigns of trustees, partnerships, limited liability companies and corporations).

W I T N E S S E T H:

That Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other valuable considerations, the receipt and sufficiency of which are hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto Grantee, all that certain real property situate, lying and being in Lee County, Florida, and being more particularly described on **Exhibit "A"** attached hereto and incorporated herein by this reference (hereinafter referred to as the "Property").

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

TO HAVE AND TO HOLD the same in fee simple forever.

AND Grantor hereby covenants with Grantee that Grantor is lawfully seized of the Property in fee simple; that Grantor has good right and lawful authority to sell and convey the Property, and hereby warrants the title to the Property and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has caused this deed to be signed, sealed and delivered as of the day and year first above written.

GRANTOR:

TALAMH ASSOCIATES, LLC, a Florida limited liability company

Witness
Print Name: Lauren Greene

Witness
Print Name: Traci T. Tarleton

By: _____
Name: Bridget Dwyer-Crowley
Title: MGMR

STATE OF ~~FLORIDA~~ South Carolina

COUNTY OF Greenville

The foregoing instrument was acknowledged before me this 24th day of August, 2015 by Bridget Dwyer-Crowley, as Managing Member of Talamh Associates, LLC, a Florida limited liability company, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

NOTARY PUBLIC
MY COMMISSION EXPIRES 11/21/2017
SOUTH CAROLINA

Notary Public

Deanna P McCombs
Printed Name

EXHIBIT "A"

ALL OF LOT 3 AND A PORTION OF LOT 4, POWERSCOURT CENTRE II, ACCORDING TO THE PLAT THEREOF RECORDED AS INSTRUMENT NUMBER 2008000190440 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 3 OF SAID PLAT OF POWERSCOURT CENTRE II; THENCE N.88°41'25"E., ALONG THE NORTH LINE OF SAID LOT 3, FOR A DISTANCE OF 122.54 FEET; THENCE S.01°18'35"E., ALONG SAID NORTH LINE, FOR A DISTANCE OF 10.00 FEET; THENCE N.88°41'25"E. ALONG SAID NORTH LINE OF SAID LOT 3 AND LOT 4, FOR A DISTANCE OF 220.00 FEET; THENCE S.00°56'13"E.FOR A DISTANCE OF 258.65 FEET TO THE NORTH LINE OF CODY LEE COURT, A 45 FOOT PRIVATE ROADWAY; THENCE S.89°04'05"W., ALONG SAID NORTH LINE FOR A DISTANCE OF 311.06 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 30.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°37'21", A CHORD BEARING OF N.46°07'15"W., A CHORD LENGTH OF42.29 FEET AND AN ARC LENGTH OF 46.93 FEET TO THE EAST LINE OF POWERS COURT; THENCE N.01°18'35"W., ALONG SAID EAST LINE, FOR A DISTANCE OF 236.59 FEET TO THE POINT OF BEGINNING.

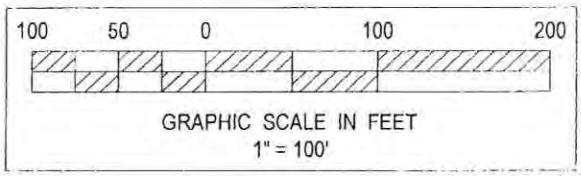
PARCEL CONTAINS 89,029 SQUARE FEET, OR 2.044 ACRES, MORE OR LESS



Line Table		
Line #	Length	Bearing
L1	10.00'	S 01°18'35" E

Curve Table					
Curve #	Length	Radius	Delta	Chord Bearing	Chord Length
C1	46.93'	30.00'	89°37'21"	S 46°07'15" E	42.29'





INSTR # 2009000168514, Doc Type D, Pages 1, Recorded 06/19/2009 at 02:31 PM, Charlie Green, Lee County Clerk of Circuit Court, Deed Doc. D $0.70 Rec. Fee $10.00 Deputy Clerk ELAYDEN

Parcel Identification No.: 21-45-25-18-00000.0070

This instrument Prepared By
And Return to:
Margaret M. Dwyer
13500 Powers Court
Fort Myers, Florida 33912

QUITCLAIM DEED

PREPARED WITHOUT EXAMINATION OF TITLE

This Quitclaim Deed, made this 16th day of June, 2009, between **POWERSCOURT, LLC, a Florida limited liability company**, whose address is 13500 Powers Court, Fort Myers, Florida 33912, Grantor, and **TALAMH ASSOCIATES, LLC, a Florida limited liability company**, whose address is 13500 Powers Court, Fort Myers, Florida 33912, Grantee.

Witnesseth, that the Grantor, for and in consideration of the sum of ---------TEN & NO/100 ($10.00) ---------- DOLLARS, and other good and valuable consideration to Grantor in hand paid by Grantees, the receipt of which is hereby acknowledged, has granted, bargained and quitclaimed to the said Grantee and Grantee's heirs and assigns forever, the following described land, situate, lying and being in the County of LEE, State of Florida, to-wit:

> Lot 7 of Powerscourt Centre II, a subdivision recorded as Clerk's Instrument No. 2008000190440, Public Records of Lee County, Florida.

To Have and to Hold the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of Grantor, either in law or equity, for the use, benefit and profit of the said Grantees forever.

In Witness Whereof, the Grantor has hereunto set his/her hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness #1 Signature

Jonathan Santucci
Witness # 1 Printed Name

Judith A. Conant
Witness #2 Signature

Judith A. Conant
Witness #2 Printed Name

Grantor:
Powerscourt, LLC
A Florida Limited Liability Company

By:

JAMES A. DWYER, III, Manager

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 16th day of June, 2009, by **JAMES A. DWYER, III, Manager of POWERSCOURT, LLC**, who is personally known to me or who has produced (Personally Known to me) as identification.

Notary Signature

KRISTEN URRARO
MY COMMISSION # DD788280
EXPIRES May 13, 2012
(407) 398-0153 FloridaNotaryService.com

INSTR # 2009000168512, Doc Type D, Pages 1, Recorded 06/19/2009 at 02:31 PM, Charlie Green, Lee County Clerk of Circuit Court, Deed Doc. D $0.70 Rec. Fee $10.00 Deputy Clerk ELAYDEN

Parcel Identification No.: 21-45-25-17-0000B.00CE

This instrument Prepared By
And Return to:
Margaret M. Dwyer
13500 Powers Court
Fort Myers, Florida 33912

QUITCLAIM DEED

PREPARED WITHOUT EXAMINATION OF TITLE

This Quitclaim Deed, made this 16th day of June, 2009, between **TALAMH ASSOCIATES, LLC, a Florida limited liability company**, whose address is 13500 Powers Court, Fort Myers, Florida 33912, Grantor, and **POWERSCOURT CENTRE OWNERS' ASSOCIATION, INC., a Florida corporation**, whose address is 13500 Powers Court, Fort Myers, Florida 33912, Grantee.

Witnesseth, that the Grantor, for and in consideration of the sum of ---------TEN & NO/100 ($10.00) ---------- DOLLARS, and other good and valuable consideration to Grantor in hand paid by Grantees, the receipt of which is hereby acknowledged, has granted, bargained and quitclaimed to the said Grantee and Grantee's heirs and assigns forever, the following described land, situate, lying and being in the County of LEE, State of Florida, to-wit:

TRACT B of Powerscourt Centre, a subdivision recorded as Clerk's Instrument No. 2007000128964, Public Records of Lee County, Florida.

To Have and to Hold the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of Grantor, either in law or equity, for the use, benefit and profit of the said Grantees forever.

In Witness Whereof, the Grantor has hereunto set his/her hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness #1 Signature

Jonathan Santucci
Witness # 1 Printed Name

Judith A. Conant
Witness #2 Signature

Judith A. Conant
Witness #2 Printed Name

Grantor:
~~Powerscourt, LLC~~ TALAMH Associates, LLC
A Florida Limited Liability Company

By:

JAMES A. DWYER, III, Manager

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 16th day of June, 2009, by **JAMES A. DWYER, III, Manager of ~~POWERSCOURT, LLC~~ TALAMH ASSOCIATES, LLC**, who is personally known to me or who has produced (personally known to me) as identification.

Notary Signature

KRISTEN URRARO
MY COMMISSION # DD788280
EXPIRES May 13, 2012
(407) 398-0153 FloridaNotaryService.com

Linda Doggett, Lee County Clerk of Circuit Court
INSTR. # 2021000427700, Doc Type AFF, Pages 4, Recorded 12/30/2021 at 5:29 PM, Deputy Clerk ATAFOYA ERECORD
Rec Fees: $35.50

This instrument prepared by and
After recording, please return to:
RaceTrac, Inc.
200 Galleria Parkway, S.E., Suite 900
Atlanta, Georgia 30339
Attn: Sr. Real Estate Counsel

AFFIDAVIT OF NAME CHANGE

PERSONALLY appeared before me Max E. McBrayer, Jr., who, being first duly sworn, states as follows:

That he is the Chief Executive Officer of RaceTrac, Inc., a Georgia corporation, which owns certain real property located in Palmetto, Lee County, Florida.

That RaceTrac Petroleum, Inc., a Georgia corporation, changed its name to RaceTrac, Inc., a Georgia corporation pursuant to Certificate of Amendment effective November 01, 2021, filed in the office of Secretary of State of Georgia on October 12, 2021; and

That a copy of the document evidencing the foregoing is attached hereto as Exhibit "A" and made a part hereof by this reference.

FURTHER, your Affiant sayeth not.

AFFIANT:

By: _____
Name: Max E. McBrayer, Jr.

Max E. McBrayer, Jr., in his capacity as Chief Executive Officer of RACETRAC, INC., a Georgia corporation.

(NOTARY ACKNOWLEDGMENT APPEAR ON FOLLOWING PAGE)

STATE OF GEORGIA)

COUNTY OF COBB)

The foregoing instrument was acknowledged before me by means of physical presence or online this 28th day of December, 2021 by Max E. McBrayer, Jr., as Chief Executive Officer of RaceTrac, Inc., a Georgia corporation, on behalf of the corporation, who is personally known to me.

(NOTARY SEAL)





Marietta E. McTaw

Print Name: Marietta E. McTaw

Exhibit "A"

CERTIFICATE OF AMENDMENT
(See attached.)

Control Number : J609286

STATE OF GEORGIA

Secretary of State

Corporations Division
313 West Tower
2 Martin Luther King, Jr. Dr.
Atlanta, Georgia 30334-1530

CERTIFICATE OF AMENDMENT

NAME CHANGE

I, **Brad Raffensperger**, the Secretary of State and the Corporation Commissioner of the State of Georgia, hereby certify under the seal of my office that

RACETRAC PETROLEUM, INC.
a Domestic Profit Corporation

has filed articles/certificate of amendment in the Office of the Secretary of State on 11/01/2021 changing its name to

RaceTrac, Inc.
a Domestic Profit Corporation

and has paid the required fees as provided by Title 14 of the Official Code of Georgia Annotated. Attached hereto is a true and correct copy of said articles/ certificate of amendment.

WITNESS my hand and official seal in the City of Atlanta and the State of Georgia on 10/12/2021.

Brad Raffensperger

Brad Raffensperger
Secretary of State

INSTR # 2007000175379, Doc Type D, Pages 1, Recorded 06/01/2007 at 10:18 AM, Charlie Green, Lee County Clerk of Circuit Court, Deed Doc. D $0.70 Rec. Fee $10.00 Deputy Clerk CKELLER

Prepared by and Return to
Margaret M. Dwyer
2100 Electronics Lane
Fort Myers, Florida 33912

WARRANTY DEED

THIS DEED is made as of May 31, 2007, between TALAMH ASSOCIATES, LLC, a Florida limited liability company, herein the "grantor" and POWERSCOURT, LLC, a Florida limited liability company, post-office address, 2100 Electronics Lane, Fort Myers, Florida 33912, herein the "grantee". (As used herein, the terms grantor and grantee shall include, where the context permits or requires, singular or plural, heirs, personal representatives, successors, or assigns.)

WITNESSETH, That the grantor in consideration of One Dollar and other valuable considerations paid by the grantee, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, and conveyed and by these presents does hereby grant, bargain, sell, and convey unto the grantee forever all of that certain property in Lee County, Florida, to wit:

> Tract "A" of Powerscourt Centre, a subdivision recorded as instrument number 2007000128964 in the Public Records of Lee County, Florida, and lying in Section 21, Township 45 South, Range 25 East, Lee County, Florida.

TO HAVE AND TO HOLD the same, together with the hereditaments and appurtenances, unto the grantee in fee simple. And the grantor does hereby fully warrant the title to said property and will defend the same against the lawful claims of all persons whomsoever.

This conveyance is subject to ad valorem taxes levied or which may become a lien subsequent to December 31 of the calendar year next preceding the date hereof.

IN WITNESS WHEREOF, this deed has been executed as of the date first above written.

Signed, sealed and delivered
in the presence of:

Printed Andrew C Witt

Printed Judith A. Conant

TALAMH ASSOCIATES, LLC

By _____
Printed James A. Dwyer, III
Its Managing Member

Address: 2100 Electronics Lane
Fort Myers, Florida 33912

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this May 31, 2007, by James A. Dwyer, III, Managing Member of Talamh Associates, LLC, a Florida limited liability company, on behalf of the company. He is personally known to me or has produced _____ as identification.

Dawn K. Center
Commission # DD509259
Expires March 15, 2010
Bonded Troy Fain - Insurance, Inc. 800-385-7019

Printed Dawn K. Center
Notary Public, County and State aforesaid
Serial No.: DD509259
My commission expires: 3-15-2010

(Notarial Seal)

INSTR # 2009000168513, Doc Type D, Pages 1, Recorded 06/19/2009 at 02:31 PM, Charlie Green, Lee County Clerk of Circuit Court, Deed Doc. D $0.70 Rec. Fee $10.00 Deputy Clerk ELAYDEN

Parcel Identification No.: 21-45-25-18-0000C.00CE

This instrument Prepared By
And Return to:
Margaret M. Dwyer
13500 Powers Court
Fort Myers, Florida 33912

QUITCLAIM DEED

PREPARED WITHOUT EXAMINATION OF TITLE

This Quitclaim Deed, made this 16th day of June, 2009, between **POWERSCOURT, LLC, a Florida limited liability company**, whose address is 13500 Powers Court, Fort Myers, Florida 33912, Grantor, and **POWERSCOURT CENTRE OWNERS' ASSOCIATION, INC., a Florida corporation**, whose address is 13500 Powers Court, Fort Myers, Florida 33912, Grantee.

Witnesseth, that the Grantor, for and in consideration of the sum of ---------TEN & NO/100 ($10.00) ---------- DOLLARS, and other good and valuable consideration to Grantor in hand paid by Grantees, the receipt of which is hereby acknowledged, has granted, bargained and quitclaimed to the said Grantee and Grantee's heirs and assigns forever, the following described land, situate, lying and being in the County of LEE, State of Florida, to-wit:

> TRACT C of Powerscourt Centre II, a subdivision recorded as Clerk's Instrument No. 2008000190440, Public Records of Lee County, Florida.

To Have and to Hold the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of Grantor, either in law or equity, for the use, benefit and profit of the said Grantees forever.

In Witness Whereof, the Grantor has hereunto set his/her hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness #1 Signature

Jonathan Santucci
Witness # 1 Printed Name

Judith A. Conant
Witness #2 Signature

Judith A. Conant
Witness #2 Printed Name

Grantor:
Powerscourt, LLC
A Florida Limited Liability Company

By:

JAMES A. DWYER, III, Manager

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 16th day of June, 2009, by **JAMES A. DWYER, III, Manager of POWERSCOURT, LLC**, who is personally known to me or who has produced (personally known to me.) as identification.

Notary Signature

KRISTEN URRARO
MY COMMISSION # DD788280
EXPIRES May 13, 2012
(407) 398-0153 FloridaNotaryService.com

Linda Doggett, Lee County Clerk of Circuit Court
INSTR. # 2021000403038, Doc Type DRR, Pages 4, Recorded 12/8/2021 at 4:05 PM, Deputy Clerk ADOSS ERECORD
Rec Fees: $35.50

DDPrepared by and Return to:
Raul Valero, Esq.
Nelson Mullins Riley & Scarborough LLP
1905 NW Corporate Blvd., Suite 310
Boca Raton, FL 33431

Parcel ID No.: 21-45-25-17-00000.0010

Deed recorded to correct date of Deed Recorded as Instrument #2021000400492, Public Records of Lee County, Florida.

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made this 1st day of December, 2021, by **TRUIST BANK**, a North Carolina banking corporation, formerly known as Branch Banking and Trust Company, a North Carolina banking corporation, whose address is 101 N. Cherry Street, Suite 710, Winston-Salem, NC 27101 ("**Grantor**"), formally known as Branch Banking and Trust Company, a North Carolina banking corporation, to **MICHAEL J. HAIKEN, M.D., P.A.**, whose address is 6017 Cocos Dr., Fort Myers, FL 33908 ("**Grantee**").

WITNESSETH:

That Grantor, for and in consideration of the sum of Ten Dollars ($10.00) and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant, bargain, sell, alien, remise, release, convey, and confirm unto Grantee all that certain land lying and being in Lee County, Florida, and more particularly described on **Exhibit A** attached hereto and made a part hereof (the "**Property**").

TOGETHER WITH all easements, rights-of-way and privileges appurtenant thereto, all improvements and structures located thereon, and all fixtures, equipment and machinery used in connection with the operation of such improvements and structures and permanently affixed thereto in such a manner as to constitute real estate under applicable state law, such improvements, structures and fixtures being purchased and sold "AS IS", "WHERE IS", and "WITH ALL FAULTS".

PROVIDED THAT the Property is conveyed subject to the following condition, covenant, restriction and agreement, which shall run with the land and shall be binding upon and inure to the benefit of the Grantor and the Grantee:

For a period of five (5) years after the date of this Deed, (i) the Property shall not be used for Financial Services Purposes (except by the Grantor) nor shall there be any signage, advertising or publication on the Property that relates to Financial Services Purposes (except by the Grantor). "**Financial Services Purposes**" shall be deemed to include any of the following: receiving deposits, making loans and mortgages generally to the public, or payment processing, all whether done by a state bank, national bank, savings and loan association, credit union, or financial institution and specifically including through the use of an automated teller machine or similar device; provided, however, this restriction shall be inapplicable to (1) a company which directly issues or provides insurance (whether commercial or personal), bonds, or other instruments of suretyship or security and related products and services to the public, and (2) any real estate brokerage or title insurance company that only incidentally provides any of the above services.

By the Grantee's acceptance, the Grantees acknowledges and agrees that a breach of the foregoing condition shall cause the Grantor irreparable harm and the Grantor shall have the right, in addition to all other rights and remedies available to the Grantor as a result of such breach, to obtain injunctive or other relief for the enforcement thereof. The Grantee further agrees that the Grantee shall reimburse the Grantor upon demand for all reasonable attorneys' fees and other costs incurred by the Grantor in connection with the enforcement of the foregoing condition;

SUBJECT TO all applicable laws including zoning, building ordinances and land use regulations, all easements, restrictions, covenants, agreements, conditions or other matters of record that lawfully affect the same or any part thereof, all encroachments and other matters that may be revealed by a survey or inspection thereof, and the lien of real estate taxes, taxes imposed by special assessment and water, sewer, vault, public space and other public charges for the current year and subsequent years.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND Grantor hereby covenants with Grantee that Grantor will warrant the title to said land and will defend the same against the lawful claims of all persons claiming by, through, or under Grantor.

[SIGNATURE ON NEXT PAGE]

IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be executed on its behalf by its duly authorized officer on the day and year first above written.

Signed sealed and delivered in the presence of:

WITNESSES:

By: K. Manjula
Print Name: Manjula Kollapuram

By: Linh
Print Name: Linh Hoang

SELLER:

TRUIST BANK, a North Carolina banking corporation

By: Terri Lasoff
Name: Terri Lasoff
Title: Senior Vice President

STATE OF Georgia
COUNTY OF Fulton

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 18 day of NOV, 2021, by Terri Lasoff as the Senior Vice President of TRUIST BANK, a North Carolina banking corporation, on behalf of such corporation. He/she [ ] is personally known to me or [✓] has produced License as identification.

[NOTARY SEAL]

My commission expires: 11-25-2023

Notary Public

Brandon Lynch
Printed Name of Notary Public



Exhibit A

Lot 1, Powerscourt Centre, according to the plat thereof as recorded in Instrument Number 2007000128964, Public Records of Lee County, Florida.

Parcel Identification Number: 21-45-25-17-0000.0010

Kevin C. Karnes, Lee County Clerk of Circuit Court
INSTR. # 2022000264426, Doc Type D, Pages 5, Recorded 8/17/2022 at 10:17 AM, Deputy Clerk SSTILIS ERECORD
Rec Fees: $44.00 Deed Doc: $28,700.00

PREPARED BY:

MISTER CAR WASH
ANNE C. GRAHAM-BERGIN, ESQ
222 E 5TH STREET
TUCSON, AZ 85705

WHEN RECORDED MAIL TO:

FIDELITY NATIONAL TITLE CO – NCS DIV
ONE EAST WASHINGTON STREET, SUITE 450
PHOENIX, AZ 85004
ATTN: KELLI VOS
(602)343-7572

TITLE NOS.: 16-22-0188

ESCROW NO.: Z2242636-KJV MASTER ESCROW NO.: Z2242147-KJV

DO NOT REMOVE THIS COVER SHEET. IT IS NOW PART OF THE RECORDED DOCUMENT.

DOCUMENT TO BE RECORDED:

SPECIAL WARRANTY DEED

THIS INSTRUMENT WAS PREPARED
BY AND SHOULD BE RETURNED TO:

Anne C. Graham-Bergin, Esquire
Mister Car Wash
222 E. 5th St.
Tucson, Arizona 85705

SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

THAT **WFCW Propco Daniels LLC**, a Florida limited liability company whose mailing address is 222 E. 5th St., Tucson, Arizona 85705, hereinafter referred to as "**Grantor**," for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) cash, and other good and valuable consideration to Grantor in hand paid by **Hurd Fort Myers, LLC**, a Iowa limited liability company, whose mailing address is 2000 Fuller Road, West Des Moines, Iowa 50265, hereinafter referred to as "**Grantee**," has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto the said Grantee all that certain lot, tract, or parcel of land situated in Lee County, Florida, more particularly described on **Exhibit A** attached hereto (the "Land");

TOGETHER WITH all of the improvements, tenements, hereditaments, mineral rights and appurtenances belonging or in any way appertaining to the Land, and all of Grantor's right, title and interest in and to (i) any and all property lying in a bed of any street, road or avenue, open or proposed, in front of or adjoining the Land to the center line thereof, (ii) any strips and gores of land adjacent to, abutting or used in connection with the Land, mineral rights, and (iii) any easements and rights, if any, inuring to the benefit of such real property or to Grantor in connection therewith (the Land and all of the foregoing being hereinafter referred to as the "**Property**");

PROVIDED, HOWEVER, that this conveyance is made and accepted subject to those exceptions and matters described on **Exhibit B** attached hereto (the "Exceptions") and made a part hereof by this reference for all purposes but not any other title matters;

TO HAVE AND TO HOLD the Property, subject to the exceptions and reservation hereinafter stated, together with all and singular the rights and appurtenances thereto in anywise belonging to Grantor, unto the said Grantee, Grantee's successors and assigns forever, and Grantor does hereby bind itself and its successors to Warrant and Forever Defend all and singular the Property unto the said Grantee, Grantee's successors and assigns, against every person whomsoever lawfully claiming by, through or under the said Grantor but against no other subject, however, to the Exceptions.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

SIGNATURE PAGE TO
SPECIAL WARRANTY DEED

EXECUTED as of this 4th day of August, 2022 but effective and delivered for all purposes on July 15, 2022.

WFCW PROPCO DANIELS LLC,
a Florida limited liability company

By: _____
Name: Jed Gold
Its: Treasurer

Signed, sealed and delivered
in the presence of:

Name: _____
Print Name: VALERIE A. PRISER

Name: _____
Print Name: Sallie Hartdegen

STATE OF ARIZONA
COUNTY OF PIMA

BEFORE ME, personally appeared before me by means of physical presence, Jed Gold, Treasurer of WFCW PROPCO DANIELS LLC, a Florida limited liability company, on behalf of said entity, to me well known and known to me to be the person described herein, and acknowledged he executed said instrument for the purposes therein expressed.

DIANNE MARILYN BRADSHAW
Notary Public - Arizona
Pima County
Commission # 623044
My Comm. Expires Apr 5, 2026

(NOTARY SEAL)

_____
Print Name: Dianne Bradshaw
Notary Public, State of Arizona
Commission #: 623044
My commission expires: April 5, 2026

16-22-0188/Z2242636
Exhibit A
Legal Description

Lot 2, POWERSCOURT CENTRE, according to the map or plat thereof, as recorded in Official Record Instrument No. 2007000128964, of the Public Records of Lee County, Florida.

Together with non-exclusive common area easement rights appurtenant to Lot Owner as created and defined by the Declaration of Covenants, Conditions and Restrictions of the Powerscourt Centre recorded April 19, 2007, in Instrument Number 2007000128965, subject to restrictions, provisions and conditions contained therein.

Exhibit B
Permitted Exceptions

Taxes and assessments for the year 2022 and subsequent years, which are not yet due and payable.

Rights of predecessors in title, and all persons claiming by, through or under same, by virtue of the reservation, grant, or lease of the oil, gas and/or minerals lying within the lands described in Schedule A, as evidenced by Deed Book 258, Page 453. The right of entry has been barred by Section 712.04, Florida Statutes.

Reservation of easement contained in Warranty Deed recorded in Official Records Book 2266, Page 733, Public Records of Lee County, Florida.

Easement in favor of Florida Power & Light Company recorded in Instrument Number 2006000238208.

Restrictions, covenants, conditions, easements and other matters as contained on the Plat of POWERSCOURT CENTRE, recorded in Instrument Number 200700128964, of the Public Records of Lee County, Florida.

Terms, covenants, conditions, restrictions, easements, assessments and possible liens created by and set forth in the Declaration of Covenants, Conditions and Restrictions of the Powerscourt Centre recorded April 19, 2007, in Instrument Number 2007000128965, as amended.

Notice of Development Order Approval recorded in Instrument Number 2016000217092.

Lee County Ordinance No. 86-14 providing for mandatory solid waste collection and the imposition of special assessments for said collection services recorded November 30, 1990 in Official Records Book 2189, page 3281 and amended by Ordinances No. 86-38 recorded in Official Records Book 2189, Page 3334, Ordinance 08-10, Ordinance 11-03 and Ordinance 11-27.

Underground Easement (Individual) in favor of Florida Power & Light Company recorded June 2, 2017, in Instrument Number 2017000120178.

Matters as set forth on that certain ALTA/NSPS Land Title Survey prepare by Bock & Clark Corporation Inc., dated January 19, 2021 as follows:

a) Concrete pad encroachment in the 25' zoning setback on the northerly property line.
b) Concrete sidewalk encroachment on the southerly property line.

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LETTER OF AUTHORIZATION

TO WHOM IT MAY CONCERN:

PLEASE BE ADVISED THAT WE, TALAMH ASSOCIATES LLC, ARE THE FEE SIMPLE PROPERTY OWNERS OF THE PROPERTY DESCRIBED BELOW AND THAT MORRIS-DEPEW ASSOCIATES, INC. HAS BEEN AUTHORIZED TO REPRESENT US FOR THE BELOW REFERENCED PARCELS IN ALL MATTERS PERTAINING TO REZONING OR DEVELOPMENT PERMITS. THIS AUTHORITY TO REPRESENT OUR INTEREST INCLUDES ANY AND ALL DOCUMENTS REQUIRED BY THE REZONING, PLANNING OR PERMITTING REQUESTS SUBMITTED ON OUR BEHALF BY MORRIS-DEPEW ASSOCIATES, INC.

STRAP NUMBER OR LEGAL DESCRIPTION:

STRAP# 21-45-25-18-00000.0070, 21-45-25-L3-19000.0020, 21-45-25-18-00000.0050

Talamh Associates LLC
COMPANY NAME

SIGNATURE

Bridget Dwyer-Crowley
PRINTED NAME & TITLE

STATE OF Florida
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 15 day of January, 2021, by BRIDGET DWYER CROWLEY, who is personally known to me or has produced _____ as identification and did not take an oath.

My Commission Expires:
11. 15 2022

Notary Public

ANNE SIMAT
Notary Printed Name

(seal)

ANNE SIMAT
Notary Public - State of Florida
Commission # GG 276984
My Comm. Expires Nov 15, 2022
Bonded through National Notary Assn.

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PLEASE BE ADVISED THAT WE, TALAMH ASSOCIATES LLC, ARE THE FEE SIMPLE PROPERTY OWNERS OF THE PROPERTY DESCRIBED BELOW AND THAT MORRIS-DEPEW ASSOCIATES, INC. HAS BEEN AUTHORIZED TO REPRESENT US FOR THE BELOW REFERENCED PARCELS IN ALL MATTERS PERTAINING TO REZONING OR DEVELOPMENT PERMITS. THIS AUTHORITY TO REPRESENT OUR INTEREST INCLUDES ANY AND ALL DOCUMENTS REQUIRED BY THE REZONING, PLANNING OR PERMITTING REQUESTS SUBMITTED ON OUR BEHALF BY MORRIS-DEPEW ASSOCIATES, INC.

STRAP NUMBER OR LEGAL DESCRIPTION:

STRAP# 21-45-25-18-0000A.00CE, 21-45-25-18-0000C.00CE, 21-45-25-17-0000B.00CE

Powerscourt Centre Owners' Association, INC.
COMPANY NAME

SIGNATURE

Bridget Dwyer-Crowley, MGMR
PRINTED NAME & TITLE

STATE OF Florida
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 15 day of January 2022, by BRIDGET DWYER CROWLEY, who is personally known to me or has produced _____ as identification and did not take an oath.

My Commission Expires:
11-15-22

Notary Public

ANNE SIMAT
Notary Printed Name

(seal)

ANNE SIMAT
Notary Public - State of Florida
Commission # GG 276984
My Comm. Expires Nov 15, 2022
Bonded through National Notary Assn.

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, Bridget D Crowley (name), as Manager (owner/title) of Talamh Associates, LLC (company/property), swear or affirm under oath, that I am the owner or the authorized representative of the owners 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

11/15/2022
Date

*************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 on 2022 (date) by Bridget D Crowley (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

ANNE SIMAT
Notary Public - State of Florida
Commission # GG 276984
My Comm. Expires Nov 15, 2022
Bonded through National Notary Assn.

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LETTER OF AUTHORIZATION

TO WHOM IT MAY CONCERN:

PLEASE BE ADVISED THAT WE, RACETRAC PETROLEUM, ARE THE FEE SIMPLE PROPERTY OWNERS OF THE PROPERTY DESCRIBED BELOW AND THAT MORRIS-DEPEW ASSOCIATES, INC. HAS BEEN AUTHORIZED TO REPRESENT US FOR THE BELOW REFERENCED PARCEL IN ALL MATTERS PERTAINING TO REZONING OR DEVELOPMENT PERMITS. THIS AUTHORITY TO REPRESENT OUR INTEREST INCLUDES ANY AND ALL DOCUMENTS REQUIRED BY THE REZONING, PLANNING OR PERMITTING REQUESTS SUBMITTED ON OUR BEHALF BY MORRIS-DEPEW ASSOCIATES, INC.

STRAP NUMBER OR LEGAL DESCRIPTION:

STRAP# 21-45-25-L3-19000.0010

~~Racetrac Petroleum~~ RaceTrac, Inc.
COMPANY NAME

SIGNATURE

Max McBrayer, CEO
PRINTED NAME & TITLE

STATE OF ~~Florida~~ GA
COUNTY OF ~~Lee~~ Douglasville

The foregoing instrument was acknowledged before me by means of X physical presence or _____ online notarization, this 22nd day of June, 2022, by who is personally known to me or has produced _____ as identification.

My Commission Expires:
7/23/24

Deanna Brown
Notary Public

Deanna Brown
Notary Printed Name

DEANNA BROWN (Seal)
NOTARY PUBLIC
MY COMMISSION EXPIRES
JULY 23, 2024
DOUGLAS COUNTY, GEORGIA

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, Max McBrayer (name), as CEO (owner/title) Racetrac Petroleum INC (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 6/22/2022 **Date**

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

STATE OF ~~Florida~~ Georgia
COUNTY OF ~~Lee~~ Cobb

The foregoing instrument was sworn to (or affirmed) and subscribed before me on June 21, 2022 (date) by Max McBrayer (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

SAMANTHA JONES NOTARY PUBLIC COBB COUNTY, GEORGIA MY COMMISSION EXPIRES JULY 01, 2025 STAMP/SEAL

Signature of Notary Public

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LETTER OF AUTHORIZATION

TO WHOM IT MAY CONCERN:

PLEASE BE ADVISED THAT I, MICHAEL J. HAIKEN M.D., P.A., AM THE FEE SIMPLE PROPERTY OWNER OF THE PROPERTY DESCRIBED BELOW AND THAT MORRIS-DEPEW ASSOCIATES, INC. HAS BEEN AUTHORIZED TO REPRESENT ME FOR THE BELOW REFERENCED PARCEL IN ALL MATTERS PERTAINING TO REZONING OR DEVELOPMENT PERMITS. THIS AUTHORITY TO REPRESENT MY INTEREST INCLUDES ANY AND ALL DOCUMENTS REQUIRED BY THE REZONING, PLANNING OR PERMITTING REQUESTS SUBMITTED ON MY BEHALF BY MORRIS-DEPEW ASSOCIATES, INC.

STRAP NUMBER OR LEGAL DESCRIPTION:

STRAP# 21-45-25-17-00000.0010

Michael J. Haiken M.D. P.A.
COMPANY NAME

SIGNATURE

Michael Haiken, owner
PRINTED NAME & TITLE

STATE OF Florida
COUNTY OF Lee

The foregoing instrument was acknowledged before me this _____day of _____, 2022__, by _____, who is personally known to me or has produced as identification and did not take an oath.

My Commission Expires:
_____

_____
Notary Public

_____
Notary Printed Name

(seal)

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, Michael Haiken JM.D (name), as Title Director (owner/title) Michael J. Haiken M.D., P.A. (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**

3/22/22 **Date**

**************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 on ____2022 (date) by Michael J. Haiken JM.D (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

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Daniels Falls Encore MFR

Comprehensive Plan Amendment

Lee Plan Consistency and Justification Narrative

INTRODUCTION & PROPOSED MAP AMENDMENTS

The property that is the subject of this application is the existing Powers Court subdivision located at Powers Court and Cody Lee Road near the Daniels Parkway/I-75 interchange in unincorporated Lee County. The Powers Court platted subdivision is zoned Commercial Planned Development (CPD) and contains existing commercial development as well as roadway and stormwater management improvements. The Future Land Use Map (FLUM) currently designates this property as Outlying Suburban and Wetlands.

The applicant is requesting a FLUM Amendment to Central Urban for the entirety of the subject area, and a Mixed Use Overlay designation for the entirety of the subject area. As this request is to amend the Future Land Use Map Series involving property less than 50 acres, this request qualifies as a small scale future land use map amendment. Following the FLUM amendment, the applicant will request an amendment to the CPD, with the ultimate goal of developing multifamily residential on the vacant southeast parcel.



Figure 1: Boundary of Proposed Map Amendment

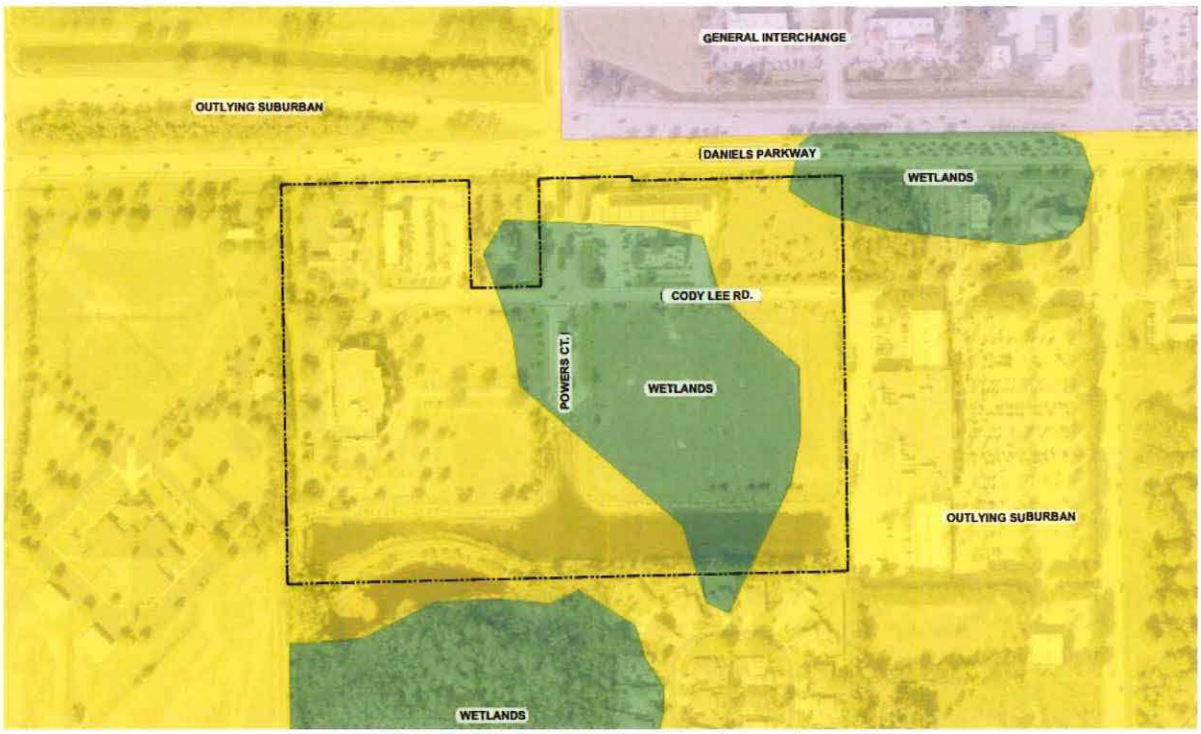


Figure 2: Existing Future Land Use Designation



Figure 3: Proposed Future Land Use Designation



Figure 4: Proposed Mixed-Use Overlay

CHARACTERISTICS OF SUBJECT PROPERTY AND SURROUNDING PROPERTIES

The Powers Court subdivision is zoned CPD and includes an 18-pump RaceTrac service station, a car wash, office buildings, vacant land, a water management lake, and the private roadways of Powers Court and Cody Lee Road. The subdivision has frontage on Daniels Parkway, less than one mile to the east of I-75.

To the north, across Daniels Parkway from the subject property, is Daniels Parkway CPD, a 16-acre parcel of land that is currently zoned CPD and currently holds a General Interchange Future Land Use designation. The CPD was initially approved in 1993, which rezoned the property from AG-2 and allowed for the development of 77,620 sq. ft. of commercial office space and 40,000 sq. ft. of retail. In addition to the commercial space, the project was also approved for 152 hotel/motel rooms. The property is currently a commercial shopping center with multiple spaces. To the northwest of Daniels Parkway CPD is Daniels Business Center CPD, which is a 10.35-acre business center north of Salrose Lane and is designated as Outlying Suburban on the FLUM. The initial CPD zoning resolution Z-96-009 was approved in 1996 for a total of 90,000 sq. ft. of commercial space.

To the south of the subject project is Cypress Preserve, an 85-unit gated community planned around a central lake. To the southwest of the property is the Danpark Loop community, a master-planned development off Daniels Parkway. To the southeast of the project is Daniels Villas, a small housing development directly adjacent to Fiddlesticks Blvd. as well as the Cypress Preserve community.

To the east of the subject property is the Shoppes at Fiddlesticks, a CPD located on 16.85-acres of land that is designated as Outlying Suburban on the FLUM. The project was initially approved in 2000 when it was rezoned from AG-2, CG, and CPD to CPD via zoning resolution Z-00-046.

The CPD has an approved mix of retail which is mostly being utilized by a Publix, general office uses, and restaurants. Currently, only Parcels A and B are allowed for retail (99,000 sq. ft.) and Parcels C and D are approved for office space (9,000 sq. ft.).

To the west, the Riverside Baptist Church is located on a 36.27-acre property that is zoned CPD and holds the Future Land Use designation of Outlying Suburban.

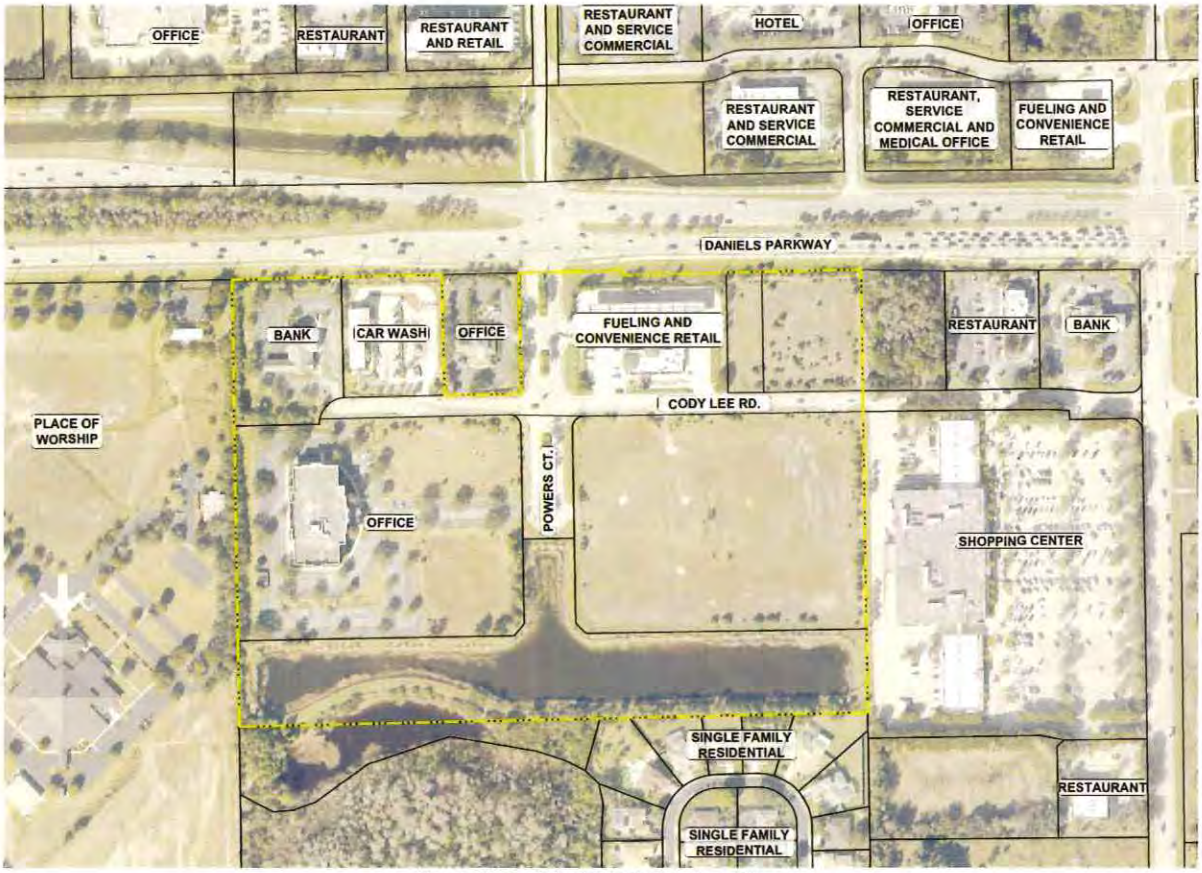


Figure 5: Aerial with Existing Land Uses

CONSISTENCY WITH LEE PLAN AND JUSTIFICATION FOR THE REQUEST

CURRENT FUTURE LAND USE DESIGNATIONS

Based on the descriptions of the Outlying Suburban, Wetlands, and Central Urban Future Land Use categories provided in the Lee Plan, the Applicant's request increases the subject property's consistency with the Lee Plan and furthers the Goals, Objectives, and Policies of the Lee Plan.

> ***POLICY 1.1.6: The Outlying Suburban future land use category is characterized by its peripheral location in relation to established urban areas. In general, this category is rural in nature or contains existing low-density development. Some of the requisite infrastructure needed for higher density development is planned or in place. Industrial land uses are not permitted. The standard density range is from one dwelling unit per***

> ***acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed.***

The description of Outlying Suburban as those areas that are peripheral in relation to established urban areas is no longer appropriate for the subject property, as the area is definitively urban. At the time the County's first Future Land Use Map was adopted in 1984 this area was perhaps peripheral. What is now Southwest Florida International Airport was originally built as Southwest Florida Regional Airport in 1983, the year prior. Since then, the airport was relocated and expanded, and Florida Gulf Coast University was built and has expanded. Interstate 75, a major regional transportation corridor, the international airport, Gateway and other communities, as well as South Fort Myers High School and the schools within Gateway are all located east of the subject property. Gulf Coast hospital, commercial and residential uses are located to the west of the subject property. The property is located between two baseball spring training facilities. The corridor is very different today. Thus, the Outlying Suburban FLUC does not meet with the character of the surrounding area or provide for development which is consistent with the needs of the community at this location which is less than a mile from I-75 and surrounded by commercial uses, which will complement the proposed multifamily residential development.

> ***OBJECTIVE 1.5: WETLANDS. Designate on the Future Land Use Map those lands that are identified as Wetlands in accordance with § 373.019(27), Fla. Stat. through the use of the unified state delineation methodology described in Fla. Admin. Code R. 62-340, as ratified and amended in §373.4211, Fla. Stat.***

The existing Wetlands future land use designation is not supported by the site conditions and documentation pertaining to the site. A significant portion of the area that is designated Wetlands FLU is developed with a RaceTrac gas station, roadways and the permitted stormwater management system. The existing Environmental Resource Permit (ERP) that was issued for the subject property in 2006 by the South Florida Water Management District (SFWMD), indicates a number of factors when taken with the site conditions that support the finding that no wetlands are present on site. These factors include the established control elevation of 16.4' NAVD relative to the seasonal high-water table (SHWT), and the ability to place fill on the property. Page 12 of the approved ERP that was issued for the subject property states:

> *There are no wetlands or other surface waters located within the project boundaries. No adverse environmental conditions are anticipated as a result of project construction.*

The ERP was issued by the SFWMD, a State agency which charged with regulating wetlands according to the Florida Statutes in accordance with their Applicant's Handbook Volume II. Their determination that no wetlands are present is a sufficient basis to determine that designating any portion of the subject property with a Wetlands FLU category is inconsistent with the description of the Wetlands future land use category, as provided in the Lee Plan.

Additional factors supporting the finding that the area indicated on the FLUM as Wetland are not wetlands relate to the use of the site since the approval of Lee County Development Order DOS2005-00217 and the improvements made to the property associated with that approval. The DO and ERP authorized the placement of fill on the development tracts with the creation of a stormwater management system to support use of the property. During construction of some of the buildings, lake, and parking that took place between 2006 – 2008, the site was filled such that most of the areas were elevated above the

permitted control elevation for the property at Elev. 16.4' (NAVD) as noted above. These portions of the site that were filled also had construction equipment and materials operating over them for many months to the extent that the ground was compacted during that use of these areas. Figure 6 below, is an aerial photograph from 2008 that shows the areas where these activities took place as marked by the light-colored sand and limerock that was spread on the site at the time.



Figure 6: 2008 Aerial Depicting Filling Activity

Figure 7 uses the same 2008 aerial with the Current FLUM overlayed to provide an understanding of the relationship between the current designated Wetland FLU and the areas of the site that were improved during construction as indicated above on Figure 6.

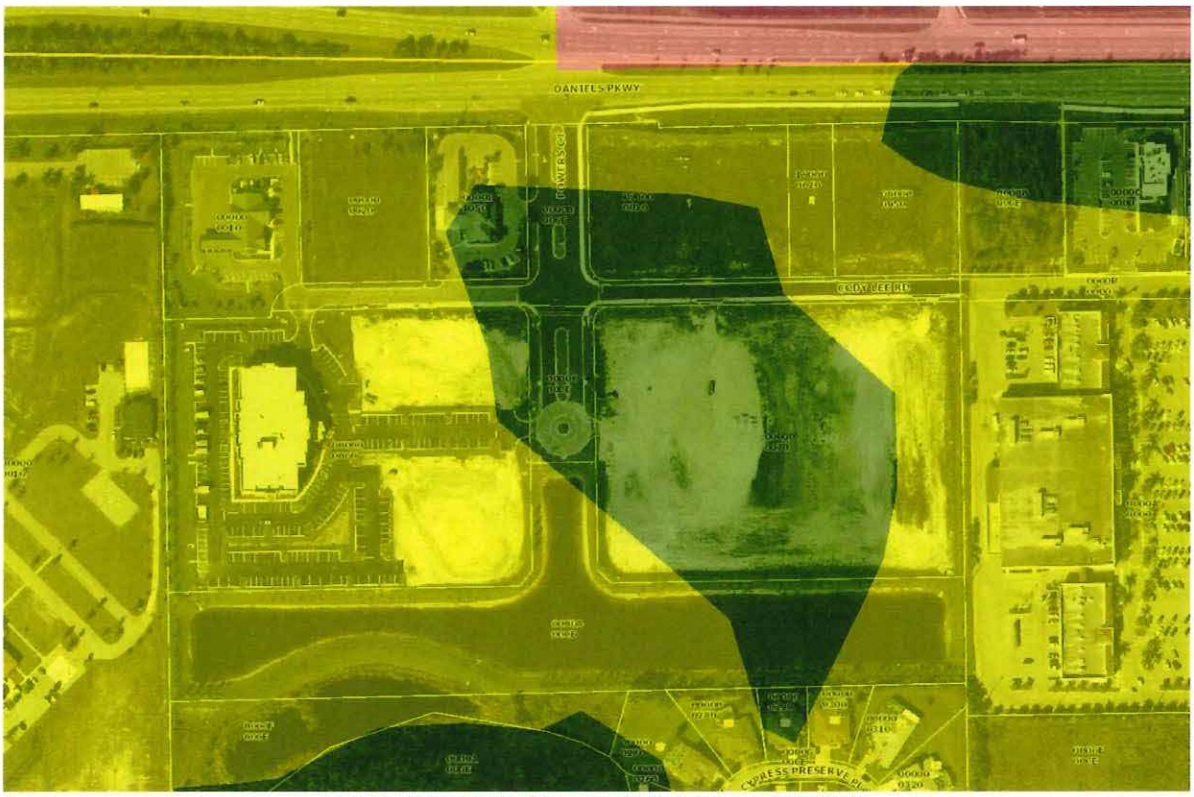


Figure 7: 2008 Aerial Depicting Filling Activity with FLUM

Figure 8 depicts the areas on the vacant parcel where the elevation has been increased since the original permitting of the site. This graphic shows a comparison between the 2006 Development Order Topographic Survey data prepared by Morris-Depew Associates, Inc. and the 2018 Lee County LiDAR data where the shaded areas denote the amount of fill that was placed in specific areas and shows consistency with the 2008 construction activities depicted in Figure 6.

FILL HEIGHTS				
NUMBER	FILL HEIGHT RANGE (FT)	SURFACE RANGE COLOR	AREA (AC)	VOLUME (CY)
1	0.0-1.0		2.6	4186.8
2	1.0-2.0		0.8	1836.6
3	2.0-3.0		0.4	898.6
4	3.0-4.0		0.3	442.6
5	4.0+		0.1	86.0

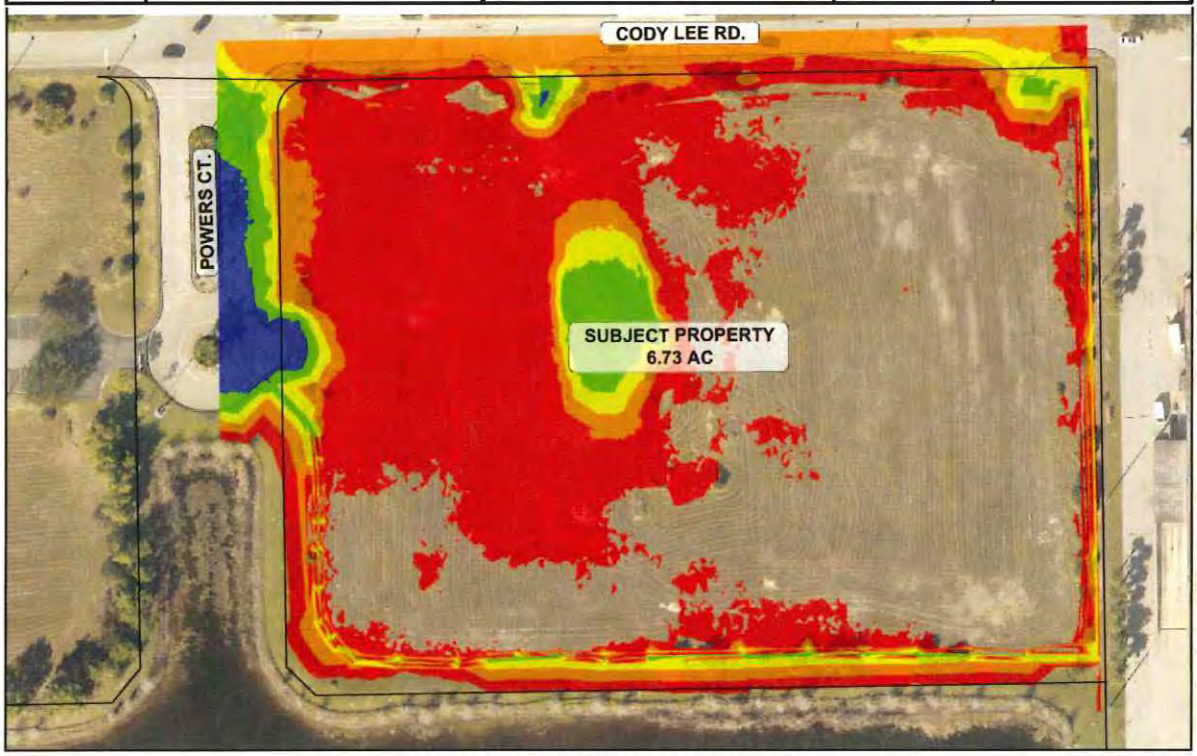


Figure 8: Filled Areas on Southeast Parcel

Figure 9 depicts the areas on that parcel where the existing grade is higher than the permitted Control Elevation established by the ERP at 16.4 ft NAVD. The Control Elevation is the grade at which the SFWMD recognizes the seasonal high-water table for the property.

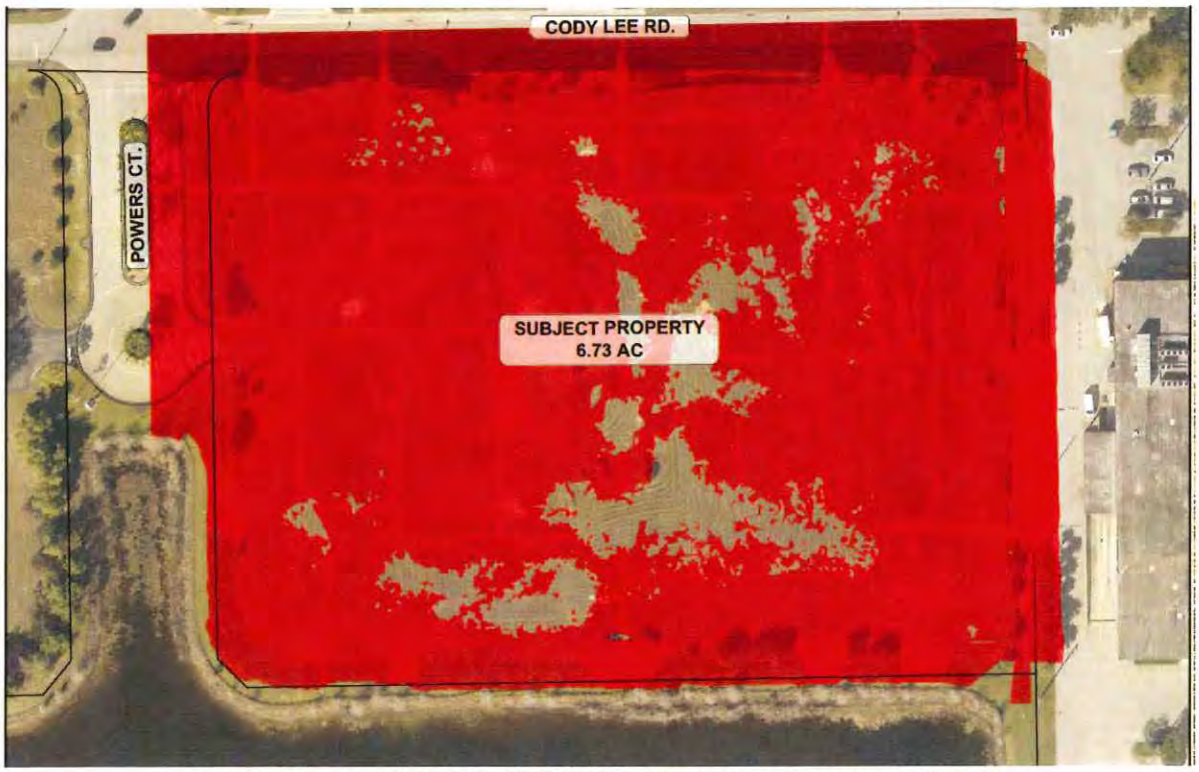


Figure 9: Areas on Southeast Parcel where Current Elevation Exceeds Control Elevation

As previously mentioned, the areas where construction activities and vehicles operated were filled and compacted. The SFWMD considers compacted soils as being impervious. Since wetlands characteristically do not exist on lands that have been compacted and/or with elevations above the Seasonal High Water Table, the project site should be considered free of wetlands.



Figure 10: FLUCFCS Map

The environmental analysis that is provided in the report prepared by BearPaws Environmental in support of this application includes a FLUCFCS map shown above as Figure 10, showing that no wetlands exist on the site. This is consistent with the activities that have taken place within the development previously described which include construction of roadways, a stormwater management system, commercial development, and compacting areas and/or placing fill on the vacant parcels.

As demonstrated by the figures above, the area designated with Wetlands FLU has been developed with roadways, stormwater management lake, commercial development, and have been filled to the extent that they characteristically cannot be considered wetlands. These facts, along with the attached environmental analysis provided by BearPaws Environmental taken together with the ERP, which states that no wetlands are present, provide consistent and appropriate data and justification to remove the Wetlands FLU designation, as there are clearly no wetlands present on site. As such, Lee Plan Goal 124 and the associated Objectives and Policies, which regulate development within wetlands, are not relevant to this application.

PROPOSED FUTURE LAND USE DESIGNATIONS

> ***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.

The surrounding area can definitively be considered as part of the urban core of Lee County, as evidenced by nearby uses such as multiple hotels, a Publix shopping center, service stations, office buildings, restaurants, banks, a car wash, various retail, and service commercial uses. The addition of residential dwelling units to the Daniels Falls CPD creates a mix of uses within the development that is more consistent with the goal of the Central Urban future land use category. The requested Central Urban Future Land Use designation is more representative of the land use characteristics of the surrounding area as it now currently exists and also provides for an appropriate transition of land use intensities between the adjacent General Interchange FLU and the Outlying Suburban FLU.

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.

OBJECTIVE 11.2: MIXED USE OVERLAY. The County will maintain an Overlay in the future land use map series identifying locations appropriate for mixed use located in proximity to: public transit routes; education facilities; recreation opportunities; and, existing residential, shopping and employment centers. Mixed Use, Traditional Neighborhood, and Transit Oriented development patterns are encouraged and preferred within the Mixed Use Overlay. (Ord. No. 07-15, 17-13)

POLICY 11.2.1: The Mixed Use Overlay identifies locations where mixed use development will have a positive impact on transportation facilities though increased transit service, internal trip capture, and reduced travel distance. Requests to expand the Mixed Use Overlay will be evaluated based on all of the following criteria:

1. ***Located within the extended pedestrian shed of established transit routes; and,***
2. ***Distinct pedestrian and automobile connections to adjacent uses can be achieved without accessing arterial roadways; and***
3. ***Located within the Intensive Development, Central Urban, or Urban Community future land use categories; and,***
4. ***Availability of adequate public facilities and infrastructure; and***
5. ***Will not intrude into predominately single-family residential neighborhoods.***

POLICY 11.2.2: Development in the Mixed Use Overlay should accommodate connections to adjacent uses.

POLICY 11.2.5: Lee County will maintain land development regulations for properties within the Mixed Use Overlay that allow for urban forms of development and a variety of uses.

This request, the proposed location, and the applicant's plans for multifamily development are consistent with the County's mixed-use concept, as set forth in Lee Plan Goal 11, due to the opportunities for interconnection, and the introduction of multifamily residential infill development in proximity to shopping, employment, a major arterial roadway, and public transit. Locating multifamily development at this site, which is within walking distance of shopping, offices, restaurants, banks, and other service commercial, will allow for increased internal vehicle trip capture and provide the opportunity to eliminate many vehicle trips that would be generated by multifamily development located in other areas without the proximity to these employment opportunities and commercial uses. The site and request also meet the criteria provided in Objective 11.2 (and the associated policies) for appropriate locations for Mixed Use Overlays:

- The site is located directly on LeeTran Route 50, well within the ¼ mile pedestrian shed.
- The planned extension of Three Oaks Parkway will provide pedestrian and automobile connections that will not rely on access to Daniels Parkway.
- The site is advantageously located for pedestrian and non-motorized modes of transportation. Shared use paths exist on Daniels Parkway and Fiddlesticks Boulevard, an on-road bikeway exists on Daniels Parkway, and the Three Oaks Parkway extension will include a shared use path and on-road bikeway.
- The site is proximate to a public transit route, shopping, employment centers, and recreational opportunities such as golf courses, and hiking at the Six Mile Cypress Slough Preserve.
- The applicant is requesting the Central Urban future land use designation, which is listed as an appropriate category for the Mixed Use Overlay.
- As demonstrated in the attached public services impacts report, there are adequate public facilities and existing infrastructure in place to serve the development that will result from this request.
- No existing single-family residences will be impacted, and the site is not adjacent to any vacant land designated for single-family residential use.
- The site is already configured to provide for connection between existing and proposed development within the proposed Overlay area as well as adjacent shopping.

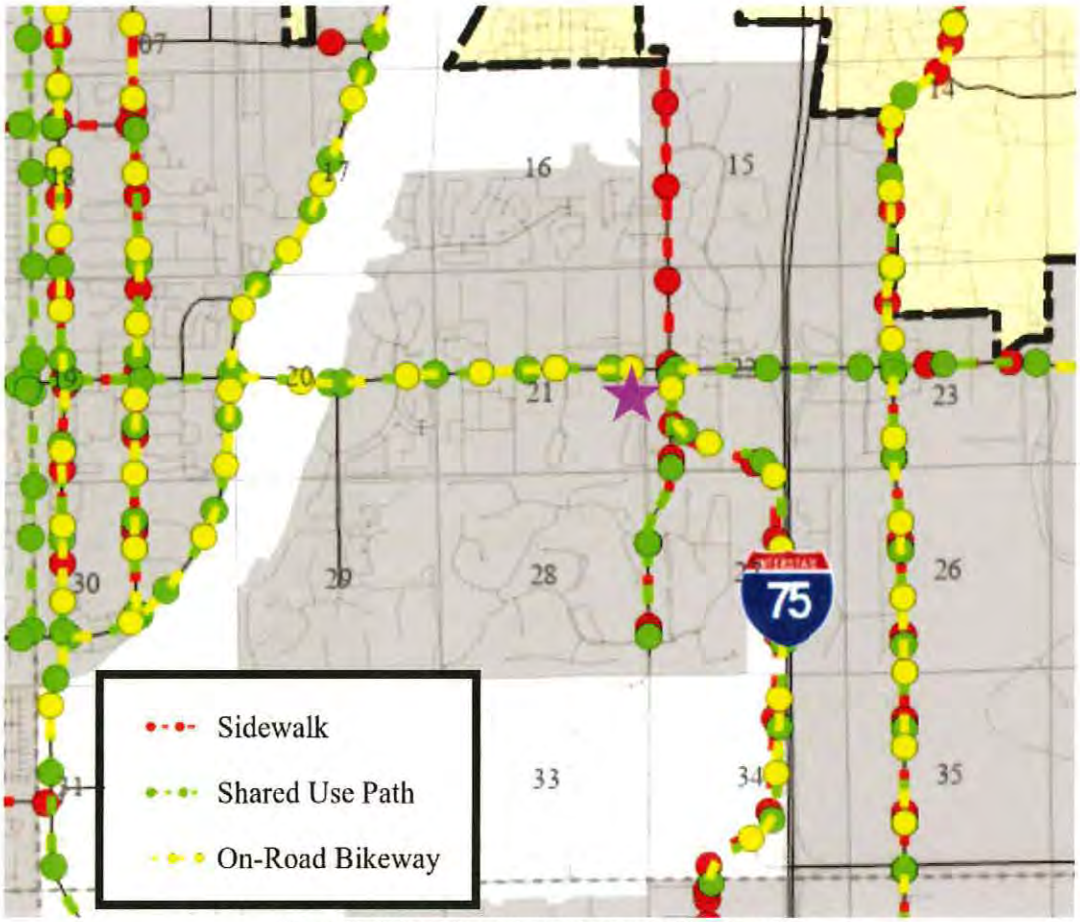


Figure 11: Subject Property located on LeePlan Map 3-D

POLICY 11.2.7: Development, redevelopment, and infill development located within the Mixed Use Overlay may use the area of non-residential uses in their density calculations.

The Applicant is proposing to include the Daniels Falls CPD within the Mixed Use Overlay, retain the existing commercial entitlement, and allow for multifamily residential development. The subdivision is currently zoned as a CPD and the Central Urban Future Land Use designation will allow for an amendment to the CPD to add multifamily residential to the planned development. The Central Urban future land use category permits a maximum standard density of 10 dwelling units per acre and the Mixed Use Overlay permits allowable density to be calculated using the entire area of the Overlay area. Developed at the maximum standard density, this 29.03-acre property could potentially be developed with 290 dwelling units. Demands on public facilities were estimated based on the maximum potential residential development in conjunction with the existing 196,000 square feet of commercial entitlement, which is also supported by the Central Urban category.

HOUSING NEEDS

In addition to recategorizing the future land use of the subject property to a more appropriate category, this request also serves to further the applicant's goal of developing multifamily residential on the subject property. Achievement of that goal is also consistent with the goals, objectives and policies of the Lee

Plan, specifically furthering Goal 5, Goal 135, Objective 135.1, and Policy 135.19, and fulfills a need for housing in the community, a need which is recognized by available housing data.

> ***GOAL 5: RESIDENTIAL LAND USES. To accommodate the projected population of Lee County in the year 2045 in appropriate locations, guided by the Future Land Use Map, and in attractive and safe neighborhoods with a variety of price ranges and housing types.***
>
> ***GOAL 135: MEETING HOUSING NEEDS. To provide decent, safe, and sanitary housing in suitable neighborhoods at affordable costs to meet the needs of the present and future residents of the County.***
>
> ***OBJECTIVE 135.1: HOUSING AVAILABILITY. To ensure the types, costs, and locations of housing are provided to meet the needs of the County's population by working with private and public housing providers.***
>
> ***POLICY 135.1.9: The County will ensure a mix of residential types and designs on a Countywide basis by providing for a wide variety of allowable housing densities and types through the planned development process and a sufficiently flexible Future Land Use Map.***

A household is determined to be cost-burdened when it spends more than 30% of its income toward housing expenses. As a more extreme measure, a household is said to be severely cost-burdened when it spends at least 50% of its income toward housing expenses. Data provided by the Shimberg Center for Affordable Housing at the University of Florida estimates that in 2020, 32% of all Lee County households were spending greater than 30% of their household income on housing costs and that 15% of all Lee County households were spending greater than 50% of their income on housing costs. Since 2020, housing costs and inflation rates have risen, and it is reasonable to expect that the estimated percentage of cost burdened households has likely risen as well.

Shimberg also provides estimates of housing unit types. The most recent data from Shimberg shows that single-family detached dwelling units are the predominant unit type in Lee County at 55% of the total. The category of multifamily dwelling unit type (20 or more units attached) planned to be offered by the applicant at this location, is estimated to make up only 11% of the total housing stock in Lee County.

Prior to the Hurricane Ian storm event, Lee County and the Southwest Florida region were experiencing a housing shortage. The housing shortage has only been compounded by the fact that tens of thousands of dwelling units have recently been removed from the housing stock due to inhabitability as a result of damage from the storm event. Lack of housing unit inventory is a significant contributor to property value increases. Mr. Shelton Weeks, PHD, Lucas Professor of Real Estate at Florida Gulf Coast University, presented at the January 11th, 2022, Real Estate Investment Society luncheon, indicating that there is a shortage of housing throughout SW Florida and that if the shortage is not addressed it will prevent Lee County from diversifying the economy. The Applicant's requested map amendment and the Applicant's goal of providing multifamily housing will serve the needs of the community and the region.

The applicant is ultimately seeking approval for a multifamily residential development containing 200+ units in a location which is outside of the Coastal High Hazard Area (CHHA) that experienced comparatively

less damage than areas of the County within the CHHA. Approval of this request will further that goal of bringing a housing product to Lee County which is in short supply which is generally offered at a lower cost than the predominant Lee County housing type of single-family detached. As the subject property is proximate to major employment centers such as the international airport, medical facilities, and industrial operations, this housing product is in high demand at this location and will provide a benefit to the community and to the county as a whole.

ADEQUACY OF EXISTING SERVICES AND UTILITIES

> ***GOAL 4: GENERAL DEVELOPMENT STANDARDS. Pursue or maintain land development regulations which protect the public health, safety and welfare, encourage creative site designs and balance development with service availability and protection of natural resources***

The application materials supporting this request include copies of the Letters of Availability for the various public services available in this area of Lee County. Currently, Lee County Emergency Medical Services, South Trail Fire Protection & Rescue Service District, and the Lee County Sheriff's Office all have confirmed that the project has complete emergency service availability. In addition to emergency services, Lee County Utilities, LeeTran, and Lee County Solid Waste have all confirmed their ability to accommodate the capacity demands of the proposed project. The submitted application demonstrates that services are available consistent with Goal 4 of the Lee Plan.

> ***STANDARD 4.1.1: WATER. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Fla. Admin. Code R. 62-550).***

A Lee County Utilities Letter of Availability letter was received for the subject project and highlighted an adequate capacity to support the maximum water demanded by the project in the future. Potable water services are provided through the Corkscrew Water Treatment Plant. Currently, 102,500 gallons of water per day are necessary to support the potential maximum 290 dwelling units and 196,000 sf of commercial space, which is already entitled. The project will be directly connected to the local water system, which is in direct compliance with Policy 4.1.1 of the Lee Plan.

> ***STANDARD 4.1.2: SEWER. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.***

The subject property is within the service area limits for the City of Fort Myers South Water Reclamation Facility. The property is able to utilize this plant via an inter-local agreement between Lee County and the City of Fort Myers. The maximum potential density of 290 multifamily residential dwelling units and 196,000 sf of commercial space will generate an estimated 88,000 gallons of sewage per day. A letter of service availability was issued by Lee County Utilities highlighting adequate capacity to serve the Daniels Falls Encore MFR and accommodate the estimated demand. The project is in direct compliance with

Standard 4.1.2 of the Lee Plan which requires a project of this scale to connect to the sanitary sewer system.

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

TRANSPORTATION

The traffic circulation analysis that was provided by TR Transportation Consultants, as part of this application, finds that the Applicant's requested map change, which will allow for multifamily residential development in place of commercial development, represents a substantial reduction in potential trip generation. The implications for this potential reduction are positive, as Daniels Parkway is designated as a constrained roadway. Additionally, the location of the subject property with access to Daniels Parkway and to the planned extension of Three Oaks Parkway is consistent with Lee Plan Transportation Policy 39.1.3.

> ***POLICY 39.2.1: Future urban areas will have a balanced emphasis on automobile, freight, transit, pedestrian, and bicycle modes of transportation by:***
> - ***Promoting safe and convenient street, bicycle and pedestrian facility connectivity for easy access between modes.***
> - ***Utilizing short block lengths within urban Mixed Use Overlay areas.***
> - ***Providing transit service with an emphasis on urban Mixed Use Overlay areas.***
> - ***Incentivizing infill and redevelopment, mixed uses, pedestrian friendly design, and higher density in areas served by transit.***
> - ***Providing sidewalks along all roads and streets in urban areas, except where prohibited.***



Figure 12: Proposed Extension of Three Oaks Parkway and Widening of Daniels Parkway

The location of the subject property on Daniels Parkway provides immediate access to this major arterial less than one mile from I-75, which will limit impacts to local roadways. Another major transportation related consideration for this project is the planned extension of Three Oaks Parkway, which will be accessible from the Powers Court subdivision by way of Cody Lee Road to Fiddlesticks Blvd. This proposed linkage will reduce vehicle trips on Daniels Parkway by providing another option for connectivity to areas south of the subject property. These factors, combined with the features of the surrounding area, which is already significantly developed with service commercial, employment opportunities, and sidewalks demonstrates consistence with the Goals, Objectives, and Policies of the Lee Plan Transportation Element, and very specifically, Policy 39.2.1.

SURFACE WATER MANAGEMENT AND WATERSHED

GOAL 60: COORDINATED SURFACE WATER MANAGEMENT AND LAND USE PLANNING ON A WATERSHED BASIS. To protect or improve the quality of receiving waters and surrounding natural areas and the functions of natural groundwater aquifer recharge areas while also providing flood protection for existing and future development.

OBJECTIVE 60.3: CRITICAL AREAS. The Six Mile Cypress Basin (as defined in the LDC, Chapter 10) and the DR/GR land use category are both identified as "critical areas for surface water management." The County will maintain existing regulations to protect the unique environmental and water resource values of these areas.

POLICY 60.1.1: Require design of surface water management systems to protect or enhance the groundwater.

POLICY 60.1.2: Incorporate, utilize, and where practicable restore natural surface water flowways and associated habitats.

GOAL 61: PROTECTION OF WATER RESOURCES. To protect the County's water resources through the application of innovative and sound methods of surface water management and by ensuring that the public and private construction, operation, and maintenance of surface water management systems are consistent with the need to protect receiving waters.

The Daniels Falls CPD has an existing surface water management plan that includes both wet and dry detention. The plan was designed utilizing the control elevation at the connection location, identified as EL 17.6 NGVD. Adjusted to NAVD, this is EL 16.4 ft. The design provides 4.87 ac-ft of water treatment volume, which was designed based on the storage between the pre-treatment bottom and the elevation between the notch atop the control structure. The existing design can accommodate an excess storage volume of 50%. The excess treated surface water eventually discharges to the Six Mile Cypress Slough. The approved design provides an innovative and sound method of surface water management that protects proximate receiving waters. This application for a FLUM amendment does not propose any modifications to the basic design or operation of the existing water management system and it is not practical or possible to restore/change any flow ways within this existing subdivision which already contains commercial development and roadways.

POLICY 61.3.6: Require developments to provide surface water management systems, acceptable programs for operation and maintenance, and post-development runoff conditions that reflect the natural surface water flow rate, direction, quality, hydroperiod, and drainage basin.

The project site has existing implementations that result in very adequate drainage. The property is shown in SFWMD ERP No. 36-01634-S. The permit shows that water drains directly to the south through a culvert installed between the berm and Fiddlesticks Preserve/Cypress Glen Preserve. The permitted outfall is through a conservation area located at the southwest corner of the subject property. The drainage flow is designed to reflect the natural surface water flow rate, direction, quality, hydroperiod, and the Ten Mile Canal Basin.

10-321(f)
Six Mile Cypress Watershed—Drainage and surface water management.

1. ***The outfall discharge rate for the three-day 25-year storm event for all large projects within the Six Mile Cypress Watershed must be 37 cms or less as specified in the Six Mile Cypress Watershed Plan.***
2. ***All development in the Six Mile Cypress Watershed Basin must be consistent with the findings and conclusions in the Six Mile Cypress Watershed Plan. However, the County will consider alternate proposals offering design standard flexibility in the conservation, restoration and enhancement of tributaries and flow-ways within the basin. In any***

event, the plan will not be interpreted to require a developer to mitigate impacts not created by the proposed development.

The allowable discharge rate for the subject property is calculated based on the allowable rate of discharge for the 25 year-72-hour event of 64.0 CSM for the Ten Mile Canal Basin. The maximum discharge rate for the 25 year-72-hour event for the subject project surface water management basin is 1.63 CFS. All impacts created by the proposed additional density have already been addressed within the existing surface water management plan.

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

The existing surface water management plan identifies a capacity to accommodate a treatment volume of 4.87 ac-ft, which includes an additional 50% storage capacity of the required volume. The surface water management plan was created with the maximum development potential of the subject property in mind, and therefore provides sufficient measures that uphold the surface and groundwater quality, even considering the additional proposed density.

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.

The subject property has existing artificial drainage systems that provide for wet and dry detention. Additionally, vegetated swale systems exist to minimize nutrient loading and pollution of freshwater and estuarine systems. These systems improve water quality by catching sediment and assimilating nutrients, in addition to recharging the underground water table. These implements were designed and originally approved via ERP 36-05329-P.

IMPACTS ON HISTORIC RESOURCES

OBJECTIVE 2.5: HISTORIC RESOURCES. Historic resources will be identified and protected pursuant to the Historic Preservation Element and the County's Historic Preservation Ordinance.

A Master Site File Request was completed for this site and concluded that there are no current or former historical resources found on the subject project site.

CONSISTENCY WITH LEE PLAN POLICY 1.6.5 AND TABLE 1(B)

As part of this request for a small-scale future land use map amendment to designate land within the Daniels Parkway Planning District (#11) as Central Urban FLU, we also request that the County update Lee Plan Table 1(b) to ensure consistency with the County's supporting data and analysis, as required by Policy 1.6.5.

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

1. For each Planning District the County will maintain a parcel based database of existing land use.

2. Project reviews for development orders must include a review of the capacity, in acres, that will be consumed by buildout of the development order. No development order, or extension of a development order, will be issued or approved if the acreage for a land use, when added to the acreage contained in the updated existing land use database, exceeds the limitation established by Table 1(b) regardless of other project approvals in that Planning District.

3. When updating the Lee Plan's planning horizon, a comprehensive evaluation of the Planning Districts Map and Acreage Allocation Table will be conducted.

Through coordination with County staff, it has been determined that allocating 7 acres of Central Urban FLU to Daniels Parkway PD11 and conversely reducing the allocation of Central Urban FLU within the Lehigh Acres PD17 by 50 acres is necessary in order to permit the multifamily development that is proposed by this application. We request this revision to Table 1(b) as part of this application:

TABLE 1(b)
YEAR 2045 ALLOCATIONS

	Future Land Use Category	Planning District											
		District 11 Daniels Parkway	District 12 Iona / McGregor	District 13 San Carlos	District 14 Sanibel	District 15 South Fort Myers	District 16 Pine Island	District 17 Lehigh Acres	District 18 Southeast Lee County	District 19 North Fort Myers	District 20 Buckingham	District 21 Estero	District 22 Bashore
Residential By Future Land Use Category	Intensive Development	-	-	-	-	801	1	30	-	376	-	-	-
	Central Urban	7	656	20	-	3,113	-	6,466 7,512	-	2,225	-	-	-
	Urban Community	-	978	1,318	-	863	540	17,034	-	-	115	-	-
	Suburban	-	2,566	2,069	-	1,202	659	-	-	6,387	-	-	-
	Outlying Suburban	1,253	438	-	-	-	502	-	-	406	-	90	-
	Sub-Outlying Suburban	-	-	13	-	-	-	-	-	145	66	-	950
	Commercial	-	-	-	-	-	-	-	-	-	-	-	-
	Industrial	-	3	3	-	3	-	-	-	-	-	-	-
	Public Facilities	-	-	-	-	-	-	-	-	-	-	-	-
	University Community	-	-	503	-	-	-	-	-	-	-	-	-
	Destination Resort Mixed Use Water Dependent	-	8	-	-	-	-	-	-	-	-	-	-
	Burnt Store Marina Village	-	-	-	-	-	-	-	-	-	-	-	-
	Industrial Interchange	-	-	-	-	-	-	-	-	-	-	-	-
	General Interchange	58	-	-	-	-	-	-	8	14	-	-	20
	General Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-	-
	Industrial Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-	-
	University Village Interchange	-	-	-	-	-	-	-	-	-	-	-	-
	New Community	-	-	-	-	-	-	-	-	-	-	-	-
	Airport	-	-	-	-	-	-	-	-	-	-	-	-
	Tradeport	-	-	-	-	-	-	-	-	-	-	-	-
	Rural	1,573	-	99	-	-	227	14	-	454	50	-	1,387
	Rural Community Preserve	-	-	-	-	-	-	-	-	-	3,517	-	-
	Coastal Rural	-	-	-	-	-	1,338	-	-	-	-	-	-
	Outer Island	-	2	-	-	-	55	-	-	-	-	-	-
	Open Lands	80	-	-	-	-	-	-	-	30	-	-	1,667
	Density Reduction/ Groundwater Resource	-	-	-	-	-	-	-	4,742	-	-	-	2,101
	Conservation Lands Upland	-	-	-	-	-	-	-	-	-	-	-	-
	Wetlands	-	-	-	-	-	-	-	-	-	-	-	-
	Conservation Lands Wetland	-	-	-	-	-	-	-	-	-	-	-	-
Unincorporated County Total Residential		2,964	4,650	4,024	-	5,982	3,322	24,480	4,750	10,035	3,748	90	6,125
Commercial		326	774	938	-	2,012	288	900	118	1,121	19	18	72
Industrial		5	198	387	-	566	67	218	215	244	4	2	4
Non Regulatory Allocations													
Public		3,214	4,898	6,364	-	5,883	4,831	20,267	17,992	10,117	3,052	653	3,351
Active AG		5	13	5	-	-	2,780	35	12,000	90	630	4	550
Passive AG		10	-	5	-	-	70	50	2,500	250	2,000	-	2,100
Conservation		1,677	9,786	2,232	-	211	15,489	1,077	41,028	1,607	382	1,465	895
Vacant		20	55	158	-	4	2,200	14,804	2,400	1,183	850	130	1,425
Total		8,221	20,374	14,114	-	14,658	29,047	61,791	81,003	24,649	10,684	2,302	14,523
Population Distribution (unincorporated Lee County)		14,322	44,132	54,615	-	76,582	13,431	162,245	17,369	110,722	5,951	741	8,653

DANIEL'S FALLS – ENCORE MFR

UPDATED ENVIRONMENTAL ASSESSMENT & SPECIES SURVEY REPORT

Lee County STRAP #'s: 21-45-25-00-00001.1050, 21-45-25-17-00000.0010, 21-45-25-17-00000.0020, 21-45-25-17-0000B.00CE, 21-45-25-18-00000.0060, 21-45-25-18-00000.0070, 21-45-25-18-0000A.00CE, 21-45-25-18-00000.0050, 21-45-25-18-0000C.00CE, 21-45-25-L3-19000.0010, & 21-45-25-L3-19000.0020

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Introduction

An environmental assessment and species survey was conducted on Daniel's Falls – Encore MFR property on June 26, 2022. The 30.00± acre site is located in Section 21, Township 45S, and Range 25E, of Lee County, Florida. More specifically, the site is located at Powers Court Subdivision, south of Daniels Parkway, out towards I-75, just west of Fiddlesticks Boulevard. 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 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*) and/or burrowing owl (*Athene cunicularia*) burrows, as well as locating any potential fox squirrel (*Sciurus niger*) nests, Florida bonneted bat (*Eumops floridanus*) cavity trees, and/or bald eagle (*Haliaeetus leucocephalus*) nests.

The project's surrounding land uses are a mixture of residential homes, education facilities, undeveloped vacant land, and forested land. The survey was conducted in the morning to mid-day; the temperatures were in the upper 80's, with light breezes, and mostly cloudy skies.

Background

The Daniel's Falls – Encore MFR proposed project site has been previously assessed and approved for development as part of the master stormwater system for the Daniels Falls project; SFWMD ERP Permit #: 36-05329-P. The project was cleared and filled as part of this original permit; all impacts out at Daniel's Falls 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. Any on-site "other surface water" communities which currently exist on-site would be determined as non-jurisdictional by the SFWMD and are vested due to the active current surface water management system.

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 30.00± 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 Valkari fine sand (NRCS #14; hydric), Pompano fine sand, frequently ponded (NRCS #27; hydric), Immokalee sand (NRCS #28; non-hydric). Malabar fine sand (NRCS #34; hydric), and Malabar fine sand, depressional (NRCS #44; hydric) soils. Immokalee sand 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: 36-05329-P; there were no wetlands or "other surface waters" previously identified on-site. During the latest site inspection, following the establishment of the surface water management system, the surrounding development, and infrastructure, there was 3.56± acres of "other surface water" communities identified on-site. 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 140 Commercial – 10.36± Acres

This commercial outparcels are comprised of buildings, parking lots, and associated amenities. This community occupies approximately 10.36± acres of the site. This community would be considered uplands by regulatory agencies.

FLUCFCS 310 Herbaceous – 10.13± Acres

This upland habitat type occupies 10.13± acres of the property. Historically, the entire Daniel's Falls subdivision was dominated by open pasture lands. The canopy and sub-canopy is mostly open with scattered yellow tabebuia (*Handroanthus chrysotrichus*), earleaf acacia (*Acacia auriculiformis*), and cabbage palm *(Sabal palmetto).* The groundcover is dominated by bahia grass (*Paspalum notatum*), with false buttonweed (*Spermacoce floridan*), Spanish needle (*Bidens alba*), ragweed (*Ambrosia artemisiifolia*), finger grass (*Eustachys floridana*), caesar weed (*Urena lobata*), hairy beggar-ticks (*Bidens alba*), cogon grass (*Imperata cylindrical*), muhly grass (*Muhlenbergia capillaris*), broomsedge (*Andropogon virginicus*), and St. Augustine grass (*Stenotaphrum secundatum*), with other various opportunistic weedy species. This community should be considered uplands by the regulatory agencies.

FLUCFCS 740 Disturbed Lands & Road Right-of-Way – 0.83± Acres

This upland area occupies approximately 0.83± acres of the property. This disturbed community is found along the along the commercial developments and includes some of the surrounding roadway right-of-way. The canopy is mostly open with scattered and slash pine (*Pinus elliotti*). 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*), St. Augustine grass (*Stenotaphrum secundatum*), and other various 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.

FLUCFCS 743 B Berm – 3.14± Acres

This upland community type is a berm which surrounds the surface water management systems and occupied approximately 3.14± acres. The canopy is mostly open with scattered slash pine (*Pinus elliottii*), live oak (*Quercus virginiana*), ear-leaf acacia (*Acacia auriculiformis*), java plum (*Syzygium cumini*), and melaleuca *(Melaleuca quinquenervia)*. The sub-canopy contains cabbage palm (*Sabal palmetto*), Brazilian pepper (*Schinus terebinthifolius*), ear-leaf acacia (*Acacia auriculiformis*), and carrotwood (*Cupaniopsis anacardioides*). The ground cover includes broomsedge (*Andropogon virginicus*), Spanish needle (*Bidens pilosa*), dog fennel (*Eupatorium capillifolium*), ragweed (*Ambrosia trifida*), caesar weed (*Urena lobata*), cogon grass (*Imperata cylindrica*), hairy beggar-ticks (*Bidens alba*), bahia grass (*Paspalum notatum*), St. Augustine grass (*Stenotaphrum secundatum*), and other various opportunistic weedy species. Commonly observed vines include creeping ox-eye (*Wedelia chinensis*), grapevine (*Vitis rotundifolia)*, Virginia creeper (*Parthenocissus quinquefolia*), poison ivy (*Toxicodendron radicans*), and greenbriar *(Smilax* spp.). This community would be considered uplands by the regulatory agencies.

FLUCFCS 743 S Spoil Pile – 0.39± Acres

This upland community type is comprised of a spoil pile which was located in the central portion of the largest herbaceous area and occupied approximately 0.39± acres. The canopy is mostly open with scattered ear-leaf acacia (*Acacia auriculiformis*). The sub-canopy is also mostly open with scattered cabbage palm (*Sabal palmetto*). The ground cover includes broomsedge (*Andropogon virginicus*), Spanish needle (*Bidens pilosa*), dog fennel (*Eupatorium capillifolium*), ragweed (*Ambrosia trifida*), caesar weed (*Urena lobata*), cogon grass (*Imperata cylindrica*), hairy beggar-ticks (*Bidens alba*), bahia grass (*Paspalum notatum*), St. Augustine grass (*Stenotaphrum secundatum*), and other various opportunistic weedy species. Commonly observed vines include creeping ox-eye (*Wedelia chinensis*) and grapevine (*Vitis rotundifolia)*. This community would be considered uplands by the regulatory agencies.

FLUCFCS 814 Roadway (Powers Court) – 1.59± Acres

This upland community type includes a paved access roads to and around the development and occupies 1.59± acres of the property. The canopy and sub-canopy is open. The groundcover along the edges included bahia grass (*Paspalum notatum*), with broom sedge *(Andropogon virginicus),* Spanish needle (*Bidens alba*), ragweed (*Ambrosia artemisiifolia*), caesar weed (*Urena lobata*), and other opportunistic weedy species. Commonly observed vines include grapevine *(Vitis munsoniana),* greenbriar *(Smilax* spp.), and poison ivy *(Toxicodendron radicans).* This community would be considered uplands by the regulatory agencies.

Other Surface Waters (OSW)

The following community area has been designated as other surface waters. Surface waters are waters on the surface of the earth, contained in bounds created naturally or artificially.

FLUCFCS 510 Surface Water Management System Lakes – 3.56± Acres

This "other surface water" (OSW) communities occupy approximately 3.56± acres of the property. The canopy is open. The sub-canopy is mostly open with scattered Brazilian pepper (*Schinus terebinthifolius*), Carolina willow (*Salix caroliniana*), and primrose willow (*Ludwigia peruviana*) along the edges. The ground cover contains cat-tail (*Typha latifolia*), maidencane (*Panicum hemitomon*), water hyacinth *(Eichhornia crassipes),* torpedo grass *(Panicum repens),* and spikerush *(Eleocharis spp.).* This community was artificially created and would be considered other surface waters by the regulatory agencies.

Table 1. FLUCFCS Community Table

FLUCFCS Code	Community Description	Habitat Type	Acres
140	Commercial	Upland	10.36± Ac.
310	Herbaceous	Upland	10.13± Ac.
510	Surface Water Management System Lakes	OSW	3.56± Ac.
740	Disturbed Lands & Road Right-of-Way	Upland	0.83± Ac.
743 B	Berm	Upland	3.14± Ac.
743 S	Spoil Pile	Upland	0.39± Ac.
814	Roadway (Powers Court)	Upland	1.59± Ac.
Total			**30.00± Ac.**

Species Survey Results

During our updated field survey for protected species on the property, we did not observe any protected species or signs thereof. There were no gopher tortoise (*Gopherus polyphemus*) and/or burrowing owl (*Athene cunicularia floridana*) burrows identified. There were no nest-like structures or tree cavities noted while conducting the protected species survey on-site.

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).

Discussion & 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 any other protected species. Community locations were drawn using non-rectified aerial images with approximate property boundaries; hence their location, aerial extent, and acreage is approximate.

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. The determination of ecological system classifications, functions, values, and boundaries is an inexact science, and different individuals and agencies may reach different conclusions. Therefore, the conclusions of this report are preliminary in nature and would require a full review by the appropriate regulatory agencies.

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
140	Commercial	N/A	*N/A*	90	--	--	--	--	--
310	Herbaceous / Dry Prairie	Beautiful paw-paw	*Deeringothamnus pulchellus*	90	--	E	E	E	--
		Burrowing owl	*Athene cunicularia floridana*	90	--	--	--	--	SSC
		Florida sandhill crane	*Grus canadensis pratensis*	90	--	--	--	--	T
510	Other Surface Water	American alligator	*Alligator mississipiensis*	90	--	--	--	SAT	SSC
		Everglades mink	*Mustela vison evergladensis*	90	--	--	--	--	T
		Limpkin	*Aramus guarauna*	90	--	--	--	--	SSC
		Little blue heron	*Egretta caerulea*	90	--	--	--	--	SSC
		Reddish egret	*Egretta rufescens*	90	--	--	--	--	SSC
		Roseate spoonbill	*Ajaia ajaja*	90	--	--	--	--	SSC
		Snowy egret	*Egretta thula*	90	--	--	--	--	SSC
		Tricolored heron	*Egretta tricolor*	90	--	--	--	--	SSC
740	Disturbed Lands	Gopher tortoise	*Gopherus polyphemus*	90	--	--	--	T	T
		Burrowing owl	*Athene cunicularia floridana*	90	--	--	--	--	SSC
743	Berm	Gopher tortoise	*Gopherus polyphemus*	90	--	--	--	T	T
814	Roadways	N/A	*N/A*	90	--	--	--	--	--

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

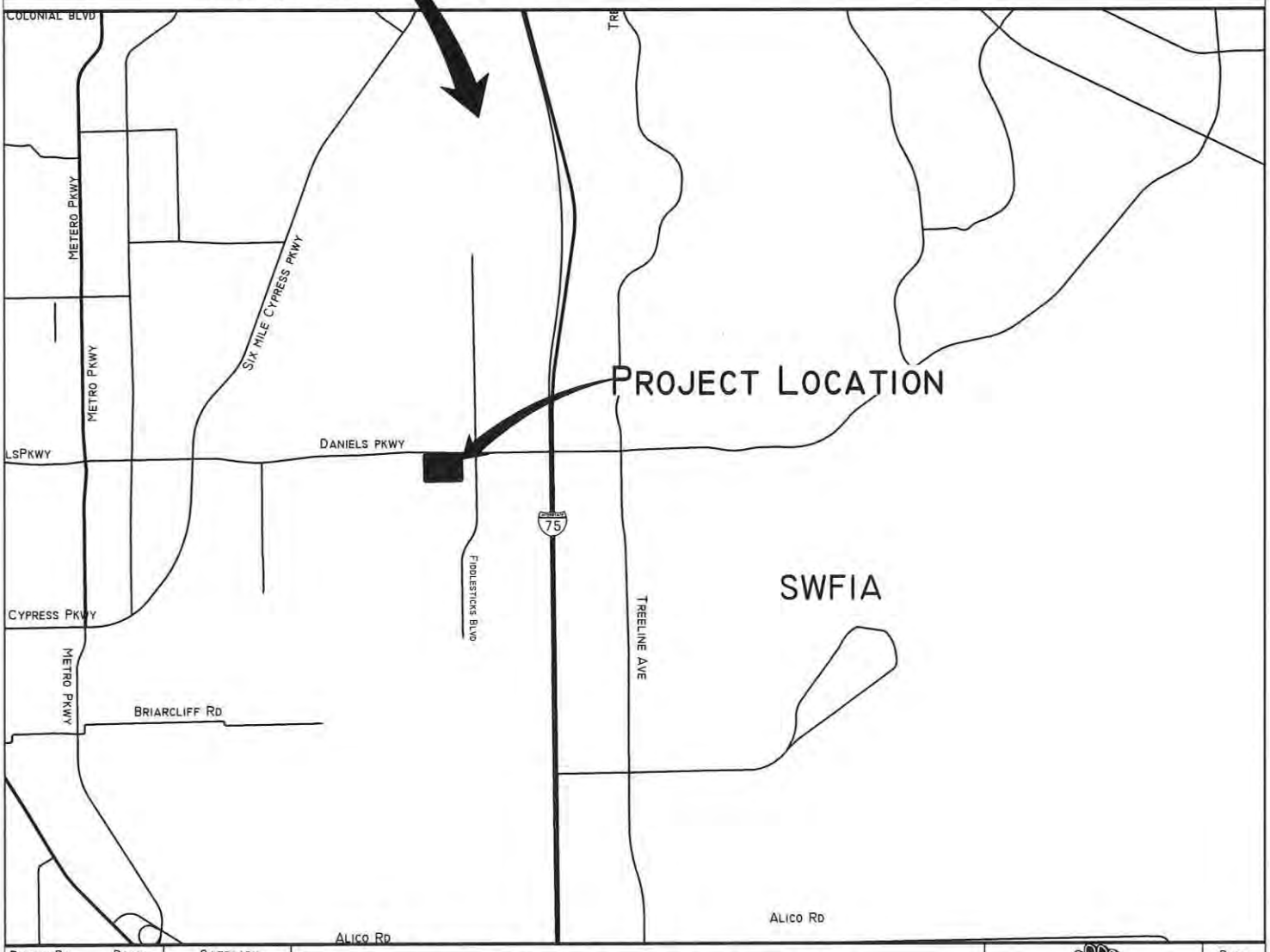
Table designates listed species with potential to occur in each FLUCFCS community.

EXHIBIT A

Project Location Map







DRAWN BY:	DATE:	CATEGORY
BWS	7/13/22	LOCATION
JOB NUMBER		SCALE: NTS
S/T/R		COUNTY
21/45S/25E		LEE

Daniel's Falls - Encore MFR

Location Map

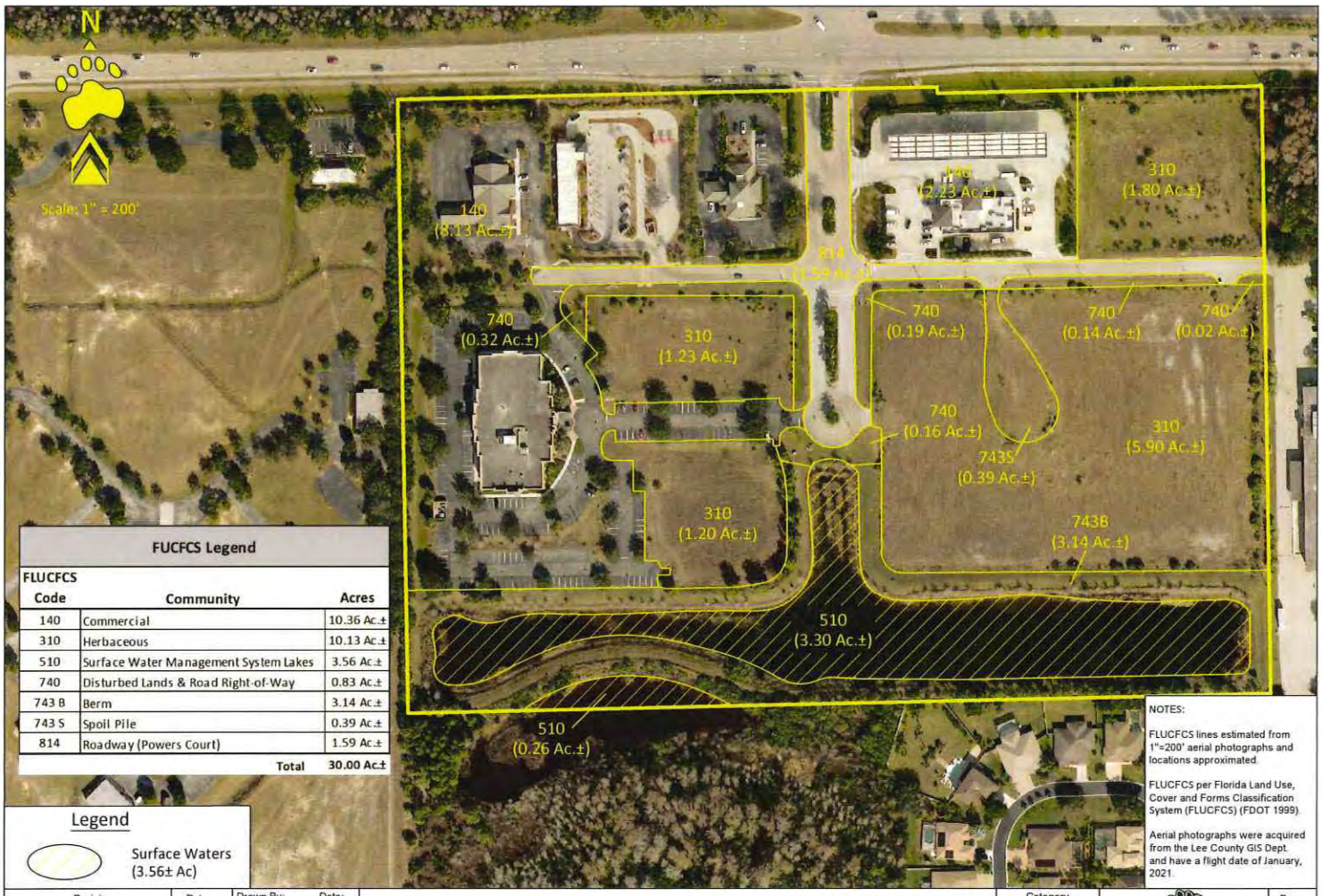
BEARPAWS ENVIRONMENTAL CONSULTING
1599 COVINGTON CIRCLE EAST, FORT MYERS, FL 33919
(239) 340-0678 BEARPAWS.ENV.CONSULTING@GMAIL.COM

PAGE

EXHIBIT

EXHIBIT B

FLUCFCS Map with Aerial



FUCFCS Legend		
FLUCFCS Code	Community	Acres
140	Commercial	10.36 Ac.±
310	Herbaceous	10.13 Ac.±
510	Surface Water Management System Lakes	3.56 Ac.±
740	Disturbed Lands & Road Right-of-Way	0.83 Ac.±
743 B	Berm	3.14 Ac.±
743 S	Spoil Pile	0.39 Ac.±
814	Roadway (Powers Court)	1.59 Ac.±
	Total	30.00 Ac.±

Legend

Surface Waters (3.56± Ac)

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, 2021.

Revisions	Date:

Drawn By: BWS Date: 7/13/22

Job Number

S/T/R 21/45S/25E

Daniel's Falls - Encore MFR

Aerial FLUCFCS Map

Category: FLUCFCS

Scale: 1" = 200'

County: Lee

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(239) 340-1678 bearpaws.env.consulting@gmail.com

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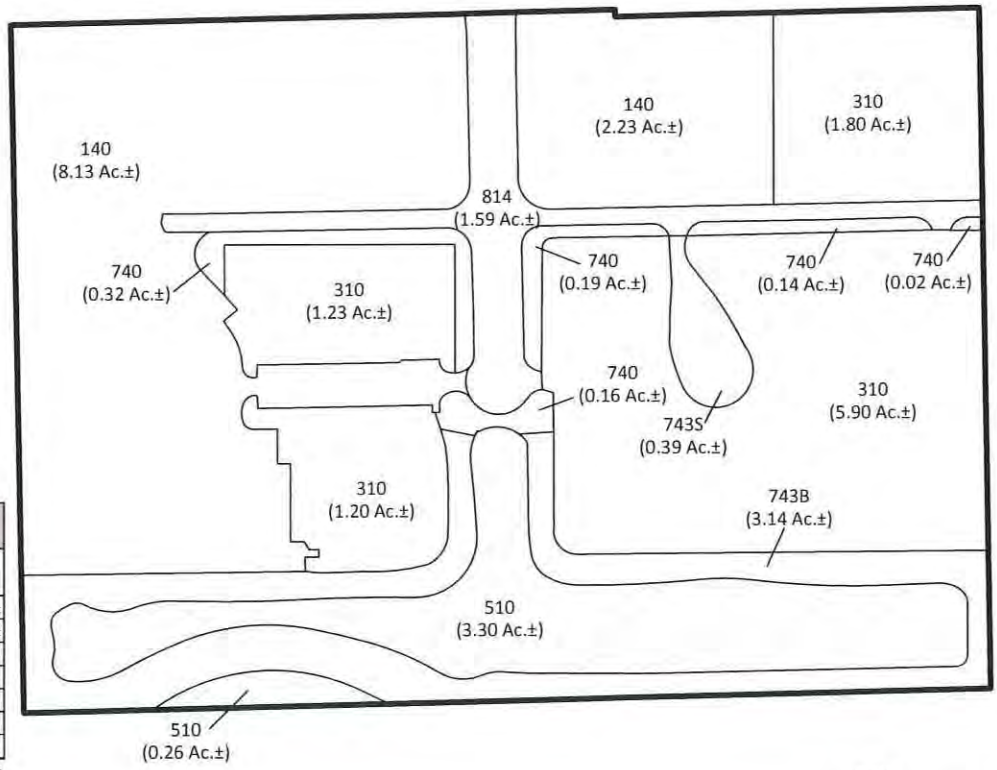
Exhibit -

EXHIBIT C

FLUCFCS Map

N

Scale: 1" = 200'



FUCFCS Legend		
FLUCFCS Code	Community	Acres
140	Commercial	10.36 Ac.±
310	Herbaceous	10.13 Ac.±
510	Surface Water Management System Lakes	3.56 Ac.±
740	Disturbed Lands & Road Right-of-Way	0.83 Ac.±
743 B	Berm	3.14 Ac.±
743 S	Spoil Pile	0.39 Ac.±
814	Roadway (Powers Court)	1.59 Ac.±
	Total	30.00 Ac.±

Legend

Surface Waters (3.56± Ac)

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:	Date:
		BWS	7/13/22
		Job Number	
		S/T/R	
		21/45S/25E	

Daniel's Falls - Encore MFR

FLUCFCS Map

Category	Page
FLUCFCS	-
Scale: 1" = 200'	Exhibit
County: Lee	-

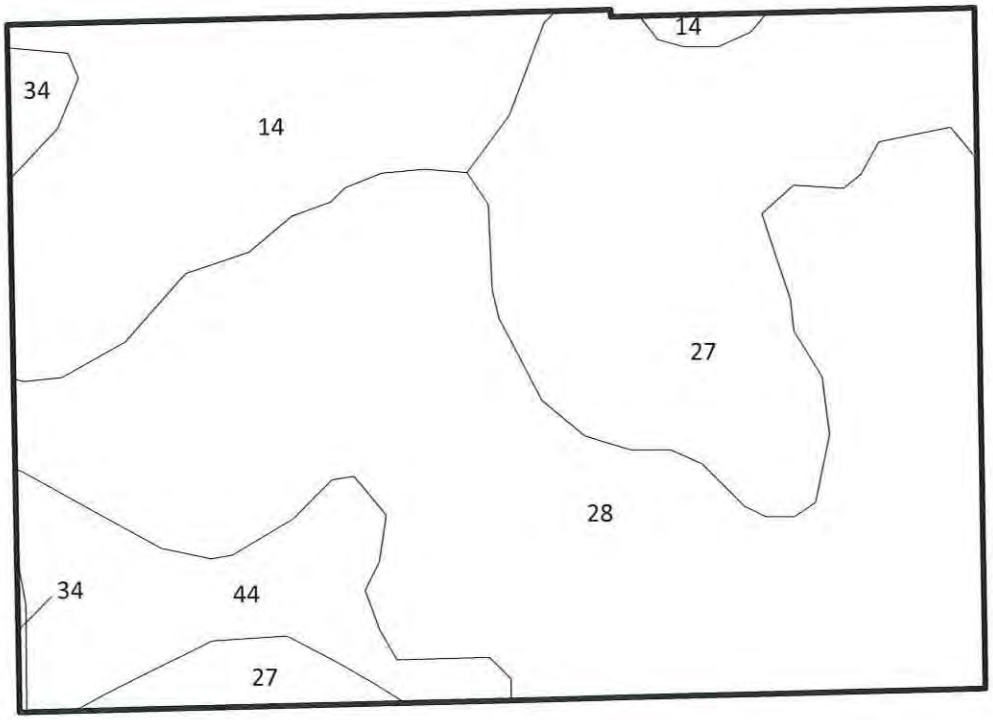
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EXHIBIT D

NRCS Soils Map

N

Scale: 1" = 200'



NRCS Soils Legend		
Soil No	Description	Status
14	Valkari Fine Sand	Hydric
27	Pompano Fine Sand, Frequently Ponded	Hydric
28	Immokalee Sand	Non-Hydric
34	Malabar Fine Sand	Hydric
44	Malabar Fine Sand, Depressional	Hydric

NOTES

Soils were acquired from LABINS and are from the NRCS.

Revisions	Date:	Drawn By:	Date:
		BWS	7/13/22
		Job Number	
		S/T/R	
		21/45S/25E	

Daniel's Falls - Encore MFR

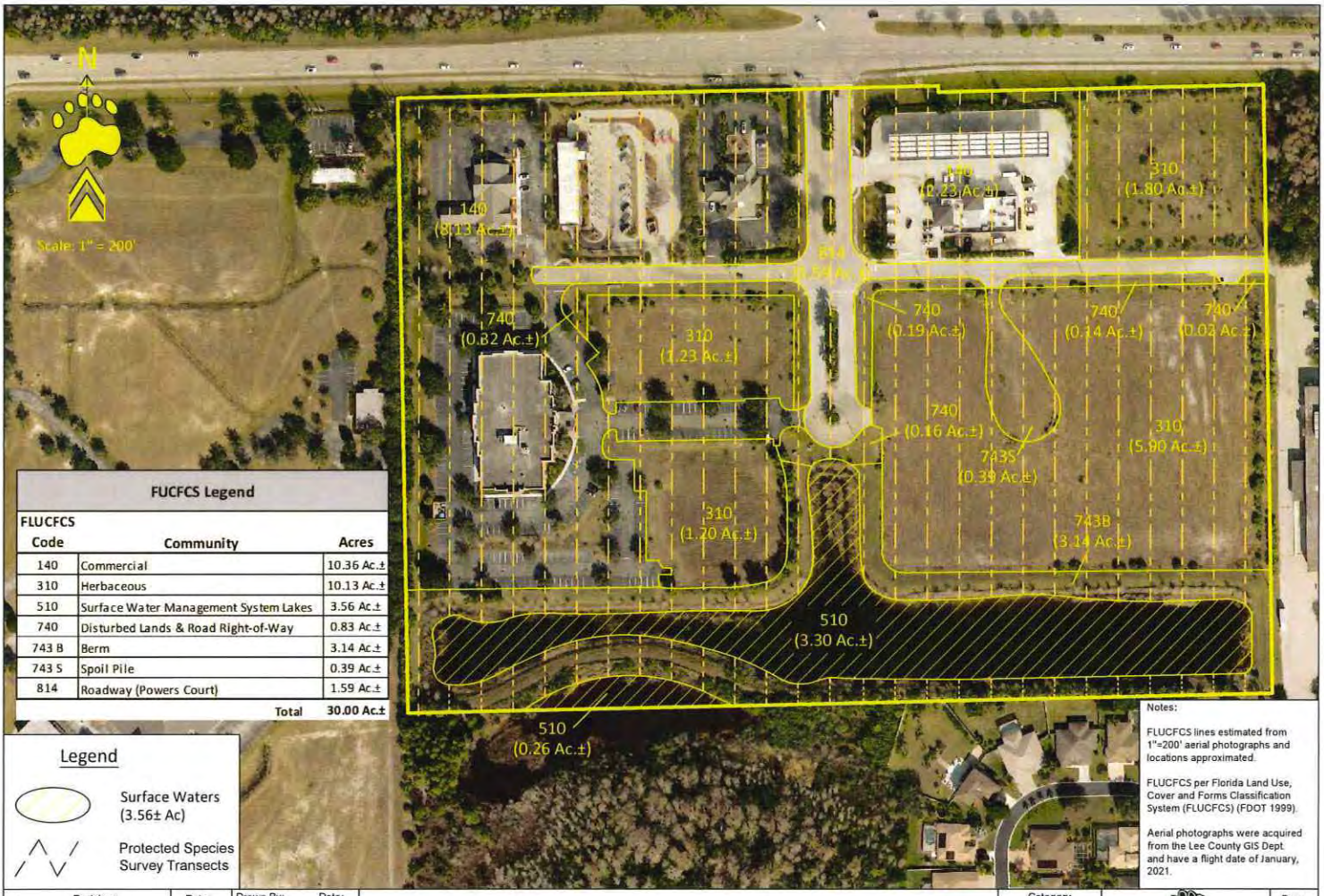
Soils Map

Category	Page
Soils	-
Scale: 1" = 200'	Exhibit
County: Lee	-

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EXHIBIT E

Protected Species Survey Map



FUCFCS Legend		
FLUCFCS Code	Community	Acres
140	Commercial	10.36 Ac.±
310	Herbaceous	10.13 Ac.±
510	Surface Water Management System Lakes	3.56 Ac.±
740	Disturbed Lands & Road Right-of-Way	0.83 Ac.±
743 B	Berm	3.14 Ac.±
743 S	Spoil Pile	0.39 Ac.±
814	Roadway (Powers Court)	1.59 Ac.±
	Total	30.00 Ac.±

Legend

Surface Waters (3.56± 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, 2021.

Revisions	Date:

Drawn By: BWS Date: 7/13/22

Job Number

S/T/R 21/45S/25E

Daniel's Falls - Encore MFR

Aerial PSS Map

Category: PSS

Scale: 1" = 200'

County: Lee

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(239) 340-6678 bearpaws.eco.consulting@gmail.com

Page -

Exhibit -

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE
STANDARD GENERAL PERMIT NO. 36-05329-P
DATE ISSUED: April 18, 2006

Form #0941
08/95

PERMITTEE: TALAMH ASSOCIATES LLC
2100 ELECTRONICS LANE
FORT MYERS, FL 33912

PROJECT DESCRIPTION: This application is a request for a modification of an Environmental Resource Permit authorizing construction and operation of a surface water management system serving 29.0 acres of a commercial development known as Daniels Falls with discharge into the Six Mile Cypress slough via an offsite conveyance system.

PROJECT LOCATION: LEE COUNTY, SEC 21 TWP 45S RGE 25E

PERMIT DURATION: See Special Condition No:1. See attached Rule 40E-4.321, Florida Administrative Code.

This is to notify you of the District's agency action concerning Notice of Intent for Permit Application No. 050629-43, dated June 29, 2005. This action is taken pursuant to Rule 40E-1.603 and Chapter 40E-40 , Florida Administrative Code (F.A.C.).

Based on the information provided, District rules have been adhered to and an Environmental Resource General Permit is in effect for this project subject to:

1. Not receiving a filed request for a Chapter 120, Florida Statutes, administrative hearing.
2. the attached 19 General Conditions (See Pages : 2 - 4 of 6).
3. the attached 21 Special Conditions (See Pages : 5 - 6 of 6) and
4. the attached 3 Exhibit(s).

Should you object to these conditions, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. Please contact this office if you have any questions concerning this matter. If we do not hear from you in accordance with the "Notice of Rights," we will assume that you concur with the District's action.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a "Notice of Rights" has been mailed to the Permittee (and the persons listed in the attached distribution list) no later than 5:00 p.m. on this 18th day of April, 2006, in accordance with Section 120.60(3), Florida Statutes.

BY: Rhonda Haag
Rhonda Haag
Service Center Director
Lower West Coast Service Center

Certified mail number 7005 1160 0001 6704 2549

NOTICE OF RIGHTS

Section 120.569(1), Fla. Stat. (1999), requires that "each notice shall inform the recipient of any administrative hearing or judicial review that is available under this section, s. 120.57, or s. 120.68; shall indicate the procedure which must be followed to obtain the hearing or judicial review, and shall state the time limits which apply." Please note that this Notice of Rights is not intended to provide legal advice. Not all the legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

Petition for Administrative Proceedings

1. A person whose substantial interests are affected by the South Florida Water Management District's (SFWMD) action has the right to request an administrative hearing on that action. The affected person may request either a formal or an informal hearing, as set forth below. A point of entry into administrative proceedings is governed by Rules 28-106.111 and 40E-1.511, Fla. Admin. Code, (also published as an exception to the Uniform Rules of Procedure as Rule 40E-0.109), as set forth below. Petitions are deemed filed upon receipt of the original documents by the SFWMD Clerk.

a. Formal Administrative Hearing: If a genuine issue(s) of material fact is in dispute, the affected person seeking a formal hearing on a SFWMD decision which does or may determine their substantial interests shall file a petition for hearing pursuant to Sections 120.569 and 120.57(1), Fla. Stat. or for mediation pursuant to Section 120.573, Fla. Stat. within 21 days, except as provided in subsections c. and d. below, of either written notice through mail or posting or publication of notice that the SFWMD has or intends to take final agency action. Petitions must substantially comply with the requirements of Rule 28-106.201(2), Fla. Admin. Code, a copy of the which is attached to this Notice of Rights.

b. Informal Administrative Hearing: If there are no issues of material fact in dispute, the affected person seeking an informal hearing on a SFWMD decision which does or may determine their substantial interests shall file a petition for hearing pursuant to Sections 120.569 and 120.57(2), Fla. Stat. or for mediation pursuant to Section 120.573, Fla. Stat. within 21 days, except as provided in subsections c. and d. below, of either written notice through mail or posting or publication of notice that the SFWMD has or intends to take final agency action. Petitions must substantially comply with the requirements of Rule 28-106.301(2), Fla. Admin. Code, a copy of the which is attached to this Notice of Rights.

c. Administrative Complaint and Order: If a Respondent objects to a SFWMD Administrative Complaint and Order, pursuant to Section 373.119, Fla. Stat. (1997), the person named in the Administrative Complaint and Order may file a petition for a hearing no later than 14 days after the date such order is served. Petitions must substantially comply with the requirements of either subsection a. or b. above.

d. State Lands Environmental Resource Permit: Pursuant to Section 373.427, Fla. Stat., and Rule 40E-1.511(3), Fla. Admin. Code (also published as an exception to the Uniform Rules of Procedure as Rule 40E-0.109(2)(c)), a petition objecting to the SFWMD's agency action regarding consolidated applications for Environmental Resource Permits and Use of Sovereign Submerged Lands (SLERPs), must be filed within 14 days of the notice of consolidated intent to grant or deny the SLERP. Petitions must substantially comply with the requirements of either subsection a. or b. above.

e. Emergency Authorization and Order: A person whose substantial interests are affected by a SFWMD Emergency Authorization and Order, has a right to file a petition under Sections 120.569, 120.57(1), and 120.57(2), Fla. Stat., as provided in subsections a. and b. above. However, the person, or the agent of the person responsible for causing or contributing to the emergency conditions shall take whatever action necessary to cause immediate compliance with the terms of the Emergency Authorization and Order.

f. Order for Emergency Action: A person whose substantial interests are affected by a SFWMD Order for Emergency Action has a right to file a petition pursuant to Rules 28-107.005 and 40E-1.611, Fla. Admin. Code, copies of which are attached to this Notice of Rights, and Section 373.119(3), Fla. Stat., for a hearing on the Order. Any subsequent agency action or proposed agency action to initiate a formal revocation proceeding shall be separately noticed pursuant to section g. below.

g. Permit Suspension, Revocation, Annulment, and Withdrawal: If the SFWMD issues an administrative complaint to suspend, revoke, annul, or withdraw a permit, the permittee may request a hearing to be conducted in accordance with Sections 120.569 and 120.57, Fla. Stat., within 21 days of either written notice through mail or posting or publication of notice that the SFWMD has or intends to take final agency action. Petitions must substantially comply with the requirements of Rule 28-107.004(3), Fla. Admin. Code, a copy of the which is attached to this Notice of Rights.

2. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the SFWMD's final action may be different from the position taken by it previously. Persons whose substantial interests may be affected by

any such final decision of the SFWMD shall have, pursuant to Rule 40E-1.511(2), Fla. Admin. Code (also published as an exception to the Uniform Rules of Procedure as Rule 40E-0.109(2)(c)), an additional 21 days from the date of receipt of notice of said decision to request an administrative hearing. However, the scope of the administrative hearing shall be limited to the substantial deviation.

3. Pursuant to Rule 40E-1.511(4), Fla. Admin. Code, substantially affected persons entitled to a hearing pursuant to Section 120.57(1), Fla. Stat., may waive their right to such a hearing and request an informal hearing before the Governing Board pursuant to Section 120.57(2), Fla. Stat., which may be granted at the option of the Governing Board.

4. Pursuant to Rule 28-106.111(3), Fla. Admin. Code, persons may file with the SFWMD a request for extension of time for filing a petition. The SFWMD, for good cause shown, may grant the extension. The request for extension must contain a certificate that the petitioner has consulted with all other parties, if any, concerning the extension and that the SFWMD and all other parties agree to the extension.

CIRCUIT COURT

5. Pursuant to Section 373.617, Fla. Stat., any substantially affected person who claims that final agency action of the SFWMD relating to permit decisions constitutes an unconstitutional taking of property without just compensation may seek judicial review of the action in circuit court by filing a civil action in the circuit court in the judicial circuit in which the affected property is located within 90 days of the rendering of the SFWMD's final agency action.

6. Pursuant to Section 403.412, Fla. Stat., any citizen of Florida may bring an action for injunctive relief against the SFWMD to compel the SFWMD to enforce the laws of Chapter 373, Fla. Stat., and Title 40E, Fla. Admin. Code. The complaining party must file with the SFWMD Clerk a verified complaint setting forth the facts upon which the complaint is based and the manner in which the complaining party is affected. If the SFWMD does not take appropriate action on the complaint within 30 days of receipt, the complaining party may then file a civil suit for injunctive relief in the 15th Judicial Circuit in and for Palm Beach County or circuit court in the county where the cause of action allegedly occurred.

7. Pursuant to Section 373.433, Fla. Stat., a private citizen of Florida may file suit in circuit court to require the abatement of any stormwater management system, dam, impoundment, reservoir, appurtenant work or works that violate the provisions of Chapter 373, Fla. Stat.

DISTRICT COURT OF APPEAL

8. Pursuant to Section 120.68, Fla. Stat., a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the SFWMD Clerk within 30 days of rendering of the final SFWMD action.

LAND AND WATER ADJUDICATORY COMMISSION

9. A party to a "proceeding below" may seek review by the Land and Water Adjudicatory Commission (FLAWAC) of SFWMD's final agency action to determine if such action is consistent with the provisions and purposes of Chapter 373, Fla. Stat. Pursuant to Section 373.114, Fla. Stat., and Rules 42-2.013 and 42-2.0132, Fla. Admin. Code, a request for review of (a) an order or rule of the SFWMD must be filed with FLAWAC within 20 days after rendition of the order or adoption of the rule sought to be reviewed; (b) an order of the Department of Environmental Protection (DEP) requiring amendment or repeal of a SFWMD rule must be filed with FLAWAC within 30 days of rendition of the DEP's order, and (c) a SFWMD order entered pursuant to a formal administrative hearing under Section 120.57(1), Fla. Stat., must be filed no later than 20 days after rendition of the SFWMD's final order. Simultaneous with filing, a copy of the request for review must be served on the DEP Secretary, any person named in the SFWMD or DEP final order, and all parties to the proceeding below. A copy of Rule 42-2.013, Fla. Admin. Code is attached to this Notice of Rights.

PRIVATE PROPERTY RIGHTS PROTECTION ACT

10. A property owner who alleges a specific action of the SFWMD has inordinately burdened an existing use of the real property, or a vested right to a specific use of the real property, may file a claim in the circuit court where the real property is located within 1 year of the SFWMD action pursuant to the procedures set forth in Subsection 70.001(4)(a), Fla. Stat.

LAND USE AND ENVIRONMENTAL DISPUTE RESOLUTION

11. A property owner who alleges that a SFWMD development order (as that term is defined in Section 70.51(2)(a), Fla. Stat. to include permits) or SFWMD enforcement action is unreasonable, or unfairly burdens the use of the real property, may file a request for relief with the SFWMD within 30 days of receipt of the SFWMD's order or notice of agency action pursuant to the procedures set forth in Subsections 70.51(4) and (6), Fla. Stat.

MEDIATION

12. A person whose substantial interests are, or may be, affected by the SFWMD's action may choose mediation as an alternative remedy under Section 120.573, Fla. Stat. Pursuant to Rule 28-106.111(2), Fla. Admin. Code, the petition for mediation shall be filed within 21 days of either written notice through mail or posting or

publication of notice that the SFWMD has or intends to take final agency action. Choosing mediation will not affect the right to an administrative hearing if mediation does not result in settlement.

Pursuant to Rule 28-106.402, Fla. Admin. Code, the contents of the petition for mediation shall contain the following information:

(1) the name, address, and telephone number of the person requesting mediation and that person's representative, if any;

(2) a statement of the preliminary agency action;

(3) an explanation of how the person's substantial interests will be affected by the agency determination; and

(4) a statement of relief sought.

As provided in Section 120.573, Fla. Stat. (1997), the timely agreement of all the parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57, Fla. Stat., for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within 60 days of the execution of the agreement. If mediation results in settlement of the dispute, the SFWMD must enter a final order incorporating the agreement of the parties. Persons whose substantial interest will be affected by such a modified agency decision have a right to petition for hearing within 21 days of receipt of the final order in accordance with the requirements of Sections 120.569 and 120.57, Fla. Stat., and SFWMD Rule 28-106.201(2), Fla. Admin. Code. If mediation terminates without settlement of the dispute, the SFWMD shall notify all parties in writing that the administrative hearing process under Sections 120.569 and 120.57, Fla. Stat., remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action.

VARIANCES AND WAIVERS

13. A person who is subject to regulation pursuant to a SFWMD rule and believes the application of that rule will create a substantial hardship or will violate principles of fairness (as those terms are defined in Subsection 120.542(2), Fla. Stat.) and can demonstrate that the purpose of the underlying statute will be or has been achieved by other means, may file a petition with the SFWMD Clerk requesting a variance from or waiver of the SFWMD rule. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have concerning the SFWMD's action. Pursuant to Rule 28-104.002(2), Fla. Admin. Code, the petition must include the following information:

(a) the caption shall read:

Petition for (Variance from) or (Waiver of) Rule (Citation)

(b) The name, address, telephone number and any facsimile number of the petitioner;

(c) The name, address telephone number and any facsimile number of the attorney or qualified representative of the petitioner, (if any);

(d) the applicable rule or portion of the rule;

(e) the citation to the statue the rule is implementing;

(f) the type of action requested;

(g) the specific facts that demonstrate a substantial hardship or violation of principals of fairness that would justify a waiver or variance for the petitioner;

(h) the reason why the variance or the waiver requested would serve the purposes of the underlying statute; and

(i) a statement of whether the variance or waiver is permanent or temporary. If the variance or waiver is temporary, the petition shall include the dates indicating the duration of the requested variance or waiver.

A person requesting an emergency variance from or waiver of a SFWMD rule must clearly so state in the caption of the petition. In addition to the requirements of Section 120.542(5), Fla. Stat. pursuant to Rule 28-104.004(2), Fla. Admin. Code, the petition must also include:

a) the specific facts that make the situation an emergency; and

b) the specific facts to show that the petitioner will suffer immediate adverse effect unless the variance or waiver is issued by the SFWMD more expeditiously than the applicable timeframes set forth in Section 120.542, Fla. Stat.

WAIVER OF RIGHTS

14. Failure to observe the relevant time frames prescribed above will constitute a waiver of such right.

28-106.201 INITIATION OF PROCEEDINGS
(INVOLVING DISPUTED ISSUES OF MATERIAL FACT)

(2) All petitions filed under these rules shall contain:

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding, and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and

(f) A demand for relief.

28-106.301 INITIATION OF PROCEEDINGS
(NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT)

(2) All petitions filed under these rules shall contain:

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding, and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and

(e) A demand for relief.

28-107.004 SUSPENSION, REVOCATION, ANNULMENT, OR WITHDRAWAL

(3) Requests for hearing filed in accordance with this rule shall include:

(a) The name and address of the party making the request, for purposes of service;

(b) A statement that the party is requesting a hearing involving disputed issues of material fact, or a hearing not involving disputed issues of material fact; and

(c) A reference to the notice, order to show cause, administrative complaint, or other communication that the party has received from the agency.

42-2.013 REQUEST FOR REVIEW PURSUANT TO SECTION 373.114 OR 373.217

(1) In any proceeding arising under Chapter 373, F.S., review by the Florida Land and Water Adjudicatory Commission may be initiated by the Department or a party by filing a request for such review with the Secretary of the Commission and serving a copy on any person named in the rule or order, and on all parties to the proceeding which resulted in the order sought to be reviewed. A certificate of service showing completion of service as required by this subsection shall be a requirement for a determination of sufficiency under Rule 42-2.0132. Failure to file the request with the Commission within the time period provided in Rule 42-2.0132 shall result in dismissal of the request for review.

(2) The request for review shall identify the rule or order requested to be reviewed, the proceeding in which the rule or order was entered and the nature of the rule or order. A copy of the rule or order sought to be reviewed shall be attached. The request for review shall state with particularity:

(a) How the order or rule conflicts with the requirements, provisions and purposes of Chapter 373, F.S., or rules duly adopted thereunder;

(b) How the rule or order sought to be reviewed affects the interests of the party seeking review;

(c) The oral or written statement, sworn or unsworn, which was submitted to the agency concerning the matter to be reviewed and the date and location of the statement, if the individual or entity requesting the review has not participated in a proceeding previously instituted pursuant to Chapter 120, F.S., on the order for which review is sought;

(d) If review of an order is being sought, whether and how the activity authorized by the order would substantially affect natural resources of statewide or regional significance, or whether the order raises issues of policy, statutory interpretation, or rule interpretation that have regional or statewide significance from a standpoint of agency precedent, and all the factual bases in the record which the petitioner claims support such determination(s); and

(e) The action requested to be taken by the Commission as a result of the review, whether to rescind or modify the order, or remand the proceeding to the water management district for further action, or to require the water management district to initiate rulemaking to adopt, amend or repeal a rule.

28-107.005 EMERGENCY ACTION

(1) If the agency finds that immediate serious danger to the public health, safety, or welfare requires emergency action, the agency shall summarily suspend, limit, or restrict a license.

(2) the 14-day notice requirement of Section 120.569(2)(b), F. S., does not apply and shall not be construed to prevent a hearing at the earliest time practicable upon request of an aggrieved party.

(3) Unless otherwise provided by law, within 20 days after emergency action taken pursuant to paragraph (1) of this rule, the agency shall initiate a formal suspension or revocation proceeding in compliance with Sections 120.569, 120.57, and 120.60, F.S.

40E-1.611 EMERGENCY ACTION

(1) An emergency exists when immediate action is necessary to protect public health, safety or welfare; the health of animals, fish or aquatic life; the works of the District; a public water supply, or recreational, commercial, industrial, agricultural or other reasonable uses of land and water resources.

(2) The Executive Director may employ the resources of the District to take whatever remedial action necessary to alleviate the emergency condition without the issuance of an emergency order, or in the event an emergency order has been issued, after the expiration of the requisite time for compliance with that order.

GENERAL CONDITIONS

1. All activities authorized by this permit shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit and Part IV, Chapter 373, F.S.

2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.

3. Activities approved by this permit shall be conducted in a manner which does not cause violations of State water quality standards. The permittee shall implement best management practices for erosion and pollution control to prevent violation of State water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. All practices shall be in accordance with the guidelines and specifications described in Chapter 6 of the Florida Land Development Manual; A Guide to Sound Land and Water Management (Department of Environmental Regulation, 1988), incorporated by reference in Rule 40E-4.091, F.A.C. unless a project-specific erosion and sediment control plan is approved as part of the permit. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.

4. The permittee shall notify the District of the anticipated construction start date within 30 days of the date that this permit is issued. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District an Environmental Resource Permit Construction Commencement Notice Form Number 0960 indicating the actual start date and the expected construction completion date.

5. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing an annual status report form. Status report forms shall be submitted the following June of each year.

6. Within 30 days after completion of construction of the permitted activity, the permitee shall submit a written statement of completion and certification by a professional engineer or other individual authorized by law, utilizing the supplied Environmental Resource/Surface Water Management Permit Construction Completion/Certification Form Number 0881A, or Environmental Resource/Surface Water Management Permit Construction Completion Certification - For Projects Permitted prior to October 3, 1995 Form No. 0881B, incorporated by reference in Rule 40E-1.659, F.A.C. The statement of completion and certification shall be based on onsite observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the District that the system is ready for inspection. Additionally, if deviation from the approved drawings are discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawings. All surveyed dimensions and elevations shall be certified by a registered surveyor.

7. The operation phase of this permit shall not become effective: until the permittee has complied with the requirements of condition (6) above, and submitted a request for conversion of Environmental Resource Permit from Construction Phase to Operation Phase, Form No. 0920; the District determines the system to be in compliance with the permitted plans and specifications; and the entity approved by the District in accordance with Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, accepts responsibility for operation and maintenance of the system. The permit shall not be transferred to such approved operation and

GENERAL CONDITIONS

maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall initiate transfer of the permit to the approved responsible operating entity if different from the permittee. Until the permit is transferred pursuant to Section 40E-1.6107, F.A.C., the permittee shall be liable for compliance with the terms of the permit.

8. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of the phase or portion of the system to a local government or other responsible entity.

9. For those systems that will be operated or maintained by an entity that will require an easement or deed restriction in order to enable that entity to operate or maintain the system in conformance with this permit, such easement or deed restriction must be recorded in the public records and submitted to the District along with any other final operation and maintenance documents required by Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit applications within the South Florida Water Management District, prior to lot or units sales or prior to the completion of the system, whichever comes first. Other documents concerning the establishment and authority of the operating entity must be filed with the Secretary of State, county or municipal entities. Final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local government entity. Failure to submit the appropriate final documents will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system and any other permit conditions.

10. Should any other regulatory agency require changes to the permitted system, the permittee shall notify the District in writing of the changes prior to implementation so that a determination can be made whether a permit modification is required.

11. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40E-4 or Chapter 40E-40, F.A.C..

12. The permittee is hereby advised that Section 253.77, F.S. states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the State, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.

13. The permittee must obtain a Water Use permit prior to construction dewatering, unless the work qualifies for a general permit pursuant to Subsection 40E-20.302(3), F.A.C., also known as the "No Notice" Rule.

14. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any system authorized by the permit.

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding, unless a specific condition of this permit or a formal determination under Section 373.421(2), F.S., provides otherwise.

16. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of

GENERAL CONDITIONS

ownership or control of a permitted system or the real property on which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rules 40E-1.6105 and 40E-1.6107, F.A.C.. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations prior to the sale, conveyance or other transfer of the system.

17. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.

18. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the appropriate District service center.

19. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

SPECIAL CONDITIONS

1. The construction phase of this permit shall expire on April 18, 2011.

2. If prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, the permitted project should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The permittee, or other designee, should contact the Florida Department of State, Division of Historical Resources, Review and Compliance Section at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Project activities should not resume without verbal and/or written authorization from the Division of Historical Resources. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, Florida Statutes.

3. Operation of the surface water management system shall be the responsibility of POWERS COURT CENTRE OWNERS ASSOCIATION INC. Within one year of permit issuance or concurrent with the engineering certification of construction completion, whichever comes first, the permittee shall submit a copy of the recorded deed restrictions (or declaration of condominium, if applicable), a copy of the filed articles of incorporation, and a copy of the certificate of incorporation for the association.

4. Discharge Facilities:

   1-9.25" W X 3" H RECTANGULAR ORIFICE with invert at elev. 17.6' NGVD.
   Receiving body : Six Mile Cypress slough via an offsite conveyance system
   Control elev : 17.6 feet NGVD. /17.6 FEET NGVD DRY SEASON.

5. The permittee shall be responsible for the correction of any erosion, shoaling or water quality problems that result from the construction or operation of the surface water management system.

6. Measures shall be taken during construction to insure that sedimentation and/or turbidity violations do not occur in the receiving water.

7. The District reserves the right to require that additional water quality treatment methods be incorporated into the drainage system if such measures are shown to be necessary.

8. Lake side slopes shall be no steeper than 4:1 (horizontal:vertical) to a depth of two feet below the control elevation. Side slopes shall be nurtured or planted from 2 feet below to 1 foot above control elevation to insure vegetative growth, unless shown on the plans.

9. Facilities other than those stated herein shall not be constructed without an approved modification of this permit.

10. A stable, permanent and accessible elevation reference shall be established on or within one hundred (100) feet of all permitted discharge structures no later than the submission of the certification report. The location of the elevation reference must be noted on or with the certification report.

11. The permittee shall provide routine maintenance of all of the components of the surface water management system in order to remove all trapped sediments/debris. All materials shall be properly disposed of as required by law. Failure to properly maintain the system may result in adverse flooding conditions.

12. This permit is issued based on the applicant's submitted information which reasonably demonstrates that adverse water resource related impacts will not be caused by the completed permit activity. Should any adverse impacts caused by the completed surface water management system occur, the District will require the permittee to provide appropriate mitigation to the District or other impacted party. The District will require the permittee to modify the surface water management system, if necessary, to eliminate the cause of the adverse impacts.

SPECIAL CONDITIONS

13. Minimum building floor elevation: 22.3' NGVD.

14. Minimum road crown elevation: 21.36' NGVD

15. Minimum parking lot elevation: 21.36' NGVD.

16. All commercial/industrial parcels shall provide a minimum dry pre-treatment volume of 1/2 inch of runoff prior to discharge into the master surface water management system.

17. All special conditions and exhibits previously stipulated by permit number 36-05329-P remain in effect unless otherwise revised and shall apply to this modification.

18. Plan sheets 2, 4 through 9, 15 through 18, 18A & 21, signed, sealed and dated by M. William Morris, Jr; P.E. on February 15, 2006 are incorporated by reference into this Environmental Resource Permit modification and will be retained in this permit file.

19. The Urban Stormwater Management Program (Exhibit Nos.3.0-4.5) shall be included as part of the (Homeowners documents/Articles of incorporation/Property Owners association documents) prior to being recorded. Prior to recording of the Home Association Documents the amended documents shall be submitted to the Enforcement and Compliance section at the Lower West Coast Service Center for approval.

20. The Permittee shall utilize the criteria contained in the Construction Pollution Prevention Plan (Exhibit Nos. 2.0-2.9) and on the applicable approved construction drawings for the duration of the projects construction activities and will be retained in this permit file.

21. The Permittee shall utilize the criteria contained in the Urban Stormwater Management Program (Exhibit Nos. 3.0-3.5) for post construction activities and will be retained in this permit file.

Last Date For Agency Action: 18-APR-2006

GENERAL ENVIRONMENTAL RESOURCE PERMIT STAFF REPORT

Project Name: Daniels Falls

Permit No.: 36-05329-P

Application No.: 050629-43 **Associated File:** 050805-24 WU
050812-5 WU

Application Type: Environmental Resource (General Permit Modification)

Location: Lee County, S21/T45S/R25E

Permittee : Talamh Associates Llc

Operating Entity : Powers Court Centre Owners Association Inc

Project Area: 29 acres

Project Land Use: Office Building
Commercial

Drainage Basin: ESTERO BAY **Sub Basin:** SIX MILE SLOUGH

Receiving Body: Six Mile Cypress slough via an offsite conveyance system **Class:** CLASS III

Special Drainage District: NA

Conservation Easement To District : No

Sovereign Submerged Lands: No

PROJECT PURPOSE:

This application is a request for a modification of an Environmental Resource Permit authorizing construction and operation of a surface water management system serving 29.0 acres of a commercial development known as Daniels Falls with discharge into the Six Mile Cypress slough via an offsite conveyance system.

PROJECT EVALUATION:

PROJECT SITE DESCRIPTION:

The site is located in the southwest corner of Daniels Parkway and Fiddlesticks Boulevard, adjacent to the existing Shops of Fiddlesticks development. Under application No. 040629-9, the existing 29.0 acre site had previously received approval to build a road, Cody lane to provide transportation network to this future development. The existing application deals with the overall 29.0 acre commercial development. The site contains an existing frontage road named Cody Lee Lane and Cody Lee Road, the two existing access roads for the shopping center. Florida Gulf Bank, an outparcel located on the north side of the project area, has been previously developed. A location map is attached as Exhibit 1.0.

The site consists of improved pasture. There are no wetlands or other surface waters located within the project boundaries. No adverse environmental conditions are anticipated as a result of project construction.

PROPOSED PROJECT:

The proposed project consists of 29.0 acres of a commercial development containing 9 buildings/2.41 acres of commercial use, internal roadways, associated parking and a surface water management system. Stormwater runoff associated with the site sheetflows directly or through catch basins and culverts into two dry detention ponds which in turn discharge to a wet detention lake before discharging offsite. A combined dry and wet detention volume of 15.77 ac-ft is provided to meet the water quality volume requirement, exceeding the required volume of 4.87 ac-ft; equivalent to 2.5" time the percentage of impervious cover over the 28.46 acres of the controlled basin area plus an additional 50 percent of the required water quality volume.

Five outparcels located on the north perimeter of the site is also included in the water quality calculations. The overall surface water management system provides the remainder of water quality and attenuations for these five outparcels 6.76 acre area. However, prior receiving construction approval, each of these five outparcels, limited to 63.5% of impervious cover, shall provide a minimum dry pre-treatment volume of 1/2 inch of runoff prior to discharge into the master surface water management system. Please see special Condition #16.

The project has been designed to provide attenuation under post development conditions. The anticipated post-development peak discharge during the 25 year, 3 day storm event is 1.63 cfs, which is less than the allowable discharge of 1.65 cfs as established by the Lee County Stormwater Master Plan.

LAND USE:

The area reported under the category of "OTHER" represents 0.54 acre area of the lake that is owned by applicant and 6.76 acre area of five outparcels located on the north perimeter of the site that will will be developed at a future phase.

Construction:
Project:

	This Phase	
Building Coverage	2.41	acres
Lake	3.93	acres
Other	7.30	acres
Pavement	9.30	acres

	This Phase	
Pervious	6.06	acres
Total:	**29.00**	

WATER QUANTITY :

Discharge Rate :

The project has been designed to provide attenuation under post development conditions. The anticipated post-development peak discharge during the 25 year, 3 day storm event is 1.63 cfs, which is less than the allowable discharge of 1.65 cfs as established by the Lee County Stormwater Master Plan.

Control Elevation :

Basin	Area (Acres)	Ctrl Elev (ft, NGVD)	WSWT Ctrl Elev (ft, NGVD)	Method Of Determination
Basin 1	28.46	17.6/17.6	17.60	Previously Permitted

Receiving Body :

Basin	Str.#	Receiving Body
Basin 1	CS-1	Six Mile Cypress slough via an offsite conveyance system

Water Quality Structures: Note: The units for all the elevation values of structures are (ft, NGVD)

Bleeders:

Basin	Str#	Count	Type	Width	Height	Length	Dia.	Invert Angle	Invert Elev.
Basin 1	CS-1	1	Rectangular Orifice	9.25"	3"				17.6

WATER QUALITY :

Two dry detention ponds and one wet detention lake provide a combined dry and wet detention volume of 15.77 ac-ft, exceeding the required volume of 4.87 ac-ft; equivalent to 2.5" time the percentage of impervious cover over the 28.46 acres of the controlled basin area plus an additional 50 percent of the required water quality volume.

No adverse water quality impacts are anticipated as a result of the proposed project.

Endangered Species:

The project site does not contain preferred habitat for wetland-dependent endangered or threatened wildlife species or species of special concern. No wetland-dependent endangered/threatened species or species of special concern were observed onsite, and submitted information indicates that potential use of the site by such species is minimal. This permit does not relieve the applicant from complying with all applicable rules and any other agencies' requirements if, in the future, endangered/threatened species or species of special concern are discovered on the site.

CERTIFICATION AND MAINTENANCE OF THE WATER MANAGEMENT SYSTEM:

It is suggested that the permittee retain the services of a Professional Engineer registered in the State of Florida for periodic observation of construction of the surface water management (SWM) system. This will

facilitate the completion of construction completion certification Form #0881 which is required pursuant to Section 10 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, and Rule 40E-4361(2), Florida Administrative Code (F.A.C.).

Pursuant to Chapter 40E-4 F.A.C., this permit may not be converted from the construction phase to the operation phase until certification of the SWM system is submitted to and accepted by this District. Rule 40E-4.321(7) F.A.C. states that failure to complete construction of the SWM system and obtain operation phase approval from the District within the permit duration shall require a new permit authorization unless a permit extension is granted.

For SWM systems permitted with an operating entity who is different from the permittee, it should be noted that until the permit is transferred to the operating entity pursuant to Rule 40E-1.6107, F.A.C., the permittee is liable for compliance with the terms of this permit.

The permittee is advised that the efficiency of a SWM system will normally decrease over time unless the system is periodically maintained. A significant reduction in flow capacity can usually be attributed to partial blockages of the conveyance system. Once flow capacity is compromised, flooding of the project may result. Maintenance of the SWM system is required to protect the public health, safety and the natural resources of the state. Therefore, the permittee must have periodic inspections of the SWM system performed to ensure performance for flood protection and water quality purposes. If deficiencies are found, it is the responsibility of the permittee to correct these deficiencies in a timely manner.

RELATED CONCERNS:

Water Use Permit Status:

The applicant has indicated that a groundwater well will be used as a source for irrigation water for the project. Water Use application number 050805-24 for irrigation is being processed concurrently for this project.

The applicant has indicated that dewatering is required for construction of this project. Water Use application number 050805-24 for dewatering is being processed concurrently for this project.

This permit does not release the permittee from obtaining all necessary Water Use authorization(s) prior to the commencement of activities which will require such authorization, including construction dewatering and irrigation, unless the work qualifies for a No-Notice Short-Term Dewatering permit pursuant to Chapter 40E-20.302(3) or is exempt pursuant to Section 40E-2.051, FAC.

Historical/Archeological Resources:

The District has received correspondence from the Florida Department of State, Division of Historical Resources indicating that the agency has no objections to the issuance of this permit. However, if prehistoric or historic artifacts are encountered within the project site all subsurface disturbance within the immediate vicinity of artifact should cease and the Florida Department of State, Division of Historical Resources should be contacted. Please refer to Special Condition No.2.

DCA/CZM Consistency Review:

The District has not received a finding of inconsistency from the Florida Department of Environmental Protection or other commenting agencies regarding the provisions of the federal Coastal Zone Management Plan.

Enforcement:

There has been no enforcement activity associated with this application.

STAFF REVIEW:

DIVISION APPROVAL:

NATURAL RESOURCE MANAGEMENT:

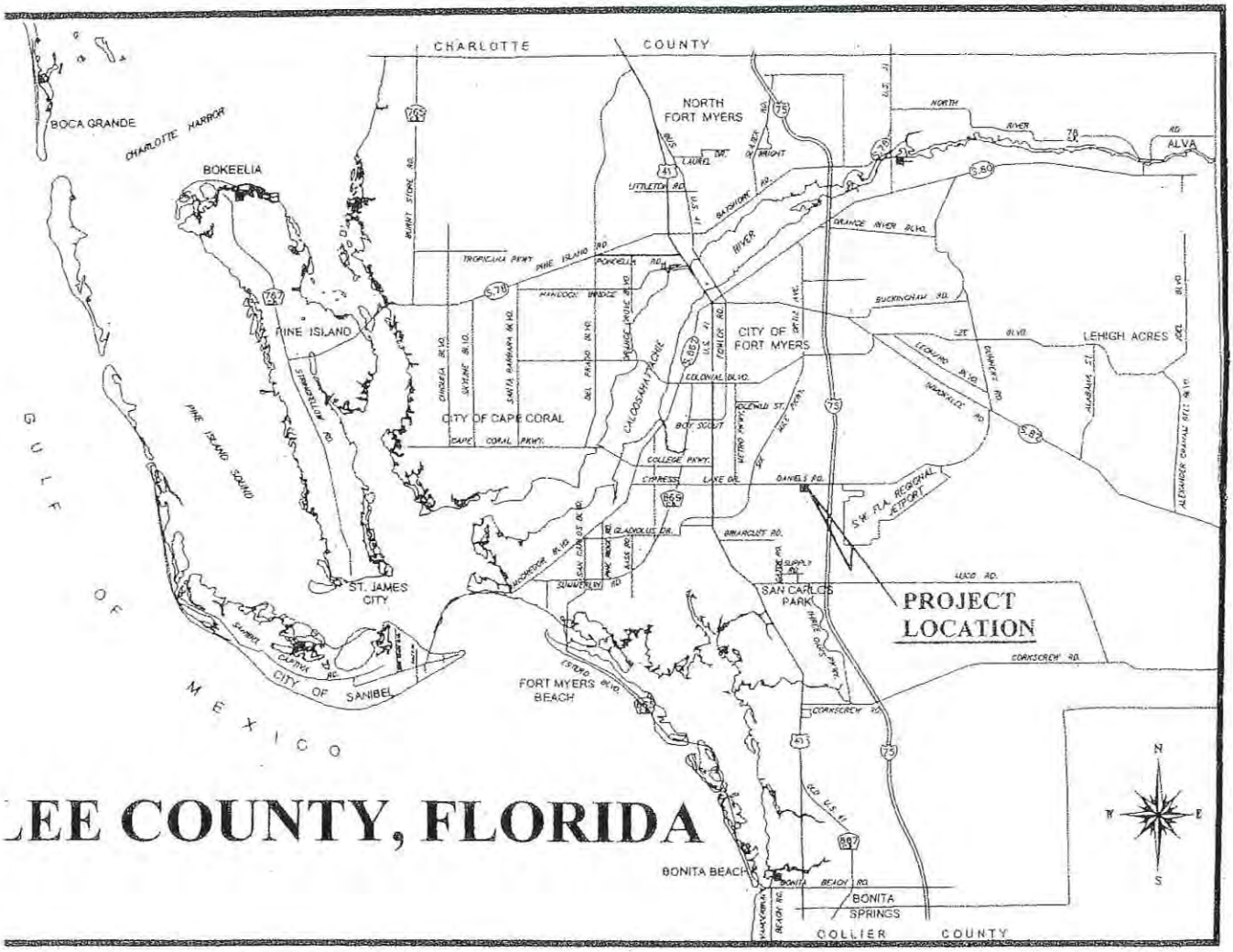
for Laura Layman
Edward Cronyn

DATE: 4/17/06

SURFACE WATER MANAGEMENT:

William Foley, P.E.

DATE: 4/18/06



LOCATION MAP

EXHIBIT 1.0

CONSTRUCTION POLLUTION PREVENTION PLAN
for
Daniels Falls

SITE DESCRIPTION

Project Name and Location: (Latitude, Longitude, or Address)	**Daniels Falls Daniels Parkway Fort Myers, Florida**	Owner Name and Address:	**Talamh Associates, LLC 2100 Electronics Lane Fort Myers, FL 33912**

Description: (Purpose and Types of Soil Disturbing Activities)

Construction in this project will generally consist of site clearing, lake excavation, and construction of roadways, parking lot, utility infrastructure, and building construction.

Soil disturbing activities will include: clearing and grubbing, installing a stabilized construction entrance, perimeter berming and other erosion and sediment controls; grading; excavation for the storm water management lake, storm sewer, utilities, and building foundations; construction of curb and gutter, road, and parking areas; and preparation for final planting, sodding, seeding and mulching.

Runoff Coefficient:	**0.73**
Site Area:	**26.0± acres**

Sequence of Major Activities:

The order of activities will be as follows:

1. Installation of stabilized construction entrance.
2. Partial clearing and grubbing.
3. Install perimeter berm(s) or silt fences with straw bale barrier(s) adjacent to wetland areas.
4. Continue clearing and grading.
5. Construction storm water management lakes
6. Stockpile excavated soil.
7. Stabilize denuded areas and stockpiles within 21 days of last construction activity in that area.
8. Install utilities, storm sewer, curb and gutter.
9. Complete grading, subgrade and base course construction.
10. Complete final paving.
11. Complete landscape grading and install permanent seeding and plantings.
12. When all construction activity is complete and the site is stabilized, remove temporary earth berms, straw bale barriers and filter fences and re-seed any areas disturbed by their removal.

Name of Receiving Waters:	**6 Mile Cypress Slough via offsite conveyance**

CONTROLS

Erosion and Sediment Controls

Stabilization Practices

Temporary Stabilization: Top soil stock piles and disturbed portions of the site where construction activity temporarily cease for at least 21 days will be stabilized with temporary seed and mulch no later than 14 days from the last construction activity in that area. The seed shall be Bahia, millet, rye, or other fast-growing grasses. Prior to seeding, fertilizer or agricultural limestone shall be applied to each area to be temporarily stabilized. After seeding, each area shall be mulched with the mulch disked into place. Areas of the site which will be paved will be temporarily stabilized by applying limerock subgrade until bituminous pavement can be applied.

Permanent Stabilization: Disturbed portions of the site, where construction activities permanently cease, shall be stabilized with sod, seed and mulch, landscaping, and/or other equivalent stabilization measures (e.g., rip-rap, geotextiles) no later than 14 days after the date of the last construction activity. The sod shall typically be Floratam or Bahia sod. Prior to seeding, fertilizer or agricultural limestone shall be applied to each area to be temporarily stabilized. After seeding, each area shall be mulched with the mulch disked into place.

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EXHIBIT 2.0

CONTROLS (Continued)

Structural Practices

Silt Fence / Straw Bale Barrier - will be constructed along those areas of the project that border adjacent wetlands. At a minimum, the silt fence and/or straw bale barrier will be placed along all wetland buffers and all Corps of Engineers jurisdictional wetland boundaries.

Straw Bale Drop Inlet Sediment Filter - will be placed around all constructed storm drain inlets immediately upon completion of construction and shall remain in-place until the contributing drainage area is stabilized. Alternatively, grate inlets can be covered with filter fabric material until stabilization.

Storm Water Management

The project will utilize a system of lakes to provide the required water quality treatment and attenuation. Discharges from the water management system will be regulated by a series of water control structures. These control structures will be used to maintain water levels in the detention facilities that will maintain or restore the hydroperiod in the wetlands and flowways. The water control structures will also be used to restrict the discharges from the project as described above. Dry pre-treatment will be provided for the golf course maintenance facilities and commercial parking lot runoff prior to discharge into the lake system.

Spreader swales will be used at appropriate locations to disperse flow and dissipate energy of runoff into wetlands. Spreader swales will also be used at appropriate locations to disperse flows discharged from the water management system into receiving flowways. Spreader swales will be heavily planted with native vegetation to help buffer the transition from the manmade lakes to the natural systems.

DISCHARGE RATES

[redacted]

OTHER CONTROLS

Waste disposal:

Waste Materials:

All waste materials will be collected and stored in a trash dumpster which will meet all local and State solid waste management regulations. All trash and construction debris from the site will be deposited in this dumpster. The dumpster will be emptied as required due to use and/or State and local regulations, with the trash disposed of at the appropriate landfill operation. No construction waste materials will be buried onsite. All personnel will be instructed regarding the correct procedure for waste disposal. Notices stating these practices will be posted in the construction office trailer.

Hazardous Waste:

All hazardous waste materials will be disposed of in the manner specified by local or State regulation or by the manufacturer. Site personnel will be instructed in these practices.

Sanitary Waste:

All sanitary waste will be collected from the portable units by a local, licensed, City of Fort Myers sanitary waste management contractor, as required by local regulation.

Offsite Vehicle Tracking:

A stabilized construction entrance has been provided to help reduce vehicle tracking of sediments. As they are completed, paved streets will be swept as needed to remove any excess muck, dirt, or rock tracked from the site. Dump trucks hauling material from the construction site will be covered with a tarpaulin.

TIMING OF CONTROLS/MEASURES

Installation of hay bail / silt fence barriers (around wetlands) and stabilized construction entrance will be constructed prior to extensive clearing or grading of any other portions of the site. Areas where construction activity temporarily ceases for more than 21 days will be stabilized with a temporary seed and mulch within 14 days of the last disturbance. Once construction activity ceases permanently in an area, that area will be stabilized with permanent sod, seed and mulch, landscaping, and/or other equivalent stabilization measures (e.g., rip-rap, geotextiles). After the entire site is stabilized, the silt fence / straw bale barriers can be removed.

CERTIFICATION OF COMPLIANCE WITH FEDERAL, STATE, AND LOCAL REGULATIONS

The storm water pollution prevention plan reflects the United States Environmental Protection Agency and the South Florida Water Management District (SFWWD) requirements for storm water management and erosion and sediment control, as established in the Chapter 40E-4 FAC and Chapter 373 FS.

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EXHIBIT 2.

MAINTENANCE/INSPECTION PROCEDURES

Erosion and Sediment Control Inspection and Maintenance Practices

These are the inspection and maintenance practices that will be used to maintain erosion and sediment controls.

- All control measures will be inspected at least once each week and following any storm event of 0.5 inches or greater.
- All measures will be maintained in good working order; if a repair is necessary, it shall be corrected as soon as possible, but in no case later than 7 days after the inspection.
- Built up sediment will be removed from silt fence when it has reached one-half the height of the fence.
- Silt fence will be inspected for depth of sediment, tears, to see if the fabric is securely attached to the fence posts, and to see that the fence posts are firmly in the ground.
- Temporary seeding and permanent sodding and planting will be inspected for bare spots, washouts, and healthy growth.
- A maintenance inspection report will be made after each inspection. A copy of the report form to be completed by the inspector is attached.
- The Owner will appoint one individual who will be responsible for inspections, maintenance and repair activities, and for completing the inspection and maintenance reports.
- Personnel selected for inspection and maintenance responsibilities will receive training from the site superintendent. They will be trained in all the inspection and maintenance practices necessary for keeping the erosion and sediment controls used onsite in good working order.

Non-Storm Water Discharge

It is expected that the following non-storm water discharges will occur from the site during the construction period:

- Water from water line flushings.
- Pavement wash waters (when no spills or leaks of toxic or hazardous materials have occurred).
- Uncontaminated groundwater (from dewatering excavation).
- All non-storm water discharges will be directed to the storm water management facilities prior to discharge.

INVENTORY FOR POLLUTION PREVENTION PLAN

The materials or substances listed below are expected to be present onsite during construction:

- Concrete
- Detergents
- Paints (enamel and latex)
- Metal Studs
- Asphalt
- Roofing Shingles
- Fertilizers
- Petroleum Based Products
- Cleaning Solvents
- Wood
- Masonry Block
- Clay or concrete bricks

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EXHIBIT 2.2

SPILL PREVENTION

Material Management Practices

The following are the materials management practices that will be used to reduce the risk of spills or other accidental exposure of materials and substances to storm water runoff.

Good Housekeeping:

The following good housekeeping practices will be followed onsite during the construction project:

- An effort will be made to store only enough product required to do the job.
- All materials stored onsite will be stored in a neat, orderly manner in their appropriate containers, and if possible, under a roof or other enclosure.
- Products will be kept in their original containers with the original manufacturer's label.
- Substances will not be mixed with one another unless recommended by the manufacturer.
- Whenever possible, all of a product will be used up before disposing of the container.
- Manufacturers' recommendations for proper use and disposal will be followed.
- The site superintendent will inspect to ensure proper use and disposal of materials onsite.

Hazardous Products:

These practices are used to reduce the risks associated with hazardous materials:

- Products will be kept in original containers unless they are not resealable.
- Original labels and material safety data will be retained; they contain important product information.
- If surplus product must be disposed of, manufacturers' or local and State recommended methods for proper disposal will be followed.

Product Specific Practices

The following produce specific practices will be followed onsite:

Petroleum Products:

All onsite vehicles will be monitored for leaks and receive regular preventive maintenance to reduce the chance of leakage. Petroleum products will be stored in tightly sealed containers which will be clearly labeled. Any asphalt substances used onsite will be applied in accordance with the manufacturer's recommendations and standard construction practices.

Fertilizers:

Fertilizers will be applied only in the minimum amounts recommended by the manufacturer. Once applied, fertilizer will be worked into the soil to limit exposure to storm water. Storage will be in a covered shed. The contents of any partially used bags of fertilizer will be transferred to a sealable plastic bin to avoid spills.

Paints:

All containers will be tightly sealed and stored when not required for use. Excess paint will not be discharged to the storm sewer system but will be properly disposed of according to manufacturers' instructions and/or state and local regulations.

EXHIBIT 2.3

SPILL PREVENTION (Continued)

Spill Control Practices

In addition to the good housekeeping and material management practices discussed in the previous sections of this plan, the following practices will be followed for spill prevention and cleanup.

- Manufacturers' recommended methods for spill cleanup will be clearly posted and site personnel will be made aware of the procedures and the location of the information and cleanup supplies.
- Materials and equipment necessary for spill cleanup will be kept in the material storage area onsite. Equipment and materials will include--but not be limited to--rags, gloves, goggles, kitty litter, sand, and plastic and metal trash containers specifically for this purpose.
- All spills will be cleaned up as soon as possible after discovery.
- The spill area will be kept well ventilated and personnel will wear appropriate protective clothing to prevent injury from contact with a hazardous substance.
- Spills of toxic or hazardous material will be reported to the appropriate state or local government agency, regardless of the size.
- The spill prevention plan will be adjusted to include measures to prevent this type of spill from reoccurring and how to clean up the spill if there is another one. A description of the spill, what caused it, and the cleanup measures will also be included.
- The Contractor's site superintendent will be responsible for the day-to-day site operations and will be the spill prevention and cleanup coordinator. He will designate at least two other site personnel who will receive spill prevention and cleanup training. These individuals will each become responsible for a particular phase of prevention and cleanup. The names of responsible spill personnel will be posted in the material storage area and in the office trailer onsite.

EXHIBIT Z.4

POLLUTION PREVENTION PLAN CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signed: _____

Print Name: **M. William Morris, Jr., PE**

Title: **Engineer of Record**

Date: _____

CONTRACTOR'S CERTIFICATION

I certify under penalty of law that I understand the terms and conditions of the general National Pollutant Discharge Elimination System (NPDES) permit that authorizes the storm water discharges associated with industrial activity from the construction site identified as part of this certification.

Signature	For	Responsible for
_____ Date: _____		
_____ Date: _____		
_____ Date: _____		
_____ Date: _____		

EXHIBIT 2.5

CONSTRUCTION POLLUTION PREVENTION PLAN
for

_____

Inspection And Maintenance Report Form

(To be completed every 7 days and within 24 hours of a rainfall event of 0.5 inches or more)

INSPECTOR: _____ DATE: _____

INSPECTOR'S QUALIFICATIONS:

_____

_____

Days since last rainfall: _____ Amount of last rainfall _____ inches

STABILIZATION MEASURES

Area	Date Since Last Disturbed	Date of Next Disturbance	Stabilized? (yes / no)	Stabilized With	Condition

Stabilized required:

_____

_____

To be performed by: _____ on or before: _____

EXHIBIT 2.6

CONSTRUCTION POLLUTION PREVENTION PLAN
for

_____

Inspection And Maintenance Report Form

Structural Controls

DATE: _____

SILT FENCE / STRAW BALE BARRIER

From	To	Is Silt Fence / Straw Bale Barrier in place?	Is there evidence of washout or over-topping?

Maintenance required for silt fence / straw bale barrier:

_____

_____

_____

To be performed by: _____ on or before: _____

EXHIBIT 2.7

CONSTRUCTION POLLUTION PREVENTION PLAN
for

_____

Inspection And Maintenance Report Form

Structural Controls

DATE: _____

EARTHEN PERIMETER BERM

From	To	Is berm stabilized ?	Is there evidence of washout or over-topping?

Maintenance required for perimeter berm:

_____

_____

To be performed by: _____ on or before: _____

EXHIBIT Z. 8

CONSTRUCTION POLLUTION PREVENTION PLAN
for

_____

Inspection And Maintenance Report Form

CHANGES REQUIRED TO THE POLLUTION PREVENTION PLAN:

_____

_____

_____

_____

_____

_____

_____

_____

REASONS FOR CHANGES:

_____

_____

_____

_____

_____

_____

_____

_____

_____

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

_____ _____

Signature Date

EXHIBIT 2.9

January 6, 2005

Daniels Falls

URBAN STORMWATER MANAGEMENT PROGRAM

1.0 Introduction

This document provides details of the Urban Stormwater Management Program for Daniels Falls in Lee County, Florida. This Plan discusses non-structural controls, intended to improve the quality of stormwater runoff by reducing the generation and accumulation of potential stormwater runoff contaminants at or near the respective sources for each constituent, along with significant structural components of the primary stormwater treatment system. Although many of the methodologies and procedures outlined in this document are general Best Management Practices (BMP's) which can be useful in attenuating pollutants in many types of urbanized settings, the implementation of these practices has been optimized, to the maximum extent possible, to reflect the unique character of the Daniels Falls and the surrounding hydrologic features.

Pollution prevention guidelines are provided for the areas of (1) nutrient and pesticide management; (2) street sweeping; (3) solid waste management; (4) operation and maintenance of the stormwater management and treatment system; (5) routine water quality testing; and (6) construction activities. A discussion of each of these activities is given in the following sections.

2.0 Nutrient and Pesticide Management

Nutrient and pesticide management consists of a series of practices designed to manage the use of fertilizers and pesticides so as to minimize loss of these compounds into stormwater runoff and the resulting water quality impacts on adjacent waterbodies. Implementation of a management plan will also maximize the effectiveness of the nutrients and pesticides that are applied.

The owner will commit to the practice of responsible and careful landscape design and maintenance of the lot to prevent contamination of surface waters. The guidelines included in this section are intended to help the owners make educated environmental choices regarding the maintenance of landscaping within the community. These maintenance and management guidelines are meant to promote an attractive neighborhood that preserves the health of adjacent waterways and environmental features.

2.1 General Requirements

Commercial applicators of chemical lawn products must provide a copy of their current occupational license, proof of business liability insurance, and proof of compliance with applicable education and licensing requirements. Individual employees working under the direction of a licensed commercial applicator are exempt from the educational requirements.

Only registered commercial applicators and individual lot owners are permitted to apply chemicals within the property on a private lot. All chemical products must be used in accordance with the manufacturer's recommendations. The application of any chemical product within five (5) feet of any surface water including but not limited to ponds, lakes, drainage ditches or canals, is prohibited. The use of any chemical product in a manner that will allow airborne or waterborne entry of such products into surface water is prohibited. This rule shall

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not apply to the use of chemical agents, by certified lake management specialists, for the control of algae and vegetation within the stormwater lakes or ponds.

2.2 Nutrient Management Program

Management and application of nutrients and fertilizers at Daniels Falls will adhere to the following guidelines:

A. All fertilizers shall be stored in a dry storage area protected from rainfall and ponding.
B. No fertilizer containing in excess of 2% phosphate/phosphorus (P_2O_5) per guaranteed analysis label (as defined by Chapter 576, Florida Statutes) shall be applied to turf grass unless justified by a soil test.
C. Fertilizer containing in excess of 2% phosphate/phosphorus (P_2O_5) per guaranteed analysis label shall not be applied within 5 feet of the edge of water or within 5 feet of a drainage facility.
D. All fertilizer shall be applied such that spreading of fertilizer on all impervious surfaces is minimized.
E. Liquid fertilizers containing in excess of 2% phosphate/phosphorus (P_2O_5) per guaranteed analysis label shall not be applied thorough an irrigation system within 10 feet of the edge of water or within 10 feet of a drainage facility.
F. Liquid fertilizers containing in excess of 2% phosphate/phosphorus (P_2O_5) per guaranteed analysis label shall not be applied through high or medium mist application or directed spray application within 10 feet of the edge of water or within 10 feet of a drainage facility.

2.3 Pest Management Program

Proper maintenance of plants and turf areas will minimize the ability of pests to successfully attack landscaping. Several general guidelines follow:

A. Apply fertilizer and water only when needed and in moderate amounts. Excessive amounts of either can cause rapid growth that is attractive to insects and disease.
B. Mow St. Augustine grass to a height of 3-4 inches. If cut shorter, the plants may become stressed and more vulnerable to pest infestation. Each mowing should remove no more than one-third of the leaf blade, and those cuttings should remain on the lawn to decompose.
C. It is recommended that pesticides, fungicides, and herbicides be used only in response to a specific problem and in the manner and amount recommended by the manufacturer to address the specific problem. Broad application of pesticides, fungicides and herbicides as a preventative measure is strongly discouraged.

The use of pesticides, fungicides, or herbicides is limited to products that meet the following criteria:

A. Must be consistent with the USDA-NRCS Soil Rating for Selecting Pesticides
B. Must have the minimum potential for leaching into groundwater or loss from runoff
C. Products must be EPA-approved
D. The half-life of products used shall not exceed seventy (70) days

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3.0 Street Sweeping

This practice involves sweeping and vacuuming the primary streets to remove dry weather accumulation of pollutants, especially particulate matter, before wash-off of these pollutants can occur during a storm event. This practice reduces the potential for pollution impacts on receiving waterbodies by removing particulate matter and associated chemical constituents. Although street cleaning operations are frequently conducted primarily for aesthetic purposes, the primary objective of the street sweeping program for Daniels Falls is to improve the quality of stormwater runoff generated from impervious traffic areas. Street sweeping activities can be particularly effective during periods of high leaf fall by removing solid leaf material and the associated nutrient loadings from roadside areas where they could easily become transported within stormwater flow.

Street sweeping operations may be performed at Daniels Falls at a minimum frequency of one event every dry season. A licensed vendor using a vacuum-type sweeping device will perform all street sweeping activities. Sweeping activities during each event will include all primary street surfaces. Disposal of the collected solid residual will be the responsibility of the street sweeping vendor.

4.0 Solid Waste Management

In general, solid waste management involves issues related to the management and handling of urban refuse, litter and leaves that will minimize the impact of these constituents as water pollutants.

Maintenance of adequate sanitary facilities for temporarily storing refuse on private premises prior to collection is considered the responsibility of the individual owner. Local requirements for refuse collection will be brought to the attention of the owner. Information will be distributed as necessary stating specifications for containers, separation of waste by type, where to place containers prior to collection, and established collection schedules.

Fallen tree leaves and other vegetation, along with grass clippings, may become direct water pollutants when they are allowed to accumulate in swales and street gutters.

5.0 Stormwater Management and Treatment System

The stormwater management system for Daniels Falls is designed to maximize the attenuation of stormwater generated pollutants prior to discharge to the off-site wetland systems. Operational details and maintenance requirements of the various system components are given in the following sections.

5.1 Wet Detention Lakes and Lake Interconnect Pipes

The basic element of the stormwater management system consists of a series of interconnected wet detention ponds that provide stormwater treatment through a variety of physical, biological,

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and chemical processes. A wet detention pond acts similar to a natural lake by temporarily detaining stormwater runoff, allowing opportunities for treatment processes to occur, prior to slow controlled discharge of the treated water through the outfall structure. Pollutant removal processes in wet detention systems occur during the quiescent period between storm events. Significant removal processes include gravity settling of particulate matter; biological uptake of nutrients and other ions by aquatic plants, algae and microorganisms; along with natural chemical flocculation and complexation processes.

Maintenance of the wet detention ponds will consist of an annual inspection. During each annual inspection, the following items will be reviewed and corrected as necessary:

A. Inspect the outfall structure and orifices to ensure free-flowing conditions and overall engineering stability of the outfall system.
B. Review the banks of the lakes and canals to ensure proper side slope stabilization and inspect for signs of excessive seepage that may indicate areas of excessive groundwater flow and possible subsurface channeling.
C. Physically evaluate each of the lakes and canals for evidence of excessive sediment accumulation or erosion.
D. Inspect the planted aquatic vegetation in the littoral zone to ensure that the desired vegetation species, percent coverage, and density are maintained.

At the completion of the inspections, a written inspection report will be prepared, listing any deficiencies that need to be addressed or corrected by Daniels Falls.

5.2 Stormwater Inlets, Pipes and Culverts

The grates should be unobstructed and the bottom, inside the inlet, should be clean. Check for any accumulation of sediment, trash such as garbage bags, or debris in the culverts connecting these inlets. Flushing out with a high-pressure hose may clean some sediment. Any noted blockage (due to a possible obstruction, or broken pipe, etc.) should prompt further investigation. Crushed or corroded culverts should be replaced with new ones of the same size.

5.3 Swales and Grassed Water Storage Areas

These provide for conveyance and/or above-ground (or surface) storage of stormwater. With age, these areas usually fill in with vegetation and sediment. Swales may need to be regraded and/or revegetated. It is a good idea to compare the existing slope and dimensions of the swale with the permitted design plans prior to the removal of excess sediment or regrading. Areas that show erosion should be stabilized with appropriate material such as sod, planting, rock, sand bags, or other synthetic geotextile material.

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Regular mowing of grass swales is essential. These areas also improve water quality by catching sediment and assimilating nutrients, and recharge the underground water table. Remove any undesirable exotic vegetation. Culverts underneath driveways should be checked for blockage, and, if necessary, flushed with a high-pressure hose. After a storm, swales may remain wet for an extended period of time. This is normal and the water will recede gradually.

5.4 Ditches or Canals

Fill material, yard waste, clippings and vegetation, sediment, trash, appliances, garbage bags, shopping carts, tires, cars, etc. should be completely removed. Also check to make sure there are no dead trees or any type of obstructions which could block the drainage flow way.

Maintenance cleaning/excavation must be limited to the same depth, width and side slope as approved in the current permit. Making a ditch deeper or wider may trigger a need for a permit modification. Provisions must also be made to prevent any downstream silting or turbidity *(Contact the SFWMD Resource Compliance staff if you are unsure or need clarification.)* Be sure to dispose of all removed material properly so it won't affect any other water storage or conveyance system, environmental area, or another owner's property.

5.5 Outfall Structure (also called the Discharged Control Structure or Weir)

The outfall structure should be routinely inspected to determine if any obstructions are present or repairs are needed. Trash or vegetation impeding water flow through the structure should be removed. The structure should have a "baffle" or trash collector to prevent flow blockage and also hold back any floating oils from moving downstream. Elevations and dimensions should be verified annually with all current permit information. Periodic inspections should then be regularly conducted to make sure these structures maintain the proper water levels and the ability to discharge.

5.6 Earthen Embankments (Dikes and Berms)

Check for proper elevations, width and stabilization. Worn down berms - especially if used by all-terrain vehicles or equestrian traffic – and rainfall – created washouts should be immediately repaired, compacted and re-vegetated.

6.0 Water Quality Testing

To ensure proper operation of the overall treatment system, monitoring will be performed at one outfall (SW-1) from Daniels Falls if there is a flow over the weirs. According to the proposed Water Quality Monitoring Plan, monitoring may occur 3 times a year, once during the dry season (February/March) and twice during the wet season (August/September). A manual grab sample will be collected at the SW-1 outfall location and analyzed for various constituents and parameters as described in the Surface Water Quality Monitoring Plan. Trained and certified personnel will perform sample collection and laboratory analysis. The results of the laboratory

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analyses will be submitted to South Florida Water Management District as part of an annual water quality monitoring report by December 31 of each year.

7.0 Construction Activities

A Stormwater Pollution Prevention Plan (SWPPP) has been prepared for construction activities to minimize activities contamination that may be caused by erosion and sedimentation during the construction process. The plan includes provisions related to soil stabilization, structural erosion controls, waste collection disposal, offsite vehicle tracking, spill prevention and maintenance and inspection procedures. A copy of the SWPPP is attached hereto and made a part of hereof.

EXHIBIT 3.5

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BY: CV 1:28

STAFF REPORT DISTRIBUTION LIST

DANIELS FALLS

Application No: 050629-43

Permit No: 36-05329-P

INTERNAL DISTRIBUTION

- X Jewelene S. Harris - 2261
- X Pierre Fortunat - 2261
- X Edward Cronyn - 2261
- X William Foley, P.E. - 2261
- X ERC Engineering - 6861
- X ERC Environmental - 6861
- X Fort Myers Backup File - 6861
- X M. Soto-4240
- X Permit File

EXTERNAL DISTRIBUTION

- X Permittee - Talamh Associates Llc
- X Agent - Morris-Depew Associates Inc

GOVERNMENT AGENCIES

- X Div of Recreation and Park - District 4 - FDEP
- X FDEP
- X Florida Fish & Wildlife Conservation Commission - Imperiled Species Mgmt Section
- X Lee County - Development Services Director
- X Lee County Engineer

OTHER INTERESTED PARTIES

- X Audubon of Florida - Charles Lee
- X League of Women Voters of Lee County - Clara Anne Graham Elliott
- X S.W.F.R.P.C. Marisa Barmby
- X Water Management Institute - Michael N. Vanatta

STAFF REPORT DISTRIBUTION LIST

ADDRESSES

Morris-Depew Associates Inc
2216 Altamont Ave
Fort Myers FL 33901

Talamh Associates Llc
2100 Electronics Lane
Fort Myers FL 33912

Div of Recreation and Park - District 4 - FDEP
1843 South Tamiami Trail
Osprey FL 34229

FDEP
2295 Victoria Avenue
Fort Myers FL 33901

Florida Fish & Wildlife Conservation Commission - Imperiled Species Mgmt Section
620 South Meridian Street
Tallahassee FL 32399-6000

Lee County - Development Services Director
1500 Monroe Street
Ft Myers FL 33901

Lee County Engineer
P.O.Box 398
Fort Myers FL 33902-0398

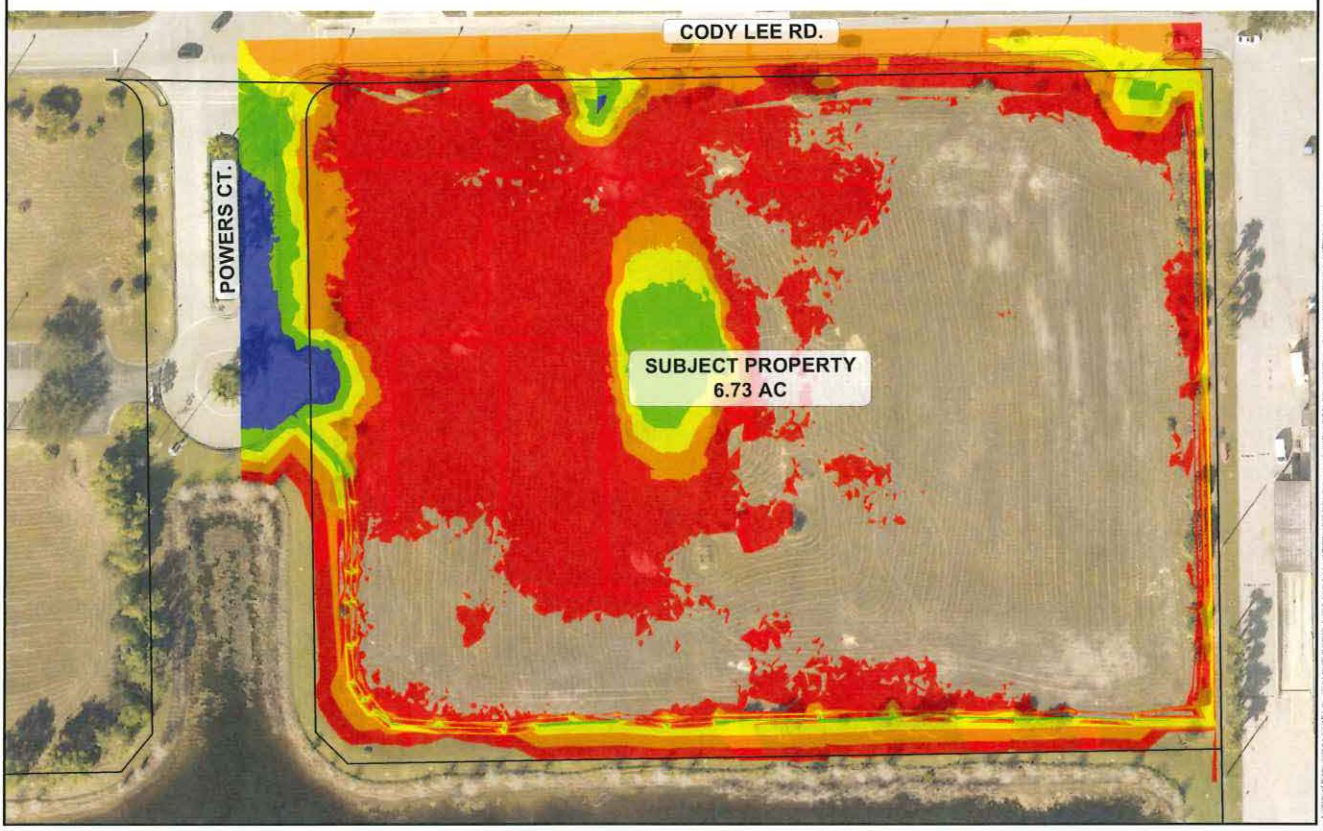
Audubon of Florida - Charles Lee
1101 Audubon Way
Maitland FL 32751

League of Women Voters of Lee County - Clara Anne Graham Elliott
25201 Divot Drive
Bonita Springs FL 333923

S.W.F.R.P.C. Marisa Barmby
1926 Victoria Avenue
Fort Myers FL 33901

Water Management Institute - Michael N. Vanatta
Po Box 6446
Vero Beach FL 32961

FILL HEIGHTS				
NUMBER	FILL HEIGHT RANGE (FT)	SURFACE RANGE COLOR	AREA (AC)	VOLUME (CY)
1	[illegible]		[illegible]	[illegible]
2	[illegible]		[illegible]	[illegible]
3	[illegible]		[illegible]	[illegible]
4	[illegible]		[illegible]	[illegible]
5	[illegible]		[illegible]	[illegible]



PROJECT

DANIELS FALLS
ENCORE
MULTI-FAMILY

LOCATION

13501 POWERS CT
FORT MYERS, FL 33912

CLIENT

ENCORE
MULTI-FAMILY, LLC

CONSULTANT

MORRIS DEPEW

PREPARED BY

REVISIONS	DATE
PROJECT MANAGER	WMM
DRAWING BY	DMV
JURISDICTION	LEE COUNTY
DATE	10/19/2022

SHEET TITLE

HISTORIC SITE FILL MAP

SHEET NUMBER

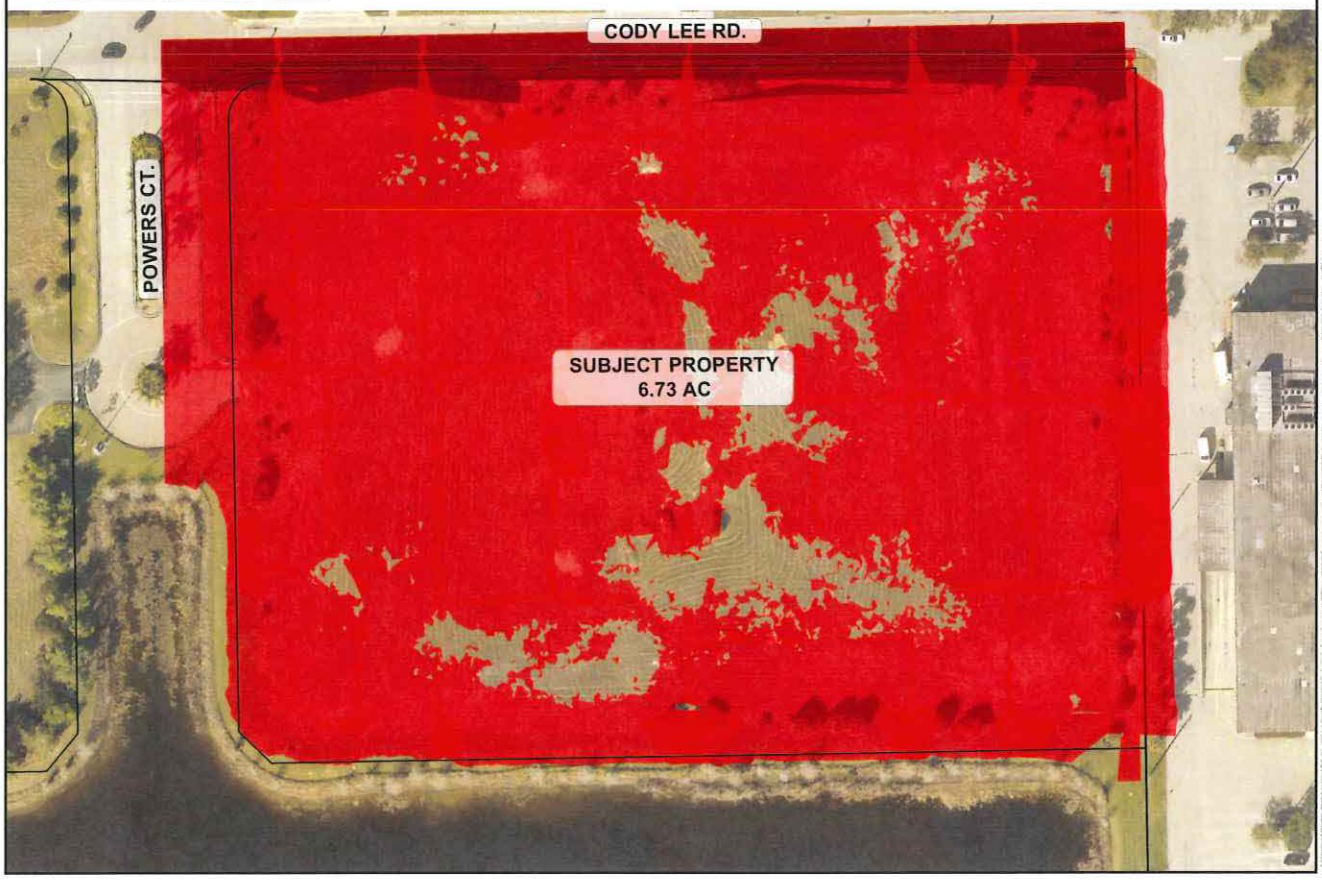
TM-1

30 0 15 30
SCALE 1"=30'

JOB/FILE NUMBER

21035

FILL HEIGHTS				
NUMBER	FILL HEIGHT RANGE (FT)	SURFACE RANGE COLOR	AREA (AC)	VOLUME (CY)
1	0.0 - 2.0		6.73	21,824



PROJECT
DANIELS FALLS ENCORE MULTI-FAMILY

LOCATION
13501 POWERS CT
FORT MYERS, FL 33912

CLIENT
ENCORE MULTI-FAMILY, LLC.

CONSULTANT
MORRIS DEPEW
ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS
FL CA NO. 9995 | FL LBPE NO. LB8657 | LANDSCAPE

Fort Myers
Tallahassee
Destin

PREPARED BY:

REVISIONS	DATE

PROJECT MANAGER	WWM
DRAWING BY	SMV
JURISDICTION	LEE COUNTY
DATE	10/28/2022

SHEET TITLE
EXISTING ELEVATIONS ABOVE CONTROL ELEVATION

SHEET NUMBER
EX-1

30 0 15 30
SCALE 1"=30'

JOB/FILE NUMBER
21035



PROJECT

DANIELS FALLS
ENCORE
MULTI-FAMILY

LOCATION

13501 POWERS CT.
FORT MYERS, FL 33912

CLIENT

ENCORE
MULTI-FAMILY, LLC.

CONSULTANT

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Fax: (239) 337 3994
Toll free: 866 337 7341

Tallahassee
113 South Monroe Street
1st Floor
Tallahassee, Florida 32301
Toll free: 866 337 7341

Destin
3297 Highway 98
Unit 201
Santa Rosa Beach, Florida 32459
Toll free: 866 337 7341

PREPARED BY

REVISIONS	DATE
PROJECT MANAGER	WMM
DRAWING BY	MML
JURISDICTION	LEE COUNTY
DATE	10/28/2022

SHEET TITLE

TOPO and 100-Yr
Flood Prone Areas

SHEET NUMBER

MX

100 0 50 100
SCALE 1"=100'

JOB/FILE NUMBER

21035

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PROJECT

DANIELS FALLS
ENCORE
MULTI-FAMILY

LOCATION

13501 POWERS CT.
FORT MYERS, FL 33912

CLIENT

ENCORE
MULTI-FAMILY, LLC.

CONSULTANT

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1st Floor
Tallahassee, Florida 32301
Toll free: 866 337 7341

Destin
3297 Highway 98
Unit 201
Santa Rosa Beach, Florida 32459
Toll free: 866 337 7341

PREPARED BY

REVISIONS	DATE
PROJECT MANAGER	WMM
DRAWING BY	MML
JURISDICTION	LEE COUNTY
DATE	10/28/2022

SHEET TITLE

FIRM MAP

SHEET NUMBER

MX

100 0 50 100
SCALE 1"=100'

JOB/FILE NUMBER

21035

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SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE PERMIT NO. 36-05329-P-02
DATE ISSUED:August 11, 2015

PERMITTEE: DEL LAGO VENTURES INC
3225 CUMBERLAND BLVD.
SUITE 100
ATLANTA, GA 30339

PROJECT DESCRIPTION: This Environmental Resource Permit Modification authorizes construction and operation of a stormwater management system serving 2.04 acres of commercial development for a project known as Racetrac at Powers Court.

PROJECT LOCATION: LEE COUNTY, SEC 21 TWP 45S RGE 25E

PERMIT DURATION: See Special Condition No:1.

This is to notify you of the District's agency action for Permit Application No. 150602-7, dated June 2, 2015. This action is taken pursuant to the provisions of Chapter 373, Part IV, Florida Statues (F.S).

Based on the information provided, District rules have been adhered to and an Environmental Resource Permit is in effect for this project subject to:

1. Not receiving a filed request for a Chapter 120, Florida Statutes, administrative hearing.
2. the attached 18 General Conditions (See Pages : 2 - 4 of 5),
3. the attached 7 Special Conditions (See Pages : 5 - 5 of 5) and
4. the attached 2 Exhibit(s)

Should you object to these conditions, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. Please contact this office if you have any questions concerning this matter. If we do not hear from you in accordance with the "Notice of Rights," we will assume that you concur with the District's action.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT this written notice has been mailed or electronically transmitted to the Permittee (and the persons listed in the attached distribution list) this 11th day of August, 2015, in accordance with Section 120.60(3), F.S. Notice was also electronically posted on this date through a link on the home page of the District's website (my.sfwmd.gov/ePermitting).

BY: _____
Melissa M. Roberts, P.E.
Regulatory Administrator
Lower West Coast Service Center

NOTICE OF RIGHTS

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

RIGHT TO REQUEST ADMINISTRATIVE HEARING

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

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

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

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

FILING INSTRUCTIONS

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

- Filings by mail must be addressed to the Office of the District Clerk, P.O. Box 24680, West Palm Beach, Florida 33416.

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

INITIATION OF AN ADMINISTRATIVE HEARING

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

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

MEDIATION

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

RIGHT TO SEEK JUDICIAL REVIEW

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

GENERAL CONDITIONS

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized shall subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S. (2012).

2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.

3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the "State of Florida Erosion and Sediment Control Designer and Reviewer Manual" (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the "Florida Stormwater Erosion and Sedimentation Control Inspector's Manual" (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.

4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice" indicating the expected start and completion dates. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.

5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.

6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
   a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex- "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit"[Form 62-330.310(3)]; or
   b. For all other activities- "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].
   c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.

7. If the final operation and maintenance entity is a third party:
   a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as- built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Applicant's Handbook Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
   b. Within 30 days of submittal of the as- built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.

8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that

GENERAL CONDITIONS

require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.

9. This permit does not:
a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
b. Convey to the permittee or create in the permittee any interest in real property;
c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.

10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.

11. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.

12. The permittee shall notify the Agency in writing:
a. Immediately if any previously submitted information is discovered to be inaccurate; and
b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.

13. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.

14. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.

16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other

GENERAL CONDITIONS

uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.

17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.

18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with Rule 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

SPECIAL CONDITIONS

1. The construction phase of this permit shall expire on August 11, 2020.

2. Operation of the master stormwater management system shall be the responsibility of Powerscourt Centre Owners Association, Inc. Operation and maintenance of the secondary storm water management system specific to the site shall be the responsibility of the permittee.

3. Discharge Facilities:

   1-3" dia. CIRCULAR ORIFICE with invert at elev. 16.4' NAVD 88.
   1-3' W X 4.5' L drop inlet with crest at elev. ' NAVD 88.

   Receiving body : Master Stormwater Management System
   Control elev : 16.4 feet NAVD 88.

4. A stable, permanent and accessible elevation reference shall be established on or within one hundred (100) feet of all permitted discharge structures no later than the submission of the certification report. The location of the elevation reference must be noted on or with the certification report.

5. The following are exhibits to this permit. Exhibits noted as incorporated by reference are available on the District's ePermitting website (http://my.sfwmd.gov/ePermitting) under this application number.
   Exhibit No. 1.0 Location Map
   Exhibit No. 2.0 Plans
   Exhibit No. 2.1 Construction Pollution Prevention Plan
   Exhibit No. 2.2 Urban Stormwater Management Program

6. Per Rule 62-330.060 (3) F.A.C., prior to the commencement of construction, the permittee shall provide a recorded deed to the compliance staff in the Lower West Coast Service Center to demonstrate the permittee's ownership of the project site.

7. The exhibits and special conditions in this permit apply only to this application. They do not supersede or delete any requirements for other applications covered in Permit No. 36-05329-P unless otherwise specified herein.

Last Date For Agency Action: September 6, 2015

INDIVIDUAL ENVIRONMENTAL RESOURCE PERMIT STAFF REPORT

Project Name: Racetrac At Powers Court

Permit No.: 36-05329-P-02

Application No.: 150602-7 **Associated File:** 150709-6 WU Concurrent

Application Type: Environmental Resource (Construction/Operation Modification)

Location: Lee County, S21/T45S/R25E

Permittee : Del Lago Ventures Inc

Operating Entity : Racetrac (Secondary)
Powerscourt Centre Owners (Primary)

Project Area: 2.04 acres

Permit Area: 2.04 acres

Project Land Use: Commercial

Drainage Basin: ESTERO BAY **Sub Basin:** Six Mile Slough

Receiving Body: Existing Master Stormwater Management System **Class:** CLASS III

Special Drainage District: NA

Conservation Easement To District : No
Sovereign Submerged Lands: No

PROJECT SUMMARY:

This Environmental Resource Permit Modification authorizes construction and operation of a stormwater management system serving 2.04 acres of commercial development for a project known as Racetrac at Powers Court.

This modification authorizes the construction of a gas station and a convenience store on Lot 3 and a portion of Lot 4 within a previously approved Permit (36-05329-P). In addition, this modification includes the revision (re-plat) for the boundary lines of Lot 4. The construction includes a 5,928 s.f. building, 18 fuel pumps, underground storage tanks, parking, associated infrastructure, and stormwater management area. Stormwater management plans and details are attached as Exhibit 2.0.

Issuance of this permit constitutes certification of compliance with state water quality standards in accordance with Rule 62-330.062, Florida Administrative Code (F.A.C).

PROJECT EVALUATION:

PROJECT SITE DESCRIPTION:

The site, Lot 3 and portion of Lot 4, is located west of Fiddlesticks Boulevard on the southeast corner of Powers Court and Daniels Parkway within the Powerscourt Centre FKA Daniels Falls in Lee County, Florida. A location map is attached as Exhibit 1.0.

There are no permitted water management facilities within the project area. The project area has been previously cleared. There are no wetlands or other surface waters located within the project area or affected by this project.

BACKGROUND:

The stormwater management system serving the 29-acre commercial development known as Powerscourt Centre FKA Daniels Falls was originally permitted on April 18, 2006 under Permit No. 36-05329-P, Application No. 050629-43. The original development included construction approval for 9 commercial buildings, 5 commercial tracts (outparcels), internal roads, associated infrastructure, and the stormwater management system.

Each outparcel is required to provide one-half inch of water quality treatment prior to discharging to the master stormwater management system and is limited to 63.5% of impervious cover. However, during the review of the subject application, it was noted that the maximum impervious cover of 63.5% was entered in the permit and staff report by error. The correct maximum impervious cover for all outparcels, for which the master stormwater management system and commercial tracts were designed is 85%. The stormwater management system (lake system and total onsite detention ponds) provide the required water quality, and attenuation for the development.

The current application proposes construction of a gas station and convenience store.

LAND USE:

Construction Project:

	This Phase	Total Project	
Building Coverage	.14	.14	acres
Dry Detention Areas	.08	.08	acres
Impervious	1.29	1.29	acres
Pervious	.53	.53	acres
Total:	**2.04**	**2.04**	

WATER QUANTITY :

Discharge Rate :

The project is consistent with the land use and site grading assumptions from the design of the master stormwater management system. Therefore, the stormwater management system has not been designed to limit discharge for the design event to a specified rate.

Control Elevation :

Basin	Area (Acres)	Ctrl Elev (ft, NAVD 88)	WSWT Ctrl Elev (ft, NAVD 88)	Method Of Determination
Site	2.04	16.4		Previously Permitted

Receiving Body :

Basin	Str.#	Receiving Body
Site	CS-1	Master Stormwater Management System

Water Quality Structures: Note: The units for all the elevation values of structures are (ft, NAVD 88)

Bleeders:

Basin	Str#	Count	Type	Width	Height	Length	Dia.	Invert Angle	Invert Elev.
Site	CS-1	1	Circular Orifice				3"		16.4

Inlets:

Basin	Str#	Count	Type	Width	Length	Dia.	Crest Elev.
Site	CS-1	1	Fdot Mod E Drop Inlet	3'	4.5'		

WATER QUALITY :

The project provides the required 0.09 acre-feet of dry pre-treatment volume over the basin area. The master storm water management system provides the required water quality treatment for the proposed project.

The project also includes implementation of an Urban Stormwater Management Program (Exhibit 2.2) and a Construction Pollution Prevention Plan (Exhibit 2.1) as additional reasonable assurance of compliance with water quality criteria during construction and operation.

Basin	Treatment Method		Vol Req.d (ac-ft)	Vol Prov'd
Site	Pre-Treatment	Dry Detention	.09	.09

CERTIFICATION, OPERATION, AND MAINTENANCE:

Pursuant to Chapter 62-330.310 Florida Administrative Code (F.A.C.), Individual Permits will not be converted from the construction phase to the operation phase until construction completion certification of the project is submitted to and accepted by the District. This includes compliance with all permit conditions, except for any long term maintenance and monitoring requirements. It is suggested that the permittee retain the services of an appropriate professional registered in the State of Florida for periodic observation of construction of the project.

For projects permitted with an operating entity that is different from the permittee, it should be noted that until the construction completion certification is accepted by the District and the permit is transferred to an acceptable operating entity pursuant to Sections 12.1-12.3 of the Applicant's Handbook Volume I and Section 62-330.310, F.A.C., the permittee is liable for operation and maintenance in compliance with the terms and conditions of this permit.

In accordance with Section 373.416(2), F.S., unless revoked or abandoned, all stormwater management

systems and works permitted under Part IV of Chapter 373, F.S., must be operated and maintained in perpetuity.

The efficiency of stormwater management systems, dams, impoundments, and most other project components will decrease over time without periodic maintenance. The operation and maintenance entity must perform periodic inspections to identify if there are any deficiencies in structural integrity, degradation due to insufficient maintenance, or improper operation of projects that may endanger public health, safety, or welfare, or the water resources. If deficiencies are found, the operation and maintenance entity will be responsible for correcting the deficiencies in a timely manner to prevent compromises to flood protection and water quality. See Section 12.4 of Applicant's Handbook Volume I for Minimum Operation and Maintenance Standards.

RELATED CONCERNS:

Water Use Permit Status:

The applicant has indicated that public water supply will be used as a source for irrigation water for the project.

The applicant has indicated that dewatering is required for construction of this project. Water Use Application No.150709-6/Permit No. 36-08423-W was issued on July 27, 2015.

This permit does not release the permittee from obtaining all necessary Water Use authorization(s) prior to the commencement of activities which will require such authorization, including construction dewatering and irrigation.

CERP:

The proposed project is not located within or adjacent to a Comprehensive Everglades Restoration Project component.

Potable Water Supplier:

Lee County Utilities

Waste Water System/Supplier:

Lee County Utilities

Right-Of-Way Permit Status:

A District Right-of-Way Permit is not required for this project.

Historical/Archeological Resources:

No information has been received that indicates the presence of archaeological or historical resources in the project area or indicating that the project will have any effect upon significant historic properties listed, or eligible for listing in the National Register of Historic Places. This permit does not release the permittee from compliance with any other agencies' requirements in the event that historical and/or archaeological resources are found on the site.

DEO/CZM Consistency Review:

The issuance of this permit constitutes a finding of consistency with the Florida Coastal Management Program.

Third Party Interest:

No third party has contacted the District with concerns about this application.

Enforcement:

There has been no enforcement activity associated with this application.

STAFF REVIEW:

DIVISION APPROVAL:

NATURAL RESOURCE MANAGEMENT:

Laura Layman

Laura Layman

DATE: 8/11/15

SURFACE WATER MANAGEMENT:

Brad Cook for

Melissa M. Roberts, P.E.

DATE: August 11, 2015



Exhibit No: 1	Exhibit Created On: 2015-07-20	LEE COUNTY, FL

REGULATION DIVISION

Project Name: RACETRAC AT POWERS COURT

sfwmd.gov

0 625 1,250 Feet

N

Application

Permit No: 36-05329-P-02

Application Number: 150602-7

IT GEOSPATIAL SERVICES

South Florida Water Management District

RaceTrac

POWERS COURT

(EPN #1157 - STORE #XXXX)
(8971, 8981 CODY LEE RD., FORT MYERS, FL 33905)

DEVELOPMENT ORDER PLANS

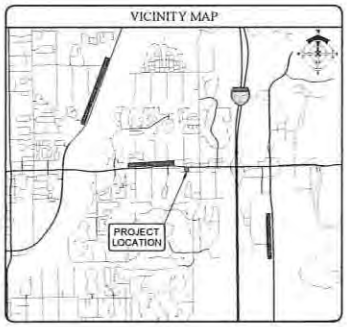
PART OF SECTION 21, TOWNSHIP 45 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

PROJECT INFORMATION	
ZONING	CPD (RESOLUTION Z-96-047)
PARCEL ID	21-45-25-18-00000.0030
	21-45-25-18-00000.0040
ERP	PERMIT #36-05329-P

CONSULTANTS		
ENGINEER	LANDSCAPE ARCHITECT	SURVEY

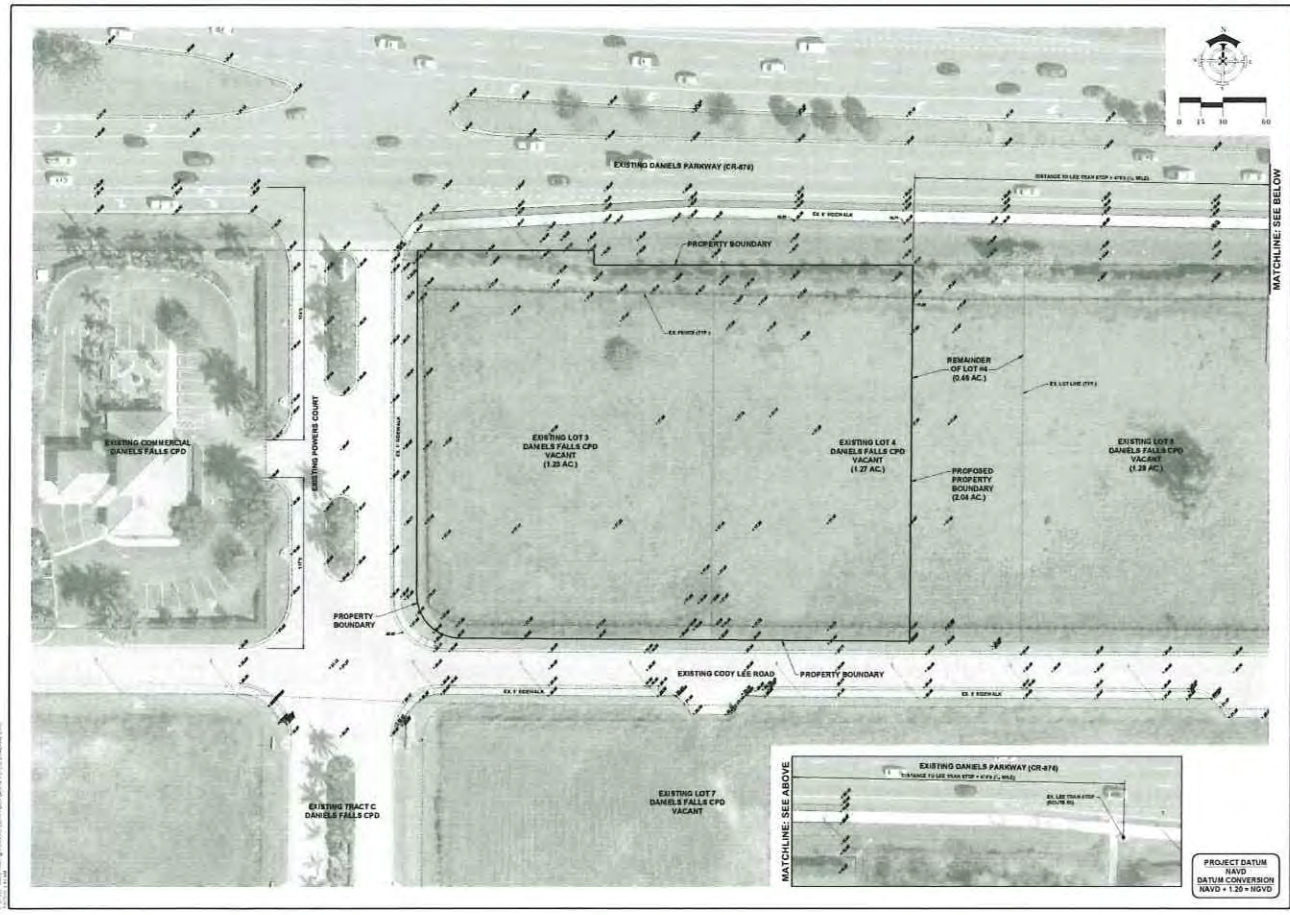
UTILITY PROVIDERS		
WATER & SEWER	ELECTRIC	TELEPHONE
CABLE	GAS	FIRE DISTRICT

VICINITY MAP



SHEET INDEX

NO.	DESCRIPTION



DeLisi Fitzgerald, Inc.
Planning - Engineering - Project Management
1500 Monroe Street
Fort Myers, FL 33901
239.418.0691 • 239.418.0692 fax

ENGINEER OF RECORD:
JOHN A. DELISI, P.E. NO. 70946
FLORIDA'S NO. 9037

ORIGINAL SUBMITTED:
RACETRAC PETROLEUM, INC.
Suite 600
3225 Cumberland Blvd
Atlanta, GA 30339
PROJECT:

RaceTrac

POWERS COURT
(EPN #1157 - STORE #XXXX)

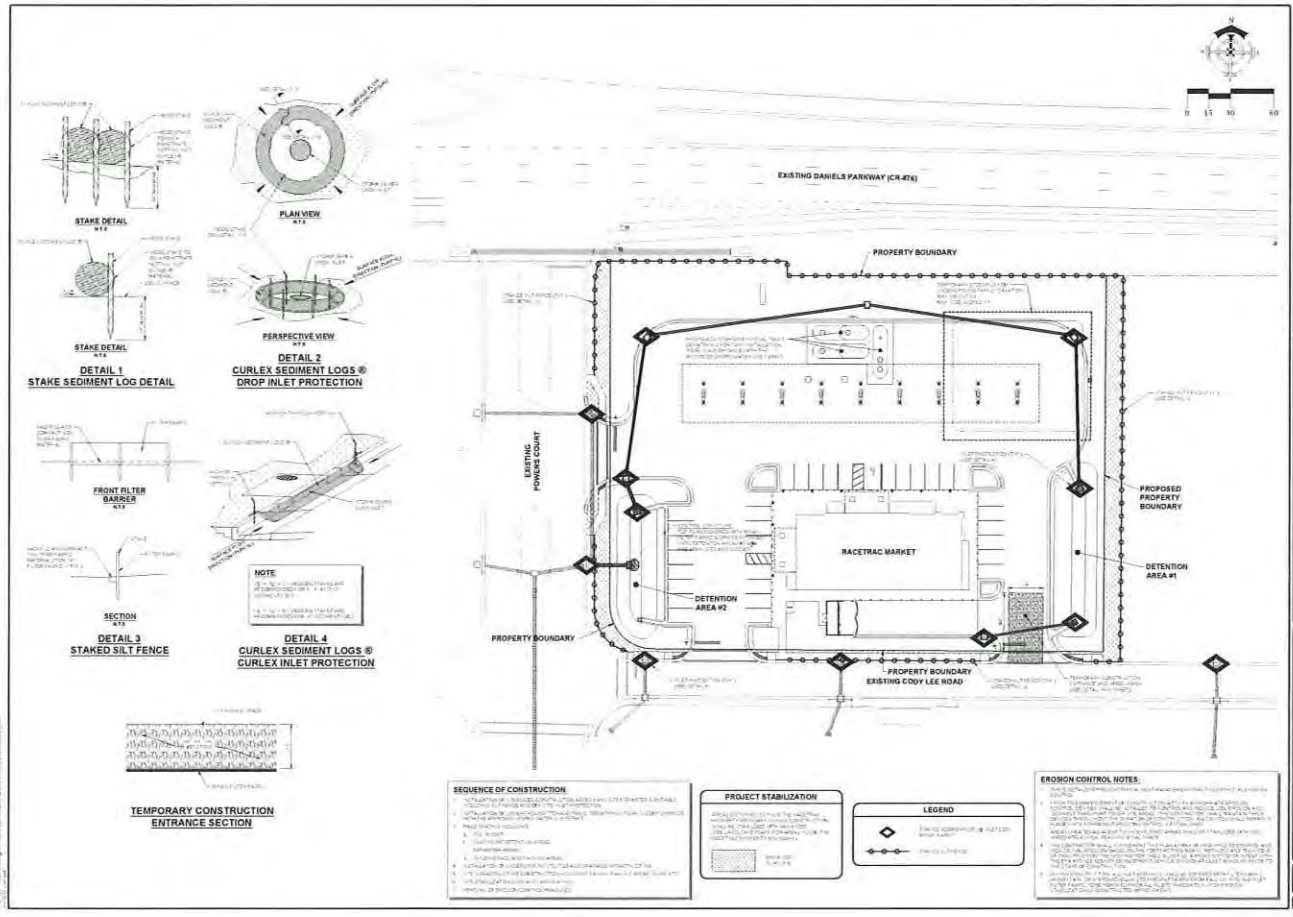
#	DATE	REVISION DESCRIPTION

AERIAL PHOTOGRAPH & EXISTING CONDITIONS PLAN

Drawn By:	AJ
Checked By:	AD
Date Issued:	2/17/15
Job Number:	21
File Name:	XX-X-1.dwg
Last Saved:	02/17/15

Note:
FOR PERMITTING PURPOSES ONLY
NOT FOR CONSTRUCTION

Sheet Number 3



DeLisi Fitzgerald, Inc.
Planning - Engineering - Project Management
1605 Hendry Street
Fort Myers, FL 33901
239-418-0691 - 239-418-0692 fax

ENGINEER OF RECORD
JAMES A. DeLISI, P.E. No. 57946
FLORIDA'S No. 19057

PROJECT DEVELOPER
RACETRAC PETROLEUM, INC.

RaceTrac

POWERS COURT
(EPN #1157 - STORE #XXXX)

EROSION CONTROL PLAN

Notice
FOR PERMITTING PURPOSES ONLY
NOT FOR CONSTRUCTION

Sheet Number 5

Exhibit 2.0
Application 150602-7
Page 3 of 9

GENERAL DEVELOPMENT NOTES:

SIGNING AND MARKING NOTES:

SOLID WASTE DISPOSAL REQUIREMENTS:

ENTITLEMENT INVENTORY TABLE

USE	MAX. INTENSITY PER ZONING	CONFIGURED	CONFIGURED PER PLAN
COMMERCIAL	1 PER 1,000	5,928 SF	1 PER 2,371 SF
TOTAL			

SITE DESIGN STANDARDS

CRITERIA	REQUIRED	PROVIDED
FRONT SETBACK	10	10.0
SIDE (INTERIOR) SETBACK	10	10.0
SIDE (STREET) SETBACK	25	49.6
REAR SETBACK	25	49.6
MAXIMUM BUILDING HEIGHT	50	35

LANDSCAPE BUFFER REQUIREMENTS

LANDSCAPE BUFFER	WIDTH
NORTH	10'
WEST	10'
EAST	5'
SOUTH	10'

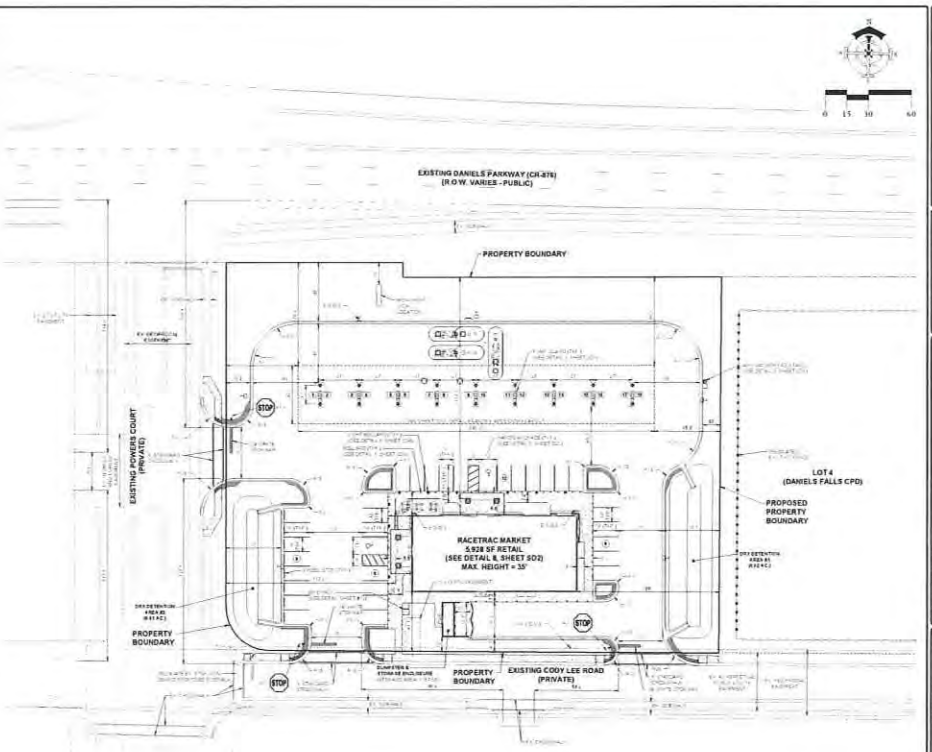
LAND USE SUMMARY

DESCRIPTION	AREA	PERCENTAGE
BUILDING	7,416	4.3%
PAVEMENT/SIDEWALK	71,240	41.2%
LANDSCAPE	94,342	54.5%
TOTAL	172,998	100%

PARKING SUMMARY

USE	RATIO	REQUIRED SPACES
CONVENIENCE STORE WITH FUEL	1 SPACE @ 1 EMPLOYEE PER SHIFT	3
	1 SPACE @ 1 PER 200 SF PER FIRST 5,000 SF	25
	1 SPACE @ 1 PER 250 SF PER REMAINING SF	4
TOTAL		32

NOTES:



LEGEND

DELISI FITZGERALD, INC.
Planning - Engineering - Project Management
1500 Monroe Street
Fort Myers, FL 33901
239-418-0691 - 239-418-0692 fax

ENGINEER OF RECORD:
JOHN E. DELISI, P.E. NO. 50794
CERTIFICATE OF AUTHORIZATION #27584

OWNER / DEVELOPER
RACETRAC PETROLEUM, INC.
3225 CUMBERLAND BLVD
SUITE 400
ATLANTA, GA 30339
PHONE: (770) 431-7600

RaceTrac

POWERS COURT
(EPN #1157 - STORE #XXXX)

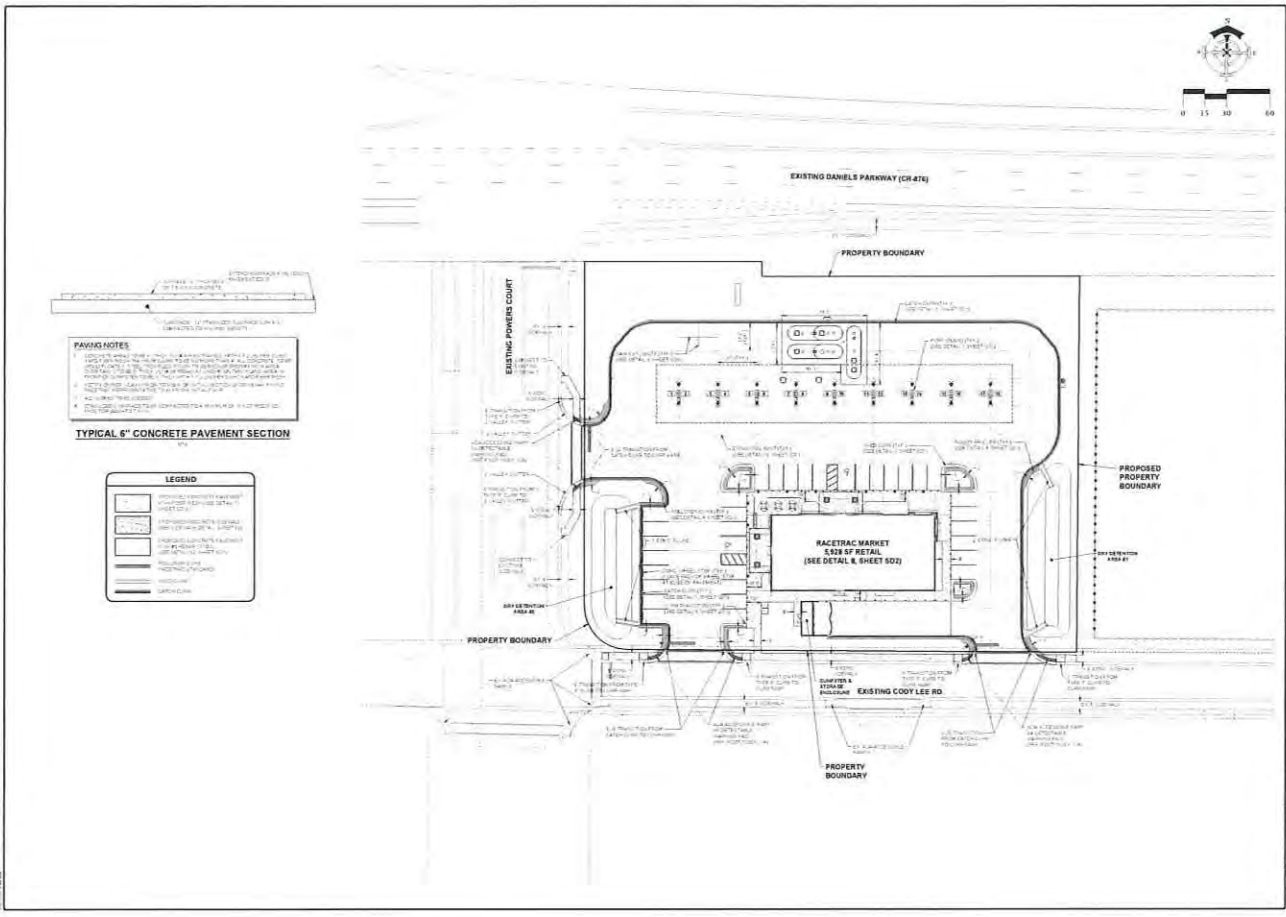
#	DATE	DESCRIPTION

SITE LAYOUT, SIGNING AND MARKING PLAN

PROJECT NO.	4.0
DRAWN BY	JA
CHECKED BY	JDF
DATE ISSUED	01/17
SCALE	1" = 30'
FILE NAME	SD1

NOTICE:
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Sheet Number 6



DELISI FITZGERALD, INC.
Planning - Engineering - Project Management
1500 Hendry Street
Fort Myers, FL 33901
239-418-0691 • 239-418-0692 fax

ENGINEER OF RECORD:

DEVELOPER:
RACETRAC PETROLEUM, INC.

RaceTrac

POWERS COURT
(EPN #1157 - STORE #XXXX)

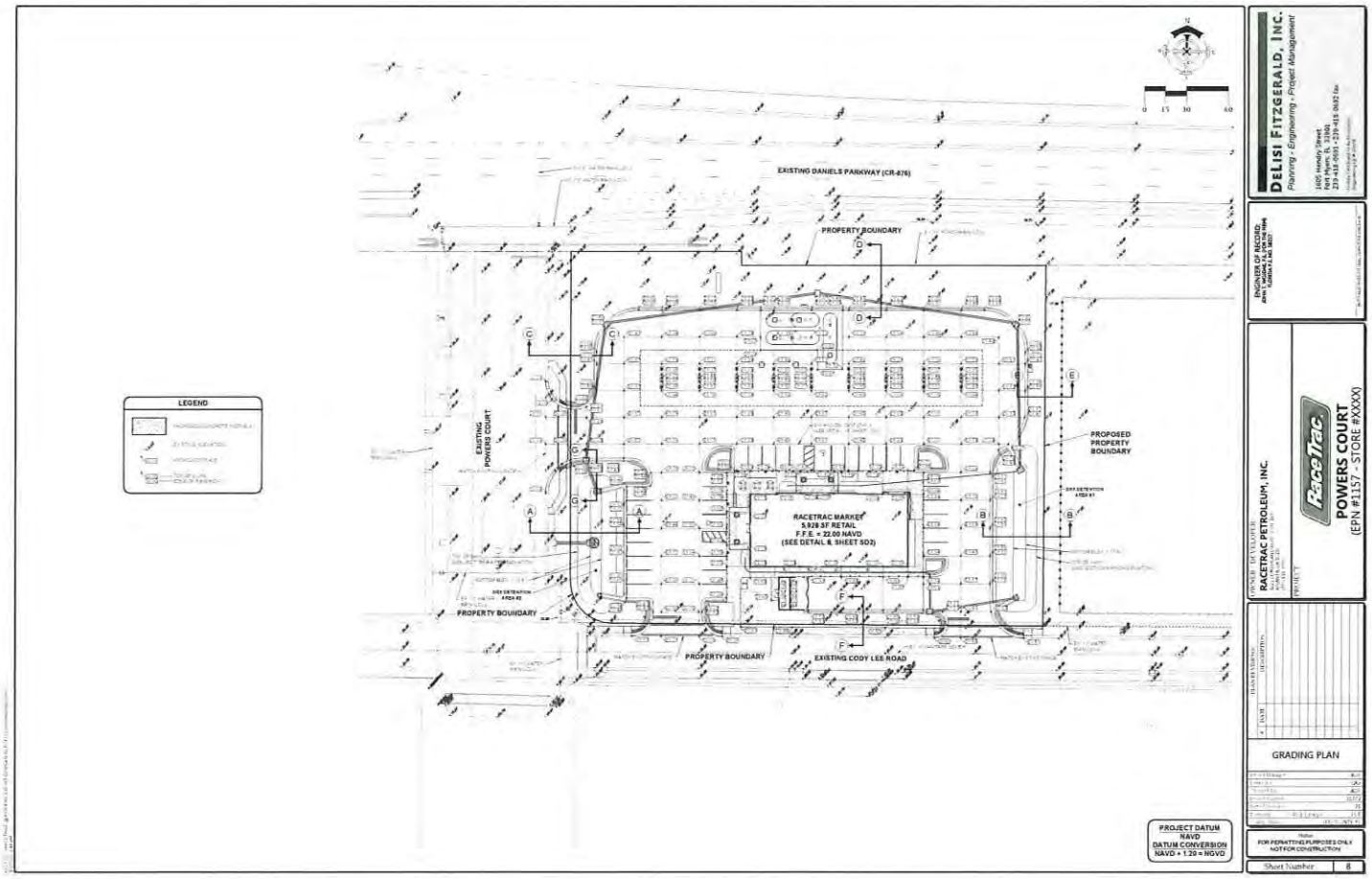
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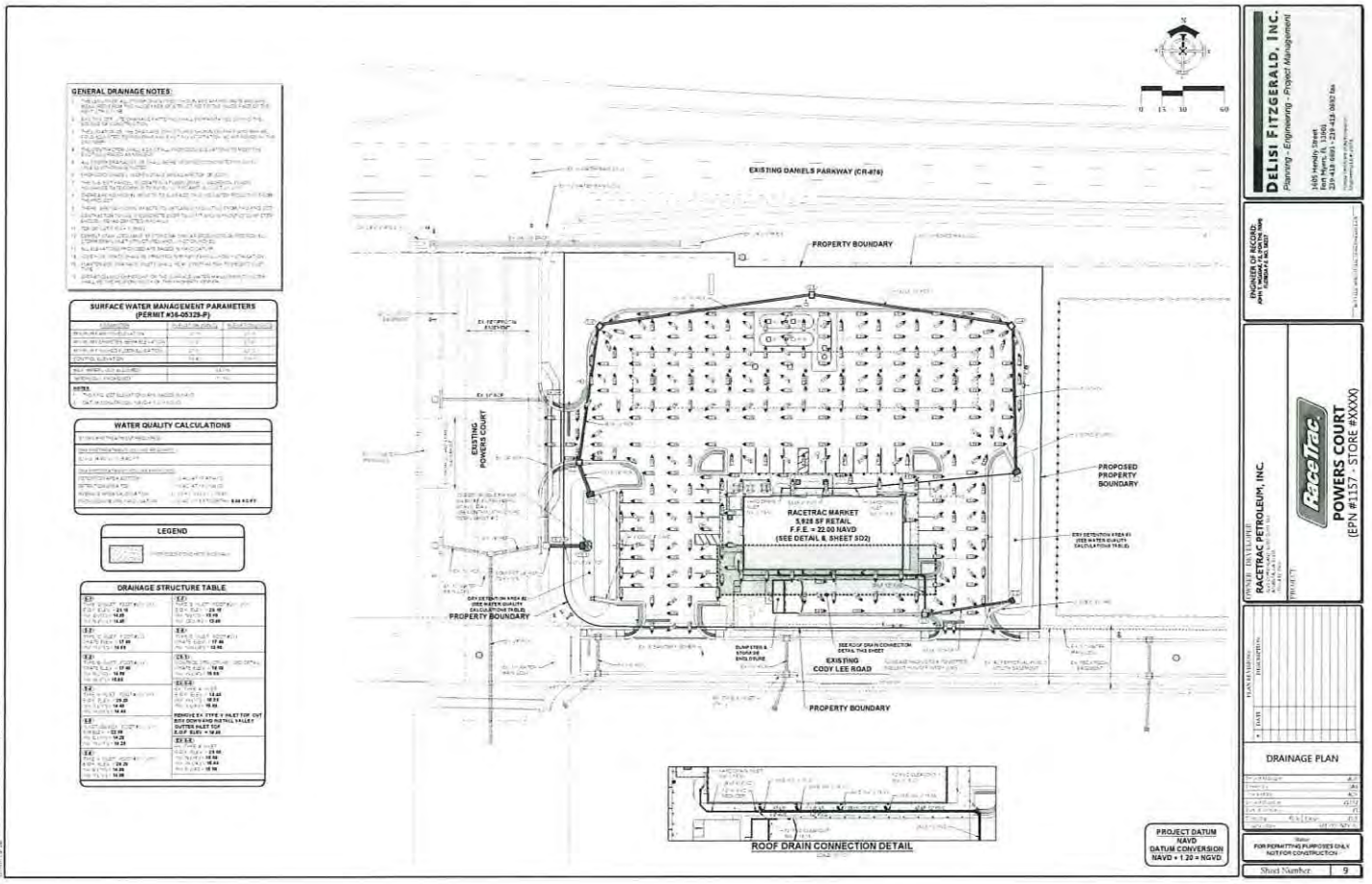
PAVING PLAN

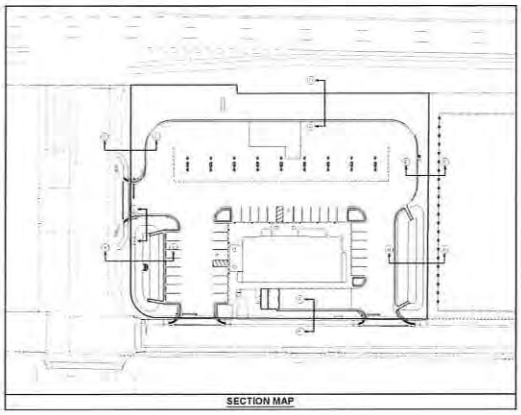
NOTE:
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NOT FOR CONSTRUCTION

Sheet Number 7

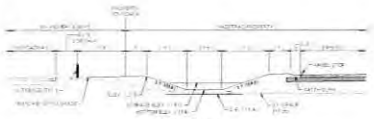
Exhibit 2.0
Application 150602-7
Page 5 of 9


LEGEND
EXISTING DANIELS PARKWAY (CR-876)
PROPERTY BOUNDARY
EXISTING POWERS COURT
PROPOSED PROPERTY BOUNDARY
RACETRAC MARKET
5,928 SF RETAIL
F.F.E. = 22.00 NAVD
(SEE DETAIL 8, SHEET SD2)
PROPERTY BOUNDARY
PROPERTY BOUNDARY
EXISTING CODY LEE ROAD
PROJECT DATUM
NAVD
DATUM CONVERSION
NAVD + 1.29 = NGVD
DELISI FITZGERALD, INC.
Planning - Engineering - Project Management
RACETRAC PETROLEUM, INC.
RaceTrac
POWERS COURT
(EPN #1157 - STORE #XXXX)
GRADING PLAN
FOR PERMITTING PURPOSES ONLY
NOT FOR CONSTRUCTION
Sheet Number
8

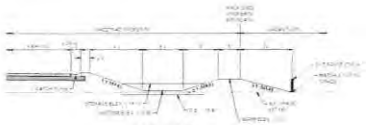

GENERAL DRAINAGE NOTES:
SURFACE WATER MANAGEMENT PARAMETERS
(PERMIT #36-05329-P)
WATER QUALITY CALCULATIONS
LEGEND
DRAINAGE STRUCTURE TABLE
EXISTING DANIELS PARKWAY (CR-876)
PROPERTY BOUNDARY
EXISTING POWERS COURT
RACETRAC MARKET
5,928 SF RETAIL
F.F.E. = 22.00 NAVD
(SEE DETAIL & SHEET SD2)
PROPOSED PROPERTY BOUNDARY
EXISTING CODY LEE ROAD
PROPERTY BOUNDARY
ROOF DRAIN CONNECTION DETAIL
PROJECT DATUM
NAVD
DATUM CONVERSION
NAVD + 1.20 = NGVD
DELISI FITZGERALD, INC.
Planning - Engineering - Project Management
RACETRAC PETROLEUM, INC.
POWERS COURT
(EPN #1157 - STORE #XXXX)
DRAINAGE PLAN
FOR PERMITTING PURPOSES ONLY
NOT FOR CONSTRUCTION
Sheet Number 9



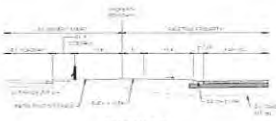
SECTION MAP



SECTION A-A



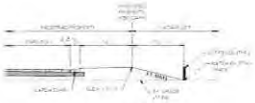
SECTION B-B



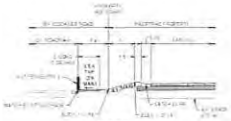
SECTION C-C



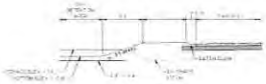
SECTION D-D



SECTION E-E



SECTION F-F



SECTION G-G

PROJECT DATUM
NAVD
DATUM CONVERSION
NAVD + 1.20 = NGVD

DELISI FITZGERALD, INC.
Planning - Engineering - Project Management
1385 Hendry Street
Fort Myers, FL 33901
239-433-5055 • 239-433-5055 fax

ENGINEER OF RECORD:
JOHN DELISI, P.E. NO. 57666
FLORIDA P.E. NO. 57666

RACETRAC PETROLEUM, INC.

RaceTrac

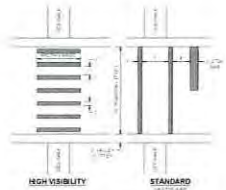
POWERS COURT
(EPN #1157 - STORE #XXXX)

TYPICAL SECTIONS

NOTE:
FOR PERMITTING PURPOSES ONLY
NOT FOR CONSTRUCTION

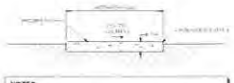
Sheet Number 11

Exhibit 2.0
Application 150602-7
Page 8 of 9



NOTES:

TYPICAL PEDESTRIAN CROSSWALKS



NOTES:

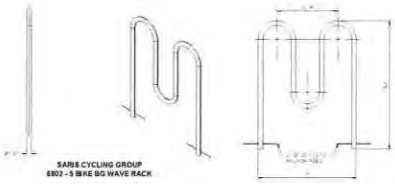
TYPICAL CONCRETE SIDEWALK DETAIL



VALLEY GUTTER

NOTES:

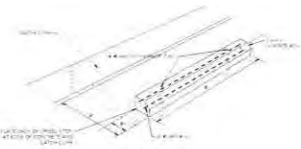
CURB DETAIL



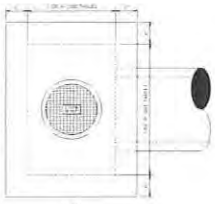
SARIS CYCLING GROUP
5802 - 5 BIKE BG WAVE RACK

NOTE:

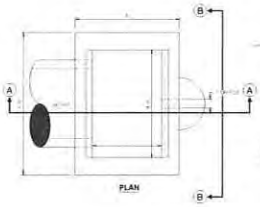
BIKE RACK DETAIL



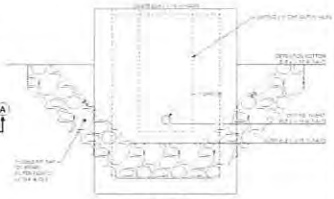
WHEEL STOP DETAIL



PLAN



PLAN

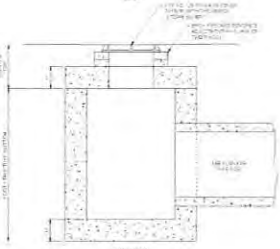


SECTION B-B

DRAINAGE STRUCTURE TABLE	

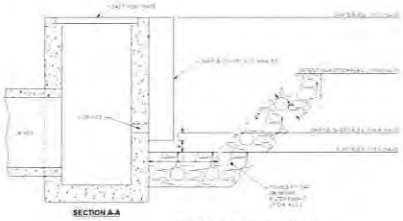
RECOMMENDED PIPE SIZES FOR STRUCTURES		

STRUCTURE DESIGN INFORMATION:



SECTION

JUNCTION BOX



SECTION A-A

CONTROL STRUCTURE #CS-1
MODIFIED TYPE 'E' INLET - FDOT INDEX 232

PROJECT DATUM
NAVD
DATUM CONVERSION
NAVD + 1.20 = NGVD

DELISI FITZGERALD, INC.
Planning - Engineering - Project Management
1500 Hendry Street
Fort Myers, FL 33901
239-418-0691 - 239-418-0692 fax

ENGINEER OF RECORD:
JOHN "SCOTT" SUMMERLIN, P.E.
FLORIDA P.E. NO. 58251

OWNER / DEVELOPER:
RACETRAC PETROLEUM, INC.
200 GALLERIA PARKWAY
SUITE 900
ATLANTA, GA 30339

RaceTrac

POWERS COURT
(EPN #1157 - STORE #XXXX)

DETAILS

Notice:
FOR PERMITTING PURPOSES ONLY
NOT FOR CONSTRUCTION

Sheet Number 12

RACETRAC @ POWERS COURT

CONSTRUCTION STORMWATER POLLUTION PREVENTION PLAN

The following template may be used as a general guide for development of a Stormwater Pollution Prevention Plan (SWPPP) for construction activities. This template may not contain all applicable requirements for all construction sites. Please refer to the Department's Generic Permit for Stormwater Discharge from Large and Small Construction Activities, DEP Document 62-621.300(4)(a) to verify that you are meeting all permit requirements. Part V of the above referenced generic permit specifically lists requirements of the Stormwater Pollution Prevention Plan.

- The SWPPP shall be completed prior to the submittal of the Notice of Intent (NOI) to be covered under the Department's Generic Permit for Stormwater Discharge from Large and Small Construction Activities.

- The SWPPP shall be amended whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for discharge of pollutants to surface waters of the state or a Municipal Separate Storm Sewer System (MS4). The SWPPP also shall be amended if it proves to be ineffective in significantly reducing pollutants from sources identified in Part V.D.1. of the permit. The SWPPP also shall be amended to indicate any new contractor and/or subcontractor that will implement any measure of the SWPPP. All amendments shall be signed, dated, and kept as attachments to the original SWPPP.

Stormwater Pollution Prevention Plan

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

_____ _____

Brian Thornton, VP Real Estate & Eng. Date

Name, Title

Project Name and location information:	RaceTrac @ Powers Court 8971 Cody Lee Road Fort Myers, FL 33905

A site map must be developed and must contain, at a minimum, the following information:

1. Drainage patterns,
2. Approximate slopes after major grading activities,
3. Areas of soil disturbance,
4. Outline all areas that are not to be disturbed,
5. Location of all major structural and non-structural controls,
6. The location of expected stabilization practices,
7. Wetlands and surface waters, and
8. Locations where stormwater may discharge to a surface water or MS4.

Site Description

Describe the nature of the construction activity:	Construction of ± 2.04 acre convenience store with fueling pumps and associated parking, stormwater management, and utilities.
Describe the intended sequence of major soil disturbing activities:	1. Installation of filter barriers; 2. Demolition; 3. Stabilize area within 21 days; 4. Installation of storm sewer; 5. Installation of sanitary sewer; 6. Installation of water services; 7. Complete final grading; 8. Complete final grading and installation of landscaping including sod and planting. 9. When all construction activity is complete and the site stabilized, remove all temporary earthen berms, filter fabric, and filter fences; re-sod any areas disturbed by their removal.
Total area of the site:	2.04 Acres
Total area of the site to be disturbed:	2.26 Acres
Existing data describing the soil or quality of any stormwater discharge from the site:	No existing data on quality of stormwater exists for this site.
Estimate the drainage area size for each discharge point:	3 acres +/-
Latitude and longitude of each discharge point and identify the receiving water or MS4 for each discharge point:	Lat. 26° 32' 46.5" N
	Long. 81° 48' 29.1" W

Give a detailed description of all controls, Best Management Practices (BMPs) and measures that will be implemented at the construction site for each activity identified in the intended sequence of major soil disturbing activities section. Provide time frames in which the controls will be implemented. NOTE: All controls shall be consistent with performance standards for erosion and sediment control and stormwater treatment set forth in s. 62-40.432, F.A.C., the applicable Stormwater or Environmental Resource Permitting requirements of the Department or a Water Management District, and the guidelines contained in the Florida Development Manual: A Guide to Sound Land and Water Management (DEP, 1988) and any subsequent amendments.
Silt fence will be maintained along the project perimeter and filter fabric, or gravel bags, will be installed covering any drainage inlets as they are installed on-site. There are no off-site improvements proposed for the project.
Describe all temporary and permanent stabilization practices. Stabilization practices include temporary seeding, mulching, permanent seeding, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, vegetative preservations, etc.
Temporary Stabilization: Disturbed portions of the site where construction activity temporarily cease for at least 21 days will be stabilized with temporary seed and mulch no later than 14 days from the last construction activity in that area. The seed shall be Bahia, millet, rye, or other fast-growing grasses. Prior to seeding, fertilizer or agricultural limestone shall be applied to each area to be temporarily stabilized. After seeding, each area shall be mulched with the mulch disked into place. Areas of the site which will be paved will be temporarily stabilized by applying limerock until pavement can be applied. Permanent Stabilization: Disturbed portions of the site, where construction activities permanently cease, shall be stabilized with sod, seed and mulch, landscaping, and/or other equivalent stabilization measures (e.g., rip-rap, geotextiles) no later than 14 days after the date of the last construction activity. The sod shall typically be Floratam or Bahia sod. Prior to seeding, fertilizer or agricultural limestone shall be applied to each area to be temporarily stabilized. After seeding, each area shall be mulched with the mulch disked into place.
Describe all structural controls to be implemented to divert stormwater flow from exposed soils and structural practices to store flows, retain sediment on-site or in any other way limit stormwater runoff. These controls include silt fences, earth dikes, diversions, swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, coagulating agents and temporary or permanent sediment basins.
Silt Fence will be constructed along those areas of the project that border adjacent wetlands or open waterways. Silt Fence or gravel bags will be placed around all constructed storm drain inlets immediately upon completion of construction and shall remain in-place until the contributing drainage area is stabilized. Alternatively, grate inlets can be covered with filter fabric material until stabilization.

Describe all sediment basins to be implemented for areas that will disturb 10 or more acres at one time. The sediment basins (or an equivalent alternative) should be able to provide 3,600 cubic feet of storage for each acre drained. Temporary sediment basins (or an equivalent alternative) are recommended for drainage areas under 10 acres.
N/A – the site disturbance will be limited to 2.26 acres
Describe all permanent stormwater management controls such as, but not limited to, detention or retention systems or vegetated swales that will be installed during the construction process.
The site will discharge to a dry pre-treatment area constructed on-site.

Describe in detail controls for the following potential pollutants

Waste disposal, this may include construction debris, chemicals, litter, and sanitary wastes:	Waste Materials: All waste materials will be collected and stored in a trash dumpster which will meet all local and State solid waste management regulations. All trash and construction debris from the site will be deposited in this dumpster. The dumpster will be emptied as required due to use and/or State and local regulations, with the trash disposed of at the appropriate landfill operation. No construction waste materials will be buried onsite. All personnel will be instructed regarding the correct procedure for waste disposal. Notices stating these practices will be posted in the construction office trailer. Hazardous Waste:

	All hazardous waste materials will be disposed of in the manner specified by local or State regulation or by the manufacturer. Site personnel will be instructed in these practices. Sanitary Waste: All sanitary waste will be collected from the portable units by a local, licensed, sanitary waste management contractor, as required by local or State regulation. Copies of Material Safety Data Sheets (MSDS) for each of the above product types must be kept on-site.
Offsite vehicle tracking from construction entrances/exits:	A stabilized construction entrance may be provided to help reduce vehicle tracking of sediments. Existing paved streets adjacent to the project will be swept as needed to remove any excess muck, dirt, or rock tracked from the site. As they are completed, paved streets will likewise be swept as needed. Dump trucks hauling material from the construction site will be covered with a tarpaulin.
The proper application rates of all fertilizers, herbicides and pesticides used at the construction site:	Fertilizers will be applied only in the minimum amounts recommended by the manufacturer. Once applied, fertilizer will be worked into the soil to limit exposure to storm water. Storage will be in a covered shed. The contents of any partially used bags of fertilizer will be transferred to a sealable plastic bin to avoid spills.
The storage, application, generation and migration of all toxic substances:	These practices are used to reduce the risks associated with hazardous materials: · Products will be kept in original containers unless they are not resealable. · Original labels and material safety data will be retained; they contain important product information. · If surplus product must be disposed of,

	manufacturers' or local and State recommended methods for proper disposal will be followed.
Other:	

Provide a detailed description of the maintenance plan for all structural and non-structural controls to assure that they remain in good and effective operating condition.

These are the inspection and maintenance practices that will be used to maintain erosion and sediment controls.

- All control measures will be inspected at least once each week and following any storm event of 0.5 inches or greater.
- All measures will be maintained in good working order; if a repair is necessary, it shall be corrected as soon as possible, but in no case later than 7 days after the inspection.
- Built up sediment will be removed from silt fence when it has reached one-third the height of the fence.
- Silt fence will be inspected for depth of sediment, tears, to see if the fabric is securely attached to the fence posts, and that the fence posts are firmly in the ground.
- Temporary seeding and permanent sodding and planting will be inspected for bare spots, washouts, and healthy growth.
- A maintenance inspection report will be made after each inspection. A copy of the report form to be completed by the inspector is attached.
- The Owner will appoint one individual who will be responsible for inspections, maintenance and repair activities, and for completing the inspection and maintenance reports.

Personnel selected for inspection and maintenance responsibilities will receive training from the site superintendent. They will be trained in all the inspection and maintenance practices necessary for keeping the erosion and sediment controls used onsite in good working order.

Inspections: Describe the inspection and inspection documentation procedures, as

required by Part V.D.4. of the permit. Inspections must occur at least once a week and within 24 hours of the end of a storm event that is 0.50 inches or greater (see attached form).
In section will occur at least once a week and within 24 hours of the end of a storm event that is 0.50 inches or greater. (see attached form).

Identify and describe all sources of non-stormwater discharges as allowed in Part IV.A.3. of the permit. Flows from fire fighting activities do not have to be listed or described.
It is expected that the following non-storm water discharges will occur from the site during the construction period: * Pavement wash waters (when no spills or leaks of toxic or hazardous materials have occurred) All non-storm water discharges will be directed to the storm water management facilities prior to discharge.

This SWPPP must clearly identify, for each measure identified within the SWPPP, the contractor(s) or subcontractor(s) that will implement each measure. All contractor(s) and subcontractor(s) identified in the SWPPP must sign the following certification:

"I certify under penalty of law that I understand, and shall comply with, the terms and conditions of the State of Florida Generic Permit for Stormwater Discharge from Large and Small Construction Activities and this Stormwater Pollution Prevention Plan prepared thereunder."

Name	Title	Company Name, Address and Phone Number	Date
T.B.D.			

Stormwater Pollution Prevention Plan Inspection Report Form

Inspections must occur at least once a week and within 24 hours of the end of a storm event that is 0.50 inches or greater.

Project Name: RaceTrac At Powers Court FDEP NPDES Stormwater Identification Number: _____

Location	Rain data	Type of control (see below)	Date installed / modified	Current Condition (see below)	Corrective Action / Other Remarks

Condition Code:

G = Good M = Marginal, needs maintenance or replacement soon P = Poor, needs immediate maintenance or replacement

C = Needs to be cleaned O = Other

Control Type Codes

1. Silt Fence	10. Storm drain inlet protection	19. Reinforced soil retaining system	28. Tree protection
2. Earth dikes	11. Vegetative buffer strip	20. Gabion	29. Detention pond
3. Structural diversion	12. Vegetative preservation area	21. Sediment Basin	30. Retention pond
4. Swale	13. Retention Pond	22. Temporary seed / sod	31. Waste disposal / housekeeping
5. Sediment Trap	14. Construction entrance stabilization	23. Permanent seed / sod	32. Dam
6. Check dam	15. Perimeter ditch	24. Mulch	33. Sand Bag
7. Subsurface drain	16. Curb and gutter	25. Hay Bales	34. Other
8. Pipe slope drain	17. Paved road surface	26. Geotextile	
9. Level spreaders	18. Rock outlet protection	27. Rip-rap	

Inspector Information:

_____ _____ _____

Name Qualification Date

The above signature also shall certify that this facility is in compliance with the Stormwater Pollution Prevention Plan and the State of Florida Generic Permit for Stormwater Discharge from Large and Small Construction Activities if there are not any incidents of non-compliance identified above.

* * * * * *

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

_____ _____

Name (Responsible Authority) Date

RACETRAC AT POWERS COURT

URBAN STORMWATER MANAGEMENT PROGRAM

1.0 Introduction

This document provides details of the Urban Stormwater Management Program for the 2.04 acre RaceTrac at Powers Court parcel in Lee County. This Plan discusses non-structural controls, intended to improve the quality of stormwater runoff by reducing the generation and accumulation of potential stormwater runoff contaminants at or near the respective sources for each constituent, along with significant structural components of the primary stormwater treatment system. Although many of the methodologies and procedures outlined in this document are general Best Management Practices (BMP's) which can be useful in attenuating pollutants in many types of urbanized settings, the implementation of these practices has been optimized, to the maximum extent possible, to reflect the unique character of the RaceTrac at Powers Court and the surrounding hydrologic features.

Pollution prevention guidelines are provided for the areas of (1) nutrient and pesticide management; (2) street sweeping; (3) solid waste management; (4) operation and maintenance of the stormwater management and treatment system; (5) construction activities. A discussion of each of these activities is given in the following sections.

2.0 Nutrient and Pesticide Management

Nutrient and pesticide management consists of a series of practices designed to manage the use of fertilizers and pesticides so as to minimize loss of these compounds into stormwater runoff and the resulting water quality impacts on adjacent waterbodies. Implementation of a management plan will also maximize the effectiveness of the nutrients and pesticides that are applied.

Each property owner must commit themselves to the practice of responsible and careful landscape design and maintenance of each lot to prevent contamination of surface waters. The guidelines included in this section are intended to help property owners make educated environmental choices regarding the maintenance of individual yards within the community. These maintenance and management guidelines are meant to promote an attractive neighborhood that preserves the health of adjacent waterways and environmental features.

2.1 General Requirements

A landscape plan must be developed for each property. The plan must be comprehensive in nature and follow the landscape design guidelines established by the Property Association and must promote revegetation of each lot as quickly as possible.

Commercial applicators of chemical lawn products must register with the Property Association annually and provide a copy of their current occupational license, proof of business liability insurance, and proof of compliance with applicable education and licensing requirements. Individual employees working under the direction of a licensed commercial applicator are exempt from the educational requirements.

Only registered commercial applicators and individual property owners are permitted to apply chemicals within the property on a private lot. All chemical products must be used in accordance with the manufacturer's recommendations. The application of any chemical product within five (5) feet of any surface water including but not limited to ponds, lakes, drainage ditches or canals, is prohibited. The use of any chemical product in a manner that will allow airborne or waterborne entry of such products into surface water is prohibited. This rule shall not apply to the use of chemical agents, by certified lake management specialists, for the control of algae and vegetation within the stormwater lakes or ponds.

2.2 Nutrient Management Program

Management and application of nutrients and fertilizers in RaceTrac at Powers Court will adhere to the following guidelines:

A. All fertilizers shall be stored in a dry storage area protected from rainfall and ponding.
B. No fertilizer containing in excess of 2% phosphate/phosphorus (P_2O_5) per guaranteed analysis label (as defined by Chapter 576, Florida Statutes) shall be applied to turf grass unless justified by a soil test.
C. Fertilizer containing in excess of 2% phosphate/phosphorus (P_2O_5) per guaranteed analysis label shall not be applied within 5 feet of the edge of water or within 5 feet of a drainage facility.
D. All fertilizer shall be applied such that spreading of fertilizer on all impervious surfaces is minimized.
E. Liquid fertilizers containing in excess of 2% phosphate/phosphorus (P_2O_5) per guaranteed analysis label shall not be applied through an irrigation system within 10 feet of the edge of water or within 10 feet of a drainage facility.
F. Liquid fertilizers containing in excess of 2% phosphate/phosphorus (P_2O_5) per guaranteed analysis label shall not be applied through high or medium mist application or directed spray application within 10 feet of the edge of water or within 10 feet of a drainage facility.

2.3 Pest Management Program

Proper maintenance of plants and turf areas will minimize the ability of pests to successfully attack landscaping. Several general guidelines follow:

A. Apply fertilizer and water only when needed and in moderate amounts. Excessive amounts of either can cause rapid growth that is attractive to insects and disease.
B. Mow St. Augustine grass to a height of 3-4 inches. If cut shorter, the plants may become stressed and more vulnerable to pest infestation. Each mowing should remove no more than one-third of the leaf blade, and those cuttings should remain on the lawn to decompose.
C. It is recommended that pesticides, fungicides, and herbicides be used only in response to a specific problem and in the manner and amount recommended by the manufacturer to address the specific problem. Broad application of pesticides, fungicides and herbicides as a preventative measure is strongly discouraged.

The use of pesticides, fungicides, or herbicides is limited to products that meet the following criteria:

A. Must be consistent with the USDA-NRCS Soil Rating for Selecting Pesticides
B. Must have the minimum potential for leaching into groundwater or loss from runoff
C. Products must be EPA-approved
D. The half-life of products used shall not exceed seventy (70) days

3.0 Street Sweeping

This practice involves sweeping and vacuuming the primary streets to remove dry weather accumulation of pollutants, especially particulate matter, before wash-off of these pollutants can occur during a storm event. This practice reduces the potential for pollution impacts on receiving water bodies by removing particulate matter and associated chemical constituents. Although street cleaning operations are frequently conducted primarily for aesthetic purposes, the primary objective of the street sweeping program for RaceTrac at Powers Court is to improve the quality of stormwater runoff generated from impervious traffic areas. Street sweeping activities can be particularly effective during periods of high leaf fall by removing solid leaf material and the associated nutrient loadings from roadside areas where they could easily become transported within stormwater flow.

Street sweeping operations will be performed in RaceTrac at Powers Court at a minimum frequency of one event every other month. A licensed vendor using a vacuum-type sweeping device will perform all street sweeping activities. Sweeping activities during each event will include all primary street surfaces. Disposal of the collected solid residual will be the responsibility of the street sweeping vendor.

4.0 Solid Waste Management

In general, solid waste management involves issues related to the management and handling of urban refuse, litter and leaves that will minimize the impact of these constituents as water pollutants.

Maintenance of adequate sanitary facilities for temporarily storing refuse on private premises prior to collection is considered the responsibility of the individual property owner. Local requirements for refuse collection will be brought to the attention of every property owner at closing for the sale of the property. Information will be distributed as necessary stating specifications for containers, separation of waste by type, where to place containers prior to collection, and established collection schedules.

Fallen tree leaves and other vegetation, along with grass clippings, may become direct water pollutants when they are allowed to accumulate in swales and street gutters. All property owners will receive periodic educational materials that address proper disposal of leaves and other vegetation to minimize water quality impacts.

5.0 Stormwater Management and Treatment System

The stormwater management system for RaceTrac at Powers Court is designed to maximize the attenuation of stormwater generated pollutants prior to discharge to the off-site systems. Operational details and maintenance requirements of the various system components are given in the following sections.

5.1 Swales and Grassed Water Storage Areas

These provide for conveyance and/or above-ground (or surface) storage of stormwater. With age, these areas usually fill in with vegetation and sediment. Swales may need to be regraded and/or revegetated. It is a good idea to compare the existing slope and dimensions of the swale with the permitted design plans prior to the removal of excess sediment or regrading. Areas that show erosion should be stabilized with appropriate material such as sod, planting, rock, sand bags, or other synthetic geotextile material.

Regular mowing of grass swales is essential. These areas also improve water quality by catching sediment and assimilating nutrients, and recharge the underground water table. Remove any undesirable exotic vegetation. Culverts underneath driveways should be checked for blockage, and, if necessary, flushed with a high-pressure hose. After a storm, swales may remain wet for an extended period of time. This is normal and the water will recede gradually.

5.2 Earthen Embankments (Dikes and Berms)

Check for proper elevations, width and stabilization. Worn down berms - especially if used by all-terrain vehicles or equestrian traffic – and rainfall – created washouts should be immediately repaired, compacted and re-vegetated.

6.0 Construction Activities

A Stormwater Pollution Prevention Plan (SWPPP) has been prepared for construction activities to minimize activities contamination that may be caused by erosion and sedimentation during the construction process. The plan includes provisions related to soil stabilization, structural erosion controls, waste collection disposal, offsite vehicle tracking, spill prevention and maintenance and inspection procedures. A copy of the SWPPP is attached hereto and made a part of hereof.

STAFF REPORT DISTRIBUTION LIST

RACETRAC AT POWERS COURT

Application No: 150602-7

Permit No: 36-05329-P-02

INTERNAL DISTRIBUTION

X Angelica S. Hoffert
X Jewelene S. Harris
X Laura Layman
X Melissa Roberts, P.E.
X A. Waterhouse

EXTERNAL DISTRIBUTION

X Permittee - Del Lago Ventures Inc
X Engr Consultant - Delisi Fitzgerald Inc
X Owner - Talamh Associates Inc

GOVERNMENT AGENCIES

X Div of Recreation and Park - District 4 - Chris Becker, FDEP

OTHER INTERESTED PARTIES

X Audubon of Florida - Charles Lee

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Maitland FL 32751
chlee2@earthlink.net



2008 Aerial Depicting Filling Activity

Florida Master Site File TRS Search

Preliminary Investigation of Previously Recorded Cultural Resources

To request a search for previously recorded cultural resources, fill in the **Township** (circle North or South), **Range** (circle East or West), & **Section** number(s) of your project area.

Please include a photocopy of the appropriate USGS quad map with your project area clearly marked.

Township:___45___ (North **or** South) ***Range***:___25_____ (East **or** West)
Sections (include all affected): ___21_____

County (include all affected):_____**Lee**_____**USGS Quad** (if known):_____

Township:_____ (North **or** South) ***Range***: _____ (East **or** West)
Sections (include all affected): _____

County (include all affected):_____**USGS Quad** (if known):_____

Township: _____ (North **or** South) ***Range***: _____ (East **or** West)

Sections (include all affected): _____

County (include all affected):_____**USGS Quad** (if known):_____

Township: _____ (North **or** South) ***Range***: _____ (East **or** West)

Sections (include all affected): _____

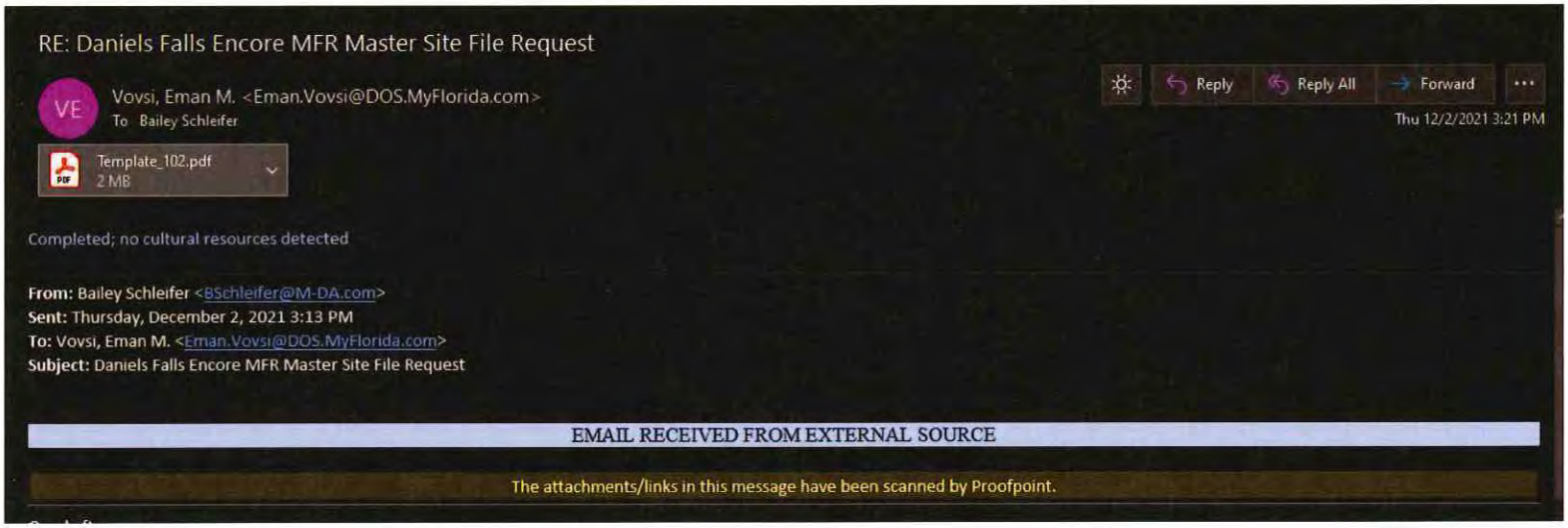
County (include all affected):_____**USGS Quad** (if known):_____

Return To: Morris Depew Associates Name: Bailey Schleifer

Agency/Permit/Project requiring search:____**Fort Myers**_____

Florida Master Site File

Division of Historical Resources / R.A. Gray Building
500 South Bronough St., Tallahassee, Florida 32399-0250
Phone 850.245.6440 / Fax 850.245.6439 / Email sitefile@dos.state.fl.us


RE: Daniels Falls Encore MFR Master Site File Request
VE
Vovsi, Eman M. <Eman.Vovsi@DOS.MyFlorida.com>
To Bailey Schleifer
Reply
Reply All
Forward
Thu 12/2/2021 3:21 PM
Template_102.pdf
2 MB
Completed; no cultural resources detected
From: Bailey Schleifer <BSchleifer@M-DA.com>
Sent: Thursday, December 2, 2021 3:13 PM
To: Vovsi, Eman M. <Eman.Vovsi@DOS.MyFlorida.com>
Subject: Daniels Falls Encore MFR Master Site File Request
EMAIL RECEIVED FROM EXTERNAL SOURCE
The attachments/links in this message have been scanned by Proofpoint.

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Daniels Falls Encore MFR
Comprehensive Plan Amendment
Public Facilities Impacts Narrative

This analysis considers the public facilities impacts for a future land use map amendment concerning ±29.03 acres within the Powerscourt subdivision, which is currently designated Outlying Suburban FLU Category and is located within The Daniels Parkway Planning Community. The applicant is requesting an FLUM Amendment to Central Urban and inclusion to the Mixed Use Overlay. An application to amend the existing CPD will be submitted subsequently to allow for multifamily residential development within the subdivision. The existing Daniels Falls Commercial Planned Development, approved per Resolution Number Z-96-047, allows for 100,000 sf of commercial space that comply with the Commercial Site Location Standards of the Lee Plan and an additional 96,000 sf that do not comply with the standards set by the Lee Plan. The existing Outlying Suburban Future Land Use theoretically allows a maximum of 87 dwelling units in addition to the commercial intensity. The requested FLUM Amendment will increase the maximum allowable density of the subject property by 203 dwelling units. The following analysis establishes that the additional proposed dwelling units will not adversely impact public services.

Potable Water

The subject property is within the Lee County Utilities service area limits and will be serviced by Corkscrew Water Treatment Plant. According to the Lee County 2021 Concurrency Report, Lee County Utilities has an average capacity of over 500,000 GPD. The 2021 Concurrency Report also indicates that 162,266 Estimated Total Residential Dwelling Units were served by the plant in 2020, the most recent year that data is available for. The number of Equivalent Residential Connections (ERCs) projected in 2025 is 175,340 units. The anticipated ERCs that will be served in the future is 227,600 units. Currently, the Daniels Falls project falls within the Outlying Suburban Future Land Use and is zoned Commercial Planned Development. These designations allow for a maximum density of 3 residential dwelling units per acre, which translates to 87 ERCs on the 29.03 acres subject to the requested FLUM amendment.

Existing Daniels Falls Maximum Residential Density
87 ERC X 250 GPD = 21,750 GPD

Existing Daniels Falls Maximum Commercial Intensity
200,000 sf X .15 GPD = 30,000 GPD

Proposed Residential Density
290 ERC X 250 GPD = 72,500

Total Potential Potable Water Demand: 102,500 GPD

The impact analysis for potable water used the standards of Florida Administrative Code 64E-6 and Lee Plan Policy 95.1.3 consistent with the Lee County Utilities Design Manual. According to the 2021 Concurrency Report, Lee County Utilities Water Franchise Areas will have more than adequate capacity to

service the maximum proposed density of 200,000 sf of commercial space and 290 multi-family dwelling units. The additional multi-family dwelling units are well within the projected growth of 13,074 ERCs to be served by 2025 and 65,334 ERCs to be served in the future. Therefore, Lee County Utilities has adequate capacity to service the proposed development.

Sanitary Sewer:

The subject property is within the service area limits for the City of Fort Myers South Wastewater Treatment Facility, a major regional treatment plant. The property can utilize this plant via an inter-local agreement between Lee County and the City of Fort Myers. According to the Lee County 2021 Concurrency Report, *"Lee County Utilities WWTP capacity is evaluated using the interlocal agreement that effectively makes the LCU and CFM central systems one combined central system. As shown in Chart 2, the combined LCU/CFM central system capacity is adequate to meet the LOS standard throughout the five-year CIP planning period."* In addition, the Concurrency Report notes there is capacity within the Fort Myers/Lee County Utilities WWTP Systems for 185,815 ERCs by 2025 and 267,608 ERCs in the future. The most recent analysis, conducted in 2020, found that the plant serves 165,255 ERCs. The maximum proposed density of 290 multi-family dwelling units and 200,000 sf of commercial space is well within the projected growth of 20,560 additional ERCs by 2025 and 102,353 additional ERCs in the future. Therefore, the additional units can be served by the existing capacity.

Existing Daniels Falls Maximum Residential Density
87 ERU X 200 GPD = 17,400 GPD

Existing Commercial Maximum Intensity
200,000 sf X .15 GPD = 30,000 GPD

Proposed Daniels Falls Maximum Residential Density
290 ERU X 200 GPD = 58,000 GPD

Total Sewer Demand: 88,000 GPD

The impact analysis utilizes Florida Administrative Code Chapter 64E-6 and the Level of Service Standards outlined in the Lee County Concurrency Report and the Lee County Utilities Design Standards Manual. The proposed Amendment shows an increase in demand for Sanitary Sewer by 70,600 GPD for the proposed 290 residential dwelling units and 200,000 sf of commercial space. The additional units are well within the projected growth of 20,560 ERCs which can be served in 2025 and 102,353 ERCs which can be served in the future. Therefore, capacity is available to service the additional units proposed.

Solid Waste - Lee County Resource Recovery Facility and Lee-Hendry Regional Landfill
LOS Standard = 7 pound/day/capita
Current Facility Capacity = 800 tons per day

Existing Maximum Residential
87 Dwelling Units X 2.35 persons per unit = 204.45 persons
204.45 people X 7lbs/day = 1,431.15 lbs.

Proposed Residential
290 Dwelling Units X 2.35 persons per unit = 681.5 persons
681.5 people X 7lbs/day = 4,770.5 lbs.

Note: commercial square footage will not be included in the impact calculations.

According to the 2021 Lee County Concurrency Report, all unincorporated areas of Lee County are consistent with the Level of Service standard set forth in the Lee Plan for solid waste.

"At the total available system capacity of 1,134,667 tons per year, the Lee County IWMS would be capable of providing a 7.0 pounds-per-capita-per-day level of service to a full-time combined Lee and Hendry County population of 888,000."

The increase in density based on the proposed plan amendment will result in the generation of an additional 4,770.5 pounds per day, which can be accommodated by the current capacity of the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill.

Regional Parks:
The 2021 Lee County Concurrency report states there are 3,029 acres of regional parks operated by Lee County, which is roughly 43% of the existing regional park acreage when considering all jurisdictions. There are currently proposed plans to expand the acreage of regional park land. *"The total acreage of regional park land proposed to be developed increased year-over-year by 17-4 acres. This increase is attributed to the proposed development of two regional parks by the City of Fort Myers."*

Regional Park Level of Service
"The inventory indicates a total of 7,064 acres of existing regional parks operated by local, state,and federal governments. The capacity needed to meet The Lee Plan non-regulatory level of service standard of 6 acres per 1,000 total seasonal county population is equal to:

886,000 [seasonal county population] * (6 acres/1,000) = 5,316 acres.

"The existing inventory meets the regional park level of service standard in the county for the year 2020 and will continue to do so at least through the next five years of the CIP..."

The additional 290 residential dwelling units will not negatively impact the Regional Parks Level of Service. The 2021 Concurrency report indicates that *"The existing inventory meets the regional park level-of-service standard in the County for the year 2020 and will continue to do so at least through the next five years of the capital improvement program (CIP) as illustrated in Chart 4."* It should be noted that the Bureau of Economic and Business Research, University of Florida estimated an unincorporated Lee County population of 385,410 as of April 1, 2021. The Lee Plan non-regulatory level of service standard for this population is 5,316 acres of Regional Parks. Lee County currently has 7,064 acres of Regional Parks. There is adequate acreage within the currently developed Regional Parks within the County to meet the need of the proposed 290 multi-family residential dwelling units.

Community Parks:
Community Park Level of Service

"The capacity needed to meet The Lee Plan non-regulatory level-of-service standard of 0.8 acres per 1,000 total permanent unincorporated county population is equal to:

368,415 [permanent unincorporated county population] * (0.8 acres/1,000) = 295 acres.

"The existing inventory meets the community park level of service standard in the county for the year 2020 and will continue to do so at least through the next five years of the CIP..."

The additional 203 allowed residential dwelling units will not negatively impact the Community Parks Level of Service. The Lee Plan non-regulatory level of service standard for this population is 0.8 acres per 1,000 total permanent unincorporated Lee County population. Lee County currently has 743 acres of Community Parks. There is adequate acreage within the currently developed Regional Parks within the County to meet the need of the total proposed 290 dwelling units.

Public School:
The proposed development site is within the South Zone, sub-zone S-2. The LOS Standard for Elementary, Middle, and High School is based upon Permanent FISH capacity and is 100% as adjusted by the School Board annually to account for measurable programmatic changes.

REVIEWING AUTHORITY	Lee County School District
NAME/CASE NUMBER	Daniels Falls
OWNER/AGENT	Morris Depew Associates
ITEM DESCRIPTION	
LOCATION	13501/521 powers court
ACRES	29.00
CURRENT FLU	Central Urban
CURRENT ZONING	CPD

PROPOSED DWELLING UNITS BY TYPE	Single Family	Multi Family	Mobile Home
		290	0

	Student Generation Rates			
STUDENT GENERATION	SF	MF	MH	Projected Students
Elementary School	0.149	0.058		16.82
Middle School	0.071	0.028		8.12
High School	0.077	0.03		8.70
	Source: Lee County School District, September 8, 2018 letter			

CSA SCHOOL NAME 2022/23	CSA Capacity (1)	CSA Projected Enrollment (2)	CSA Available Capacity	Projected Impact of Project	Available Capacity W/Impact	LOS is 100% Perm FISH Capacity	Adjacent CSA Available Capacity w/Impact
South CSA, Elementary	14,234	14,026	208	17	191	99%	
South CSA, Middle	7,293	6,912	381	8	373	95%	
South CSA, High	9,536	8,492	1,044	9	1035	89%	
	(1) Permanent Capacity as defined in the Interlocal Agreement and adopted in the five (5) years of the School District's Five Year Plan						
	finding of capacity)						
	School Concurrency Manual						

Prepared by: Jacqueline Heredia , District Planning Specialist

Lee District School Board- South Zone, S-2

Elementary Schools (Rayma Page, San Carlos Park, Three Oaks)
Actual Enrollment 2021 = 2,460
FISH Capacity = 2,514
Seats Available = 54

Middle Schools (Lexington, Three Oaks)
Actual Enrollment 2021 = 2,078
FISH Capacity = 2,062
Seats Available = 16

High Schools (South Fort Myers)
Actual Enrollment 2021 = 1,735
FISH Capacity = 1,992
Seats Available = 257

The additional 290 residential multi-family dwelling units proposed in the requested Comprehensive Plan Amendment will increase the number of students in the South Zone by 35. According to the Letter of Availability received from the Lee County School District, the South Zone is currently experiencing a deficit in seating for middle school students which is an issue that predates the proposal of this project. However, there is adequate middle school capacity within the S-2 school district, the sub-zone that the project falls within, to accommodate the additional children. The projected 2021-2022 totals for the entire South Zone in the 2021 Concurrency Report demonstrate an additional 16 middle school seats available and adequate seats with all the elementary schools and high schools in the South Zone.

Any middle school capacity concerns will be addressed via the construction of two new middle schools. *"Available capacity will meet the adopted level of service standard in all zones with the construction of Middle School "MM" which is scheduled to open in the 2021-2022 school year and Middle School "NN" which is scheduled to open in the 2023-2024 school year."*

School funding deficits will be addressed through School Impact Fees, which are assessed at the time of building permit issuance. The timing of the Impact Fee payment ensures the resources necessary for the number of homes to be built are available. All 290 proposed dwelling units and 200,000 sf of commercial space that are constructed will be assessed impact fees consistent with LDC Section 2-400 through 2-415.

Surface Water/Drainage Basins:
The existing development on the subject project site has a functioning water management system permitted by the SFWMD (ERP No. 36-01634-S). This site does not receive or contribute stormwater flows directly to any public facility and, being located along the south side of Daniels Parkway, is in the highest part of the drainage basin in which it is located. The permitted outfall structure for the subject property discharges stormwater to a wetland located to the south which is then conveyed by a series of privately maintained flow ways to the Six Mile Cypress Slough. The subject property does not either send or receive stormwater directly to or from any other offsite property.

Based on the above-described characteristics of the site, adjacent public infrastructure, including but not limited to Daniels Parkway, is not impacted by the proposed Future Land Use Map Amendment.

Therefore, consistency with Lee Plan Policies 95.1.3(4)a, 95.1.3(4)b, 95.1.3(4)d, and 95.1.3(4)e is not affected by this proposed Future Land Use Map Amendment.

Additionally, any proposed improvements developed on this site are required to demonstrate compliance with SFWMD standards in accordance with Chapter 10 of the Lee Co. Land Development Code (LDC), as has already been completed with the 2006 approved DO and ERP noted above, consistent with Lee Plan Policy 95.1.3(4)c.

Public facilities improvements may be required in accordance with the LDC for either safety or capacity demands to support improvements made to the subject property. Construction, modification, and/or maintenance of those public facilities identified in Lee Plan Policy 95.1.3(4) is the responsibility of Lee County in order to ensure consistency with the Policy, as the owner of those facilities. All such project related public facilities improvements will be made, consistent with Lee Plan Policy 95.1.3(4), at the time of Development Order permitting, consistent with the applicable provisions of the LDC.

TR TRANSPORTATION CONSULTANTS, INC

2726 OAK RIDGE COURT, SUITE 503
FORT MYERS, FL 33901-9356
OFFICE 239.278.3090
FAX 239.278.1906

TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

MEMORANDUM

TO: Mr. Ben Smith
Morris Depew Associates

FROM: Ted B. Treesh
President

DATE: December 12, 2022

RE: Daniels Falls Encore
Comprehensive Plan Amendment
Lee County, Florida

TR Transportation Consultants, Inc. has completed a traffic circulation analysis for the proposed Comprehensive Plan Amendment for approximately 29 acres of property located on the south side of Daniels Parkway at Powers Court in Lee County, Florida. This analysis will determine the impacts of the change in land use from Outlying Suburban to Central Urban & Mixed Use Overlay.

The transportation related impacts of the proposed Comprehensive Plan Amendment were evaluated pursuant to the criteria in the application document. This included an evaluation of the long range impact (20-year horizon) and short range impact (5-year horizon) the proposed amendment would have on the existing and future roadway infrastructure.

The proposed Map Amendment would change the future land use designation on the approximately 29 acre subject site from Outlying Suburban to Central Urban & Mixed Use Overlay. The Outlying Suburban future land use category permits the future development of many commercial uses while the Central Urban & Mixed Use Overlay land use permits the development of a mix of residential and commercial uses. It is the desire of the applicant to create a development on the majority of the subject parcel that would be occupied by multi-family residential uses.

In order to estimate the transportation related impacts with the requested land use change, several assumptions were made based on the amount of development that could occur under each land use category. Under the existing Outlying Suburban LUC, it was assumed the future land use would be commercial retail and a residential density of up to 3 dwelling units per acre. For the future land use change, it was assumed that there would be commercial uses and a maximum residential density of 10 dwelling units per acre.

These units were considered multi-family dwelling units based on the number of units per acre assumed.

Table 1 summarizes the uses that would be permitted under the existing land use category versus those that were assumed under the proposed land use category.

Table 1
Land Uses
Daniels Falls Encore

Land Use Category	Intensity
Approved Land Use	200,000 sq. ft. of Retail 87 MF Dwelling Units
Proposed Land Uses	200,000 sq. ft. of Retail 290 MF Dwelling Units

Since the retail uses are permitted under both the existing and proposed land use categories, the increased density of residential uses was analyzed as the impacts to the adjacent roadway network. The trip generation for the proposed residential land uses were determined by referencing the Institute of Transportation Engineer's (ITE) report, titled ***Trip Generation***, 11th Edition. Land Use Code 220 (Multi-Family Housing) was utilized for the trip generation purposes of the residential uses. **Table 2** indicates the trip generation of the subject site based on the increase in residential dwelling units that can be anticipated based on the land use change, or an increase of 203 dwelling units (87 to 290 dwelling units). The trip generation equations utilized are attached to the Appendix of this memorandum for reference.

Table 2
Trip Generation
Based on Future Land Use Category
Daniels Falls Encore

Land Use	A.M. Peak Hour			P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Multi-Family Residential (203 Units)	21	65	86	68	40	108	1,377

Long Range Impacts (20-year horizon)

The Lee County Metropolitan Planning Organization's (MPO) 2045 Long Range Transportation Plan was reviewed to determine if any future roadway improvements were planned in the vicinity of the subject site. Based on the review, the only major roadway improvement on the 2045 Financially Feasible Plan in the immediate area is the extension of Three Oaks Parkway north from Alico Road to Daniels Parkway. In addition, there are improvements currently identified on the 2045 Long Range Transportation Plan in the vicinity of the subject site that are designated as "Contingent" based upon additional funding. These improvements include the widening of I-75 to include Express Lanes, widening Treeline Avenue south of Daniels Parkway to a 6-lane

roadway and improving the I-75/Daniels Parkway interchange. Although FDOT has now funded improvements to the I-75 interchange to occur in 2025.

The Lee County Metropolitan Planning Organization's (MPO) long range transportation travel model was also reviewed in order to determine the impacts the amendment would have on the surrounding area. The base 2045 loaded network volumes were determined for the roadways within the study area then the peak hour trips to be generated from the project as shown in Table 2 were added to the projected 2045 volumes. The Level of Service for those roadways were then evaluated.

The results of the analysis indicate that the addition of the project trips to the network will not cause any roadway link to fall below the recommended minimum acceptable Level of Service thresholds as recommended in Policy 37.1.1 of the Lee County Comprehensive Plan. Several roadway segments in the study area are shown to operate at LOS "F" before the project trips are added to the network and are therefore considered as pre-existing deficiencies not caused by the change in land use. These roadway segments include Daniels Parkway from Metro Parkway to Chamberlin Parkway, Treeline Avenue from Daniels Parkway to Alico Road and I-75 between Alico Road and Colonial Boulevard. All remaining roadway segments in the study area will operate at or above the minimum acceptable Level of Service. **Table 1A** and **Table 2A** reflect the Level of Service analysis based on the 2045 conditions.

Short Range Impacts (5-year horizon)

The 2021/2022-2025/2026 Lee County Transportation Capital Improvement Plan and the 2022-2026 Florida Department of Transportation Adopted Work Program were reviewed to determine the short term impacts the proposed land use change would have on the surrounding roadways. The only improvement in the study area that is included on the short term capital improvement plan is the funding for the construction of the Three Oaks Parkway North Extension from Alico Road to Daniels Parkway. This new roadway is funded in the Lee County Capital Improvement Program to begin construction in FY 2020. This improvement also includes the widening of Daniels Parkway to 8-lanes between I-75 and Apaloosa Lane. FDOT has also programmed improvements to the I-75 interchange with Daniels Parkway to commence in 2025, in conjunction with the widening of Daniels Parkway being completed by Lee County. There are no other capacity improvements to the roadway network identified in either work program. This roadway improvement was considered in the distribution of site trips.

The proposed map amendment will not increase the maximum trip generation potential of the subject site. Under the current Future Land Use designation, the site could be developed with up to 100,000 square feet of commercial uses. This level of commercial intensity would be permitted under the proposed Central Urban & Mixed Use Overlay Future Land Use category. The multi-family dwelling units would not be able to be developed on the subject site if the site were developed with 100,000 square feet of commercial uses. Therefore, the maximum development intensity of the site is commercial and this is not changing with the change in land use from Outlying Suburban to Central Urban & Mixed Use Overlay.

Table 3A and **Table 4A** attached to this report indicate the projected 5-year planning Level of Service in the 3-mile study area based on additional number of multi-family residential units that could be developed on the subject site should the land use category be changed to Central Urban & Mixed Use Overlay. From Table 4A, all roadway segments in the study area will maintain their Level of Service that would exist in 2027 if no development were to occur on the subject site. Therefore, based on this analysis no modifications will be necessary to the Lee County or FDOT short term capital improvement programs.

Conclusion

The proposed Comprehensive Plan Amendment would allow the future land use change from Outlying Suburban to Central Urban & Mixed Use Overlay. This would permit the subject site to be developed with both residential and commercial uses. Based on the trip generation comparison between the existing land use category and the proposed land use category, there would be a substantial reduction in peak hour and daily trip generation potential of the site if the site were to be developed with all residential land uses (multi-family residential dwelling units versus commercial land uses). No modifications are necessary to the Short Term Capital Improvement Plan or the Long Range Transportation Plan to support the proposed Comprehensive Plan Amendment. In addition, the change to the land use will not significantly alter the socio-economic data forecasts that were utilized in the development of the Long Range Transportation Plan.

Attachments

3-MILE RADIUS OF PROJECT SITE



F2111.17

TR TRANSPORTATION CONSULTANTS, INC

3-MILE RADIUS
DANIELS FALLS ENCORE CPA

Figure 1

TABLES 1A & 2A

2045 LOS ANALYSIS

TABLE 1A
LEVEL OF SERVICE THRESHOLDS
2045 LONG RANGE TRANSPORTATION ANALYSIS - DANIELS FALLS ENCORE

	ROADWAY SEGMENT		2045 E + C NETWORK LANES		GENERALIZED SERVICE VOLUMES				
					LOS A	LOS B	LOS C	LOS D	LOS E
ROADWAY	FROM	TO	# Lanes	Roadway Designation	VOLUME	VOLUME	VOLUME	VOLUME	VOLUME
Daniels Pkwy	US 41	Metro Pkwy	6LD	Controlled Access	0	430	3,050	3,180	3,180
	Metro Pkwy	Six Mile Pkwy	6LD	Controlled Access	0	430	3,050	3,180	3,180
	Six Mile Pkwy	Palomino Ln	6LD	Controlled Access	0	430	3,050	3,180	3,180
	Palomino Ln.	I-75	8LD	Controlled Access	0	0	3,970	4,040	4,040
	I-75	Treeline Ave.	8LD	Controlled Access	0	0	3,970	4,040	4,040
	Treeline Ave.	Chamberlin Pkwy	6LD	Controlled Access	0	430	3,050	3,180	3,180
	Chamberlin Pkwy	Gateway Blvd	6LD	Controlled Access	0	430	3,050	3,180	3,180
Treeline Ave.	Daniels Pwky	Colonial Blvd.	4LD	Controlled Access	0	270	1,970	2,100	2,100
	Daniels Pwky	Terminal Access Rd.	4LD	Controlled Access	0	270	1,970	2,100	2,100
	Terminal Access Rd.	Alico Road	4LD	Controlled Access	0	270	1,970	2,100	2,100
I-75	Daniels Pkwy	Colonial Blvd.	6LF	Freeway	0	3,360	4,580	5,500	6,080
	Alico Road	Daniels Parkway	6LF	Freeway	0	3,360	4,580	5,500	6,080
Three Oaks Pkwy	Alico Rd	Daniels Pkwy	4LD	Class I - Arterial	0	250	1,840	1,960	1,960
Six Mile Cypress Pkwy	Daniels Pkwy	Winkler Ext.	4LD	Controlled Access	0	270	1,970	2,100	2,100
	Metro Pkwy	Daniels Pkwy	4LD	Controlled Access	0	270	1,970	2,100	2,100
Metro Pkwy	Six Mile Cypress	Daniels Pkwy	6LD	FDOT Class I Arterial	0	0	2,940	3,020	3,020
	Daniels Pkwy	Crystal Dr.	6LD	FDOT Class I Arterial	0	0	2,940	3,020	3,020
Plantation Rd	Six Mile Cypress Pkwy	Daniels Pkwy	2LN	Class I Arterial	0	140	800	860	860
	Daniels Pkwy	Idelwild St.	2LN	Class I Arterial	0	140	800	860	860

[ ] - Denotes the LOS Standard for each roadway segment

Level of Service Thresholds for Lee County arterials/collectors taken from the Generalized Peak Hour Directional Service Volume tables for Urbanized Areas (dated April 2016)

Level of Service Thresholds for Metro Pkwy/I-75 were taken from FDOT's Generalized Peak Hour Directional Volumes for Florida's Urbanized Areas Table 7.

TABLE 2A
2045 ROADWAY LINK LEVEL OF SERVICE CALCULATIONS
DANIELS FALLS ENCORE

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 108 VPH IN= 68 OUT= 40

ROADWAY	ROADWAY SEGMENT FROM	TO	2045 FSUTMS AADT	LCDOT PCS OR FDOT SITE #	AADT BACKGROUND TRAFFIC	K-100 FACTOR	100TH HIGHEST HOUR PK DIR 2-WAY VOLUME	D FACTOR	PM PK HR PEAK DIRECTION	2045 BACKGROUND PEAK DIRECTION TRAFFIC VOLUMES & LOS VOLUME	LOS	PROJECT TRAFFIC DIST.	PK DIR PM PROJ TRAFFIC	2045 BACKGROUND PLUS PRO. PEAK DIRECTION TRAFFIC VOLUMES & LOS VOLUME	LOS
Daniels Pkwy	US 41	Metro Pkwy	57,305	30	57,305	0.108	6,189	0.50	WEST	3,095	D	10%	4	3,099	D
	Metro Pkwy	Six Mile Pkwy	58,220	30	58,220	0.108	6,288	0.50	WEST	3,144	D	40%	16	3,160	D
	Six Mile Pkwy	Palomino Ln	73,265	31	73,265	0.100	7,327	0.56	EAST	4,103	F	60%	24	4,127	F
	Palomino Ln.	I-75	86,771	31	86,771	0.100	8,677	0.56	EAST	4,859	F	30%	12	4,871	F
	I-75	Treeline Ave.	91,970	48	91,970	0.107	9,841	0.63	EAST	6,200	F	10%	4	6,204	F
	Treeline Ave.	Chamberlin Pkwy	76,361	48	76,361	0.107	8,171	0.63	EAST	5,148	F	5%	2	5,150	F
Treeline Ave.	Daniels Pwky	Colonial Blvd.	35,513	62	35,513	0.122	4,333	0.56	NORTH	2,426	F	0%	0	2,426	F
	Daniels Pwky	Terminal Access Rd.	47,462	61	47,462	0.116	5,506	0.62	NORTH	3,414	F	5%	2	3,416	F
	Terminal Access Rd.	Alico Road	40,724	61	40,724	0.116	4,724	0.62	NORTH	2,929	F	3%	1	2,930	F
I-75	Daniels Pkwy	Colonial Blvd.	114,147	120057	114,147	0.09	10,273	0.577	NORTH	5,928	E	10%	4	5,932	E
	Alico Road	Daniels Parkway	126,427	120184	126,427	0.09	11,378	0.588	NORTH	6,690	F	20%	8	6,698	F
Three Oaks Pkwy	Alico Rd	Daniels Pkwy	20,124	72	20,124	0.117	2,355	0.60	NORTH	1,413	C	15%	6	1,419	C
Six Mile Cypress Pkwy	Daniels Pkwy	Winkler Ext.	17,392	18	17,392	0.100	1,739	0.59	NORTH	1,026	C	5%	2	1,028	C
	Metro Pkwy	Daniels Pkwy	28,025	18	28,025	0.100	2,803	0.59	NORTH	1,654	C	10%	4	1,658	C
Metro Pkwy	Six Mile Cypress	Daniels Pkwy	36,804	125055	36,804	0.09	3,312	0.517	SOUTH	1,600	C	5%	2	1,602	C
	Daniels Pkwy	Crystal Dr	34,301	126045	34,301	0.09	3,087	0.517	NORTH	1,596	C	10%	4	1,600	C
Plantation Rd	Six Mile Cypress Pkwy	Daniels Pkwy	6,568	124521	6,568	0.09	591	0.528	NORTH	312	C	5%	2	314	C
	Daniels Pkwy	Idelwild St.	6,513	124370	6,513	0.09	586	0.528	NORTH	309	C	5%	2	311	C

* The K-100 and D factors for County mantained roadways were obtained from Lee County Traffic Count Report
* The K-100 and D factors for FDOT mantained roadways were obtained from Florida Traffic Online resource.
* Due to lack of traffic data, the K and D factors for future Three Oaks Parkway extension were used from Lee County's PCS #72
* Due to lack of traffic data in the Lee County Traffic Count Report, the K-100 and D factors for Plantation Road was obtained from FDOT's Florida Traffic Online Webpage.

TABLES 3A & 4A

5-YEAR LOS ANALYSIS

TABLE 3A
PEAK DIRECTION PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES
DANIELS FALLS ENCORE

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 86 VPH IN= 21 OUT= 65

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 108 VPH IN= 68 OUT= 40

ROADWAY	SEGMENT	ROADWAY CLASS	LOS A VOLUME	LOS B VOLUME	LOS C VOLUME	LOS D VOLUME	LOS E VOLUME	PERCENT PROJECT TRAFFIC	PROJECT TRAFFIC	PROJ/ LOS C
Daniels Pkwy	E. of US 41	6LD	0	430	3050	3180	3180	10%	7	0.2%
	E. of Metro Pkwy.	6LD	0	430	3050	3180	3180	40%	27	0.9%
	E. of Six Mile Cypress	6LD	0	430	3050	3180	3180	60%	41	1.3%
	E. of Palomino Ln.	6LD	0	430	3050	3180	3180	30%	20	0.7%
	E. of I-75	6LD	0	430	3050	3180	3180	10%	7	0.2%
	E. of Treeline Ave.	6LD	0	430	3050	3180	3180	5%	3	0.1%
Treeline Ave.	N. of Daniels Pkwy	4LD	0	270	1,970	2,100	2,100	0%	0	0.0%
	S. of Daniels Pkwy	4LD	0	270	1,970	2,100	2,100	5%	3	0.2%
	S. of Terminal Access	4LD	0	270	1,970	2,100	2,100	3%	2	0.1%
I-75	N. of Daniels Pkwy.	6LF	0	3,360	4,580	5,500	6,080	10%	7	0.1%
	S. of Daniels Pkwy.	6LF	0	3,360	4,580	5,500	6,080	20%	14	0.3%
Three Oaks Pkwy	S. of Daniels Pkwy	4LD	0	250	1,840	1,960	1,960	15%	10	0.6%
Six Mile Cypress Pkwy	N. of Daniels Pkwy	4LD	0	270	1,970	2,100	2,100	5%	3	0.2%
	S. of Daniels Pkwy	4LD	0	270	1,970	2,100	2,100	10%	7	0.3%
Metro Pkwy	N. of Daniels Pkwy	6LD	0	0	2,940	3,020	3,020	5%	3	0.1%
	S. of Daniels Pkwy	4LD	0	0	1,910	2,000	2,000	10%	7	0.4%
Plantation Road	N. of Daniels Pkwy	2LN	0	140	800	860	860	5%	3	0.4%
	S. of Daniels Pkwy	2LN	0	140	800	860	860	5%	3	0.4%

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

** The Level of Service thresholds for I-75 were obtained from FDOT's Generalized Peak Hour Directional Volumes for Florida's Urbanized Areas Table 7

TABLE 4A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS
DANIELS FALLS ENCORE

TOTAL PROJECT TRAFFIC AM = 86 VPH IN = 21 OUT= 65
TOTAL PROJECT TRAFFIC PM = 108 VPH IN= 68 OUT= 40

ROADWAY	SEGMENT	SITE/ STATION	BASE YR ADT	LATEST ADT	YRS OF GROWTH.[1]	ANNUAL RATE	2020 PK HR PK SEASON PEAK DIR.[2]	2027 PK HR PK SEASON PEAK DIRECTION VOLUME	LOS	V/C Ratio	PERCENT PROJECT TRAFFIC	AM PROJ TRAFFIC	PM PROJ TRAFFIC	2027 BCKGRND + AM PROJ VOLUME	LOS	V/C Ratio	2027 BCKGRND + PM PROJ VOLUME	LOS	V/C Ratio
Daniels Pkwy	E. of US 41	30	47,400	49,800	4	1.24%	2,263	2,467	C	0.78	10%	7	7	2,474	C	0 78	2,474	C	0 78
	E. of Metro Pkwy.	30	47,400	49,800	4	1.24%	2,109	2,299	C	0.72	40%	26	27	2,325	C	0 73	2,327	C	0 73
	E. of Six Mile Cypress	31	53,200	62,500	4	4.11%	3,030	4,017	F	1.26	60%	39	41	4,056	F	1 28	4,058	F	1 28
	E. of Palomino Ln.	31	53,200	62,500	4	4.11%	3,030	4,017	F	1.26	30%	20	20	4,036	F	1 27	4,037	F	1 27
	E. of I-75	48	37,300	41,900	4	2 95%	2,396	2,937	C	0 92	10%	7	7	2,943	C	0 93	2,944	C	0 93
	E. of Treeline Ave	48	37,300	41,900	4	2.95%	2,396	2,937	C	0.92	5%	3	3	2,940	C	0 92	2,940	C	0 92
Treeline Ave.	N. of Daniels Pkwy	126602	8,800	13,000	4	10 25%	799	1,582	C	0.75	5%	3	3	1,585	C	0 75	1,585	C	0 75
	S. of Daniels Pwky	61	23,800	22,700	4	1 00%	1,050	1,126	C	0.54	3%	2	2	1,128	C	0.54	1,128	C	0.54
I-75	N. of Daniels Pkwy.	120057	83,500	100,500	4	4.74%	4,544	6,285	F	1.03	10%	7	7	6,291	F	1.03	6,291	F	1 03
	S. of Daniels Pkwy.	120184	89,417	108,459	4	4 94%	4,972	6,970	F	1.15	20%	13	14	6,983	F	1 15	6,984	F	1 15
Three Oaks Pkwy	S. of Daniels Pkwy[3]							469	C	0 24	15%	10	10	479	C	0.24	479	C	0 24
Six Mile Cypress Pkwy	N. of Daniels Pkwy	388	18,200	23,200	4	6.26%	1,069	1,635	C	0.78	5%	3	3	1,638	C	0 78	1,638	C	0 78
	S. of Daniels Pkwy	387	26,662	32,600	4	5.14%	1,481	2,103	F	1.00	10%	7	7	2,110	F	1 00	2,110	F	1 00
Metro Pkwy	N. of Daniels Pkwy	126045	23,711	25,500	4	1.84%	1,140	1,295	C	0.43	5%	3	3	1,298	C	0 43	1,298	C	0 43
	S. of Daniels Pkwy	125055	21,500	24,000	4	2.79%	977	1,184	C	0.59	10%	7	7	1,191	C	0.60	1,191	C	0 60
Plantation Road	N. of Daniels Pkwy	370	12,534	11,900	4	1 00%	740	793	C	0.92	5%	3	3	797	C	0 93	797	C	0 93
	S. of Daniels Pkwy	521	5,523	5,100	4	1.00%	285	306	C	0.36	5%	3	3	309	C	0 36	309	C	0 36

[1] Annual Growth Rate was calculated utilizing AADT data from 2020 Lee County Traffic Count Report and FDOT Florida Traffic Online (2020)

[2] 2020 peak hour peak season peak direction traffic volumes were obtained from the 2021 Lee County Public Facilities Level of Service and Concurrency Report

[3] Peak Hour Peak Season Volume for Three Oaks Pkwy south of Daniels Pkwy provided by Lee County in 2027 model run

LEE COUNTY PUBLIC FACILITIES
LEVEL OF SERVICE AND
CONCURRENCY REPORT

9/23/2021

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

LINK NO.	NAME	ROADWAY LINK FROM	TO	ROAD TYPE	PERFORMANCE STANDARD LOS	PERFORMANCE STANDARD CAPACITY	2020 100TH HIGHEST HOUR LOS	2020 100TH HIGHEST HOUR VOLUME	FORECAST FUTURE LOS	FORECAST FUTURE VOLUME	NOTES
07400	CYPRESS LAKE DR	McGREGOR BLVD	SOUTH POINT BLVD	4LD	E	1,940	D	1,131	D	1,189	
07500	CYPRESS LAKE DR	SOUTH POINT BLVD	WINKLER RD	4LD	E	1,940	D	1,392	D	1,463	
07600	CYPRESS LAKE DR	WINKLER RD	SUMMERLIN RD	4LD	E	1,940	D	1,392	D	1,463	
07700	CYPRESS LAKE DR	SUMMERLIN RD	US 41	6LD	E	2,940	D	2,161	D	2,271	
07800	DANIELS PKWY	US 41	METRO PKWY	6LD	E	2,680	D	2,263	D	2,378	
07900	DANIELS PKWY	METRO PKWY	SIX MILE PKWY	6LD	E	2,680	D	2,109	E	2,520	Constrained
08000	DANIELS PKWY	SIX MILE PKWY	PALOMINO LN	6LD	E	3,040	E	3,030	F	3,303	Constrained
08100	DANIELS PKWY	PALOMINO LN	I-75	6LD	E	3,040	E	3,030	F	3,185	Constrained
08200	DANIELS PKWY	I-75	TREELINE AVE	6LD	E	3,260	A	2,396	B	2,518	
08300	DANIELS PKWY	TREELINE AVE	CHAMBERLIN PKWY	6LD	E	3,260	A	2,396	B	2,518	
08400	DANIELS PKWY	CHAMBERLIN PKWY	GATEWAY BLVD	6LD	E	3,260	B	2,737	B	2,876	
08500	DANIELS PKWY	GATEWAY BLVD	SR 82	4LD	E	2,160	F	2,355	F	2,632	Sky Walk, Timber Creek*
08600	DANLEY DR	US 41	METRO PKWY	2LN	E	860	C	273	C	304	
08700	DAVIS RD	McGREGOR BLVD	IONA RD	2LN	E	860	C	15	C	29	old count projection(2010)
08800	DEL PRADO BLVD	CAPE CORAL PKWY	SE 46TH ST	6LD	E	2,660	C	1,404	C	1,586	old count projection(2009)
08900	DEL PRADO BLVD	SE 46TH ST	CORONADO PKWY	6LD	E	2,660	C	1,404	C	1,586	old count projection(2009)
09000	DEL PRADO BLVD	CORONADO PKWY	CORNWALLIS PKWY	6LD	E	2,660	D	1,769	D	1,859	
09100	DEL PRADO BLVD	CORNWALLIS PKWY	CORAL POINT DR	6LD	E	2,660	D	2,090	D	2,196	
09200	DEL PRADO BLVD	CORAL POINT DR	HANCOCK B. PKWY	6LD	E	2,800	D	2,038	D	2,142	
09300	DEL PRADO BLVD	HANCOCK B. PKWY	SR 78	6LD	E	2,800	C	1,555	C	1,635	*
09400	DEL PRADO BLVD	US 41	SLATER RD	2LN	E	860	C	435	C	715	Crane Landing
09700	EAST 21ST ST	JOEL BLVD	GRANT AVE	2LN	E	860	C	29	C	30	*
09800	ESTERO BLVD	BIG CARLOS PASS BRIDGE	PESCADORA AVE	2LN	E	726	A	336	A	354	Constrained*
09900	ESTERO BLVD	PESCADORA AVE	VOORHIS ST	2LN	E	726	B	601	C	631	Constrained*
10000	ESTERO BLVD	VOORHIS ST	TROPICAL SHORES WAY	2LN	E	726	B	601	C	631	Constrained*
10100	ESTERO BLVD	TROPICAL SHORES WAY	CENTER ST	2LN	E	671	F	716	F	779	Constrained, old count(2010)
14400	ESTERO PKWY	US 41	THREE OAKS PKWY	4LD	E	2,000	B	790	B	1,083	East & West Cypress View*
14450	ESTERO PKWY	THREE OAKS PKWY	BEN HILL GRIFFIN PKWY	4LD	E	2,000	B	876	B	921	*
10200	EVERGREEN RD	US 41	BUS 41	2LN	E	860	C	100	C	116	old count projection
10300	FIDDLESTICKS BLVD	GUARDHOUSE	DANIELS PKWY	2LN	E	860	C	403	C	436	
10400	FOWLER ST	U.S 41	N AIRPORT RD	6LD	E	2,300	D	1,251	D	1,315	
10500	FOWLER ST	N AIRPORT RD	COLONIAL BLVD	6LD	E	2,300	D	1,496	D	1,572	
10800	GASPARILLA BLVD	FIFTH ST	COUNTY LINE	2LN	E	860	C	240	C	267	Constrained*
	GATEWAY BLVD	DANIELS PKWY	GATEWAY LAKES BLVD	4LD	E	1,790	C	1,233	C	1,296	
	GATEWAY BLVD	GATEWAY LAKES BLVD	SR82	2LN	E	860	C	505	C	531	Old Count
10900	GLADIOLUS DR	McGREGOR BLVD	PINE RIDGE RD	4LD	E	1,840	C	550	C	578	
11000	GLADIOLUS DR	PINE RIDGE RD	BASS RD	4LD	E	1,840	C	1,217	C	1,352	
11100	GLADIOLUS DR	BASS RD	WINKLER RD	6LD	E	2,780	C	1,217	C	1,279	
11200	GLADIOLUS DR	WINKLER RD	SUMMERLIN RD	6LD	E	2,780	B	1,217	B	1,279	
11300	GLADIOLUS DR	SUMMERLIN RD	US 41	6LD	E	2,780	C	2,089	C	2,195	
11400	GREENBRIAR BLVD	RICHMOND AVE	JOEL BLVD	2LN	E	860	C	75	C	79	*
11500	GUNNERY RD	SR 82	LEE BLVD	4LD	E	1,920	B	1,548	B	1,643	
11600	GUNNERY RD	LEE BLVD	BUCKINGHAM RD	2LN	E	1,020	C	870	C	1,005	
11700	HANCOCK BRIDGE PKWY	DEL PRADO BLVD	NE 24TH AVE	4LD	E	1,880	B	1,024	B	1,076	
11800	HANCOCK BRIDGE PKWY	NE 24TH AVE	ORANGE GROVE BLVD	4LD	E	1,880	B	1,414	B	1,486	
11900	HANCOCK BRIDGE PKWY	ORANGE GROVE BLVD	MOODY RD	4LD	E	1,880	B	1,394	B	1,465	
12000	HANCOCK BRIDGE PKWY	MOODY RD	US 41	4LD	E	1,880	B	1,394	B	1,465	
12100	HART RD	SR 78	TUCKER LANE	2LN	E	860	C	357	C	375	*
12200	HICKORY BLVD	BONITA BEACH RD	McLAUGHLIN BLVD	2LN	E	890	E	529	E	556	Constrained*
12300	HICKORY BLVD	McLAUGHLIN BLVD	MELODY LANE	2LN	E	890	E	529	E	556	Constrained*
12400	HICKORY BLVD	MELODY LANE	ESTERO BLVD	2LN	E	890	E	529	E	556	Constrained*
12480	HOMESTEAD RD	SR 82	MILWAUKEE BLVD	2LN	E	1,010	D	526	E	696	*
12490	HOMESTEAD RD	MILWAUKEE BLVD	SUNRISE BLVD	2LN	E	1,010	D	526	E	696	*
12500	HOMESTEAD RD	SUNRISE BLVD	LEELAND HEIGHTS	4LN	E	2,960	C	526	C	696	4 lane under constriction
12600	HOMESTEAD RD	LEELAND HEIGHTS	LEE BLVD	4LN	E	2,960	C	963	C	1,059	
31800	I-75	BONITA BEACH RD	CORKSCREW RD	6LF	D	5,620	D	5,557	F	6,562	
31900	I-75	CORKSCREW RD	ALICO RD	6LF	D	5,620	D	4,907	E	5,804	
32000	I-75	ALICO RD	DANIELS PKWY	6LF	D	6,620	C	4,972	C	5,632	
32100	I-75	DANIELS PKWY	COLONIAL BLVD	6LF	D	5,620	C	4,544	D	5,435	
	I-75	COLONIAL BLVD	M.L.K. (SR 82)	6LF	D	5,620	C	4,336	D	5,036	
32300	I-75	M.L.K.(SR 82)	LUCKETT RD	6LF	D	5,620	C	4,596	D	5,253	
32400	I-75	LUCKETT RD	SR 80	6LF	D	6,620	B	4,363	C	4,933	
32500	I-75	SR 80	SR 78	6LF	D	6,620	B	3,635	B	4,145	
32600	I-75	SR 78	COUNTY LINE	6LF	C	4,670	B	2,696	B	2,990	
12700	IDLEWILD ST	METRO PKWY	RANCHETTE RD	2LN	E	860	C	200	C	210	
13000	IMMOKALEE RD (SR 82)	E OF COLONIAL BLVD	GATEWAY BLVD	6LD	D	3,171	C	1,701	C	2,177	
13100	IMMOKALEE RD (SR 82)	GATEWAY BLVD	GUNNERY RD	6LD	D	3,171	C	1,191	C	1,532	
13200	IMMOKALEE RD (SR 82)	GUNNERY RD	ALABAMA RD	6LD	D	4,860	B	1,385	B	1,683	
13300	IMMOKALEE RD (SR 82)	ALABAMA RD	BELL BLVD	4LD	D	3,240	B	564	B	688	

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

LINK NO	NAME	ROADWAY LINK FROM	TO	ROAD TYPE	PERFORMANCE STANDARD LOS	PERFORMANCE STANDARD CAPACITY	2020 100TH HIGHEST HOUR LOS	2020 100TH HIGHEST HOUR VOLUME	FORECAST FUTURE LOS	FORECAST FUTURE VOLUME	NOTES
13400	IMMOKALEE RD (SR 82)	BELL BLVD	COUNTY LINE	4LD	D	3,240	B	569	B	698	
13500	IMPERIAL PKWY	COUNTY LINE	BONITA BEACH RD	4LD	E	1,920	B	1,009	B	1,061	
13550	IMPERIAL PKWY	E TERRY ST	COCONUT RD	4LD	E	1,920	B	973	B	1,023	
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	75	C	247	
13800	JOEL BLVD	BELL BLVD	18TH ST	4LN	E	2,120	B	625	B	835	Joel Blvd CPD
13900	JOEL BLVD	18TH ST	SR 80	2LN	E	1,010	D	490	D	515	
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	269	*
14200	KELLY RD	McGREGOR BLVD	SAN CARLOS BLVD	2LN	E	860	C	282	C	296	
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	436	C	458	
14600	LEE BLVD	SR 82	ALVIN AVE	6LD	E	2,840	B	2,335	B	2,454	
14700	LEE BLVD	ALVIN AVE	GUNNERY RD	6LD	E	2,840	B	2,037	B	2,216	
14800	LEE BLVD	GUNNERY RD	HOMESTEAD RD	6LD	E	2,840	B	2,257	B	2,372	
14900	LEE BLVD	HOMESTEAD RD	WILLIAMS AVE	4LD	E	1,980	B	1,006	B	1,057	
14930	LEE BLVD	WILLIAMS AVE	LEELAND HEIGHTS	2LN	E	1,020	C	1,006	F	1,057	
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	E	843	F	917	
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	496	C	522	
15500	LUCKETT RD	ORTIZ AVE	I-75	2LN	E	880	B	338	B	413	4 Ln design & ROW
15600	LUCKETT RD	I-75	COUNTRY LAKES DR	2LN	E	860	C	304	C	319	
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	1,176	B	1,236	
15900	McGREGOR BLVD	HARBOR DR	SUMMERLIN RD	4LD	E	1,960	B	1,105	B	1,162	
16000	McGREGOR BLVD	SUMMERLIN RD	KELLY RD	4LD	E	1,960	A	943	A	1,001	
16100	McGREGOR BLVD	KELLY RD	GLADIOLUS DR	4LD	E	1,960	A	943	A	991	
16200	McGREGOR BLVD (SR 867)	OLD McGREGOR BLVD/GI	IONA LOOP RD	4LD	D	2,100	C	1,451	C	1,625	
16300	McGREGOR BLVD (SR 867)	IONA LOOP RD	PINE RIDGE RD	4LD	D	2,100	C	1,599	C	1,625	
16400	McGREGOR BLVD (SR 867)	PINE RIDGE RD	CYPRESS LAKE DR	4LD	D	2,100	C	1,599	C	1,798	
16500	McGREGOR BLVD (SR 867)	CYPRESS LAKE DR	COLLEGE PKWY	4LD	D	2,100	C	1,599	C	1,798	
16600	McGREGOR BLVD (SR 867)	COLLEGE PKWY	WINKLER RD	2LN	D	924	C	727	C	802	Constrained
16700	McGREGOR BLVD (SR 867)	WINKLER RD	TANGLEWOOD BLVD	2LN	D	970	F	1,057	F	1,168	Constrained
16800	McGREGOR BLVD (SR 867)	TANGLEWOOD BLVD	COLONIAL BLVD	2LN	D	970	F	1,057	F	1,168	Constrained
16900	METRO PKWY (SR 739)	SIX MILE PKWY	DANIELS PKWY	6LD	D	3,171	C	977	C	1,376	
17000	METRO PKWY (SR 739)	DANIELS PKWY	CRYSTAL DR	4LD	D	2,100	C	1,140	C	1,452	
17100	METRO PKWY (SR 739)	CRYSTAL DR	DANLEY DR	4LD	D	2,100	C	1,303	C	1,623	
17200	METRO PKWY (SR 739)	DANLEY DR	COLONIAL BLVD	4LD	D	2,100	C	1,349	C	1,880	
	MICHAEL RIPPE PKWY	US41	SIX MILES PKWY	6LD	D	3,171	C	1,070	C	1,537	
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	184	*
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	64	C	67	
18000	NALLE RD	SR 78	NALLE GRADE RD	2LN	E	860	C	114	C	133	*
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	164	B	283	
18300	NO RIVER RD	FRANKLIN LOCK RD	BROADWAY RD	2LN	E	1,140	A	164	B	309	
18400	NO RIVER RD	BROADWAY RD	COUNTY LINE	2LN	E	1,140	A	113	A	146	
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	614	C	645	
19300	ORANGE RIVER BLVD	SR 80	STALEY RD	2LN	E	1,000	D	510	D	536	
19400	ORANGE RIVER BLVD	STALEY RD	BUCKINGHAM RD	2LN	E	1,000	D	510	D	544	
19500	ORIOLE RD	SAN CARLOS BLVD	ALICO RD	2LN	E	860	C	147	C	154	
19600	ORTIZ AVE	COLONIAL BLVD	SR 82	2LN	E	900	C	805	C	846	
19700	ORTIZ AVE	SR 82	LUCKETT RD	2LN	E	900	C	838	C	880	4 Ln design & ROW
19800	ORTIZ AVE	LUCKETT RD	SR 80	2LN	E	900	B	350	B	368	4 Ln design & ROW
19900	PALM BEACH BLVD (SR 80)	PROSPECT AVE	ORTIZ AVE	4LD	D	2,100	C	1,096	C	1,210	
20000	PALM BEACH BLVD (SR 80)	ORTIZ AVE	I-75	6LD	D	3,171	C	1,096	C	1,205	
20100	PALM BEACH BLVD (SR 80)	I-75	SR 31	6LD	D	3,171	C	1,619	C	2,006	
20200	PALM BEACH BLVD (SR 80)	SR 31	BUCKINGHAM RD	4LD	D	2,100	C	1,619	C	1,905	
20300	PALM BEACH BLVD (SR 80)	BUCKINGHAM RD	WERNER DR	4LD	D	3,280	B	1,764	C	2,208	
20330	PALM BEACH BLVD (SR 80)	WERNER DR	JOEL BLVD	4LD	C	2,210	C	1,402	C	1,797	
20400	PALM BEACH BLVD (SR 80)	JOEL BLVD	HENDRY CO. LINE	4LD	C	2,210	B	1,224	C	1,541	
20500	PALOMINO LN	DANIELS PKWY	PENZANCE BLVD	2LN	E	860	C	466	C	489	
20600	PARK MEADOWS DR	SUMMERLIN RD	US 41	2LN	E	860	C	196	C	206	
20800	PENZANCE BLVD	RANCHETTE RD	SIX MILE PKWY	2LN	E	860	C	147	C	159	

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20900	PINE ISLAND RD	STRINGFELLOW RD	BURNT STORE RD	2LN	E	950	E	594	E	644	Constrained
21400	PINE ISLAND RD (SR 78)	CITY LIMITS E OF BARRETT RD	US 41	4LD	D	2,100	C	1,621	D	2,037	
21500	PINE ISLAND RD (SR 78)	US 41	BUS 41	4LD	D	2,100	C	1,580	C	1,855	
21600	PINE RIDGE RD	SAN CARLOS BLVD	SUMMERLIN RD	2LN	E	860	C	489	C	535	*
21700	PINE RIDGE RD	SUMMERLIN RD	GLADIOLUS DR	2LN	E	860	C	293	D	552	Heritage Isle*
21800	PINE RIDGE RD	GLADIOLUS DR	McGREGOR BLVD	2LN	E	860	C	293	C	308	
21900	PLANTATION RD	SIX MILE PKWY	DANIELS PKWY	2LN	E	860	C	285	C	414	Intermed Park
22000	PLANTATION RD	DANIELS PKWY	IDLEWILD ST	2LN	E	860	D	740	D	778	FDOT Metro Pkwy 6-laning
22050	PLANTATION RD	IDLEWILD ST	COLONIAL BLVD	4LN	E	1,790	C	510	C	536	
22100	PONDELLA RD	SR 78	ORANGE GROVE BLVD	4LD	E	1,890	B	736	B	774	*
22200	PONDELLA RD	ORANGE GROVE BLVD	US 41	4LD	E	1,890	B	1,101	B	1,176	
22300	PONDELLA RD	US 41	BUS 41	4LD	E	1,890	B	1,094	B	1,150	
22400	PRITCHETT PKWY	SR 78	RICH RD	2LN	E	860	C	73	C	541	old count, Stoneybrook North(2009)
22500	RANCHETTE RD	PENZANCE BLVD	IDLEWILD ST	2LN	E	860	C	93	C	98	
22600	RICH RD	SLATER RD	PRITCHETT PKWY	2LN	E	860	C	55	C	62	old count projection(2009)
22700	RICHMOND AVE	LEELAND HEIGHTS	E 12TH ST	2LN	E	860	C	77	C	89	
22800	RICHMOND AVE	E 12TH ST	GREENBRIAR BLVD	2LN	E	860	C	77	C	81	
23000	SAN CARLOS BLVD (SR 865)	MANTANZAS PASS B.	MAIN ST	2LD	D	970	F	1,022	F	1,151	Constrained
23100	SAN CARLOS BLVD (SR 865)	MAIN ST	SUMMERLIN RD	4LD	D	2,100	C	1,022	C	1,151	PD&E Study
23180	SAN CARLOS BLVD (SR 865)	SUMMERLIN RD	KELLY RD	2LD	D	970	C	689	C	767	
23200	SAN CARLOS BLVD (SR 865)	KELLY RD	GLADIOLUS DR	4LD	D	2,100	C	689	C	767	
23230	SAN CARLOS BLVD	US 41	THREE OAKS PKWY	2LN	E	860	C	448	C	471	*
23260	SANIBEL BLVD	US 41	LEE RD	2LN	E	860	D	591	D	621	
23300	SANIBEL CAUSEWAY	SANIBEL SHORELINE	TOLL PLAZA	2LN	E	1,140	E	937	E	985	
23400	SHELL POINT BLVD	McGREGOR BLVD	PALM ACRES	2LN	E	860	C	294	C	309	*
23500	SIX MILE PKWY (SR 739)	US 41	METRO PKWY	4LD	D	2,100	C	1,512	C	1,764	
23600	SIX MILE CYPRESS	METRO PKWY	DANIELS PKWY	4LD	E	2,000	B	1,481	B	1,556	
23700	SIX MILE CYPRESS	DANIELS PKWY	WINKLER EXT.	4LD	E	1,900	B	1,069	B	1,272	
23800	SIX MILE CYPRESS	WINKLER EXT.	CHALLENGER BLVD	4LD	E	1,900	B	1,038	B	1,091	
23900	SIX MILE CYPRESS	CHALLENGER BLVD	COLONIAL BLVD	6LD	E	2,880	A	1,038	A	1,091	
24000	SLATER RD	SR 78	NALLE GRADE RD	2LN	E	1,010	C	399	C	419	*
24100	SOUTH POINTE BLVD	CYPRESS LAKE DR	COLLEGE PKWY	2LD	E	910	D	640	D	673	*
24200	SR 31 (ARCADIA RD)	SR 80	SR 78	2LN	D	970	C	652	C	831	PD&E/SEIR Study
24300	SR 31 (ARCADIA RD)	SR 78	COUNTY LINE	2LN	C	820	B	460	B	669	PD&E/SEIR Study
24400	STALEY RD	TICE	ORANGE RIVER BLVD	2LN	E	860	C	211	C	237	*
24500	STRINGFELLOW RD	1ST AVE	BERKSHIRE RD	2LN	E	1,060	B	315	D	672	Constrained
24600	STRINGFELLOW RD	BERKSHIRE RD	PINE ISLAND RD	2LN	E	1,060	B	315	C	448	Constrained
24700	STRINGFELLOW RD	PINE ISLAND RD	PINELAND RD	2LN	E	1,060	D	712	E	813	Constrained
24800	STRINGFELLOW RD	PINELAND RD	MAIN ST	2LN	E	1,060	D	712	E	809	
24900	SUMMERLIN RD	McGREGOR BLVD	KELLY COVE RD	4LD	E	1,980	A	1,243	A	1,306	
25000	SUMMERLIN RD	KELLY COVE RD	SAN CARLOS BLVD	4LD	E	1,980	A	1,243	A	1,306	
25100	SUMMERLIN RD	SAN CARLOS BLVD	PINE RIDGE RD	6LD	E	3,000	A	1,896	A	2,126	
25200	SUMMERLIN RD	PINE RIDGE RD	BASS RD	6LD	E	3,000	A	1,896	A	1,993	
25300	SUMMERLIN RD	BASS RD	GLADIOLUS DR	6LD	E	3,000	A	1,896	A	1,993	
25400	SUMMERLIN RD	GLADIOLUS DR	CYPRESS LAKE DR	4LD	E	1,900	C	1,517	C	1,618	
25500	SUMMERLIN RD	CYPRESS LAKE DR	COLLEGE PKWY	6LD	E	2,880	B	1,489	B	1,565	
25600	SUMMERLIN RD	COLLEGE PKWY	PARK MEADOW DR	6LD	E	2,880	B	1,526	B	1,604	
25700	SUMMERLIN RD	PARK MEADOW DR	BOY SCOUT	6LD	E	2,880	B	1,526	B	1,604	
25800	SUMMERLIN RD	BOY SCOUT	MATHEWS DR	4LD	E	1,820	D	1,189	D	1,250	
25900	SUMMERLIN RD	MATHEWS DR	COLONIAL BLVD	4LD	E	1,820	D	1,189	D	1,250	
26000	SUNRISE BLVD	BELL BLVD	COLUMBUS BLVD	2LN	E	860	C	42	C	53	Old Count
26100	SUNSHINE BLVD	SR 82	23RD ST SW	2LN	E	1,010	C	443	C	466	*
26150	SUNSHINE BLVD	23RD ST SW	LEE BLVD	2LN	E	1,010	C	443	C	466	*
26200	SUNSHINE BLVD	LEE BLVD	W 12TH ST	2LN	E	1,010	E	730	E	767	*
26300	SUNSHINE BLVD	W 12TH ST	W 75TH ST	2LN	E	860	D	600	D	630	
26400	SW 23RD ST	GUNNERY RD	SUNSHINE BLVD	2LN	E	860	E	855	F	1,012	Copperhead
26500	THREE OAKS PKWY	COCONUT RD	ESTERO PKWY	4LD	E	1,940	B	1,502	B	1,685	
26600	THREE OAKS PKWY	ESTERO PKWY	SAN CARLOS BLVD	4LD	E	1,940	B	855	B	964	
26700	THREE OAKS PKWY	SAN CARLOS BLVD	ALICO RD	4LD	E	1,940	B	855	B	1,198	
26800	TICE ST	SR 80	ORTIZ AVE	2LN	E	860	C	199	C	209	
26900	TICE ST	ORTIZ AVE	STALEY RD	2LN	E	860	C	188	D	701	Elementry U.
27000	TREELINE AVE	TERMINAL ACCESS RD	DANIELS PKWY	4LD	E	1,980	A	1,030	A	1,288	Harley Davidson
27030	TREELINE AVE	DANIELS PKWY	AMBERWOOD RD	4LD	E	1,980	A	799	A	840	
27070	TREELINE AVE	AMBERWOOD RD	COLONIAL BLVD	4LD	E	1,980	A	793	A	833	
29800	US 41 (S TAMIAMI TR)	OLD 41	CORKSCREW RD	6LD	D	3,171	C	2,020	C	2,273	
29900	US 41 (S TAMIAMI TR)	CORKSCREW RD	SANIBEL BLVD	6LD	D	3,171	C	1,901	C	2,354	
30000	US 41 (S TAMIAMI TR)	SANIBEL BLVD	ALICO RD	6LD	D	3,171	C	2,069	C	2,812	
30100	US 41 (S TAMIAMI TR)	ALICO RD	ISLAND PARK RD	6LD	D	3,171	C	2,069	C	2,467	

TRAFFIC DATA FROM THE FLORIDA TRAFFIC INFORMATION ONLINE

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2020 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 6062 - TREELINE AVE, S OF PELICAN PRESERVE BLVD - PTMS 4453 LCPR 62

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2020	12500 S	0	0	9.00	53.40	4.80
2019	13000 F	0	0	9.00	53.80	3.40
2018	13030 C	0	0	9.00	53.30	3.40
2017	8900 X	0	0	9.00	55.20	4.30
2016	9000 E	0	0	9.00	56.10	4.90
2015	8800 E	0	0	9.00	59.50	5.20
2014	8500 F			9.00	59.50	5.00
2013	8846 C	N 4752	S 4094	9.00	59.50	5.30

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: 6060 - BEN HILL GRIFFIN PKWY, S OF MIDFIELD TERMINAL RD, PTMS 2060, LCPR 60 SIS

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2020	20500 X	0	0	9.00	53.40	4.80
2019	21000 T	0	0	9.00	53.80	3.40
2018	20000 S	0	0	9.00	53.30	3.40
2017	19700 F	0	0	9.00	55.20	4.30
2016	19784 C	N 10512	S 9272	9.50	56.10	4.90
2015	25500 F	N 11613	S 0	9.50	53.40	5.20
2014	25322 C	N 13756	S 11566	9.50	53.40	3.00
2013	25076 C	N 13289	S 11787	9.50	53.40	4.20
2012	23983 C	N 12455	S 11528	9.50	53.70	3.90
2011	24144 C	N 12544	S 11600	9.50	54.70	3.10
2010	23565 C	N 12207	S 11358	10.70	54.88	3.40
2009	23769 C	N 12319	S 11450	11.41	56.94	4.30
2008	24426 C	N 12712	S 11714	11.06	58.89	3.30

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
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FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2020 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 6045 - SR 739/METRO PKWY, 500' N OF ARC WAY, PTMS 5056, LCPR 45

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2020	24500 S	0	0	9.00	51.70	5.10
2019	25500 F	0	0	9.00	52.00	5.90
2018	25408 C	0	0	9.00	59.00	6.40
2017	26000 F	0	0	9.00	59.00	7.50
2016	25591 C	N 13309	S 12282	9.00	59.00	7.50
2015	23711 C	N 12341	S 11370	9.00	58.40	7.50
2014	23104 C	N 11931	S 11173	9.00	56.40	7.20
2013	21641 C	N 11141	S 10500	9.00	55.20	7.20
2012	19599 C	N 10009	S 9590	9.00	54.00	5.60
2011	19492 C	N 9955	S 9537	9.00	53.40	4.60
2010	19315 C	N 9895	S 9420	10.89	54.97	6.10
2009	22136 C	N 11126	S 11010	10.81	54.66	5.50
2008	22852 C	N 11788	S 11064	10.75	57.36	7.80

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
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FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2020 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 5055 - SR739/METRO PKWY, N OF SR865/6-MI CYPRESS PKW LC337

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2020	21000 C	N 10500	S 10500	9.00	51.70	5.10
2019	24000 C	N 12500	S 11500	9.00	52.00	5.90
2018	23500 C	N 12000	S 11500	9.00	52.30	6.40
2017	23500 C	N 12000	S 11500	9.00	53.20	6.20
2016	23000 C	N 11500	S 11500	9.00	57.90	6.20
2015	21500 C	N 11000	S 10500	9.00	58.40	6.20
2014	21000 C	N 10500	S 10500	9.00	56.40	5.20
2013	29000 C	N 15000	S 14000	9.00	64.00	5.50
2012	24000 C	N 12000	S 12000	9.00	63.40	4.30
2011	8300 F	N 3700	S 4600	9.00	62.50	7.00
2010	8500 C	N 3800	S 4700	11.16	63.35	7.00
2009	9100 F	N 4200	S 4900	11.00	63.18	7.80
2008	9100 C	N 4200	S 4900	11.56	68.04	7.80
2007	8700 C	N 4100	S 4600	9.62	58.02	8.90
2006	10900 C	N 5000	S 5900	8.81	55.95	8.30
2005	10700 C	N 5300	S 5400	9.60	53.80	8.40

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: 0184 - SR-93/I-75, 1.7 MI S OF DANIELS PKWY U/P,LEE CO

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2020	93954 C	N 46449	S 47505	9.00	58.80	12.10
2019	108459 C	N 53666	S 54793	9.00	58.70	9.90
2018	106243 C	N 52504	S 53739	9.00	59.00	8.30
2017	102014 C	N 50580	S 51434	9.00	59.80	9.40
2016	98964 C	N 49086	S 49878	9.00	59.80	9.10
2015	89417 C	N 44274	S 45143	9.00	58.40	9.10
2014	77211 C	N 38722	S 38489	9.00	58.40	8.40
2013	71794 C	N 35681	S 36113	9.00	58.40	8.40
2012	71868 C	N 35966	S 35902	9.00	56.20	8.30
2011	70160 C	N 35176	S 34984	9.00	55.60	8.40
2010	67723 C	N 33359	S 34364	9.78	54.70	8.60
2009	54500 F	0	0	9.40	55.84	13.60
2008	54884 C	N 28740	S 26144	8.79	56.75	16.50
2007	55702 C	N 29310	S 26392	8.79	56.75	16.50
2006	56478 C	N 29511	S 26967	8.79	56.75	16.50
2005	54009 C	N 28021	S 25988	8.80	54.70	15.30

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: 0057 - SR-93/I-75, S OF SR 884/COLONIAL BLVD/CR 884

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2020	87500 C	N 43500	S 44000	9.00	57.70	14.90
2019	100500 C	N 50000	S 50500	9.00	58.70	12.80
2018	100500 C	N 50000	S 50500	9.00	59.00	12.30
2017	93000 C	N 45500	S 47500	9.00	58.10	12.80
2016	90000 C	N 44500	S 45500	9.00	58.10	11.60
2015	83500 C	N 41500	S 42000	9.00	56.80	12.10
2014	77000 C	N 38000	S 39000	9.00	56.40	11.90
2013	68500 C	N 34500	S 34000	9.00	57.70	10.50
2012	65000 C	N 33000	S 32000	9.00	56.40	11.80
2011	64500 C	N 32000	S 32500	9.00	55.80	12.40
2010	66000 C	N 33000	S 33000	9.64	55.58	11.00
2009	62000 F	N 31000	S 31000	9.40	55.84	14.00
2008	63000 C	N 31500	S 31500	9.07	55.79	14.00
2007	75000 C	N 37500	S 37500	9.29	52.37	16.40
2006	78500 C	N 39500	S 39000	8.72	54.35	17.70
2005	75000 C	N 37500	S 37500	8.90	52.90	15.60

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
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V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN
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FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2020 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 4521 - PLANTATION RD, NORTH OF SIX MILE CYPRESS LC 521

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2020	6200 F	N 3100	S 3100	9.00	52.80	6.40
2019	6400 C	N 3200	S 3200	9.00	53.30	6.40
2018	6700 C	N 3400	S 3300	9.00	53.30	9.30
2017	7300 T			9.00	53.20	6.00
2016	7100 S	N 3500	S 3600	9.00	60.30	7.00
2015	6900 F	N 3400	S 3500	9.00	52.00	7.00
2014	6500 C	N 3200	S 3300	9.00	52.30	7.00
2013	4400 S	N 2300	S 2100	9.00	55.70	6.50
2012	4400 F	N 2300	S 2100	9.00	52.10	6.50
2011	4400 C	N 2300	S 2100	9.00	51.60	6.50
2010	4800 S	N 2400	S 2400	10.36	54.31	5.10
2009	4800 F	N 2400	S 2400	9.94	54.56	5.10
2008	4800 C	N 2400	S 2400	10.07	55.20	5.10

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: 4370 - PLANTATION RD, N OF DANIELS PKWY LC 370

YEAR	AADT	DIRECTION 1		DIRECTION 2		*K FACTOR	D FACTOR	T FACTOR
2020	13700 F	N	6900	S	6800	9.00	52.80	5.60
2019	14100 C	N	7100	S	7000	9.00	53.30	5.60
2018	13000 C	N	6500	S	6500	9.00	53.30	6.70
2017	15100 T					9.00	53.20	6.00
2016	14700 S	N	7300	S	7400	9.00	60.30	5.20
2015	14300 F	N	7100	S	7200	9.00	52.00	5.20
2014	13500 C	N	6700	S	6800	9.00	52.30	5.20
2013	13400 S	N	6700	S	6700	9.00	55.70	5.80
2012	13400 F	N	6700	S	6700	9.00	52.10	5.80
2011	13800 C	N	6900	S	6900	9.00	51.60	5.80
2010	10500 S	N	5300	S	5200	10.36	54.31	3.70
2009	10500 F	N	5300	S	5200	9.94	54.56	3.70
2008	10300 C	N	5200	S	5100	10.07	55.20	3.70

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
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TRAFFIC DATA FROM THE LEE COUNTY TRAFFIC COUNT REPORT

PCS 30 - Daniels Pkwy west of Metro Pkwy

2020 AADT = 41,900 VPD

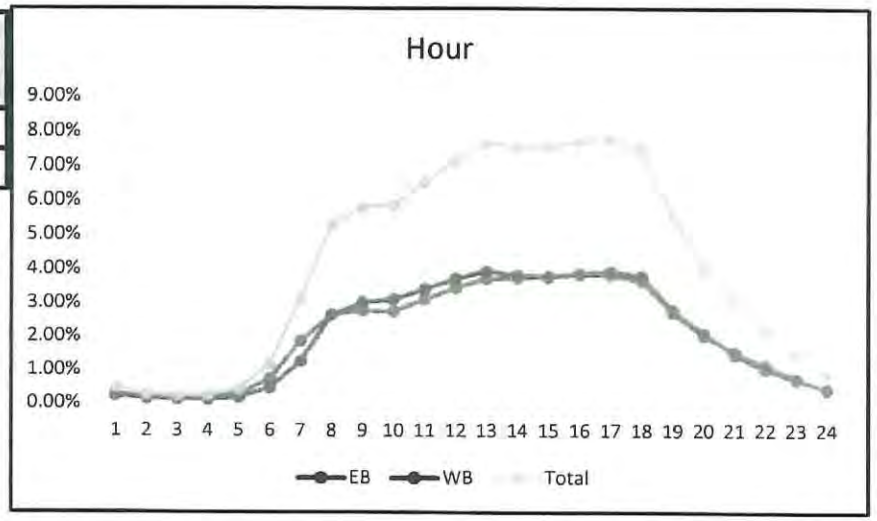
Hour	EB	WB	Total
0	0.22%	0.27%	0.49%
1	0.14%	0.16%	0.30%
2	0.13%	0.13%	0.25%
3	0.14%	0.11%	0.26%
4	0.28%	0.17%	0.45%
5	0.74%	0.45%	1.19%
6	1.88%	1.27%	3.15%
7	2.67%	2.65%	5.32%
8	2.78%	3.03%	5.82%
9	2.76%	3.13%	5.89%
10	3.12%	3.42%	6.55%
11	3.46%	3.73%	7.19%
12	3.73%	3.95%	7.69%
13	3.75%	3.83%	7.58%
14	3.80%	3.79%	7.59%
15	3.85%	3.88%	7.73%
16	3.84%	3.94%	7.78%
17	3.66%	3.81%	7.47%
18	2.74%	2.82%	5.56%
19	2.02%	2.12%	4.14%
20	1.57%	1.48%	3.04%
21	1.16%	1.03%	2.19%
22	0.76%	0.73%	1.49%
23	0.42%	0.45%	0.87%

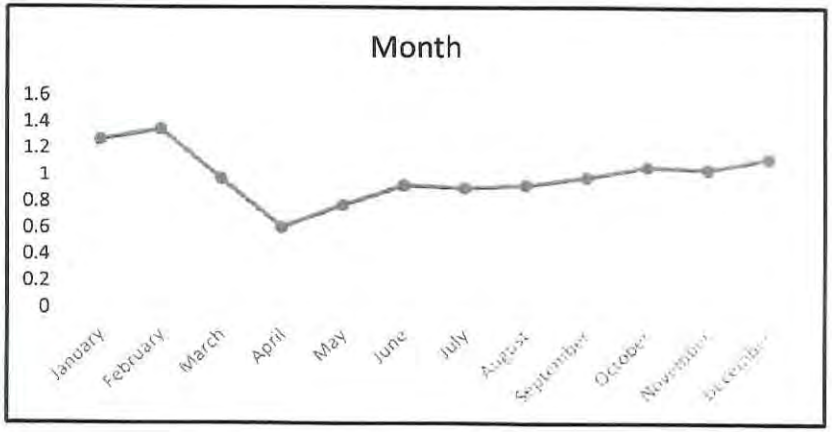
Month of Year	Fraction
January	1.27
February	1.35
March	0.98
April	0.61
May	0.78
June	0.93
July	0.91
August	0.93
September	0.99
October	1.07
November	1.05
December	1.13

Day of Week	Fraction
Sunday	0.67
Monday	1.04
Tuesday	1.11
Wednesday	1.1
Thursday	1.1
Friday	1.13
Saturday	0.85

Directional Factor		
AM	0.60	WB
PM	0.50	WB

Design Hour Volume		
#	Volume	Factor
5	4839	0.115
10	4795	0.114
20	4757	0.114
30	4727	0.113
50	4678	0.112
100	4532	0.108
150	4400	0.105
200	4291	0.102





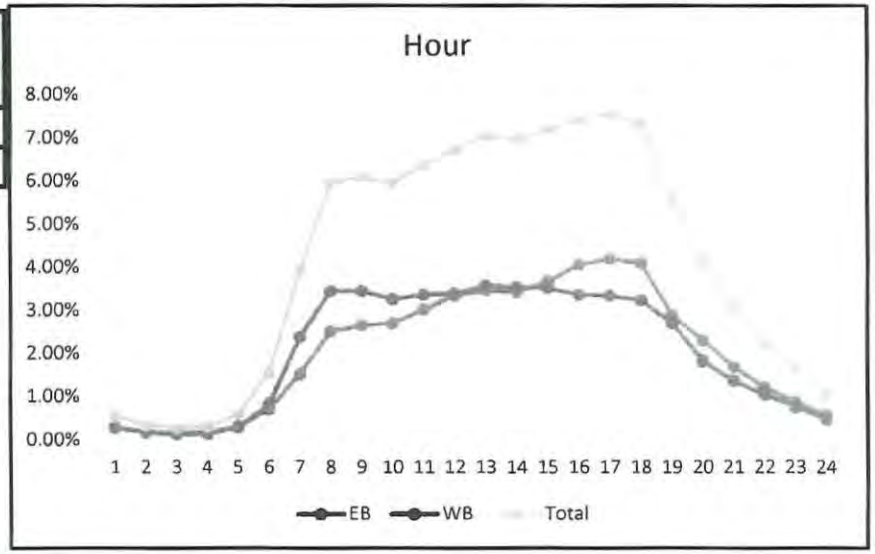
PCS 31 - Daniels Pkwy east of Six Mile Cypress Pkwy

2020 AADT = 54,100 VPD

Hour	EB	WB	Total
0	0.28%	0.29%	0.57%
1	0.19%	0.17%	0.36%
2	0.16%	0.13%	0.29%
3	0.18%	0.14%	0.32%
4	0.32%	0.30%	0.62%
5	0.72%	0.82%	1.55%
6	1.52%	2.39%	3.91%
7	2.51%	3.44%	5.96%
8	2.66%	3.45%	6.11%
9	2.70%	3.26%	5.96%
10	3.02%	3.36%	6.38%
11	3.33%	3.38%	6.71%
12	3.46%	3.58%	7.05%
13	3.43%	3.55%	6.97%
14	3.68%	3.52%	7.20%
15	4.06%	3.36%	7.42%
16	4.20%	3.34%	7.55%
17	4.10%	3.23%	7.33%
18	2.90%	2.70%	5.61%
19	2.31%	1.82%	4.13%
20	1.68%	1.36%	3.04%
21	1.21%	1.04%	2.26%
22	0.88%	0.77%	1.65%
23	0.59%	0.46%	1.06%

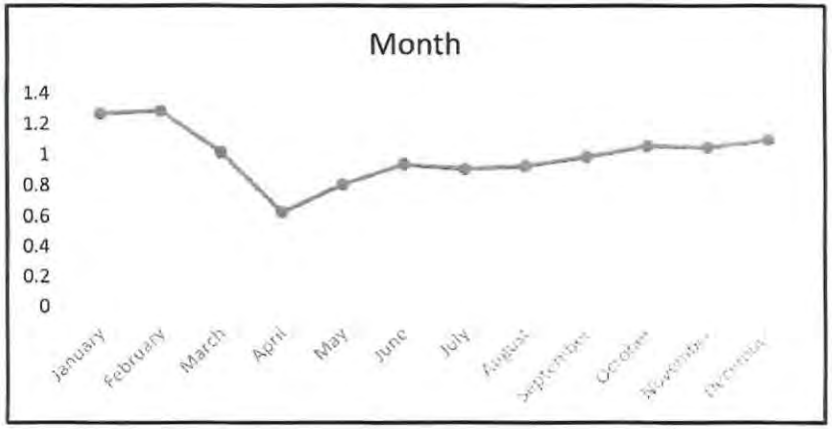
Month of Year	Fraction
January	1.27
February	1.29
March	1.02
April	0.63
May	0.81
June	0.94
July	0.91
August	0.93
September	0.99
October	1.06
November	1.05
December	1.1

Directional Factor		
AM	0.61	WB
PM	0.56	EB



Day of Week	Fraction
Sunday	0.69
Monday	1.05
Tuesday	1.09
Wednesday	1.08
Thursday	1.09
Friday	1.13
Saturday	0.87

Design Hour Volume		
#	Volume	Factor
5	5932	0.110
10	5872	0.109
20	5812	0.107
30	5736	0.106
50	5621	0.104
100	5398	0.100
150	5259	0.097
200	5169	0.096



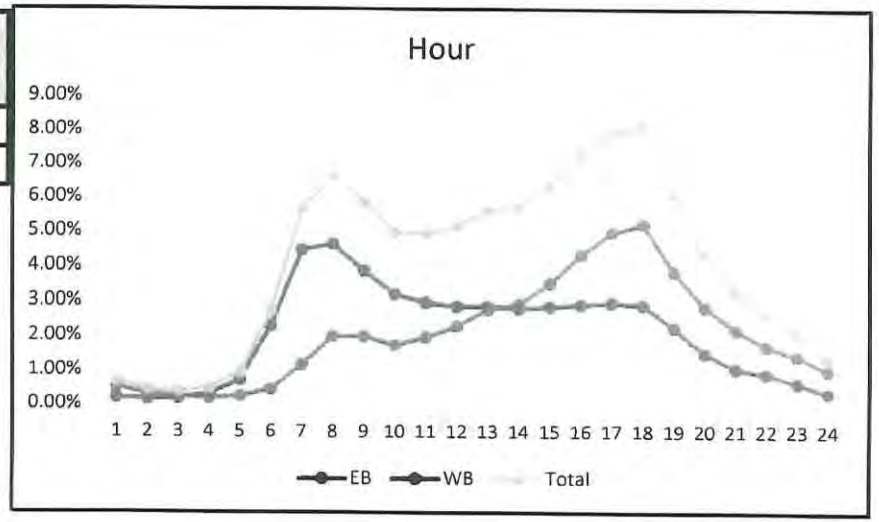
PCS 48- Daniels Pkwy east of Chamberlin Pkwy

2020 AADT = 40,600 VPD

Hour	EB	WB	Total
0	0.51%	0.21%	0.72%
1	0.31%	0.16%	0.46%
2	0.23%	0.18%	0.40%
3	0.18%	0.31%	0.49%
4	0.25%	0.73%	0.97%
5	0.45%	2.30%	2.75%
6	1.18%	4.48%	5.67%
7	2.00%	4.65%	6.65%
8	2.01%	3.88%	5.89%
9	1.75%	3.21%	4.97%
10	1.98%	2.97%	4.95%
11	2.31%	2.86%	5.17%
12	2.77%	2.87%	5.64%
13	2.94%	2.81%	5.74%
14	3.53%	2.86%	6.38%
15	4.34%	2.92%	7.25%
16	4.99%	2.98%	7.96%
17	5.23%	2.91%	8.13%
18	3.86%	2.27%	6.12%
19	2.85%	1.52%	4.36%
20	2.21%	1.07%	3.27%
21	1.72%	0.92%	2.63%
22	1.44%	0.65%	2.08%
23	1.01%	0.35%	1.35%

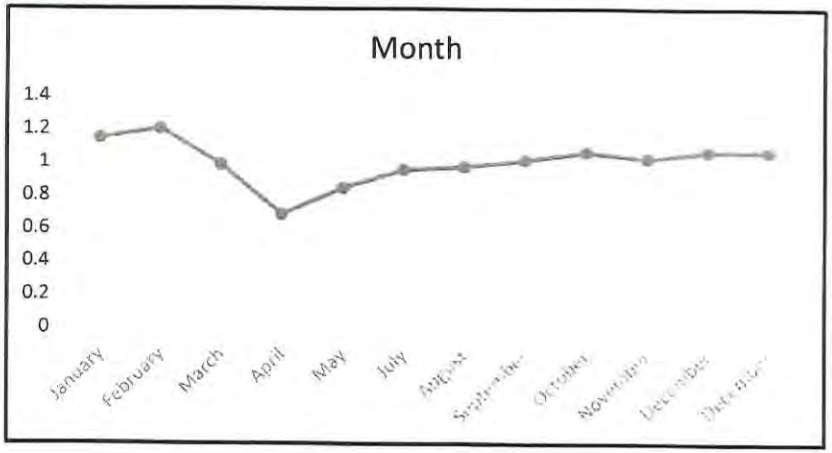
Month of Year	Fraction
January	1.15
February	1.21
March	0.99
April	0.69
May	0.85
July	0.96
August	0.98
September	1.02
October	1.07
November	1.03
December	1.07
December	1.07

Directional Factor		
AM	0.79	SB
PM	0.63	NB



Day of Week	Fraction
Sunday	0.65
Monday	1.04
Tuesday	1.11
Wednesday	1.1
Thursday	1.11
Friday	1.12
Saturday	0.85

Design Hour Volume		
#	Volume	Factor
5	48	0.001
10	4885	0.120
20	4730	0.117
30	4673	0.115
50	4516	0.111
100	4352	0.107
150	4198	0.103
200	4048	0.100



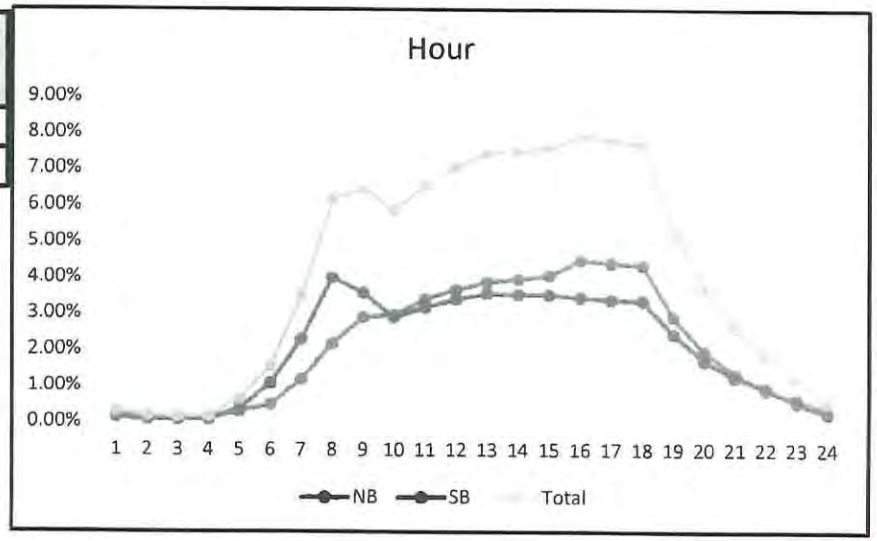
PCS 62 - Treeline Ave south of Pelican Preserve Blvd

2020 AADT = 11,600 VPD

Hour	NB	SB	Total
0	0.19%	0.14%	0.33%
1	0.12%	0.07%	0.20%
2	0.10%	0.08%	0.18%
3	0.09%	0.10%	0.19%
4	0.30%	0.36%	0.66%
5	0.48%	1.08%	1.56%
6	1.19%	2.29%	3.49%
7	2.18%	4.00%	6.18%
8	2.90%	3.57%	6.48%
9	2.97%	2.90%	5.87%
10	3.40%	3.17%	6.58%
11	3.67%	3.40%	7.07%
12	3.87%	3.56%	7.43%
13	3.96%	3.53%	7.49%
14	4.06%	3.53%	7.59%
15	4.49%	3.44%	7.93%
16	4.42%	3.39%	7.81%
17	4.35%	3.35%	7.70%
18	2.92%	2.46%	5.38%
19	1.96%	1.71%	3.68%
20	1.36%	1.24%	2.61%
21	0.87%	0.96%	1.84%
22	0.64%	0.55%	1.19%
23	0.35%	0.25%	0.59%

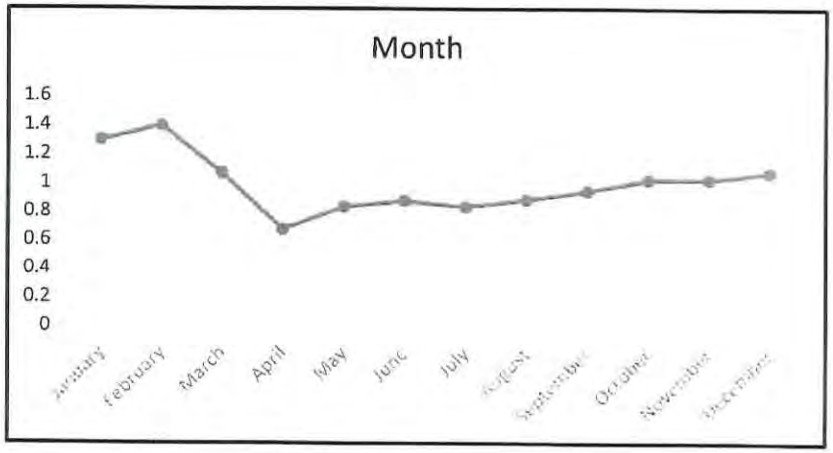
Month of Year	Fraction
January	1.3
February	1.4
March	1.07
April	0.68
May	0.84
June	0.88
July	0.84
August	0.89
September	0.95
October	1.03
November	1.03
December	1.08

Directional Factor		
AM	0.67	SB
PM	0.56	NB



Day of Week	Fraction
Sunday	0.66
Monday	1.05
Tuesday	1.1
Wednesday	1.13
Thursday	1.11
Friday	1.13
Saturday	0.82

Design Hour Volume		
#	Volume	Factor
5	1666	0.144
10	1589	0.137
20	1536	0.132
30	1503	0.130
50	1461	0.126
100	1413	0.122
150	1359	0.117
200	1311	0.113



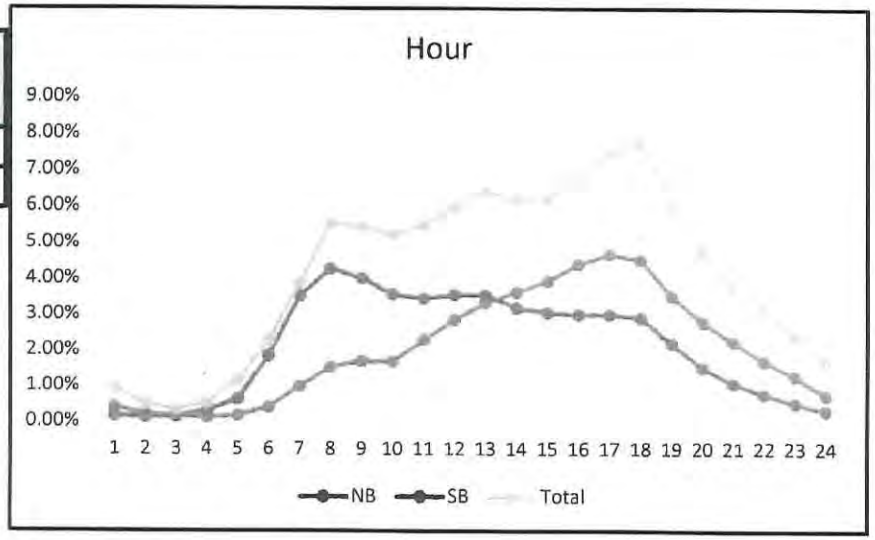
PCS 61 - Treeline Ave north of Termial Road

2020 AADT = 14,600 VPD

Hour	NB	SB	Total
0	0.40%	0.17%	0.93%
1	0.21%	0.13%	0.49%
2	0.16%	0.14%	0.35%
3	0.11%	0.31%	0.52%
4	0.18%	0.63%	1.17%
5	0.40%	1.84%	2.28%
6	0.99%	3.51%	3.89%
7	1.54%	4.28%	5.52%
8	1.70%	4.01%	5.45%
9	1.69%	3.56%	5.24%
10	2.28%	3.45%	5.49%
11	2.85%	3.55%	6.00%
12	3.33%	3.54%	6.43%
13	3.63%	3.19%	6.18%
14	3.94%	3.07%	6.23%
15	4.41%	3.00%	6.74%
16	4.68%	3.01%	7.42%
17	4.54%	2.91%	7.79%
18	3.53%	2.20%	6.09%
19	2.79%	1.52%	4.76%
20	2.24%	1.07%	3.73%
21	1.68%	0.76%	3.18%
22	1.27%	0.52%	2.43%
23	0.74%	0.31%	1.68%

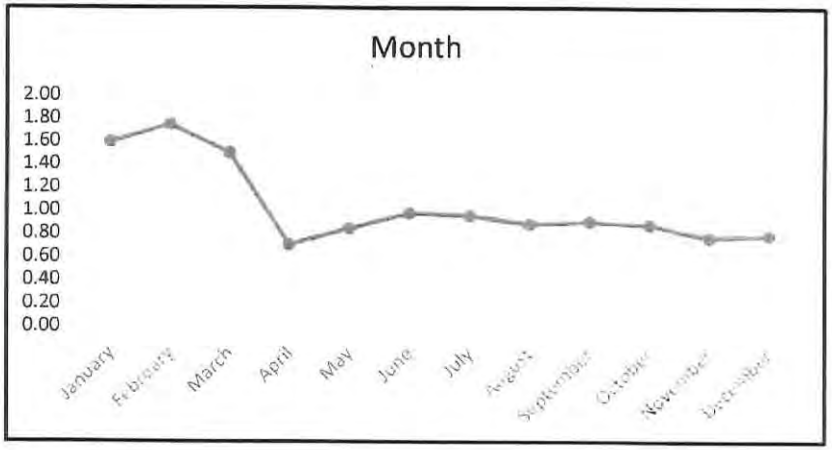
Month of Year	Fraction
January	1.60
February	1.75
March	1.50
April	0.71
May	0.85
June	0.98
July	0.96
August	0.89
September	0.91
October	0.88
November	0.77
December	0.79

Directional Factor		
AM	0.78	SB
PM	0.62	NB



Day of Week	Fraction
Sunday	0.7
Monday	0.92
Tuesday	1.07
Wednesday	1.08
Thursday	1.08
Friday	1.13
Saturday	0.91

Design Hour Volume		
#	Volume	Factor
5	2415	0.165
10	2213	0.152
20	2120	0.145
30	2051	0.140
50	1939	0.133
100	1700	0.116
150	1623	0.111
200	1569	0.107



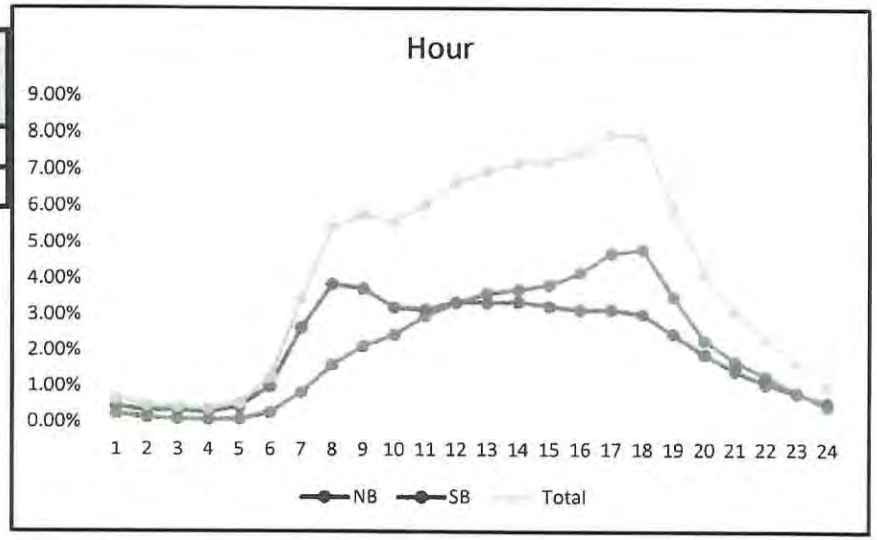
PCS 72 - Three Oaks Pkwy south of Estero Pkwy

2020 AADT = 18,000 VPD

Hour	NB	SB	Total
0	0.25%	0.43%	0.68%
1	0.14%	0.34%	0.49%
2	0.10%	0.34%	0.45%
3	0.08%	0.30%	0.39%
4	0.10%	0.45%	0.56%
5	0.28%	1.01%	1.28%
6	0.85%	2.65%	3.47%
7	1.62%	3.86%	5.43%
8	2.14%	3.74%	5.80%
9	2.46%	3.22%	5.59%
10	2.98%	3.17%	6.07%
11	3.35%	3.36%	6.68%
12	3.61%	3.35%	6.99%
13	3.73%	3.38%	7.21%
14	3.84%	3.26%	7.26%
15	4.19%	3.15%	7.49%
16	4.72%	3.16%	7.99%
17	4.83%	3.04%	7.93%
18	3.53%	2.48%	5.96%
19	2.31%	1.92%	4.16%
20	1.73%	1.45%	3.12%
21	1.31%	1.08%	2.35%
22	0.85%	0.82%	1.65%
23	0.45%	0.57%	1.01%

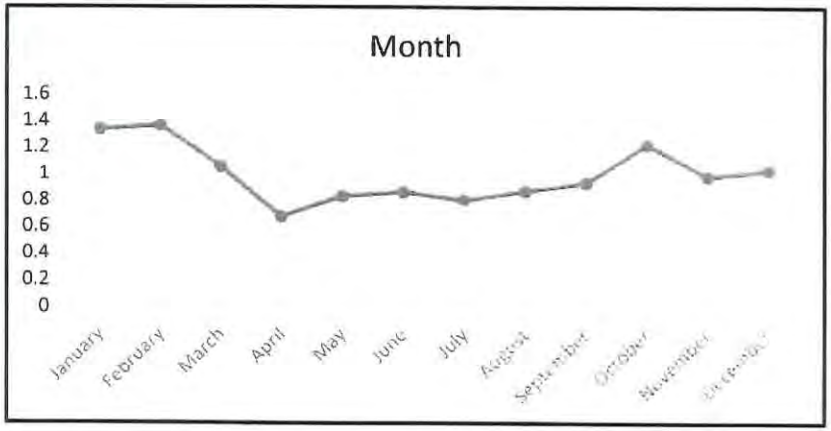
Month of Year	Fraction
January	1.34
February	1.37
March	1.06
April	0.68
May	0.84
June	0.87
July	0.81
August	0.88
September	0.94
October	1.23
November	0.99
December	1.04

Directional Factor		
AM	0.75	SB
PM	0.60	NB



Day of Week	Fraction
Sunday	0.71
Monday	1.04
Tuesday	1.13
Wednesday	1.07
Thursday	1.05
Friday	1.11
Saturday	0.86

Design Hour Volume		
#	Volume	Factor
5	2471	0.137
10	2440	0.136
20	2362	0.131
30	2329	0.129
50	2268	0.126
100	2106	0.117
150	1977	0.110
200	1901	0.106



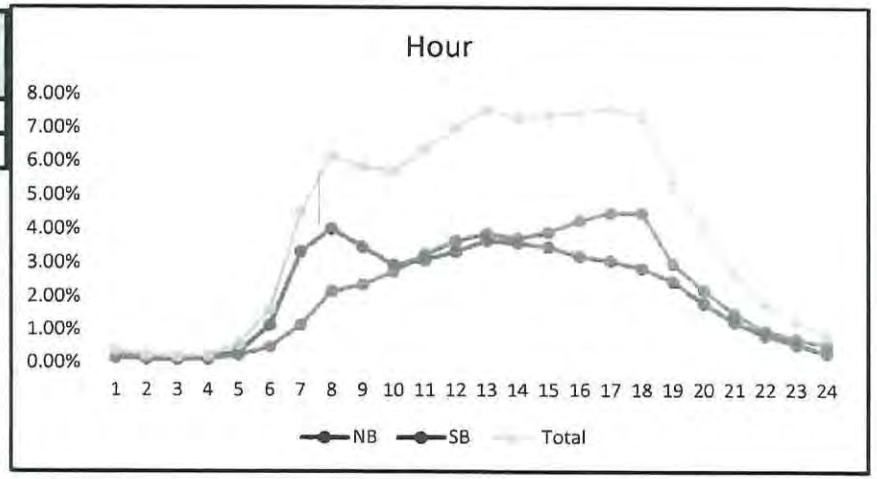
PCS 18 - Six Mile Cypress Pkwy at Winkler Rd

2020 AADT = 17,600 VPD

Hour	NB	SB	Total
0	0.24%	0.17%	0.41%
1	0.15%	0.11%	0.26%
2	0.12%	0.10%	0.22%
3	0.12%	0.14%	0.26%
4	0.23%	0.35%	0.58%
5	0.49%	1.14%	1.63%
6	1.16%	3.35%	4.51%
7	2.18%	4.02%	6.20%
8	2.38%	3.48%	5.86%
9	2.77%	2.97%	5.73%
10	3.27%	3.10%	6.37%
11	3.66%	3.36%	7.02%
12	3.88%	3.67%	7.55%
13	3.74%	3.60%	7.34%
14	3.93%	3.49%	7.42%
15	4.26%	3.22%	7.48%
16	4.50%	3.08%	7.59%
17	4.49%	2.86%	7.35%
18	3.00%	2.49%	5.49%
19	2.23%	1.80%	4.03%
20	1.50%	1.24%	2.73%
21	0.98%	0.84%	1.82%
22	0.74%	0.56%	1.30%
23	0.54%	0.30%	0.84%

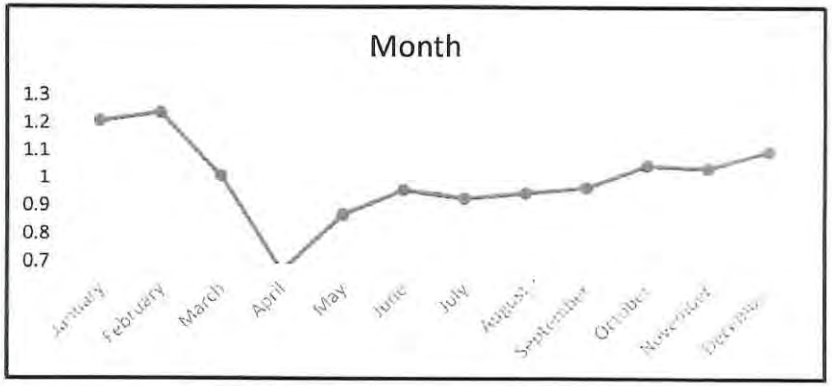
Month of Year	Fraction
January	1.21
February	1.24
March	1.01
April	0.67
May	0.87
June	0.96
July	0.93
August	0.95
September	0.97
October	1.05
November	1.04
December	1.1

Directional Factor		
AM	0.75	SB
PM	0.59	NB



Day of Week	Fraction
Sunday	0.7
Monday	1.05
Tuesday	1.09
Wednesday	1.09
Thursday	1.08
Friday	1.11
Saturday	0.87

Design Hour Volume		
#	Volume	Factor
5	1958	0.111
10	1930	0.110
20	1903	0.108
30	1870	0.106
50	1824	0.104
100	1759	0.100
150	1711	0.097
200	1683	0.096



Daniels Pkwy E. of Chamberlin ID 48

2020	40,600	4,673	12	59			[redacted]
2019	41,900	4,648	11	59			
2018	41,300	4,532	11	55			
2016	41,900	4,912	12	57	0 (0%)	41,900 (100%)	
2015	37,300	4,019	11	53	0 (0%)	37,300 (100%)	

Daniels Pkwy E. of Six Mile Cypress ID 31

2020	54,100	5,736	11	55		
2019	62,500	5,826	9	53		
2018	60,700	5,893	10	51		
2016	59,700	5,380	9	52	0 (0%)	59,700 (100%)
2015	53,200	5,154	10	54	0 (0%)	53,200 (100%

Daniels Pkwy W. of Metro Pkwy ID 30

2020	41,900	4,727	11	50	
2019	49,800	4,722	9	52	
2018	49,500	4,737	10	52	
2017	48,300				
2016	48,300	4,668	10	54	[redacted]

Six Mile Cypress N. of Daniels Pkwy ID 388

2020	19,400	1,686	9	61	
2019	23,200	2,236	10	60	
2018	21,800	2,069	9	60	
2017	20,500	2,084	10	58	
2016	20,200	1,918	9	60	[redacted]

Plantation Road - N. of Six Mile ID 521

2020	4,700	478	10	51	
2018	5,100	604	12	52	
2016	6,400	649	10		
2014	5,523				
2012	5,000	626	13	[redacted]	

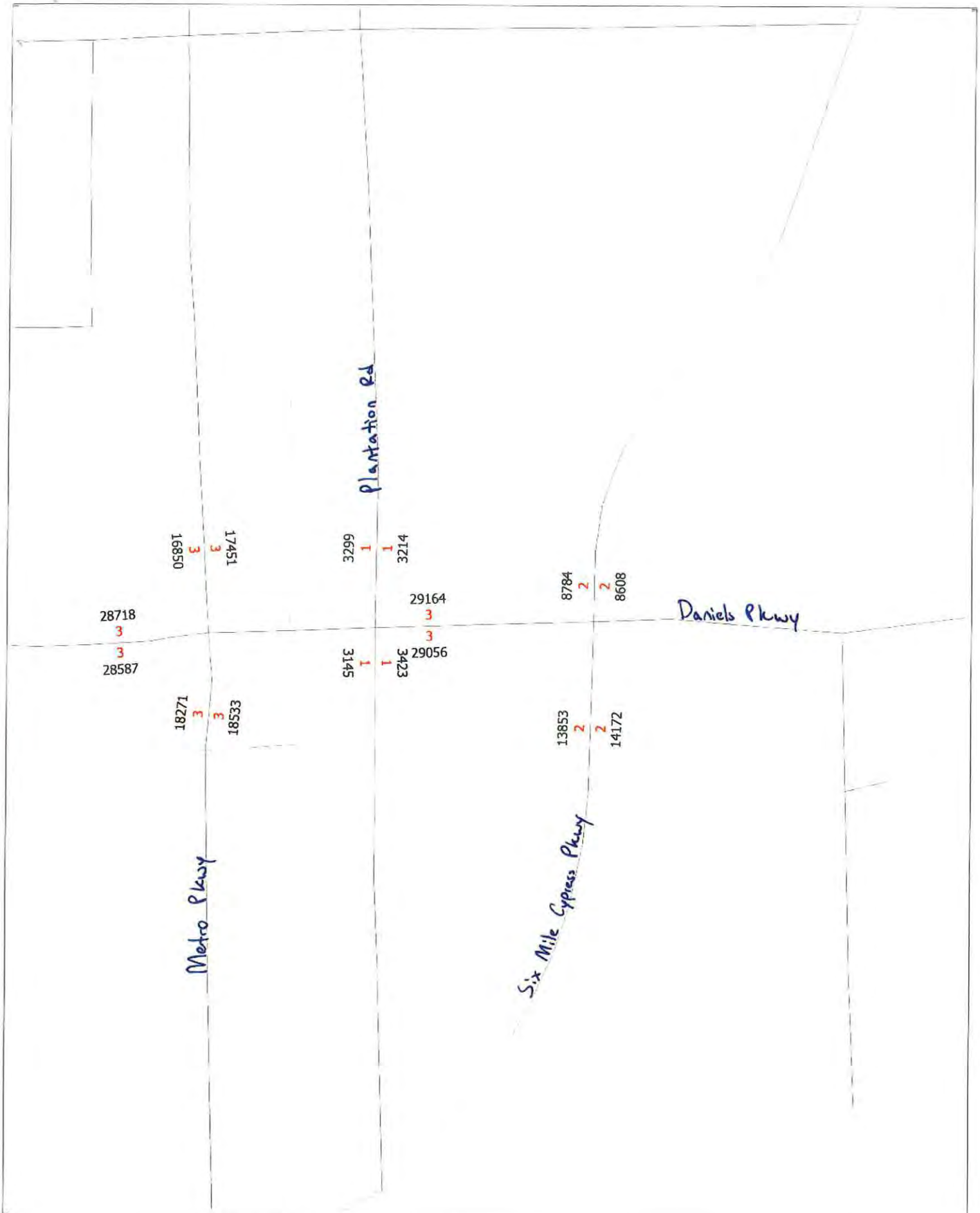
Six Mile Cypress E. of Metro ID 387

2020	29,600	3,226	11	51	
2018	32,600	3,094	9	52	
2016	30,600	3,063	10	58	
2014	26,662				
2012	26,100	1,999	8	55	[redacted]

Treeline N. of Airport Connector ID 61

2020	14,600	2,051	14	59	
2019	22,700	2,155	9	80	
2018	23,400	2,331	10	54	
2017	23,800				
2016	25,000	2,669	11	73	[redacted]

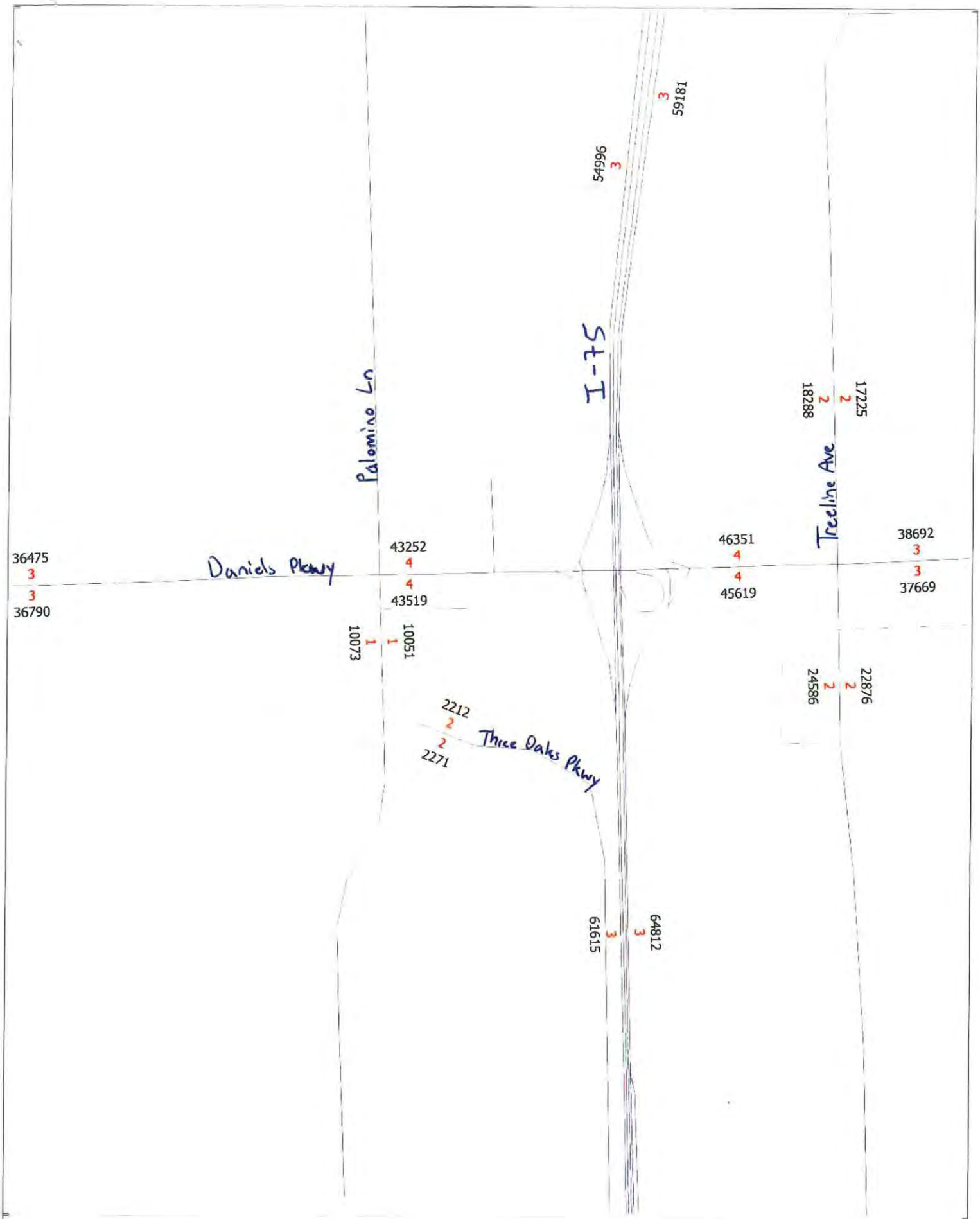
2045 E+C NETWORK VOLUMES



2045 E+C COST FEASIBLE NETWORK VOLUMES AND LANES

cube

(Licensed to TR Transportation Consultants Inc)



2045 E+C COST FEASIBLE NETWORK VOLUMES AND LANES

cube

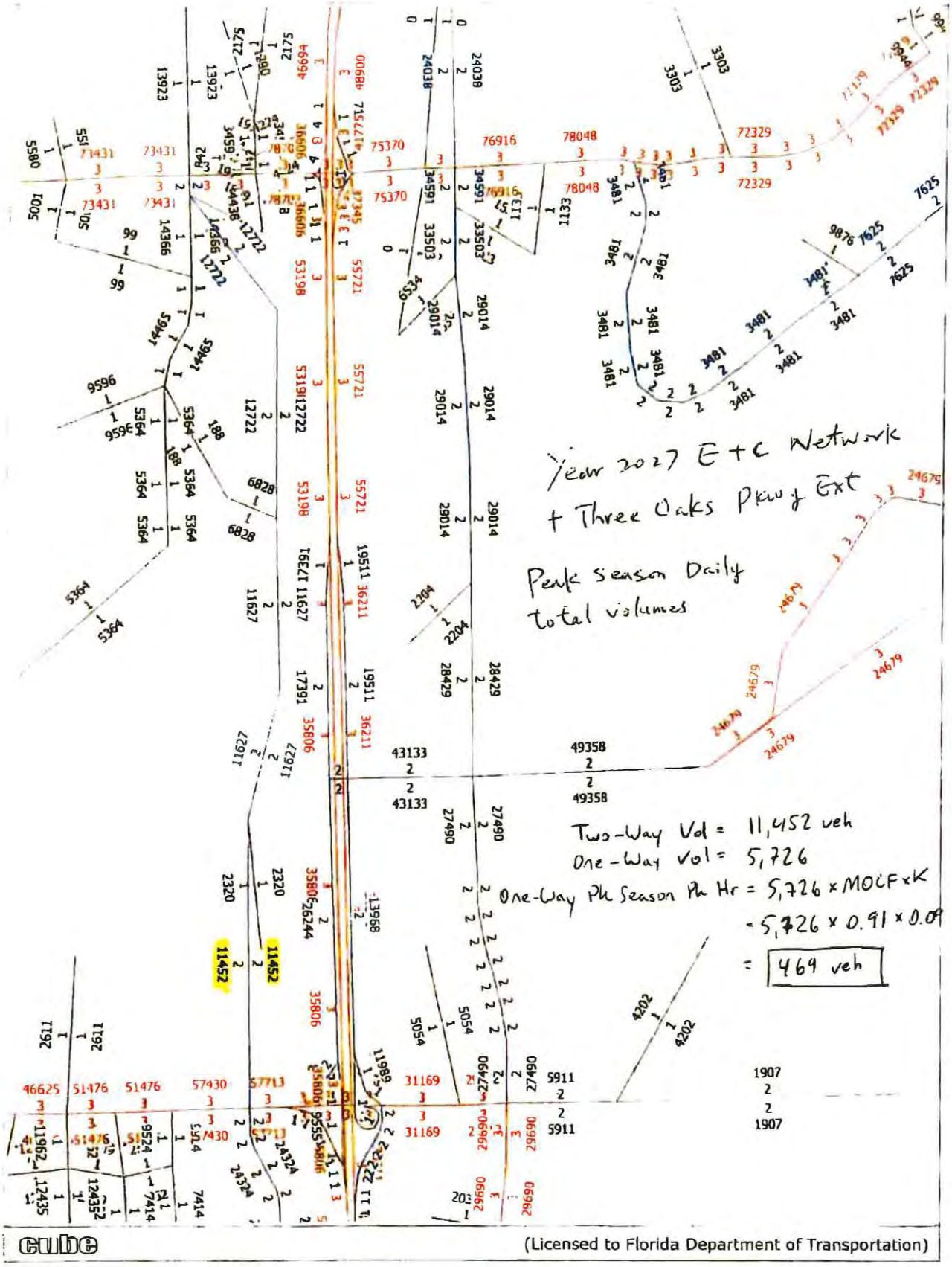
(Licensed to TR Transportation Consultants Inc)

2045 E+C COST FEASIBLE NETWORK VOLUMES AND LANES

cube

(Licensed to TR Transportation Consultants Inc)

2027 E + C NETWORK VOLUMES FOR THREE OAKS PARKWAY BETWEEN DANIELS PKWY AND ALICO ROAD


Year 2027 E+C Network
+ Three Oaks Pkwy Ext
Peak Season Daily
total volumes
Two-Way Vol = 11,452 veh
One-Way Vol = 5,726
One-Way Pk Season Pk Hr = 5,726 x MOCF x K
= 5,726 x 0.91 x 0.09
= 469 veh
cube
(Licensed to Florida Department of Transportation)

LEE COUNTY CAPTIAL IMPROVEMENT PROGRAM FY21/22 – 25/26

SUMMARY OF MAJOR ROAD PROJECTS PROGRAMMED BY LEE COUNTY - FY21/22-25/26

PROJ #	PROJECT NAME	DRIVER	FY 98-20 PRIOR EXP	20/21 BUDGET	21/22	22/23	24/24	24/25	25/26	5-YEAR TOTAL	6-10	PROJECT TOTAL	REVENUE SOURCE	PROJECT MANAGER
	MAJOR PROJECTS													
209245	Alico Rd. Connector/Alico Rd. to SR 82 opposite Sunshine Blvd.	People-to-jobs link, Daniels Pkwy. relief NM - Core Critical	6,180,573 ROW	12,397,200 ROW/DES	0	0	10,759,314 *DES/CST*	0	0	10,759,314	106,540,155	135,677,242	IF 25 GT *Debt*	Vince Miller vmiller@leegov.com
206002	Bicycle/Pedestrian Facilities Annual project for facilities on existing County-maintained roads ***Specific Projects:***	Implementation of bike-ped plan, BPAC priorities, Complete Streets principals											IF/GT	Tom Marquardt tmarquardt@leegov.com
	Veterans Pkwy, SW 10th St. to Skyline Blvd.	***2016 Priority #22***		*40,500 DES/SUR*	*232,850 CST/CEI*	0	*0*	*0*	*0*	273,350		*313,850*	IF22	
	Veterans Pkwy, SW 3rd Pl to SW 2nd Ave	***2016 Priority #23***		*44,910 DES/SUR*	*258,225* CST/CEI	0	*0*	*0*	*0*	303,135		*348,045*	IF22	
	Hancock Bridge Pkwy Orange Grove to 4055 Hancock	***2017 Priority #4***			495,000 *ROW DES/SUR*	0	*546,250 CST/CEI*	*0*	*0*	1,041,250		*1,041,250*	IF22	
	Hancock Bridge Pkwy Hunter Blvd - Orange Grove	***2020 Priority #13***			*137,293 DES/SUR*		*789,433 CST/CEI*			926,726		*926,726*	IF22	
	Plantation Daniels - Idlewild	***2019 Priority #2***			*0*	1,369,367 DES/SUR	*0*	*6,846,833*	*0*	8,216,200		*8,216,200*	GT	
	Orange River Blvd. Palm Beach Blvd. to Lorraine Dr.	***2016 Priority #4***			*1,354,571 DES/SUR*		*2,268,782 CST/CEI*	*0*	*0*	*3,623,353*		*3,623,353*	*GT* *GT*	
	Tice St. Sidewalk/South Side, Ortiz to SR 80	***2015 Priority #2***		*268,513 DES/SUR*	*1,543,947 CST/CEI*	*0*	*0*	*0*	*0*	*1,543,947*		*1,812,460*	*IF23*	
	Bell Blvd. SR 82 to Sunrise	***2016 Priority #3***			*623,080 DES/SUR/ROW*	*0* *0*	*3,557,183 CST/CEI*	*0* *0*	*0*	*4,180,263*		*4,180,263*	*GT*	
	Bell Blvd Sunrise to Joel	***2016 Priority #3***			*0*	*398,688 DES/SUR*	*0*	*2,290,078 CST/CEI*	*0*	2,290,078		2,290,078	FDOT	
	Westgate Blvd. East Lee -4th St	***2020 Priority #3***			*0*	*0*	*128,138 DES/SUR*	*0*	*736,799 CST/CEI*	864,937		864,937	IF23	
	Alico Rd. Sidewalk/North Side, RR Crossing to Quaker Ln.	***2015 Priority #27***			*1,139,782 DES/SUR/ROW*	*0*	*1,091,247 CST/CEI*	0 0	*0*	*2,231,029*		*2,231,029*	*IF24*	
	Pine Rd. Allaire Ln to US 41	***2016 Priority #28***			*0*	*0*	*135,801* DES/SUR	*780,858 CST/CEI*	*0*	*916,659*		*916,659*	IF24	
	Jetport Loop Allaire Ln - US 41	***2020 Priority #97***			*0*	*138,793 DES/SUR*	*0*	*798,057 CST/CEI*	*0*	*936,850*		*936,850*	IF24	
	Pine Ridge Rd San Carlos - Summerlin	***2020 Priority #5***					*337,511 DES/SUR*		*1,940,688 CST/CEI*	2,278,199		2,278,199	IF25 GT	
205724	Big Carlos Pass Bridge	Age Condition of bridge (Bridge Health Index) Mandated	4,012,244 PD&E Study	5,008,972 PD&E Study DES/CST	45,137,536 CST/CEI	0	0	0	0	45,137,536		54,158,752	Sanibel SURP TOLLS DEBT	Tom Marquardt tmarquardt@leegov.com
209248	Cape Coral Bridge WB Span Replacement	Age/condition, escalating maintenance costs Mandated	0	0	13,148,702 DES	0 DES	0	0	0	13,148,702	111,808,571 CST/CEI	124,957,273	CAPE/MP SURP TOLLS	Tom Marquardt tmarquardt@leegov.com
TBD	Colonial Summerlin Flyover - Midpoint Bridge	Concurrency, LOS	0	0	0	0	0	0	0	*0*	137,000,000	*137,000,000*	CAPE/MP SURP TOLLS DEBT	TBD
200669	Corkscrew Road	Reduce congestion/wait time, improved safety	1,825,431 DES	24,525,823 ROW/DES/MIT	1,000,000 ROW	16,068,116 CST/CEI	0	1,400,000 LS	0	18,468,116	0	44,819,370	IF25 Debt GT FDOT CON	Dave Murphy dmurphy@leegov.com
205067	Estero Blvd. Improvements	Town request, congestion infrastructure conditions, Complete Streets principals NM - Essential	48,370,003 PRELIM/DES CST/CEI	31,318,170 DES/CST/CEI	0	0	0	0	0	0		79,688,173	SANIBEL SURP TOLLS GT	Rob Phelan rphelan@leegov.com
200671	Gateway at Griffin Roundabout	Improve safety without adding delay	159,603 DES	390,396 DES/ROW	3,220,000 CST/CEI	0	0	0	0	3,220,000		3,769,999	GT	Dave Murphy dmurphy@leegov.com

SUMMARY OF MAJOR ROAD PROJECTS PROGRAMMED BY LEE COUNTY - FY21/22-25/26

PROJ #	PROJECT NAME	DRIVER	FY 98-20 PRIOR EXP	20/21 BUDGET	21/22	22/23	24/24	24/25	25/26	5-YEAR TOTAL	6-10	PROJECT TOTAL	REVENUE SOURCE	PROJECT MANAGER
205083	Hickory Bridge Replacements Project combines New Pass, Little Carlos and Big Hickory bridge, including demolition and disposal of the old bridges	Age Condition of bridge (Bridge Health Index)	0	0	0	6,527,180 DES	0	0	0	6,527,180	58,485,805 CST/CEI	65,012,985	SANIBEL SURP TOLLS	Tom Marquardt tmarquardt@leegov.com
200637	Build two new signals on Lee Boulevard Lee Boulevard/Lee Street Traffic Signal Lee Boulevard/Joan Avenue Traffic Signal	Improve safety Intersections meet signal warrants and almost meet crash warrants	90,967 DES	609,033 DES, CST	0	0	0	0	0	0	0	14,859,999	IF22 GT FDOT	Mike Padgett mpadgett@leegov.com
205028	Littleton Road	Congested Expected to worsen with Kismet/Littleton	1,048,073 Study	13,411,926 DES/ROW	0	0	0	0	0	0	400,000 LS	14,859,999	GT IF22 FDOT	Vince Miller vmiller@leegov.com
240613	Ortiz 4L/Colonial-MLK	Parallel reliever to I-75, access to jail and EMS, LOS per Concurrenty Rpt, City tie-in of Hanson SLext	822,102 ROW/DES	4,022,398 DES/MIT	16,519,798 CST/CEI	0	519,000 LS	0	0	17,038,796	0	21,883,298	IF23 GT BP	Rob Phelan rphelan@leegov.com
204072	Ortiz 4L/MLK-Luckett/Luckett-I75	Parallel relief to I-75 Improve area circulation Improve LOS NM - Essential	9,237,336 DES/ROW Project Mgmt	554,659 ROW	0	3,714,078 DES	0	28,474,599 CST/CEI	0	32,188,677	544,000 LS	42,524,672	IF23 GT	Rob Phelan rphelan@leegov.com
206759	Signal System ATMS Upgrade	Maximizes efficient use of existing capacity NM - Core Critical	5,426,932 CST & Equipment	1,464,400 CST	750,000 CST	750,000 CST	750,000 CST	750,000 CST	750,000 CST	3,750,000	0	10,641,332	GT	Mike Padgett mpadgett@leegov.com
204053	Three Oaks Parkway Extension North	Extends major arterial, parallel reliever to I-75 NM - Essential	11,370,288 DES/ROW Project Mgmt	37,998,483 DES/ROW CST/CEI	22,776,619 CST/CEI	31,720,000 CST/CEI	0	1,050,000 LS	0	55,546,619	0	104,915,390	IF23,24 GIF/GT	Vince Miller vmiller@leegov.com
205818	Toll Interoperability	Age of equipment, rapid technology changes NM - Core Critical	502,082 CST	318,086 CST	150,000 CST	150,000 CST	150,000 CST	150,000 CST	150,000 CST	750,000	0	1,570,168	SURP TOLLS	Sue Drolleff sdrolleff@leegov.com
200615	Toll System Replacement	Age of equipment, rapid technology changes NM - Core Critical	0	250,000 DES	0	13,000,000 CST	0		0	13,000,000	0	13,250,000	SURP TOLLS	Sue Drolleff sdrolleff@leegov.com
TBD	Veterans Parkway 6L Chiquita to Skyline Boulevard	LOS per Concurrency Report	0	0	0	0	0	0	0	0	8,500,000	8,500,000	CAPE/MP SURP TOLLS GT	TBD
	MAJOR MAINTENANCE PROJECTS													
404683	Road Resurface/Rebuild Program	Pavement rating system, complaints, asset prot	58,486,172 CST	4,537,799 CST	4,000,000 CST	4,000,000 CST	4,000,000 CST	4,000,000 CST	4,000,000 CST	20,000,000	0	83,023,971	GT	Dirk Danley ddanley@leegov.com
406715	Road Resurface/Rebuild Program - Lehigh Acres	Pavement rating system, complaints, asset prot	17,925,369 *CST*	6,679,949 *CST*	5,000,000 *CST*	5,000,000 *CST*	5,000,000 *CST*	5,000,000 *CST*	5,000,000 *CST*	25,000,000	0	49,605,318	GIF	Dirk Danley ddanley@leegov.com
403304	Major Arterials Resurfacing	Paving rating system	*0*	1,150,000	1,150,000 *CST*	1,150,000 *CST*	1,150,000 *CST*	1,150,000 *CST*	1,150,000 *CST*	5,750,000	0	6,900,000	GT	Dirk Danley ddanley@leegov.com
405714	Master Bridge Project	Bridge conditions, asset protection Mandated	9,840,979 CST	1,652,799 CST	815,000 CST	825,000 CST	825,000 CST	825,000 CST	825,000 CST	4,115,000	0	15,608,778	GT	Avelino Cancel acancel@leegov.com
406024	Roadway Beautification	Leescape Master Plan, RLAC priorities, community interest NM - Essential	4,992,430 LS	186,866 LS	100,000 LS	100,000 LS	100,000 LS	100,000 LS	100,000 LS	500,000	0	5,679,296	GIF	Bob DeBrock bdebrock@leegov.com
406670	Signal Upgrades/Equipment Replacement	Signal equipment condition, safety Mandated	2,419,929 DES,CST	644,630 CST	350,000 CST	350,000 CST	350,000 CST	350,000 CST	350,000 CST	1,750,000	0	4,814,559	GT	Ryan Kirsch rkirsch@leegov.com

SUMMARY OF MAJOR ROAD PROJECTS PROGRAMMED BY LEE COUNTY - FY21/22-25/26

PROJ #	PROJECT NAME	DRIVER	FY 98-20 PRIOR EXP	20/21 BUDGET	21/22	22/23	24/24	24/25	25/26	5-YEAR TOTAL	6-10	PROJECT TOTAL	REVENUE SOURCE	PROJECT MANAGER
406713	Master Signal Project/Major Intersections	Intersection conditions/ needs NM - Core Critical	13,207,653 CST	2,905,989 CST	1,500,000 CST	1,500,000 CST	1,500,000 CST	1,500,000 CST	1,500,000 CST	7,500,000	0	23,613,642	GT	Tom Marquardt tmarquardt@leegov.com
406079	ADA Plan Implementation	Federal Law, ADA plan County ADA Transition Plan Mandated	1,109,288 DES,CST	640,710 CST	250,000 CST	250,000 CST	250,000 CST	250,000 CST	250,000 CST	1,250,000	0	2,999,998	GT	Tom Marquardt tmarquardt@leegov.com
406080	Roadway Lighting Upgrade	Sustainability, operating cost reduction NM - Core Critical	1,199,979 CST	1,050,021 CST	450,000 CST	450,000 CST	450,000 CST	450,000 CST	450,000 CST	2,250,000	0	4,500,000	GT	Ryan Kirsch rkirsch@leegov.com
406763	Sign Replacement Program/Raised Pavement Markers	Sign conditions, safety, liability Mandated	731,192 CST	170,925 CST	150,000 CST	150,000 CST	150,000 CST	150,000 CST	150,000 CST	750,000	0	1,652,117	GT	Dan Vasiloff dvasiloff@leegov.com
408944	Overhead Sign Structures Evaluation	Maintenance obligations, liability, FDOT standards Mandated	145,974 Eval	634,026 CST	130,000 CST	130,000 CST	130,000 CST	130,000 CST	130,000 CST	650,000	0	1,430,000	GT	Ryan Kirsch rkirsch@leegov.com
406714	Signal Network	Need to keep the network secure NM - Essential	331,879 CST	206,333 CST	120,000 CST	120,000 CST	120,000 CST	120,000 CST	120,000 CST	600,000	0	1,138,212	GT	Rob Radford rradford@leegov.com
400950	Traffic Signal Technology	Help drivers with real time warnings to pedestrians, bicycles and drivers using Smart Car connected vehicles	0	0	250,000	250,000	250,000	250,000	250,000	1,250,000	0	1,250,000	GT	Rob Price rprice@leegov.com
TBD	Sidewalk Repair	Repair sidewalks countywide	0	0	1,000,000 CST	1,000,000 CST	1,000,000 CST	1,000,000 CST	1,000,000 CST	*5,000,000*	0	*5,000,000*	GT	Joey Wilson jwilson@leegov.com
406713	Colonial Safety Improvements US41/McGregor	Safety Improvements	0	660,000 CST	0	0	0	0	0	*0*	0	*660,000*	CAPE MP SURP/ TOLLS	Tom Marquardt tmarquardt@leegov.com

PRELIM = Preliminary Study; PD&E = Project Development & Environmental Study; DES = Design; ROW = Right-of-Way Acquisition; CST = Construction; CEI = Construction Engineering Inspection; PM = Project Management; LS = Landscaping; MIT = Miligation
IF23 = Road Impact Fees from District 23; GT = Local Option Gas Taxes; FDOT = Florida Dept. of Transportation; GIF = Growth Increment Funding

LEE COUNTY GENERALIZED PEAK HOUR DIRECTIONAL SERVICE VOLUMES

Lee County
Generalized Peak Hour Directional Service Volumes
Urbanized Areas

April 2016 c:\input5

Uninterrupted Flow Highway

Level of Service

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

Arterials

Class I (40 mph or higher posted speed limit)

Level of Service

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

Class II (35 mph or slower posted speed limit)

Level of Service

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

Controlled Access Facilities

Level of Service

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

Collectors

Level of Service

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

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

FDOT GENERALIZED PEAK HOUR DIRECTIONAL SERVICE VOLUMES

TABLE 7

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

January 2020

INTERRUPTED FLOW FACILITIES

STATE SIGNALIZED ARTERIALS

Class I (40 mph or higher posted speed limit)

Lanes	Median	B	C	D	E
1	Undivided	*	830	880	**
2	Divided	*	1,910	2,000	**
3	Divided	*	2,940	3,020	**
4	Divided	*	3,970	4,040	**

Class II (35 mph or slower posted speed limit)

Lanes	Median	B	C	D	E
1	Undivided	*	370	750	800
2	Divided	*	730	1,630	1,700
3	Divided	*	1,170	2,520	2,560
4	Divided	*	1,610	3,390	3,420

Non-State Signalized Roadway Adjustments

(Alter corresponding state volumes by the indicated percent)

Non-State Signalized Roadways - 10%

Median & Turn Lane Adjustments

Lanes	Median	Exclusive Left Lanes	Exclusive Right Lanes	Adjustment Factors
1	Divided	Yes	No	+5%
1	Undivided	No	No	-20%
Multi	Undivided	Yes	No	-5%
Multi	Undivided	No	No	-25%
–	–	–	Yes	+ 5%

One-Way Facility Adjustment

Multiply the corresponding directional volumes in this table by 1.2

BICYCLE MODE[2]

(Multiply vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.)

Paved Shoulder/Bicycle Lane Coverage	B	C	D	E
0-49%	*	150	390	1,000
50-84%	110	340	1,000	>1,000
85-100%	470	1,000	>1,000	**

PEDESTRIAN MODE[2]

(Multiply vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.)

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

UNINTERRUPTED FLOW FACILITIES

FREEWAYS

Core Urbanized

Lanes	B	C	D	E
2	2,230	3,100	3,740	4,080
3	3,280	4,570	5,620	6,130
4	4,310	6,030	7,490	8,170
5	5,390	7,430	9,370	10,220
6	6,380	8,990	11,510	12,760

Urbanized

Lanes	B	C	D	E
2	2,270	3,100	3,890	4,230
3	3,410	4,650	5,780	6,340
4	4,550	6,200	7,680	8,460
5	5,690	7,760	9,520	10,570

Freeway Adjustments

Auxiliary Lane	Ramp Metering
+ 1,000	+ 5%

UNINTERRUPTED FLOW HIGHWAYS

Lanes	Median	B	C	D	E
1	Undivided	580	890	1,200	1,610
2	Divided	1,800	2,600	3,280	3,730
3	Divided	2,700	3,900	4,920	5,600

Uninterrupted Flow Highway Adjustments

Lanes	Median	Exclusive left lanes	Adjustment factors
1	Divided	Yes	+5%
Multi	Undivided	Yes	-5%
Multi	Undivided	No	-25%

[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.

[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.

[3] Buses per hour shown are only for the peak hour in the single direction of the higher traffic flow.

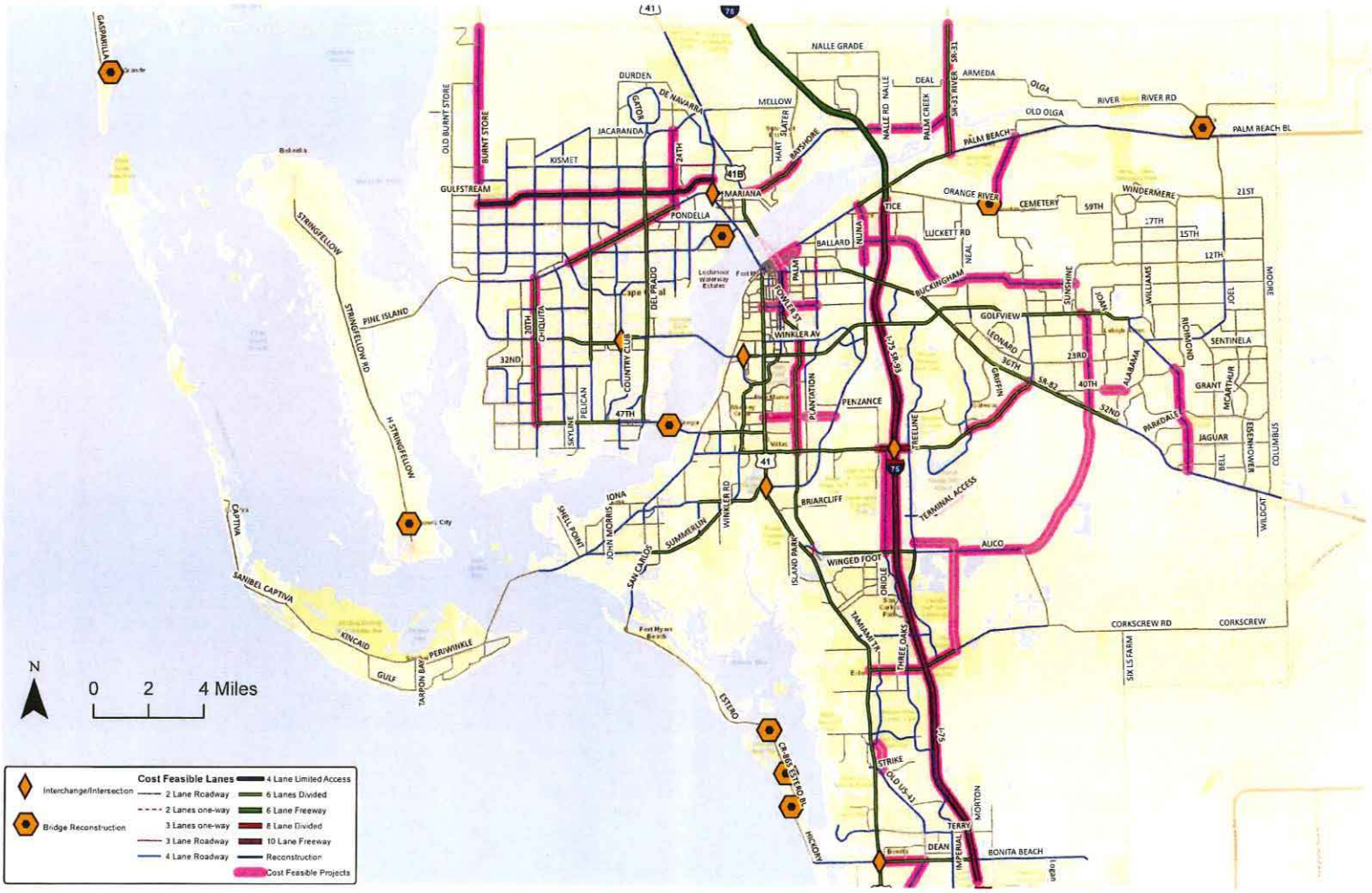
* Cannot be achieved using table input value defaults.

** 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.

Source:
Florida Department of Transportation
Systems Implementation Office
https://www.fdot.gov/planning/systems/

LEE COUNTY MPO

2045 FINANCIALLY FEASIBLE TRANSPORTATION PLAN


N
0 2 4 Miles
Interchange/Intersection
Bridge Reconstruction
Cost Feasible Lanes
2 Lane Roadway
2 Lanes one-way
3 Lanes one-way
3 Lane Roadway
4 Lane Roadway
4 Lane Limited Access
6 Lanes Divided
6 Lane Freeway
8 Lane Divided
10 Lane Freeway
Reconstruction
Cost Feasible Projects
NALLE GRADE
DURDEN
MELLOW
JACARANDA
KISMET
GULFSTREAM
MARIANA
PONDELLA
BALLARD
PALM BEACH
ORANGE RIVER
CEMETERY
WINDERMERE
LUCKETT RD
BUCKINGHAM
GOLFVIEW
SENTINELA
WINKLER AV
PLANTATION
PENZANCE
BRIARCLIFF
WINGED FOOT
ALICO
TERMINAL ACCESS
CORKSCREW RD
CORKSCREW
THREE OAKS
STRIKE
TERRY
BONITA BEACH
DEAN
MORTON
ESTERO
PINE ISLAND
STRINGFELLOW
STRINGFELLOW RD
SANIBEL CAPTIVA
KINCAID
PERIWINKLE
GULF
TARPON BAY
SHELL POINT
JOHN MORRIS
SUMMERLIN
WINKLER RD
SAN CARLOS
ISLAND PARK
ONDLE
TAMIAMI TR
PALM BEACH BL
RIVER RD
OLD OLGA
OLGA
ARMEDA
DEAL
NALLE RD
PALM CREEK
SR-31
OLD BURNT STORE
BURNT STORE
DE NAVARRA
HART
SLATER
BAYSHORE
24TH
20TH
CHIQUITA
DEL PRADO
COUNTRY CLUB
SKYLINE
PELICAN
32ND
47TH
PALM
MCGREGOR
NUNA
TICE
NEAL
SUNSHINE
JOHN
WILLIAMS
JOEL
MOORE
HENDRY
ALABAMA
MCARTHUR
GRANT
PAREDALE
JAGUAR
BELL
EISENHOWER
COLUMBUS
WILDCAT
17TH
15TH
12TH
21ST
59TH
23RD
36TH
40TH
52ND
SR 82
SR 80
SR 739
I-75
SIX LS FARM
IMPERIAL
OLD US-41
LEE
COLLIER
CHARLOTTE
GLADES
HENDRY

TRIP GENERATION EQUATION

ITE TRIP GENERATION REPORT

11th EDITION

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

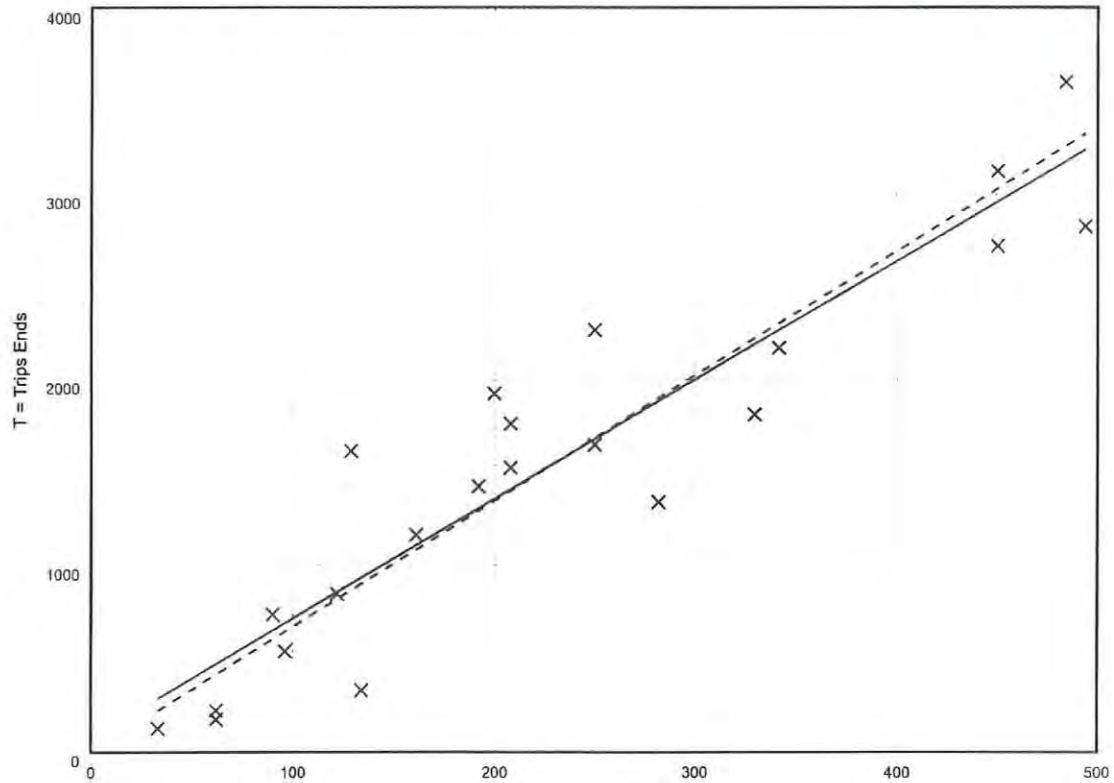
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

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



Fitted Curve Equation: T = 6.41(X) + 75.31

R^2= 0.86

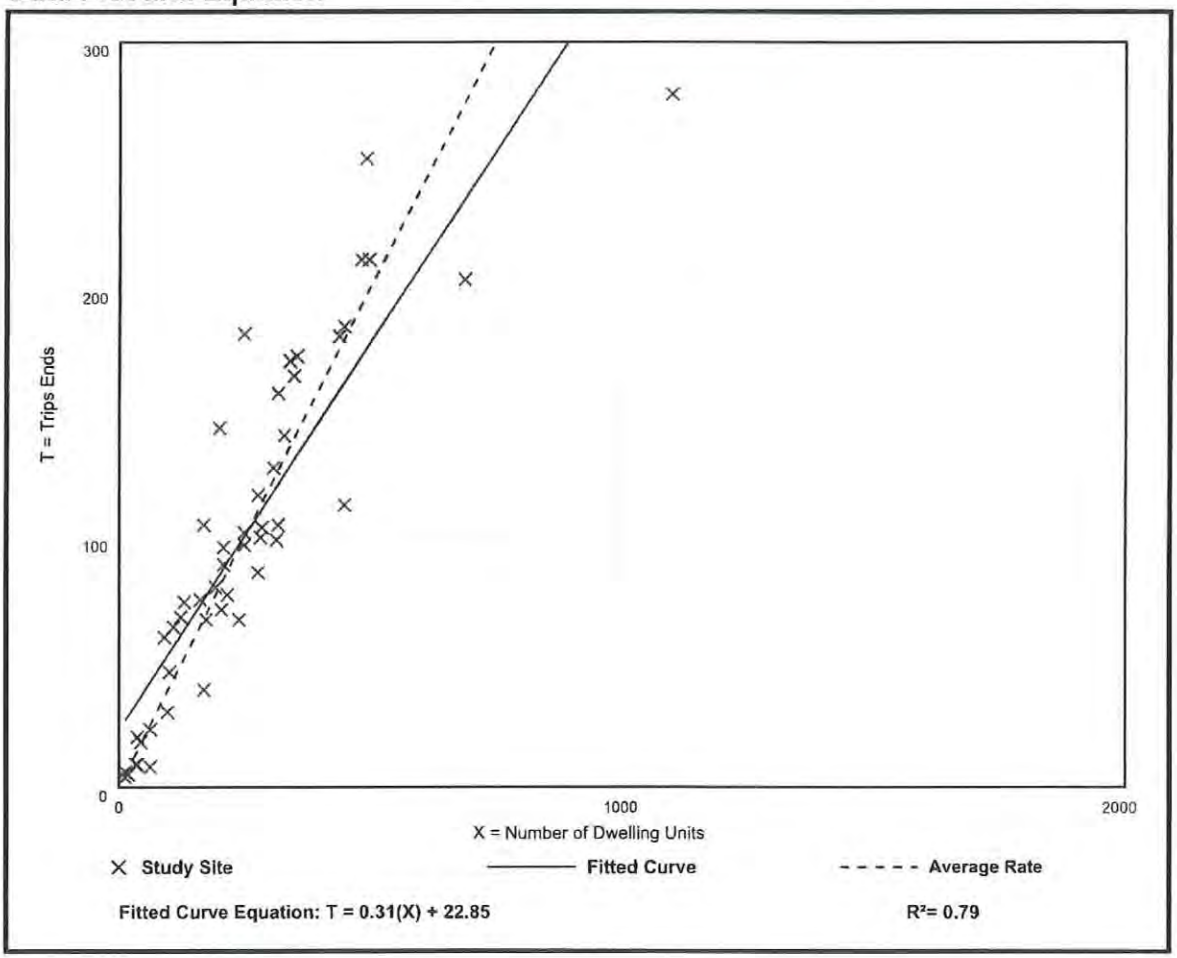
Multifamily Housing (Low-Rise)
Not Close to Rail Transit (220)

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



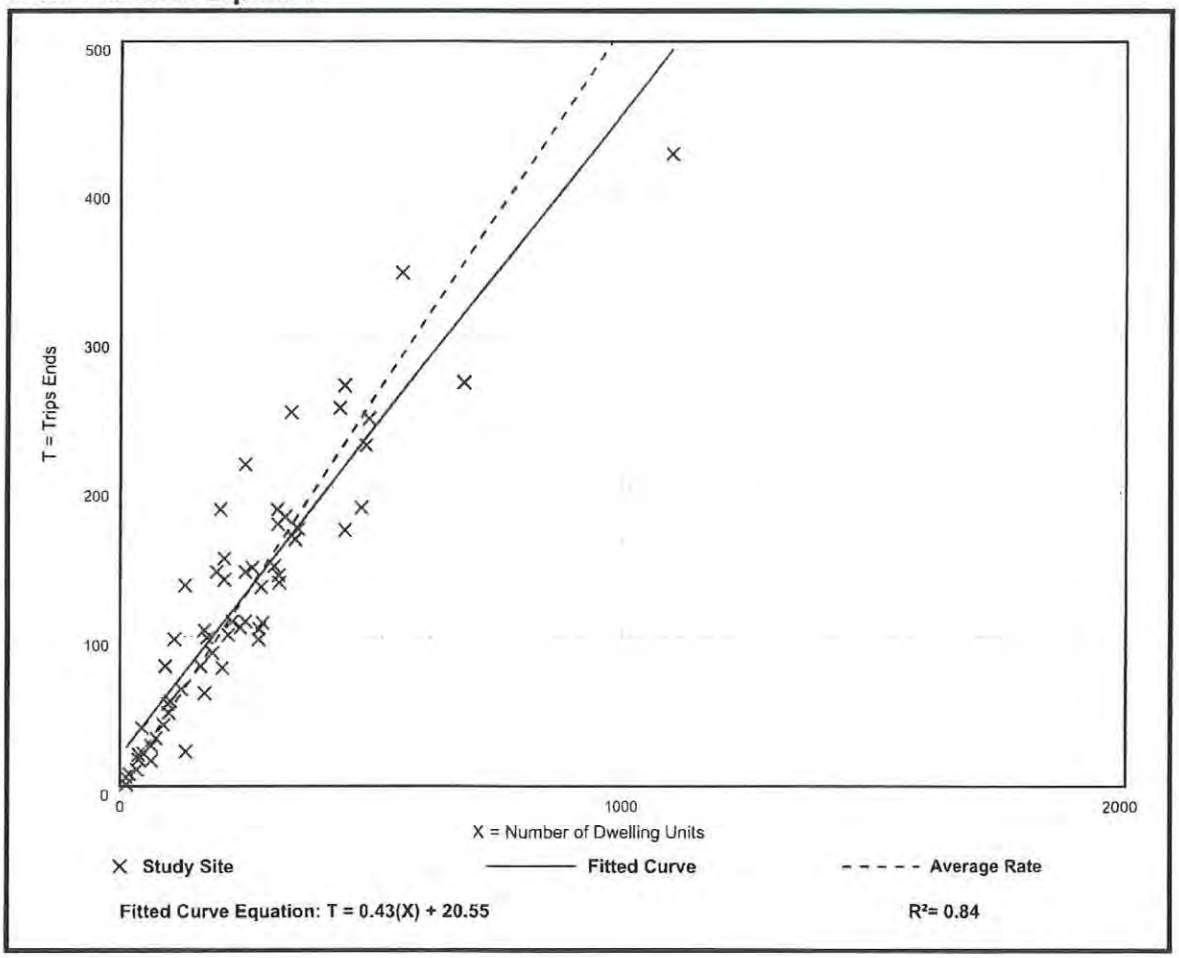
Multifamily Housing (Low-Rise)
Not Close to Rail Transit (220)

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



LEE COUNTY UTILITIES
REQUEST FOR LETTERS OF AVAILABILITY

TO: MARY MCCORMIC
Technician Senior

DATE: October 31, 2022
FROM: Bailey Schleifer
FIRM: Morris-Depew Associates
ADDRESS: 2914 CLEVELAND AVE
ADDRESS: FORT MYERS, FL 33901 -
PHONE#: (239) 337-3993 **FAX:** (239) 337-3994
E-MAIL ADDRESS: BSchleifer@M-DA.com

PROJECT NAME: Daniels Falls Encore MFR

PREVIOUS PROJECT NAME(S): N/A

STRAP NUMBER(S): 21-45-25-18-00000.0070,21-45-25-18-0000C.00CE,21-45-25-L3-19000.0020,21-45-25-17-00000.0010,21-45-25-18-00000.0060, 21-45-25-18-00000.0050,21-45-25-18-0000A.00CE,21-45-25-L3-19000.0010, 21-45-25-17-0000B.00CE, 21-45-25-17-00000.0020

PRIOR STRAP NUMBER(S) (IF ANY): N/A

LOCATION/SITE ADDRESS: 8971/8981/8991 Cody Lee RD, 13501/521 Powers CT

PURPOSE OF LETTER:

☐ DEVELOPMENT ORDER SUBMITTAL ☐ FINANCING ☐ EFFLUENT REUSE
☐ PERMITTING OF SURFACE WATER MANAGEMENT (SOUTH FLORIDA WATER MANAGEMENT DISTRICT)
☒ OTHER: (PLEASE SPECIFY) COMPREHENSIVE PLAN AMENDMENT

PLANNED USE:

☒ COMMERCIAL ☐ INDUSTRIAL ☒ RESIDENTIAL - (☐ SINGLE-FAMILY ☒ MULTI-FAMILY)
☐ OTHER: (PLEASE SPECIFY) _____

PLANNED # OF COMMERCIAL/INDUSTRIAL BUILDINGS: TBD **TOTAL SQUARE FOOTAGE:** 200,000

RESIDENTIAL UNITS: SINGLE-FAMILY: --- **MULTI-FAMILY:** 290

AVERAGE ESTIMATED DAILY FLOW (GPD): 102,500 (☒ WATER ☒ WASTE-WATER) (GPD): 88,000 ☐ REUSE

PLEASE SHOW CALCULATION USED TO DETERMINE AVERAGE ESTIMATED DAILY FLOW (GPD) PER CRITERIA SET FORTH IN LEE COUNTY UTILITIES DESIGN MANUAL: _____

Residential Water: 250 GPD x 290 units = 72,500 GPD
Residential Waste-water: 200 GPD x 290 units = 58,000 GPD
Commercial Water: .15 GPD x 200,000 SF = 30,000 GPD
Commercial Waste-water: .15 GPD x 200,000 SF = 30,000 GPD
Residential (72,500) + Commercial (30,000) water = 102,500 GPD

Residential (58,000) + Commercial (30,000) Waste-water = 88,000 GPD

Please e-mail the completed form at mmccormic@leegov.com.
If you should have any questions or require assistance, please feel free to call our office at (239) 533-8532.

Lee County
Southwest Florida

BOARD OF COUNTY COMMISSIONERS

Kevin Ruane
District One

Cecil L Pendergrass
District Two

Raymond Sandelli
District Three

Brian Hamman
District Four

Michael Greenwell
District Five

Roger Desjarlais
County Manager

Richard Wm Wesch
County Attorney

Donna Marie Collins
County Chief Hearing Examiner

November 3, 2022

Via E-Mail

Bailey Schleifer
Morris-Depew Associates
2914 Cleveland Ave
Fort Myers, FL 33901

RE: **Potable Water and Wastewater Availability**
Daniels Falls Encore MFR
8971/8981/8991 Cody Lee Road, 13501/521 Powers Court
STRAP # 21-45-25-18-00000.0070; 21-45-25-18-0000C.00CE; 21-45-25-18-00000.0050; 21-45-25-18-0000A.00CE; 21-45-25-L3-19000.0010; 21-45-25-L3-19000.0020; 21-45-25-17-0000B.00CE; 21-45-25-17-00000.0010; 21-45-25-18-00000.0060; and 21-45-25-17-00000.0020

Dear Ms. Schleifer:

The subject property is located within Lee County Utilities Future Service Area as depicted on Maps 4A and 4B of the Lee County Comprehensive Land Use Plan.
Potable water and sanitary sewer 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 may be required.

Your firm has indicated that this project will consist of 290 single family residential units and 200,000 square foot commercial with an estimated flow demand of approximately 102,500 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

Availability of potable water and sanitary sewer 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 Corkscrew Water Treatment Plant.

Sanitary sewer service will be provided by the City of Ft Myers South Water Reclamation Facility. The Lee County Utilities' Design Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

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.

Further, this letter of availability of potable water and sanitary sewer service is to be utilized for Comprehensive Plan Amendment 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

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October 31, 2022

Ms. Jacqueline Heredia
Planning Specialist
The School District of Lee County
2855 Colonial Blvd
Fort Myers, FL 33966

JacquelineHe@leeschools.net

RE: Letter of Availability Request

Ms. Heredia,

We are requesting an updated Letter of Availability for a project consisting of a Comprehensive Plan Amendment to allow for a maximum of 290 dwelling units and 200,000 SF of commercial space to be located at the property associated with the following STRAPs;

- 21-45-25-18-00000.0070
- 21-45-25-18-0000C.00CE
- 21-45-25-18-00000.0050
- 21-45-25-18-0000A.00CE
- 21-45-25-L3-19000.0010
- 21-45-25-L3-19000.0020
- 21-45-25-17-0000B.00CE
- 21-45-25-17-00000.0010
- 21-45-25-18-00000.0060
- 21-45-25-17-00000.0020

The properties are located at 8841/8851/8971/8981/8991 Cody Lee Road and 13501-521/13490-520 Powers CT and the subject area for future development consists of ±29.03 acres. The subject property is zoned Commercial Planned Development and is identified as being within the Outlying Suburban future land use designation.

For the purposes of determining availability, please assume all dwelling units will be multi-family. Should you have any questions regarding this request please do not hesitate to reach out to me.

Thank you,
MORRIS-DEPEW ASSOCIATES, INC

Bailey Schleifer
Assistant Planner

Subject Property



Parcels Included In Yellow

THE SCHOOL DISTRICT OF LEE COUNTY

Jacqueline Heredia
District Planning Specialist
2855 Colonial Boulevard, Fort Myers, FL 33966 | **O:** 239.335.1494

November 17, 2022

Bailey Schleifer

RE: Daniels Falls

Dear Mr. Bailey:

This letter is in response to your request for concurrency review dated October 31, 2022 for the subject property in Daniels Falls in regard to educational impact. This project is located in South choice Zone.

This development is a request for 290 Single-family housing units. With regard to the inter-local agreement for school concurrency the generation rates are created from the type of dwelling unit and further broken down by grade level.

For multi-family homes, the generation rate is .116 and further broken down by grade level into the following, .149 for elementary, .0071 for middle and .077 for high. A total of 34 school-aged children would be generated and utilized for the purpose of determining sufficient capacity to serve the development.

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

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

Sincerely,

Jacqueline Heredia, District Planning Specialist

BOARD MEMBERS **MARY FISCHER,** Chair, District 1 | **DEBBIE JORDAN,** Vice Chair, District 4 | **GWYNETTA S. GITTENS,** District 5
CHRIS N. PATRICCA, District 3 | **MELISA W. GIOVANNELLI,** District 2 | **BETSY VAUGHN,** District 6 | **CATHLEEN O'DANIEL MORGAN,** District 7
GREGORY K. ADKINS, Ed.D., Superintendent | **ALAN L. GABRIEL, ESQ.,** Board Attorney

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October 31, 2022

Mr. Jorge Puente
Planner
LeeTran
3401 Metro Pkwy
Fort Myers, FL 33905
JPuente@leegov.com

RE: Letter of Availability Request

Mr. Puente,

We are requesting an updated Letter of Availability for a project consisting of a Comprehensive Plan Amendment to allow for a maximum of 290 dwelling units and 200,000 SF of commercial space to be located at the property associated with the following STRAPs;

- 21-45-25-18-00000.0070
- 21-45-25-18-0000C.00CE
- 21-45-25-18-00000.0050
- 21-45-25-18-0000A.00CE
- 21-45-25-L3-19000.0010
- 21-45-25-L3-19000.0020
- 21-45-25-17-0000B.00CE
- 21-45-25-17-00000.0010
- 21-45-25-18-00000.0060
- 21-45-25-17-00000.0020

The properties are located at 8841/8851/8971/8981/8991 Cody Lee Road and 13501-521/13490-520 Powers CT and the subject area for future development consists of ±29.03 acres. The subject property is zoned Commercial Planned Development and is identified as being within the Outlying Suburban future land use designation.

For the purposes of determining availability, please assume all dwelling units will be multi-family. Should you have any questions regarding this request please do not hesitate to reach out to me.

Thank you,
MORRIS-DEPEW ASSOCIATES, INC

Bailey Schleifer
Assistant Planner

Subject Property



Parcels Included In Yellow

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October 31, 2022

Mr. Douglass Whitehead
Director
Solid Waste Department
10500 Buckingham Road
Fort Myers, FL 33905

RE: Letter of Availability Request

Mr. Whitehead,

We are requesting an updated Letter of Availability for a project consisting of a Comprehensive Plan Amendment to allow for a maximum of 290 dwelling units and 200,000 SF of commercial space to be located at the property associated with the following STRAPs;

- 21-45-25-18-00000.0070
- 21-45-25-18-0000C.00CE
- 21-45-25-18-00000.0050
- 21-45-25-18-0000A.00CE
- 21-45-25-L3-19000.0010
- 21-45-25-L3-19000.0020
- 21-45-25-17-0000B.00CE
- 21-45-25-17-00000.0010
- 21-45-25-18-00000.0060
- 21-45-25-17-00000.0020

The properties are located at 8841/8851/8971/8981/8991 Cody Lee Road and 13501-521/13490-520 Powers CT and the subject area for future development consists of ±29.03 acres. The subject property is zoned Commercial Planned Development and is identified as being within the Outlying Suburban future land use designation.

For the purposes of determining availability, please assume all dwelling units will be multi-family. Should you have any questions regarding this request please do not hesitate to reach out to me.

Thank you,
MORRIS-DEPEW ASSOCIATES, INC

Bailey Schleifer
Assistant Planner

Subject Property



Parcels Included In Yellow

Lee County
Southwest Florida

Board of County Commissioners

Kevin Ruane
District One

Cecil L Pendergrass
District Two

Ray Sandelli
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
County Hearing Examiner

November 1, 2022

Morris-Depew Associates, Inc
Attn: Bailey Schleifer, Assistant Planner
2914 Cleveland Ave
Fort Myers, FL 33901

RE: Daniels Falls Encore MFR Letter of Availability Request

Dear Ms. Schleifer:

The Lee County Solid Waste Department is capable of providing solid waste collection service for Daniels Falls Encore located at 8841/8851/8971/8981/8991 Cody Lee Road and 13501-521/13490-520 Powers CT through our franchised hauling contractors. Disposal of the solid waste generated from the 290 dwelling units and 200,000 SF commercial space will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities.

Garbage and recycling collections for these units require the owner/or the Management Company to secure a service agreement and the lease of waste containers (unless purchased by the owner) from Waste Pro USA, phone (239) 337-0800.

Additionally, please review the Solid Waste Ordinance (11-27, Section 7) which defines commercial establishments and the payment of the annual solid waste assessment levied on the Property Taxes.

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

Sincerely,

Justin Lighthall

Justin Lighthall
Manager, Public Utilities
Lee County Solid Waste

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October 31, 2022

Mr. Stanley Nelson
Director of Planning and Research
Lee County Sheriff's Office
14750 6 Mile Cypress Parkway
Fort Myers, FL 33912

SNelson@sheriffleefl.org

RE: Letter of Availability Request

Mr. Nelson,

We are requesting an updated Letter of Availability for a project consisting of a Comprehensive Plan Amendment to allow for a maximum of 290 dwelling units and 200,000 SF of commercial space to be located at the property associated with the following STRAPs;

- 21-45-25-18-00000.0070
- 21-45-25-18-0000C.00CE
- 21-45-25-18-00000.0050
- 21-45-25-18-0000A.00CE
- 21-45-25-L3-19000.0010
- 21-45-25-L3-19000.0020
- 21-45-25-17-0000B.00CE
- 21-45-25-17-00000.0010
- 21-45-25-18-00000.0060
- 21-45-25-17-00000.0020

The properties are located at 8841/8851/8971/8981/8991 Cody Lee Road and 13501-521/13490-520 Powers CT and the subject area for future development consists of ±29.03 acres. The subject property is zoned Commercial Planned Development and is identified as being within the Outlying Suburban future land use designation.

For the purposes of determining availability, please assume all dwelling units will be multi-family. Should you have any questions regarding this request please do not hesitate to reach out to me.

Thank you,
MORRIS-DEPEW ASSOCIATES, INC

Bailey Schleifer
Assistant Planner

Subject Property



Parcels Included In Yellow

Carmine Marceno
Sheriff

State of Florida
County of Lee

"Proud to Serve"

November 1, 2022

Bailey Schleifer
Morris-Depew Associates
2914 Cleveland Ave.
Fort Myers, FL 33901

Mr. Schleifer,

The Lee County Sheriff's Office has reviewed your Comprehensive Plan Amendment request that would allow a maximum of 290 multi-family dwelling units and 200,000 square feet of commercial space to be located at the property that includes the following STRAPs:

21-45-25-18-00000.0070, 21-45-25-18-0000C.00CE, 21-45-25-18-00000.0050, 21-45-25-18-0000A.00CE, 21-45-25-L3-19000.0010, 21-45-25-L3-19000.0020, 21-45-25-17-0000B.00CE, 21-45-25-17-00000.0010, 21-45-25-18-00000.0060 and 21-45-25-17-00000.0020

The subject area for future development consists of 29.03+- acres and is zoned Commercial Planned Development. It lies within the Outlying Suburban future land designation. These proposed changes would not affect our ability to provide law enforcement services to the project and surrounding area.

Law enforcement services will be provided from our Central District offices in Fort Myers. As this development builds out, we will factor its impact into our annual manpower review and make adjustments accordingly. At the time of application for a Development Order or building permit, we request that the applicant provide a Crime Prevention Through Environmental Design (CPTED) report done by the applicant and given to the Lee County Sheriff's Office for review and comment. Please contact Community Response Unit Crime Prevention Practitioner Beth Schell at (239) 477-1677 with any questions regarding the CPTED study.

Respectfully,

Chris Reeves
Major, Patrol Bureau

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October 31, 2022

Mr. Gene Rogers
Fire Chief
South Trail Fire Control and Rescue District
5531 Halifax Ave
Fort Myers, FL 33912

grogers@southtrailfire.org

RE: Letter of Availability Request

Mr. Rogers,

We are requesting an updated Letter of Availability for a project consisting of a Comprehensive Plan Amendment to allow for a maximum of 290 dwelling units and 200,000 SF of commercial space to be located at the property associated with the following STRAPs;

- 21-45-25-18-00000.0070
- 21-45-25-18-0000C.00CE
- 21-45-25-18-00000.0050
- 21-45-25-18-0000A.00CE
- 21-45-25-L3-19000.0010
- 21-45-25-L3-19000.0020
- 21-45-25-17-0000B.00CE
- 21-45-25-17-00000.0010
- 21-45-25-18-00000.0060
- 21-45-25-17-00000.0020

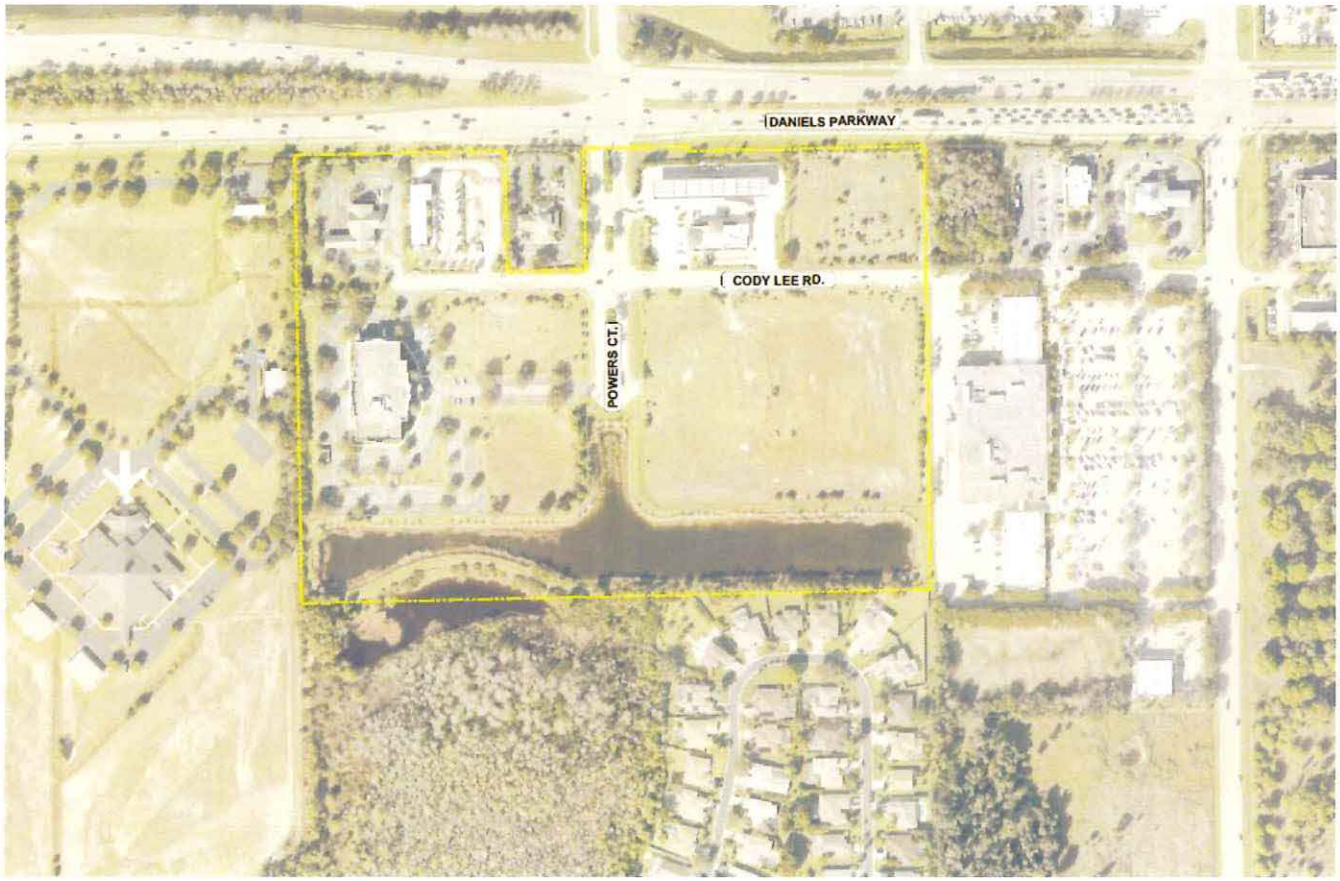
The properties are located at 8841/8851/8971/8981/8991 Cody Lee Road and 13501-521/13490-520 Powers CT and the subject area for future development consists of ±29.03 acres. The subject property is zoned Commercial Planned Development and is identified as being within the Outlying Suburban future land use designation.

For the purposes of determining availability, please assume all dwelling units will be multi-family. Should you have any questions regarding this request please do not hesitate to reach out to me.

Thank you,
MORRIS-DEPEW ASSOCIATES, INC

Bailey Schleifer
Assistant Planner

Subject Property



Parcels Included In Yellow

SOUTH TRAIL FIRE PROTECTION & RESCUE SERVICE DISTRICT

Established 1965

"Compassion, Commitment, Courage"

Board of Commissioners

Larry Hirshman
Chairman

Jeff Haugh
Vice Chairman

Robert McDonnell
Secretary-Treasurer

Ron Tarantino
Commissioner

Ken Brown
Commissioner

Administration

Gene Rogers
Fire Chief

Chris Wolfe
Assistant Chief

Dave Bollen
Assistant Chief

January 10, 2022

Morris-Depew Associates, Inc.:

The South Trail Fire & Rescue Service District has received your serviceability/availability request dated January 7, 2022. The following parcels (contained within the request) are located within the South Trail Fire District:

21-45-25-18-00000.0070
21-45-25-18-0000C.00CE
21-45-25-18-00000.0050
21-45-25-18-0000A.00CE
21-45-25-L3-19000.0010
21-45-25-L3-19000.0020
21-45-25-17-0000B.00CE

The South Trail Fire District is capable of servicing the above parcels utilizing our current service-delivery model, to include fire/life safety and Advanced Life Support Non-Transport EMS, as well as existing fire inspection services (based on the most current millage tax structure); provided that the approved density remains within the confines of the request.

Please contact me with any questions, comments, or concerns.

Sincerely,

Gene Rogers
Fire Chief
GRogers@southtrailfire.org
South Trail Fire District
5531 Halifax Avenue
Fort Myers, FL 33912
Tel: (239) 433-0080

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January 7, 2022

Mr. Gene Rogers
Fire Chief
South Trail Fire Control and Rescue District
5531 Halifax Ave
Fort Myers, FL 33912

grogers@southtrailfire.org

RE: Letter of Availability Request

Mr. Rogers,

We are requesting an updated Letter of Availability for a project consisting of a Comprehensive Plan Amendment to allow for a maximum of 440 dwelling units and 100,000 SF of commercial space to be located at the property associated with the following STRAPs;

- 21-45-25-18-00000.0070
- 21-45-25-18-0000C.00CE
- 21-45-25-18-00000.0050
- 21-45-25-18-0000A.00CE
- 21-45-25-L3-19000.0010
- 21-45-25-L3-19000.0020
- 21-45-25-17-0000B.00CE

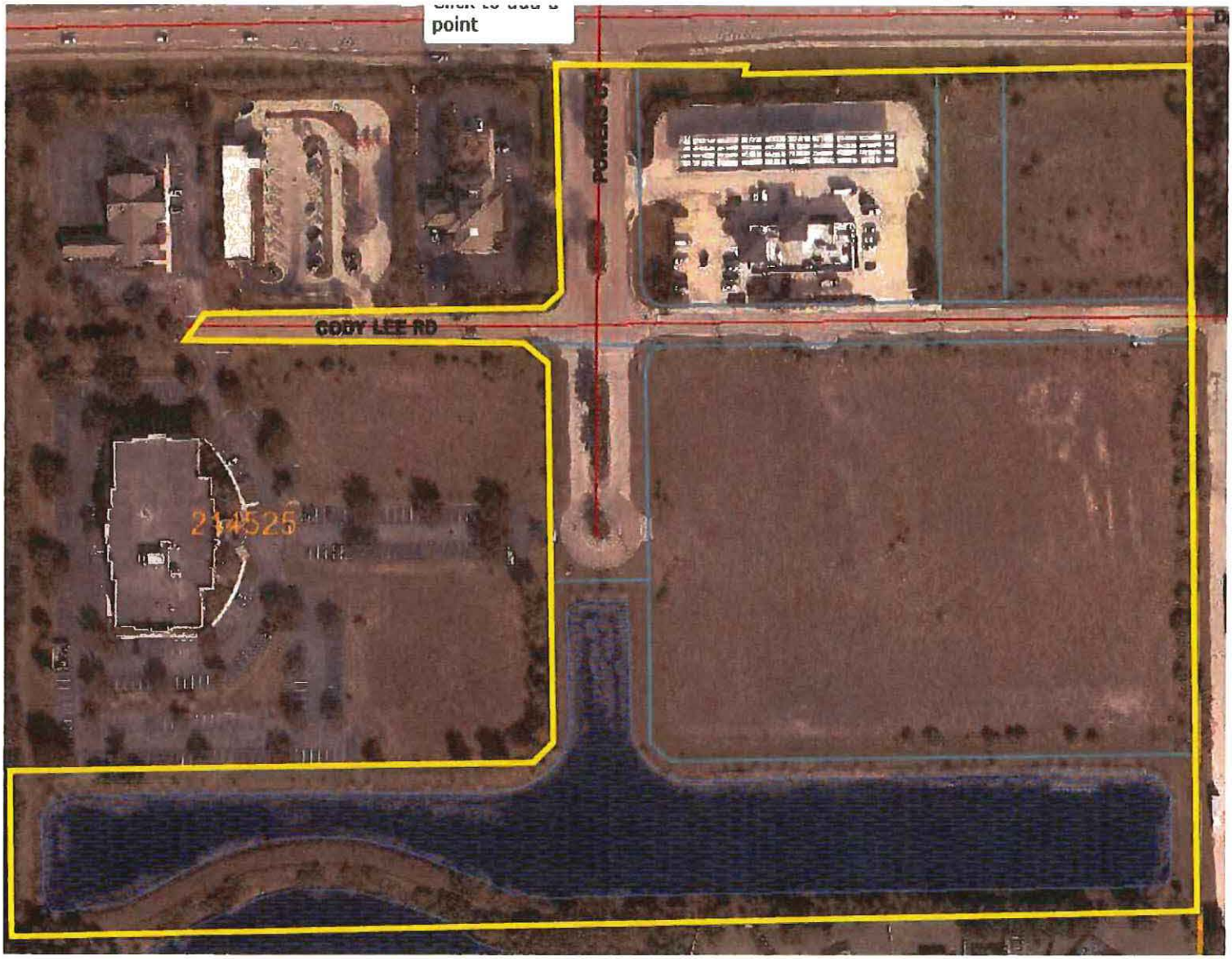
The properties are located at 8981/8991/8971 Cody Lee Road and 13501/521 Powers CT and the subject area for future development consists of ±19.99 acres. The subject property is zoned Commercial Planned Development and is identified as being within the Outlying Suburban and Wetland future land use designations.

For the purposes of determining availability, please assume all dwelling units will be multi-family. Should you have any questions regarding this request please do not hesitate to reach out to me.

Thank you,
MORRIS-DEPEW ASSOCIATES, INC

Assistant Planner

Subject Property



Parcels Included In Yellow

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Daniels Falls Encore MFR
Comprehensive Plan Amendment
State and Regional Plan Consistency

CONSISTENCY WITH STATE COMPREHENSIVE PLAN

The State of Florida Comprehensive Plan is provided in Florida Statute Section 187.201. The applicant's request is not in conflict with any of the plan's stated goals or policies. However, the applicant's requested map change and goal of multifamily development at the subject property does further several of the stated goals and meet the intent of several specific polices:

187.201(7)(a)
Goal.—Florida shall assure the availability of an adequate supply of water for all competing uses deemed reasonable and beneficial and shall maintain the functions of natural systems and the overall present level of surface and ground water quality. Florida shall improve and restore the quality of waters not presently meeting water quality standards.

187.201(7)(b)(5)
Ensure that new development is compatible with existing local and regional water supplies.

There are no existing natural waterbodies or flow ways present onsite. The property subject to the requested map change is located in an area with available potable water service and there is adequate capacity available to meet the demands of the potential maximum development that could result from this map change.

187.201(15)(a)
Goal.—In recognition of the importance of preserving the natural resources and enhancing the quality of life of the state, development shall be directed to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and service capacity to accommodate growth in an environmentally acceptable manner.

All available data indicates that no wetlands or any other important or sensitive environmental resources are present on-site. The location provides an excellent opportunity for infill development in an area with full availability of public services and in close proximity to retail and existing employment centers. The proposed development supports the growth of the community without contributing to additional sprawl.

187.201(15)(b)(3)
Enhance the livability and character of urban areas through the encouragement of an attractive and functional mix of living, working, shopping, and recreational activities.

The subject property is located in an area that is already significantly developed and in close proximity to existing service commercial and employment. Infill development of multifamily residential in this area will create an opportunity for a pedestrian-focused, mixed-use community. Furthermore, the access points via Powers CT and Cody Lee Road will provide adequate traffic circulation within the pre-established and proposed mixed-use community.

187.201(17)(b)(1)
Provide incentives for developing land in a way that maximizes the uses of existing public facilities.

The applicant has not requested any special incentives for development, only the opportunity to provide infill development in an area with existing public facilities which area verified to have adequate capacity remaining to accommodate the maximum potential development.

187.201(19)(b)(9)
Ensure that the transportation system provides Florida's citizens and visitors with timely and efficient access to services, jobs, markets, and attractions.

The traffic analysis that was performed for this request demonstrates that no improvements are necessary to accommodate the proposed development.

187.201(19)(b)(15)
Promote effective coordination among various modes of transportation in urban areas to assist urban development and redevelopment efforts.

Leetran provides service to this area with scheduled stops along Daniels Parkway. Sidewalks are already in place along Cody Lee Road and Powers Court within the Powerscourt subdivision. At time of site planning, the multifamily development will be designed with accommodations to promote pedestrian and bicycle access.

187.201(21)(a)
Goal.—Florida shall promote an economic climate which provides economic stability, maximizes job opportunities, and increases per capita income for its residents.

Locating diverse housing options in proximity to existing employment centers provides for a more stable, flexible and sustainable economic climate which benefits employers and the workforce. Areas to the south designated as Industrial Development and Tradeport on the Future Land Use Map do not allow for residential development and contain a myriad of growing businesses. The provision of residential development proximate to the growing businesses such as Gartner, Neo Genomics, Seagate, etc. is consistent with good planning and the state plan.

187.201(24)(b)(5)
Ensure that the transportation system provides maximum access to jobs and markets.

Provision of the existing, robust roadway and sidewalk network combined with the proximity to public transportation, provides maximum access for multi-modal transportation to employment and retail needs.

CONSISTENCY WITH REGIONAL POLICY PLAN

The following analysis demonstrates how the proposed map amendment to Lee Plan Future Land Use Map is consistent with the goals, strategies, and actions of the Strategic Regional Policy Plan as adopted by the Southwest Florida Regional Planning Council in 2002.

ECONOMIC DEVELOPMENT ELEMENT

The economic development element of the Regional Policy Plan details the economic infrastructure and growth opportunities to support the public facilities of the region. If the region "maximizes the uses of existing public facilities through increased capacity, they can serve additional development more efficiently." The requested map amendment will utilize the existing public facilities and emergency services of Lee County which, as demonstrated by the attached Letters of Availability, has the capacity to serve the proposed amendment to allow 100,000 square feet of commercial uses and 290 multifamily dwelling units. Therefore, the requested amendment is consistent with the overall economic development goals of the Regional Policy Plan.

Specifically, Goal 1 seeks to provide a well-maintained social, health, and educational infrastructure to support business and industry in Southwest Florida by assisting local governments and state agencies in planning for future support service facilities, before the need arises. Lee County is consistent with Goal 1 by providing a yearly concurrency report and maintaining and updated Comprehensive Plan with Capital Improvements Program. The proposed map amendment will not cause public services or facilities to fall under the acceptable established Level of Service (LOS).

The Regional Policy plan acknowledges that future growth and development will occur in Southwest Florida to accommodate natural population growth as well as expansion of existing businesses and/or the creation of new business. Goal 3 of the Regional Policy Plan seeks to balance business and population growth with the existing quality of life offered by the natural resources of Southwest Florida. Lee County is consistent with this goal by creating programs that incentivize and guide development within the County to specific locations while also protecting and/or restoring natural resources. The proposed map amendment is also consistent with this goal as it supplements the livability in the area by establishing proximate goods and services.

NATURAL RESOURCES ELEMENT

The Regional Policy Plan states in the Natural Resources Element that "Southwest Florida has an abundance of natural resources that, along with a favorable climate, creates economic opportunities, recreational opportunities and a quality of life that is important to the citizens and visitors to the region. The protection of these resources creates a challenge to planners, managers and decision makers in a rapidly growing region that must utilize these resources for economic reasons and to create housing for our population." The request map amendment will facilitate infill development on disturbed property with no know sensitive, important or unique environmental resources; while also supporting the rapid growth of the community through the provision of multifamily housing.

REGIONAL TRANSPORTATION ELEMENT

The Regional Policy Plan states that "a regional transportation plan will be an integral component of the future overall regional quality of life" and opportunities exist across the region to coordinate regionally on transportation related issues. The Traffic Analysis provided with the application demonstrates that the requested map amendment and the proposed development of residential in place of commercial will substantially reduce the potential impacts of the development on the surrounding roadway network. Additionally, the location of multifamily residential in proximity to shopping and employment centers will increase internal capture. Therefore, the requested text amendment is also consistent with the Regional Transportation Element of the Regional Policy Plan.

TABLE 1(b)
YEAR 2045 ALLOCATIONS

Future Land Use Category		Unincorporated County	Planning District									
			District 1 Northeast Lee County	District 2 Boca Grande	District 3 Bonita	District 4 Fort Myers Shores	District 5 Burnt Store	District 6 Cape Coral	District 7 Captiva	District 8 Fort Myers	District 9 Fort Myers Beach	District 10 Gateway / Airport
Residential By Future Land Use Category	Intensive Development	1,483	-	-	-	17	-	21	-	238	-	-
	Central Urban	13,838	-	-	-	207	-	-	-	230	-	25
	Urban Community	22,739	813	453	-	475	-	-	-	-	-	150
	Suburban	14,913	-	-	-	1,950	-	-	-	80	-	-
	Outlying Suburban	3,648	25	-	-	490	13	3	429	-	-	-
	Sub-Outlying Suburban	1,731	-	-	-	330	-	-	-	-	-	227
	Commercial	-	-	-	-	-	-	-	-	-	-	-
	Industrial	15	-	-	-	-	-	-	-	-	-	6
	Public Facilities	-	-	-	-	-	-	-	-	-	-	-
	University Community	503	-	-	-	-	-	-	-	-	-	-
	Destination Resort Mixed Use Water Dependent	8	-	-	-	-	-	-	-	-	-	-
	Burnt Store Marina Village	2	-	-	-	-	2	-	-	-	-	-
	Industrial Interchange	-	-	-	-	-	-	-	-	-	-	-
	General Interchange	114	-	-	-	-	-	-	-	-	-	15
	General Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-
	Industrial Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-
	University Village Interchange	-	-	-	-	-	-	-	-	-	-	-
	New Community	2,104	1,115	-	-	-	-	-	-	-	-	989
	Airport	-	-	-	-	-	-	-	-	-	-	-
	Tradeport	3	-	-	-	-	-	-	-	-	-	3
	Rural	7,764	2,431	-	-	800	730	-	-	-	-	-
	Rural Community Preserve	3,517	-	-	-	-	-	-	-	-	-	-
	Coastal Rural	1,338	-	-	-	-	-	-	-	-	-	-
	Outer Island	233	2	4	-	1	-	-	169	-	-	-
	Open Lands	2,186	153	-	-	-	257	-	-	-	-	-
	Density Reduction/ Groundwater Resource	6,974	131	-	-	-	-	-	-	-	-	-
	Conservation Lands Upland	-	-	-	-	-	-	-	-	-	-	-
	Wetlands	-	-	-	-	-	-	-	-	-	-	-
	Conservation Lands Wetland	-	-	-	-	-	-	-	-	-	-	-
Unincorporated County Total Residential		**83,113**	**4,669**	**457**	**-**	**4,270**	**1,002**	**24**	**598**	**548**	**-**	**1,415**
Commercial		**8,916**	**300**	**53**	**-**	**450**	**27**	**9**	**125**	**150**	**-**	**1,216**
Industrial		**4,787**	**30**	**3**	**-**	**300**	**10**	**15**	**70**	**315**	**-**	**2,134**
Non Regulatory Allocations												
Public		**120,211**	**14,191**	**622**	**-**	**4,864**	**7,323**	**6**	**2,340**	**583**	**-**	**9,660**
Active AG		**21,944**	**5,500**	**-**	**-**	**240**	**90**	**-**	**-**	**-**	**-**	**2**
Passive AG		**13,685**	**5,500**	**-**	**-**	**615**	**100**	**-**	**-**	**-**	**-**	**485**
Conservation		**87,746**	**2,458**	**297**	**-**	**1,163**	**3,186**	**67**	**1,595**	**926**	**-**	**2,206**
Vacant		**26,118**	**1,145**	**28**	**-**	**733**	**766**	**8**	**103**	**17**	**-**	**88**
Total		**366,520**	**33,793**	**1,460**	**-**	**12,634**	**12,505**	**129**	**4,831**	**2,538**	**-**	**17,205**
Population Distribution (unincorporated Lee County)		**584,331**	**8,235**	**1,470**	**-**	**35,253**	**2,179**	**152**	**725**	**5,273**	**-**	**22,281**

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TABLE 1(b)
YEAR 2045 ALLOCATIONS

	Future Land Use Category	Planning District											
		District 11 Daniels Parkway	District 12 Iona / McGregor	District 13 San Carlos	District 14 Sanibel	District 15 South Fort Myers	District 16 Pine Island	District 17 Lehigh Acres	District 18 Southeast Lee County	District 19 North Fort Myers	District 20 Buckingham	District 21 Estero	District 22 Bashore
Residential By Future Land Use Category	Intensive Development	-	-	-	-	801	1	30	-	376	-	-	-
	Central Urban	7	656	20	-	3,113	-	~~7,302~~ 7,312	-	2,225	-	-	-
	Urban Community	-	978	1,318	-	863	540	17,034	-	-	115	-	-
	Suburban	-	2,566	2,069	-	1,202	659	-	-	6,387	-	-	-
	Outlying Suburban	1,253	438	-	-	-	502	-	-	406	-	90	-
	Sub-Outlying Suburban	-	-	13	-	-	-	-	-	145	66	-	950
	Commercial	-	-	-	-	-	-	-	-	-	-	-	-
	Industrial	-	3	3	-	3	-	-	-	-	-	-	-
	Public Facilities	-	-	-	-	-	-	-	-	-	-	-	-
	University Community	-	-	503	-	-	-	-	-	-	-	-	-
	Destination Resort Mixed Use Water Dependent	-	8	-	-	-	-	-	-	-	-	-	-
	Burnt Store Marina Village	-	-	-	-	-	-	-	-	-	-	-	-
	Industrial Interchange	-	-	-	-	-	-	-	-	-	-	-	-
	General Interchange	58	-	-	-	-	-	-	8	14	-	-	20
	General Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-	-
	Industrial Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-	-
	University Village Interchange	-	-	-	-	-	-	-	-	-	-	-	-
	New Community	-	-	-	-	-	-	-	-	-	-	-	-
	Airport	-	-	-	-	-	-	-	-	-	-	-	-
	Tradeport	-	-	-	-	-	-	-	-	-	-	-	-
	Rural	1,573	-	99	-	-	227	14	-	454	50	-	1,387
	Rural Community Preserve	-	-	-	-	-	-	-	-	-	3,517	-	-
	Coastal Rural	-	-	-	-	-	1,338	-	-	-	-	-	-
	Outer Island	-	2	-	-	-	55	-	-	-	-	-	-
	Open Lands	80	-	-	-	-	-	-	-	30	-	-	1,667
	Density Reduction/ Groundwater Resource	-	-	-	-	-	-	-	4,742	-	-	-	2,101
	Conservation Lands Upland	-	-	-	-	-	-	-	-	-	-	-	-
	Wetlands	-	-	-	-	-	-	-	-	-	-	-	-
	Conservation Lands Wetland	-	-	-	-	-	-	-	-	-	-	-	-
	Unincorporated County Total Residential	2,964	4,650	4,024	-	5,982	3,322	24,440	4,750	10,035	3,748	90	6,125
	Commercial	326	774	938	-	2,012	288	900	118	1,121	19	18	72
	Industrial	5	198	387	-	566	67	218	215	244	4	2	4
	Non Regulatory Allocations												
	Public	3,214	4,898	6,364	-	5,883	4,831	20,267	17,992	10,117	3,052	653	3,351
	Active AG	5	13	5	-	-	2,780	35	12,000	90	630	4	550
	Passive AG	10	-	5	-	-	70	50	2,500	250	2,000	-	2,100
	Conservation	1,677	9,786	2,232	-	211	15,489	1,077	41,028	1,607	382	1,465	895
	Vacant	20	55	158	-	4	2,200	14,804	2,400	1,183	850	130	1,425
	Total	8,221	20,374	14,114	-	14,658	29,047	61,791	81,003	24,649	10,684	2,362	14,523
	Population Distribution (unincorporated Lee County)	14,322	44,132	54,615	-	76,582	13,431	162,245	17,369	110,722	5,951	741	8,653

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