BANKS ENGINEERING

Professional Engineers, Planners & Land Surveyors

April 17, 2023

Mrs. Elizabeth A. Workman
Department of Community Development
1825 Hendry St #101,
Fort Myers, FL 33901

Reference: **WINKLER JUNCTION MINOR CPD**
DCI2023-00004

Dear Mrs. Workman:

This letter is written in response to staff review comments dated February 28, 2023. With this letter we are submitting the following additional information. Presented below are responses to each review comment:

1. Revised Boundary Survey
2. Revised Title Certification
3. Revised MCP (24"x36" & 11"x17")
4. Revised Narrative of Request
5. Revised Schedule of Uses
6. Schedule of Deviations and Justifications
7. Revised Description of Surface Water Management Plan
8. Cross-Access Agreement

LEGAL REVIEW:

Comment 1: Please provide a boundary survey in accordance with the requirements per Section 34-202(a)(6). The survey must be tied to the state plane coordinate system for the Florida West Zone (the most current adjustment is required) with two coordinates, one coordinate being the point of beginning (POB) and the other an opposing corner.

Response: ***Please see attached revised Boundary Survey tied to the state plane coordinate system.***

Comment 2: The survey must be based upon the title certification, title opinion, or title insurance policy submitted in accordance with section 34-201(a)(7). The survey must be based on one of the acceptable forms of title certification listed in LDC §34-202(a)(7)(a). This survey is based on a title commitment, which is not one of these

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acceptable forms. The legal description on the boundary survey must match that which is shown on the title opinion. The surveyor legal description may still be provided on the boundary survey, but the legal description from the title opinion must be provided as well.

Response: ***Please see attached revised Title Certification and revised Boundary Survey.***

ZONING REVIEW:

Comment 3: Revise Master Concept Plan to depict the amount of impervious, existing and proposed easements, and parking.

Response: ***Please see attached revised MCP which demonstrates the small project impervious, easements and parking.***

Comment 4: If the impervious is two or more acres, the project is considered a large development and must provide 30 percent open space with half of the open space provided as indigenous preserve per LDC Section 10-415. The site does have indigenous vegetation. Please revise MCP pending development size.

Response: ***The project impervious is less than two acres and this is a small development which requires 20% open space and no indigenous requirement.***

Comment 5: Revise the MCP to depict where the U-Haul rental location is proposed. The narrative and the schedule of uses indicate a site-specific location under the building. It is not clear where this will be located in relation to the residential uses located to the south.

Response: ***Please see attached revised MCP, revised Narrative and revised Schedule of Uses.***

Comment 6: Revise MCP to depict where the open storage is proposed and in compliance with Ordinance 22-12 (LDC Section 34-3006).

Response: ***Open storage was not intended to be included. Please see attached revised Schedule of Uses.***

Comment 7: The narrative mentions a deviation and how the request complies with the Lee Plan and LDC, however the deviation and justification was not included in the submittal. Please submit for review and note that additional comments may follow upon review of the request.

Response: ***Please see attached Schedule of Deviations and Justifications which includes a deviation from solid waste collection area requirements.***

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Comment 8: Revise the narrative to provide more detail regarding the different type of warehousing being proposed. Please include information regarding hybrid warehouse to demonstrate compliance with Ordinance 22-12 (LDC Section 34-3006).

Response: ***Hybrid and min-warehouse have been removed from the attached revised Schedule of Uses.***

Comment 9: Revise the Schedule of Uses to allow "Temporary Uses, construction trailers and equipment storage sheds" and remove the word "only" from "Storage, indoor and outdoor".

Response: ***Please see attached revised Schedule of Uses.***

Comment 10: Revise the Environmental Assessment to state what type of sampling methods was used, provide transect sampling map, and a map depicting the nest-like structures and burrows found on the site.

Response: ***The project impervious is less than two acres and is a small development so a protected species survey is not required.***

DEVELOPMENT SERVICES REVIEW:

Comment 11: The survey provided includes the statement "This survey is not valid without the signature and the original seal of a Florida Surveyor and Mapper. Additionally, the survey provided isn't electronically signed.

Response: ***Please see attached signed revised Boundary Survey.***

Comment 12: The survey certification and General Note #2 lists the address as 15891 Summerlin Rd. The application address is 15881 Summerlin Rd. Please clarify.

Response: ***Please see attached revised Boundary Survey.***

Comment 13: LDC 34-373(a)(4) requires the boundary survey to identify and depict all easements effecting the subject property, whether recorded or unrecorded, and all other physical encumbrances readily identified by a field inspection. Surveyor's Note #1 does not meet this requirement.

Response: ***Please see attached revised Boundary Survey.***

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Comment 14: NOTE: The Schedule of Uses include Entrance Gates/Gatehouse as a potential use. At time of development order any entrance gate/gatehouse will be required to meet LDC 34-1748(1-5). The MCP submitted does not meet those requirements.

Response: ***Please see attached revised Schedule of Uses with entrance gates/gatehouse removed.***

Comment 15: Note: At time of development order LDC 10-261 requires solid waste enclosures based on the building square footage. The space reserved on the MCP does not appear to meet this requirement.

Response: ***Please see attached Schedule of Deviations and Justifications which includes a deviation request from the solid waste collection area requirements for the self-storage use.***

Comment 16: Note: At time of development order LDC 10-256 requires a sidewalk in the right-way connecting to the facility along Summerlin Rd. This is not shown on the MCP.

Response: ***This is now shown on the attached revised MCP.***

Comment 17: LDC 34-373(a)(6)(j) requires MCPs to show facilities for public transit in accordance with section LDC 10-442. Please verify that the existing bus stop is within ¼ mile and show any improvements that may be required on the MCP.

Response: ***Please see attached revised MCP.***

Comment 18: Please show the general location of service areas for delivery of goods or services in accordance with LDC 34-373(a)(6)(e).

Response: ***Please see attached revised MCP.***

ENVIRONMENTAL SCIENCES REVIEW:

Comment 19: The subject property is within the Coastal High Hazard Area. The environmental report and boundary survey states there is a swale system and "other surface water", located on the subject property. Please provide an analysis for Lee Plan Policy 101.1.1 and describe how the development will meet CHHA goals.

Response: ***Please see attached revised Description of Surface Water Management Plan and revised Narrative of Request.***

Comment 20: The MCP depicts a small development. Please indicate if two or more acres of the site will be considered impervious. Please note that a large development (2 or more acres of impervious) is required 30% open space; half of which, must be indigenous preserve area (10-415(b)).

Response: ***The project impervious is less than two acres and is a small development which requires 20% open space and no indigenous requirement.***

Comment 21: The MCP demonstrates 2 areas of detention. Please indicate if those areas are wet or dry detention. If the areas are wet detention, please provide sinuous structure and the required littorals per 10-418 of the Land Development Code.

Response: ***These areas are proposed dry detention as identified on the attached revised MCP.***

NATURAL RESOURCES REVIEW:

Comment 22: Please provide an analysis of Lee Plan Goal 101 and Policies 60.4.1 and 126.1.4.

Response: ***Please see attached revised Narrative of Request.***

Comment 23: Please clarify whether the onsite ditch conveys offsite flows.

Response: ***No it does not. Please see attached revised Description of Surface Water Management Plan and revised Narrative of Request.***

Comment 24: Please note the project must comply with LDC 10-330 at time of local development order for approval to discharge into a County maintained road right-of-way.

Response: ***Acknowledged.***

INFRASTRUCTURE PLANNING - DOT

Comment 25: Please provide the required document having information regarding the cross-access agreement through RaceTrac.

Response: ***Please see attached recorded cross-access agreement through RaceTrac.***

LEETRAN:

Comment 26: Based on the Lee County Transit LDC, an 8' x 30' pad is required, a pedestrian walkway exists from the proposed development, a bicycle storage rack is needed, and unsure if curbing meets the code, and will need to be determined by the developers' engineer. Therefore, the developer would be required to make the necessary improvements based on the current Lee County Transit LDC 10-442.

Response: ***Acknowledged. Please see attached revised MCP.***

If you have any questions or I may be of further assistance, please feel free to contact me at (239) 770-2527 or shewitt@bankseng.com.

Sincerely,
BANKS ENGINEERING



Stacy E. Hewitt, AICP
Director of Planning

BANKS ENGINEERING

Professional Engineers, Planners & Land Surveyors

Winkler Junction Minor CPD

Narrative of Request

DCI2023-00004 – Revised April 2023

Introduction/Request

The applicant, Winkler Junction, LLC., is requesting approval of a rezoning of approximately 2.57 acres from Agricultural (AG-2) to a minor Commercial Planned Development (CPD) to allow a maximum of 90,000 square feet/675 units of self-storage and associated uses with a maximum height of 45 feet.

The property is located at 15881 Summerlin Road, southwest and abutting the hard southwest corner (RaceTrac) of the intersection of Winkler Road (County-maintained Major Collector) and Summerlin Road (County-maintained Limited Access Arterial). The parcel is long and narrow, 1,172± lineal feet fronting on Summerlin Rd. by 100 feet. deep. The parcel is located within the Suburban Future Land Use Category within the Iona/McGregor Planning District. The site is not located within any Community Planning area and is currently Vacant (undeveloped) and disturbed.



Background

The site was previously an abandoned railroad grade and the entire site remains in its previous disturbed condition.

A directional right in was approved on Summerlin Road for RaceTrac and for the subject parcel. In conjunction with a cross access agreement through RaceTrac, the parcel has full access to all of the Winkler/Summerlin intersection movements.

The subject parcel as stated in the Introduction, is situated adjacent to the southwest hard corner of Summerlin Road and Winkler Road with full access to the aforementioned corner parcel (RaceTrac), including a right in from Summerlin Road, constituting an appropriate location for a commercial development to support the nearby residential uses. This is recognized by the contiguous nature of the RaceTrac parcel, which is zoned Community Commercial (CC). The RaceTrac parcel was rezoned from Agricultural (AG-2) by zoning resolution number Z-15-023. The RaceTrac parcel was split from the parent parcel which included the subject property under lot split case number LDO2016-00591. The 14.0+ ac. FPL maintenance facility and storage yard which is directly south and contiguous is zoned AG-2 and it's use as a maintenance yard is consistent and compatible with the subject parcel requested rezoning. The FPL site provides a significant transition buffer between the neighboring residential communities to the south and the subject parcel.

At the present time, the subject property remains undeveloped.

Land Development Code Analysis

The property qualifies for the rezoning to minor CPD and meets the applicable required findings/review criteria set forth in Land Development Code section 34-145(d)(4)a.1. as follows:

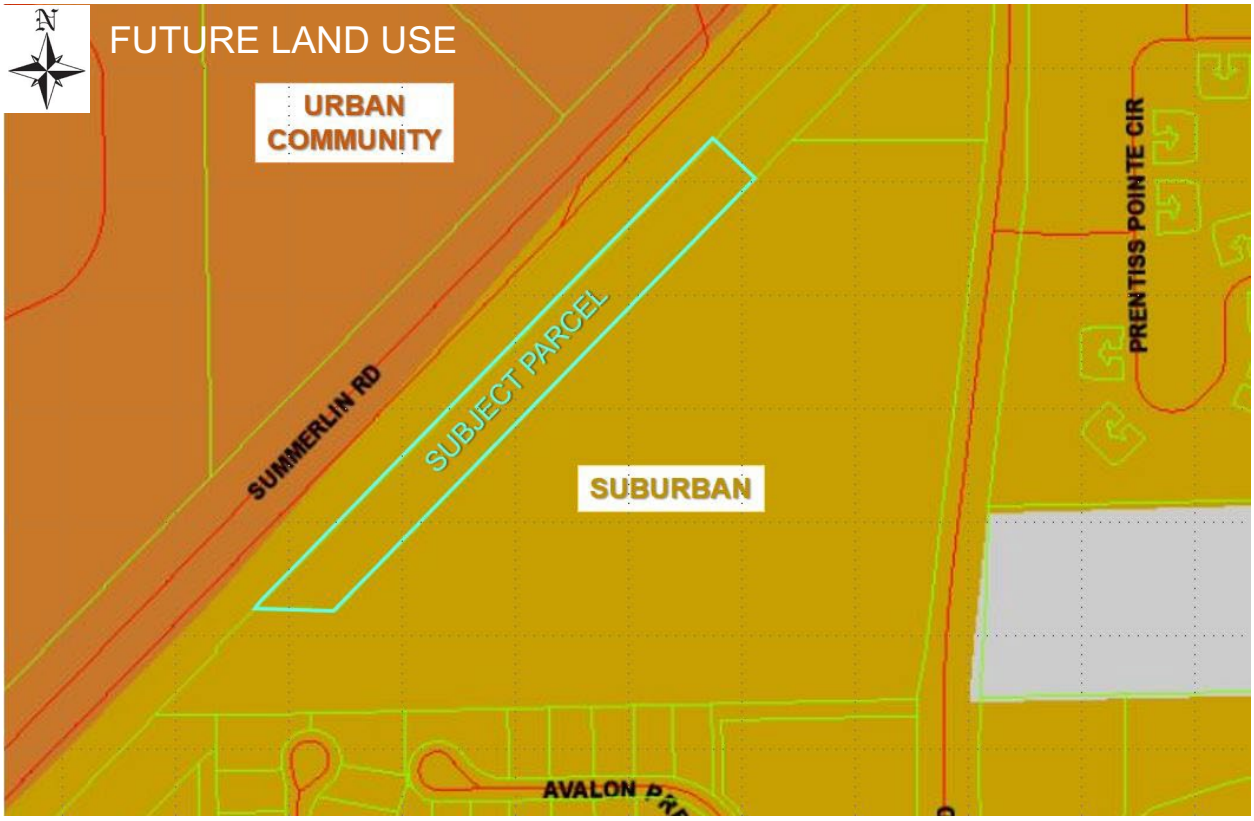
(a) Complies with the Lee Plan

Rezoning the subject property from AG-2 to minor CPD is consistent with the Lee Plan and will expand an already established and viable commercial node at the location identified. The rezoning will provide for employment opportunities by expanding the potential for commercial activity along the Summerlin Rd. corridor without increasing transportation impacts and will support the neighboring residential communities.

The subject property is located in the Suburban Land Use Category, which is described in the Lee Plan as follows.

> *POLICY 1.1.5: The Suburban future land use category will consist of predominantly residential areas that are either on the fringe of the Central Urban or Urban Community future land use categories or in areas where it is appropriate to protect existing or emerging residential neighborhoods. This category provides housing near the more urban areas but does not provide the full mix of land uses typical of urban areas. Industrial land uses are not permitted. This category has a standard density range from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre). The maximum total density may only be increased to eight dwelling units per acre (8 du/acre) utilizing Greater Pine Island Transfer of Development Units except in areas that specifically prohibit bonus density. Other forms of bonus densities are not allowed.*

Approval of the requested rezoning will allow development of the subject property consistent with the intent of the Suburban Future Land Use category at a location identified as a commercial development. The subject property is surrounded by property also located within the Suburban Future Land Use Category including a transition to Urban Community on the north side of Summerlin Road. The Suburban Development areas are appropriate for relatively low intensity commercial zoning categories as demonstrated by the existing and surrounding zoning districts.



Development of self-storage use such as the multi-story public warehouse use with associated rental of U-Haul type vehicles (no outdoor display, sale, rental or storage) is appropriate for the ite and will allow the subject property to provide services necessary to serve the surrounding residential areas. The U-Haul type rental is proposed under the building with carport opening to the east facing the FP&L facility. The intersection of Winkler Road and Summerlin Road has developed as a commercial node. Approval of the rezoning will provide appropriate infill development opportunities by expanding the development potential of the applicant's property adjacent to existing commercial lands along Summerlin Road. The proposed uses are consistent with Policy 1.1.5.

> *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.*

Lee Plan Policy 1.6.5 establishes the Planning Communities Map and Acreage Allocation Table 1(b). There are 1,100 acres allocated for commercial development within the Iona/McGregor Planning Community with 557 acres existing. There are 543 acres remaining to be developed as commercial which accommodates the subject request's conversion of the site's 2.57± acres. The requested rezoning is consistent with Policy 1.6.5.

OBJECTIVE 2.1: DEVELOPMENT LOCATION. Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.

POLICY 2.1.1: Most residential, commercial, industrial, and public development is expected to occur within the designated future urban areas on the Future Land Use Map through the assignment of very low densities to the non-urban categories.

POLICY 2.1.2: New land uses will be permitted only if they are consistent with the Future Land Use Map and the goals, objectives, policies, and standards of this plan.

Approval of the rezoning to minor CPD will provide an opportunity to establish the compact and contiguous growth pattern envisioned by Lee Plan Objective 2.1. The proposed rezoning is consistent with Lee Plan Objective 2.1 and Policies 2.1.1 and 2.1.2

OBJECTIVE 2.2: DEVELOPMENT TIMING. Direct new growth to those portions of the future urban areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in Section 163.3164(7), F.S.) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, F.S. and the concurrency requirements in the Land Development Code.

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

The subject property consists of one parcel split from the adjacent RaceTrac parent parcel which was recently rezoned from AG-2 to CC. Both RaceTrac and the subject parcel have frontage along Summerlin Rd. and have access to the hard southwest corner of Winkler Road and Summerlin Road. Water and Wastewater facilities are provided by Lee County, which has existing potable water and sanitary sewer service available to the property with adequate capacity to service the site. Fire and EMS services will be provided from Iona McGregor Fire Department, located less than 1 mile from the site on Winkler Road. The Lee County Sheriff's Office is located at 14750 Six Mile Cypress Pkwy, approximately 4 miles from the site. The rezoning is consistent with Objective 2.2 and Policy 2.2.1.

STANDARD 4.1.1: WATER.

1. 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 Chapter 62-550, F.A.C.).

2. If the proposed development lies within the boundaries of a water utility's certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 6), then the development must be connected to that utility.

3. The developer must provide proof that the prior commitments of the water utility, plus the projected need of the developer, do not exceed the supply and facility capacity of the utility.

STANDARD 4.1.2: SEWER.

1. 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.

2. If the proposed development exceeds the thresholds listed above and lies within the boundaries of a sewer utility's certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 7), and that utility has sufficient capacity to provide minimum service to the development, then the development must connect to that sewer utility if there is existing infrastructure adequate to accept the effluents of the development within l/4 mile from any part of the development.

3. If there is not sufficient capacity nor adequate infrastructure within l/4 mile of the development, the developer must provide proof in the form of a clearly stated rejection of service.

The subject property is located within the Lee County Utilities service area and existing facilities are available for connection. A Letter of Availability (submitted with the zoning application) demonstrates there is sufficient capacity to serve development of the property. Further, the Applicant will be required to provide water and sewer service in accordance with the Lee County Land Development Code at the time of local development order approval. The requested rezoning is consistent with Standards 4.1.1 and 4.1.2.

GOAL 6: COMMERCIAL LAND USES. To permit orderly and well-planned commercial development at appropriate locations within the county.

OBJECTIVE 6.1: Development approvals for commercial land uses must be consistent with the following policies, the general standards under Goal 4 and other provisions of this plan.

POLICY 6.1.1: All applications for commercial development will be reviewed and evaluated as to:

1. *Traffic and access impacts (rezoning and development orders);*
2. *Landscaping and detailed site planning (development orders);*
3. *Screening and buffering (planned development rezoning and development orders);*
4. *Availability and adequacy of services and facilities (rezoning and development orders);*
5. *Impact on adjacent land uses and surrounding neighborhoods (rezoning);*
6. *Proximity to other similar centers (rezoning); and*
7. *Environmental considerations (rezoning and development orders).*

POLICY 6.1.4: Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities.

POLICY 6.1.5: The land development regulations will require that commercial development be designed to protect the traffic-carrying capacity of roads and streets. Methods to achieve this include, but are not limited to: frontage roads; clustering of activities; limiting access; sharing access; setbacks from existing rights-of-way; acceleration, deceleration and right-turn-only lanes; and, signalization and intersection improvements.

POLICY 6.1.6: The land development regulations will require that commercial development provide adequate and appropriate landscaping, open space, and buffering. Such development is encouraged to be

architecturally designed so as to enhance the appearance of structures and parking areas and blend with the character of existing or planned surrounding land uses.

POLICY 6.1.7: Prohibit commercial developments from locating in such a way as to open new areas to premature, scattered, or strip development; but permit commercial development to infill on small parcels in areas where existing commercial development would make a residential use clearly unreasonable.

Commercial development is anticipated in this commercial node. The subject parcel is consistent with Goal 6 and its attendant Objectives and Policies and the requested rezoning will remain consistent. Rezoning the property from AG-2 to minor CPD will facilitate development of appropriate and compatible self-storage and associated uses on the site. Compliance with applicable Lee County Codes and regulations will ensure the commercial uses are designed and constructed in a manner that will be compatible with the surrounding uses and prevent degradation to existing transportation facilities. As demonstrated by the submitted Traffic Impact Statement, the use is a low traffic generator utilizing existing shared access. The proposed use is compatible with the surrounding uses. The site is surrounded by commercial and public facilities with the nearest residential being approximately 185 feet to the south. The subject rezoning request is consistent with Lee Plan Goal 6, Objective 6.1 and Policies 6.1.1 through, 6.1.7.

POLICY 60.4.1: Encourage new developments to design surface water management systems with Best Management Practices including, but not limited to, filtration marshes, grassed swales planted with native or Florida Friendly Landscaping vegetation, retention/detention lakes with enlarged littoral zones, preserved or restored wetlands, and meandering flow-ways.

The site does not contain any existing natural features such as wetlands or flow-ways. The entire site was previously disturbed as it was an abandoned railroad grade. The proposed drainage system will preserve existing drainage patterns and not block any runoff overflow to or from adjacent properties. The aforementioned railroad grading above created man-made swales on both sides of the old railroad berm (identified in our environmental report as “other surface waters”). These man-made swales have been historically filled to the north by the RaceTrac development and to the south by FPL for their transmission power lines. No drainage is imported or exported by these landlocked man-made swales to or from offsite adjacent lands. The subject parcel’s proposed drainage system will provide an onsite dry detention system comprised of pavement inlets and flumes conveying runoff to a system of storm pipes and grassed swales, ultimately directed to the dry detention system. After meeting water quality and attenuation, in accordance with South Florida Water Management District (SFWMD) requirements, runoff will be regulated offsite through a control structure discharging into the Summerlin Road south roadside conveyance ditch. The Summerlin Road roadside conveyance ditch is an established outfall for the roadway drainage. In this area, it also receives natural drainage runoff from adjacent lands abutting to the south and is consistent with historical topographic contours. The adjacent and contiguous RaceTrac was originally part of the subject parcel and was recently rezoned from AG-2 to CC. The RaceTrac drainage system was permitted and constructed as a dry detention system with their outfall directly

into the Summerlin Road roadside ditch system along their frontage and is consistent with the existing natural drainage flow pattern and runoff direction. The applicant will demonstrate compliance with LDC Section 10-330 at the time of development order application. The request is consistent with Policy 60.4.1.

> *GOAL 101: COASTAL AREAS. Protect human life along with current and future development from the impacts of coastal flooding. Coastal flooding includes, but is not limited to, high tide events, storm surge, flash floods, stormwater runoff, and impacts of sea level rise.*
>
> > *POLICY 101.1.1: Require that development within the Coastal High Hazard Area be compatible with natural systems, such as, water retention and purification, wildlife habitat, primary productivity, and defense against coastal flooding.*
> >
> > *POLICY 101.3.2: Restrict development in the Coastal High Hazard Area to uplands except as needed for the provision of public facilities.*
> >
> > *POLICY 101.3.5: An applicant of a development order for any permanent or temporary places of residence including, but not limited to, caretakers residence, dormitories, hotels or motels, and dwelling units within the Hurricane Vulnerability Zone or on islands, must provide appropriate mitigation as determined by Lee County Department of Public Safety, which may include, but is not limited to, the payment of a fee, or construction of hurricane shelters and transportation facilities.*
> >
> > *POLICY 126.1.4: Development designs must provide for maintaining or improving surface water flows, groundwater levels, and lake levels at or above existing conditions.*

The site is located within the Coastal High Hazard Area. The site does not contain any existing natural drainage features. The entire site was previously disturbed as it was an abandoned railroad grade. The aforementioned railroad grading above created man-made swales on both sides of the old railroad berm (identified in our environmental report as “other surface waters”). These man-made swales have been historically filled to the north by the RaceTrac development and to the south by FPL for their transmission power lines. No drainage is imported or exported by these landlocked man-made swales to or from offsite adjacent lands. The proposed drainage system will preserve existing drainage patterns and not block any runoff overflow to or from adjacent properties. The subject parcel’s proposed drainage system will provide an onsite dry detention system comprised of pavement inlets and flumes conveying runoff to a system of storm pipes and grassed swales, ultimately directed to the dry detention system. After meeting water quality and attenuation, in accordance with South Florida Water Management District (SFWMD) requirements, runoff will be regulated offsite through a control structure discharging into the Summerlin Road south roadside conveyance ditch. The Summerlin Road roadside conveyance ditch is an established outfall for the roadway drainage. In this area, it also receives natural drainage runoff from adjacent lands abutting to the south and is consistent with historical topographic contours.

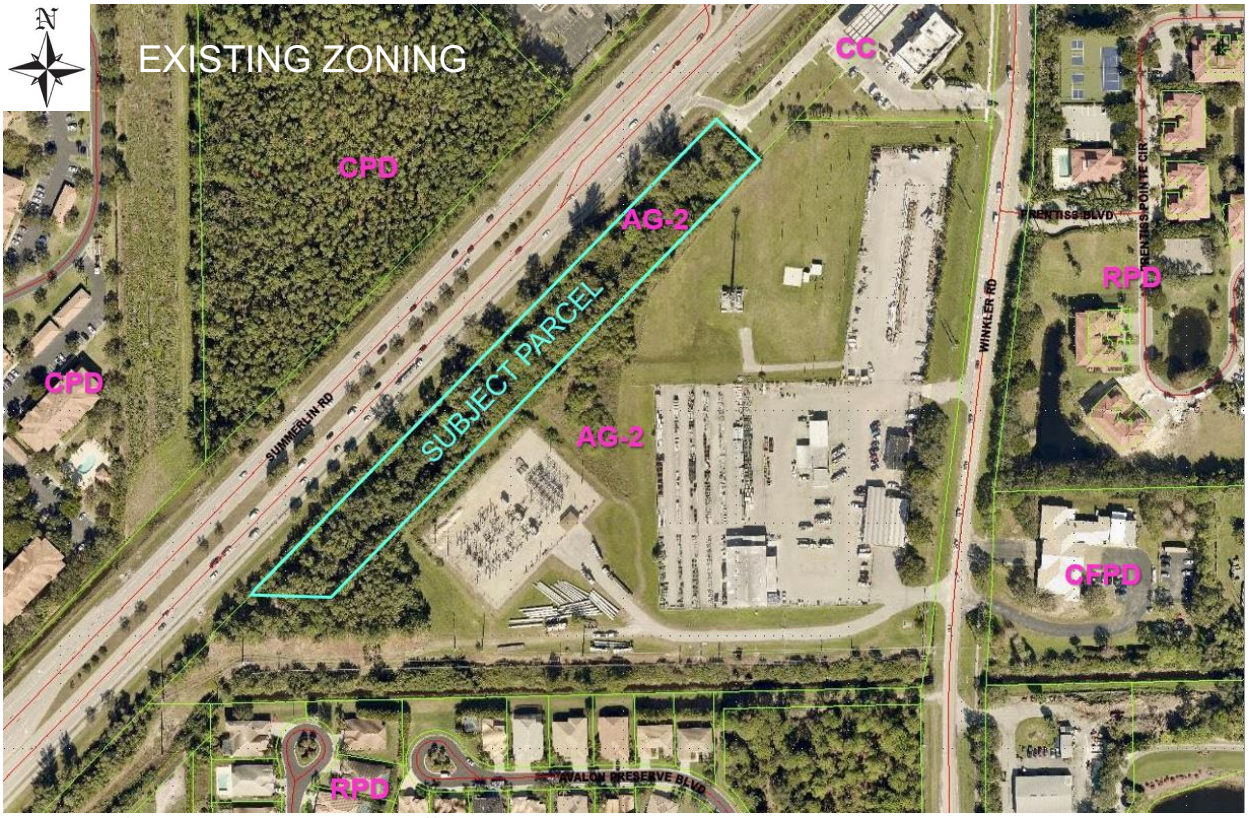
The adjacent and contiguous RaceTrac was originally part of the subject parcel and was recently rezoned from AG-2 to CC. The RaceTrac drainage system was permitted and constructed as a dry detention system with their outfall directly into the Summerlin Road roadside ditch system along their frontage and is consistent with the existing natural drainage flow pattern and runoff direction. The request is consistent with Goal 101, Policy 101.1.1 and Policy 126.1.4. The man-made swales are considered uplands, so the request is consistent with Policy 101.3.2. If a caretakers residence is included at the time of development order application, appropriate mitigation will be determined and provided if required, consistent with Policy 101.3.5.

b) Meets this Code and other applicable County regulations or qualifies for deviations;

The site will be developed in compliance with the Comprehensive Plan and the Land Development Code. The proposed Minor CPD qualifies for the requested deviation as outlined in the submitted Schedule of Deviations and Justifications. The requested deviation enhances the achievement of the objectives of the planned development and protects the public health, safety, and welfare. Compliance with design-related provisions of the Land Development Code will be demonstrated at the time of Local Development Order.

c) Is compatible with existing and planned uses in the surrounding area;

The property's proximity to Summerlin Road, a 6-lane divided arterial roadway, and existing commercial uses demonstrate that the site is an appropriate location for infill commercial development. The adjacent RaceTrac CC zoning was deemed compatible with existing and planned surrounding uses, and the proposed self-storage uses are compatible. Pursuant to Lee County Land Development Code (LDC) Section 34-2175(b)(5), the Suburban future land use category allows a height up to 45 feet, consistent with the subject request. The Master Concept Plan demonstrates a 15' type "D" buffer along the Summerlin Road frontage. A 5' type "A" buffer is provided to RaceTrac and the adjacent Utility Facility. Across Summerlin Road in the northwest quadrant of the intersection there is a Publix Center (CPD) complete with multiple commercial outparcels including a developed bank and drug store with multiple developed retail tenant spaces as part of the Center. The northeast and southeast quadrants of the intersection are zoned CPD and are respectively developed with retail and medical offices. The requested minor CPD will remain compatible with the surrounding uses.



d) Will provide access sufficient to support the proposed development intensity;

There is a reciprocal cross access easement in favor of the subject parcel across the RaceTrac parcel in order to provide full access to the Winkler Road intersection including the use of the right in off of Summerlin Road. Therefore, sufficient access will be provided to support the proposed development intensity. Lee County will ensure compliance with the Controlled Access Management Plan for Summerlin Road through the development order process.

e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;

The submitted Traffic Impact Statement demonstrates that there are only 8 am peak hour and 11 pm peak hour trips and that the proposed project trips will not reduce the level of service of Summerlin Road below the performance standard. Any expected impacts on transportation facilities will be adequately addressed during the development order application process by existing county regulations.

b) Will not adversely affect environmentally critical or sensitive areas and natural resources; and

There are no existing wetlands or environmentally critical or sensitive areas or natural resources on site as indicated in the submitted environmental package.

c) Will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category.

The subject property is located in the Suburban Future Land Use Category. Existing development is adequately serviced by existing urban services. The subject parcel has frontage on Summerlin Road with full access to the intersection of Winkler Road in addition to an approved right in on Summerlin Road. Water and Wastewater facilities are provided by Lee County Utilities, which has existing potable water and sanitary sewer service available to the property with adequate capacity to service the site. Fire and EMS services will be provided from Iona McGregor Fire Department, located less than 1 mile from the site on Winkler Road. The Lee County Sheriff's Office is located at 14750 Six Mile Cypress Pkwy, approximately 4 miles from the site. Approval of the rezoning request will have no impact on these existing services.

The proposed amendment complies with the findings provided in the Land Development Code Section 34-145(d)(4)a.2 as follows:

a) The proposed use or mix of uses is appropriate at the proposed location;

The proposed self-storage and associated uses are appropriate at the proposed infill development location.

b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development.

Conditions of approval will require the CPD to be consistent with the proposed MCP including appropriate buffering and the property development regulations which provide sufficient safeguards to the public interest.

c) If the application includes deviations pursuant to section 34-373(a)(9), that each requested deviation:

1)Enhances the achievement of the objectives of the planned development; and
2)Preserves and promotes the general intent of this Code to protect the public health, safety, and welfare.

The submitted Schedule of Deviations and Justifications demonstrate that the requested deviation enhances the achievement of the objectives of the planned development and protects the public health, safety, and welfare.

In conclusion, the proposed rezoning to minor CPD allows for appropriate infill development. The request is in compliance with the Lee County Comprehensive Plan, the Land Development Code, together with approval of the requested deviation, and other applicable codes and regulations; is compatible with existing and planned uses in the surrounding area; will provide access sufficient to support the proposed development intensity; the expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval; will not adversely affect environmentally critical or sensitive areas and natural resources; and will be served by urban services, defined in the Lee Plan. The proposed use is appropriate at the proposed location; conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development. The requested deviation

enhances the achievement of the objectives of the planned development and protects the public health, safety and welfare. For these reasons, the applicant respectfully submits that the rezoning request from AG-2 to minor CPD should be approved.

BANKS ENGINEERING

Professional Engineers, Planners & Land Surveyors

Winkler Junction Minor CPD

Schedule of Deviations and Justifications

DCI2023-00004 - April 2023

Deviation 1: LDC Section 10-261(a) requirement for all new commercial developments to provide sufficient on-site space for garbage and recyclable materials collection containers for 25,000+ square feet at a rate of 216 sq. ft. (120 + 96) for first 25,000 sq. ft. plus 8 sq. ft. for each additional 1,000 sq. ft. (216+520 = 736 square feet area required), to allow a minimum 128 SF.

Justification: The requested deviation is included in LDC Section 10-104(a)(1) list of provisions where the Development Services Director is authorized to grant administrative deviations. The proposed self-storage use is a very low trash generator. The solid waste will be used for the office personnel (1,000 sf) only unless special permission is authorized for a tenant departure or special circumstances when there is space available. When evaluating the frequency of normal solid waste utilization for commercial use, the occupancy of the intensity (square footage) is generally at 90-100 %. Comparing the commercial to self storage occupancy there is a vast difference in tenants actually on premises with any frequency. Most units are never visited by their tenants on any kind of a regular basis. This fact is recognized by the County by their dramatic reduction in parking requirements for self storage use as well as the reduction in trips generated in the current ITE edition. When using the accepted Lee County parking requirements for both commercial and self storage as a comparison to relate to actual tenant visitation, the storage facility would scale down to 8,100± sf of commercial area equivalency. This would equate to 80 sf for garbage and 48 sf for recyclables for a total of 128 sf, see table on following page. This calculation would far exceed the requirements of just providing solid waste for the office space alone which would only require 84 sf.

First 25,000 SF =	216 SF
90,000 – 25,000 = 65,000 SF/1,000 SF = 65	
65 x 8 SF =	520 SF
Total Required =	736 SF garbage and recyclable area
Provided:	Minimum 128 SF

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Surveying License LB 6690

10511 Six Mile Cypress Parkway, Fort Myers, Florida 33966
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www.banksengfla.com

Commercial Business Building sq. ft.	Minimum sq. ft. for Garbage Collection	Minimum sq. ft. for Recyclable Collection
	120	96
	216 sq. ft. (120 + 96) for first 25 units plus 8 square feet for each additional dwelling unit	
0—5,000	60	24
5,001—10,000	80	48
10,001—25,000	120	96
25,000+	216 sq. ft. (120 + 96) for first 25,000 sq. ft. plus 8 sq. ft. for each additional 1,000 sq. ft.	

Written approval from Lee County Solid Waste will be provided prior to development order approval. The requested deviation is internal to the site and enhances the achievement of the objectives of the planned development and will protect public health, safety and welfare. The provided collection area has been situated off the internal parking lot aisle. The solid waste collection area enclosure meets setbacks, consistent with LDC Section 10-261(e) requirement that enclosures may not be located within or encroach into the required perimeter landscape buffer width. The request is also consistent with the applicable criteria for administrative deviations contained in LDC Section 10-104(b): (1) The alternative proposed to the standards contained herein is based on sound engineering practices (2) The alternative is no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested; (3) not applicable; (4) The granting of the deviation is not inconsistent with any specific policy directive of the Board of County Commissioners, any other ordinance or any Lee Plan provision; and (5) not applicable; and (6) not applicable.

BANKS ENGINEERING

Professional Engineers, Planners & Land Surveyors

Winkler Junction CPD
Schedule of Uses

DCI2023-00004
Revised April 2023

Accessory Uses, Buildings and Structures
Administrative Offices
Caretaker's Residence
Essential Services
Essential Services Facilities – Group I
Excavation, Water Retention
Fences, Walls
Parking lot: Accessory, Temporary
Rental or Leasing Establishment, Group III (no outdoor display, sale, rental or storage) may be provided under building with carport openings where shown on Master Concept Plan
Retail and wholesale sales, when clearly incidental and subordinate to a permitted principal use on the same premises
Signs in Compliance with Chapter 30
Storage, Indoor only
Temporary Uses, construction trailers and equipment storage sheds
Warehouse, private, public

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10511 Six Mile Cypress Parkway, Fort Myers, Florida 33966
Phone: 239-939-5490 | Fax: 239-939-2523
www.banksengfla.com

Linda Doggett, Lee County Clerk of Circuit Court
INSTR. # 2018000266508, Doc Type AGR, Pages 11, Recorded 11/14/2018 at 8:21 AM, Deputy Clerk LFAHRNER ERECORD
Rec Fees: $95.00

Prepared By:

Joseph M. Madden Jr.
Madden Law Firm, LLC
2277 Main Street
Fort Myers, FL 33901
(239) 332-2100

RECIPROCAL EASEMENT AND RESTRICTION AGREEMENT

THIS RECIPROCAL EASEMENT AND RESTRICTION AGREEMENT ("REA") is executed this 13th day of November, 2018, by WINKLER JUNCTION, LLC ("WJL") and RACETRAC PETROLEUM, INC. ("RACETRAC") for the express purpose of facilitating orderly and planned development of the properties described on Exhibits "A" and "B" attached hereto and incorporated herein by reference.

RECITALS

WHEREAS, WJL has conveyed to RaceTrac that certain real property described on Exhibit "A" ("Parcel 1") for development of a convenience store with fuel pumps; and

WHEREAS, WJL intends to develop that certain real property described on Exhibit "B" ("Retained Parcel" or "Parcel 2") for other commercial purposes (Parcel 1 and Parcel 2 are each sometimes referred to herein as a "Parcel," and collectively as the "Parcels"); and

WHEREAS, the parties hereto desire to create certain access easements and utility easements, as well as delineate certain duties and obligations of each party.

For and in consideration of Ten and No/100's Dollars ($10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Reciprocal Perpetual Non-Exclusive Ingress Egress Easement. WJL does hereby grant to RACETRAC, its successors and/or assigns, a reciprocal, perpetual, non-exclusive easement for pedestrian and/or vehicular ingress and egress over and across all paved areas of Parcel 2. RACETRAC does hereby grant to WJL, its successors and/or assigns, a reciprocal, perpetual, non-exclusive easement for pedestrian and/or vehicular ingress and egress over and across all paved areas of Parcel 1. Such easements shall be known collectively as the "Reciprocal Easements". Nothing contained herein shall be deemed to create any right in the public or any public dedication. The Reciprocal Easements shall be for the purpose of vehicular and pedestrian access, and egress to and from the Parcels. The Reciprocal Easements are intended to provide a permanent area of shared access located within each Parcel. The Reciprocal Easements shall be kept free of permanent obstructions to such vehicular and pedestrian traffic, and each part thereof shall be maintained by the owner of the Parcel on which that part is located. The owner of each Parcel shall be free from time to time to modify the design of their respective Parcels with respect to the location and the configuration of the internal drives, lanes and entrances. The grant of the Reciprocal Easements shall not limit the design and the use of the Parcels, but shall only provide for shared use rights in such drives, lanes and entrances as from time to time may exist, subject, however, to the minimum provisions of subparagraph (c). Nothing herein shall obligate a party to construct, or prevent a party from modifying, relocating and/or closing, any drives, lanes or entrances on such party's Parcel from time to time, and (b) in no event shall the easements granted

by RaceTrac herein include any areas above the underground storage tanks or below any motor fuel canopy located or to be constructed on Parcel 1.

2. Perpetual Non-Exclusive Utility Easement. RACETRAC does hereby grant to WJL, its successors and/or assigns a perpetual, non-exclusive easement for utilities over and across the area generally depicted on Exhibit "C" attached hereto and incorporated herein by reference, not exceeding twenty (20) feet in width, (the "Utility Easement"). Nothing contained herein shall be deemed to create any right in the public or any public dedication; however, in the event any public authority having jurisdiction requires such easement to become a public utility easement in order for WJL to utilize such easement to their satisfaction, RACETRAC shall cooperate with the dedication of such public easement as reasonably necessary and shall execute any authorizations necessary to amend development permits on Parcel 1, at no cost or expense to RACETRAC and so long as such permit amendments do not negatively affect the improvements or inhibit the business activities on Parcel 1. In the event such dedication requires the removal, relocation or compensation for landscaping within the easement area, WJL shall bear the entire burden of such costs. Prior to any entry onto Parcel 1 by WJL or its agent, contractor or employee, WJL and any such contractor shall at their sole cost and expense maintain in full force and effect (a) workers' compensation insurance in accordance with applicable law; (b) commercial general liability insurance with limits of at least One Million Dollars ($1,000,000.00) for bodily or personal injury or death, (c) property damage insurance in the amount of at least Two Million Dollars ($2,000,000.00), (d) contractual liability insurance, (e) pollution liability insurance covering any death, bodily injury, environmental or natural resources damage, or property damage arising from or related to the activities conducted by the Indemnitor Parties on the Property in an amount not less than One Million and No/100 Dollars ($1,000,000.00) per occurrence and Two Million and No/100 Dollars ($2,000,000) in the aggregate with coverage extended to include third party liability for death, bodily injury, diminution of value of property, property damage, or environmental or natural resources damage; and (f) such other insurance as may be required pursuant to applicable law. Each insurance policy must be issued by a reputable insurance company licensed to do business in the state of Florida and having a rating of at least "A:IX" by the current edition of Best's Rating Guide. Such insurance policies shall name as additional insureds RaceTrac and such other parties as RaceTrac may designate. Such policies shall also contain an appropriate cross liability endorsement in favor of RaceTrac, shall contain a waiver of subrogation, and shall specify that such insurance policies shall not be cancelable on less than thirty (30) days' prior written notice to RaceTrac. WJL and its contractors, as applicable, shall submit valid certificates and endorsements in form and substance satisfactory to RaceTrac evidencing the effectiveness of the foregoing insurance prior to the entry onto Parcel 1. The insurance coverage afforded under these policies shall be primary and not create any contribution obligations to any insurance carried independently by RaceTrac.

3. Maintenance for Improvements. Each party shall maintain the portion of the Reciprocal Easements located on its respective Parcel in such a manner as to allow the intended use thereof without any unreasonable disrepair. WJL shall be solely responsible, at its sole cost and expense, for the construction, maintenance, repair and replacement of any utility facilities within the Utility Easement. Upon completion of any such construction, maintenance, repair and replacement of such facilities, WJL shall restore Parcel 1 to as good or better a condition as existed prior to the performance of such construction, maintenance, repair and replacement. If maintenance, repair or replacement of the utility facilities in the Utility Easement becomes necessary and WJL has not performed the same within ten (10) business days after written notice from RaceTrac, or in the event that it cannot be completed within ten (10) business days of such notice and it has not been initiated and thereafter diligently pursued to completion, RaceTrac shall have the right to perform such work on WJL's behalf and at WJL's cost and expense. In such event, WJL shall reimburse RaceTrac the cost of such maintenance, repair or replacement within thirty (30) days from receipt of the invoice. If WJL fails to timely reimburse RaceTrac, RaceTrac shall have the right to record a lien against Parcel 2 as security for such amounts until repaid in full. Notwithstanding any contrary

provision contained herein, in the event any improvements contemplated in this REA are damaged by a party hereto (or any agent thereof), such party shall be responsible for all costs of repairing such damage.

4. Restrictive Covenants. WJL hereby agrees that the following shall be prohibited: (1) the erection of any sign or structure within the "Visibility Area" (as hereinafter defined), except for a single monument sign with dimensions no greater than five (5) feet in height and ten (10) feet in width (so long as the advertising on such monument sign does not breach the restriction set forth in item (2) below); and (2) a retail outlet for motor fuels or a convenience store or the advertising thereof on all or any portion of Parcel 2. As used herein, "Visibility Area" shall mean and refer to any property located within both (i) one hundred fifty (150) feet from any boundary of Parcel 1 and (ii) forty (40) feet of the right-of-way of any road, alley or street. As used herein, the term "retail outlet for motor fuels" shall include by way of illustration, but not by way of limitation, a mobile dispensary or delivery service, even if only temporarily located at the property restricted thereby. The above restrictions and covenants shall be deemed to be covenants and restrictions running with the land for the benefit of Parcel 1, as a burden upon Parcel 2, and shall be in full force and effect for the longest period allowed by applicable law, and shall be enforceable by RaceTrac, its successors, assigns, successors-in-title and tenants. In case of any violation or attempted violation of any of the covenants or restrictions contained herein, RaceTrac, its successors, assigns, successors-in-title and tenants may enforce these covenants and restrictions by injunction or other appropriate proceedings and shall be entitled to recover its damages, costs and reasonable attorneys' fees.

5. Tree Clearing Easement. WJL hereby grants to RaceTrac and its successors and assigns a perpetual, non-exclusive easement for ingress, egress and access and the right to clear cut all trees and other vegetation on that portion of Parcel 2 which is within 150 feet of the western boundary line of Parcel 1 and within 100 feet of the right-of-way line of Summerlin Road (the "Removal Area"). The foregoing easement shall include, without limitation, the right, prior to development of any improvements in the Removal Area, to maintain clear visibility, including the right to cut, clear and/or remove any brush or trees located in the Removal Area which impair clear visibility of Parcel 1 across the Removal Area as long as such cutting, clearing and removal is in compliance with all applicable local, state and federal regulations.

6. Indemnity. Each party hereto (in this context, the "Indemnitor"), on behalf of itself and its successors and assigns, hereby agrees to indemnify, defend and to hold harmless the other (and its partners, shareholders, officers, directors, agents, employees, predecessors, successors and assigns) (in this context, the "Indemnitees") from any and all claims, causes of action, damages, liabilities and expenses which may be claimed or asserted against, or suffered by, the Indemnitees arising out of or relating to, whether directly or indirectly, the use or enjoyment of the easements created herein by Indemnitor, its invitees, visitors, licensees, contractors, subcontractors, employees, agents and representatives. Claims indemnified hereunder include, without limitation, personal injury, loss of life, mechanics' or materialmen's liens or claims of lien, and/or any other claims directly or indirectly related to the enjoyment of the rights and easement granted hereunder, or the obligations hereunder. The foregoing indemnification shall include all costs and reasonable attorneys' fees of the indemnified party (whether or not suit is instituted), including those incurred in appellate proceedings.

7. Notices. Any notice required or permitted to be given under this REA shall be in writing and shall be deemed to have been given when delivered: (i) by a national recognized overnight commercial courier evidenced by signed receipt; or (ii) via United States Mail as Certified Mail, Return Receipt Requested, postage prepaid, evidenced by signed receipt, and addressed to the parties as herein provided (or such other address which any party may designate in writing for itself from time to time hereafter by written notice to the other party):

To WJL: Winkler Junction LLC
9101 W College Point Drive, Suite 1
Fort Myers, Florida 33919
Attn: Brandon Kinsey

To RaceTrac: RaceTrac Petroleum, Inc.
200 Galleria Parkway
Suite 900
Atlanta, Georgia 30339
Attn: VP of Real Estate, Engineering and Construction

With a copy to: RaceTrac Petroleum, Inc.
200 Galleria Parkway
Suite 900
Atlanta, Georgia 30339
Attn: Corporate Counsel – Real Estate

8. Miscellaneous. This REA constitutes the entire agreement of the parties with respect to the subject matter hereof and supersedes all prior agreements, representations, warranties and understandings of the parties with respect thereto. This REA may not be modified, except in writing, signed by both parties. No such amendment shall be effective until it is recorded in the Public Records of Lee County, FL. The singular shall include the plural, and the plural the singular, and any one gender shall include all genders as the context may require. This REA shall be construed under the laws of Florida. The extent to which any party participated in the drafting of this document shall not determine how any provision hereof is to be construed. This REA is not intended and shall not be construed to dedicate any of the easements described herein to the general public nor shall this instrument be construed to restrict the use and development of the Parcels except as expressly provided herein. With respect thereto, each party reserves the right to close off driveway areas on its Parcel for one day each calendar year to prevent acquisition of prescriptive rights, and such closing shall occur only on Christmas Day unless ten (10) days written notice is given to the other owners specifying the closing date other than Christmas Day. This REA shall be deemed to be the covenants running with the land, and be binding upon the benefits hereof inure to, and be binding upon, the respective heirs, personal representatives, successors and assigns of the parties, and shall remain in full force and effect and shall be unaffected by any change in ownership of the Parcels. References to RaceTrac, WJL, Parcel 1 and Parcel 2 shall include their respective successors in title. Nothing contained in this REA shall be deemed to be a gift or dedication to any governmental authority or the general public for any public purpose whatsoever. The parties are not conveying any land or title herein, but are merely granting the rights, privileges and easements herein set forth, subject to the conditions set forth herein. This REA is not and shall not be construed, interpreted or enforced as a dedication of all or any portion of Parcel 1 or Parcel 2 to public use or to the private use of any party other than RaceTrac and WJL, and their respective invitees, customers, licensees, employees, agents, successors and assigns. No easements except to those expressly set forth herein, shall be implied by this REA. Nothing in this REA shall be deemed or construed by either party or by any third person to create the relationship of principal and agent or of limited or general partners or of joint venturers, or of any other such association. In the event any provision or portion of this REA is held by any court of competent jurisdiction to be invalid or unenforceable, such holding will not affect the remainder hereof, and the remaining provisions shall continue in full force and effect to the same extent as would have been the case had such invalid or unenforceable provision or portion never been a part hereof. No waiver of any default of any obligation of either party shall be implied by any omission of the other party to take

any action with respect to such default. No breach, whether material or not material, of the provisions of this REA shall entitle either party to cancel, rescind or otherwise terminate this REA, but such limitation shall not affect, in any manner, any other rights or remedies which any party may have hereunder by reason of any breach of the provisions of this REA.

[Signatures on following pages]

IN WITNESS WHEREOF, the parties have set their hand and seal on the date first written above.

Signed, sealed and delivered in the presence of:
TWO SEPARATE WITNESSES REQUIRED

(Sign) _____
(Print) _____

(Sign) _____
(Print) _____

WINKLER JUNCTION, LLC, a Florida limited liability company

_____

BY: Brandon Kinsey
ITS: Manager

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 5 day of November, 2018, by Brandon Kinsey, as Manager of Winkler Junction, LLC, a Florida limited liability company, who ☐ is/are personally known to me or ☑ who has/have produced _____ as identification.

JOSEPH M. MADDEN JR.
Notary Public - State of Florida
Commission #FF182225
My Comm. Exp. December 9, 2018
Bonded Thru National Notary Association

(Notary Seal)

_____
NOTARY PUBLIC
Print Name: _____
Commission No:
Commission Expires:

Signed, sealed and delivered in the presence of:
TWO SEPARATE WITNESSES REQUIRED

(Sign) _____
(Print) Robin Allen

(Sign) _____
(Print) Phillip Wall

ACKNOWLEDGED BY:

RACETRAC PETROLEUM, INC.

BY: Brian Thornton
ITS: Vice President of Real Estate, Engineering and Construction

RACETRAC PETROLEUM, INC. CORPORATE SEAL 1986 GEORGIA

STATE OF GEORGIA
COUNTY OF COBB

The foregoing instrument was acknowledged before me this 5th day of November, 2018, by Brian Thornton, as Vice President of Real Estate, Engineering and Construction of RaceTrac Petroleum, Inc., a Georgia corporation, who ☒ is/are personally known to me or ☐ who has/have produced as identification.

(Notary Seal) KRISTINA M LONGFELLOW MY COMMISSION EXPIRES NOTARY PUBLIC FEBRUARY 26, 2022 FULTON COUNTY, GEORGIA

NOTARY PUBLIC
Print Name: Kristina M. Longfellow
Commission No: N/A
Commission Expires: 2-26-2022

EXHIBIT "A"

LEGAL DESCRIPTION
OF A PARCEL LYING IN SECTION 34, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA

LEGAL DESCRIPTION:

A PARCEL OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, SECTION 34, TOWNSHIP 45 SOUTH, RANGE 24 EAST, BEING THE 2ND PARCEL DESCRIBED IN THE APPROVED LOT SPLIT AS SHOWN ON PAGES 4 & 5 OF INSTRUMENT #2014000200926 TOGETHER WITH THE 2ND PARCEL DESCRIBED IN THE APPROVED LOT SPLIT ON PAGES 4 & 5 OF INSTRUMENT #2017000142292 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY FLORIDA; THENCE N.01°12'38"W., ALONG THE WEST LINE OF SAID SECTION 34, FOR A DISTANCE OF 115.78 FEET TO AN INTERSECTION WITH THE SOUTHEASTERLY RIGHT OF WAY (115.00 FEET FROM CENTERLINE) OF SUMMERLIN ROAD (COUNTY ROAD 869); THENCE N.44°17'24"E., ALONG SAID RIGHT OF WAY, FOR A DISTANCE OF 1293.63 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N.44°17'24"E., ALONG SAID RIGHT OF WAY, FOR A DISTANCE OF 706.41 FEET; THENCE S.01°04'10"E., ALONG THE WEST RIGHT OF WAY LINE OF WINKLER ROAD, A 100.0 FOOT RIGHT OF WAY, FOR A DISTANCE OF 190.39 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 2814.93 FEET; THENCE CONTINUE ALONG SAID RIGHT OF WAY AND SAID CURVE THROUGH A CENTRAL ANGLE OF 06°25'07", A CHORD BEARING OF S.02°12'22"W., A CHORD LENGTH OF 315.18 FEET AND AN ARC LENGTH OF 315.34 FEET; THENCE S.89°57'28"W. FOR A DISTANCE OF 344.90 FEET; THENCE S.44°17'24"W. FOR A DISTANCE OF 97.69 FEET; THENCE N.45°42'36"W. FOR A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 129,987 SQUARE FEET, OR 2.984 ACRES, MORE OR LESS

BY: _____
DENIS J. O'CONNELL, Jr.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. LS# 5430

DATE SIGNED: 11/16/17

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

* THIS IS NOT A SURVEY *

SUMMERLIN ROAD & WINKLER AVE

NOTES:

1. BEARINGS ARE BASED ON THE SOUTHEAST RIGHT OF WAY LINE OF SUMMERLIN ROAD, AS BEARING N44°17'24"E.
2. DISTANCES ARE IN FEET AND DECIMALS THEREOF.
3. PARCEL IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS AND RIGHT-OF-WAYS (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN).

TITLE:	LEGAL DESCRIPTION

METRON SURVEYING & MAPPING, LLC
LAND SURVEYORS·PLANNERS
LB# 7071
10970 S. CLEVELAND AVE. SUITE #605
FORT MYERS, FLORIDA 33907
PHONE: (239) 275-8575
FAX: (239) 275-8457
www.metronfl.com

FILE NAME:	FIELD BOOK/PAGE:	PROJECT NO.:	SHEET:
14262SK.DWG	SEE FILE	14262	1 OF 2

EXHIBIT DATE:	DRAWN BY:	SCALE:	CHECKED BY:	FILE NO. (S-T-R)
11-16-2017	DJO	1"= 100'	TLM	34-45-24

Additional Info Dated 04-19-2023

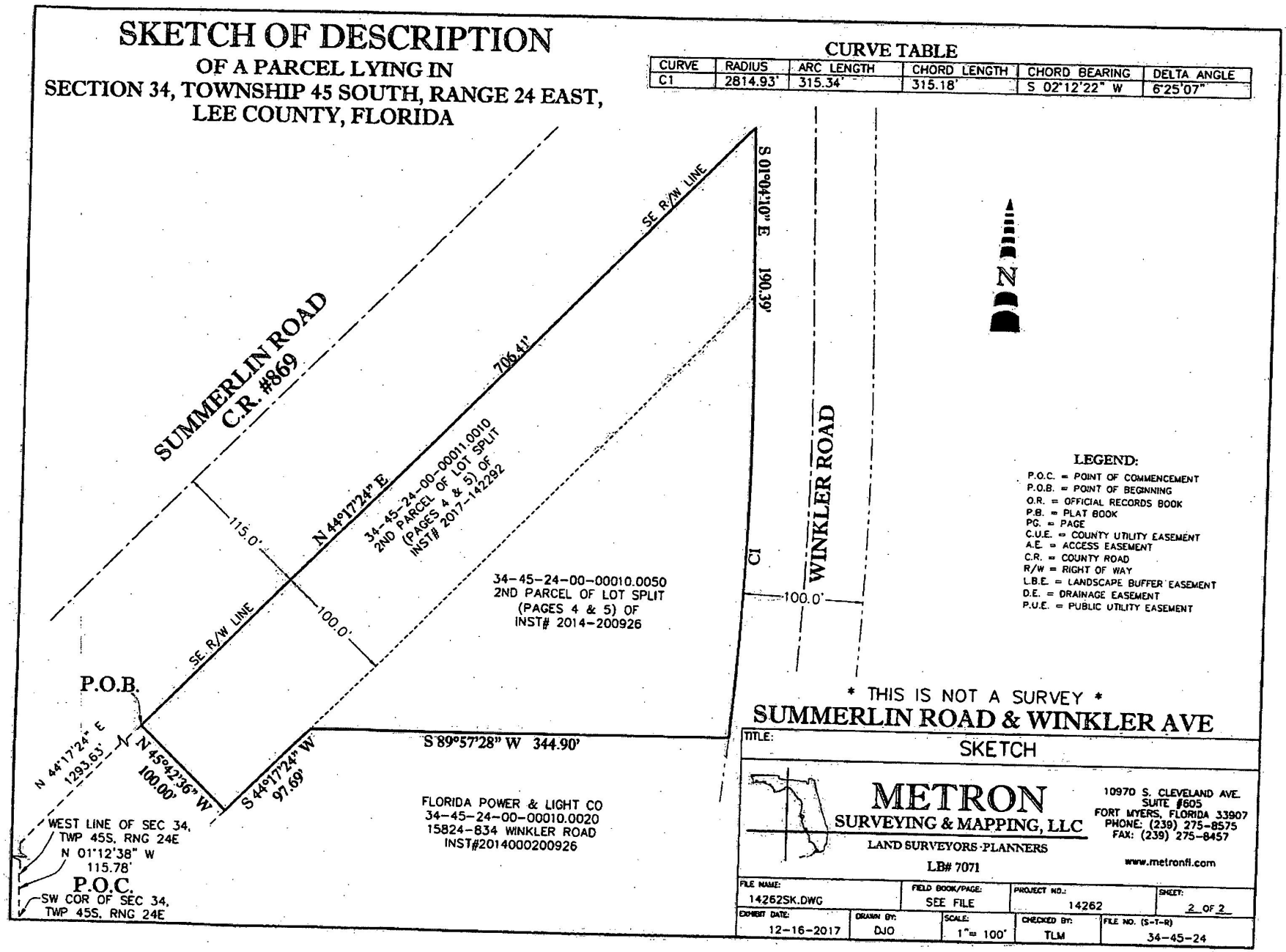
DCI2023-00004 Lee County ePlan
6/23/22, 1:40 PM
Landmark Web Official Records Search
INSTR. # 2018000266508 Page Number: 9 of 11

SKETCH OF DESCRIPTION

OF A PARCEL LYING IN SECTION 34, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	2814.93'	315.34'	315.18'	S 02°12'22" W	6°25'07"



LEGEND:

P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING
O.R. = OFFICIAL RECORDS BOOK
P.B. = PLAT BOOK
PG. = PAGE
C.U.E. = COUNTY UTILITY EASEMENT
A.E. = ACCESS EASEMENT
C.R. = COUNTY ROAD
R/W = RIGHT OF WAY
L.B.E. = LANDSCAPE BUFFER EASEMENT
D.E. = DRAINAGE EASEMENT
P.U.E. = PUBLIC UTILITY EASEMENT

* THIS IS NOT A SURVEY *

SUMMERLIN ROAD & WINKLER AVE

TITLE: SKETCH

METRON
SURVEYING & MAPPING, LLC
LAND SURVEYORS·PLANNERS
LB# 7071

10970 S. CLEVELAND AVE.
SUITE #605
FORT MYERS, FLORIDA 33907
PHONE: (239) 275-8575
FAX: (239) 275-8457
www.metronfl.com

FILE NAME:	FIELD BOOK/PAGE:	PROJECT NO.:	SHEET:
14262SK.DWG	SEE FILE	14262	2 OF 2

EXHIBIT DATE:	DRAWN BY:	SCALE:	CHECKED BY:	FILE NO. (S-T-R)
12-16-2017	DJO	1"= 100'	TLM	34-45-24

https://or.leeclerk.org/LandMarkWeb/search/index?theme=.blue&section=searchCriteriaName&quickSearchSelection=#

EXHIBIT "B"

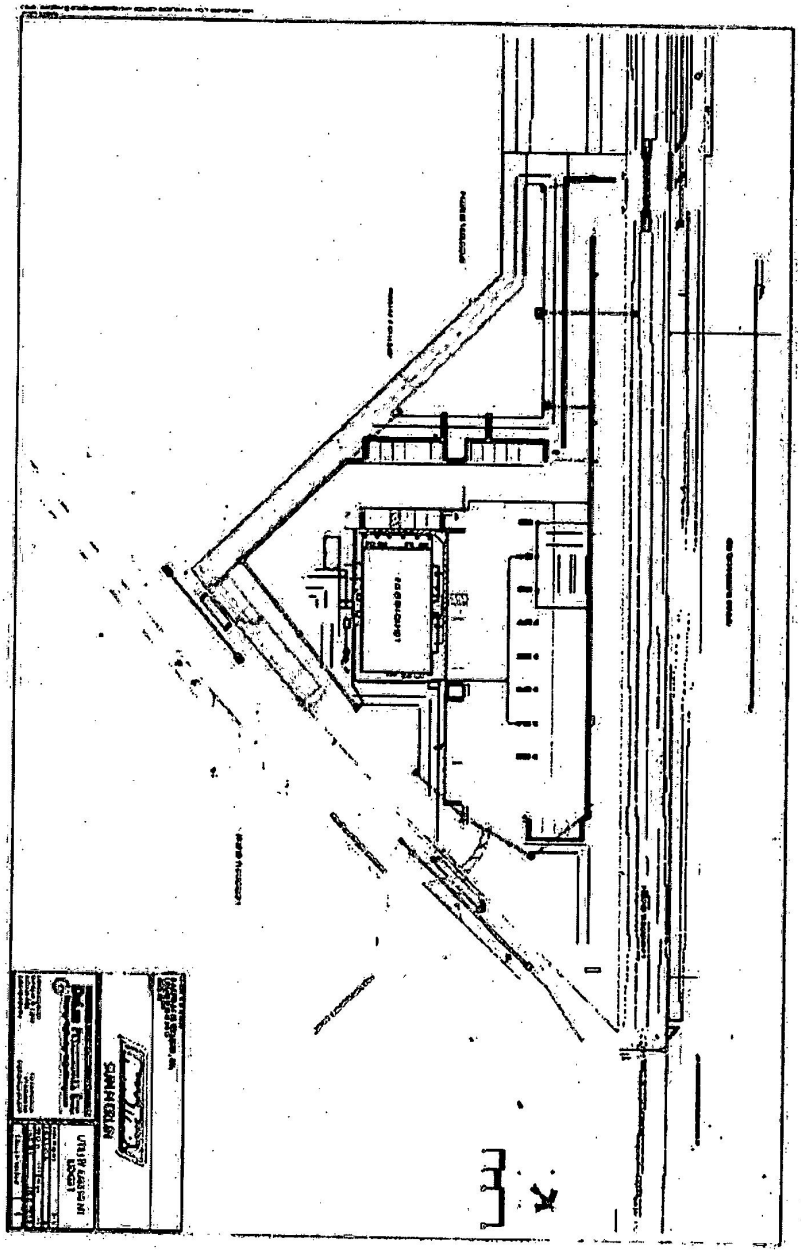
Parcel 2 Legal Description

Property described within Property Tax Identification No. 34-45-24-00-00011.0000

DCI2023-00004 Lee County ePlan

EXHIBIT "C"

Utility Easement Depiction



Additional Info Dated 04-19-2023

BANKS ENGINEERING

Professional Engineers, Planners & Land Surveyors

Winkler Junction CPD

Description of Surface Water Management Plan

DCI2023-00004 – Revised April 2023

LDC Sec. 34-373(b)(1) A written description of the surface water management plan that includes:

a. The runoff characteristics of the property in its existing state;

The 2.58-acre site is bordered on the northwest by Summerlin Road, to the south and southeast by the 19.3 ac. FPL maintenance facility zoned AG-2 and the RaceTrac gas/convenience store to the northeast zoned CC. The entire site was disturbed as it was previously an abandoned railroad grade. The removed tracks were constructed on a mounded up berm through the grading of the swales creating the embankment material necessary for the elevated track section and the entire site remains in its previous disturbed condition. The existing stormwater runoff sheet flows generally to the southwest towards Summerlin Road.

b. In general terms, the drainage concept proposed, including the outfall to canals or natural water bodies including how drainage flow from adjacent properties will be maintained;

The proposed drainage system will preserve existing drainage patterns and not block any runoff overflow to or from adjacent properties. The aforementioned railroad grading above created swales on both sides of the berm (identified in our environmental report as "other surface waters"). These swales have been historically filled to the north by the RaceTrac development and to the south by FPL for their transmission power lines. No drainage is imported or exported by these landlocked man-made swales to or from offsite adjacent lands.

The subject parcel's proposed drainage system will provide an onsite dry detention system comprised of pavement inlets and flumes conveying runoff to a system of storm pipes and grassed swales, ultimately directed to the dry detention system. After meeting water quality and attenuation, in accordance with South Florida Water Management District (SFWMD) requirements, runoff will be regulated offsite through a control structure discharging into the Summerlin Road south roadside conveyance ditch. The Summerlin Road roadside conveyance ditch is an established outfall for the roadway drainage. In this area, it also receives natural drainage runoff from adjacent lands abutting to the south and is consistent with historical topographic contours. The adjacent and contiguous RaceTrac was originally part of the subject parcel and was recently rezoned from AG-2 to CC. The RaceTrac drainage system was permitted and constructed as a dry detention system with their outfall directly into the Summerlin Road roadside ditch system along their frontage and is consistent with the existing natural drainage flow pattern and runoff direction.

c. The retention features (including existing natural features) that will be incorporated into the drainage system and the legal mechanism which will guarantee their maintenance;

The site has been disturbed from its natural state when the railroad grade was constructed and there are no existing natural drainage features on the site. The water management system will consist of a proposed on-site dry detention system meeting the SFWMD requirements of the Hendry Creek watershed. If the property remains under single ownership, that owner will maintain the drainage system consistent with the South Florida Water Management District permit that will be required. If the property ownership does not remain under a single owner, then an association would be formed to maintain the drainage system.

d. How existing natural features will be preserved. Include an estimate of the ranges of existing and post development water table elevations, where appropriate;

The subject parcel is comprised of disturbed uplands with an abandoned isolated man-made swale system from the old railroad grade and the underlying soils are non-hydric. The man-made swale is noted as OSW on the FLUCCS map. The site has been disturbed from the railroad grading and there are no existing natural drainage features on the site to be preserved. The water table elevations will be maintained by appropriately setting the dry detention outfall structure at the established water control elevation.

e. If the property is subject to seasonal inundation or subject to inundation by a stream swollen by the rains of a 100-year storm event, indicate the measures that will be taken to mitigate the effects of expectable flooding.

The property is within a FEMA flood zone, AE- el. 10.00' NAVD. This will be mitigated by placing fill such that the finished floor elevation is above the FEMA base flood elevation.

Madden Law Firm LLC

April 3, 2023

Lee County Department of Community Development
1500 Monroe Street
Fort Myers, FL 33901

RE: Title Certification for Zoning Application
Applicant: Winkler Junction, LLC

Dear Department of Community Development:

Please be advised that our firm represents Winkler Junction, LLC, a Florida limited liability company.

This letter is in response to a request for title certification in support of a Zoning Application submittal for property located in Lee County, Florida, and more particularly described on Exhibit "A" attached hereto and incorporated herein. This opinion of title is based upon First American Title Insurance Company's Commitment Number NCS-1134300-ATL issued June 3, 2022 relative to the subject property.

The author of this title opinion, Joseph M. Madden Jr., is a licensed Florida attorney, bearing Bar No. 848557, and is authorized to issue this opinion. And now, therefore:

1. The name of the owner of the fee title is Winkler Junction, LLC, a Florida limited liability company under Special Warranty Deed dated October 29, 2015 bearing Official Record Book Instrument Number 2015000234529, in the Public Records of Lee County, Florida.

2. There is the following mortgage(s) secured by this property that the author is aware of:

   a. None.

3. There is the following encumbrance(s) on the property:

   a. Oil, Gas, Mineral or Other Reservations contained in Deed recorded in Deed Book 231, Page 374; as affected by Release of Deed Reservation or Easement recorded in Book 4440, Page 806 of Official Records.

   b. Terms and Conditions of the Covenant to Provide for Shared Access between Winkler Junction, LLC, a Florida limited liability company and Lee County, a political subdivision of the State of Florida recorded in Instrument No. 2017000136112.

   c. The terms, provisions, and conditions contained in that certain Notice of Type E Limited Development Order Approval, recorded in Instrument No. 2017000142292.

   d. The terms, provisions, and conditions contained in that certain Limited Liability Company Resolution, recorded in Instrument No. 2018000266506.

2277 Main St.
Fort Myers, Florida 33901
jmadden@myfloridaattorney.com

Telephone: 239.332.2100
Facsimile: 239.332.2150

DCI2023-00004 Lee County ePlan Additional Info Dated 04-19-2023

e. Terms and Conditions of the Reciprocal Easement and Restriction Agreement between Winkler Junction, LLC and Racetrac Petroleum, Inc. recorded in Instrument No. 2018000266508.

4. The title documentation provided herein is certified unequivocally.

Upon receipt, should you have any questions or comments, please advise. Thank you.

Sincerely,

Madden Law Firm, LLC

Joseph M. Madden, Jr.
Manager

JMM:sh
Enclosures
cc: Client(s)

DCI2023-00004 Lee County ePlan Additional Info Dated 04-19-2023

EXHIBIT "A"
page 1 of 2

lO2016-00591 Lee County ePlan

Exhibit A
Page 5 of 6

GULF SHORE SURVEYING, INC.

TIM J. PUFAHL, P.L.S.
30930 OIL WELL RD.
PUNTA GORDA, FL. 33955
(941) 639-7800

Parcel 1B

OCTOBER 20, 2016
JOB NO. 1324
FILE: 1324L08.DOC

DESCRIPTION

A PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, FORT MYERS, LYING IN SECTION 34, TOWNSHIP 45 SOUTH, RANGE 24 EAST, AND FURTHER DESCRIBED AS FOLLOWS:

FROM THE POINT OF COMMENCEMENT BEING THE SOUTHWEST CORNER OF SAID SECTION 34; THENCE N.01°12'36"W. ALONG THE WEST LINE OF SAID SECTION 34 FOR 115.78 FEET TO AN INTERSECTION WITH THE SOUTHEASTERLY RIGHT-OF-WAY (115.00 FEET FROM CENTERLINE) OF SUMMERLIN ROAD (C.R. 869 SOUTH); THENCE N.44°17'24"E. ALONG SAID RIGHT-OF-WAY FOR 120.54 FEET THE POINT OF BEGINNING; THENCE CONTINUE N.44°17'24"E. FOR 1173.09 FEET ALONG SAID RIGHT OF WAY; THENCE S.45°42'36"E. FOR 100.00 FEET; THENCE S.44°17'24"W. FOR 1070.80 FEET ALONG THE NORTHWESTERLY LINE OF THAT PARCEL DEEDED TO FLORIDA POWER AND LIGHT COMPANY AS SHOWN IN OFFICIAL RECORDS BOOK 867 AT PAGES 538 AND 539; THENCE S.88°38'37"W. FOR 143.04 FEET ALONG THE NORTHERLY LINE OF THAT PARCEL DEEDED TO FLORIDA POWER AND LIGHT COMPANY AS SHOWN IN OFFICIAL RECORDS BOOK 867 AT PAGES 536 AND 537 TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE CENTERLINE OF SUMMERLIN ROAD BEING N.44°17'24"E.

CONTAINING 112,194 SQUARE FEET OR 2.5758 ACRES, MORE OR LESS.

REFER TO 8/12"X11" SKETCH

10/20/16

TIM J. PUFAHL
PROFESSIONAL SURVEYOR AND MAPPER
FL. CERTIFICATE NO. 4666

APPROVED
LDO2016-00591
Gary Rashford, Development Services Surveyor
Lee County Development Services
6/7/2017

Additional Info Dated 04-19-2023

Exhibit "A"
page 2 of 2

Exhibit A
Page 6 of 6

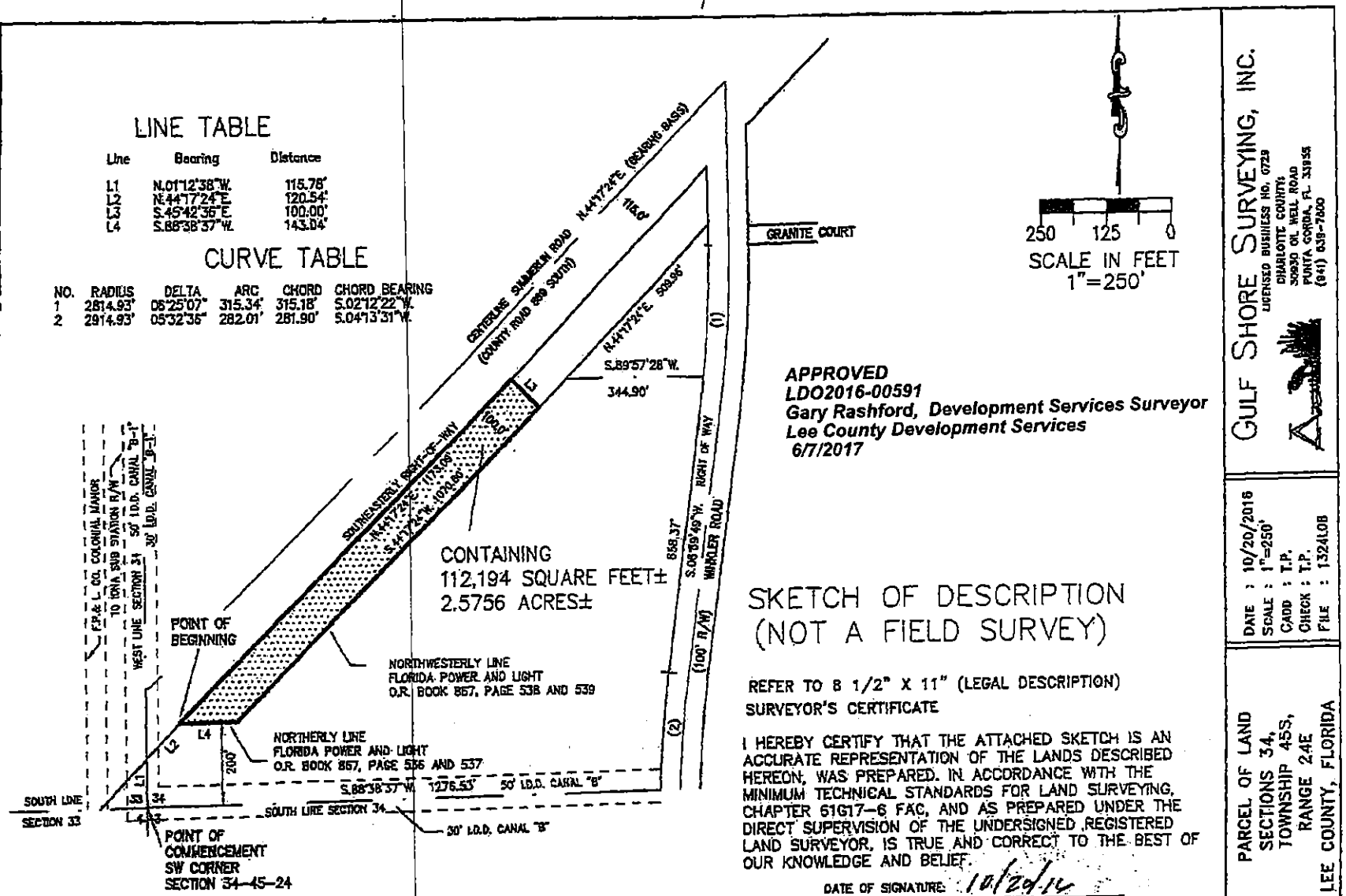
Parcel 1B

LINE TABLE

Line	Bearing	Distance
L1	N.01°12'38"W.	115.78'
L2	N.44°17'24"E.	120.54'
L3	S.45°42'36"E.	100.00'
L4	S.88°38'37"W.	143.04'

CURVE TABLE

NO.	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
1	2814.93'	05°25'07"	315.34'	315.18'	S.02°12'22"W.
2	2914.93'	05°32'35"	282.01'	281.90'	S.04°13'31"W.



APPROVED
LDO2016-00591
Gary Rashford, Development Services Surveyor
Lee County Development Services
6/7/2017

SKETCH OF DESCRIPTION
(NOT A FIELD SURVEY)

REFER TO 8 1/2" X 11" (LEGAL DESCRIPTION)

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE ATTACHED SKETCH IS AN ACCURATE REPRESENTATION OF THE LANDS DESCRIBED HEREON, WAS PREPARED IN ACCORDANCE WITH THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING, CHAPTER 61G17-6 FAC, AND AS PREPARED UNDER THE DIRECT SUPERVISION OF THE UNDERSIGNED REGISTERED LAND SURVEYOR, IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

DATE OF SIGNATURE: 10/20/16

TIM J. PUSKAR
PROFESSIONAL SURVEYOR AND MAPPER
FLA. CERTIFICATE NO. 4656

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

BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF SUMMERLIN ROAD BEING N.44°17'24"E.

GULF SHORE SURVEYING, INC.
LICENSED BUSINESS NO. 6729
CHARLOTTE COUNTY:
30930 OIL WELL ROAD
PUNTA GORDA, FL 33955
(941) 639-7800

DATE : 10/20/2016
SCALE : 1"=250'
CADD : T.P.
CHECK : T.P.
FILE : 1324L08

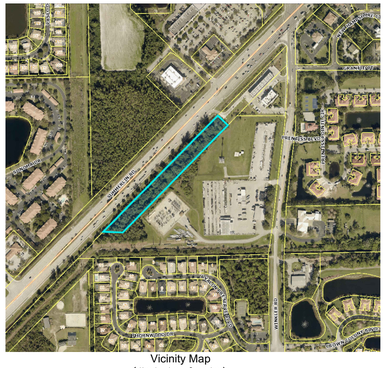
PARCEL OF LAND
SECTIONS 34,
TOWNSHIP 45S,
RANGE 24E
LEE COUNTY, FLORIDA

JOB
1324
L08

DCI2023-00004 Lee County ePlan

American National
Commercial Real Estate
Due Diligence Management
3465 South Arlington Rd Suite E#183
Akron, OH 44312
866.290.8121
www.amnational.net

Network reference #20221964-1



Vicinity Map
(N o t t o S c a l e)

SECTION 34 – TOWNSHIP 45 SOUTH – RANGE 24 EAST
LEE COUNTY – FLORIDA

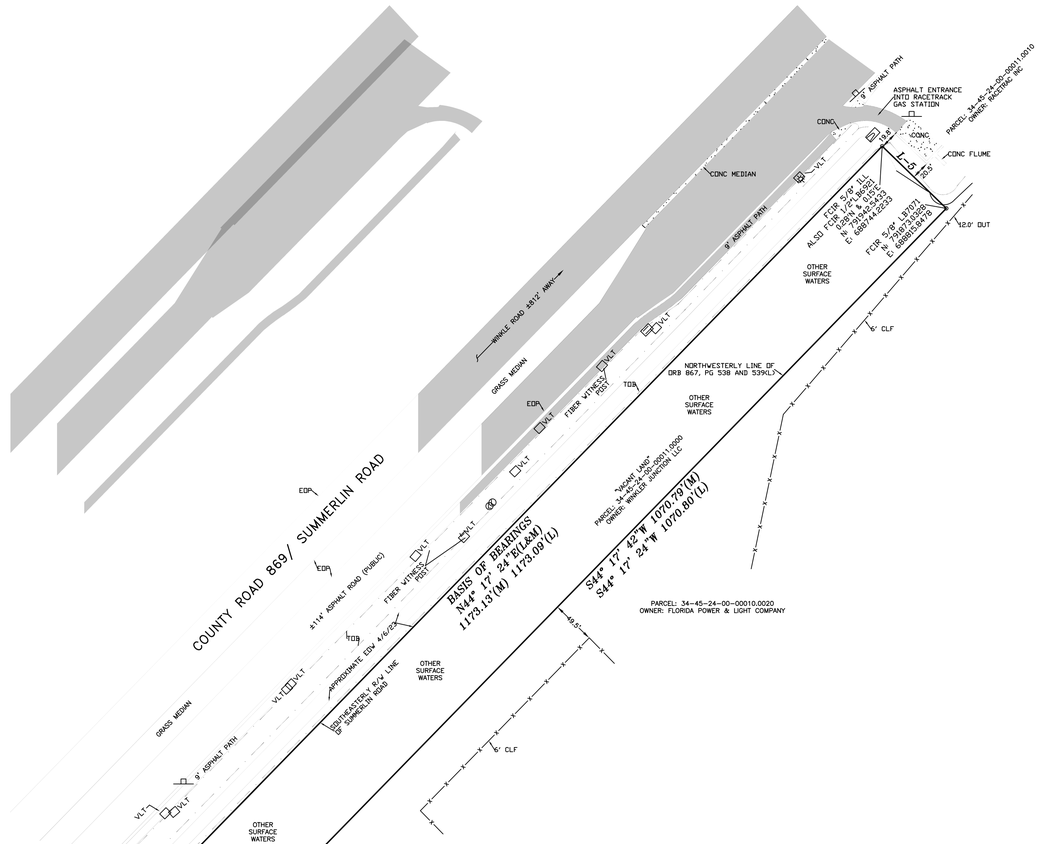
BEARINGS ARE BASED ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SUMMERLIN ROAD. SAID LINE BEARS N44° 17' 24"E PER LEGAL.

BOUNDARY SURVEY

PROJECT NAME: FT. MYERS

ADDRESS:
15881 Summerlin Rd
Ft. Myers, FL 33908

County of Lee



Notes Corresponding to Title Certification

MADDEN LAW FIRM, LLC
Dated: 4/3/2023
(BASED ON FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT #NCS-1134300-ATL, JUNE 3, 2022)

3. THE FOLLOWING ENCUMRANCE(S) ON THE PROPERTY:

A. OIL, GAS, MINERAL OR OTHER RESERVATIONS CONTAINED IN DEED BOOK 231, PAGE 374; AS AFFECTED BY RELEASE OF DEED RESERVATION OR EASEMENT RECORDED RECORDED IN BOOK 4440, PAGE 806, OF OFFICIAL RECORDS. DOES NOT AFFECT; NOT IN THE SUBJECT PROPERTIES SECTION.

B. TERMS AND CONDITIONS OF THE COVENANT TO PROVIDE FOR SHARED ACCESS BETWEEN WINKLER JUNCTION, LLC, A FLORIDA LIMITED LIABILITY COMPANY AND LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA RECORDED IN INSTRUMENT NO. 2017000136112. NOTHING TO PLOT

C. THE TERMS, PROVISIONS, AND CONDITIONS CONTAINED IN THAT CERTAIN NOTICE OF TYPE E LIMITED DEVELOPMENT ORDER APPROVAL, RECORDED IN INSTRUMENT NO. 2017000142292. BLANKET; DOES AFFECT

D. THE TERMS, PROVISIONS, AND CONDITIONS CONTAINED ON THAT CERTAIN LIMITED LIABILITY COMPANY RESOLUTION, RECORDED IN INSTRUMENT NO. 2018000266506. DOES NOT AFFECT; AFFECTS THE PROPERTY TO THE EAST

E. TERMS AND CONDITIONS OF THE RECIPROCAL EASEMENT AND RESTRICTION AGREEMENT BETWEEN WINKLER JUNCTION, LLC AND RACETRAC PETROLEUM, INC, RECORDED IN INSTRUMENT NO. 2018000266508. DOES NOT AFFECT UNTIL PAVED AREAS EXIST ON SUBJECT PROPERTY. ALLOWS SUBJECT PROPERTY TO USE A RECIPROCAL, PERPETUAL, NON-EXCLUSIVE EASEMENT FOR PEDESTRIAN AND/OR VEHICULAR INGRESS AND EGRESS OVER AND ACROSS ALL PAVED AREAS OF PARCEL 34-45-24-00-00011.0010 & 34-45-24-00-00010.0050, ALSO KNOWN AS THE RACETRAC PARCEL.

EASEMENT NOTE:

A RECIPROCAL, PERPETUAL, NON-EXCLUSIVE EASEMENT FOR PEDESTRIAN AND/OR VEHICULAR INGRESS AND EGRESS OVER AND ACROSS ALL FUTURE PAVED AREA ON SUBJECT PROPERTY PER INSTRUMENT NO. 2018000266508.

SURVEYOR'S NOTE: COORDINATES SHOWN HEREON ARE RELATIVE TO THE NORTH AMERICAN DATUM 1983, 2011 ADJUSTMENT, FLORIDA WEST ZONE

GENERAL NOTES:

1. THE BOUNDARY SURVEY AS SHOWN HEREON, WAS MADE WITH THE BENEFIT OF ABSTRACT OF TITLE. THE UNDERSIGNED AND TERMINUS SURVEYING LLC, CLAIMS OF BOUNDARY LINE DISPUTES, AGREEMENTS, RESERVATIONS OR ANY OTHER SIMILAR MATTERS WHICH MAY APPEAR IN THE PUBLIC RECORDS OF THE LOCAL COUNTY COURTHOUSE.
2. THIS BOUNDARY SURVEY WAS PREPARED FOR THE EXCLUSIVE USE AND BENEFIT OF THE PARTIES LISTED HEREON. LIABILITY TO THIRD PARTIES MAY NOT BE TRANSFERRED OR ASSIGNED. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
3. ADDITIONS OR DELETIONS TO SURVEY MAP OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
4. THIS BOUNDARY SURVEY DOES NOT DEPICT OWNERSHIP. THE PURPOSE OF THIS BOUNDARY SURVEY IS TO ESTABLISH THE PERIMETER BOUNDARY LINES OF THE LAND OR LANDS DESCRIBED IN THE LEGAL DESCRIPTION AS SHOWN ON THIS BOUNDARY SURVEY AND IS NOT TO ESTABLISH OWNERSHIP.
5. BOUNDARY SURVEYS BY NO MEANS REPRESENT A DETERMINATION ON WHETHER PROPERTIES WILL OR WILL NOT FLOOD. THE LAND WITHIN THE BOUNDARIES OF THIS BOUNDARY MAY OR MAY NOT BE SUBJECT TO FLOODING. THE LOCAL COUNTY/CITY BUILDING DEPARTMENT HAS INFORMATION REGARDING FLOODING AND RESTRICTIONS ON DEVELOPMENT.
6. NO UNDERGROUND FOUNDATIONS, INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN.
7. THERE ARE NO VISIBLE ENCROACHMENTS OTHER THAN SHOWN.
8. OWNERSHIP OF FENCES WERE NOT VERIFIED AT TIME OF SURVEY.
9. ALL MEASUREMENTS ARE IN FEET AND TENTHS, UNLESS OTHERWISE NOTED. (TREES AND PIPES MEASURED IN INCHES)

LINE DATA:

L-1: S88° 35' 08"W 171.72'(C)
S88° 38' 28"W 171.72'(P)

L-2: N01° 10' 28"W 100.01'(C)
N01° 06' 12"W 100.01'(P)

L-3: N01° 09' 46"W 115.50'(C)
N01° 12' 38"W 115.78'(L)

L-4: N44° 17' 24"E(C) 120.54'(C&L)

L-5: S45° 51' 45"E 99.81'(M)
S45° 42' 36"E 100.00'(L)

L-6: S88° 28' 23"W 143.08'(M)
S88° 38' 37"W 143.04'(L)

1" = 80'
GRAPHIC SCALE
0 40' 80' 160'

Legend of Symbols & Abbreviations

AC	AIR CONDITIONER		GENERAL:
	BACKFLOW PREVENTER	(C)	CALCULATED
	BENCHMARK	(F)	FIELD
	BOLLARD	(L)	LEGAL DESCRIPTION
	CENTER LINE	(M)	MEASURED
CO	CLEANOUT	(P)	PLAT
	COVERED AREA	ASPH	ASPHALT
	DRAINAGE MANHOLE	BC	BUILDING CORNER
	ELECTRIC BOX	BWF	BARBED-WIRE FENCE
FDC	FIRE DEPARTMENT CONNECTION	CB	CHORD BEARING
	FIRE HYDRANT	CCR	CERTIFIED CORNER RECORD
	GAS PUMP	CONC	CONCRETE
	GAS VALVE	CLF	CHAIN LINK FENCE
	GUY ANCHOR	D/W	DRIVEWAY
	GRATE INLET	EOP	EDGE OF PAVEMENT
	HANDICAP PARKING	EOW	EDGE OF WATER
	LID (METAL)	EL	ELEVATION
	LIGHT POLE	EM	ELECTRIC METER
	MITERED END SECTION	FCG	FOUND CURB & GUTTER
MW	MONITORING WELL	FCIP	FOUND CAPPED IRON PIPE
	PAINT MARK	FCIR	FOUND CAPPED IRON ROD
	RECLAIMED WATER METER	FCM	FOUND CONCRETE MONUMENT
RW	RECLAIMED WATER VALVE	FDOT	FLORIDA DEPARTMENT OF TRANSPORTATION
SM	SEWER VALVE	FFE	FINISHED FLOOR ELEVATION
S	SANITARY MANHOLE	FIP	FOUND IRON PIPE
	SIGN	FIR	FOUND IRON ROD
x 35.7'	SPOT ELEVATION	FND	FOUND NAIL & DISC
	STREET LIGHT BOX	FIPP	FOUND (PINCHED) IRON PIPE
	TELEPHONE BOX	FRRS	FOUND RAILROAD SPIKE
	TRAFFIC SIGNAL BOX	FX	FOUND X-CUT IN CONCRETE
	TRANSFORMER	GFFE	GARAGE FINISHED FLOOR ELEVATION
	UTILITY POLE	(L)(ERR)	(LEGAL)
	UTILITY RISER	INST	INSTRUMENT
	VERIZON BOX	LB	LICENSED BUSINESS
	WATER METER	MES	MITERED END SECTION
	WATER VALVE	NCFS	NO CORNER FOUND OR SET
	WELL	O/A	OVERALL
YD	YARD DRAIN	OHL	OVERHEAD UTILITY LINE
	YARD LIGHT	ORB	OFFICIAL RECORDS BOOK
	NOT TO SCALE	PA	PROPERTY APPANGER
		PB	PLAT BOOK
		PC	POINT OF CURVATURE
		PCP	PERMANENT CONTROL POINT
		PG	PAGE
		PLS	PROFESSIONAL LAND SURVEYOR
		POB	POINT OF BEGINNING
		POC	POINT OF COMMENCEMENT
		PRM	PERMANENT REFERENCE MONUMENT
		PSM	PROFESSIONAL SURVEYOR AND MAPPER
		PVXF	VINYL FENCE
		RLS	REGISTERED LAND SURVEYOR
		R/W	RIGHT-OF-WAY
		SCIR	SET CAPPED IRON ROD (1/2" LB 8207
		S.F.	SQUARE FEET
		SND	SET NAIL & DISK (LB 8207)
		S/W	SIDEWALK
		TBM	TEMPORARY BENCHMARK
		TOB	TOE OF BANK
		TOS	TOE OF SLOPE
		TYP	TYPICAL
		VLT	VAULT
		WC	WITNESS CORNER
		WF	WOOD FENCE
			UNDERGROUND PIPES:
		INV.	PIPE INVERT
		CMP	CORRUGATED METAL PIPE
		CPP	CORRUGATED PLASTIC PIPE
		DIP	DUCTILE IRON PIPE
		ERCP	ELLIPTICAL REINFORCED CONCRETE PIPE
		HDPE	HIGH DENSITY POLYETHYLENE PIPE
		PVC	POLYVINYL CHLORIDE PIPE
		RCP	REINFORCED CONCRETE PIPE

LEGAL DESCRIPTION: (FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT #NCS-1134300-ATL, JUNE 3, 2022)

A PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, FORT MYERS, LYING IN SECTION 34, TOWNSHIP 45 SOUTH, RANGE 24 EAST, AND FURTHER DESCRIBED AS FOLLOWS:

FROM THE POINT OF COMMENCEMENT BEING THE SOUTHWEST CORNER OF SAID SECTION 34; THENCE N.01°12'38"W. ALONG THE WEST LINE OF SAID SECTION 34 FOR 115.78 FEET TO AN INTERSECTION WITH THE SOUTHEASTERLY RIGHT-OF-WAY (115.00 FEET FROM CENTERLINE) OF SUMMERLIN ROAD (C.R. 869 SOUTH); THENCE N.44°17'24"E. ALONG SAID RIGHT-OF-WAY FOR 120.54 FEET THE POINT OF BEGINNING; THENCE CONTINUE N.44°17'24"E. FOR 1173.09 FEET ALONG SAID RIGHT OF WAY; THENCE S.45°42'36"E. FOR 100.00 FEET; THENCE S.44°17'24"W. FOR 1070.80 FEET ALONG THE NORTHWESTERLY LINE OF THAT PARCEL DEEDED TO FLORIDA POWER AND LIGHT COMPANY AS SHOWN IN OFFICIAL RECORDS BOOK 867 AT PAGES 538 AND 539; THENCE S.88°38'37"W. FOR 143.04 FEET ALONG THE NORTHERLY LINE OF THAT PARCEL DEEDED TO FLORIDA POWER AND LIGHT COMPANY AS SHOWN IN OFFICIAL RECORDS BOOK 867 AT PAGES 536 AND 537 TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE CENTERLINE OF SUMMERLIN ROAD BEING N.44°17'24"E.

LAND AREA: ±2.57 Acres OR ±111923.23 S.F. (as per survey)

FLOOD ZONE INFORMATION
BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE(S) "AE" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 125124, WHICH BEARS AN EFFECTIVE DATE OF 08/28/2008 AND IS IN A SPECIAL FLOOD ZONE AREA, FLOOD MAP 12071C0419F.

CERTIFIED TO:

– American National, LLC
– Reliant Real Estate Management LLC, a Florida limited liability company
– First American Title Insurance Company
– Midgard Self Storage Summerlin FL, LLC
– Lee County

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPPERS AND THAT THE SEAL AND UNIQUE SIGNATURE APPEARING ON THIS DOCUMENT IS AUTHORIZED BY MYSELF OR BY MY EMPLOYEE, 5080 AND IS COMPLIANT WITH 5J-17.062 OF THE FLORIDA ADMINISTRATIVE CODE.

MICHAEL P. MOONEY, DATE
Professional Surveyor and Mapper
FLORIDA REGISTRATION NO. 6930

MICHAEL P. MOONEY
2023.04.14
09:24:27 -04'00'

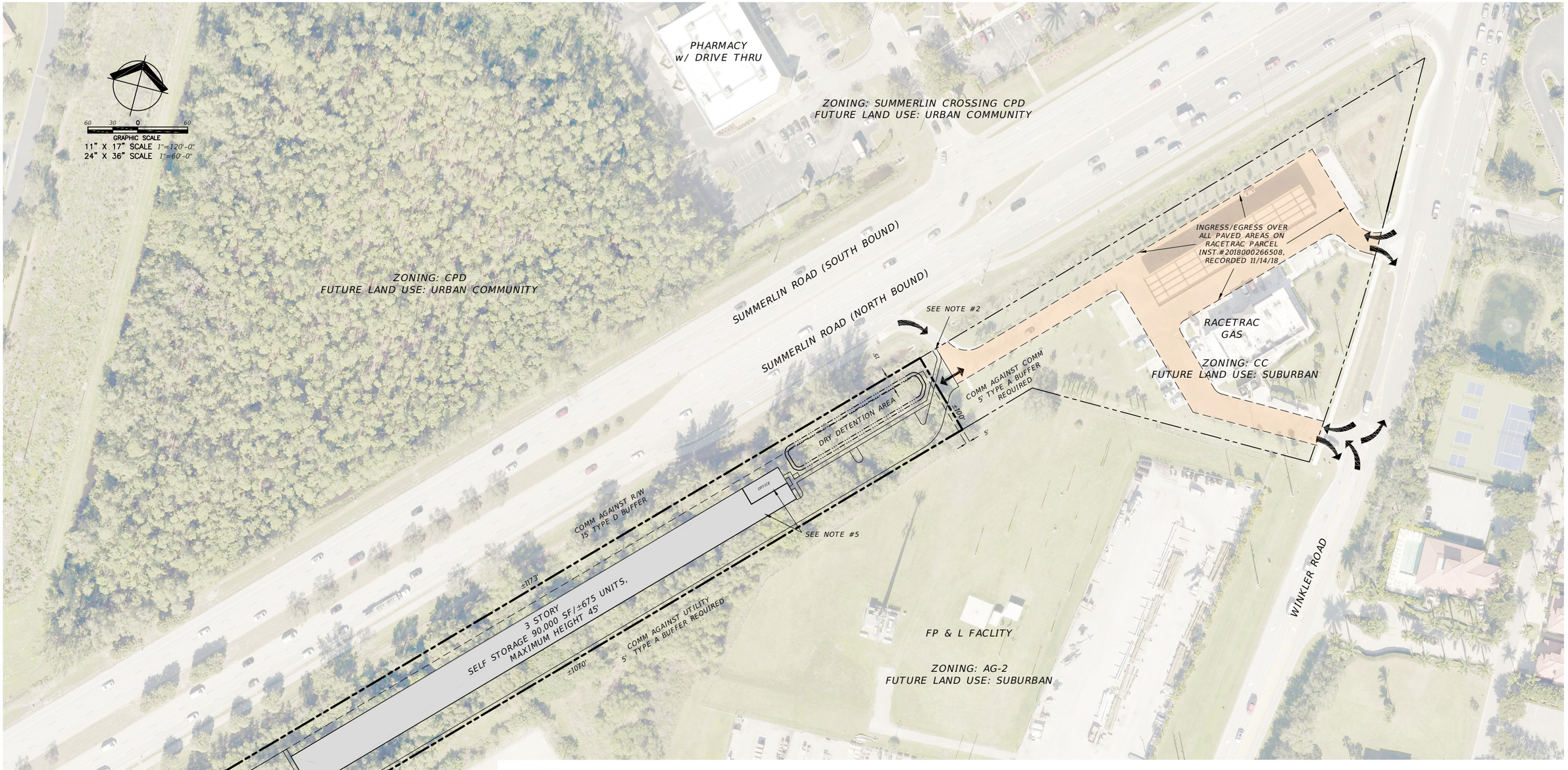
Survey not valid without the electronic signature and seal of a Florida Surveyor & Mapper

TERMINUS SURVEYING LLC.
2752 JASON STREET
TAMPA, FLORIDA 33619
(813) 681-4481
www.TerminusSurveying.com
FrontDesk@TeamTerminus.com

COPYRIGHT 2023 BY TERMINUS SURVEYING, LLC. CERTIFICATE OF AUTHORIZATION (LB #8207)

JOB INFORMATION:
CREW CHIEF: BB/JT
FIELD DATE: 4/6/2023
FIELD BOOK: TEFB4 PG: 33
DRAFTER: EHT
DRAWING DATE: 4/7/2023
CHECKED BY: CB
JOB# 220796-01
REVISIONS:
EHT 4/11/23 CLIENT COMMENTS
CBC 4/13/2023 REVISIONS

TERMINUS SURVEYING
TERMINUS SURVEYING



NOTES

1. PUBLIC TRANSIT FACILITY BUS STOP #1536 ± 0.16 MILES SW OF THE SITE, ON THE SOUTH SIDE OF SUMMERLIN RD., WILL REQUIRE IMPROVEMENT AT TIME OF DEVELOPMENT ORDER CONSISTENT WITH LDC 10-422 MAY INCLUDE BUT NOT LIMITED TO A 8'X30' CONCRETE PAD AND BIKE RACK AND POTENTIAL CURB AND GUTTER MODIFICATIONS.
2. AT TIME OF DEVELOPMENT ORDER A SIDEWALK WILL BE REQUIRED FROM THE DEVELOPMENT TO SUMMERLIN RD. COMPLYING WITH LDC 10-256.
3. AT TIME OF DEVELOPMENT ORDER THE SOLID WASTE ENCLOSURE MUST PROVIDE A MINIMUM 128 SF. AND MUST SUBMIT PROOF OF LEE COUNTY SOLID WASTE APPROVAL.
4. LAND USE AREAS SHOWN IN THE MCP MEET LEE COUNTY CRITERIA FOR A SMALL DEVELOPMENT.
5. GENERAL LOCATION OF SERVICE AREA, MANAGERS OFFICE AND UHAUL RENTAL VEHICLE STORAGE AREA WITHIN THE BUILDING ENVELOPE.
6. AT TIME OF DEVELOPMENT ORDER APPROVAL FOR STORM WATER DISCHARGE MUST COMPLY WITH LDC 10-330.

LEGEND

#1 = DEVIATION

PARKING CALCULATIONS

TYPE OF DEVELOPMENT: MINI/VEHICLE STORAGE AT 1 SPACE PER 25 UNITS

675 UNITS / 25 = 27 PARKING SPACES REQUIRED (INCLUDES 2 ADA)

BICYCLE PARKING CALCULATIONS

5% OF REQUIRED PARKING SPACES: 27

27 X 0.050 OF REQUIRED PARKING SPACES = 1 BICYCLE SPACE REQUIRED AT TIME OF DEVELOPMENT ORDER

CURRENT ZONING:

SITE IS ZONED AG-2
FUTURE LAND USE: SUBURBAN

PROPOSED ZONING:

REZONING TO COMMERCIAL PLANNED DEVELOPMENT

OPEN SPACE:

SITE AREA ±2.57 AC
OPEN SPACE REQUIRED FOR A SMALL PROJECT: 20%
2.57 AC X 0.2 = 0.51 ACRES REQUIRED
OPEN SPACE PROVIDED: EXCEEDS MINIMUM 0.51 ACRES

BUILDING SETBACKS:

REQUIRED:
SUMMERLIN RD. - 25'
SIDE - 15' MIN.
REAR - 25' MIN.

LAND USE:

BUILDING	±0.69 AC	
PAVEMENT/CONCRETE	±0.84 AC	
IMPERVIOUS TOTAL: (*IMPERVIOUS MUST BE BELOW 2 AC.)	±1.53* AC	60.00%
GREEN AREA/DRY DETENTION	±1.04 AC	40.00%
TOTAL SITE:	2.57 AC	100.00%

BUILDING HEIGHT:

MAXIMUM: 45'

BUILDING LOT COVERAGE

MAXIMUM: 40%
PROVIDED: ±27%

REVISIONS

DATE	DESCRIPTION	DATE	DESCRIPTION
4-3-23	CHANGES PER FIRST ROUND OF LEE COUNTY COMMENTS		

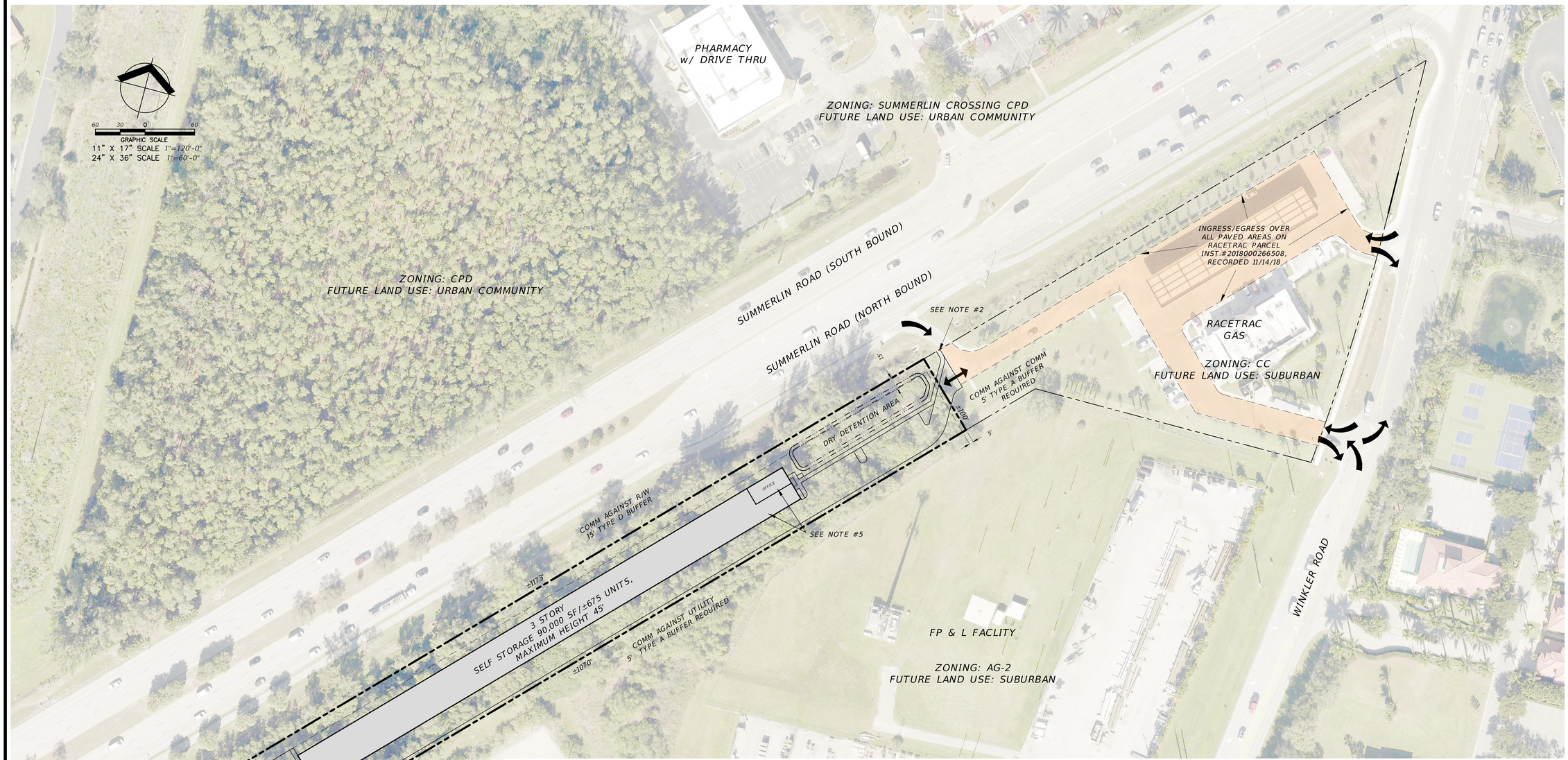
OWNER:
WINKLER JUNCTION LLC
BRANDON KINSEY, MANAGING PARTNER
2053 W. FIRST ST., FORT MYERS, FL. 33901
PH:239-560-7021

PROJECT:
WINKLER JUNCTION LLC

COUNTY	DATE
LEE	11/23/2022

MASTER CONCEPT SITE PLAN

SHEET NO.
1



NOTES

1. PUBLIC TRANSIT FACILITY BUS STOP #1536 ± 0.16 MILES SW OF THE SITE, ON THE SOUTH SIDE OF SUMMERLIN RD., WILL REQUIRE IMPROVEMENT AT TIME OF DEVELOPMENT ORDER CONSISTENT WITH LDC 10-422 MAY INCLUDE BUT NOT LIMITED TO A 8'X30' CONCRETE PAD AND BIKE RACK AND POTENTIAL CURB AND GUTTER MODIFICATIONS.
2. AT TIME OF DEVELOPMENT ORDER A SIDEWALK WILL BE REQUIRED FROM THE DEVELOPMENT TO SUMMERLIN RD. COMPLYING WITH LDC 10-256.
3. AT TIME OF DEVELOPMENT ORDER THE SOLID WASTE ENCLOSURE MUST PROVIDE A MINIMUM 128 SF. AND MUST SUBMIT PROOF OF LEE COUNTY SOLID WASTE APPROVAL.
4. LAND USE AREAS SHOWN IN THE MCP MEET LEE COUNTY CRITERIA FOR A SMALL DEVELOPMENT.
5. GENERAL LOCATION OF SERVICE AREA, MANAGERS OFFICE AND UHAUL RENTAL VEHICLE STORAGE AREA WITHIN THE BUILDING ENVELOPE.
6. AT TIME OF DEVELOPMENT ORDER APPROVAL FOR STORM WATER DISCHARGE MUST COMPLY WITH LDC 10-330.

LEGEND

#1 = DEVIATION

PARKING CALCULATIONS

TYPE OF DEVELOPMENT: MINI/VEHICLE STORAGE AT 1 SPACE PER 25 UNITS

675 UNITS / 25 = 27 PARKING SPACES REQUIRED (INCLUDES 2 ADA)

BICYCLE PARKING CALCULATIONS

5% OF REQUIRED PARKING SPACES: 27

27 X 0.050 OF REQUIRED PARKING SPACES = 1 BICYCLE SPACE REQUIRED AT TIME OF DEVELOPMENT ORDER

CURRENT ZONING:

SITE IS ZONED AG-2
FUTURE LAND USE: SUBURBAN

PROPOSED ZONING:

REZONING TO
COMMERCIAL PLANNED DEVELOPMENT

OPEN SPACE:

SITE AREA ±2.57 AC
OPEN SPACE REQUIRED FOR A SMALL PROJECT: 20%
2.57 AC X 0.2 = 0.51 ACRES REQUIRED
OPEN SPACE PROVIDED: EXCEEDS MINIMUM 0.51 ACRES

BUILDING SETBACKS:

REQUIRED:
SUMMERLIN RD. - 25'
SIDE - 15' MIN.
REAR - 25' MIN.

BUILDING HEIGHT:

MAXIMUM: 45'

BUILDING LOT COVERAGE

MAXIMUM: 40%
PROVIDED: ±27%

LAND USE:

BUILDING	±0.69 AC	
PAVEMENT/CONCRETE	±0.84 AC	
IMPERVIOUS TOTAL:	±1.53* AC	60.00%
(*IMPERVIOUS MUST BE BELOW 2 AC.)		
GREEN AREA/DRY DETENTION	±1.04 AC	40.00%
TOTAL SITE:	2.57 AC	100.00%

REVISIONS

DATE	DESCRIPTION	DATE	DESCRIPTION
4-3-23	CHANGES PER FIRST ROUND OF LEE COUNTY COMMENTS		

OWNER:
WINKLER JUNCTION LLC
BRANDON KINSEY, MANAGING PARTNER
2053 W. FIRST ST., FORT MYERS, FL. 33901
PH:239-560-7021

PROJECT: WINKLER JUNCTION LLC

COUNTY	DATE
LEE	11/23/2022

MASTER CONCEPT SITE PLAN

SHEET NO. 1