

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION
STAFF REPORT

CASE NUMBER: DCI2021-00051

TYPE OF CASE: Major Planned Development

CASE NAME: 31 Oaks Residential Planned Development

TOTAL ACREAGE: 88.3 acres

SUFFICIENCY DATE: February 27, 2023

HEARING EXAMINER DATE: May 18, 2023

Request:

RVi Planning and Landscaping Architecture, on behalf of the Neal Communities of Southwest Florida, Inc., has filed an application to rezone 88.3 acres of land from Agricultural (AG-2) and Residential Planned Development (RPD) to Residential Planned Development (RPD). The applicant is proposing a maximum of 265 single-family residential dwelling units, or 342 townhouse dwelling units, or any combination of those units.

The subject property is generally located on the east side of State Road 31 approximately one quarter of a mile north of the intersection of State Road 31 and State Road 80 (Palm Beach Boulevard). The property is within the Suburban and Wetlands Future Land Use Categories, the Coastal High Hazard Area, and the Caloosahatchee Shores Community Plan Area according to the Lee Plan. The subject property consists of fifteen STRAP numbers, and the legal description is attached hereto as Attachment D. The applicant conducted a public information meeting in accordance with the Lee Plan Policy 17.3.4 and Land Development Code (LDC) Section 33-1482 (Attachment L).

Summary:

Staff recommends **APPROVAL** of the applicant's request, with the Conditions found in Attachment C. The applicant seeks approval of three deviations from Land Development Code (LDC) requirements regarding setbacks for excavations, lake bank slopes, and dead-end street design as shown on the Master Concept Plan (MCP). Staff recommends approval of the deviations with a conditions.

History of the Parcel:

Approximately 49.62 acres of the subject property's 88.3 acres is zoned Residential Planned Development (RPD), as approved in 2006 by Resolution Z-06-050 for a project known as Marina Del Lago, which allows for a maximum of 140 dwelling units (Attachment J). This request, if approved, will couple the lands zoned Residential Planned Development with an additional 38.68 acres of agriculturally-zoned land. The request includes a new Master Concept Plan (MCP) that differs from the MCP approved by Marina del Lago to provide larger wetland preserves needed to address floodplain storage, conveyance areas, and created wetlands (Attachment M).

Character of the Area:

The subject property abuts State Road 31, a State-maintained arterial road. The properties located to the north, east, and south are within a platted residential subdivision (Fort Myers Shores, Units 1 and 4). The area to the northwest consists of vacant agricultural land zoned Agricultural (AG-2) and Residential Planned Development (RPD). The area to west of State

Road 31 is primarily vacant agricultural land zoned Agricultural (AG-2), Marine Commercial (CM), and Commercial Planned Development (CPD). The land to the south is zoned Commercial Planned Development (CPD) and Commercial (C-1).

The following are the zoning districts and existing land uses that surround the subject property:

North:

Properties to the north are zoned Residential (RS-1) and consist of single-family platted lots that include the Davis Boulevard Boat Ramp, which is a Lee County-owned community boat ramp with vehicle and trailer parking. The land located to the northwest is vacant agriculturally-zoned (AG-2) property. North of the vacant AG-2 property is vacant land zoned Residential Planned Development (RPD) that was approved for 60 multi-family units with a recreational facility and three boats slips by Resolution Z-07-017 (see Attachment W). Further north there is a Mixed Use Planned Development that was approved for a marina and continuing care facility with a maximum height of 45 feet per Resolution Z-10-014A (see Attachment W). All of the properties to the north are within the Suburban Future Land Use Category with the exception of the Davis Boulevard Boat Ramp, which is designated Public Facilities by the Lee Plan.

South:

Property to the south is zoned Commercial Planned Development (CPD) and was approved by Resolution Z-15-022 to allow 200,000 square feet of retail commercial uses (see Attachment W). Currently, the planned development has a convenience food and beverage use with self-service gas pumps. Palm Beach Boulevard, which is a State-maintained arterial road, is located further south of the CPD zoned property. The land located at the corner of State Road 31 and Palm Beach Boulevard is zoned Commercial (C-1). The properties to the south are within the Urban Community and Wetlands Future Land Use Categories.

East:

Properties to the east are zoned Residential (RS-1) and consist of single-family platted lots.

West:

State Road 31 is located to the west of the subject property with the exception of a Community Commercial zoned (CC) property that is developed with a bar and cocktail lounge. West of State Road 31 are primarily vacant Agricultural (AG-2) zoned lands, with one of the parcels being developed with a single-family residential use. The parcels located along the northwest portion of State Road 31 consist of Commercial Marine (CM), Industrial Marine (IM), and Commercial Planned Development (CPD) approved per Resolution Z-18-013 for 14,900 square feet of commercial retail/office uses, a nine-unit motel/hotel with a maximum of 400 square feet per unit, and a maximum of 105 wet boat slips (see Attachment W). These properties are located within the Suburban Future Land Use Category per the Lee Plan.

Along the southwest portion of State Road 31 is a Commercial Planned Development (CPD) approved by Resolution Z-21-001 for a maximum of 200,000 square feet of commercial retail/office uses, of which a maximum of 60,000 square feet may be dedicated to outparcels. These parcels are within the Wetlands and Urban Community Future Land Use Categories per the Lee Plan.

Analysis:

The applicant has submitted a request statement that provides a description of the application (Attachment E). In the request statement, the applicant states that the intent is to rezone

approximately 88.3 acres from Agricultural (AG-2) and Residential Planned Development (RPD) to Residential Planned Development (RPD) to allow a maximum of 265 single-family residential dwelling units, or 342 townhouse dwelling units, or any combination of those units. All unit types are limited to a maximum height of 35 feet. The site is heavily vegetated with uplands and wetlands. There is a borrow pit located within the southern portion of the proposed project.

Master Concept Plan:

The applicant has provided a Master Concept Plan (MCP) which depicts the conceptual plan for development proposed by the applicant. The MCP shows the residential development parcels, amenity center, buffers, open space, detention areas, and deviation locations (Attachment G). The access to the property will be from State Road 31, which is currently a two-lane arterial road, with a secondary ingress/egress to the south via Storage Bay Drive and Merchandise Way located, which is located within the Commercial Planned Development to the south.

Planned Development Rezoning:

Section 34-612 of the Lee County Land Development Code (LDC) describes the intent of the utilization of the Planned Development zoning district. The purpose of planned developments is to further implement the goals, objectives, and policies of the Lee Plan, while providing some degree of flexibility in the planning and design of proposed developments. Section 34-145 of the Land Development Code (LDC) establishes the review criteria for all rezoning requests. Before recommending approval of a rezoning request, the Hearing Examiner must find the request:

- a) Complies with the Lee Plan;
- b) Meets the Land Development Code and other applicable County regulations or qualifies for deviations;
- c) Is compatible with existing and planned uses in the surrounding area;
- d) Will provide access sufficient to support the proposed development intensity;
- e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;
- f) Will not adversely affect environmentally critical or sensitive areas and natural resources; and
- g) Will be served by urban services, defined in the Lee Plan, if located in a Future Urban Area category.

For Planned Development rezoning requests, the Hearing Examiner must also find:

- a) The proposed use or mix of uses is appropriate at the proposed 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; and
- c) 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.

Development Pattern Considerations:

The subject property is proposed to be located in the Suburban and Wetlands future land use categories in accordance with the Lee Plan. As described in the **Lee Plan Policy 1.1.5**, the Suburban future land use category consists of predominantly residential areas located on the fringe of Central Urban or Urban Community future land use categories and where there are

existing or emerging residential neighborhoods. The Suburban future land use category provides housing near the more urban areas but does not provide the full mix of land uses typical of urban areas. The subject property is located within an area that is evolving into a mix of commercial and marina uses abutting State Road 31 and Palm Beach Boulevard. These areas are located within the Suburban and Urban Community future land use categories and serve to support the residential communities that exist to the east (Fort Myers Shores), southeast (Verandah), and north of the State Road 31 bridge (Babcock Ranch). Lee Plan Policy 1.1.5 has a standard density range from one dwelling unit per acre to six dwelling units per acre. Approximately 65.83 acres of the property is within the Suburban future land use category. At the maximum base density of six units per acre, the applicant could request 394.98 dwelling units with additional density derived from impacted wetlands (one dwelling unit per 20 acres) or preserved wetlands (six dwelling units per acre).

A portion of the site is within the non-urban Wetlands future land use category, which allows low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands with density calculated at one dwelling unit per 20 acres if impacted in accordance with **Lee Plan Policy 1.5.1. Per Table 1(a) and Policy 124.1.1** of the Lee Plan, if wetlands are preserved on the subject parcel and the contiguous uplands are within the Suburban Future Land Use Category, dwelling units may be relocated from the preserved freshwater wetlands at the same underlying density as permitted for those abutting uplands. The applicant states in the narrative that the site has 22.77 acres of wetlands; however, a formal jurisdictional wetland determination has not been issued for the entire site. Marina del Lago, which comprises the RPD-zoned portion of the subject property, has a formal jurisdictional wetland determination that indicates that the 36.9 acre site has 5.2 acres of wetlands (Attachments J and O). If the total State wetland acreage for the site is higher than the 22.77 acres used by the applicant to calculate density, then the overall density will be lower than the 396 dwelling units noted in Table 1 below. At the time of development order, the applicant will need to demonstrate that the project density does not exceed 265 single-family dwelling units, or 342 townhouse dwelling units, or any combination of those units, in order to comply with the density per Lee Plan Policies 1.1.5 and 1.5.1, the trip generation analysis, and potable sewer and water demand.

Table 1: Gross Density Calculation

Future Land Use	Acreage	Density	Unit Count
Suburban	65.83 AC	6 DU/AC	394.98 units
Wetlands	22.77 AC	1 DU/20 AC	1.14 units
Total			396 units

The density proposed by the request is in compliance with **Lee Plan Policies 1.1.5 and 1.5.1**. Staff has recommended a condition requiring the applicant to provide the types of units as part of the development order review and a Traffic Impact Statement that demonstrates that the total daily trip generation will not exceed 248 two-way PM peak-hour trips under any circumstance (Attachment C). In addition, the Letter of Availability provided from Lee County Utilities indicates the 265 single-dwelling units were evaluated for the proposed project (Attachment H). Staff has recommended a condition that requires the applicant to provide a letter of availability for the types of units being requested in the development order to demonstrate that there is capacity to support the units as it relates to wastewater and potable water demand (Attachment C).

The applicant is designing the residential uses around the open space and preserve areas in order to facilitate preservation of the highest quality wetlands and create compensating areas for additional surface water storage to protect the surrounding land uses within the Coastal High Hazard Area (Attachment M). Wetland preservation and creation areas abut State Road 31 and provide a minimum 100-foot setback from this roadway. The areas that do not meet the definition of indigenous vegetation will be restored per the Indigenous Habitat Restoration Plan provided as part of the Environmental Sciences staff report (Attachment N). The project abuts single-family uses along the northeast, east, and southeast property lines. The applicant must provide a 15-foot-wide buffer with an eight foot wall or 30-foot-wide buffer with not wall if multi-family units (i.e., townhouses) are proposed. **The applicant must revise the MCP to depict the buffer widths for the right-of-way buffer abutting State Road 31 and the buffers abutting the single-family residential uses to the north, east, and south if multi-family (i.e., townhouses) are being proposed in these areas.** The MCP currently depicts residential development tracts, but does not specify unit types.

If the applicant is proposing single-family residential development abutting State Road 31 and single-family uses along the northeast, east, and southeast, then the applicant is proposing enhanced buffers. The buffer along State Road 31 will consist of the preservation and wetland creation area restoration plants, while the areas abutting single-family residential uses to the north, east, and south will have an eight-foot-high project wall with five trees per 100 linear feet installed between the wall and the property line. Per **LDC Section 34-1743**, if a residential project wall is proposed in a development of ten or more dwelling units, then the applicant must provide a buffer consisting of five trees per 100 linear feet and a hedge planted in a minimum plantable area of 7.5 feet. The shrubs must be 36inches high to create a continuous visual screen. The trees must be ten feet high, two-inch caliper, and a four-foot canopy spread. **The applicant must revise the MCP to note the requirements per LDC Section 34-1743 due to the proposed wall along the north, east, and south property lines.**

The MCP depicts a cul-de-sac located along the northwest property line that is within 125 feet of an approved but not yet constructed residential subdivision. The applicant is proposing to provide a 30-foot-wide buffer to comply with **LDC Section 10-416(d)(6)**. This section of the code requires ten trees per 100 linear feet and a double hedge to screen the cul-de-sac to limit headlight shine and road noise-related impacts to the abutting residential uses.

The southwest property line abuts a Commercial Planned Development, a small portion of the west property line abuts a bar and cocktail lounge, and the northwest corner of the property abuts a vacant agricultural parcel. Per the LDC, the applicant is not required to provide buffers abutting these uses. However, the applicant is preserving and creating indigenous wetlands in these areas to provide the required open space and enhanced buffers in compliance with the **Lee Plan Policy 21.3.1**. If single-family residential uses are proposed abutting these areas, then the preserves and the proposed residential wall buffer proposed along the north and east property lines will be an enhancement and will also meet **Lee Plan Policy 21.3.1**.

Objectives 2.1 and 2.2 encourage new growth in future urban areas where adequate facilities exist or are assured and where compact and contiguous development patterns can be created. **Policy 2.2.1** states that rezonings will be evaluated as to the availability of the road network, central water and sewer lines, and public facilities and services. The applicant states that urban services exist in proximity to the subject property or will be extended to the property (Attachment H). The proposed development abuts State Road 31, a state-maintained arterial roadway which is currently being evaluated for capacity improvements by the Florida Department of

Transportation to accommodate the increasing traffic in this transitioning area. There are adequate public facilities and services in the immediate area, such as schools, fire, EMS, and Sheriff's protection to serve the proposed development (Attachment P). Staff finds this request, as conditioned, consistent with Objective 2.1, Objective 2.2, and Policy 2.2.1.

Policy 5.1.2 prohibits residential development where natural physical constraints or hazards exist, including hurricane and flood hazards, soil or geologic conditions, environmental limitations, or aircraft noise. The subject property is within the Coastal High Hazard Area according to Map 5-A of the Lee Plan. The applicant is preserving 18.38 acres of upland and wetland indigenous areas and impacting 9.29 acres of wetlands within the Coastal High Hazard Area. The applicant states that the project meets this policy by proposing less than the maximum allowable density permitted. The development is being designed to protect against impacts from coastal flooding by providing enhanced stormwater design and compensatory water storage to offset anticipated wetland impacts (Attachment M). In addition, the applicant will be required to comply with LDC Section 2-485 for impacts to hurricane shelters during the development order process. Staff finds this request, as conditioned, consistent with **Policy 5.1.2**.

Lee Plan Policy 5.1.5 seeks to protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code requires appropriate buffers for new developments. The applicant states that the development will be designed with residential uses similar to the surrounding residential neighborhoods. The density proposed will be lower than the maximum density in the Suburban and Wetlands future land use categories. The height of the structures will be 35 feet to be compatible with the residential uses to the north, east, and south. The applicant depicts landscape buffers on the MCP, but has not taken into consideration the requirements for right-of-way buffering along State Road 31 and the abutting single-family residential uses to the north, east, and south if multi-family (i.e., townhouse) uses are abutting these uses. In addition, if the landscape buffers are enhanced to provide a wall, the buffer and wall must be in compliance with **LDC Section 34-1743(b)(3)**. This provision requires the buffer to be 7.5 feet wide with landscaping consisting of five trees per 100 linear feet and a hedge planted on the outside of the wall. The trees must be ten feet high and shrubs must be 36 inches high at the time of planting. The applicant will need to re-evaluate the Lee Plan justifications and MCP to depict the required buffer widths and note any enhancements that are being provided above the code requirements. It should be noted that "abutting," as defined in **LDC Section 10-1**, means any property that is immediately adjacent to, or contiguous with, or that is located immediately across from any street, canal, easement or water body, not to exceed 25 feet from another property. If the multi-family uses proposed by the request are within 25 feet of the off-site single-family residential uses or right-of-way, then the buffer requirements per LDC Section 10-416(d) apply. If not, then any buffer or preserve will be considered an enhancement to meet **Lee Plan Policy 21.3.1**. Staff finds this request with the revisions stated, consistent with **Policy 5.1.5**.

The development is being designed to provide an amenity center, open space areas, and interconnections to the abutting development to the south and State Road 31. The internal sidewalks will be provided in accordance with the standards established in LDC Chapter 10.

Staff finds that the request is consistent with **Policy 5.1.7**, which requires residential developments to provide sidewalks, open space areas, and recreational uses that interconnect with the development on-site and pathways that interconnect with developments off-site. Staff finds this request consistent with **Policy 5.1.7**.

Lee Plan Policy 21.1.1 pertains to the Caloosahatchee Shores Community Plan, and states enhanced landscaping, signage, and architectural standards must be consistent with the goal of maintaining an Old Florida rural identity. The applicant's Lee Plan narrative for this policy states that the landscaping will be in compliance with the Land Development Code and notes that required buffers will be provided where multi-family (i.e. townhouse) development is proposed abutting existing single-family uses. The applicant does not state that a Type-D right-of-way buffer will be provided if multi-family uses are proposed to abut State Road 31. The applicant proposes a ten-foot-wide native buffer as an enhancement between the on-site single-family and the off-site existing single-family uses along the north, east, and south property lines. The MCP must be revised to provide the required buffer widths in each scenario. Staff has also recommended conditions for each scenario to ensure consistency with Policy 21.1.1.

Lee Plan Policy 21.1.2 requires any deviation from landscaping, buffering, signage or architectural requirements to meet the approval criteria for variances set forth in the LDC. The applicant is requesting deviations from retention or detention excavations (LDC 10-329(d)), lake bank slopes (LDC Section 10-329(d)(4)), and dead-end street design (LDC Section 10-296(k)). None of the deviations being requested are from landscaping, buffering, signage or architectural requirements. Staff finds this request consistent with Lee Plan Policy 21.1.2.

Property Development Regulations:

The applicant has provided Property Development Regulations which include standards for two-family attached dwelling units and reference the ITE Trip Generation Manual for tracking the number of units at the time of local development order (Attachment F). Staff's recommended conditions of approval remove the reference to two-family attached units. The proposed property development regulations include a minimum lot size of 4,000 square feet for the single-family residential units with 60 percent lot coverage and a minimum lot size of 1,800 square feet for townhouse residential units with 65 percent lot coverage. LDC Section 34-2175(b)(5) allows buildings that are proposed within the Suburban land use categories to be as tall as 45 feet above minimum flood elevation with no more than three habitable stories. The applicant is designing all of the unit types to be a maximum of 35 feet in height in order to be compatible with the Fort Myers Shores residential subdivision located to the north, east, and south.

Schedule of Uses:

The applicant is requested to rezone the property to a Residential Planned Development (RPD). The proposed uses are consistent with the use regulations table per LDC Section 34-934 (Attachment F).

Environmental Considerations:

Environmental Sciences zoning staff have provided a staff report that provides an analysis of open space, indigenous open space, buffering and landscaping, protected species, and habitat management (Attachment N). The proposed project is required to provide 40 percent open space and depicts the open space on sheet 2 of the MCP. The applicant is required to provide 35.3 acres of open space and is providing 39.43 acres of open space. Per LDC Section 10-415(b), the applicant must provide 50 percent of the required open space as indigenous open space. The applicant is providing 18.38 acres of restored, created, and preserved indigenous

open space. Approximately, 4.48 acres of the 18.38 acres of indigenous open space will be comprised of created wetlands to comply with **Lee Plan Objective 101.3** for floodplain storage. **Lee Plan Goal 123** establishes the importance of maintaining, creating, and enhancing native habitats. The applicant is proposing to remove the exotics and restore or create indigenous wetlands and uplands in areas where native seed source is not present. The Habitat Restoration Plan, attached as Exhibit C of the environmental staff report, includes a restoration plant list (Tables 2 and 3) for the uplands and wetlands that demonstrates compliance with Goal 123. **Lee Plan Policy 101.1.2** requires protection of uplands, wetlands, estuaries, and other environmentally sensitive lands. The applicant states that a conservation easement will be recorded in order to preserve and protect the preserve and restoration areas. Environmental staff conducted a site inspection on January 19, 2023 and found that the environmental report is consistent with the site conditions and vegetation habitats. The indigenous preserve areas, once managed for exotics and restored with native plants, will provide water quality and habitat for wildlife by providing foraging areas, nursery areas to raise young, and roosting or denning areas, thereby demonstrating compliance with **Lee Plan Objective 123.3, as well as Policies 123.4.4, 123.3.1, and 125.1.3**. The applicant submitted a protected species survey that indicated that the site has five gopher tortoise burrows. The applicant must obtain the appropriate State permits prior to relocating the gopher tortoises. To ensure the protection of the gopher tortoise and the indigenous preservation areas on-site, staff has recommended conditions related to the documentation that must be submitted with the vegetation removal permits and the details of the survey staking in the field prior to the excavation of gopher tortoise burrows.

The applicant is proposing both single-family residential and townhouse unit types. The LDC requires certain types of landscape buffers depending on the proposed use and the abutting zoning district or use, and for the purposes of determining buffer requirements, townhouses are considered multi-family development. The MCP submitted by the applicant does not depict where the townhouses will be located. **Therefore, the applicant must revise the MCP to provide annotations indicating the buffer requirements for each unit type where development tracts abut adjacent properties.**

The applicant has stated in the Request Narrative and has depicted on the MCP an enhanced buffer consisting of a six-foot-high solid wall and five native trees per 100 linear feet. However, when an optional residential project wall is proposed, the applicant must comply with LDC Section 34-1743(b)(3), which requires a 7.5-foot-wide buffer with five trees per 100 linear feet, a hedgerow, and a wall with a maximum height of eight feet. The landscape buffer must comply with LDC Sections 10-416(d) and 34-1743(b)(3) as follows:

North:

- Single-family abutting agriculturally-zoned land: no buffer is required. If a residential project wall is proposed, then the buffer and wall must comply with LDC Section 1743(b)(3).
- Townhouse: Type B buffer required (15 feet wide with five trees per 100 linear feet and a double hedgerow per LDC Section 10-416(d)). If a residential project wall is proposed, then the wall must be set back 15 feet from the property line and the buffer plantings must be located between the wall and the property line in compliance with LDC Section 10-421(8).

South:

- Single-family or townhouse abutting commercial use: no buffer is required. The MCP depicts screening through preserved and created wetlands, which constitutes an enhancement.
- Single-family abutting single-family: no buffer is required
- Townhouse abutting single-family: Type B buffer required (15 feet wide with five trees per 100 linear feet and a double hedgerow per LDC Section 10-416(d)). If a residential project wall is proposed, then the wall must be set back 15 feet from the property line and the buffer plantings must be located between the wall and the property line per LDC Section 10-421(8).

East:

- Single-family abutting single-family: no buffer is required. If a residential project wall is proposed, then the buffer and wall must comply with LDC Section 1743(b)(3).
- Townhouse abutting single-family: Type B buffer required (15 feet wide with five trees per 100 linear feet and a double hedgerow per LDC Section 10-416(d)). If a residential project wall is proposed, then the wall must be set back 15 feet from the property line and the buffer plantings must be located between the wall and the property line per LDC Section 10-421(8).

West:

- Single-family abutting right-of-way (State Road 31): no buffer is required. If a residential project wall is proposed, then the buffer and wall must comply with LDC Section 1743(b)(3).
- Townhouse abutting right-of-way (State Road 31): Type D buffer required (15 feet wide with five trees per 100 linear feet and a double hedge row per LDC Section 10-416(d)).

Natural Resources Considerations:

Natural Resources staff has provided a staff memo that analyzes the proposed surface water management plan and surface water concept plan (Attachments T and U). A portion of the project is within the Coastal High Hazard Area (CHHA) and will impact approximately 9.29 acres of wetlands within the CHHA. Any development impacting wetlands within the CHHA will need to be permitted by the South Florida Water Management District. There are several existing drainage easements throughout the site, as noted on the MCP, which are used to convey offsite flows. These easements will remain in place and will be incorporated into the surface water management system for the development. The applicant has proposed conditions to demonstrate that the combination of preserved and created wetlands and enhancements to the stormwater management system will ensure no impacts to the pre-development floodplain. Staff has no objections to the applicant's proposed conditions.

Transportation Considerations:

The applicant submitted a Traffic Impact Statement (TIS) (Attachment K). The proposed development abuts State Road 31, a State-maintained arterial road. State Road 80 is approximately ¼ of a mile to the south. The proposed access to the subject site is from State Road 31 via a single connection. A secondary access will be provided to Storage Bay Drive, a privately-maintained local road that connects to Merchandise Way, a privately-maintained local road with access to State Roads 80 and 31. The trip generation was determined by referencing the Institute of Transportation Engineer's (ITE) Trip Generation 11th Edition Report (Table 1). Infrastructure Planning has provided a staff memo that provides an analysis studying the single-family option because it represents a conservative estimate of trip generation (Attachment I).

Table 1
Trip Generation

Land Use	Weekday A.M Peak Hour			Weekday P.M Peak Hour			Daily (2-Way)
	In	Out	Total	In	Out	Total	
Single-Family Detached (265 units)	47	134	181	156	92	248	2,473
Multi-family Low-Rise (342 units)	31	98	129	106	62	168	2,268

The level of service for the roadway system was analyzed for the horizon year 2025 with or without the proposed development. Table 2 of the Infrastructure Planning staff memo provides the current level of service for arterial and collector roads located adjacent to the site. The majority of the roads will be impacted by the proposed development without improvements to SR 31.

Table 2
Arterial/Collector Roadway Section(s) Adjacent to Site
Expected to be Significant Impacted by the Proposed Development

Roadway	Location	Significant Impact Expected?	Level of Service		
			Existing	Future (2025)	Future 2025 + Project
SR 31	North of Site	No	C	C	C
SR 31	South of Site	Yes	C	C	D
SR 80	East of Davis Blvd	No	C	C	C
SR 80	West of SR 31	No	C	C	C

New trips were assigned to the surrounding network in order to assess the level of service at specific site accesses and intersections that are expected to be most impacted by the proposed development (see Table 3).

Table 3
Intersection Analyses

Intersection		Significant Impact Expected?	Existing Traffic Control	Level of Service (2027)		
Roadway A	Roadway B			Existing	Future	Future + Project
SR 80	SR 31	Yes	Signalized	--	D	E
SR 31	Site Access	No	2-Way Stop Controlled	--	--	E
SR 80	Merchandise Way via Storage Bay Drive	No	2-Way Stop Controlled	--	--	C

Bike and Pedestrian Facilities:

The subject property abuts State Road 31, which is designated as an area for a sidewalk and shared use pathway on the Lee Plan Map 3-D. At the time of development order, the applicant must comply with bicycle and pedestrian facilities requirements of LDC Chapter 10.

Urban Services:

The subject property is serviced by Fort Myers Shores Fire Station #81, which is approximately 1/2 mile southeast of the site, EMS Medic #11, which is approximately 1.50 miles to the southwest of the site, and the Lee County Sheriff's office, whose nearest Sheriff's station is approximately 11.3 miles west of the property. The proposed development will be required to be connected to Lee County Utilities' water and wastewater systems pursuant to **Lee Plan Standards 4.1.1 and 4.1.2**, as implemented by LDC Sections 10-352 and 10-353, which will require privately-funded improvements to the utility system (Attachment H). At the time of local development order, the applicant will also be required to provide an updated Letter of Availability to ensure that Lee County Utilities has the capacity for the combination of dwelling units being proposed. The request, as conditioned, is consistent with Lee Plan Standards 4.1.1 and 4.1.2.

Deviation Requests:

The applicant requests three deviations and has provided a deviation analysis with justifications for these requests (Attachment S). Staff provides the following analysis of the proposed deviations:

Deviation (1) seeks relief from Lee County Land Development Code (LDC) Section 10-329(d)(1)a.3, which requires water retention or detention excavations to be a minimum of 50 feet from any private property line under separate ownership, to allow a minimum setback of 25 feet from private property lines.

The applicant states that this deviation is necessary for flexibility in the site design for the stormwater management and that a project wall and buffer are being proposed along the east property line to provide screening of the development from the abutting single-family subdivision. The wall and buffer will provide additional protection for the public health and safety.

As mentioned previously, the applicant may be proposing single-family or townhouse (multi-family) dwelling units along the east property line. LDC Section 10-416(d) requires no buffer when single-family uses abut single-family uses. The proposed buffer in this design would be an enhanced ten-foot-wide buffer with a six- or eight-foot high wall and five trees per 100 linear feet along the north and east property lines where the development abuts single-family dwelling units. The MCP submitted by the applicant depicts residential units, but does not specify the location of the townhouse (multi-family) dwelling units. If townhouses are proposed along the north and east property lines abutting the single-family dwelling units, then a Type B buffer (15 feet wide with five trees per 100 linear feet and a double staggered hedge) is required per LDC Section 10-416(d). Deviations from landscaping and buffer requirements require the applicant to comply with the variance criteria established in Chapter 34 in accordance with **Lee Plan Policy 21.1.2**. In addition, when an optional residential project wall is proposed, the buffer must include five trees per 100 linear feet and a single hedge in accordance with LDC Section 10-1743(b)(3).

Staff recommends approval of the proposed deviation with a condition requiring the buffer along the north and east property lines to be 15 feet wide with an eight-foot-high opaque wall with five trees per 100 linear feet and a double hedge installed between the opaque wall and the property line. The trees and shrubs must be planted in accordance with LDC Section 10-420. The recommended condition will protect public health and safety by limiting concerns associated with the reduced excavation setback while providing the required screening for multi-family and single-family uses.

Deviation (2) seeks relief from Lee County Land Development Code (LDC) Section 10-329(d)(4), which requires lake banks to be sloped at a 6:1 ratio from the top of bank to water depth of two feet below the dry season water table; to allow for a minimum ratio of 4:1 slope.

The applicant states that the site is constrained by compensating for the Coastal High Hazard wetland impacts and onsite wetlands being preserved. In addition, the existing lake in the southern half of the development creates a conflict. LDC Section 10-329(d)(4) allows an applicant to seek a deviation as long as the engineer of record for the project provides enhanced lake bank slope protection measures to protect public health, safety, and welfare. In this case, the applicant will be providing the required littoral shelf per LDC Section 10-418, which will provide stabilization and habitat for wildlife.

Staff recommends approval of the requested deviation with a condition requiring detailed drawings demonstrating the stabilization methods being proposed to secure the 4:1 slope and requiring compensatory littoral plantings in accordance with Section 10-418(3) at the time of development order regardless of the type of lake bank slope stabilization method implemented at the time of development.

Deviation (3) seeks relief from Lee County Land Development Code (LDC) Section 10-296(k)(1), which requires dead-end streets to be closed at one end by a circular turnaround for vehicles, to allow a dead-end street in two locations to be hammerhead turnaround.

The applicant states that the proposed dead-end streets will be a maximum of 93 feet in length in the north area of the project and 120 feet in the south area. The hammerheads will provide access to three lots in each area. Per the National Fire Protection Association standards, the access to these lots does not require a turnaround since the road is less than 150 feet in length. Development Services staff has reviewed the request and recommends approval with a condition requiring a letter of no objection from the fire department having jurisdiction at the time of the local development order application submittal depicting the proposed dead-end roadways.

Outstanding Issues:

The applicant is proposing both single-family and townhouse (multi-family) dwelling unit types, or a combination of both types of units. The Traffic Impact Statement, Letter of Availability, and the buffer depiction along the north and east property lines on the proposed Master Concept Plan do not recognize the potential mix of dwelling units. The applicant must provide updated documents that include an analysis of the types of uses being proposed. Staff has provided a buffer condition to ensure that a 15-foot-wide buffer with an eight-foot-high opaque fence or wall is required. The buffer must be designed to include trees and shrubs between the wall and the property line to ensure compatibility and protect public health and safety (Deviation #1) for the abutting single-family residential uses. The applicant has proposed a condition to limit the combination of units to the maximum peak hour trip generation analyzed herein. Staff has modified the applicant's proposed condition to ensure that the development order plans that

depict the total number of units and location of the types of units to facilitate compliance with the traffic- and buffer-related conditions recommended by staff.

Conclusion:

Based on the analysis provided above, staff offers the following review of the decision-making criteria for the planned development rezoning request. Staff finds that the proposed request, as conditioned:

a) Complies with the Lee Plan;

Based on the analysis above, staff finds that the request is consistent with the Lee Plan. The request is compatible with the surrounding existing and proposed uses, and meets or exceeds the objectives and policies above.

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

The applicant is seeking three deviations from the LDC to allow a lake excavation setback of 25 feet from private property under separate ownership, to allow 4:1 lake bank slopes, and to allow two hammerhead turnarounds. Staff recommends approval of these deviations with conditions.

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

The subject property abuts existing single-family uses along the north and east property lines, commercial uses to the south, State Road 31 and a commercial use to the west, and vacant agricultural land and a proposed residential planned development to the northwest. The applicant has met with the community and revised their MCP to remove the access to De Moya Drive along the north property line in response to community input. All access will be via State Road 31 with cross access between the proposed development and the existing and planned commercial development to the south. The landscape buffers between the proposed single-family or townhouse (multi-family) to the single-family subdivision to the east, as conditioned, will visually mitigate the potential impacts of the proposed development. The preserves and created upland areas will provided visual relief along State Road 31 and the developments to the south and northwest.

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

Access is proposed onto State Road 31 and Merchandise Way. Staff finds that there is sufficient access to support the proposed development with the interconnection to the commercial property to the south.

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

Staff has reviewed the transportation impacts of the development, and has concluded that the level of service sufficient for the proposed development and surrounding uses.

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

Staff has reviewed the potential environmental impacts and has determined that the applicant must revise the Master Concept Plan to demonstrate compliance with **Lee Plan Policy 101.3.2**, which limits development within the Coastal High Hazard Area to uplands (except for public facilities) because the majority of the property is within the Coastal High Hazard Area. The applicant has not provided a SFWMD Formal Jurisdictional Wetland Determination. The applicant has provided an indigenous management plan that includes details of wetland and upland restoration and creation areas to provide for the required indigenous preservation areas. The applicant will be required to record these areas in a conservation easement. The applicant will be required, as conditioned, to provide the South Florida Water Management District (SFWMD) Environmental Resource Permit (ERP) prior to construction to ensure that the ERP is consistent with the MCP and development order.

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

The applicant has provided a Letter of Availability from Lee County Utilities stating that there is capacity for wastewater and potable water to support 265 single-family dwelling units. As noted in the Outstanding Issues section above, the applicant must provide a letter from Lee County Utilities that analyzes the 342 townhouse (multi-family) units or a combination of single-family and townhouse (multi-family) units to ensure capacity is available to serve the development.

Additionally,

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

The proposed residential uses are appropriate within the subject property given the consistency with the Lee Plan Policy for the Suburban Future Land Use Category and the existing or proposed surrounding land uses, as conditioned.

- 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; and Staff finds the proposed conditions appropriate for approval and as conditioned the public's interests are sufficiently addressed.

- c) That each requested deviation enhances the achievement of the objectives of the planned development; and preserves and promotes the general intent of this Code to protect the public health, safety and welfare:

There are three requested deviations and staff is recommending approval with conditions. Staff, therefore, recommends approval of this planned development rezoning request, as conditioned in Attachment C.

Attachments:

- A. Expert Witness List
- B. Boundary Survey and Legal Description

- C. Conditions
- D. Aerial, Future Land Use, Mixed Use Overlay, and Zoning Maps
- E. Applicant Request Narrative and Lee Plan Analysis
- F. Applicant Schedule of Uses and Property Development Regulations
- G. Master Concept Plan dated January 19, 2023
- H. Letter of Availability for Wastewater and Potable Water
- I. Infrastructure Planning Staff Memorandum
- J. Marina del Lago RPD Resolution Z-06-050
- K. Traffic Impact Statement
- L. Public Informational Meeting Summary Documents
- M. Floodplain "no impacts" Improvements
- N. Environmental Sciences Staff Report
- O. Marina del Lago SFWMD Formal Jurisdictional Wetland Determination dated September 13, 2016
- P. Public Infrastructure and Transit Maps
- Q. Conceptual Open Space Exhibit
- R. FLUCCS and MCP Map
- S. Schedule of Deviations
- T. Natural Resources Memorandum
- U. Applicant's Surface Water Management Plan and Surface Water Concept Plan
- V. Indigenous Preserve Restoration and Management Plan dated January 2023
- W. Surrounding Zoning Resolutions (Z-07-017, Z-10-014A, Z-15-022, Z-18-013, Z-21-001)

Attachment A

LEE COUNTY STAFF EXPERT WITNESS INFORMATION PROVIDED PURSUANT TO AC-2-6, SECTION 2.2.b(5)(F)3.

Case Number: DCI2021-00051
Project Name: 31 Oaks RPD
Hearing Examiner Date: May 18, 2023

Beth Workman, Principal Planner, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan, and Environmental Sciences.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code, the Lee Plan, and documentation submitted by the applicant as part of the subject application.

Brandon Dunn, Principal Planner, Planning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code and Lee Plan.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code, the Lee Plan, and documentation submitted by the applicant as part of the subject application.

Brian Roberts, P.E., Plan Reviewer, Development Services, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code and Lee Plan.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the

Lee County Land Development Code, the Lee Plan, and documentation submitted by the applicant as part of the subject application.

Marcus Evans, P.E., Engineer, Infrastructure Planning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code and Lee Plan.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code, the Lee Plan, and documentation submitted by the applicant as part of the subject application.

Nic DeFilippo, Senior Environmental Planner, Planning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan, and Environmental Sciences.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code, the Lee Plan, and documentation submitted by the applicant as part of the subject application.

RHODES & RHODES LAND SURVEYING, INC.

28100 BONITA GRANDE DRIVE #107 NAPLES, FLORIDA 34135
 PHONE (239) 405-8166 FAX (239) 405-8163

BEING A PORTION OF GOVERNMENT LOTS 2 AND 3, OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 26 EAST, A PORTION OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA AND A PORTION OF LOT 1, FORT MYERS SHORES UNIT NO. 4, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 11, PAGE 28, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT THE NORTHWEST CORNER OF TRACT C-1, GORDON CENTER, ACCORDING TO THE PLAT THEREOF AS RECORDED IN INSTRUMENT NUMBER 2019000142301, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 00°42'50" WEST ALONG THE EAST RIGHT-OF-WAY OF STATE ROAD 31 (A 100.00 FOOT RIGHT-OF-WAY), A DISTANCE OF 1,322.18 FEET TO NORTHWEST CORNER OF GOVERNMENT LOT 3, THE SAME BEING THE SOUTHWEST CORNER OF GOVERNMENT LOT 2, OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 26 EAST; THENCE SOUTH 88°18'44" EAST LEAVING SAID EAST RIGHT-OF-WAY LINE OF STATE ROAD 31, ALONG SAID BOUNDARY LINE OF GOVERNMENT LOT 2 AND 3, A DISTANCE OF 332.63 FEET; THENCE NORTH 00°42'19" WEST LEAVING SAID BOUNDARY LINE OF GOVERNMENT LOT 2 AND 3, A DISTANCE OF 100.09 FEET; THENCE NORTH 88°18'44" WEST, A DISTANCE OF 332.63 FEET TO A POINT ON THE SAID EAST RIGHT-OF-WAY STATE ROAD 31; THENCE NORTH 00°42'22" WEST ALONG SAID EAST RIGHT-OF-WAY OF STATES ROAD 31, A DISTANCE OF 422.05 FEET; THENCE SOUTH 88°18'41" EAST LEAVING SAID EAST RIGHT-OF-WAY OF STATE ROAD 31, A DISTANCE OF 1,195.78 FEET; THENCE NORTH 01°36'03" WEST, A DISTANCE OF 800.34 FEET TO A POINT ON THE BOUNDARY LINE OF FORT MYERS SHORES UNIT NO.4, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 11, PAGE 28, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE SOUTH 88°18'30" EAST ALONG SAID BOUNDARY LINE OF FORT MYERS SHORES UNIT NO. 4, A DISTANCE OF 875.35 FEET; THENCE NORTH 01°41'30" EAST LEAVING SAID BOUNDARY LINE OF FORT MYERS SHORES UNIT NO. 4, A DISTANCE OF 76.59 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF DE MOYA DRIVE (A 70.00 FOOT RIGHT-OF-WAY), FORT MYERS SHORES UNIT NO. 4. ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 11, PAGE 28, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE SOUTHERLY ALONG SAID SOUTH RIGHT-OF-WAY OF DE MOYA DRIVE THE FOLLOWING 2 COURSES, COURSE (1) SOUTH 43°18'30" EAST, 19.95 FEET TO A POINT OF CURVATURE; COURSE (2) SOUTHEASTERLY, 71.28 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 145.00 FEET, THROUGH A CENTRAL ANGLE OF 28°09'50" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 57°23'25" EAST, 70.56 FEET TO THE NORTHEAST CORNER OF LOT 1, OF SIAD FORT MYERS SHORES UNIT NO. 4; THENCE SOUTH 01°30'00" EAST ALONG SAID BOUNDARY LINE OF LOT 1 FORT MYERS SHORES UNIT NO. 4, A DISTANCE OF 26.28 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1, FORT MYERS SHORES UNIT NO. 4 AND THE SOUTHWEST CORNER OF LOT 105, FORT MYERS SHORES UNIT NO. 2, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGES 7 THROUGH 9, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE SOUTH 88°18'30" EAST ALONG SAID BOUNDARY LINE OF SAID LOT 105 FORT MYERS SHORES UNIT NO. 2, A DISTANCE OF 300.46 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST ¼ OF THE NORTHWEST ¼ OF SAID SECTION 30; THENCE SOUTH 01°30'00" EAST ALONG SAID BOUNDARY LINE OF

Z:\31 OAKS AKA (MAGNUS)\SKETCH AND DESCRIPTION\2021-541 BNDY

LEGAL.docx

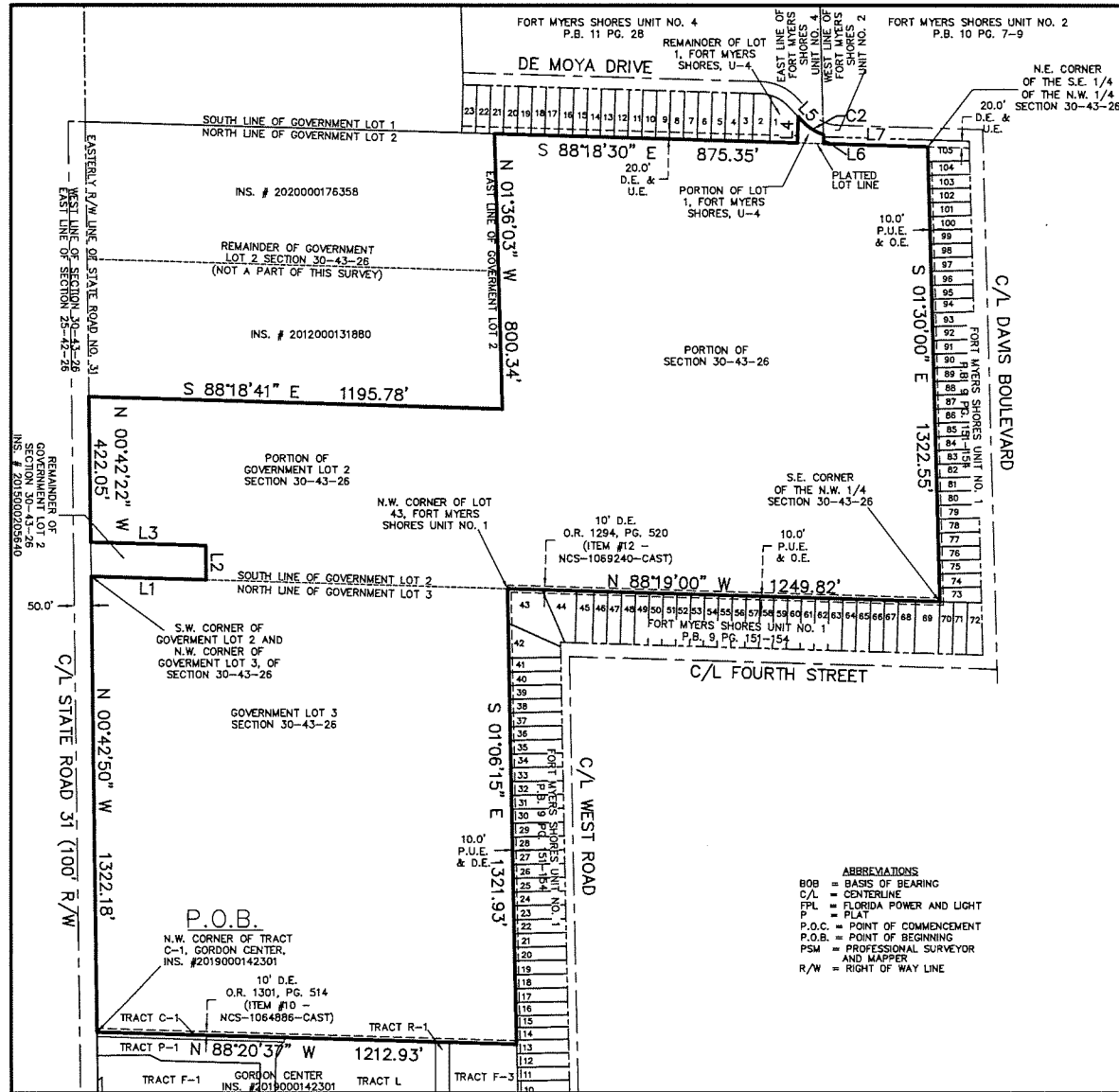
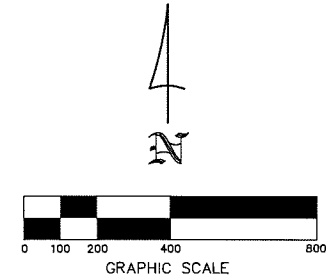
RHODES & RHODES LAND SURVEYING, INC.

***23100 BONITA GRANDE DRIVE #107 NAPLES, FLORIDA 34135
PHONE (239) 405-8166 FAX (239) 405-8163***

LOT 105, FORT MYERS SHORES UNIT NO. 2 AND THE NORTHERLY PROLONGATION LINE OF THE BOUNDARY LINE OF FORT MYERS SHORES UNIT NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGES 151 THROUGH 154, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, A DISTANCE OF 1,322.55 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST $\frac{1}{4}$ OF SAID SECTION 30; THENCE NORTH $88^{\circ}19'00''$ WEST ALONG THE BOUNDARY LINE OF SAID FORT MYERS SHORES UNIT NO. 1, A DISTANCE OF 1,249.82 FEET TO THE NORTHWEST CORNER OF LOT 43, SAID FORT MYERS SHORES UNIT NO. 1; THENCE SOUTH $01^{\circ}06'15''$ EAST ALONG THE BOUNDARY LINE OF SAID FORT MYERS SHORES UNIT NO. 1, A DISTANCE OF 1,321.93 FEET TO NORTHEAST CORNER OF TRACT F-3, GORDON CENTER, ACCORDING TO THE PLAT THEREOF AS RECORDED IN INSTRUMENT NUMBER 2019000142301, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.; THENCE NORTH $88^{\circ}20'37''$ WEST ALONG THE BOUNDARY LINE OF SAID GORDON CENTER, A DISTANCE OF 1,212.93 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,844,190 SQUARE FEET OR 88.250 ACRES, MORE OR LESS.

**REVIEWED
DCI2021-00051
Rick Burris, Principal
Planner
Lee County DCD/Planning
2/22/2023**



NOT A SURVEY

LINE TABLE		
LINE	LENGTH	BEARING
L1	332.63	S 88°18'44" E
L2	100.09	N 00°42'19" W
L3	332.63	N 88°18'44" W
L4	76.59	N 01°41'30" E
L5	19.95	S 43°18'30" E
L6	26.28	S 01°30'00" E
L7	300.46	N 88°18'30" W



CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C2	145.00	28°09'50"	71.28	70.56	S 57°23'25" E

John Scott Rhodes PSM # 5739 State of Florida
 Digitally signed by John Scott Rhodes
 PSM # 5739 State of Florida
 Date: 2022.07.13 15:41:06 -0400
 JOHN SCOTT RHODES PSM #5739

SKETCH AND DESCRIPTION CERTIFIED TO: NEAL COMMUNITY		design: drawn: REC checked: JSR acad #: 2021-541 view: PLOT project #: 2021-541 sheet #: 3 of 3 file #: 2021-541 BNDY SD	
		bk: XX pg: XX date: DEC. 07, 2021 scale: 1" = 400' cogo #: 21-541	
RHODES & RHODES LAND SURVEYING, INC. LICENSE #LB 6897		28100 BONITA GRANDE DRIVE SUITE 107 BONITA SPRINGS, FL 34135 (239) 405-8166 (239) 405-8163 FAX	

ABBREVIATIONS
 BOB = BASIS OF BEARING
 C/L = CENTERLINE
 FPL = FLORIDA POWER AND LIGHT
 P = PLAT
 P.O.C. = POINT OF COMMENCEMENT
 P.O.B. = POINT OF BEGINNING
 PSM = PROFESSIONAL SURVEYOR
 AND MAPPER
 R/W = RIGHT OF WAY LINE

31 Oaks RPD (DCI2021-00051)

Attachment C – Conditions and Deviations

Section A. - Conditions

1. The development of this project must be consistent with two-page Master Concept Plan (MCP) entitled “31 Oaks Master Concept Plan”, prepared by J.R. Evans Engineering., stamped 01/19/2023, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at the time of local development order, except as may be granted by deviation as part of this planned development. If changes to the MCP or conditions or deviations are subsequently pursued, appropriate approvals will be necessary.

This project is limited to a total of 265 dwelling units, or 342 townhouse dwelling units, or a combination thereof, subject to the conditions enumerated herein.

2. The following limits apply to the project and uses:

- a. Schedule of Uses

Accessory uses, buildings, and structures

Dwelling unit:

Single-Family

Townhouse

Entrance gates and gatehouse

Essential services

Essential service facilities:

Group I

Excavation:

Water retention

Excess Spoil Removal

Fences, Walls

Models:

Display Center/Sales Center

Model Home

Model Unit

Real Estate Sales Office

Recreation facilities:

Personal

Private on-site

Signs

Temporary Uses:

Sales Office, Construction Office, Construction Related Storage

b. Site Development Regulations

	Single-Family Detached	Townhouse	Recreation/Clubhouse
Minimum Lot Size	4,000 sq. ft.	1,800 sq. ft.	N/A
Minimum Lot Width	40 feet	18 feet	N/A
Minimum Lot Depth	100 feet	100 feet	N/A
Maximum Lot Coverage	60 percent	65 percent	50 percent
Maximum Building Height	35 feet	35 feet	35 feet
Maximum Building Separation	10 feet	15 feet	10 feet
Setbacks			
Street (public roads)	25 feet	20 feet	N/A
Street (private roads)	20 feet/10 feet ¹	20 feet/10 feet ¹	20 feet
Side	5 feet	5 feet/0 feet ²	10 feet
Rear (Principal)	10 feet	5 feet	10 feet
Rear (Accessory)	5 feet/0 feet ³	5 feet/0 feet ³	5 feet
Perimeter	15 feet	15 feet ⁴	15 feet
Waterbody	20 feet	20 feet	20 feet
Preserve	20 feet ⁵	20 feet ⁵	20 feet ⁴

¹ 20 feet for front loaded garages, 10 feet for side loaded garages and secondary street setbacks on corner lots.

² No side setback is required from common lot line for townhouse units.

³ 5 feet (0 feet where lot abuts lake maintenance easement).

⁴ 15 feet or ½ building height (whichever is greater).

⁵ 30 feet for indigenous plant communities subject to fire.

3. Mix of Permitted Dwelling Types

The first development order must establish the proposed mix of dwelling units and must quantify the number of units for each dwelling unit type. The proposed mix of dwelling units may not exceed the maximum total daily trip generation of 248 two-way PM peak hour trips per the latest edition of the ITE Trip Generation Manual, nor may the proposed mix of dwelling units exceed the available capacity of the potable water and wastewater system providing service to the development.

4. Open Space

Prior to the issuance of the first development order, the development order plans must depict 45 percent (39.43 acres) of open space.

5. Indigenous Open Space

Prior to the issuance of the first development order, the development order plans must depict a total of 39.43 acres of open space and 18.38 acres of indigenous open space in substantial compliance with the Master Concept Plan dated January 19, 2023 per the following breakdown:

a. Preserve: 18.38 acres

i. Indigenous Wetland: 13.48 acres

- ii. Wetland Creation: 4.48 acres
 - iii. Rare and Unique: 0.42 acres
 - b. Other Open Space: 11.15 acres
 - c. Buffers: 1.06 acres
 - d. Lakes: 8.83 acres
- 6. Indigenous Open Space Restoration and Management
Prior to the issuance of the first development order, the development order plans must be in substantial compliance with the Indigenous Restoration and Management Plan attached hereto as Attachment V.
- 7. Indigenous Phasing Schedule
A phasing schedule must be submitted with the first development order that includes the removal of exotics and indigenous restoration and management areas to commence concurrently with the improvements to land so that preservation and restoration activities are completed within five years of the first development order approval.
- 8. Indigenous Monitoring Plan
 - a. If the proposed restoration plantings fail in the wet season, then prior to the issuance of a Certificate of Completion for the indigenous wetland creation areas, the developer must provide temporary above ground irrigation. The type of irrigation is subject to the approval of Community Development staff.
 - b. The applicant must submit an indigenous monitoring report every year for ten years after the initial time zero report.
- 9. Vegetation Removal Permit
 - a. The applicant or successor must submit a Vegetation Removal Permit that includes a map depicting the mechanical and hand-removal areas for exotic vegetation removal within the proposed preserve and restoration areas. Mechanical clearing must be limited to non-indigenous preserve areas and any native vegetation must be protected by tree barricades.
 - b. For development that proposes impact to wetlands, construction may not commence until the issuance of required state permits. Development activity must remain in compliance with applicable state wetland permits and applicable local development permits. If impacts to wetlands are not permitted by the State, or if issued state wetland permits are inconsistent with the proposed impacts to wetlands depicted within local development permit approvals, Developer must amend local development permit approvals to be consistent with issued state wetland permits or applicable Lee Plan and Land Development Code regulations pertaining to development within wetlands.
- 10. Recording of Conservation Easement.
 - a. Upland Preserves: Developer must submit copies of proposed conservation easements over upland indigenous preservation areas depicted on the Master Concept Plan with the first development order application. The conservation

easement must be dedicated to Lee County and recorded prior to issuance of the Certificate of Compliance for the infrastructure.

- b. Wetland Preserves: Developer must submit copies of the proposed conservation easement over wetland indigenous preservation areas depicted on the Master Concept Plan with the first development order application. The conservation easement must be dedicated to the South Florida Water Management District, grant third party enforcement rights to Lee County, and be recorded prior to issuance of the Certificate of Compliance for the infrastructure.

11. Floodplain Storage

Prior to local development order approval, the developer must provide a Stormwater Report that includes:

- a. Pre-Development Drainage Analysis with:
 - i. Drainage Map for all contributory areas, including offsite inflow areas;
 - ii. Flow-paths;
 - iii. Existing Structures;
 - iv. ICPR Modeling of 5yr-24hr, 10yr-24hr, 25yr-3day, 100yr-3day storm events; and
 - v. Pre-development stormwater conditions.
- b. Post Development Drainage Plan with:
 - i. Drainage Map for all contributory areas with proposed upland improvements, wetland and upland creation areas, proposed grading elevations, and construction details of all structures and pipes;
 - ii. Structures, weirs, pipes and swales to maintain a viable hydroperiod in the conservation area;
 - iii. ICPR Modeling of 5yr-24hr, 10yr-24hr, 25yr-3day, 100yr-3day storm events; and
 - iv. Post-development stormwater conditions.
- c. Profiles and Sections Plans demonstrating compliance with the following criteria:
 - i. Any existing offsite flows through the project area will be maintained during and following construction of the development;
 - ii. The development provides SFWMD-required water quantity in the lake system and not in the conservation easement areas; and
 - iii. Proposed engineering systems (e.g., wet-retention and dry-detention areas, structures, weirs, pipes, swales, and other conveyances) ensure a hydroperiod in the conservation easement suitable to meet stormwater needs of the plant community.

12. North and East Buffers

Development order plans must depict an enhanced Type B buffer along the north and east property lines that includes an eight foot high, opaque wall that is set back 15 feet from the property line. The landscape vegetation must include five trees per 100 linear feet and a double hedgerow. The landscape vegetation must be specified on the development order plans to comply with LDC Section 10-420.

13. State Road 31 Buffer

Development order plans must depict a Type D buffer along State Road 31 that includes a 15-foot-wide buffer with five trees per 100 linear feet and a double staggered hedge. If the preservation and/or creation areas are used to meet the buffer requirements, the upland and wetland restoration plants must meet the installation specifications established in LDC Section 10-420.

14. Lake Bank Slopes

Development order plans must provide detailed drawings of the 4:1 lake bank slope stabilization methods with compensatory littoral plantings provided in accordance with LDC Section 10-418(3). Compensatory littoral plantings must be provided regardless of the type of lake bank slope stabilization method implemented at time of development.

15. Dead-End Streets

At the time of the local development order application submittal depicting the dead-end roadway, the applicant must provide a letter of no objection from the fire department having jurisdiction.

Section B. – Deviations

1. **Deviation (1)** seeks relief from Lee County Land Development Code (LDC) Section 10-329(d)(1)a.3, which requires water retention or detention excavations to be a minimum of 50 feet from any private property line under separate ownership, to allow a minimum of 25 feet from private property lines.

This deviation is **APPROVED** subject to Condition 12.

2. **Deviation (2)** seeks relief from Lee County Land Development Code (LDC) Section 10-329(d)(4), which requires lake banks to be sloped at a 6:1 ratio from the top of bank to water depth of two feet below the dry season water table, to allow for a minimum ratio of 4:1 slope.

This deviation is **APPROVED** subject to Condition 14.

3. **Deviation (3)** seeks relief from Lee County Land Development Code (LDC) Section 10-296(k)(1), which requires dead-end streets to be closed at one end by a circular turnaround for vehicles, to allow a dead-end street in two locations to be hammerhead turnaround as depicted on the Master Concept Plan.

This deviation is **APPROVED** subject to Condition 15.

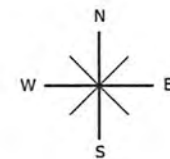


DCI2021-00051

Aerial

 Subject Property

ATTACHMENT D



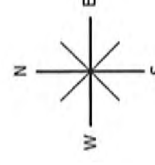
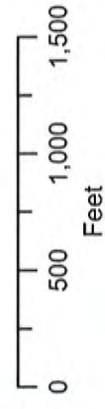
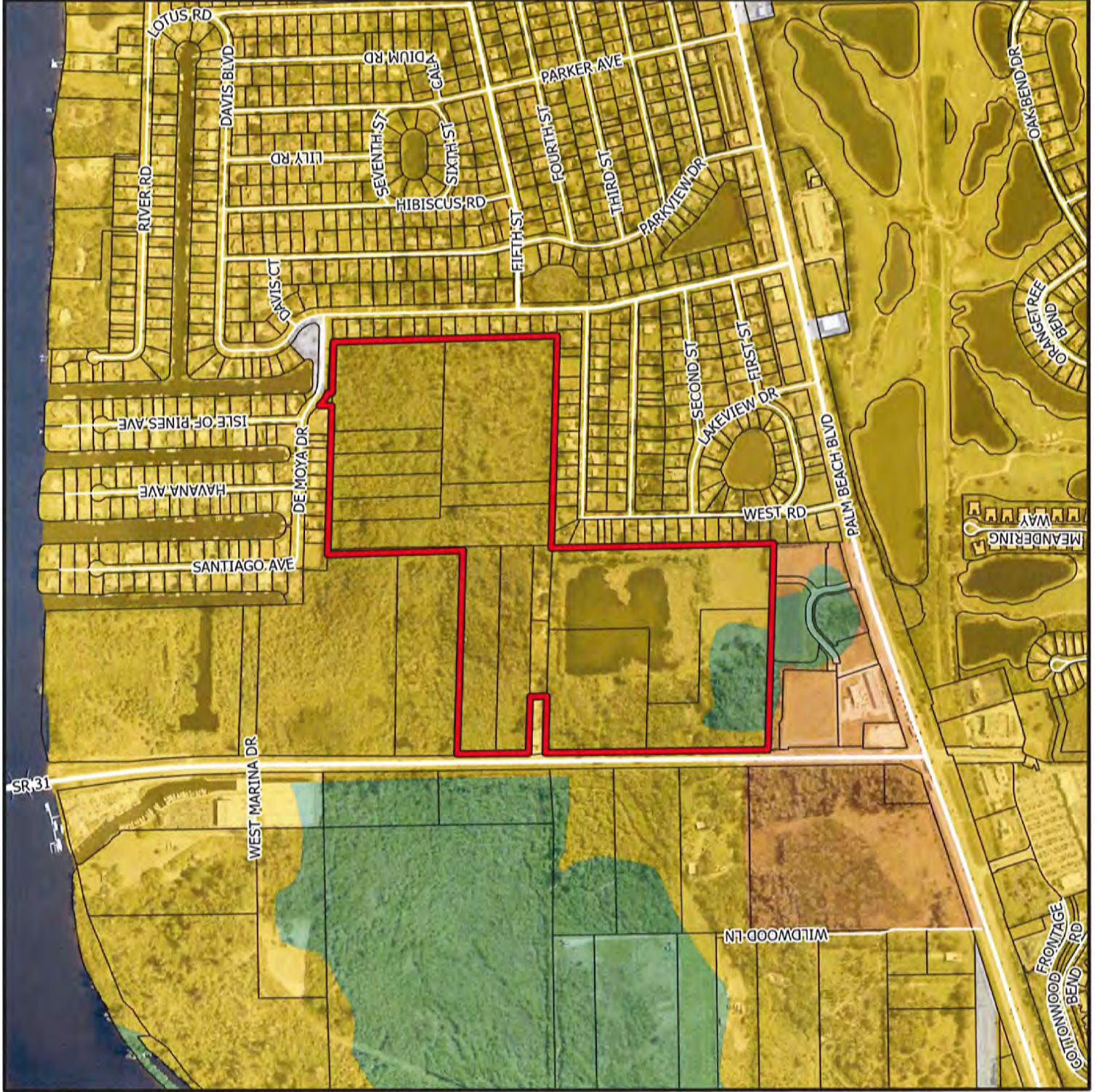
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Feet



DCI2021-00051

Future Land Use

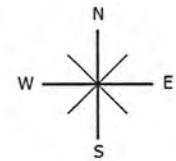
- Subject Property
- Urban Community
- Suburban
- Public Facilities
- Wetlands



DCI2021-00051
Mixed Use Overlay



-  Subject Property
-  Mixed Use Overlay

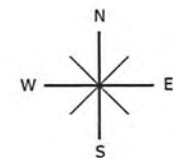


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US Feet

DCI2021-00051

Zoning

 Subject Property



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Feet





31 OAKS RPD Request Statement

Revised January 2023

I. REQUEST

The Marina Del Lago RPD is currently comprised of 49.62+/- acres and allows for the development of up to 140 dwelling units pursuant to Zoning Resolution Z-06-050. The Applicant is requesting approval to amend the RPD to rezone several adjacent properties into a unified development of approximately 88.3+/- acres. This will result in an RPD amendment and rezoning of the assemblage from Agricultural (AG-2) and Residential Planned Development (RPD) to RPD to allow for the development of a residential community with private, on-site recreational amenities, wetland preserves and supportive infrastructure. It is also proposed to rename the RPD to "31 Oaks RPD." This will allow for the construction of residential uses and ancillary uses while also providing for reduced wetland impacts and improved floodplain compensation compared to previous plans/zoning approvals. The request does not require any changes to the future land use categories.

This amendment request will include a Master Concept Plan, zoning conditions, and schedule of deviations to accommodate the development of the site with single-family and two-family attached dwellings or townhomes and associated community amenities. The amendment request is for a maximum of 342 townhome units or 265 single-family and two-family attached dwelling units with a maximum building height of 35 feet and will connect to Lee County Utilities for sanitary sewer and potable water.

The current combination of AG-2 and RPD zoning will not allow residential development at intensities comparable to surrounding development and is inconsistent with the underlying Suburban Future Land Use Category (FLUC). Moreover, the need to avoid impacts to wetlands on the Property requires the combination of these properties into a unified development, which can only be achieved through rezoning to a Planned Development Zoning District. The proposed RPD amendment allows for the requisite flexibility to fully develop the Property in accordance with market demand for residential uses in the Caloosahatchee Shores Planning Community and in a coordinated manner with the surrounding community. The community will also allow for infill development in an area of the County well-served by available public infrastructure.

II. EXISTING CONDITIONS

The 31 Oaks RPD property ("Property") is comprised of 88.3 +/- acres under separate ownership and within different zoning districts and located on the east side of SR 31, approximately ¼ of a mile north of Palm Beach Blvd. in unincorporated Lee County, Florida.

The 88.3 +/- acre property is located within the Suburban and Wetlands Future Land Use categories. The subject property is partially vegetated and includes a lake in the southern portion of the property. The Property will be accessed from SR 31 to the west (a two-lane arterial road), with secondary

ingress/egress from a connection to Storage Bay Dr. and Merchandise Way (the reverse frontage road) to the south of the property which provides access to both SR 31 and SR 80.

The surrounding land use pattern generally consists of residential uses, vacant agriculturally zoned properties and commercial properties, as further described below:

Table 1: Inventory of Surrounding Lands

	FUTURE LAND USE	ZONING	EXISTING LAND USE
NORTH	Suburban	Agriculture (Ag-2); Multi-Family Residential Planned Development (RPD); Residential Single-Family (RS-1)	Vacant Properties (AG-2 and Caloosahatchee Preserve RPD); Single-Family Residential
SOUTH	Urban Community; Wetlands	Commercial Planned Development (CPD)	Race Trac gas station; future commercial development (SR 80/31 CPD)
EAST	Suburban	Residential Single-Family (RS-1)	Single-Family Residential
WEST	Wetlands; Urban Community; Suburban	Agriculture (Ag-2); Community Commercial (CC); Commercial Planned Development (CPD)	Developed and Undeveloped Agricultural Parcels; Bar/Nightclub; undeveloped commercial property

III. PROPERTY HISTORY

The northern 49.62 acres of the property is zoned Marina Del Lago RPD and allows for the development of up to 140 single-family dwelling units and boat trailer parking pursuant to Zoning Resolution Z-06-050. The central portion of the property made up of two parcels which have maintained the original AG-2 zoning.

The southern portion of the Property is also currently zoned AG-2. This portion of the property was the subject of a previously withdrawn zoning petition for multi-family development and retail commercial uses (DCI2005-00040).

IV. PUBLIC INFRASTRUCTURE

As outlined in the enclosed application, the Property is serviced by public infrastructure that can accommodate the proposed residential units. Potable water and sanitary sewer services will be provided by Lee County Utilities. A Letter of Availability of service from Lee County Utilities is attached. The Property has direct access to SR 31, a state-maintained arterial roadway under planning for future improvements/expansion to accommodate development in the immediate area. There are adequate public facilities and services in the immediate vicinity of the project to serve the proposed development in terms of schools, fire, EMS and Sheriff's protection.

V. REZONING JUSTIFICATION

The proposed amendment request allows the Property to be developed in a similar manner to the surrounding properties. The SR 31 corridor is experiencing rapid growth and development and the current combination of AG-2 and RPD zoning will not allow for the coordinated development of the Property.

The proposed amendment strikes a balance between providing for the continuation of suburban development as anticipated by the Lee Plan, while protecting against potential impacts from coastal flooding within the Coastal High Hazard Area through the enhanced stormwater management design. See the Lee Plan Compliance Narrative below for more information regarding compliance with Coastal High Hazard Area policies.

The proposed MCP provides for significant preservation of wetlands, rare and unique uplands, heritage trees, and open space while also providing for decreased intensity over previously proposed or approved development on the Property.

The community will be accessed from SR 31 as the main point of ingress/egress for future residents. The entry is intended to be gated with the internal roadway network to be privately maintained. A second gated access is proposed to Storage Bay Drive to the south. The proposed roadways will meet the design standards set forth in Chapter 10 of the LDC. Sidewalk and bikeway facilities will comply with the minimum requirements and options set forth in Chapter 10 of the LDC.

A maximum 342 townhouse dwelling units or 265 single-family and two-family attached dwelling units are proposed, which are planned around open space and preserve areas to accommodate preservation of the higher quality wetlands on the Property. All unit types are limited to a maximum height of 35 feet in order to maintain compatibility with the single-family neighborhood (Fort Myers Shores Unit 1) to the east and south.

Proposed wetland impacts are based on the best available information. It is understood that if future jurisdictional determinations identify additional wetland impacts, the resulting available density will be changed as identified in Table 1(a). The proposed density is well below the maximum achievable density. Thus, if additional wetlands are determined, the proposed density will still comply with Table 1(a). See the calculation below which demonstrates potential density in a worst-case scenario in which all wetlands are calculated at 1 dwelling unit per 20 acres.

Future Land Use	Acreage	Density	Unit Count
Suburban	65.83 AC	6 DU/AC	394.98 units
Wetlands	22.77 AC	1 DU/20 AC	1.14 units
Total			396 units

Minimum lot sizes and development standards are consistent with similar RPDs approved throughout the County.

After meeting with the surrounding community, the Applicant has committed to a minimum 6-foot-high and maximum 8-foot-high opaque fence and 10-foot-wide vegetative buffer along the northern and eastern property lines. This enhanced buffer is well in excess of the requirements of the LDC, which requires no buffer between single-family projects. This buffer condition is consistent with the previously adopted Condition 6 in Z-06-050 and will provide enhanced screening between the project and the established single-family community to the east. As outlined in the Lee Plan Consistency section of this report, the enhanced buffers also align with the Caloosahatchee Shores policy relating to enhanced landscaping in new development.

A 30-foot-wide Type F buffer is proposed between the cul-de-sac in the northern portion of the property and the adjacent neighboring residential zoned properties in accordance with the Land Development Code to obstruct light and noise impacts to the neighborhood. A 15-foot wide Type B buffer will be provided where townhomes are located adjacent to neighboring residential zoned properties in accordance with the Land Development Code. Preserved and created wetlands along the western property boundary and surrounding the main entrance will provide enhanced views from SR 31 compared to typical landscape buffers.

As proposed the residential uses will be well-screened from surrounding land uses, and the community will be complimentary to the existing neighborhood.

Open space will meet or exceed 40% of the total site area, or 35.3 acres. On-site wetland preserves will comprise the bulk of the required 17.66 acres of indigenous preserve area. The project will exceed the minimum preservation requirements through the provision of 18.38 acres of on-site wetland, upland, and indigenous creation areas, whereas the LDC requires approximately 17.66 acres of on-site preserve. Preserve setbacks will be provided in accordance with the LDC.

Development areas have been designed to minimize impacts to rare and unique uplands and wetlands. While wetland impacts are proposed, these impacts are limited to areas of lower-quality vegetation and where such impacts cannot be avoided due to the internal roadway network. As outlined in this narrative, enhanced stormwater management is provided to offset the proposed wetland impacts that fall in the Coastal High Hazard Area (CHHA).

Three deviations are requested to allow for flexibility relating to the design of the surface water management system and to allow two dead-end streets. The deviations will allow for the efficient use of space in a constrained site to address stormwater design and to protect against impacts in the CHHA as well as providing protection to the surrounding community from traffic impacts.

For these reasons, the proposed amendment is needed to address the unique site constraints of the assembled properties and to ensure compatibility with surrounding development.

VI. PROPOSED USES/DESIGN STANDARDS

The proposed Schedule of Uses allows for townhomes, single-family and two-family attached dwelling types, as well as several uses accessory to the residential development. An amenity center is also centrally located on the Property. Except where deviations are requested, the design standards will meet or exceed the requirements in the LDC and mirror those of typical RPD zoning districts throughout the County.

The project is located within the Caloosahatchee Shores Planning Community; therefore, several planning community-specific design requirements apply to this RPD.

VII. DECISION-MAKING COMPLIANCE

In accordance with LDC Section 34-145(d)(4), the data and analysis provided in the enclosed application demonstrate that the request meets or exceeds the following:

- a) **The request will meet or exceed all performance and locational standards set forth for the proposed residential planned development, except where a deviation has been approved.**

Access will be provided from SR 31, an arterial roadway, and SR 80 via Storage Bay Dr. and Merchandise Way (the reverse frontage road) located to the south of the Property. Public infrastructure and services are available to serve the proposed development. Traffic impacts of the project are discussed in the attached Traffic Impact Statement (TIS) which demonstrates all impacted roadways will function at an acceptable Level of Service. Any off-site improvements required by the project will be addressed at the time of local development order review.

The request for the development of 342 townhouse units or 265 single-family and two-family attached dwelling units is located within the Suburban FLUC and is intended for the continuation of the surrounding existing and planned development pattern. The request is consistent with the goals, objectives and policies of the Lee Plan, as outlined in this application.

Three deviations are requested and further explained in the attached Deviation Justification Narrative. The deviations are limited to that required to accommodate a site plan which maximizes the use of space available for stormwater management and the preservation of wetlands and surrounding community character.

- b) **Complies with the Lee Plan.**

The request will allow for residential development in accordance with the Suburban and Wetland FLUCs and other relevant Goals, Objectives, and Policies. Densities account for the limited wetland impact areas and comply with Table 1(a) outlining Residential Densities and Table 1(b), which accommodates 1,810 acres of residential development in the Suburban

FLUC within the Fort Myers Shores Planning Community. Additional Lee Plan consistency analysis is provided below.

c) Meets this Code and other applicable County regulations or qualifies for deviations.

The request includes proposed development standards, deviations, and conditions in compliance with the LDC and the Caloosahatchee Shores Planning Community regulations. As outlined in the Deviation Justification Narrative, requested deviations will fully meet the intent of the LDC.

d) Is compatible with existing and planned uses in the surrounding area.

The request will ensure that the property is developed with uses similar to neighboring properties. The proposed RPD includes development standards which comply with the Caloosahatchee Shores Planning Community regulations. Perimeter setbacks and buffers will be provided to the adjacent to the properties. The zoning conditions and LDC requirements have adequately addressed any potential impacts on adjacent uses.

e) Will provide access sufficient to support the proposed development intensity.

A Traffic Impact Statement (TIS) is attached which demonstrates that the proposed access is sufficient to support the proposed development activity. The request proposes two access points, one on SR 31 and the other on SR 80 via a reverse frontage road. These access points meet the requirement in LDC section 10-291 that residential development of more than five acres must provide more than one means of ingress or egress for the development.

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

The attached TIS has demonstrated that all analyzed roadways are projected to operate at acceptable Level of Service even with the worst-case-scenario of 265 single-family and two-family attached dwelling units. The TIS also demonstrates the need for northbound and southbound left turn lanes on SR 31 to accommodate the proposed development.

Sidewalk and bikeway facilities will comply with the minimum requirements and options set forth in Chapter 10 of the LDC.

The project will require development order approvals prior to site development activities. The project's impacts will be evaluated at that time in accordance with the LDC.

g) Will not adversely affect environmentally critical or sensitive areas and natural resources.

The proposal makes efficient use of this infill site intended for development per the Suburban FLUC while ensuring environmentally critical areas and natural resources are protected.

The Project site includes 22.77 acres of wetlands which are degraded due to infestation of exotic vegetation. The MCP demonstrates the preservation of 13.48 acres of wetlands and the creation of 4.48 acres of wetlands.

The Project site contains 285 heritage trees, and the project will comply with the LDC standards for preservation and/or mitigation. Prior to the start of preserve enhancement activities, heritage trees located within the upland and wetland indigenous preservation areas will be identified with orange survey ribbon and retained in place as identified in the Indigenous Preserve Management Plan.

The Project site contains 6.09 +/- acres of rare or unique upland habitat. Preserve and open space areas have been designed to retain these areas to the maximum extent possible. An Indigenous Preserve Management Plan for these areas is attached.

The attached Protected Species Survey demonstrates the existence of Gopher Tortoise on the property. A Gopher Tortoise Management Plan is attached. On-site and off-site gopher tortoise relocation options will be coordinated with the Florida Fish and Wildlife Conservation Commission, and if relocation of the tortoises is needed, it will be conducted in accordance with the FWCC's Gopher Tortoise Permitting Guidelines.

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

Public infrastructure and services are available to service the proposed development. This property is located within the Suburban FLUC. This area is programmed to include predominantly residential uses. As such Lee County Utilities has adequate services for the proposed residential density.

The property is served by the Ft. Myers Shores Fire District with Station #81 and Lee County EMS Medic 11 station located on Palm Beach Blvd. The Lee County Sheriff provides service in Central District - Zone 6.

The data and analysis provided in the enclosed application also demonstrates that the request meets or exceeds the following Planned Development Rezoning review criteria.

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

The Suburban FLUC allows for predominantly residential uses. This request does not include any non-residential uses. Moreover, the development of residential dwellings on the 88.3+/- acre property is appropriate for this location which provides for compatibility with neighboring single-family residential developments.

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

The proposed conditions identify rare and unique uplands and heritage tree preservation as well as wetland preservation and stormwater management which are sufficient and reasonably related to the impacts on the public interest.

- k) **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 Applicant has proposed three deviations related to site design standards for the surface water management system and to allow two dead-end streets. As described in the attached Deviations and Justification, the intent of these deviations is to allow for flexibility relating to the design of the surface water management system. The deviations will allow for the efficient use of space in a constrained site to address stormwater design and to protect against impacts in the CHHA.

VIII. LEE PLAN COMPLIANCE

The following is an analysis of the RPD's consistency with goals, objectives and policies of the Lee County Comprehensive Plan (Lee Plan).

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.

The Property is located in the Suburban FLUC, as shown in the attached Existing Future Land Use Map. This request is limited to residential dwellings at 3.87 du/acre which is below the maximum permitted density in this FLUC and provides for a range of residential dwelling types that comply with the intended uses for this category. Infrastructure and public services are available to serve the property.

POLICY 1.5.1: Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 124 of this plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII of this plan.

The attached proposed density calculations for the 31 Oaks RPD utilize a density calculation for impacted wetlands of 1 du/20 acres. Therefore, the proposed RPD is consistent with this policy.

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, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.*

The proposed amendment and rezoning will allow for a clustered and logical development pattern in an area readily serviced by public infrastructure, in direct compliance with the above policy. As outlined in detail within the application, the project represents an infill development within an urbanized area of Lee County and is surrounded by other residential and non-residential development. Development within the project is clustered primarily within existing uplands, representing a compact development footprint.

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 F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance.*

The Property is contiguous to developed or developing properties on three sides of the project, representing infill development of this future suburban area. The attached letter of availability demonstrates the availability of potable water and sanitary sewer services to support the proposed density. Additionally, the attached Public Infrastructure Map demonstrates the Property is in the vicinity of adequate public facilities and public investment. Therefore, the proposed amendment and rezoning fully complies with the above policy's intent to direct new growth to appropriate Future Urban Areas of the county.

POLICY 2.2.1: *Rezoning 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 road network in the region has been specifically constructed to support a mix of residential uses and commercial uses in the area. The requested density falls below the maximum density allowed by the Suburban FLUC.

Lee County utilities has both sewer and water infrastructure available to the property with capacities to serve the previously approved density and the surrounding area approved zoning. The property is near existing networks, utility services and compatible, similar land uses.

There are adequate public facilities and services in the immediate vicinity of the project to serve the proposed development in terms of schools, fire, EMS and Sheriff's protection. EMS and fire stations are within one mile of the Property.

GOAL 4

STANDARD 4.1.1 & 4.1.2: WATER & SEWER

The attached Letter of Availability from Lee County Utilities demonstrates that potable water and sanitary sewer services are available for the Property.

GOAL 5: RESIDENTIAL LAND USES. To accommodate the projected population of Lee County in the year 2045 in appropriate locations, guided by the Future Land Use Map, and in attractive and safe neighborhoods with a variety of price ranges and housing types.

POLICY 5.1.1: Residential developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as planned developments except if located within the Mixed Use Overlay.

The Application is to amend the Marina Del Lago RPD and rezone several properties to a unified Residential Planned Development in accordance with this policy.

POLICY 5.1.2: Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.

While the Property is located in the Coastal High Hazard Area, the proposed density is far below the maximum allowable density under the Suburban FLUC. The proposed amendment protects against impacts from coastal flooding by providing enhanced stormwater design and storage that offsets potential impacts. We are not proposing to exceed allowable maximum density permitted by the underlying FLUCs. Additionally, impacts to hurricane shelters will be addressed through the impact mitigation requirements in LDC Section 2-485.

POLICY 5.1.4: Prohibit residential development in all Industrial Development areas and Airport Noise Zone B as indicated on the Future Land Use Map, except for residences in the Industrial Development area for a caretaker or security guard.

The Property is not located in an Industrial Development area or in Airport Noise Zone B.

POLICY 5.1.5: Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments.

The request is intended to allow for the development of townhomes or single-family residential dwellings on the 88.3+/- acre property. The request will ensure that the property is developed with uses similar neighboring properties, thereby protecting the character and integrity of the existing communities.

The Applicant has proposed development standards including buffers, lakes, and setbacks to adjacent development, consistent with the LDC. A 30-foot Type F buffer will visually screen the residentially zoned properties from the cul-de-sac ROW. The preservation of existing native vegetation will result in additional setbacks and visual screening to surrounding development over and above code requirements, where provided. The Applicant has limited the request to townhomes, single-family detached and two-family dwelling types to address compatibility with the abutting ¼-acre lots; whereas the Lee Plan would support higher density dwelling types.

The project will not negatively impact surrounding land uses due to the similarity of uses and density. The zoning conditions and LDC requirements have adequately addressed any potential impacts on adjacent uses.

POLICY 5.1.7: Maintain development regulations that require that community facilities (such as park, recreational, and open space areas) in residential developments are functionally related to all dwelling units and easily accessible via pedestrian and bicycle pathways. These pathways must be interconnected with adjoining developments and public pathways whenever possible. Townhouses, condominiums, apartments, and other types of multi-family residential development must have directly accessible common open space.

The proposed RPD includes open space, internal sidewalks, a community amenity center, and other recreational facilities. Sidewalks are provided in accordance with the standards in

LDC Chapter 10 and provide pedestrian and bicycle connections to SR 31. All open space and amenities will be directly accessible to all residents within the RPD.

GOAL 21: CALOOSAHATCHEE SHORES COMMUNITY PLAN. Protect the existing character, natural resources and quality of life in the Caloosahatchee Shores Community Plan area, while promoting new development, redevelopment and maintaining a more rural identity for the neighborhoods east of I-75 by establishing minimum aesthetic requirements, planning the location and intensity of future commercial and residential uses, and providing incentives for redevelopment, mixed use development and pedestrian safe environments.

POLICY 21.1.1: Maintain Land Development Code regulations that provide for enhanced landscaping, signage and architectural standards consistent with the goal of maintaining an old Florida rural identity. The preferred architectural style for all buildings in commercial developments is Florida vernacular.

The proposed RPD will comply with all planning community regulations for the Caloosahatchee Shores Planning Community. No deviations are requested from Chapter 33 of the LDC.

Per Section 10-416 of the LDC, proposed single-family development (which includes both single-family detached and two-family attached) does not require a buffer when abutting existing single-family lots. Therefore, the proposed 10-foot native buffer is an enhancement from the requirements of the LDC and is in direct compliance with the intent of Lee Plan Policy 21.1.1 to provide for enhanced landscaping and uphold the Old Florida character of the Caloosahatchee Shores community.

A 15-foot-wide Type B buffer will be provided where townhomes are located adjacent to existing single-family uses.

Preserved and created wetlands will provide enhanced views along SR 31 compared to typical landscaped buffers, meeting the intent of this policy.

POLICY 21.1.2: Any deviation from landscaping, buffering, signage or architectural requirements may not be granted unless the request meets the approval criteria for variances set forth in Chapter 34 of the Land Development Code.

No deviations are requested from the Caloosahatchee Shores Planning Community regulations for landscaping, buffering, or signage in the proposed RPD. As noted above, the project proposed enhanced buffers adjacent to existing residential to the south and east, as well as enhanced buffers along SR 31, where applicable.

POLICY 21.3.1: Maintain Land Development Code regulations that provide for greater buffering between adjacent commercial and residential uses except for in mixed use developments.

Proposed buffers within the RPD comply with the buffering requirements in the LDC. The project is adjacent to non-residential uses to the south.

OBJECTIVE 60.1: SURFACE WATER. Develop a surface water management program that is multi-objective in scope, geographically based on basin boundaries, and incorporates the requirements of applicable adopted Basin Management Action Plans.

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

A surface water management system is proposed which will provide water quality treatment before discharging into onsite wetlands.

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

The proposed RPD includes wetland preservation areas which will maintain existing flowways and associated habitats to the maximum extent practicable. The proposed RPD also incorporates wetland creation areas which will augment existing natural surface water flowways.

OBJECTIVE 60.4: INCORPORATION OF NATURAL SYSTEMS INTO THE SURFACE WATER MANAGEMENT SYSTEM. Incorporate natural systems into surface water management systems to improve water quality, air quality, water recharge/infiltration, water storage, wildlife habitat, recreational opportunities, and visual relief.

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 proposed RPD includes a surface water management plan that complies with all LDC design standards.

POLICY 60.4.2: The County encourages new developments to design their surface water management system to incorporate existing wetland systems.

The RPD provides 13.48 acres of wetland preservation and 4.48 acres of wetland creation throughout the project. These areas are proposed to maintain connectivity with the larger wetland system on and off site.

POLICY 60.4.3: The County encourages the preservation of existing natural flow-ways and the restoration of historic natural flow-ways.

The existing wetlands are proposed to be preserved to the maximum extent possible. Wetland preservation areas will not be disconnected from the surrounding wetland system.

POLICY 61.1.1: Lee County recognizes that all fresh waters are a resource to be managed and allocated wisely, and will support allocations of the resource on the basis 1) of ensuring that sufficient water is available to maintain or restore valued natural systems, and 2) of assigning to any specified use or user the lowest quality freshwater compatible with that use, consistent with financial and technical constraints.

The Applicant will obtain an Environmental Resource Permit from the South Florida Water Management District. The master drainage system and established conservation areas proposed in this amendment request, and which will be established through the ERP and subsequent development orders, are designed in compliance with this policy.

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.

Consistent with Lee Plan Policy 101.1.1 and Objective 123.3, the Project site plan, in conjunction with the activities proposed within the Indigenous Preserve and Protected Species Management Plan, was designed to be compatible with surrounding natural systems and will protect and continue to provide functions including water retention and purification, and defense against flooding through the preservation of 18.38 acres of wetlands, wetland creation areas and upland habitat on-site and through the construction of a permitted stormwater management system and will provide long-term protection of wildlife habitat. The site plan was designed to protect and maintain the function of the on-site wetland areas and adjacent upland habitat and provide a connection to proposed off-site preservation areas located to the north.

POLICY 101.1.2: Protect and conserve the following environmentally sensitive coastal areas: wetlands, estuaries, mangrove stands, undeveloped barrier islands, beach and dune systems, aquatic preserves, wildlife refuges, undeveloped tidal creeks and inlets, critical wildlife habitats, benthic communities, and marine grass beds.

As required by Lee Plan Policy 101.1.2, the site plan protects environmentally sensitive areas through the preservation and enhancement of 18.38 acres of on-site

wetlands, wetland creation areas and upland habitat. The wetland areas, in combination with adjacent upland areas, will be protected in perpetuity through a conservation easement. The Project does not contain estuaries, mangrove stands, undeveloped barrier islands, beach and dune systems, aquatic preserves, wildlife refuges, undeveloped tidal creeks and inlets, critical wildlife habitats, benthic communities, or marine grass beds.

OBJECTIVE 101.3: DEVELOPMENT IN COASTAL AREAS. Protect human life and property from natural and man-made disasters.

POLICY 101.3.2: Restrict development in the Coastal High Hazard Area to uplands except as needed for the provision of public facilities.

A portion of the project is within the Coastal High Hazard Area (CHHA). The proposed project includes development that impacts approximately 9.29 acres of wetlands within the CHHA. A previous ERP was obtained related to the Marina Del Lago RPD, which allowed for 4.58 acres of wetland impacts (Permit 36-06750-P). Staff and the applicant are in agreement with the proposed condition which requires an amendment to this ERP to reflect approval of the additional wetland impacts prior to approval of the Local Development Order. As a result, development within the 9.29 acres of wetlands is anticipated to be permitted by the State Agency (SFWMD) through the issuance of an amended ERP.

As has previously been identified by County staff, Policy 101.3.2 establishes a limitation on development in the CHHA to uplands, but does not address development in approved impacted wetlands in the CHHA (see attached memos from the Department of Community Development to the Chief Hearing Examiner in reference to DCI2021-00050 dated January 6, 2023, and DCI2021-00029 dated January 9, 2023). Instead, guidance for permitting wetland impacts in the CHHA must rely on the Wetlands policies in Goal 124. As identified below, Lee Plan Policy 124.1.2.2 states that "... Development orders and development permits authorizing development within wetlands or lands located within the Wetlands future land use category may be issued subject to a condition that construction may not commence until issuance of the required state permits." (emphasis added). Based on this Policy, County staff has previously opined that state-permitted and mitigated impacts to wetlands are treated as developable uplands for development purposes. When coupled with a condition which requires a state permit for such impacts prior to commencement of construction, and read in conjunction with Policy 124.1.2, wetland impacts that have been permitted through the SFWMD comply with the restriction of development to uplands in Policy 101.3.2.

As a result, the proposed condition that construction may not commence until issuance of the required state permits ensures that all development within the CHHA will be limited to uplands in compliance with this policy. If the CHHA wetlands impacts

are not approved, then development would be restricted to upland areas and areas where wetland impacts have been approved.

In addition to the above analysis, the development will provide compensating floodplain storage to further ensure that there are no floodplain impacts to surrounding properties due to the wetlands impacted within the CHHA. The attached Floodplain No-Impact analysis demonstrates that the development will not negatively impact surrounding properties and a condition is proposed which requires analysis demonstrating floodplain compensation is provided at the time of Local Development Order.

POLICY 101.3.4: Encourage new residential development, as required by the Land Development Code, to provide continuing information to residents concerning hurricane evacuation and shelters.

A homeowners or residents association will be established to provide continuing information concerning hurricane evacuation and shelters. Additionally, the developer will mitigate impacts to shelter space through the payment schedule outlined in Chapter 2 of the LDC.

OBJECTIVE 123.2: PLANT COMMUNITIES. Maintain and enhance the biodiversity of the natural plant communities within Lee County to create a more resilient and sustainable ecosystem.

POLICY 123.2.4: Encourage the protection of viable tracts of sensitive or high-quality natural plant communities within developments.

POLICY 123.2.6: Avoid destruction of upland vegetation communities including coastal and interior hammocks through consideration of alternative site design layouts.

POLICY 123.2.8: Promote the long-term maintenance of natural systems through such instruments as conservation easements, transfer of development rights, restrictive zoning, public acquisition, and appropriate other means.

POLICY 123.2.13: Promote optimal conditions rather than minimum conditions for the natural system as the basis for sound planning.

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

Lee Plan Article XIII.a. provides that:

"A development order ... will be deemed consistent with the comprehensive plan if the land uses, densities or intensities, and other aspects of development ... are

compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan, and if it meets all other established regulatory requirements of the County. Where goals, objectives, or policies of particular elements conflict, those conflicts will be resolved based on an analysis of the Lee Plan as a whole."

Internal consistency and compatibility within the Lee Plan requires the balancing of competing goals, objectives and policies. *Policy 101.3.2* (restricting development in the coastal high hazard area to uplands except as needed for the provisions of public facilities) and *Policy 123.2.15* (protecting rare and unique upland habitats from development impacts, to the maximum extent possible, through conservation and or site design) provide an example of the need to balance competing policies when both types of habitat are present. Protecting these distinctly different habitats "to the maximum extent possible" enhances the conservation of plant communities and stormwater management facilities, effectively equivalent to "the provision of public facilities."

While it is not possible to completely avoid all impacts to these two distinct plant communities due to the constraints of the site, the Master Concept Plan creatively balances the protection of each plant community with minimal impact to each community, thus protecting both communities to the maximum extent possible.

The objective of protecting human life and property within the CHHA is achieved through site planning which reduces permissible residential densities in order to provide for enhanced flood and stormwater management and storage capacity. The maximum density capacity permissible for the site is 474 units, yet the amendment adds nearly 40 acres to the RPD while it proposes only a total of 265 single family or 342 multi-family units.

In compliance with Objective 123.3 of the Lee Plan, the protection and enhancement of the on-site preserve will maintain the function of the on-site wetland and upland preservation areas. It will also provide perpetual protection of wildlife habitat, which will be available for utilization by various common and protected wildlife species including, but not limited to, amphibians species, reptiles species, small mammal species, and avian species, including wading birds. The enhancement and long-term protection of the 18.38± acre on-site preserve area will help to maintain wildlife diversity in Lee County, in compliance with Objective 123.3 of the Lee Plan.

OBJECTIVE 123.3: WILDLIFE. Maintain and enhance the fish and wildlife diversity and distribution within Lee County for the benefit of a balanced ecological system. (Ord. No. 94-30, 18-28)

In compliance with Objective 123.3 of the Lee Plan, the protection and enhancement of the on-site preserve will maintain the function of the on-site wetland and upland preservation

areas. It will also provide perpetual protection of wildlife habitat, which will be available for utilization by various common and protected wildlife species including, but not limited to, amphibians species, reptiles species, small mammal species, and avian species, including wading birds. The enhancement and long-term protection of the 18.38± acre on-site preserve area will help to maintain wildlife diversity in Lee County, in compliance with Objective 123.3 of the Lee Plan.

OBJECTIVE 123.6: SOUTHERN BALD EAGLES. Monitor Southern bald eagle nesting activity and offer incentives to conserve buffer areas around Southern bald eagle nests.

There are no bald eagle (*Haliaeetus leucocephalus*) nests located on or within the immediate vicinity of the proposed Project.

OBJECTIVE 123.8: GOPHER TORTOISES. Restore and maintain secure, viable populations of Gopher Tortoises in Lee County.

Please see the attached Indigenous Preserve and Protected Species Management Plan that was prepared for the Project. On-site and off-site gopher tortoise relocation options will be coordinated with the Florida Fish and Wildlife Conservation Commission, and if relocation of the tortoises is needed, it will be conducted in accordance with the FWCC's Gopher Tortoise Permitting Guidelines.

OBJECTIVE 123.10: WOOD STORK. Lee County will maintain regulatory measures to protect the wood stork's feeding and roosting areas and habitat.

No wood stork (*Mycteria americana*) rookeries or roosting areas were documented on the Project site. Compensation for impacts to wood stork foraging habitat will be provided through the enhancement and preservation of on-site wetland areas, or through the purchase of credits from a wetland mitigation bank. Additionally, the enhancement and preservation of wetland areas on site and the creation of additional wetlands within the onsite preserve will provide and protect potential foraging habitat for woods storks and other wading birds. The proposed stormwater system will comply with all design requirements in the LDC, including the littoral planting requirements, which provides potential forage areas.

OBJECTIVE 123.11: FLORIDA PANTHER. Develop strategies to protect the Florida panther.

No Florida Panthers (*Puma concolor coryi*) have been documented on the Project site. In addition, the Project is located outside of the USFWS Florida Panther Focus Area.

OBJECTIVE 123.12: FLORIDA BLACK BEAR. Maintain sustainable black bear populations in suitable habitats and promote connectivity between sub-populations.

No Florida black bears (*Ursus americanus floridanus*) have been documented on the Project site.

OBJECTIVE 124.1: Protect and conserve the natural functions of wetlands and wetland systems by maintaining wetland protection regulations.

POLICY 124.1.1: Ensure that development in wetlands is limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions. The maximum density in the Wetlands category is one unit per 20 acres, except that one single family residence will be permitted on lots meeting the standards in Chapter XIII, and except that owners of wetlands adjacent to Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, New Community, Outlying Suburban, and Sub-Outlying Suburban areas may transfer densities to developable contiguous uplands under common ownership (see Table 1(a)).

The proposed development is limited to very low density residential uses. Density is calculated at 1 du/20 acres in all wetlands proposed to be impacted in accordance with table 1(a). Densities from preserved wetlands are transferred to developable contiguous uplands under common ownership at 1 du/6 acres, consistent with the maximum allowable density for the adjacent Suburban Future Land Use Category as identified in this policy and Table 1(a).

POLICY 124.1.2: The County's wetlands protection regulations will be consistent with the following:

2. No development in wetlands regulated by the State of Florida may be commenced without the appropriate state agency permit or authorization. Development orders and development permits authorizing development within wetlands or lands located within the Wetlands future land use category may be issued subject to a condition that construction may not commence until issuance of the required state permits.

A previous ERP was obtained which authorized 4.58 acres of wetland impacts (Permit 36-06750-P) and a condition is proposed which requires that construction may not commence until an amendment to this ERP is obtained to authorize any impacts to wetlands proposed by the MCP.

6. The density on wetlands that have been impacted, or will be impacted, in accordance with a state agency permit will be calculated at a density of one dwelling unit per 20 acres. Nonresidential uses on wetlands that have been impacted, or will be impacted, in accordance with a state agency permit must be consistent with the non-residential uses permitted in the immediately adjacent, least intense, upland future land use category.

The proposed development calculates allowable density based on 6 du/acre for uplands and preserved wetlands and, as mentioned above, a calculation of 1 du/20 acres in all wetlands proposed to be impacted in accordance with table 1(a).

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

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

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

The proposed RPD will include a stormwater lake adjacent to the residential tract to address water quality. The surface water system will also be required to obtain an ERP from the South Florida Water Management District at the time of DO. The proposed amendment will not impact existing infrastructure in the area, and roadways, schools, EMS, potable water and sanitary sewer service are available to serve the property.

The Applicant will be required to amend the existing SFWMD ERP for Marina del Lago (Permit No. 36-06750-P), which includes monitoring requirements. The RPD will comply with these and any additional/revised monitoring requirements that are incorporated into the modified ERP.

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 development of the proposed stormwater management system will provide water quality and water quantity improvements, including the creation of 4.48 acres of created wetlands. The system will be designed so that sufficient flow of water to retain the existing hydroperiods will be maintained. Several drainage easements exist throughout the site, as noted on the MCP, and are used to convey off-site flows. These easements will remain in place and will be incorporated into the surface water management system of the RPD.

For these reasons, the Applicant respectfully requests approval of this PD amendment as proposed.

MEMORANDUM
FROM
THE DEPARTMENT OF
COMMUNITY DEVELOPMENT

TO: Donna Marie Collins
Chief Hearing Examiner

DATE: January 6, 2023

FROM: Elizabeth Workman
Principal Planner

RE: **Greenwell MPD (DCI2021-00050)**

Staff and the applicant have reviewed the Hearing Examiner's Order of Continuance for the above-referenced case and provide the following testimony/evidence to supplement the record:

1. Staff Exhibit 3 - Provide correspondence from the Florida state land planning agency regarding review status of CPA2021-00015.
 - See Attachment A.
2. Revised Master Concept Plan.
 - See Attachment B - applicant's December 22, 2022 e-mail.
3. Revised buffer condition.
 - Applicant and staff have agreed on the following condition that includes minor edits:

8. *Perimeter Buffer*

An enhanced perimeter buffer must be provided abutting conservation lands and residential uses along the east and residential uses to the north and south property lines. The enhanced perimeter buffer along the north, south and east property lines must be consistent with the following:

- a. *North: 30' enhanced Type 'F' buffer within the Non-residential Development Area and 25' enhanced Type 'B' within the Residential Development Area; and*
- b. *South: 30' enhanced Type 'F' buffer within the Non-residential Development Area; and*
- c. *East: 30' enhanced Type 'F' buffer within the Non-residential Development Area.*

The enhanced perimeter buffer must include either an opaque eight-foot-in-height high wall/fence with code minimum landscape plants or 16-foot--in-height high

trees at time of planting and hedges 60 inches-in-height at time of planting and maintained at 72-inches-in-height.

- Staff suggested **NEW** wetland impact condition:

State Wetland Permits

For development that proposes impacts to wetlands, construction may not commence until issuance of required state permits. Development activity must remain in compliance with applicable state wetland permits and applicable local development permits. If impacts to wetlands are not permitted by the State or if issued state wetland permits are inconsistent with proposed impacts to wetlands depicted within local development permit approvals, Developer must amend local development permit approvals to be consistent with issued state wetland permits or applicable Lee Plan and Land Development Code regulations pertaining to development within wetlands.

4. Replacement page for Applicant's PowerPoint addressing project density.
 - See Attachment B - applicant's December 22, 2022 e-mail.
5. The Hearing Examiner requests testimony/evidence necessary on Lee Plan goals, objectives or policies allowing other land uses in wetland within the Coastal High Hazard area (Policy 101.3.2). If such provisions exist within the Lee Plan, present an analysis of the conflicting provisions in the context of the Lee Plan as a whole.

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. (Ord. No. 94-30, 18-28)

OBJECTIVE 101.3: DEVELOPMENT IN COASTAL AREAS. Protect human life and property from natural and man-made disasters. (Ord. No. 92-35, 93-25, 94-30, 00-22, 18-28)

POLICY 101.3.2: Restrict development in the Coastal High Hazard Area to uplands except as needed for the provision of public facilities. (Ord. No. 18-28)

The majority of the subject property is located within the Coastal High Hazard area (CHHA) according to the Lee Plan Map 5-A (see Attachment C). Not all of the subject property within the CHHA is considered wetlands per the South Florida Water Management District formal jurisdictional wetland determination (see Attachment D). Policy 101.3.2 restricts development in the Coastal High Hazard to uplands. The applicant is proposing development of the uplands and wetlands within the property boundaries. The development proposed in the CHHA wetland areas is anticipated to be permitted through the issuance of an Environmental Resource Permit (ERP) by the South Florida Water Management District (SFWMD).

Policy 101.3.2 does not address development approval of impacts to wetlands in the CHHA. The development in wetlands is specifically regulated by Goal 124 and subsequent objectives and policies (see Policy 1.5.1). Policy 1.5.1 provides as follows:

POLICY 1.5.1: Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. **All development in Wetlands must be consistent with Goal 124.** The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII. (emphasis added)

To ensure compliance with the Lee Plan goals, objectives, and policies, the approval of development in wetlands must be consistent with Lee Plan Policy 124.1.2 per the following:

POLICY 124.1.2: The County's wetlands protection regulations will be consistent with the following:

- 1. The County will not undertake an independent review at the development order stage of the impacts to wetlands resulting from development in wetlands that is specifically authorized by a DEP or SFWMD dredge and fill permit or exemption.*
- 2. No development in wetlands regulated by the State of Florida may be commenced without the appropriate state agency permit or authorization. **Development orders and development permits authorizing development within wetlands or lands located within the Wetlands future land use category may be issued subject to a condition that construction may not commence until issuance of the required state permits.*** (emphasis added)
- 3. Lee County will incorporate the terms and conditions of state permits into County permits and will prosecute violations of state regulations and permit conditions through its code enforcement procedures.*
- 4. Every reasonable effort will be required to avoid or minimize adverse impacts on wetlands through the clustering of development and other site planning techniques. On- or off-site mitigation will only be permitted in accordance with applicable state standards.*
- 5. Mitigation banks and the issuance and use of mitigation bank credits will be permitted to the extent authorized by applicable state agencies.*
- 6. **The density on wetlands that have been impacted, or will be impacted, in accordance with a state agency permit will be calculated at a density of one dwelling unit per 20 acres. Nonresidential uses on wetlands that have been impacted, or will be impacted, in accordance with a state agency permit must be consistent with the non-residential uses***

permitted in the immediately adjacent, least intense, upland future land use category.
(Ord. No. 94-30, 00-22, 07-12, 10-20, 10-39, 18-28, 19-13, 19-26) (emphasis added)

Policy 124.1.2 was amended after the adoption of Policy 101.3.2 to clarify the uses permitted within wetlands. Specifically, the Lee Plan was amended to identify uses on property that has been, or will be, impacted through state permits. With the adoption of the 2019 amendments to the Lee Plan, the Plan clearly identifies that development orders and development permits (including approval of rezoning applications) may be approved subject to approval of State Agency permits that permit impacts to the wetlands within the project boundaries.¹ The 2019 amendments to Policy 124.1.2 apply to all wetlands within Lee County and are not restricted to wetlands outside of the CHHA. If approved by the State, the impacted wetlands are treated as uplands for development purposes. As such, the restriction of development to only uplands found under Policy 101.3.2 are met. If impacts to wetlands are not approved through the State Agency, then development may only occur on the uplands and the restrictions placed on development of wetlands under Goal 124 must be followed.

Lee Plan Policy 124.1.2, Notes 2 and 6 recognize that when the state agencies issue a permit to allow impacts to wetlands those wetland areas are treated as uplands. Mitigation is handled through the state agencies (see Policy 124.1.2, Note 5). Therefore, development may be allowed in wetland areas through a state agency permit that includes mitigation. When reviewing density, the County recognizes that the state agencies have permitted impacts to wetlands to create uplands and residential density for an impacted wetland at one unit per 20 acres.

Therefore, when considering the above, the subject property is in compliance with Policy 101.3.2 because a SFWMD jurisdictional wetland determination that indicates the location of the State of Florida wetlands has been submitted, and the state permits impacts through onsite or offsite mitigation. When wetlands are impacted, the state considers these areas developable uplands thus complying with Lee Plan Policy 101.3.2.

6. The Hearing Examiner requests testimony/evidence pertaining to Goal 124.1.1 (Policy 124.1.1) because the policy does not provide for commercial uses. Testimony/evidence must be provided on the Lee Plan goals, objectives, or policies authorizing commercial uses in wetlands. If such provisions exist within the Lee Plan, present an analysis of the conflicting provisions in the context of the Lee Plan as a whole.

POLICY 124.1.1: Ensure that development in wetlands is limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with

¹ In 2011, the State legislature adopted changes to § 125.022, Fla. Stat., that prohibits a county from requiring "as a condition of processing or issuing a development permit or development order that an applicant obtain a permit or approval from any state or federal agency..." Consequently, Lee County cannot prohibit issuance of a local development order or development permit subject to an Applicant acquiring a State permit to impact wetlands. In accordance with the statute cited, the County may only prohibit commencement of the development or construction until issuance of State permits necessary for the development.

wetland functions. The maximum density in the Wetlands category is one unit per 20 acres, except that one single family residence will be permitted on lots meeting the standards in Chapter XIII, and except that owners of wetlands adjacent to Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, New Community, Outlying Suburban, and Sub-Outlying Suburban areas may transfer densities to developable contiguous uplands under common ownership (see Table 1(a)). (Ord. No. 94-30, 00-22, 10-20, 18-06, 18-28, 19-13, 21-09)

Similar to the CHHA upland versus wetlands discussion, Lee Plan Policy 124.1.2, Note 2 relies on the state permitting agencies to allow impacts to wetlands. The County does not conduct an independent review of wetlands and must rely on the issuance of a state agency permit. Once the state permit allows impacts to wetlands, the land that was once wetlands is treated as uplands subject to the use, intensity, and density restrictions of Goal 124. Policy 124.1.2, Note 6 states that “non-residential uses on wetlands that have been **or will be impacted**, in accordance with the state agency permit must be consistent with the non-residential uses permitted in the immediately adjacent, least intense, upland future land use category”. CPA2021-00015 amended the Future Land Use Map (Map “1-A”) to re-designate approximately 265 acres of land, including the subject property, from the Rural and Wetlands Future Land Use categories to the Outlying Suburban and Wetlands Future Land Use categories. The applicant is preserving the portion of the property that is within the Wetlands Future Land Use category (see Attachment E). The jurisdictional wetland determination depicts more wetlands than what is recognized by the CPA2021-00015 map amendment. Impacts to wetlands recognized by the state are proposed to be mitigated through the issuance of a state permit. If the requisite state permit is issued, then the proposed use areas will be treated as uplands and the proposed uses must be consistent with those uses permitted in the immediately adjacent, least intense, upland future land use category.

POLICY 1.1.6: The Outlying Suburban future land use category is characterized by its peripheral location in relation to established urban areas. In general, this category is rural in nature or contains existing low-density development. Some of the requisite infrastructure needed for higher density development is planned or in place. Industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed. (Ord. No. 91-19, 03-20, 03-02, 17-13)

POLICY 1.4.1: The Rural areas are to remain predominantly rural – that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. Natural resource extraction may be permitted in accordance with Policy 10.1.4. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre). (Ord. No. 97-17, 98-09, 00-22, 07-12, 10-20)

As it currently exists, the least intense of the two immediately adjacent future land use categories (FLUC) is the Rural FLUC established by Policy 1.4.1. This category may be used for low density residential uses, agricultural uses, and minimal non-residential uses that are needed to serve the rural community. Density may be transferred from the preserved wetlands to the developable contiguous uplands per Policy 124.1.1. However, if CPA2021-00015 is adopted, then the wetlands proposed to be impacted will be immediately adjacent to lands designated Outlying Suburban.

POLICY 1.1.6: The Outlying Suburban future land use category is characterized by its peripheral location in relation to established urban areas. In general, this category is rural in nature or contains existing low-density development. Some of the requisite infrastructure needed for higher density development is planned or in place. Industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed. (Ord. No. 91-19, 03-20, 03-02, 17-13)

Based on the above analysis, the wetlands located within the commercial portion of the site that are proposed to be impacted and mitigated through the state permitting process are in compliance with Policy 124.1.2, Note 6. The least intense FLUM adjacent to the wetlands if the CPA is approved will be Outlying Suburban. The 400,000 square feet of non-residential uses abutting an arterial road comply with the Outlying Suburban FLUM. Density in Outlying Suburban is three units per acre and the applicant is proposing 122 dwelling units. Preserved wetland acreage is allowed to be transferred to contiguous uplands per Lee Plan Policy 124.1.1. The site has 27.27 acres of state verified wetlands and the applicant proposes to impact 16.56 acres of state wetlands. The total site area is 76.82 acres with approximately 60.56 acres of non-impacted state wetlands. Density for the 60.26 acres is three units per acre (180.78 units). The remaining 16.56 acres of impacted wetland density is calculated at one unit per 20 acres (0.82 units). The applicant could request 181 units and is requesting 122 units. Therefore, the density is in compliance and compatible.

Respectfully Submitted,
Elizabeth A. Workman
Principal Planner, Zoning Section

Attachments:

- A. CPA2021-00015 state correspondence
- B. Applicant's e-mail that includes the revised MCP
- C. Coastal High Hazard Map (Staff Powerpoint, Slide 11)
- D. SFWMD jurisdictional wetland determination
- E. CPA2021-00015 map amendment and text amendment staff report

ATTACHMENT A

Miller, Janet

From: Dunn, Brandon
Sent: Thursday, November 3, 2022 8:51 AM
To: Miller, Janet
Subject: FW: Lee County 22-07ESR Proposed

From: Plan_Review <Plan.Review@dep.state.fl.us>
Sent: Wednesday, October 26, 2022 3:30 PM
To: Dunn, Brandon <BDunn@leegov.com>; dcpexternalagencycomments@deo.myflorida.com
Cc: Plan_Review <Plan.Review@dep.state.fl.us>
Subject: Lee County 22-07ESR Proposed

To: Mr. Brandon Dunn, Principal Planner

Re: Lee County 22-07ESR – Expedited State Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Please submit all future amendments by email to Plan.Review@FloridaDEP.gov. If your submittal is too large to send via email or if you need other assistance, contact Lindsay Weaver at (850) 717-9037.

Lindsay Weaver



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FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
COMMISSIONER NICOLE "NIKKI" FRIED

November 9th, 2022

VIA US MAIL/EMAIL (bdunn@leegov.com)

Lee County
Brandon Dunn
P.O. Box 398
Fort Myers, FL 33902-0398

Re: DACS Docket # 20221013-147-Lee
Lee County
October 13th, 2022

Dear, Brandon Dunn;

The Florida Department of Agriculture and Consumer Services (the "Department") received the above-referenced proposed comprehensive plan amendment on October 10th, 2022 and has reviewed it pursuant to the provisions of Chapter 163, Florida Statutes, to address any potential adverse impacts to important state resources or facilities related to agricultural, aquacultural, or forestry resources in Florida if the proposed amendment(s) are adopted. Based on our review of your county's submission, the Department has no comment on the proposal.

If we may be of further assistance, please do not hesitate to contact me at 850-410-2292.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Poucher", is written over a horizontal line.

Thomas Poucher
Budget Director
Office of Policy and Budget

cc: Florida Department of Economic Opportunity
(SLPA #: Lee 22-07ESR)



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and Wildlife
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Thomas H. Eason, Ph.D.
Assistant Executive Director

Jessica Crawford
Chief of Staff

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800 955-8770 (V)

MyFWC.com

October 24, 2022

Brandon Dunn
Lee County Planning Section
P.O. Box 398
Fort Myers, Florida 33902-0398
bdunn@leegov.com

Re: Lee County 22-07ESR (CPA2021-00015, Greenwell SR31), Comprehensive Plan
Amendment

Dear Mr. Dunn:

Florida Fish and Wildlife Conservation Commission (FWC) staff reviewed the above-referenced comprehensive plan amendment package and provides the following comments and recommendations for consideration in accordance with Chapter 163.3184, Florida Statutes. While there are no objections to the amendment, the following technical assistance information is provided to assist the Department of Economic Opportunity, the County, and any applicants during the amendment review and future project planning.

Project Description

Lee County transmitted a privately initiated comprehensive plan amendment for the Greenwell Property to change the Future Land Use Map (FLUM) designation from Rural to Outlying Suburban on approximately 76.82 acres. The Local Planning Agency requested Lee County staff to include 15 adjacent properties in this amendment, making the overall amendment site approximately 265.3 acres. This proposed designation change will increase the allowable density from 1 dwelling unit per acre to 3 dwelling units per acre and increase the allowable commercial intensity. The site is located on the east side of State Road 31, between North River Road and the Caloosahatchee River. Additionally, this amendment proposes to amend the Lee County Utilities Future Water Service Areas (Map 4A) to add property to the service area and amend Table 1(b) to appropriately adjust the residential acres in the Outlying Suburban future land use category and the Rural future land use category within the Northeast Lee County Planning District. The dominant land covers on the site consist of 114.3 acres of improved pasture, 82.6 acres of rural structures, 35.7 acres of mixed wetland hardwoods, 9.1 acres of mixed scrub-shrub wetland, 5.8 acres of unimproved/woodland pasture, and 4.3 acres of marshes.

Potentially Affected Resources

Passarella & Associates, Inc. provided an *Environmental Assessment* (November 2021) in support of the Greenwell Property portion of this amendment. The report indicates a wildlife survey was conducted on the Greenwell Property on November 3, 2021, focusing on listed and managed species with the potential to occur within the project area including:

- Everglade snail kite (*Rostrhamus sociabilis plumbeus*, Federally Endangered [FE]),
- Florida bonneted bat (*Eumops floridanus*, FE),
- Audubon's crested caracara (*Polyborus plancus audubonii*, Federally Threatened [FT]),
- Eastern indigo snake (*Drymarchon corais couperi*, FT),
- Wood stork (*Mycteria americana*, FT),
- American alligator (*Alligator mississippiensis*, Federally Threatened - Similarity of Appearance),

- Big Cypress fox squirrel (*Sciurus niger avicennia*, State Threatened [ST]),
- Gopher tortoise (*Gopherus polyphemus*, ST)
- Florida burrowing owl (*Athene cunicularia floridana*, ST),
- Florida sandhill crane (*Antigone canadensis pratensis*, ST),
- Little blue heron (*Egretta caerulea*, ST),
- Roseate spoonbill (*Platalea ajaja*, ST), and
- Florida black bear (*Ursus americanus floridanus*)

No listed species were observed on the Greenwell Property during this survey. A wildlife assessment was not provided for the adjacent properties added to this amendment by Lee County staff. FWC staff conducted a geographic information system (GIS) analysis of the overall site footprint which confirmed the information contained in the *Environmental Assessment* for the Greenwell Property and found this information to be applicable to the adjacent properties. Additionally, the GIS analysis found the overall site is also located near, within, or adjacent to:

- U.S. Fish and Wildlife Service (USFWS) Consultation Areas for the following federally listed species:
 - Florida grasshopper sparrow (*Ammodramus savannarum floridanus*, FE),
 - Red-cockaded woodpecker (*Picoides borealis*, FE), and
 - Florida scrub-jay (*Aphelocoma coerulescens*, FT)
- Potential habitat for the following federally and state-listed species:
 - Smalltooth sawfish (*Pristis pectinata*, FE),
 - West Indian manatee (*Trichechus manatus latirostris*, FT),
 - Southeastern American kestrel (*Falco sparverius paulus*, ST),
 - Tricolored heron (*Egretta tricolor*, ST), and
 - Least tern (*Sternula antillarum*, ST)
- Existing Conservation Lands:
 - Caloosahatchee Creeks Preserve
 - Columbus G. MacLeod Preserve
 - Manatee Park

Comments and Recommendations

Wildlife Surveys

To better identify potential impacts to listed species of fish and wildlife, FWC staff recommends that species-specific surveys be conducted on the properties adjacent to the Greenwell Property prior to any clearing or construction. Species-specific surveys are time sensitive and are best conducted by wildlife biologists with recent documented experience for that species. Species-specific survey protocols approved by the USFWS and the FWC are provided in the *Florida Wildlife Conservation Guide* at (<https://myfwc.com/conservation/value/fwccg/>) or in the *FWC Species Conservation Measures and Permitting Guidelines* available at (<https://myfwc.com/wildlifehabitats/wildlife/species-guidelines/>).

Southeastern American Kestrel

Suitable habitat for southeastern American kestrels may be found within the overall site. FWC staff recommends that kestrel surveys be conducted from April to August within kestrel suitable foraging habitat according to the methodology outlined in FWC's *Species Conservation Measures and Permitting Guidelines for the Southeastern American Kestrel*

(<https://myfwc.com/wildlifehabitats/wildlife/species-guidelines/>). Surveys from May to July are ideal to avoid confusion with the migratory subspecies of American kestrel (*Falco sparverius sparverius*). Surveys may be completed outside of the April to August survey season when necessary, with any kestrels observed assumed to be southeastern American kestrels. Surveys are valid until the beginning of the following breeding season (March). If surveys encounter active nest cavities, FWC staff recommends avoiding project activities within 150 meters (490 feet) of the nest during the breeding season (March through July) to avoid disturbance. If nesting is discovered after construction has begun, or if maintaining the recommended buffer is not possible, the applicant may contact FWC staff identified below to discuss potential permitting needs. In areas of suitable kestrel habitat, the *Guidelines* also recommend retaining snags whenever possible.

Imperiled Beach Nesting Birds

While the existing conditions onsite likely do not support least tern nesting activity, clearing associated with construction may create conditions conducive for beach-nesting bird nesting. Cleared sites such as areas that have undergone surface scraping may attract ground nesting species such as least terns or other imperiled beach-nesting birds (IBNB) during nesting season. IBNB nests have been documented on a variety of disturbed sites, including construction sites. Least terns deposit their eggs in shallow depressions or scrapes in the substrate, possibly lined with pebbles, grasses, or coquina shells. Egg-laying usually begins in late April or early May and colonies may range in size from a few breeding pairs to many hundreds. FWC staff recommends the following measures to reduce nesting potential during construction:

- Conduct construction activities outside of the breeding season (generally April through August) if feasible, or,
- If the site is cleared during the breeding season, clear the site only when ready to build, and
- Avoid leaving cleared areas with little to no activity for an extended amount of time.

If nesting is observed, FWC staff are available to discuss necessary nest buffers and potential permitting alternatives. For additional information, please refer to FWC's Breeding Bird Protocol for Florida's Seabirds and Shorebirds located at the following web address: <https://public.myfwc.com/crossdoi/shorebirds/PDF-files/BreedingBirdProtocol.pdf>.

Florida Black Bear

The FWC has received 63 reports of human-bear conflicts within a 5-mile radius of the site since 2012. Florida black bears are frequent in this area which is within the South Bear Management Unit identified in the 2019 Bear Management Plan. While black bears tend to shy away from people, they are adaptable and will take advantage of human-provided food sources. This includes sources that are currently available near this site, sources that may be available during construction, and sources available after construction including unsecured garbage, pet food, and bird seed. Once bears become accustomed to finding food around people, their natural wariness is reduced to the point that there can be an increased risk to public safety or private property.

Proactive planning may help prevent or reduce future conflicts with bears. Site designs for larger developments should locate conservation areas along the borders of developed areas, to avoid encouraging bears to forage within developed areas

(<http://myfwc.com/wildlifehabitats/managed/bear/crossings/>). If a homeowners' association or community covenants are planned, by-laws that would require residents to take measures to prevent attracting bears into the neighborhood are recommended. Sample by-law language used

by other Florida communities is available at
(<http://myfwc.com/wildlifehabitats/managed/bear/living/community-group/bylaw/>).

During construction, construction sites should be kept clean, with refuse that might attract bears kept separate from construction debris and stored securely in bear-resistant containers or removed daily from the construction site before dark. Refuse that might attract bears includes all food and drink-related materials, as well as any items with strong scents like cleaning agents. Once the development is completed, residents should be provided with bear-resistant garbage cans as part of their regular waste service and any larger waste storage containers should also be bear-resistant. Providing residents with information on how to avoid human-bear conflicts is also recommended. This information can include:

- Options for keeping garbage secure which can include using bear-resistant garbage containers, modifying regular containers to be bear-resistant, or keeping containers secure in a garage or sturdy shed and then placing garbage on the curb the morning of pick-up rather than the night before
(<http://myfwc.com/wildlifehabitats/managed/bear/living/attractants/>);
- Removing bird and wildlife feeders, or modifying them to exclude bears
(<http://myfwc.com/wildlifehabitats/managed/bear/wildlife-feeders/>);
- Using electric fencing to secure outdoor attractants like fruiting trees/shrubs, gardens, compost, and small livestock (<https://myfwc.com/media/1886/electricfence.pdf>);
- Proper composting in bear range
(<https://myfwc.com/media/1888/howtocompostinbearcountry.pdf>);
- Keeping pets safe (<https://myfwc.com/wildlifehabitats/wildlife/bear/living/protect-pets/>); and
- Cleaning and securing barbeque grills.

Information should also include guidelines for how residents should respond to bears in the area, such as:

- What to do if they encounter a bear, whether from a distance or at close range,
- How to keep pets and livestock safe in bear range, and
- When and how to contact the FWC regarding a bear issue.

FWC staff is available to assist with residential planning to incorporate the above features. Additional information about Florida black bears can be found on FWC's website at
(<http://www.myfwc.com/wildlifehabitats/managed/bear/>).

Smoke Shed

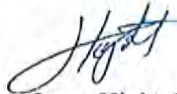
The residential development is proposed within a smoke shed (periodically smoke-filled corridor) that originates from use of prescribed fire as a management tool at Caloosahatchee Creeks Preserve and other nearby conservation lands. Prescribed fire is required to maintain many of the natural upland communities that exist on these conservation areas. Natural resource management staff and land managers on these conservation lands will continue to use prescribed burning to sustain existing communities and reduce fuel loads that may otherwise lead to catastrophic wildfires that not only affect wildlife but threaten human life and property. FWC staff recommends that the applicant include provisions in any homeowners' association or covenant documents that inform future residents that prescribed burning is an acceptable practice for natural resource management and that the area is within a smoke shed. Developers of lands within two miles of native habitat managed by fire may wish to consider Florida Forest Service recommendations at (<https://www.fdacs.gov/Forest-Wildfire/For-Communities/Firewise-USA>) to create Fire-Wise communities.

Federal Species

This site may also contain habitat suitable for the federally listed species identified above. FWC staff recommends coordination with USFWS South Florida Ecological Services Office (ESO) as necessary for information regarding potential impacts to these species. The USFWS South Florida ESO can be contacted at (772) 562-3909.

FWC staff appreciates the opportunity to provide input on this site. For specific technical questions regarding the content of this letter, please contact Cori Calyniuk at (850) 556-5948 or by email at Cori.Calyniuk@MyFWC.com. All other inquiries may be sent to ConservationPlanningServices@MyFWC.com.

Sincerely,



Jason Hight, Director
Office of Conservation Planning Services

jh/cc

Lee County 22-07ESR_52202_10242022

cc: Ray Eubanks, Florida Department of Economic Opportunity,
DCPexternalagencycomments@deo.myflorida.com
Shane Johnson, Passarella & Associates, Inc., shanej@passarella.net

Ron DeSantis
GOVERNOR



Dane Eagle
SECRETARY

October 13, 2022

The Honorable Kevin Ruane
Chairman, Lee County
Board of County Commissioners
Post Office Box 398
Fort Myers, Florida 33901-0398

Dear Chairman Ruane:

The Department of Economic Opportunity ("Department") has reviewed the proposed comprehensive plan amendment for Lee County (Amendment No. 22-07ESR) received on September 26, 2022. The review was completed under the expedited state review process. We have no comment on the proposed amendment.

The County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the County is reminded that:

- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the County. If the County receives reviewing agency comments and they are **not resolved**, these comments could form the basis for a challenge to the amendment after adoption.
- The **second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.
- The **adopted amendment must be rendered to the Department**. Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after the Department notifies the County that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
(850) 245.7105 | www.FloridaJobs.org | [www.Twitter.com/FLDEO](https://twitter.com/FLDEO) | www.Facebook.com/FLDEO

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The Honorable Kevin Ruane, Chairman
October 13, 2022
Page 2 of 2

If you have any questions concerning this review, please contact Adrian Young, Planning Analyst, by telephone at (850) 717-8515 or by email at adrian.young@deo.myflorida.com.

Sincerely,

A handwritten signature in black ink that reads "Scott Rogers". The signature is fluid and cursive, with the first name "Scott" being more prominent than the last name "Rogers".

Scott Rogers, Regional Planning Administrator
Bureau of Community Planning and Growth

SR/ay

Enclosure(s): Procedures for Adoption

cc: David Loveland, Director, Lee County, Department of Community Development
Margaret Wuerstle, Executive Director, Southwest Florida Regional Planning Council

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR EXPEDITED STATE REVIEW

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit electronically using the Department's electronic amendment submittal portal "**Comprehensive Plan and Amendment Upload**"

(<https://floridalabs.secure.force.com/cp/>) or submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency Identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendments, an adopted future land use map, in color format, clearly depicting the parcel, its future land use designation, and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

_____ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.

Ron DeSantis
GOVERNOR



Dane Eagle
SECRETARY

September 26, 2022

RESPONSE VIA EMAIL ONLY

Mr. Brandon Dunn
Principal Planner
Lee County Planning Section
Post Office Box 398
Fort Myers, Florida 33902-0398

Dear Mr. Dunn:

Thank you for submitting Lee County's proposed comprehensive plan amendment for our review pursuant to the Expedited State Review process. The reference number for this amendment package is 22-07ESR.

The proposed submission package will be reviewed pursuant to Section 163.3184(3), Florida Statutes. Once the review is underway, you may be asked to provide additional supporting documentation by the review team to ensure a thorough review. You will receive the Department's Comment Letter no later than October 26, 2022.

If you have any questions please contact Cristin Beshears, Plan Processor at (850) 717-8486 or Scott Rogers, Regional Planning Administrator, who will be overseeing the review of the amendments, at (850) 717-8510.

Sincerely,

D. Ray Eubanks, Administrator
Plan Review and Processing

DRE/cb

cc: External Agencies

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
(850) 245.7105 | www.FloridaJobs.org | [www.Twitter.com/FLDEO](https://twitter.com/FLDEO) | www.Facebook.com/FLDEO

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Lee County
Southwest Florida

Board of County Commissioners

Kevin Ruane
District One

Cecil L. Pendergrass
District Two

Ray Sandell
District Three

Brian Hamman
District Four

Mike Greenwell
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
County Hearing
Examiner

September 26, 2022

Ray Eubanks, Plan Processing Administrator
State Land Planning Agency
Caldwell Building
107 East Madison – MSC 160
Tallahassee, FL 32399-4120

**Re: Amendment to the Lee Plan
Transmittal Submission Package
CPA2021-00015, Greenwell SR31**

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163.3184(3) for Expedited State Review, please find attached the proposed Comprehensive Plan Amendment, known locally as CPA2021-00015 (Greenwell SR 31). The amendment is as follows:

CPA2021-00015, Greenwell SR 31:

Amend the Future Land Use Map (Map 1A) to re-designate the future land use categories of approximately 265 acres from the Rural and Wetlands to Outlying Suburban and Wetlands; amend the Lee County Utilities (LCU) Future Water Service Areas (Map 4A) to add property to the service area; and, amend Table 1(b) to accommodate the development.

The Local Planning Agency held a public meeting for the plan amendment on July 25, 2022. The Board of County Commissioners voted to transmit the amendment on September 21, 2022. The proposed amendment is not applicable to an area of critical state concern. The Board of County Commissioners stated their intent to hold an adoption hearing following the receipt of the review agencies' comments.

The name, title, address, telephone number, and email address of the person for the local government who is most familiar with the proposed amendment is as follows:

Mr. Brandon Dunn, Principal Planner
Lee County Planning Section
P.O. Box 398
Fort Myers, Florida 33902-0398
(239) 533-8585
Email: bdunn@leegov.com

By copy of this letter and its attachments, I certify that this amendment and supporting data and analysis have been sent on this date to the agencies listed below.

Sincerely,
Lee County Department of Community Development
Planning Section



Mikki Rozdolski,
Manager, Community Development Operations

Cc Brandon Dunn, Planner, Principal
 Case File

All documents and reports attendant to this transmittal are also being sent by copy of this cover in an electronic format to:

Comprehensive Plan Review
Department of Agriculture and Consumer Services

Morgan Runion, AICP
Department of Education

Plan Review
Department of Environmental Protection

Alissa S. Lotane
Florida Department of State

Scott Sanders
Florida Fish and Wildlife Conservation Commission

Vitor Suguri
FDOT District One

Ms. Margaret Wuerstle
Southwest Florida Regional Planning Council

Terry Manning, AICP
South Florida Water Management District

ATTACHMENT B



December 22, 2022

VIA EMAIL ONLY

Elizabeth Workman, Principal Planner
Department of Community Development, Zoning Section
1500 Monroe Street
Fort Myers, FL 33901

Subject: DCI2021-00050 - Greenwell SR31 MPD
Hearing Date: November 17, 2022; **Continuance Hearing Date:** January 13, 2023
Applicant's Response to Order of Continuance

Dear Ms. Workman:

The applicant has reviewed the Order of Continuance dated and received on December 1, 2022. The Applicant is providing the following information and attachments in response to the items requested by the Hearing Examiner (HEX) to supplement the record as well as information in support of proposed testimony/evidence regarding matters raised during the hearing.

1. **Staff Exhibit 3 – Correspondence from the Florida state land planning agency regarding review status of CPA 2021-00015.**

Response: These documents are on file with Lee County. Based on coordination with Staff, they will be providing these documents in support of Staff Exhibit 3.

2. **Revised Master Concept Plan.**

Response: Please see the attached copy of the revised Master Concept Plan (Attachment A) providing for future cross-access connections to the adjacent properties to the north and south.

3. **Revised buffer condition.**

Response: Please see the following revision proposed to Condition #8 as presented by Staff during the hearing. The revisions are needed to address consistency with the enhanced perimeter buffers shown on the Master Concept Plan.

8. Perimeter Buffer

An enhanced perimeter buffer must be provided abutting conservation lands and residential along the east and residential to the north and south property lines. The enhanced perimeter buffer along the north, south and east property lines must be consistent with the following:

- *North: 30' enhanced Type 'F' buffer within the Non-residential Development Area and 25' enhanced Type 'B' within the Residential Development Area.*
- *South: 30' enhanced Type 'F' buffer within the Non-residential Development Area.*
- *East: 30' enhanced Type 'F' buffer within the Non-residential Development Area.*

The enhanced perimeter buffer must include either an opaque eight-foot-in-height wall/fence with code minimum landscape plants or 16-feet-in-height trees at time of planting and hedges 60 inches-in-height at time of planting and maintained at 72-inches-in-height.

4. Replacement page for Applicant's PowerPoint addressing project density.

Response: Please see the attached replacement page (Slide 7) adding reference to maximum density of 3 du/acre allowed under Outlying Suburban and reference to maximum of 122 dwelling units proposed per the rezoning request being consistent with the Outlying Suburban density maximum. The adoption hearing date was also revised to reflect the new BoCC date of February 8, 2023.

Additionally, the HEX: requested that further testimony/evidence be provided at the continuance hearing related to the following:

1. *Goal (Policy) 101.3.2 restricts development in Coastal High Hazard Areas to uplands, except where necessary to provide public facilities. Testimony/evidence necessary on Lee Plan goals, objectives or policies allowing other land uses in wetlands within the Coastal High Hazard area. If such provisions exist within the Lee Plan, present an analysis of the conflicting provisions in the context of the Lee Plan as a whole. (Lee Plan Chapter XIII.a)*
2. *Goal (Policy) 124.1.1 restricts development in wetlands to very low density residential, recreation, open space, or conservation. The policy does not provide for commercial uses. Testimony/evidence necessary on Lee Plan goals, objectives or policies authorizing commercial uses in wetlands. If such provisions exist within the Lee Plan, present an analysis of the conflicting provisions in the context of the Lee Plan as a whole. (Lee Plan Chapter XIII.a)*

The Applicant has provided the attached narrative (Attachment C) to provide additional analysis and justification supporting the consistency with the above referenced policies and ultimately helping to ensure the protection of the public's health, safety, and welfare through a well-planned, designed and constructed mixed use development.

On behalf of the Applicant, we appreciate the opportunity to further discuss the information provided with you and other staff as we head toward the continuance hearing on January 13, 2023.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kenrick S. Gallander".

Kenrick S. Gallander, AICP

Attachments: A: Revised Master Concept Plan
B: Replacement Slide #7
C: Lee Plan Consistency: Wetlands & CHHA Narrative

cc: Brian Farrar, President, BCF Management Group, LLC
Michael R. Whitt, Esq.
Robert A. Cooper, Esq.
Anthony R. Rodriguez, AICP, CPM
Brandon Dunn, Principal Planner
Michael D. Jacob, Esq.

MASTER CONCEPT PLAN FOR GREENWELL SR 31

PART OF SECTION 18, TOWNSHIP 43, RANGE 26E,
LEE COUNTY, FLORIDA



VICINITY MAP
N.L.S.



SITE LOCATION MAP
N.L.S.

PROJECT TEAM

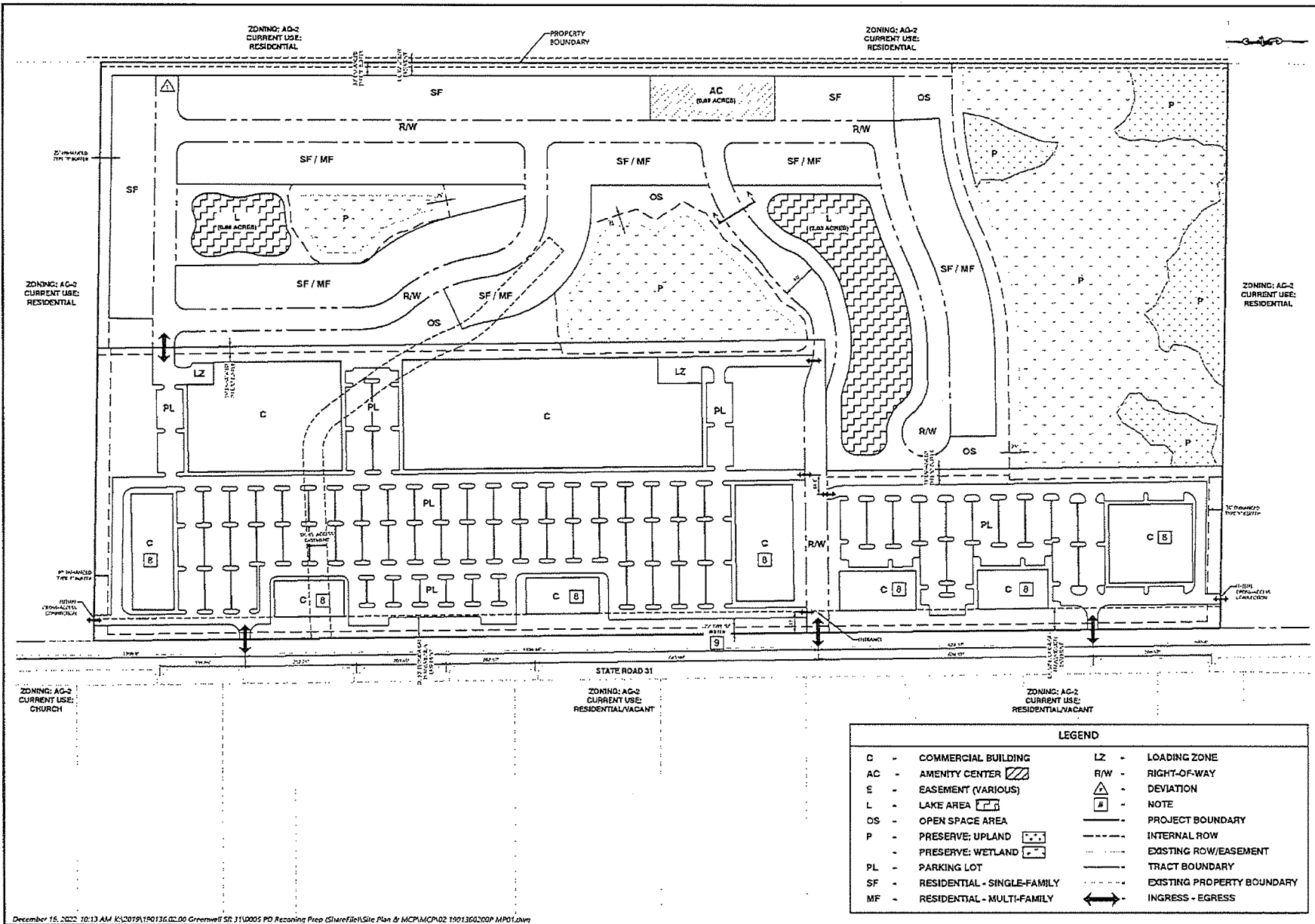


PREPARED FOR:
BCF MANAGEMENT GROUP, LLC
27171 HARBOR DRIVE
BONITA SPRINGS, FL 34135

ON BEHALF OF:
MICHAEL L. AND TRACY C. GREENWELL;
BO GREENWELL; AND GARRET GREENWELL

CONTENTS

SHEET NUMBER	SHEET DESCRIPTION
1	COVER SHEET
2	MASTER CONCEPT PLAN
3	GENERAL NOTES AND DEVIATIONS
4	TYPICAL SECTIONS
DATE:	DEC., 2021
PROJECT No.	190136.02.00
SHEET No.	1 of 4



December 16, 2022 10:13 AM K:\2019\190136.02.00 Greenwell SR 31\0005 PD Reasoning Prep (ShareFile)\Site Plan & MCP\MCP.02 1901360200P MP01.dwg

RWA ENGINEERING 6519 W. 5th St., Suite 200, Tulsa, OK 74106-1100 (918) 438-1100 www.rwa-engineering.com	
BCE MANAGEMENT GROUP, LLC GREENWELL SR 31 MASTER CONCEPT PLAN	
DATE: 12/16/22 TIME: 10:13 AM USER: K:\2019\190136.02.00 Greenwell SR 31\0005 PD Reasoning Prep (ShareFile)\Site Plan & MCP\MCP.02 1901360200P MP01.dwg	SCALE: 1" = 100' NORTH:

GENERAL NOTES & DEVIATIONS:

- 1 THIS MASTER CONCEPT PLAN (MCP) IS CONCEPTUAL IN NATURE AND SUBJECT TO CHANGES DUE TO AGENCY REVIEW AND SITE CONDITIONS.
- 2 THE DESIGN, LOCATION, AND CONFIGURATION OF THE PROPOSED DEVELOPMENT AREA TRACTS, INTERNAL AND EXTERNAL INGRESS/EGRESS POINT LOCATIONS, DRIVES, AND LAND IMPROVEMENTS AND STRUCTURES, IF SHOWN, ARE APPROXIMATE AND SUBJECT TO ALTERATION AT TIME OF DEVELOPMENT ORDER FOR EACH TRACT. CHANGES TO THE MCP THAT ARE CONSISTENT WITH THE INTENT, CHARACTER, AND PROPERTY DEVELOPMENT REGULATIONS OF THIS RESIDENTIAL PLANNED DEVELOPMENT (RPD) CAN BE APPROVED ADMINISTRATIVELY.
- 3 TOTAL DEVELOPMENT AREA: 76.82 +/- AC
 - RESIDENTIAL DEVELOPMENT AREA: 43.6 +/- AC
 - THAT INCLUDES RESIDENTIAL TRACTS, AMENITY CENTER, RIGHT-OF-WAY, LAKES, AND PRESERVE/OPEN SPACE.
 - NON-RESIDENTIAL DEVELOPMENT AREA: 33.22 +/- AC
 - THAT INCLUDES COMMERCIAL BUILDINGS, PARKING, DRIVE AISLES, RIGHT-OF-WAY, AND OPEN SPACE.
- 4 THE FUTURE LAND USE MAP DESIGNATION: OUTLYING SUBURBAN AND WETLANDS
- 5 THE PROJECT WILL NOT BE PHASED.
- 6 UPLAND BUFFERS, WHEN APPLICABLE, SHALL BE A MINIMUM OF 15 FEET, AVERAGE 25 FEET, SURROUNDING PRESERVED WETLANDS.
- 7 PRESERVED WETLANDS WITH INSUFFICIENT SPACE TO PROVIDE UPLAND BUFFER WILL BE SEPARATED BY THE APPROPRIATE STRUCTURAL BUFFER CONSISTENT WITH SPWMD REQUIREMENTS.
- 8 LOADING ZONE MAY EITHER BE LOCATED & ACCESSED ALONG THE REAR, FRONT, OR SIDE OF THE COMMERCIAL BUILDINGS
- 9 THE BUFFER AND ASSOCIATED LANDSCAPE MATERIAL ARE ALLOWED IN ACCORDANCE WITH THE EXISTING GAS TRANSMISSION EASEMENT. A HOLD HARMLESS AGREEMENT WILL BE PROVIDED TO ENSURE THE BUFFER AND LANDSCAPE MATERIAL WILL BE PROVIDED IF IMPACTED DUE TO MANAGEMENT OR MAINTENANCE OF THE GAS LINE WITHIN THE EASEMENT AREA.

△ DEAD END STREET DEVIATION

OPEN SPACE:

REQUIRED:

- TOTAL SITE AREA: 76.82 AC
- TOTAL REQUIRED OPEN SPACE FOR RESIDENTIAL USE AREA: 40% OF 43.60 AC = 17.44 AC
- TOTAL REQUIRED OPEN SPACE FOR NON-RESIDENTIAL/COMMERCIAL USE AREA: 30% OF 33.22 AC = 9.97 AC
- TOTAL OPEN SPACE REQUIRED: 27.41 AC

PROVIDED:

- TOTAL OPEN SPACE PROVIDED: 32.30 AC
- PROVIDED OPEN SPACE DETAILS:

OPEN SPACE USE	ACRES
LAKE AREA	0.67 AC
PRESERVE AREA	13.98 AC
BUFFERS, YARDS, AND ALL OTHER AREAS	17.65 AC

PRESERVE:

REQUIRED:

50% OF THE OPEN SPACE REQUIRED (27.41 AC) = 13.71 AC

PROVIDED:

INDIGENOUS NATIVE VEGETATION:

- PRESERVED AND ENHANCED: 10.10± AC
 - WETLANDS: 7.44± AC
 - UPLANDS: 2.66± AC
- RESTORED: 3.50± AC
 - WETLANDS: 3.27± AC
 - UPLANDS: 0.23± AC

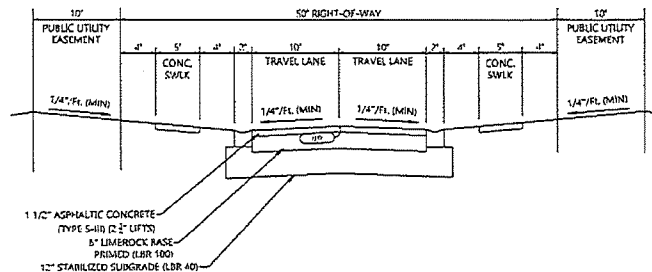
OTHER SURFACE WATERS:

- PRESERVED AND ENHANCED: 0.38 ± AC

TOTAL: 13.98± AC

SITE SUMMARY:

LAND USE	ACREAGE	PERCENT	DWELLING UNITS	NON-RESIDENTIAL AREA (SQUARE FEET)
RESIDENTIAL (TRACT AREA ONLY) (SEE NOTE #3)	± 12.42	16.2	122	N/A
NON-RESIDENTIAL (SEE NOTE #3)	± 30.08	39.2	N/A	N/A
COMMERCIAL BLDG	± 9.18	12.0	N/A	400,000
PARKING LOT / DRIVE	± 13.91	18.1	N/A	N/A
AMENITY CENTER	± 0.65	0.8	N/A	N/A
RIGHT-OF-WAY	± 6.34	8.3	N/A	N/A
LAKE AREA	± 2.69	3.5	N/A	N/A
PRESERVE AREA	± 13.98	18.2	N/A	N/A
UPLAND	± 2.89	3.8	N/A	N/A
WETLAND	± 10.71	13.9	N/A	N/A
OTHER SURFACE WATERS	± 0.38	0.5	N/A	N/A
ALL OTHER OPEN SPACE AREAS	± 17.65	23.0	N/A	N/A
TOTAL	± 76.82	100%	MAX: 122	MAX: 400,000



TYPICAL SECTION
50' RIGHT-OF-WAY

Scale: NTS

6419 W. 124th St. Suite 200, Greenwood, IN 46140
 317.515.0015 • Fax 317.515.0018
 Project Coordination: 317.515.0018 • 11/16/21

BCF MANAGEMENT GROUP, LLC

GREENWELL SR 31

GENERAL NOTES AND DEVIATIONS

DATE: 11/16/21

BY: J. R. Ruppberg

APP. BY: J. R. Ruppberg

1901300200

1 of 4

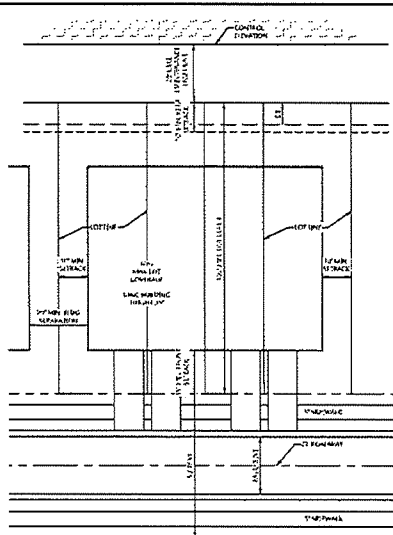
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BY: J. R. Ruppberg

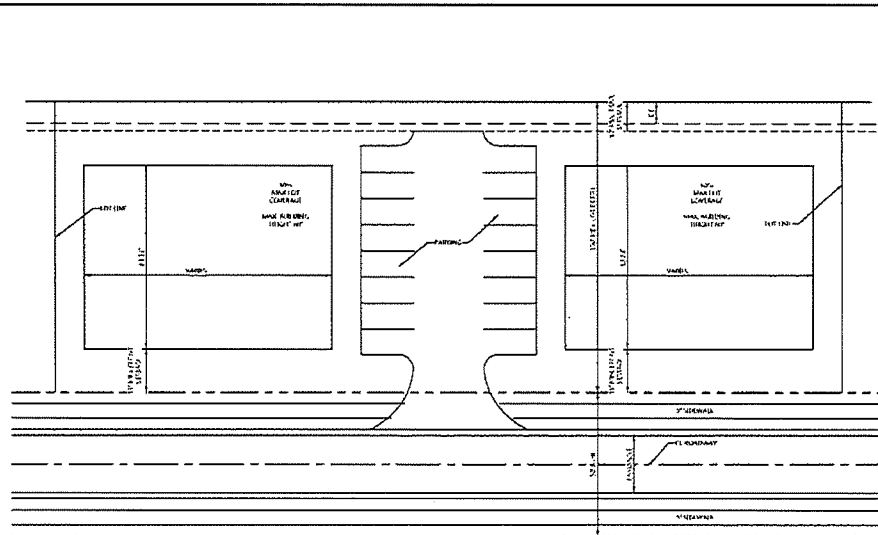
APP. BY: J. R. Ruppberg

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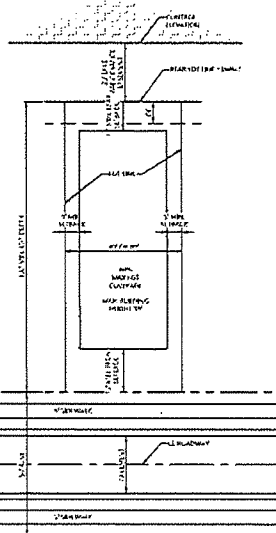
1 of 4



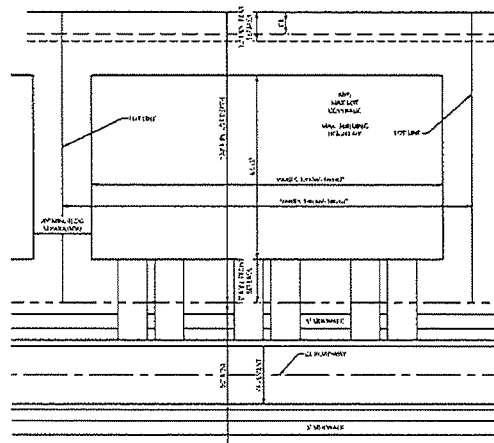
TYPICAL TOWNHOUSE LOT
ABUTTING LAKE



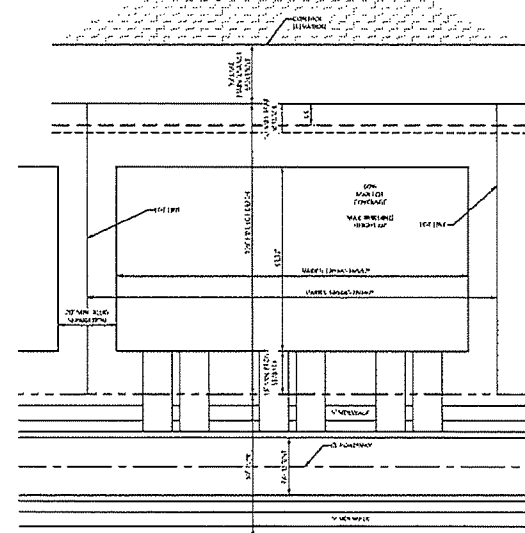
Sample NT



TYPICAL SINGLE FAMILY LOT
ABUTTING LAKE



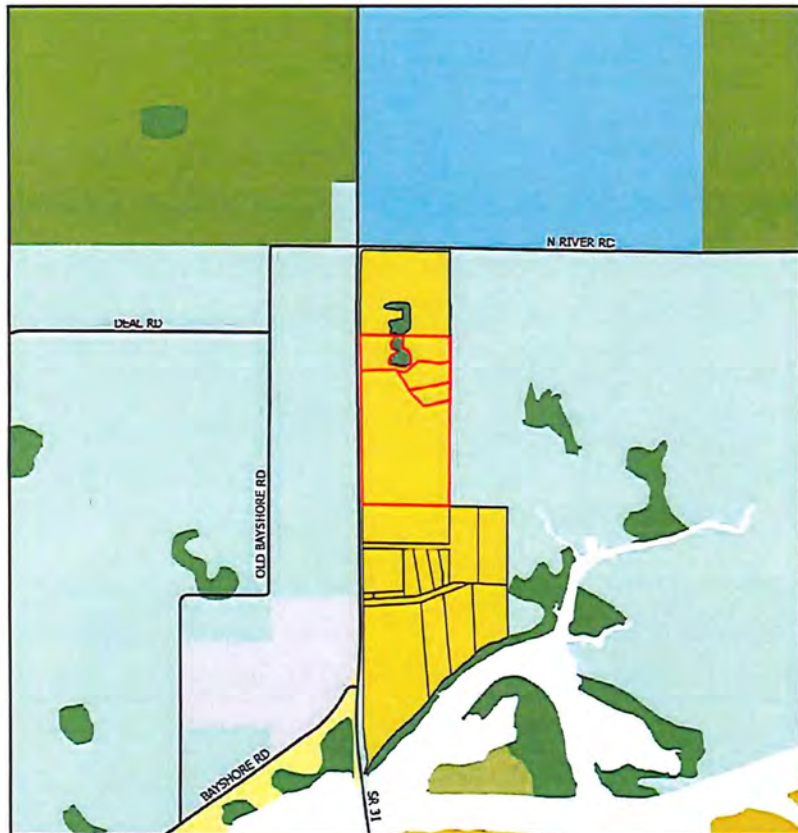
Scale: NT5



Scale: NT

Comprehensive Plan Map Amendment

- RURAL to OUTLYING SUBURBAN
 - Up to 125 du/acre
 - Transmitted to State – September 26, 2022
 - BoCC Adoption Hearing Scheduled – Feb. 8, 2023



CPA2021-00015

Proposed Future Land Use

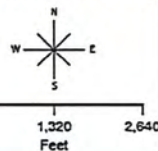


Map Generated: August 2022

Attachment 1

- Outlying Suburban
- Suburban
- Sub-Outlying Suburban
- Public Facilities
- New Community
- Rural

- Outer Island
- Density Reduction/
Groundwater Resource
- Wetlands
- Subject Parcels
- Greenwell Property





ATTACHMENT C

GREENWELL SR31

Mixed Use Planned Development (MPD)

A Major Planned Development

Lee Plan Consistency: Wetlands & Coastal High Hazard Area (CHHA)

The HEX requested that further testimony/evidence be provided at the continuance hearing related to the following matters:

1. *Goal (Policy) 101.3.2 restricts development in Coastal High Hazard Areas to uplands, except where necessary to provide public facilities. Testimony/evidence necessary on Lee Plan goals, objectives or policies allowing other land uses in wetlands within the Coastal High Hazard area. If such provisions exist within the Lee Plan, present an analysis of the conflicting provisions in the context of the Lee Plan as a whole. (Lee Plan Chapter XIII.a)*
2. *Goal (Policy) 124.1.1 restricts development in wetlands to very low density residential, recreation, open space, or conservation. The policy does not provide for commercial uses. Testimony/evidence necessary on Lee Plan goals, objectives or policies authorizing commercial uses in wetlands. If such provisions exist within the Lee Plan, present an analysis of the conflicting provisions in the context of the Lee Plan as a whole. (Lee Plan Chapter XIII.a)*

Lee Plan Goal 124 provides overarching language to ensure adequate maintenance and enforcement for any development in wetlands that is cost-effective, complements federal and state permitting processes, and protects the fragile ecological characteristics of wetland systems. The majority of the site (63.3%) contains lands impacted by either development or highly degraded habitat including residential, commercial, improved pasture, row crops, Brazilian pepper, ditch, and other disturbed lands that are not intended to remain. The Greenwell SR 31 project utilizes a cluster development pattern to reduce impacts to high quality wetlands. Moreover, no development will occur until the Environmental Resource Permit (ERP) has been issued by the state or SFWMD. The development, as it moves through the permitting process, will be reviewed by the South Florida Water Management District and as a result will be consistent with overall Goal 124 and Policies 124.1.1 and 124.1.2.

Specific to consistency with Policy 124.1.1, the HEX indicated in the Order of Continuance that "*Goal (Policy) 124.1.1 restricts [emphasis added] development in wetlands to very low density residential, recreation, open space, or conservation.*" And states that, "*The policy does not provide for commercial uses.*" Lee Plan Policy 124.1.1, as written, states,

"Ensure that development in wetlands is limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions. The maximum density in the Wetlands category is one unit per 20 acres, except that one single family residence will be permitted on lots meeting the standards in Chapter XIII, and except that owners of wetlands adjacent to Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, New Community, Outlying Suburban, and Sub-Outlying Suburban areas may transfer densities to developable contiguous uplands under common ownership (see Table 1(a)). (Ord. No. 94-30, 00-22, 10-20, 18-06, 18-28, 19-13, 21-09)"

It is the Applicant's opinion that the intent of Policy 124.1.1 is to specifically address **residential uses** and the associated density limitations to achieve Goal 124. Furthermore, Policy 124.1.1 describes application of an incentive to preserve wetlands by allowing for transfer of **residential density** to the "contiguous uplands" when these uplands are within Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, New Community, Outlying Suburban, and Sub-Outlying Suburban areas. Reference to commercial/non-residential uses is silent under Policy 124.1.1 as density allocation is not applicable to commercial uses.

Unlike Policy 124.1.1, Policy 124.1.2 does provide guidance/direction with regards to non-residential uses (commercial uses). Policy 124.1.2 - Subsection #6, states,

*"The density on wetlands that have been impacted, or will be impacted, in accordance with a state agency permit will be calculated at a density of one dwelling unit per 20 acres. **Non-residential uses on wetlands that have been impacted, or will be impacted, in accordance with a state agency permit must be consistent with the non-residential uses permitted in the immediately adjacent, least intense, upland future land use category.**"*

The above language confirms that non-residential uses, such as commercial uses, can impact wetlands as allowed under the state permitting process. Given that residential and commercial uses can impact wetlands; that mitigation is permitted under "applicable state standards;" and that the project will undergo the ERP process, the proposed residential and commercial uses should be deemed allowed and consistent with Policy 124.1.1 and 124.1.2.

The ERP process or "state agency permit" as referenced in Policies 124.1.1 and 124.1.2, allows impacts to wetlands and the creation of "uplands" through the use of fill. Lee Plan Policy 101.3.2 does *"Restrict development in the Coastal High Hazard Area to uplands except as needed for the provision of public facilities."* However, this policy does not distinguish between existing or naturally occurring uplands versus created uplands.

The Applicant is of the opinion that Policy 101.3.2 should not be read in isolation but instead should be analyzed within the context of broader wetland policies that are intended to inform and guide our

interpretation of said policy. The Applicant also believes the intent of Policy 101.3.2 is not to limit all development to “existing uplands.” Policy 101.3.2 was established because of Florida Statute 163.3178(2)(f), which required local governments to amend their comprehensive plans to address future impacts from coastal flooding and sea level rise. To address these concerns, the statute references the need for local governments to:

- 1. Include development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts*
- 2. Encourage the use of best practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.*
- 3. Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.*
- 4. Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44C.F.R. part 60.*
- 5. Require that any construction activities seaward of the coastal construction control lines established pursuant to s. 161.053 be consistent with chapter 161.*
- 6. Encourage local governments to participate in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for their residents.*

The above statements do not prohibit wetland impacts within the CHHA nor mandate that development or redevelopment only occur within existing uplands. The statute does speak to opportunities for local government to allow for development or redevelopment that utilizes “principals, strategies, and engineering solutions,” “best practices,” and “site development techniques” in order to meet the goal of addressing future impacts from coastal flooding and sea level rise.

Understanding the impetus behind Policy 101.2.3 (i.e. FS 163.3178(2)(f)), it is reasonable to conclude that the intent of the policy is not to restrict development to existing uplands and public facilities, but also enable the opportunity to utilize best practices (e.g. engineering techniques/solutions for stormwater management systems, site design/development techniques (clustered development), stringent flood construction requirements, and state approved mitigated wetlands (created uplands) to develop or redevelop within the CHHA.

Furthermore, Policies 124.1.1. and 124.1.2 enable proposed land uses to impact wetlands through state agency permitting and the use of mitigation, maintenance and management systems, and implementing plans. The state-issued ERP allows the creation of uplands and establishes appropriate mitigation of wetland impacts.

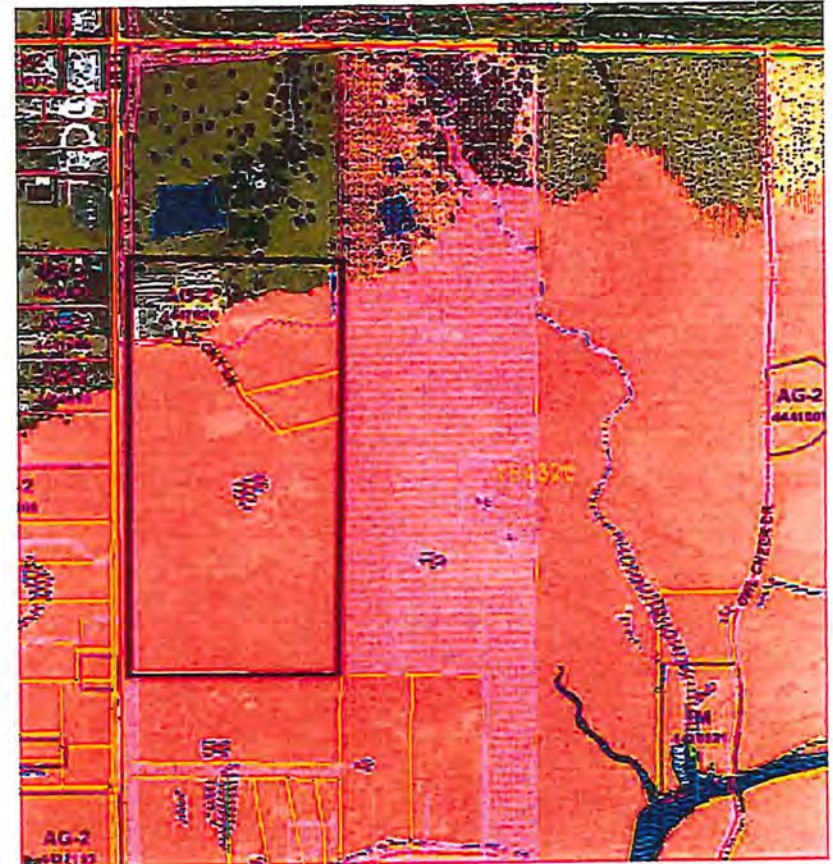
Based upon the interpretation above, the Applicant suggests a condition of approval that would require the following: Prior to issuance of a local development order, an approved ERP must be issued, floodplain compensation measures based upon preserved wetlands and other onsite compensatory flood storage systems, and loss of life and property mitigation measures as detailed in the attached July 6, 2022, Trescott Planning Solutions, LLC Coastal High Hazard Area (CHHA) and Hurricane Preparedness/Mitigation Analysis to ensure the protection of the public's health, safety and welfare.

This condition would ensure compliance with F.S. 163.3178(2)(f) and reinforce consistency with Goal 101, Objective 101.3, and Policies 101.1.1, 101.1.4, 101.3.2, 101.3.4, and 101.3.5 of the Lee Plan.

Environmentally Sensitive Areas

Coastal High Hazard Area (CHHA)

- 66.5 acres of the 76.82 acres are within the CHHA
- Lee Plan Objective 101.1 encourages improved function of natural systems as a defense against coastal flooding
- Lee Plan Policy 101.1.1 requires development in CHHA be compatible with natural systems
 - ✓ Applicant is providing 32.30 acres of open space, 0.67 acres of lakes, 13.98 acres of conservation area that includes wetlands, uplands and other surface waters.
 - ✓ Homes will be built at a minimum one foot above base flood elevation.
 - ✓ All construction will comply with Florida Building Code.
- ❖ Lee Plan Policy 101.3.2 restricts development in CHHA to uplands except as needed for the provisions of public facilities.
 - Uses within the 16.56 acres of CHHA do not meet the definition of public facilities.
 - Staff has recommended conditions to ensure mitigation for impacts is provided at time of development order to be consistent with the Lee Plan.



ATTACHMENT D

**South Florida Water Management District
Formal Wetland Determination Permit No. 36-106593-P
Date Issued: August 8, 2022**

Project Name: Greenwell Property (FWD)

Petitioner: Mike Greenwell
18500 State Road 31
Alva, FL 33920

Application No. 220207-33115

Location: Lee County, See Exhibit 1

Acres: 76.82

Expiration Date: August 8, 2027

Type: Certified Survey
Approximate Delineation, GPS

Project Summary

This application is for a formal determination of the landward extent of wetlands and other surface waters (OSW), pursuant to Rule 62-330.201 Florida Administrative Code (F.A.C.), for a 76.82 acre property known as Greenwell Property. The methodology used for the determination is consistent with Rule 62-340 F.A.C.

Project Site Description

The 76.82 acre property is located in Section 18, Township 43 South, Range 26 East, Lee County, Florida. More specifically, the property is located on the east side of SR 31, between Rodeo Drive and Noah River Road (SR 781) in North Fort Myers. A Location Map is attached as Exhibit No. 1.0.

The existing land uses on the property include pastureland for cattle grazing and undeveloped forested uplands and wetlands. An aerial photograph depicting the inspection boundary is attached as Exhibit No. 2.0.

Formal Determination of Wetlands and Other Surface Waters

On February 7, 2022, the District received a request for a formal determination of the boundary of wetlands and OSW on a 76.82 acre property known as Greenwell Property. The landward extent of wetlands was established by Passarella & Associates, Inc. and verified by Certified Wetland Evaluator (CWE) Emma Berger of the South Florida Water Management District on April 12 and April 14, 2022. Wetlands and other surface waters (OSW), as defined by Subsection 373.019(27) F.S. and Rule 62-340 F.A.C., were identified on the property. Wetlands and OSW on the property were delineated using the methods established in Rule 62-340 F.A.C.; more specifically, the wetlands were delineated using the Wetlands Definition, and the A, B and D tests. Wetland delineation information, including wetland data point location map, wetland data forms, and representative photographs of the wetlands and upland areas can be found in the permit file.

Wetlands delineated on the property totaled 27.27 acres and OSW totaled 0.70 acres. The wetland and OSW line survey are attached as Exhibit Nos. 3.0 and 3.1. The wetland boundaries on-site were surveyed, while the OSW on-site were field verified using an approximate formal determination, via GPS coordinates. The OSW delineation meets the range of variability criteria for approximate delineations, outlined in Section 7.2.2(e)2(a) of the Applicants Handbook, Vol.

Please refer to Exhibit No 3.1 for the certified survey and approximate delineation points.

Wetland Description

The wetlands identified on the property totaled 27.27 acres (Exhibit Nos. 3.0 and 3.1). Wetland habitats on the property generally consist of hydric oak hammock, hydric cabbage palm, wetland hardwood forest, and hydric pasture, with varying degrees of exotic vegetation. Upland habitats adjacent to the wetlands generally included live oak, hardwood conifer mixed, and improved pasture. The wetlands were delineated using the Wetland Definition, A, B, and D tests.

OSW Description

Other surface waters identified and delineated on the property totaled 0.70 acres. OSW generally consisted of shallow ponds.

Based on the National Resource Conservation Service (NRCS) data, the property contains five (5) historically mapped soils. The mapped soils on the property included Oldsmar sand (Map Unit 33), Immokalee sand-Urban land complex (Map Unit 36), Copeland fine sandy loam, frequently ponded (Map Unit 45), Boca fine sand-Urban land complex (Map Unit 102), and Oldsmar sand-Urban land (Map Unit 125). A soils map is attached as Exhibit No. 4.0.

Soil pit data is included within the wetland delineation data forms, which were field verified on April 12 and April 14, 2022. Hydric soil indicators included A7 (5 cm Mucky Mineral), A8 (Muck Presence), S6 (Stripped Matrix), S7 (Dark Surface), S9 (Thin Dark Surface), and Loamy Gleyed Matrix (F2) within the wetland area. Hydrologic Indicators observed at or near the data point locations included hydric soil indicators A7, A8, S7, and S9 beginning at the soil surface (Hydrologic Data), algal matting on ground surface, and water marks on vegetation and fence posts.

This Formal Determination of Wetlands and Other Surface Waters is the District's determination of the landward extent (boundaries) of wetlands and other surface waters within the property based on the documentation submitted by the Petitioner and field application of Chapter 62-340, F.A.C. This action does not authorize any construction activities or constitute conceptual approval of any anticipated projects or activities in wetlands or other surface waters. It does not in any way establish boundaries of sovereign submerged lands, high water elevations or other elevations/ boundaries. Pursuant to Subsection 373.421 (4), F.S., the Governing Board may revoke the Formal Wetland Determination upon a finding that the Petitioner has submitted inaccurate information to the District.

The Formal Wetland Determination shall be binding for the stated duration provided physical conditions on the property do not change so as to alter the boundaries of wetlands and other surface waters during that period.

Distribution List

Bridgette Theriault, Passarella & Associates, Inc *

Brian Farrar, BCF Management Group, LLC *

Florida Department of Environmental Protection SLERC *

Lee County Property Appraiser *

Florida Department of Environmental Protection - Environmental Administrator *

Exhibits

The following exhibits to this permit are incorporated by reference. The exhibits can be viewed by clicking on the links below or by visiting the District's ePermitting website (<http://my.sfwmd.gov/ePermitting>) and searching under this application number 220207-33115 .

[Exhibit No. 1.0 Location Map](#)

[Exhibit No. 2.0 Aerial](#)

[Exhibit No. 3.0 Aerial with Wetlands and OSW](#)

[Exhibit No. 3.1 Certified Survey](#)

[Exhibit No. 4.0 Soil Map](#)

NOTICE OF RIGHTS

As required by Chapter 120, Florida Statutes, the following provides notice of the opportunities which may be available for administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, or judicial review pursuant to Section 120.68, Florida Statutes, when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Some of the legal proceedings detailed below may not be applicable or appropriate for your situation. You may wish to consult an attorney regarding your legal rights.

RIGHT TO REQUEST ADMINISTRATIVE HEARING

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

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

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

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

FILING INSTRUCTIONS

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

Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the District Clerk, 3301 Gun Club Road, West Palm Beach, Florida 33406.
- Filings by hand-delivery must be delivered to the Office of the District Clerk. Delivery of a petition to the District's security desk does not constitute filing. It will be necessary to request that the District's security officer contact the Office of the District Clerk. An employee of the District's Clerk's office will receive and process the petition.
- Filings by e-mail must be transmitted to the Office of the District Clerk at clerk@sfwmd.gov. The filing date for a document transmitted by electronic mail shall be the date the Office of the District Clerk receives the complete document.

INITIATION OF ADMINISTRATIVE HEARING

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

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

MEDIATION

The procedures for pursuing mediation are set forth in Section 120.573, Florida Statutes, and Rules 28-106.111 and 28-106.401-.405, Florida Administrative Code. The District is not proposing mediation for this agency action under Section 120.573, Florida Statutes, at this time.

RIGHT TO SEEK JUDICIAL REVIEW

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



Exhibit No: 1

Exhibit Created On:
2022-07-28

LEE COUNTY, FL

REGULATION DIVISION

Project Name: Greenwell Property (FWD)



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Miles



Application

Permit No: 36-106593-P

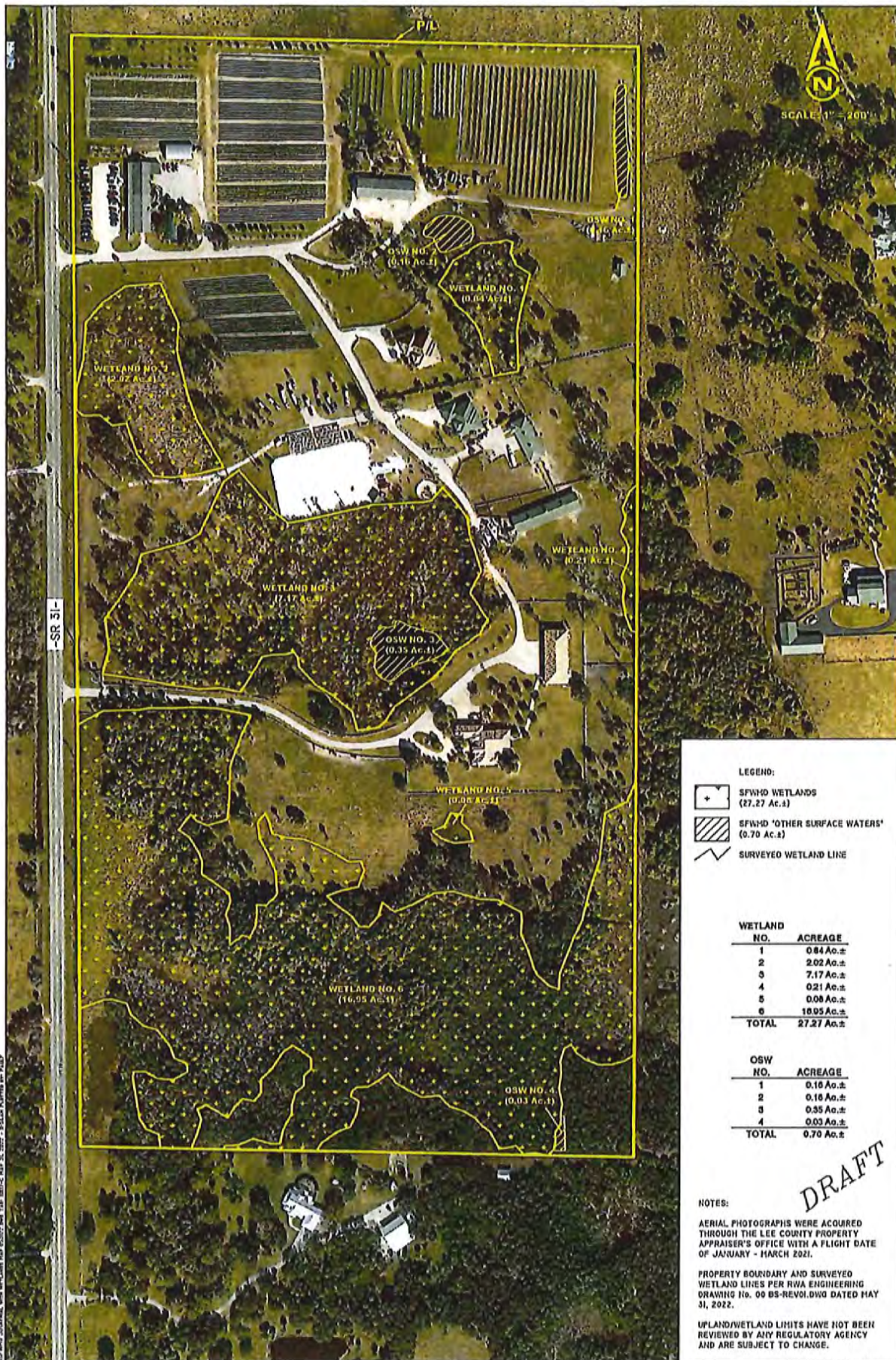
Application Number: 220207-33115

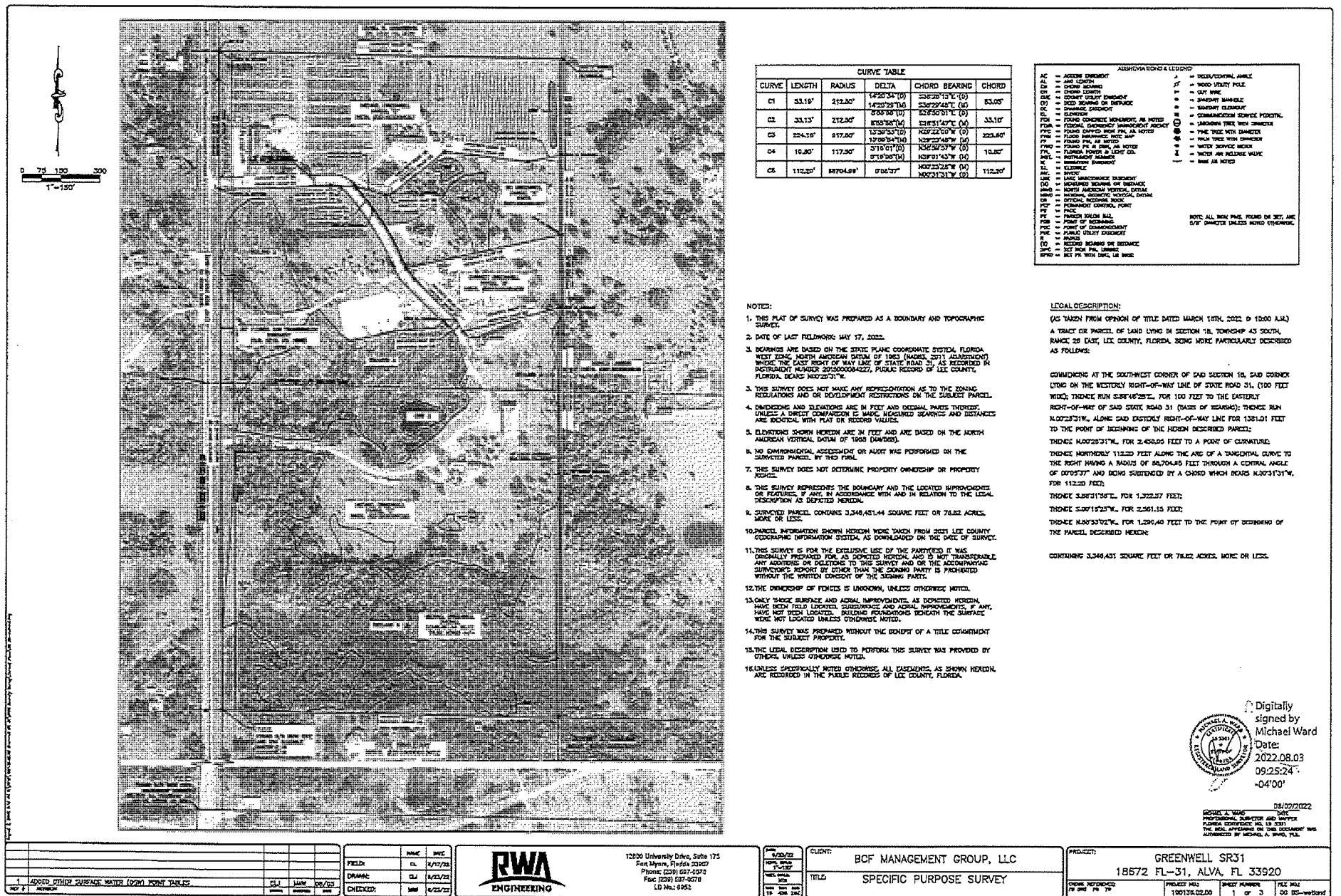


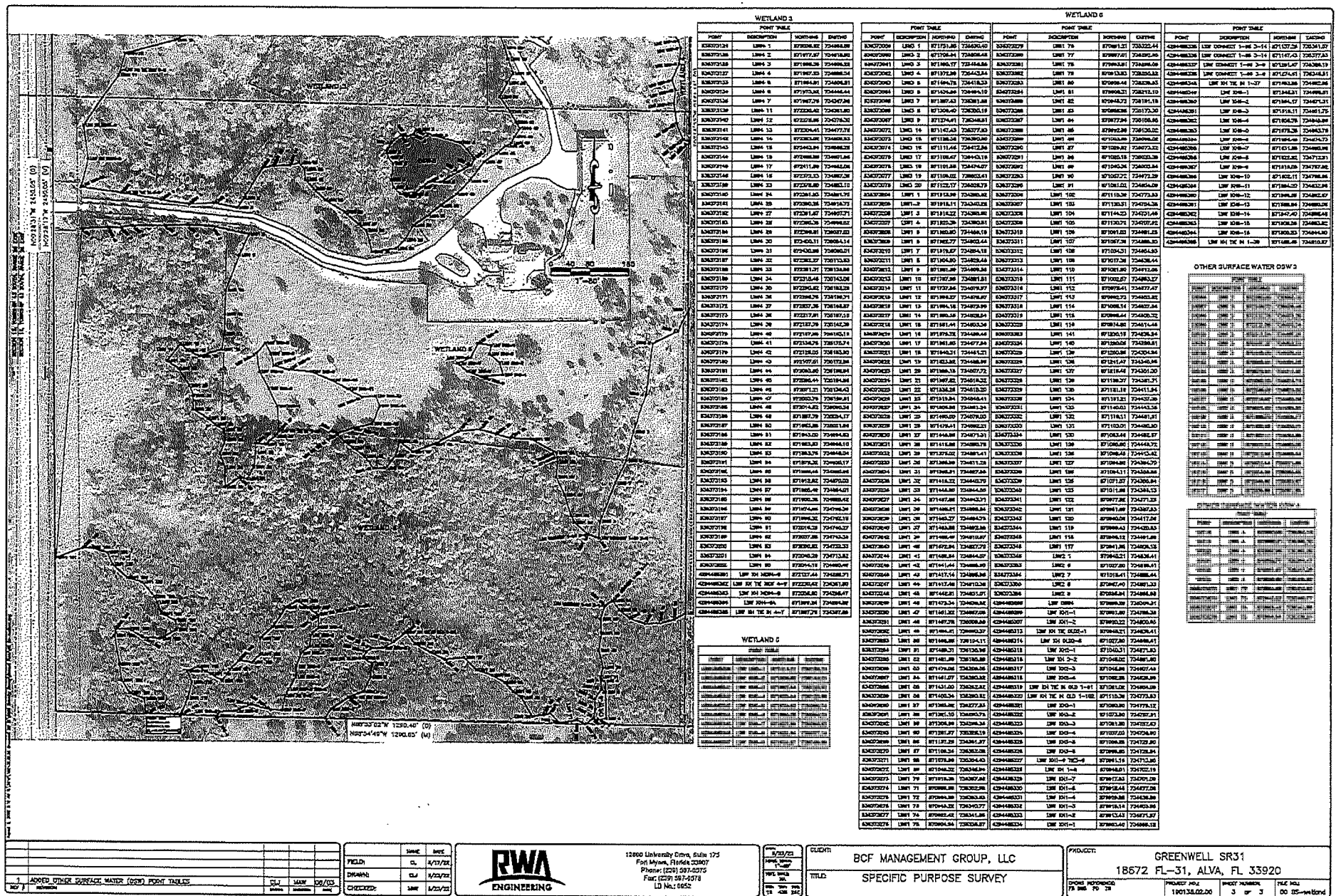
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SERVICES

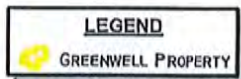
South Florida Water Management District











0 200 400
Feet

Soil Unit	Description
33	Oldsmar sand, 0 to 2 percent slopes
36	Immokalee sand-Urban land complex, 0 to 2 percent slopes
45	Copeland fine sandy loam, frequently ponded, 0 to 1 percent slopes
102	Boca fine sand-Urban land complex, 0 to 2 percent slopes
125	Oldsmar sand-Urban land, 0 to 2 percent slopes

NOTES:

SOILS MAPPING WAS ACQUIRED FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE WEBSITE APRIL 2021.

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF JANUARY - MARCH 2021.

FIGURE 4. SOILS MAP
GREENWELL PROPERTY

DRAWN BY	DATE
R.F.	11/8/21
REVIEWED BY	DATE
S.J.	11/8/21
REVISED	DATE



STAFF REPORT FOR CPA2021-00015: Greenwell SR31 Map & Text Amendment



Privately Initiated Map Amendment

Recommendation

Transmit

Applicant

BCF Management Group, LLC

Representative

Brian F. Farrar

BCF Management Group, LLC

Property Size

76.82 acres

Community Plan Areas

Northeast Lee County

North Olga

Commissioner District

District 5

Hearing Dates

LPA: 7/25/2022

BoCC #1: 9/21/2022

BoCC #2: 12/7/2022

Attachment(s):

1: Proposed Amendments

REQUEST

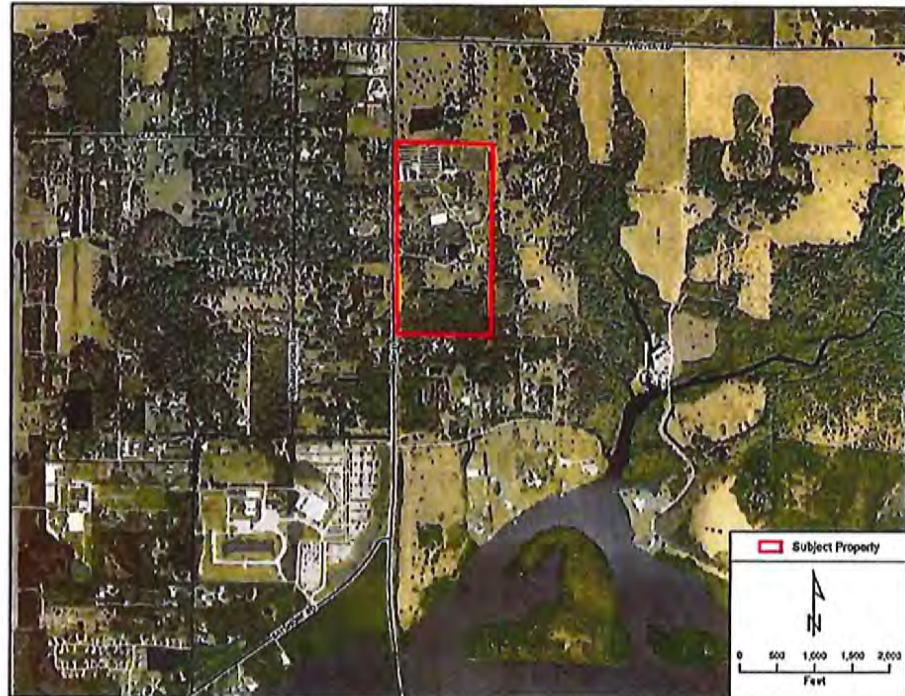
Amend the Future Land Use Map (Map 1A) to re-designate the future land use categories of approximately 265.33 acres from the Rural and Wetlands to Outlying Suburban and Wetlands; amend the Lee County Utilities (LCU) Future Water Service Areas (Map 4A) to add property to the service area; and, amend Table 1(b) to accommodate future development.

SUMMARY

The amendment to the Future Land Use Map will change the allowable density and uses of the subject property from 1 dwelling unit an acre with types of commercial uses limited by Policy 6.1.2 to allow up to 3 dwelling units an acre without the commercial limitations set forth in Policy 6.1.2. This change corresponds with the proposed amendment to the Year 2045 Allocations (Table 1(b)). The amendment to the LCU Future Water Service Areas map, adding the subject property to the LCU water service area, allows for future connection to LCU's potable water. These proposed amendments will accommodate the development of up to 400,000 square feet of commercial uses and a maximum of 125 dwelling units on the subject property.

PROJECT LOCATION

The property is located on the east side of SR 31, north of the Caloosahatchee River, and approximately 0.25 miles south of North River Road as shown below.



RECOMMENDATION: *Adopt* the amendments to the Lee Plan as transmitted and as provided in Attachment 1.

PART 1
STAFF DISCUSSION AND ANALYSIS

CONCURRENT APPLICATION REVIEW

The applicant has filed a companion rezoning application (DCI2021-00050) that is being reviewed concurrently with this plan amendment application. The applicant is seeking to rezone the subject property from AG-2 to a Mixed Use Planned Development (MPD) to allow up to 400,000 square feet of commercial and a maximum of 125 dwelling units.

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

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

SUBJECT PROPERTY

The subject property contains 76.82+/- acres and includes four separate parcels. The property is currently in the Rural and Wetlands future land use categories and is zoned AG-2. One of the parcels of the subject property currently contains Produce 31 and Cracker Shack Café that are part of an agri-tourism business. In addition to the agri-tourism uses, the other three parcels contain single family homes and agricultural uses.

SURROUNDING PROPERTIES

The parcel located to the north of the subject property, at the southeast quadrant of the intersection of SR 31 and North River Road, contains a single family home. This property is in the Rural and Wetlands future land use categories and is zoned Agricultural (AG-2). Policy 6.1.2 provides that this parcel may develop Community Commercial¹ uses if approved as part of a planned development. Further north, on the north side of North River Road is the Babcock mixed use community. Within the Lee County portion of Babcock is 4,157.2 acres approved for 1,630 residential dwelling units and 1,170,000 square feet of non-residential uses.

South of the subject property, on the east side of SR31, are existing single family residential uses on lots ranging in size from approximately 1.4 acres to 45 acres. These properties are in the Rural future land use category and are zoned AG-2.

East of the subject property is an existing single family residential use, on a 128 acre parcel. This property is in the Rural and Wetlands future land use categories and is zoned AG-2. Further east is the proposed Owl Creek residential subdivision and Owl Creek Boat Works, an industrial zoned marina.

¹ Community Commercial - Commercial development that provides for the sale of retail goods such as clothing, variety items, appliances, and furniture as well as goods that may be found in a neighborhood commercial development and has a gross floor area range of 100,000 to 400,000 square feet. (Lee Plan Glossary)

West of the subject property, on the west side of SR31, are existing single family residential uses on lots ranging in size from approximately 1 to 10 acres. These properties are in the Rural future land use category and are zoned AG-2.

The subject property as well as properties described above that are on the east side of SR 31 are within the North Olga Community Plan area. Properties described above on the west side of SR 31 are within the Bayshore Community Plan area.

LEE PLAN ANALYSIS

Current and Proposed Future Land Use Category

The subject property is currently designated as Rural and Wetlands on the Future Land Use Map, which are described by Policy 1.4.1 (Rural) and Policy 1.5.1 (Wetland) of the Lee Plan.

Policy 1.4.1 states that the Rural future land use category are areas that “are to remain predominantly rural – that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community...These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre).”

Policy 1.5.1 provides that “permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 124. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII.” Policy 124.1.2 generally allows for uses that are permitted on adjacent uplands, if permits to impact the wetlands are obtained from the appropriate state agency or Water Management District.

The proposed amendment is to re-designate the subject property from Rural and Wetlands future land use categories to the Outlying Suburban and Wetlands future land use category. The proposed request will not re-designate any areas currently within the Wetlands future land use category.

Lee Plan **Policy 1.1.6** provides that the “Outlying Suburban future land use category is characterized by its peripheral location in relation to established urban areas. In general, this category is rural in nature or contains existing low-density development. Some of the requisite infrastructure needed for higher density development is planned or in place. Industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed.”

One of the main differences between the Rural and Outlying Suburban future land use categories is (1) the maximum density that is allowed – 1 dwelling unit an acre in the Rural future land use category and 3 dwelling units an acre in the Outlying Suburban future land use category. Another difference between the two categories is the treatment of non-residential uses. In the Rural future land use category non-residential uses are limited to those that are needed to serve the rural community and does not specifically mention industrial uses. In addition, the Rural future land use category is considered to be a Future Non-Urban Area, which limits commercial uses to 30,000 square feet or less based on Policy 6.1.2. In the Outlying Suburban future land use category commercial uses intended to serve residents outside of the rural community are allowed and Policy 6.1.2 would not apply as the Outlying Suburban future land

use category is a Future Suburban Area. However, industrial uses are specifically prohibited based on Policy 1.1.6.

Community Plan Areas

The subject property is within the Northeast Lee County and North Olga Community Plan Areas as shown on Map 2-A of the Lee Plan. The Northeast Lee County Community Plan area is described in Lee Plan Goal 27 and the North Olga Community Plan area is described in Lee Plan Goal 29.

Goal 27: Northeast Lee County Community Plan, is to “Maintain, enhance, and support the heritage and rural character, natural resources, and agricultural lands. Alva and North Olga will work cooperatively toward this goal through the objectives and policies that follow, and through their individual community plans.”

Goal 29: North Olga Community Plan, is to “Promote and support the unique rural character, heritage, economy, quality of life, and natural resources in the North Olga Community Plan area.”

The North Olga Community Plan area is contained wholly within the Northeast Lee County Community Plan area, which also contains the Alva Community Plan area. Both the Northeast Lee County and North Olga Community Plans (Goal 27 and Goal 29, respectively) generally discuss protecting existing community character through preservation of open spaces, clustering developments, landscape and architectural standards, protection of environmentally sensitive lands, and continuation of commercial agricultural uses.²

Both Community Plan area Goals, specifically in Policy 27.1.3 and Policy 29.1.2, also address the need to identify opportunities for a rural mixed use area. Policy 27.1.3, for Northeast Lee County, provides that the area for “rural mixed uses” should be connected to and compatible with adjacent areas. Policy 29.1.2, for North Olga, provides that Lee County along with service providers and land owners will “examine the need for a rural mixed use village center that provides for public meeting space, institutional uses, recreational opportunities, and local goods and services.”

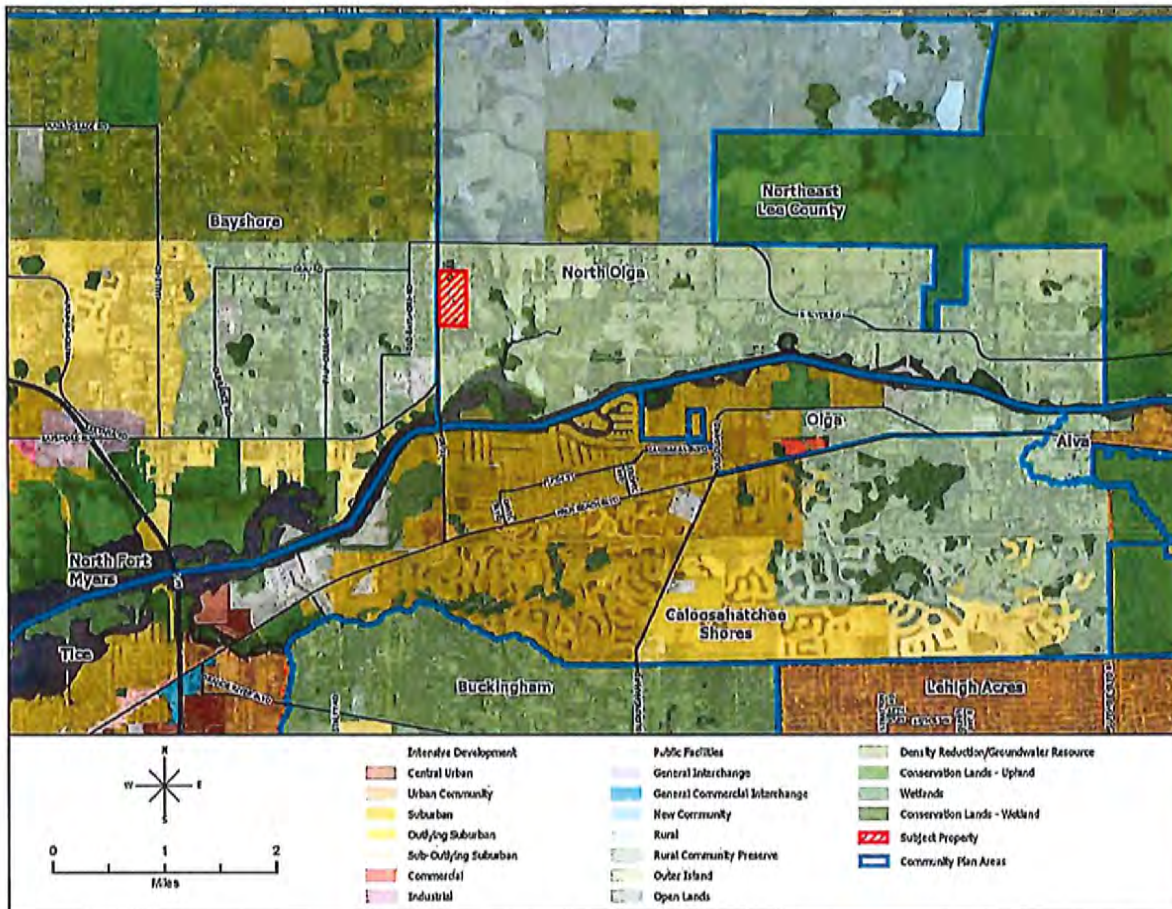
Based on the existing Lee Plan designations, there are limited opportunities for commercial or a mixture of uses within the North Olga Community Plan area. Future land use categories within the North Olga Community Plan area are Rural, New Community, Density Reduction/Groundwater Resource (DR/GR), and Wetlands. Opportunities to create a mixed use area are limited in the Rural, DR/GR and Wetlands future land use categories due to allowable uses and densities/intensities.

There are also policies in the Northeast Lee County, North Olga, and Alva Community Plan areas that seek to preserve the rural character and scenic qualities of North River Road, protect its continued use in a manner that supports local commercial agriculture businesses and their continued viability, and allows for multiple types of users, including, automobile, pedestrians, bicyclist, and equestrians³. These policies make it more difficult to allow the development of a mixed use community as desired, along North River Road.

² See Objectives 27.1, 29.1, and 29.3; and, Policies 27.1.1, 27.1.2, 27.1.4, 27.1.5, 27.1.6, 29.1.1, 29.1.3, and 29.3.3.

³ See Objective 29.4; and Policies 24.4.1, 27.4.4, 28.4.4, 29.4.2, and 29.4.3.

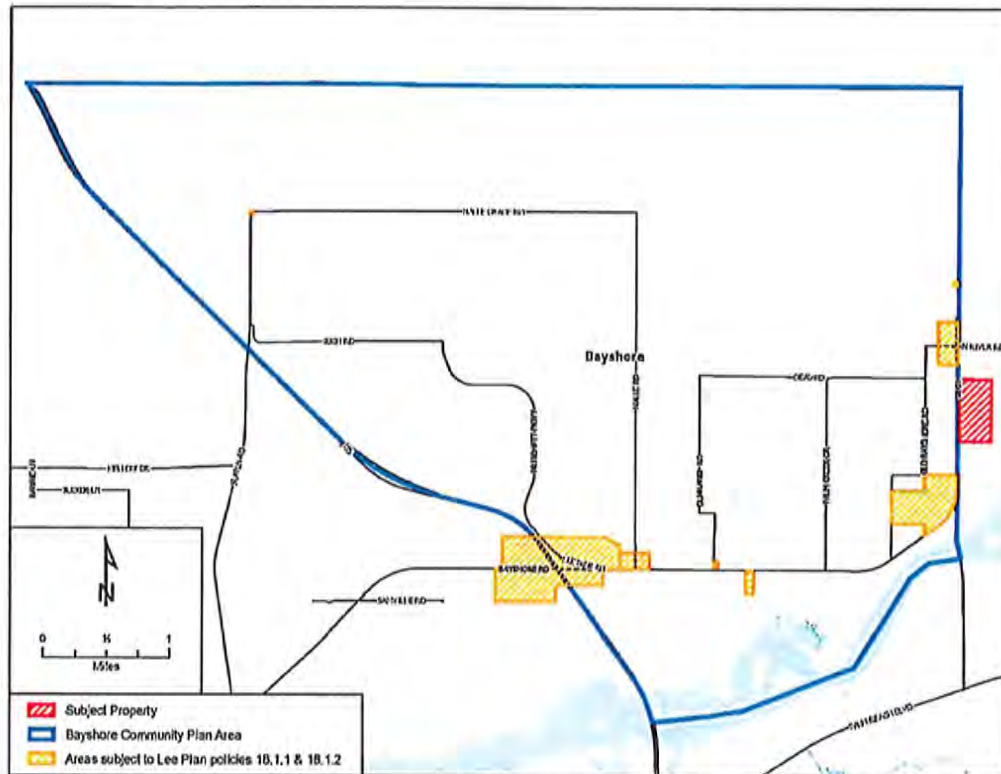
Existing Future Land Use Designations



There are opportunities for commercial uses within the New Community future land use category as part of Babcock. Additional opportunities for commercial uses are provided by Policy 6.1.2 of the Lee Plan, which allows for Neighborhood Commercial within $\frac{1}{4}$ mile of State Route 31 within the North Olga Community Plan area between the Caloosahatchee River and North River Road with the potential for Community Commercial for property at the intersection of North River Road and State Route 31. The opportunities for commercial uses within North Olga are concentrated along State Route 31.

Likewise, in the Bayshore Community Plan area, immediately to the east of the subject property, there are limited opportunities for commercial uses. Future land use categories within the Bayshore Community Plan area include the Rural, Open Lands, DR/GR, Wetlands, Sub-Outlying Suburban, and General Interchange. The Bayshore Community Plan area also limits opportunities for retail commercial to specific properties regardless of future land use category designation through Policies 18.1.1 and 18.1.2, which provide specific properties and intersections where retail commercial uses are allowed, further limiting possible locations for retail commercial uses.

As shown below potential retail commercial properties within the Bayshore Community Plan area are located mainly along State Route 31 and Bayshore Road (State Route 78).



Areas consistent with Policies 18.1.1 and 18.2.1 for retail commercial uses in Bayshore, including the General Interchange in the North Fort Myers Community Plan area.

As discussed above there are limited opportunities to create a mixed use village within the North Olga Community Plan area as provided in Policy 29.1.2. Amending the Future Land Use Map to include a future land use category that allows for up to three units an acre as well as increased commercial intensities in order to facilitate a development with a mixture of uses is consistent with **Policy 29.1.2 and Policy 27.1.3**. The higher density allowed in the Outlying Suburban future land use category (relative to the Rural future land use category) will also allow for a wider mix of unit types and lot sizes than is currently available within the North Olga Community Plan area, consistent with **Policy 29.2.1**.

Consistent with Policies 17.3.2, 17.3.3, 17.3.4, and 27.1.8, the applicant conducted a public information meeting within the North Olga Community Plan area on March 2, 2022; and within the Alva Community Plan area on March 1, 2022. The attendees asked about improvements to the transportation network, types and pricing of housing that would be built, height of buildings, and if there were any plans for additional development east of this property.

Growth Management

The proposed amendment would support development with an increased intensity and density from one dwelling unit an acre to three dwelling units an acre in a centralized location between two Community Plan areas that largely consist of low density future land use categories, with limited opportunities for commercial development. The subject property is located in an area where infrastructure and services are available (see discussion below in Service Availability), and with anticipated improvements to State Road 31. Re-designating the future land use category of the subject property from Rural to Outlying Suburban is consistent with **Goal 2**, which is to "To provide for an economically feasible plan which coordinates the location and timing of new development with the provision of infrastructure by government agencies, private utilities, and other sources."

The Lee Plan provides that areas in the Rural future land use category "are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas", while Policy 1.1.6 provides that the Outlying Suburban future land use category is "characterized by its peripheral location in relation to established urban areas. In general, this category is rural in nature or contains existing low-density development. Some of the requisite infrastructure needed for higher density development is planned or in place."

Coastal High Hazard Area

A large portion of the subject property is within the Coastal High Hazard Area. The proposed Outlying Suburban future land use designation of the property will allow an increase of density within the Coastal High Hazard Area, which requires consideration of Policy 101.1.4 of the Conservation and Coastal Management Element.

POLICY 101.1.4: Require that comprehensive plan amendments which increase density within the Coastal High Hazard Area or on islands meet one of the following criteria in accordance with § 163.3178(8), Fla. Stat.:

1. Will not result in an out of County hurricane evacuation time that exceeds 16 hours for a Category 5 storm event (Level E storm surge threat); or
2. Will maintain a 12 hour evacuation time to shelter for a Category 5 storm event (Level E storm surge threat) and ensure shelter space is available to accommodate the additional population; or
3. Will provide appropriate mitigation as determined by Lee County Department of Public Safety, to satisfy both criteria above, which may include the payment of money or construction of hurricane shelters and transportation facilities.

As part of the concurrent rezoning application, the applicant has provided an analysis addressing the Coastal High Hazard Area and hurricane preparedness and mitigation for the subject property. Consistent with **Policy 101.1.4**, the concurrent rezoning will be conditioned to provide appropriate mitigation for the densities and intensities proposed as part of the concurrent rezoning.

LCU Future Water Service Area – Map 4-A Amendment

The resulting gross density of the subject property, if the proposed Lee Plan amendments and concurrent rezoning is approved, will be a maximum of 3 dwelling units an acre, which exceeds the 2.5 dwelling units an acre that requires connection to public potable water system or sanitary sewer system.⁴ LCU has water

⁴ Lee Plan Standards 4.1.1 and 4.1.2.

mains in close proximity to the subject property and the applicant is requesting to add the property to the Lee County Future Water Service Area, Map 4-A. LCU has capacity to serve the proposed project. The applicant has also stated intent to connect to the Florida Governmental Utilities Authority (FGUA) sanitary sewer system. FGUA has provided verification that their system has capacity to serve the proposed development.

Amending the Lee Plan to allow for connection to LCU's potable water is consistent with **Policy 126.1.4** of the Lee Plan, which requires development designs must maintain groundwater levels at or above existing levels. Connecting to the LCU's potable water system, will reduce stress on the shallow aquifer and help to maintain or improve groundwater levels near the subject property.

Table 1(b)

The request to amend Table 1(b) is consistent with Lee Plan Goal 5 which is to provide sufficient land in appropriate locations on the Future Land Use Map to accommodate the 2045 projected population of Lee County. To maintain the 2045 Lee County adopted population accommodations, Table 1(b) is being amended to increase the residential acres in the Outlying Suburban future land use category and to decrease the residential acres in the Rural future land use category within the Northeast Lee County Planning District (Planning District #1). In order to make the population balance countywide, additional changes to Table 1(b) are also proposed, as shown in Attachment 1.

Transportation:

Access to the property is from State Route 31 which is a paved, state-maintained, arterial roadway. Lee Plan amendments require information both a short range (5 years) and long range (20+ years) level of service (LOS) analysis. Based on the information provided in the application materials:

Short Range Analysis: SR 31 from SR 80 to SR 78 is projected to operate at LOS "C" without the project and LOS "F" with the project in Year 2026.

Long Range Analysis: SR 31 from SR 78 to North River Rd, SR 80, east of SR 31 are projected to operate at LOS "F" with and without the project.

Transportation concurrency is not required per Florida Statutes Section 163.3180.

Service Availability

Consistent with Objective 2.2, there are adequate potable water, sanitary sewers, solid waste, police, fire/EMS, and schools services and facilities to accommodate the proposed amendment.

Mass Transit: The subject property is not within one-quarter mile of a fixed-route corridor, the closest bus stop is not within one-quarter mile of a bus stop, and the 2016 TDP does not identify the need for enhanced or additional transit services in the area.

Utilities: The subject property has access to water and sewer services. The proposed amendments will add the subject property to Lee Plan Map 4-A: Future Water Service Areas. Potable water is available from the North Lee County Water Treatment Plant. Wastewater service will be provided by FGUA and FGUA has capacity to serve the proposed development.

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

Fire: The Bayshore Fire Protection and Rescue Service District indicated they are capable of providing fire protection.

EMS: The subject property has access to EMS services. In a letter dated November 7, 2021, Lee County Emergency Medical Services indicates they will be able to serve the property from Medic 11 located 3.6 miles south of the property, and a second EMS facility located 4 miles from the property.

Police: The Lee County Sheriff will provide law enforcement services primarily from the North District office in North Fort Myers. The Sheriff indicated in a letter dated November 12, 2021 that the development of the subject property will not affect the ability of the Lee County Sheriff's Office to provide core services at this time.

Schools: There is adequate school seat capacity to serve the subject property and the project's generation of middle and high school students. Capacity is an issue within the Concurrency Service Area (CSA) at the elementary school, however, capacity is available in the adjacent CSA.

CONCLUSIONS

The proposed amendments to the Lee Plan are consistent with the Lee Plan as discussed in the report and summarized below.

- Amending the Future Land Use Map to include a future land use category that allows for up to three units an acre as well as increased commercial intensities in order to facilitate a development with a mixture of uses is consistent with **Policy 29.1.2** and **Policy 27.1.3**.
- There are limited opportunities for commercial or a mixture of uses within the North Olga Community Plan area and the neighboring Bayshore Community Plan area.
- The applicant held separate public information meetings within the North Olga and Alva Community Plan areas as required by **Objective 17.3**.
- Lee County Utilities has capacity to serve the proposed project. Amending the Lee Plan to allow for connection to LCU's potable water is consistent with **Policy 126.1.4** of the Lee Plan.
- Infrastructure and services are available to the subject property, including anticipated improvements to State Road 31. Re-designating the future land use category of the subject property from Rural to Outlying Suburban is consistent with **Goal 2**.

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

PART 2
LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: July 25, 2022

A. LOCAL PLANNING AGENCY REVIEW

Applicant provided a presentation addressing the requested amendments, subject property, impact analysis, consistency with the Lee Plan, and concurrent rezoning.

Members of the LPA asked about neighborhood meetings, anticipated widening of SR 31, and availability of public water and sewer facilities. Staff and the applicant addressed the questions by the LPA.

Following this, staff made a presentation addressing the requested amendments, location of the property, and consistency with the Lee Plan.

Members of the LPA had questions about: potential development intensity and density increases, and the review process this amendment would go through with the State Reviewing Agencies.

There was public comment from two residents concerning the proposed amendment at the LPA Hearing. One of the speakers supported the proposed amendments in order to provide commercial uses and services within Northeast Lee County. The other speaker did not support the proposed amendment and expressed concern with flood zones, construction and timing of SR 31, residential density and commercial intensity.

Following public comments, the LPA discussed the merits of the proposed amendments, which included the potential density and intensity, the unknowns around timing and alignment of SR 31, consistency with the Lee Plan, and creating a doughnut hole of Outlying Suburban surrounded by lands within the Rural future land use category.

B. LOCAL PLANNING AGENCY RECOMMENDATION

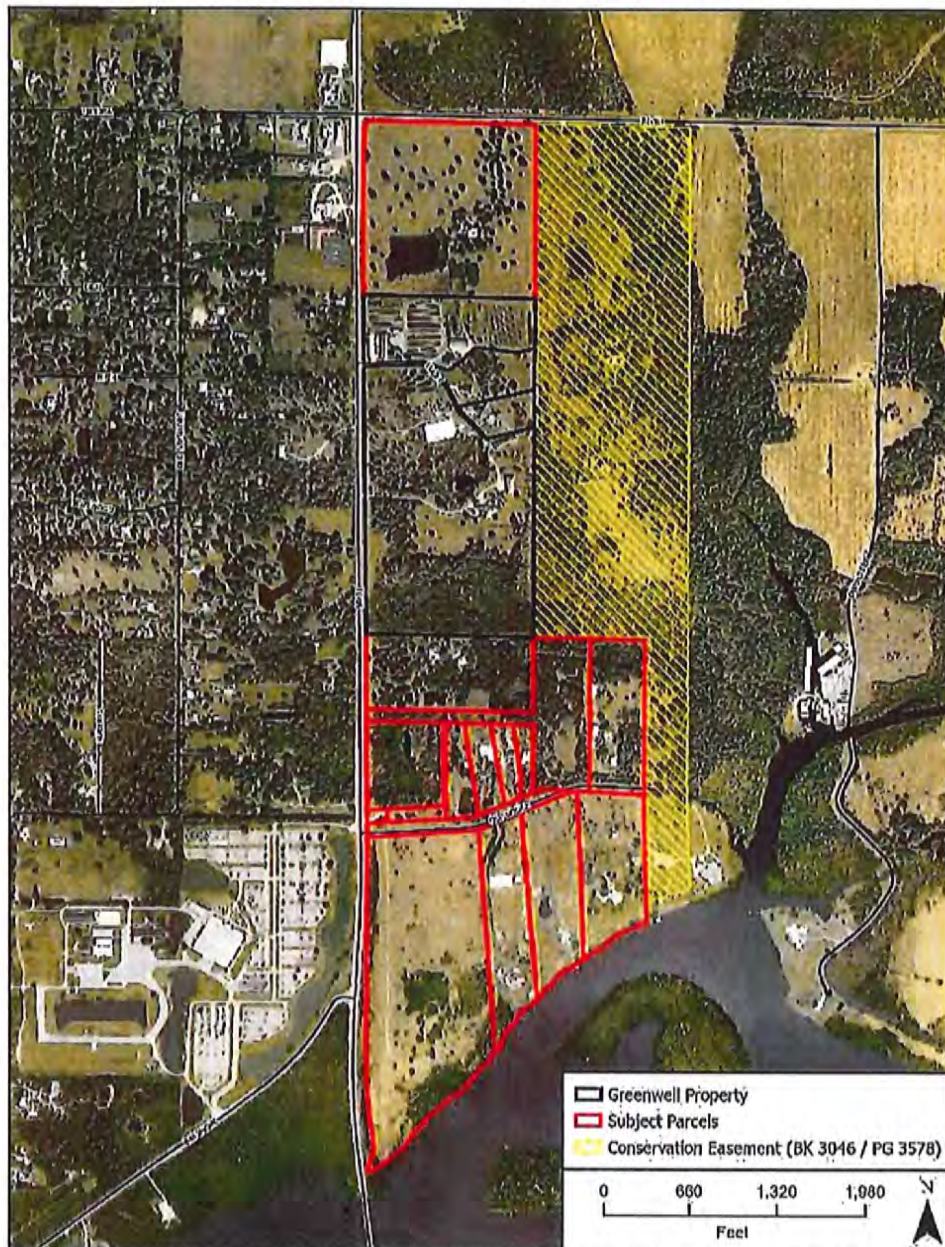
A motion was made to recommend that the Board of County Commissioners transmit CPA2021-00015. The motion passed 3 to 2.

RAYMOND BLACKSMITH	<u>AYE</u>
DUSTIN GARDNER	<u>AYE</u>
JAMES M. INK	<u>ABSENT</u>
ALICIA OLIVO	<u>AYE</u>
DON SCHROTENBOER	<u>ABSENT</u>
STAN STODER	<u>NAY</u>
HENRY ZUBA	<u>NAY</u>

C. STAFF RESPONSE TO LPA DISCUSSION

During the LPA discussion there was concern that the proposed amendment would create a doughnut-hole of Outlying Suburban surrounded by properties in the Rural future land use category.

Subsequent to the LPA hearing staff analyzed impacts to the transportation network and utilities infrastructure of adding an additional 15 properties, located on the east side of SR 31 between North River Road and the Caloosahatchee River, to the proposed amendments.



The 15 properties ("Subject Parcels") comprise approximately 180 acres designated as Rural (168.71 acres) and Wetlands (11.39 acres) on the Future Land Use Map. When added to the Greenwell

Property, the total area is 265.33 acres with 251.65 acres designated as Rural and 13.68 acres designated as Wetlands.

The property to the east of these additional properties is encumbered with a conservation easement and provides a rational deliniation and transition between the future Outlying Suburban and Rural future land use categories. The location of this transition also recognises and is consistent with the policies in the Northeast Lee County, North Olga, and Alva Community Plan areas that seek to preserve the rural character and scenic qualities of North River Road and allow for multiple types of users, including, commercial agriculture, automobile, pedestrians, bicyclist, and equestrians.

Development Scenarios

Although within the Rural future land use category, where commercial development is limited to Minor Commercial⁵ development, the Subject Parcels are allowed Neighborhood Commercial⁶ per Policy 6.1.2 which, in part, states:

POLICY 6.1.2: Commercial development in non-urban future land use categories is limited to Minor Commercial except that:

- Neighborhood Commercial uses serving the Lee County Civic Center are permitted within one quarter mile of SR31 between North River Road and the Caloosahatchee River in the North Olga Community Planning Area...”

Due to the exception identified in Policy 6.1.2 and a typical commercial intensity of 10,000 square feet per upland acre, under the Rural future land use designation the worst-case development scenarios on the 168.71 acres of uplands are 1,687,100 square feet of commercial OR 169 dwelling units. If the 168.71 acres of uplands were redesignated from Rural to the Outlying Suburban future land use category on the Future Land Use Map, the worst-case development scenarios become 1,687,100 square feet of commercial OR 506 dwelling units. The maximum increase in development potential on the Subject Parcels would be 337 dwelling units; there is no change to the amount of commercial square footage that could be permitted.

Utilities

Using the worst-case development scenario assumptions from above, the additional 337 residential units equate to just under 85,000 GPD (126,500 GPD total). The allowable total commercial (1.6871 million square feet) doesn't change and equates to just over 168,000 GPD assuming 10 gallons per 100 square feet. Even in the worst-case development scenario of 506 dwelling units, less flow would be produced than from the maximum amount of commercial allowed today without changing the land use.

⁵ MINOR – Commercial development that provides for the sale of convenience goods and services and contains less than 30,000 square feet of gross floor area. (Lee Plan Glossary)

⁶ NEIGHBORHOOD – Commercial development that provides for the sale of convenience goods and personal services, such as food, drug, sundries, and hardware items and has a gross floor area range of 30,000 to 100,000 square feet.

Transportation

Based on the same assumptions, an analysis of impacts to the transportation network found that under the existing worst-case development scenario the total new trips in PM peak hour would be 3,040 trips. Under the proposed worst-case development scenario, the total new trips would be 3,071 trips. Changing the future land use category of Subject Parcels upland areas from Rural to Outlying Suburban results in an increase of 31 trips in PM peak hour condition. The analysis concludes that the impacts on the surrounding roadway system is negligible based on the trip generation comparison between the existing land use and the proposed land use category.

D. STAFF RECOMMENDATION

Based on the analysis of the utilities and transportation network as well as existing Land Development Code provisions to address the character and aesthetics⁷ of the resulting potential development, staff recommends the Subject Parcels be included in the proposed amendments. Including the Subject Parcels in the amendment will address the concerns raised by the LPA, create a more cohesive land use pattern along SR 31, and will facilitate development with a mixture of uses where appropriate infrastructure and services exist and are available consistent with **Goal 2 and Policies 27.1.3, and 29.1.2.**

Staff recommends that the BoCC *transmit the amendment as provided in Attachment 1*⁸ for both the Greenwell Property and Subject Parcels to:

- Amend the Future Land Use Map designation of 265.33 acres from Rural and Wetlands to Outlying Suburban and Wetlands;
- Amend Map 4-A to add 265.33 acres to the Lee County Utilities Future Water Service Areas; and
- Amend Table 1(b) to increase the residential acres in the Outlying Suburban future land use category and to decrease the residential acres in the Rural future land use category within the Northeast Lee County Planning District (Planning District #1).

⁷ LDC Sections 33-1667 through 33-1677 address parking, architectural style, tree preservation, and signage within the North Olga Community Plan area.

⁸ Attachment 1 identifies the staff recommended amendments following the LPA discussion; Attachment 2 identifies the original applicant request.

PART 3
BOARD OF COUNTY COMMISSIONERS
TRANSMITTAL HEARING

DATE OF PUBLIC HEARING: September 21, 2022

A. BOARD REVIEW:

Staff provided a brief presentation for the proposed amendment which included an overview of the proposed amendment as requested by the applicant and recommended by staff, Lee Plan consistency, and LPA comments and recommendation. Following staff's presentation, the applicant's consultants provided a brief overview of the request and stated agreement with the staff recommendation.

One member of the public addressed the Board of County Commissioners concerning the proposed amendment. The member of the public expressed concerns with flood zones and additional lands added to the staff recommendation based on the LPA hearing.

B. BOARD ACTION:

A motion was made to transmit CPA2021-00005 as recommended by staff and the LPA. The motion passed 4 to 0.

VOTE:

MIKE GREENWELL	ABSTAIN
BRIAN HAMMAN	AYE
CECIL L. PENDERGRASS	AYE
KEVIN RUANE	AYE
RAY SANDELLI	AYE

PART 4
STATE REVIEWING AGENCIES'
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS

Comments from the State Reviewing Agencies were due to Lee County by October 26, 2022.

A. OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

Lee County received responses from the following review agencies addressing the transmitted amendment:

- Florida Department of Economic Opportunity
- Florida Department of Environmental Protection
- Florida Fish and Wildlife Conservation Commission (FWC)
- Florida Department of Agriculture and Consumer Services

There were no objections concerning the proposed amendments.

Florida Fish and Wildlife Conservation Commission staff recommended "that species-specific surveys be conducted on the properties adjacent to the Greenwell Property prior or any clearing or construction." Lee County staff appreciates the recommendation and notes that species-specific surveys are required by the Land Development Code as part of a rezoning application which would be required prior to any development that may be allowed by the proposed change to the Future Land Use Map.

B. STAFF RECOMMENDATION

Staff recommends that the Board of County Commissioners *adopt* the amendments to the Lee Plan as transmitted and as provided in Attachment 1.

MEMORANDUM
FROM
THE DEPARTMENT OF
COMMUNITY DEVELOPMENT

TO: Donna Marie Collins
Chief Hearing Examiner

DATE: January 9, 2023

FROM: Elizabeth Workman
Principal Planner

RE: 48-hour Letter
3640 SW PINE ISLAND ROAD CPD (DCI2021-00029)

Staff has prepared this 48-hour letter to supplement its analysis relative to compliance with Lee Plan policies regarding development within wetlands and the Coastal High Hazard, as defined in the Lee Plan. Staff recommends an additional condition of approval for the above-referenced case based on the following analysis.

The subject property is located in the Coastal High Hazard Area per the Lee Plan Map 5-A. Policy 101.3.2 restricts development in the Coastal High Hazard Area to uplands except as needed for the provision of public facilities.¹ The applicant is proposing to expand the development beyond the previously approved development footprint, which was approved prior to Lee Plan Policy 101.3.2 codification. The area to the south of the existing building will be used for open storage, parking, and detention to support the new use. The applicant will be impacting wetlands to construct the expansion. Staff requested a formal jurisdictional wetland determination or Environmental Resource Permit during sufficiency review but has not received either document. The Protected Species survey indicates wetland soils within the south portion of the property.

Policy 101.3.2 does not address development approval of impacts to wetlands in the CHHA. The development in wetlands is specifically regulated by Goal 124 and subsequent objectives and policies (see Policy 1.5.1). Policy 1.5.1 provides as follows:

¹ Public facilities are defined in the Lee Plan as major capital improvements, including transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks, and recreational facilities. Community Planning Act, Florida Statutes s. 163.3164 (39). Cf. 42 USC Ch. 68 §5122(10): "Public facility" means the following facilities owned by a State or local government: (A) Any flood control, navigation, irrigation, reclamation, public power, sewage treatment and collection, water supply and distribution, watershed development, or airport facility. (B) Any non-Federal-aid street, road, or highway. (C) Any other public building, structure, or system, including those used for educational, recreational, or cultural purposes. (D) Any park.

POLICY 1.5.1: Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. **All development in Wetlands must be consistent with Goal 124.** The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII.

To ensure compliance with the Lee Plan goals, objectives, and policies, the approval of development in wetlands must be consistent with Lee Plan Policy 124.1.2 per the following:

POLICY 124.1.2: The County's wetlands protection regulations will be consistent with the following:

- 1. The County will not undertake an independent review at the development order stage of the impacts to wetlands resulting from development in wetlands that is specifically authorized by a DEP or SFWMD dredge and fill permit or exemption.*
- 2. No development in wetlands regulated by the State of Florida may be commenced without the appropriate state agency permit or authorization. **Development orders and development permits authorizing development within wetlands or lands located within the Wetlands future land use category may be issued subject to a condition that construction may not commence until issuance of the required state permits.** (emphasis added)*
- 3. Lee County will incorporate the terms and conditions of state permits into County permits and will prosecute violations of state regulations and permit conditions through its code enforcement procedures.*
- 4. Every reasonable effort will be required to avoid or minimize adverse impacts on wetlands through the clustering of development and other site planning techniques. On- or off-site mitigation will only be permitted in accordance with applicable state standards.*
- 5. Mitigation banks and the issuance and use of mitigation bank credits will be permitted to the extent authorized by applicable state agencies.*
- 6. **The density on wetlands that have been impacted, or will be impacted, in accordance with a state agency permit will be calculated at a density***

of one dwelling unit per 20 acres. Nonresidential uses on wetlands that have been impacted, or will be impacted, in accordance with a state agency permit must be consistent with the non-residential uses permitted in the immediately adjacent, least intense, upland future land use category. (Ord. No. 94-30, 00-22, 07-12, 10-20, 10-39, 18-28, 19-13, 19-26) (emphasis added)

Policy 124.1.2 was amended after the adoption of Policy 101.3.2 to clarify the uses permitted within wetlands. Specifically, the Lee Plan was amended to identify uses on property that has been, or will be, impacted through state permits. With the adoption of the 2019 amendments to the Lee Plan, the Plan clearly identifies that development orders and development permits (including approval of rezoning applications) may be approved subject to approval of State Agency permits that permit impacts to the wetlands within the project boundaries.² The 2019 amendments to Policy 124.1.2 apply to all wetlands within Lee County and are not restricted to wetlands outside of the CHHA. If approved by the State, the impacted wetlands are treated as uplands for development purposes. As such, the restriction of development to only uplands found under Policy 101.3.2 are met subject to issuance of a state permit authorizing such impacts. If impacts to wetlands are not approved through the State Agency, then development may only occur on the uplands and the restrictions placed on development of wetlands under Goal 124 must be followed.

Lee Plan Policy 124.1.2, Notes 2 and 6 recognize that when the state agencies issue a permit to allow impacts to wetlands those wetland areas are treated as uplands. Mitigation is handled through the state agencies (see Policy 124.1.2, Note 5). Therefore, development may be allowed in wetland areas through a state agency permit that includes mitigation. When reviewing density, the County recognizes that the state agencies have permitted impacts to wetlands to create uplands and residential density for an impacted wetland at one unit per 20 acres.

Therefore, when considering the above, the subject property will be in compliance with Policy 101.3.2, subject to the issuance of a state permit. When wetlands are impacted, the state considers these areas developable uplands thus complying with Lee Plan Policy 101.3.2. Staff recommends the following condition to ensure consistency with Lee Plan Policy 124.1.2:

² In 2011, the State legislature adopted changes to § 125.022, Fla. Stat., prohibiting a county from requiring "as a condition of processing or issuing a development permit or development order that an applicant obtain a permit or approval from any state or federal agency..." Consequently, Lee County cannot prohibit issuance of a local development order or development permit subject to an Applicant acquiring a State permit to impact wetlands. In accordance with the statute cited, the County may only prohibit commencement of the development or construction until issuance of State permits necessary for the development.

State Wetland Permits

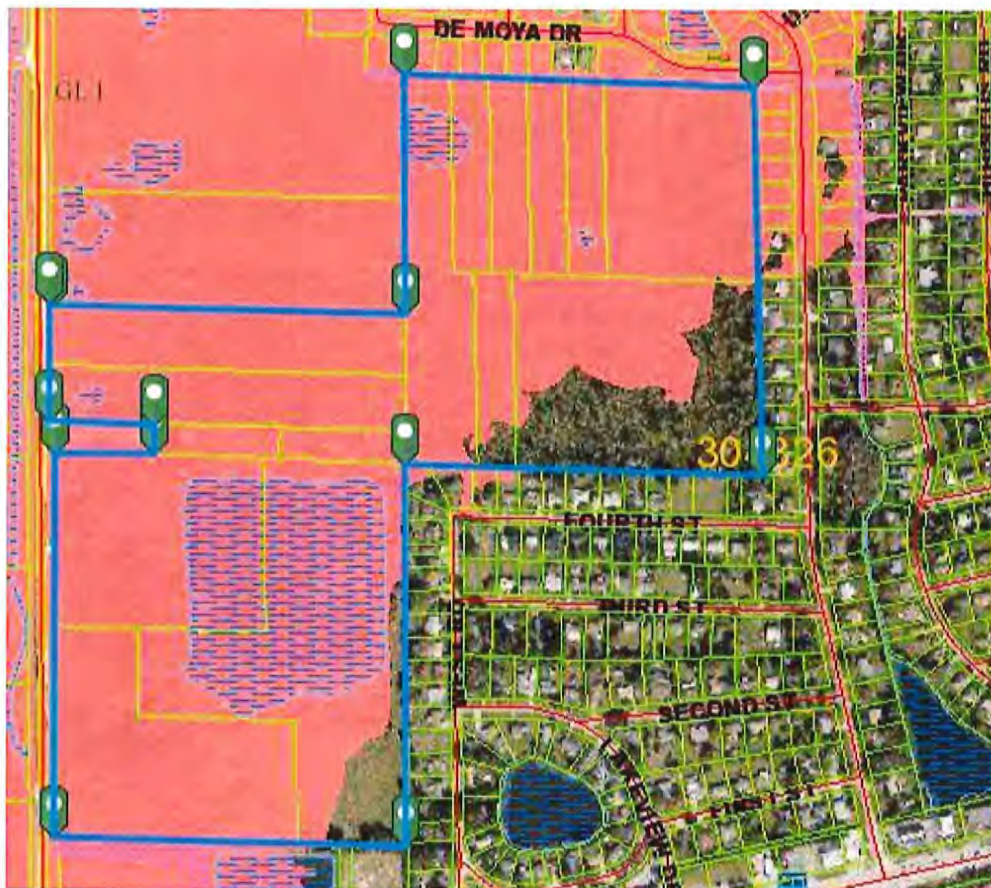
For development that proposes impacts to wetlands, construction may not commence until issuance of required state permits. Development activity must remain in compliance with applicable state wetland permits and applicable local development permits. If impacts to wetlands are not permitted by the State or if issued state wetland permits are inconsistent with proposed impacts to wetlands depicted within local development permit approvals, Developer must amend local development permit approvals to be consistent with issued state wetland permits or applicable Lee Plan and Land Development Code regulations pertaining to development within wetlands.

Based on the above analysis, wetlands located on the site that are proposed to be impacted and mitigated through the state permitting process are in compliance with Policy 124.1.2, Note 6. The least intense FLUM adjacent to the wetlands is Commercial Future Land Use Category per CPA2021-00010. Therefore, the proposed commercial uses are consistent once the state permits the project.

Respectfully Submitted,
Elizabeth A. Workman
Principal Planner, Zoning Section

31 Oaks
Policy 101.3.2 Consistency Narrative
Revised November 16, 2022

This narrative is to provide a Lee Plan consistency analysis of a rezoning application for the proposed development. The subject property in the rezoning application is located along State Road 31 south of the Caloosahatchee River. It is located in the Coastal High Hazard Area (CHHA) as shown in Map 5 of the LeePlan and therefore subject to CHHA Goals, Objectives, and Policies (GOPs) of the LeePlan.



CHHA area of subject property

The relevant LeePlan language for this narrative is:

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.

OBJECTIVE 101.3: DEVELOPMENT IN COASTAL AREAS. Protect human life and property from natural and man-made disasters.

POLICY 101.3.2: Restrict development in the Coastal High Hazard Area to uplands except as needed for the provisions of public facilities.

Analysis of Lee Plan as it relates to proposed development of the subject property focuses on wetlands to flood and storm water capacity. This narrow scope will be reinforced by analysis of the staff report for Lee County Ordinance 18-28 as written, reviewed, and enacted under Comprehensive Plan Amendment CPA2017-00006. The summary of changes within ordinance 18-28 in the staff report was to:

- GOPS within the CCM element will be combined, relocated, and/or restructured to create cohesion within the CCM element and consistency within the overall Plan.
- Clarify importance of protecting within the CHHA
- Update GOPS to align the CCM element with state statues, specifically F.S. 163-3178.
- Address discrepancies regarding interpretation of bonus density, increased density through Comprehensive Plan Amendments, and increase potential units through rezoning within the CHHA.

Currently the majority of the property is within the Suburban Land Use Category and has a maximum density of 6 units/acre. The proposed zoning action as discussed in the request statement is consistent with the FLU and requires no amendments to the LeePlan for density. Therefore, this analysis will focus on the Summary of Change of *"Clarify importance of protecting within the CHHA"* only.



Future Land Use of Subject Property

Senate Bill 1094 effective July 1, 2015, titled "Peril of Flood" specifies new requirements for coastal management requires local governments to revise their comprehensive plans to address coastal flooding and sea level rise. Florida Statute 163.3178(2)(f) states:

1. *Include development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts*
2. *Encourage the use of best practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.*
3. *Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.*
4. *Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44C.F.R. part 60.*
5. *Require that any construction activities seaward of the coastal construction control lines established pursuant to s. 161.053 be consistent with chapter 161.*
6. *Encourage local governments to participate in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for their residents.*

This Statute has language in subparagraph 1, 2, & 3 that addresses best practices development principals and engineering solutions as acceptable to the reduction of flood risks in coastal areas in lieu of actual prohibition of development or redevelopment in the CHHA. The statute delegates the responsibility of preparing GOPs within the Counties Comprehensive Plan.

Based on this Statute Lee County staff (staff) reviewed the provisions of the CCM element and identified and addressed five major themes needed to improve consistency with the BOCC's initiatives, 163.3178 F.S., and the Lee Plan. Relative to the scope of this narrative theme Four of the staff discussion and analysis is relevant and states:

- **Wetlands:** Enhance wetland protection within the CHHA

Staff discussion in CPA2007-00016 on Wetlands as defined by Lee Plan is: "*Areas that are inundated or saturated by surface water or ground water at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil.*"

Lists the benefits as:

- Species Habitat; permanent and migratory
- Species foraging
- Species nesting
- Protection from wave action (mangrove forest)
- Protection from erosion
- Aquifer recharge
- Storage area for storm and flood waters
- Natural water filtration and purification.

Staff discussion in CPA2007-00016 continues with listing the potential dangers in the CHHA that wetlands can provide mitigation. These dangers are:

- High tide event
- Storm surge
- Flash floods
- Stormwater runoff
- Impacts of sea level rise.

Staff assumptions are protection of wetlands provides mitigation and reductions with “minimal human impact.” This occurs with the wetlands absorbing water and providing a storage capacity in the wetlands reducing surface water runoff. The wetlands also provide significant filtration and nutrient uptake acting as a bioremediation site. Staff also states: *“Preserving existing wetland habitats in the CHHA does not ensure complete protection against the potential dangers of coastal flooding”* but does provide mitigation and tempering of coastal flooding. Staff continues with: *“it is imperative to protect existing wetlands especially those located within the CHHA.”* But concludes with ***“It is crucial that impacts to wetlands are kept at a minimum to ensure their longevity and ability to continue to act as a natural mitigation against dangers of coastal flooding in the CHHA.”***

Lee County staff proposed adding Policy 101.3.2 to the LeePlan with case CPA2017-00006 to amend the Conservation and Coastal Management (CCM) element.. The amendment proposed to *“reduce redundancies between Goals, Objectives, and Policies (GOPs) within the CCM element, as well as other redundant GOPs found in different elements, through reorganizing and streamlining; align with state statues; address inconsistencies regarding density and wetlands within Coastal High Hazard Areas (CHHA); and expand where ‘Rare and Unique’ habitats will be protected.”*

CPA2017-00006 was heard before the Local Planning Agency on July 23,2018 and adopted by the Board of County Commissioners December 5, 2018. Part 2 of the Staff report with analysis presented the case for new language in the LeePlan because of the “lack of foundational criteria” and “subjective and arbitrary language” and Section 163.7138(2)(f)1-6 Florida Statute “Peril of Flood Act.” The staff report discusses the

potential dangers associated with coastal flooding and how wetlands function to store surface water recharging ground water and improve water quality. Staff states:

“Wetlands also act as bioremediation sites because they have the ability to remove pollutants from surface water (vegetative filtration.) Wetlands within and downstream of urban areas are particularly valuable in this require counteracting the greatly increase rate and volume of surface-water runoff from pavements and buildings. Preserving existing wetland habitats in the CHHA does not ensure complete protection against the potential dangers of coastal flooding”

In summary, Policy 101.3.2 primary goal is to protect the potential dangers in the CHHA by providing storage and routing capabilities to mitigate flooding potential. The policy and underlying staff report does not prohibit impacts to wetlands but “Restricts” and minimizes unavoidable impact to wetlands reducing the capability of the intended function. This narrative introduces an alternative to total avoidance of wetland impact because of the unique geometry of the property the following proposed condition providing an enhanced natural and created system to maintain or reduce flooding potential.

CONDITION: During the development order process provide a wetland mitigation program. The intent of the mitigation plan is to provide created wetland areas and enhanced stormwater management design which compensates for impacts to pre-development wetland storage. The preserved and created wetlands will not be included within a stormwater management system for water quality or quantity storage per SFWMD regulation. The stormwater management system will provide sufficient flow of water to retain the existing hydroperiods. Preserved and created wetlands shall be placed into a conservation easement. The wetland mitigation program shall include a monitoring and maintenance element for water quality testing and vegetation survival.

The wetland mitigation program shall address the following:

- Determination of surface water storage capacity of existing wetland areas
- Determination of vegetation community of existing wetland areas
- Creation of new wetland areas to mitigate the extent of impacted wetlands.
- New wetland areas shall be vegetated to replicate the impacted vegetation community upon maturity.
- Provide initial water quality monitoring pre-development and continue water quality monitoring post-development for a period of 5 years. Location of monitoring shall be at development control structure, points within the preserved management area and at any outfall to adjacent property.
- Provide post development vegetation inventory including a maintenance and replacement plan.
- Provide milestones to ensure operational success.
- Place preserve and created wetlands in platted conservation areas.

- Provide implementing language within Homeowners Association Documents for monitoring and maintenance of the wetland areas.

The implementation of the proposed wetland mitigation program for the development of 31 Oaks will meet the intent of Policy 101.3.2 by ensuring existing wetland storage capacity is maintained through an engineered solution which can be managed and maintained. Designated and achievable milestones will be included to provide a successful enhanced wetland system on the property. This program is consistent with Policy 101.3.2.

Consistency Narrative Revision #1

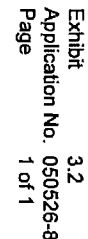
This revision is to provide additional information and clarification and respond to the April 6, 2022 Request for Additional information concerning to Policy 101.3.2 compliance and the proposed stormwater management system. 31 Oaks is not the first public hearing application to address consistency with Goal 101. Paradise Isles was subject to the policy and successfully addressed the policy in zoning action DCI2017-00019. Paradise Isle submittal narrative argued the following excerpts:

- Policy 101.3.2 is not a prohibition on development in wetlands when read in context of Goal 101, Objective 101.3, and other policies.
- Goal 101 is to protect human life and development from the dangers of coastal flood events and to preserve the ecological functions of viable wetlands in the CHHA
- Previously issued ERP's reflect a determination that some wetland impacts for development purposes are not contrary to the goals of protecting life and property.
- The preserved wetlands will continue to provide protection for the adjacent uplands and redevelopment will provide improvement of the natural systems as a defense against coastal flooding.

The development approach of 31 Oaks is similar to the Paradise Isle argument as approved in their zoning action. The primary objective is avoidance of wetlands and where reasonable impacts can occur to ensure responsible development. Impacts will be offset through enhanced stormwater management facilities and wetland creation areas. The simple intent is that wetlands provide storage that can be calculated, and the calculated quantity will be retained in the post development plans and does not include the required SFWMD ERP water quantity for the proposed development areas. The final flood plain areas will be conditioned at time of development and must be placed in a conservation easement.

Like Paradise Isles, 31 Oaks had a SFWMD ERP obtained on a portion of the proposed development known as Marina Del Lago (SFWMD Application 050526-8, Permit 36-06750-P). This permit was for the northern 49.54 acres of the site. 31 Oaks is proposed as a total of 88.3 acres. The southern 38.76 acres consist mainly of an

The Marina Del Lago plan was permitted to Impact 4.58 acres of the 12.03 wetlands on site (38%). There was also permit requirements of a 4.23 Upland Preserve and 0.26 acres of wetland creation.



31 Oaks Master Concept Plan has been changed to include wetland preservation and creation and is supplemented by a Floodplain Improvements Memo and Floodplain No-Impact Memo. This will allow the opportunity at first Development order application and South Florida Water Management Environmental Resource application to determine precise vegetation communities to mimic flood prone upland or wetland natural functions. The intent of this proposal is to demonstrate that the combination of

preserved and created wetlands and enhancements to the stormwater management system will ensure no impacts to the pre-development floodplain.

Stormwater management would be addressed similar to the Paradise Isle zoning ordinance. Condition 9 provides criteria at time of first development order to address the function of the stormwater system and ensure hydroperiods are maintained to the preserved areas. **Proposed conditions intent is as follows:**

- At first Development Order provide:
 - Pre-Development Drainage Analysis that includes
 - Drainage Map for all contributory areas and must include offsite inflow areas
 - Show flow-paths
 - Existing Structures
 - ICPR Modeling of 5yr24hr, 10yr24hr, 25-3day, 100yr-3day storm events
 - This establishes the pre-development stormwater conditions.
 - Post Development Drainage Plan
 - Drainage Map for all contributory areas with proposed upland improvements, wetland and upland creation areas, proposed grading elevations and construction details of all structures and pipes
 - Structures, weirs, pipes and swales to maintain a viable hydroperiod in the conservation area.
 - ICPR Modeling of 5yr24hr, 10yr24hr, 25-3day, 100yr-3day storm events
 - This establishes the post-development stormwater conditions
 - Profiles and Sections Plan
 - Provide Sections and Profiles sufficient to demonstrate compliance with elevations and areas of the post development modeling.
 - Stormwater Report
 - A stormwater report that demonstrates compliance with Policy 101.3.2 pre-development wetland storage capacity is being met through existing wetland, flood prone uplands and created uplands and wetlands preservation and retained storage capacity.
 - The development shall provide SFWMD required water quantity in the lake system and not in the conservation easement areas.
 - Demonstration of proposed engineering systems that ensure the retention of a hydroperiod in the conservation easement suitable to provide stormwater needs of the plant community.



31 OAKS RPD

Schedule of Uses & Site Development Regulations

1. SCHEDULE OF USES:

Maximum of 265 single-family or two-family dwelling units or a maximum of 342 townhome dwelling units or any combination of single-family and multi-family units provided that in no case shall the maximum total daily trip generation exceed 248 two-way PM peak hour trips based on the use codes in the ITE Manual on trip generation rates in effect at the time of application for development order approval.

Residential Tract

Accessory uses, buildings and structures

Administrative offices

Clubs:

Private

Dwelling units:

Single-Family

Two-family attached

Townhouse

Entrance Gates and Gatehouses

Essential Services

Essential Services Facilities – Group I Only

Excavation:

Water Retention

Excess Spoil Removal

Fences, Walls

Models:

Display Center/Sales Center

Model Home

Model Unit

Parking Lot, Accessory

Real Estate Sales Office

Recreation Facilities

Personal

Private – On-Site

Residential Accessory Uses

Signs in conformance with LDC Chapter 30

Temporary Uses

Including Temporary Sales Office, Temporary Construction Office, Temporary Construction-Related Storage

2. SITE DEVELOPMENT REGULATIONS:

Development of the zoning district will comply with the following Property Development Regulations:

	Single Family Detached	Two-Family Attached	Townhouse	Recreation/ Clubhouse
Minimum Lot Size	4,000 sq ft	3,000 sq ft	1,800 sq ft	N/A
Minimum Lot Width	40 feet	30 feet	18 feet	N/A
Minimum Lot Depth	100 feet	100 feet	100 ft	N/A
Maximum Lot Coverage	60 percent	65 percent	65 percent	50 percent
Maximum Building Height	35 feet	35 feet	35 feet	35 feet
Minimum Building Separation	10 feet	10 feet	15 feet	10 feet
Setbacks				
Street (public roads)	25 feet	25 feet	20 feet	N/A
Street (interior private roads)	20 feet / 10 feet ¹	20 feet / 10 feet ¹	20 feet / 10 feet ¹	20 feet
Side	5 feet	5 feet / 0 feet ²	5 feet / 0 feet ²	10 feet
Rear (Principal)	10 feet	10 feet	5 feet	10 feet
Rear (Accessory)	5 feet / 0 feet ³	5 feet / 0 feet ³	5 feet / 0 feet ³	5 feet
Perimeter	15 feet ⁴	15 feet ⁴	15 feet ⁴	15 feet
Waterbody	20 feet	20 feet	20 feet	20 feet
Preserve ⁴	20 feet ⁵	20 feet ⁵	20 feet ⁵	20 feet ⁴

Notes:

- 1) 20 feet for front loaded garages, 10 feet for side loaded garages and secondary street setbacks on corner lots.
- 2) No side setback is required from common lot line for two-family attached or townhouse.
- 3) 5 feet (0 feet where lot abuts lake maintenance easement).
- 4) 15 feet or 1/2 building height (whichever is greater).
- 5) 30 feet for indigenous plant communities subject to fire.

00005-00 E0002.31 OAKS MCP DWG
January 19, 2020



1. THIS PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO MODIFICATION DUE TO AGENCY PERMITTING REQUIREMENTS.

2. THE ADDRESS AREA IS PROPOSED AND SUBJECT TO MODIFICATION AT THE TIME OF DEVELOPMENT ORDER.

3. THE LOCATION OF THE ONSITE LAKE AND RESIDENTIAL TRACTS IS PRELIMINARY AND MAY BE ADJUSTED AT THE TIME OF PERMIT APPROVAL.

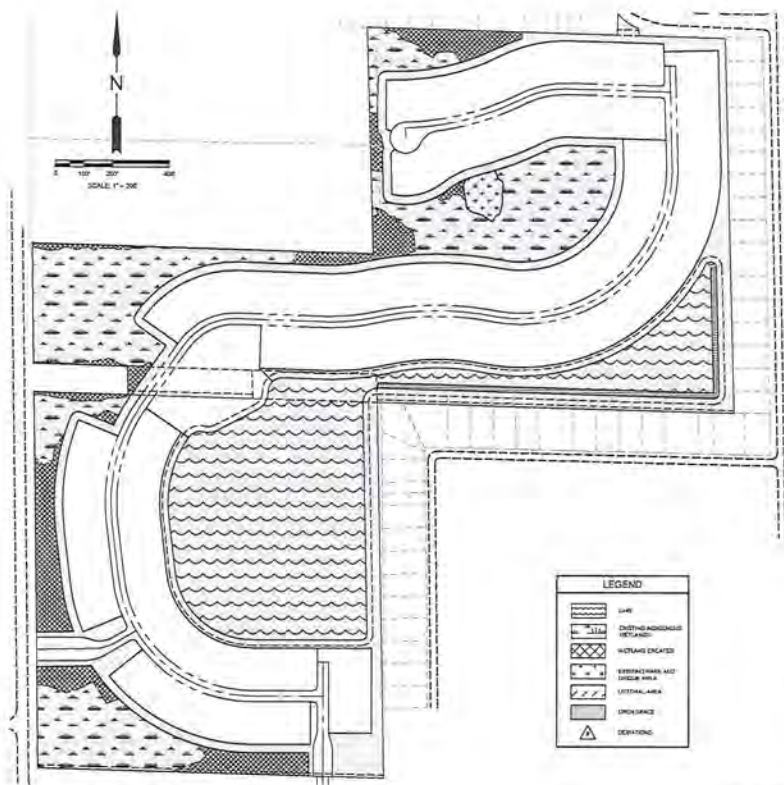
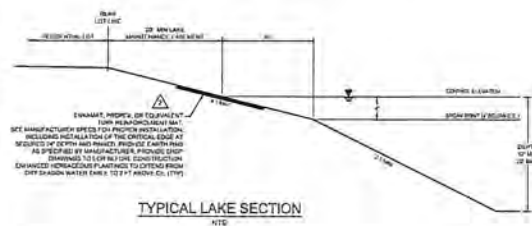
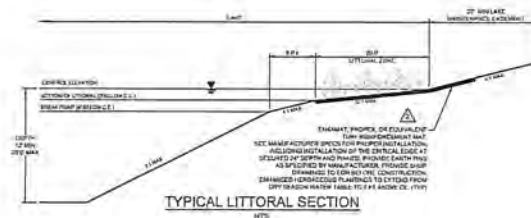
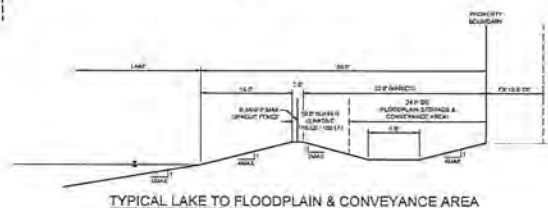
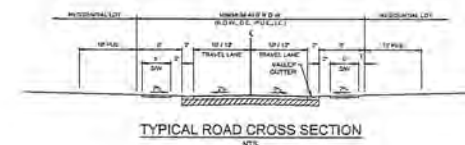
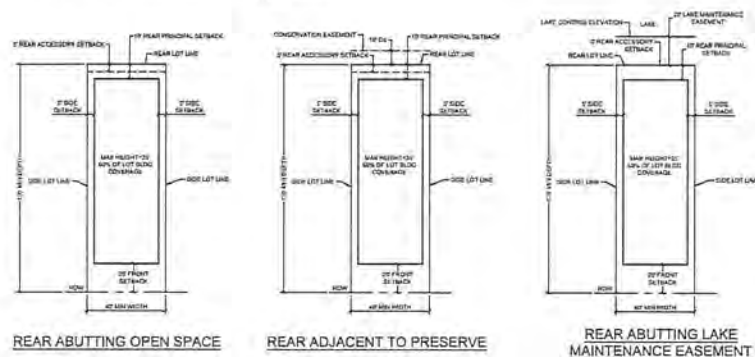
4. LME = LAKE MANAGEMENT EASEMENT

5. DE = DRAINAGE EASEMENT

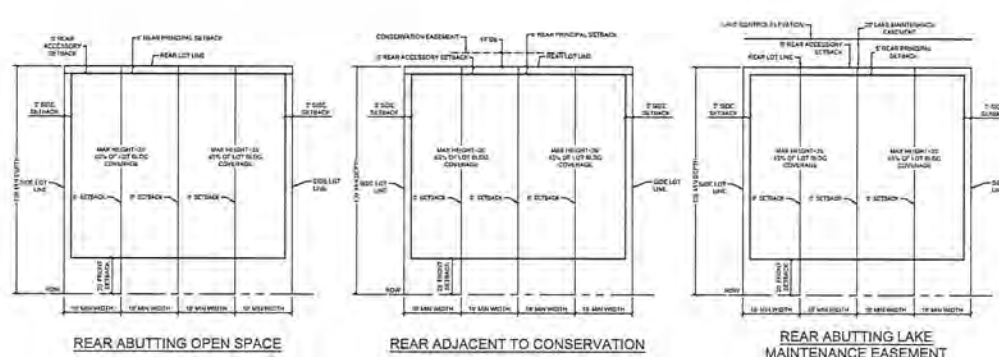
6. EXISTING HIGH OPPOSITE FENCE MUST BE CONSTRUCTED AND A VEGETATIVE BUFFER, A MINIMUM OF 10 FEET IN WIDTH, MUST BE PLANTED ALONG THE EASTERN, SOUTHERN, AND NORTHERN PROPERTY LINES (AS ILLUSTRATED).

7. THE APPROXIMATE BUFFER SIZE IS 10 FEET WIDE BY 100 FEET LONG UNITS. THIS 10-FOOT-WIDE VEGETATIVE BUFFER IS IN ADDITION TO ANY EXISTING EASEMENTS ALONG PROPERTY LINE. DRAINAGE EASEMENT WILL NOT BE REQUIRED AS PER LOCAL ORDINANCE REQUIREMENTS OF THIS CITY.

8. THE VEGETATION IN THE BUFFER MUST CONTAIN, AT A MINIMUM, FIVE NATIVE TREES PER 100 LINEAR FEET. ALL TREES MUST BE A MINIMUM OF 10 FEET TALL AT TIME OF PLANTING. EXISTING INDIGENOUS NATIVE VEGETATION MAY BE CO-PLANTED TOWARD THE BUFFER.



SINGLE FAMILY DETACHED TYPICAL LOT DETAIL
NTS



TOWNHOUSE TYPICAL LOT DETAIL
NTS



Lee County

Southwest Florida

BOARD OF COUNTY COMMISSIONERS

John E. Manning
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Cecil L. Pendergrass
District Two

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District Three

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District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm Wesch
County Attorney

Donna Marie Collins
*County Chief
Hearing Examiner*

November 5, 2021

Via E-Mail

Jeremy Frantz
Waldrop Engineering, Inc.
28100 Bonita Grande Drive,
Bonita Springs, FL 34135

RE: **Potable Water and Wastewater Availability**
31 Oaks RPD
STRAP # 30-43-26-00-00009.0000, 30-43-26-00-00009.0010,
30-43-26-00-0009.0020, 30-43-26-00-00001.3000, 30-43-26-00-00001.3010,
30-43-26-00-00001.301A, 30-43-26-00-00001.3020, 30-43-26-00-00002.0000,
30-43-26-00-00002.0010, 30-43-26-00-00002.0020, 30-43-26-00-00002.0030,
30-43-26-00-00002.0030, 30-43-26-00-00002.0040, 30-43-26-00-00002.0050, and
30-43-26-00-00002.0070

Dear Mr. Frantz:

The subject property is located within Lee County Utilities Future Service Area as depicted on Maps 6 and 7 of the Lee County Comprehensive Land Use Plan. Potable water and sanitary sewer lines are in operation adjacent to the property mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of 265 single family residential units with an estimated flow demand of approximately 66,250 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

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

Sanitary sewer service will be provided by the City of Fort Myers North Water Reclamation Facility. The Lee County Utilities' Design Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

There are no reuse mains in the vicinity of these parcels.



P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 533-2111

lee-county.com

AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

ATTACHMENT H

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

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

Further, this letter of availability of potable water and sanitary sewer service is to be utilized for Development Review only. Individual letters of availability will be required for the purpose of obtaining building permits.

Sincerely,

LEE COUNTY UTILITIES

A handwritten signature in blue ink that reads "Mary McCormic". The signature is written in a cursive style with a large, stylized "M" and "C".

Mary McCormic
Technician Senior
239-533-8532
UTILITIES ENGINEERING



DEPARTMENT OF COMMUNITY DEVELOPMENT

Memo

To: Elizabeth Workman, Planner, Principal

From: Md Rakibul Alam, Senior Transportation Planner

Date: April 20, 2023

Subject: 31 Oaks RPD (DCI2021-00051) Transportation-Related Analysis

Proposed Development

This application requests approval to rezone approximately 88.3 acres from Agricultural (AG-2) to Residential Planned Development (RPD) to allow a maximum of 265 single-family dwelling units, or a maximum of 342 townhouse units, or any combination of both dwelling types.

Site Location

The subject is located along the east side of SR 31 and approximately ¼ of a mile to the north of its intersection with SR 80 (Palm Beach Boulevard) in Lee County, Florida

Site Access

Access to the subject site is proposed to SR 31 (state-maintained arterial) via a single connection. Secondary access will be also provided to Merchandise Way (privately-maintained arterial), which connects to SR 80 (state-maintained arterial) and SR 31.

Trip Generation Review

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) Trip Generation 11th Edition Report. Table 1 outlines the proposed project's new trip generation for both uses (single-family and multifamily) for weekday AM and PM peak hours and daily traffic volumes. However, for the purpose of this analysis, the traffic impact study was completed utilizing the single-family option as it represents a conservative estimate of trip generation.

Table 1: Trip Generation

	Land Use	Weekday A.M Peak Hour			Weekday P.M Peak Hour			Daily (2-Way)
		In	Out	Total	In	Out	Total	
Option #1	Single Family Detached (265 units)	47	134	181	156	92	248	2,473
Option #2	Multifamily Low-Rise (342 units)	31	98	129	106	62	168	2268

Roadway Section Traffic Operation Level of Service Analysis

The proposed development was assumed to be completed by 2025 (build-out year). So, the roadway significantly impacted by the proposed development was analyzed for the horizon year 2025 without and with the proposed development (Table 2).

Table 2: Arterial/Collector Roadway Section(s) Adjacent to Site Expected to be Significantly Impacted by the Proposed Development

Roadway	Segment	Significant Impact Expected	Level of Service		
			Existing	Future 2025	Future 2025 + Project
SR 31	N. of Site	No	C	C	C
	S. of Site	Yes	C	C	D
SR 80	E. of Davis Blvd	No	C	C	C
	W. of SR 31	No	C	C	C

Roadway Intersection Traffic Operation Level of Service Analysis

New trips were assigned to the surrounding road network in order to assess LOS impact as necessary at site access and intersections expected to be most impacted by the proposed development. Table 3 describes the site accesses and intersections that are expected to be most impacted by the proposed zoning along with their corresponding pre- and post-project built-out level of service.

Table 3: Roadway Intersection(s) Immediately Adjacent to Subject Site Expected to be Significantly Impacted by Proposed Development

Intersection		Significant Impact Expected	Traffic Control	Level of Service (2025)		
Roadway A	Roadway B			Existing	Future 2025	Future 2025 + Project
SR 80	SR 31	Yes	Signalized	--	D	E
SR 31	Site Access	No	Two-Way Stop Controlled	--	--	E
SR 80	Merchandise Way	No	Two-Way Stop Controlled	--	--	C

Conclusion

The proposed project will not have a detrimental impact on the surrounding roadway system. However, please note that the proposed access to SR 31 is subject to the approval of FDOT. Moreover, please consider recommending the following condition be added to the zoning resolution:

“Permissible development for the subject case is limited to a maximum of 265 single-family dwelling units, 342 townhome dwelling units, or a combination of both dwelling types. However, it is important to note that the total daily trip generation must not exceed 248 two-way PM peak-hour trips under any circumstance.”

 LEE COUNTY
SOUTH WEST FLORIDA
BOARD OF COUNTY COMMISSIONERS

239-533-8585

Bob Janes
District One

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Karen B. Hawes
County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing Examiner

December 29, 2009

L. STEVEN HURLEY
1821 VICTORIA AVENUE
FORT MYERS FL 33901

Re: MARINA DEL LAGO
Senate Bill 360 Extension (F)
DCI2009-00052

Dear L. STEVEN HURLEY:

In accord with Senate Bill 360 (SB360) and Lee County Resolution 09-06-22, development permits meeting certain criteria are entitled to one 2-year extension from the existing/initial permit expiration date. Accordingly, the effectiveness of the Master Concept Plan identified in Zoning Resolution Z-06-050, DCI2005-00050, MARINA DEL LAGO, is hereby extended for the following:

APPROVAL OF A 2-YEAR EXTENSION OF Z-06-050 FROM AUGUST 21, 2011 TO AUGUST 21, 2013 FOR MARINA DEL LAGO.

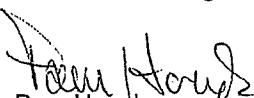
No additional extensions under SB360 may be granted for the above-referenced development permit. All underlying conditions of the zoning resolution remain in full force and effect. Failure to comply with zoning conditions may result in enforcement action as provided under Florida law and local regulations.

This extension applies only to the specific approvals identified above. If your project requires additional development permits or authorizations to continue construction, you are required to obtain the necessary approvals, including related permit extensions. If you hold other permits or authorizations that qualify for an extension under SB360, you must file a specific request for each qualifying development permit.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Department of Community Development
Division of Zoning


Pam Houck
Director

ATTACHMENT J

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

WHEREAS, Marina del Lago, LLC, filed an application on behalf of the property owner, Jerry Johnson, to rezone 49.62± acres from the Agricultural (AG-2) zoning district to a Residential Planned Development (RPD) in reference to Marina del Lago; and

WHEREAS, a public hearing was advertised and held on May 24, 2006, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2005-00050; and

WHEREAS, a second public hearing was advertised and held on August 21, 2006, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone 49.62 acres from AG-2 to RPD to permit 140 single-family dwelling units. Maximum building height two stories/35 feet. No development blasting is requested. The project will connect to public potable water and to public sanitary sewer system as part of any development of this property. The property is located in the Suburban Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviation specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. The development of this project must be consistent with the single-page Master Concept Plan (MCP) entitled "MASTER CONCEPT PLAN, MARINA DEL LAGO," dated August 2006, date stamped "Received SEP 01 2006 Community Development," prepared by Gary F. Muller, AICP, and attached hereto as Exhibit C, except as modified by the conditions below.

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

Maximum Number of Dwelling Units: 140

2. The following limits apply to the project and uses:

a. Schedule of Uses

Accessory Uses and Structures
Boat Trailer Parking - SEE CONDITIONS
Dwelling Units, single-family only (140 Maximum)
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention - not to include the removal of excavated material from the site. *No blasting.*
Fences and Walls.
Home Occupation, with no outside help.
Model Homes - ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Parking Lot, Accessory
Real Estate Sales - ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Recreational Facilities - Personal, Private
Residential Accessory Uses
Signs, in compliance with LDC Chapter 30
Temporary Uses - Temporary Construction and Sales Office

b. Site Development Regulations Single-family and other uses

Minimum Lot Areas and Dimensions

Lot Size:	6,500 square feet
Lot Width:	50 feet
Lot Depth:	130 feet

Minimum Setbacks

Street	20 feet interior private roads/ 25 feet public roads
Side	5 feet
Rear	20 feet
Water body	25 feet

All Accessory Uses: Per §§34-1171 *et seq.*, 34-1741 *et seq.* and 34-2191 *et seq.*

All Setbacks from Preserve Areas: Per §10-415(b)(1)c.

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 10 feet

Building Height: 35 feet/2 stories

Maximum Lot Coverage: 45 percent

3. Approval of this rezoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.
4. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee County Comprehensive Plan (Lee Plan) Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), and be reviewed for, and found consistent with all other Lee Plan provisions.
5. Model homes (and real estate sales) are permitted in compliance with the following conditions:
 - a. Each model must be a unique example. Multiple examples of the same unit are not permitted.
 - b. All model sites must be designated on the Development Order plans.
 - c. Prior to model home construction, the lots upon which model homes will be constructed must be shown on a preliminary plat (not the final). The preliminary plat must be filed concurrently with the local development order application. The model homes must comply with the setbacks set forth in the property development regulations for this project.
 - d. Dry models are prohibited.
 - e. The number of model homes will be limited to no more than five within the development at one time.
 - f. Any model homes must be developed within the areas identified as "M" on the approved MCP.
 - g. Model Display Centers or Model Display Groups are not a permitted use.
 - h. Real estate sales are limited to the sale of lots or units within the development only.
 - i. Real estate sales are limited to within model homes only and one temporary sales office.
 - j. Hours of operation for both models and real estate sales are limited to Monday through Sunday, 8:00 a.m. to 8:00 p.m.

- k. Model homes and real estate sales will be valid for a period of up to five years from the date of issuance of a Certificate of Occupancy of a model home per LDC § 34-1954(d)(1).

6. BUFFER ON SOUTHERN, NORTHERN, EASTERN PROPERTY LINES

A 6-foot-high opaque fence must be constructed and a vegetative buffer, a minimum of 10 feet in width, must be planted along the eastern, southern and northern property lines (as illustrated on the Approved MCP) prior to the approval of building permits for any dwelling units. This 10-foot-wide vegetative buffer is in addition to the 10-foot-wide easement shown to the south. This drainage easement will not be counted as part of the vegetative buffer.

The vegetation in the buffer must contain, at a minimum, five native trees per 100 linear feet. All trees must be a minimum of 10 feet tall at time of planting. Existing indigenous native vegetation may be counted toward the vegetation requirements of this condition.

BUFFER ON LANDS ABUTTING STATE ROAD 31

The development order must provide an enhanced 25-foot-wide, Type "D" buffer along State Road 31, including a minimum five trees per 100 linear feet (which must include live oaks, no palms). Existing indigenous native vegetation may be counted toward the vegetation requirements of this condition.

- 7. AGRICULTURAL USES: The existing agricultural uses must cease upon passage of this zoning resolution. No agricultural uses are permitted on site.
- 8. No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.
- 9. All required buffers must utilize 100 percent all native vegetation.
- 10. Prior to local development order approval, the developer must submit a brochure to Lee County's Division of Environmental Sciences and the Division of Zoning for review and approval that will be given to all residents to educate them of the historically rural environment in Fort Myers Shores, Buckingham, Caloosahatchee Shores and the environmentally sensitive nature of a portion of the property. This brochure must include references to the wetland preserves on site, civic organizations in East Lee County, and history of the Buckingham, Fort Myers Shores, and Caloosahatchee Shores communities.
- 11. Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The Developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

12. BOAT TRAILER PARKING

- a. Boat trailer parking is limited to the area shown on the approved MCP.
- b. Buffering must be consistent with the notations shown on the approved MCP and the LDC.
- c. Buffering to the east for residential lot 58 must be provided and shown on the MCP. This buffer may consist of a wall, vegetation, or both, consistent with the LDC. The width of this buffer may be five feet or more.
- d. Boat trailer parking is limited to guests and residents of the development only.
- e. Boat trailer parking is limited to 5:00 a.m. to midnight daily.
- f. No overnight parking of any sort is permitted.
- g. Storage of cars, trucks and boat trailers is not permitted. Parking of these vehicles on a temporary basis (less than 24 hours at a time) is permitted.
- h. Adequate signage must be provided at the entrance of the boat trailer parking area communicating the hours permitted for parking (consistent with these conditions), that boat trailer and other parking is limited to guests and residents of this development only, that overnight parking is prohibited, and while parking is permitted - the storage of cars, trucks and boat trailers is prohibited.
- i. Boat trailer parking is limited to 12 parking spaces maximum.

13. A final Tortoise Management Plan must be submitted with the local development order for review and approval by the Division of Environmental Sciences Staff. The final plan must include the information contained in the draft Gopher Tortoise Management Plan, prepared by Boylan Environmental Consultants Inc., entitled "Marina Del Lago Gopher Tortoise Management Plan," dated February 27, 2006," with the following details from the draft plan:

- a. No more than four weeks prior to land clearing, the entire property must be re-surveyed for tortoises.
- b. Prior to relocating gopher tortoises:
 - i. All exotic and nuisance vegetation must be removed from the tortoise preserve. Stumps must be treated by an approved herbicide.

- ii. Within the preserve is a berm colonized by wax myrtle. This wax myrtle must be removed under the direction of a certified biologist.
 - iii. The tortoise preserve must be planted in accordance with Zone A, as shown on the map that was prepared by Boylan Environmental Consultants, Inc.
 - iv. A vegetation removal permit must be obtained for the minor clearing to install barricades/fencing around the gopher tortoise preserve and for the excavation of gopher tortoise burrows.
 - v. The tortoise barricade to be installed must be comprised of hay bales placed end to end and staked into the ground with two stakes each, or other appropriate barricading. The hay bales must be installed so that there is continuous contact with the ground and no gaps may be present under which gopher tortoises can escape the preserve. The hay bales must extend a few bales into the wetland.
- c. Prior to issuance of a certificate of compliance for infrastructure, a hedge row of native shrubs (three-gallon minimum) must be installed according to Zone B, as shown on a map prepared by Boylan Environmental Consultants, Inc.
 - d. Gopher tortoises located outside of the preserve area must be moved directly to the preserve area.
 - e. The preserve must be maintained in its natural state and must be kept free of refuse, invasive exotic vegetation and debris in perpetuity.
14. Prior to local development order approval, the development order plans must delineate the 3.36 acres of upland preserve and the 5.81 acres of wetland preserve in substantial compliance with preserves delineated on the MCP.

SECTION C. DEVIATION:

This Deviation seeks relief from the §10-285(a) requirement to provide a connection separation of 660 feet on arterial roads, to allow a connection separation of 407 feet on State Road 31. This deviation is APPROVED.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan

The applicant has indicated that the STRAP numbers for the subject property are:
30-43-26-00-00001.3000; 30-43-26-00-00001.3020; 30-43-26-00-00002.0000;
30-43-26-00-00002.0010; 30-43-26-00-00002.0020; 30-43-26-00-00002.0030;
30-43-26-00-00002.0040; 30-43-26-00-00002.0050; 30-43-26-00-00002.0060;
and 30-43-26-04-0000C.001A

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - c. is compatible with existing or planned uses in the surrounding area;
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location;
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

5. The approved deviation, as conditioned, enhances achievement of the planned development objectives, and preserves and promotes the general intent of Chapter 34, to protect the public health, safety and welfare.

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

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Tammara Hall	Nay
John E. Albion	Aye

DULY PASSED AND ADOPTED this 21st day of August, 2006.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *Charlie Green*
Deputy Clerk

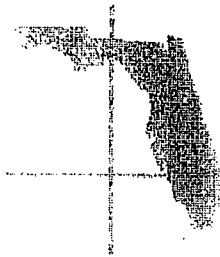
BY: *Tammara Hall*
Tammara Hall, Chairwoman

Approved as to form by:

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



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2006 SEP 25 PM 4:35



METRON
SURVEYING & MAPPING, LLC
LAND SURVEYORS • PLANNERS

DESCRIPTION OF A PARCEL OF LAND LYING IN
SECTION 30, TOWNSHIP 43 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA
(MARINA DEL LAGO)

A PARCEL OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 30, TOWNSHIP 43 SOUTH, RANGE 26 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF GOVERNMENT LOT 2; THENCE S.88°18'30"E., ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 50.04 FEET TO A POINT ON THE EASTERLY LINE OF STATE ROAD NO. 31; THENCE S.00°42'30"E., ALONG SAID EASTERLY LINE OF STATE ROAD NO. 31, A DISTANCE OF 800.00 FEET TO THE POINT OF BEGINNING; THENCE S.88°18'30"E., A DISTANCE OF 1,196.34 FEET TO A POINT ON THE EAST LINE OF SAID GOVERNMENT LOT 2; THENCE N.01°37'04"W., ALONG SAID EAST LINE, A DISTANCE OF 800.73 FEET, TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION 30; THENCE S.88°18'30"E., ALONG SAID NORTH LINE OF THE SE ¼ OF THE NW ¼, A DISTANCE OF 875.08 FEET; THENCE N.01°41'30"E., A DISTANCE OF 76.85 FEET, TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF DE MOYA DRIVE (70'); THENCE S.43°18'30"E., ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 20.29 FEET, TO THE BEGINNING OF A CURVE TO THE LEFT, HAVING A RADIUS OF 145.00 FEET, A CHORD DISTANCE OF 70.56 FEET AND A CHORD BEARING OF S.57°23'30"E.; THENCE SOUTHEASTERLY ALONG SAID ARC AND SAID RIGHT-OF-WAY LINE FOR 71.28 FEET; THENCE S.01°30'00"E., A DISTANCE OF 26.26 FEET, TO A POINT ON THE NORTH LINE OF THE SE ¼ OF THE NW ¼ OF SAID SECTION 30; THENCE S.88°18'30"E., ALONG SAID NORTH LINE OF THE SE ¼ OF THE NW ¼ OF SAID SECTION 30, A DISTANCE OF 301.13 FEET, TO THE NORTHEAST CORNER OF THE SE ¼ OF THE NW ¼ OF SAID SECTION 30; THENCE S.01°30'00"E., ALONG THE EAST LINE OF THE SE ¼ OF THE NW ¼ OF SAID SECTION 30, A DISTANCE OF 1,322.62 FEET, TO THE SOUTHEAST CORNER OF THE SE ¼ OF THE NW ¼ OF SAID SECTION 30; THENCE N.88°19'00"W., ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 30, A DISTANCE OF 1,249.82 FEET TO THE SOUTHEAST CORNER OF SAID GOVERNMENT LOT 2; THENCE N.01°37'04"W., ALONG SAID EAST LINE OF SAID GOVERNMENT LOT 2, A DISTANCE OF 100.17 FEET; THENCE N.88°19'00"W., A DISTANCE OF 1,203.04 FEET, TO A POINT ON THE EASTERLY LINE OF STATE ROAD NO. 31; THENCE N.00°42'30"W., ALONG SAID EASTERLY LINE OF STATE ROAD NO. 31, A DISTANCE OF 421.89 FEET TO THE POINT OF BEGINNING.

CONTAINING 49.62 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE SOUTH LINE OF THE EAST-WEST QUARTER SECTION LINE OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 26 EAST, AS BEING N.88°19'00"W.

Certification for Description
Surveyor and Mapper in Responsible Charge:
Denis J. O'Connell, Jr., LS #5430
Metron Surveying & Mapping, LLC., LB #7071
5245 Ramsey Way, Suite 2
Fort Myers, FL 33907

Signed: _____

Date: 9/7/05

Applicant's Legal Checked
by Lgm 12/20/2005

RECEIVED
DEC 06 2005

5245 RAMSEY WAY, SUITE #2 • FORT MYERS, FLORIDA 33907 • PHONE (239) 275-8575 • FAX (239) 275-8457
www.metronfl.com

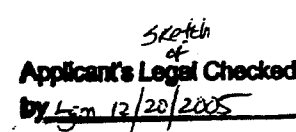
EXHIBIT "A"
(Page 1 of 2)

DCI 2005-00050

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DEC 06 2005

DEC 06 2015

DCI 2005-00050



* THIS IS NOT A SURVEY *

DENIS J. O'DONNELL JR.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. LS #5430

DATE SIGNED: 7/7/05

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

MARINA DEL LAGO

SKETCH OF DESCRIPTION

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

3245 RAMSEY WAY, SUITE #2
FORT MYERS, FLORIDA 33907
PHONE: (239) 275-8575
FAX: (239) 275-8457

www.motord.com

FILE NAME: 4389S/C.dwg	FIELD BOOK/PAGE: N/A	PROJECT NO.: 4389	SHEET: <u>1</u> OF <u>2</u>
SHEET DATE: 09-06-2005	DRAWN BY: RAW	SCALE: 1" = 400'	CHECKED BY: DJG
			(3-7-0) 30-43-26

SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION

EXHIBIT "A"
(Page 2 of 2)

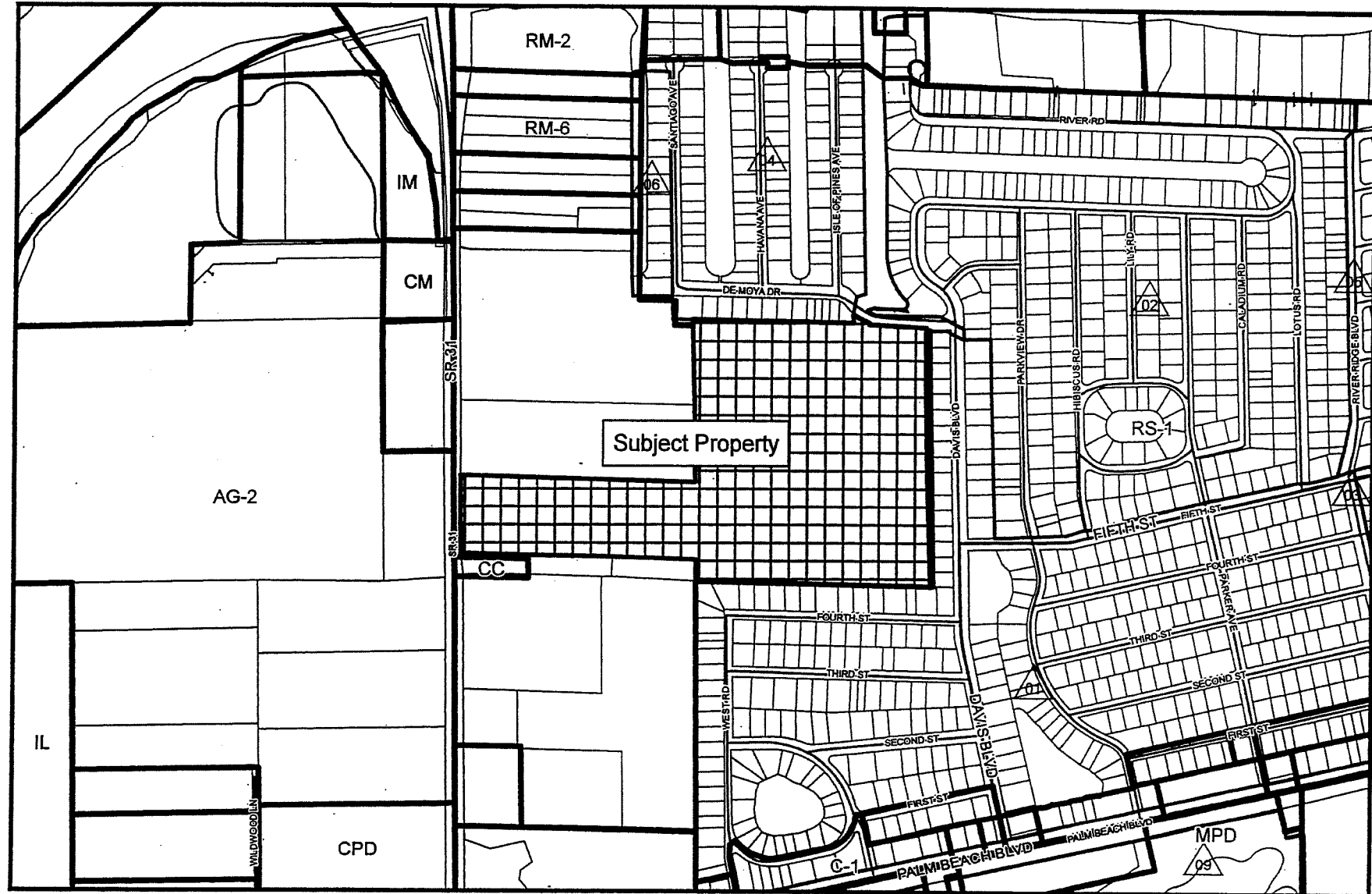
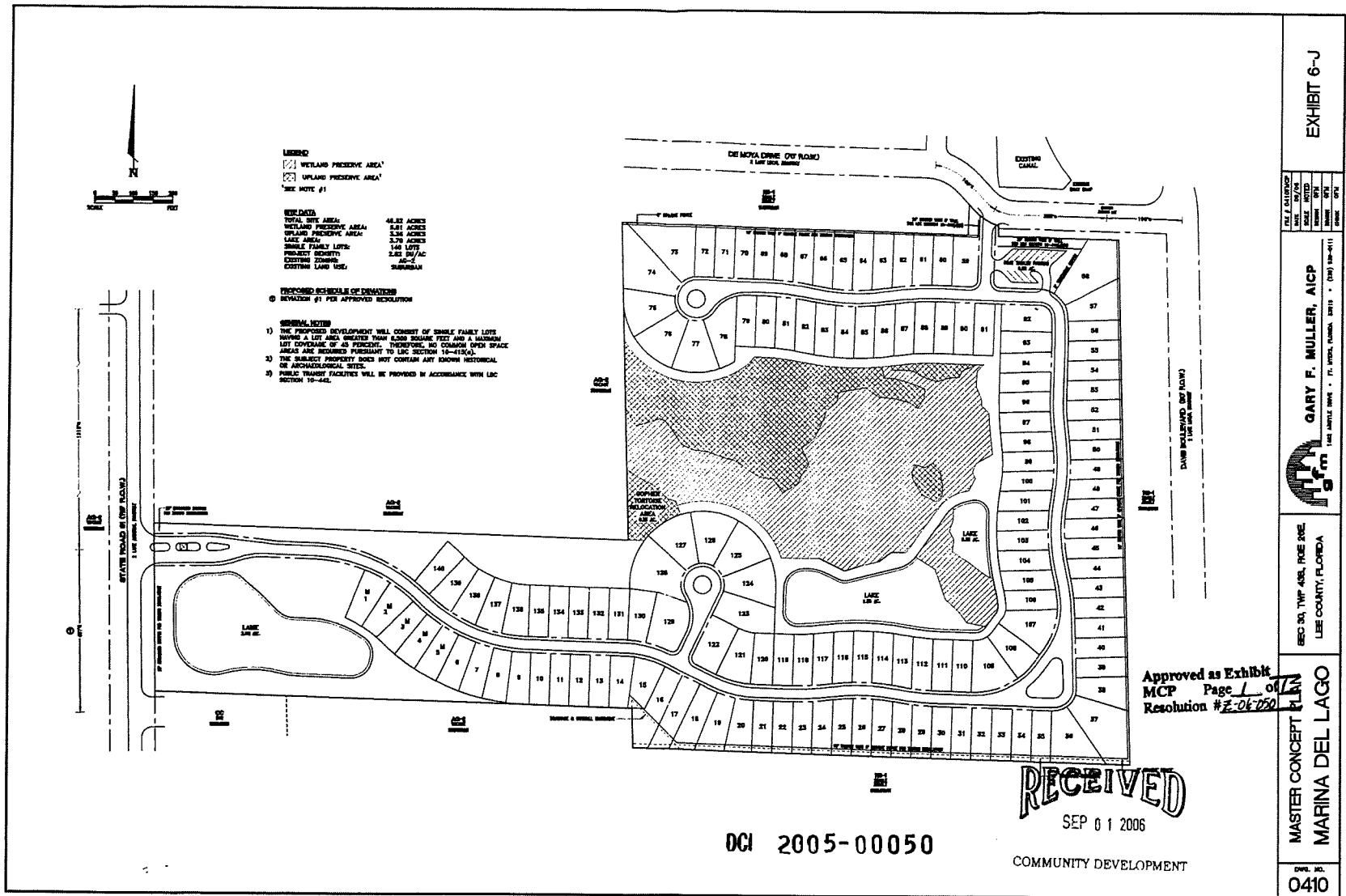


EXHIBIT "B"
(Zoning Map)

1,000 500 0 1,000 2,000 Feet





2726 OAK RIDGE COURT, SUITE 503
FORT MYERS, FL 33901-9356
OFFICE 239.278.3090
FAX 239.278.1906

TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

TRAFFIC IMPACT STATEMENT

FOR

31 OAKS RPD

(PROJECT NO. F2108.32)

PREPARED BY:
TR Transportation Consultants, Inc.
Certificate of Authorization Number: 27003
2726 Oak Ridge Court, Suite 503
Fort Myers, Florida 33901-9356
(239) 278-3090

November 16, 2022

ATTACHMENT K

CONTENTS

- I. INTRODUCTION**
- II. EXISTING CONDITIONS**
- III. PROPOSED DEVELOPMENT**
- IV. TRIP GENERATION**
- V. TRIP DISTRIBUTION**
- VI. FUTURE TRAFFIC CONDITIONS**
- VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS**
- VIII. PRELIMINARY TURN LANE ANALYSIS**
- IX. INTERSECTION ANALYSIS**
- X. CONCLUSION**

I. INTRODUCTION

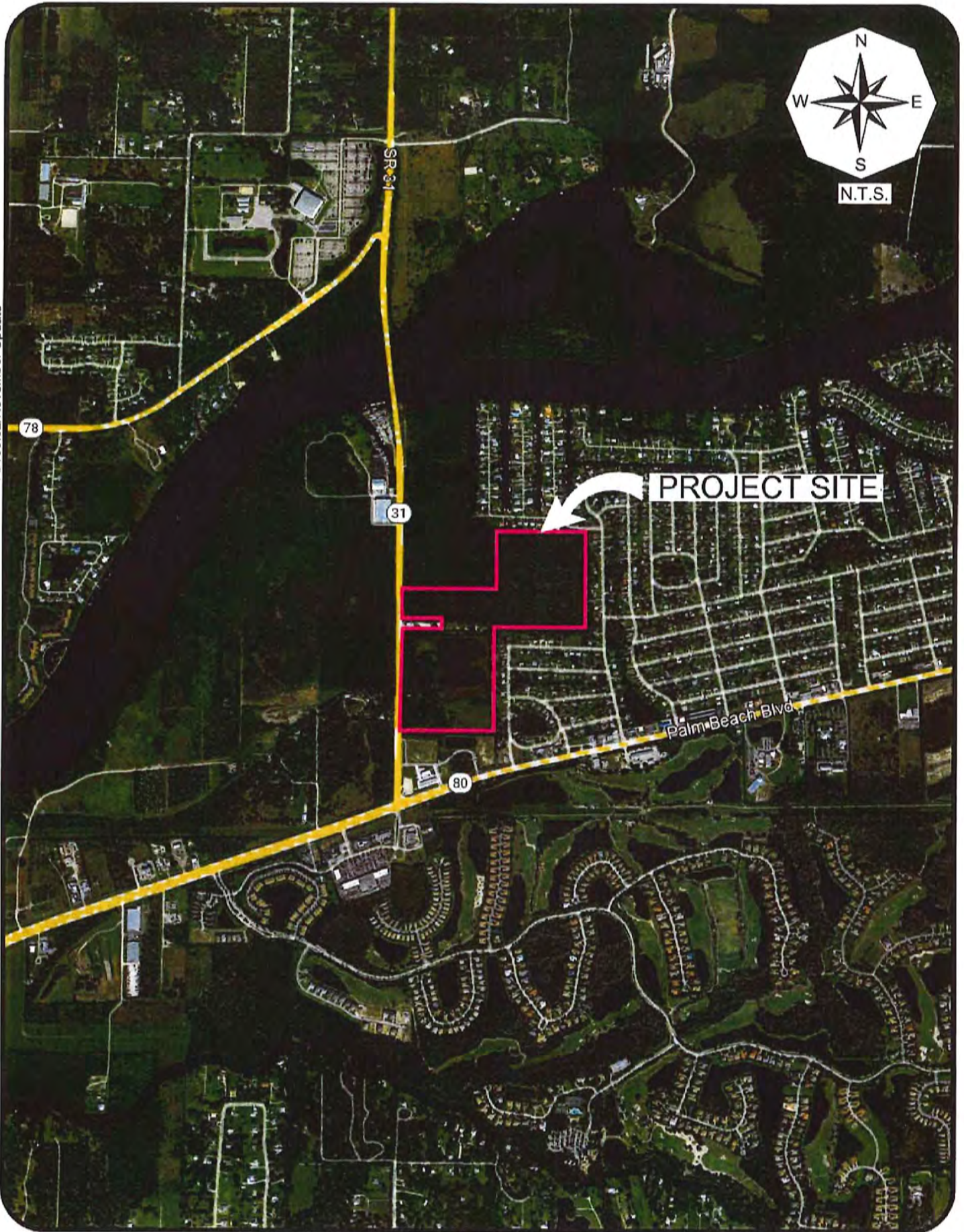
TR Transportation Consultants, Inc. has conducted a traffic impact statement to fulfill requirements set forth by the Lee County Department of Community Development for projects seeking a rezoning approval. The proposed development is located along the east side of SR 31 and approximately ¼ of a mile to the north of its intersection with SR 80 (Palm Beach Boulevard) in Lee County, Florida. The approximate location of the subject site is illustrated on **Figure 1**.

Approximately 49.6 acres of the site is governed by Zoning Resolution No. Z-06-050 (Marina Del Lago RPD), which permitted a development of up to 143 single-family units. The remaining approximately 39 acres of the site is zoned Agricultural (AG-2). The applicant is proposing to rezone the entire 88.6 acre site to Residential Planned Development (RPD) to permit a development of up to 265 single-family dwelling units. The developer is also proposing a development option consisting of up to 342 multi-family dwelling units. However, for the purposes of the analysis, this report was completed based on the single-family option as it represents the worst-case trip generation scenario. Access to the subject site is proposed to SR 31. A secondary access will be also provided to Merchandise Way, which connects to SR 80 and SR 31.

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

II. EXISTING CONDITIONS

The subject site is currently vacant. The overall site is bordered by residential uses and vacant land to the north, residential uses to the east, SR 31 to the west, and by vacant land and residential uses to the south.



SR 31 is a north/south two-lane undivided arterial the borders the subject site to the west. SR 31 has a posted speed limit of 40 mph and is under the jurisdiction of the Florida Department of Transportation (FDOT). SR 31 has an Access Management Classification of Class 4, which requires a minimum connection spacing of 440 feet between driveway connections and 2,640 feet between signals. Note, FDOT has recently conducted a PD&E study on SR 31 that recommended widening of SR 31 from SR 80 to SR 78 to a six-lane facility.

SR 80 (Palm Beach Boulevard) is an east/west six-lane divided arterial to the west of SR 31 and a four-lane divided roadway east. SR 80 has a posted speed limit of 55 mph and is under the jurisdiction of the Florida Department of Transportation (FDOT).

III. PROPOSED DEVELOPMENT

The applicant is proposing to rezone the entire 88.6 acre site to Residential Planned Development (RPD) to permit a development of up to 265 single-family dwelling units. The developer is also proposing a development option consisting of up to 342 multi-family dwelling units. However, for the purposes of the analysis, this report was completed based on the single-family option as it represents the worst-case trip generation scenario. See attached trip generation comparison contained at the end of the Appendix of this report. **Table 1** summarizes the land use utilized for the purposes of this analysis.

Table 1
Land Use
31 Oaks RPD

Land Use	Permitted
Single Family Detached Housing (LUC 210)	265 Dwelling Units

Access to the subject site is proposed to SR 31. A secondary access will be also provided to Merchandise Way, which connects to SR 80 and SR 31.

IV. TRIP GENERATION

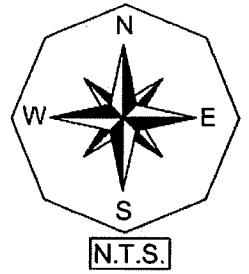
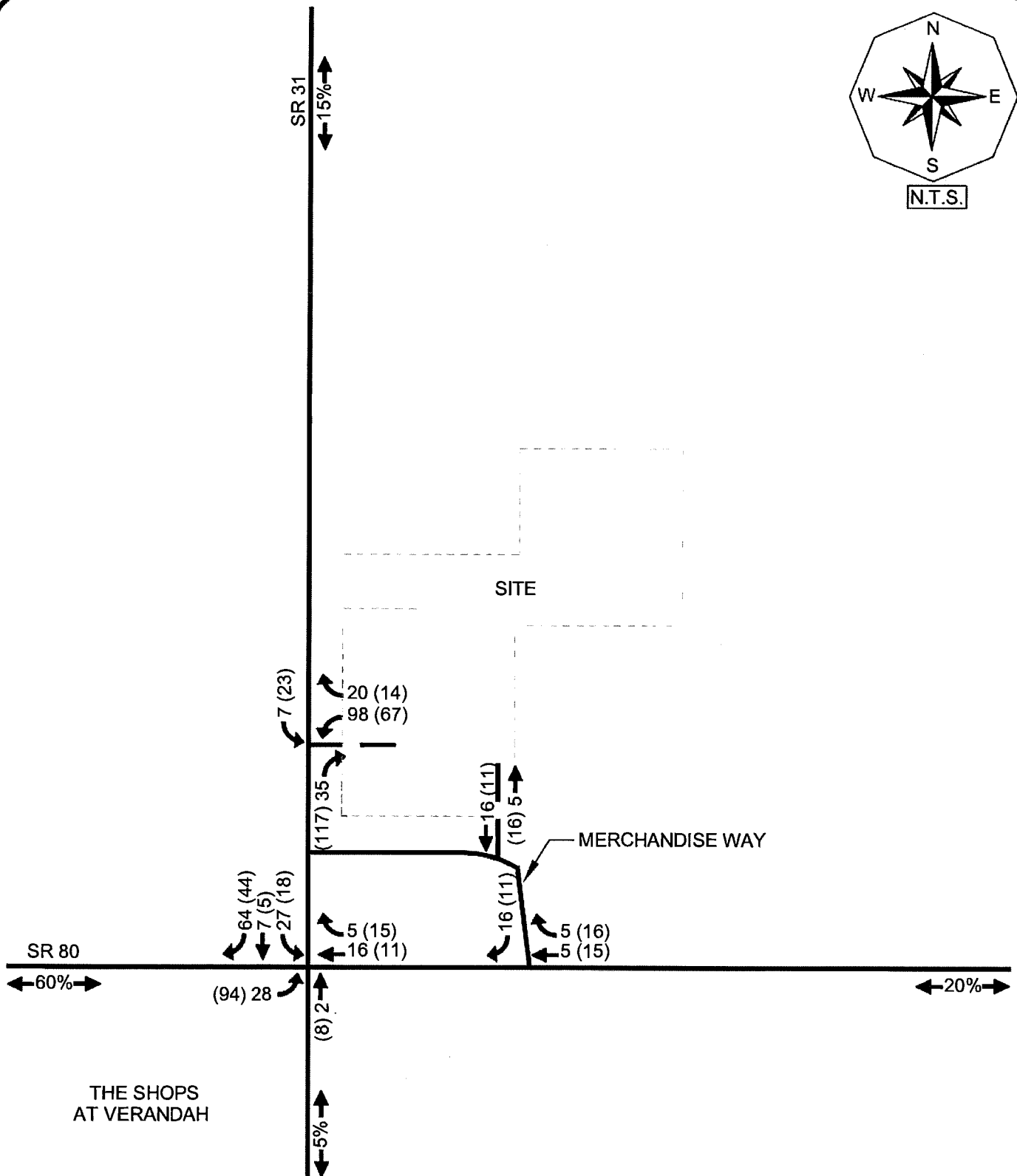
The trip generation for the proposed zoning was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled *Trip Generation Manual*, 11th Edition. Land Use Code 210 (Single-Family Detached Housing) was utilized for the trip generation purposes of the proposed development. The trip generation equations utilized from this land use are attached to the Appendix for reference. **Table 2** outlines the anticipated weekday A.M. and P.M. peak hour and daily trip generation of the development as currently proposed.

Table 2
Trip Generation
31 Oaks RPD

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Single-Family Detached Housing (265 Dwelling Units)	47	134	181	156	92	248	2,473

V. TRIP DISTRIBUTION

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



LEGEND

- ← 000 WEEKDAY AM PEAK HOUR SITE TRAFFIC
- ← (000) WEEKDAY PM PEAK HOUR SITE TRAFFIC
- ← 20% → PERCENT TRIP DISTRIBUTION

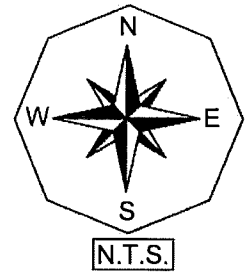
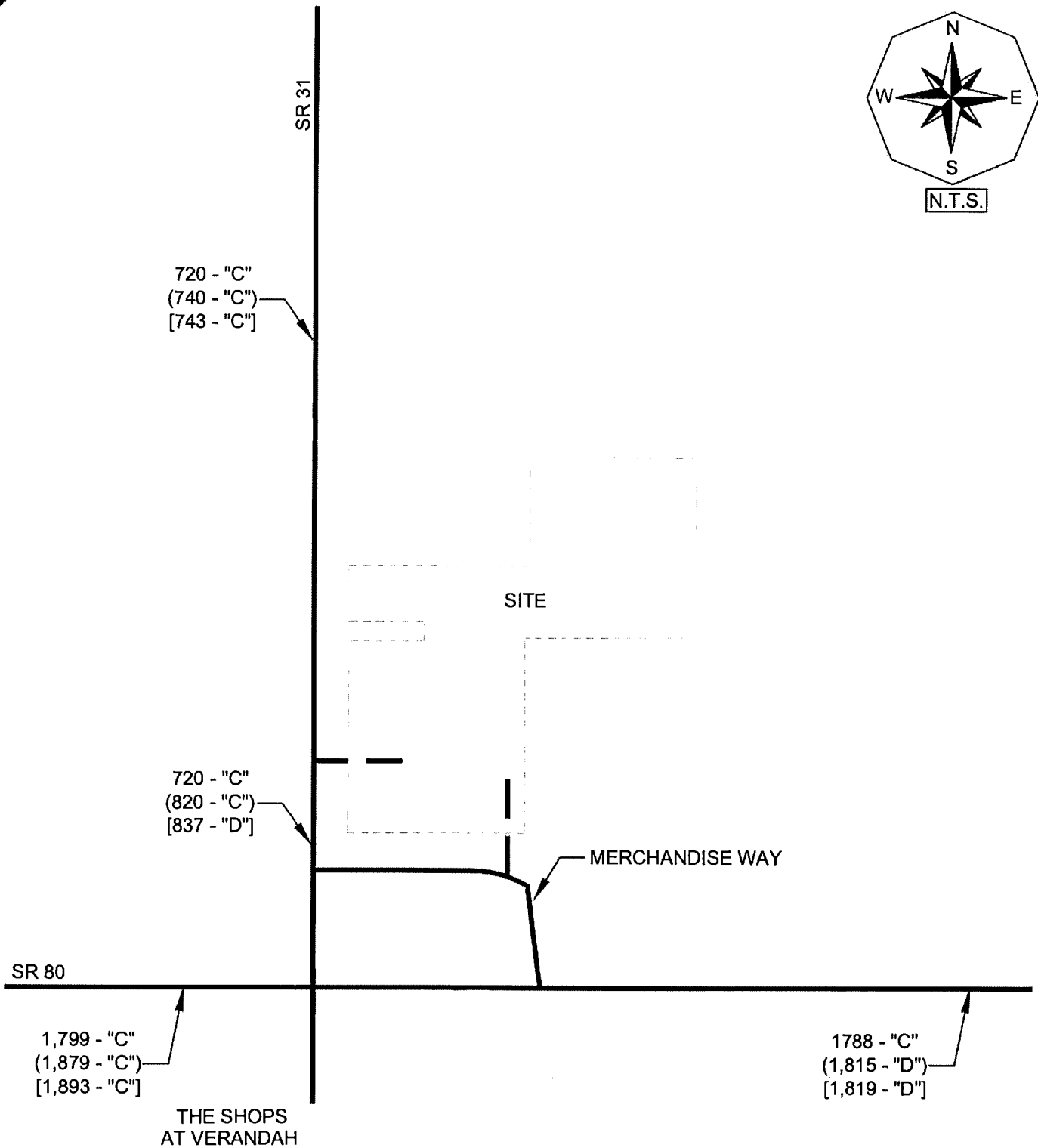
In order to determine which roadway segments surrounding the site may be significantly impacted as outlined in the Lee County Traffic Impact Statement Guidelines, **Table 1A**, in the Appendix, was created. This table indicates which roadway links will accommodate greater than 10% of the Peak Hour Level of Service “C” volumes. The Level of Service threshold volumes were obtained from the FDOT’s **Generalized Peak Hour Directional Volumes, Table 7**. Based on Table 1A, SR 31 between the site access and SR 80 is the only roadway segment that is anticipated to be significantly impacted by the proposed development.

VI. FUTURE TRAFFIC CONDITIONS

A horizon year analysis of 2025 was selected as the analysis year to evaluate the future impacts this project will have on the surrounding roadway network. Based on this horizon year, a growth rate was applied to the existing traffic conditions for all roadway links in the study area. Annual growth rates were formulated based on the historical traffic data obtained from the FDOT’s *Florida Traffic Online* webpage. Based on the project distribution illustrated on Figure 2, the link data was analyzed for the year 2025 without the development and year 2025 with the development.

Table 2A in the Appendix of the report indicates the methodology utilized to obtain the year 2025 build-out traffic volumes as well as the growth rate utilized for each roadway segment. The base year traffic volumes were obtained from the 2021 *Lee County Public Facilities Level of Service and Concurrency Report*.

Figure 3 indicates the year 2025 peak hour – peak direction traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 3 is the peak hour – peak direction volume and Level of Service of each link should no development occur on the subject site and the peak hour – peak direction volume and Level of Service for the weekday A.M. and P.M. peak hours with the development traffic added to the roadways. This figure is derived from Table 2A contained in the Appendix.



LEGEND

- XXX - "X" 2025 PEAK SEASON PEAK HOUR PEAK DIRECTION BACKGROUND TRAFFIC AND LEVEL OF SERVICE DESIGNATION
- (XXX - "X") 2025 PEAK SEASON PEAK HOUR PEAK DIRECTION BACKGROUND TRAFFIC PLUS AM PEAK PROJECT TRAFFIC AND LEVEL OF SERVICE DESIGNATION
- [XXX - "X"] 2025 PEAK SEASON PEAK HOUR PEAK DIRECTION BACKGROUND TRAFFIC PLUS PM PEAK PROJECT TRAFFIC AND LEVEL OF SERVICE DESIGNATION

VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

Adverse impacts are defined as a degradation of the Level of Service beyond the adopted Level of Service Thresholds for those links as indicated in Table 1A. In comparing the links' functional classification and calculated 2025 traffic volumes to the Service Volume Tables, it was determined that all analyzed roadways are projected to operate at or above the minimum adopted Level of Service in 2025 both with and without to proposed development. Therefore, roadway capacity improvements will not be warranted as a result of the additional traffic to be generated by the proposed development.

VIII. PRELIMINARY TURN LANE ANALYSIS

Preliminary turn lane analysis was conducted at the proposed site access connection on SR 31. The need for a right turn lane was evaluated based on the criteria outlined in Table 27 of the FDOT's *Access Management Guidebook* (November, 2019). Based on the criteria in the FDOT guidebook, a right turn volume of 80 vehicles per hour would warrant a separate right turn lane. As noted in Figure 2, the projected right turn volume at the site access drive on SR 31 is 117 vehicles, which is more than the threshold of 80 vehicles per hour to warrant a separate right turn lane. Therefore, a separate northbound right turn lane is anticipated to be warranted at the proposed site access drive on SR 31. This turn lane should provide a taper/decel distance of 155 feet pursuant to *Exhibit 212-1* of the FDOT Design Manual for a 40 mph posted speed limit. No storage distance is required as a right turn movement operates under the free-flow conditions.

The need for a southbound left turn lane at the site access connection on SR 31 was evaluated utilizing the data from the *ITE Committee 4A-22 Report*, which is modeled after the M.D. Harmelink data. Based on the projected left turn demand at the site access drive and projected opposing and advancing traffic volumes, a separate left turn lane will be warranted at the proposed site access drive on SR 31. This turn lane should provide a taper/decel distance of 155 feet pursuant to *Exhibit 212-1* of the FDOT Design Manual

for a 40 mph posted speed limit. The storage distance that should be provided in addition to the taper/decel distance is shown below. The storage distance was computed based on the formula as contained in FDOT Design Manual.

$$\text{Storage} = Q = \frac{(2.0) * (23 \text{ veh}) * (25)}{30}$$

≈ 50 ft of storage

Therefore, a southbound left turn lane at the proposed site access connection on SR 31 is anticipated to be warranted and should be approximately 205 feet in total length. The table utilized from the ITE Committee's 4A-22 Report to conduct left turn lane analysis is attached to the Appendix of this report for reference.

IX. INTERSECTION ANALYSIS

Intersection analysis was performed at the proposed site access drive on SR 31, signalized intersection of SR 80 with SR 31 as well as at the SR 80 intersection with Merchandise Way utilizing **SYNCHRO**® software. The intersection analysis was based on the projected 2025 weekday AM and PM peak hour traffic conditions both with and without the project traffic. Traffic counts were conducted by TR Transportation at the SR 80 and SR 31 intersection on February 1, 2022. A copy of the raw turning movement count data is included in the Appendix of this report for reference.

The existing peak season traffic volumes were then increased by a growth rate factor to determine the projected 2025 background turning movement volumes. **Table 2A** of the Appendix illustrates the methodology utilized to formulate the appropriate annual growth rates. The turning volumes projected to be added to the intersection as illustrated on Figure 2 were then added to the 2025 background volumes to estimate the future 2025 traffic volumes with the project. These volumes are based on the data from the spreadsheet contained in the Appendix of this report titled *Development of Future Year Background Turning Volumes*. Note, the intersection analysis at the SR 80 and

Merchandise Way intersection also included project traffic volumes from the Great American Self Storage facility (DOS2021-00141).

Based upon the results of the capacity analysis, all analyzed intersections were shown to operate at acceptable Level of Service in 2025 AM and PM peak hour conditions both with and without the proposed development traffic added to the intersections. *SYNCHRO*® summary sheets are attached to the Appendix of this report for reference.

X. CONCLUSION

The proposed development is located on the east side of SR 31 and approximately ¼ of a mile to the north of its intersection with SR 80 in Lee County, Florida. The Level of Service analysis conducted as part of this report indicated that all analyzed roadways are projected to operate at or above the minimum adopted Level of Service in 2025 both with and without the proposed development. Therefore, roadway capacity improvements will not be warranted as a result of the additional traffic to be generated by the proposed development. The zoning amendment as proposed is consistent with the goals and objectives of the Lee County Comprehensive Plan in that there is sufficient roadway capacity projected to accommodate the anticipated development.

Based upon the results of the preliminary turn lane analysis conducted as a part of this report, separate turn lanes are anticipated to be warranted at the proposed site access connection on SR 31.

Based upon the results of the capacity analysis, all analyzed intersections were shown to operate at acceptable Level of Service in 2025 AM and PM peak hour conditions both with and without the proposed development traffic added to the intersections.

APPENDIX

TABLE 1A & 2A

TABLE 1A
PEAK DIRECTION PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES
31 OAKS RPD

TOTAL AM PEAK HOUR PROJECT TRAFFIC =	181 VPH	IN=	47	OUT=	134
TOTAL PM PEAK HOUR PROJECT TRAFFIC =	248 VPH	IN=	156	OUT=	92

<u>ROADWAY</u>	<u>SEGMENT</u>	<u>ROADWAY</u> <u>CLASS</u>	<u>LOS A</u> <u>VOLUME</u>	<u>LOS B</u> <u>VOLUME</u>	<u>LOS C</u> <u>VOLUME</u>	<u>LOS D</u> <u>VOLUME</u>	<u>LOS E</u> <u>VOLUME</u>	PERCENT		
								PROJECT	PROJECT	PROJ/
								TRAFFIC	TRAFFIC	LOS C
SR 31	N. of Site	2LN	0	0	830	880	880	15%	23	2.8%
	S. of Site	2LN	0	0	830	880	880	75%	117	14.1%
SR 80	E. of Davis Blvd	4LD	0	0	2,005	2,100	2,100	20%	31	1.6%
	W. of SR 31	6LD	0	0	3,087	3,171	3,171	60%	94	3.0%

* Level of Service thresholds were obtained from the FDOT's Generalized Peak Hour Directional Service Volumes for Florida's Urbanized Areas, Table 7.
Note: Remaining 5% of project traffic was assigned to/from The Shops at Verandah.

**TABLE 2A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS
31 OAKS RPD**

TOTAL PROJECT TRAFFIC AM =	181	VPH	IN =	47	OUT=	134
TOTAL PROJECT TRAFFIC PM =	248	VPH	IN=	156	OUT=	92

							2020	2025			2025			2025		
							PK HR	PK HR	PK SEASON	PERCENT				BCKGRND	BCKGRND	
							PK SEASON	PEAK DIRECTION	PROJECT	AM PROJ	PM PROJ	+ AM PROJ		+ PM PROJ		
<u>ROADWAY</u>	<u>SEGMENT</u>	<u>STA #</u>	<u>ADT</u>	<u>ADT</u>	<u>GROWTH</u>	<u>RATE</u>	<u>PEAK DIR.¹</u>	<u>VOLUME</u>	<u>LOS</u>	<u>TRAFFIC</u>	<u>TRAFFIC</u>	<u>TRAFFIC</u>	<u>VOLUME</u>	<u>LOS</u>	<u>VOLUME</u>	<u>LOS</u>
SR 31	N. of Site	120030	10,500	13,800	15	2.00%	652	720	C	15%	20	23	740	C	743	C
	S. of Site	120030	10,500	13,800	15	2.00%	652	720	C	75%	101	117	820	C	837	D
SR 80	E. of Davis Blvd	120085	31,500	36,500	15	2.00%	1,619	1,788	C	20%	27	31	1,815	C	1,819	C
	W. of SR 31	126005	26,004	33,500	12	2.13%	1,619	1,799	C	60%	80	94	1,879	C	1,893	C

¹ Current peak hour peak season peak direction traffic volumes for all roadways were obtained from the 2021 Lee County Public Facilities Level of Service and Concurrency Report.

² Historic traffic volumes were obtained from Florida Traffic Online.

**FDOT GENERALIZED PEAK HOUR
DIRECTIONAL SERVICE VOLUMES
TABLE 7**

TABLE 7

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

January 2020

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

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

9/23/2021

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

LINK NO.	NAME	ROADWAY LINK		ROAD TYPE	PERFORMANCE STANDARD		2020 100TH HIGHEST HOUR		FORECAST FUTURE		NOTES
		FROM	TO		LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	
13400	IMMOKALEE RD (SR 89)	BELL BLVD	COUNTY LINE	4LD	D	3,240	B	569	B	698	
13500	IMPERIAL PKWY	COUNTY LINE	BONTIA BEACH RD	4LD	E	1,920	B	1,009	B	1,061	
13550	IMPERIAL PKWY	E TERRY ST	COCONUT RD	4LD	E	1,920	B	973	B	1,023	
13600	IONA RD	DAVIS RD	McGREGOR BLVD	2LN	E	860	C	381	C	450	*
13700	ISLAND PARK RD	PARK RD	US 41	2LN	E	860	C	75	C	247	
13800	JOEL BLVD	BELL BLVD	18TH ST	4LN	E	2,120	B	625	B	835	Joel Blvd CPD
13900	JOEL BLVD	18TH ST	SR 80	2LN	E	1,010	D	490	D	515	
14000	JOHN MORRIS RD	BUNCHE BEACH	SUMMERLIN RD	2LN	E	860	C	62	C	72	old count projection
14100	JOHN MORRIS RD	SUMMERLIN RD	IONA RD	2LN	E	860	C	256	C	269	*
14200	KELLY RD	McGREGOR BLVD	SAN CARLOS BLVD	2LN	E	860	C	282	C	296	
14300	KELLY RD	SAN CARLOS BLVD	PINE RIDGE RD	2LN	E	860	C	106	C	120	old count projection(2010)
14500	LAUREL DR	BUS 41	BREEZE DR	2LN	E	860	C	436	C	458	
14600	LEE BLVD	SR 82	ALVIN AVE	6LD	E	2,840	B	2,335	B	2,454	
14700	LEE BLVD	ALVIN AVE	GUNNERY RD	6LD	E	2,840	B	2,037	B	2,216	
14800	LEE BLVD	GUNNERY RD	HOMESTEAD RD	6LD	E	2,840	B	2,257	B	2,372	
14900	LEE BLVD	HOMESTEAD RD	WILLIAMS AVE	4LD	E	1,980	B	1,006	B	1,057	
14930	LEE BLVD	WILLIAMS AVE	LEELAND HEIGHTS	2LN	E	1,020	C	1,006		1,057	
15000	LEE RD	SAN CARLOS BLVD	ALICO RD	2LN	E	860	C	514	D	614	old count projection(2015)
15100	LEELAND HEIGHTS	HOMESTEAD RD	JOEL BLVD	4LN	E	1,800	B	832	B	867	*
15200	LEONARD BLVD	GUNNERY RD	WESTGATE BLVD	2LN	E	860	E	843		917	
15300	LITTLETON RD	CORBETT RD	US 41	2LN	E	860	C	470	C	494	
15400	LITTLETON RD	BUS 41	US 41	2LN	E	860	C	496	C	522	
15500	LUCKETT RD	ORTIZ AVE	I-75	2LN	E	860	B	338	B	413	4 Ln design & ROW
15600	LUCKETT RD	I-75	COUNTRY LAKES DR	2LN	E	860	C	304	C	319	
15700	MAPLE DR*	SUMMERLIN RD	2ND AVE	2LN	E	860	C	77	C	89	old count projection
15800	McGREGOR BLVD	SANBEL T PLAZA	HARBOR DR	4LD	E	1,960	B	1,176	B	1,236	
15900	McGREGOR BLVD	HARBOR DR	SUMMERLIN RD	4LD	E	1,960	B	1,105	B	1,162	
16000	McGREGOR BLVD	SUMMERLIN RD	KELLY RD	4LD	E	1,960	A	943	A	1,001	
16100	McGREGOR BLVD	KELLY RD	GLADIOLUS DR	4LD	E	1,960	A	943	A	991	
16200	McGREGOR BLVD (SR 867)	OLD McGREGOR BLVD/G	IONA LOOP RD	4LD	D	2,100	C	1,451	C	1,625	
16300	McGREGOR BLVD (SR 867)	IONA LOOP RD	PINE RIDGE RD	4LD	D	2,100	C	1,599	C	1,625	
16400	McGREGOR BLVD (SR 867)	PINE RIDGE RD	CYPRESS LAKE DR	4LD	D	2,100	C	1,599	C	1,798	
16500	McGREGOR BLVD (SR 867)	CYPRESS LAKE DR	COLLEGE PKWY	4LD	D	2,100	C	1,599	C	1,798	
16600	McGREGOR BLVD (SR 867)	COLLEGE PKWY	WINKLER RD	2LN	D	924	C	777	C	802	Constrained
16700	McGREGOR BLVD (SR 867)	WINKLER RD	TANGLEWOOD BLVD	2LN	D	970		1,057		1,168	Constrained
16800	McGREGOR BLVD (SR 867)	TANGLEWOOD BLVD	COLONIAL BLVD	2LN	D	970		1,057		1,168	Constrained
16900	METRO PKWY (SR 739)	SIX MILE PKWY	DANIELS PKWY	6LD	D	3,171	C	977	C	1,376	
17000	METRO PKWY (SR 739)	DANIELS PKWY	CRYSTAL DR	4LD	D	2,100	C	1,440	C	1,452	
17100	METRO PKWY (SR 739)	CRYSTAL DR	DANLEY DR	4LD	D	2,100	C	1,303	C	1,623	
17200	METRO PKWY (SR 739)	DANLEY DR	COLONIAL BLVD	4LD	D	2,100	C	1,349	C	1,880	
	MICHAEL RIPPE PKWY	US41	SIX MILES PKWY	6LD	D	3,171	C	1,070	C	1,537	
17500	MILWAUKEE BLVD	ALABAMA BLVD	BELL BLVD	2LN	E	860	C	171	C	180	*
17700	MILWAUKEE BLVD	BELL BLVD	COLUMBUS BLVD	2LN	E	860	C	171	C	184	*
17800	MOODY RD	HANCOCK B. PKWY	PONDELLA RD	2LN	E	860	C	182	C	206	old count projection(2009)
17900	NALLE GRADE RD	SLATER RD	NALLE RD	2LN	E	860	C	64	C	67	
18000	NALLE RD	SR 78	NALLE GRADE RD	2LN	E	860	C	114	C	133	*
18100	NEAL RD	ORANGE RIVER BLVD	BUCKINGHAM RD	2LN	E	860	C	120	C	126	*
18200	NO RIVER RD	SR 31	FRANKLIN LOCK RD	2LN	E	1,140	A	164	B	283	
18300	NO RIVER RD	FRANKLIN LOCK RD	BROADWAY RD	2LN	E	1,140	A	164	B	309	
18400	NO RIVER RD	BROADWAY RD	COUNTY LINE	2LN	E	1,140	A	113	A	146	
18900	OLGA RD*	SR 80 W	SR 80 E	2LN	E	860	C	82	C	95	old count projection
19100	ORANGE GROVE BLVD	CLUB ENTR.	HANCOCK B. PKWY	2LN	E	860	C	393	C	488	old count(2009)
19200	ORANGE GROVE BLVD	HANCOCK B. PKWY	PONDELLA RD	4LN	E	1,790	C	614	C	645	
19300	ORANGE RIVER BLVD	SR 80	STALEY RD	2LN	E	1,000	D	510	D	536	
19400	ORANGE RIVER BLVD	STALEY RD	BUCKINGHAM RD	2LN	E	1,000	D	510	D	544	
19500	ORIOLE RD	SAN CARLOS BLVD	ALICO RD	2LN	E	860	C	147	C	154	
19600	ORTIZ AVE	COLONIAL BLVD	SR 82	2LN	E	900	C	805	C	846	
19700	ORTIZ AVE	SR 82	LUCKETT RD	2LN	E	900	C	838	C	880	4 Ln design & ROW
19800	ORTIZ AVE	LUCKETT RD	SR 80	2LN	E	900	B	350	B	368	4 Ln design & ROW
19900	PALM BEACH BLVD (SR 80)	PROSPECT AVE	ORTIZ AVE	4LD	D	2,100	C	1,096	C	1,210	
20000	PALM BEACH BLVD (SR 80)	ORTIZ AVE	I-75	6LD	D	3,171	C	1,096	C	1,205	
20100	PALM BEACH BLVD (SR 80)	I-75	SR 31	6LD	D	3,171	C	1,619	C	2,006	
20200	PALM BEACH BLVD (SR 80)	SR 31	BUCKINGHAM RD	4LD	D	2,100	C	1,619	C	1,905	
20300	PALM BEACH BLVD (SR 80)	BUCKINGHAM RD	WERNER DR	4LD	D	3,280	B	1,764	C	2,208	
20330	PALM BEACH BLVD (SR 80)	WERNER DR	JOEL BLVD	4LD	C	2,210	C	1,402	C	1,797	
20400	PALM BEACH BLVD (SR 80)	JOEL BLVD	HENDRY CO. LINE	4LD	C	2,210	B	1,324	C	1,541	
20500	PALOMINO LN	DANIELS PKWY	PENZANCE BLVD	2LN	E	860	C	466	C	489	
20600	PARK MEADOWS DR	SUMMERLIN RD	US 41	2LN	E	860	C	196	C	205	
20800	PENZANCE BLVD	RANCHETTE RD	SIX MILE PKWY	2LN	E	860	C	147	C	159	

9/23/2021

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

LINK NO.	NAME	ROADWAY LINK		ROAD TYPE	PERFORMANCE STANDARD		2020 100TH HIGHEST HOUR		FORECAST FUTURE		NOTES
		FROM	TO		LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	
20900	PINE ISLAND RD	STRINGFELLOW RD	BURNT STORE RD	2LN	E	950	E	594	E	644	Constrained
21400	PINE ISLAND RD (SR 78)	CITY LIMITS E OF BARRETT RD	US 41	4LD	D	2,100	C	1,621	D	2,037	
21500	PINE ISLAND RD (SR 78)	US 41	BUS 41	4LD	D	2,100	C	1,580	C	1,855	
21600	PINE RIDGE RD	SAN CARLOS BLVD	SUMMERLIN RD	2LN	E	860	C	489	C	535	*
21700	PINE RIDGE RD	SUMMERLIN RD	GLADIOLUS DR	2LN	E	860	C	293	D	352	Heritage Isle*
21800	PINE RIDGE RD	GLADIOLUS DR	MCGREGOR BLVD	2LN	E	860	C	293	C	308	
21900	PLANTATION RD	SIX MILE PKWY	DANIELS PKWY	2LN	E	860	C	285	C	414	Intermed Park
22000	PLANTATION RD	DANIELS PKWY	IDLEWILD ST	2LN	E	860	D	740	D	778	FDOT Metro Pkwy 6-laning
22050	PLANTATION RD	IDLEWILD ST	COLONIAL BLVD	4LN	E	1,790	C	510	C	536	
22100	PONDELLA RD	SR 78	ORANGE GROVE BLVD	4LD	E	1,890	B	736	B	774	*
22200	PONDELLA RD	ORANGE GROVE BLVD	US 41	4LD	E	1,890	B	1,101	B	1,176	
22300	PONDELLA RD	US 41	BUS 41	4LD	E	1,890	B	1,094	B	1,150	
22400	PRITCHETT PKWY	SR 78	RICH RD	2LN	E	860	C	73	C	541	old count, Stoneybrook North(2009)
22500	RANCHETTE RD	PENZANCE BLVD	IDLEWILD ST	2LN	E	860	C	93	C	98	
22600	RICH RD	SLATER RD	PRITCHETT PKWY	2LN	E	860	C	55	C	62	old count projection(2009)
22700	RICHMOND AVE	LEELAND HEIGHTS	E 12TH ST	2LN	E	860	C	77	C	89	
22800	RICHMOND AVE	E 12TH ST	GREENBRIAR BLVD	2LN	E	860	C	77	C	81	
23000	SAN CARLOS BLVD (SR 865)	MANTANZAS PASS B.	MAIN ST	2LD	D	970		1,022		1,151	Constrained
23100	SAN CARLOS BLVD (SR 865)	MAIN ST	SUMMERLIN RD	4LD	D	2,100	C	1,022	C	1,151	PD&E Study
23180	SAN CARLOS BLVD (SR 865)	SUMMERLIN RD	KELLY RD	2LD	D	970	C	689	C	767	
23200	SAN CARLOS BLVD (SR 865)	KELLY RD	GLADIOLUS DR	4LD	D	2,100	C	689	C	767	
23230	SAN CARLOS BLVD	US 41	THREE OAKS PKWY	2LN	E	860	C	448	C	471	*
23260	SANIBEL BLVD	US 41	LEE RD	2LN	E	860	D	591	D	621	
23300	SANIBEL CAUSEWAY	SANIBEL SHORELINE	TOLL PLAZA	2LN	E	1,140	E	937	E	985	
23400	SHELL POINT BLVD	MCGREGOR BLVD	PALM ACRES	2LN	E	860	C	294	C	309	*
23500	SIX MILE PKWY (SR 739)	US 41	METRO PKWY	4LD	D	2,100	C	1,512	C	1,764	
23600	SIX MILE CYPRESS	METRO PKWY	DANIELS PKWY	4LD	E	2,000	B	1,481	B	1,556	
23700	SIX MILE CYPRESS	DANIELS PKWY	WINKLER EXT.	4LD	E	1,900	B	1,069	B	1,272	
23800	SIX MILE CYPRESS	WINKLER EXT.	CHALLENGER BLVD	4LD	E	1,900	B	1,038	B	1,091	
23900	SIX MILE CYPRESS	CHALLENGER BLVD	COLONIAL BLVD	6LD	E	2,860	A	1,038	A	1,091	
24000	SLATER RD	SR 78	NALLE GRADE RD	2LN	E	1,010	C	399	C	419	*
24100	SOUTH POINTE BLVD	CYPRESS LAKE DR	COLLEGE PKWY	2LD	E	910	D	610	D	673	*
24200	SR 31 (ARCADIA RD)	SR 80	SR 78	2LN	D	970	C	652	C	831	PD&E/SEIR Study
24300	SR 31 (ARCADIA RD)	SR 78	COUNTY LINE	2LN	C	820	B	460	B	669	PD&E/SEIR Study
24400	STALEY RD	TICE	ORANGE RIVER BLVD	2LN	E	860	C	211	C	237	*
24500	STRINGFELLOW RD	1ST AVE	BERKSHIRE RD	2LN	E	1,060	B	315	D	672	Constrained
24600	STRINGFELLOW RD	BERKSHIRE RD	PINE ISLAND RD	2LN	E	1,060	B	315	C	448	Constrained
24700	STRINGFELLOW RD	PINE ISLAND RD	PINELAND RD	2LN	E	1,060	D	712	E	813	Constrained
24800	STRINGFELLOW RD	PINELAND RD	MAIN ST	2LN	E	1,060	D	712	E	809	
24900	SUMMERLIN RD	MCGREGOR BLVD	KELLY COVE RD	4LD	E	1,980	A	1,243	A	1,306	
25000	SUMMERLIN RD	KELLY COVE RD	SAN CARLOS BLVD	4LD	E	1,980	A	1,243	A	1,306	
25100	SUMMERLIN RD	SAN CARLOS BLVD	PINE RIDGE RD	6LD	E	3,000	A	1,896	A	2,126	
25200	SUMMERLIN RD	PINE RIDGE RD	BASS RD	6LD	E	3,000	A	1,896	A	1,993	
25300	SUMMERLIN RD	BASS RD	GLADIOLUS DR	6LD	E	3,000	A	1,896	A	1,993	
25400	SUMMERLIN RD	GLADIOLUS DR	CYPRESS LAKE DR	4LD	E	1,900	C	1,517	C	1,618	
25500	SUMMERLIN RD	CYPRESS LAKE DR	COLLEGE PKWY	6LD	E	2,880	B	1,489	B	1,565	
25600	SUMMERLIN RD	COLLEGE PKWY	PARK MEADOW DR	6LD	E	2,880	B	1,526	B	1,604	
25700	SUMMERLIN RD	PARK MEADOW DR	BOY SCOUT	6LD	E	2,880	B	1,526	B	1,604	
25800	SUMMERLIN RD	BOY SCOUT	MATHEWS DR	4LD	E	1,820	D	1,189	D	1,250	
25900	SUMMERLIN RD	MATHEWS DR	COLONIAL BLVD	4LD	E	1,820	D	1,189	D	1,250	
26000	SUNRISE BLVD	BELL BLVD	COLUMBUS BLVD	2LN	E	860	C	42	C	53	Old Count
26100	SUNSHINE BLVD	SR 82	23RD ST SW	2LN	E	1,010	C	443	C	466	*
26150	SUNSHINE BLVD	23RD ST SW	LEE BLVD	2LN	E	1,010	C	443	C	466	*
26200	SUNSHINE BLVD	LEE BLVD	W 12TH ST	2LN	E	1,010	E	730	E	767	*
26300	SUNSHINE BLVD	W 12TH ST	W 75TH ST	2LN	E	860	D	600	D	630	
26400	SW 23RD ST	GUNNERY RD	SUNSHINE BLVD	2LN	E	860	E	855		1,012	Copperhead
26500	THREE OAKS PKWY	COCONUT RD	ESTERO PKWY	4LD	E	1,940	B	1,502	B	1,685	
26600	THREE OAKS PKWY	ESTERO PKWY	SAN CARLOS BLVD	4LD	E	1,940	B	855	B	964	
26700	THREE OAKS PKWY	SAN CARLOS BLVD	ALICO RD	4LD	E	1,940	B	855	B	1,198	
26800	TICE ST	SR 80	ORTIZ AVE	2LN	E	860	C	199	C	209	
26900	TICE ST	ORTIZ AVE	STALEY RD	2LN	E	860	C	188	D	701	Elementary U.
27000	TREELINE AVE	TERMINAL ACCESS RD	DANIELS PKWY	4LD	E	1,980	A	1,050	A	1,288	Harley Davidson
27030	TREELINE AVE	DANIELS PKWY	AMBERWOOD RD	4LD	E	1,980	A	799	A	840	
27070	TREELINE AVE	AMBERWOOD RD	COLONIAL BLVD	4LD	E	1,980	A	793	A	833	
29800	US 41 (S TAMIAHI TR)	OLD 41	CORKSCREW RD	6LD	D	3,171	C	2,020	C	2,273	
29900	US 41 (S TAMIAHI TR)	CORKSCREW RD	SANIBEL BLVD	6LD	D	3,171	C	1,901	C	2,354	
30000	US 41 (S TAMIAHI TR)	SANIBEL BLVD	ALICO RD	6LD	D	3,171	C	2,069	C	2,812	
30100	US 41 (S TAMIAHI TR)	ALICO RD	ISLAND PARK RD	6LD	D	3,171	C	2,069	C	2,467	

**TRAFFIC DATA FROM FDOT
FLORIDA TRAFFIC ONLINE**

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2020 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 0030 - SR 31, NORTH OF SR 80/PALM BEACH BOULEVARD LC391

YEAR	AADT		DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
----	-----		-----	-----	-----	-----	-----
2020	13800 C	N	6600	S 7200	9.00	53.70	17.80
2019	13500 C	N	6600	S 6900	9.00	54.00	20.80
2018	11500 C	N	5600	S 5900	9.00	55.20	18.60
2017	11200 C	N	5500	S 5700	9.00	54.40	19.00
2016	11100 F	N	5500	S 5600	9.00	57.70	12.50
2015	10100 C	N	5000	S 5100	9.00	57.50	12.50
2014	8700 F	N	4300	S 4400	9.00	56.80	14.90
2013	8500 C	N	4200	S 4300	9.00	56.50	14.90
2012	8700 C	N	4400	S 4300	9.00	54.20	13.80
2011	8500 F	N	4200	S 4300	9.00	56.20	13.70
2010	8500 C	N	4200	S 4300	9.91	56.34	13.70
2009	7800 C	N	3800	S 4000	9.98	55.90	13.40
2008	8500 C	N	4200	S 4300	10.16	57.01	12.80
2007	8700 C	N	4300	S 4400	10.16	54.76	10.80
2006	12500 C	N	6100	S 6400	10.23	54.38	33.20
2005	10500 C	N	5200	S 5300	10.30	54.10	23.30

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

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

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

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

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2020 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 0085 - SR 80/PALM BEACH BLVD, EAST OF SR 31 LC360

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
----	-----	-----	-----	-----	-----	-----
2020	36500 C	E 18000	W 18500	9.00	53.70	8.30
2019	36500 C	E 18000	W 18500	9.00	54.00	9.00
2018	33500 C	E 16500	W 17000	9.00	55.20	9.30
2017	33500 C	E 16500	W 17000	9.00	54.40	8.50
2016	35000 C	E 17500	W 17500	9.00	57.70	8.20
2015	32000 C	E 16000	W 16000	9.00	57.50	9.00
2014	29500 S	E 15000	W 14500	9.00	56.80	9.20
2013	28500 F	E 14500	W 14000	9.00	56.50	9.20
2012	28500 C	E 14500	W 14000	9.00	54.20	9.20
2011	29500 F	E 14500	W 15000	9.00	56.20	9.40
2010	29500 C	E 14500	W 15000	9.91	56.34	9.40
2009	29500 C	E 14500	W 15000	9.98	55.90	9.50
2008	30000 C	E 15000	W 15000	10.16	57.01	8.10
2007	34000 C	E 17000	W 17000	10.16	54.76	8.50
2006	36000 C	E 18000	W 18000	10.23	54.38	11.00
2005	31500 C	E 15500	W 16000	10.30	54.10	12.10

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

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2020 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 6005 - SR 80/PALM BEACH BLVD, 0.25 MI W OF SR 31. PTMS 104, LCPR 05

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
----	-----	-----	-----	-----	-----	-----
2020	33500 S	0	0	9.00	53.70	11.50
2019	35000 F	0	0	9.00	54.00	12.30
2018	35091 C	0	0	9.00	64.90	12.60
2017	34000 F	0	0	9.00	64.90	11.10
2016	32970 C	E 16326	W 16644	9.00	64.90	10.40
2015	30167 C	E 14945	W 15222	9.00	63.20	11.00
2014	27785 C	E 13885	W 13900	9.00	62.60	5.90
2013	26228 C	E 12981	W 13247	9.00	61.80	9.50
2012	25563 C	E 12791	W 12772	9.00	61.60	10.80
2011	26888 C	E 13397	W 13491	9.00	61.60	12.40
2010	26743 C	E 13334	W 13409	9.89	61.01	8.90
2009	25939 C	E 12914	W 13025	9.90	62.73	9.60
2008	26004 C	E 12909	W 13095	10.24	63.18	9.20

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

2020 PEAK SEASON FACTOR CATEGORY REPORT - REPORT TYPE: ALL
 CATEGORY: 1203 SR80, 31 & 78 E OF I-75

WEEK	DATES	SF	MOCF: 0.92 PSCF
* 1	01/01/2020 - 01/04/2020	0.92	1.00
* 2	01/05/2020 - 01/11/2020	0.91	0.99
* 3	01/12/2020 - 01/18/2020	0.90	0.98
* 4	01/19/2020 - 01/25/2020	0.89	0.97
* 5	01/26/2020 - 02/01/2020	0.88	0.96
* 6	02/02/2020 - 02/08/2020	0.87	0.95
* 7	02/09/2020 - 02/15/2020	0.86	0.93
* 8	02/16/2020 - 02/22/2020	0.88	0.96
* 9	02/23/2020 - 02/29/2020	0.91	0.99
*10	03/01/2020 - 03/07/2020	0.93	1.01
*11	03/08/2020 - 03/14/2020	0.96	1.04
*12	03/15/2020 - 03/21/2020	0.99	1.08
*13	03/22/2020 - 03/28/2020	1.07	1.16
14	03/29/2020 - 04/04/2020	1.15	1.25
15	04/05/2020 - 04/11/2020	1.23	1.34
16	04/12/2020 - 04/18/2020	1.32	1.43
17	04/19/2020 - 04/25/2020	1.26	1.37
18	04/26/2020 - 05/02/2020	1.21	1.32
19	05/03/2020 - 05/09/2020	1.15	1.25
20	05/10/2020 - 05/16/2020	1.10	1.20
21	05/17/2020 - 05/23/2020	1.09	1.18
22	05/24/2020 - 05/30/2020	1.09	1.18
23	05/31/2020 - 06/06/2020	1.08	1.17
24	06/07/2020 - 06/13/2020	1.08	1.17
25	06/14/2020 - 06/20/2020	1.07	1.16
26	06/21/2020 - 06/27/2020	1.07	1.16
27	06/28/2020 - 07/04/2020	1.08	1.17
28	07/05/2020 - 07/11/2020	1.08	1.17
29	07/12/2020 - 07/18/2020	1.09	1.18
30	07/19/2020 - 07/25/2020	1.07	1.16
31	07/26/2020 - 08/01/2020	1.06	1.15
32	08/02/2020 - 08/08/2020	1.05	1.14
33	08/09/2020 - 08/15/2020	1.04	1.13
34	08/16/2020 - 08/22/2020	1.03	1.12
35	08/23/2020 - 08/29/2020	1.02	1.11
36	08/30/2020 - 09/05/2020	1.02	1.11
37	09/06/2020 - 09/12/2020	1.01	1.10
38	09/13/2020 - 09/19/2020	1.01	1.10
39	09/20/2020 - 09/26/2020	0.99	1.08
40	09/27/2020 - 10/03/2020	0.98	1.07
41	10/04/2020 - 10/10/2020	0.96	1.04
42	10/11/2020 - 10/17/2020	0.95	1.03
43	10/18/2020 - 10/24/2020	0.95	1.03
44	10/25/2020 - 10/31/2020	0.95	1.03
45	11/01/2020 - 11/07/2020	0.95	1.03
46	11/08/2020 - 11/14/2020	0.95	1.03
47	11/15/2020 - 11/21/2020	0.95	1.03
48	11/22/2020 - 11/28/2020	0.94	1.02
49	11/29/2020 - 12/05/2020	0.93	1.01
50	12/06/2020 - 12/12/2020	0.92	1.00
51	12/13/2020 - 12/19/2020	0.92	1.00
52	12/20/2020 - 12/26/2020	0.91	0.99
53	12/27/2020 - 12/31/2020	0.90	0.98

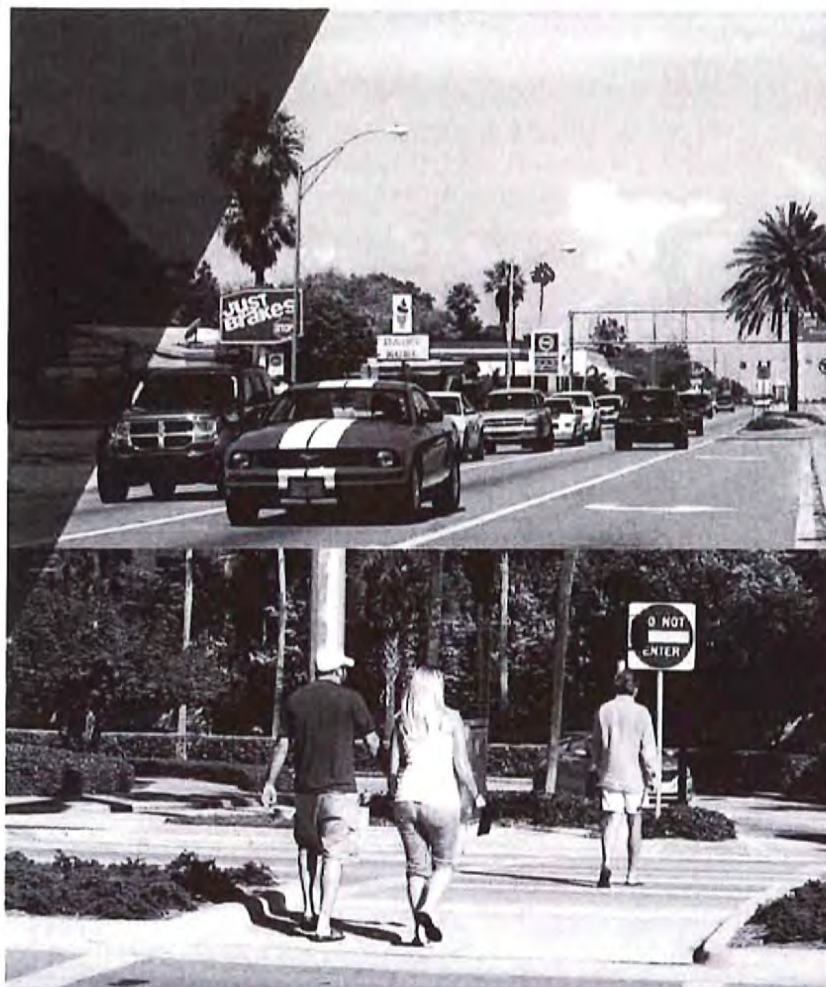
* PEAK SEASON

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FDOT ACCESS MANAGEMENT GUIDEBOOK



Access Management **GUIDEBOOK** NOVEMBER 2019



STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
SYSTEMS IMPLEMENTATION OFFICE
605 Suwannee Street, MS 19 • Tallahassee, FL 32399
www.fdot.gov/planning

When Not to Consider Exclusive Right-Turn Lanes

- Dense or built-out corridors with limited space
- Right-turn lane that would negatively impact pedestrians or bicyclists
- Vehicular movements from driveways or median openings that cross the right-turn lane resulting in multiple threat crashes
- Context classifications C2T, C4, C5, or C6

When Exclusive Right-Turn Lanes are Beneficial

There are instances when adding an exclusive right-turn lane for unsignalized driveways are beneficial to traffic operations and safety. [Table 27](#) provides some guidance for this situation based on the speed limit of the roadway and how many right turns occur per hour. Locations where the Auto and Truck Modal Emphasis is "High" may be appropriate for consideration of Exclusive Right Turn Lanes.

Table 27 – Recommended Guidelines for Exclusive Right-Turn Lanes to Unsignalized Driveway¹⁰

Roadway Posted Speed Limit	Number of Right Turns Per Hour
45 mph or less	80 – 125 ¹
Over 45 mph	35 – 55 ²
Note: A posted speed limit of 45 mph may be used with these thresholds if the operating speeds are known to be over 45 mph during the time of peak right turn demand.	
Note on traffic projections: Projecting turning volumes is, at best, a knowledgeable estimate. Keep this in mind especially if the projections of right turns are close to meeting the guidelines. In that case, consider requiring the turn lane.	
¹ The lower threshold of 80 right-turn vehicles per hour would be most used for higher volume (greater than 600 vehicles per hour, per lane in one direction on the major roadway) or two-lane roads where lateral movement is restricted. The 125 right-turn vehicles per hour upper threshold would be most appropriate on lower volume roadways, multilane highways, or driveways with a large entry radius (50 feet or greater).	
² The lower threshold of 35 right-turn vehicles per hour would be most appropriately used on higher volume two-lane roadways where lateral movement is restricted. The 55 right-turn vehicles per hour upper threshold would be most appropriate on lower volume roadways, multilane highways, or driveways with large entry radius (50 feet or greater).	

Source: NCHRP Report 420 (Impacts of Access Management Techniques)

These recommendations are primarily based on the research done in [NCHRP Report 420, Impacts of Access Management Techniques, Chapter 4 – Unsignalized Access Spacing \(Technique 1B\)](#), and [Use of Speed Differential as a Measure to Evaluate the Need for Right-Turn Deceleration Lane at Unsignalized Intersections](#).

In the *NCHRP Report 420*, the observed high-speed roads, 30 to 40 right-turn vehicles per hour caused evasive maneuvers on 5 - 10 percent of the following through vehicles. For lower speed roadways, 80 to 110 right-turn vehicles caused 15 - 20 percent of the following through vehicles to make evasive maneuvers. The choice of acceptable percentages of through vehicles impacted is a decision based on reasonable expectations of the different roadways.

In this study, by modeling speed differentials, a better understanding of the impacts of through volume and driveway radius was discovered.

¹⁰ May not be appropriate for signalized locations where signal phasing plays an important role in determining the need for right turn lanes.

ITE COMMITTEE 4A-22 REPORT

Table 7
GUIDELINES FOR LEFT-TURN LANE AT UNSIGNALIZED INTERSECTION

Two-lane Roadway Opposing Volume (vph)	Advancing Volume - vph																				Left-turn - percent					Operating Speed = 35 mph Speed Limit = 40 mph Design Speed = 45 mph									
	0.50	0.75	1.00	1.25	1.50	1.75	2.0	2.5	3.0	3.5	4.0	4.5	5.0	5.5	6.0	6.5	7.0	8.0	9.0	10	15	20	30	40	50										
50	2110	1725	1496	1339	1224	1135	1063	953	872	810	759	718	683	653	627	604	583	549	520	496	417	372	325	304	298										
100	1858	1519	1317	1180	1078	999	936	839	768	713	669	632	601	575	552	532	514	483	458	437	367	328	286	268	262										
150	1660	1357	1177	1054	963	893	836	750	686	637	597	565	537	513	493	475	459	431	409	390	328	293	255	239	234										
200	1516	1239	1075	962	880	816	764	685	627	582	546	516	491	469	450	434	419	394	374	356	299	267	233	218	214										
250	1362	1114	966	865	790	733	686	615	563	523	490	463	441	421	405	390	377	354	336	320	269	240	210	196	192										
300	1263	1033	895	802	733	679	636	571	522	485	455	430	409	391	375	361	349	328	311	297	249	223	194	182	178										
350	1152	942	816	731	668	620	580	520	476	442	415	392	373	356	342	330	318	299	284	271	228	203	177	166	162										
400	1061	867	752	674	616	571	535	479	439	407	382	361	343	328	315	304	293	276	262	249	210	187	163	153	150										
450	974	796	690	618	565	524	491	440	403	374	351	331	315	301	289	279	269	253	240	229	192	172	150	140	137										
500	889	727	630	564	516	478	448	402	368	341	320	303	288	275	264	254	246	231	219	209	176	157	137	128	125										
550	825	674	585	524	479	444	415	373	341	317	297	281	267	255	245	236	228	214	203	194	163	145	127	119	116										
600	780	638	553	495	453	420	393	353	323	299	281	266	253	241	232	223	216	203	192	183	154	138	120	112	110										
650	720	589	511	457	418	387	363	325	298	276	259	245	233	223	214	206	199	187	178	169	142	127	111	104	102										
700	680	556	482	432	395	366	343	307	281	261	245	231	220	210	202	195	188	177	168	160	134	120	105	98	96										
750	623	509	442	396	362	335	314	282	258	239	224	212	202	193	185	178	172	162	154	147	123	110	96	90	88										
800	567	464	402	360	329	305	286	256	235	218	204	193	184	176	169	162	157	148	140	133	112	100	87	82	80										
850	531	434	377	337	308	286	268	240	220	204	191	181	172	164	158	152	147	138	131	125	105	94	82	77	75										
900	497	406	352	315	288	267	250	224	205	191	179	169	161	154	148	142	137	129	122	117	98	88	76	72	70										
950	463	379	328	294	269	249	233	209	191	178	167	158	150	143	138	132	128	120	114	109	91	82	71	67	65										
1000	430	352	305	273	250	231	217	194	178	165	155	146	139	133	128	123	119	112	106	101	85	76	66	62	61										
1050	398	326	282	253	231	214	201	180	165	153	143	136	129	123	118	114	110	104	98	94	79	70	61	57	56										
1100	346	283	245	220	201	186	174	156	143	133	125	118	112	107	103	99	96	90	85	81	68	61	53	50	49										
1150	314	257	223	200	182	169	158	142	130	121	113	107	102	97	93	90	87	82	77	74	62	55	48	45	44										
1200	258	211	183	164	150	139	130	117	107	99	93	88	83	80	77	74	71	67	64	61	51	45	40	37	36										
1250	224	183	159	142	130	121	113	101	93	86	81	76	73	69	67	64	62	58	55	53	44	40	35	32	32										
1300	189	154	134	120	109	101	95	85	78	72	68	64	61	58	56	54	52	49	47	44	37	33	29	27	27										

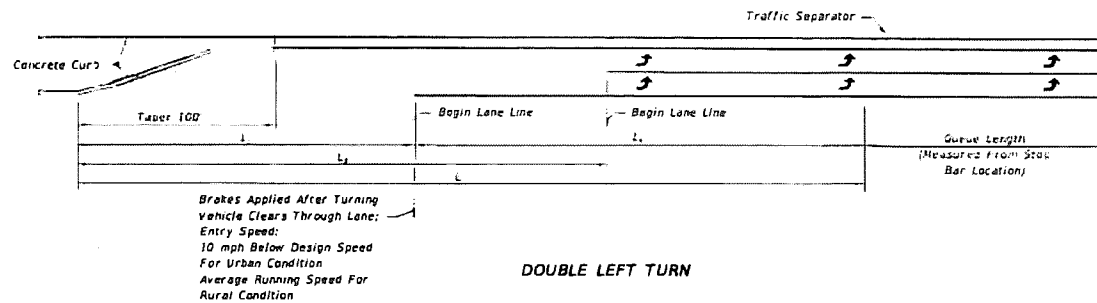
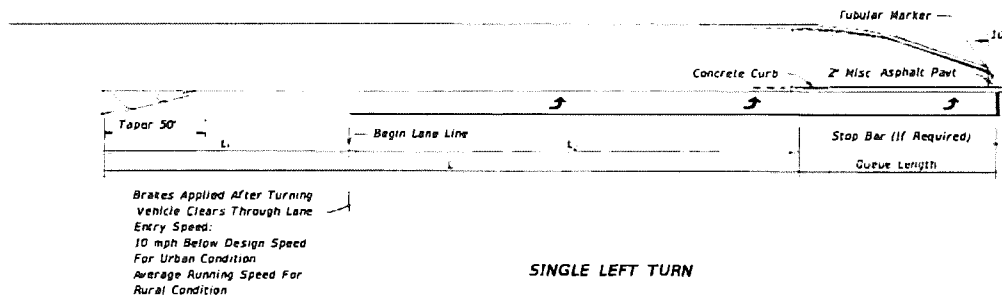


Advancing Vol = 650 veh
Opposing Vol = 713 veh
% Left Turn = 3.5%

< 650 veh
Warranted!

EXHIBIT 212-1
FDOT DESIGN MANUAL

MEDIAN TURN LANES MINIMUM DECELERATION LENGTHS



MEDIAN TURN LANES								
Design Speed (mph)	Entry Speed (mph)	Clearance Distance L ₁ (ft.)	URBAN CONDITIONS			RURAL CONDITIONS		
			Brake To Stop Distance L ₂ (ft.)	Total Decel. Distance L (ft.)	Clearance Distance L ₃ (ft.)	Brake To Stop Distance L ₂ (ft.)	Total Decel. Distance L (ft.)	Clearance Distance L ₃ (ft.)
35	25	70	75	145	110	—	—	—
40	30	80	75	155	120	—	—	—
45	35	85	100	185	135	—	—	—
50	40/44	105	135	240	160	185	290	160
55	48	125	—	—	—	225	350	195
60	52	145	—	—	—	260	405	230
65	55	170	—	—	—	290	460	270

NOT TO SCALE

EXHIBIT 212-1
01/01/2023

TRAFFIC COUNTS

SR 80 @ SR 31

SR 80 @ SR 31 2-1-22 AM

File Name: SR 80 @ SR 31 2-1-22 AM

Site Code:

Location:

Cars and Peds

Study Date: 02/01/2022

Time	SR 31 Southbound						SR 80 Westbound						Shoppes At Veranda Northbound						SR 80 Eastbound						Int Total
	Peds	Right	Thru	Left	U-Turn	Appr Total	Peds	Right	Thru	Left	U-Turn	Appr Total	Peds	Right	Thru	Left	U-Turn	Appr Total	Peds	Right	Thru	Left	U-Turn	Appr Total	
07:00		51	3	39	0	93		31	279	6	0	316		5	5	9	0	19		7	132	48	0	187	615
07:15		67	3	67	0	137		33	296	5	0	334		3	4	8	0	15		15	89	34	0	138	624
07:30		61	6	47	0	114		25	296	13	0	334		11	5	9	0	25		6	161	40	1	208	681
07:45		66	7	59	0	132		50	266	13	0	329		12	4	19	0	35		9	162	43	0	214	710
Total	0	245	19	212	0	476	0	139	1137	37	0	1313	0	31	18	45	0	94	0	37	544	165	1	747	2630
08:00		58	6	50	0	114		48	268	16	0	332		10	4	17	0	31		9	148	40	0	197	674
08:15		70	7	52	0	129		51	238	5	0	294		17	5	9	0	31		13	153	58	0	224	678
08:30		43	8	58	0	109		43	227	21	0	291		10	4	17	0	31		7	134	58	3	202	633
08:45		49	12	47	0	108		50	230	26	0	306		6	11	8	0	25		8	138	58	0	204	643
Total	0	220	33	207	0	460	0	192	963	68	0	1223	0	43	24	51	0	118	0	37	573	214	3	827	2628
Grand Total	0	465	52	419	0	936	0	331	2100	105	0	2536	0	74	42	96	0	212	0	74	1117	379	4	1574	5258
Appr %		49.7	5.6	44.8	0			13.1	82.8	4.1	0			34.9	19.8	45.3	0			4.7	71	24.1	0.3		
Total %		8.8	1	8	0			6.3	39.9	2	0			1.4	0.8	1.8	0			1.4	21.2	7.2	0.1		
AM Pk Hr		07:30	07:30	07:30	07:30	07:30		07:30	07:30	07:30	07:30	07:30		07:30	07:30	07:30	07:30	07:30		07:30	07:30	07:30	07:30	07:30	07:30
AM Pk Vol		255	26	208	0	489		174	1068	47	0	1289		50	18	54	0	122		37	624	181	1	843	2743
AM PHF		0.911	0.929	0.881	NaN	0.926		0.853	0.902	0.734	NaN	0.965		0.735	0.900	0.711	NaN	0.871		0.712	0.963	0.780	0.250	0.941	0.966

SR 80 @ SR 31 2-1-22 AM

File Name: SR 80 @ SR 31 2-1-22 AM

Location:

All Vehicles

Site Code:

Study Date: 02/01/2022

SR 80	37	Right	
	624	Thru	
	181	Left	
	1	U-Turn	

SR 31			
255	26	208	0
Right	Thru	Left	U-Turn
			

AM Peak Hour Statistics
 AM Peak Hour Begins: 07:30
 AM Peak Hour Volume: 2743
 AM Peak Hour Factor: 0.966

			
U-Turn	Left	Thru	Right
0	54	18	50
Shoppes At Veranda			

SR 80	174	Right	
	1068	Thru	
	47	Left	
	0	U-Turn	

SR 80 @ SR 31 2-1-22 PM

File Name: SR 80 @ SR 31 2-1-22 PM

Location:

Cars and Peds

Site Code:

Study Date: 02/01/2022

Time	SR 31 Southbound						SR 80 Westbound						Shoppes At Veranda Northbound						SR 80 Eastbound						Int Total
	Peds	Right	Thru	Left	U-Turn	Appr Total	Peds	Right	Thru	Left	U-Turn	Appr Total	Peds	Right	Thru	Left	U-Turn	Appr Total	Peds	Right	Thru	Left	U-Turn	Appr Total	
16:00		39	15	70	0	124		58	188	18	0	264		31	21	32	0	84		14	231	51	5	301	773
16:15		54	18	81	0	153		39	191	18	0	248		32	11	25	0	68		17	238	71	1	327	796
16:30		41	9	73	0	123		43	181	21	0	245		19	20	29	0	68		16	253	82	1	352	788
16:45		39	8	68	0	115		52	172	26	0	250		41	14	18	0	73		16	262	84	0	362	800
Total	0	173	50	292	0	515	0	192	732	83	0	1007	0	123	66	104	0	293	0	63	984	288	7	1342	3157
17:00		48	16	60	0	124		51	166	35	0	252		32	23	31	0	86		16	276	80	2	374	836
17:15		44	8	81	0	133		48	165	28	0	241		35	26	33	0	94		13	295	67	1	376	844
17:30		29	11	72	0	112		51	163	23	0	237		28	32	31	1	92		15	265	89	1	370	811
17:45		42	14	70	0	126		51	158	28	1	238		31	17	28	0	76		19	279	74	0	372	812
Total	0	163	49	283	0	495	0	201	652	114	1	968	0	126	98	123	1	348	0	63	1115	310	4	1492	3303
Grand Total	0	336	99	575	0	1010	0	393	1384	197	1	1975	0	249	164	227	1	641	0	126	2099	598	11	2834	6460
Appr %		33.3	9.8	56.9	0			19.9	70.1	10	0.1			38.8	25.6	35.4	0.2			4.4	74.1	21.1	0.4		
Total %		5.2	1.5	8.9	0			6.1	21.4	3	0			3.9	2.5	3.5	0			2	32.5	9.3	0.2		
PM Pk Hr		17:00	17:00	17:00	17:00	17:00		17:00	17:00	17:00	17:00	17:00		17:00	17:00	17:00	17:00	17:00		17:00	17:00	17:00	17:00	17:00	17:00
PM Pk Vol		163	49	283	0	495		201	652	114	1	968		126	98	123	1	348		63	1115	310	4	1492	3303
PM PHF		0.849	0.766	0.873	NaN	0.930		0.985	0.982	0.814	0.250	0.960		0.900	0.766	0.932	0.250	0.926		0.829	0.945	0.871	0.500	0.992	0.978

SR 80 @ SR 31 2-1-22 PM

File Name: SR 80 @ SR 31 2-1-22 PM

Location:

All Vehicles

Site Code:

Study Date: 02/01/2022

SR 80	63	Right	
	1115	Thru	
	310	Left	
	4	U-Turn	

SR 31			
163	49	283	0
Right	Thru	Left	U-Turn
			

PM Peak Hour Statistics
 PM Peak Hour Begins: 17:00
 PM Peak Hour Volume: 3303
 PM Peak Hour Factor: 0.978

			
U-Turn	Left	Thru	Right
1	123	98	126
Shoppes At Veranda			

SR 80	201	Right	
	652	Thru	
	114	Left	
	1	U-Turn	

**DEVELOPMENT OF FUTURE YEAR
BACKGROUND TURNING VOLUMES**

Development of Future Year Background Turning Volumes

Intersection
Count Date
Build-Out Year

SR 31 @ SR 80
February 2, 2022
2025

	AM Peak Hour											
	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts	54	18	50	208	26	255	182	624	37	47	1,068	174
Peak Season Correction Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Current Peak Season Volumes	54	18	50	208	26	255	182	624	37	47	1,068	174
Growth Rate	1.00%	1.00%	1.00%	2.00%	2.00%	2.00%	2.13%	2.13%	2.13%	2.00%	2.00%	2.00%
Years to Build-out	3	3	3	3	3	3	3	3	3	3	3	3
2025 Background Turning Volumes	56	19	52	221	28	271	194	665	39	50	1,133	185
Project Turning Volumes		2		27	7	64	28				16	5
2025 Background + Project	56	21	52	248	35	335	222	665	39	50	1,149	190
	PM Peak Hour											
	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts	123	98	126	283	49	163	314	1,115	63	115	652	201
Peak Season Correction Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Current Peak Season Volumes	123	98	126	283	49	163	314	1,115	63	115	652	201
Growth Rate	1.00%	1.00%	1.00%	2.00%	2.00%	2.00%	2.13%	2.13%	2.13%	2.00%	2.00%	2.00%
Years to Build-out	3	3	3	3	3	3	3	3	3	3	3	3
2025 Background Turning Volumes	127	101	130	300	52	173	334	1,188	67	122	692	213
Project Turning Volumes		8		18	5	44	94				11	15
2025 Background + Project	127	109	130	318	57	217	428	1,188	67	122	703	228

Development of Future Year Background Turning Volumes

Intersection
Count Date
Build-Out Year

SR 31 @ Site Access
February 2, 2022
2025

	AM Peak Hour											
	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts	0	373	0	0	489	0	0	0	0	0	0	0
Peak Season Correction Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Current Peak Season Volumes	0	373	0	0	489	0	0	0	0	0	0	0
Growth Rate	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Years to Build-out	3	3	3	3	3	3	3	3	3	3	3	3
2025 Background Turning Volumes	0	396	0	0	519	0	0	0	0	0	0	0
Project Turning Volumes			35	7						98		20
2025 Background + Project	0	396	35	7	519	0	0	0	0	98	0	20

	PM Peak Hour											
	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts	0	609	0	0	495	0	0	0	0	0	0	0
Peak Season Correction Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Current Peak Season Volumes	0	609	0	0	495	0	0	0	0	0	0	0
Growth Rate	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Years to Build-out	3	3	3	3	3	3	3	3	3	3	3	3
2025 Background Turning Volumes	0	646	0	0	525	0	0	0	0	0	0	0
Project Turning Volumes			117	23						67		14
2025 Background + Project	0	646	117	23	525	0	0	0	0	67	0	14

Development of Future Year Background Turning Volumes

Intersection
Count Date
Build-Out Year

SR 80 @ Merchandise Way
February 2, 2022
2025

	AM Peak Hour											
	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts	0	0	0	0	0	0	0	882	0	0	1,289	0
Peak Season Correction Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Current Peak Season Volumes	0	0	0	0	0	0	0	882	0	0	1,289	0
Growth Rate	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%
Years to Build-out	3	3	3	3	3	3	3	3	3	3	3	3
2025 Background Turning Volumes	0	0	0	0	0	0	0	909	0	0	1,328	0
Great American Self Storage Volumes ¹				2		1	1					2
Project Turning Volumes						16					5	5
2025 Background + Project	0	0	0	2	0	17	1	909	0	0	1,333	7

	PM Peak Hour											
	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts	0	0	0	0	0	0	0	1,524	0	0	968	0
Peak Season Correction Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Current Peak Season Volumes	0	0	0	0	0	0	0	1,524	0	0	968	0
Growth Rate	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%
Years to Build-out	3	3	3	3	3	3	3	3	3	3	3	3
2025 Background Turning Volumes	0	0	0	0	0	0	0	1,570	0	0	997	0
Great American Self Storage Volumes ¹				3		3	2					3
Project Turning Volumes						11					15	16
2025 Background + Project	0	0	0	3	0	14	2	1,570	0	0	1,012	19

¹ Obtained from Figure 2 of the TIS for Great American Self Storage (DOS2021-00141).

SYNCHRO SUMMARY SHEETS

SR 80 @ SR 31

Lanes, Volumes, Timings
3: SR 80 & SR 31

2025 AM Pk Hr Background
02/14/2022

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	194	665	39	50	1133	185	56	19	52	221	28	271
Future Volume (vph)	194	665	39	50	1133	185	56	19	52	221	28	271
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	435		435	550		460	0		375	600		450
Storage Lanes	1		1	1		1	1		1	1		1
Taper Length (ft)	50			50			50			50		
Lane Util. Factor	1.00	0.91	1.00	1.00	0.95	1.00	0.95	0.95	1.00	0.95	0.95	1.00
Fr't			0.850			0.850			0.850			0.850
Flt Protected	0.950			0.950			0.950	0.976		0.950	0.962	
Satd. Flow (prot)	1770	5085	1583	1770	3539	1583	1681	1727	1583	1681	1702	1583
Flt Permitted	0.950			0.950			0.950	0.976		0.950	0.962	
Satd. Flow (perm)	1770	5085	1583	1770	3539	1583	1681	1727	1583	1681	1702	1583
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			67			201			94			229
Link Speed (mph)		55			45			30			40	
Link Distance (ft)		1405			1173			1033			1067	
Travel Time (s)		17.4			17.8			23.5			18.2	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	211	723	42	54	1232	201	61	21	57	240	30	295
Shared Lane Traffic (%)							34%			44%		
Lane Group Flow (vph)	211	723	42	54	1232	201	40	42	57	134	136	295
Turn Type	Prot	NA	Perm	Prot	NA	Perm	Split	NA	Perm	Split	NA	Perm
Protected Phases	7	4		3	8		2	2		6	6	
Permitted Phases			4			8			2			6
Detector Phase	7	4	4	3	8	8	2	2	2	6	6	6
Switch Phase												
Minimum Initial (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0
Minimum Split (s)	24.0	24.0	24.0	16.0	24.0	24.0	24.0	24.0	24.0	24.0	24.0	24.0
Total Split (s)	40.0	170.0	170.0	25.0	155.0	155.0	15.0	15.0	15.0	35.0	35.0	35.0
Total Split (%)	16.3%	69.4%	69.4%	10.2%	63.3%	63.3%	6.1%	6.1%	6.1%	14.3%	14.3%	14.3%
Maximum Green (s)	34.0	164.0	164.0	19.0	149.0	149.0	9.0	9.0	9.0	29.0	29.0	29.0
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0
Lead/Lag	Lead	Lag	Lag	Lead	Lag	Lag						
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes						
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	None	None	None	None	None	C-Max	C-Max	C-Max	Max	Max	Max
Walk Time (s)	7.0	7.0	7.0		7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0
Flash Dont Walk (s)	11.0	11.0	11.0		11.0	11.0	11.0	11.0	11.0	11.0	11.0	11.0
Pedestrian Calls (#/hr)	0	0	0		0	0	0	0	0	0	0	0
Act Effct Green (s)	32.0	170.0	170.0	12.8	150.8	150.8	9.2	9.2	9.2	29.0	29.0	29.0
Actuated g/C Ratio	0.13	0.69	0.69	0.05	0.62	0.62	0.04	0.04	0.04	0.12	0.12	0.12
v/c Ratio	0.92	0.20	0.04	0.59	0.57	0.19	0.65	0.66	0.38	0.68	0.68	0.76
Control Delay	143.9	13.7	0.5	136.9	29.2	2.3	155.5	155.7	7.3	121.3	121.1	37.4
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	143.9	13.7	0.5	136.9	29.2	2.3	155.5	155.7	7.3	121.3	121.1	37.4

Lanes, Volumes, Timings
3: SR 80 & SR 31

2025 AM Pk Hr Background
02/14/2022

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
LOS	F	B	A	F	C	A	F	F	A	F	F	D
Approach Delay		41.3			29.5			94.8			77.5	
Approach LOS		D			C			F			E	
Queue Length 50th (ft)	341	147	0	88	621	0	68	72	0	223	227	107
Queue Length 95th (ft)	#503	179	4	146	682	39	#145	#152	2	321	326	241
Internal Link Dist (ft)		1325			1093			953			987	
Turn Bay Length (ft)	435		435	550		460			375	600		450
Base Capacity (vph)	245	3527	1118	137	2179	1051	62	64	149	198	201	389
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.86	0.20	0.04	0.39	0.57	0.19	0.65	0.66	0.38	0.68	0.68	0.76

Intersection Summary

Area Type: Other
 Cycle Length: 245
 Actuated Cycle Length: 245
 Offset: 0 (0%), Referenced to phase 2:NBTL, Start of Green
 Natural Cycle: 110
 Control Type: Actuated-Coordinated
 Maximum v/c Ratio: 0.92
 Intersection Signal Delay: 44.6
 Intersection Capacity Utilization 70.6%
 Analysis Period (min) 15
 # 95th percentile volume exceeds capacity, queue may be longer.
 Queue shown is maximum after two cycles.

Splits and Phases: 3: SR 80 & SR 31



Lanes, Volumes, Timings
3: SR 80 & SR 31

2025 PM Pk Hr Background
02/14/2022

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	334	1188	67	122	692	213	127	101	130	300	52	173
Future Volume (vph)	334	1188	67	122	692	213	127	101	130	300	52	173
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	435		435	550		460	0		375	600		450
Storage Lanes	1		1	1		1	1		1	1		1
Taper Length (ft)	50			50			50			50		
Lane Util. Factor	1.00	0.91	1.00	1.00	0.95	1.00	0.95	0.95	1.00	0.95	0.95	1.00
Frt			0.850			0.850			0.850			0.850
Flt Protected	0.950			0.950			0.950	0.993		0.950	0.966	
Satd. Flow (prot)	1770	5085	1583	1770	3539	1583	1681	1757	1583	1681	1709	1583
Flt Permitted	0.950			0.950			0.950	0.993		0.950	0.966	
Satd. Flow (perm)	1770	5085	1583	1770	3539	1583	1681	1757	1583	1681	1709	1583
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			106			232			148			188
Link Speed (mph)		55			45			30			40	
Link Distance (ft)		1405			1173			1033			1067	
Travel Time (s)		17.4			17.8			23.5			18.2	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	363	1291	73	133	752	232	138	110	141	326	57	188
Shared Lane Traffic (%)							12%			42%		
Lane Group Flow (vph)	363	1291	73	133	752	232	121	127	141	189	194	188
Turn Type	Prot	NA	Perm	Prot	NA	Perm	Split	NA	Perm	Split	NA	Perm
Protected Phases	7	4		3	8		2	2		6	6	
Permitted Phases			4			8			2			6
Detector Phase	7	4	4	3	8	8	2	2	2	6	6	6
Switch Phase												
Minimum Initial (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0
Minimum Split (s)	24.0	24.0	24.0	16.0	24.0	24.0	24.0	24.0	24.0	24.0	24.0	24.0
Total Split (s)	35.0	80.0	80.0	25.0	70.0	70.0	15.0	15.0	15.0	35.0	35.0	35.0
Total Split (%)	22.6%	51.6%	51.6%	16.1%	45.2%	45.2%	9.7%	9.7%	9.7%	22.6%	22.6%	22.6%
Maximum Green (s)	29.0	74.0	74.0	19.0	64.0	64.0	9.0	9.0	9.0	29.0	29.0	29.0
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0
Lead/Lag	Lead	Lag	Lag	Lead	Lag	Lag						
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes						
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	None	None	None	None	None	C-Max	C-Max	C-Max	Max	Max	Max
Walk Time (s)	7.0	7.0	7.0		7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0
Flash Dont Walk (s)	11.0	11.0	11.0		11.0	11.0	11.0	11.0	11.0	11.0	11.0	11.0
Pedestrian Calls (#/hr)	0	0	0		0	0	0	0	0	0	0	0
Act Effct Green (s)	29.0	54.7	54.7	16.0	41.7	41.7	31.3	31.3	31.3	29.0	29.0	29.0
Actuated g/C Ratio	0.19	0.35	0.35	0.10	0.27	0.27	0.20	0.20	0.20	0.19	0.19	0.19
v/c Ratio	1.10	0.72	0.12	0.73	0.79	0.39	0.36	0.36	0.32	0.60	0.61	0.42
Control Delay	134.4	45.9	2.0	89.6	58.6	6.3	59.1	59.0	9.3	66.8	66.9	9.7
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	134.4	45.9	2.0	89.6	58.6	6.3	59.1	59.0	9.3	66.8	66.9	9.7

Lanes, Volumes, Timings
3: SR 80 & SR 31

2025 PM Pk Hr Background
02/14/2022

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
LOS	F	D	A	F	E	A	E	E	A	E	E	A
Approach Delay		62.6			51.4			41.0			48.0	
Approach LOS		E			D			D			D	
Queue Length 50th (ft)	~414	418	0	132	374	0	112	117	0	187	191	0
Queue Length 95th (ft)	#624	442	13	206	416	62	194	202	59	280	286	70
Internal Link Dist (ft)		1325			1093			953			987	
Turn Bay Length (ft)	435		435	550		460			375	600		450
Base Capacity (vph)	331	2427	811	216	1461	789	339	354	437	314	319	449
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	1.10	0.53	0.09	0.62	0.51	0.29	0.36	0.36	0.32	0.60	0.61	0.42

Intersection Summary

Area Type: Other

Cycle Length: 155

Actuated Cycle Length: 155

Offset: 0 (0%), Referenced to phase 2:NBT, Start of Green

Natural Cycle: 100

Control Type: Actuated-Coordinated

Maximum v/c Ratio: 1.10

Intersection Signal Delay: 54.9

Intersection LOS: D

Intersection Capacity Utilization 69.0%

ICU Level of Service C

Analysis Period (min) 15

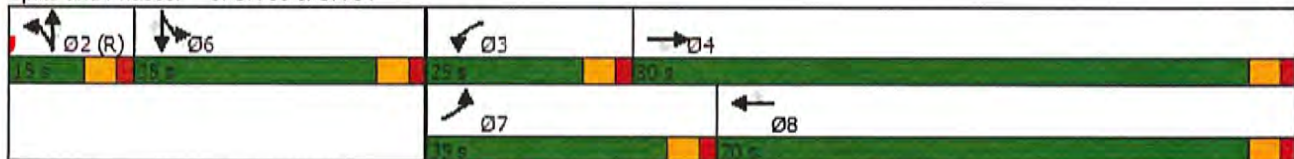
~ Volume exceeds capacity, queue is theoretically infinite.

Queue shown is maximum after two cycles.

95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.

Splits and Phases: 3: SR 80 & SR 31



Lanes, Volumes, Timings
3: SR 80 & SR 31

2025 AM Pk Hr With Project
11/15/2022

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	222	665	39	50	1149	190	56	21	52	248	35	335
Future Volume (vph)	222	665	39	50	1149	190	56	21	52	248	35	335
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	435		435	550		460	0		375	600		450
Storage Lanes	1		1	1		1	1		1	1		1
Taper Length (ft)	50			50			50			50		
Lane Util. Factor	1.00	0.91	1.00	1.00	0.95	1.00	0.95	0.95	1.00	0.95	0.95	1.00
Frts			0.850			0.850			0.850			0.850
Flt Protected	0.950			0.950			0.950	0.977		0.950	0.964	
Satd. Flow (prot)	1770	5085	1583	1770	3539	1583	1681	1729	1583	1681	1706	1583
Flt Permitted	0.950			0.950			0.950	0.977		0.950	0.964	
Satd. Flow (perm)	1770	5085	1583	1770	3539	1583	1681	1729	1583	1681	1706	1583
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			67			207			94			226
Link Speed (mph)		55			45			30			40	
Link Distance (ft)		1405			1173			1033			1067	
Travel Time (s)		17.4			17.8			23.5			18.2	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	241	723	42	54	1249	207	61	23	57	270	38	364
Shared Lane Traffic (%)							32%			43%		
Lane Group Flow (vph)	241	723	42	54	1249	207	41	43	57	154	154	364
Turn Type	Prot	NA	Perm	Prot	NA	Perm	Split	NA	Perm	Split	NA	Perm
Protected Phases	7	4		3	8		2	2		6	6	
Permitted Phases			4			8			2			6
Detector Phase	7	4	4	3	8	8	2	2	2	6	6	6
Switch Phase												
Minimum Initial (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0
Minimum Split (s)	24.0	24.0	24.0	16.0	24.0	24.0	24.0	24.0	24.0	24.0	24.0	24.0
Total Split (s)	40.0	170.0	170.0	25.0	155.0	155.0	15.0	15.0	15.0	35.0	35.0	35.0
Total Split (%)	16.3%	69.4%	69.4%	10.2%	63.3%	63.3%	6.1%	6.1%	6.1%	14.3%	14.3%	14.3%
Maximum Green (s)	34.0	164.0	164.0	19.0	149.0	149.0	9.0	9.0	9.0	29.0	29.0	29.0
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0
Lead/Lag	Lead	Lag	Lag	Lead	Lag	Lag						
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes						
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	None	None	None	None	None	C-Max	C-Max	C-Max	Max	Max	Max
Walk Time (s)	7.0	7.0	7.0		7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0
Flash Dont Walk (s)	11.0	11.0	11.0		11.0	11.0	11.0	11.0	11.0	11.0	11.0	11.0
Pedestrian Calls (#/hr)	0	0	0		0	0	0	0	0	0	0	0
Act Effct Green (s)	34.0	170.2	170.2	12.8	149.0	149.0	9.0	9.0	9.0	29.0	29.0	29.0
Actuated g/C Ratio	0.14	0.69	0.69	0.05	0.61	0.61	0.04	0.04	0.04	0.12	0.12	0.12
v/c Ratio	0.98	0.20	0.04	0.59	0.58	0.20	0.67	0.68	0.39	0.78	0.77	0.94
Control Delay	154.0	13.7	0.5	136.9	30.4	2.3	160.0	160.2	7.4	129.6	128.2	71.4
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	154.0	13.7	0.5	136.9	30.4	2.3	160.0	160.2	7.4	129.6	128.2	71.4

Lanes, Volumes, Timings
3: SR 80 & SR 31

2025 AM Pk Hr With Project
11/15/2022

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
LOS	F	B	A	F	C	A	F	F	A	F	F	E
Approach Delay		46.7			30.4			98.4			97.8	
Approach LOS		D			C			F			F	
Queue Length 50th (ft)	397	147	0	88	635	0	70	73	0	260	260	249
Queue Length 95th (ft)	#610	179	4	146	696	40	#148	#155	2	#386	#381	#475
Internal Link Dist (ft)		1325			1093			953			987	
Turn Bay Length (ft)	435		435	550		460			375	600		450
Base Capacity (vph)	245	3531	1120	137	2152	1043	61	63	148	198	201	386
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.98	0.20	0.04	0.39	0.58	0.20	0.67	0.68	0.39	0.78	0.77	0.94

Intersection Summary

Area Type: Other
 Cycle Length: 245
 Actuated Cycle Length: 245
 Offset: 0 (0%), Referenced to phase 2:NBTL, Start of Green
 Natural Cycle: 110
 Control Type: Actuated-Coordinated
 Maximum v/c Ratio: 0.98
 Intersection Signal Delay: 51.8
 Intersection Capacity Utilization 73.5%
 Analysis Period (min) 15
 # 95th percentile volume exceeds capacity, queue may be longer.
 Queue shown is maximum after two cycles.

Splits and Phases: 3: SR 80 & SR 31



Lanes, Volumes, Timings
3: SR 80 & SR 31

2025 PM Pk Hr With Project
11/15/2022

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	428	1188	67	122	703	228	127	109	130	318	57	217
Future Volume (vph)	428	1188	67	122	703	228	127	109	130	318	57	217
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	435		435	550		460	0		375	600		450
Storage Lanes	1		1	1		1	1		1	1		1
Taper Length (ft)	50			50			50			50		
Lane Util. Factor	1.00	0.91	1.00	1.00	0.95	1.00	0.95	0.95	1.00	0.95	0.95	1.00
Frt			0.850			0.850			0.850			0.850
Flt Protected	0.950			0.950			0.950	0.995		0.950	0.966	
Satd. Flow (prot)	1770	5085	1583	1770	3539	1583	1681	1761	1583	1681	1709	1583
Flt Permitted	0.950			0.950			0.950	0.995		0.950	0.966	
Satd. Flow (perm)	1770	5085	1583	1770	3539	1583	1681	1761	1583	1681	1709	1583
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			106			248			148			236
Link Speed (mph)		55			45			30			40	
Link Distance (ft)		1405			1173			1033			1067	
Travel Time (s)		17.4			17.8			23.5			18.2	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	465	1291	73	133	764	248	138	118	141	346	62	236
Shared Lane Traffic (%)							10%			41%		
Lane Group Flow (vph)	465	1291	73	133	764	248	124	132	141	204	204	236
Turn Type	Prot	NA	Perm	Prot	NA	Perm	Split	NA	Perm	Split	NA	Perm
Protected Phases	7	4		3	8		2	2		6	6	
Permitted Phases			4			8			2			6
Detector Phase	7	4	4	3	8	8	2	2	2	6	6	6
Switch Phase												
Minimum Initial (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0
Minimum Split (s)	24.0	24.0	24.0	16.0	24.0	24.0	24.0	24.0	24.0	24.0	24.0	24.0
Total Split (s)	35.0	80.0	80.0	25.0	70.0	70.0	15.0	15.0	15.0	35.0	35.0	35.0
Total Split (%)	22.6%	51.6%	51.6%	16.1%	45.2%	45.2%	9.7%	9.7%	9.7%	22.6%	22.6%	22.6%
Maximum Green (s)	29.0	74.0	74.0	19.0	64.0	64.0	9.0	9.0	9.0	29.0	29.0	29.0
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0
Lead/Lag	Lead	Lag	Lag	Lead	Lag	Lag						
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes						
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	None	None	None	None	None	C-Max	C-Max	C-Max	Max	Max	Max
Walk Time (s)	7.0	7.0	7.0		7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0
Flash Dont Walk (s)	11.0	11.0	11.0		11.0	11.0	11.0	11.0	11.0	11.0	11.0	11.0
Pedestrian Calls (#/hr)	0	0	0		0	0	0	0	0	0	0	0
Act Effct Green (s)	29.0	55.3	55.3	16.0	42.3	42.3	30.7	30.7	30.7	29.0	29.0	29.0
Actuated g/C Ratio	0.19	0.36	0.36	0.10	0.27	0.27	0.20	0.20	0.20	0.19	0.19	0.19
v/c Ratio	1.40	0.71	0.12	0.73	0.79	0.41	0.37	0.38	0.33	0.65	0.64	0.48
Control Delay	243.6	45.3	1.9	89.6	58.3	6.2	60.0	59.9	9.4	69.1	68.4	9.6
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	243.6	45.3	1.9	89.6	58.3	6.2	60.0	59.9	9.4	69.1	68.4	9.6

Lanes, Volumes, Timings
3: SR 80 & SR 31

2025 PM Pk Hr With Project
11/15/2022

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
LOS	F	D	A	F	E	A	E	E	A	E	E	A
Approach Delay		94.0			50.7			42.0			47.0	
Approach LOS		F			D			D			D	
Queue Length 50th (ft)	~628	415	0	132	380	0	115	123	0	204	203	0
Queue Length 95th (ft)	#853	439	13	206	422	63	200	210	59	301	300	78
Internal Link Dist (ft)		1325			1093			953			987	
Turn Bay Length (ft)	435		435	550		460			375	600		450
Base Capacity (vph)	331	2427	811	216	1461	799	333	348	432	314	319	488
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	1.40	0.53	0.09	0.62	0.52	0.31	0.37	0.38	0.33	0.65	0.64	0.48

Intersection Summary

Area Type: Other
 Cycle Length: 155
 Actuated Cycle Length: 155
 Offset: 0 (0%), Referenced to phase 2:NBTL, Start of Green
 Natural Cycle: 110
 Control Type: Actuated-Coordinated
 Maximum v/c Ratio: 1.40
 Intersection Signal Delay: 69.0
 Intersection Capacity Utilization 75.1%
 Analysis Period (min) 15
 ~ Volume exceeds capacity, queue is theoretically infinite.
 Queue shown is maximum after two cycles.
 # 95th percentile volume exceeds capacity, queue may be longer.
 Queue shown is maximum after two cycles.

Splits and Phases: 3: SR 80 & SR 31



SR 31 @ SITE ACCESS

Intersection

Int Delay, s/veh 2.8

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations	↘	↗	↑	↗	↘	↑
Traffic Vol, veh/h	98	20	396	35	7	519
Future Vol, veh/h	98	20	396	35	7	519
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	0	-	155	205	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	107	22	430	38	8	564

Major/Minor	Minor1	Major1	Major2
Conflicting Flow All	1010	430	0
Stage 1	430	-	-
Stage 2	580	-	-
Critical Hdwy	6.42	6.22	-
Critical Hdwy Stg 1	5.42	-	-
Critical Hdwy Stg 2	5.42	-	-
Follow-up Hdwy	3.518	3.318	-
Pot Cap-1 Maneuver	266	625	-
Stage 1	656	-	-
Stage 2	560	-	-
Platoon blocked, %		-	-
Mov Cap-1 Maneuver	264	625	-
Mov Cap-2 Maneuver	264	-	-
Stage 1	656	-	-
Stage 2	556	-	-

Approach	WB	NB	SB
HCM Control Delay, s	24.8	0	0.1
HCM LOS	C		

Minor Lane/Major Mvmt	NBT	NBRWBLn1WBLn2	SBL	SBT
Capacity (veh/h)	-	-	264	625
HCM Lane V/C Ratio	-	-	0.403	0.035
HCM Control Delay (s)	-	-	27.6	11
HCM Lane LOS	-	-	D	B
HCM 95th %tile Q(veh)	-	-	1.9	0.1

Intersection						
Int Delay, s/veh	2.3					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations	↗	↗	↑	↗	↗	↑
Traffic Vol, veh/h	67	14	646	117	23	525
Future Vol, veh/h	67	14	646	117	23	525
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	0	-	155	205	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	73	15	702	127	25	571
Major/Minor	Minor1	Major1	Major2			
Conflicting Flow All	1323	702	0	0	829	0
Stage 1	702	-	-	-	-	-
Stage 2	621	-	-	-	-	-
Critical Hdwy	6.42	6.22	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	-	-	2.218	-
Pot Cap-1 Maneuver	172	438	-	-	803	-
Stage 1	491	-	-	-	-	-
Stage 2	536	-	-	-	-	-
Platoon blocked, %	-	-	-	-	-	-
Mov Cap-1 Maneuver	167	438	-	-	803	-
Mov Cap-2 Maneuver	167	-	-	-	-	-
Stage 1	491	-	-	-	-	-
Stage 2	519	-	-	-	-	-
Approach	WB	NB	SB			
HCM Control Delay, s	37.3	0	0.4			
HCM LOS	E					
Minor Lane/Major Mvmt	NBT	NBR	WBLn1	WBLn2	SBL	SBT
Capacity (veh/h)	-	-	167	438	803	-
HCM Lane V/C Ratio	-	-	0.436	0.035	0.031	-
HCM Control Delay (s)	-	-	42.3	13.5	9.6	-
HCM Lane LOS	-	-	E	B	A	-
HCM 95th %tile Q(veh)	-	-	2	0.1	0.1	-

SR 80 @ MERCHANDISE WAY

Intersection						
Int Delay, s/veh	0.2					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	1	909	1333	7	2	17
Future Vol, veh/h	1	909	1333	7	2	17
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	225	-	-	195	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	1	988	1449	8	2	18
Major/Minor	Major1	Major2		Minor2		
Conflicting Flow All	1457	0	-	0	1945	725
Stage 1	-	-	-	-	1449	-
Stage 2	-	-	-	-	496	-
Critical Hdwy	4.14	-	-	-	6.84	6.94
Critical Hdwy Stg 1	-	-	-	-	5.84	-
Critical Hdwy Stg 2	-	-	-	-	5.84	-
Follow-up Hdwy	2.22	-	-	-	3.52	3.32
Pot Cap-1 Maneuver	460	-	-	-	57	368
Stage 1	-	-	-	-	182	-
Stage 2	-	-	-	-	577	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	460	-	-	-	57	368
Mov Cap-2 Maneuver	-	-	-	-	57	-
Stage 1	-	-	-	-	182	-
Stage 2	-	-	-	-	577	-
Approach	EB	WB		SB		
HCM Control Delay, s	0	0		21.9		
HCM LOS				C		
Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1	
Capacity (veh/h)	460	-	-	-	234	
HCM Lane V/C Ratio	0.002	-	-	-	0.088	
HCM Control Delay (s)	12.8	-	-	-	21.9	
HCM Lane LOS	B	-	-	-	C	
HCM 95th %tile Q(veh)	0	-	-	-	0.3	

HCM 2010 TWSC
10: SR 80 & Merchandise Way

2025 PM Pk Hr With Project
11/15/2022

Intersection

Int Delay, s/veh 0.2

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations	↘	↗	↗	↘	↘	↗
Traffic Vol, veh/h	2	1570	1012	19	3	14
Future Vol, veh/h	2	1570	1012	19	3	14
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	225	-	-	195	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	2	1707	1100	21	3	15

Major/Minor	Major1	Major2	Minor2
Conflicting Flow All	1121	0	0 1958 550
Stage 1	-	-	- 1100 -
Stage 2	-	-	- 858 -
Critical Hdwy	4.14	-	- 6.84 6.94
Critical Hdwy Stg 1	-	-	- 5.84 -
Critical Hdwy Stg 2	-	-	- 5.84 -
Follow-up Hdwy	2.22	-	- 3.52 3.32
Pot Cap-1 Maneuver	619	-	- 56 479
Stage 1	-	-	- 280 -
Stage 2	-	-	- 376 -
Platoon blocked, %	-	-	-
Mov Cap-1 Maneuver	619	-	- 56 479
Mov Cap-2 Maneuver	-	-	- 56 -
Stage 1	-	-	- 279 -
Stage 2	-	-	- 376 -

Approach	EB	WB	SB
HCM Control Delay, s	0	0	24.3
HCM LOS			C

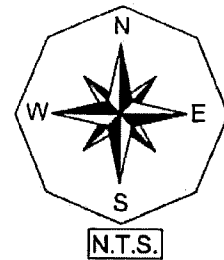
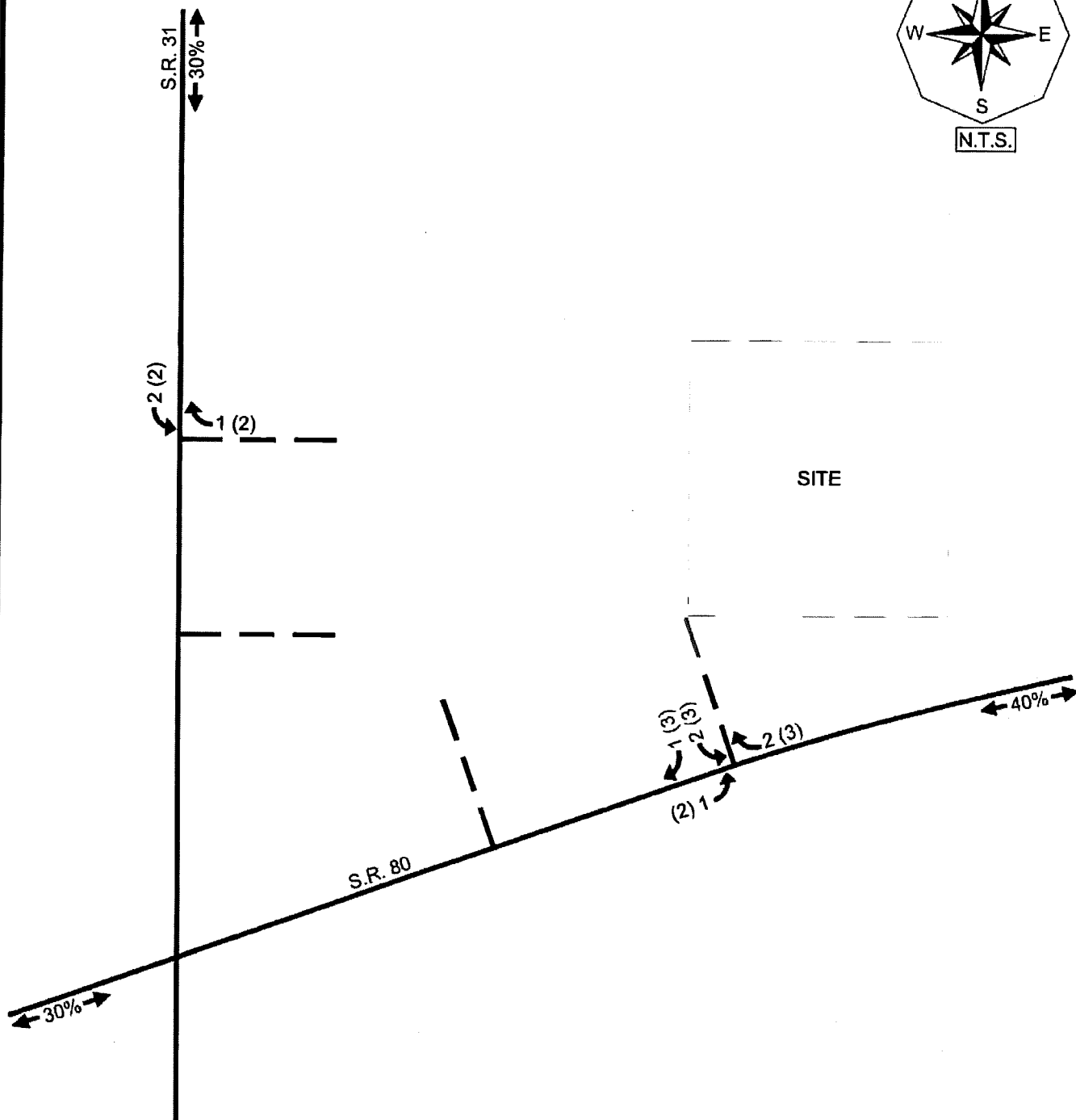
Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	619	-	-	-	205
HCM Lane V/C Ratio	0.004	-	-	-	0.09
HCM Control Delay (s)	10.8	-	-	-	24.3
HCM Lane LOS	B	-	-	-	C
HCM 95th %tile Q(veh)	0	-	-	-	0.3

FIGURE 2

GREAT AMERICAN SELF STORAGE

DOS2021-00141

F2201.18



LEGEND

- ← 000 AM PEAK HOUR TRAFFIC
- ← (000) PM PEAK HOUR TRAFFIC
- ← 20% → PERCENT DISTRIBUTION

TRIP GENERATION EQUATIONS

Single-Family Detached Housing (210)

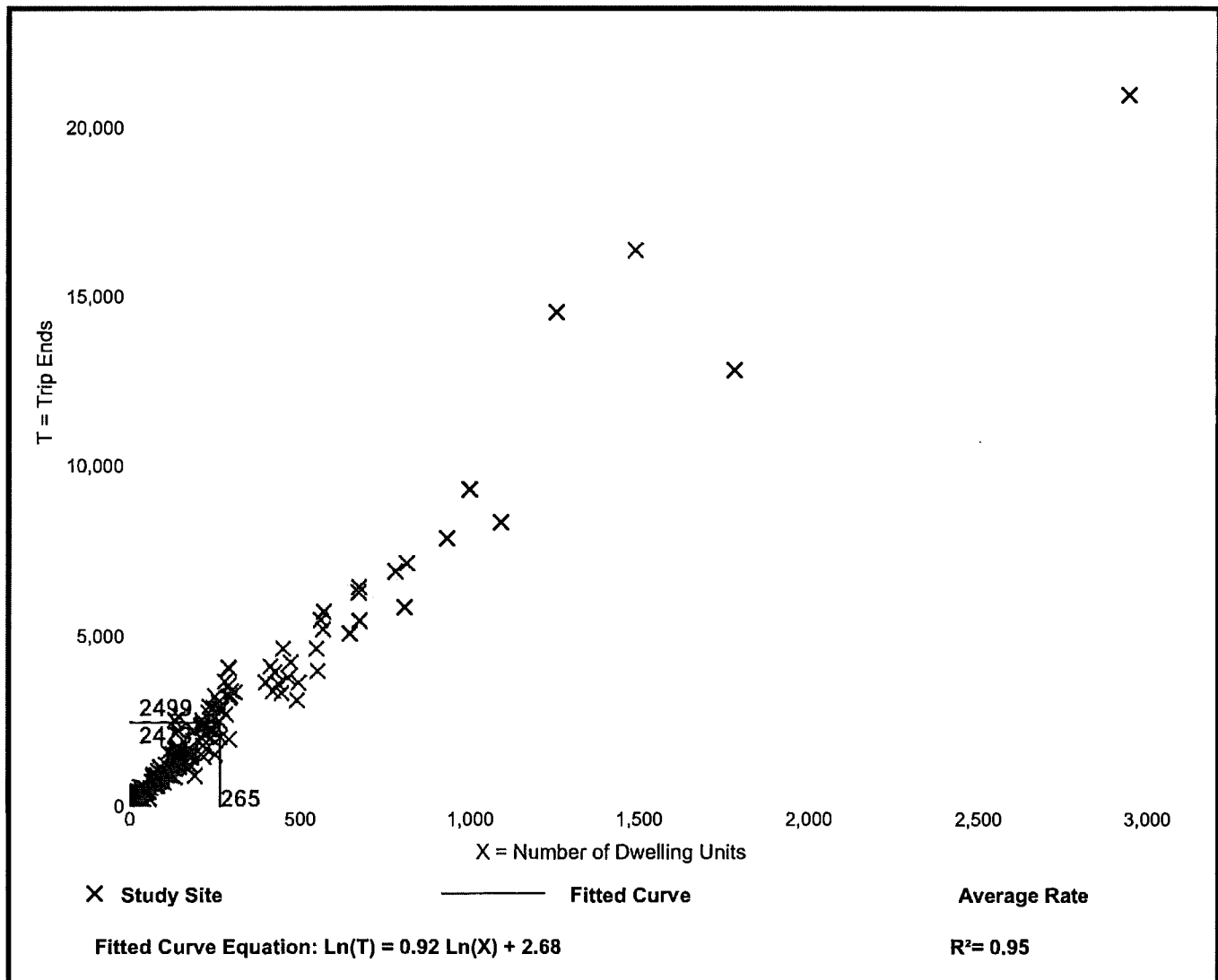
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 174
Avg. Num. of Dwelling Units: 246
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
9.43	4.45 - 22.61	2.13

Data Plot and Equation



Single-Family Detached Housing (210)

Vehicle Trip Ends vs: Dwelling Units

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

Setting/Location: General Urban/Suburban

Number of Studies: 192

Avg. Num. of Dwelling Units: 226

Directional Distribution: 26% entering, 74% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate

0.70

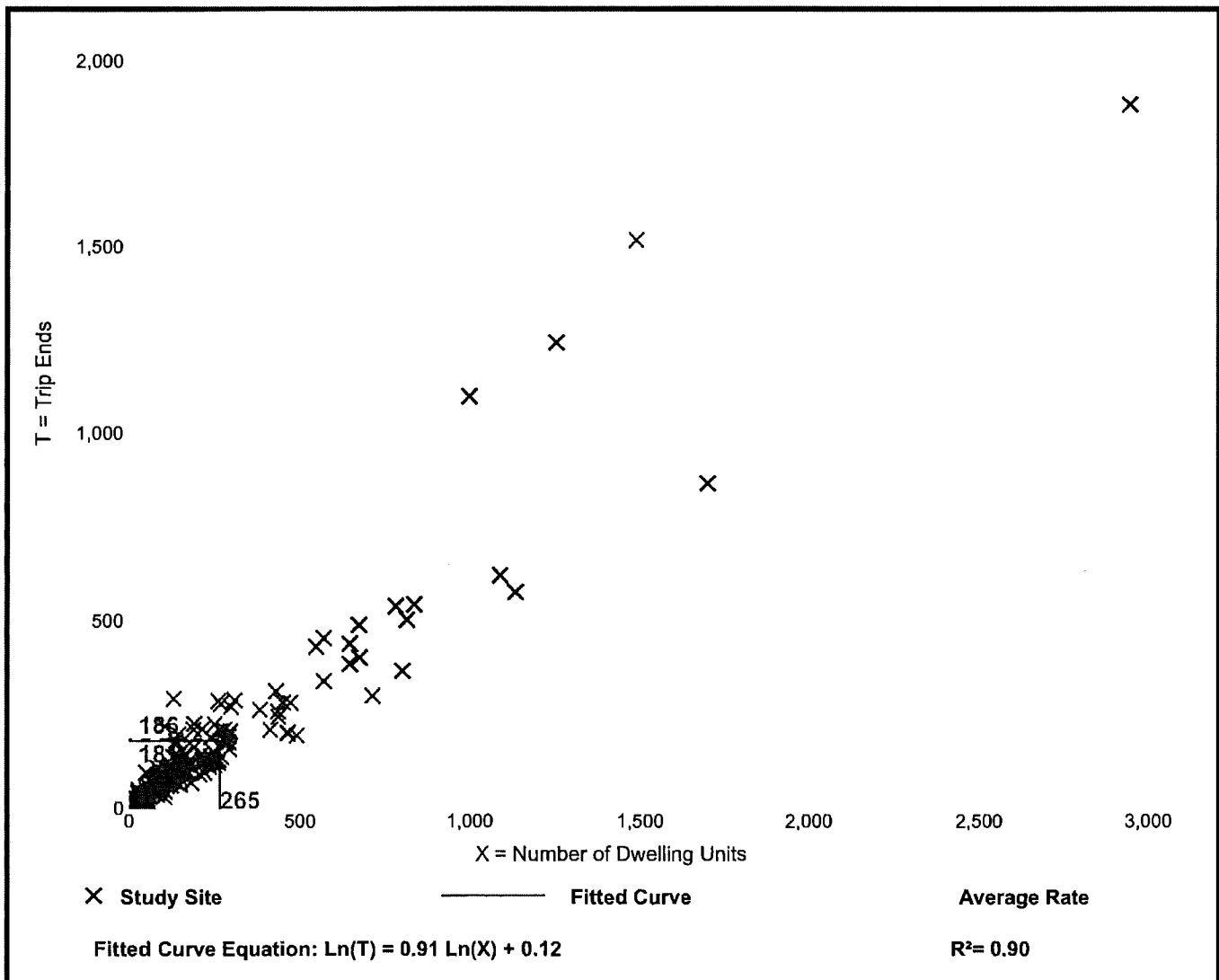
Range of Rates

0.27 - 2.27

Standard Deviation

0.24

Data Plot and Equation



Single-Family Detached Housing (210)

Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 174
Avg. Num. of Dwelling Units: 246
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate

9.43

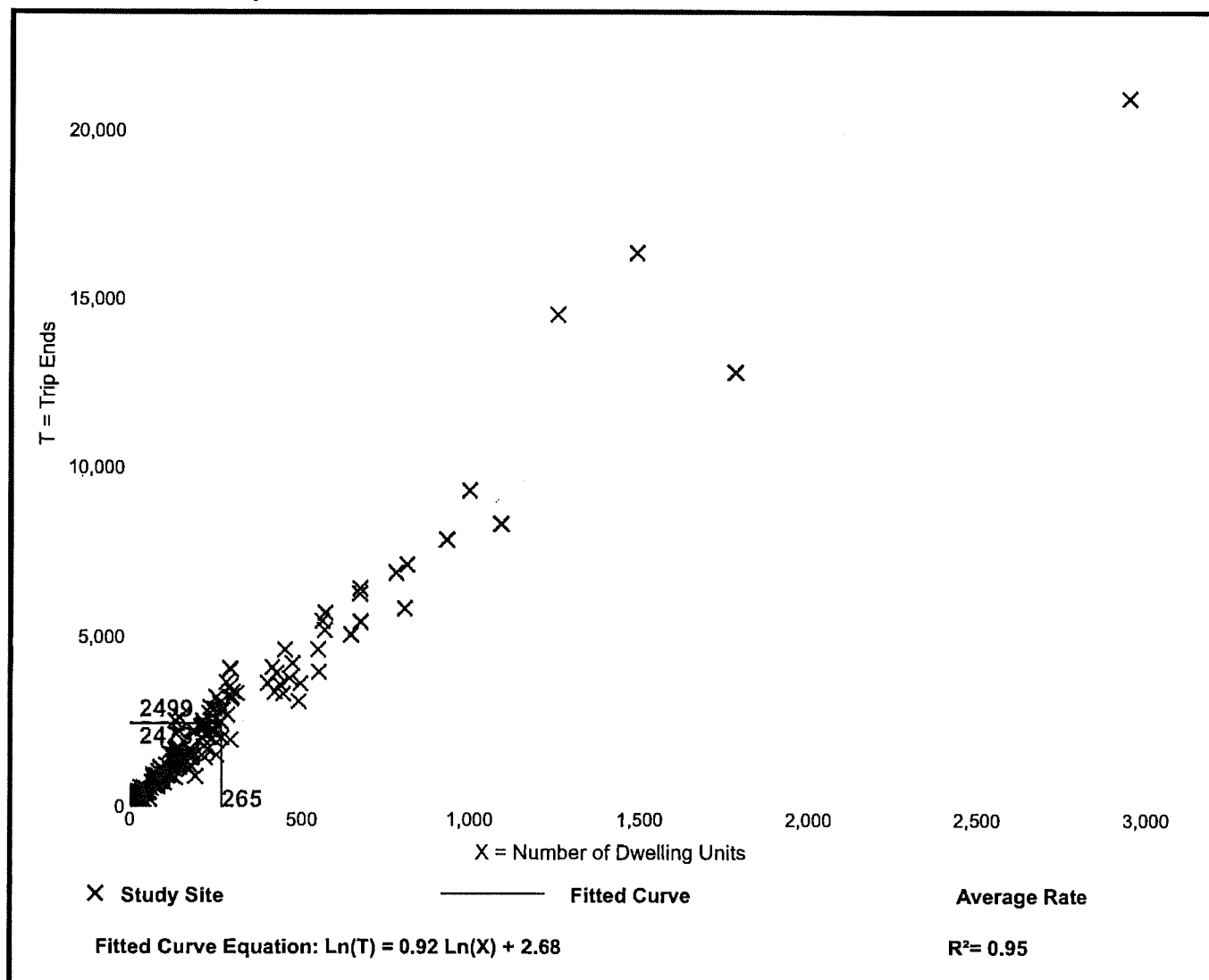
Range of Rates

4.45 - 22.61

Standard Deviation

2.13

Data Plot and Equation



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

Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban

Number of Studies: 22

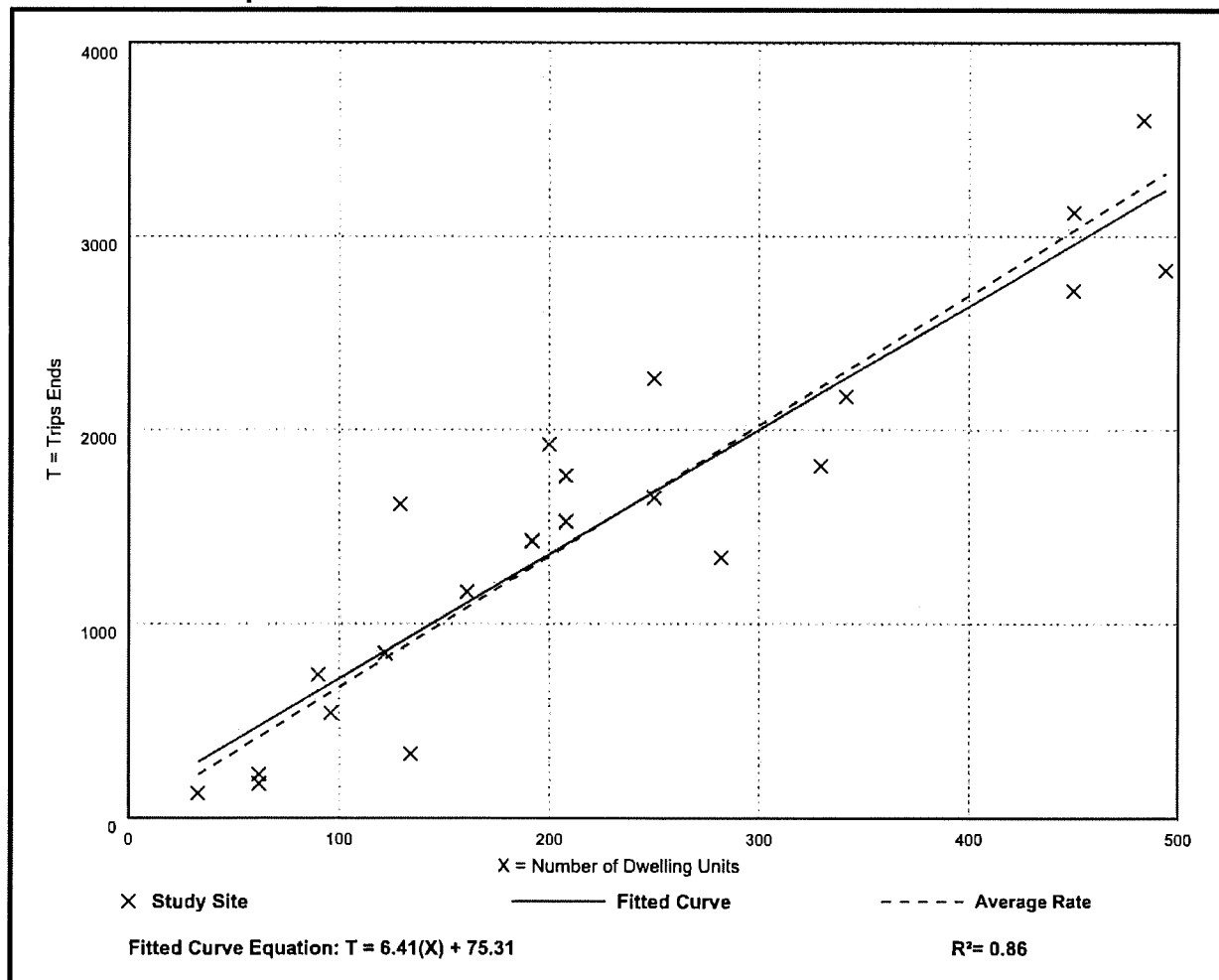
Avg. Num. of Dwelling Units: 229

Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

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

Data Plot and Equation



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

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 49

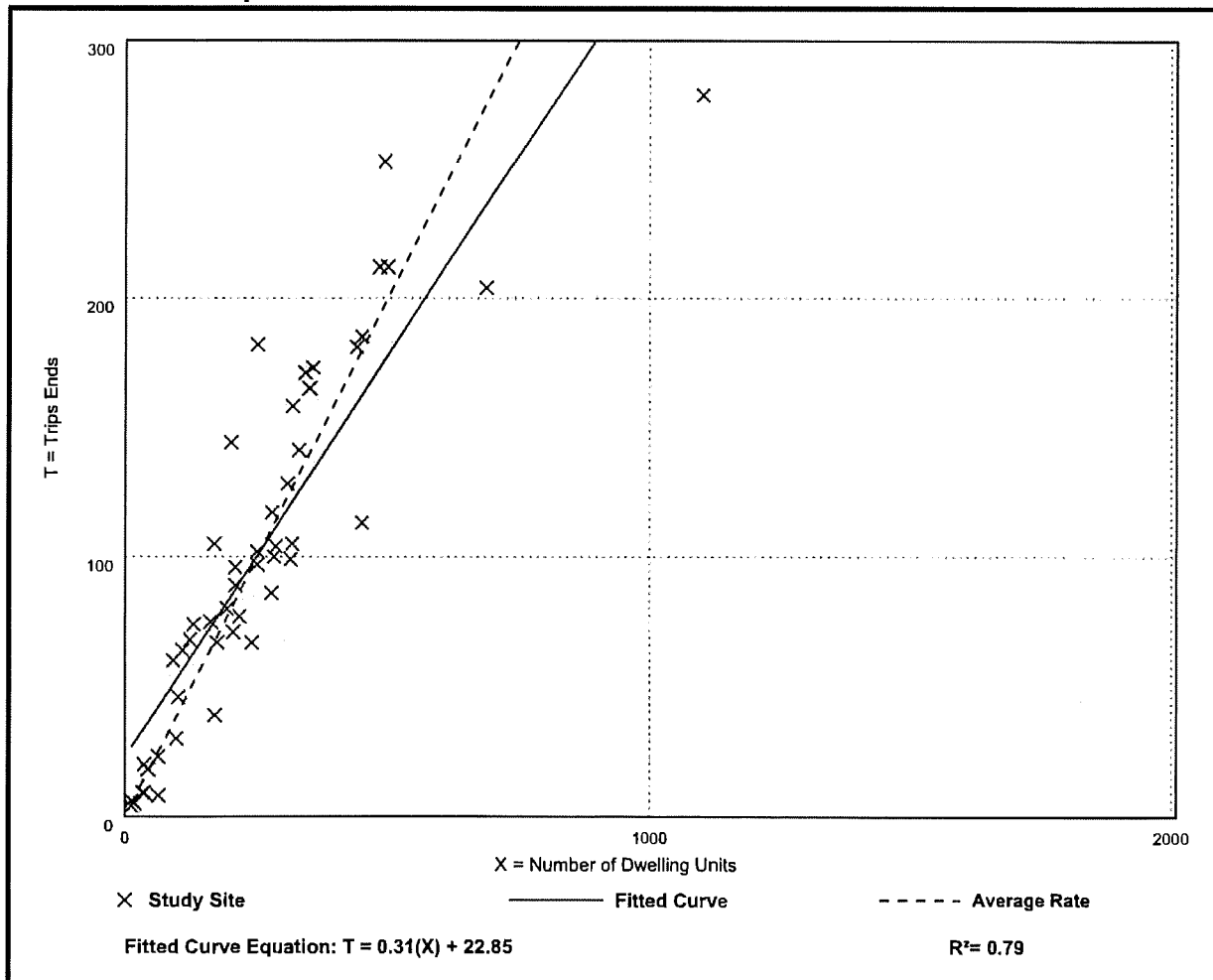
Avg. Num. of Dwelling Units: 249

Directional Distribution: 24% entering, 76% exiting

Vehicle Trip Generation per Dwelling Unit

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

Data Plot and Equation



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

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 59

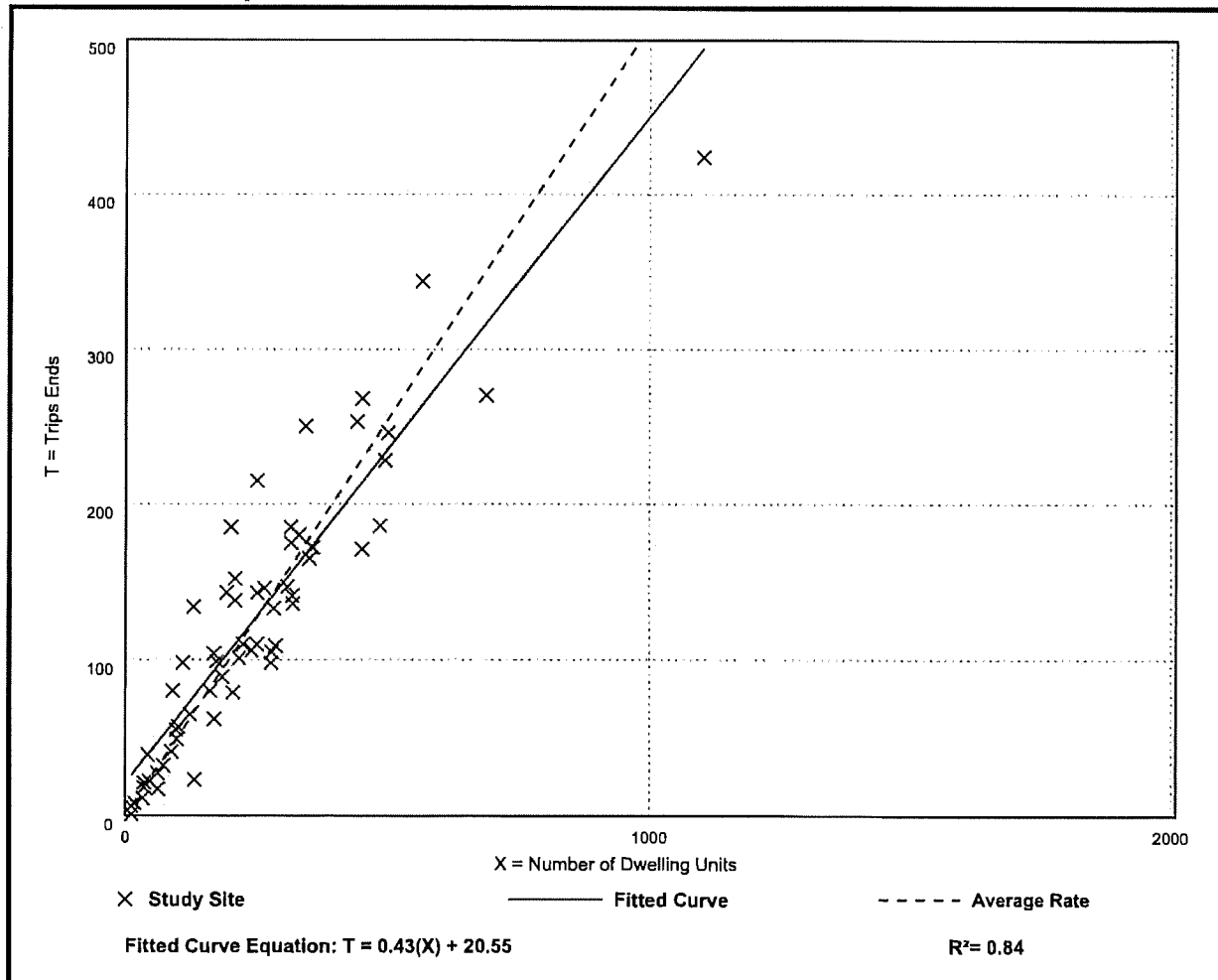
Avg. Num. of Dwelling Units: 241

Directional Distribution: 63% entering, 37% exiting

Vehicle Trip Generation per Dwelling Unit

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

Data Plot and Equation



TRIP GENERATION COMPARISON

Trip Generation – Based on 265 Single-Family Units

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Single-Family Detached Housing LUC 210 (265 Dwelling Units)	47	134	181	156	92	248	2,473

Trip Generation – Based on 342 Multi-Family Units

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Multi-Family Housing Low-Rise LUC 220 (342 Dwelling Units)	31	98	129	106	62	168	2,268



31 Oaks Residential Planned Development Neighborhood Meeting Summary

Neal Communities of Southwest Florida, LLC, (Applicant) and their consultant team hosted a public information meeting at the Crossroads Baptist Church, 10721 Palm Beach Blvd., Fort Myers, FL 33905, at 5:30 p.m., on Thursday, December 9, 2021. The meeting was held for the Planned Development Amendment application. The meeting was noticed to property owners listed on Exhibit "A" attached, and the meeting notice was published in the News-Press on November 25, 2021. The Affidavit of Publication is attached as Exhibit "B".

The list of participants is attached as Exhibit "C" and demonstrates approximately 45 attendees were present at the meeting in addition to the consultant team.

Jeremy Frantz (Agent) and Timothy Oaks with Neal Communities of Southwest Florida, LLC, welcomed attendees, introduced the project, and, together with the Applicant and consultant team, presented a PowerPoint presentation attached as Exhibit "D".

The Applicant explained the proposed development will include 265 single-family and two-family dwelling units, with a maximum height of 35 feet. The Master Concept Plan was also displayed and proposed uses, access, preserves, and proposed deviations were also discussed. After the presentation the Applicant opened the floor for attendees to ask questions and make comments.

Comments raised from attendees included the following topics:

- Previous zoning approvals for the property.
- Access locations and the anticipated traffic impacts to Davis Blvd., and the intersection of SR 80, and SR 31.
- Whether new or additional stoplights would be installed.
- Whether the community would be gated or include a boat trailer parking area.
- Locations and sizes of buffers and setbacks.
- The public hearing schedule, and the Planned Development amendment process.

Attendees were provided contact information and it was noted that multiple opportunities for public input remained through the public hearing process.

Following the discussion and public comment, the Applicant thanked the attendees and provided contact information. The meeting was concluded at approximately 6:30 p.m.

Applicant response:

After concerns were raised by attendees regarding buffers along the property boundary, the Applicant has revised the MCP and proposed development standards to include a wall and landscaping along the property boundaries adjacent to the existing Fort Myers Shores residential community.

ATTACHMENT L

Exhibit A

OWNER NAME	CARE OF	ADDRESS1	ADDRESS2	CITY	STATE	COUNTRY	ZIP
BRANDENBURG PROP OF FL LLC +		1122 WILLOW ST STE 200		SAN JOSE	CA		95125
BRANDENBURG PROPERTIES OF FL		1122 WILLOW ST STE 200		SAN JOSE	CA		95125
JOHNS DANIEL F + BONNIE R		294 CHATTANOOGA DR		FORT MYERS	FL		33905
ZERO FIVE ZERO PROPERTIES LLP		8568 SUMNER AVE		FORT MYERS	FL		33908
STATE ROAD 80 COMMERCIAL LLC		9990 COCONUT RD STE 202		BONITA SPRINGS	FL		34135
MELTON AVIATION LLC		PO BOX 334		HEYWORTH	IL		61745
FOX FAMILY TRUST +		4871 DR MARTIN L KING JR BLVD		FORT MYERS	FL		33905
BABCOCK RANCH ROAD LLC		2277 MAIN ST		FORT MYERS	FL		33901
JOHNSON SAM TR		10811 HALFMOOM SHOAL RD #202		BONITA SPRINGS	FL		34135
JD MCINTOSH LOTS LLC		15280 TERRELL DR		ALVA	FL		33920
HIGHWAY 31 PROPERTY LLC		17121 WATERS EDGE CIR		NORTH FORT MYERS	FL		33917
JAMSCAG INVESTMENT LLC		8841 WEST TERRY ST		BONITA SPRINGS	FL		34135
TOWLE DOUGLAS P		435 BELLAVISTA WAY		SANIBEL	FL		33957
TOWLE DOUG		435 BELLAVISTA WAY		SANIBEL	FL		33957
WILSON ROI		2831 WEST RD		FORT MYERS	FL		33905
HADLEY JAMES C + SUSAN R		2825 WEST RD		FORT MYERS	FL		33905
HAIR BALL LLC		9381 E BAY HARBOR DR #303N		BAY HARBOR ISLANDS	FL		33154
FIDELITY FIRST HOLDINGS LLC TR		785 HIGH PINES DRIVE		NAPLES	FL		34103
MENA HUMBERTO		5861 SW 155TH CT		MIAMI	FL		33193
CORTEZ PABLO & MARIA		11141 LUCKETT ROAD EXT		FORT MYERS	FL		33905
HUISENGA DUSTIN IRWIN &		2725 WEST RD		FORT MYERS	FL		33905
HITZING DAWN		2719 WEST RD		FORT MYERS	FL		33905
TAYLOR KATHRYN		2937 MCGREGOR BLVD		FORT MYERS	FL		33901
WOZNICKI MARK J + KIMBERLY		4581 TRAWLER CT		FORT MYERS	FL		33919
COLELLA GLORIA MARIE		2701 WEST RD		FORT MYERS	FL		33905
SILVA ALVARINA DE LEMOS		424 LAKEBREEZE DR		NEWCASTLE	ON	CANADA	L1B 1R5
THOMAS WILLIE MAE L/E		2621 WEST RD		FORT MYERS	FL		33905
JAIKARAN GANGARAM & SAHODRA		2615 WEST RD		FORT MYERS	FL		33905
GIACINTI LETHA L L/E		2609 WEST RD		FORT MYERS	FL		33905
ADVANTA IRA SERVICES LLC		13191 STARKEY RD STE 9		LARGO	FL		33773
SMITH CLIFFORD R		12302 FOURTH ST		FORT MYERS	FL		33905
SCOTT IRMA		12304 FOURTH ST		FORT MYERS	FL		33905
MARINARO ANNMARIE +		12308 FOURTH ST		FORT MYERS	FL		33905
UNKNOWN HEIRS OF		PO BOX 50181		FORT MYERS	FL		33905
COATS ARNOLD H +		12320 FOURTH ST		FORT MYERS	FL		33905
NULL CRAIG A + DANIELLE L		12326 FOURTH ST		FORT MYERS	FL		33905
WILLIS RALPH A JR & BETTY C		12332 FOURTH ST		FORT MYERS	FL		33905
SMITH MELVIN J &		12340 FOURTH ST		FORT MYERS	FL		33905
BERKSHIRE SANDRA KAY		12350 FOURTH ST		FORT MYERS	FL		33905
FORT MYERS THREE ESTATES LLC		9858 SAGEASPEN LN		HOUSTON	TX		77089
EMMERT FRANK O		2219 RIVER PINE DR		FORT MYERS	FL		33905
EMMERT GEORGE R		2245 IRIS WAY		FORT MYERS	FL		33905

JOHNSON SAMUEL V	TORY COPELAND	15941 CINDY CT		FORT MYERS	FL		33908
GREENE GEOFFREY S + DONNA J		12374 FOURTH ST		FORT MYERS	FL		33905
CASCO JULIO DAVID RAUDALES		2515 DAVIS BLVD		FORT MYERS	FL		33905
DEBROCK ROBERT		2513 DAVIS BLVD		FORT MYERS	FL		33905
BELL JAMES M + KAREN J		PO BOX 51116		FORT MYERS	FL		33994
OTTLEY ANJALIQUE C +		2419 DAVIS BLVD		FORT MYERS	FL		33905
DONLON AUDREY M TR		2413 DAVIS BLVD		FORT MYERS	FL		33905
PLEITEZ GLADY A		2407 DAVIS BLVD		FORT MYERS	FL		33905
DICKINSON DAVID C		2401 DAVIS BLVD SE		FORT MYERS	FL		33905
JENKINS RONALD L		2325 DAVIS BLVD		FORT MYERS	FL		33905
SOLT TANYA A +		2319 DAVIS BLVD		FORT MYERS	FL		33905
SIMPSON CAREN J		2313 DAVIS BLVD		FORT MYERS	FL		33905
CAMPBELL RANDOLPH D &		2311 DAVIS BLVD		FORT MYERS	FL		33905
BUSCH LINDA G L/E		2307 DAVIS BLVD		FORT MYERS	FL		33905
BABNEW PAUL F		2301 DAVIS BLVD		FORT MYERS	FL		33905
AULENBACH KIM M		2259 DAVIS BLVD		FORT MYERS	FL		33905
UNKNOWN HEIRS OF		2253 DAVIS BLVD		FORT MYERS	FL		33905
LEE LOUISE ROSE		2241 DAVIS BLVD SE		FORT MYERS	FL		33905
HITZING LYNETTE L		12379 FOURTH ST		FORT MYERS	FL		33905
FOOF VENTURS LLC		2710 DEL PARDO BLVD S STE 2137		CAPE CORAL	FL		33904
HOWELL TRACEY		12367 FOURTH ST		FORT MYERS	FL		33905
BUSCH JOHN RUDELL &		12361 FOURTH ST		FORT MYERS	FL		33905
BLANCO CRUZ ROLANDO &		12355 FOURTH ST		FORT MYERS	FL		33905
BRUCE LISA-MARIE		12349 FOURTH ST		FORT MYERS	FL		33905
CASS MARK LUCAS		27051 HOLLY LN		BONITA SPRINGS	FL		34135
RUDD MARTHA		12337 FOURTH ST		FORT MYERS	FL		33905
HEBERT RICHARD +		12331 FOURTH ST		FORT MYERS	FL		33905
EFB I LLC		4585 PALM BEACH BLVD #50473		FORT MYERS	FL		33994
PADRON CARLOS A & SAMARA		12319 FOURTH ST		FORT MYERS	FL		33905
KOLSHAK MAKSYMILIAN JR		3616 HERITAGE LANE		FORT MYERS	FL		33908
URSEY CHRISTOPHER		12307 FOURTH ST		FORT MYERS	FL		33905
RAMOS CID EDGAR		3993 MANASSAS CT		FORT MYERS	FL		33905
CASTANEDA ISAIAS		172 CIRCLE DR		FORT MYERS	FL		33905
THOMAS A EVANS TRUST +		13794 RIVER FOREST DR		FORT MYERS	FL		33905
GOULD TAMIE P		12314 THIRD ST		FORT MYERS	FL		33905
VALENTIN DAVID + AMALIA		702 GORDON AVE N		LEHIGH ACRES	FL		33971
ACEVEDO FREDDIE M		12326 THIRD ST		FORT MYERS	FL		33905
KOLPANEN DONALD + JUDITH TR		2190 RIVER RD		FORT MYERS	FL		33905
VANFLEET JOHN R JR &		12338 THIRD ST		FORT MYERS	FL		33905
MOORE DONALD A &		12344 THIRD ST		FORT MYERS	FL		33905
BAKER JUDITH M		2 HILL ST		SOUTH EASTON	MA		2375
MARTIN CHARLES WEISS TR		PO BOX 158		FORT MYERS	FL		33902
GODWIN LINDA M		12374 THIRD ST		FORT MYERS	FL		33905

HINOJOSA-PEREZ FELIPE DE JESUS		12380 THIRD ST		FORT MYERS	FL		33905
GRE HOLDINGS LLC		PO BOX 61521		FORT MYERS	FL		33906
CINTRON SUSAN TR		12359 THIRD ST		FORT MYERS	FL		33905
LEBLANC GLADYS +		12353 THIRD ST		FORT MYERS	FL		33905
LIVELLA STACEY L		12347 THIRD ST		FORT MYERS	FL		33905
NULL LORETTA M		12337 THIRD ST		FORT MYERS	FL		33905
GAONA ELOY		12331 THIRD ST		FORT MYERS	FL		33905
JIRON ISAAC B		12325 THIRD ST		FORT MYERS	FL		33905
MEYER REED ALLEN		12319 THIRD ST		FORT MYERS	FL		33905
KERCKAERT ROBERT E L/E		12313 THIRD ST		FORT MYERS	FL		33905
HELTON CHERYL L		12302 SECOND ST		FORT MYERS	FL		33905
SULLIVAN-MAY SHERRI LEE		12308 SECOND ST		FORT MYERS	FL		33905
TURANO PETER F		12314 SECOND ST		FORT MYERS	FL		33905
FLOYD PATRICK D &		12320 SECOND ST		FORT MYERS	FL		33905
ROTH ERIC H		12206 FIRST ST		FORT MYERS	FL		33905
RIDGWAY AMY M		12220 FIRST ST		FORT MYERS	FL		33905
BOODOO DALE +		12228 FIRST ST		FORT MYERS	FL		33905
FORT MYERS SHORES OWNERS ASSN		PO BOX 50993		FORT MYERS	FL		33994
JOEL W HORNE TRUST		2720 LAKEVIEW DR		FORT MYERS	FL		33905
TURANO PETER +		12314 SECOND ST		FORT MYERS	FL		33905
BEEGLE LINDA L		12209 SECOND ST		FORT MYERS	FL		33905
LENGYEL JOSEPHINE V		12205 SECOND ST		FORT MYERS	FL		33905
JOSEPH SAMSON + KATHY		2806 WEST RD		FORT MYERS	FL		33905
BAILEY CHRISTOPHER		2810 WEST RD		FORT MYERS	FL		33905
MIDFIRST BANK	MCCALLA RAYMER	225 E ROBINSON STS TE 155		ORLANDO	FL		32801
POOLE HEATHER M		233 BACKWATER CT		NAPLES	FL		34119
BOOMGAARD PAUL GREGORY +		14174 CARIBBEAN BLVD		FORT MYERS	FL		33905
BLEY PATRICIA N		12226 PALM BEACH BLVD		FORT MYERS	FL		33905
UPPER ROOM CHURCH OF GOD OF FO		PO BOX 883		ALVA	FL		33920
HERNANDEZ WILFREDO		2632 DAVIS BLVD		FORT MYERS	FL		33905
RAGAN JAMES EARL		2638 DAVIS BLVD		FORT MYERS	FL		33905
RONCO LAWRENCE G + CARLA D		14600 DUKE HWY		ALVA	FL		33920
MCMULLEN THOMAS & JANICE		2611 PARKVIEW DR		FORT MYERS	FL		33905
NURNEY MICHAEL		4833 E RIVERSIDE DR		FORT MYERS	FL		33905
HEINKEL JOHN O +		2513 PARKVIEW DR SE		FORT MYERS	FL		33905
STARLING OLEN F		2507 PARKVIEW DR		FORT MYERS	FL		33905
MARTINEZ NELSON E		2505 PARKVIEW DR		FORT MYERS	FL		33905
HEGY MICHAEL COLIN		12501 FIFTH ST		FORT MYERS	FL		33905
GROSSENBAUGH DALE R + DIANE L		2254 DAVIS BLVD		FORT MYERS	FL		33905
FIDELITY FIRST HOLDINGS LLC TR		PO BOX 413005 # 115		NAPLES	FL		34101
RODRIGUEZ IRENE		2302 DAVIS BLVD		FORT MYERS	FL		33905
LIBERSHER LEONARD L/E		PO BOX 152025		CAPE CORAL	FL		33915
LEGRO CLAYTON EDWARD		136 SW 54TH ST		CAPE CORAL	FL		33914

MCKEITHAN JULIA		300 WINDSONG ROAD		WILMINGTON	NC		28411
SHEPARD ROBERT JR + CAROL		2404 DAVIS BLVD		FORT MYERS	FL		33905
COLEMAN FRANCES P		2406 DAVIS BLVD		FORT MYERS	FL		33905
FYR SFR BORROWER LLC	HAVENBROOK HOMES	3505 KOGER BLVD STE 400		DULUTH	GA		30096
SANDOVAL LUIS		15 GREGG PL		STATEN ISLAND	NY		10301
REIDELER LINDA L		2419 PARKVIEW DR		FORT MYERS	FL		33905
GOYANES ADRIAN IZAGUIRRE		2411 PARKVIEW DR		FORT MYERS	FL		33905
SANCHEZ YASMIN R		2407 PARKVIEW DR		FORT MYERS	FL		33905
SOLIS NORMA		2401 PARKVIEW DR		FORT MYERS	FL		33905
LUNA GUADALUPE GARCIA +		2323 PARKVIEW DR		FORT MYERS	FL		33905
SMITH ROBERTA A		2319 PARKVIEW DR		FORT MYERS	FL		33905
MABRY M LINDA +		183 EASY ST		ATHENS	GA		30601
GALIETTI JANICE A		2307 PARKVIEW DR		FORT MYERS	FL		33905
SKINNER KIMBERLY		2243 PARKVIEW DR		FORT MYERS	FL		33905
MCDANIEL ANDREW D + STACY E		2237 PARKVIEW DR		FORT MYERS	FL		33905
CONNELLY MICHAEL R + TERESA M		2231 PARKVIEW DR		FORT MYERS	FL		33905
KNECHT TIMOTHEE Y + PATSY J		2314 PARKVIEW DR		FORT MYERS	FL		33905
BRAMMER GRACE ANNE K		2219 PARKVIEW DR		FORT MYERS	FL		33905
BAUCOM CHRIS K		2207 SE PARKVIEW DR		FORT MYERS	FL		33905
JOHNSON ANNETTE TR		2201 PARKVIEW DR		FORT MYERS	FL		33905
CARULLI FRANK L/E		12315 DAVIS CT		FORT MYERS	FL		33905
WILLIAMS KEITH G		2226 DAVIS BLVD		FORT MYERS	FL		33905
CRATER JOSHUA		2232 DAVIS BLVD		FORT MYERS	FL		33905
CUMMINGS MICHAEL		949 ARTHUR ST		REGINA	SK	CANADA	S4T 4V6
BATES JAN B +		2240 DAVIS BLVD		FORT MYERS	FL		33905
CARRILLO-AVALOS PEDRO ANGEL &		12320 DAVIS CT		FORT MYERS	FL		33905
RUTLEDGE DANIEL L TR		12310 DAVIS CT		FORT MYERS	FL		33905
TORREZ JOSE A MARTE &		12300 DAVIS CT		FORT MYERS	FL		33905
PEPPERS CHARLES W		2132 DAVIS BLVD		FORT MYERS	FL		33905
NEY THEODORE K		15270 THORTON RD		FORT MYERS	FL		33908
DEAN KIMBERLEY		12480 BRANTLEY COMMONS CT		FORT MYERS	FL		33907
LEE COUNTY		PO BOX 398		FORT MYERS	FL		33902
TORRES COLON HIRAM +		2137 DAVIS BLVD		FORT MYERS	FL		33905
WICKERS DOROTHY		8403 SUTTER AVE		OZONE PARK	NY		11417
FAUGHN JAMES R + DEBRA R		2127 DAVIS BLVD		FORT MYERS	FL		33905
AUGUSTINE JOHN J JR		12230 DEMOYA DR		FORT MYERS	FL		33905
KOLLING JEAN A +		2256 ISLE OF PINES AVE		FORT MYERS	FL		33905
SAUNDERS SAMUEL S TR		1694 LAKEVIEW TER		NORTH FORT MYERS	FL		33903
DO ROSELYN LE		2244 ISLE OF PINES AVE		FORT MYERS	FL		33905
WEATHERS DONALD		2243 ISLE OF PINES AVE		FORT MYERS	FL		33905
THIEL THOMAS + BONNIE		2245 ISLE OF PINES AVE		FORT MYERS	FL		33905
CARLIN DAVID L & LINDA L +		2249 ISLE OF PINES AVE		FORT MYERS	FL		33905
CARLIN DAVID L & LINDA L		PO BOX 157		LANDENBERG	PA		19350

PICCA FRANCO		2253 ISLE OF PINES AVE		FORT MYERS	FL		33905
SCARPELLI MARK		2256 HAVANA AVE		FORT MYERS	FL		33905
CHAVIANO CELESTINO + IRMA		6650 SW 80TH AVE		MIAMI	FL		33143
KAMPF MARK R		29 WOODY ISLAND RD		HOPKINTON	MA		1748
HEATH GARY D & MARY H L/E		2253 HAVANA AVE		FORT MYERS	FL		33905
FLEISCHHACKER MARTIN B &		2600 DELAWARE AVENUE		SUNFISH LAKE	MN		55118
JOHNSON SAMUEL V	TORY COPELAND	2134 ANDREA LN STE D		FORT MYERS	FL		33912
DOAN 2 LLC	DEAN D DOAN	11252 THURSTON CHASE		FORT MYERS	FL		33913
HARRIS PAUL N		12213 DE MOYA DR		FORT MYERS	FL		33905
DRAPAL CYNTHIA		12207 DEMOYA DR SE		FORT MYERS	FL		33905
MILLER CAROLYN P		12201 DE MOYA DR		FORT MYERS	FL		33905
HART MARY ANN +		12133 DE MOYA DR		FORT MYERS	FL		33905
WICKERS DOROTHY C		8403 SUTTER AVE		OZONE PARK	NY		11417
JOHNSON GLENN + LINDA		304 SOMERTON CT		HENDERSONVILLE	NC		28791
LEMANSKI CYNTHIA M		7608 W LAWRENCE AVE		HARWOOD HEIGHTS	IL		60706
VAN KEVIN MINH		11057 RIVER TRENT CT		LEHIGH ACRES	FL		33971
SBARRO FRANK & SANDY		2230 SANTIAGO AVE		FORT MYERS	FL		33905
CAIN CLARA C		13250 PINTO LN		FORT MYERS	FL		33912
ZIMMER PAUL A JR & SHEILA M		N5490 N WILSON LAKE RD		WILD ROSE	WI		54984
BAUMLER JAY		2213 HAVANA AVE		FORT MYERS	FL		33905
PRESTON CHARLES R &		2231 SANTIAGO AV		FORT MYERS	FL		33905
MALONEY JAMES JR &		2235 SANTIAGO AVE		FORT MYERS	FL		33905
SORBI RANDALL J		28 CANAL ST		SOUTH HADLEY	MA		1075
TICE TRADING POST INC TR		PO BOX 50488		FORT MYERS	FL		33994
KERNS CHARLENE MACHELLE		12341 THIRD ST		FORT MYERS	FL		33905
JORDAN MISTY		2405 PARKVIEW DR		FORT MYERS	FL		33905
HORTA REYNOL ALMEIDA +		12236 FIRST ST		FORT MYERS	FL		33905
MESCHKE SHELLY KAY		2303 PARKVIEW DR		FORT MYERS	FL		33905
ZIELINSKI ROBERT A +		12113 DE MOYA DR		FORT MYERS	FL		33905
MEYERS JUDY R		12113 DE MOYA DR		FORT MYERS	FL		33905
JAMA PROPERTIES LLC		13612 PINE VILLA LN		FORT MYERS	FL		33912
MILLER ROBERT L + JOYCE E		2123 DAVIS BLVD		FORT MYERS	FL		33905
AM & GW LLC		8841 W TERRY ST		BONITA SPRINGS	FL		34135
GREAT AMERICAN SELF STORAGE OF		3950 AIRPORT CENTER		PALM SPRINGS	CA		92264
RACETRAC PETROLEUM INC	SILVER OAK ADVISORS	PO BOX 2437		SMYRNA	GA		30081
DIMURO DAVID ELIJAH		2244 HAVANA AVE		FORT MYERS	FL		33905
FREDRICKSON FRED E &		12231 DE MOYA DR		FORT MYERS	FL		33905

Exhibit B

0005016230 / FNP-0000002582

The News-Press
media group
news-press.com A GANNETT COMPANY

Attn:
WALDROP ENGINEERING
28100 BONITA GRANDE DR
BONITA SPRINGS, FL 34135

Before the undersigned authority personally appeared said legal clerk, who on oath says that he or she is a Legal Assistant of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of

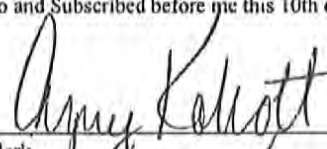
Legal Notices

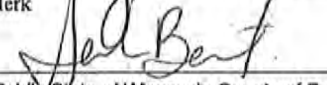
In the Twentieth Judicial Circuit Court was published in said newspaper editions dated:

11/25/2021

Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida, and that the said newspaper has heretofore been continuously published in said Lee County, Florida each day and has been entered as periodicals matter at the post office in Fort Myers, in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 10th of December 2021.


Legal Clerk


Notary Public State of Wisconsin County of Brown

7/27/25
My commission expires

of Affidavits: 1
This is not an invoice

NOTICE OF PUBLIC INFORMATION MEETING

DATE: Thursday, December 9, 2021
TIME: 5:30 PM
ADDRESS: Crossroads Baptist Church,
10721 Palm Beach Blvd., Fort Myers, FL
33905

In accordance with the Caloosahatchee Shores Planning Community requirements of the Lee County Land Development Code, the Applicant, Neal Communities, will be presenting information to the public on the following request:

A request to rezone 88 +/- acres from AG-2 and Marina Del Lago Residential Planned Development (RPD) zoning districts to RPD to allow for the development of a residential community with 265 dwelling units, private, on-site recreational amenities, wetland preserves, and supportive infrastructure. The property is within the Caloosahatchee Shores Planning Community on the east side of SR 31 and approximately 1/4 mile north of Palm Beach Parkway, in unincorporated Lee County, Florida.

The purpose of the meeting is to educate community members and nearby landowners about the proposed development and to address any questions. For questions please contact:
Waldrop Engineering, LLC, c/o Jeremy Frantz
28100 Bonita Grande Drive, Suite 305,
Bonita Springs, FL 34135
(239) 319-0026 OR Jeremy.Frantz@waldropengineering.com
AD#5016230 Nov. 25, 2021

SARAH BERTEISEN
Notary Public
State of Wisconsin

Exhibit C

31 OAKS RESIDENTIAL PLANNED DEVELOPMENT (PDA)
PUBLIC INFORMATION MEETING

DECEMBER 9, 2021 – 5:30 p.m.

Name	Address	E-Mail Address (PLEASE PRINT CLEARLY)
Sherry & Fred Frederickson	12231 DE MOYA DR	THEFREDRICKSONS2204@gmail.com
Terry Short	2207 SANTIAGO	Vongraph@comcast.net
Isaac Jiron	12325 3rd STAL FmF 33705	IsaacJ76@hotmail.com
Eric Lien	8568 SUMNER AVE FT MYERS FL 33908	ZERO-FIVE-ZERO@HOTMAIL.COM
Tom, Phil	2245 ISLE OF PINES	TOOLTIME4555@YAHOO.COM
Karen J. Bell & Jim Bell	2501 DAVIS BLVD	N/A
Betty Willis	12332 4th ST	CASH-betty@mail.com
Jim FAUGHN	2127 DAVIS BLVD	JFAUGHN@SOCKET.NET

31 OAKS RESIDENTIAL PLANNED DEVELOPMENT (PDA) PUBLIC INFORMATION MEETING

DECEMBER 9, 2021 – 5:30 p.m.

Name	Address	E-Mail Address (PLEASE PRINT CLEARLY)
Darla McIntosh	15280 Terrell Dr Alva, FL 33920	info@DarlaMcIntosh.com
MARTY FLEISCHACKER	2255 HAVANA AVE, Fort Myers FL 33905	MARTIN.FLEISCHACKER@STATE.MW, US
GARY FALCK	2201 HAVANA AVE FORT MYERS	G.FALCK@COMCAST.NET
Paul Thomas	2226 HAVANA FORT MYERS 33905	Paul@flatrockbagging.com
FRANK E SANCY S BARRIO	2230 SANTIAGO AVE	SDRDIRT(A)AOL.COM
Robert Rewis	18361 Durranee Rd. N. Ft. Myers FL 33917	Rewis817@Hotmail.com
SANDI CRAWFORD	2189 RIVER RD Ft. MYERS 33905	sandi21140@gmail.com
Kerri Santos	2193 Santiago Ave Fort Myers, FL 33905	Kerris1119@gmail.com

31 OAKS RESIDENTIAL PLANNED DEVELOPMENT (PDA) PUBLIC INFORMATION MEETING

DECEMBER 9, 2021 – 5:30 p.m.

Name	Address	E-Mail Address (PLEASE PRINT CLEARLY)
Mary Heath	2253 Havana Ave	marekat@comcast.net
Amelique O'Hara	2415 Davis Blvd	JAHLIQUE@ELITEPARAMEDICAL.COM
Gale Smith	12340 Fourth St	mrsjaybings@gmail.com

31 OAKS RESIDENTIAL PLANNED DEVELOPMENT (PDA) PUBLIC INFORMATION MEETING

DECEMBER 9, 2021 – 5:30 p.m.

Name	Address	E-Mail Address (PLEASE PRINT CLEARLY)
KYLE MACRAE	2836 DAVIS BLVD	SCUBA40@COMCAST.NET
Marki' Bonnie Chase	2209 Havana Ave ^{Fm} 33905	bonniechase_realtor@gmail.com
Brandon Mayer	16991 state Rd 31	Bmayer14@yahoo.com
Marc Murray	16500 st Rd 31	Marc/j's@yahoo.com
Bob De Brock	2513 Davis Blvd.	bobf15679am@yahoo.com
Kelly J Fisher	2197 RIVER RD	KJFISHE6@GMAIL.COM.
W.L. WATSON	2238 15th St Jones Ave Front Myers 33905	SIZZNER2@GMAIL.COM

31 OAKS RESIDENTIAL PLANNED DEVELOPMENT (PDA) PUBLIC INFORMATION MEETING

DECEMBER 9, 2021 – 5:30 p.m.

Name	Address	E-Mail Address (PLEASE PRINT CLEARLY)
Gary & Mary Heath	2253 Havana Ave	heathus@comcast.net
Dennis & Maureen Schmeichel	2220 Havana Ave	Dmschmeichel@gmail.com
Melissa Giustina	River Road	
Patricia Yonkman	2224 Havana Ave	irish121@comcast.net
Tammy Van Olden	2201 Havana Ave	TVANOLDEN@Comcast.net
Gary & Tammie Hull	2208 Havana Ave.	dolphintimes@yahoo.com
Jay & Brenda Baumbler	2213 Havana Ave	jaycypraea@aol.com
James Simpson	2313 Davis Blvd	jamesdaysimpson@gmail.com

31 OAKS RESIDENTIAL PLANNED DEVELOPMENT (PDA) PUBLIC INFORMATION MEETING

DECEMBER 9, 2021 – 5:30 p.m.

Name	Address	E-Mail Address (PLEASE PRINT CLEARLY)
DON WEATHERS	2243 Isle of Pines Ave FT MYERS FL 33905	DONALDWEATHERS68@gmail.com
Ann Brammer	2219 Parkview Dr	
Sandra Berkshire	12350 4 th St ^{Myers} 33905	SKBPPL@YAHOO.COM

31 OAKS RPD – PD AMENDMENT

PUBLIC INFORMATION MEETING – DECEMBER 9, 2021



WELCOME & INTRODUCTIONS

- Dan Ciesielski & Timothy Oak – Neal Communities of Southwest Florida
- Steve Hartsell – Pavese Law Firm
- Jeremy Frantz – Waldrop Engineering
- Jim Ink – Waldrop Engineering
- Bethany Brosious – Passarella & Associates

NEAL COMMUNITIES

- Award-winning developer of high-quality communities throughout Southwest Florida since 1970.
- 50+ Successful Communities
- Local developments:
 - Verandah
 - Estero Place
 - Tide Marsh

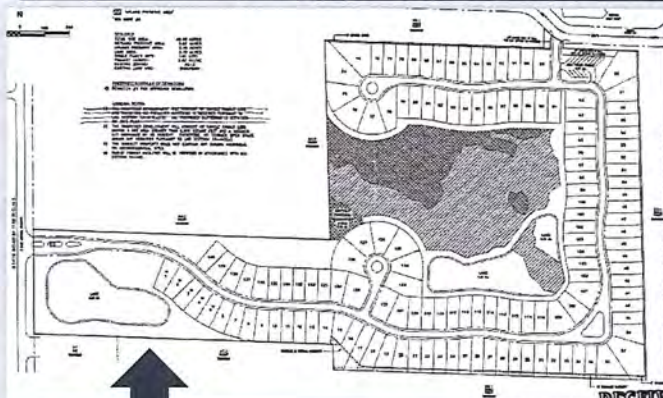


PROPERTY OVERVIEW

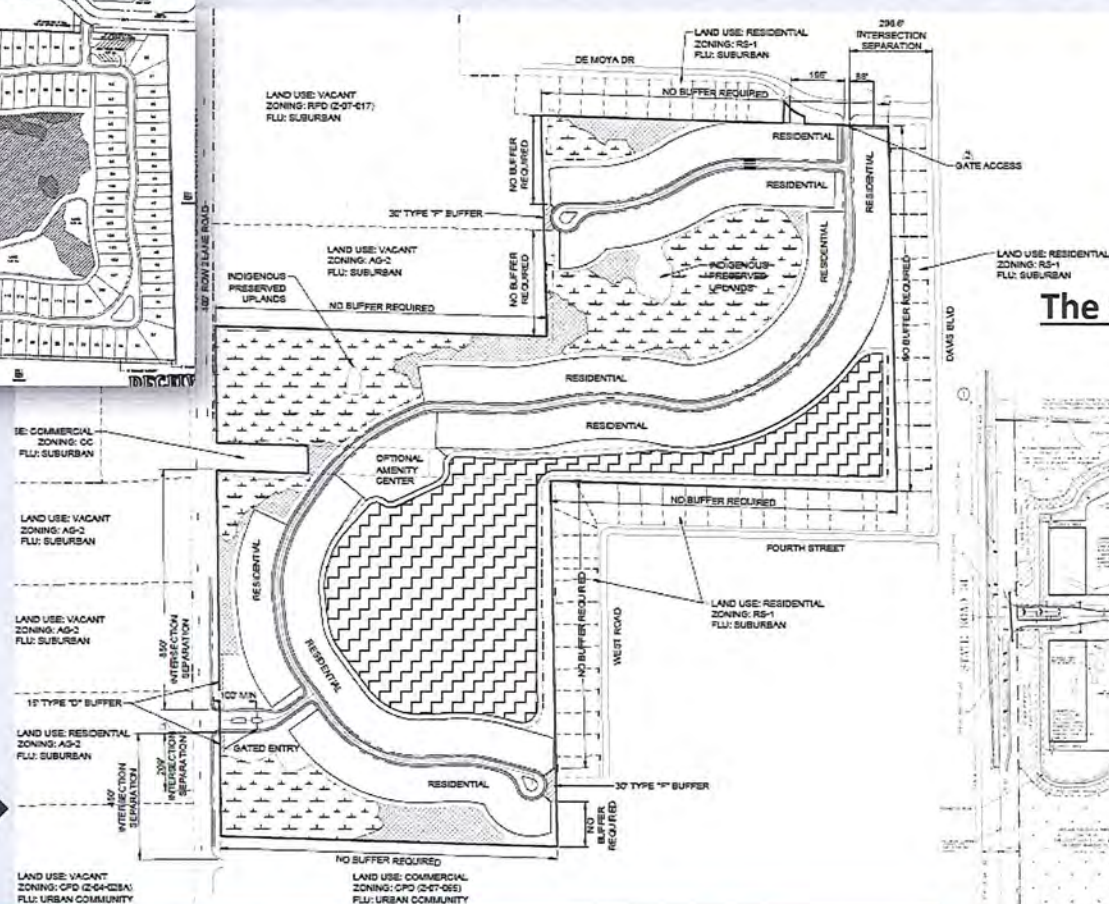


- *Total size = 88.3 ac*
- **Marina Del Lago RPD (49.62 ac)**
 - Currently approved for:
 - 140 Residential Dwelling Units
 - Maximum height of 35 feet (two stories)
 - Boat trailer parking
- **AG Parcels (38.68 ac)**
 - Agricultural (AG-2)
- Current Access from State Road 31 and De Moya Drive
- Within Caloosahatchee Shores Planning Community

ENHANCEMENTS OVER PAST PROPOSALS



Marina Del Lago RPD



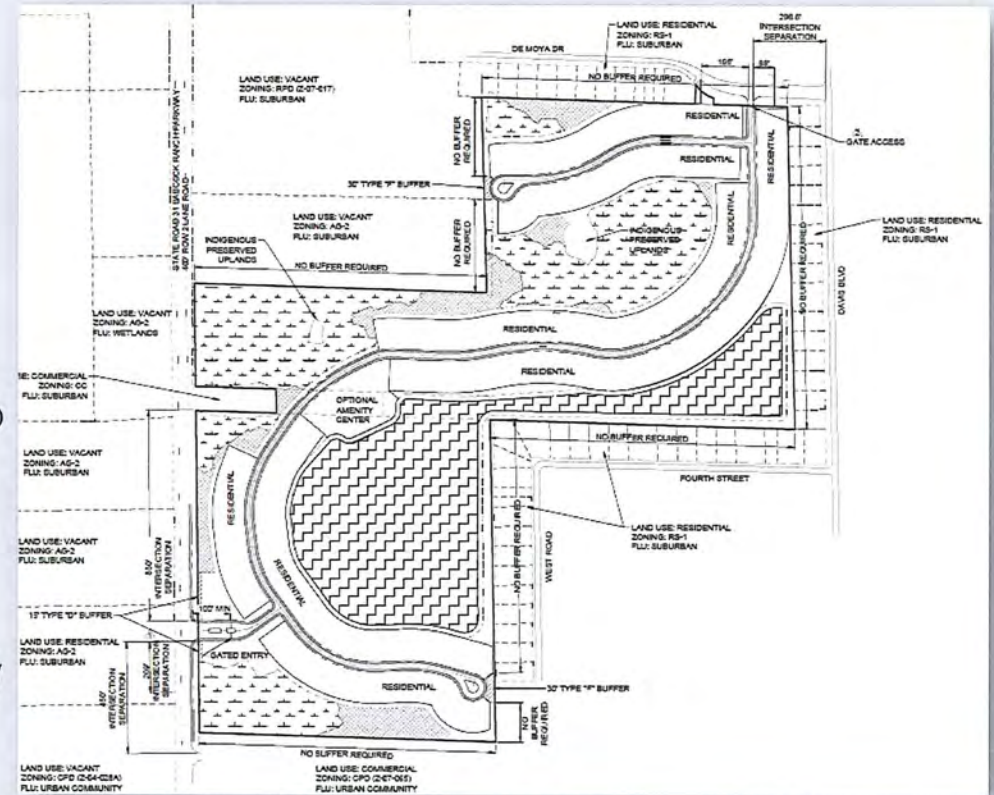
PROPOSED
31 OAKS RPD



The Oaks at Twin Lakes MPD

PUD AMENDMENT OVERVIEW

- No change to 35-foot height
- No commercial uses proposed
- No multi-family proposed
- Adding 38.68 acres
- Reorienting development areas and access points to minimize wetland impacts
- Maximum 265 dwelling units (3 units/acre)
- Deviations related to entrance locations/design only
- No significant impacts to public roads Levels of Service



NEXT STEPS

1. Submit Application
2. **Public Information Meeting (tonight)**
3. Complete Staff Reviews
4. Public Hearings:
 - I. One (1) Hearing Examiner Hearing
 - II. One (1) Board of County Commissioners Hearing



Lee County
Community
Development

APPLICATION FOR PLANNED DEVELOPMENT PUBLIC HEARING UNINCORPORATED AREAS ONLY

Project Name: _____

Request: Rezone from: _____

Type: ☐ Major PD ☐ Minor PD **To:** _____

☐ Major PD Amendment ☐ Minor PD Amendment ☐ ORI w/Rezoning ☐ PRFPD

Bonus Density Included? ☐ NO ☐ YES 'a' for: _____ **Bonus Units** _____

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

Summary of Project: _____

PART 1 APPLICANT/AGENT INFORMATION

A. Name of Applicant: _____

Address: _____

City, State, Zip: _____

Phone Number: _____

E-Mail Address: _____

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

☐ Applicant is the sole owner of the property. [34-202(a)(1)&.1.]

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

☐ Application is County Initiated. Attach BOCC authorization.

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

1. Company Name: _____

Contact Person: _____

Address: _____

City, State, Zip: _____

Phone Number: _____

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

Email: _____

Email: _____

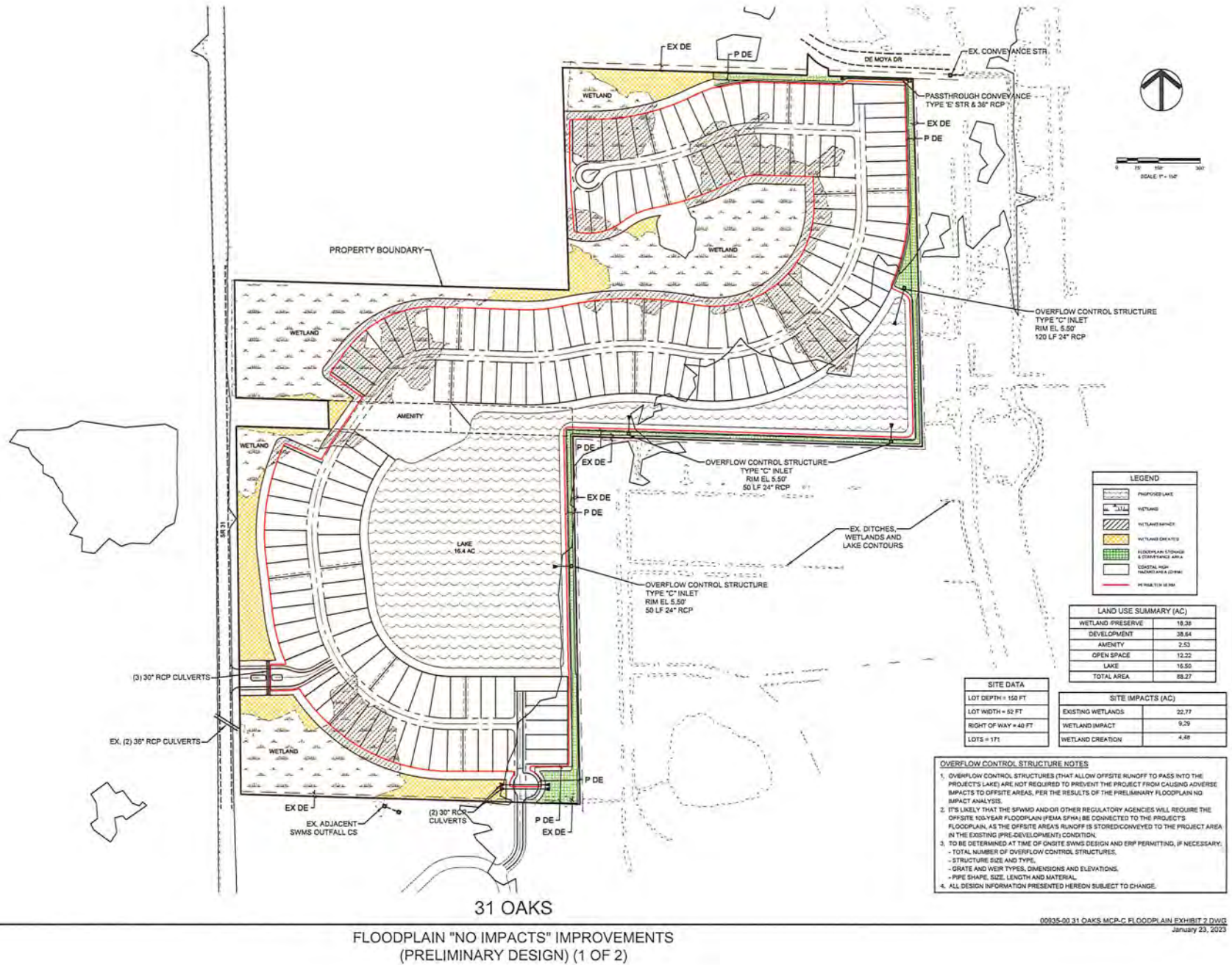
Email: _____

LEE COUNTY COMMUNITY DEVELOPMENT
PO BOX 298 (1500 MONROE STREET), FORT MYERS, FL 33902
PHONE: (239) 633-6585

QUESTIONS

Jeremy.Frantz@waldropengineering.com

(239) 319-0026



Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ENVIRONMENTAL STAFF REPORT

CASE NUMBER: DCI2021-00051
TYPE OF CASE: Residential Planned Development
CASE NAME: 31 Oaks RPD
TOTAL ACREAGE: 88.3 Acres
SUFFICIENCY DATE: March 9, 2023
HEARING EXAMINER DATE: May 18, 2023

Request

The applicant is requesting to rezone the subject property from Agricultural (AG-2) and Residential Planned Development (RPD) to a Residential Planned Development (RPD). The applicant is proposing to develop 342 townhome units or 265 single-family and two family attached dwelling units with a maximum height of 35 feet. The property is located in Fort Myers, on the east side of State Road 31 and ¼ mile north of Palm Beach Boulevard. According to the Lee Plan, the parcels are located in the Suburban and Wetlands Future Land Use Categories. The proposed development is within the Caloosahatchee Shores Planning Community and Coastal High Hazard (CHHA).

Existing Conditions

As mentioned the site is located east of State Road 31, and north of Palm Beach Boulevard, within the Caloosahatchee Shores Community Planning area. The site is currently vacant and vegetated with indigenous habitats, including uplands and wetlands. The applicant has submitted a Protected Species Survey that includes the Florida Land Use Cover and Classification System (FLUCCS) map depicting the meandering pedestrian transects methodology used to survey the project and a detailed FLUCCS for the project area (see Exhibit A). Passarella and Associates Incorporated observed 5 potentially occupied gopher tortoise burrows.

Open Space

The applicant is requesting 342 townhome units or 265 single-family and two family attached dwelling units. The project meets the large multi-family development definition (Land Development Code 10-1). LDC 10-415(a) requires the applicant to provide 40% open space (see Exhibit B). The applicant has provided a Master Concept Plan (MCP) dated January 19, 2023 that depicts required open space at 35.3 acres. The applicant is providing 39.43 acres of open space. 18.38 acres of open space is being achieved through restoration, creation, and preservation of indigenous areas per LDC 10-415(b).

Staff recommends the following open space condition to ensure that the increased 45% open space is provided:

Prior to the issuance of the first development order, the development order plans must depict 45% or 39.43 acres of open space.

Indigenous Open Space Preservation

The Land Development Code requires that large projects must provide 50 percent of the open space percentage requirement through onsite preservation of existing native vegetation communities (LDC 10-415(b)). The applicant is required by code to provide 17.66 acres of indigenous open space. However, the developer is providing 18.38 acres, which includes restoration, preservation, and creation of indigenous areas. 4.48 acres of the 18.38 acres are being created into wetlands to comply with Lee Plan Objective 101.3, to provide additional floodplain storage. Lee Plan goal 123 discusses the importance of maintaining and enhancing native habitats and creating. The applicant is demonstrating compliance with Lee Plan goal 123 by restoring/creating native habitats utilizing highly exotic areas (see Exhibit C). Lee Plan policy 101.1.2 requires protection and conservation of the following environmentally sensitive coastal areas: wetlands and critical wildlife habitats. The applicant is demonstrating compliance with 101.1.2 by protecting the uplands, wetlands, and heritage trees in perpetuity through a conservation easement (see Exhibit D). The applicant states that heritage trees will be preserved where possible within the development footprint. Staff conducted a site inspection on April 5, 2022. Staff found that the environmental report was consistent with site conditions and vegetation habitats. The applicant has provided a MCP dated January 19, 2023 that depicts 18.38 acres of indigenous open space

Staff recommends the following condition to ensure the proposed indigenous open space is provided:

Prior to the issuance of the first development order, the development order plans must depict a total of 39.43 acres of open space and 18.38 acres of indigenous open space in substantial compliance with the Master Concept Plan dated January 19, 2023 per the following breakdown:

- a) Preserve: 18.38 acres***
 - Indigenous Wetland: 13.48 acres***
 - Wetland Creation: 4.48 acres***
 - Rare & Unique: 0.42 acres***
- b) Other Open Space: 11.15 acres***
- c) Buffers: 1.06 acres***
- d) Lake: 8.83 acres***

Indigenous Habitat Management Plan

The applicant has provided an Indigenous Habitat Management Plan (IHMP) that includes the detailed long-term monitoring and maintenance plans that demonstrate the survivability of the preserve areas (see Exhibit C). Exhibit C depicts the type of management that is proposed and where the indigenous, restored, and created areas are located. Exotic and nuisance vegetation within the 18.38± acres of indigenous preserve will be conducted by hand methods. Hand treatment will be either by the felling of exotic trees, hand-removal and herbicide treatment of the tree stumps, or by hand-pulling and removal. The treatment of exotic and nuisance vegetation will include one or more of the following methods:

- (1) cut exotics within 12 inches of ground elevation, hand-remove cut vegetation, and treat the remaining stump with approved herbicide;

- (2) foliar application of approved herbicide or hand-pulling of exotic seedlings;
- (3) foliar application of approved herbicide to nuisance grasses

Passarella and Associates have provided a supplemental planting list for both uplands and wetlands. Supplemental plantings are as follows:

Table 2. Supplemental Wetland Plantings

Common Name	Scientific Name	Minimum Height	Minimum Container Size	Planting Density (On Center)
Tree Plantings				
Laurel oak	<i>Quercus laurifolia</i>	5 ft.	3 gal.	15 ft.
Dahoon holly	<i>Ilex cassine</i>	5 ft.	3 gal.	15 ft.
Red maple	<i>Acer rubrum</i>	5 ft.	3 gal.	15 ft.
Swamp bay	<i>Persea palustris</i>	5 ft.	3 gal.	15 ft.
Pop ash	<i>Fraxinus caroliniana</i>	5 ft.	3 gal.	15 ft.
Pond apple	<i>Annona glabra</i>	5 ft.	3 gal.	15 ft.
Bald cypress	<i>Taxodium distichum</i>	5 ft.	3 gal.	15 ft.
Swamp dogwood	<i>Cornus foemina</i>	5 ft.	3 gal.	15 ft.
American elm	<i>Ulmus americana</i>	5 ft.	3 gal.	15 ft.
Shrubs				
Buttonbush	<i>Cephalanthus occidentalis</i>	3 ft.	1 gal.	10 ft.
Cocoplum	<i>Chrysobalanus icaco</i>	3 ft.	1 gal.	10 ft.
Myrsine	<i>Myrsine cubana</i>	3 ft.	1 gal.	10 ft.
Wax myrtle	<i>Morella cerifera</i>	3 ft.	1 gal.	10 ft.
Walter's viburnum	<i>Viburnum obovatum</i>	3 ft.	1 gal.	10 ft.
Ground Cover				
Little blue maidencane	<i>Amphicarpum muhlenbergianum</i>	12 in.	2 in.	3 ft.
Gulfdune paspalum	<i>Paspalum monostachyum</i>	12 in.	2 in.	3 ft.
Cordgrass	<i>Spartina bakeri</i>	12 in.	2 in.	3 ft.
Muhlygrass	<i>Muhlenbergia capillaris</i>	12 in.	2 in.	3 ft.
Arrowhead	<i>Sagittaria lancifolia</i>	12 in.	2 in.	3 ft.
Golden canna	<i>Canna flaccida</i>	12 in.	2 in.	3 ft.
Maidencane	<i>Panicum hemitomon</i>	12 in.	2 in.	3 ft.
Pickernelweed	<i>Pontederia cordata</i>	12 in.	2 in.	3 ft.
Sawgrass	<i>Cladium jamaicense</i>	12 in.	2 in.	3 ft.
Soft-stem bulrush	<i>Scirpus validus</i>	12 in.	2 in.	3 ft.
Spikerush	<i>Eleocharis interstincta</i>	12 in.	2 in.	3 ft.

Table 3. Supplemental Upland Plantings

Common Name	Scientific Name	Minimum Height	Minimum Container Size	Planting Density (On Center)
Trees				
Slash pine	<i>Pinus elliottii</i>	5 ft.	3 gal.	15 ft.
Cabbage palm	<i>Sabal palmetto</i>	5 ft.	3 gal.	15 ft.
Live oak	<i>Quercus virginiana</i>	5 ft.	3 gal.	15 ft.
Laurel oak	<i>Quercus laurifolia</i>	5 ft.	3 gal.	15 ft.
Shrubs				
Wax myrtle	<i>Morella cerifera</i>	3 ft.	1 gal.	10 ft.
Myrsine	<i>Rapanea punctata</i>	3 ft.	1 gal.	10 ft.
Cocoplum	<i>Chrysobalanus icaco</i>	3 ft.	1 gal.	10 ft.
Saw palmetto	<i>Serenoa repens</i>	3 ft.	1 gal.	10 ft.
Gallberry	<i>Ilex glabra</i>	3 ft.	1 gal.	10 ft.
Ground Cover				
Gulfdune paspalum	<i>Paspalum monostachyum</i>	12 in.	2 in.	3 ft.
Little blue maidencane	<i>Amphicarpum muhlenbergianum</i>	12 in.	2 in.	3 ft.
Wiregrass	<i>Aristida stricta</i>	12 in.	2 in.	3 ft.
Gulf muhly	<i>Muhlenbergia capillaris</i>	12 in.	2 in.	5 ft.
Sand cordgrass	<i>Spartina bakeri</i>	12 in.	2 in.	5 ft.
Fakahatchee grass	<i>Tripsacum dactyloides</i>	12 in.	2 in.	5 ft.
Saw palmetto	<i>Serenoa repens</i>	12 in.	1 gal.	5 ft.
Lopsided Indian grass	<i>Sorghastrum secundum</i>	12 in.	2 in.	5 ft.
Florida coontie	<i>Zamia integrifolia</i>	12 in.	2 in.	5 ft.

Passarella and Associates also observed 5 gopher tortoise burrows on the subject property. Per the species management plan, the consultant states, "An Florida Fish and Wildlife Conservation Commission (FWCC) Gopher Tortoise Relocation Permit will be obtained, and relocation activities will be conducted in accordance with FWCC Gopher Tortoise Permitting Guidelines (2020)"(See Exhibit E).

Staff provides the following conditions to ensure that the development order and vegetation removal permits provide the necessary documentation:

Prior to the issuance of the first development order, the development order plans must demonstrate the following:

- a) **Must be in substantial compliance with the Indigenous Restoration and Management Plan (See Exhibit C & E).**
- b) **Exotic removal and creation of indigenous habitat must begin concurrently with improvements to land.**

- c) Must include a schedule for the indigenous preservation and restoration to be completed within the first five years.**
- d) The applicant must provide a recorded conservation easement over the preserve areas dedicated to Lee County (See Exhibit C).**

Prior to the issuance of a vegetation removal permit, the developer must include a map depicting where mechanical and hand-removal methods of exotic vegetation removal will be located. Mechanical clearing must be limited to non-indigenous areas and native vegetation must be protected by the tree barricades.

Prior to Certificate of Completion, if the proposed restoration plantings fail in the wet season, the developer must provide temporary irrigation approved by Lee County Staff.

Prior to the issuance of the vegetation removal permit, the developer may not commence construction on development impacting wetlands until issuance of required state permits. Development activity must comply with state wetland permits and applicable local development permits.

The applicant must submit an indigenous monitoring plan for ten years after the initial time zero report.

Buffers

The proposed development abuts single family homes along the north and east property lines. To the west, the property abuts State Road 31 and the south property line borders a Commercial Planned Development. The required buffers are as follows:

North – LDC section 10-416(d) does not require single-family developments to provide landscaped buffers when abutting single family. However, the applicant is proposing an enhanced buffer of a 6-foot tall solid wall and 5 native trees/100 linear feet.

East - LDC section 10-416(d) does not require single-family developments to provide landscaped buffers. However, the applicant is proposing an enhanced buffer of a 6-foot tall solid wall and 5 native trees/100 linear feet.

West - LDC section 10-416(d) does not require single-family developments to provide landscaped buffers when abutting single family, vacant agricultural land, and commercial planned developments. Where roads and parking areas are within a 125-feet of single family residences, a 30-foot wide Type F buffer is being proposed, in compliance with LDC 10-416(d)(6). The applicant is demonstrating compliance with LDC 10-416(d)(6).

South - The south property line abuts a commercial planned development. LDC section 10-416(d) does not require single-family developments to provide landscaped buffers when abutting commercial planned development.

Staff provides the following condition to ensure that the MCP demonstrates the enhanced buffers at the time of development order:

Prior to the issuance of the first development order, the development order plans must demonstrate a minimum 6-foot tall solid wall and 5 native trees/100 linear feet along the north, east, and southeast property boundaries.

Deviations

Deviation 2 - The applicant is requesting a deviation from LDC Section 10-329(d)(4), which requires either a 6:1 lake bank slope from the top of bank to a water depth of two feet below the dry season water table to allow a 4:1 slope for additional flood plain storage within the coastal high hazard. The requested deviation intends to maximize storm water management lakes to allow for the maximum preservation and conservation of uplands and wetlands throughout the project site.

Staff recommends approval of Deviation 2 with the following condition:

Prior to the issuance of the first development order, the development order plans must be in substantial compliance with the Schedule of Deviations & Justifications (Exhibit F).

Exhibits

- A – Protected Species Survey /FLUCCS Map
- B – Open Space Exhibit
- C – Indigenous Management Plan
- D – Request Statement
- E – Species Management Plan
- F – Schedule of Deviations & Justifications

EXHIBIT A

31 OAKS PARCEL LEE COUNTY PROTECTED SPECIES SURVEY

November 2021

Prepared For:

Neal Communities
28100 Bonita Grande Drive, Suite 106
Bonita Springs, Florida 34135
(239) 221-0446

Prepared By:

Passarella & Associates, Inc.
13620 Metropolis Avenue, Suite 200
Fort Myers, Florida 33912
(239) 274-0067

Project No. 21NCC3643

EXHIBIT A

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INTRODUCTION

This report documents the Lee County protected species survey conducted by Passarella & Associates, Inc. (PAI) for 31 Oaks Parcel (Project).

The Project is located in Section 30, Township 43 South, Range 26 East in Lee County (Figure 1). The Project is bordered to the north by undeveloped, forested lands and single-family residential development; to the east by single-family residential development; to the south by cleared land and a gas station; and to the west by State Road 31.

The Project site is comprised of disturbed upland and wetland areas, a borrow area, multiple residential properties, and pasture; it contains varying degrees of exotic vegetation including, but not limited to, earleaf acacia (*Acacia auriculiformis*), melaleuca (*Melaleuca quinquenervia*), and Brazilian pepper (*Schinus terebinthifolia*).

The purpose of the survey was to review the Project for protected species in accordance with Lee County Land Development Code (LDC) Chapter 10, Article III, Division 8 (Protection of Habitat) Standards.

LAND USES AND VEGETATION ASSOCIATIONS

The vegetation mapping for the Project was conducted using January through March 2021 Lee County rectified aerials. Groundtruthing to map the vegetative communities was conducted on October 22 and 27, 2021 and November 3, 9, and 10, 2021 utilizing the Florida Land Use, Cover and Forms Classification System (FLUCFCS) Levels III and IV (Florida Department of Transportation 1999). Level IV FLUCFCS was utilized to denote hydrological conditions and disturbance. “E” codes were used to identify levels of exotic infestation (i.e., melaleuca and Brazilian pepper). AutoCAD Map 3D 2021 software was used to determine the acreage of each mapping area, produce summaries, and generate the FLUCFCS map. The FLUCFCS map for the Project with acreages is provided as Figure 2.

A total of 37 vegetative associations and land uses (i.e., FLUCFCS codes) were identified on the property. Table 1 provides the breakdown of the FLUCFCS codes by acreage, and a description of each classification follows.

Table 1. Existing Land Use and Cover Summary

FLUCFCS Code	Description	Acreage	Percent of Total
110	Residential, Low Density	7.37	8.3
211	Improved Pasture	9.59	10.9
212	Unimproved Pasture	1.34	1.5
3219 E2	Palmetto Prairies, Disturbed (25-49% Exotics)	0.17	0.2
3219 E4	Palmetto Prairies, Disturbed (76-100% Exotics)	3.10	3.5

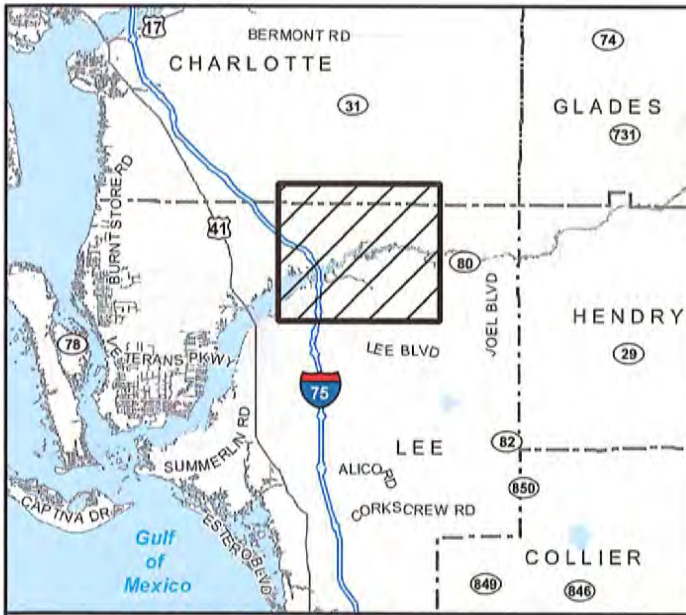
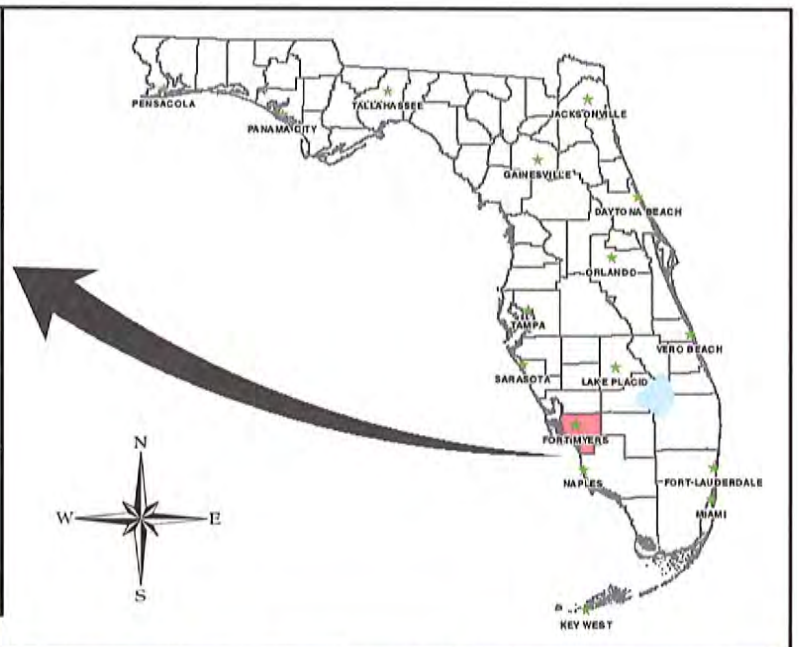
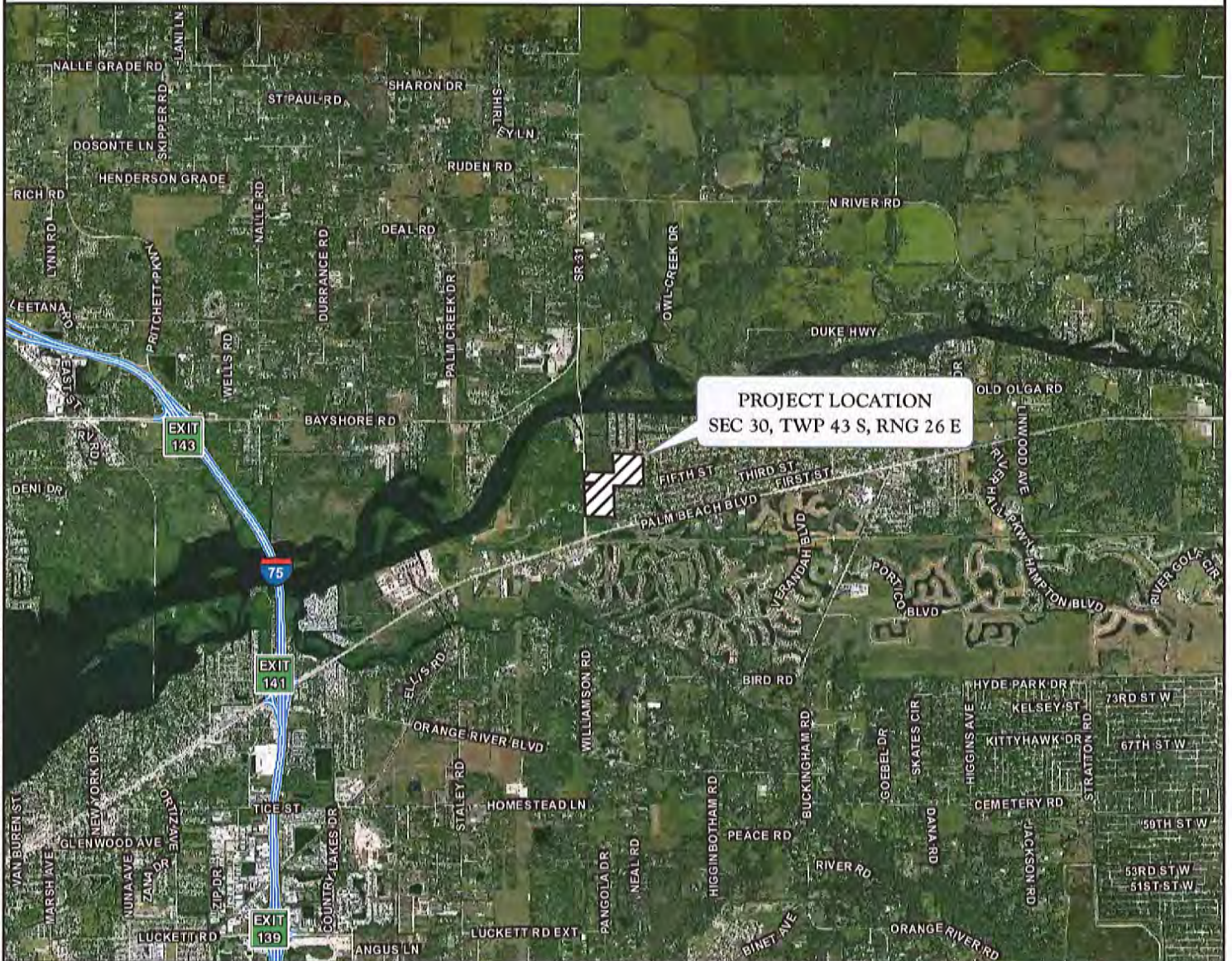


FIGURE 1. PROJECT LOCATION MAP
31 OAKS PARCEL

DRAWN BY	DATE
T.S.	11/12/21
REVIEWED BY	DATE
R.F.	11/12/21
REVISED	DATE



**PASSARELLA
& ASSOCIATES, INC.**

J:\2021\21NCC3643\2021\PROTECTED SPECIES SURVEY RPT\FIGURE 2 AERIAL WITH FLUCFCS AND WETLANDS MAP.DWG TAB: 17X11-L NOV 30, 2021 - 2:09PM PLOTTED BY: THONE



LEGEND:

SFWMD AND COE WETLANDS
(22.77 Ac.±)

SFWMD "OTHER SURFACE WATERS"
AND COE "WATERS OF THE U.S."
(12.52 Ac.±)

SURVEYED WETLAND LINE

FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
110	RESIDENTIAL, LOW DENSITY	7.37 Ac.±	8.3%
211	IMPROVED PASTURE	9.59 Ac.±	10.9%
212	UNIMPROVED PASTURE	1.34 Ac.±	1.5%
3219 E2	PALMETTO PRAIRIES, DISTURBED (25-49% EXOTICS)	0.17 Ac.±	0.2%
3219 E4	PALMETTO PRAIRIES, DISTURBED (76-100% EXOTICS)	3.10 Ac.±	3.5%
4119 E1	PINE FLATWOODS, DISTURBED (0-24% EXOTICS)	9.25 Ac.±	10.5%
4119 E4	PINE FLATWOODS, DISTURBED (76-100% EXOTICS)	1.50 Ac.±	1.7%
422	BRAZILIAN PEPPER	0.94 Ac.±	1.1%
4241	MELALEUCA, HYDRIC	1.40 Ac.±	1.6%
4279 E1	LIVE OAK, DISTURBED (0-24% EXOTICS)	1.60 Ac.±	1.8%
4279 E2	LIVE OAK, DISTURBED (25-49% EXOTICS)	3.59 Ac.±	4.1%
4279 E4	LIVE OAK, DISTURBED (76-100% EXOTICS)	2.78 Ac.±	3.1%
4281 E2	CABBAGE PALM, DISTURBED, HYDRIC (25-49% EXOTICS)	2.96 Ac.±	3.4%
4281 E3	CABBAGE PALM, DISTURBED, HYDRIC (50-75% EXOTICS)	0.24 Ac.±	0.3%
4289 E2	CABBAGE PALM, DISTURBED (25-49% EXOTICS)	0.90 Ac.±	1.0%
4289 E4	CABBAGE PALM, DISTURBED (76-100% EXOTICS)	0.35 Ac.±	0.4%
4349 E1	HARDWOOD/CONIFER MIXED, DISTURBED (0-24% EXOTICS)	1.29 Ac.±	1.5%
4349 E2	HARDWOOD/CONIFER MIXED, DISTURBED (25-49% EXOTICS)	5.14 Ac.±	5.8%
4349 E3	HARDWOOD/CONIFER MIXED, DISTURBED (50-75% EXOTICS)	0.62 Ac.±	0.7%
4349 E4	HARDWOOD/CONIFER MIXED, DISTURBED (76-100% EXOTICS)	0.67 Ac.±	0.8%
4389 E4	MIXED HARDWOODS, DISTURBED (76-100% EXOTICS)	1.15 Ac.±	1.3%
439	EXOTIC HARDWOODS	0.08 Ac.±	0.1%
6179 E2	MIXED WETLAND HARDWOODS, DISTURBED (25-49% EXOTICS)	0.90 Ac.±	1.0%
6179 E3	MIXED WETLAND HARDWOODS, DISTURBED (50-75% EXOTICS)	4.10 Ac.±	4.6%
6179 E4	MIXED WETLAND HARDWOODS, DISTURBED (76-100% EXOTICS)	4.66 Ac.±	5.3%
6189 E3	WILLOW, DISTURBED (50-75% EXOTICS)	0.44 Ac.±	0.5%
6189 E4	WILLOW, DISTURBED (76-100% EXOTICS)	3.22 Ac.±	3.6%
619	EXOTIC WETLAND HARDWOODS	0.42 Ac.±	0.5%
6219 E2	CYPRESS, DISTURBED (25-49% EXOTICS)	0.39 Ac.±	0.4%
6219 E4	CYPRESS, DISTURBED (76-100% EXOTICS)	1.79 Ac.±	2.0%
6419 E1	FRESHWATER MARSH, DISTURBED (0-24% EXOTICS)	0.07 Ac.±	0.1%
6419 E2	FRESHWATER MARSH, DISTURBED (25-49% EXOTICS)	0.62 Ac.±	0.7%
6419 E3	FRESHWATER MARSH, DISTURBED (50-75% EXOTICS)	0.88 Ac.±	1.0%
6419 E4	FRESHWATER MARSH, DISTURBED (76-100% EXOTICS)	0.68 Ac.±	0.8%
740	DISTURBED LAND	1.43 Ac.±	1.6%
742	BORROW AREA	12.52 Ac.±	14.2%
743	SPOIL AREAS	0.12 Ac.±	0.1%
TOTAL		88.27 Ac.±	100.0%

NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF JANUARY - MARCH 2021.

PROPERTY BOUNDARY AND SURVEYED WETLAND LINES PER RHODES & RHODES, INC. DRAWING NO. 2021-541-WETLAND LINES.DWG DATED NOVEMBER 3, 2021.

FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999).

UPLAND/WETLAND LIMITS HAVE NOT BEEN REVIEWED BY ANY REGULATORY AGENCY AND ARE SUBJECT TO CHANGE.

REVISIONS	DATE	DRAWN BY	DATE
		T.S.	11/15/21
		DESIGNED BY	DATE
		R.F.	11/15/21
		REVIEWED BY	DATE
		B.B.	11/15/21

13620 Metropolis Avenue
Suite 200
Ft. Myers, FL 33912
Phone (239) 274-0067
Fax (239) 274-0069



31 OAKS PARCEL
AERIAL WITH FLUCFCS AND WETLANDS MAP

DRAWING No.	21NCC3643
SHEET No.	FIGURE 2

Table 1. (Continued)

FLUCFCS Code	Description	Acreage	Percent of Total
4119 E1	Pine Flatwoods, Disturbed (0-24% Exotics)	9.25	10.5
4119 E4	Pine Flatwoods, Disturbed (76-100% Exotics)	1.50	1.7
422	Brazilian Pepper	0.94	1.1
4241	Melaleuca, Hydric	1.40	1.6
4279 E1	Live Oak, Disturbed (0-24% Exotics)	1.60	1.8
4279 E2	Live Oak, Disturbed (25-49% Exotics)	3.59	4.1
4279 E4	Live Oak, Disturbed (76-100% Exotics)	2.78	3.1
4281 E2	Cabbage Palm, Hydric, Disturbed (25-49% Exotics)	2.96	3.4
4281 E3	Cabbage Palm, Hydric, Disturbed (50-75% Exotics)	0.24	0.3
4289 E2	Cabbage Palm, Disturbed (25-49% Exotics)	0.90	1.0
4289 E4	Cabbage Palm, Disturbed (76-100% Exotics)	0.35	0.4
4349 E1	Hardwood/Conifer Mixed, Disturbed	1.29	1.5
4349 E2	Hardwood/Conifer Mixed, Disturbed	5.14	5.8
4349 E3	Hardwood/Conifer Mixed, Disturbed	0.62	0.7
4349 E4	Hardwood/Conifer Mixed, Disturbed	0.67	0.8
4389 E4	Mixed Hardwoods, Disturbed (76-100% Exotics)	1.15	1.3
439	Exotic Hardwoods	0.08	0.1
6179 E2	Mixed Wetland Hardwoods, Disturbed	0.90	1.0
6179 E3	Mixed Wetland Hardwoods, Disturbed	4.10	4.6
6179 E4	Mixed Wetland Hardwoods, Disturbed	4.66	5.3
6189 E3	Willow, Disturbed (50-75% Exotics)	0.44	0.5
6189 E4	Willow, Disturbed (76-100% Exotics)	3.22	3.6
619	Exotic Wetland Hardwoods	0.42	0.5
6219 E2	Cypress, Disturbed (25-49% Exotics)	0.39	0.4
6219 E4	Cypress, Disturbed (76-100% Exotics)	1.79	2.0
6419 E1	Freshwater Marsh, Disturbed (0-24% Exotics)	0.07	0.1
6419 E2	Freshwater Marsh, Disturbed (25-49% Exotics)	0.62	0.7
6419 E3	Freshwater Marsh, Disturbed (50-75% Exotics)	0.88	1.0
6419 E4	Freshwater Marsh, Disturbed (76-100% Exotics)	0.68	0.8
740	Disturbed Land	1.43	1.7
742	Borrow Area	12.52	14.2
743	Spoil Areas	0.12	0.1
Total		88.27	100.0

Residential, Low Density (FLUCFCS Code 110)

This land use type consists of residential properties and dirt roadways. The canopy contains live oak (*Quercus virginiana*) and the sub-canopy is open. The ground cover is dominated by St. Augustine grass (*Stenotaphrum secundatum*).

Improved Pasture (FLUCFCS Code 211)

This land use type consists of agricultural fields used for cattle grazing. The canopy is primarily open with widely scattered live oak and slash pine (*Pinus elliottii*). The sub-canopy is primarily open with few scattered cabbage palm (*Sabal palmetto*) and Brazilian pepper (*Schinus terebinthifolia*). The ground cover includes bahiagrass (*Paspalum notatum*), spermacoce (*Spermacoce verticillata*), and dog fennel (*Eupatorium capillifolium*).

Unimproved Pasture (FLUCFCS Code 212)

The canopy is open and the sub-canopy includes widely scattered Brazilian pepper and few cabbage palm. The ground cover is primarily Guineagrass (*Urochloa maxima*), air-potato (*Dioscorea bulbifera*), dog fennel, and St. Augustine grass.

Palmetto Prairie, Disturbed (25-49% Exotics) (FLUCFCS Code 3219 E2)

The canopy of this upland community is open. The sub-canopy is primarily open with scattered coastalplain staggerbush (*Lyonia fruticosa*), gallberry (*Ilex glabra*), wax myrtle (*Morella cerifera*), melaleuca (*Melaleuca quinquenervia*), myrsine (*Myrsine cubana*), and tarflower (*Bejaria racemosa*). The ground cover is predominantly saw palmetto (*Serenoa repens*) with scattered sand blackberry (*Rubus cuneifolius*) and muscadine grapevine (*Vitis rotundifolia*).

Palmetto Prairie, Disturbed (76-100% Exotics) (FLUCFCS Code 3219 E4)

The vegetative composition of this disturbed upland habitat is similar to that of FLUCFCS Code 3219 E2; however, there is additional melaleuca in the canopy and sub-canopy strata.

Pine Flatwoods, Disturbed (0-24% Exotics) (FLUCFCS Code 4119 E1)

The canopy of this upland habitat consists of scattered slash pine. The sub-canopy includes few scattered slash pine, gallberry, winged sumac (*Rhus copallinum*), widely scattered myrtle oak (*Quercus myrtifolia*), tarflower, Brazilian pepper, and coastalplain staggerbush. The ground cover includes primarily saw palmetto with scattered muscadine grapevine, shiny blueberry (*Vaccinium myrsinites*), chalky bluestem (*Andropogon virginicus* var. *glaucus*), and caesarweed (*Urena lobata*).

Pine Flatwoods, Disturbed (76-100% Exotics) (FLUCFCS Code 4119 E4)

The vegetative composition of this upland habitat is similar to that of FLUCFCS Code 4119 E1; however, there is additional Brazilian pepper, Indian laurel fig (*Ficus microcarpa*), and Java plum (*Syzygium cumini*) present.

Brazilian Pepper (FLUCFCS Code 422)

This disturbed upland habitat consists primarily of Brazilian pepper in the canopy and sub-canopy. The ground cover is characteristically sparse.

Melaleuca, Hydric (FLUCFCS Code 4241)

This disturbed wetland habitat consists primarily of melaleuca in the canopy and sub-canopy. The ground cover is open.

Live Oak, Disturbed (0-24% Exotics) (FLUCFCS Code 4279 E1)

The canopy of this upland habitat consists of live oak. The sub-canopy includes scattered live oak, myrsine, gallberry, winged sumac, Brazilian pepper, wild coffee (*Psychotria nervosa*), and coastalplain staggerbush. The ground cover includes saw palmetto, muscadine grapevine, and shiny blueberry.

Live Oak, Disturbed (25-49% Exotics) (FLUCFCS Code 4279 E2)

The vegetative composition of this upland habitat is similar to that of FLUCFCS Code 4279 E1; however, there is additional Brazilian pepper and melaleuca in the sub-canopy stratum.

Live Oak, Disturbed (76-100% Exotics) (FLUCFCS Code 4279 E4)

The vegetative composition of this upland habitat is similar to that of FLUCFCS Code 4279 E2; however, there is significantly more melaleuca in the canopy and sub-canopy strata.

Cabbage Palm, Hydric, Disturbed (25-49% Exotics) (FLUCFCS Code 4281 E2)

The canopy of this wetland habitat consists primarily of cabbage palm with few scattered laurel oak (*Quercus laurifolia*). The sub-canopy includes primarily cabbage palm with scattered myrsine, Brazilian pepper, and wild coffee. The ground cover includes scattered swamp fern (*Telmatoblechnum serrulatum*), herb-of-grace (*Bacopa monnieri*), frogfruit (*Phyla nodiflora*), and leather fern (*Acrostichum danaeifolium*).

Cabbage Palm, Hydric, Disturbed (50-75% Exotics) (FLUCFCS Code 4281 E3)

The vegetative composition of this disturbed wetland habitat is similar to that of FLUCFCS Code 4281 E2; however, there is more Brazilian pepper and melaleuca in the canopy and sub-canopy strata.

Cabbage Palm, Disturbed (25-49% Exotics) (FLUCFCS Code 4289 E2)

The canopy of this upland habitat consists of cabbage palm. The sub-canopy consists primarily of cabbage palm with scattered myrsine, Brazilian pepper, and wild coffee. The ground cover includes scattered muscadine grapevine, caesarweed, and air-potato.

Cabbage Palm, Disturbed (76-100% Exotics) (FLUCFCS Code 4289 E4)

The vegetative composition of this upland habitat is similar to that of FLUCFCS Code 4289 E2; however, there is additional Brazilian pepper in the sub-canopy and air-potato and caesarweed in the ground cover stratum.

Hardwood/Conifer Mixed, Disturbed (0-24% Exotics) (FLUCFCS Code 4349 E1)

The canopy of this upland habitat includes live oak, slash pine, laurel oak, and melaleuca. The sub-canopy includes Brazilian pepper, live oak, laurel oak, myrsine, wax myrtle, gallberry, winged sumac, wild coffee, and coastalplain staggerbush. The ground cover includes scattered saw palmetto, muscadine grapevine, and shiny blueberry.

Hardwood/Conifer Mixed, Disturbed (25-49% Exotics) (FLUCFCS Code 4349 E2)

The vegetative composition of this upland habitat is similar to that of FLUCFCS Code 4349 E1; however, there is additional Brazilian pepper in the sub-canopy stratum.

Hardwood/Conifer Mixed, Disturbed (50-75% Exotics) (FLUCFCS Code 4349 E3)

The vegetative composition of this upland habitat is similar to that of FLUCFCS Code 4349 E2; however, there is additional melaleuca and Brazilian pepper in the sub-canopy stratum.

Hardwood/Conifer Mixed, Disturbed (76-100% Exotics) (FLUCFCS Code 4349 E4)

The vegetative composition of this upland habitat is similar to that of FLUCFCS Code 4349 E3; however, there is additional Brazilian pepper, Java plum, and melaleuca in the canopy and sub-canopy strata.

Mixed Hardwoods, Disturbed (76-100% Exotics) (FLUCFCS Code 4389 E4)

The canopy of this upland habitat includes a mixture of scattered live oak, laurel oak, Indian laurel fig (*Ficus microcarpa*), cabbage palm, and slash pine. The sub-canopy includes Brazilian pepper, live oak, laurel oak, cabbage palm, myrsine, and wild coffee. The ground cover includes American evergreen (*Syngonium podophyllum*) and swamp fern.

Mixed Exotic Hardwoods (FLUCFCS Code 439)

The canopy of this upland habitat includes scattered Brazilian pepper, Java plum, and common bamboo (*Bambusa vulgaris*). The sub-canopy contains Brazilian pepper. The ground cover is scattered air-potato and American evergreen.

Mixed Wetland Hardwoods, Disturbed (25-49% Exotics) (FLUCFCS Code 6179 E2)

The canopy of this wetland habitat includes laurel oak and cabbage palm with few scattered live oak, melaleuca, and bishopwood (*Bischofia javanica*). The sub-canopy consists of scattered laurel oak, cabbage palm, bishopwood, and Brazilian pepper. The ground cover consists of swamp fern, muscadine grapevine, leather fern, and American evergreen.

Mixed Wetland Hardwoods, Disturbed (50-75% Exotics) (FLUCFCS Code 6179 E3)

The vegetative composition of this wetland habitat is similar to that of FLUCFCS Code 6179 E2; however, there is additional Brazilian pepper and melaleuca in the sub-canopy stratum.

Mixed Wetland Hardwoods, Disturbed (76-100% Exotics) (FLUCFCS Code 6179 E4)

The vegetative composition of this wetland habitat is similar to that of FLUCFCS Code 6179 E3; however, there is additional melaleuca in the canopy and sub-canopy strata.

Willow, Disturbed (50-75% Exotics) (FLUCFCS Code 6189 E3)

The canopy of this wetland habitat includes Carolina willow (*Salix caroliniana*), Brazilian pepper, and few cabbage palm. The sub-canopy includes Brazilian pepper with Carolina willow. The ground cover is primarily open with scattered swamp fern, fireflag (*Thalia geniculata*), and giant leather fern.

Willow, Disturbed (76-100% Exotics) (FLUCFCS Code 6189 E4)

The vegetative composition of this wetland habitat is similar to that of FLUCFCS Code 6189 E3; however, there is additional Brazilian pepper in the canopy and sub-canopy strata.

Mixed Wetland Exotics (FLUCFCS Code 619)

The canopy of this wetland habitat is open. The sub-canopy includes Brazilian pepper, bishopwood, Java plum, Peruvian primrose willow (*Ludwigia peruviana*), and scattered cabbage palm.

Cypress, Disturbed (25-49% Exotics) (FLUCFCS Code 6219 E2)

The canopy of this wetland habitat includes primarily bald cypress (*Taxodium distichum*) with scattered red maple (*Acer rubrum*), cabbage palm, and laurel oak. The sub-canopy includes bald cypress, Brazilian pepper, cabbage palm, red maple, and myrsine. The ground cover includes scattered swamp fern, herb-of-grace, creeping primrose willow (*Ludwigia repens*), and string lily (*Crinum americanum*).

Cypress, Disturbed (76-100% Exotics) (FLUCFCS Code 6219 E4)

The vegetative composition of this wetland habitat is similar to that of FLUCFCS Code 6219 E2; however, there is additional Brazilian pepper in the sub-canopy stratum.

Freshwater Marsh, Disturbed (0-24% Exotics) (FLUCFCS Code 6419 E1)

The canopy of this wetland habitat is open. The sub-canopy includes scattered Brazilian pepper and Peruvian primrose willow. The ground cover includes string lily, swamp fern, and pickerelweed (*Pontederia cordata*).

Freshwater Marsh, Disturbed (25-49% Exotics) (FLUCFCS Code 6419 E2)

The vegetative composition of this wetland habitat is similar to that of FLUCFCS Code 6419 E1; however, there is additional Brazilian pepper in the sub-canopy stratum.

Freshwater Marsh, Disturbed (50-75% Exotics) (FLUCFCS Code 6419 E3)

The vegetative composition of this wetland habitat is similar to that of FLUCFCS Code 6189 E2; however, there is additional Brazilian pepper in the sub-canopy stratum.

Freshwater Marsh, Disturbed (76-100% Exotics) (FLUCFCS Code 6419 E4)

The vegetative composition of this wetland habitat is similar to that of FLUCFCS Code 6189 E3; however, there is additional Brazilian pepper in the sub-canopy stratum.

Disturbed Land (FLUCFCS Code 740)

The canopy of this disturbed land use type is mostly open with few widely scattered slash pine, melaleuca, laurel oak, and live oak. The sub-canopy includes Brazilian pepper and cabbage palm. The ground cover includes scattered bahiagrass, Mexican largeflower clover (*Richardia grandiflora*), saw palmetto, and caesarweed.

Borrow Area (FLUCFCS Code 742)

This land use type consists of an excavated borrow area. The canopy is open, and the sub-canopy includes small amounts of Carolina willow along the edges. The ground cover is open with cattail (*Typha latifolia*) along the edges.

Spoil Areas (FLUCFCS Code 743)

This land use type consists of a berm comprised of spoil material, including rock and concrete. The canopy of this land use type is open, and the sub-canopy consists of Brazilian pepper and cabbage palm. The ground cover primarily includes burmaweed (*Neyraudia reynaudiana*).

METHODOLOGY AND DISCUSSION

Surveys for Lee County protected species are based on the presence of specific vegetation associations and habitat types as outlined in Appendix H of the LDC. The frequency of transects performed in these habitats was designed to meet the 80 percent minimum coverage requirement. Cursory surveys were also conducted in those habitats not technically required to be surveyed per the LDC. However, based on past experience and conversations with Lee County Division of Environmental Sciences staff, these areas were reviewed for certain protected species as a precautionary measure. Table 2 outlines those protected species that may inhabit or utilize a particular vegetation association.

Table 2. Potential Lee County Protected Species by Habitat Type

FLUCFCS Code and Description		Potential Protected Species
110*	Residential, Low Density	Big Cypress Fox Squirrel (<i>Sciurus niger avicennia</i>)
		Gopher Tortoise (<i>Gopherus polyphemus</i>)
211*	Improved Pasture	Gopher Tortoise (<i>Gopherus polyphemus</i>)
		Florida Sandhill Crane (<i>Grus canadensis pratensis</i>)
212*	Unimproved Pasture	Gopher Tortoise (<i>Gopherus polyphemus</i>)
		Florida Sandhill Crane (<i>Grus canadensis pratensis</i>)
3219 E2 3219 E4	Palmetto Prairie, Disturbed (25-100% Exotics)	Eastern Indigo Snake (<i>Drymarchon corais couperi</i>)
		Gopher Tortoise (<i>Gopherus polyphemus</i>)
		Gopher Frog (<i>Rana areolata</i>)
		Audubon's Crested Caracara (<i>Polyborus plancus audubonii</i>)
		Southeastern American Kestrel (<i>Falco sparverius paulus</i>)
		Florida Black Bear (<i>Ursus americanus floridanus</i>)
		Beautiful Pawpaw (<i>Deeringothamnus pulchellus</i>)
		Curtis Milkweed (<i>Asclepias curtissii</i>)
		Fakahatchee Burmannia (<i>Burmannia flava</i>)
		Florida Coontie (<i>Zamia floridana</i>)

Table 2. (Continued)

FLUCFCS Code and Description		Potential Protected Species
4119 E1 4119 E4	Pine Flatwoods, Disturbed (0-100% Exotics)	Eastern Indigo Snake (<i>Drymarchon corais couperi</i>)
		Gopher Tortoise (<i>Gopherus polyphemus</i>)
		Gopher Frog (<i>Rana areolata</i>)
		Red-Cockaded Woodpecker (<i>Picoides borealis</i>)
		Southeastern American Kestrel (<i>Falco sparverius paulus</i>)
		Big Cypress Fox Squirrel (<i>Sciurus niger avicennia</i>)
		Florida Black Bear (<i>Ursus americanus floridanus</i>)
		Florida Panther (<i>Puma concolor coryi</i>)
		Beautiful Pawpaw (<i>Deeringothamnus pulchellus</i>)
		Fakahatchee Burmannia (<i>Burmannia flava</i>)
		Satinleaf (<i>Chrysophyllum</i>)
		Florida Coontie (<i>Zamia floridana</i>)
422*	Brazilian Pepper	Gopher Tortoise (<i>Gopherus polyphemus</i>)
4241*	Melaleuca, Hydric	Big Cypress Fox Squirrel (<i>Sciurus niger avicennia</i>)
4279 E1 4279 E2 4279 E4	Live Oak, Disturbed (0-100% Exotics)	Eastern Indigo Snake (<i>Drymarchon corais couperi</i>)
		Gopher Tortoise (<i>Gopherus polyphemus</i>)
		Florida Black Bear (<i>Ursus americanus floridanus</i>)
		Florida Panther (<i>Puma concolor coryi</i>)
		Simpson's Stopper (<i>Myrcianthes fragrans</i> var. <i>simpsonii</i>)
		Hand Adder's Tongue Fern (<i>Ophioglossum palmatum</i>)
4281 E2 4281 E3	Cabbage Palm, Hydric (25-75% Exotics)	Twisted Airplant (<i>Tillandsia flexuosa</i>)
		Audubon's Crested Caracara (<i>Polyborus plancus audubonii</i>)
		Florida Black Bear (<i>Ursus americanus floridanus</i>)
4289 E2 4289 E4	Cabbage Palm, Disturbed (25-100% Exotics)	Florida Panther (<i>Puma concolor coryi</i>)
		Eastern Indigo Snake (<i>Drymarchon corais couperi</i>)
		Audubon's Crested Caracara (<i>Polyborus plancus audubonii</i>)
		Florida Black Bear (<i>Ursus americanus floridanus</i>)
		Florida Panther (<i>Puma concolor coryi</i>)
4349 E1 4349 E2 4349 E3 4349 E4	Hardwood/Conifer Mixed, Disturbed (0-100% Exotics)	Simpson's Stopper (<i>Myrcianthes fragrans</i> var. <i>simpsonii</i>)
		Florida Black Bear (<i>Ursus americanus floridanus</i>)
4389 E4	Mixed Hardwoods, Disturbed (76-100% Exotics)	Florida Panther (<i>Puma concolor coryi</i>)
		Florida Black Bear (<i>Ursus americanus floridanus</i>)
439*	Exotic Hardwoods	N/A
6179 E2 6179 E3 6179 E4	Mixed Wetland Hardwoods, Disturbed (25-100% Exotics)	Florida Black Bear (<i>Ursus americanus floridanus</i>)
		Florida Panther (<i>Puma concolor coryi</i>)

Table 2. (Continued)

FLUCFCS Code and Description		Potential Protected Species
6189 E3 6189 E4	Willow, Disturbed (50-100% Exotics)	American Alligator (<i>Alligator mississippiensis</i>)
		Little Blue Heron (<i>Egretta caerulea</i>)
		Snowy Egret (<i>Egretta thula</i>)
		Tri-Colored Heron (<i>Egretta tricolor</i>)
619*	Exotic Wetland Hardwoods	N/A
6219 E2 6219 E4	Cypress, Disturbed (25-100% Exotics)	American Alligator (<i>Alligator mississippiensis</i>)
		Everglades Mink (<i>Neovison vison evergladensis</i>)
		Limpkin (<i>Aramus guarauna</i>)
		Little Blue Heron (<i>Egretta caerulea</i>)
		Snowy Egret (<i>Egretta thula</i>)
		Tri-Colored Heron (<i>Egretta tricolor</i>)
		Wood Stork (<i>Mycteria americana</i>)
		Big Cypress Fox Squirrel (<i>Sciurus niger avicennia</i>)
		Florida Black Bear (<i>Ursus americanus floridanus</i>)
		Florida Panther (<i>Puma concolor coryi</i>)
6419 E1 6419 E2 6419 E3 6419 E4	Freshwater Marsh, Disturbed (0-100% Exotics)	American Alligator (<i>Alligator mississippiensis</i>)
		Everglade Snail Kite (<i>Rostrhamus sociabilis plumbeus</i>)
		Florida Sandhill Crane (<i>Grus canadensis pratensis</i>)
		Limpkin (<i>Aramus guarauna</i>)
		Little Blue Heron (<i>Egretta caerulea</i>)
		Snowy Egret (<i>Egretta thula</i>)
		Tri-Colored Heron (<i>Egretta tricolor</i>)
		Everglades Mink (<i>Mustela vison evergladensis</i>)
		Wood Stork (<i>Mycteria americana</i>)
740*	Disturbed Lands	Gopher Tortoise (<i>Gopherus polyphemus</i>)
742*	Borrow Area	American Alligator (<i>Alligator mississippiensis</i>)
		Everglade Snail Kite (<i>Rostrhamus sociabilis plumbeus</i>)
		Limpkin (<i>Aramus guarauna</i>)
		Little Blue Heron (<i>Egretta caerulea</i>)
		Snowy Egret (<i>Egretta thula</i>)
		Tri-Colored Heron (<i>Egretta tricolor</i>)
		Wood Stork (<i>Mycteria americana</i>)
743	Spoil Areas	Gopher Tortoise (<i>Gopherus polyphemus</i>)

*Habitat surveyed for the species noted, although not required per the LDC.

The protected species survey for the Project was conducted by PAI on October 22 and 27, 2021 and November 3, 2021. The survey was conducted during daylight hours. Weather conditions on-site at the start of the day during the survey period consisted of temperatures in the low to upper 80s, mostly sunny skies, and winds out of the north and east at zero to ten miles per hour.

The type of survey methodology utilized for the protected species survey included meandering pedestrian transects, per WilsonMiller, Inc. methodology previously approved by Lee County.

Table 3. Summary of Weather Conditions

Date	Weather Conditions
October 22, 2021	Temperatures in the low to upper 80s, mostly sunny skies, winds NE at 0-10 mph
October 27, 2021	Temperatures in the low to upper 80s, mostly sunny skies, winds W at 0-10 mph
November 3, 2021	Temperatures in the low 70s to low 80s, mostly cloudy skies, winds NE at 10-15 mph

Visibility in the surveyed habitats varied due to the density of vegetation. A summary of the limits of visibility, length of transects walked, and percent of coverage by habitat type is provided in Table 3. Although some habitats were not technically required to be surveyed per the LDC, all habitat types were surveyed within the Project site. As a precautionary measure, habitats that exceeded 75 percent coverage by exotic species were surveyed; and transect length, average visibility, and percent coverage were calculated for those habitats (Table 3).

Table 4. Summary of Habitat Coverage

FLUCFCS Code	Description	Total Area (Acres)	Transect Length (Feet)	Average Visibility (Feet)¹	Percent Coverage
110*	Residential, Low Density	7.37	3210	45	90
211*	Improved Pasture	9.59	4177	45	90
212*	Unimproved Pasture	1.34	584	40	80
3219 E2	Palmetto Prairies, Disturbed (25-49% Exotics)	0.17	74	40	80
3219 E4	Palmetto Prairies, Disturbed (76-100% Exotics)	3.10	1350	40	80
4119 E1	Pine Flatwoods, Disturbed (0-24% Exotics)	9.25	4029	40	80
4119 E4	Pine Flatwoods, Disturbed (76-100% Exotics)	1.50	653	40	80
422*	Brazilian Pepper	0.94	409	40	80
4241*	Melaleuca, Hydric	1.40	610	40	80
4279 E1	Live Oak, Disturbed (0-24% Exotics)	1.60	697	40	80
4279 E2	Live Oak, Disturbed (25-49% Exotics)	3.59	1564	40	80
4279 E4	Live Oak, Disturbed (76-100% Exotics)	2.78	1211	40	80
4281 E2	Cabbage Palm, Hydric (25-49% Exotics)	2.96	1289	40	80

Table 4. (Continued)

FLUCFCS Code	Description	Total Area (Acres)	Transect Length (Feet)	Average Visibility (Feet)¹	Percent Coverage
4281 E3	Cabbage Palm, Hydric (50-75% Exotics)	0.24	105	40	80
4289 E2	Cabbage Palm, Disturbed (25-49% Exotics)	0.90	392	40	80
4289 E4	Cabbage Palm, Disturbed (75-100% Exotics)	0.35	152	40	80
4349 E1	Hardwood/Conifer Mixed, Disturbed (0-24% Exotics)	1.29	562	40	80
4349 E2	Hardwood/Conifer Mixed, Disturbed (25-49% Exotics)	5.14	2,239	40	80
4349 E3	Hardwood/Conifer Mixed, Disturbed (50-75% Exotics)	0.62	270	40	80
4349 E4	Hardwood/Conifer Mixed, Disturbed (76-100% Exotics)	0.67	292	40	80
4389 E4	Mixed Hardwoods, Disturbed (76-100% Exotics)	1.15	501	40	80
439*	Exotic Hardwoods	0.08	35	40	80
6179 E2	Mixed Wetland Hardwoods, Disturbed (25-49% Exotics)	0.90	392	40	80
6179 E3	Mixed Wetland Hardwoods, Disturbed (50-75% Exotics)	4.10	1,786	40	80
6179 E4	Mixed Wetland Hardwoods, Disturbed (76-100% Exotics)	4.66	2,030	40	80
6189 E3	Willow, Disturbed (50-75% Exotics)	0.44	192	40	80
6189 E4	Willow, Disturbed (76-100% Exotics)	3.22	1,403	40	80
619*	Exotic Wetland Hardwoods	0.42	183	40	80
6219 E2	Cypress, Disturbed (25-49% Exotics)	0.39	170	40	80
6219 E4	Cypress, Disturbed (76-100% Exotics)	1.79	780	40	80
6419 E1	Freshwater Marsh, Disturbed (0-24% Exotics)	0.07	30	40	80
6419 E2	Freshwater Marsh, Disturbed (25-49% Exotics)	0.62	270	40	80
6419 E3	Freshwater Marsh, Disturbed (50-75% Exotics)	0.88	383	40	80
6419 E4	Freshwater Marsh, Disturbed (76-100% Exotics)	0.68	296	40	80

Table 4. (Continued)

FLUCFCS Code	Description	Total Area (Acres)	Transect Length (Feet)	Average Visibility (Feet)¹	Percent Coverage
740*	Disturbed Land	1.43	623	40	80
742*	Borrow Area	12.52	5,454	40	80
743	Spoil Areas	0.12	52	40	80
Total		88.27	-	-	-

¹Average visibility to one side of transect.

*Habitat surveyed as a precautionary measure, although not required per the LDC.

SURVEY RESULTS

During the survey, five gopher tortoise (*Gopherus polyphemus*) burrows were documented on the Project site (Figure 3). The gopher tortoise is listed as a state-designated threatened species by the Florida Fish and Wildlife Conservation Commission and is a Lee County protected species.

No protected plant species were documented on-site.

An aerial with survey transects and protected species observations is provided as Figure 3.

ABUNDANCE OF PROTECTED SPECIES OBSERVED

Density calculations are provided for each Lee County protected species documented within each habitat type. Separate calculations will be provided if more than one of the same protected species is observed within different habitat types. Please note that density estimates for wildlife species are only provided for direct sightings. Density calculations will not be provided for protected plant species unless there is a carrying capacity for that species.

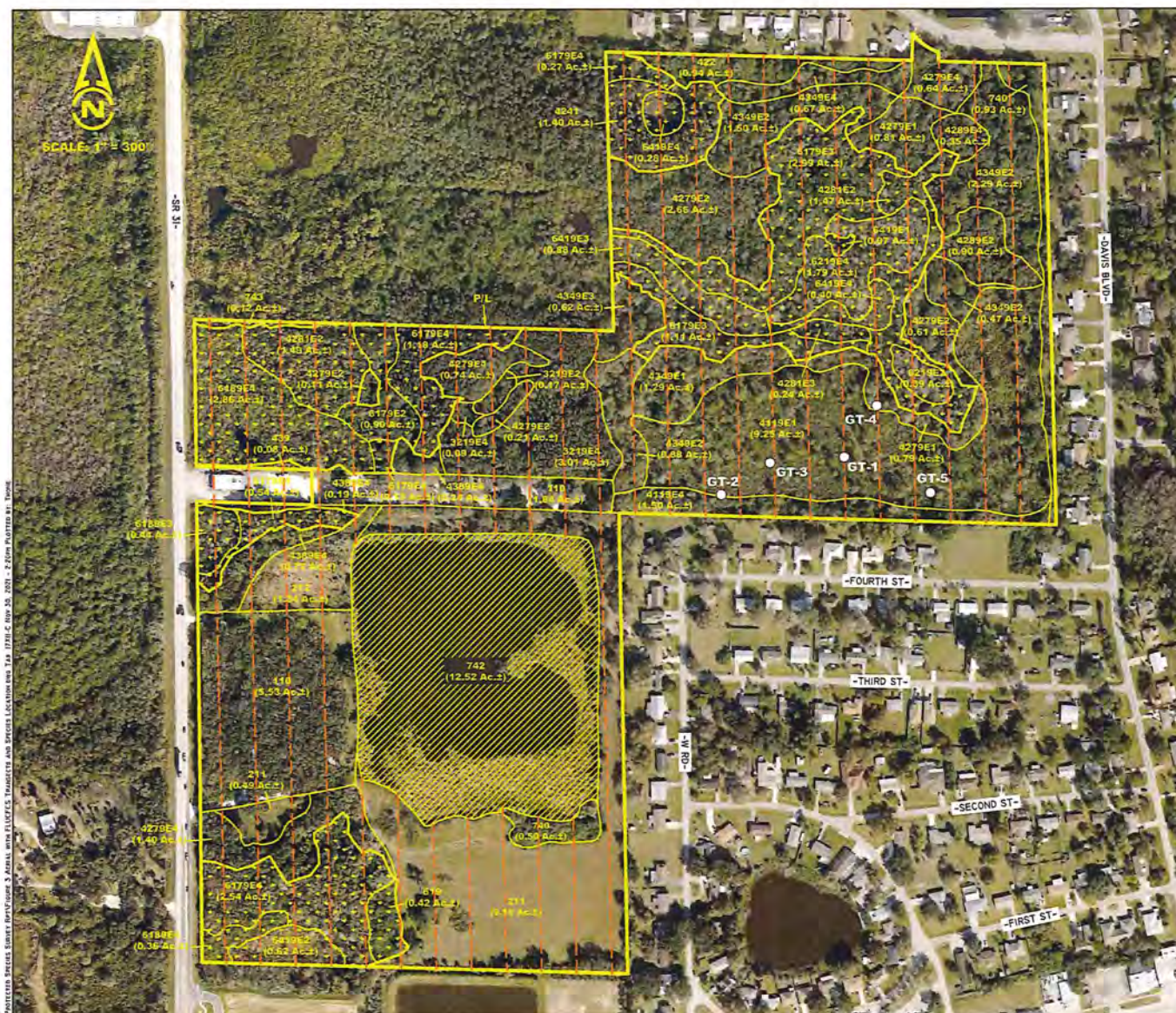
The Lee County protected species abundance calculations are provided in Table 4, and Table 5 summarizes the protected species survey findings.

Table 5. Lee County Protected Species Abundance Calculations

Protected Species Density:

$$= \{n/[L_1(W_1+W_2)]\}(43,560 \text{ ft}^2/\text{ac.})$$

where n = Number of individuals observed
L₁ = Length of transect (feet)
W₁ = Distance of visibility to the right of transect (feet)
W₂ = Distance of visibility to the left of transect (feet)



- LEGEND:
- SFWM and COE WETLANDS (22.77 Ac.±)
 - SFWM "OTHER SURFACE WATERS" AND COE "WATERS OF THE U.S." (12.52 Ac.±)
 - SURVEYED WETLAND LINE
 - APPROXIMATE LOCATION OF WALKED TRANSECTS
 - GT-1 APPROXIMATE LOCATION OF GOPHER TORTOISE BURROW (TYP.)

FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
110	RESIDENTIAL, LOW DENSITY	7.37 Ac.±	8.3%
211	IMPROVED PASTURE	9.59 Ac.±	10.9%
212	UNIMPROVED PASTURE	1.34 Ac.±	1.5%
3219 E2	PALMETTO PRAIRIES, DISTURBED (25-49% EXOTICS)	0.17 Ac.±	0.2%
3219 E4	PALMETTO PRAIRIES, DISTURBED (76-100% EXOTICS)	3.10 Ac.±	3.5%
4119 E1	PINE FLATWOODS, DISTURBED (0-24% EXOTICS)	9.25 Ac.±	10.5%
4119 E4	PINE FLATWOODS, DISTURBED (76-100% EXOTICS)	1.50 Ac.±	1.7%
422	BRAZILIAN PEPPER	0.94 Ac.±	1.1%
4241	MELALEUCA, HYDRIC	1.40 Ac.±	1.6%
4279 E1	LIVE OAK, DISTURBED (0-24% EXOTICS)	1.60 Ac.±	1.8%
4279 E2	LIVE OAK, DISTURBED (25-49% EXOTICS)	3.59 Ac.±	4.1%
4279 E4	LIVE OAK, DISTURBED (76-100% EXOTICS)	2.78 Ac.±	3.1%
4281 E2	CABBAGE PALM, DISTURBED, HYDRIC (25-49% EXOTICS)	2.96 Ac.±	3.4%
4281 E3	CABBAGE PALM, DISTURBED, HYDRIC (50-75% EXOTICS)	0.24 Ac.±	0.3%
4289 E2	CABBAGE PALM, DISTURBED (25-49% EXOTICS)	0.90 Ac.±	1.0%
4289 E4	CABBAGE PALM, DISTURBED (76-100% EXOTICS)	0.35 Ac.±	0.4%
4349 E1	HARDWOOD/CONIFER MIXED, DISTURBED (0-24% EXOTICS)	1.29 Ac.±	1.5%
4349 E2	HARDWOOD/CONIFER MIXED, DISTURBED (25-49% EXOTICS)	5.14 Ac.±	5.8%
4349 E3	HARDWOOD/CONIFER MIXED, DISTURBED (50-75% EXOTICS)	0.62 Ac.±	0.7%
4349 E4	HARDWOOD/CONIFER MIXED, DISTURBED (76-100% EXOTICS)	0.67 Ac.±	0.8%
4389 E4	MIXED HARDWOODS, DISTURBED (76-100% EXOTICS)	1.15 Ac.±	1.3%
439	EXOTIC HARDWOODS	0.08 Ac.±	0.1%
6179 E2	MIXED WETLAND HARDWOODS, DISTURBED (25-49% EXOTICS)	0.90 Ac.±	1.0%
6179 E3	MIXED WETLAND HARDWOODS, DISTURBED (50-75% EXOTICS)	4.10 Ac.±	4.6%
6179 E4	MIXED WETLAND HARDWOODS, DISTURBED (76-100% EXOTICS)	4.66 Ac.±	5.3%
6189 E3	WILLOW, DISTURBED (50-75% EXOTICS)	0.44 Ac.±	0.5%
6189 E4	WILLOW, DISTURBED (76-100% EXOTICS)	3.22 Ac.±	3.6%
619	EXOTIC WETLAND HARDWOODS	0.42 Ac.±	0.5%
6219 E2	CYPRESS, DISTURBED (25-49% EXOTICS)	0.39 Ac.±	0.4%
6219 E4	CYPRESS, DISTURBED (76-100% EXOTICS)	1.79 Ac.±	2.0%
6419 E1	FRESHWATER MARSH, DISTURBED (0-24% EXOTICS)	0.07 Ac.±	0.1%
6419 E2	FRESHWATER MARSH, DISTURBED (25-49% EXOTICS)	0.82 Ac.±	0.7%
6419 E3	FRESHWATER MARSH, DISTURBED (50-75% EXOTICS)	0.88 Ac.±	1.0%
6419 E4	FRESHWATER MARSH, DISTURBED (76-100% EXOTICS)	0.68 Ac.±	0.8%
740	DISTURBED LAND	1.43 Ac.±	1.6%
742	BORROW AREA	12.52 Ac.±	14.2%
743	SPOIL AREAS	0.12 Ac.±	0.1%
TOTAL		88.27 Ac.±	100.0%

NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF JANUARY - MARCH 2021.

PROPERTY BOUNDARY AND SURVEYED WETLAND LINES PER RHODES & RHODES, INC. DRAWING NO. 2021-541-WETLAND LINES.DWG DATED NOVEMBER 3, 2021.

FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999).

UPLAND/WETLAND LIMITS HAVE NOT BEEN REVIEWED BY ANY REGULATORY AGENCY AND ARE SUBJECT TO CHANGE.

REVISIONS	DATE	DRAWN BY	DATE
		T.S.	11/8/21
		REVIEWED BY	DATE
		R.F.	11/8/21
		REVIEWED BY	DATE
		B.B.	11/8/21

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PASSARELLA & ASSOCIATES
CONSULTING ENGINEERS

31 OAKS PARCEL
AERIAL WITH FLUCFCS, SURVEY TRANSECTS, AND SPECIES
LOCATIONS MAP

DRAWING No.
21NCC3643
SHEET No.
FIGURE 3

Gopher Tortoise

FLUCFCS Code 4119 E1

$$\begin{aligned}
 &= \{(4)(0.5) / [(4029 \text{ ft.}) (40 \text{ ft.} + 40 \text{ ft.})]\} (43,560) \\
 &= \{2 / 322,320\} (43,560) \\
 &= \{6.2 \times 10^{-6}\} (43,560) \\
 &= 0.27 \text{ gopher tortoise/acre*}
 \end{aligned}$$

FLUCFCS Code 4279 E1

$$\begin{aligned}
 &= \{(1)(0.5) / [(697 \text{ ft.}) (40 \text{ ft.} + 40 \text{ ft.})]\} (43,560) \\
 &= \{0.5 / 55,760\} (43,560) \\
 &= \{8.9 \times 10^{-6}\} (43,560) \\
 &= 0.39 \text{ gopher tortoise/acre*}
 \end{aligned}$$

*A 0.5 conversion factor is utilized when estimating the density of tortoise.

Table 6. Lee County Protected Species Survey Summary

Protected Species	FLUCFCS Code/Area	Percent Area Surveyed	Present	Absent	Density (Per Acre)
Reptiles					
American Alligator (<i>Alligator mississippiensis</i>)	6189 E3	80		X	
	6189 E4	80		X	
	6219 E2	80		X	
	6219 E4	80		X	
	6419 E1	80		X	
	6419 E2	80		X	
	6419 E3	80		X	
	6419 E4	80		X	
	742*	80		X	
Eastern Indigo Snake (<i>Drymarchon corais couperi</i>)	3219 E2	80		X	
	3219 E4	80		X	
	4119 E1	80		X	
	4119 E4	80		X	
	4279 E1	80		X	
	4279 E2	80		X	
	4279 E4	80		X	
	4289 E2	80		X	
	4289 E4	80		X	
Gopher Tortoise (<i>Gopherus polyphemus</i>)	110*	90		X	
	211*	90		X	
	212*	80		X	
	3219 E2	80		X	

Table 6. (Continued)

Protected Species	FLUCFCS Code/Area	Percent Area Surveyed	Present	Absent	Density (Per Acre)
Reptiles (Continued)					
Gopher Tortoise (<i>Gopherus polyphemus</i>) (Continued)	3219 E4	80		X	
	4119 E1	80	X		0.27
	4119 E4	80		X	
	422	80		X	
	4279 E1	80	X		0.39
	4279 E2	80		X	
	4279 E4	80		X	
	740*	80		X	
	743	80		X	
Gopher Frog (<i>Rana areolata</i>)	3219 E2	80		X	
	3219 E4	80		X	
	4119 E1	80		X	
	4119 E4	80		X	
Birds					
Audubon's Crested Caracara (<i>Polyborus plancus audubonii</i>)	3219 E2	80		X	
	3219 E4	80		X	
	4281 E2	80		X	
	4281 E3	80		X	
	4289 E2	80		X	
	4289 E4	80		X	
Everglade Snail Kite (<i>Rostrhamus sociabilis plumbeus</i>)	6419 E1	80		X	
	6419 E2	80		X	
	6419 E3	80		X	
	6419 E4	80		X	
	742*	80		X	
Florida Sandhill Crane (<i>Grus canadensis pratensis</i>)	211*	90		X	
	212*	80		X	
	6419 E1	80		X	
	6419 E2	80		X	
	6419 E3	80		X	
	6419 E4	80		X	
Limpkin (<i>Aramus guarauna</i>)	6219 E2	80		X	
	6219 E4	80		X	
	6419 E1	80		X	
	6419 E2	80		X	
	6419 E3	80		X	
	6419 E4	80		X	
	742*	80		X	

Table 6. (Continued)

Protected Species	FLUCFCS Code/Area	Percent Area Surveyed	Present	Absent	Density (Per Acre)
Birds (Continued)					
Little Blue Heron (<i>Egretta caerulea</i>)	6189 E3	80		X	
	6189 E4	80		X	
	6219 E2	80		X	
	6219 E4	80		X	
	6419 E1	80		X	
	6419 E2	80		X	
	6419 E3	80		X	
	6419 E4	80		X	
	742*	80		X	
Snowy Egret (<i>Egretta thula</i>)	6189 E3	80		X	
	6189 E4	80		X	
	6219 E2	80		X	
	6219 E4	80		X	
	6419 E1	80		X	
	6419 E2	80		X	
	6419 E3	80		X	
	6419 E4	80		X	
	742*	80		X	
Tri-Colored Heron (<i>Egretta tricolor</i>)	6189 E3	80		X	
	6189 E4	80		X	
	6219 E2	80		X	
	6219 E4	80		X	
	6419 E1	80		X	
	6419 E2	80		X	
	6419 E3	80		X	
	6419 E4	80		X	
	742*	80		X	
Red-Cockaded Woodpecker (<i>Picoides borealis</i>)	4119 E1	80		X	
	4119 E4	80		X	
Southeastern American Kestrel (<i>Falco sparverius paulus</i>)	3219 E2	80		X	
	3219 E4	80		X	
	4119 E1	80		X	
	4119 E4	80		X	
Wood Stork (<i>Mycteria americana</i>)	6219 E2	80		X	
	6219 E4	80		X	
	742*	80		X	

Table 6. (Continued)

Protected Species	FLUCFCS Code/Area	Percent Area Surveyed	Present	Absent	Density (Per Acre)
Mammals					
Big Cypress Fox Squirrel (<i>Sciurus niger avicennia</i>)	110*	90		X	
	4241*	80		X	
	4119 E1	80		X	
	4119 E4	80		X	
	6219 E2	80		X	
	6219 E4	80		X	
Everglades Mink (<i>Mustela vison evergladensis</i>)	6219 E2	80		X	
	6219 E4	80		X	
	6419 E1	80		X	
	6419 E2	80		X	
	6419 E3	80		X	
	6419 E4	80		X	
Florida Black Bear (<i>Ursus americanus floridanus</i>)	3219 E2	80		X	
	3219 E4	80		X	
	4119 E1	80		X	
	4119 E4	80		X	
	4279 E1	80		X	
	4279 E2	80		X	
	4279 E4	80		X	
	4281 E2	80		X	
	4281 E3	80		X	
	4289 E2	80		X	
	4289 E4	80		X	
	4349 E1	80		X	
	4349 E2	80		X	
	4349 E3	80		X	
	4349 E4	80		X	
	4389 E4	80		X	
	6179 E2	80		X	
	6179 E3	80		X	
	6179 E4	80		X	
	6219 E2	80		X	
	6219 E4	80		X	
Florida Panther (<i>Puma concolor coryi</i>)	4119 E1	80		X	
	4119 E4	80		X	
	4279 E1	80		X	
	4279 E2	80		X	
	4279 E4	80		X	
	4281 E2	80		X	

Table 6. (Continued)

Protected Species	FLUCFCS Code/Area	Percent Area Surveyed	Present	Absent	Density (Per Acre)
Mammals (Continued)					
Florida Panther (<i>Puma concolor coryi</i>) (Continued)	4281 E3	80		X	
	4289 E2	80		X	
	4289 E4	80		X	
	4349 E1	80		X	
	4349 E2	80		X	
	4349 E3	80		X	
	4349 E4	80		X	
	4389 E4	80		X	
	6179 E2	80		X	
	6179 E3	80		X	
	6179 E4	80		X	
	6219 E2	80		X	
	6219 E4	80		X	
Plants					
Beautiful Pawpaw (<i>Deeringothamnus pulchellus</i>)	3219 E2	80		X	
	3219 E4	80		X	
	4119 E1	80		X	
	4119 E4	80		X	
Curtis Milkweed (<i>Asclepias curtissii</i>)	3219 E2	80		X	
	3219 E4	80		X	
Fakahatchee Burmannia (<i>Burmannia flava</i>)	3219 E2	80		X	
	3219 E4	80		X	
	4119 E1	80		X	
	4119 E4	80		X	
Satinleaf (<i>Chrysophyllum</i>)	4119 E1	80		X	
	4119 E4	80		X	
Simpson's Stopper (<i>Myrcianthes fragrans</i> var. <i>simpsonii</i>)	4279 E1	80		X	
	4279 E2	80		X	
	4279 E4	80		X	
	4289 E2	80		X	
	4289 E4	80		X	
Hand Adder's Tongue Fern (<i>Ophioglossum palmatum</i>)	4279 E1	80		X	
	4279 E2	80		X	
	4279 E4	80		X	
Twisted Airplant (<i>Tillandsia flexuosa</i>)	4279 E1	80		X	
	4279 E2	80		X	
	4279 E4	80		X	

Table 6. (Continued)

Protected Species	FLUCFCS Code/Area	Percent Area Surveyed	Present	Absent	Density (Per Acre)
Plants (Continued)					
Florida Coontie (<i>Zamia floridana</i>)	3219 E2	80		X	
	3219 E4	80		X	
	4119 E1	80		X	
	4119 E4	80		X	

*Habitat surveyed as a precautionary measure, although not required per the LDC.

MANAGEMENT PLAN

A Lee County Indigenous Preserve Management Plan for the Project will be provided under separate cover.

REFERENCES

Florida Department of Transportation. 1999. Florida Land Use, Cover and Forms Classification System (FLUCFCS). Procedure No. 550-010-001-a. Third Edition.

EXHIBIT 10-E

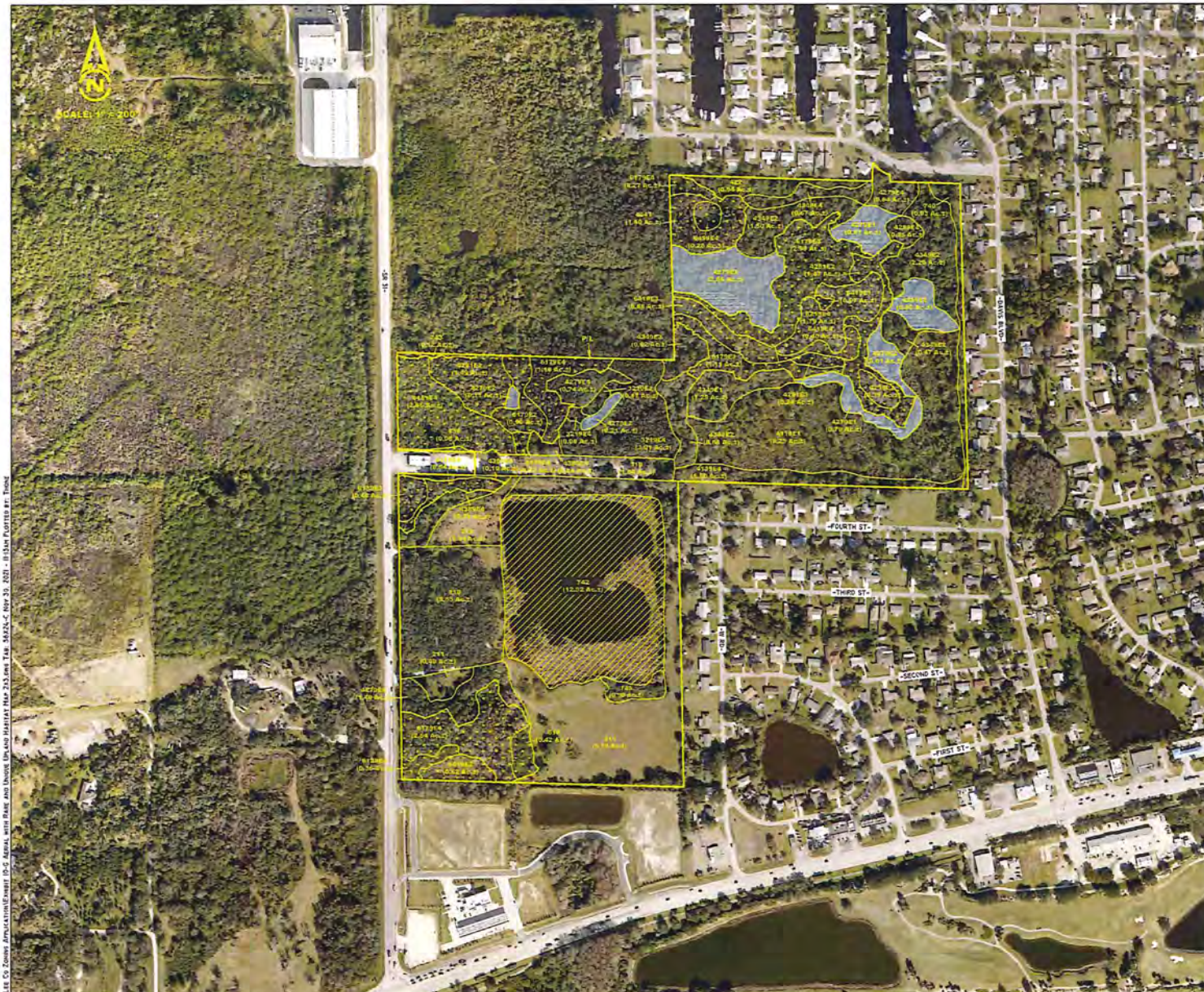
SOILS MAP

EXHIBIT 10-F

AERIAL WITH FLUCFCS AND WETLANDS MAP

EXHIBIT 10-G

AERIAL WITH RARE AND UNIQUE UPLAND HABITAT MAP



LEGEND:

SFMWD AND COE WETLANDS
(22.77 Ac.)

SFMWD "OTHER SURFACE WATERS"
AND COE "WATERS"
(12.52 Ac.)

RARE AND UNIQUE UPLAND
HABITAT

SURVEYED WETLAND LINE

FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
110	RESIDENTIAL LOW DENSITY	7.57 Ac.±	8.3%
211	IMPROVED PASTURE	9.59 Ac.±	10.9%
212	UNIMPROVED PASTURE	1.34 Ac.±	1.5%
3219 E2	PALMETTO PRAIRIES, DISTURBED (25-49% EXOTICS)	0.17 Ac.±	0.2%
3219 E4	PALMETTO PRAIRIES, DISTURBED (76-100% EXOTICS)	3.10 Ac.±	3.5%
4119 E1	PINE FLATWOODS, DISTURBED (0-24% EXOTICS)	9.25 Ac.±	10.5%
4119 E4	PINE FLATWOODS, DISTURBED (76-100% EXOTICS)	1.50 Ac.±	1.7%
421	BRADIAN PEPPER	0.94 Ac.±	1.1%
4241	MELALEUCA, HYDRIC	1.40 Ac.±	1.6%
4279 E1	LIVE OAK, DISTURBED (0-24% EXOTICS)	1.60 Ac.±	1.8%
4279 E2	LIVE OAK, DISTURBED (25-49% EXOTICS)	3.59 Ac.±	4.1%
4279 E4	LIVE OAK, DISTURBED (76-100% EXOTICS)	2.78 Ac.±	3.1%
4281 E2	CABBAGE PALM, DISTURBED, HYDRIC (25-49% EXOTICS)	2.96 Ac.±	3.4%
4281 E3	CABBAGE PALM, DISTURBED, HYDRIC (50-75% EXOTICS)	0.24 Ac.±	0.3%
4289 E2	CABBAGE PALM, DISTURBED (25-49% EXOTICS)	0.80 Ac.±	1.0%
4289 E4	CABBAGE PALM, DISTURBED (76-100% EXOTICS)	0.35 Ac.±	0.4%
4349 E1	HARDWOOD/CONIFER MIXED, DISTURBED (0-24% EXOTICS)	1.29 Ac.±	1.5%
4349 E2	HARDWOOD/CONIFER MIXED, DISTURBED (25-49% EXOTICS)	5.14 Ac.±	5.9%
4349 E3	HARDWOOD/CONIFER MIXED, DISTURBED (50-75% EXOTICS)	0.62 Ac.±	0.7%
4349 E4	HARDWOOD/CONIFER MIXED, DISTURBED (76-100% EXOTICS)	0.67 Ac.±	0.8%
4389 E4	MIXED HARDWOODS, DISTURBED (76-100% EXOTICS)	1.15 Ac.±	1.3%
439	EXOTIC HARDWOODS	0.08 Ac.±	0.1%
6179 E2	MIXED WETLAND HARDWOODS, DISTURBED (25-49% EXOTICS)	0.80 Ac.±	1.0%
6179 E3	MIXED WETLAND HARDWOODS, DISTURBED (50-75% EXOTICS)	4.10 Ac.±	4.6%
6179 E4	MIXED WETLAND HARDWOODS, DISTURBED (76-100% EXOTICS)	4.66 Ac.±	5.3%
6189 E3	WILLOW, DISTURBED (50-75% EXOTICS)	0.44 Ac.±	0.5%
6189 E4	WILLOW, DISTURBED (76-100% EXOTICS)	3.22 Ac.±	3.6%
619	EXOTIC WETLAND HARDWOODS	0.42 Ac.±	0.5%
6219 E2	CYPRESS, DISTURBED (25-49% EXOTICS)	0.39 Ac.±	0.4%
6219 E4	CYPRESS, DISTURBED (76-100% EXOTICS)	1.79 Ac.±	2.0%
6419 E1	FRESHWATER MARSH, DISTURBED (0-24% EXOTICS)	0.07 Ac.±	0.1%
6419 E2	FRESHWATER MARSH, DISTURBED (25-49% EXOTICS)	0.62 Ac.±	0.7%
6419 E3	FRESHWATER MARSH, DISTURBED (50-75% EXOTICS)	0.68 Ac.±	1.0%
6419 E4	FRESHWATER MARSH, DISTURBED (76-100% EXOTICS)	0.68 Ac.±	0.8%
740	DISTURBED LAND	1.43 Ac.±	1.6%
742	BORROW AREA	12.52 Ac.±	14.2%
743	SPOIL AREAS	0.12 Ac.±	0.1%
TOTAL		88.27 Ac.±	100.0%

NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF JANUARY - MARCH 2021.

PROPERTY BOUNDARY AND SURVEYED WETLAND LINES PER RHODES & RHODES, INC. DRAWING NO. 2021-541-WETLAND LINES.DWG DATED NOVEMBER 3, 2021.

FLUCFCS LINES ESTIMATED FROM ("200" AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999).

UPLAND/WETLAND LIMITS HAVE NOT BEEN REVIEWED BY ANY REGULATORY AGENCY AND ARE SUBJECT TO CHANGE.

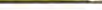
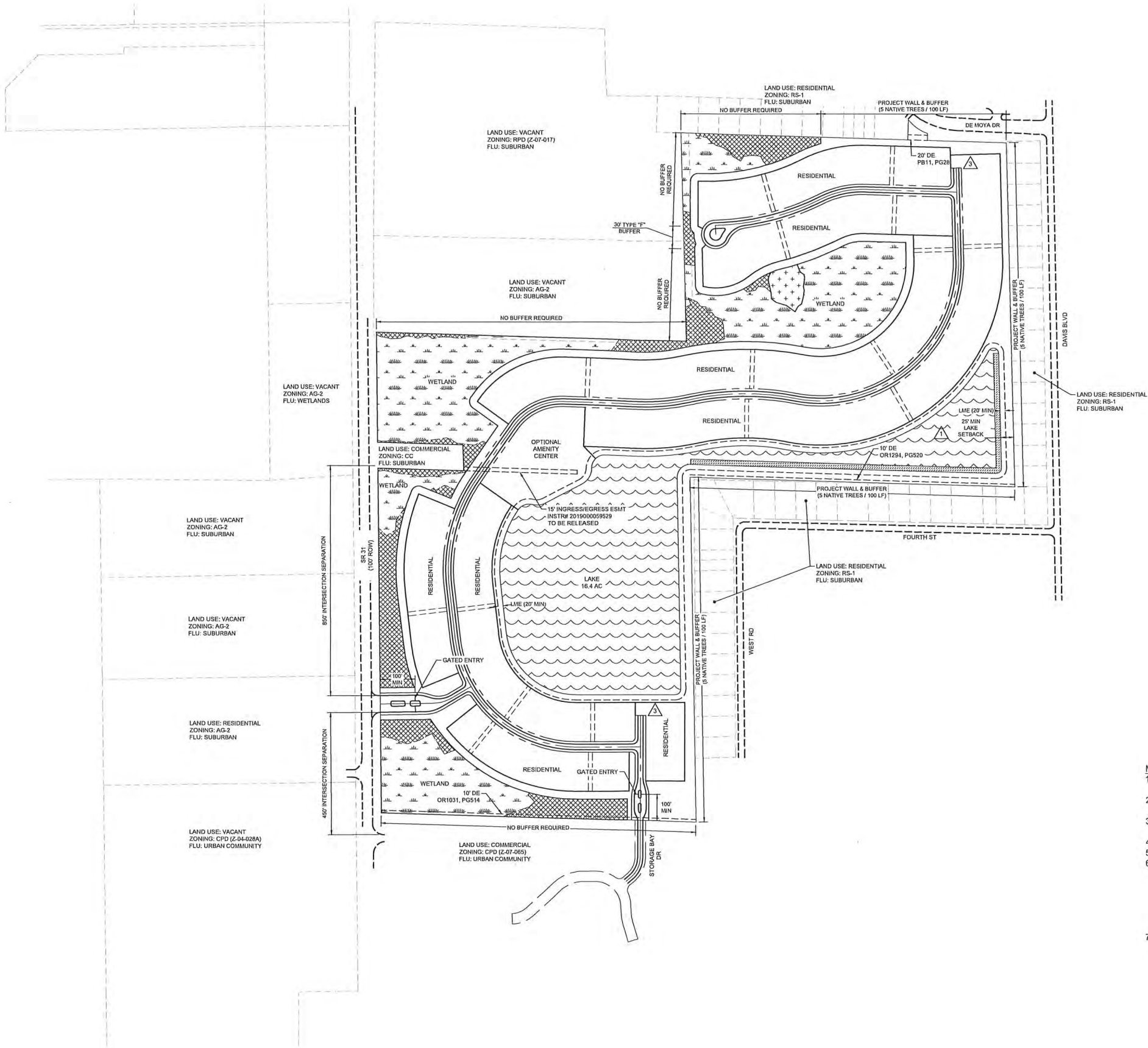
REVISIONS	DATE	DRAWN BY	DATE	13620 Metropolis Avenue Suite 200 Ft. Myers, FL 33912 Phone (239) 274-0067 Fax (239) 274-0069	 PASSARELLA & ASSOCIATES <small>CONSULTING ENGINEERS</small>	31 OAKS PARCEL	DRAWING No.
		DESIGNED BY	DATE			AERIAL WITH RARE AND UNIQUE UPLAND HABITAT MAP	21NCC3643
		REVIEWED BY	DATE				SHEET No.
		B.B.	11/12/21				EXHIBIT 10-G

EXHIBIT 10-H

AERIAL WITH LEE COUNTY HISTORIC FLOW-WAYS



LEGEND

	LAKE
	EXISTING INDIGENOUS WETLANDS
	WETLAND CREATED
	EXISTING RARE AND UNIQUE AREA
	LITTORAL AREA
	DEVIATIONS

LAND USE SUMMARY (AC)

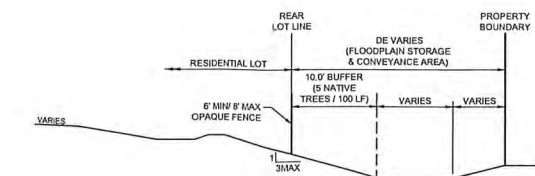
PRESERVE	18.38	20.8%
- EXISTING IND WETLAND	13.48	15.3%
- WETLAND CREATION	4.48	5.1%
- RARE AND UNIQUE	0.42	0.5%
DEVELOPMENT	38.64	43.8%
AMENITY	2.53	2.9%
GENERAL OPEN SPACE	12.22	13.8%
LAKE	16.50	18.7%
TOTAL AREA	88.27	100.0%

OPEN SPACE SUMMARY (AC)

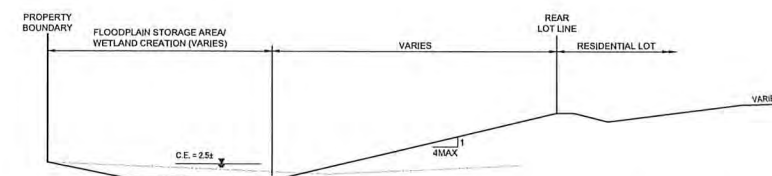
PRESERVE	18.38	46.6%
LAKE (25% MAX REQ)	8.83	22.4%
OTHER OPEN SPACE	11.15	28.3%
BUFFERS	1.06	2.7%
TOTAL OPEN SPACE	39.43	100.0%

REQUIRED OPEN SPACE 40% - 35.3 AC
REQUIRED PRESERVE 50% OF OPEN SPACE - 17.66 AC

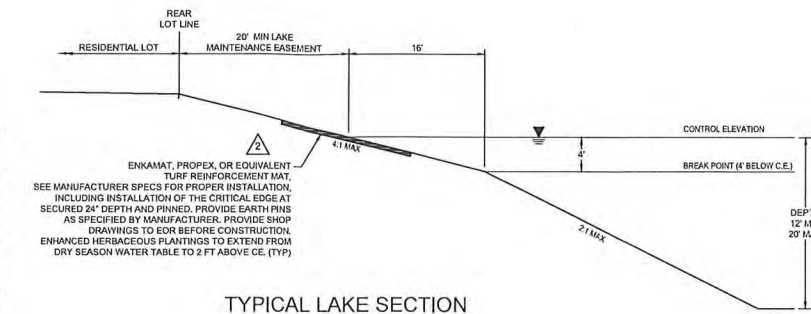
- MCP NOTES:
- THIS PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO MODIFICATION DUE TO AGENCY PERMITTING REQUIREMENTS.
 - ALL ACREAGE AREA APPROXIMATE AND SUBJECT TO MODIFICATION AT THE TIME OF DEVELOPMENT ORDER.
 - THE LOCATION OF THE ONSITE LAKE AND RESIDENTIAL TRACTS IS PRELIMINARY AND MAY BE ADJUSTED AT SITE PLAN APPROVAL.
 - LME = LAKE MANAGEMENT EASEMENT
 - DE = DRAINAGE EASEMENT
 - A 6-FOOT-HIGH OPAQUE FENCE MUST BE CONSTRUCTED AND A VEGETATIVE BUFFER, A MINIMUM OF 10 FEET IN WIDTH, MUST BE PLANTED ALONG THE EASTERN, SOUTHERN, AND NORTHERN PROPERTY LINES (AS ILLUSTRATED) PRIOR TO THE APPROVAL OF ANY BUILDING PERMITS FOR ANY DWELLING UNITS. THIS 10-FOOT-WIDE VEGETATIVE BUFFER IS IN ADDITION TO ANY EXISTING EASEMENTS ALONG PROPERTY LINE. DRAINAGE EASEMENT WILL NOT BE COUNTED AS PART OF THE PROJECT WALL BUFFER.
 - THE VEGETATION IN THE BUFFER MUST CONTAIN, AT A MINIMUM, FIVE NATIVE TREES PER 100 LINEAR FEET. ALL TREES MUST BE A MINIMUM OF 10 FEET TALL AT TIME OF PLANTING. EXISTING INDIGENOUS NATIVE VEGETATION MAY BE COUNTED TOWARD THE VEGETATION REQUIREMENTS OF THIS NOTE.



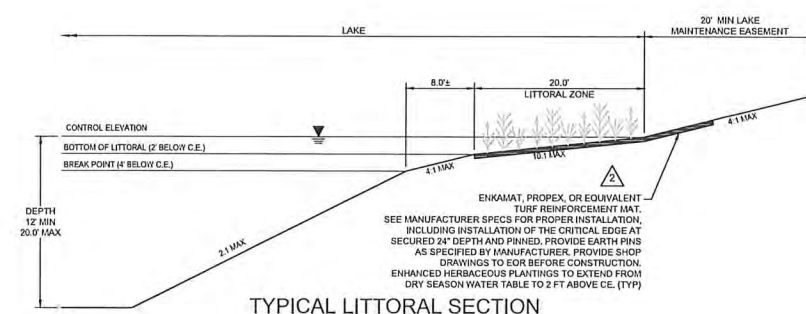
TYPICAL LOT TO FLOODPLAIN & CONVEYANCE AREA
NTS



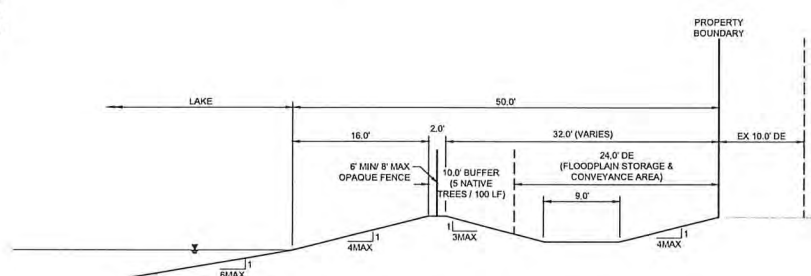
TYPICAL FLOODPLAIN STORAGE AREA/ CREATED WETLAND SECTION
NTS



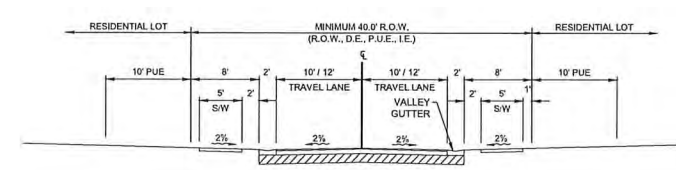
TYPICAL LAKE SECTION
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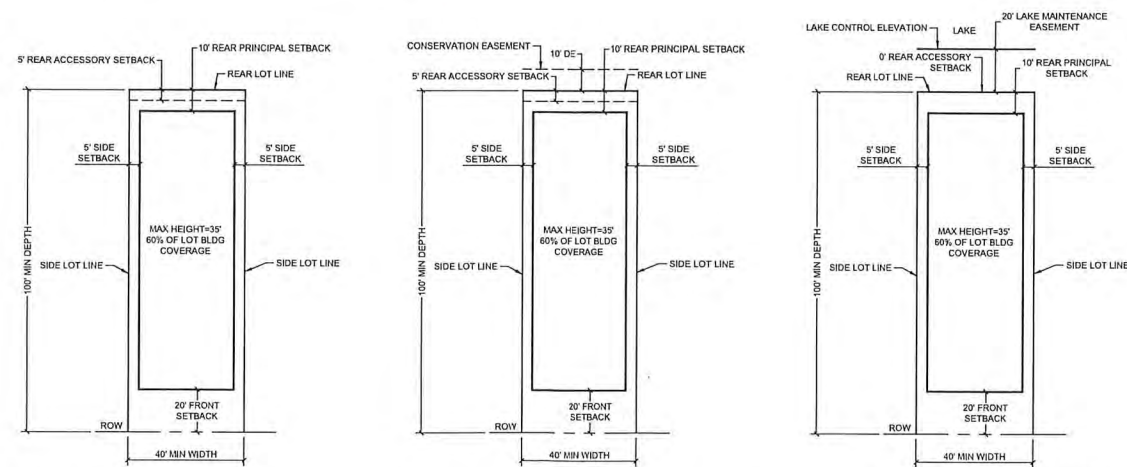
TYPICAL LITTORAL SECTION



TYPICAL LAKE TO FLOODPLAIN & CONVEYANCE AREA

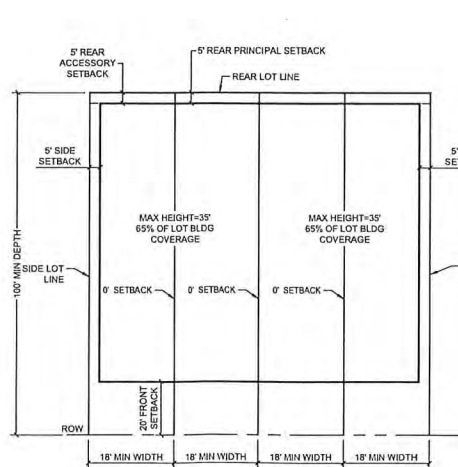


TYPICAL ROAD CROSS SECTION

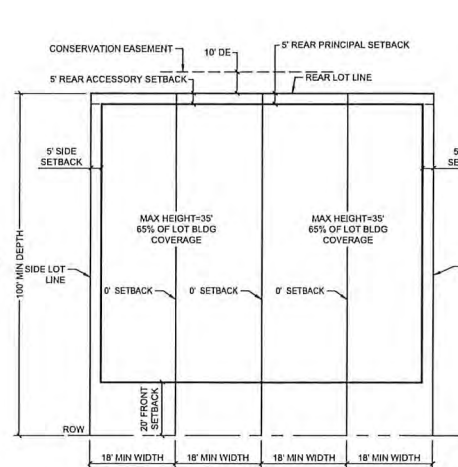


REAR ABUTTING OPEN SPACE REAR ADJACENT TO PRESERVE REAR ABUTTING LAKE
MAINTENANCE EASEMENT

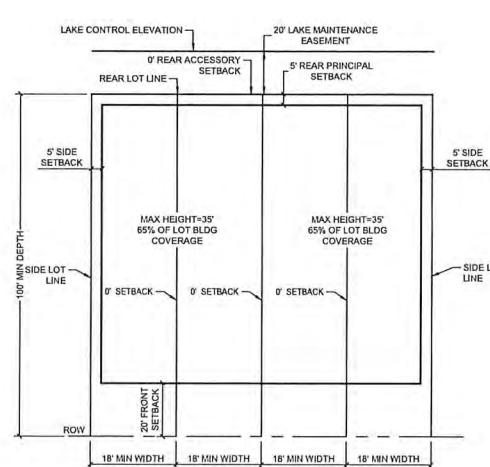
SINGLE FAMILY DETACHED TYPICAL LOT DETAIL



REAR ABUTTING OPEN SPACE



REAR ADJACENT TO CONSERVATION



REAR ABUTTING LAKE
MAINTENANCE EASEMENT

TOWNHOUSE TYPICAL LOT DETAIL

**31 OAKS
LEE COUNTY INDIGENOUS PRESERVE RESTORATION AND
MANAGEMENT PLAN**

Revised January 2023

Prepared For:

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1.0 INTRODUCTION

The following outlines the Lee County Indigenous Preserve Management and Restoration Plan for 31 Oaks (Project) located in Section 30; Township 43 South; Range 26 East; Lee County.

The Project is bordered to the north by undeveloped, forested lands and single-family residential development; to the east by single-family residential development; to the south by cleared land and a gas station; and to the west by State Road 31.

The proposed Lee County indigenous preserve will contain the following elements:

- Preservation, enhancement, and restoration of 13.48± acres of indigenous and non-indigenous wetlands,
- Preservation, and enhancement of 0.42± acre of indigenous uplands; and
- Creation of 4.48± acres of indigenous wetland areas.

The indigenous preserve area will be protected in perpetuity via a conservation easement granted to Lee County.

2.0 INDIGENOUS VEGETATION PRESERVE

The Lee County Indigenous Preserve totals 18.38± acres and is comprised of 13.48± acres of wetlands and 4.90± acres of uplands. The location of the indigenous preserve is depicted in Appendix A.

The following are the existing indigenous on-site wetland and upland habitats proposed as indigenous vegetation preserve.

2.1 Indigenous Wetlands

Cabbage Palm, Hydric (25-49% Exotics) (FLUCFCS Code 4281 E2)

The canopy of this wetland habitat consists primarily of cabbage palm (*Sabal palmetto*) with few scattered laurel oak (*Quercus laurifolia*). The sub-canopy includes primarily cabbage palm with scattered myrsine (*Myrsine cubana*), Brazilian pepper (*Schinus terebinthifolia*), and wild coffee (*Psychotria nervosa*). The ground cover includes scattered swamp fern (*Telmatoblechnum serrulatum*), herb-of-grace (*Bacopa monnieri*), frogfruit (*Phyllanthus nodiflora*), and giant leather fern (*Acrostichum danaeifolium*).

Cabbage Palm, Hydric (50-75% Exotics) (FLUCFCS Code 4281 E3)

The vegetative composition of this disturbed wetland habitat is similar to that of FLUCFCS Code 4281 E2; however, there is more Brazilian pepper and melaleuca (*Melaleuca quinquenervia*) in the canopy and sub-canopy strata.

Mixed Wetland Hardwoods, Disturbed (25-49% Exotics) (FLUCFCS Code 6179 E2)

The canopy of this wetland habitat includes laurel oak and cabbage palm with few scattered live oak (*Quercus virginiana*), melaleuca, and bishopwood (*Bischofia javanica*). The sub-canopy consists of scattered laurel oak, cabbage palm, bishopwood, and Brazilian pepper. The ground cover consists of swamp fern, muscadine grapevine (*Vitis rotundifolia*), giant leather fern, and American evergreen (*Syngonium podophyllum*).

Mixed Wetland Hardwoods, Disturbed (50-75% Exotics) (FLUCFCS Code 6179 E3)

The vegetative composition of this wetland habitat is similar to that of FLUCFCS Code 6179 E2; however, there is additional Brazilian pepper and melaleuca in the sub-canopy stratum.

Willow, Disturbed (50-75% Exotics) (FLUCFCS Code 6189 E3)

The canopy of this wetland habitat includes Carolina willow (*Salix caroliniana*), Brazilian pepper, and few cabbage palm. The sub-canopy includes Brazilian pepper and Carolina willow. The ground cover is primarily open with scattered swamp fern, fireflag (*Thalia geniculata*), and giant leather fern.

Freshwater Marsh, Disturbed (0-24% Exotics) (FLUCFCS Code 6419 E1)

The canopy of this wetland habitat is open. The sub-canopy includes scattered Brazilian pepper and Peruvian primrose willow (*Ludwigia peruviana*). The ground cover includes string-lily (*Crinum americanum*), swamp fern, and pickerelweed (*Pontederia cordata*).

Freshwater Marsh, Disturbed (25-49% Exotics) (FLUCFCS Code 6419 E2)

The vegetative composition of this wetland habitat is similar to that of FLUCFCS Code 6419 E1; however, there is additional Brazilian pepper in the sub-canopy stratum.

Freshwater Marsh, Disturbed (50-75% Exotics) (FLUCFCS Code 6419 E3)

The vegetative composition of this wetland habitat is similar to that of FLUCFCS Code 6189 E2; however, there is additional Brazilian pepper in the sub-canopy stratum.

2.2 Indigenous Uplands

Live Oak, Disturbed (25-49% Exotics) (FLUCFCS Code 4279 E2)

The canopy of this upland habitat consists of live oak. The sub-canopy includes scattered live oak, myrsine, gallberry (*Ilex glabra*), winged sumac (*Rhus copallinum*), Brazilian pepper, wild coffee, and coastal plain staggerbush (*Lyonia fruticosa*). The ground cover includes saw palmetto (*Serenoa repens*), muscadine grapevine, and shiny blueberry (*Vaccinium myrsinites*).

Hardwood/Conifer Mixed, Disturbed (50-75% Exotics) (FLUCFCS Code 4349 E3)

The canopy of this upland habitat includes live oak, slash pine (*Pinus elliottii*), laurel oak, and melaleuca. The sub-canopy includes Brazilian pepper, live oak, laurel oak, myrsine, wax myrtle, gallberry, winged sumac, wild coffee, and coastal plain staggerbush. The ground cover includes scattered saw palmetto, muscadine grapevine, and shiny blueberry.

3.0 EXISTING NON-INDIGENOUS VEGETATION PRESERVE

The non-indigenous upland and wetland are predominantly comprised of improved and unimproved pastures, mixed exotics, residential areas, melaleuca, Brazilian pepper, hardwood/conifer mixed, willow, and palmetto prairie habitat types that contain greater than 75 percent exotic vegetation. Listed below are the FLUCFCS descriptions of the non-indigenous areas on the Project site.

3.1 Non-Indigenous Wetland Habitats

Melaleuca, Hydric (FLUCFCS Code 4241)

This disturbed wetland habitat consists primarily of melaleuca in the canopy and sub-canopy. The ground cover is open.

Mixed Wetland Hardwoods, Disturbed (76-100% Exotics) (FLUCFCS Code 6179 E4)

The vegetative composition of this wetland habitat is similar to that of FLUCFCS Code 6179 E3; however, there is additional melaleuca in the canopy and sub-canopy strata.

Willow, Disturbed (76-100% Exotics) (FLUCFCS Code 6189 E4)

The vegetative composition of this wetland habitat is similar to that of FLUCFCS Code 6189 E3; however, there is additional Brazilian pepper in the canopy and sub-canopy strata.

Exotics Wetland Hardwoods (FLUCFCS Code 619)

The canopy of this wetland habitat is open. The sub-canopy includes Brazilian pepper, bishopwood, Java plum, Peruvian primrose willow, and scattered cabbage palm.

Cypress, Disturbed (76-100% Exotics) (FLUCFCS Code 6219 E4)

The canopy of this wetland habitat includes primarily bald cypress (*Taxodium distichum*) with scattered red maple (*Acer rubrum*), cabbage palm, and laurel oak. The sub-canopy includes bald cypress, Brazilian pepper, cabbage palm, red maple, and myrsine. The ground cover includes scattered swamp fern, herb-of-grace, creeping primrose willow (*Ludwigia repens*), and string-lily.

Freshwater Marsh, Disturbed (76-100% Exotics) (FLUCFCS Code 6419 E4)

The vegetative composition of this wetland habitat is similar to that of FLUCFCS Code 6189 E3; however, there is additional Brazilian pepper in the sub-canopy stratum.

3.2 Non-Indigenous Upland Habitats

Residential, Low Density (FLUCFCS Code 110)

This land use type consists of residential properties and dirt roadways. The canopy contains live oak and the sub-canopy is open. The ground cover is dominated by St. Augustine grass (*Stenotaphrum secundatum*).

Improved Pasture (FLUCFCS Code 211)

This land use type consists of agricultural fields used for cattle grazing. The canopy is primarily open with widely scattered live oak and slash pine. The sub-canopy is primarily open with few scattered cabbage palm and Brazilian pepper. The ground cover includes bahiagrass (*Paspalum notatum*), spermacoce (*Spermacoce verticillata*), and dog fennel (*Eupatorium capillifolium*).

Unimproved Pasture (FLUCFCS Code 212)

The canopy is open and the sub-canopy includes widely scattered Brazilian pepper and few cabbage palm. The ground cover is primarily Guinea grass (*Urochloa maxima*), air potato (*Dioscorea bulbifera*), dog fennel, and St. Augustine grass.

Palmetto Prairies, Disturbed (76-100% Exotics) (FLUCFCS Code 3219 E4)

The canopy of this upland community is open. The sub-canopy is primarily open with scattered coastal plain staggerbush, gallberry, wax myrtle (*Morella cerifera*), melaleuca, myrsine, and tarflower (*Bejaria racemosa*). The ground cover is predominantly saw palmetto, with scattered sand blackberry (*Rubus cuneifolius*) and muscadine grapevine.

Brazilian Pepper (FLUCFCS Code 422)

This disturbed upland habitat consists primarily of Brazilian pepper in the canopy and sub-canopy. The ground cover is characteristically sparse.

Melaleuca, Hydric (FLUCFCS Code 4241)

This disturbed wetland habitat consists primarily of melaleuca in the canopy and sub-canopy. The ground cover is open.

Live Oak, Disturbed (76-100% Exotics) (FLUCFCS Code 4279 E4)

The vegetative composition of this upland habitat is similar to that of FLUCFCS Code 4279 E2; however, there is significantly more melaleuca in the canopy and sub-canopy strata.

Hardwood/Conifer Mixed, Disturbed (76-100% Exotics) (FLUCFCS Code 4349 E4)

The vegetative composition of this upland habitat is similar to that of FLUCFCS Code 4349 E3; however, there is additional Brazilian pepper, Java plum (*Syzygium cumini*), and melaleuca in the canopy and sub-canopy strata.

Mixed Hardwoods, Disturbed (76-100% Exotics) (FLUCFCS Code 4389 E4)

The canopy of this upland habitat includes a mixture of scattered live oak, laurel oak, Indian laurel fig (*Ficus microcarpa*), cabbage palm, and slash pine. The sub-canopy includes Brazilian pepper, live oak, laurel oak, cabbage palm, myrsine, and wild coffee. The ground cover includes American evergreen and swamp fern.

Exotic Hardwoods (FLUCFCS Code 439)

The canopy of this upland habitat includes scattered Brazilian pepper, Java plum, and common bamboo (*Bambusa vulgaris*). The sub-canopy contains Brazilian pepper. The ground cover contains scattered air potato and American evergreen.

Spoil Areas (FLUCFCS Code 743)

This land use type consists of a berm comprised of spoil material, including rock and concrete. The canopy of this land use type is open, and the sub-canopy consists of Brazilian pepper and cabbage palm. The ground cover primarily includes Burma reed (*Neyraudia reynaudiana*).

4.0 METHODS TO REMOVE AND CONTROL EXOTIC AND NUISANCE PLANTS

Exotic and nuisance vegetation within the 18.38± acres of indigenous preserve will be conducted by hand methods. Hand treatment will be either by the felling of exotic trees, hand-removal and herbicide treatment of the tree stumps, or by hand-pulling and removal. The treatment of exotic and nuisance vegetation will include one or more of the following methods: (1) cut exotics within 12 inches of ground elevation, hand-remove cut vegetation, and treat the remaining stump with approved herbicide; (2) foliar application of approved herbicide or hand-pulling of exotic seedlings; and (3) foliar application of approved herbicide to nuisance grasses.

The indigenous preserve will be maintained free of invasive exotics listed in Table 1 in perpetuity.

Table 1. Prohibited Invasive Exotics

Common Name	Scientific Name
Air potato	<i>Dioscorea bulbifera</i>
Australian pines	<i>Casuarina</i> spp.
Bishopwood	<i>Bischofia javanica</i>
Brazilian pepper	<i>Schinus terebinthifolia</i>
Carrotwood	<i>Cupaniopsis anacardioides</i>
Chinese tallow tree	<i>Sapium sebiferum</i>
Downy rose-myrtle	<i>Rhodomyrtus tomentosa</i>
Earleaf acacia	<i>Acacia auriculiformis</i>
Indian laurel fig	<i>Ficus microcarpa</i>
Japanese climbing fern	<i>Lygodium japonicum</i>
Java plum	<i>Syzygium cumini</i>
Melaleuca	<i>Melaleuca quinquenervia</i>
Murray red gum	<i>Eucalyptus camaldulensis</i>
Old World climbing fern	<i>Lygodium microphyllum</i>
Portia tree	<i>Thespesia populnea</i>
Rose apple	<i>Syzygium jambos</i>
Rosewood	<i>Dalbergia sissoo</i>
Tropical soda apple	<i>Solanum viarum</i>
Wedelia	<i>Wedelia trilobata</i>

Table 1. (Continued)

Common Name	Scientific Name
Weeping fig	<i>Ficus benjamina</i>
Woman's tongue	<i>Albizia lebeck</i>

4.1 Method and Frequency of Pruning and Trimming

Exotic removal within the existing indigenous habitats is scheduled to begin concurrently with the start of construction activities. After completing the initial exotic removal, semi-annual inspections of the preserves will occur for the first two years. During these inspections, the conservation areas will be traversed by a qualified ecologist. Locations of nuisance and/or exotic species will be identified for immediate treatment with an appropriate herbicide. Any additional potential problems will also be noted, and corrective actions will be taken. Once exotic/nuisance species levels have been reduced to acceptable limits, inspections of the conservation areas will be conducted a minimum of once every two years.

Exotic maintenance will be hand-removal only. Maintenance will be conducted in perpetuity to ensure that the conservation areas are free of exotic vegetation, including the prohibited invasive exotic species listed in Section 10-420(h) of the LDC (Table 1).

Heritage trees located within the upland and wetland indigenous preservation areas will be retained. Prior to the initiation of exotic removal activities, heritage trees within the upland and wetland indigenous preservation areas will be identified and flagged with orange survey ribbon.

4.2 Debris Removal

Exotic vegetative debris that is cut will be removed from the indigenous preserve areas. Exotic debris may be stacked in the adjacent development area and burned. No stacking of exotic debris will occur within the preserves. The preserve areas will be inspected annually for trash/garbage. Any trash/garbage located within the preserve areas will be removed and disposed of by hand.

5.0 WETLAND CREATION

Approximately 4.48± acres of wetlands will be created from existing upland habitat on-site. Wetland creation activities will include hand removal/treatment of existing exotic vegetation, regrading to match adjacent wetland elevation, and replanting of wetland vegetation in accordance with Table 2 below, and ongoing maintenance and management. Prior to planting, an as-built survey will be conducted to ensure correct elevation has been achieved. The target habitat types for these are forested wetland areas with a mixture of pine, laurel oaks and other hardwood species, consistent with the existing wetland habitat types on-site. Wetland creation areas are depicted on Appendix A and on the MCP.

6.0 SUPPLEMENTAL PLANTING

Supplemental planting will occur within portions of the Lee County Indigenous Preserve where exotic vegetation currently exceeds 50 percent coverage in wetland creation areas. Trees and shrubs must be a minimum three-gallon and one-gallon size containers, respectively, and no single species may comprise more than 25 percent of the vegetation planted. The supplemental plantings will consist of tree, shrub, and ground cover species in accordance with Tables 2 and 3.

Table 2. Supplemental Wetland Plantings

Common Name	Scientific Name	Minimum Height	Minimum Container Size	Planting Density (On Center)
Tree Plantings				
Laurel oak	<i>Quercus laurifolia</i>	5 ft.	3 gal.	15 ft.
Dahoon holly	<i>Ilex cassine</i>	5 ft.	3 gal.	15 ft.
Red maple	<i>Acer rubrum</i>	5 ft.	3 gal.	15 ft.
Swamp bay	<i>Persea palustris</i>	5 ft.	3 gal.	15 ft.
Pop ash	<i>Fraxinus caroliniana</i>	5 ft.	3 gal.	15 ft.
Pond apple	<i>Annona glabra</i>	5 ft.	3 gal.	15 ft.
Bald cypress	<i>Taxodium distichum</i>	5 ft.	3 gal.	15 ft.
Swamp dogwood	<i>Cornus foemina</i>	5 ft.	3 gal.	15 ft.
American elm	<i>Ulmus americana</i>	5 ft.	3 gal.	15 ft.
Shrubs				
Buttonbush	<i>Cephalanthus occidentalis</i>	3 ft.	1 gal.	10 ft.
Cocoplum	<i>Chrysobalanus icaco</i>	3 ft.	1 gal.	10 ft.
Myrsine	<i>Myrsine cubana</i>	3 ft.	1 gal.	10 ft.
Wax myrtle	<i>Morella cerifera</i>	3 ft.	1 gal.	10 ft.
Walter's viburnum	<i>Viburnum obovatum</i>	3 ft.	1 gal.	10 ft.
Ground Cover				
Little blue maidencane	<i>Amphicarpum muhlenbergianum</i>	12 in.	2 in.	3 ft.
Gulfdune paspalum	<i>Paspalum monostachyum</i>	12 in.	2 in.	3 ft.
Cordgrass	<i>Spartina bakeri</i>	12 in.	2 in.	3 ft.
Muhlygrass	<i>Muhlenbergia capillaris</i>	12 in.	2 in.	3 ft.
Arrowhead	<i>Sagittaria lancifolia</i>	12 in.	2 in.	3 ft.
Golden canna	<i>Canna flaccida</i>	12 in.	2 in.	3 ft.
Maidencane	<i>Panicum hemitomon</i>	12 in.	2 in.	3 ft.
Pickereelweed	<i>Pontederia cordata</i>	12 in.	2 in.	3 ft.
Sawgrass	<i>Cladium jamaicense</i>	12 in.	2 in.	3 ft.
Soft-stem bulrush	<i>Scirpus validus</i>	12 in.	2 in.	3 ft.
Spikerush	<i>Eleocharis interstincta</i>	12 in.	2 in.	3 ft.

Table 3. Supplemental Upland Plantings

Common Name	Scientific Name	Minimum Height	Minimum Container Size	Planting Density (On Center)
Trees				
Slash pine	<i>Pinus elliottii</i>	5 ft.	3 gal.	15 ft.
Cabbage palm	<i>Sabal palmetto</i>	5 ft.	3 gal.	15 ft.
Live oak	<i>Quercus virginiana</i>	5 ft.	3 gal.	15 ft.
Laurel oak	<i>Quercus laurifolia</i>	5 ft.	3 gal.	15 ft.
Shrubs				
Wax myrtle	<i>Morella cerifera</i>	3 ft.	1 gal.	10 ft.
Myrsine	<i>Rapanea punctata</i>	3 ft.	1 gal.	10 ft.
Cocoplum	<i>Chrysobalanus icaco</i>	3 ft.	1 gal.	10 ft.
Saw palmetto	<i>Serenoa repens</i>	3 ft.	1 gal.	10 ft.
Gallberry	<i>Ilex glabra</i>	3 ft.	1 gal.	10 ft.
Ground Cover				
Gulfdune paspalum	<i>Paspalum monostachyum</i>	12 in.	2 in.	3 ft.
Little blue maidencane	<i>Amphicarpum muhlenbergianum</i>	12 in.	2 in.	3 ft.
Wiregrass	<i>Aristida stricta</i>	12 in.	2 in.	3 ft.
Gulf muhly	<i>Muhlenbergia capillaris</i>	12 in.	2 in.	5 ft.
Sand cordgrass	<i>Spartina bakeri</i>	12 in.	2 in.	5 ft.
Fakahatchee grass	<i>Tripsacum dactyloides</i>	12 in.	2 in.	5 ft.
Saw palmetto	<i>Serenoa repens</i>	12 in.	1 gal.	5 ft.
Lopsided Indian grass	<i>Sorghastrum secundum</i>	12 in.	2 in.	5 ft.
Florida coontie	<i>Zamia integrifolia</i>	12 in.	2 in.	5 ft.

Supplemental plantings will consist of tree, shrub, and ground cover species. Tree and shrub plantings will consist of a minimum of four (per stratum) of the species listed in Tables 2 and 3 and ground cover plantings will consist of a minimum of four of the species listed in Table 2 and 3. The species selected for planting will depend on market availability at the time the plantings are to occur. Additional tree and ground cover species may be included in the planting table with approval from Lee County DCD staff.

All preserve enhancement, restoration, and creation activities will be completed in a single phase upon commencement of construction activities. The wetland and upland planting activities are anticipated to occur during the wet season (i.e., June through October). If plantings cannot be installed within this timeframe, irrigation will be utilized until the onset of the wet season (i.e., June) or until the vegetation has successfully established. Irrigation will be utilized on a temporary, as-needed basis, and will not be a required long-term activity.

7.0 MAINTENANCE

After completing the initial exotic removal, semi-annual inspections of the conservation areas will occur for the first two years. During these inspections, the conservation areas will be traversed by a qualified ecologist. Locations of nuisance and/or exotic species will be identified for immediate treatment with an appropriate herbicide. Any additional potential problems will also be noted, and corrective actions will be taken. Once exotic/nuisance species levels have been reduced to acceptable limits, inspections of the conservation areas will be conducted annually. After the initial exotic removal, all subsequent exotic maintenance will be hand-removal only. Maintenance will be conducted in perpetuity to ensure that the conservation areas are free of exotic vegetation, including the prohibited invasive exotic species listed in Section 10-420(h) of the LDC (Table 1).

8.0 MONITORING REPORTS

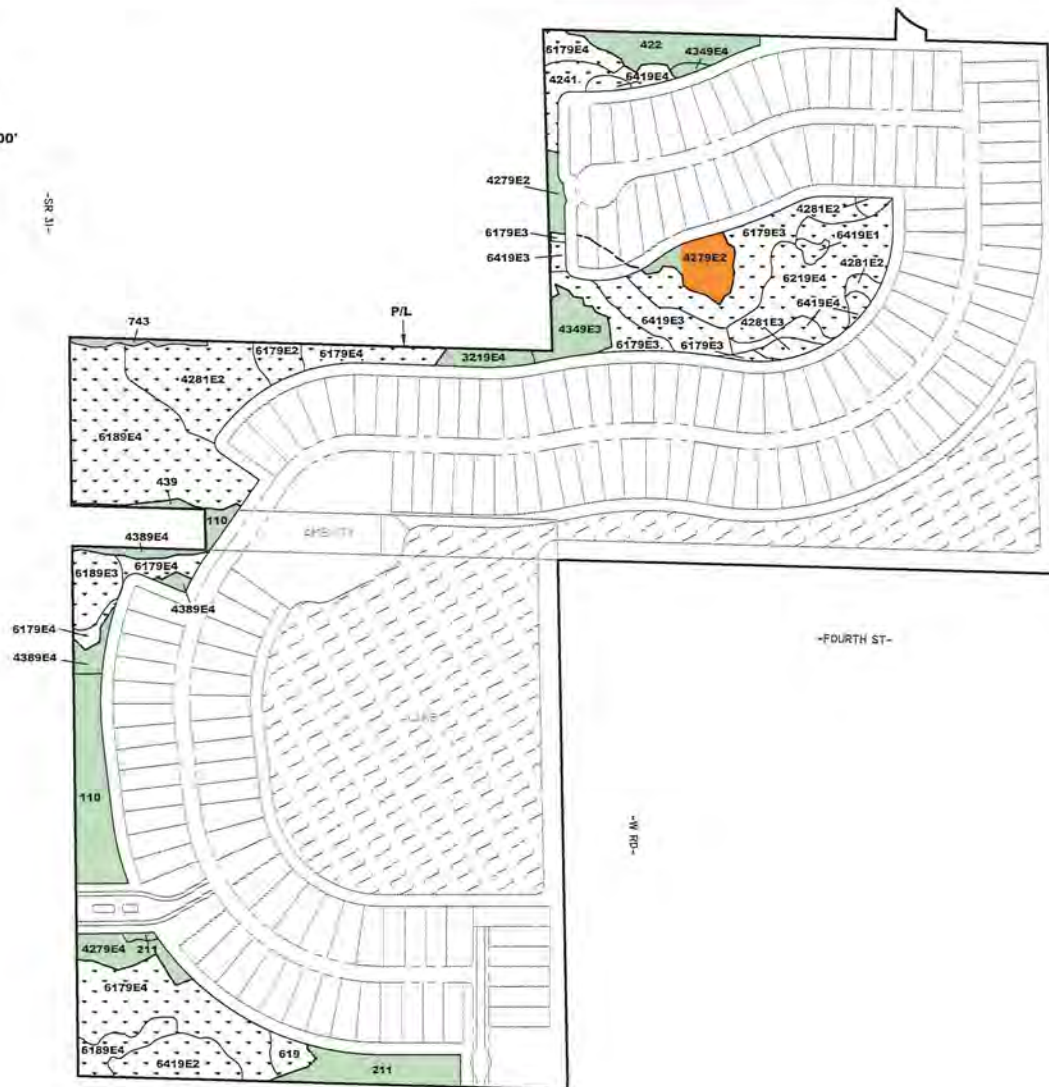
Monitoring will be conducted annually for the conservation areas. Annual reports documenting the achievement of the enhancement, restoration, and creation activities will be submitted to Lee County's DCD. Annual monitoring reports will be provided for five years after the Certificate of Compliance has been issued by the DCD. The monitoring reports will include documented exotic and nuisance species, mortality of vegetation, estimated causes of mortality, growth of the vegetation, hydrologic conditions of the wetland preserve areas including monitoring well hydrographs, wildlife observed, photographs, and factors that demonstrate the functional health of the conservation areas. A brief description of the anticipated maintenance work to be conducted over the next year will also be included. In addition, monitoring reports will provide recommendations and/or corrective measures to address deficiencies observed, including impacts to wetland hydrology. Periodic inspections will be conducted by DCD staff to ensure the accuracy of the monitoring reports.

APPENDIX A

INDIGENOUS PRESERVE PLAN



SCALE: 1" = 300'



LEGEND:

- WETLAND INDIGENOUS PRESERVE
- WETLAND CREATION
- UPLAND INDIGENOUS PRESERVE
- SURVEYED WETLAND LINE

FLUCFCS CODES	DESCRIPTIONS
110	RESIDENTIAL, LOW DENSITY
211	IMPROVED PASTURE
3219 E4	PALMETTO PRAIRIES, DISTURBED (75-100% EXOTICS)
422	BRAZILIAN PEPPER
4241	MELALEUCA, HYDRIC
4279 E2	LIVE OAK, DISTURBED (25-49% EXOTICS)
4279 E4	LIVE OAK, DISTURBED (75-100% EXOTICS)
4281 E2	CABBAGE PALM, HYDRIC (25-49% EXOTICS)
4281 E3	CABBAGE PALM, HYDRIC (50-75% EXOTICS)
4349 E3	HARDWOOD, CONIFER MIXED, DISTURBED (50-75% EXOTICS)
4349 E4	HARDWOOD, CONIFER MIXED, DISTURBED (75-100% EXOTICS)
4389 E4	HARDWOOD, CONIFER MIXED, DISTURBED (75-100% EXOTICS)
439	EXOTIC HARDWOODS
6179 E2	MIXED WETLAND HARDWOODS, DISTURBED (25-49% EXOTICS)
6179 E3	MIXED WETLAND HARDWOODS, DISTURBED (50-75% EXOTICS)
6179 E4	MIXED WETLAND HARDWOODS, DISTURBED (75-100% EXOTICS)
6189 E3	WILLOW, DISTURBED (50-75% EXOTICS)
6189 E4	WILLOW, DISTURBED (75-100% EXOTICS)
619	EXOTIC WETLAND HARDWOODS
6219 E4	CYPRESS, DISTURBED (75-100% EXOTICS)
6419 E1	FRESHWATER MARSH, DISTURBED (0-24% EXOTICS)
6419 E2	FRESHWATER MARSH, DISTURBED (25-49% EXOTICS)
6419 E3	FRESHWATER MARSH, DISTURBED (50-75% EXOTICS)
6419 E4	FRESHWATER MARSH, DISTURBED (75-100% EXOTICS)
743	SPOIL AREAS

NOTES:

PROPERTY BOUNDARY AND SITE PLAN PER J.R. EVANS, INC. DRAWING No. 00935-00 31 OAKS MCP-D.BWG DATED NOVEMBER 2, 2022.

SURVEYED WETLAND LINES PER RHODES & RHODES, INC. DRAWING No. 2021-S41-WETLAND LINES.DWG DATED NOVEMBER 3, 2021.

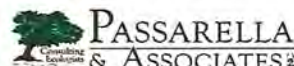
FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999).

UPLAND/WETLAND LIMITS HAVE NOT BEEN REVIEWED BY ANY REGULATORY AGENCY AND ARE SUBJECT TO CHANGE.

REVISIONS	DATE	DRAWN BY	DATE
Revised upland indigenous	6/03/22	H.H./T.S.	2/25/22
Revised plan	11/09/22	B.B.	2/25/22
Revised plan	11/15/22	B.B.	2/25/22

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31 OAKS
INDIGENOUS PRESERVE PLAN

DRAWING No.	21NCC3643
SHEET No.	APPENDIX A



31 OAKS RPD

Request Statement

Revised January 2023

I. REQUEST

The Marina Del Lago RPD is currently comprised of 49.62+/- acres and allows for the development of up to 140 dwelling units pursuant to Zoning Resolution Z-06-050. The Applicant is requesting approval to amend the RPD to rezone several adjacent properties into a unified development of approximately 88.3+/- acres. This will result in an RPD amendment and rezoning of the assemblage from Agricultural (AG-2) and Residential Planned Development (RPD) to RPD to allow for the development of a residential community with private, on-site recreational amenities, wetland preserves and supportive infrastructure. It is also proposed to rename the RPD to "31 Oaks RPD." This will allow for the construction of residential uses and ancillary uses while also providing for reduced wetland impacts and improved floodplain compensation compared to previous plans/zoning approvals. The request does not require any changes to the future land use categories.

This amendment request will include a Master Concept Plan, zoning conditions, and schedule of deviations to accommodate the development of the site with single-family and two-family attached dwellings or townhomes and associated community amenities. The amendment request is for a maximum of 342 townhome units or 265 single-family and two-family attached dwelling units with a maximum building height of 35 feet and will connect to Lee County Utilities for sanitary sewer and potable water.

The current combination of AG-2 and RPD zoning will not allow residential development at intensities comparable to surrounding development and is inconsistent with the underlying Suburban Future Land Use Category (FLUC). Moreover, the need to avoid impacts to wetlands on the Property requires the combination of these properties into a unified development, which can only be achieved through rezoning to a Planned Development Zoning District. The proposed RPD amendment allows for the requisite flexibility to fully develop the Property in accordance with market demand for residential uses in the Caloosahatchee Shores Planning Community and in a coordinated manner with the surrounding community. The community will also allow for infill development in an area of the County well-served by available public infrastructure.

II. EXISTING CONDITIONS

The 31 Oaks RPD property ("Property") is comprised of 88.3 +/- acres under separate ownership and within different zoning districts and located on the east side of SR 31, approximately ¼ of a mile north of Palm Beach Blvd. in unincorporated Lee County, Florida.

The 88.3 +/- acre property is located within the Suburban and Wetlands Future Land Use categories. The subject property is partially vegetated and includes a lake in the southern portion of the property. The Property will be accessed from SR 31 to the west (a two-lane arterial road), with secondary

ingress/egress from a connection to Storage Bay Dr. and Merchandise Way (the reverse frontage road) to the south of the property which provides access to both SR 31 and SR 80.

The surrounding land use pattern generally consists of residential uses, vacant agriculturally zoned properties and commercial properties, as further described below:

Table 1: Inventory of Surrounding Lands

	FUTURE LAND USE	ZONING	EXISTING LAND USE
NORTH	Suburban	Agriculture (Ag-2); Multi-Family Residential Planned Development (RPD); Residential Single-Family (RS-1)	Vacant Properties (AG-2 and Caloosahatchee Preserve RPD); Single-Family Residential
SOUTH	Urban Community; Wetlands	Commercial Planned Development (CPD)	Race Trac gas station; future commercial development (SR 80/31 CPD)
EAST	Suburban	Residential Single-Family (RS-1)	Single-Family Residential
WEST	Wetlands; Urban Community; Suburban	Agriculture (Ag-2); Community Commercial (CC); Commercial Planned Development (CPD)	Developed and Undeveloped Agricultural Parcels; Bar/Nightclub; undeveloped commercial property

III. PROPERTY HISTORY

The northern 49.62 acres of the property is zoned Marina Del Lago RPD and allows for the development of up to 140 single-family dwelling units and boat trailer parking pursuant to Zoning Resolution Z-06-050. The central portion of the property made up of two parcels which have maintained the original AG-2 zoning.

The southern portion of the Property is also currently zoned AG-2. This portion of the property was the subject of a previously withdrawn zoning petition for multi-family development and retail commercial uses (DCI2005-00040).

IV. PUBLIC INFRASTRUCTURE

As outlined in the enclosed application, the Property is serviced by public infrastructure that can accommodate the proposed residential units. Potable water and sanitary sewer services will be provided by Lee County Utilities. A Letter of Availability of service from Lee County Utilities is attached. The Property has direct access to SR 31, a state-maintained arterial roadway under planning for future improvements/expansion to accommodate development in the immediate area. There are adequate public facilities and services in the immediate vicinity of the project to serve the proposed development in terms of schools, fire, EMS and Sheriff's protection.

V. REZONING JUSTIFICATION

The proposed amendment request allows the Property to be developed in a similar manner to the surrounding properties. The SR 31 corridor is experiencing rapid growth and development and the current combination of AG-2 and RPD zoning will not allow for the coordinated development of the Property.

The proposed amendment strikes a balance between providing for the continuation of suburban development as anticipated by the Lee Plan, while protecting against potential impacts from coastal flooding within the Coastal High Hazard Area through the enhanced stormwater management design. See the Lee Plan Compliance Narrative below for more information regarding compliance with Coastal High Hazard Area policies.

The proposed MCP provides for significant preservation of wetlands, rare and unique uplands, heritage trees, and open space while also providing for decreased intensity over previously proposed or approved development on the Property.

The community will be accessed from SR 31 as the main point of ingress/egress for future residents. The entry is intended to be gated with the internal roadway network to be privately maintained. A second gated access is proposed to Storage Bay Drive to the south. The proposed roadways will meet the design standards set forth in Chapter 10 of the LDC. Sidewalk and bikeway facilities will comply with the minimum requirements and options set forth in Chapter 10 of the LDC.

A maximum 342 townhouse dwelling units or 265 single-family and two-family attached dwelling units are proposed, which are planned around open space and preserve areas to accommodate preservation of the higher quality wetlands on the Property. All unit types are limited to a maximum height of 35 feet in order to maintain compatibility with the single-family neighborhood (Fort Myers Shores Unit 1) to the east and south.

Proposed wetland impacts are based on the best available information. It is understood that if future jurisdictional determinations identify additional wetland impacts, the resulting available density will be changed as identified in Table 1(a). The proposed density is well below the maximum achievable density. Thus, if additional wetlands are determined, the proposed density will still comply with Table 1(a). See the calculation below which demonstrates potential density in a worst-case scenario in which all wetlands are calculated at 1 dwelling unit per 20 acres.

Future Land Use	Acreage	Density	Unit Count
Suburban	65.83 AC	6 DU/AC	394.98 units
Wetlands	22.77 AC	1 DU/20 AC	1.14 units
Total			396 units

Minimum lot sizes and development standards are consistent with similar RPDs approved throughout the County.

After meeting with the surrounding community, the Applicant has committed to a minimum 6-foot-high and maximum 8-foot-high opaque fence and 10-foot-wide vegetative buffer along the northern and eastern property lines. This enhanced buffer is well in excess of the requirements of the LDC, which requires no buffer between single-family projects. This buffer condition is consistent with the previously adopted Condition 6 in Z-06-050 and will provide enhanced screening between the project and the established single-family community to the east. As outlined in the Lee Plan Consistency section of this report, the enhanced buffers also align with the Caloosahatchee Shores policy relating to enhanced landscaping in new development.

A 30-foot-wide Type F buffer is proposed between the cul-de-sac in the northern portion of the property and the adjacent neighboring residential zoned properties in accordance with the Land Development Code to obstruct light and noise impacts to the neighborhood. A 15-foot wide Type B buffer will be provided where townhomes are located adjacent to neighboring residential zoned properties in accordance with the Land Development Code. Preserved and created wetlands along the western property boundary and surrounding the main entrance will provide enhanced views from SR 31 compared to typical landscape buffers.

As proposed the residential uses will be well-screened from surrounding land uses, and the community will be complimentary to the existing neighborhood.

Open space will meet or exceed 40% of the total site area, or 35.3 acres. On-site wetland preserves will comprise the bulk of the required 17.66 acres of indigenous preserve area. The project will exceed the minimum preservation requirements through the provision of 18.38 acres of on-site wetland, upland, and indigenous creation areas, whereas the LDC requires approximately 17.66 acres of on-site preserve. Preserve setbacks will be provided in accordance with the LDC.

Development areas have been designed to minimize impacts to rare and unique uplands and wetlands. While wetland impacts are proposed, these impacts are limited to areas of lower-quality vegetation and where such impacts cannot be avoided due to the internal roadway network. As outlined in this narrative, enhanced stormwater management is provided to offset the proposed wetland impacts that fall in the Coastal High Hazard Area (CHHA).

Three deviations are requested to allow for flexibility relating to the design of the surface water management system and to allow two dead-end streets. The deviations will allow for the efficient use of space in a constrained site to address stormwater design and to protect against impacts in the CHHA as well as providing protection to the surrounding community from traffic impacts.

For these reasons, the proposed amendment is needed to address the unique site constraints of the assembled properties and to ensure compatibility with surrounding development.

VI. PROPOSED USES/DESIGN STANDARDS

The proposed Schedule of Uses allows for townhomes, single-family and two-family attached dwelling types, as well as several uses accessory to the residential development. An amenity center is also centrally located on the Property. Except where deviations are requested, the design standards will meet or exceed the requirements in the LDC and mirror those of typical RPD zoning districts throughout the County.

The project is located within the Caloosahatchee Shores Planning Community; therefore, several planning community-specific design requirements apply to this RPD.

VII. DECISION-MAKING COMPLIANCE

In accordance with LDC Section 34-145(d)(4), the data and analysis provided in the enclosed application demonstrate that the request meets or exceeds the following:

- a) The request will meet or exceed all performance and locational standards set forth for the proposed residential planned development, except where a deviation has been approved.**

Access will be provided from SR 31, an arterial roadway, and SR 80 via Storage Bay Dr. and Merchandise Way (the reverse frontage road) located to the south of the Property. Public infrastructure and services are available to serve the proposed development. Traffic impacts of the project are discussed in the attached Traffic Impact Statement (TIS) which demonstrates all impacted roadways will function at an acceptable Level of Service. Any off-site improvements required by the project will be addressed at the time of local development order review.

The request for the development of 342 townhouse units or 265 single-family and two-family attached dwelling units is located within the Suburban FLUC and is intended for the continuation of the surrounding existing and planned development pattern. The request is consistent with the goals, objectives and policies of the Lee Plan, as outlined in this application.

Three deviations are requested and further explained in the attached Deviation Justification Narrative. The deviations are limited to that required to accommodate a site plan which maximizes the use of space available for stormwater management and the preservation of wetlands and surrounding community character.

- b) Complies with the Lee Plan.**

The request will allow for residential development in accordance with the Suburban and Wetland FLUCs and other relevant Goals, Objectives, and Policies. Densities account for the limited wetland impact areas and comply with Table 1(a) outlining Residential Densities and Table 1(b), which accommodates 1,810 acres of residential development in the Suburban

FLUC within the Fort Myers Shores Planning Community. Additional Lee Plan consistency analysis is provided below.

c) Meets this Code and other applicable County regulations or qualifies for deviations.

The request includes proposed development standards, deviations, and conditions in compliance with the LDC and the Caloosahatchee Shores Planning Community regulations. As outlined in the Deviation Justification Narrative, requested deviations will fully meet the intent of the LDC.

d) Is compatible with existing and planned uses in the surrounding area.

The request will ensure that the property is developed with uses similar to neighboring properties. The proposed RPD includes development standards which comply with the Caloosahatchee Shores Planning Community regulations. Perimeter setbacks and buffers will be provided to the adjacent to the properties. The zoning conditions and LDC requirements have adequately addressed any potential impacts on adjacent uses.

e) Will provide access sufficient to support the proposed development intensity.

A Traffic Impact Statement (TIS) is attached which demonstrates that the proposed access is sufficient to support the proposed development activity. The request proposes two access points, one on SR 31 and the other on SR 80 via a reverse frontage road. These access points meet the requirement in LDC section 10-291 that residential development of more than five acres must provide more than one means of ingress or egress for the development.

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

The attached TIS has demonstrated that all analyzed roadways are projected to operate at acceptable Level of Service even with the worst-case-scenario of 265 single-family and two-family attached dwelling units. The TIS also demonstrates the need for northbound and southbound left turn lanes on SR 31 to accommodate the proposed development.

Sidewalk and bikeway facilities will comply with the minimum requirements and options set forth in Chapter 10 of the LDC.

The project will require development order approvals prior to site development activities. The project's impacts will be evaluated at that time in accordance with the LDC.

g) Will not adversely affect environmentally critical or sensitive areas and natural resources.

The proposal makes efficient use of this infill site intended for development per the Suburban FLUC while ensuring environmentally critical areas and natural resources are protected.

The Project site includes 22.77 acres of wetlands which are degraded due to infestation of exotic vegetation. The MCP demonstrates the preservation of 13.48 acres of wetlands and the creation of 4.48 acres of wetlands.

The Project site contains 285 heritage trees, and the project will comply with the LDC standards for preservation and/or mitigation. Prior to the start of preserve enhancement activities, heritage trees located within the upland and wetland indigenous preservation areas will be identified with orange survey ribbon and retained in place as identified in the Indigenous Preserve Management Plan.

The Project site contains 6.09 +/- acres of rare or unique upland habitat. Preserve and open space areas have been designed to retain these areas to the maximum extent possible. An Indigenous Preserve Management Plan for these areas is attached.

The attached Protected Species Survey demonstrates the existence of Gopher Tortoise on the property. A Gopher Tortoise Management Plan is attached. On-site and off-site gopher tortoise relocation options will be coordinated with the Florida Fish and Wildlife Conservation Commission, and if relocation of the tortoises is needed, it will be conducted in accordance with the FWCC's Gopher Tortoise Permitting Guidelines.

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

Public infrastructure and services are available to service the proposed development. This property is located within the Suburban FLUC. This area is programmed to include predominantly residential uses. As such Lee County Utilities has adequate services for the proposed residential density.

The property is served by the Ft. Myers Shores Fire District with Station #81 and Lee County EMS Medic 11 station located on Palm Beach Blvd. The Lee County Sheriff provides service in Central District - Zone 6.

The data and analysis provided in the enclosed application also demonstrates that the request meets or exceeds the following Planned Development Rezoning review criteria.

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

The Suburban FLUC allows for predominantly residential uses. This request does not include any non-residential uses. Moreover, the development of residential dwellings on the 88.3+/- acre property is appropriate for this location which provides for compatibility with neighboring single-family residential developments.

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

The proposed conditions identify rare and unique uplands and heritage tree preservation as well as wetland preservation and stormwater management which are sufficient and reasonably related to the impacts on the public interest.

- k) **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 Applicant has proposed three deviations related to site design standards for the surface water management system and to allow two dead-end streets. As described in the attached Deviations and Justification, the intent of these deviations is to allow for flexibility relating to the design of the surface water management system. The deviations will allow for the efficient use of space in a constrained site to address stormwater design and to protect against impacts in the CHHA.

VIII. LEE PLAN COMPLIANCE

The following is an analysis of the RPD's consistency with goals, objectives and policies of the Lee County Comprehensive Plan (Lee Plan).

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.

The Property is located in the Suburban FLUC, as shown in the attached Existing Future Land Use Map. This request is limited to residential dwellings at 3.87 du/acre which is below the maximum permitted density in this FLUC and provides for a range of residential dwelling types that comply with the intended uses for this category. Infrastructure and public services are available to serve the property.

POLICY 1.5.1: Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 124 of this plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII of this plan.

The attached proposed density calculations for the 31 Oaks RPD utilize a density calculation for impacted wetlands of 1 du/20 acres. Therefore, the proposed RPD is consistent with this policy.

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, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.*

The proposed amendment and rezoning will allow for a clustered and logical development pattern in an area readily serviced by public infrastructure, in direct compliance with the above policy. As outlined in detail within the application, the project represents an infill development within an urbanized area of Lee County and is surrounded by other residential and non-residential development. Development within the project is clustered primarily within existing uplands, representing a compact development footprint.

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 F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance.*

The Property is contiguous to developed or developing properties on three sides of the project, representing infill development of this future suburban area. The attached letter of availability demonstrates the availability of potable water and sanitary sewer services to support the proposed density. Additionally, the attached Public Infrastructure Map demonstrates the Property is in the vicinity of adequate public facilities and public investment. Therefore, the proposed amendment and rezoning fully complies with the above policy's intent to direct new growth to appropriate Future Urban Areas of the county.

POLICY 2.2.1: Rezoning 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 road network in the region has been specifically constructed to support a mix of residential uses and commercial uses in the area. The requested density falls below the maximum density allowed by the Suburban FLUC.

Lee County utilities has both sewer and water infrastructure available to the property with capacities to serve the previously approved density and the surrounding area approved zoning. The property is near existing networks, utility services and compatible, similar land uses.

There are adequate public facilities and services in the immediate vicinity of the project to serve the proposed development in terms of schools, fire, EMS and Sheriff's protection. EMS and fire stations are within one mile of the Property.

GOAL 4

STANDARD 4.1.1 & 4.1.2: WATER & SEWER

The attached Letter of Availability from Lee County Utilities demonstrates that potable water and sanitary sewer services are available for the Property.

GOAL 5: RESIDENTIAL LAND USES. To accommodate the projected population of Lee County in the year 2045 in appropriate locations, guided by the Future Land Use Map, and in attractive and safe neighborhoods with a variety of price ranges and housing types.

POLICY 5.1.1: Residential developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as planned developments except if located within the Mixed Use Overlay.

The Application is to amend the Marina Del Lago RPD and rezone several properties to a unified Residential Planned Development in accordance with this policy.

POLICY 5.1.2: Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.

While the Property is located in the Coastal High Hazard Area, the proposed density is far below the maximum allowable density under the Suburban FLUC. The proposed amendment protects against impacts from coastal flooding by providing enhanced stormwater design and storage that offsets potential impacts. We are not proposing to exceed allowable maximum density permitted by the underlying FLUCs. Additionally, impacts to hurricane shelters will be addressed through the impact mitigation requirements in LDC Section 2-485.

POLICY 5.1.4: Prohibit residential development in all Industrial Development areas and Airport Noise Zone B as indicated on the Future Land Use Map, except for residences in the Industrial Development area for a caretaker or security guard.

The Property is not located in an Industrial Development area or in Airport Noise Zone B.

POLICY 5.1.5: Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments.

The request is intended to allow for the development of townhomes or single-family residential dwellings on the 88.3+/- acre property. The request will ensure that the property is developed with uses similar neighboring properties, thereby protecting the character and integrity of the existing communities.

The Applicant has proposed development standards including buffers, lakes, and setbacks to adjacent development, consistent with the LDC. A 30-foot Type F buffer will visually screen the residentially zoned properties from the cul-de-sac ROW. The preservation of existing native vegetation will result in additional setbacks and visual screening to surrounding development over and above code requirements, where provided. The Applicant has limited the request to townhomes, single-family detached and two-family dwelling types to address compatibility with the abutting ¼-acre lots; whereas the Lee Plan would support higher density dwelling types.

The project will not negatively impact surrounding land uses due to the similarity of uses and density. The zoning conditions and LDC requirements have adequately addressed any potential impacts on adjacent uses.

POLICY 5.1.7: Maintain development regulations that require that community facilities (such as park, recreational, and open space areas) in residential developments are functionally related to all dwelling units and easily accessible via pedestrian and bicycle pathways. These pathways must be interconnected with adjoining developments and public pathways whenever possible. Townhouses, condominiums, apartments, and other types of multi-family residential development must have directly accessible common open space.

The proposed RPD includes open space, internal sidewalks, a community amenity center, and other recreational facilities. Sidewalks are provided in accordance with the standards in

LDC Chapter 10 and provide pedestrian and bicycle connections to SR 31. All open space and amenities will be directly accessible to all residents within the RPD.

GOAL 21: CALOOSAHATCHEE SHORES COMMUNITY PLAN. Protect the existing character, natural resources and quality of life in the Caloosahatchee Shores Community Plan area, while promoting new development, redevelopment and maintaining a more rural identity for the neighborhoods east of I-75 by establishing minimum aesthetic requirements, planning the location and intensity of future commercial and residential uses, and providing incentives for redevelopment, mixed use development and pedestrian safe environments.

POLICY 21.1.1: Maintain Land Development Code regulations that provide for enhanced landscaping, signage and architectural standards consistent with the goal of maintaining an old Florida rural identity. The preferred architectural style for all buildings in commercial developments is Florida vernacular.

The proposed RPD will comply with all planning community regulations for the Caloosahatchee Shores Planning Community. No deviations are requested from Chapter 33 of the LDC.

Per Section 10-416 of the LDC, proposed single-family development (which includes both single-family detached and two-family attached) does not require a buffer when abutting existing single-family lots. Therefore, the proposed 10-foot native buffer is an enhancement from the requirements of the LDC and is in direct compliance with the intent of Lee Plan Policy 21.1.1 to provide for enhanced landscaping and uphold the Old Florida character of the Caloosahatchee Shores community.

A 15-foot-wide Type B buffer will be provided where townhomes are located adjacent to existing single-family uses.

Preserved and created wetlands will provide enhanced views along SR 31 compared to typical landscaped buffers, meeting the intent of this policy.

POLICY 21.1.2: Any deviation from landscaping, buffering, signage or architectural requirements may not be granted unless the request meets the approval criteria for variances set forth in Chapter 34 of the Land Development Code.

No deviations are requested from the Caloosahatchee Shores Planning Community regulations for landscaping, buffering, or signage in the proposed RPD. As noted above, the project proposed enhanced buffers adjacent to existing residential to the south and east, as well as enhanced buffers along SR 31, where applicable.

POLICY 21.3.1: Maintain Land Development Code regulations that provide for greater buffering between adjacent commercial and residential uses except for in mixed use developments.

Proposed buffers within the RPD comply with the buffering requirements in the LDC. The project is adjacent to non-residential uses to the south.

OBJECTIVE 60.1: SURFACE WATER. Develop a surface water management program that is multi-objective in scope, geographically based on basin boundaries, and incorporates the requirements of applicable adopted Basin Management Action Plans.

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

A surface water management system is proposed which will provide water quality treatment before discharging into onsite wetlands.

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

The proposed RPD includes wetland preservation areas which will maintain existing flowways and associated habitats to the maximum extent practicable. The proposed RPD also incorporates wetland creation areas which will augment existing natural surface water flowways.

OBJECTIVE 60.4: INCORPORATION OF NATURAL SYSTEMS INTO THE SURFACE WATER MANAGEMENT SYSTEM. Incorporate natural systems into surface water management systems to improve water quality, air quality, water recharge/infiltration, water storage, wildlife habitat, recreational opportunities, and visual relief.

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 proposed RPD includes a surface water management plan that complies with all LDC design standards.

POLICY 60.4.2: The County encourages new developments to design their surface water management system to incorporate existing wetland systems.

The RPD provides 13.48 acres of wetland preservation and 4.48 acres of wetland creation throughout the project. These areas are proposed to maintain connectivity with the larger wetland system on and off site.

POLICY 60.4.3: The County encourages the preservation of existing natural flow-ways and the restoration of historic natural flow-ways.

The existing wetlands are proposed to be preserved to the maximum extent possible. Wetland preservation areas will not be disconnected from the surrounding wetland system.

POLICY 61.1.1: Lee County recognizes that all fresh waters are a resource to be managed and allocated wisely, and will support allocations of the resource on the basis 1) of ensuring that sufficient water is available to maintain or restore valued natural systems, and 2) of assigning to any specified use or user the lowest quality freshwater compatible with that use, consistent with financial and technical constraints.

The Applicant will obtain an Environmental Resource Permit from the South Florida Water Management District. The master drainage system and established conservation areas proposed in this amendment request, and which will be established through the ERP and subsequent development orders, are designed in compliance with this policy.

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.

Consistent with Lee Plan Policy 101.1.1 and Objective 123.3, the Project site plan, in conjunction with the activities proposed within the Indigenous Preserve and Protected Species Management Plan, was designed to be compatible with surrounding natural systems and will protect and continue to provide functions including water retention and purification, and defense against flooding through the preservation of 18.38 acres of wetlands, wetland creation areas and upland habitat on-site and through the construction of a permitted stormwater management system and will provide long-term protection of wildlife habitat. The site plan was designed to protect and maintain the function of the on-site wetland areas and adjacent upland habitat and provide a connection to proposed off-site preservation areas located to the north.

POLICY 101.1.2: Protect and conserve the following environmentally sensitive coastal areas: wetlands, estuaries, mangrove stands, undeveloped barrier islands, beach and dune systems, aquatic preserves, wildlife refuges, undeveloped tidal creeks and inlets, critical wildlife habitats, benthic communities, and marine grass beds.

As required by Lee Plan Policy 101.1.2, the site plan protects environmentally sensitive areas through the preservation and enhancement of 18.38 acres of on-site

wetlands, wetland creation areas and upland habitat. The wetland areas, in combination with adjacent upland areas, will be protected in perpetuity through a conservation easement. The Project does not contain estuaries, mangrove stands, undeveloped barrier islands, beach and dune systems, aquatic preserves, wildlife refuges, undeveloped tidal creeks and inlets, critical wildlife habitats, benthic communities, or marine grass beds.

OBJECTIVE 101.3: DEVELOPMENT IN COASTAL AREAS. Protect human life and property from natural and man-made disasters.

POLICY 101.3.2: Restrict development in the Coastal High Hazard Area to uplands except as needed for the provision of public facilities.

A portion of the project is within the Coastal High Hazard Area (CHHA). The proposed project includes development that impacts approximately 9.29 acres of wetlands within the CHHA. A previous ERP was obtained related to the Marina Del Lago RPD, which allowed for 4.58 acres of wetland impacts (Permit 36-06750-P). Staff and the applicant are in agreement with the proposed condition which requires an amendment to this ERP to reflect approval of the additional wetland impacts prior to approval of the Local Development Order. As a result, development within the 9.29 acres of wetlands is anticipated to be permitted by the State Agency (SFWMD) through the issuance of an amended ERP.

As has previously been identified by County staff, Policy 101.3.2 establishes a limitation on development in the CHHA to uplands, but does not address development in approved impacted wetlands in the CHHA (see attached memos from the Department of Community Development to the Chief Hearing Examiner in reference to DCI2021-00050 dated January 6, 2023, and DCI2021-00029 dated January 9, 2023). Instead, guidance for permitting wetland impacts in the CHHA must rely on the Wetlands policies in Goal 124. As identified below, Lee Plan Policy 124.1.2.2 states that "... Development orders and development permits authorizing development within wetlands or lands located within the Wetlands future land use category may be issued subject to a condition that construction may not commence until issuance of the required state permits." (emphasis added). Based on this Policy, County staff has previously opined that state-permitted and mitigated impacts to wetlands are treated as developable uplands for development purposes. When coupled with a condition which requires a state permit for such impacts prior to commencement of construction, and read in conjunction with Policy 124.1.2, wetland impacts that have been permitted through the SFWMD comply with the restriction of development to uplands in Policy 101.3.2.

As a result, the proposed condition that construction may not commence until issuance of the required state permits ensures that all development within the CHHA will be limited to uplands in compliance with this policy. If the CHHA wetlands impacts

are not approved, then development would be restricted to upland areas and areas where wetland impacts have been approved.

In addition to the above analysis, the development will provide compensating floodplain storage to further ensure that there are no floodplain impacts to surrounding properties due to the wetlands impacted within the CHHA. The attached Floodplain No-Impact analysis demonstrates that the development will not negatively impact surrounding properties and a condition is proposed which requires analysis demonstrating floodplain compensation is provided at the time of Local Development Order.

POLICY 101.3.4: Encourage new residential development, as required by the Land Development Code, to provide continuing information to residents concerning hurricane evacuation and shelters.

A homeowners or residents association will be established to provide continuing information concerning hurricane evacuation and shelters. Additionally, the developer will mitigate impacts to shelter space through the payment schedule outlined in Chapter 2 of the LDC.

OBJECTIVE 123.2: PLANT COMMUNITIES. Maintain and enhance the biodiversity of the natural plant communities within Lee County to create a more resilient and sustainable ecosystem.

POLICY 123.2.4: Encourage the protection of viable tracts of sensitive or high-quality natural plant communities within developments.

POLICY 123.2.6: Avoid destruction of upland vegetation communities including coastal and interior hammocks through consideration of alternative site design layouts.

POLICY 123.2.8: Promote the long-term maintenance of natural systems through such instruments as conservation easements, transfer of development rights, restrictive zoning, public acquisition, and appropriate other means.

POLICY 123.2.13: Promote optimal conditions rather than minimum conditions for the natural system as the basis for sound planning.

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

Lee Plan Article XIII.a. provides that:

"A development order ... will be deemed consistent with the comprehensive plan if the land uses, densities or intensities, and other aspects of development ... are

compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan, and if it meets all other established regulatory requirements of the County. Where goals, objectives, or policies of particular elements conflict, those conflicts will be resolved based on an analysis of the Lee Plan as a whole."

Internal consistency and compatibility within the Lee Plan requires the balancing of competing goals, objectives and policies. *Policy 101.3.2* (restricting development in the coastal high hazard area to uplands except as needed for the provisions of public facilities) and *Policy 123.2.15* (protecting rare and unique upland habitats from development impacts, to the maximum extent possible, through conservation and or site design) provide an example of the need to balance competing policies when both types of habitat are present. Protecting these distinctly different habitats "to the maximum extent possible" enhances the conservation of plant communities and stormwater management facilities, effectively equivalent to "the provision of public facilities."

While it is not possible to completely avoid all impacts to these two distinct plant communities due to the constraints of the site, the Master Concept Plan creatively balances the protection of each plant community with minimal impact to each community, thus protecting both communities to the maximum extent possible.

The objective of protecting human life and property within the CHHA is achieved through site planning which reduces permissible residential densities in order to provide for enhanced flood and stormwater management and storage capacity. The maximum density capacity permissible for the site is 474 units, yet the amendment adds nearly 40 acres to the RPD while it proposes only a total of 265 single family or 342 multi-family units.

In compliance with Objective 123.3 of the Lee Plan, the protection and enhancement of the on-site preserve will maintain the function of the on-site wetland and upland preservation areas. It will also provide perpetual protection of wildlife habitat, which will be available for utilization by various common and protected wildlife species including, but not limited to, amphibians species, reptiles species, small mammal species, and avian species, including wading birds. The enhancement and long-term protection of the 18.38± acre on-site preserve area will help to maintain wildlife diversity in Lee County, in compliance with Objective 123.3 of the Lee Plan.

OBJECTIVE 123.3: WILDLIFE. Maintain and enhance the fish and wildlife diversity and distribution within Lee County for the benefit of a balanced ecological system. (Ord. No. 94-30, 18-28)

In compliance with Objective 123.3 of the Lee Plan, the protection and enhancement of the on-site preserve will maintain the function of the on-site wetland and upland preservation

areas. It will also provide perpetual protection of wildlife habitat, which will be available for utilization by various common and protected wildlife species including, but not limited to, amphibians species, reptiles species, small mammal species, and avian species, including wading birds. The enhancement and long-term protection of the 18.38± acre on-site preserve area will help to maintain wildlife diversity in Lee County, in compliance with Objective 123.3 of the Lee Plan.

OBJECTIVE 123.6: SOUTHERN BALD EAGLES. Monitor Southern bald eagle nesting activity and offer incentives to conserve buffer areas around Southern bald eagle nests.

There are no bald eagle (*Haliaeetus leucocephalus*) nests located on or within the immediate vicinity of the proposed Project.

OBJECTIVE 123.8: GOPHER TORTOISES. Restore and maintain secure, viable populations of Gopher Tortoises in Lee County.

Please see the attached Indigenous Preserve and Protected Species Management Plan that was prepared for the Project. On-site and off-site gopher tortoise relocation options will be coordinated with the Florida Fish and Wildlife Conservation Commission, and if relocation of the tortoises is needed, it will be conducted in accordance with the FWCC's Gopher Tortoise Permitting Guidelines.

OBJECTIVE 123.10: WOOD STORK. Lee County will maintain regulatory measures to protect the wood stork's feeding and roosting areas and habitat.

No wood stork (*Mycteria americana*) rookeries or roosting areas were documented on the Project site. Compensation for impacts to wood stork foraging habitat will be provided through the enhancement and preservation of on-site wetland areas, or through the purchase of credits from a wetland mitigation bank. Additionally, the enhancement and preservation of wetland areas on site and the creation of additional wetlands within the onsite preserve will provide and protect potential foraging habitat for woods storks and other wading birds. The proposed stormwater system will comply with all design requirements in the LDC, including the littoral planting requirements, which provides potential forage areas.

OBJECTIVE 123.11: FLORIDA PANTHER. Develop strategies to protect the Florida panther.

No Florida Panthers (*Puma concolor coryi*) have been documented on the Project site. In addition, the Project is located outside of the USFWS Florida Panther Focus Area.

OBJECTIVE 123.12: FLORIDA BLACK BEAR. Maintain sustainable black bear populations in suitable habitats and promote connectivity between sub-populations.

No Florida black bears (*Ursus americanus floridanus*) have been documented on the Project site.

OBJECTIVE 124.1: Protect and conserve the natural functions of wetlands and wetland systems by maintaining wetland protection regulations.

POLICY 124.1.1: Ensure that development in wetlands is limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions. The maximum density in the Wetlands category is one unit per 20 acres, except that one single family residence will be permitted on lots meeting the standards in Chapter XIII, and except that owners of wetlands adjacent to Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, New Community, Outlying Suburban, and Sub-Outlying Suburban areas may transfer densities to developable contiguous uplands under common ownership (see Table 1(a)).

The proposed development is limited to very low density residential uses. Density is calculated at 1 du/20 acres in all wetlands proposed to be impacted in accordance with table 1(a). Densities from preserved wetlands are transferred to developable contiguous uplands under common ownership at 1 du/6 acres, consistent with the maximum allowable density for the adjacent Suburban Future Land Use Category as identified in this policy and Table 1(a).

POLICY 124.1.2: The County's wetlands protection regulations will be consistent with the following:

2. No development in wetlands regulated by the State of Florida may be commenced without the appropriate state agency permit or authorization. Development orders and development permits authorizing development within wetlands or lands located within the Wetlands future land use category may be issued subject to a condition that construction may not commence until issuance of the required state permits.

A previous ERP was obtained which authorized 4.58 acres of wetland impacts (Permit 36-06750-P) and a condition is proposed which requires that construction may not commence until an amendment to this ERP is obtained to authorize any impacts to wetlands proposed by the MCP.

6. The density on wetlands that have been impacted, or will be impacted, in accordance with a state agency permit will be calculated at a density of one dwelling unit per 20 acres. Nonresidential uses on wetlands that have been impacted, or will be impacted, in accordance with a state agency permit must be consistent with the non-residential uses permitted in the immediately adjacent, least intense, upland future land use category.

The proposed development calculates allowable density based on 6 du/acre for uplands and preserved wetlands and, as mentioned above, a calculation of 1 du/20 acres in all wetlands proposed to be impacted in accordance with table 1(a).

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

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

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

The proposed RPD will include a stormwater lake adjacent to the residential tract to address water quality. The surface water system will also be required to obtain an ERP from the South Florida Water Management District at the time of DO. The proposed amendment will not impact existing infrastructure in the area, and roadways, schools, EMS, potable water and sanitary sewer service are available to serve the property.

The Applicant will be required to amend the existing SFWMD ERP for Marina del Lago (Permit No. 36-06750-P), which includes monitoring requirements. The RPD will comply with these and any additional/revised monitoring requirements that are incorporated into the modified ERP.

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 development of the proposed stormwater management system will provide water quality and water quantity improvements, including the creation of 4.48 acres of created wetlands. The system will be designed so that sufficient flow of water to retain the existing hydroperiods will be maintained. Several drainage easements exist throughout the site, as noted on the MCP, and are used to convey off-site flows. These easements will remain in place and will be incorporated into the surface water management system of the RPD.

For these reasons, the Applicant respectfully requests approval of this PD amendment as proposed.

**31 OAKS
LEE COUNTY
PROTECTED SPECIES MANAGEMENT PLAN**

Revised November 2022

Prepared For:

Neal Communities
28100 Bonita Grande Drive, Suite 106
Bonita Springs, Florida 34135
(239) 221-0446

Prepared By:

Passarella & Associates, Inc.
13620 Metropolis Avenue, Suite 200
Fort Myers, Florida 33912
(239) 274-0067

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1.0 Gopher Tortoise Management Plan

A protected species survey was conducted on the Project on October 22, 27 and November 3, 2021. The survey was conducted to meet Lee County LDC Chapter 10, Article III, Division 8 (Protection of Habitat) Standards. A total of five potentially occupied gopher tortoise (*Gopherus polyphemus*) burrows and one gopher tortoise were identified on-site during the survey.

1.1 Biology

The gopher tortoise is a large, terrestrial turtle averaging 23 to 28 centimeters (9 to 11 inches) in shell length. Maximum length is around 38 centimeters (15 inches). The gopher tortoise is characterized by stumpy, elephantine hind feet and flattened, with shovel-like forelimbs adapted for digging. The tan, brown, or gray carapace (top portion of shell) is domed and oblong. The plastron (bottom portion of shell) is somewhat concave in males. Growth annuli may be conspicuous, particularly in juveniles. Hatchlings are approximately 4.4 centimeters (1.7 inches) in length and are yellowish orange in color (Cox *et al.* 1987).

1.2 Range

The gopher tortoise occurs in the Southeastern Coastal Plain from extreme Eastern Louisiana to Southern South Carolina. In Florida, tortoises occur in all 67 counties (Cox *et al.* 1987).

1.3 Habitat

Three environmental conditions are especially important for gopher tortoises: well-drained, loose soil in which to burrow; adequate low-growing herbs for food; and open sunlit sites for nesting. The gopher tortoise is primarily associated with longleaf pine-scrub oak woodlands (*sandhills*), but it is also found in sand pine scrub, coastal strands, live oak hammocks, dry prairies, pine flatwoods, and mixed hardwood-pine communities. Disturbed habitats, such as roadsides, fencerows, clearings, and old fields often support relatively high tortoise densities (Ashton and Ashton 2002).

1.4 Life History and Ecology

Gopher tortoises excavate burrows averaging 4.5 meters (14.8 feet) in length and 2.0 meters (6.6 feet) in depth and wide enough to allow them to turn around at any point. These burrows provide protection from temperature extremes, desiccation, and predators, as well as serve as refuges for a variety of other animals. The placement and depth of burrows vary with the soil type, geographic location, and ground water levels. An individual tortoise may use more than one burrow and may excavate new burrows at any time during its life (Ashton and Ashton 2002).

Gopher tortoise densities and movements are affected by the amount of herbaceous ground cover present. Generally, feeding activity is confined to within 50 meters (164 feet) of the

burrow. Principal foods include grasses, legumes, and grass-like plants of the sedge and aster families. Legumes appear to be particularly important in the diet of juveniles. Fruits such as blackberries (*Rubus* sp.), pawpaws (*Asimina triloba*), gopher apples (*Geobalanus oblongifolius*), and saw palmetto (*Serenoa repens*) berries are also consumed (Ashton and Ashton 2002).

The gopher tortoise exhibits deferred sexual maturity, low reproductive potential, and a long-life span. Females mature sexually at 10 to 20 years of age, depending on latitude. The breeding season is usually from April to June, but males may attempt to mate throughout the activity season. Eggs are usually deposited in the burrow mounds from mid-May to mid-June. Only one clutch of eggs is produced annually. Clutch size usually ranges from 3 to 12 eggs, with an average of 6 eggs; however, a clutch of 25 eggs has been reported. The incubation period varies from about 80 to 110 days. Predation on eggs and hatchlings is heavy. Predators include raccoons, foxes, skunks, armadillos, snakes, and various raptors. Although some hatchlings immediately construct burrows, others may use burrows of adults or merely shelter opportunistically under sand or litter. Estimated life expectancy is 40 to 60 years (Cox *et al.* 1987).

1.5 Gopher Tortoise Relocation

Five gopher tortoise burrows are located on the Project site during the Lee County Protected Species Survey conducted in October and November 2021. An Florida Fish and Wildlife Conservation Commission (FWCC) Gopher Tortoise Relocation Permit will be obtained, and relocation activities will be conducted in accordance with FWCC Gopher Tortoise Permitting Guidelines (2020).

2.0 REFERENCES

Ashton, R and P. Ashton. 2002. Personal Communication.

Cox, J.D. Inkley, and R. Kantz. 1987. Ecology and Habitat Protection Needs of Gopher Tortoise (*Gopherus polyphemus*). Populations found on State Lands Slated for Large Scale Development in Florida. 69 pp.

Florida Department of Transportation. 1999. Florida Land Use, Cover and Forms Classification System. Procedure No. 550-010-001-a. Third Edition.

FWCC Gopher Tortoise Permitting Guidelines July 2020



31 Oaks RPD

Schedule of Deviations & Justification Narrative

Deviation #1: A deviation from LDC section 10-329(d)(1)a.3, which requires water retention or detention excavations to be a minimum of 50 feet from any private property line under separate ownership, to allow a minimum of 25 feet from private property lines.

JUSTIFICATION: The Applicant is requesting approval of this deviation in order to provide flexibility in site design for stormwater management within the RPD.

The proposed stormwater lake is adjacent to private properties along Davis Blvd, Fourth St., and West Rd. Along these property boundaries, a project wall and buffer are proposed.

Approval of this deviation will not negatively impact the public health, safety, or welfare as a project wall will be located between the lake and adjoining property lines.

Deviation #2: A deviation from LDC Section 10-329(d)(4), which requires lake banks to be sloped at a 6:1 ratio from the top of bank to a water depth of two feet below the dry season water table; to allow for a minimum ratio of 4:1 slope.

JUSTIFICATION: The Applicant is requesting approval of this deviation in order to maximize stormwater management lake area on the property. The subject property is constrained by on-site wetlands and impacts to Coastal High Hazard Area wetlands require compensating stormwater retention in addition to the typical stormwater management requirements. The site plan is also constrained by the existing lake on the southern portion of the property and this deviation provides the space to grade the area between the anticipated finished floor elevations and the control elevation/location of the existing lake

As a result, the 4:1 lake bank slope is necessary to accommodate the appropriate lake depth and minimum lake width specified in the LDC within the spatial constraints of the subject property. The proposed 4:1 lake bank slope will allow the project to provide for stormwater management lakes on the property in the most efficient manner possible.

A 4:1 lake bank slope has been proven to function as intended by the LDC through appropriate construction standards and lake maintenance measures. As shown on the enclosed cross section, turf reinforcement mats and enhanced herbaceous plantings are proposed to mitigate lake bank erosion in accordance with the slope protection measures set forth in LDC Section 10-329(d)(4). This design standard has been successfully implemented throughout Lee County and is accepted by the South Florida Water Management District. Therefore, the requested deviations will not negatively impact public health, safety, or welfare, and will uphold the intent of the LDC.

Deviation #3: A deviation from LDC section 10-296 (k), which requires dead-end streets to be designed as culs-de-sac, to allow a dead-end street in two locations as demonstrated on the Master Concept Plan.

JUSTIFICATION: The Applicant is requesting a hammerhead turnaround in the northeast and southeast corners of the development. These dead ends will be a maximum of 93 feet in the north area of the project and 120 feet in the south and will provide access to three lots at each hammerhead location. This limited use of the hammerhead turnaround design eliminates any potential impacts of providing a hammerhead design within the development. Additionally, National Fire Protection standards do not require a turnaround for roads that are less than 150 feet.

This deviation will allow for flexibility in site design of a property which is constrained by on-site wetlands and impacts to Coastal High Hazard Area wetlands require compensating stormwater retention in addition to the typical stormwater management requirements. The use of a dead-end street also supports the relocation of a previously proposed access on DeMoya Drive which neighbors expressed concern over at the required neighborhood information meeting.

Approval of this deviation will not negatively impact the public health, safety, or welfare as the dead-end streets are limited to less than 150 feet, serves limited residents, and will not be open to the public.



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Regulation Division

September 13, 2016

Mr. James Magnus
JAMSCAG Investment LLC
8841 West Terry Street
Bonita Springs, Florida 34135

Subject: JAMSCAG Informal Wetland Determination
Environmental Resource Permit Application No. 160331-19
Permit No. 36-00032-IF
Lee County

Dear Mr. Magnus:

The District offers the following in response to your request for a determination of the jurisdictional wetland and other surface water boundaries located within the subject property. Jewelene S. Harris, Environmental Analyst, of the Natural Resources Management Division, conducted a site inspection on May 17, 2016.

The project boundaries shown on the attached aerial exhibits define the area that was inspected. The project consists of approximately 36.9 acres. Based on the information provided and the results of the site inspection, jurisdictional wetlands and other surface waters as defined in Chapter 62-340, Florida Administrative Code (F.A.C.) have been identified on the property. The onsite upland habitats encompass approximately 18.5 acres and primarily consist of pasture lands and residential use. The uplands contain live oak and cabbage palms with varying degrees of infestation by exotic vegetation such as melaleuca and Brazilian pepper.

The site contains approximately 5.2 acres of wetlands and 13.2 acres of other surface waters. The onsite wetland habitats consist primarily of mixed forested wetlands and contain cypress, cabbage palm, pine, and live oaks. These wetlands contain varying degrees of infestation by exotic vegetation such as melaleuca and Brazilian pepper. The 13.2 acre other surface water within the property is a borrow pit.

Wetlands on the property were delineated using the methods established in Chapter 62-340, F.A.C. Based on the areal extent of obligate and facultative wetland plant species greater than 80% in the canopy and groundcover stratum, the "B" Test was used to delineate the extent of

DISTRICT HEADQUARTERS: 3301 Gun Club Road, West Palm Beach, Florida 33406
LOWER WEST COAST SERVICE CENTER: 2301 McGregor Boulevard, Fort Myers, FL 33901
OKEECHOBEE SERVICE CENTER: 3800 N.W. 16th Blvd, Suite A, Okeechobee, FL 34972
ORLANDO SERVICE CENTER: 1707 Orlando Central Parkway, Suite 200, Orlando FL 32809

• (561) 686-8800 • (800) 432-2045
• (239) 338-2929 • (800) 248-1201
• (863) 462-5260 • (800) 250-4200
• (407) 858-6100 • (800) 250-4250



ATTACHMENT O

09/13/2016

Mr. James Magnus
JAMSCAG Informal Wetland Determination Application No. 160331-19
September 13, 2016
Page 2

wetlands within the project boundaries. Please refer to Exhibit No. 2.0 for the location of the wetlands and surface waters. Hydrologic indicators were observed such as water stains and adventitious rooting on trees within the wetlands. Elevations of these indicators were surveyed and shown on Exhibit No. 2.1.

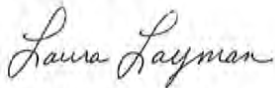
According to the National Resources Conservation Service (NRCS) soil data and the Florida Association of Soil Scientist's Hydric Soils of Florida Handbook (3rd edition), the site contains both historically mapped hydric soils and non-hydric soils. The historically mapped hydric soils include: Hallandale Fine Sand (Soil Map Unit 6), Wabasso Sand (Soil Map Unit 35), and Copeland Sandy Loam, Depressional (Soil Map Unit 45). The non-hydric soils include: Myakka Fine Sand (Soil Map Unit 11) which contains 20% hydric inclusions/components and Immokalee Sand (Soil Map Unit 28) which contains 30% hydric inclusions/components. A soils map is attached as Exhibit 2.2.

The following exhibits are attached: Location Map (Exhibit 1.0), FLUCCS Map with Wetlands and Surface Waters (Exhibit 2.0), Wetland Map with Seasonal High Water Elevations (2.1) and Soils Map (Exhibit 2.2).

This correspondence is an informal jurisdictional wetland determination pursuant to Section 373.421(6), Florida Statutes and Rule 62-312.040(7), FAC. It does not bind the District, its agents or employees, nor does it convey any legal rights, expressed or implied. Persons obtaining this informal jurisdictional determination are not entitled to rely upon it for purposes of compliance with provision of law or District rules.

A binding jurisdictional determination may be obtained by submitting an application to the South Florida Water Management District.

Sincerely,



Laura P. Layman
Section Leader
South Florida Water Management District

cc: Paul Ezzo, EW Consultants Inc.
Jacob Siegrist, U.S. Army Corps of Engineers, (Jacob.A.Siegrist@usace.army.mil)

NOTICE OF RIGHTS

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

RIGHT TO REQUEST ADMINISTRATIVE HEARING

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

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

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

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

FILING INSTRUCTIONS

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

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

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

INITIATION OF AN ADMINISTRATIVE HEARING

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

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

MEDIATION

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

RIGHT TO SEEK JUDICIAL REVIEW

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

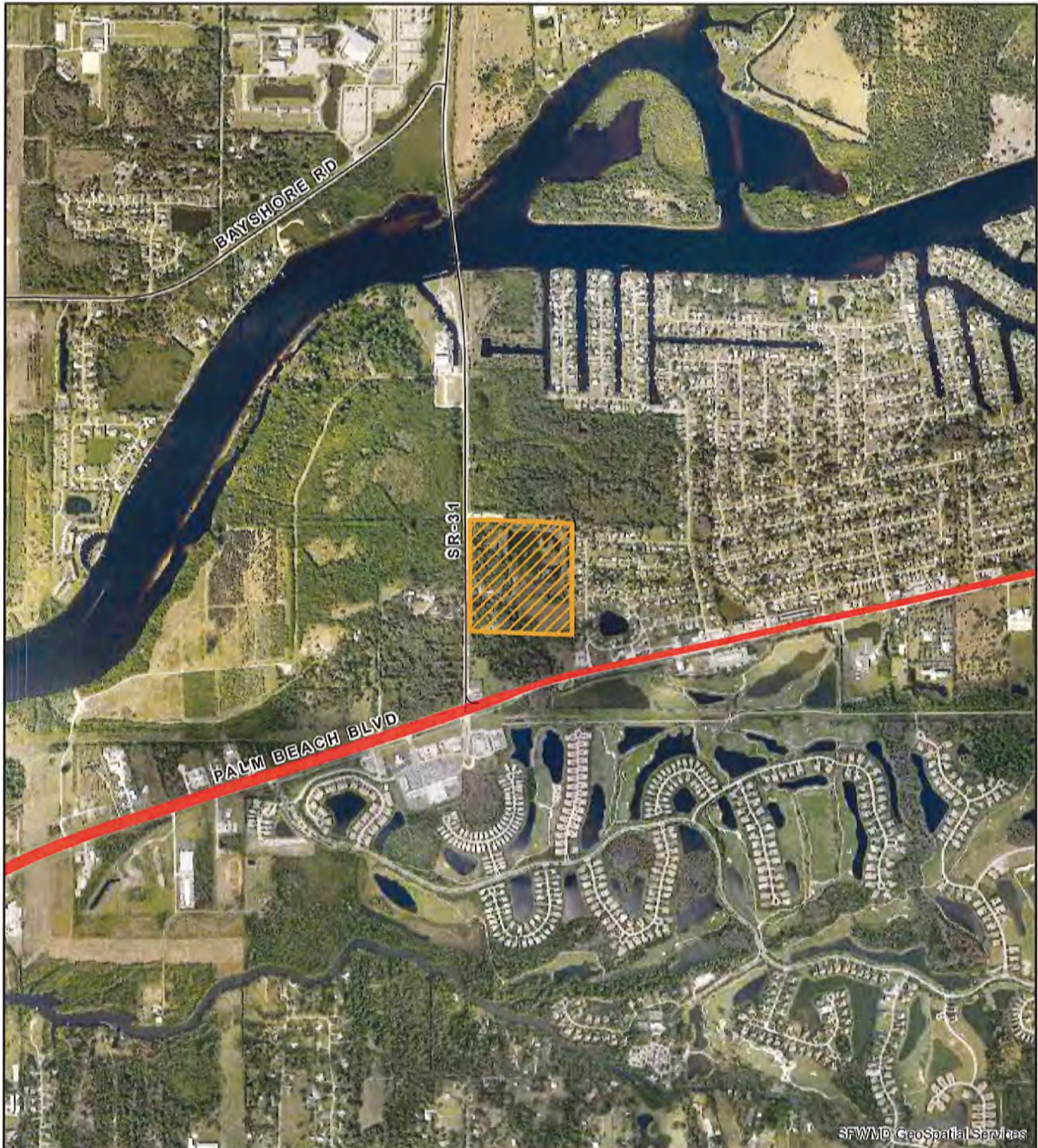
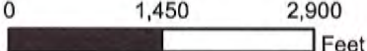
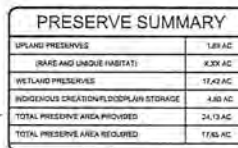
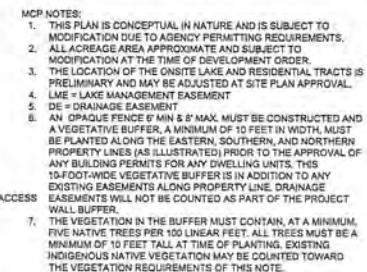
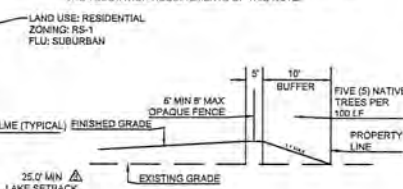
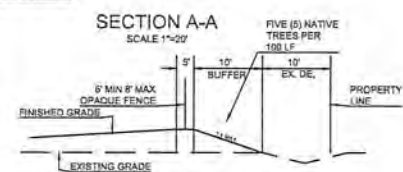
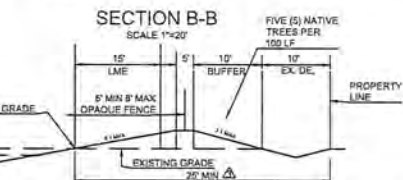
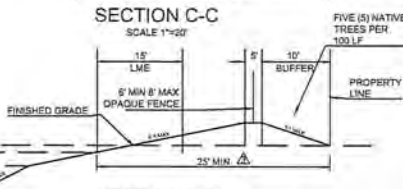
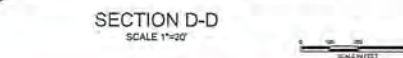


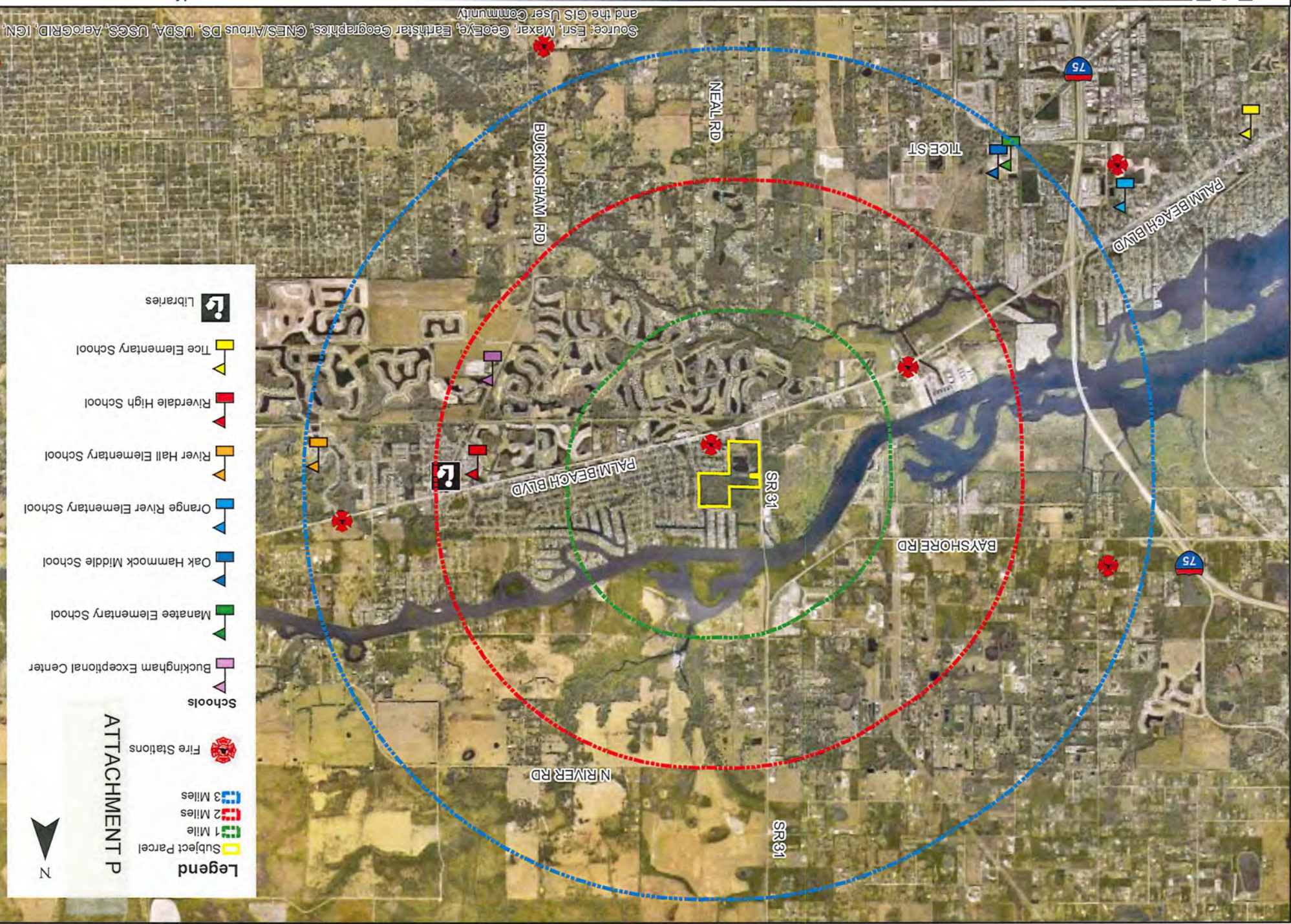
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		<div style="text-align: center;">  <p>Created by Regulation GIS Section South Florida Water Management District</p> </div>	



31 Oaks RPUD

prepared for:

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



LEGEND

	LAKE
	WETLANDS
	INDIGENOUS CREATION/FLOOD STORAGE
	SETBACKS

LAND USE SUMMARY

	ACREAGE	PERCENT OF TOTAL ACREAGE
PRESERVE	22.1	76.9%
RESIDENTIAL	23.0	72.4%
RIGHT OF WAY	5.1	9.9%
OTHER OPEN SPACE/BUFFERS	0.8	15.8%
LAKE	20.5	73.2%
TOTAL AREA	68.3	100%

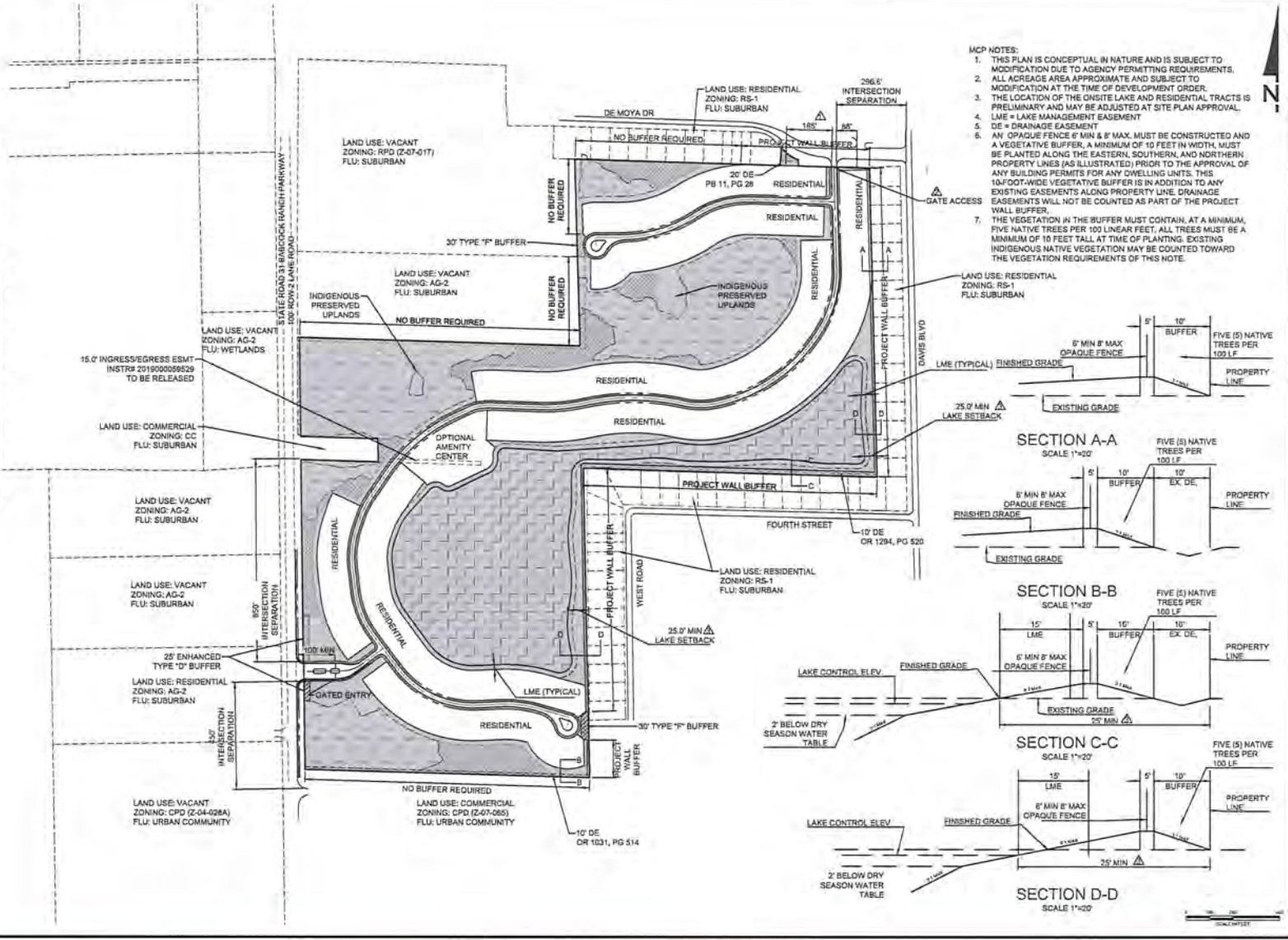
OPEN SPACE SUMMARY

TOTAL PRESERVE AREA	24.9 AC
LAKE (MAX 35% OF REG OPEN SPACE)	8.60 AC
BUFFERS	1.42 AC
OTHER OPEN SPACE	1.36 AC
TOTAL OPEN SPACE	10.3 AC

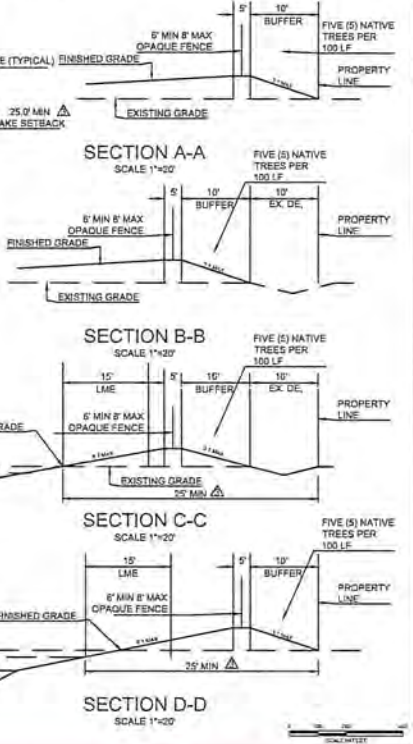
PRESERVE SUMMARY

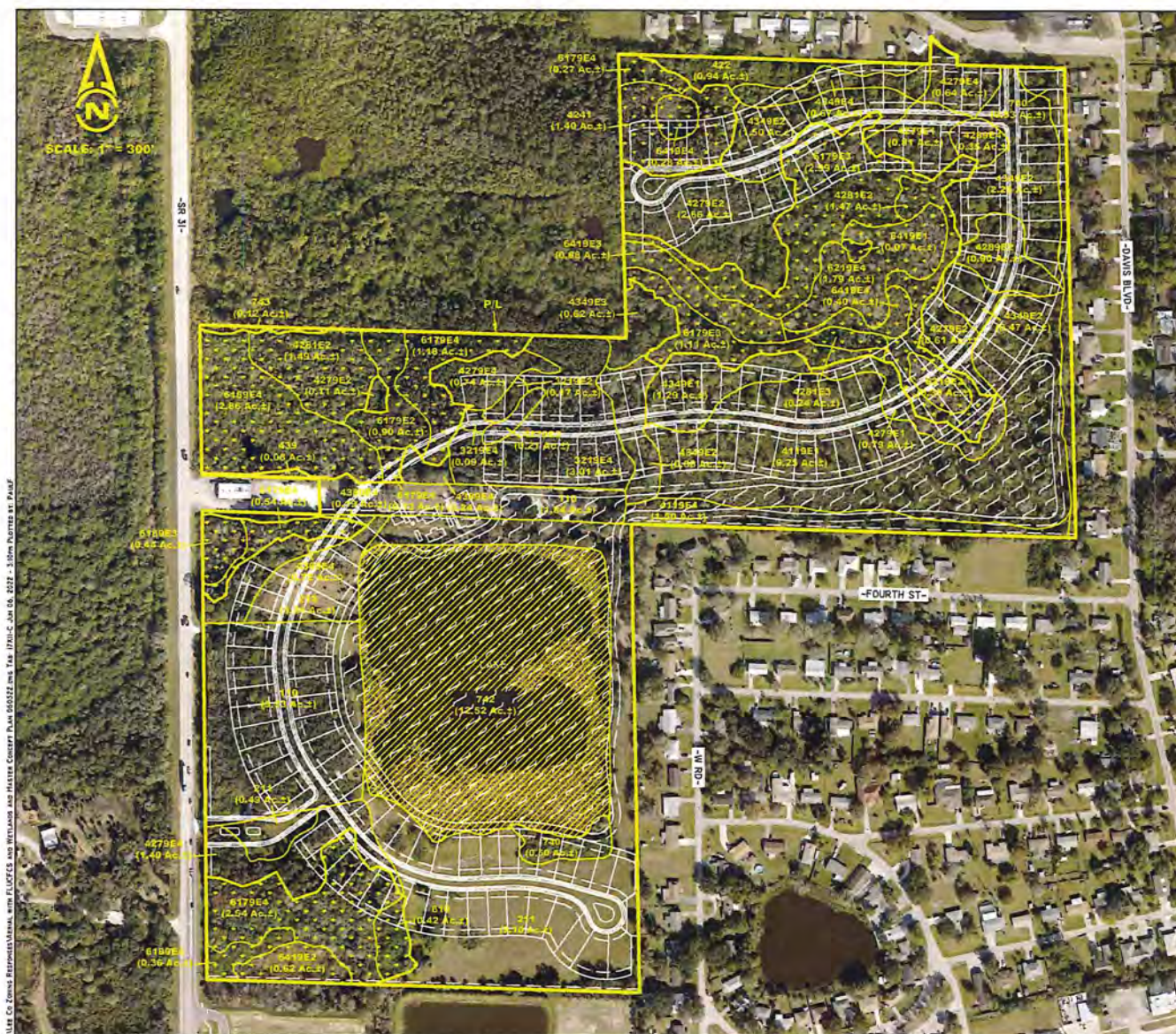
UPLAND PRESERVES	1.89 AC
(WATER AND UPLAND HABITAT)	9.9X AC
WETLAND PRESERVES	17.42 AC
INDIGENOUS CREATION/FLOOD STORAGE	1.80 AC
TOTAL PRESERVE AREA PROVIDED	24.12 AC
TOTAL PRESERVE AREA REQUIRED	17.85 AC

ATTACHMENT Q



- MCP NOTES:**
1. THIS PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO MODIFICATION DUE TO AGENCY PERMITTING REQUIREMENTS.
 2. ALL ACREAGE AREA APPROXIMATE AND SUBJECT TO MODIFICATION AT THE TIME OF DEVELOPMENT ORDER.
 3. THE LOCATION OF THE ONSITE LAKE AND RESIDENTIAL TRACTS IS PRELIMINARY AND MAY BE ADJUSTED AT SITE PLAN APPROVAL.
 4. LME = LAKE MANAGEMENT EASEMENT
 5. DE = DRAINAGE EASEMENT
 6. AN OPAQUE FENCE 6' MIN & 8' MAX. MUST BE CONSTRUCTED AND A VEGETATIVE BUFFER, A MINIMUM OF 10 FEET IN WIDTH, MUST BE PLANTED ALONG THE EASTERN, SOUTHERN, AND NORTHERN PROPERTY LINES (AS ILLUSTRATED) PRIOR TO THE APPROVAL OF ANY BUILDING PERMITS FOR ANY DWELLING UNITS. THIS 10'FOOT-WIDE VEGETATIVE BUFFER IS IN ADDITION TO ANY EXISTING EASEMENTS ALONG PROPERTY LINE. DRAINAGE EASEMENTS WILL NOT BE COUNTED AS PART OF THE PROJECT WALL BUFFER.
 7. THE VEGETATION IN THE BUFFER MUST CONTAIN, AT A MINIMUM, FIVE NATIVE TREES PER 100 LINEAR FEET. ALL TREES MUST BE A MINIMUM OF 10 FEET TALL AT TIME OF PLANTING. EXISTING INDIGENOUS NATIVE VEGETATION MAY BE COUNTED TOWARD THE VEGETATION REQUIREMENTS OF THIS NOTE.





LEGEND:

STATE 404 WETLANDS (22.77 Ac.±)

STATE 404 OTHER SURFACE WATERS (12.52 Ac.±)

SURVEYED WETLAND LINE

FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
110	RESIDENTIAL LOW DENSITY	7.37 Ac.±	8.3%
211	IMPROVED PASTURE	9.59 Ac.±	10.9%
212	UNIMPROVED PASTURE	1.34 Ac.±	1.5%
3219 E2	PALMETTO PRAIRIES, DISTURBED (25-49% EXOTICS)	0.17 Ac.±	0.2%
3219 E4	PALMETTO PRAIRIES, DISTURBED (76-100% EXOTICS)	3.10 Ac.±	3.5%
4119 E1	PINE FLATWOODS, DISTURBED (0-24% EXOTICS)	9.25 Ac.±	10.5%
4119 E4	PINE FLATWOODS, DISTURBED (76-100% EXOTICS)	1.50 Ac.±	1.7%
422	BRAZILIAN PEPPER	0.94 Ac.±	1.1%
4241	MELALEUCA, HYDRIC	1.40 Ac.±	1.6%
4279 E1	LIVE OAK, DISTURBED (0-24% EXOTICS)	1.80 Ac.±	1.8%
4279 E2	LIVE OAK, DISTURBED (25-49% EXOTICS)	3.59 Ac.±	4.1%
4279 E4	LIVE OAK, DISTURBED (76-100% EXOTICS)	2.78 Ac.±	3.1%
4281 E2	CABBAGE PALM, DISTURBED, HYDRIC (25-49% EXOTICS)	2.96 Ac.±	3.4%
4281 E3	CABBAGE PALM, DISTURBED, HYDRIC (50-75% EXOTICS)	0.24 Ac.±	0.3%
4289 E2	CABBAGE PALM, DISTURBED (25-49% EXOTICS)	0.90 Ac.±	1.0%
4289 E4	CABBAGE PALM, DISTURBED (76-100% EXOTICS)	0.35 Ac.±	0.4%
4349 E1	HARDWOOD/CONIFER MIXED, DISTURBED (0-24% EXOTICS)	1.29 Ac.±	1.5%
4349 E2	HARDWOOD/CONIFER MIXED, DISTURBED (25-49% EXOTICS)	5.14 Ac.±	5.8%
4349 E3	HARDWOOD/CONIFER MIXED, DISTURBED (50-75% EXOTICS)	0.62 Ac.±	0.7%
4349 E4	HARDWOOD/CONIFER MIXED, DISTURBED (76-100% EXOTICS)	0.67 Ac.±	0.8%
4389 E4	MIXED HARDWOODS, DISTURBED (76-100% EXOTICS)	1.15 Ac.±	1.3%
439	EXOTIC HARDWOODS	0.08 Ac.±	0.1%
6179 E2	MIXED WETLAND HARDWOODS, DISTURBED (25-49% EXOTICS)	0.90 Ac.±	1.0%
6179 E3	MIXED WETLAND HARDWOODS, DISTURBED (50-75% EXOTICS)	4.10 Ac.±	4.6%
6179 E4	MIXED WETLAND HARDWOODS, DISTURBED (76-100% EXOTICS)	4.66 Ac.±	5.3%
6189 E3	WILLOW, DISTURBED (50-75% EXOTICS)	0.44 Ac.±	0.5%
6189 E4	WILLOW, DISTURBED (76-100% EXOTICS)	3.22 Ac.±	3.6%
619	EXOTIC WETLAND HARDWOODS	0.42 Ac.±	0.5%
6219 E2	CYPRESS, DISTURBED (25-49% EXOTICS)	0.39 Ac.±	0.4%
6219 E4	CYPRESS, DISTURBED (76-100% EXOTICS)	1.79 Ac.±	2.0%
6419 E1	FRESHWATER MARSH, DISTURBED (0-24% EXOTICS)	0.07 Ac.±	0.1%
6419 E2	FRESHWATER MARSH, DISTURBED (25-49% EXOTICS)	0.82 Ac.±	0.9%
6419 E3	FRESHWATER MARSH, DISTURBED (50-75% EXOTICS)	0.88 Ac.±	1.0%
6419 E4	FRESHWATER MARSH, DISTURBED (76-100% EXOTICS)	0.68 Ac.±	0.8%
740	DISTURBED LAND	1.43 Ac.±	1.6%
742	BORROW AREA	12.52 Ac.±	14.2%
743	SPOIL AREAS	0.12 Ac.±	0.1%
TOTAL		88.27 Ac.±	100.0%

NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF JANUARY - MARCH 2021.

PROPERTY BOUNDARY AND SITE PLAN PER WALDROP ENGINEERING, INC. DRAWING No. (2022-01-28) 1223101E0206.DWG DATED FEBRUARY 1, 2022.

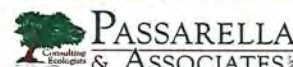
SURVEYED WETLAND LINES PER RHODES & RHODES, INC. DRAWING No. 2021-541- WETLAND LINES.DWG DATED NOVEMBER 3, 2021.

FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999).

UPLAND/WETLAND LIMITS HAVE NOT BEEN REVIEWED BY ANY REGULATORY AGENCY AND ARE SUBJECT TO CHANGE.

REVISIONS	DATE	DESIGNED BY	DATE	13620 Metropolis Avenue Suite 200 Ft. Myers, FL 33912 Phone (239) 274-0067 Fax (239) 274-0069	31 OAKS	DRAWING No. 21NCC3643
Added site plan	6/03/22	H.H.	2/15/22			
		DESIGNED BY	DATE			
		B.B.	2/15/22			
		REVIEWED BY	DATE			
		B.B.	2/15/22			



AERIAL WITH FLUCFCS AND WETLANDS AND MASTER CONCEPT PLAN

SHEET No. --



Schedule of Deviations & Justification Narrative

Deviation #1: A deviation from LDC section 10-329(d)(1)a.3, which requires water retention or detention excavations to be a minimum of 50 feet from any private property line under separate ownership, to allow a minimum of 25 feet from private property lines.

JUSTIFICATION: The Applicant is requesting approval of this deviation in order to provide flexibility in site design for stormwater management within the RPD.

The proposed stormwater lake is adjacent to private properties along Davis Blvd, Fourth St., and West Rd. Along these property boundaries, a project wall and buffer are proposed.

Approval of this deviation will not negatively impact the public health, safety, or welfare as a project wall will be located between the lake and adjoining property lines.

Deviation #2: A deviation from LDC Section 10-329(d)(4), which requires lake banks to be sloped at a 6:1 ratio from the top of bank to a water depth of two feet below the dry season water table; to allow for a minimum ratio of 4:1 slope.

JUSTIFICATION: The Applicant is requesting approval of this deviation in order to maximize stormwater management lake area on the property. The subject property is constrained by on-site wetlands and impacts to Coastal High Hazard Area wetlands require compensating stormwater retention in addition to the typical stormwater management requirements. The site plan is also constrained by the existing lake on the southern portion of the property and this deviation provides the space to grade the area between the anticipated finished floor elevations and the control elevation/location of the existing lake

As a result, the 4:1 lake bank slope is necessary to accommodate the appropriate lake depth and minimum lake width specified in the LDC within the spatial constraints of the subject property. The proposed 4:1 lake bank slope will allow the project to provide for stormwater management lakes on the property in the most efficient manner possible.

A 4:1 lake bank slope has been proven to function as intended by the LDC through appropriate construction standards and lake maintenance measures. As shown on the enclosed cross section, turf reinforcement mats and enhanced herbaceous plantings are proposed to mitigate lake bank erosion in accordance with the slope protection measures set forth in LDC Section 10-329(d)(4). This design standard has been successfully implemented throughout Lee County and is accepted by the South Florida Water Management District. Therefore, the requested deviations will not negatively impact public health, safety, or welfare, and will uphold the intent of the LDC.

Deviation #3: A deviation from LDC section 10-296 (k), which requires dead-end streets to be designed as culs-de-sac, to allow a dead-end street in two locations as demonstrated on the Master Concept Plan.

JUSTIFICATION: The Applicant is requesting a hammerhead turnaround in the northeast and southeast corners of the development. These dead ends will be a maximum of 93 feet in the north area of the project and 120 feet in the south and will provide access to three lots at each hammerhead location. This limited use of the hammerhead turnaround design eliminates any potential impacts of providing a hammerhead design within the development. Additionally, National Fire Protection standards do not require a turnaround for roads that are less than 150 feet.

This deviation will allow for flexibility in site design of a property which is constrained by on-site wetlands and impacts to Coastal High Hazard Area wetlands require compensating stormwater retention in addition to the typical stormwater management requirements. The use of a dead-end street also supports the relocation of a previously proposed access on DeMoya Drive which neighbors expressed concern over at the required neighborhood information meeting.

Approval of this deviation will not negatively impact the public health, safety, or welfare as the dead-end streets are limited to less than 150 feet, serves limited residents, and will not be open to the public.

Date: April 20, 2023

To: Beth Workman, Principal Planner

From: Nic DeFilippo, Senior Environmental Planner
239.533.8983
ndefilippo@leegov.com

Subject: DCI2021-00051
Natural Resources Staff Report and Conditions for 31 Oaks RPD
STRAP # 30-43-26-00-00001.3020, 30-43-26-00-00001.3000, 30-43-26-00-00002.0070, 30-43-26-00-00002.0050, 30-43-26-00-00002.0040, 30-43-26-00-00002.0030, 30-43-26-00-00002.0020, 30-43-26-00-00002.0010, 30-43-26-00-00002.0000, 30-43-26-00-00002.0060, 30-43-26-00-00009.0020, 30-43-26-00-00009.0010, 30-43-26-00-00009.0000

The request is to amend the existing Marina Del Lago RPD to include several adjacent properties into a unified development of approximately 88.3 acres to accommodate either a maximum of 342 townhome units or 265 single-family dwelling units or a combination of residential dwelling units using the proposed conversion table. A portion of the project is within the Coastal High Hazard Area (CHHA) and will impact approximately 9.29 acres of wetlands within the CHHA. Any development impacting wetlands within the CHHA will need to be permitted by the South Florida Water Management District. There are several existing drainage easements throughout the site, as noted on the MCP, which are used to convey offsite flows. These easements will remain in place and will be incorporated into the surface water management system of the RPD. The applicant has proposed conditions to demonstrate that the combination of preserved and created wetlands and enhancements to the stormwater management system will ensure no impacts to the pre-development floodplain. Staff has no objections to the applicants proposed conditions and recommends the following conditions.

Prior to local development order approval, the developer must provide a Stormwater Report that includes:

- a) Pre-Development Drainage Analysis with:**
 - i) Drainage Map for all contributory areas and must include offsite inflow areas,**
 - ii) Flow-paths,**
 - iii) Existing Structures,**
 - iv) ICPR Modeling of 5yr-24hr, 10yr-24hr, 25yr-3day, 100yr-3day storm events, and**
 - v) Pre-development stormwater conditions.**
- b) Post Development Drainage Plan with:**
 - i) Drainage Map for all contributory areas with proposed upland improvements, wetland and upland creation areas, proposed grading elevations and construction details of all structures and pipes,**
 - ii) Structures, weirs, pipes and swales to maintain a viable hydroperiod in the conservation area,**
 - iii) ICPR Modeling of 5yr-24hr, 10yr-24hr, 25yr-3day, 100yr-3day storm events, and**
 - iv) Post-development stormwater conditions.**
- c) Profiles and Sections Plan:**

- i) Any existing offsite flows through the project area will be maintained during and following construction of the development;
- ii) The development provides SFWMD required water quantity in the lake system and not in the conservation easement areas; and
- iii) Proposed engineering systems (e.g., wet-retention and dry-detention areas, structures, weirs, pipes, swales and other conveyances) ensure a hydroperiod in the conservation easement suitable to provide stormwater needs of the plant community.



31 Oaks RPD

Surface Water Management Plan

LDC Section 34-373(b)(1)

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

Portions of the Property have been previously cleared an existing lake is located on the parcels being added to the RPD. Existing runoff currently discharges off site.

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;

Storm water runoff will be treated and attenuated on site prior to discharging into wetlands. The anticipated outfall will be per pre-development routing into existing wetlands adjacent to SR31 and will be subject to SFWMD Environmental Resource Permitting. The project had an approved water management system under SFWMD ERP Permit No. 36-06750-P. The proposed water management system will be designed in accordance with the SFWMD Applicants Handbook and Lee County Land Development Code.

The existing lake will be expanded and function as the surface water treatment lake for the RPD. Perimeter berms will be located between the wetland areas and development areas to ensure that historic wetland connections and hydroperiods are maintained. The existing and preserved wetlands are not incorporated into the surface water treatment system. The SFWMD 100-year perimeter berm requirement will prevent offsite flow outside of the natural pre-development flow pattern. The existing and created wetlands on site will provide storage capacity for flood waters that occur in the CHHA designated areas of the property. This will be consistent with Policy 101.3.2 providing a pre-development compensating storage capacity.

Existing drainage easements along the southern, eastern and northern boundary adjacent to existing residential developments for drainage of adjacent properties. These easements will remain and provide for existing offsite runoff to retain its westerly flow, and is not proposed to be incorporated into the surface water management system of the RPD.

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 existing excavated lake will be incorporated into the drainage system. On-site attenuation per SFWMD requirements will be provided through the expansion of this lake.

The applicant will prepare and obtain an ERP approval prior to or concurrently with local Development Order. The ERP modification will include required maintenance provisions.

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 RPD includes 17.6 acres of wetland preservation and 4.84 acres of wetland creation. These areas are demonstrated in the Master Concept Plan and will ensure preservation of the natural features.

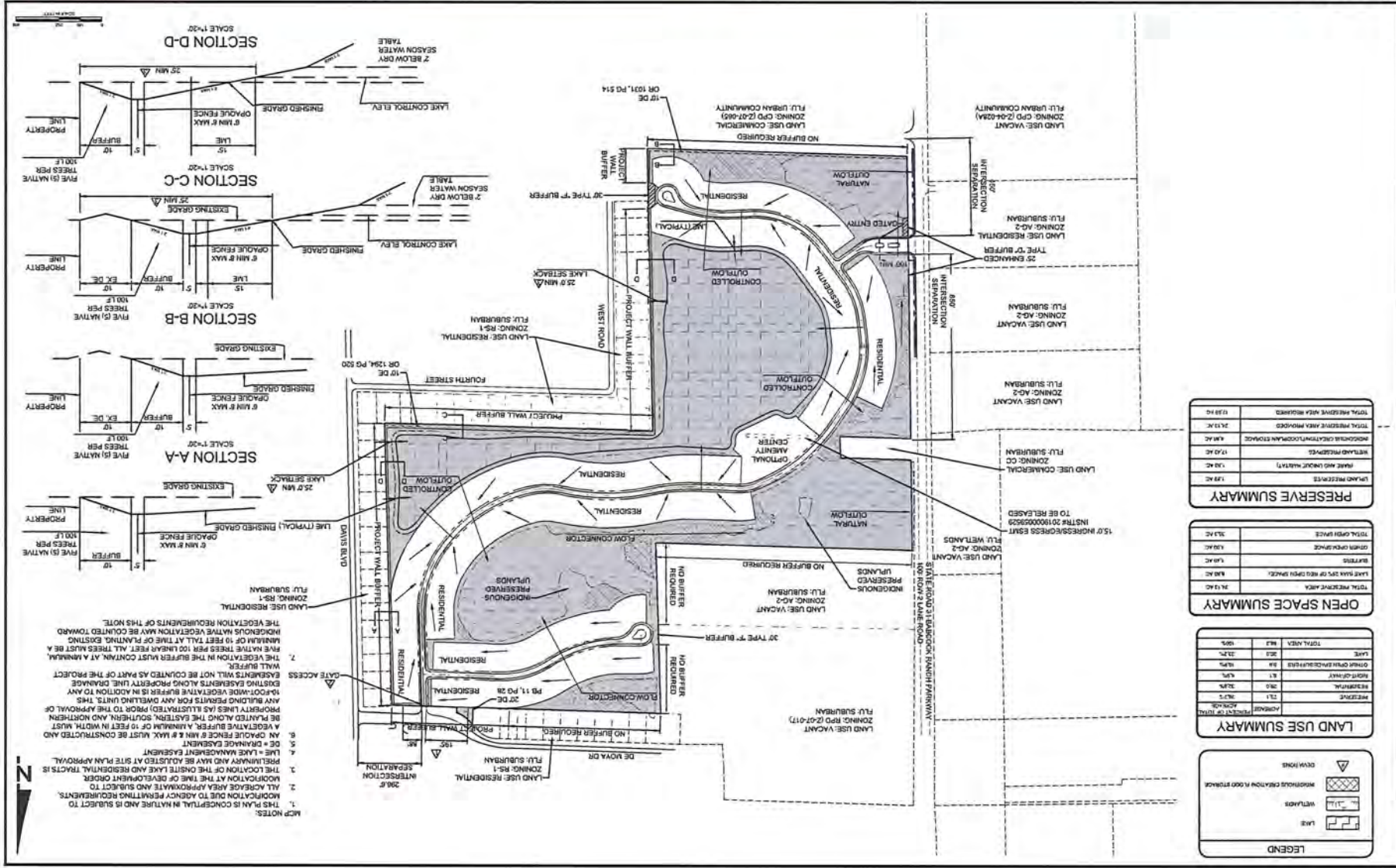
The existing lake within the properties being added to the RPD, expanded, and will be incorporated into the drainage system. Existing water table elevations is approximately 0.93' (NAVD88) based on SFWMD ERP

ATTACHMENT U

36-06750-P (Marina Del Lago issued April 10, 2008. Post-development water table elevations are expected to remain similar to the Existing water table elevation of 0.93' (NAVD88).

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.

Seasonal inundation currently discharges off site. The proposed surface water management plan will treat and attenuate stormwater runoff from development areas on-site prior to discharging into on-site wetlands. The retaining of existing and newly created wetland areas outside the stormwater system as to provide storage compensation for compliance with the intent of Policy 101.3.2. The created wetlands outside the stormwater management area will provide storage for proposed wetland impacts in the development's storm water management area.





31 OAKS
LEE COUNTY INDIGENOUS PRESERVE RESTORATION AND
MANAGEMENT PLAN

Revised January 2023

Prepared For:

Neal Communities
28100 Bonita Grande Drive, Suite 106
Bonita Springs, Florida 34135
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Prepared By:

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1.0 INTRODUCTION

The following outlines the Lee County Indigenous Preserve Management and Restoration Plan for 31 Oaks (Project) located in Section 30; Township 43 South; Range 26 East; Lee County.

The Project is bordered to the north by undeveloped, forested lands and single-family residential development; to the east by single-family residential development; to the south by cleared land and a gas station; and to the west by State Road 31.

The proposed Lee County indigenous preserve will contain the following elements:

- Preservation, enhancement, and restoration of 13.48± acres of indigenous and non-indigenous wetlands,
- Preservation, and enhancement of 0.42± acre of indigenous uplands; and
- Creation of 4.48± acres of indigenous wetland areas.

The indigenous preserve area will be protected in perpetuity via a conservation easement granted to Lee County.

2.0 INDIGENOUS VEGETATION PRESERVE

The Lee County Indigenous Preserve totals 18.38± acres and is comprised of 13.48± acres of wetlands and 4.90± acres of uplands. The location of the indigenous preserve is depicted in Appendix A.

The following are the existing indigenous on-site wetland and upland habitats proposed as indigenous vegetation preserve.

2.1 Indigenous Wetlands

Cabbage Palm, Hydric (25-49% Exotics) (FLUCFCS Code 4281 E2)

The canopy of this wetland habitat consists primarily of cabbage palm (*Sabal palmetto*) with few scattered laurel oak (*Quercus laurifolia*). The sub-canopy includes primarily cabbage palm with scattered myrsine (*Myrsine cubana*), Brazilian pepper (*Schinus terebinthifolia*), and wild coffee (*Psychotria nervosa*). The ground cover includes scattered swamp fern (*Telmatoblechnum serrulatum*), herb-of-grace (*Bacopa monnieri*), frogfruit (*Phyla nodiflora*), and giant leather fern (*Acrostichum danaeifolium*).

Cabbage Palm, Hydric (50-75% Exotics) (FLUCFCS Code 4281 E3)

The vegetative composition of this disturbed wetland habitat is similar to that of FLUCFCS Code 4281 E2; however, there is more Brazilian pepper and melaleuca (*Melaleuca quinquenervia*) in the canopy and sub-canopy strata.

Mixed Wetland Hardwoods, Disturbed (25-49% Exotics) (FLUCFCS Code 6179 E2)

The canopy of this wetland habitat includes laurel oak and cabbage palm with few scattered live oak (*Quercus virginiana*), melaleuca, and bishopwood (*Bischofia javanica*). The sub-canopy consists of scattered laurel oak, cabbage palm, bishopwood, and Brazilian pepper. The ground cover consists of swamp fern, muscadine grapevine (*Vitis rotundifolia*), giant leather fern, and American evergreen (*Syngonium podophyllum*).

Mixed Wetland Hardwoods, Disturbed (50-75% Exotics) (FLUCFCS Code 6179 E3)

The vegetative composition of this wetland habitat is similar to that of FLUCFCS Code 6179 E2; however, there is additional Brazilian pepper and melaleuca in the sub-canopy stratum.

Willow, Disturbed (50-75% Exotics) (FLUCFCS Code 6189 E3)

The canopy of this wetland habitat includes Carolina willow (*Salix caroliniana*), Brazilian pepper, and few cabbage palm. The sub-canopy includes Brazilian pepper and Carolina willow. The ground cover is primarily open with scattered swamp fern, fireflag (*Thalia geniculata*), and giant leather fern.

Freshwater Marsh, Disturbed (0-24% Exotics) (FLUCFCS Code 6419 E1)

The canopy of this wetland habitat is open. The sub-canopy includes scattered Brazilian pepper and Peruvian primrose willow (*Ludwigia peruviana*). The ground cover includes string-lily (*Crinum americanum*), swamp fern, and pickerelweed (*Pontederia cordata*).

Freshwater Marsh, Disturbed (25-49% Exotics) (FLUCFCS Code 6419 E2)

The vegetative composition of this wetland habitat is similar to that of FLUCFCS Code 6419 E1; however, there is additional Brazilian pepper in the sub-canopy stratum.

Freshwater Marsh, Disturbed (50-75% Exotics) (FLUCFCS Code 6419 E3)

The vegetative composition of this wetland habitat is similar to that of FLUCFCS Code 6189 E2; however, there is additional Brazilian pepper in the sub-canopy stratum.

2.2 Indigenous Uplands

Live Oak, Disturbed (25-49% Exotics) (FLUCFCS Code 4279 E2)

The canopy of this upland habitat consists of live oak. The sub-canopy includes scattered live oak, myrsine, gallberry (*Ilex glabra*), winged sumac (*Rhus copallinum*), Brazilian pepper, wild coffee, and coastal plain staggerbush (*Lyonia fruticosa*). The ground cover includes saw palmetto (*Serenoa repens*), muscadine grapevine, and shiny blueberry (*Vaccinium myrsinites*).

Hardwood/Conifer Mixed, Disturbed (50-75% Exotics) (FLUCFCS Code 4349 E3)

The canopy of this upland habitat includes live oak, slash pine (*Pinus elliottii*), laurel oak, and melaleuca. The sub-canopy includes Brazilian pepper, live oak, laurel oak, myrsine, wax myrtle, gallberry, winged sumac, wild coffee, and coastal plain staggerbush. The ground cover includes scattered saw palmetto, muscadine grapevine, and shiny blueberry.

3.0 EXISTING NON-INDIGENOUS VEGETATION PRESERVE

The non-indigenous upland and wetland are predominantly comprised of improved and unimproved pastures, mixed exotics, residential areas, melaleuca, Brazilian pepper, hardwood/conifer mixed, willow, and palmetto prairie habitat types that contain greater than 75 percent exotic vegetation. Listed below are the FLUCFCS descriptions of the non-indigenous areas on the Project site.

3.1 Non-Indigenous Wetland Habitats

Melaleuca, Hydric (FLUCFCS Code 4241)

This disturbed wetland habitat consists primarily of melaleuca in the canopy and sub-canopy. The ground cover is open.

Mixed Wetland Hardwoods, Disturbed (76-100% Exotics) (FLUCFCS Code 6179 E4)

The vegetative composition of this wetland habitat is similar to that of FLUCFCS Code 6179 E3; however, there is additional melaleuca in the canopy and sub-canopy strata.

Willow, Disturbed (76-100% Exotics) (FLUCFCS Code 6189 E4)

The vegetative composition of this wetland habitat is similar to that of FLUCFCS Code 6189 E3; however, there is additional Brazilian pepper in the canopy and sub-canopy strata.

Exotics Wetland Hardwoods (FLUCFCS Code 619)

The canopy of this wetland habitat is open. The sub-canopy includes Brazilian pepper, bishopwood, Java plum, Peruvian primrose willow, and scattered cabbage palm.

Cypress, Disturbed (76-100% Exotics) (FLUCFCS Code 6219 E4)

The canopy of this wetland habitat includes primarily bald cypress (*Taxodium distichum*) with scattered red maple (*Acer rubrum*), cabbage palm, and laurel oak. The sub-canopy includes bald cypress, Brazilian pepper, cabbage palm, red maple, and myrsine. The ground cover includes scattered swamp fern, herb-of-grace, creeping primrose willow (*Ludwigia repens*), and string-lily.

Freshwater Marsh, Disturbed (76-100% Exotics) (FLUCFCS Code 6419 E4)

The vegetative composition of this wetland habitat is similar to that of FLUCFCS Code 6189 E3; however, there is additional Brazilian pepper in the sub-canopy stratum.

3.2 Non-Indigenous Upland Habitats

Residential, Low Density (FLUCFCS Code 110)

This land use type consists of residential properties and dirt roadways. The canopy contains live oak and the sub-canopy is open. The ground cover is dominated by St. Augustine grass (*Stenotaphrum secundatum*).

Improved Pasture (FLUCFCS Code 211)

This land use type consists of agricultural fields used for cattle grazing. The canopy is primarily open with widely scattered live oak and slash pine. The sub-canopy is primarily open with few scattered cabbage palm and Brazilian pepper. The ground cover includes bahiagrass (*Paspalum notatum*), spermacoce (*Spermacoce verticillata*), and dog fennel (*Eupatorium capillifolium*).

Unimproved Pasture (FLUCFCS Code 212)

The canopy is open and the sub-canopy includes widely scattered Brazilian pepper and few cabbage palm. The ground cover is primarily Guinea grass (*Urochloa maxima*), air potato (*Dioscorea bulbifera*), dog fennel, and St. Augustine grass.

Palmetto Prairies, Disturbed (76-100% Exotics) (FLUCFCS Code 3219 E4)

The canopy of this upland community is open. The sub-canopy is primarily open with scattered coastal plain staggerbush, gallberry, wax myrtle (*Morella cerifera*), melaleuca, myrsine, and tarflower (*Bejaria racemosa*). The ground cover is predominantly saw palmetto, with scattered sand blackberry (*Rubus cuneifolius*) and muscadine grapevine.

Brazilian Pepper (FLUCFCS Code 422)

This disturbed upland habitat consists primarily of Brazilian pepper in the canopy and sub-canopy. The ground cover is characteristically sparse.

Melaleuca, Hydric (FLUCFCS Code 4241)

This disturbed wetland habitat consists primarily of melaleuca in the canopy and sub-canopy. The ground cover is open.

Live Oak, Disturbed (76-100% Exotics) (FLUCFCS Code 4279 E4)

The vegetative composition of this upland habitat is similar to that of FLUCFCS Code 4279 E2; however, there is significantly more melaleuca in the canopy and sub-canopy strata.

Hardwood/Conifer Mixed, Disturbed (76-100% Exotics) (FLUCFCS Code 4349 E4)

The vegetative composition of this upland habitat is similar to that of FLUCFCS Code 4349 E3; however, there is additional Brazilian pepper, Java plum (*Syzygium cumini*), and melaleuca in the canopy and sub-canopy strata.

Mixed Hardwoods, Disturbed (76-100% Exotics) (FLUCFCS Code 4389 E4)

The canopy of this upland habitat includes a mixture of scattered live oak, laurel oak, Indian laurel fig (*Ficus microcarpa*), cabbage palm, and slash pine. The sub-canopy includes Brazilian pepper, live oak, laurel oak, cabbage palm, myrsine, and wild coffee. The ground cover includes American evergreen and swamp fern.

Exotic Hardwoods (FLUCFCS Code 439)

The canopy of this upland habitat includes scattered Brazilian pepper, Java plum, and common bamboo (*Bambusa vulgaris*). The sub-canopy contains Brazilian pepper. The ground cover contains scattered air potato and American evergreen.

Spoil Areas (FLUCFCS Code 743)

This land use type consists of a berm comprised of spoil material, including rock and concrete. The canopy of this land use type is open, and the sub-canopy consists of Brazilian pepper and cabbage palm. The ground cover primarily includes Burma reed (*Neyraudia reynaudiana*).

4.0 METHODS TO REMOVE AND CONTROL EXOTIC AND NUISANCE PLANTS

Exotic and nuisance vegetation within the 18.38± acres of indigenous preserve will be conducted by hand methods. Hand treatment will be either by the felling of exotic trees, hand-removal and herbicide treatment of the tree stumps, or by hand-pulling and removal. The treatment of exotic and nuisance vegetation will include one or more of the following methods: (1) cut exotics within 12 inches of ground elevation, hand-remove cut vegetation, and treat the remaining stump with approved herbicide; (2) foliar application of approved herbicide or hand-pulling of exotic seedlings; and (3) foliar application of approved herbicide to nuisance grasses.

The indigenous preserve will be maintained free of invasive exotics listed in Table 1 in perpetuity.

Table 1. Prohibited Invasive Exotics

Common Name	Scientific Name
Air potato	<i>Dioscorea bulbifera</i>
Australian pines	<i>Casuarina</i> spp.
Bishopwood	<i>Bischofia javanica</i>
Brazilian pepper	<i>Schinus terebinthifolia</i>
Carrotwood	<i>Cupaniopsis anacardioides</i>
Chinese tallow tree	<i>Sapium sebiferum</i>
Downy rose-myrtle	<i>Rhodomyrtus tomentosa</i>
Earleaf acacia	<i>Acacia auriculiformis</i>
Indian laurel fig	<i>Ficus microcarpa</i>
Japanese climbing fern	<i>Lygodium japonicum</i>
Java plum	<i>Syzygium cumini</i>
Melaleuca	<i>Melaleuca quinquenervia</i>
Murray red gum	<i>Eucalyptus camaldulensis</i>
Old World climbing fern	<i>Lygodium microphyllum</i>
Portia tree	<i>Thespesia populnea</i>
Rose apple	<i>Syzygium jambos</i>
Rosewood	<i>Dalbergia sissoo</i>
Tropical soda apple	<i>Solanum viarum</i>
Wedelia	<i>Wedelia trilobata</i>

Table 1. (Continued)

Common Name	Scientific Name
Weeping fig	<i>Ficus benjamina</i>
Woman's tongue	<i>Albizia lebbbeck</i>

4.1 Method and Frequency of Pruning and Trimming

Exotic removal within the existing indigenous habitats is scheduled to begin concurrently with the start of construction activities. After completing the initial exotic removal, semi-annual inspections of the preserves will occur for the first two years. During these inspections, the conservation areas will be traversed by a qualified ecologist. Locations of nuisance and/or exotic species will be identified for immediate treatment with an appropriate herbicide. Any additional potential problems will also be noted, and corrective actions will be taken. Once exotic/nuisance species levels have been reduced to acceptable limits, inspections of the conservation areas will be conducted a minimum of once every two years.

Exotic maintenance will be hand-removal only. Maintenance will be conducted in perpetuity to ensure that the conservation areas are free of exotic vegetation, including the prohibited invasive exotic species listed in Section 10-420(h) of the LDC (Table 1).

Heritage trees located within the upland and wetland indigenous preservation areas will be retained. Prior to the initiation of exotic removal activities, heritage trees within the upland and wetland indigenous preservation areas will be identified and flagged with orange survey ribbon.

4.2 Debris Removal

Exotic vegetative debris that is cut will be removed from the indigenous preserve areas. Exotic debris may be stacked in the adjacent development area and burned. No stacking of exotic debris will occur within the preserves. The preserve areas will be inspected annually for trash/garbage. Any trash/garbage located within the preserve areas will be removed and disposed of by hand.

5.0 WETLAND CREATION

Approximately 4.48± acres of wetlands will be created from existing upland habitat on-site. Wetland creation activities will include hand removal/treatment of existing exotic vegetation, regrading to match adjacent wetland elevation, and replanting of wetland vegetation in accordance with Table 2 below, and ongoing maintenance and management. Prior to planting, an as-built survey will be conducted to ensure correct elevation has been achieved. The target habitat types for these are forested wetland areas with a mixture of pine, laurel oaks and other hardwood species, consistent with the existing wetland habitat types on-site. Wetland creation areas are depicted on Appendix A and on the MCP.

6.0 SUPPLEMENTAL PLANTING

Supplemental planting will occur within portions of the Lee County Indigenous Preserve where exotic vegetation currently exceeds 50 percent coverage in wetland creation areas. Trees and shrubs must be a minimum three-gallon and one-gallon size containers, respectively, and no single species may comprise more than 25 percent of the vegetation planted. The supplemental plantings will consist of tree, shrub, and ground cover species in accordance with Tables 2 and 3.

Table 2. Supplemental Wetland Plantings

Common Name	Scientific Name	Minimum Height	Minimum Container Size	Planting Density (On Center)
Tree Plantings				
Laurel oak	<i>Quercus laurifolia</i>	5 ft.	3 gal.	15 ft.
Dahoon holly	<i>Ilex cassine</i>	5 ft.	3 gal.	15 ft.
Red maple	<i>Acer rubrum</i>	5 ft.	3 gal.	15 ft.
Swamp bay	<i>Persea palustris</i>	5 ft.	3 gal.	15 ft.
Pop ash	<i>Fraxinus caroliniana</i>	5 ft.	3 gal.	15 ft.
Pond apple	<i>Annona glabra</i>	5 ft.	3 gal.	15 ft.
Bald cypress	<i>Taxodium distichum</i>	5 ft.	3 gal.	15 ft.
Swamp dogwood	<i>Cornus foemina</i>	5 ft.	3 gal.	15 ft.
American elm	<i>Ulmus americana</i>	5 ft.	3 gal.	15 ft.
Shrubs				
Buttonbush	<i>Cephalanthus occidentalis</i>	3 ft.	1 gal.	10 ft.
Cocoplum	<i>Chrysobalanus icaco</i>	3 ft.	1 gal.	10 ft.
Myrsine	<i>Myrsine cubana</i>	3 ft.	1 gal.	10 ft.
Wax myrtle	<i>Morella cerifera</i>	3 ft.	1 gal.	10 ft.
Walter's viburnum	<i>Viburnum obovatum</i>	3 ft.	1 gal.	10 ft.
Ground Cover				
Little blue maidencane	<i>Amphicarpum muhlenbergianum</i>	12 in.	2 in.	3 ft.
Gulfdune paspalum	<i>Paspalum monostachyum</i>	12 in.	2 in.	3 ft.
Cordgrass	<i>Spartina bakeri</i>	12 in.	2 in.	3 ft.
Muhlygrass	<i>Muhlenbergia capillaris</i>	12 in.	2 in.	3 ft.
Arrowhead	<i>Sagittaria lancifolia</i>	12 in.	2 in.	3 ft.
Golden canna	<i>Canna flaccida</i>	12 in.	2 in.	3 ft.
Maidencane	<i>Panicum hemitomom</i>	12 in.	2 in.	3 ft.
Pickernelweed	<i>Pontederia cordata</i>	12 in.	2 in.	3 ft.
Sawgrass	<i>Cladium jamaicense</i>	12 in.	2 in.	3 ft.
Soft-stem bulrush	<i>Scirpus validus</i>	12 in.	2 in.	3 ft.
Spikerush	<i>Eleocharis interstincta</i>	12 in.	2 in.	3 ft.

Table 3. Supplemental Upland Plantings

Common Name	Scientific Name	Minimum Height	Minimum Container Size	Planting Density (On Center)
Trees				
Slash pine	<i>Pinus elliottii</i>	5 ft.	3 gal.	15 ft.
Cabbage palm	<i>Sabal palmetto</i>	5 ft.	3 gal.	15 ft.
Live oak	<i>Quercus virginiana</i>	5 ft.	3 gal.	15 ft.
Laurel oak	<i>Quercus laurifolia</i>	5 ft.	3 gal.	15 ft.
Shrubs				
Wax myrtle	<i>Morella cerifera</i>	3 ft.	1 gal.	10 ft.
Myrsine	<i>Rapanea punctata</i>	3 ft.	1 gal.	10 ft.
Cocoplum	<i>Chrysobalanus icaco</i>	3 ft.	1 gal.	10 ft.
Saw palmetto	<i>Serenoa repens</i>	3 ft.	1 gal.	10 ft.
Gallberry	<i>Ilex glabra</i>	3 ft.	1 gal.	10 ft.
Ground Cover				
Gulfdune paspalum	<i>Paspalum monostachyum</i>	12 in.	2 in.	3 ft.
Little blue maidencane	<i>Amphicarpum muhlenbergianum</i>	12 in.	2 in.	3 ft.
Wiregrass	<i>Aristida stricta</i>	12 in.	2 in.	3 ft.
Gulf muhly	<i>Muhlenbergia capillaris</i>	12 in.	2 in.	5 ft.
Sand cordgrass	<i>Spartina bakeri</i>	12 in.	2 in.	5 ft.
Fakahatchee grass	<i>Tripsacum dactyloides</i>	12 in.	2 in.	5 ft.
Saw palmetto	<i>Serenoa repens</i>	12 in.	1 gal.	5 ft.
Lopsided Indian grass	<i>Sorghastrum secundum</i>	12 in.	2 in.	5 ft.
Florida coontie	<i>Zamia integrifolia</i>	12 in.	2 in.	5 ft.

Supplemental plantings will consist of tree, shrub, and ground cover species. Tree and shrub plantings will consist of a minimum of four (per stratum) of the species listed in Tables 2 and 3 and ground cover plantings will consist of a minimum of four of the species listed in Table 2 and 3. The species selected for planting will depend on market availability at the time the plantings are to occur. Additional tree and ground cover species may be included in the planting table with approval from Lee County DCD staff.

All preserve enhancement, restoration, and creation activities will be completed in a single phase upon commencement of construction activities. The wetland and upland planting activities are anticipated to occur during the wet season (i.e., June through October). If plantings cannot be installed within this timeframe, irrigation will be utilized until the onset of the wet season (i.e., June) or until the vegetation has successfully established. Irrigation will be utilized on a temporary, as-needed basis, and will not be a required long-term activity.

7.0 MAINTENANCE

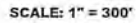
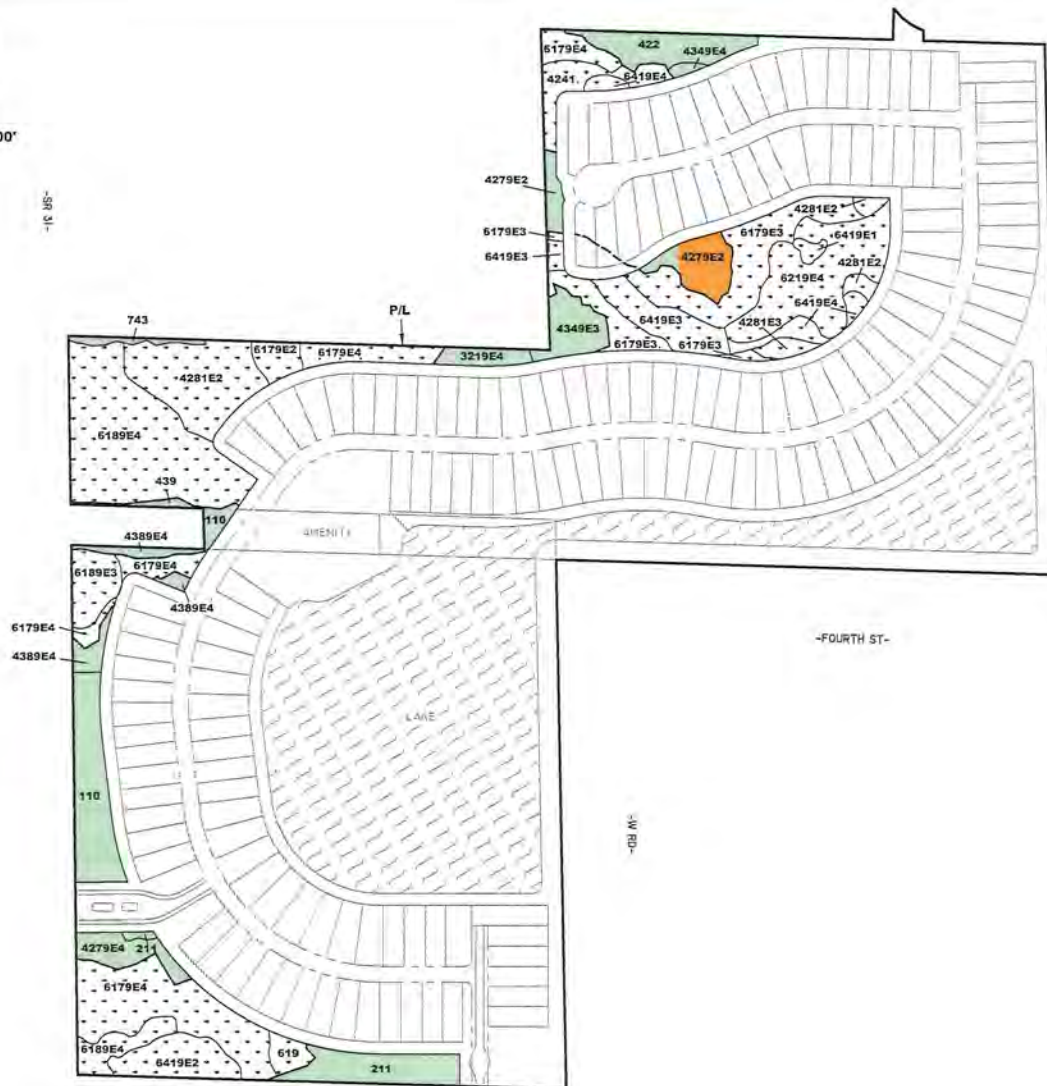
After completing the initial exotic removal, semi-annual inspections of the conservation areas will occur for the first two years. During these inspections, the conservation areas will be traversed by a qualified ecologist. Locations of nuisance and/or exotic species will be identified for immediate treatment with an appropriate herbicide. Any additional potential problems will also be noted, and corrective actions will be taken. Once exotic/nuisance species levels have been reduced to acceptable limits, inspections of the conservation areas will be conducted annually. After the initial exotic removal, all subsequent exotic maintenance will be hand-removal only. Maintenance will be conducted in perpetuity to ensure that the conservation areas are free of exotic vegetation, including the prohibited invasive exotic species listed in Section 10-420(h) of the LDC (Table 1).

8.0 MONITORING REPORTS

Monitoring will be conducted annually for the conservation areas. Annual reports documenting the achievement of the enhancement, restoration, and creation activities will be submitted to Lee County's DCD. Annual monitoring reports will be provided for five years after the Certificate of Compliance has been issued by the DCD. The monitoring reports will include documented exotic and nuisance species, mortality of vegetation, estimated causes of mortality, growth of the vegetation, hydrologic conditions of the wetland preserve areas including monitoring well hydrographs, wildlife observed, photographs, and factors that demonstrate the functional health of the conservation areas. A brief description of the anticipated maintenance work to be conducted over the next year will also be included. In addition, monitoring reports will provide recommendations and/or corrective measures to address deficiencies observed, including impacts to wetland hydrology. Periodic inspections will be conducted by DCD staff to ensure the accuracy of the monitoring reports.

APPENDIX A

INDIGENOUS PRESERVE PLAN



LEGEND:

-  WETLAND INDIGENOUS PRESERVE
 WETLAND CREATION
 UPLAND INDIGENOUS PRESERVE
 SURVEYED WETLAND LINE

FLUCFCS	DESCRIPTIONS
210	RESIDENTIAL LOW DENSITY
111	IMPROVED PASTURE
3219 E4	PALMETO PRAIRIES, DISTURBED (75-100% EXOTICS)
422	BRAZILIAN PEPPER
4241	MELALEUCA HYDRIC
4279 E2	LIVE OAK, DISTURBED (25-49% EXOTICS)
4279 E4	LIVE OAK, DISTURBED (76-100% EXOTICS)
4281 E2	CABBAGE PALM, HYDRIC (25-49% EXOTICS)
4281 E3	CABBAGE PALM, HYDRIC (50-75% EXOTICS)
4340 E3	HARDWOOD/CONIFER MIXED, DISTURBED (50-75% EXOTICS)
4349 E4	HARDWOOD/CONIFER MIXED, DISTURBED (76-100% EXOTICS)
4399 E4	HARDWOOD/CONIFER MIXED, DISTURBED (76-100% EXOTICS)
	EXOTIC HARDWOODS
6179 E2	MIXED WETLAND HARDWOODS, DISTURBED (25-49% EXOTICS)
6179 E3	MIXED WETLAND HARDWOODS, DISTURBED (50-75% EXOTICS)
6179 E4	MIXED WETLAND HARDWOODS, DISTURBED (76-100% EXOTICS)
6189 E3	WILLOW, DISTURBED (50-75% EXOTICS)
6189 E4	WILLOW, DISTURBED (76-100% EXOTICS)
619	EXOTIC WETLAND HARDWOODS
8219 E4	CYPRESS, DISTURBED (76-100% EXOTICS)
6419 E1	FRESHWATER MARSH, DISTURBED (0-24% EXOTICS)
6419 E2	FRESHWATER MARSH, DISTURBED (25-49% EXOTICS)
6419 E3	FRESHWATER MARSH, DISTURBED (50-75% EXOTICS)
6419 E4	FRESHWATER MARSH, DISTURBED (76-100% EXOTICS)
743	SPOIL AREAS

NOTES:

PROPERTY BOUNDARY AND SITE PLAN PER J.R. EVANS,
INC. DRAWING No. 00935-00 31 OAKS MCP-D.DWG DATED
NOVEMBER 2, 2022.

SURVEYED WETLAND LINES PER RHODES & RHODES, INC.
DRAWING No. 2021-541-WETLAND LINES.DWG DATED
NOVEMBER 3, 2021.

FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL
PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE, COVER
AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT
1999).

UPLAND/WETLAND LIMITS HAVE NOT BEEN REVIEWED BY
ANY REGULATORY AGENCY AND ARE SUBJECT
TO CHANGE.

REVISIONS	DATE	DRAWN BY	DATE
Revised upland indigenous	6/03/22	H.H./T.S.	2/25/22
Revised plan	11/09/22	DESIGNED BY B.B.	DATE 2/25/22
Revised plan	11/15/22	REVIEWED BY B.B.	DATE 2/25/22

13620 Metropolis Avenue
Suite 200
Ft. Myers, FL 33912
Phone (239) 274-0067
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PASSARELLA
& ASSOCIATES, Inc.

31 OAKS
INDIGENOUS PRESERVE PLAN

DRAWING No.	21NCC3643
SHEET No.	APPENDIX A

J:\2021\INJECT\56421\2022\LEE Co Zoning Disposition\APPENDIX A INDICIOUS PRESENCE PLAN 11557.DWG TAB 1\XIT-C Nov 15, 2022 - 3:27pm PLOTTED BY: JORDAN.L.C.

**31 OAKS
LEE COUNTY
PROTECTED SPECIES MANAGEMENT PLAN**

Revised November 2022

Prepared For:

Neal Communities
28100 Bonita Grande Drive, Suite 106
Bonita Springs, Florida 34135
(239) 221-0446

Prepared By:

Passarella & Associates, Inc.
13620 Metropolis Avenue, Suite 200
Fort Myers, Florida 33912
(239) 274-0067

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1.0 Gopher Tortoise Management Plan

A protected species survey was conducted on the Project on October 22, 27 and November 3, 2021. The survey was conducted to meet Lee County LDC Chapter 10, Article III, Division 8 (Protection of Habitat) Standards. A total of five potentially occupied gopher tortoise (*Gopherus polyphemus*) burrows and one gopher tortoise were identified on-site during the survey.

1.1 Biology

The gopher tortoise is a large, terrestrial turtle averaging 23 to 28 centimeters (9 to 11 inches) in shell length. Maximum length is around 38 centimeters (15 inches). The gopher tortoise is characterized by stumpy, elephantine hind feet and flattened, with shovel-like forelimbs adapted for digging. The tan, brown, or gray carapace (top portion of shell) is domed and oblong. The plastron (bottom portion of shell) is somewhat concave in males. Growth annuli may be conspicuous, particularly in juveniles. Hatchlings are approximately 4.4 centimeters (1.7 inches) in length and are yellowish orange in color (Cox *et al.* 1987).

1.2 Range

The gopher tortoise occurs in the Southeastern Coastal Plain from extreme Eastern Louisiana to Southern South Carolina. In Florida, tortoises occur in all 67 counties (Cox *et al.* 1987).

1.3 Habitat

Three environmental conditions are especially important for gopher tortoises: well-drained, loose soil in which to burrow; adequate low-growing herbs for food; and open sunlit sites for nesting. The gopher tortoise is primarily associated with longleaf pine-scrub oak woodlands (*sandhills*), but it is also found in sand pine scrub, coastal strands, live oak hammocks, dry prairies, pine flatwoods, and mixed hardwood-pine communities. Disturbed habitats, such as roadsides, fencerows, clearings, and old fields often support relatively high tortoise densities (Ashton and Ashton 2002).

1.4 Life History and Ecology

Gopher tortoises excavate burrows averaging 4.5 meters (14.8 feet) in length and 2.0 meters (6.6 feet) in depth and wide enough to allow them to turn around at any point. These burrows provide protection from temperature extremes, desiccation, and predators, as well as serve as refuges for a variety of other animals. The placement and depth of burrows vary with the soil type, geographic location, and ground water levels. An individual tortoise may use more than one burrow and may excavate new burrows at any time during its life (Ashton and Ashton 2002).

Gopher tortoise densities and movements are affected by the amount of herbaceous ground cover present. Generally, feeding activity is confined to within 50 meters (164 feet) of the

burrow. Principal foods include grasses, legumes, and grass-like plants of the sedge and aster families. Legumes appear to be particularly important in the diet of juveniles. Fruits such as blackberries (*Rubus* sp.), pawpaws (*Asimina triloba*), gopher apples (*Geobalanus oblongifolius*), and saw palmetto (*Serenoa repens*) berries are also consumed (Ashton and Ashton 2002).

The gopher tortoise exhibits deferred sexual maturity, low reproductive potential, and a long-life span. Females mature sexually at 10 to 20 years of age, depending on latitude. The breeding season is usually from April to June, but males may attempt to mate throughout the activity season. Eggs are usually deposited in the burrow mounds from mid-May to mid-June. Only one clutch of eggs is produced annually. Clutch size usually ranges from 3 to 12 eggs, with an average of 6 eggs; however, a clutch of 25 eggs has been reported. The incubation period varies from about 80 to 110 days. Predation on eggs and hatchlings is heavy. Predators include raccoons, foxes, skunks, armadillos, snakes, and various raptors. Although some hatchlings immediately construct burrows, others may use burrows of adults or merely shelter opportunistically under sand or litter. Estimated life expectancy is 40 to 60 years (Cox *et al.* 1987).

1.5 Gopher Tortoise Relocation

Five gopher tortoise burrows are located on the Project site during the Lee County Protected Species Survey conducted in October and November 2021. An Florida Fish and Wildlife Conservation Commission (FWCC) Gopher Tortoise Relocation Permit will be obtained, and relocation activities will be conducted in accordance with FWCC Gopher Tortoise Permitting Guidelines (2020).

2.0 REFERENCES

Ashton, R and P. Ashton. 2002. Personal Communication.

Cox, J.D. Inkley, and R. Kantz. 1987. Ecology and Habitat Protection Needs of Gopher Tortoise (*Gopherus polyphemus*). Populations found on State Lands Slated for Large Scale Development in Florida. 69 pp.

Florida Department of Transportation. 1999. Florida Land Use, Cover and Forms Classification System. Procedure No. 550-010-001-a. Third Edition.

FWCC Gopher Tortoise Permitting Guidelines July 2020



FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
110	RESIDENTIAL LOW DENSITY	7.37 AC±	8.3%
211	IMPROVED PASTURE	9.39 AC±	10.8%
219 E2	WETLAND PRAIRIES, DISTURBED (25-49% EXOTICS)	1.34 AC±	1.5%
3219 E4	PALMETTO PRAIRIES, DISTURBED (75-100% EXOTICS)	0.28 AC±	0.3%
4119 E1	PINE FLATWOODS, DISTURBED (0-24% EXOTICS)	3.10 AC±	3.5%
4119 E4	PINE FLATWOODS, DISTURBED (25-49% EXOTICS)	9.25 AC±	10.5%
422	BRAZILIAN PEPPER	1.50 AC±	1.7%
4241	MELALEUCA, HYDRIC	0.94 AC±	1.1%
4279 E1	LIVE OAK, DISTURBED (0-24% EXOTICS)	1.40 AC±	1.6%
4279 E2	LIVE OAK, DISTURBED (25-49% EXOTICS)	1.60 AC±	1.8%
4279 E4	LIVE OAK, DISTURBED (75-100% EXOTICS)	3.59 AC±	4.1%
4281 E2	CABBAGE PALM, DISTURBED, HYDRIC (25-49% EXOTICS)	2.78 AC±	3.1%
4281 E3	CABBAGE PALM, DISTURBED, HYDRIC (50-75% EXOTICS)	2.98 AC±	3.4%
4288 E2	CABBAGE PALM, DISTURBED (25-49% EXOTICS)	0.24 AC±	0.3%
4288 E4	CABBAGE PALM, DISTURBED (75-100% EXOTICS)	0.90 AC±	1.0%
4349 E1	HARDWOOD/CONIFER MIXED, DISTURBED (0-24% EXOTICS)	0.33 AC±	0.4%
4349 E2	HARDWOOD/CONIFER MIXED, DISTURBED (25-49% EXOTICS)	1.29 AC±	1.5%
4349 E3	HARDWOOD/CONIFER MIXED, DISTURBED (50-75% EXOTICS)	5.14 AC±	5.8%
4349 E4	HARDWOOD/CONIFER MIXED, DISTURBED (75-100% EXOTICS)	0.67 AC±	0.8%
4388 E4	MIXED HARDWOODS, DISTURBED (75-100% EXOTICS)	1.15 AC±	1.3%
439	EXOTIC HARDWOODS	0.08 AC±	0.1%
6179 E2	MIXED WETLAND HARDWOODS, DISTURBED (25-49% EXOTICS)	0.00 AC±	0.0%
6179 E3	MIXED WETLAND HARDWOODS, DISTURBED (50-75% EXOTICS)	4.10 AC±	4.6%
6179 E4	MIXED WETLAND HARDWOODS, DISTURBED (75-100% EXOTICS)	4.66 AC±	5.3%
6188 E3	WILLOW, DISTURBED (50-75% EXOTICS)	0.44 AC±	0.5%
619	WILLOW, DISTURBED (75-100% EXOTICS)	3.22 AC±	3.6%
619 E2	EXOTIC WETLAND HARDWOODS	0.42 AC±	0.5%
6219 E2	CYPRESS, DISTURBED (25-49% EXOTICS)	0.39 AC±	0.4%
6419 E4	FRESHWATER MARSH, DISTURBED (75-100% EXOTICS)	0.79 AC±	0.9%
6419 E2	FRESHWATER MARSH, DISTURBED (25-49% EXOTICS)	0.82 AC±	0.9%
6419 E3	FRESHWATER MARSH, DISTURBED (50-75% EXOTICS)	0.88 AC±	1.0%
6419 E4	FRESHWATER MARSH, DISTURBED (75-100% EXOTICS)	0.68 AC±	0.8%
740	SPILL AREA	1.43 AC±	1.6%
742	BORROW AREA	12.50 AC±	14.2%
743	TOTAL	88.27 AC±	100.0%

NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH FLIGHT DATES OF JANUARY - MARCH 2022.

PROPERTY BOUNDARY PER RVN PLANNING PER DRAWING NO. 2022-01-28 12231010206.DWG DATED FEBRUARY 1, 2022.

SURVEYED WETLAND LINES PER RHODES & RHODES, INC. DRAWING NO. 2021-SU-WETLAND LINES.DWG DATED NOVEMBER 3, 2021.

FLUCFCS LINES ESTIMATED FROM 1"-200" AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FOOT 1999).

UPLAND/WETLAND LIMITS HAVE NOT BEEN REVIEWED BY ANY REGULATORY AGENCY AND ARE SUBJECT TO CHANGE.

PASSARELLA & ASSOCIATES

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REVISIONS

DATE	BY	DATE	BY
11/14/22	T.S.	11/14/22	B.B.
11/14/22	B.B.	11/14/22	B.B.

DATE: 11/14/22

DATE: 11/14/22

DATE: 11/14/22

31 OAKS

AERIAL WITH FLUCFCS AND SITE PLAN

21N03043

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

WHEREAS, Hallmark International Lands & Investments, Inc., filed an application on behalf of the property owner, Gulf Ranch Investments, LLC, to rezone a 21.71±-acre parcel from Agricultural (AG-2) to Residential Planned Development (RPD) in reference to S.R. 31 Multiple-Family RPD (aka Caloosahatchee Preserve RPD); and,

WHEREAS, a public hearing was advertised and held on March 22, 2007, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2005-00040; and,

WHEREAS, a second public hearing was advertised and held on June 4, 2007, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 21.71±-acre parcel from AG-2 to RPD to allow a maximum of 60 multi-family units with a maximum height of 45 feet (three stories), a recreational facility, and three boat slips. The property is located in the Suburban Future Lane Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. The development of this project must be consistent with the one-page Master Concept Plan (MCP), entitled "Master Concept Plan, Caloosahatchee Preserve RPD, Lee County, Florida," dated 04/04/05, last revised 12/27/06, date stamped "Received Jun 5 2007 Community Development," and marked as Exhibit C, except as modified by the conditions below. This development must comply with all requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

A maximum of 60 multiple-family dwelling units and three boat docks are permitted as approved and shown on the MCP.

2. The following limits apply to the project and uses:

a. Schedule of Uses

ACCESSORY USES AND STRUCTURES
ADMINISTRATIVE OFFICES
BOATS, BOAT DOCKS - limited to three
DWELLING UNIT, MULTI-FAMILY - limited to a maximum of 60 dwelling units
ENTRANCE GATES AND GATEHOUSE
ESSENTIAL SERVICES
ESSENTIAL SERVICES FACILITIES - GROUP 1
EXCAVATION, WATER RETENTION
FENCES, WALLS
HOME OCCUPATION
MODEL, MODEL UNIT
PARKING LOT, ACCESSORY
PARKS, PUBLIC AND PRIVATE – GROUP I
RECREATION FACILITIES:
PRIVATE ON-SITE
SIGNS IN ACCORDANCE WITH LDC CHAPTER 30
TEMPORARY USES
TEMPORARY SALES CENTER

b. Site Development Regulations

Multiple-family:

Minimum lot size	10,000 square feet
Minimum lot width	100 feet
Minimum lot depth	100 feet

Minimum Setbacks:

Project Perimeter	20 feet
Private Street	20 feet
All other Streets	25 feet
Side	5 feet (0 feet for common wall unit)
Rear	20 feet (5 feet for accessory structure)
Waterbody	20 feet (10 feet for accessory structure)
Preserve	20 feet (10 feet for accessory structure)

Building Separation: $\frac{1}{2}$ sum of building heights or 20 feet, whichever is greater

Maximum Building Height:	45 feet or 3 stories (whichever is less)
Maximum Lot Coverage:	45 percent

Site Development Regulations

Recreational Area:

Minimum lot size	9,000 square feet
Minimum lot width	75 feet
Minimum lot depth	120 feet

Minimum Setbacks:

Project Perimeter	20 feet
Private Street	20 feet
All other Streets	25 feet
Side	7.5 feet
Rear	20 feet (5 feet for accessory structure)
Waterbody	20 feet (10 feet for accessory structure)
Preserve	20 feet (10 feet for accessory structure)

Building Separation: $\frac{1}{2}$ sum of building heights or 20 feet, whichever is greater

Maximum Building Height: 45 feet or 3 stories (whichever is less)

3. Environmental Conditions:

- a. Prior to local development order approval, the landscape plans must delineate a minimum 10.56 acres of preserve. The preserve area must consist of 7.43 acres of existing indigenous preservation and 3.13 acres of enhancement area where invasive exotic vegetation will be removed in substantial compliance with the MCP. Additionally, the 2.41-acre sabal palm hammock area delineated on the MCP must be preserved and enhanced through invasive exotic removal to the extent possible after finalizing the surface water management permits for the project.
- b. Prior to local development order approval, an indigenous preserve management plan must be submitted for review and approval by the Lee County Division of Environmental Sciences' staff that includes an alligator management plan. The alligator management plan must include an informational brochure for residents on living with alligators. Also, the development order plans must include the location and details of two signs between the preserve area and the residential development that state, "Alligators may be present. It is dangerous and illegal to feed or harass alligators."

4. The Type "F" buffer along the eastern portion of the property must be all native vegetation and planted with a minimum of 10 tree per 100 linear feet and a double, staggered hedge row. The shrubs must be a minimum 48-inches high at the time of planting and must be allowed to grow to a natural height. The required buffer trees must be a minimum 14 feet tall with a minimum 2.5-inch caliper at the time of planting. The buffer trees must include live oak trees; no palms may be counted as meeting the buffer tree requirements.

5. Boat Docks:
 - a. A maximum of three boats (one boat per dock) may be docked at the boat docks at any given time.
 - b. The boat docks are restricted to use by the residents of the development.
6. Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC §34-2174(a).
7. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.
8. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16, and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix, and general function, as well as all other Lee Plan provisions.
9. No agricultural uses currently exist on the subject property, and none are permitted in this rezoning.
10. Development of this project must be in substantial compliance with Exhibit D, depicting architectural renderings/elevations, and Exhibit E, depicting line-of-sight drawings.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §10-291(3) requirement to provide two or more means of ingress or egress for residential projects with an area of five or more acres, to allow a single access via a private accessway to minimize State Road 31 access locations. This DEVIATION IS APPROVED.
2. Deviation (2) seeks relief from the LDC §10-416(d)(3) requirement that a Type "D" buffer be provided adjacent to the right-of-way of State Road 31, to allow the existing native vegetation preserve to serve as the right-of-way buffer. This DEVIATION IS APPROVED.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan
- Exhibit D: Architectural Renderings/Elevations
- Exhibit E: Line-of-sight Drawings

The applicant has indicated that the STRAP numbers for the subject property are:

30-43-26-00-00001.0110 and
30-43-26-00-00001.2000

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and
 - c. is compatible with existing or planned uses in the surrounding area; and
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

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

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

DULY PASSED AND ADOPTED this 4th day of June 2007.

ATTEST:
CHARLIE GREEN, CLERK

BY: Marcia Wilson
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: [Signature]
Robert P. Janes
Chair



Approved as to form by:

[Signature]
Robert D. Spickerman
County Attorney's Office

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 30, TOWNSHIP 43 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

(SR 31 ACREAGE)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 30, TOWNSHIP 43 SOUTH, RANGE 26 EAST, AND BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

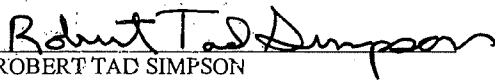
COMMENCING AT THE NORTHWEST CORNER OF GOVERNMENT LOT 2; THENCE S.88°18'30"E. ALONG THE NORTH LINE OF SAID LOT FOR 50.04' TO A POINT ON THE EASTERLY LINE ON STATE ROAD 31; THENCE S.00°02'37"E. ALONG SAID EAST LINE PARALLEL WITH THE WEST LINE OF SAID LOT FOR 400.35' FEET TO THE **POINT OF BEGINNING**; THENCE S.88°19'44"E. PARALLEL WITH THE NORTH LINE OF SAID LOT 2 FOR 1189.64' TO A POINT ON THE EAST LINE OF SAID LOT; THENCE N.01°36'32"W. ALONG SAID EAST LINE TO THE NORTH EAST CORNER OF SAID LOT 2 FOR 400.66' FEET TO A POINT ON THE SOUTH LINE OF BLOCK C OF UNIT NUMBER 4, FORT MYERS SHORES, AS RECORDED IN PLAT BOOK 11 AT PAGE 28 OF THE PUBLIC RECORDS OF LEE COUNTY; THENCE N.88°19'44"W. ALONG SAID SOUTH LINE FOR 94.64 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK C; THENCE N.01°38'56"E. ALONG THE WEST LINE OF SAID BLOCK C FOR 140.15' FEET; THENCE N.88°19'44"W. PARALLEL WITH THE SOUTH LINE OF SAID LOT 1 FOR 208.67' FEET; THENCE N.01°30'11" W. PARALLEL WITH THE WESTERLY LINE OF BLOCK D OF SAID SUBDIVISION FOR 360.40' FEET; THENCE N.88°19'44"W. PARALLEL TO THE SOUTH LINE OF SAID LOT 1 FOR 881.01' FEET TO A POINT ON SAID EASTERLY LINE OF STATE ROAD 31; THENCE S.00°42'37"E. ALONG THE EAST LINE OF SAID STATE ROAD 31 FOR 900.77' FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 21.71 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

ASSUMED NORTH BASED ON THE WEST LINE OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 26 EAST OF LEE COUNTY FLORIDA AS BEARING S.00°42'37"E.

DESCRIPTION PREPARED 05-16-05


ROBERT TAD SIMPSON
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 5559

S:\Jobs\20XX\2046-02\SURVEYING\2046-02_SKT.DOC
S:\Jobs\20XX\2046-02\SURVEYING\2046-02_SKT.DWG

Exhibit A
Legal Description
Property located in Lee County,
Florida
Page 1 of 2

DCI 2005-00040
RECEIVED
JUN 03 2005



1" = 200'

SKETCH OF DESCRIPTION

OF
A TRACT OR PARCEL OF LAND LYING IN
SECTION 30, TOWNSHIP 43 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA
(SR 31 ACERAGE)

Banks Engineering, Inc.

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
FLORIDA BUSINESS CERTIFICATION NUMBER LB 6690
10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33912
(239) 939-5490

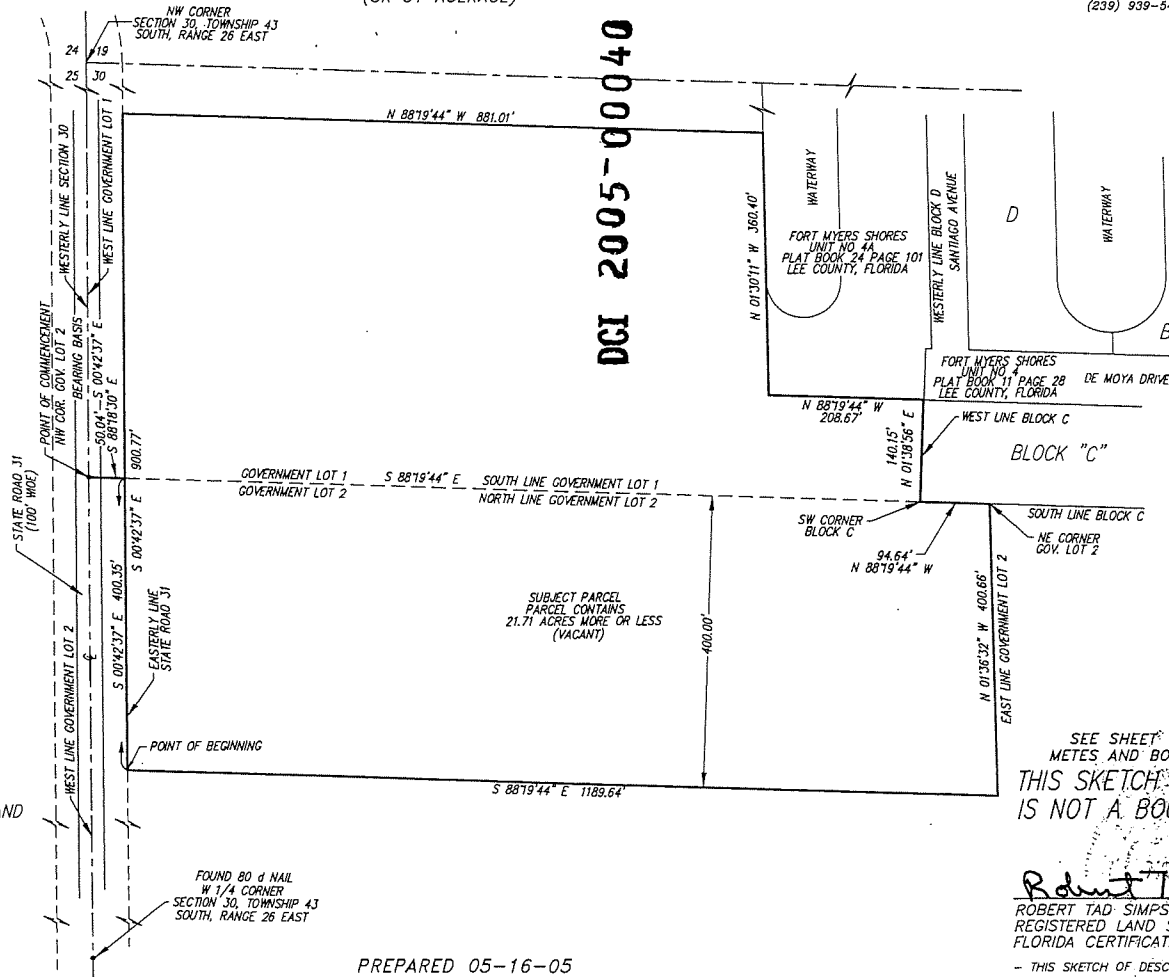
LEGEND:

COR. INDICATES CORNER
GOV. INDICATES GOVERNMENT
NO. INDICATES NUMBER
SR INDICATES STATE ROAD

NOTES:

- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) ASSUMED NORTH BASED ON THE WEST LINE OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 26 EAST OF LEE COUNTY FLORIDA AS BEARING S.00°42'37"E.

S: \JOBS\20XX\2049-02\SURVEYING\2049-02_SKT.DOC
S: \JOBS\20XX\2049-02\SURVEYING\2049-02_SKT.DWG



PREPARED 05-16-05
SHEET 2 OF 2

SEE SHEET 1 FOR COMPLETE
METES AND BOUNDS DESCRIPTION.
THIS SKETCH OF DESCRIPTION
IS NOT A BOUNDARY SURVEY

Robert Tad Simpson
ROBERT TAD SIMPSON
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 5559

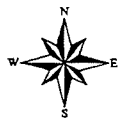
- THIS SKETCH OF DESCRIPTION IS NOT VALID
WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

EXHIBIT A
Page 2 of 2

EXHIBIT B
Zoning Map

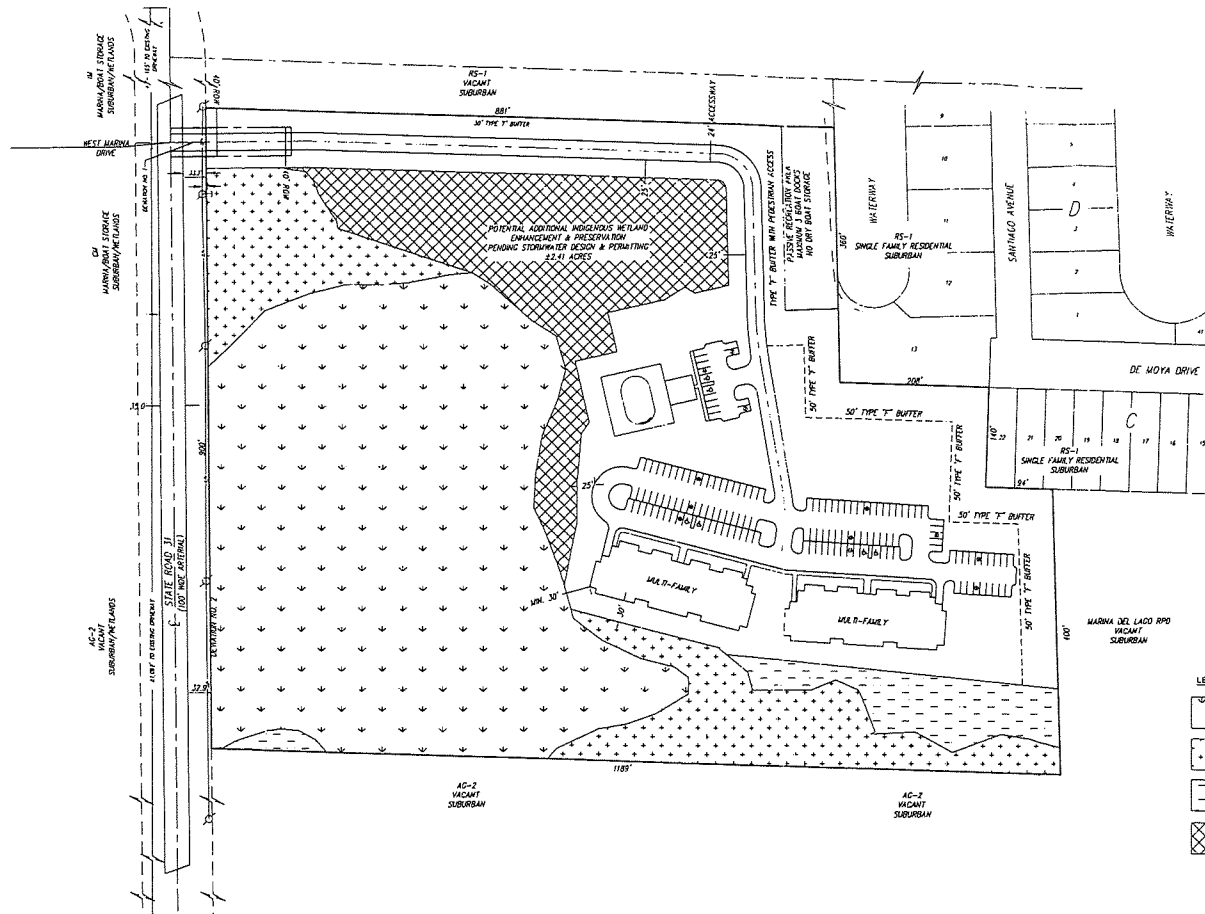
DCI2005-00040

2/19/2007



520 260 0 520 1,040 Feet

S:\cadd\2004\2049-02\2049-02.mxd 6/5/2007 1:11:06 PM, Jeff Koor



GRAPHIC SCALE 1" = 150'

GENERAL NOTES AND GENERAL CONDITIONS:
1) REGULATORY OPEN SPACE TABLE:
SITE AREA: 21.71 ACRES
REQUIRED OPEN SPACE (40%): 8.68 ACRES
EXISTING WETLANDS OPEN SPACE: 4.34 ACRES
PROPOSED WETLANDS OPEN SPACE:
EXISTING INDIGENOUS WETLAND PRESERVE: 2.43 ACRES
INDIGENOUS ENHANCEMENT AND PRESERVE: 1.12 ACRES
2) DEMARKATIONS:
1 -
2 -

RECEIVED
JUN 05 2007

COMMUNITY DEVELOPMENT

DCI 2005-00040

- LEGEND:
- EXISTING INDIGENOUS WETLAND PRESERVE: 2.43 ACRES
 - INDIGENOUS WETLAND ENHANCEMENT AND PRESERVE: 2.39 ACRES
 - INDIGENOUS UPLAND ENHANCEMENT AND PRESERVE: 0.74 ACRES
 - POTENTIAL ADDITIONAL INDIGENOUS WETLAND ENHANCEMENT AND PRESERVATION PENDING STORMWATER DESIGN AND PERMITTING: 2.41 ACRES

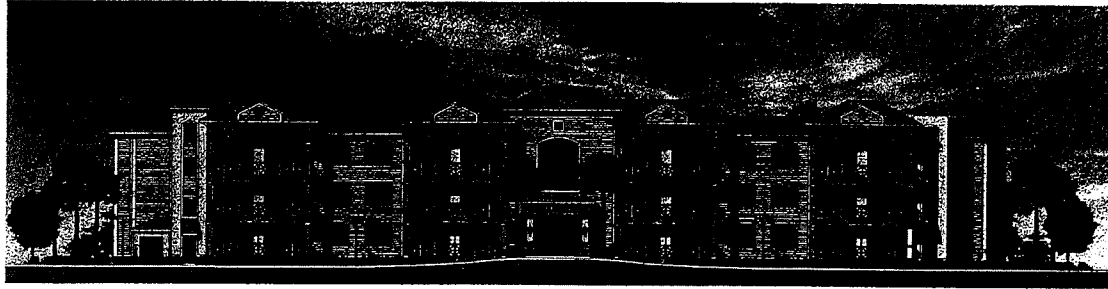
Approved as Exhibit C
MCP Page 1 of 1
Resolution # Z-07-017

PREPARED FOR:
GULF RANCH INVESTMENTS, LLC
1820 N. CORPORATE LAKES BLVD.
#111
WESTON, FLORIDA 33326

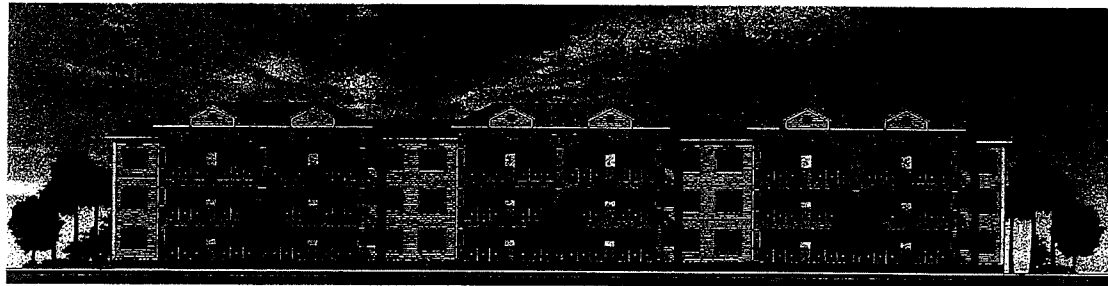
1	EXISTING INDIGENOUS WETLAND PRESERVE	2.43
2	INDIGENOUS WETLAND ENHANCEMENT AND PRESERVE	2.39
3	INDIGENOUS UPLAND ENHANCEMENT AND PRESERVE	0.74
4	POTENTIAL ADDITIONAL INDIGENOUS WETLAND ENHANCEMENT AND PRESERVATION PENDING STORMWATER DESIGN AND PERMITTING	2.41

Banks Engineering
Professional Engineers, Planners & Land Surveyors
1051 P. O. BOX 10000
FORT MYERS, FLORIDA 33906
PHONE: (239) 939-5490 FAX: (239) 939-2923
CONSULTING LICENSE # 18 4489
SURVEY LICENSE # LR 8890

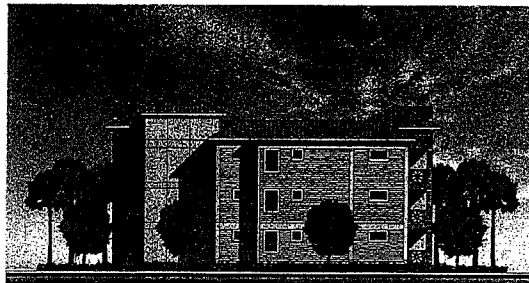
MASTER CONCEPT PLAN CALOOSAHATCHEE PRESERVE RPD LEE COUNTY, FLORIDA									
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
04/04/05	2049-02	M-07	SEN	SEN	JCH	1"=150'	1	1	(30-43-26)



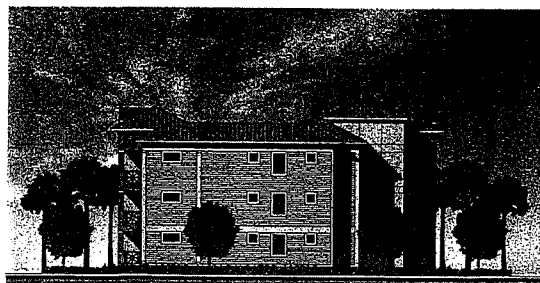
FRONT ELEVATION



BACK ELEVATION



RIGHT SIDE ELEVATION

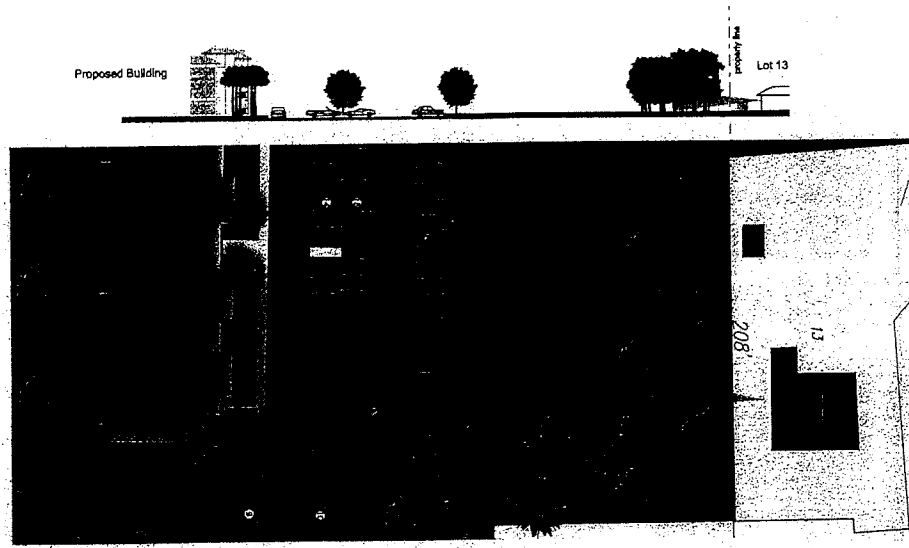


LEFT SIDE ELEVATION

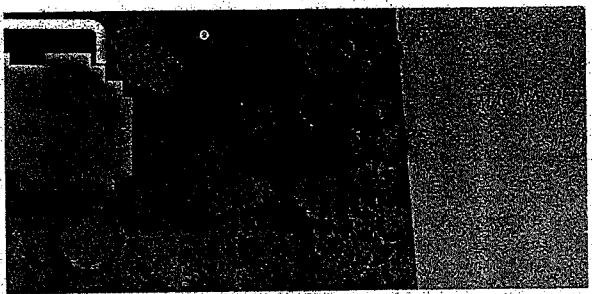
CALOOSAHATCHEE PRESERVE
LEE COUNTY, FLORIDA

cubellis | sgr 
ARCHITECTS

EXHIBIT "D"



Lot 13 Line of Sight Study



Marina del Lago Line of Sight Study



Lot 22 Line of Sight Study

GRAPHIC SCALE 1" = 60'

CALOOSA HATCHEE PRESERVE
LEE COUNTY, FLORIDA

cubellis | sgr

EXHIBIT "E"



LEE COUNTY
SOUTHWEST FLORIDA
BOARD OF COUNTY COMMISSIONERS

239-533-8585

John E. Manning
District One

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Karen B. Hawes
County Manager

Michael D. Hunt
County Attorney

Diana M. Parker
County Hearing Examiner

September 26, 2012

JENNIFER SAPEN
BARRACO & ASSOC
2271 MCGREGOR BLVD
SUITE 100
FORT MYERS FL 33901
Re: CALOOSA PALMS
BCCR11-10-01 Extension (F)
DCI2012-00033

Dear JENNIFER SAPEN:

In accord with BCCR11-10-01, development permits meeting certain criteria are entitled to one 4-year extension from the existing/initial permit expiration date. Accordingly, the effectiveness of the Master Concept Plan identified in Zoning Resolution, Z-10-014A, DCI2008-00038, CALOOSA PALMS, is hereby extended for the following:

APPROVAL OF A 4 YEAR EXTENSION FROM OCTOBER 25, 2016 TO OCTOBER 21, 2020 FOR CALOOSA PALMS.

No additional extensions under BCCR11-10-01 may be granted for the above-referenced development permit. All underlying conditions of the zoning resolution remain in full force and effect. Failure to comply with zoning conditions may result in enforcement action as provided under Florida law and local regulations.

This extension applies only to the specific approvals identified above. If your project requires additional development permits or authorizations to continue construction, you are required to obtain the necessary approvals, including related permit extensions. If you hold other permits or authorizations that qualify for an extension under BCCR11-10-01, you must file a specific request for each qualifying development permit.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Department of Community Development
Division of Zoning

Pam Houck
Director



(239) 533-2236

BOARD OF COUNTY COMMISSIONERS

Facsimile (239) 485-2106

John E. Manning
District One

Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Karen B. Hawes
County Manager

Michael D. Hunt
County Attorney

Diana M. Parker
County Hearing
Examiner

November 4, 2011

Florida Department of Legal Affairs
The Capitol PL-01
Tallahassee, FL 32399-1050

Re: Thirty-One, LLC, in ref. to Caloosa Palms
Petition for Relief
Final Action of the Lee County Board of Commissioners
LU-11-06-2578.A.

Dear Sir or Madam:

Please be advised that the Board of County Commissioners of Lee County, Florida, has approved the recommendation of the Special Magistrate in connection with the Thirty-One, LLC Request for Relief under the Florida Land Use and Environmental Dispute Resolution Act.

The uses available on the property owners' land are set forth in the enclosed zoning resolution.

Very truly yours,

John J. Fredyma
Assistant County Attorney

JJF/mms

Enclosure: Zoning Resolution Z-10-014A

via e-mail only w/ enclosure:

Donna Marie Collins, Chief Assistant County Attorney
Mary Gibbs, Director, DCD
Pam Houck, Director, Zoning Division
Susie Derheimer, Principal Planner, DCD/Environmental Sciences
Chahram Badamtchian, Senior Planner, DCD/Zoning
Billie Jacoby, Administrative Support Supervisor, DCD
Lisa L. Pierce, Minutes Office Manager, Lee County Clerk of Courts
Matthew D. Uhle, Esq., Law Office of Matthew D. Uhle, P.A.

RESOLUTION NUMBER Z-10-014A

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

WHEREAS, an application was filed by the property owner, Thirty-One, LLC, to rezone 23.71± acres from Residential Multi-Family and Residential Single-Family (RM-2, RM-6 and RS-1) to Mixed Use Planned Development (MPD) , in reference to Caloosa Palms; and,

WHEREAS, a public hearing was advertised and held on May 5, 2010, with the record held open until May 14, 2010, for written submissions, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2008-00038; and

WHEREAS, a second public hearing was advertised and held on September 10, 2010, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons, and DENIED the requested rezoning; and

WHEREAS, Thirty-One, LLC, timely filed suit to challenge the Board's denial of the requested rezoning; and

WHEREAS, in an effort to settle the resulting law suit, the parties agreed to submit the matter to mediation utilizing the procedure found in Section 70.51 of the Florida Statutes, known as the Florida Land Use and Environmental Dispute Resolution Act (FLUEDRA); and

WHEREAS, in conjunction with the proceedings before the Special Magistrate, the property owner and the County agreed to a number of terms, conditions and findings set forth in a stipulated settlement. The Special Magistrate accepted and adopted the stipulated settlement in conjunction with his subsequent recommendation; and

WHEREAS, a third public hearing was advertised and held on October 25, 2011, before the Lee County Board of County Commissioners, who gave full and complete consideration to the recommendation of the Special Magistrate, the staff, the property owner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant originally filed a request to rezone 23.71± acres from RM-2, RM-6 and RS-1 to MPD to allow for up to 15,000 SF of commercial retail and restaurant uses, 10,000 SF of general office, 50 residential dwelling units, a marina with 10,000 SF of boat repair area, 24 dry slips and 44 wet slips, and a 300 room hotel with ancillary uses including 7,000 SF of restaurant, 9,000 SF of retail 10,000 SF of private recreation and 2,500 SF of conference rooms, with a maximum building height of 45 feet. No blasting is requested. The development will connect to central water and sanitary sewer services.

As a result of the Special Magistrate proceeding under Section 70.51, Florida Statutes, the request was modified to rezone the subject property from RM-2, RM-6 and RS-1 to MPD to allow a marina and a continuing care facility, with a maximum building height of 45 feet. No blasting was requested and the development will connect to central water and sanitary sewer services.

At hearing before the Board of County Commissioners on October 25, 2011, the property owner modified the project request to remove the commercial marina accessory uses.

The subject property is located on the east side of SR-31 immediately south of Caloosahatchee River, in Fort Myers Shores Planning Community, Lee County, Florida (District #5), in the Suburban Future Land Use Category and is legally described in attached Exhibit "A."

The request, as modified, is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. Master Concept Plan/Development Parameters

The development of this project must be substantially consistent with the three-page Master Concept Plan (MCP) entitled "Caloosa Palms, Lee County, Florida," last revised 10-31-11, date-stamped "Received Nov 2 2011 Community Development," and attached as Exhibit "C," except as modified by the conditions below.

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

5.28± acres of the site, which includes the land area located between the southern property line and the East/West Canal, and including the East/West Canal, is allocated to the multi-slip docking facility use. The remaining acreage, which includes 13.19± acres of uplands, 2.94± acres of impacted wetlands, and 2.29± acres of enhanced wetlands, is allocated to residential (ALF & ILF) uses.

2. Uses and Site Development Regulations

The following Limits apply to the project and uses:

a. Schedule of Uses

- Accessory uses and structures
- Assisted living units - subject to residential density restrictions
- Boardwalk
- Entrance gates and gatehouses
- Fences, walls
- Hospice - subject to residential density restrictions
- Independent living units - subject to residential density restrictions
- Multi-slip docking facility - limited to 27 wet slips
- Parking lot, accessory
- Parks - Group I only
- Signs in accordance with LDC Chapter 30
- Temporary uses - limited to construction trailers and contractors storage units during construction; and special and social events intended in conjunction with the operation of the assisted living facility

Ancillary and accessory to assisted living facility use: All uses subject to requirements and limitations of §34-3021(c)(1)

- Administrative offices
- ATM (automatic teller machine)
- Boat docks - limited to 17 wet slips
- Essential service facilities - Group I only
- Community gardens
- Consumption on premises
- Drugstore, pharmacy
- Excavation-water detention and retention
- Food stores - Group I only and limited to one 1,000 square foot store
- Healthcare facilities - Groups I, II & III
- Laundry and dry cleaning - Group I only
- Medical office
- Personal Services - Groups I & II, excluding massage parlors
- Place of worship
- Recreational facilities, private

Restaurants - Group II only
 Specialty retail - Groups I & II
 Transportation services - Group IA only and for the exclusive use
 of the residents and guests

b. Site Development Regulations

Minimum Street Setback (SR 31)	25 Feet
Minimum waterbody setback: River	50 Feet
Canal	25 Feet
Minimum lake setback (Principal structures)	20 Feet
Minimum lake setback (Recreational structures)	0 Feet
Minimum preserve setback	20 Feet
Minimum Building setback (South property line)	40 Feet
Minimum building separation (Principal)	20 Feet
Minimum building separation (accessory)	10 Feet
Maximum building height	45 Feet
Maximum Lot coverage	40%
Minimum Lot size	1 Acre
Minimum Lot width	100 Feet
Minimum Lot depth	100 Feet

3. Environmental Conditions

- A) Prior to local development order approval, the development order plans must depict the areas utilized to meet the 11.01 acres of open space and the maximum of 20% impervious for the area being utilized as passive and active recreation per §10-415 (d)(2)(d). Any pedestrian trail constructed at grade must utilize mulch or other pervious type material to retain a natural setting.
- B) Prior to local development order approval the landscape plans must depict the following:
 - 1. 4.95± acres of restored indigenous open space in substantial compliance with the areas shown on the MCP;
 - 2. Any shoreline improvements along the Caloosahatchee River must be designed to not negatively impact the preserve areas or mangrove fringe;
 - 3. Preservation or onsite relocation of all healthy cabbage palms with a minimum eight foot clear trunk in compliance with §10-415(b)(2)(a);

4. Restoration of the natural waterway buffer in substantial compliance with §10-416 (d)(9)(b) and the Preliminary Planting/Abatement Plan prepared by Passarella and Associates, dated 6/12/09, last revised 9/21/11, and attached hereto as Exhibit "D";
 5. At a minimum, indigenous restoration of the project in substantial compliance with the Preliminary Planting/Abatement Plan attached as Exhibit "D;" and
 6. An indigenous management plan must be prepared to address long term maintenance of the restored indigenous areas per §10-415(b)(4). No trimming of mangroves or preserve material will be permitted without prior approval from Lee County Division of Environmental Sciences (LCDES) staff.
- C) Prior to local development order approval, the proposed boardwalk must be designed to depict:
1. No watercraft mooring on the Caloosahatchee River. The boardwalk must be designed to be five feet above mean high waterline; with fixed handrails, including intermediate rails, installed around the perimeter of the structure;
 2. A minimum of four "No Boat Mooring" signs placed along the boardwalk, adjacent to the Caloosahatchee River, facing the water;
 3. Any structure to be set back from all adjoining side lot and riparian lines no less than 25 feet;
 4. Structures within the canals may not extend waterward more than 25 percent of the navigable channel width; and
 5. Low voltage, shielded, permanent lighting to be installed every 50 feet of the boardwalk along the Caloosahatchee River and the North/South Canal to ensure the structure is visible at night to boaters to improve boater safety from the water.
- D) Prior to local development order approval the development order plans must depict the project be designed to minimize light pollution, sky glow and light trespass beyond the property lines by using appropriate light fixtures and other light management techniques. Techniques may include:
1. Utilizing fully shielded, full cut off luminaries; down style canisters with interior baffles;
 2. Pole lights less than 4 feet in height; bollard type fixtures with louvers;

3. Other techniques acceptable to LCDES; and
 4. Up-lighting is prohibited. Mercury vapor or metal halide lamps are also prohibited.
- E) Prior to local development order approval, a cross section must be provided for the restoration area along the North/South Canal which indicates the top of bank and the restoration area measured a minimum of 23 feet from the top of bank. Any shoreline improvements to the north south canal bank slope must be shown in the cross section as well.
- F) Prior to local development order approval, the landscape plans must indicate the gumbo limbo and live oak trees depicted on the Preliminary Planting/Abatement Plan be revised for the restoration area along the North/South Canal to reflect a minimum of 14-feet in height, 4- inch caliper, with a 5-foot spread, and 10-feet on center to assist in screening for the adjacent residential uses.
- G) Prior to local development order approval, the development order plans must depict a Type "D" Right-of-way buffer along State Road 31 in front of the multi-slip docking facility.
- H) Prior to local development order approval the development order plans must indicate the establishment of a littoral planting shelf along the East/West Canal (1,604 linear feet) as illustrated in the Cross-sections on Page 3 of the MCP, and must include a minimum of three species of native littoral plants, 3 gallon container size, minimum 24 inches in height and planted 3 feet on center.
- I) Prior to local development order approval, development plans must depict:
1. Slip number consistent with the Lee County Manatee Protection Plan (MPP) approvals with a maximum 44 wet slips;
 2. Wet slips depths must be designed in compliance with §26-71(f)(2);
 3. Wet slips widths including mooring areas must be in compliance with §26-71 (b)(2), and not exceed 25% of the surveyed canal width, and
 4. The site design must be consistent with state and federal permits.

- J) Prior to local development order approval the applicant must provide:
1. An Environmental Resource Permit (ERP) from the Florida Department of Environmental Protection (FDEP) or South Florida Water Management District (SFWMD) for all in water components of the project;
 2. A MPP evaluation based on current bathymetric survey data, meeting all MPP requirements, and verification by Florida Fish and Wildlife Commission Bureau of Protected Species Management for existing number of wet slips;
 3. All required state and federal permits for both the upland and in-water components; and
 4. A Lee County Dock and Shoreline Permit must be obtained prior to the construction, of in-water and shoreline structures, signed and sealed by an engineer or registered architect.
4. Vehicular/Pedestrian Impacts: Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.
5. Lee Plan Consistency: Approval of this zoning request does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.
6. Concurrency: Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.
7. Agricultural Use Prohibited: The existing agricultural use, established in year 2001, is not in compliance with the requirements of the LDC and must be terminated. The Lee County Property Appraiser's Office must be notified of the change in agricultural use status within 90 days of this rezoning approval. Copies of the request to terminate the tax exemption status provided to the Lee County Property Appraiser must be forwarded to Lee County Department of Community Development, and to the Lee County Attorney's Office within 10 days of the Property Appraiser's notification.

8. Recycleing/Solid Waste: As part of any local development order approval for vertical development, the development order plans must include facilities in compliance with LDC §10-261 and Lee County Solid Waste Ordinance No. 08-10 for the pick-up/disposal of solid waste and recyclables. The minimum area required for, and specific locations of these facilities will be reviewed at the time of local development order application.
9. Boats for Sale: No boat for sale may be moored at the North/South Canal. No advertising signs other than a "For Sale" sign on individual boats in the multi-slip docking facility slips will be allowed.
10. Sidewalks: All internal roads and driveways must contain sidewalks at least on one side of them. An internal pedestrian connections plan must be submitted to the County for review and approval as part of the infrastructure development order for the site.
11. Utilities: The utility lines for potable water and sanitary sewer must be extended to the site and this development must be connected to those services as part of any development activity on this site.
12. Platting: If the development is subdivided, a subdivision plat in accordance with Florida State Statute Chapter 177 will be required at the time of local development order submission.
13. Water Management: Development order plans for infrastructure must include an overall water management backbone system encompassing the entire MPD.
14. Passive Recreation/Picnic Area: Passive recreation and picnic area adjacent to open waterway at the northeast corner of the site may contain security lights; however, those lights may not be taller than 4 feet in height. Said lights must be turned off at 10 PM every night to discourage the use of the picnic area at night. No amplified music may be allowed in this area. No special events may be allowed in the picnic area past 10 PM. No alcoholic beverages may be sold or served in the picnic area.
15. Restaurants: No restaurant, bar, lounge or any other business or activity serving food and/or alcoholic beverages for consumption on premises may be allowed within 250 feet of any residential structure located outside of the development.
16. ALF and ILF Ancillary Uses: All ALF and ILF ancillary uses must be within the same building or buildings as the ALF and ILF uses and not be evident from the streets. The main entrance to all such ancillary uses must be from the ALF and ILF lobby area. All ALF and ILF ancillary uses must be in full compliance with §34-3021(c)(1).

17. No Live-aboards: No live-aboard is approved as part of this rezoning approval. Live-aboards are prohibited within this development.
18. LDC Chapter 33, Article III: Caloosahatchee Shores Community Regulations: Should the Caloosahatchee Shores Community Regulations be adopted prior to the issuance of a development order for this site, development of the site must be in compliance with the requirements of the Community Regulations to the extent that they do not conflict the approval of this planned development. Those requirements include, but not limited to: architectural design, landscaping, signs, lighting, etc.
19. Site Access: In order to insure that the access to the site is not blocked in case of an accident, the ingress and egress to the site must contain two vehicular travel lanes each way with a minimum of 10-foot wide landscaped median.
20. Notice to Future Property Owners: As required by §10-291(3), a notice to all future property owners must be recorded by the developer in the public records prior to the issuance of a local development order allowing the construction of the access to the development. The notice must articulate the emergency access plan and to provide information as to where a copy of this plan may be obtained from the developer or developer's successor.
21. Assisted and Independent Living Units: The overall number of Independent Living units may not exceed the number of Assisted Living beds.

SECTION B. DEVIATIONS:

Deviation #1 - Lake Maintenance Easement - This Deviation seeks relief from §10-328 which requires a maintenance easement around the entire perimeter of the lake to allow for no maintenance easement for a small portion of the lake perimeter. This deviation is APPROVED.

Deviation #2 - Indigenous Open Space - This Deviation seeks relieve from §10-415(c)(3) which requires indigenous open space to be an average minimum width of 40 feet and a minimum area of 1,500 square feet to allow for a minimum average width of 15 feet along State Road 31 and a minimum of 23.6 feet along the North/South Canal. This deviation is APPROVED, SUBJECT TO Conditions #3.E. and 3.F.

Deviation #3 - Seawalls - This Deviation seeks relief from §26-75(a)(1) that permits seawalls in artificial canals with a minimum of 50 percent of the bank having seawalls to allow for installation of seawall along the entire length of East/West Canal with a littoral shelf on both sides, as depicted on page 3 of the MCP. This Deviation is APPROVED, SUBJECT TO Condition 3.I.

Deviation #4 - Single Means of Ingress and Egress - This Deviation seeks relief from §10-291(3) which requires residential development of more than 5 acres and commercial and industrial development of more than 10 acres to provide more than one means of ingress and egress for the development to allow for one ingress/egress. This Deviation is APPROVED, SUBJECT TO Condition 19.

Deviation #5 - Density Equivalency - This Deviation seeks relief from §§34-1414 and 34-1494, which establish equivalency factors of 4 ALF beds to 1 dwelling unit and 2 independent living units to 1 dwelling unit, to permit development in accordance with the Density Equivalency Conversion Chart on Page 2 of the MCP. This Deviation is APPROVED, SUBJECT TO the Density Equivalency Conversion Chart on Page 2 of the approved MCP.

SECTION C. EXHIBITS:

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

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan
- Exhibit D: Preliminary Planting/Abatement Plan

SECTION D. RECOMMENDED FINDINGS AND CONCLUSIONS:

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

3. The rezoning satisfies the following criteria:
- a. the proposed use or mix of uses is appropriate at the subject location;
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

Commissioner John Manning made a motion to adopt the foregoing resolution, seconded by Commissioner Frank Mann. The vote was as follows:

John Manning	Aye
Brian Bigelow	Absent
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 25th ay of October, 2011.

ATTEST:
CHARLIE GREEN, CLERK

BY: *Charl Green*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *Frank Mann*
Frank Mann, Chair

Approved as to form by:

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



RECEIVED
MINUTES OFFICE

2011 NOV -7 PM 2:21

Barraco
and Associates, Inc.

MT 200A-0003A

www.barraco.net
Civil Engineers, Land Surveyors and Planners

RECEIVED
MAR 27 2009

DESCRIPTION

Parcel in
Government Lot 7, Section 19 and Government Lot 1, Section 30,
Township 43 South, Range 26 East
Lee County, Florida

COMMUNITY DEVELOPMENT

A tract or parcel of land lying in Government Lot 7, Section 19 and Government Lot 1, Section 30, Township 43 South, Range 26 East, Lee County, Florida, said tract or parcel being those lands described in deed recorded in Instrument No. 2007000270001, Lee County Records. Said tract or parcel being more particularly described as follows:

Commencing at the Southwest Corner of said Government Lot 1 run S88°19'07"E along the South line of said Government Lot 1 for 50.04 feet to an intersection with the Easterly right of way line of State Road 31, (100' wide right of way) as shown on F.D.O.T. Right of Way map, Section No. 12620-2150; thence run N00°42'54"W along said Easterly right of way line for 500.44 feet to an intersection with the North line of the South 500.00 feet of said Government Lot 1 and the POINT OF BEGINNING. From said Point of Beginning continue along said Easterly right of way line the following four courses: N00°42'54"W for 96.90 feet to a point of curvature; northerly along an arc of curve to the left of radius 5,779.58 feet (delta 05°24'59") (chord bearing N03°25'24"W)(chord 546.17 feet) for 546.38 feet to a point being 50 feet Easterly as measured perpendicular to the center line of said right of way; N00°11'27"W for 404.54 feet to a point being 100 feet Easterly as measured perpendicular to said center line and N07°32'24"W parallel with and 100 feet Easterly as measured perpendicular to said center line for 79.62 feet to an intersection with the Southerly line of the Central and Southern Florida Flood Control District right of way; thence run the following two courses along said Southerly right of way line: N77°27'36"E for 179.47 feet and S88°03'27"E for 721.40 feet to an intersection with the Northerly prolongation of a line parallel with and 95 feet West as measured perpendicular to the westerly line of Block "D" Unit No. 4, Fort Myers Shores, as recorded in Plat Book 11, Page 28, Lee County Records; thence run S01°30'37"E along said line for 1,166.35 feet to an intersection with the North line of the South 500.00 feet of said Government Lot 1; thence run N88°19'07"W along said North line for 881.68 feet to the POINT OF BEGINNING.
Containing 23.71 acres, more or less.

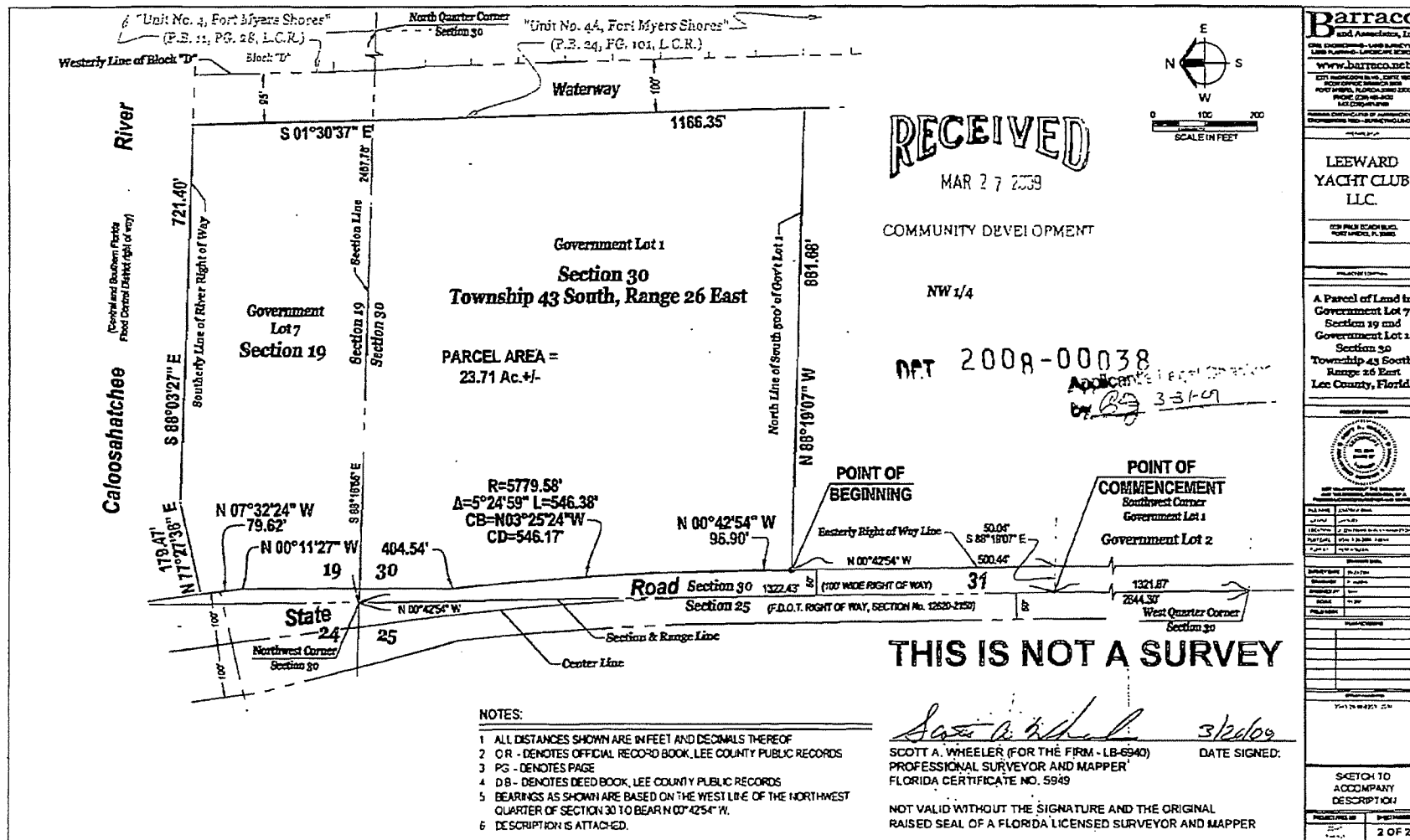
Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/NSRS 2007) and are based on the West line of the Northwest Quarter (NW 1/4) of said Section 30 to bear N00°42'54"W.

Applicant's Legal Checked
by *[Signature]* 3/31/09

[Signature] 3/26/09
Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

L:\022417 - Colono Palms Parcel\Surveying\Descriptions\022417S01.doc.doc

Post Office Drawer 2800 • Fort Myers, FL 33902
Phone (239) 461-3170 • Fax (239) 461-3169



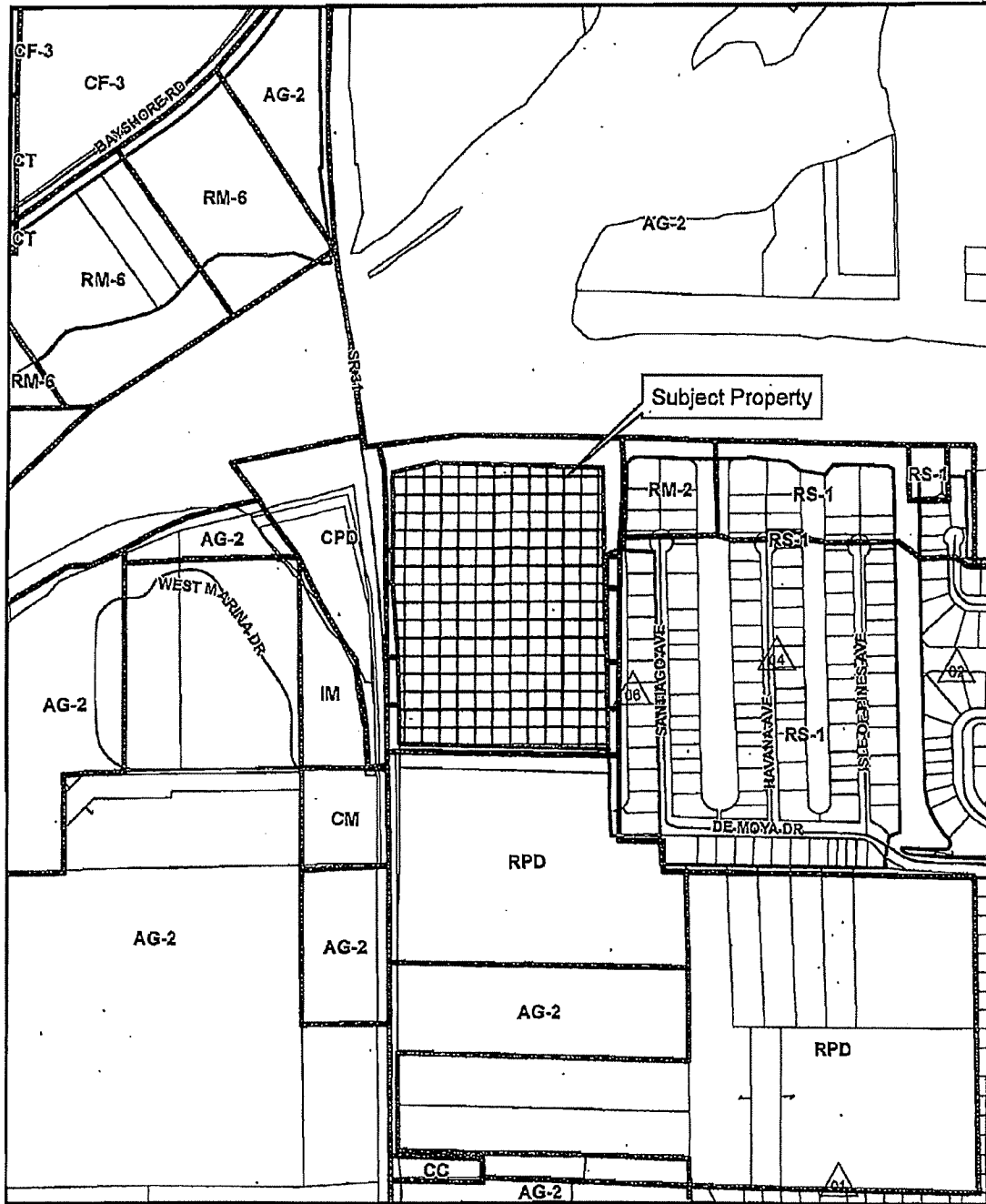


EXHIBIT "B"



MASTER CONCEPT PLAN FOR

CALOOSA PALMS MPD EXHIBIT D-7-M

RECEIVED
NOV 02 2011

COMMUNITY DEVELOPMENT

DCI2008-00038

PART OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

PROJECT DATA

SITE ADDRESS ACCESS UNDEVELOPED PORT MYERS, FL 33905	PROJECT DATUM FLORIDA STATE PLANS WEST ZONE (NAD 83) WGS84 NATIONAL GEODETIC VERTICAL DATUM (NGVD 1989)
ZONING CPO TO CPO	RECORD PLAT PENDING
FLOOD ZONE ACCORDING TO FARM, COMMUNITY PANEL 1204F, EFFECTIVE JANUARY 10, 2008 THE SUBJECT PARCELS IS LOCATED IN FLOOD ZONE AE.	STRAP NUMBERS 10-43-29-00-00001,0000



INDEX OF DRAWINGS

SHEET	DESCRIPTION	XREF	DRAWING NAME
1	COVER SHEET AND LOCATION MAP	-	22447-231.DWG
2	MASTERS CONCEPT PLAN	A	22447-232.DWG
3	DEVIATIONS DETAILS AND NOTES	-	22447-233.DWG

Approved as Exhibit C
MCP Page 1 of 3
Resolution # Z-10-014A

CROSS-REFERENCED DRAWINGS

XREF	DESCRIPTION	DRAWING NAME
A	BASE LINE WORK OPTION A	22447-232.DWG
B	BASE LINE WORK OPTION B	22447-232.DWG

NOTE: THESE CONSTRUCTION PLANS WERE PREPARED AS PART OF THE CONTRACT DOCUMENTS FOR THE REFERENCED PROJECT. TECHNICAL SPECIFICATIONS AND ANY ADDITIONAL SUPPLEMENTS TO THE CONTRACT DOCUMENTS SHOULD BE REVIEWED FOR MATERIAL CONSTRUCTION, TESTING AND PERMIT REQUIREMENTS PRIOR TO BIDDING. THIS PLAN SET IS NOT APPROVED FOR CONSTRUCTION UNLESS IT IS SPECIFICALLY INDICATED SO IN THE "PLAN STATUS" PORTION OF THE TITLE BLOCK.

NOTE: CONTRACTOR MUST OBTAIN AND KEEP ON FILE A COPY OF ALL PERMITS REQUIRED PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ACTIVITY

THESE PLANS MAY HAVE BEEN MODIFIED IN SIZE BY REPRODUCTION. THIS MUST BE CONSIDERED WHEN OBTAINING SCALED DATA.

ALL DIMENSIONS ARE IN FEET.

PROJECT
LOCATION



LOCATION MAP



KNOW WHAT'S BELOW
ALWAYS CALL 811
BEFORE YOU DIG
www.811.org

PLAN STATUS

NOT FOR CONSTRUCTION

Barraco
and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING - LANDSCAPE DESIGN
www.barraco.net
2221 MAGNOLIA BLVD., SUITE 100
FORT MYERS, FL 33904-2902-2903
PHONE (239) 481-3175
FAX (239) 481-3189
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING: TNC - SURVEYING: LB-4840

PREPARED FOR:

LEEWARD
YACHT CLUB
LLC

2221 PALM BEACH BLVD.
FORT MYERS, FL 33908

PROJECT DESCRIPTION

CALOOSA
PALMS

LEE COUNTY, FLORIDA

OPTIONAL PROJECT INFORMATION: BARRACO AND ASSOCIATES, INC. IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT OR THE USER.

FILE NAME	22447-231.DWG
LAYOUT	LAYOUT1
LOCATION	22447-231.DWG
PLAT DATE	TUE, 11-1-2011 1:48 PM
PLAT BY	JOHN P. BARRACO
DESIGNED BY	JOHN P. BARRACO

CROSS-REFERENCED DRAWINGS

MASTER - 22447-232.DWG

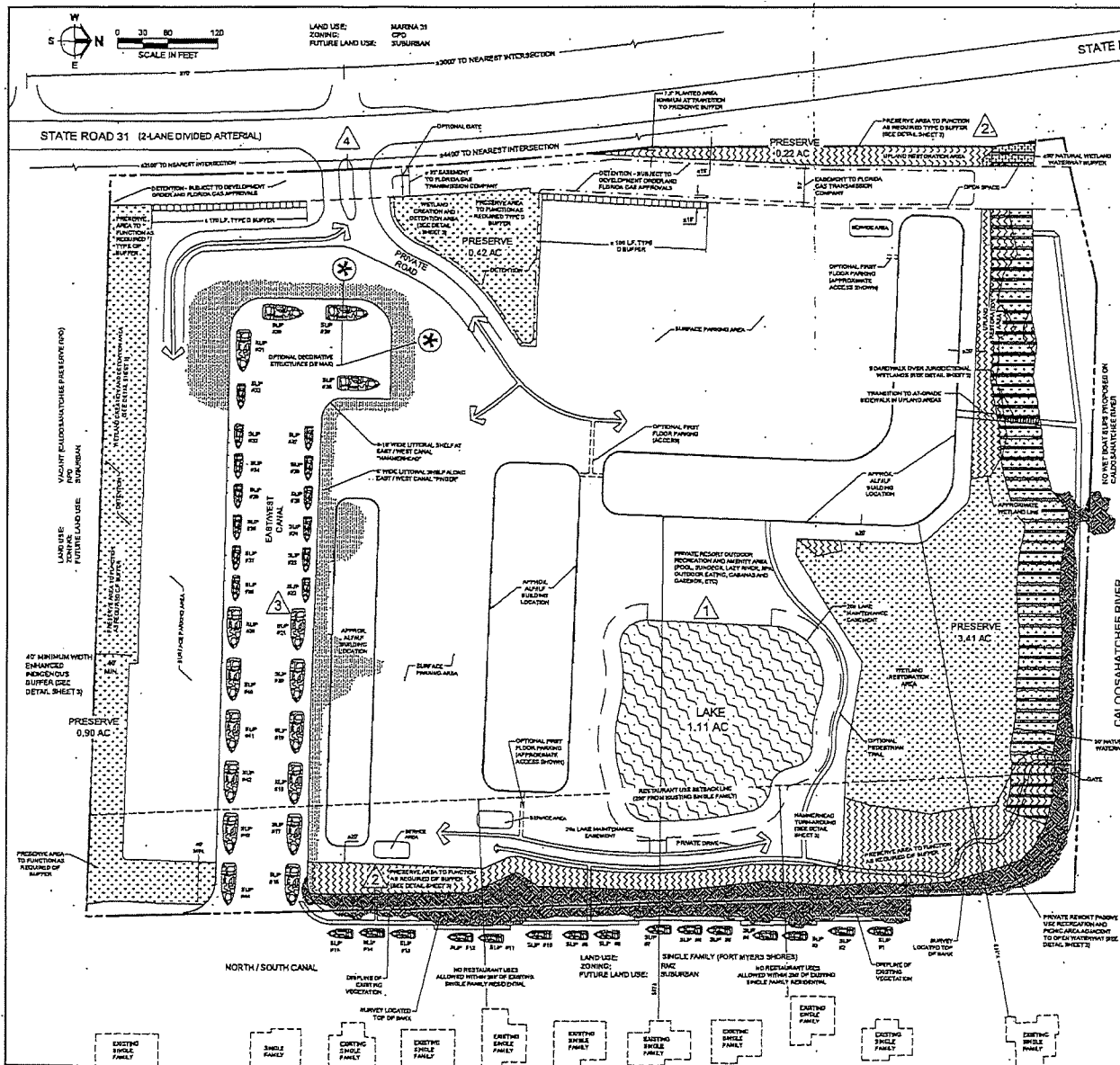
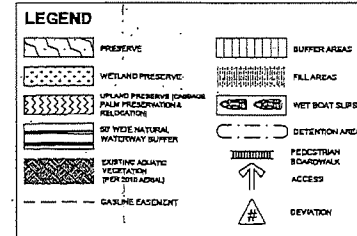
PLAN REVISIONS	
12-2-08	SMALL ORDER SECTION REVISION
3-11-08	ALL BUILDING HEIGHT 4-8'
3-28-08	ADD DEVIATION 11
4-15-08	REMOVE PARCELS 10-11
4-16-11	A.Z.P.
6-13-11	REWORKING/ADD CORNERED LOT 10-11
8-14-11	ADD 10' LOT 10-11
8-24-11	FOR MASTER/TRAFFIC
10-24-11	8000' FINAL DESIGN

PLAN STATUS

NOT FOR CONSTRUCTION

COVER SHEET
AND
LOCATION MAP

PROJECT / FILE NO.	SHEET NUMBER
22447	1



OPEN SPACE

OPEN SPACE REQUIRED	PROVIDED
INDIGENOUS	3.05 AC
REQUIRED (SEE INDIGENOUS)	4.35 AC
PLAN PROVIDED BY PASARELLA AND ASSOCIATES	
UNDEVELOPED OPEN WATER	9.37 AC
TOTAL PROJECT AREA	23.71 AC

DC12008-00038

DENSITY EQUIVALENCY CONVERSION CHART

ALF UNITS	ALF UNITS
150	150
125	200
100	250
75	300
50	350
25	400
0	450

DEVELOPMENT REGULATIONS

MINIMUM ROAD SETBACK (SR 31)	25'
MINIMUM WATER SETBACK (RIVER)	50'
MINIMUM WATER SETBACK (CANALS)	25'
MINIMUM LAKE SETBACK (PRIMARY STRUCTURES)	25'
MINIMUM LAKE SETBACK (RECREATIONAL STRUCTURES)	0'
MINIMUM PRESERVE SETBACK	25'
MINIMUM BUILDING SETBACK (SOUTH PROJECT BOUNDARY)	40'
MINIMUM BUILDING SEPARATION (PRINCIPAL)	25'
MINIMUM BUILDING SEPARATION (ACCESSORY)	10'
MAXIMUM BUILDING HEIGHT	45'
MAXIMUM LOT COVERAGE	40%
MINIMUM LOT SIZE	1 ACRE
MINIMUM LOT WIDTH	100'
MINIMUM LOT DEPTH	100'

Barraco
and Associates, Inc.

CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING - LANDSCAPE DESIGN

www.barraco.net

2271 MCGREGOR BLVD., SUITE 101
FORT MYERS, FLORIDA 33903-2600
PHONE (239) 401-3170
FAX (239) 401-3189

FLORIDA CERTIFICATE OF AUTHORIZATION
ENGINEERING 180 - SURVEYING LB-0948

PREPARED FOR

LEEWARD
YACHT CLUB
LLC.

5801 PALM BEACH BLVD.
FORT MYERS, FL 33903

PROJECT DESCRIPTION

CALOOSA
PALMS

LEE COUNTY, FLORIDA

FOR THESE PROJECTS, BARRACCO HAS BEEN
© COPYRIGHT 2011, BARRACCO AND ASSOCIATES, INC.
REPRODUCTION OF THIS PLAN IS PROHIBITED WITHOUT WRITTEN PERMISSION

FILE NAME: 2008-00038.DWG

LAYOUT: MASTER CONCEPT PLAN

LOCATION: 1700 N. HIGHLAND AVE.

PLAT DATE: TUE 11-13-2011 1:57 PM

PLAT BY: JENNIFER BAKER

DESIGN BY:

ORDER REVENUE DRAWINGS

BASE PLAN: DATE/REVISION

PLAN REVISIONS

8-11 ALF DENSITY AT 11.51 D1

8-13-11 HANDEDHEAD EXPANDED LITTORAL

8-14-11 ADD 10' LOT SET, & DEVIATION

8-26-11 PER LANDSCAPE HANDED

10-24-11 2000 FINAL DESIGN

PLAN STATUS

NOT FOR CONSTRUCTION

MASTER
CONCEPT
PLAN

PROJECT FILE NO.

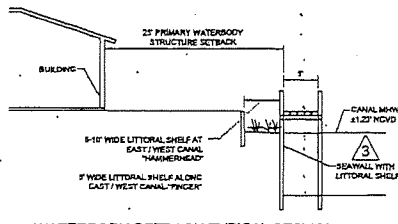
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22447

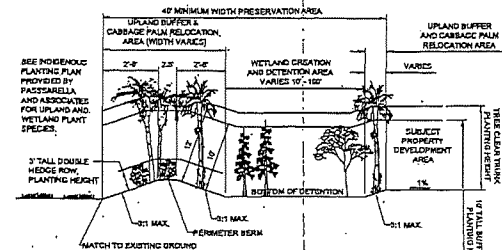
2

SCHEDULE OF DEVIATIONS

1. DEVIATION FROM LAND DEVELOPMENT CODE SECTION 16-322 WHICH REQUIRES MAINTENANCE EASEMENT AROUND THE ENTIRE PERIMETER OF THE LAKE TO ALLOW FOR NO MAINTENANCE EASEMENT FOR A SMALL PORTION OF THE LAKE PERIMETER.
2. DEVIATION FROM THE LAND DEVELOPMENT CODE SECTION 16-415(2) WHICH REQUIRES INDIGENOUS OPEN SPACE TO BE AN AVERAGE MINIMUM WIDTH OF 40 FEET AND A MINIMUM AREA OF 1,500 SQUARE FEET TO ALLOW FOR A MINIMUM AVERAGE WIDTH OF 15 FEET ALONG STATE ROAD 31 AND A MINIMUM OF 25.5 FEET ALONG THE NORTHSOUTH CANAL.
3. DEVIATION FROM LAND DEVELOPMENT CODE SECTION 16-216(1) THAT PERMITS SEAWALL IN ARTIFICIAL CANALS WITH A MINIMUM OF 90 PERCENT OF THE BANK HAVING SEAWALL TO ALLOW FOR INSTALLATION OF SEAWALL ALONG THE ENTIRE LENGTH OF EASTWEST CANAL WITH A LITTORAL SHELF ON BOTH SIDES AS SHOWN ON PAGE 5 OF THE MASTER CONCEPT PLAN.
4. A DEVIATION FROM LAND DEVELOPMENT CODE SECTION 16-216(1) WHICH REQUIRES RESIDENTIAL DEVELOPMENT OF MORE THAN FIVE (5) ACRES AND COMMERCIAL AND INDUSTRIAL DEVELOPMENT OF MORE THAN TEN (10) ACRES TO PROVIDE MORE THAN ONE MEANS OF ACCESS AND EGRESS FOR THE DEVELOPMENT TO ALLOW FOR ON HIGHWAYS.
5. DEVIATION FROM LAND DEVELOPMENT CODE SECTIONS 16-414 AND 16-415, WHICH ESTABLISH EQUIVALENCY FACTORS OF 4 ALF BEDS TO 1 DWELLING UNIT AND 2 INDEPENDENT LIVING UNITS TO 1 DWELLING UNIT, TO PERMIT DEVELOPMENT IN ACCORDANCE WITH THE EQUIVALENCY CONVERSION CHART ON PAGE 2 OF THE MASTER CONCEPT PLAN.

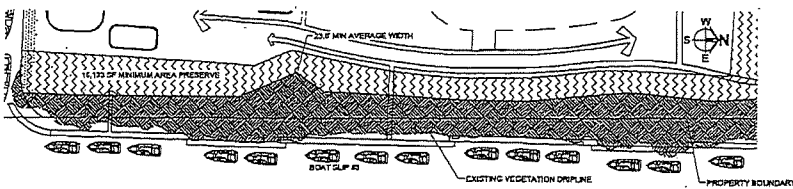


WATERBODY SETBACK TYPICAL SECTION

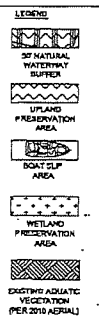
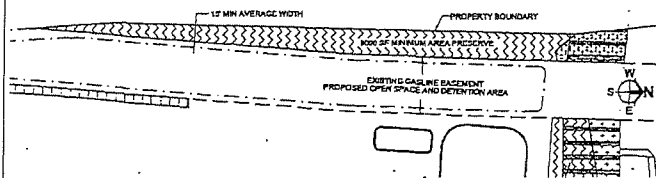


DETENTION AND WETLAND CREATION WITH UPLAND BUFFER (CABBAGE PALM RELOCATION AREA) TYPICAL SECTION
PRESERVATION AREA MAY SERVE AS REQUIRED BUFFER

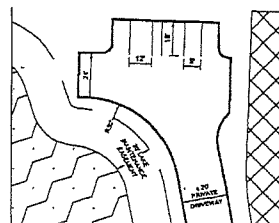
Approved as Exhibit C
MCP Page 3 of 3
Resolution # 270-014A



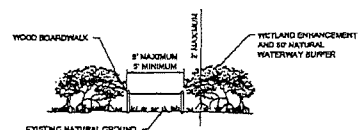
NORTH/SOUTH CANAL PRESERVATION AREA DEVIATION DETAIL



SR 31 PRESERVATION AREA DEVIATION DETAIL

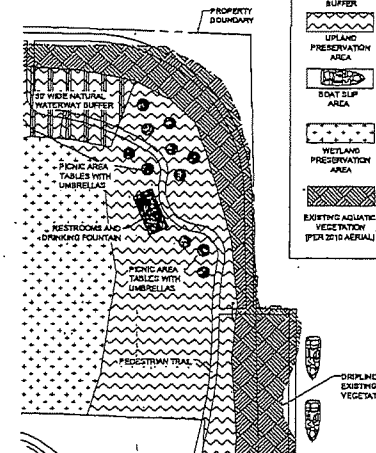


HAMMERHEAD TURN-AROUND TYPICAL SECTION



BOARDWALK TYPICAL SECTION
BOARDWALK THRU WETLAND AND NATURAL BUFFER

DCI2008-00038
RECEIVED
NOV 02 2011
COMMUNITY DEVELOPMENT



PASSIVE USE RECREATION AND PICNIC AREA CONCEPTUAL SITE PLAN

Barraco
and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING - LANDSCAPE DESIGN
www.barraco.net
2271 MCGREGOR BLVD., SUITE 100
FORT MYERS, FLORIDA 33902-2000
PHONE (239) 481-3170
FAX (239) 481-3178
FLORIDA CERTIFICATE OF AUTHORIZATION
ENGINEERING 7985 - SURVEYING 14-4942

PREPARED FOR:
LEEWARD YACHT CLUB LLC.
3801 PALM BEACH BLVD.
FORT MYERS, FL 33902

PROJECT DESCRIPTION:
CALOOSA PALMS
LEE COUNTY, FLORIDA

NOT FIELD WITHOUT UNWRITTEN L. BARRACCO AND ASSOCIATES, INC. APPROVAL. CHANGES TO BE APPROVED AND PROCESSED.
FILE NAME: SR31-2010-00038.DWG
LAYOUT: LAYOUT
LOCATION: 2271 MCGREGOR BLVD.
PLOT DATE: TUE, 11-01-2011 1:34 PM
PLOT BY: JENNIFER BARRACCO
DESIGNED BY:

CHANGES:
12-04-09 SEAWALL CRE & SECTION REVISED
3-15-10 ALL BUILDING HEIGHT - 48'
3-08-10 ADD DEVIATION 11
4-15-10 PARCEL LINES REMOVED
4-18-11 ALL
4-15-11 COMMERCE/HEAD EXTENDED LITTORAL
4-14-11 ADD MIN LOT SIZE, A DEVIATION
4-20-11 PER HARBOR/STATE HEADING
10-21-11 BOCC FINAL DECISION

PLAN STATUS:
NOT FOR CONSTRUCTION

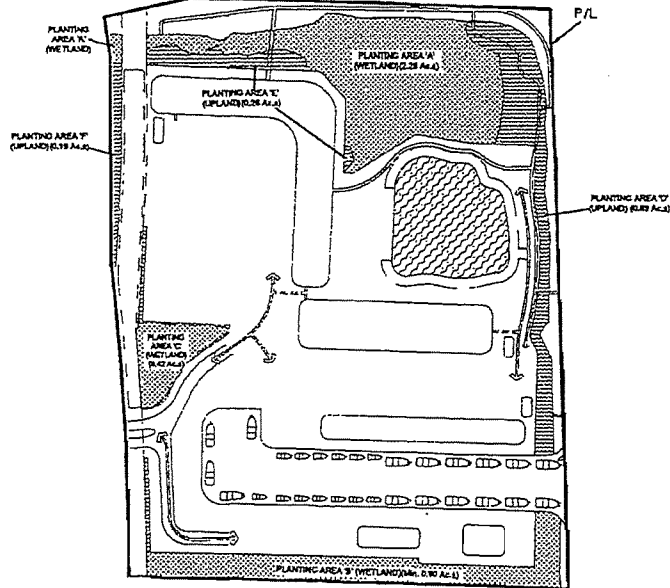
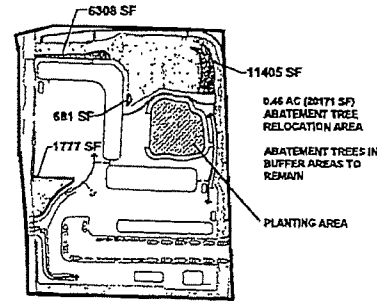
SCHEDULE OF USES, DEVIATIONS DETAILS AND NOTES

PROJECT FILE NO.	SHEET NUMBER
22447	3



SCALE: 1" = 200'

-CALOOSA HATCHEE RIVER-



ABATEMENT TREE RELOCATION/PLANTING MAP
K.T.S.

NOTES
PROPERTY BOUNDARY FROM BARRACO AND ASSOCIATES
DRAWING NO. CALOOSA/PALMS_2008_08_13.DWG
DATED AUGUST 14, 2008.

SITE PLAN PER BARRACO AND ASSOCIATES DRAWING NO.
22447205.DWG DATED SEPTEMBER 20, 2011.

THE WETLAND AND UPLAND PLANTING LISTS ARE
PRELIMINARY AND SUBJECT TO CHANGE. A DETAILED
PLANTING PLAN WILL BE SUBMITTED TO LEE COUNTY
STAFF FOR APPROVAL PRIOR TO DEVELOPMENT ORDER.

ABATEMENT PLANTINGS WILL BE MAINTAINED CONSISTENT
WITH PREVIOUS REQUIREMENT. THE SUPPLEMENTAL
PLANTING AS REQUIRED FOR THE EXISTING COW POND WILL
BE CONDUCTED IN THE STORMWATER MANAGEMENT LAKE.



Planting Area 'A' (Wetland)

Common Name	Scientific Name	Minimum Height	Minimum Container Size	Minimum Spacing (On Center)
Red Apple	<i>Malus rubra</i>	6 ft	7 Gal/10	10 ft
Orchard Blueberry	<i>Vaccinium corymbosum</i>	6 ft	7 Gal/10	10 ft
Red Mangrove	<i>Rhizophora mangle</i>	5 ft	7 Gal/10	10 ft
Leaves Fern	<i>Acrostichum dimorphum</i>	11 in	1 Gal/10	6 ft
Starburst Cordyline	<i>Cordyline allamanda</i>	N/A	100 Root/Liter	3 ft
Neodymium Bush	<i>Neodymium bush</i>	N/A	100 Root/Liter	3 ft
Shrub	<i>Shrub</i>	N/A	100 Root/Liter	3 ft

Planting Area 'B' and 'C' (Wetland)

Common Name	Scientific Name	Minimum Height	Minimum Container Size	Minimum Spacing (On Center)
Opuntia	<i>Opuntia stricta</i>	10 ft	7 Gal/10	10 ft
Red Maple	<i>Acer rubrum</i>	10 ft	7 Gal/10	10 ft
Chickadee Palm	<i>Chickadee palm</i>	10 ft	7 Gal/10	10 ft
Wax Myrtle	<i>Myrica carolinensis</i>	10 ft	7 Gal/10	10 ft
Red Cordyline	<i>Cordyline stricta</i>	N/A	100 Root/Liter	3 ft
Neodymium Bush	<i>Neodymium bush</i>	N/A	100 Root/Liter	3 ft
Shrub	<i>Shrub</i>	N/A	100 Root/Liter	3 ft

Planting Area 'D', 'E', and 'F' (Upland)

Common Name	Scientific Name	Minimum Height	Minimum Container Size	Minimum Spacing (On Center)
Orchard Blueberry	<i>Vaccinium corymbosum</i>	10 ft	7 Gal/10	10 ft
Live Oak	<i>Quercus virginiana</i>	10 ft	7 Gal/10	10 ft
Chickadee Palm	<i>Chickadee palm</i>	10 ft	7 Gal/10	10 ft
Wax Myrtle	<i>Myrica carolinensis</i>	10 ft	7 Gal/10	10 ft
Red Cordyline	<i>Cordyline stricta</i>	N/A	100 Root/Liter	3 ft
Neodymium Bush	<i>Neodymium bush</i>	N/A	100 Root/Liter	3 ft
Shrub	<i>Shrub</i>	N/A	100 Root/Liter	3 ft

Abatement Tree Planting List

Common Name	Scientific Name	Minimum Height	Minimum Container Size	Minimum Spacing (On Center)
Neodymium Bush	<i>Neodymium bush</i>	6 ft	7 Gal/10	10 ft
Red Apple	<i>Malus rubra</i>	6 ft	7 Gal/10	10 ft
Orchard Blueberry	<i>Vaccinium corymbosum</i>	6 ft	7 Gal/10	10 ft
Red Mangrove	<i>Rhizophora mangle</i>	6 ft	7 Gal/10	10 ft
Leaves Fern	<i>Acrostichum dimorphum</i>	6 ft	7 Gal/10	10 ft
Starburst Cordyline	<i>Cordyline allamanda</i>	N/A	100 Root/Liter	3 ft
Neodymium Bush	<i>Neodymium bush</i>	N/A	100 Root/Liter	3 ft
Shrub	<i>Shrub</i>	N/A	100 Root/Liter	3 ft

Upland Planting List

Common Name	Scientific Name	Minimum Height	Minimum Container Size	Minimum Spacing (On Center)
Leaves Fern	<i>Acrostichum dimorphum</i>	12 in	1 Gal/10	6 ft
Starburst Cordyline	<i>Cordyline allamanda</i>	N/A	100 Root/Liter	3 ft
Neodymium Bush	<i>Neodymium bush</i>	N/A	100 Root/Liter	3 ft
Shrub	<i>Shrub</i>	N/A	100 Root/Liter	3 ft
Leaves Fern	<i>Acrostichum dimorphum</i>	N/A	100 Root/Liter	3 ft

REVISIONS	DATE	BY	DATE
REVISED SITE PLAN	6/12/09	W.C.	6/12/09
REVISED PLANTING LIST	6/12/09	J.H.	6/12/09
REVISED ABATEMENT TREE RELOCATION MAP	6/12/09	J.H.	6/12/09
REVISED PLANTING LIST	6/12/09	J.H.	6/12/09

13620 Metropolis Avenue
Suite 200
Fort Myers, Florida 33911
Phone (239) 374-0061
Fax (239) 374-0069



CALOOSA PALMS
PRELIMINARY PLANTING/ABATEMENT PLAN

DRAWING NO.
06JPR1616
REVISION

STATE OF FLORIDA

COUNTY OF LEE

I Charlie Green, Clerk of Circuit Court, Lee County, Florida, and ex-Officio Clerk of the Board of County Commissioners, Lee County, Florida, do hereby Certify that the above and foregoing is a true and correct copy of Resolution No. Z-10-014A adopted by the Board of Lee County Commissioners at their meeting held on the 25th day of October 2011.

Given under my hand and seal, at Fort Myers, Florida, this 7th day of November, 2011.

CHARLIE GREEN,
Clerk of Circuit Court
Lee County, Florida



By: _____

Lisa J. Pierce
Deputy Clerk

RESOLUTION NUMBER Z-15-022

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

WHEREAS, Tom Hardy filed an application on behalf of the property owner, AM & GW LLC to amend Zoning Resolution Z-07-065 in reference to State Road 80, State Road 31 Commercial Planned Development (CPD); and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Donna Marie Collins, was advertised and held on August 13, 2015; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2014-00026, and recommended Approval of the Request; and

WHEREAS, a second public hearing was advertised and held on November 4, 2015 before the Lee County Board of Commissioners; and,

WHEREAS, the Lee County Board of Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to amend a Commercial Planned Development (CPD) to modify the schedule of permitted uses and Master Concept Plan, increase the number of permitted self-service fuel pumps by 2, and increase the number of deviations from the Lee County Land Development Code (LDC) and to propose other changes on a 16.1± acre property.

The property is located in the Urban Community and Wetlands Future Land Use Categories and is legally described in attached Exhibit "A." The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. Master Concept Plan/Development Parameters

Development must be consistent with the two-page Master Concept Plan (MCP) entitled "S.R. 80 / S.R. 31 CPD," date-stamped "Received May 20 2015 Community Development," and attached as Exhibit "C," except where modified by conditions contained herein.

110415Z

Development must comply with the LDC at time of local development order approval, except where deviations have been granted in this Resolution of approval. Changes to the MCP may require further development approvals.

Development is limited to 200,000 square feet of commercial retail/office uses as follows:

Parcel 1	70,000 sq ft
<i>**Parcel 2 Deleted</i>	
Parcel 3	6,000 sq ft
Parcel 4	12,000 sq ft
Parcel 5	12,000 sq ft
Parcel 6	100,000 sq ft

Lee County Zoning Resolution Z-07-065 and Administrative Amendment ADD2009-00090 are superseded by this zoning resolution.

2. **Permitted Uses and Property Development Regulations**

a. **Schedule of Permitted Uses**

Administrative Offices
Accessory Uses and Structures
Animal Clinic
ATM
Auto Part Store, no installation services – and limited to 1
Automobile Repair and Service: Group I, not allowed on Parcel 6
Automobile Service Station, limited to 18 fuel pumps, limited to Parcel 3
Banks and Financial Establishments: Groups I and II
Broadcast Studio, Commercial Radio and Television
Business Services: Groups I and II, with Group II limited to Messenger Services, Packing Services and Parcel and Express Services; Group II uses are not permitted on Parcel 6
Car Wash - limited to 1 and not permitted on Parcel 6
Caretaker's Residence
Cleaning and Maintenance Services
Clothing Stores, General
Clubs: County, Commercial, Fraternal, Membership Organization, Private, and not permitted on Parcel 6
Consumption on Premises
Convenience Food and Beverage Store - limited to 18 fuel pumps and limited to Parcel 3 only
Cultural Facilities
Department Store - limited to a maximum of 20,000 square feet
Drive-Through Facility, limited to a maximum of three parcels; and not permitted on Parcel 6
Drugstore, Pharmacy; not permitted on Parcel 6
Excavation, Water Retention
Essential Services
Essential Service Facilities: Groups I and Group II, with Group II limited to an electrical substation

Fences, Walls
 Food and Beverage Service, Limited
 Food Stores: Group I only and limited to 20,000 square feet
 Gift and Souvenir Shop
 Hardware Store
 Health Care Facilities: Group III only
 Hobby, Toy and Game Shops
 Household and Office Furnishings:
 Groups I, II, and III, outdoor storage not permitted for Group III
 Insurance Companies
 Laundry or Dry Cleaning: Group I only
 Lawn and Garden Supply Stores, limited to Parcel 6: no outdoor storage
 Medical Office
 Mini-Warehouse, limited to Parcel 6 (See Condition 15. below)
 Package Store, not permitted on Parcel 6
 Paint, Glass and Wallpaper
 Personal Services:
 Groups I, II (excluding massage parlors), III,
 and IV (limited to tax return preparation services)
 Pet Services, not permitted on Parcel 6
 Pet Shop
 Pharmacy
 Place of Worship
 Real Estate Sales Office
 Recreation Facilities: Group IV, not permitted on Parcel 6
 Religious Facilities
 Rental or Leasing Establishments: Groups I and II
 Repair Shops: Groups I, II, III,
 and IV (outdoor storage not permitted for Group III uses)
 Restaurants: Groups I, II, III, and IV, not permitted on Parcel 6
 Restaurant, Fast Food, limited to one, not permitted on Parcel 6
 Self-Service Fuel Pumps, Limited to 18 fuel pumps, limited to Parcel 3
 Specialty Retail Shops: Groups I, II, III, and IV, and limited
 to a maximum of 20,000 square feet
 Storage, Indoor and Open; open storage limited to uses permitted in this CPD;
 open storage not permitted on Parcel 6
 Studios
 Theater, not permitted on Parcel 6
 Temporary Uses
 Used Merchandise Stores, Groups I and II
 Variety Store

b. Site Development Regulations

Minimum Lot Areas and Dimensions

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

Minimum Setbacks

Street External:	In accordance with LDC §34-2192(a)
Street Internal:	15 feet
Side:	7.5 feet
Rear:	15 feet, except where the LDC requires a greater setback
Water Body:	25 feet
Development Perimeter Setback:	15 feet, except where the LDC requires a greater setback
Maximum Building Height:	Parcels 1 through 5: 35 feet, with a maximum of 3 habitable floors Parcel 6 – Mini-Warehouse Uses: 45 feet and 4 habitable floors Parcel 6 – All Other Uses: 35 feet and 3 habitable floors. (See Condition 15)
Minimum Building Separation:	a. 15 feet, for structures up to a maximum height of 35 feet (See Deviation 2. below for conditions) b. structures exceeding 35 feet in height must comply with LDC §34-935(e)(4)
Maximum Lot Coverage:	40%
Minimum Indigenous Setback:	20 feet

3. Environmental

a. Protected Species:

Prior to the issuance of any Vegetation Removal Permit, the property must be surveyed specifically for active raptor and wading bird species nests and field verified by Lee County Division of Environmental Sciences (ES) staff. If an active nest(s) are identified, the project must comply with the requirements stipulated in the Migratory Bird Treaty Act (Title 50 CFR Part 21) as regulated by the Florida

Fish and Wildlife Conservation Commission (FWC). The developer must copy ES staff on correspondence with the FWC.

b. Open Space:

Development Order plans must provide open space and indigenous preserve consistent with the approved MCP.

4. Landscaping

The developer must submit a landscape plan that includes an enhanced right-of-way buffer along the frontage of State Road 80 and State Road 31 at the time of development order application. The landscape buffer must consist of at least 7 trees, 66 shrubs, and 56 ground cover plants per 100 linear feet. Trees and shrubs should be clustered to create visibility corridors into the site, and include both canopy trees and understory vegetation. The trees and shrubs used to meet this minimum buffer requirement must be indigenous to Southwest Florida.

5. Signs

The developer must submit a unified sign plan for staff review and approval with the application for local development order. The unified sign package must satisfy the requirements of Lee Plan Objective 21.2., Caloosahatchee Shores Community Plan.

6. Architectural Design

The developer must design all structures to share a common architectural theme. The design must satisfy the requirements of Lee Plan Objective 21.2., Caloosahatchee Shores Community Plan.

7. Traffic

- a. This zoning approval does not address access to State Road 80 or State Road 31. The developer must pursue access to State Road 80 and State Road 31 with the Florida Department of Transportation (FDOT). The developer must obtain an FDOT Notice of Intent (NOI) to issue a driveway permit prior to County issuance of a development order approving driveway connections to either roadway.
- b. At the time of local development order approval, the applicant must submit an access easement agreement, acceptable to the County Attorney's Office, providing for an interconnection to the property to the north.
- c. Access to the development parcels must be only from the internal access easement. Parcels 3 & 4 may have access from the shared western driveway on State Road 80 shown on the MCP. This driveway must be connected to the internal access easement with a common drive aisle.

8. No Blasting

Blasting is prohibited.

9. Building Height/Setbacks

Buildings exceeding 35 feet in height must maintain additional building setbacks consistent with §34-2174(a).

10. Vehicular/Pedestrian Impacts

Zoning approval does not address the mitigation of vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

11. Lee Plan Consistency

Zoning approval does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b).

12. Concurrency

Zoning approval does not constitute a finding that the proposed project meets the concurrency requirements of the Lee Plan or LDC. The developer must demonstrate compliance with applicable concurrency requirements prior to issuance of a local development order.

13. Sidewalks/Bicycles

The developer must provide sidewalk and bicycle interconnections with sidewalks a minimum width of 5 feet along internal access easement(s).

14. Agricultural

Agriculture is not a permitted use.

15. Mini-warehouse

- a. The design of the mini-warehouse must be such that above the first floor only "false windows" may be located on the sides of the building facing the residential development to the east and the proposed residential development to the north. The exterior of 45-foot tall mini-warehouse buildings on Parcel 6 must appear as 3 stories.
- b. In addition to the wall, the Type "C" buffer along the east side of Parcel 6 must be enhanced with canopy trees installed at 5 per 100 linear feet, 12 feet high, 3 inch caliper and 4-foot spread at the time of installation. Between the canopy trees sable palm clusters, of 3 trees per cluster, must be installed at 4 clusters per 100 linear feet, planted 4 feet on center and having a height of 12 feet/14 feet/16 feet at the time of installation. Shrubs must be in accordance with the Type "C" buffer requirements.

16. Accessory Uses

All accessory uses, including accessory parking areas, must be located on the same tract, lot, parcel or outparcel as the principal use. Accessory uses must be incidental and subordinate to the principal use of the tract, lot, parcel or outparcel.

17. Buffer

Buildings exceeding two stories in height on Parcel 6 must include an enhanced Type "C" buffer, consistent with the description in Condition 15, along both the north and east boundaries of the Parcel.

18. Prior Development Orders

Development Order DOS2009-00037 is considered null and void upon approval of this zoning resolution.

SECTION C. DEVIATIONS:

1. Excavations

Deviation (1) seeks relief from the §10-329(d)(1)(a)(3) requirement to allow excavation for water detention and retention within 30 feet of a private property line. This deviation is APPROVED, SUBJECT TO the following condition:

Prior to local development order approval, the landscape plan must illustrate a 30-foot wide Type F buffer between the lake maintenance easement and the 10-foot wide Lee County drainage easement. The buffer planting area must be 10 feet in width and located outside of all easements consistent with the approved MCP. The Type F buffer plantings must consist of a minimum of 40 Sabal palms (*Sabal palmetto*) and a double staggered hedge row (cold hardy species) planted to meet the intent of the Type F buffer requirement.

2. Building Separation

Deviation (2) seeks relief from the §34-935(e)(4) to allow for a minimum building separation of 15 feet. This deviation is APPROVED, SUBJECT TO the following conditions:

- a. Occupied structures must be protected throughout with an approved National Fire Protection Association (NFPA) 13 fire sprinkler system, and shall protect exterior walls and all openings (i.e. doors and windows).
- b. Building walls must have a minimum rating of 3 hours and Underwriters Laboratories, Inc. (UL) documentation.
- c. Buildings must meet or exceed NFPA 1 and LDC requirements.

3. Parking on Parcel 3

Deviation (3) seeks relief from the §33-1493(a) Caloosahatchee Shores Planning Community, Location of parking, which allows no more than 20% of the parking to be located in front or on the side of the principal building. The requested deviation would allow approximately 90% of the parking to be in front and on the side of the building. This deviation is APPROVED, SUBJECT TO the following conditions:

- a. Approval is limited to Parcel 3.
- b. Must be consistent with RaceTrac site plan in the 12-page design package, date-stamped "Received May 20 2015 Community Development," and attached as Exhibit "D."

4. Roof Pitch on Parcel 3

Deviation (4) seeks relief from the §33-1500(b) Caloosahatchee Shores Planning Community, Roof Pitch, which requires the roof pitch of the main roof to be 5V:12H. The requested deviation would allow a roof pitch of 2.5V:12H. This deviation is APPROVED, SUBJECT TO the following conditions:

- a. Approval is limited to Parcel 3.
- b. Must be consistent with RaceTrac site plan in attached Exhibit "D."

5. Decorative Awnings on Parcel 3

Deviation (5) seeks relief from the §33-1502(c)2 requirement to provide awnings in the Caloosahatchee Shores Planning Community to correspond to building openings. The requested deviation would allow decorative awnings on the side of the building where there are no openings. This deviation is APPROVED, SUBJECT TO the following conditions:

- a. Approval is limited to Parcel 3.
- b. Must be consistent with RaceTrac site plan in attached Exhibit "D."

6. LED Sign on Parcel 3

Deviation (6) seeks relief from the LDC §33-1505(a)(1) requirement that prohibits automatic and animated changing signs in the Caloosahatchee Shores Planning Community. The requested deviation would allow "LED" signage on the fuel price signs. This deviation is APPROVED, SUBJECT TO the following conditions:

- a. Approval is limited to Parcel 3.
- b. Must be consistent with RaceTrac site plan in Exhibit D.

7. Sign Setback on Parcel 3

Deviation (7) seeks relief from the §33-1506(3) requirement to provide monument signs in the Caloosahatchee Planning Community to be set back a minimum of 15-feet from the right-of-way. The requested deviation would allow monument signs to be installed 5-feet from the State Road 80 and State Road 31 right-of-way. This deviation is APPROVED, SUBJECT TO the following conditions:

- a. Approval is limited to Parcel 3.
- b. Must be consistent with RaceTrac site plan in attached Exhibit "D."
- c. The sign height is limited to 13 feet. The monument sign height would be as measured from the sign base to the top of the cap - including the 2.5-foot architectural stone base.

8. Buffer between Parcels 3 and 4

Deviation (8) seeks relief from the §10-416(d)(1) requirement to provide a buffer along the entire perimeter of the proposed development. The requested deviation would allow no internal buffer between Parcels 3 and 4. This deviation is APPROVED.

9. Roof Canopy on Parcel 3

Deviation (9) seeks relief from the §34-1353(g)(1) that prohibits flat roof canopies. The requested deviation would allow the convenience food and beverage store on Parcel 3 to provide a flat roof canopy consistent with the architectural design of the principal structure. This deviation is APPROVED, SUBJECT TO the following conditions:

- a. Approval is limited to Parcel 3.
- b. Must be consistent with RaceTrac site plan in attached Exhibit "D."

10. Fuel Canopy on Parcel 3

Deviation (10) seeks relief from the §34-1353(g)(3) requirement to provide fuel canopies to be one color. The requested deviation would allow the proposed fuel canopy on Parcel 3 to include the colors of its corporate branding. County staff concluded the requested deviation enhances the planned development and does not negatively impact the public health safety and welfare or the aesthetics of the community. This deviation is APPROVED, SUBJECT TO the following conditions:

- a. Approval is limited to Parcel 3.
- b. Must be consistent with RaceTrac site plan in attached Exhibit "D."

11. Sign on Parcel 3

Deviation (11) seeks relief from the §33-1506(a)(7) Caloosahatchee Shores Planning Community, which restricts wall signs from advertising messages or sales items. The requested deviation would allow one wall sign advertising an internal store offering for the convenience food and beverage store on Parcel 3. This deviation is APPROVED, SUBJECT TO the following conditions:

- a. Approval is limited to Parcel 3.
- b. Must be consistent with RaceTrac site plan in attached Exhibit "D."

12. Driveway Separation

Deviation (12) seeks relief from the §10-285(a) Development Standards Driveway Separation, which requires a separation of 60-feet from edge of pavement to edge of pavement for access roads. The requested deviation would allow a separation of 50-feet at two locations as specified on the MCP. This deviation is APPROVED, SUBJECT TO the following condition:

The reverse frontage roads must include STOP sign conditions at the intersection with the entrance roads off SR 31 to ensure the entrance roads function under free-flowing conditions.

13. Fuel Canopy Wall Sign on Parcel 3

Deviation (13) seeks relief from the §30-153(3)d requirement that limits the allowable area of wall signs to 10% of the total wall area. The requested deviation would allow a wall sign area of 36% of the total wall area on the east and west facing fuel canopy facades. This deviation is APPROVED, SUBJECT TO the following conditions:

- a. Approval is limited to Parcel 3.
- b. Must be consistent with RaceTrac site plan in attached Exhibit "D."

14. Fuel Canopy on Parcel 3

Deviation (14) seeks relief from the §34-625(d)(4)c. requirement to provide that no part of the canopy may contain back-lighting. The requested deviation would allow internally illuminated raised architectural embellishments around the canopy and internally illuminated canopy signs on three canopy facades. This deviation is APPROVED, SUBJECT TO the following conditions:

- a. Approval is limited to Parcel 3.
- b. Must be consistent with RaceTrac site plan in attached Exhibit "D."

15. Signs on Parcel 3

Deviation (15) seeks relief from the §30-5(25) requirement that prohibits window signs covering more than 30% of the window glass surface. The requested deviation would allow one window cling covering 50% of the window glass surface on Parcel 3. This deviation is APPROVED, SUBJECT TO the following conditions:

- a. Approval is limited to Parcel 3.
- b. Must be consistent with RaceTrac site plan in attached Exhibit "D."

16. Sign on Parcel 3

Deviation (16) seeks relief from the §30-153(3)a.4 requirement that limits the monument sign area for double frontage projects with one frontage over 300 feet to a single 96 square foot monument sign on the primary frontage and one 24 square foot monument sign on the secondary frontage. The requested deviation would allow a 65 square foot monument sign on State Road 80 and a 50 square foot monument sign on State Road 31 (to enhance sign visibility). The resulting combined monument sign area would be 115 square foot rather than the 120 square feet permitted by code. This deviation is APPROVED, SUBJECT TO the following conditions:

- a. Approval is limited to Parcel 3.
- b. Must be consistent with RaceTrac site plan in attached Exhibit "D."
- c. The maximum of height of the monument signs are 12 feet for the State Road 80 and 11 feet on State Road 31.

17. Excavation Setback

Deviation (17) seeks relief from the LDC §10-329(d)(1)a.3 requirement to provide a 50-foot setback for water management lakes. The requested deviation would allow a 40-foot setback for a proposed water management lake. (Previously approved by ADD2009-00090)

18. Excavation Bank Slope

Deviation (18) seeks relief from the §10-329(d)(4)(a) requirement to provide excavation of bank slopes for new projects to be 6 to 1. The requested deviation would allow a 4:1 slope to control elevation, 6:1 max slope from control elevation to two feet below DSWT (grade break) and then 2:1 max slope from there to the bottom of lake. (Previously approved by ADD2009-00090.)

Deviations 17 and 18 are APPROVED, SUBJECT TO the following conditions which tie the deviations to the MCP approved in this zoning resolution:

- a. Development Order plans must provide open space and indigenous preserve consistent with the approved MCP.

- b. All herbaceous littoral plantings must be one gallon material.
- c. Leather fern and the Spartina must be 3 gallon material.
- d. The littoral landscape plan must be in substantial compliance with the Littoral Planting Exhibit date-stamped "Received Jun 18 2010 Environmental Sciences," and attached as Exhibit "E."
- e. Slopes from the top of bank to the control elevation may be constructed at 4:1 provided the slopes are compacted consistent with §10-329(d)(4). The developer must submit a geotechnical certification to this effect to Lee County prior to issuance of the Certificate of Completion.
- f. The bank must be sloped at no steeper than 6:1 from the control elevation to a point two feet below DSWT (grade break). The bank may be sloped at 2:1 to the bottom of the lake from the grade break at two feet below DSWT.
- g. The development must be designed to slope away from the top of bank. All runoff except that which directly falls on the 4:1 bank slope, must be collected and discharged through the surface water management system into the lake below DSWT.
- h. Development order plans must clearly depict a 2' vertical separation between DSWT and grade break.
- i. The developer must prepare a Lake Maintenance Plan subject to review and approval by County staff. In addition to the required elements of lake maintenance plans pursuant to §10-329(d)(5), the project Lake Maintenance Plan must include the following:
 - i. Detail of a proposed monitoring plan and submission of an annual report regarding lake bank slope stability and remedial actions taken to correct deficiencies.
 - ii. Specific confirmation that the sodded 4:1 side slopes will be maintained in a healthy and vigorous state, a minimum of 5' landward up and over the top of the bank of the excavation.

SECTION D. EXHIBITS:

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

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan
- Exhibit D: Race Trac Site Plan
- Exhibit E: Littoral Planting Exhibit

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the amended Commercial Planned Development by demonstrating compliance with the Lee Plan, the LDC, and other codes and regulations. See Lee Plan Vision Statement - Paragraph 4, Lee Plan Goals 2, 6 and 21, Objectives 2.2 and 21.6, and Policies 2.1.1, 2.1.2, 4.1.1, 6.1.3, 21.6.3 and 39.1.1; LDC §§ 33-1482, 34-411(a), (c), and 34-612(2).
2. *As conditioned*, the request to amend the Commercial Planned Development zoning approvals is:
 - a. Consistent with the densities, intensities and general uses set forth in the Lee Plan. See Lee Plan Policy 1.1.4
 - b. Compatible with existing and planned uses in the surrounding Urban Community. See Lee Plan Objective 21.2, Policies 2.1.2, 2.2.1, 6.1.3, 6.1.4; LDC §34-411(c) and (i).
 - c. Will not adversely affect environmentally critical areas and natural resources. See Lee Plan Goal 77, Objective 77.2;
 - d. Will not place an undue burden upon existing or planned transportation infrastructure. The project will be served by streets with the capacity to carry traffic generated by the development. See Lee Plan Policies 4.1.2, 6.1.3 and 21.2.4, see also LDC §34-411(d).
3. Urban services are available and adequate to serve the proposed land use. See Lee Plan Glossary, Lee Plan Goal 2, Objective 2.1, Policies 2.2.1, 6.1.4, and LDC §34-411(d).
4. The proposed mix of uses is appropriate at the proposed location. See Lee Plan Objective 21.2, Policies 6.1.1, 6.1.2, 6.1.8 and 21.2.1;
5. The recommended conditions and applicable regulations provide sufficient safeguards to protect the public interest. See Lee Plan Policy See also LDC §§ 34-377(a)(2)(c); 34-411(c), (i), and (k).
6. The recommended conditions are reasonably related to the impacts expected from the proposed development. See LDC §34-932 (b) and (c).
7. The deviations, as conditioned:
 - a. Enhance the planned development, and
 - b. Preserve and promote the general intent of the LDC to protect the public health, safety and welfare. See LDC §33-1484

Commissioner Manning made a motion to adopt the foregoing resolution, seconded by Commissioner Pendergrass. The vote was as follows:

John Manning	Aye
Cecil L Pendergrass	Aye
Larry Kiker	Aye
Brian Hamman	Absent
Frank Mann	Aye

DULY PASSED AND ADOPTED this 4th day of November 2015.

ATTEST:
LINDA DOGGETT, CLERK

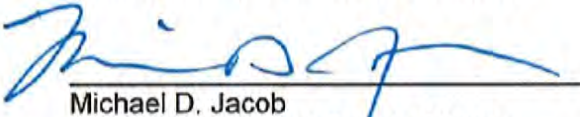
BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Brian Hamman, Chair


Frank Mann

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY


Michael D. Jacob
Managing Assistant County Attorney
County Attorney's Office

Description:

Parcel in
Section 30, Township 43 South,
Range 26 East,
Lee County, Florida

A tract or parcel of land lying in Section 30, Township 43 South, Range 26 East, Lee County, Florida.
Said tract or parcel being more particularly described as follows;

Beginning at a Northeast corner of the Southwest quarter (SW1/4), of the Southwest quarter (SW1/4) of said Section 30, run S01°02'20"E along the East line of said fraction of a section, and the West line of Block One, for Fort Myers Shores Unit Number One, as recorded in Plat Book 9, Page 153, Lee County Records for 400.56 feet to a point on a non-tangent curve and an intersection with the Northerly Right-of-Way line of State Road 80 (width varies); thence run Southwesterly along said Northerly Right-of-Way line along an arc of a curve to the left of radius 5,804.58 feet (delta 04°03'56") (chord bearing S73°37'18"W) (chord 411.79 feet) for 411.87 feet to a point of tangency; thence run S71°36'12"W along said Northerly Right-of-Way line for 701.53 feet to the Southeast corner of lands described in Official Records Book 2826, Page 1741, Lee County Public Records; thence run N00°48'57"W along the East line of said lands for 208.59 feet to the Northeast corner of said lands; thence run N88°27'18"W along the North line of said lands for 149.56 feet to an intersection with the Easterly Right-of-Way line of State Road 31 (100 feet wide); thence run N00°43'06"W along said Easterly Right-of-Way line for 560.43 feet to an intersection with the North line of the Southwest quarter (SW1/4), of the Southwest quarter (SW1/4) of said Section 30; thence run S88°20'53"E along the North line of said fraction of a section for 1,213.50 feet to the **Point of Beginning**.
Containing 699,961 square feet or 16.07 acres, more or less.

Bearings here in above mention are State Plane for the Florida West Zone (1983/99 Adjustment) and are based on the North line of the Southwest quarter (SW1/4), of the Southwest quarter (SW1/4) of said Section 30 to bear S88°20'53"E.

Applicant's Legal Description
by BA 11/24/14

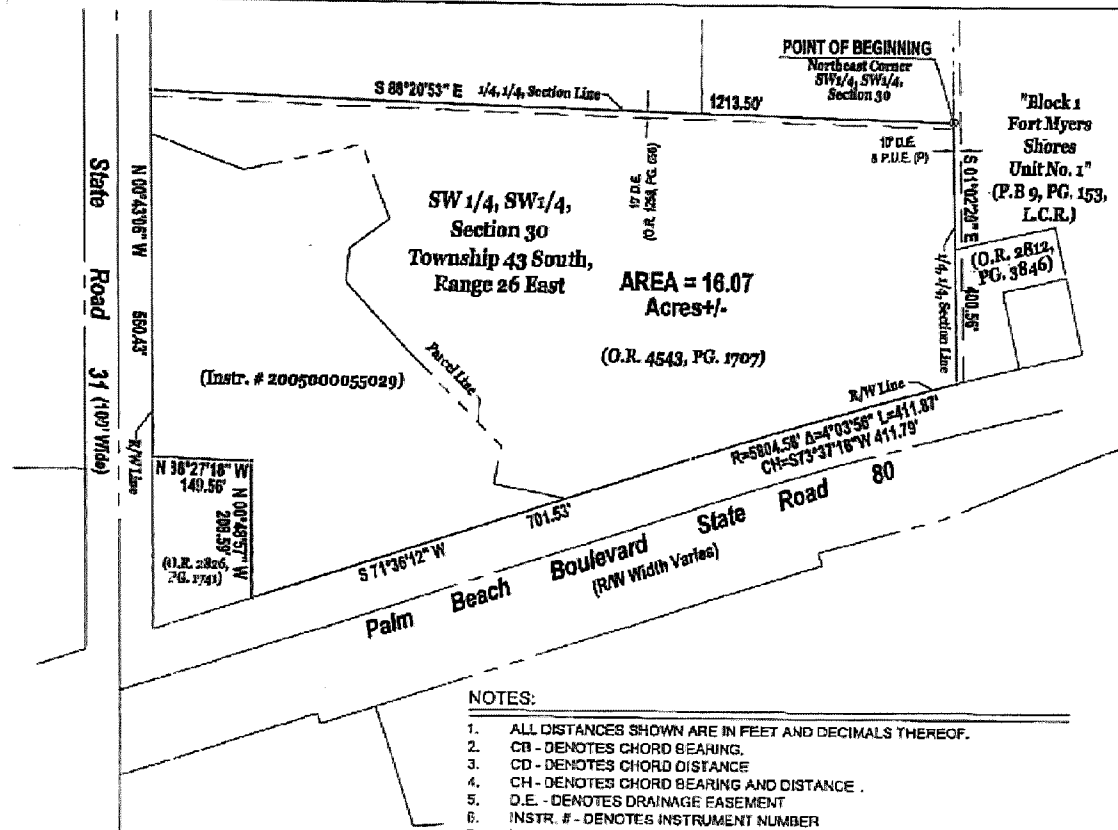
Scott A. Wheeler 2/8/08
Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

L:\22146 - HWY30-SR80 Commercial\legal description\22146skogdesc.doc



Scott A. Wheeler
SCOTT A. WHEELER (FOR THE FIRM - LB-6840)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5849

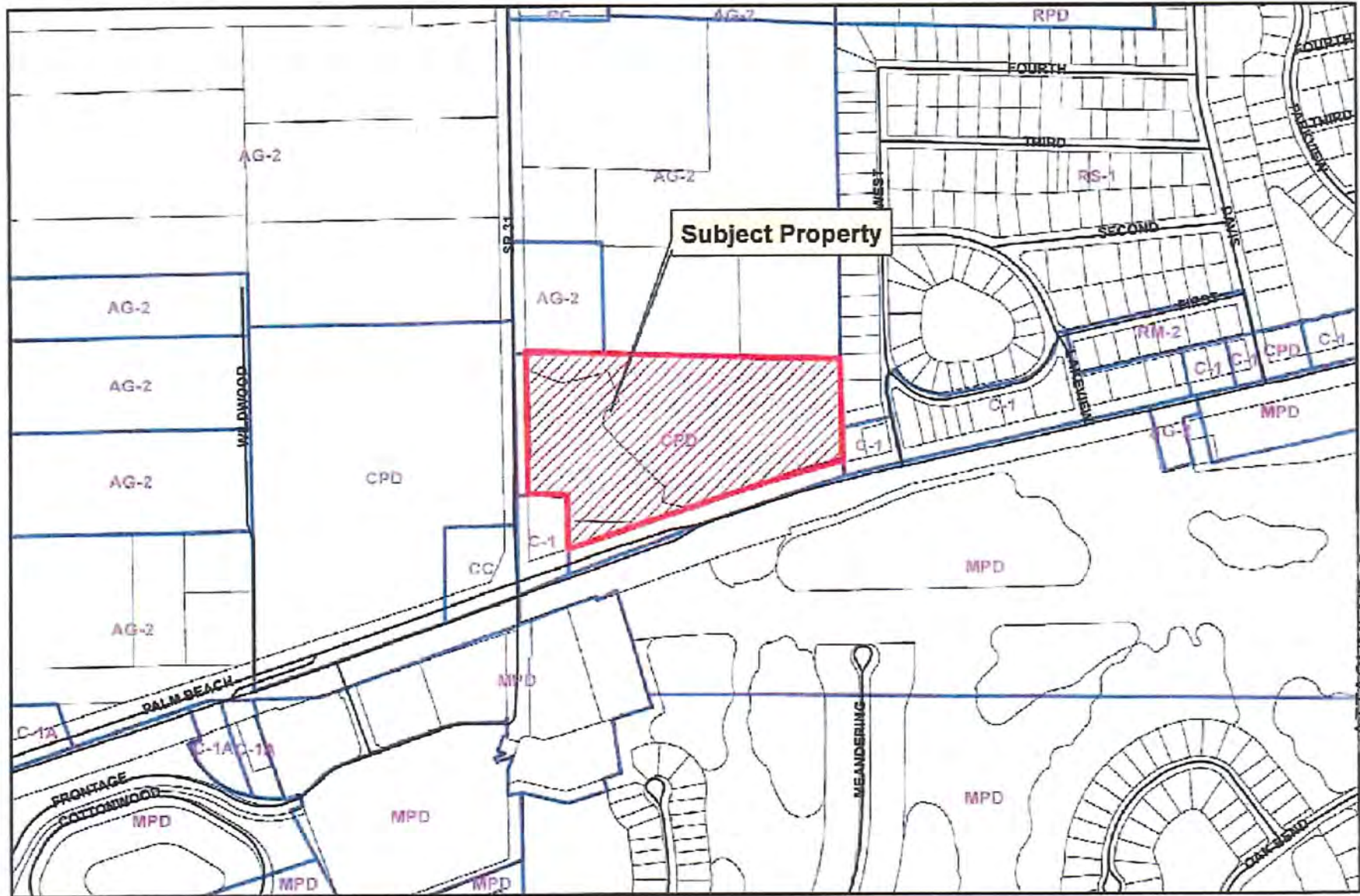
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER



1. ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. CB - DENOTES CHORD BEARING.
3. CD - DENOTES CHORD DISTANCE
4. CH - DENOTES CHORD BEARING AND DISTANCE .
5. D.E. - DENOTES DRAINAGE EASEMENT
6. INSTR. # - DENOTES INSTRUMENT NUMBER
7. L.G.R. - DENOTES LEE COUNTY PUBLIC RECORDS.
8. O.R. - DENOTES OFFICIAL RECORD BOOK, LEE COUNTY PUBLIC RECORDS.
9. (P) - DENOTES PLAT.
10. P.B. - DENOTES PLAT BOOK
11. PG. - DENOTES PAGE.
12. P.U.E. - DENOTES PUBLIC UTILITY EASEMENT
13. RW - DENOTES RIGHT OF WAY
14. BEARINGS HEREON ARE STATE PLANE FOR THE FLORIDA WEST ZONE (1983 ADJUSTMENT) AND ARE BASED ON THE NORTH LINE OF THE SOUTHWEST (SW1/4), OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION 30 TO BE SOUTH 89°25'53" EAST.
15. DESCRIPTION IS ATTACHED

[illegible]

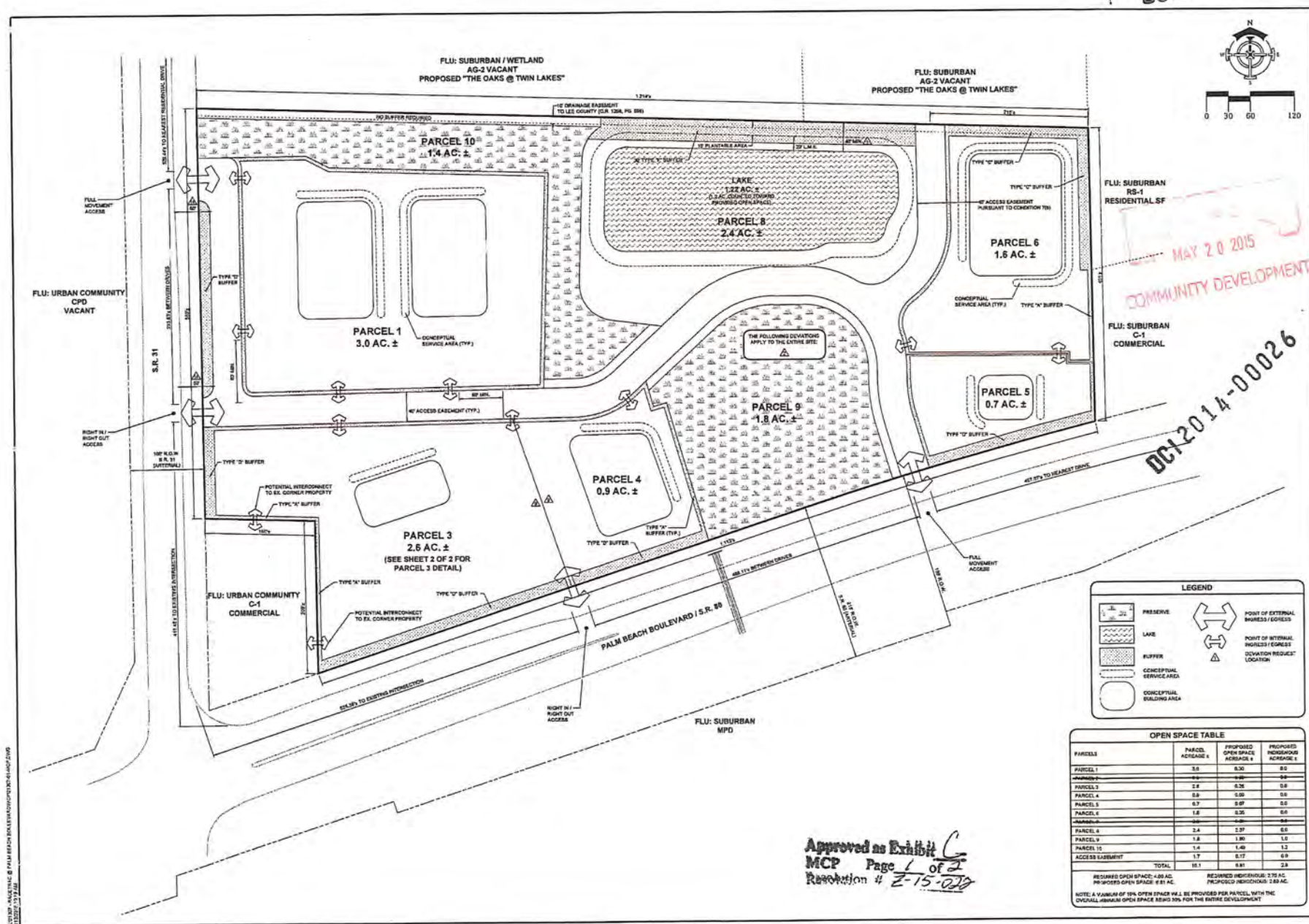
EXHIBIT B



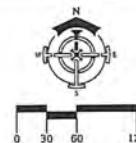
ATTACHMENT C



0 600 1,200 Feet



DC: 64-4600-2



DELSI FITZGERALD, INC.
Planning - Engineering - Project Management

1605 Hendry Street
Fort Myers, FL 33901
739-418-0691 • 239-418-0692 fax
Florida Certificate of Authorization

S.R. 80 / S.R. 31 CPD

OWNER / DEVELOPER
AM & GW, LLC

SUBJECTS

1111

11

[illegible]

1

100

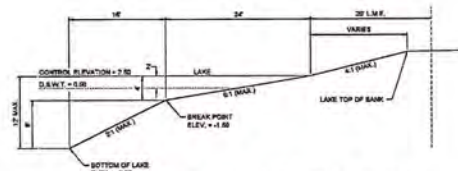
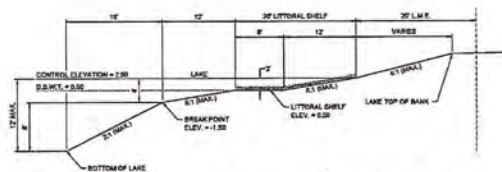
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10

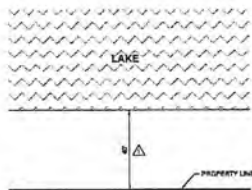
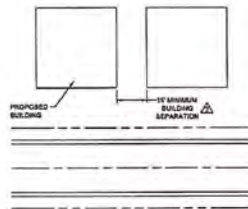
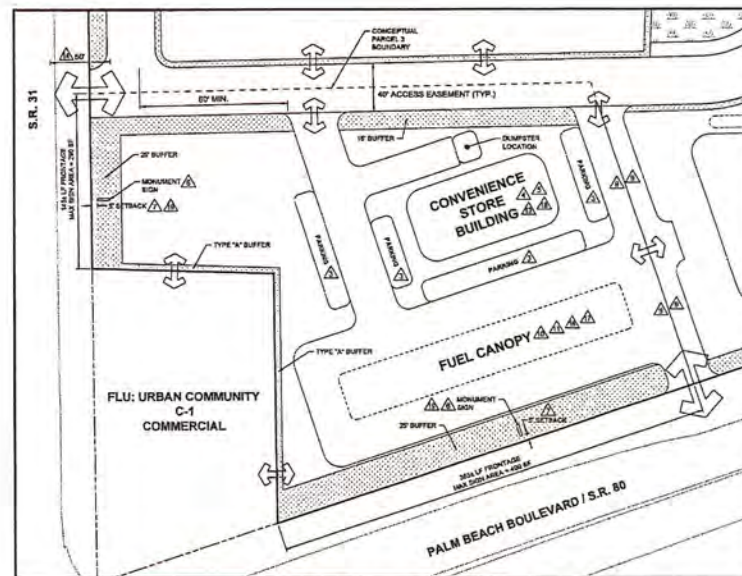
MASTER CONCEPT PLAN		
Present Masterplan		
Design DIT		
Checked DIT		
Project Manager		21
Part of Section 41		
Yearship	43.5	Range
Course		LIFE COURSE

Sheet Number 1 of 1

Sheet Number:	1 of 1
---------------	--------



NOTE:
ALL ELEVATIONS SHOWN ARE NAVD 88



NOTES:

1. BUFFERS ALONG SR-35 AND SR-86 R.O.W. AND INTERNAL ACCESSWAYS SHALL BE PROVIDED IN ACCORDANCE WITH LEE COUNTY LDC SECTION 34-153(b)(1)
2. PARCEL 3 HAS TWO FRONTAGES AND IS ALLOWED A SINGLE MONUMENT SIGN ON ANY STREET PROVIDING VEHICULAR ACCESS FOR LEE COUNTY LDC SECTIONS 35-153(1) AND (2) & 35-155(b)(3).

Approved as Exhibit C
MCP Page 2 of 2
Resolution # 7-15-02

DCI 2014-00026

DELISI FITZGERALD, INC.
Planning - Engineering - Project Management

1605 Hendry Street
Fort Myers, FL 33901
239-418-0691 • 239-418-0692 fax
Florida Certificate of Accreditation

OWNER / DEVELOPER
AM & GW, LLC
8441 WOODVIEW STREET

Source: The author.

S.R. 80 / S.R. 31 CPD

[illegible]

LAKE SECTIONS,
DEVIATION DETAILS, &
PARCEL 3 DETAIL

Project Manager:	JTV
Drawn By:	CA
Checked By:	JTV
Project Number:	2180
Part of Section(s):	8
Tonnage:	43.5
County:	Lee County

FOR PERMITTING PURPOSES ONLY
NOT FOR CONSTRUCTION

Sheet Number: 2 of 2

CONTRACTS, NOTES, ALL WORK SHALL BE IN COMPLIANCE WITH RECOGNIZED INDUSTRY
STANDARDS, MATERIALS, METHODS, AND ALL
APPLICABLE STATE AND LOCAL CODES.
NO SUBSTITUTIONS ALLOWED.

EXHIBIT 1



**RT 1146 - Palm Beach Blvd
Lee County, FL**

DCI 2014-00026

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MAY 20 2015

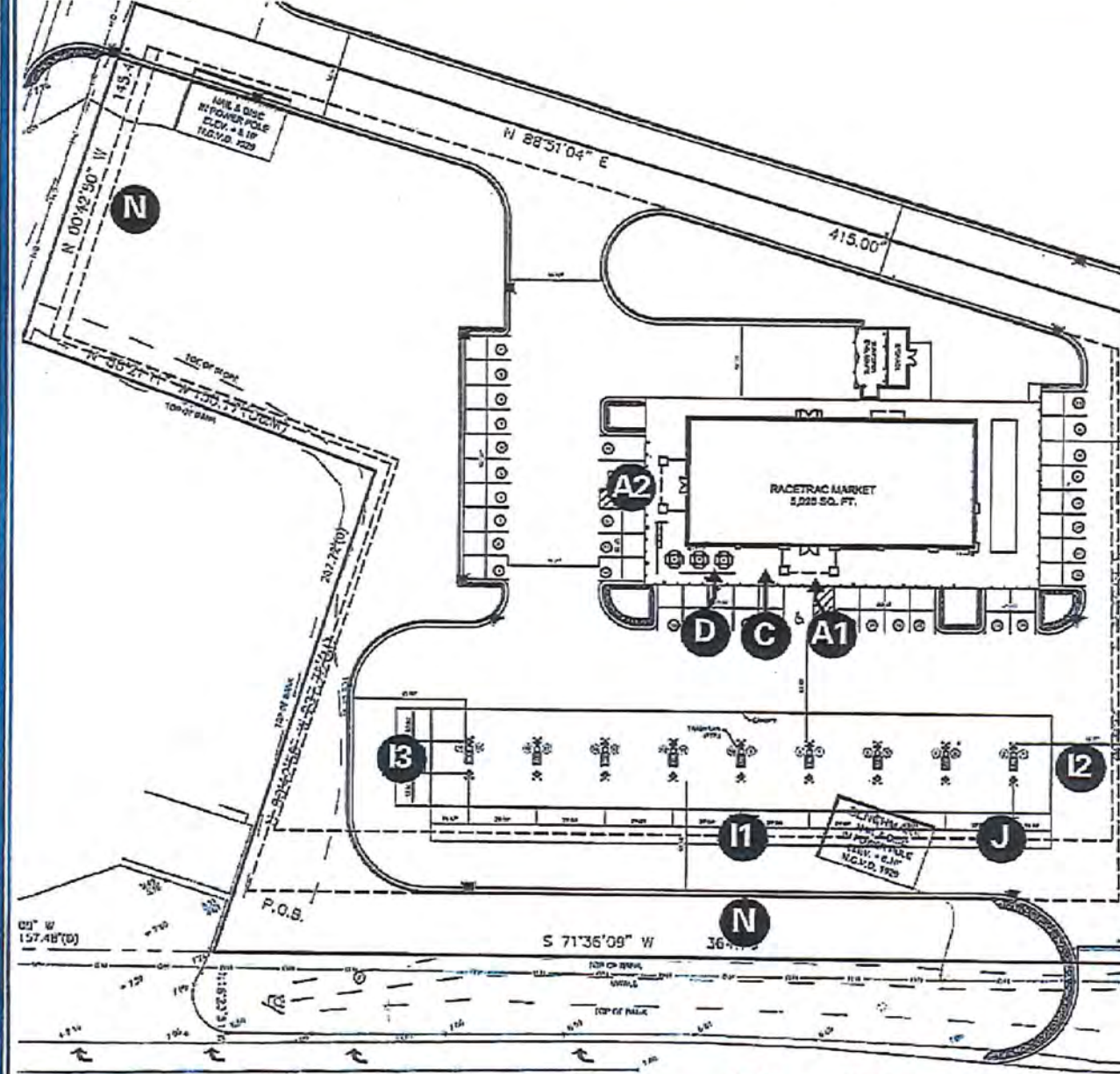
COMMUNITY DEVELOPMENT

RaceTrac

Site Plan

GENERAL NOTE: ALL WORK SHALL BE IN COMPLIANCE WITH RECOGNIZED INDUSTRY STANDARDS, MANUFACTURER'S RECOMMENDATIONS, AND ALL APPLICABLE STATE AND LOCAL CODES. NO SUBSTITUTIONS ALLOWED.

Page 2



Sign Legend	
A1	Tower Sign
A2	Tower Sign
C	Window Opaque Static Cling
D	Swirl World Sign
I1	Canopy Cloud Sign
I2	Canopy Cloud Sign
I3	Canopy Cloud Sign
J	Lit Embellishment
N	Price Sign

DC! 2014-00026

RECEIVED
MAY 28 2015
COMMUNITY DEVELOPMENT

RaceTrac

Building Elevations

10/1/2013
MAY 20 2013

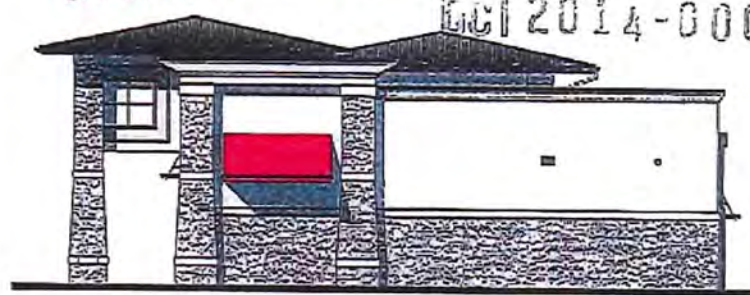
GENERAL NOTE: ALL WORK SHALL BE IN COMPLIANCE WITH RECOMMENDED INDUSTRY STANDARDS, MANUFACTURER'S RECOMMENDATIONS, AND ALL APPLICABLE STATE AND LOCAL CODES. NO SUBSTITUTIONS ALLOWED.

COMMUNITY DEVELOPMENT

LCI 2014-00026



RIGHT EXTERIOR ELEVATION



LEFT EXTERIOR ELEVATION



REAR EXTERIOR ELEVATION



FRONT EXTERIOR ELEVATION

RaceTrac

EIFS Tower Sign

GENERAL NOTE: ALL WORK SHALL BE IN COMPLIANCE WITH RECOGNIZED INDUSTRY STANDARDS, MANUFACTURER'S RECOMMENDATIONS, AND ALL APPLICABLE STATE AND LOCAL CODES. NO SUBSTITUTIONS ALLOWED.

Page 4

A1

A2



FRONT ENTRANCE



SIDE ENTRANCE

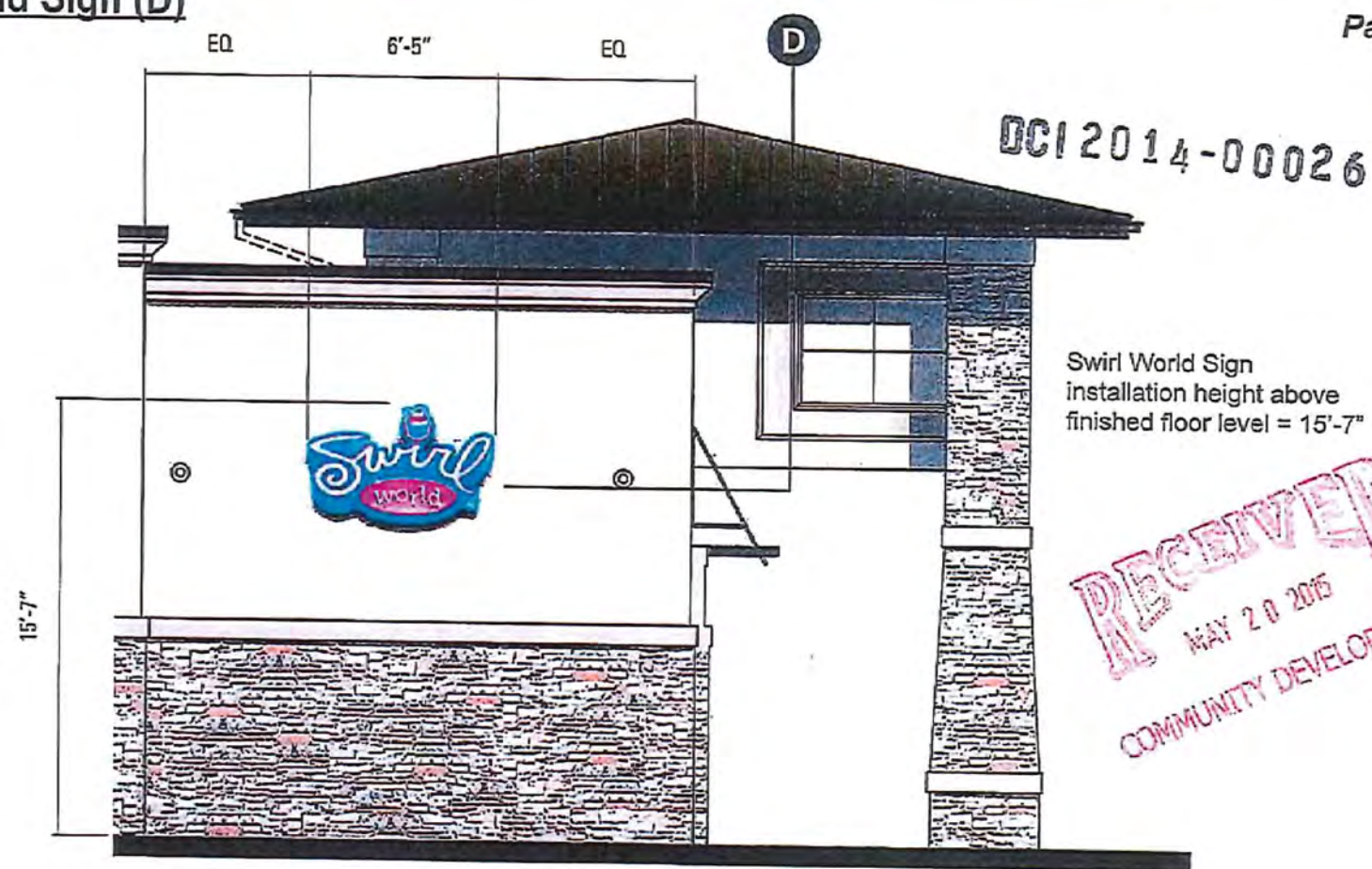
Sign Label	Sign Type	Height	Length	Total Area
A1	Tower Sign	3'-0"	13'-5/8"	41 sf
A2	Tower Sign	3'-0"	13'-5/8"	41 sf

0612014-00026

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MAY 20 2015
COMMUNITY DEVELOPMENT

Swirl World Sign (D)



Swirl World Sign
installation height above
finished floor level = 15'-7"

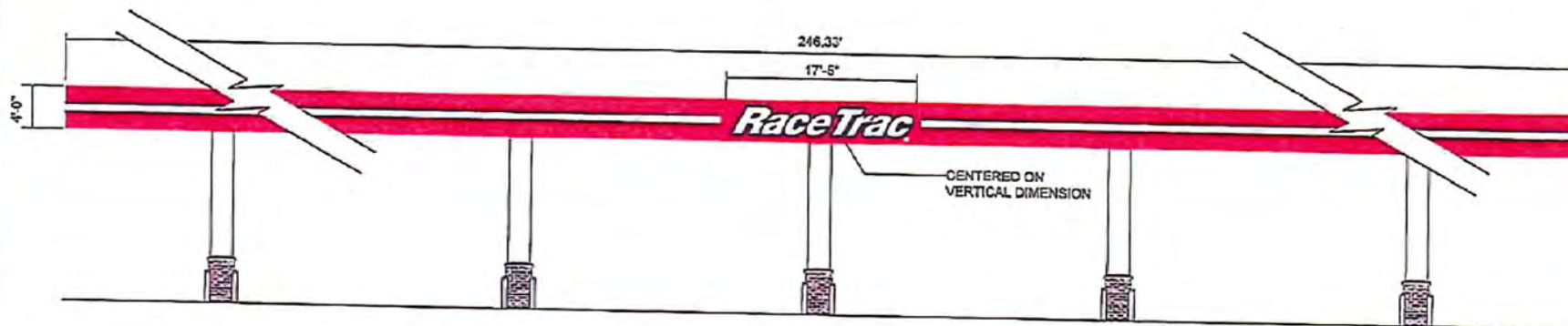
RECEIVED
MAY 20 2015
COMMUNITY DEVELOPMENT

Sign Label	Sign Type	Height	Length	Total Area
D	Swirl World Sign	4'-3"	6'-5"	28 sf

57 SF Canopy LED Cloud Sign - Red Canopy

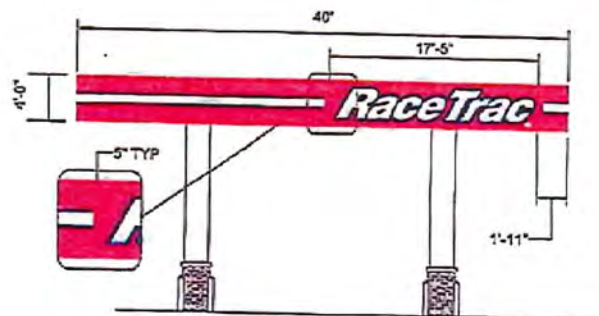
GENERAL NOTE: ALL WORK SHALL BE IN COMPLIANCE WITH RECOGNIZED INDUSTRY STANDARDS, MANUFACTURER'S RECOMMENDATIONS, AND ALL APPLICABLE STATE AND LOCAL CODES. NO SUBSTITUTIONS ALLOWED.

Page 20

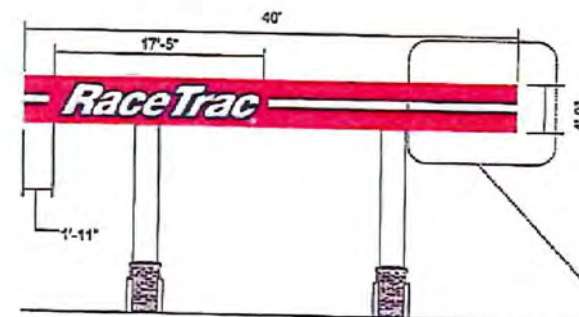


GAS CANOPY FRONT ELEVATION

DCI 2014-00026



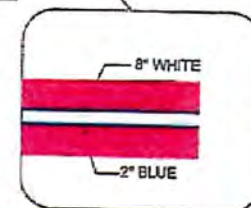
LEFT SIDE VIEW - RED CANOPY



RIGHT SIDE VIEW - RED CANOPY

COLOR SCHEDULE

- RaceTrac Red
To Match RGB = 216, 30, 5
- RaceTrac Blue
To Match RGB = 0, 43, 127



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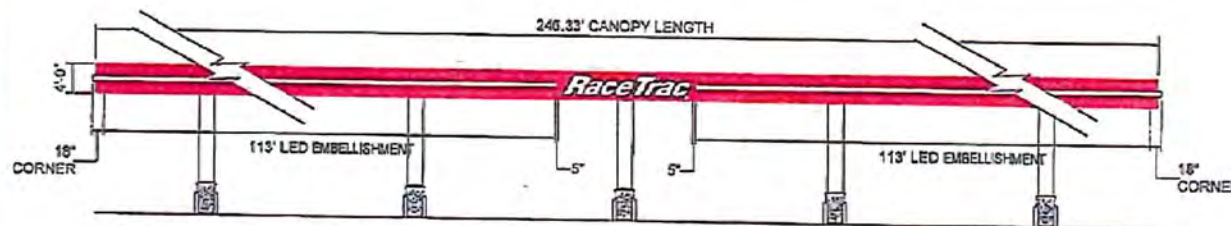
COMMUNITY DEVELOPMENT

RaceTrac

Canopy Stripe - LED Lit Embellishment(J)

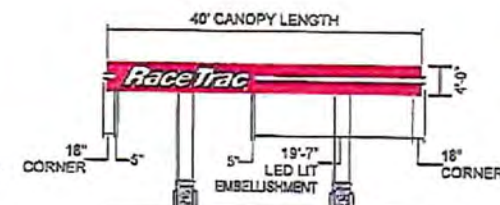
GENERAL NOTE: ALL WORK SHALL BE IN COMPLIANCE WITH RESIDENTIAL INDUSTRY STANDARDS, MANUFACTURER'S RECOMMENDATIONS, AND ALL APPLICABLE STATE AND LOCAL CODES. NO SUBSTITUTIONS ALLOWED.

Page 23

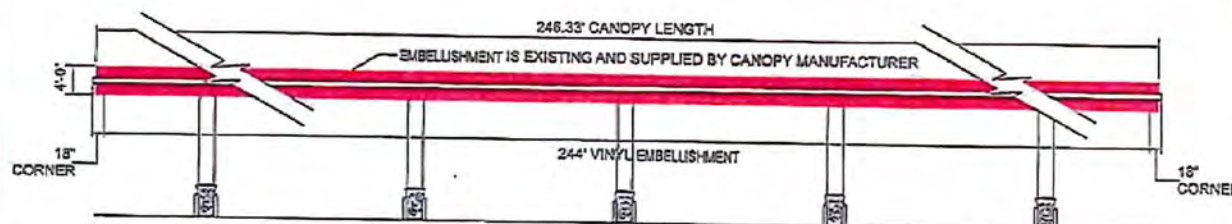


*REFER TO CANOPY PLANS OR ON-SITE CONDITIONS FOR ARCHITECTURAL FINISHES

GAS CANOPY FRONT ELEVATION



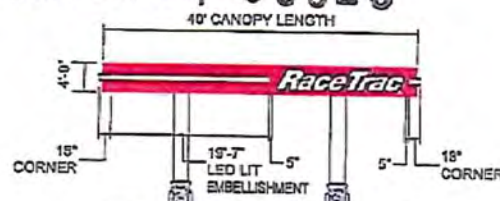
RIGHT SIDE VIEW - RED CANOPY



*REFER TO CANOPY PLANS OR ON-SITE CONDITIONS FOR ARCHITECTURAL FINISHES

GAS CANOPY REAR ELEVATION

DCI 2014-00026



LEFT SIDE VIEW - RED CANOPY



UPON INSTALLATION OF LIT STRIPE, IF ANY VINYL DECAL IS EXPOSED, TRIM AT 90°, EVEN WITH EDGE OF LIT EMBELLISHMENT

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MAY 20 2015

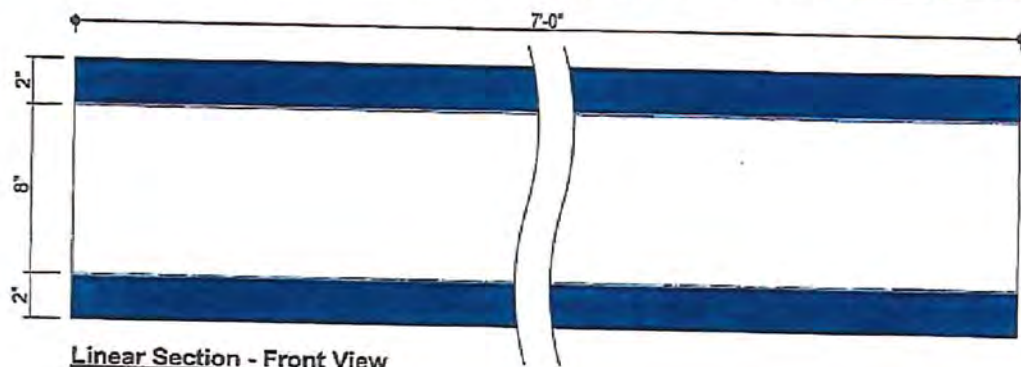
COMMUNITY DEVELOPMENT

RaceTrac

8" White & Blue Lit Canopy Embellishment - Red Canopy (J)

GENERAL NOTE: ALL WORK SHALL BE IN COMPLIANCE WITH RECOGNIZED INDUSTRY STANDARDS, MANUFACTURER'S RECOMMENDATIONS, AND ALL APPLICABLE STATE AND LOCAL CODES. NO SUBSTITUTIONS ALLOWED.

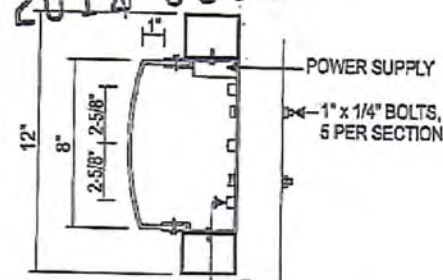
Page 24



Linear Section - Front View

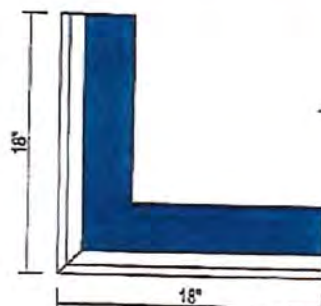
← WHEN LIGHT BAND SECTIONS DO NOT MEET, ALUMINUM END CAP MUST BE USED.

DCI 2014-00026



Side View

THREE ROWS OF SLOAN VL PLUS LONG WHITE LED MODULES

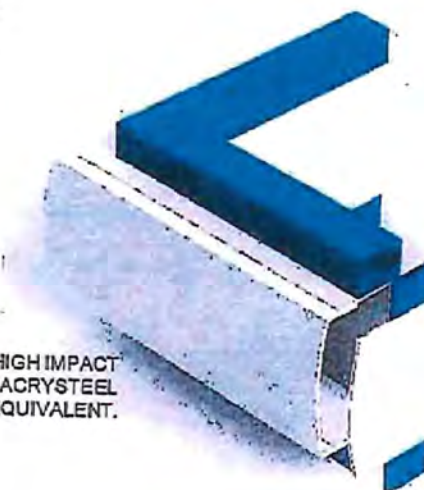


Top View

← WHEN LIGHT BAND SECTIONS DO NOT MEET, ALUMINUM END CAP MUST BE USED.

701269-WV-MB
VL PLUS LONG
2 MODELS PER FOOT

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COMMUNITY DEVELOPMENT



8", .063" EXTRUDED ALUMINUM CHANNEL PAINTED WHITE.

2", .063" EXTRUDED ALUMINUM SHAPES PAINTED TO MATCH 3M SAPPHERE BLUE.

.125" THK, #7328 WHITE HIGH IMPACT ACRYLIC, ARISTECH ACRYSTEL OR EQUIVALENT.

COLOR SCHEDULE

PAINT TO MATCH 3M SAPPHERE BLUE

NOTES:

• 7'-0" LONG UNITS W/90 DEGREE CORNERS



THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 605 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.

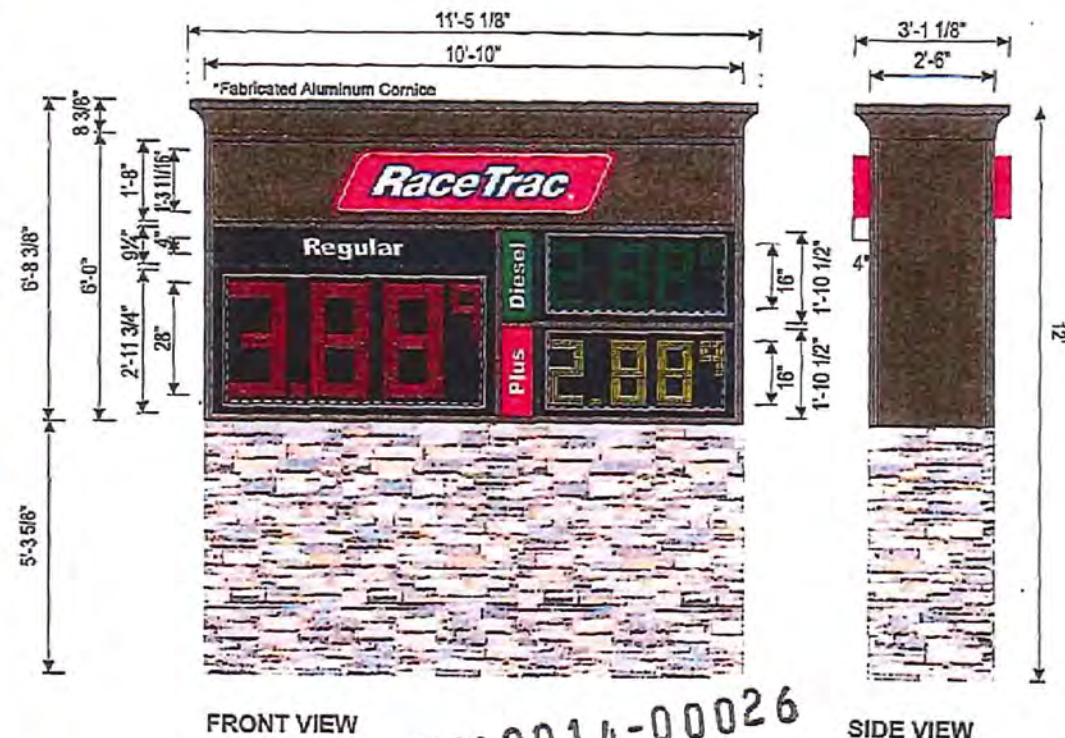


RaceTrac

65 SF Price Sign - 28" & 16" LED (N)

*All sign components to be UL listed. All wiring to conform to UL specifications. Installation to be per NEC requirements. All signs to bear UL labels.

Page 27



Sloan Sign Box II
LED Interior Illumination

E85

Note: If E85 Fuel Product is required use 3M Translucent Yellow Vinyl 3630-015, (PMS 109 Yellow) Background Color with Black Text Color, Arial Black Letter Font.

Specifications:

Sign Faces:

- Logo panel: Bronze aluminum panel with parallelogram mounted to the surface. Parallelogram to be channel letter-type construction with .177" thick Polycarbonate face panels with 2nd surface applied translucent vinyl graphics. Parallelogram copy to be digitally printed red background stripes and white border with blue area of logo graphic also printed. Cabinet and trim cap to be red to match Axzo Nobel #SIGN20448.
- Regular Unleaded Product Panel: Solar Grade Polycarbonate; Background to be 1st surface applied 3M vinyl opaque 180C-22 Matte Black; "Regular" to be show-through white or 1st surface applied 3M vinyl translucent 3630-020 White.
- Diesel Product Panel: Solar Grade Polycarbonate; Background to be 1st surface applied 3M vinyl translucent 3630-26 Green; "Diesel" to be show-through white or 1st surface applied 3M vinyl translucent 3630-020 White.
- Plus Product Panel: Solar Grade Polycarbonate; background to be 1st surface applied 3M vinyl translucent 3630-33 Red; "Plus" to be show-through white or 1st surface applied 3M vinyl translucent 3630-020 White.

Interior Illumination: Sloan Sign Box II LED Interior Illumination powered by low voltage power supplies. This is behind fuel grade panels, only.

Sign Frame: 2" x 2" x .25" steel tube with .063 aluminum cladding. Extruded aluminum 1-1/2" wide Divider Bars installed to retain sign panels. Face dividers and retainer to be painted dark bronze and black.

Sign Support: Internal steel pipe support to be welded to steel saddle bracket at top and bottom of sign frame.

External steel sign support to meet building and local sign codes. Size of steel and footing as required per site requirements.

DCI 2014-00026

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COMMUNITY DEVELOPMENT

RaceTrac

REMOVING ALL SIGNS SHALL BE IN COMPLIANCE WITH APPLICABLE INDUSTRY STANDARDS, MANUFACTURER'S RECOMMENDATIONS, AND ALL APPLICABLE STATE AND LOCAL CODES. NO SUBSTITUTIONS ALLOWED.

50 SF Price Sign - 28" & 10" LED (N)

*All sign components to be UL listed. All wiring to conform to UL specifications. Installation to be per NEC requirements. All signs to bear UL labels.

RECEIVED
MAY 20 2015

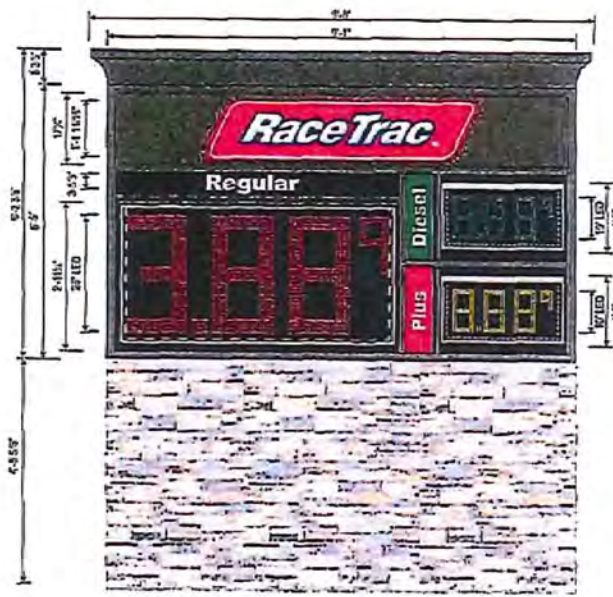
DCI 2014-00026

E85

Note: If E85 Fuel Product is required use 3M Translucent Yellow Vinyl 3630-015, (PMS 109 Yellow) Background Color with Black Text Color, Arial Black Letter Font.



Sloan Sign Box II
LED Interior Illumination



COMMUNITY DEVELOPMENT



Specifications:

Sign Faces:

- Logo panel: Bronze aluminum panel with parallelogram mounted to the surface. Parallelogram to be channel letter-type construction with .177" thick Polycarbonate face panels with 2nd surface applied translucent vinyl graphics. Parallelogram copy to be digitally printed red background stripes and white border with blue area of logo graphic also printed. Cabinet and trim cap to be red to match Axzo Nobel #SIGN20448.
- Regular Unleaded Product Panel: Solar Grade Polycarbonate; Background to be 1st surface applied 3M vinyl opaque 180C-22 Matte Black; "Regular" to be show-through white or 1st surface applied 3M vinyl translucent 3630-020 White.
- Diesel Product Panel: Solar Grade Polycarbonate; Background to be 1st surface applied 3M vinyl translucent 3630-26 Green; "Diesel" to be show-through white or 1st surface applied 3M vinyl translucent 3630-020 White.
- Plus Product Panel: Solar Grade Polycarbonate; background to be 1st surface applied 3M vinyl translucent 3630-33 Red; "Plus" to be show-through white or 1st surface applied 3M vinyl translucent 3630-020 White.

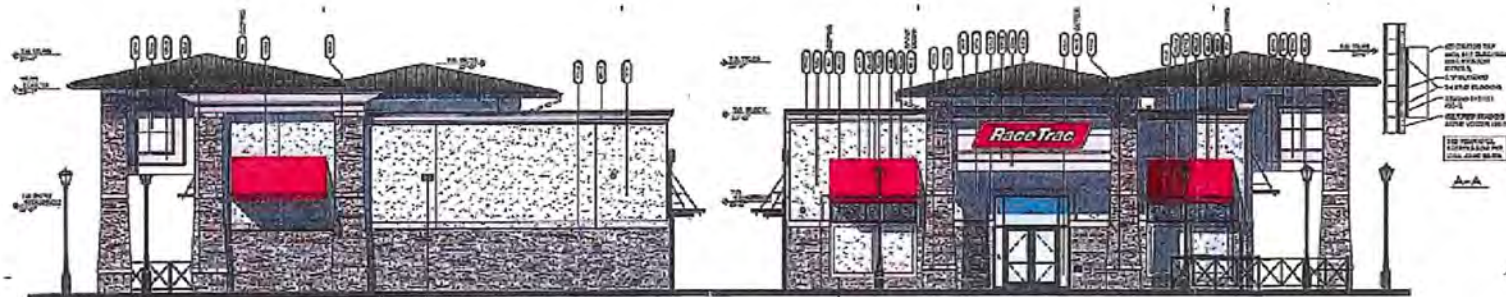
Interior Illumination: Sloan Sign Box II LED Interior Illumination powered by low voltage power supplies. This is behind fuel grade panels, only.

Sign Frame: 2" x 2" x .25" steel tube with .063 aluminum cladding. Extruded aluminum 1-1/2" wide Divider Bars installed to retain sign panels. Face dividers and retainer to be painted dark bronze and black.

Sign Support: Internal steel pipe support to be welded to steel saddle bracket, at top and bottom of sign frame.

External steel sign support to meet building and local sign codes. Size of steel and footing as required per site requirements.

RaceTrac



RIGHT EXTERIOR ELEVATION
30'0" x 14'0"

LEFT EXTERIOR ELEVATION
30'0" x 14'0"

DCI 2014-00026



REAR EXTERIOR ELEVATION
30'0" x 14'0"



FRONT EXTERIOR ELEVATION
30'0" x 14'0"

GENERAL NOTES

1. REFER TO ALL NOTES ON DRAWINGS FOR MATERIALS AND FINISHES.
2. REFER TO ALL NOTES ON DRAWINGS FOR MATERIALS AND FINISHES.
3. REFER TO ALL NOTES ON DRAWINGS FOR MATERIALS AND FINISHES.

EXTERIOR MATERIAL LEGEND

ITEM	DESCRIPTION
01	BRICK - RED
02	BRICK - RED
03	BRICK - RED
04	BRICK - RED
05	BRICK - RED
06	BRICK - RED
07	BRICK - RED
08	BRICK - RED
09	BRICK - RED
10	BRICK - RED
11	BRICK - RED
12	BRICK - RED
13	BRICK - RED
14	BRICK - RED
15	BRICK - RED
16	BRICK - RED
17	BRICK - RED
18	BRICK - RED
19	BRICK - RED
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22	BRICK - RED
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RaceTrac
RaceTrac Petroleum, Inc.
3225 Cumberland Blvd, Suite 100
Atlanta, Georgia 30339

RECEIVED
MAY 2 2015
MAY 2 2015



NOTE: ALL ELEVATIONS SHOWN
ARE (NAVD) 1988

[illegible]

RESOLUTION NUMBER Z-18-013

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

WHEREAS, the property owner, BAM SWL Properties, LLC, filed an application to amend Lee County Zoning Resolution Z-01-054 in reference to Sweetwater Landing Commercial Planned Development (CPD); and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Laura B. Belflower, was advertised and held on May 9, 2018. At the conclusion of the hearing, the Hearing Examiner left the record open and requested Staff and the applicant to submit written submissions to her Office on or before May 18, 2018; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2018-00002 and recommended APPROVAL of the Request; and

WHEREAS, a second public hearing was advertised and held on October 3, 2018 before the Lee County Board of Commissioners; and,

WHEREAS, the Lee County Board of Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to amend the Sweetwater Landing CPD, Lee County Zoning Resolution Z-01-054, to:

- eliminate the existing outdoor live entertainment prohibition, but include location and time limits;
- make the outdoor seating area consistent with the existing alcohol service area;
- clarify where sound limits are measured;
- add a deviation to allow more than service bars in the open sided tiki structure; and
- codify all of the existing approvals.

The property is located in the Suburban and Wetlands Future Land Use Categories and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. The development of this project must be consistent with the one-page Master Concept Plan (MCP) entitled "COP Site Plan", prepared by Exceptional Engineering, Inc., date-stamped received May 17, 2017, and attached hereto as Exhibit C, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

The purpose of the "Marina 31 Overall Marina Plan," dated 04/26/01, Sheet No. 2 of 2, stamped "Received Jul 27, 2001 Zoning Counter," (Exhibit D) is to show the existing and vested uses of the property per §380.032(3), Florida Statutes, Agreement Between Bonita Bay Group and the Department of Community Affairs (Exhibit E).

2. The following limits apply to the project and uses:

a. **Schedule of Uses**

MARINA

The following uses will be developed as part of the overall marina facility and are listed as follows:

ADMINISTRATIVE OFFICE

ATM (automatic teller machine)

BAIT AND TACKLE SHOP

BOAT:

Boat parts store

Boats rental

Boat repair, limited to incidental repairs that can be accomplished while boats are moored at the watercraft wet slips

CONSUMPTION ON PREMISES (only in conjunction with a restaurant and associated outdoor seating – See Condition 7)

DOCKING AND MOORING FACILITIES

ENTRANCE GATES AND GATEHOUSES

ESSENTIAL SERVICES

EXCAVATION, WATER RETENTION (Dry Retention Only)

HOTEL/MOTEL, limited to a maximum of nine units

LAUNDROMAT, limited to two washers and two dryers

LIVEABOARDS, LDC §34-1861 (See Condition 14)

FUEL PUMPS AND PUMP OUT FACILITIES

RECREATIONAL FACILITIES, commercial, Group III (swimming pool only)
[Added by ADD2016-00066], personal and private (on-site)

RESTAURANTS, GROUPS I, II, AND III, with outdoor dining

SIGNS, in accordance with LDC Chapter 30, except as modified by Deviations 7 and 10

SHIP STORE, to include but not limited to food products, consumption off premises (1APS or 2APS), souvenirs, clothing, newspapers, personal hygiene products, marine products

TEMPORARY USES, limited to boat storage, only prior to the construction of the proposed restaurant, and boat displays in accordance with LDC §34-3041.

b. Site Development Regulations

Minimum Lot Size:

Lot Area:	20,000 square feet
Lot Width:	100 feet
Lot Depth:	100 feet

Minimum Setback:

Street:	25 feet
Side (northern lot line):	5 feet [Amended by ADD2016-00066]
Rear:	20 feet
Water Body:	10 feet (zero feet for a covered walkway to the bulkhead)

Maximum Building Height: 35 feet, not to exceed two stories, measured from minimum required finished floor elevation

Minimum Lot Coverage: 40 percent

Building Separation: 10 feet

Accessory Structure Setbacks (docks, boat ramps, piers, gazebos, and decks)

Minimum Street Setback:	0 feet
Minimum Side Yard Setback:	5 feet
Minimum Rear Setback:	5 feet
Water Body Setback:	0 feet

3. The proposed development will be limited to a maximum of 14,900 square feet of commercial retail/office uses, including the restaurant with outdoor seating and a 9-unit motel/hotel with a maximum of 400 square feet per unit. A maximum of 105 watercraft wet slips in compliance with the agreement entered into between Bonita Bay Group and the Florida Department of Community Affairs (DCA), attached hereto for reference purposes (Exhibit E), is allowed.
4. Prior to issuance of any dock or shoreline structure permit, a Marina Basin & Docking Area Betterment Plan must be submitted for the Division of Planning / Environmental Sciences Staff review and approval. This plan must include a feature or features that improve the water quality and habitat equivalent to the riprap requirement of the LDC §26-75(a)(2) such as, but not limited to, the following:
 - a. Creation of a littoral shelf and planting area along the boat basin located on the western property line.
 - b. Placement of riprap underneath the t-dock, depicted on the MCP, along the north property line.
5. The following conditions are to help ensure compliance with comprehensive plan objectives to protect the West Indian Manatee.

- a. Prior to local development order approval, the development order plans must show the location of a manatee kiosk (bulletin board) on the subject property to provide educational materials regarding manatees, which can be readily disseminated to boaters. The information to be included the kiosk must be submitted for the division of Environmental Sciences Staff review and approval. The kiosk must be installed prior to issuance of a Certificate of Compliance.
 - b. The placement of manatee signage to alert boaters to the presence of manatees must be coordinated with the Division of Natural Resources Staff, and installed prior to issuance of a Certificate of Compliance.
- 6. The restaurant outdoor seating area must substantially comply with the areas designated on the MCP for the open sided tiki structure, outdoor seating areas on the pavers, and the pool deck.
- 7. Consumption on premises for the restaurant with outdoor seating is approved as part of the zoning action if in compliance with the following:
 - a. In accordance with SEZ2017-00004:
 - i. Consumption on premises (4-COP SFS) must be in conjunction with the restaurant and within the boldly dashed line shown on the MCP (Exhibit C).
 - ii. Alcoholic beverages may be served in the 14,900 square foot area including the restaurant building, tiki structure, outdoor seating on pavers, and pool/deck.
 - iii. Alcohol may be consumed in outdoor seating from 8:00 a.m. to midnight, seven days a week.
 - iv. Amendments to these special exception provisions must be through another special exception review.
 - v. Any conditions of Special Exception SEZ2017-00004 inconsistent with this zoning amendment are void and no longer applicable.
 - b. Any outdoor entertainment is limited as follows:
 - i. The outdoor entertainment may only be in conjunction with and accessory to the SFS liquor license, the Group III Restaurant, and the provision of full course meals, unless permitted pursuant to the Lee County special events permit application process, in accordance with Condition 7.c.
 - ii. The outdoor entertainment area is limited to the Tiki Hut structure, as shown on the MCP. Any expansion of the outdoor entertainment area beyond the Tiki Hut structure must be reviewed as an amendment to the CPD through the public hearing review process.
 - iii. Hours of operation for live outdoor entertainment are limited to between 12:00 P.M. (noon) and 9:00 P.M. daily.

- iv. During the hours in which the restaurant is operating and live outdoor entertainment is prohibited or not provided, "background" music may be piped into the outdoor seating area.
- v. All entertainment volume levels must generally be maintained at or below a normal conversational level, as measured at the property line or at the outer edge of the docks' submerged lands lease line in the Caloosahatchee River, as applicable, but in no case in excess of the Lee County Noise Ordinance standards.
- vi. All amplified music, live or piped, must be arranged in a manner that is directed away from the adjacent properties and substantially contained within the property.
- c. Special events may include outdoor entertainment, in accordance with LDC §34-1264(d) (Temporary One-Day Permit) and §34-3041 (Temporary Use Permit). Special events are special holiday celebrations, but not "happy hour" or other routine, daily services or activities. Outdoor entertainment associated with special events must cease at midnight.
- d. Lighting in outdoor seating areas must be shuttered and shielded from the Caloosahatchee River and must be directed away from adjacent properties.
- e. Onsite activities must comply with the Lee County Noise Ordinance.
- 8. Fueling facilities associated with marinas must be designed to preclude spills and must be designed to contain any spills. Fuel and/or oil containment facilities must be reviewed and approved by Development Services Division, at the time of local development order approval.
- 9. The developer must prepare, in conjunction with Lee County Department of Public Safety and the Division of Natural Resources Staff, a brochure which advises all boat owners and subsequent marina owners of the measures that can be taken to minimize damage in the event of a hurricane. This brochure must address how boat owners can minimize damage to their vessels, the marina site, neighboring properties and the environment. The brochure must be provided to all boat owners and users at the marina.
- 10. Access to State Road 31 is under the jurisdiction of the Florida Department of Transportation (FDOT). FDOT approval will be required prior to local development order approval.
- 11. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.
- 12. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirement of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range

of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.

13. This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.
14. The proposed development is limited to a maximum of nine liveaboard units with a concurrent, corresponding reduction in the number of hotel/motel units.
15. This approval does not establish a right to obtain permits from state or federal agencies. Further, this approval does not establish liability on the County if the developer: (a) does not obtain requisite approvals or fulfill obligations imposed by state or federal agencies or (b) undertakes actions that result in a violation of state or federal law.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §10-296, Table 4(7)(c)2, which establishes minimum specifications for street wearing surfaces, to allow decorative pavers on private, internal roads within the development. This deviation is APPROVED SUBJECT TO the following conditions:
 - a. The alternative street cross-section will be structurally equivalent to the standard flexible pavement cross-section specified by the LDC; and
 - b. The alternate street wearing surface will only be installed on privately maintained streets.
2. Deviation (2) seeks relief from the LDC §10-421(a)950 provision that allows utility, power, or drainage easements to overlap required buffers, but prohibits the planting of trees or shrubs in the easements, to allow planted buffers in easements. This deviation is APPROVED SUBJECT TO the following condition:

Prior to local development order approval, the landscape plan must delineate all required trees outside of any utility easements. Required trees may be planted in drainage easements without any underground utilities. Required shrubs may be planted within utility or drainage easements.
3. Deviation (3) seeks relief from the LDC §10-288 requirement that turn lanes be constructed, with a 12-foot-wide right turn lane, to allow for a left turn lane, but no right turn lane. This deviation is DENIED.
4. Deviation (4) seeks relief from the LDC §10-416 requirement to provide a 25-foot-wide buffer along natural waterways, to allow no buffer. This deviation is APPROVED SUBJECT TO the condition that applicant supplements the existing trees and plants to provide at least a single row of trees and/or plants along the seawall on the River, except for the area needed for access to the T-dock, and to properly maintain those trees and plants, OR, in the alternative, at the time of local development order approval, a

Landscape Betterment Plan, which will provide some landscaped areas (not a true buffer) along the River.

5. Deviation (5) seeks relief from the LDC §10-416 requirement to provide a 15-foot-wide buffer along the right-of-way, to allow no buffer. This deviation is APPROVED SUBJECT TO the condition that the applicant provide a 5-foot-wide Type "D" buffer or, in the alternative, at the time of local development order approval, a Landscape Betterment Plan.
6. Deviation (6) seeks relief from the LDC §10-285 requirement for the connection of streets with local facilities to have a minimum centerline separation of 660 feet, to allow for an intersection separation of 367 feet. The deviation is DENIED.
7. Deviation (7) seeks relief from the LDC §30-153(3) requirement of a minimum sign height and sign surface area, to allow for the rebuilding of a sign with the current and approved height of 41 feet and a sign face of 168 square feet. This deviation is APPROVED SUBJECT TO the following conditions:
 - a. The ground-mounted sign cannot exceed a maximum height of 41 feet and a sign face of 162 square feet.
 - b. The location of the ground-mounted sign must be in substantial compliance with the location shown on the approved MCP.
8. Deviation (8) seeks relief from the LDC §34-2018 requirement that no parking lot used, designed or intended to satisfy required parking for any use may be used to offset the parking requirements for another use, to allow joint parking. This deviation is APPROVED SUBJECT TO the execution of a shared parking agreement, acceptable to the County Attorney's Office, at the time of local development order approval (see also Deviation 8).
9. Deviation (9) seeks relief from the LDC §34-2020 requirements for parking, to allow for reduced parking on the subject property from 255 parking spaces to 178 parking spaces. This deviation is APPROVED SUBJECT TO the following conditions:
 - a. The execution of a shared parking agreement for 26 parking spaces at the time of local development order approval, acceptable to the County Attorney's Office.
 - b. The applicant providing 178 parking spaces on the subject property, based on a deviation of 77 parking spaces.
 - c. A minimum of 36 transient watercraft wet slips must be provided. These watercraft wet slips cannot be leased or rented and must be available to the transient boater.
 - d. If the developer proposes to reduce the number of transient watercraft wet slips and increase the number of watercraft wet slips available for lease or rent, then the developer must file an application for administrative approval.
10. Deviation (10) seeks relief from the LDC §30-153(2)9.a)(4) requirement to provide a setback of 15 feet from the edge of the right-of-way for project identification to allow a project identification sign to be setback zero feet from a road right-of-way. This

administrative deviation was APPROVED by ADD2003-00039, SUBJECT TO the following condition:

The general location of the project identification sign must be located within the area designated "2nd Sign General Location," as shown on the attached site plan entitled "Sign Location" and date stamped received by Zoning on March 21, 2003 (Exhibit F).

11. Deviation (11) seeks relief from the LDC §34-2191 requirement to provide an overhang which is part of a building may be permitted to encroach into any setback as long as the overhang does not extend more than three feet into the setback and does not permit any balcony, porch or living space to extend into the setback, to allow a five-foot overhang along the northern property line and which may not cross any property line, as depicted on the approved MCP. This administrative deviation was APPROVED by ADD2016-00066.
12. Deviation (12) seeks relief from LDC §34-1264(b)(1)a, as it relates to the prohibition of service of alcoholic beverages for consumption on premises from a restaurant bar within 500 feet of a dwelling unit under separate ownership, to allow two restaurant bars in the tiki structure shown in Exhibit C. This deviation is APPROVED.

SECTION D. EXHIBITS:

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

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan
- Exhibit D: Marina 31 Overall Marina Plan
- Exhibit E: §380.032(3), Florida Statutes Agreement between Bonita Bay Group and the Florida Department of Community Affairs (DCA)
- Exhibit F: Sign Location Map

SECTION E. FINDINGS AND CONCLUSIONS:

1. The request, as approved:
 - a. is consistent with the Lee Plan, specifically Policies 5.1.5, 6.1.4, and former 21.6.3;
 - b. meets the LDC or qualifies for deviations;
 - c. is compatible with existing and planned uses in the surrounding area;
 - d. provides access sufficient to support the proposed development intensity and will mitigate the expected impacts on existing or planned transportation facilities through existing County regulations or conditions of approval;
 - e. will not adversely affect environmentally critical or sensitive areas and natural resources; and

- f. is served by the requisite urban services.
2. The proposed use/activity is appropriate at the proposed location.
 3. The recommended conditions provide sufficient safeguards to the public interests and reasonably relate to the impacts on the public's interests expected from the proposed development.
 4. The new deviation enhances the achievement of the objectives of the planned development; and preserves and promotes the general intent of the LDC to protect the public health, safety, and welfare.

SECTION F. SCRIVENER'S ERRORS

The Board intends that this resolution can be renumbered or relettered and typographical errors that do not affect the intent and are consistent with the Board's action can be corrected with the authorization of the County Manager or his designee, without the need for a public hearing.

Commissioner Mann made a motion to adopt the foregoing resolution, seconded by Commissioner Manning. The vote was as follows:

Adopted by unanimous consent.

John Manning	Aye
Cecil L Pendergrass	Aye
Larry Kiker	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 3rd day of October 2018.

ATTEST:
LINDA DOGGETT, CLERK

BY: Joyce Townsend
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Cecil L Pendergrass
Cecil L Pendergrass, Chair

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

Amanda L. Swindle
Amanda L. Swindle
Assistant County Attorney
County Attorney's Office

RECEIVED
MINUTES OFFICE
2018 OCT -8 AM 9:25

SKETCH OF DESCRIPTION PREPARED FOR:
JAM SWI. PROPERTIES, LLC
EXCEPTIONAL ENGINEERING, INC.



LINE	BEARING	DISTANCE
1	N 89° 15' 00" E	1.00
2	S 89° 15' 00" E	1.00
3	N 89° 15' 00" E	1.00
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5	N 89° 15' 00" E	1.00
6	S 89° 15' 00" E	1.00
7	N 89° 15' 00" E	1.00
8	S 89° 15' 00" E	1.00
9	N 89° 15' 00" E	1.00
10	S 89° 15' 00" E	1.00
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LEGEND
1. 1/4 SECTION 31, TOWNSHIP 43 SOUTH, RANGE 13 EAST, LEE COUNTY, FLORIDA
2. 1/4 SECTION 31, TOWNSHIP 43 SOUTH, RANGE 13 EAST, LEE COUNTY, FLORIDA
3. 1/4 SECTION 31, TOWNSHIP 43 SOUTH, RANGE 13 EAST, LEE COUNTY, FLORIDA
4. 1/4 SECTION 31, TOWNSHIP 43 SOUTH, RANGE 13 EAST, LEE COUNTY, FLORIDA
5. 1/4 SECTION 31, TOWNSHIP 43 SOUTH, RANGE 13 EAST, LEE COUNTY, FLORIDA
6. 1/4 SECTION 31, TOWNSHIP 43 SOUTH, RANGE 13 EAST, LEE COUNTY, FLORIDA
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18. 1/4 SECTION 31, TOWNSHIP 43 SOUTH, RANGE 13 EAST, LEE COUNTY, FLORIDA
19. 1/4 SECTION 31, TOWNSHIP 43 SOUTH, RANGE 13 EAST, LEE COUNTY, FLORIDA
20. 1/4 SECTION 31, TOWNSHIP 43 SOUTH, RANGE 13 EAST, LEE COUNTY, FLORIDA

NOTE: THIS IS NOT A BOUNDARY SURVEY.

LEGAL DESCRIPTION: (PROVIDED BY CLIENT)

A TRACT OR PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 31, AND THE NORTHEAST QUARTER (NE 1/4) OF SECTION 31, TOWNSHIP 43 SOUTH, RANGE 13 EAST, LEE COUNTY, FLORIDA, WHICH TRACT IS DESCRIBED AS FOLLOWS:

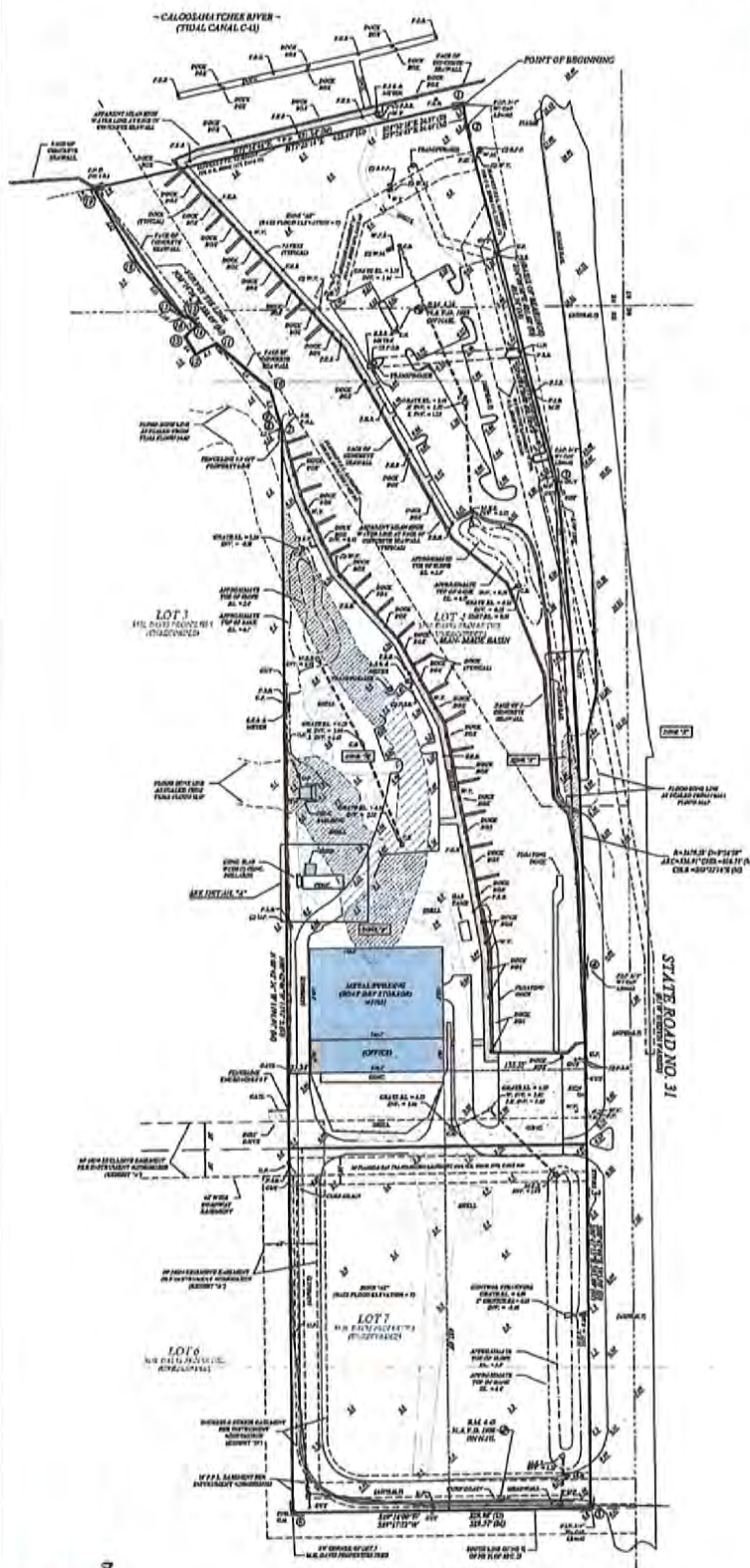
BEGINNING AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY OF CANAL C-43 (CURVE NO. 690), DEPARTMENT OF THE ARMY CORPS OF ENGINEERS, SHEET 4 OF 10 WITH THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 831 (80 FEET FROM CENTERLINE), THENCE RUN S 89°15' E ALONG SAID RIGHT-OF-WAY FOR 1.00 FEET; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY ALONG A TRANSITION LINE RUN S 89°15' E FOR 40.48 FEET TO AN INTERSECTION WITH A NON-TANGENT CURVE TO THE RIGHT; THENCE RUN SOUTHEASTERLY ALONG ARC OF SAID CURVE (50 FEET WESTERLY OF SAID CENTERLINE OF STATE ROAD 831) OF RADIUS 100.00 FEET (CHORD BEARING OF 7°00'15" E) CHORD 50.00 FEET; THENCE RUN S 7°00'15" E FOR 56.91 FEET TO THE POINT OF TANGENCY; THENCE RUN S 89°15' E ALONG SAID WESTERLY RIGHT-OF-WAY FOR 10.00 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE NORTHWEST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 31; THENCE RUN S 89°15' E ALONG SAID SOUTH LINE FOR 10.00 FEET TO THE SOUTHWEST CORNER OF LOT 1, M.R. DAVIS PROPERTIES, AN UNRECORDED SUBDIVISION; THENCE RUN N 89°45' W ALONG THE WEST LINE OF LOT 1 AND LOT 4 OF SAID SUBDIVISION (PARALLEL WITH THE WESTERLY RIGHT-OF-WAY SAID STATE ROAD 831) FOR 10.00 FEET, MORE OR LESS TO AN INTERSECTION WITH THE SOUTHERLY EACH OF A 15 FOOT WIDE CONCRETE SEAWALL CAP; THENCE RUN S 89°15' W ALONG SAID SOUTHERLY FACE FOR 10.00 FEET TO THE SOUTHWESTLY FACE OF SAID CAP; THENCE RUN NORTHWESTERLY ALONG SAID FACE THE FOLLOWING COURSES: N 0°15'11" W FOR 4.00 FEET; N 0°15'11" W FOR 4.00 FEET; N 0°15'11" W FOR 7.15 FEET; S 4°12'39" W FOR 25.31 FEET; N 35°15'49" W FOR 33.45 FEET; N 0°15'11" E FOR 18.11 FEET; N 0°15'11" W FOR 14.00 FEET; S 4°12'39" W FOR 3.04 FEET; N 0°15'11" W FOR 6.91 FEET; N 0°15'11" W FOR 16.18 FEET; N 0°15'11" W FOR 16.18 FEET TO AN INTERSECTION WITH THE AFORESAID SOUTHERLY RIGHT-OF-WAY OF CANAL C-43, THENCE RUN (77°31'14" E) ALONG SAID RIGHT-OF-WAY FOR 40.00 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 11.55 ACRES MORE OR LESS.

ALL SERVICE
LAND SURVEYING, INC.
17041 TOLLEDO BLVD. SUITE 200
FORT CHARLOTTE, FLORIDA
PHONE: (904) 849-4141 FAX: (904) 849-4141
EMAIL: allservice@allservice.com

EXHIBIT A

"ALTA/NSPS LAND TITLE SURVEY"



Alta's Survey Overlay
Map 1-11-11



LINE TABLE		
LINE	BEARING	LENGTH
1	N 89° 15' 00" E	8.50
2	S 89° 15' 00" W	8.50
3	N 89° 15' 00" E	82.01
4	S 89° 15' 00" W	82.01
5	N 89° 15' 00" E	53.51
6	S 89° 15' 00" W	53.51
7	N 89° 15' 00" E	15.00
8	S 89° 15' 00" W	15.00
9	N 89° 15' 00" E	75.00
10	S 89° 15' 00" W	75.00
11	N 89° 15' 00" E	4.51
12	S 89° 15' 00" W	4.51
13	N 89° 15' 00" E	15.00
14	S 89° 15' 00" W	15.00

STATION	EASTING	NORTHING
1	725.00	725.00
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100	725.00	725.00

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1. THIS SURVEY IS A REPRESENTATION OF THE SURVEYOR'S BEST ESTIMATE OF THE TRUTH AND IS NOT A GUARANTEE OF THE ACCURACY OF THE SURVEY.
2. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE LAND AND HAS FOUND NO EVIDENCE OF ANY OTHER SURVEY OR RECORD THAT WOULD AFFECT THE SURVEY.
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ALL SERVICE LAND SURVEYING, INC.
1740 TOLEDO BLVD. SUITE 200
FORT CHARLOTTE, FLORIDA
PHONE: (813) 404-4401 FAX: (813) 404-4402
EMAIL: allservice@allservice.com

DATE	BY	REVISION
01/11/11	JLS	INITIAL SURVEY
02/11/11	JLS	REVISION
03/11/11	JLS	REVISION
04/11/11	JLS	REVISION
05/11/11	JLS	REVISION
06/11/11	JLS	REVISION
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11/11/11	JLS	REVISION
12/11/11	JLS	REVISION

NOTES:

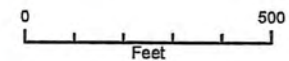
1. THIS SURVEY IS A REPRESENTATION OF THE SURVEYOR'S BEST ESTIMATE OF THE TRUTH AND IS NOT A GUARANTEE OF THE ACCURACY OF THE SURVEY.
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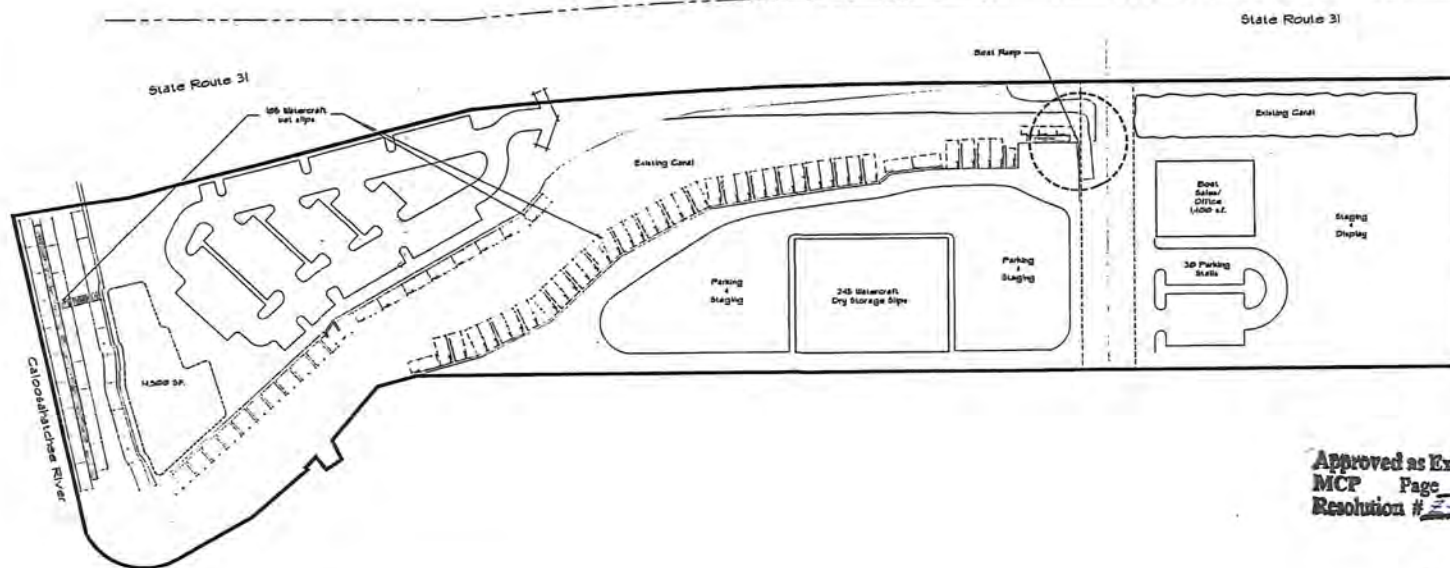
DCI2018-00002 Zoning

Legend

-  Subject Parcel
-  Parcel Boundary



OVERALL VESTED MARINA PLAN



Approved as Exhibit
MCP Page 1 of 1
Resolution # 2-18-03

APPROVED
Master Concept Plan
File # 2-01-054 Page 3 of 3
Subject to conditions in Resolution 2-18-03
Case # 2001-00036

RECEIVED
JUL 27 2001
ZONING COUNTER

DOI 2001-00036

VANASSE & BAYLOR, LLP 1451 Marina LLC 1401 BONTA BAY BLVD SUITE 200 BONTA SPRINGS, FL 34134 TEL: 407/241-1111 FAX: 407/241-1112 E-MAIL: info@vanassebaylor.com		PREPARED BY: DATE: 07/27/01 SCALE: AS SHOWN SHEET NO.: 2 OF 2
PROJECT NO.: 2001-00036 DATE: 07/27/01		SHEET NO.: 2 OF 2

SECTION §380.032(3), FLORIDA STATUTES AGREEMENT
BETWEEN BONITA BAY GROUP
AND DEPARTMENT OF COMMUNITY AFFAIRS

THIS AGREEMENT is entered into between Bonita Bay Group ("BBG") and the Department of Community Affairs ("DCA"), an agency of the State of Florida.

WHEREAS, DCA is the state land planning agency having the power and duty to exercise general supervision of the administration and enforcement of Chapter 380, Florida Statutes, the Environmental Land and Water Management Act, which includes provisions relating to Developments of Regional Impact; and

WHEREAS, DCA is authorized by Section 380.032(3), Florida Statutes, to enter into an agreement with any landowner, developer or other governmental agency as may be necessary to effectuate the provisions and purposes of Chapter 380, Florida Statutes, or any related rule; and

WHEREAS, BBG is the owner of 11.5 acres on the south shore of the Caloosahatchee River in Section 24, Township 43 South, Range 25 East, Lee County, Florida. Said property is commonly known as Marina 31; and

WHEREAS, on October 23, 2000, BBG submitted an application for a binding letter of vested rights for Marina 31 (BLVR-901-001) stating that the site has been utilized continuously as a marina since 1966. As such, the Applicant sought an interpretation of their rights pursuant to Section 380.0651(3), Florida Statutes, relating to port facilities that may constitute a development of regional impact (DRI); and;

WHEREAS, BBG proposes to renovate and rebuild existing docks on the subject site, and to renovate certain upland structures at Marina 31 within the boundary of the current development activities to modernize the existing facilities and more efficiently locate them within the 11.5 acre parcel. As such, BBG has inquired of the DCA whether such renovations would require development of regional impact review pursuant to either Chapter 380, Florida Statutes, or Chapter 28-24, Florida Administrative Code; and

WHEREAS, BBG wishes to clarify and assure its rights to conduct proposed renovations to Marina 31 without the requirement that such activities be subject to development of regional impact review, pursuant to Section 380.06, Florida Statutes; and

WHEREAS, prior to July 1, 1973, Marina 31 had 29 watercraft wet slips located in a basin within the project site. That basin was filled and the 29 watercraft wet slips were relocated elsewhere on the site between July 1, 1973 and 1977; and

WHEREAS, during the period of time between July 1, 1973, and October 1, 1985, Marina 31 underwent gradual development which ultimately included 245 watercraft dry storage slips, prior to the effective date of any watercraft dry storage threshold in either Chapter 28-24, Florida Administrative Code, or Chapter 380, Florida Statutes; and

WHEREAS, prior to October 1, 1985, there were no development of regional impact thresholds for watercraft dry storage; and

WHEREAS, development of regional impact thresholds which might otherwise apply to Marina 31 have changed over time subsequent to the authorization and development of the watercraft wet and dry storage slips at Marina 31; and

WHEREAS, the DCA and BBG agree that the activities currently existing at Marina 31, as detailed below, are at a level which would not require development of regional impact review; and

WHEREAS, the DCA and BBG agree that proposed renovation does not change the use of the site, does not expand the development activity on the site by virtue of an increase in the number of wet or dry watercraft storage slips, or otherwise increase the square foot usage of the site as described above, and will not require development of regional impact review pursuant to Section 380.06, Florida Statutes; and

WHEREAS, the parties hereto wish to determine the rights of Marina 31 and effectuate the provisions and purposes of Chapter 380, Florida Statutes, without dispute under the terms and conditions set forth herein, which terms and conditions effectuate the provisions and purposes of the Act, and it is in their best interests to do so.

NOW, THEREFORE, in consideration of the terms and conditions set forth hereafter and the full, complete and final settlement of all claims arising out of the BLIVR application and inquiry regarding proposed renovations, the parties hereto agree as follows:

Section 1. In addition to the representations above which are incorporated herein and are essential elements hereof, BBG represents as follows:

- a. That Marina 31 currently consists of the following facilities which were authorized and constructed during the period of time between after July 1, 1973 and before October 1, 1985: 105 watercraft wet slips; 245 watercraft dry storage slips; a restaurant of approximately 14,900 square feet with 150 parking spaces; a boat sales office of approximately 1,400 square feet with 30 parking spaces; 9 motel units; a boat ramp; and non-DRI ancillary facilities or uses.
- b. That Marina 31 facilities are located on an 11.5 acre parcel on the south shore of the Caloosahatchee River, Section 24, Township 43 South, Range 25 East, Lee County, Florida. See Exhibit A.
- c. That BBG proposes renovations, reconstruction and redevelopment at Marina 31 which will neither change the use of the site, nor increase the development activity, as the renovation will not include any increase in the number of either wet or dry slips or other development depicted in Section 1.a. consistent with the plans attached hereto and incorporated as Exhibit B.

Section 2. Based upon the representations and submissions of BBG in conjunction with BLIVR-901-001, and the inquiry regarding the proposed renovations, DCA concludes as follows:

- a. That the Marina 31 project site had 29 watercraft wet slips which were authorized and constructed prior to July 1, 1973, and which were thus vested for purposes of development of regional impact review pursuant to Section 380.06, Florida Statutes; however, the basin containing those wet slips was subsequently filled in and the slips were abandoned and relocated elsewhere on the project site, at which time, the 29 slips lost their vested status; and
- b. That as a result of the gradual development on this site during the period between 1966 and prior to October, 1985 and the many changes that have occurred to the port facility threshold, pursuant to Chapter 28-24, Florida Administrative Code, and Chapter 380.0651, Florida Statutes, during that time period, none of the gradual development activity would have been presumed to require review as a development of regional impact; and
- c. That renovations, reconstruction and redevelopment to the Marina 31 project site including ancillary facilities or uses, authorized and conducted consistent with the plans which are attached as Exhibit "B" hereto and are incorporated herein which do not change the use of the site, do not expand the development activity on the site by virtue of an increase in the number of wet or dry watercraft storage slips, or otherwise increase the square foot usage of the site as describe above, will not require development of regional impact review pursuant to Section 380.06, Florida Statutes. The renovation, reconstruction and redevelopment shall be completed by December 31, 2006.

Section 3. The DCA and BBG further agree that this Agreement contains the entire and exclusive understanding and agreement among the parties and may not be modified in any manner except by an instrument in writing and signed by the parties.

Section 4. This Agreement may be executed in any number of originals, all of which evidence one agreement, and only one of which need be produced for any purpose.

Section 5. In the event of a breach of this Agreement or failure to comply with any condition of it or if it has been based upon materially inaccurate information, the DCA or may enforce this Agreement as provided in Section 380.06 and 380.11, Florida Statutes.

Section 6. This Agreement may be enforced by any party as provided in Chapter 380, Florida Statutes, or as otherwise allowed by law.

Section 7. This Agreement affects the rights and obligations of the parties under Chapter 380, Florida Statutes. It is not intended to influence or determine the authority or decisions of any other state or local government or agency in issuance of any other permits or approvals that might be required by state law or local ordinance for any development authorized by this Agreement.

Section 8. Each party hereto releases the other from any and all claims or demands arising out of the subject BLIVR application. Each party shall bear its own costs and attorney fees incurred in connection with this proceeding.

Section 9. The date of execution of this Agreement shall be the date that the last party signs and acknowledges this Agreement.

IN WITNESS THEREOF, the parties by and through their respective undersigned duly authorized representatives have executed this Agreement on the dates and year below written.

BONITA BAY GROUP

BY: *D.H. Graham*

Name: David H. Graham

Title: V.P. of Planning of Development

STATE OF FLORIDA

COUNTY OF Lee

The foregoing instrument was acknowledged before me this 12 day of March, 2001, by David H. Graham, President of Bonita Bay Group, a Florida corporation, on behalf of the corporation. He/she is personally known to me or has produced _____ as identification and did (did not) take an oath.



Michael E. Jones
Notary Public. MICHAEL E. JONES

My Commission Expires:

DEPARTMENT OF COMMUNITY AFFAIRS

BY:

J. Thomas Beck
J. Thomas Beck, Director
Division of Community Planning

Approved as to form and legal sufficiency:

[Signature]
Attorney, Department of Community Affairs

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 8th day of March, 2001, by J. Thomas Beck of the Department of Community Affairs, an agency of the State of Florida, who is personally known to me ~~or who~~ has produced _____ as identification and who did (did not) take an oath.

Paula P. Ford
Notary Public

My Commission Expires



Paula P. Ford
MY COMMISSION # CCN67477 EXPIRES
October 13, 2004
BONDED THROUGH TROY FAIR INSURANCE, INC.

\\wpbfp\w_data\client\documents\resource conservation properties\01980\misc\agreement-dca section 380-032 non-leg.doc

SHEET

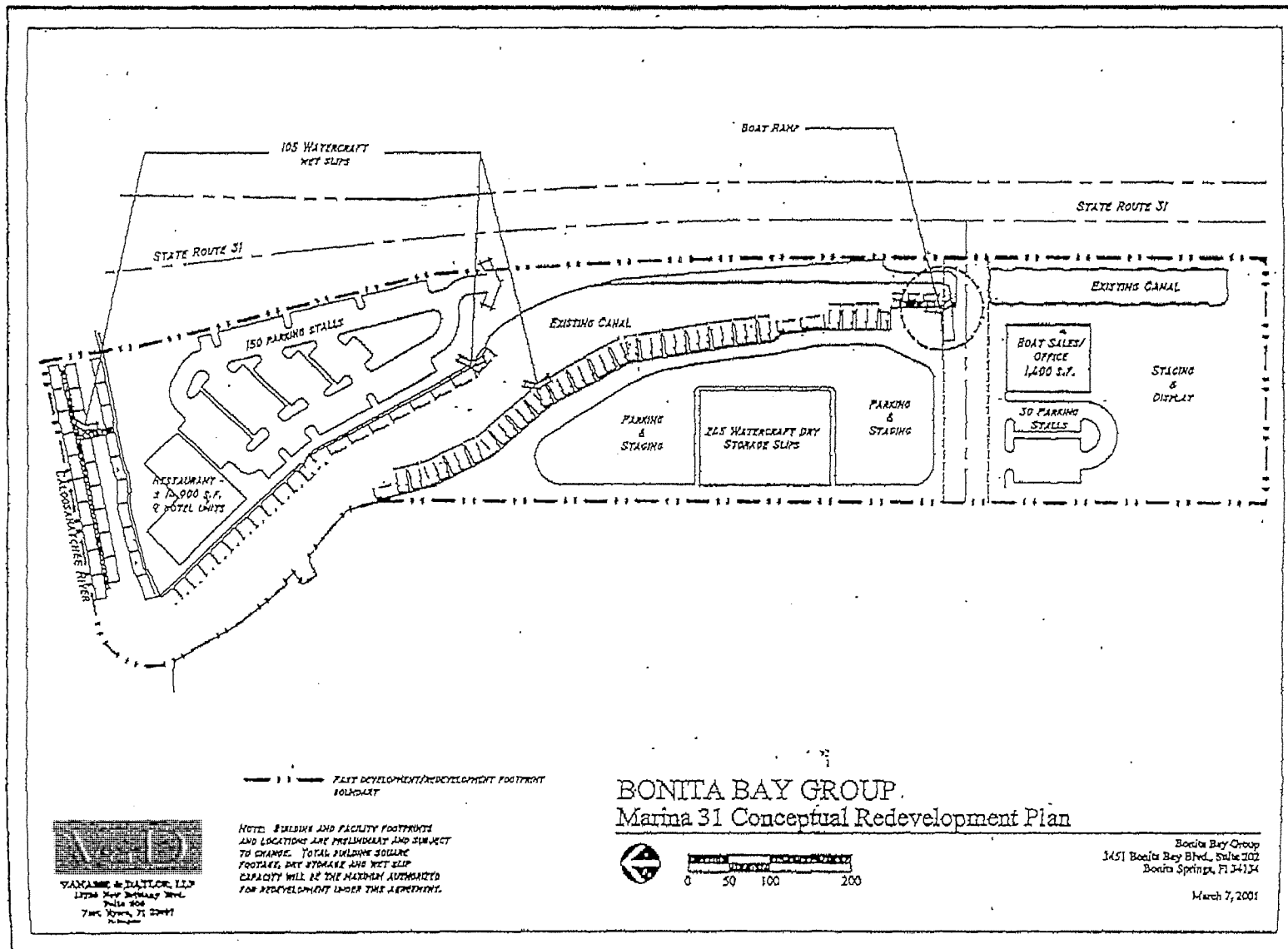
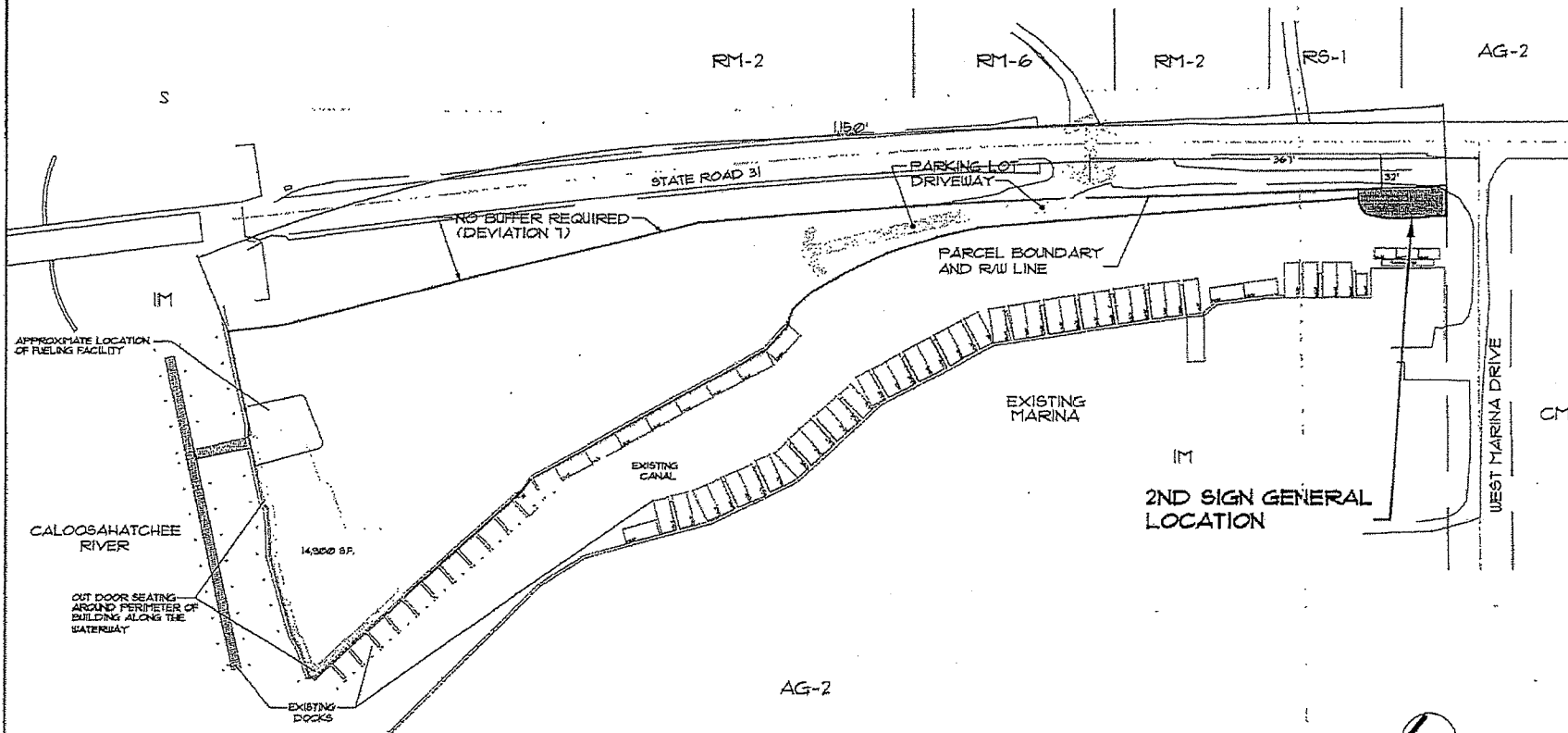
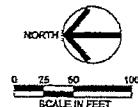


EXHIBIT F



RECEIVED
MAR 21 2003
ZONING



APPROVED
Amended Plan
Subject to Case #AD02003-00039
Date 6-26-03

Barraco and Associates, Inc. CIVIL ENGINEERS, LAND SURVEYORS LAND PLANNERS AND CONSULTANTS www.barraco.net 2271 MADRID BOULEVARD FORT MYERS, FLORIDA 33908-3800 PHONE (239) 485-5170 FAX (239) 481-3189 FLORIDA CERTIFICATE OF AUTHORIZATION ENGINEERING 1799 - SURVEYING 18-0110	
PREPARED FOR M-31 MARINA, LLC 9980 COCONUT HOLLOW BOYNTON SPRING, FLORIDA 34135-8485 PHONE (239) 495-1000 FAX (239) 952-0472 WWW.BOYNTONSPRING.COM	
PROJECT DESCRIPTION RESTAURANT PARCEL SECTIONS 3 AND TOWNSHIP 43 S., RANGE 20 E., LEE COUNTY, FLORIDA	
PROJECT INFORMATION AMENDED BY: BARRACO APPROVED BY: BARRACO FOR THE FILE DATE: 6-26-03 STATE NO. 1 COUNTY: LEE FLORIDA P.C. NO. 3475	
NOTICE: WITHOUT ENDORSED SEAL, SIGNATURE AND DATE OF CERTIFICATE, THIS AMENDED PLAN IS NOT VALID REPRODUCTIONS, CHANGES OR ALTERATIONS ARE PROHIBITED	
FILE NAME:	210413.DWG
LAND:	UNIMPROVED
LOCATION:	20TH STREET/BOYNTON
PLAT DATE:	FEB 23, 2003 - 11:11 AM
PLAT BY:	TODD YAM
DESIGNED BY:	TODD YAM
DATE:	6-26-03
SCALE:	AS SHOWN
PLAN NUMBER:	
PLAN STATUS:	
EXHIBIT:	
SIGN LOCATION:	
PROJECT FILE NO:	21585
SHEET NUMBER:	1

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

WHEREAS, an application was filed by the property owner, State Road 80 Commercial LLC & PBV SR 31 LLC, to amend the State Road 80 Commercial Planned Development (CPD) approved by Resolution Z-04-028A and rezone a 1.2 acre adjacent parcel from Community Commercial (CC) to CPD in reference to State Road 80 CPD; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Donna Marie Collins, was advertised and held on January 6, 2021. At the conclusion of the hearing, the Hearing Examiner left the record open and requested Staff and the Applicant to submit written submissions to her Office on or before January 29, 2021; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2020-00011 and recommended APPROVAL of the Request; and

WHEREAS, a second public hearing was advertised and held on March 17, 2021 before the Lee County Board of Commissioners; and,

WHEREAS, the Lee County Board of Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to amend the State Road 80 CPD approved by Resolution Z-04-028A and rezone a 1.2 acre adjacent parcel from CC to CPD.

The request also seeks to:

- Incorporate the ±1.2 acres into the CPD;
- Adopt a new Master Concept Plan (MCP) to reflect additional land area, reconfigure development tracts and internal roadways, and add an access from Palm Beach Boulevard (State Road 80);
- Adopt a revised Schedule of Uses and increase the maximum number of self-service fuel pumps from 12 to 24; and
- Retain one previously approved deviation and add 10 new deviations.

The property is located in the Urban Community Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. Development of this project must be consistent with the two-page Master Concept Plan (MCP) entitled "State Road 31 CC," prepared by Barraco and Associates, Inc., last revised 1-7-21, attached hereto as Exhibit C, except as modified by the conditions below. Development must comply with the LDC at the time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

The terms and conditions of Resolution Z-04-028A, as amended by ADD2017-00131 and ADD2018-00014, are superseded by this resolution.

2. Approved Development Parameters

a. Schedule of Uses

Anchor Parcel

Accessory uses and structures
Auto parts store, without installation facilities
Auto repair and service, all groups, only in conjunction with an anchor store
Banks and financial establishments, Groups I, II
Building material sales
Caretaker's residence, limited to one in conjunction with storage/warehouse use
Clothing stores, general
Consumption on premises, only in conjunction with restaurant, Group III
Day care center, child, adult
Department store
Drive-through facility for any permitted use
Drugstore, pharmacy, limited to one
Essential services
Essential service facilities, Group I
Excavation, water retention
Fences, walls
Food stores, Groups I, II
Gift and souvenir shop
Hardware store
Hobby, toy and game shops
Household and office furnishings, Groups I, II
Laundry or dry cleaning, Group I
Lawn and garden supply stores
Medical office
Non-store retailers, Groups I, II
Package store
Paint, glass and wallpaper

Personal services, Groups I, II, excluding massage parlors
Pet services
Pet shop
Place of worship
Post office
Recreational facilities, commercial, Group IV, excluding community hall, dance hall, and skating rinks
Rental or leasing establishment, Groups I, II
Repair shops, Groups I, II, and III
Restaurant, fast food
Restaurants, all groups
Schools, commercial
Signs
Specialty retail shops, Groups I through IV
Storage
 Indoor only
 Storage, open
Temporary uses
Used merchandise stores, Group I
Variety store
Warehouse
 Mini-warehouse
 Public
 Hybrid¹ (see Condition)

Outparcels

Accessory uses and structures
Auto parts store, without installation facilities, limited to one, prohibited on outparcel 1
Automobile service station, limited to one, prohibited on outparcel 1
Banks and financial establishments, Groups I, II
Business services, Groups I and II
Car wash, standalone, limited to one, prohibited on outparcel 1
Clothing stores, general
Consumption on premises, only in conjunction with restaurant, Group III
Convenience food and beverage stores, limited to one, prohibited on outparcel 1
Day care center, child, adult, limited one
Drive-through facility for any permitted use
Drugstore, pharmacy
Essential services
Essential service facilities, Group I
Excavation, water retention
Fences, walls
Food stores, Groups I, II, prohibited on outparcel 1
Hobby, toy and game shops
Hotel/motel

¹ This type of warehouse combines the structural and use aspects of a "mini-warehouse" and a "public warehouse," it has individual units, separate exterior doors, and allows "storage" inside the units, as these terms are defined by LDC §34-2. It also allows limited accessory personal recreational uses.

Household and office furnishings, Groups I, II, and III (no outdoor storage for Group III)
 Lawn and garden supply stores
 Medical office
 Personal services, Groups I and II, excluding massage parlors
 Pet shop
 Repair shops, Groups I, II, and III
 Restaurant, fast food, limited to two (2), prohibited on outparcel 1
 Restaurants, all groups
 Schools, commercial
 Self-service fuel pumps, in conjunction with a convenience food and beverage store, limited to 24 fueling positions on one outparcel, prohibited on outparcel 1
 Signs
 Specialty retail shops, Groups I through IV
 Variety store

b. Site Development Regulations

Minimum Lot Size

Lot Width: 100 feet
 Lot Depth: 100 feet
 Lot Areas: 10,000 sq. ft.

Minimum Setbacks

Street: 20 feet
 State Road 80: 25 feet
 State Road 31: 25 feet

Side: 10 feet (office/retail)
 15 feet (hotel/motel)

Rear: 10 feet (office/retail)
 20 feet (hotel/motel)

Waterbody: 20 feet

Development Perimeter of the subject property: 15 feet

Building Separation: ¹ 20 feet between structures

Maximum Building Height: ¹ 65 feet, with maximum stories set at five stories for office, two stories for retail; and five stories for hotel/motel uses

Maximum Lot Coverage: 45%

c. Approved Development Parameters: A maximum of 200,000 square feet of commercial retail/office uses, of which a maximum of 60,000 square feet may be dedicated to outparcels.

Hotel/motel may be developed if an approved Traffic Impact Statement (TIS) demonstrates no increase to project trip generation. Hotel/motel use may not exceed 125 units (rooms).

3. Heritage trees. Developer must submit a heritage tree survey map with applications for local development order. The survey map must depict heritage trees to be preserved and the heritage trees planned for removal and replacement. Development order grading and paving plans must include measures to protect and preserve heritage trees. Development order landscape plans must depict required replacement trees in accordance with the LDC.
4. Signs
 - a. Prior to local development order approval, the applicant must submit an administrative amendment to the planned development for the approval of a unified signage plan. The unified signage plan must depict the quantity, location, size, and height of signage for the commercial planned development and must include sign details for each sign type proposed within the development. The unified signage plan must be consistent with the signage table and sign location map depicted on Sheet 2 (Details and Deviations) of the MCP.
 - b. Identification signs for the commercial planned development are permitted only at FDOT-approved access points, except that a convenience food and beverage store with fuel pumps may have one identification sign per frontage on Palm Beach Boulevard (State Road 80) or State Road 31 independent of an FDOT-approved access point.
5. Architecture. Structures must be architecturally compatible and share a common architectural theme. The preferred architectural style for buildings is Florida Vernacular consistent with Lee Plan directives.
6. Access. This resolution does not address access to Palm Beach Boulevard (S.R. 80) and S.R. 31. Lee County has no jurisdiction over state roadways. The development must pursue access with the Florida Department of Transportation (FDOT).
7. Blasting Prohibited.
8. Agricultural Uses Prohibited. Agriculture is not a permitted use. This prohibition does not prevent developer from harvesting and relocating existing native trees/vegetation.
9. Wildwood Lane Access. Access off Wildwood Lane will be consistent with the State Road 80 Florida FDOT Access Management Plan. Developer must improve Wildwood Lane to street design and construction standards established in LDC §10-296(e) and Table 8 from State Road 80 to the project entrance shown on the MCP. Access will not be permitted north of the entrance shown on the MCP.
10. Open Space. Development Order landscape plans must depict 2.59 acres of indigenous open space (1.97 acres of indigenous upland and 2.35 acres of indigenous wetland). A

125 percent open space incentive may be allocated for the preservation of 1.97 acres of indigenous uplands.

11. Conservation Easement. Developer must submit a copy of the recorded conservation easement for the 4.3 acre preserve in the Northwest corner of the site with the first development order application.
12. Hybrid Warehouse Use Restrictions.
 - a. Use of Individual Units are limited to the following:
 - i. Storage of personal property, such as: automobiles, boats, recreational vehicles, furniture, and other personal possessions;
 - ii. Minor maintenance work; and
 - iii. Watching television, gaming, listening to music and similar uses.
 - b. Prohibited uses and activities in individual units:
 - i. Dwelling unit, temporary living or overnight sleeping;
 - ii. Installation of stoves, cooktops, ranges, or ovens;
 - iii. Operation of a business;
 - iv. Use for manufacturing or construction; and
 - v. Storage or use of hazardous material.
 - c. Uses and activities prohibited on Hybrid Warehouse Tract:
 - i. Outdoor storage of unattended vehicles including cars, trucks, boats, trailers, mobile homes, recreational vehicles, or other similar vehicles, with the exception of washing and rinsing;
 - ii. Overnight outdoor parking or outdoor storage of any kind; and
 - iii. Using outdoor areas for uses permitted within Individual Units.
 - d. Individual Units utilized for purposes other than dead storage must comply with occupied space standards of the Florida Building Code.
 - e. Use restrictions established herein must be reflected in restrictive covenants, property owners' association documents, or lease documents.
13. Density and Intensity Conversions. The project is limited to a new trip generation equivalent of 200,000 square feet of commercial retail development.

SECTION C. DEVIATIONS:

1. Excavations. Deviation (1) seeks relief from the LDC §10-329(d)(1)a.3, which requires a minimum excavation setback of 50 feet from private property under separate ownership, to allow an excavation setback of 30 feet to the property boundary. This deviation is APPROVED SUBJECT TO the following conditions:
 - a. Excavations are permitted a minimum of 30 feet from the northern property boundary for the purposes of constructing required storm water infrastructure.
 - b. Developer must install a four-foot-high fence along the northern property line where water retention excavations are located within 100 feet of the property boundary.
2. Parking. Deviation 2 seeks relief from the LDC §33-1493(a), which prohibits more than 20 percent of parking to be located between the street right-of-way and principal structure or along the side of a building, to allow approximately 90 percent of required parking along the front and sides of a convenience food and beverage store with fuel pumps. This deviation is APPROVED.
3. Withdrawn.
4. Withdrawn.
5. Signs. Deviation 5 seeks relief from the LDC §33-1505(a), which prohibits animated, emitting, and automatic changing signs, to permit the LED signs for convenience food and beverage store with fuel pumps. This deviation is APPROVED SUBJECT TO the following condition:
 - a. LED signs limited to display of fuel prices.
6. Signs. Deviation 6 seeks relief from the LDC §33-1506(a), which permits one monument-style identification sign along streets providing access to the property, to allow up to four monument-style identification signs along Palm Beach Boulevard (State Road 80) and up to three along State Road 31. This deviation is APPROVED SUBJECT TO Condition 4.
7. Sign Setback. Deviation 7 seeks relief from the LDC §33-1506(a)(3), which requires monument-style identification signs be set back a minimum of 15 feet from street rights-of-way or easements, to allow identification signs set back 5 feet from the Palm Beach Boulevard (State Road 80) and State Road 31 rights-of-way for a convenience food and beverage store with fuel pumps. This deviation is APPROVED.
8. Signs. Deviation 8 seeks relief from the LDC §33-1506(a)(7), which prohibits wall signs from advertising messages or sale items, to permit one wall sign advertising an internal store offering for a convenience food and beverage store with fuel pumps. This deviation is DENIED.
9. Signs. Deviation 9 seeks relief from the LDC §30-153(3)d, which limits sign area on walls to ten percent of total wall area, to allow sign area of 36 percent for the short sides of fuel

canopy facades for a convenience food and beverage store with fuel pumps. This deviation is APPROVED.

10. Signs. Deviation 10 seeks relief from the LDC §30-5(25), which prohibits window signs advertising activities, services, goods, or products within the building, and that collectively cover more than 30 percent of the window glass surface area, to allow one or multiple window clings to cover a maximum of 50 percent of window glass surfaces for a convenience food and beverage store with fuel pumps. This deviation is DENIED.
11. Sign Area. Deviation 11 seeks relief from the LDC §§ 30-153(2)a and 30-153(2)a.1.ii, which permit one ground-mounted identification sign with a maximum sign area of 200 square feet per sign face along streets that provide access to the property, to allow four signs on Palm Beach Boulevard (State Road 80) and three signs on State Road 31, with a combined sign area of 300 square feet per frontage. This deviation is APPROVED SUBJECT TO Condition 4.
12. Sign Area. Deviation 12 seeks relief from the LDC §30-153(2)a.1.iv, which limits additional identification signs to 16 square feet in area with no illumination and restricts messaging to the development name only, to permit additional site identification signs with a maximum sign area of 45 square feet, with illumination, and to permit fuel price signs to have a maximum sign area of 65 square feet with LED lighting. This deviation is APPROVED SUBJECT TO Condition 4, and the following:
 - a. LED signs limited to display of fuel prices for a convenience food and beverage store with fuel pumps.
13. Street Design and Construction Standards. Deviation 13 seeks relief from the LDC §10-296(e)(1)(i)(5)ii and Table 8, which require two, 11-foot-wide travel lanes and sidewalks on both sides of the road, to permit an internal roadway constructed with two, 10-foot-wide travel lanes and sidewalks on one side of the road. This deviation is APPROVED SUBJECT TO the following conditions:
 - a. Developer may construct a sidewalk on one side of internal access roads, so long as the road does not provide direct access to Palm Beach Boulevard (S.R. 80) or S.R.31.
 - b. Developer must construct sidewalks on both sides of internal road segments that directly access Palm Beach Boulevard (S.R. 80) or S.R.31.

SECTION D. EXHIBITS:

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

- Exhibit A: Legal description of the property
Exhibit B: Zoning Map (with the subject parcel indicated)
Exhibit C: The Master Concept Plan

SECTION E. FINDINGS AND CONCLUSIONS:

Based upon its review, the Board of County Commissioners adopts the recommendation of the Hearing Examiner, including the following findings and conclusions:

1. Complies with the Lee Plan. See Lee Plan Vision Statement - Paragraph 4, Lee Plan Goals 2, 4, 6, 17, and 21, Objectives 2.2, 4.1, 6.1, 11.2, 17.3, 21.1, and 21.2, and Policies 1.1.4, 1.5.1, 2.1.1, 2.1.2, 4.1.1(standard), 4.1.2(standard), 4.1.4(standard), 6.1.1, 6.1.3, 6.1.5, 6.1.6, 11.2.1, 17.3.5, and 39.1.3;
2. Meets the LDC and other County regulations or qualifies for deviations. LDC §§ 33-1482, 34-411, and 34-612(2);
3. Is compatible with existing and planned uses in the surrounding area. Lee Plan Objective 21.2, Policies 2.1.2, 2.2.1, 6.1.3, 6.1.4; LDC §34-411;
4. Will provide access sufficient to support the proposed development intensity;
5. The expected impacts on transportation facilities will be addressed by County regulations and conditions of approval. Lee Plan Policies 6.1.5, 39.1.3;
6. Will not adversely affect environmentally critical or sensitive areas and natural resources. Lee Plan Goal 77, Objective 77.2, Policies 1.5.1, 4.1.4(standard), 6.1.6;
7. Will be served by urban services. Lee Plan Policies 2.2.1, 4.1.1(standard), 4.1.2(standard), 46.1.3, 6.1.4, and 21.2.1, LDC §34-411;
8. The proposed mix of uses is appropriate at the proposed location. Lee Plan Objectives 2.2, 21.2, Policies 2.1.1, 6.1.1, 6.1.2, 6.1.4, 6.1.7, 6.1.8 and 21.2.1; and
9. The recommended conditions provide sufficient safeguards to protect the public interest and are reasonably related to the impacts on the public's interest. LDC §§ 34-411, 34-932.
10. As conditioned, the deviations recommended for approval:
 - a. Enhance the planned development, and
 - b. Preserve and promote the LDC's intent to protect the public health, safety and welfare. See LDC §33-1484.

SECTION F. SCRIVENER'S ERRORS

The Board intends that this resolution can be renumbered or relettered and typographical errors that do not affect the intent and are consistent with the Board's action can be corrected with the authorization of the County Manager or his designee, without the need for a public hearing.

Commissioner Mann made a motion to adopt the foregoing resolution, seconded by Commissioner Hamman. The vote was as follows:

Adopted by unanimous consent.

Kevin Ruane	Aye
Cecil Pendergrass	Absent
Raymond Sandelli	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 17th day of March 2021.

ATTEST:
LINDA DOGGETT, CLERK

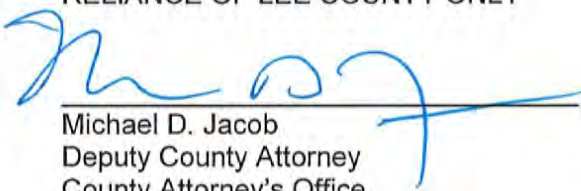
BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Deputy Clerk

BY: 
Kevin Ruane, Chair



APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY


Michael D. Jacob
Deputy County Attorney
County Attorney's Office



www.barraco.net

Civil Engineers, Land Surveyors and Planners

DESCRIPTION

Parcel in
Section 25, Township 43 South, Range 25 East
Lee County, Florida

A tract or parcel of land lying in Section 25, Township 43 South, Range 25 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter (SE 1/4) of said Section 25, run S89°11'26"W along the North line of said Fraction for 50.00 feet to an intersection with the West right of way line of State Road 31, (100' wide right of way) as shown on F.D.O.T. Right of Way map, Section No. 12620-2150; thence run S00°42'54"E along said West right of way line for 1,178.41 feet to POINT OF BEGINNING.

From said Point of Beginning continue S00°42'54"E along said West right of way line for 900.33 feet to an intersection with the Northwesterly right of way line of Palm Beach Boulevard (State Road No. 80) (F.D.O.T. right of way Section No. 12020-2538), as described in a deed recorded in Official Records Book 1918, at Page 1850, Lee County Records; thence run S25°05'24"W along said right of way line for 131.32 feet to an intersection with the Northwesterly Right of Way Line of said Palm Beach Boulevard (State Road No. 80) (F.D.O.T. right of way Section No. 1202-202(106)), being 75 feet Northwesterly as measured perpendicular to the centerline thereof; thence run S71°36'06"W along said Northwesterly right of way line for 968.60 feet to an intersection with the centerline of roadway easement, (60 feet wide); thence run N00°42'54"W along said centerline, parallel with the East line of said Fraction for 1,311.16 feet; thence run N89°11'26"E parallel with the North line of said Fraction for 980.00 feet to the POINT OF BEGINNING.

Containing 25.94 acres, more or less.

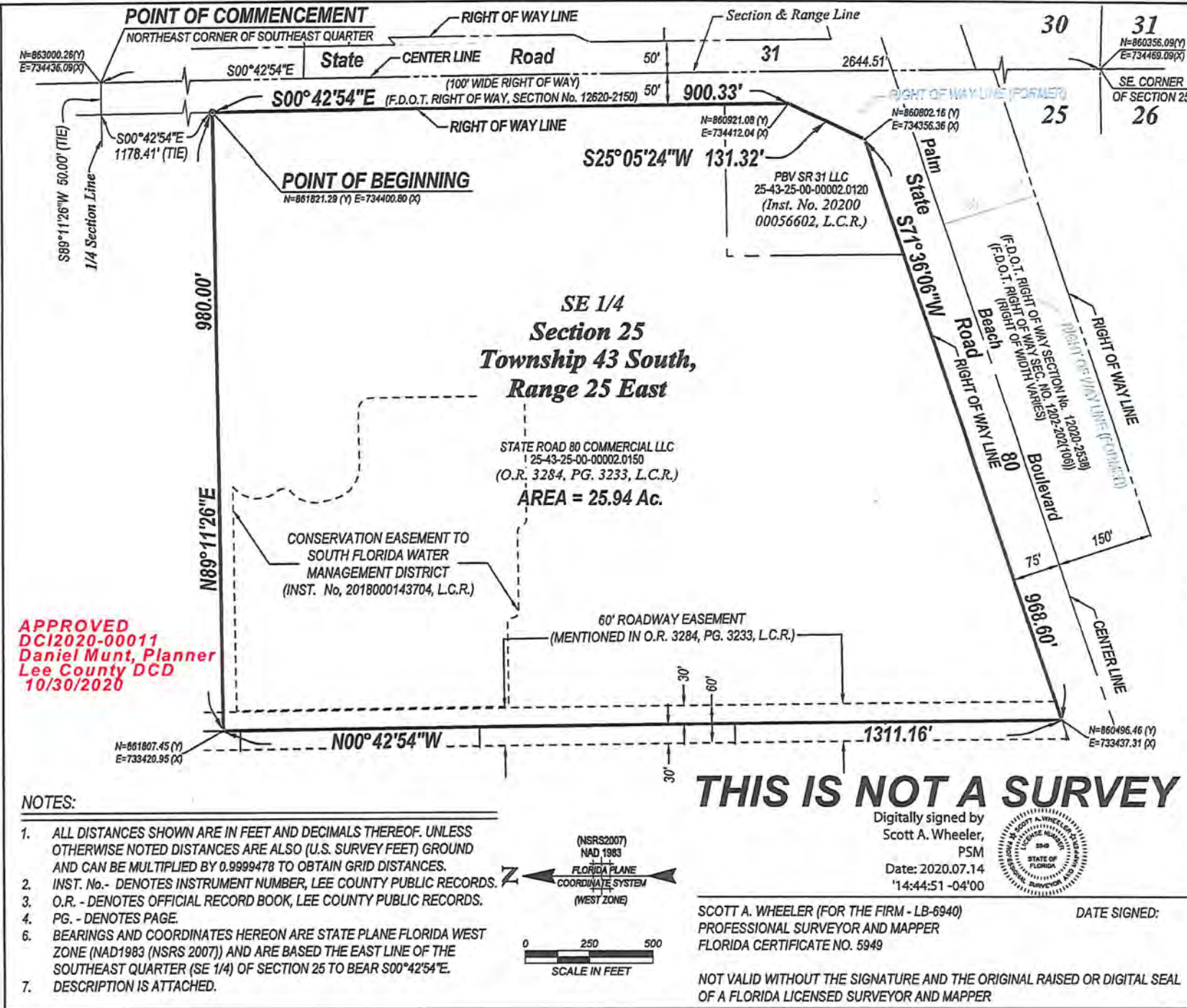
Bearings hereinabove mentioned are State Plane for the West Zone (1983/NSRS 2007) and are based on the East line of the Southeast Quarter (SE 1/4) of Section 25 to bear S00°42'54"E.

Digitally signed by
Scott A. Wheeler,
PSM
Date: 2020.07.14
14:44:33 -04'00

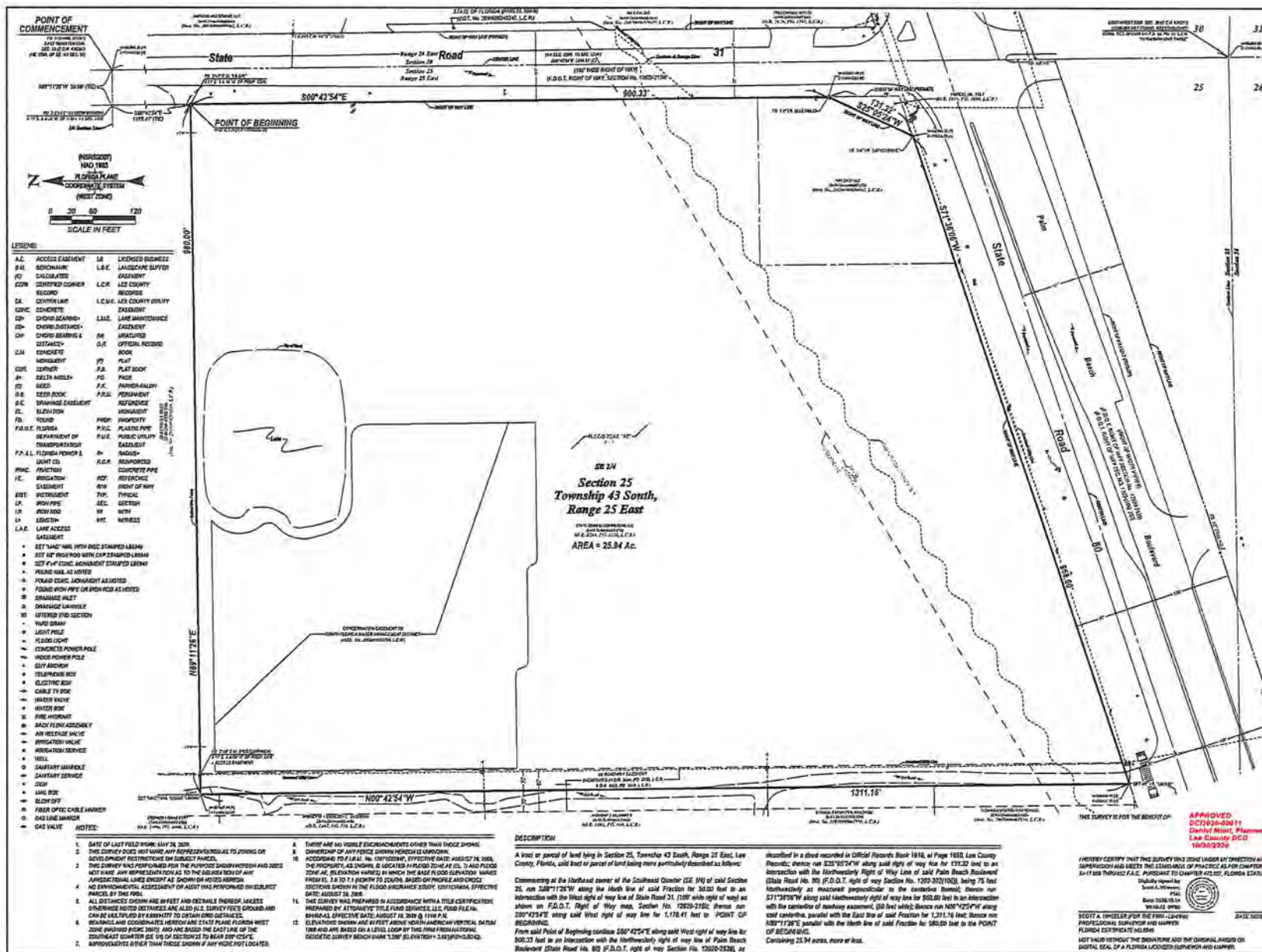


Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

L:\21888 - S.R. 80 Commercial Area 1\Survey\Descriptions\21888So3.docx



Barraco and Associates, Inc. CIVIL ENGINEERING - LAND SURVEYING LAND PLANNING www.barraco.net 2271 MCGREGOR BLVD., SUITE 100 FORT MYERS, FLORIDA 33902-2609 PHONE (239) 461-3179 FAX (239) 461-3182 FLORIDA CERTIFICATE OF AUTHORIZATION ENGINEERING 7395 - SURVEYING LB-6940 PREPARED FOR Bonita Bay Group 6590 COCONUT ROAD BONITA SPRINGS, FLORIDA 34135-8481 PHONE (239) 495-1000 FAX (239) 492-5872 WWW.BONITABAYGROUP.COM PROJECT DESCRIPTION A PARCEL OF LAND IN SECTION 25, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA	
PROJECT SURVEYOR NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED OR DIGITAL SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER FILE NAME 21800143704.DWG LAYOUT 2 LOCATION J:\21800143704\21800143704.DWG PLOT DATE TUE 7-14-2020 - 2:29 PM PLOT BY PETER OLSEN BUSINESS DATA SURVEY DATE 07-14-2020 DRAWN BY P. OLSEN CHECKED BY JAW SCALE 1"=200' FIELD BOOK PLAN REVISIONS STRAP MARKINGS SKETCH TO ACCOMPANY DESCRIPTION PROJECT FILE NO. 21800 25-43-25 SHEET NUMBER 2 OF 2	



Barraco
and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING

www.barraco.net

2271 MOORE GOR BLVD., SUITE 100
FORT MYERS, FLORIDA 33903-2800
PHONE (239) 463-1170
FAX (239) 463-1189

FLORIDA CERTIFICATE OF AUTHORIZATION
ENGINEERING 7085 - SURVEYING LB-0343

REGISTERED DATA

Bonita Bay Group
3880 COCONUT ROAD
BONITA SPRING, FLORIDA 34135-8488

PHONE (239) 435-1000
FAX (239) 993-3072

WWW.BONITABAYGROUP.COM

PROJECT DESCRIPTION

A PARCEL OF LAND IN
SECTION 25,
TOWNSHIP 43 SOUTH,
RANGE 25 EAST,
LEE COUNTY, FLORIDA

PROJECT SURVEYOR

APPROVED
DC0000-00011
Daniel M. Miller, President
Lee County DCD
10/03/2004

BOUNDARY
SURVEY

1 OF 1



DCI2020-00011 Zoning

Legend

 Subject Parcel



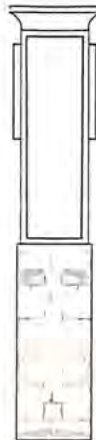
Map Generated: December 2020
Aerial Year - 2020

0 1,000
Feet





FRONT VIEW



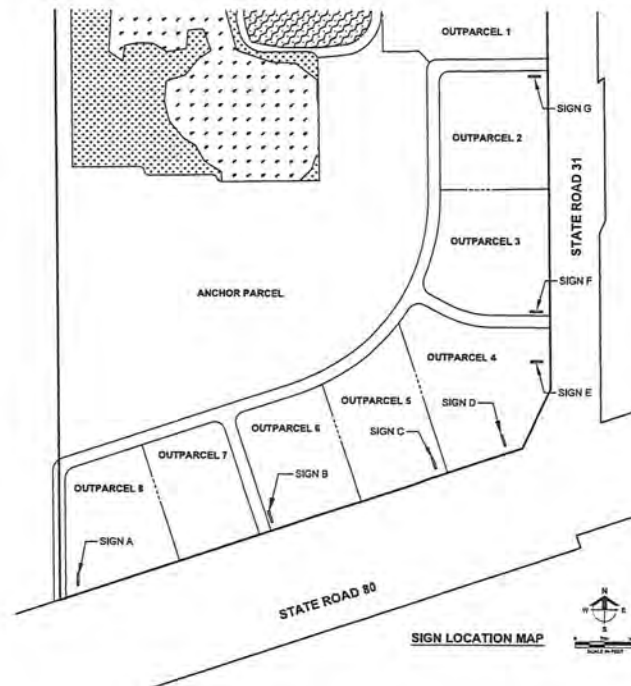
SIDE VIEW

SIGN PLAN 65 S.F. LED PRICE SIGN
(OUTPARCELS 2 TO 8)

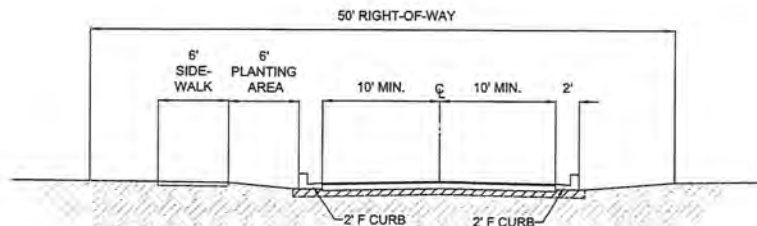
SIGNAGE

STATE ROAD 88 SIGNAGE	
A	145 S.F.
B	45 S.F.
C	45 S.F.
D	65 S.F.
TOTAL NOT TO EXCEED 300 S.F.	
STATE ROAD 31 SIGNAGE	
E	65 S.F.
F	45 S.F.
G	145 S.F.
TOTAL NOT TO EXCEED 300 S.F.	

LOC SECTION 30-153 (MAX HEIGHT 24')



SIGN LOCATION MAP



TYPICAL COMMERCIAL ROAD SECTION
(DEVIATION #15)

Approved as Exhibit C
MCP Page 2 of 2
Resolution # 21-001

DCI 2020-00011

NOTE:
1) OUTPARCEL SIZE, CONFIGURATION, NUMBERING SEQUENCE AND SIGN LOCATIONS FOR ILLUSTRATIVE PURPOSES AND SUBJECT TO CHANGE.

Barraco
and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING

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2271 INGLEBOR BLVD., SUITE 100
FORT MYERS, FLORIDA 33902-2850
PHONE (239) 461-3119
FAX (239) 461-3169

FLORIDA CERTIFICATE OF AUTHORIZATION
ENGINEERING 7965 - SURVEYING LS-6042

PREPARED FOR

PBV SF 31, LLC.
&
SR 80 COMMERCIAL
LLC.

PROJECT DESCRIPTION

STATE ROAD 31
CC

COMMERCIAL DEVELOPMENT

PART OF SECTION 25
TOWNSHIP 43 SOUTH
RANGE 28 EAST
LEE COUNTY, FLORIDA

THIS PLAN IS PRELIMINARY AND
INTENDED FOR CONCEPTUAL
PLANNING PURPOSES ONLY.

SITE LAYOUT AND LAND USE
INTENSITIES OR DENSITIES MAY
CHANGE SIGNIFICANTLY BASED
UPON SURVEY, ENGINEERING,
ENVIRONMENTAL AND/OR
REGULATORY CONSTRAINTS
AND/OR OPPORTUNITIES.

NOT FOR
CONSTRUCTION

DRAWING NOT VALID WITHOUT SEAL, SIGNATURE AND DATE

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FILE NAME: 2106022.DWG

LOCATION: 2106022.DWG (2021)

PLOT DATE: TUE, 3-2-2021 - 3:49 PM

PLOT BY: ALYSSA FONTANE

CROSS REFERENCED DRAWINGS

BASE PLAN: 2106020.DWG

PLAN REVISIONS

1-2-21 INCENTIVE CREDIT AT 100% PER

PLAN STATUS

DETAILS
AND
DEVIATIONS

PROJECT / FILE NO.

21888

SHEET NUMBER

2 OF 2