



LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
ZONING  
and  
COMPREHENSIVE PLAN AMENDMENT HEARING  
AGENDA

Wednesday, October 4, 2023

9:30AM

CPA2023-00001

BABCOCK RD- US41 MAP AMENDMENT - ADOPTION

DCI2022-00050  
Z-23-027

PENZANCE SQUARE CPD

**NOTICE OF PROPOSED AMENDMENT TO THE  
LEE COUNTY COMPREHENSIVE LAND USE PLAN  
(ADOPTION HEARING)**

The Lee County Board of County Commissioners will hold a public hearing to consider the adoption of proposed amendments to the Lee County Comprehensive Land Use Plan (Lee Plan) on Wednesday, October 4, 2023. The hearing will commence at 9:30 a.m., or as soon thereafter as can be heard, in the Board Chambers, 2120 Main Street in Downtown Fort Myers.

The Board proposes to adopt an ordinance amending the Lee Plan as follows:

CPA2023-00001 Babcock US-41 Map Amendment Amend Lee Plan Map 1-A to redesignate the +25.60 acre property from the Urban Community future land use category to the Central Urban future land use category. The property is located at 7084 Babcock Road, Estero, Florida.

Copies of this Notice and the proposed ordinance are available for inspection or copying during regular business hours at the Minutes Office of the Clerk of Courts of Lee County. The Minutes Office is located in the Courthouse Administration Building, 2115 Second Street, Fort Myers, Florida. This meeting is open to the public. Interested parties may appear at the meeting and be heard with respect to the proposed plan amendment. A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

Lee County will not discriminate against individuals on the basis of race, color, national origin, sex, age, disability, religion, income or family status. To request language interpretation, document translation or an ADA-qualified reasonable modification at no charge to the requestor, contact Joan LaGuardia, (239) 839-6038, Florida Relay Service 711, at least five business days in advance. El Condado de Lee brindará servicios de traducción sin cargo a personas con el idioma limitado del inglés.

## NOTICE OF PUBLIC HEARING

The Lee County Board of County Commissioners will hold a public hearing at 9:30 am on Wednesday, October 4, 2023 in the Board Chambers at 2120 Main St., Ft. Myers, FL, to review the written recommendations made by the Hearing Examiner and make a final decision on the case below.

### **DCI2022-00050 / Penzance Square CPD**

Amend the Penzance Square CPD (Resolution Z-06-092) to modify the master concept plan and schedule of uses and increase the allowable commercial square footage from 90,000 square feet to 185,000 square feet.

Located at 7530 Penzance Blvd., South Fort Myers, Planning Community, Lee County, FL.

Copies of the Hearing Examiner's recommendation may be obtained or the file reviewed at the Zoning Section, 1500 Monroe St., Ft. Myers, FL. Telephone 239-533-8585 for additional information.

**If you did not appear before the Hearing Examiner or otherwise become a participant for that case in which you wish to testify, the law does not permit you to address the Board of County Commissioners.**

**Statements before the Board of County Commissioners regarding the zoning case will be strictly limited to testimony presented to the Hearing Examiner, testimony concerning the correctness of the findings of fact or conclusions of law contained in the record, or to allege the discovery of new, relevant information which was not available at the time of the hearing before the Hearing Examiner.**

**Any document that a participant of record intends to submit must have been submitted as part of the Record in the hearing before the Hearing Examiner or the document is relevant new evidence that was not known or could not have been reasonably discovered by the participant at the time of the hearing before the Hearing Examiner. All other documents will not be accepted by the Board. To ensure compliance with these regulations, copies of documents not submitted as part of the record before the Hearing Examiner must be provided to the Applicant and County Staff (JPrincing@leegov.com) not less than 2 days before the date of the zoning hearing.**

**If a participant decides to appeal a decision made by the Board of County Commissioners with respect to any matter considered at this hearing, a verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.**

**In accordance with the Americans with Disabilities Act, Lee County will not discriminate against qualified individuals with disabilities in its services, programs, or activities. To request an auxiliary aid or service for effective communication or a reasonable modification to participate, contact Joan LaGuardia, (239) 533-2314, [ADArequests@leegov.com](mailto:ADArequests@leegov.com) or Florida Relay Service 711. Accommodation will be provided at no cost to the requestor. Requests should be made at least five business days in advance.**

CPA2023-00001

Babcock Road –  
US 41



**SUMMARY SHEET  
CPA2023-00001 – BABCOCK US-41  
ADOPTION HEARING**

**REQUEST:**

- Amend the Future Land Use Map designation on ±25.60 acres from Urban Community to Central Urban.
- Amend Table 1(b) 2045 population allocation to accommodate residential development on the subject property.

The requested map amendment is a small scale comprehensive plan amendment per Florida Statute 163.3187(1). The amendment will allow for infill redevelopment of a 267 unit multi-family housing development. The site is currently vacant.

**LPA PUBLIC HEARING:**

The LPA discussed the proposed amendments and various merits of the case, including the compatibility with the surrounding area.

**LPA PUBLIC INPUT:**

There were two public comments concerning the proposed amendment. One addressing the boundary of the subject property and the other by the owner of the property in support of the amendment at the LPA Hearing.

**LPA MOTION:**

A motion was made to recommend that the Board of County Commissioners (BoCC) **adopt** CPA2023-00001. The motion passed 4 to 0.

RAYMOND BLACKSMITH	<u>AYE</u>
KEITH DEAN	<u>ABSENT</u>
DUSTIN GARDNER	<u>AYE</u>
DAWN RUSSELL	<u>AYE</u>
DON SCHROTENBOER	<u>AYE</u>
STAN STOUDE	<u>ABSENT</u>
HENRY ZUBA	<u>ABSENT</u>

**STAFF RECOMMENDATION:**

Staff recommends that the BoCC **adopt** the proposed amendment as provided in Attachment 1.

LEE COUNTY ORDINANCE NO. \_\_\_\_

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN TO ADOPT A SMALL SCALE AMENDMENT (CPA2023-00001) PERTAINING TO BABCOCK ROAD US-41 MAP AMENDMENT; PROVIDING FOR PURPOSE, INTENT AND SHORT TITLE; ADOPTION OF SMALL SCALE AMENDMENT TO LEE PLAN MAP 1-A, THE FUTURE LAND USE MAP; LEGAL EFFECT OF THE “LEE PLAN”; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; GEOGRAPHICAL APPLICABILITY; SEVERABILITY; INCLUSION IN CODE, CODIFICATION AND SCRIVENER’S ERRORS, AND AN EFFECTIVE DATE.**

WHEREAS, the Lee County Comprehensive Plan (“*Lee Plan*”) and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners (“*Board*”); and

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6, provide an opportunity for private individuals to request amendment to the Future Land Use Map through a small scale amendment public hearing process; and

WHEREAS, the Local Planning Agency (“*LPA*”) held a public hearing on the adoption of the proposed amendment on August 28, 2023. At that hearing the LPA found the proposed amendment to be consistent with the Lee Plan and recommended that the Board adopt the amendment; and

WHEREAS, the Board held a public hearing for the adoption of the proposed amendment on October 4, 2023. At that hearing, the Board approved a motion to adopt proposed amendment CPA2023-00001 pertaining to Babcock Road US-41 Map Amendment, amending Map 1-A of the Lee Plan, the Future Land Use Map. The subject parcel is located at the at 7084 Babcock Road, Estero, Florida.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:**

**SECTION ONE: PURPOSE, INTENT AND SHORT TITLE**

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted a public hearing to review a proposed small scale amendment to the Future

Land Use Map Series of the Lee Plan. The purpose of this ordinance is to adopt the amendment to the Lee Plan discussed at that meeting and later approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." This amending ordinance may be referred to as the "Babcock Road US-41 Map Amendment (CPA2023-00001)".

## **SECTION TWO: ADOPTION OF SMALL SCALE AMENDMENT TO LEE PLAN FUTURE LAND USE MAP SERIES, MAP 1-A**

The Lee County Board of County Commissioners hereby amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment to the Future Land Use Map Series, Map 1-A, the Future Land Use Map to redesignate the +25.60 acre property from the Urban Community future land use category to the Central Urban future land use category. The subject parcel is located at 7084 Babcock Road, Estero, Florida. The corresponding staff report and analysis, along with all attachments for this amendment, are adopted as "support documentation" for the Lee Plan.

## **SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"**

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

## **SECTION FOUR: MODIFICATION**

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

## **SECTION FIVE: GEOGRAPHIC APPLICABILITY**

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

## **SECTION SIX: SEVERABILITY**

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board of County Commissioners that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

## **SECTION SEVEN: INCLUSION IN CODE, CODIFICATION AND SCRIVENERS' ERROR**

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be re-numbered or re-lettered and the word "ordinance" may be changed to "section," "article" or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent may be authorized by the County Manager, or his designee, without need of a public hearing, by filing a corrected or re-codified copy with the Clerk of the Circuit Court.

## **SECTION EIGHT: EFFECTIVE DATE**

The small scale Lee Plan amendment adopted by this ordinance will be effective 31 days after adoption unless challenged within 30 days after adoption. If challenged within 30 days after adoption, the small scale amendment to the Lee Plan will not be effective until the Florida Department of Economic Opportunity or the Administrative Commission issues a final order determining the small scale amendment is in compliance with Florida Statutes, Section 163.3184. No development orders, development permits or land uses dependent on this amendment may be issued or commence before the amendment has become effective.

Commissioner \_\_\_\_\_ made a motion to adopt the foregoing ordinance, seconded by Commissioner \_\_\_\_\_. The vote was as follows:

Kevin Ruane	_____
Cecil L Pendergrass	_____
Raymond Sandelli	_____
Brian Hamman	_____
Mike Greenwell	_____

DONE AND ADOPTED this 4<sup>th</sup> day of October 2023.

ATTEST:  
KEVIN C. KARNES  
CLERK OF CIRCUIT COURT

LEE COUNTY BOARD OF  
COUNTY COMMISSIONERS

BY: \_\_\_\_\_  
Deputy Clerk

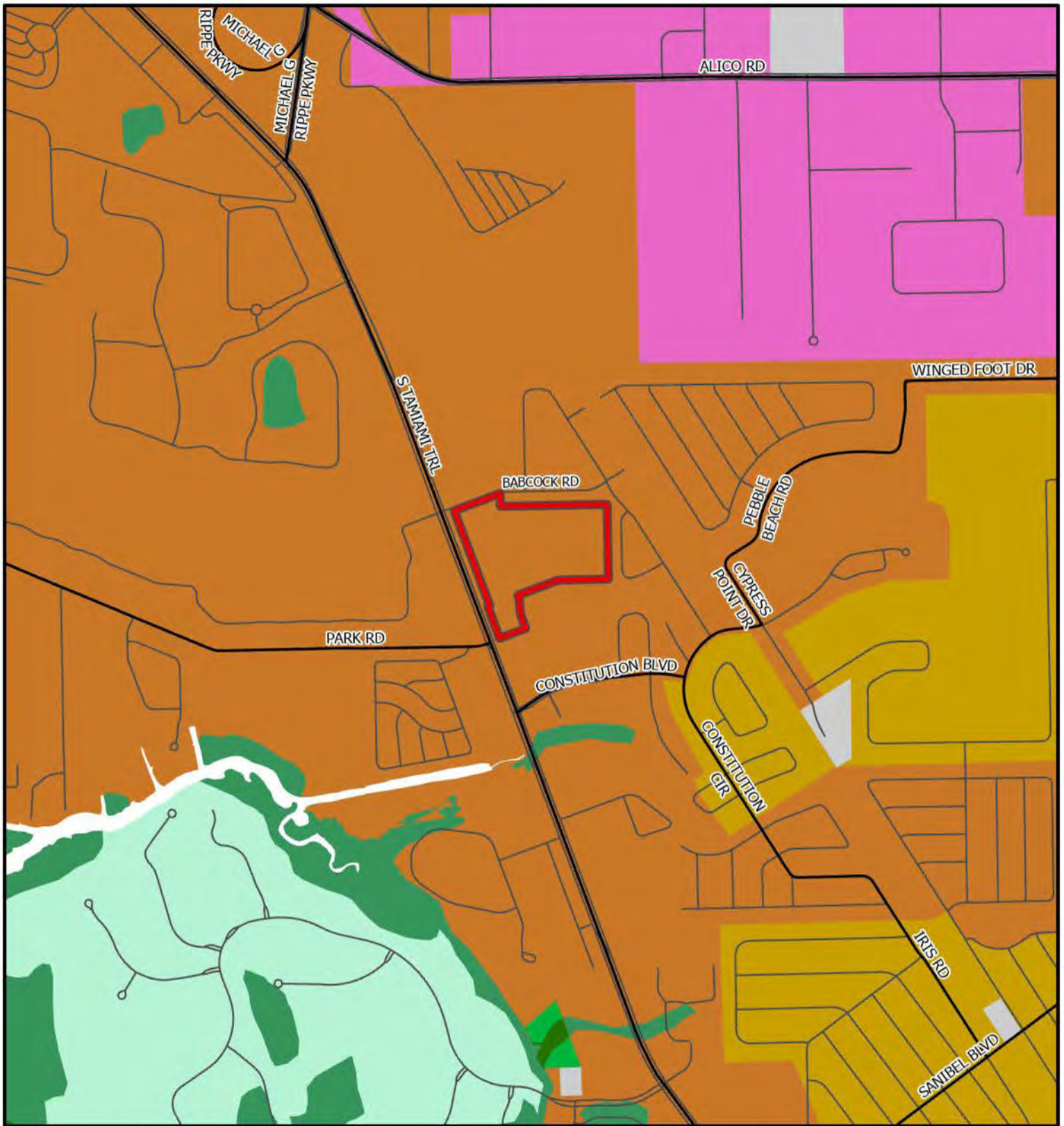
BY: \_\_\_\_\_  
Brian Hamman, Chair

DATE: \_\_\_\_\_

APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY

\_\_\_\_\_  
Lee County Attorney's Office

Exhibit A (Adopted by BOCC October 4, 2023):  
Adopted existing Future Land Use Map 1-A  
Adopted revisions to Future Land Use Map 1-A  
Adopted revisions to Table 1(b)

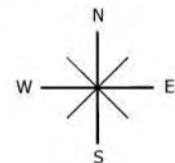


CPA2023-00001

Existing Future Land



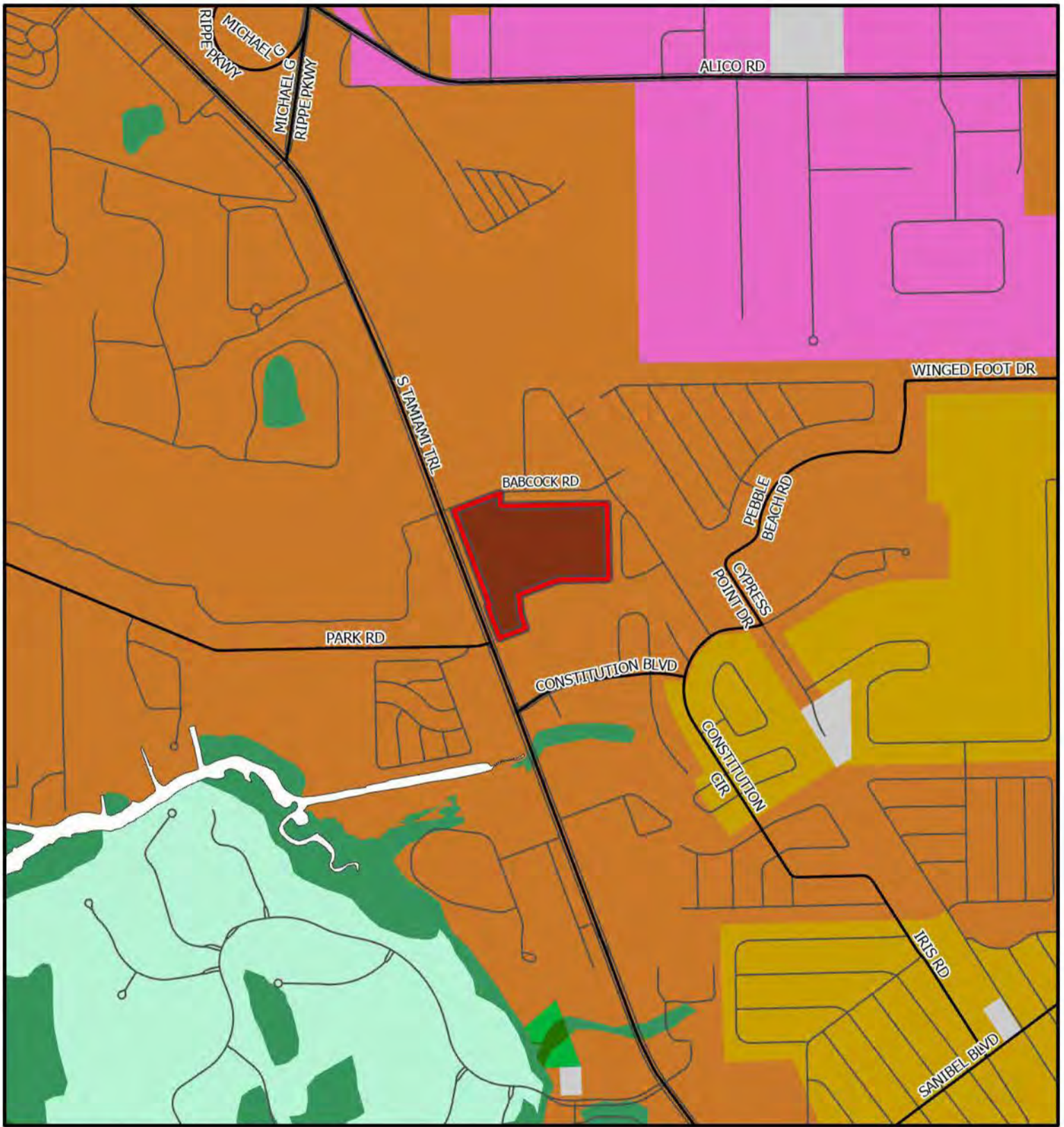
- |                   |                              |
|-------------------|------------------------------|
| Urban Community   | Conservation Lands - Upland  |
| Suburban          | Wetlands                     |
| Industrial        | Conservation Lands - Wetland |
| Public Facilities | Subject Property             |
| Rural             |                              |



0 1,000 2,000  
Feet

Map Generated: August 2023



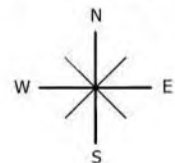


CPA2023-00001

Proposed Future Land



- |                   |                              |
|-------------------|------------------------------|
| Central Urban     | Rural                        |
| Urban Community   | Conservation Lands - Upland  |
| Suburban          | Wetlands                     |
| Industrial        | Conservation Lands - Wetland |
| Public Facilities | Subject Property             |



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Feet

Map Generated: August 2023

Table 1(b) Year 2045 Allocations

Future Land Use Category		Unincorporated County		Planning District									
				District 1 Northeast Lee County	District 2 Boca Grande	District 3 Bonita	District 4 Fort Myers Shores	District 5 Burnt Store	District 6 Cape Coral	District 7 Captiva	District 8 Fort Myers	District 9 Fort Myers Beach	District 10 Gateway / Airport
		Existing	Proposed										
Residential By Future Land Use Category	Intensive Development	1,483	1,483	-	-	-	17	-	21	-	238	-	-
	Central Urban	13,838	13,850	-	-	-	207	-	-	-	230	-	25
	Urban Community	22,683	22,635	813	453	-	475	-	-	-	-	-	150
	Suburban	14,871	14,871	-	-	-	1,950	-	-	-	80	-	-
	Outlying Suburban	3,638	3,638	25	-	-	490	13	3	429	-	-	-
	Sub-Outlying Suburban	1,731	1,731	-	-	-	330	-	-	-	-	-	227
	Commercial	-	-	-	-	-	-	-	-	-	-	-	-
	Industrial	15	15	-	-	-	-	-	-	-	-	-	6
	Public Facilities	-	-	-	-	-	-	-	-	-	-	-	-
	University Community	503	503	-	-	-	-	-	-	-	-	-	-
	Destination Resort Mixed Use Water Dependent	8	8	-	-	-	-	-	-	-	-	-	-
	Burnt Store Marina Village	2	2	-	-	-	-	2	-	-	-	-	-
	Industrial Interchange	-	-	-	-	-	-	-	-	-	-	-	-
	General Interchange	134	134	-	-	-	-	-	-	-	-	-	35
	General Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-	-
	Industrial Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-	-
	University Village Interchange	-	-	-	-	-	-	-	-	-	-	-	-
	New Community	2,104	2,104	1,115	-	-	-	-	-	-	-	-	989
	Airport	-	-	-	-	-	-	-	-	-	-	-	-
	Tradeport	3	3	-	-	-	-	-	-	-	-	-	3
	Rural	7,764	7,764	2,431	-	-	800	730	-	-	-	-	-
	Rural Community Preserve	3,517	3,517	-	-	-	-	-	-	-	-	-	-
	Coastal Rural	1,338	1,338	-	-	-	-	-	-	-	-	-	-
	Outer Island	233	233	2	4	-	1	-	-	169	-	-	-
	Open Lands	2,186	2,186	153	-	-	-	257	-	-	-	-	-
	Density Reduction/ Groundwater Resource	6,974	6,974	131	-	-	-	-	-	-	-	-	-
	Conservation Lands Upland	-	-	-	-	-	-	-	-	-	-	-	-
	Wetlands	-	-	-	-	-	-	-	-	-	-	-	-
	Conservation Lands Wetland	-	-	-	-	-	-	-	-	-	-	-	-
Unincorporated County Total Residential		82,026	82,990	4,669	457	-	4,270	1,002	24	598	548	-	1,435
Commercial		8,915	8,915	300	53	-	450	27	9	125	150	-	1,216
Industrial		4,787	4,787	30	3	-	300	10	15	70	315	-	2,134
Non Regulatory Allocations		-	-										
Public		120,211	120,222	14,191	622	-	4,864	7,323	6	2,340	583	-	9,660
Active AG		21,944	21,944	5,500	-	-	240	90	-	-	-	-	2
Passive AG		13,665	13,665	5,500	-	-	615	100	-	-	-	-	465
Conservation		87,746	85,514	2,458	297	-	1,163	3,186	67	1,595	926	-	2,206
Vacant		26,224	26,250	1,145	28	-	733	766	8	103	17	-	88
Total		366,520	366,520	33,793	1,460	-	12,634	12,505	129	4,831	2,538	-	17,205
Population Distribution (unincorporated Lee County)		584,331	585,390	8,235	1,470	-	35,253	2,179	152	725	5,273	-	23,340



Table 1(b) Year 2045 Allocations

Future Land Use Category		Planning District												
		District 11 Daniels Parkway	District 12 Iona / McGregor	District 13 San Carlos		District 14 Sanibel	District 15 South Fort Myers	District 16 Pine Island	District 17 Lehigh Acres	District 18 Southeast Lee County	District 19 North Fort Myers	District 20 Buckingham	District 21 Estero	District 22 Bayshore
				Existing	Proposed									
Residential By Future Land Use Category	Intensive Development	-	-	-	-	-	801	1	30	-	376	-	-	-
	Central Urban	-	656	20	32	-	3,113	-	7,362	-	2,225	-	-	-
	Urban Community	-	978	1,255	1,207	-	863	540	17,034	-	7	115	-	-
	Suburban	-	2,566	2,069	2,069	-	1,202	659	-	-	6,345	-	-	-
	Outlying Suburban	1,253	438	-	-	-	-	502	-	-	396	-	90	-
	Sub-Outlying Suburban	-	-	13	13	-	-	-	-	-	145	66	-	950
	Commercial	-	-	-	-	-	-	-	-	-	-	-	-	-
	Industrial	-	3	3	3	-	3	-	-	-	-	-	-	-
	Public Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-
	University Community	-	-	503	503	-	-	-	-	-	-	-	-	-
	Destination Resort Mixed Use Water Dependent	-	8	-	-	-	-	-	-	-	-	-	-	-
	Burnt Store Marina Village	-	-	-	-	-	-	-	-	-	-	-	-	-
	Industrial Interchange	-	-	-	-	-	-	-	-	-	-	-	-	-
	General Interchange	58	-	-	-	-	-	-	-	8	14	-	-	20
	General Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-	-	-
	Industrial Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-	-	-
	University Village Interchange	-	-	-	-	-	-	-	-	-	-	-	-	-
	New Community	-	-	-	-	-	-	-	-	-	-	-	-	-
	Airport	-	-	-	-	-	-	-	-	-	-	-	-	-
	Tradeport	-	-	-	-	-	-	-	-	-	-	-	-	-
	Rural	1,573	-	99	99	-	-	227	14	-	454	50	-	1,387
	Rural Community Preserve	-	-	-	-	-	-	-	-	-	-	3,517	-	-
	Coastal Rural	-	-	-	-	-	-	1,338	-	-	-	-	-	-
	Outer Island	-	2	-	-	-	-	55	-	-	-	-	-	-
	Open Lands	80	-	-	-	-	-	-	-	-	30	-	-	1,667
	Density Reduction/ Groundwater Resource	-	-	-	-	-	-	-	-	4,742	-	-	-	2,101
	Conservation Lands Upland	-	-	-	-	-	-	-	-	-	-	-	-	-
	Wetlands	-	-	-	-	-	-	-	-	-	-	-	-	-
	Conservation Lands Wetland	-	-	-	-	-	-	-	-	-	-	-	-	-
Unincorporated County Total Residential		2,964	4,650	3,962	3,926	-	5,982	3,322	24,440	4,750	9,991	3,748	90	6,125
Commercial		326	774	938	938	-	2,012	288	900	118	1,121	19	18	72
Industrial		5	198	387	387	-	566	67	218	215	244	4	2	4
Non Regulatory Allocations														
Public		3,214	4,898	6,364	6,375	-	5,883	4,831	20,267	17,992	10,117	3,052	653	3,351
Active AG		5	13	5	5	-	-	2,780	35	12,000	90	630	4	550
Passive AG		10	-	5	5	-	-	70	50	2,500	250	2,000	-	2,100
Conservation		1,677	9,786	2,232		-	211	15,489	1,077	41,028	1,607	382	1,465	895
Vacant		20	55	220	246	-	4	2,200	14,804	2,400	1,227	850	130	1,425
Total		8,221	20,374	14,114	14,114	-	14,658	29,047	61,791	81,003	24,649	10,684	2,362	14,523
Population Distribution (unincorporated Lee County)		14,322	44,132	53,556	54,615	-	76,582	13,431	162,245	17,369	110,722	5,951	741	8,653

# STAFF REPORT FOR BABCOCK ROAD – US 41: CPA2023-00001

## Small-Scale Map Amendment to the Lee Plan



### Recommendation:

**Adopt**

### Applicant:

Alan Freeman

### Representative:

Quattrone & Associates,  
Inc.

### Property Location:

7084 Babcock Road  
Estero

### Property Size:

± 25.60 Acres

### Planning District:

District 13

### Commissioner District:

District #2

### Hearing Dates:

LPA: 08/28/23

BoCC #1: 10/04/23

### Attachments:

1: Proposed Amendments

### REQUEST

- Amend the Future Land Use Map designation on ±25.60 acres from Urban Community to Central Urban.
- Amend Table 1(b): 2045 Population Allocation to accommodate residential development on the subject property.

### SUMMARY

The requested amendments will allow the applicant to develop a multi-family project, increasing the maximum standard density from six dwelling units per acre to 10 dwelling units per acre.

### PROJECT LOCATION

The subject property is located on the east side of US 41. The property is less than a mile south of the intersection of US 41 and Alico Road, and approximately 2.5 miles north of the intersection of US 41 and Estero Boulevard.

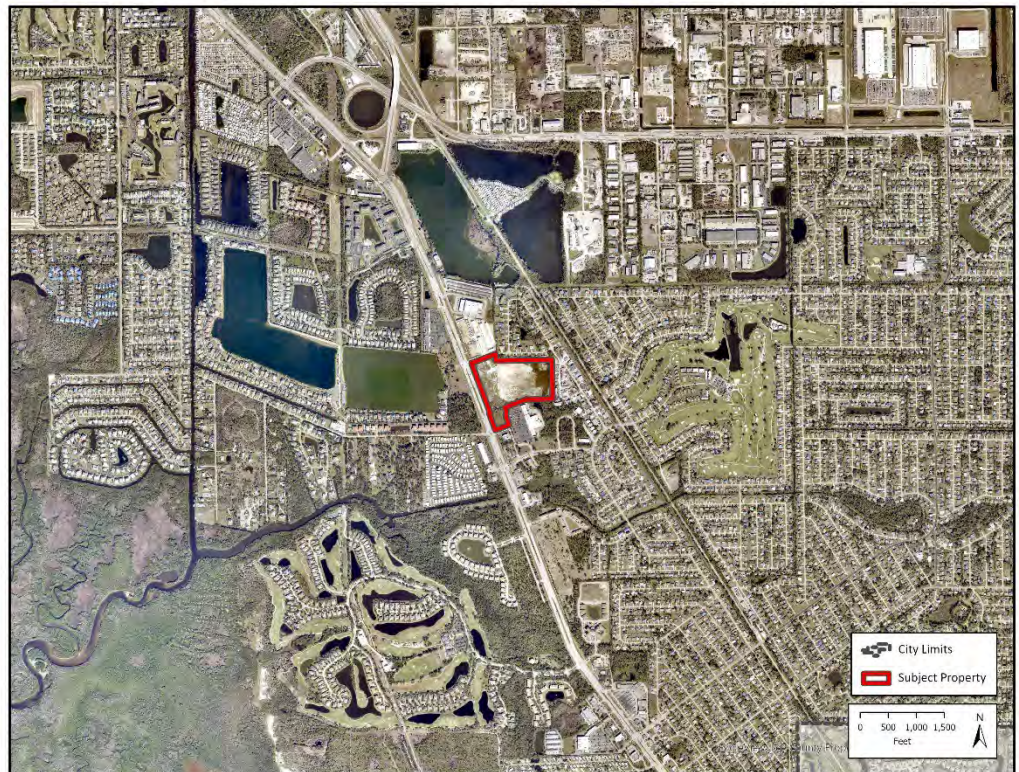


Figure 1: Location Map

### RECOMMENDATION

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

## PART 1 STAFF DISCUSSION AND ANALYSIS

### **CONCURRENT REQUESTS**

The applicant has filed two additional applications indicating the type of development that is anticipated on the subject property:

- A request for administrative approval of bonus density (ADD2023-00060) to allow density above the standard range, and
- Development order (DO) application (DOS2022-00199) which outlines the development plans for a 267 unit multi-family residential development.

### **SUBJECT PROPERTY**

The subject property is currently vacant land that is zoned C-2. This area of the County has been designated as Urban Community since the Lee Plan's inception in 1984<sup>1</sup>. The Urban Community designation was given to San Carlos Park to recognize the existing needs of the community that grew from the San Carlos Park subdivision<sup>2</sup>.

Since 1984, the area around San Carlos Park has increased in intensity, with the founding of Florida Gulf Coast University, the expansion of Southwest Florida International Airport, and the increasing industrial development along Alico Road.

The property was incorporated into the Mixed Use Overlay through Ordinance 07-15, the adopting ordinance of CPA2005-00037, which originally established the Mixed Use Overlay in Lee County. According to the staff report of CPA2005-00037, the areas selected for the Mixed Use Overlay were appropriate for compact development containing a mixture of uses<sup>3</sup>.

### **SURROUNDING PROPERTIES**

Nearby uses contain commercial parcels and residential duplexes within the Urban Community future land use category. The surrounding properties are primarily conventionally zoned, with one planned development to the west, across US 41. Commercial uses to the north, south, and east of the property are within the Mixed Use Overlay; however, residential uses to the north are outside the boundaries of the Mixed Use Overlay. Additional detail is provided in Table 1 and Figure 2, below.

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<sup>1</sup> Lee County Board of County Commissioners, *Lee County Ordinance No. 84-28: Lee County Comprehensive Plan* (Lee County, 1984), 1-7.

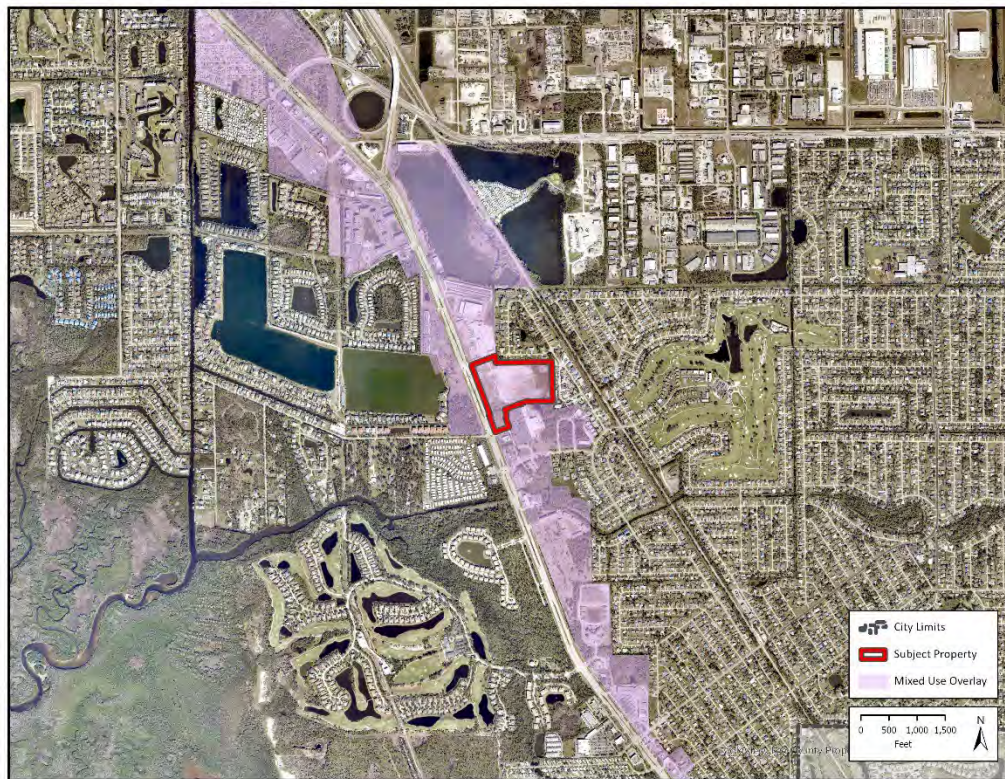
<sup>2</sup> Lee County Board of County Commissioners, *Lee County Comprehensive Plan* (Lee County, 1984), III-20, Illustration #3.

<sup>3</sup> Lee County Division of Planning, *Staff Report for Comprehensive Plan Amendment CPA2005-37* (Lee County, 2007), 25.



**TABLE 1: SURROUNDING PROPERTIES INFORMATION**

	Future Land Use	Zoning	Existing Use
<b>North</b>	Urban Community	RM-2 & C-2	Self-Storage & Residential Duplex
<b>East</b>	Urban Community	C-2	Commercial & Outdoor Storage
<b>South</b>	Urban Community	C-1 & C-2	Retail Commercial
<b>West</b>	Urban Community	CN-2, CS-1, Harborage CPD approved for 28,000 SF Commercial <sup>4</sup>	US 41

*Figure 2: Mixed Use Overlay***DISCUSSION AND ANALYSIS – MAP 1-A: FUTURE LAND USE MAP**

The applicant is requesting to amend the future land use category of the subject property from Urban Community to Central Urban to allow higher density on the subject property. The current future land use category allows for a standard density of up to six dwelling units per acre, with the opportunity to pursue bonus density up to 10 dwelling units per acre. The proposed future land use category would allow a standard density of up to 10 dwelling units per acre with the opportunity to pursue bonus density of 15 dwelling units per acre. Lee Plan policies describing the existing and proposed future land use categories are provided below.

<sup>4</sup> Lee County Board of County Commissioners, *Resolution Number Z-89-010*, (Lee County, 1989), 3.

**POLICY 1.1.3:** The Central Urban future land use category can best be characterized as the “urban core” of the County. These areas are already the most heavily settled and have, or will have, the greatest range and highest levels of public services. Residential, commercial, public and quasipublic, and limited light industrial land uses will continue to predominate in the Central Urban future land use category. Future development in this category is encouraged to be mixed use, as described in Objective 11.1, where appropriate. The standard density range is from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre), with a maximum total density of fifteen dwelling units per acre (15 du/acre). The maximum total density may be increased to twenty dwelling units per acre (20 du/acre) utilizing Greater Pine Island Transfer of Development Units.

**POLICY 1.1.4:** The Urban Community future land use category are areas characterized by a mixture of relatively intense commercial and residential uses. The residential development in these areas will be at slightly lower densities than other future urban categories described in this plan. As vacant properties within this category are developed, the existing base of public services will need to be maintained which may include expanding and strengthening them accordingly. As in the Central Urban future land use category, predominant land uses in this category will be residential, commercial, public and quasi-public, and limited light industrial with future development encouraged to be mixed use, as described in Objective 11.1, where appropriate. The standard density range is from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum total density of ten dwelling units per acre (10 du/acre). The maximum total density may be increased to fifteen dwelling units per acre (15 du/acre) utilizing Greater Pine Island Transfer of Development Units.

The requested amendment would allow for greater density on the subject property than is currently permitted. The existing and proposed future land use categories are otherwise similar in allowed uses and intensity of non-residential development. Analysis of the proposal’s consistency with several elements discussing residential development is warranted.

**Goal 5** of the Lee Plan directs the County to “accommodate the projected population of Lee County in the year 2045 in appropriate locations”. The proposed change to the Future Land Use Map would increase the allowable density on the subject property, helping Lee County accommodate the projected population. However, staff must also review the appropriateness of the additional density of subject parcel based on consistency with applicable Lee Plan policies. These policies are discussed below.

**Objective 2.2** provides that new development should be directed “to those portions of the future urban areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created.” The proposed amendments will allow for an in-fill development project that provides housing within an area where public facilities and regulatory levels of service already exist, consistent with Objective 2.2. Availability of public facilities and services are discussed in greater detail in the Service Availability section of this report.

**Policy 5.1.2** prohibits residential development “where physical constraints exist, or require the density and design to be adjusted accordingly.” The Policy provides that such constraints or hazards may include flood, storm, or hurricane hazards; unstable soil or geological conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community. There are no characteristics of the property that would prohibit residential development.

The applicant's Environmental Analysis identified approximately 12.72 acres of Spoil Area (FLUCCS Code 743), 8.95 acres of Open Land (FLUCCS Code 190), 2.99 acres of Borrow Area (FLUCCS Code 742), and 1.9 acres of Shopping Mall (FLUCCS Code 1411), within the boundary of the subject property. South Florida Water Management District (SFWMD) has issued a formal wetland determination and an Environmental Resource Permit (ERP) that determined no wetlands were present on the site<sup>5</sup>. The site previously contained a 13.60 acre shallow borrow pit which has since been filled, as approved by LDO2020-00308 and SFWMD Exemption No. 36-102363-P. No protected species have been identified within the project boundaries per the applicant's Protected Species Survey provided as part of the DOS2022-00199 submittal.

The subject property abuts residential development to the north and commercial development to the east and south. In the existing state, offsite flows from the residential development and commercial development flow through the subject property and outfall into the US 41 right of way. The applicant's approved SFWMD ERP includes measures to maintain these offsite flow patterns in compliance with **Policy 126.1.4** which requires that development designs maintain or improve surface water flows. The subject property is located outside of the Coastal High Hazard Area. The property is within FEMA Flood Zone AE and will need to develop in accordance with FEMA regulations<sup>6</sup>. This is consistent with Policy 5.1.2, which allows for "design to be adjusted accordingly."

**Policy 5.1.3** directs high-density residential developments to locations near employment and shopping centers. The property is centrally located on US 41, between Alico Road and Constitution Boulevard, approximately two miles north of the Village of Estero. This location is also approximately 4 miles from Gulf Coast Town Center and approximately one mile south of Alico Road, giving the property close access to a major commercial center and a growing industrial center of the County. The parcel is also approximately six miles away from Florida Gulf Coast University, with 16,004 students and 914 staff<sup>7</sup>.

The location of this site is geographically suited to support the workforce of the industrial base and the population of residents who are pursuing an education. This amendment is consistent with the Housing Element and Economic Element of the Lee Plan, specifically **Policy 135.1.9** and **Policy 160.1.3**. With the stated purpose of **Goal 5** to accommodate the projected population in appropriate locations, the subject site is appropriate for the requested future land use category change.

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

#### **DISCUSSION AND ANALYSIS – TABLE 1(b): YEAR 2045 ALLOCATIONS**

In addition to the requested Future Land Use Map amendment, the applicant has requested an amendment to Table 1(b). This amendment is necessary to maintain internal consistency with the 2045 Lee County population accommodations and **Policy 1.6.5** of the Lee Plan at time of development order. The Table 1(b) amendment would provide residential acres for the Central Urban future land use category in the San Carlos Planning District (District 13). The proposed amendments include adding 12 acres of residential development to the Central Urban future land use category in Planning District 13 and

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<sup>5</sup> APP No. 221025-34136 and APP No 221025-36369

<sup>6</sup> Federal Emergency Management Agency, FEMA Flood Map Service Center, US Department of Homeland Security, 2022, accessed August 8, 2023,

<https://msc.fema.gov/portal/search?AddressQuery=7084%20Babcock%20Road%2C%20Estero%2C%20FL>

<sup>7</sup> Florida Gulf Coast University, based on Fall 2022 enrollment, <https://www.fgc.edu/about/fastfacts>

subtracting 48 residential acres in the Urban Community future land use category of Planning District 13 in order to make the population balance countywide. The proposed changes to Table 1(b) are identified in Attachment 1.

### **SERVICE AVAILABILITY**

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

**Transportation:** The subject property is located on US 41 and Babcock Road. US 41 is a state-maintained arterial road and Babcock Road is a county-maintained minor collector.

Short Range Impacts: Proposed amendment will not cause any roadway link to fall below the recommended minimum acceptable Level of Service thresholds.

Long Range Impacts: Proposed amendment will not cause any roadway link to fall below the recommended minimum acceptable Level of Service thresholds.

Segments of US 41 adjacent to the site are projected to operate at service level “F” by the year 2045 with and without the proposed amendment. Transportation concurrency is non-regulatory per Florida Statutes Section 163.3180 and Lee Plan Policy 95.1.3, which provides “Compliance with non-regulatory LOS standards will not be a requirement for continued development permitting, but will be used for facility planning purposes.”

**Mass Transit:** The subject property is within ¼ mile of a fixed route corridor and bus stop #11569 is within ¼ mile of the property. The 2020 Transit Development Plan identifies the need for enhanced or additional transit services in the area. The developer may be required to connect to and improve transit facilities.

**Utilities:** The subject property is within the Lee County Utilities future potable water and sanitary sewer service areas as identified on Lee Plan Maps 4-A and 4-B. Lee County Utilities has provided a letter stating that adequate potable water and sanitary sewer services are available to support the increased density. Potable water service will be provided through the Pinewood Water Treatment Plant and sanitary sewer will be provided by Three Oaks Water Reclamation Facility. There are no reuse mains within the vicinity of the project.

**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 San Carlos Park Fire Protection and Rescue Service District indicated that they are capable of providing fire protection to the subject property. The subject property is approximately 1.8 miles from Station 51 with a response time of less than three minutes.

**EMS:** The subject property has access to Emergency Medical Services. Lee County Emergency Medical Services indicated that they will be able to serve the property from Medic 9 located 1.8 miles from the property. Three other locations are within 6 miles of the property.



**Police:** The Lee County Sheriff's Office will provide law enforcement services primarily from the South District offices in Bonita Springs. The Sheriff indicated in a letter that development of the subject property will not affect the ability of the Lee County Sheriff's Office to provide core services at this time. The Sheriff's Office requests a Crime Prevention through Environmental Design report at the time of Development Order.

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

### **CONCLUSIONS**

The proposed amendment, which increases the maximum standard density from six dwelling units per acre to 10 dwelling units per acre, with the potential for bonus density up to 15 dwelling units per acre, assists Lee County in accommodating the projected 2045 population outside of the Coastal High Hazard Area.

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

- Development in the surrounding area, including the growing employment centers, support the proposed increase in density, consistent with 135.1.9 and 160.1.3.
- There are adequate regulatory levels of service available to accommodate anticipated development on the subject property, consistent with Objective 2.2.
- The subject property is appropriate for increased residential development, and no characteristics of the property would prohibit residential development, consistent with Policies 5.1.3 and 5.1.2.
- The uses allowed within the proposed future land use category are compatible with nearby uses.

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



**PART 2**  
**LOCAL PLANNING AGENCY**  
**REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: August 28, 2023

**A. LOCAL PLANNING AGENCY REVIEW**

The applicant's representatives provided a presentation addressing the requested amendments, subject property, existing and proposed future land use categories, surrounding uses, consistency with the Lee Plan, and concurrent development order.

Members of the LPA asked for clarification of the boundary of the amendment and whether a public information hearing was needed.

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

There were two public comments on the proposed amendment. The first public comment opposed inclusion of one of the outparcels adjacent to US 41 if it were to be used for residential development and requested that it be removed from the overall request. The second public comment was from the owner of the subject property, expressing support for the amendment.

**B. LOCAL PLANNING AGENCY RECOMMENDATION**

A motion was made to recommend that the Board of County Commissioners (BoCC) ***adopt*** CPA2023-00001. The motion passed 4 to 0.

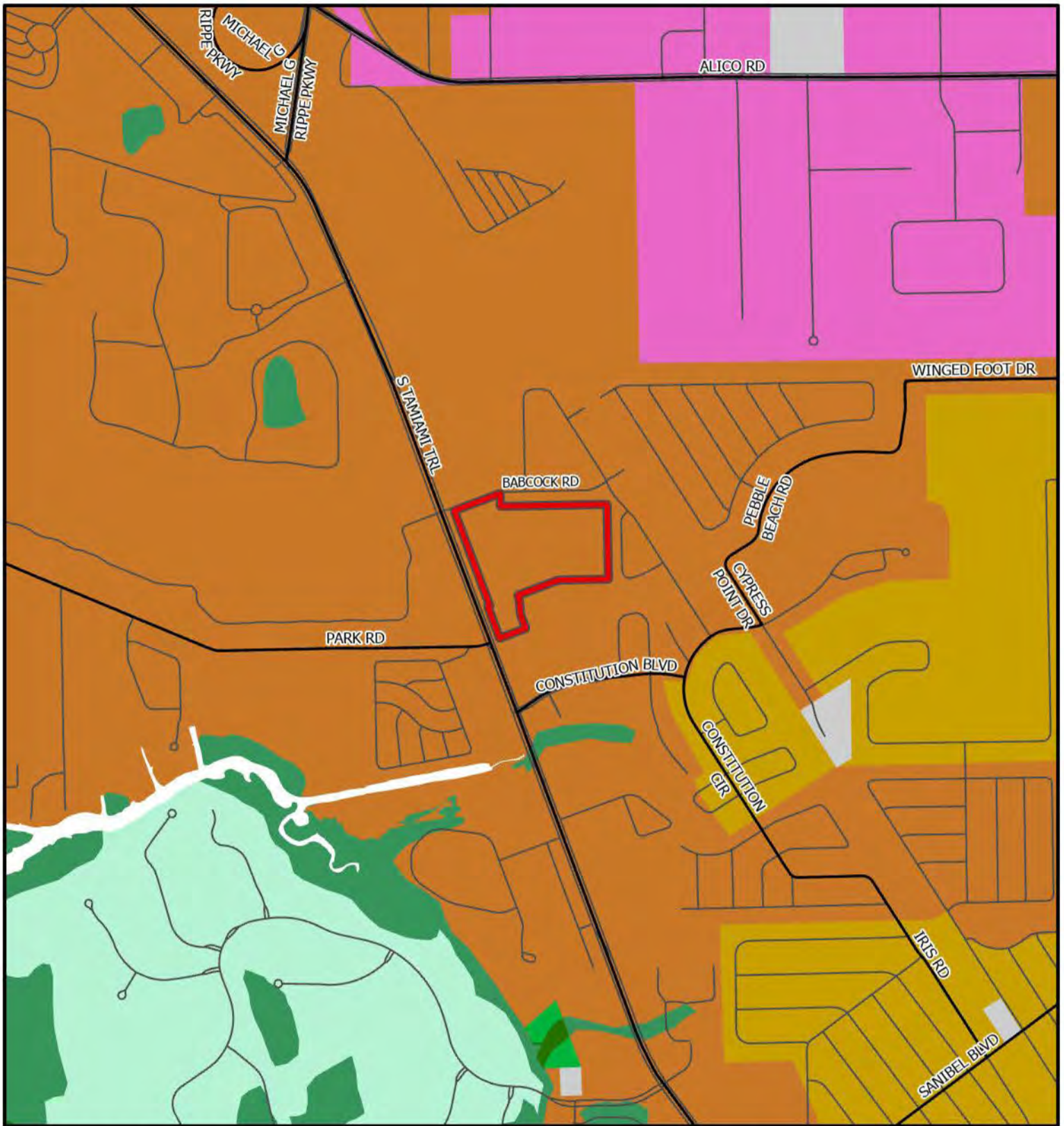
RAYMOND BLACKSMITH	<u>AYE</u>
KEITH DEAN	<u>ABSENT</u>
DUSTIN GARDNER	<u>AYE</u>
DAWN RUSSELL	<u>AYE</u>
DON SCHROTENBOER	<u>AYE</u>
STAN STOUDE	<u>ABSENT</u>
HENRY ZUBA	<u>ABSENT</u>

**C. STAFF RECOMMENDATION**

Staff recommends that the BoCC ***adopt*** the proposed amendment as provided in Attachment 1.

# **ATTACHMENT 1**

- **Existing Future Land Use Map**
- **Proposed Future Land Use Map**
- **Table 1(b)**

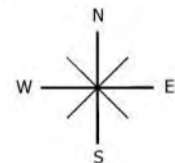


CPA2023-00001

Existing Future Land



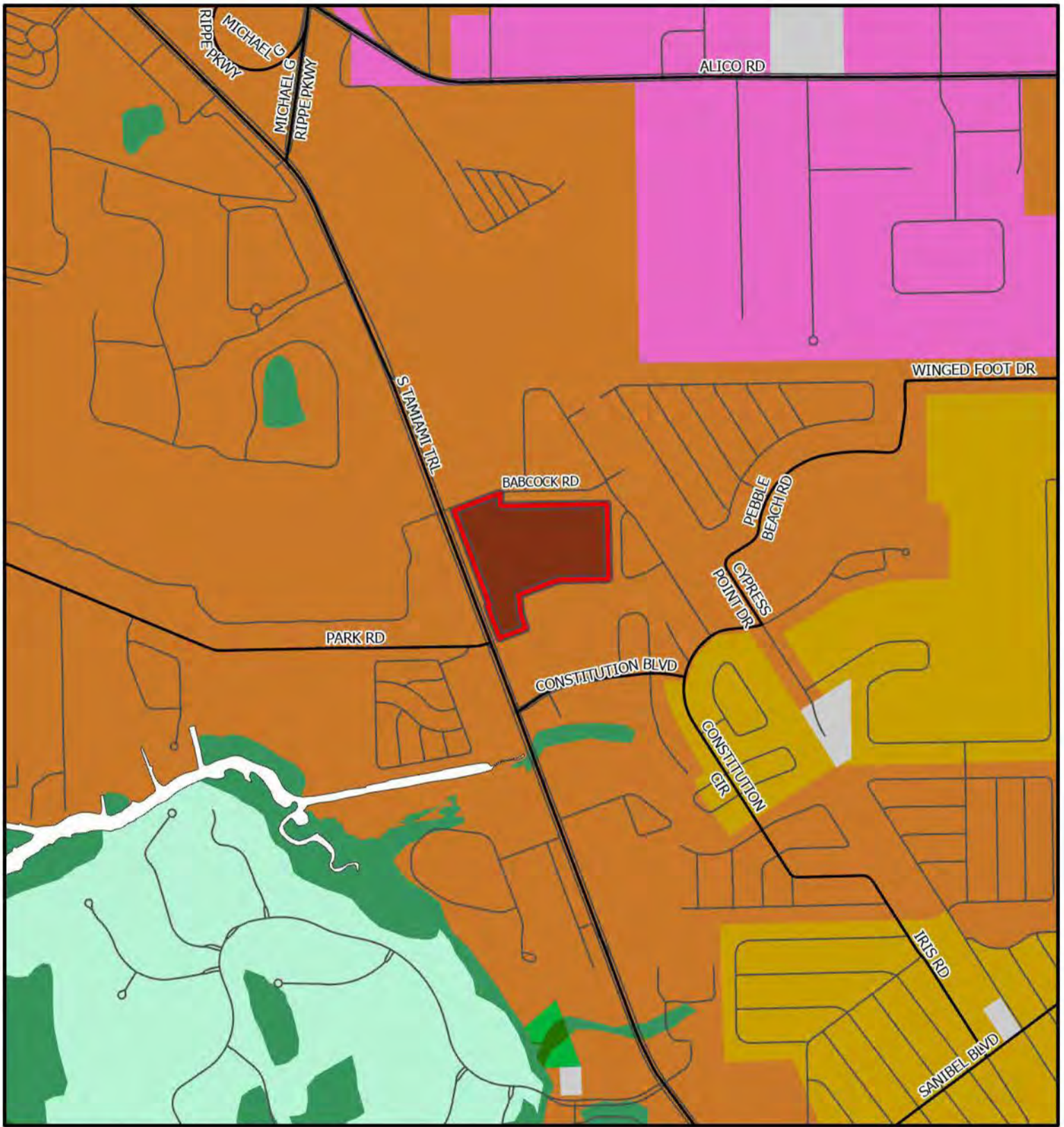
- |                   |                              |
|-------------------|------------------------------|
| Urban Community   | Conservation Lands - Upland  |
| Suburban          | Wetlands                     |
| Industrial        | Conservation Lands - Wetland |
| Public Facilities | Subject Property             |
| Rural             |                              |



0 1,000 2,000  
Feet


Map Generated: August 2023





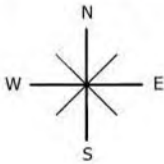
## CPA2023-00001

## Proposed Future Land



Map Generated: August 2023

<span style="display: inline-block; width: 15px; height: 10px; background-color: #8B4513; border: 1px solid black;"></span> Central Urban	<span style="display: inline-block; width: 15px; height: 10px; background-color: #90EE90; border: 1px solid black;"></span> Rural
<span style="display: inline-block; width: 15px; height: 10px; background-color: #FF8C00; border: 1px solid black;"></span> Urban Community	<span style="display: inline-block; width: 15px; height: 10px; background-color: #32CD32; border: 1px solid black;"></span> Conservation Lands - Upland
<span style="display: inline-block; width: 15px; height: 10px; background-color: #FFD700; border: 1px solid black;"></span> Suburban	<span style="display: inline-block; width: 15px; height: 10px; background-color: #2E8B57; border: 1px solid black;"></span> Wetlands
<span style="display: inline-block; width: 15px; height: 10px; background-color: #FF69B4; border: 1px solid black;"></span> Industrial	<span style="display: inline-block; width: 15px; height: 10px; background-color: #006400; border: 1px solid black;"></span> Conservation Lands - Wetland
<span style="display: inline-block; width: 15px; height: 10px; background-color: #D3D3D3; border: 1px solid black;"></span> Public Facilities	<span style="display: inline-block; width: 15px; height: 10px; border: 2px solid red;"></span> Subject Property



0 1,000 2,000

Feet

Table 1(b) Year 2045 Allocations

Future Land Use Category		Unincorporated County		Planning District									
				District 1 Northeast Lee County	District 2 Boca Grande	District 3 Bonita	District 4 Fort Myers Shores	District 5 Burnt Store	District 6 Cape Coral	District 7 Captiva	District 8 Fort Myers	District 9 Fort Myers Beach	District 10 Gateway / Airport
		Existing	Proposed										
Residential By Future Land Use Category	Intensive Development	1,483	1,483	-	-	-	17	-	21	-	238	-	-
	Central Urban	13,838	13,850	-	-	-	207	-	-	-	230	-	25
	Urban Community	22,683	22,635	813	453	-	475	-	-	-	-	-	150
	Suburban	14,871	14,871	-	-	-	1,950	-	-	-	80	-	-
	Outlying Suburban	3,638	3,638	25	-	-	490	13	3	429	-	-	-
	Sub-Outlying Suburban	1,731	1,731	-	-	-	330	-	-	-	-	-	227
	Commercial	-	-	-	-	-	-	-	-	-	-	-	-
	Industrial	15	15	-	-	-	-	-	-	-	-	-	6
	Public Facilities	-	-	-	-	-	-	-	-	-	-	-	-
	University Community	503	503	-	-	-	-	-	-	-	-	-	-
	Destination Resort Mixed Use Water Dependent	8	8	-	-	-	-	-	-	-	-	-	-
	Burnt Store Marina Village	2	2	-	-	-	-	2	-	-	-	-	-
	Industrial Interchange	-	-	-	-	-	-	-	-	-	-	-	-
	General Interchange	134	134	-	-	-	-	-	-	-	-	-	35
	General Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-	-
	Industrial Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-	-
	University Village Interchange	-	-	-	-	-	-	-	-	-	-	-	-
	New Community	2,104	2,104	1,115	-	-	-	-	-	-	-	-	989
	Airport	-	-	-	-	-	-	-	-	-	-	-	-
	Tradeport	3	3	-	-	-	-	-	-	-	-	-	3
	Rural	7,764	7,764	2,431	-	-	800	730	-	-	-	-	-
	Rural Community Preserve	3,517	3,517	-	-	-	-	-	-	-	-	-	-
	Coastal Rural	1,338	1,338	-	-	-	-	-	-	-	-	-	-
	Outer Island	233	233	2	4	-	1	-	-	169	-	-	-
	Open Lands	2,186	2,186	153	-	-	-	257	-	-	-	-	-
	Density Reduction/ Groundwater Resource	6,974	6,974	131	-	-	-	-	-	-	-	-	-
	Conservation Lands Upland	-	-	-	-	-	-	-	-	-	-	-	-
	Wetlands	-	-	-	-	-	-	-	-	-	-	-	-
	Conservation Lands Wetland	-	-	-	-	-	-	-	-	-	-	-	-
Unincorporated County Total Residential		82,026	82,990	4,669	457	-	4,270	1,002	24	598	548	-	1,435
Commercial		8,915	8,915	300	53	-	450	27	9	125	150	-	1,216
Industrial		4,787	4,787	30	3	-	300	10	15	70	315	-	2,134
Non Regulatory Allocations		-	-										
Public		120,211	120,222	14,191	622	-	4,864	7,323	6	2,340	583	-	9,660
Active AG		21,944	21,944	5,500	-	-	240	90	-	-	-	-	2
Passive AG		13,665	13,665	5,500	-	-	615	100	-	-	-	-	465
Conservation		87,746	85,514	2,458	297	-	1,163	3,186	67	1,595	926	-	2,206
Vacant		26,224	26,250	1,145	28	-	733	766	8	103	17	-	88
Total		366,520	366,520	33,793	1,460	-	12,634	12,505	129	4,831	2,538	-	17,205
Population Distribution (unincorporated Lee County)		584,331	585,390	8,235	1,470	-	35,253	2,179	152	725	5,273	-	23,340

Table 1(b) Year 2045 Allocations

Future Land Use Category		Planning District												
		District 11 Daniels Parkway	District 12 Iona / McGregor	District 13 San Carlos		District 14 Sanibel	District 15 South Fort Myers	District 16 Pine Island	District 17 Lehigh Acres	District 18 Southeast Lee County	District 19 North Fort Myers	District 20 Buckingham	District 21 Estero	District 22 Bayshore
				Existing	Proposed									
Residential By Future Land Use Category	Intensive Development	-	-	-	-	-	801	1	30	-	376	-	-	-
	Central Urban	-	656	20	32	-	3,113	-	7,362	-	2,225	-	-	-
	Urban Community	-	978	1,255	1,207	-	863	540	17,034	-	7	115	-	-
	Suburban	-	2,566	2,069	2,069	-	1,202	659	-	-	6,345	-	-	-
	Outlying Suburban	1,253	438	-	-	-	-	502	-	-	396	-	90	-
	Sub-Outlying Suburban	-	-	13	13	-	-	-	-	-	145	66	-	950
	Commercial	-	-	-	-	-	-	-	-	-	-	-	-	-
	Industrial	-	3	3	3	-	3	-	-	-	-	-	-	-
	Public Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-
	University Community	-	-	503	503	-	-	-	-	-	-	-	-	-
	Destination Resort Mixed Use Water Dependent	-	8	-	-	-	-	-	-	-	-	-	-	-
	Burnt Store Marina Village	-	-	-	-	-	-	-	-	-	-	-	-	-
	Industrial Interchange	-	-	-	-	-	-	-	-	-	-	-	-	-
	General Interchange	58	-	-	-	-	-	-	-	8	14	-	-	20
	General Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-	-	-
	Industrial Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-	-	-
	University Village Interchange	-	-	-	-	-	-	-	-	-	-	-	-	-
	New Community	-	-	-	-	-	-	-	-	-	-	-	-	-
	Airport	-	-	-	-	-	-	-	-	-	-	-	-	-
	Tradeport	-	-	-	-	-	-	-	-	-	-	-	-	-
	Rural	1,573	-	99	99	-	-	227	14	-	454	50	-	1,387
	Rural Community Preserve	-	-	-	-	-	-	-	-	-	-	3,517	-	-
	Coastal Rural	-	-	-	-	-	-	1,338	-	-	-	-	-	-
	Outer Island	-	2	-	-	-	-	55	-	-	-	-	-	-
	Open Lands	80	-	-	-	-	-	-	-	-	30	-	-	1,667
	Density Reduction/ Groundwater Resource	-	-	-	-	-	-	-	-	4,742	-	-	-	2,101
	Conservation Lands Upland	-	-	-	-	-	-	-	-	-	-	-	-	-
	Wetlands	-	-	-	-	-	-	-	-	-	-	-	-	-
	Conservation Lands Wetland	-	-	-	-	-	-	-	-	-	-	-	-	-
Unincorporated County Total Residential		2,964	4,650	3,962	3,926	-	5,982	3,322	24,440	4,750	9,991	3,748	90	6,125
Commercial		326	774	938	938	-	2,012	288	900	118	1,121	19	18	72
Industrial		5	198	387	387	-	566	67	218	215	244	4	2	4
Non Regulatory Allocations														
Public		3,214	4,898	6,364	6,375	-	5,883	4,831	20,267	17,992	10,117	3,052	653	3,351
Active AG		5	13	5	5	-	-	2,780	35	12,000	90	630	4	550
Passive AG		10	-	5	5	-	-	70	50	2,500	250	2,000	-	2,100
Conservation		1,677	9,786	2,232		-	211	15,489	1,077	41,028	1,607	382	1,465	895
Vacant		20	55	220	246	-	4	2,200	14,804	2,400	1,227	850	130	1,425
Total		8,221	20,374	14,114	14,114	-	14,658	29,047	61,791	81,003	24,649	10,684	2,362	14,523
Population Distribution (unincorporated Lee County)		14,322	44,132	53,556	54,615	-	76,582	13,431	162,245	17,369	110,722	5,951	741	8,653





## APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT - MAP

**Project Name:** Babcock Rd = US 41

**Project Description:** The application is requesting a map Amendment to change the 25.60-acre site from Urban Community to Central Urban.

**Map(s) to Be Amended:** Map 1, Page 1

**State Review Process:** ☒ Small-Scale Review ☐ State Coordinated Review

☐ Expedited State Review

**RECEIVED**  
AUG 15 2023

1. **Name of Applicant:** Alan C Freeman

Address: 28120 Hunters Ridge Blvd. Suite 5

City, State, Zip: Bonita Springs, FL 34135

Phone Number: 239-267-8888

E-mail: alan\_c\_freeman@yahoo.com

**COMMUNITY DEVELOPMENT**

2. **Name of Contact:** Quattrone & Associates, Inc.

Address: 4301 Veronica Shoemaker Blvd

City, State, Zip: Fort Myers, FL 33916

Phone Number: 239-936-5222

E-mail: permits@qainc.net

3. **Owner(s) of Record:** Alan C Freeman, Trustee (Please see additional property ownership list)

Address: 28120 Hunters Ridge Blvd, Suite 5

City, State, Zip: Bonita Springs, FL 34135

Phone Number: 239-267-8888

E-mail: alan\_c\_freeman@yahoo.com

4. **Property Location:**

1. Site Address: 7084, 7082 Babcock Rd;

2. STRAP(s): 08-46-25-00-01005.0000; 08-46-25-00-01005.0010; 07-46-25-00-00009.001A; 07-46-25-00-00010.0010  
07-46-25-00-00011.0020; 08-46-25-00-01006.0000; 08-46-25-00-01007.0000; 08-46-25-01-00000.001B

5. **Property Information:**

Total Acreage of Property: 25.60

Total Acreage Included in Request: 25.60

Total Uplands: 25.60

Total Wetlands: 0

Current Zoning: AG-2, C-1, C-2

Current Future Land Use Category(ies): Urban

Area in Each Future Land Use Category: 25.60

Existing Land Use: Urban Community

6. **Calculation of maximum allowable development under current Lee Plan:**

Residential Units/Density: 10 du/ac = 256 Commercial Intensity: 250,000 sf

Industrial Intensity: Per "LDC"

*Based on Maximum Total Density*

7. **Calculation of maximum allowable development with proposed amendments:**

Residential Units/Density: 15 du/ac = 384 Commercial Intensity: 250,000 sf

Industrial Intensity: Per "LDC"

*Based on Maximum Total Density*

## **Public Facilities Impacts**

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

**1. Traffic Circulation Analysis:** The analysis is intended to determine the effect of the land use change on the Financially Feasible Highway Plan Map 3A (20-year plus horizon) and on the Capital Improvements Element (5-year horizon).

Toward that end, an applicant must submit a Traffic Impact Statement (TIS) consistent with Lee County Administrative Code (AC)13-17.

- a. Proposals affecting less than 10 acres, where development parameters are contained within the Traffic Analysis Zone (TAZ) or zones planned population and employment, or where there is no change in allowable density/intensity, may be eligible for a TIS requirement waiver as outlined in the Lee County TIS Guidelines and AC-13-17. Identification of allowable density/intensity in order to determine socio-economic data for affected TAZ(s) must be coordinated with Lee County Planning staff. Otherwise a calculation of trip generation is required consistent with AC-13-17 and the Lee County TIS Guidelines to determine required components of analysis for:
  - i. Total peak hour trip generation less than 50 total trip ends – trip generation.
  - ii. Total peak hour trip generation from 50 to 300 total trip ends – trip generation, trip distribution and trip assignment (manual or Florida Standard Urban Transportation Modeling Structure (FSUTMS) analysis consistent with AC-13-17 and TIS Guidelines), short-term (5 year) and long-range (to current Lee Plan horizon year) segment LOS analysis of the nearest or abutting arterial and major collector segment(s) identified in the Transportation Inventory based on the trip generation and roadway segment LOS analysis criteria in AC-13-17. A methodology meeting is recommended prior to submittal of the application to discuss use of FSUTMS, any changes to analysis requirements, or a combined CPA and Zoning TIS short term analysis.
  - iii. Total peak hour trip generation is over 300 total trip ends - trip generation, mode split, trip distribution and trip assignment (manual or FSUTMS analysis consistent with AC-13-17 and TIS Guidelines), short-term (five-year) and long-range (to current Lee Plan horizon year) segment LOS analysis of arterial and collector segments listed in the Transportation Inventory. LOS analysis will include any portion of roadway segments within an area three miles offset from the boundary of the application legal description metes and bounds survey. LOS analysis will also include any additional segments in the study area based on the roadway segment LOS analysis criteria in AC-13-17. A methodology meeting is required prior to submittal of the application.
- b. Map amendment - greater than 10 acres -Allowable density/intensity will be determined by Lee County Planning staff.

**2. Provide an existing and future conditions analysis for the following (see Policy 95.1.3):**

- a. Sanitary Sewer
- b. Potable Water
- c. Surface Water/Drainage Basins
- d. Parks, Recreation, and Open Space
- e. Public Schools

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

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



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

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

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

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

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

#### **Environmental Impacts**

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

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

#### **Impacts on Historic Resources**

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

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

#### **Internal Consistency with the Lee Plan**

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

#### **State Policy Plan and Regional Policy Plan**

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

#### **Justify the proposed amendment based upon sound planning principles**

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

#### **Planning Communities/Community Plan Area Requirements**

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

### **Sketch and Legal Description**

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

### **SUBMITTAL REQUIREMENTS**

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

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

#### **MINIMUM SUBMITTAL ITEMS (3 Copies)**

<input checked="" type="checkbox"/>	Completed Application (Exhibit – M1)
<input checked="" type="checkbox"/>	Disclosure of Interest (Exhibit – M2)
<input checked="" type="checkbox"/>	Surrounding Property Owners List, Mailing Labels, and Map For All Parcels Within 500 Feet of the Subject Property (Exhibit – M3)
<input checked="" type="checkbox"/>	Existing Future Land Use Map (Exhibit – M4)
<input checked="" type="checkbox"/>	Map and Description of Existing Land Uses (Not Designations) of the Subject Property and Surrounding Properties (Exhibit – M5)
<input checked="" type="checkbox"/>	Map and Description of Existing Zoning of the Subject Property and Surrounding Properties (Exhibit – M6)
<input checked="" type="checkbox"/>	Signed/Sealed Legal Description and Sketch of the Description for Each FLUC Proposed (Exhibit – M7)
<input checked="" type="checkbox"/>	Copy of the Deed(s) of the Subject Property (Exhibit – M8)
<input checked="" type="checkbox"/>	Aerial Map Showing the Subject Property and Surrounding Properties (Exhibit – M9)
<input checked="" type="checkbox"/>	Authorization Letter From the Property Owner(s) Authorizing the Applicant to Represent the Owner (Exhibit – M10)
<input checked="" type="checkbox"/>	Proposed Amendments (Exhibit – M11)
<input checked="" type="checkbox"/>	Lee Plan Analysis (Exhibit – M12)
<input checked="" type="checkbox"/>	Environmental Impacts Analysis (Exhibit – M13)
<input checked="" type="checkbox"/>	Historic Resources Impact Analysis (Exhibit – M14)
<input checked="" type="checkbox"/>	Public Facilities Impacts Analysis (Exhibit – M15)
<input checked="" type="checkbox"/>	Traffic Circulation Analysis (Exhibit – M16)
<input checked="" type="checkbox"/>	Existing and Future Conditions Analysis - Sanitary Sewer, Potable Water, Surface Water/Drainage Basins, Parks and Rec, Open Space, Public Schools (Exhibit – M17)
<input checked="" type="checkbox"/>	Letter of Determination For the Adequacy/Provision of Existing/Proposed Support Facilities - Fire Protection, Emergency Medical Service, Law Enforcement, Solid Waste, Mass Transit, Schools (Exhibit – M18)
<input checked="" type="checkbox"/>	State Policy Plan and Regional Policy Plan (Exhibit – M19)
<input checked="" type="checkbox"/>	Justification of Proposed Amendment (Exhibit – M20)
<input type="checkbox"/>	Planning Communities/Community Plan Area Requirements (Exhibit – M21)

### **APPLICANT – PLEASE NOTE:**

Changes to Table 1(b) that relate directly to and are adopted simultaneously with a future land use map amendment may be considered as part of this application for a map amendment.

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

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



AFFIDAVIT

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

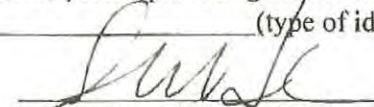
  
Signature of Applicant

\_\_\_\_\_  
Date

Paul H Freeman  
Printed Name of Applicant

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization on October 19 2022 (date) by Paul H Freeman (name of person providing oath or affirmation), who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification.

  
Signature of Notary Public

Sharon Hrabak  
(Name typed, printed or stamped)



AFFIDAVIT

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

Alan C. Freeman \_\_\_\_\_  
Signature of Applicant Date

Alan C. Freeman  
Printed Name of Applicant

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization on October 19, 2022 (date) by Alan C. Freeman (name of person providing oath or affirmation), who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification.

[Signature]  
Signature of Notary Public

Sharon Hrabak  
(Name typed, printed or stamped)



AFFIDAVIT

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

[Signature] Feb 6, 2023  
Signature of Applicant Date

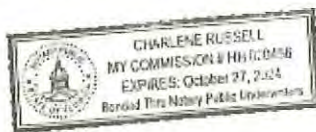
Devin Benjamin  
Printed Name of Applicant

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization on 16 FEBRUARY 2023 by DEVIN BENJAMIN (date) by FLORIDA (name of person providing oath or affirmation), who is personally known to me or who has produced DRIVERS (type of identification) as identification.

[Signature]  
Signature of Notary Public

CHARLENE DEE RUSSELL  
(Name typed, printed or stamped)





## DISCLOSURE OF INTEREST AFFIDAVIT

BEFORE ME this day appeared Alan C. Freeman, who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at 08-46-25-00-01005.0000 and is the subject of an Application for zoning action (hereinafter the "Property").

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

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

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

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

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

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

Name and Address	Percentage of Ownership
<hr/>	<hr/>
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Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief.

Alan C. Freeman  
Property Owner

Alan C. Freeman- Manager  
Print Name

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

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, on October 19, 2022 (date) by Alan C. Freeman (name of person providing oath or affirmation), who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification.

STAMP/SEAL



Sharon Hrabak  
Signature of Notary Public

AFFIDAVIT

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

Alan C. Freeman \_\_\_\_\_  
Signature of Applicant Date

Alan C. Freeman  
Printed Name of Applicant

STATE OF FLORIDA  
COUNTY OF LEE

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Sharon Hrabak  
Signature of Notary Public

Sharon Hrabak  
(Name typed, printed or stamped)





**DISCLOSURE OF INTEREST  
AFFIDAVIT**

BEFORE ME this day appeared Alan C. Freeman, who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at 07-46-25-00-00010.0010, 07-46-25-00-00011.0020, 08-46-25-00-01005.0010, 08-46-25-00-01006.0000, 08-46-25-00-01007.0000, 08-46-25-00-01008.0000, 08-46-25-01-00000.001B, 17-46-25-00-01001.009A, 17-746-25-00-01001.009C and is the subject of an Application for zoning action (hereinafter the "Property").

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

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

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

Name and Address	Percentage of Ownership

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

Alan C. Freeman  
Property Owner

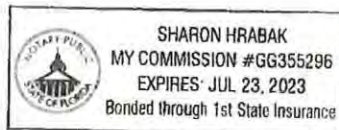
Alan C. Freeman-Trustee  
Print Name

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

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, on October 19, 2022 (date) by Alan C. Freeman (name of person providing oath or affirmation), who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification.

STAMP/SEAL



[Signature]  
Signature of Notary Public

AFFIDAVIT

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

Alan C. Freeman \_\_\_\_\_  
Signature of Applicant Date

Alan C. Freeman  
Printed Name of Applicant

STATE OF FLORIDA  
COUNTY OF LEE

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Sharon Hrabak  
Signature of Notary Public

Sharon Hrabak  
(Name typed, printed or stamped)





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Alan C. Freeman \_\_\_\_\_  
Signature of Applicant Date

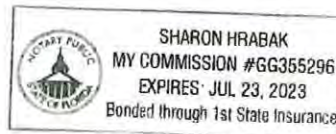
Alan C. Freeman  
Printed Name of Applicant

STATE OF FLORIDA  
COUNTY OF LEE

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Sharon Hrabak  
Signature of Notary Public

Sharon Hrabak  
(Name typed, printed or stamped)



**DISCLOSURE OF INTEREST  
AFFIDAVIT**

BEFORE ME this day appeared Paul H Freeman, who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at 07-46-25-00-00009.001A and is the subject of an Application for zoning action (hereinafter the "Property").

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

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

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

Name and Address	Percentage of Ownership



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

Paul H. Freeman  
Property Owner

Paul H. Freeman-Trustee  
Print Name

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

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, on October 19 2022 (date) by Paul H. Freeman (name of person providing oath or affirmation), who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification.

STAMP/SEAL



Sharon Hrabak  
Signature of Notary Public

AFFIDAVIT

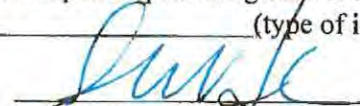
I, Paul H Freeman, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best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

 \_\_\_\_\_  
Signature of Applicant Date

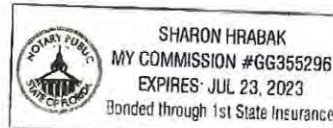
Paul H Freeman  
Printed Name of Applicant

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization on October 19 2022 (date) by Paul H Freeman (name of person providing oath or affirmation), who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification.

  
Signature of Notary Public

Sharon Hrabak  
(Name typed, printed or stamped)



**DISCLOSURE OF INTEREST  
AFFIDAVIT**

BEFORE ME this day appeared Devin Benjamin, who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at 17-45-25-03-00000.1000 and is the subject of an Application for zoning action (hereinafter the "Property").

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

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

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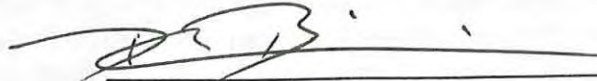
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6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

Name and Address	Percentage of Ownership



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

  
\_\_\_\_\_  
Property Owner

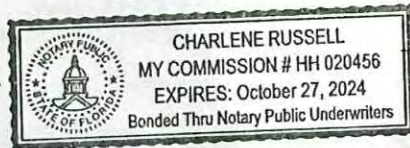
Devin Benjamin-Manager  
Print Name

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

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, on 6 FEBRUARY 2023 (date) by DEVIN BRIDGE BENDMIN (name of person providing oath or affirmation) who is personally known to me or who has produced FLORIDA DRIVERS LICENSE (type of identification) as identification.


STAMP/SEAL



  
\_\_\_\_\_  
Signature of Notary Public

AFFIDAVIT

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

  
Signature of Applicant

Feb 6, 2023  
Date

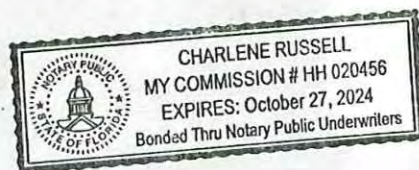
Devin Benjamin  
Printed Name of Applicant

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization on 6 FEBRUARY 2023 BY: DEVIN BENJAMIN (date) by (name of person providing oath or affirmation), who is personally known to me or who has produced FLORIDA DRIVER'S LICENSE (type of identification) as identification.

  
Signature of Notary Public

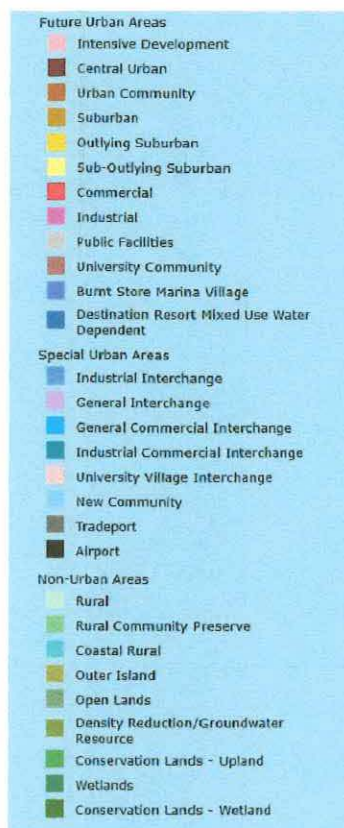
CHARLENE DEE RUSSELL  
(Name typed, printed or stamped)



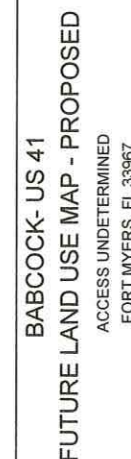


### Property List of Owners On Record

Strap #	Owner on Record	Owner Address
07-46-25-00-00009.001A	Paul H Freeman Trust	28120 Hunter Ridge Blvd, Ste 5 Bonita Springs, FL 34135
07-46-25-00-00010.0010	Alan C Freeman Trust	28120 Hunter Ridge Blvd, Ste 5 Bonita Springs, FL 34135
07-46-25-00-00011.0020	Alan C Freeman Trust	28120 Hunter Ridge Blvd, Ste 5 Bonita Springs, FL 34135
08-46-25-00-01005.0000	SW FL Dev Group Inc.	28120 Hunter Ridge Blvd, Ste 5 Bonita Springs, FL 34135
08-46-25-00-01005.0010	Alan C Freeman Trust	28120 Hunter Ridge Blvd, Ste 5 Bonita Springs, FL 34135
08-46-25-00-01006.0000	Alan C Freeman Trust	28120 Hunter Ridge Blvd, Ste 5 Bonita Springs, FL 34135
08-46-25-00-01007.0000	Alan C Freeman Trust	28120 Hunter Ridge Blvd, Ste 5 Bonita Springs, FL 34135
08-46-25-01-00000.001B	Alan C Freeman Trust	28120 Hunter Ridge Blvd, Ste 5 Bonita Springs, FL 34135

[illegible]

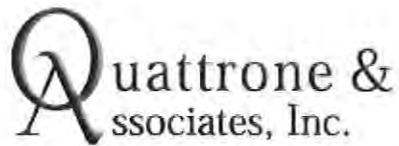
- THIS AERIAL PHOTOGRAPH SHOWN WERE PROVIDED BY LEE COUNTY GOVERNMENT AND WERE TAKEN IN 2021.
- FUTURE LAND USE DATA FROM LEE COUNTY GIS OPEN DATA, UPDATED 2021.



cker Blvd - Fort Myers, Florida 33901

SHEET  
M-4  
FUTURE LAND  
USE PROPOSED





## **Babcock Road & US 41**

### **Narrative Description of Existing Land Uses Exhibit M5**

#### **Subject Property**

The subject property consists of 8 parcels that make up 25.60 acres and are located on the southeast corner of S. Tamimi Trail-US41 (State Maintained, 6-lane divided arterial roadway) and Babcock Rd (a county maintained minor collector road) within the commercial road corridor. The property is in Section 07, Township 46 South, Range 25 East, and Section 08, Township 46 South, Range 25 Lee County, Florida at 17801-831 South Tamiami Trail, Fort Myers. We are proposing to extend the existing reverse access road to connect Babcock Rd to Constitution Blvd.

#### **North**

To the north, across Babcock Rd. are existing Single -Family and Duplex Residential properties and proposed future development of a hybrid storage facility known as "The Toy Vault".

#### **East**

To the East is a well-established Commercial Subdivision consisting of Marc's Automotive (auto repair shop), Southwest Florida Auto (Auto Sales), Florida Structural Group (Structural Repair Group), Superior Marine salvage (Marine Shop and Services) as well as several commercial buildings and multi-family buildings.

#### **South**

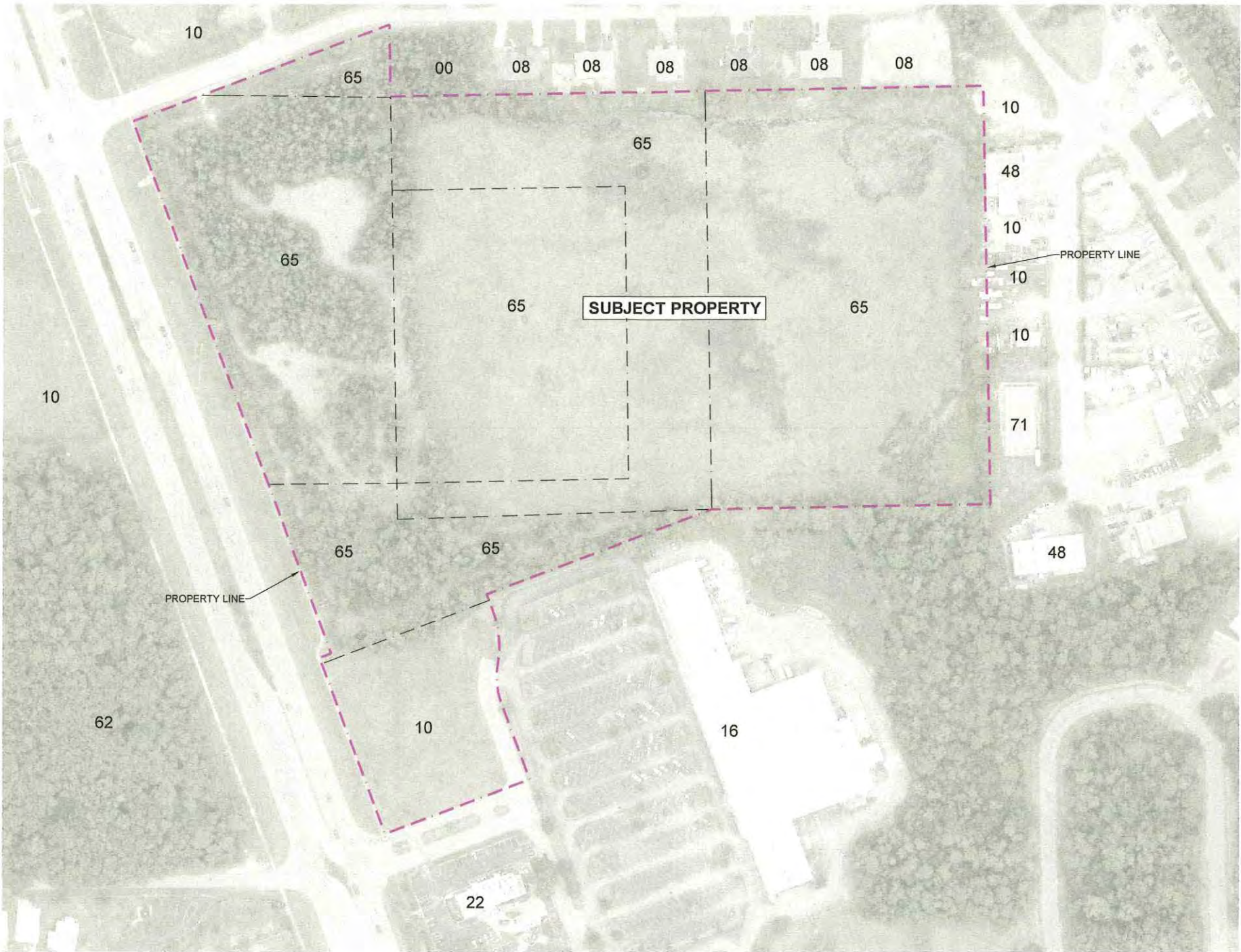
To the south, a neighborhood shopping plaza, fast food restaurant and across from Constitution Blvd is an existing Days Inn, by Wyndham hotel, Springs Grill Pizzeria and Port San Carlos Gardens M/F Condo Building.

#### **West**

To the West, across from US Hwy 41 is developed with a multi-use commercial building, Mobile Gas station and vacant land



EXHIBIT M-5 EXISTING LAND USE MAP



DEPARTMENT OF REVENUE PROPERTY CLASSIFICATION CODE LEGEND:	
08	MULTI FAMILY LESS THAN 10
10	VACANT COMMERCIAL
16	COMMUNITY SHOPPING CENTER
22	DRIVE IN RESTAURANTS
48	WAREHOUSING, DISTRIBUTION TERMINALS
62	GRAZING LAND CLASS I
65	GRAZING LAND CLASS VI
71	CHURCHES, TEMPLES

SUBJECT PROPERTY	
STRAP #'s	
07-46-25-00-00009.001A	
08-45-25-00-01005.0010	
07-46-25-00-00010.0010	
08-46-25-00-01006.0000	
08-46-25-00-01005.0000	
07-46-25-00-00011.0020	
08-46-25-00-01007.0000	
08-46-25-01-00000.001B	



BABCOCK- US 41  
EXISTING USES MAP  
ACCESS UNDETERMINED  
FORT MYERS, FL 33967

**Quattrone & Associates, Inc.**  
Engineers, Planners, & Development Consultants  
4301 Veronica Shoemaker Blvd - Fort Myers, Florida 33916 - 239-936-5222  
Certificate of Authorization Number: 9465

ALFRED QUATTRONE, P.E.  
FL REG #52741  
UNLESS OTHERWISE NOTED  
SAVED BY: Gabriela  
SAVED ON: 6/5/23  
SHEET  
M-5  
EXISTING  
LAND USE





### **Babcock Road & US 41**

#### **Narrative Description of Existing Zoning Exhibit M6**

The subject property is 25.60 acres consisting of 8 parcels. The current zoning is Commercial (C-1 and C-2).

#### **West**

Properties to the west, across US 41 are zoned CS-1 (Special Commercial Office), CN-2 (Neighborhood Commercial) C-1A and CPD (Commercial Planned Development). The Commercial Planned Development known as, Harborage PUD/CPD is approved for 24,900 sf of Commercial and 565 units of Residential Uses.

#### **North**

Properties to the North, across Babcock Rd. are zoned C-2 (Commercial) and RS-2 (Residential Multi-family)

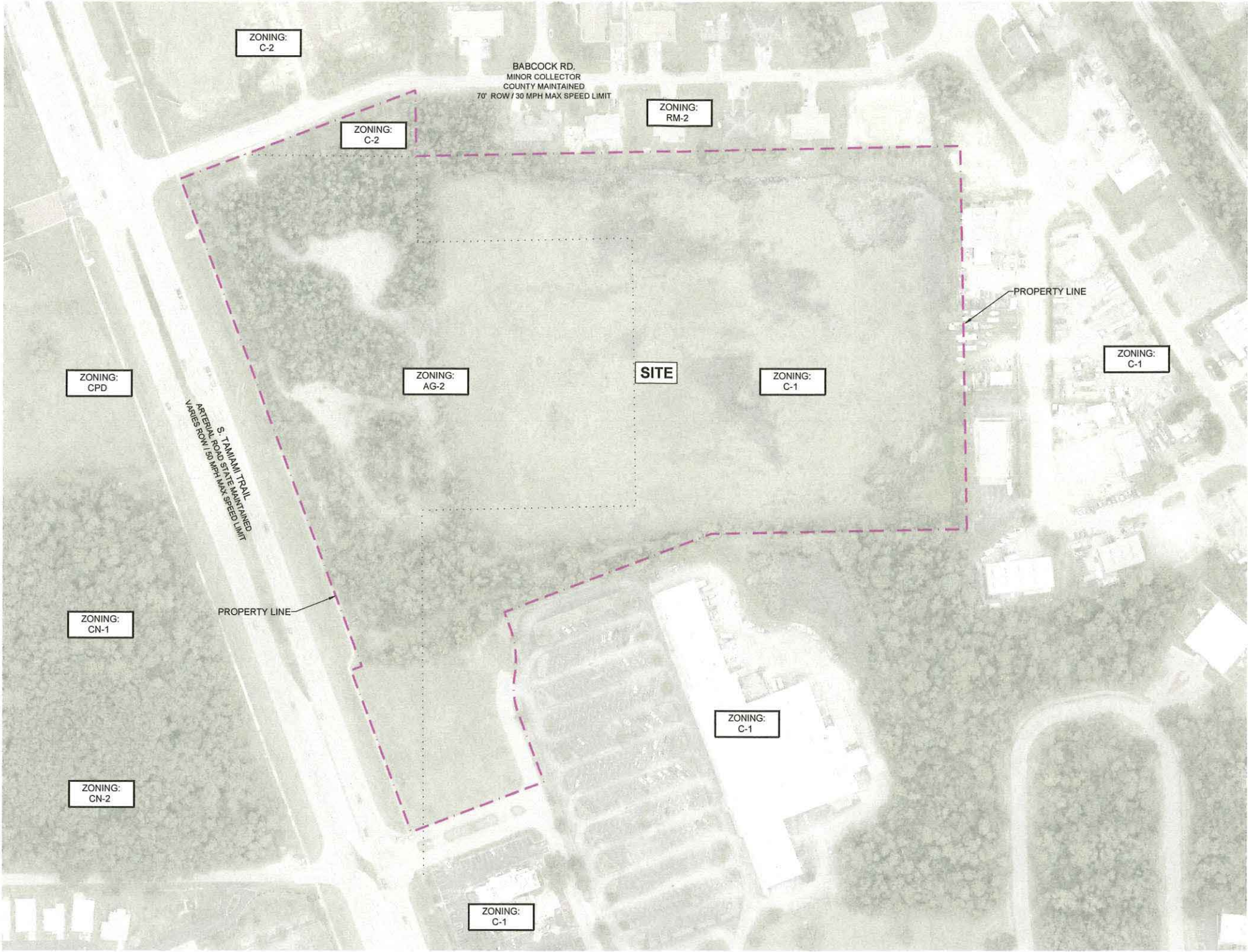
#### **East**

Properties to the east are zoned C-1 (Commercial)

#### **South**

To the south, is zoned C-2 and across Constitution Blvd is zoned CT (Tourist Commercial)

EXHIBIT M-6 ZONING LAND USE



NOTES:

- THIS AERIAL PHOTOGRAPH SHOWN WERE PROVIDED BY LEE COUNTY GOVERNMENT AND WERE TAKEN IN 2021.
- FUTURE LAND USE DATA FROM LEE COUNTY GIS OPEN DATA, UPDATED 2021.

BABCOCK- US 41  
ZONING LAND USE MAP  
ACCESS UNDETERMINED  
FORT MYERS, FL 33967

**Quattrone & Associates, Inc.**  
Engineers, Planners, & Development Consultants  
4301 Veronica Shoemaker Blvd - Fort Myers, Florida 33916 - 239-936-5222  
Certificate of Authorization Number: 9465

ALFRED QUATTRONE, P.E.  
FL REG #52741  
VALID ONLY WITH STAMPED SEAL

SAVED BY: Gabriela  
SAVED ON: 6/5/23

SHEET  
M-6  
ZONING



## LEGAL DESCRIPTION & SKETCH

PART OF THE SE 1/4 SECTION 7 &  
PART OF THE SW 1/4 OF THE SW 1/4 SECTION 8,  
TOWNSHIP 46 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA

### DESCRIPTION:

ALL OF THE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 2351, PAGE 3155, ALSO KNOWN AS PARCEL 1; AND ALL OF THE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 2241, PAGE 204, ALSO KNOWN AS PARCEL 2; PUBLIC RECORDS OF LEE COUNTY, FLORIDA; BEING LOCATED IN THE SOUTHWEST 1/4, SOUTHWEST 1/4, SECTION 8; THE SOUTHWEST QUARTER OF SECTION 8; AND THE SOUTHEAST QUARTER OF SECTION 7, AS WELL AS PART OF LOT 1, SAN CARLOS CENTER, AS DEPICTED ON PAGE 1 OF PLAT BOOK 42, SAID PUBLIC RECORDS, ALL LYING IN TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 8, ALSO BEING THE NORTHWEST CORNER OF SAN CARLOS PARK NORTHWEST ADDITION AS RECORDED IN PLAT BOOK 28, PAGES 12 AND 13 SAID PUBLIC RECORDS, SAID POINT LYING NORTH 01 DEGREES 03 MINUTES 52 SECONDS WEST, 2624.95 FEET FROM THE SOUTHWEST CORNER OF SECTION 8; THENCE SOUTH 01 DEGREES 03 MINUTES 52 SECONDS EAST, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8, ALSO BEING THE WEST LINE OF SAID SAN CARLOS PARK NORTHWEST ADDITION, A DISTANCE OF 1204.59 FEET TO THE NORTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1837, PAGE 3275 SAID PUBLIC RECORDS AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 01 DEGREES 03 MINUTES 52 SECONDS EAST, A DISTANCE OF 120.32 FEET TO THE SOUTHWEST CORNER OF SAID SAN CARLOS PARK NORTHWEST ADDITION; THENCE NORTH 88 DEGREES 55 MINUTES 59 SECONDS EAST, ALONG THE NORTH LINE OF SAID PARCEL 2 AND THE SOUTH LINE OF SAID SAN CARLOS PARK NORTHWEST ADDITION, A DISTANCE OF 529.82 FEET TO THE NORTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1830, PAGE 3434 AND THE NORTHWEST CORNER OF SAID PARCEL 1; THENCE CONTINUE NORTH 88 DEGREES 55 MINUTES 59 SECONDS EAST, ALONG SAID SOUTH LINE AND THE NORTH LINE OF SAID PARCEL 1, A DISTANCE OF 470.00 FEET TO THE NORTHWEST CORNER OF SAN CARLOS PARK COMMERCIAL ADDITION AS RECORDED IN PLAT BOOK 29, PAGES 18 AND 19 SAID PUBLIC RECORDS, AND THE NORTHEAST CORNER OF SAID PARCEL 1; THENCE SOUTH 01 DEGREES 04 MINUTES 01 SECONDS EAST, ALONG THE WEST LINE OF SAID SAN CARLOS PARK COMMERCIAL ADDITION AND THE EAST LINE OF SAID PARCEL 1, A DISTANCE OF 701.04 FEET TO THE NORTH LINE AND AN EXTENSION OF LOT 1,

### NOTES:

1. BEARINGS ARE BASED ON THE WEST LINE OF THE SOUTHWEST QUARTER, OF THE SOUTHWEST QUARTER OF SAID SECTION 8 AS BEING S01°03'52"E.
2. ALL DIMENSIONS ARE IN U.S. SURVEY FEET OR DECIMALS THEREOF.
3. NOT VALID WITHOUT THE ATTACHED SKETCH OF DESCRIPTION.
4. THIS IS NOT A BOUNDARY SURVEY



Digitally signed  
by Darren

Townsend

Date:

2023.02.16

14:41:40 -05'00'

DARREN TOWNSEND  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 6476

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



AIM Engineering & Surveying, Inc.  
2161 FOWLER STREET, SUITE 100  
FORT MYERS, FLORIDA 33901  
www.aimengr.com  
PHONE (239) 332-4569  
TOLL FREE (800) 226-4569  
LICENSED BUSINESS No. 3114

### LEGAL DESCRIPTION & SKETCH BABCOCK & US 41 PARCEL 3

DRAWN: RH 02-14-2023		CHECKED: DT 02-14-2023		CLIENT: QUATTRONE & ASSOCIATES, INC.	
PROJECT NO.: 22-1441	SECTION: 7 & 8	TOWNSHIP: 46 S	RANGE: 25 E	COUNTY: LEE	SHEET 1 OF 3



## LEGAL DESCRIPTION & SKETCH

PART OF THE SE 1/4 SECTION 7 &  
PART OF THE SW 1/4 OF THE SW 1/4 SECTION 8,  
TOWNSHIP 46 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA

SAN CARLOS CENTER AS RECORDED IN PLAT BOOK 42, PAGE 2 OF SAID PUBLIC RECORDS; THENCE ALONG SAID NORTH LINE AND THE EXTENSION THEREOF SOUTH 88 DEGREES 55 MINUTES 59 SECONDS WEST, PARALLEL WITH THE SOUTH LINE OF SAID SAN CARLOS NORTHWEST ADDITION, A DISTANCE OF 470.00 FEET; THENCE CONTINUE ALONG SAID SOUTH LINE, SOUTH 69 DEGREES 17 MINUTES 11 SECONDS WEST, A DISTANCE OF 404.89 FEET TO THE NORTHWEST CORNER OF THE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 4129, PAGE 4367, SAID PUBLIC RECORDS; THENCE ALONG THE WESTERLY BOUNDARIES OF SAID LANDS FOR THE FOLLOWING 4 COURSES: 1.) THENCE SOUTH 20 DEGREES 42 MINUTES 49 SECONDS EAST, A DISTANCE OF 29.76 FEET TO A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 170 FEET, A DELTA ANGLE OF 30 DEGREES 18 MINUTES 33 SECONDS, BEING SUBTENDED BY A CHORD BEARING SOUTH 5 DEGREES 33 MINUTES 32 SECONDS EAST, A CHORD DISTANCE OF 88.88 FEET; 2.) THENCE ALONG SAID CURVE TO THE RIGHT A DISTANCE OF 89.93 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 130.00 FEET, A DELTA ANGLE OF 30 DEGREES 18 MINUTES 33 SECONDS, BEING SUBTENDED BY A CHORD BEARING SOUTH 05 DEGREES 33 MINUTES 32 SECONDS EAST, A CHORD DISTANCE OF 67.97 FEET; 3.) THENCE ALONG SAID CURVE TO THE LEFT, A DISTANCE OF 68.77 FEET; 4.) THENCE SOUTH 20 DEGREES 42 MINUTES 49 SECONDS EAST, A DISTANCE OF 134.72 FEET; THENCE LEAVING SAID BOUNDARIES, SOUTH 69 DEGREES 23 MINUTES 55 SECONDS WEST, A DISTANCE OF 260.62 FEET TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF S.R. 45 (U.S. 41, 153 FEET FROM THE CENTERLINE OF SURVEY FOR MAP SECTION 12010-2503); THENCE NORTH 20 DEGREES 36 MINUTES 05 SECONDS WEST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 315.37 FEET TO THE NORTHWEST CORNER OF LOT 1 SAN CARLOS CENTER, AS DEPICTED ON PAGES 1 AND 2 OF PLAT BOOK 42, SAID PUBLIC RECORDS, THENCE CONTINUE ALONG SAID RIGHT OF WAY, NORTH 69 DEGREES 17 MINUTES 11 SECONDS EAST, A DISTANCE OF 21.00 FEET, THENCE CONTINUE ALONG SAID RIGHT OF WAY, NORTH 20 DEGREES 36 MINUTES 05 SECONDS WEST, A DISTANCE OF 952.61 TO THE SOUTHERLY RIGHT OF WAY LINE OF BABCOCK ROAD EXTENSION (60 FEET WIDE); THENCE NORTH 69 DEGREES 24 MINUTES 09 SECONDS EAST, ALONG SAID BABCOCK ROAD EXTENSION, A DISTANCE OF 460.23 FEET TO THE POINT OF BEGINNING.

CONTAINING 25.60 ACRES, MORE OR LESS.

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD
C-1	89.93'	170.00'	030° 18' 33"	S 05° 33' 32" E	88.88'
C-2	68.77'	130.00'	030° 18' 33"	S 05° 33' 32" E	67.97'



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LICENSED BUSINESS No. 3114

### LEGAL DESCRIPTION & SKETCH BABCOCK & US 41 PARCEL 3

DRAWN: RH 02-14-2023		CHECKED: DT 02-14-2023		CLIENT: QUATTRONE & ASSOCIATES, INC.	
PROJECT NO.: 22-1441	SECTION: 7 & 8	TOWNSHIP: 46 S	RANGE: 25 E	COUNTY: LEE	SHEET 2 OF 3



# LEGAL DESCRIPTION & SKETCH

PART OF THE SE 1/4 SECTION 7 &  
PART OF THE SW 1/4 OF THE SW 1/4 SECTION 8,  
TOWNSHIP 46 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA



0 100 200

INTENDED DISPLAY SCALE: 1" = 200'

POC

NW COR SW 1/4 SEC. 8  
& NW COR SAN CARLOS PARK  
NORTHWEST ADDITION

POB

N = 780901.13'  
E = 709202.53'

SAN CARLOS PARK  
NORTHWEST ADDITION  
P.B. 28, PG. 5 12-13

BABCOCK ROAD  
70' R/W (P)

FREEMAN DR.  
60' R/W (P)

SAN CARLOS PARK  
COMMERCIAL ADDITION  
P.B. 28, PG. 5 18-19

LOT 10 LOT 9 LOT 8 LOT 7 LOT 6 LOT 5 LOT 4

LOT 3

N 69°24'09" E 460.23'

S 01°03'52" E  
120.32'

N 88°55'59" E 529.82'

N 88°55'59" E 470.00'

PARCEL 2  
(O.R. 2241, PG. 204)

PARCEL 1  
(OR. 2351, PG. 3155 &  
O.R. 1830, PG. 3434)

S 01°04'01" E 701.04'

N 01°04'01" W 701.04'

W LINE, SW 1/4, SEC. 8 - E LINE, SE 1/4, SEC. 7  
BASIS OF BEARINGS  
S 01°03'52" E 2624.95'

TAMiami TRAIL (STATE ROAD 45)  
ESTABLISHED PER R/W MAPS FOR  
SECTION 12010-2503

N 20°36'05" W  
952.61'

N 69°17'11" E  
21.00'

S 69°17'11" W  
404.89'

N = 780089.78'  
E = 709747.54'

LOT 1  
SAN CARLOS CENTER  
P.B. 42, PG. 2

## LEGEND:

- COR = CORNER
- D = DEED INFORMATION
- E = EAST OR EASTING COORDINATE
- LB = LICENSED BUSINESS
- N = NORTH OR NORTHING COORDINATE
- NO. OR # = NUMBER
- O.R. = OFFICIAL RECORDS BOOK
- (P) = PLAT INFORMATION
- P.B. = PLAT BOOK
- PG. = PAGE
- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT
- PSM = PROFESSIONAL SURVEYOR & MAPPER
- SEC. = SECTION
- R/W = RIGHT OF WAY

PARCEL 3  
REMAINDER OF LOT 1  
SAN CARLOS CENTER  
P.B. 42, PG. 2

N 20°36'05" W  
153'

ACCESS EASEMENT  
O.R. 3665, PG. 3586

S 20°42'49" E  
134.72'

ACCESS EASEMENT  
O.R. 3665, PG. 3586

S 69°23'55" W  
260.62'

SEE SHEET 2 OF 3 FOR CURVE TABLE  
NOT VALID WITHOUT THE ATTACHED DESCRIPTION.

## LEGAL DESCRIPTION & SKETCH BABCOCK & US 41 PARCEL 3

DRAWN: RH 02-14-2023		CHECKED: DT 02-14-2023		CLIENT: QUATTRONE & ASSOCIATES, INC.	
PROJECT NO.: 22-1441	SECTION: 7 & 8	TOWNSHIP: 46 S	RANGE: 25 E	COUNTY: LEE	SHEET 3 OF 3



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LICENSED BUSINESS No. 3114



3070383

Documentary Tax Pct. \$ .60  
 Indemnitee Tax Pct.  
 \$                       
 By S. Thompson Deputy Clerk  
 CLERK, CLERK, CLERK, CLERK, CLERK

07-46-25-00-00007.001A  
 07-46-25-00-00010.0630  
 08-46-25-00-01006.0000  
 08-46-25-00-01005.0010

WDFREE

Folio No.

## WARRANTY DEED

THIS INDENTURE, made the 6<sup>th</sup> day of August, 1991 by and between JULES FREEMAN, individually and as Beneficiary of the Estate of Edythe Freeman, and PAUL H. FREEMAN, ALAN C. FREEMAN and NEIL D. FREEMAN, individually, and as Trustees of the Residuary Trust and beneficiaries of the Estate of Edythe Freeman, collectively referred to as the parties of the first part, and PAUL H. FREEMAN and ALAN C. FREEMAN, as Trustees, whose post office address is 19091 Tamiami Trail S.E., Fort Myers, Florida 33912, the parties of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of TEN (\$10.00) DOLLARS in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, and sold to the parties of the second part, their successors and assigns forever, the following described land, situate and being in the County of Lee, State of Florida, to-wit:

See Exhibit "A" attached hereto.

Subject to easements, restrictions and limitations of record, if any, provided nothing herein shall reimpose same; and zoning ordinances.

The Grantors warrant and represent that the referenced property is not homestead property and that neither Grantors nor any member of Grantors' families have ever resided thereon or on land contiguous thereto.

The Grantors constitute all of the beneficiaries of the Estate of Edythe Freeman.

And the said parties of the first part do hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of:

Geraldine Freeman  
 WITNESS GERALDINE FREEMAN

Holly D. Clark  
 WITNESS HOLLY D. CLARK

Mary A. Lee  
 WITNESS MARY A. LEE

Janie D. Hershey  
 WITNESS JANIE D. HERSHEY

David Choate  
 WITNESS DAVID CHOATE

Bill Ennen  
 WITNESS BILL ENNEN

Jules Freeman  
 JULES FREEMAN, individually and as Beneficiary 7086 FAIRWAY BEND CIRCLE SARASOTA, FL. 34243

Paul H. Freeman  
 PAUL H. FREEMAN, individually and as Trustee and as Beneficiary 6045 ROLLING ROAD DRIVE MIAMI, FL. 33156

Alan C. Freeman  
 ALAN C. FREEMAN, individually and as Trustee and as Beneficiary 13716 BRYNWOOD LANE S.E. FT. MYERS, FL. 33912

RECORD VERIFIED - CHARLIE GREEN, CLERK  
 BY: SUSAN THOMPSON

OR2241 PG0204



Mitchell J. Kippola  
WITNESS MITCHELL T. KIPPOLA

Desaete McCullom  
WITNESS TRESSETTE MCCULLOM

Neil D. Freeman  
NEIL D. FREEMAN, individually and  
as Trustee and as Beneficiary  
551 W. FULLERTON AVE.  
CHICAGO, IL 60614

North Carolina  
STATE OF ~~FLORIDA~~  
COUNTY OF Watauga

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared JULES FREEMAN, individually and as Beneficiary, to me known to be the person described in and who executed the foregoing instrument and he has acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 6 day of August, 1991.

My Commission Expires:  
My Commission Expires October 22, 1995

Elizabeth McDowell  
Notary Public

ELIZABETH MCDOWELL

STATE OF FLORIDA  
COUNTY OF Dade

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared PAUL H. FREEMAN, individually and as Trustee and as Beneficiary, to me known to be the person described in and who executed the foregoing instrument and he has acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 9th day of August, 1991.

My Commission Expires:

NOTARY PUBLIC, STATE OF FLORIDA,  
MY COMMISSION EXPIRES: OCT. 15, 1993.  
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

Jane D. Hershey  
Notary Public  
JANIE D. HERSEY

STATE OF FLORIDA  
COUNTY OF Lee

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared ALAN C. FREEMAN, individually and as Trustee and as Beneficiary, to me known to be the person described in and who executed the foregoing instrument and he has acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 12th day of August, 1991.

My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA  
MY COMMISSION EXP. OCT. 15, 1994  
BONDED THRU GENERAL INS. UND.

Carol A. Draayer  
Notary Public

CAROL A. DRAAYER

CAROL A. DRAAYER  
1991 Janiuni Dial  
Fort Myers FL 33908

OR2241 PG0205



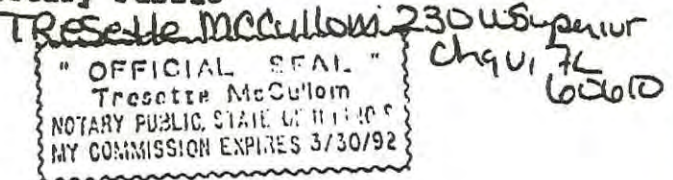
STATE OF ILLINOIS  
COUNTY OF COOK

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared NEIL D. FREEMAN, individually and as Trustee and as Beneficiary, to me known to be the person described in and who executed the foregoing instrument and he has acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 4th day of August, 1991.

My Commission Expires:

Tresette McCullom  
Notary Public



This Instrument prepared by:

PAUL H. FREEMAN, P.A.  
9100 South Dadeland Blvd., Suite 1406  
Miami, Florida 33156  
(305) 662-5999

OR2241 PG0206

EXHIBIT "A"

LEGAL DESCRIPTION

A TRACT OR PARCEL OF LAND LYING IN THE SOUTHWEST QUARTER OF SECTION 8, AND THE SOUTHEAST QUARTER OF SECTION 7, ALL IN TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 8 AND ALSO BEING THE NORTHWEST CORNER OF SAN CARLOS PARK NORTHWEST ADDITION AS RECORDED IN PLAT BOOK 28, PAGES 12 AND 13 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S01°02'58"E (BASIS OF BEARINGS BASED ON THE CENTERLINE SURVEY FROM S.R. 45 RIGHT-OF-WAY MAP, SECTION 12010-2503, SHEET 5, BEING N20°35'30"W) ALONG THE WEST LINE OF SAID SECTION 8 AND SAN CARLOS PARK NORTHWEST ADDITION FOR 1204.59 FEET TO THE NORTHEAST CORNER OF LANDS DESCRIBED IN O.R. BOOK 1837, PAGE 3275 OF AFORESAID PUBLIC RECORDS AND THE POINT OF BEGINNING; THENCE CONTINUE S01°02'58"E FOR 121.15 FEET TO THE SOUTHWEST CORNER OF SAID SAN CARLOS PARK NORTHWEST ADDITION; THENCE N88°57'02"E ALONG THE SOUTH LINE OF SAID SAN CARLOS PARK NORTHWEST ADDITION FOR 530.00 FEET TO THE NORTHWEST CORNER OF LANDS DESCRIBED IN O.R. BOOK 1830, PAGE 3434 OF AFORESAID PUBLIC RECORDS; THENCE S01°02'58"E ALONG THE WEST LINE OF SAID LANDS FOR 701.04 FEET TO THE NORTH LINE OF LOT 1, SAN CARLOS CENTER AS RECORDED IN PLAT BOOK 42, PAGE 2 OF AFORESAID PUBLIC RECORDS; THENCE S69°19'18"W ALONG SAID NORTH LINE FOR 684.42 FEET INTO AFORESAID SECTION 7 TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF S.R. 45 (U.S. 41, 153 FEET FROM THE CENTERLINE OF SURVEY); THENCE N20°35'30"W ALONG SAID RIGHT-OF-WAY LINE FOR 953.15 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF BABCOCK ROAD EXTENSION (60 FEET WIDE); THENCE N69°24'30"E ALONG SAID RIGHT-OF-WAY LINE FOR 459.97 FEET TO THE POINT OF BEGINNING.

CONTAINING 16.04 ACRES, MORE OR LESS.

OR2241 PG0207

CHARLIE GREEN LEE CTY. FL  
91 AUG 16 PM 2:19



1950  
700  
STRAP #08-46-25-00-01005.0000

3316616

QUIT CLAIM DEED

70  
*Exherwork*

OR2351 PG3155

THIS INDENTURE, made this 2nd day of December, 1992, between EAST MULLOCH DRAINAGE DISTRICT, a Drainage District created pursuant to the provisions of Chapter 63-930, Law of Florida (1963), of the County of Lee and State of Florida, party of the first part, and SOUTHWEST FLORIDA DEVELOPMENT GROUP, INC., party of the second part,

WITNESSETH

That the said party of the first part, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has remised, released and quitclaimed, and by these presents does remise, release and quitclaim unto the said party of the second part all the right, title, interest, claims and demand which the said party of the first part has in and to the following described lot, piece or parcel of land, situate lying and being in the County of Lee, State of Florida, to wit:

See Attached "Exhibit A"

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest and claim whatsoever of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part.

This Deed is subject to the easement and reservation rights of the Grantor, for drainage and related purposes, over, through and across the above property in accordance with the terms and provisions of that certain Easement and Maintenance Agreement dated December 2, 1992, between the parties hereto, which Easement and Maintenance Agreement is intended to be recorded in the Public Records of Lee County, Florida.

IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand and seal the day and year first above written.

Prepared by:

Alan C. Freeman  
19091 Tamiami Trail, S.E.  
Fort Myers, Florida 33908

RECORD VERIFIED - CHARLIE GREEN, CLERK  
BY: K. Delisle, D.C.

Documentary Tax Pd. \$ 70  
Intangible Tax Pd.  
CHARLIE GREEN, CLERK  
LEE COUNTY  
Deputy Clerk



Signed, Sealed and Delivered  
in Our Presence-

EAST MULLOCH DRAINAGE DISTRICT

Frances G. Doese  
Witness FRANCES G. DOESE  
Paul L. Orate  
Witness PAUL L. ORATE

BY: Stephen H. Scott  
STEPHEN H. SCOTT, Chairman of  
the Board of Supervisors

OR 2351 PG 3156

Bill Eanen  
Witness BILL EANEN

BY: Alan C. Freeman  
ALAN C. FREEMAN, Member of  
the Board of Supervisors

David L. Orate  
Witness DAVID L. ORATE

Wendy Williamson  
Witness WENDY WILLIAMSON

BY: Gayle Sassano  
GAYLE SASSANO, Member of  
the Board of Supervisors

David L. Orate  
Witness DAVID L. ORATE

STATE OF FLORIDA  
COUNTY OF LEE

EXECUTION of the foregoing instrument was acknowledged before me this 3<sup>rd</sup> day  
of DECEMBER, 1992, by STEPHEN H. SCOTT who is personally  
known to me or who has produced sufficient evidence of identification (described below )  
and who did not take an oath.

Frances G. Doese  
NOTARY PUBLIC - SIGNATURE ABOVE

NOTARY NAME:

COMMISSION NO.:

COMMISSION EXP. DATE:

OFFICIAL NOTARY SEAL
FRANCES G. DOESE
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC213215
MY COMMISSION EXPIRES JULY 8, 1994

(Affix Notary Seal)

Notary Name/Commission No./Exp. Date - typed or printed





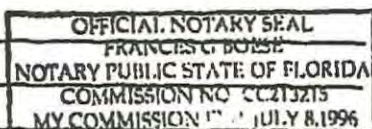
STATE OF FLORIDA  
COUNTY OF LEE

EXECUTION of the foregoing instrument was acknowledged before me this 31<sup>st</sup> day  
of December, 1992, by ALAN C. FREEMAN who is personally  
known to me or who has produced sufficient evidence of identification (described below )  
and who did not take an oath.

OR2351 Pg3157

  
NOTARY PUBLIC - SIGNATURE ABOVE

NOTARY NAME: \_\_\_\_\_  
COMMISSION NO.: \_\_\_\_\_  
COMMISSION EXP. DATE: \_\_\_\_\_



(Affix Notary Seal)

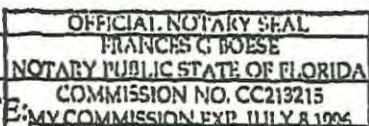
Notary Name/Commission No./Exp. Date - typed or printed

STATE OF FLORIDA  
COUNTY OF LEE

EXECUTION of the foregoing instrument was acknowledged before me this 31<sup>st</sup> day  
of December, 1992, by GAYLE SASSANO who is personally  
known to me or who has produced sufficient evidence of identification (described below )  
and who did not take an oath.

  
NOTARY PUBLIC - SIGNATURE ABOVE

NOTARY NAME: \_\_\_\_\_  
COMMISSION NO.: \_\_\_\_\_  
COMMISSION EXP. DATE: \_\_\_\_\_



(Affix Notary Seal)

Notary Name/Commission No./Exp. Date - typed or printed

**EXHIBIT "A"**

A parcel of land located in the Southwest 1/4, Southwest 1/4, Section 8, Township 46 South, Range 25 East, Lee County Florida:

Commencing at the Southwest corner of said Section 8; thence North 0 degrees 59' 23" West 600.00' feet along the West line of the Southwest 1/4, Southwest 1/4 of said Section 8; thence North 89 degrees 00' 37" East 530.0' to the Point of the Beginning;

Thence North 0 degrees 59' 23" West 701.04 feet parallel with the West line of the Southwest 1/4, of said Section 8 to a point on the South line of San Carlos Park, Northwest Addition, as recorded in Plat Book 28, Pages 12 and 13; Thence North 89 degrees 00' 37" East 470.00 feet along the South line of San Carlos Park, Northwest Addition, to the Northwest corner of San Carlos Park, Commercial Addition, as recorded in Plat Book 28, Pages 18 and 19; Thence South 0 degrees 59' 23" East 701.04 feet along the West line of San Carlos Park Commercial Addition; Thence South 89 degrees 00' 37" West 470.00 feet parallel with the South line of San Carlos Park, Northwest Addition to the Point of Beginning.

0R2351 PG3158

CHARLIE GREEN LEE CITY FL  
92 DEC 30 PM 4:58



INSTR # 5264341

OR BK 03505 PG 4845

RECORDED 10/19/01 12:42 PM  
CHARLIE GREEN CLERK OF COURT  
LEE COUNTY

RECORDING FEE 15.00  
DOC TAX PD (F.S. 201.02) 0.70  
DEPUTY CLERK K. Cartwright

FOLIO NO. 08-46-25-01-00000-0010

QUIT-CLAIM DEED

THIS QUIT-CLAIM DEED, executed this 18 day of October, 2001, by ALAN C. FREEMAN, individually and as Trustee, of Lee County, Florida, party of the first part, to ALAN C. FREEMAN, as Trustee of an unrecorded land trust pursuant to Section 689.071 of the Florida Statutes, with the power and authority either to protect, conserve, and to sell, or to lease or to encumber or to otherwise manage and dispose of the real property described herein whose post office address is 19091 Tamiami Trail S.E., Ft. Myers, Florida, 33908, party of the second part:

WITNESSETH, That the said party of the first part, for and in consideration of the sum of TEN (\$10.00) DOLLARS in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said party of the second part forever, all the right, title, interest, claim and demand which the said party of the first part has in and to the following described parcel of real property, situate, lying and being in the County of Lee, State of Florida, to wit:

SEE EXHIBIT "A" ATTACHED HERETO

This Deed is being recorded to properly convey title to Alan C. Freeman, as Trustee under Section 689.071, correcting the omission of the powers in the original deed, and to specify the area owned by the Grantee which now comprises a shopping center owned by the Grantee.

The property conveyed hereunder is not now, nor has it ever been the homestead property of the Grantor, nor has it ever been adjacent to the homestead property of the Grantor.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part forever.

IN WITNESS WHEREOF the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered  
in the presence of:

Marc Garrett, WITNESS  
Andree McKae, WITNESS

Alan C. Freeman  
ALAN C. FREEMAN, Individually  
and as Trustee

STATE OF FLORIDA  
COUNTY OF LEE

EXECUTION OF the foregoing instrument was acknowledged before me this 18<sup>th</sup> day of October, 2001, by ALAN C. FREEMAN, who is personally known to me or who has produced sufficient evidence of identification (described below) and who did not take an oath.

Description of identification produced: \_\_\_\_\_

NOTARY PUBLIC - SIGNATURE ABOVE

NOTARY NAME: \_\_\_\_\_

COMMISSION NO.: \_\_\_\_\_

COMMISSION EXP. DATE: \_\_\_\_\_

Notary Name/Commission No./Exp. Date - type or printed

(Affix Notary Seal)



Stephen Bradley Bowman  
COMMISSION # CC 722626  
EXPIRES MAR 8, 2002  
BONDED THRU  
ATLANTIC BONDING CO., INC.

This instrument prepared by:  
Paul H. Freeman, Esq.  
1840 West 49<sup>th</sup> Street  
Suite 410  
Hialeah, Florida 33012  
(305) 827-3331  
Florida Bar # 0161840



**DESCRIPTION:**

A tract of land lying in Sections 8 and 17, Township 46 South, Range 25 East, Lee County, Florida being more particularly described as follows:

Commence at the Southwest corner of the Northwest Quarter (N.W.1/4) of the Northwest Quarter (N.W.1/4) of Section 17, Township 46 South, Range 25 East, Lee County, Florida; thence Easterly along the South line of the Northwest Quarter (N.W.1/4) of the Northwest Quarter (N.W.1/4) of said Section 17 for 328.46 feet to a point on the centerline of U.S. Highway 41 (State Road 45); thence N.20°35'30"W. along said centerline for 1750.08 feet; thence N.69°24'30"E. for 153.00 feet to a 6" X 6" State Road Department concrete monument marking the Northeasterly right-of-way line of said U.S. Highway 41; thence N.69°19'18"E. for 280.00 feet to the Point of beginning; thence S.20°35'30"E. for 30.19 feet to a point of curvature on the arc of a curve concave Southwesterly; thence Southeasterly 89.92 feet along said curve having a radius of 170.00 feet and a central angle of 30°18'28" to a point of reverse curvature; thence Southeasterly 68.77 feet along the arc of said curve having a radius of 130.00 feet and a central angle of 30°18'28" to a point of tangency; thence S.20°35'30"E. for 449.02 feet to a point of curvature on the arc of a curve concave Northeasterly; thence Southeasterly 117.11 feet along the arc of said curve having a radius of 80.00 feet and a central angle of 83°52'30" to a point of tangency; thence N.75°31'56"E. for 59.14 feet to a point of curvature on the arc of a curve concave Southwesterly; thence Southeasterly for 186.20 feet along the arc of said curve having a radius of 120.00 feet and a central angle of 88°54'22" to a point of non-tangency; thence N.06°21'30"W. for 136.63 feet to a point of curvature on the arc of a curve concave Southeasterly; thence Northeasterly 19.84 feet along the arc of said curve having a radius of 15.00 feet and a central angle of 75°46'00" to a point of tangency; thence N.69°24'30"E. for 292.92 feet; thence N.00°48'59"W. for 280.36 feet; thence N.28°49'13"E. for 109.19 feet; thence N.53°26'05"E. for 168.14 feet to a point on a curve on the Southerly line of San Carlos Park Commercial Addition as recorded in Plat Book 28, Pages 18 and 19, Public Records of Lee County, Florida; thence run Southwesterly along the Southerly line of said San Carlos Park Commercial Addition for 82.86 feet along the arc of a curve concave Southeasterly, with a radius of 1000.00 feet, a delta of 04°44'52", a chord bearing of S.86°34'36"W. and a chord distance of 82.84 feet to the Southwest corner of Lot 46, said San Carlos Park Commercial Addition; thence N.01°02'58"W. along the West line of said San Carlos Park Commercial Addition for 149.02 feet; thence S.88°57'02"W. for 469.84 feet; thence S.69°19'18"W. for 404.42 feet to the point of beginning.

Tract containing 11.58 acres, more or less.

Bearings are based on the centerline of U.S. Highway 41 as being N.20°35'30"W.

  
John B. Harris  
P.S.M. #4631  
October 17, 2001





This Instrument Prepared By  
and Can Be Returned to:  
Jay A. Brett  
SHEPPARD, BRETT, STEWART, HERSCH  
& KINSEY, P.A.  
P.O. Drawer 400  
Fort Myers, Florida 33902

INSTR # 6056826  
UR 0K 04129 Pgs 4367 - 4371; (5pgs)  
RECORDED 11/24/2003 03:40:01 PM  
CHARLIE GREEN, CLERK OF COURT  
LEE COUNTY, FLORIDA  
RECORDING FEE 24.00  
DEED DUC 0.70  
DEPUTY CLERK C Keller

**FEE SIMPLE DEED**

THIS INDENTURE, made this 21 day of November, 2003, between **WEBBER COMMERCIAL PROPERTIES, LLC, a Florida Limited Liability Company**, whose mailing address is: 6751 Boston State Road, Hamburg, New York 14075, Grantor, and **WEBBER COMMERCIAL PROPERTIES, LLC, a Florida Limited Liability Company**, whose mailing address is: 6751 Boston State Road, Hamburg, New York 14075, Grantee,

**WITNESSETH**, that the said Grantor, for and in consideration of the sum of TEN DOLLARS AND OTHER GOOD & VALUABLE CONSIDERATION-----to them in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, its heirs and assigns forever, the following described land, situate, lying and being in the County of Lee, State of Florida, to-wit:

**SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE AS DEPICTED ON THE SKETCH ATTACHED AS EXHIBIT "B" HERETO.**

**THIS IS A DEED OF CONFIRMATION GIVEN FOR THE SOLE PURPOSE OF CONFIRMING AN APPROVED LOT SPLIT FOR PARCEL "F" AS RECONFIRMED BY LEE COUNTY, FLORIDA IN CASE# LDO 2003-00332-TYPE 05 LIMITED REVIEW (COMMERCIAL LOT SPLIT) AS PER LETTER FROM THE LEE COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT, DEVELOPMENT SERVICES DIVISION DATED OCTOBER 10, 2003, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT "C".**

Property Appraiser's Parcel Identification Number: 08-46-25-01-00000.0010

**TOGETHER**, with all the tenements, hereditaments and appurtenances, with every privilege, right, title, interest and estate, dower and right of dower, reversion, remainder and easement thereto belonging or in anywise appertaining.

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

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and seal the day and year first above written.

Signed, Sealed and Delivered  
in Our Presence:

WEBBER COMMERCIAL PROPERTIES, LLC,  
a Florida Limited Liability Company

Linda C. Klockner  
Witness Signature

Linda C. Klockner  
Printed Name of Witness

Robin Dudek  
Witness Signature

Robin Dudek  
Printed Name of Witness

BY: Ray T. Webber  
ITS: owner/manager

STATE OF New York

COUNTY OF Erie

The foregoing instrument was acknowledged before me this 21 day of November, 2003, by Ray T. Webber, as owner/manager, **WEBBER COMMERCIAL PROPERTIES, LLC**, (☒) who is personally known to me or ( ) who has produced \_\_\_\_\_ as identification.

Cindy A. Gracon  
NOTARY PUBLIC  
Cindy A. Gracon  
PRINTED NAME OF NOTARY PUBLIC

Commission Number Cindy A. Gracon #01GR5067894  
Notary Public, State of New York  
Commission Exp. Date: Qualified in Erie County  
My Commission Expires 10/28/2004



## DESCRIPTION: PARCEL F

A tract of land lying in sections 8 and 17, Township 46 South, Range 25 East, Lee County, Florida being more particularly described as follows:

Commence at the Southwest corner of the Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) of Section 17, Township 46 South, Range 25 East; thence Easterly along the South line of the Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) of said Section 17 for 328.48 feet to a point on the centerline of U.S. Highway 41 (State Road 45); thence N. 20° 35' 30" W. along said centerline for 1750.08 feet; thence N. 89° 24' 30" E. for 153.00 feet; thence N. 89° 19' 18" E. for 280.00 feet to the Point of Beginning; thence S. 20° 35' 30" E. for 30.19 feet to a point of curvature on the arc of a curve concave Southwesterly; thence Southeasterly 89.92 feet along said curve having a radius of 170.00 feet and a central angle of 30° 18' 28" to a point of reverse curvature; thence Southeasterly 68.77 feet along the arc of said curve having a radius of 130.00 feet and a central angle of 30° 18' 33" to a point of tangency; thence S. 20° 35' 30" E. for 449.21 feet to a point of curvature on the arc of a curve concave Northeasterly; thence Southeasterly 117.11 feet along the arc of said curve having a radius of 80.00 feet and a central angle of 83° 52' 34" to a point of tangency; thence N. 75° 31' 58" E. for 59.14 feet to a point of curvature on the arc of a curve concave Southwesterly; thence Southeasterly for 186.20 feet along the arc of said curve having a radius of 120.00 feet and a central angle of 88° 54' 19" to a point of non-tangency; thence N. 06° 21' 30" W. for 136.63 feet to a point of curvature on the arc of a curve concave Southeasterly; thence Northeasterly 19.84 feet along the arc of said curve having a radius of 15.00 feet and a central angle of 75° 46' 00" to a point of tangency; thence N. 69° 24' 30" E. for 292.92 feet; thence N. 00° 48' 59" W. for 280.36 feet; thence N. 28° 50' 28" E. for 217.59 feet; thence N. 00° 59' 23" W. for 148.98 feet; thence S. 89° 00' 37" W. for 470.00 feet; thence S. 89° 19' 18" W. for 404.42 feet to the Point of Beginning.

Tract containing 11.49 acres more or less.

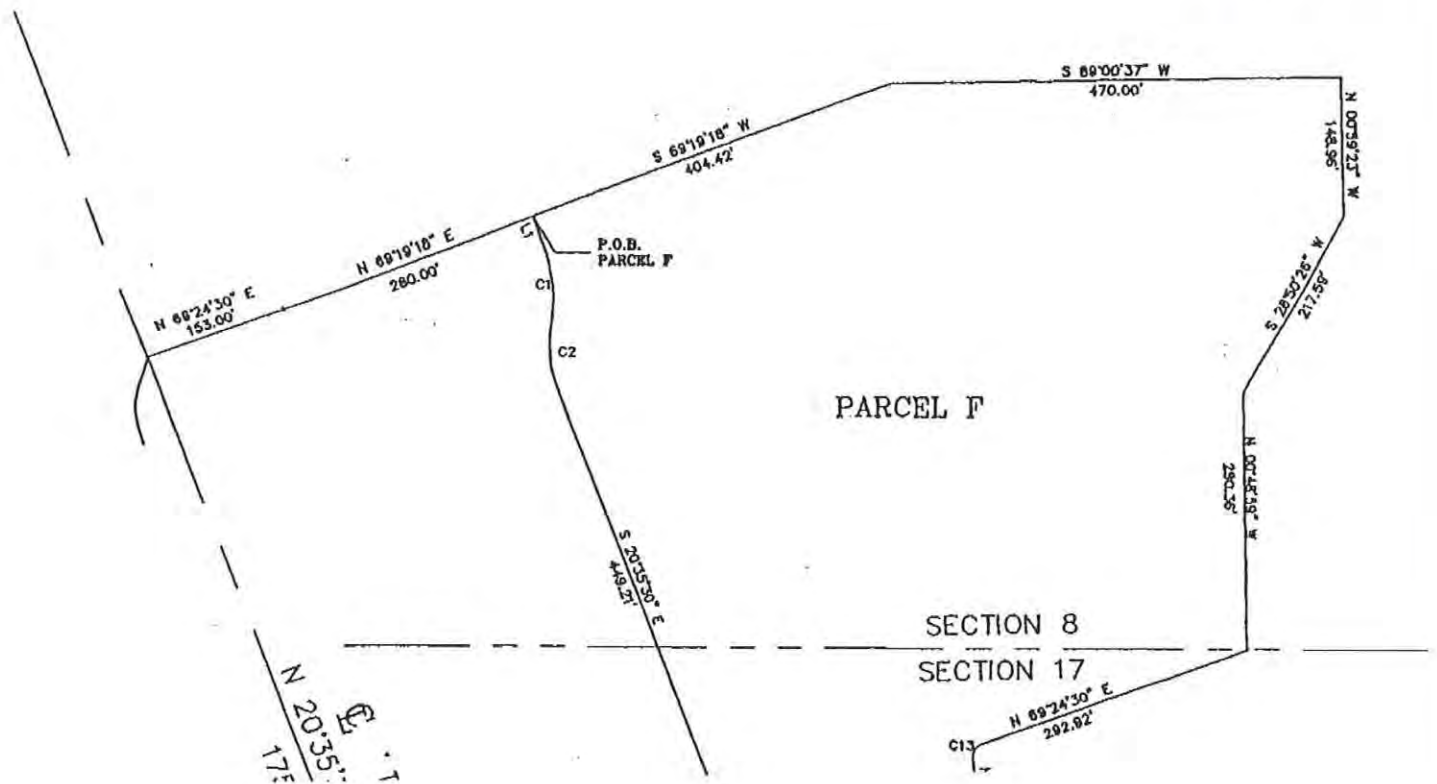
# EXHIBIT "B"

LINE	DIRECTION	DISTANCE
L1	S 20°35'30" E	30.19'
L2	N 76°31'06" E	69.14'

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	170.00'	89.92'	48.04'	88.88'	S 05°28'17" E	30°18'28"
C2	130.00'	68.77'	35.21'	67.97'	S 05°26'17" E	30°18'33"
C8	80.00'	117.11'	71.88'	108.93'	S 82°31'47" E	83°52'34"
C9	120.00'	188.20'	117.73'	188.08'	S 80°00'24" E	88°54'19"
C13	15.00'	19.84'	11.07'	18.42'	N 31°31'30" E	75°48'00"



SCALE 1" = 100'





BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8375

Bob Janes  
District One

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

Andrew W. Coy  
District Four

John E. Albion  
District Five

Donald D. Stilwell  
County Manager

James G. Yeager  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

October 10, 2003

JAY BRETT  
2121 WEST FIRST ST  
FORT MYERS, FL 33901

RE: SAN CARLOS MARKETPLACE SHP CT  
LDO2003-00332 - TYPE 05 Limited Review (commercial lot split)  
L05 Application (Type 5)

Dear JAY BRETT :

Your application for a Land Development Code TYPE 05 Limited Review (commercial lot split) has been approved for a Development Order for a commercial lot split for the following:

This approves reaffirmation of DOS 96-01-208.05L for parcel reconfiguration of Parcel F, San Carlos Marketplace Shopping Center.

NOTE: Development Services Lot Split verifies that the lot complies with applicable Zoning and Development Standards as outlined in the Lee County Land Development Codes.

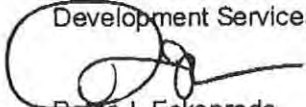
It is the responsibility of the property owner to record deeds in the public records of Lee County to properly execute the subdivision (splitting) of land approved by the LDC Limited Review Development Order within six (6) years from the date of this approval.

This approval does not relieve the development from the responsibility to obtain all necessary Federal, State and local permits.

If you have any questions concerning this matter, please contact this office.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Development Services Division

  
Peter J. Eckenrode  
Development Services Director

PJE / LLL

5 sets of plans.

Prepared by and return to:

**John D. Spear, Esq.**

**Henderson, Franklin, Starnes & Holt, P.A. (B)**

**3451 Bonita Bay Blvd, Suite 206**

**Bonita Springs, FL 34134**

**239-344-1100**

**File Number: JDS 40857-1**

[Space Above This Line For Recording Data]

## Warranty Deed

**This Warranty Deed** made this 24th day of May, 2022 between **David Luciani** whose post office address is **25711 Inlet Way Court, Bonita Springs, FL 34135**, grantor, and **7001 Constitution, LLC, a Florida limited liability company** whose post office address is **6350 NW 120 Dr., Coral Springs, FL 33076**, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

**Witnesseth**, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Lee County, Florida** to-wit:

**A tract or parcel of land lying in part of Lot 1, San Carlos Center, as recorded in Plat Book 42, Page 1, Public Records of Lee County, Florida described as follows:**

**Commencing at the Northwestern corner of the aforesaid Lot 1, said point lying on the Easterly right-of-way line of State Road 45 (U.S. Hwy. 41, Tamiami Trail) 132.00 feet right-of-way from centerline; thence run S. 20° 35'30" E. along said right-of-way line for 719.43 feet to a concrete monument; thence run N. 69° 24'30" E. for 249.00 feet to the point of beginning; thence run N. 25° 00'53" E. for 7.35 feet to a point on a curve on the Southwesterly right-of-way line of a 40.00 foot wide ingress-egress easement; thence run Southeasterly along said right-of-way line for 82.71 feet along the arc of a curve concave Northeasterly, with a radius of 120.00 feet and a delta of 39° 28'52" to a point of tangency; thence run N. 75° 31'56" E. along said right-of-way line for 59.14 feet to a point of curvature; thence run Southeasterly along said right-of-way line for 124.14 feet along the arc of a curve concave Southwesterly, with a radius of 80.00 feet and a delta of 88° 54'22" to a point of tangency; thence run S. 15° 33'45" E along said right-of-way for 50.15 feet to a point on the Northerly right-of-way line of Constitution Boulevard; thence run Southwesterly along said right-of-way line for 204.15 feet along a curve concave Southeasterly, with a radius of 1063.00 feet and a delta of 11° 00'14"; thence run N. 20° 35'30" W. for 178.77 feet to the point of beginning.**

**Parcel Identification Number: 17-46-25-03-00000.1000**

**Grantor warrants that at the time of this conveyance, the subject property is not the Grantor's homestead within the meaning set forth in the Constitution of the State of Florida, nor is it contiguous to or a part of homestead property. Grantor's residence and homestead address is: 25711 Inlet Way Ct., Bonita Springs, FL.**

**Subject to property taxes for the year of closing; covenants, restrictions and public utility easements of record; existing zoning and governmental regulations.**



**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**To Have and to Hold**, the same in fee simple forever.

**And** the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to **December 31, 2021**.

**In Witness Whereof**, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Karen Bonough  
Witness Name: Karen Bonough

Colleen Bush  
Witness Name: Colleen Bush

David Luciani (Seal)  
David Luciani

State of Florida  
County of Lee

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 24<sup>th</sup> day of May, 2022 by David Luciani, who ☐ is personally known or ☒ has produced a driver's license as identification.

[Notary Seal]

Karen S Bonough  
Notary Public

Printed Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



FOLIO NO. 08-46-25-01-00000.001B

QUIT-CLAIM DEED

THIS QUIT-CLAIM DEED, executed this \_\_\_\_ day of September, 2005, by ALAN C. FREEMAN, Individually and as Trustee, whose post office address is 19091 Tamiami Trail S.E., Fort Myers, Florida 33908, party of the first part, to ALAN C. FREEMAN, as Trustee under a Florida Land Trust Agreement, with the power and the authority either to protect, conserve, and to sell, or to lease or to encumber or to otherwise manage and dispose of the real property described herein, whose post office address is 19091 Tamiami Trail S.E., Fort Myers, Florida 33908, party of the second part:

WITNESSETH, That the said party of the first part, for and in consideration of the sum of TEN (\$10.00) DOLLARS in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said party of the second part forever, all the right, title, interest, claim and demand which the said party of the first part has in and to the following described parcel of real property, situate, lying and being in the County of Lee, State of Florida, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE AS DEPICTED ON THE SKETCH ATTACHED AS EXHIBIT "B" HERETO.

THIS IS A DEED OF CONFIRMATION GIVEN FOR THE SOLE PURPOSE OF CONFIRMING AN APPROVED LOT SPLIT FOR PARCEL "D" AS RECONFIRMED BY LEE COUNTY, FLORIDA IN CASE # LDO 2003-00332-TYPE 05 LIMITED REVIEW (COMMERCIAL LOT SPLIT) AS PER LETTER FROM THE LEE COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT, DEVELOPMENT SERVICES DIVISION DATED SEPTEMBER 23, 2004, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT "C".

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part forever.

The Property is not now nor has it ever been Homestead Property of the Grantor nor adjacent to any homestead property of the Grantor.

IN WITNESS WHEREOF the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of:

Brooke S. Allen, WITNESS

Mary K. Allen, WITNESS

STATE OF FLORIDA  
COUNTY OF LEE

By: Alan C. Freeman  
Alan C. Freeman, Individually and as Trustee

EXECUTION OF the foregoing instrument was acknowledged before me this 7th day of September, 2005, by ALAN C. FREEMAN, Individually and as Trustee, who is personally known to me or who has produced sufficient evidence of identification (described below) and who did take an oath.

Description of identification produced: \_\_\_\_\_

Brooke S. Allen  
NOTARY PUBLIC - SIGNATURE ABOVE

This instrument prepared by:  
Paul H. Freeman, Esq.  
1840 West 49th Street, Suite 410  
Hialeah, FL 33012


 Brooke S Allen  
My Commission DD104505  
Expires March 28, 2006



EXHIBIT "A"

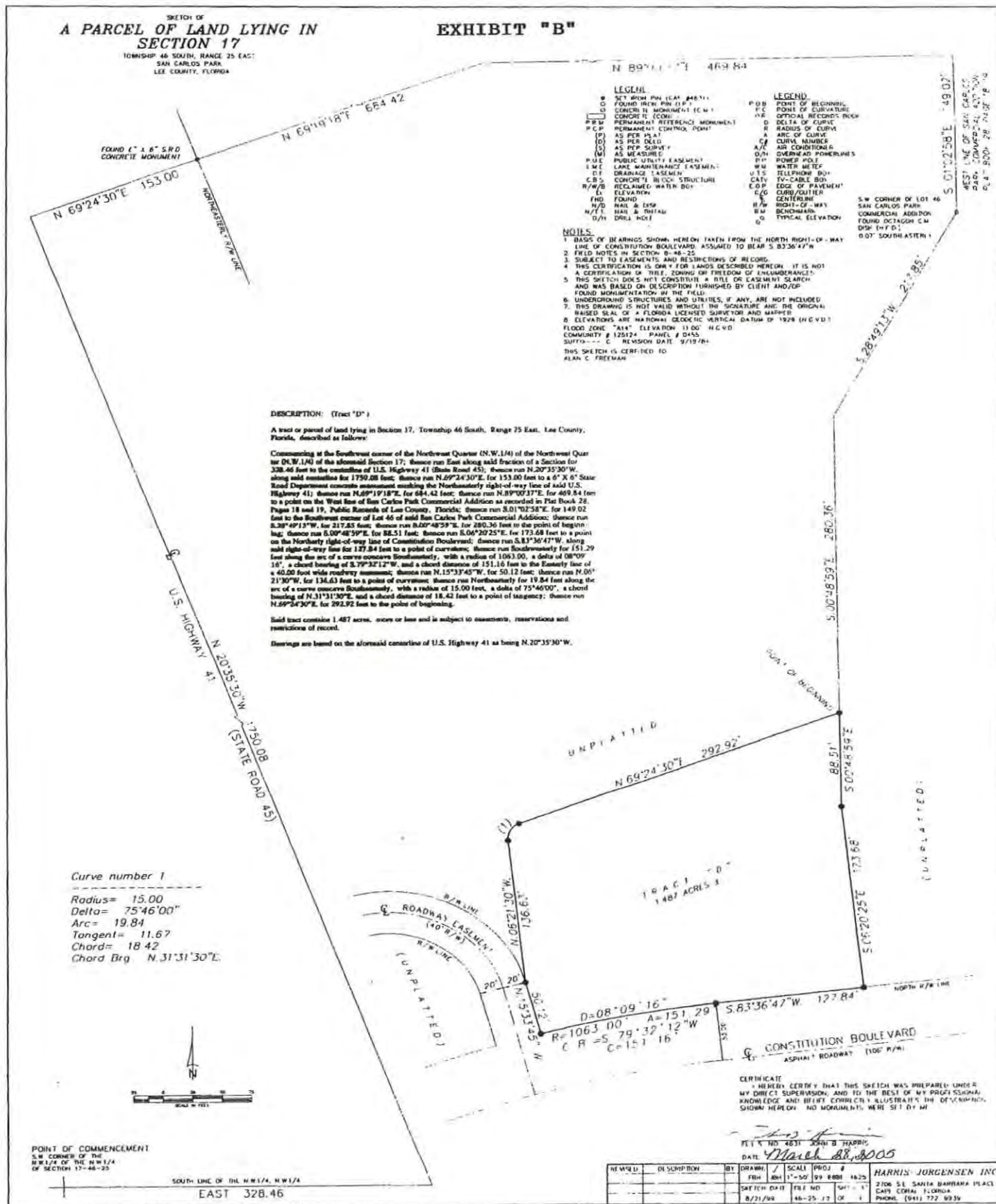
DESCRIPTION: (Tract "D" )

A tract or parcel of land lying in Section 17, Township 46 South, Range 25 East, Lee County, Florida, described as follows:

Commencing at the Southwest corner of the Northwest Quarter (N.W.1/4) of the Northwest Quarter (N.W.1/4) of the aforesaid Section 17; thence run East along said fraction of a Section for 328.46 feet to the centerline of U.S. Highway 41 (State Road 45); thence run N.20°35'30"W. along said centerline for 1750.08 feet; thence run N.69°24'30"E. for 153.00 feet to a 6" X 6" State Road Department concrete monument marking the Northeasterly right-of-way line of said U.S. Highway 41; thence run N.69°19'18"E. for 684.42 feet; thence run N.89°00'37"E. for 469.84 feet to a point on the West line of San Carlos Park Commercial Addition as recorded in Plat Book 28, Pages 18 and 19, Public Records of Lee County, Florida; thence run S.01°02'58"E. for 149.02 feet to the Southwest corner of Lot 46 of said San Carlos Park Commercial Addition; thence run S.28°49'13"W. for 217.85 feet; thence run S.00°48'59"E. for 280.36 feet to the point of beginning; thence run S.00°48'59"E. for 88.51 feet; thence run S.06°20'25"E. for 173.68 feet to a point on the Northerly right-of-way line of Constitution Boulevard; thence run S.83°36'47"W. along said right-of-way line for 127.84 feet to a point of curvature; thence run Southwesterly for 151.29 feet along the arc of a curve concave Southeasterly, with a radius of 1063.00, a delta of 08°09'16", a chord bearing of S.79°32'12"W. and a chord distance of 151.16 feet to the Easterly line of a 40.00 foot wide roadway easement; thence run N.15°33'45"W. for 50.12 feet; thence run N.06°21'30"W. for 136.63 feet to a point of curvature; thence run Northeasterly for 19.84 feet along the arc of a curve concave Southeasterly, with a radius of 15.00 feet, a delta of 75°46'00", a chord bearing of N.31°31'30"E. and a chord distance of 18.42 feet to a point of tangency; thence run N.69°24'30"E. for 292.92 feet to the point of beginning.

Said tract contains 1.487 acres, more or less and is subject to easements, reservations and restrictions of record.

Bearings are based on the aforesaid centerline of U.S. Highway 41 as being N.20°35'30"W.







**LEE COUNTY**  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

EXHIBIT "C"

**CORRECTIVE LETTER**

Writer's Direct Dial Number: 239-479-8375

Bob Jones  
District One

Douglas R. St. Cery  
District Two

Ray Judah  
District Three

Andrew W. Coy  
District Four

John E. Alblon  
District Five

Donald D. Stillwell  
County Manager

James G. Yeager  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

September 23, 2004

JAY BRETT  
2121 WEST FIRST ST  
FORT MYERS, FL 33901

RE: SAN CARLOS MARKETPLACE SHP CT  
LDO2003-00332 - TYPE 05 Limited Review (commercial lot split)  
L05 Application (Type 5)

Dear JAY BRETT :

Your application for a Land Development Code TYPE 05 Limited Review (commercial lot split) has been approved for a Development Order for a commercial lot split for the following:

This approves reaffirmation of DOS 96-01-208.05L for parcel reconfiguration of Parcels A-F, San Carlos Marketplace Shopping Center.

NOTE: Development Services Lot Split verifies that the lot complies with applicable Zoning and Development Standards as outlined in the Lee County Land Development Codes.


It is the responsibility of the property owner to record deeds in the public records of Lee County to properly execute the subdivision (splitting) of land approved by the LDC Limited Review Development Order within six (6) years from the date of this approval.

This approval does not relieve the development from the responsibility to obtain all necessary Federal, State and local permits.

If you have any questions concerning this matter, please contact this office.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Development Services Division

  
Peter J. Eckenrode  
Development Services Director

PJE / LLL

5 sets of plans.

15.00  
3183.40

2821243

OR2139 Pg1663

THIS INSTRUMENT PREPARED BY:  
GUARDIAN TITLE SERVICES CORPORATION  
13391 MCGREGOR BOULEVARD  
FORT MYERS, FLORIDA 33919

STRAP NO: 08-46-25-00-01008.0000

GRANTEE'S SOCIAL SECURITY NO;

THIS WARRANTY DEED Made this 1ST day, MARCH, 1990,  
by Jack E. Craft, Individually and as Trustee

herein after called the grantor, to

Alan C. Freeman, Trustee

3183.40

*Handwritten signature/initials*

whose post office address is: 19091 S. Jaraman Trail  
Wm. Fla.

hereinafter called the grantee:  
(wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Lee County, Florida.

SEE ATTACHED EXHIBIT "A"

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

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

AND the grantor hereby covenants, with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor has hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 1989, restrictions, reservations and easements of record, if any.

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

Signed, sealed and delivered in our presence:

*Witness signature*  
Witness  
*Witness signature*  
Witness

*Signature of Jack E. Craft*  
Jack E. Craft, Individually and as Trustee



STATE OF PENNSYLVANIA

COUNTY OF MERCER

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgements, personally appeared

Jack E. Craft, Individually and as Trustee

to me known to be the person described in and who executed the foregoing instrument and he/she acknowledged before me, he/she executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 28 day of February, 1990.

Patrick J. Puckly  
Notary Public

(SEAL)

✓ My Commission expires:

FILE NO: S19452R  
#wardeedr

PATRICK J. PUCKLY, NOTARY PUBLIC  
GROVE CITY BORO. MERCER COUNTY  
MY COMMISSION EXPIRES JULY 8, 1990

Member, Pennsylvania Association of Notaries

OR2139 Pg1664



A PARCEL OF LAND IN SECTIONS 8 AND 17, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 67, BLOCK 8 OF SAN CARLOS PARK COMMERCIAL ADDITION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 28 AT PAGES 18 AND 19 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE SOUTHEAST FORMING A PORTION OF THE WESTERLY RIGHT-OF-WAY LINE OF CONSTITUTION CIRCLE AS DESCRIBED IN OFFICIAL RECORD BOOK 473 AT PAGE 362 OF SAID PUBLIC RECORDS, SAID POINT BEARING N 48°30'11" W FROM THE RADIUS POINT OF SAID CURVE; THENCE SOUTHWESTERLY ALONG SAID CURVE HAVING FOR ITS ELEMENTS A RADIUS OF 650.00 FEET AND A CENTRAL ANGLE OF 14°43'44" FOR 167.07 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 09°00'40" FOR 102.23 FEET TO THE POINT OF REVERSE CURVATURE WITH A CIRCULAR CURVE CONCAVE TO THE NORTH; THENCE SOUTHWESTERLY, WESTERLY AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING FOR ITS ELEMENTS A RADIUS OF 35.00 FEET AND CENTRAL ANGLE OF 82°51'33" FOR 50.62 FEET TO THE POINT OF REVERSE CURVATURE WITH A CIRCULAR CURVE CONCAVE TO THE SOUTH FORMING A PORTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF CONSTITUTION BOULEVARD; THENCE WESTERLY ALONG THE ARC OF SAID CURVE HAVING FOR ITS ELEMENTS A RADIUS OF 1187.82 FEET AND A CENTRAL ANGLE OF 16°57'20" FOR 351.51 FEET TO THE POINT OF TANGENCY; THENCE S 83°39'35" W FOR 264.50 FEET; THENCE N 00°48'59" W FOR 316.31 FEET; THENCE S 89°11'01" W FOR 362.86 FEET; THENCE N 20°35'30" W FOR 239.16 FEET; THENCE N 00°59'23" W FOR 325.68 FEET; THENCE N 89°00'37" E FOR 422.55 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE AFOREMENTIONED PLAT OF SAN CARLOS PARK COMMERCIAL ADDITION; THENCE ALONG THE BOUNDARY OF SAID PLAT FOR THE FOLLOWING DESCRIBED THREE (3) COURSES: (1) S 00°57'23" E FOR 148.15 FEET TO AN INTERSECTION WITH THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST, SAID POINT BEARING S 00°59'14" E FROM THE RADIUS POINT OF SAID CURVE, (2) THENCE EASTERLY AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING FOR ITS ELEMENTS A RADIUS OF 1000.00 FEET AND A CENTRAL ANGLE OF 27°14'19" FOR 475.40 FEET; (3) THENCE S 32°31'46" E FOR 226.25 FEET; THENCE S 57°28'14" W FOR 127.18 FEET; THENCE S 32°31'46" E FOR 137.00 FEET; THENCE S 57°28'14" W FOR 25.82 FEET TO AN INTERSECTION WITH THE SOUTHWESTERLY LINE OF PHASE 1 OF PLAZA DE MANANA, A CONDOMINIUM; THENCE S 32°31'46" E ALONG SAID SOUTHWESTERLY LINE FOR 374.36 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT PARCELS ONE AND TWO AS FOLLOWS:

PARCEL ONE

A parcel of land in Section 8, Township 46 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Commence at the Southwest corner of Lot 67, block 8 of San Carlos Park Commercial Addition, according to the plat thereof as recorded in Plat Book 28 at Pages 18 and 19 of the Public Records of Lee County, Florida; thence N. 32 degrees 31'46" W. along the southwesterly line of the said Block 8 for 445.35 feet to the point of beginning of the herein described parcel of land; thence continue N. 32 degrees 31'46" W. along said southwesterly line for 226.25 feet to an intersection with the southeasterly line of Lots 46 through 52 inclusive of said block 8 and the point of intersection with the arc of a circular curve concave to the northwest, said point bearing S. 26 degrees 13'33" E. from the radius point of said curve; thence southwesterly along the arc of said curve having for its elements a radius of 1000.00 feet and a central angle of 6 degrees 52'42" for 154.95 feet; thence S. 32 degrees 31'46" E. for 386.78 feet; thence N. 57 degrees 28'14" E. for 25.82 feet; thence N. 32 degrees 31'46" W. for 137.00 feet; thence W. 57 degrees 28'14" E. for 127.18 feet to the point of beginning.

AND

PARCEL TWO

Tract or parcel of land in Sections 8 and 17, Township 46 South, Range 25 East, Lee County, Florida which is described as follows: From the Southwest corner of Lot 67, Block 8, SAN CARLOS PARK, COMMERCIAL ADDITION, a subdivision as recorded in Plat Book 28, Pages 18 and 19 of the Lee County, Florida Public Records; thence Southwesterly along the Northwesterly right of way (50 feet from centerline) of Constitution Circle and the arc of a curve having a radius of 650.00 feet, concave Southeasterly and a chord bearing of South 34 degrees 07'57" West for 269.32 feet to the point of reverse curvature of a tangent curve to the right having a radius of 35.0 feet; thence Southwesterly along the arc of said curve for 50.62 feet to the point of reverse curvature of a tangent curve to the left having a radius of 1187.82 feet; thence Northwesterly along the Northerly right of way (53 feet from centerline) of Constitution Boulevard and the arc of said curve for 131.70 feet; thence North 01 degrees 02' West for 148.57 feet; thence South 68 degrees 56' West for 15.25 feet; thence North 32 degrees 31'46" West for 144.40 feet to the Point of Beginning; thence North 57 degrees 28'14" East for 122.0 feet; thence North 32 degrees 31'46" West for 138.0 feet; thence South 57 degrees 28'14" West for 122.0 feet; thence South 32 degrees 31'46" East for 138.0 feet to the Point of Beginning.



872.85  
1050

WDMOORE

WARRANTY DEED

2918543

OR2179 PG0899

THIS INDENTURE, made the 21<sup>st</sup> day of September, 1990 by MARCUS M. MOORE, individually and as Trustee, party of the first part, and ALAN C. FREEMAN, as Trustee, whose post office address is 19091 Tamiami Trail, S.E., Fort Myers, Florida 33908, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of TEN (\$10.00) DOLLARS in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the party of the second part, his successors and assigns forever, the following described land, situate and being in the County of Lee, State of Florida, to-wit:

See Exhibit "A"

The property conveyed by this deed is vacant land and is not and does not adjoin the homestead of the grantor.

Subject to easements, restrictions and limitations of record, if any, provided nothing herein shall reimpose same; zoning, ordinances and taxes for the year 1990 and subsequent years.

Subject to that certain mortgage from Marcus M. Moore, Trustee to Harry M. Lowell, Trustee dated August 27, 1985, recorded September 19, 1985 in Official Records Book 1804, Page 4385 of the Public Records of Lee County, Florida having a remaining principal balance of approximately One Hundred Twenty One Thousand Six Hundred (\$121,600.00) Dollars.

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of:

WITNESS

WITNESS

STATE OF FLORIDA  
COUNTY OF LEE

MARCUS M. MOORE, individually and as Trustee

Documentary Tax Pd. \$ 872.85  
Intangible Tax Pd. \$  
By CHARLIE GREEN, CLERK, LEE COUNTY  
Deputy Clerk

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared MARCUS M. MOORE, individually and as Trustee, to me known to be the person described in and who executed the foregoing instrument and he has acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 21<sup>st</sup> day of September, 1990.

My Commission Expires:

Notary Public

This Instrument prepared by:

Bonded by

PAUL H. FREEMAN, P.A.  
9100 South Dadeland Blvd., Suite 1406  
Miami, Florida 33156  
(305) 662-5999



OR2179 P00900

Exhibit "A"

Commencing at the Southwest corner of the Northwest quarter (NW 1/4) of the Northwest quarter (NW 1/4) of Section 17, Township 46 South, Range 25 East; thence Easterly along the North line of said quarter-quarter 328.46 feet to the survey C/L of U.S. Hwy. #41 (SR 45); thence North 20°35'30" West along said centerline for 1030.65 feet; thence North 69°24'30" East for 132 feet to the Easterly R/W of U.S. #41; thence continue North 69°24'30" East for 249 feet; thence South 20°35'30" East for 178.63 feet to the North R/W of Constitution Boulevard; thence along the R/W of Constitution Blvd., for 395.45 feet, said R/W being a curve having a radius of 1063 feet, a delta angle of 21°18'53", a chord of 393.17 feet and a chord bearing of North 73°00'08" East to the P.T. of said curve to the Point of Beginning; thence North 83°39'35" East along said R/W for 241.89 feet; thence North 0°48'59" West for 316.31 feet; thence South 89°11'01" West for 362.86 feet; thence South 20°35'30" East for 360.88 feet to the Point of Beginning.

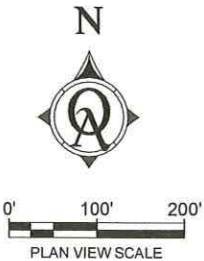
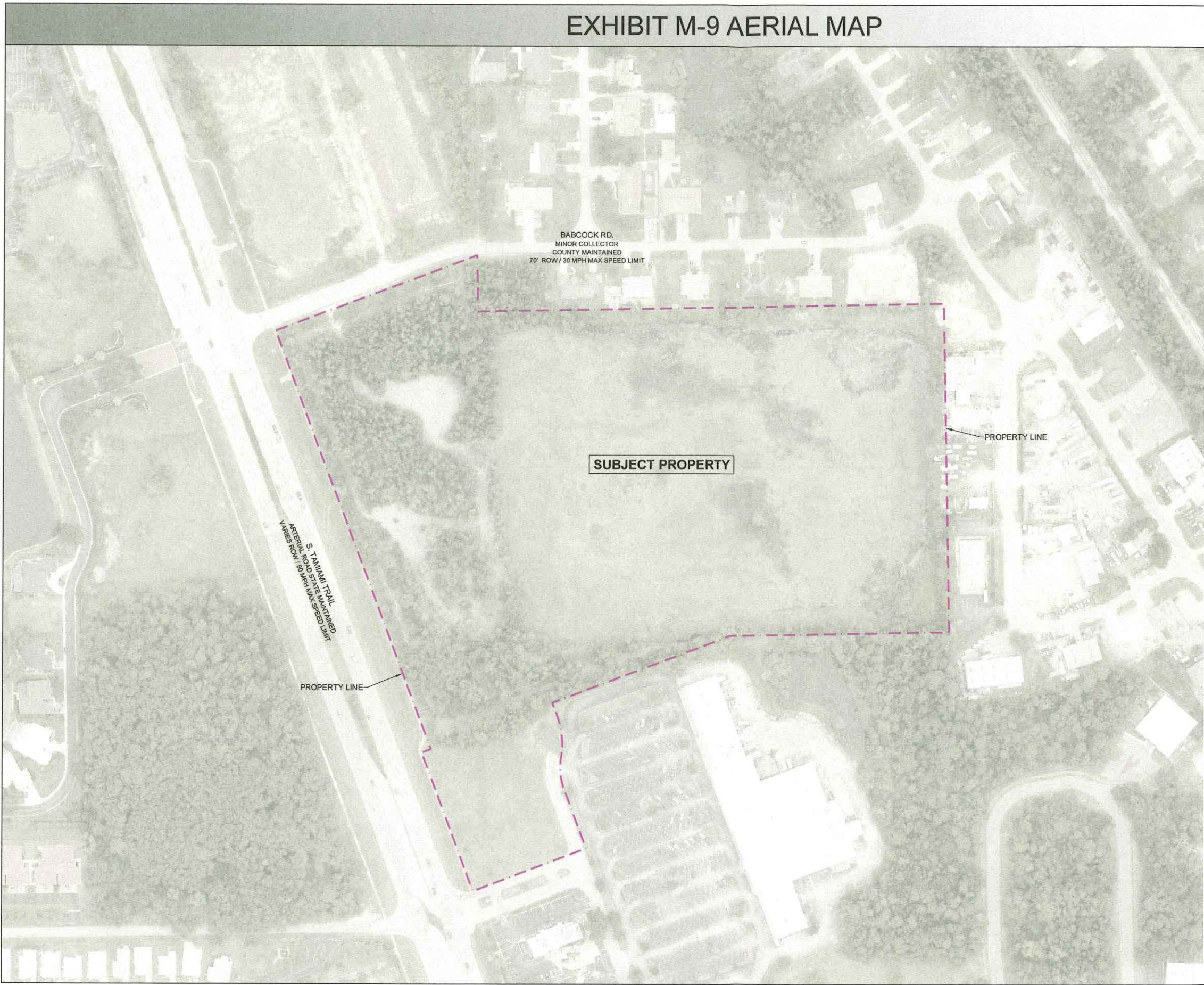
CHARLIE GREEN LEE CITY FL  
90OCT -1, PM 3:30



EXHIBIT M-9 AERIAL MAP

NOTES:  
- THIS AERIAL PHOTOGRAPH SHOWN WERE PROVIDED BY LEE COUNTY GOVERNMENT AND WERE TAKEN IN 2021.

**SUBJECT PROPERTY**  
STRAP #'s  
07-46-25-00-00009.001A  
08-45-25-00-01005.0010  
07-46-25-00-00010.0010  
08-46-25-00-01008.0000  
08-46-25-00-01005.0000  
07-46-25-00-00011.0020  
08-46-25-00-01007.0000  
08-46-25-01-00000.001B



BABCOCK- US 41  
AERIAL MAP  
ACCESS UNDETERMINED  
FORT MYERS, FL 33967

**Quattrone & Associates, Inc.**  
Engineers, Planners, & Development Consultants  
4301 Veronica Shoemaker Blvd - Fort Myers, Florida 33916 - 239-936-4222  
Certificate of Authentication Number: 9463

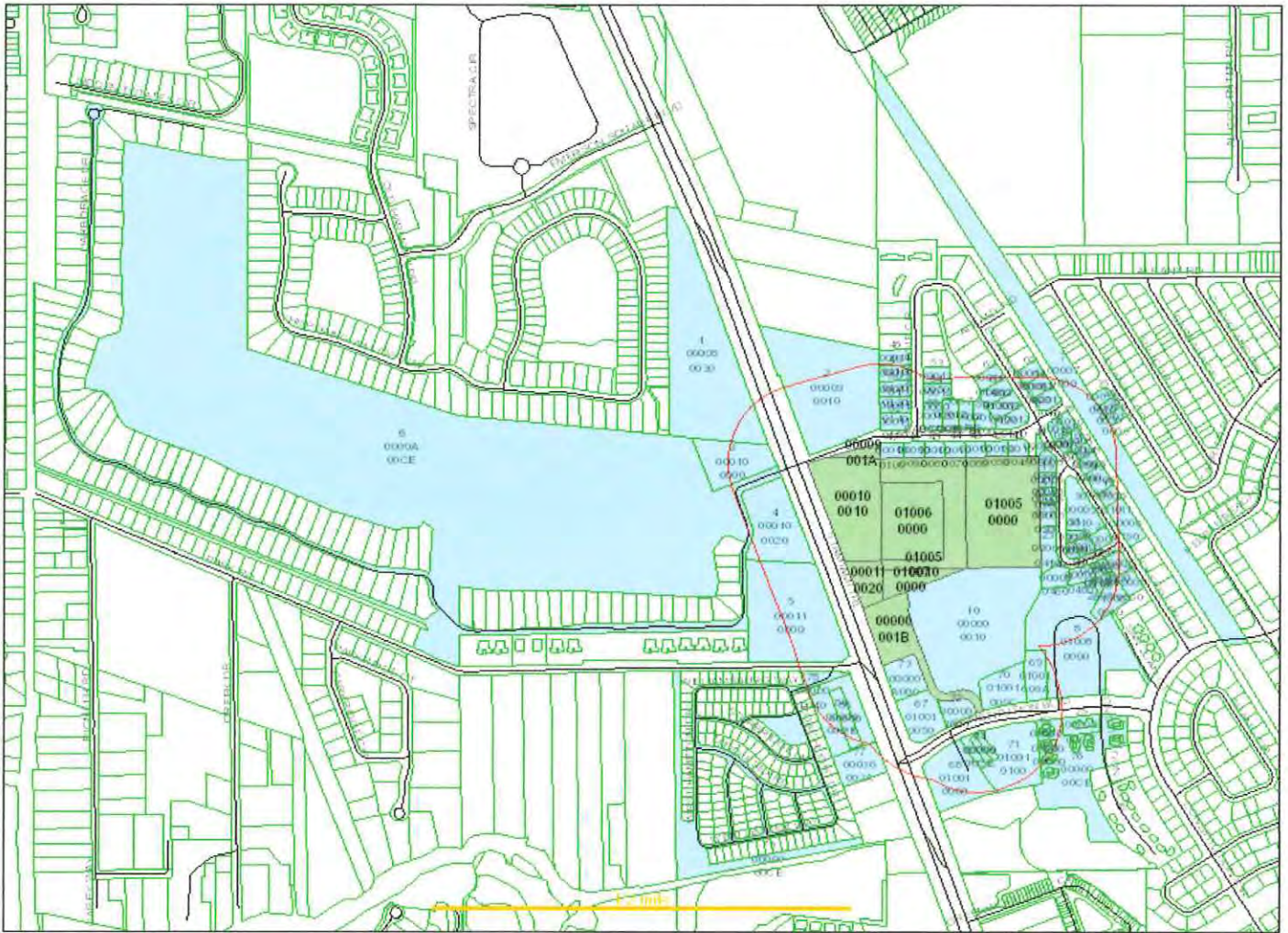
ALFRED QUATTRONE, P.E.  
FL REG #52741  
VALID ONLY WHEN STAMPED SEAL  
SAVED BY: Gabriela  
SAVED ON: 6/5/23

SHEET  
M9  
AERIAL MAP

REV	REVISION	DATE

P:\2021 Projects\01 0505 SAN CARLOS MF ALAN FREEMAN\ACTIVE\01-CADD FILES\01-QA CADD - VERSION A210505-EXHIBIT





Date of Report: July 05, 2023

Buffer Distance: 500 feet

Parcels Affected: 127

Subject Parcels: **07-46-25-00-00009.001A, 07-46-25-00-00010.0010, 07-46-25-00-00011.0020, 08-46-25-00-01005.0000, 08-46-25-00-01005.0010, 08-46-25-00-01006.0000, 08-46-25-00-01007.0000, 08-46-25-01-00000.001B**

To change, add or remove subject parcels please change the parcel selection in [GeoView](#)

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

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
HARBOUR PLAZA LLC LUCIE GUERRERO 9200 CORPORATE BLVD UNIT 250 ROCKVILLE MD 20850	<b>07-46-25-00-00008.0030</b> 17640-680 S TAMiami TRL FORT MYERS FL 33908	PARL IN NE 1/4 OF SE 1/4 DESC OR 1857 PG 1845 + OR 2901 PG 915	1
QUAKER SOUTHWEST FLORIDA LLC 6210 OLD LAKE SHORE RD LAKE VIEW NY 14085	<b>07-46-25-00-00009.0010</b> 17811-890 TOY VAULT LN FORT MYERS FL 33967	PARL IN SE 1/4 AS DESC IN OR 1837 PG 3283	2
HARBORAGE LAKE COMMONS LLC 7910 SUMMERLIN LAKES DR FORT MYERS FL 33907	<b>07-46-25-00-00010.0000</b> ACCESS UNDETERMINED FORT MYERS FL 33908	PARL IN S 1/2 W OF US-41 E OF HARBORAGE SUBD LESS OR 1924 PG 136	3
RIVERSIDE INVESTORS LLC 4875 PELICAN COLONY BLVD #2001 BONITA SPRINGS FL 34134	<b>07-46-25-00-00010.0020</b> ACCESS UNDETERMINED FORT MYERS FL 33908	PARL IN SE 1/4 W OF US 41 AS DESC IN OR 1924 PG 136	4
RIVERSIDE INVESTORS LLC 4875 PELICAN COLONY BLVD #2001 BONITA SPRINGS FL 34134	<b>07-46-25-00-00011.0000</b> ACCESS UNDETERMINED FORT MYERS FL 33908	FRM SE CORN OF SECTION S88DW FOR 218.20 FT THN N20DW 36.91 FT TO POB THN	5



		CONT N20DW 686.63 FT THN N87DW 400 FT ETC	
HARBORAGE OWNERS ASSN INC SENTRY MANAGEMENT INC 2180 WEST SR 434 SUITE 5000 LONGWOOD FL 32779	<b>07-46-25-05-0000A.00CE</b> 5000 HARBORAGE DR FORT MYERS FL 33908	HARBORAGE PB 38 PG 6 TRACTS A THRU D + LT 33 ADJ TR C C/E	6
SEMINOLE GULF RAILWAY L P 4110 CENTER POINTE DR STE 207 FORT MYERS FL 33916	<b>08-46-25-00-00007.0000</b> RAILROAD R/W FORT MYERS FL 33967	STRIP OF LAND RR R/W RUNNING SELY ACROSS SEC.	7
FREEMAN ALAN C 28120 HUNTERS RIDGE BLVD STE 5 BONITA SPRINGS FL 34135	<b>08-46-25-00-01008.0000</b> ACCESS UNDETERMINED FORT MYERS FL 33967	PAR IN SEC 8 + 17 DESC OR 1269/1980 + OR1708/2343 LESS OR 2400/1319 + PT OR2720/876 + LESS OR 3505/4845	8
KUSH PARTNERS INC 16677 BOBCAT DR FORT MYERS FL 33908	<b>08-46-25-00-01008.0010</b> 17567 LIBERTY SQUARE CIR FORT MYERS FL 33967	PAR IN SW1/4 SEC 08 LYING S+SWLY OF A C L RR DESC OR 2720/876	9
WEBBER COMMERCIAL PROPERTIES L 6160 RIVER SHORE COURT N FORT MYERS FL 33917	<b>08-46-25-01-00000.0010</b> 18011 S TAMIAMI TRL FORT MYERS FL 33908	PAR LYING IN SECT 08 + 17 DESC IN OR 3669 PG 372 PT LT 1 SAN CARLOS CNT	10
S&T TOWING OF SW FLORIDA INC DAVID TARQUINO 17525 ROCKEFELLER CIR FORT MYERS FL 33967	<b>08-46-25-15-00008.0190</b> 17525/541 ROCKEFELLER CIR FORT MYERS FL 33967	SAN CARLOS PK COMM ADDN BLK 8 PB 28 PG 19 LOTS 15 THRU 20	11
KERSHAW THOMAS R & 5626 RIVERSIDE DR CAPE CORAL FL 33904	<b>08-46-25-15-00008.0210</b> 17517 ROCKEFELLER CIR FORT MYERS FL 33967	SAN CARLOS PK COMM ADDN BLK 8 PB 28 PG 19 LOTS 21 + 22	12
ASAMBLEA DE IGLESIAS CRISTIANA PO BOX 1356 ESTERO FL 33928	<b>08-46-25-15-00008.0230</b> 17509/511 ROCKEFELLER CIR FORT MYERS FL 33967	SAN CARLOS PK COMM ADDN BLK 8 PB 28 PG 19 LOTS 23 THRU 25	13
MONDI RENTALS 17497 LLC 15880 SHAMROCK DR FORT MYERS FL 33967	<b>08-46-25-15-00008.0260</b> 17497 ROCKEFELLER CIR FORT MYERS FL 33967	SAN CARLOS PK COMM ADDN BLK 8 PB 28 PG 19 LOTS 26 + 27	14
CURRYS AUTOMOTIVE OF LEE COUNT 17497 ROCKEFELLER CIR FORT MYERS FL 33967	<b>08-46-25-15-00008.0280</b> 17489 ROCKEFELLER CIR FORT MYERS FL 33967	SAN CARLOS PK COMM ADDN BLK 8 PB 28 PG 19 LOT 28	15
CURRYS AUTOMOTIVE OF LEE COUNT 17497 ROCKEFELLER CIR FORT MYERS FL 33967	<b>08-46-25-15-00008.0290</b> 17481 ROCKEFELLER CIR FORT MYERS FL 33967	SAN CARLOS PK COMM ADDN BLK 8 PB 28 PG 19 LOT 29	16
BOLANOS ERIC 17771 CASTLE HARBOR DR FORT MYERS FL 33967	<b>08-46-25-15-00008.0300</b> 17461 ROCKEFELLER CIR FORT MYERS FL 33967	SAN CARLOS PK COMM ADDN BLK 8 PB 28 PG 19 LOT 30 + 31 LESS OR 1084 PG 984	17
MIDONE TRUST 5140 SEASHELL AVE NAPLES FL 34103	<b>08-46-25-15-00008.0320</b> 17474 ROCKEFELLER CIR FORT MYERS FL 33967	SAN CARLOS PK COMM ADDN BLK 8 PB 28 PG 19 LTS 32 + 33 + PT LT 31	18
MARCS AUTOMOTIVE LLC 17492 ROCKEFELLER CIR FORT MYERS FL 33967	<b>08-46-25-15-00008.0340</b> 17492 ROCKEFELLER CIR FORT MYERS FL 33967	SAN CARLOS PK COMM ADDN BLK 8 PB 28 PG 19 LOTS 34 + 35	19
MARCS AUTOMOTIVE LLC 17492 ROCKEFELLER CIR FORT MYERS FL 33967	<b>08-46-25-15-00008.0360</b> 17500 ROCKEFELLER CIR FORT MYERS FL 33967	SAN CARLOS PK COMM ADDN BLK 8 PB 28 PG 19 LOT 36	20
MARCS AUTOMOTIVE LLC 17492 ROCKEFELLER CIR FORT MYERS FL 33967	<b>08-46-25-15-00008.0370</b> 17504 ROCKEFELLER CIR FORT MYERS FL 33967	SAN CARLOS PK COMM ADDN BLK 8 PB 28 PG 19 LOT 37	21
FARMER TED S 1955 W BASELINE RD STE 113-615 MESA AZ 85202	<b>08-46-25-15-00008.0380</b> 17514 ROCKEFELLER CIR FORT MYERS FL 33967	SAN CARLOS PK COMM ADDN BLK 8 PB 28 PG 19 LOTS 38 THRU 40	22

BWP HOLDINGS GROUP LLC 17520 ROCKEFELLER CIRCLE ESTERO FL 33967	<b>08-46-25-15-00008.0410</b> 17520 ROCKEFELLER CIR FORT MYERS FL 33967	SAN CARLOS PK COMM ADDN BLK 8 PB 28 PG 19 LOTS 41 THRU 45	23
EVANS JOHN J JR TR PO BOX 798 ESTERO FL 33928	<b>08-46-25-15-00008.0460</b> 17540 ROCKEFELLER CIR FORT MYERS FL 33967	SAN CARLOS PK COMM ADDN BLK 8 PB 28 PG 19 LOTS 46 + 47	24
MONDI RENTALS 17497 LLC 15880 SHAMROCK DR FORT MYERS FL 33912	<b>08-46-25-15-00008.0480</b> 17548 ROCKEFELLER CIR FORT MYERS FL 33967	SAN CARLOS PK COMM ADDN BLK 8 PB 28 PG 19 LOTS 48 + 49 + 50	25
PETERS MICHAEL J & MARLA J 914 ROBALO DR FORT MYERS FL 33919	<b>08-46-25-15-00008.0510</b> 17560 ROCKEFELLER CIR FORT MYERS FL 33967	SAN CARLOS PL COMM ADDN BLK 8 PB 28 PG 19 LOT 51	26
PETERS MICHAEL J & MARLA J 914 ROBALO DR FORT MYERS FL 33919	<b>08-46-25-15-00008.0520</b> 17564 ROCKEFELLER CIR FORT MYERS FL 33967	SAN CARLOS PK COMM ADDN BLK 8 PB 28 PG 19 LOT 52	27
PETERS MICHAEL J & MARLA J 914 ROBALO DR FORT MYERS FL 33919	<b>08-46-25-15-00008.0530</b> 17568 ROCKEFELLER CIR FORT MYERS FL 33967	SAN CARLOS PK COMM ADDN BLK 8 PB 28 PG 19 LOTS 53 THRU 55	28
D & G SEALCOATING AND STRIPING 17580 ROCKEFELLER CIR FORT MYERS FL 33967	<b>08-46-25-15-00008.0560</b> 17580 ROCKEFELLER CIR FORT MYERS FL 33967	SAN CARLOS PK COMM ADDN BLK 8 PB 28 PG 19 LOT 56 THRU 58	29
VUOLO CHARLES JR & JO ANN 1311 LONGWOOD DR FORT MYERS FL 33919	<b>08-46-25-15-00009.0010</b> 17515 ROCKEFELLER CIR FORT MYERS FL 33967	SAN CARLOS PK COMM ADDN BLK 9 PB 28 PG 19 LOTS 1 THRU 4 + LOTS 11 THRU 14 + POR OF VAC ALLEY OR 4091 PG 1137	30
VUOLO CHARLES JR & JOANN P 1311 LONGWOOD DR FORT MYERS FL 33919	<b>08-46-25-15-00009.0050</b> 17529 ROCKEFELLER CIR FORT MYERS FL 33967	SAN CARLOS PK COMM ADDN BLK 9 PB 28 PG 19 LOT 5 + POR OF VAC ALLEY OR 4091 PG 1137	31
TURKETT R KEITH & DEBRA R 21605 BELHAVEN WAY ESTERO FL 33928	<b>08-46-25-15-00009.0060</b> 17545 ROCKEFELLER CIR FORT MYERS FL 33967	SAN CARLOS PK COMM ADDN BLK 9 PB 28 PG 19 LOT 6 + POR OF VAC ALLEY OR 4091 PG 1137	32
TURKETT R KEITH + 21605 BELHAVEN WAY ESTERO FL 33928	<b>08-46-25-15-00009.0070</b> 17551 ROCKEFELLER CIR FORT MYERS FL 33967	SAN CARLOS PK COMM ADD BLK 9 PB 28 PG 19 LOTS 7 + 8 + POR OF VAC ALLEY OR 4091 PG 1137	33
DI FOGGIA DOMINIQUE TR 5140 SEASHELL AVE NAPLES FL 34103	<b>08-46-25-15-00009.0090</b> 17530 ROCKEFELLER CIR FORT MYERS FL 33967	SAN CARLOS PK COMM ADDN BLK 9 PB 28 PG 19 LOTS 9 + 10 + POR OF VAC ALLEY OR 4091 PG 1137	34
NGUYEN CLIFFORD H + ESTRELLA RUIZ 2804 DEL PRADO BLVD S STE 102 CAPE CORAL FL 33904	<b>08-46-25-16-00015.0010</b> 17446/448 DUMONT DR FORT MYERS FL 33967	SAN CARLOS PARK N ADDN BLK 15 PB 28 PG 15 LOTS 1 + 2	35
HEIDAK AMRO ISMAIL 19050 S TAMiami TRAIL FORT MYERS FL 33908	<b>08-46-25-16-00015.0030</b> 17454/456 DUMONT DR FORT MYERS FL 33967	SAN CARLOS PARK N ADDN BLK 15 PB 28 PG 15 LOTS 3 THRU 5	36
17464 DUMONT LLC 6130 BRIKWORTH DR TYLER TX 75703	<b>08-46-25-16-00015.0060</b> 17464/466 DUMONT DR FORT MYERS FL 33967	SAN CARLOS PARK N ADDN BLK 15 PB28 PG15 LOT 6 THRU 8	37
7124 BABCOCK ROAD LLC PO BOX 606 MANHASSET NY 11030	<b>08-46-25-17-00010.0010</b> 7124/7126 BABCOCK RD FORT MYERS FL 33967	SAN CARLOS PARK NW ADDN BLK 10 PB 28 PG 13 LOT 1	38
BARRETO DIEGO 7114 BABCOCK RD FORT MYERS FL 33967	<b>08-46-25-17-00010.0020</b> 7114/7116 BABCOCK RD FORT MYERS FL 33967	SAN CARLOS PARK NW ADDN BLK 10 PB 28 PG 13 LT 2 + PT LT 3 DESC OR 2094/3183	39



MIDONE TRUST 5140 SEASHELL AVE NAPLES FL 34103	<b>08-46-25-17-00010.0030</b> CORNER LOT FORT MYERS FL 33967	SAN CARLOS PARK NW ADDN BLK 10 PB 28 PG 13 LOT 3 LESS R/W OR 1084/982	40
MHLV VENTURES LLC 500 PORTSIDE DR NAPLES FL 34103	<b>08-46-25-17-00010.0040</b> 7064/7066 BABCOCK RD FORT MYERS FL 33967	SAN CARLOS PARK NW ADDN BLK 10 PB 28 PG 13 LOT 4	41
EMILE NICLES & VANIA NELSON 7056 BABCOCK RD FORT MYERS FL 33967	<b>08-46-25-17-00010.0050</b> 7054/7056 BABCOCK RD FORT MYERS FL 33967	SAN CARLOS PK NW ADDN BLK 10 PB 28 PG 13 LOT 5	42
BABCOCK ROAD PROPERTIES LLC 4633 LONG LAKE DR FORT MYERS FL 33905	<b>08-46-25-17-00010.0060</b> 7044/7046 BABCOCK RD FORT MYERS FL 33967	SAN CARLOS PK NW ADDN BLK 10 PB 28 PG 13 LOT 6	43
CIRLU LLC 9901 NW 80TH AVE #3H MIAMI LAKES FL 33016	<b>08-46-25-17-00010.0070</b> 7034/7036 BABCOCK RD FORT MYERS FL 33967	SAN CARLOS PK NW ADDN BLK 10 PB 18 PG 13 LOT 7	44
VALLADARES CLEMENTE PO BOX 1048 ESTERO FL 33929	<b>08-46-25-17-00010.0080</b> 7024/7026 BABCOCK RD FORT MYERS FL 33967	SAN CARLOS PK NW ADDN BLK 10 PB 28 PG 13 LOT 8	45
SAN KIM 20633 EAST SILVER PALM DR ESTERO FL 33928	<b>08-46-25-17-00010.0090</b> 7014/7016 BABCOCK RD FORT MYERS FL 33967	SAN CARLOS PK NW ADDN BLK 10 PB 28 PG 13 LOT 9	46
PENARANDA CARLO T TR 5820 HARBORAGE DR FORT MYERS FL 33908	<b>08-46-25-17-00010.0100</b> 7004/7006 BABCOCK RD FORT MYERS FL 33967	SAN CARLOS PK NW ADDN BLK 10 PB 28 PG 13 LOT 10	47
SHAW GAIL 17410 W CARNEGIE CIR FORT MYERS FL 33967	<b>08-46-25-17-00011.0110</b> 17400/402 W CARNEGIE CIR FORT MYERS FL 33967	SAN CARLOS PARK NW ADD BLK 11 PB 28 PG 13 LOT 11	48
SHAW GAIL P 17410 W CARNEGIE CIR FORT MYERS FL 33967	<b>08-46-25-17-00011.0120</b> 17410/412 W CARNEGIE CIR FORT MYERS FL 33967	SAN CARLOS PARK NW ADDN BLK 11 PB 28 PG 13 LOT 12	49
DUPUIE LORI A L/E 16140 MYRIAD LN APT 105 FORT MYERS FL 33908	<b>08-46-25-17-00011.0130</b> 17420/422 W CARNEGIE CIR FORT MYERS FL 33967	SAN CARLOS PARK N W ADDN BLK 11 PB 28 PG 13 LOT 13	50
REHBERGER MARY TR 17432 W CARNEGIE CIR FORT MYERS FL 33967	<b>08-46-25-17-00011.0140</b> 17430/432 W CARNEGIE CIR FORT MYERS FL 33967	SAN CARLOS PARK NW ADDN BLK 11 PB 28 PG 13 LOT 14	51
REHBERGER MARY TR 7011 BABCOCK RD #A FORT MYERS FL 33967	<b>08-46-25-17-00011.0150</b> 7011 BABCOCK RD FORT MYERS FL 33967	SAN CARLOS PARK NW ADDN BLK 11 PB 28 PG 13 LOT 15	52
BAKER DARREL 21515 BELHAVEN WAY ESTERO FL 33928	<b>08-46-25-17-00012.0050</b> 17415/417 W CARNEGIE CIR FORT MYERS FL 33967	SAN CARLOS PK NW ADDN BLK 12 PG 28 PG 13 LOT 5	53
SANG MICHAEL T & IRINA PO BOX 552 MIAMI FL 33257	<b>08-46-25-17-00012.0060</b> 17425-429 W CARNEGIE CIR FORT MYERS FL 33967	SAN CARLOS PK NW ADDN BLK 12 PB 28 PG 13 LOT 6 + NLY 20 FT OF LOT 7	54
PORTILLO JOSE JOEL & 17435 W CARNEGIE CIR FORT MYERS FL 33967	<b>08-46-25-17-00012.0070</b> 17435 W CARNEGIE CIR FORT MYERS FL 33967	SAN CARLOS PK NW ADDN BLK 12 PB 28 PG 13 LOT 7 LESS NLY 20 FT	55
BABCOCK ROAD LLC 4856 PALM BEACH BLVD FORT MYERS FL 33905	<b>08-46-25-17-00012.0080</b> 7035/7037 BABCOCK RD FORT MYERS FL 33967	SAN CARLOS PK NW ADDN BLK 12 PB 28 PG 13 LOT 8	56
WADE MARGARET L/E 7045 BABCOCK RD FORT MYERS FL 33967	<b>08-46-25-17-00012.0090</b> 7045/7047 BABCOCK RD FORT MYERS FL 33967	SAN CARLOS PARK NW ADDN BLK 12 PB 28 PG 13 LOT 9	57
REAMER LIT LISCET 7055 BABCOCK RD FORT MYERS FL 33967	<b>08-46-25-17-00012.0100</b> 7055/7057 BABCOCK RD FORT MYERS FL 33967	SAN CARLOS PARK NW ADDN BLK 12 PB 28 PG 13 LOT 10	58

BABCOCK ROAD PROPERTIES LLC 4633 LONG LAKE DR FORT MYERS FL 33905	<b>08-46-25-17-00012.0110</b> 7065/7067 BABCOCK RD FORT MYERS FL 33967	SAN CARLOS PARK NW ADD N BLK 12 PB 28 PG 13 LOT 11	59
MYERS ENDO ASSET MANAGEMENT LL 13650 BRYNWOOD LN FORT MYERS FL 33912	<b>08-46-25-17-00012.0120</b> 17434/436 E CARNEGIE CIR FORT MYERS FL 33967	SAN CARLOS PARK NW ADDN BLK 12 PB 28 PG 13 LOT 12	60
SPENCER BRENDA J TR 17414 E CARNEGIE CIR FORT MYERS FL 33967	<b>08-46-25-17-00012.0130</b> 17424/426 E CARNEGIE CIR FORT MYERS FL 33967	SAN CARLOS PARK NW ADDN BLK 12 PB 28 PG 13 LOT 13	61
SPENCER BRENDA J TR 17414 E CARNEGIE CIR FORT MYERS FL 33967	<b>08-46-25-17-00012.0140</b> 17414/416 E CARNEGIE CIR FORT MYERS FL 33967	SAN CARLOS PARK NW ADDN BLK 12 PB 28 PG 13 LOT 14	62
BARRETO ALFREDO F 11631 RED HIBISCUS DR BONITA SPRINGS FL 34135	<b>08-46-25-17-00013.0010</b> 17437/441 E CARNEGIE CIR FORT MYERS FL 33967	SAN CARLOS PARK NW ADDN BLK 13 PB 28 PG 13 LOT 1	63
SAN CARLOS LANDS INC 4128 SAGUARO LN IRVING TX 75063	<b>08-46-25-17-00013.0020</b> 17431/433 E CARNEGIE CIR FORT MYERS FL 33967	SAN CARLOS PK NW ADDN BLK 13 PB 28 PG 13 LOT 2	64
ZHOU WEI WEI 17421/425 E CARNEGIE CIR FORT MYERS FL 33967	<b>08-46-25-17-00013.0030</b> 17421/425 E CARNEGIE CIR FORT MYERS FL 33967	SAN CARLOS PK NW ADDN BLK 13 PB 28 PG 13 LOT 3	65
FREEMAN ALAN C 28120 HUNTERS RIDGE BLVD STE 5 BONITA SPRINGS FL 34135	<b>08-46-25-L4-U1691.2905</b> ACCESS UNDETERMINED FORT MYERS FL 33967	PLAZA DE MANANA CONDO OR 1377 PG 2049 + PT OR 2720/876	66
BANC-FLO HOLDINGS LLC PO BOX 167 WINSTON SALEM NC 27102	<b>17-46-25-00-01001.0050</b> 18031 S TAMiami TRL FORT MYERS FL 33908	FROM SW COR OF NW 1/4 OF NW 1/4 RUN E 328.46 FT TO C/L OF ST RD 45 TH NWLY + PARL DESC IN OR 4118/4397	67
MAAS HOSPITALITY BS LLC 2231 DEL PRADO BLVD CAPE CORAL FL 33990	<b>17-46-25-00-01001.0060</b> 18051 S TAMiami TRL FORT MYERS FL 33908	PARL IN NW 1/4 OF NW 1/4 E OF US 41 SO OF CONSTITUTION BLVD	68
FREEMAN ALAN C 28120 HUNTERS RIDGE BLVD STE 5 BONITA SPRINGS FL 34135	<b>17-46-25-00-01001.009A</b> 7015 CONSTITUTION BLVD FORT MYERS FL 33967	PARL IN SEC 8 + 17 DESC IN OR 1804 PG 4380 LESS OR 3505/4845 + INST 2005-65895	69
FREEMAN ALAN C TR 28120 HUNTERS RIDGE BLVD STE 5 BONITA SPRINGS FL 34135	<b>17-46-25-00-01001.009C</b> 7011 CONSTITUTION BLVD FORT MYERS FL 33967	PARL IN NW 1/4 OF SEC 17 DESC IN INST 2005-65895	70
AHMED HOLDING GROUP LLC 231 DEL PRADO BLVD CAPE CORAL FL 33990	<b>17-46-25-00-01001.0100</b> 7000 CONSTITUTION BLVD FORT MYERS FL 33967	PARL IN NW 1/4 DESC OR 1478 PG 1151	71
7001 CONSTITUTION LLC 6350 NW 120TH DR CORAL SPRINGS FL 33076	<b>17-46-25-03-00000.1000</b> 7001 CONSTITUTION BLVD FORT MYERS FL 33967	PT LOT 1 OF SAN CARLOS CENTER IN SEC 17 AREA 03 AS DESC IN INST 2005-64463	72
MCDONALDS RESTAURANTS OF FL 8850 TERRENE CT BONITA SPRINGS FL 34135	<b>17-46-25-03-00000.A000</b> 7105 CONSTITUTION BLVD FORT MYERS FL 33967	SAN CARLOS CENTER PB 42 PG 2 TRACT A	73
PORT SAN CARLOS GARDENS 7000 PORT BLVD FORT MYERS FL 33967	<b>17-46-25-20-00000.00CE</b> PORT SAN CARLOS CARDENS C/E FORT MYERS FL 33967	PORT SAN CARLOS GARDENS CONDO BUILDING A DESC OR BK 0260 PG 0600 COMMON ELEMENTS	74
SAN CARLOS SPRINGS CONDO ASSOC BENSONS INC 12650 WHITEHALL DR FORT MYERS FL 33907	<b>17-46-25-23-00000.00CE</b> SAN CARLOS SPRINGS CONDO C/E FORT MYERS FL 33967	A CONDOMINIUM LOCATED IN SEC 17 TWP 46 RGE 25 AS DESC IN OR 1673 PG 4196 COMMON ELEMENTS	75
SPRINGS OF SAN CARLOS P + M PROPERTY MGMT	<b>17-46-25-24-00000.00CE</b> 7008 CONSTITUTION BLVD	SPRINGS OF SAN CARLOS OR 2532 PG 2336	76



14360 S TAMiami TRL UNIT B FORT MYERS FL 33912	FORT MYERS FL 33967	COMMON ELEMENT	
LAKE GENEVA GROUP LLC 402 HIGH POINT DR STE 101 COCOA FL 32926	<b>18-46-25-00-00036.002A</b> 18080 S TAMiami TRL FORT MYERS FL 33908	PARL IN SEC 17 + 18 AS DESC IN OR 1731 PG 1929	77
COACH LIGHT MANOR INC 18050 S TAMiami TRL #4 FORT MYERS FL 33908	<b>18-46-25-01-00000.0040</b> 4 COACH LIGHT DR FORT MYERS FL 33908	COACHLIGHT MANOR M/H PK OR 1555 PG 2264 LOT 4 DESC OR 3974/1966	78
COACH LIGHT MANOR OWNERS ASSN 125 COACH LIGHT MANOR FORT MYERS FL 33908	<b>18-46-25-01-00000.00CE</b> COACH LIGHT MANOR C/E FORT MYERS FL 33908	COACHLIGHT MANOR MOBILE HOME CO-OP OR 1555 PG 2264 COMMON AREAS	79
PRESERVE PLAZA COMMERCIAL COND 18070 S TAMiami TRL STE 11 FORT MYERS FL 33908	<b>18-46-25-27-00000.00CE</b> 18070 S TAMiami TRL FORT MYERS FL 33908	PARCEL IN NE 1/4 AS DESC IN OR 4617 PG 3008 COMMON ELEMENT	80
SAN CARLOS INVESTMENT LLC 2231 DEL PRADO BLVD CAPE CORAL FL 33990	<b>17-46-25-20-00000.0010</b> 7000 PORT BLVD #1 FORT MYERS FL 33967	PORT SAN CARLOS GARDENS CONDO BLDG-A OR260/PG600 APT.1	81
AHMED MUNTASER 2231 DEL PRADO BLVD CAPE CORAL FL 33990	<b>17-46-25-20-00000.0020</b> 7000 PORT BLVD #2 FORT MYERS FL 33967	PORT SAN CARLOS GARDENS CONDO BLDG-A OR260/PG600 APT 2	81
AHMED MAISHA 2231 DEL PRADO BLVD CAPE CORAL FL 33990	<b>17-46-25-20-00000.0030</b> 7000 PORT BLVD #3 FORT MYERS FL 33967	PORT SAN CARLOS GARDENS CONDO BODG-A OR260/PG600 APT.3	81
AHMED MAISHA 2231 DEL PRADO BLVD CAPE CORAL FL 33990	<b>17-46-25-20-00000.0040</b> 7000 PORT BLVD #4 FORT MYERS FL 33967	PORT SAN CARLOS GARDENS CONDO BLDG-A OR260/PG600 APT 4	81
M4 TRADING LLC 2231 DEL PRADO BLVD S CAPE CORAL FL 33990	<b>17-46-25-20-00000.0050</b> 7000 PORT BLVD #5 FORT MYERS FL 33967	PORT SAN CARLOS GARDENS CONDO BLDG-A/OR260/PG600 APT.5	81
SAN CARLOS INVESTMENT LLC 2231 DEL PRADO BLVD CAPE CORAL FL 33990	<b>17-46-25-20-00000.0060</b> 7000 PORT BLVD #6 FORT MYERS FL 33967	PORT SAN CARLOS GARDENS CONDO BLDG-A OR 260 PG 600 APT 6	81
SAN CARLOS INVESTMENT LLC 2231 DEL PRADO BLVD CAPE CORAL FL 33990	<b>17-46-25-20-00000.0070</b> 7000 PORT BLVD #7 FORT MYERS FL 33967	PORT SAN CARLOS GARDENS CONDO BLDG-A OR260/PG600 APT.7	81
SAN CARLOS INVESTMENT LLC 2231 DEL PRADO BLVD CAPE CORAL FL 33990	<b>17-46-25-20-00000.0080</b> 7000 PORT BLVD #8 FORT MYERS FL 33967	PORT SAN CARLOS GARDENS CONDO BLDG-A OR260/PG600 APT 8	81
SAN CARLOS INVESTMENT LLC 2231 DEL PRADO BLVD CAPE CORAL FL 33990	<b>17-46-25-20-00000.0090</b> 7000 PORT BLVD #9 FORT MYERS FL 33967	PORT SAN CARLOS GARDENS CONDO BLDG-A OR260/PG600 APT.9	81
SAN CARLOS INVESTMENT LLC 2231 DEL PRADO BLVD CAPE CORAL FL 33990	<b>17-46-25-20-00000.0100</b> 7000 PORT BLVD #10 FORT MYERS FL 33967	PORT SAN CARLOS GARDENS CONDO BLDG-A OR260/PG600 APT 10	81
SAN CARLOS INVESTMENT LLC 2231 DEL PRADO BLVD CAPE CORAL FL 33990	<b>17-46-25-20-00000.0110</b> 7000 PORT BLVD #11 FORT MYERS FL 33967	PORT SAN CARLOS GARDENS CONDO BLDG-A OR260/PG600 APT 11	81
SAN CARLOS INVESTMENT LLC 2231 DEL PRADO BLVD CAPE CORAL FL 33990	<b>17-46-25-20-00000.0120</b> 7000 PORT BLVD #12 FORT MYERS FL 33967	PORT SAN CARLOS GARDENS CONDO BLDG-A OR260/PG600 APT 12	81
SAN CARLOS INVESTMENT LLC 2231 DEL PRADO BLVD CAPE CORAL FL 33990	<b>17-46-25-20-00000.0130</b> 7000 PORT BLVD #13 FORT MYERS FL 33967	PORT SAN CARLOS GARDENS CONDO BLDG-A OR260/PG600 APT.13	81
SAN CARLOS INVESTMENT LLC 2231 DEL PRADO BLVD CAPE CORAL FL 33990	<b>17-46-25-20-00000.0140</b> 7000 PORT BLVD #14 FORT MYERS FL 33967	PORT SAN CARLOS GARDENS CONDO BLDG-A OR260/PG600 APT 14	81

SAN CARLOS INVESTMENT LLC 2231 DEL PRADO BLVD CAPE CORAL FL 33990	<b>17-46-25-20-00000.0150</b> 7000 PORT BLVD #15 FORT MYERS FL 33967	PORT SAN CARLOS GARDENS CONDO BLDG-A OR260/PG600 APT 15	81
GUAY PHILLIP 1821 WALKLEY RD UNIT 39 OTTAWA ON K1H 6X9 CANADA	<b>17-46-25-20-00000.0160</b> 7000 PORT BLVD #16 FORT MYERS FL 33967	PORT SAN CARLOS GARDENS CONDO BLDG-A OR260/PG600 APT 16	81
SAN CARLOS INVESTMENT LLC 2231 DEL PRADO BLVD CAPE CORAL FL 33990	<b>17-46-25-20-00000.0170</b> 7000 PORT BLVD #17 FORT MYERS FL 33967	PORT SAN CARLOS GARDENS CONDO BLDG-A OR260/PG600 APT 17	81
SAN CARLOS INVESTMENT LLC 2231 DEL PRADO BLVD CAPE CORAL FL 33990	<b>17-46-25-20-00000.0180</b> 7000 PORT BLVD #18 FORT MYERS FL 33967	PORT SAN CARLOS GARDENS CONDO BLDG-A OR260/PG600 APT 18	81
SAN CARLOS INVESTMENT LLC 2231 DEL PRADO BLVD CAPE CORAL FL 33990	<b>17-46-25-20-00000.0190</b> 7000 PORT BLVD #19 FORT MYERS FL 33967	PORT SAN CARLOS GARDENS CONDO BLDG-A OR260/PG600 APT.19	81
SAN CARLOS INVESTMENT LLC 2231 DEL PRADO BLVD CAPE CORAL FL 33990	<b>17-46-25-20-00000.0200</b> 7000 PORT BLVD #20 FORT MYERS FL 33967	PORT SAN CARLOS GARDENS CONDO BLDG-A OR260/PG600 APT.20	81
KELLY RYAN M 1438 E NORTHWEST HWY ARLINGTON HEIGHTS IL 60004	<b>17-46-25-24-00000.0110</b> 7008 CONSTITUTION BLVD #11 FORT MYERS FL 33967	SPRINGS OF SAN CARLOS COND OR 1679 PG 3079 UNIT 11	82
JONES JERRY E & CONSTANCE L 1971 CEDARVILLE RD GOSHEN OH 45122	<b>17-46-25-24-00000.0120</b> 7008 CONSTITUTION BLVD #12 FORT MYERS FL 33967	SPRINGS OF SAN CARLOS COND OR 1679 PG 3079 UNIT 12	82
VIOX MIKE & 1387 SR 28 LOVELAND OH 45140	<b>17-46-25-24-00000.0130</b> 7008 CONSTITUTION BLVD #13 FORT MYERS FL 33967	SPRINGS OF SAN CARLOS COND OR 1679 PG 3079 UNIT 13	82
ALBRECHT H WOBST LLC 7910 N HIGHLAND AVE TAMPA FL 33604	<b>17-46-25-24-00000.0140</b> 7008 CONSTITUTION BLVD #14 FORT MYERS FL 33967	SPRINGS OF SAN CARLOS COND OR 1679 PG 3079 UNIT 14	82
TEED JOHN & TERRY ANN 4-16 HAVENRIDGE CT ST THOMAS ON N5P 4P6 CANADA	<b>17-46-25-24-00000.0210</b> 7008 CONSTITUTION BLVD #21 FORT MYERS FL 33967	SPRINGS OF SAN CARLOS COND OR 1679 PG 3079 UNIT 21	83
HOTALING SHARON R & 7008 CONSTITUTION BLVD #22 FORT MYERS FL 33967	<b>17-46-25-24-00000.0220</b> 7008 CONSTITUTION BLVD #22 FORT MYERS FL 33967	SPRINGS OF SAN CARLOS COND OR 1679 PG 3079 UNIT 22	83
COLE GLEN C III + 1357 NORTH RD MOUNT VERNON ME 04352	<b>17-46-25-24-00000.0230</b> 7008 CONSTITUTION BLVD #23 FORT MYERS FL 33967	SPRINGS OF SAN CARLOS COND OR 1679 PG 3079 UNIT 23	83
KELLY RYAN 1438 E NORTHWEST HWY ARLINGTON HEIGHTS IL 60004	<b>17-46-25-24-00000.0240</b> 7008 CONSTITUTION BLVD #24 FORT MYERS FL 33967	SPRINGS OF SAN CARLOS COND OR 1679 PG 3079 UNIT 24	83
JANUSKA WILLIAM 9360 CROCUS ST FORT MYERS FL 33967	<b>17-46-25-24-00000.0310</b> 7008 CONSTITUTION BLVD #31 FORT MYERS FL 33967	SPRINGS OF SAN CARLOS COND OR 1679 PG 3079 UNIT 31	84
DENMAN JOHN B & DIETLIND H 7008 CONSTITUTION BLVD APT 32B FORT MYERS FL 33967	<b>17-46-25-24-00000.0320</b> 7008 CONSTITUTION BLVD #32 FORT MYERS FL 33967	SPRINGS OF SAN CARLOS COND OR 1679 PG 3079 UNIT 32	84
DOWNEY DEBORAH PO BOX 1215 EASTHAMPTON MA 01027	<b>17-46-25-24-00000.0330</b> 7008 CONSTITUTION BLVD #33 FORT MYERS FL 33967	SPRINGS OF SAN CARLOS COND OR 1679 PG 3079 UNIT 33	84
KELLY RYAN 1438 E NORTHWEST HIGHWAY ARLINGTON HEIGHTS IL 60004	<b>17-46-25-24-00000.0340</b> 7008 CONSTITUTION BLVD #34 FORT MYERS FL 33967	SPRINGS OF SAN CARLOS COND OR 1679 PG 3079 UNIT 34	84
JSCB CAPITAL LLC 5916 E FARM RD 170 ROGERSVILLE MO 65742	<b>18-46-25-27-00000.0101</b> 18070 S TAMiami TRL #101 FORT MYERS FL 33908	PRESERVE PLAZA COMMERCIAL	85



		CONDO DESC OR 4617 PG 3008 UNIT 101	
WILSON JOHN D MIDLAND IRA INC 18070 S TAMIAMI TRL STE 11 FORT MYERS FL 33908	<b>18-46-25-27-00000.0102</b> 18070 S TAMIAMI TRL #102 FORT MYERS FL 33908	PRESERVE PLAZA COMMERCIAL CONDO DESC OR 4617 PG 3008 UNIT 102	85
SCHECHTER ANDRE TR 26721 DUBLIN WOODS CIR STE 1 BONITA SPRINGS FL 34135	<b>18-46-25-27-00000.0103</b> 18070 S TAMIAMI TRL #103 FORT MYERS FL 33908	PRESERVE PLAZA COMMERCIAL CONDO DESC OR 4617 PG 3008 UNIT 103	85
CURRIE SCOT 17416 ARIZONA RD FORT MYERS FL 33967	<b>18-46-25-27-00000.0104</b> 18070 S TAMIAMI TRL #104 FORT MYERS FL 33908	PRESERVE PLAZA COMMERCIAL CONDO DESC OR 4617 PG 3008 UNIT 104	85
BOLIVAR HOLDINGS LLC 9928 S TRYON ST CHARLOTTE NC 28273	<b>18-46-25-27-00000.0105</b> 18070 S TAMIAMI TRL #105 FORT MYERS FL 33908	PRESERVE PLAZA COMMERCIAL CONDO DESC OR 4617 PG 3008 UNIT 105	85
SECUREAHEAD LLC 6181 TIDEWATER ISLAND CIR FORT MYERS FL 33908	<b>18-46-25-27-00000.0106</b> 18070 S TAMIAMI TRL #106 FORT MYERS FL 33908	PRESERVE PLAZA COMMERCIAL CONDO DESC OR 4617 PG 3008 UNIT 106	85
LINEKA LLC STS REALTY GROUP 26721 DUBLIN WOODS CIR STE 1 BONITA SPRINGS FL 34135	<b>18-46-25-27-00000.0107</b> 18070 S TAMIAMI TRL #107 FORT MYERS FL 33908	PRESERVE PLAZA COMMERCIAL CONDO DESC OR 4617 PG 3008 UNIT 107	85
LINEKA LLC STS REALTY GROUP 26721 DUBLIN WOODS CIR STE 1 BONITA SPRINGS FL 34135	<b>18-46-25-27-00000.0108</b> 18070 S TAMIAMI TRL #108 FORT MYERS FL 33908	PRESERVE PLAZA COMMERCIAL CONDO DESC OR 4617 PG 3008 UNIT 108	85
LLORENTE GUILLERMO 12821 SW 134TH CT #11 MIAMI FL 33186	<b>18-46-25-27-00000.0109</b> 18070 S TAMIAMI TRL #109 FORT MYERS FL 33908	PRESERVE PLAZA COMMERCIAL CONDO DESC OR 4617 PG 3008 UNITS 109 + 110	85
PRINCESS INVESTMENT PROPERTIES 18070 S TAMIAMI TRL STE 11 FORT MYERS FL 33908	<b>18-46-25-27-00000.0111</b> 18070 S TAMIAMI TRL #111 FORT MYERS FL 33908	PRESERVE PLAZA COMMERCIAL CONDO DESC OR 4617 PG 3008 UNIT 111	85
PRINCESS INVESTMENT 18070 S TAMIAMI TRL #112 FORT MYERS FL 33908	<b>18-46-25-27-00000.0112</b> 18070 S TAMIAMI TRL #112 FORT MYERS FL 33908	PRESERVE PLAZA COMMERCIAL CONDO DESC OR 4617 PG 3008 UNIT 112	85
TMKB PROPERTIES LLC 9930 COUNTRY OAKS DR FORT MYERS FL 33967	<b>18-46-25-27-00000.0113</b> 18070 S TAMIAMI TRL #113 FORT MYERS FL 33908	PRESERVE PLAZA COMMERCIAL CONDO DESC OR 4617 PG 3008 UNIT 113	85
ROCHA BUILDINGS LLC 18070 S TAMIAMI TRL # 114 FORT MYERS FL 33908	<b>18-46-25-27-00000.0114</b> 18070 S TAMIAMI TRL #114 FORT MYERS FL 33908	PRESERVE PLAZA COMMERCIAL CONDO DESC OR 4617 PG 3008 UNIT 114	85
KONG RU JING 224-08 77TH AVE BAYSIDE NY 11364	<b>18-46-25-27-00000.0115</b> 18070 S TAMIAMI TRL #115 FORT MYERS FL 33908	PRESERVE PLAZA COMMERCIAL CONDO DESC OR 4617 PG 3008 UNIT 115	85
AZIZI REAL ESTATE HOLDINGS LLC 2814 LEE BLVD # 3 LEHIGH ACRES FL 33971	<b>18-46-25-27-00000.0116</b> 18070 S TAMIAMI TRL #116 FORT MYERS FL 33908	PRESERVE PLAZA COMMERCIAL CONDO DESC OR 4617 PG 3008 UNIT 116	85

**Babcock Road & US 41**

Lee Plan Analysis  
Exhibit M I I

**Request**

The proposed Lee Plan Map Amendment is to re-designate approximately 25.60 ± acres from the Urban Community Future Land use to Central Urban Future Land use category. The Map Amendment is being filed concurrently with a request to rezone 24.32± acres from Commercial (C-1) and Agricultural (AG-2) to Commercial (C-2) for the purpose of mixed-use developed to allow for multi-family and commercial uses on the site. The companion C-2 rezoning will demonstrate compliance with the Lee County Land Development code. The surrounding area has been mostly developed with a mixture of Residential and Commercial uses.

**Existing and Surrounding Conditions**

The subject property is located at the southeast corner of US 41 (Tamiami Trail) and Babcock Rd. The overall site consists of 8 parcels as demonstrated in the aerial below. The eight parcels are zoned Commercial (C-2) and agriculture (AG-2) and are currently disturbed vacant.



The subject property is located within the San Carlos Planning Community and has a future land use classification of Urban Community according to the Lee Plan.





## Lee Plan Consistency Narrative

### Future Land Use Element

**OBJECTIVE 1.1: FUTURE URBAN AND SUBURBAN AREAS.** Designate areas with varying intensities on the Future Land Use Map (Map 1-A) that provide for a full range of urban activities. These designations are based upon soil conditions, historic and developing growth patterns, and existing or future availability of public facilities and services. (Ord. No. 17-13)

**POLICY 1.1.4:** The Urban Community future land use category are areas characterized by a mixture of relatively intense commercial and residential uses. The residential development in these areas will be at slightly lower densities than other future urban categories described in this plan. As vacant properties within this category are developed, the existing base of public services will need to be maintained which may include expanding and strengthening them accordingly. As in the Central Urban future land use category, predominant land uses in this category will be residential, commercial, public and quasi-public, and limited light industrial with future development encouraged to be mixed use, as described in Objective 1.1, where appropriate. The standard density range is from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum total density of ten dwelling units per acre (10 du/acre). The maximum total density may be increased to fifteen dwelling units per acre (15 du/acre) utilizing Greater Pine Island Transfer of Development Units. (Ord. No. 94-30, 02-02, 09-06, 10-10, 10-33, 16-07, 21-09)

The site is presently designated as **Urban Community** on the FLU map. The area has been widely developed with residential and commercial uses since the designation of **Urban Community**. The subject property is located adjacent to **US 41 (South Tamiami Trail)**, access to **Constitution Blvd**, and adequate existing public services and infrastructure available to support the requested change to **Central Urban**. Changing the property to **Central Urban** future land use will provide opportunities for increased development of economic growth within an area with support capacity.

The subject parcel is within the boundaries of the **Mixed-Use Goal II** vision. The mixed use as stated in **Policy 11.1.1** is consistent in both **Urban Community**, existing and **Central Urban**, proposed.

The applicant has requested a change to **Conventionally rezone** eight parcels that combined total **±23.61-ac** to **C-2** to allow development of the site to enable to construct with **354 multi-family dwelling units** (to include **118 bonus density units** and **236 standard units** as allowed in **Central Urban FLU**).

**POLICY 1.6.5:** The Planning Communities Map and Acreage Allocation Table (see Map 16, Table 1(b), and Policies 1.1.1 and 2.2.2) depicts the proposed distribution, extent, and location of generalized land uses through the Plan's horizon. Acreage totals are provided for land in each Planning Community in unincorporated Lee County. No development orders or extensions to development orders will be issued or approved by Lee County that would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded. This policy will be implemented as follows:



1. For each Planning Community the county will maintain a parcel-based database of existing land use. The database will be periodically updated at least twice every year, in September and March, for each Planning Community.

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

3. At each regularly-scheduled date for submission of the Lee Plan Evaluation and Appraisal Report, the county must conduct a comprehensive evaluation of Planning Community Map and the Acreage Allocation Table system, including but not limited to, the appropriateness of land use distribution, problems with administrative implementations, if any, and areas where the Planning Community Map and the Acreage Allocation Table system might be improved. (Ordinance No. 94-29, 98-09, 00-22, 07-13, 10-20, 19-13)

**The acreage allocation table shows 20 acres allocated for central urban, however the Future Land Use Map does not show existing Central Urban therefore the future Land Use map will need to be modified to reflect the additional ±50-acres of land to be added to the Central Urban Land Use Category in the San Carlos Planning Community (District 13). This is necessary to reflect the FLU Map amendment resignation of ±25.60 acres from Urban Community to Central Urban Future Land Use Category.**



**TABLE 1(b)  
YEAR 2045 ALLOCATIONS**

Future Land Use Category	Planning District											
	District 11 Daniels Parkway	District 12 tona / McGregor	District 13 San Carlos	District 14 Sanibel	District 15 South Fort Myers	District 16 Pine Island	District 17 Lehigh Acres	District 18 Southeast Lee County	District 19 North Fort Myers	District 20 Buckingham	District 21 Estero	District 22 Bashore
<b>Residential By Future Land Use Category</b>												
Intensive Development	-	-	-	-	801	1	30	-	375	-	-	-
Central Urban	-	656	20	-	3,113	-	7,362	-	2,225	-	-	-
Urban Community	-	578	1,318	-	863	540	17,034	-	-	115	-	-
Suburban	-	2,566	2,009	-	1,202	659	-	-	6,387	-	-	-
Outlying Suburban	1,251	438	-	-	-	502	-	-	406	-	90	-
Sub-Outlying Suburban	-	-	13	-	-	-	-	-	145	66	-	950
Commercial	-	-	-	-	-	-	-	-	-	-	-	-
Industrial	-	3	3	-	3	-	-	-	-	-	-	-
Public Facilities	-	-	-	-	-	-	-	-	-	-	-	-
University Community	-	-	503	-	-	-	-	-	-	-	-	-
Destination Resort Mixed Use Water Dependent	-	8	-	-	-	-	-	-	-	-	-	-
Burnt Store Marina Village	-	-	-	-	-	-	-	-	-	-	-	-
Industrial Interchange	-	-	-	-	-	-	-	-	-	-	-	-
General Interchange	58	-	-	-	-	-	-	8	14	-	-	20
General Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-	-
Industrial Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-	-
University Village Interchange	-	-	-	-	-	-	-	-	-	-	-	-
New Community	-	-	-	-	-	-	-	-	-	-	-	-
Airport	-	-	-	-	-	-	-	-	-	-	-	-
Tradeport	-	-	-	-	-	-	-	-	-	-	-	-
Rural	1,573	-	99	-	-	227	34	-	454	50	-	1,387
Rural Community Preserve	-	-	-	-	-	-	-	-	-	3,517	-	-
Coastal Rural	-	-	-	-	-	1,338	-	-	-	-	-	-
Outer Island	-	2	-	-	-	55	-	-	-	-	-	-
Open Lands	80	-	-	-	-	-	-	-	30	-	-	1,667
Density Reduction/ Groundwater Resource	-	-	-	-	-	-	-	4,742	-	-	-	2,101
Conservation Lands Upland	-	-	-	-	-	-	-	-	-	-	-	-
Wetlands	-	-	-	-	-	-	-	-	-	-	-	-
Conservation Lands Wetland	-	-	-	-	-	-	-	-	-	-	-	-
<b>Unincorporated County Total Residential</b>	<b>2,964</b>	<b>4,650</b>	<b>4,924</b>	<b>-</b>	<b>5,982</b>	<b>3,322</b>	<b>24,440</b>	<b>4,750</b>	<b>10,035</b>	<b>3,748</b>	<b>90</b>	<b>6,125</b>
<b>Commercial</b>	<b>326</b>	<b>774</b>	<b>938</b>	<b>-</b>	<b>2,012</b>	<b>288</b>	<b>900</b>	<b>118</b>	<b>1,121</b>	<b>19</b>	<b>18</b>	<b>72</b>
<b>Industrial</b>	<b>5</b>	<b>198</b>	<b>387</b>	<b>-</b>	<b>566</b>	<b>67</b>	<b>218</b>	<b>215</b>	<b>244</b>	<b>4</b>	<b>2</b>	<b>4</b>
<b>Non Regulatory Allocations</b>												
Public	3,214	4,898	6,364	-	5,883	4,831	20,267	17,992	10,117	3,052	653	3,351
Active AG	5	13	5	-	-	2,780	35	12,000	90	630	4	550
Passive AG	10	-	5	-	-	70	50	2,500	250	2,000	-	2,100
Conservation	1,677	9,786	2,232	-	211	15,489	1,077	41,028	1,607	382	1,465	895
Vacant	20	55	158	-	4	2,200	14,804	2,400	1,183	850	130	1,425
<b>Total</b>	<b>8,221</b>	<b>20,374</b>	<b>14,114</b>	<b>-</b>	<b>14,658</b>	<b>29,047</b>	<b>61,791</b>	<b>81,003</b>	<b>24,649</b>	<b>10,684</b>	<b>2,362</b>	<b>14,523</b>
<b>Population Distribution (unincorporated Lee County)</b>	<b>14,322</b>	<b>44,132</b>	<b>54,615</b>	<b>-</b>	<b>76,582</b>	<b>13,431</b>	<b>162,245</b>	<b>17,269</b>	<b>110,722</b>	<b>5,951</b>	<b>741</b>	<b>8,653</b>

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

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

**POLICY 2.1.2:** New land uses will be permitted only if they are consistent with the Future Land Use Map and the goals, objectives, policies, and standards of this plan. (Ordinance No. 00-22)

**POLICY 2.1.5:** Residential and commercial development proposals within the vicinity of existing or proposed commodity movement facilities must demonstrate land use compatibility with these





uses during the rezoning process and propose mitigation measures for adverse impacts. (Ordinance No. 99-15, 19-02)

**Objective 2.1 and implementing policy 2.1.1, 2.1.2 and 2.1.5 encourage the use of existing urban areas where services and infrastructure exist to serve new development. The requested Central Urban FLU category is a future urban area with a full range of existing urban services available directly at the subject property. This includes, but not limited to, potable water, sanitary sewer, and roadway capacity. Development in this location provides for a compact and contiguous growth pattern.**

**OBJECTIVE 2.2: DEVELOPMENT TIMING.** Direct new growth to those portions of the future urban areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in Section 163.3164(7), F.S.) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, F.S. and the concurrency requirements in the Land Development Code. (Ordinance No.94-30, 00-22, 17-19)

**POLICY 2.2.1:** Rezoning's 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. (Ordinance No. 94-30, 00-22)

**The primary access to the site will be provided by US 41 (S. Tamiami Trail), a State maintained Arterial roadway. A secondary access will be provided by Babcock Rd. and Constitution Blvd, a County maintained collector road. The subject property is located within the Lee County Utilities franchise area for potable water and central sewer with adequate capacity available. Urban services are available at or near the project site. Schools, EMS, Fire, and sheriff's office services are available in the vicinity of the project consistent with objective 2.2 and policy 2.2.1 of the FLU element. Letters of adequacy of service providers are attached in the application.**

**POLICY 2.2.2:** Map 1 of the Future Land Use Map series indicates the uses and density ranges that will ultimately be permitted on a given parcel. However, it is not a guarantee that such densities or uses are immediately appropriate, as the map provides for the county's growth beyond the Lee Plan's planning horizon of 2030. During the rezoning process the Board of County Commissioners will balance the overall standards and policies of this plan with three additional factors:

1. Whether a given proposal would further burden already overwhelmed existing and committed public facilities such that the approval should be delayed until the facilities can be constructed; and
2. Whether a given proposal is for land so far beyond existing development or adequate public facilities that approval should be delayed in an effort to encourage compact and efficient growth patterns; and





3. Whether a given proposal would result in unreasonable development expectations that may not be achievable because of acreage limitations contained in the Acreage Allocation Table (see Policy 1.7.6, Map 16 and Table 1(b)). Additional provisions related to mining are provided in Policy 33.1.4.

In all cases where rezoning is approved, such approval does not constitute a determination that the minimum acceptable levels of service (see Policy 95.1.3) will be available concurrent with the impacts of the proposed development. Such a determination must be made prior to the issuance of additional development permits, based on conditions which exist at that time, as required by Lee County's concurrency management system. (Ordinance No. 94-30, 98-09, 10-20)

**The applicant has analyzed public service availability and confirmed that capacity is available at the present time to serve the uses permitted by the proposed Central Urban FLU map designation. Development of the site with commercial and residential uses will not burden any existing public facilities. This amendment proposes to revise the table 1 (b) acreage allocation, to increase the acreage by 25.60 +/- acres to accommodate the proposed change in FLU categories, and a corresponding reduction in acreage is proposed in the Urban Community FLU category community.**

**OBJECTIVE 2.9: CARRYING CAPACITY.** Understand the carrying capacity of the future land use map and integrate the concept into planning strategies. (Ordinance No. 07-16)

**The modification is to a FLU category which permits residential uses in addition to commercial land uses is addressing the carrying capacity of the Lee Plan FLU map. Providing more residential development capacity to urban services and employment where capacity exists to accommodate this growth is consistent with good urban planning strategies.**

**GOAL 4: GENERAL DEVELOPMENT STANDARDS.** Pursue or maintain land development regulations which protect the public health, safety and welfare, encourage creative site designs and balance development with service availability and protection of natural resources. (Ordinance No. 94-30, 07-15, 17-13)

#### **STANDARD 4.1.1: WATER.**

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

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

4. All waterline extensions to new development will be designed to provide minimum fire flows, as well as adequate domestic services as required by Chapter 62-555, FAC.



**The subject property is within the Lee County Utilities potable water franchise area as depicted on Lee Plan Map 6 of the Lee Plan. Potable water will be provided from the Pinewood Water Treatment Plant. An adequacy letter stating that this plant has adequate capacity to provide service to the proposed development is provided as part of this application.**

#### **STANDARD 4.1.2: SEWER.**

2. If the proposed development exceeds the thresholds listed above and lies within the boundaries of a sewer utility's certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 7), and that utility has sufficient capacity to provide minimum service to the development, then the development must connect to that sewer utility if there is existing infrastructure adequate to accept the effluents of the development within 1/4 mile from any part of the development.

**The proposed development is within the Lee County Utilities sewer franchise area as depicted on Lee Plan Map 7 of the Lee Plan. Wastewater treatment will be provided from the Three Oaks Water Reclamation Facility. A letter stating that this facility has adequate capacity to provide service to the proposed development is provided as part of this application.**

#### **STANDARD 4.1.4: ENVIRONMENTAL FACTORS.**

1. In any case where there exists or there is the probability of environmentally sensitive areas (as identified by Lee County, the Corps of Engineers, Department of Environmental Protection, South Florida Water Management District, or other applicable regulatory agency), the developer/applicant must prepare an environmental assessment that examines the existing conditions, addresses existing or anticipated environmental problems, and proposes means and mechanisms to protect, conserve, or preserve the environmental and natural resources.

**The proposed land use change will have no impact on environmentally sensitive lands. Whether the site is developed with uses under the Central Urban FLU or uses currently permitted within the Urban Community FLU. Efforts will be made to preserve and protect any wetlands or environmentally sensitive areas that may be encountered on site.**

**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. (Ord. No. 94-30, 07-12, 21-09)

**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. (Ord. No. 00-22, 21-09)

**The Subject parcels are located within the Mixed-Use Overlay the Requested FLU Map change will facilitate a rezoning that is consistent with Policy 5.1.1**





**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.

The subject property is not within the Coastal High Hazard Area as based on and delineated in Map 5 of the Lee Plan. The proposed residential development consisting of approximately 267 dwelling units will utilize a clustered development pattern providing the necessary environmental, historical, water quality, and infrastructure enhancement measures needed to ensure proper functionality and design. Additionally, the proposed project will be designed in such a way that the future commercial uses will be located along US 41 and the residential development will be clustered on the eastern side of the property. The project will include perimeter setbacks, open space and buffers to ensure compatibility with surrounding uses and consistency with Policy 5.1.5 of the Lee Plan, 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” and Policy 5.1.6, which calls for development regulations requiring high-density, multi-family, cluster, and mixed-use developments to have open space, buffering, landscaping, and recreation areas appropriate for their density and design.

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

There are existing commercial developments offering employment and shopping opportunities all along S. Tamiami Trail/US 41 with restaurants, businesses, and shopping centers. These uses include a Publix, CVS, and an Ace Hardware only 4 minutes to the south. San Carlos Park Elementary School is 2.2± miles from the site, Three Oaks Middle School is 3.8± miles from the site and Island Park High School is 2.4± miles from the site. Karl Drews Park and Community Center is within 2.2± miles, San Carlos Community Pool is 1.9± miles, Three Oaks Park is within 4.3± miles, and Koreshan State Park is within 4.4± miles. Lee Tran Routes 240 and 140 run along US 41 at this location with existing bus stops ±350' to the north and ±1000' to the south. There are existing sidewalks on both sides of US 41, an existing bike lane, existing paved shoulder and proposed shared use path. The requested Map amendment will support a rezoning consistent with Policy 5.1.3

**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 the LDC, Chapter 10, 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 LDC will continue to require appropriate buffers for new developments. (Ord. No. 94-30, 99-15, 00-22)

**The subject property is in an area surrounded by existing residential and commercial development. The requested increase in density is consistent with the surrounding area and provides for additional infill development in an area where existing public facilities are available. Therefore, the additional units will not be destructive to the character and integrity of the residential environment additionally The Properties are within the existing Mixed-Use Overlay the requested Map amendment will support a rezoning consistent with Policy 5.1.5**

**GOAL 6: COMMERCIAL LAND USES.** To permit orderly and well-planned commercial development at appropriate locations within the county. (Ordinance No. 94-30)

**POLICY 6.1.4:** Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities. (Ordinance No. 94-30, 00-22)

**The existing zoning and developed uses in the surrounding area are primarily commercial and residential development. The principal land uses for Central Urban are areas that already are heavily settled and have, or will have, the greatest range and highest levels of public services. Residential and commercial land uses will continue to be predominate within the current land use category and therefore continue to be compatible. One of the only differences in the land use category change is the allowable dwelling units per acre. These uses are appropriate in this location due to the proximity to the interstate.**

**POLICY 6.1.5:** The land development regulations will require that commercial development be designed to protect the traffic-carrying capacity of roads and streets. Methods to achieve this include but are not limited to frontage roads; clustering of activities; limiting access; sharing access; setbacks from existing rights-of-way; acceleration, deceleration and right-turn-only lanes; and, signalization and intersection improvements. (Ordinance No. 94-30, 00-22)

**The subject parcel is in an area where capacity exists on the adjacent existing roadway network. A signalized intersection is located at US 41 and Constitution Blvd, providing access to the site. As discussed in the attached traffic analysis, the change in land use is not expected to substantially increase and may decrease the number of potential new trips generated by the development at buildout. Whether developed within the Urban Community or the Central Urban Land Use, the site is expected to generate similar traffic generation. Therefore, the proposed FLU change will have minimal impact on the existing roadway network capacity.**

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





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

**The proposed change in land use will not have any impact on landscaping, open space or buffering on the subject site. The proposed development will provide adequate open space and buffering as required by the Land Development Code (LDC) under either FLU.**

**GOAL 11: MIXED USE.** Encourage mixed use developments that integrate multiple land uses, public amenities and utilities at various scales and intensities in order to provide diversified land development; a variety of housing types; greater connectivity between housing, workplaces, retail businesses, and other destinations; reduced trip lengths; more transportation options; and pedestrian and bicycle-friendly environments. (Ord. No. 17-13)

**The remaining undeveloped lands develop at the maximum base density of 10 dwelling units per acre could potentially be developed with 236 dwelling units. If approved for the maximum potential bonus density at 15 dwelling units per acre, yields a maximum of 354 dwelling units. Demands on public facilities were estimated based on the maximum potential residential development in conjunction with the existing 501,811 square feet of commercial entitlement, which is also supported by the Central Urban category. The application materials supporting this request include copies of the Letters of Availability for the potable water and sanitary sewer from Lee County Utilities. Lee County Emergency Medical Services, South Trail Fire Protection & Rescue Service District, and the Lee County Sheriff's Office all have confirmed that the project has complete emergency service availability. LeeTran, and Lee County Solid Waste confirmed ability to accommodate the capacity demands of the proposed project. The submitted application demonstrates that services are available consistent with Goal 4 of the Lee Plan.**

**All other objectives and policies within Goal 11 for mixed use development will be consistent with either existing Urban Community FLU or proposed Central Urban FLU.**

**POLICY 11.2.2:** Development in the Mixed-Use Overlay should accommodate connections to adjacent uses. (Ord. No. 07-15, 17-13)

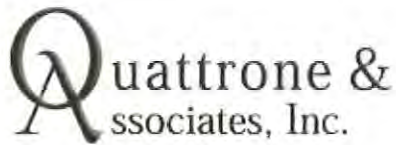
**Interconnection between Babcock Rd to Constitution is being proposed in Concurrent Development Order (DOS2022-00199)**

**GOAL 37: LEVEL OF SERVICE (LOS) STANDARDS.** Establish and maintain specified transportation LOS standards. (Ordinance No. 98-09, 99-15, 00-08, 17-13)

**POLICY 37.1.3:** Lee County will use the most current Highway Capacity Manual, FDOT Quality Level of Service Handbook, and other best practices to calculate LOS. (Ordinance No. 98-09, 99-15, 07-09, 17-13)

**The proposed land use change will have no adverse impact on the Level of Service of the Adjacent roads. As discussed in the attached traffic analysis, the change in**





land use is not expected to substantially increase and will likely decrease the number of potential new trips generated by the development at buildout. A proposed development will comply with all transportation requirements of the LDC at time of zoning and development order.

**GOAL 59: PROTECTION OF LIFE AND PROPERTY.** To reduce the hazards to life, health, and property created by flooding due to rainfall in a manner consistent with the community's criteria for the preservation of environmental values and the conservation of natural resources.

**OBJECTIVE 59.1:** Lee County will continue its efforts in developing a surface water management planning process designed to produce and maintain an up-to-date body of technical information, and, based on that information, the necessary surface water management plans, regulatory mechanisms, and facility proposals that will improve the protection of present and future uses of real property from stormwater flooding, while preserving or enhancing the environmental and natural resource values of both land and water. (Ord. No. 94-30, 00-22)

**POLICY 59.1.3:** Maintain floodplain regulations in accordance with the most recently adopted Flood Insurance Rate Map (FIRM) and other available sources. (Ord. No. 94-30, 07-12, 18-28)

**POLICY 59.1.4:** Continue to develop, update, and improve technical information, with the assistance of the USDA Natural Resources Conservation Service, United States Geological Survey, Federal Emergency Management Agency (FEMA), SFWMD, and other agencies, in order to better determine the current flooding risks associated with severe rainfall events. (Ord. No. 91-19, 94-30, 99-15, 02-02)

**POLICY 59.1.9:** Maintain the floodplain management plan and analyze the flooding problem in the unincorporated areas of Lee County, inventory the flood hazard area, review possible activities to remedy identified flooding problems, select appropriate alternatives, and formulate a schedule for implementation. (Ord. No. 92-35, 94-30, 00-22, 07-12, 18-28)

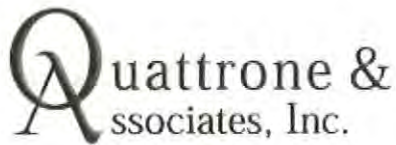
**OBJECTIVE 61.3: GENERAL SURFACE WATER MANAGEMENT STANDARDS.** Lee County will continue to provide sufficient performance and/or design standards for development protective of the function of natural drainage systems. (Ord. No. 94-30, 00-22)

**POLICY 61.3.2:** Maintain floodplains to minimize the potential loss of life and damage to property by flooding. (Ord. No. 00-22, 18-28)

**POLICY 61.3.5:** The County will maintain regulations which provide for the management and protection of floodplains, consistent with state and federal regulations. (Ord. No. 00-22)

The property is within FEMA flood zone AE 11.00 – 13.00' contours. This will be mitigated by placing fill such that the finished floor elevation is one foot above the FEMA base flood elevation as required by Florida Building Code and Chapter 6, LDC. Prior to future development on the property, the applicant will obtain the prerequisite Environmental Resource Permit (ERP) from South Florida Water Management District, and all other applicable state agencies. The request is consistent with Policies 59.1.3, 59.1.4, 59.1.9, 61.3.2 and 61.3.5.





**POLICY 95.1.3:** LOS standards will be the basis for planning and provision of required public facilities and services within Lee County. Regulatory LOS standards will be the basis for determining the adequacy of public facilities for the purposes of permitting new development. Compliance with non-regulatory LOS standards will not be a requirement for continued development permitting but will be used for facility planning purposes. The LOS will be the basis for facility design, for setting impact fees, and (where applicable) for the operation of the Concurrency Management System (CMS).

- a. **Sanitary Sewer** – The site will provide Sanitary Sewer, meeting all the requirements in accordance with LDC requirements for development
- b. **Potable Water** – The site will provide Potable Water, meeting all the requirements in accordance with LDC requirements for development
- c. **Surface Water/Drainage Basins** – The property will include controlled discharge into the Mullock Creek system, meeting all requirements of South Florida Water Management District and Lee County at the time of development order.
- d. **Parks, Recreation, and Open Space** – Any proposed development will provide all required Landscaping and Open Space as required by LDC.

**GOAL 125: WATER QUALITY.** To ensure that water quality is maintained or improved for the protection of the environment and people of Lee County. (Ord. No. 17-19, 18-28)

The proposed planned development will be consistent with Lee Plan Goal 125, Objective 125.1, and Policies 125.1.1 through 125.1.6. The proposed development will not generate pollution and will meet all the conditions and requirements of Lee County's Wellfield Protection Ordinance No. 07-35.

**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. (Ord. No. 00-22, 18-28)

The proposed mixed-use development will include an engineered surface water (stormwater) management system, based on the rules, standards, and criteria of the SFWMD ERP program, and be consistent with the criteria of Part IV of Chapter 373, Florida Statutes. Through the elimination of the existing conveyance features, and construction of the stormwater management system, predevelopment water resources conditions (shallow groundwater and surface water) will be maintained, or otherwise enhanced. The attenuation of stormwater flows through the creation of wet detention areas (lakes), results in surface water supplies being seasonally stored, thereby improving recharge potential to the underlying Water Table Aquifer and enhancing shallow groundwater levels. The features also provide improved surface water quality treatment, provide wildlife habitat and can be used to supplement irrigation supplies. Therefore, the development design not only maintains, but potentially improves existing water resource conditions.

**GOAL 141: IDENTIFICATION AND EVALUATION.** To provide for the identification and evaluation of the historic resources of Lee County.

Reference exhibit M13 and site there are no resources listed on national register or any other recorded cultural or historic resources.

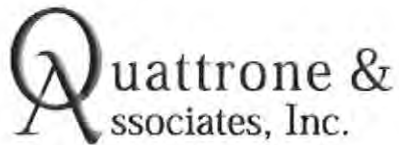


Although a portion of the site falls within the Archaeological Sensitivity Level 2, the proposed land use change will have no impact on the historic or archaeological resources of Lee County. The land use change to Central Urban FLU will not increase the allowable development intensity or potential development footprint different than existing Urban Community FLU. Historic or archaeological impacts will be avoided in either case and a certificate to dig will be requested from Lee County in accordance with LDC requirements at time of development.

### Conclusion

The Future Land Use change from Urban Community to Central Urban will allow for a mixed-use infill development with both residential uses and supportive neighborhood commercial uses. The property is located within a mature developed area of Lee County as evidenced by surrounding land use, densities, and intensities. The site is in proximity to goods, services, recreation, and public infrastructure. Flexibility in the uses for the subject site will not provide for additional intensity, nor provide any new deficiencies or impact the public health, safety or welfare, only residential density will increase with the change from Urban Community to Central Urban. Central Urban will continue to protect the natural resources and environmental features of the property through compliance with the Land Development Code and will efficiently utilize the existing public facilities and services in the area. The change will allow continued support of mixed-use development within the overlay and in an appropriate location, thereby accommodating growth in areas intended by Lee County Comprehensive Plan. This narrative confirms that the proposed request from Urban Community to Central Urban is consistent with the LeePlan and Land Development Code for the future land use change.





### **Babcock Road & US 41**

#### Environmental Analysis Exhibit M12

The total site area is  $\pm 25.60$ -ac which consists of disturbed land. The site is bordered by roadways, commercial and residential development. The existing vegetation for the 24.34 acres in size, A dense canopy mainly cover by exotics is the dominant upland site feature (approximately 10.94 acres). There are two upland FLUCCS categories on this site. They are FLUCCS 190, Open land is drastically disturbed land where the current use does not have a specific purpose and FLUCCS 743 Spoil area is land that has been elevated or filled with fill material. In this case it was the filling of an upland dug excavation dug log ago. There is no evidence of listed species utilizing the south side of the property for habitat as most of the site has been developed/disturbed.

The change in land use from Urban Community to Central Urban will not have an effect on the environmental aspects of the site. In both cases, the development intensity will be similar, indigenous preserve areas will be provided in accordance with the Land Development code, wetland impacts will be avoided or mitigated in accordance with SFWMD and county requirements, and any listed species, if encountered will be addressed per local and state requirements.

**Babcock Road & US 41**

Historical Resources Impact Analysis  
Exhibit M13

**Florida Master Site File**

Per the Florida Master Site File, there are not any previously recorded cultural or historic resources located within 150 feet of the subject property.

**Archaeological Sensitivity Map**

±450 ft South of the subject property is identified as being archaeologically sensitive 2 on the Lee County Archaeological Sensitivity Map dated December 2014. See below.





**Babcock -US 41**

Existing and Future Public Facilities Impacts Analysis  
Exhibit M14 and Exhibit M16

**Potable Water and Sanitary Sewer**

The subject property is within Lee County Utilities (LCU)

The subject property is within the Lee County Utilities (LCU) potable water franchise area as depicted on Maps 4A and 4B of the Lee Plan. LCU owns and maintains existing potable water and wastewater lines along the adjacent streets. Pinewood Water Treatment Plant will provide potable water service to the proposed development while Three Oaks Water Reclamation Facility will provide wastewater service.

Lee County utilities has sufficient capacity to provide water and sewer service at buildout for both the existing Urban Community land use as well as the proposed Central Urban land use to include multi-family residential units. As similar uses could be developed in both land use categories, the difference in the expected water and sewer demand would be only due to the addition of the residential units and is summarized below.

Per F.A.C. 64E-6, residential/commercial:

Residential:

- 100 gallons per day per 1-bedroom unit (750 sf or less of building area)
- 200 gallons per day per 2-bedroom unit (751-1200 or less of building area)
- 300 gallons per day per 3-bedroom unit (1201-2250 sf or less of building area)
- 400 gallons per day per 4- bedroom unit (2251-3300 sf or less of building area)

Commercial:

- 15 gallons per day per employee per 8 hours shift or
- 15 gallons per day per 100 sf of floor space, whichever is greater

(288 2-bedroom multi-family residential units = 57,600 gpd; 60,000 sf office space= 9,000 gpd. The proposed project can expect an average potable water and sanitary sewer demand of 66,600 GPD.

Water and sewer demand for the balance of the property would remain unchanged whether in the Urban Community or central Urban land use.

According to the 2022 Lee County Concurrency Report, LCU's interconnected water distribution system is permitted with a capacity of 52.9 million gallons per day (MGPO) and is projected planned future to operate at 54.3 MGPO. Therefore, there is sufficient capacity within the existing water distribution system to serve the project at build-out.

According to the 2022 Lee County Concurrency Report LCU's / CFM combined wastewater Water Reclamation Facility is permitted with a capacity of 43.4 million gallons per day (MGPD) and is projected to operate at 49.4, by 2023/2024. Therefore, there is sufficient capacity within the existing plant to serve the increase in demand to the wastewater system from the project at build-out.



### **Surface Water/Drainage Basins**

The existing site consists of vacant disturbed parcels. There is an existing stormwater swale along ROW of S. Tamiami Trail. The existing stormwater runoff sheet flows generally to the south into Mullock Creek flow way. The property has submitted to SFWMD for an Environmental Resource application # 221025-36369 to serve the 25.60-acre proposed development.

The subject site is currently in a FEMA Zone AE-ELI1 per map panel 12071C0577H, which has an established base flood elevation of 11" NAVD.

The Lee Plan Policy 95.1.3 establishes regulatory standards and non-regulatory standards for public facilities and states as follows:

**Stormwater Management Facilities LOS:** The existing surface water management system in the unincorporated areas of the county will be sufficient to prevent the flooding of designated evacuation routes (see Map 3J) from the 25-year, 3-day storm event (rainfall) for more than 24 hours.

The 2022 Concurrency Report confirms that none of the evacuation routes in the studied watersheds are anticipated to be flooded for more than 24 hours, and that new developments that receive approval from the South Florida Water Management District and comply with standards in Florida Administrative Code Chapter 62- 330 will be deemed concurrent with the Lee Plan's surface water management LOS. The Babcock Rd- US 41 project will receive approval for an Environmental Resource Permit from the South Florida Water Management District and, as such, will be consistent with the surface water management Level of Service standards of the Lee Plan.

The change in land use from Urban Community to Central Urban will change the developable area. The proposed development will include a surface water management system which will provide both stormwater attenuation and water quality treatment. The surface water management system will include controlled discharge into the Mullocks Creek system, meeting all requirements of South Florida Water Management District and Lee County at the time of development order.

The change in land use will have no impacts on the design or function of the surface water management system, drainage basin, discharge rates, nutrient loadings, water quality or flood zone.

### **Parks, Recreation and Open Space**

#### **Regional Parks:**

The Lee County Public Facilities Level of Service and Concurrency Report 2022 indicates a total of 7,066 acres of existing regional parks operated by county, local, state, and federal governments within Lee County. The capacity required to meet The Lee Plan Policy 95.1.3 non-regulatory level of-service standard of 6 acres per 1,000 total seasonal county population is equal to:

$$923,000 \text{ [seasonal county population]} \times (6 \text{ acres}/1,000 \text{ population}) = 5,538 \text{ acres}$$

The Bureau of Economic and Business Research (BEBR) Projections of Florida Population by County, 2020-2045, with Estimates for 2019 provided a high projected population of 997,000





for Lee County in 2030. This would require 5,982 acres to meet the level of service standard. There is more than adequate existing Regional Park acreage in Lee County to meet the needs of the project.

#### Community Parks

The Lee County Public Facilities Level of Service and Concurrency Report 2022 indicates a total of 670.1 acres of existing community parks operated by Lee County or jointly operated with The School District of Lee County within Lee County. The capacity required to meet the Lee Plan Policy 95.1.3 non-regulatory level of-service standard of 0.8 acres per 1,000 total permanent county population is equal to:

$$384,000 \text{ [permanent unincorporated county population]} \times (0.8 \text{ ac/1,000 population}) = 307 \text{ ac}$$

The existing inventory of community parks within Lee County meets the community park level of-service standard in the County for the year 2020 and will continue to do so at least through the next five years. The level of service standard increased from 285 acres in 2019 to 295 acres in 2021 which represents here is more than adequate existing Community Park acreage in Lee County to meet the needs of the project.

#### Public Schools

The subject property is within the South Zone, Lee Plan Policy 95.1.3 provides that Public Schools Facilities LOS standards for Elementary Schools, Middle Schools, High Schools and Special Purpose Facilities is based upon Permanent Florida Inventory School Houses (FISH) capacity and is 100% as adjusted by the School Board annually to account for measurable programmatic changes.

According to the Lee County Public Facilities Level of Service and Concurrency Report 2022, the South Zone showed an available capacity of 638 elementary school seats, 337 middle school seats, and 347 high school seats. The letter of review and recommendation has been requested from the School District of Lee County.



Engineers, Planners & Development Consultants

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## BABCOCK ROAD – US 41

### TRAFFIC IMPACT STATEMENT

July 2023

Prepared By:  
Carson Roisum

Reviewed By:  
Alfred Quattrone, P.E.  
FL. REG #52741

Al Quattrone, Professional Engineer, State of  
Florida, License No. 52741. This item has been  
digitally signed and sealed by Al Quattrone, P.E.  
on 7/31/2023.

Printed copies of this document are not  
considered signed and sealed and the signature  
must be verified on any electronic copies.

Alfred Quattrone  
Digitally signed by  
Alfred Quattrone  
Date: 2023-07-31  
07:38:25

QAI Project # 220102







#### **Babcock Road – US-41**

STRAP#: 0746250000009001A, 7462500000100010, 7462500000110020, 0846250100000001B,  
8462500010070000, 8462500010060000, 8462500010050010,  
Babcock Rd – US 41, Fort Myers, FL. 33967.

The purpose of the TIS is to analyze the potential traffic impacts and identify any improvements or conflicts by altering the future land use category in an overall area.

### **EXISTING CONDITIONS**

#### **OVERVIEW**

The subject property is located approximately 1.3 miles south of the intersection of Alico Rd and US-41. The comprehensive planned area for this analysis includes 13 parcels with a total area described below. The total area is acquired from Aim Engineering & Surveying Inc. with a Legal Sketch & Description dated from 12-05-2022 showing 25.60 acres total.

Strap #
0746250000009001A
7462500000100010
7462500000110020
8462500010060000
8462500010050010
8462500010070000
0846250100000001B
Total Area = 25.60 Acres

#### **ROADWAY INFORMATION**

S Tamiami Trail (US-41) is a state-maintained six-lane divided arterial with a posted speed limit of 50 mph. Alico Rd is a four-lane divided arterial within the vicinity of the subject site. Alico Rd has a posted speed limit of 45 mph and is under the jurisdiction of the Lee County Department of Transportation. Michael G. Rippe Pkwy is a six-lane divided county maintained arterial within the vicinity of the subject site. Michael G. Rippe Pkwy has a posted speed limit of 55 mph. Babcock Rd is a two-lane two-way county maintained minor collector roadway, with a speed limit of 30 mph. Constitution Blvd is a two-way divided county maintained major collector roadway with a posted speed limit of 30 mph.

#### **PROPOSED DEVELOPMENT**

The existing development area is zoned with a future land use of Urban Community with a maximum base density of 6 dwelling units per gross acre. The proposed future land use for the area is Central Urban with a maximum base density of 10 dwelling units per gross area, totaling 267 multi-family dwellings units with the purchase of an allowable number of TDRs. For both Urban Community and Central Urban, the same commercial developments/retail can be built so there is no net improvement or change in terms of trip generation onto local roadway. The proposed development will be analyzed by looking at the overall impact of 267 residential units instead of net difference.

Below is the land use codes utilized to calculate the projected trips:

**LUC 220 – Multifamily Housing (Low-Rise)**

**267 Dwelling Units**



## TRIP GENERATION

The trip generation proposed for the development was determined using OTISS software which references the Institute of Transportation Engineer's (ITE) report, titled *Trip Generation*, 11<sup>th</sup> Edition. LUC-220 had best fit curves available for the weekday and AM/PM peak hour analysis. All the analyses for LUC 220 were generated using the ITE best fit rate

The table below outlines the anticipated A.M. and P.M. peak hour trip generation for the proposed use as well as weekday analysis, calculated by OTISS.

Land Use	Peak AM		Peak PM		Weekday	
	Entry	Exit	Entry	Exit	Entry	Exit
<b>220 – Multifamily Housing (Low-Rise)</b> <b>267 Dwelling Units</b>	25	81	85	50	893	894

## TRIP DISTRIBUTION

The total trip from the future development is assumed to all eventually come from S Tamiami Trail (US-41). It is assumed that 50% of trips will be accessing the site from the north and 50% of the trips will be accessing the site traveling south on US-41. Additionally, it was assumed that 30% of traffic heading to/from the north will access both Alico Road and Michael G. Rippe Parkway (15% each). These assumptions were determined by referencing nearby commodities and businesses.

## PROJECT LEVEL OF SERVICE AND IMPROVEMENTS

There is one roadway that will be analyzed for Level of Service, S Tamiami Trail (US-41).

Florida Traffic Online currently displays the 100th highest hour traffic volume of 2,413 trips just north and south of the site, and 2,900 north of Alico Road on US 41. For the county-maintained roadways, the most recent concurrency report was utilized to determine peak hour traffic. Utilizing the specific service volumes attached in the Appendix, it was found that all roadways have sufficient capacity with and without the project traffic. Therefore, no LOS degradation is expected for current conditions.

## SHORT TERM AND LONG-TERM ANALYSIS

Per Lee County standards, the proposed amendment is to be analyzed for 2028 and 2045. The existing 2022 peak hour peak season peak direction volumes were calculated by adjusting both Lee County and FDOT's appropriate traffic counts. These values were then assigned an appropriate growth rate and were converted to future traffic volumes. US-41 directly adjacent to the subject site is anticipated to operate at Level of Service C in 2028 both with and without the addition of project traffic. However, north of Alico road US 41 is expected to fail with and without the proposed trips. US-41 in 2045 is expected to operate below the minimum LOS value without the addition of project traffic in all scenarios. Alico Road and Michael G. Rippe Parkway are expected to operate at Level of Service C in both 2028 and 2045 with the addition of the project traffic. Therefore, no improvements will be warranted as a result of the proposed development. Table 2 displays both scenarios.





## CONCLUSION

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The proposed development will not have a significant impact on the surrounding roadway network. Based on the Level of Service analysis conducted as a part of this report, the proposed changes will not degrade US-41. US-41 is anticipated to operate below minimum standards in the horizon year both with and without the project traffic. Therefore, no roadway capacity improvements are required as a result of the proposed change.

## REFERENCES

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- *Florida Traffic Information Online*
- *FDOT's Generalized Peak Hour Directional Volumes, Table 7*
- *Institute of Transportation Engineers Trip Generation, 11<sup>th</sup> Edition*
- *Lee County Generalized Level of Service Thresholds 2016 (LCDOT)*
- *Lee County Traffic Counts 2022 (LCDOT)*
- *Lee County Concurrency Report 2022 (LCDOT)*
- *Trip Generation by OTISS Online Traffic Impact Study Software*



## TRIP DISTRIBUTION EXHIBITS

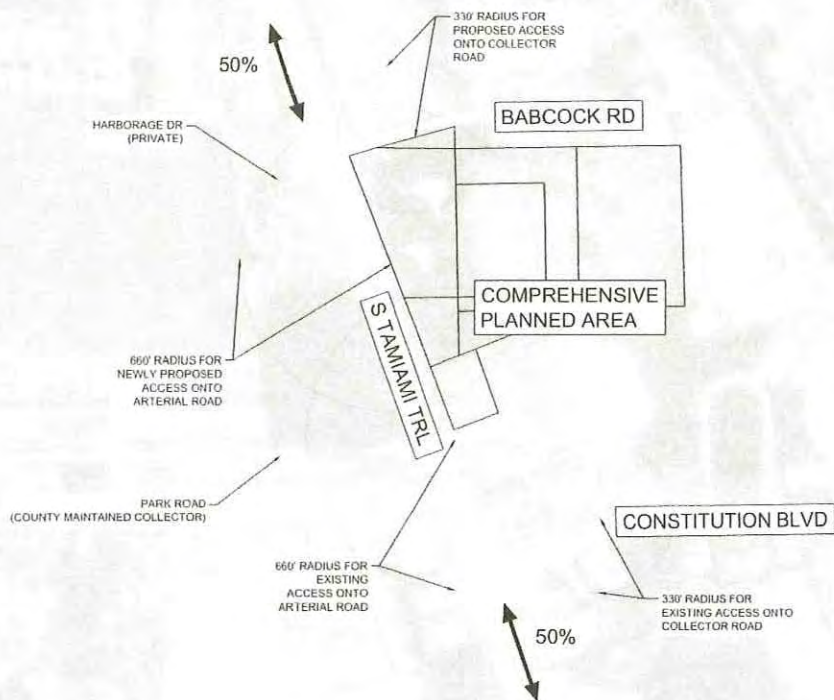
- Trip LOS Exhibits T-01 & T-02







NTS



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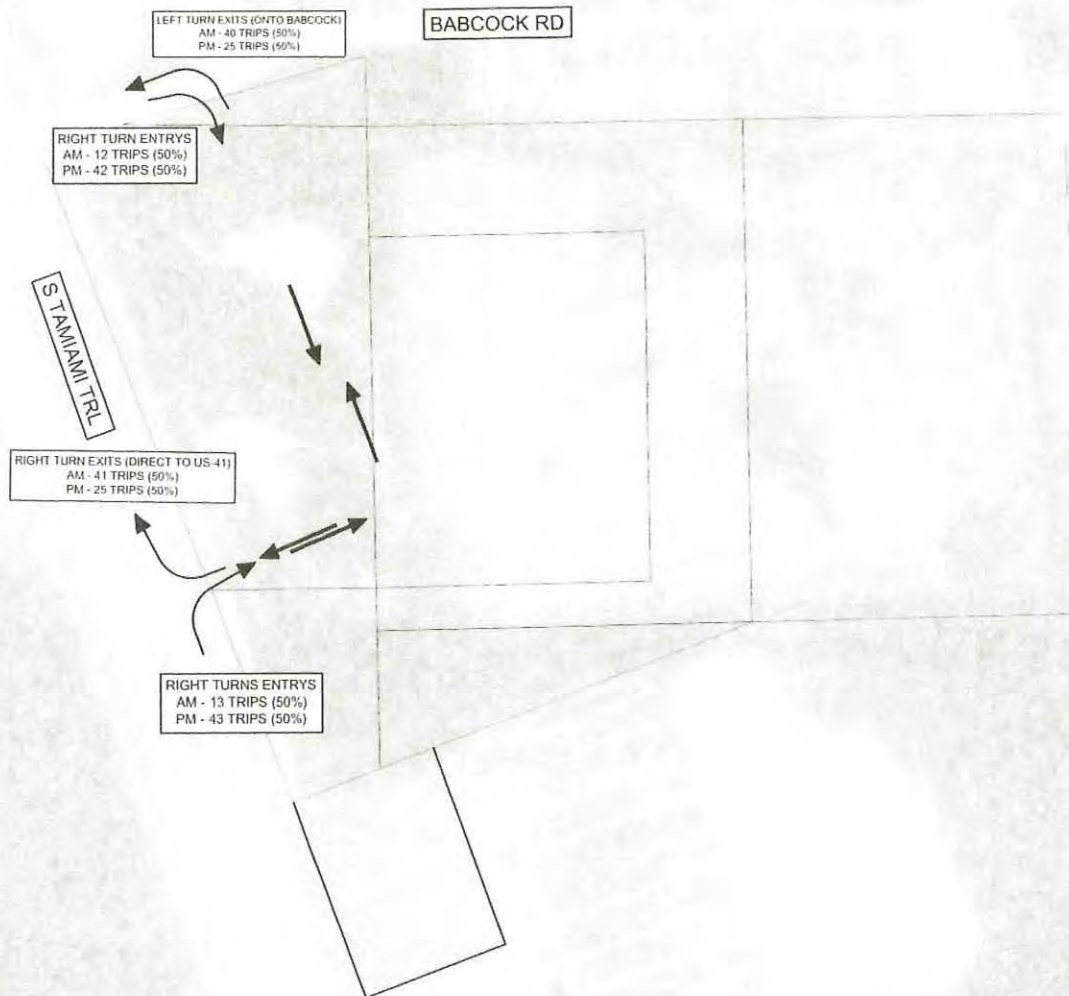
Certificate of Authorization Number: 9465

INBOUND TRIPS  
TIS LOS EXHIBIT  
BABCOCK ROAD  
FORT MYERS, FL 33967.

SHEET  
T-01  
01 OF 03

**PROPOSED TRIPS**  
Driveway Volume

7-9 AM Peak Hour Enter	25
7-9 AM Peak Hour Exit	81
<b>7-9 AM Peak Hour Total</b>	<b>106</b>
4-6 PM Peak Hour Enter	85
4-6 PM Peak Hour Exit	50
<b>4-6 PM Peak Hour Total</b>	<b>135</b>



**Quattrone & Associates, Inc.**

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Certificate of Authorization Number: 9465

BABCOCK APARTMENTS  
**TURN LANE EXHIBIT**  
BABCOCK ROAD  
FORT MYERS, FL 33967.

SHEET  
**T-02**  
03 OF 03



## TRIP GENERATION ANALYSIS

- ITE generated trips table
- Level of Service (Table 1)
- Short Term and Horizon Year LOS (Table 2)



Scenario - 1								
Land Use & Data Source	Location	IV	Size	Time Period	Method	Entry	Exit	Total
					Rate/Equation	Split%	Split%	
220(2) - Multifamily Housing (Low-Rise) - Not	General	Dwelling Units	267	Weekday, Peak Hour of	Best Fit (LIN)	25	80	105
Data Source: Trip Generation Manual, 11th Ed	Urban/Suburban			Adjacent Street Traffic,	$T = 0.31(X) + 22.85$	24%	76%	
220 - Multifamily Housing (Low-Rise) - Not Close	General	Dwelling Units	267	Weekday, Peak Hour of	Best Fit (LIN)	85	50	135
Data Source: Trip Generation Manual, 11th Ed	Urban/Suburban			Adjacent Street Traffic,	$T = 0.43(X) + 20.55$	63%	37%	
220(1) - Multifamily Housing (Low-Rise) - Not	General	Dwelling Units	267	Weekday	Best Fit (LIN)	893	893	1786
Data Source: Trip Generation Manual, 11th Ed	Urban/Suburban				$T = 6.41(X) + 75.31$	50%	50%	



**TABLE 1: LEVEL OF SERVICE THRESHOLDS**

TOTAL AM PEAK HOUR PROJECT TRAFFIC =	106 VPH	IN= 25	OUT= 81
TOTAL PM PEAK HOUR PROJECT TRAFFIC =	135 VPH	IN= 85	OUT= 50

<u>ROADWAY</u>	<u>SEGMENT</u>	<u>ROADWAY CLASS</u>	<u>LOS A VOLUME</u>	<u>LOS B VOLUME</u>	<u>LOS C VOLUME</u>	<u>LOS D VOLUME</u>	<u>LOS E VOLUME</u>	<u>PROJECTED TRAFFIC DISTRIBUTION</u>	<u>NEW PROJECT TRAFFIC AM PEAK</u>	<u>NEW PROJECT TRAFFIC PM PEAK</u>	<u>PROJECT/LOS C</u>
US 41	N. of Site	6LD	-	-	3,087	3,171	3,171	50%	41	43	1.38%
	S. of Site	6LD	-	-	3,087	3,171	3,171	50%	41	43	1.38%
	N. of Alico Rd.	6LD	-	-	3,087	3,171	3,171	20%	16	17	0.55%
Alico Rd.	E. of US 41	4LD	-	250	1,840	1,960	1,960	15%	12	13	0.69%
Michael G. Rippe Pkwy.	N. of US 41	6LD	-	-	3,087	3,171	3,171	15%	12	13	0.41%

\* The Level of Service thresholds for US 41 were obtained from the FDOT Generalized Service Volume Table

\*\* The Level of Service thresholds for County Roadways were obtained from the Lee County Generalized Service Volume Table

TABLE 2: SHORT TERM AND HORIZON YEAR ANALYSIS

Segment	K Factor	D Factor
120034	0.09	0.531
120067	0.09	0.537

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 106 VPH      IN= 25      OUT= 81  
TOTAL PM PEAK HOUR PROJECT TRAFFIC = 135 VPH      IN= 85      OUT= 50

										2028		2045					2028		2028		2045		2045																	
										PRESENT PK		PK HR		2028		PK HR		2045		PROJECT			AM			PM			BACKGROUND+AM PROJECTED		BACKGROUND+PM PROJECTED		BACKGROUND+PM PROJECTED		BACKGROUND+PM PROJECTED					
										HR PK SEASON		VOLUME		LOS		VOLUME		LOS		TRAFFIC			TRAFFIC			TRAFFIC			VOLUME		LOS		VOLUME		LOS		VOLUME		LOS	
US 41	ROADWAY	SEGMENT	STA.	BASE YR	2022	YRS OF	ANNUAL																																	
		#	ADT	ADT	GROWTH	RATE																																		
		N. of Site	120034	50,500	50,500	16	2.00%	2,413	2,718	C	3,806	F	50%	41	43	2,758	C	2,760	C	3,846	F	3,848	F																	
		S. of Site	120034	50,500	50,500	16	2.00%	2,413	2,718	C	3,806	F	50%	41	43	2,758	C	2,760	C	3,846	F	3,848	F																	
		N. of Alico Rd.	120067	55,000	60,000	15	2.00%	2,900	3,266	F	4,573	F	20%	16	17	3,282	F	3,283	F	4,589	F	4,590	F																	
Alico Rd.		E. of US 41	204	23,400	25,600	6	2.00%	1,171	1,319	C	1,847	D	15%	12	13	1,331	C	1,331	C	1,859	D	1,859	D																	
Michael G. Rippe Pkwy.		N. of US 41	531	17,500	15,000	0	2.00%	1,397	1,573	C	2,203	C	15%	12	13	1,585	C	1,586	C	2,215	C	2,216	C																	

\* 2022 Peak Hour Peak Season Values Were Calculated Using FDOT's K and D Factors Multiplied by the Current AADT Volume for State Controlled Roadways

\*\* 2022 Peak Hour Peak Season Values Were Calculated Using Lee County's 2022 Concurrency Report for County Controlled Roadways

\*\*\* Growth Rates were Calculated by Referencing LCDOT & FDOT's AADT Traffic Count Volumes

\*\*\*\* A Minimum Growth Rate of 2.00% was Assigned



## TRIP GENERATION GRAPHS

- Land Use Description
- ITE generated graphs



## Land Use: 220

### Multifamily Housing (Low-Rise)

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#### Description

Low-rise multifamily housing includes apartments, townhouses, and condominiums located within the same building with at least three other dwelling units and that have two or three floors (levels). Various configurations fit this description, including walkup apartment, mansion apartment, and stacked townhouse.

- A walkup apartment typically is two or three floors in height with dwelling units that are accessed by a single or multiple entrances with stairways and hallways.
- A mansion apartment is a single structure that contains several apartments within what appears to be a single-family dwelling unit.
- A fourplex is a single two-story structure with two matching dwelling units on the ground and second floors. Access to the individual units is typically internal to the structure and provided through a central entry and stairway.
- A stacked townhouse is designed to match the external appearance of a townhouse. But, unlike a townhouse dwelling unit that only shares walls with an adjoining unit, the stacked townhouse units share both floors and walls. Access to the individual units is typically internal to the structure and provided through a central entry and stairway.

Multifamily housing (mid-rise) (Land Use 221), multifamily housing (high-rise) (Land Use 222), affordable housing (Land Use 223), and off-campus student apartment (low-rise) (Land Use 225) are related land uses.

#### Land Use Subcategory

Data are presented for two subcategories for this land use: (1) not close to rail transit and (2) close to rail transit. A site is considered close to rail transit if the walking distance between the residential site entrance and the closest rail transit station entrance is ½ mile or less.

#### Additional Data

For the three sites for which both the number of residents and the number of occupied dwelling units were available, there were an average of 2.72 residents per occupied dwelling unit.

For the two sites for which the numbers of both total dwelling units and occupied dwelling units were available, an average of 96.2 percent of the total dwelling units were occupied.

The technical appendices provide supporting information on time-of-day distributions for this land use. The appendices can be accessed through either the ITETripGen web app or the trip



generation resource page on the ITE website (<https://www.ite.org/technical-resources/topics/trip-and-parking-generation/>).

For the three sites for which data were provided for both occupied dwelling units and residents, there was an average of 2.72 residents per occupied dwelling unit.

***It is expected that the number of bedrooms and number of residents are likely correlated to the trips generated by a residential site. To assist in future analysis, trip generation studies of all multifamily housing should attempt to obtain information on occupancy rate and on the mix of residential unit sizes (i.e., number of units by number of bedrooms at the site complex).***

The sites were surveyed in the 1980s, the 1990s, the 2000s, the 2010s, and the 2020s in British Columbia (CAN), California, Delaware, Florida, Georgia, Illinois, Indiana, Maine, Maryland, Massachusetts, Minnesota, New Jersey, Ontario (CAN), Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, and Washington.

### **Source Numbers**

188, 204, 237, 300, 305, 306, 320, 321, 357, 390, 412, 525, 530, 579, 583, 638, 864, 866, 896, 901, 903, 904, 936, 939, 944, 946, 947, 948, 963, 964, 966, 967, 1012, 1013, 1014, 1036, 1047, 1056, 1071, 1076

# 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

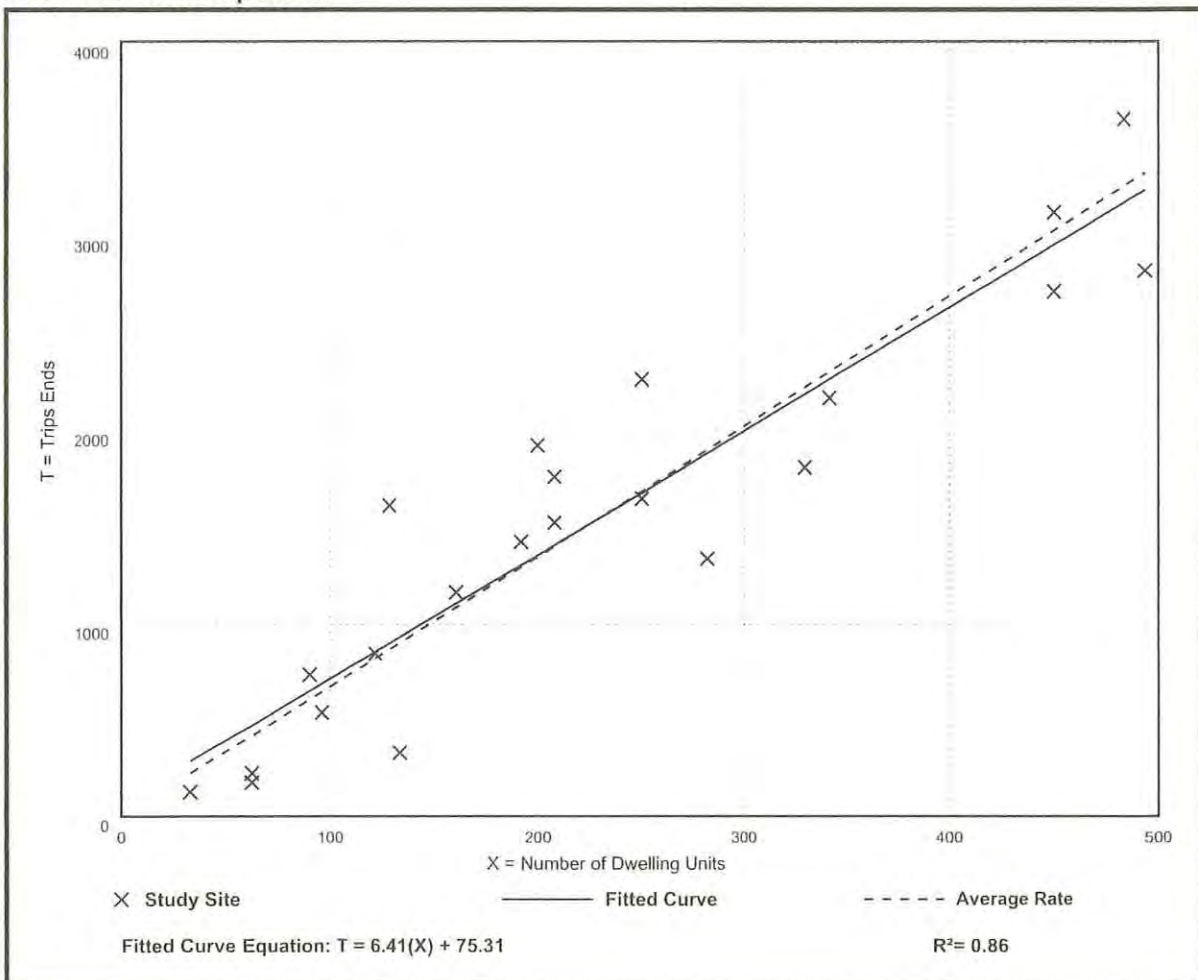
Avg. Num. of Dwelling Units: 229

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

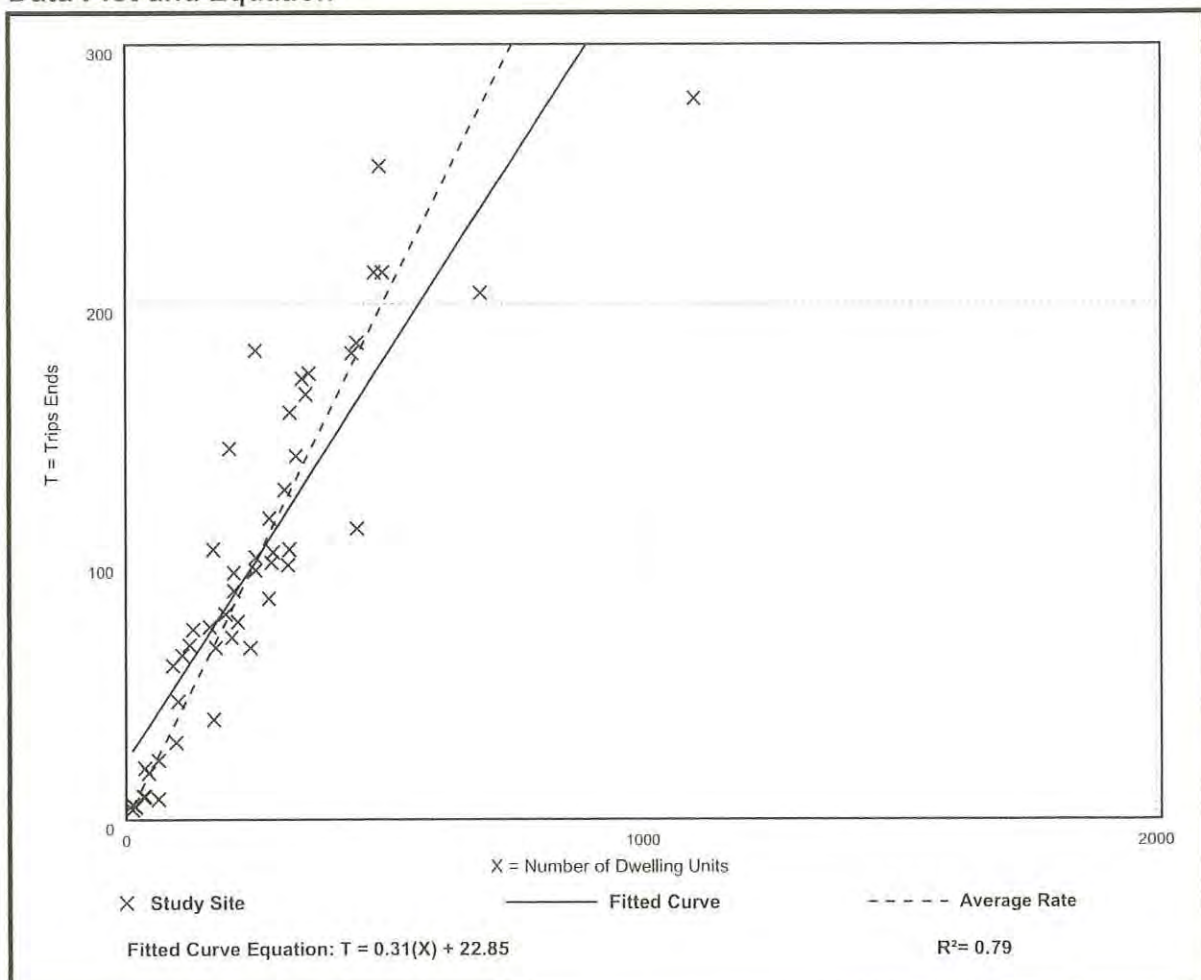
Avg. Num. of Dwelling Units: 249

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

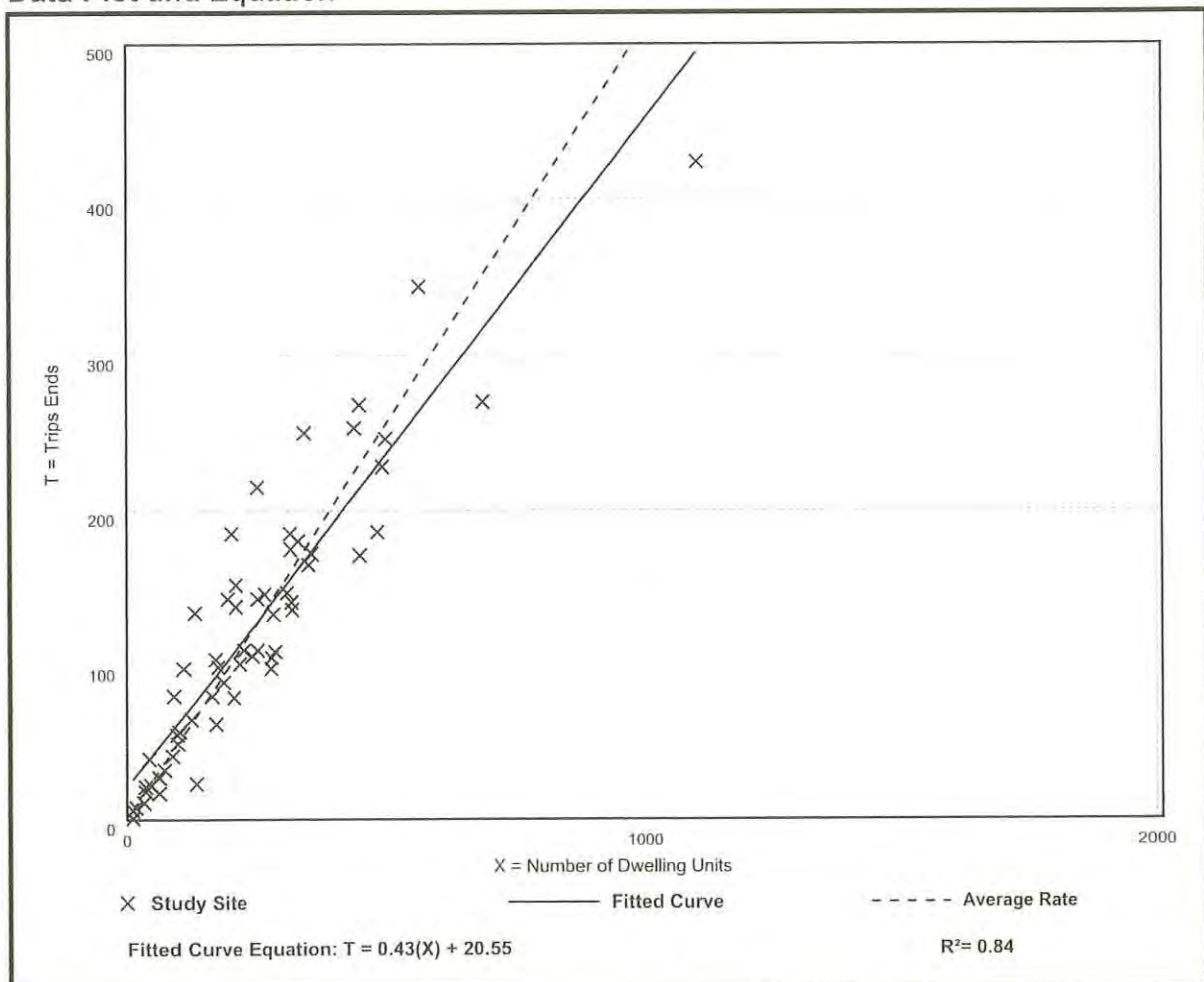
Avg. Num. of Dwelling Units: 241

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







## CONCURRENCY & TRAFFIC REPORT

- Florida Traffic Online's Historical AADT Values
- 2022 Lee County Traffic Count Report
- 2022 Lee County Concurrency Report
- 2016 Generalized Service Thresholds
- FDOT Generalized Peak Hour Directional Volumes, Table 7



TRANSPORTATION STATISTICS OFFICE  
2021 HISTORICAL AADT REPORT

12 - LEE

34 - SR 45/US 41, NW OF SANIBEL BOULEVARD

LC424

AADT		DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
50500 C	N	25000	S 25500	9.00	53.10	5.30
42500 C	N	21000	S 21500	9.00	52.80	5.30
54000 C	N	26500	S 27500	9.00	53.30	3.70
49000 C	N	24500	S 24500	9.00	53.30	5.00
48000 C	N	23500	S 24500	9.00	53.20	4.00
48500 C	N	24500	S 24000	9.00	56.20	4.00
45000 C	N	22500	S 22500	9.00	54.50	4.00
42000 C	N	21000	S 21000	9.00	54.60	3.50
39500 C	N	19500	S 20000	9.00	59.70	4.20
41000 C	N	20500	S 20500	9.00	54.30	3.40
40000 C	N	20000	S 20000	9.00	55.00	3.30
38500 C	N	19000	S 19500	10.32	57.60	3.30
41000 C	N	20500	S 20500	10.24	54.47	3.90
44500 C	N	22500	S 22000	10.37	58.94	4.60
53500 F	N	26500	S 27000	10.16	54.76	3.80
50500 C	N	25000	S 25500	10.23	54.38	3.80

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



FLORIDA DEPARTMENT OF TRANSPORTATION  
TRANSPORTATION STATISTICS OFFICE  
2022 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 0067 - SR 45/US 41, NORTHWEST OF ALICO ROAD

LC420

YEAR	AADT		DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2022	60000	F	N 29500	S 30500	9.00	53.70	5.50
2021	60000	C	N 29500	S 30500	9.00	53.10	5.50
2020	46000	C	N 22500	S 23500	9.00	52.80	6.50
2019	60000	C	N 29500	S 30500	9.00	53.30	4.40
2018	52000	C	N 25500	S 26500	9.00	53.30	5.30
2017	52000	C	N 25500	S 26500	9.00	53.20	4.60
2016	53000	C	N 26500	S 26500	9.00	56.20	4.30
2015	58500	C	N 29000	S 29500	9.00	54.50	3.70
2014	52000	C	N 25500	S 26500	9.00	54.60	3.50
2013	50000	C	N 24500	S 25500	9.00	59.70	4.20
2012	60500	C	N 30500	S 30000	9.00	54.30	4.80
2011	63000	C	N 31500	S 31500	9.00	55.00	4.40
2010	62000	C	N 31500	S 30500	10.32	57.60	4.00
2009	56500	C	N 28500	S 28000	10.24	54.47	4.60
2008	59000	C	N 30000	S 29000	10.37	58.94	5.10
2007	55000	C	N 28500	S 26500	10.16	54.76	5.40

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

[illegible]



Updated 5/3/2023			Daily Traffic Volume (AADT)									
STREET	LOCATION	Station #	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
McGREGOR BLVD	@ SANIBEL TOLL PLAZA	320	16300	23100								
McGREGOR BLVD	AT SANIBEL TOLL PLAZA	<u>120</u>			17900	20600	18400	18000	18200	16400	19400	19600
McGREGOR BLVD	E OF KELLY RD	<u>38</u>	15500	15800	16100	15600	15700	15900	15900	15300	16100	14800
McGREGOR BLVD (SR 867)	S OF PINE RIDGE RD	<u>37</u>	27400	27700	28300	28000	27600	27800	30000	25500	28700	28100
McGREGOR BLVD (SR 867)	N OF A&W BULB RD	<u>126</u>								32200	39300	38200
McGREGOR BLVD	N OF MANUELS DR	<u>29</u>	14800	14700	15200	15500	13200	11500	15400	13100	13300	14900
METRO PKWY (SR 739)	N OF SIX MILE PKWY	337	14300									
METRO PKWY (SR 739)	S OF CRYSTAL DR	125								20900		26300
METRO PKWY (SR 739)	N OF ARC WAY	<u>45</u>	21600	22700	24300	25200	25000	25300	25700	23400	25200	25500
METRO PKWY (SR 739)	S OF SIX MILE CYPRESS PKWY	3809										27600
MICHAEL RIPPE PKWY	S OF SIX MILE CYPRESS PKWY	531	17500									
MILWAUKEE BLVD	E OF HOMESTEAD RD	341					3700		3800			

Table 21 b): Link-Level Service Volumes and LOS Table

Table 21 b) 1 of 7

LEE COUNTY ROAD LINK VOLUMES (County- and State-Maintained Roadways)														
Link No.	NAME	ROADWAY LINK		F. Class	ROAD TYPE	PERFORMANCE STANDARD		2021 100TH HIGHEST HOUR			FUTURE FORECAST (2026)			Notes
		FROM	TO			LOS	DIRECTIONAL CAPACITY	LOS	VOL	V/C	LOS	VOL	V/C	
00100	A & W BULB RD	GLADIOLUS DR	MCGREGOR BLVD	Maj. Col	2LN	E	860	C	342	0.40	C	360	0.42	
00200	ALABAMA RD	SR 82	MILWAUKEE BLVD	M. Art	2LN	E	990	C	265	0.27	C	279	0.28	
00300	ALABAMA RD	MILWAUKEE BLVD	HOMESTEAD RD	M. Art	2LN	E	990	C	349	0.35	C	367	0.37	
00400	ALEXANDER BELL BLVD	SR 82	MILWAUKEE BLVD	M. Art	2LN	E	990	D	561	0.57	D	590	0.60	
00500	ALEXANDER BELL BLVD	MILWAUKEE BLVD	LEELAND HEIGHTS	M. Art	2LN	E	990	D	561	0.57	D	654	0.66	Shadow Lakes
00590	ALICO RD	US 41	DUSTY RD	P. Art	4LD	E	1,980	B	1,371	0.59	B	1,330	0.62	
00600	ALICO RD	DUSTY RD	LEE RD	P. Art	6LD	E	2,960	B	1,171	0.40	B	1,532	0.52	Alco Business Park
00700	ALICO RD	LEE RD	THREE OAKS PKWY	P. Art	6LD	E	2,960	B	1,171	0.40	B	1,419	0.48	Three Oaks Regional Center
00800	ALICO RD	THREE OAKS PKWY	I-75	P. Art	6LD	E	2,960	B	2,428	0.82	B	2,552	0.86	EEPCO Study
00900	ALICO RD	I-75	BEN HILL GRIFFIN BLVD	P. Art	6LD	E	2,960	B	1,278	0.43	B	1,425	0.48	EEPCO Study
01000	ALICO RD	BEN HILL GRIFFIN BLVD	GREEN MEADOW DR	Maj. Col	2LN	E	1,100	C	395	0.36	E	808	0.73	4 Ln constr 2018, EEPCO Study*
01050	ALICO RD	GREEN MEADOW DR	CORKSCREW RD	Maj. Col	2LN	E	1,100	B	131	0.12	B	224	0.20	EEPCO Study
01200	BABCOCK RD	US 41	ROCKEFELLER CIR	Min. Col	2LN	E	860	C	55	0.06	C	162	0.19	old count
01400	BARRETT RD	PONDELLA RD	PINE ISLAND RD (US 78)	Maj. Col	2LN	E	860	C	103	0.12	C	116	0.14	old count projection(2009)
01500	BASS RD	SUMMERLIN RD	GLADIOLUS DR	Maj. Col	4LN	E	1,790	C	564	0.32	C	822	0.46	
01600	BAYSHORE RD (SR 78)	BUS 41	NEW POST RD/HART RD	State	4LD	D	1,100	C	1,975	0.94	D	2,076	0.98	
01700	BAYSHORE RD (SR 78)	HART RD	SLATER RD	State	4LD	D	1,100	C	1,821	0.87	F	2,152	1.02	
01800	BAYSHORE RD (SR 78)	SLATER RD	I-75	State	4LD	D	1,100	C	1,222	0.58	C	1,441	0.69	
01900	BAYSHORE RD (SR 78)	I-75	NALLE RD	State	2LN	D	924	C	741	0.80	F	941	1.02	
02000	BAYSHORE RD (SR 78)	NALLE RD	SR 32	State	2LN	D	924	C	741	0.80	F	941	1.02	
02100	BEN HILL GRIFFIN PKWY	CORKSCREW RD	FGCU ENTRANCE	P. Art	4LD	E	2,000	B	1,361	0.68	B	1,763	0.88	
02200	BEN HILL GRIFFIN PKWY	FGCU BOULEVARD S	COLLEGE CLUB DR	P. Art	4LD	E	2,000	B	1,361	0.68	B	1,430	0.72	
02250	BEN HILL GRIFFIN PKWY	COLLEGE CLUB DR	ALICO RD	P. Art	6LD	E	3,000	A	1,123	0.37	A	1,215	0.41	
26950	BEN HILL GRIFFIN PKWY	ALICO RD	TERMINAL ACCESS RD	Controlled xs	4LD	E	1,980	A	980	0.49	A	1,030	0.52	
02300	BETH STACEY BLVD	23RD ST	HOMESTEAD RD	Maj. Col	2LN	E	860	C	340	0.40	C	565	0.66	
02400	BONITA BEACH RD	HICKORY BLVD	VANDERBILT DR	P. Art	4LD	E	1,900	C	736	0.39	C	774	0.41	Constrained In City Plan *
02500	BONITA BEACH RD	VANDERBILT DR	US 41	P. Art	4LD	E	1,900	C	1,433	0.75	C	1,506	0.79	Constrained In City Plan
02600	BONITA BEACH RD	US 41	OLD 41	P. Art	4LD	E	1,860	C	1,427	0.77	C	1,500	0.81	Constrained, old count projection(2010)
02700	BONITA BEACH RD	OLD 41	IMPERIAL ST	P. Art	6LD	E	2,800	C	1,508	0.68	C	2,005	0.72	Constrained In City Plan(2010)
02800	BONITA BEACH RD	IMPERIAL ST	W OF I-75	P. Art	6LD	E	2,800	C	2,081	0.75	C	2,197	0.78	Constrained In City Plan
02900	BONITA BEACH RD	E OF I-75	BONITA GRANDE DR	M. Art	4LD	E	2,020	B	626	0.31	B	658	0.33	Constrained In City Plan
02950	BONITA BEACH RD	BONITA GRANDE DR	Logan Boulevard	M. Art	4LD	E	2,020	B	626	0.31	B	658	0.33	Constrained In City Plan
03100	BONITA GRANDE DR	BONITA BEACH RD	E TERRY ST	Maj. Col	2LN	E	860	D	692	0.80	E	782	0.91	old count projection(2009)
03200	BOYSCOUT RD	SUMMERLIN RD	US 41	P. Art	6LN	E	2,520	E	1,947	0.73	E	1,941	0.77	
03300	BRANTLEY RD	SUMMERLIN RD	US 41	Maj. Col	2LN	E	860	C	287	0.33	C	302	0.35	
03400	BRIARCLIFF RD	US 41	TRIPLE CROWN CT	Maj. Col	2LN	E	860	C	158	0.18	C	166	0.19	
03500	BROADWAY RD (ALVA)	SR 80	North RIVER RD	Maj. Col	2LN	E	860	C	280	0.33	C	294	0.34	old count projection(2009)
03700	BUCKINGHAM RD	SR 82	GUNNERY RD	P. Art	2LN	E	990	D	491	0.50	D	516	0.52	
03730	BUCKINGHAM RD	GUNNERY RD	ORANGE RIVER BLVD	P. Art	2LN	E	990	C	395	0.40	C	415	0.42	
03800	BUCKINGHAM RD	ORANGE RIVER BLVD	SR 80	P. Art	2LN	E	990	D	644	0.65	F	1,057	1.07	Buckingham 345 & Portico
03900	BURNT STORE RD	SR 78	VAN BUREN PKWY	Controlled xs	4LD	E	2,950	B	828	0.28	B	870	0.29	
04000	BURNT STORE RD	VAN BUREN PKWY	COUNTY LINE	Controlled xs	2LN	E	1,140	C	528	0.46	C	626	0.55	
04200	BUS 41 (N TAMIAMI TR. : CITY LIMITS (N END EDISON BAG)	PONDELLA RD		State	6LD	D	3,171	C	1,715	0.54	C	2,081	0.66	
04300	BUS 41 (N TAMIAMI TR. : PONDELLA RD	SR 78		State	6LD	D	3,171	C	1,715	0.54	C	2,082	0.66	
04400	BUS 41 (N TAMIAMI TR. : SR 78	LITTLETON RD		State	4LD	D	2,300	C	994	0.47	C	1,245	0.59	
04500	BUS 41 (N TAMIAMI TR. : LITTLETON RD	US 41		State	4LD	D	2,300	C	396	0.28	C	794	0.38	
04600	CAPE CORAL BRIDGE	DEL PRADO BLVD	MCGREGOR BLVD	P. Art	4LB	E	4,000	D	3,097	0.77	D	3,255	0.81	
04700	CAPTIVA DR	BLIND PASS	SOUTH SEAS	Maj. Col	2LN	E	860	C	267	0.31	C	302	0.35	Constrained, old count(2010)

County-Maintained Collector Roadway - Unincorporated Lee County

State-Maintained Arterial Roadway - Unincorporated Lee County

County-Maintained Collector Roadway - Incorporated Lee County

County Maintained Controlled Access Arterial Facility

County-Maintained Arterial Roadway - Unincorporated Lee County

County Maintained Expressway

County-Maintained Arterial Roadway - Incorporated Lee County



Table 21 b): Link-Level Service Volumes and LOS Table

Table 21 b) 4 of 7

LEE COUNTY ROAD LINK VOLUMES (County- and State-Maintained Roadways)														
Link No.	NAME	ROADWAY LINK		F. Class	ROAD TYPE	PERFORMANCE STANDARD		2021 100TH HIGHEST HOUR			FUTURE FORECAST (2026)			Notes
		FROM	TO			LOS	DIRECTIONAL CAPACITY	LOS	VOL	V/C	LOS	VOL	V/C	
13900	JOEL BLVD	18TH ST	SR 80	P. Art	2LN	E	1,010	C	482	0.48	D	506	0.50	
14000	JOHN MORRIS RD	BUNCHE BEACH	SUMMERLIN RD	Min. Col	2LN	E	860	C	62	0.07	C	72	0.08	old count projection
14100	JOHN MORRIS RD	SUMMERLIN RD	IONA RD	Maj. Col	2LN	E	860	C	256	0.30	C	269	0.31	*
14200	KELLY RD	MCGREGOR BLVD	SAN CARLOS BLVD	Maj. Col	2LN	E	860	C	264	0.31	C	277	0.32	
14300	KELLY RD	SAN CARLOS BLVD	PINE RIDGE RD	Maj. Col	2LN	E	860	C	106	0.12	C	120	0.14	old count projection(2010)
14500	LAUREL DR	BUS 41	BREEZE DR	Maj. Col	2LN	E	860	C	384	0.45	C	404	0.47	
14600	LEE BLVD	SR 82	ALVIN AVE	P. Art	6LD	E	2,840	B	2,084	0.75	B	2,130	0.77	
14700	LEE BLVD	ALVIN AVE	GUNNERY RD	P. Art	6LD	E	2,840	B	1,957	0.69	B	2,136	0.75	
14800	LEE BLVD	GUNNERY RD	HOMESTEAD RD	P. Art	6LD	E	2,840	B	2,093	0.74	B	2,200	0.77	
14900	LEE BLVD	HOMESTEAD RD	WILLIAMS AVE	P. Art	4LD	E	1,980	B	898	0.45	B	943	0.48	
14930	LEE BLVD	WILLIAMS AVE	LEELAND HEIGHTS	P. Art	2LN	E	1,020	C	898	0.88	C	943	0.92	
15000	LEE RD	SAN CARLOS BLVD	ALICO RD	Maj. Col	2LN	E	860	C	544	0.63	D	614	0.71	old count projection(2015)
15100	LEELAND HEIGHTS	HOMESTEAD RD	JOEL BLVD	P. Art	4LN	E	1,000	B	832	0.46	B	867	0.48	*
15200	LEONARD BLVD	GUNNERY RD	WESTGATE BLVD	M. Art	2LN	E	860	D	763	0.89	D	819	0.95	
15300	LITTLETON RD	CORBETT RD	US 41	Maj. Col	2LN	E	860	C	528	0.61	C	555	0.65	
15400	LITTLETON RD	US 41	BUS 41	Maj. Col	2LN	E	860	C	437	0.51	C	459	0.53	
15500	LUCKETT RD	ORTIZ AVE	I-75	M. Art	2LN	E	880	B	317	0.36	B	392	0.45	4 Ln design & ROW
15600	LUCKETT RD	I-75	COUNTRY LAKES DR	Maj. Col	2LN	E	860	B	285	0.33	C	299	0.35	
15700	MAPLE DR*	SUMMERLIN RD	2ND AVE	Min. Col	2LN	E	860	C	77	0.09	C	89	0.10	old count projection
15800	MCGREGOR BLVD	SANIBEL T PLAZA	HARBOR DR	P. Art	4LD	E	1,960	B	1,173	0.60	B	1,233	0.63	
15900	MCGREGOR BLVD	HARBOR DR	SUMMERLIN RD	P. Art	4LD	E	1,960	B	1,180	0.60	B	1,240	0.63	
16000	MCGREGOR BLVD	SUMMERLIN RD	KELLY RD	M. Art	4LD	E	1,960	A	927	0.47	A	993	0.50	
16100	MCGREGOR BLVD	KELLY RD	GLADIOLUS DR	M. Art	4LD	E	1,960	A	927	0.47	A	975	0.50	
16200	MCGREGOR BLVD (SR 86) OLD MCGREGOR / GLADIOLUS DR		IONA LOOP RD	State	4LD	D	2,100	C	1,465	0.70	C	1,635	0.78	
16300	MCGREGOR BLVD (SR 86) IONA LOOP RD		PINE RIDGE RD	State	4LD	D	2,100	C	1,465	0.70	C	1,635	0.78	
16400	MCGREGOR BLVD (SR 86) PINE RIDGE RD		CYPRESS LAKE DR	State	4LD	D	2,100	C	1,674	0.80	C	1,873	0.89	
16500	MCGREGOR BLVD (SR 86) CYPRESS LAKE DR		COLLEGE PKWY	State	4LD	D	2,100	C	1,674	0.80	C	1,873	0.89	
16600	MCGREGOR BLVD (SR 86) COLLEGE PKWY		WINKLER RD	State	2LN	D	924	C	726	0.79	C	797	0.86	Constrained
16700	MCGREGOR BLVD (SR 86) WINKLER RD		TANGLEWOOD BLVD	State	2LN	D	970	F	1,039	1.07	F	1,143	1.18	Constrained
16800	MCGREGOR BLVD (SR 86) TANGLEWOOD BLVD		COLONIAL BLVD	State	2LN	D	970	F	1,039	1.07	F	1,143	1.18	Constrained
16900	METRO PKWY (SR 739)	SIX MILE PKWY	DANIELS PKWY	State	6LD	D	3,171	C	1,136	0.36	C	1,492	0.47	
17000	METRO PKWY (SR 739)	DANIELS PKWY	CRYSTAL DR	State	4LD	D	2,100	C	1,184	0.56	C	1,446	0.69	
17100	METRO PKWY (SR 739)	CRYSTAL DR	DANLEY DR	State	4LD	D	2,100	C	1,665	0.79	D	2,082	1.00	
17200	METRO PKWY (SR 739)	DANLEY DR	COLONIAL BLVD	State	4LD	D	2,100	C	1,665	0.79	D	2,082	1.00	
17300	MICHAEL PIPPE PKWY	US41	SIX MILE PKWY	State	6LD	D	3,171	C	1,397	0.44	C	1,875	0.59	
17600	MILWAUKEE BLVD	ALABAMA BLVD	BELL BLVD	Maj. Col	2LN	E	860	C	268	0.20	C	176	0.20	*
17700	MILWAUKEE BLVD	BELL BLVD	COLUMBUS BLVD	Min. Col	2LN	E	860	C	168	0.20	C	181	0.21	*
17900	MOODY RD	HANCOCK B. PKWY	PONDELLA RD	Min. Col	2LN	E	860	C	182	0.21	C	205	0.24	old count projection(2009)
17900	NALLE GRADE RD	SLATER RD	NALLE RD	Min. Col	2LN	E	860	C	69	0.08	C	72	0.08	
18000	NALLE RD	SR 78	NALLE GRADE RD	Min. Col	2LN	E	860	C	128	0.15	C	147	0.17	*
18100	NEAL RD	ORANGE RIVER BLVD	BUCKINGHAM RD	Min. Col	2LN	E	860	C	130	0.15	C	137	0.16	*
18200	NORTH RIVER RD	SR 31	FRANKLIN LOCK RD	M. Art	2LN	E	1,140	A	145	0.13	B	264	0.23	
18300	NORTH RIVER RD	FRANKLIN LOCK RD	BROADWAY RD	M. Art	2LN	E	1,140	A	145	0.13	B	286	0.25	
18400	NORTH RIVER RD	BROADWAY RD	COUNTY LINE	M. Art	2LN	E	1,140	A	100	0.09	A	133	0.12	
18900	OLGA RD*	SR 80 W	SR 80 E	Min. Col	2LN	E	860	C	82	0.10	C	95	0.11	old count projection
19100	ORANGE GROVE BLVD	CLUB ENTR	HANCOCK B. PKWY	Min. Col	2LN	E	860	C	393	0.46	C	488	0.57	old count(2003)
19200	ORANGE GROVE BLVD	HANCOCK B. PKWY	PONDELLA RD	Min. Col	4LN	E	1,790	C	528	0.29	C	555	0.31	
19300	ORANGE RIVER BLVD	SR 80	STALEY RD	Maj. Col	2LN	E	1,000	D	477	0.48	D	502	0.50	

County-Maintained Collector Roadway - Unincorporated Lee County

State-Maintained Arterial Roadway - Unincorporated Lee County

County-Maintained Collector Roadway - Incorporated Lee County

County Maintained Controlled Access Arterial Facility

County-Maintained Arterial Roadway - Unincorporated Lee County

County Maintained Expressway

County-Maintained Arterial Roadway - Incorporated Lee County

c:\input5

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

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

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

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

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

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



TABLE 7

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

## Urbanized Areas

January 2020

INTERRUPTED FLOW FACILITIES						UNINTERRUPTED FLOW FACILITIES					
<b>STATE SIGNALIZED ARTERIALS</b>						<b>FREEWAYS</b>					
<b>Class I</b> (40 mph or higher posted speed limit)						<b>Core Urbanized</b>					
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	
<b>Class II</b> (35 mph or slower posted speed limit)						<b>Urbanized</b>					
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	
<b>Non-State Signalized Roadway Adjustments</b>						<b>Freeway Adjustments</b>					
(Alter corresponding state volumes by the indicated percent.)						Auxiliary Lane + 1,000 Ramp Metering + 5%					
Non-State Signalized Roadways - 10%											
<b>Median &amp; Turn Lane Adjustments</b>						<b>UNINTERRUPTED FLOW HIGHWAYS</b>					
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%		<b>Uninterrupted Flow Highway Adjustments</b>					
- - - Yes + 5%						Lanes	Median	Exclusive left lanes	Adjustment factors		
<b>One-Way Facility Adjustment</b>						1	Divided	Yes	+5%		
Multiply the corresponding directional volumes in this table by 1.2						Multi	Undivided	Yes	-5%		
						Multi	Undivided	No	-25%		
<b>BICYCLE MODE<sup>2</sup></b>						<sup>1</sup> 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.)						<sup>2</sup> 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.					
<b>Paved</b>						<sup>3</sup> Buses per hour shown are only for the peak hour in the single direction of the higher traffic flow.					
<b>Shoulder/Bicycle</b>						* Cannot be achieved using table input value defaults.					
Lane Coverage	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.					
0-49%	*	150	390	1,000		<b>Source:</b>					
50-84%	110	340	1,000	>1,000		Florida Department of Transportation					
85-100%	470	1,000	>1,000	**		Systems Implementation Office					
<b>PEDESTRIAN MODE<sup>2</sup></b>						<a href="https://www.fdot.gov/planning/systems/">https://www.fdot.gov/planning/systems/</a>					
(Multiply vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.)											
Sidewalk Coverage	B	C	D	E							
0-49%	*	*	140	480							
50-84%	*	80	440	800							
85-100%	200	540	880	>1,000							
<b>BUS MODE (Scheduled Fixed Route)<sup>3</sup></b>											
(Buses in peak hour in peak direction)											
Sidewalk Coverage	B	C	D	E							
0-84%	> 5	≥ 4	≥ 3	≥ 2							
85-100%	> 4	≥ 3	≥ 2	≥ 1							

## Sharon Hrabak

---

**From:** Sharon Hrabak  
**Sent:** Tuesday, August 16, 2022 12:12 PM  
**To:** DGemelli@leegov.com  
**Cc:** Al Quattrone; Shelly Stalnos  
**Subject:** Request for Letter of Service Availability San Carlos/Babcock  
**Attachments:** Letter of Availability - Lee County School District.pdf; Geo Map.pdf

Mr. Gemelli,

We will be proposing a Comprehensive Amendment to change the future land use and as part of the submittal we need to provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities. Please see attached Letter of request as well as the Geo Map for the properties that would be included with our proposal.

Please feel free to reach out if you have any questions.

Thank you,

*Sharon Hrabak*



4301 Veronica Shoemaker Blvd.  
Fort Myers, Florida 33916  
P: 239-936-5222 | F: 239-936-7228  
[sharon@gainc.net](mailto:sharon@gainc.net) | [www.gainc.net](http://www.gainc.net)





**Engineers, Planners & Development Consultants**

4301 Veronica Shoemaker Blvd. Fort Myers, FL  
239.936.5222 | [QAINC.net](http://QAINC.net) | f 239.936.7228

August 16, 2022

Mr. Benjamin Abes, EMS Chief  
Lee County Department of Public Safety  
P.O. Box 398  
Fort Myers, FL 33902

Re: Request for Letter of Service Availability  
Babcock Rd& US 41  
Comprehensive Plan Amendment  
Strap # 07-46-25-00-00009.001A, 07-46-25-00-00010.0010, 07-4625-00-00011.0020,  
08-46-25-00-01005.0000, 08-46-25-00-01005.0010, 08-46-25-00-01006.0000  
08-46-25-00-01007.0000, 08-46-25-00-01008.0000, 08-46-25-01-00000.001B  
08-46-25-01-00000.0010, 17-45-25-03-00000.1000, 17-46-25-00-01001-009A,  
17-46-25-00-01001.009C

Dear Ms. Abes:

We are in the process of preparing an application for a Small-Scale Comprehensive Plan Amendment for the referenced parcels located east of US 41 and South of Babcock Road. The requested amendment would change the current Future Land use from Urban Community to Central Urban Classification (as shown on Map 1 of the Lee County Comp Plan) for the above listed parcels with 49.1 combined acreage.

The primary intent of the amendment is to accommodate a multi-family residential community on a portion of the property. The land uses are very similar with the exception, Central Urban is intended to better accommodate higher density range. Although the proposed land use would be slightly more intensive from a development, traffic, utility and public service needs standpoint, there is adequate infrastructure to serve the project.

The application requires we provide a Letter of Service Availability from all agencies determining the adequacy/ provision of existing/proposed support facilities. If you could please provide us with a letter of availability for services to the referenced parcels at your earliest convenience, we would greatly appreciate it.

If you have any questions, or require additional information, please do not hesitate to contact me at 239-936-5222 or [sharon@qainc.net](mailto:sharon@qainc.net)

Sincerely,  
QUATTRONE & ASSOCIATES, INC.

Sharon Hrabak  
Permitting Manager

## Sharon Hrabak

---

**From:** Sharon Hrabak  
**Sent:** Tuesday, August 16, 2022 12:12 PM  
**To:** DGemelli@leegov.com  
**Cc:** Al Quattrone; Shelly Stalnos  
**Subject:** Request for Letter of Service Availability San Carlos/Babcock  
**Attachments:** Letter of Availability - Lee County School District.pdf; Geo Map.pdf

Mr. Gemelli,

We will be proposing a Comprehensive Amendment to change the future land use and as part of the submittal we need to provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities. Please see attached Letter of request as well as the Geo Map for the properties that would be included with our proposal.

Please feel free to reach out if you have any questions.

Thank you,

*Sharon Hrabak*



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Fort Myers, Florida 33916  
P: 239-936-5222 | F: 239-936-7228  
[sharon@gainc.net](mailto:sharon@gainc.net) | [www.gainc.net](http://www.gainc.net)





**Engineers, Planners & Development Consultants**

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August 16, 2022

Mr. Dominic Gemelli  
Executive Director, Operational Planning & Projects  
Division of Operations  
School District of Lee County  
2855 Colonial Boulevard  
Fort Myers, Florida 33966

Re: Request for Letter of Service Availability  
Babcock Rd& US 41  
Comprehensive Plan Amendment  
Strap # 07-46-25-00-00009.001A, 07-46-25-00-00010.0010, 07-4625-00-00011.0020,  
08-46-25-00-01005.0000, 08-46-25-00-01005.0010, 08-46-25-00-01006.0000  
08-46-25-00-01007.0000, 08-46-25-00-01008.0000, 08-46-25-01-00000.001B  
08-46-25-01-00000.0010, 17-45-25-03-00000.1000, 17-46-25-00-01001-009A,  
17-46-25-00-01001.009C

Dear Mr. Gemelli:

We are in the process of preparing an application for a Small-Scale Comprehensive Plan Amendment for the referenced parcels located east of US 41 and South of Babcock Road. The requested amendment would change the current Future Land use from Urban Community to Central Urban Classification (as shown on Map I of the Lee County Comp Plan) for the above listed parcels with 49.1 combined acreage.

The primary intent of the amendment is to accommodate a multi-family residential community on a portion of the property. The land uses are very similar with the exception, Central Urban is intended to better accommodate higher density range. Although the proposed land use would be slightly more intensive from a development, traffic, utility and public service needs standpoint, there is adequate infrastructure to serve the project.

The application requires we provide a Letter of Service Availability from all agencies determining the adequacy/ provision of existing/proposed support facilities. If you could please provide us with a letter of availability for services to the referenced parcels at your earliest convenience, we would greatly appreciate it.

If you have any questions, or require additional information, please do not hesitate to contact me at 239-936-5222 or [sharon@qainc.net](mailto:sharon@qainc.net)

Sincerely,  
QUATTRONE & ASSOCIATES, INC.

Sharon Hrabak

## Sharon Hrabak

---

**From:** Sharon Hrabak  
**Sent:** Tuesday, August 16, 2022 12:15 PM  
**To:** rsnyder@sheriffleefl.org  
**Cc:** Al Quattrone; Shelly Stalnos  
**Subject:** Letter of Availability San Carlos/ Babcock  
**Attachments:** Letter of Availability - Lee County Sheriff's Office.pdf; Geo Map.pdf

Mr. Snyder

We will be proposing a Comprehensive Amendment to change the future land use and as part of the submittal we need to provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities. Please see attached Letter of request as well as the Geo Map for the properties that would be included with our proposal.

Please feel free to reach out if you have any questions.

Thank you,

*Sharon Hrabak*



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Fort Myers, Florida 33916  
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[sharon@qainc.net](mailto:sharon@qainc.net) | [www.qainc.net](http://www.qainc.net)





**Engineers, Planners & Development Consultants**

4301 Veronica Shoemaker Blvd. Fort Myers, FL  
239.936.5222 | [QAINC.net](http://QAINC.net) | f 239.936.7228

August 16, 2022

Major Rich Snyder  
Lee County Office of the Sherriff  
14750 Six Mile Cypress Parkway  
Fort Myers, FL 33912

Re: Request for Letter of Service Availability  
Babcock Rd& US 41  
Comprehensive Plan Amendment  
Strap # 07-46-25-00-00009.001A, 07-46-25-00-00010.0010, 07-4625-00-00011.0020,  
08-46-25-00-01005.0000, 08-46-25-00-01005.0010, 08-46-25-00-01006.0000  
08-46-25-00-01007.0000, 08-46-25-00-01008.0000, 08-46-25-01-00000.001B  
08-46-25-01-00000.0010, 17-45-25-03-00000.1000, 17-46-25-00-01001-009A,  
17-46-25-00-01001.009C

Dear Major Rich Snyder:

We are in the process of preparing an application for a Small-Scale Comprehensive Plan Amendment for the referenced parcels located east of US 41 and South of Babcock Road. The requested amendment would change the current Future Land use from Urban Community to Central Urban Classification (as shown on Map 1 of the Lee County Comp Plan) for the above listed parcels with 49.1 combined acreage.

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If you have any questions, or require additional information, please do not hesitate to contact me at 239-936-5222 or [sharon@qainc.net](mailto:sharon@qainc.net)

Sincerely,  
QUATTRONE & ASSOCIATES, INC.

Sharon Hrabak  
Permitting Manager

## Sharon Hrabak

---

**From:** Sharon Hrabak  
**Sent:** Thursday, March 2, 2023 8:37 AM  
**To:** BKantor@leegov.com  
**Cc:** Leona Martin; Al Quattrone  
**Subject:** Pugliese Multi Family  
**Attachments:** Letter of Availability - Lee County Solid Waste.pdf; Geo Map.pdf

Brigitte,

We will be proposing a Comprehensive Amendment to change the future land use and as part of the submittal we need to provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities. Please see attached Letter of request as well as the Geo Map for the properties that would be included with our proposal.

Please feel free to reach out if you have any questions.

Thank you,

*Sharon Hrabak*



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Fort Myers, Florida 33916  
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[sharon@gainc.net](mailto:sharon@gainc.net) | [www.gainc.net](http://www.gainc.net)





**Engineers, Planners & Development Consultants**

4301 Veronica Shoemaker Blvd. Fort Myers, FL  
239.936.5222 | [QAINC.net](mailto:QAINC.net) | f 239.936.7228

August 16, 2022

Brigitte Kantor  
Lee County Public Utilities Solid Waste Division  
P.O. Box 398  
Fort Myers, FL 33902

Re: Request for Letter of Service Availability  
Babcock Rd& US 41  
Comprehensive Plan Amendment  
Strap # 07-46-25-00-00009.001A, 07-46-25-00-00010.0010, 07-4625-00-00011.0020,  
08-46-25-00-01005.0000, 08-46-25-00-01005.0010, 08-46-25-00-01006.0000  
08-46-25-00-01007.0000, 08-46-25-00-01008.0000, 08-46-25-01-00000.001B  
08-46-25-01-00000.0010, 17-45-25-03-00000.1000, 17-46-25-00-01001-009A,  
17-46-25-00-01001.009C

Dear Ms. Kantor:

We are in the process of preparing an application for a Small-Scale Comprehensive Plan Amendment for the referenced parcels located east of US 41 and South of Babcock Road. The requested amendment would change the current Future Land use from Urban Community to Central Urban Classification (as shown on Map 1 of the Lee County Comp Plan) for the above listed parcels with 49.1 combined acreage.

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If you have any questions, or require additional information, please do not hesitate to contact me at 239-936-5222 or [sharon@qainc.net](mailto:sharon@qainc.net)

Sincerely,  
QUATTRONE & ASSOCIATES, INC.

Sharon Hrabak  
Permitting Manager

## Sharon Hrabak

---

**From:** Sharon Hrabak  
**Sent:** Tuesday, August 16, 2022 12:11 PM  
**To:** jmccollum@leegov.com  
**Subject:** Letter of availability San Carlos/Babcock  
**Attachments:** Letter of Availability - Lee County Transit.pdf; Geo Map.pdf

Mr. McCollum

We will be proposing a Comprehensive Amendment to change the future land use and as part of the submittal we need to provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities. Please see attached Letter of request as well as the Geo Map for the properties that would be included with our proposal.

Please feel free to reach out if you have any questions.

Thank you,

*Sharon Hrabak*



4301 Veronica Shoemaker Blvd.  
Fort Myers, Florida 33916  
P: 239-936-5222 | F: 239-936-7228  
[sharon@qainc.net](mailto:sharon@qainc.net) | [www.qainc.net](http://www.qainc.net)





**Engineers, Planners & Development Consultants**

4301 Veronica Shoemaker Blvd. Fort Myers, FL  
239.936.5222 | [QAINC.net](http://QAINC.net) | f 239.936.7228

August 16, 2022

Mr. Levi McCollum  
Lee County Transit  
3401 Metro Parkway  
Fort Myers, FL 33901

Re: Request for Letter of Service Availability  
Babcock Rd& US 41  
Comprehensive Plan Amendment

Strap # 07-46-25-00-00009.001A, 07-46-25-00-00010.0010, 07-4625-00-00011.0020,  
08-46-25-00-01005.0000, 08-46-25-00-01005.0010, 08-46-25-00-01006.0000  
08-46-25-00-01007.0000, 08-46-25-00-01008.0000, 08-46-25-01-00000.001B  
08-46-25-01-00000.0010, 17-45-25-03-00000.1000, 17-46-25-00-01001-009A,  
17-46-25-00-01001.009C

Dear Mr. McCollum:

We are in the process of preparing an application for a Small-Scale Comprehensive Plan Amendment for the referenced parcels located east of US 41 and South of Babcock Road. The requested amendment would change the current Future Land use from Urban Community to Central Urban Classification (as shown on Map 1 of the Lee County Comp Plan) for the above listed parcels with 49.1 combined acreage.

The primary intent of the amendment is to accommodate a multi-family residential community on a portion of the property. The land uses are very similar with the exception, Central Urban is intended to better accommodate higher density range. Although the proposed land use would be slightly more intensive from a development, traffic, utility and public service needs standpoint, there is adequate infrastructure to serve the project.

The application requires we provide a Letter of Service Availability from all agencies determining the adequacy/ provision of existing/proposed support facilities. If you could please provide us with a letter of availability for services to the referenced parcels at your earliest convenience, we would greatly appreciate it.

If you have any questions, or require additional information, please do not hesitate to contact me at 239-936-5222 or [sharon@qainc.net](mailto:sharon@qainc.net)

Sincerely,  
QUATTRONE & ASSOCIATES, INC.

Sharon Hrabak  
Permitting Manager

## Sharon Hrabak

---

**From:** Sharon Hrabak  
**Sent:** Thursday, March 2, 2023 8:35 AM  
**To:** Cambareri, Dave  
**Cc:** Leona Martin; Al Quattrone  
**Subject:** Pugliese Tamiami Trail  
**Attachments:** Geo Map.pdf; Letter of Availability - San Carlos Fire Department.pdf

David,

We will be proposing a Comprehensive Amendment to change the future land use and as part of the submittal we need to provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities. Please see attached Letter of request as well as the Geo Map for the properties that would be included with our proposal.

Please feel free to reach out if you have any questions.

Thank you,

*Sharon Hrabak*



4301 Veronica Shoemaker Blvd.  
Fort Myers, Florida 33916  
P: 239-936-5222 | F: 239-936-7228  
[sharon@gainc.net](mailto:sharon@gainc.net) | [www.gainc.net](http://www.gainc.net)





**Engineers, Planners & Development Consultants**

4301 Veronica Shoemaker Blvd. Fort Myers, FL  
239.936.5222 | [QAINC.net](http://QAINC.net) | f 239.936.7228

August 16, 2022

David Cambareri, Chief  
San Carlos Fire Department  
9351 Workman Way  
Fort Myers, FL 33905

Re: Request for Letter of Service Availability  
Babcock Rd& US 41  
Comprehensive Plan Amendment  
Strap # 07-46-25-00-00009.001A, 07-46-25-00-00010.0010, 07-4625-00-00011.0020,  
08-46-25-00-01005.0000, 08-46-25-00-01005.0010, 08-46-25-00-01006.0000  
08-46-25-00-01007.0000, 08-46-25-00-01008.0000, 08-46-25-01-00000.001B  
08-46-25-01-00000.0010, 17-45-25-03-00000.1000, 17-46-25-00-01001-009A,  
17-46-25-00-01001.009C

Dear Chief Cambareri:

We are in the process of preparing an application for a Small-Scale Comprehensive Plan Amendment for the referenced parcels located east of US 41 and South of Babcock Road. The requested amendment would change the current Future Land use from Urban Community to Central Urban Classification (as shown on Map 1 of the Lee County Comp Plan) for the above listed parcels with 49.1 combined acreage.

The primary intent of the amendment is to accommodate a multi-family residential community on a portion of the property. The land uses are very similar with the exception, Central Urban is intended to better accommodate higher density range. Although the proposed land use would be slightly more intensive from a development, traffic, utility and public service needs standpoint, there is adequate infrastructure to serve the project.

The application requires we provide a Letter of Service Availability from all agencies determining the adequacy/ provision of existing/proposed support facilities. If you could please provide us with a letter of availability for services to the referenced parcels at your earliest convenience, we would greatly appreciate it.

If you have any questions, or require additional information, please do not hesitate to contact me at 239-936-5222 or [sharon@qainc.net](mailto:sharon@qainc.net)

Sincerely,  
QUATTRONE & ASSOCIATES, INC.

Sharon Hrabak  
Permitting Manager





# GeoView Map




August 16, 2022

Air Photos: 2022 Hi-Res (4 inch)

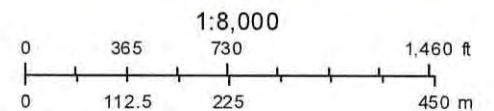
 Hospital Locations

 Library Locations

## School Locations

 School Locations

 CCS Locations



This map is NOT a legal land survey and should not be used or relied upon as such. No warranties, express or implied, are provided with the data, use, accuracy or interpretation.





## THE SCHOOL DISTRICT OF LEE COUNTY

**Jacqueline Heredia**

District Planning Specialist

2855 Colonial Boulevard, Fort Myers, FL 33966 | O: 239.335.1494

March 28, 2023

Sharon Hrabak  
Quattrone & Associates, INC  
Engineers, Planners & Development Consultants  
4301 Veronica Shoemaker BLVD.  
Fort Myers, FL

RE: Babcock RD & US41

Dear Ms. Hrabak,

This letter is in response to your request for concurrency review originally dated August 16, 2022 for the subject property captioned above and within, in regard to student capacity impact.

This development is a request for up to 267 multi-family housing units. With regard to the inter-local agreement for school concurrency the generation rates are created from the type of dwelling unit and further broken down by grade level.

For multi-family homes, the generation rate is .116 and further broken down by grade level into the following, 0.058 for elementary, 0.028 for middle and 0.03 for high. An approximate 31 school-aged children would be generated and utilized for the purpose of determining sufficient capacity to serve the development.

The Concurrency Analysis attached, displays the impact of this development. Capacity is an issue within the Concurrency Service Area (CSA) at the elementary school level, however, capacity is available in the adjacent CSA.

Thank you and if I may be of further assistance, please contact me at 239-335-1473.

Sincerely,

*Jacqueline Heredia*

Jacqueline Heredia

District Planning Specialist

## LEE COUNTY SCHOOL DISTRICT'S SCHOOL CONCURRENCY ANALYSIS

**REVIEWING AUTHORITY** Lee County School District  
**NAME/CASE NUMBER** S. Tamiami Trail Comp Plan Amend  
**OWNER/AGENT** Quattrone & Associates INC  
**ITEM DESCRIPTION** Babcock Rd & US 41  
  
**LOCATION** 07-46-25-00-00009.001A, 07-46-25-00-00010.0010, 07-4625-00-00011.0020,  
**ACRES** 49.63  
**CURRENT FLU** Urban  
**CURRENT ZONING**

**PROPOSED DWELLING UNITS BY TYPE**

Single Family	Multi Family	Mobile Home
0	267	0

**STUDENT GENERATION**

Student Generation Rates			
SF	MF	MH	Projected Students
Elementary School	0.149	0.058	15.49
Middle School	0.071	0.028	7.48
High School	0.077	0.03	8.01
Source: Lee County School District, September 8, 2018 letter			

**CSA SCHOOL NAME 2022/23**

	CSA Capacity (1)	CSA Projected Enrollment (2)	CSA Available Capacity	Projected Impact of Project	Available Capacity W/Impact	LOS is 100% Perm FISH Capacity	Adjacent CSA Available Capacity w/Impact
South CSA, Elementary	14,234	14,026	208	15	193	99%	
South CSA, Middle	7,293	6,912	381	7	374	95%	
South CSA, High	9,536	8,492	1,044	8	1036	89%	

(1) Permanent Capacity as defined in the Interlocal Agreement and adopted in the five (5) years of the School District's Five Year Plan  
 (2) Projected Enrollment per the five (5) years of the School District's Five Year Plan plus any reserved capacity (development has a valid finding of capacity )  
 (3) Available Adjacent CSA capacity is subject to adjacency criteria as outlined in the Interlocal Agreement and the School District's School Concurrency Manual

Prepared by: Jacqueline Heredia, District Planning Specialist





Lee County  
Southwest Florida

BOARD OF COUNTY COMMISSIONERS

John E. Manning  
District One

Cecil L. Pendergrass  
District Two

Raymond Sandelli  
District Three

Brian Hamman  
District Four

Frank Mann  
District Five

Roger Desjarlais  
County Manager

Richard Wm. Wesch  
County Attorney

Donna Marie Collins  
County Chief  
Hearing Examiner

April 22, 2022

Via E-Mail

Shelly Stalnos  
Quattrone & Associates, Inc.  
4301 Veronica Shoemaker, Blvd.  
Fort Myers, FL 33916

RE: **Potable Water and Wastewater Availability**  
**STRAP # 07-46-25-00-00010-0010, 07-46-25-00-00009.001A,**  
**07-46-25-00-00011.0020, 08-46-25-00-01006.0000, 08-46-25-00-01005.0000,**  
**08-46-25-00-01005.0010, 08-46-25-00-01007.0000**

Dear Ms. Stalnos:

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

Your firm has indicated that this project will consist of 288 multi-family residential units and 60,000 sf of commercial all with an estimated flow demand of approximately 66,600 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 Pinewood Water Treatment Plant.

Sanitary sewer service will be provided by Three Oaks 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.

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.

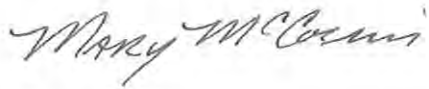
This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the

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 Zoning only. Individual letters of availability will be required for the purpose of obtaining building permits.

Sincerely,

**LEE COUNTY UTILITIES**

A handwritten signature in cursive script, reading "Mary McCormic".

Mary McCormic  
Technician Senior  
239-533-8532  
UTILITIES ENGINEERING



***Carmine Marceno***  
**Sheriff**



**State of Florida**  
**County of Lee**

*"Proud to Serve"*

March 8, 2023

Sharon Hrabak  
Quattrone & Associates, Inc.  
4301 Veronica Shoemaker Blvd.  
Fort Myers, FL 33912

Ms. Hrabak,

The Lee County Sheriff's Office has reviewed your application for a Small-Scale Comprehensive Plan Amendment for the following parcels:

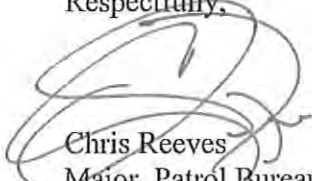
07-46-25-00-00009.001A	08-46-25-00-01006.0000	17-45-25-03-00000.1000
07-46-25-00-00010.0010	08-46-25-00-01007.0000	17-46-25-00-01001-009A
07-46-25-00-00011.0020	08-46-25-00-01008.0000	17-46-25-00-01001.009
08-46-25-00-01005.0000	08-46-25-01-00000.001B	
08-46-25-00-01005.0010	08-46-25-01-00000.0010	

The requested amendment would change the current Future Land use from Urban Community to Central Urban Classification for the above parcels with 41.9 combined acres and accommodate a multi-family residential community on a portion of the property. This Agency evaluated your request solely on its ability to provide law enforcement service to the project. Based on that criterion, these proposed changes would not affect our ability to provide law enforcement services to the project and surrounding area.

Law enforcement services will be provided from our South District offices in Bonita Springs. At the time of application for a development order or building permit, we request that the applicant provide a Crime Prevention Through Environmental Design (CPTED) report done by the applicant and given to the Lee County Sheriff's Office for review and comment.

Please contact Community Response Unit Crime Prevention Practitioner Beth Schell at (239) 477-1677 with any questions regarding the CPTED study.

Respectfully,

  
Chris Reeves  
Major, Patrol Bureau



*"The Lee County Sheriff's Office is an Equal Opportunity Employer"*  
14750 Six Mile Cypress Parkway • Fort Myers, Florida 33912-4406 • (239) 477-1000

**Babcock Road & US 41**

State and Regional Policy Plan  
Exhibit M18

**Florida Department of Economic Opportunity - Comprehensive Plan**

**CONSISTENCY WITH STATE COMPREHENSIVE PLAN** The State of Florida Comprehensive Plan is provided in Florida Statute Section 187.201. The applicant's request is not in conflict with any of the plan's stated goals or policies. However, the applicant's requested map change and goal of multifamily development at the subject property does further several of the stated goals and meet the intent of several specific policies:

*187.201(6)-Public Safety*

(a) *Goal.* —Florida shall protect the public by preventing, discouraging, and punishing criminal behavior, lowering the highway death rate, and protecting lives and property from natural and manmade disasters.

(b) *Policies:*

9. *Increase crime prevention efforts to enhance the protection of individual personal safety and property.*

**CONSISTENCY:** **The Lee County Sheriff's has provided a letter of service availability for this site.**

22. *Require local governments, in cooperation with regional and state agencies, to prepare advance plans for the safe evacuation of coastal residents.*

23. *Require local governments, in cooperation with regional and state agencies, to adopt plans and policies to protect public and private property and human lives from the effects of natural disasters.*

**CONSISTENCY:** **The map amendment from Urban Community to Central Urban will allow development of higher density of residential on the site with access to US41 and Constitution Blvd. This will provide multiple evacuation options for residents on a parcel outside the Coastal High Hazard Zone.**

*187.201(7)-Water Resources*

(a) *Goal.* —Florida shall assure the availability of an adequate supply of water for all competing uses deemed reasonable and beneficial and shall maintain the functions of natural systems and the overall present level of surface and ground water quality. Florida shall improve and restore the quality of waters not presently meeting water quality standards.

b)(5) *Ensure that new development is compatible with existing local and regional water supplies.*

**CONSISTENCY:** **The site is within Lee County Utilities service area an availability letter is submitted stating LCU has sufficient capacity to provide potable and sanitary sewer service. The sites potable water will be provided through Pinewood Water Treatment Plant and the Sanitary sewer service will be treated at the Three Oaks Water Reclamation Facility.**





10. *Protect surface and groundwater quality and quantity in the state.*

**CONSISTENCY:** The change from Urban Community to Central Urban will have no impact on the surface water or groundwater quality or quantity. In either case any proposed development will be required to adhere to all surface and groundwater policies in the LDC. This will include consistency with State surface and groundwater regulations.

187.201(9) *NATURAL SYSTEMS AND RECREATIONAL LANDS. —*

(a) *Goal. —Florida shall protect and acquire unique natural habitats and ecological systems, such as wetlands, tropical hardwood hammocks, palm hammocks, and virgin longleaf pine forests, and restore degraded natural systems to a functional condition.*

(b) *Policies:*

1. *Conserve forests, wetlands, fish, marine life, and wildlife to maintain their environmental, economic, aesthetic, and recreational values.*

3. *Prohibit the destruction of endangered species and protect their habitats.*

4. *Establish an integrated regulatory program to assure the survival of endangered and threatened species within the state.*

**CONSISTENCY:** The subject property has been disturbed and partially developed. The indigenous preserve areas will be provided in accordance with the Land Development Code. A Formal Wetland Determination has been completed and there are no wetlands on the site in accordance with SFWMD and county requirements.

187.201(12) *HAZARDOUS AND NONHAZARDOUS MATERIALS AND WASTE. —*

(a) *Goal. —All solid waste, including hazardous waste, wastewater, and all hazardous materials, shall be properly managed, and the use of landfills shall be eventually eliminated.*

(b) *Policies:*

2. *By 1994, provide in all counties a countywide solid waste collection system to discourage littering and the illegal dumping of solid waste.*

**CONSISTENCY:** The subject property is serviced by the Lee County Solid Waste Department with adequate capacity per submitted letter of adequacy.

187.201(15) *LAND USE*

(a) *Goal. —In recognition of the importance of preserving the natural resources and enhancing the quality of life of the state, development shall be directed to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and service capacity to accommodate growth in an environmentally acceptable manner.*

**CONSISTENCY** The formal wetland determination issued for the subject parcels states there are no jurisdictional wetlands or other surface waters on the subject parcel. The project location provides excellent opportunity for infill development with full availability of public services and near retail and existing employment centers. The proposed development supports the growth of the community without contributing to additional sprawl.



*(b)(3) Enhance the livability and character of urban areas through the encouragement of an attractive and functional mix of living, working, shopping, and recreational activities.*

**CONSISTENCY** The subject property is in an area that is substantially developed with commercial uses providing employment opportunities to residential uses proposed on the subject property. Infill development with multifamily residential will create an opportunity for a pedestrian-focused, mixed-use community. Furthermore, the access points via Babcock Road and Constitution Blvd. will provide adequate traffic circulation within the pre-established and proposed mixed-use community.

**187.201(17) PUBLIC FACILITIES**

*(b)(1) Provide incentives for developing land in a way that maximizes the uses of existing public facilities.*

**CONSISTENCY** The applicant has not requested any special incentives for development, only the opportunity to provide infill development in an area with existing public facilities. The surrounding area is verified to have adequate capacity remaining to accommodate the maximum potential development.

*187.201(19)(b)(9) Ensure that the transportation system provides Florida's citizens and visitors with timely and efficient access to services, jobs, markets, and attractions.*

**CONSISTENCY** The traffic analysis that was performed for this request demonstrates that no improvements are necessary to accommodate the maximum potential development allowed under Central Urban FLU.

**187.201(19) TRANSPORTATION**

*(b)(15) Promote effective coordination among various modes of transportation in urban areas to assist urban development and redevelopment efforts.*

**CONSISTENCY** LeeTran provides service to this area with scheduled stops along US 41 (S. Tamiami Trail) and Constitution Blvd. Sidewalks are already in place along US 41 (S. Tamiami Trail) and Constitution Blvd. At time of site planning, the multifamily development will be designed with accommodations to promote multi model opportunities.

**187.201(21) ECONOMY**

*(a) Goal. —Florida shall promote an economic climate which provides economic stability, maximizes job opportunities, and increases per capita income for its residents.*

**CONSISTENCY** Locating diverse housing options in proximity to existing employment centers provides for a more stable, flexible, and sustainable economic climate. This benefits the workforce. Increasing the ability of additional residential units in the US41/Constitution Blvd area is consistent with urban planning goals placing higher density where adequate services are available and transit friendly development is possible.





187.201(24) EMPLOYMENT

(b)(5) Ensure that the transportation system provides maximum access to jobs and markets.

**CONSISTENCY** The existing, roadway and sidewalk network combined with the proximity to public transportation, provides the ability for transit friendly design to maximize easy access to employment and retail needs.

**Southwest Florida Regional Planning Council (SWFRPC)**

*ECONOMIC DEVELOPMENT ELEMENT The economic development element of the Regional Policy Plan details the economic infrastructure and growth opportunities to support the public facilities of the region. If the region "Maximizing the use of existing facilities through increased capacity can serve additional development more efficiently, without the cost of new construction (assuming the expansion can meet relevant requirements). In addition, expansion of an existing facility can encourage continued development and infill in its service area."*

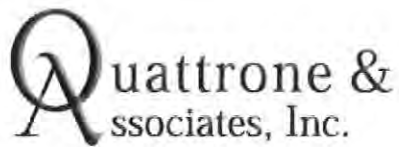
**The requested map amendment will utilize the existing public facilities and emergency services of Lee County which, are provided by attached Letters of Availability. Therefore, the requested amendment is consistent with the overall economic development goals of the Regional Policy Plan.**

*Goal 1 seeks to provide a well-maintained social, health, and educational infrastructure to support business and industry in Southwest Florida by assisting local governments and state agencies in planning for future support service facilities, before the need arises.*

**Lee County is consistent with Goal 1 by providing a yearly concurrency report and maintaining and updated Comprehensive Plan with Capital Improvements Program. The proposed LeePlan amendment will not cause public services or facilities to fall under acceptable established Level of Service (LOS). The Regional Policy plan acknowledges that future growth and development will occur in Southwest Florida to accommodate natural population growth as well as expansion of existing businesses and/or the creation of new business.**

**EMERGENCY PREPAREDNESS ELEMENT** The Regional Policy Plan "natural hazards include excessive rainfall, storm surge flooding, destructive winds and lightning normally cause by severe thunderstorms, hurricanes and tornadoes"

**The proposed LeePlan amendment will not create any additional burden to Emergency Preparedness. At time of Development Order for any multi-family development request the applicant will meet the required Hurricane Preparedness as required by Lee County.**



*NATURAL RESOURCES ELEMENT The Regional Policy Plan states in the Natural Resources Element that "Southwest Florida has an abundance of natural resources that, along with a favorable climate, creates economic opportunities, recreational opportunities and a quality of life that is important to the citizens and visitors to the region. The protection of these resources creates a challenge to planners, managers and decision makers in a rapidly growing region that must utilize these resources for economic reasons and to create housing for our population."*

**The requested LeePlan amendment will facilitate infill development on disturbed property with no known sensitive, important, or unique environmental resources, while also supporting the rapid growth of the community through increased density allowed by the FLU change.**

*REGIONAL TRANSPORTATION ELEMENT The Regional Policy Plan states that "a regional transportation plan will be an integral component of the future overall regional quality of life"*

**The Traffic Analysis as provided demonstrates that the requested LeePlan amendment will not cause undue burden to the surrounding roadway network. Additionally, the location of proposed multifamily residential in proximity to shopping and employment centers will increase internal capture decreasing generation of US41 trips.**





### **Babcock Road & US 41**

#### Justification of Proposed Amendment Exhibit M19

The applicant is requesting an amendment to Lee Plan Map 1, Page 1 Future Land Use map to add a  $\pm 25.60$ -acre site into the Central Urban Future Land Use. The subject parcels are located at the southwest corner of Babcock Road and US 41 (S. Tamiami Trail) and north of Constitutional Blvd. The 8 parcels are disturbed vacant. The property currently is within the Urban Community Future Use Category and zoned C-1 and AG-2.

The applicant proposes to amend the future Land Use Map of the Lee Plan to redesignate approximately  $\pm 25.60$  acres from the Urban Community Future Land Use Category to the Central Urban Future Land Use Category. The property owner(s) desires to amend the existing zoning from Agriculture (AG-2) to Commercial (C-2) for a portion of the property to develop a multi-family and Commercial.

The companion conventional rezoning will demonstrate compliance with the density standards for the Central Urban Future Land Use Category. The balance of the site would be utilized for a variety of commercial uses consistent with the uses permitted in the Central Urban Future Land Use Category.

Development of commercial and residential uses on the subject property represents one of the desirable and economically viable land uses in this location due to the proximity to US-41 (S. Tamiami Trail). Exhibit M5 identifies the various existing and planned land uses that abut the site.

The applicant intends on developing the property with a mixture of commercial and residential uses and the proposed Map Amendment is being filed concurrently with an application to rezone the subject property to C-2 to allow those uses.

The Lee Plan encourages development of mixed use in areas that are heavily settled and that have the greatest range and highest levels of public services to accommodate the projected population. Documentation has been provided in the Lee Plan Analysis that the proposed request is consistent with these Policies as a result of the subject property:

- Being located along US-41 (S. Tamiami Trail).
- Having adequate infrastructure and urban services available; and
- Being consistent with Policies specifically pertaining to the Central Urban including:


In conclusion, the subject property meets all the locational criteria for Central Urban and commercial zoning and the proposed Map Amendment is consistent with all Goals, Policies, and Objectives of the Lee Plan.

BABCOCK - US 41 PROJECT  
LISTED SPECIES

FLUCCS	Common Name	Scientific Name	Status	Observed
1411	N/A	N/A	N/A	N/A
190	N/A	N/A	N/A	N/A
411	Beautiful paw-paw	<i>Deeringothamnus pulchellus</i>	LCP	N
	Big Cypress fox squirrel	<i>Sciurus niger avicennia</i>	ST LCP	N
	Eastern Indigo Snake	<i>Drymarchon corais couperi</i>	FE LCP	N
	Florida Coontie	<i>Zamia floridana</i>	LCP	N
	Fakahatchee burmannia	<i>Burmannia flava</i>	LCP	N
	Florida Black Bear	<i>Ursus americanus floridanus</i>	LCP	N
	Florida Bonneted Bat	<i>Eumops floridanus</i>	FE SFDE LCP	N
	Florida panther	<i>Felis concolor coryi</i>	FE LCP	N
	Gopher Frog	<i>Rana areolata</i>	ST LSCC	N
411 cont.	Gopher tortoise	<i>Gopherus polyphemus</i>	ST LCP	N
	Satinleaf	<i>Chrysophyllum olivaeforme</i>	LCP	N
	Red-cockaded woodpecker	<i>Picoides borealis</i>	FE LCP	N
	Southeastern American Kestrel	<i>Falco sparverius paulus</i>		N
742	N/A	N/A	N/A	N/A
743	Gopher tortoise	<i>Gopherus polyphemus</i>	ST LCP	
8145	N/A	N/A	N/A	N/A








**SYNECOLOGICAL ANALYSTS**  
ENVIRONMENTAL EVALUATION AND ADVOCACY

2159 Morning Sun Lane  
NAPLES, FLORIDA 34119  
PHONE: (239) 514-3998  
www.synecol.com

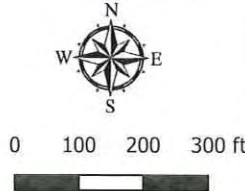
**PROJECT:** Babcock shopping mall - Fluccs map

**DATE:** April 14, 2023

**DRAWN BY:** NW



Site Location



0 100 200 300 ft



**TABLE 1(b)  
YEAR 2045 ALLOCATIONS**

Future Land Use Category		Planning District											
		District 11 Daniels Parkway	District 12 Iona / McGregor	District 13 San Carlos	District 14 Sanibel	District 15 South Fort Myers	District 16 Pine Island	District 17 Lehigh Acres	District 18 Southeast Lee County	District 19 North Fort Myers	District 20 Buckingham	District 21 Estero	District 22 Bashore
<b>Residential By Future Land Use Category</b>	Intensive Development	-	-	-	-	801	1	30	-	376	-	-	-
	Central Urban	-	656	32 <del>20</del>	-	3,113	-	7,362	-	2,225	-	-	-
	Urban Community	-	978	1270 <del>1,318</del>	-	863	540	17,034	-	-	115	-	-
	Suburban	-	2,566	2,069	-	1,202	659	-	-	6,387	-	-	-
	Outlying Suburban	1,253	438	-	-	-	502	-	-	406	-	90	-
	Sub-Outlying Suburban	-	-	13	-	-	-	-	-	145	66	-	950
	Commercial	-	-	-	-	-	-	-	-	-	-	-	-
	Industrial	-	3	3	-	3	-	-	-	-	-	-	-
	Public Facilities	-	-	-	-	-	-	-	-	-	-	-	-
	University Community	-	-	503	-	-	-	-	-	-	-	-	-
	Destination Resort Mixed Use Water Dependent	-	8	-	-	-	-	-	-	-	-	-	-
	Burnt Store Marina Village	-	-	-	-	-	-	-	-	-	-	-	-
	Industrial Interchange	-	-	-	-	-	-	-	-	-	-	-	-
	General Interchange	58	-	-	-	-	-	-	8	14	-	-	20
	General Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-	-
	Industrial Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-	-
	University Village Interchange	-	-	-	-	-	-	-	-	-	-	-	-
	New Community	-	-	-	-	-	-	-	-	-	-	-	-
	Airport	-	-	-	-	-	-	-	-	-	-	-	-
	Tradeport	-	-	-	-	-	-	-	-	-	-	-	-
	Rural	1,573	-	99	-	-	227	14	-	454	50	-	1,387
	Rural Community Preserve	-	-	-	-	-	-	-	-	-	3,517	-	-
	Coastal Rural	-	-	-	-	-	1,338	-	-	-	-	-	-
	Outer Island	-	2	-	-	-	55	-	-	-	-	-	-
	Open Lands	80	-	-	-	-	-	-	-	30	-	-	1,667
	Density Reduction/ Groundwater Resource	-	-	-	-	-	-	-	4,742	-	-	-	2,101
	Conservation Lands Upland	-	-	-	-	-	-	-	-	-	-	-	-
	Wetlands	-	-	-	-	-	-	-	-	-	-	-	-
	Conservation Lands Wetland	-	-	-	-	-	-	-	-	-	-	-	-
Unincorporated County Total Residential		2,964	4,650	3989 <del>4,024</del>	-	5,982	3,322	24,440	4,750	10,035	3,748	90	6,125
Commercial		326	774	938	-	2,012	288	900	118	1,121	19	18	72
Industrial		5	198	387	-	566	67	218	215	244	4	2	4
<b>Non Regulatory Allocations</b>													
Public		3,214	4,898	6,375 <del>6,364</del>	-	5,883	4,831	20,267	17,992	10,117	3,052	653	3,351
Active AG		5	13	5	-	-	2,780	35	12,000	90	630	4	550
Passive AG		10	-	5	-	-	70	50	2,500	250	2,000	-	2,100
Conservation		1,677	9,786	2,232	-	211	15,489	1,077	41,028	1,607	382	1,465	895
Vacant		20	55	183 <del>169</del>	-	4	2,200	14,804	2,400	1,183	850	130	1,425
Total		8,221	20,374	14,114	-	14,658	29,047	61,791	81,003	24,649	10,684	2,362	14,523
Population Distribution (unincorporated Lee County)		14,322	44,132	54,615	-	76,582	13,431	162,245	17,369	110,722	5,951	741	8,653





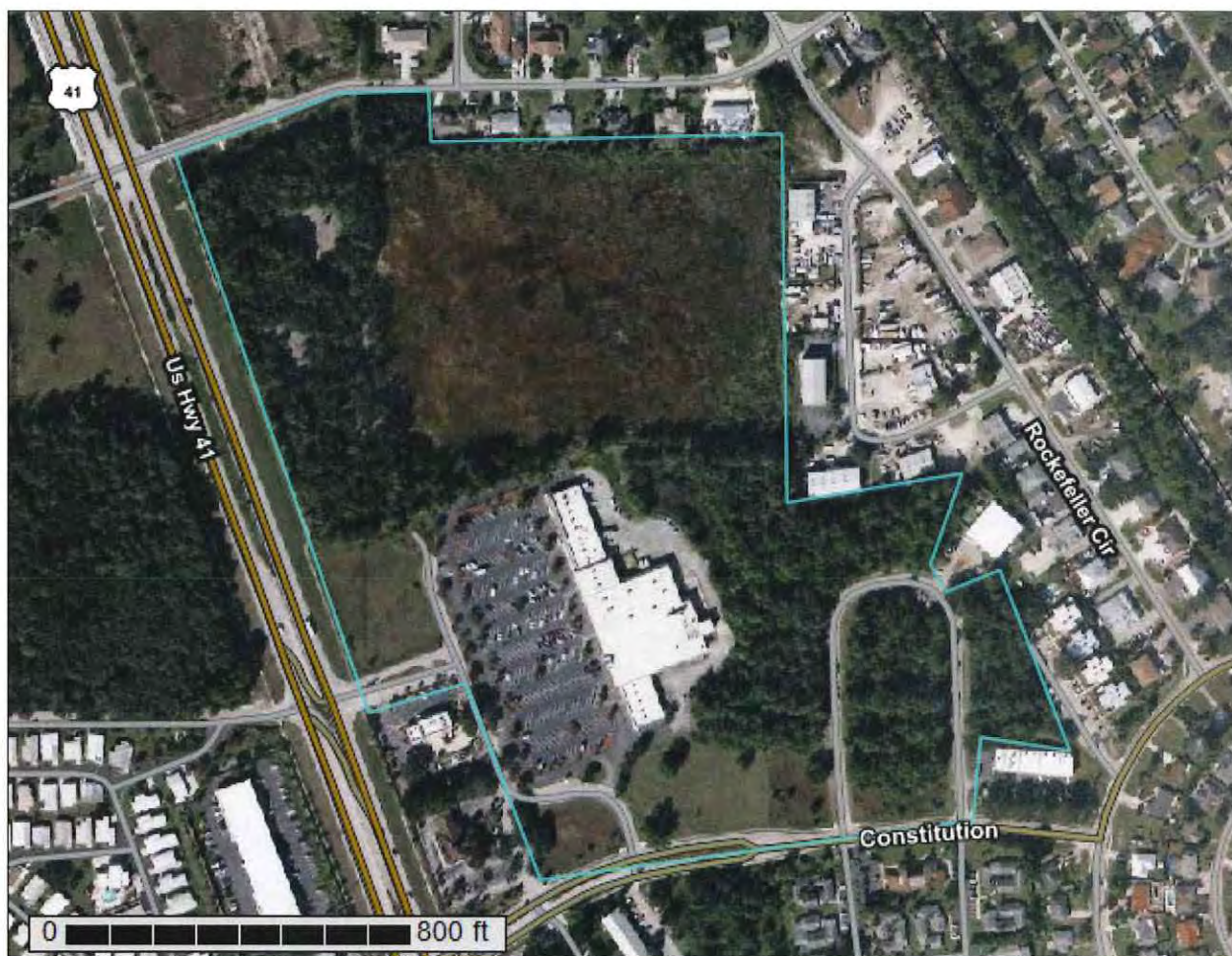
United States  
Department of  
Agriculture

**NRCS**

Natural  
Resources  
Conservation  
Service

A product of the National  
Cooperative Soil Survey,  
a joint effort of the United  
States Department of  
Agriculture and other  
Federal agencies, State  
agencies including the  
Agricultural Experiment  
Stations, and local  
participants

# Custom Soil Resource Report for **Lee County, Florida**



October 5, 2022



# Preface

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Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist ([http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2\\_053951](http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951)).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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# How Soil Surveys Are Made

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Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil



scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

## Custom Soil Resource Report

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.



## Soil Map

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The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.


# Custom Soil Resource Report Soil Map







## MAP LEGEND


### Area of Interest (AOI)

 Area of Interest (AOI)


### Soils


 Soil Map Unit Polygons


 Soil Map Unit Lines


 Soil Map Unit Points


### Special Point Features


 Blowout

 Borrow Pit

 Clay Spot

 Closed Depression

 Gravel Pit

 Gravelly Spot


 Landfill

 Lava Flow

 Marsh or swamp


 Mine or Quarry


 Miscellaneous Water


 Perennial Water


 Rock Outcrop


 Saline Spot


 Sandy Spot


 Severely Eroded Spot


 Sinkhole

 Slide or Slip

 Sodic Spot

 Spoil Area

 Stony Spot


 Very Stony Spot

 Wet Spot

 Other

 Special Line Features


### Water Features

 Streams and Canals


### Transportation

 Rails


 Interstate Highways

 US Routes

 Major Roads

 Local Roads

### Background

 Aerial Photography

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
Web Soil Survey URL:  
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Lee County, Florida  
Survey Area Data: Version 20, Sep 1, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Nov 14, 2021—Nov 23, 2021

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.



## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
36	Immokalee sand-Urban land complex, 0 to 2 percent slopes	7.9	15.5%
64	Brynwood fine sand, wet-Urban land complex, 0 to 2 percent slopes	9.4	18.4%
102	Cypress Lake fine sand-Urban land complex, 0 to 2 percent slopes	33.1	64.8%
141	Cocoa fine sand-Urban land complex, 0 to 2 percent slopes	0.6	1.3%
<b>Totals for Area of Interest</b>		<b>51.1</b>	<b>100.0%</b>

## Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it

was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

## Lee County, Florida

### 36—Immokalee sand-Urban land complex, 0 to 2 percent slopes

#### Map Unit Setting

*National map unit symbol:* 2x9c1  
*Elevation:* 0 to 150 feet  
*Mean annual precipitation:* 42 to 68 inches  
*Mean annual air temperature:* 70 to 77 degrees F  
*Frost-free period:* 355 to 365 days  
*Farmland classification:* Not prime farmland

#### Map Unit Composition

*Immokalee and similar soils:* 43 percent  
*Urban land:* 35 percent  
*Minor components:* 22 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

#### Description of Immokalee

##### Setting

*Landform:* Flatwoods on marine terraces  
*Landform position (three-dimensional):* Riser, talf  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Parent material:* Sandy marine deposits

##### Typical profile

*A - 0 to 9 inches:* sand  
*E - 9 to 36 inches:* sand  
*Bh - 36 to 55 inches:* sand  
*C - 55 to 80 inches:* sand

##### Properties and qualities

*Slope:* 0 to 2 percent  
*Depth to restrictive feature:* More than 80 inches  
*Drainage class:* Poorly drained  
*Runoff class:* Very high  
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high  
(0.57 to 1.98 in/hr)  
*Depth to water table:* About 6 to 18 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Maximum salinity:* Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)  
*Sodium adsorption ratio, maximum:* 4.0  
*Available water supply, 0 to 60 inches:* Very low (about 3.0 inches)

##### Interpretive groups

*Land capability classification (irrigated):* None specified  
*Land capability classification (nonirrigated):* 4w  
*Hydrologic Soil Group:* B/D  
*Forage suitability group:* Sandy soils on flats of mesic or hydric lowlands  
(G155XB141FL)  
*Other vegetative classification:* South Florida Flatwoods (R155XY003FL), Sandy  
soils on flats of mesic or hydric lowlands (G155XB141FL)



*Hydric soil rating:* No

## **Description of Urban Land**

### **Setting**

*Landform:* Flatwoods on marine terraces  
*Landform position (three-dimensional):* Riser, talf  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Parent material:* No parent material

### **Interpretive groups**

*Land capability classification (irrigated):* None specified  
*Forage suitability group:* Forage suitability group not assigned (G155XB999FL)  
*Other vegetative classification:* Forage suitability group not assigned (G155XB999FL)  
*Hydric soil rating:* Unranked

## **Minor Components**

### **Basinger**

*Percent of map unit:* 5 percent  
*Landform:* Depressions on marine terraces  
*Landform position (three-dimensional):* Tread, dip  
*Down-slope shape:* Concave, linear  
*Across-slope shape:* Concave, linear  
*Other vegetative classification:* Sandy soils on flats of mesic or hydric lowlands (G155XB141FL)  
*Hydric soil rating:* Yes

### **Pomello**

*Percent of map unit:* 4 percent  
*Landform:* Knolls on marine terraces, ridges on marine terraces  
*Landform position (two-dimensional):* Summit, backslope  
*Landform position (three-dimensional):* Interfluv, side slope, riser  
*Down-slope shape:* Convex  
*Across-slope shape:* Linear  
*Other vegetative classification:* Sand Pine Scrub (R155XY001FL), Sandy soils on rises and knolls of mesic uplands (G155XB131FL)  
*Hydric soil rating:* No

### **Oldsmar**

*Percent of map unit:* 4 percent  
*Landform:* Flatwoods on marine terraces  
*Landform position (three-dimensional):* Talf  
*Down-slope shape:* Convex  
*Across-slope shape:* Linear  
*Other vegetative classification:* South Florida Flatwoods (R155XY003FL), Sandy soils on flats of mesic or hydric lowlands (G155XB141FL)  
*Hydric soil rating:* No

### **Satellite**

*Percent of map unit:* 2 percent  
*Landform:* Flatwoods on marine terraces  
*Landform position (three-dimensional):* Tread, talf  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear

## Custom Soil Resource Report

*Other vegetative classification:* Sand Pine Scrub (R155XY001FL), Sandy soils on rises and knolls of mesic uplands (G155XB131FL)

*Hydric soil rating:* No

### **Felda**

*Percent of map unit:* 2 percent

*Landform:* Flatwoods on marine terraces

*Landform position (three-dimensional):* Tread, talf

*Down-slope shape:* Linear

*Across-slope shape:* Linear

*Other vegetative classification:* Slough (R155XY011FL), Sandy over loamy soils on flats of hydric or mesic lowlands (G155XB241FL)

*Hydric soil rating:* Yes

### **Immokalee**

*Percent of map unit:* 2 percent

*Landform:* Flatwoods on marine terraces

*Landform position (three-dimensional):* Riser, talf

*Down-slope shape:* Linear

*Across-slope shape:* Linear

*Other vegetative classification:* South Florida Flatwoods (R155XY003FL), Sandy soils on flats of mesic or hydric lowlands (G155XB141FL)

*Hydric soil rating:* No

### **Brynwood**

*Percent of map unit:* 2 percent

*Landform:* Flatwoods on marine terraces

*Landform position (three-dimensional):* Tread, talf

*Down-slope shape:* Linear

*Across-slope shape:* Linear

*Other vegetative classification:* South Florida Flatwoods (R155XY003FL), Sandy soils on flats of mesic or hydric lowlands (G155XB141FL)

*Hydric soil rating:* Yes

### **Jenada**

*Percent of map unit:* 1 percent

*Landform:* Flats on marine terraces

*Landform position (three-dimensional):* Tread, dip

*Down-slope shape:* Linear

*Across-slope shape:* Concave, linear

*Other vegetative classification:* Slough (R155XY011FL), Sandy soils on stream terraces, flood plains, or in depressions (G155XB145FL)

*Hydric soil rating:* Yes

## **64—Brynwood fine sand, wet-Urban land complex, 0 to 2 percent slopes**

### **Map Unit Setting**

*National map unit symbol:* 2zlf

*Elevation:* 0 to 80 feet

*Mean annual precipitation:* 42 to 70 inches

## Custom Soil Resource Report

*Mean annual air temperature:* 70 to 79 degrees F

*Frost-free period:* 360 to 365 days

*Farmland classification:* Not prime farmland

### Map Unit Composition

*Brynwood and similar soils:* 45 percent

*Urban land:* 33 percent

*Minor components:* 22 percent

*Estimates are based on observations, descriptions, and transects of the mapunit.*

### Description of Brynwood

#### Setting

*Landform:* Flatwoods on marine terraces

*Landform position (three-dimensional):* Tread, talf

*Down-slope shape:* Linear

*Across-slope shape:* Linear

*Parent material:* Sandy marine deposits over limestone

#### Typical profile

*A - 0 to 2 inches:* fine sand

*Eg - 2 to 7 inches:* fine sand

*Bw - 7 to 12 inches:* fine sand

*2R - 12 to 22 inches:* bedrock

#### Properties and qualities

*Slope:* 0 to 2 percent

*Depth to restrictive feature:* 2 to 20 inches to lithic bedrock

*Drainage class:* Poorly drained

*Runoff class:* Very high

*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high  
(0.60 to 5.95 in/hr)

*Depth to water table:* About 3 to 18 inches

*Frequency of flooding:* None

*Frequency of ponding:* None

*Maximum salinity:* Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)

*Sodium adsorption ratio, maximum:* 4.0

*Available water supply, 0 to 60 inches:* Very low (about 0.9 inches)

#### Interpretive groups

*Land capability classification (irrigated):* None specified

*Land capability classification (nonirrigated):* 4w

*Hydrologic Soil Group:* B/D

*Forage suitability group:* Sandy soils on flats of mesic or hydric lowlands  
(G155XB141FL)

*Other vegetative classification:* South Florida Flatwoods (R155XY003FL), Sandy  
soils on flats of mesic or hydric lowlands (G155XB141FL)

*Hydric soil rating:* Yes

### Description of Urban Land

#### Setting

*Landform:* Flatwoods on marine terraces

*Landform position (three-dimensional):* Riser, talf

*Down-slope shape:* Linear

*Across-slope shape:* Linear

*Parent material:* No parent material



**Interpretive groups**

*Land capability classification (irrigated):* None specified  
*Forage suitability group:* Forage suitability group not assigned (G155XB999FL)  
*Other vegetative classification:* Forage suitability group not assigned (G155XB999FL)  
*Hydric soil rating:* Unranked

**Minor Components**

**Cypress lake**

*Percent of map unit:* 5 percent  
*Landform:* Flatwoods on marine terraces  
*Landform position (three-dimensional):* Tread, talf  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Other vegetative classification:* South Florida Flatwoods (R155XY003FL), Sandy over loamy soils on flats of hydric or mesic lowlands (G155XB241FL)  
*Hydric soil rating:* Yes

**Basinger**

*Percent of map unit:* 3 percent  
*Landform:* Depressions on marine terraces  
*Landform position (three-dimensional):* Tread, dip  
*Down-slope shape:* Concave, linear  
*Across-slope shape:* Concave, linear  
*Other vegetative classification:* Sandy soils on flats of mesic or hydric lowlands (G155XB141FL)  
*Hydric soil rating:* Yes

**Jenada**

*Percent of map unit:* 3 percent  
*Landform:* Flatwoods on marine terraces  
*Landform position (three-dimensional):* Tread, dip  
*Down-slope shape:* Linear  
*Across-slope shape:* Concave  
*Other vegetative classification:* Forage suitability group not assigned (G156AC999FL)  
*Hydric soil rating:* Yes

**Dania**

*Percent of map unit:* 3 percent  
*Landform:* Marshes on marine terraces  
*Landform position (three-dimensional):* Tread, dip  
*Down-slope shape:* Concave  
*Across-slope shape:* Concave  
*Other vegetative classification:* Freshwater Marshes and Ponds (R156AY010FL), Organic soils in depressions and on flood plains (G156AC645FL)  
*Hydric soil rating:* Yes

**Clewiston**

*Percent of map unit:* 2 percent  
*Landform:* Depressions on marine terraces, flats on marine terraces  
*Landform position (three-dimensional):* Tread, dip, talf  
*Down-slope shape:* Concave, linear  
*Across-slope shape:* Concave, linear

## Custom Soil Resource Report

*Other vegetative classification:* Freshwater Marshes and Ponds (R155XY010FL),  
Organic soils in depressions and on flood plains (G155XB645FL)  
*Hydric soil rating:* Yes

### **Wabasso**

*Percent of map unit:* 2 percent  
*Landform:* Flatwoods on marine terraces  
*Landform position (three-dimensional):* Tread, talf  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Other vegetative classification:* South Florida Flatwoods (R155XY003FL), Sandy  
soils on flats of mesic or hydric lowlands (G155XB141FL)  
*Hydric soil rating:* No

### **Brynwood**

*Percent of map unit:* 2 percent  
*Landform:* Flatwoods on marine terraces  
*Landform position (three-dimensional):* Tread, talf  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Other vegetative classification:* South Florida Flatwoods (R155XY003FL), Sandy  
soils on flats of mesic or hydric lowlands (G155XB141FL)  
*Hydric soil rating:* No

### **Pompano**

*Percent of map unit:* 2 percent  
*Landform:* Flatwoods on marine terraces  
*Landform position (three-dimensional):* Tread, dip  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear, concave  
*Other vegetative classification:* Slough (R155XY011FL), Sandy soils on flats of  
mesic or hydric lowlands (G155XB141FL)  
*Hydric soil rating:* Yes

## **102—Cypress Lake fine sand-Urban land complex, 0 to 2 percent slopes**

### **Map Unit Setting**

*National map unit symbol:* 2zldz  
*Elevation:* 0 to 70 feet  
*Mean annual precipitation:* 42 to 56 inches  
*Mean annual air temperature:* 68 to 77 degrees F  
*Frost-free period:* 350 to 365 days  
*Farmland classification:* Not prime farmland

### **Map Unit Composition**

*Cypress lake and similar soils:* 42 percent  
*Urban land:* 36 percent  
*Minor components:* 22 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

## Description of Cypress Lake

### Setting

*Landform:* Drainageways on marine terraces, flatwoods on marine terraces

*Landform position (three-dimensional):* Tread, dip, talf

*Down-slope shape:* Linear

*Across-slope shape:* Concave, linear

*Parent material:* Sandy and loamy marine deposits over limestone

### Typical profile

*A - 0 to 3 inches:* fine sand

*E - 3 to 14 inches:* fine sand

*E/B - 14 to 25 inches:* fine sand

*Btg - 25 to 30 inches:* fine sandy loam

*2R - 30 to 40 inches:* bedrock

### Properties and qualities

*Slope:* 0 to 2 percent

*Depth to restrictive feature:* 8 to 40 inches to lithic bedrock

*Drainage class:* Poorly drained

*Runoff class:* Very high

*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high  
(0.60 to 2.00 in/hr)

*Depth to water table:* About 3 to 18 inches

*Frequency of flooding:* None

*Frequency of ponding:* None

*Calcium carbonate, maximum content:* 4 percent

*Maximum salinity:* Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)

*Sodium adsorption ratio, maximum:* 4.0

*Available water supply, 0 to 60 inches:* Very low (about 2.6 inches)

### Interpretive groups

*Land capability classification (irrigated):* None specified

*Land capability classification (nonirrigated):* 3w

*Hydrologic Soil Group:* A/D

*Forage suitability group:* Sandy over loamy soils on flats of hydric or mesic lowlands (G155XB241FL)

*Other vegetative classification:* South Florida Flatwoods (R155XY003FL), Sandy over loamy soils on flats of hydric or mesic lowlands (G155XB241FL)

*Hydric soil rating:* Yes

## Description of Urban Land

### Setting

*Landform:* Flatwoods on marine terraces

*Landform position (three-dimensional):* Riser, talf

*Down-slope shape:* Linear

*Across-slope shape:* Linear

*Parent material:* No parent material

### Interpretive groups

*Land capability classification (irrigated):* None specified

*Forage suitability group:* Forage suitability group not assigned (G155XB999FL)

*Other vegetative classification:* Forage suitability group not assigned  
(G155XB999FL)

*Hydric soil rating:* Unranked



## Minor Components

### Brynwood

*Percent of map unit:* 8 percent  
*Landform:* Flatwoods on marine terraces  
*Landform position (three-dimensional):* Tread, talf  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Other vegetative classification:* South Florida Flatwoods (R155XY003FL), Sandy soils on flats of mesic or hydric lowlands (G155XB141FL)  
*Hydric soil rating:* Yes

### Wabasso

*Percent of map unit:* 6 percent  
*Landform:* Flatwoods on marine terraces  
*Landform position (three-dimensional):* Tread, talf  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Other vegetative classification:* South Florida Flatwoods (R155XY003FL), Sandy soils on flats of mesic or hydric lowlands (G155XB141FL)  
*Hydric soil rating:* No

### Pineda

*Percent of map unit:* 4 percent  
*Landform:* Drainageways on marine terraces, flats on marine terraces  
*Landform position (three-dimensional):* Tread, dip, talf  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear, concave  
*Other vegetative classification:* Slough (R155XY011FL), Sandy over loamy soils on flats of hydric or mesic lowlands (G155XB241FL)  
*Hydric soil rating:* Yes

### Ft. drum

*Percent of map unit:* 2 percent  
*Landform:* Flatwoods on marine terraces  
*Landform position (three-dimensional):* Tread, talf  
*Down-slope shape:* Convex  
*Across-slope shape:* Linear  
*Other vegetative classification:* Sandy soils on flats of mesic or hydric lowlands (G155XB141FL)  
*Hydric soil rating:* No

### Cypress lake

*Percent of map unit:* 2 percent  
*Landform:* Flatwoods on marine terraces, drainageways on marine terraces  
*Landform position (three-dimensional):* Tread, talf, dip  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear, concave  
*Other vegetative classification:* South Florida Flatwoods (R155XY003FL), Sandy over loamy soils on flats of hydric or mesic lowlands (G155XB241FL)  
*Hydric soil rating:* No

## 141—Cocoa fine sand-Urban land complex, 0 to 2 percent slopes

### Map Unit Setting

*National map unit symbol:* 2x9dh  
*Elevation:* 0 to 20 feet  
*Mean annual precipitation:* 45 to 54 inches  
*Mean annual air temperature:* 70 to 77 degrees F  
*Frost-free period:* 360 to 365 days  
*Farmland classification:* Not prime farmland

### Map Unit Composition

*Cocoa and similar soils:* 45 percent  
*Urban land:* 40 percent  
*Minor components:* 15 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

### Description of Cocoa

#### Setting

*Landform:* Rises on marine terraces, flatwoods on marine terraces  
*Landform position (three-dimensional):* Tread, rise  
*Down-slope shape:* Convex  
*Across-slope shape:* Linear  
*Parent material:* Sandy marine deposits over limestone

#### Typical profile

*A - 0 to 3 inches:* fine sand  
*E - 3 to 13 inches:* fine sand  
*Bw - 13 to 27 inches:* fine sand  
*Bt - 27 to 31 inches:* fine sand  
*2R - 31 to 41 inches:* bedrock

#### Properties and qualities

*Slope:* 0 to 2 percent  
*Depth to restrictive feature:* 20 to 40 inches to lithic bedrock  
*Drainage class:* Moderately well drained  
*Runoff class:* Negligible  
*Capacity of the most limiting layer to transmit water (Ksat):* High to very high (1.98 to 19.98 in/hr)  
*Depth to water table:* More than 80 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Maximum salinity:* Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)  
*Sodium adsorption ratio, maximum:* 4.0  
*Available water supply, 0 to 60 inches:* Very low (about 2.5 inches)

#### Interpretive groups

*Land capability classification (irrigated):* None specified  
*Land capability classification (nonirrigated):* 3s

## Custom Soil Resource Report

*Hydrologic Soil Group:* A

*Forage suitability group:* Shallow or moderately deep, sandy or loamy soils on rises and ridges of mesic uplands (G155XB521FL)

*Other vegetative classification:* Longleaf Pine-Turkey Oak Hills (R155XY002FL), Shallow or moderately deep, sandy or loamy soils on rises and ridges of mesic uplands (G155XB521FL)

*Hydric soil rating:* No

### Description of Urban Land

#### Setting

*Landform:* Flatwoods on marine terraces

*Landform position (three-dimensional):* Riser, talf

*Down-slope shape:* Linear

*Across-slope shape:* Linear

*Parent material:* No parent material

#### Interpretive groups

*Land capability classification (irrigated):* None specified

*Forage suitability group:* Forage suitability group not assigned (G155XB999FL)

*Other vegetative classification:* Forage suitability group not assigned (G155XB999FL)

*Hydric soil rating:* Unranked

### Minor Components

#### Cypress lake

*Percent of map unit:* 8 percent

*Landform:* Drainageways on marine terraces, flats on marine terraces

*Landform position (three-dimensional):* Tread, dip, talf

*Down-slope shape:* Linear, convex

*Across-slope shape:* Concave, linear

*Other vegetative classification:* South Florida Flatwoods (R155XY003FL), Sandy over loamy soils on flats of hydric or mesic lowlands (G155XB241FL)

*Hydric soil rating:* Yes

#### Brynwood

*Percent of map unit:* 7 percent

*Landform:* Flatwoods on marine terraces

*Landform position (three-dimensional):* Tread, talf

*Down-slope shape:* Linear

*Across-slope shape:* Linear

*Other vegetative classification:* South Florida Flatwoods (R155XY003FL), Sandy soils on flats of mesic or hydric lowlands (G155XB141FL)

*Hydric soil rating:* Yes



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- United States Department of Agriculture, Natural Resources Conservation Service. National range and pasture handbook. <http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/landuse/rangepasture/?cid=stelpdb1043084>

## Custom Soil Resource Report

United States Department of Agriculture, Natural Resources Conservation Service. National soil survey handbook, title 430-VI. [http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/scientists/?cid=nrcs142p2\\_054242](http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/scientists/?cid=nrcs142p2_054242)

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## Sharon Hrabak

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**From:** Vovsi, Eman M. <Eman.Vovsi@DOS.MyFlorida.com>  
**Sent:** Monday, March 6, 2023 12:19 PM  
**To:** Sharon Hrabak  
**Subject:** RE: Babcock  
**Attachments:** Template\_102.pdf

### EXTERNAL SENDER

Completed; no cultural resources detected  
Kind regards,

Eman M. Vovsi, Ph.D. (he/him/his)  
Sr. Data Base Analyst – Florida Department of State  
Bureau of Historic Preservation - Florida Master Site File – Tallahassee, FL 32399-0250 – Phone:  
850.245.6377 – e-mail: [Eman.Vovsi@DOS.MyFlorida.com](mailto:Eman.Vovsi@DOS.MyFlorida.com)

"Due to and depending on the requested information, work load and limited staffing, it may take longer than usual to get a response. Thank you for your patience and understanding during this time."

**From:** Sharon Hrabak <Sharon@qainc.net>  
**Sent:** Monday, March 6, 2023 11:58 AM  
**To:** FMSFILE <FMSFILE@dos.myflorida.com>  
**Cc:** Tobias, Jennifer L. <Jennifer.Tobias@dos.myflorida.com>  
**Subject:** Babcock

### EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

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To Whom it May Concern,

Can you please send us a list of any known historical resources located on  
The properties are located 7084, 7082 Babcock Rd.; 18011 S. Tamiami Trl; 7001, 7015, 7011 Constitution Blvd  
with STRAP(s): 08-46-25-00-01005.0000; 08-46-25-00-01005.0010; 08-46-25-01-00000.0010; 17-46-25-03-00000.1000; 17-46-25-  
00-01001.009A; 17-46-25-00-01001.009C; 07-46-25-00-00009.001A; 07-46-25-00-00010.0010  
07-46-25-00-00011.0020; 08-46-25-00-01006.0000; 08-46-25-00-01007.0000; 08-46-25-00-01008.0000; 08-46-25-01-00000.001B

Thank you,



*Sharon Hrabak*



4301 Veronica Shoemaker Blvd.  
Fort Myers, Florida 33916  
P: 239-936-5222 | F: 239-936-7228  
[sharon@gainc.net](mailto:sharon@gainc.net) | [www.gainc.net](http://www.gainc.net)







DESCRIPTION OF LANDS SURVEYED FROM FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT  
NCS-1105765-INDY & OPINION OF TITLE DATED FEBRUARY 8, 2023:  
PARCEL 1

A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4, SOUTHWEST 1/4, SECTION 8, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA;

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 8; THENCE NORTH 0 DEGREES 59' 23" WEST 600.00' FEET ALONG THE WEST LINE OF THE SOUTHWEST 1/4, SOUTHWEST 1/4 OF SAID SECTION 8; THENCE NORTH 89 DEGREES 00' 37" EAST 530.0' TO THE POINT OF THE BEGINNING; THENCE NORTH 0 DEGREES 59' 23" WEST 701.04 FEET PARALLEL WITH THE WEST LINE OF THE SOUTHWEST 1/4, OF SAID SECTION 8 TO A POINT ON THE SOUTH LINE OF SAN CARLOS PARK, NORTHWEST ADDITION, AS RECORDED IN PLAT BOOK 28, PAGES 12 AND 13; THENCE NORTH 89 DEGREES 00' 37" EAST 470.00 FEET ALONG THE SOUTH LINE OF SAN CARLOS PARK, NORTHWEST ADDITION, TO THE NORTHWEST CORNER OF SAN CARLOS PARK, COMMERCIAL ADDITION, AS RECORDED IN PLAT BOOK 28, PAGES 18 AND 19; THENCE SOUTH 0 DEGREES 59' 23" EAST 701.04 FEET ALONG THE WEST LINE OF SAN CARLOS PARK COMMERCIAL ADDITION; THENCE SOUTH 89 DEGREES 00' 37" WEST 470.00 FEET PARALLEL WITH THE SOUTH LINE OF SAN CARLOS PARK, NORTHWEST ADDITION TO THE POINT OF BEGINNING.

PARCEL 2

A TRACT OR PARCEL OF LAND LYING IN THE SOUTHWEST QUARTER OF SECTION 8, AND THE SOUTHEAST QUARTER OF SECTION 7, ALL IN TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 8 AND ALSO BEING THE NORTHWEST CORNER OF SAN CARLOS PARK NORTHWEST ADDITION AS RECORDED IN PLAT BOOK 28, PAGES 12 AND 13 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S01°02'58"E (BASIS OF BEARINGS BASED ON THE CENTERLINE SURVEY FROM S.R. 45 RIGHT-OF-WAY MAP, SECTION 12010-2503, SHEET 5, BEING N20°35'30"W) ALONG THE WEST LINE OF SAID SECTION 8 AND SAN CARLOS PARK NORTHWEST ADDITION FOR 1204.59 FEET TO THE NORTHEAST CORNER OF LANDS DESCRIBED IN O.R. BOOK 1837, PAGE 3275 OF AFORESAID PUBLIC RECORDS AND THE POINT OF BEGINNING; THENCE CONTINUE S01°02'58"E FOR 121.15 FEET TO THE SOUTHWEST CORNER OF SAID SAN CARLOS PARK NORTHWEST ADDITION; THENCE N88°57'02"E ALONG THE SOUTH LINE OF SAID SAN CARLOS PARK NORTHWEST ADDITION FOR 530.00 FEET TO THE NORTHWEST CORNER OF LANDS DESCRIBED IN O.R. BOOK 1830, PAGE 3434 OF AFORESAID PUBLIC RECORDS; THENCE S01°02'58"E ALONG THE WEST LINE OF SAID LANDS FOR 701.04 FEET TO THE NORTH LINE OF LOT 1, SAN CARLOS CENTER AS RECORDED IN PLAT BOOK 42, PAGE 2 OF AFORESAID PUBLIC RECORDS; THENCE S69°19'18"W ALONG SAID NORTH LINE FOR 684.42 FEET INTO AFORESAID SECTION 7 TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF S.R. 45 (U.S. 41, 153 FEET FROM THE CENTERLINE OF SURVEY); THENCE N20°35'30"W ALONG SAID RIGHT-OF-WAY LINE FOR 963.15 \* FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF BABCOCK ROAD EXTENSION (60 FEET WIDE); THENCE N69°24'30"E ALONG SAID RIGHT-OF-WAY LINE FOR 459.97 FEET TO THE POINT OF BEGINNING.

\* APPARENT SCRIVENER'S ERROR IN TITLE COMMITMENT, VESTING DOCUMENT O.R. 2241, PG. 0204 STATES "953.15 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF BABCOCK ROAD EXTENSION".

PARCEL 3

PART OF LOT 1, SAN CARLOS CENTER, AS DEPICTED ON PAGE 1 OF PLAT BOOK 42, PUBLIC RECORDS OF LEE COUNTY FLORIDA.

#### COMBINED DESCRIPTION AS SURVEYED:

ALL OF THE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 2351, PAGE 3155, ALSO KNOWN AS PARCEL 1; AND ALL OF THE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 2241, PAGE 204, ALSO KNOWN AS PARCEL 2; PUBLIC RECORDS OF LEE COUNTY, FLORIDA; BEING LOCATED IN THE SOUTHWEST 1/4, SOUTHWEST 1/4, SECTION 8; THE SOUTHWEST QUARTER OF SECTION 8; AND THE SOUTHEAST QUARTER OF SECTION 7, AS WELL AS PART OF LOT 1, SAN CARLOS CENTER, AS DEPICTED ON PAGE 1 OF PLAT BOOK 42, SAID PUBLIC RECORDS, ALL LYING IN TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

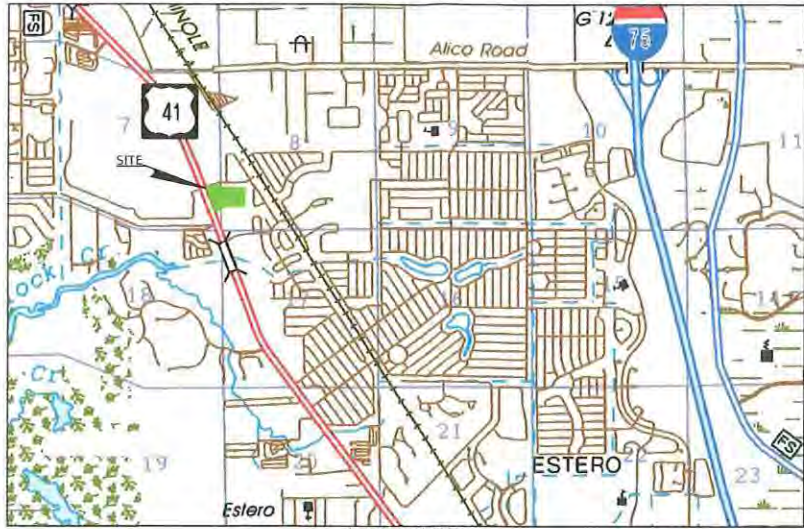
COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 8, ALSO BEING THE NORTHWEST CORNER OF SAN CARLOS PARK NORTHWEST ADDITION AS RECORDED IN PLAT BOOK 28, PAGES 12 AND 13 SAID PUBLIC RECORDS, SAID POINT LYING NORTH 01 DEGREES 03 MINUTES 52 SECONDS WEST, 2624.95 FEET FROM THE SOUTHWEST CORNER OF SECTION 8; THENCE SOUTH 01 DEGREES 03 MINUTES 52 SECONDS EAST, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8, ALSO BEING THE WEST LINE OF SAID SAN CARLOS PARK NORTHWEST ADDITION, A DISTANCE OF 1204.59 FEET TO THE NORTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1837, PAGE 3275 SAID PUBLIC RECORDS AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 01 DEGREES 03 MINUTES 52 SECONDS EAST, A DISTANCE OF 120.32 FEET TO THE SOUTHWEST CORNER OF SAID SAN CARLOS PARK NORTHWEST ADDITION; THENCE NORTH 88 DEGREES 55 MINUTES 59 SECONDS EAST, ALONG THE NORTH LINE OF SAID PARCEL 2 AND THE SOUTH LINE OF SAID SAN CARLOS PARK NORTHWEST ADDITION, A DISTANCE OF 529.82 FEET TO THE NORTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1830, PAGE 3434 AND THE NORTHWEST CORNER OF SAID PARCEL 1; THENCE CONTINUE NORTH 88 DEGREES 55 MINUTES 59 SECONDS EAST, ALONG SAID SOUTH LINE AND THE NORTH LINE OF SAID PARCEL 1, A DISTANCE OF 470.00 FEET TO THE NORTHWEST CORNER OF SAN CARLOS PARK COMMERCIAL ADDITION AS RECORDED IN PLAT BOOK 29, PAGES 18 AND 19 SAID PUBLIC RECORDS, AND THE NORTHEAST CORNER OF SAID PARCEL 1; THENCE SOUTH 01 DEGREES 04 MINUTES 01 SECONDS EAST, ALONG THE WEST LINE OF SAID SAN CARLOS PARK COMMERCIAL ADDITION AND THE EAST LINE OF SAID PARCEL 1, A DISTANCE OF 701.04 FEET TO THE NORTH LINE AND AN EXTENSION OF LOT 1, SAN CARLOS CENTER AS RECORDED IN PLAT BOOK 42, PAGE 2 OF SAID PUBLIC RECORDS; THENCE ALONG SAID NORTH LINE AND THE EXTENSION THEREOF SOUTH 88 DEGREES 55 MINUTES 59 SECONDS WEST, PARALLEL WITH THE SOUTH LINE OF SAID SAN CARLOS NORTHWEST ADDITION, A DISTANCE OF 470.00 FEET; THENCE CONTINUE ALONG SAID SOUTH LINE, SOUTH 69 DEGREES 17 MINUTES 11 SECONDS WEST, A DISTANCE OF 404.89 FEET TO THE NORTHWEST CORNER OF THE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 4129, PAGE 4367, SAID PUBLIC RECORDS; THENCE ALONG THE WESTERLY BOUNDARIES OF SAID LANDS FOR THE FOLLOWING 4 COURSES: 1.) THENCE SOUTH 20 DEGREES 42 MINUTES 49 SECONDS EAST, A DISTANCE OF 29.76 FEET TO A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 170 FEET, A DELTA ANGLE OF 30 DEGREES 18 MINUTES 33 SECONDS, BEING SUBTENDED BY A CHORD BEARING SOUTH 5 DEGREES 33 MINUTES 32 SECONDS EAST, A CHORD DISTANCE OF 88.88 FEET; 2.) THENCE ALONG SAID CURVE TO THE RIGHT A DISTANCE OF 89.93 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 130.00 FEET, A DELTA ANGLE OF 30 DEGREES 18 MINUTES 33 SECOND, BEING SUBTENDED BY A CHORD BEARING SOUTH 05 DEGREES 33 MINUTES 32 SECONDS EAST, A CHORD DISTANCE OF 67.97 FEET; 3.) THENCE ALONG SAID CURVE TO THE LEFT, A DISTANCE OF 68.77 FEET; 4.) THENCE SOUTH 20 DEGREES 42 MINUTES 49 SECONDS EAST, A DISTANCE OF 134.72 FEET; THENCE LEAVING SAID BOUNDARIES, SOUTH 69 DEGREES 23 MINUTES 55 SECONDS WEST, A DISTANCE OF 260.62 FEET TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF S.R. 45 (U.S. 41, 153 FEET FROM THE CENTERLINE OF SURVEY FOR MAP SECTION 12010-2503); THENCE NORTH 20 DEGREES 36 MINUTES 05 SECONDS WEST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 315.37 FEET TO THE NORTHWEST CORNER OF LOT 1 SAN CARLOS CENTER, AS DEPICTED ON PAGES 1 AND 2 OF PLAT BOOK 42, SAID PUBLIC RECORDS, THENCE CONTINUE ALONG SAID RIGHT OF WAY, NORTH 69 DEGREES 17 MINUTES 11 SECONDS EAST, A DISTANCE OF 21.00 FEET, THENCE CONTINUE ALONG SAID RIGHT OF WAY, NORTH 20 DEGREES 36 MINUTES 05 SECONDS WEST, A DISTANCE OF 952.61 TO THE SOUTHERLY RIGHT OF WAY LINE OF BABCOCK ROAD EXTENSION (60 FEET WIDE); THENCE NORTH 69 DEGREES 24 MINUTES 09 SECONDS EAST, ALONG SAID BABCOCK ROAD EXTENSION, A DISTANCE OF 460.23 FEET TO THE POINT OF BEGINNING.

#### NOTES:

- THE PURPOSE OF THIS SURVEY IS TO RETRACE AND PERPETUATE THE BOUNDARIES OF THE ABOVE DESCRIBED PARCEL.
- BEARINGS & COORDINATES SHOWN ARE STATE PLANE, FLORIDA WEST ZONE, NORTH AMERICAN DATUM OF 1983 (2011 ADJUSTMENT); ESTABLISHED BY RTK GPS OBSERVATIONS WITH CORRECTIONS RECEIVED FROM THE FDOT FLORIDA PERMANENT REFERENCE NETWORK (FPRN). THE WEST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8 IS THE BASIS OF BEARINGS WHICH BEARS S 01°03'52" E.
- ALL PHYSICAL FEATURES SHOWN HEREON WERE LOCATED IN THE FIELD, UNLESS OTHERWISE NOTED, BY THE SURVEY FIELD CREW AS RECORDED IN FIELD BOOK; 1783, PAGES 7-11, 16-17; BOOK 1800, PAGES 53-54; BOOK 1837, PAGES 5-6; AND BOOK 1858, PAGE 03. THE LAST DAY OF FIELD WORK WAS 02-02-2023.
- NO UNDERGROUND UTILITIES OR IMPROVEMENTS, IF ANY, WERE LOCATED OTHER THAN SHOWN HEREON.
- UNDERGROUND ENCROACHMENTS INCLUDING FOUNDATIONS (IF ANY) WERE NOT LOCATED.
- NO WETLAND AREAS OR JURISDICTIONAL WETLANDS (IF ANY) WERE LOCATED FOR THIS SURVEY, NOR WERE ANY MARKERS FOR SUCH OBSERVED.
- NO SEARCH FOR VISIBLE EVIDENCE OF EXISTING OR FORMER AREAS OF FACILITIES WHICH MAY HAVE INVOLVED USE OR STORAGE OF HAZARDOUS OR TOXIC SUBSTANCES WAS MADE.
- THIS SURVEY WAS PREPARED WITH THE BENEFIT OF FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT NCS-1105765-INDY, COMMITMENT EFFECTIVE DATE: JANUARY 7, 2022 AT 8:00 AM, SEE SUMMARY OF SCHEDULE B-II EXCEPTIONS ON THIS SHEET, AN OPINION OF TITLE BY PAUL H. FREEMAN, ATTORNEY AT LAW, DATED SEPTEMBER 1, 2022 WAS ALSO FURNISHED. A SECOND OPINION OF TITLE BY PAUL H. FREEMAN, ATTORNEY AT LAW, DATED FEBRUARY 8, 2023 WAS ALSO PROVIDED.
- ALL RECORDING REFERENCES ARE TO THE PUBLIC RECORDS OF LEE COUNTY, FL.
- ALL DISTANCES, AND COORDINATES ARE IN U.S. SURVEY FEET OR DECIMALS THEREOF.

# ALTA NSPS LAND TITLE SURVEY

## PART OF THE SE 1/4 SECTION 7 & PART OF THE SW 1/4 OF THE SW 1/4 SECTION 8, TOWNSHIP 46 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA



LOCATION MAP  
NOT TO SCALE

- SURVEYED PARCEL ACREAGE: PARCEL 1 - 7.56 ACRES, MORE OR LESS; PARCEL 2 - 16.05 ACRES, MORE OR LESS; PARCEL 3 - 1.99 ACRES, MORE OR LESS; TOTAL PARCEL (1, 2, & 3) - 25.60 ACRES, MORE OR LESS
- NO EVIDENCE OF RECENT EARTHWORK WAS OBSERVED ON THE SUBJECT PARCEL THIS SURVEY.
- NO EVIDENCE OF PROPOSED CHANGES IN STREET RIGHT OF WAY LINES WAS PROVIDED. NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS WAS OBSERVED THIS SURVEY.
- THE PROPERTY DESCRIBED HEREON IS THE SAME AS THE PROPERTY DESCRIBED IN FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT NO. NCS-1105765-INDY WITH AN EFFECTIVE DATE OF JANUARY 7, 2022; AND OPINION OF TITLE DATED FEBRUARY 8, 2023. ALL EASEMENTS, COVENANTS, AND RESTRICTIONS REFERENCED IN SAID TITLE COMMITMENT, AND OPINION OF TITLE OR APPARENT FROM A PHYSICAL INSPECTION OF THE SITE OR OTHERWISE KNOWN HAVE BEEN PLOTTED HEREON OR OTHERWISE NOTED AS TO THEIR EFFECT ON THE SUBJECT PROPERTY.
- THE SURVEYED PARCEL HAS ACCESS TO PUBLIC RIGHT OF WAY VIA FREEMAN DRIVE, BABCOCK ROAD EXTENSION, AND TAMAMI TRAIL (STATE ROAD 45).
- NO GAPS, GORES, OR OVERLAPS WERE OBSERVED IN THE RECORD DESCRIPTIONS DURING THE COMPLETION OF THIS SURVEY.
- THE SURVEYED PARCEL LIES ENTIRELY WITHIN ZONE AE (EL 10), PER FLOOD INSURANCE RATE MAP PANEL 12071C0577G, EFFECTIVE DATE DECEMBER 7, 2018.

#### TITLE COMMITMENT SUMMARY OF SCHEDULE B-II EXCEPTIONS, AND SPECIAL EXCEPTIONS IN TITLE OPINIONS:

- DETECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS, IF ANY CREATED, FIRST APPEARING IN THE PUBLIC RECORDS OR ATTACHING SUBSEQUENT TO THE EFFECTIVE DATE HEREOF BUT PRIOR TO THE DATE THE PROPOSED INSURED ACQUIRES FOR VALUE OF RECORD THE ESTATE OR INTEREST OR MORTGAGE THEREON COVERED BY THIS COMMITMENT.  
- NOT A MATTER OF SURVEY, NOT MAPPED.
- RIGHTS OR CLAIMS OF PARTIES IN POSSESSION OF THE LAND NOT SHOWN BY THE PUBLIC RECORDS.  
- VISIBLE EVIDENCE OF POSSESSION WAS LOCATED AS MAPPED HEREIN.
- ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND.  
- AFFECTS THE SUBJECT PARCEL AS MAPPED HEREIN.
- ANY LIEN OR RIGHT TO A LIEN FOR SERVICES, LABOR, MATERIAL OR EQUIPMENT, UNLESS SUCH LIEN IS SHOWN BY THE PUBLIC RECORDS AT DATE OF POLICY AND NOT OTHERWISE EXCEPTED FROM COVERAGE HEREIN.  
- NOT A MATTER OF SURVEY, NOT MAPPED.
- ANY DISPUTE AS TO THE BOUNDARIES CAUSED BY A CHANGE IN THE LOCATION OF ANY WATER BODY WITHIN OR ADJACENT TO THE LAND PRIOR TO DATE OF POLICY, AND ANY ADVERSE CLAIM TO ALL OR PART OF THE LAND THAT IS, AT DATE OF POLICY, OR WAS PREVIOUSLY UNDER WATER EASEMENTS OR CLAIMS OF EASEMENTS NOT SHOWN BY THE PUBLIC RECORDS.  
- NO WATER BODIES, NATURAL NOR MANMADE WERE OBSERVED ON THE SURVEYED PARCELS.
- TAXES OR SPECIAL ASSESSMENTS NOT SHOWN AS LIENS IN THE PUBLIC RECORDS OR IN THE RECORDS OF THE LOCAL TAX COLLECTING AUTHORITY, AT DATE OF POLICY.  
- NOT A MATTER OF SURVEY, NOT MAPPED.
- ANY MINERALS OR MINERAL RIGHTS LEASED, GRANTED OR RETAINED BY CURRENT OR PRIOR OWNERS.  
- NONE KNOWN.
- TAXES AND ASSESSMENTS FOR THE YEAR 2022 AND SUBSEQUENT YEARS, WHICH ARE NOT YET DUE AND PAYABLE  
- NOT A MATTER OF SURVEY, NOT MAPPED.
- TERMS AND CONDITIONS OF ANY EXISTING UNRECORDED LEASE(S), AND ALL RIGHTS OF LESSEE(S) AND ANY PARTIES CLAIMING THROUGH THE LESSEE(S) UNDER THE LEASE(S).  
- NOT A MATTER OF SURVEY, NOT MAPPED.
- DRAINAGE EASEMENT, GRANTED FROM COASTLAND CORPORATION OF FLORIDA TO JACK CRAFT TRUSTEE, RECORDED IN OFFICIAL RECORDS BOOK 1830, PAGE 3431 AS AFFECTED BY EASEMENT AND MAINTENANCE AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 2351, PAGE 3150, - SEPTEMBER 1 OPINION OF TITLE SPECIAL EXCEPTION #1 STATES THIS HAS BEEN ABANDONED AND IS BEING TERMINATED  
- EASEMENT IS BLANKET IN NATURE OVER ALL OF PARCEL 1; SEE SHEETS 2-6 FOR APPROXIMATE LOCATION OF BORROW PIT. AREA CONTAINING EVIDENCE OF BORROW PIT HAS BEEN AFFECTED BY EARTHWORK ACTIVITY, THE HATCHED AREA IS AN APPROXIMATION OF PROBABLE PIT LIMITS BASED ON CURRENT TOPOGRAPHIC EVIDENCE.

- GRANT OF UTILITY EASEMENT, GRANTED FROM ALAN C. FREEMAN TRUSTEE TO GULF UTILITY COMPANY, RECORDED IN OFFICIAL RECORDS BOOK 2970, PAGE 520. - SEPTEMBER 1 OPINION OF TITLE SPECIAL EXCEPTION #2, FEBRUARY 8 OPINION OF TITLE SPECIAL EXCEPTION #1  
- EASEMENT IS AN ENCUMBRANCE TO THE SOUTHERLY ADJOINING PARCEL, AND DOES NOT TOUCH NOR AFFECT THE SURVEYED PARCELS.
- ANY CLAIM THAT THE TITLE IS SUBJECT TO A TRUST OR LIEN CREATED UNDER THE PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930 (7 U.S.C. §§499A, ET SEQ.) OR THE PACKERS AND STOCKYARDS ACT (7 U.S.C. §§181 ET SEQ.) OR UNDER SIMILAR STATE LAWS.  
- NOT A MATTER OF SURVEY, NOT MAPPED.
- TERMS AND CONDITIONS IN THAT CERTAIN DECLARATION OF EASEMENTS AND COVENANTS DATED JUNE 12, 2002 RECORDED IN OFFICIAL RECORDS BOOK 3665, PAGE 3586 PUBLIC RECORDS OF LEE COUNTY AS TO THE PORTION OF THE PROPERTY DESCRIBED IN TAX PARCEL 08-46-25-01-00000.001B. - FEBRUARY 8 OPINION OF TITLE SPECIAL EXCEPTION #2. ALL PLOTTABLE EASEMENTS MAPPED ON SHEET 2 OF 2

#### LEGEND:

ALTA	= AMERICAN LAND TITLE ASSOCIATION	B	= AIR RELEASE VALVE
CL	= CENTERLINE	⊕	= BENCHMARK
CB	= CHORD BEARING		= GROUND EL
CCR	= CERTIFIED CORNER RECORD	10.12'	= HARD SURFACE EL
CLTF	= CHAIN LINK TYPE FENCE		= FIBER OPTIC CABLE MARKER
CMP	= CORRUGATED METAL PIPE		= FIRE HYDRANT
CMC	= CONCRETE		= IRRIGATION VALVE
COR	= CORNER		= TELEPHONE MANHOLE
(D)	= DEED / TITLE COMMITMENT DIMENSION		= SEWER VALVE
E	= EAST OR EASTING		= SIGN
ENG	= ENGINEERING		= WATER VALVE
EL	= ELEVATION (NAVD 88)		
FCM	= FOUND CONCRETE MONUMENT		
FDOT	= FLORIDA DEPARTMENT OF TRANSPORTATION		
FIP	= FOUND IRON PIPE		
FIRC	= FOUND IRON ROD AND CAP AS NOTED		
FPK	= FOUND PARKER-KALON NAIL		
GPS	= GLOBAL POSITIONING SYSTEM		
HDPE	= HIGH DENSITY POLYETHYLENE		
ID	= IDENTIFICATION		
INC	= INCORPORATED		
INST.	= INSTRUMENT		
INV.	= INVERT		
LB	= LICENSED BUSINESS		
(M)	= RIGHT OF WAY MAP DIMENSION		
N	= NORTH OR NORTHING		
NAVD 88	= NORTH AMERICAN VERTICAL DATUM OF 1988		
NO./#	= NUMBER		
NSPS	= NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS		
O.R.	= OFFICIAL RECORD BOOK		
P.B.	= PLAT BOOK		
PG	= PAGE		
PLS	= PROFESSIONAL LAND SURVEYOR		
POB	= POINT OF BEGINNING		
POC	= POINT OF COMMENCEMENT		
PSM	= PROFESSIONAL SURVEYOR & MAPPER		
PT	= PART OF		
R/W	= RIGHT OF WAY		
RCF	= REINFORCED CONCRETE PIPE		
RTK	= REAL-TIME KINEMATIC		
SEC	= SECTION		
SIRC	= SET 5/8" IRON ROD W/ CAP "AIM ENG LB 3114"		

#### INDEX OF SHEETS:

- |         |  |
|---------|--|
| SHEET 1 | - DESCRIPTION, NOTES, SCHEDULE B-2 EXCEPTIONS, TITLE OPINION SPECIAL EXCEPTIONS, LOCATION MAP, LEGEND, AND CERTIFICATION |
| SHEET 2 | - BOUNDARY SURVEY DETAILS  |

#### ALTA / NSPS LAND TITLE SURVEY CERTIFICATION:

TO OSCAR LAND ACQUISITIONS, LLC, (NAME OF LENDER, IF KNOWN), FIRST AMERICAN TITLE INSURANCE COMPANY, AND PAUL H. FREEMAN, ATTORNEY AT LAW:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(A), 6(B), 7(A), 7(B)(1), 8, 9, 10, 11(A), 13, 16, 17, AND 18 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON FEBRUARY 02, 2023.

DATE OF PLAT OR MAP: FEBRUARY 07, 2023

SIGNED: DARREN TOWNSEND  
PSM #6476



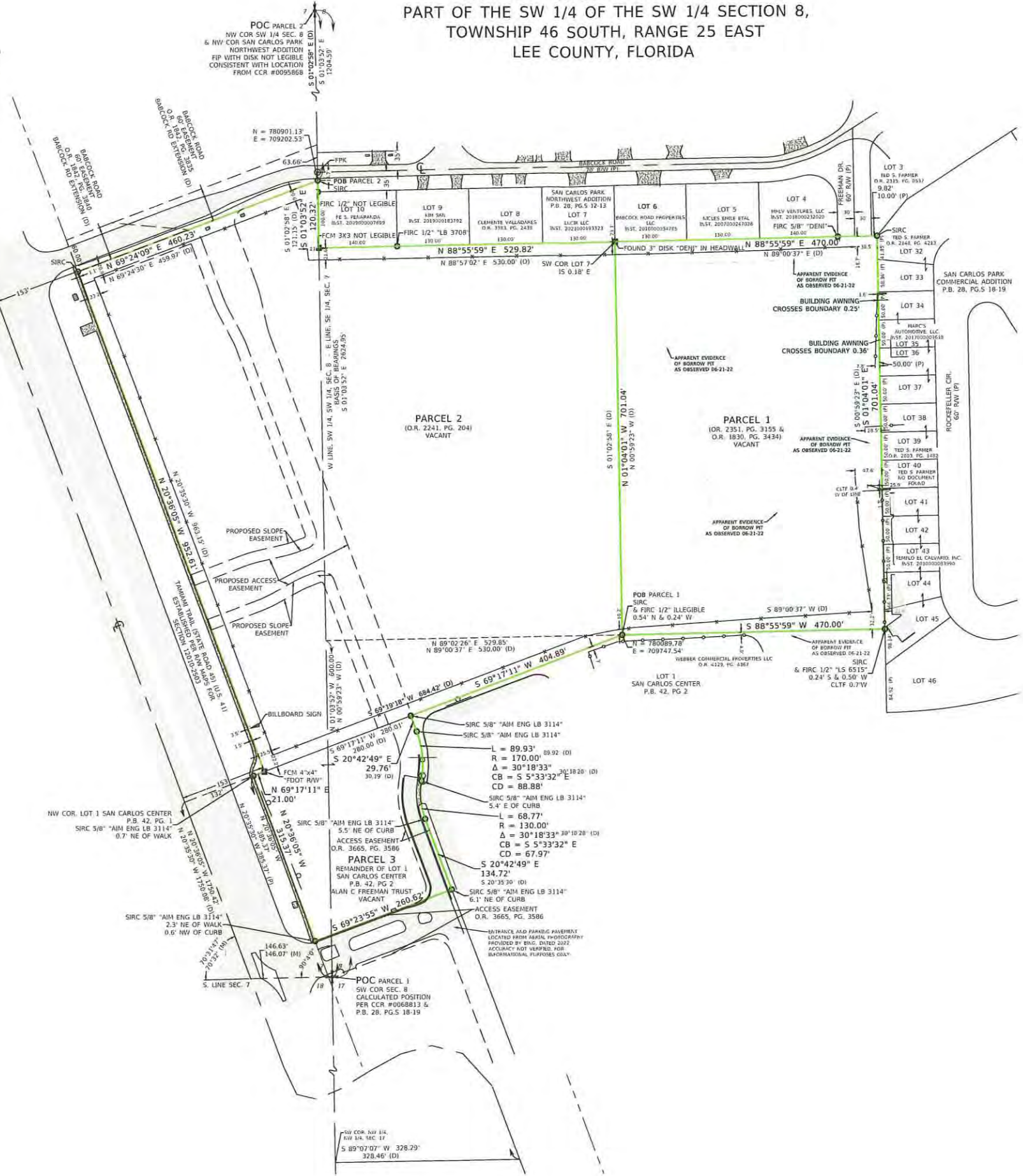
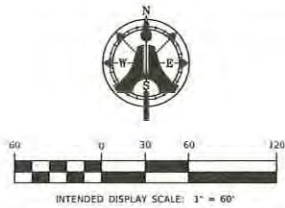
Digitally signed  
by Darren  
Townsend  
Date:  
2023.02.09  
15:23:03 -05'00'

PROJECT NAME BABCOCK & 41 ALTA		PREPARED BY: AN ENGINEERING & SURVEYING, INC. SEE CERTIFICATION THIS SHEET		ANY REVISIONS, ALTERATIONS, AND OR CHANGES TO DRAWINGS (S) WITHOUT WRITTEN CONSENT BY AN ENGINEER OR SURVEYOR, INC. IS PROHIBITED.		DATE 1 07-29-22 CMH 2 09-12-22 CMH 3 02-09-23 CMH 4 5 6 7		FIELD BOOK 1783 / 1800 / 1837 / 1858 PAGE 7-11, 16-17 / 53-54 / 5 / 6 / 03	
AIM Engineering & Surveying, Inc. CIVIL * SANITARY * TRANSPORTATION * DEVELOPMENT * PROJECT MANAGEMENT TOLL FREE 800.338.4589 3161 FOWLER STREET, SUITE 100 FORT MYER, FLORIDA 33901 www.aimengr.com		CERTIFICATE OF AUTHORIZATION No. 3114		DATE 02-08-2023		DATE 02-07-2023		DATE 02-08-2023	
QUATRONE & ASSOCIATES, INC.		DATE 02-07-2023		DATE 02-07-2023		DATE 02-07-2023		DATE 02-07-2023	
ALTA NSPS LAND TITLE SURVEY PT SW 1/4, SEC. 8 & PT SE 1/4 SEC. 7		TOWNSHIP 22 144 144 506		RANGE 25 46 5		SECTION 7 & 8		PAGE 1	
PROJECT NO. 22 144 144 506		TOWNSHIP 22 144 144 506		RANGE 25 46 5		SECTION 7 & 8		PAGE 1	
PROJECT NO. 22 144 144 506		TOWNSHIP 22 144 144 506		RANGE 25 46 5		SECTION 7 & 8		PAGE 1	



ALTA NSPS LAND TITLE SURVEY

PART OF THE SE 1/4 SECTION 7 &  
PART OF THE SW 1/4 OF THE SW 1/4 SECTION 8,  
TOWNSHIP 46 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA



AIM Engineering & Surveying, Inc.

CIVIL • SANITARY • TRANSPORTATION • DEVELOPMENT • PROJECT MANAGEMENT  
TOLL FREE 800.236.4569  
3101 POWELL STREET, SUITE 100  
FORT MYERS, FLORIDA 33901  
WWW.AIMENG.COM



ALTA NSPS LAND TITLE SURVEY  
PT SW 1/4, SEC. 8 & PT SE 1/4 SEC. 7  
COUNTY: LEE  
TOWNSHIP: 46 S  
RANGE: 25 E  
SHEET: 2

PROJECT NAME:  
BARCOCK & 41 ALTA  
PREPARED BY: AIM ENGINEERING & SURVEYING, INC.  
SEE SHEET 1  
DARRELL TOWNSEND  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 6476  
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

ANY REVISIONS, ALTERATIONS, OR ADDITIONS TO THIS SURVEY MUST BE MADE BY THE SURVEYOR'S HAND AND SEAL, AND MUST BE ACCOMPANIED BY A WRITTEN CONSENT BY THE SURVEYOR, INC. IS PROHIBITED.

NO.	DATE	REVISIONS
1		
2		
3		
4		
5		
6		
7		

CERTIFICATE OF AUTHORIZATION No. 3114  
DATE: 02.07.2023  
DT: 02.08.2023

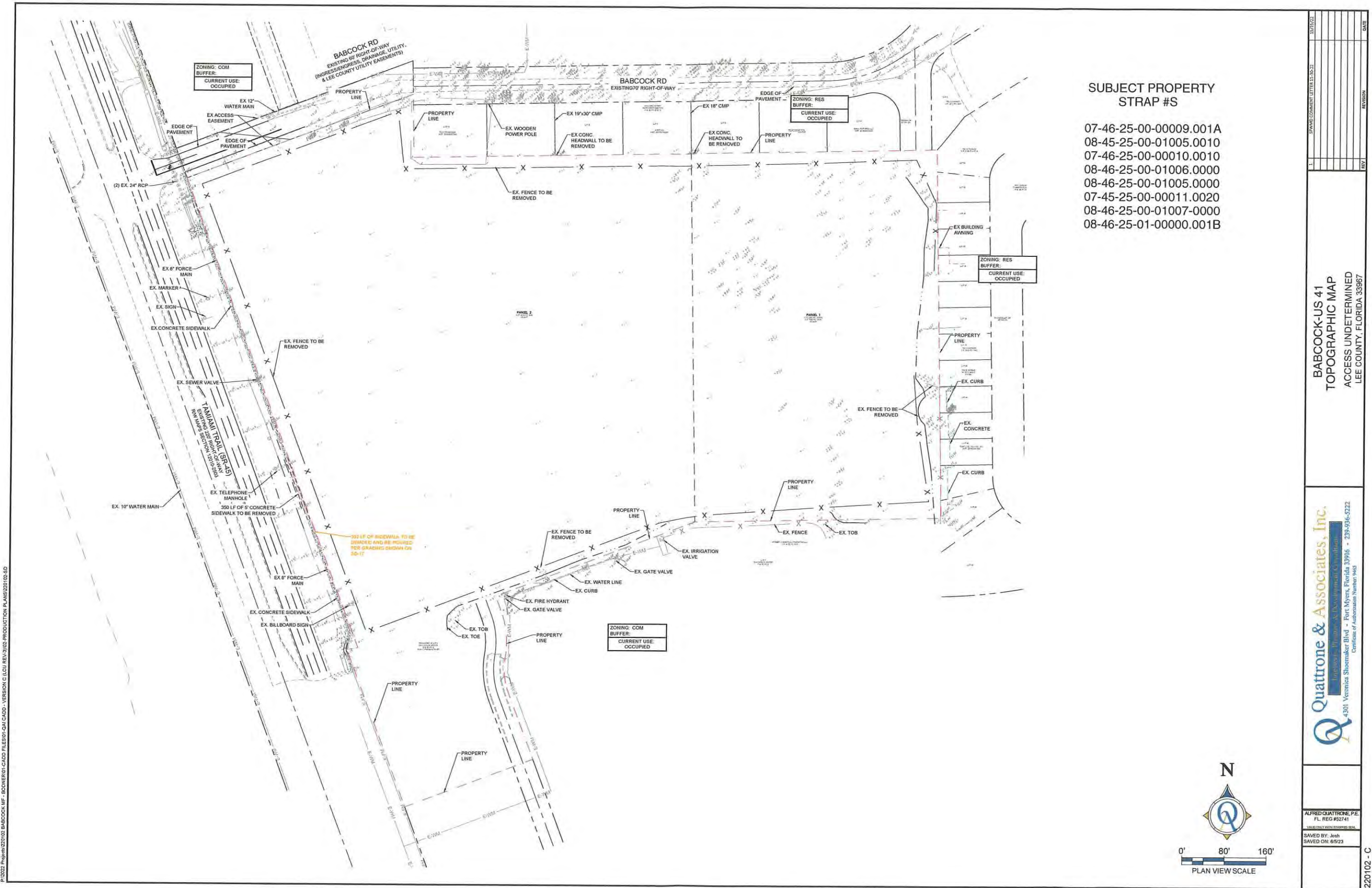
QUATTRONE & ASSOCIATES, INC.  
DATE: 02.07.2023  
CHK: CHH

DATE: 02.08.2023  
DT: 02.08.2023

BOUNDARY DETAILS



EXHIBIT TOPOGRAPHIC MAP



SUBJECT PROPERTY STRAP #S

- 07-46-25-00-00009.001A
- 08-45-25-00-01005.0010
- 07-46-25-00-00010.0010
- 08-46-25-00-01006.0000
- 08-46-25-00-01005.0000
- 07-45-25-00-00011.0020
- 08-46-25-00-01007-0000
- 08-46-25-01-00000.001B

BABCOCK-US 41  
TOPOGRAPHIC MAP  
ACCESS UNDETERMINED  
LEE COUNTY, FLORIDA 33967

**Quatrone & Associates, Inc.**  
Landscape Architects & Surveyors  
4301 Veronica Shoemaker Blvd - Fort Myers, Florida 33916 - 239-936-5222  
Certificate of Authorization Number: 9403

ALFRED QUATRONE, P.E.  
FL REG #52741  
SAVED BY: Josh  
SAVED ON: 6/5/23