Lee County Community Development

LEE COUNTY BOARD OF COUNTY COMMISSIONERS

ZONING
and
COMPREHENSIVE PLAN AMENDMENT HEARING
AGENDA

Wednesday, March 20, 2024
9:30AM

DCI2022-00031 **Z-24-004**	FPL VERANDAH TRANSMISSION SUBSTATION
DCI2022-00032 **Z-23-034**	BAYSHORE VILLAGE
CPA2022-00019	CARY+DUKE+POVIA MAP AMENDMENT - ADOPTION

CPA2022-00019

Cary Duke CPA

SUMMARY SHEET
CPA2022-00019: CARY+DUKE+POVIA MAP AMENDMENT
ADOPTION HEARING

REQUEST:
Amend Lee Plan Maps 4-A and 4-B to include ±788.97 acres on the Lee County Utilities Future Water and Sewer Service Areas. The property is located on the south side of North River Road, approximately one mile east of the intersection of North River Road and SR 31.

The amendment is associated with a concurrent Residential Planned Development application to allow up to 1,099 residential units on the subject property.

PUBLIC COMMENT:
Approximately sixty-five (65) members of the public provided public comment on the proposed amendment. Sixty-one members of the public were opposed to the amendment and four supported the amendment. Public comments included concern over traffic, the ability of emergency service vehicles to respond to the site, constructing the utility line under the river, general incompatibility with the neighboring very low-density residential uses and a belief that septic systems are better for the environment than public utilities.

TRANSMITTAL HEARING:
A motion was made to ***transmit*** CPA2022-00019 as recommended by staff. The motion passed 5 to 0.

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

STATE REVIEW:
Lee County received responses from FloridaCommerce, the Florida Department of Transportation (FDOT), the Florida Department of Environmental Protection, and the Florida Fish and Wildlife Conservation Commission (FWC). The state reviewing agencies had no comments, recommendations, or objections on the proposed amendments.

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

LEE COUNTY ORDINANCE NO. 24-XX
(Cary+Duke+Povia Map)
(CPA2022-00019)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT PERTAINING TO THE CARY+DUKE+POVIA MAP (CPA2022-00019) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP AND TEXT; LEGAL EFFECT OF "THE LEE PLAN"; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, 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 the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency ("LPA") held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on September 25, 2023; and,

WHEREAS, the Board held a public hearing on December 6, 2023. On December 6, 2023, prior to commencing the case presentation for the transmittal of the proposed amendment, the Board continued the hearing until January 17, 2024.

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on January 17, 2024. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Cary+Duke+Povia Map (CPA2022-00019) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the January 17, 2024 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on March 20, 2024, the Board held a public hearing and adopted the proposed amendment to the Lee Plan set forth herein.

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 public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt map and text amendments to the Lee Plan discussed at those meetings and 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 "Cary+Duke+Povia Ordinance (CPA2022-00019)."**

SECTION TWO: ADOPTION OF COMPREHENSIVE PLAN AMENDMENT

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, which amends the Lee County Utilities Future Water Service Areas (Lee Plan Map 4-A) to add property to the Lee County Utilities Future Water Service Area, and amends the Lee County Utilities Future Sewer Service Areas (Lee Plan Map 4-B) to add property to the Lee County Utilities Future Sewer Service Area. The property is located on the south side of North River Road, approximately one mile east of the intersection of North River Road and SR 31.

The corresponding Staff Reports and Analysis, along with all attachments and application submittals for this amendment are adopted as "Support Documentation" for the Lee Plan. Proposed amendments adopted by this Ordinance are attached as Exhibit A.

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 that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

SECTION SEVEN: INCLUSION IN CODE, CODIFICATION, 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 renumbered or relettered 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 public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION EIGHT: EFFECTIVE DATE

The plan amendments adopted herein are not effective until 31 days after the State Land Planning Agency notifies the County that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the State Land Planning Agency or the Administrative Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status.

THE FOREGOING ORDINANCE was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____. The vote was as follows:

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

DONE AND ADOPTED this 20th day of March 2024.

ATTEST:
KEVIN C. KARNES
CLERK OF CIRCUIT COURT

BY:_____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY FLORIDA

BY: _____
Mike Greenwell, Chair

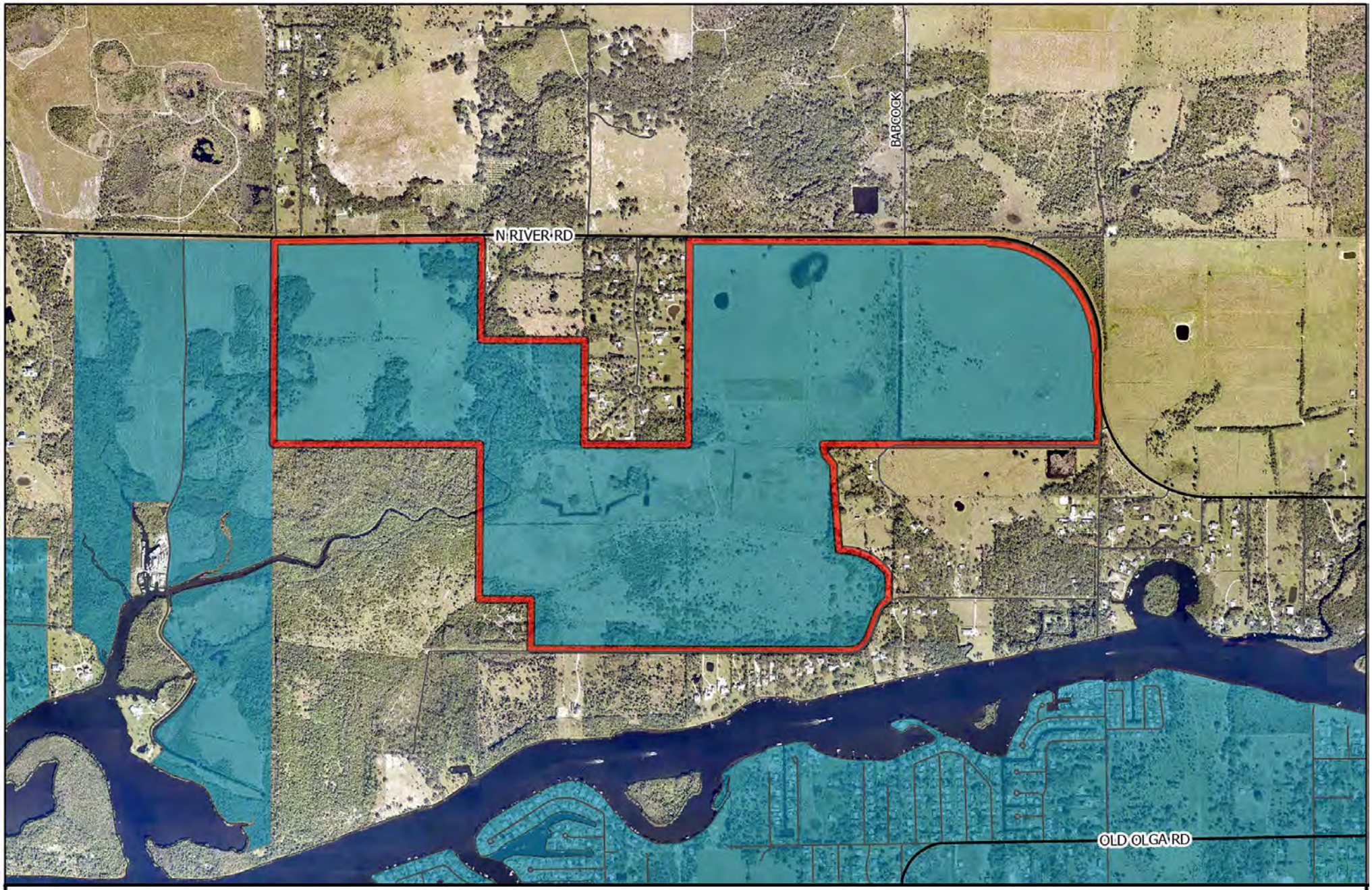
DATE:_____

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

_____
County Attorney's Office

Exhibit A (Adopted by BOCC March 20, 2024):
Adopted revisions to Future Water Service Areas Map 4-A
Adopted revisions to Future Sewer Service Areas Map 4-B

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CPA2022-00019

Future Water Service Areas

Lee County
Southwest Florida

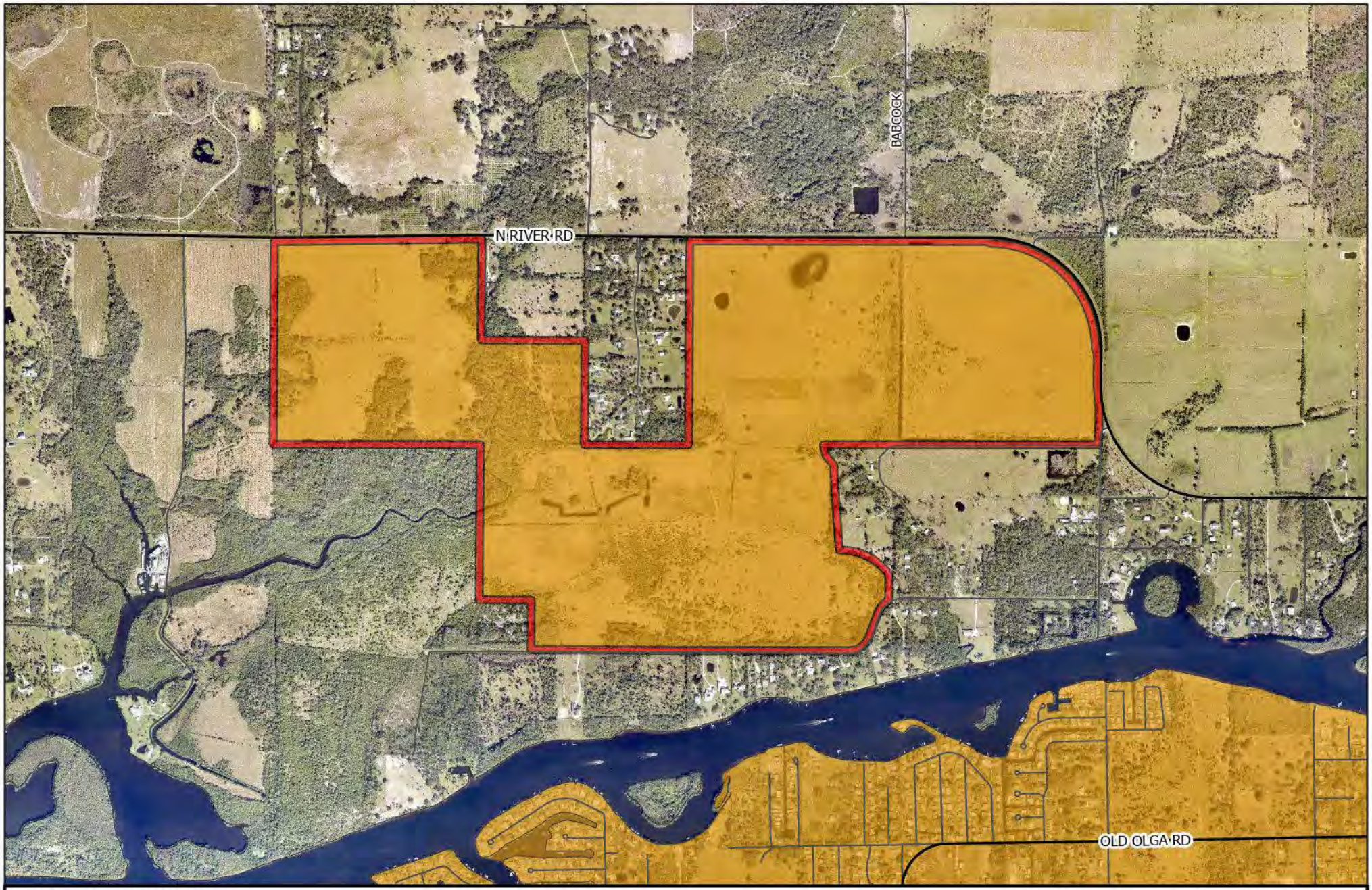
Proposed Future Water Service Areas

Existing Future Water Service Areas

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Map Generated: September 2023



CPA2022-00019

Future Sewer Service Areas

Lee County
Southwest Florida

Proposed Future Sewer Service Areas

Future Sewer Service Areas

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Map Generated: September 2023

STAFF REPORT FOR CPA2022-00019: CARY+DUKE+POVIA

Privately Initiated Map Amendment to the Lee Plan

Recommendation:
Adopt

Applicant:
Neal Communities of Southwest Florida, Inc.

Representatives:
Jem Frantz, AICP
RVi Planning + Landscape Architecture

Property Location:
13230 North River Road

Property Size:
±788.97 Acres

Planning District:
Northeast Lee County

Commissioner District:
District 5

Hearing Dates:
LPA: 09/25/2023
BoCC #1: 01/17/2024
BoCC #2: 03/20/2024

Attachment(s):
1: Proposed Amendments
2: Applicant Materials

SUMMARY OF AMENDMENTS

- Amend the Lee County Utilities Future Water Service Areas (Lee Plan Map 4-A) to add property to the Lee County Utilities Future Water Service Area.
- Amend the Lee County Utilities Future Sewer Service Areas (Lee Plan Map 4-B) to add property to the Lee County Utilities Future Sewer Service Area.

PROJECT LOCATION

The property is located on the south side of North River Road, approximately one mile east of the intersection of North River Road and SR 31. See Figure 1, below.

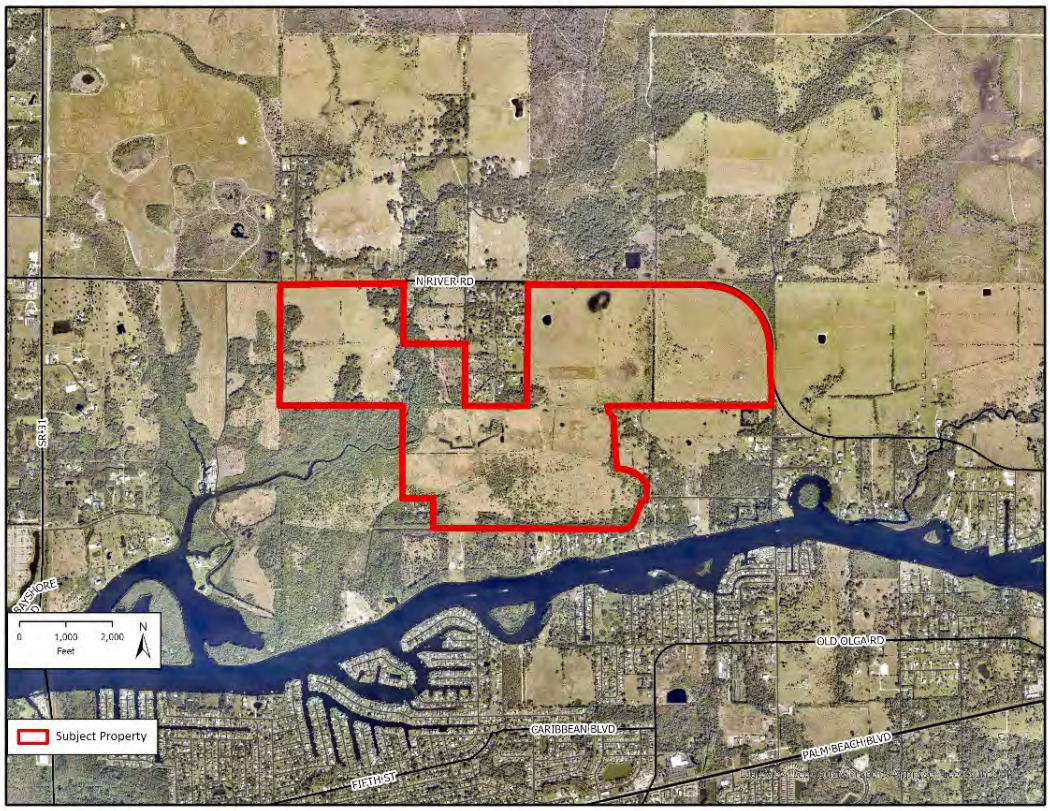


Figure 1: Subject Property

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 REVIEW

CONCURRENT APPLICATION REVIEW

While this request is to add the subject property to Lee County Utilities Future Water and Sewer Service Areas, the applicant has filed a companion rezoning application (DCI2022-00067) that is being reviewed concurrently with this plan amendment application. Chapter 163.3184(12), F.S. provides: "At the request of an applicant, a local government shall consider an application for zoning changes that would be required to properly enact any proposed plan amendment transmitted pursuant to this subsection."

The concurrent rezoning request is to rezone ±788.97 acres from Agricultural (AG-2) to Residential Planned Development (RPD) to allow development of a clustered residential community containing up to 1,099 dwelling units. The proposed amendment would allow the applicant to take advantage of the density increase allowed by **Policy 123.2.17**, which grants an additional unit for each acre of Rare and Unique upland habitat preserved and/or restored. To receive this incentive the developer would need to preserve and restore Rare and Unique upland habitat by clustering development to maximize open space and minimize groundwater impacts by connecting to potable water and sewer services. This incentive is available only to properties within the Rural future land use category. Analysis of DCI2022-00067 shows that the incentive the applicant would receive is approximately 0.4 dwelling units per acre.

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

SUBJECT SITE AND SURROUNDING PROPERTIES

The subject property is on the south side of North River Road, approximately one mile east of the intersection of North River Road and State Road 31. The property is currently zoned Agricultural (AG-2) and consists of passive agriculture uses.

Surrounding properties are primarily passive agriculture and large-lot subdivisions. Immediately west of the property are the Owl Creek Residential Planned Development and the Babcock Ranch Mixed-use Planned Development on the south and north sides of North River Road, respectively. Additional information can be found in Table 1 below.

TABLE 1: SURROUNDING PROPERTIES INFORMATION

	Future Land Use	Zoning	Existing Use
North	DR/GR, New Community, Conservation Lands Upland	MH-1, EC, & MPD approved for 1,630 units and 1.17 million square feet of retail, office, hotel, and recreation	Single-Family Residential, Agriculture, & Vacant
East	Rural	AG-2	Single-Family Residential & Vacant
South	Rural & Wetlands	AG-2	Single-Family Residential & Vacant
West	Rural & Wetlands	RPD approved for 380 units	Vacant

DISCUSSION AND ANALYSIS: MAP AMENDMENT

Future Land Use Element

The applicant proposes expanding Lee Plan Maps 4-A and 4-B to include the subject property within Lee County Utility's future water and sewer service areas.

The Rural future land use category, is described in **Policy 1.4.1:**

> **POLICY 1.4.1:** The Rural areas are to remain predominantly rural – that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. Natural resource extraction may be permitted in accordance with Policy 10.1.4. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre).

The subject property is currently within the Rural future land use category and will remain in that future land use category. The proposed amendment will not change the allowable use of the subject property. Policy 1.4.1 provides that "these areas are not to be programmed to receive urban-type capital improvements," meaning that a developer may expand, but that residents should not expect improvements to be programmed through County capital improvement projects. The proposed amendment is consistent with the existing future land use category.

Development of residential uses under 2.5 dwelling units per acre does not require connection to public water and sewer service to be consistent with **Policy 4.1.1** and **Policy 4.1.2**, however Lee County Utilities has indicated that capacity is available to serve the subject property for water and sewer per the applicant's request. Based on the current Lee Plan[1], the developer would be allowed to develop up to approximately 788 dwelling units using self-service wells and septic tanks.

The Subject property is within the Agricultural Overlay, as identified on Map 1-G. **Policy 1.6.7** describes the Agricultural Overlay special treatment area. Policy 1.6.7 provides that agricultural uses "should be protected from the impacts of new developments, and the county should not attempt to alter or curtail agricultural operations on them merely to satisfy the life-style expectations of non-urban residents." This policy is meant to protect existing agricultural uses in non-urban areas from compatibility concerns of nearby residents. Policy 1.6.7 does not prohibit the conversion of agricultural uses to other uses. Although Florida Statute 163.3177(6)(a) requires the Lee Plan's future land use element include the general distribution and location of land for agriculture, Florida Statute 187.201(22)(b)(1) ensures the goals and policies in state and regional plans are not interpreted to restrict the conversion of agriculture lands to other uses. Similar language was deleted from the Lee Plan in Ordinance 21-09 to "remove redundancy with Florida Statute."

Objective 2.1 of the Lee Plan states that "Contiguous and compact growth patterns will be promoted to… contain urban sprawl… [and] conserve land, water, and natural resources…" Implementation of the proposed amendments will not detract from the distinction between future non-urban areas and future suburban or future urban areas as envisioned by the Lee Plan. Amendments to the Lee Plan that encourage both the continued use of the Rural future land use categories in appropriate areas and the conservation of land, water and natural resources and systems are consistent with Objective 2.1.

[1] Lee Plan Policies 1.4.1 and 124.1.1, and Standards 4.1.1 and 4.1.2

Community Planning Area

The **Northeast Lee County Community Plan, Lee Plan Goal 27**, provides objectives and policies applicable to both the Alva and North Olga Community Plan areas in order to "maintain, enhance, and support the heritage and rural character, natural resources, and agricultural lands" in Northeast Lee County. Objective 27.1 and Policy 27.1.1 of the Lee Plan discuss the need to maintain and enhance the rural character of Northeast Lee County, including through the use of clustered development in order to conserve "large areas of open lands." Additionally **Objective 27.2** and **Policy 27.2.1** direct applicants to develop and refine rural planning tools in order to "enhance and maintain Northeast Lee County's sense of place and provide for the long-term preservation of large tracts of contiguous natural resource and open space areas."

The **North Olga Community Plan, Lee Plan Goal 29**, is to: "Promote and support the unique rural character, heritage, economy, quality of life, and natural resources in the North Olga Community Plan area." Policy 29.2.1 "encourages the design of planned developments to include a mix of unit types and flexible lot sizes to **allow for clustering**, affordability, **preservation of open space, natural assets** and diversity of choice within the community" [emphasis added]. The proposed areas for preservation of Rare and Unique Upland Habitats contain two known archeological sites, which were documented as part of a cultural resource study conducted on the property. The preservation of the Rare and Unique Upland Habitat would protect these archeological sites. The incentive provided in Policy 123.2.17 would allow for a form of development that is consistent with the Goals, Objectives, and Policies within the Northeast Lee County and North Olga Community Plans[2].

As previously stated, any proposed rezoning must demonstrate consistency with all Lee Plan requirements. The applicant held public meetings within the boundaries of both the Alva and North Olga Community Planning Areas, consistent with **Policy 17.3.3.** A meeting in the Alva Community Plan area was held on March 14, 2023, and a meeting in the North Olga Community Plan area was held on June 20, 2023.

Environmental Analysis

The applicant's Environmental Analysis identified 700.57± acres of uplands consisting of Pine Flatwoods (FLUCCS 4119), Live Oak (FLUCCS 4279), Cabbage Palm (FLUCCS 4289), 70.29± acres of wetlands consisting of Cabbage Palm, Hydric (4281), and 18.10± acres of Other Surface Waters (OSW) consisting of Streams and Waterways (FLUCCS 510). A formal wetland jurisdictional determination was not provided therefore the upland and wetland acreages provided are subject to review and approval by the applicable State agency.

The Protected Species Survey provided by the applicant noted observations of adult and juvenile Crested Caracara, adult and juvenile Sandhill Crane, Snail Kite, Snowy Egret, Tri-colored Heron, Wood Stork, Little Blue Heron, Juvenile Bald Eagle, American Alligator, and Gopher Tortoise. These species are identified as protected species per the Lee County Land Development Code and a species management plan will be required prior to future development per the Land Development Code.

Application materials submitted with the concurrent zoning indicate that the western and eastern portions of the subject property receive offsite flows that cross the property generally from the north to the south, towards the Caloosahatchee River. These flows are conveyed through the property by Trout Creek and a series of man-made drainage ditches that connect to Otter Creek. Otter Creek has been altered throughout the years as evidenced by historical aerials. Future development should preserve Trout

[2] Lee Plan Goal 29, Objective 29.2, 29.2.1

Creek flowway and ensure that surface water flows are maintained or improved consistent with Lee Plan **Policies 60.4.3, 126.1.1, 126.1.4.**

The subject property is within the State adopted Caloosahatchee River Basin Management Action Plan (BMAP) for Total Nitrogen and Total Phosphorus. The western portion of the property, within the Trout Creek Waterbody ID (WBID), is within a State adopted Total Maximum Daily Load for Fecal Coliform and is impaired for Escherichia coli. The eastern portion of the property is within the Otter Creek WBID. The property outfalls into a portion of the Caloosahatchee River that is within a State adopted Total Maximum Daily Load for Nitrogen and is impaired for Dissolved Oxygen, Enterococci, Iron, Chlorophyll-a, Total Nitrogen, and Total Phosphorus. In addition, northern portions of the subject property, abutting North River Road, are within the 1-year, 5-year, and 10-year Wellfield Protection Zone travel times. Given the unique surface water and groundwater resources in the immediate area, future development should be encouraged to use public sanitary sewer in lieu of the 788 septic tanks that could be allowed on the subject property.

Lee County should recognize expansion of sewer and water to the subject property is appropriate given the environmental concerns regarding water quality of the Caloosahatchee River[3]. Recent changes to Florida Statutes indicate the State's desire to move toward sanitary sewer in areas within a BMAP. House Bill 1379, passed in the 2023 legislative session, states that "local governments subject to a basin management action plan…must provide the department [FDEP] an update on the status of construction of sanitary sewers to serve such areas."[4]

Policy 126.1.4 of the Lee Plan requires development designs must maintain groundwater levels at or above existing levels. Connecting to the LCUs potable water system, will reduce stress on the shallow aquifer and help to maintain or improve groundwater levels near the subject property., Therefore, amending the Lee Plan to allow for connection to LCU's potable water is consistent with Policy 126.1.4. This is particularly important for the subject property, as the surrounding properties primarily rely on Sandstone Aquifer for their potable water needs. Conditions may also be required to the concurrent rezoning request in order to further demonstrate consistency with Policy 126.1.4. This will ensure water leaving the site is maintained or improved for the protection of the environment.

Transportation Analysis

Analysis of the surrounding roadway network indicates that the increase in density allowed through Policy 123.2.17 causes a segment of State Road 31 to fall below the recommended Level of Service threshold. This segment of State Road 31 is in the design stage of a widening project according to Florida Department of Transportation[5].

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."

Public Facilities Impact

[3] Florida Department of Environmental Protection, *2022 5-Year Review of the Caloosahatchee River and Estuary Basin Management Action Plan,* December 2022; Lapointe et al., *Microbial Source Tracking in Lee County Waterways,* Florida Atlantic University, March 2022.

[4] Florida House of Representatives, *CS/CS/HB 1379: Environmental Protection,* March 2022.

[5] Florida Department of Transportation, *428917-1*, July 2023. https://www.swflroads.com/project/428917-1

- Fire: The subject property is served by Bayshore Fire Rescue, who has indicated that the property currently lies outside of five road miles of the subject site.
- Emergency Medical Services: Lee County Emergency Medical Services (EMS) will provide service to the subject property. Lee County EMS has indicated that they cannot yet sufficiently serve the entirety of the subject property within the established response time threshold. Development of an EMS station nearby on State Road 31 is planned to begin in the near future. This is an issue that would exist with and without the proposed amendments to Maps 4-A and 4-B. Staff recommends that future zoning action consist of mitigation techniques such as development phasing in order to ensure that EMS service is adequate for the entire project site at build-out.
- Utilities: The subject property is not currently located within the Lee County Utilities Future Service Area. Potable water and sanitary sewer lines are not in operation at the vicinity, and thus, developer-funded system enhancements are required. Potable water service will be provided by the North Lee County Water Treatment Plant and sanitary sewer service will be provided by the City of Fort Myers North Water Reclamation Facility. There are no reuse mains within the vicinity. Lee County Utilities has indicated that there is sufficient capacity to provide service to the subject property.
- Public Transit: The subject property does not meet applicability standards for LeeTran. The property is not within one quarter mile of a fixed route corridor, and there is no identified need for enhanced or additional transit services in the area.
- Schools: The School District of Lee County has determined that capacity is an issue within the Concurrency Service Area (CSA) at the elementary school level; however, capacity is available within the adjacent CSA.
- Police: The Lee County Sheriff's Office will serve the subject property and has indicated that service can be provided to the subject property. Law enforcement will be provided from the North District offices in North Fort Myers. The Sheriff's Office requests a Crime Prevention Through Environmental Design report at time of Development Order.
- Solid Waste: Lee County Solid Waste is capable of providing solid waste collection service to the subject property. Service will be provided through franchised hauling contractors, with disposal of waste accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill.

CONCLUSIONS

The proposed amendment will extend Lee County Utilities Future Water and Sewer Service Areas to the approximately 788 acre subject site. Inclusion of the subject property on Maps 4-A and 4-B allows developer funded expansion of sewer and water service. While the Lee Plan states that areas within the Rural future land use category are not to be programmed to receive urban-type capital improvements, it does not say that utilities may not be extended to Rural areas through developer funded improvements. It is acknowledged that the availability of water and sewer could result in an increase of density of approximately 0.4 units per acre in exchange for preserving and restoring Rare and Unique upland habitat by clustering development to maximizing open space and minimizing groundwater impacts.

This request is consistent with the Lee Plan by protecting aquifer water levels by reducing reliance on private well and septic systems. The request is also consistent with new direction from the State to expand sewer service to areas under a Basin Management Action Plan. It would be inconsistent with direction from the State to deny the applicant's request to provide services to the subject property. In summary,

- The proposed amendments are consistent with the future land use category and surrounding property uses.
- The proposed amendments promote the use of sanitary sewer in BMAP areas, consistent with state statutes.
- The proposed amendments will allow for a form of development consistent with the Objectives and Policies of Goal 27 and Goal 29 of the Lee Plan.
- The proposed amendment helps to ensure area groundwater levels will be maintained at or above existing levels, consistent with the Lee Plan.

Staff recommends that the Board of County Commissioners ***transmit*** the proposed amendment as shown in Amendment 1.

PART 2
LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: September 25, 2023

A. LOCAL PLANNING AGENCY REVIEW

The applicant's representatives provided a presentation addressing the requested amendments, subject property, impact analysis, surrounding uses, consistency with the Lee Plan, and concurrent rezoning.

During the applicant's presentation members of the LPA asked about the process from this point to the beginning of construction, the cost of utility expansion, and who would be responsible for extending water and sewer lines.

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

Members of the LPA asked staff whether input from required community meetings was considered, the scope of the decision before the LPA, transportation concurrency, availability of emergency medical service, archaeological sites on the property, availability of fire services, availability of public transit, which water and sewer treatment plant locations will provide those respective services, whether service was contiguous to the site, whether the proposal met the goals of the community plan area, protected species, and stormwater management.

There were 53 members of the public who made comments on the proposed amendment. Public comments primarily expressed concerns over traffic, lack of infrastructure, increased density, inconsistency with existing character of the surrounding area, and forced connections to sewer and water services.

B. LOCAL PLANNING AGENCY RECOMMENDATION

A motion was made to recommend that the Board of County Commissioners ***transmit*** CPA2022-00019. The motion failed 3 to 2.

RAYMOND BLACKSMITH	**ABSENT**
KEITH DEAN	**NAY**
DUSTIN GARDNER	**NAY**
DAWN RUSSELL	**NAY**
DON SCHROTENBOER	**ABSENT**
STAN STOUDER	**AYE**
HENRY ZUBA	**AYE**

C. STAFF RECOMENDATION

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

PART 3

BOARD OF COUNTY COMMISSIONERS
TRANSMITTAL HEARING

DATE OF PUBLIC HEARING: January 17, 2024

A. BOARD REVIEW

Staff provided a presentation for the proposed amendment, which included the purpose of the proposed amendments, anticipated impacts of the amendments, consistency with the Lee Plan, and staff recommendation. Board members asked staff questions regarding the reasoning for staff's recommendation, and clarification on the process for approval.

The applicant's representatives provided a presentation to the BoCC, which included details about the requested Comprehensive Plan Amendment and the anticipated conceptual site plan for the proposed development. Members of the BoCC asked the applicant about the proposed density, environmental impacts, and infrastructure improvements.

Approximately sixty-five (65) members of the public provided public comment on the proposed amendment, four (4) of whom supported the amendment. Public comments included concern over traffic, the ability of emergency service vehicles to respond to the site, constructing the utility line under the river, general incompatibility with the neighboring very low-density residential uses and a belief that septic systems are better for the environment than public utilities.

At the conclusion of public comment, the applicant responded to the public concerns.

The Board then inquired about the financial responsibility of the long-term maintenance of the infrastructure the applicant would be providing to the county, the location of the line, whether running the utilities line under the river was common practice, the process to detect leaks, and EMS availability on the site.

B. BOARD ACTION

A motion was made to ***transmit*** CPA2022-00019 as recommended by staff. The motion passed 5 to 0.

VOTE:

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

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

Comments from the State Reviewing Agencies were due to Lee County by February 23, 2024.

A. OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

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

- FloridaCommerce,
- Florida Department of Transportation (FDOT),
- Florida Fish and Wildlife Conservation Commission (FWC), and
- Florida Department of Environmental Protection (FDEP)

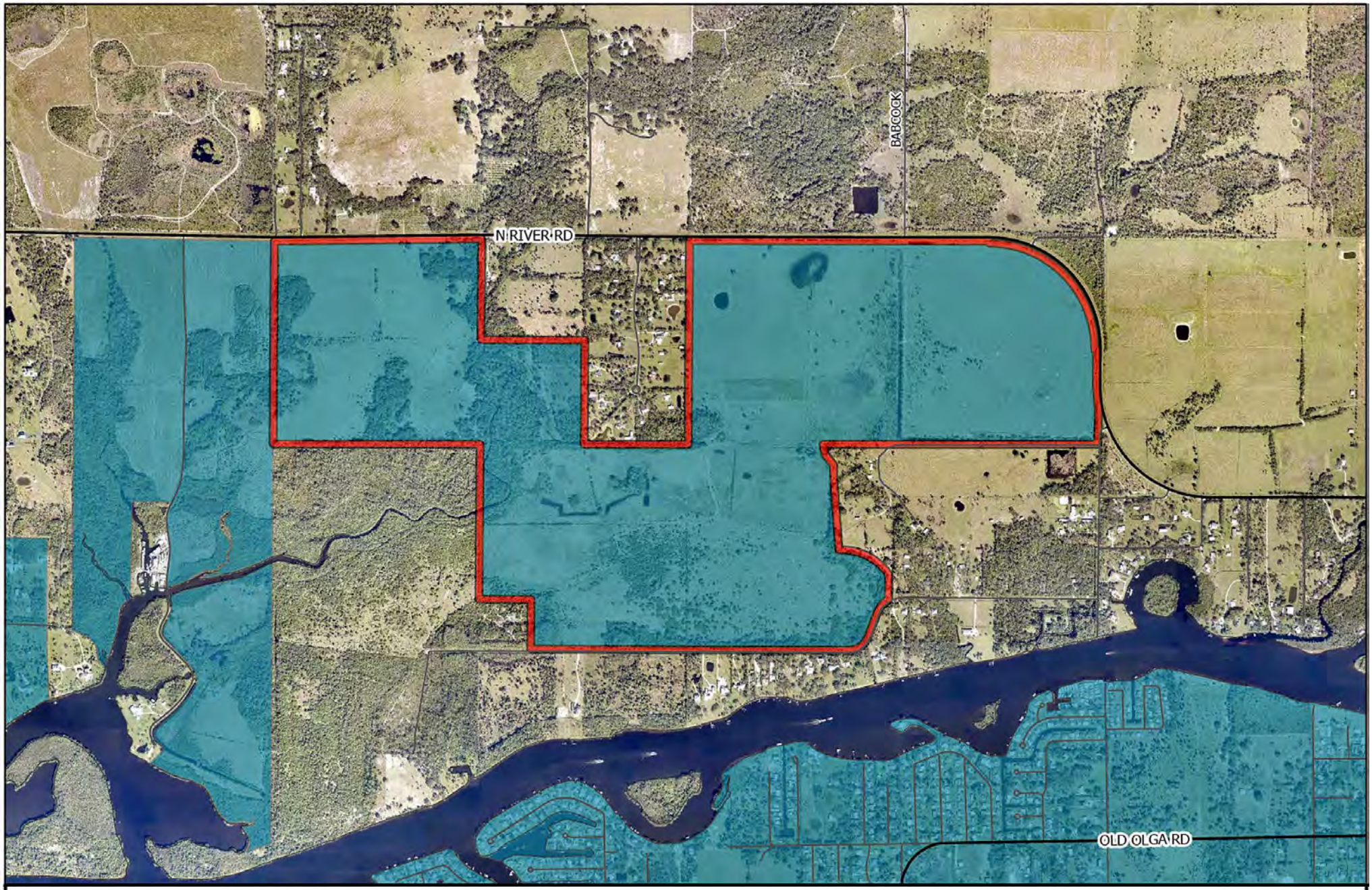
The responding state agencies had no objections, recommendations, or comments on the transmitted amendment.

B. STAFF RECOMMENDATION

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

ATTACHMENT 1

- **Map 4-A**
- **Map 4-B**



CPA2022-00019

Future Water Service Areas

Lee County
Southwest Florida

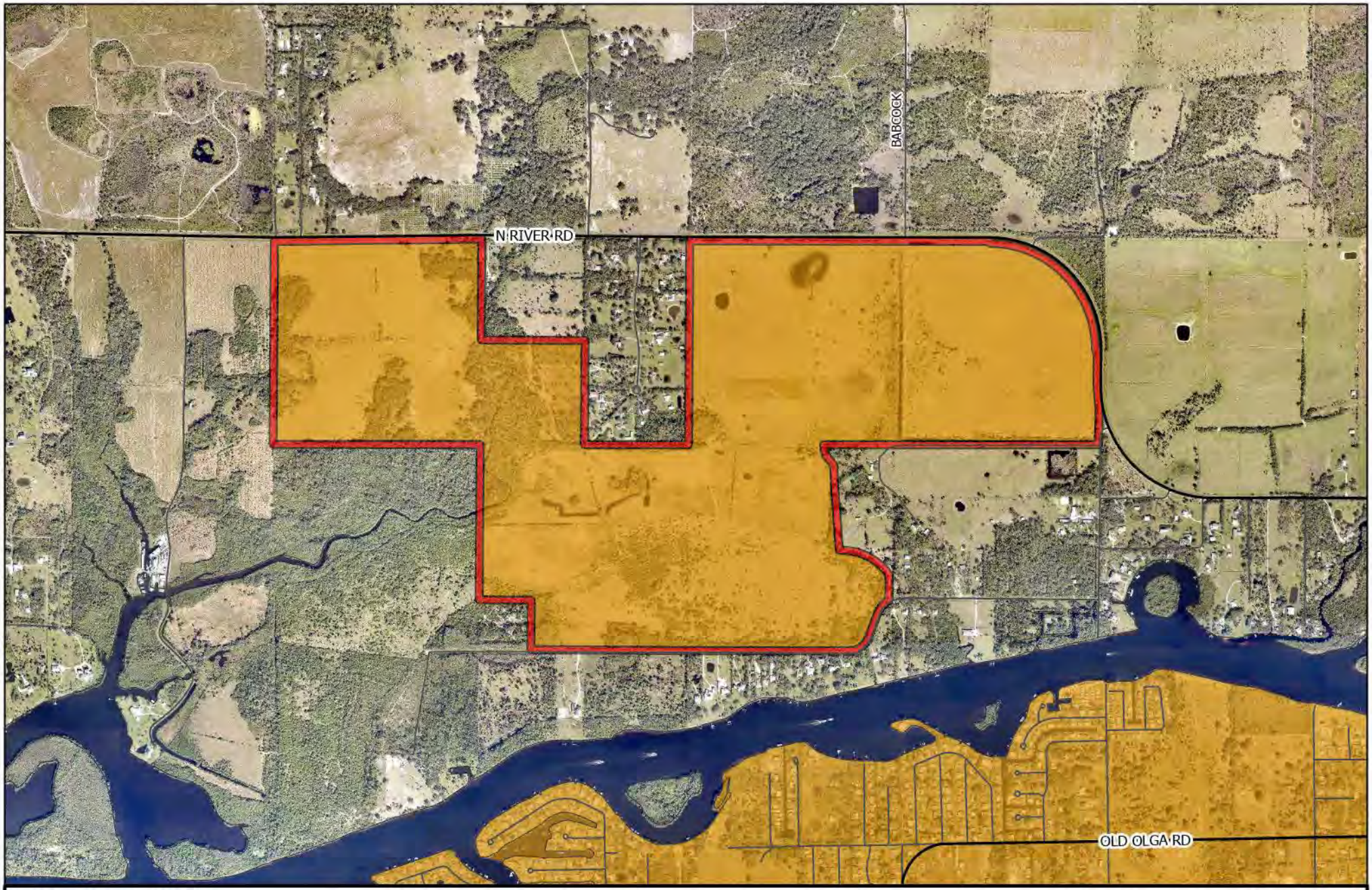
Proposed Future Water Service Areas

Existing Future Water Service Areas

N
W
E
S

0 1,000 2,000
Feet

Map Generated: September 2023



CPA2022-00019

Future Sewer Service Areas

Lee County
Southwest Florida

Proposed Future Sewer Service Areas

Future Sewer Service Areas

N
W
E
S

0 1,000 2,000
Feet

Map Generated: September 2023

CARY+DUKE+POVIA
Comprehensive Plan Map Amendment
LPA Hearing

RECEIVED
SEP 15 2023
COMMUNITY DEVELOPMENT

September 25, 2023

PREPARED FOR:
Neal Communities of Southwest Florida, LLC

SUBMITTED TO:
Lee County Department of Community Development
Planning Section
1500 Monroe St.
Fort Myers, FL 33901

RVi

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Cover Letter, Completed Application Form & Additional Agents (EXHIBIT M1)

December 5, 2022

Lee County Community Development
Planning Section
1500 Monroe Street
Fort Myer, FL 33908

RE: Cary Duke CPA
Lee County Comprehensive Plan Amendment (Map) Application

Dear Ms. Rozdolski:

Neal Communities of Southwest Florida, LLC ("Applicant") is proposing a large-scale Comprehensive Plan Amendment (Map) on the 788+/- acres located at 13230 N. River Road in unincorporated Lee County, Florida, generally one mile east of the SR 31 Pine Island and N River Road intersection in the Northeast Lee County/North Olga Planning Communities.

Specifically, the Applicant seeks a map change to at the property to the Future Water Service Areas Map (Map 4A) and Future Sewer Service Area Map (Map 4B).

This application is a companion application to the Cary+Duke+Povia RPD rezoning.

Enclosed please find a completed CPA application. We look forward to working with you.

Sincerely,

RVi Planning + Landscape Architecture

Jeremy Frantz, AICP
Project Director

Lee County Community Development

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT - MAP

ProjectName: Cary+Duke+Povia RPD

ProjectDescription: A request to amend the Lee County Utilities Future Water Service Areas Map (Map 4A) the Lee County Utilities Future Sewer Service Areas Map (Map 4B) and to include a 788+/- acre property within the Future Water Service Area and Sewer Service Area. The request is associated with a proposed RPD Rezone to allow for a maximum of 1,099 single-family dwelling units.

Map(s) to Be Amended: Lee County Utilities Future Water Service Areas Map (Map-4A) and Future Water Service Areas Map (Map-4B).

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

1. **Name of Applicant:** Neal Communities of Southwest Florida, Inc.
   Address: 28100 Bonita Grande Dr., Suite 106
   City, State, Zip: Bonita Springs, FL, 34135
   Phone Number: 239-405-7366 E-mail: toak@nealcommunities.com

2. **Name of Contact:** Jeremy Frantz, AICP
   Address: 28100 Bonita Grande Dr., Suite 305
   City, State, Zip: Bonita Springs, FL, 34135
   Phone Number: 239-357-9580 E-mail: jfrantz@rviplanning.com

3. **Owner(s) of Record:** See Attached.
   Address:
   City, State, Zip:
   Phone Number: E-mail:

4. **Property Location:**
   1. SiteAddress: 13230 N River Road, Alva, FL 33920; 14406 Duke Hwy, Alva, FL 33920 & Access Undetermined
   2. STRAP(s): 17-43-26-00-00001.0000; 17-43-26-01-00003.0000; 17-43-26-01-00008.0000; 17-43-26-01-00009.0000; 16-43-26-00-00001.0040; 16-43-26-00-00001.0070; 16-43-26-00-00001.0000; 17-43-26-01-00004.0000

5. **Property Information:**
   Total Acreage of Property: 788+/- acres Total Acreage Included in Request: 788+/- acres
   Total Uplands: 718+/-acres Total Wetlands: 70+/- acres Current Zoning: AG-2
   Current Future Land Use Category(ies): Rural & Wetlands
   Area in Each Future Land Use Category: Rural = 718+/- ac Wetlands = 70+/- ac
   Existing Land Use: Agriculture / Pasture

6. **Calculation of maximum allowable development under current Lee Plan:**
   Residential Units/Density: 771 Commercial Intensity: 0 Industrial Intensity: 0

7. **Calculation of maximum allowable development with proposed amendments:**
   Residential Units/Density: 1,099 Commercial Intensity: 0 Industrial Intensity: 0

Public Facilities Impacts

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

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

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

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

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

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

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

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

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

a. Franchise Area, Basin, or District in which the property is located
b. Current LOS, and LOS standard of facilities serving the site
c. Projected 2030 LOS under existing designation
d. Projected 2030 LOS under proposed designation
e. Existing infrastructure, if any, in the immediate area with the potential to serve the subject property
f. Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long rangeimprovements
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)

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

APPLICANT – PLEASE NOTE:

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

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

Y

ADDITIONAL AGENTS

Company Name:	Pavese Law Firm		
Contact Person:	Steve Hartsell		
Address:	1833 Hendry Street		
City, State, Zip:	Fort Myers, FL 33901		
Phone Number:	(239) 336-6244	Email:	Stevehartsell@paveselaw.com

Company Name:	Passarella & Associates, Inc.		
Contact Person:	Brett Bartek		
Address:	13620 Metropolis Avenue, Suite 200		
City, State, Zip:	Fort Myers, FL 33912		
Phone Number:	(239) 274-0067	Email:	brettb@passarella.net

Company Name:	Rhodes and Rhodes Land Surveying, Inc.		
Contact Person:	Edward Cieslak		
Address:	28100 Bonita Grande Dr., Suite 107		
City, State, Zip:	Bonita Springs, FL 34135		
Phone Number:	(239) 405-8166	Email:	edward@rhodesandrhodes.net

Company Name:	JR Evans Engineering, P.A.		
Contact Person:	Brandon Frey P.E.		
Address:	9351 Corkscrew Road, Suite 102		
City, State, Zip:	Estero, FL 33928		
Phone Number:	(239) 405-9148	Email:	brandon@jreeng.com

Company Name:	TR Transportation Engineering, Inc.		
Contact Person:	Yury Bykau, P.E.		
Address:	2726 Oak Ridge Court, Suite 503		
City, State, Zip:	Fort Myers, FL, 33901		
Phone Number:	(239) 278-3090	Email:	yury@trtrans.net

Company Name:			
Contact Person:			
Address:			
City, State, Zip:			
Phone Number:		Email:	

Disclosure of Interest (EXHIBIT M3)

DISCLOSURE OF INTEREST
AFFIDAVIT

BEFORE ME this day appeared G. Keith Cary, 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 17-43-26-00-00001.0000; 17-43-26-01-00003.0000; 17-43-26-01-00009.0000; 16-43-26-00-00001.0040; 17-43-26-01-00004.0000; 16-43-26-00-00001.0070 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
N/A	N/A

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

X G. Keith Cary
Property Owner

G. Keith Cary
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 07 Dec 2022 (date) by G. KEITH CARY (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

Cynthia L. Trammell
Signature of Notary Public

STAMP/SEAL

NOTARY PUBLIC STATE OF FLORIDA
CYNTHIA L. TRAMMELL
Commission # HH 322224
Expires November 20, 2026

DISCLOSURE OF INTEREST
AFFIDAVIT

BEFORE ME this day appeared Mary Ellen Povia, 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 16-43-26-00-00001.0000 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
N/A	N/A

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

Mary Ellen Povia
Property Owner

MARY ELLEN POVIA
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 12/5/22 (date) by Mary Ellen Povia (name of person providing oath or affirmation), who is personally known to me or who has produced FL Drivers License P100-536-45-842-0 (type of identification) as identification.

Alexis Gaure Arrieta
Signature of Notary Public

STAMP/SEAL

ALEXIS GAURE ARRIETA
Commission # HH 264212
Expires May 15, 2026

DISCLOSURE OF INTEREST
AFFIDAVIT

BEFORE ME this day appeared RAYMOND & KATHY HARVEY 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 17-43-26-01-00008.0000 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
N/A	N/A

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

Kathy R Harney
Property Owner

RAYMOND E. & KATHY L HARNEY
Print Name

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

STATE OF ~~FLORIDA~~ WASHINGTON
COUNTY ~~OF LEE~~ SNOHOMISH

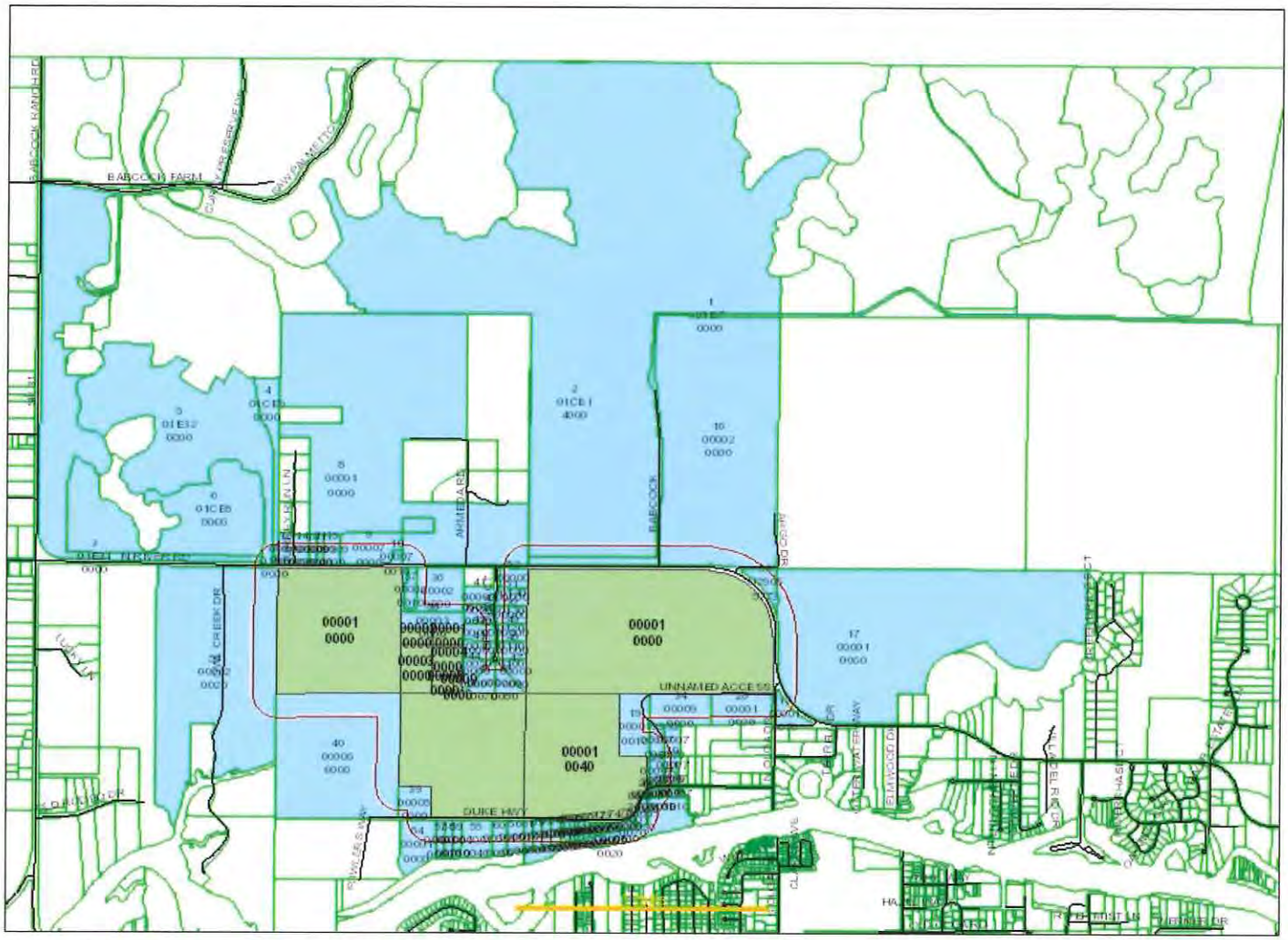
The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☑ physical presence or ☐ online notarization, on December 5th, 2022 (date) by Raymond and Kathy Harney (name of person providing oath or affirmation), who is personally known to me or who has produced Driver License (type of identification) as identification.

STAMP/SEAL

BRYAN PECKHAM
COMMISSION EXPIRES
NOTARY
PUBLIC
LIC. No. 199726
05-19-2026
STATE OF WASHINGTON

Signature of Notary Public

Surrounding Property Owners List, Mailing Labels & Map (EXHIBIT M3)



Date of Report: February 24, 2023

Buffer Distance: 500 feet Rerun

Parcels Affected: 76

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

Subject Parcels: **16-43-26-00-00001.0000, 16-43-26-00-00001.0040, 17-43-26-00-00001.0000, 17-43-26-01-00001.0000, 17-43-26-01-00002.0000, 17-43-26-01-00003.0000, 17-43-26-01-00004.0000, 17-43-26-01-00008.0000, 17-43-26-01-00009.0000**

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

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
BABCOCK PROPERTY HOLDINGS LLC KITSON AND PARTNERS 4500 PGA BLVD STE 400 PALM BEACH GARDENS FL 33418	**03-43-26-L4-01I67.0000** ACCESS UNDETERMINED ALVA FL 33920	BABCOCK RANCH COMMUNITY LEE COUNTY PHASE 1 AS DESC IN INSTRUMENT 2022000234859 TRACT I-67	1
BABCOCK PROPERTY HOLDINGS LLC KITSON AND PARTNERS 4500 PGA BLVD STE 400 PALM BEACH GARDENS FL 33418	**04-43-26-L4-01CE1.4000** ACCESS UNDETERMINED ALVA FL 33920	BABCOCK RANCH COMMUNITY LEE COUNTY PHASE 1 AS DESC IN INSTRUMENT 2022000234859 TRACT CE-14	2
BABCOCK PROPERTY HOLDINGS LLC KITSON AND PARTNERS 4500 PGA BLVD STE 400 PALM BEACH GARDENS FL 33418	**07-43-26-L1-01E31.0000** ACCESS UNDETERMINED ALVA FL 33920	BABCOCK RANCH COMMUNITY LEE COUNTY PHASE 1 AS DESC IN INSTRUMENT 2022000234859 TRACT E-31 LESS INSTRUMENT 2022000393608	3

BABCOCK PROPERTY HOLDINGS LLC KITSON AND PARTNERS 4500 PGA BLVD STE 400 PALM BEACH GARDENS FL 33418	**07-43-26-L2-01CE9.0000** ACCESS UNDETERMINED ALVA FL 33920	BABCOCK RANCH COMMUNITY LEE COUNTY PHASE 1 AS DESC IN INSTRUMENT 2022000234859 TRACT CE-9	4
BABCOCK PROPERTY HOLDINGS LLC KITSON AND PARTNERS 4500 PGA BLVD STE 400 PALM BEACH GARDENS FL 33418	**07-43-26-L2-01E32.0000** ACCESS UNDETERMINED ALVA FL 33920	BABCOCK RANCH COMMUNITY LEE COUNTY PHASE 1 AS DESC IN INSTRUMENT 2022000234859 TRACT E-32 LESS INSTRUMENT 2022000393608	5
BABCOCK PROPERTY HOLDINGS LLC KITSON AND PARTNERS 4500 PGA BLVD STE 400 PALM BEACH GARDENS FL 33418	**07-43-26-L3-01CE8.0000** ACCESS UNDETERMINED ALVA FL 33920	BABCOCK RANCH COMMUNITY LEE COUNTY PHASE 1 AS DESC IN INSTRUMENT 2022000234859 TRACT CE-8	6
BABCOCK PROPERTY HOLDINGS LLC KITSON AND PARTNERS 4500 PGA BLVD STE 400 PALM BEACH GARDENS FL 33418	**07-43-26-L3-01I68.0000** ACCESS UNDETERMINED ALVA FL 33920	BABCOCK RANCH COMMUNITY LEE COUNTY PHASE 1 AS DESC IN INSTRUMENT 2022000234859 TRACT I-68	7
ARMEDA FAMILY LLC 19440 ARMEDA RD ALVA FL 33920	**08-43-26-00-00001.0000** 19551 ARMEDA RD ALVA FL 33920	PARL IN SEC 8 AS DESC IN OR 1134 PG 0362	8
SNELL FRANK A TR 1470 ROYAL PALM SQ BLVD FORT MYERS FL 33919	**08-43-26-00-00007.0000** 13341 N RIVER RD ALVA FL 33920	S 1/2 OF SE 1/4 OF SW 1/4 + S1/2 OF NW1/4 OF SW1/4 OF SE1/4 LESS OR 1285 1967	9
SNELL FRANK A TR 1470 ROYAL PALM SQ BLVD FORT MYERS FL 33919	**08-43-26-00-00007.0010** 13441 N RIVER RD ALVA FL 33920	PARL IN SW 1/4 OF SE 1/4 AS DESC IN OR 1285 PG 1967	10
LEE AMANDA & 13161 N RIVER RD ALVA FL 33920	**08-43-26-00-00009.0020** 13161 N RIVER RD ALVA FL 33920	W 1/2 OF SE 1/4 OF SW 1/4 OF SW 1/4 LESS THE W 140 FT	11
SUMMERALL RANDALL C 13131 N RIVER RD ALVA FL 33920	**08-43-26-00-00009.002A** 13131 N RIVER RD ALVA FL 33920	THE W 140 FT OF W 1/2 OF SE 1/4 OF SW 1/4 OF SW 1/4	12
ONEILL MICHAEL 13033 N RIVER RD ALVA FL 33920	**08-43-26-00-00010.0010** 13033 N RIVER RD ALVA FL 33920	W 1/2 OF S W 1/4 OF S W 1/4 OF S W 1/4 DESC IN OR 1432 PG 635	13
PIPKINS DAVID S & 19100 TURKEY RUN LN ALVA FL 33920	**08-43-26-00-00010.0020** 19100 TURKEY RUN LN ALVA FL 33920	E1/2 OF SW1/4 OF SW1/4 OF SW1/4 DESC IN OR 1505 PG 1868	14
SUMMERALL CAROLYN + 13201 N RIVER RD ALVA FL 33920	**08-43-26-L4-00009.0000** 13201 N RIVER RD ALVA FL 33920	E 1/2 OF SW 1/4 OF SW 1/4 OF SW 1/4 + LOT DESC. INSTR. # 2018000023968	15
LEE COUNTY CONSERVATION 2020 PO BOX 398 FORT MYERS FL 33902	**09-43-26-00-00002.0000** N RIVER RD ALVA FL 33920	E PART OF SEC LYING E OF LINE DESC IN DB 279 PG 68 + DB 308 PG 530 LESS S 60 FT OF E 60 FT + LESS OR 439 PG 715	16
TELEGRAPH CREEK CATTLE CO LLC 10660 DEAL RD NORTH FORT MYERS FL 33917	**15-43-26-00-00001.0060** ACCESS UNDETERMINED ALVA FL	N 1/2 OF SEC + N 1/2 OF N 1/2 OF S 1/2 SEC 15 + W 1/2 OF W1/2 SEC14 LYING N OF C/L OF CREEK LESS RD R/W + LESS OR1233/994 + LESS INST#2007000060354 + 2008000119140 + TRIANGULAR PARL DESC IN OR 4503/4670	17
STEVE D SMITH 360 LLC 15000 N RIVER RD ALVA FL 33920	**15-43-26-00-00001.0070** 15000 N RIVER RD ALVA FL 33920	PARL LYING IN W 1/2 OF W 1/2 LYING SWLY OF N RIVER RD + LYING N OF OLGA DR + E OF N	18

		OLGA RD AS DESC IN OR 4503 PG 4670	
CARY GLENN KEITH & PO BOX 718 FORT MYERS FL 33902	**16-43-26-00-00001.0010** 18451 N OLGA DR ALVA FL 33920	SW 1/4 LESS PARCEL 1.003 DESC IN INST 2006-281030 LYING N OF R/W OR 2026/2985	19
CARY LAND COMPANY LLC PO BOX 718 FORT MYERS FL 33902	**16-43-26-00-00001.0020** 18401 N OLGA DR ALVA FL 33920	N 1/2 OF NE 1/4 OF SE 1/4	20
MAY RANDALL M 14410 DUKE HWY ALVA FL 33920	**16-43-26-00-00001.0030** 14410 DUKE HWY ALVA FL 33920	A PARL IN SW 1/4 OF SEC AS DESC IN OR 484 PG 407	21
WALDRON ROBERT LYLE II & 14560 DUKE HWY ALVA FL 33920	**16-43-26-00-00001.0050** 14500 DUKE HWY ALVA FL 33920	SW 1/4 LESS PARCEL 1.003 DESC IN INST 2006-281030 LYING S OF R/W OR 2026/2985	22
WALDRON ROBERT LYLE II & 14560 DUKE HWY ALVA FL 33920	**16-43-26-00-00001.0060** 14450 DUKE HWY ALVA FL 33920	PARL LOC IN SW 1/4 LYING S OF R/W DESC IN OR 2026/2985 LESS 1.0030 + 0070	23
CARY + DUKE PROPERTIES LLC PO BOX 718 FORT MYERS FL 33902	**16-43-26-00-00001.0070** 14406 DUKE HWY ALVA FL 33920	PARL LOC IN SW 1/4 LYING S OF R/W DESC IN OR 2026/2985 LESS 1.0030 + 0060	24
SOUTH FLA WATER MGMT DIST LAND MANAGEMENT PO BOX 24680 WEST PALM BEACH FL 33416	**16-43-26-00-00006.0020** DUKE HWY ALVA FL 33920	S 471FT OF SW 1/4 OF SE 1/4 LYING W OF CRK SEC 16 + N 1/2 OF N 1/2 OF SEC 21 LYING N OF RIVER DESC IN OR 50 PG 414 + OR 53 PG 214 + OR 17 PG 80	25
WALDRON ROBERT LYLE II & 14560 DUKE HWY ALVA FL 33920	**16-43-26-00-00007.0010** 14560 DUKE HWY ALVA FL 33920	PARL IN SE 1/4 OF SEC 16 S OF DUKE HWY E OF CREEK DESC OR 2132/1948 AKA TR A	26
RONCO LAWRENCE G & CARLA D 14600 DUKE HWY ALVA FL 33920	**16-43-26-00-00007.001B** 14600 DUKE HWY ALVA FL 33920	PARL IN SE 1/4 SEC 16 S OF DUKE HWY E OF CREEK DESC OR 1982/2816 AKA TR B	27
MOON CHRISTOPHER G & 1460 DUKE HWY ALVA FL 33920	**16-43-26-00-00007.001C** 14640 DUKE HWY ALVA FL 33920	PARL IN SE 1/4 SEC 16 S OF DUKE HWY E OF CREEK DESC IN OR 1982 PG 2819	28
ALGER THERESA HEYDEN + 14561 DUKE HWY ALVA FL 33920	**16-43-26-00-00007.0020** 14561 DUKE HWY ALVA FL 33920	W 1/2 OF NW 1/4 OF SW 1/4 OF SE 1/4 LESS R/W OR 2026/2986	29
REDFERN W E JR & 14651 DUKE HWY ALVA FL 33920	**16-43-26-00-00007.0030** 14651 DUKE HWY ALVA FL 33920	NE 1/4 OF NW 1/4 OF SW 1/4 OF SE 1/4 + E 10' OF SE 1/4 OF NW 1/4 OF SW 1/4 OF SE 1/4 AS DESC IN OR1348 PG 470	30
ALLEN SUSAN L & 14641 DUKE HWY ALVA FL 33920	**16-43-26-00-00007.0040** 14641 DUKE HWY ALVA FL 33920	SE 1/4 OF NW 1/4 OF SW 1/4 OF SE 1/4 FR 16-43-26-00-00007.0000 LESS R/W OR 2026/2985	31
CARY LAND COMPANY LLC PO BOX 718 FORT MYERS FL 33902	**16-43-26-00-00007.0070** ACCESS UNDETERMINED ALVA FL	E 1/2 OF SW 1/4 OF NW 1/4	32
CARY JASON COLE + PO BOX 718 FORT MYERS FL 33902	**16-43-26-00-00007.0090** 18471 N OLGA DR ALVA FL 33920	W 1/2 SW 1/4 OF NW 1/4 OF SE 1/4	33
CARY LAND COMPANY LLC PO BOX 718 FORT MYERS FL 33902	**16-43-26-00-00009.0000** 18431 N OLGA DR ALVA FL 33920	N 1/2 OF NW 1/4 OF SE 1/4	34
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	**16-43-26-L2-U2905.5773** ACCESS UNDETERMINED ALVA FL 33920	N 1/2 SEC 16 TWN 43 RG 26 INSTRUMENT 2021000316566	35

		PARCELS 1 + 2 + FORMER FDOT ROW	
VAN HORNE SUZANNE L + 13630 N RIVER RD ALVA FL 33920	**17-43-26-00-00002.0000** 13630 N RIVER RD ALVA FL 33920	N 3/4 OF NW 1/4 OF NE 1/4 LESS RD R/W + LESS INST#2008000262414	36
EDWARDS DAVE & ANNA M + 13620 N RIVER RD ALVA FL 33920	**17-43-26-00-00002.0010** 13620 N RIVER RD ALVA FL 33920	PARL LYING IN N 3/4 OF NW 1/4 OF NE 1/4 AS DESC IN INST#2008000262414	37
CARY GLENN KEITH & PO BOX 718 FORT MYERS FL 33902	**17-43-26-00-00003.0000** ACCESS UNDETERMINED ALVA FL	S 1/2 OF S 1/2 OF NW 1/4 OF NE 1/4	38
WOODS D DENNIS 14120 DUKE HWY ALVA FL 33920	**17-43-26-00-00005.0000** 13591 DUKE HWY ALVA FL 33920	SW 1/4 OF SW 1/4 OF SE 1/4 LESS R/W OR 2026/2985	39
NORTH RIVER COMMUINITIES LLC 9990 COCONUT RD STE 200 BONITA SPRINGS FL 34135	**17-43-26-00-00006.0000** 13231 DUKE HWY ALVA FL 33920	SW 1/4 LESS R/W OR 2026/2985	40
BROWN DOUGLAS G & SANDRA H PO BOX 1005 ALVA FL 33920	**17-43-26-02-00000.0020** 18961 SERENOA CT ALVA FL 33920	NORTH RIVER OAKS PB 34 PG 102 LOT 2	41
BORCHERING BARRY C & 18901 SERENOA CT ALVA FL 33920	**17-43-26-02-00000.0040** 18901 SERENOA CT ALVA FL 33920	NORTH RIVER OAKS PB 34 PG 102 LOT 4	42
SUSHIL HARLY M & KATELYN M 18871 SERENOA CT ALVA FL 33920	**17-43-26-02-00000.0050** 18871 SERENOA CT ALVA FL 33920	NORTH RIVER OAKS PB 34 PG 102 LOT 5	43
LANDGRAF JAMES E TR 18841 SERENOA CT ALVA FL 33920	**17-43-26-02-00000.0060** 18831/41 SERENOA CT ALVA FL 33920	NORTH RIVER OAKS PB 34 PG 102 LOT 6	44
OCONNELL DENIS J JR & 18811 SERENOA CT ALVA FL 33920	**17-43-26-02-00000.0070** 18811 SERENOA CT ALVA FL 33920	NORTH RIVER OAKS PB 34 PG 102 LOT 7	45
TILTON ANDREW DOUGLAS 18810 SERENOA CT ALVA FL 33920	**17-43-26-02-00000.0080** 18810 SERENOA CT ALVA FL 33920	NORTH RIVER OAKS PB 34 PG 102 LOT 8	46
DYER JOHN F 18840 SERENOA CT ALVA FL 33920	**17-43-26-02-00000.0090** 18840 SERENOA CT ALVA FL 33920	NORTH RIVER OAKS PB 34 PG 102 LOT 9	47
YATES DONALD C & KIMBERLY K 18870 SERENOA CT ALVA FL 33920	**17-43-26-02-00000.0100** 18870 SERENOA CT ALVA FL 33920	NORTH RIVER OAKS PB 34 PG 102 LOT 10	48
GUGEL RITA NACKEN 18900 SERENOA CT ALVA FL 33920	**17-43-26-02-00000.0110** 18900 SERENOA CT ALVA FL 33920	NORTH RIVER OAKS PB 34 PG 102 LOT 11	49
SANDERFORD R D & 18930 SERENOA CT ALVA FL 33920	**17-43-26-02-00000.0120** 18930 SERENOA CT ALVA FL 33920	NORTH RIVER OAKS PB 34 PG 102 LOT 12	50
CUTSHALL PAUL L JR & 18950/60 SERENOA CT ALVA FL 33920	**17-43-26-02-00000.0130** 18950/60 SERENOA CT ALVA FL 33920	NORTH RIVER OAKS PB 34 PG 102 LOT 13	51
PHILLIPS DENNIS J & 18990 SERENOA CT ALVA FL 33920	**17-43-26-02-00000.0140** 18990 SERENOA CT ALVA FL 33920	NORTH RIVER OAKS PB 34 PG 102 LOT 14	52
TALON VENTURES LLC 10 WIMBLEDON CT FRISCO TX 75034	**18-43-26-00-00002.0020** 12850 N RIVER RD ALVA FL 33920	E1/2 OF SEC 18 N OF TROUT CREEK LESS OR1100/642 + PORT IN GOVT LOT 2 OF SEC 19 LESS INST#2006-467705	53

HARNEY RAYMOND E TR 20311 8TH DR SE BOTHELL WA 98012	**20-43-26-00-00001.0000** 13638 DUKE HWY ALVA FL 33920	PARL IN NE 1/4 AS DESC IN OR 1227 PG 1185	54
MILLER ALBERT N JR TR 5351 CAPTAINS CT NEW PORT RICHEY FL 34652	**20-43-26-00-00001.0040** 13808 DUKE HWY ALVA FL 33920	W 1/2 OF NE 1/4 OF NE 1/4 LESS PAR 1.001 + RD R/W	55
CARY GLENN KEITH & PO BOX 718 FORT MYERS FL 33902	**20-43-26-00-00001.0050** 13910 DUKE HWY ALVA FL 33920	TH E 1/2 OF TH E 1320 FT OF GOVT LOT 1 LYING N OF C + F S CONTROL DIST LESS THE W 330 FT	56
HINCKLEY JESSICA & 13705 FARMER ROAD PALMETTO BAY FL 33158	**20-43-26-00-00001.0060** 13714 DUKE HWY ALVA FL 33920	W 517 FT OF E 1837 FT LYG N OF C + FSC DIST N OF RVR	57
FERNANDEZ FAMILY TRUST + 8584 PEGASUS DR LEHIGH ACRES FL 33971	**20-43-26-00-00001.0070** 13746 DUKE HWY ALVA FL 33920	PARL LOC IN GOVT LOT 1 AS DESC IN OR 2906 PG 1605	58
FEELEY TODD S + 14180 DUKE HWY ALVA FL 33920	**20-43-26-00-00001.0080** 13778 DUKE HWY ALVA FL 33920	PARL LOC IN GOVT LOT 1 AS DESC IN OR 2906 PG 1608	59
CARY LAND COMPANY LLC PO BOX 718 FORT MYERS FL 33902	**20-43-26-00-00001.0090** 13860 DUKE HWY ALVA FL 33920	TH E 1/2 OF TH E 1320 FT OF GOVT LOT 1 LESS THE E 330FT LYING N OF C + F S CONTROL DIST	60
FIELDS WILLIAM T & 14080 DUKE HWY ALVA FL 33920	**21-43-26-00-00001.0000** 14080 DUKE HWY ALVA FL 33920	PARL IN GOV LOT 5 DESC OR 2029 PG 46	61
WOODS D DENNIS & DEBRA L 65663 HESS RD EDWARDSBURG MI 49112	**21-43-26-00-00001.0030** 14120 DUKE HWY ALVA FL 33920	PARL IN GOV LOT 5 AS DESC OR 2029 PG 55	62
MBS DEVELOPMENT COMPANY LTD 7685 FIELDS ERTEL RD CINCINNATI OH 45241	**21-43-26-00-00001.0040** 14100 DUKE HWY ALVA FL 33920	PARL IN GOV LOT 5 DESC OR 2029 PG 44	63
MOYER DONALD J JR 14130 DUKE HWY ALVA FL 33920	**21-43-26-00-00001.0050** 14130 DUKE HWY ALVA FL 33920	PARL IN GOV LOT 5 DESC OR 2029 PG 53	64
ADAMS HUGH M III & 14150 DUKE HWY ALVA FL 33920	**21-43-26-00-00002.0000** 14150 DUKE HWY ALVA FL 33920	E 80 FT OF W 860 FT N OF CSFFC IN NW 1/4 OF NW 1/4	65
GILLONS RYAN & MELISSA 1151 E WOODLAWN AVE HASTINGS MI 49058	**21-43-26-12-00000.0010** 14160 DUKE HWY ALVA FL 33920	RIVER RIDGE S/D PB 42 PG 76 LOT 1	66
DONNAHOE BARBARA T TR 14180 DUKE HWY ALVA FL 33920	**21-43-26-12-00000.0020** 14180 DUKE HWY ALVA FL 33920	RIVER RIDGE S/D PB 42 PG 76 LOT 2	67
MCNEILL ROBERT N & ELAINE C TR 14200 DUKE HWY ALVA FL 33920	**21-43-26-12-00000.0030** 14200 DUKE HWY ALVA FL 33920	RIVER RIDGE S/D PB 42 PG 76 LOT 3	68
BANFER ELIZABETH TR 14220 DUKE HWY ALVA FL 33920	**21-43-26-12-00000.0040** 14220 DUKE HWY ALVA FL 33920	RIVER RIDGE S/D PB 42 PG 76 LOT 4	69
STANCEL WILLIAM R & STE 11 13723 JETPORT COMMERCE WAY FORT MYERS FL 33913	**21-43-26-12-00000.0050** 14240 DUKE HWY ALVA FL 33920	RIVER RIDGE S/D PB 42 PG 76 LOT 5	70
UNKNOWN HEIRS OF 14260 DUKE HWY ALVA FL 33920	**21-43-26-12-00000.0060** 14260 DUKE HWY ALVA FL 33920	RIVER RIDGE S/D PB 42 PG 76 LOT 6	71

DURLING KEITH O 14280 DUKE HWY ALVA FL 33920	**21-43-26-12-00000.0070** 14280 DUKE HWY ALVA FL 33920	RIVER RIDGE S/D PB 42 PG 76 LOT 7	72
DURLING RICHARD F 14300 DUKE HWY ALVA FL 33920	**21-43-26-12-00000.0080** 14300 DUKE HWY ALVA FL 33920	RIVER RIDGE S/D PB 42 PG 76 LOT 8	73
PRITCHETT R H III & LYNNE R PO BOX 2148 FORT MYERS FL 33902	**21-43-26-12-00000.0090** 14350 DUKE HWY ALVA FL 33920	RIVER RIDGE S/D PB 42 PG 76 LOT 9	74
PRITCHETT RICHARD H III & PO BOX 2148 FORT MYERS FL 33902	**21-43-26-12-00000.0100** 14400 DUKE HWY ALVA FL 33920	RIVER RIDGE S/D PB 42 PG 76 LOT 10	75

BABCOCK PROPERTY HOLDINGS LLC
KITSON AND PARTNERS
4500 PGA BLVD STE 400
PALM BEACH GARDENS FL 33418

BABCOCK PROPERTY HOLDINGS LLC
KITSON AND PARTNERS
4500 PGA BLVD STE 400
PALM BEACH GARDENS FL 33418

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4500 PGA BLVD STE 400
PALM BEACH GARDENS FL 33418

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4500 PGA BLVD STE 400
PALM BEACH GARDENS FL 33418

BABCOCK PROPERTY HOLDINGS LLC
KITSON AND PARTNERS
4500 PGA BLVD STE 400
PALM BEACH GARDENS FL 33418

ARMEDA FAMILY LLC
19440 ARMEDA RD
ALVA FL 33920

SNELL FRANK A TR
1470 ROYAL PALM SQ BLVD
FORT MYERS FL 33919

SNELL FRANK A TR
1470 ROYAL PALM SQ BLVD
FORT MYERS FL 33919

LEE AMANDA &
13161 N RIVER RD
ALVA FL 33920

SUMMERALL RANDALL C
13131 N RIVER RD
ALVA FL 33920

ONEILL MICHAEL
13033 N RIVER RD
ALVA FL 33920

PIPKINS DAVID S &
19100 TURKEY RUN LN
ALVA FL 33920

SUMMERALL CAROLYN +
13201 N RIVER RD
ALVA FL 33920

LEE COUNTY
CONSERVATION 2020
PO BOX 398
FORT MYERS FL 33902

TELEGRAPH CREEK CATTLE CO LLC
10660 DEAL RD
NORTH FORT MYERS FL 33917

STEVE D SMITH 360 LLC
15000 N RIVER RD
ALVA FL 33920

CARY GLENN KEITH &
PO BOX 718
FORT MYERS FL 33902

CARY LAND COMPANY LLC
PO BOX 718
FORT MYERS FL 33902

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MAY RANDALL M
14410 DUKE HWY
ALVA FL 33920

WALDRON ROBERT LYLE II &
14560 DUKE HWY
ALVA FL 33920

SOUTH FLA WATER MGMT DIST
LAND MANAGEMENT
PO BOX 24680
WEST PALM BEACH FL 33416

RONCO LAWRENCE G & CARLA D
14600 DUKE HWY
ALVA FL 33920

ALGER THERESA HEYDEN +
14561 DUKE HWY
ALVA FL 33920

ALLEN SUSAN L &
14641 DUKE HWY
ALVA FL 33920

CARY JASON COLE +
PO BOX 718
FORT MYERS FL 33902

LEE COUNTY
PO BOX 398
FORT MYERS FL 33902

EDWARDS DAVE & ANNA M +
13620 N RIVER RD
ALVA FL 33920

WOODS D DENNIS
14120 DUKE HWY
ALVA FL 33920

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WALDRON ROBERT LYLE II &
14560 DUKE HWY
ALVA FL 33920

CARY + DUKE PROPERTIES LLC
PO BOX 718
FORT MYERS FL 33902

WALDRON ROBERT LYLE II &
14560 DUKE HWY
ALVA FL 33920

MOON CHRISTOPHER G &
1460 DUKE HWY
ALVA FL 33920

REDFERN W E JR &
14651 DUKE HWY
ALVA FL 33920

CARY LAND COMPANY LLC
PO BOX 718
FORT MYERS FL 33902

CARY LAND COMPANY LLC
PO BOX 718
FORT MYERS FL 33902

VAN HORNE SUZANNE L +
13630 N RIVER RD
ALVA FL 33920

CARY GLENN KEITH &
PO BOX 718
FORT MYERS FL 33902

NORTH RIVER COMMUINITIES LLC
9990 COCONUT RD STE 200
BONITA SPRINGS FL 34135

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BROWN DOUGLAS G & SANDRA H
PO BOX 1005
ALVA FL 33920

SUSHIL HARLY M & KATELYN M
18871 SERENOA CT
ALVA FL 33920

OCONNELL DENIS J JR &
18811 SERENOA CT
ALVA FL 33920

DYER JOHN F
18840 SERENOA CT
ALVA FL 33920

GUGEL RITA NACKEN
18900 SERENOA CT
ALVA FL 33920

CUTSHALL PAUL L JR &
18950/60 SERENOA CT
ALVA FL 33920

TALON VENTURES LLC
10 WIMBLEDON CT
FRISCO TX 75034

MILLER ALBERT N JR TR
5351 CAPTAINS CT
NEW PORT RICHEY FL 34652

HINCKLEY JESSICA &
13705 FARMER ROAD
PALMETTO BAY FL 33158

FEELEY TODD S +
14180 DUKE HWY
ALVA FL 33920

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BORCHERING BARRY C &
18901 SERENOA CT
ALVA FL 33920

LANDGRAF JAMES E TR
18841 SERENOA CT
ALVA FL 33920

TILTON ANDREW DOUGLAS
18810 SERENOA CT
ALVA FL 33920

YATES DONALD C & KIMBERLY K
18870 SERENOA CT
ALVA FL 33920

SANDERFORD R D &
18930 SERENOA CT
ALVA FL 33920

PHILLIPS DENNIS J &
18990 SERENOA CT
ALVA FL 33920

HARNEY RAYMOND E TR
20311 8TH DR SE
BOTHELL WA 98012

CARY GLENN KEITH &
PO BOX 718
FORT MYERS FL 33902

FERNANDEZ FAMILY TRUST +
8584 PEGASUS DR
LEHIGH ACRES FL 33971

CARY LAND COMPANY LLC
PO BOX 718
FORT MYERS FL 33902

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FIELDS WILLIAM T &
14080 DUKE HWY
ALVA FL 33920

MBS DEVELOPMENT COMPANY LTD
7685 FIELDS ERTEL RD
CINCINNATI OH 45241

ADAMS HUGH M III &
14150 DUKE HWY
ALVA FL 33920

DONNAHOE BARBARA T TR
14180 DUKE HWY
ALVA FL 33920

BANFER ELIZABETH TR
14220 DUKE HWY
ALVA FL 33920

UNKNOWN HEIRS OF
14260 DUKE HWY
ALVA FL 33920

DURLING RICHARD F
14300 DUKE HWY
ALVA FL 33920

PRITCHETT RICHARD H III &
PO BOX 2148
FORT MYERS FL 33902

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WOODS D DENNIS & DEBRA L
65663 HESS RD
EDWARDSBURG MI 49112

MOYER DONALD J JR
14130 DUKE HWY
ALVA FL 33920

GILLONS RYAN & MELISSA
1151 E WOODLAWN AVE
HASTINGS MI 49058

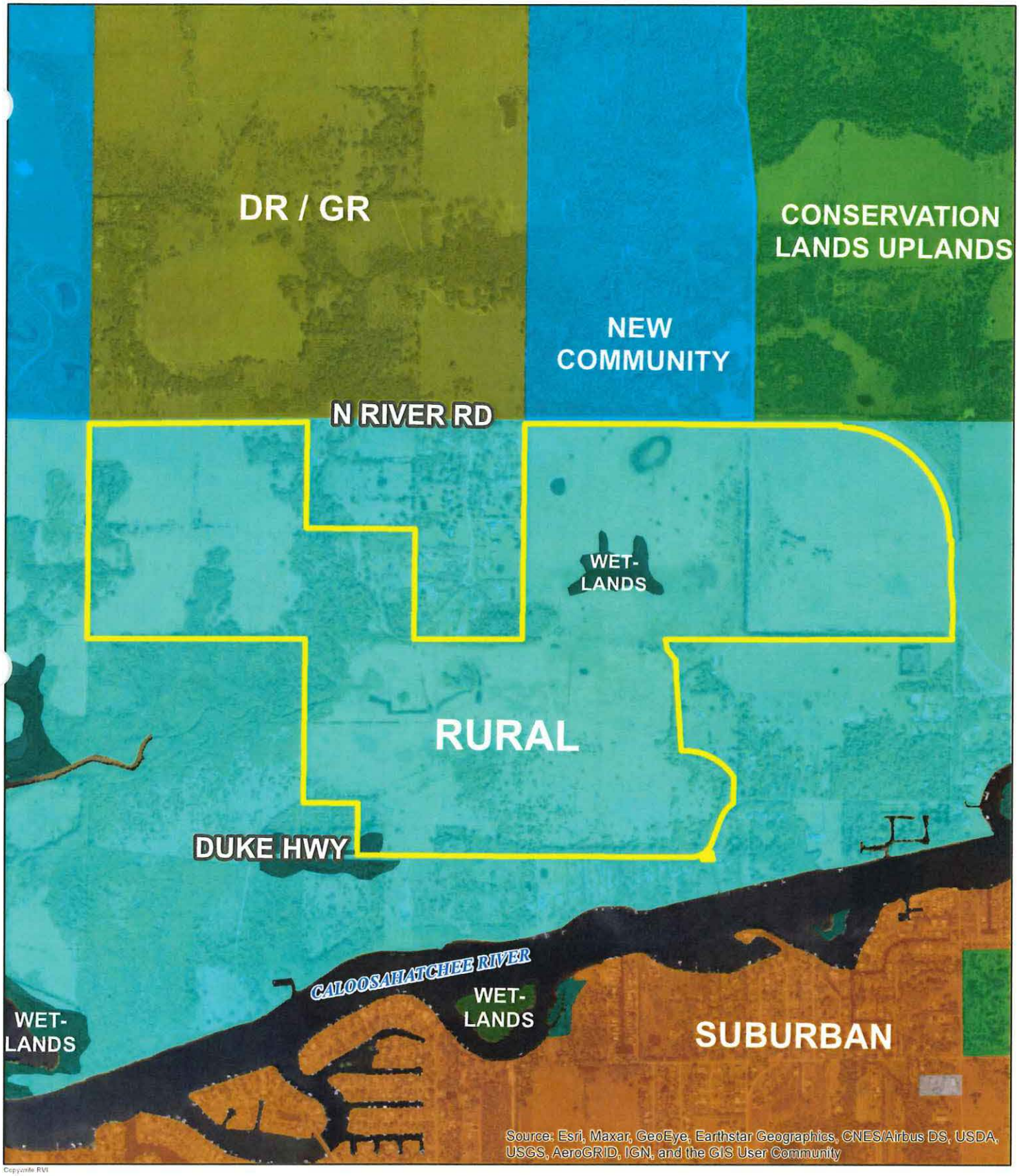
MCNEILL ROBERT N & ELAINE C TR
14200 DUKE HWY
ALVA FL 33920

STANCEL WILLIAM R &
STE 11
13723 JETPORT COMMERCE WAY
FORT MYERS FL 33913

DURLING KEITH O
14280 DUKE HWY
ALVA FL 33920

PRITCHETT R H III & LYNNE R
PO BOX 2148
FORT MYERS FL 33902

Future Land Use Map – Existing & Proposed (EXHIBIT M4)



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CARY + DUKE + POVIA CPA/PD• CURRENT FUTURE LAND USE MAP

RVi
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Suite 220
Tampa, FL 33610
Tel: 813.443.8282
www.rviplanning.com

- Lee County, FL
- Date: 12/1/2022
- # 22001300
- Neal Communites SW FL Inc.

Subject Boundary

- Conservation Lands Upland
- Conservation Lands Wetland
- Density Reduction/Groundwater Resource
- New Community
- Public Facilities
- Rural
- Suburban
- Wetlands

0 490 980 1,960
Feet

Information furnished regarding this property is from sources deemed reliable. RVi has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.



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Copywrite RVI

CARY DUKE CPA/PD•CURRENT WATER SERVICE AREA MAP

- Lee County, FL
- Date: 12/5/2022
- # 22001300
- Neal Communites SW FL Inc.

Subject Boundary

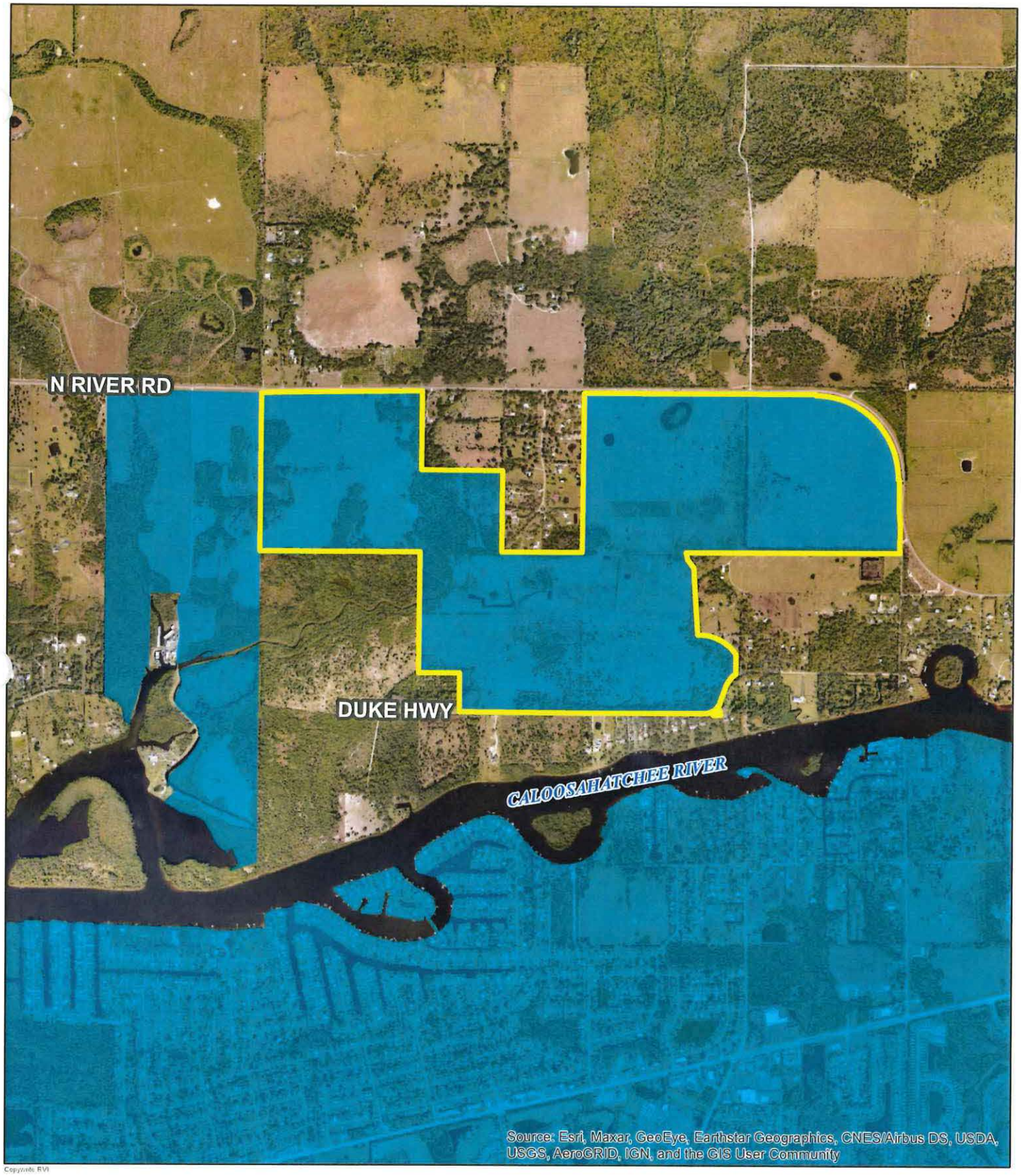
Future Water Service Area

0 625 1,250 2,500

Feet

10401 Highland Manor Dr.
Suite 220
Tampa, FL 33610
Tel: 813.443.8282
www.rviplanning.com

Information furnished regarding this property is from sources deemed reliable. RVi has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.



Document Path: \\FLBON\Projects\2022\22001300 - Cary Duke CPA & PD (Neal Comm)\04 BASE INFORMATION\02 GIS\MXDs\Final MXDs\Cary Duke Proposed Water Service Area

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RVi
10401 Highland Manor Dr.
Suite 220
Tampa, FL 33610
Tel: 813.443.8282
www.rviplanning.com

CARY + DUKE + POVIA CPA/PD• PROPOSED WATER SERVICE AREA MAP

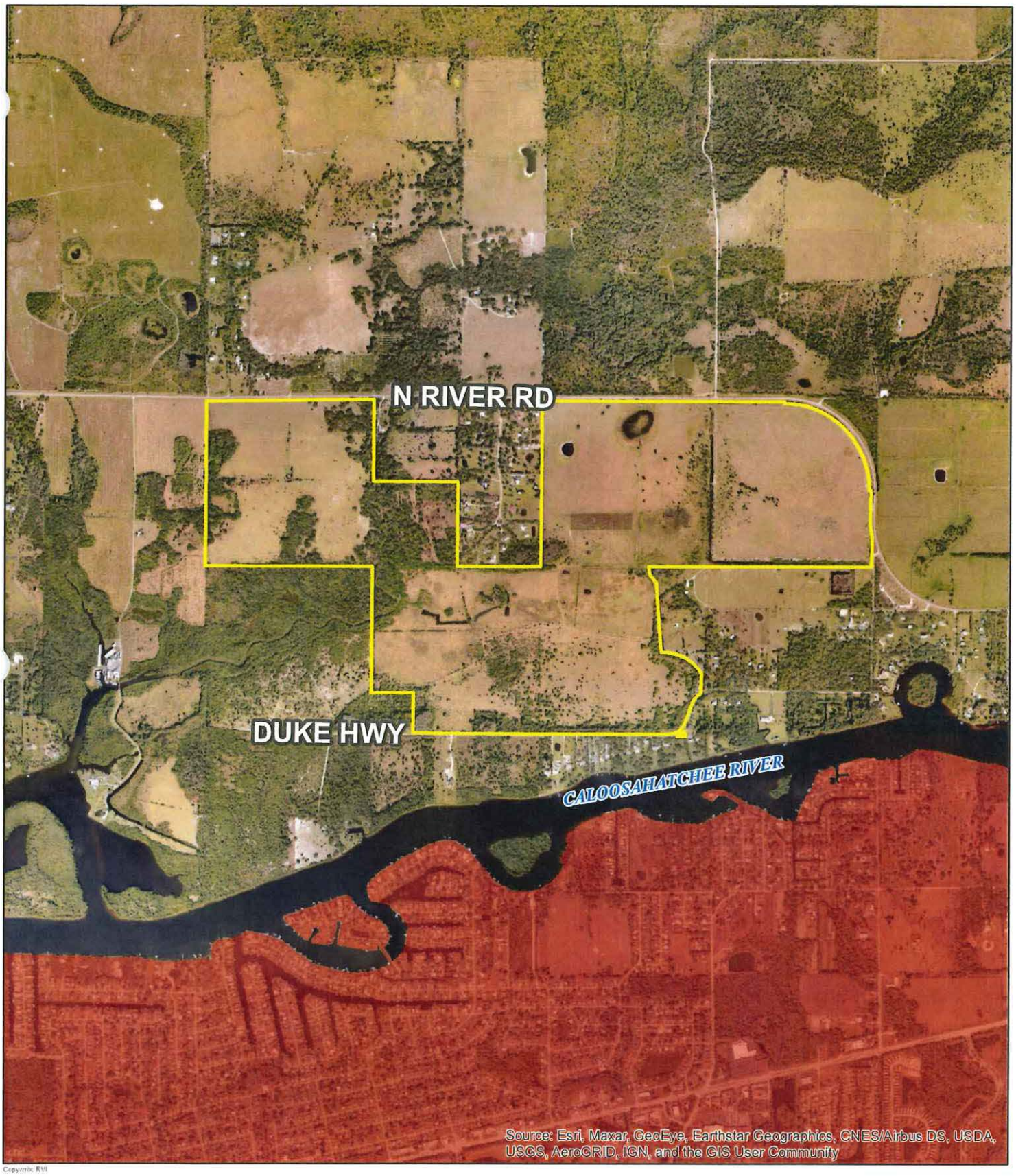
- Lee County, FL
- Date: 12/1/2022
- 22001300
- Neal Communites

Subject Boundary

Future Water Service Area

0 650 1,300 2,600 Feet

Information furnished regarding this property is from sources deemed reliable. RVi has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval



Document Path: \\FLBON\Projects\2022\22001300 - Cary Duke CPA & PD (Neal Comm \04 BASE INFORMATION\02 GIS\MXDs\Final MXDs\Cary Duke Current Sewer Service Area M

Copyright RVI

CARY DUKE CPA/PD• CURRENT SEWER SERVICE AREA MAP

- Lee County, FL
- Date: 11/29/2022
- # 22001300
- Neal Communites SW FL Inc.

Subject Boundary

Future Sewer Service Area

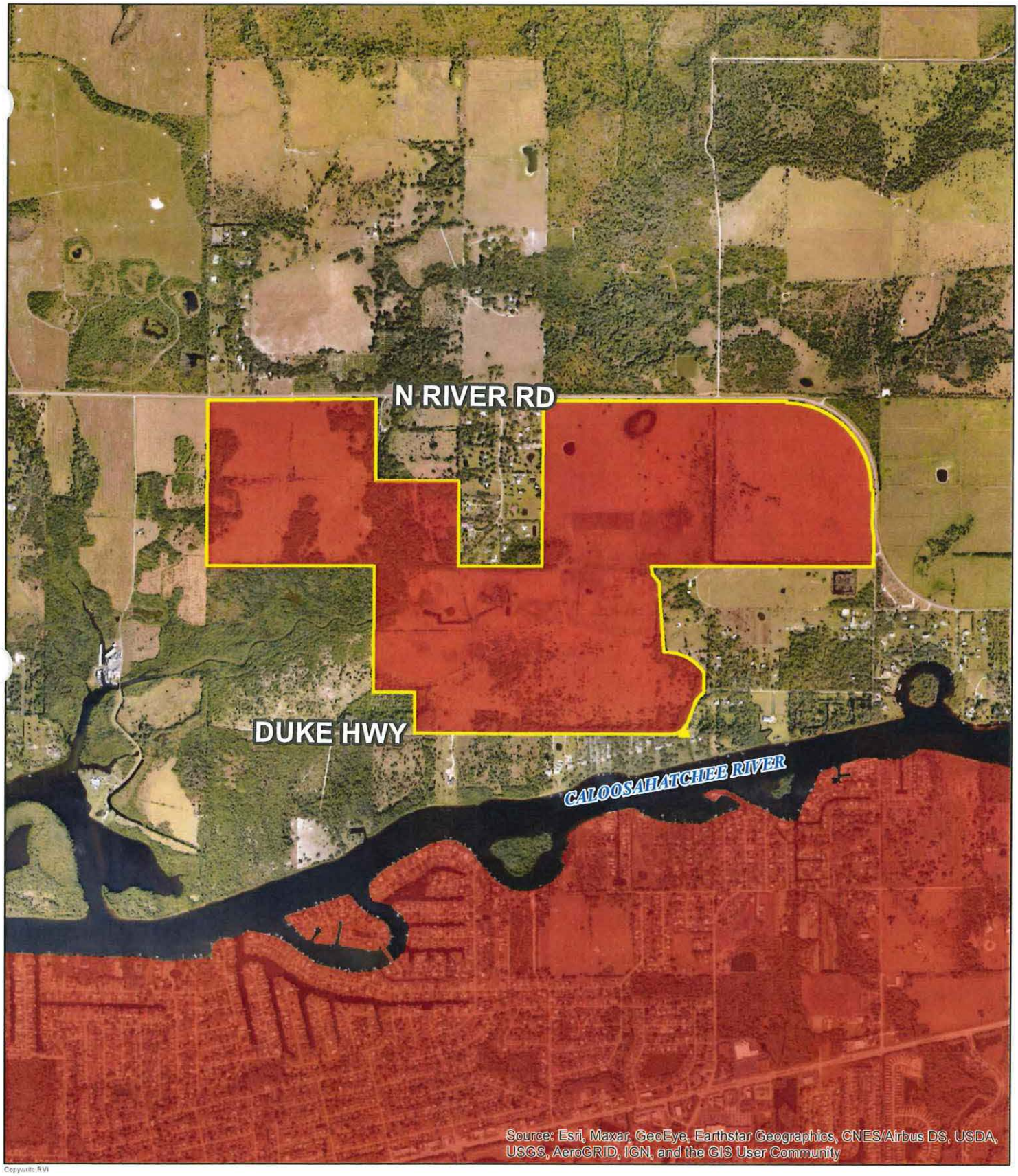
0 625 1,250 2,500

Feet

RVi

10401 Highland Manor Dr.
Suite 220
Tampa, FL 33610
Tel: 813.443.8282
www.rviplanning.com

Information furnished regarding this property is from sources deemed reliable. RVi has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.



Document Path: \\FLBON\Projects\2022\22001300 - Cary Duke CPA & PD (Neal Comm \04 BASE INFORMATION\02 GIS\MXDs\Final MXDs\Cary Duke Proposed Sewer Service Area \d

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Suite 220
Tampa, FL 33610
Tel: 813.443.8282
www.rviplanning.com

CARY + DUKE + POVIA CPA/PD • PROPOSED SEWER SERVICE AREA MAP

- Lee County, FL
- Date: 12/1/2022
- # 22001300
- Neal Communites SW FL Inc.

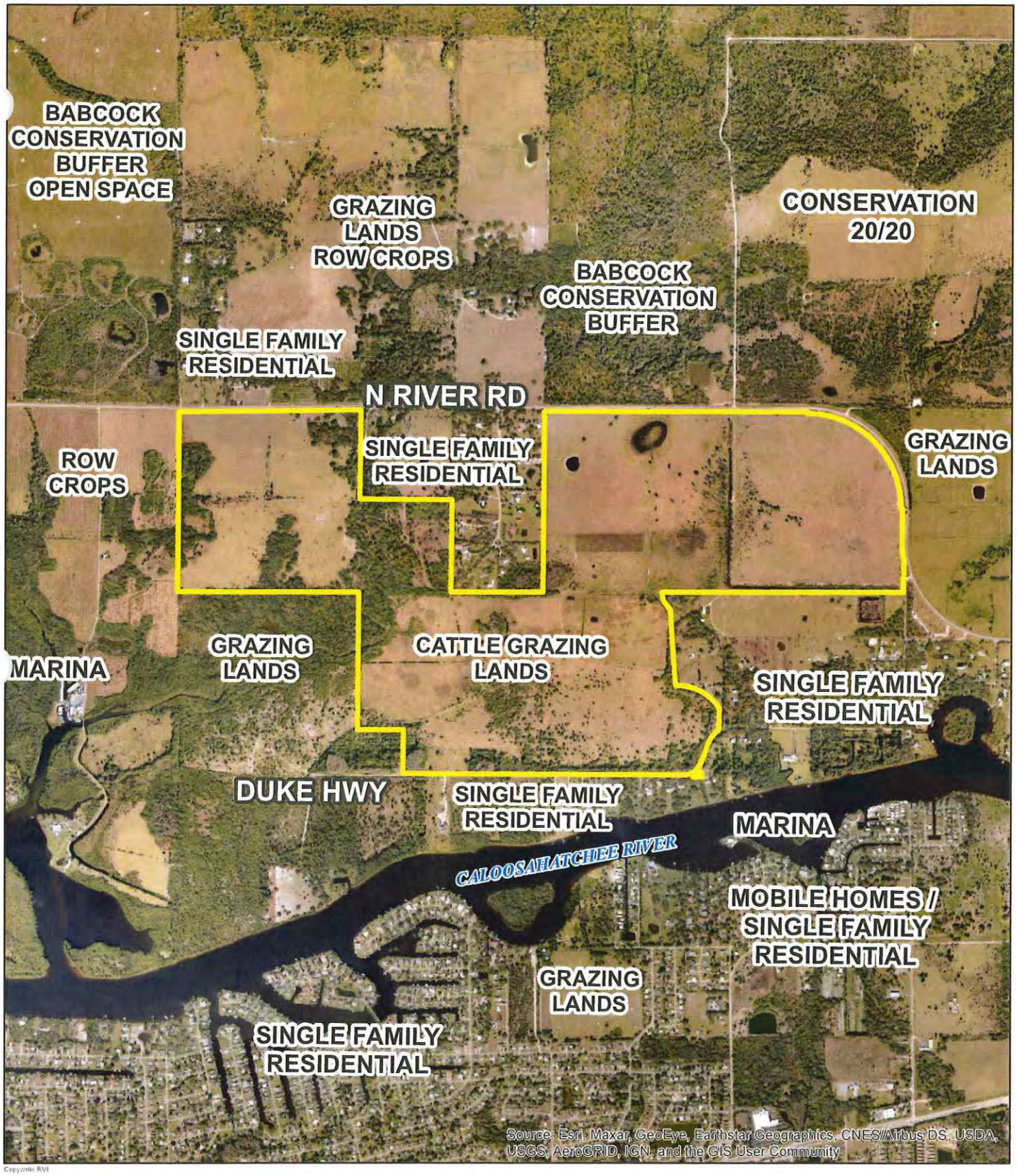
Subject Boundary

Future Sewer Service Area

0 625 1,250 2,500
Feet

Information furnished regarding this property is from sources deemed reliable. RVi has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.

Map & Description of Existing Land Uses of the Subject Property & Surrounding Properties (EXHIBIT M5)



Document Path: \FLBON\Projects\2022\22001300 - Cary Duke CPA & PD (Neal Comm \04 BASE INFORMATION\02 GIS\MXDs\Final MXDs\Cary Duke - Surrounding Properties Map.

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10401 Highland Manor Dr.
Suite 220
Tampa, FL 33610
Tel: 813.443.8282
www.rviplanning.com

CARY + DUKE + POVIA CPA/PD • SURROUNDING PROPERTIES MAP

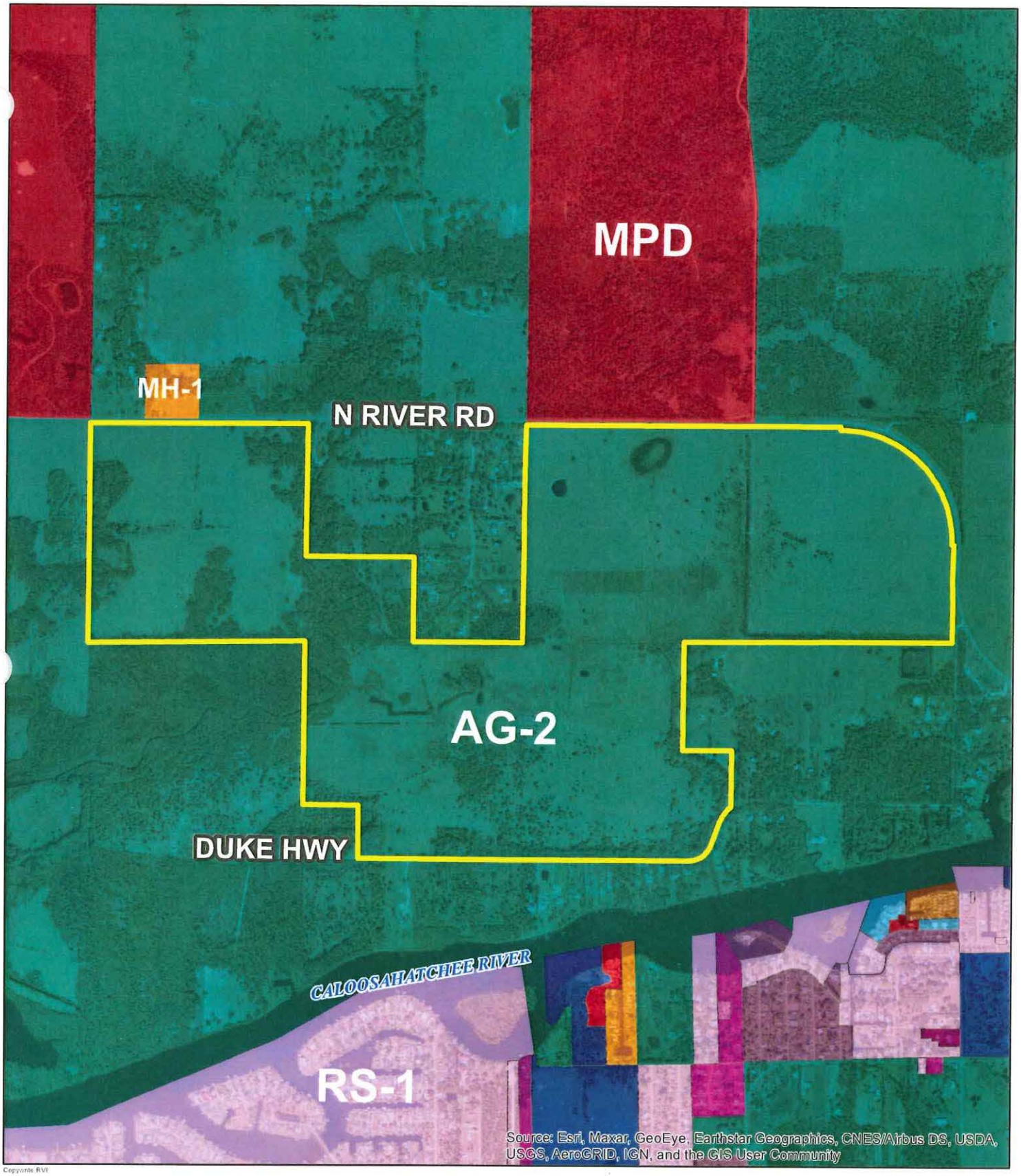
- Lee County, FL
- Date: 2/28/2023
- # 22001300
- Neal Communites SW FL Inc.

Subject Boundary

0 550 1,100 2,200
Feet

Information furnished regarding this property is from sources deemed reliable. RVi has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.

Map & Description of Existing Zoning of the Subject Property & Surrounding Properties (EXHIBIT M6)



Document Path: \\FLBON\Projects\2022\22001300 - Cary Duke CPA & PD (Neal Comm \04 BASE INFORMATION\02 GIS\MXDs\Cary Duke Zoning Map (current).mxd

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10401 Highland Manor Dr.
Suite 220
Tampa, FL 33610
Tel: 813.443.8282
www.rviplanning.com

CARY DUKE CPA/PD •CURRENT ZONING MAP

- Lee County, FL
- Subject Boundary
- Date: 10/19/2022
- 22001300
- Neal Communites SW FL Inc.

AG-2	MH-2	RS-1	RS-5	
C-1A	MPD	RS-2	TFC-2	
CPD	RM-2	RS-3		
MH-1	RPD	RS-4		

0 487.5 975 1,950
Feet

Information furnished regarding this property is from sources deemed reliable. RVi has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.

Signed & Sealed Legal Description & Sketch (EXHIBIT M7)

RHODES & RHODES LAND SURVEYING, INC.
28100 BONITA GRANDE DRIVE #107 NAPLES, FLORIDA 34135
PHONE (239) 405-8166 FAX (239) 405-8163

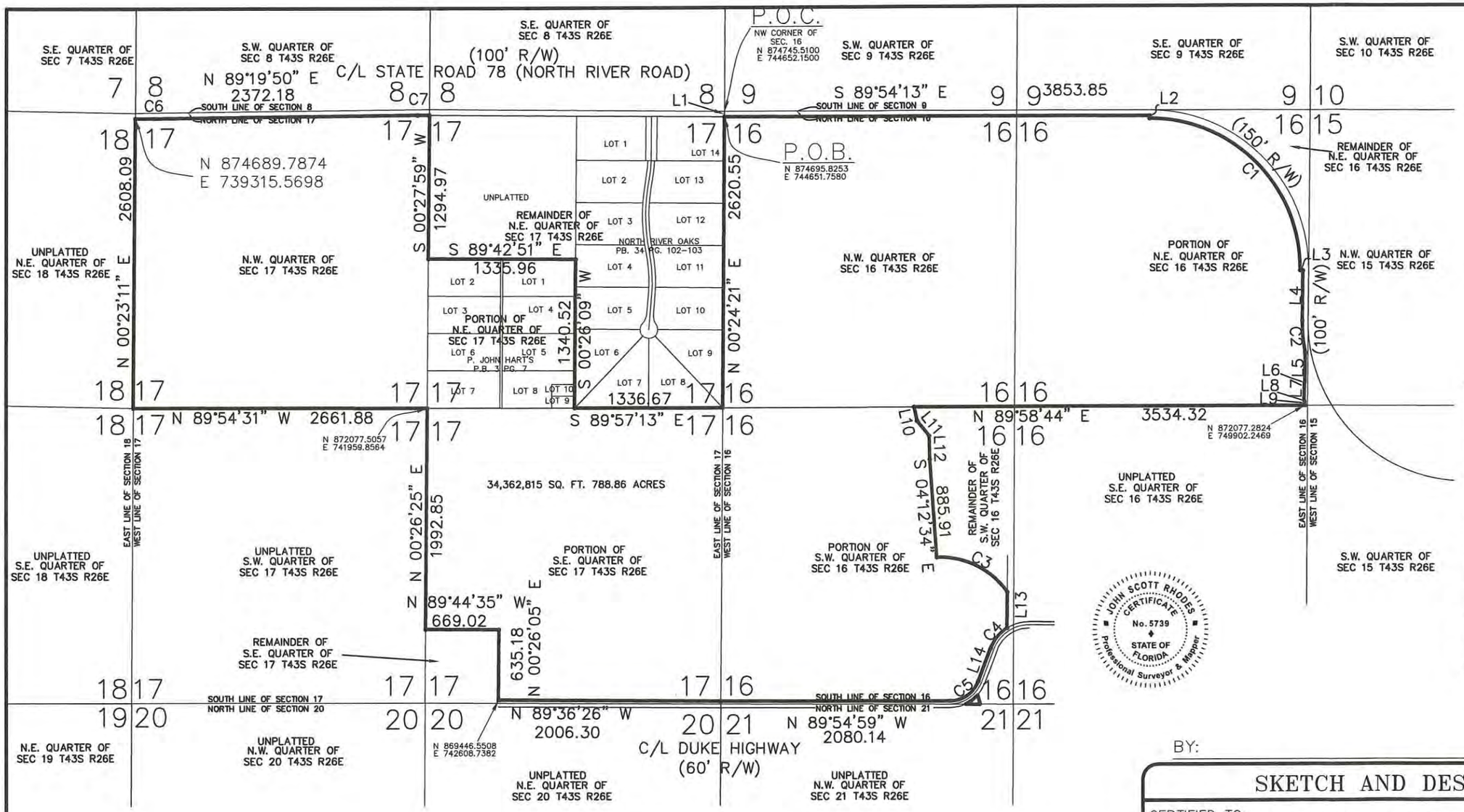
PARCEL 1

BEING A PORTION OF SECTION 16 AND 17, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE NORTHWEST CORNER OF SECTION 16, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE SOUTH 00°23'30" WEST, ALONG THE WESTERLY SECTION LINE OF SAID SECTION 16 A DISTANCE OF 50.00 FEET TO THE SOUTHERN RIGHT OF WAY LINE OF STATE ROAD NO. 78 (N. RIVER ROAD), ACCORDING THE STATE OF FLORIDA STATE ROAD DEPARTMENT RIGHT OF WAY MAP RECORDED IN SECTION 12560-2604 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. AND TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE ALONG THE SAID SOUTHERLY RIGHT OF WAY OF STATE ROAD NO. 78 THE FOLLOWING 11 COURSES, COURSE (1) SOUTH 89°54'13" EAST, 3,853.85 FEET; COURSE (2) SOUTH 00°05'41" WEST, 25.00 FEET TO A POINT ON A NON-TANGENTIAL CURVE; COURSE (3) SOUTHEASTERLY, 2,144.24 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 1,357.40 FEET, THROUGH A CENTRAL ANGLE OF 90°30'30" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 44°39'04" EAST, 1,928.15 FEET; COURSE (4) SOUTH 89°23'49" EAST, 25.00 FEET; COURSE (5) SOUTH 00°36'11" WEST, 451.22 FEET TO A POINT OF CURVATURE; COURSE (6) SOUTHERLY, 291.78 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 1,482.40 FEET, THROUGH A CENTRAL ANGLE OF 11°16'39" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 05°02'09" EAST, 291.31 FEET; COURSE (7) SOUTH 00°30'35" WEST, 269.95 FEET; COURSE (8) NORTH 89°29'25" WEST, 6.10 FEET; COURSE (9) SOUTH 00°31'50" WEST, 163.49 FEET; COURSE (10) SOUTH 89°29'25" EAST, 6.16 FEET; COURSE (11) SOUTH 00°30'35" WEST, 40.31 FEET THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 16; THENCE SOUTH 89°58'44" WEST ALONG THE SAID SOUTH LINE OF SAID SECTION 16, A DISTANCE OF 3,534.32 FEET; THENCE SOUTH 11°37'59" EAST, A DISTANCE OF 129.40 FEET; THENCE SOUTH 38°55'40" EAST, A DISTANCE OF 171.91 FEET; THENCE SOUTH 01°24'18" EAST, A DISTANCE OF 210.70 FEET; THENCE SOUTH 04°12'34" EAST, A DISTANCE OF 885.91 FEET TO A POINT ON A NON-TANGENTIAL CURVE; THENCE SOUTHEASTERLY, 741.98 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 735.02 FEET, THROUGH A CENTRAL ANGLE OF 57°50'17" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 63°49'32" EAST, 710.87 FEET; THENCE SOUTH 00°18'05" WEST, A DISTANCE OF 324.92 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF DUKE HIGHWAY, RIGHT OF WAY MAP DUKE HIGHWAY ACCORDING TO THE PLAT OR MAP RECORDED IN MAP BOOK 2, PAGES 1 THROUGH 9 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND TO A POINT ON A NON-TANGENTIAL CURVE; THENCE ALONG THE SAID NORTHERLY RIGHT OF WAY LINE OF DUKE HIGHWAY THE FOLLOWING 5 COURSES. COURSE (1) SOUTHWESTERLY, 241.09 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 370.00 FEET, THROUGH A CENTRAL ANGLE OF 37°20'01" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 39°14'38" WEST, 236.85 FEET; COURSE (2) SOUTH 20°31'56" WEST, 313.99 FEET TO A POINT ON A NON-TANGENTIAL CURVE; COURSE (3) SOUTHWESTERLY, 328.15 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 270.00 FEET, THROUGH A CENTRAL ANGLE OF 69°38'12" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 55°16'41" WEST, 308.33 FEET; COURSE (4) NORTH 89°54'59" WEST, 2,080.14 FEET; COURSE (5) NORTH 89°36'26" WEST, 2,006.30 FEET; THENCE NORTH 00°26'05" EAST LEAVING THE SAID NORTHERLY RIGHT OF WAY LINE OF DUKE HIGHWAY, A DISTANCE OF 635.18 FEET; THENCE NORTH 89°44'35" WEST, A DISTANCE OF 668.84 FEET TO A POINT ON THE WESTERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 43 SOUTH, RANGE 26 EAST; THENCE NORTH 00°34'39" EAST ALONG THE SAID WESTERLY LINE OF SECTION 17, A DISTANCE OF 1,995.23 FEET TO THE NORTHWEST CORNER OF SOUTHEAST QUARTER OF SECTION 17 ALSO BEING THE CENTER OF SECTION 17; THENCE NORTH 89°58'05" WEST ALONG THE SOUTHERLY LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17, A DISTANCE OF 2,666.94 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 17; THENCE NORTH 00°23'17" EAST ALONG THE WESTERLY SECTION OF SAID SECTION 17, A

DISTANCE OF 2,608.51 FEET TO A POINT ON THE SAID SOUTH RIGHT OF WAY LINE OF STATE ROAD 78 AND TO A POINT ON A NON-TANGENTIAL CURVE; THENCE ALONG THE SAID SOUTHERLY RIGHT OF WAY LINE OF SECTION 17 THE FOLLOWING 3 COURSES, COURSE (1) EASTERLY, 179.42 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 11,509.16 FEET, THROUGH A CENTRAL ANGLE OF 00°53'36" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 89°47'08" EAST, 179.42 FEET; COURSE (2) NORTH 89°19'50" EAST, 2,372.18 FEET TO A POINT ON A NON-TANGENTIAL CURVE; COURSE (3) EASTERLY, 113.88 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 11,409.16 FEET, THROUGH A CENTRAL ANGLE OF 00°34'19" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 89°44'43" EAST, 113.88 FEET TO A POINT ON THE EASTERLY LINE OF NORTHWEST QUARTER OF SAID SECTION 17; THENCE SOUTH 00°26'50" WEST ALONG THE SAID EASTERLY LINE OF THE NORTHWEST QUARTER OF SECTION 17, A DISTANCE OF 1,295.15 FEET TO THE NORTHWEST CORNER OF P. JOHN HART'S, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 7, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.; THENCE ALONG THE BOUNDARY LINE OF SAID P. JOHN HART'S THE FOLLOWING 2 COURSES, COURSE (1) SOUTH 89°42'51" EAST, 1,336.16 FEET; COURSE (2) SOUTH 00°25'09" WEST, 1,340.40 FEET TO THE SOUTHEAST CORNER OF SAID P. JOHN HART'S AND BEING THE SOUTHWEST CORNER OF NORTH RIVER OAKS ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 34 PAGES 102 AND 103, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.; THENCE ALONG THE BOUNDARY LINE OF SAID NORTH RIVER OAKS THE FOLLOWING 2 COURSES, COURSE (1) SOUTH 89°56'54" EAST, 1,336.09 FEET; COURSE (2) NORTH 00°24'21" EAST, 2,620.55 FEET TO THE POINT OF BEGINNING.

CONTAINING 34,362,815 SQUARE FEET OR 788.86 ACRES, MORE OR LESS.



NOT A SURVEY

LINE TABLE		
LINE	LENGTH	BEARING
L1	50.00'	S 00°23'30" W
L2	25.00'	S 00°05'41" W
L3	25.00'	S 89°23'49" E
L4	451.22'	S 00°36'11" W
L5	269.95'	S 00°30'35" W
L6	6.10'	S 89°29'25" E
L7	163.49'	S 00°31'50" W
L8	6.16'	N 89°29'25" W
L9	40.31'	S 00°30'35" W
L10	129.40'	N 11°37'59" W
L11	171.91'	N 38°55'40" W
L12	210.70'	N 01°24'18" W
L13	324.92'	S 00°18'05" W
L14	313.99'	S 20°31'56" W

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C1	1357.40	90°30'30"	2144.24'	1928.15'	N 44°39'04" W
C2	1482.40	11°16'39"	291.78'	291.31'	S 05°02'09" E
C3	735.02	57°50'17"	741.98'	710.87'	N 63°49'32" W
C4	370.00	37°20'01"	241.09'	236.85'	S 39°14'38" W
C5	270.00	69°38'12"	328.15'	308.33'	N 55°16'41" E
C6	11509.16	0°53'36"	179.42'	179.42'	N 89°47'08" E
C7	11409.16	0°34'27"	114.31'	114.31'	N 89°50'15" E

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

BY: JOHN SCOTT RHODES PSM #5739

SKETCH AND DESCRIPTION

CERTIFIED TO:
NEAL COMMUNITIES OF SOUTHWEST FLORIDA, LLC, A FLORIDA LIMITED LIABILITY COMPANY

RHODES & RHODES LAND SURVEYING, INC.
LICENSE #LB 6897

28100 BONITA GRANDE DRIVE SUITE 107
BONITA SPRINGS, FL 34135
(239) 405-8166 (239) 405-8163 FAX

bk:	pg:	date:
XX	XX	MARCH 24, 2023
		scale: 1" = 1200'
		cogo #: 22-345

design:
drawn: EFC
checked: JSR
acad #: 2022-345
view: PLOT
project#: 2022-345
sheet #: 3 of 3
file #: 2022-345

Z:\Cary Duke or Neal 2022-345\2022-245 MASTER BNDY SKETCH & DESCRIP.dwg, Layout2, 3/24/2(5:31 PM, 1:1

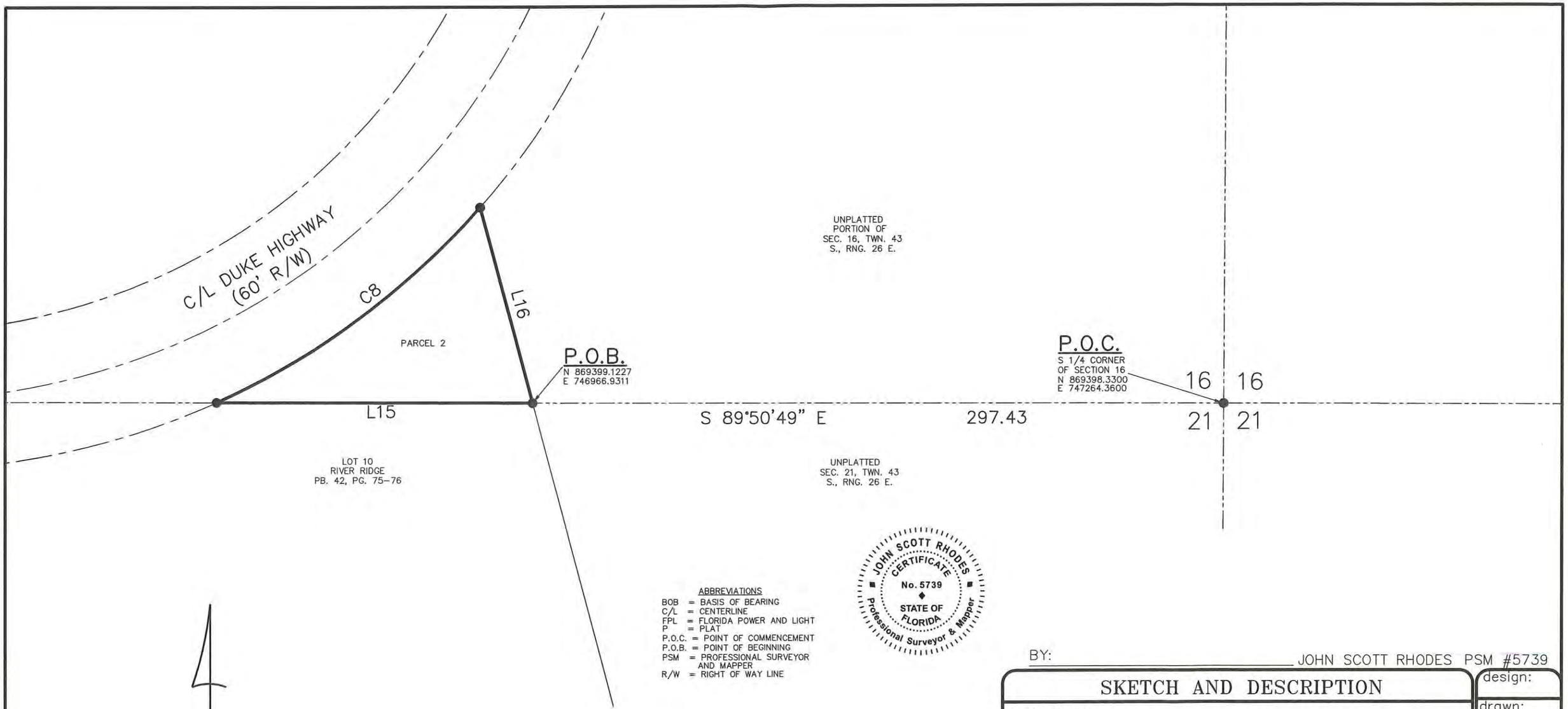
RHODES & RHODES LAND SURVEYING, INC.
28100 BONITA GRANDE DRIVE #107 NAPLES, FLORIDA 34135
PHONE (239) 405-8166 FAX (239) 405-8163

PARCEL 2

BEING A PORTION OF SECTION 16, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT THE SOUTH ¼ CORNER OF SECTION 16, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA.; THENCE NORTHTH 89°50'49" WEST ALONG THE SOUTHERLY LINE OF SAID SECTION 16, A DISTANCE OF 297.43 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE NORTH 89°50'47" WEST CONTINUING ALONG THE SAID SOUTH LINE OF SECTION 16, A DISTANCE OF 135.87 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF DUKE HIGHWAY ACCORDING TO THE OFFICIAL RECORDS BOOK 2026 PAGE 2985, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, TO A POINT ON A NON-TANGENTIAL CURVE; THENCE NORTHEASTERLY ALONG THE SAID SOUTHERLY RIGHT OF WAY OF DUKE HIGHWAY, 141.87 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 330.00 FEET, THROUGH A CENTRAL ANGLE OF 24°37'53" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 53°39'41" EAST, 140.78 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT OF WAY OF DUKE HIGHWAY, SOUTH 15°00'51" EAST, A DISTANCE OF 86.74 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,973 SQUARE FEET OR 0.114 ACRES, MORE OR LESS.



ABBREVIATIONS

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

JOHN SCOTT RHODES CERTIFICATE No. 5739 STATE OF FLORIDA Professional Surveyor & Mapper

N

0 300 600 1200 2400
GRAPHIC SCALE

NOT A SURVEY

LINE TABLE		
LINE	LENGTH	BEARING
L15	135.87'	S 89°50'47" E
L16	86.74'	N 15°00'51" W

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C8	330.00	24°37'53"	141.87'	140.78'	N 53°39'41" E

BY: _____ JOHN SCOTT RHODES PSM #5739

SKETCH AND DESCRIPTION

CERTIFIED TO:
NEAL COMMUNITIES OF SOUTHWEST FLORIDA, LLC, A FLORIDA LIMITED LIABILITY COMPANY

RHODES & RHODES LAND SURVEYING, INC.
LICENSE #LB 6897

28100 BONITA GRANDE DRIVE SUITE 107
BONITA SPRINGS, FL 34135
(239) 405-8166 (239) 405-8163 FAX

bk:	pg:	date:
XX	XX	MARCH 24, 2023
		scale: 1" = 1200'
		cogo #: 22-345

design:
drawn: EFC
checked: JSR
acad #: 2022-345
view: PLOT
project#: 2022-345
sheet #: 2 of 2
file #: 2022-345 MASTER S&D 2

Z:\Cary Duke Jr Neal 2022-345\2022-245 MASTER BNDY SKETCH & DESCRIP 2.dwg, Layout2, 3/27/ 29:48 PM, 1:1

Deeds of Subject Property (EXHIBIT M8)

Linda Doggett, Lee County Clerk of Circuit Court
INSTR. # 2021000316566, Doc Type D, Pages 3, Recorded 9/27/2021 at 3:09 PM, Deputy Clerk LHINSPETER ERECORD
Rec Fees: $27.00 Deed Doc: $1,050.00

This Instrument Prepared By: Shari M. Garcia
PATRIOT TITLE SERVICES, LLC
1705 Colonial Blvd. #A-2
Fort Myers, Florida 33907
File Number: **7538**
Strap Number: 16-43-26-00-00001.0000

Warranty Deed

(The terms "grantor" and "grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)

Made this 20 day of September, 2021, BETWEEN

Povia Family, LLC, a Florida limited liability company

whose post office address is: 5991 Buckingham Rd., Fort Myers, Florida 33905, **grantor**

and **Lee County, a political subdivision of the State of Florida**

whose post office address is: P.O. Box 398, Fort Myers, FL 33902-0398 , **grantee,**

WITNESSETH: That the said grantor, for and in consideration of the sum of One Hundred Fifty Thousand dollars & no cents ($150,000.00) , 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, successors and assigns forever, the following described land, situate, lying and being in Lee County, Florida towit:

See attached legal description

Subject to easements and restrictions of record, if any, which are specifically not extended or reimposed hereby.

Said 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 warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; that the land is free of all encumbrances except taxes accruing subsequent to December 31, 2020.

Acquisition approved by the Lee County Board
of Commissioners action on August 17, 2021
and accepted on behalf of the board by
Leah Chin on September 20, 2021
in accordance with Consent Agenda Item 6
Project NLC WWTP Parcel 114
Exp to 15 MGD

File Number: **7538**
Strap Number: 16-43-26-00-00001.0000

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness #1 signature

BREANNA SARVER

Witness #1 print name

Witness #2 signature

SHARI M GARCIA

Witness #2 print name

Povia Family, LLC, a Florida limited liability company

Mary Ellen Povia

By: Mary Ellen Povia
Title: Managing Member

STATE OF FLORIDA **COUNTY OF** LEE

I HEREBY CERTIFY, that on this 20 day of September, 2021 before me personally appeared (by means of physical presence) **Mary Ellen Povia, as Managing Member of Povia Family, LLC, a Florida limited liability company,** who is personally known to me or who has provided Driver's License(s) as identification and who is the person described in and who executed the foregoing instrument and who after being duly sworn says and has acknowledged that the execution hereof is free act and deed for the uses and purposed herein mentioned.

SWORN TO AND SUBSCRIBED before me the undersigned Notary Public by my hand and official seal, the day and year last aforesaid.

Notary Public

My Commission Expires:

(seal)

Notary printed



LEGAL DESCRIPTION: (AS DESCRIBED BY THIS OFFICE)

THE NORTH ONE-HALF (1/2) OF SECTION 16, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA LYING NORTHEASTERLY OF THE CURRENT RIGHT OF WAY OF NORTH RIVER ROAD LESS AND EXCEPT THE FORMER RIGHT OF WAY AS REFERENCED IN RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS ADOPTED FEBRUARY 15, 1967 AND SHOWN ON STATE ROAD RIGHT OF WAY MAP SECTION 12560-2604, DATED JULY 20, 1965 AND LESS THE TAKING PER OFFICIAL RECORDS BOOK 353, PAGE 829 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1

BEGIN AT THE NORTHEAST CORNER OF SECTION 16, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE S.00°35'48"W., ALONG THE EAST LINE OF SAID SECTION, FOR A DISTANCE OF 400.96 FEET TO A POINT ON THE MAINTAINED RIGHT OF WAY LINE AS SHOWN ON STATE ROAD RIGHT OF WAY MAP SECTION 12560-2604, DATED JULY 20, 1965 BEING A POINT ON A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 611.00 FEET; THENCE ALONG SAID MAINTAINED RIGHT OF WAY AND SAID CURVE THROUGH A CENTRAL ANGLE OF 54°02'56", A CHORD BEARING OF N.43°40'59"W., A CHORD LENGTH OF 555.24 FEET AND AN ARC LENGTH OF 576.38 FEET; THENCE S.89°54'42"E. FOR A DISTANCE OF 387.66 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 52,738 SQUARE FEET, OR 1.211 ACRES, MORE OR LESS

TOGETHER WITH

PARCEL 2

COMMENCE AT THE NORTHEAST CORNER OF SECTION 16, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE N.89°54'42"W., ALONG THE NORTH LINE OF SAID SECTION, FOR A DISTANCE OF 700.72 FEET; THENCE S.27°33'00"W., A DISTANCE OF 30.43 FEET TO A POINT ON THE SOUTHERLY MAINTAINED RIGHT OF WAY AS SHOWN ON STATE ROAD RIGHT OF WAY MAP SECTION 12560-2604, DATED JULY 20, 1965 AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE S.89°54'42"E., ALONG SAID MAINTAINED RIGHT OF WAY, FOR A DISTANCE OF 126.11 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 550.00 FEET; THENCE ALONG SAID RIGHT OF WAY AND SAID CURVE THROUGH A CENTRAL ANGLE OF 90°30'30", A CHORD BEARING OF S.44°39'27"E., A CHORD LENGTH OF 781.26 FEET AND AN ARC LENGTH OF 868.82 FEET; THENCE S.00°35'48"W. FOR A DISTANCE OF 301.41 FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1507.40 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 41°10'29", A CHORD BEARING OF N.41°51'46"W., A CHORD LENGTH OF 1060.11 FEET AND AN ARC LENGTH OF 1083.27 FEET; THENCE N.27°33'00"E. FOR A DISTANCE OF 76.47 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 194,758 SQUARE FEET, OR 4.471 ACRES, MORE OR LESS

COMBINED ACREAGE IS 5.682 ACRES, MORE OR LESS.

INSTR # 2010000111482, Doc Type CT, Pages 2, Recorded 05/04/2010 at 09:02 AM, Charlie Green, Lee County Clerk of Circuit Court, Deed Doc. D $0.70 Deputy Clerk DMAYS

D 100.00

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR LEE COUNTY, FLORIDA
CIVIL ACTION

FILED
MAY 03 2010
CHARLIE GREEN, CLERK
CIRCUIT/COUNTY COURTS
BY D.C.

Harney, Raymond E, atf Harney Revocable Trust Dated December 9 2005 etal
Plaintiff
vs
North River Communities LLC etal
Defendant

Case No. 09-CA-066359

CERTIFICATE OF TITLE

The undersigned clerk of the court certifies that he or she executed and filed a certificate of sale in this action on April 20, 2010 for the property described herein and that no objections to the sale have been filed within the time allowed for filing objections.

The following property in Lee County, Florida:

See Exhibit "A" attached hereto

Was sold to: Cary & Duke Properties, LLC a Florida limited liability Company

Address: 18451 North Olga Road, Ft Myers, FL 33920

WITNESS my hand and the seal of the court on May 03, 2010

Charlie Green, Clerk of Co

By: _____ Deputy Clerk

Copies furnished to all parties

Charlie Green
Clerk of Circuit Court

By: Serena Pitts
Deputy Clerk

Parcel One

A. The Southeast one-quarter of Section 17, Township 43 South Range 26 East, less and except the Southwest one-quarter of the Southwest one-quarter of the Southeast one-quarter of Section 17, Township 43 South, Range 26 East, and also less and except any portion of the subject property contained in the Order of Taking recorded in O.R. Book 353, Page 829, of the Public Records of Lee County, Florida.

AND

B. The Southwest one-quarter of Section 16, Township 43 South, Range 26 East, less and except therefrom Parcel No. 1.003 as reflected on the Lee County, Florida Tax Assessmant Rolls, and also less and except the following parcels:

(i) The East one-half of the Northeast one-quarter of the Southwest one-quarter of Section 16, Township 43 South, Range 26 East; and

(ii) The Easterly 60 feet of the Southeast one-quarter of the Southwest one-quarter of Section 16, Township 43 South, Range 26 East, Lee County, Florida.

Parcel Two A

The Northwest one-quarter of Section 17, Township 43 South, Range 26 East, less and except any portion of the subject property contained in the Order of Taking recorded in O.R. Book 353, Page 829, of the Public Records of Lee County, Florida.

Parcel Two C

Lots 3 through 7, inclusive, and Lots 9 and 10 of P. JOHN HARTS SUBDIVISION, a subdivision according to the plat thereof, as recorded in Plat Book 3, at Page 7, of the Public Records of Lee County, Florida.

EXHIBIT "A"

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CHARLIE GREEN, CLERK
CIRCUIT/COUNTY COURTS
BY _____ D.C.

Harney, Raymond E, atf Harney Revocable Trust Dated December 9 2005 etal
Plaintiff
vs
North River Communities LLC etal
Defendant

Case No. 09-CA-066359

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Charlie Green, Clerk of Co

By: _____
Deputy Clerk

Copies furnished to all parties

Charlie Green
Clerk of Circuit Court

By: Serena Pitts
Deputy Clerk

Parcel One

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Parcel Two A

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Parcel Two C

Lots 3 through 7, inclusive, and Lots 9 and 10 of P. JOHN HARTS SUBDIVISION, a subdivision according to the plat thereof, as recorded in Plat Book 3, at Page 7, of the Public Records of Lee County, Florida.

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D 70 (1)
D 100.00

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR LEE COUNTY, FLORIDA
CIVIL ACTION

FILED
MAY 03 2010
CHARLIE GREEN, CLERK
CIRCUIT/COUNTY COURTS
BY D.C.

Harney, Raymond E, atf Harney Revocable Trust Dated December 9 2005 etal
Plaintiff
vs
North River Communities LLC etal
Defendant

Case No. 09-CA-066359

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WITNESS my hand and the seal of the court on May 03, 2010

Charlie Green, Clerk of Co

By: _____
Deputy Clerk

Copies furnished to all parties

Charlie Green
Clerk of Circuit Court

By: Serena Pitts
Deputy Clerk

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(ii) The Easterly 60 feet of the Southeast one-quarter of the Southwest one-quarter of Section 16, Township 43 South, Range 26 East, Lee County, Florida.

Parcel Two A

The Northwest one-quarter of Section 17, Township 43 South, Range 26 East, less and except any portion of the subject property contained in the Order of Taking recorded in O.R. Book 353, Page 829, of the Public Records of Lee County, Florida.

Parcel Two C

Lots 3 through 7, inclusive, and Lots 9 and 10 of P. JOHN HARTS SUBDIVISION, a subdivision according to the plat thereof, as recorded in Plat Book 3, at Page 7, of the Public Records of Lee County, Florida.

EXHIBIT "A"

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D 100.00

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR LEE COUNTY, FLORIDA
CIVIL ACTION

FILED
MAY 03 2010
CHARLIE GREEN, CLERK
CIRCUIT/COUNTY COURTS
BY D.C.

Harney, Raymond E, atf Harney Revocable Trust Dated December 9 2005 etal
Plaintiff
vs
North River Communities LLC etal
Defendant

Case No. 09-CA-066359

CERTIFICATE OF TITLE

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The following property in Lee County, Florida:

See Exhibit "A" attached hereto

Was sold to: Cary & Duke Properties, LLC a Florida limited liability Company

Address: 18451 North Olga Road, Ft Myers, FL 33920

WITNESS my hand and the seal of the court on May 03, 2010

Charlie Green, Clerk of Co

By: _____
Deputy Clerk

Copies furnished to all parties

Charlie Green
Clerk of Circuit Court

By: Serena Pitts
Deputy Clerk

Parcel One

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(i) The East one-half of the Northeast one-quarter of the Southwest one-quarter of Section 16, Township 43 South, Range 26 East; and

(ii) The Easterly 60 feet of the Southeast one-quarter of the Southwest one-quarter of Section 16, Township 43 South, Range 26 East, Lee County, Florida.

Parcel Two A

The Northwest one-quarter of Section 17, Township 43 South, Range 26 East, less and except any portion of the subject property contained in the Order of Taking recorded in O.R. Book 353, Page 829, of the Public Records of Lee County, Florida.

Parcel Two C

Lots 3 through 7, inclusive, and Lots 9 and 10 of P. JOHN HARTS SUBDIVISION, a subdivision according to the plat thereof, as recorded in Plat Book 3, at Page 7, of the Public Records of Lee County, Florida.

EXHIBIT "A"

INSTR # 2010000111481, Doc Type CT, Pages 2, Recorded 05/04/2010 at 09:02 AM, Charlie Green, Lee County Clerk of Circuit Court, Deed Doc. D $0.70 Deputy Clerk DMAYS

2) .70 $ 100.00

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR LEE COUNTY, FLORIDA
CIVIL ACTION

FILED
MAY 03 2010
CHARLIE GREEN, CLERK
CIRCUIT/COUNTY COURTS
BY D.C.

Harney, Raymond E, atf Harney Revocable Trust Dated December 9 2005 etal
Plaintiff
vs
North River Communities LLC etal
Defendant

Case No. 09-CA-066364 09-CA-060364

CERTIFICATE OF TITLE
(AS to Count I)

The undersigned clerk of the court certifies that he or she executed and filed a certificate of sale in this action on April 20, 2010 for the property described herein and that no objections to the sale have been filed within the time allowed for filing objections.

The following property in Lee County, Florida:

See Exhibit "A" attached hereto

Was sold to:

RAYMOND E. HARNEY and KATHY R. HARNEY, as Trustees of the HARNEY REVOCABLE TRUST dated December 9, 2005,

Address: 18451 N Olga Road, N Fort Myers, FL 33920

WITNESS my hand and the seal of the court on May 03, 2010

Charlie Green, Clerk of Court

By: S Pitts
Deputy Clerk

Copies furnished to all parties

Charlie Green
Clerk of Circuit Court

By: Serena Pitts
Deputy Clerk

EXHIBIT "A"

Parcel Two D

Lot 8, P. JOHN HARTS SUBDIVISION, a subdivision according to the plat thereof, as recorded in Plat Book 3, at Page 7, of the Public Records of Lee County, Florida.

EXHIBIT "A"

INSTR # 2010000111482, Doc Type CT, Pages 2, Recorded 05/04/2010 at 09:02 AM, Charlie Green, Lee County Clerk of Circuit Court, Deed Doc. D $0.70 Deputy Clerk DMAYS

$ 10.00 CC

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR LEE COUNTY, FLORIDA
CIVIL ACTION

FILED
MAY 03 2010
CHARLIE GREEN, CLERK
CIRCUIT/COUNTY COURTS
BY _____ D.C.

Harney, Raymond E, atf Harney Revocable Trust Dated December 9 2005 etal
Plaintiff
vs
North River Communities LLC etal
Defendant

Case No. 09-CA-066359

CERTIFICATE OF TITLE

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The following property in Lee County, Florida:

See Exhibit "A" attached hereto

Was sold to: Cary & Duke Properties, LLC a Florida limited liability Company

Address: 18451 North Olga Road, Ft Myers, FL 33920

WITNESS my hand and the seal of the court on May 03, 2010

Charlie Green, Clerk of Co

By: _____
Deputy Clerk

Copies furnished to all parties

Charlie Green
Clerk of Circuit Court

By: Serena Pitts
Deputy Clerk

Parcel One

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(ii) The Easterly 60 feet of the Southeast one-quarter of the Southwest one-quarter of Section 16, Township 43 South, Range 26 East, Lee County, Florida.

Parcel Two A

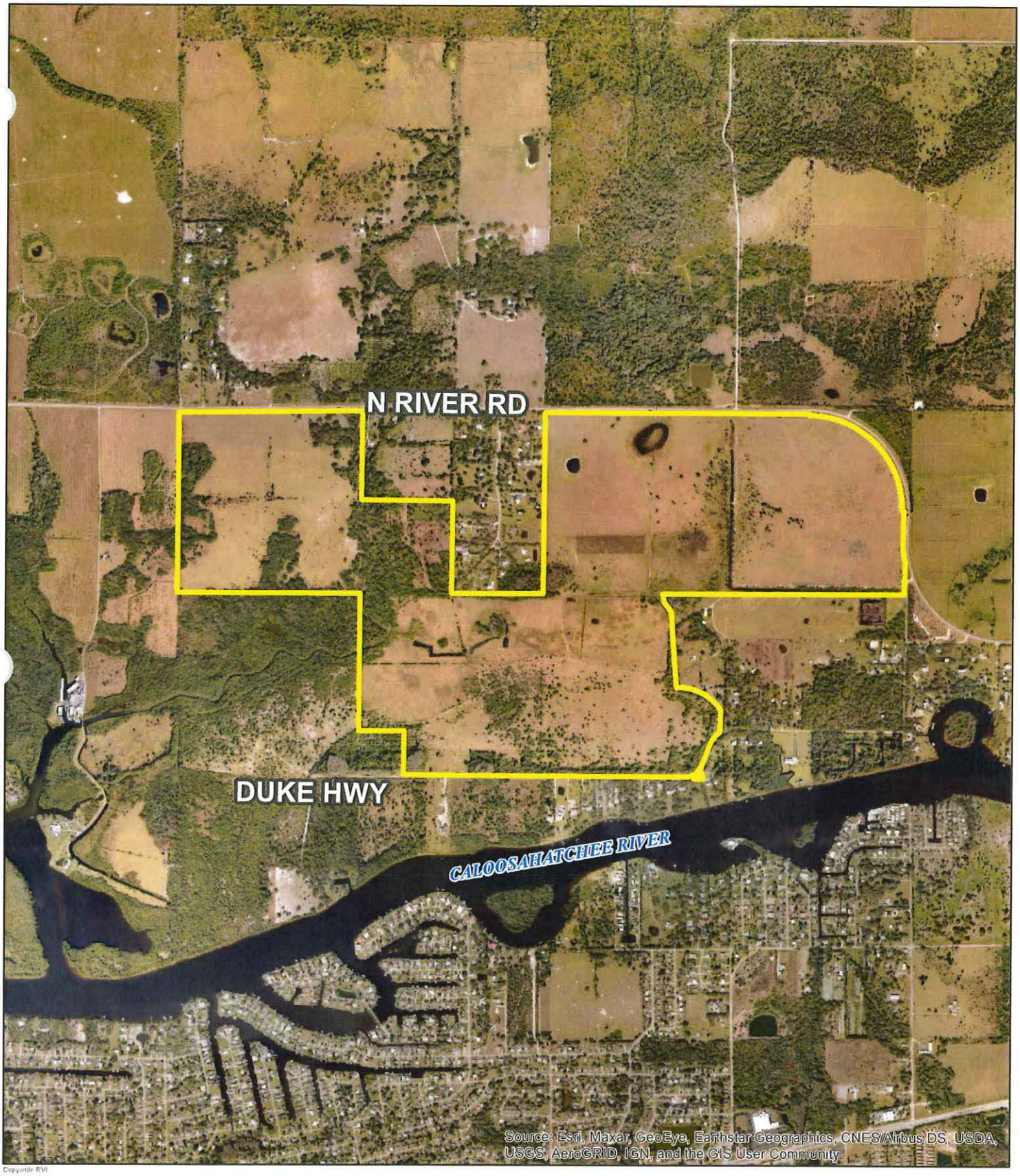
The Northwest one-quarter of Section 17, Township 43 South, Range 26 East, less and except any portion of the subject property contained in the Order of Taking recorded in O.R. Book 353, Page 829, of the Public Records of Lee County, Florida.

Parcel Two C

Lots 3 through 7, inclusive, and Lots 9 and 10 of P. JOHN HARTS SUBDIVISION, a subdivision according to the plat thereof, as recorded in Plat Book 3, at Page 7, of the Public Records of Lee County, Florida.

EXHIBIT "A"

Aerial Map Showing the Subject Property and Surrounding Properties (EXHIBIT M9)



Document Path: \\FLBON\Projects\2022\22001300 - Cary Duke CPA & PD (Neal Comm\04 BASE INFORMATION\02 GIS\MXDs\Final MXDs\Cary Duke - Aerial Map.mxd

Copyright RVI

RVi
10401 Highland Manor Dr.
Suite 220
Tampa, FL 33610
Tel: 813.443.8282
www.rviplanning.com

CARY + DUKE + POVIA CPA/PD • AERIAL MAP

- Lee County, FL
- Date: 12/1/2022
- # 22001300
- Neal Communites SW FL Inc.

Subject Boundary

0 550 1,100 2,200
Feet

Information furnished regarding this property is from sources deemed reliable. RVi has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.

Letter of Authorization from the Property Owner (EXHIBIT M10)

LETTER OF AUTHORIZATION

To Whom It May Concern:

Please be advised that G. Keith Cary, an authorized persons with Cary & Duke Properties, LLC owner of the Subject Property, hereby authorizes Neal Communities of Southwest Florida, Inc. to act on its behalf in applying for a Lee County Comprehensive Plan Amendment. This authority to represent our interest includes any and all documents required as part of the Comprehensive Plan Amendment petition submitted on my behalf.

STRAP NUMBER(S) or LEGAL DESCRIPTION

STRAP #: 17-43-26-00-00001.0000; 17-43-26-01-00003.0000; 17-43-26-01-00009.0000; 16-43-26-00-00001.0040; 17-43-26-01-00004.0000; 16-43-26-00-00001.0070

V H. Keith Cary

Signature of Owner

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 07 day of Dec, 2022, by G. KEITH CARY, who is personally known to me, or has produced _____ as identification and who did not take an oath.

(Notary Seal)

Cynthia L Tr

Signature of Notary Public

Commission No.

(Print, type or stamp commissioned name of Notary Public)

NOTARY PUBLIC STATE OF FLORIDA

CYNTHIA L. TRAMMELL
Commission # HH 322224
Expires November 20, 2026

LETTER OF AUTHORIZATION

To Whom It May Concern:

Please be advised that Mary Ellen Povia , an authorized persons with Povia Family, LLC owner of the Subject Property, hereby authorizes Neal Communities of Southwest Florida, Inc. to act on its behalf in applying for a Lee County Comprehensive Plan Amendment. This authority to represent our interest includes any and all documents required as part of the Comprehensive Plan Amendment petition submitted on my behalf.

STRAP NUMBER(S) or LEGAL DESCRIPTION

STRAP #: 16-43-26-00-00001.0000

Mary Ellen Povia

Signature of Owner

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 5th day of December, 2022, by Mary Ellen Povia, who is personally known to me, or has produced ~~FL DL~~ P100-586-45-842-0 as identification and who did not take an oath.

(Notary Seal)

Alexis Gaure Arrieta

Signature of Notary Public

Commission No.

Alexis Gaure Arrieta

(Print, type or stamp commissioned name of Notary Public)

ALEXIS GAURE ARRIETA
Commission # HH 254212
Expires May 15, 2026

LETTER OF AUTHORIZATION

To Whom It May Concern:

Please be advised that Raymond E. Harney/ Kathy R. Harney, an authorized persons with Harney Trust owner of the Subject Property, hereby authorizes Neal Communities of Southwest Florida, Inc. to act on its behalf in applying for a Lee County Comprehensive Plan Amendment. This authority to represent our interest includes any and all documents required as part of the Comprehensive Plan Amendment petition submitted on my behalf.

STRAP NUMBER(S) or LEGAL DESCRIPTION

STRAP #: 17-43-26-01-00008.0000

Kathy R Harney

Signature of Owner

STATE OF ~~FLORIDA~~ WASHINGTON
COUNTY OF ~~LEE~~ SNOHOMISH

The foregoing instrument was acknowledged before me this 5th day of December 2022, by Raymond and Kathy Harney who is personally known to me, or has produced Driver License as identification and who did not take an oath.

(Notary Seal)

Signature of Notary Public
Bryan Peckham

Commission No.
199726

(Print, type or stamp commissioned name of Notary Public)

BRYAN PECKHAM
COMMISSION EXPIRES
NOTARY
PUBLIC
LIC. No. 199726
05-19-2026
STATE OF WASHINGTON

AFFIDAVIT OF AUTHORIZATION

APPLICATION IS SIGNED BY INDIVIDUAL OWNER, APPLICANT, CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, Timothy Oak (name), as SWFL Regional President (owner/title) of Neal Communities of Southwest Florida (company/property), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Notes:

- *If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.*
- *If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.)., then the documents should typically be signed by the Company's "Managing Member."*
- *If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.*
- *If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.*
- *If the applicant is a trustee, then they must include their title of "trustee."*
- *In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.*

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.

Signature

12/8/22
Date

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

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☑ physical presence or ☐ online notarization, this 9 day of DECEMBER, 20 22, by Tim Oak (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL

BENJAMIN A. GIBBS
MY COMMISSION # HH 131879
EXPIRES: June 17, 2025
Bonded Thru Notary Public Underwriters

Signature of Notary Public

Lee Plan Analysis & State and Regional Policy Plan (EXHIBITS M11 & M18)

Cary+Duke+Povia Map Amendment
Lee Plan Analysis & State and Regional Policy Plan
Exhibits M11 & M18

I. Lee Plan Analysis

The following is an analysis of how the proposed amendment is consistent with the goals, policies, and objectives of the Lee Plan.

POLICY 1.4.1: The Rural future land use category are areas that are to remain predominantly rural – that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. Natural resource extraction may be permitted in accordance with Policy 10.1.4. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural future land use category is one dwelling unit per acre (1 du/acre). See Policy 123.2.17 for a potential density incentive resulting from preservation and/or restoration of Rare and Unique Upland Habitat.

The Property is located in the Rural and Wetlands Future Land Use Category (FLUC). Unique to the Rural FLUC, the addition of the Property into the Future Water and Sewer Service Areas creates the opportunity to generate additional dwelling units through the Planned Development process as anticipated in this Policy and Policy 123.2.17.

The companion zoning request (DCI2022-00067) is limited to residential dwellings at 1.39 du/acre which is consistent with a base density of 1 du/acre and additional dwelling units generated through the preservation, restoration, and creation of rare and unique uplands, as allowed in Policy 123.2.17. Therefore, the proposed uses and density are entirely consistent with the above policy and other related Rural FLUC policies governing use of these lands.

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

The attached proposed density calculations for the Cary+Duke+Povia RPD utilize a density calculation for impacted wetlands of 1 du/20 acres. Preserved wetlands utilize a density calculation of 1 unit per acre consistent with Table 1(a) Note 8. Therefore, the proposed CPA and RPD are consistent with this policy.

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

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

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

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

This proposed amendment does not change the Future Land Use Designation of the Property. Table 1(b) currently allocates a maximum of 1,948 acres for residential development in the Rural Future Land Use Category within District 1 Northeast Lee County. According to the Planning Department, 636 acres remain for residential acreage. The companion zoning request (DCI2022-00067) includes 368 acres of residential development. Therefore, sufficient acreage is allocated for the proposed development.

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.

The companion zoning request (DCI2022-00067) will allow for a compact development pattern in an area intended for low-density development and will maintain a rural community character, in direct compliance with this and other policies in the Lee Plan. As outlined in detail within the application, the project provides for compatibility with the surrounding low-density residential development and agricultural uses. Development within the project is clustered primarily within existing uplands and provides for 60 percent open space, representing a compact development footprint, while also maintaining a rural residential density. The recently approved Owl Creek RPD extended the utility service areas to the western boundary of the subject property. As a result, this RPD makes efficient use of this planned extension of infrastructure and eliminates development patterns dependent on well and septic.

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 §163.3164, Fla. Stat.) will be granted only when consistent with the provisions of §163.3202(2)(g) and § 163.3180, Fla. Stat. and the concurrency requirements in the LDC.

The Property is contiguous to developed or developing properties in the Northeast Lee County community, representing logical and efficient growth within the Rural FLUC. The attached letters of availability demonstrate there is sufficient capacity in all regulatory LOS facilities to provide public services to support the proposed density. Additionally, the attached Public Infrastructure Map demonstrates the Property is in the vicinity of adequate public facilities and public investment. Therefore, the proposed amendment and rezoning fully comply with the above policy's intent to direct new growth to areas of the County where adequate public facilities exist or are assured and where compact development patterns can be created.

OBJECTIVE 4.1: WATER, SEWER, AND ENVIRONMENTAL STANDARDS. Consider water, sewer, and environmental standards during the rezoning process. Ensure the standards are met prior to issuing a local development order.

STANDARD 4.1.1: WATER.

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.

A letter of availability dated 11/28/2022 was provided by Lee County Utilities identifying the facility's capacity for the development of projected water and sewer demand.

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

The proposed waterline extensions shall be designed to meet minimum fire flows and provide adequate domestic service water flows as required by the Florida Administrative Code.

6. If a development lies outside any service area as described above, the developer may:

- ***request that the service area of Lee County Utilities or an adjacent water utility be extended to incorporate the property;***
- ***establish a community water system for the development; or***

- ***develop at an intensity that does not require a community water system.***

  The Property is immediately adjacent to the Lee County Utilities Service Area and while the companion rezoning application proposes a density below 2.5 dwelling units per acre, the incorporation of the Property into Map 4A facilitates benefits to the natural resources in the area. The proposed community design provides for a compact form of development which provides significant preservation, creation and restoration of rare and unique uplands, and wetland and floodplain preservation while also removing the potential for up to 788 private wells.

STANDARD 4.1.2: SEWER.

4. If a new development is located in a certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 4-B), and the utility cannot provide the service, or cannot provide the service except at a clearly unreasonable cost to the developer, the developer may establish on a temporary basis a self-provided sanitary sewer facility for the development, to be abated when the utility extends service to the site. The developer may also petition the appropriate regulatory agency to contract the service area of the utility in order that another utility may be invited to provide the service.

5. If a development lies outside any service area as described above, the developer may:

- ***request that the service area of Lee County Utilities or an adjacent sewer utility be expanded to incorporate the property;***
- ***establish a self-provided sanitary sewer system for the development;***
- ***develop at an intensity that does not require sanitary sewer service; or***
- ***if no more than 5000 gallons of effluent per day per parcel is produced, an individual sewage disposal system per Fla. Admin. Code R. 64E-6 may be utilized, contingent on approval by all relevant authorities.***

The Property is outside the current service area and while the companion rezoning application proposes a density below 2.5 dwelling units per acre, the incorporation of the Property into Map 4B facilitates benefits to the natural resources in the area. The proposed community design provides for a compact form of development which provides significant preservation, creation and restoration of rare and unique uplands, and wetland and floodplain preservation while also removing the potential for up to 788 septic systems.

The Applicant has also explored the potential to connect to alternative providers. The Property is also in the vicinity of the FGUA franchise area, however, the utility cannot provide service except at a clearly unreasonable cost to the applicant. Therefore, connection to the LCU system for sanitary sewer is the most cost-effective option for the applicant.

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

While portions of the Property are located in the Coastal High Hazard Area (CHHA), the proposed RPD preserves the floodway and floodplain surrounding Trout Creek. The proposed RPD protects against impacts from coastal flooding by providing storage within the surface water management system and the protection of 420 acres of wetland and upland preservation. The RPD does not propose to exceed allowable maximum density permitted by the underlying FLUCs. Additionally, impacts to hurricane shelters will be addressed through the impact mitigation requirements in LDC Section 2-485 at the time of local development order.

POLICY 17.3.2: One public information meeting is required for privately-initiated applications that propose a text change within a community plan or revises a map designation within a community plan area boundary. The meeting must be conducted before the application can be found complete.

POLICY 17.3.3: Public information meetings required pursuant to the provisions of this subelement must be held within the established community plan area boundary that is affected by the amendment.

Pursuant to Policies 17.3.2, 17.3.3, and 27.1.8, two public information meetings were held related to this request and the companion zoning request (DCI2022-00067). The first meeting was held in North Olga on January 26, 2023, and the meeting summary has been added to the revised Exhibit M20. The second meeting was held in Alva on March 14, 2023. A summary of these meetings is attached with Exhibit M20.

POLICY 53.1.8: The costs of new or augmented potable water infrastructure that is developed by Lee County will be borne by those who benefit from the improved supply.

POLICY 53.1.9: New development will pay through appropriate financial mechanisms its fair share of the costs of providing standard potable water for that development.

The proposed expansion of potable water service will be through developer funded improvements. The cost extend infrastructure to the Property will not be borne by Lee County.

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

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

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

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

The companion zoning request (DCI2022-00067) includes significant preservation areas which will maintain existing flowways and associated habitats to the maximum extent practicable.

POLICY 61.1.6: When and where available, reuse water should be the first option for meeting irrigation needs of a development. Where reuse water is not available, surface water or low-quality groundwater should be utilized for irrigation. All other potential water sources must be eliminated prior to selecting potable water as the sole source for meeting the irrigation needs of a development. New developments will coordinate with County staff regarding the source of irrigation water.

Surface water will be used for all irrigation of landscaping within the community. The proposed community will not use potable water provided as a result of this amendment for irrigation purposes.

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)

The attached letters of availability demonstrate adequate public facilities for all regulatory LOS standards. As noted in this policy, only regulatory LOS standards are used for determining adequacy of public facilities for the purposes of permitting new development. The Applicant along with the County will continue to monitor fire and EMS LOS as the project proceeds through the permitting process and utilize this information for facility planning purposes.

POLICY 95.3.3: Financing of public facilities and services will utilize appropriate revenue sources. The cost for the provision and expansion of services and facilities will be borne primarily by those who benefit, using funding mechanisms such as

impact fees, special taxing or benefit districts, community development districts, dedication of land and facilities, in-lieu-of fees, and capital construction, operation, and maintenance funds.

The proposed extension of water and sanitary sewer services to the Property will be privately funded by the development.

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

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

Impacts to hurricane evacuation times will be addressed through the impact mitigation requirements in LDC Section 2-485(c) at the time of local development order.

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

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

The proposed development is limited to very low density residential uses. Density is calculated at 1 du/20 acres in all wetlands proposed to be impacted in accordance with table 1(a). Densities from preserved wetlands are transferred to developable contiguous uplands under common ownership at 1 dwelling unit per acre, consistent with the maximum allowable density for the adjacent Rural Future Land Use Category as identified in this policy and Table 1(a) Note 8.

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

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

Wetland limits were reviewed and approved on a portion of the Property by SFWMD as part of Application No. 080519-3 on September 3 and 5, 2008, however, the ERP was eventually withdrawn. A condition is proposed in the companion rezoning request which requires that construction may not commence until an ERP is obtained to authorize any impacts to wetlands proposed by the MCP.

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

Density is calculated at 1 du/20 acres in all wetlands proposed to be impacted in accordance with table 1(a). Densities from preserved wetlands are transferred to developable contiguous uplands under common ownership at 1 dwelling unit per acre, consistent with the maximum allowable density for the adjacent Rural Future Land Use Category as identified in this policy and Table 1(a) Note 8.

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

Incorporation of the Property into Map 4A and Map 4B removes the potential for groundwater withdrawals and potential impacts from up to 788 private wells and septic systems.

II. **State Comprehensive Plan Consistency**

The Community Planning Act of 2011 (HB7207) removed the requirement to address consistency with the local comprehensive plan and state comprehensive plan, however, the proposed amendment is consistent with the State Comprehensive Land Use Plan's intent to ensure the protection of natural resources. Specifically, the amendment is consistent with the following guiding policies:

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.

(b) Policies.—

1. ***Promote state programs, investments, and development and redevelopment activities which encourage efficient development and occur in areas which will have the capacity to service new population and commerce.***
2. ***Develop a system of incentives and disincentives which encourages a separation of urban and rural land uses while protecting water supplies, resource development, and fish and wildlife habitats.***

As identified in the attached letter of availability there is service capacity in place to serve the project in terms of potable water and sanitary sewer service. The proposed amendment does not affect the capacity to serve solid waste, law enforcement, fire, parks, and school services for the development.

No changes to the current, Rural Future Land Use Category of the subject property are proposed and the proposed density is consistent with the allowable density in the Lee Plan. Therefore, the proposed extension of water and sewer services supports rural land uses while also reducing the need for individual well and septic systems for the Cary+Duke+Povia RPD.

187.201 (17) PUBLIC FACILITIES.—

(a) Goal.—Florida shall protect the substantial investments in public facilities that already exist and shall plan for and finance new facilities to serve residents in a timely, orderly, and efficient manner.

(b) Policies.—

1. **Provide incentives for developing land in a way that maximizes the uses of existing public facilities.**
3. **Allocate the costs of new public facilities on the basis of the benefits received by existing and future residents.**

The proposed extension of services will provide service to residents concurrently with new development. Additional planned extensions of service are planned for the adjacent Owl Creek Reserve RPD to the west of the subject property. The extension also supports the companion rezoning request which will allow for the creation of additional dwelling units through a clustered community design with significant preservation areas on site.

The proposed extension of water and sewer services to the Cary+Duke+Povia RPD will be privately funded by the developer.

III. Regional Policy Plan Consistency

The proposed amendment is consistent with the Southwest Florida Regional Policy Plan (SWFRPP) as follows:

Water Resources

Goal 3: Water Management Districts and local governments must have programs based on scientific modeling to protect surface water, potable water wells, wellfields and contributing areas from contamination.

The proposed map amendment will result in a reduction in the number of private wells servicing the potable water needs in this area allowing for more frequent maintenance and monitoring of water quality and quantity to protect against surface water contamination.

Environmental Impacts Analysis (EXHIBIT M12)

CARY + DUKE + POVIA RPD
ENVIRONMENTAL ASSESSMENT

April 2023

Prepared For:

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Project No. 22NCC3903

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INTRODUCTION

An environmental assessment was conducted on Cary + Duke + Povia RPD (Project) to document existing land uses and vegetative cover; document the presence of state jurisdictional wetlands; research any potential utilization by wildlife and plant species listed by the Florida Fish and Wildlife Conservation Commission (FWCC), the Florida Department of Agriculture and Consumer Services (FDACS), and the U.S. Fish and Wildlife Services (USFWS) as Threatened, Endangered, or Species of Special Concern; and document listed species utilization within the Project site. The assessment included field surveys to map vegetation communities, an official review of agency records for documented occurrences of listed species on the property, and field surveys to document listed species utilization within the Project. This report summarizes the results of the environmental assessment.

The Project totals 788.96± acres and is located in Sections 16 and 17, Township 43 South, Range 26 East, Lee County (Figure 1). The Project site is surrounded by agricultural lands, undeveloped forested lands, and low-density single-family residential housing (Exhibit 1).

The property consists of improved pasture and forested areas. Two tributaries of the Caloosahatchee River are located on the Project site. Trout Creek bisects the property on the western portion of the Project site. Otter Creek, which has historically been channelized, is located on the eastern portion of the Project site.

LAND USES AND VEGETATION ASSOCIATIONS

Vegetation and land cover mapping for the Project was conducted using Lee County 2021 rectified aerials. Groundtruthing of the vegetative communities was conducted on April 27, 28, and 29; May 3; and October 11 and 12, 2022 utilizing the Florida Land Use, Cover and Forms Classification System (FLUCFCS) Level III (Florida Department of Transportation 1999). Level IV FLUCFCS was utilized to denote disturbance and hydrologic conditions. Exotic or "E" codes were used to identify levels of exotic and invasive vegetation (e.g., Brazilian pepper (*Schinus terebinthifolia*), melaleuca (*Melaleuca quinquenervia*), and bamboo (*Bambusa vulgaris*)). AutoCAD 3D 2021 software was used to determine the acreage of each mapping area, produce summaries, and generate the FLUCFCS and Wetlands Map for the Project (Exhibit 2). An aerial photograph of the property with an overlay of the FLUCFCS and Wetlands Map is provided as Exhibit 3.

A total of 41 vegetative and land cover types (i.e., FLUCFCS codes) were identified within the Project site. The site contains disturbed native wetland systems including mixed wetland hardwoods, wetland shrub, and freshwater marsh. The on-site wetland habitats have been disturbed by ditching and exotic infestation. Additionally, two rare and unique upland habitat types exist in the northeast portion of the Project site: Live Oak, Disturbed (FLUCFCS Code 4279 E1, E2, and E3) and Cabbage Palm, Disturbed (FLUCFCS Code 4289 E2). A summary of the FLUCFCS codes with acreage breakdown and description of each FLUCFCS is presented in Exhibit 4.

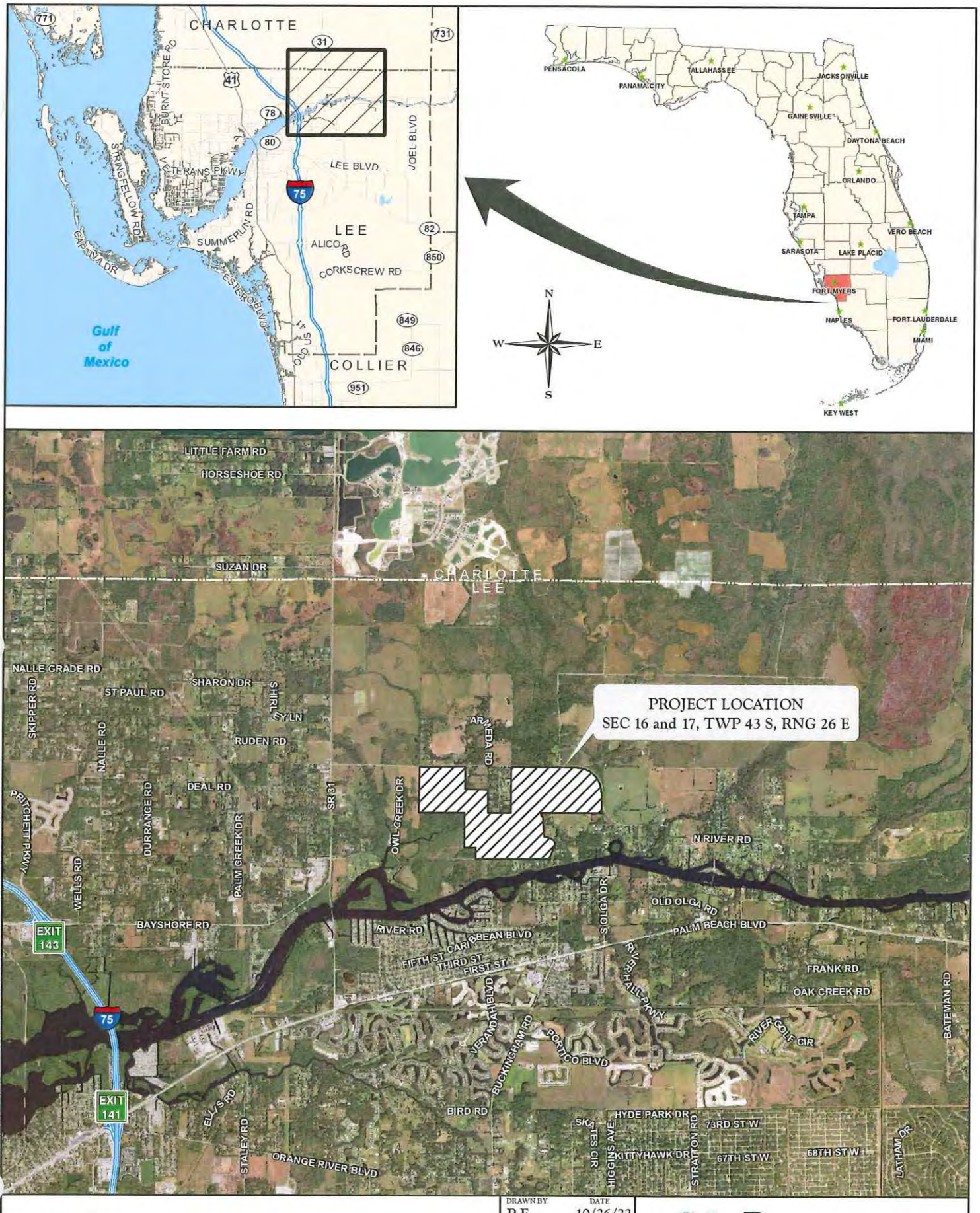


FIGURE 1. PROJECT LOCATION MAP
CARY + DUKE + POVIA RPD

DRAWN BY	DATE
P.F.	10/26/22
REVIEWED BY	DATE
B.B.	10/26/22
REVISED	DATE
R.F.	03/14/23

PASSARELLA & ASSOCIATES, INC. Consulting Ecologists

SOILS

The soils for the property, per the Natural Resources Conservation Service (formerly the Soil Conservation Service), are shown on Exhibit 5. A brief description for each soil type per the Soil Survey of Lee County, Florida (U.S. Department of Agriculture 1984 & 2020) is presented in Exhibit 6.

JURISDICTIONAL WETLANDS

The jurisdictional wetlands and "other surface waters" (OSWs) by FLUCFCS code are summarized in Table 1. South Florida Water Management District (SFWMD) jurisdictional wetlands constitute 70.29± acres or approximately 8.9 percent of the Project site. SFWMD jurisdictional OSWs constitute 18.10± acres or approximately 2.3 percent of the Project site.

Table 1. SFWMD Wetland and OSW Acreages by FLUCFCS Code

FLUCFCS Code	Description	Acreage
Wetlands		
262	Low Pasture	44.83
4221	Brazilian Pepper, Hydric	1.03
4281 E1	Cabbage Palm, Disturbed, Hydric (0-24% Exotics)	0.69
4281 E2	Cabbage Palm, Disturbed, Hydric (25-49% Exotics)	0.60
4281 E3	Cabbage Palm, Disturbed, Hydric (50-75% Exotics)	0.39
4291 E1	Wax Myrtle, Disturbed, Hydric (0-24% Exotics)	0.33
6189 E2	Willow, Disturbed (25-49% Exotics)	<0.01
6219 E1	Cypress, Disturbed (0-24% Exotics)	1.69
6219 E2	Cypress, Disturbed (25-49% Exotics)	1.85
6309 E1	Wetland Forested Mixed, Disturbed (0-24% Exotics)	1.67
6309 E2	Wetland Forested Mixed, Disturbed (25-49% Exotics)	3.59
6309 E3	Wetland Forested Mixed, Disturbed (50-75% Exotics)	3.42
6309 E4	Wetland Forested Mixed, Disturbed (76-100% Exotics)	1.70
6319 E4	Wetland Shrub, Disturbed (76-100% Exotics)	1.08
6419 E3	Freshwater Marsh, Disturbed (50-75% Exotics)	3.65
6419 E4	Freshwater Marsh, Disturbed (76-100% Exotics)	3.75
Wetlands Total		**70.29**
OSWs		
510	Streams and Waterways	8.82
514	Ditch	5.34
525	Cattle Pond	3.94
OSWs Total		**18.10**

The prominent wetland features consist of low pasture, wetland forested mixed, freshwater marsh, cypress, and wetland shrub scattered throughout the Project site. In addition, the OSWs mapped on the property include ditching, cattle ponds, and two tributaries of the Caloosahatchee River. A U.S. Geological Survey quadrangle map is provided as Exhibit 7.

LISTED SPECIES

Listed wildlife species as listed by the FWCC and the USFWS that have the potential to occur on the Project site are listed in Table 2 (FWCC 2022 and USFWS 1999). Listed plant species as listed by the FDACS and the USFWS (FDACS Chapter 5B-40) that have the potential to occur on the Project site are listed in Table 3. Information used in assessing the potential occurrence of these species included the Lee County Land Development Code, Field Guide to the Rare Plants of Florida (Chafin 2000), Atlas of Florida Vascular Plants (Wunderlin 2004), and professional experience and knowledge of the geographic region. In addition, FWCC and USFWS records for documented listed species were reviewed for listed species records on or adjacent to the property (Exhibit 8).

Table 2. Listed Wildlife Species That Could Potentially Occur Within the Project

Common Name	Scientific Name	Designated Status		Potential Habitats (FLUCFCS Code)
		FWCC	USFWS	
Amphibians				
Gopher frog	*Lithobates capito*	*	-	3219, 4119, 6129, 6309
Reptiles				
American alligator	*Alligator mississippiensis*	FT(S/A)	FT(S/A)	510, 514, 525, 6189, 6219, 6309, 6419
Eastern indigo snake	*Drymarchon corais couperi*	FT	FT	3219, 4119, 4279, 4281, 4289
Gopher tortoise	*Gopherus polyphemus*	ST	-	110, 211, 213, 3219, 4119, 422, 4279, 4349, 740, 743, 747, 814
Birds				
Crested caracara	*Caracara cheriway*	FT	FT	211, 213, 262, 3219, 4279, 4281, 4289
Everglade snail kite	*Rostrhamus sociabilis plumbeus*	FE	FE	262, 6419
Florida burrowing owl	*Athene cunicularia floridana*	ST	-	110, 211, 213, 740, 743, 747
Florida sandhill crane	*Grus canadensis pratensis*	ST	-	211, 262, 3219, 6419
Limpkin	*Aramus guarauna*	*	-	510, 514, 525, 6219, 6309, 6419

Table 2. (Continud)

Common Name	Scientific Name	Designated Status		Potential Habitats (FLUCFCS Code)
		FWCC	USFWS	
Little blue heron	*Egretta caerulea*	ST	-	262, 4291, 510, 514, 525, 6189, 6219, 6309, 6319, 6419
Red-cockaded woodpecker	*Picoides borealis*	FE	FE	4119
Roseate spoonbill	*Ajaia ajaja*	ST	-	510, 514, 525
Snowy egret	*Egretta thula*	*	-	262, 4291, 510, 514, 525, 6189, 6219, 6309, 6319, 6419
Southeastern American kestrel	*Falco sparverius paulus*	ST	-	3219, 4119
Tri-colored heron	*Egretta tricolor*	ST	-	262, 4291, 510, 514, 525, 6189, 6219, 6309, 6319, 6419
Wood stork	*Mycteria americana*	FT	FT	525, 6219, 6309, 6419
Mammals				
Big cypress fox squirrel	*Sciurus niger avicennia*	ST	-	4119, 6215, 6219, 6309
Florida black bear	*Ursus americanus floridanus*	*	-	3219, 4119, 4279, 4281, 4289, 4349, 6215, 6309, 6319
Florida bonneted bat	*Eumops floridanus*	FE	FE	4119, 4349,
Florida Panther	*Puma concolor coryi*	FE	FE	211, 4119, 4279, 4281, 4289, 4349, 6215, 6219, 6309, 6319

FWCC – Florida Fish and Wildlife Conservation Commission
USFWS – U.S. Fish and Wildlife Service
FE – Federally Endangered
FT – Federally Threatened
FT(S/A) – Federally Threatened due to similarity of appearance
ST – State Threatened
*No longer listed by the FWCC; however, specific protection measures still apply

Table 3. Listed Plant Species That Could Potentially Occur Within the Project

Common Name	Scientific Name	Designated Status		Potential Location (FLUCFCS Code)
		FDACS	USFWS	
Curtis's milkweed	*Asclepias curtissii*	E	-	3219
Fakahatchee burmannia	*Burmania flava*	E	-	3219, 4119
Satinleaf	*Chrysophyllum oliviforme*	T	-	4119
Beautiful pawpaw	*Deeringothamnus pulchellus*	E	E	3219, 4119
Florida coontie	*Zamia floridana*	CE	-	3219, 4119
Twisted airplant	*Tillandsia flexuosa*	T	-	4279, 6189

Table 3. (Continud)

Common Name	Scientific Name	Designated Status		Potential Location (FLUCFCS Code)
		FDACS	USFWS	
Simpson's stopper	*Myrcianthes fragrans* var. *simpsonii*	T	-	4279, 4281, 4289
Hand adder's tongue fern	*Ophioglossum palmatum*	E	-	4279

FDACS – Florida Department of Agriculture and Consumer Services
USFWS – U.S. Fish and Wildlife Service
CE – Commercially Exploited
E – Endangered
T – Threatened

Gopher Frog (*Lithobates capito*)
The gopher frog could potentially occur within the native uplands on the Project site. The gopher frog is typically found in association with populations of gopher tortoise (*Gopherus polyphemus*).

American Alligator (*Alligator mississippiensis*)
The American alligator could potentially occur within the ditches, stream, cattle pond, and native herbaceous wetlands within the site.

Eastern Indigo Snake (*Drymarchon corais couperi*)
The Eastern indigo snake could potentially occur within the native uplands on the Project site. The Eastern indigo snake is typically found in association with populations of gopher tortoise.

Gopher Tortoise (*Gopherus polyphemus*)
Potential habitat for gopher tortoise on the Project site includes pasture areas, upland pine (*Pinus* sp.) flatwoods, palmetto prairies, disturbed land, and spoil piles.

Crested Caracara (*Caracara cheriway*)
Potential foraging habitat for the crested caracara on the Project site includes pasture areas, cabbage palm, and palmetto prairies. Its primary habitat in Florida is native prairie with associated marshes, cabbage palm (*Sabal palmetto*), and cabbage palm/live oak (*Quercus virginiana*) hammocks (Rodgers et al. 1996).

Everglade Snail Kite (*Rostrhamus sociabilis plumbeus*)
Potential foraging habitat for the Everglade snail kite includes ditches, cattle ponds, low pasture, and freshwater marsh.

Florida Burrowing Owl (*Athene cunicularia floridana*)
Potential Florida burrowing owl habitat exists within the upland pastures and disturbed areas within the Project site.

Florida Sandhill Crane (*Grus canadensis pratensis*)
Potential foraging habitat for the Florida sandhill crane may exist within the Project's upland pastures, palmetto prairies, freshwater marsh, and low pasture. Preferred sandhill crane habitat

includes prairies and shallow marshes dominated by pickerelweed (*Pontederia cordata*) and maidencane (*Panicum hemitomon*).

Little Blue Heron (*Egretta caerulea*), Tri-Colored Heron (*Egretta tricolor*), and other wading birds
Potential foraging habitat for state-listed and other wading birds within the Project site includes the forested and herbaceous wetlands, as well as the ditches, stream, and cattle pond.

Red-Cockaded Woodpecker (*Picoides borealis*)
Potential habitat for the red-cockaded woodpecker on the Project site includes the pine flatwoods habitat.

Roseate Spoonbill (*Ajaia ajaja*)
Potential habitat for the roseate spoonbill on the Project site includes freshwater marsh habitat, as well as the ditches, stream, and cattle pond.

Southeastern American Kestrel (*Falco sparverius paulus*)
Potential foraging habitat for the Southeastern American kestrel on the Project site may exist within the pine flatwoods and palmetto prairie. Since 1980, observations of Southeastern American kestrel in Florida have occurred primarily in sandhill or sand pine (*Pinus clausa*) scrub areas of North and Central Florida (Rodgers *et al.* 1996).

Wood Stork (*Mycteria americana*)
Potential wood stork foraging habitat within the Project site includes forested and herbaceous wetlands, as well as the ditches, stream, and cattle pond. Almost any wetland depression where fish tend to become concentrated, either through local reproduction by fish or as a consequence of area drying, may be good for feeding habitat (Rodgers *et al.* 1996).

Big Cypress Fox Squirrel (*Sciurus niger avicennia*)
Potential nesting and foraging habitat on the Project site for the Big Cypress fox squirrel includes the pine flatwoods, hardwood/conifer, and mixed wetland forest. Dense interiors of mixed cypress-hardwood strands seem to be avoided by fox squirrels (Moler 1992).

Florida Black Bear (*Ursus americanus floridanus*)
Potential habitat for the Florida black bear includes the native upland and wetland forested habitats on the Project site.

Florida Bonneted Bat (*Eumops floridanus*)
Florida bonneted bats could potentially roost within the forested upland and wetland habitats on the Project site, and/or forage over the herbaceous wetlands and open water areas. The Florida bonneted bat is known to occur in cities and forested areas on both the east and west coasts of South Florida from Charlotte County to Palm Beach County (Marks and Marks 2006; Humphrey 1992).

Florida Panther (*Puma concolor coryi*)
The Project is not located within the Florida panther primary or secondary zones (Kautz et al. 2006); however, telemetry points from radio-collared panthers have been recorded by the FWCC

near the property (Exhibit 8). Potential habitat for the Florida panther includes the native upland and forested wetland habitats on the Project site.

A Lee County protected species survey was conducted on the Project site on April 27, 28, 29, May 3, and October 11, 12, 2022. A total of 137 gopher tortoise burrows, 2 American alligators and 2 alligator nests, 1 Everglade snail kite, 5 wood storks, 2 adult crested caracaras, 1 juvenile crested caracara, 4 adult Florida sandhill cranes, 1 juvenile Florida sandhill crane, 6 little blue herons, 6 tri-colored herons, 1 juvenile bald eagle (*Haliaeetus leucocephalus*), and 3 snowy egrets were observed on the Project site during the protected species survey.

The two adult and one juvenile crested caracara were recorded utilizing multiple parts of the Project site. A dilapidated crested caracara nest located in a cabbage palm was documented on the northwest portion of the Project site. No crested caracaras were observed utilizing the nest during the protected species survey or other fieldwork. The nest is in disrepair and has become further degraded since Hurricane Ian in late September 2022.

Two adult and one juvenile Florida sandhill crane were documented within the northwestern portion of the Project during the April 2022 survey dates. Two adult Florida sandhill crane were recorded utilizing multiple parts of the Project site during the October 2022 survey dates. No Florida sandhill nesting activity was observed during the protected species survey or other fieldwork.

The snail kite is listed as endangered by the USFWS. The wood stork and crested caracara are listed as threatened by the USFWS. The gopher tortoise, Florida sandhill crane, little blue heron, and tri-colored heron are listed as threatened by the FWCC. The American alligator is listed as threatened by FWCC due to similarity of appearance to the American crocodile (*Crocodylus acutus*) (FWCC 2022). The snowy egret is not listed by the USFWS or the FWCC but is a designated Lee County protected species.

No Lee County protected plant species were observed on the property during the protected species survey. However, scattered occurrences of state-listed plant species were documented, including royal palm (*Roystonea regia*), golden leather fern (*Acrostichum aureum*), giant wild pine (*Tillandsia utriculata*), and Florida butterfly orchid (*Encyclia tampensis*). The royal palm and the giant wild pine are listed as endangered by the FDACS. The golden leather fern is listed as threatened by the FDACS. The Florida butterfly orchid is listed as commercially exploited by the FDACS. There were no federally listed plant species documented during the protected species survey.

A summary of the listed wildlife species, their sign (i.e., burrows), and listed plant species observed and documented within the Project are provided in Tables 4 and 5. The locations of the observed listed wildlife species are depicted in Exhibit 9.

Table 4. Listed Wildlife Species Observed

Common Name	Scientific Name	Designated Status		Observed Location (FLUCFCS Code)
		FWCC	USFWS	
Reptiles				
American alligator	*Alligator mississippiensis*	ST (SA)	FT (SA)	525, 6309 E2
Gopher tortoise (burrow)	*Gopherus polyphemus*	ST	-	211, 213, 4119 E1, 422, 740, 743
Birds				
Bald Eagle	*Haliaeetus leucocephalus*	*	*	213
Crested caracara	*Caracara cheriway*	FT	FT	211, 213, 262, 4279 E1
Everglade snail kite	*Rostrhamus sociabilis plumbeus*	FE	FE	211
Florida sandhill crane	*Grus canadensis pratensis*	ST	-	211, 6419 E4
Snowy egret	*Egretta thula*	**	**	262, 510, 525
Tri-colored heron	*Egretta tricolor*	ST	-	262, 6419 E4, 747, 814
Wood stork	*Mycteria americana*	FT	FT	262

FWCC – Florida Fish and Wildlife Conservation Commission
USFWS – U.S. Fish and Wildlife Service
FT – Federally Threatened
ST – State Threatened
SA – Similar Appearance
*Lee County Protected Species
** No longer listed by the FWCC; however, specific protection measures still apply

Table 5. Listed Plant Species Observed

Common Name	Scientific Name	Designated Status		Observed Location (FLUCFCS Code)
		FDACS	USFWS	
Florida butterfly orchid	*Encyclia tampensis*	CE	-	4279 E1
Giant wild pine	*Tillandsia utriculata*	E	-	747
Golden leather fern	*Acrostichum aureum*	T	-	6309 E3
Royal palm	*Roystonea regia*	E	-	6219 E1

FDACS – Florida Department of Agriculture and Consumer Services
USFWS – U.S. Fish and Wildlife Service
CE – Commercially exploited
E – Endangered
T - Threatened

SUMMARY

A total of 41 vegetative and land cover types (i.e., FLUCFCS codes) were identified within the Project site. SFWMD jurisdictional wetlands constitute 70.29± acres or approximately 8.9 percent

of the Project site. SFWMD jurisdictional OSWs constitute 18.10± acre or approximately 2.3 percent of the Project site. The OSW acreage includes two tributaries of the Caloosahatchee River. One tributary is located in the central portion of the site and consists a natural stream. The second tributary is located in the eastern portion of the site and has been significantly augmented (i.e., relocated and channelized) as part of past agricultural activities.

A Lee County protected species survey was conducted on the Project site on April 27, 28, 29, May 3, and October 11, 12, 2022. A total of 137 gopher tortoise burrows, 2 American alligators and 2 alligator nests, 1 Everglade snail kite, 5 wood storks, 2 adult crested caracaras, 1 juvenile crested caracara, 4 adult Florida sandhill cranes, 1 juvenile Florida sandhill crane, 6 little blue herons, 6 tri-colored herons, 1 juvenile bald eagle, and 3 snowy egrets were observed on the Project site during the protected species survey. The snail kite is listed as endangered by the USFWS. The wood stork and crested caracara are listed as threatened by the USFWS. The gopher tortoise, Florida sandhill crane, little blue heron, and tri-colored heron are listed as threatened by the FWCC. The American alligator is listed as threatened by FWCC due to similarity of appearance to the American crocodile. The snowy egret is not listed by the USFWS or the FWCC but is a designated Lee County protected species.

No Lee County protected plant species were observed on the property during the protected species survey. However, scattered occurrences of state-listed plant species were documented, including royal palm (*Roystonea regia*), golden leather fern (*Acrostichum aureum*), giant wild pine (*Tillandsia utriculata*), and Florida butterfly orchid (*Encyclia tampensis*). The FDACS lists the royal palm and the giant wild pine as endangered, the golden leather fern as threatened, and the Florida butterfly orchid as commercially exploited. There were no federally listed plant species documented during the protected species survey.

REFERENCES

Chafin, Linda G. 2000. Field Guide to the Rare Plants of Florida. Florida Natural Areas Inventory. Tallahassee, Florida.

Florida Department of Agriculture and Consumer Services. Florida's Federally Listed Plant Species. Chapter 5B-40, F.A.C.

Florida Department of Transportation. 1999. Florida Land Use, Cover and Forms Classification System. Procedure No. 550-010-001-a. Third Edition.

Florida Fish and Wildlife Conservation Commission. 2022. Florida's Endangered Species, Threatened Species and Species of Special Concern. Official Lists. Florida Fish and Wildlife Conservation Commission. Tallahassee, Florida.

Humphrey, Stephen R. 1992. Rare and Endangered Biota of Florida; Volume I. Mammals. University Press of Florida, Gainesville, Florida. 392 pages.

Kautz, R., R. Kawula, T. Hoctor, J. Comiskey, D. Jansen, D. Jennings, J. Kasbohm, F. Mazzotti, R. McBride, L. Richardson, K. Root. 2006. How much is enough? Landscape-scale conservation for the Florida panther. Biological Conservation, Volume 130, Issue 1, Pages 118-133.

Marks, C.S. and G.E. Marks. 2006. Bats of Florida. University Press of Florida, Gainesville, Florida.

Moler, P.E. 1992. Rare and Endangered Biota of Florida. Volume III. Amphibians and Reptiles. University Press of Florida, Gainesville, Florida.

Rodgers, J.A, H.W. Kale, and H.T. Smith. 1996. Rare and Endangered Biota of Florida. Volume V. Birds. University Press of Florida, Gainesville, Florida.

U.S. Department of Agriculture, Soil Conservation Service. 1984. Soil Survey of Lee County, Florida.

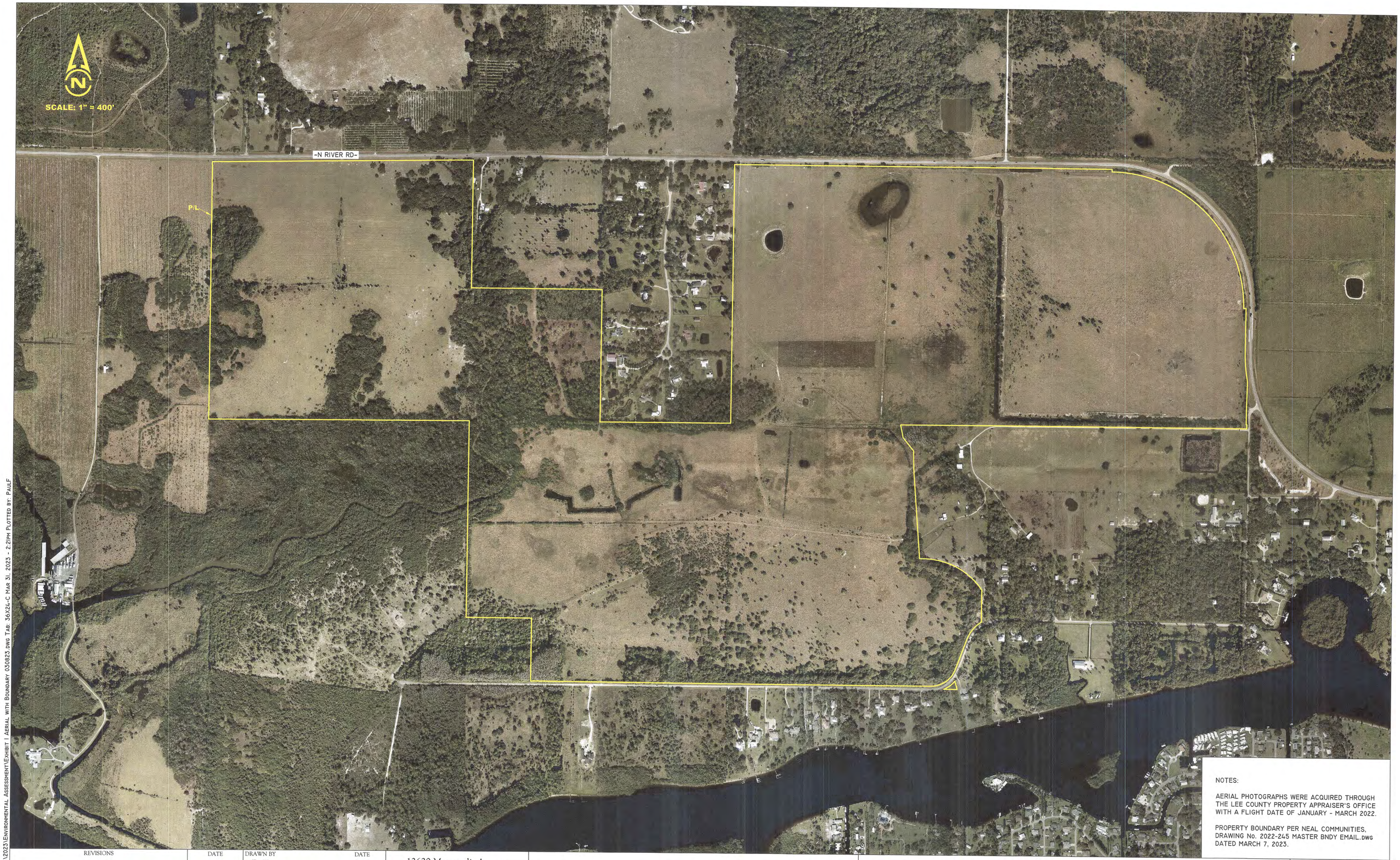
U.S. Department of Agriculture, Soil Conservation Service. 2020. Soil Survey of Lee County, Florida.

U.S. Fish and Wildlife Service. 1999. Multi-Species Recovery Plan for South Florida. U.S. Fish and Wildlife Service, Vero Beach, Florida.

Wunderlin, R. P., and B. F. Hansen. 2004. *Atlas of Florida Vascular Plants.* (http://www.plantatlas.usf.edu/).] Institute for Systematic Botany, University of South Florida, Tampa.

EXHIBIT 1

AERIAL WITH BOUNDARY



NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF JANUARY - MARCH 2022.

PROPERTY BOUNDARY PER NEAL COMMUNITIES, DRAWING No. 2022-245 MASTER BNDY EMAIL.DWG DATED MARCH 7, 2023.

REVISIONS	DATE
Revised project name	12/02/22
Revised boundary	03/07/23

		DATE
DRAWN BY	R.F.	11/29/22
DESIGNED BY	B.B.	11/29/22
REVIEWED BY	B.B.	11/29/22

13620 Metropolis Avenue
Suite 200
Ft. Myers, FL 33912
Phone (239) 274-0067
Fax (239) 274-0069

Consulting Ecologists
PASSARELLA & ASSOCIATES INC

CARY + DUKE + POVIA RPD

AERIAL WITH BOUNDARY

DRAWING No. 22NCC3903

SHEET No. EXHIBIT 1

J:\2022\22ncc3903\20231\Environmental Assessment\Exhibit 1 Aerial with Boundary 030823.dwg Tab: 36x24-C Mar 31, 2023 - 2:21pm Plotted by: PaulF

EXHIBIT 2

FLUCFCS AND WETLANDS MAP

SCALE: 1" = 400'

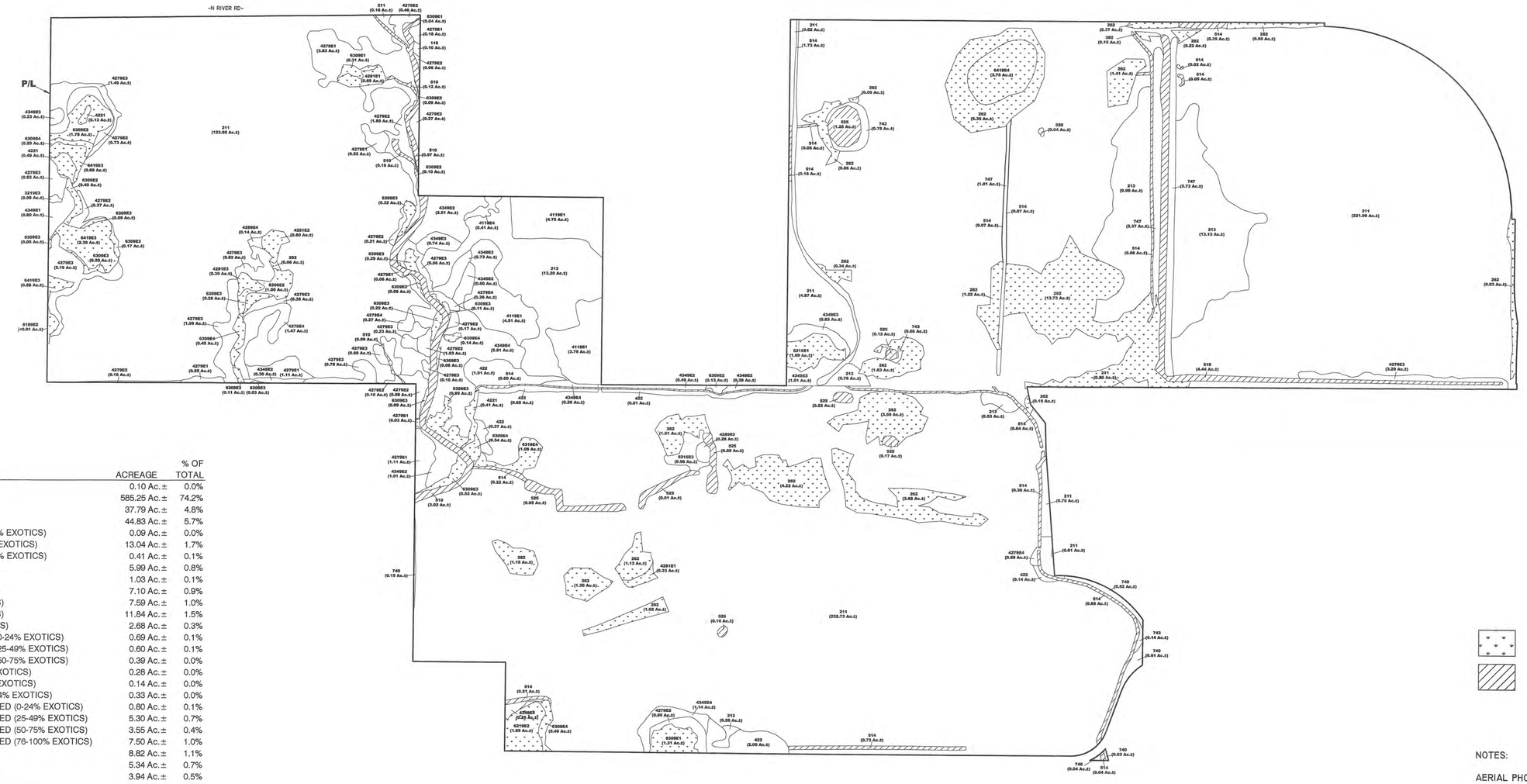

-N RIVER RD-
P/L
211 (123.90 Ac.±)
211 (221.09 Ac.±)
211 (233.73 Ac.±)
213 (13.30 Ac.±)
213 (13.13 Ac.±)
262 (44.83 Ac.±)
4119E1 (4.75 Ac.±)
4119E1 (3.76 Ac.±)
4119E4 (0.41 Ac.±)
4119E1 (4.51 Ac.±)
641983 (2.30 Ac.±)
641984 (3.79 Ac.±)
6309E3 (0.52 Ac.±)
6309E2 (0.40 Ac.±)
6309E2 (0.10 Ac.±)
6309E1 (0.04 Ac.±)
6309E1 (0.21 Ac.±)
6309E3 (0.09 Ac.±)
6309E3 (0.17 Ac.±)
6309E3 (0.30 Ac.±)
6309E2 (1.00 Ac.±)
6309E3 (0.28 Ac.±)
6309E4 (0.49 Ac.±)
6309E3 (0.11 Ac.±)
6309E3 (0.03 Ac.±)
6309E3 (0.09 Ac.±)
6309E2 (0.09 Ac.±)
6309E3 (0.32 Ac.±)
6309E3 (0.29 Ac.±)
6309E2 (0.06 Ac.±)
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6309E3 (0.06 Ac.±)
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6309E3 (0.11 Ac.±)
6309E4 (0.14 Ac.±)
6309E3 (0.09 Ac.±)
6309E3 (0.52 Ac.±)
6309E3 (0.13 Ac.±)
6309E2 (0.39 Ac.±)
6309E4 (0.34 Ac.±)
6309E4 (0.49 Ac.±)
6309E1 (1.31 Ac.±)
4279E3 (1.49 Ac.±)
4279E2 (0.46 Ac.±)
4279E1 (0.18 Ac.±)
4279E1 (0.06 Ac.±)
4279E2 (1.89 Ac.±)
4279E2 (0.37 Ac.±)
4279E1 (0.52 Ac.±)
4279E2 (0.73 Ac.±)
4279E3 (0.53 Ac.±)
4279E2 (0.37 Ac.±)
4279E3 (2.19 Ac.±)
4279E2 (0.21 Ac.±)
4279E3 (0.56 Ac.±)
4279E1 (0.05 Ac.±)
4279E4 (0.37 Ac.±)
4279E3 (0.23 Ac.±)
4279E2 (0.78 Ac.±)
4279E2 (0.10 Ac.±)
4279E2 (0.08 Ac.±)
4279E1 (0.03 Ac.±)
4279E2 (0.15 Ac.±)
4279E3 (0.02 Ac.±)
4279E3 (0.26 Ac.±)
4279E4 (1.47 Ac.±)
4279E1 (1.59 Ac.±)
4279E1 (0.39 Ac.±)
4279E1 (1.11 Ac.±)
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4279E4 (0.29 Ac.±)
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4279E2 (0.37 Ac.±)
4279E1 (1.11 Ac.±)
4279E1 (0.03 Ac.±)
4279E2 (0.09 Ac.±)
4279E3 (0.09 Ac.±)
4279E4 (0.37 Ac.±)
4279E2 (0.06 Ac.±)
4279E3 (0.26 Ac.±)
4279E3 (0.09 Ac.±)
4279E2 (0.09 Ac.±)
4279E3 (0.10 Ac.±)
4279E2 (0.10 Ac.±)
4279E3 (0.09 Ac.±)
4279E1 (0.03 Ac.±)
4279E2 (0.09 Ac.±)
4279E1 (0.09

EXHIBIT 3

AERIAL WITH FLUCFCS AND WETLANDS

SCALE: 1" = 400'

-N RIVER RD-

P/L

FLUCFCS CODE	DESCRIPTION	ACREAGE	% OF TOTAL
110	RESIDENTIAL, LOW DENSITY	0.10 Ac.±	0.0%
211	IMPROVED PASTURE	585.25 Ac.±	74.2%
213	WOODLAND PASTURE	37.79 Ac.±	4.8%
262	LOW PASTURE	44.83 Ac.±	5.7%
3219 E3	PALMETTO PRAIRIE, DISTURBED (50-75% EXOTICS)	0.09 Ac.±	0.0%
4119 E1	PINE FLATWOODS, DISTURBED (0-24% EXOTICS)	13.04 Ac.±	1.7%
4119 E4	PINE FLATWOODS, DISTURBED (76-100% EXOTICS)	0.41 Ac.±	0.1%
422	BRAZILIAN PEPPER	5.99 Ac.±	0.8%
4221	BRAZILIAN PEPPER, HYDRIC	1.03 Ac.±	0.1%
4279 E1	LIVE OAK, DISTURBED (0-24% EXOTICS)	7.10 Ac.±	0.9%
4279 E2	LIVE OAK, DISTURBED (25-49% EXOTICS)	7.59 Ac.±	1.0%
4279 E3	LIVE OAK, DISTURBED (50-75% EXOTICS)	11.84 Ac.±	1.5%
4279 E4	LIVE OAK, DISTURBED (76-100% EXOTICS)	2.68 Ac.±	0.3%
4281 E1	CABBAGE PALM, DISTURBED, HYDRIC (0-24% EXOTICS)	0.69 Ac.±	0.1%
4281 E2	CABBAGE PALM, DISTURBED, HYDRIC (25-49% EXOTICS)	0.60 Ac.±	0.1%
4281 E3	CABBAGE PALM, DISTURBED, HYDRIC (50-75% EXOTICS)	0.39 Ac.±	0.0%
4289 E2	CABBAGE PALM, DISTURBED (25-49% EXOTICS)	0.28 Ac.±	0.0%
4289 E4	CABBAGE PALM, DISTURBED (76-100% EXOTICS)	0.14 Ac.±	0.0%
4291 E1	WAX MYRTLE, DISTURBED, HYDRIC (0-24% EXOTICS)	0.33 Ac.±	0.0%
4349 E1	HARDWOOD/CONIFER MIXED, DISTURBED (0-24% EXOTICS)	0.80 Ac.±	0.1%
4349 E2	HARDWOOD/CONIFER MIXED, DISTURBED (25-49% EXOTICS)	5.30 Ac.±	0.7%
4349 E3	HARDWOOD/CONIFER MIXED, DISTURBED (50-75% EXOTICS)	3.55 Ac.±	0.4%
4349 E4	HARDWOOD/CONIFER MIXED, DISTURBED (76-100% EXOTICS)	7.50 Ac.±	1.0%
510	STREAMS AND WATERWAYS	8.82 Ac.±	1.1%
514	DITCH	5.34 Ac.±	0.7%
525	CATTLE POND	3.94 Ac.±	0.5%
6189 E2	WILLOW, DISTURBED (25-49% EXOTICS)	0.00 Ac.±	0.0%
6215 E3	CYPRESS, DRAINED, DISTURBED (50-75% EXOTICS)	0.96 Ac.±	0.1%
6219 E1	CYPRESS, DISTURBED (0-24% EXOTICS)	1.69 Ac.±	0.2%
6219 E2	CYPRESS, DISTURBED (25-49% EXOTICS)	1.85 Ac.±	0.2%
6309 E1	WETLAND FORESTED MIXED, DISTURBED (0-24% EXOTICS)	1.67 Ac.±	0.2%
6309 E2	WETLAND FORESTED MIXED, DISTURBED (25-49% EXOTICS)	3.59 Ac.±	0.5%
6309 E3	WETLAND FORESTED MIXED, DISTURBED (50-75% EXOTICS)	3.42 Ac.±	0.4%
6309 E4	WETLAND FORESTED MIXED, DISTURBED (76-100% EXOTICS)	1.70 Ac.±	0.2%
6319 E4	WETLAND SHRUB, DISTURBED (76-100% EXOTICS)	1.08 Ac.±	0.1%
6419 E3	FRESHWATER MARSH, DISTURBED (50-75% EXOTICS)	3.65 Ac.±	0.5%
6419 E4	FRESHWATER MARSH, DISTURBED (76-100% EXOTICS)	3.75 Ac.±	0.5%
740	DISTURBED LAND	1.35 Ac.±	0.2%
743	SPOIL AREAS	0.99 Ac.±	0.1%
747	BERM	6.10 Ac.±	0.8%
814	ROAD	1.73 Ac.±	0.2%
	TOTAL	**788.96 Ac.±**	**100.0%**

LEGEND:

SFWMD WETLANDS (70.29 Ac.±)

SFWMD "OTHER SURFACE WATERS" (18.10 Ac.±)

NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF JANUARY - MARCH 2022.

PROPERTY BOUNDARY PER NEAL COMMUNITIES, DRAWING No. 2022-245 MASTER BNDY EMAIL.DWG DATED MARCH 7, 2023.

FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999).

UPLAND/WETLAND LIMITS HAVE NOT BEEN REVIEWED BY ANY REGULATORY AGENCY AND ARE SUBJECT TO CHANGE.

REVISIONS	DATE
Revised project name	12/02/22
Revised boundary	03/07/23

		DATE
DRAWN BY	R.F.	11/29/22
DESIGNED BY	B.B.	11/29/22
REVIEWED BY	B.B.	11/29/22

13620 Metropolis Avenue
Suite 200
Ft. Myers, FL 33912
Phone (239) 274-0067
Fax (239) 274-0069

Consulting Ecologists PASSARELLA & ASSOCIATES INC

CARY + DUKE + POVIA RPD

AERIAL WITH FLUCFCS AND WETLANDS

DRAWING No. 22NCC3903

SHEET No. EXHIBIT 3

J:\2022\22ncc3903\2023\Environmental Assessment\Exhibit 3 Aerial with FLUCFCS and Wetlands 030823.dwg Tab: 36x24-C Apr 04, 2023 - 9:43am Plotted by: Holden

EXHIBIT 4

EXISTING LAND USE AND COVER SUMMARY TABLE AND FLUCFCS DESCRIPTIONS

CARY + DUKE + POVIA RPD
EXISTING LAND USE AND COVER SUMMARY TABLE
AND FLUCFCS DESCRIPTIONS

March 2023

Table 1 provides a summary and an acreage breakdown of the existing land use and habitat cover types (i.e., Florida Land Use, Cover and Forms Classification System (FLUCFCS) codes) found on the Project site, while a description of each of the FLUCFCS classifications follows.

Table 1. Existing Land Use and Cover Summary

FLUCFCS Code	Description	Acreage	Percent of Total
110	Residential, Low Density	0.10	<0.1
211	Improved Pasture	585.25	74.2
213	Woodland Pasture	37.79	4.8
262	Low Pasture	44.83	5.7
3219 E3	Palmetto Prairie, Disturbed (50-75% Exotics)	0.09	<0.1
4119 E1	Pine Flatwoods, Disturbed (0-24% Exotics)	13.04	1.7
4119 E4	Pine Flatwoods, Disturbed (76-100% Exotics)	0.41	0.1
422	Brazilian Pepper	5.99	0.8
4221	Brazilian Pepper, Hydric	1.03	0.1
4279 E1	Live Oak, Disturbed (0-24% Exotics)	7.10	0.9
4279 E2	Live Oak, Disturbed (25-49% Exotics)	7.59	1.0
4279 E3	Live Oak, Disturbed (50-75% Exotics)	11.84	1.5
4279 E4	Live Oak, Disturbed (76-100% Exotics)	2.68	0.3
4281 E1	Cabbage Palm, Hydric, Disturbed (0-24% Exotics)	0.69	0.1
4281 E2	Cabbage Palm, Hydric, Disturbed (25-49% Exotics)	0.60	0.1
4281 E3	Cabbage Palm, Hydric, Disturbed (50-75% Exotics)	0.39	<0.1
4289 E2	Cabbage Palm, Disturbed (25-49% Exotics)	0.28	<0.1
4289 E4	Cabbage Palm, Disturbed (76-100% Exotics)	0.14	<0.1
4291 E1	Wax Myrtle, Hydric, Disturbed (0-24% Exotics)	0.33	<0.1
4349 E1	Hardwood/Conifer Mixed, Disturbed (0-24% Exotics)	0.80	0.1
4349 E2	Hardwood/Conifer Mixed, Disturbed (25-49% Exotics)	5.30	0.7
4349 E3	Hardwood/Conifer Mixed, Disturbed (50-75% Exotics)	3.55	0.4
4349 E4	Hardwood/Conifer Mixed, Disturbed (76-100% Exotics)	7.50	1.0
510	Streams and Waterways	8.82	1.1
514	Ditch	5.34	0.7

Table 1. Continued

FLUCFCS Code	Description	Acreage	Percent of Total
525	Cattle Pond	3.94	0.5
6189 E2	Willow, Disturbed (25-49% Exotics)	<0.01	<0.1
6215 E3	Cypress, Drained, Disturbed (50-75% Exotics)	0.96	0.1
6219 E1	Cypress, Disturbed (0-24% Exotics)	1.69	0.2
6219 E2	Cypress, Disturbed (25-49% Exotics)	1.85	0.2
6309 E1	Wetland Forested Mixed, Disturbed (0-24% Exotics)	1.67	0.2
6309 E2	Wetland Forested Mixed, Disturbed (25-49% Exotics)	3.59	0.5
6309 E3	Wetland Forested Mixed, Disturbed (50-75% Exotics)	3.42	0.4
6309 E4	Wetland Forested Mixed, Disturbed (76-100% Exotics)	1.70	0.2
6319 E4	Wetland Shrub, Disturbed (76-100% Exotics)	1.08	0.1
6419 E3	Freshwater Marsh, Disturbed (50-75% Exotics)	3.65	0.5
6419 E4	Freshwater Marsh, Disturbed (76-100% Exotics)	3.75	0.5
740	Disturbed Land	1.35	0.2
743	Spoil Areas	0.99	0.1
747	Berm	6.10	0.8
814	Road	1.73	0.2
Total		**788.96**	**100.0**

Residential, Low Density (FLUCFCS Code 110)
This upland area occupies 0.10± acre or less than 0.1 percent of the Project. It consists of single-family homes alongside the North River Road (CR 78).

Improved Pasture (FLUCFCS Code 211)
This upland area occupies 585.25± acres or 74.2 percent of the Project. The canopy is open and includes widely scattered slash pine (*Pinus elliottii*), cabbage palm (*Sabal palmetto*), and live oak (*Quercus virginiana*). The sub-canopy is open and includes widely scattered cabbage palm, wax myrtle (*Morella cerifera*), and Brazilian pepper. The ground cover includes bahiagrass (*Paspalum notatum*), tropical soda apple (*Solanum viarum*), smutgrass (*Sporobolus indicus*), broomsedge bluestem (*Andropogon virginicus*), blackberry (*Rubus* sp.), flatsedge (*Cyperus* sp.), torpedograss (*Panicum repens*), frogfruit (*Phyla nodiflora*), caesarweed (*Urena lobata*), and Asiatic pennywort (*Centella asiatica*).

Woodland Pasture (FLUCFCS Code 213)
This upland area occupies 37.79± acres or 4.8 percent of the Project. The canopy has scattered slash pine, live oak, laurel oak (*Quercus laurifolia*), and cabbage palm. The sub-canopy includes widely scattered slash pine, Brazilian pepper, persimmon (*Diospyros virginiana*), wax myrtle, live oak, laurel oak, and cabbage palm. The ground cover contains bahiagrass, smutgrass, broomsedge

bluestem, muscadine grapevine (*Vitis rotundifolia*), saw palmetto (*Serenoa repens*), cabbage palm, caesarweed, earleaf greenbrier (*Smilax auriculata*), and blackberry.

Low Pasture (FLUCFCS Code 262)
This wetland area occupies 44.83± acres or 5.7 percent of the Project. The canopy is open. The sub-canopy contains widely scattered cabbage palm, Brazilian pepper, wax myrtle, and Carolina willow (*Salix caroliniana*). The ground cover includes inundated beaksedge (*Rhynchospora inundata*), Southern beaksedge (*Rhynchospora microcarpa*), Asiatic pennywort, creeping primrose willow (*Ludwigia repens*), dayflower (*Commelina diffusa*), pickerelweed (*Pontederia cordata*), bushy bluestem (*Andropogon glomeratus*), sawgrass (*Cladium jamaicense*), white-top sedge (*Rhynchospora colorata*), torpedograss, marsh pennywort (*Hydrocotyle umbellata*), savanna iris (*Iris savannarum*), frogfruit, Southern umbrellasedge (*Fuirena scirpoidea*), smartweed (*Persicaria* sp.), arrowhead (*Sagittaria lancifolia*), bighead rush (*Juncus megacephalus*), aster (*Aster* sp.), sesbania (*Sesbania* sp.), spikerush (*Eleocharis cellulosa*), saltmarsh mallow (*Kosteletzkya* sp.), and rosy camphorweed (*Pluchea baccharis*).

Palmetto Prairie, Disturbed (50-75% Exotics) (FLUCFCS Code 3219 E3)
This upland community type occupies 0.09± acre or less than 0.1 percent of the Project. The canopy contains scattered live oak and cabbage palm. The sub-canopy contains Brazilian pepper. The ground cover contains saw palmetto, caesarweed, beautyberry (*Callicarpa americana*), Brazilian pepper, and greenbrier (*Smilax* sp.).

Pine Flatwoods, Disturbed (0-24% Exotics) (FLUCFCS Code 4119 E1)
This upland community type occupies 13.04± acres or 1.7 percent of the Project. The canopy contains slash pine with scattered cabbage palm and live oak. The sub-canopy contains slash pine with scattered cabbage palm, live oak, and Brazilian pepper. The ground cover contains broomsedge bluestem, Brazilian pepper, bahiagrass, wax myrtle, saw palmetto, caesarweed, and blackberry.

Pine Flatwoods, Disturbed (76-100% Exotics) (FLUCFCS Code 4119 E4)
This upland community type occupies 0.41± acre or 0.1 percent of the Project. The vegetation associations are similar to FLUCFCS Code 4119 E1, except with 76 to 100 percent Brazilian pepper in the sub-canopy.

Brazilian Pepper (FLUCFCS Code 422)
This upland area occupies 5.99± acres or 0.8 percent of the Project. The canopy is open. The sub-canopy is dominated by Brazilian pepper with scattered wax myrtle and cabbage palm. The ground cover includes Brazilian pepper.

Brazilian Pepper, Hydric (FLUCFCS Code 4221)
This wetland area occupies 1.03± acres or 0.1 percent of the Project. The canopy is dominated by Brazilian pepper with occasional scattered live oak, cabbage palm, swamp bay (*Persea palustris*), and Carolina willow. The sub-canopy is dominated by Brazilian pepper with scattered cabbage palm, live oak, swamp bay, myrsine (*Myrsine cubana*), wax myrtle, saltbush (*Baccharis halimifolia*), Carolina willow, pond apple (*Annona glabra*), red mangrove (*Rhizophora mangle*), and swamp dogwood (*Cornus foemina*). The ground cover contains Brazilian pepper, cabbage

palm, giant leather fern (*Acrostichum danaeifolium*), swamp fern (*Telmatoblechnum serrulatum*), creeping primrose willow, smartweed, cattail (*Typha* sp.), shield fern (*Thelypteris* sp.), muscadine grapevine, greenbrier, Southern beaksedge, flatsedge, and marsh pennywort.

Live Oak, Disturbed (0-24% Exotics) (FLUCFCS Code 4279 E1)
This upland community type occupies 7.10± acres or 0.9 percent of the Project. The canopy contains live oak with scattered laurel oak, pop ash (*Fraxinus caroliniana*), Brazilian pepper, and cabbage palm. The sub-canopy contains live oak, cabbage palm, laurel oak, wax myrtle, myrsine, wild coffee (*Psychotria nervosa*), swamp bay, caesarweed, saltbush, and Brazilian pepper. The ground cover includes saw palmetto, poison ivy, beautyberry, wild coffee, Virginia creeper (*Parthenocissus quinquefolia*) Brazilian pepper, tropical soda apple, beggar-ticks (*Bidens alba*), St. Augustine grass (*Stenotaphrum secundatum*), caesarweed, Boston fern (*Nephrolepis* sp.), cabbage palm, broomsedge bluestem, white stopper (*Eugenia axillaris*), and carpetgrass (*Axonopus fissifolius*).

Live Oak, Disturbed (25-49% Exotics) (FLUCFCS Code 4279 E2)
This upland community type occupies 7.59± acres or 1.0 percent of the Project. The vegetation associations are similar to FLUCFCS Code 4279 E1, except with 25 to 49 percent Brazilian pepper in the sub-canopy.

Live Oak, Disturbed (50-75% Exotics) (FLUCFCS Code 4279 E3)
This upland community type occupies 11.84± acres or 1.5 percent of the Project. The vegetation associations are similar to FLUCFCS Code 4279 E2, except with 50 to 75 percent Brazilian pepper in the sub-canopy.

Live Oak, Disturbed (76-100% Exotics) (FLUCFCS Code 4279 E4)
This upland community type occupies 2.68± acres or 0.3 percent of the Project. The vegetation associations are similar to FLUCFCS Code 4279 E3, except with 76 to 100 percent Brazilian pepper in the sub-canopy.

Cabbage Palm, Hydric, Disturbed (0-24% Exotics) (FLUCFCS Code 4281 E1)
This wetland community type occupies 0.69± acre or 0.1 percent of the Project. The canopy contains cabbage palm with scattered laurel oak and swamp bay. The sub-canopy contains cabbage palm, Brazilian pepper, myrsine, laurel oak, wax myrtle, Carolina willow, swamp dogwood, and buckthorn (*Sideroxylon* sp.). The ground cover contains giant leather fern, swamp fern, cabbage palm, Brazilian pepper, Asiatic pennywort, marsh pennywort, smartweed, sand cordgrass (*Spartina bakeri*), laurel oak, dayflower, Peruvian primrose willow (*Ludwigia peruviana*), pickerelweed, and buttonbush (*Cephalanthus occidentalis*).

Cabbage Palm, Hydric, Disturbed (25-49% Exotics) (FLUCFCS Code 4281 E2)
This wetland community type occupies 0.60± acre or 0.1 percent of the Project. The vegetation associations are similar to FLUCFCS Code 4281 E1, except with 25 to 49 percent Brazilian pepper in the sub-canopy.

Cabbage Palm, Hydric, Disturbed (50-75% Exotics) (FLUCFCS Code 4281 E3)
This wetland community type occupies 0.39± acre or less than 0.1 percent of the Project. The vegetation associations are similar to FLUCFCS Code 4281 E2, except with 50 to 75 percent Brazilian pepper in the sub-canopy.

Cabbage Palm, Disturbed (25-49% Exotics) (FLUCFCS Code 4289 E2)
This upland community type occupies 0.28± acre or less than 0.1 percent of the Project. The canopy contains cabbage palm with scattered live oak. The sub-canopy contains Brazilian pepper, wax myrtle, and cabbage palm. The ground cover includes smutgrass, bahiagrass, wild coffee, dog fennel (*Eupatorium capillifolium*), beggar-ticks, knotroot foxtail (*Setaria parviflora*), scattered broomsedge, and Guinea grass (*Urochloa maxima*).

Cabbage Palm, Disturbed (76-100% Exotics) (FLUCFCS Code 4289 E4)
This upland community type occupies 0.14± acre or less than 0.1 percent of the Project. The vegetation associations are similar to FLUCFCS Code 4289 E2, except with 76 to 100 percent Brazilian pepper in the sub-canopy.

Wax Myrtle, Hydric, Disturbed (0-24% Exotics) (FLUCFCS Code 4291 E1)
This wetland community type occupies 0.33± acre or less than 0.1 percent of the Project. The canopy is open. The sub-canopy contains wax myrtle, Brazilian pepper, saltbush, and cabbage palm. The ground cover contains shield fern, Brazilian pepper, laurel oak, marsh pennywort, swamp fern, and Asiatic pennywort.

Hardwood/Conifer Mixed, Disturbed (0-24% Exotics) (FLUCFCS Code 4349 E1)
This upland community type occupies 0.80± acre or 0.1 percent of the Project. The canopy contains live oak, slash pine, and cabbage palm. The sub-canopy contains live oak, Brazilian pepper, cabbage palm, wax myrtle, saltbush, beautyberry, and scattered saw palmetto. The ground cover contains bahiagrass, broomsedge bluestem, smutgrass, beautyberry, Brazilian pepper, marsh pennywort, caesarweed, live oak, cabbage palm, greenbrier, dayflower, and saw palmetto.

Hardwood/Conifer Mixed, Disturbed (25-49% Exotics) (FLUCFCS Code 4349 E2)
This upland community type occupies 5.30± acres or 0.7 percent of the Project. The vegetation associations are similar to FLUCFCS Code 4349 E1, except with 25 to 49 percent Brazilian pepper in the sub-canopy.

Hardwood/Conifer Mixed, Disturbed (50-75% Exotics) (FLUCFCS Code 4349 E3)
This upland community type occupies 3.55± acres or 0.4 percent of the Project. The vegetation associations are similar to FLUCFCS Code 4349 E2, except with 50 to 75 percent Brazilian pepper in the sub-canopy.

Hardwood/Conifer Mixed, Disturbed (76-100% Exotics) (FLUCFCS Code 4349 E4)
This upland community type occupies 7.50± acres or 1.0 percent of the Project. The vegetation associations are similar to FLUCFCS Code 4349 E3, except with 76 to 100 percent Brazilian pepper in the sub-canopy.

Streams and Waterways (FLUCFCS Code 510)
This open water area occupies 8.82± acres or 1.1 percent of the Project.

Ditch (FLUCFCS Code 514)
This open water area occupies 5.34± acres or 0.7 percent of the Project. Ground cover vegetation includes cattail.

Cattle Pond (FLUCFCS Code 525)
This open water area occupies 3.94± acres or 0.5 percent of the Project.

Willow, Disturbed (25-49% Exotics) (FLUCFCS Code 6189 E2)
This wetland community type occupies less than 0.01± acre of the Project. The canopy contains Carolina willow with scattered cabbage palm and Brazilian pepper. The sub-canopy contains Carolina willow, cabbage palm, Brazilian pepper, wax myrtle, swamp dogwood, and buckthorn. The ground cover includes smartweed, swamp fern, shield fern, sawgrass, cattail, Carolina willow, cabbage palm, dayflower, white-top sedge, and Brazilian pepper.

Cypress, Drained, Disturbed (50-75% Exotics) (FLUCFCS Code 6215 E3)
This wetland community type occupies 0.96± acre or 0.1 percent of the Project. The canopy contains bald cypress (*Taxodium distichum*) and the sub-canopy contains Brazilian pepper, pop ash, and cabbage palm. The ground cover contains caesarweed and scattered swamp fern.

Cypress, Disturbed (0-24% Exotics) (FLUCFCS Code 6219 E1)
This wetland community type occupies 1.69± acres or 0.2 percent of the Project. The canopy includes bald cypress, cabbage palm, and scattered laurel oak. The sub-canopy contains cabbage palm, Brazilian pepper, bishopwood (*Bischofia javanica*), red maple (*Acer rubrum*), and swamp bay. The ground cover includes spikerush (*Eleocharis interstincta*), pickerelweed, giant leather fern, and swamp fern.

Cypress, Disturbed (25-49% Exotics) (FLUCFCS Code 6219 E2)
This wetland community type occupies 1.85± acres or 0.2 percent of the Project. The vegetation associations are similar to FLUCFCS Code 6219 E1, except with 25 to 49 percent melaleuca and/or Brazilian pepper in the sub-canopy.

Wetland Forested Mixed, Disturbed (0-24% Exotics) (FLUCFCS Code 6309 E1)
This wetland community type occupies 1.67± acres or 0.2 percent of the Project. The canopy contains live oak, laurel oak, slash pine, cabbage palm, swamp bay, and Carolina willow. The sub-canopy contains Brazilian pepper, cabbage palm, myrsine, wild coffee, Peruvian primrose willow, Carolina willow, swamp dogwood, laurel oak, swamp bay, wax myrtle, persimmon, saltbush, live oak, white stopper, and buckthorn. The ground cover includes swamp fern, giant leather fern, cabbage palm, marsh pennywort, Brazilian pepper, wild coffee, Peruvian primrose willow, royal fern (*Osmunda regalis* var. *spectabilis*), arrowhead, water hyssop (*Bacopa* sp.), Asiatic pennywort, Southern beaksedge, smartweed, torpedograss, rosy camphorweed, shield fern, swamp lily (*Crinum americanum*), dog fennel, bulrush (*Scirpus* sp.), peppervine (*Ampelopsis arborea*), white-top sedge, and cattail.

Wetland Forested Mixed, Disturbed (25-49% Exotics) (FLUCFCS Code 6309 E2)
This wetland community type occupies 3.59± acres or 0.5 percent of the Project. The vegetation associations are similar to FLUCFCS Code 6309 E1, except with 25 to 49 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy.

Wetland Forested Mixed, Disturbed (50-75% Exotics) (FLUCFCS Code 6309 E3)
This wetland community type occupies 3.42± acres or 0.4 percent of the Project. The vegetation associations are similar to FLUCFCS Code 6309 E2, except with 50 to 75 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy.

Wetland Forested Mixed, Disturbed (76-100% Exotics) (FLUCFCS Code 6309 E4)
This wetland community type occupies 1.70± acres or 0.2 percent of the Project. The vegetation associations are similar to FLUCFCS Code 6309 E3, except with 76 to 100 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy.

Wetland Shrub, Disturbed (76-100% Exotics) (FLUCFCS Code 6319 E4)
This wetland community type occupies 1.08± acres or 0.1 percent of the Project. The canopy is open. The sub-canopy contains saltbush, giant leather fern, wax myrtle, Brazilian pepper, scattered Carolina willow, and swamp bay. The ground cover contains giant leather fern, marsh pennywort, Brazilian pepper, saltbush, sawgrass, shield fern, and creeping primrose willow.

Freshwater Marsh, Disturbed (50-75% Exotics) (FLUCFCS Code 6419 E3)
This wetland community type occupies 3.65± acres or 0.5 percent of the Project. The canopy is open. The sub-canopy contains wax myrtle, Brazilian pepper, and scattered cabbage palm. The ground cover contains sawgrass, giant leather fern, marsh pennywort, cattail, pickerelweed, torpedograss, sesbania, creeping primrose willow, and swamp fern.

Freshwater Marsh, Disturbed (76-100% Exotics) (FLUCFCS Code 6419 E4)
This wetland habitat type occupies 3.75± acres or 0.5 percent of the Project. The vegetation associations are similar to FLUCFCS Code 6419 E3, except with 76 to 100 percent West Indian marsh grass (*Hymenachne amplexicaulis*), alligatorweed (*Alternanthera philoxeroides*), and water lettuce (*Pistia stratiotes*) in the ground cover.

Disturbed Land (FLUCFCS Code 740)
This upland area occupies 1.35± acres or 0.2 percent of the Project. The canopy is open with cabbage palm, live oak, slash pine, red cedar (*Juniperus virginiana),* Florida strangler fig *(Ficus aurea)*, Washington fan palm (*Washingtonia robusta*), laurel oak, and other unknown landscape trees. The sub-canopy contains scattered cabbage palm, citrus (*Citrus* sp.), wax myrtle, and Brazilian pepper. The ground cover contains bahiagrass, smutgrass, broomsedge, wax myrtle, frogfruit, caesarweed, Brazilian pepper, and Asiatic pennywort.

Spoil Areas (FLUCFCS Code 743)
This upland area occupies 0.99± acre or 0.1 percent of the Project and consists of spoil material.

Berm (FLUCFCS Code 747)

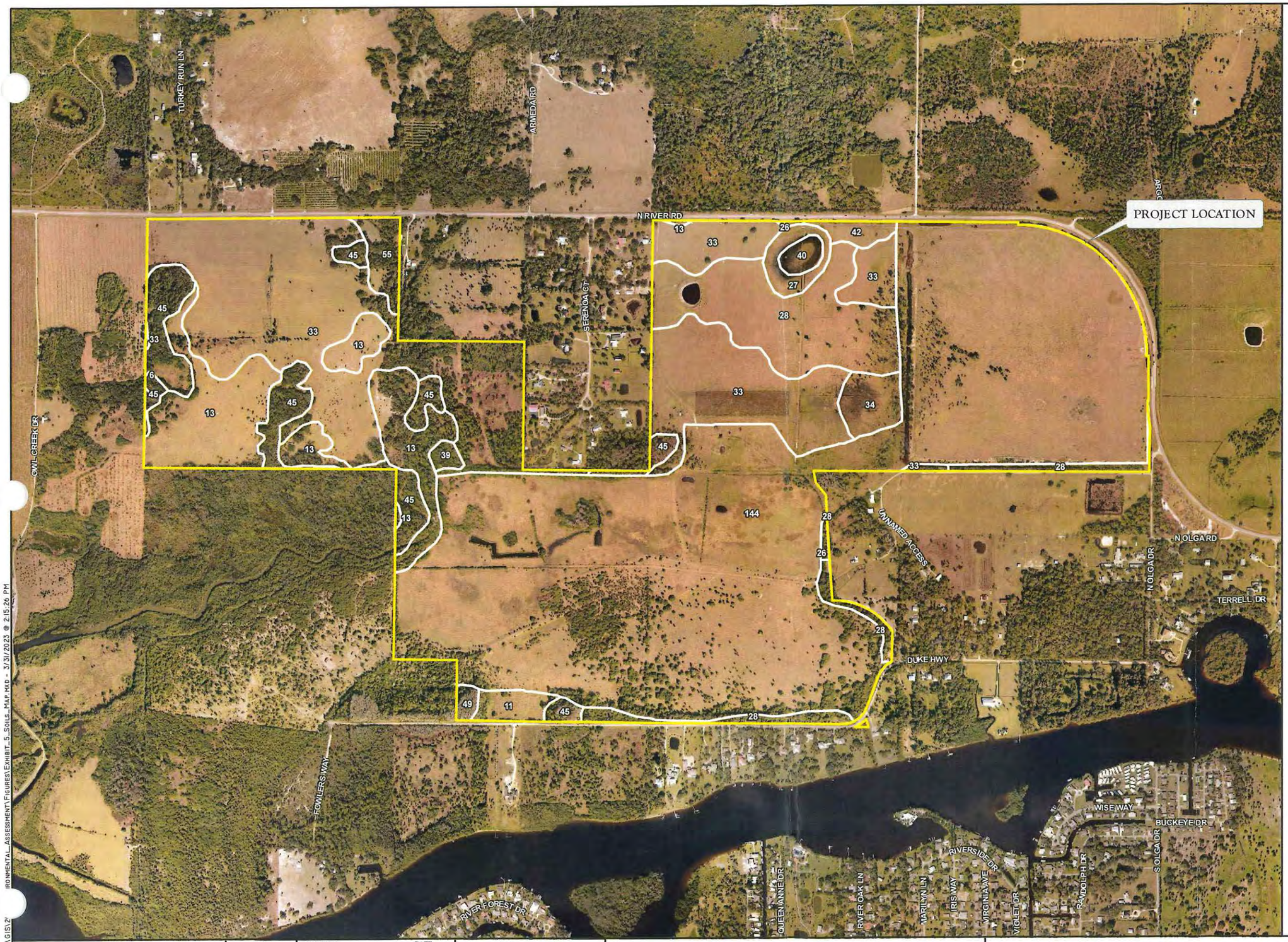
This upland land use type occupies 6.10± acre or 0.8 percent of the Project and includes spoil material left over from the excavation of ditches. The canopy may include scattered slash pine and live oak. The sub-canopy may include beautyberry, wax myrtle, and Brazilian pepper. The ground cover consists of a mixture of bahiagrass, tropical soda apple, smutgrass, broomsedge bluestem, blackberry, and flatsedge.

Road (FLUCFCS Code 814)

This upland land use type occupies 1.73± acre or 0.2 percent of the Project and includes an unmaintained, partially paved roadway. The canopy and sub-canopy are open. The ground cover is consistent with improved pasture (FLUCFCS Code 211).

EXHIBIT 5

SOILS MAP



LEGEND

CARY + DUKE + POVIA RPD

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Feet

Soil Unit	Description
6	Brynwood fine sand, wet, 0 to 2 percent slopes
11	Myakka fine sand, 0 to 2 percent slopes
13	Cypress Lake fine sand, 0 to 2 percent slopes
26	Pineda-Pineda, wet, fine sand, 0 to 2 percent slopes
27	Pompano fine sand, frequently ponded, 0 to 1 percent slopes
28	Immokalee sand, 0 to 2 percent slopes
33	Oldsmar sand, 0 to 2 percent slopes
34	Malabar fine sand, 0 to 2 percent slopes
39	Isles fine sand, frequently ponded, 0 to 1 percent slopes
40	Anclote sand, frequently ponded, 0 to 1 percent slopes
42	Wabasso sand, limestone substratum, 0 to 2 percent slopes
45	Copeland fine sandy loam, frequently ponded, 0 to 1 percent slopes
49	Felda fine sand, frequently ponded, 0 to 1 percent slopes
55	Cocoa fine sand, 0 to 2 percent slopes
144	Caloosa fine sand, 0 to 2 percent slopes

NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF JANUARY - MARCH 2022.

PROPERTY BOUNDARY PER NEAL COMMUNITIES. DRAWING No. 2022-245 MASTER BNDY EMAIL.DWG DATED MARCH 7, 2023.

SOILS MAPPING WAS ACQUIRED FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE WEBSITE OCTOBER 2022.

J:\2022\22ncc3903\GIS\2...IRONMENTAL_ASSESSMENT\FIGURES\EXHIBIT_5_SOILS_MAP.MXD - 3/31/2023 @ 2:15:26 PM

REVISIONS	DATE

DRAWN BY: T.S., R.F.	DATE: 03/07/23
DESIGNED BY: C.R.	DATE: 03/07/23
REVIEWED BY	DATE

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PASSARELLA & ASSOCIATES, INC.

CARY + DUKE + POVIA RPD

SOILS MAP

DRAWING No.: 22NCC3903

SHEET No.: EXHIBIT 5

EXHIBIT 6

SOILS SUMMARY TABLE AND DESCRIPTIONS

CARY + DUKE + POVIA RPD
SOILS SUMMARY TABLE AND DESCRIPTIONS

March 2023

Table 1. Soils Listed by the Natural Resource Conservation Service on the Project

Mapping Unit	Description
6	Brynwood fine sand, wet, 0 to 2 percent slopes
11	Myakka fine sand, 0 to 2 percent slopes
13	Cypress Lake fine sand, 0 to 2 percent slopes
26	Pineda-Pineda, wet, fine sand, 0 to 2 percent slopes
27	Pompano Fine Sand, frequently ponded, 0 to 1 percent slopes
28	Immokalee Sand, 0 to 2 percent slopes
33	Oldsmar Sand, 0 to 2 percent slopes
34	Malabar Fine Sand, 0 to 2 percent slopes
39	Isles fine sand, frequently ponded, 0 to 1 percent slopes
40	Anclote Sand, frequently ponded, 0 to 1 percent slopes
42	Wabasso sand, limestone substratum, 0 to 2 percent slopes
45	Copeland fine sandy loam, frequently ponded, 0 to 1 percent slopes
49	Felda fine sand, frequently ponded, 0 to 1 percent slopes
55	Cocoa fine sand, 0 to 2 percent slopes
144	Caloosa fine sand, 0 to 2 percent slopes

6 – Brynwood fine sand, wet, 0 to 2 percent slope

This is a nearly level, very poorly drained soil in depressions. Slopes are concave and less than 2 percent. Typically, the surface layer is black fine sand about 4 inches thick. The substratum is fine sand to a depth of 16 inches with hard fractures limestone below. Between 4 and 16 inches in depth the fine sands are light brownish gray to brown. In most years, under natural conditions, the water table is within 12 inches of the surface for 4 to 5 months and between 12 and 20 inches most of the rest of the year.

11 – Myakka fine sand, 0 to 2 percent slopes

This is a nearly level, poorly drained soil on broad flatwoods areas. Slopes are smooth to slightly concave and range from 0 to 2 percent. Typically, the surface layer is very dark gray fine sand about 3 inches thick. The subsurface layer is fine sand about 23 inches thick. In the upper 3 inches it is gray, and in the lower 20 inches it is light gray. The subsoil is fine sand to a depth of 80 inches or more. The upper 4 inches is black and firm, the next 5 inches is dark reddish brown and friable, the nest 17 inches is black and firm, the next 11 inches is dark reddish brown and friable, and the lower 17 inches is mixed black and dark reddish brown and friable. In most years, under natural conditions, the water table is within 10 inches of the surface for 1 to 3 months and 10 to 40 inches below the surface for 2 to 6 months. It is more than 40 inches below the surface during extended dry periods.

13 – Cypress Lake fine sand, 0 to 2 percent slopes

This is a nearly level, poorly drained soil on flatwoods. Slopes are smooth and range from 0 to 2 percent. Typically, the surface layer is gray fine sand about 3 inches thick. The subsurface layer is fine sand about 22 inches thick. The upper 11 inches is light gray and the lower 11 inches is very pale brown. The subsoil, about 5 inches thick, is gray fine sandy loam with brownish yellow mottles and calcareous nodules. At a depth of 30 inches is a layer of fractured limestone. In most years, under natural conditions, the water table is within 10 inches of the surface for 2 to 4 months. It recedes below the limestone for about 6 months.

26 – Pineda-Pineda, wet, fine sand, 0 to 2 percent slopes

This is a nearly level, poorly drained soil on sloughs. Slopes are smooth to slightly concave and range from 0 to 1 percent. Typically, the surface layer is black fine sand about 1 inch thick. The subsurface layer is very pale brown fine sand about 4 inches thick. The upper part of the subsoil is brownish yellow fine sand about 8 inches thick. The next 10 inches is strong brown fine sand. The next 6 inches is yellowish brown fine sand. The next 7 inches is light gray fine sand with brownish yellow mottles. The lower part of the subsoil is light brownish gray fine sandy loam with light gray sandy intrusions about 18 inches thick. The substratum is light gray fine sand to a depth of 80 inches or more. In most years, under natural conditions, the water table is within 10 inches of the surface for 2 to 4 months. It is 10 to 40 inches below the surface for more than 6 months, and it recedes to more than 40 inches below the surface during extended dry periods. During periods of high rainfall, the soil is covered by a shallow layer of slowly moving water for periods of about 7 to 30 days or more.

27 – Pompano Fine Sand, frequently ponded, 0 to 1 percent slope

This is a nearly level, poorly drained soil in depressions. Slopes are concave and less than 1 percent. Typically, the surface layer is gray fine sand about 3 inches thick. The substratum is fine sand to a depth of 80 inches or more. The upper 32 inches is light brownish gray with few, fine, faint yellowish-brown mottles. The lower 45 inches is light gray. In most years, under natural conditions, the water table is within 10 inches of the surface for 2 to 4 months and stands above the surface for about 3 months. It is 10 to 40 inches below the surface for more than 5 months.

28 – Immokalee Sand, 0 to 2 percent slope

This is a nearly level, poorly drained soil in flatwoods areas. Slopes are smooth to convex and range from 0 to 2 percent. Typically, the surface layer is black sand about 4 inches thick. The subsurface layer is dark gray sand in the upper 5 inches and light gray sand in the lower 27 inches. The subsoil is sand to a depth of 69 inches. The upper 14 inches is black and firm, the next 5 inches is dark reddish brown, and the lower 14 inches is dark yellowish brown. The substratum is very pale brown sand to a depth of 80 inches or more. In most years, under natural conditions, the water table is within 10 inches of the surface for 1 to 3 months and 10 to 40 inches below the surface for 2 to 6 months. It recedes to a depth of more than 40 inches during extended dry periods.

33 – Oldsmar Sand, 0 to 2 percent slope

This is a nearly level, poorly drained soil on low, broad flatwoods areas. Slopes are smooth to slightly convex and range from 0 to 2 percent. Typically, the surface layer is black sand about 3 inches thick. The subsurface layer is gray and light gray sand about 39 inches thick. The upper

part of the subsoil is very dark gray sand about 5 inches thick. The lower part of the subsoil is yellowish brown and mixed light brownish gray and brown fine sandy loam about 11 inches thick. Pale brown sand extends to a depth of 80 inches or more. In most years, under natural conditions, the water table is at a depth of less than 10 inches for 1 to 3 months. It is at a depth of 10 to 40 inches for more than 6 months, and it recedes to a depth of more than 40 inches during extended dry periods.

34 – Malabar Fine Sand, 0 to 2 percent slopes

This is a nearly level, poorly drained soil on sloughs. Slopes are smooth to concave and range from 0 to 2 percent. Typically, the surface layer is dark gray fine sand about 5 inches thick. The next 12 inches is light gray and very pale brown fine sand. Below this is a 16-inch layer of light yellowish brown fine sand with yellow mottles and a 9-inch layer of brownish yellow fine sand. The subsoil layer is gray loamy fine sand about 9 inches thick with large yellowish-brown mottles. The next 8 inches is gray fine sandy loam with large brownish yellow mottles. Below is light gray loamy fine sand with yellowish brown mottles to a depth of 80 inches or more. In most years, under natural conditions, the water table is at a depth of less than 10 inches for 2 to 4 months. It is at a depth of 10 to 40 inches for more than 6 months, and it recedes to a depth of more than 40 inches during extended dry periods. During periods of high rainfall, the soil is covered by a shallow layer of slowly moving water for periods of about 7 to 30 days or more.

39 – Isles fine sand, frequently ponded, 0 to 1 percent slopes

This is a nearly level, very poorly drained soil in depressions. Slopes are smooth to concave and less than 1 percent. Typically, the surface layer is very dark gray fine sand about 5 inches thick. The subsurface layer is about 5 inches of light gray fine sand. Next is 11 inches of very pale brown fine sand with yellowish brown mottles. The subsoil is 26 inches of gray fine sandy loam with brownish yellow mottles and pockets of light brownish gray loamy sand. Limestone bedrock is at a depth of 47 inches. In most years, under natural conditions, the water table is above the surface for 3 to 6 months. It is within a depth of 10 to 40 inches for 2 to 4 months. The water table recedes to depth of more than 40 inches during extended dry periods.

40 – Anclote Sand, frequently ponded, 0 to 1 percent slopes

This is a nearly level, very poorly drained soil in isolated depressions. Slopes are smooth to concave and less than 1 percent. Typically, the surface layer is about 22 inches thick. The upper 8 inches is black sand, and the lower 14 inches is black sand with common light gray pockets and streaks throughout. The substratum is sand to a depth of 80 inches or more. The upper 18 inches is light brownish gray, and the lower 40 inches is light gray. Included with this soil in mapping are small areas of Pompano and Floridana soils. Included soils make up about 10 to 15 percent of any mapped area. In most years, under natural conditions, the soil is ponded for more than 6 months.

42 – Wabasso sand, limestone substratum, 0 to 2 percent slopes

This is a nearly level, poorly drained soil on broad flatwoods. Slopes range from 0 to 2 percent. Typically, the surface layer is black sand about 3 inches thick. The subsurface layer is sand about 16 inches thick. The upper 10 inches is gray, and the lower 6 inches is light gray. The subsoil is about 32 inches thick. The upper 2 inches is dark brown sand that is well coated with organic matter. The next 2 inches is dark reddish brown friable sand. The next 14 inches is brown loose

sand with dark brown streaks along root channels. The lower 14 inches is light brownish gray, firm fine sandy loam with light olive brown mottles. A hard, fractured limestone ledge and boulders are at a depth of 51 inches. In most years, under natural conditions, the water table is within 10 inches of the surface for 1 to 3 months. It is 10 to 40 inches below the surface for 2 to 4 months. It is below the limestone during extended dry periods.

45 – Copeland fine sandy loam, frequently ponded, 0 to 1 percent slopes

This is a low, nearly level, very poorly drained soil in depressions. Slopes are concave and less than 1 percent. Typically, the surface layer is about 8 inches of very dark gray sandy loam. The subsoil is very dark gray sandy loam about 12 inches thick. It is underlain by 8 inches of light brownish gray sandy clay loam with soft calcium carbonate throughout. Fractured limestone bedrock is at a depth of 28 inches. Under natural conditions, the water table is above the surface for 3 to 6 months. It is 10 to 40 inches below the surface for about 3 to 6 months.

49 – Felda fine sand, frequently ponded, 0 to 1 percent slopes

This is a nearly level, poorly drained soil in depressions. Slopes are concave and less than 1 percent. Typically, the surface layer is gray fine sand about 4 inches thick. The subsurface layers extend to a depth of 35 inches. The upper 13 inches is grayish brown fine sand and the lower 18 inches is light gray fine sand with yellowish brown mottles. The subsoil is about 17 inches thick. The upper 6 inches is gray sandy loam and the lower 11 inches is sandy clay loam with many yellowish brown and strong brown mottles. Below this is light gray fine sand to a depth of 80 inches or more. In most years, under natural conditions, the soil is ponded for about 3 to 6 months or more. The water table is within a depth of 10 to 40 inches for 4 to 6 months.

55 – Cocoa fine sand, 0 to 2 percent slopes

This is a nearly level to gently sloping, moderately well drained soil on ridges. Slopes are smooth to slightly convex and range form 0 to 2 percent. Typically, the surface layer is brown fine sand about 3 inches thick. The subsurface layer is reddish yellow fine sand about 10 inches thick. The next layer is yellowish red fine a sand about 4 inches thick. The next 10 inches is reddish yellow fine sand, and below this is 4 inches of strong brown fine sand. Fractured limestone bedrock is at a depth of 31 inches. In most years, under natural conditions, the water table is within 24 inches of the surface for 1 to 2 months and 24 to 40 inches below the surface for 1 to 2 months. It recedes to more than 40 inches below the surface during extended dry periods.

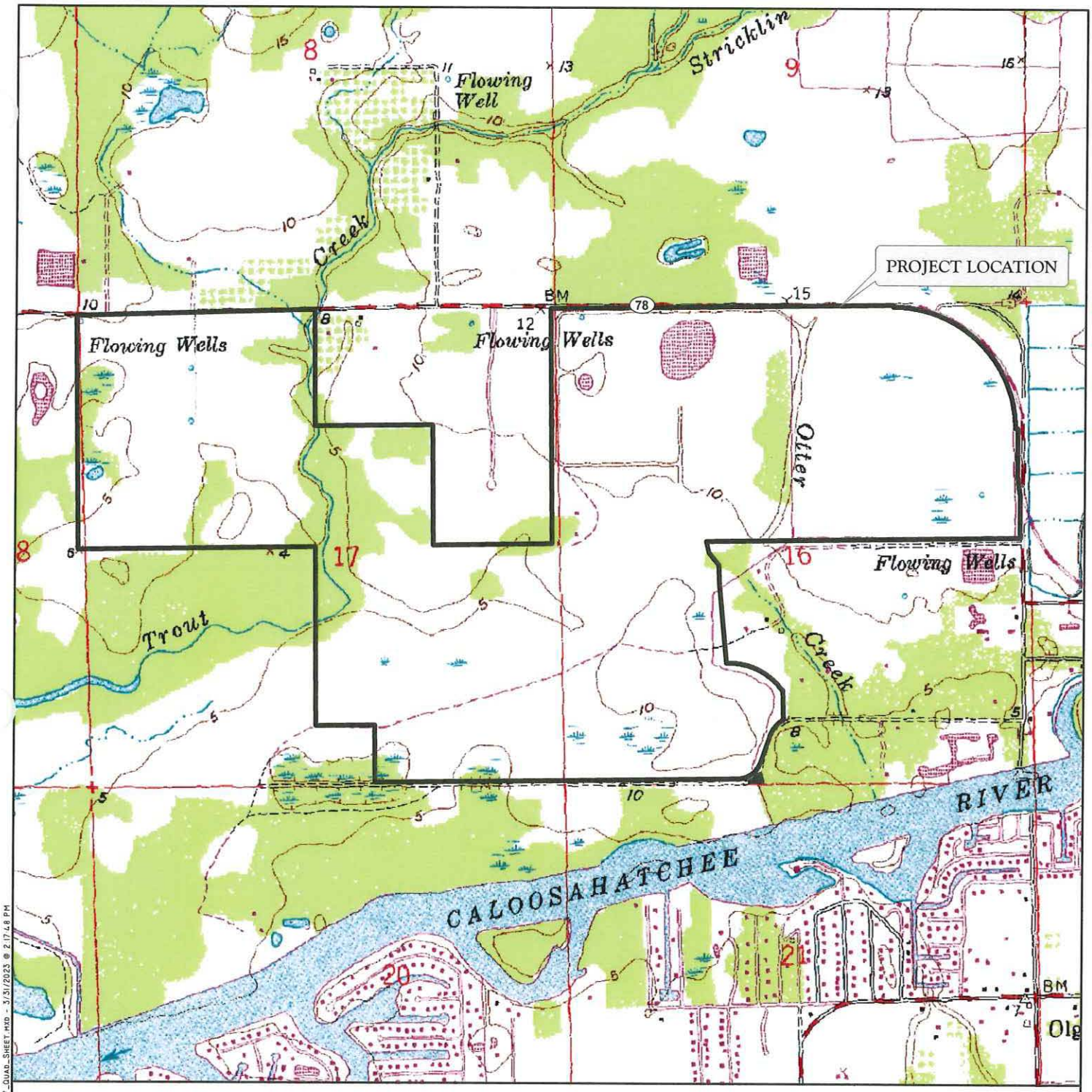
144 – Caloosa fine sand, 0 to 2 percent slopes

This is a very deep, moderately well drained, slowly permeable soil on broad to narrow flats bordering major rivers that have been dredged. They formed in sandy over clayey sediments deposited and spread from dredge and fill operations. Slopes are smooth to slightly convex and range from 0 to 2 percent. Typically, the surface layer is light brownish gray fine sand about 10 inches thick. The next layer is stratified pale brown fine a sand to a depth of approximately 27 inches. The next 11 inches is stratified light gray silty clay and clay, and below that stratified gray and dark gray silty clay and clay to a depth up to 80 inches. Thickness of the fill material ranges from 40 to more than 80 inches. Fragments of shell range from sand-size up to 6 cm in size. Shell content ranges from less than 5 percent to 30 percent, by volume, throughout, but the weighted average of shell content (2 mm or larger) in the control section is less than 10 percent, by volume.

Included with this soil in mapping are small areas of Matlacha and St. Augustine soils. The water table is within a depth of 18 to 42 inches for 2 to 4 months during rainy season.

EXHIBIT 7

QUAD SHEET



LEGEND

CARY + DUKE + POVIA RPD

N
W E
S

0 750 1,500
Feet

NOTES:

DIGITAL RASTER GRAPHIC USGS TOPOGRAPHIC QUADRANGLES WERE ACQUIRED FROM THE LAND BOUNDARY INFORMATION SYSTEM (LABINS) WEBSITE JULY 2007.

\ENVIRONMENTAL_ASSESSMENT\FIGURES\EXHIBIT_7_QUAD_SHEET.MXD - 3/31/2023 @ 2:17:48 PM

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EXHIBIT 7. QUAD SHEET

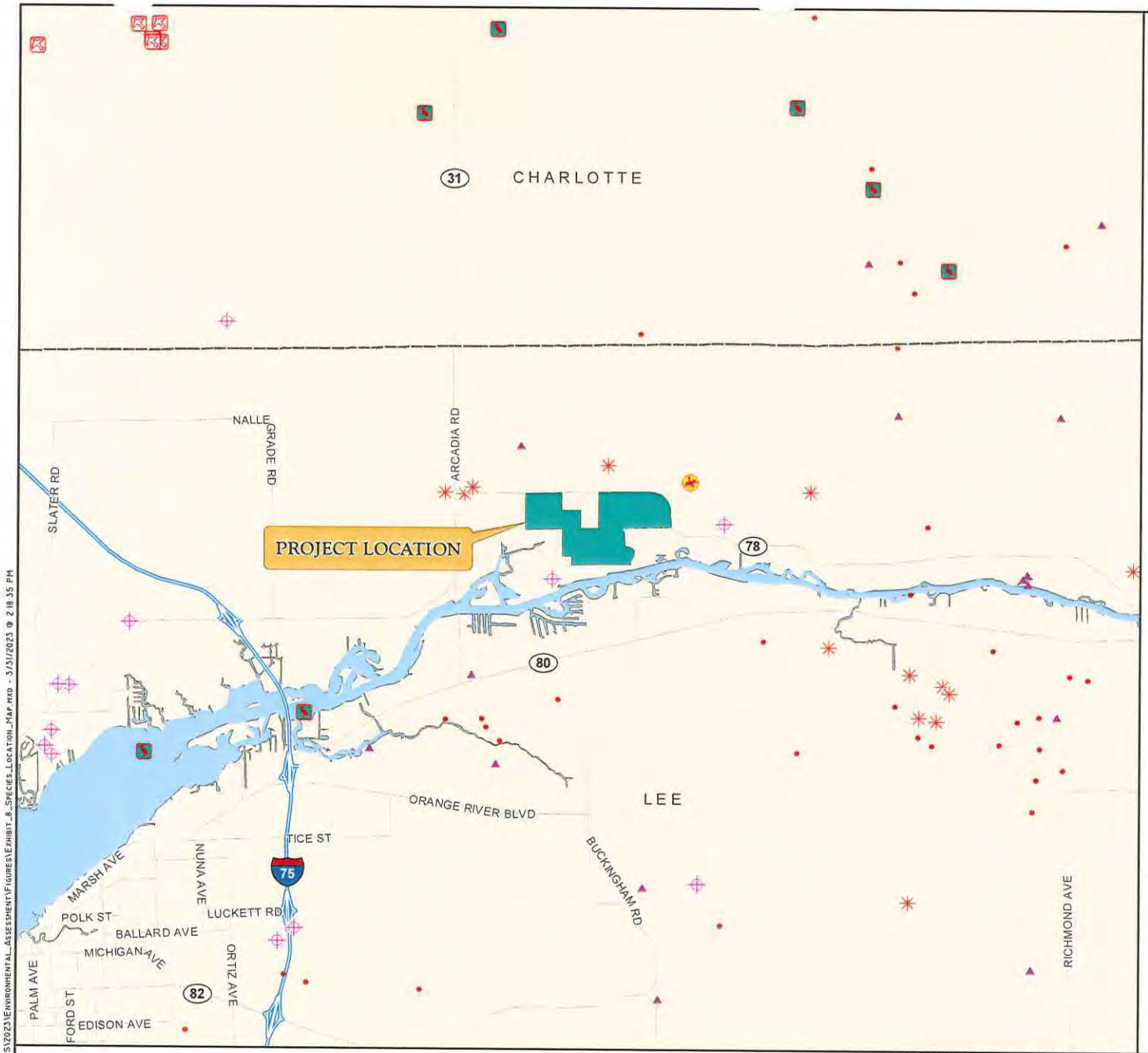
CARY + DUKE + POVIA RPD

DRAWN BY	DATE
T.S., R.F.	3/7/23
REVIEWED BY	DATE
C.R.	3/7/23
REVISED	DATE

PASSARELLA & ASSOCIATES, INC.
Consulting Ecologists

EXHIBIT 8

DOCUMENTED OCCURRENCES OF LISTED SPECIES



LEGEND

- CARY + DUKE + POVIA RPD
- BALD EAGLE NEST LOCATION
- BLACK BEAR LOCATION
- CRESTED CARACARA LOCATION
- FLORIDA PANTHER TELEMETRY
- RED-COCKADED WOODPECKER LOCATION
- SCRUB JAY LOCATION
- WADING BIRD LOCATION

N
W E
S

0 1 2
Miles

NOTES:

EAGLE NEST LOCATIONS WERE ACQUIRED FROM THE AUDUBON EAGLEWATCH ON FEBRUARY 2023.

BLACK BEAR LOCATIONS WERE ACQUIRED FROM THE FWCC ON SEPTEMBER 2022 AND ARE CURRENT TO 2007.

CRESTED CARACARA LOCATIONS WERE ACQUIRED FROM THE USFWS ON AUGUST 2022 AND ARE CURRENT TO 2022.

PANTHER TELEMETRY WAS ACQUIRED FROM THE FWCC ON SEPTEMBER 2021 AND SEPTEMBER 2022 AND IS CURRENT TO MAY 2022.

RED-COCKADED WOODPECKER LOCATIONS WERE ACQUIRED FROM THE FWCC ON AUGUST 2022.

SCRUB JAY LOCATIONS WERE ACQUIRED FROM THE USFWS ON AUGUST 2022.

WADING BIRD ROOKERIES WERE ACQUIRED FROM THE FWCC ON AUGUST 2022 AND ARE CURRENT TO 1999.

J:\2022\22nicc3903\GIS\2023\Environmental_Assessment\Figures\Exhibit_8_Species_Location_Map.mxd - 3/31/2023 @ 2:18:35 PM

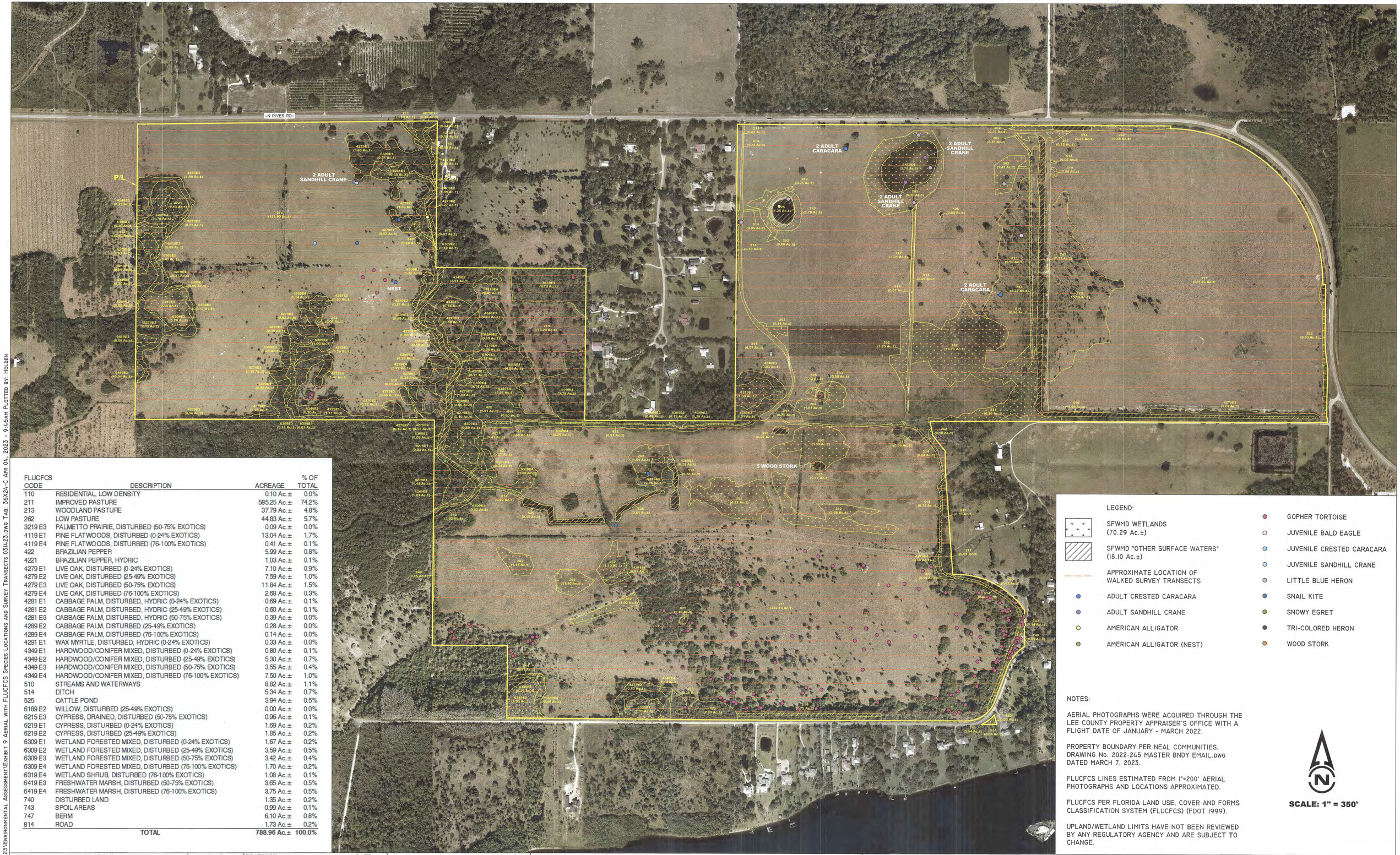
EXHIBIT 8. DOCUMENTED OCCURRENCES OF LISTED SPECIES
CARY + DUKE + POVIA RPD

DRAWN BY	DATE
T.S., R.F.	03/07/23
REVIEWED BY	DATE
C.R.	03/07/23
REVISED	DATE

Consulting Ecologists
PASSARELLA & ASSOCIATES INC

EXHIBIT 9

AERIAL WITH FLUCFCS, SPECIES LOCATIONS, AND SURVEY TRANSECTS



FLUCFCS CODE	DESCRIPTION	ACREAGE	% OF TOTAL
110	RESIDENTIAL, LOW DENSITY	0.10 Ac.±	0.0%
211	IMPROVED PASTURE	585.25 Ac.±	74.2%
213	WOODLAND PASTURE	37.79 Ac.±	4.8%
262	LOW PASTURE	44.83 Ac.±	5.7%
3219 E3	PALMETTO PRAIRIE, DISTURBED (50-75% EXOTICS)	0.09 Ac.±	0.0%
4119 E1	PINE FLATWOODS, DISTURBED (0-24% EXOTICS)	13.04 Ac.±	1.7%
4119 E4	PINE FLATWOODS, DISTURBED (76-100% EXOTICS)	0.41 Ac.±	0.1%
422	BRAZILIAN PEPPER	5.99 Ac.±	0.8%
4221	BRAZILIAN PEPPER, HYDRIC	1.03 Ac.±	0.1%
4279 E1	LIVE OAK, DISTURBED (0-24% EXOTICS)	7.10 Ac.±	0.9%
4279 E2	LIVE OAK, DISTURBED (25-49% EXOTICS)	7.59 Ac.±	1.0%
4279 E3	LIVE OAK, DISTURBED (50-75% EXOTICS)	11.84 Ac.±	1.5%
4279 E4	LIVE OAK, DISTURBED (76-100% EXOTICS)	2.68 Ac.±	0.3%
4281 E1	CABBAGE PALM, DISTURBED, HYDRIC (0-24% EXOTICS)	0.69 Ac.±	0.1%
4281 E2	CABBAGE PALM, DISTURBED, HYDRIC (25-49% EXOTICS)	0.60 Ac.±	0.1%
4281 E3	CABBAGE PALM, DISTURBED, HYDRIC (50-75% EXOTICS)	0.39 Ac.±	0.0%
4289 E2	CABBAGE PALM, DISTURBED (25-49% EXOTICS)	0.28 Ac.±	0.0%
4289 E4	CABBAGE PALM, DISTURBED (76-100% EXOTICS)	0.14 Ac.±	0.0%
4291 E1	WAX MYRTLE, DISTURBED, HYDRIC (0-24% EXOTICS)	0.33 Ac.±	0.0%
4349 E1	HARDWOOD/CONIFER MIXED, DISTURBED (0-24% EXOTICS)	0.80 Ac.±	0.1%
4349 E2	HARDWOOD/CONIFER MIXED, DISTURBED (25-49% EXOTICS)	5.30 Ac.±	0.7%
4349 E3	HARDWOOD/CONIFER MIXED, DISTURBED (50-75% EXOTICS)	3.55 Ac.±	0.4%
4349 E4	HARDWOOD/CONIFER MIXED, DISTURBED (76-100% EXOTICS)	7.50 Ac.±	1.0%
510	STREAMS AND WATERWAYS	8.82 Ac.±	1.1%
514	DITCH	5.34 Ac.±	0.7%
525	CATTLE POND	3.94 Ac.±	0.5%
6189 E2	WILLOW, DISTURBED (25-49% EXOTICS)	0.00 Ac.±	0.0%
6215 E3	CYPRESS, DRAINED, DISTURBED (50-75% EXOTICS)	0.96 Ac.±	0.1%
6219 E1	CYPRESS, DISTURBED (0-24% EXOTICS)	1.69 Ac.±	0.2%
6219 E2	CYPRESS, DISTURBED (25-49% EXOTICS)	1.85 Ac.±	0.2%
6309 E1	WETLAND FORESTED MIXED, DISTURBED (0-24% EXOTICS)	1.67 Ac.±	0.2%
6309 E2	WETLAND FORESTED MIXED, DISTURBED (25-49% EXOTICS)	3.59 Ac.±	0.5%
6309 E3	WETLAND FORESTED MIXED, DISTURBED (50-75% EXOTICS)	3.42 Ac.±	0.4%
6309 E4	WETLAND FORESTED MIXED, DISTURBED (76-100% EXOTICS)	1.70 Ac.±	0.2%
6319 E4	WETLAND SHRUB, DISTURBED (76-100% EXOTICS)	1.08 Ac.±	0.1%
6419 E3	FRESHWATER MARSH, DISTURBED (50-75% EXOTICS)	3.65 Ac.±	0.5%
6419 E4	FRESHWATER MARSH, DISTURBED (76-100% EXOTICS)	3.75 Ac.±	0.5%
740	DISTURBED LAND	1.35 Ac.±	0.2%
743	SPOIL AREAS	0.99 Ac.±	0.1%
747	BERM	6.10 Ac.±	0.8%
814	ROAD	1.73 Ac.±	0.2%
	TOTAL	788.96 Ac.±	100.0%

LEGEND:

- SFWMD WETLANDS (70.29 Ac.±)
- SFWMD "OTHER SURFACE WATERS" (18.10 Ac.±)
- APPROXIMATE LOCATION OF WALKED SURVEY TRANSECTS
- ADULT CRESTED CARACARA
- ADULT SANDHILL CRANE
- AMERICAN ALLIGATOR
- AMERICAN ALLIGATOR (NEST)
- GOPHER TORTOISE
- JUVENILE BALD EAGLE
- JUVENILE CRESTED CARACARA
- JUVENILE SANDHILL CRANE
- LITTLE BLUE HERON
- SNAIL KITE
- SNOWY EGRET
- TRI-COLORED HERON
- WOOD STORK

NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF JANUARY - MARCH 2022.

PROPERTY BOUNDARY PER NEAL COMMUNITIES, DRAWING No. 2022-245 MASTER BNDY EMAIL.DWG DATED MARCH 7, 2023.

FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999).

UPLAND/WETLAND LIMITS HAVE NOT BEEN REVIEWED BY ANY REGULATORY AGENCY AND ARE SUBJECT TO CHANGE.

SCALE: 1" = 350'

REVISIONS	DATE
Revised boundary	03/14/23

		DATE
DRAWN BY	R.F.	10/24/22
DESIGNED BY	B.B.	10/24/22
REVIEWED BY	B.B.	10/24/22

13620 Metropolis Avenue
Suite 200
Ft. Myers, FL 33912
Phone (239) 274-0067
Fax (239) 274-0069

PASSARELLA & ASSOCIATES INC
Consulting Ecologists

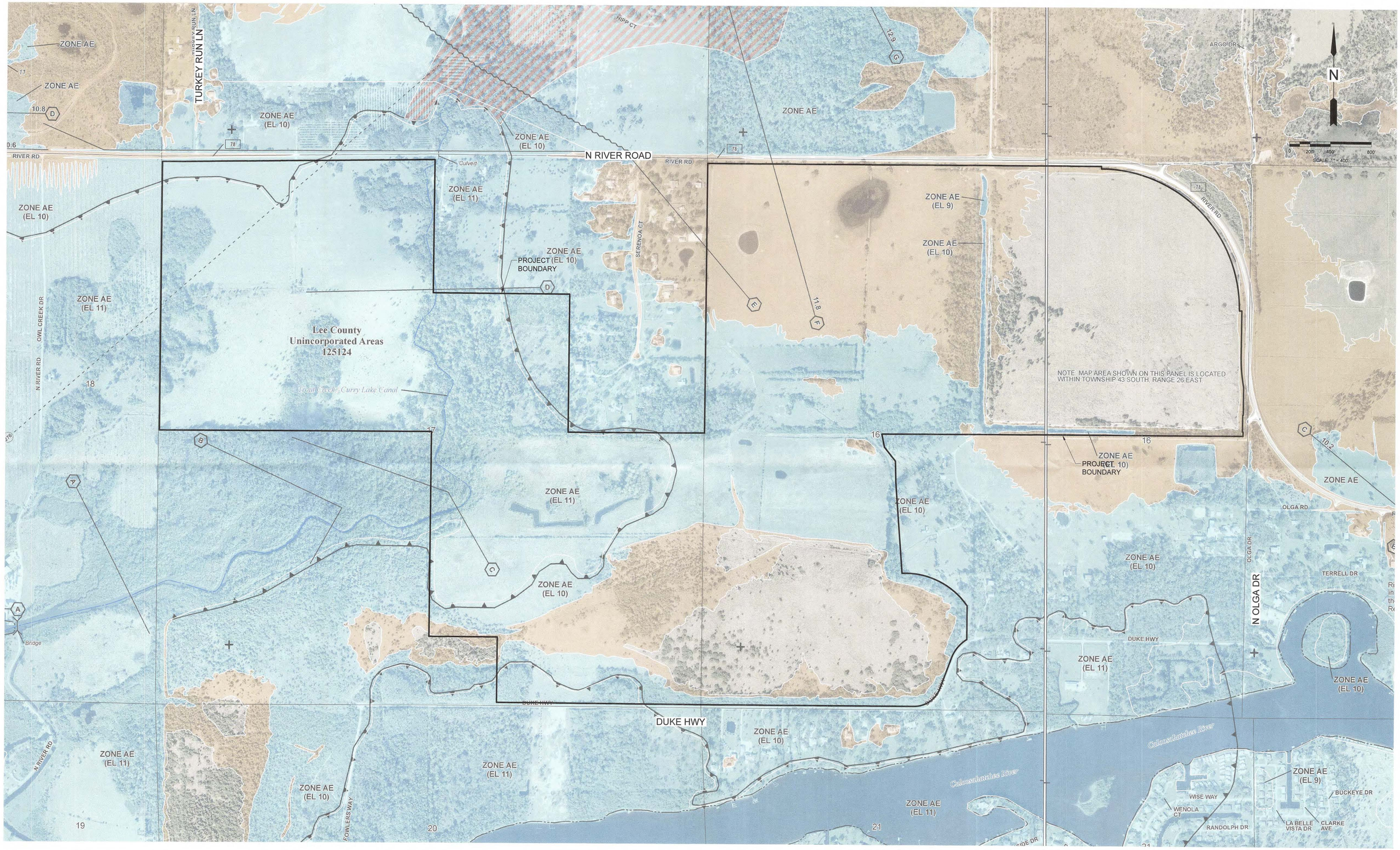
CARY + DUKE + POVIA RPD

AERIAL WITH FLUCFCS, SPECIES LOCATIONS, AND SURVEY TRANSECTS

DRAWING No. 22NCC3903

SHEET No. EXHIBIT 9

J:\2022\22NCC3903\2023\ENVIRONMENTAL ASSESSMENT\EXHIBIT 9 AERIAL WITH FLUCFCS SPECIES LOCATIONS AND SURVEY TRANSECTS 031423.DWG TAB: 36X24-C APR 04, 2023 - 9:46AM PLOTTED BY: HOLDEN

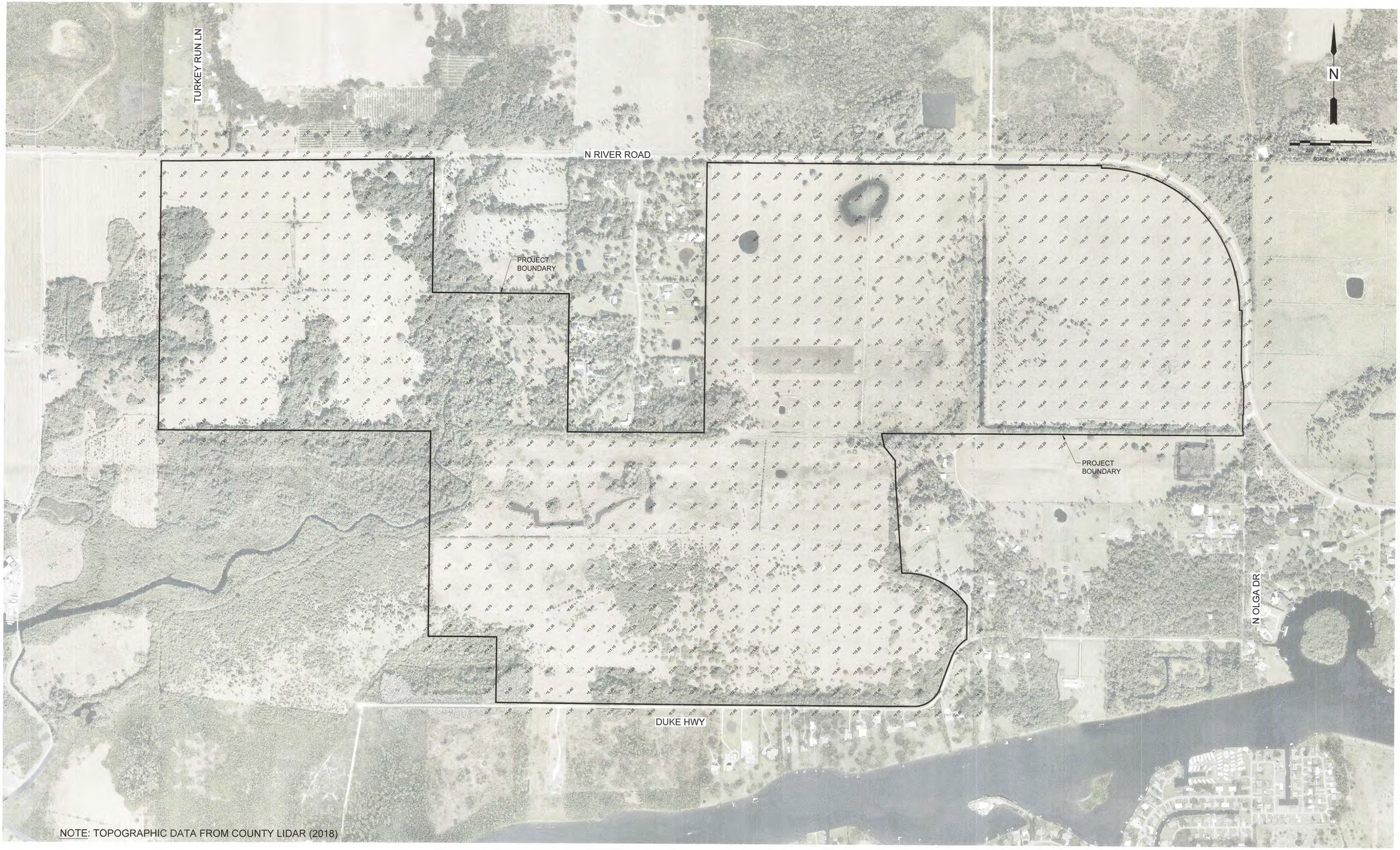


FEMA FLOOD MAP

CARY+DUKE+POVIA

J.R. EVANS ENGINEERING

00911-00 E1201 - TOPO MAP.DWG
May 24, 2023



NOTE: TOPOGRAPHIC DATA FROM COUNTY LIDAR (2018)

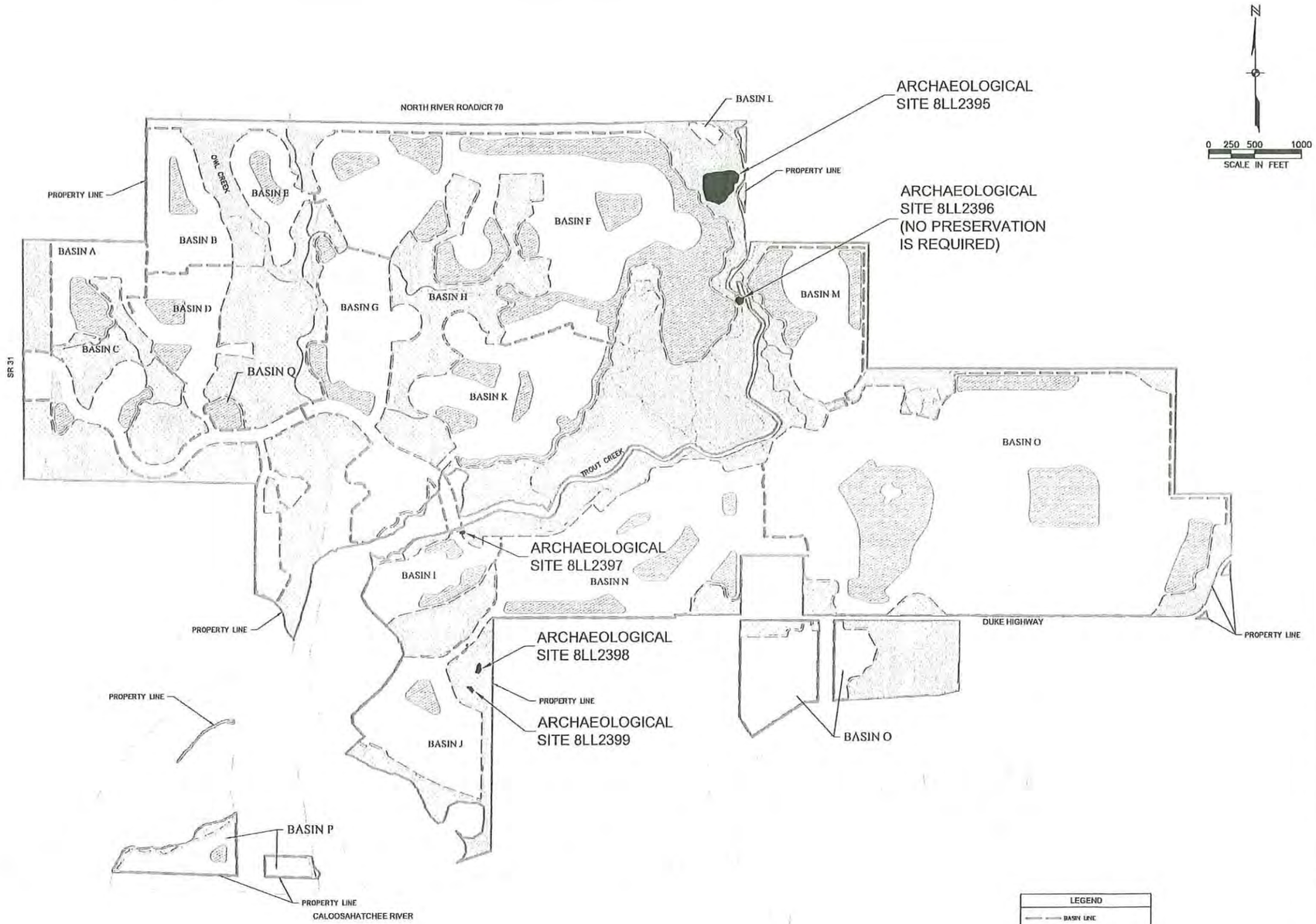
J.R. EVANS ENGINEERING

TOPOGRAPIC MAP

CARY+DUKE+POVIA

00911-00 E12 - TOPO MAP.DWG
February 16, 2023

Historic Resources Impact Analysis (EXHIBIT M13)



JOHNSON ENGINEERING
2122 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. 642 & L.B. 642

NORTH RIVER COMMUNITIES, LLC

NORTH RIVER VILLAGE
LEE COUNTY, FLORIDA

REVISIONS

NO.	DESCRIPTION	DATE

DATE:	JULY, 2008
PROJECT NO.	20070882
FILE NO.	16,17,18,19,20-43-26
SCALE:	1" = 500'

ARCHAEOLOGICAL SITES MAP

SHEET NUMBER
1 OF 1

FLORIDA DEPARTMENT OF STATE
Kurt S. Browning
Secretary of State
DIVISION OF HISTORICAL RESOURCES

Ms. Kim Perry
Archaeological and Historical Conservancy, Inc.
4800 S.W. 64th Avenue, Suite 107
Davie, Florida 33314

August 1, 2008

Re: DHR Project File No.: 2008-04076
Received by DHR: July 2, 2008
A Phase I Cultural Resource Assessment Survey of the North River Assemblage Parcels, Lee County, Florida

Dear Ms. Perry:

We note that in February 2006 through October 2007, Archaeological and Historical Conservancy, Inc. conducted the above referenced survey for Bonita Bay Properties, Inc. in anticipation of a request by the Florida Division of Historical Resources for a cultural resource assessment survey. Our office proceeded to review this report with the expectation that Bonita Bay Properties, Inc. will be engaging in permitting processes that will require this office to comment on possible adverse impacts tot cultural resources listed or eligible for listing in the National Register of Historic Places (NRHP), or otherwise of historical, architectural, or archaeological significance. We recommend at the time such actions are taken, a copy of this letter be forwarded to the permitting agency(ies) with the application. This may eliminate the permitting agency(ies) from having to submit an application to the Division of Historical Resources for review, or, if applications are forwarded to the Division with this letter, it would facilitate our review.

AHC identified five previously unrecorded archaeological sites (8LL2395 – 8LL2399) within the project area during the investigation. AHC determined that Site 8LL2396 does not appear to be eligible for listing on the NRHP based on low artifact density and limited research potential. AHC determined that Sites 8LL2395 and 8LL2397 – 8LL2399 appear to be eligible for listing on the NRHP based on research potential. Additionally, 8LL2398 and 8LL2399 are unique for their location within a cypress head.

AHC recommends preservation of all sites. If preservation is not possible, AHC recommends that sites be subjected to Phase II site assessments.

Based on the information provided, our office finds the submitted report complete and sufficient in accordance with Chapter 1A-46, *Florida Administrative* Code. We concur that Site 8LL2396 does not appear eligible for listing on the NRHP. Because it is ineligible, our office is not requesting additional investigation or preservation of 8LL2396. However, treatment of this or any other site should be determined in consultation with the appropriate local government.

While there is insufficient information for our office to make an eligibility determination for the remaining sites, we concur that Phase II site assessments should be conducted if Sites 8LL2395, 8LL2397, 8LL2398, or 8LL2399 cannot be preserved.

For any questions concerning our comments, please contact April Westerman, Historic Preservationist, by electronic mail at amwesterman@dos.state.fl.us, or by phone at (850) 245-6333. We appreciate your continued interest in protecting Florida's historic properties.

Sincerely,

Frederick P. Gaske, Director, and
State Historic Preservation Officer

Analysis of Impacts from Proposed Changes (EXHIBITS M14 & M16)

Cary+Duke+Povia Map Amendment
Analysis of Impacts from Proposed Changes
Exhibits M14, M16

1) Traffic Circulation Analysis

The attached Traffic Circulation Analysis, by TR Transportation Consultants, demonstrates that the proposed amendment will not cause any roadway links to fall below the recommended minimum acceptable Level of Service thresholds as recommended in Policy 37.1.1 and that no changes to the adopted Long-Range Transportation Plan.

2) Sanitary Sewer

Franchise Area, Basin, or District

The property is located in the vicinity of both the Florida Governmental Utilities Authority (FGUA) North Fort Myers Service Area and the Lee County Utilities (LCU) CFM-Central Wastewater Treatment Plant (WWTP) Service Area. The LCU service area is proposed to be amended to include this property.

Levels of Service

According to the 2022 Concurrency Report, LCU Water Reclamation Facilities (WRFs) are reported as one central system for concurrency purposes and both the FGUA and LCU systems are operating within capacity and meet the LOS standard for unincorporated Lee County.

The 2022 Concurrency Report indicates that LCU WRFs have a capacity of 43.4 MGD. In 2021, the actual average daily flow was 33.0 MGD. The 2026 projected demand is 47.3 MGD. As detailed below, capacity expansion projects will increase future capacity to 49.4 MGD. The projected excess capacity after completion of currently planned expansions is 2.1 MGD.

Lee Plan Policies 56.1.2 and 95.1.3 establishes an LOS standard for Sanitary Sewer of 200 GPD per Equivalent Residential Connection (ERC).

The proposed sanitary sewer use of the development is calculated as follows:
1,099 ERC x 200 GPD = 219,800 GPD

The attached letter of availability from LCU indicates there is sufficient capacity within the existing plant to serve the 219,800 GPD increase in demand.

Existing infrastructure

The nearest wastewater forcemain is located on the south side of the Caloosahatchee River. Service to the property by LCU will be provided by developer funded improvements to extend the existing forcemain into the Property for service.

Programmed Improvements/Expansions

The 2022 Concurrency Report indicates there are two projects to increase LCU central system capacity in the Lee County CIP. A 2.0-MGD expansion of the Three Oaks Water Reclamation Facility is scheduled for completion in fiscal year 2023/2024 and a 4.0-MGD capacity expansion to the Southeast Water Reclamation Facility is scheduled for completion in fiscal year 2027/2028.

Letter of Availability

Please see the enclosed letter from LCU confirming the availability of centralized sewer service (Exhibit M17).

3) **Potable Water Service**

Franchise Area, Basin, or District

The Property is located adjacent to the Lee County Utilities (LCU) Franchise Area and the North Lee County Water Treatment Plant (WTP) Service Area. The water service area is proposed to be amended to include this property.

Levels of Service

According to the 2022 Concurrency Report, LCU WTPs operate as one central system and capacity is adequate to meet the LOS standard for the five-year CIP planning period

The 2022 Concurrency Report indicates that LCU WTPs have a capacity of 52.9 MGD. In 2021, the actual average daily flow was 34.8 MGD. The 2026 projected demand is 37.6 MGD. The projected excess capacity in 2026 is 15.3 MGD.

Lee Plan Policies 53.1.3 and 95.1.3 establish an LOS standard for Potable Water of 250 GPD per Equivalent Residential Connection (ERC).

The proposed water use of the development is calculated as follows:
1,099 ERC x 250 GPD = 274,750 GPD

Therefore, there is sufficient capacity within the existing plant to serve the 274,750 GPD increase in demand.

Existing infrastructure

The nearest LCU water distribution main is located within the Bayshore Rd. right-of-way approximately 4.5 miles west of the subject property. Service to the property will be provided by developer funded improvements to connect to the existing water main and extending mains into the Property for service.

Programmed Improvements/Expansions

The Capital Improvement Program Update (2021) allocates funding to an expansion project for the North Lee County WTP to expand the facility's treatment capacity from the currently permitted 11.6 MGD to 15 MGD. The 2022 Concurrency Report estimates the completion date of the project in fiscal year 2023/24.

Letter of Availability

Please see the enclosed letter from LCU confirming the availability of centralized potable water (Exhibit M17).

4) Surface Water/Drainage Basins – South Florida Water Management District

The Property is located in the Trout Creek and Otter Creek Watersheds according to the Lee County Watershed Map (Lee Plan Map 5B). The site currently allows runoff to sheet flow into the Caloosahatchee River tributaries. Two separate stormwater management systems are anticipated due to the nature of the property topography and hydrology, one on each side of Trout Creek. The stormwater will discharge runoff into the waters of Trout Creek and flow downstream into the Caloosahatchee River. The design intent is to allow existing flows to pass through the property.

Levels of Service

Lee Plan Policies 60.1.7 and 95.1.3 establish an LOS standard for Stormwater Management Facilities as follows:

> *(a) 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 3-F) from the 25-year, 3-day storm event (rainfall) for more than 24 hours.*
> *(b) Maintain adequate public infrastructure so that all new private and public structures which are constructed a minimum of one foot above the 100-year, 3-day storm event flood plain level will be safe from flooding from a 100-year, 3-day storm event (rainfall).*
> *(c) Regulation of Private and Public Development - Surface water management systems in new private and public developments (excluding widening of existing roads) will be designed to SFWMD standards (to detain or retain excess stormwater to match the predevelopment discharge rate for the 25-year, 3-day storm event [rainfall]). Stormwater discharges from development must meet relevant water quality and surface water management standards as set forth in state rules including but not limited to requirements listed in the Numeric Nutrient Criteria, Total Maximum Daily Load Program and Basin Management Action Plan. New developments will be designed to avoid increased flooding of surrounding areas. These standards are designed to minimize increases of discharge to public water management infrastructure (or to evapotranspiration) that exceed historic rates, to minimize change to the historic hydroperiod of receiving waters, to maintain the quality of receiving waters, and to eliminate the disruption of wetlands and flow-ways, whose preservation is deemed in the public interest.*
> *(d) Design trunk conveyance crossings of arterial roads to be free of flooding from 25-year, 3-day storm event.*
> *(e) Design major collectors and arterial roadways to have no more than 6 inches of water for a 25-year, 3-day storm event."*

The 2022 Concurrency Report indicates that no evacuation routes are expected to be flooded for more than 24 hours. Additionally, the Project will be required to obtain an ERP permit from SFWMD. Therefore, the Project will comply with the LOS standard for Stormwater Management Facilities.

5) Parks, Recreation, Open Space

Objectives 83.1 and 84.1 and Policy 95.1.3 establish a non-regulatory LOS standard for Community Parks and Regional Parks as follows:

> *"(a) Regional Parks - 6 acres of developed regional park land open for public use per 1000 total seasonal County population for all of Lee County.*
> *(b) Community Parks - 0.8 acres of developed community park land open for public use per 1,000 unincorporated Lee County permanent population."*

The 2022 Concurrency Report indicates the following required and available capacities needed to meet these LOS standards:

Type	Required Capacity	Available Capacity
Regional Parks	5,538 acres	7,066 acres
Community Parks	295 acres	832 acres

As a result, there is adequate acreage to accommodate the proposed development of 1,099 dwelling units.

6) Public Schools

The Property is located in the East Zone. According to the 2022 Concurrency Report, projected capacity for elementary, middle and high schools in the East zone for the 2022-23 school year as follows:

School Type	Capacity
Elementary Schools	-371
Middle Schools	351
High Schools	552
Total	**532**

Lee Plan Policies 68.1.1 and 95.1.3 establish an LOS standard for schools of "100% of Permanent FISH Capacity" for Elementary Schools, Middle Schools, High Schools, and Special Purpose Facilities.

The proposed demand for seats is calculated 0.297 students per single family dwelling unit, which results in the following demand for each school type as follows:

School Type	Students per Single-Family Dwelling	Total Demand (Seats)
Elementary	0.149	164

Middle School	0.071	78
High School	0.077	85
Total		**327**

Several construction projects in the next five years will ensure available seat capacity is met. Additionally, the 2022 Concurrency Report notes that contiguous districts may provide capacity when capacity in the project's District is not available.

Programmed Improvements/Expansions

Two facilities are programmed to be opened in the East Zone. The 2022 Concurrency Report estimates that the completion of Elementary School "J," and the expansion of Lehigh Acres Middle School will provide additional seats for the 2023-24 school year.

Letter of Availability

The capacity analysis above demonstrates that adequate capacity exists to accommodate the proposed development. Additionally, the School District has provided the enclosed letter confirming the availability of seats (Exhibit M17).

Traffic Circulation Analysis (EXHIBIT M15)

TR TRANSPORTATION CONSULTANTS, INC

2726 OAK RIDGE COURT, SUITE 503
FORT MYERS, FL 33901-9356
OFFICE 239.278.3090
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TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

MEMORANDUM

TO: Mr. Jack Weber
Neal Communities

FROM: Yury Bykau, P.E.
Senior Project Manager

DATE: Revised: June 15, 2023

RE: Cary+Duke+Povia
Comprehensive Plan Amendment
Lee County, Florida

TR Transportation Consultants, Inc. has completed a traffic circulation analysis for the proposed Comprehensive Plan for the property located along the south side of North River Road approximately 1 mile east of SR 31 in Lee County, Florida. Based on the discussion with RVi Planning, the subject site will be subject to a Comprehensive Plan Amendment that will allow the site to be added to the Future Water and Sewer Services Maps 4A and 4B.

The transportation related impacts of the proposed Amendment to the Lee Plan were evaluated pursuant to the criteria in the application document. This included an evaluation of the long-range impact (20-year horizon) and short-range impact (5-year horizon) the proposed amendment would have on the existing and future roadway infrastructure.

Under the existing Rural Land Use Category (FLU), approximately 788 acres of property can be developed with up to 788 residential dwelling units at a density of 1 dwelling unit per acre, plus additional incentive density of up to 1 dwelling unit per acre under Policy 123.2.17. The applicant proposes 1,099 dwelling units in the concurrently filed Residential Planned Development application. The Applicant is proposing a Comprehensive Plan Amendment on the subject property to add the 788 acres to Future Water and Sewer Services Maps 4A and 4B.

Table 1 summarizes the residential intensities that could be developed under the existing land use designation and residential intensities as a result of the incentive density per Policy 123.2.17.

Table 1
Land Uses
Cary+Duke+Povia

Existing/ Proposed	Land Use Category	Intensity
Existing	Rural	788 Dwelling Units
Proposed W/ Incentive Density	Rural	1,099 Dwelling Units

The trip generation for the with and without incentive density scenarios was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled ***Trip Generation Manual***, 11th Edition. Land Use Code 210 (Single-Family Detached Housing) was utilized for the trip generation purposes of the residential uses. Using this land use ensures that the analysis is completed based on the worst-case trip generation scenario. **Table 2** and **Table 3** outline the anticipated weekday AM and PM peak hour and daily trip generation based on the existing and proposed future land use categories, respectively. The trip generation equations utilized are attached to this Memorandum for reference.

Table 2
Trip Generation – Permitted
Cary+Duke+Povia

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Single-Family Residential (788 Units)	122	365	487	436	256	692	6,741

Table 3
Trip Generation – Proposed
Cary+Duke+Povia

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Single-Family Residential (1,099 Units)	165	495	660	596	350	946	9,154

Table 4 indicates the trip generation difference between the proposed Map Amendment and existing land use category (Table 2 vs Table 3). The resultant trip change in Table 4 indicates that the trip generation will be **increased** in the AM and PM peak hour conditions as a result of the proposed amendment.

Table 4
Trip Generation – Resultant Trip Change (Table 2 vs Table 3)
Cary+Duke+Povia

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Proposed Incentive Density	165	495	660	596	350	946	9,154
Existing Land Use Designation	-122	-365	-487	-436	-256	-692	-6,741
Resultant Trip Change	**+43**	**+130**	**+173**	**+160**	**+94**	**+254**	**+2,413**

Long Range Impacts (20-year horizon)

The Lee County Metropolitan Planning Organization's (MPO) 2045 Long Range Transportation Plan was reviewed to determine if any future roadway improvements were planned in the vicinity of the subject site. Based on the review, roadway improvements within the vicinity of the subject site shown on the 2045 Financially Feasible Plan were the widening of SR 31 to a six-lane facility from SR 80 to Charlotte County and widening of SR 78 to a four-lane facility from SR 31 to I-75. Note, the Lee County 2045 Needs Plans also indicates widening of SR 80 to a six-lane facility from SR 31 to Buckingham Road. Improvements that are shown on the Needs Plan are not included in this analysis. The Lee County 2045 Highway Cost Feasible Plan and 2045 Needs Plan maps are attached to this Memorandum for reference.

The Lee County Metropolitan Planning Organization's (MPO) long range transportation travel model was also reviewed in order to determine the impacts the amendment would have on the surrounding area. The base 2045 loaded network volumes were determined for the roadways within the study area and then the PM peak hour trips to be generated by additional trips in Table 3 were added to the projected 2045 volumes. The Level of Service for the surrounding roadways was then evaluated. The Level of Service threshold volumes were derived based on the attached ***Lee County Generalized Peak Hour Directional Service Volumes*** table as well as ***FDOT's Generalized Peak Hour Directional Volumes***, Table 7 and Table 9.

The results of the analysis indicate that the addition of the trips as a result of the proposed incentive density to the projected 2045 volumes will not cause any roadway links, except for SR 31 between SR 78 and North River Road, to fall below the recommended minimum acceptable Level of Service thresholds as recommended in Policy 37.1.1 of the Lee County Comprehensive Plan. The adopted Level of Service for SR 31 between SR

78 and North River Road is LOS" C". With the project traffic scenario, this roadway is anticipated to operate at a LOS "D". However, 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.*" Note, SR 80 east of SR 31 was shown to operate at a poor Level of Service in the 2045 background (without project traffic) conditions. As previously mentioned, SR 80 is shown to be widened to a six-lane facility on the Lee County's 2045 Needs Plan, which would alleviate this projected background deficiency. Therefore, no changes to the adopted long range transportation plan are required as result of the proposed Map Amendments. Attached **Table 1A** and **Table 2A** reflect the Level of Service analysis based on the 2045 conditions.

Short Term Impacts Analysis (2026)

The 2021/2022-2025/2026 Lee County Transportation Capital Improvement Plan and the 2022-2026 Florida Department of Transportation Adopted Work Program were reviewed to determine the short term impacts the proposed Map Amendment would have on the surrounding roadways. Based on the review, SR 31 is funded to be widened to a four-lane facility from SR 78 to Cook Brown Road by Babcock Ranch. The construction for this improvement is scheduled to start in late 2023. There are no other programmed improvements in the vicinity of the subject site. Note, FDOT is currently conducting PD&E studies on SR 31 from SR 80 to SR 78 as well as on SR 78 from I-75 to SR 31 to evaluate future widening of these roadways to four-lane facilities.

Table 3A and **Table 4A** attached to this report indicate the projected 5-year planning Level of Service on the surrounding roadways based on the additional trips shown in Table 5. The existing peak hour, peak season, peak direction traffic volumes on the various roadway links maintained by Lee County were obtained from the most recent ***Lee County Public Facilities Level of Service and Concurrency Report***. The existing peak hour, peak season, peak direction traffic volumes for state maintained roadways were derived by factoring the latest AADT volumes by appropriate K & D factors obtained from FDOT's ***Florida Traffic Online*** webpage.

The existing peak hour, peak season, peak direction traffic volumes were then factored by the appropriate annual growth rates in order to obtain the 2026 background traffic conditions on the area roadway network. The growth rates for each roadway were calculated based on historical traffic data obtained from the FDOT's ***Florida Traffic Online*** webpage as well as the traffic data from the latest ***Lee County Traffic Count Database System (TCDS)***. Based on the project traffic distribution illustrated within Table 4A, the roadway link data was analyzed for the year 2026 without the proposed amendment and year 2026 with the proposed amendment. Traffic data obtained from the aforementioned Lee County and FDOT resources is attached to this Memorandum for reference.

The results of the analysis indicate that the addition of the trips as a result of the proposed incentive density to the projected 2026 volumes will only cause SR 31 from SR 78 to SR 80 to fall below the minimum acceptable Level of Service standards. However, as previously mentioned FDOT is currently conducting PD&E Study on SR 31 to widen this roadway segment to a four-lane facility, which would alleviate this projected deficiency. The proposed Map Amendment does not cause any other roadways in the short-range analysis to fall below the minimum acceptable Level of Service standards. Therefore, based on this analysis no modifications will be necessary to the Lee County or FDOT short term capital improvement programs. Capacity analysis will be evaluated again at the time the project will seek rezoning and local Development Order approvals.

Conclusion

The proposed Comprehensive Plan Amendment is for a property located along the south side of North River Road approximately 1 mile east of SR 31 in Lee County, Florida. The proposed Map Amendment on the subject property will add the site to the Future Water and Sewer Service Maps 4A and 4B.

The results of the long-range link Level of Service analysis indicated that the addition of the trips as a result of the proposed incentive density to the projected 2045 volumes will not cause cause any roadway links, except for SR 31 between SR 78 and North River Road, to fall below the recommended minimum acceptable Level of Service thresholds as recommended in Policy 37.1.1 of the Lee County Comprehensive Plan. The adopted Level of Service for SR 31 between SR 78 and North River Road is LOS" C". With the project traffic scenario, this roadway is anticipated to operate at a LOS "D". However, 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.*"

The results of the short-range link Level of Service analysis indicated that the addition of the trips as a result of the proposed incentive density to the projected 2026 volumes will only cause SR 31 from SR 78 to SR 80 to fall below the minimum acceptable Level of Service standards. However, as previously mentioned FDOT is currently conducting PD&E Study on SR 31 to widen this roadway segment to a four-lane facility, which would alleviate this projected deficiency. The proposed Map Amendment does not cause any other roadways to fall below the minimum acceptable Level of Service standards. Capacity analysis will be evaluated again at the time the project will seek rezoning and local Development Order approvals.

No modifications are necessary to the Short Term Capital Improvement Plan or the Long Range Transportation Plan to support the proposed Amendment. In addition, the proposed amendment will not significantly alter the socio-economic data forecasts that were utilized in the development of the Long Range Transportation Plan.

Attachments

TABLES 1A & 2A

2045 LOS ANALYSIS

TABLE 1A
LEVEL OF SERVICE THRESHOLDS
2045 LONG RANGE TRANSPORTATION ANALYSIS - CARY+DUKE+POVIA CPA

		2045 E + C NETWORK LANES		GENERALIZED SERVICE VOLUMES				
				LOS A	LOS B	LOS C	LOS D	LOS E
ROADWAY	ROADWAY SEGMENT	# Lanes	Roadway Designation	VOLUME	VOLUME	VOLUME	VOLUME	VOLUME
N. River Rd	E. of SR 31	2LU	Uninterrupted Flow Highway	130	420	850	1,210	1,640
	E. of Site	2LU	Uninterrupted Flow Highway	130	420	850	1,210	1,640
SR 31	N. of North River Rd.	6LD	Uninterrupted Flow Highway	0	2,300	3,320	4,240	4,830
	S. of North River Rd	6LD	Uninterrupted Flow Highway	0	2,300	3,320	4,240	4,830
	S. of SR 78	6LD	Arterial	0	0	3,087	3,171	3,171
SR 78 (Bayshore Rd)	W. of SR 31	4LD	Arterial	0	0	2,005	2,100	2,100
SR 80 (Palm Beach Blvd)	W. of SR 31	6LD	Arterial	0	0	3,087	3,171	3,171
	E. of SR 31	4LD	Arterial	0	0	2,005	2,100	2,100

[ ] - Denotes the LOS Standard for each roadway segment

* Level of Service Thresholds for Lee County roadways were taken from the Generalized Peak Hour Directional Service Volume tables for Urbanized Areas (dated April 2016)
* Level of Service Thresholds for State mantained roadways were taken from FDOT's Generalized Peak Hour Directional Volumes,Table 7 and Table 9.

TABLE 2A
2045 ROADWAY LINK LEVEL OF SERVICE CALCULATIONS
CARY+DUKE+POVIA CPA

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 946 VPH IN= 596 OUT= 350

ROADWAY	ROADWAY SEGMENT	2045 FSUTMS AADT	COUNTY PCS / FDOT SITE #	AADT BACKGROUND TRAFFIC	K-100 FACTOR	100TH HIGHEST HOUR PK DIR 2-WAY VOLUME	D FACTOR	PM PK HR PEAK DIRECTION	2045 PEAK DIRECTION TRAFFIC VOLUMES & LOS VOLUME	LOS	PROJECT TRAFFIC DIST.	PK DIR PM PROJ TRAFFIC	2045 BACKGROUND PLUS PROJ PEAK DIRECTION TRAFFIC VOLUMES & LOS VOLUME	LOS
N. River Rd	E. of SR 31	12,426	124650	12,426	0.095	1,180	0.535	EAST	631	C	90%	536	1,167	D
	E. of Site	11,371	124650	11,371	0.095	1,080	0.535	EAST	578	C	10%	60	638	C
SR 31	N. of North River Rd.	69,826	120273	69,826	0.095	6,633	0.523	SOUTH	3,164	C	20%	119	3,283	C
	S. of North River Rd.	59,332	121001	59,332	0.095	5,637	0.528	NORTH	2,976	C	70%	417	3,393	D
	S. of SR 78	54,311	120030	54,311	0.090	4,888	0.528	SOUTH	2,307	C	50%	298	2,605	C
SR 78 (Bayshore Rd)	W. of SR 31	30,972	121002	30,972	0.090	2,787	0.528	EAST	1,472	C	20%	119	1,591	C
SR 80 (Palm Beach Blvd)	W. of SR 31	53,399	126005	53,399	0.090	4,806	0.528	EAST	2,538	C	35%	209	2,747	C
	E. of SR 31	50,780	120085	50,780	0.090	4,570	0.528	EAST	2,413	F	10%	60	2,473	F

* The K-100 and D factors were obtained from Florida Traffic Online resource.

TABLES 3A & 4A

5-YEAR LOS ANALYSIS

TABLE 3A
LEVEL OF SERVICE THRESHOLDS
CARY+DUKE+POVIA CPA

				GENERALIZED SERVICE VOLUMES				
				LOS A	LOS B	LOS C	LOS D	LOS E
ROADWAY	ROADWAY SEGMENT	# LANES	ROADWAY DESIGNATION	VOLUME	VOLUME	VOLUME	VOLUME	VOLUME
N. River Rd	E. of SR 31	2LU	Uninterrupted Flow Highway	130	420	850	1,210	1,640
	E. of Site	2LU	Uninterrupted Flow Highway	130	420	850	1,210	1,640
SR 31	N. of North River Rd.	4LD	Uninterrupted Flow Highway	0	1,530	2,210	2,820	3,220
	S. of North River Rd.	4LD	Uninterrupted Flow Highway	0	1,530	2,210	2,820	3,220
	S. of SR 78	2LU	Arterial	0	0	915	970	970
SR 78 (Bayshore Rd)	W. of SR 31	2LU	Arterial	0	0	872	924	924
SR 80 (Palm Beach Blvd)	W. of SR 31	6LD	Arterial	0	0	3,087	3,171	3,171
	E. of SR 31	4LD	Arterial	0	0	2,005	2,100	2,100

☐ - Denotes the LOS Standard for each roadway segment

* Level of Service Thresholds for Lee County arterials/collectors taken from the Generalized Peak Hour Directional Service Volume tables for Urbanized Areas (dated April 2016)
* Level of Service Thresholds for State mantained roadways were taken from FDOT's Generalized Peak Hour Directional Volumes, Table 7 and Table 9.

TABLE 4A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS
CARY+DUKE+POVIA CPA

TOTAL PROJECT TRAFFIC AM =	660	VPH	IN =	165	OUT=	495
TOTAL PROJECT TRAFFIC PM =	946	VPH	IN=	596	OUT=	350

FDOT Sta. #	K	D
120273	0.095	0.523
121001	0.095	0.528
120030	0.090	0.528
121002	0.090	0.528
126005	0.090	0.528
120085	0.090	0.528

ROADWAY	ROADWAY SEGMENT	LCDOT PCS OR FDOT SITE #	BASE YR ADT	2021 ADT	YRS OF GROWTH.[1]	ANNUAL RATE	2021 PK HR PK SEASON PEAK DIR.[2]	2026 PK HR PK SEASON PEAK DIRECTION VOLUME	LOS	V/C Ratio	PERCENT PROJECT TRAFFIC	AM PROJ TRAFFIC	PM PROJ TRAFFIC	2026 BCKGRND + AM PROJ VOLUME	LOS	V/C Ratio	2026 BCKGRND + PM PROJ VOLUME	LOS	V/C Ratio
N River Rd	E. of SR 31	348	2,693	3,400	8	2.96%	145	168	B	0.14	90%	446	536	613	C	0.51	704	C	0.58
	E. of Site	348	2,693	3,400	8	2.96%	145	168	B	0.14	10%	50	60	217	B	0.18	227	B	0.19
SR 31	N. of North River Rd.	120273	5,719	11,560	15	4.86%	579	735	B	0.23	20%	99	119	834	B	0.26	854	B	0.27
	S. of North River Rd.	121001	11,100	16,000	15	2.47%	803	907	B	0.28	70%	347	417	1,253	B	0.39	1,324	B	0.41
	S. of SR 78	120030	12,500	15,900	15	2.00%	756	834	C	0.86	50%	248	298	1,082	F	1.12	1,132	F	1.17
SR 78 (Bayshore Rd)	W. of SR 31	121002	8,400	12,400	15	2.63%	589	671	C	0.73	20%	99	119	770	C	0.83	790	C	0.86
SR 80 (Palm Beach Blvd)	W. of SR 31	126005	26,004	34,000	13	2.08%	1,616	1,791	C	0.56	35%	173	209	1,964	C	0.62	2,000	C	0.63
	E. of SR 31	120085	36,000	43,000	15	2.00%	2,043	2,256	F	1.07	10%	50	60	2,306	F	1.10	2,316	F	1.10

1 AGR for roadways was calculated based the historical traffic data obtained from Florida Traffic Online webpage and Lee County Traffic Count Database System (TCDS)

2 Current peak hour peak season peak direction traffic volumes for all County roadways were obtained from the 2022 Lee County Public Facilities Level of Service and Concurrency Report

2 Current peak hour peak season peak direction traffic volumes for state mantained roadways were obtained by adjusting the 2021 AADT by the appropriate K and D factors

LEE COUNTY GENERALIZED SERVICE VOLUME TABLE

Lee County
Generalized Peak Hour Directional Service Volumes
Urbanized Areas

April 2016 c:\input5

Uninterrupted Flow Highway

Level of Service

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

Arterials

Class I (40 mph or higher posted speed limit)

Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	140	800	860	860
2	Divided	*	250	1,840	1,960	1,960
3	Divided	*	400	2,840	2,940	2,940
4	Divided	*	540	3,830	3,940	3,940

Class II (35 mph or slower posted speed limit)

Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	*	330	710	780
2	Divided	*	*	710	1,590	1,660
3	Divided	*	*	1,150	2,450	2,500
4	Divided	*	*	1,580	3,310	3,340

Controlled Access Facilities

Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	160	880	940	940
2	Divided	*	270	1,970	2,100	2,100
3	Divided	*	430	3,050	3,180	3,180

Collectors

Level of Service

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

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

FDOT GENERALIZED PEAK HOUR DIRECTIONAL VOUMES TABLE 7 & TABLE 9

TABLE 7 Generalized **Peak Hour Directional** Volumes for Florida's Urbanized Areas

January 2020

INTERRUPTED FLOW FACILITIES

STATE SIGNALIZED ARTERIALS

Class I (40 mph or higher posted speed limit)

Lanes	Median	B	C	D	E
1	Undivided	*	830	880	**
2	Divided	*	1,910	2,000	**
3	Divided	*	2,940	3,020	**
4	Divided	*	3,970	4,040	**

Class II (35 mph or slower posted speed limit)

Lanes	Median	B	C	D	E
1	Undivided	*	370	750	800
2	Divided	*	730	1,630	1,700
3	Divided	*	1,170	2,520	2,560
4	Divided	*	1,610	3,390	3,420

Non-State Signalized Roadway Adjustments

(Alter corresponding state volumes by the indicated percent)

Non-State Signalized Roadways - 10%

Median & Turn Lane Adjustments

Lanes	Median	Exclusive Left Lanes	Exclusive Right Lanes	Adjustment Factors
1	Divided	Yes	No	+5%
1	Undivided	No	No	-20%
Multi	Undivided	Yes	No	-5%
Multi	Undivided	No	No	-25%
–	–	–	Yes	+ 5%

One-Way Facility Adjustment

Multiply the corresponding directional volumes in this table by 1.2

BICYCLE MODE[2]

(Multiply vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes)

Paved Shoulder/Bicycle Lane Coverage	B	C	D	E
0-49%	*	150	390	1,000
50-84%	110	340	1,000	>1,000
85-100%	470	1,000	>1,000	**

PEDESTRIAN MODE[2]

(Multiply vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes)

Sidewalk Coverage	B	C	D	E
0-49%	*	*	140	480
50-84%	*	80	440	800
85-100%	200	540	880	>1,000

BUS MODE (Scheduled Fixed Route)[3]

(Buses in peak hour in peak direction)

Sidewalk Coverage	B	C	D	E
0-84%	> 5	≥ 4	≥ 3	≥ 2
85-100%	> 4	≥ 3	≥ 2	≥ 1

UNINTERRUPTED FLOW FACILITIES

FREEWAYS

Core Urbanized

Lanes	B	C	D	E
2	2,230	3,100	3,740	4,080
3	3,280	4,570	5,620	6,130
4	4,310	6,030	7,490	8,170
5	5,390	7,430	9,370	10,220
6	6,380	8,990	11,510	12,760

Urbanized

Lanes	B	C	D	E
2	2,270	3,100	3,890	4,230
3	3,410	4,650	5,780	6,340
4	4,550	6,200	7,680	8,460
5	5,690	7,760	9,520	10,570

Freeway Adjustments

Auxiliary Lane	Ramp Metering
+ 1,000	+ 5%

UNINTERRUPTED FLOW HIGHWAYS

Lanes	Median	B	C	D	E
1	Undivided	580	890	1,200	1,610
2	Divided	1,800	2,600	3,280	3,730
3	Divided	2,700	3,900	4,920	5,600

Uninterrupted Flow Highway Adjustments

Lanes	Median	Exclusive left lanes	Adjustment factors
1	Divided	Yes	+5%
Multi	Undivided	Yes	-5%
Multi	Undivided	No	-25%

[1] Values shown are presented as peak hour directional volumes for levels of service and are for the automobile/truck modes unless specifically stated. This table does not constitute a standard and should be used only for general planning applications. The computer models from which this table is derived should be used for more specific planning applications. The table and deriving computer models should not be used for corridor or intersection design, where more refined techniques exist. Calculations are based on planning applications of the HCM and the Transit Capacity and Quality of Service Manual.

[2] Level of service for the bicycle and pedestrian modes in this table is based on number of vehicles, not number of bicyclists or pedestrians using the facility.

[3] Buses per hour shown are only for the peak hour in the single direction of the higher traffic flow.

* Cannot be achieved using table input value defaults.

** Not applicable for that level of service letter grade. For the automobile mode, volumes greater than level of service D become F because intersection capacities have been reached. For the bicycle mode, the level of service letter grade (including F) is not achievable because there is no maximum vehicle volume threshold using table input value defaults.

Source:
Florida Department of Transportation
Systems Implementation Office
https://www.fdot.gov/planning/systems/

TABLE 9

Generalized **Peak Hour Directional** Volumes for Florida's Rural Undeveloped Areas **and** Developed Areas Less Than 5,000 Population[1]

January 2020

INTERRUPTED FLOW FACILITIES

STATE SIGNALIZED ARTERIALS

Lanes	Median	B	C	D	E
1	Undivided	*	670	740	**
2	Divided	*	1,530	1,580	**
3	Divided	*	2,360	2,400	**

Non-State Signalized Roadway Adjustments

(Alter corresponding state volumes by the indicated percent)

Non-State Signalized Roadways - 10%

Median & Turn Lane Adjustments

Lanes	Median	Exclusive Left Lanes	Exclusive Right Lanes	Adjustment Factors
1	Divided	Yes	No	+5%
1	Undivided	No	No	-20%
Multi	Undivided	Yes	No	-5%
Multi	Undivided	No	No	-25%
–	–	–	Yes	+ 5%

One-Way Facility Adjustment

Multiply the corresponding directional volumes in this table by 1.2

BICYCLE MODE[2]

(Multiply vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.)

Rural Undeveloped

Paved Shoulder/Bicycle Lane Coverage	B	C	D	E
0-49%	*	70	110	170
50-84%	60	120	180	580
85-100%	140	210	1,000	>1,000

Developed Areas

Paved Shoulder/Bicycle Lane Coverage	B	C	D	E
0-49%	*	120	260	840
50-84%	100	240	720	1,000
85-100%	320	1,000	>1,000	**

PEDESTRIAN MODE[2]

(Multiply vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.)

Sidewalk Coverage	B	C	D	E
0-49%	*	*	120	460
50-84%	*	80	430	770
85-100%	180	520	860	>1,000

UNINTERRUPTED FLOW FACILITIES

FREEWAYS

Lanes	B	C	D	E
2	2,010	2,770	3,270	3,650
3	2,820	3,990	4,770	5,470
4	3,630	5,220	6,260	7,300

Freeway Adjustments

Auxiliary Lane
+ 1,000

UNINTERRUPTED FLOW HIGHWAYS

Rural Undeveloped

Lanes	Median	B	C	D	E
1	Undivided	240	450	730	1,490
2	Divided	1,630	2,350	2,910	3,280
3	Divided	2,450	3,530	4,360	4,920

Developed Areas

Lanes	Median	B	C	D	E
1	Undivided	540	820	1,110	1,490
2	Divided	1,530	2,210	2,820	3,220
3	Divided	2,300	3,320	4,240	4,830

Passing Lane Adjustments

Alter LOS B-D volumes in proportion to the passing lane length to the highway segment length

Uninterrupted Flow Highway Adjustments

Lanes	Median	Exclusive left lanes	Adjustment factors
1	Divided	Yes	+5%
Multi	Undivided	Yes	-5%
Multi	Undivided	No	-25%

[1]Values shown are presented as peak hour directional volumes for levels of service and are for the automobile/truck modes unless specifically stated. This table does not constitute a standard and should be used only for general planning applications. The computer models from which this table is derived should be used for more specific planning applications. The table and deriving computer models should not be used for corridor or intersection design, where more refined techniques exist. Calculations are based on planning applications of the HCM and the Transit Capacity and Quality of Service Manual.

[2] Level of service for the bicycle and pedestrian modes in this table is based on number of vehicles, not number of bicyclists or pedestrians using the facility.

* Cannot be achieved using table input value defaults.

** Not applicable for that level of service letter grade. For the automobile mode, volumes greater than level of service D become F because intersection capacities have been reached. For the bicycle mode, the level of service letter grade (including F) is not achievable because there is no maximum vehicle volume threshold using table input value defaults.

Source:
Florida Department of Transportation
Systems Implementation Office
https://www.fdot.gov/planning/systems/

TRAFFIC DATA

FDOT FLORIDA TRAFFIC ONLINE

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2021 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 4650 - NORTH RIVER ROAD, EAST OF S.R. 31

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2021	3600 T	E 1800	W 1800	9.50	53.50	13.60
2020	3400 S	E 1700	W 1700	9.50	53.80	12.50
2019	3400 F	E 1700	W 1700	9.50	54.90	12.50
2018	3200 C	E 1600	W 1600	9.50	55.20	12.50
2017	3200 T	E 1600	W 1600	9.50	54.90	12.20
2016	3000 S	E 1500	W 1500	9.50	54.80	15.00
2015	2800 F	E 1400	W 1400	9.50	55.50	15.00
2014	2600 C	E 1300	W 1300	9.50	55.20	15.00
2013	1000 S	0	0	9.50	55.00	12.20
2012	1000 F	0	0	9.50	55.30	11.50
2011	1000 C	E 0	W 0	9.50	55.20	11.70

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

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2021 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 0273 - SR-31,202' NORTH OF FOXHILL ROAD,LEE CO.

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2021	11660 C	N 5695	S 5965	9.50	52.30	21.20
2020	9182 C	N 4508	S 4674	9.50	52.70	23.40
2019	9292 C	N 4645	S 4647	9.50	52.10	25.30
2018	7959 C	N 4032	S 3927	9.50	54.10	26.90
2017	7337 C	N 3712	S 3625	9.50	53.40	28.20
2016	6620 C	N 3338	S 3282	9.50	53.90	26.60
2015	5216 C	N 2618	S 2598	9.50	55.60	28.00
2014	4653 C	N 2325	S 2328	9.50	55.60	27.00
2013	4195 C	N 2099	S 2096	9.50	55.90	29.00
2012	4217 C	N 2149	S 2068	9.50	56.40	26.90
2011	4126 C	N 2094	S 2032	9.50	55.10	25.60
2010	4034 C	N 2041	S 1993	9.79	54.46	26.00
2009	3964 C	N 1994	S 1970	9.81	52.26	25.10
2008	4232 C	N 2124	S 2108	9.88	55.53	23.50
2007	6039 C	N 3027	S 3012	10.95	51.84	43.50
2006	5719 C	N 2850	S 2869	10.95	51.84	43.50

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V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN
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FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2021 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 1001 - SR 31, SOUTH OF CR 78/NORTH RIVER ROAD (LC393)

YEAR	AADT	DIRECTION 1		DIRECTION 2		*K FACTOR	D FACTOR	T FACTOR
2021	16000 C	N	8000	S	8000	9.50	52.80	23.30
2020	11000 C	N	5500	S	5500	9.50	53.70	23.40
2019	11000 C	N	5500	S	5500	9.50	54.00	25.30
2018	9400 C	N	4700	S	4700	9.50	55.20	26.90
2017	8800 C	N	4500	S	4300	9.50	54.40	20.20
2016	8600 F	N	4200	S	4400	9.50	57.70	20.20
2015	7800 C	N	3800	S	4000	9.50	57.50	20.20
2014	7200 F	N	3600	S	3600	9.50	56.80	20.50
2013	7000 C	N	3500	S	3500	9.50	56.50	20.50
2012	7500 C	N	3800	S	3700	9.50	54.20	22.60
2011	7300 F	N	3700	S	3600	9.50	56.20	17.60
2010	7300 C	N	3700	S	3600	9.91	56.34	17.60
2009	7100 C	N	3600	S	3500	9.98	55.90	19.70
2008	7700 C	N	3900	S	3800	10.16	57.01	23.50
2007	9200 C	N	4600	S	4600	10.16	54.76	32.60
2006	11100 C	N	5500	S	5600	8.81	55.95	43.90

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
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FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2021 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 0030 - SR 31, NORTH OF SR 80/PALM BEACH BOULEVARD LC391

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2021	15900 C	N 7900	S 8000	9.00	52.80	14.20
2020	13800 C	N 6600	S 7200	9.00	53.70	17.80
2019	13500 C	N 6600	S 6900	9.00	54.00	20.80
2018	11500 C	N 5600	S 5900	9.00	55.20	18.60
2017	11200 C	N 5500	S 5700	9.00	54.40	19.00
2016	11100 F	N 5500	S 5600	9.00	57.70	12.50
2015	10100 C	N 5000	S 5100	9.00	57.50	12.50
2014	8700 F	N 4300	S 4400	9.00	56.80	14.90
2013	8500 C	N 4200	S 4300	9.00	56.50	14.90
2012	8700 C	N 4400	S 4300	9.00	54.20	13.80
2011	8500 F	N 4200	S 4300	9.00	56.20	13.70
2010	8500 C	N 4200	S 4300	9.91	56.34	13.70
2009	7800 C	N 3800	S 4000	9.98	55.90	13.40
2008	8500 C	N 4200	S 4300	10.16	57.01	12.80
2007	8700 C	N 4300	S 4400	10.16	54.76	10.80
2006	12500 C	N 6100	S 6400	10.23	54.38	33.20

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
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V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN
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FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2021 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 1002 - SR 78/BAYSHORE ROAD, SOUTHWEST OF SR 31

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2021	12400 C	E 6400	W 6000	9.00	52.80	21.80
2020	11000 C	E 5700	W 5300	9.00	53.70	18.90
2019	10600 C	E 5500	W 5100	9.00	54.00	22.00
2018	9600 C	E 5000	W 4600	9.00	55.20	21.60
2017	9200 C	E 4600	W 4600	9.00	54.40	13.00
2016	8600 F	E 4300	W 4300	9.00	57.70	13.00
2015	7800 C	E 3900	W 3900	9.00	57.50	13.00
2014	7300 F	E 3700	W 3600	9.00	56.80	14.00
2013	7100 C	E 3600	W 3500	9.00	56.50	14.00
2012	7500 C	E 3800	W 3700	9.00	54.20	16.40
2011	6800 F	E 3500	W 3300	9.00	56.20	14.90
2010	6800 C	E 3500	W 3300	9.91	56.34	14.90
2009	6900 C	E 3500	W 3400	9.98	55.90	17.00
2008	7500 C	E 3800	W 3700	10.16	57.01	19.30
2007	8400 C	E 4300	W 4100	10.16	54.76	23.30
2006	8400 C	E 4300	W 4100	10.23	54.38	21.60

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE
V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN
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FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2021 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 6005 - SR 80/PALM BEACH BLVD, 0.25 MI W OF SR 31. PTMS 104, LCPR 05

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2021	34000 T	0	0	9.00	52.80	11.70
2020	33500 S	0	0	9.00	53.70	11.50
2019	35000 F	0	0	9.00	54.00	12.30
2018	35091 C	0	0	9.00	64.90	12.60
2017	34000 F	0	0	9.00	64.90	11.10
2016	32970 C	E 16326	W 16644	9.00	64.90	10.40
2015	30167 C	E 14945	W 15222	9.00	63.20	11.00
2014	27785 C	E 13885	W 13900	9.00	62.60	5.90
2013	26228 C	E 12981	W 13247	9.00	61.80	9.50
2012	25563 C	E 12791	W 12772	9.00	61.60	10.80
2011	26888 C	E 13397	W 13491	9.00	61.60	12.40
2010	26743 C	E 13334	W 13409	9.89	61.01	8.90
2009	25939 C	E 12914	W 13025	9.90	62.73	9.60
2008	26004 C	E 12909	W 13095	10.24	63.18	9.20

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

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2021 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 0085 - SR 80/PALM BEACH BLVD, EAST OF SR 31 LC360

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2021	43000 C	E 21500	W 21500	9.00	52.80	7.50
2020	36500 C	E 18000	W 18500	9.00	53.70	8.30
2019	36500 C	E 18000	W 18500	9.00	54.00	9.00
2018	33500 C	E 16500	W 17000	9.00	55.20	9.30
2017	33500 C	E 16500	W 17000	9.00	54.40	8.50
2016	35000 C	E 17500	W 17500	9.00	57.70	8.20
2015	32000 C	E 16000	W 16000	9.00	57.50	9.00
2014	29500 S	E 15000	W 14500	9.00	56.80	9.20
2013	28500 F	E 14500	W 14000	9.00	56.50	9.20
2012	28500 C	E 14500	W 14000	9.00	54.20	9.20
2011	29500 F	E 14500	W 15000	9.00	56.20	9.40
2010	29500 C	E 14500	W 15000	9.91	56.34	9.40
2009	29500 C	E 14500	W 15000	9.98	55.90	9.50
2008	30000 C	E 15000	W 15000	10.16	57.01	8.10
2007	34000 C	E 17000	W 17000	10.16	54.76	8.50
2006	36000 C	E 18000	W 18000	10.23	54.38	11.00

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

TRAFFIC DATA FROM LEE COUNTY TRAFFIC COUNT DATABASE SYSTEM

LEE COUNTY

MS2

Traffic Count Database System (TCDS)

List View | All DIRs

Record	1 of 1	Goto Record	go

Location ID	348	**MPO ID**	
Type	SPOT	**HPMS ID**	
On NHS		**On HPMS**	
LRS ID		**LRS Loc Pt.**	
SF Group	2	**Route Type**	
AF Group		**Route**	
GF Group		**Active**	Yes
Class Dist Grp		**Category**	
Seas Clss Grp			
WIM Group			
QC Group	Default		
Fnct'l Class	-	**Milepost**	
Located On	N River Rd		
Loc On Alias			
EAST OF	SR-31		
More Detail			

STATION DATA

Directions: EB WB

AADT

Year	AADT	DHV-30	K %	D %	PA	BC	Src
2021	3,400						
2019	2,900	354	12				
2017	3,100	316	10				
2015	2,900	301	10				
2013	2,693						

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Travel Demand Model

	Model Year	Model AADT	AM PHV	AM PPV	MD PHV	MD PPV	PM PHV	PM PPV	NT PHV	NT PPV

VOLUME COUNT

	Date	Int	Total
	Thu 4/22/2021	15	3,996
	Wed 4/21/2021	15	3,746
	Tue 4/20/2021	15	3,534
	Thu 2/14/2019	15	3,744
	Wed 2/13/2019	15	3,262
	Tue 2/12/2019	15	3,758
	Thu 4/27/2017	15	3,599
	Wed 4/26/2017	15	3,487
	Tue 4/25/2017	15	3,433
	Thu 4/16/2015	15	3,233

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mm / dd / yyyy To Date

VOLUME TREND

Year	Annual Growth
2021	8%
2019	-3%
2017	3%
2015	4%
2013	6%
2011	-4%
2006	4%
2005	-10%
2004	15%
2003	8%

LEE COUNTY PUBLIC FACILITIES
LEVEL OF SERVICE AND
CONCURRENCY REPORT

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 FROM	ROADWAY LINK TO	F. Class	ROAD TYPE	PERFORMANCE STANDARD LOS	PERFORMANCE STANDARD DIRECTIONAL CAPACITY	2021 100TH HIGHEST HOUR LOS	2021 100TH HIGHEST HOUR VOL	2021 100TH HIGHEST HOUR V/C	FUTURE FORECAST (2026) LOS	FUTURE FORECAST (2026) VOL	FUTURE FORECAST (2026) V/C	Notes
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	52	0.07	C	72	0.08	old count projection
14100	JOHN MORRIS RD	SUMMERLIN RD	IONA RD	Maj. Col	2LN	E	860	C	255	0.30	C	259	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(2016)
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	0.73	B	2,190	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	1,800	B	832	0.46	B	867	0.48	*
15200	LEONARD BLVD	GUNNERY RD	WESTGATE BLVD	M. Art	2LN	E	860	D	753	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	860	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	99	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	983	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 867	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 867	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 867	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 867	CYPRESS LAKE DR	COLLEGE PKWY	State	4LD	D	2,100	C	1,674	0.80	C	1,873	0.89	
16600	McGREGOR BLVD (SR 867	COLLEGE PKWY	WINKLER RD	State	2LN	D	924	C	726	0.79	C	797	0.86	Constrained
16700	McGREGOR BLVD (SR 867	WINKLER RD	TANGLEWOOD BLVD	State	2LN	D	970		1,039	1.07		1,143	1.18	Constrained
16800	McGREGOR BLVD (SR 867	TANGLEWOOD BLVD	COLONIAL BLVD	State	2LN	D	970		1,039	1.07		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	2,092	1.00	
17200	METRO PKWY (SR 739)	DANLEY DR	COLONIAL BLVD	State	4LD	D	2,100	C	1,665	0.79	D	2,092	1.00	
	MICHAEL RIPPE PKWY	US41	SIX MILES 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	168	0.20	C	175	0.20	*
17700	MILWAUKEE BLVD	BELL BLVD	COLUMBUS BLVD	Min. Col	2LN	E	860	C	158	0.20	C	181	0.21	*
17800	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	59	0.08	C	72	0.08	
18000	NALLE RD	SR 76	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(2009)
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

County-Maintained Collector Roadway - Incorporated Lee County

County-Maintained Arterial Roadway - Unincorporated Lee County

County-Maintained Arterial Roadway - Incorporated Lee County

State-Maintained Arterial Roadway - Unincorporated Lee County

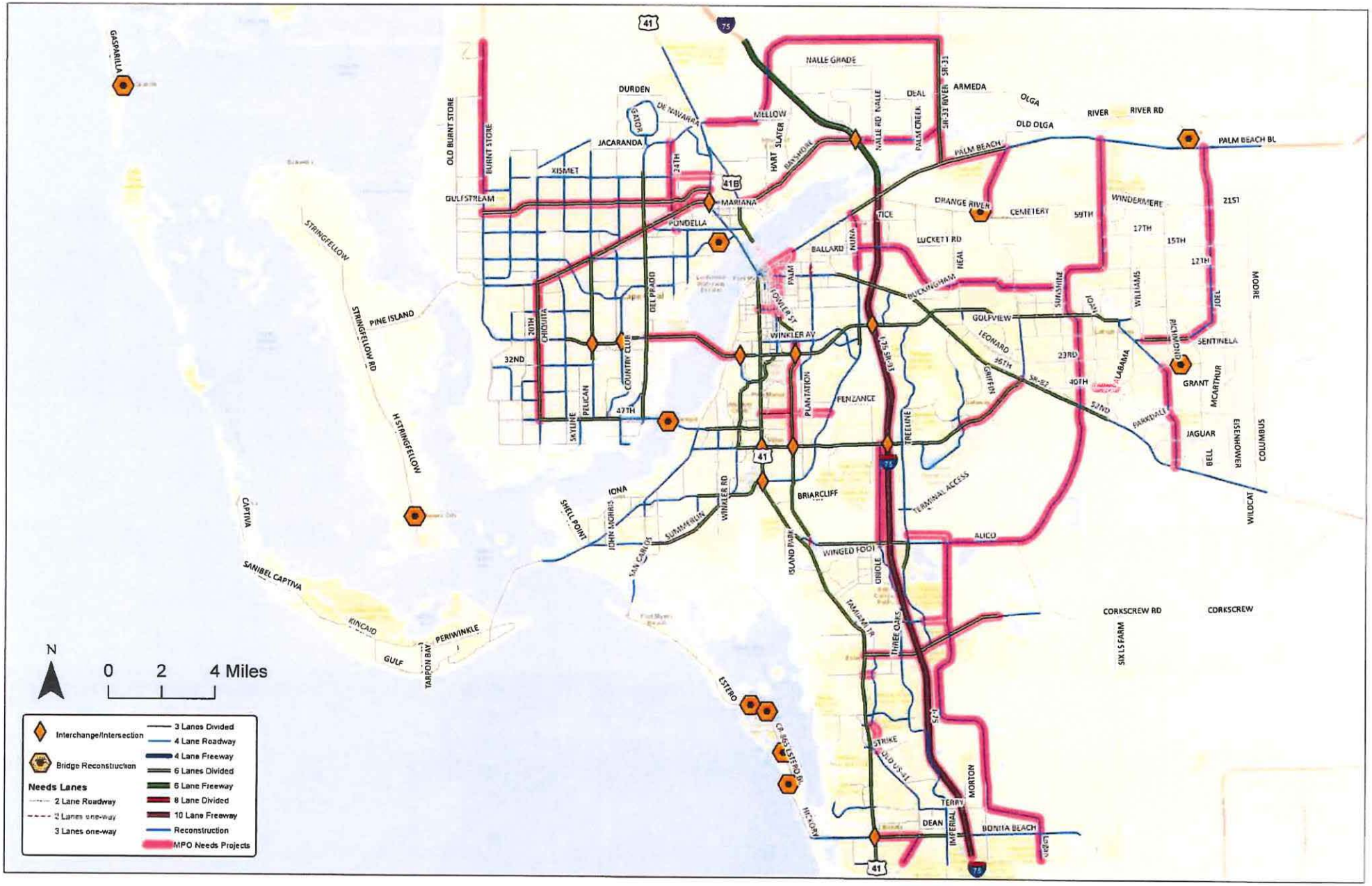
County Maintained Controlled Access Aterial Facility

County Maintained Expressway

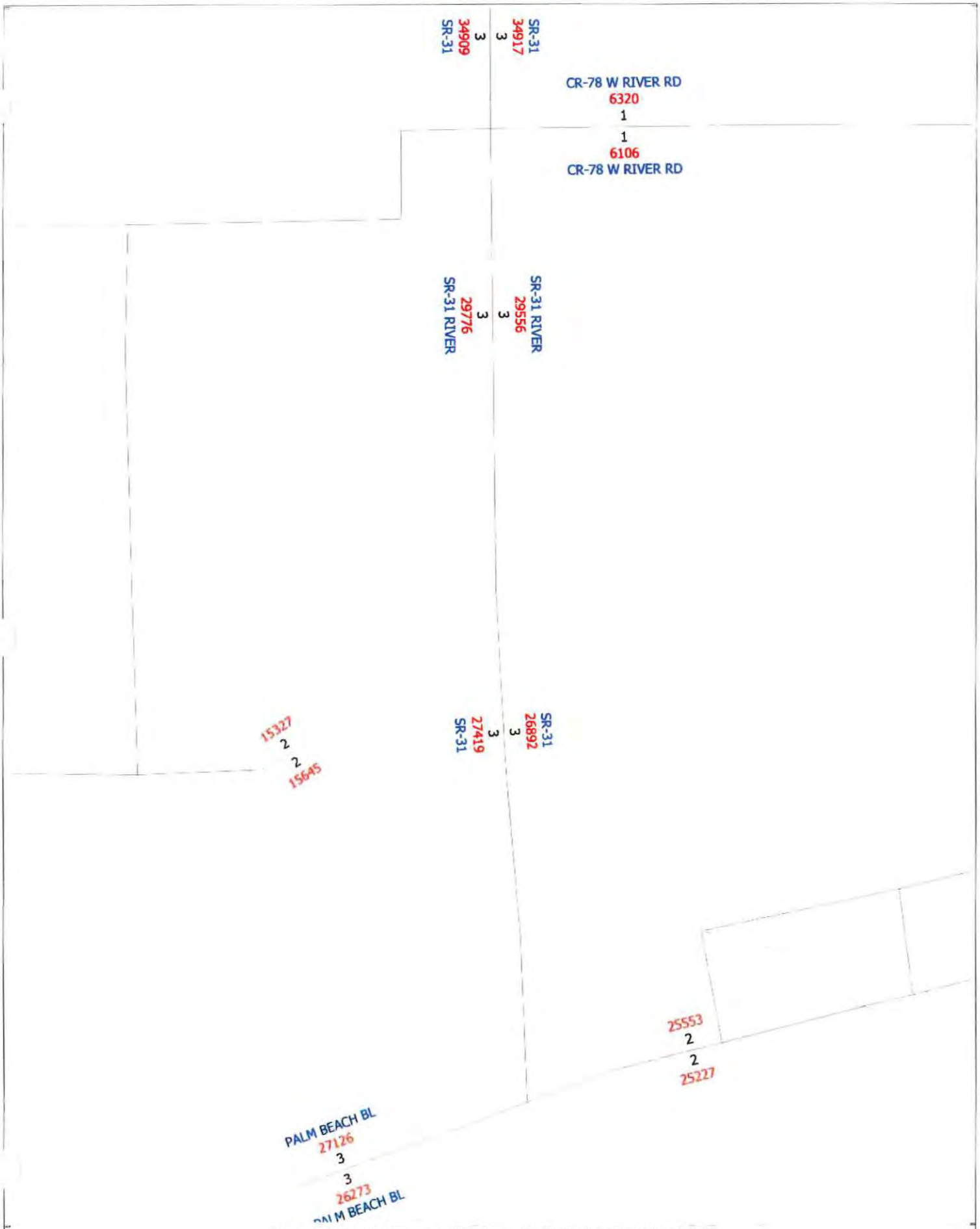
LEE COUNTY MPO 2045 COST FEASIBLE HIGHWAY PLAN


N
0 2 4 Miles
Cost Feasible Lanes
Interchange/Intersection
Bridge Reconstruction
2 Lane Roadway
2 Lanes one-way
3 Lanes one-way
3 Lane Roadway
4 Lane Roadway
4 Lane Limited Access
6 Lanes Divided
6 Lane Freeway
8 Lane Divided
10 Lane Freeway
Reconstruction
Cost Feasible Projects
GASPARILLA
OLD BURNT STORE
BURNT STORE
STRINGFELLOW
STRINGFELLOW RD
PINE ISLAND
N STRINGFELLOW
CAPTIVA
SANIBEL CAPTIVA
KINCAID
GULF
TARPON BAY
PERIWINKLE
IONA
SWEET POINT
JOHN MORRIS
SUMMERLIN
WINKLER RD
SAN CARLOS
ESTERO
DURDEN
DE NAVARRA
CAYUGA
JACARANDA
KISMET
24TH
GULFSTREAM
MELLOW
HART
SLATER
BAYSHORE
MARIANA
PONDELLA
DEL PRADO
CHIQUITA
20TH
12ND
COUNTRY CLUB
SKYLINE
PELICAN
47TH
NALLE GRADE
NALLE RD
DEAL
PALM CREEK
SR 31
SR 31 RIVER
ARMEDA
OLGA
RIVER
RIVER RD
OLD OLGA
PALM BEACH
PALM BEACH BL
ORANGE RIVER
CEMETERY
WINDERMERE
59TH
17TH
15TH
12TH
21ST
TICE
LUCKETT RD
BALLARD
NUNA
NEAL
PALM
FOWLER ST
BUCKINGHAM
WINKLER AV
GULFVIEW
LEONARD
36TH
PLANTATION
PENZANCE
SR 82
SR 739
GRIFFIN
23RD
40TH
ALABAMA
52ND
PARKDALE
TREELINE
WILLIAMS
JOEL
MOORE
RICHMOND
SENTINELA
GRANT
MCARTHUR
EISENHOWER
COLUMBUS
JAGUAR
BELL
WILDCAT
41
75
41B
BRIARCLIFF
ISLAND PARK
WINGED FOOT
ORICLE
TAMIAMI TR
THREE OAKS
TERMINAL ACCESS
ALICO
CORKSCREW RD
CORKSCREW
SIX LS FARM
STRIKE
OLD US-41
TERRY
MORTON
DEAN
IMPERIAL
BONITA BEACH
HICKORY
I-75

LEE COUNTY MPO 2045 NEEDS PLAN


N
0 2 4 Miles
Interchange/Intersection
Bridge Reconstruction
Needs Lanes
2 Lane Roadway
2 Lanes one-way
3 Lanes one-way
3 Lanes Divided
4 Lane Roadway
4 Lane Freeway
6 Lanes Divided
6 Lane Freeway
8 Lane Divided
10 Lane Freeway
Reconstruction
MPO Needs Projects
GASPARILLA
PINE ISLAND
STRINGFELLOW
STRINGFELLOW RD
CAPTIVA
SANIBEL CAPTIVA
KINCAID
PERIWINKLE
GULF
TARPON BAY
OLD BURNT STORE
BURNT STORE
GULFSTREAM
DURDEN
DE NAVARRA
JACARANDA
XISMET
MARIANA
PONDELLA
NALLE GRADE
MELLOW
HART SLATER
BAYSHORE
NALLE RD NALLE
PALM CREEK
SR-31 RIVER
ARMEDA
DEAL
OLGA
OLD OLGA
RIVER
RIVER RD
PALM BEACH
PALM BEACH BL
ORANGE RIVER
CEMETERY
WINDERMERE
59TH
17TH
15TH
12TH
21ST
MOORE
LUCKETT RD
BALLARD
NUNA
NEAL
PALM
FOWLER ST
BUCKINGHAM
SUNSHINE
JOEL
WILLIAMS
GOLFVIEW
LEONARD
WINKLER AV
SENTINELA
GRANT
MCARTHUR
EISENHOWER
COLUMBUS
ALABAMA
23RD
36TH
40TH
SR-82
GRIFFEN
52ND
PARKDALE
JAGUAR
BELL
WILDCAT
32ND
CHIQUITA
DEL PRADO
COUNTRY CLUB
SKYLINE
PELICAN
47TH
PLANTATION
PENZANCE
TREELINE
TERMINAL ACCESS
ALICO
BRIARCLIFF
IONA
SHELL POINT
JOHN MORRIS
SUMMERLIN
WINKLER RD
SAN CARLOS
ISLAND PARK
WINGED FOOT
ORIOLE
TAMIAMI TR
THREE OAKS
CORKSCREW RD
CORKSCREW
SIX LS FARM
ESTERO
CR 865/ESTERO BL
HICKORY
STRIKE
OLD US-41
TERRY
MORTON
DEAN
IMPERIAL
BONITA BEACH
41
75
41B

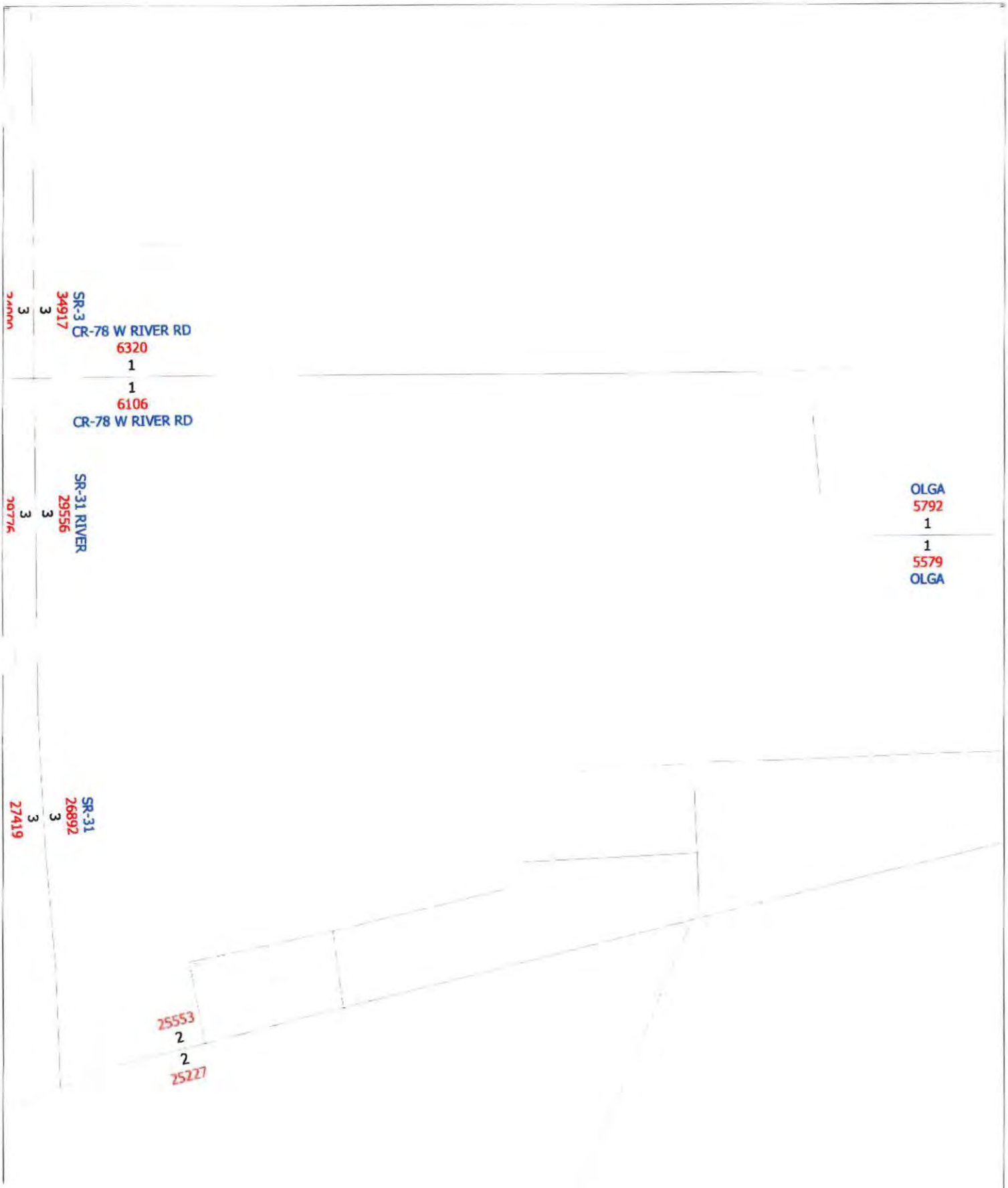
2045 E+C NETWORK VOLUMES



2045 E+C COST FEASIBLE ROADWAY NETWORK

cube

(Licensed to TR Transportation Consultants Inc)



2045 E+C COST FEASIBLE ROADWAY NETWORK

cube

(Licensed to TR Transportation Consultants Inc)

FDOT DISTRICT ONE
LOS SPREADSHEET

Section No.	State Road No.	Local Road Name	From	From M.P.	To	To M.P.	Section Length	SIS	Context Class	Functional Classification	Posted Speed	Area Type	Facility Type	FDOT LOS Std.	County LOS Std.	City LOS Std.	Year 2021						
																	Arterial Class	Divided/ Undivided	One/Two Way	Left Turn Bays	Right Turn Bays	Thru Lanes	Peak Hr Capacity
120050000	SR 80	MAIN ST	US 41 (Cleveland Ave)	0 000	SR 82/Monroe St	0 165	0 165		C5	Principal Arterial-other	30	UA	A	D	D	E	3	U	2W	WL	WR	3	1,20*
120220030	SR 80 WB	1ST ST	SR 739/US 41 Bus (Fowler St)	0 035	SR 80/Seaboard St	1 000	1 205		C3C	Principal Arterial-other	30	UA	A	D	D	E	3	U	2W	WL	WR	3	1,20*
120030000	SR 80	PALM BEACH BLVD	SR 80/Seaboard St	1 000	CR 80B (Orte Ave)	4 364	3 698		C3C	Principal Arterial-other	45	UA	A	D	D	E	3	D	2W	WL	WR	4	1,80
120040000	SR 80	PALM BEACH BLVD	CR 80B (Orte Ave)	4 364	I-75	5 340	1 152		C3C	Principal Arterial-other	45	UA	A	D	D		3	D	2W	WL	WR	4	1,80
120050000	SR 80	PALM BEACH BLVD	I-75	5 340	SR 31 (Arcadia Rd)	5 249	0 703	SIS	C3C	Principal Arterial-other	55	UA	A	D	D			D	2W	WL	WR	4	3,050
120050010	SR 80	PALM BEACH BLVD	SR 31 (Arcadia Rd)	5 249	CR 80A/Buckingham Rd/Old Olga	10 741	5 492	SIS	C3C	Principal Arterial-other	45	UA	A	D	D		3	D	2W	WL	WR	4	3,050
120050020	SR 80	PALM BEACH BLVD	CR 80A/Buckingham Rd/Old Olga	10 741	Hacker Creek Rd	13 308	2 567	SIS	C2	Principal Arterial-other	55	UA	H	D	D			D	2W	WL	WR	4	3,050
120050030	SR 80	PALM BEACH BLVD	Hacker Creek Rd	13 308	CR 884 (Joel Blvd)	15 227	1 919	SIS	C2	Principal Arterial-other	55	RDA	H	C	C			D	2W	WL	WR	4	3,050
120050040	SR 80	PALM BEACH BLVD	CR 884 (Joel Blvd)	15 227	Hendry County Line	20 340	5 113	SIS	C2	Principal Arterial-other	60	RDA	H	C	C			D	2W	WL	WR	4	3,050
120060000	SR 80 EB	SR 80/2ND ST/SEABOARD ST	SR 739 (Fowler St)	0 397	SR 80 (Palm Beach Blvd)	1 360	0 963		C4R	Principal Arterial-other	35	UA	A	D	D	E	2	U	1W	WL	OR	2	1,950
120070000	SR 75	PINE ISLAND RD	CR 765/CR 884/Burnt Stone Rd	5 467	Chiquita Blvd	7 514	2 047		C3C	Principal Arterial-other	50	UA	A	D	D	C	3	D	2W	WL	WR	4	2,100
120080000	SR 75	PINE ISLAND RD	Chiquita Blvd	7 514	Santa Barbara Blvd	9 757	2 243		C3C	Principal Arterial-other	50	UA	A	D	D	C	3	D	2W	WL	WR	4	2,100
120090000	SR 75	PINE ISLAND RD	Santa Barbara Blvd	9 757	Del Prado Blvd	12 061	2 304		C3C	Principal Arterial-other	55	UA	A	D	D	C	3	D	2W	WL	WR	4	2,100
120100000	SR 75	PINE ISLAND RD	Del Prado Blvd	12 061	Hancock Creek Blvd/NE 24th Ave	13 248	1 187		C3C	Principal Arterial-other	55	UA	A	D	D	C	3	D	2W	WL	WR	4	2,100
120110000	SR 75	PINE ISLAND RD	Hancock Creek Blvd/NE 24th Ave	13 248	SR 45/US 41 (Cleveland Ave)	14 741	1 493		C3C	Principal Arterial-other	55	UA	A	D	D		3	D	2W	WL	WR	4	2,100
120120000	SR 78	PINE ISLAND RD	SR 45/US 41 (Cleveland Ave)	14 741	SR 739/US 41 Bus	15 535	0 794		C3C	Principal Arterial-other	45	UA	A	D	D		3	D	2W	WL	WR	4	1,800
120130000	SR 78	BAYSHORE RD	SR 739/US 41 Bus	15 535	New Post Rd/East Rd	17 013	1 457		C3R	Principal Arterial-other	50	UA	A	D	D		3	D	2W	WL	WR	4	2,100
120140000	SR 78	BAYSHORE RD	New Post Rd/East Rd	17 013	Coon Rd/Slater Rd	18 235	1 220		C3R	Principal Arterial-other	50	UA	A	D	D		3	D	2W	WL	WR	4	2,100
120150000	SR 78	BAYSHORE RD	Coon Rd/Slater Rd	18 235	W of Pritchett Pkwy	21 179	2 944		C3R	Principal Arterial-other	50	UA	A	D	D		3	D	2W	WL	WR	4	2,100
120160000	SR 78	BAYSHORE RD	W of Pritchett Pkwy	21 179	SR 31	24 404	3 225		C3R	Minor Arterial	50	UA	A	D	D		3	U	2W	WL	WR	2	924
120190000	SR 31	ARCADIA RD	SR 80	0 000	Old Rodeo Dr	1 640	1 640	SIS	C2	Minor Arterial	40	UA	A	D	D		3	D	2W	WL	WR	2	970
120200000	SR 31	ARCADIA RD	Old Rodeo Dr	1 640	Charlotte County Line	4 684	3 044	SIS	C2	Principal Arterial-other	60	RDA	H	C	C			U	2W	WL	WR	2	920
120300000	SR 570	DANIELS PKWY	W of I-75	7 247	E of Rest Area	7 760	0 513		C3C	Principal Arterial-other	50	UA	A	D	D		3	D	2W	WL	WR	3	3,471

↑ current Capacity

TRIP GENERATION EQUATIONS

Single-Family Detached Housing
(210)

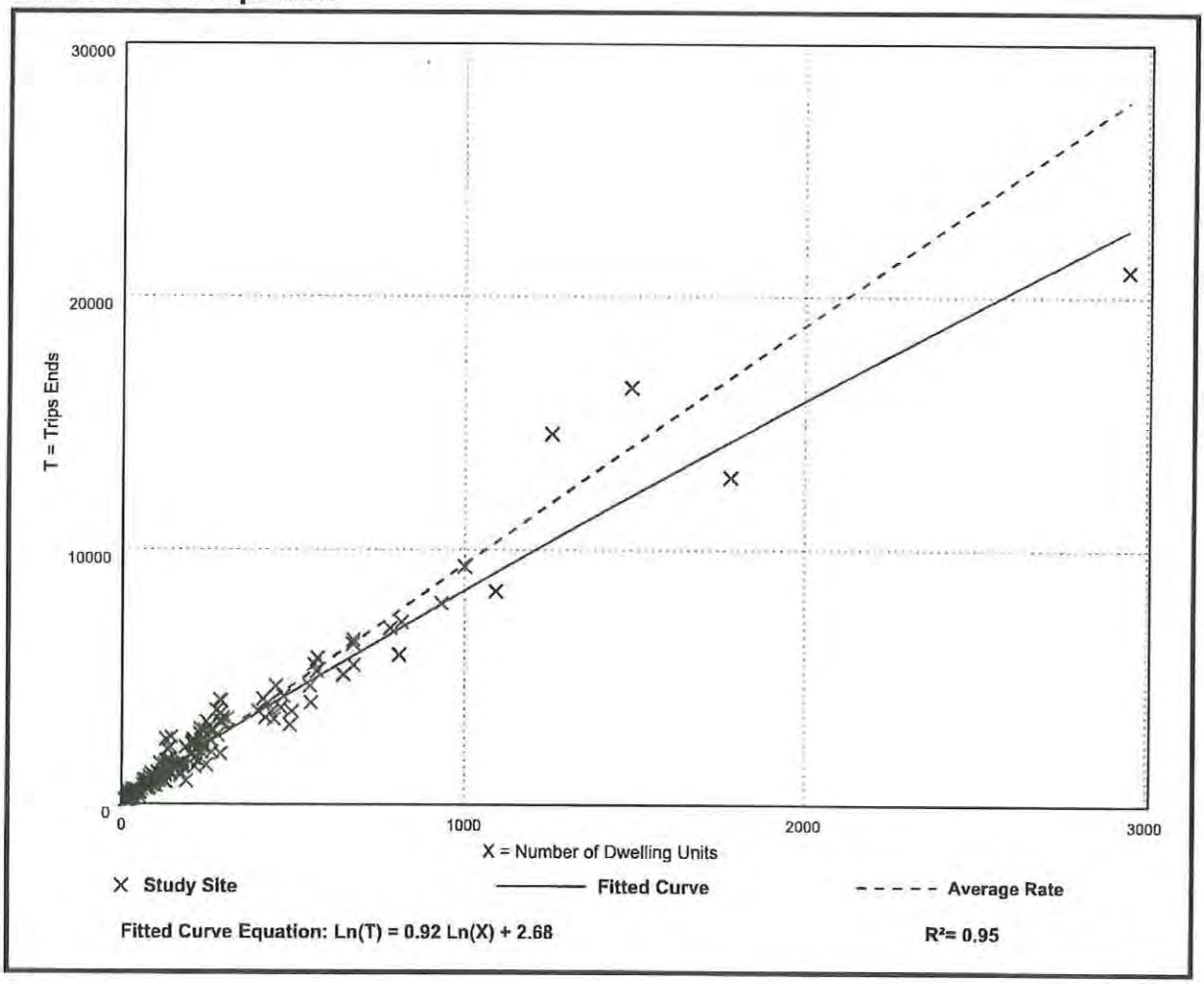
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 174
Avg. Num. of Dwelling Units: 246
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
9.43	4.45 - 22.61	2.13

Data Plot and Equation



Fitted Curve Equation: Ln(T) = 0.92 Ln(X) + 2.68

R^2= 0.95

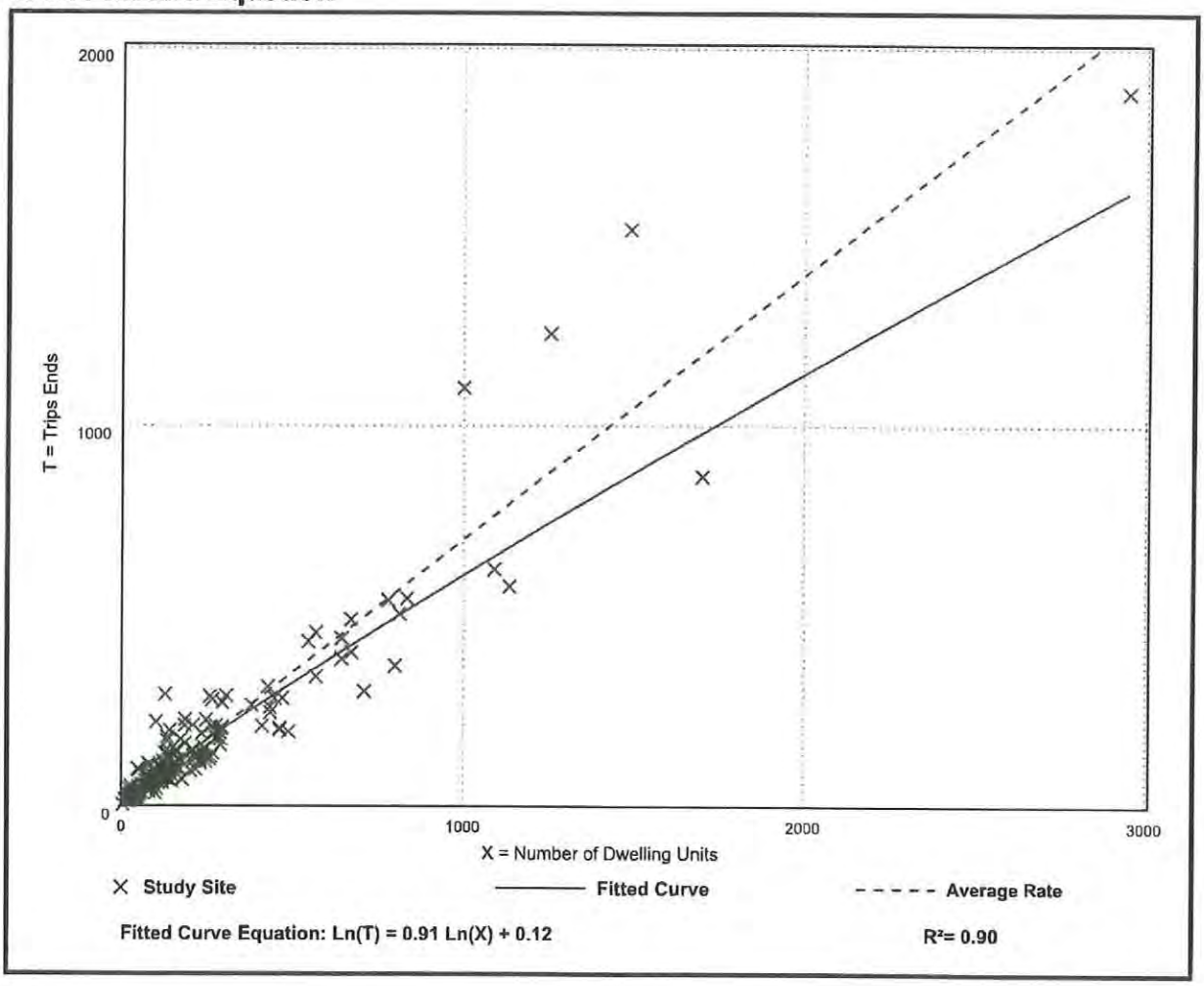
Single-Family Detached Housing
(210)

Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
Number of Studies: 192
Avg. Num. of Dwelling Units: 226
Directional Distribution: 26% entering, 74% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.70	0.27 - 2.27	0.24

Data Plot and Equation



Fitted Curve Equation: Ln(T) = 0.91 Ln(X) + 0.12

R^2= 0.90

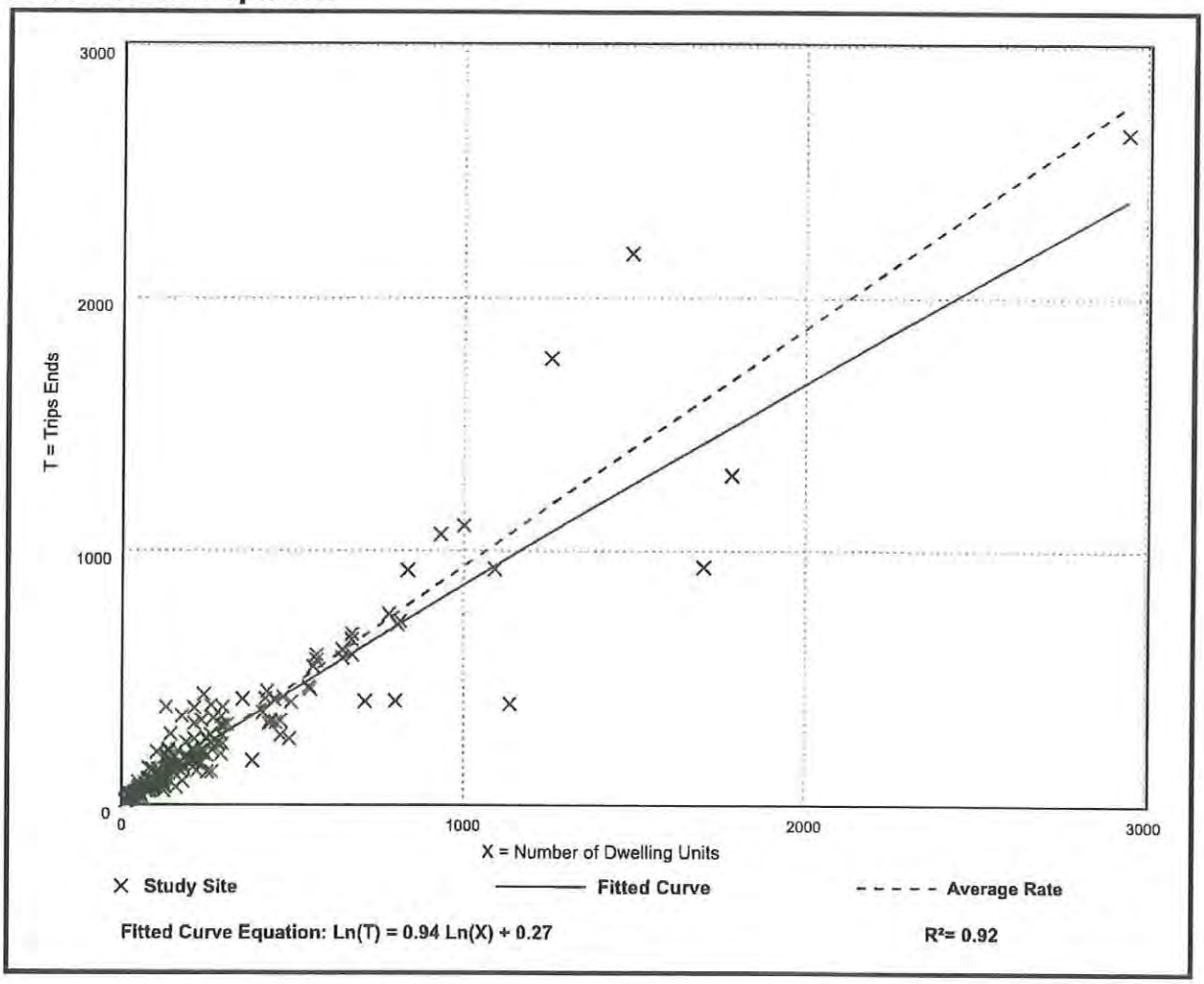
Single-Family Detached Housing
(210)

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: 208
Avg. Num. of Dwelling Units: 248
Directional Distribution: 63% entering, 37% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.94	0.35 - 2.98	0.31

Data Plot and Equation



Fitted Curve Equation: Ln(T) = 0.94 Ln(X) + 0.27

R^2= 0.92

Letters of Determination for The Adequacy/Provision of Existing/Proposed Support Facilities (EXHIBIT M17)

Lee County
Southwest Florida

BOARD OF COUNTY COMMISSIONERS

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County Manager

Richard Wm Wesch
County Attorney

Donna Marie Collins
County Chief Hearing Examiner

November 28, 2022 Via E-Mail

Jeremy Frantz
RVI Planning
28100 Bonita Grande Drive
Bonita Springs, FL 34135

RE: **Potable Water and Wastewater Availability**
Cary Duke RPD
STRAP # 17-43-26-00-0001.0000; 17-43-26-01-00003.0000; 17-43-26-01-00009.0000; 16-43-26-00-00001.0040; 17-43-26-01-00004.0000; 17-43-26-01-00008.0000; 16-43-24-00-00001.0000

Dear Mr. Frantz:

The subject properties are not located within Lee County Utilities Future Service Area as depicted on Maps 4A and 4B of the Lee County Comprehensive Land Use Plan. The nearest potable water north of the Caloosahatchee River is located on Bayshore Road approximately 4.5 mile west of the subject parcels. The nearest wastewater is on the south side of the Caloosahatchee River. In order to provide service to the subject parcels completion of a comprehensive plan amendment and developer funded system enhancements such as, but not limited to, line extensions will be required.

Your firm has indicated that this project will consist of 1,099 single family residential units with an estimated flow demand of approximately 274,750 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 North Lee County Water Treatment Plant.

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

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

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

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

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

Sincerely,

LEE COUNTY UTILITIES

Mary McCormic
Technician Senior
239-533-8532
UTILITIES ENGINEERING

LEE COUNTY UTILITIES
REQUEST FOR LETTERS OF AVAILABILITY

DATE: NOVEMBER 18, 2022

TO: MARY MCCORMIC
Technician Senior

FROM: JEREMY FRANTZ

FIRM: RVI PLANNING

ADDRESS: 28100 BONITA GRANDE DR.

ADDRESS: BONITA SPRINGS, FL 34135 -

PHONE#: (239)357-9580 FAX: ( ) -

E-MAIL ADDRESS: JFRANTZ@RVIPLANNING.COM

PROJECT NAME: CARY DUKE RPD

PREVIOUS PROJECT NAME(S): N/A

STRAP NUMBER(S): SEE ATTACHED

PRIOR STRAP NUMBER(S) (IF ANY): N/A

LOCATION/SITE ADDRESS: ACCESS UNDETERMINED

PURPOSE OF LETTER:

☐ DEVELOPMENT ORDER SUBMITTAL ☐ FINANCING ☐ EFFLUENT REUSE

☐ PERMITTING OF SURFACE WATER MANAGEMENT (SOUTH FLORIDA WATER MANAGEMENT DISTRICT)

☒ OTHER: (PLEASE SPECIFY) CPA AMENDMENT AND PUD REZONING

PLANNED USE:

☐ COMMERCIAL ☐ INDUSTRIAL ☒ RESIDENTIAL - (☒ SINGLE-FAMILY ☐ MULTI-FAMILY)

☐ OTHER: (PLEASE SPECIFY) ____

PLANNED # OF COMMERCIAL/INDUSTRIAL BUILDINGS: N/A TOTAL SQUARE FOOTAGE:

0 RESIDENTIAL UNITS: SINGLE-FAMILY: 1,099 MULTI-FAMILY: ____

AVERAGE ESTIMATED DAILY FLOW (GPD): 250 (☒ WATER ☒ WASTE-WATER) (GPD): 200 ☐ REUSE

PLEASE SHOW CALCULATION USED TO DETERMINE AVERAGE ESTIMATED DAILY FLOW (GPD) PER CRITERIA SET FORTH IN LEE COUNTY UTILITIES DESIGN MANUAL: WATER = 250 GPD; WW = 200 GPD
Water: Single-Family (Sf) Residences = 1,099 Units * 250 Gpd/Sf Residence = 274,750 Gpd
Wastewater: Single-Family (Sf) Residences = 1,099 Units * 200 Gpd/Sf Residence = 219,800 Gpd

____

Please e-mail the completed form to mmccormic@leegov.com.
If you should have any questions or require assistance, please feel free to call our office at (239) 533-8532.

Lee County
Southwest Florida

BOARD OF COUNTY COMMISSIONERS

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Brian Hamman
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Mike Greenwell
District Five

Roger Desjarlais
County Manager

Richard Wesch
County Attorney

Donna Marie Collins
County Hearing Examiner

February 17th, 2023

Plan Reviewer
Lee County DCD
1500 Monroe St.
Fort Myers, FL 33901

Cary Duke

LeeTran has received the request regarding the subject property in Fort Myers. After reviewing the site and comparing the location with our existing and planned route locations according to the LeeTran 2020 Transit Development Plan (TDP), the following is determined:

- The proposed development is not within ¼ mile fixed-route corridor

Based on the LeeTran 2021 Transit Development Plan (TDP) this development is not within a one-quarter mile of a fixed route corridor, no improvements are required based on the current Lee County Transit LDC section 10-441. The development will be reassessed at the time of DO.

If you have any questions or require further information, please do not hesitate to contact me at (239) 533-0340.

Sincerely,

Clarissa Marino Diaz

Clarissa Marino Diaz, Planner
Lee County Transit

February 15, 2023

Clarissa Marino Diaz
Transit Service Planner
LeeTran Planning Department
3401 Metro Pkwy
Fort Myers, FL 33901

RE: Cary Duke RPD – Comprehensive Plan Amendment
Letter of Service Availability

Dear Ms. Clarissa Marino Diaz,

RVi Planning + Landscape Architecture is preparing a Comprehensive Plan Amendment & Planned Development Rezone application for the above referenced project. The property consists of 788 +/- acres and is located at 13230 N. River Road in unincorporated Lee County, Florida, generally one mile east of the SR 31 Pine Island and N River Road intersection. An aerial location map depicting the subject property has been attached for your reference.

The Applicant is proposing a Large-Scale Comprehensive Plan Map Amendment to change the Future Water Service Areas Map (Map 4A) and Future Sewer Service Area Map (Map 4B) and a PD Rezone request to rezone the entire 788 +/- acres from AG-2 to Residential Planned Development (RPD) which will allow for the development of up to 1,099 single-family and two-family units on the subject property.

To complete the application process, we are required to secure a service availability letter from your agency stating whether existing facilities are capable of serving this future project. I greatly appreciate your time and consideration of this matter. If you have and further questions, please feel free to contact me directly at (239) 319-0026 or jfrantz@rviplanning.com.

Sincerely,

RVi Planning + Landscape Architecture

Jeremy Frantz, AICP
Project Director

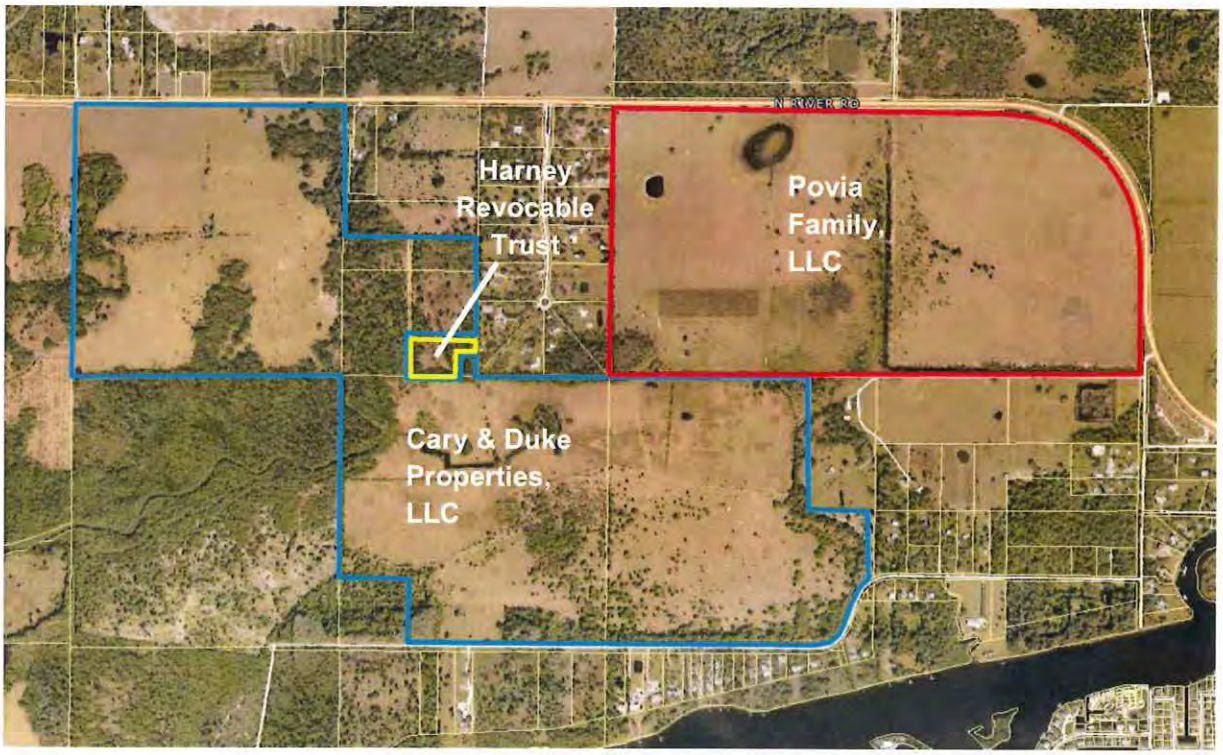
CARY+DUKE+POVIA RPD

Property Owners Exhibit

I. PROPERTY OWNERS LIST

STRAP Number	Property Owner	Section. Township. Range
17-43-26-00-00001.0000	Cary & Duke Properties, LLC	17.43.26E
17-43-26-01-00003.0000	Cary & Duke Properties, LLC	17.43.26E
17-43-26-01-00009.0000	Cary & Duke Properties, LLC	17.43.26E
16-43-26-00-00001.0040	Cary & Duke Properties, LLC	16.43.26E
17-43-26-01-00004.0000	Cary & Duke Properties, LLC	17.43.26E
17-43-26-01-00001.0000	Cary & Duke Properties, LLC	17.43.26E
17-43-26-01-00002.0000	Cary & Duke Properties, LLC	17.43.26E
17-43-26-01-00008.0000	Harney Revocable Trust	17.43.26E
16-43-26-00-00001.0000	Povia Family, LLC	16.43.26E

II. PROPERTY OWNERS MAP



Lee County
Southwest Florida

Board of County Commissioners

Kevin Ruane
District One

Cecil L Pendergrass
District Two

Ray Sandelli
District Three

Brian Hamman
District Four

Mike Greenwell
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
County Hearing Examiner

February 20, 2023

RVI Planning + Landscape Architecture
Attn: Jeremy Frantz, Project Director
28100 Bonita Grande Dr, Suite 305
Bonita Springs, FL 34135
RE: Cary Duke RPD – Comprehensive Plan Amendment
Letter of Service Availability

Dear Mr. Frantz:

The Lee County Solid Waste Department is capable of providing solid waste collection service for the comprehensive plan amendment & planned development rezone at 13230 N. River Road in unincorporated Lee County, which will allow for the development of up to 1,099 single-family and two-family units on the subject property through the franchised hauling contractors. Disposal of the solid waste from this development will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities.

Please review Lee County Land Development Code, Chapter 10, Section 261, with requirements for on-site space for placement and servicing of solid waste containers. Please note that the property owner will be responsible for all future applicable solid waste assessments and fees.

If you have any questions, please call me at (239) 533-8007.

Sincerely,

Justin Lighthall

Justin Lighthall
Manager, Public Utilities
Lee County Solid Waste Department

February 15, 2023

Mr. Justin Lighthall
Director, Solid Waste
Lee County Solid Waste Division
P.O. Box 398
Ft. Myers, FL 33902

RE: Cary Duke RPD – Comprehensive Plan Amendment
Letter of Service Availability

Dear Mr. Lighthall,

RVi Planning + Landscape Architecture is preparing a Comprehensive Plan Amendment & Planned Development Rezone application for the above referenced project. The property consists of 788 +/- acres and is located at 13230 N. River Road in unincorporated Lee County, Florida, generally one mile east of the SR 31 Pine Island and N River Road intersection. An aerial location map depicting the subject property has been attached for your reference.

The Applicant is proposing a Large-Scale Comprehensive Plan Map Amendment to change the Future Water Service Areas Map (Map 4A) and Future Sewer Service Area Map (Map 4B) and a PD Rezone request to rezone the entire 788 +/- acres from AG-2 to Residential Planned Development (RPD) which will allow for the development of up to 1,099 single-family and two-family units on the subject property.

To complete the application process, we are required to secure a service availability letter from your agency stating whether existing facilities are capable of serving this future project. I greatly appreciate your time and consideration of this matter. If you have and further questions, please feel free to contact me directly at (239) 319-0026 or jfrantz@rviplanning.com.

Sincerely,

RVi Planning + Landscape Architecture

Jeremy Frantz, AICP
Project Director

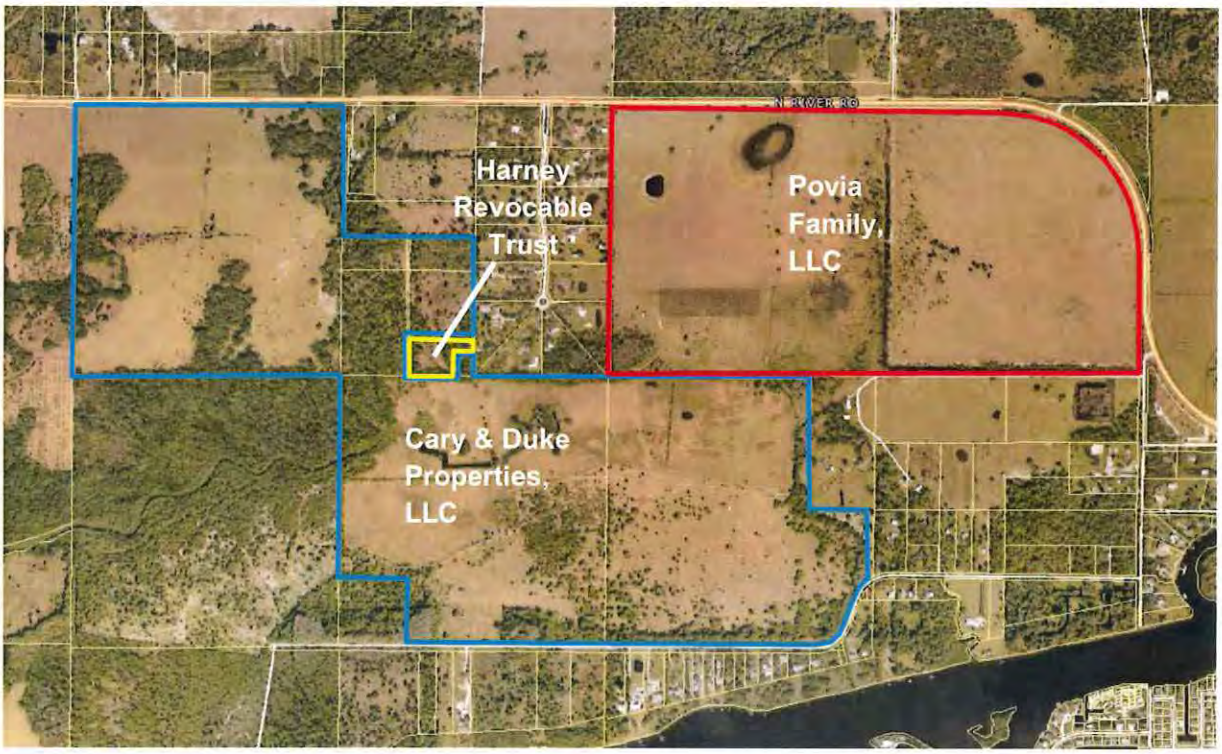
CARY+DUKE+POVIA RPD

Property Owners Exhibit

I. PROPERTY OWNERS LIST

STRAP Number	Property Owner	Section. Township. Range
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17-43-26-01-00008.0000	Harney Revocable Trust	17.43.26E
16-43-26-00-00001.0000	Povia Family, LLC	16.43.26E

II. PROPERTY OWNERS MAP



PERSONAL | PASSIONATE | PROGRESSIVE

THE SCHOOL DISTRICT OF LEE COUNTY

Jacqueline Heredia
District Planning Specialist
2855 Colonial Boulevard, Fort Myers, FL 33966 | **O:** 239.335.1494

March 10, 2023

RE: Single Family Concurrency Review in N River RD

Dear Jeremy Frantz:

This letter is in response to your request for concurrency review dated February 15, 2022 for the subject property in 13230 N River Road regard to educational impact East Zone.

This development is a request for 1099 Single family housing units. With regard to the inter-local agreement for school concurrency the generation rates are created from the type of dwelling unit and further broken down by grade level.

For multi-family homes, the generation rate is .116 and further broken down by grade level into the following, .149 for elementary, .0071 for middle and .077 for high. A total of 326.4 school-aged children would be generated and utilized for the purpose of determining sufficient capacity to serve the development.

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

Thank you and if I may be of further assistance, please contact me at 239-335-1494

Sincerely,

Jacqueline Heredia, District Planning Specialist

BOARD MEMBERS **MARY FISCHER**, Chair, District 1 | **DEBBIE JORDAN**, Vice Chair, District 4 | **GWYNETTA S. GITTENS**, District 5
CHRIS N. PATRICCA, District 3 | **MELISA W. GIOVANNELLI**, District 2 | **BETSY VAUGHN**, District 6 | **CATHLEEN O'DANIEL MORGAN**, District 7
GREGORY K. ADKINS, Ed.D., Superintendent | **ALAN L. GABRIEL, ESQ.**, Board Attorney

LEE COUNTY SCHOOL DISTRICT'S SCHOOL CONCURRENCY ANALYSIS

REVIEWING AUTHORITY	Lee County School District
NAME/CASE NUMBER	Cary Duke Povia RPD
OWNER/AGENT	RVI
ITEM DESCRIPTION	
LOCATION	13230 N River Road
ACRES	788.00
CURRENT FLU	RPD
CURRENT ZONING	

PROPOSED DWELLING UNITS BY TYPE

Single Family	Multi Family	Mobile Home
1099		0

	Student Generation Rates			
STUDENT GENERATION	**SF**	**MF**	**MH**	**Projected Students**
Elementary School	0.149	0.058		163.75
Middle School	0.071	0.028		78.03
High School	0.077	0.03		84.62

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**
East CSA, Elementary	14,234	14,026	208	164	44	100%	
East CSA, Middle	7,293	6,912	381	78	303	96%	
East CSA, High	9,536	8,492	1,044	85	959	90%	

(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

February 15, 2023

Jacqueline Heredia
Planning District Specialist
The School District of Lee County
2855 Colonial Boulevard
Fort Myers, FL 33966

RE: Cary Duke RPD – Comprehensive Plan Amendment
Letter of Service Availability

Dear Ms. Heredia,

RVi Planning + Landscape Architecture is preparing a Comprehensive Plan Amendment & Planned Development Rezone application for the above referenced project. The property consists of 788 +/- acres and is located at 13230 N. River Road in unincorporated Lee County, Florida, generally one mile east of the SR 31 Pine Island and N River Road intersection. An aerial location map depicting the subject property has been attached for your reference.

The Applicant is proposing a Large-Scale Comprehensive Plan Map Amendment to change the Future Water Service Areas Map (Map 4A) and Future Sewer Service Area Map (Map 4B) and a PD Rezone request to rezone the entire 788 +/- acres from AG-2 to Residential Planned Development (RPD) which will allow for the development of up to 1,099 single-family and two-family units on the subject property.

To complete the application process, we are required to secure a service availability letter from your agency stating whether existing facilities are capable of serving this future project. I greatly appreciate your time and consideration of this matter. If you have and further questions, please feel free to contact me directly at (239) 319-0026 or jfrantz@rviplanning.com.

Sincerely,

RVi Planning + Landscape Architecture

Jeremy Frantz, AICP
Project Director

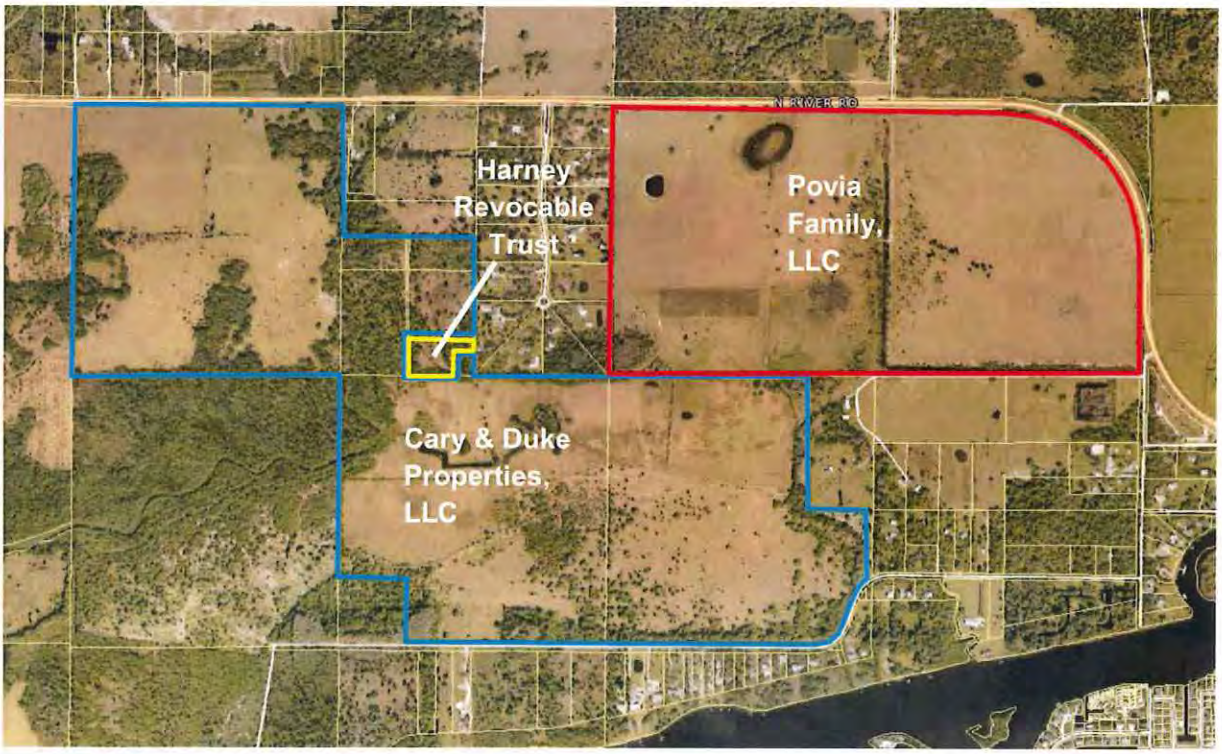
CARY+DUKE+POVIA RPD

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II. PROPERTY OWNERS MAP



Lee County
Southwest Florida

Board of County Commissioners

Kevin Ruane
District One

Cecil L Pendergrass
District Two

Ray Sandelli
District Three

Brian Hamman
District Four

Mike Greenwell
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
County Hearing
Examiner

March 3, 2023

Jeremy Frantz, AICP
RVi Planning
28100 Bonita Grande Drive, Suite 305
Bonita Springs, FL 34135

Re: Letter of Service Availability – Cary Duke RPD

Mr. Frantz,

I am in receipt of your letter requesting a Letter of Service Availability for the proposed Cary Duke RPD. The property consists of approximately 788 acres and is located at 13230 N. River Road. The request is to develop the property up to 1,099 single and two-family dwellings.

Lee County Emergency Medical Services is the primary EMS transport agency responsible for coverage at the location you have provided. Because we currently serve this area and have a sufficient response data sample, we evaluated response times in this vicinity to simulate the anticipated demand and response.

The primary ambulance for this location is Medic 11, located 5.0 miles southwest. Medic 19 is 5.2 miles west. Neither of these locations can arrive at the entrance to the development within the requirements of Lee County Ordinance 08-16, let alone into the development.

It is our opinion that the EMS service availability for the proposed development of this property is not adequate at this time. Should the plans change, a new analysis of this impact would be required.

Sincerely,

Benjamin Abes
Director, Public Safety

February 15, 2023

Chief Benjamin Abes
Lee County Emergency Medical Services
P.O. Box 398
Ft. Myers, FL 33902-0398

RE: Cary Duke RPD – Comprehensive Plan Amendment
Letter of Service Availability

Dear Chief Abes,

RVi Planning + Landscape Architecture is preparing a Comprehensive Plan Amendment & Planned Development Rezone application for the above referenced project. The property consists of 788 +/- acres and is located at 13230 N. River Road in unincorporated Lee County, Florida, generally one mile east of the SR 31 Pine Island and N River Road intersection. An aerial location map depicting the subject property has been attached for your reference.

The Applicant is proposing a Large-Scale Comprehensive Plan Map Amendment to change the Future Water Service Areas Map (Map 4A) and Future Sewer Service Area Map (Map 4B) and a PD Rezone request to rezone the entire 788 +/- acres from AG-2 to Residential Planned Development (RPD) which will allow for the development of up to 1,099 single-family and two-family units on the subject property.

To complete the application process, we are required to secure a service availability letter from your agency stating whether existing facilities are capable of serving this future project. I greatly appreciate your time and consideration of this matter. If you have and further questions, please feel free to contact me directly at (239) 319-0026 or jfrantz@rviplanning.com.

Sincerely,

RVi Planning + Landscape Architecture

Jeremy Frantz, AICP
Project Director

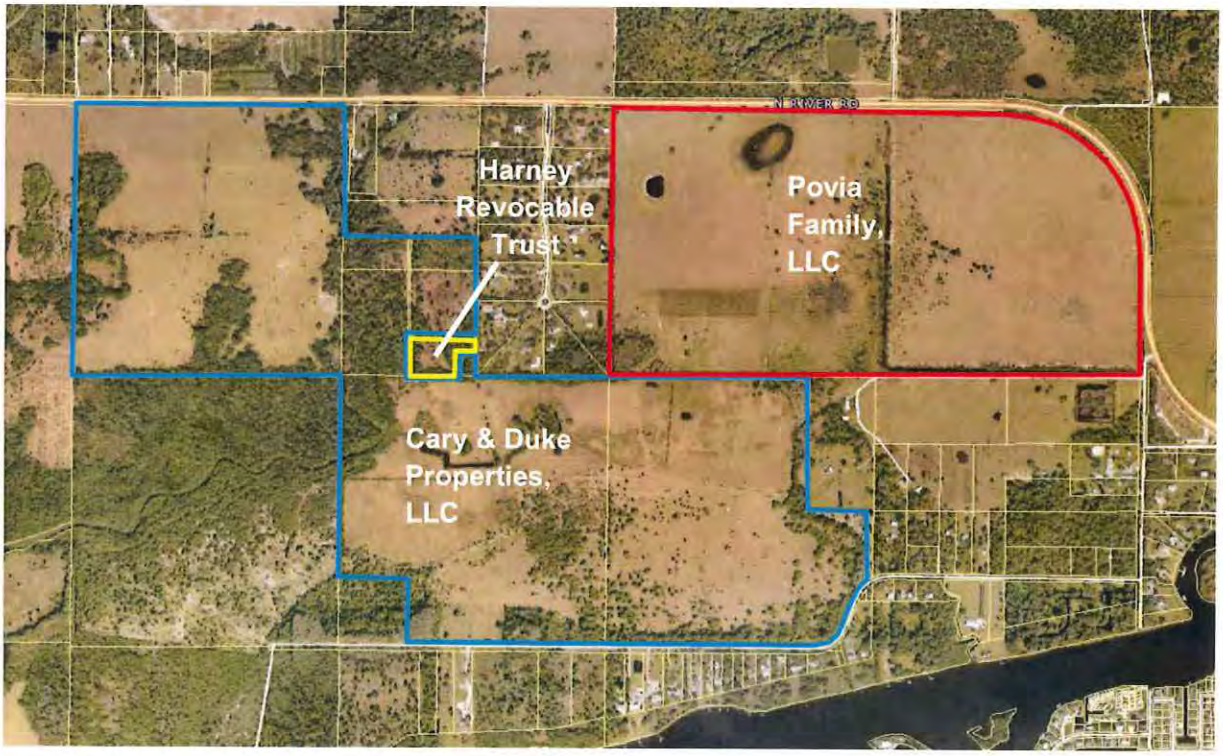
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II. PROPERTY OWNERS MAP



Carmine Marceno
Sheriff

State of Florida
County of Lee

"Proud to Serve"

March 13, 2023

Jeremy Frantz
RVi Planning + Landscape Architecture
28100 Bonita Grande Drive, Suite 305
Bonita Springs, FL 34135

Mr. Frantz,

The Lee County Sheriff's Office has reviewed your Comprehensive Plan Amendment & Planned Development Rezone Letter of Service Availability request for a 788 +-acre development located south of North River Road and generally one mile east of SR 31 in unincorporated Lee County.

The Applicant is proposing a Large-Scale Comprehensive Plan Map Amendment to change the Future Water Service Areas Map (Map 4A) and Future Sewer Service Area Map (Map 4B) and a PD Rezone request to rezone the entire 788 +/- acres from AG-2 to Residential Planned Development, which will allow for the development of up to 1,099 single-family and two-family units on the subject property. This Agency evaluated your request solely on its ability to provide law enforcement service to the development, and we have determined that we are able to provide services to the proposed project.

Law enforcement services will be provided from our North District offices in North Fort Myers. As this development builds out, we will factor its impact into our annual manpower review and make adjustments accordingly. At the time of application for a Development Order or building permit, we request that the applicant provide a Crime Prevention Through Environmental Design (CPTED) report done by the applicant and given to the Lee County Sheriff's Office for review and comment.

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

Respectfully,

94074

Chris Reeves
Major, Patrol Bureau

February 15, 2023

Chief Doug Underwood
Lee County Sheriff
17350 Nalle Road
Fort Myers, FL 33917

RE: Cary Duke RPD – Comprehensive Plan Amendment
Letter of Service Availability

Dear Chief Underwood,

RVi Planning + Landscape Architecture is preparing a Comprehensive Plan Amendment & Planned Development Rezone application for the above referenced project. The property consists of 788 +/- acres and is located at 13230 N. River Road in unincorporated Lee County, Florida, generally one mile east of the SR 31 Pine Island and N River Road intersection. An aerial location map depicting the subject property has been attached for your reference.

The Applicant is proposing a Large-Scale Comprehensive Plan Map Amendment to change the Future Water Service Areas Map (Map 4A) and Future Sewer Service Area Map (Map 4B) and a PD Rezone request to rezone the entire 788 +/- acres from AG-2 to Residential Planned Development (RPD) which will allow for the development of up to 1,099 single-family and two-family units on the subject property.

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Sincerely,

RVi Planning + Landscape Architecture

Jeremy Frantz, AICP
Project Director

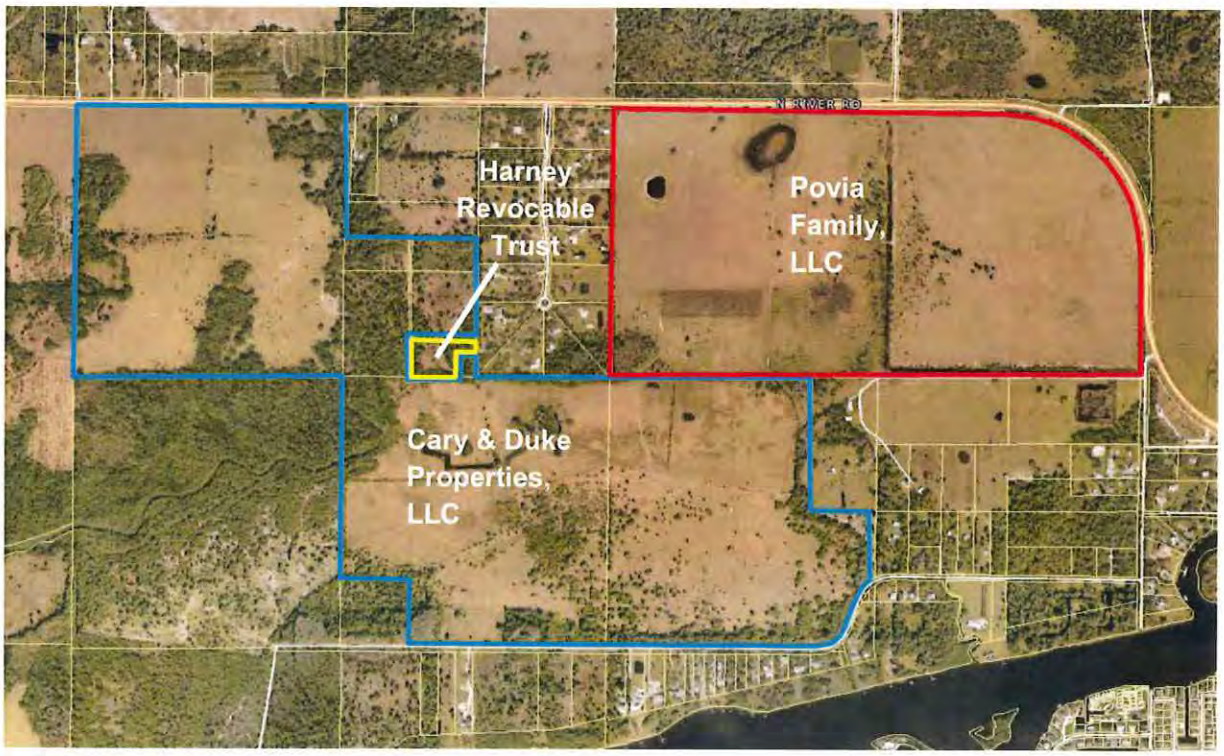
CARY+DUKE+POVIA RPD

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II. PROPERTY OWNERS MAP



BAYSHORE FIRE PROTECTION AND RESCUE SERVICE DISTRICT

17350 Nalle Road, North Fort Myers, Florida 33917

Business: 239-543-3443 Fax: 239-543-7075

"Serving With Pride"

February 28, 2023

Josephine Medina, AICP
Project Manager
RVi Planning + Landscape Architecture
28100 Bonita Grande Dr, Suite 305
Bonita Springs, FL 34135

RE: Cary Duke RPD – Comprehensive Plan Amendment
Letter of Service Availability

Josephine,

With regards to your request for a letter of availability concerning the above referenced project, Bayshore Fire Protection & Rescue District is aware that the project is proposing 1,099 single-family and two-family units along North River rd. The District does provide fire and rescue services to the subject property, and can provide services to the proposed development. Based upon the location of the subject property, it will be outside of 5 road miles from the fire station as required for ISO. However, the District and Lee County EMS are in the early phases of planning a second station along SR 31, closer to the subject property. The District may have some additional needs to provide adequate services in the future. However, we are committed to working with the developer to ensure that adequate fire and rescue services are provided to this project, and maintaining an ISO class 2 rating for the area. Please feel free to contact me if you have any further questions or concerns.

Sincerely,

William Underwood
Fire Chief
Bayshore Fire Rescue

February 16, 2023

Chief Doug Underwood
Lee County Sheriff
17350 Nalle Road
Fort Myers, FL 33917

RE: Cary Duke RPD – Comprehensive Plan Amendment
Letter of Service Availability

Dear Chief Underwood,

RVi Planning + Landscape Architecture is preparing a Comprehensive Plan Amendment & Planned Development Rezone application for the above referenced project. The property consists of 788 +/- acres and is located at 13230 N. River Road in unincorporated Lee County, Florida, generally one mile east of the SR 31 Pine Island and N River Road intersection. An aerial location map depicting the subject property has been attached for your reference.

The Applicant is proposing a Large-Scale Comprehensive Plan Map Amendment to change the Future Water Service Areas Map (Map 4A) and Future Sewer Service Area Map (Map 4B) and a PD Rezone request to rezone the entire 788 +/- acres from AG-2 to Residential Planned Development (RPD) which will allow for the development of up to 1,099 single-family and two-family units on the subject property.

To complete the application process, we are required to secure a service availability letter from your agency stating whether existing facilities are capable of serving this future project. I greatly appreciate your time and consideration of this matter. If you have and further questions, please feel free to contact me directly at (239) 319-0026 or jfrantz@rviplanning.com.

Sincerely,

RVi Planning + Landscape Architecture

Jeremy Frantz, AICP
Project Director

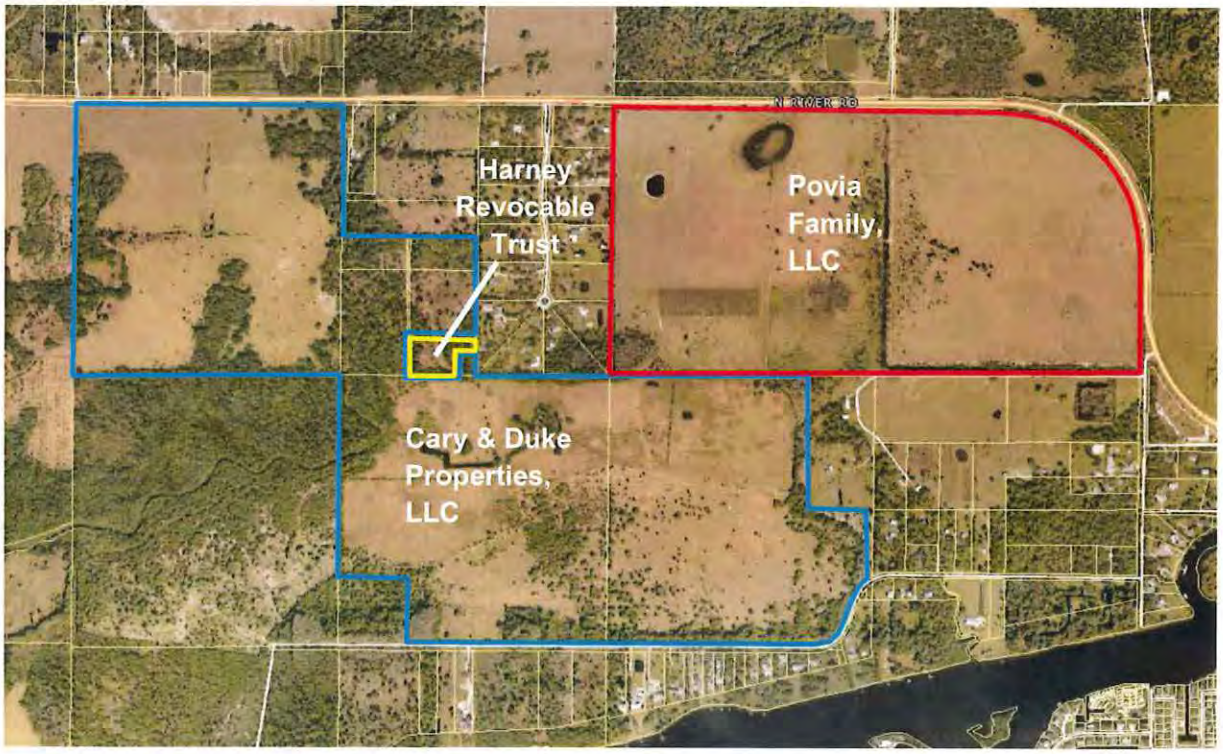
CARY+DUKE+POVIA RPD

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II. PROPERTY OWNERS MAP



Justification of Proposed Amendment (EXHIBIT M19)

Cary+Duke+Povia Map Amendment
Justification of Proposed Amendment
Exhibit M19

I. Request

Neal Communities of Southwest Florida, Inc. ("Applicant") is requesting approval of a Large-Scale Comprehensive Plan Map Amendment to add the 788 +/- acres subject property to the Lee County Utilities, Future Water Service Areas Map (Map 4A) and Future Sewer Service Areas Map (Map 4B).

The Applicant is filing a companion Residential Planned Development (RPD) rezoning application to allow the development of a maximum of 1,099 residential dwelling units, with amenities, expansive upland and wetland preservation areas, and supportive infrastructure. The proposed Map Amendments will allow for the privately funded expansion of water services that would benefit existing and future residents of the area.

II. Background Information

Existing Conditions & Property History

The Property is located south of North River Road, west of N. Olga Drive, and approximately one mile east of SR 31 in unincorporated Lee County, FL. The Property has a Future Land Use designation of Rural and Wetlands and contains some areas that are located within the Coastal High Hazard Area. The Property is currently zoned Agricultural (AG-2) and is located within the Northeast Lee County - North Olga Lee County Community Planning Area. The Property consists of grazing lands and natural areas and is bisected by Trout Creek.

The parcels under ownership by Cary+Duke Properties, LLC and Povia Family, LLC have historically been used for agricultural purposes. The properties are currently vacant or used for cattle grazing. A portion of the Property is made up of the P. John Hart's Subdivision (Plat Book 3 Page 7) and is owned by Harney Trust. This subdivision was recorded in 1911 and while the lots have been partially cleared of vegetation in the past, there has not been further development activity.

There are no other past zoning actions, comprehensive plan land use changes, environmental mitigation, uses, subdivisions, platting, structures built, etc.

The property is adjacent to existing planned water and sewer extensions to the west of the Property which was recently approved for the Owl Creek Reserve MPD.

Surrounding Land Use Pattern

The Property is in a rapidly changing area of Lee County due to proximity to the Town of Babcock Ranch. While there are several large tracts of agricultural properties and large-lot rural subdivisions in the area, several large tracts are converting to residential and mixed use development, in a manner that upholds the rural character and protects North Olga's unique environmental resources.

Lands to the immediate north of North River Road are zoned for 1,630 dwelling units and 1.17M square feet of non-residential uses.

Similarly, Owl Creek Reserve MPD immediately to the west of the Property was approved for 380 dwelling units. As part of this approval the developer also received approval to expand water services to the area via companion Comprehensive Plan Map Amendment which added 342 +/- acres to the Lee County Utilities, Future Water Service Area Map. The developer did not propose to extend the Sewer Service Map boundary to include their property as sanitary sewer service was anticipated to be provided by FGUA at the time of their application.

Table 1 below further defines the surrounding Future Land Use designations, zoning districts and existing land uses.

Table 1: Inventory of Surrounding Lands

	FUTURE LAND USE	ZONING DISTRICT	EXISTING LAND USE
NORTH	Rural; DR/GR (Private Recreational Facilities Overlay); New Community; Conservation Lands Uplands	AG-2; MH-1; MPD	Right of Way (North River Road), single-family residential homes, row crops; Babcock MPD' Conservation 20/20 (Bob Janes Preserve)
SOUTH	Rural, Wetlands	AG-2(Agricultural)	Right of Way (Duke Highway), single-family residential homes, grazing lands
EAST	Rural	AG-2 (Agricultural)	Right of Way (North River Road), single-family residential homes, grazing lands
WEST	Rural; Wetlands	AG-2 (Agricultural)	Single-family residential homes, row crops, grazing lands

III. Justification of Proposed Amendment

The map amendment request will allow for the 788+/- acre residential development to connect to Lee County Utilities via the inclusion within the Lee County Utilities, Future Water Service Areas Map (Map 4A) and Sewer Map (Map 4B). No future land use designation change or text amendment is being requested as part of this comprehensive plan map amendment. The companion rezone request allows for a maximum of 1,099 units along with associated infrastructure and amenities. The addition of the Property to Maps 4A and 4B facilitates the design of this community in a compact form of development with significant buffering, and preservation and enhancement of rare and unique upland habitats.

Supporting this compact form of development will also eliminate the potential for over 700 wells and septic systems, providing a significant benefit to water quality and natural resource values in North Olga. Additionally, reducing wells and septic systems in areas proximate to the Caloosahatchee

River mitigate the potential impacts to water quality from development in the area. The potential for numerous wells on the property would be contrary to intent of protecting aquifers in the Lee Plan.

The proposed extension of water and sewer services will support development of the property in a manner consistent with the Lee Plan as recently amended in Lee Plan Policy 123.2.17, to ensure demand for housing is accommodated while providing significant environmental preservation in the form of 60 percent open space, 50 percent wetland preservation, and 420 acres of preserves, including over including over 300 acres of Rare and Unique Upland habitat restoration. The plan also provides for the protection of the Trout Creek flowway through the Property and provides floodplain mitigation. The compact development also serves to protect the rural character and natural viewsheds through large buffers and setbacks along an arterial roadway.

The proposed Lee Plan Map Amendment furthers the intent of the Lee Plan and represents an opportunity to continue previously approved privately funded expansion of water and sewer services within the North Olga Community. This amendment provides protection to the environment and benefits the public health safety and welfare of existing and future residents, at no cost to the County.

For these reasons, the Applicant respectfully requests approval of this Lee Plan Map Amendment as proposed.

Planning Communities/Community Plan Area Requirements (EXHIBIT M20)

Cary+Duke+Povia Map Amendment
Planning Communities/Community Plan Area Requirements - Exhibit M20

GOAL 27 NORTHEAST LEE COUNTY COMMUNITY PLAN:

OBJECTIVE 27.1: AGRICULTURAL AND RURAL CHARACTER. Maintain and enhance the viability of the existing and evolving commercial agricultural operations, preserve open space, and retain the rural character of Northeast Lee County. For the purposes of this objective, rural character is defined as those characteristics that convey a sense of rural lifestyle such as large lots or clustered development, ample views of wooded areas, open spaces, and river fronts, working farms and productive agricultural uses, and the protection of environmentally sensitive lands.

POLICY 27.1.1: Support the agricultural and rural character within Northeast Lee County by encouraging continued commercial agricultural operations and encourage new development to be clustered to conserve large areas of open lands.

POLICY 27.1.5: In all discretionary actions, consider the effect on Northeast Lee County's commercial agricultural operations and rural character.

The addition of the Property to the Future Water and Sewer Service Area maps supports the development of a clustered residential development which will include 423± acres of native habitat preserve areas, including over 300 acres of rare and unique upland preservation. Significant portions of these preserves are adjacent to public rights-of-way ensuring that the rural character of the area is preserved in perpetuity. In contrast, if central water and sewer is not extended to the Property, the existing AG-2 zoning allows for over 700 large lot residential dwelling units with no requirement for open lands to be preserved.

POLICY 27.1.8: The owner or agent of a rezoning or special exception request within the Northeast Lee County Community Plan area must conduct two public information meetings, in accordance with Policies 17.3.3 and 17.3.4, prior to the application being found sufficient. One meeting must be held within the Alva Community Plan area boundary and the other in the North Olga Community Plan area boundary.

The Applicant has gone above and beyond minimum code requirements in meeting with the North Olga Community Planning Panel and individual property owners along Duke Hwy. in advance of filing this petition and throughout the application review process to gain early feedback that informed the proposed project design. The Applicant has attended the past three (3) North Olga meetings and held a voluntary community meeting with Duke Hwy residents on August 13, 2022. All of these meetings were conducted to assist in the preparation of this application.

The Applicant held legally advertised public information meetings within the Alva and the North Olga community plan area boundaries as detailed in the attached public meeting

summary. These meetings were held in Alva on March 14, 2023, and in North Olga on June 20, 2023. Additionally, the Applicant advertised and attended a meeting with the North Olga Planning Panel at their regular meeting location on January 26, 2023, and the meeting summary is attached.

OBJECTIVE 27.2: RURAL PLANNING TOOLBOX. To develop and further the use of a rural toolbox of incentives, programs, and regulations that enhance and maintain Northeast Lee County's sense of place and provide for the long-term preservation of large tracts of contiguous natural resource and open space areas, while providing the regulatory flexibility needed to support commercial agricultural operations.

POLICY 27.2.1: Work with Alva and North Olga to develop and refine rural planning tools including but not limited to: transfer of development rights and purchase of development rights programs, conservation and agricultural easements, farmland trusts, and LDC regulations.

The proposed Map Amendment allows for significant private investment in the extension of water and sewer services. Additionally, the companion rezoning request utilizes unique planning tools available in Policy 123.2.17 which includes development incentives in exchange for significant preservation areas to be placed under conservation easement.

OBJECTIVE 27.3: NATURAL RESOURCES. To enhance, preserve and protect the physical integrity, ecological standards, and rural character of Northeast Lee County by focusing on: water basins; native vegetation; wildlife habitat and resources; and areas designated for long-term conservation.

POLICY 27.3.2: Identify, maintain, and enhance appropriate public access to Northeast Lee County's public lands and surface waters, balanced with new and ongoing efforts to protect and enhance the community's water quality and natural resources.

The addition of the Property to the Future Water and Sewer Service Area Maps will eliminate the potential for over 700 wells and septic systems, providing a significant benefit to water quality and natural resource values in North Olga.

Additionally, the companion rezoning request preserves and enhances the rural character of Northeast Lee County through the enhanced buffers, setbacks preservation and the extension of utility services to the Property.

As a result, the project will provide significant ecological benefits at no cost to the County. The plan provides over 60 percent of land in designated open space, which exceeds the typical open space requirement of 40 percent when not meeting the requirements for incentive density in Policy 123.2.17. Additionally, the native preservation areas include 420 acres, including over 300 acres of preservation, restoration or creation of Rare and Unique

upland habitat. This is entirely consistent with the intent of the above policy to preserve natural resources in North Olga.

GOAL 29: NORTH OLGA COMMUNITY PLAN. Promote and support the unique rural character, heritage, economy, quality of life, and natural resources in the North Olga Community Plan area.

POLICY 29.1.1: Protect the community's rural aesthetic qualities, preserve the natural and historic resources, and support a diverse rural economy by promoting compact or clustered development areas that maintain large, contiguous tracts of open space, while supporting commercial agricultural businesses.

OBJECTIVE 29.2: RESIDENTIAL LAND USES. Protect and enhance the rural character of the North Olga Community by evaluating residential development proposals for consistency with the community's rural character and sense of community. Rural character is defined as those characteristics that convey the rural lifestyle such as: large lots or clustered development, ample view of wooded areas, open spaces, and river fronts, working farms, productive agricultural uses, and the protection of environmentally sensitive lands.

POLICY 29.2.1: Proposed planned developments will be encouraged to provide a mix of unit types and flexible lot sizes to allow for clustering, affordability, preservation of open space, natural assets, and diversity of choice within the community.

As identified above, addition of the Property to the Future Water and Sewer Service Area maps supports the development of a clustered residential development which will include 420 acres of native habitat preserve areas, including over 300 acres of rare and unique upland preservation. Significant portions of these preserves are adjacent to public rights-of-way ensuring that the rural character of the area is preserved in perpetuity. In contrast, if central water and sewer is not extended to the Property, the existing AG-2 zoning could allow for over 700 large lot residential dwelling units with no requirement for open lands to be preserved.

OBJECTIVE 29.7: CONSERVATION. Preserve, protect, and, where possible, enhance the physical integrity, rural character, ecological values, and natural beauty of the North Olga Community Plan area, focusing upon the Caloosahatchee River, native vegetation, wildlife resources, and areas designated for long-term conservation.

POLICY 29.7.3: Proposed planned developments will consider the incorporation of "Firewise" principles in site design, including building orientation, access management, landscaping type and placement. For the purposes of this policy, Firewise principles are those guidelines developed by the National Fire Protection Association to mitigate the risk of wildland fire to homes in the wildland/urban interface.

The extension of water and sewer services to the Property will help to mitigate the risk of wildland fire to homes by providing access to water lines in an area that does not currently have infrastructure in place. Other development characteristics detailed in the companion rezoning request will ensure the use of buffers to vegetated areas, compliance with current building codes, and the use of native vegetation in landscaping.

Cary+Duke+Povia Residential Planned Development
Neighborhood Meeting Summary

In compliance with Lee Plan Policy 27.1.8, Neal Communities of Southwest Florida, LLC, (Applicant) and their consultant team hosted advertised public information meetings in North Olga and Alva, as well as additional public meetings with the community. A summary of the public meetings is provided below.

North Olga Meetings

Planning Panel Meeting

The North Olga meeting was held at the Bayshore Fire Department Station 131, 17350 Nalle Road, North Fort Myers, FL 33917, at 6:00 p.m., on Thursday, January 26, 2023. The meeting notice was published in the News-Press on January 9, 2023. The Affidavit of Publication is attached as Exhibit A. Please note that this meeting was originally advertised for a meeting on January 19, 2023, but was rescheduled on January 18, 2023, at the community's request. Panel leadership requested the change by phone after the panel's internal email notification to members was not released on time. The rescheduled date of January 26th was chosen by the panel.

The list of participants is attached as Exhibit B and demonstrates approximately 25 attendees were present at the meeting in addition to the consultant team.

Alexis Crespo, AICP, with RVi Planning + Landscape Architecture, Brandon Frey, P.E., with JR Evans Engineering, and Jack Weber and Katie Rhyne with Neal Communities of Southwest Florida, introduced the project, explained changes that have been made since the Applicant's previous presentation to the North Olga group, and presented three exhibits which included an Aerial, and illustrative examples of similar developments, which are attached as Exhibit C, and an MCP, which is attached as Exhibit D.

The Applicant explained the proposed development will include 1,099 single-family and two-family dwelling units, for a maximum density of 1.4 units per acre (figure was rounded from 1.39), and wetland preserves. The Master Concept Plan was also displayed and proposed uses, access points, open space and restoration plan, and project perimeter setbacks were also discussed. After the presentation the Applicant opened the floor for attendees to ask questions and make comments.

Questions and comments raised from attendees included the following topics:

- How water and sewer would be provided.
- Questions regarding traffic impacts on North Road and SR 31.
- Questions about buffer distances, whether fencing was proposed, and proposed berm heights and locations.
- Issues regarding flooding from Babcock Ranch, the Caloosahatchee River, and where drainage will be directed.
- How hurricane shelter impacts would be addressed.
- Questions about proposed development characteristics such as:

    - Dwelling types,
    - Pricing,
    - Density,
    - Sizes,
    - Architectural style,
    - Whether the project would be gated,
    - If there would be a CDD, and
    - Whether sidewalks are proposed.
- How streetlights would protect rural character.
- The anticipated buildout timeframe.
- The size and location of the largest contiguous preserve area.
- Whether the development would be combined with the Owl Creek development to the west.
- Whether fill dirt is needed.
- How utilities would be routed to the development.
- Questions about how additional density is generated and whether density would be increased in the future.

The Applicant offered to provide tours of Neal Communities other developments and attendees were provided contact information and if there were any other questions. It was also noted that the Applicant would continue to attend meetings in North Olga throughout the application process.

Following the discussion and public comment, the Applicant thanked the attendees and provided contact information. The Applicant's presentation was concluded at approximately 7:00 p.m.

2nd Advertised Meeting

Since the N. Olga Planning Panel holds meetings outside of the North Olga boundary, a second advertised meeting was held at the Cracker Shack Cafe, 18672 SR 31, North Fort Myers, FL 33920, at 11:00 a.m., on Tuesday, June 20, 2023. The meeting notice was published in the News-Press on June 10, 2023. The Affidavit of Publication is attached as Exhibit A.

The list of participants is attached as Exhibit B and demonstrates approximately 59 attendees were present at the meeting in addition to the consultant team.

Jeremy Frantz, AICP, with RVi Planning + Landscape Architecture, Brandon Frey, P.E., with JR Evans Engineering, Yury Bykau, P.E., with TR Transportation, Shane Johnson, with Passarella and Associates, and Jack Weber, Ivory Matthews, Katie Rhyne and Dan Ciesielski, with Neal Communities of Southwest Florida, introduced the project, and presented three exhibits which included an Aerial, and illustrative examples of similar developments, which are attached as Exhibit C, and an MCP, which is attached as Exhibit E.

The Applicant explained the proposed development will include 1,099 single-family and two-family dwelling units, for a maximum density of 1.39 units per acre, and 423 acres of preserves. The Master Concept Plan was also displayed and proposed uses, access points, open space and restoration plan, and project perimeter setbacks were also discussed. After the presentation the Applicant opened the floor for attendees to ask questions and make comments.

Questions and comments raised from attendees included the following topics:

- How access would be provided to the property.

- How water and sewer will be provided, and whether there is wastewater capacity.
- Questions regarding traffic impacts and the planned widening of North Road and SR 31.
- Questions about other projects in the area.
- The potential for nutrient impacts to the Caloosahatchee.
- How public meetings are advertised.
- Issues regarding the potential for flooding and where drainage will be directed.
- How hurricane evacuation would be addressed.
- Questions about proposed development characteristics such as:
    - Dwelling types,
    - Density and the number of lots,
    - Lot Sizes,
    - Whether the project would be gated, and
    - If there would be a CDD or homeowners association and whether they could control the number of vehicles or activities in the development.
- The anticipated construction timeframe.
- Concerns about the values of new residents that will move in.
- Whether the project size has changed.
- Whether the development would be combined with the Owl Creek development to the west.
- Whether fill dirt is needed.
- Concerns regarding wildlife habitat.
- Suggestions were made to:
    - Reduce the density being requested.
    - Donate the property to Conservation 20/20.
- How the development will impact property values and taxes.
- What stormwater event the development will be planned for and how off-site stormwater will be addressed.
- A request to include design and architectural features that are compatible with the rural area.
- What will happen with the excess dirt that came from the Calooshatchee.
- Whether the applicant can ask for more density at a later date.
- Who owns the property now.
- Whether there will be blasting.

It was also noted that the application process is ongoing and that once public hearings are scheduled, the hearing dates would be advertised.

Following the discussion and public comment, the Applicant thanked the attendees and provided contact information. The Applicant's presentation was concluded at approximately 12:30 p.m.

Alva Meeting

The Alva meeting was held at the Alva Community Center, 21471 N. River Rd., Alva, FL 33920, at 7:00 p.m., on Tuesday, March 14, 2023. The meeting notice was published in the News-Press on March 4, 2023. The Affidavit of Publication is attached as Exhibit A.

The list of participants is attached as Exhibit B and demonstrates approximately 48 attendees were present at the meeting in addition to the consultant team.

Jeremy Frantz, AICP, with RVi Planning + Landscape Architecture, Jack Weber, with Neal Communities of Southwest Florida, Shane Johnson, with Passarella and Associates, Yury Bykau, with TR Transportation, and Brandon Frey, P.E., with JR Evans Engineering, introduced the project and presented three exhibits which included an Aerial, and illustrative examples of similar developments, which are attached as Exhibit C, and an MCP, which is attached as Exhibit E.

The Applicant explained the proposed development includes a new Residential Planned Development and update to the Future Water and Sewer Service Area maps to allow a maximum of 1,099 single-family and two-family dwelling units for a maximum density of 1.39 dwelling units per acre. The presentation also noted that the development includes 51 acres of wetland preserve areas, 420 acres of total preserve area and is designed to preserve the current rural character. The Master Concept Plan was also displayed and proposed uses, access points, open space and restoration plan, project perimeter setbacks and stormwater system requirements were also discussed. After the presentation the Applicant opened the floor for attendees to ask questions and make comments.

Questions and comments raised from attendees included the following topics:

- Agricultural style developments such as Riverwind Cove are preferred, not suburban lots.
- Listed species and habitat on the property.
- Density of the project combined with other surrounding developments.
- Whether the Applicant has begun working with SFWMD.
- Questions about transportation impacts, traffic safety, how the access points will function, whether turn lanes would be provided, and whether there would be impacts to hurricane evacuation.
- How the development would impact response times related to EMS and Fire service.
- The sizes of homes and whether fewer units have been considered.
- Concerns about new residents not sharing the same values as existing residents.
- It was noted that public spaces are needed in the area.
- How water and sewer would be provided.
- Whether hearing dates have been established.
- It was noted that the Community Plan should be followed for the area.
- The rain event the community is required to plan for and whether flooding of the surrounding area would increase.
- Whether there are any historic resources on the property.
- Whether the community would result in high-speed or fiber optic internet access becoming available to the surrounding area.
- Whether the development includes properties along the Caloosahatchee.
- Whether the Applicant has worked with the school district.

The Applicant's presentation was concluded at approximately 8:00 p.m.

Exhibit A
Affidavit of Publication

0005548561 / FNP-0000002582

The News-Press
media group
news-press.com A GANNETT COMPANY

Attn:
RVI PLANNING, INC
28100 BONITA GRANDE DR
BONITA SPRINGS, FL 34135

State of Wisconsin, County of Brown:
Before the undersigned authority personally appeared D Roberts, who on oath says that he or she is a Legal Assistant of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of

Notice of Meetings

In the Twentieth Judicial Circuit Court was published in said newspaper editions dated or by publication on the newspaper's website, if authorized, on:

01/09/2023

Affiant further says that the said News-Press is a paper of general circulation daily in Lee County and published at Fort Myers, in said Lee County, Florida, and that the said newspaper has heretofore been continuously published in said Lee County, Florida each day and has been entered as periodicals matter at the post office in Fort Myers, in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 14th of February 2023, by legal clerk who is personally known to me.

D Roberts
Affiant

Notary State of Wisconsin, County of Brown

1-7-25
My commission expires

# of Affidavits: 1

This is not an invoice

KATHLEEN ALLEN
Notary Public
State of Wisconsin

NOTICE OF PUBLIC INFORMATION MEETING

DATE: Thursday, January 19, 2023

TIME: 6:00 PM

ADDRESS: Bayshore Fire Department Station 131, 17350 Nalle Road, North Fort Myers, FL 33917

In accordance with the North Olga Planning Community Requirements of the Lee County Land Development Code, the Applicant, Neal Communities of Southwest Florida, Inc, will be presenting information to the public on the following request:

The request is to rezone the 788+/- acre Property from Agriculture (AG-2) to Residential Planned Development (RPD) to allow for a maximum of 1,099 single-family dwelling units, private on-site recreational uses, and supportive infrastructure. The maximum building height is 35 feet. The site will connect to centralized water and sewer services. A companion Comprehensive Plan Amendment will include the subject Property in the Lee County Future Water Services Area Map (Map 4A) and the Future Sewer Service Area Map (Map 4B).

The purpose of the meeting is to educate community members and nearby landowners about the proposed development and to address any questions.

For questions, please contact:

Jeremy Frantz, AICP
RVi Planning + Landscape Architecture
28100 Bonita Grande Drive, Suite 305, Bonita Springs, FL 34135

(239) 357-9580 or jfrantz@rviplanning.com
AD#5548561 1/9/2023

0005615754 / FNP-0000002582

The News-Press
media group
news-press.com A GANNETT COMPANY

Attn:
RVI PLANNING, INC
28100 BONITA GRANDE DR
BONITA SPRINGS, FL 34135

State of Wisconsin, County of Brown:
Before the undersigned authority personally appeared D Roberts, who on oath says that he or she is a Legal Assistant of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of

Notice of Meetings

In the Twentieth Judicial Circuit Court was published in said newspaper editions dated or by publication on the newspaper's website, if authorized, on:

03/04/2023

Affiant further says that the said News-Press is a paper of general circulation daily in Lee County and published at Fort Myers, in said Lee County, Florida, and that the said newspaper has heretofore been continuously published in said Lee County, Florida each day and has been entered as periodicals matter at the post office in Fort Myers, in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 7th of April 2023, by legal clerk who is personally known to me.

D. Roberts
Affiant

Kathleen Allen
Notary State of Wisconsin, County of Brown

1-7-26
My commission expires

KATHLEEN ALLEN
Notary Public
State of Wisconsin

# of Affidavits: 1

This is not an invoice

NOTICE OF PUBLIC INFORMATION MEETING

DATE: Tuesday, March 14, 2023

TIME: 7:00 PM

ADDRESS: Alva Community Center, 21471 N. River Rd., Alva, FL 33920

In accordance with the Northeast Lee County Community Plan Requirements of the Lee County Land Development Code and Lee Plan, the Applicant, Neal Communities of Southwest Florida, Inc, will be presenting information to the public on the following request:

The request is to rezone the 788+/- acre Property from Agriculture (AG-2) to Residential Planned Development (RPD) to allow for a maximum of 1,099 single-family dwelling units, private on-site recreational uses, and supportive infrastructure. The maximum building height is 35 feet. The site will connect to centralized water and sewer services. A companion Comprehensive Plan Amendment will include the subject Property in the Lee County Future Water Services Area Map (Map 4A) and the Future Sewer Service Area Map (Map 4B).

The purpose of the meeting is to educate community members and nearby landowners about the proposed development and to address any questions.

For questions, please contact:

Jeremy Frantz, AICP
RVi Planning + Landscape Architecture
28100 Bonita Grande Drive, Suite 305, Bonita Springs, FL 34135
(239) 357-9580 or jfrantz@rviplanning.com
AD # 5615754 March 4, 2023

0005728700 / FNP-000000258

The News-Press media group
news-press.com A GANNETT COMPANY

Attn:
RVI PLANNING, INC
28100 BONITA GRANDE DR STE 305
BONITA SPRINGS, FL 34135

State of Wisconsin, County of Brown:
Before the undersigned authority personally appeared A Kokott, who on oath says that he or she is a Legal Assistant of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of

Notice of Meetings

In the Twentieth Judicial Circuit Court was published in said newspaper editions dated or by publication on the newspaper's website, if authorized, on:

06/10/2023

Affiant further says that the said News-Press is a paper of general circulation daily in Lee County and published at Fort Myers, in said Lee County, Florida, and that the said newspaper has heretofore been continuously published in said Lee County, Florida each day and has been entered as periodicals matter at the post office in Fort Myers, in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 13th of June 2023, by legal clerk who is personally known to me.

Amy Kokott
Affiant

Notary State of Wisconsin, County of Brown

10-25-26
My commission expires

RYAN SPELLER
Notary Public
State of Wisconsin

NOTICE OF PUBLIC INFORMATION MEETING

DATE: Tuesday, June 20, 2023

TIME: 11:00 AM

ADDRESS: Cracker Shack Cafe, 18672 SR 31, Alva, FL 33917

In accordance with the North Olga Planning Community Requirements of the Lee County Land Development Code, the Applicant, Neal Communities of Southwest Florida, Inc, will be presenting information to the public on the following request:

The request is to rezone the 788+/- acre Property from Agriculture (AG-2) to Residential Planned Development (RPD) to allow for a maximum of 1,099 single-family dwelling units, private on-site recreational uses, and supportive infrastructure. The maximum building height is 35 feet. The site will connect to centralized water and sewer services. A companion Comprehensive Plan Amendment will include the subject Property in the Lee County Future Water Services Area Map (Map 4A) and the Future Sewer Service Area Map (Map 4B).

The purpose of the meeting is to educate community members and nearby landowners about the proposed development and to address any questions.

For questions, please contact:

Jeremy Frantz, AICP
RVi Planning + Landscape Architecture
28100 Bonita Grande Drive, Suite 305, Bonita Springs, FL 34135
(239) 357-9580 or jfrantz@rviplanning.com
AD # 5728700 June 10, 2023

# of Affidavits: 1

This is not an invoice

Exhibit B
Sign-in Sheets

#	Name	Sign-in Address	E-mail	Phone #
	Debbie McEwen	2997 Bateman Rd Alva	debmcl229@aol.com	239-851-6872
	Lennie Pritchett	14350 Duke Hwy	KLRPRIT@GMAIL.COM	239-233-6331
	Dennis & Deb Woods	14120 Duke Hwy	dwoodsgoblue@msn.com	269-240
	Denise Eberle	23091 Tuckahoe Rd Alva FL	SEMSOUCH@AOL.COM Please keep us on email list	305-394-
	Ken DeWalt	7 Jute St (Alva FL On The River)	KenDewalt@gmail.com	610 22
	Connie			941-226
	Jack Keever	5800 Lakewood Ranch Blvd Sarasota	jkeever@neal communities.com	
	Joe Broughton	2920 Hickey Creek Rd	JBroughton@burgessbrant.com	239-2
	Clark Cay	18731 Serena Court	COCAY88@GMAIL.com	
	Katie Rhyne	5800 Lakewood Ranch Blvd N	krhyne@neal communities.com	941-328
	Walter McKee	18331 Telegraph Creek Ln Alva FL	wemckee@embarqmail.com	

#	Name	Sign-in Address	E-mail	Ph
	Christi Pritchett	14350 DUKE HWY	CPRITCHETT@LSICOMPANIES.COM	239-7
	Cindy Seligman	N Olga	Cranmag@tampabay.rr.com	
	Chris Orzech	18231 Lyndhurst Ln	chris.orz@sbcglobal.net	
	Ryan Gillons	14160 Duke Hwy	RyanGillons11@gmail	
	John Broderick	Babcock Property Holdings	jbroderick@tampapartners.com	
	Todd Feeley	13778 Duke Hwy	jtftodd@gmail.com	
	Bill+Linda Redfern	14651 Duke Hwy	williamredfern1776 @gmail	23
	MARY POVIA			
	MICAEL HIPP	14500 HIPP CT		
	RONI HIPP	14500 HIPP CT		
	SUZANNE Armeda	19440 Armeda Rd		

Sign-in

#	Name	Address	E-mail	Phone #
	BRANDON FREY		BRANDONJREEN6.com	239-634-6600
	Frank Fusco	18110 N. OLGA DR.	fusco@HOTMAIL.com	239 693 8721
	Debra VanRooked			
	Matt Alaas	15020 N Olga Rd	[illegible]	352-802-36[illegible]
	Richard Durling	14300 Dukes Highway	rdurlinge marvin-homes.com	239-410-175[illegible]
	Charlie Sorrell			

March 14, 2023 Sign In

Date	Printed Name	Address	Contact Number	e-mail	Signature
3/14	Janice Klingensmith	18121 Traverse Dr. ALVA		jkling2004@gmail	
3/14	KATHY SHEPARD	18143 ALVA. TRAVERSE DR.	239-225-5514		
3/14	ALAN KLINGENSMITH	18121 TRAVERSE DR	239-693-6697	alanlk924@gmail.com	
3/14	Ken DeWaff	You have			
3/14	Debbie McEwen			on file	
3/14	Amy Fichter	PO Box 1002	872-2971 Alva, FL.	amyf50@gmail.com	
3/14	Henry Fichter	PO Box 1002 Alva, FL 33920	872-~~2971~~ 2625	grantfichter@gmail.com	
3/14	Chris Ozimek	18231 Lyndhurst			
3/14	Darius Cochran	17610 Taylor Rd.	872-7653	DariusLCochran@gmail.com	
3/14	Amanda Cochran	17610 Taylor Rd	980-3572	redstorm911@aol.com	
3/14	Kathryn Snider	3130 Styles Rd	707-4475	Snider5@cmbay.mail.com	
3/14	Nick Snider	3130 Styles Rd	823-3026	Nicholas.S.06@gmail.com	Nick Snider

We, the undersigned affix our signatures to oppose the Caloosa 80 amendment to the Lee Plan for the Alva Community.

MARCH 14, 2023 SIGN-IN SHEET

Date	Printed Name	Address	Contact Number	e-mail	Signature
3/14/23	Paul & Maria Mussler				
3/14	Jeff + Paula GISH		239-693-2801		
3/14	Denise Eberle	FILE	File	File	
3/14	Beverly Craft		615 351-1359		
3/14	Lonnie & JENNIFER BRIGGS	FILE	"	"	
3/14	Glenn & Ella Dyess				
3/14	Derek Folder				
3/14	Aaron Renfroe				
3/14	Nicole deFeaf		305 896 1293		
3/14	Cris + Annette Goodman				
3/14	Jaubree Randall	15880 River Creek Ct	239-690-7892	randall taubree@	
3/14	Craig Randall	"	"		

~~We, the undersigned affix our signatures to oppose the Caloosa 80 amendment to the Lee Plan for the Alva Community~~

3/14 Richard Curling CURLING

3/14 Steve Broadhurst Broadhurst (Holly)

Sign In Sheet

Date	Printed Name	Address	Contact Number	e-mail	Signature
3/14	Chris Gibbs	21160 Capt Nelson Ct	530 826 4685	wylie3TR@garlic.com	
3/14	Jack Snider	3130 Styles Rd	239-707-4476	Snidercjm@AIMRCFL.com	
3/14	Joseph Maguire	2991 Bateman Rd	239 206 5006	JPMAGUIRE@gmail.com	
3/14	Susanne Bisplinghoff	18031 Riverchase Ct	239-980-2470	seb623@hotmail.com	
3/14	Glenn Fichter	18050 Lynchburg Dr Alva FL 33920	239-633-8912	GlennSouthern@aol.com	
3/14	Larry + Beth Murphy	17770 Gimpson Creek Ct	239 850 1467	mlaw5fn@aol.com	
3/14	Ernie Merari	21850 N. River Rd.	239-470-2877	erniemerarite@msn.com	
3/14	Kevin + Quinn Wyman	17370 Oak Crk	714-794-7193	KCOFHB@Yahoo.com	
3/14	Larry Hammond	19190 Parkinson Alva			
	Olivia + Armand Regnier	2020 Mitchell Ave, Alva	239-357-2767		ORR

We, the undersigned affix our signatures to oppose the Caloosa 80 amendment to the Lee Plan for the Alva Community.

March 14, 2023 Sign-on

Date	Printed Name	Address	Contact Number	e-mail	Signature
3/14/23	Sabrina Thompson	18751 River Estates Ln			Sabrina Thompson
3/14/23	Ed Thompson	"			Ed Thompson
3/14/23	Mike Mushko	17350 Wells Rd		WTIE@Comcast.net	
3/14/23	Patricia Picco	18181 Riverchase Ct	469-400-0622	Pat.picco@hotmail.com	
3/14/23	Armand Regnaer	2078 Mitchell Ave. Alva			

We, the undersigned affix our signatures to oppose the Caloosa 80 amendment to the Lee Plan for the Alva Community.

June 20, 2023
Sign-in Sheets

Name	Address	Email
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James Whitney	17721 N. River Rd Alva FL 33920	
RICH ALLEN	22 CARRIAGE CN. N. FORT MYERS 33917	
Audrey Whitney	17721 N River Rd Alva, FL 33920	

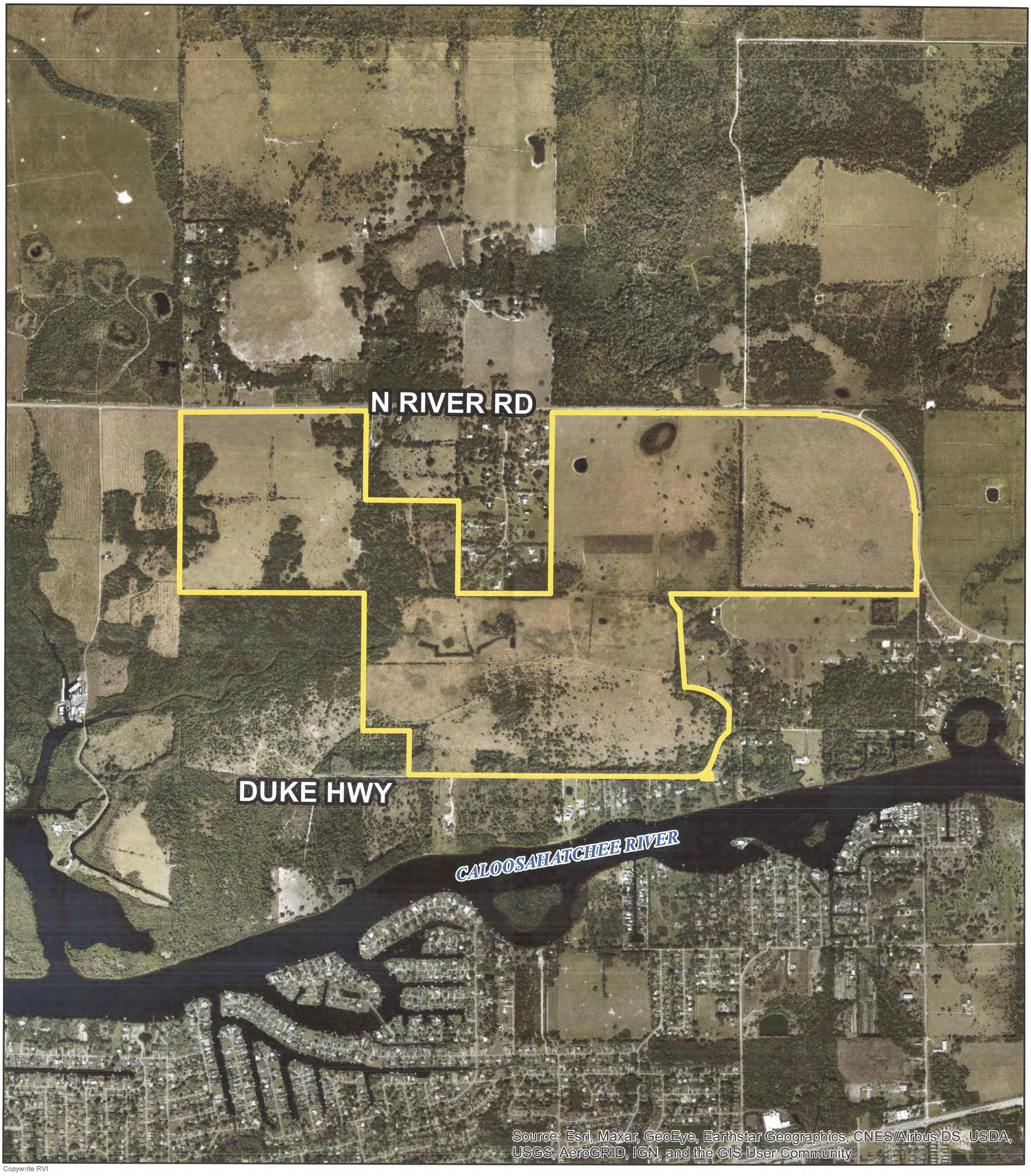
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Sebastian Valencia		
Tom/Cheri Mulling		

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OTISHAIDE FERNANDES	ALVA	AGAINST

Name	Address	Email
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Kelli + Tom	Babcock Ranch	—

Exhibit C
Presentation Materials



Document Path: \\FLBON\Projects\2022\22001300 - Cary Duke CPA & PD (Neal Communities)\04 BASE INFORMATION\02 GIS\MXDs\Final MXDs\Cary Duke - Aerial Map.mxd

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RVi

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Tampa, FL 33610
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www.rviplanning.com

CARY + DUKE + POVIA CPA/PD • AERIAL MAP

- Lee County, FL
- Subject Boundary
- Date: 12/1/2022
- # 22001300
- Neal Communites SW FL Inc.

0 550 1,100 2,200
Feet

Information furnished regarding this property is from sources deemed reliable. RVi has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.

NEALCOMMUNITIES

Where You Live Matters

















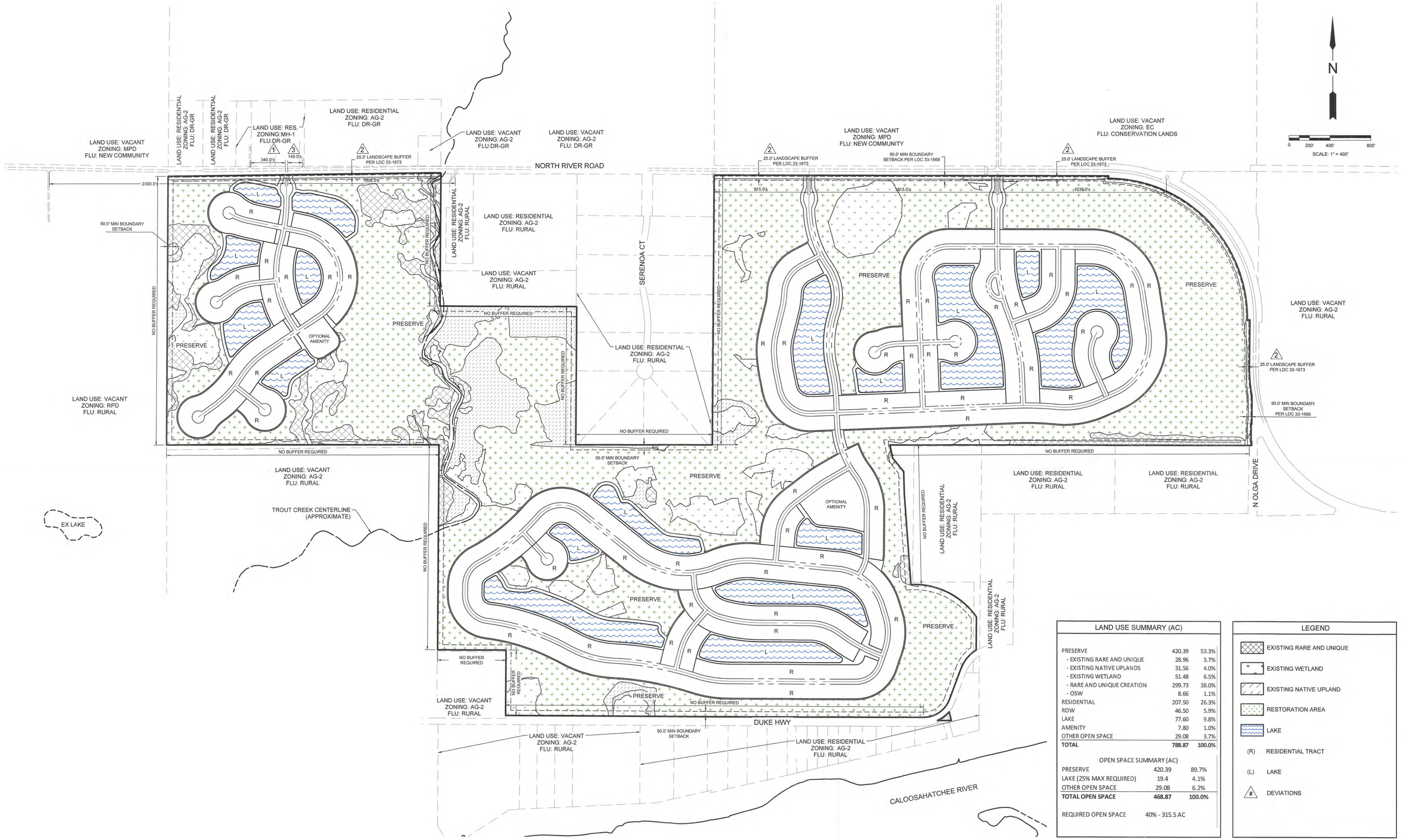








Exhibit D
January 26, 2023 – Master Concept Plan



LAND USE SUMMARY (AC)		
PRESERVE	420.39	53.3%
- EXISTING RARE AND UNIQUE	28.96	3.7%
- EXISTING NATIVE UPLANDS	31.56	4.0%
- EXISTING WETLAND	51.48	6.5%
- RARE AND UNIQUE CREATION	299.73	38.0%
- OSW	8.66	1.1%
RESIDENTIAL	207.50	26.3%
ROW	46.50	5.9%
LAKE	77.60	9.8%
AMENITY	7.80	1.0%
OTHER OPEN SPACE	29.08	3.7%
TOTAL	**788.87**	**100.0%**

OPEN SPACE SUMMARY (AC)		
PRESERVE	420.39	89.7%
LAKE (25% MAX REQUIRED)	19.4	4.1%
OTHER OPEN SPACE	29.08	6.2%
TOTAL OPEN SPACE	**468.87**	**100.0%**
REQUIRED OPEN SPACE	40% - 315.5 AC	

LEGEND

- EXISTING RARE AND UNIQUE
- EXISTING WETLAND
- EXISTING NATIVE UPLAND
- RESTORATION AREA
- LAKE
- (R) RESIDENTIAL TRACT
- (L) LAKE
- (#) DEVIATIONS

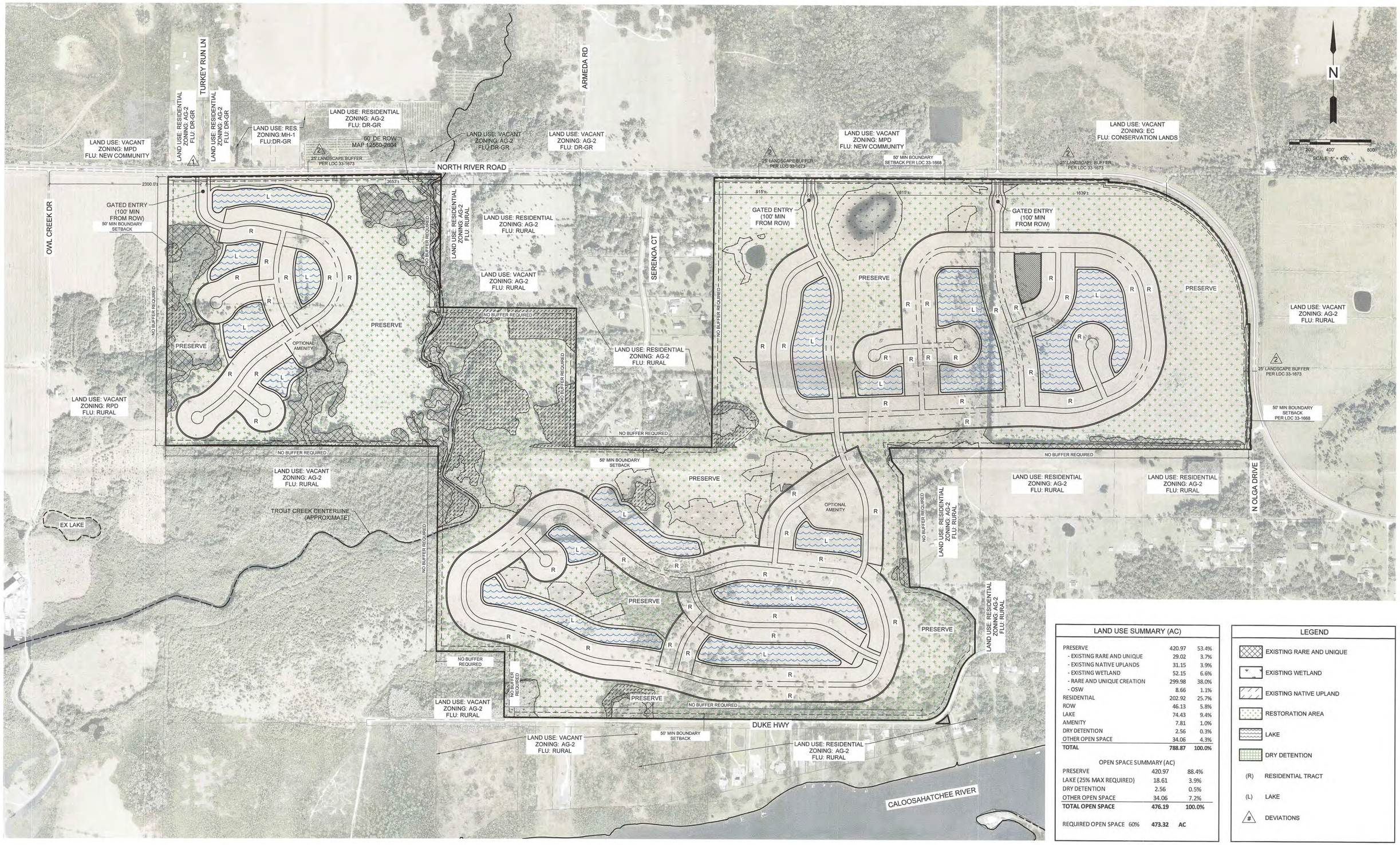
J.R. EVANS ENGINEERING

CARY+DUKE+POVIA RPD

MASTER CONCEPT PLAN

00911-00 E0506 - OA MCP.DWG
January 17, 2023

Exhibit E
March 14 & June 20, 2023 – Master Concept Plan



LAND USE SUMMARY (AC)

PRESERVE	420.97	53.4%
- EXISTING RARE AND UNIQUE	29.02	3.7%
- EXISTING NATIVE UPLANDS	31.15	3.9%
- EXISTING WETLAND	52.15	6.6%
- RARE AND UNIQUE CREATION	299.98	38.0%
- OSW	8.66	1.1%
RESIDENTIAL	202.92	25.7%
ROW	46.13	5.8%
LAKE	74.43	9.4%
AMENITY	7.81	1.0%
DRY DETENTION	2.56	0.3%
OTHER OPEN SPACE	34.06	4.3%
TOTAL	**788.87**	**100.0%**

OPEN SPACE SUMMARY (AC)

PRESERVE	420.97	88.4%
LAKE (25% MAX REQUIRED)	18.61	3.9%
DRY DETENTION	2.56	0.5%
OTHER OPEN SPACE	34.06	7.2%
TOTAL OPEN SPACE	**476.19**	**100.0%**
REQUIRED OPEN SPACE 60%	**473.32**	**AC**

LEGEND

- EXISTING RARE AND UNIQUE
- EXISTING WETLAND
- EXISTING NATIVE UPLAND
- RESTORATION AREA
- LAKE
- DRY DETENTION
- (R) RESIDENTIAL TRACT
- (L) LAKE
- # DEVIATIONS

J.R. EVANS ENGINEERING

CARY+DUKE+POVIA RPD

MASTER CONCEPT PLAN

00911-00 E0507 - OA MCP DWG
February 17, 2023