

EXHIBITS

CASE # DCI2023-00010

CASE NAME: SUNNILAND TOWN CENTER CPD

Attach copy of this form to top of packet of exhibits & place exhibits in case file.

ARE THERE ANY BOARD EXHIBITS? ____ **YES** ____ **NO**

LOCATION OF BOARDS _____

If there are any board exhibits, attach another copy of this form to boards for identification purposes.

EXHIBITS**Case #****DCI2023-00010****APPLICANT***Q. 48-Hour*

#1

power point

#2

newspress affidavit

#3

W.S.

#4

#5

#6

#7

#8

#9

#10

STAFF*Q. 48-Hour*

#1

Staff Report

#2

PowerPoint (Staff)

#3

FDER Permit #841

#4

#5

#6

#7

#8

#9

#10

OTHER EXHIBITSNAMENUMBERDESCRIPTION*Mahim Ahmadi*

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1

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Perez, Maria

From: Olga Ramos <OlgaRamos@Paveselaw.com>
Sent: Tuesday, April 23, 2024 8:57 AM
To: Hearing Examiner; Perez, Maria
Cc: Neale Montgomery
Subject: Sunniland Town Center CPD (DCI2023-00010)
Attachments: 48 Hr Letter Sunniland (4.23.24).pdf

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Good morning,

Attached please find 48hr letter regarding the above referenced matter.

If you should have any questions or concerns, please do not hesitate to contact our office.

Best regards,



Olga L. Ramos
Legal Assistant to Neale Montgomery, Esq.
PAVESE LAW FIRM
1833 Hendry Street (33901)
Post Office Box 1507 / Fort Myers, FL 33902
Direct 239.336.6235 / Fax 239.332.2243
olgaramos@paveselaw.com
Visit our website: www.paveselaw.com

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APPLICANT'S
EXH # 2

April 23, 2024

Ms. Donna Marie Collins
Hearing Examiner
1500 Monroe Street
Fort Myers, FL 33905

Via e-mail: hex@leegov.com

**RE: Sunniland Town Center CPD
DCI2023-00010**

Dear Ms. Collins,

Please accept this letter as the forty-eight (48) hour letter for the above styled matter. The applicant is in agreement with the staff recommendation. The applicant has concerns or suggested changes for some of the conditions. The changes are as follows:

1. Section A, condition 1, the revision date for the MCP will need to be updated.
2. Section A, condition 2. The owner of the oil well parcel wants the use, "Gas & Oil Extraction - existing well only", reinserted in the list of permitted uses. This may require the reinsertion of the prior condition 15, even though Condition 15 has already been fulfilled.
3. Section A, condition 3. Is a carryover from a prior time when this condition was "standard" and often contested as it did not permit a condominium plat. The condition is not necessary because platting is addressed by Chapter 177, F.S., Section 10-211, LDC, and AC 13-19.
4. Section A, condition 6. Concurrency. Part A is a true statement addressed by the Lee Plan and LDC, and not necessary. Part B should be eliminated. This is a condition that was included when the County included transportation concurrency in the Lee Plan. Policy 95.1.3. of the Lee Plan addresses regulatory and non-regulatory levels of service standards and is now controlling.
5. Section A. condition 8: The applicant would submit that some adjustment to the condition, particularly as it relates to timing, will be necessary. The dry detention areas will include some of the restoration plantings. Thus, a development order for the surface water management system will be required in order to establish the restoration plantings.
 - a. This condition indicates that the restoration criteria of Chapter 14 will apply in full. It is the applicant's understanding that the restoration plan has been reviewed and meets the criteria. The condition states that the monitoring will be done through the code enforcement violation process. The applicant is unclear as to what this process is. If the process in the one set forth in Section 14-384(a)(5), L.D.C., it would be helpful to indicate that fact, so future applicants and reviewers have a clear understanding.

- b. Condition 8.a.1. ~~Prior to~~ As part of the issuance of the first development order for any phase of development, the applicant must obtain a Limited Development Order include the restoration plan which requires the applicant to plant the abatement trees. The applicant must receive a Certificate of Compliance for all vegetation required by the Development Order including the abatement plantings.
 - c. Condition 8.a.4. The applicant would submit that the required irrigation for the vegetation should be installed in each phase to ensure the viability of the vegetation instead of a temporary above ground system.
 - d. Condition 8.a.5. This condition appears to be the same as the monitoring requirement in Section 14-384(a)(5), LDC, which seems to be the same as condition 8.a. The applicant would request clarity. If this condition includes the same requirement as 8.a. and 8.a.1, then this condition should be removed.
6. Attachment Q, condition 2. Indicates that at build out the project will meet the signal warrants at build out. The applicant would submit that the following condition be included regarding future signalization in lieu of condition 2 in the LDOT memo:
- a. At the time of the first Development Order application for vertical construction (buildings/structures that generate traffic), the Developer will submit a signalization agreement to the County to review that will include conducting a Warrant Study at the intersection of Lee Boulevard and Sunniland Boulevard based on the development parameters outlined in the approved zoning. The signalization agreement will also outline the details necessary to design and construct the signal, including but not limited to, timing of construction, funding, and the responsible entity to oversee the construction. The Signalization Agreement will be required to be executed by all parties by the time the first Certificate of Occupancy of the first dwelling unit or a Certificate of Completion for vertical commercial construction.
7. The applicant objects to DOT condition 1. Section A. condition 1 sets for the maximum square footage and units that can be developed on the property. The Development Order TIS must be consistent with the zoning. The condition is superfluous, but if it is included it will be presumed that it is there for a reason different from the limitations in Section A condition 1.

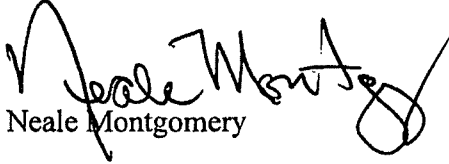
The witnesses for the request are:

- 1. Dan Delisi
- 2. Yury Bykau/Ted Treesh
- 3. Paul Owen
- 4. Brent Addison
- 5. Darendia Marvin

The applicant will be providing as exhibits at the hearing:

1. Updated Master Concept Plan (attached)
2. PowerPoint
3. Resolution Z-06-090

Sincerely,


Neale Montgomery

Cc: Dan DeLisi (via e-mail: dan@delisi-inc.com)
Yury Bykau (via e-mail: yury@trtrans.net)
Ted Treesh (via e-mail: tbt@trtrans.net)
Paul Owen (via e-mail: powen@pwenenv.com)
Brent Addison (via e-mail: baddison@atwell-group.com)
Darenda Marvin (via e-mail: dmartin@wmgdevelopment.com)



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

WHEREAS, an application was filed by the property owner, Lehigh Commercial LLC, to rezone 33.3± acres from Residential Single-Family (RS-1) to Commercial Planned Development (CPD), in reference to Sunniland Town Centre; and,

WHEREAS, a public hearing was advertised and held on October 25, 2006, with the record held open for written submissions until November 3, 2006, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2006-00013; and

WHEREAS, a second public hearing was advertised and held on January 29, 2007, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone 33.3± acres from RS-1 CPD to permit a maximum of approximately 232,000 square feet of commercial uses including, but not limited to: Office, Restaurant, Department Store and Pharmacy. No blasting is proposed. Maximum height is 35 Feet. Connections to central water and sewer systems will be provided. The property is located in the Central Urban Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. The development of this project must be consistent with the 1-page Master Concept Plan (MCP) entitled "Sunniland Town Center, Master Concept Plan," dated 07/10/06, last revised 3/26/07, date stamped "Received Mar 28 2007 Community Development," except as modified by the conditions below. This development must comply with all requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

A maximum of 232,000 square feet of commercial uses are permitted.

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

a. Schedule of Uses

Parcel 1 (West of Sunniland Boulevard)

Accessory Uses and Structures

Administrative Offices

ATM

Banks and Financial Institutions, Groups I & II

Broadcast Studio

Business Services, Group I

Computer and Data Processing Services

Consumption on Premises (COP) - limited to two as shown on the MCP

Essential Services

Excavation, water retention

Fences, walls

Insurance Companies

Medical Office

Parcel and Express Services

Post Office

Real Estate Sale Office

Restaurants: Groups I, II & III

Signs in accordance with Chapter 30

Parcel 2 (East of Sunniland Boulevard)

Accessory Uses and structures

Administrative Offices

Animal Clinic or kennel

ATM

Auto Parts Store

Automobile Service Station

Banks and Financial Institutions: Groups I & II

Bar or Cocktail Lounge

Broadcast Studio

Business Services: Group I

Clothing Stores

Clubs: commercial, fraternal & private

Computer and Data Processing Services

Consumption on Premises (COP) - limited to 1, with no outdoor seating

(See also Condition 6)

Cultural Facilities

Day Care Center, child or adult

Department Store

Drive thru Facility - as shown on the MCP

Drugstore, Pharmacy

EMS, Fire or Sheriff's station

Essential Services

Excavation, water retention

Fences, walls
 Food Stores: Groups I & II
 Gas & Oil Extraction - existing well only
 Gift and Souvenir Shop
 Hardware Store
 Hobby, Toy and Game Shops
 Household and Office Furnishings, Groups I, II & III
 Insurance Companies
 Medical Office
 Motion Picture Production Facility
 Parcel and Express Services
 Package Store - limited to 1
 Paint, Glass and Wallpaper
 Personal Services: Groups I, II & III
 Pet Services
 Pet Shop
 Post Office
 Real Estate Sale Office
 Rental and Leasing Facilities: Groups I & II
 Repair Shops: Groups I & II
 Restaurants: Groups I, II & III
 Schools, Commercial
 Signs in accordance with Chapter 30
 Specialty Retail: Groups I, II, III & IV
 Theater, Indoor
 Variety Store

b. Site Development Regulations

Minimum Lot Width:	200 feet
Minimum Lot Depth:	200 feet
Minimum Lot Area:	2.5 acres
Outparcels:	
Minimum Lot Width	100 feet
Minimum Lot Depth	100 feet
Minimum Lot Area	10,000 square feet
Maximum Lot Coverage:	45 percent
Maximum Building Height	35 feet or two stories
Minimum Building Separation	20 feet
Setbacks:	
Development Perimeter	25 feet
Street:	25 feet
Side:	20 feet
Rear:	20 feet
Waterbody	25 feet

3. The subject property may only be subdivided subsequent to recording of a plat of the property in the Official Records of Lee County, Florida.

4. Where vehicular asphalt is within 125 feet of a residential zoned property the applicant must install an enhanced Type "D" buffer. This buffer must be planted with a double-staggered hedge row with a minimum 24-inch height at the time of planting and maintained at no less than 48-inches high. The buffer must also be planted with five trees every 100 linear feet with a clear trunk height of 12 feet. At least 50 percent of the required buffer trees must be Live Oaks.
5. A single package store is permitted within the proposed development. The Package Store must be located greater than 500 feet away from the property line of Sunshine Elementary School.
6. Consumption on Premises (COP) in conjunction with a Group III Restaurant is approved, but limited to the following conditions:
 - A. Hours of operation for indoor seating are approved between the hours of 10:00 A.M. and 12:00 P.M., Monday through Sunday.
 - B. Hours of Operation for outdoor seating are approved between the hours of 10:00 A.M. and 10:00 P.M., Monday through Sunday. Outdoor entertainment is limited to piped music during the same hours of operation for consumption on premises. Music must remain at or below a normal conversation level.
7. The reduced setback area for the water management lakes, as outlined in Deviation 1, must be planted with a landscaped buffer and will provide berms, guardrails or other acceptable materials in this area to provide for the protection of wayward vehicles.
8. Prior to the issuance of the certificate of completion for Parcel 1 and Parcel 2, a 5-foot wide sidewalk must be installed along that side of Sunniland Boulevard. The sidewalk must extend along the project's entire frontage on Sunniland Boulevard. This is a site-related improvement and not eligible for Road Impact Fee Credits.
9. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.
10. Approval of this zoning request does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee County Comprehensive Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee County Comprehensive Plan provisions.

11. Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee County Comprehensive Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.
12. Traffic calming devices, acceptable to Lee County Development Services, must be installed along the parking aisle which extends between 5th Street West and Sunniland Boulevard. The Applicant will identify to Lee County Development Services the traffic calming devices it proposes to employ for this purpose at the time of request for the development order for the first parcel that contains, or is adjacent to, the subject parking aisle.
13. Bike racks must be installed on each commercial parcel located on both the east and west sides of Sunniland Boulevard. A bike rack must be installed on each commercial parcel prior to the issuance of the first Certificate of Occupancy for the business on each respective parcel.
14. Prior to local development order approval, a detailed gopher tortoise management plan must be submitted for the Division of Environmental Sciences Staff review and approval. This management plan must include details of the existing vegetative cover, any enhancements that are needed including the planting of gopher tortoise forage vegetation, and the type of permanent protective barriers to be provided between the commercial development and the gopher tortoise preserve. The development order plans must delineate a gopher tortoise preserve in substantial compliance with the area shown on the MCP.
15. Prior to local development order approval, the landscape plans must include the delineation of: (1) thirty percent (30%) or 10 acres of open space; (2) 2.29 acres of native tree preservation areas and 2.27 acres of gopher tortoise habitat in substantial compliance with the MCP; and (3) a South Florida Slash Pine (minimum 20-foot height) in the southeast gopher tortoise preserve.
16. The on-site oil well must be plugged or capped within six months of the permanent cessation of oil production activities, and during that six-month period the wellhead must be fenced (with a chainlink fence) in such a manner so as to preclude access to the wellhead by unauthorized individuals.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the §10-329(d)(1)a.2. requirement to provide a minimum waterbody setback of 50 feet from an existing right-of-way line for a collector or arterial road, to allow a setback of 35 feet. This deviation is APPROVED, SUBJECT TO Condition 7 above.

2. Deviation (2) seeks relief from the §10-416(d)(6) requirement to provide a 25-foot-wide buffer with a wall when vehicular pavement is proposed within 125 feet of a residentially zoned parcel, to allow a 15-foot wide Type "D" buffer along the southeastern portion of the subject property. This deviation is APPROVED, SUBJECT TO Condition 4 above.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

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

The applicant has indicated that the STRAP number for the subject property is:
26-44-26-00-00003.0000

SECTION E. FINDINGS AND CONCLUSIONS:

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

4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

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

Robert P. Janes	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

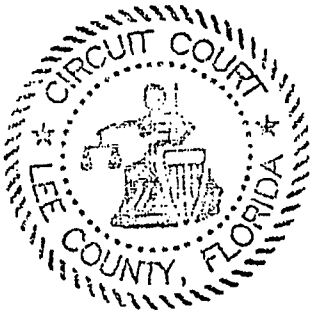
DULY PASSED AND ADOPTED this 29th day of January, 2007.

ATTEST:
CHARLIE GREEN, CLERK

BY: Kathleen A. Motz
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Robert P. Janes
Robert P. Janes, Chair



Approved as to form by:

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

DESCRIPTION
Parcel 1 & Parcel 2
Part of Section 26, Township 44 South, Range 26 East

Those Portions of the vacated Re-Plat of Tract N Unit 6, Lehigh Acres as recorded in Plat Book 26, Page 155, vacated per Official Records Book 2710, Page 3442 of the Public Records of Lee County, Florida being more particularly described as follows:

Parcel 1

Beginning at the intersection of the north right-of-way line Lee Boulevard and the west right-of-way line of Sunniland Boulevard; thence North 00°24'35" East, along said west right-of-way line, a distance of 1027.48 feet; thence North 05°37'08" West, continuing the along said west right-of-way line, a distance of 164.56 feet to the south right-of-way line of a canal; thence North 89°41'39" West along said south right-of-way line, a distance of 384.98 feet to the east line of a canal; thence South 00°24'35" West, along said east right-of-way line, a distance of 1196.06 feet to the north right-of-way line of Lee Boulevard; thence North 89°36'31" East, along said north right-of-way line, a distance of 402.30 feet to the **Point of Beginning**.

Containing 10.990 acres, more or less.

TOGETEHER WITH:

Parcel 2

Beginning at the intersection of the north right-of-way line Lee Boulevard and the east right-of-way line of Sunniland Boulevard; thence North 00°24'35" East, along said east right-of-way line, a distance of 1031.38 feet; thence North 05°37'08" West, continuing along said east right-of-way line, a distance of 159.42 feet to the south right-of-way line of a canal; thence South 89°41'39" East, along said south right-of-way line, a distance of 835.96 feet to the west right-of-way line of a canal; thence South 00°23'12" West, along said west right-of-way line, a distance 1179.97 feet to the north right-of-way line of Lee Boulevard; thence South 89°36'31" West, along said north right-of-way line, a distance of 819.77 feet to the **Point of Beginning**.

Containing 22.322 acres, more or less.

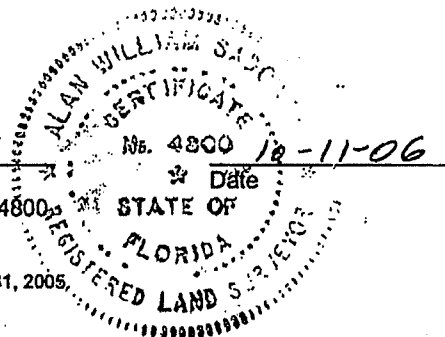
This legal description and the attached sketch is not valid without the signature and raised seal of a Florida licensed surveyor and mapper.

SEE ATTACHED SKETCH

Prepared by:
WilsonMiller, Inc.

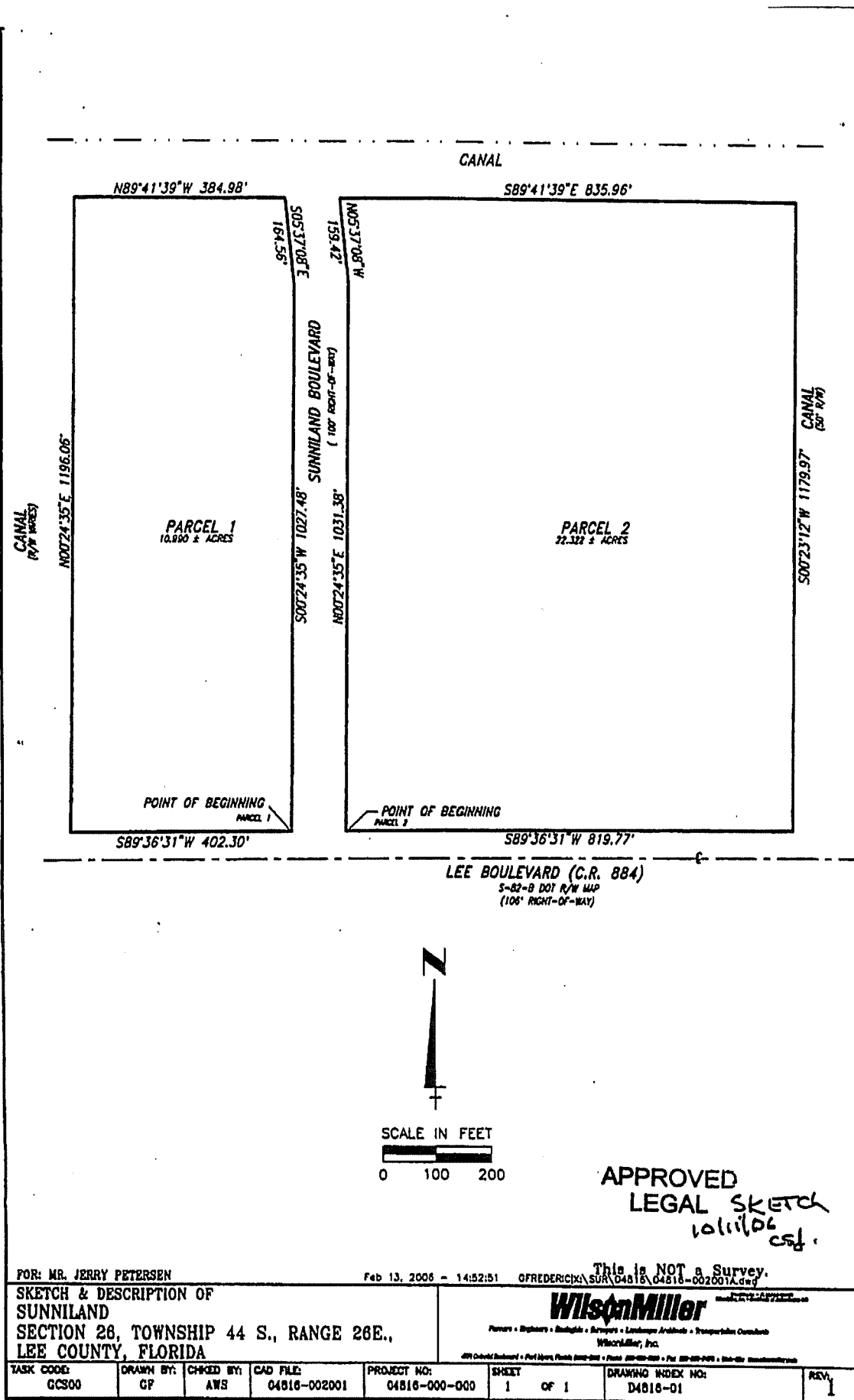

Alan W. Sadowski, PSM
Professional Surveyor and Mapper No. LS4800
State of Florida

PIN: 04816-000-000 Ref: D-4816-02 Date: March 31, 2005.



**APPROVED
LEGAL**
10/11/06
csg

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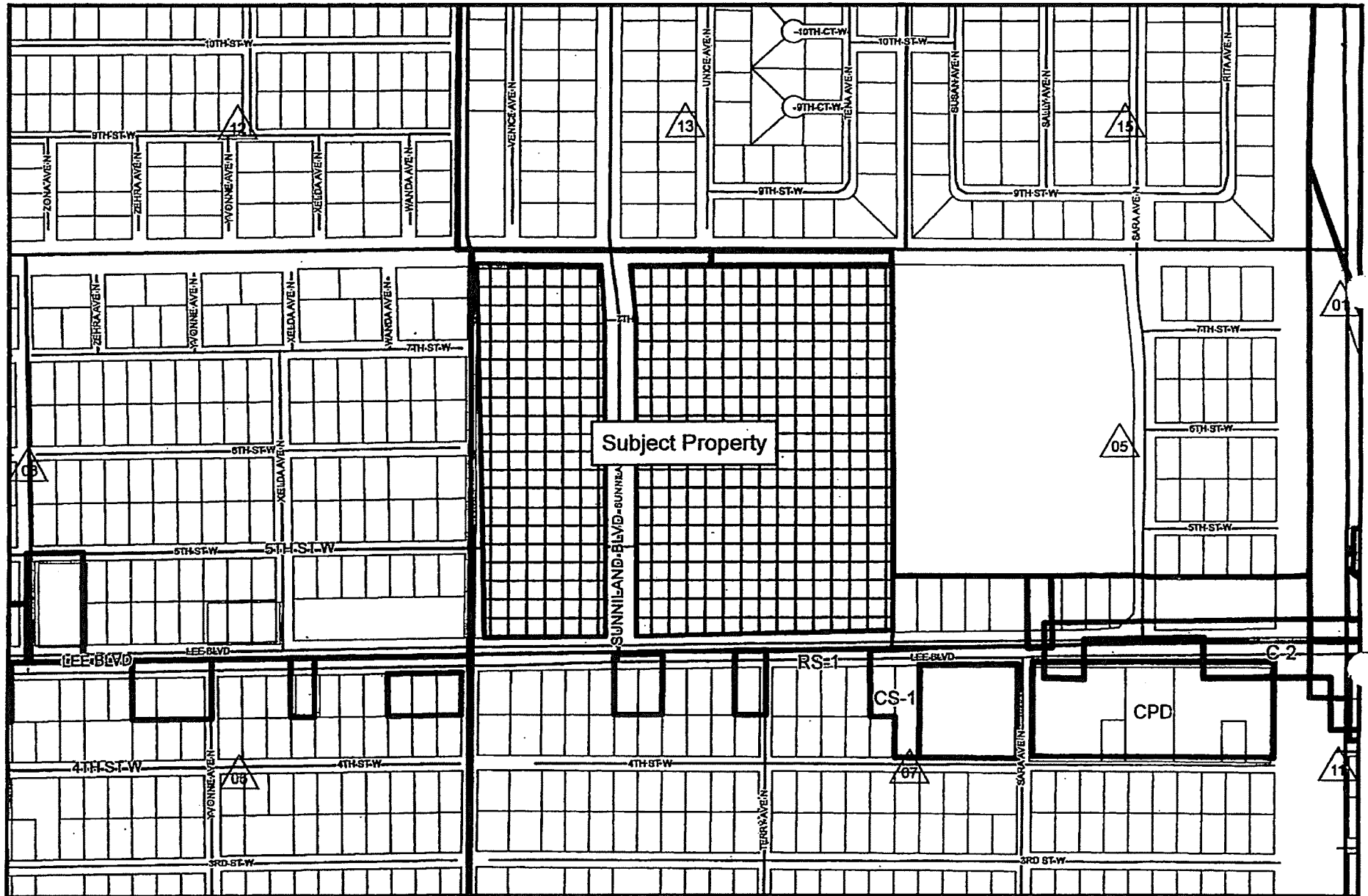


EXHIBIT "B"
(Zoning Map)

640 320 0 640 1,280
Feet

SUNNILAND TOWN CENTER CPD AMENDMENT

HEARING EXAMINER HEARING

APRIL 25, 2024

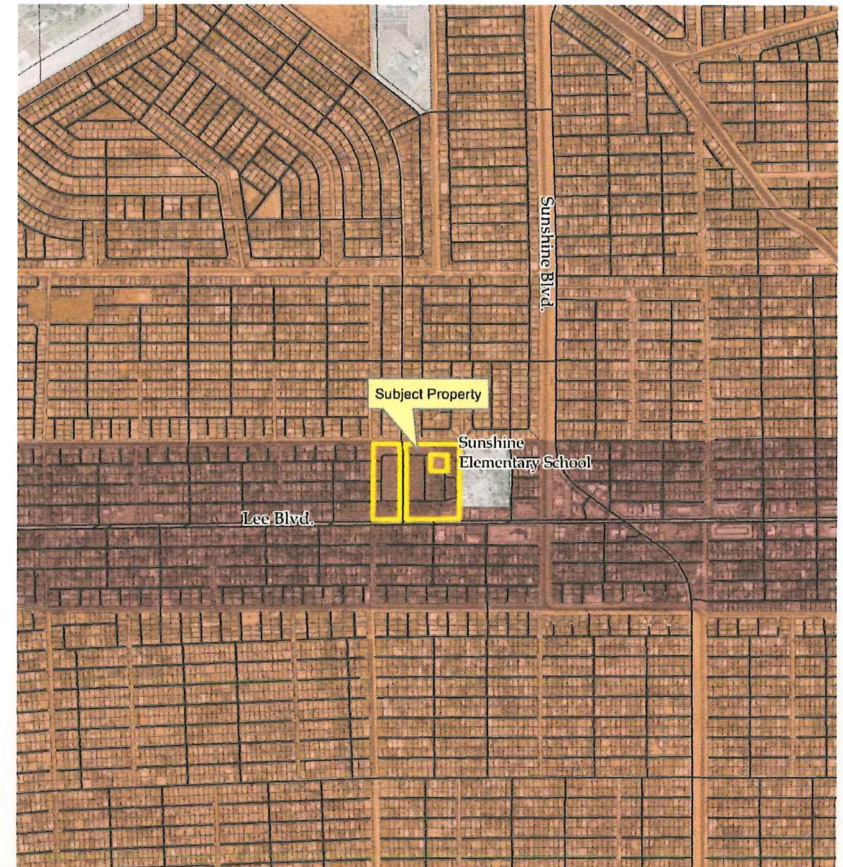


PROPERTY LOCATION

- ☐ North side of Lee Blvd.
- ☐ Approx 1/2 mile west of Sunshine Blvd.
- ☐ Adjacent to the west of Sunshine Elementary School
- ☐ Bisected by Sunniland Blvd.

FUTURE LAND USE

- ❑ Central Urban future land use category
 - ❑ Calls for higher densities and intensity of residential and commercial development
- ❑ Central Urban follows Lee Blvd., on the north and south.
- ❑ Urban Community to the north of the site



WHEREAS, a public hearing was advertised and held on October 25, 2006, with the record held open for written submissions until November 3, 2006, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DC12006-00013; and

WHEREAS, a second public hearing was advertised and held on January 20, 2007, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

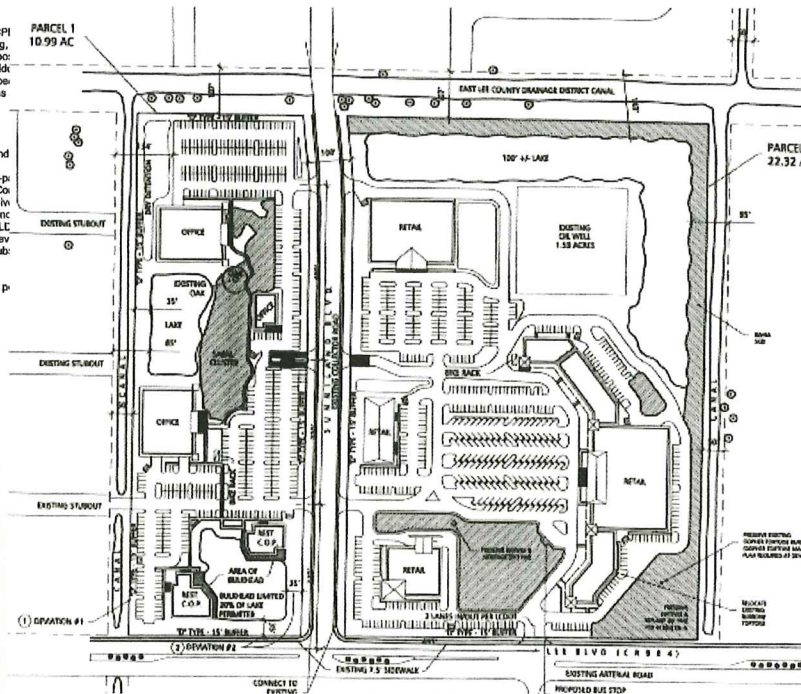
The applicant filed a request to rezone 33.3± acres from RS-1 C/I approximately 232,000 square feet of commercial uses including, Restaurant, Department Store and Pharmacy. No blasting is proposed. Connections to central water and sewer systems will be provided in the Central Urban Future Land Use Category and is legally described; request is APPROVED, SUBJECT TO the conditions and deviations C below.

All references to uses are as defined or listed in the Lee County Land

1. The development of this project must be consistent with the 1-pi Plan (MCP) entitled "Sunland Town Center, Master Co. 07/10/06, last revised 3/20/07, date stamped "Revised Community Development," except as modified by the conc development must comply with all requirements of the LC development order approval, except as may be granted by dev planned development. If changes to the MCP are sub: appropriate approvals will be necessary.

A maximum of 232,000 square feet of commercial uses are p

CASE NO: DCI2008-00013



☐ Commercial Planned Development

□ Z-06-090

- ❑ 232,000 sq. ft. of commercial retail and office.
- ❑ Designed to allow continuation of an oil well with the commercial uses and preserve around the surrounding the well
- ❑ Condition included that required capping of oil well once extraction ceased.

PROPOSED AMENDMENT

☐ Change the Master Concept Plan

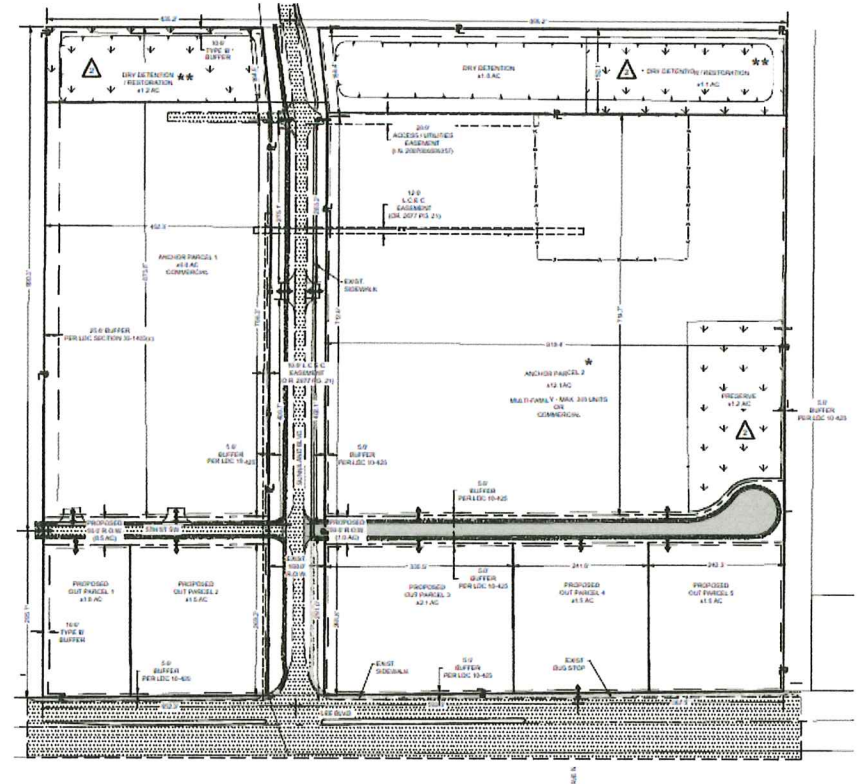
- ☐ Buildings, lake and preserve locations
- ☐ Remediation for code violation

☐ Request:

- ☐ 265,000 sq. ft. of commercial and 100,000 sq. ft. of self-storage or
- ☐ 100,000 sq. ft. of commercial, 100,000 sq. ft. of Self Storage and 300 residential units

☐ Intent is for:

- ☐ A smaller anchored retail development on the west
- ☐ A larger retail store on the east (or include multi-family residential)
- ☐ Outparcels along Lee Blvd.

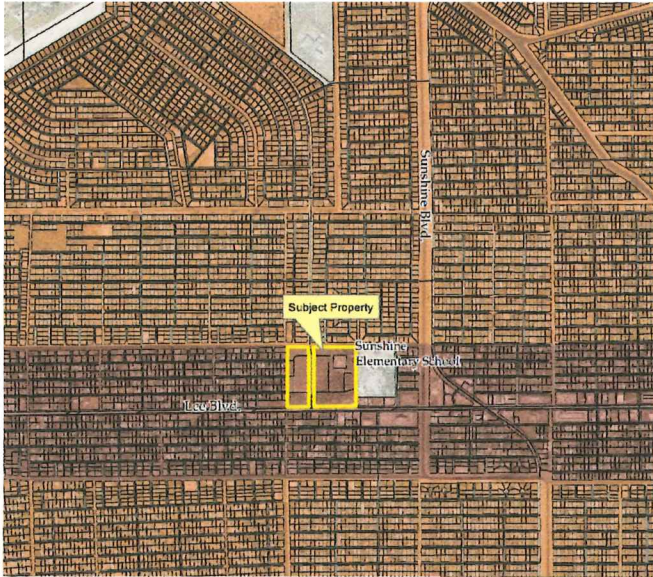


Criteria for Approval

□ LDC Section 34-145

- Compliance with the Lee Plan
- Meets LDC or granted deviations
- Compatible with surrounding uses
- Sufficient Access
- Transportation impacts
- Will not adversely impact environmentally critical or sensitive areas
- Served by urban services
- Mix of uses is appropriate
- Conditions provide sufficient safeguards to protect the public interest
- Deviations enhance the PD and are not adverse to public health, safety and welfare

Criteria: Future Land Use



- ❑ Central Urban - Policy 1.1.3
 - ❑ “Urban Core” of Lee County
 - ❑ Along north and South sides of Lee Boulevard
 - ❑ Allows for high intensity commercial uses
- ❑ Mixed Use Overlay - Map 1C
 - ❑ Incentives in LDC for more intense development and mixed uses

Criteria: Lee Plan

- ☐ Objectives 2.1 and 2.2
 - ☐ Development Location – promote development in urban areas
 - ☐ Development Timing – promote development where urban services exist
- ☐ Policy 5.1.3 – Locational criteria for higher density residential –
 - ☐ Proximity to employment centers, schools and mass transit –
 - ☐ Adjacent to Sunshine Elementary
 - ☐ Bus Route 110 along Lee Blvd.
 - ☐ Commercial uses along Lee Blvd.
- ☐ Policy 6.1.1 – Evaluation criteria
 - ☐ TIS, Buffering, public services, proximity to similar centers
- ☐ Policy 6.1.4 – Commercial approval standard
 - ☐ Compatibility and urban services
- ☐ Policy 25.6.1 – Lehigh Commercial Overlay – Partially within Overlay

Criteria: Lee Plan

- ☐ Objective 11.2 – Mixed Use Overlay
 - ☐ Designated as appropriate for Mixed Use development
- ☐ Policy 11.2.7 – Allowance for use of the commercial area in calculating density
 - ☐ 300 units requested – total land area of 33.3 acres
- ☐ Policy 25.6.1 – Lehigh Commercial Overlay
 - ☐ Designates existing zoned commercial properties
 - ☐ Encourages commercial development and higher density residential development
- ☐ Policy 25.10.1 – Preservation of on-site vegetation rather than mitigation outside of Lehigh Acres.
 - ☐ Exceeding on-site preservation requirement.

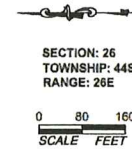
Criteria: Surrounding Uses/ Compatibility



- ☐ West – RS-1- Residential/Vacant/ LAMSID park property
- ☐ South – RS-1 Residential/Vacant
- ☐ East – Sunshine Elementary School, CPD - Commercial
- ☐ North – RS-1- Residential
- ☐ Sunniland Road bisects the property

Criteria - Environment

3614 5th Street West



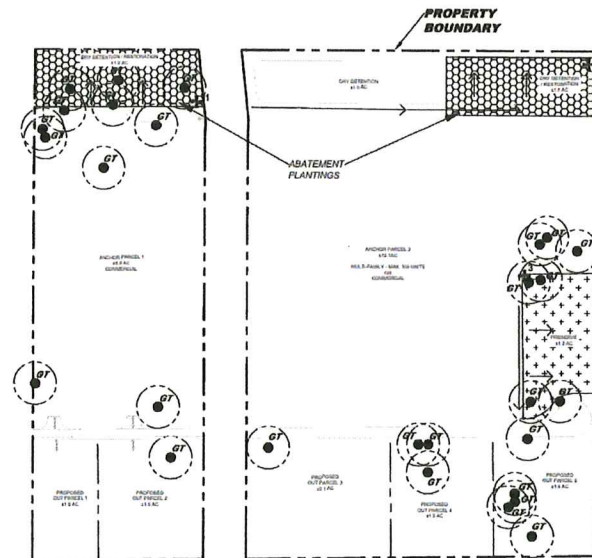
FLUCCS	Description	Acreage
411E2	Pine Flatwoods Invaded by Exotics (26-50%)	7.33 Ac.±
450	Mixed Exotic Upland Forest	2.17 Ac.±
618E*	Willow Invaded by Exotics (5-9%)	3.44 Ac.±
740	Disturbed Land	4.64 Ac.±
743	Spoil Areas	0.83 Ac.±
748	Cleared Areas	13.62 Ac.±
814	Roads and Highways	1.65 Ac.±
Total		33.68 Ac.±

* Potential SFWMD Jurisdictional Wetlands

Notes:

1. Property boundary is approximate and was obtained from the Lee County Property Appraiser's Website.
2. Mapping based on photo interpretation of 2021 aerial photography and ground truthing in September 2021.
3. Delineation of jurisdictional wetlands is preliminary and subject to field review/approval by applicable regulatory agencies.

Criteria - Environment

Sunniland

SECTION: 26
TOWNSHIP: 44S
RANGE: 26E

0 100 200
SCALE FEET

Legend:

 **Upland Restoration Area (2.3 Ac.±) • Includes Planting**

Indigenous Habitat Preservation Area (1.2 Acre)

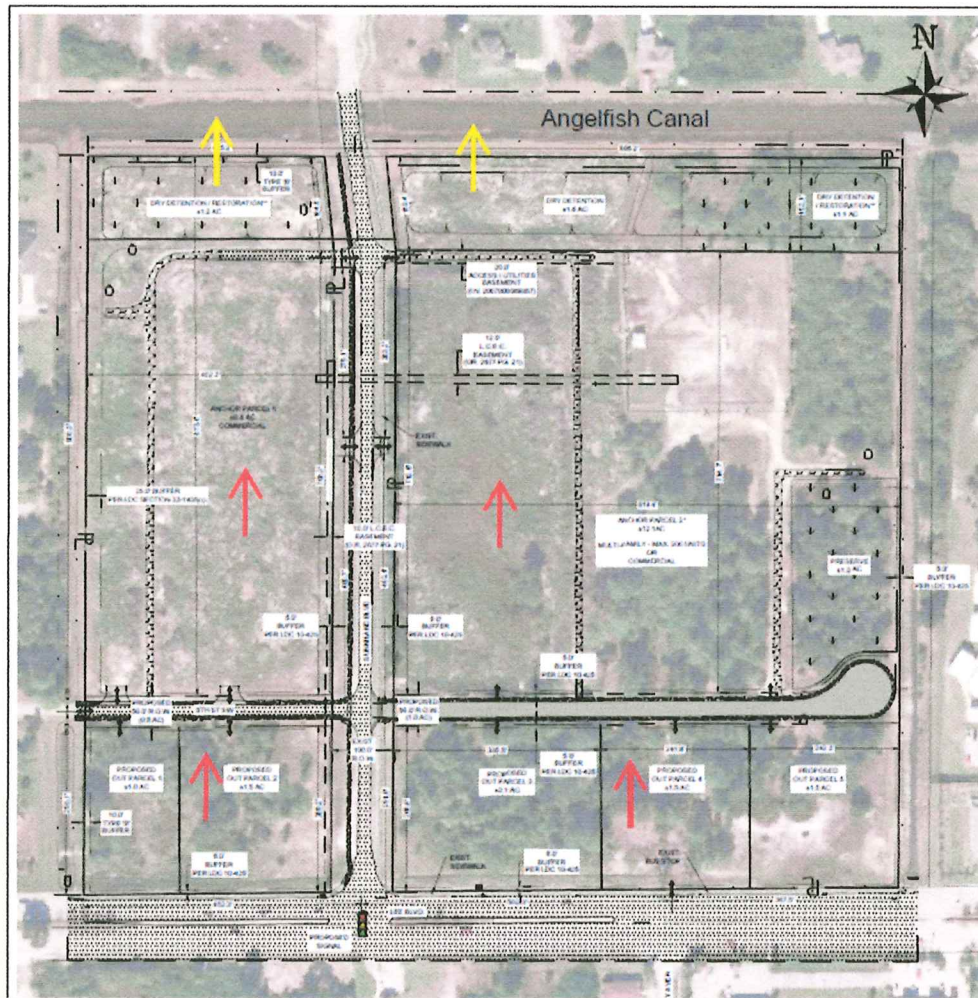
 **Potentially Occupied Gopher Tortoise Burrow (28) and 50' Buffer Radius**

← Access Points

 ¹ *Photo Station (typ.)*

Notes:

1. *Property boundary and Site Plan was received from Banks Engineering.*
2. *Mapping based on photointerpretation of 2021 aerial photography and ground truthing in September 2021.*
3. *Delineation of jurisdictional wetlands is preliminary and subject to field review/approval by applicable regulatory agencies.*



Stormwater

- ☐ Permitting will be required through SFWMD and LAMSID
- ☐ Property currently drains to the surrounding swales and Angelfish Canal
- ☐ Proposed drainage system will preserve existing drainage patterns and not block any runoff overflow from adjacent properties
- ☐ Development will drain to the dry detention areas on the north side of the property and then through control structures into Angelfish Canal

Criteria: Access and Transportation

- ❑ Traffic Study Completed Based on the Following Most Intense Uses:

Table 1
Land Uses
Sunniland CPD

Land Use	MCP #1	MCP #2
Retail	265,000 square feet	100,000 square feet
Self-Storage	100,000 square feet	100,000 square feet
Multi-Family	0	300 Units

- ❑ Access to Site provided to Sunniland Blvd. & to 5th St. W.
- ❑ Analysis Examined Level of Service on Adjacent Roadways and Intersections

Criteria: Access and Transportation

- ☐ Analysis Year of 2028 was selected as Horizon Year
- ☐ Lee Boulevard – Arterial Roadway 6-Lanes
- ☐ Sunniland Blvd./12th St. W. – Major Collectors – 2-Lanes
- ☐ Sunshine Blvd. – Arterial Roadway – 2 Lanes
- ☐ Each of these roadways will operate at LOS “C” in 2028 both With & Without the Rezoning Traffic added to the network
- ☐ Only one roadway segment in Study Area shown to operate below the recommended Level of Service – Gunnery Road (Prior to Any Development Trips being added in 2028)

Criteria: Access and Transportation

- ☐ Site Specific Intersection Improvements will be completed at time of Local Development Order approval
- ☐ Conditions include Signalization Agreement related to intersection of Lee Blvd. & Sunniland Blvd.
- ☐ Developer will enter into Agreement with Lee County to Study signalization of intersection
- ☐ Agreement will determine:
 - ☐ When the traffic signal is installed
 - ☐ Who Pays for the Traffic Signal (Developer)
 - ☐ What improvements are necessary at the intersection to accommodate the traffic signal

Criteria: Access and Transportation

- ☐ Condition in Staff Report relating to limiting the Development Intensity to the new trips generated by the proposed uses is not necessary.
- ☐ The Master Concept Plan and Schedule of Uses limits the uses and amount of floor area than can be constructed on the site
- ☐ The Institute of Transportation Engineer's Report (Trip Generation Manual) is updated periodically (now it's even updated online)
- ☐ Trip generation is fluid. It can change with time. Condition is not necessary and is redundant to what the Land Development Code already enforces.

48 HOUR MEMO/ STAFF REPORT

QUESTIONS?

24.00P

3971945

NEWS-PRESS

Published every morning — Daily and Sunday
Fort Myers, Florida

Affidavit of Publication

STATE OF FLORIDA
COUNTY OF LEE

Before the undersigned authority, personally appeared _____

Brenda Leighton

who on oath says that he/she is the _____

Legal Coordinator of the News-Press, a

daily newspaper, published at Fort Myers, in Lee County, Florida; that the

attached copy of advertisement, being a _____

notice of public hearing

in the matter of Petition to Vacate #95-12-183.03R

in the _____ Court

was published in said newspaper in the issues of _____

April 29, 1996

May 6, 1996

RECORD VERIFIED - CHARLIE GREEN, CLERK

• Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida and that said newspaper has heretofore been continuously published in said Lee County, Florida, each day, and has been entered as a second class mail 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 the advertisement; and affiant further says that he/she has neither 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.

Brenda Leighton

• Sworn to and subscribed before me this

6th

day of _____

May

96

, 19 _____

by _____

Brenda Leighton

who is personally known to me or who has produced _____

as identification, and who did not take an oath.

Notary Public _____

Print Name _____

LINDA GALE CHELEY

My Commission Expires: _____

MY COMMISSION EXPIRES APRIL 4 1998

0011-1212

CLASS-16

BONDED THROUGH FIDELITY AND SURETY COMPANY
NOTARY PUBLIC, STATE OF FLORIDA

PH 4:45 PM
5/15/96

NOTICE OF PUBLIC HEARING ON PETITION TO VACATE NUMBER 95-12-183.03R TO ALL PERSONS IN- TERESTED:

You are hereby notified that a Petition has been filed with the Board of County Commissioners of Lee County, a political subdivision of the State of Florida, Post Office Box 398, Fort Myers, Florida 33902, by the petitioner to vacate, abandon, discontinue or close the following plat, right-of-way, easement and/or parcel described as:

Replat of Tract M, Unit 6, Northeast quarter (NE 1/4) and South half (S 1/2) of Section 26, Township 26 South, Range 26 East, a subdivision of LEHIGH ACRES, Lee County, Florida, being recorded in Plat Book 26, of Page 155, of the Public Records of Lee County, Florida, less and except Sunniland Boulevard, being 50.00 feet each side of the following described centerline commencing at the intersection line of said Section 26 and the Northernly right-of-way line of Lee Boulevard; thence North 89° 34' 31" East, along the Northernly right-of-way line of Lee Boulevard, a distance of 503.07 to the Point of Beginning of the centerline of Sunniland Boulevard; thence North 00° 42' 35" East, a distance of 1,004.42 feet; thence North 03° 37' 08" West, a distance of 347.76 feet, to the Southernly right-of-way line of Angelfish Canal, and there terminating.

Notice is further given that a Public Hearing will be held upon said Petition by the Board of County Commissioners of Lee County, Florida, at the Lee County Courthouse, Fort Myers, Florida, at 4:45 p.m. on the 15th day of May, 1996.

All parties who may want to appeal the decision of the Board must insure that a verbatim record of the proceedings is made.

BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA

P.O. #P001411
REF#P001411-48
REF#P001411-49
Apr 29 May 6 No. 10777

OR2710 P63442

FILED

MAY 15 1996

CLERK CIRCUIT COURT
FROM DPL

APPLICANT EXHIBIT# 2
Vacation of Plat
DC12023-00010

THIS INSTRUMENT PREPARED BY:

Lee County Attorney's Office
P.O. Box 398
Fort Myers, FL 33902

RESOLUTION NUMBER 96-05-22
FOR PETITION TO VACATE NUMBER 95-12-123,032

WHEREAS, a Petition was heretofore filed with the Board of County Commissioners of Lee County, on the 10th day of April, 1996, by Lchigh Corp.; and

WHEREAS, said Petitioner prayed for the vacating, abandoning, discontinuing or closing of a certain plat, right-of-way easement and/or parcel described as follows:

SEE EXHIBIT "A"

IF LEGAL DESCRIPTION REQUIRES MORE SPACE, ATTACH EXHIBIT "A"

WHEREAS, Proof of Publication of Notice of Hearing to be held on the 15th day of May, 1996, was duly made and filed with the Board and is in conformity with the law and does give notice of the filing of said Petition praying for the vacating, abandoning, discontinuing, or closing of certain property described above; and

WHEREAS, pursuant to said Notice of Hearing, a Public Hearing was held on the 15th day of May, 1996, and it appearing that vacating, abandoning, discontinuing or closing of said plat, right-of-way, easement and/or parcel as described above is in the best interest of the public and promotes the public's health, safety and welfare without invading or violating individual property rights.

BE IT THEREFORE RESOLVED by the Board of County Commissioners of Lee County, Florida as follows:

1. That the property described hereinabove be and the same is hereby vacated, abandoned, discontinued and closed.

DR2710 263443

2. That the Notice of vacating, abandoning, discontinuing, or closing said property will be published hereafter, as required by law.

3. The foregoing proceeding, including the Petition to Vacate, the Notice of Public Hearing and this Resolution, together with the Notice of Vacating of aforesaid property be recorded in the Public Records of Lee County, Florida, as required by law.

THIS RESOLUTION passed by voice and entered into the minutes of the Board of County Commissioners of Lee County, Florida this 15th day of May, 1996.

ATTEST:
CHARLIE GREEN, CLERK

By: *Debra L. Pierce*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: *[Signature]*
Chairman

APPROVED AS TO FORM

By: *[Signature]*

Print: *Douglas E. Perry - I concur*
Office of the County
Attorney

DR2710 PG3444

EXHIBIT "A"

LEGAL DESCRIPTION

REPLAT OF TRACT N, UNIT 6, NORTHEAST QUARTER (NE 1/4) AND SOUTH HALF (S 1/2) OF SECTION 26, TOWNSHIP 44 SOUTH, RANGE 26 EAST, A SUBDIVISION OF LEHIGH ACRES, LEE COUNTY, FLORIDA, BEING RECORDED IN PLAT BOOK 26, AT PAGE 155, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LESS AND EXCEPT SUNNILAND BOULEVARD, BEING 50.00 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE. COMMENCING AT THE INTERSECTION OF THE WEST SECTION LINE OF SAID SECTION 26 AND THE NORTHERLY RIGHT-OF-WAY LINE OF LEE BOULEVARD; THENCE NORTH 89°-36'-31" EAST, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF LEE BOULEVARD, A DISTANCE OF 503.07 TO THE POINT OF BEGINNING OF THE CENTERLINE OF SUNNILAND BOULEVARD; THENCE NORTH 00°-42'-35" EAST, A DISTANCE OF 1,004.42 FEET; THENCE NORTH 05°-37'-08 WEST, A DISTANCE OF 347.76 FEET, TO THE SOUTHERLY RIGHT-OF-WAY LINE OF ANGLEFISH CANAL, AND THERE TERMINATING.

OR2710 PG3445

RECEIVED
ZONING &
DEVELOPMENT SERVICES

96 MAY 28 AM 8:57

0R2710 P63446

CHARLIE GREEN LEE CITY FL
96 MAY 31 AM 9:19

NEWS-PRESS
Published every morning — Daily and Sunday
Fort Myers, Florida

Affidavit of Publication

STATE OF FLORIDA
COUNTY OF LEE

Before the undersigned authority, personally appeared _____

Brenda Leighton

who on oath says that he/she is the _____

Legal Coordinator _____ of the News-Press, a

daily newspaper, published at Fort Myers, in Lee County, Florida; that the

attached copy of advertisement, being a _____

notice of vacating

In the matter of Vacate #95-12-183.03R

In the _____ Court

was published in said newspaper in the issues of _____

May 24, 1996

Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida and that said newspaper has heretofore been continuously published in said Lee County, Florida, each day, and has been entered as a second class mail 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 the advertisement; and affiant further says that he/she has neither 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.

Brenda Leighton

Sworn to and subscribed before me this

24th _____ day of _____

May _____, 19 96 by

Brenda Leighton

who is personally known to me or who has produced

_____ as identification, and who did or did not take an oath.

Notary Public Linda Gale Sheley

Print Name _____

My Commission Expires:

CLASS-18

LINDA GALE SHELEY
MY COMMISSION EXPIRES APRIL 4, 1998
CC 361392
BONDED THRU TROY FAIR INSURANCE
NOTARY PUBLIC, STATE OF FLORIDA

NOTICE OF VACATING, ABANDONING, DISCONTINUING OR CLOSING ON PETITION TO VACATE NUMBER 95-12-183.03R TO WHOM IT MAY CONCERN:
Notice is hereby given that certain property located in Section 24, Township 44 South, Range 28 East, Lee County, Florida, and more particularly described as follows:
Legal Description: Replat of tract N. Unit 6, Northeast quarter (NE 1/4) and South half (S 1/2) of Section 24, Township 44 South, Range 28 East, a subdivision of Lighthouse Acres, Lee County, Florida, being recorded in Plat Book 24, at Page 135, of the Public Records of Lee County, Florida, less and except Sunland Boulevard, being 50.00 feet each side of the following described centerline, commencing at the intersection of the West section line of said Section 24 and the Northerly right-of-way line of Lee Boulevard, thence North 89°34'21" East, along the Northerly right-of-way line of Lee Boulevard, a distance of 303.07 to the Point of Beginning of the centerline of Sunland Boulevard, thence North 00°42'35" East, a distance of 1,004.42 feet, thence North 05°37'06" West, a distance of 347.74 feet, to the Southerly right-of-way line of Anglefish Canal, and there terminating, has been vacated, abandoned, discontinued and closed by Resolution Number 95-05-22 of the Board of County Commissioners of Lee County, Florida on the 15th day of May, 1996.
BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA
By: Douglas St. Cerny
Chairman

Deputy Clerk
Jerk
No. 17848

Perez, Maria

From: Olga Ramos <OlgaRamos@Paveselaw.com>
Sent: Monday, May 6, 2024 2:33 PM
To: Hearing Examiner; Workman, Elizabeth; Prining, Jamie; Price, Robert; Scholler, Jillian; Alam, Md Rakibul
Cc: Perez, Maria; Neale Montgomery
Subject: Sunniland Town Center CPD (DCI2023-00010)
Attachments: Lt to HEX Sunniland (5.6.24).pdf

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Good afternoon,
Please see attached letter regarding the above referenced matter.
If you should have any questions or concerns, please do not hesitate to contact our office.
Best regards,



Olga L. Ramos
Legal Assistant to Neale Montgomery, Esq.
PAVESE LAW FIRM
1833 Hendry Street (33901)
Post Office Box 1507 / Fort Myers, FL 33902
Direct 239.336.6235 / Fax 239.332.2243
olgaramos@paveselaw.com
Visit our website: www.paveselaw.com

Confidentiality Note: The information contained in this transmission is legally privileged and confidential, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you receive this communication in error, please notify us immediately by telephone call to (239) 334-2195 and delete the message. Thank you. This law firm acts as a debt collector. This e-mail may be an attempt to collect a debt. If so, all information obtained will be used for that purpose.

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd.**

WS
APPLICANT'S
EXH # 3

May 6, 2024

Ms. Donna Marie Collins
Hearing Examiner
1500 Monroe Street
Fort Myers, FL 33905

Via e-mail: hex@leegov.com

**RE: Sunniland Town Center CPD
DCI2023-00010**

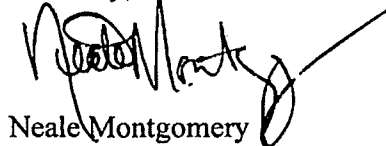
Dear Ms. Collins,

Please accept this letter as the response to the Order for Post Hearing Written Submissions issued on April 25, 2024. The staff and the applicant have been communicating, and it is the applicant's understanding that the staff and the applicant are in agreement. The revised Master Concept Plan is attached hereto. The document has been date stamped by DCD, and the conditions have been revised to reflect the date of the current MCP.

The current set of conditions are included herewith. The conditions include the revisions discussed at the hearing on 4/25/2024.

Your consideration of this matter is greatly appreciated.

Sincerely,



Neale Montgomery

Cc: Dan DeLisi (via e-mail: dan@delisi-inc.com)
Elizabeth Workman (via e-mail: EWorkman@leegov.com)
Jamie Prining (via e-mail: JPrining@leegov.com)
Rob Price (via e-mail: RPrice@leegov.com)
Jill Scholler (via e-mail: JScholler@leegov.com)
Md Rakibul Alam (via e-mail: MAlam@leegov.com)
Darenda Marvin (via e-mail: dm Marvin@wmgdevelopment.com)

Attachment S – Conditions

Sunniland Town Center CPD – DCI2023-00010

Section A. - Request

1. The development of this project must be consistent with one-page Master Concept Plan (MCP) entitled "Sunniland" last revised ~~November 10, 2023~~ May 1, 2024, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at the time of local development order. If changes to the MCP or conditions or deviations are subsequently pursued, appropriate approvals will be necessary.

This project is limited to a maximum of either:

1. 265,000 square feet of commercial floor area and 100,000 square feet of Mini Warehouse uses, or
2. 100,000 square feet of commercial uses, 100,000 square feet of Mini Warehouse uses and 300 residential dwelling units (only on Parcel 2) with a maximum commercial building height of 35 feet and residential building height of 45 feet.

Section B. - Conditions

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

a. Schedule of Uses

Accessory uses, buildings, and structures
Administrative Offices
Amusement Parks
Animal Clinic or Kennel
Auto Parts Store
ATM (Automatic Teller Machine)
Automobile Repair & Service – Group I
Automobile Service Station
Bait & Tackle Shop
Banks and Financial Establishments – Groups I & II
Bar and Cocktail Lounge
Boat Parts Store
Broadcast Studio, Commercial Radio & Television
Building Materials Sales
Business Services, Groups I & II
Car Wash
Cleaning & Maintenance Services (no repairs)
Clothing Stores, General
Clubs: Commercial, Fraternal, and Private
Continuing Care Facilities

Consumption on Premises (limited to outparcels along Lee Boulevard)
Contractors & Builders – Group I & II
Convenience Food and Beverage Store limited to one with a maximum 24 self-service fuel pumps
Cultural Facilities
Department Store
Day Care Center, Child or Adult
Drive-through Facility for any permitted use
Drugstore, Pharmacy
Dwelling Units, Multi-Family (Parcel 2 only)
EMS, Fire, or Sheriff's Station
Essential Services
Entrance Gates and Gatehouse (Parcel 2 only)
Excavation, Water Retention
Fences and Walls
Food Stores – Groups I & II
Food and Beverage Service, Limited
Funeral Home (without a crematory)
Gift and Souvenir Shop
Hardware Store
Health Care Facilities – All Groups
Hobby, Toy, and Game Shops
Home Occupation
Household and Office Furnishings – All Groups
Insurance Companies
Laundromat
Laundry or Dry Cleaning – Group I
Lawn and Garden Supply Stores
Library
Medical Office
Motion Picture Production Studio
Nightclubs
Non-store Retailers
Package Store – limited to two for entire CPD
Paint, Glass and Wallpaper
Parking Lot, Accessory
Personal Services – Groups I, II, & III
Pet Services
Pet Shops
Pharmacy
Place of Worship
Post Office

Printing and Publishing
 Real Estate Sales Office
 Recreation Facilities, Private on-site – (for Parcel 2 only, in conjunction with multi-family use)
 Recreation Facilities, Commercial, Group I
 Religious Facilities
 Rental and Leasing Establishment – Groups I & II
 Repair Shops – Groups I & II
 Research and Development Laboratories – Group II
 Restaurants – Group I, II, & III
 Restaurants – Fast Food
 Schools, Commercial and Noncommercial
 Signs
 Specialty Retail Shops – All Groups
 Social Services – Group I
 Storage, Indoor
 Transportation Services – Group II
 Theater, Indoor
 Used Merchandise Stores – Groups I
 Variety Store
 Vehicle & Equipment Dealers – Groups II
 Warehouse, Mini-Warehouse

b. Site Development Regulations

Anchor Parcels

Minimum lot size:	2.5 acres
Minimum lot width:	200 feet
Minimum lot depth:	200 feet

Outparcels:

Minimum lot size:	10,000 square feet
Minimum lot width:	100 feet
Minimum lot depth:	100 feet

Maximum lot coverage:	45 percent
-----------------------	------------

Maximum Residential Building Height:	45 feet
--------------------------------------	---------

Maximum Commercial Building Height:	35 feet
-------------------------------------	---------

Minimum Building Separation: 20 feet

Setbacks:	
Development Perimeter:	25 feet
Street:	25 feet
Side:	20 feet
Rear:	20 feet
Waterbody:	25 feet
Preserve:	20 feet (30 feet for fire dependent indigenous plant communities)

Minimum Open Space: 20 percent

3. ~~Platting and Subdividing~~

~~The subject property may only be subdivided after recording of a plat of the property in the Official Records of Lee County, Florida.~~

4. ~~Package Store~~

~~Package Stores are limited to the outparcels as shown on the Master Concept Plan and must be located greater than 500 feet away from the property line of Sunshine Elementary School.~~

5. ~~Sidewalk Improvements~~

- a. Prior to the issuance of the Certificate of Completion for a development order subsequent to the Limited Development Order for violation abatement (Condition 8) Parcel 1 and Parcel 2, a five-foot-wide sidewalk must be installed along Sunniland Boulevard. The sidewalk must extend along the project's entire frontage on Sunniland Boulevard. This is a site-related improvement and not eligible for Road Impact Fee Credits.
- b. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

6. ~~Concurrency~~

- a. ~~Approval of this zoning request does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee County Comprehensive Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1b.~~
- b. ~~Prior to the issuance of a local development order, the proposed project must meet the concurrency requirements set forth in LDC Chapter 2 and the Lee County Comprehensive Plan.~~

7. ~~Open Space~~

~~Prior to the issuance of a local development order, that landscape plans must depict 7.06.7 acres of open space with 3.5 acres of preservation and restoration indigenous open space, consistent with the Master Concept Plan.~~

8. ~~Violation Abatement~~

- a. The following conditions codify the abatement required by VIO2021-06268 and VIO2021-06269. If the conditions are not met, the restoration criteria of Chapter 14 of the LDC will apply in full and will be monitored through the Code Enforcement violation process as outlined in 2. below:

1. ~~Prior to the issuance of the first development order for any phase of development, the applicant must obtain a Limited Development Order to plant the abatement trees and must receive a Certificate of Compliance for the abatement plantings~~either property subject to the above code violations, landscape plans for the specific violation must depict:
 - a. ~~Landscape plans must depict new~~ New abatement plantings consisting of 215 Cabbage Palms, 49 Live Oaks, and four South Florida slash pines. Live oaks and South Florida slash pines must be Florida No. 1 or better per amended Grades and Standards for Nursery Plants, Parts I and II and be a minimum six feet in height with a minimum trunk diameter of one inch measured at three feet above the ground and a minimum canopy diameter of two feet at installation.
 - b. ~~The landscape plans must depict nine~~ Nine Live Oaks specified at 20 feet in height with a minimum of four-inch caliper and a minimum eight-foot canopy must be installed to replace the removed heritage trees.
 - c. ~~Landscape plans must depict an~~ An above-ground irrigation system in the restoration areas, which may be removed one year after the issuance of a Certificate of Compliance ~~for the Limited Development Order.~~
2. The Limited Development Order must include a five-year monitoring plan for the restoration areas with monitoring reports describing the conditions of the restored areas submitted annually for five years.

9. Gopher Tortoises

Machines are prohibited within the 1.2-acre preservation area.

10. Parcel 1 Buffers

Prior to the issuance of a development order for Parcel 1, the development order plans must depict the following:

- a. a ten-foot-wide Type B buffer with five trees per 100 linear feet and double hedge row along the north property line; and
- b. a 25-foot-wide buffer with seven trees and 33 groundcovers per 100 linear feet and a double hedge row along the west property line. Palms are limited to a maximum of 25 percent of the buffer tree requirement. Hedges must be specified at 48 inches in height at time of installation and be maintained at 72 inches in height. Groundcovers must be a minimum one-gallon container size at time of planting.

11. Parcel 2 Buffers

Prior to the issuance of a development order for Parcel 2, the development order plans must depict the following:

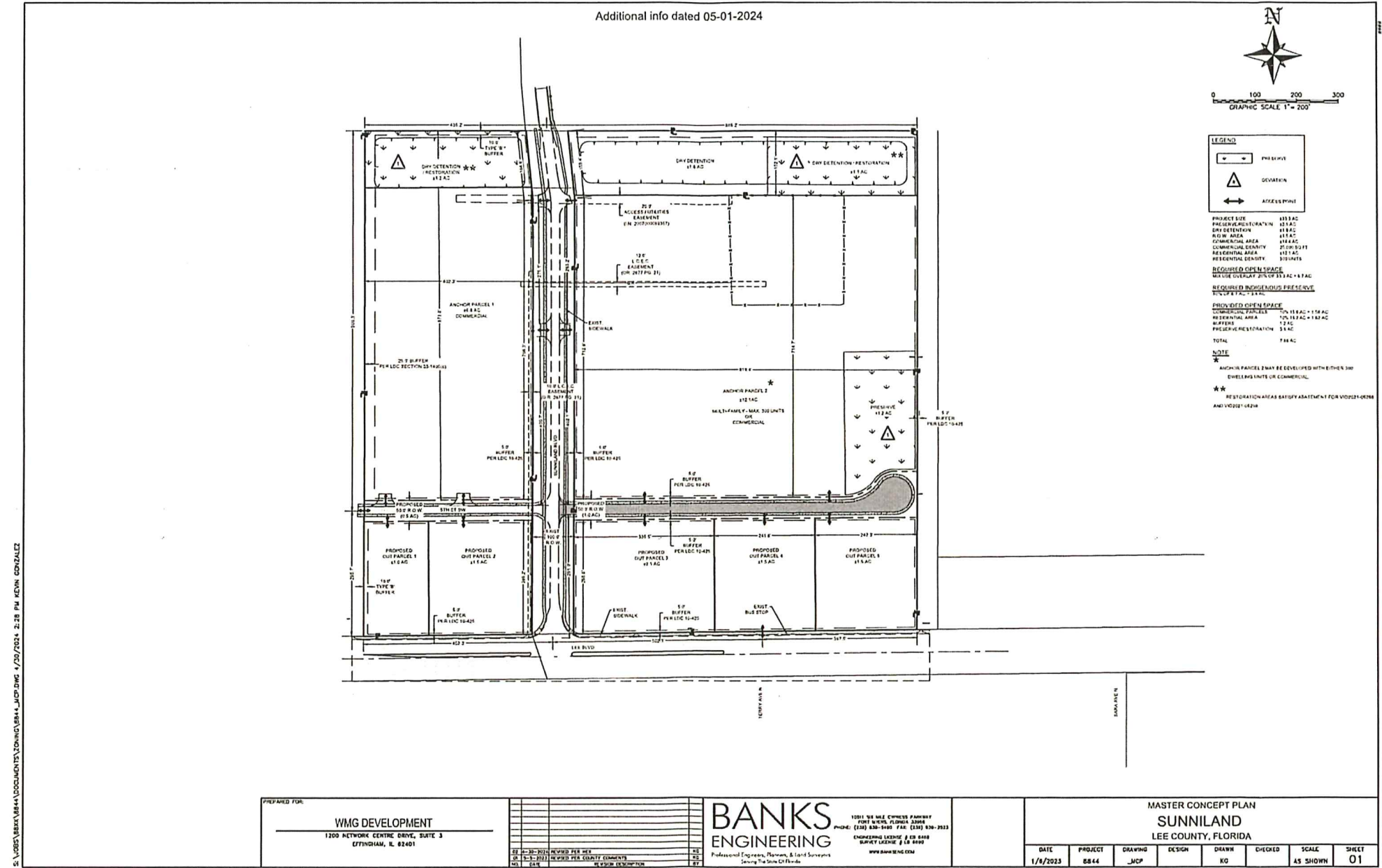
- a. a ten-foot-wide Type B buffer with five trees per 100 linear feet and a double hedge row along the north property line; and
- b. a five-foot-wide buffer with five trees per 100 linear feet along the east property line.

12. The first Development Order application for vertical construction (buildings/structures that generate traffic), must include the design for a traffic signal including required turn lanes at the intersection of Sunniland and Lee Boulevards. Concurrent with the review of the development order, the County and Developer will enter into a signalization agreement that includes turn lane designs or provide a stipulation in the DO that will include the proportionate share obligations of the Developer and the County for both design and construction of the signal including required turn lanes . The Signalization Agreement will be required to be executed by all parties by the time the first Certificate of Occupancy of the first dwelling unit or a Certificate of Completion for vertical commercial construction.

Section C. – Deviations

~~1. Deviation 1 is withdrawn.~~

1. Deviation 21 seeks relief from the LDC Section 10-415(b), which requires large developments with existing indigenous native vegetation communities to provide 50 percent of the required open space percentage as onsite indigenous preservation, to allow preservation of indigenous native vegetation communities and areas that do not meet the indigenous definition but are restored to create indigenous areas onsite to satisfy this requirement. The deviation is approved, subject to Condition 8.



LEE COUNTY
HEARING EXAMINER
2024 MAY -6 PM 2:50

Rahim Ahmadi
239-247-3680
239ama@gmail.com

I wish for this document to be included as an exhibit for the Board of County Commissioners

Terry Ave @ Lee Blvd

Only median on Lee Blvd between Gunnery and Sunshine that has Full ingress and Egress, and turn lane for a u-turn on both north and southside of Lee Blvd

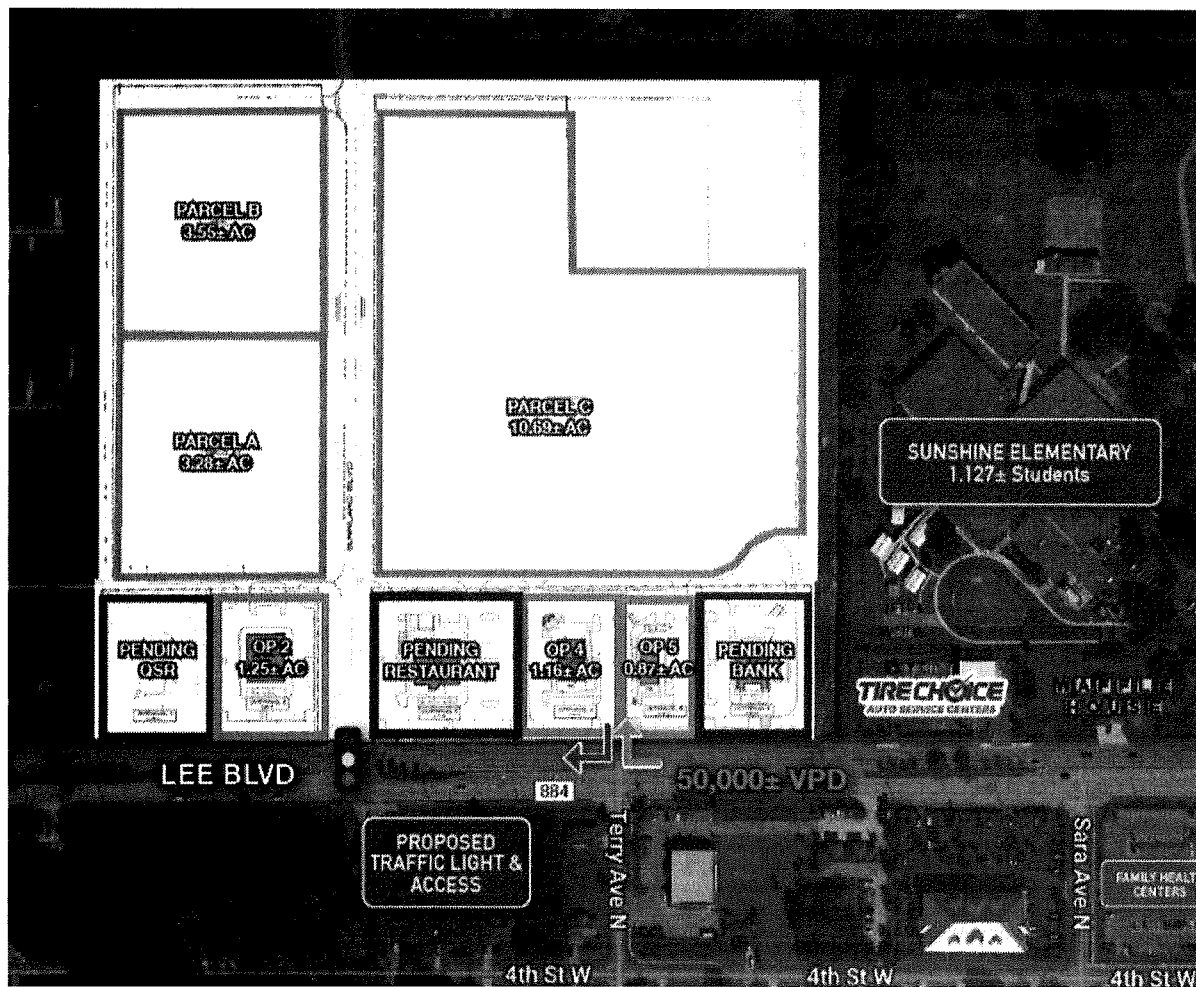
Currently, It is almost impossible to turn from Terry Ave to Lee Blvd going West bound in the morning and evening rush hour. It will be even more difficult once you put a traffic light at Sunniland @ Lee Blvd. You will have more cars queuing on Lee Blvd and that will make it even more difficult to turn westbound from Terry @ Lee because the proposed sunniland traffic light will further queue cars at the intersection.

People will be forced to go south to 8th street to Sunshine and then north at the intersection 8th @ Sunshine (which has a traffic light) to then go back north to Lee Blvd. Sunshine Blvd will be another traffic major thoroughfare with the extension on Sunchine Blvd to Alico.

These images are provided by the Real Estate broker (TCG Commercial) representing the Property owners via Loopnet. In their own drawings it shows that Terry ave @ Lee Blvd allows full access to both east and west bound access to Lee Blvd. If the Real Estate broker knows this, the company doing the traffic impact studies should know Terry @ Lee Blvd is a highly impacted intersection from this proposed development.



PUBLIC'S EXHIBIT#
Rahim Ahmadi
DC120200010



Turning Movement Counts Lee Blvd @ Sunniland (Provided in the Traffic Impact Study). It was a major oversight to not include Turning Movement Counts for Lee Blvd @ Terry → the increased commercial use will have more residents making left turns from Terry Ave to Lee Blvd to access the new commercial uses. Evening rush hour traffic queues past Terry Ave even if people wanted to make a right out to Lee Blvd and then make a u-turn at Sunshine and Lee Blvd.

No mention on the impact on the homeowners on the Terry Ave intersection in the Traffic Impact Statement.

Terry @ Lee is ~450feet from Sunniland @ Lee. These two intersections are unique because both are three-way intersections.



Residents that live south of Lee Blvd between Yvonne Ave to Sara Ave access Terry Ave to go West on Lee Blvd. These residents will have to fight even more traffic with cars queuing. I saw nothing in the Traffic Study of the accidents between Sunniland and Terry ave on Lee Blvd. I have read news articles of three fatalities between Sunniland and Terry Ave in the last 6 years (2-person fatality on March 9 2024; another fatal accident at Terry ave and Lee Blvd in 2018). I have personally seen three accidents at Terry Ave and Lee Blvd.

Lehigh Acres Architectural, Planning & Zoning Review Board main concern was proposed uses and Traffic safety.

Suggestion: Add integrated/coordinated traffic light at both Terry Ave @ Lee and Sunniland @ Lee. This will save lives. This will allow people to safely access Lee Blvd West bound. Even if it requires the developer to make a 4 way intersection at Terry @ Lee with a northern road being made to connect to 5th St SW. The owner of 3601, 3603, 3605 and 3607 Lee Blvd would consider selling his frontage (approximately ~325') to the developer to allow for a right in turn lane from Lee Blvd to Terry Ave if such an integrated/coordinated traffic light will be required at both Sunniland @ Lee and at Terry Ave @ Lee.



Florida Department of Environmental Protection Oil & Gas Program

MONTHLY O&G INSPECTION CHECKLIST

Permit # 841

WELL # & NAME			WELL TYPE	MMR/PA NUMBER	DATE
CTLC 26-2			II	306470	6/5/2023
OPERATOR		FIELD		COUNTY	API NUMBER
BREITBURN FLORIDA		LEHIGH PARK		LEE	09-071-20063
WELL STATUS	PLUGGED & ABANDONED				MIT / PT 7/26/2018
WELL SITE INSPECTION CHECKPOINTS			YES NO	NOTES	
LEGIBLE WELL SIGN POSTED			N/A		
PAD HOUSEKEEPING SUFFICIENT					
PERIMETER BERM/DIKE SUFFICIENT					
FLOWLINE/PIPELINE ACCESSIBLE/CLEAN					
EVIDENCE OF LEAKS/SPILLS ON PAD/LOCATION					
WELLHEADS			YES NO	NOTES	
PRESSURE GAUGES IN WORKING CONDITION			N/A	±Gauge variance- Tbg : Murphy	
TUBING psi	Prod csg (psi)	Int csg (psi)			
0	0	-			
High /Low LINE SHUT IN SENSORS NEAR WELLHEAD				Murphy L - Tbg - H (psi) na na na	
LOW		HIGH			
CELLAR CONDITION SATISFACTORY					
WELLHEAD LEAKING					
HYDROGEN SULFIDE DETECTION SYSTEM			NOTES		
IF YES, FILL OUT			YES NO		
DETECTION SYSTEM REQUIRED			N/A		
ENTRY ALARMS IN WORKING CONDITION					
SENSORS IN WORKING CONDITION					
CHEMICAL ADDITIVE SYSTEM			YES NO	NOTES	
SYSTEM PRESENT			N/A		
SYSTEM LEAKING					
SECONDARY CONTAINMENT PROVIDED					
CHEMICALS ON LOCATION: 1.)			----	2.)	----

Notes:

No Observed Leaks, Good Housekeeping

6-5-2023: Well has been plugged and abandoned. Well cap with permit number on it was placed today and buried.

5-22-2023: Workover began 5-21 to P&A well. No issues.

3-17-2023: Site inspection completed. No issues.

1-17-2023: Site inspection completed. No issues.

 STAFF EXHIBIT# 3 p.1
 DC12023-1
 00010



Florida Department of Environmental Protection
Oil & Gas Program

Permit # 841



I inspected the above well on 6/5/2023 at 1350 hrs

Duane Daley

Signed

Form IH-1

OIL AND GAS COORDINATOR

STAFF EXHIBIT# 3 p. 2



DCI2023-00010

Sunniland Town Center CPD

Staff Presentation

April 25, 2024

STAFF EXHIBIT# 2

Request and Recommendation

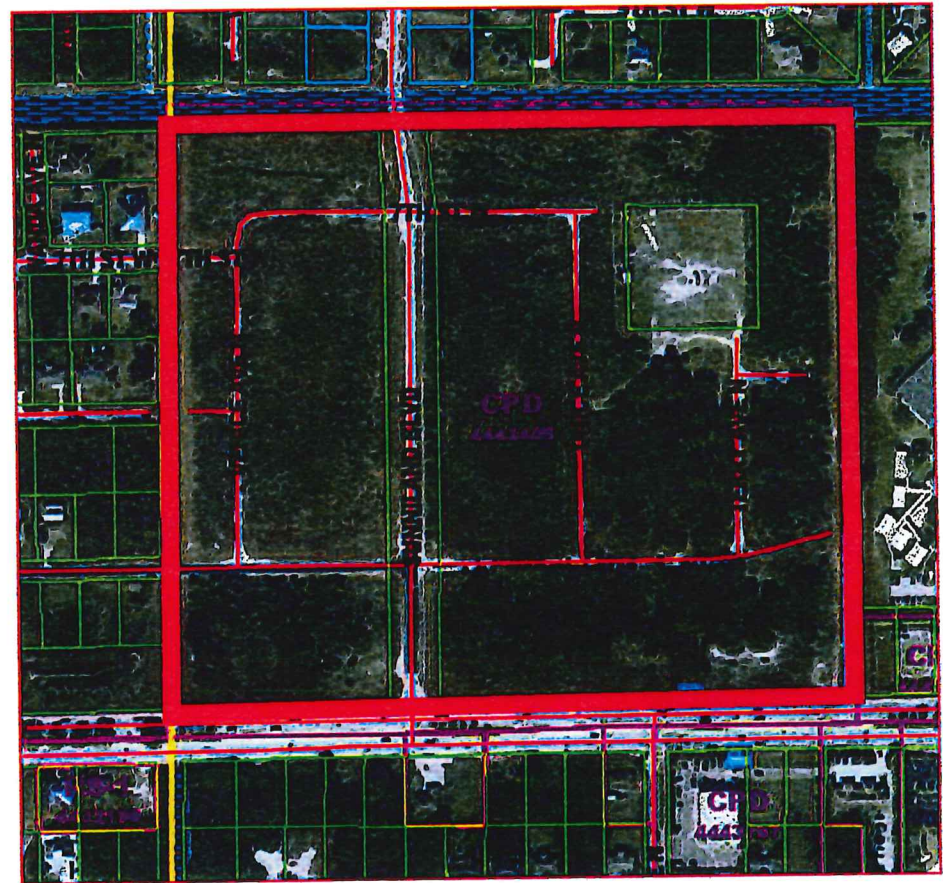
- Rezone ±34.9 acres from Commercial Planned Development (CPD) to Commercial Planned Development (CPD).
- Amend zoning to request two different development options:

Permit a maximum 265,000 square feet of commercial development and 100,000 square feet of Mini-Warehouse.

OR

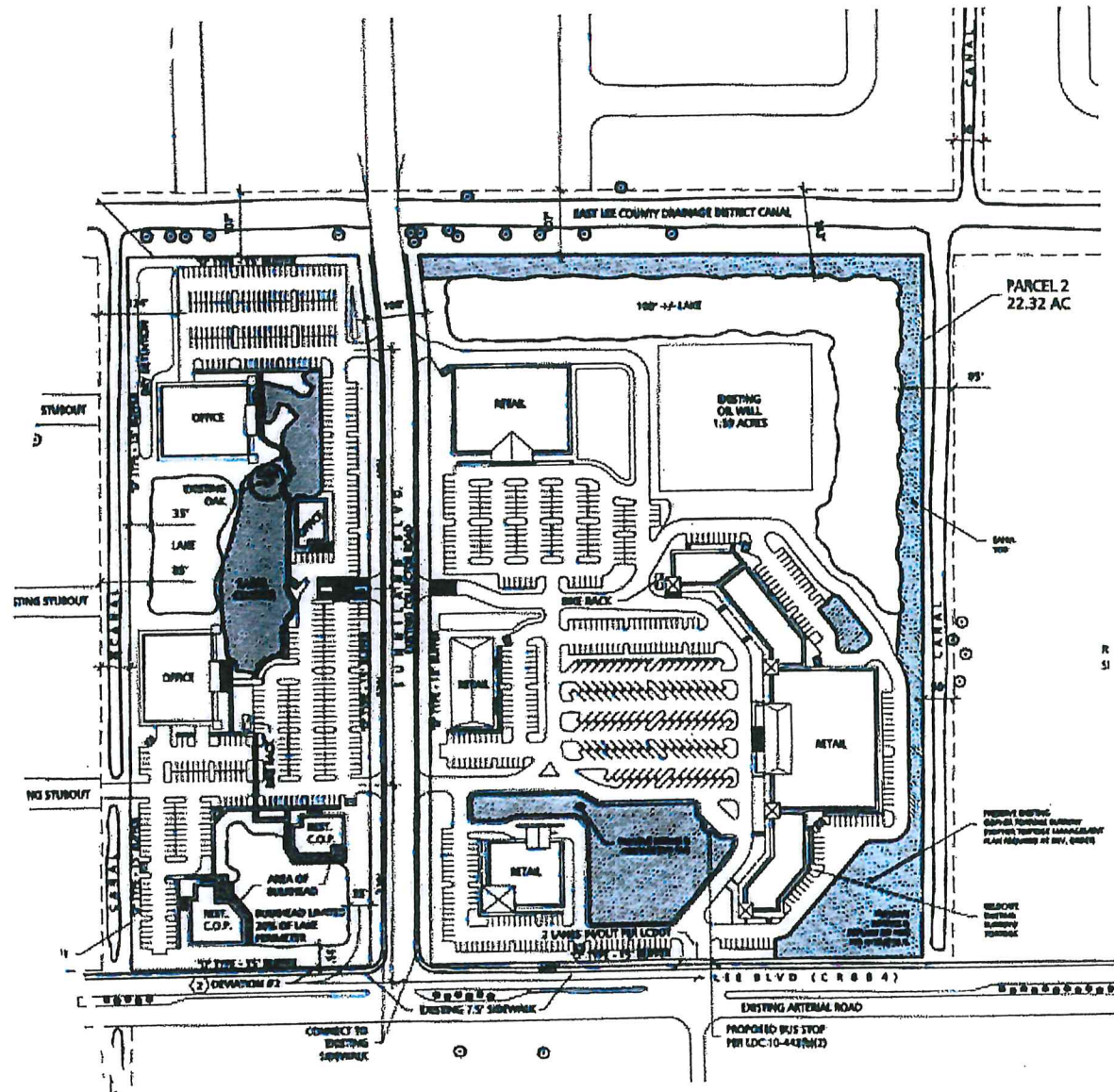
Permit a maximum 100,000 square feet of commercial development, 100,000 square feet of Mini-Warehouse and 300 residential dwelling units.

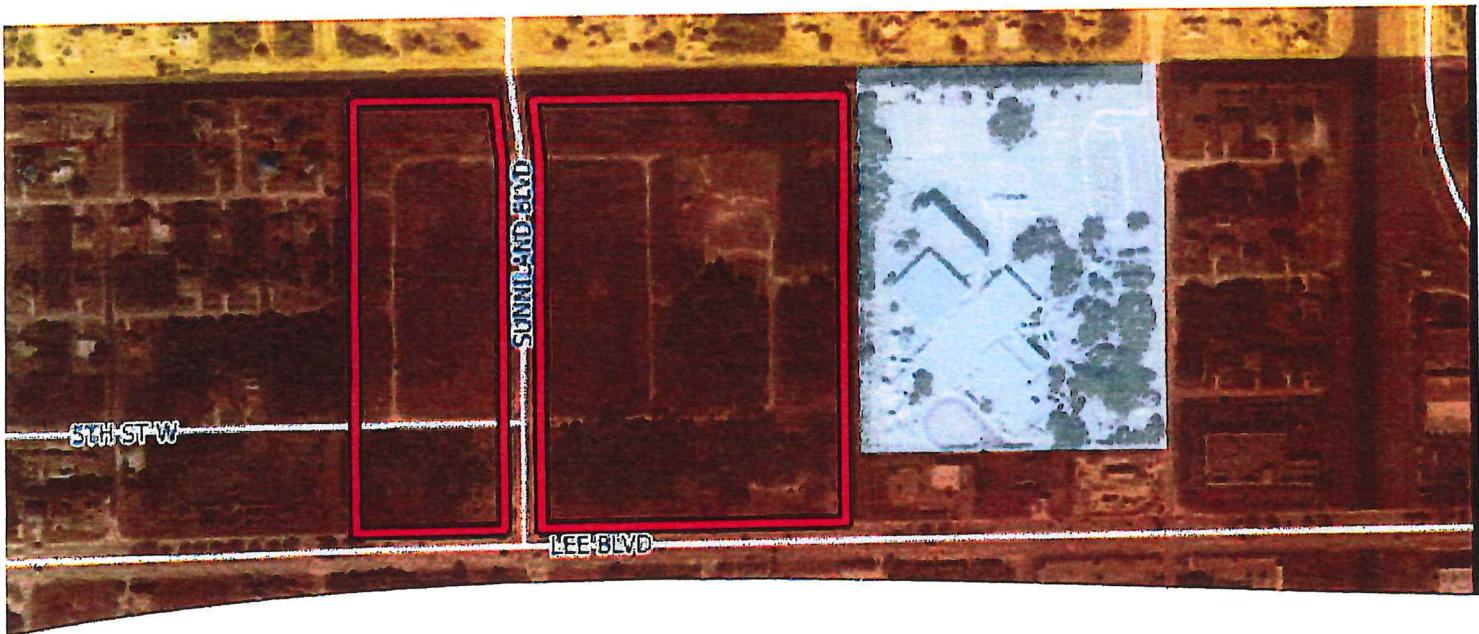
- Staff recommends **APPROVAL** with conditions



Property History

- Existing 33.3 acres previously rezoned to CPD (Resolution Z-06-090).
- Existing approval:
 - 232,000 square feet of commercial uses
 - Indigenous and gopher tortoise preserves
 - 1.59-acre existing oil well

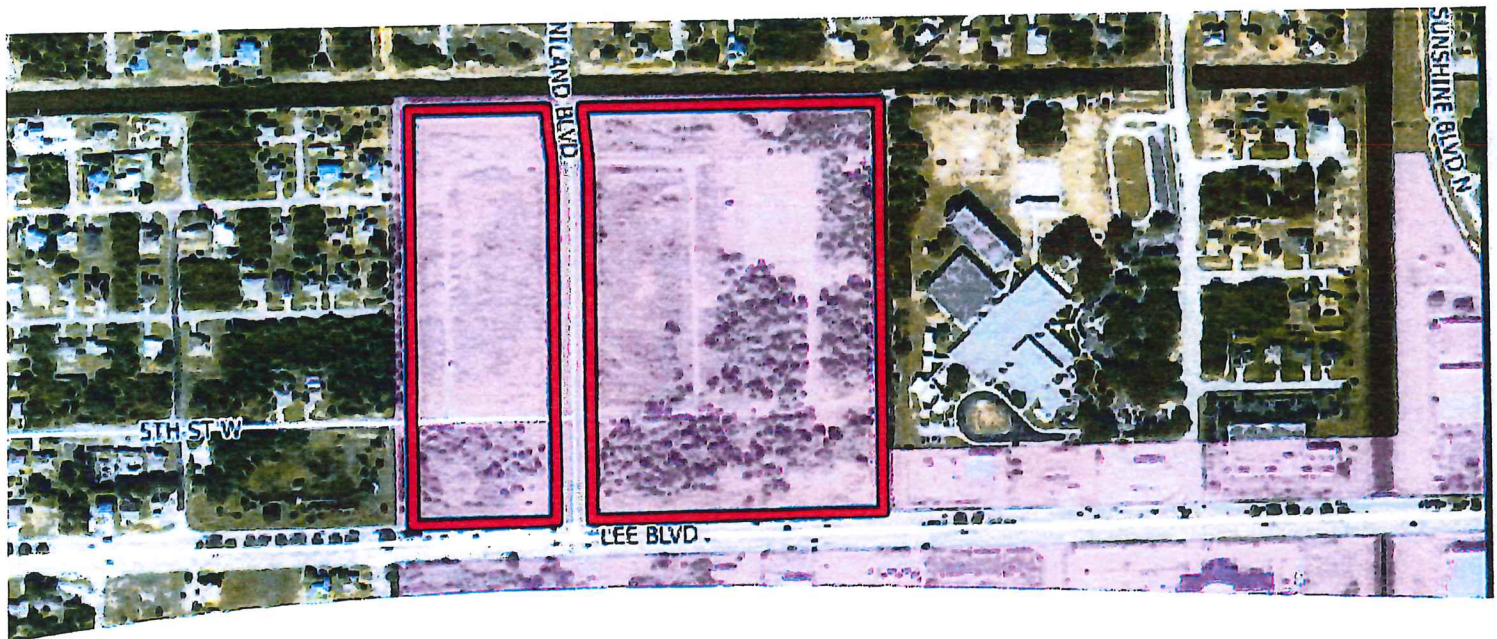




-  Subject Property
-  Central Urban
-  Urban Community
-  Public Facilities

Future Land Use Category

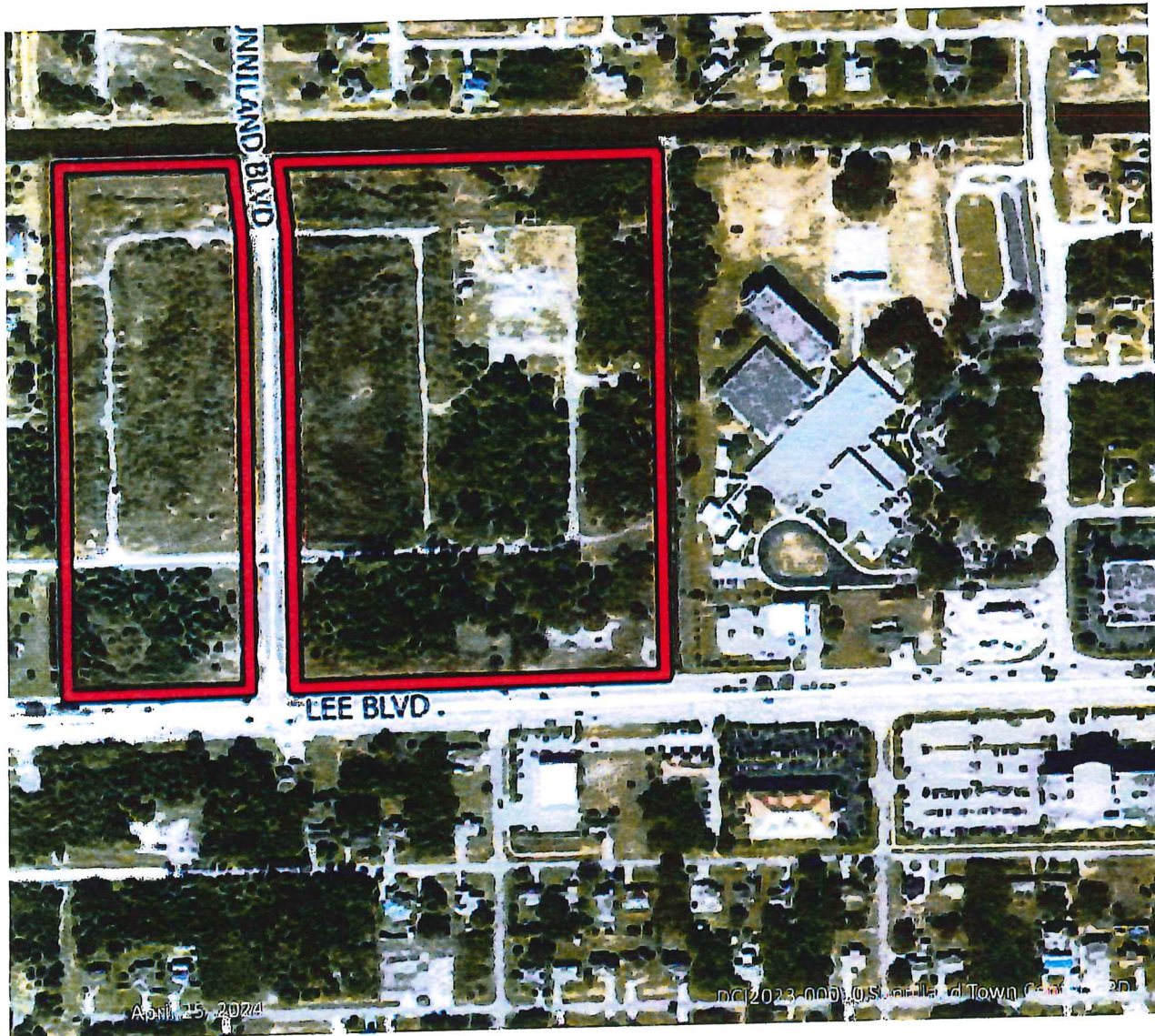
- Central Urban— Lee Plan Policy 1.1.3
 - “Urban Core” of the County.
 - Heavily settled
 - Highest level and range of public services.



-  Subject Property
-  Mixed Use Overlay

Mixed Use Overlay

- Lee Plan Objective 11.2 and Policy 11.2.7
 - Mix of uses at various scales of intensity
 - Provide a diversified land development scheme with interconnections between housing, workplaces, and retail businesses.
 - Density calculated from areas dedicated to non-residential uses.



Lehigh Acres Commercial Overlay Area

- Lands use for commercial, schools, parks, public facilities, and residential uses.
- Housing alternatives to the typical $\frac{1}{4}$ to $\frac{1}{2}$ acre lots in the area.
- Multi-family would diversify the area.

Zoning and Surrounding Uses

North

- Lehigh Acres Municipal Improvement District (LAMSID) canal
- Existing and vacant platted residential lots (RS-1)

South

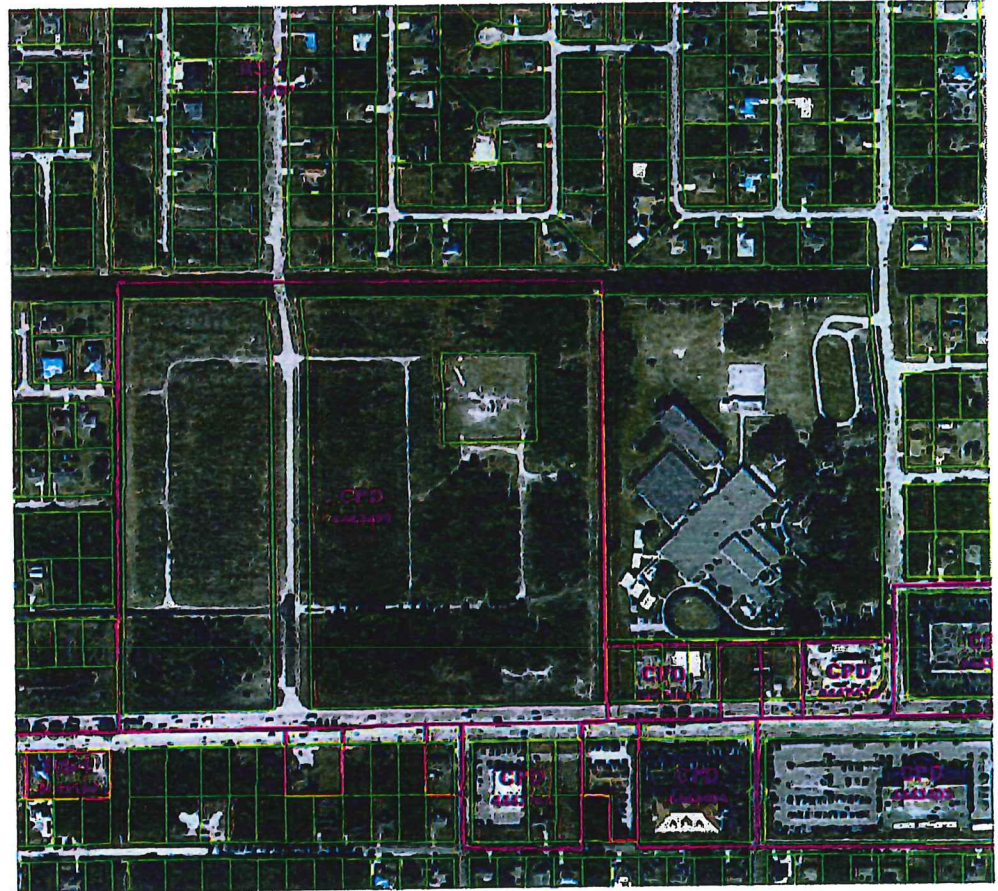
- Lee Boulevard (arterial road)
- Platted residential lots (RS-1)
- Commercial Planned Development

East

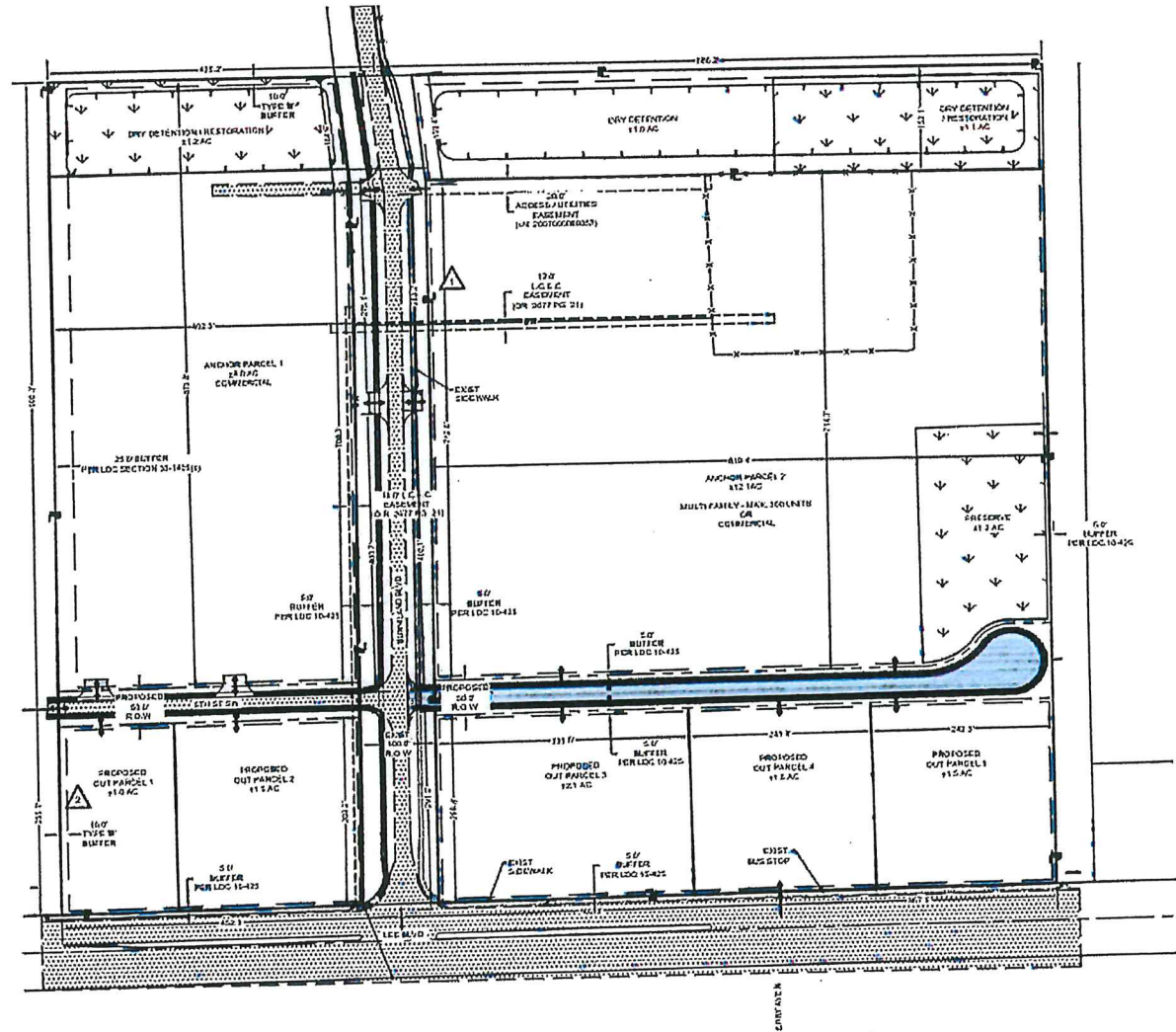
- Sunshine Elementary School
- Commercial Planned Development
- Residential vacant lots (RS-1)

West

- LAMSID canal
- Residential platted lots (RS-1) owned by LAMSID



Master Concept Plan



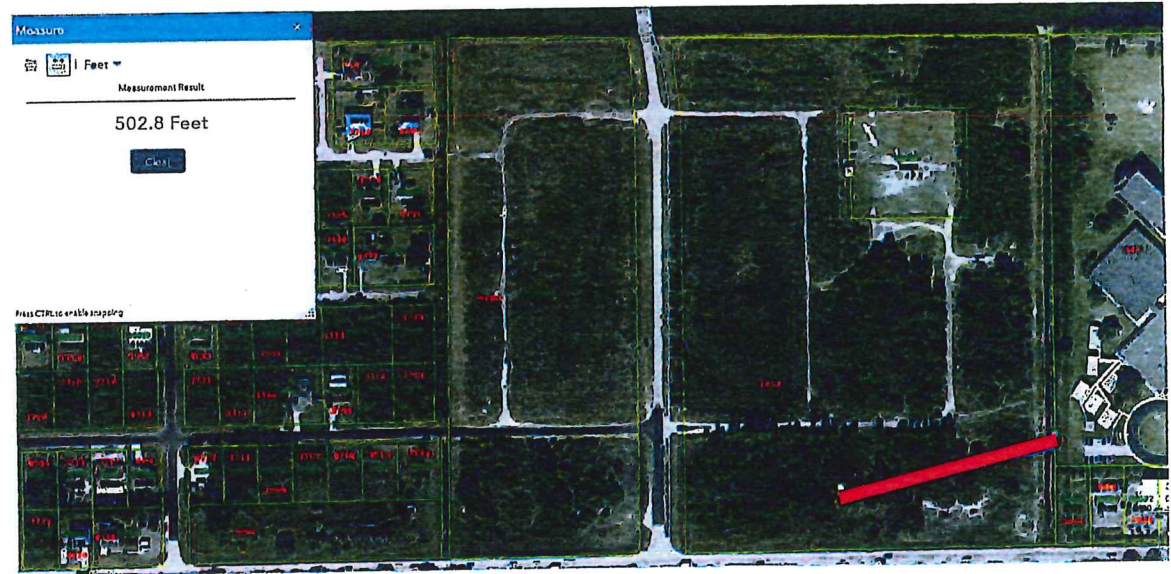
April 25, 2024

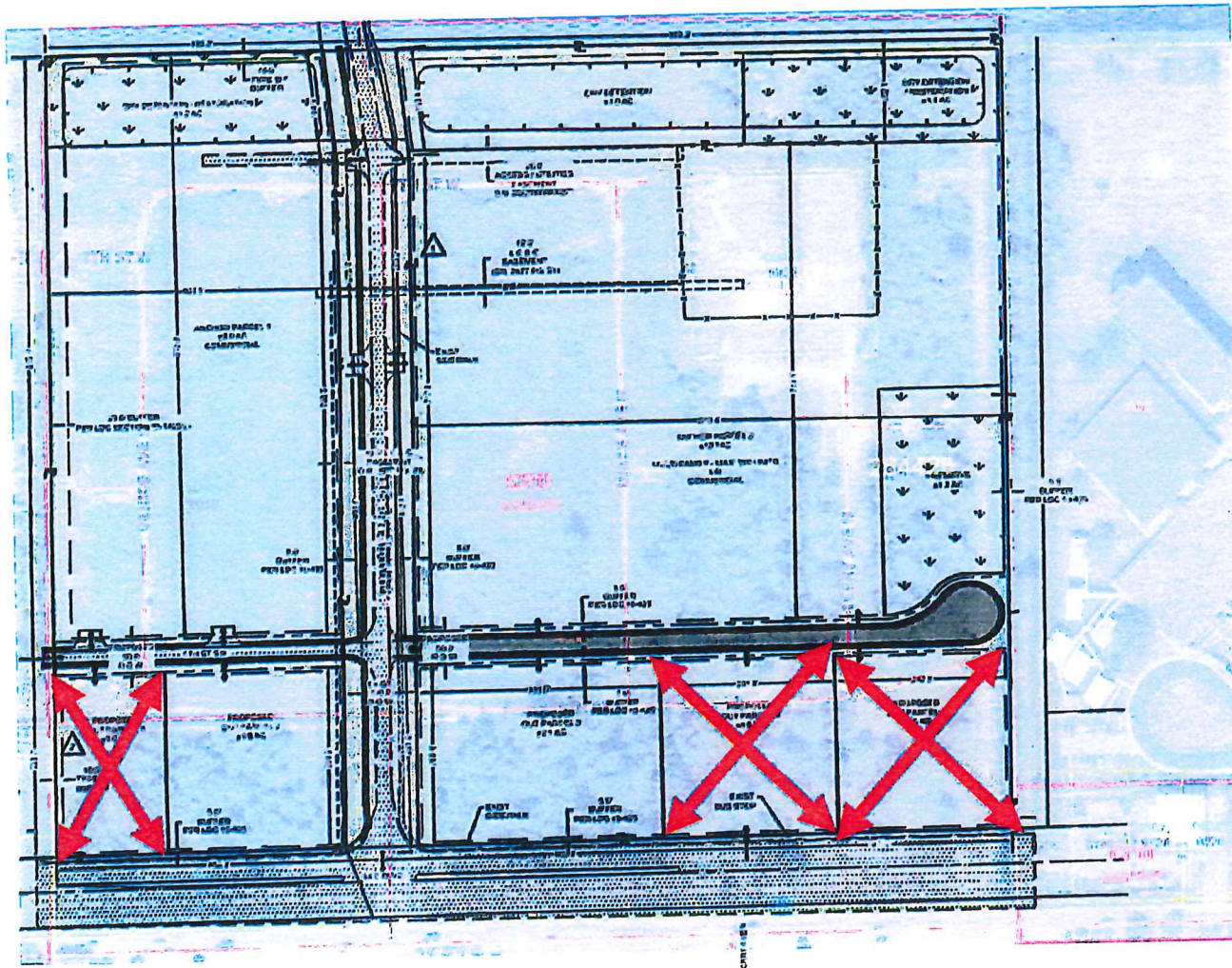
DCI2023-00010 Sunniland Town Center

LDC 34-1264

Schedule of Uses

- Bar and Cocktail Lounge
- Nightclubs
- Package Stores





Schedule of Uses Consumption on Premise & Condition 4

4. Package Store Consumption on Premise

Package Stores, Bars and Cocktail Lounges, and Night Clubs are limited to the outparcels as shown on the Master Concept Plan and must be located greater than 500 feet away from the property line of Sunshine Elementary School and dwelling units under separate ownership.

Residential Land Uses



Goal 5

Providing a variety of housing types and price ranges.



Policy 5.1.2

Prohibit residential development where physical constraints or hazards exist.



Policy 5.1.3

Direct high-density residential to locations near employment and shopping centers. Close to parks, schools, and accessible to mass transit.



Policy 5.1.5

Protect exist or future residential areas from encroachment of uses that are potentially destructive.

Commercial Land Uses

Policy 6.1.1

- Traffic and access
- Landscaping, screening, and buffering
- Adequate services and facilities
- Impact on adjacent properties

Policy 6.1.4

- Compatibility

Policy 6.1.5

- Protect traffic carrying capacity of roads

Policy 6.1.6

- Buffering, screening and architectural design



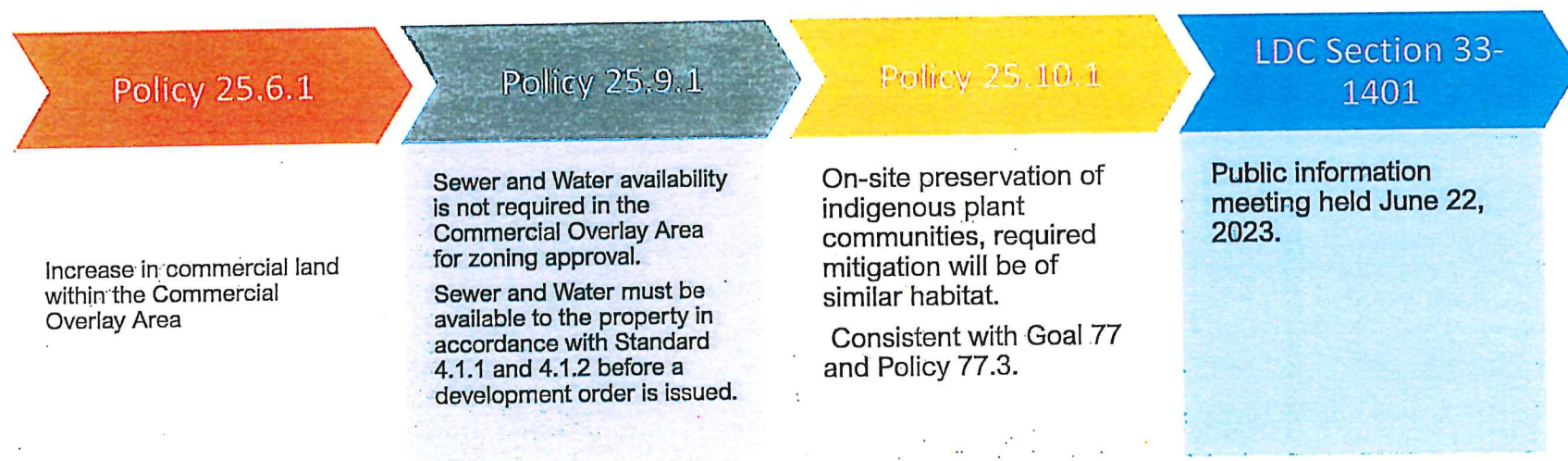
Lee Plan Objective 11.2

Encourages mixed use developments at various scales of intensity to provide a diversified land development design; greater connectivity between housing, workplaces, retail businesses, and other destinations; reduce trip lengths; provide more transportation options; and facilitate pedestrian and bicycle-facility environments.

Lee Plan Policy 11.2.7 allows an applicant with development in the Mixed Use Overlay to calculate density from areas dedicated to non-residential uses.



Lehigh Acres Community Plan Area



Environmental and Surface Water Treatment

Policy 60.4.1

- Design new development surface water management system utilizing best management practices.

Goal 77

- Provide adequate open space, preservation of existing trees and plant communities, and required vegetation.

Policy 77.3

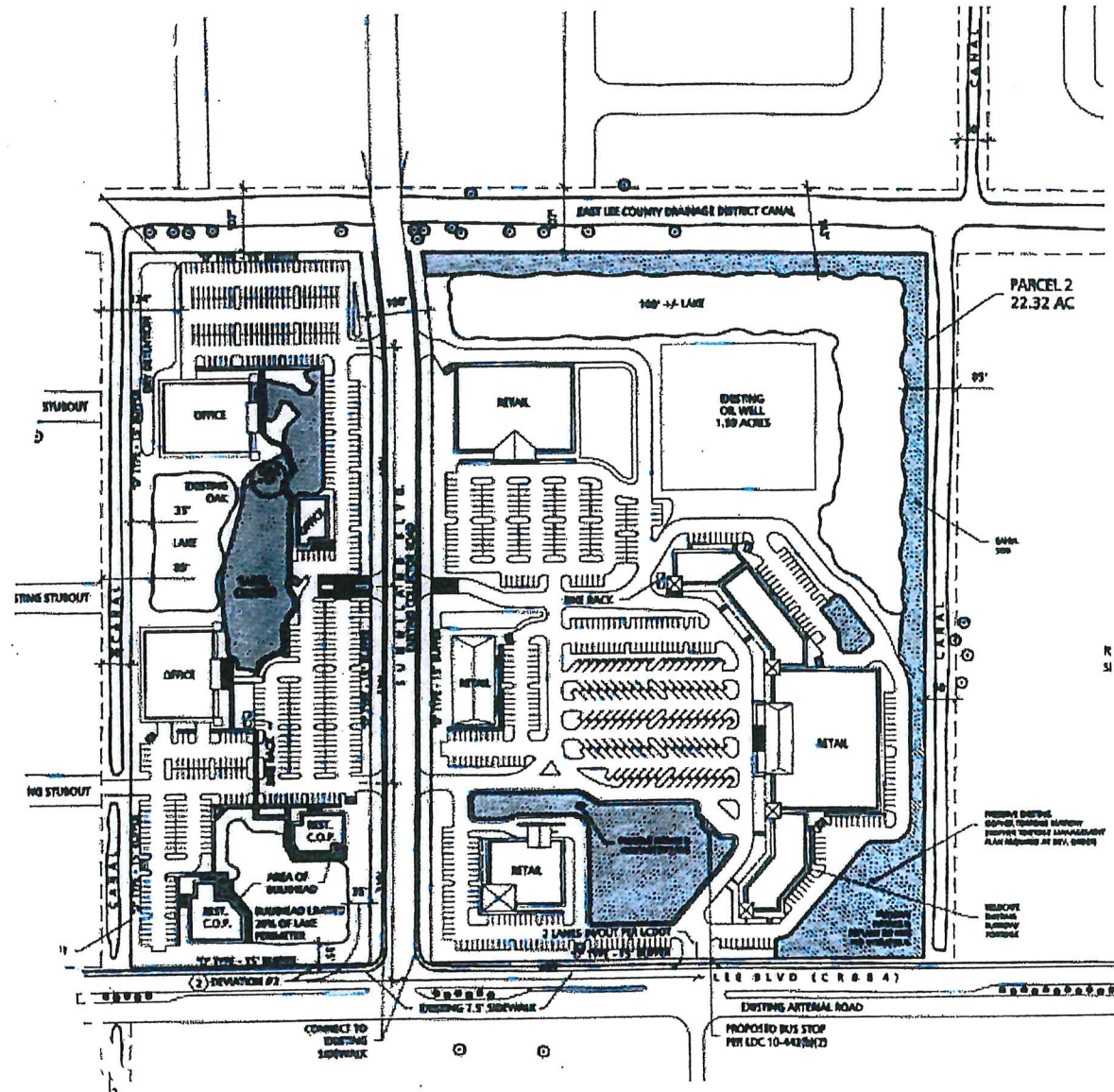
- Use of innovative open space design to preserve existing native vegetation, visual relief, and buffers adjacent uses and proposed rights-of-way.

Policy 77.3.4

- Incorporation of large, contiguous open space areas in the development design.

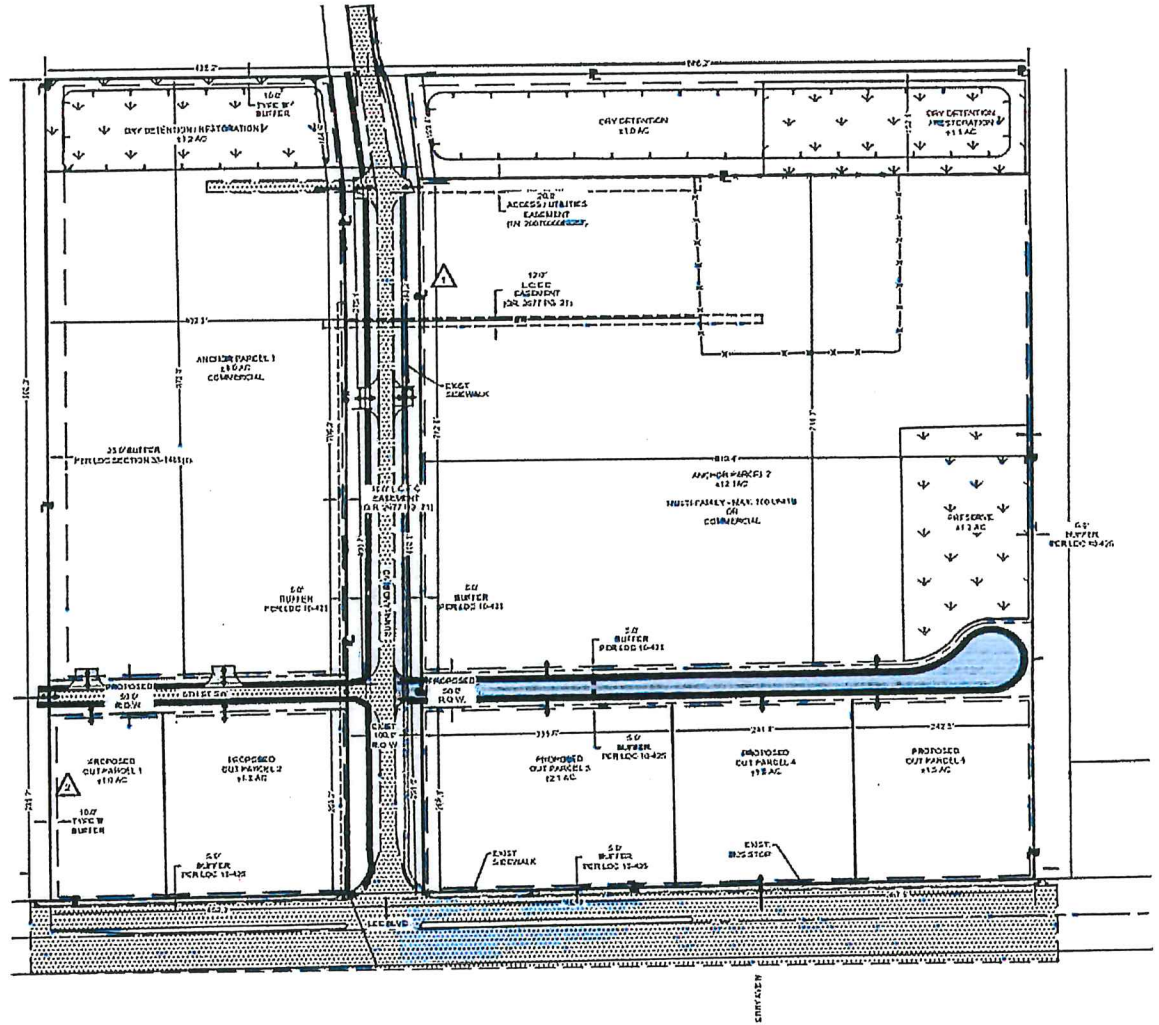
VIOLATIONS

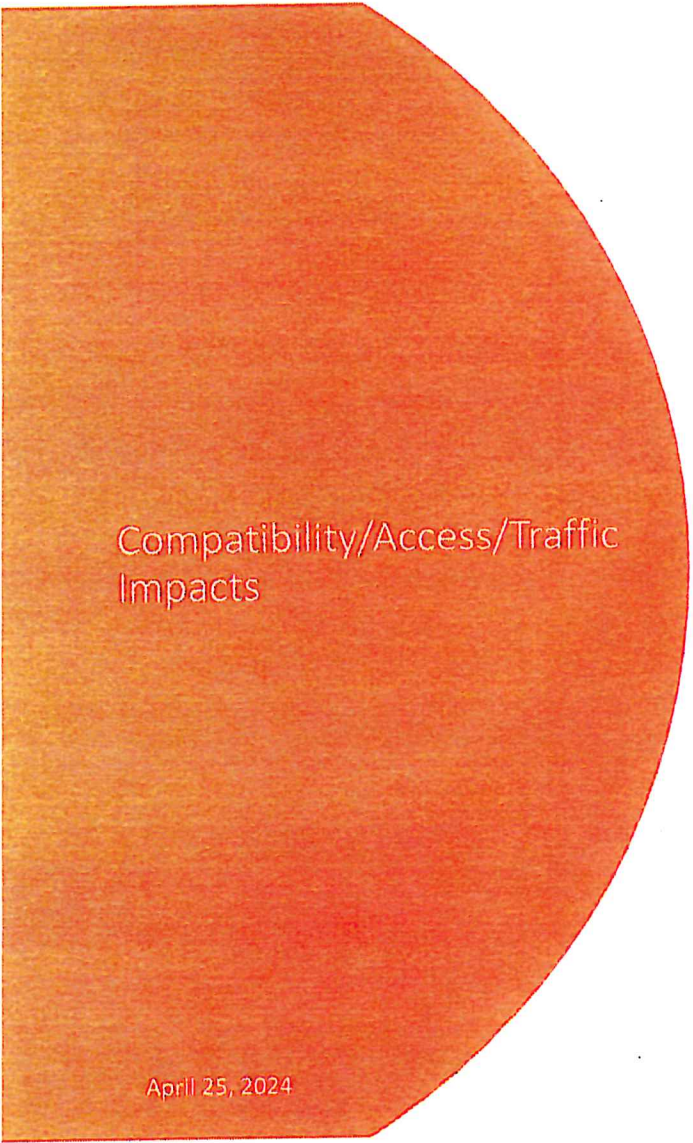
- VIO2021-00378 (Parcel 2)
- VIO2021-06269 (Parcel 1)
 - Nuisance accumulation.
 - Land clearing without permits.
 - Lack of compliance with Resolution Z-06-090.
- Condition 8 (Attachment S)



Abatement

Condition 8





Compatibility/Access/Traffic
Impacts

April 25, 2024

- Request is compatible with surrounding uses.
- Access is subject to Florida Department of Transportation review.
- **Condition 11 (48-hour letter) signal analysis.**
- Proposed development will not have a detrimental impact on surrounding road system.

Urban Services Availability

- Development, if approved, will be served by:
 - FGUA (potable water and sanitary sewer)
 - *Scope of work correction*
 - Adequate access to roadway infrastructure
 - Fire Station (within two miles)
 - Lee County EMS (within two miles)
 - Lee County Sheriff's Office (within two miles)
 - LeeTran bus stop ID #12296
- Adequate urban services exist to accommodate future development



Previously Approved Deviations

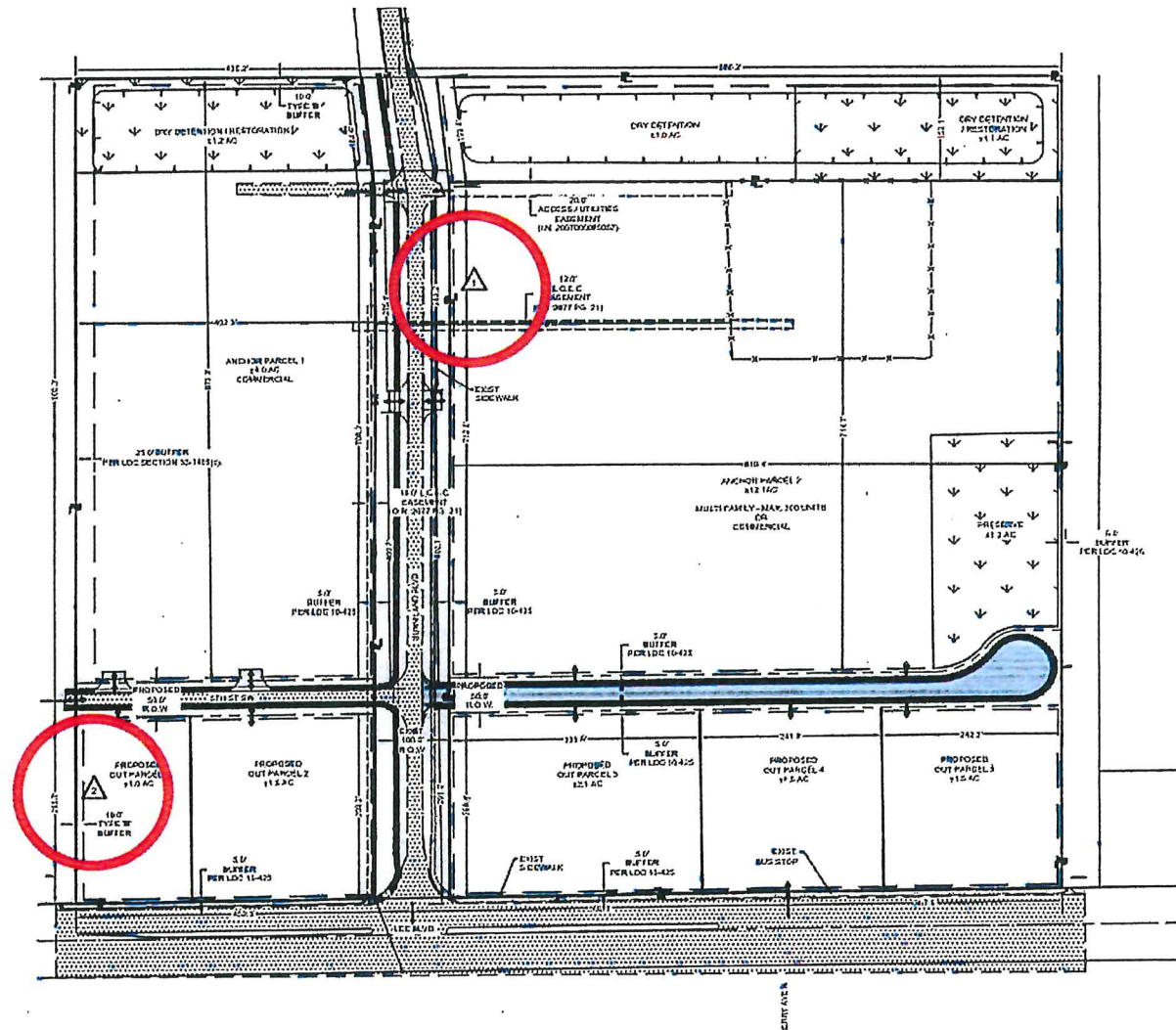
- #1 – Seeks relief from LDC Section 10-329(d)(1)a.2. to provide a 50-foot waterbody setback, to allow a 35-foot setback. Deviation #1 is **WITHDRAWN**.
- #2 – Seeks relief from LDC Section 10-416(d)(6) to provide a 25-foot-wide buffer when roads, drives, or parking are within 125 feet from a residential use. LDC Section 33-1405(c)(3) does not require this buffer. Project is within the MUO which requires no buffer abutting a canal. Staff recommended **WITHDRAWAL** of this deviation.
- Staff recommends **WITHDRAWAL** of Deviation #1 & #2.

New Deviation

- Deviation #1 is withdrawn.
- Deviation #2 seeks relief from the LDC Section 10-415(b), which requires large developments with existing indigenous native vegetation communities to provide 50 percent of the required open space percentage as onsite indigenous preservation, to allow preservation of indigenous native vegetation communities and areas that do not meet the indigenous definition but are restored to create indigenous areas onsite to satisfy this requirement. The deviation is approved, subject to Condition 8.
- Staff recommends **APPROVAL** of deviation #2 as conditioned.

Master Concept Plan

must be revised to note the correct locations of the deviations



Findings and Conclusion

- The subject request, as conditioned:
 - Is consistent with the Lee Plan
 - Meets the Land Development Code and other County regulations, or qualifies for deviations
 - Is compatible with existing and planned uses in the surrounding area
 - Will have access sufficient to support proposed development density
 - Will have expected transportation impacts addressed by County regulations and conditions of approval
 - Will not adversely affect environmentally critical and sensitive areas or natural resources
 - Will be served by urban services
 - Includes an appropriate mix of uses at the proposed location
 - Includes conditions that provide sufficient safeguards to public interest and that are reasonably related to the expected impacts of the proposed developments
 - Includes deviations that enhance the achievement of the objectives of the planned development and protect public health, safety, and welfare in accordance with the intent of the LDC.
- Staff recommends **APPROVAL** of the request, as conditioned.

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

Case Number: DCI2023-00010

Case Name: Sunniland Town Center CPD

Area Subject to Request: +/- 34.9 Acres

Case Type: Major Planned Development Amendment

Sufficiency Date: February 16, 2024

Hearing Date: April 25, 2024

LEE COUNTY
HEARING EXAMINER
2024 APR 10 PM 2:46

REQUEST:

DeLisi, Inc. has filed an application to amend the Sunniland Town Center CPD (Resolution Z-06-090) to change the schedule of uses, property development regulations, provide restoration to abate violations, and revise the Master Concept Plan. The applicant is requesting two different development options. The first option is to develop 265,000 square feet of commercial floor area and add 100,000 square feet of Mini Warehouse uses. The second option is to develop 100,000 square feet of commercial floor area, 100,000 square feet of Mini Warehouse and 300 residential dwelling units.

The subject property is 34.9 +/- acres in area and located along the north side of Lee Boulevard approximately ½ mile west of Sunshine Boulevard in Lehigh Acres. The subject property is located within the Central Urban Future Land Use Category and Mixed Use Overlay according to the Lee Plan. The site is also located within the Lehigh Acres Community Plan area and Lehigh Commercial Overlay Area. A legal description and boundary survey of the subject property are attached as Attachment B of the staff report.

SUMMARY:

Staff recommends **APPROVAL** of the applicant's request, as conditioned, to amend the Commercial Planned Development to allow either 265,000 square feet of commercial floor area and 100,000 square feet of Mini Warehouse uses; or 100,000 square feet of commercial floor area, 100,000 square feet of mini warehouse and 300 residential dwelling units. The maximum building height is proposed to be 45 feet for residential multi-family uses and 35 feet for commercial uses (Attachment D). The applicant has requested two deviations, with one deviation previously approved per Resolution Z-06-090 (Attachment E), and a second deviation being requested from the indigenous open space requirement as part of this request (Attachment F).

HISTORY OF PARCELS:

The subject property was originally rezoned to Commercial Planned Development in 2006 (Resolution Z-06-090). The resolution allows for a mix of office and retail uses with a total commercial area of 232,000 square feet on two separate parcels separated by the Sunniland Boulevard right-of-way, which bisects the property (Attachment E). The subject property has an existing oil well located in the northeast corner of the eastern parcel (Parcel 2). The approved Master Concept Plan depicts office uses and restaurants within the

western parcel (Parcel 1) and retail uses within the eastern parcel, excluding the oil well area (Parcel 2). Indigenous preservation areas are proposed on both parcels with sabal palm preservation on Parcel 1 and gopher tortoise habitat preservation on Parcel 2. There is an existing oil well that was not part of 33.3-acre CPD approved by Resolution Z-06-090. The applicant has added the oil well area to the request and has provided documentation that the oil well has been plugged (Attachment G). There are access and utility easements noted on the MCP that connect to the oil well site, that may be subject to future vacation (Attachment K).

VIOLATIONS:

Parcel 2

In 2021, two violations were issued for nuisance accumulation (VIO2021-00378) and onsite work without an approved development not in compliance with Resolution Z-06-090 (VIO2021-06268) (Attachments H & I). Staff inspected the site 15 days after the Notice of Violation for VIO2021-00378 was issued and concluded that the violation had not been corrected (Attachment H). During this time, ownership of the subject property changed. VIO2021-00378 has also not been abated. South Florida Water Management District (SFWMD) cited the property owner for debris impacting the State wetlands located on site. The debris was removed from the wetland areas, thereby abating the code enforcement case with SFWMD (Attachment O). Staff inspected the site and found that the indigenous areas, including the sabal palm preserve and gopher tortoise preserve areas, were cleared during the debris removal. Staff cited the owner for site work without a development order not in compliance with Resolution Z-06-090 (VIO2021-06268) (Attachment I). Violation VIO2021-06268 conditioned required replanting for restoration purposes to be completed within 30 days of the receipt of the Notice of Violation. The subject request was submitted March 8, 2023, and includes the replanting required by VIO2021-06268 within a designated abatement area on the proposed Master Concept Plan (Attachment D).

Parcel 1

In 2021, a violation was issued for work without a Development Order, land clearing without permits, and lack of compliance with Resolution Z-06-090 (VIO2021-06269) (Attachment J). As noted above, the subject request was submitted on March 8, 2023, and includes abatement planting as depicted on the proposed Master Concept Plan (Attachment K).

A Limited Development Order (LDO2022-00621) for the restoration required by VIO2021-06268 and VIO2021-06269 was submitted to abate the violations but was withdrawn due to the noted change in ownership. The applicant proposed to abate the violations through the zoning action (Attachment D).

CHARACTER OF THE AREA:

The subject property is in Lehigh Acres in an area with primarily platted single-family lots. The property is in the Central Urban Future Land Use Category which extends to the properties along the west, south, and a portion of the east. The Urban Community Future Land Use Category is located to the north and the Public Facilities Future Land Use Category abuts a portion of the east property line. The surrounding zoning districts are Residential (RS-1) and Commercial Planned Development (CPD). Property immediately

surrounding the subject property is depicted in Attachment C of this report and can be characterized as follows:

North

The subject property abuts a Lehigh Acres Municipal Improvement District (LAMSID) canal known as Angelfish Canal. North of the LAMSID canal is a mix of vacant and developed single-family platted residential lots.

East

The subject property abuts Lee County School Board property (Sunshine Elementary School) and a Commercial Planned Development to the east. The CPD was originally rezoned (Resolution Z-13-011) to allow commercial and retail uses ranging from commercial with drive through to automobile dealership with two different Master Concept Plans. ADD2017-00114 amended Resolution Z-13-011 Master Concept Plan B to add Automobile Repair and Service use, which is the current use of the parcel.

South

The subject property abuts Lee Boulevard to the south, which is an arterial road. Further south are platted residential single-family lots and a CPD (Resolution Z-08-045). The resolution was approved for an array of commercial uses and amended (ADD2010-00090A) to revise the design, reduce the number of buildings, and revise the property development regulations to enable the subdivision of the site. A Family Dollar variety store was approved for development on the east parcel within the CPD.

West

The subject property abuts a LAMSID canal along the west property line and is connected via pedestrian bridge to a property along Lee Boulevard that is zoned RS-1 that has a boardwalk and nature trails. Further west are vacant and developed residential platted lots zoned Residential (RS-1).

Sunniland Boulevard and Internal Rights-of-Way

Sunniland Boulevard bisects the project into Parcels 1 and 2 as depicted on the Master Concept Plan. Sunniland Boulevard is a County-maintained collector road. Parcel 1 has two internal roads (7th Street West and Venice Avenue North), which are both non-County maintained local roads. Parcel 2 has four internal roads (5th Street West, 7th Street West, Unice Avenue North and Terry Avenue North), which are both non-County maintained local roads.

Availability of Public Services

Public Services are defined by the Lee Plan as *“the requisite services, facilities, capital improvements, and infrastructure necessary to support growth and development at levels of urban density and intensity.”* The level of urban services currently serving the subject property are as follows:

Public water and sewer: The applicant has provided a letter of availability for potable water and sanitary sewer from Florida Governmental Utility Authority (FGUA). Potable water and wastewater utility lines are

available in proximity to the subject property, with sufficient capacity available for 168 residential units and 48,848 square feet of commercial uses with availability distributed on a first come, first serve basis which will be determined once impact fees have been paid (Attachment L). The applicant will need to provide an updated Letter of Availability that cites the correct scope of the proposed project prior to approval of this rezoning request.

Public transit and pedestrian facilities: The subject property is within the Lee Tran service area, which provides service via route 110 along Lee Boulevard from Lehigh Acres to Edison Mall. There is a bus stop (ID #12296) abutting the subject property.

Police, fire, and emergency services: Lehigh Acres Fire and EMS Station #103 is located less than two miles southwest of the subject property at 308 Gunnery Road South in Lehigh Acres. The Lee County Sheriff's Office is located approximately two miles to the north of the subject parcel.

Property Development Regulations & Off-Street Parking

LDC Section 34-935 establishes the property development regulations for each planned development zoning district. The applicant is requesting to rezone the property to Commercial Planned Development (CPD) to develop commercial and residential uses. LDC Section 34-935(b)(1)a. provides the building and structure setback requirements from the development perimeter as 15 feet for a CPD. LDC Section 34-935(e)(3) requires side and rear setbacks for all lots to be scheduled on the Master Concept Plan (MCP), except that, where a lot line is congruent with the development perimeter, the setback defined in LDC Section 34-935(b) must have priority. The applicant provided Property Development Regulations that are in compliance with LDC Section 34-935 (Attachment M).

SCHEDULE OF USES:

The applicant is proposing a mix of commercial uses on both parcels that are consistent with the allowable uses in a Commercial Planned Development per LDC Section 34-934. The applicant is proposing multi-family dwelling units, entrance gates, and private on-site recreational uses limited to Parcel 2. Residential multi-family dwelling units may be permitted in a CPD zoning district if the dwelling units are approved in conjunction with a CPD that is entitled for at least 50,000 square feet or more of commercial uses per LDC Section 34-934, Note 10. The applicant is proposing 100,000 square feet of commercial uses and 100,000 square feet of mini warehouse in conjunction with 300 multi-family residential dwelling units as one of two development concepts. The subject parcel was previously rezoned (Resolution Z-06-090) with a mix of commercial uses separated by parcel. The applicant has provided a strike-through and underlined Schedule of Uses document depicting the proposed uses to be removed, uses proposed to be added, and removing the separation between allowable uses in Parcel 1 and Parcel 2 (Attachment N). The applicant has noted which uses are limited to Parcel 2 in the Schedule of Uses.

DEVIATIONS:

Resolution Z-06-090 approved two deviations. Deviation 1 approved a 35-foot waterbody setback from a right-of-way and Deviation 2 approved relief from buffer requirements for roads or drives within 125 feet of

a residentially-zoned parcel. The subject request proposes to strike Deviation 1, revise Deviation 2, and add an additional deviation (Attachment F).

Deviation 1 (Deviation 2 of Resolution Z-06-090): Deviation 1 was previously approved and applied to the southeastern portion of the project, subject to condition 4 of Resolution Z-06-090. The applicant is requesting to revise the deviation to apply to the western portion of the subject property subject to condition 4 of Resolution Z-06-090. Since the previous rezoning case was approved, the Lehigh Acres Planning Community has adopted specific requirements pertaining to landscaping. In addition, Mixed Use Overlay has been adopted county-wide and applies to the subject property. The previously approved deviation from LDC Section 10-416(d)(6) applied to the southwestern portion of the property and was due to proximity of parking areas and roadways within 125 feet of single-family residential uses. LDC Section 33-1405(c)(4) states that LDC Section 10-416(d)(6) does not apply within the Lehigh Acres Planning Community. LDC Section 33-1405(c)(3) requires a 25-foot-wide buffer that contains seven trees, a double hedge row, and 33 groundcovers per 100 linear feet. Palms are limited to 25 percent of the buffer tree requirement. The applicant is complying with LDC Section 33-1405(c)(3). It should be noted that this project is within the Mixed Use Overlay, which does allow reduced buffering per LDC Section 10-425(f)(2). However, LDC Section 33-4 provides the order of review if there are conflicts between provisions; therefore, if the Lee Plan is silent, then the provisions of Chapter 33 control. The Lee Plan is silent to the buffer criteria; therefore, the applicant is in compliance with the Land Development Code and staff recommends withdrawing Deviation 1 (Previously Deviation 2).

Deviation 2: The applicant is requesting relief from LDC Section 10-415(b), which requires large developments with existing indigenous native vegetation communities to provide 50 percent of the required open space percentage as onsite indigenous preservation, to allow preservation of indigenous native vegetation communities and areas that do not meet the indigenous definition but are restored to create indigenous areas onsite to be included in the 50 percent indigenous native vegetation requirement. The applicant is required to provide 20 percent open space with 10 percent of the open space provided as indigenous preservation per LDC Section 10-425(a). The applicant has two code violations for clearing without permits (Attachment I & J). The applicant has depicted restoration areas on the Master Concept Plan located along the north property line of each parcel (Attachment K). Staff is recommending approval of Deviation 2 subject to condition 8 and per VIO2021-06268 and VIO2021-06269 (see Attachment F).

Review Criteria

LDC Section 34-145 establishes the review criteria for rezoning requests. Before recommending approval of a rezoning request, the Hearing Examiner must find the request:

- a) Complies with the Lee Plan;
- b) Meets the Land Development Code and other applicable County regulations or qualifies for deviations;
- c) Is compatible with existing and planned uses in the surrounding area;
- d) Will provide access sufficient to support the proposed development intensity;

- e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;
- f) Will not adversely affect environmentally critical or sensitive areas and natural resources; and
- g) Will be served by urban services, defined in the Lee Plan, if located in a Future Urban Area category.

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

- a) The proposed use or mix of uses is appropriate at the proposed location;
- b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and
- c) That each requested deviation:
 - 1) Enhances the achievement of the objectives of the planned development; and
 - 2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.

The applicant has provided a narrative that addresses the planned development rezoning request with analysis against the applicable criteria (Attachment D). The following provides staff's analysis of the request, as measured against the established criteria.

REVIEW CRITERIA ANALYSIS:

The subject property is in the Central Urban future land use category (FLUC) per the Lee Plan. **Lee Plan Policy 1.1.3** characterizes the Central Urban FLUC as the "urban core" of the County. Land within this category is heavily settled and have or will have the highest level and range of public services. Residential, commercial, public, and quasi-public, and limited light industrial land uses will predominate. New development is encouraged to be mixed use. The applicant is proposing a mix of commercial uses as described in the Schedule of Uses, with multi-family residential proposed in Parcel 2. The uses are consistent with the allowable uses for a Commercial Planned Development in accordance with LDC Section 34-934 and the commercial floor area meets the minimum to allow multi-family residential per LDC Section 34-934, Note 10. The subject parcel is in an area of Lehigh Acres that has sufficient infrastructure to support the proposed uses. Staff finds the request, as conditioned, to be **CONSISTENT with Policy 1.1.3**.

The applicant is proposing two options for the project. The first option includes commercial uses for Parcel 1 and 2 and the second option is commercial on both parcels and multi-family residential use limited to Parcel 2. Either option would provide employment opportunities and services to the surrounding residential uses and the multi-family residential use would provide a housing alternative for residents who are employed within the area. The site will be designed to provide connectivity through pedestrian sidewalks and vehicular connections internal to the site. The subject property is bisected by Sunniland Boulevard, which is a County-maintained arterial road. The applicant has provided a letter of availability stating that there is water and sewer available to support the uses but must provide an updated letter reflecting proposed development prior to approval of request. A LeeTran bus stop is located along Lee Boulevard with access to bus route

110. Fire, EMS, and Sheriff stations are within two miles of the subject property. Sunshine Elementary School abuts the east property line and Palm Acres Charter High School is located ¼ mile to the west. The location of the development, the proposed uses, and the availability of public services demonstrates compliance with **Lee Plan Objectives 2.1 and 2.2 and Policies 2.1.1.**

Lee Plan Standard 4.1.1 requires new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial development more than 30,000 square feet of gross leasable floor area per parcel, to connect to a public water system. **Lee Plan Standard 4.1.2** requires any new residential development that exceeds 2.5 dwelling units per gross acre or any new single commercial development that generates more than 5,000 gallons of sewage per day to connect to a sanitary sewer system. The applicant is proposing to connect to potable water and sewer and has provided a letter of availability from FGUA stating that currently they have capacity to accommodate 168 residential units and 48,848 square feet of commercial intensity. The zoning request is for 300 residential dwelling units and over 365,000 square feet of commercial uses. To be found consistent with the Lee Plan, a new FGUA Letter of Availability demonstrating the requested capacity must be provided. Once the accurate letter of availability has been provided, staff finds the proposed project **consistent with Lee Plan Standard 4.1.1 and 4.1.2.**

Lee Plan Standard 4.1.4 requires an environmental assessment that examines the existing conditions and proposed means and mechanisms to protect, conserve, or preserve the environmental and natural resources. The applicant has provided an environmental assessment. There are two wetlands onsite that are jurisdictional to South Florida Water Management District (SFWMD). The applicant has indicated that the wetlands are poor quality non-indigenous as defined by LDC Section 10-1. The applicant is proposing to impact the wetlands and provide offsite mitigation. The site was impacted while abating VIO2021-00378 to remove the nuisance accumulation debris, thereby impacting native vegetation within the uplands and wetlands, and gopher tortoise burrows. SFWMD and Florida Fish and Wildlife Conservation Commission have abated the violations (Attachment O). The County maintains two violations for impacts to land without a development order and lack of compliance with Resolution Z-06-090. The subject zoning request includes areas on the Master Concept Plan that will be restored to abate the violation per the replanting plan associated with VIO2021-06268 and VIO2021-06269. Staff finds the request, as conditioned, to be **consistent with Lee Plan Standards 4.1.4.**

Lee Plan Goal 5 and subsequent Lee Plan policies pertain to residential land uses. **Lee Plan Policy 5.1.2** prohibits residential development where physical constraints or hazards exist such as floods, storm, or hurricane hazards. The proposed multi-family use is not located in an area prone to hazardous impacts. **Lee Plan Policy 5.1.3** focuses on the location of high density residential in relation to employment centers. The proposed multi-family dwelling units will be located to existing and planned commercial uses that are accessible to mass transit and pedestrian sidewalks along Lee Boulevard. **Lee Plan Policy 5.1.5** protects existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. The applicant is proposing a mix of commercial uses that will provide goods and services to the residentially-zoned properties to the north and south. The applicant is proposing two development scenarios with either a mix of commercial uses on both parcels or multi-family residential on Parcel 2 and commercial mix of uses on Parcels 1 and 2. The applicant is providing code compliant buffers per **LDC Sections 33-1405 and 10-425(f).** The applicant is proposing restoration within the detention areas along the north property line that will provide visual screening between

the single-family residential uses to the north and LAMSID canal and the subject parcels. Staff finds the request, as conditioned, to be consistent with **Lee Plan Policy 5.1.2, 5.1.3, and 5.1.5 and LDC Sections 33-1405 and 10-425(f)**.

Lee Plan Objective 6.1 and Policies 6.1.1, 6.1.4, 6.1.5, 6.1.6, and 6.1.7 require commercial land uses to be consistent with policies that require the availability of essential services, site design standards to provide landscaping, open space, and buffering, proximity to other similar centers, traffic carrying capacity, and limit the impact on surrounding uses. The development is in an area that is served by central water and sewer, EMS, Fire, and Police protection. The existing zoning currently allows for commercial development and will continue to provide for commercial development. The applicant has provided a Master Concept Plan that depicts Land Development Code (LDC) required buffers and open space (Attachment K). The open space is in compliance with **LDC Section 10-425(a)**, which requires 20 percent open space for large developments. The project is over ten acres in size and per **LDC Section 10-415**, the applicant is providing half of the required open space as indigenous open space. The MCP demonstrates code compliant open space. The buffers are in compliance with **LDC Section 33-1405 and LDC 10-425(f)**. The Traffic Impact Statement provided by the applicant and reviewed per the Institute of Transportation Engineers trip generation manual evaluated traffic for 265,000 square feet of commercial floor area and 100,000 square feet of self-storage use area, or a combination of 100,000 square feet of commercial floor area, 100,000 square feet of self-storage use, and 300 multi-family dwelling units (Attachment P). Lee County Department of Transportation has provided a staff memorandum and determined that the request will not have an adverse effect on the surrounding roadway system and that access to the site is subject to Florida Department of Transportation approval (Attachment Q). Staff finds the proposed project, as conditioned, to be consistent with the **Lee Plan Objective 6.1 and Policies 6.1.1, 6.1.4, 6.1.5, 6.1.6, and 6.1.7**.

Lee Plan Objective 11.2 encourages applicants to propose mixed use developments at various scales of intensity to provide a diversified land development; greater connectivity between housing, workplaces, retail businesses, and other destinations; reduce trip lengths; provide more transportation options; and facilitate pedestrian and bicycle-facility environments. The proposed development is being designed with an array of commercial uses with multi-family residential uses within the northern portion of Parcel 2. Since the property is located in the Mixed Use Overlay, density may be calculated from areas dedicated to non-residential uses in the density calculations per **Lee Plan Policy 11.2.7**. The Master Concept Plan includes an option for residential development within Parcel 2, which will integrate at least 50,000 square feet of commercial uses with the residential uses. The option to develop all commercial uses provides a mix of uses within the Lehigh Acres commercial corridor by supporting residential uses to the north and south that are connected by Sunniland Boulevard or Lee Boulevard. The applicant will be required to provide sidewalks along Sunniland Boulevard for pedestrian access per Condition 5, which was a condition approved by Resolution Z-06-090. Staff finds the proposed project, as conditioned, to be consistent with the **Lee Plan Objective 11.2 and Lee Plan Policy 11.2.7**.

The applicant held a public information meeting on June 22, 2023, at Lehigh Acres Municipal Services Improvement District (LAMSID) offices which is in the Lehigh Acres Planning Community in accordance with **LDC Section 33-1401** (Attachment R). Two members of the public attended the meeting. Their concerns were about traffic and if improvements were proposed such as turn lane and traffic signal at Sunniland and Lee Boulevard. A motion was made for commercial uses only.

The subject property is in the Lehigh Acres Commercial Overlay Area and **Lee Plan Policy 25.6.1** states that commercial uses are permitted on lands in the Lehigh Commercial Overlay once commercial zoning has been approved. Land in the Lehigh Acres Commercial Overlay may also be used for schools, parks, and other public facilities; and residential uses that provide housing alternatives to the typical ¼ to ½ acre subdivision lots. The subject property is in an area that is primarily single family or two-family attached residential subdivisions. The applicant is proposing an option to develop 300 multi-family dwelling units on Parcel 2 which would diversify the housing types within the area. If the applicant proposes all commercial uses, the subject zoning application would establish the commercial zoning district with the allowable commercial uses for both parcels. Staff finds the proposed project, as conditioned, to be consistent with **Lee Plan Policy 25.6.1**.

Lee Plan Objective 25.10 states that applicants with proposed projects within the Lehigh Acres Community Plan area should preserve, protect, and where possible, enhance the physical integrity, ecological values, and natural beauty of the planning area by maintaining the diverse and healthy native vegetation, and wildlife resources. Native vegetation and species have been impacted on the subject property. County has issued violations for site work without a development order and lack of compliance with Resolution Z-06-090. As a result, the applicant must restore the site with native vegetation per the restoration standards in VIO2021-06268 and VIO2021-06269. The Master Concept Plan depicts restoration areas within proposed dry detention and preservation areas along the north property line. Staff have recommended conditions establishing a deadline for abatement via the issuance of a Limited Development Order and Certificate of Compliance for the restoration and preservation areas prior to the issuance of a development order for infrastructure or vertical development (Attachment S). **Lee Plan Policy 25.10.1** encourages on-site preservation of indigenous plant communities and listed species habitat. Mitigation will be required to be provided within the Lehigh Acres Community and be of similar habitat. Development must also be consistent with Goal 77 and Objective 77.3. The applicant has provided a Master Concept Plan and Preservation Area Management Plan that depicts preserve areas along the north and east property lines (Attachment U). The Florida Land Use Cover and Classification System (FLUCCS) included in the Protected Species Survey depicts Mixed Exotic Uplands along the north property line and Pine Flatwoods with up to 50 percent exotic vegetation along the east property line (Attachment T). The Preservation Area Management Plan provides the methods and species restoration that is consistent with VIO2021-0628 and VIO2021-0629 (Attachments I and J). The applicant is required to provide 3.5 acres of indigenous open space and has requested a deviation (Deviation 2) to allow the restoration area to be used to meet the indigenous open space. Staff has recommended approval of Deviation 2 subject to Condition 8 (Attachment S). Staff finds the request, as conditioned, to be consistent with **Lee Plan Objective 25.10** and **Lee Plan Policy 25.10.1**.

Lee Plan Objectives 60.2 and 60.3 and **Policies 60.1.1, 60.4.1, 60.4.2, and 61.3.11** all speak to the design of the stormwater management system and the utilization of green infrastructure to filter pollutants and protect the surrounding natural environment. The applicant submitted a Surface Water Management Plan (Attachment V). The subject property abuts Lehigh Acres Municipal Services Improvement District (LAMSID) drainage canals along the east, west and north property lines. The site is vacant with existing roads within each parcel. The current surface water drainage pattern is to the perimeter of the property into the abutting canals. The proposed drainage system will be a closed design with drainage pipes conveying surface water to dry detention pretreatment areas that will discharge into Angelfish Canal to the

north. The wetland preserve is not being integrated into the surface water management system but is being restored through exotic removal and habitat restoration to abate violations (Attachment O). The proposal is consistent with **Lee Plan Policies 60.4.1 and 60.4.2** which encourage new developments to utilize green infrastructure in site designs. Staff finds the request, as conditioned, to be consistent with **Lee Plan Objectives 60.2 and 60.3 and Policies 60.1.1, 60.4.1, 60.4.2, and 61.3.11.**

Lee Plan Policy 123.8.1 protects gopher tortoise burrows wherever they are found. If unavoidable conflicts make on-site protection infeasible, off-site mitigation may be provided in accordance with Florida Fish and Wildlife Conservation Commission (FWCC) requirements. The applicant provided a Protected Species Survey depicting the location of Gopher Tortoise burrows on the subject property (Attachment T). The Protected Species Survey Map depicts burrows within the limits of the 1.2-acre northeast restoration area and the 1.2-acre eastern preservation area. Staff has recommended Condition 9 for the 1.2-acre eastern preserve area to prohibit machines due to the existing indigenous vegetation within the preserve (Attachment S). The 1.2-acre restoration area is part of the proposed dry detention which will be impacted; therefore, the Gopher Tortoise burrows will need to be excavated for relocation. Staff finds the request, as conditioned, to be consistent with **Lee Plan Policy 123.8.1.**

Land Development Code Compliance

Staff finds the proposed planned development rezoning request, as conditioned, to be in compliance with the LDC, including regulations which pertain to:

- Use and corresponding supplemental regulations, such as parking;
- LDC Chapter 10 Development Standards; and
- Details required on the MCP and compliance with Division 9 of Article VI, Chapter 34, Planned Development Districts.

All relevant County regulations, which are not specifically deviated from as part of this planned development request, will apply, such as LDC, Code of Ordinances and Administrative Code provisions. If future deviations are proposed, each will be evaluated within the parameters of the established LDC review criteria.

Compatibility with existing and planned uses in the surrounding area.

Staff finds the request, as conditioned, to be compatible with existing and planned uses in the surrounding area. Rezoning the subject property will increase the commercial area to serve the Lehigh Acres community, which the Lee Plan encourages through the Commercial Overlay Area. The multi-family residential option on Parcel 2 will diversify the housing types and comply with the goals and objectives of the Mixed Use Overlay. The surrounding land uses are primarily vacant or single-family residential dwelling units, a Lee County Public School, or LAMSID property within the Central Urban, Urban Community and Public Facilities Future Land Use categories. Platted residential lots within the Urban Community Future Land Use category are located north of the subject property, which are separated from the subject property by Angelfish Canal, which is approximately 90 feet wide. The subject property is separated from the residential single-family lots to the west by a 30-foot canal. The

applicant has designed the site to provide preservation and restoration areas between the proposed multi-family residential units and single-family lots to the north. The applicant has provided Property Development Regulations that are consistent with **LDC Section 34-935(b)(1)a.**, with a maximum building height of 45 feet for the multi-family units and 35 feet for the commercial uses in accordance with **LDC Section 34-935(f)** (Attachment M). The Schedule of Uses is consistent with **LDC Section 34-934** (Attachment N). The applicant has provided a Master Concept Plan that demonstrates compliance with required buffers and open space per **LDC Sections 33-1405 and 10-425(f)** (Attachment K). The request will remain compatible with the surrounding uses and any enhanced buffers are conditioned (Attachment S). The following buffers are being proposed for Parcel 1 and Parcel 2:

Parcel 1

North - Abuts a canal that is more than 25 feet wide. Single-family residences are located north of the canal. Per LDC Section 10-1, the definition of abutting means “any property that is immediately adjacent to, or contiguous with, or that is located immediately across any street, canal, easement, or water body, not to exceed 25 feet from the other property.” The applicant is providing a ten-foot-wide Type B buffer per LDC Section 10-425(f)(2) due to the single-family residences across the canal. The applicant is depicting the ten-foot-wide Type B buffer outside of the dry detention and abatement restoration limits. Staff has provided a condition that a Type B buffer will be provided in addition to the dry detention and abatement restoration planting area as an additional screening for compatibility (Attachment S).

South - Five-foot-wide buffer with five trees per 100 linear feet per LDC Section 10-425(f)(1) required and provided.

East - Five-foot-wide buffer with five trees per 100 linear feet per LDC Section 10-425(f)(1) required and provided.

West - Abuts a canal that is more than 25 feet wide. Single-family residences are located north of the canal. Per LDC Section 10-1, the definition of abutting means “any property that is immediately adjacent to, or contiguous with, or that is located immediately across any street, canal, easement, or water body, not to exceed 25 feet from the other property.” No buffer is required along the west property line. The applicant is providing a 25-foot-wide buffer with seven trees and 33 groundcovers per 100 linear feet and a double hedge row. Palms are limited to a maximum of 25 percent of the buffer tree requirement. Hedges must be specified at 48 inches in height at time of installation and be maintained at 72 inches in height. Groundcovers must be a minimum one-gallon container size at time of planting. Staff has provided a condition for the enhanced screening to provided compatibility with the residential uses across the canal (Attachment S).

Parcel 2

North - Abuts a canal that is more than 25 feet wide. Single-family residences are located north of the canal. Per LDC Section 10-1, the definition of abutting means “any property that is immediately adjacent to, or contiguous with, or that is located immediately across any street, canal, easement, or water body, not to exceed 25 feet from the other property.” No buffer is required along the west property line. The applicant is providing a 25-foot-wide buffer with seven trees and 33 groundcovers per 100 linear feet and a double hedge row. Palms are limited to a maximum of 25 percent of the buffer tree requirement. Hedges must be specified at 48 inches in height at time of installation and be maintained at 72 inches in height. Groundcovers must be a minimum one-gallon container size at time of planting. Staff has provided a condition for the enhanced screening to provided compatibility with the residential uses across the canal (Attachment S).

South - Five-foot-wide buffer with five trees per 100 linear feet per LDC Section 10-425(f)1 required and provided.

East - The property abuts a Lee County School and a commercial use to the east. LDC Section 10-425(f) does not require a buffer between commercial use and a Lee County School. The applicant depicts a five-foot-wide buffer per LDC Section 10-425. Staff has provided a condition to ensure that the five-foot-wide buffer with five trees per 100 linear feet is provided (Attachment S).

West - Five-foot-wide buffer with five trees per 100 linear feet per LDC Section 10-425(f)(1) required and provided.

Sufficiency of Access and Transportation Impacts.

The subject property is located on the north side of Lee Boulevard on both the east and west sides of Sunniland Boulevard just over a ½ mile west of Sunshine Boulevard. The access to the proposed development will be via Sunniland Boulevard with two access points, and connections to 5th Street West and an extension of 5th Street West to the east of Sunniland Boulevard. Sunniland Boulevard is a county-maintained major collector. No direct access to Lee Boulevard, which is a county-maintained arterial road, is proposed. The trip generation was based on two different proposed land use scenarios. The first is scenario the applicant is proposing 265,000 square feet retail use and 100,000 square feet self-storage use. The second scenario being proposed is for 100,000 square feet of retail use, 100,000 square feet of self-storage use, and 300 multi-family dwelling units. The trip generation for the proposed development is analyzed by using the Institute of Transportation Engineer’s (ITE) Trip Generation 11th Edition Report. Lee County Department of Transportation has reviewed the Traffic Impact Statement and provided a staff memorandum that includes analysis of the proposed scenarios and recommended conditions to ensure that the development is in compliance with the Lee Plan, Land Development Code, and Administrative Code 13-17 (Attachment Q). The first scenario generates the greatest number of trips on the adjacent roadway system therefore; the first scenario was utilized in

the Traffic Impact Statement (TIS) to evaluate the impacts on the adjacent roadway network (Attachment P).

Table 2 of the staff memorandum indicates that there will be 9,093 new daily trips added to the adjacent roadway system from the proposed first scenario (LCU #1):

Table 2: Trip Generation

Land Use	Weekday A.M Peak Hour			Weekday P.M Peak Hour			Daily (2-Way)
	In	Out	Total	In	Out	Total	
Retail [ITE Code 820] (265,000 sq. ft.)	180	110	290	546	592	1,138	12,783
Self- Storage [ITE Code 151] (100,000 sq. ft.)	5	4	9	7	8	15	145
Less 30% Pass-By Trips [ITE Code 820]	-44	-44	-88	-171	-171	-342	-3,835
Net New Trips	141	70	211	382	429	811	9,093

Utilizing the daily trips and assuming that the development will be completed by 2028, the Level of Service (LOS) for the roadway links may be analyzed considering the traffic conditions with or without the proposed development as depicted in Table 3 of the staff memorandum below:

Table 3: Arterial/Collector Roadway Section(s) Adjacent to Site Expected to be Significantly Impacted by the Proposed Development

Roadway	Location	Significant Impact Expected	Level of Service		
			Existing	Future 2028	Future 2028 + Project
Sunshine Blvd.	S. of Lee Blvd.	Yes	C	C	C
Sunniland Blvd.	N. of Lee Blvd.	Yes	C	C	C
	N. of 12 th St W.	Yes	C	C	C
Gunnery Rd.	N. of Lee Blvd.	No	C	F	F
	S. of Lee Blvd.	No	B	F	F

Table 3 indicates that the surrounding roadways with or without the development, the adjacent arterial and collector roadways will not be negatively impacted by the development.

The roadway network accesses and intersections were analyzed with their corresponding pre-project and post-project built-out level of service depicted in **Table 4** below:

Table 4: Site Access and Intersection Level of Service Analysis

Intersection		Traffic Control	Peak Hour	Level of Service		
Roadway A	Roadway B			Existing	Future (2028)	Future (2028) + Project
Lee Blvd.	Sunniland Blvd.	Two-Way Stop Controlled	PM	--	F	F
Lee Blvd.	Sunniland Blvd.	Signalized	PM	--	--	C
Sunniland Blvd.	5 th St W.	Two-Way Stop Controlled	PM	--	F	--
Sunniland Blvd.	N. Site Access	Two-Way Stop Controlled	PM	--	B	--
Sunniland Blvd.	S. Site Access	Two-Way Stop Controlled	PM	--	F	--

The information provided in Table 4 is a projection for the level of service indicating that the intersection of Lee Boulevard and Sunniland Boulevard with a two-way stop is a level of service F and with signalization is a level of service C with the project. At time of development order, more detailed information will be provided with the level of service needed to support the proposed uses being built on the site per the submitted development order. Staff has recommended two conditions limiting the square feet of retail and mini-warehouse and requiring a signal warrant projection based on full buildout of the development (Attachment S).

No adverse impacts to environmentally critical or sensitive areas and natural resources.

The site has been impacted by land clearing without a development order. Notices of Violation, VIO2021-06268 and VIO2021-06269, provide the restoration requirements to abate the violations (Attachments I & J). The applicant has provided a Preservation Area Management Plan that is consistent with the restoration requirements in the Notices of Violation (Attachments H, I, J, & U). The applicant is proposing to restore 2.3 acres and preserve 1.2 acres of indigenous open space. Deviation 2 has been requested to allow the restoration area to be included in the ten percent indigenous open space requirement. Staff has recommended Condition 8 to ensure that a Limited Development Order is issued and certified to abate the violations prior to a development order being issued for infrastructure or vertical construction. The applicant's Protected Species Survey indicates that there are protected species onsite (Attachment T). Staff has recommended a condition to ensure no machines are used to excavate the Gopher Tortoise burrows within the 1.2-acre east preserve area, which would impact indigenous fauna species (Attachment S). Environmental Staff have provided a staff report containing analysis and findings to support staff recommended conditions (Attachment W).

The applicant submitted a Heritage Tree Survey Map that depicts the location of all the heritage trees, species of tree, and the diameter breast height of each species (Attachment X). Heritage trees are native trees that have at least a 20-inch diameter breast height. LDC Section 10-416(a)(4) requires large developments to preserve heritage trees but if a heritage tree must be removed, then a replacement native canopy tree with a minimum 20-foot height must be planted within an appropriate open space area. The applicant will be required to demonstrate preservation or replacement of heritage trees at time of development order.

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

As noted, and defined above, the subject property is located within a future urban area. The subject property has adequate access to urban services to accommodate the development proposed by the request. Future improvements required by the LDC at time of local development order approval will further improve urban services and pedestrian facilities surrounding the subject property.

Supplemental Planned Development Criteria.

Staff finds the request to be consistent with the following additional criteria:

- a) The proposed use or mix of uses is appropriate at the proposed location; and
- b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and
- c) The deviations enhance the achievement of the objectives of the planned development and protects the public health and safety.

OUTSTANDING ISSUES:

- 1. The applicant must revise the Master Concept Plan to note the restoration areas are "abatement for VIO2021-06268 and VIO2021-06269" within the illustration and open space calculation and revise the deviation notes.
- 2. Revise the Master Concept Plan to reference the deviations per the staff report.
- 3. A new Letter of Availability must be provided from FGUA stating that capacity is available for the maximum commercial square feet and multi-family dwelling units being proposed in the request.

CONCLUSION:

Based upon an analysis of the application and the standards for approval of planned development rezonings, staff finds the request to be consistent with the established review criteria. As conditioned, the request is consistent with the Central Urban future land use designation and the applicable goals, objectives, and policies of the Lee Plan. The request, as conditioned, is appropriate in the context of its surroundings. Staff recommends **APPROVAL** of the request to rezone the 34.90-acre property from CPD to CPD to allow either:

- 1. 265,000 square feet of commercial floor area and 100,000 square feet of mini-warehouse; or
- 2. 100,000 square feet of commercial floor area, 100,000 square feet of mini-warehouse, and 300 multi-family dwelling units (limited to Parcel 2 only) with a maximum height of 45 for multi-family residential uses and 35 feet for commercial uses, with the conditions attached as Attachment S of this report.

ATTACHMENTS:

- A. Expert Witness Information
- B. Boundary Survey and Legal Description
- C. Location Aerial, Future Land Use, and Current Zoning Maps
- D. Applicant's Request Narrative
- E. Resolution Z-06-090 strike through and underline
- F. Deviations and Justifications
- G. Florida Department of Environmental Protection Oil and Gas Program Oil Well Plug
- H. Violation VIO2021-00378
- I. Violation VIO2021-06268
- J. Violation VIO2021-06269
- K. Master Concept Plan
- L. Letter of Availability
- M. Applicant Property Development Regulations
- N. Applicant Schedule of Uses
- O. South Florida Water Management Abatement Letter
- P. Traffic Impact Statement
- Q. Lee County Department of Transportation Staff Memorandum
- R. Public Information Meeting Summary
- S. Recommended Conditions
- T. Protected Species Survey
- U. Preservation Area Management Plan
- V. Surface Water Management Plan
- W. Environmental Sciences Staff Report
- X. Heritage Tree Survey Map

Attachment A

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

Case Number: DCI2023-00010
Project Name: Sunniland Town Center CPD
Hearing Examiner Date: April 25, 2024

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

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

Brandon Dunn, Planning Manager, 1500 Monroe Street, Fort Myers, FL 33901

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

Ally Hall, Plan Reviewer, Development Services, 1500 Monroe Street, Fort Myers, FL 33901

- Seeking to be qualified as an expert witness in the Lee County Land Development Code and Lee Plan.
- Staff reviewed and provided comments for sufficiency. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code, the Lee Plan, and documentation submitted by the applicant as part of the subject application.

Md Rakibul (Rakib) Alam, Senior Transportation Planner, Infrastructure Planning, 1500 Monroe Street, Fort Myers, FL 33901

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

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

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



Professional Engineers, Planners & Land Surveyors

DESCRIPTION
OF
A TRACT OR PARCEL OF LAND LYING IN
SECTION 26, TOWNSHIP 44 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 26, TOWNSHIP 44 SOUTH, RANGE 26 EAST, BEING PORTIONS OF THE VACATED REPLAT OF TRACT 4 UNIT 6, LEHIGH ACRES AS RECORDED IN PLAT BOOK 26, PAGE 155, VACATED PER OFFICIAL RECORDS BOOK 2710, PAGE 3442, OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA, AND BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

PARCEL 1

BEGINNING AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF LEE BOULEVARD (C.R. 884 / S-82B – 106 FEET WIDE) AND THE WEST RIGHT OF WAY LINE OF SUNNILAND BOULEVARD (100 FEET WIDE); THENCE N 00°11'05" E ALONG SAID WEST RIGHT OF-WAY LINE FOR 1,027.48 FEET; THENCE N 05°50'38" W ALONG SAID WEST RIGHT-OF-WAY LINE FOR 164.56 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF A CANAL; THENCE N 89°55'09" W ALONG SAID SOUTH RIGHT-OF-WAY LINE FOR 384.98 FEET TO AN INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF A CANAL; THENCE S 00°11'05" W ALONG SAID EAST RIGHT-OF-WAY LINE FOR 1,196.06 FEET TO AN INTERSECTION WITH SAID NORTH RIGHT-OF-WAY LINE OF LEE BOULEVARD; THENCE N 89°23'01" E ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 402.30 FEET TO THE **POINT OF BEGINNING**.

AND

PARCEL 2

BEGINNING AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF LEE BOULEVARD (C.R. 884 / S-82B – 106 FEET WIDE) AND THE EAST RIGHT-OF-WAY LINE OF SUNNILAND BOULEVARD (100 FEET WIDE); THENCE N 00°11'05" E ALONG SAID EAST RIGHT-OF-WAY LINE FOR 1,031.38 FEET; THENCE N 05°50'38" W ALONG SAID EAST RIGHT-OF-WAY LINE FOR 159.42 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF A CANAL; THENCE S 89°55'09" E ALONG SAID SOUTH RIGHT-OF-WAY LINE FOR 835.96 FEET TO AN INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF A CANAL; THENCE S 00°09'42" W ALONG SAID WEST RIGHT-OF-WAY LINE FOR 1,179.97 FEET TO AN INTERSECTION WITH SAID NORTH RIGHT-OF-WAY LINE OF LEE BOULEVARD; THENCE S 89°23'01" W ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 819.77 FEET TO THE **POINT OF BEGINNING**.

SUBJECT PARCEL CONTAINS: 33.31 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

BEARINGS AND DISTANCES, UNLESS OTHERWISE NOTED, ARE BASED ON THE "STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST NAD 83/2011 (CORS), WHEREIN THE NORTH RIGHT-OF-WAY LINE OF LEE BOULEVARD BEARS N 89°23'01" E. THE SCALE FACTOR IS 0.99994666.

DESCRIPTION PREPARED: 05-10-2023

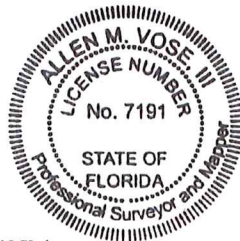
DESCRIPTION REVISED: 01-09-2024

Digitally signed by Allen M Vose III

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ALLEN M. VOSE III, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATION NO. 7191
DATE SIGNED 01-09-2024

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REVIEWED
DCI2023-00010
Rick Burris, Principal
Planner
Lee County DCD/Planning
2/5/2024

SHEET 1 OF 2

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FT. MYERS, FLORIDA 33906
PHONE (239)939-5490 FAX (239)939-2523

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SURVEY LICENSE # LB 6690

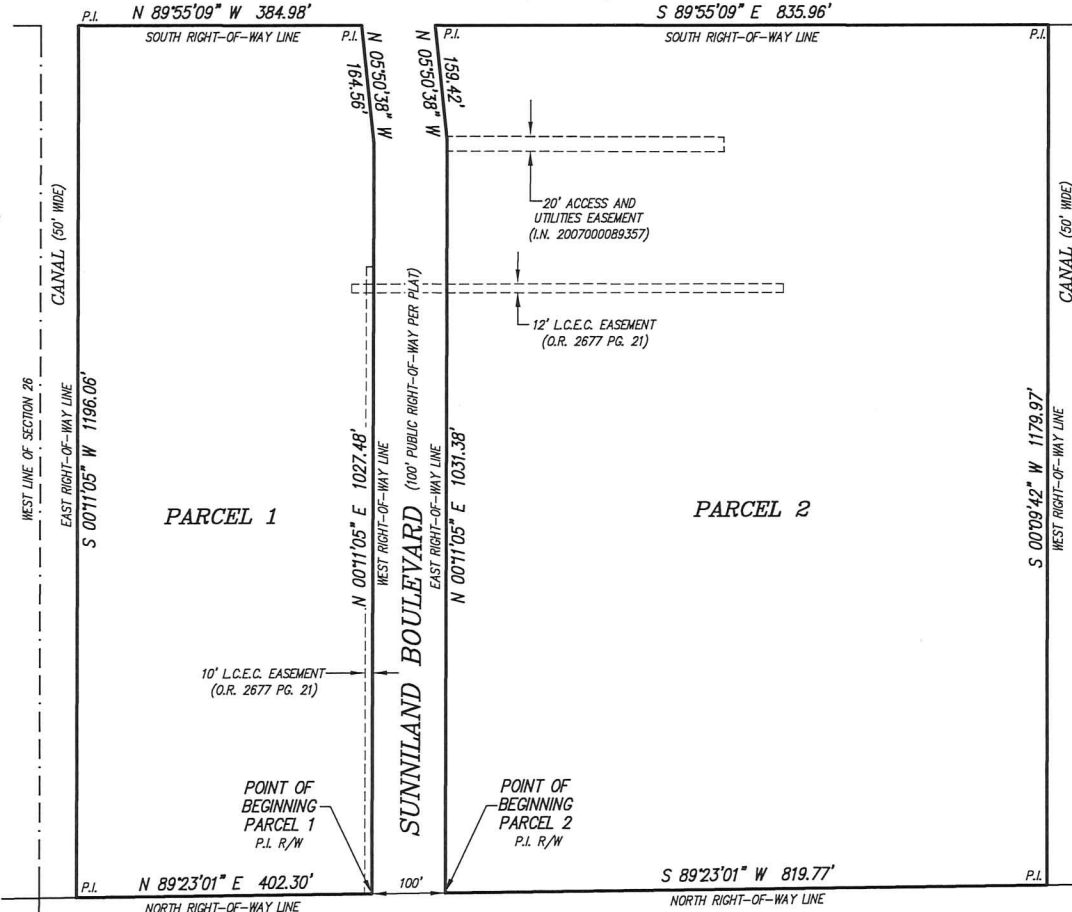
WWW.BANKSENG.COM

EAST-WEST QUARTER LINE OF SECTION 26

CANAL
(WIDTH VARIES)



1" = 200'



SKETCH OF DESCRIPTION

OF
A TRACT OR PARCEL OF LAND LYING IN
SECTION 26, TOWNSHIP 44 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA

NOTES:

- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) BEARINGS AND DISTANCES, UNLESS OTHERWISE NOTED, ARE BASED ON THE "STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST NAD 83/2011 (CORS), WHEREIN THE NORTH RIGHT-OF-WAY LINE OF LEE BOULEVARD BEARS N 89°23'01" E. THE SCALE FACTOR IS 0.99994666.
- 3.) ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.
- 4.) SUBJECT PARCEL CONTAINS: 33.31 ACRES, MORE OR LESS.

LEGEND:

PG. INDICATES PAGE
C.R. INDICATES COUNTRY ROAD
R/W INDICATES RIGHT-OF-WAY
C.R. INDICATES COUNTRY ROAD
O.R. INDICATES OFFICIAL RECORDS
LB. INDICATES LICENSED BUSINESS
I.N. INDICATES INSTRUMENT NUMBER
P.I. INDICATES POINT OF INTERSECTION
L.C.E.C. INDICATES LEE COUNTY ELECTRIC CO-OPERATIVE
P.S.M. INDICATES PROFESSIONAL SURVEYOR AND MAPPER
CORS INDICATES CONTINUOUSLY OPERATING REFERENCE STATION

REVIEWED
DCI2023-00010
Rick Burris, Principal
Planner
Lee County DCD/Planning
2/8/2024

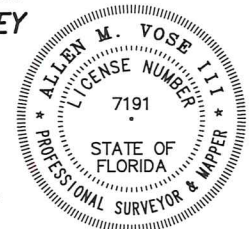
SEE SHEET 1 OF 2 FOR COMPLETE
METES AND BOUNDS DESCRIPTION.

**THIS SKETCH OF DESCRIPTION
IS NOT A BOUNDARY SURVEY**

Digitally signed by Allen M Vose III
Date: 2024.01.09 12:00:21 -05'00'

ALLEN M. VOSE III, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATION NO. 7191

- DATE SIGNED: 01-09-2024
- THIS SKETCH OF DESCRIPTION IS NOT VALID
WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF
A FLORIDA LICENSED SURVEYOR AND MAPPER.

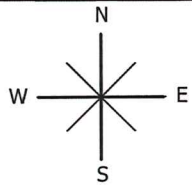


LEE BOULEVARD (C.R. 884)
(S-82-B - 106' WIDE PER R/W MAP)

PREPARED 05-10-2023
REVISED 01-09-2024
SHEET 2 OF 2

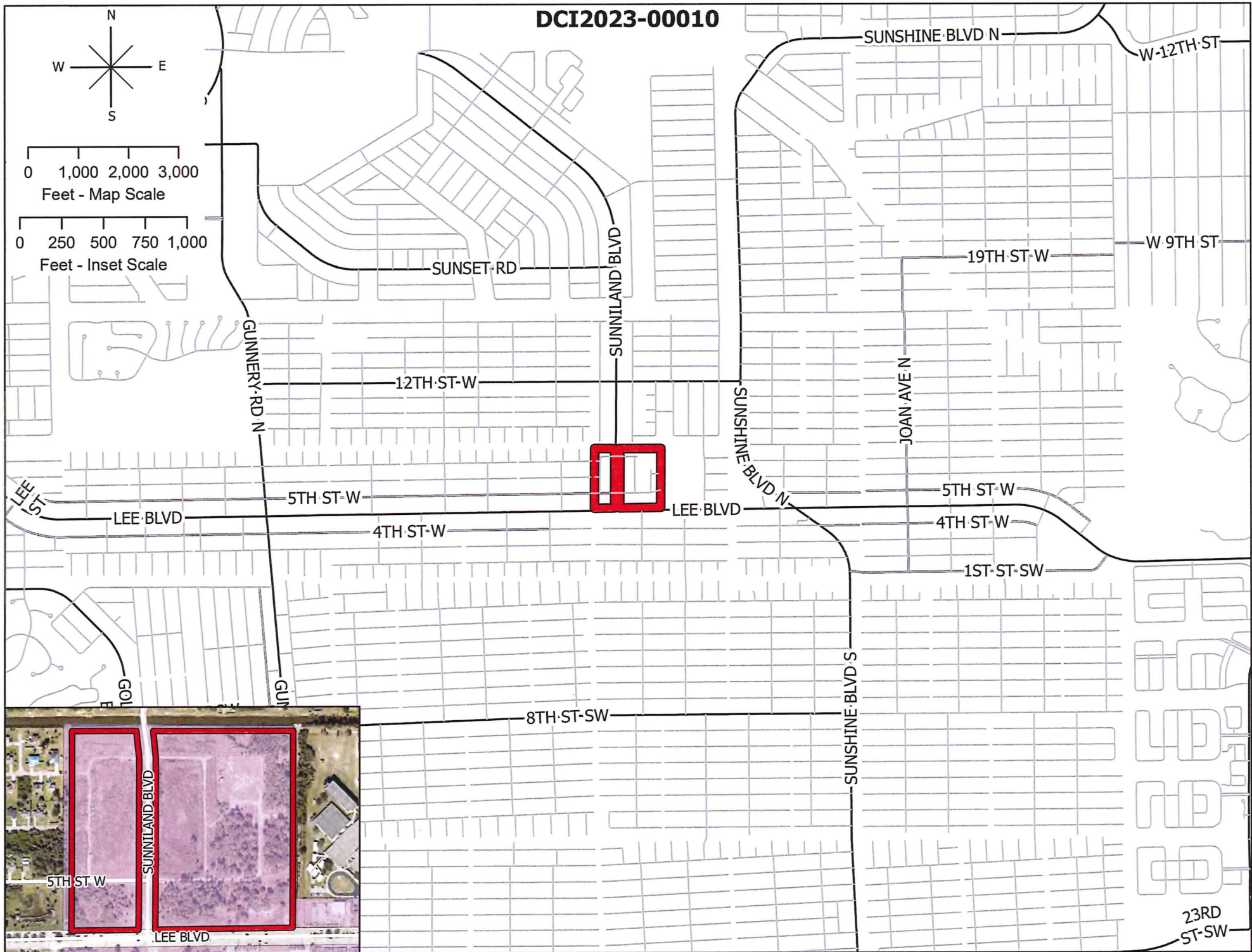
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0 1,000 2,000 3,000
Feet - Map Scale

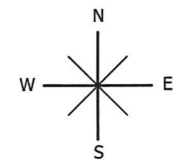
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Feet - Inset Scale



DCI2023-00010

Aerial

 Subject Property



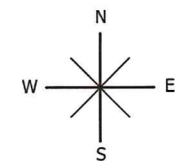
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DCI2023-00010

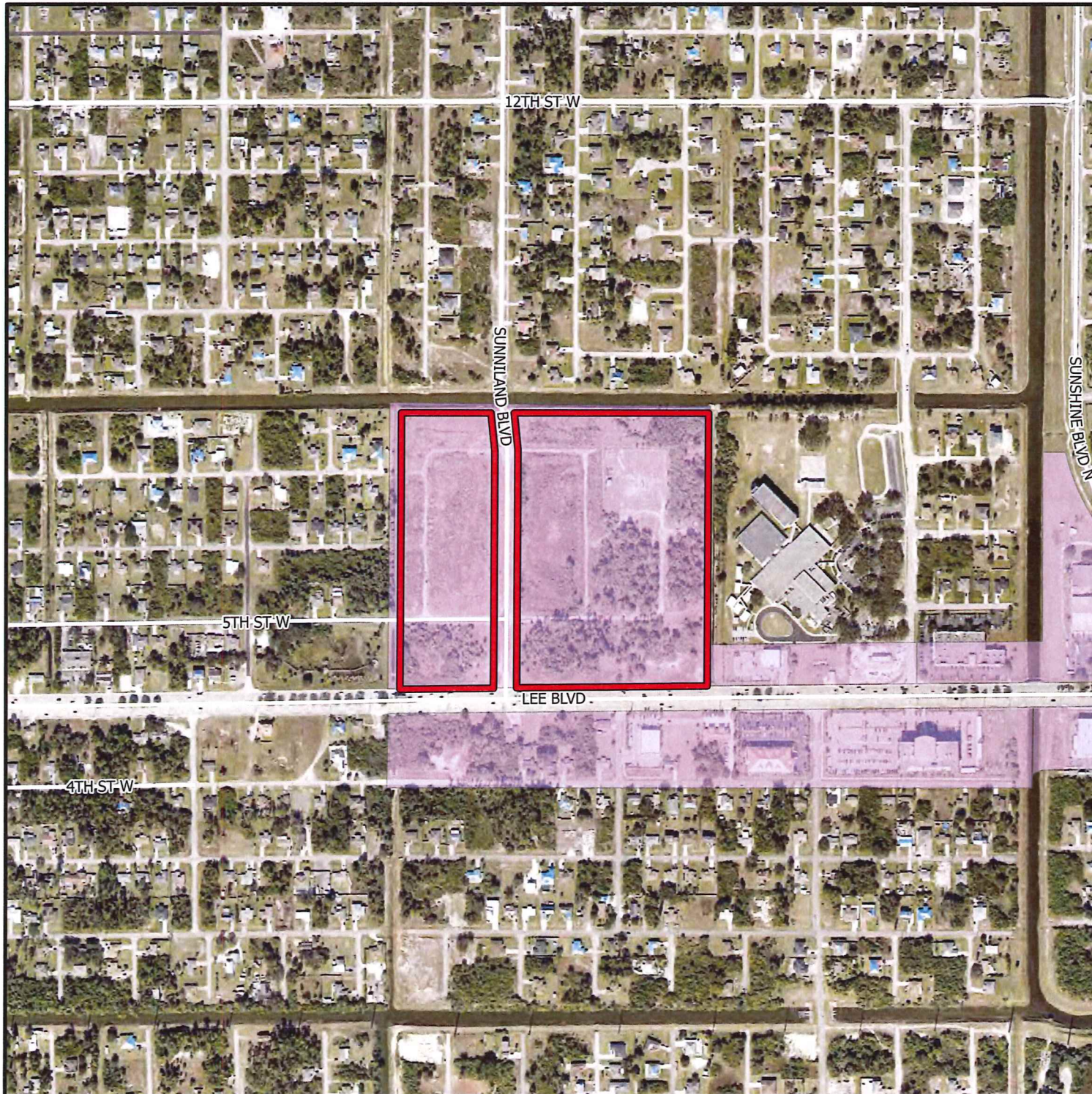
Future Land Use

-  Subject Property
-  Central Urban
-  Urban Community
-  Public Facilities



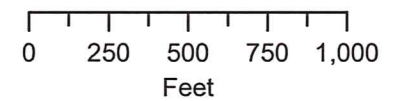
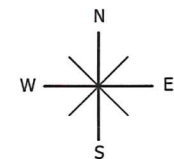
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Feet





DCI2023-00010
Mixed Use Overlay

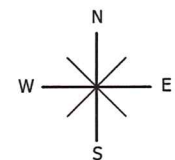
-  Subject Property
-  Mixed Use Overlay



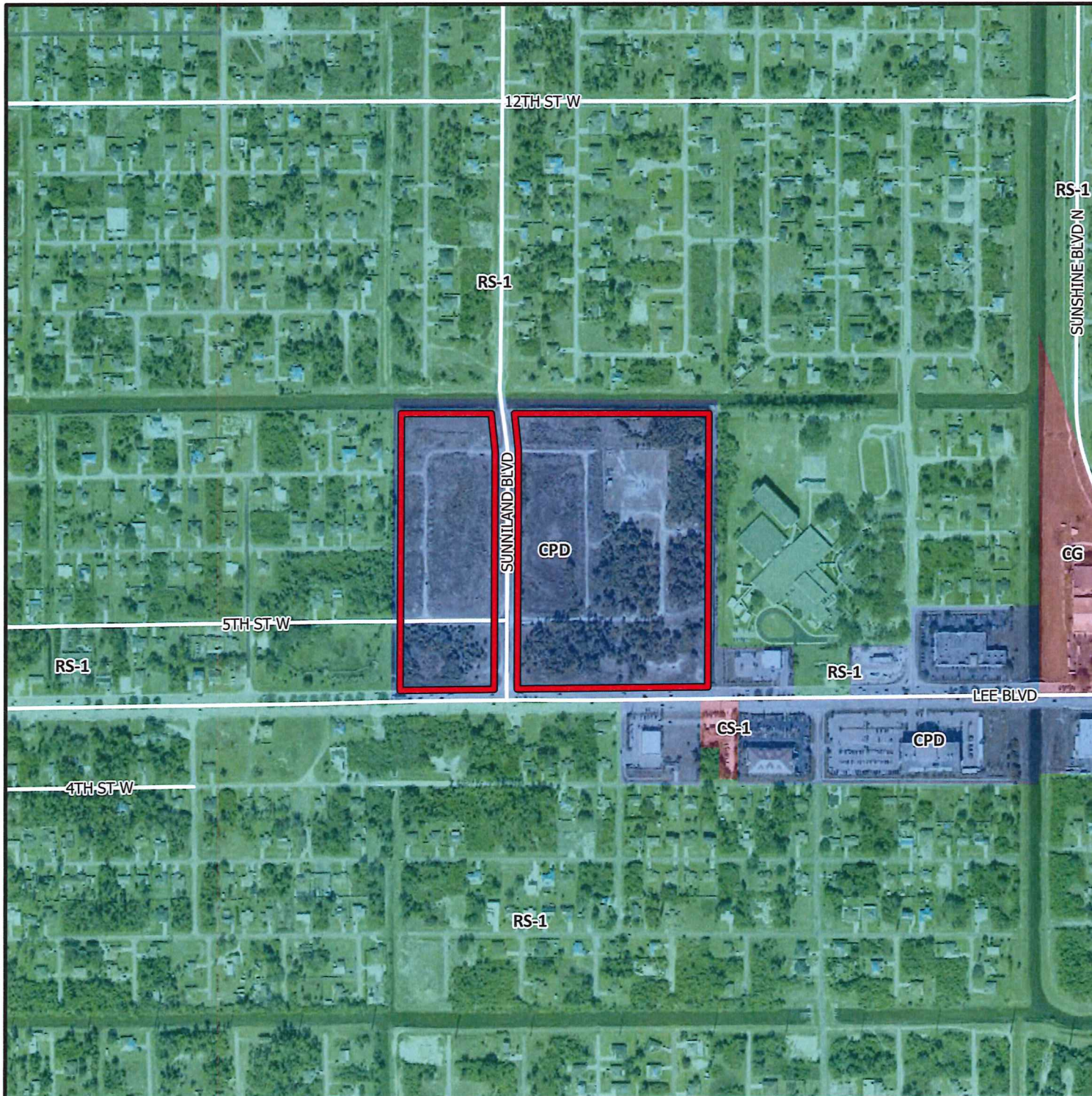
DCI2023-00010

Zoning

 Subject Property



0 250 500 750 1,000
Feet





SUNNILAND TOWN CENTER CPD
PLANNED DEVELOPMENT AMENDMENT REQUEST STATEMENT
JANUARY 10, 2024

Introduction

The Sunniland Commercial Planned Development is located along the north side of Lee Boulevard approximately ½ mile west of Sunshine Boulevard in Lehigh Acres (see attached aerial map). The subject property is in the Mixed-Use Overlay and the Central Urban Future Land Use category in the Lee County Comprehensive Plan. The proposed amendment requests the following changes to Z-006-090:

1. Approval of 265,000 square feet of commercial floor area and 100,000 square feet or self-storage (mini warehouse), or 100,000 square feet of commercial, 100,000 square feet of self-storage and 300 multi-family residential units, which would be located on the portion of the property east of Sunniland Blvd.
2. Changes to the Schedule of uses to remove the oil well, update the uses based on allowable uses in LDC Section 34-933, and add other commercial uses compatible with the area understanding that there is a specific buffer requirement in Lehigh Acres and the community plan was completed subsequent to the original zoning.
3. Removal of Condition #6 based on the changing conditions in the areas, adoption of the Mixed Use Overlay, and desires of the Lehigh Acres Community.
4. Removal of Condition #12 as it is no longer applicable to the site plan.
5. Amend Condition #15 to be consistent with more recently adopted requirements in the Mixed-Use Overlay.
6. Removal of Condition #16 as it is no longer applicable.

Entitlement History

The subject property was originally zoned as a Commercial Planned Development in 2006 (Z-06-090). The current zoning allows for a mix of office and retail uses with a total commercial area of 232,000 square feet on two separate parcels bisected by the Sunniland Boulevard right of way, which runs north-south through the subject property. The parcel on the east side of the Sunniland right of way contained an operating oil well, which was permitted under Z-06-090. That oil well has since ceased operating and in accordance with Condition # 16 the oil well was plugged and capped. On June 5th, 2023 the Florida Department of Environmental Protection conducted a site visit to confirm that the well has ceased operation and has been plugged and abandoned.

Surrounding Uses and Compatibility

The subject property is located in Lehigh Acres, an area with primarily platted single family lots. The subject property is uniquely located in an area separated from adjacent single-family lots except for the west side of the property, which is separated by a 50-foot-wide canal easement. To the west, adjacent to where the western most outparcel will be along Lee Boulevard, is a LAMSID owned preserve area, with the residential uses, mostly vacant immediately adjacent to the subject property, starting north of 5th Street. To the north of the property is a 100-foot canal managed by the Lehigh Acres Municipal Service Improvement District (LAMSID). To the south of the property is Lee Boulevard, a 100+ foot arterial roadway, and to the east is the Sunshine Elementary School.

Buffers

In addition to the separation of uses as outlined above, the project will provide buffers in accordance with land development code section 10-425 and section 33-1405(c). On the north side of the of the development, the applicant is locating preserve and stormwater, which will enhance any buffer or separation, in addition to the LAMSID canal, as noted above. To the south, along Lee Boulevard, LDC 10-425 requires a 5-foot buffer with 5 trees per 100 linear feet. To the west, the MCP shows a type B buffer adjacent to the LAMSID property and a more intense buffer adjacent to the residential uses consistent with LDC Section 33-1405(c). The residential uses to the west are further separated from the subject property by a 50 foot wide canal easement.

Impact on Public Services

The subject property is located in an urban future land use category, within the Mixed Use Overlay, and has urban services available to the site.

As detailed in Section 34-145(d)(4)a. 1 and 2. of the Land Development Code, the attached application demonstrates the following:

a) Lee Plan Consistency

The proposed rezoning is consistent with the Lee Plan. An analysis of how the proposed rezoning is consistent with the following Lee Plan policies is described below:

POLICY 1.1.3: The Central Urban future land use category can best be characterized as the "urban core" of the County. These areas are already the most heavily settled and have, or will have, the greatest range and highest levels of public services. Residential,

commercial, public and quasi-public, and limited light industrial land uses will continue to predominate in the Central Urban future land use category. Future development in this category is encouraged to be mixed use, as described in Objective 11.1, where appropriate. The standard density range is from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre), with a maximum total density of fifteen dwelling units per acre (15 du/acre). The maximum total density may be increased to twenty dwelling units per acre (20 du/acre) utilizing Greater Pine Island Transfer of Development Units.

The attached zoning amendment application proposes a redesign of the existing commercial planned development. The total requested entitlement is for 365,000 square feet of Commercial floor, of which 100,000 square feet is self-storage/mini-warehouse area, or an option for 300 multi-family units that would substitute 165,000 square feet of the requested 265,000 square feet of commercial on the eastern parcel. The 300 multi-family residential units are within the standard density range of 10 dwelling units per acre permitted within the mixed-use overlay.

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

The proposed zoning amendment request represents an opportunity for commercial development within Lehigh Acres. Both residential and non-residential options provide for much needed commercial development. The residential option allows for multi-family residential development, a land use that helps to diversify the housing stock in Lehigh Acres. The subject property is located within an urban area along an arterial road. Public services are available to the subject property as evidenced by the existing zoning approval and the attached application. Development is occurring contiguous to the north and on nearby properties in all directions. Locating residential on the subject property will minimize urban sprawl by allowing for multi-family residential development adjacent, in close proximity and with easy access to commercial uses while adding a diversity of housing types in the neighborhood. Employees of the adjacent school would be able to find housing within walking distance of their employment.

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

The subject property is currently within a future urban area on the future land use map and is surrounded by urban designated properties. The property's land use category allows for urban levels of both commercial and residential development.

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

The subject property is located in an urban area of Lee County with existing development on all sides of the property. Public facilities exist, and capacity is available to serve the proposed development.

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

The subject property is located along Lee Boulevard in Lehigh Acres. The property is immediately adjacent to the west side of Sunshine Elementary School and ¼ mile to the west of Palm Acres Charter Highschool. Several other Elementary, middle and high schools are located within two miles of the subject property. Fire stations #103 and #104 are both within 2 miles of the subject property and the 110 bus route runs along Lee Boulevard in front of the property.

STANDARD 4.1.1: WATER.

1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Chapter 62-550, F.A.C.).

Potable water service is available to the subject property. Future development will require connection to a central water system.

STANDARD 4.1.2: SEWER.

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

Sanitary sewer service is available to the subject property. Future development will require connection to a central wastewater system.

STANDARD 4.1.4: ENVIRONMENTAL FACTORS.

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

An environmental assessment for the property was prepared and submitted. An indigenous preserve area is being located at the northern end of the property that is consistent with Lee County indigenous preservation requirements. Also attached is a preservation management plan, consistent with Standard 4.1.4. There are two wetlands onsite that are jurisdictional to the South Florida Water Management District but should not be federally jurisdictional. These two wetlands are dominated by willow and have infestation by Brazilian pepper. These areas have been disturbed over the last few decades by the construction of Lee and Sunniland Boulevards in the 1970s as well as partial site clearing around 1990. These two low quality wetlands will likely need to be impacted to allow for the development of the parcels. Wetland mitigation will be provided at an appropriate wetland mitigation bank, ensuring that Standard 4.1.4 is met.

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

The proposed rezoning will implement Goal 5 by locating additional opportunities for residential multi-family development, providing a diversity of housing opportunities in Lehigh Acres.

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.*

There are no physical constraints or hazards that exist on the subject property that would limit residential development.

POLICY 5.1.3: *During the rezoning process, direct high-density residential developments to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities.*

The subject property is located in an area where the proposed uses will be a positive addition to the existing mix of uses. The proposed multi-family development is adjacent to and in close proximity to employment and shopping centers and is accessible to mass transit and bicycle facilities. Bus Route 110 runs along Lee Boulevard along the south side of the subject property. Lee Boulevard also has a sidewalk that runs along the north and south sides of the road, providing pedestrian connections to the bus stops to both the east and west of the subject property.

The subject property will include needed retail development providing excellent integration with the potential multi-family uses and the surrounding residential. There are several other retail shopping centers and office buildings in close proximity along Lee Boulevard providing services to the potential residential use.

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

The subject property is already zoned commercial planned development. The proposed rezoning will not have a negative impact on any existing or future residential areas. The proposed rezoning relocates some of the preserve area to the northern end of the site, creating a greater separation and buffer with the residential uses north of the subject property. The only other residential area is to the west of the subject property where buffers and setbacks in accordance with the Lehigh Acres Community Plan will be provided, as outlined in LDC Section 33-1405(c).

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

The existing zoning currently allows for commercial development and will continue to provide for commercial development. The proposed zoning amendment will allow residential uses and a redesign of the commercial, compatible with the surrounding existing and planned commercial and residential development.

***POLICY 6.1.5:** The land development regulations will require that commercial development be designed to protect the traffic-carrying capacity of roads and streets.*

The proposed zoning amendment is in an area where capacity exists on the adjacent roadway network. As shown in the attached Transportation Impact Statement, this proposed amendment will not cause a failing level of service on the roadway network.

GOAL 11: MIXED USE. *Encourage mixed use developments that integrate multiple land uses, public amenities and utilities at various scales and intensities in order to provide: diversified land development; a variety of housing types; greater connectivity between housing, workplaces, retail businesses, and other destinations; reduced trip lengths; more transportation options; and pedestrian and bicycle-friendly environments.*

The proposed rezoning represents a change to the existing CPD to provide for the option of a mixed-use development with multi-family residential, retail and office uses. The addition of the multi-family residential development within the context of the surrounding land uses will provide a housing opportunity in close proximity to schools, shopping and employment centers, and create a mixed-use environment that decreases trip lengths and diversify housing options in Lehigh Acres.

OBJECTIVE 11.2: MIXED USE OVERLAY. *The County will maintain an Overlay in the future land use map series identifying locations appropriate for mixed use located in proximity to: public transit routes; education facilities; recreation opportunities; and, existing residential, shopping and employment centers. Mixed Use, Traditional Neighborhood, and Transit Oriented development patterns are encouraged and preferred within the Mixed Use Overlay.*

The master concept plan includes an option for residential development and is located in the mixed-use overlay. The subject property is adjacent to a school and in very close proximity to several schools, transit, shopping and employment uses. Being within the mixed-use overlay, there is an assumed desire to create more of an integration between the proposed commercial uses on site and the surrounding residential uses rather than a separation, and an emphasis on promoting increased intensities of development on site. This is implemented through the County's reduced buffer guidelines within the Mixed-use overlay and reduced open space/indigenous preserve requirements.

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

The master concept plan includes an option for residential development limited to 300 dwelling units. Using a density calculation, consistent with Policy 11.2.7, the proposed residential is within the density limits of the Central Urban Future Land Use category.

POLICY 25.6.1: *Commercial uses are permitted on lands in the Lehigh Commercial Overlay once commercial zoning has been approved. Land in the Lehigh Commercial Overlay may also be used for schools, parks, and other public facilities; churches and*

synagogues; and residential uses that provide housing alternatives to the typical 1/4 to 1/2 acre subdivision lots. Creation of new single-family lots smaller than one acre is not permitted due to the oversupply of standard subdivision lots. If cumulative new residential development takes place on more than 1% of this land per year, Lee County will take steps to provide additional commercial land in Lehigh Acres to offset the loss. Lee County will take steps to reduce any emerging surplus of commercial land in Lehigh Acres if cumulative new commercial development exceeds an average floor area ratio of 1.0 (the ratio of interior floor space to total lot area).

The subject property is within the Lehigh Commercial Overlay. The option for mixed use development on the subject property is consistent with Policy 25.6.1 as the proposed planned development will provide for **“residential uses that provide housing alternatives to the typical 1/4 to 1/2 acre subdivision lots.”** The remainder of the development is commercial and also consistent with Policy 25.6.1.

OBJECTIVE 25.10: NATURAL RESOURCES. *To preserve, protect, and, where possible, enhance the physical integrity, ecological values, and natural beauty of Lehigh Acres Community Plan area, by maintaining the diverse and healthy native vegetation, and wildlife resources.*

The proposed CPD amendment is providing indigenous areas in sufficient acreage to meet the total area required by code. This is being done through a deviation request to allow for the replanting and restoration of indigenous areas on site. In this way, the project can achieve both the required indigenous preserve area and the residents’ desire to have a well-functioning commercial center that provides the needs of the Lehigh Acres community.

POLICY 25.10.1: *Lee County will encourage on-site preservation of indigenous plant communities and listed species habitat. Any required mitigation will be of similar habitat, and provided, whenever possible, within the Lehigh Acres Community Plan area. Development must also be consistent with Goal 77 and Objective 77.3.*

The project meets Lee Plan 25.10.1. to the extent practicable. The project includes the preservation of 1.2 acres of existing indigenous upland habitat and the restoration of 2.3 acres as indigenous upland habitat. Given the need for the project to have frontage on Lee Boulevard and adequate space for the multi-family or commercial development on Anchor Parcel 2 to be successful, it is not feasible to preserve more indigenous habitat.

A deviation has been requested to provide indigenous preserve in the form of restoration. Therefore, the project is still providing “on-site preservation” as opposed to off-site mitigation as allowed by Policy 25.10.1.

POLICY 25.10.2: *Lee County will work with various agencies to identify existing wetlands that are worth saving or restoring within the Lehigh Acres Community Plan area.*

The subject property contains 2 isolated willow wetland areas totaling 3.28 acres. These wetlands were disturbed, impacted, and isolated by the construction of the roads that now surround them. They are infested with exotic vegetation, hydrologically isolated, and bordered by roads which have significantly lowered their functional value as wetlands. In accordance with the protected species survey and the indigenous management plan the most appropriate preservation area onsite is the singular contiguous upland area at the northern end of the site which will be restored to functional native habitat.

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

The site is currently bordered by swales on the east and west sides and the Angelfish Canal on the north side which influences the groundwater onsite today. There will be coordination with LAMSID during permitting and the control elevation for the onsite detention areas will be based on the control elevations of the adjacent canal. This will ensure that the groundwater for the site will not be altered from what it is today.

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

The stormwater design for the site will use a combination of dry and wet detention and Best Management Practices. The lakes will contain littoral plantings and the dry detention areas will be planted in Bahia Sod that will not require irrigation.

POLICY 61.3.1: *Provide sufficient performance and design standards to require post-development runoff to approximate the total characteristics of the natural flow prior to development.*

The site is located in the Orange River Basin as determined in "Allowable Discharge Values for Projects within the South Florida Water Management District" which assigns maximum discharge rates. The maximum allowable rate for projects in this basin is 55 CSM for the 25-year 3 Day Storm Event. The post development runoff will be limited to this rate.

POLICY 61.3.6: *Require developments to provide surface water management systems, acceptable programs for operation and maintenance, and post-development runoff*

conditions that reflect the natural surface water flow rate, direction, quality, hydroperiod, and drainage basin.

This site has been previously developed as there are existing roads, therefore there is no natural flow. In the developed condition, the surface water will continue to flow to the Angelfish Canal as it does today. The addition of dry and wet detention areas will improve the water quality prior to discharge offsite.

POLICY 61.3.8: *The banks of wet retention and detention areas must be sloped to promote growth of vegetation and safeguard against accidents.*

The maximum slopes for dry detention areas will be 3:1 and the banks for wet detention will be 6:1, consistent with the LDC.

POLICY 61.3.11: *Runoff must be routed through retention or detention areas and vegetated swales in order to reduce flow velocity, allow for percolation, and trap and remove suspended solids and pollutants.*

The design will include dry and wet detention areas.

POLICY 61.3.13: *Installation of erosion control devices for development activities adjacent to waterbodies, water courses, and wetlands will be required. Such control devices must be maintained to ensure operational effectiveness.*

Erosion control will be used during construction to protect the adjacent swales and canals. The banks will be sodded to prevent erosion after construction.

POLICY 123.8.1: *Protect Gopher Tortoise burrows wherever they are found. If unavoidable conflicts make on-site protection infeasible, off-site mitigation may be provided in accordance with FWC requirements.*

The gopher tortoise burrows onsite cannot be avoided by the development of the site due to their location across the site. Given the proposed development plan and existing surrounding roads and canals, it is in the best interest of the onsite gopher tortoises to be relocated to a FWC approved offsite recipient site. If it were possible to preserve more indigenous habitat onsite that contains several gopher tortoise burrows, it would be in the tortoises' best interest to be relocated offsite for the same reasons described above. It would not be responsible, from a wildlife management perspective, to attempt to keep gopher tortoises in a 3.5 acre area on this site with constant commercial activity surrounding any preserve. In accordance with Policy 123.8.1, this constitutes an "unavoidable conflict making onsite preservation infeasible". Therefore, the gopher tortoises will be excavated and relocated to a FWC approved recipient site per FWC rules and policies.

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

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. Non-residential uses on wetlands that have been impacted, or will be impacted, in accordance with a state agency permit must be consistent with the non-residential uses permitted in the immediately adjacent, least intense, upland future land use category.

The proposed amendment will impact all 3.28 acres of poor-quality wetlands on site. These wetland areas are highly disturbed. The proposed residential density assumes impacts will occur to all wetland areas and these areas are not included in the density calculation.

***POLICY 135.1.9:** The county will ensure a mix of residential types and designs on a countywide basis by providing for a wide variety of allowable housing densities and types through the planned development process and a sufficiently flexible Future Land Use Map.*

The residential concept will diversify the housing types in the local area by providing for higher density multi-family units in an area with predominantly single-family development.

b) The application is compliant with the Land Development Code and other applicable codes or regulations;

The proposed amendment is compliant with all county codes and regulations and the deviations previously granted.

c) The request is compatible with surrounding existing and planned land uses;

As stated above, the subject property is in the Central Urban Future Land Use category, the Mixed-Use Overlay and the Lehigh Acres Commercial Overlay. Taken together the Lee Plan and the Lehigh Acres Community Plan has designated the subject property for either commercial development or mixed-use development, both of which are being proposed. The subject property is set back and separated from the property to the north by a 100-foot LAMSID canal, and will include additional buffering ensuring compatibility with uses to the north. To the west are residential lots, most of which are vacant. The code required buffering is adequate to ensure compatibility with the future residential development to the west. To the east of the subject property is an elementary school separated by a canal and buffered with a fence and to the south is Lee Boulevard, south of which is a mix of commercial and residentially zoned property. The proposed

development does not create any compatibility issues with the uses to both the east and south.

d) Access to the property is sufficient to provide for the proposed use;

The subject property is located along Lee Boulevard, an arterial road in Lehigh Acres. Sunshine Blvd. bisects the subject property. As demonstrated on the attached master concept plan, access is sufficient to accommodate the proposed development.

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

The proposed zoning amendment represents a very minimal increase in trips over the current approval. As demonstrated by the attached Transportation Impact Statement, the expected impacts on transportation facilities do not cause any roadway segments to operate below level of service. Site related impacts will be addressed by existing county regulations.

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

The proposed amendment will have no impact on environmentally sensitive resources in Lee County. The subject property is mostly cleared and contains vegetation of limited value. The applicant is proposing an indigenous preserve at the northern end of the site, consistent with Lee County regulations which will serve to protect and enhance on site vegetative communities and also buffer residential uses to the north.

g) Will be served by urban services, defined in the Lee Plan.

As evidenced by the adjacent development, , urban services as defined by the Lee Plan are available to the subject site.

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

The proposed commercial planned development is consistent with the Central Urban future land use category, the Mixed-Use Overlay and the Lehigh Acres Commercial Overlay. The proposed use has excellent road access, is adjacent to similar uses and provides an opportunity to develop diverse housing options in close proximity to urban services and employment centers. The proposed use is therefore appropriate for the subject property.

Summary:

Based on compliance with these, and other regulations, we respectfully contend that this zoning amendment application will not place an undue burden upon existing transportation or planned infrastructure facilities. Similarly, the proposed use is appropriate at the subject location, and is compatible with existing uses in the surrounding area. For these reasons, the requested re-zoning should be approved.

ATTACHMENT E

Amended Conditions

SECTION B. CONDITIONS:

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

1. The development of this project must be consistent with the 1-page Master Concept Plan (MCP) entitled "Sunniland Town Center, Master Concept Plan," dated ~~(insert revision date) 07/10/06, last revised 3/26/07, date stamped "Received Mar 28 2007 Community Development,"~~ except as modified by the conditions below. This development must comply with all requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

A maximum of ~~232,000~~265,000 square feet of commercial and 100,000 square feet of Self Storage/Mini Warehouse uses are permitted, or 100,000 square feet of commercial use, 100,000 square feet of Self Storage/Mini Warehouse and 300 residential units.

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

b. Site Development Regulations

Minimum Lot Width:	200 feet
Minimum Lot Depth:	200 feet
Minimum Lot Area:	2.5 acres
Outparcels:	
Minimum Lot Width	100 feet
Minimum Lot Depth	100 feet
Minimum Lot Area	10,000 square feet
Maximum Lot Coverage:	45 percent
Maximum <u>Residential</u> Building Height	<u>35-45 feet or two stories</u>
<u>Maximum Commercial Building Height</u>	<u>35 feet</u>
Minimum Building Separation	20 feet
Setbacks:	
Development Perimeter	25 feet
Street:	25 feet
Side:	20 feet
Rear:	20 feet
Waterbody	25 feet

3. The subject property may only be subdivided subsequent to recording of a plat of the property in the Official Records of Lee County, Florida.
4. Where vehicular asphalt is within 125 feet of a residential zoned property the applicant must install an enhanced Type "D" buffer. This buffer must be planted with a double-staggered hedge row with a minimum 24-inch height at the time of planting and maintained at no less than 48-inches high. The buffer must also be planted with five trees every 100 linear feet with a clear trunk height of 12 feet. At least 50 percent of the required buffer trees must be Live Oaks.
5. ~~A single package store is permitted within the proposed development. The~~Any Package Store must be located greater than 500 feet away from the property line of Sunshine Elementary School.
- ~~6. Consumption on Premises (COP) in conjunction with a Group III Restaurant is approved, but limited to the following conditions:~~
- ~~A. Hours of operation for indoor seating are approved between the hours of 10:00 A.M. and 12:00 P.M., Monday through Sunday.~~
- ~~B. Hours of Operation for outdoor seating are approved between the hours of 10:00 A.M. and 10:00 P.M., Monday through Sunday. Outdoor entertainment is limited to piped~~

~~music during the same hours of operation for consumption on premises. Music must remain at or below a normal conversation level.~~

7. The reduced setback area for the water management lakes, as outlined in Deviation 1, must be planted with a landscaped buffer and will provide berms, guardrails or other acceptable materials in this area to provide for the protection of wayward vehicles.
8. Prior to the issuance of the certificate of completion for Parcel 1 and Parcel 2, a 5-foot wide sidewalk must be installed along that side of Sunniland Boulevard. The sidewalk must extend along the project's entire frontage on Sunniland Boulevard. This is a site-related improvement and not eligible for Road Impact Fee Credits.
9. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

~~10.~~ 10. Approval of this zoning request does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee County Comprehensive Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee County Comprehensive Plan provisions.

~~40.11.~~ 40.11. Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee County Comprehensive Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

~~41.12. Traffic calming devices, acceptable to Lee County Development Services, must be installed along the parking aisle which extends between 5th Street West and Sunniland Boulevard. The Applicant will identify to Lee County Development Services the traffic calming devices it proposes to employ for this purpose at the time of request for the development order for the first parcel that contains, or is adjacent to, the subject parking aisle.~~

~~42.13.~~ 42.13. Bike racks must be installed on each commercial parcel located on both the east and west sides of Sunniland Boulevard. A bike rack must be installed on each commercial parcel prior to the issuance of the first Certificate of Occupancy for the business on each respective parcel.

~~43.14.~~ 43.14. Prior to local development order approval, a detailed gopher tortoise management plan must be submitted for the Division of Environmental Sciences Staff review and approval. This management plan must include details of the existing vegetative cover, any enhancements that are needed including the planting of gopher tortoise forage vegetation, and the type of permanent protective barriers to be provided between the commercial development and the gopher tortoise preserve. The development order plans must delineate a gopher tortoise preserve in substantial compliance with the area shown on the MCP.

~~44.15.~~ 44.15. Prior to local development order approval, the landscape plans must include the delineation of: (1) thirty percent (30%) or 10 7.0 acres of open space; (2) 2.29 acres of native tree preservation areas and 2.27 acres of gopher tortoise habitat in substantial compliance with the MCP; and (3) a South Florida Slash Pine (minimum 20-foot height) in the southeast gopher tortoise preserve and 3.5 acres of indigenous preserve, consistent with the Master Concept Plan.

~~15. The on-site oil well must be plugged or capped within six months of the permanent cessation of oil production activities, and during that six-month period the wellhead must be fenced (with a chainlink fence) in such a manner so as to preclude access to the wellhead by unauthorized individuals.~~

SECTION C. DEVIATIONS:

- ~~1. Deviation (1) seeks relief from the §10-329(d)(1)a.2. requirement to provide a minimum waterbody setback of 50 feet from an existing right-of-way line for a collector or arterial~~

~~road, to allow a setback of 35 feet. This deviation is APPROVED, SUBJECT TO Condition 7 above.~~

Withdrawn

2. Deviation (2) seeks relief from the §10-416(d)(6) requirement to provide a 25-foot-wide buffer with a wall when vehicular pavement is proposed within 125 feet of a residentially zoned parcel, to allow a 15-foot wide Type "D" buffer along the ~~southeastern-western~~ portion of the subject property. This deviation is APPROVED, SUBJECT TO Condition 4 above.
3. Deviation (3) seeks relief from LDC Section 10-415(b), which requires that large developments with existing indigenous native vegetation communities must provide 50 percent of their open space percentage requirement through the onsite preservation of existing native vegetation communities, to allow for the indigenous preservation to be met through the combination of preservation of on-site indigenous areas and the restoration of areas that do not meet the definition of indigenous vegetation.

ATTACHMENT F

Schedule of Deviations

1. Withdrawn
2. Deviation (2) seeks relief from the §10-416(d)(6) requirement to provide a 25-foot-wide buffer with a wall when vehicular pavement is proposed within 125 feet of a residentially zoned parcel, to allow a 15-foot wide Type "D" buffer along the western portion of the subject property. This deviation is APPROVED, SUBJECT TO Condition 4 above.
3. Deviation (3) seeks relief from **LDC Section 10-415(b)**, which requires that large developments with existing indigenous native vegetation communities must provide 50 percent of their open space percentage requirement through the onsite preservation of existing native vegetation communities, to allow for the indigenous preservation to be met through the combination of preservation of on-site indigenous areas and the restoration of areas that do not meet the definition of indigenous vegetation.

Justification for Deviation

The proposed Preservation Area Management Plan has been modified to include the preservation of 1.2 acres of native habitat consisting of pine flatwoods habitat that include mature and two heritage slash pine trees and several mature live oaks and cabbage palms in addition to many native shrub and ground cover species in those strata. The Preservation Area Management Plan also includes the restoration of 2.3 acres of uplands within two proposed dry detention areas. The proposed upland habitat restoration areas are within two dry detention areas and will be planted with native vegetation that is typically found in indigenous pine flatwood habitats adapted to frequent short-term inundation and long periods of dry conditions. Restoration plantings including 310 trees and 1,002 shrubs and ground cover species along with the 711 replacement trees will be planted in the 2.3-acre restoration area. The combined number of planted trees will result in trees at approximately 9.9' centers and shrubs and ground cover species on 10' centers. This will restore native habitat for the urbanized wildlife which are common in this part of Lehigh Acres.

The subject property is within the County's Mixed-Use Overlay and the Lehigh Commercial Overlay. This property is one of only a few opportunities for commercial or mixed-use development within the entire community. The existing indigenous areas on the property are located where they would either significantly impact the ability to develop the site or significantly diminish view corridors into the property from Lee Boulevard, a necessity for a successful commercial development that serves the needs of the community.



Florida Department of Environmental Protection Oil & Gas Program

MONTHLY O&G INSPECTION CHECKLIST

Permit # 841

WELL # & NAME				WELL TYPE		MMR/PA NUMBER		DATE	
CTLC 26-2				II		306470		6/5/2023	
OPERATOR			FIELD			COUNTY		API NUMBER	
BREITBURN FLORIDA			LEHIGH PARK			LEE		09-071-20063	
WELL STATUS		PLUGGED & ABANDONED					MIT / PT		7/26/2018
WELL SITE INSPECTION CHECKPOINTS				YES NO		NOTES			
LEGIBLE WELL SIGN POSTED				N/A					
PAD HOUSEKEEPING SUFFICIENT									
PERIMETER BERM/DIKE SUFFICIENT									
FLOWLINE/PIPELINE ACCESSIBLE/CLEAN									
EVIDENCE OF LEAKS/SPILLS ON PAD/LOCATION									
WELLHEADS				YES NO		NOTES			
PRESSURE GAUGES IN WORKING CONDITION				N/A		±Gauge variance- Tbg : Murphy			
TUBING psi		Prod csg (psi)				Int csg (psi)			
0		0				-			
High /Low LINE SHUT IN SENSORS NEAR WELLHEAD						Murphy L - Tbg - H (psi)		na na na	
LOW		HIGH							
CELLAR CONDITION SATISFACTORY									
WELLHEAD LEAKING									
HYDROGEN SULFIDE DETECTION SYSTEM						NOTES			
IF YES, FILL OUT				YES NO					
DETECTION SYSTEM REQUIRED				N/A					
ENTRY ALARMS IN WORKING CONDITION									
SENSORS IN WORKING CONDITION									
CHEMICAL ADDITIVE SYSTEM				YES NO		NOTES			
SYSTEM PRESENT				N/A					
SYSTEM LEAKING									
SECONDARY CONTAINMENT PROVIDED									
CHEMICALS ON LOCATION: 1.)				----		2.)		----	

Notes:

No Observed Leaks, Good Housekeeping

6-5-2023: Well has been plugged and abandoned. Well cap with permit number on it was placed today and buried.

5-22-2023: Workover began 5-21 to P&A well. No issues.

3-17-2023: Site inspection completed. No issues.

1-17-2023: Site inspection completed. No issues.



Florida Department of Environmental Protection
Oil & Gas Program

Permit # 841



I inspected the above well on 6/5/2023 at 1350 hrs

Duane Daley

Signed

Form IH-1

OIL AND GAS COORDINATOR

ATTACHMENT H

NOTICE OF CODE VIOLATION
Nuisance Accumulation Violation



Case # VIO2021-00378 Date 01/20/2021
JES FAMILY LLC + LEE SUNNILAND LLC
10970 S CLEVELAND AVE
STE 303
FORT MYERS, FL 33907

Re: **Code Violation: Nuisance Accumulation: excessive misc debris dumped on property includes several mattresses, paver blocks, couch, tires, buckets, cardboard boxes, piles of horticulture debris dumped on property as well**

at 3614 5TH ST W, LEHIGH ACRES, FL 33971
Parcel Number: 26-44-26-00-00003.0000
(Located in Lee County, Florida)

Dear Property Owner/Tenant:

An inspection of the above referenced property on 01/15/2021 revealed a violation of:

Lee County Ordinance 93-39 for allowing a nuisance accumulation.

As the property owner(s), you must correct this violation within 15 day(s) of receipt of this notice by:

repairing and properly licensing all vehicles OR removing the vehicles from the property AND removing and properly disposing of other nuisance accumulation, OR the County will enter onto the property and abate the violation by removing the nuisance accumulation at the expense of the property owner named above.

If the violation is not corrected within the time frame specified above -

- You may be issued a citation to appear in County Court, **OR**
- You may be scheduled to appear at a hearing before a Hearing Examiner and subject to a **fine of up to \$250.00 for each day** the violation continues, plus prosecution costs.

When you have corrected the violation, arrange for an inspection by calling the Code Enforcement Officer at the number indicated below. To avoid the hearing, fines, and costs, Lee County Code Enforcement must verify the violation is corrected through an on-site inspection.

NOTE: If the violation is corrected after the deadline, but before the scheduled hearing, the case may still be presented to the Hearing Examiner for a finding that a violation did exist. Once there has been a Finding of Violation, the next time JES FAMILY LLC + LEE SUNNILAND LLC is cited for violating the same Lee County regulation it may be treated as a Repeat Violation. Repeat Violations may result in fines up to \$500.00 per day from the date the repeat violation is discovered by a code officer.

You may appeal this determination. A request for appeal must be made in writing and directed to the Lee County Code Enforcement Office at the address listed above within 10 days of the receipt of this notice. Failure to appeal in the time frame specified will result in a waiver of all rights to an administrative hearing.

Please contact Lee County Code Enforcement at 239-839-9282 or email SZarco@leegov.com with respect to any question you may have regarding this notice.

Sylvia D Zarco

PRINTED NAME of Accepting Party

Code Enforcement Officer

SIGNATURE of Accepting Party

DATE

Acceptance of this document does not constitute an admission of responsibility, but does fulfill the statutory notice requirement of Florida Statute 162.12.

I swear or affirm the above statements are true and correct to the best of my knowledge and belief and, if accepted, the person accepting the document was informed of the contents at the time of delivery.

92148901012582000541032036

Certified Mail

INSPECTOR/AFFIANT

DATE











NOTICE OF CODE VIOLATION
Nuisance Accumulation Violation



Case # VIO2021-00378 Date 01/20/2021

GFPAC SERVICES, LLC . REG. AGENT FOR
JES FAMILY LLC + LEE SUNNILAND LLC
5551 RIDGEWOOD DRIVE, SUITE 501
NAPLES, FL 34108

Re: **Code Violation: Nuisance Accumulation: excessive misc debris dumped on property includes several mattresses, paver blocks, couch, tires, buckets, cardboard boxes, piles of horticulture debris dumped on property as well**

at 3614 5TH ST W, LEHIGH ACRES, FL 33971
Parcel Number: 26-44-26-00-00003.0000
(Located in Lee County, Florida)

Dear Agent:

An inspection of the above referenced property on 01/15/2021 revealed a violation of:

Lee County Ordinance 93-39 for allowing a nuisance accumulation.

As the property owner(s), you must correct this violation within 15 day(s) of receipt of this notice by:

repairing and properly licensing all vehicles OR removing the vehicles from the property AND removing and properly disposing of other nuisance accumulation, OR the County will enter onto the property and abate the violation by removing the nuisance accumulation at the expense of the property owner named above.

If the violation is not corrected within the time frame specified above -

- You may be issued a citation to appear in County Court, **OR**
- You may be scheduled to appear at a hearing before a Hearing Examiner and subject to a **fine of up to \$250.00 for each day** the violation continues, plus prosecution costs.

When you have corrected the violation, arrange for an inspection by calling the Code Enforcement Officer at the number indicated below. To avoid the hearing, fines, and costs, Lee County Code Enforcement must verify the violation is corrected through an on-site inspection.

NOTE: If the violation is corrected after the deadline, but before the scheduled hearing, the case may still be presented to the Hearing Examiner for a finding that a violation did exist. Once there has been a Finding of Violation, the next time JES FAMILY LLC + LEE SUNNILAND LLC is cited for violating the same Lee County regulation it may be treated as a Repeat Violation. Repeat Violations may result in fines up to \$500.00 per day from the date the repeat violation is discovered by a code officer.

You may appeal this determination. A request for appeal must be made in writing and directed to the Lee County Code Enforcement Office at the address listed above within 10 days of the receipt of this notice. Failure to appeal in the time frame specified will result in a waiver of all rights to an administrative hearing.

Please contact Lee County Code Enforcement at 239-839-9282 or email SZarco@leegov.com with respect to any question you may have regarding this notice.

Sylvia D Zarco

PRINTED NAME of Accepting Party

Code Enforcement Officer

SIGNATURE of Accepting Party

DATE

Acceptance of this document does not constitute an admission of responsibility, but does fulfill the statutory notice requirement of Florida Statute 162.12.

I swear or affirm the above statements are true and correct to the best of my knowledge and belief and, if accepted, the person accepting the document was informed of the contents at the time of delivery.

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Certified Mail

INSPECTOR/AFFIANT

DATE















ATTACHMENT I

NOTICE OF CODE VIOLATION

Environmental



Case # VIO2021-06268 Date 01/19/2023

GFPAC SERVICES LLC . REG. AGENT FOR
JES FAMILY LLC +
5551 RIDGEWOOD DRIVE
SUITE 501
NAPLES, FL 34108

DEPT. OF COMMUNITY DEVELOPMENT
CODE ENFORCEMENT OFFICE
PO BOX 398
FORT MYERS, FL 33902-0398

Re: **Code Violation: Work without a Development Order and not in compliance with Zoning Resolution and MCP - land clearing without permits.**

at 3614 5TH ST W, LEHIGH ACRES, FL 33971
Parcel Number: 26-44-26-00-00003.0000
(Located in Lee County, Florida)

Dear Agent:

An inspection of the above referenced property on 08/04/2021 revealed a violation of:

Lee County Land Development Code (LDC) Sections 14-411, 34-378 (e), 34-379 and Zoning Resolution Z-06-090.

As the property owner(s) you must correct this violation within 30 days of the receipt of this notice by

Submit and obtain an amendment to the Zoning Resolution and the MCP to revise the conditions pertaining to the indigenous and gopher tortoise preserve areas, which were altered by the clearing activity. The restoration and preserve management plan must be submitted with the zoning amendment.

Plant the following on the property specified above: 215 cabbage palms (*Sabal palmetto*), 49 live oaks (*Quercus virginiana*), and 4 South Florida slash pines (*Pinus elliottii* var. *densa*). Replacement trees are computed on a 3:1 basis according to the total number of removed trees per LDC 14-384. Replacement trees must meet the standards for Florida No. 1 or better, as set out in Grades and Standards for Nursery Plants, Parts I and II, Department of Agricultural, State of Florida (as amended), nursery grown, containerized and a minimum of 6 feet in height with a minimum trunk diameter of 1 inch measured at 3 feet above the ground and a minimum canopy diameter of 2 feet at installation. Alternative tree heights can be used. The total heights and calipers must equal or exceed that specified above, such as one 12' in height with two inch caliper tree is equal to two 6' in height with one inch caliper trees.

The restoration plantings are provided in addition to any trees or shrubs otherwise required to be planted by the LDC. Trees and palms must be installed in a horticultural correct manner, including staking and mulching.

In addition, plant 9 live oaks (*Quercus virginiana*) to replace the heritage trees that were removed. The 9 replacement heritage trees are to be a minimum of 20 feet in height with a minimum 4 inch caliper and a minimum 8 foot canopy at installation.

Temporary above-ground irrigation must be installed in the restoration areas and removed no longer than one year from the date of planting.

A two-inch minimum layer, after watering-in, of pine straw mulch must be placed and maintained around all restoration trees.

Remove all vegetative debris, trash, and other debris from the site and return to natural grade.

PRIOR to replanting, submit a restoration plan as a Limited Review Development Order (LDO) showing the planted material's location, species, and planting standards from above. Replacement vegetation may not be planted on any property line, underground utility or County easement. Obtain a Certificate of Compliance (CC). A monitoring report must be submitted annually for 5 years describing the conditions of the restored area. Obtain a Certificate of Compliance (CC).

To verify the success of the restoration efforts, periodic inspections by County staff are necessary. A monitoring report must be submitted annually for 5 years describing the conditions of the restored area.

If the violation is not corrected within the time frame specified above -

- You may be issued a citation to appear in County Court, **OR**
- You may be scheduled to appear at a hearing before a Hearing Examiner and subject to a **fine of up to \$250.00 for each day** the violation continues, plus prosecution costs.

When you have corrected the violation, arrange for an inspection by calling the Code Enforcement Officer at the number indicated below. To avoid the hearing, fines, and costs, Lee County Code Enforcement must verify the violation is corrected through an on-site inspection.

NOTE: If the violation is corrected after the deadline, but before the scheduled hearing, the case may still be presented to the Hearing Examiner for a finding that a violation did exist. Once there has been a Finding of Violation, the next time JES FAMILY LLC + is cited for violating the same Lee County regulation it may be treated as a Repeat Violation. Repeat Violations may result in fines up to \$500.00 per day from the date the repeat violation is discovered by a code officer.

Please contact Lee County Code Enforcement at 239-533-8353 or email CLis@leegov.com with respect to any question you may have regarding this notice.

	Carol A Lis
PRINTED NAME of Accepting Party	Code Enforcement Officer

SIGNATURE of Accepting Party	DATE

Acceptance of this document does not constitute an admission of responsibility, but does fulfill the statutory notice requirement of Florida Statute 162.12.

I swear or affirm the above statements are true and correct to the best of my knowledge and belief and, if accepted, the person accepting the document was informed of the contents at the time of delivery.

92148901012582000541202859		
Certified Mail	INSPECTOR/AFFIANT	DATE

ATTACHMENT J

NOTICE OF CODE VIOLATION **Environmental**



Case # VIO2021-06269 **Date** 01/19/2023

GFPAC SERVICES LLC . REG. AGENT FOR
JES FAMILY LLC +
5551 RIDGEWOOD DRIVE
SUITE 501
NAPLES, FL 34108

DEPT. OF COMMUNITY DEVELOPMENT
CODE ENFORCEMENT OFFICE
PO BOX 398
FORT MYERS, FL 33902-0398

Re: Code Violation: Work without a Development Order and not in compliance with Zoning Resolution and MCP - land clearing without permits.

at 3650 5TH ST W, LEHIGH ACRES, FL 33971
Parcel Number: 26-44-26-00-00003.0010
(Located in Lee County, Florida)

Dear Agent:

An inspection of the above referenced property on 08/04/2021 revealed a violation of:

Lee County Land Development Code (LDC) Sections 14-411, 34-378 (e), 34-379 and Zoning Resolution Z-06-090.

As the property owner(s) you must correct this violation within 30 days of the receipt of this notice by

Submit and obtain an amendment to the Zoning Resolution and the MCP to revise the conditions pertaining to the indigenous and gopher tortoise preserve areas, which were altered by the clearing activity. The restoration and preserve management plan must be submitted with the zoning amendment. Plant the following on the property specified above: 383 cabbage palms (*Sabal palmetto*), 30 live oaks (*Quercus virginiana*), and 9 South Florida slash pines (*Pinus elliottii* var. *densa*). Replacement trees are computed on a 3:1 basis according to the total number of removed trees per LDC 14-384. Replacement trees must meet the standards for Florida No. 1 or better, as set out in Grades and Standards for Nursery Plants, Parts I and II, Department of Agricultural, State of Florida (as amended), nursery grown, containerized and a minimum of 6 feet in height with a minimum trunk diameter of 1 inch measured at 3 feet above the ground and a minimum canopy diameter of 2 feet at installation. Alternative tree heights can be used. The total heights and calipers must equal or exceed that specified above, such as one 12' in height with two inch caliper tree is equal to two 6' in height with one inch caliper trees.

The restoration plantings are provided in addition to any trees or shrubs otherwise required to be planted by the LDC. Trees and palms must be installed in a horticultural correct manner, including staking and mulching.

In addition, plant 12 live oaks (*Quercus virginiana*) to replace the heritage trees that were removed. The 12 replacement heritage trees are to be a minimum of 20 feet in height with a minimum 4 inch caliper and a minimum 8 foot canopy at installation.

Temporary above-ground irrigation must be installed in the restoration areas and removed no longer than one year from the date of planting.

A two-inch minimum layer, after watering-in, of pine straw mulch must be placed and maintained around all restoration trees.

Remove all vegetative debris, trash and other debris from the site and return to natural grade.

PRIOR to replanting, submit a restoration plan as a Limited Review Development Order (LDO) showing the planted material's location, species, and planting standards from above. Replacement vegetation may not be planted on any property line, underground utility or County easement. Obtain a Certificate of Compliance (CC). A monitoring report must be submitted annually for 5 years describing the conditions of the restored area. Obtain a Certificate of Compliance (CC).

To verify the success of the restoration efforts, periodic inspections by County staff are necessary. A monitoring report must be submitted annually for 5 years describing the conditions of the restored area.

If the violation is not corrected within the time frame specified above -

- You may be issued a citation to appear in County Court, **OR**
- You may be scheduled to appear at a hearing before a Hearing Examiner and subject to a fine of up to **\$250.00 for each day** the violation continues, plus prosecution costs.

When you have corrected the violation, arrange for an inspection by calling the Code Enforcement Officer at the number indicated below. To avoid the hearing, fines, and costs, Lee County Code Enforcement must verify the violation is corrected through an on-site inspection.

NOTE: If the violation is corrected after the deadline, but before the scheduled hearing, the case may still be presented to the Hearing Examiner for a finding that a violation did exist. Once there has been a Finding of Violation, the next time JES FAMILY LLC + is cited for violating the same Lee County regulation it may be treated as a Repeat Violation. Repeat Violations may result in fines up to \$500.00 per day from the date the repeat violation is discovered by a code officer.

Please contact Lee County Code Enforcement at 239-533-8353 or email CLis@leegov.com with respect to any question you may have regarding this notice.

PRINTED NAME of Accepting Party

Carol A Lis
Code Enforcement Officer

SIGNATURE of Accepting Party DATE

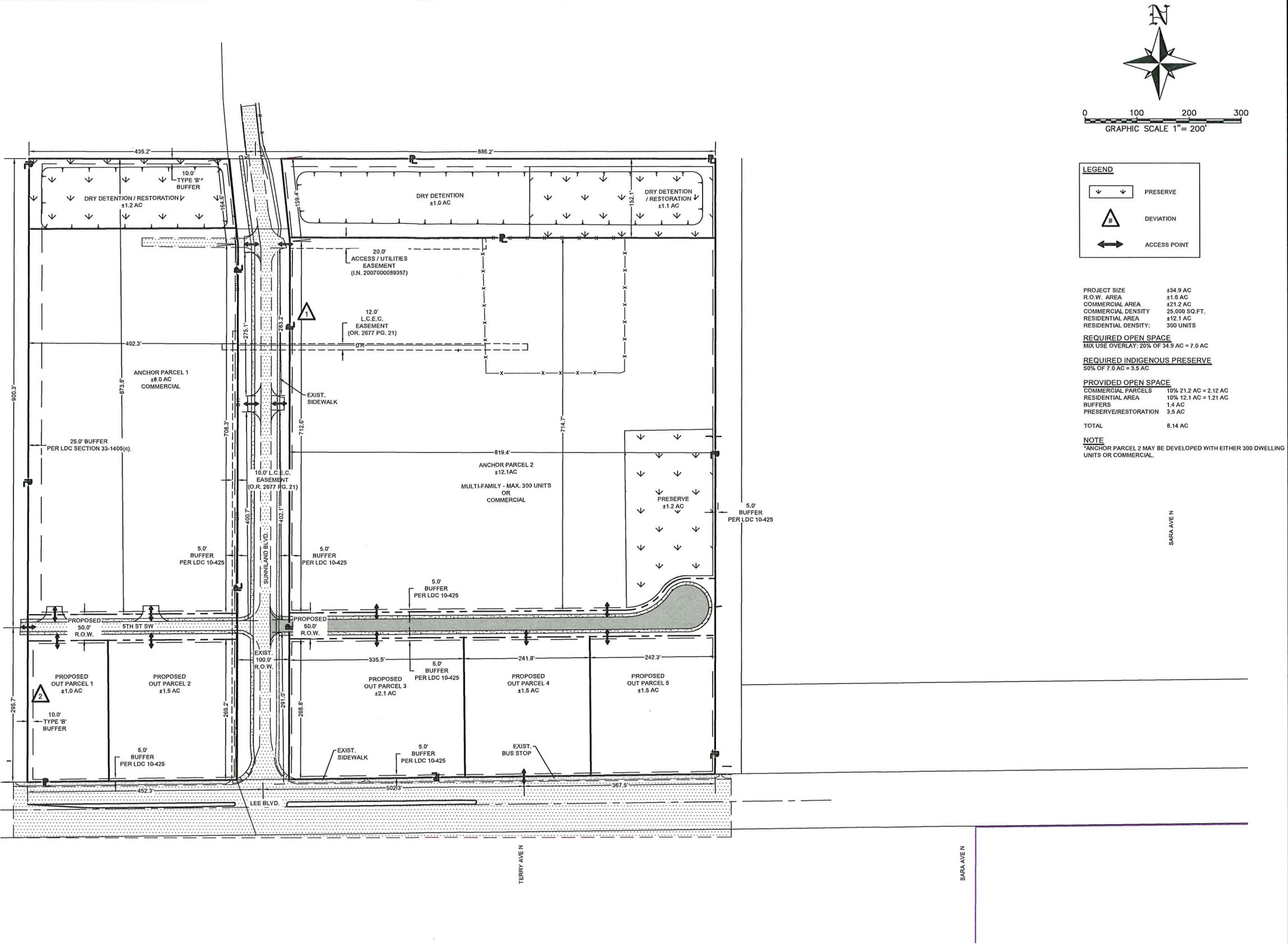
Acceptance of this document does not constitute an admission of responsibility, but does fulfill the statutory notice requirement of Florida Statute 162.12.

I swear or affirm the above statements are true and correct to the best of my knowledge and belief and, if accepted, the person accepting the document was informed of the contents at the time of delivery.

92148901012582000541202866

Certified Mail

INSPECTOR/AFFIANT DATE



PREPARED FOR:
WMG DEVELOPMENT
1200 NETWORK CENTRE DRIVE, SUITE 3
EFFINGHAM, IL 62401

NO.	DATE	REVISION DESCRIPTION	KG BY
01	5-5-2023	REVISED PER COUNTY COMMENTS	KG

BANKS
ENGINEERING

Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida

10511 SIX MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33966
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

MASTER CONCEPT PLAN SUNNILAND LEE COUNTY, FLORIDA							SCALE	SHEET
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED		AS SHOWN	01
1/6/2023	8844	_MCP		KG				

ATTACHMENT L



FGUA Operations Office

Government Services Group, Inc.
280 Wekiva Springs Rd., Ste 2070
Longwood, FL 32779-6026

(877) 552-3482 Toll Free
(407) 629-6900 Tel
(407) 629-6963 Fax

September 26, 2022

D. Brent Addison
Banks Engineering
10511 Six Mile Cypress Pkwy
Fort Myers, FL 33966
BAddison@bankseng.com

RE: Potable Water, Wastewater, and/or Reclaim Water Availability – LOA ID#: 22-106 LED
Parcel ID No.: 26-44-26-00-00003.0000 & 26-44-26-00-00003.0010
3614 & 3650 5th St W, Lehigh Acres, FL 33907
Sunniland MPD

Dear Mr. Addison:

The FGUA has received your Application for Service Availability, and upon review, it has been determined that potable water and wastewater disposal service is generally available to the address provided. The attached site map indicates the approximate size and location of the existing mains in the area. Please be advised that main extensions, connection to the reclaimed water system, and other system enhancements funded by the project sponsor may be required.

The application indicated that the proposed project consists of 168 residential units and 48,848 SF of commercial and outparcels with an estimated potable water usage demand of 48,995 GPD and 48,995 GPD of wastewater disposal. Currently, FGUA facilities are able to accommodate these demands. However, due to water supply limitations, projects in the Lehigh Acres Service Area will be supplied on a first come, first served basis, which will be determined once the required impact fees have been paid. Additionally, during the design process, if existing conditions warrant, a hydraulic analysis may need to be performed by the project engineer to evaluate the impacts the proposed project may have on the existing water and wastewater systems.

This letter should not be construed as a commitment to serve, but only as a statement of the availability of service and is effective for twelve (12) months from the date of issue. The FGUA commitment to serve will be made once a Utility Infrastructure Conveyance and Service Agreement (CSA) is fully executed. To move this project forward, contact Development Services via email at devservices@fgua.com to receive a plan submittal package and schedule the pre-application meeting if required.

FGUA Board of Directors

PAM KEYES, P.E. Chair, Lee County / KEN CHEEK, P.E. Vice Chair, Citrus County / SHANE PARKER, P.E., Hendry County / TAMARA RICHARDSON, P.E., Polk County / MICHAEL CARBALLA, P.E., BCEE, Pasco County / JODY KIRKMAN, P.E., Marion County / HEIDI PETITO, Flagler County

Sincerely,

FLORIDA GOVERNMENTAL UTILITY AUTHORITY

Douglas W. Black, PSM, PLS
Property & Development Manager

CC: Mike Currier, South Region Area Manager

Encl.

1. Pre-Application Meeting Information
2. Utility Locates
3. Fee Statement/Receipt



Development Services Division

Pre-Application Meeting Information

Purpose:

The pre-application meeting is designed to be an informative discussion, specifically geared toward assisting the applicant (owner/developer/engineer) understand the FGUA's policies and development process. The pre-application meeting may be required prior to the formal submission and review of any utility construction plans by the Development Division.

It is our goal to assist you through the FGUA development process as smoothly as possible, and for your development to be a success. This pre-application meeting, if required, will provide you with the details you need to make this a successful and stress-free process.

What to Expect:

If the meeting is required, you will be provided with a variety of both general and specific information regarding the FGUA's development process. This will include, but not be limited to staff contact information, plan review guidelines, current fees, conveyance, and closeout procedures.

Who Should Attend:

It is encouraged that a representative from the property owner, developer, and engineer, at a minimum, attend this meeting. Representatives of the FGUA's Development Division, including the Development Technician, Development Coordinator, Real Property Coordinator and utility system Area Manager will also be in attendance as required.

In an effort to accommodate the potential long-distance commute between the FGUA's Operations Office in Longwood, Florida and the FGUA system areas, these meetings will take place via Microsoft Teams.

Meeting Requests:

Please e-mail Development Services to request a meeting at devservices@fgua.com.

Please have your FGUA Letter of Availability (LOA) Number (included on the first page of your previously issued Letter of Availability) ready when you email to schedule this meeting.

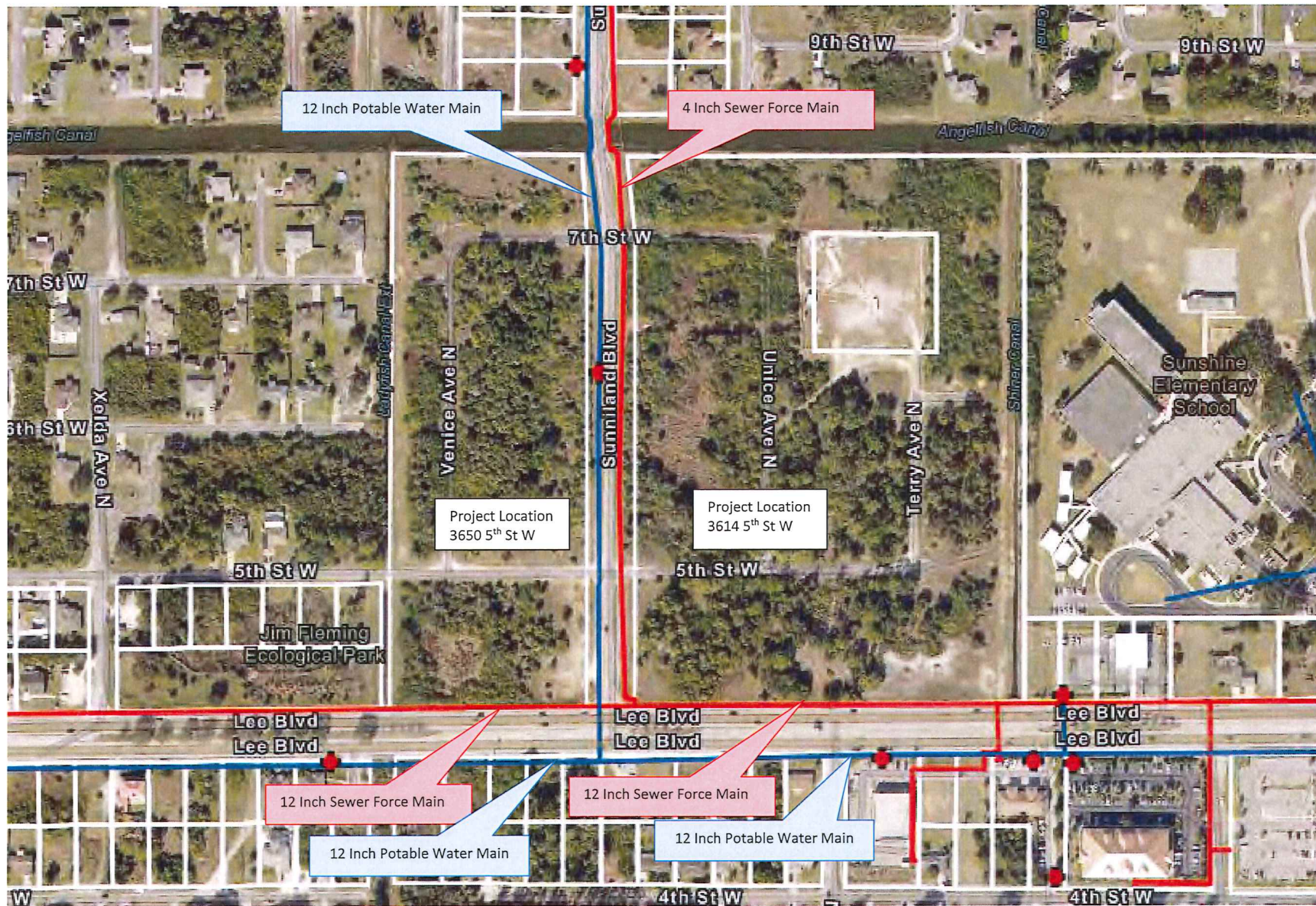
You will also be required to provide a preliminary site utility plan for staff review before the meeting is scheduled.

9/8/2022

Project Name: Sunniland MPD

STRAP/PID #: 26-44-26-00-00003.0000 & 26-44-26-00-00003.0010

Property Address: 3614 & 3650 5th St W, Lehigh Acres, FL 33907



ALL UTILITY LOCATIONS SHOWN HERE ARE APPROXIMATE. THE DEVELOPER IS SOLELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS VIA POTHOLING OR OTHER ACCEPTABLE MEANS.

ATTACHMENT M

Site Development Regulations

Minimum Lot Width:	200 feet
Minimum Lot Depth:	200 feet
Minimum Lot Area:	2.5 acres
Outparcels:	
Minimum Lot Width	100 feet
Minimum Lot Depth	100 feet
Minimum Lot Area	10,000 square feet
Maximum Lot Coverage:	45 percent
Maximum Building Height	45 feet or two stories
Minimum Building Separation	20 feet
Setbacks:	
Development Perimeter	25 feet
Street:	25 feet
Side:	20 feet
Rear:	20 feet
Waterbody	25 feet

ATTACHMENT N

Schedule of Uses

~~Parcel 1 (West of Sunniland Boulevard)~~

~~Accessory Uses and Structures
Administrative Offices
ATM
Banks and Financial Institutions, Groups I & II
Broadcast Studio, commercial radio and television
Business Services, Group I
Computer and Data Processing Services
Consumption on Premises (COP)
Convenience Food and Beverage, up to 24 fuel pumps
Drive-thru for any permitted use
Drugstore, Pharmacy
Essential Services
Excavation, water retention
Fences, walls
Food Stores: Groups I & II
Insurance Companies
Medical Office
Package Store—limited to 2 for the entire CPD
Parcel and Express Services
Post Office
Real Estate Sale Office
Restaurants: Groups I, II & III
Restaurants, fast food
Signs in accordance with Chapter 30~~

~~Parcel 2 (East of Sunniland Boulevard)~~

~~Accessory Uses and structures
Administrative Offices
Animal Clinic or kennel
ATM
Auto Parts Store
Automobile Repair and Service, Group 1
Automobile Service Station
Banks and Financial Institutions: Groups I & II
Bait and Tackle Shop
Bar or Cocktail Lounge
Boat Parts Store
Broadcast Studio, commercial radio and television
Business Services: Groups I & II
Car Wash
Cleaning and Maintenance Services (no repairs)
Clothing Stores
Clubs: commercial, fraternal & private
Computer and Data Processing Services
Consumption on Premises (COP) (Outdoor seating limited to the outparcels
along Lee Boulevard)~~

Contractors and builders, Groups I and II

Convenience Food and Beverage, up to 24 fuel pumps

Cultural Facilities

Day Care Center, child or adult

Department Store

Drive-thru for any permitted use

Drugstore, Pharmacy

Dwelling units, Multi-family (Parcel 2 only)

EMS, Fire or Sheriff's station

Entrance Gates and Gatehouse (Parcel 2 only)

Essential Services

Excavation, water retention

Fences, walls

Food Stores: Groups I & II

Funeral Home -no cremation

~~Gas & Oil Extraction—existing well only~~

Gift and Souvenir Shop

Hardware Store

Healthcare Facilities, Groups I-IV

Hobby, Toy and Game Shops

Home Occupation

Household and Office Furnishings, Groups I, II & III

Insurance Companies

Laundromat

Laundry or Dry Cleaning Services, Group I

Lawn and Garden Supply Stores

Library

Medical Office

Motion Picture Production Facility

Nightclubs

Non-store retailers

~~Parcel and Express Services~~

Package Store - limited to 42 for the entire CPD

Paint, Glass and Wallpaper

Parking Lot, Accessory

Personal Services: Groups I, II & III

Pet Services

Pet Shop

Pharmacy

Place of Worship

Printing and Publishing

Private Recreation, on-site (for Parcel 2 only, in conjunction with multi-family use)

Post Office

Real Estate Sale Office

Recreational Facilities, Commercial, Group I

Religious Facilities

Rental and Leasing Facilities: Groups I & II

Repair Shops: Groups I & II

Research and Development Laboratories, Group II

Restaurants: Groups I, II & III

Restaurants, fast food
Schools, Commercial, non-commercial
Signs in accordance with Chapter 30
Social Services, Group I
Specialty Retail: Groups I, II, III & IV
Storage, Indoor
Theater, Indoor
Transportation Services, Group II
Used Merchandise Stores, Group I
Variety Store
Vehicle and Equipment Dealers, Group II
Warehouse, Mini

ATTACHMENT O



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

December 12, 2022

John Fisher, Manager
Lee Sunniland LLC and JES Family LLC
10970 S Cleveland Ave, Ste 303
Fort Myers, FL 33907

**Subject: 3614 5th St W, Lehigh Acres
Closure of Enforcement Case
Enforcement Case No. 20022
Associated Numbers : 26442600000030000 & 26442600000030020
Lee County**

Dear Mr. Fisher:

This letter is to inform you that the above referenced enforcement case is hereby closed. Based on a recent inspection by South Florida Water Management District staff, the debris that was located in the wetland has been removed and the impacted vegetation has regenerated, which resolves the enclosed Investigative Notice.

If you have any questions or require additional assistance, please contact Natalie Cole at (561) 682-6033 or via email at ncole@sfwmd.gov.

Sincerely,

A handwritten signature in blue ink that reads "Natalie Cole". The signature is written in a cursive, flowing style.

Natalie Cole
Section Leader

eEnclosures: Investigative Notice ([20022_InvestigativeNtc_20211108.pdf](#))

c: Jim Weisbecker (E-Mail)
Paul Owen, W Dexter Bender and Associates Inc (E-Mail)

This document is filed in the eEnforcement system under Enforcement Case Number 20022

From: [Bill Morris](#)
To: [Leatherman, Jessica](#)
Cc: [Michael Ekblad](#); [Charles C. Whittington](#); [Matt M. Lincoln](#); [Sulzer, Jessica](#); [Kleinmann, Ohdet H](#); [Lis, Carol](#); [Henderson, Abby](#); [Rodriguez, Anthony](#); [Halverson, David](#)
Subject: [EXTERNAL] RE: Sunniland Parcels - LDO2022-00621
Date: Friday, December 23, 2022 3:10:27 PM
Attachments: [image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)
[image014.png](#)
[image015.png](#)
[image018.png](#)
[image020.png](#)
[a74c988c-3d7c-4e12-acc0-7310aef7450a.png](#)

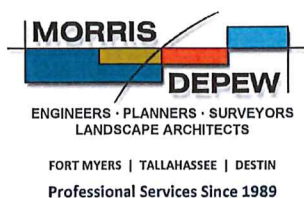
Jessica -

We were surprised by your response below in that we have not waived from our intent to follow through on the good faith commitment to submit either the LDO or Rezoning application by the end of the year. We felt communicating with you and Staff to make sure that the application served the intended purpose noting that the intended purpose appears to have changed somewhat since the pre-application meeting where this course of action was agreed upon.

Having said that we have submitted the LDO to address wetland impacts per the pre-application meeting as LDO2022-00621 for your review.

Please let us know if there is anything else you need from us at this time.

Thanks!



Bill Morris, PE, LEED® AP
President

2914 Cleveland Avenue
Fort Myers, FL 33901
(239) 337-3993 telephone
(239) 849-5238 mobile
(866) 337-7341 toll free



From: Leatherman, Jessica <jleatherman@leegov.com>

Sent: Wednesday, December 21, 2022 3:10 PM

To: Matt M. Lincoln <mmlincoln@m-da.com>; Michael Ekblad <mekblad@m-da.com>

Cc: Kleinmann, Ohdet H <OKleinmann@leegov.com>; Sulzer, Jessica <JSulzer@leegov.com>; Workman, Elizabeth <EWorkman@leegov.com>; Lis, Carol <CLis@leegov.com>; Henderson, Abby <AHenderson@leegov.com>; Rodriguez, Anthony <ARodriguez4@leegov.com>; Halverson, David <DHalverson@leegov.com>

Subject: RE: Sunniland Parcels -

Matt,

Thank you for the update regarding the District's position. Unfortunately, this does not impact Code Enforcement's position regarding the violation that will need to be resolved. Below, I have provided the aerial photography over the years of this property to help clarify the scope of the vegetative clearing:

2021 Aerial:



2022 Aerial:



Lee County Code Enforcement staff calculated the following impacts to each property:

- Regarding 3614 5th St W, there were 215 cabbage palms, 49 oaks (3 of which qualified as heritage trees), and 4 slash pines removed without a permit.
- Regarding 3650 5th St W, there were 383 cabbage palms, 30 oaks (4 of which qualified as heritage trees), and 9 slash pines removed without a permit.

Furthermore, the properties are no longer in compliance with the underlying master concept plan and indigenous conditions as approved pursuant to Zoning Resolution Z-06-090.

As all parties are aware, code violation records were opened for each parcel; however, certified notices of said violations were not sent as our Department continued to monitor

the potential sale of the property. These violation cases were initially identified in October of 2021 and there has yet to be any application submitted for staff to provide formal review comments; therefore, please consider this response as notice that Certified Notices of Violation will be forthcoming in the first week of January. Any discussions regarding the sale of the property will have no impact to the underlying violations. The notices of violation will formally cite the clearing without permit(s) and the inconsistency with the master concept plan. Any of the previous courtesy comments from Code Enforcement staff are considered null and void.

Pursuant to Chapter 14, a restoration plan will be required to replant these trees at a calculation of three to one. The notices of violation will contain the specific required number of plantings. It is my recommendation that the design team contemplate locations for the restoration which promote survivability, as well as a general concept that may benefit any future potential development plans.

Please let me know if you have any further questions related to the violations.

Thank you,



Jessica Leatherman | Code Enforcement / Contractor Licensing Chief

Department of Community Development

1500 Monroe St, Fort Myers, FL 33901

office: (239) 533-8878

cell: (239) 839-2332

email: jleatherman@leegov.com

web: www.leegov.com/dcd

Connect With Us On Social Media



Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

From: Matt M. Lincolnhol <mllincolnhol@m-da.com>

Sent: Tuesday, December 20, 2022 9:31 AM

To: Leatherman, Jessica <jleatherman@leegov.com>

Cc: Kleinmann, Ohdet H <OKleinmann@leegov.com>; Sulzer, Jessica <JSulzer@leegov.com>; Workman, Elizabeth <EWorkman@leegov.com>; Lis, Carol <CLis@leegov.com>

Subject: [EXTERNAL] Sunniland Parcels -

Good Morning Jessica,

I am following up regarding the Sunniland Parcels that were discussed in the November 18th Pre-Application Meeting. There were two items discussed during that meeting that needed to be addressed from Lee County, one being removing debris from the wetlands to satisfy the Water Management District in which we would submit an LDO to perform the work and second is the restoration vegetation that was being handled with the coming zoning submittal from another consultant. After that meeting, we were preparing to submit an LDO which was determined to be the sufficient level of application by Jessica Sulzer and Ohdet Kleinmann to perform work to clear the debris piles located inside the wetlands. During this process we received the attached closing correspondence from the water management district that the enforcement case was closed after a recent inspection done by SFWMD in which they determined that the wetland had regenerated. To our knowledge no work was performed without a permit to remove debris and the SFWMD did this inspection on their own accord and deemed it sufficient. To that end now that there is no longer a violation of the wetlands from the water management district is there anything code enforcement wants to see to close the wetland portion of this case?

I am available for a phone call if you need further information.

Thank you,

Matt Lincolnhol





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

TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

TRAFFIC IMPACT STATEMENT

FOR

SUNNILAND CPD LEHIGH ACRES

(PROJECT NO. F2301.04)

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

REVISED:
January 4, 2024

CONTENTS

- I. INTRODUCTION
- II. EXISTING CONDITIONS
- III. PROPOSED DEVELOPMENT
- IV. TRIP GENERATION
- V. TRIP DISTRIBUTION
- VI. FUTURE TRAFFIC CONDITIONS
- VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS
- VIII. CONCLUSION

I. INTRODUCTION

TR Transportation Consultants, Inc. has conducted a traffic impact statement to fulfill requirements set forth by the Lee County Department of Community Development for projects seeking rezoning approval. The proposed development is located on the north side of Lee Boulevard on both the east and west side of Sunniland Boulevard just over ½ mile west of Sunshine Boulevard in the Lehigh Acres area of Lee County, Florida. The approximate location of the subject site is illustrated on **Figure 1**.

The subject site is currently zoned CPD and is governed by Zoning Resolution Z-06-090, which approved up to 232,000 square feet of commercial retail and office uses on the approximately 33.3 acres site in 2007. The site is currently vacant today and has an operational oil well located on the eastern parcel that is not part of this zoning application. The subject site is in the Mixed Use Overlay and Central Urban Future Land Use category in the Lee County Comprehensive Plan. The applicant is requesting to rezone the subject site to allow approval of two Master Concept Plans. The first Master Concept Plan would permit the development of up to 265,000 square feet of commercial floor area and 100,000 square feet of self-storage use and the second Master Concept Plan would permit the development of a combination of 100,000 square feet of commercial floor area, 100,000 square feet of self-storage uses and up to 300 multi-family residential dwelling units. Access to the site will be provided from Sunniland Boulevard and from 5th Street SW, which bisects the western parcel and will be extended into the eastern parcel as a “reverse frontage road” to serve future commercial outparcels fronting Lee Boulevard. No direct access to Lee Boulevard is proposed at this time from this CPD.

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

F2301.04/UPDATE SEPT 2023



II. EXISTING CONDITIONS

The subject site is currently vacant. Lee Boulevard borders the subject site to the south, a canal borders the site to the north, a canal and Sunshine Elementary School border the site to the east and residential uses border the site to the west.

Lee Boulevard (CR 884) is an east/west six lane divided arterial that borders the site to the south. The intersection of Lee Boulevard with Sunniland Boulevard is currently unsignalized. Lee Boulevard has a posted speed limit of 45 mph and is under the jurisdiction of the Lee County Department of Transportation.

Sunniland Boulevard is a north/south two lane Collector roadway that extends north from Lee Boulevard to the Buckingham Airfield. Sunniland Boulevard has a posted speed limit of 35 mph and is under the jurisdiction of the Lee County Department of Transportation.

5th Street SW is an east/west Local roadway that extends west from Sunniland Boulevard through the western portion of the parcel. 5th Street SW has no posted speed limit and within the boundaries of the PUD is under private maintenance.

III. PROPOSED DEVELOPMENT

The proposed rezoning is requesting two Master Concept Plans. One plan would permit the site to be developed with commercial and retail uses with up to 265,000 square feet and up to 100,000 square feet of self-storage use. The second Master Concept Plan would be a Mixed Use plan that would permit up to 100,000 square feet of commercial uses, 100,000 square feet of self-storage use and up to 300 multi-family residential dwelling units on the parcel east of Sunniland Boulevard. **Table 1** summarizes the land uses utilized for the purposes of this analysis.

Table 1
Land Uses
Sunniland CPD

Land Use	MCP #1	MCP #2
Retail	265,000 square feet	100,000 square feet
Self-Storage	100,000 square feet	100,000 square feet
Multi-Family	0	300 Units

As currently proposed, the site will have access to Sunniland Boulevard via two site access connections, as well to 5th Street W. and via and extension of 5th Street W. to the east of Sunniland Boulevard.

IV. TRIP GENERATION

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled *Trip Generation Manual*, 11th Edition. Land Use Code 820 (Shopping Center >150k) was utilized for the commercial uses since this takes into account the integrated commercial uses on the site. Land Use Code 151 (Mini-Warehouse) was used for the Self-Storage use. Even though the Schedule of Uses may have individual commercial uses that may generate higher peak hour trips than some other uses, such as gas stations/convenience stores, fast food with drive-through, utilizing the shopping center land use code takes into account the integration of uses with common access and parking that typically occurs within a cohesive commercial retail development and is recommended for use to develop trip generation estimates by ITE. A trip generation comparison is contained in the Appendix of this report that compares the two proposed Master Concept Plans identified in Table 1. Once trip reductions are accounted for based on pass-by, the Master Concept Plan option with the retail and self-storage uses generates the greatest amount of trips on the adjacent roadway system and was the option utilized for the remainder of this analysis to evaluate the impacts on the adjacent roadway network and intersections. The trip generation equations utilized from these land uses are attached to the Appendix for reference. **Table**

2 outlines the anticipated weekday A.M. and P.M. peak hour and daily trip generation of the Sunniland CPD as currently proposed.

Table 2
Trip Generation – Total Trips
Sunniland CPD

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Retail (265,000 Sq. Ft.)	180	110	290	546	592	1,138	12,783
Self-Storage (100,000 Sq. Ft.)	5	4	9	7	8	15	145
Total	185	114	299	553	600	1,153	12,928

The trips shown for the uses in Table 2 will not all be new trips to the adjacent roadway system. For shopping centers, Lee County only permits a maximum reduction in trips due to “pass-by” of thirty percent (30%). Therefore, thirty percent (30%) pass-by reduction was utilized for the proposed retail uses. **Table 3** summarizes the “pass-by” percentage of the proposed uses. **Table 4** summarizes the development traffic and the breakdown between the new trips the development is anticipated to generate and the “pass-by” trips the development is anticipated to attract. It should be noted that the driveway volumes are not reduced as a result of the “pass-by” reduction, only the traffic added to the surrounding streets and intersections.

Table 3
Pass-by Trip Reduction Factors
Sunniland CPD

Land Use	Percentage Trip Reduction
Shopping Center (LUC 820)	30% A.M. / P.M. & Daily

Table 4
Trip Generation – Net New Trips
Sunniland CPD

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Total Trips	185	114	299	553	600	1,153	12,928
Less LUC 820 Pass-by	-44	-44	-88	-171	-171	-342	-3,835
Net New Trips	141	70	211	382	429	811	9,093

A comparison was also completed of the trip generation of the approved zoning based on Resolution Z-06-090. As previously stated, the zoning resolution approved up to 232,000 square feet of commercial uses on the subject site. No residential uses were approved in the Resolution. **Table 5** illustrates the trip generation based on ITE Land Use Code 820, similar to what was utilized above in Table 4 for the proposed uses. **Table 6** then reflects the number of net new trips the approved zoning could generate after the 30% pass-by trip reduction is applied.

Table 5
Trip Generation – Existing Zoning Z-06-090
Sunniland CPD

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Retail (232,000 Sq. Ft.)	168	102	270	497	537	1,034	11,921

Table 6
Trip Generation – Net New Trips – Existing Zoning Z-06-090
Sunniland CPD

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Total Trips	168	102	270	497	537	1,034	11,921
Less LUC 820 Pass-by	-40	-40	-80	-155	-155	-310	-3,576
Net New Trips	128	62	190	342	382	724	8,345

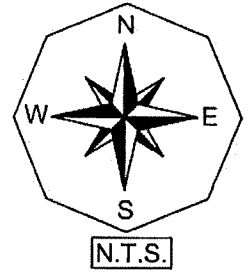
Table 7 then illustrates the increase in net new trips that could be anticipated based on the rezoning of the site going from 232,000 square feet of commercial uses to 265,000 square feet of commercial uses and 100,000 square feet of self-storage use.

Table 7
Trip Generation Comparison – Approved Zoning to Proposed CPD
Sunniland CPD

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Proposed CPD Net New Trips	141	70	211	382	429	811	9,093
Existing Center Net New Trips	-128	-62	-190	-342	-382	-724	-8,345
Difference	13	8	21	40	47	87	748

V. TRIP DISTRIBUTION

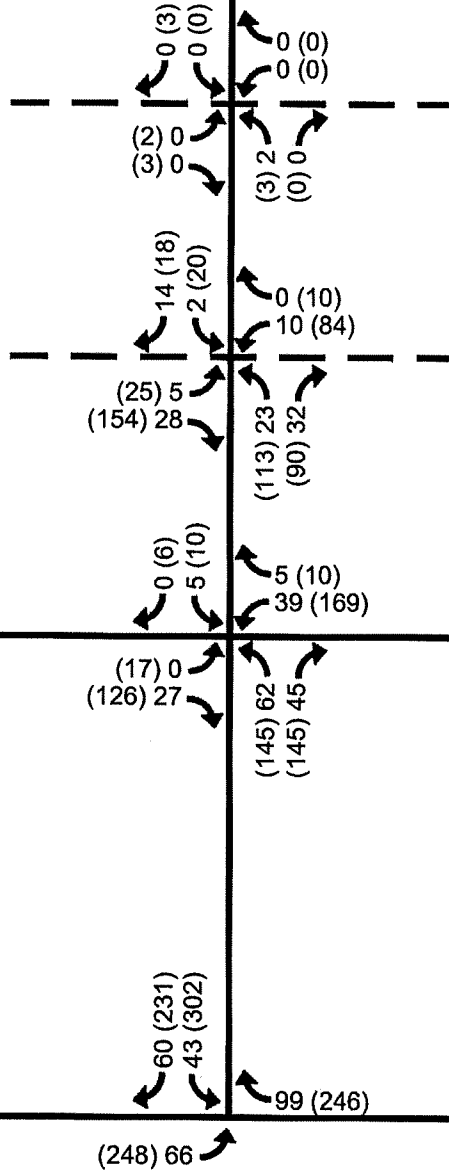
The Net New trips from Table 4 the proposed development is anticipated to generate were then assigned to the surrounding roadway network. The net new trips anticipated to be added to the surrounding roadway network were assigned based upon the routes drivers are anticipated to utilize to approach the subject site. The actual driveway volumes that were assigned to the site access drive intersections based on the development of the site were the Total Trips illustrated in Table 2. **Figure A-1**, included in the Appendix of this report, illustrates the percent project traffic distribution and assignment of the *Net New project trips* which are illustrated in Table 4. **Figure A-2**, included in the Appendix of this report, illustrates the percent project traffic distribution and assignment of *Pass-By trips*, which are also illustrated in Table 4. **Figure 2** illustrates the resulting assignment of all project related trips (Net New + Pass-By).



5TH ST W.

LEE BLVD.

SUNNILAND BLVD.



LEGEND

- ← 000 WEEKDAY AM PEAK HOUR TRAFFIC
- ← (000) WEEKDAY PM PEAK HOUR TRAFFIC

In order to determine which roadway segments surrounding the site may be significantly impacted as outlined in the Lee County Traffic Impact Statement Guidelines, **Table 1A**, in the Appendix, was created. This table indicates which roadway links will accommodate greater than 10% of the Peak Hour Level of Service “C” volumes. The Level of Service threshold volumes were obtained from the **Lee County Generalized Peak Hour Directional Service Volume Tables** (June, 2016). Based on Table 1A, there are no roadway segments in the study area that will be impacted by greater than 10% of the Level of Service “C” volumes as a result of the proposed development. A copy of the Generalized Service Volume Table is located in the Appendix of this report for reference.

VI. FUTURE TRAFFIC CONDITIONS

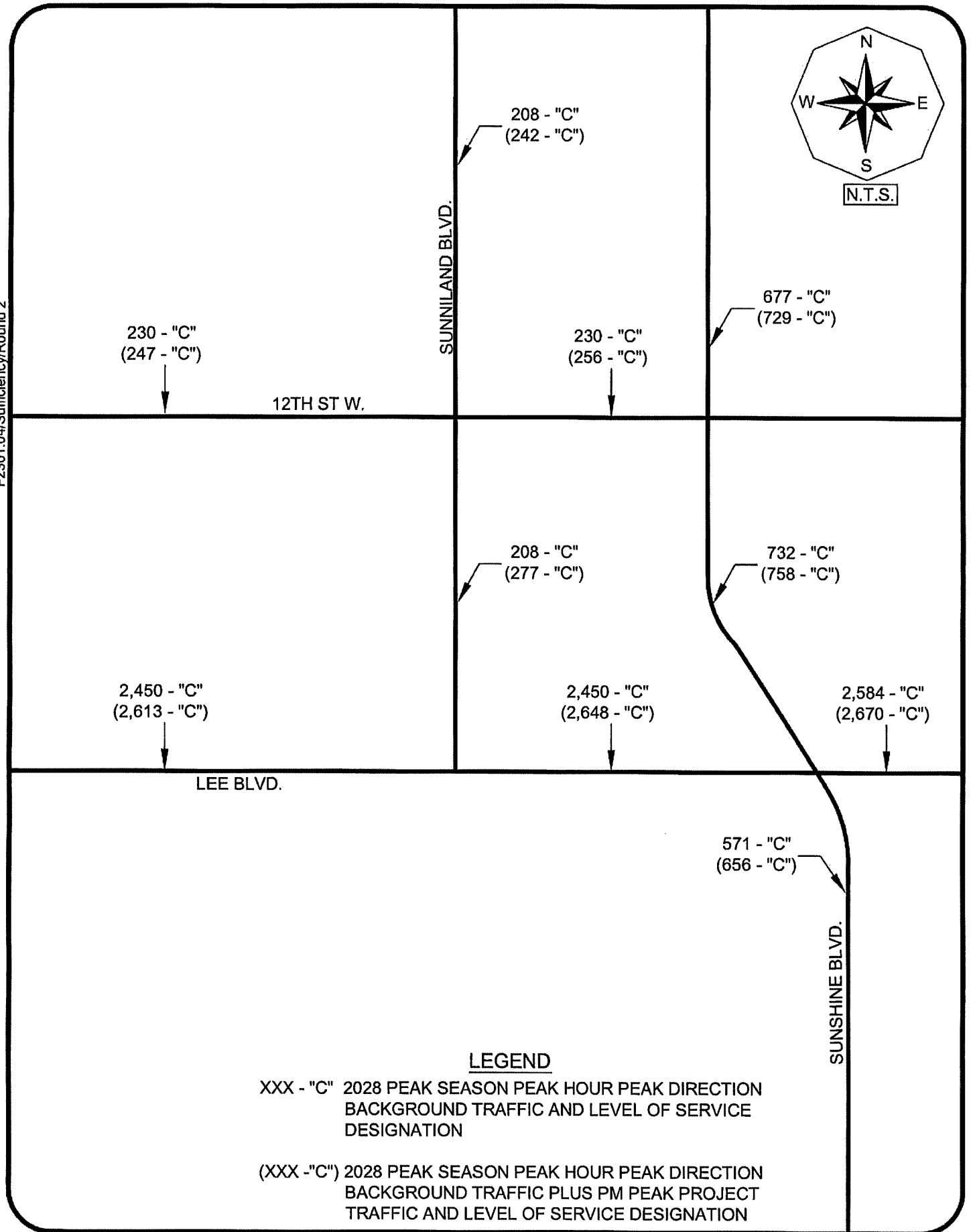
A horizon year analysis of 2028 was selected as the analysis year to evaluate the future impacts this project will have on the surrounding roadway network. Based on this horizon year, a growth rate was applied to the existing traffic conditions for all roadway links in the study area. The growth rates were obtained through comparisons of annual daily traffic count data obtained from the FDOT *Traffic Information Online* resource for 2021 traffic data in the study area. Based on the project traffic distribution illustrated on Figure A-1, the link data was analyzed for the year 2028 without the development and year 2028 with the development.

Table 2A in the Appendix of the report indicates the methodology utilized to obtain the year 2028 build-out traffic volumes as well as the growth rate utilized for each roadway segment. The base year traffic volumes were obtained from the 2022 *Lee County Public Facilities Level of Service and Concurrency Report*.

Figure 3 indicates the year 2028 peak hour – peak direction traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 3 is the peak hour – peak direction volume and Level of Service of each link should no development occur on the subject site and the peak hour – peak direction volume and Level of Service for the weekday A.M. and P.M. peak hours with the development traffic added to the roadways. This figure is derived from Table 2A contained in the Appendix.

VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

Adverse impacts are defined as a degradation of the Level of Service beyond the adopted Level of Service Thresholds for those links as indicated in Table 1A. In comparing the links' functional classification and calculated 2028 traffic volumes to the Service Volume Tables, the only roadway segment shown to operate at a poor Level of Service was Gunnery Road both north and south of Lee Boulevard. These segments of Gunnery Road were shown to operate at a poor Level of Service in 2028 **PRIOR** to adding any project trips to these roadway segments and were not caused by the trips from this project. Again, this project does not have a significant impact (adding more than 10% of Level of Service "C" service volumes) on any roadway segment in the Study Area. All other roadway segments in the Study Area were shown to operate at an acceptable Level of Service. Thus, the existing roadway network can accommodate the additional new vehicle trips the subject site is anticipated to generate.



An intersection analysis was conducted utilizing the latest version of the Highway Capacity Software (HCS) program as well as the *SYNCHRO*® analysis software to determine the operational characteristics of the site access drive intersections as well as the intersection of Lee Boulevard with Sunniland Boulevard. The analysis was based on the projected 2028 weekday AM and PM peak hour traffic conditions both with and without the project traffic. Traffic counts were conducted between hours of 7:00 to 9:00 A.M. and 4:00 to 6:00 P.M. The turning movement counts were then adjusted to reflect peak season conditions based on the Peak Season Factor as published by the Florida Department of Transportation. The existing traffic volumes were then increased by a growth rate factor to determine the projected 2028 background turning movement volumes. The volumes utilized for the intersection analysis can be found in the Appendix of this report in the *Development of Future Year Background Turning Movement Volumes* spreadsheets.

The analysis of the Lee Boulevard intersection indicates that this intersection may need to be signalized at some point in the future to accommodate the turning demand at this location. This will be determined at the Development Order stage of the project.

Based upon the results of the capacity analysis conducted at the site access drives along Sunniland Boulevard and the intersection of 5th Street W., these intersections were shown to operate at an acceptable Level of Service in 2028 with the project trips added in the weekday AM and PM peak hour conditions. Turn lanes at these intersections will be evaluated at the time the project seeks a Local Development Order application and the requirements of the Lee County Turn Lane Policy will be followed.

IX. CONCLUSION

The proposed Sunniland CPD is located on the north side of Lee Boulevard on both the east and west side of Sunniland Boulevard in Lehigh Acres area of Lee County, Florida. The CPD rezoning request will permit either a total of 265,000 square feet of commercial retail uses and 100,000 square feet of self-storage use or up to 100,000 square feet of commercial uses, 100,000 square feet of self-storage use and up to 300 multi-family dwelling units. The Level of Service analysis conducted as part of this report indicates Lee Boulevard, Sunniland Boulevard, Sunshine Boulevard and 12th Street West all operate at LOS “C” in 2028 with the project. Gunnery Road, both north and south of Lee Boulevard, was shown to operate at a poor Level of Service in 2028 before the project trips were added to the roadway. Therefore, this roadway segment is considered as a pre-existing transportation deficiency. The zoning amendment as proposed is consistent with the goals and objectives of the Lee County Comprehensive Plan and Goal 32 in that there is sufficient roadway capacity projected to accommodate the anticipated development.

Intersection analysis was conducted at the unsignalized intersection of Lee Boulevard and Sunniland Boulevard based upon the projected 2028 AM and PM peak hour traffic conditions. Based on the HCS and *SYNCHRO*® results of the capacity analysis, this intersection may need to be signalized in the future to accommodate the traffic demand from this development. This will be part of the Development Order application discussion with Lee County as the project moves forward. Intersection analysis was also conducted at the 5th Street W. intersection as well as at the two site access drive intersections proposed along Sunniland Boulevard and these intersections will operate acceptably as unsignalized intersections.

APPENDIX

TABLES 1A & 2A

**TABLE 1A
PEAK DIRECTION PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES
SUNNILAND**

Revised 1-4-2024

TOTAL AM PEAK HOUR PROJECT TRAFFIC =	211 VPH	IN=	141	OUT=	70
TOTAL PM PEAK HOUR PROJECT TRAFFIC =	811 VPH	IN=	382	OUT=	429

<u>ROADWAY</u>	<u>SEGMENT</u>	<u>ROADWAY</u> <u>CLASS</u>	<u>LOS A</u> <u>VOLUME</u>	<u>LOS B</u> <u>VOLUME</u>	<u>LOS C</u> <u>VOLUME</u>	<u>LOS D</u> <u>VOLUME</u>	<u>LOS E</u> <u>VOLUME</u>	PERCENT		
								PROJECT TRAFFIC	PROJECT TRAFFIC	PROJ/ LOS C
Lee Blvd.	W. of Gunnery Rd.	6LD	0	400	2840	2940	2940	24%	103	3.6%
	W. of Sunniland	6LD	0	400	2840	2940	2940	38%	163	5.7%
	W. of Sunshine Blvd	8LD	0	400	2840	2940	2940	46%	197	6.9%
	E. of Sunshine Blvd	6LD	0	400	2840	2940	2940	20%	86	3.0%
Sunshine Blvd.	N. of 12 St. W	2LN	0	140	800	860	860	12%	51	6.4%
	N. of Lee Blvd.	2LN	0	140	800	860	860	6%	26	3.2%
	S. of Lee Blvd.	2LN	0	140	800	860	860	20%	86	10.7%
Gunnery Rd.	N. of Lee Blvd.	2LN	0	140	800	860	860	6%	26	3.2%
	S. of Lee Blvd.	4LD	0	250	1,840	1,960	1,960	12%	51	2.8%
Sunniland Blvd.	N. of Lee Blvd.	2LN	0	0	310	660	740	16%	69	22.1%
	N. of 12th W.	2LN	0	0	310	660	740	8%	34	11.1%
12st W.	W. of Sunniland Blvd.	2LN	0	0	310	660	740	4%	17	5.5%
	E. of Sunniland Blvd.	2LN	0	0	310	660	740	6%	26	8.3%

• The Level of Service thresholds were for all roadways were obtained from the Lee County Generalized Service Volume Table.

**TABLE 2A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS
SUNNILAND**

Revised 1-4-2024

TOTAL PROJECT TRAFFIC AM =	211	VPH	IN =	141	OUT=	70
TOTAL PROJECT TRAFFIC PM =	811	VPH	IN=	382	OUT=	429

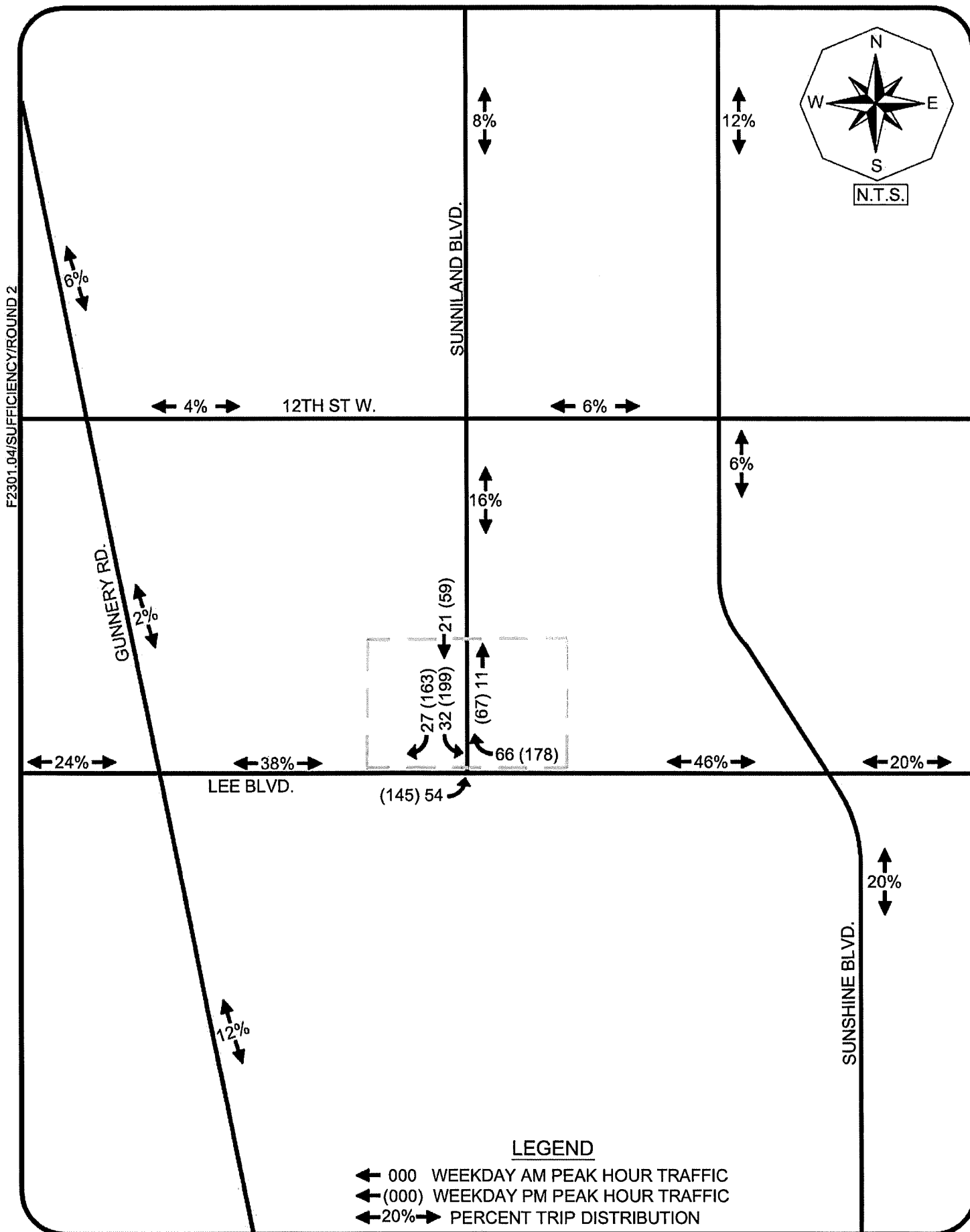
ROADWAY	SEGMENT	2021						2028				2028			2028				
		SITE/ STATION	BASE YR	LATEST	YRS OF GROWTH. ¹	ANNUAL RATE	PK HR	PK HR	PK SEASON	PERCENT V/C	PROJECT TRAFFIC	AM PROJ TRAFFIC	PM PROJ TRAFFIC	BCKGRND			BCKGRND		
							PK SEASON	PEAK DIRECTION	+ AM PROJ VOLUME					V/C	+ PM PROJ VOLUME	V/C			
							PEAK DIR. ²	VOLUME									LOS	Ratio	LOS
Lee Blvd.	W. of Gunnery Rd.	126022	33,740	39,500	7	2.28%	1,957	2,291	C	0.78	24%	34	103	2,325	C	0.79	2,394	C	0.81
	W. of Sunniland	126022	33,740	39,500	7	2.28%	2,093	2,450	C	0.83	38%	54	163	2,504	C	0.85	2,613	C	0.89
	W. of Sunshine Blvd	126022	33,740	39,500	7	2.28%	2,093	2,450	C	0.83	46%	65	197	2,515	C	0.86	2,648	C	0.90
	E. of Sunshine Blvd	120097	40,500	50,000	7	3.06%	2,093	2,584	C	0.88	20%	28	86	2,612	C	0.89	2,670	C	0.91
Sunshine Blvd.	N. of 12 St. W	120173	11,300	12,500	6	1.70%	602	677	C	0.79	12%	17	51	694	C	0.81	729	C	0.85
	N. of Lee Blvd.	120137	11,300	12,500	6	1.70%	651	732	C	0.85	6%	8	26	741	C	0.86	758	C	0.88
	S. of Lee Blvd.	124182	5,400	7,800	7	5.39%	395	571	C	0.66	20%	28	86	599	C	0.70	656	C	0.76
Gunnery Rd.	N. of Lee Blvd.	124104	12,800	16,900	7	4.05%	777	1,026	F	1.19	6%	8	26	1,034	F	1.20	1,052	F	1.22
	S. of Lee Blvd.	290	19,200	26,100	6	5.25%	1,427	2,042	F	1.04	12%	17	51	2,059	F	1.05	2,093	F	1.07
Sunniland Blvd.	N. of Lee Blvd.					1.70%	185	208	C	0.28	16%	23	69	231	C	0.31	277	C	0.37
	N. of 12th W.					1.70%	185	208	C	0.28	8%	11	34	219	C	0.30	242	C	0.33
12th St W	W. of Sunniland Blvd.	120057	63,000	90,000	8	4.56%	230	230	C	0.31	4%	6	17	236	C	0.32	247	C	0.33
	E. of Sunniland Blvd.	120057	63,000	90,000	8	4.56%	230	230	C	0.31	6%	8	26	238	C	0.32	256	C	0.35

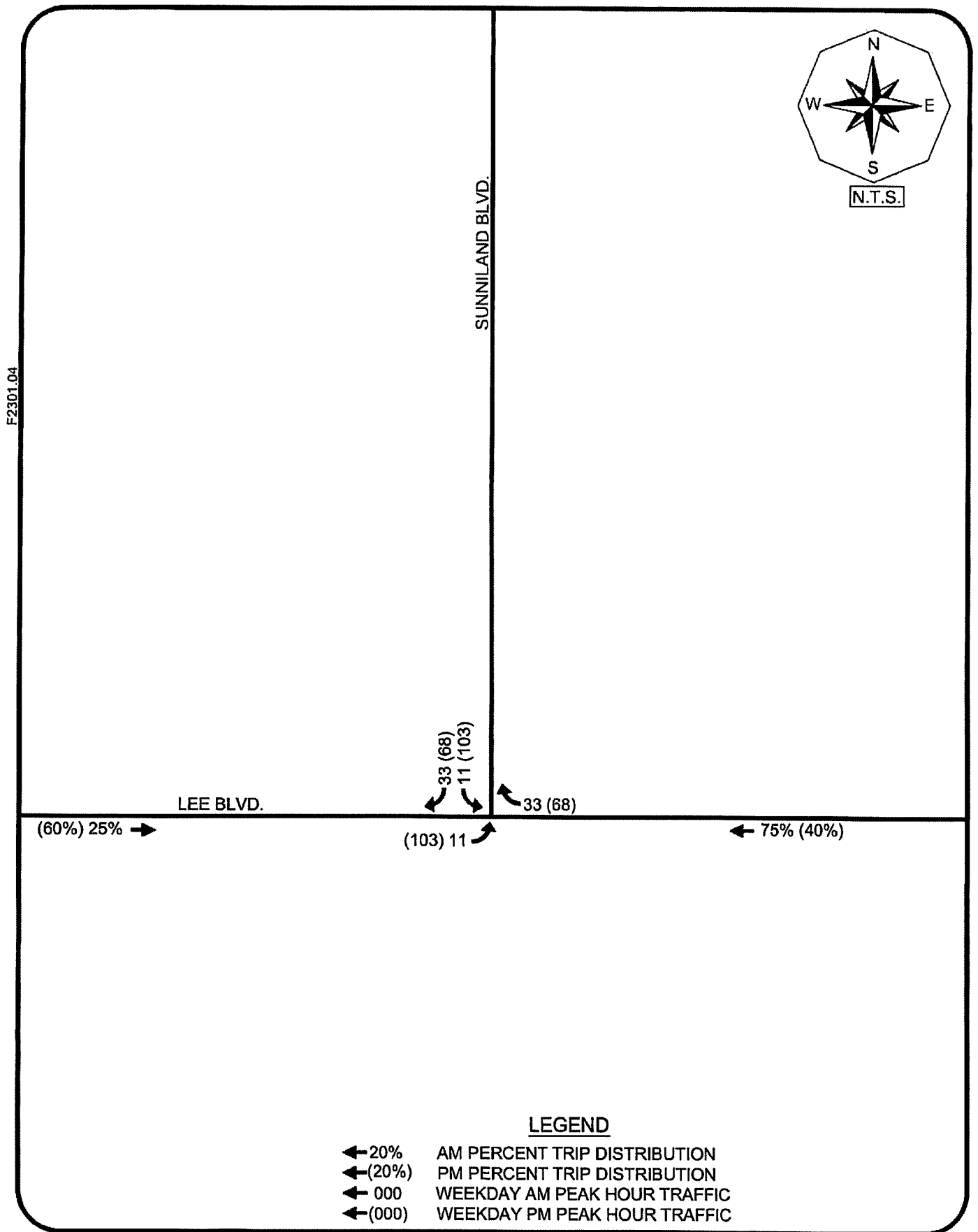
¹ Annual Growth Rate was calculated utilizing AADT data from 2021 FDOT Traffic Online & Lee County Traffic Count Reports.

² 2021 peak hour peak season peak direction traffic volumes were obtained from the 2022 Lee County Public Facilities Level of Service and Concurrency Report.

The peak hour, peak direction volume for Sunniland Blvd. was taken from turning movement count conducted by TR Transportation Consultants at Lee Blvd. on 1/18/2023

SUPPLEMENTAL FIGURES A-1 & A-2





**LEE COUNTY PUBLIC FACILITIES
LEVEL OF SERVICE AND
CONCURRENCY REPORT**

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

Table 21 b) 3 of 7

LEE COUNTY ROAD LINK VOLUMES (County- and State-Maintained Roadways)														
Link No.	NAME	ROADWAY LINK		F. Class	ROAD TYPE	PERFORMANCE STANDARD		2021 100TH HIGHEST HOUR			FUTURE FORECAST (2026)			Notes
		FROM	TO			LOS	DIRECTIONAL CAPACITY	LOS	VOL	V/C	LOS	VOL	V/C	
14450	ESTERO PKWY	THREE OAKS PKWY	BEN HILL GRIFFIN PKWY	M. Art	4LD	E	2,000	B	629	0.31	B	661	0.33	*
10200	EVERGREEN RD	US 41	BUS 41	Maj. Col	2LN	E	860	C	100	0.12	C	116	0.13	old count projection
10300	FIDDLESTICKS BLVD	GUARDHOUSE	DANIELS PKWY	Maj. Col	2LN	E	860	C	340	0.40	C	358	0.42	
10400	FOWLER ST	US 41	N AIRPORT RD	P. Art	6LD	E	2,300	D	1,308	0.57	D	1,375	0.60	
10500	FOWLER ST	N AIRPORT RD	COLONIAL BLVD	P. Art	6LD	E	2,300	D	1,565	0.68	D	1,644	0.71	
10800	GASPARILLA BLVD	FIFTH ST	COUNTY LINE	Maj. Col	2LN	E	860	C	231	0.27	C	258	0.30	Constrained*
	GATEWAY BLVD	GATEWAY LAKES BLVD	SR82	M. Art	2LN	E	860	C	505	0.59	C	531	0.62	Old Count
	GATEWAY BLVD	DANIELS PKWY	GATEWAY LAKES BLVD	M. Art	4LD	E	1,790	C	1,233	0.69	C	1,296	0.72	
10900	GLADIOLUS DR	MCGREGOR BLVD	PINE RIDGE RD	P. Art	4LD	E	1,840	C	528	0.29	C	555	0.30	
11000	GLADIOLUS DR	PINE RIDGE RD	BASS RD	P. Art	4LD	E	1,840	C	1,149	0.62	C	1,284	0.70	
11100	GLADIOLUS DR	BASS RD	WINKLER RD	P. Art	6LD	E	2,780	C	1,149	0.41	C	1,208	0.43	
11200	GLADIOLUS DR	WINKLER RD	SUMMERLIN RD	P. Art	6LD	E	2,780	B	1,149	0.41	B	1,208	0.43	
11300	GLADIOLUS DR	SUMMERLIN RD	US 41	P. Art	6LD	E	2,780	C	2,227	0.80	C	2,340	0.84	
11400	GREENBRIAR BLVD	RICHMOND AVE	JOEL BLVD	Min. Col	2LN	E	860	C	72	0.08	C	76	0.09	*
11500	GUNNERY RD	SR 82	LEE BLVD	P. Art	4LD	E	1,920	B	1,427	0.74	B	1,522	0.79	
11600	GUNNERY RD	LEE BLVD	BUCKINGHAM RD	P. Art	2LN	E	1,020	C	777	0.76	C	912	0.39	
11700	HANCOCK BRIDGE PKWY DEL PRADO BLVD	NE 24TH AVE		P. Art	4LD	E	1,880	B	1,082	0.58	B	1,138	0.61	
11800	HANCOCK BRIDGE PKWY NE 24TH AVE	ORANGE GROVE BLVD		P. Art	4LD	E	1,880	B	1,362	0.72	B	1,432	0.76	
11900	HANCOCK BRIDGE PKWY ORANGE GROVE BLVD	MOODY RD		P. Art	4LD	E	1,880	B	1,356	0.72	B	1,425	0.76	
12000	HANCOCK BRIDGE PKWY MOODY RD	US 41		P. Art	4LD	E	1,880	B	1,356	0.72	B	1,425	0.76	
12100	HART RD	SR 78	TUCKER LANE	Min. Col	2LN	E	860	C	337	0.39	C	354	0.41	*
12200	HICKORY BLVD	BONITA BEACH RD	MCLAUGHLIN BLVD	M. Art	2LN	E	890	E	554	0.62	E	582	0.65	Constrained*
12300	HICKORY BLVD	MCLAUGHLIN BLVD	MELODY LANE	M. Art	2LN	E	890	E	554	0.62	E	582	0.65	Constrained*
12400	HICKORY BLVD	MELODY LANE	ESTERO BLVD	M. Art	2LN	E	890	E	554	0.62	E	582	0.65	Constrained*
12480	HOMESTEAD RD	SR 82	MILWAUKEE BLVD	M. Art	2LN	E	1,010	D	517	0.51	E	687	0.68	*
12490	HOMESTEAD RD	MILWAUKEE BLVD	SUNRISE BLVD	M. Art	2LN	E	1,010	D	517	0.51	E	687	0.68	*
12500	HOMESTEAD RD	SUNRISE BLVD	LEELAND HEIGHTS	M. Art	4LN	E	1,960	C	517	0.26	C	687	0.35	4 lane under construction
12600	HOMESTEAD RD	LEELAND HEIGHTS	LEE BLVD	M. Art	4LN	E	1,960	D	1,249	0.64	D	1,345	0.69	
31800	I-75	BONITA BEACH RD	CORKSCREW RD	State	6LF	D	5,620	D	5,608	1.00	D	6,508	1.16	State Performance Standard is D
31900	I-75	CORKSCREW RD	ALICO RD	State	6LF	D	5,620	D	5,816	1.03	D	6,656	1.18	
32000	I-75	ALICO RD	DANIELS PKWY	State	6LF	D	6,620	D	6,038	0.91	D	6,636	1.00	State Performance Standard is D
32100	I-75	DANIELS PKWY	COLONIAL BLVD	State	6LF	D	5,620	D	5,063	0.90	D	5,849	1.04	State Performance Standard is D
32300	I-75	M.L.K.(SR 82)	LUCKETT RD	State	6LF	D	5,620	D	5,297	0.94	D	5,947	1.06	State Performance Standard is D
32400	I-75	LUCKETT RD	SR 80	State	6LF	D	6,620	C	5,063	0.76	C	5,627	0.85	
32500	I-75	SR 80	SR 78	State	6LF	D	6,620	B	3,557	0.54	B	3,993	0.60	
32600	I-75	SR 78	COUNTY LINE	State	6LF	C	4,670	B	3,241	0.69	C	3,572	0.76	
	I-75	COLONIAL BLVD	M.L.K.(SR 82)	State	6LF	D	5,620	C	4,788	0.85	D	4,936	0.88	
12700	IDLEWILD ST	METRO PKWY	RANCHETTE RD	Maj. Col	2LN	E	860	C	201	0.23	C	212	0.25	
13000	IMMOKALEE RD (SR 82)	E OF COLONIAL BLVD	GATEWAY BLVD	State	6LD	D	3,171	C	1,892	0.60	C	2,444	0.77	
13100	IMMOKALEE RD (SR 82)	GATEWAY BLVD	GUNNERY RD	State	6LD	D	3,171	C	1,362	0.43	C	1,779	0.56	
13200	IMMOKALEE RD (SR 82)	GUNNERY RD	ALABAMA RD	State	6LD	D	4,920	B	1,326	0.27	B	1,619	0.33	
13300	IMMOKALEE RD (SR 82)	ALABAMA RD	BELL BLVD	State	4LD	D	3,280	B	750	0.23	B	926	0.28	
13400	IMMOKALEE RD (SR 82)	BELL BLVD	COUNTY LINE	State	4LD	D	3,280	B	707	0.22	B	871	0.27	
13500	IMPERIAL PKWY	COLLIER COUNTY LINE	BONITA BEACH RD	P. Art	4LD	E	1,920	B	1,080	0.56	B	1,135	0.59	
13550	IMPERIAL PKWY	ETERRY ST	COCONUT RD	Controlled xs	4LD	E	1,920	B	730	0.38	B	767	0.40	
13600	IONA RD	DAVIS RD	MCGREGOR BLVD	Maj. Col	2LN	E	860	C	384	0.45	C	463	0.54	*
13700	ISLAND PARK RD	PARK RD	US 41	Maj. Col	2LN	E	860	C	79	0.09	C	210	0.24	
13800	JOEL BLVD	ALEX GRAHAM BELL BLVD	18TH ST	P. Art	4LN	E	2,120	B	614	0.29	B	824	0.39	Joel Blvd CPD

County-Maintained Collector Roadway - Unincorporated Lee County

State-Maintained Arterial Roadway - Unincorporated Lee County

County-Maintained Collector Roadway - Incorporated Lee County

County Maintained Controlled Access Arterial Facility

County-Maintained Arterial Roadway - Unincorporated Lee County

County Maintained Expressway

County-Maintained Arterial Roadway - Incorporated Lee County

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

Table 21 b) 4 of 7

LEE COUNTY ROAD LINK VOLUMES (County- and State-Maintained Roadways)														
Link No.	NAME	ROADWAY LINK		F. Class	ROAD TYPE	PERFORMANCE STANDARD		2021 100TH HIGHEST HOUR			FUTURE FORECAST (2026)			Notes
		FROM	TO			LOS	DIRECTIONAL CAPACITY	LOS	VOL	V/C	LOS	VOL	V/C	
13900	JOEL BLVD	18TH ST	SR 80	P. Art	2LN	E	1,010	C	482	0.48	D	506	0.50	
14000	JOHN MORRIS RD	BUNCHE BEACH	SUMMERLIN RD	Min. Col	2LN	E	860	C	62	0.07	C	72	0.08	old count projection
14100	JOHN MORRIS RD	SUMMERLIN RD	IONA RD	Maj. Col	2LN	E	860	C	256	0.30	C	269	0.31	*
14200	KELLY RD	MCGREGOR BLVD	SAN CARLOS BLVD	Maj. Col	2LN	E	860	C	264	0.31	C	277	0.32	
14300	KELLY RD	SAN CARLOS BLVD	PINE RIDGE RD	Maj. Col	2LN	E	860	C	106	0.12	C	120	0.14	old count projection(2010)
14500	LAUREL DR	BUS 41	BREEZE DR	Maj. Col	2LN	E	860	C	384	0.45	C	404	0.47	
14600	LEE BLVD	SR 82	ALVIN AVE	P. Art	6LD	E	2,840	B	2,084	0.73	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	763	0.89	D	819	0.95	
15300	LITTLETON RD	CORRETT RD	US 41	Maj. Col	2LN	E	860	C	528	0.61	C	555	0.65	
15400	LITTLETON RD	US 41	BUS 41	Maj. Col	2LN	E	860	C	437	0.51	C	459	0.53	
15500	LUCKETT RD	ORTIZ AVE	I-75	M. Art	2LN	E	880	B	317	0.36	B	392	0.45	4 Ln design & ROW
15600	LUCKETT RD	I-75	COUNTRY LAKES DR	Maj. Col	2LN	E	860	B	285	0.33	C	299	0.35	
15700	MAPLE DR*	SUMMERLIN RD	2ND AVE	Min. Col	2LN	E	860	C	77	0.09	C	89	0.10	old count projection
15800	MCGREGOR BLVD	SAMUEL 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 85) 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 85) IONA LOOP RD		PINE RIDGE RD	State	4LD	D	2,100	C	1,465	0.70	C	1,635	0.78	
16400	MCGREGOR BLVD (SR 86) PINE RIDGE RD		CYPRESS LAKE DR	State	4LD	D	2,100	C	1,674	0.80	C	1,873	0.89	
16500	MCGREGOR BLVD (SR 86) CYPRESS LAKE DR		COLLEGE PKWY	State	4LD	D	2,100	C	1,674	0.80	C	1,873	0.89	
16600	MCGREGOR BLVD (SR 86) COLLEGE PKWY		WINKLER RD	State	2LN	D	924	C	726	0.79	C	797	0.86	Constrained
16700	MCGREGOR BLVD (SR 86) WINKLER RD		TANGLEWOOD BLVD	State	2LN	D	970	C	1,039	1.07	C	1,143	1.18	Constrained
16800	MCGREGOR BLVD (SR 86) TANGLEWOOD BLVD		COLONIAL BLVD	State	2LN	D	970	C	1,039	1.07	C	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	0.59	
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	176	0.20	*
17700	MILWAUKEE BLVD	BELL BLVD	COLUMBUS BLVD	Min. Col	2LN	E	860	C	168	0.20	C	181	0.21	*
17800	MOODY RD	HANCOCK B. PKWY	PONDELLA RD	Min. Col	2LN	E	860	C	182	0.21	C	206	0.24	old count projection(2009)
17900	NALLE GRADE RD	SLATER RD	NALLE RD	Min. Col	2LN	E	860	C	69	0.08	C	72	0.08	
18000	NALLE RD	SR 78	NALLE GRADE RD	Min. Col	2LN	E	860	C	128	0.15	C	147	0.17	*
18100	NEAL RD	ORANGE RIVER BLVD	BUCKINGHAM RD	Min. Col	2LN	E	860	C	130	0.15	C	137	0.16	*
18200	NORTH RIVER RD	SR 31	FRANKLIN LOCK RD	M. Art	2LN	E	1,140	A	145	0.13	B	264	0.23	
18300	NORTH RIVER RD	FRANKLIN LOCK RD	BROADWAY RD	M. Art	2LN	E	1,140	A	145	0.13	B	286	0.25	
18400	NORTH RIVER RD	BROADWAY RD	COUNTY LINE	M. Art	2LN	E	1,140	A	100	0.09	A	133	0.12	
18900	OLGA RD*	SR 80 W	SR 80 E	Min. Col	2LN	E	860	C	82	0.10	C	95	0.11	old count projection
19100	ORANGE GROVE BLVD	CLUB ENTR.	HANCOCK B. PKWY	Min. Col	2LN	E	860	C	393	0.46	C	488	0.57	old count(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

State-Maintained Arterial Roadway - Unincorporated Lee County

County-Maintained Collector Roadway - Incorporated Lee County

County Maintained Controlled Access Arterial Facility

County-Maintained Arterial Roadway - Unincorporated Lee County

County Maintained Expressway

County-Maintained Arterial Roadway - Incorporated Lee County

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

Table 21 b) 7 of 7

LEE COUNTY ROAD LINK VOLUMES (County- and State-Maintained Roadways)														
Link No.	NAME	ROADWAY LINK		F. Class	ROAD TYPE	PERFORMANCE STANDARD		2021 100TH HIGHEST HOUR			FUTURE FORECAST (2026)			Notes
						LOS	DIRECTIONAL CAPACITY	LOS	VOL	V/C	LOS	VOL	V/C	
		FROM	TO											
30300	US 41 (S TAMiami TR)	BRIARCLIFF RD	SIX MILE PKWY	State	BLD	D	3,171	C	3,002	0.95	D	3,356	1.06	
30400	US 41 (S TAMiami TR)	SIX MILE PKWY	DANIELS PKWY	State	BLD	D	3,171	C	2,509	0.79	C	2,807	0.89	
27200	VETERANS MEM. PKWY	SR 78	CHIKUITA	Controlled xs	4LD	D	2,040	A	1,000	0.49	A	1,051	0.52	
27300	VETERANS MEM. PKWY	CHIKUITA	SKYLINE	Xprswy	4LD	D	2,040	A	1,195	0.59	A	1,256	0.62	
27400	VETERANS MEM. PKWY	SKYLINE	SANTA BARBARA BLVD	Xprswy	BLD	D	3,080	A	2,103	0.68	B	2,210	0.72	
27500	VETERANS MEM. PKWY	SANTA BARBARA BLVD	COUNTRY CLUB BLVD	Xprswy	BLD	D	3,080	B	2,968	0.96	D	3,119	1.01	
27600	VETERANS MEM. PKWY	COUNTRY CLUB BLVD	MIDPOINT BRDG TOLL P	Xprswy	BLD	D	3,080	B	2,772	0.90	B	2,913	0.95	
27700	VETERANS MEM. PKWY	MIDPOINT BRDG TOLL P	MCGREGOR BLVD	Xprswy	4LB	D	4,000	D	2,964	0.74	D	3,115	0.78	
29100	W. 12TH ST	GUNNERY RD	SUNSHINE BLVD	Maj. Col	2LN	E	860	C	230	0.27	C	241	0.28	
29200	W. 12TH ST	SUNSHINE BLVD	WILLIAMS AVE	Maj. Col	2LN	E	860	C	76	0.09	C	168	0.20	old count projection(2010)
29300	W. 12TH ST	WILLIAMS AVE	JOEL BLVD	Maj. Col	2LN	E	860	C	92	0.11	C	104	0.12	old count projection(2010)
29400	W. 14TH ST	SUNSHINE BLVD	RICHMOND AVE	Min. Col	2LN	E	860	C	48	0.06	C	54	0.06	old count projection(2010)
29000	W. 6TH ST	WILLIAMS AVE	JOEL BLVD	Maj. Col	2LN	E	860	C	181	0.21	C	190	0.22	
26400	W.23RD ST	GUNNERY RD	SUNSHINE BLVD	M. Art	2LN	E	860	D	763	0.89	D	802	0.93	
15200	WESTGATE BLVD	GUNNERY RD	LEE BLVD	M. Art	2LN	E	860	D	567	0.66	D	623	0.72	
27900	WHISKEY CREEK DR	COLLEGE PKWY	SAUTERN DR	Maj. Col	2LD	E	910	C	298	0.33	C	313	0.34	
28000	WHISKEY CREEK DR	SAUTERN DR	MCGREGOR BLVD	Maj. Col	2LD	E	910	C	298	0.33	C	313	0.34	
28200	WILLIAMS AVE	LEE BLVD	W. 6TH ST	Maj. Col	2LN	E	860	D	747	0.87	D	785	0.91	
28300	WINKLER RD	STOCKBRIDGE DR	SUMMERLIN RD	Maj. Col	2LN	E	860	C	461	0.54	C	537	0.62	old count(2010)
28400	WINKLER RD	SUMMERLIN RD	GLADIOLUS DR	M. Art	4LD	E	1,520	C	276	0.18	C	290	0.19	
28500	WINKLER RD	GLADIOLUS DR	BRANDYWINE CIR	M. Art	2LN	E	880	B	593	0.67	B	625	0.71	Year 2010 data
28600	WINKLER RD	BRANDYWINE CIR	CYPRESS LAKE DR	M. Art	2LN	E	880	B	418	0.48	B	439	0.50	
28700	WINKLER RD	CYPRESS LAKE DR	COLLEGE PKWY	M. Art	4LD	E	1,780	D	746	0.42	D	784	0.44	
28800	WINKLER RD	COLLEGE PKWY	MCGREGOR BLVD	M. Art	2LN	E	800	B	350	0.44	B	395	0.49	old count projection(Year 2010)
28900	WOODLAND BLVD	US 41	AUSTIN ST	Maj. Col	2LN	E	860	C	266	0.31	C	300	0.35	old count projection(2010)
* Previous Year Data														
County-Maintained Collector Roadway - Unincorporated Lee County					State-Maintained Arterial Roadway - Unincorporated Lee County									
County-Maintained Collector Roadway - Incorporated Lee County					County Maintained Controlled Access Arterial Facility									
County-Maintained Arterial Roadway - Unincorporated Lee County					County Maintained Expressway									
County-Maintained Arterial Roadway - Incorporated Lee County														

TURNING MOVEMENT COUNTS
LEE BLVD. @ SUNNILAND BLVD.

Lee Blvd @ Sunniland Blvd 1-18-23 AM

File Name: Lee Blvd @ Sunniland Blvd 1-18-23 AM

Location: Cars and Peds Site Code: Study Date: 01/18/2023

Time	Sunniland Blvd Southbound						Lee Blvd Westbound						Northbound						Lee Blvd Eastbound						Int Total
	Peds	Right	Thru	Left	U-Turn	Appr Total	Peds	Right	Thru	Left	U-Turn	Appr Total	Peds	Right	Thru	Left	U-Turn	Appr Total	Peds	Right	Thru	Left	U-Turn	Appr Total	
07:00		29	0	3	0	32		18	408	0	0	426						0		0	238	5	0	243	701
07:15		26	0	7	0	33		11	441	0	0	452						0		0	226	10	1	237	722
07:30		12	0	3	0	15		15	485	0	0	500						0		0	244	13	0	257	772
07:45		19	0	9	0	28		12	419	0	1	432						0		0	295	13	0	308	768
Total	0	86	0	22	0	108	0	56	1753	0	1	1810	0	0	0	0	0	0	0	0	1003	41	1	1045	2963
08:00		25	0	8	0	33		8	437	0	1	446						0		0	259	16	0	275	754
08:15		15	0	9	0	24		12	398	0	0	410						0		0	312	36	0	348	782
08:30		34	0	4	0	38		15	434	0	0	449						0		0	272	19	0	291	778
08:45		36	0	7	0	43		18	384	0	0	402						0		0	268	20	0	288	733
Total	0	110	0	28	0	138	0	53	1653	0	1	1707	0	0	0	0	0	0	0	0	1111	91	0	1202	3047
Grand Total	0	196	0	50	0	246	0	109	3406	0	2	3517	0	0	0	0	0	0	0	0	2114	132	1	2247	6010
Appr %		79.7	0	20.3	0			3.1	96.8	0	0.1			-2	-2	-2	-2			0	94.1	5.9	0		
Total %		3.3	0	0.8	0			1.8	56.7	0	0			0	0	0	0			0	35.2	2.2	0		
AM Pk Hr		07:45	07:45	07:45	07:45	07:45		07:45	07:45	07:45	07:45	07:45		07:45	07:45	07:45	07:45	07:45		07:45	07:45	07:45	07:45	07:45	07:45
AM Pk Vol		93	0	30	0	123		47	1688	0	2	1737		0	0	0	0	0		0	1138	84	0	1222	3082
AM PHF		0.684	NaN	0.833	NaN	0.809		0.783	0.966	NaN	0.500	0.967		NaN	NaN	NaN	NaN	NaN		NaN	0.912	0.583	NaN	0.878	0.985

Lee Blvd @ Sunniland Blvd 1-18-23 AM

File Name: Lee Blvd @ Sunniland Blvd 1-18-23 AM

Location:

All Vehicles

Site Code:

Study Date: 01/18/2023

	Sunniland Blvd Southbound					Lee Blvd Westbound					Northbound					Lee Blvd Eastbound						
Time	Right	Thru	Left	U-Turn	Appr Total	Right	Thru	Left	U-Turn	Appr Total	Right	Thru	Left	U-Turn	Appr Total	Right	Thru	Left	U-Turn	Appr Total	Int Total	
07:00	29	0	3	0	32	18	408	0	0	426	0	0	0	0	0	0	238	5	0	243	701	
07:15	26	0	7	0	33	11	441	0	0	452	0	0	0	0	0	0	226	10	1	237	722	
07:30	12	0	3	0	15	15	485	0	0	500	0	0	0	0	0	0	244	13	0	257	772	
07:45	19	0	9	0	28	12	419	0	1	432	0	0	0	0	0	0	295	13	0	308	768	
Total	86	0	22	0	108	56	1753	0	1	1810	0	0	0	0	0	0	1003	41	1	1045	2963	
08:00	25	0	8	0	33	8	437	0	1	446	0	0	0	0	0	0	259	16	0	275	754	
08:15	15	0	9	0	24	12	398	0	0	410	0	0	0	0	0	0	312	36	0	348	782	
08:30	34	0	4	0	38	15	434	0	0	449	0	0	0	0	0	0	272	19	0	291	778	
08:45	36	0	7	0	43	18	384	0	0	402	0	0	0	0	0	0	268	20	0	288	733	
Total	110	0	28	0	138	53	1653	0	1	1707	0	0	0	0	0	0	0	1111	91	0	1202	3047
Grand Total Appr % Total % % Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	196	0	50	0	246	109	3406	0	2	3517	0	0	0	0	0	0	0	2114	132	1	2247	6010
	79.7	00.0	20.3	00.0		03.1	96.8	00.0	00.1		NaN	NaN	NaN	NaN		00.0	94.1	05.9	00.0			
	03.3	00.0	00.8	00.0		01.8	56.7	00.0	00.0		00.0	00.0	00.0	00.0		00.0	35.2	02.2	00.0			
	00.0	-	00.0	-	00.0	00.0	00.0	-	00.0	00.0	-	-	-	-	-	-	00.0	00.0	00.0	00.0	00.0	
AM Pk Hr	07:45	07:45	07:45	07:45	07:45	07:45	07:45	07:45	07:45	07:45	07:45	07:45	07:45	07:45	07:45	07:45	07:45	07:45	07:45	07:45	07:45	
AM Pk Vol	93	0	30	0	123	47	1688	0	2	1737	0	0	0	0	0	0	1138	84	0	1222	3082	
AM PHF	0.684	NaN	0.833	NaN	0.809	0.783	0.966	NaN	0.500	0.967	NaN	NaN	NaN	NaN	NaN	NaN	0.912	0.583	NaN	0.878	0.985	

Lee Blvd @ Sunniland Blvd 1-18-23 AM

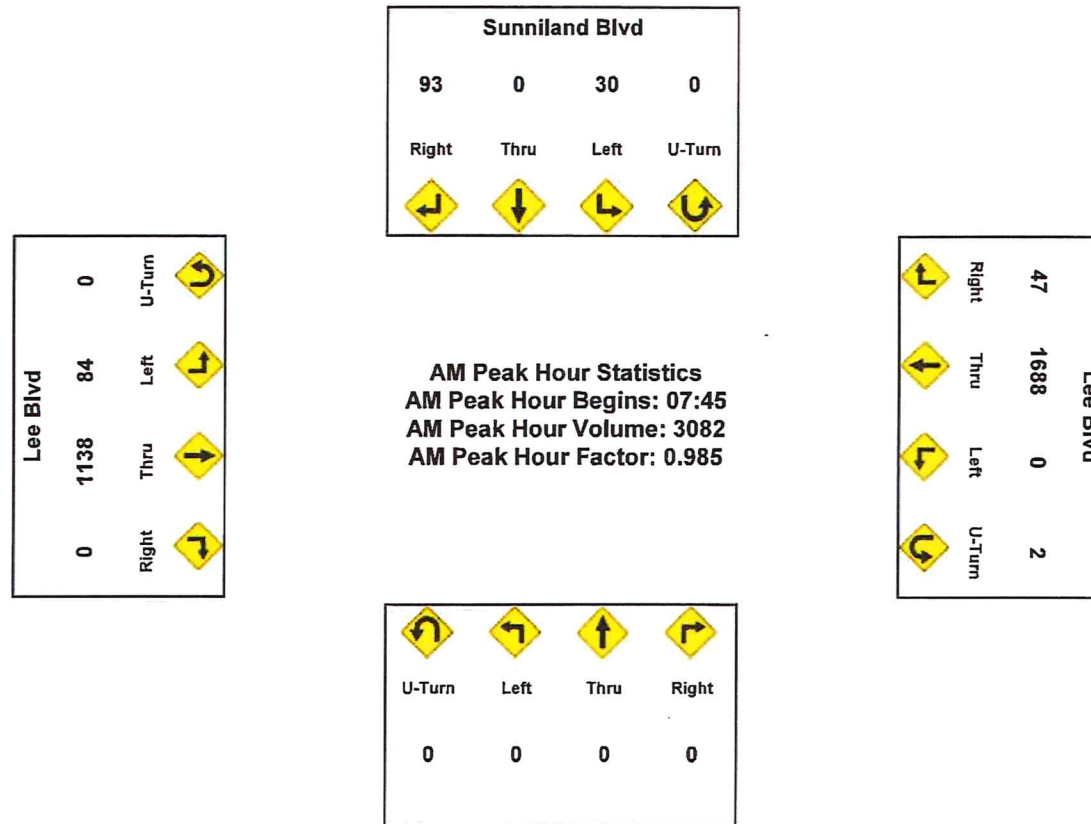
File Name: Lee Blvd @ Sunniland Blvd 1-18-23 AM

Location:

All Vehicles

Site Code:

Study Date: 01/18/2023



Lee Blvd @ Sunniland Blvd 1-18-23 PM

File Name: Lee Blvd @ Sunniland Blvd 1-18-23 PM

Location:

Cars and Peds

Site Code:

Study Date: 01/18/2023

Time	Sunniland Blvd Southbound						Lee Blvd Westbound						Northbound						Lee Blvd Eastbound						Int Total
	Peds	Right	Thru	Left	U-Turn	Appr Total	Peds	Right	Thru	Left	U-Turn	Appr Total	Peds	Right	Thru	Left	U-Turn	Appr Total	Peds	Right	Thru	Left	U-Turn	Appr Total	
16:00		25	0	5	0	30		14	342	0	0	356						0		0	478	32	0	510	896
16:15		33	0	11	0	44		17	297	0	1	315						0		0	494	34	0	528	887
16:30		27	0	7	0	34		14	352	0	0	366						0		0	492	33	0	525	925
16:45		25	0	9	0	34		18	310	0	0	328						0		0	447	23	1	471	833
Total	0	110	0	32	0	142	0	63	1301	0	1	1365	0	0	0	0	0	0	0	0	1911	122	1	2034	3541
17:00		23	0	12	0	35		20	355	0	0	375						0		0	464	18	0	482	892
17:15		20	0	10	0	30		21	297	0	0	318						0		0	499	28	0	527	875
17:30		20	0	6	0	26		13	379	0	0	392						0		0	484	25	0	509	927
17:45		19	0	11	0	30		24	310	0	0	334						0		0	483	21	0	504	868
Total	0	82	0	39	0	121	0	78	1341	0	0	1419	0	0	0	0	0	0	0	0	1930	92	0	2022	3562
Grand Total	0	192	0	71	0	263	0	141	2642	0	1	2784	0	0	0	0	0	0	0	0	3841	214	1	4056	7103
Appr %		73	0	27	0			5.1	94.9	0	0			-2	-2	-2	-2			0	94.7	5.3	0		
Total %		2.7	0	1	0			2	37.2	0	0			0	0	0	0			0	54.1	3	0		
PM Pk Hr		17:00	17:00	17:00	17:00	17:00		17:00	17:00	17:00	17:00	17:00		17:00	17:00	17:00	17:00	17:00		17:00	17:00	17:00	17:00	17:00	17:00
PM Pk Vol		82	0	39	0	121		78	1341	0	0	1419		0	0	0	0	0		0	1930	92	0	2022	3562
PM PHF		0.891	NaN	0.813	NaN	0.864		0.813	0.885	NaN	NaN	0.905		NaN	NaN	NaN	NaN	NaN		NaN	0.967	0.821	NaN	0.959	0.961

Lee Blvd @ Sunniland Blvd 1-18-23 PM

File Name: Lee Blvd @ Sunniland Blvd 1-18-23 PM

Site Code:

Location: All Vehicles Study Date: 01/18/2023

	Sunniland Blvd Southbound					Lee Blvd Westbound					Northbound					Lee Blvd Eastbound					
Time	Right	Thru	Left	U-Turn	Appr Total	Right	Thru	Left	U-Turn	Appr Total	Right	Thru	Left	U-Turn	Appr Total	Right	Thru	Left	U-Turn	Appr Total	Int Total
16:00	25	0	5	0	30	14	342	0	0	356	0	0	0	0	0	0	478	32	0	510	896
16:15	33	0	11	0	44	17	297	0	1	315	0	0	0	0	0	0	494	34	0	528	887
16:30	27	0	7	0	34	14	352	0	0	366	0	0	0	0	0	0	492	33	0	525	925
16:45	25	0	9	0	34	18	310	0	0	328	0	0	0	0	0	0	447	23	1	471	833
Total	110	0	32	0	142	63	1301	0	1	1365	0	0	0	0	0	0	1911	122	1	2034	3541
17:00	23	0	12	0	35	20	355	0	0	375	0	0	0	0	0	0	464	18	0	482	892
17:15	20	0	10	0	30	21	297	0	0	318	0	0	0	0	0	0	499	28	0	527	875
17:30	20	0	6	0	26	13	379	0	0	392	0	0	0	0	0	0	484	25	0	509	927
17:45	19	0	11	0	30	24	310	0	0	334	0	0	0	0	0	0	483	21	0	504	868
Total	82	0	39	0	121	78	1341	0	0	1419	0	0	0	0	0	0	1930	92	0	2022	3562
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Grand Total	192	0	71	0	263	141	2642	0	1	2784	0	0	0	0	0	0	3841	214	1	4056	7103
Appr %	73.0	00.0	27.0	00.0		05.1	94.9	00.0	00.0		NaN	NaN	NaN	NaN		00.0	94.7	05.3	00.0		
Total %	02.7	00.0	01.0	00.0		02.0	37.2	00.0	00.0		00.0	00.0	00.0	00.0		00.0	54.1	03.0	00.0		
% Trucks	00.0	-	00.0	-	00.0	00.0	00.0	-	00.0	00.0	-	-	-	-	-	-	00.0	00.0	00.0	00.0	00.0
PM Pk Hr	17:00	17:00	17:00	17:00	17:00	17:00	17:00	17:00	17:00	17:00	17:00	17:00	17:00	17:00	17:00	17:00	17:00	17:00	17:00	17:00	17:00
PM Pk Vol	82	0	39	0	121	78	1341	0	0	1419	0	0	0	0	0	0	1930	92	0	2022	3562
PM PHF	0.891	NaN	0.813	NaN	0.864	0.813	0.885	NaN	NaN	0.905	NaN	NaN	NaN	NaN	NaN	NaN	0.967	0.821	NaN	0.959	0.961

Lee Blvd @ Sunniland Blvd 1-18-23 PM

File Name: Lee Blvd @ Sunniland Blvd 1-18-23 PM
 Location:

All Vehicles

Site Code:
 Study Date: 01/18/2023

Lee Blvd	0	U-Turn	
	92	Left	
	1930	Thru	
	0	Right	

Sunniland Blvd			
82	0	39	0
Right	Thru	Left	U-Turn
			

PM Peak Hour Statistics
 PM Peak Hour Begins: 17:00
 PM Peak Hour Volume: 3562
 PM Peak Hour Factor: 0.961

			
U-Turn	Left	Thru	Right
0	0	0	0

Lee Blvd	78	Right	
	1341	Thru	
	0	Left	
	0	U-Turn	

TURNING MOVEMENT COUNTS
SUNNILAND BLVD. @ 5TH Ave. W.

Sunniland Blvd @ 5th Ave W 1-18-23 AM

File Name: Sunniland Blvd @ 5th Ave W 1-18-23 AM

Location:

Cars and Peds

Site Code:

Study Date: 01/18/2023

Time	Sunniland Blvd Southbound						Westbound						Sunniland Blvd Northbound						Fifth Ave W Eastbound						Int Total
	Peds	Right	Thru	Left	U-Turn	Appr Total	Peds	Right	Thru	Left	U-Turn	Appr Total	Peds	Right	Thru	Left	U-Turn	Appr Total	Peds	Right	Thru	Left	U-Turn	Appr Total	
07:00		2	36	0		38		0	0	0		0		0	24	1		25		0	0	4		4	67
07:15		1	26	0		27		0	0	0		0		0	21	1		22		2	0	2		4	53
07:30		1	16	0		17		0	0	0		0		0	21	0		21		1	0	5		6	44
07:45		0	25	0		25		0	0	0		0		0	25	0		25		5	0	4		9	59
Total	0	4	103	0	0	107	0	0	0	0	0	0	0	0	91	2	0	93	0	8	0	15	0	23	223
08:00		1	28	0		29		0	0	0		0		0	22	0		22		2	0	3		5	56
08:15		5	23	0		28		0	0	0		0		0	45	0		45		0	0	8		8	81
08:30		1	33	0		34		0	0	0		0		0	32	0		32		3	0	8		11	77
08:45		7	41	0		48		0	0	0		0		0	35	0		35		2	0	4		6	89
Total	0	14	125	0	0	139	0	0	0	0	0	0	0	0	134	0	0	134	0	7	0	23	0	30	303
Grand Total	0	18	228	0	0	246	0	0	0	0	0	0	0	0	225	2	0	227	0	15	0	38	0	53	526
Appr %		7.3	92.7	0	0			-2	-2	-2	-2			0	99.1	0.9	0			28.3	0	71.7	0		
Total %		3.4	43.3	0	0			0	0	0	0			0	42.8	0.4	0			2.9	0	7.2	0		
AM Pk Hr		08:00	08:00	08:00	08:00	08:00		08:00	08:00	08:00	08:00	08:00		08:00	08:00	08:00	08:00	08:00		08:00	08:00	08:00	08:00	08:00	08:00
AM Pk Vol		14	125	0	0	139		0	0	0	0	0		0	134	0	0	134		7	0	23	0	30	303
AM PHF		0.500	0.762	NaN	NaN	0.724		NaN	NaN	NaN	NaN	NaN		NaN	0.744	NaN	NaN	0.744		0.583	NaN	0.719	NaN	0.682	0.851

Sunniland Blvd @ 5th Ave W 1-18-23 AM

File Name: Sunniland Blvd @ 5th Ave W 1-18-23 AM

Location:

All Vehicles

Site Code:

Study Date: 01/18/2023

Time	Sunniland Blvd Southbound					Westbound					Sunniland Blvd Northbound					Fifth Ave W Eastbound					Int Total
	Right	Thru	Left	U-Turn	Appr Total	Right	Thru	Left	U-Turn	Appr Total	Right	Thru	Left	U-Turn	Appr Total	Right	Thru	Left	U-Turn	Appr Total	
07:00	2	36	0	0	38	0	0	0	0	0	0	24	1	0	25	0	0	4	0	4	67
07:15	1	26	0	0	27	0	0	0	0	0	0	21	1	0	22	2	0	2	0	4	53
07:30	1	16	0	0	17	0	0	0	0	0	0	21	0	0	21	1	0	5	0	6	44
07:45	0	25	0	0	25	0	0	0	0	0	0	25	0	0	25	5	0	4	0	9	59
Total	4	103	0	0	107	0	0	0	0	0	0	91	2	0	93	8	0	15	0	23	223
08:00	1	28	0	0	29	0	0	0	0	0	0	22	0	0	22	2	0	3	0	5	56
08:15	5	23	0	0	28	0	0	0	0	0	0	45	0	0	45	0	0	8	0	8	81
08:30	1	33	0	0	34	0	0	0	0	0	0	32	0	0	32	3	0	8	0	11	77
08:45	7	41	0	0	48	0	0	0	0	0	0	35	0	0	35	2	0	4	0	6	89
Total	14	125	0	0	139	0	0	0	0	0	0	134	0	0	134	7	0	23	0	30	303
Grand Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Appr %	07.3	92.7	00.0	00.0		NaN	NaN	NaN	NaN		00.0	99.1	00.9	00.0		28.3	00.0	71.7	00.0		
Total %	03.4	43.3	00.0	00.0		00.0	00.0	00.0	00.0		00.0	42.8	00.4	00.0		02.9	00.0	07.2	00.0		
% Trucks	00.0	00.0	-	-	00.0	-	-	-	-	-	-	00.0	00.0	-	00.0	00.0	-	00.0	-	00.0	00.0
AM Pk Hr	08:00	08:00	08:00	08:00	08:00	08:00	08:00	08:00	08:00	08:00	08:00	08:00	08:00	08:00	08:00	08:00	08:00	08:00	08:00	08:00	08:00
AM Pk Vol	14	125	0	0	139	0	0	0	0	0	0	134	0	0	134	7	0	23	0	30	303
AM PHF	0.500	0.762	NaN	NaN	0.724	NaN	NaN	NaN	NaN	NaN	NaN	0.744	NaN	NaN	0.744	0.583	NaN	0.719	NaN	0.682	0.851

Sunniland Blvd @ 5th Ave W 1-18-23 AM

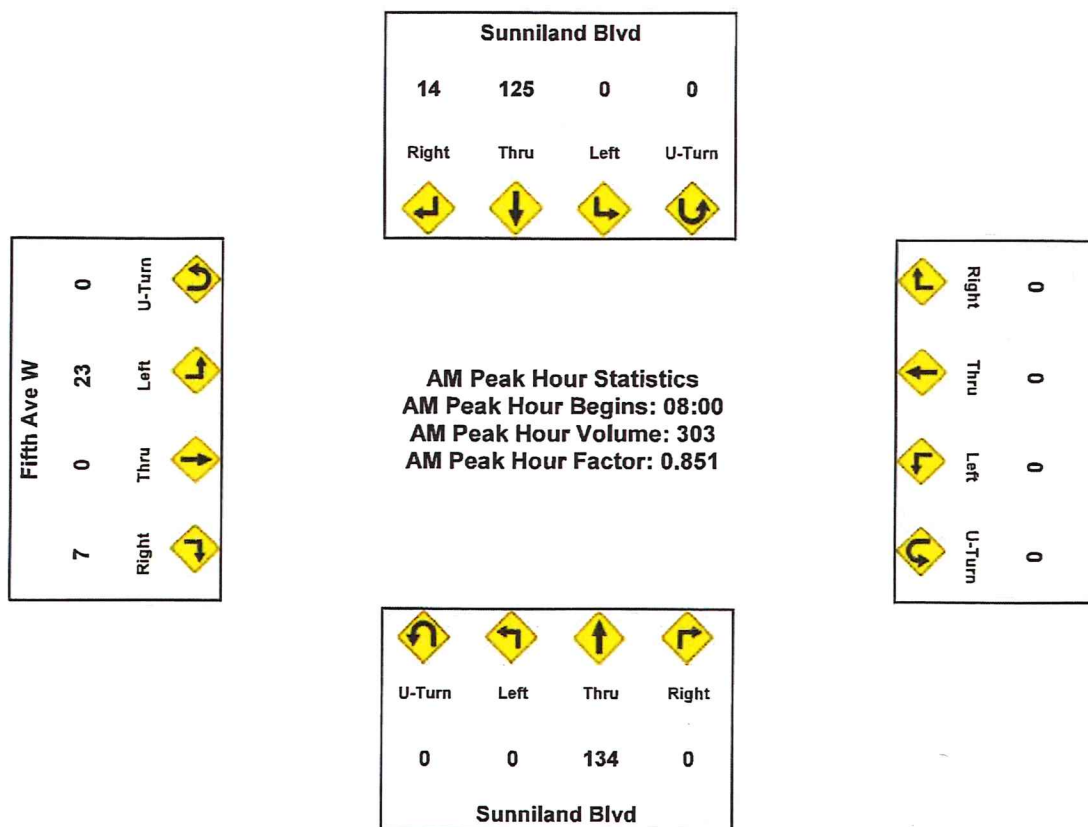
File Name: Sunniland Blvd @ 5th Ave W 1-18-23 AM

Location:

All Vehicles

Site Code:

Study Date: 01/18/2023



Sunniland Blvd @ 5th Ave W 1-18-23 PM

File Name: Sunniland Blvd @ 5th Ave W 1-18-23 PM

Location:

Cars and Peds

Site Code:

Study Date: 01/18/2023

Sunniland Blvd Southbound							Westbound						Sunniland Blvd Northbound						5th Ave W Eastbound						
Time	Peds	Right	Thru	Left	U-Turn	Appr Total	Peds	Right	Thru	Left	U-Turn	Appr Total	Peds	Right	Thru	Left	U-Turn	Appr Total	Peds	Right	Thru	Left	U-Turn	Appr Total	Int Total
16:00		1	35	0		36						0		0	47	0		47		3	0	5		8	91
16:15		9	32	0		41						0		0	45	0		45		3	0	12		15	101
16:30		5	31	0		36						0		0	43	0		43		4	0	9		13	92
16:45		3	33	0		36						0		0	42	1		43		4	0	7		11	90
Total	0	18	131	0	0	149	0	0	0	0	0	0	0	0	177	1	0	178	0	14	0	33	0	47	374
17:00		3	36	0		39						0		0	37	1		38		2	0	5		7	84
17:15		2	23	0		25						0		0	46	1		47		5	0	10		15	87
17:30		3	26	0		29						0		0	32	0		32		3	0	11		14	75
17:45		2	22	0		24						0		0	38	0		38		8	0	8		16	78
Total	0	10	107	0	0	117	0	0	0	0	0	0	0	0	153	2	0	155	0	18	0	34	0	52	324
Grand Total	0	28	238	0	0	266	0	0	0	0	0	0	0	0	330	3	0	333	0	32	0	67	0	99	698
Appr %		10.5	89.5	0	0			-2	-2	-2	-2			0	99.1	0.9	0			32.3	0	67.7	0		
Total %		4	34.1	0	0			0	0	0	0			0	47.3	0.4	0			4.6	0	9.6	0		
PM Pk Hr		16:00	16:00	16:00	16:00	16:00		16:00	16:00	16:00	16:00	16:00		16:00	16:00	16:00	16:00	16:00		16:00	16:00	16:00	16:00	16:00	16:00
PM Pk Vol		18	131	0	0	149		0	0	0	0	0		0	177	1	0	178		14	0	33	0	47	374
PM PHF		0.500	0.936	NaN	NaN	0.909		NaN	NaN	NaN	NaN	NaN		NaN	0.941	0.250	NaN	0.947		0.875	NaN	0.688	NaN	0.783	0.926

Sunniland Blvd @ 5th Ave W 1-18-23 PM

File Name: Sunniland Blvd @ 5th Ave W 1-18-23 PM

Location:

All Vehicles

Site Code:

Study Date: 01/18/2023

Time	Sunniland Blvd Southbound					Westbound					Sunniland Blvd Northbound					5th Ave W Eastbound					Int Total
	Right	Thru	Left	U-Turn	Appr Total	Right	Thru	Left	U-Turn	Appr Total	Right	Thru	Left	U-Turn	Appr Total	Right	Thru	Left	U-Turn	Appr Total	
16:00	1	35	0	0	36	0	0	0	0	0	0	47	0	0	47	3	0	5	0	8	91
16:15	9	32	0	0	41	0	0	0	0	0	0	45	0	0	45	3	0	12	0	15	101
16:30	5	31	0	0	36	0	0	0	0	0	0	43	0	0	43	4	0	9	0	13	92
16:45	3	33	0	0	36	0	0	0	0	0	0	42	1	0	43	4	0	7	0	11	90
Total	18	131	0	0	149	0	0	0	0	0	0	177	1	0	178	14	0	33	0	47	374
17:00	3	36	0	0	39	0	0	0	0	0	0	37	1	0	38	2	0	5	0	7	84
17:15	2	23	0	0	25	0	0	0	0	0	0	46	1	0	47	5	0	10	0	15	87
17:30	3	26	0	0	29	0	0	0	0	0	0	32	0	0	32	3	0	11	0	14	75
17:45	2	22	0	0	24	0	0	0	0	0	0	38	0	0	38	8	0	8	0	16	78
Total	10	107	0	0	117	0	0	0	0	0	0	153	2	0	155	18	0	34	0	52	324
Grand Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Appr %	10.5	89.5	00.0	00.0		NaN	NaN	NaN	NaN		00.0	99.1	00.9	00.0		32.3	00.0	67.7	00.0		
Total %	04.0	34.1	00.0	00.0		00.0	00.0	00.0	00.0		00.0	47.3	00.4	00.0		04.6	00.0	09.6	00.0		
% Trucks	00.0	00.0	-	-	00.0	-	-	-	-	-	-	00.0	00.0	-	00.0	00.0	-	00.0	-	00.0	00.0
PM Pk Hr	16:00	16:00	16:00	16:00	16:00	16:00	16:00	16:00	16:00	16:00	16:00	16:00	16:00	16:00	16:00	16:00	16:00	16:00	16:00	16:00	16:00
PM Pk Vol	18	131	0	0	149	0	0	0	0	0	0	177	1	0	178	14	0	33	0	47	374
PM PHF	0.500	0.936	NaN	NaN	0.909	NaN	NaN	NaN	NaN	NaN	NaN	0.941	0.250	NaN	0.947	0.875	NaN	0.688	NaN	0.783	0.926

Sunniland Blvd @ 5th Ave W 1-18-23 PM

File Name: Sunniland Blvd @ 5th Ave W 1-18-23 PM

Location:

All Vehicles

Site Code:

Study Date: 01/18/2023

5th Ave W	14	Right	
	0	Thru	
	33	Left	
	0	U-Turn	

Sunniland Blvd			
18	131	0	0
Right	Thru	Left	U-Turn
			

PM Peak Hour Statistics
 PM Peak Hour Begins: 16:00
 PM Peak Hour Volume: 374
 PM Peak Hour Factor: 0.926

			
U-Turn	Left	Thru	Right
0	1	177	0
Sunniland Blvd			

	Right	0
	Thru	0
	Left	0
	U-Turn	0

**DEVELOPMENT OF FUTURE YEAR
BACKGROUND TURNING VOLUMES**

Development of Future Year Background Turning Volumes

Intersection
Count Date
Build-Out Year

Lee Blvd. @ Sunniland Blvd.
January 18, 2023
2028

AM Peak Hour												
	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts	0	0	0	30	0	93	84	1,138	0	2	1,688	47
Peak Season Correction Factor	1.09	1.09	1.09	1.09	1.09	1.09	1.09	1.09	1.09	1.09	1.09	1.09
Current Peak Season Volumes	0	0	0	33	0	101	92	1,240	0	2	1,840	51
Growth Rate	0.00%	2.00%	0.00%	0.00%	2.00%	0.00%	0.00%	2.28%	0.00%	0.00%	2.28%	0.00%
Years to Build-out	5	5	5	5	5	5	5	5	5	5	5	5
2028 Background Turning Volumes	0	0	0	33	0	101	92	1,388	0	2	2,060	51
Project Turning Volumes				43		60	66					99
2028 Background + Project	0	0	0	76	0	161	158	1,388	0	2	2,060	150

PM Peak Hour												
	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts	0	0	0	39	0	82	92	1,930	0	0	1,341	78
Peak Season Correction Factor	1.09	1.09	1.09	1.09	1.09	1.09	1.09	1.09	1.09	1.09	1.09	1.09
Current Peak Season Volumes	0	0	0	43	0	89	100	2,104	0	0	1,462	85
Growth Rate	0.00%	2.00%	0.00%	0.00%	2.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Years to Build-out	5	5	5	5	5	5	5	5	5	5	5	5
2028 Background Turning Volumes	0	0	0	43	0	89	100	2,104	0	0	1,462	85
Project Turning Volumes				302		231	248					246
2028 Background + Project	0	0	0	345	0	320	348	2,104	0	0	1,462	331

**FDOT PEAK SEASON ADJUSTMENT
FACTOR**

2021 PEAK SEASON FACTOR CATEGORY REPORT - REPORT TYPE: COUNTY
 CATEGORY: 1247 LEHIGH ACRES

WEEK	DATES	SF	MOCF: 0.96 PSCF
1	01/01/2021 - 01/02/2021	0.95	0.99
2	01/03/2021 - 01/09/2021	1.01	1.05
3	01/10/2021 - 01/16/2021	1.07	1.11
4	01/17/2021 - 01/23/2021	1.05	1.09
5	01/24/2021 - 01/30/2021	1.04	1.08
6	01/31/2021 - 02/06/2021	1.02	1.06
7	02/07/2021 - 02/13/2021	1.01	1.05
8	02/14/2021 - 02/20/2021	1.00	1.04
9	02/21/2021 - 02/27/2021	0.99	1.03
10	02/28/2021 - 03/06/2021	0.98	1.02
11	03/07/2021 - 03/13/2021	0.97	1.01
12	03/14/2021 - 03/20/2021	0.96	1.00
13	03/21/2021 - 03/27/2021	0.96	1.00
14	03/28/2021 - 04/03/2021	0.97	1.01
15	04/04/2021 - 04/10/2021	0.98	1.02
16	04/11/2021 - 04/17/2021	0.98	1.02
17	04/18/2021 - 04/24/2021	0.99	1.03
18	04/25/2021 - 05/01/2021	0.99	1.03
19	05/02/2021 - 05/08/2021	1.00	1.04
20	05/09/2021 - 05/15/2021	1.00	1.04
21	05/16/2021 - 05/22/2021	1.01	1.05
22	05/23/2021 - 05/29/2021	1.01	1.05
23	05/30/2021 - 06/05/2021	1.02	1.06
24	06/06/2021 - 06/12/2021	1.02	1.06
25	06/13/2021 - 06/19/2021	1.02	1.06
26	06/20/2021 - 06/26/2021	1.03	1.07
27	06/27/2021 - 07/03/2021	1.04	1.08
28	07/04/2021 - 07/10/2021	1.05	1.09
29	07/11/2021 - 07/17/2021	1.06	1.10
30	07/18/2021 - 07/24/2021	1.06	1.10
31	07/25/2021 - 07/31/2021	1.06	1.10
32	08/01/2021 - 08/07/2021	1.06	1.10
33	08/08/2021 - 08/14/2021	1.06	1.10
34	08/15/2021 - 08/21/2021	1.06	1.10
35	08/22/2021 - 08/28/2021	1.05	1.09
36	08/29/2021 - 09/04/2021	1.05	1.09
37	09/05/2021 - 09/11/2021	1.04	1.08
38	09/12/2021 - 09/18/2021	1.04	1.08
39	09/19/2021 - 09/25/2021	1.02	1.06
*40	09/26/2021 - 10/02/2021	1.00	1.04
*41	10/03/2021 - 10/09/2021	0.98	1.02
*42	10/10/2021 - 10/16/2021	0.97	1.01
*43	10/17/2021 - 10/23/2021	0.96	1.00
*44	10/24/2021 - 10/30/2021	0.96	1.00
*45	10/31/2021 - 11/06/2021	0.96	1.00
*46	11/07/2021 - 11/13/2021	0.95	0.99
*47	11/14/2021 - 11/20/2021	0.95	0.99
*48	11/21/2021 - 11/27/2021	0.95	0.99
*49	11/28/2021 - 12/04/2021	0.95	0.99
*50	12/05/2021 - 12/11/2021	0.95	0.99
*51	12/12/2021 - 12/18/2021	0.95	0.99
*52	12/19/2021 - 12/25/2021	1.01	1.05
53	12/26/2021 - 12/31/2021	1.07	1.11

* PEAK SEASON

11-MAR-2022 14:24:14

830UPD

1_1247_PKSEASON.TXT

**INTERSECTION LEVEL OF SERVICE
SUMMARY SHEETS
LEE BLVD. @ SUNNILAND BLVD.**

HCS Two-Way Stop-Control Report

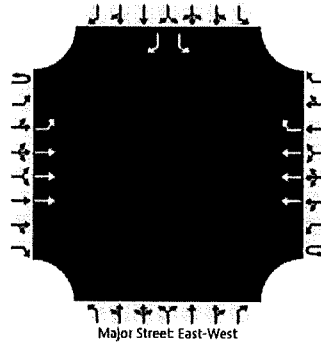
General Information

Analyst	tbt
Agency/Co.	TR Transportation Consult
Date Performed	2/21/2023
Analysis Year	2028
Time Analyzed	Wkdy AM Pk Hr Background
Intersection Orientation	East-West
Project Description	Sunniland CPD

Site Information

Intersection	Lee Blvd. @ Sunniland Blvd.
Jurisdiction	Lee County
East/West Street	Lee Blvd.
North/South Street	Sunniland Blvd.
Peak Hour Factor	0.92
Analysis Time Period (hrs)	0.25

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	1	3	0	0	0	3	1		0	0	0		1	0	1
Configuration		L	T				T	R						L		R
Volume (veh/h)	0	92	1388				2060	61						33		101
Percent Heavy Vehicles (%)	3	1												1		1
Proportion Time Blocked																
Percent Grade (%)													0			
Right Turn Channelized					No								No			
Median Type Storage	Left Only								1							

Critical and Follow-up Headways

Base Critical Headway (sec)		5.3												6.4		7.1
Critical Headway (sec)		5.32												5.72		7.12
Base Follow-Up Headway (sec)		3.1												3.8		3.9
Follow-Up Headway (sec)		3.11												3.81		3.91

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)		100												36		110
Capacity, c (veh/h)		88												0		174
v/c Ratio		1.13														0.63
95% Queue Length, Q ₉₅ (veh)		6.9														3.6
Control Delay (s/veh)		221.8														55.8
Level of Service (LOS)		F														F
Approach Delay (s/veh)	13.8															
Approach LOS	F															

HCS Two-Way Stop-Control Report

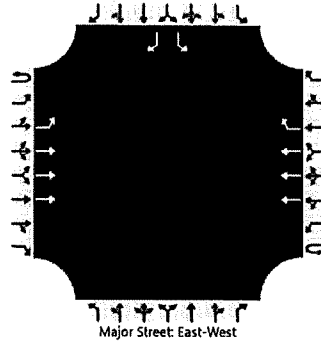
General Information

Analyst	tbt
Agency/Co.	TR Transportation Consult
Date Performed	2/21/2023
Analysis Year	2028
Time Analyzed	Wkdy PM Pk Hr Background
Intersection Orientation	East-West
Project Description	Sunniland CPD

Site Information

Intersection	Lee Blvd. @ Sunniland Blvd.
Jurisdiction	Lee County
East/West Street	Lee Blvd.
North/South Street	Sunniland Blvd.
Peak Hour Factor	0.92
Analysis Time Period (hrs)	0.25

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	1	3	0	0	0	3	1		0	0	0		1	0	1
Configuration		L	T				T	R						L		R
Volume (veh/h)	0	100	2104				1462	85						43		89
Percent Heavy Vehicles (%)	3	1												1		1
Proportion Time Blocked																
Percent Grade (%)													0			
Right Turn Channelized					No								No			
Median Type Storage	Left Only								1							

Critical and Follow-up Headways

Base Critical Headway (sec)		5.3												6.4		7.1
Critical Headway (sec)		5.32												5.72		7.12
Base Follow-Up Headway (sec)		3.1												3.8		3.9
Follow-Up Headway (sec)		3.11												3.81		3.91

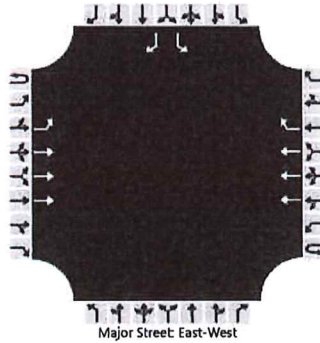
Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)		109												47		97
Capacity, c (veh/h)		183												54		286
v/c Ratio		0.59												0.87		0.34
95% Queue Length, Q ₉₅ (veh)		3.3												3.8		1.4
Control Delay (s/veh)		50.0												208.2		23.9
Level of Service (LOS)		E												F		C
Approach Delay (s/veh)	2.3												84.0			
Approach LOS	A												F			

HCS Two-Way Stop-Control Report

General Information		Site Information	
Analyst	tbt	Intersection	Lee Blvd. @ Sunniland Blvd.
Agency/Co.	TR Transportation Consult	Jurisdiction	Lee County
Date Performed	1/9/2024	East/West Street	Lee Blvd.
Analysis Year	2028	North/South Street	Sunniland Blvd.
Time Analyzed	Weekday AM Peak Hr	Peak Hour Factor	0.92
Intersection Orientation	East-West	Analysis Time Period (hrs)	0.25
Project Description	Sunniland CPD		

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	1	3	0	0	0	3	1		0	0	0		1	0	1
Configuration		L	T				T	R						L		R
Volume (veh/h)	0	158	1388				2060	150						76		161
Percent Heavy Vehicles (%)	3	1												1		1
Proportion Time Blocked																
Percent Grade (%)													0			
Right Turn Channelized					No								No			
Median Type Storage	Left Only								1							

Critical and Follow-up Headways

Base Critical Headway (sec)		5.3												6.4		7.1
Critical Headway (sec)		5.32												5.72		7.12
Base Follow-Up Headway (sec)		3.1												3.8		3.9
Follow-Up Headway (sec)		3.11												3.81		3.91

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)		172												83		175
Capacity, c (veh/h)		79												0		174
v/c Ratio		2.18														1.01
95% Queue Length, Q ₉₅ (veh)		15.7														8.2
Control Delay (s/veh)		654.0														124.1
Level of Service (LOS)		F														F
Approach Delay (s/veh)	66.8															
Approach LOS	F															

HCS Two-Way Stop-Control Report

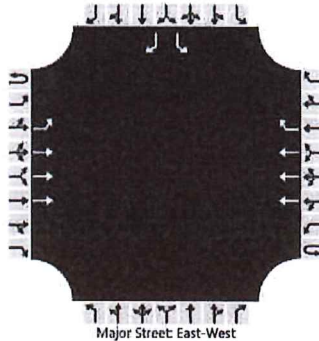
General Information

Analyst	tbt
Agency/Co.	TR Transportation Consult
Date Performed	1/9/2024
Analysis Year	2028
Time Analyzed	Weekday PM Peak Hr
Intersection Orientation	East-West
Project Description	Sunniland CPD

Site Information

Intersection	Lee Blvd. @ Sunniland Blvd.
Jurisdiction	Lee County
East/West Street	Lee Blvd.
North/South Street	Sunniland Blvd.
Peak Hour Factor	0.92
Analysis Time Period (hrs)	0.25

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	1	3	0	0	0	3	1		0	0	0		1	0	1
Configuration		L	T				T	R						L		R
Volume (veh/h)	0	348	2104				1462	331						345		320
Percent Heavy Vehicles (%)	3	1												1		1
Proportion Time Blocked																
Percent Grade (%)													0			
Right Turn Channelized					No								No			
Median Type Storage	Left Only								1							

Critical and Follow-up Headways

Base Critical Headway (sec)		5.3												6.4		7.1
Critical Headway (sec)		5.32												5.72		7.12
Base Follow-Up Headway (sec)		3.1												3.8		3.9
Follow-Up Headway (sec)		3.11												3.81		3.91

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)		378												375		348
Capacity, c (veh/h)		134												0		286
v/c Ratio		2.82														1.22
95% Queue Length, Q ₉₅ (veh)		34.6														16.0
Control Delay (s/veh)		888.5														163.3
Level of Service (LOS)		F														F
Approach Delay (s/veh)	126.1															
Approach LOS	F															

Lanes, Volumes, Timings
3: Lee Blvd. & Sunniland Blvd.

2028 AM Peak Hour W/Project
01/09/2024

	↖	→	←	↗	↘	↙
Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations	↖	↑↑↑	↑↑↑	↗	↖	↗
Traffic Volume (vph)	158	1388	2060	150	76	161
Future Volume (vph)	158	1388	2060	150	76	161
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12
Grade (%)		0%	0%		0%	
Storage Length (ft)	330			350	250	0
Storage Lanes	1			1	1	1
Taper Length (ft)	25				25	
Lane Util. Factor	1.00	0.91	0.91	1.00	1.00	1.00
Ped Bike Factor						
Frt				0.850		0.850
Flt Protected	0.950				0.950	
Satd. Flow (prot)	1787	5036	5036	1599	1787	1599
Flt Permitted	0.056				0.950	
Satd. Flow (perm)	105	5036	5036	1599	1787	1599
Right Turn on Red				Yes		Yes
Satd. Flow (RTOR)				163		4
Link Speed (mph)		45	45		35	
Link Distance (ft)		799	823		815	
Travel Time (s)		12.1	12.5		15.9	
Confl. Peds. (#/hr)						
Confl. Bikes (#/hr)						
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Growth Factor	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	1%	3%	3%	1%	1%	1%
Bus Blockages (#/hr)	0	0	0	0	0	0
Parking (#/hr)						
Mid-Block Traffic (%)		0%	0%		0%	
Adj. Flow (vph)	172	1509	2239	163	83	175
Shared Lane Traffic (%)						
Lane Group Flow (vph)	172	1509	2239	163	83	175
Turn Type	pm+pt	NA	NA	Perm	Prot	pm+ov
Protected Phases	7	4	8		6	7
Permitted Phases	4			8		6
Detector Phase	7	4	8	8	6	7
Switch Phase						
Minimum Initial (s)	5.0	5.0	5.0	5.0	5.0	5.0
Minimum Split (s)	12.0	24.5	24.5	24.5	25.0	12.0
Total Split (s)	22.0	94.0	72.0	72.0	26.0	22.0
Total Split (%)	18.3%	78.3%	60.0%	60.0%	21.7%	18.3%
Maximum Green (s)	15.0	87.5	65.5	65.5	19.0	15.0
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0	4.0
All-Red Time (s)	3.0	2.5	2.5	2.5	3.0	3.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	7.0	6.5	6.5	6.5	7.0	7.0
Lead/Lag	Lead		Lag	Lag		Lead
Lead-Lag Optimize?	Yes		Yes	Yes		Yes
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0

Lanes, Volumes, Timings
3: Lee Blvd. & Sunniland Blvd.

2028 AM Peak Hour W/Project
01/09/2024



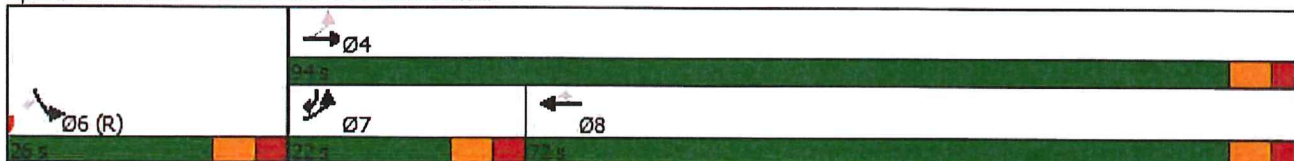
Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Minimum Gap (s)	3.0	3.0	3.0	3.0	3.0	3.0
Time Before Reduce (s)	0.0	0.0	0.0	0.0	0.0	0.0
Time To Reduce (s)	0.0	0.0	0.0	0.0	0.0	0.0
Recall Mode	None	None	None	None	C-Max	None
Walk Time (s)		7.0	7.0	7.0	7.0	
Flash Dont Walk (s)		11.0	11.0	11.0	11.0	
Pedestrian Calls (#/hr)		0	0	0	0	
Act Effct Green (s)	85.1	85.6	64.9	64.9	20.9	41.6
Actuated g/C Ratio	0.71	0.71	0.54	0.54	0.17	0.35
v/c Ratio	0.65	0.42	0.82	0.17	0.27	0.31
Control Delay	36.3	7.3	25.9	2.4	46.9	30.3
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	36.3	7.3	25.9	2.4	46.9	30.3
LOS	D	A	C	A	D	C
Approach Delay		10.3	24.3		35.6	
Approach LOS		B	C		D	
Queue Length 50th (ft)	73	145	497	0	57	97
Queue Length 95th (ft)	149	169	565	31	107	158
Internal Link Dist (ft)		719	743		735	
Turn Bay Length (ft)	330			350	250	
Base Capacity (vph)	284	3672	2755	948	311	574
Starvation Cap Reductn	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0
Reduced v/c Ratio	0.61	0.41	0.81	0.17	0.27	0.30

Intersection Summary

Area Type: Other
Cycle Length: 120
Actuated Cycle Length: 120
Offset: 0 (0%), Referenced to phase 2: and 6: SBL, Start of Green
Natural Cycle: 80
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 0.82
Intersection Signal Delay: 19.6
Intersection Capacity Utilization 69.8%
Analysis Period (min) 15

Intersection LOS: B
ICU Level of Service C

Splits and Phases: 3: Lee Blvd. & Sunniland Blvd.



Lanes, Volumes, Timings
3: Lee Blvd. & Sunniland Blvd.

2028 PM Peak Hour W/Project
01/09/2024

						
Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Volume (vph)	348	2104	1462	331	345	320
Future Volume (vph)	348	2104	1462	331	345	320
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12
Grade (%)		0%	0%		0%	
Storage Length (ft)	330			350	250	0
Storage Lanes	1			1	1	1
Taper Length (ft)	25				25	
Lane Util. Factor	1.00	0.91	0.91	1.00	1.00	1.00
Ped Bike Factor						
Frt				0.850		0.850
Flt Protected	0.950				0.950	
Satd. Flow (prot)	1787	5036	5036	1599	1787	1599
Flt Permitted	0.081				0.950	
Satd. Flow (perm)	152	5036	5036	1599	1787	1599
Right Turn on Red				Yes		Yes
Satd. Flow (RTOR)				360		2
Link Speed (mph)		45	45		35	
Link Distance (ft)		799	823		815	
Travel Time (s)		12.1	12.5		15.9	
Confl. Peds. (#/hr)						
Confl. Bikes (#/hr)						
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Growth Factor	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	1%	3%	3%	1%	1%	1%
Bus Blockages (#/hr)	0	0	0	0	0	0
Parking (#/hr)						
Mid-Block Traffic (%)		0%	0%		0%	
Adj. Flow (vph)	378	2287	1589	360	375	348
Shared Lane Traffic (%)						
Lane Group Flow (vph)	378	2287	1589	360	375	348
Turn Type	pm+pt	NA	NA	Perm	Prot	pm+ov
Protected Phases	7	4	8		6	7'
Permitted Phases	4			8		6
Detector Phase	7	4	8	8	6	7
Switch Phase						
Minimum Initial (s)	5.0	5.0	5.0	5.0	5.0	5.0
Minimum Split (s)	12.0	24.5	24.5	24.5	25.0	12.0
Total Split (s)	31.0	80.0	49.0	49.0	40.0	31.0
Total Split (%)	25.8%	66.7%	40.8%	40.8%	33.3%	25.8%
Maximum Green (s)	24.0	73.5	42.5	42.5	33.0	24.0
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0	4.0
All-Red Time (s)	3.0	2.5	2.5	2.5	3.0	3.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	7.0	6.5	6.5	6.5	7.0	7.0
Lead/Lag	Lead		Lag	Lag		Lead
Lead-Lag Optimize?	Yes		Yes	Yes		Yes
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0

Lanes, Volumes, Timings
3: Lee Blvd. & Sunniland Blvd.

2028 PM Peak Hour W/Project
01/09/2024

	EBL	EBT	WBT	WBR	SBL	SBR
Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Minimum Gap (s)	3.0	3.0	3.0	3.0	3.0	3.0
Time Before Reduce (s)	0.0	0.0	0.0	0.0	0.0	0.0
Time To Reduce (s)	0.0	0.0	0.0	0.0	0.0	0.0
Recall Mode	None	None	None	None	C-Max	None
Walk Time (s)		7.0	7.0	7.0	7.0	
Flash Dont Walk (s)		11.0	11.0	11.0	11.0	
Pedestrian Calls (#/hr)		0	0	0	0	
Act Effct Green (s)	72.3	72.8	42.5	42.5	33.7	64.0
Actuated g/C Ratio	0.60	0.61	0.35	0.35	0.28	0.53
v/c Ratio	0.92	0.75	0.89	0.45	0.75	0.41
Control Delay	63.1	18.9	44.2	4.7	50.2	18.4
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	63.1	18.9	44.2	4.7	50.2	18.4
LOS	E	B	D	A	D	B
Approach Delay		25.1	36.9		34.9	
Approach LOS		C	D		C	
Queue Length 50th (ft)	234	431	422	0	267	154
Queue Length 95th (ft)	#415	490	489	63	#387	226
Internal Link Dist (ft)		719	743		735	
Turn Bay Length (ft)	330			350	250	
Base Capacity (vph)	418	3084	1783	798	501	862
Starvation Cap Reductn	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0
Reduced v/c Ratio	0.90	0.74	0.89	0.45	0.75	0.40

Intersection Summary

Area Type: Other
 Cycle Length: 120
 Actuated Cycle Length: 120
 Offset: 0 (0%), Referenced to phase 2: and 6:SBL, Start of Green
 Natural Cycle: 90
 Control Type: Actuated-Coordinated
 Maximum v/c Ratio: 0.92
 Intersection Signal Delay: 30.7
 Intersection LOS: C
 Intersection Capacity Utilization 83.7%
 ICU Level of Service E
 Analysis Period (min) 15
 # 95th percentile volume exceeds capacity, queue may be longer.
 Queue shown is maximum after two cycles.

Splits and Phases: 3: Lee Blvd. & Sunniland Blvd.



SUNNILAND BLVD. @ 5TH AVE. W.

HCS Two-Way Stop-Control Report

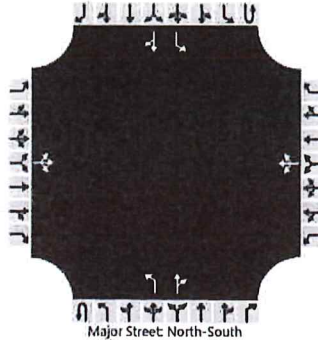
General Information

Analyst	tbt
Agency/Co.	TR Transportation Consult
Date Performed	1/9/2024
Analysis Year	2028
Time Analyzed	Weekday AM Peak Hr
Intersection Orientation	North-South
Project Description	Sunniland CPD

Site Information

Intersection	Sunniland Blvd. @ 5th St. W
Jurisdiction	Lee County
East/West Street	5th St. W
North/South Street	Sunniland Blvd.
Peak Hour Factor	0.92
Analysis Time Period (hrs)	0.25

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		0	1	0		0	1	0	0	1	1	0	0	1	1	0
Configuration			LTR				LTR			L		TR		L		TR
Volume (veh/h)		24	0	34		39	0	5		62	186	45		5	176	14
Percent Heavy Vehicles (%)		0	0	0		0	1	0		0				0		
Proportion Time Blocked																
Percent Grade (%)	0				0											
Right Turn Channelized																
Median Type Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)		7.1	6.5	6.2		7.1	6.5	6.2		4.1				4.1		
Critical Headway (sec)		7.10	6.50	6.20		7.10	6.51	6.20		4.10				4.10		
Base Follow-Up Headway (sec)		3.5	4.0	3.3		3.5	4.0	3.3		2.2				2.2		
Follow-Up Headway (sec)		3.50	4.00	3.30		3.50	4.01	3.30		2.20				2.20		

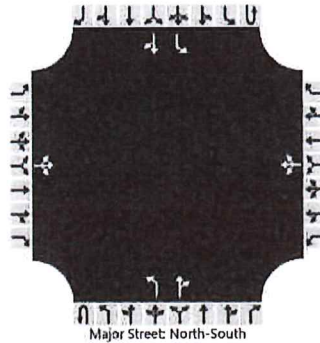
Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)			63				48			67				5		
Capacity, c (veh/h)			585				407			1377				1326		
v/c Ratio			0.11				0.12			0.05				0.00		
95% Queue Length, Q ₉₅ (veh)			0.4				0.4			0.2				0.0		
Control Delay (s/veh)			11.9				15.0			7.7				7.7		
Level of Service (LOS)			B				C			A				A		
Approach Delay (s/veh)	11.9				15.0				1.6				0.2			
Approach LOS	B				C				A				A			

HCS Two-Way Stop-Control Report

General Information		Site Information	
Analyst	tbt	Intersection	Sunniland Blvd. @ 5th St. W
Agency/Co.	TR Transportation Consult	Jurisdiction	Lee County
Date Performed	1/9/2024	East/West Street	5th St. W
Analysis Year	2028	North/South Street	Sunniland Blvd.
Time Analyzed	Weekday PM Peak Hr	Peak Hour Factor	0.92
Intersection Orientation	North-South	Analysis Time Period (hrs)	0.25
Project Description	Sunniland CPD		

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		0	1	0		0	1	0	0	1	1	0	0	1	1	0
Configuration			LTR				LTR			L		TR		L		TR
Volume (veh/h)		50	0	140		169	0	10		146	432	145		10	383	24
Percent Heavy Vehicles (%)		0	0	0		0	1	0		0				0		
Proportion Time Blocked																
Percent Grade (%)	0				0											
Right Turn Channelized																
Median Type Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)		7.1	6.5	6.2		7.1	6.5	6.2		4.1				4.1		
Critical Headway (sec)		7.10	6.50	6.20		7.10	6.51	6.20		4.10				4.10		
Base Follow-Up Headway (sec)		3.5	4.0	3.3		3.5	4.0	3.3		2.2				2.2		
Follow-Up Headway (sec)		3.50	4.00	3.30		3.50	4.01	3.30		2.20				2.20		

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)			207				195			159				11		
Capacity, c (veh/h)			284				81			1128				964		
v/c Ratio			0.73				2.39			0.14				0.01		
95% Queue Length, Q ₉₅ (veh)			5.2				18.2			0.5				0.0		
Control Delay (s/veh)			45.1				742.4			8.7				8.8		
Level of Service (LOS)			E				F			A				A		
Approach Delay (s/veh)	45.1				742.4				1.8				0.2			
Approach LOS	E				F				A				A			

SUNNILAND BLVD. @ S. SITE ACCESS

HCS Two-Way Stop-Control Report

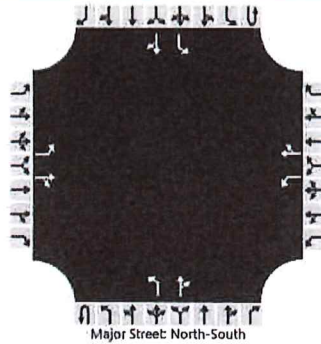
General Information

Analyst	tbt
Agency/Co.	TR Transportation Consult
Date Performed	1/9/2024
Analysis Year	2028
Time Analyzed	Weekday AM Peak Hr
Intersection Orientation	North-South
Project Description	Sunniland CPD

Site Information

Intersection	Sunniland Blvd. @ South Site Access
Jurisdiction	Lee County
East/West Street	South Site Access
North/South Street	Sunniland Blvd.
Peak Hour Factor	0.92
Analysis Time Period (hrs)	0.25

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		1	1	0		1	1	0	0	1	1	0	0	1	1	0
Configuration		L		TR		L		TR		L		TR		L		TR
Volume (veh/h)		5	0	28		10	0	0		23	159	32		2	129	14
Percent Heavy Vehicles (%)		0	0	0		0	1	0		0				0		
Proportion Time Blocked																
Percent Grade (%)	0				0											
Right Turn Channelized																
Median Type Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)		7.1	6.5	6.2		7.1	6.5	6.2		4.1				4.1		
Critical Headway (sec)		7.10	6.50	6.20		7.10	6.51	6.20		4.10				4.10		
Base Follow-Up Headway (sec)		3.5	4.0	3.3		3.5	4.0	3.3		2.2				2.2		
Follow-Up Headway (sec)		3.50	4.00	3.30		3.50	4.01	3.30		2.20				2.20		

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)		5		30		11		0		25				2		
Capacity, c (veh/h)		560		904		529		0		1437				1375		
v/c Ratio		0.01		0.03		0.02				0.02				0.00		
95% Queue Length, Q ₉₅ (veh)		0.0		0.1		0.1				0.1				0.0		
Control Delay (s/veh)		11.5		9.1		12.0				7.5				7.6		
Level of Service (LOS)		B		A		B				A				A		
Approach Delay (s/veh)	9.5								0.8				0.1			
Approach LOS	A								A				A			

HCS Two-Way Stop-Control Report

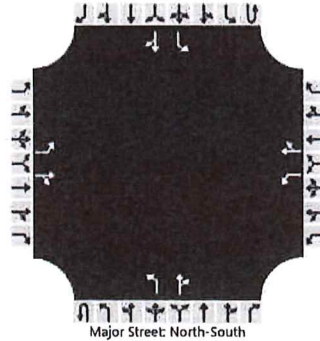
General Information

Analyst	tbt
Agency/Co.	TR Transportation Consult
Date Performed	1/9/2024
Analysis Year	2028
Time Analyzed	Weekday PM Peak Hr
Intersection Orientation	North-South
Project Description	Sunniland CPD

Site Information

Intersection	Sunniland Blvd. @ South Site Access
Jurisdiction	Lee County
East/West Street	South Site Access
North/South Street	Sunniland Blvd.
Peak Hour Factor	0.92
Analysis Time Period (hrs)	0.25

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		1	1	0		1	1	0	0	1	1	0	0	1	1	0
Configuration		L		TR		L		TR		L		TR		L		TR
Volume (veh/h)		25	0	154		84	0	10		113	404	90		20	149	18
Percent Heavy Vehicles (%)		0	0	0		0	1	0		0				0		
Proportion Time Blocked																
Percent Grade (%)	0				0											
Right Turn Channelized																
Median Type Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)		7.1	6.5	6.2		7.1	6.5	6.2		4.1				4.1		
Critical Headway (sec)		7.10	6.50	6.20		7.10	6.51	6.20		4.10				4.10		
Base Follow-Up Headway (sec)		3.5	4.0	3.3		3.5	4.0	3.3		2.2				2.2		
Follow-Up Headway (sec)		3.50	4.00	3.30		3.50	4.01	3.30		2.20				2.20		

Delay, Queue Length, and Level of Service

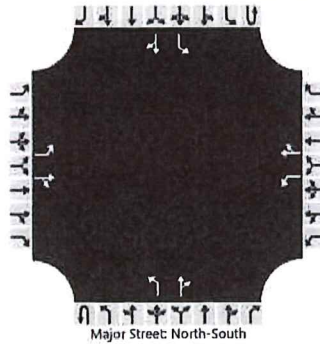
Flow Rate, v (veh/h)		27		167		91		11		123				22		
Capacity, c (veh/h)		211		877		154		584		1406				1041		
v/c Ratio		0.13		0.19		0.59		0.02		0.09				0.02		
95% Queue Length, Q ₉₅ (veh)		0.4		0.7		3.1		0.1		0.3				0.1		
Control Delay (s/veh)		24.6		10.1		57.9		11.3		7.8				8.5		
Level of Service (LOS)		C		B		F		B		A				A		
Approach Delay (s/veh)	12.1				52.9				1.5				0.9			
Approach LOS	B				F				A				A			

SUNNILAND BLVD. @ N. SITE ACCESS

HCS Two-Way Stop-Control Report

General Information		Site Information	
Analyst	tbt	Intersection	Sunniland Blvd. @ North Site Access
Agency/Co.	TR Transportation Consult	Jurisdiction	Lee County
Date Performed	1/9/2024	East/West Street	North Site Access
Analysis Year	2028	North/South Street	Sunniland Blvd.
Time Analyzed	Weekday AM Peak Hr	Peak Hour Factor	0.92
Intersection Orientation	North-South	Analysis Time Period (hrs)	0.25
Project Description	Sunniland CPD		

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		1	1	0		1	1	0	0	1	1	0	0	1	1	0
Configuration		L		TR		L		TR		L		TR		L		TR
Volume (veh/h)		0	0	0		0	0	0		2	163	2		0	143	0
Percent Heavy Vehicles (%)		0	0	0		0	1	0		0				0		
Proportion Time Blocked																
Percent Grade (%)	0				0											
Right Turn Channelized																
Median Type Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)		7.1	6.5	6.2		7.1	6.5	6.2		4.1				4.1		
Critical Headway (sec)		7.10	6.50	6.20		7.10	6.51	6.20		4.10				4.10		
Base Follow-Up Headway (sec)		3.5	4.0	3.3		3.5	4.0	3.3		2.2				2.2		
Follow-Up Headway (sec)		3.50	4.00	3.30		3.50	4.01	3.30		2.20				2.20		

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)		0		0		0		0		2				0		
Capacity, c (veh/h)		619		0		619		0		1437				1408		
v/c Ratio		0.00				0.00				0.00				0.00		
95% Queue Length, Q ₉₅ (veh)		0.0				0.0				0.0				0.0		
Control Delay (s/veh)		10.8				10.8				7.5				7.6		
Level of Service (LOS)		B				B				A				A		
Approach Delay (s/veh)									0.1				0.0			
Approach LOS									A				A			

HCS Two-Way Stop-Control Report

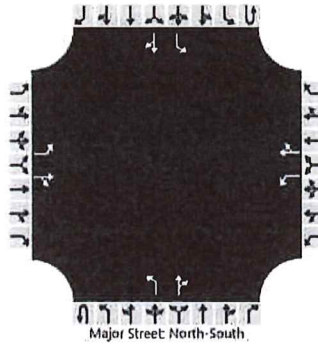
General Information

Analyst	tbt
Agency/Co.	TR Transportation Consult
Date Performed	1/9/2024
Analysis Year	2028
Time Analyzed	Weekday PM Peak Hr
Intersection Orientation	North-South
Project Description	Sunniland CPD

Site Information

Intersection	Sunniland Blvd. @ North Site Access
Jurisdiction	Lee County
East/West Street	North Site Access
North/South Street	Sunniland Blvd.
Peak Hour Factor	0.92
Analysis Time Period (hrs)	0.25

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		1	1	0		1	1	0	0	1	1	0	0	1	1	0
Configuration		L		TR		L		TR		L		TR		L		TR
Volume (veh/h)		2	0	3		0	0	0		3	446	0		0	191	3
Percent Heavy Vehicles (%)		0	0	0		0	1	0		0				0		
Proportion Time Blocked																
Percent Grade (%)	0				0											
Right Turn Channelized																
Median Type Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)		7.1	6.5	6.2		7.1	6.5	6.2		4.1				4.1		
Critical Headway (sec)		7.10	6.50	6.20		7.10	6.51	6.20		4.10				4.10		
Base Follow-up Headway (sec)		3.5	4.0	3.3		3.5	4.0	3.3		2.2				2.2		
Follow-up Headway (sec)		3.50	4.00	3.30		3.50	4.01	3.30		2.20				2.20		

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)		2		3		0		0		3				0		
Capacity, c (veh/h)		355		836		353		0		1372				1089		
v/c Ratio		0.01		0.00		0.00				0.00				0.00		
95% Queue Length, Q ₉₅ (veh)		0.0		0.0		0.0				0.0				0.0		
Control Delay (s/veh)		15.2		9.3		15.2				7.6				8.3		
Level of Service (LOS)		C		A		C				A				A		
Approach Delay (s/veh)	11.7								0.1				0.0			
Approach LOS	B								A				A			

**LEE COUNTY GENERALIZED PEAK
HOUR DIRECTIONAL SERVICE
VOLUMES**

Lee County
Generalized Peak Hour Directional Service Volumes
Urbanized Areas

April 2016

c:\input5

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

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

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

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

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

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

TRAFFIC DATA
FDOT FLORIDA TRAFFIC ONLINE

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2021 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 0122 - 12TH ST W, BTWN GUNNERY RD AND SUNSHINE BLVD

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
----	-----	-----	-----	-----	-----	-----
2021	5100 X	0	0	9.00	53.50	5.40
2020	4800 E	0	0	9.00		5.40
2019	4800 E	E 0	W 0	9.00		5.40
2018	4700 C	E 2300	W 2400	9.00	53.30	6.00
2017	4800 S	E 2200	W 2600	9.00	55.40	4.90
2016	4500 F	E 2100	W 2400	9.00	63.90	4.90
2015	4300 C	E 2000	W 2300	9.00	55.50	4.90

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: 0097 - LEE BLVD/CR 884, E OF SUNSHINE BLVD LC 312

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
----	-----	-----	-----	-----	-----	-----
2021	50000 X	0	0	9.00	53.50	4.20
2020	47000 E	0	0	9.00	53.40	4.20
2019	47000 E	E 0	W 0	9.00	53.80	4.20
2018	46500 C	E 23500	W 23000	9.00	53.30	4.60
2017	46000 S	E 23500	W 22500	9.00	55.40	4.40
2016	43000 F	E 22000	W 21000	9.00	63.90	4.40
2015	41000 C	E 21000	W 20000	9.00	65.10	4.40
2014	40500 S	E 20500	W 20000	9.00	65.20	3.20
2013	38500 F	E 19500	W 19000	9.00	58.60	3.20
2012	37500 C	E 19000	W 18500	9.00	56.00	3.20
2011	36500 C	E 19000	W 17500	9.00	56.40	2.80
2010	40500 S	E 20500	W 20000	9.55	57.50	4.00
2009	38500 F	E 19500	W 19000	9.27	57.21	4.00
2008	38500 C	E 19500	W 19000	9.21	58.32	4.00

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

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2021 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 6022 - LEE BLVD/CR 884, 75 ' W OF HARRY AVE, PTMS 2022, LCPR 22

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
----	-----	-----	-----	-----	-----	-----
2021	39500 T	0	0	9.00	53.50	5.10
2020	39000 S	0	0	9.00	53.40	5.00
2019	40000 F	0	0	9.00	53.80	4.50
2018	39817 C	0	0	9.00	63.90	4.80
2017	37500 F	0	0	9.00	63.90	4.60
2016	37719 C	E 18443	W 19276	9.00	63.90	4.80
2015	35450 C	E 17379	W 18071	9.00	65.10	5.80
2014	33740 C	E 16612	W 17128	9.00	65.20	3.90
2013	31079 C	E 15342	W 15737	9.00	65.50	3.00
2012	29292 C	E 14473	W 14819	9.00	61.70	4.30
2011	28509 C	E 14062	W 14447	9.00	59.20	4.60
2010	28740 C	E 14173	W 14567	8.94	60.01	4.40
2009	20300 F	E 0	W 0	9.27	57.21	4.90
2008	20975 C	E 11919	W 9056	9.21	58.32	3.90

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: 4104 - GUNNERY RD, NORTH OF LEE BLVD

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2021	16900 C	N 8000	S 8900	9.00	53.50	7.70
2020	17500 E	N 0	S 0	9.00	53.40	6.00
2019	17000 F	N	S	9.00	53.80	10.10
2018	16400 C	N 7900	S 8500	9.00	53.30	10.10
2017	15100 T	N 7300	S 7800	9.00	55.40	10.50
2016	14100 S	N 6800	S 7300	9.00	63.90	5.80
2015	13400 F	N 6500	S 6900	9.00	55.50	5.80
2014	12800 C	N 6200	S 6600	9.00	55.20	5.80
2013	17300 S	N 8600	S 8700	9.00	55.00	10.50
2012	17300 F	N 8600	S 8700	9.00	55.30	11.50
2011	17400 C	N 8600	S 8800	9.00	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: 4182 - SUNSHINE BLVD., NORTH OF S.R. 82

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
----	-----	-----	-----	-----	-----	-----
2021	7800 X	0	0	9.00	53.50	7.60
2020	7400 E	0	0	9.00	59.30	7.30
2019	7400 F	N	S	9.00	59.60	7.30
2018	7100 C	N 3700	S 3400	9.00	53.30	7.30
2017	6300 T	N 3300	S 3000	9.00	55.40	7.30
2016	5900 S	N 3100	S 2800	9.00	63.90	4.90
2015	5600 F	N 2900	S 2700	9.00	55.50	4.90
2014	5400 C	N 2800	S 2600	9.00	55.20	4.90
2013	4100 S	0	0	9.00	55.00	6.50
2012	4100 F	0	0	9.00	55.30	7.40
2011	4100 C	N 0	S 0	9.00	55.20	9.10

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

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2021 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 0173 - SUNSHINE BLVD N, N OF 12TH ST W

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
----	-----	-----	-----	-----	-----	-----
2021	12500 X	0	0	9.00	53.50	7.60
2020	12000 E	0	0	9.00		7.70
2019	12500 C	N 0	S 0	9.00		9.50
2018	11700 C	N 6000	S 5700	9.00	53.30	9.40
2017	12700 S	N 6200	S 6500	9.00	55.40	7.30
2016	11900 F	N 5800	S 6100	9.00	63.90	6.00
2015	11300 C	N 5500	S 5800	9.00	55.50	7.70

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

TRIP GENERATION EQUATIONS

Mini-Warehouse (151)

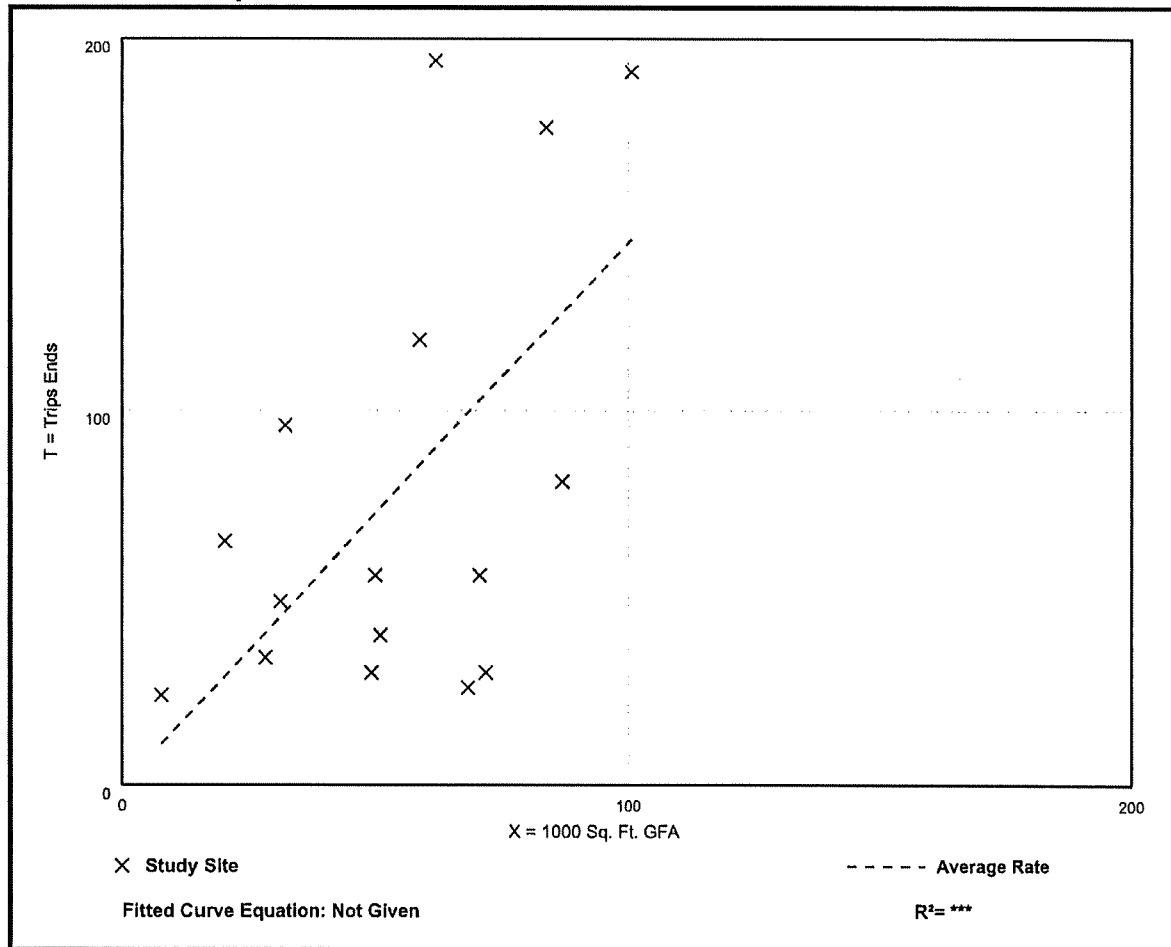
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 16
Avg. 1000 Sq. Ft. GFA: 55
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
1.45	0.38 - 3.25	0.92

Data Plot and Equation



Mini-Warehouse (151)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA

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: 13

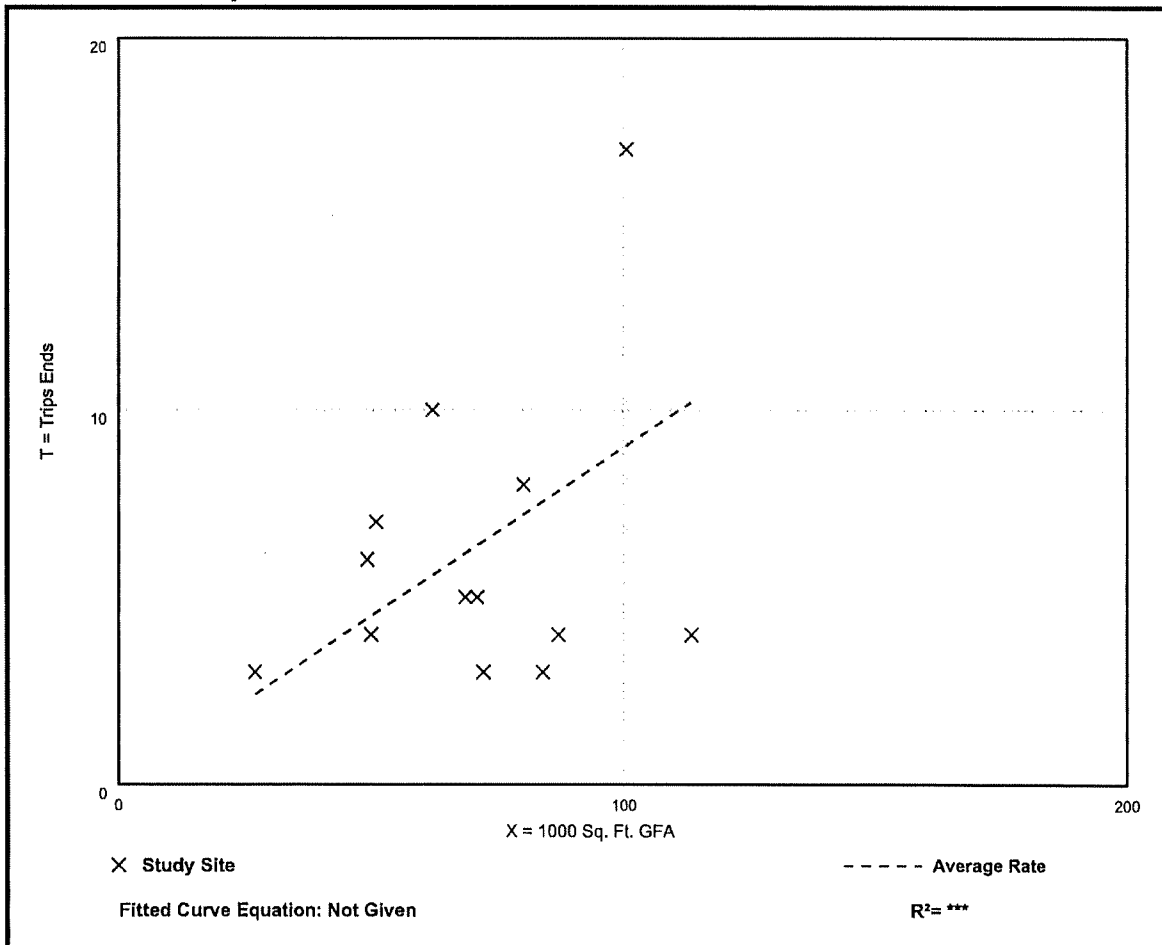
Avg. 1000 Sq. Ft. GFA: 70

Directional Distribution: 59% entering, 41% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
0.09	0.04 - 0.17	0.05

Data Plot and Equation



Mini-Warehouse (151)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA

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: 18

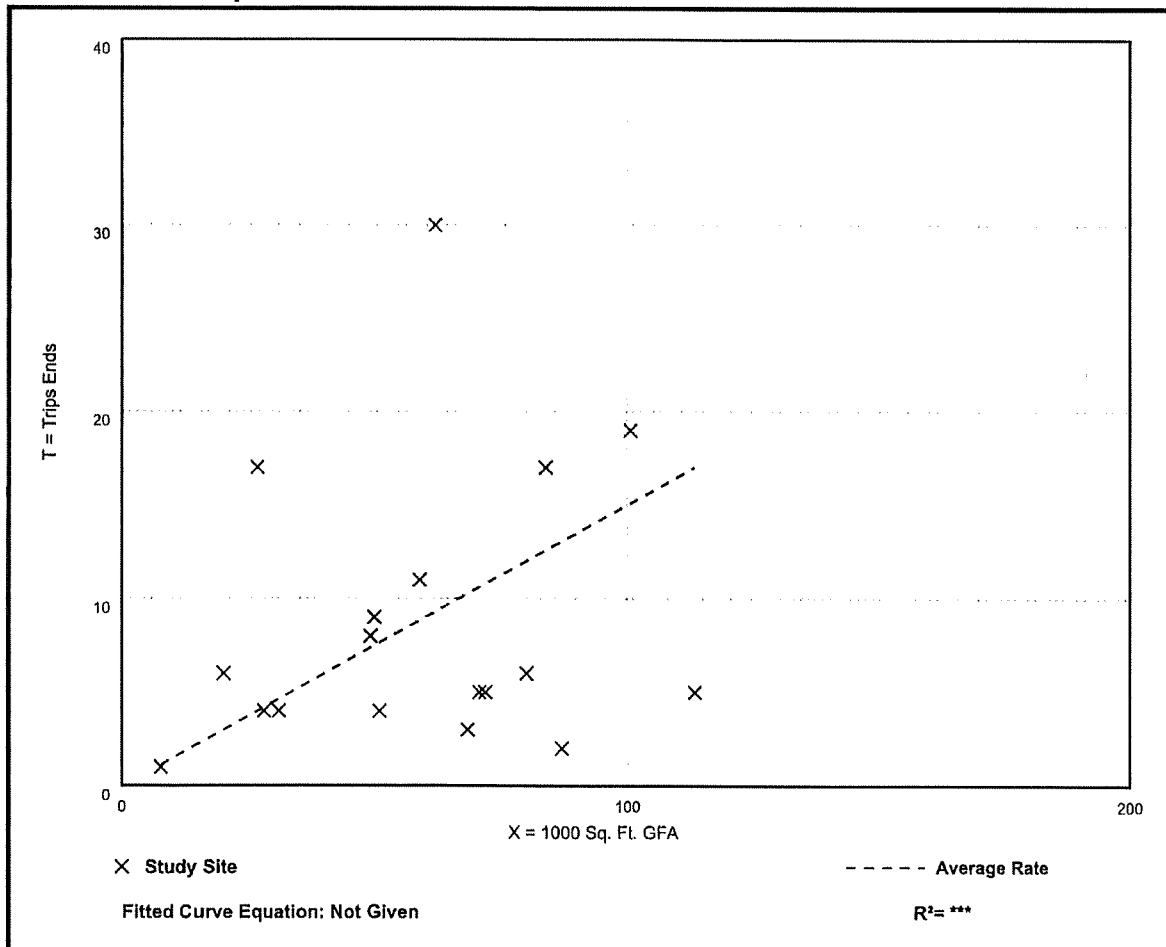
Avg. 1000 Sq. Ft. GFA: 59

Directional Distribution: 47% entering, 53% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
0.15	0.02 - 0.64	0.14

Data Plot and Equation



Multifamily Housing (Low-Rise) Not Close to Rail Transit (220)

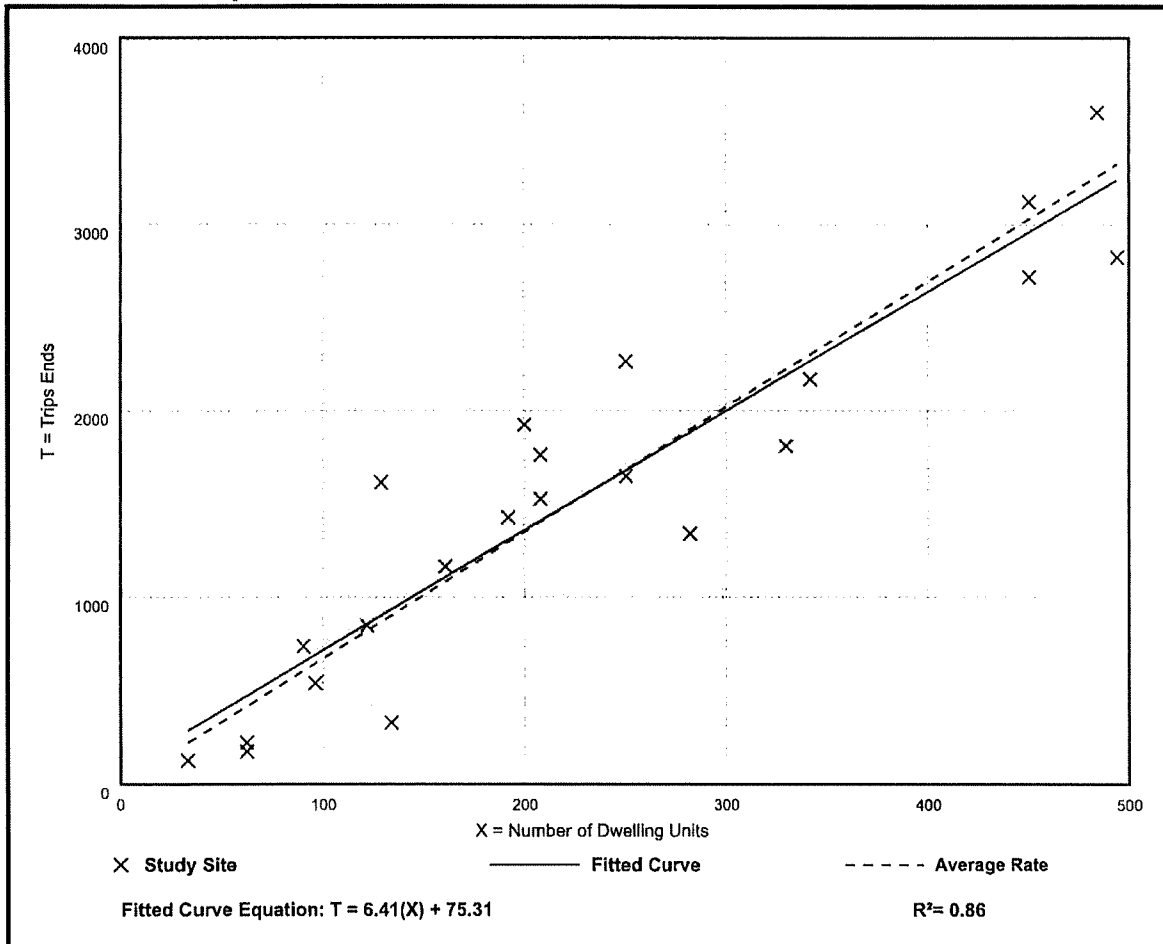
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 22
Avg. Num. of Dwelling Units: 229
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
6.74	2.46 - 12.50	1.79

Data Plot and Equation



Multifamily Housing (Low-Rise) Not Close to Rail Transit (220)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 49

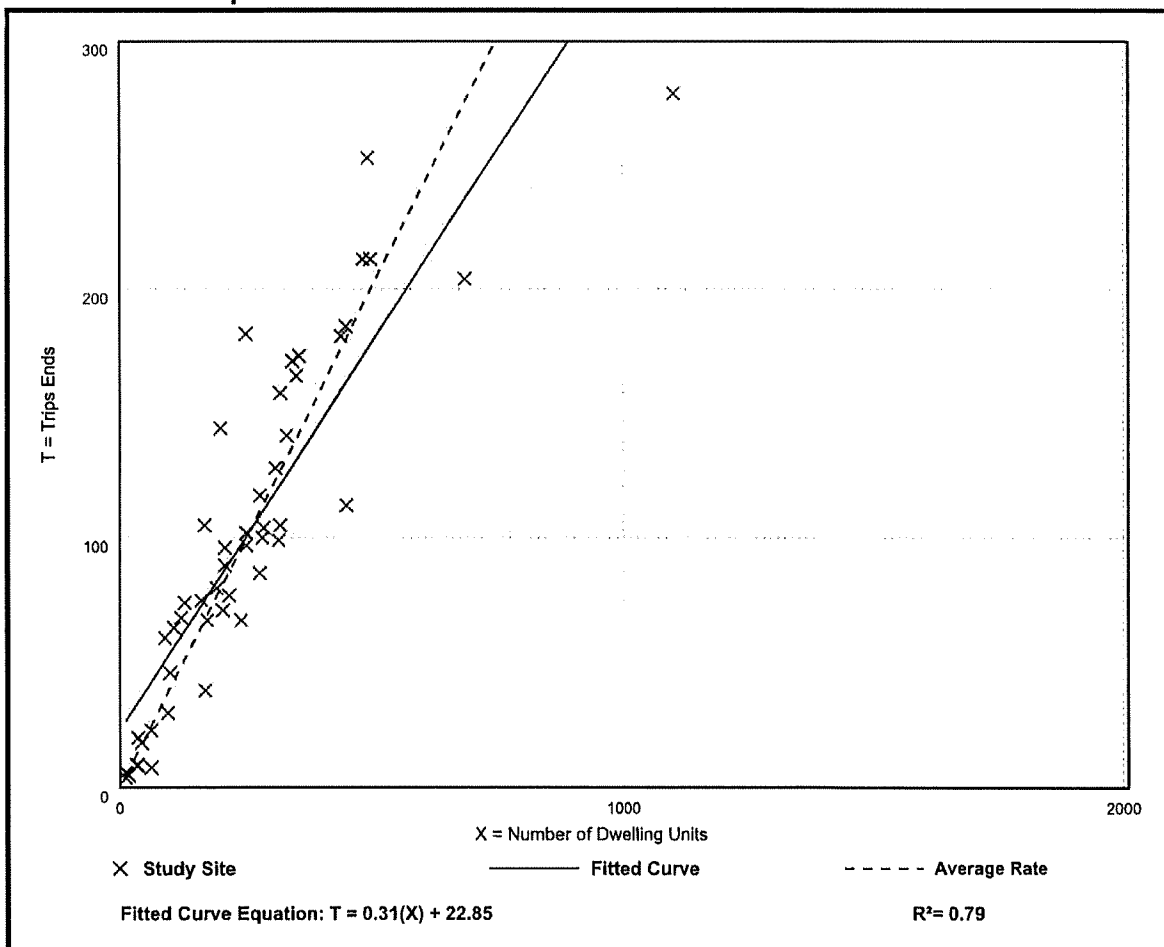
Avg. Num. of Dwelling Units: 249

Directional Distribution: 24% entering, 76% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.40	0.13 - 0.73	0.12

Data Plot and Equation



Multifamily Housing (Low-Rise) Not Close to Rail Transit (220)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 59

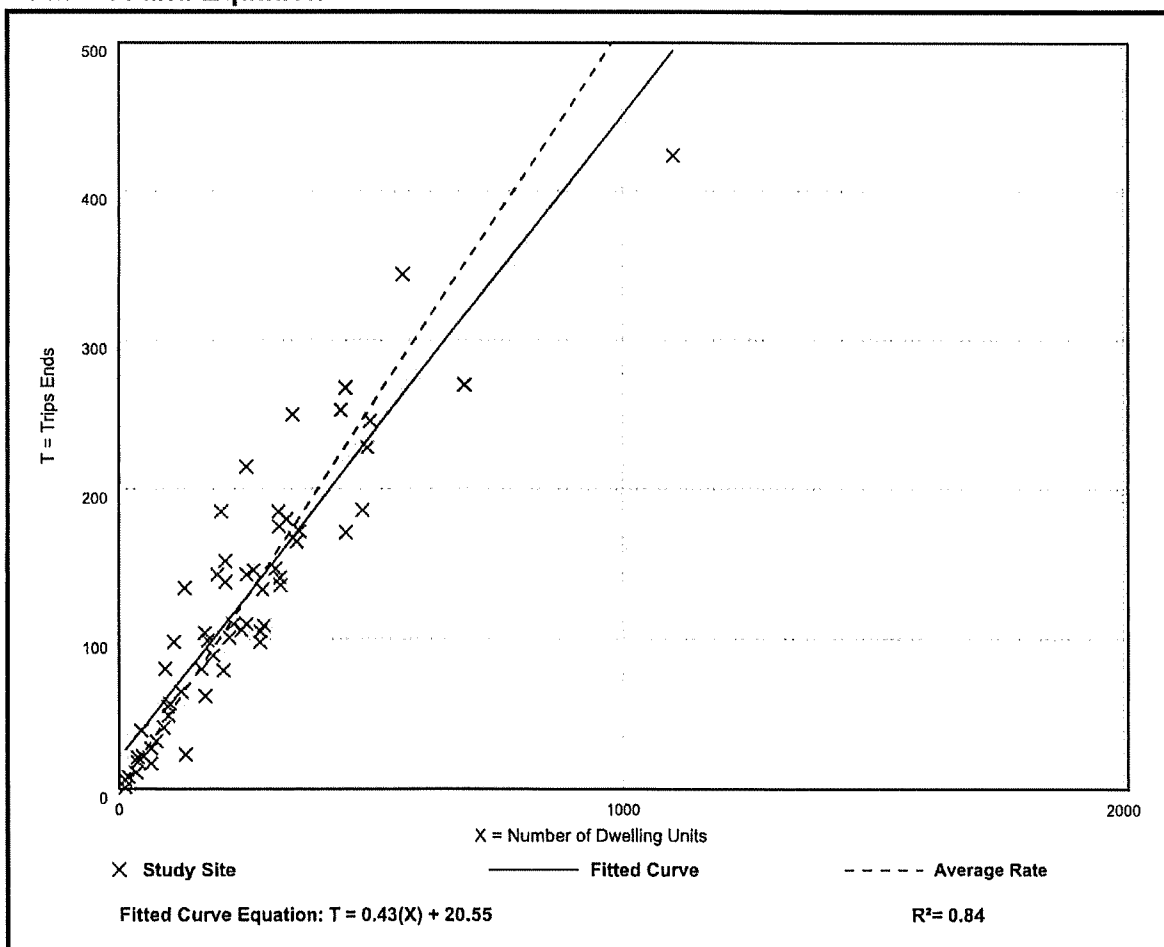
Avg. Num. of Dwelling Units: 241

Directional Distribution: 63% entering, 37% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.51	0.08 - 1.04	0.15

Data Plot and Equation



Shopping Center (>150k) (820)

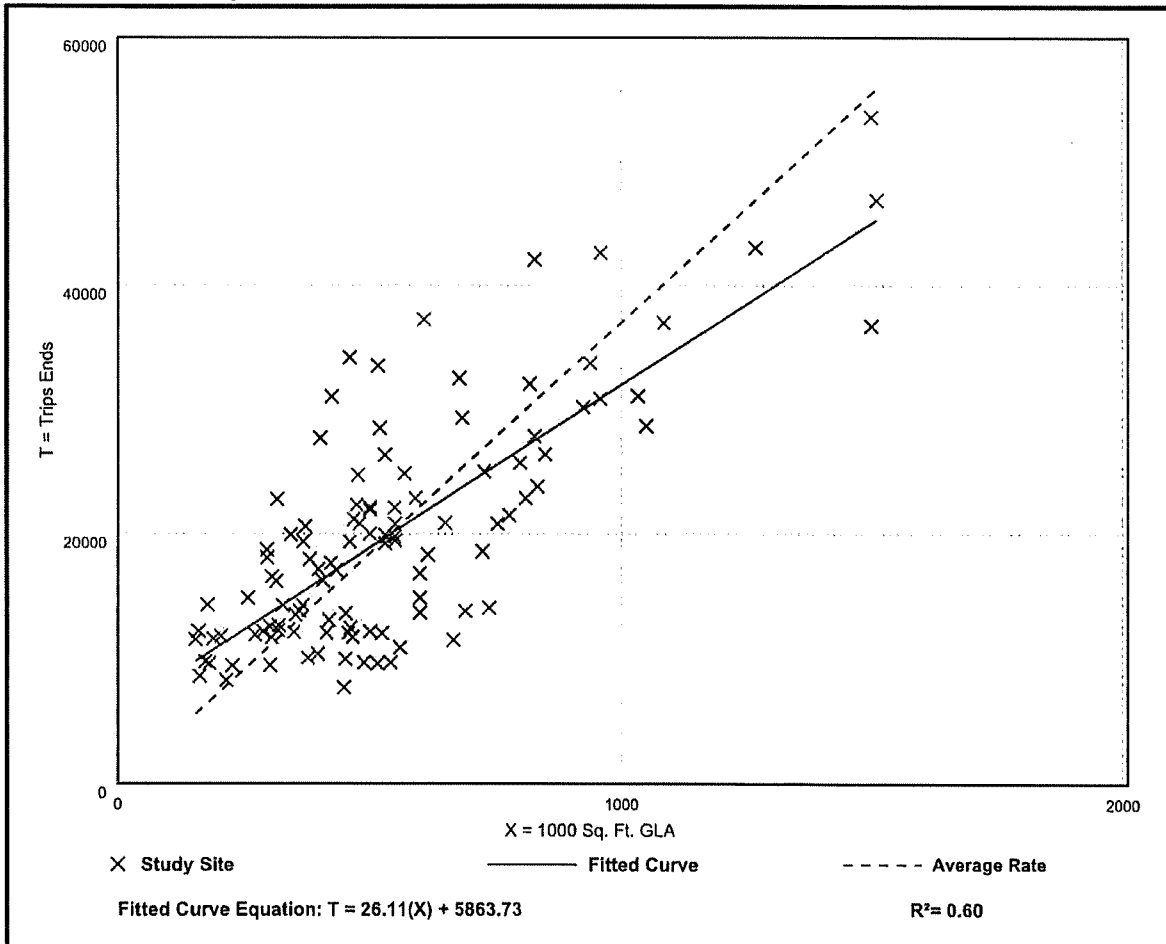
Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 108
Avg. 1000 Sq. Ft. GLA: 538
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
37.01	17.27 - 81.53	12.79

Data Plot and Equation



Shopping Center (>150k) (820)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA

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: 44

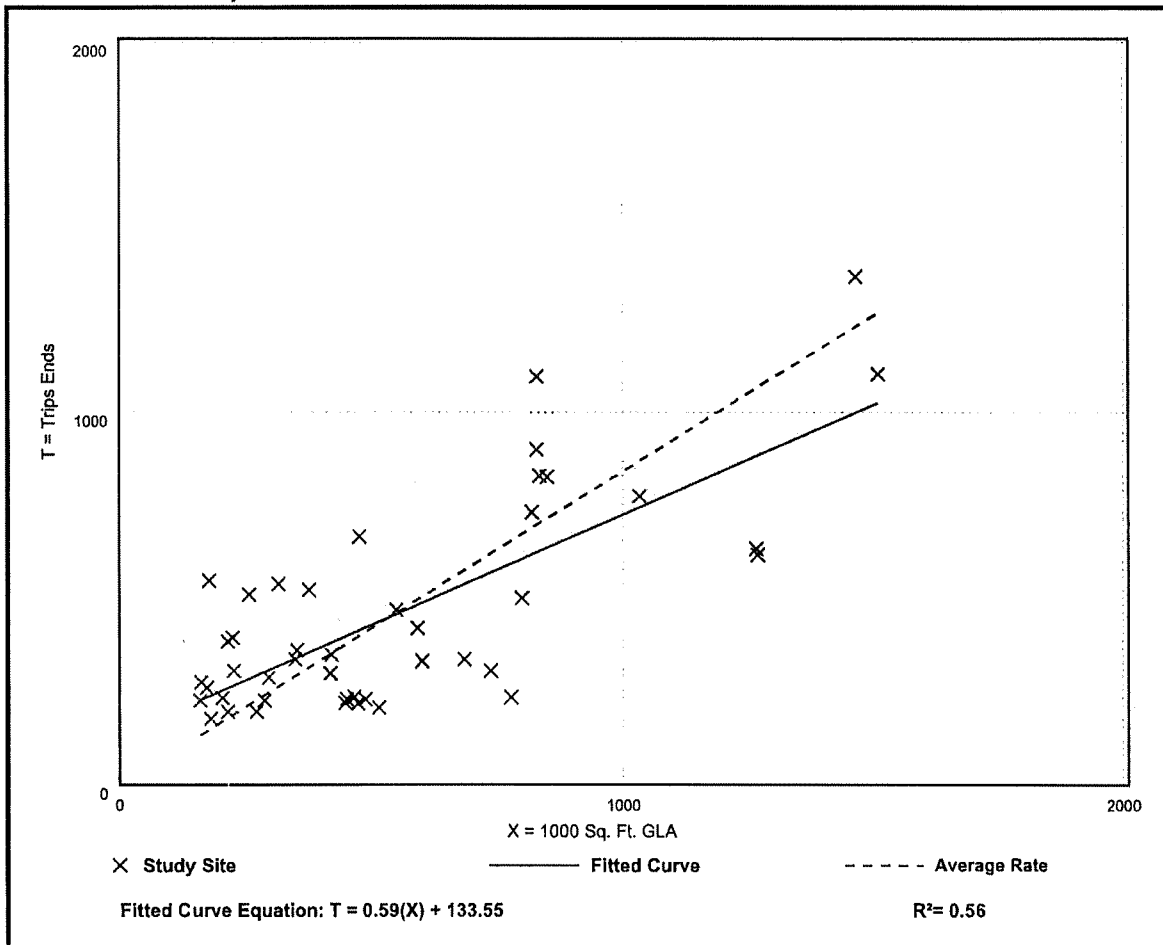
Avg. 1000 Sq. Ft. GLA: 546

Directional Distribution: 62% entering, 38% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
0.84	0.30 - 3.11	0.42

Data Plot and Equation



Shopping Center (>150k) (820)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA

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: 126

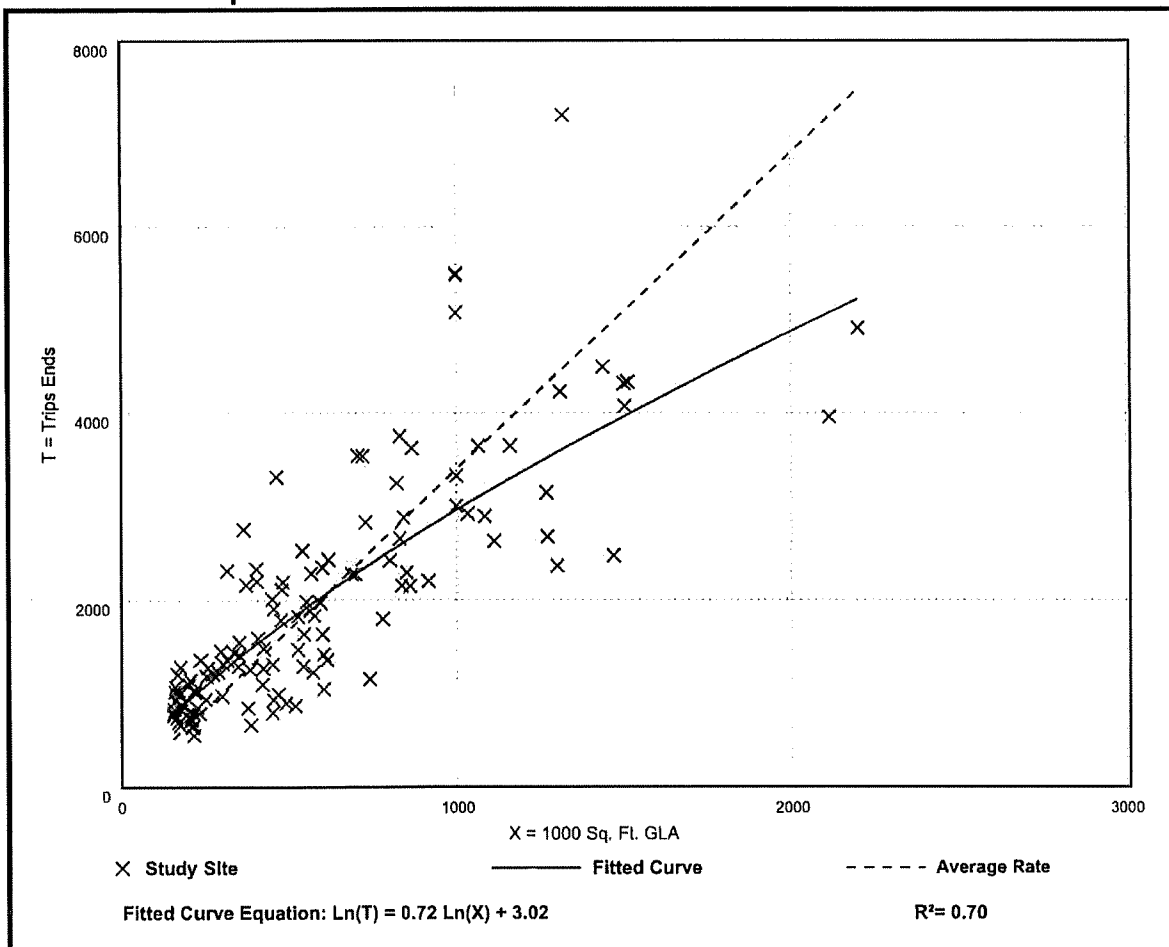
Avg. 1000 Sq. Ft. GLA: 581

Directional Distribution: 48% entering, 52% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
3.40	1.57 - 7.58	1.26

Data Plot and Equation





DEPARTMENT OF TRANSPORTATION

Memo

To: Elizabeth Workman, Planner, Principal

From: Md Rakibul Alam, Transportation Planner, Principal

Date: Mar 25, 2024

Subject: Sunniland Town Center CPD (DCI2023-00010) Transportation-Related Analysis

Proposed Development

This application seeks an amendment to Resolution Z-06-090 (Sunniland Town Centre CPD) to modify the master concept plan, allowing for a mixed-use development combining commercial and residential elements. The proposed configurations include either 265,000 square feet for commercial purposes alongside 100,000 square feet designated for Self-Storage use, or alternatively, 100,000 square feet for commercial ventures and 100,000 square feet designated for Self-Storage use coupled with the construction of 300 residential dwelling units.

Site Location

The subject site is located on the north side of Lee Boulevard on both the east and west side of Sunniland Boulevard just over ½ mile west of Sunshine Boulevard in the Lehigh Acres area of Lee County, Florida

Site Access

Access to the proposed development will be via Sunniland Boulevard with two access points, and connections to 5th Street W. and an extension of 5th Street W. to the east of Sunniland Boulevard. Sunniland Boulevard is a county-maintained major collector. No direct access to Lee Boulevard is proposed which is a county-maintained principal arterial.

Trip Generation Review

The trip generation for this proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) Trip Generation 11th Edition Report. For the proposed development, two different land use combinations (LUC) have been proposed (Table 1).

Table 1: Land Use Combination for Sunniland Town Center CPD

Land Use	LUC #1	LUC #2
Retail	265,000 sq. ft.	100,000 sq. ft.
Self-Storage	100,000 sq. ft.	100,000 sq. ft.
Multi-Family	--	300 Units

Between these two Combinations, LUC #1 generates the greatest number of trips on the adjacent roadway system and was utilized in the TIS to evaluate the impacts on the adjacent roadway network and intersections.

Table 2 outlines the proposed project's trip generation (LUC #1) for weekday AM and PM peak hour and daily traffic volumes.

Table 2: Trip Generation

Land Use	Weekday A.M Peak Hour			Weekday P.M Peak Hour			Daily (2-Way)
	In	Out	Total	In	Out	Total	
Retail [ITE Code 820] (265,000 sq. ft.)	180	110	290	546	592	1,138	12,783
Self- Storage [ITE Code 151] (100,000 sq. ft.)	5	4	9	7	8	15	145
Less 30% Pass-By Trips [ITE Code 820]	-44	-44	-88	-171	-171	-342	-3,835
Net New Trips	141	70	211	382	429	811	9,093

Roadway Section Traffic Operation Level of Service Analysis

The proposed development was assumed to be completed by 2028 (build-out year). Therefore, the roadway links significantly impacted by the proposed development were analyzed for the 2028 projected traffic conditions without and with the proposed development (Table 3).

Table 3: Arterial/Collector Roadway Section(s) Adjacent to Site Expected to be Significantly Impacted by the Proposed Development

Roadway	Location	Significant Impact Expected	Level of Service		
			Existing	Future 2028	Future 2028 + Project
Sunshine Blvd.	S. of Lee Blvd.	Yes	C	C	C
Sunniland Blvd.	N. of Lee Blvd.	Yes	C	C	C
	N. of 12 th St W.	Yes	C	C	C
Gunnery Rd.	N. of Lee Blvd.	No	C	F	F
	S. of Lee Blvd.	No	B	F	F

Roadway Intersection Traffic Operation Level of Service Analysis

New trips were assigned to the surrounding road network to assess LOS impact as necessary at site access and intersections expected to be most impacted by the proposed development. Table 4 describes the site accesses and the intersection that are expected to be most impacted by the proposed zoning along with their corresponding pre- and post-project built-out level of service.

Table 4: Site Access and Intersection Level of Service Analysis

Intersection		Traffic Control	Peak Hour	Level of Service		
Roadway A	Roadway B			Existing	Future (2028)	Future (2028) + Project
Lee Blvd.	Sunniland Blvd.	Two-Way Stop Controlled	PM	--	F	F
Lee Blvd.	Sunniland Blvd.	Signalized	PM	--	--	C
Sunniland Blvd.	5 th St W.	Two-Way Stop Controlled	PM	--	F	--
Sunniland Blvd.	N. Site Access	Two-Way Stop Controlled	PM	--	B	--
Sunniland Blvd.	S. Site Access	Two-Way Stop Controlled	PM	--	F	--

Conclusion

The proposed project will not have a detrimental impact on the surrounding roadway system. Moreover, please consider a recommendation adding the following conditions:

1. *“Development intensity is limited to new trips generated by 265,000-SF commercial retail use (Shopping Center (>150KSF)) and 100,000-SF mini-warehouse use based upon the Institute of Transportation Engineers (ITE) Trip Generation Manual in effect at time of local development order.”*
2. *The turning volumes projected in the Zoning TIS indicate that signal warrants will be met at Lee Blvd. and Sunniland Blvd. intersection. At the time of submittal for the first DO, a detailed signal warrant projection based on full buildout traffic conditions at Lee Blvd. and Sunniland Blvd. intersection including full buildout of the Sunniland Town Center development established by zoning intensities and densities must be performed. Should the County Traffic Engineer deem that a traffic signal will be warranted at the intersection, the Applicant must incorporate the design of a new traffic signal as a part of the DO approval process. Should the Developer decide to design the signal(s) as a part of a separate Limited Review Development Order for offsite improvements, the LDO must be approved prior to the issuance of a Certificate of Occupancy for any dwelling units or a Certificate of Completion for vertical commercial construction. In addition to the signal design, the Applicant and County must enter into a signalization agreement that details any items necessary to construct the signal(s) including, but not limited to, timing of construction, funding, and the responsible entity to oversee the construction.*

ATTACHMENT R

LEHIGH ACRES ARCHITECTURAL, PLANNING & ZONING REVIEW BOARD

Meeting Minutes –June 22, 2023

5:30 pm

In Person Meeting

Lehigh Acres Municipal Services Improvement District

601 East County Lane, Lehigh Acres, FL 33936

Call To Order: 5:30 pm

Roll Call: Inke Schirmmacher, Tami Baker, Thomas Pfuner, Mike Cook, Derek Felder, Mohamed Yasin, Laurie Sternowski

Excused: Claude Spellman

Consulting: Janis Williams – Lehigh Acres Fire and Rescue District

Minutes: Melissa Barry

Public Comments on Non-agenda Items: None

Approval of Agenda: 1st by Tami and 2nd by Derek

Motion: Passed

Approval of April Minutes: 1st by Derek and 2nd by Thomas

Motion: Passed

New Project Reviews:

- A. Request for a Site/Project Approval on 1261 Homestead Rd, Lehigh Acres FL 33936. The applicant is requesting a Site/Project Approval to develop a new Synovus Bank Building in Phase 1 of the 1261 Homestead Rd Site. The proposed project's scope includes demolishing the existing building after completion of the new building. Project is presented by Chris Lascano w/ Phoenix and Associates

Inke Schirmmacher is sustaining from the vote because she works at Synovus Bank.

Bret Nevaril with Engineering Group presenting. This going to be a phase project. We plan on squeezing in the prototype branch at the corner of Homestead and Plaza. We will maintain the old branch during the construction of the new branch. The goal is to build the new branch with landscaping and water management and we put it into service then we immediately close the existing branch and move everything over in a weekend. Then we will apply for a separate development order through Lee County to demo all the existing building and drive through. Then restore the property to grade. There is third phase to subdivide and sell off as an out parcel. We do plan on during phases one and two, we plan on building a massive retention pond. We will extend water and sewer to the remaining property. During phase two and three, we will be doing a turn lane on Homestead Road and on Plaza. New asphalt will be used and we will use the existing parking lot. We will keep the egress and turn lane on Plaza during phase one. But then once we demo the existing building, we will consolidate the two entry ways.

Homestead road would be right in and right out. Lee County DOT is in agreement. The retention pond will be moved after phase one. Water and sewer being provided by FUGA. Went through the architectural designs.

Board Member Comments:

Mohamed – Concern about the water tie in there with FGUA. That tie in as always been a concern and a problem because they have not fixed the total. The pipes are not the standard pipes and are 1970s.

Response to Mohamed – the good news is we are demoing a big building and going back to two small bathrooms. And it will be one tenth of what it is today.

Laurie – During phase three, are there any protentional customers?

Response to Laura – there are lots of discussion.

Tami – on the architectural plans, I don't see the where the person is in for the drive though.

Response to Tami – a lot of the banks now are remote cameras and a lot of banks have them now. No window any more. At the teller line will have the video screen here where they could talk to the customers. There is a tube system that will go up and over and that is all.

Derek – You said the pond is going to shift north, by north do you mean north on the paper?

Response to Derek – Yes, where the light and the parking lot is, it will go there. We are going to create a pad lane to the south. We are going to connect the parking lots from Homestead with water and sewer. It is part of the master plan.

Mike – They have submitted and in review.

Thomas – no Questions

Inke – No comments

Motion to approve the project as presented: First – 1st by Derek and 2nd by Tami

Motion: Passed

- B. Request for Variance Approval for Front Set-Back 1521 Prospect Ave Lehigh Acres FL 33972. The applicant is requesting a Variance to add a Carport. Project is presented by Richard Overberg w/ Owner. ■

Richard Overberg with Owner - I am looking at putting a car port in front of my house. It will be a 25-foot setback and go through the process. We don't have any neighbors. Asking for 12-foot variance. Our light poll is already there. We will make it pleasing.

Board Member Comments:

Mike – Nothing

Derek – 1) My only comment is that the typical truck is 18-20 feet long and your car port is 27. Why so long?

Response to Derek – We still want access to the garage and we need a walking path on the other side.

Mohomed – 25 feet of variance is a lot. I don't think I have a problem with it

Tami – You are at the very end of the street and to the right is a canal. You won't be blocking the neighbors.

Response to Tami - no

Thomas – We are basically talking about a screen enclosure on a pool without the screens? 2) I was just wondering the because if you do like a pool enclosure that is not counted as a structure. The only difference is one is back and one is front.

Response to Thomas – no – he showed the pictures.

Janis – My concern is hurricanes and stand-alone carport. But your is fixed to the house?

Response to Janis – it is tied to the house and has hurricane straps.

Inke – What materials are you using? 2) it is an open care port? 3) are you bring the any more dirt?

Response to Inke – it will be the matching shingles. 2) there is nothing along the sides. It is open. 3) no.

Laurie – no issue

Motion to approve the project as presented– 1st by Thomas and 2nd by Laura
Motion: Passed

- C. Request for a Development Order Approval on 300 Livingston Way, Westgate Commerce Park, Lehigh Acres FL 33971. The applicant is requesting a DO Approval to develop an expansion of the existing, south adjoining Tibbetts Lumber Company's Truss assembly plant for 60,000 sf truss assembly and storage on a 6-lot combination site consisting of 8.5 acres +/- . Applicant previously brought this site before the LAAPZRB for zoning which was approved by Lee County under Zoning Resolution Z-23-012. Applicant is now back before the LAAPZRB for the Development Order. Project is presented by Megan Knight w/ Banks Engineering. □

Sam Marshall with Banks Engineering and Mike Bones with Tibbetts Lumber – We are back! This is an existing company that is already there. It is located south of Lee Blvd and east of West Gate Blvd. All of the infrastructure is in place right now. They purchased the last lots, 5,6, 7,8, 4 and 9 – they are busy. So now they have assembly of lots and purpose to construct a truss assembly plant. The building is 60,000 square foot assembly building. And there are some off sights storage buildings. We also have some preliminary elevations and architectural plans to show you. On lots 6, 7, 8; we are going to treat that as one lot so the main assembly building is here and have an open building with a roof and a back for materials on the north edge here. The plant will have assembly lines that are east -west so when the project comes out, they will go to lots 4 and 9 for storage and shipping them out. Lot 5 already has a development order on it right now – but we rolled into the over all plan here. There is some office place on the

end of the building. Traffic this will cut down the traffic. Landscape plan show and explained. This is preliminary elevation plans. It is a metal building. It is going to be very similar to the buildings that are out there today. We submitted for upper water management and development order.

Board Member Comments:

Mike – We review two other projects. Very straight forward. They built the lake and the drainage. Each building does their own water quality and then sends the storm water to the pond.

Derek – You go the existing building – there are going to fork lift traffic going back and forth. Are you looking at trying to get limited access to this U shape road.

Response to Derek – that is something we have explored if security becomes an issue.

Mohamed – I am happy that is area will be taken by Tibbets. I remember when that area was abandoned.

Tami – No comment

Thomas – I was just surprised you didn't abandon the U shape road? Is there a lot of use for it?

Response to Thomas – it is really only going to used by Tibbets traffic. It was explored but there are public utilities in there. It did functions fine like this.

Janis – No questions

Inke – 1) the storage area – do you put up the big racks or something there? 2) how many more employees are you going to employ

Response to Inke – 1) yes are racks 2) depending on the business that comes in. It could employee additional 20-30 employees.

Laurie – Has there been any problem with your open buildings?

Response to Laura – I don't think we have any problem. But we are leaving it open so if the County or Tibbets thinks it is necessary then we can explore that.

Motion to approve the project as presented– 1st by Mohamed and 2nd by Derek

Motion: Passed

- C. Request for a Zoning Amendment Approval on 3614 & 3650 5th St W, Lehigh Acres FL 33971. The applicant is requesting to amend the Sunniland CPD to revise the site plan and permit a mixed-use commercial and residential development including either 250,000 sf of commercial floor are or 150,000 sf and 300 multi-family residential units on 33.3 acres. Project is presented by Daniel DeLisi w/DeLisi Inc. ☐

Daniel DeLisi with DeLisi Inc. presenting -This is the early stage where were we are just getting the zoning on the site. Property on Lee Blvd and Sunshine. The

existing zoning includes this parcel here and the oil well. We are not part of the oil well. The owner does not own the oil well. We are asking to rezone the existing certain parcels. The part by Lee Blvd is central Urban land use category. And further from Lee is in the urban community. The only between the two is intent language. Already zoned for 232,000 square feet for commercial and for like a shopping center. We are looking at either 250,000 square feet of commercial or 150,000 square feet commercial space and 300 multi-family residential units. It is a pretty straight forward plan. We will have the preserve for a buffer for the residential.

Board Member Comments:

Mike – We will review the drainage when it is submitted.

Derek – I agree with Tami. Is this the same developer as in 2016? 2) Is the plan market dependent? 3) Does that connect with 5th street? 4) It shows that there is a grocery store, dentist, and restaurant.

Response to Derek – 1) no it is not. 2) it is possible to follow the commercial route. 3) Yes.

Mohamed – Left the meeting before this presentation.

Tami – the project is fine, but I could not back it for residential use. We have so little commercial use. 2) I thought the code was in Lehigh you could not go above three stories in height? 3) Is the light on Sunniland? And the right turn lane off Lee Blvd. I don't think that is a good idea because traffic gets backed up there because of the school and Waffle House is going in there.

Response to Tami – 3) That would be a right in – right out. If it goes that way, there will be a turn lane before that so we are adding more road.

Thomas – You were asking for a mixed use? 2) how much is remaining after you sell off these parcels?

Response to Thomas – We are asking for a mixed use commercial and residential 2) about 10.7 acres left

Janis – 1) the front part of the parcels off Lee Blvd are the commercial and the residential being that? 2) The restaurants in the reserve plans? 3) From a resident of Lehigh Acres perspective - with the residential – that is a lot of traffic that will be there with a parking lot there. I would prefer commercial as well.

Response to Janis – it depends how it is designed.

Inke – 1) the 300 residential units are they apartment buildings? 2) do you have any anchor stores ideas? 3) Traffic is a really good point. What are you doing for traffic there? 4) The comment I have is if we can really combine it with both residents and commercial. Where there was a multi-level building with commercial on the bottom, and residential on the top. If that would work, we would be getting both for the same foot print.

Response to Inke – 1) multi-family buildings 2) we don't have any this point in time. 3) We have had discussion with Lee County DOT and my client is favor of a traffic light in this area. If it goes the way we plan, there would be a traffic light and Sunniland would be redone with turn lanes. That will hopefully make it safer. 3) I don't think that that is something the owner is thinking about right now. But we are just starting out.

Laurie – 1) what is your purposed time line. 2) is there an impact study? There is also a purposed traffic light at Jones and Lee.

Response to Laurie – We want to get this moving. 12 -18 months we break ground. 2) We will look at that.

Public Comment

As a concerned citizen can you tell me how you are going to make this safer?

Response to - One thing is the left turn that goes to nowhere will be going away. Then this left turn will have a signal with pedestrian improvements. We are going to four or five lanes for the cars to get in. I think with a traffic signal there it will be safer. And with the right turn lane it will be getting cars off the road.

Public Comment Jeff Beach– have you been there during rush hour? I have people pass me in the turn lane. Going on the grass and maybe adding 100-200 cars to that. There needs to be a serious consideration through the traffic. I would like to figure it out before people die.

Response to - no, but our traffic guy has, It is hard to design out stupidity. We are having our traffic guy coming out during peak hours and we still have to figure out our use. They might have different peak hours. We look at the use then we figure out what traffic and then putting a turning lane and traffic light, hopefully, that will help.

Inke – When they come back with a development order then they will be able to present what will be going in there.

Motion to approve the project as presented– 1st by Derek to recommend the property be used for Commercial Space only. No Residential use and 2nd by Thomas

Motion: Passed

Old Business: None

New Business:

a) Board Members Comments

- a. Tami – asked about the food trucks and what Janis with the Lehigh Fire Control and Rescue District found out. Discussion was held about the process of siting the food trucks, inspections, and what we can do about it. Food trucks are all over Lee County.
- b. Derek – Purposed to LAMSID to put an right in-right out on Williams.

Motion to Adjure – 1st by Tami and 2nd by Laurie

Adjourn: 6:57 pm
Next LAAPZRB Meeting on July 20, 2023 (if projects are submitted)
Project Submittal Deadline is July 13, 2023

	A	B	C	D
1	#	name	email	business/organization
2	1	Chris Lascano	CLascano@Phoenix-Associates.com	Phoenix Assoc.
3	2	SAM MARSHALL	SMARSHALL@BANKSENG.COM	BANKS ENGINEERING
4	3	Brent Addison	baddison@bankseng.com	Banks Engineering
5	4	RICHARD OVERBERG	RICK@RICKOVERBERG.COM	PRIVATE
6	5	SHERILL OVERBERG	S.OVERBERG863@GMAIL.COM	PRIVATE
7	6	Janis Williams	Janis W @lehighfd.com	PRIVATE
8	7	Jeff & Brenda Beach	beach 7514 @ 201	LAFCRD Private
9	8			
10	9			
11	10			
12	11			
13	12			
14	13			
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18	17			
19	18			
20	19			
21	20			
22	21			

Attachment S – Conditions

Sunniland Town Center CPD – DCI2023-00010

Section A. - Request

1. The development of this project must be consistent with one-page Master Concept Plan (MCP) entitled “Sunniland” last revised November 19, 2023, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at the time of local development order. If changes to the MCP or conditions or deviations are subsequently pursued, appropriate approvals will be necessary.

This project is limited to a maximum of either:

1. 265,000 square feet of commercial floor area and 100,000 square feet of Mini Warehouse uses, or
2. 100,000 square feet of commercial uses, 100,000 square feet of Mini Warehouse uses and 300 residential dwelling units (only on Parcel 2) with a maximum commercial building height of 35 feet and residential building height of 45 feet.

Section B. - Conditions

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

- a. Schedule of Uses

Accessory uses, buildings, and structures
Administrative Offices
Amusement Parks
Animal Clinic or Kennel
Auto Parts Store
ATM (Automatic Teller Machine)
Automobile Repair & Service – Group I
Automobile Service Station
Bait & Tackle Shop
Banks and Financial Establishments – Groups I & II
Bar and Cocktail Lounge
Boat Parts Store
Broadcast Studio, Commercial Radio & Television
Building Materials Sales
Business Services, Groups I & II
Car Wash
Cleaning & Maintenance Services (no repairs)
Clothing Stores, General
Clubs: Commercial, Fraternal, and Private
Continuing Care Facilities

Consumption on Premises (limited to outparcels along Lee Boulevard)
Contractors & Builders – Group I & II
Convenience Food and Beverage Store limited to one with a maximum 24 self-service fuel pumps
Cultural Facilities
Department Store
Day Care Center, Child or Adult
Drive-through Facility for any permitted use
Drugstore, Pharmacy
Dwelling Units, Multi-Family (Parcel 2 only)
EMS, Fire, or Sheriff's Station
Essential Services
Entrance Gates and Gatehouse (Parcel 2 only)
Excavation, Water Retention
Fences and Walls
Food Stores – Groups I & II
Food and Beverage Service, Limited
Funeral Home (without a crematory)
Gift and Souvenir Shop
Hardware Store
Health Care Facilities – All Groups
Hobby, Toy, and Game Shops
Home Occupation
Household and Office Furnishings – All Groups
Insurance Companies
Laundromat
Laundry or Dry Cleaning – Group I
Lawn and Garden Supply Stores
Library
Medical Office
Motion Picture Production Studio
Nightclubs
Non-store Retailers
Package Store – limited to two for entire CPD
Paint, Glass and Wallpaper
Parking Lot, Accessory
Personal Services – Groups I, II, & III
Pet Services
Pet Shops
Pharmacy
Place of Worship
Post Office

Printing and Publishing
 Real Estate Sales Office
 Recreation Facilities, Private on-site – (for Parcel 2 only, in conjunction with multi-family use)
 Recreation Facilities, Commercial, Group I
 Religious Facilities
 Rental and Leasing Establishment – Groups I & II
 Repair Shops – Groups I & II
 Research and Development Laboratories – Group II
 Restaurants – Group I, II, & III
 Restaurants – Fast Food
 Schools, Commercial and Noncommercial
 Signs
 Specialty Retail Shops – All Groups
 Social Services – Group I
 Storage, Indoor
 Transportation Services – Group II
 Theater, Indoor
 Used Merchandise Stores – Groups I
 Variety Store
 Vehicle & Equipment Dealers – Groups II
 Warehouse, Mini-Warehouse

b. Site Development Regulations

Anchor Parcels

Minimum lot size:	2.5 acres
Minimum lot width:	200 feet
Minimum lot depth:	200 feet

Outparcels:

Minimum lot size:	10,000 square feet
Minimum lot width:	100 feet
Minimum lot depth:	100 feet

Maximum lot coverage:	45 percent
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Maximum Residential Building Height:	45 feet
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Maximum Commercial Building Height:	35 feet
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Minimum Building Separation:	20 feet
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Setbacks:	
Development Perimeter:	25 feet
Street:	25 feet
Side:	20 feet
Rear:	20 feet
Waterbody:	25 feet
Preserve:	20 feet (30 feet for fire dependent indigenous plant communities)

Minimum Open Space: 20 percent

3. Platting and Subdividing

The subject property may only be subdivided after recording of a plat of the property in the Official Records of Lee County, Florida.

4. Package Store

Package Stores are limited to the outparcels as shown on the Master Concept Plan and must be located greater than 500 feet away from the property line of Sunshine Elementary School.

5. Sidewalk Improvements

a. Prior to the issuance of the Certificate of Completion for a development order subsequent to the Limited Development Order for violation abatement (Condition 8) Parcel 1 and Parcel 2, a five-foot-wide sidewalk must be installed along Sunniland Boulevard. The sidewalk must extend along the project's entire frontage on Sunniland Boulevard. This is a site-related improvement and not eligible for Road Impact Fee Credits.

b. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

6. Concurrency

a. Approval of this zoning request does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee County Comprehensive Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1b.

b. Prior to the issuance of a local development order, the proposed project must meet the concurrency requirements set forth in LDC Chapter 2 and the Lee County Comprehensive Plan.

7. Open Space

Prior to the issuance of a local development order, that landscape plans must depict 7.0 acres of open space with 3.5 acres of preservation and restoration indigenous open space, consistent with the Master Concept Plan.

8. Violation Abatement

a. The following conditions codify the abatement required by VIO2021-06268 and VIO2021-06269. If the conditions are not met, the restoration criteria of Chapter 14 of the LDC will apply in full and will be monitored through the Code Enforcement violation process:

1. Prior to the issuance of a development order for any phase of development, the applicant must obtain a Limited Development Order to plant the abatement trees and must receive a Certificate of Compliance for the abatement plantings.
 2. Landscape plans must depict new abatement plantings consisting of 215 Cabbage Palms, 49 Live Oaks, and four South Florida slash pines. Live oaks and South Florida slash pines must be Florida No. 1 or better per amended Grades and Standards for Nursery Plants, Parts I and II and be a minimum six feet in height with a minimum trunk diameter of one inch measured at three feet above the ground and a minimum canopy diameter of two feet at installation.
 3. The landscape plans must depict nine Live Oaks specified at 20 feet in height with a minimum of four-inch caliper and a minimum eight-foot canopy must be installed to replace the removed heritage trees.
 4. Landscape plans must depict an above-ground irrigation system in the restoration areas, which may be removed one year after the issuance of a Certificate of Compliance for the Limited Development Order.
 5. The Limited Development Order must include a five-year monitoring plan for the restoration areas with monitoring reports describing the conditions of the restored areas submitted annually for five years.
9. Gopher Tortoises
Machines are prohibited within the 1.2-acre preservation area.
10. Parcel 1 Buffers
Prior to the issuance of a development order for Parcel 1 , the development order plans must depict the following:
- a. a ten-foot-wide Type B buffer with five trees per 100 linear feet and double hedge row along the north property line; and
 - b. a 25-foot-wide buffer with seven trees and 33 groundcovers per 100 linear feet and a double hedge row along the west property line. Palms are limited to a maximum of 25 percent of the buffer tree requirement. Hedges must be specified at 48 inches in height at time of installation and be maintained at 72 inches in height. Groundcovers must be a minimum one-gallon container size at time of planting.
11. Parcel 2 Buffers
Prior to the issuance of a development order for Parcel 2, the development order plans must depict the following:
- a. a ten-foot-wide Type B buffer with five trees per 100 linear feet and a double hedge row along the north property line; and
 - b. a five-foot-wide buffer with five trees per 100 linear feet along the east property line.

Section C. – Deviations

1. Deviation 1 is withdrawn.
2. Deviation 2 seeks relief from the LDC Section 10-415(b), which requires large developments with existing indigenous native vegetation communities to provide 50 percent of the required open space percentage as onsite indigenous preservation, to allow preservation of indigenous native vegetation communities and areas that do not meet the indigenous definition but are restored to create indigenous areas onsite to satisfy this requirement. The deviation is approved, subject to Condition 8.

Lehigh Sunniland

Section 26, Township 44 South, Range 26 East
Lee County, Florida

Protected Species Survey & Florida Bonneted Bat Roost Survey

May 2023

Prepared by:



ENVIRONMENTAL CONSULTING, LLC
15957 Tropical Breeze Drive, Fort Myers, FL 33908
(239) 994-9007

INTRODUCTION

The 33.68± acre parcel is located within a portion of Section 26, Township 44 South, Range 26 East, Lee County, Florida (Figure 1). The parcel straddles Sunniland Boulevard and is bordered to the north by a canal, to the east by Sunshine Elementary School, to the south by Lee Boulevard, and to the west by residential housing.

VEGETATIVE CLASSIFICATIONS

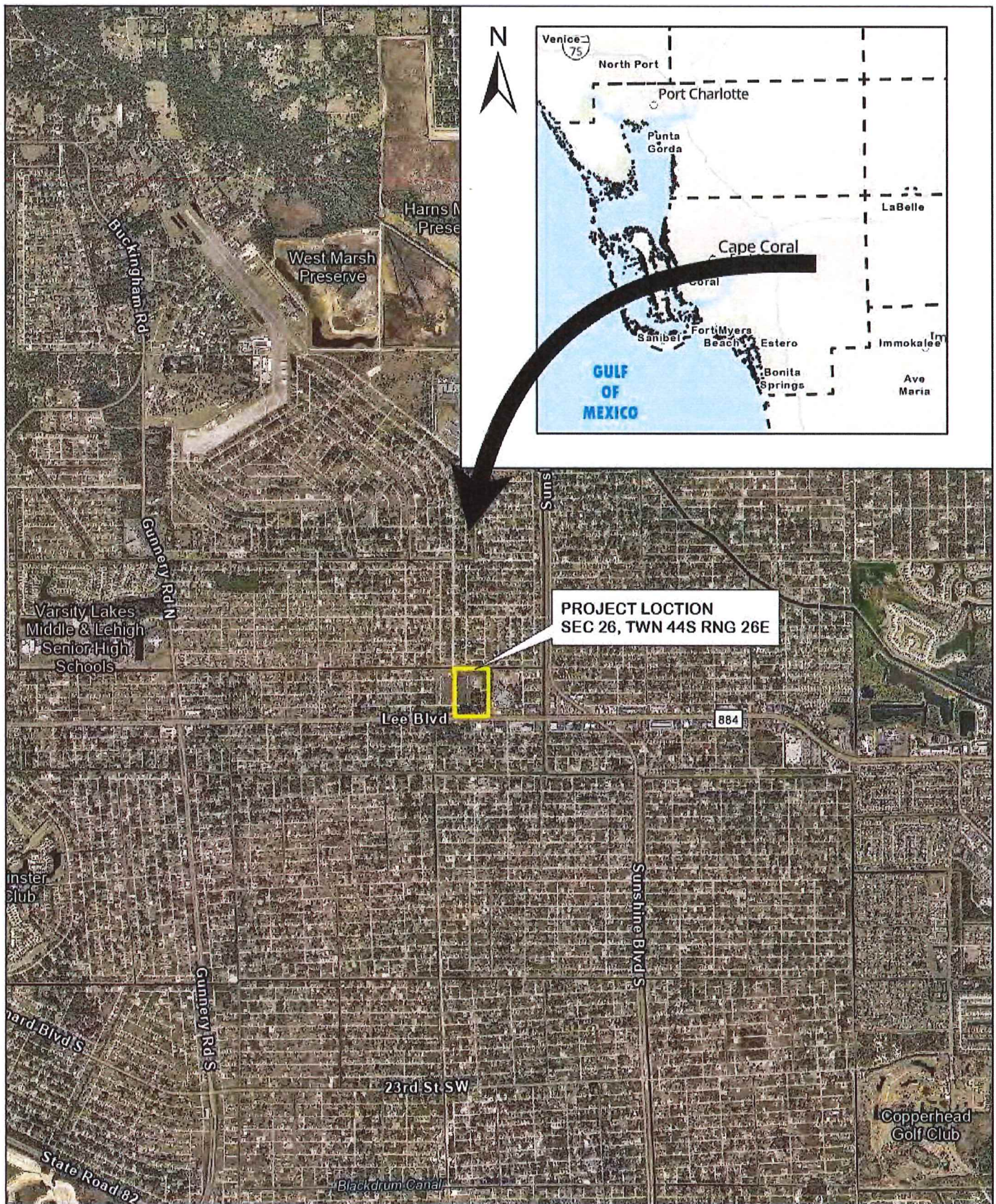
The predominant vegetation associations were mapped in the field on 2022 digital 1" = 160' scale aerial photography. The project boundary was obtained from Morris-Depew and inserted into the digital aerial. The boundary was not staked in the field at the time of our site inspection and was, therefore, estimated based on the overlay of the approximate boundary on the aerial photography. Seven vegetation associations were identified using the Florida Land Use, Cover and Forms Classification System (FLUCCS). Figure 2 depicts the approximate location and configuration of these vegetation associations and Table 1 summarizes the acreages by FLUCCS Code. A brief description of each FLUCCS Code is also provided below. This habitat contains more than 75 percent cover by exotics with only scattered native plant species.

Table 1. Acreage Summary by FLUCCS Code

FLUCCS CODE	DESCRIPTION	ACREAGE
411E2	Pine Flatwoods Invaded by Exotics (26-50%)	7.49±
450	Mixed Exotic Upland Forest	2.17±
618E	Willow Invaded by Exotics (5-9%)	3.28±
740	Disturbed Land	4.64±
743	Spoil Areas	0.83±
748	Cleared Areas	13.62±
814	Roads and Highways	1.65±
Total		33.68±

FLUCCS Code 411, Pine Flatwoods

This flatwood consists of slash pine (*Pinus elliotii*), cabbage palm (*Sabal palmetto*), grape vine (*Vitis* sp.), Brazilian pepper (*Schinus terebinthifolia*), earleaf acacia (*Acacia auriculiformis*), hairy pod cowpea (*Vigna luteola*), southern sida (*Sida acuta*), ragweed (*Ambrosia artemisiifolia*), poison ivy (*Toxicodendron radicans*), flatsedges (*Cyperus* spp.), beauty berry (*Callicarpa americana*), torpedo grass (*Panicum repens*), live oak (*Quercus virginiana*), broomsedge (*Andropogon* sp.), saw palmetto (*Serenoa repens*), wax myrtle (*Myrica cerifera*), swamp fern (*Blechnum serrulatum*), briar (*Smilax* sp.), and dog fennel (*Eupatorium capillifolium*).



PROJECT LOCATION
SEC 26, TWN 44S RNG 26E

Figure 1. Project Location Map

OWEN ENVIRONMENTAL
CONSULTING, LLC.
FORT MYERS 239-994-9007

Lehigh Sunniland



SECTION: 26
TOWNSHIP: 44S
RANGE: 26E

0 80 160
SCALE FEET

FLUCCS	Description	Acreage
411E2	Pine Flatwoods Invaded by Exotics (26-50%)	7.49 Ac.±
450	Mixed Exotic Upland Forest	2.17 Ac.±
618E*	Willow Invaded by Exotics (5-9%)	3.28 Ac.±
740	Disturbed Land	4.64 Ac.±
743	Spoil Areas	0.83 Ac.±
748**	Cleared Areas	13.62 Ac.±
814	Roads and Highways	1.65 Ac.±
Total		33.68 Ac.±

* Potential SFWMD Jurisdictional Wetlands
** Areas Cleared resulting in VIO2021-06268 & VIO2021-06269 Notice of Violations.

Notes:

1. Property boundary is approximate and was obtained from the Lee County Property Appraiser's Website.
2. Mapping based on photointerpretation of 2021 aerial photography and ground truthing in September 2021.
3. Delineation of jurisdictional wetlands is preliminary and subject to field review/approval by applicable regulatory agencies.

22-116

Figure 2. Vegetation Map

OWEN ENVIRONMENTAL CONSULTING, LLC.
FORT MYERS 239-994-9007

FLUCCS Code 450, Mixed Exotic Upland Forest

This upland area consists of live oak, Brazilian pepper, cabbage palm, lead tree (*Leucaena leucocephala*), carpet grass (*Axonopus* sp.), saw palmetto, Spanish needles (*Bidens alba*), rosary pea (*Abrus precatorius*), wild coffee (*Psychotria nervosa*), and slash pine.

FLUCCS Code 618, Willow

The vegetation present in this wetland includes live oak, swamp fern (*Blechnum serrulatum*), cabbage palm, grape vine, beauty berry, wild coffee, Caesarweed (*Urena lobata*), earleaf acacia, wax myrtle, beauty berry, bracken fern (*Pteridium aquilinum*), and briar.

FLUCCS Code 740, Disturbed Land

This disturbed land includes Brazilian pepper, cabbage palm, foxtail grass (*Setaria* sp.), ragweed, false buttonweed (*Spermacoce remota*), Bahia grass (*Paspalum notatum*), smutgrass (*Sporobolus indicus*), lead tree, cogongrass (*Imperata cylindrica*), guineagrass (*Panicum maximum*), grape vine, Florida pusley (*Richardia scabra*), stinkweed (*Pluchea* sp.), torpedo grass (*Panicum repens*), St. John's wort (*Hypericum cistifolium*), sensitive briar (*Mimosa quadrivalvis*), and camphorweed (*Heterotheca subaxillaris*).

FLUCCS Code 743, Spoil Areas

The spoil areas consist of ragweed, frog fruit (*Phyla nodiflora*), false buttonweed, Bermuda grass (*Cynodon dactylon*), sensitive Briar, Florida pusley, Spanish needles, foxtail grass, and smutgrass.

FLUCCS Code 748, Cleared Areas

On January 19, 2023 county code enforcement issued VIO2021-06268 and VIO2021-06269 Notice of Violations. County staff observed violations at 36114 5th Street West, Lehigh Acres and 3650 5th Street West, Lehigh Acres on August 4, 2021. Approximately 13.62 acres of previously approved indigenous and gopher tortoise preserve under Zoning Resolution Z-06-090 had been cleared without a Development Order or clearing permits. The vegetation present in these cleared areas include pokeweed (*Phytolacca americana*), false buttonweed, Bermuda grass, bluestem (*Schizachyrium* sp.), spurge (*Euphorbia celastroides*), Brazilian pepper, Virginia creeper, poison ivy (*Toxicodendron radicans*), horseweed (*Erigeron canadensis*), dog fennel, ragweed, cabbage palm, cogongrass, Caesar weed, Spanish needles, Bahia grass, torpedo grass, Florida pusley, grape vine, saltbush (*Baccharis halimifolia*), Virginia creeper, wild poinsettia (*Euphorbia heterophylla*), foxtail grass, camphorweed, smutgrass, lead tree, bluestem, live oak, saw palmetto, sensitive briar, downy rose myrtle (*Rhodomyrtus tomentosa*), winged sumac (*Rhus copallinum*), earleaf acacia, and beauty berry.

FLUCCS Code 814, Roads and Highways

No vegetation is present in these areas.

SURVEY METHOD

Lee County Protected Species Ordinance No. 89-34 lists several protected species of animals that could potentially occur on-site based on the general vegetative associations found on the subject parcel. Each habitat type was surveyed for the occurrence of these and any other listed species likely to occur in the specific habitat types. The survey was conducted using meandering linear pedestrian belt transects. This survey methodology is based on the Lee County administratively approved Meandering Transect Methodology. As part of this survey all live trees and snags were inspected for the evidence of cavities that could potentially be used as roosts by the Florida bonneted bat (*Eumops floridanus*). In order to provide at least 80 percent visual coverage of habitat types listed in Ordinance No. 89-34, the transects were spaced approximately 50 feet apart. The approximate locations of all direct sighting or signs (such as tracks, nests, and droppings) of a listed species were denoted on the aerial photography. A Florida bonneted bat (*Eumops floridanus*) cavity survey has also been conducted. All live trees and snags were inspected for the evidence of cavities. The 1" = 160' scale aerial Protected Species Assessment map (Figure 3) depicts the approximate location of the survey transects and the results of the survey. The listed species survey was conducted during the mid-day hours of July 14-15, 2022 and updated on February 3, 2023. During the survey the weather was humid and sunny.

Species listed as endangered, threatened, or species of special concern by the Florida Fish and Wildlife Conservation Commission (FWC) or the United States Fish and Wildlife Service (FWS) that could potentially occur on the subject parcel according to the Lee County Protected Species Ordinance are shown in Table 2. This list from the Lee County Protected Species Ordinance is general in nature, contains species that were subsequently delisted by the state, does not necessarily reflect existing conditions within or adjacent to the 33.68± acre property, and is provided for general informational purposes only. The bald eagle (*haliaeetus leucocephalus*) (which has been delisted by the FWC and FWS but is still protected by other regulations), the Florida black bear (*Ursus americanus floridanus*) (delisted in 2012 and still protected by the Florida Black Bear Management Plan), and the Florida bonneted bat (*eumops floridanus*) (which was listed by the FWS after Ordinance No. 89-34 was adopted by Lee County) were also included in the survey.

Prior to inspecting the site, the Florida Fish and Wildlife Conservation Commission (FWC) listed species occurrence data base was reviewed to determine the known occurrence of species listed by the FWC and/or U.S. Fish and Wildlife Service (FWS) as threatened, endangered, or species of special concern in the project area. According to that database there are no known listed species sightings on the subject property.

Florida Bonneted Bat (*Eumops floridanus*) Roost Survey Method

Florida Bonneted Bat (*Eumops floridanus*) Roost Survey Method Per U.S. Fish and Wildlife Service (FWS) Draft Protocol for Florida Bonneted Bat Roost Surveys dated February 3, 2015, a series of meandering transects were completed across the portion of the site containing areas with potential natural roosting structures. Transects through roosting habitat were spaced approximately 50 feet apart and all trees and snags were visually inspected for evidence of cavities. Evidence of protected species was gathered through both direct observation and through observation of signs such as potential roost cavities, tracks, nests, and scat. If a sign was found or sighting occurred, their locations in the field were recorded using a GPS unit. Figure 3 depicts the locations and results of the potential cavities survey. The site inspection was conducted during the mid-day hours of July 14-15, 2022, and updated on February 3, 2023.

Table 2. Listed Species That Could Potentially Occur On-site

FLUCCS CODE	Percent Survey Coverage	Species Name	Present	Absent
411	80	Gopher Frog (<i>Rana areolata</i>)*	√	√
		Eastern Indigo Snake (<i>Drymarchon corais couperi</i>)		√
		Gopher Tortoise (<i>Gopherus polyphemus</i>)		
		Red-cockaded Woodpecker (<i>Picoides borealis</i>)		√
		Southeastern American Kestrel (<i>Falco sparverius paulus</i>)		√
		Big Cypress Fox Squirrel (<i>Sciurus niger avicennia</i>)		√
		Florida Black Bear (<i>Ursus americanus floridanus</i>)*		√
		Florida Panther (<i>Felis concolor coryi</i>)		√
		Beautiful Pawpaw (<i>Deeringothamnus pulchellus</i>)		√
		Fakahatchee Burmannia (<i>Burmannia flava</i>)		√
		Florida Coontie (<i>Zamia floridana</i>)		√
		Satinleaf (<i>Chrysophyllum olivaeforme</i>)		√
450	80	None		

FLUCCS CODE	Percent Survey Coverage	Species Name	Present	Absent
618	80	American Alligator (<i>Alligator mississippiensis</i>) Little Blue Heron (<i>Egretta caerulea</i>) Reddish Egret (<i>Egretta rufescens</i>) Snowy Egret (<i>Egretta thula</i>)* Tricolored Heron (<i>Egretta tricolor</i>) Wood Stork (<i>Mycteria americana</i>) Big Cypress Fox Squirrel (<i>Sciurus niger avicennia</i>) Everglades Mink (<i>Mustela vison evergladensis</i>)		√ √ √ √ √ √ √
740	80	None		
743	80	Gopher Tortoise (<i>Gopherus polyphemus</i>)**		√
748	80	None		
814	80	None		

* Species delisted subsequent to adoption of Lee County Protected Species Ordinance No. 89-34.

** Lee County Protected Species Ordinance No. 89-34 does not list this species for this FLUCCS Code but it was observed on-site.

Lehigh Sunniland



FLUCCS	Description	Acreage
411E2	Pine Flatwoods Invaded by Exotics (26-50%)	7.49 Ac.±
450	Mixed Exotic Upland Forest	2.17 Ac.±
618E*	Willow Invaded by Exotics (5-9%)	3.28 Ac.±
740	Disturbed Land	4.64 Ac.±
743	Spoil Areas	0.83 Ac.±
748**	Cleared Areas	13.62 Ac.±
814	Roads and Highways	1.65 Ac.±
Total		33.68 Ac.±

* Potential SFWMD Jurisdictional Wetlands
** Areas Cleared resulting in VIO2021-06268 & VIO2021-06269 Notice of Violations.

Notes:

1. Property boundary is approximate and was obtained from the Lee County Property Appraiser's Website.
2. Mapping based on photointerpretation of 2021 aerial photography and ground truthing in September 2021.
3. Delineation of jurisdictional wetlands is preliminary and subject to field review/approval by applicable regulatory agencies.

22-116

Figure 3. Protected Species Survey Map

OWEN ENVIRONMENTAL CONSULTING, LLC.
FORT MYERS 239-994-9007

SURVEY RESULTS

Twenty-Eight (28) potentially occupied gopher tortoise burrows were found on site. Based on 80 percent survey coverage, it is estimated that 34 potentially occupied gopher tortoise burrows occur within this general area.

The gopher tortoise is listed as a threatened species by the FWC and is not listed by the FWS. Gopher tortoise burrows were observed primarily in the mixed exotic upland forest (FLUCCS Code 450), exotic pine flatwoods (FLUCCS Code 411E2), disturbed land (FLUCCS Code 740) and in cleared areas (FLUCCS Code 748). The majority of these burrows are located toward the outer areas of the site.

Other Listed Species

No other species listed by either the FWS or the FWC were observed on the site during the protected species survey or during other site visits. In addition to the site inspections, a search of the FWC species database (updated in June 2022) revealed no additional known protected species within or immediately adjacent to the project limits.

C:\Projects\22-116 Lehigh Sunniland\PSS Lehigh Sunniland.docx



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

December 12, 2022

John Fisher, Manager
Lee Sunniland LLC and JES Family LLC
10970 S Cleveland Ave, Ste 303
Fort Myers, FL 33907

**Subject: 3614 5th St W, Lehigh Acres
Closure of Enforcement Case
Enforcement Case No. 20022
Associated Numbers : 26442600000030000 & 26442600000030020
Lee County**

Dear Mr. Fisher:

This letter is to inform you that the above referenced enforcement case is hereby closed. Based on a recent inspection by South Florida Water Management District staff, the debris that was located in the wetland has been removed and the impacted vegetation has regenerated, which resolves the enclosed Investigative Notice.

If you have any questions or require additional assistance, please contact Natalie Cole at (561) 682-6033 or via email at ncole@sfwmd.gov.

Sincerely,

A handwritten signature in blue ink that reads "Natalie Cole". The signature is fluid and cursive.

Natalie Cole
Section Leader

eEnclosures: Investigative Notice ([20022_InvestigativeNtc_20211108.pdf](#))

c: Jim Weisbecker (E-Mail)
Paul Owen, W Dexter Bender and Associates Inc (E-Mail)

This document is filed in the eEnforcement system under Enforcement Case Number 20022

3614 5th Street West



SECTION: 26
TOWNSHIP: 44S
RANGE: 26E

0 80 160
SCALE FEET

FLUCCS	Description	Acreage
411E2	Pine Flatwoods Invaded by Exotics (26-50%)	7.33 Ac.±
450	Mixed Exotic Upland Forest	2.17 Ac.±
618E*	Willow Invaded by Exotics (5-9%)	3.44 Ac.±
740	Disturbed Land	4.64 Ac.±
743	Spoil Areas	0.83 Ac.±
748	Cleared Areas	13.62 Ac.±
814	Roads and Highways	1.65 Ac.±
Total		33.68 Ac.±

* Potential SFWMD Jurisdictional Wetlands

Notes:

1. Property boundary is approximate and was obtained from the Lee County Property Appraiser's Website.
2. Mapping based on photointerpretation of 2021 aerial photography and ground truthing in September 2021.
3. Delineation of jurisdictional wetlands is preliminary and subject to field review/approval by applicable regulatory agencies.

22-046

Vegetation Map

OWEN ENVIRONMENTAL CONSULTING, LLC.
FORT MYERS 239-994-9007

ATTACHMENT U

Sunniland

Section 26, Township 44 South, Range 26 East
Lee County, Florida

Preservation Area Management Plan

October 2023

Prepared by:



ENVIRONMENTAL CONSULTING, LLC
15957 Tropical Breeze Drive, Fort Myers, FL 33908
(239) 994-9007

Introduction

The goal of this management plan is to preserve 1.2 acres and restore 2.3 acres of upland preservation areas as shown on the attached Preservation Area Management Plan Map on-site via vegetation debris removal, selective regrading, and restoration planting. A vegetation removal permit associated with a development order is required for any restoration site work.

On January 19, 2023, Lee County Code Enforcement issued VIO2021-06268 and VIO2021-06269 Notice of Violations. County staff observed violations at 36114 5th Street West, Lehigh Acres and 3650 5th Street West, Lehigh Acres on August 4, 2021. Approximately 13.62 acres of previously approved indigenous and gopher tortoise preserve under Zoning Resolution Z-06-090 had been cleared without a Development Order or clearing permits. This plan also includes replacement plantings to abate the two code violations VIO2021-06268 and VIO2021-06269 for the removal of protected trees without permits.

Debris Removal

The debris piles, including horticultural and trash, within the preservation and restoration areas will be removed and disposed of in an appropriate facility. This will be accomplished by hand or by using mechanical equipment only from the existing roads except within 50' of any gopher tortoise burrow where debris will be removed by hand. No vehicles or mechanical equipment will be placed or operate within the restoration area. Any significant ruts created by the initial clearing and the restoration debris removal will be returned to grade by hand.

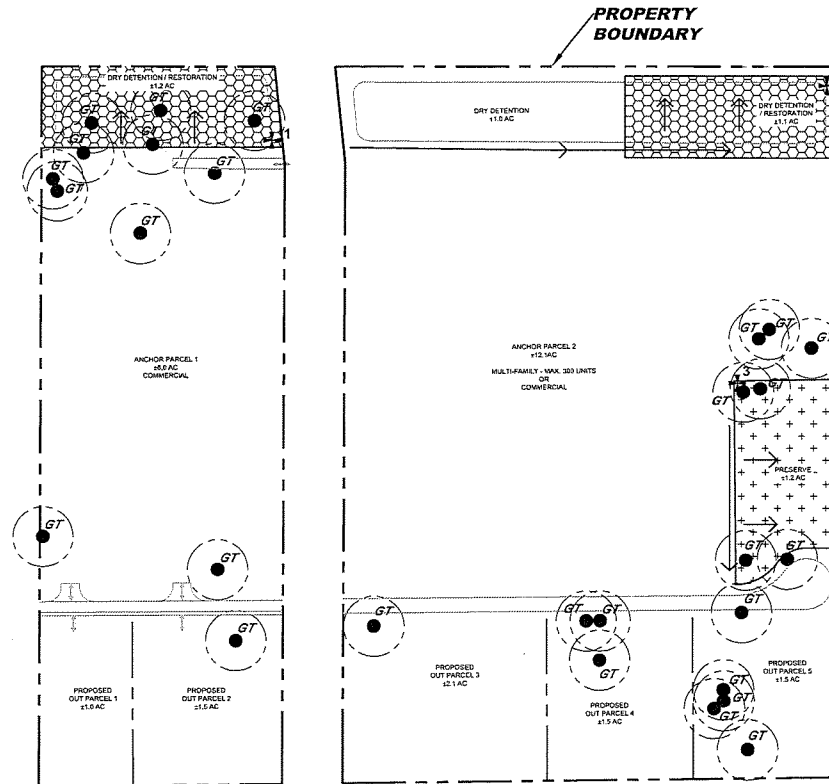
Initial Exotic Vegetation Treatment

All exotic and nuisance species (defined per LDC Sec. 10-420(f) and Category I and II species on the Florida Exotic Pest Plant Council's List of Invasive Species) within the preservation and restoration areas will be treated as shown on the Preserve Area Plan Map. The mapped communities of the preservation/restoration area include Mixed Exotic Upland Forest (FLUCS 450), Disturbed Land (FLUCCS 740), and Cleared Land (FLUCCS 748).

Exotics may be mechanically removed and treated in the restoration areas as they are currently dominated by exotic vegetation, predominantly Brazilian pepper (*Schinus terebinthifolia*), and have very few native species present. Access to the mechanical removal areas will be by existing trails including the existing roads as shown on the Preservation Area Management Plan Map. This mechanical activity may result in temporary disturbance to the soil. Once the exotic control is completed, ruts caused using heavy equipment will be graded to blend with adjacent grades. In the event, mechanical removal of exotics is not practicable, exotics within these areas will be treated as described below.

Non-native trees and shrubs can be cut by chainsaw or machete just above natural grade and the stump treated with an appropriate herbicide suitable for aquatic

Sunniland



SECTION: 26
TOWNSHIP: 44S
RANGE: 26E

0 100 200
SCALE FEET

Legend:

-  Upland Restoration Area (2.3 Ac.±) - Includes Planting
-  Indigenous Habitat Preservation Area (1.2 Ac.±)
-  Potentially Occupied Gopher Tortoise Burrow (28) and 50' Buffer Radius
-  Access Points
-  Photo Station (typ.)

Notes:

1. Property boundary and Site Plan was received from Banks Engineering.
2. Mapping based on photointerpretation of 2021 aerial photography and ground truthing in September 2021.
3. Delineation of jurisdictional wetlands is preliminary and subject to field review/approval by applicable regulatory agencies.

22-116

Preserve Area Plan

OWEN ENVIRONMENTAL CONSULTING, LLC.
FORT MYERS 239-904-9007

application where necessary. Treatment will occur immediately following cutting to ensure maximal uptake of the herbicide. The restoration areas will have the resulting vegetative material disposed of in accordance with local regulations. If non-woody exotics are present within the restoration areas they will be treated by a foliar application of an appropriate herbicide suitable for aquatic application. Herbicides will be used in strict accordance with label directions by trained applicators. Care will be taken to reduce damage to non-target native species to the maximum extent practical. The owner or his designee shall conduct vegetation control through the management of exotic, invasive and nuisance vegetation.

Exotic control of melaleuca and Brazilian pepper can be accomplished by chainsaw or machete as shown on the Preserve Area Plan Map. The four inch DBH and smaller trees and shrubs will be cut just above natural grade and the stump treated with an appropriate herbicide suitable for aquatic application. The resulting vegetative material will be disposed of by removal from the preserves. Herbicides will be used in strict accordance with label directions by trained applicators. Care will be taken to reduce damage to non-target native species to the maximum extent practical.

A marker dye will be added to the spray solution to help visualize where the solution is being applied. An appropriately licensed herbicide applicator will supervise the crew. Herbicides will be used carefully in accordance with the label provided.

Regrading

After the debris and exotic vegetation has been removed from the preservation and restoration areas, the significant soil disturbance areas will be regraded by hand. No regrading will occur within 50' of any gopher tortoise burrow until after the gopher tortoises have been relocated offsite per a valid Florida Fish and Wildlife Conservation Commission Gopher Tortoise (FWC GT) Permit. Please see the protected species management plan below. A vegetation removal permit is required for regrading the restoration areas.

Barricading

Prior to any site work, the preservation and restoration areas will be survey located, staked in the field, and the required erosion control barriers installed. Prior to any site work, barricades will be installed around the gopher tortoise protection zone and the site perimeter for erosion control. Please see the attached Preserve Area Plan Map for the locations of the barricades and erosion control. These barriers will be inspected by County staff prior to commencement of restoration activities. The operation of construction equipment, storage of equipment, and stockpiling of debris material will be prohibited within the restoration area. The staking identifying the limits of the preservation/restoration areas and silt fences will be maintained for the duration of adjacent restoration activities. If the gopher tortoises have been relocated from the site under a valid FWC GT permit, no barricades for the gopher tortoise burrows will be required.

Access Points

Access for the garbage and vegetative debris removal, exotic vegetation treatment, regrading, and planting within the preservation and restoration areas will be via the existing roads. No vehicles will travel within a 50' radius of any potentially occupied gopher tortoise burrows onsite unless the gopher tortoises have been relocated from the site under a valid FWC GT permit. No equipment or debris will be stored within a 50' radius of any potentially occupied gopher tortoise burrows onsite unless the gopher tortoises have been relocated offsite. Please see the attached Preserve Area Plan Map for the location of access points.

Restoration and Replacement Planting

Upon the completion of the debris removal and regrading, the dry detention/restoration areas will be planted with native plants to restore these areas to native habitat. Additionally, these areas will include replacement plantings to abate the two violations listed above. Native ground cover and trees, as listed in the Dry Detention/Upland Restoration Area Planting Table and Replacement Planting Table, will be planted by the end of November 2024. The final species list will be based upon site specific conditions and on plant material availability at the time of planting and will be provided at the time of development order.

Dry Detention/Upland Restoration Area Plantings

A total of 310 trees and 1,002 understory plants will be planted in the restoration area shown on the attached Preserve Area Plan Map.

Upland Restoration Planting Area Table

Botanical Name	Common Name	Minimum Size/Container	Maximum Spacing	Quantity
Trees				
<i>Pinus elliottii</i>	Slash Pine	6' tall/FG	18 Feet Centers	270
<i>Sabal palmetto</i>	Cabbage Palm	6' tall/FG	18 Feet Centers	40
Understory				
<i>Chrysobalanus icaco</i>	Cocoplum	1 Gallon	10 Feet Centers	*
<i>Callicarpa americana</i>	Beautyberry	1 Gallon	10 feet Centers	*
<i>Serenoa repens</i>	Saw Palmetto	1 Gallon/3 gallon	10 Feet Centers	*501/166
<i>Commelina erecta or diffusa</i>	Dayflower	1 Gallon	10 Feet Centers	*
<i>Muhlenbergia sp.</i>	Muhley Grass	1 Gallon	10 Feet Centers	*
<i>Aristida beyrichiana</i>	Wiregrass	1 Gallon	10 Feet Centers	*

*There will be a total of 1,002 understory plants with species quantities as follows:

- Green saw palmetto a minimum of 501 at one gallon or 166 at 3 gallon in size and a minimum 14' at installation.
- A combination of at least 8 of the remaining species for a total of 501.

Understory plantings are to be randomly planted/grouped at a maximum of 10' on center.

Abatement Replacement Plantings

A total of 711 trees will be planted in the restoration areas shown on the attached Preserve Area Plan Map. Cabbage palms from the development footprint may not be relocated and used for the replacement planting plan below.

Replacement Planting Table

Scientific Name	Common Name	Minimum Size/Container	Maximum Spacing	Quantity
Trees				
<i>Quercus virginiana</i>	Live Oak	20' tall, 4" caliper, 8' canopy	N/A	21
<i>Sabal palmetto</i>	Cabbage Palm	6' tall/FG	18 Feet Centers	598
<i>Quercus virginiana</i>	Live Oak	6' tall/FG	18 Feet Centers	79
<i>Pinus elliotii</i>	Slash Pine	6' tall/FG	18 Feet Centers	13

Trees must meet the standards for Florida No. 1 or better, as set out in Grades and Standards for Nursery Plants, Parts I and II, Department of Agricultural, State of Florida (as amended), nursery grown, containerized and a minimum of 6 feet in height with a minimum trunk diameter of 1 inch measured at 3 feet above the ground and a minimum canopy diameter of 2 feet at installation unless otherwise noted above. Palms must have a minimum of eight feet of clear trunk at planting.

Alternative tree heights can be used. The total heights and calipers must equal or exceed that specified above, such as one 12' in height with two inch caliper tree is equal two 6'in height with one inch caliper trees.

Trees and palms must be installed in a horticultural correct manner, including staking and mulching.

Temporary above-ground irrigation must be installed in the restoration areas and removed no longer than one year from the date of planting.

A two-inch minimum layer, after watering-in, of pine straw mulch must be placed and maintained around all restoration trees.

The restoration and replacement plantings are provided in addition to any trees or shrubs otherwise required to be planted by the LDC. A monitoring report must be submitted annually for 5 years describing the conditions of the restored area.

Prior to replanting, a detailed restoration landscape plan will be submitted as a Development Order (DO) showing the planted material's location, species, and planting standards from above. Replacement vegetation may not be planted on any property line, underground utility or County easement. A Certificate of Compliance (CC) will be obtained.

Proposed Work Schedule

The debris removal, invasive exotic and nuisance plant control program, and regrading will commence after approval of the project's development order. The initial debris removal, exotic treatment, and regrading will be initiated during the first dry season following issuance of all required federal, state, and local authorizations. It is anticipated that the initial treatment will be completed in less than three months. The restoration and replacement plantings will be initiated within approximately two to three months of the completion of the initial exotic removal, weather permitting.

Ecological Performance Standards

To meet the objective of this plan, the following performance standards will apply to the onsite preservation and restoration areas:

1. At least 80 percent cover by appropriate upland and wetland species in the preservation and restoration areas.
2. The preservation and restoration areas are free of exotics immediately following maintenance treatment events. All exotic and nuisance species (defined as Category I and II species on the Florida Exotic Pest Plant Council's List of Invasive Species) within the preserve areas will be treated. The nuisance species dog fennel (*Eupatorium capillifolium*), Caesar weed (*Urena lobata*), primrose willow (*Ludwigia peruviana*), grape vine (*Vitis* sp.), and cattail (*Typha* spp.) as well as exotic species shall total less than five percent combined between maintenance events.
3. Monitoring of the preservation and restoration areas shall be conducted for a minimum of 5 years with annual reports submitted to the County. After the initial restoration and replacement plantings described above, if native upland species do not achieve 80% coverage within the initial two years of the monitoring program native species shall be planted in accordance with the maintenance program. At the end of the monitoring program the restoration area shall contain an 80% survival rate of planted vegetation and an 80% coverage of desirable upland species.

4. The preservation and restoration areas shall be maintained in perpetuity to ensure coverage by native desirable vegetation and the target habitat types and success criteria are maintained as specified in this restoration plan.
5. The preservation and restoration areas shall be managed such that exotic/nuisance vegetation species do not dominate any one section of areas within the preserves.

These performance standards will be achieved by the end of the five-year monitoring period.

Long-Term Management

The applicant and/or the owners association will be responsible for the long-term maintenance of the onsite preservation and restoration areas. Vegetation removal permits are required for ongoing management activities associated with this approved Preservation Area Management Plan that is preserve area specific for the type of management that is being requested. Signs marking the preserve areas will be posted at 100 foot intervals along the outer edge of all preserve areas.

Adaptive Management

If during monitoring of the onsite preserve areas, areas do not appear to be trending toward meeting the above ecological performance standards, the methods for treating exotic vegetation will be re-evaluated.

Maintenance

A routine maintenance program will be initiated upon the completion of the initial exotic treatment and native plant installation in the county preserve areas. A vegetation removal permit will be required for preserve maintenance. For the first two years following the initial treatment, the preservation and restoration areas will be inspected twice a year (late spring and fall) and all exotic and/or nuisance species will be treated. During these inspections the preservation and restoration areas will be qualitatively evaluated, potential problems (if any) identified, and corrective actions recommended. After the second year, inspections and treatments will be conducted annually during the dry season. The property owner will be responsible for long-term management of the preserves.

Pruning and trimming activities will not be performed in the preserves, however invasive exotic vegetation may have to be treated within planting areas. The frequency of maintenance will be based on how successful the new plantings are and the extent to which nuisance pest species enter into the newly planted area. Semi-annual monitoring will be conducted in each newly planted area for one year to carefully evaluate these parameters. Herbicide maintenance will be conducted semi-annually during the first year following implementation of the pest control program and at least annually thereafter, in accordance with LDC 10-420(h).

If monitoring events reveal severe deer grazing or other disturbance from wild hogs, the affected planting area will be temporarily isolated with a fence to keep

out larger animals until the plantings are well established. Once success criteria are achieved, all temporary fencing will be removed from the preserve.

Newly planted areas will be included in the invasive pest control program. The herbicide maintenance areas shall expand to control exotic and nuisance species as necessary where native vegetation is being established. Periodic management of the planting areas is required to ensure that the plants will survive and thrive. This will guarantee success and allow desirable indigenous species an opportunity to recruit into the planting areas. As part of ongoing management of the site, the owner or his designee shall treat and/or remove exotic species (per LDC Sec. 10-420(h) and nuisance species as necessary at least semiannually for one year and annually thereafter. Nuisance species shall mean those species of flora whose noxious characteristics or presence in sufficient number, biomass, or areal extent may reasonably be expected to prevent, or unreasonably interfere with, the designated use of the waters under consideration, as defined in rules 62-312.310(8) and 62-302.200(14), F.A.C.. Invasive exotic species include at a minimum the species listed in LDC Sec. 10-420(h).

Protected Species Management

Gopher Tortoise

Offsite relocation to a FWC approved recipient site may be necessary for any future development phase and will be addressed during the development order for each project. All gopher tortoises and their burrows will be protected and managed during the preservation and restoration activities which include removal of vegetative debris, exotic/nuisance vegetation treatment and removal, regrading, and planting unless the gopher tortoises have been relocated offsite per a valid FWC GT permit.

All gopher tortoise burrows will be marked in the field with orange flagging. The limits of the restoration area will be staked with silt fencing. Prior to any site work, barricades will be installed around gopher tortoise protection zones unless the gopher tortoises have been relocated offsite per a valid FWC GT permit.

Prior to any land clearing activities, informational materials (Appendix A) will be provided to construction personnel that includes the gopher tortoise's description and directions to cease clearing activities in the vicinity of a gopher tortoise and allow it to move out of harm's way. Once the tortoise has moved, work can be restarted. A qualified biologist will be onsite during the restoration area work to monitor the gopher tortoises onsite and will be notified if a gopher tortoise is sighted by construction personnel within or near any restoration area unless the gopher tortoises have been relocated offsite per a valid FWC GT permit. Prior to the issuance of a vegetation removal permit, the applicant must conduct a gopher tortoise survey and submit documentation from Florida Fish and Wildlife Conservation Commission regarding the gopher tortoise relocation permit for the phase or site.

Eastern Indigo Snake

Prior to any land clearing activities, informational materials (Appendix B) will be provided to construction personnel that includes the eastern indigo snake's description and directions to cease clearing activities in the vicinity of an eastern indigo snake and allow the snake to move out of harm's way. Once the snake has moved, work can be restarted. A qualified biologist will be notified if an eastern indigo snake is sighted by construction personnel.

Monitoring Plan

The proposed monitoring of the county required preservation/restoration areas will consist of baseline monitoring, time-zero monitoring, and annual monitoring of vegetation. The annual reports will document the extent of success of the project and, if needed, identify specific actions to be taken to improve conditions within the project area. Sampling stations and methodology of data collection will remain the same for all monitoring events.

An important component of the monitoring reports will be the before and after pictures. All monitoring reports will include panoramic photographs from photo stations as shown on the Preservation Area Management Plan Map.

The results of monitoring events within the preservation and restoration areas will be reported as stated in this plan. Monitoring reports will describe if/where herbicide treatment is necessary to control nuisance species. The report will also explain if/where plantings need to be replaced or if new plantings should be added to a specific area to improve diversity or percent coverage. Prior to any preserve maintenance, Lee County Division of Environmental Sciences will be notified in writing.

The proposed monitoring will consist of baseline monitoring, time-zero monitoring, and annual monitoring of vegetation and wildlife. Baseline monitoring will document the conditions as they exist prior to initiating the proposed restoration effort. The time-zero report will document the conditions immediately following completion of debris/exotic vegetation and planting activities. A monitoring report will be submitted annually to the Lee County Division of Environmental Sciences for five consecutive years starting one year from the completion of initial restoration activities. The annual reports will document the extent of success of the preservation and restoration and, if needed, identify specific actions to be taken to improve the conditions within the project area.

A baseline monitoring report is required for approval of the development order. Please see Appendix C for baseline conditions photographs from the four photo points. The baseline monitoring report will include a description of each of the specific areas and a map depicting the location of each photo station. Copies of the baseline report will be submitted to regulating agencies, including Lee County.

The time-zero monitoring report will be provided prior to certification of compliance. Vegetation removal permits are required for ongoing management activities associated with this approved restoration area plan that is specific for the type of management that is being requested. This report will include the date the planting activity was completed and color photographs to provide an accurate representation of the specific area. The photographs shall be taken from fixed reference points described in the baseline monitoring report and shown on a scaled plan view. A table depicting numbers, spacing, and sizes of each species planted will also be provided. The tree height will be used to measure the size of saplings until the tree is mature enough to enable the diameter-breast height (DBH) to be measured. Subsequent annual monitoring reports will be submitted to requesting agencies within thirty (30) days after each monitoring event. The monitoring reports will include a general qualitative and quantitative characterization of the areas. Any pertinent climatological conditions preceding the monitoring event will be described. Qualitative parameters may include estimates of % bare ground, % desirable species, % undesirable species (nuisance and exotic), and notations regarding faunal presence and use. The monitoring will be completed by November of every year (the end of the growing season) and an annual report submitted to the reviewing agencies by the end of December. All data collected and analyzed will be included in the report.

Wildlife Monitoring

Regular observations of wildlife will be made during all monitoring events by qualified ecologists. This will consist of recording evidence and signs of wildlife (i.e., direct sighting, vocalization, nests, tracks, droppings, etc.).

Photographic Documentation

Permanent fixed-point photograph stations will be established in the monitored areas thereby providing physical documentation of the condition and appearance of an area, as well as any changes taking place. Panoramic photographs will accompany vegetation data in each report. Locations of photo stations will remain the same throughout the duration of the monitoring program.

Report

The methodology and results of each monitoring event will be documented in an annual monitoring report. Data will typically be collected toward the end of the growing season (October-November) and submitted to the agencies with 90± days of data collection.

Appendix A

Gopher Tortoise Information Pamphlet



Chiff Leonard

Before you bulldoze

Before you clear land, learn the law. Visit MyFWC.com/GopherTortoise or call the gopher tortoise conservation biologist in your region. Request a permitting fact sheet and remember gopher tortoises must be relocated before any land clearing or development takes place. Property owners must obtain permits from the FWC before tortoises can be moved. Depending on the type of permit, you may be permitted to move the tortoises yourself or you may need to contact an authorized agent.

Tips for horse owners

Gopher tortoises often dig their burrows in pastures, which can be a challenge to horse farm owners who are concerned their horses may step into the burrows and be injured. For tips on how to avoid potential horse-tortoise conflicts, visit MyFWC.com/GopherTortoise or call the gopher tortoise conservation biologist in your region.

Gopher tortoise fast facts

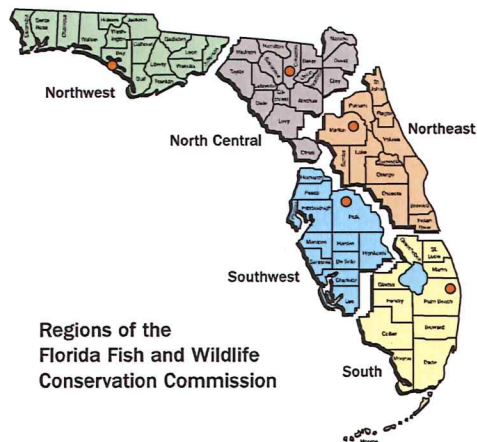
- Gopher tortoise burrows average seven feet deep and 15 feet long but may be more than 40 feet long.
- A tortoise may have multiple burrows within the area it spends most of its time.
- Burrow openings are half-moon shaped with the curve at the top, and its size is a fair representation of the size of the tortoise. Burrows with round openings have generally been taken over by an armadillo.
- Adult tortoises are generally 9-11 inches long and weigh 7-9 pounds.
- Females begin to reproduce when they are 9-21 years old (age depends on local conditions); males begin slightly younger.
- They breed March-October but generally dig nests in May and June. One clutch is laid per year with an average of six eggs. Many eggs never hatch because they are eaten by mammals, birds and snakes.
- The biggest threat to the gopher tortoises' long-term survival is loss of habitat.

Wildlife Alert Reward Program

It is against the law to kill, harass or destroy gopher tortoises, their burrows or eggs. If you suspect illegal activity, you can report it anonymously to FWC's Wildlife Alert Hotline at 888-404-3922, 24 hours a day or online at MyFWC.com/law/Alert. You could be eligible for a reward if your information leads to an arrest.



Robert La Follette



Regions of the Florida Fish and Wildlife Conservation Commission

Northwest Region
3911 Highway 2321
Panama City, FL 32409-1658
850-265-3676

North Central Region
3377 East U.S. Highway 90
Lake City, FL 32055-8795
386-758-0525

Northeast Region
1239 S.W. 10th Street
Ocala, FL 34471-0323
352-732-1225

Southwest Region
3900 Drane Field Road
Lakeland, FL 33811-1299
863-648-3200

South Region
8535 Northlake Boulevard
West Palm Beach, FL 33412
561-625-5122

For more on any information in this brochure, or for Gopher Tortoise Management Plan or permitting information, please call the gopher tortoise conservation biologist in your region listed above, or call 850-488-3831, or visit MyFWC.com/GopherTortoise.

♻️ printed on recycled paper

A guide to living with gopher tortoises



David Moynahan



Florida Fish and Wildlife
Conservation Commission
MyFWC.com



Cliff Leonard

The gopher tortoise in Florida

Where they live: high and dry

The gopher tortoise (*Gopherus polyphemus*) is a medium size land turtle with large, stumpy hind legs and flattened, shovel-like front legs it uses to dig burrows in sandy soil. These burrows provide a home and refuge for the tortoise and more than 350 species of wild animals and insects that share the same habitat.

Gopher tortoises occur in parts of all 67 counties in Florida, but prefer high, dry, sandy places such as longleaf pine and oak sandhills. They also live in scrub, dry hammocks, pine flatwoods, dry prairies, coastal grasslands and dunes, mixed hardwood-pine communities and a variety of disturbed habitats, such as pasture lands.

What they eat

Gopher tortoises graze naturally on a wide variety of plant types, including broadleaf grasses, wiregrass, prickly pear cactus, wild grape, blackberry, blueberry, beautyberry and many more. They generally feed within about 160 feet of their burrows, but have been known to travel more than twice that distance to meet their foraging and nutritional needs.

A keystone species

Wildlife experts call the gopher tortoise a "keystone species" because it is the backbone of the plant and wildlife community in which it lives. Without the tortoise, the populations of more than 350 wildlife species that seek refuge or live in the burrows would be greatly reduced, if not eliminated. The species that depend upon tortoise burrows are called commensals and include the indigo snake, pine snake, gopher frog, opossum, burrowing owl, Florida mouse, gopher cricket and scarab beetle.

Protecting and managing

Gopher tortoises have lived for millions of years, but biologists who study these ancient reptiles are concerned we may lose them entirely unless we do more to protect and conserve them and their rapidly disappearing habitat.

In 2007, the Florida Fish and Wildlife Conservation Commission (FWC) listed the gopher tortoise as a threatened species and created a plan to manage and protect these unique reptiles. The plan is a blueprint of conservation objectives and actions which includes guidelines for landowners whose property contains gopher tortoises, habitat acquisition plans and permitting guidelines all designed to ensure the tortoises' habitat needs are met now and in the future.

Legal protection

It is against the law to damage, destroy, harass or kill gopher tortoises, their burrows or their eggs. Gopher tortoises must be moved out of harm's way before any land clearing or development takes place. Permits are required from the FWC before handling or moving tortoises.



Robert La Follette



Living in your yard

If a gopher tortoise is living in your yard, embrace the opportunity to learn about a threatened species and help the conservation efforts. Here are a few tips:

- Leave the tortoise alone and keep dogs and small children away from it and its burrow.
- Use tortoise-friendly plants to landscape your yard. In addition to providing excellent food for the tortoise, the plants will require very little watering once established. For a list of suitable plants visit MyFWC.com/GopherTortoise.
- Allow the tortoise to come and go freely from your yard. Fencing it in or restricting its movements in any way is against the law.
- It is acceptable to trim tall grass around the burrow if necessary but leave the burrow and mound alone.
- If possible, avoid mowing, digging, driving over or otherwise disturbing the area right around the burrow, which includes the entrance apron and 25 feet beyond the burrow opening.
- Never block the entrance to the burrow, it could harm the tortoise or prevent its exit.
- A burrow should not compromise the integrity of a foundation or mound septic system, but the gopher tortoise conservation biologist in your region can offer you options.

Crossing the road

- Do not take the tortoise with you.
- If it is in the roadway you can move it across the road in the direction in which it was headed. **Do not put your life in danger to move the tortoise.**
- Do not put the tortoise in the water. Gopher tortoises are terrestrial turtles which means they live on land.

Living in your neighborhood

Gopher tortoises and their burrows are often found on undeveloped lots in neighborhoods that were built in gopher tortoise habitat. The last remaining tortoises in a community sometimes take refuge on these habitat islands scattered among home sites. If your neighborhood has some of these reptilian residents, keep the following in mind:

- Before a lot can be developed, any gopher tortoises present must, by law, be moved out of harm's way before land clearing begins. Property owners must obtain permits from the FWC before moving gopher tortoises.
- If a lot is about to be developed, you can search the online gopher tortoise permitting database at MyFWC.com/GopherTortoise to see if a permit to move the tortoise(s) has been issued. You can also call the gopher tortoise conservation biologist in your region.
- If there is no land clearing or construction activity on the lot, leave the tortoises alone.
- If you suspect a violation has occurred or is about to occur, call the FWC's toll free Wildlife Alert Hotline at 888-404-3922 or report it online at MyFWC.com/law/Alert.

Sick or injured

- Sometimes it's better to just leave a sick or injured gopher tortoise alone and let it return to its burrow to heal.
- You may pick up an injured tortoise to transport it for treatment if necessary.
- Call the nearest FWC regional office to find a wildlife rehabilitator in the area or take it to a veterinarian.
- If you think the injury is the result of a violation and you can provide information, call the FWC's Wildlife Alert Hotline.

Help their future

- Become tortoise-wise: Learn about gopher tortoises and their habitat needs online at MyFWC.com/GopherTortoise and share the information with family, friends and neighbors.
- Support "green spaces" in and around developments – there is still time to save gopher tortoise habitat before it's gone.

Appendix B

Eastern Indigo Standard Protection Measures and Information Pamphlet

Killing, harming, or harassing indigo snakes is strictly prohibited and punishable under State and Federal Law.

Only individuals currently authorized through an issued Incidental Take Statement in association with a USFWS Biological Opinion, or by a Section 10(a)(1)(A) permit issued by the USFWS, to handle an eastern indigo snake are allowed to do so.

LEGAL STATUS: The eastern indigo snake is classified as a Threatened species by both the USFWS and the Florida Fish and Wildlife Conservation Commission. "Taking" of eastern indigo snakes is prohibited by the Endangered Species Act without a permit. "Take" is defined by the USFWS as an attempt to kill, harm, harass, pursue, hunt, shoot, wound, trap, capture, collect, or engage in any such conduct. Penalties include a maximum fine of \$25,000 for civil violations and up to \$50,000 and/or imprisonment for criminal offenses, if convicted.



August 12, 2013

ATTENTION:

**THREATENED EASTERN INDIGO
SNAKES MAY BE PRESENT ON
THIS SITE!!!**



Please read the following information provided by the U.S. Fish and Wildlife Service to become familiar with standard protection measures for the eastern indigo snake.

**IF YOU SEE A LIVE EASTERN
INDIGO SNAKE ON THE SITE:**

- Cease clearing activities and allow the eastern indigo snake sufficient time to move away from the site without interference.
- Personnel must NOT attempt to touch or handle snake due to protected status.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Immediately notify supervisor or the applicant's designated agent, **and** the appropriate U.S. Fish and Wildlife Service (USFWS) office, with the location information and condition of the snake.
- If the snake is located in a vicinity where continuation of the clearing or construction activities will cause harm to the snake, the activities must halt until such time that a representative of the USFWS returns the call (within one day) with further guidance as to when activities may resume.

**IF YOU SEE A DEAD EASTERN
INDIGO SNAKE ON THE SITE:**

- Cease clearing activities and immediately notify supervisor or the applicant's designated agent, **and** the appropriate USFWS office, with the location information and condition of the snake.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Thoroughly soak the dead snake in water and then freeze the specimen. The appropriate wildlife agency will retrieve the dead snake.

**USFWS Florida Field Offices to be
contacted if a live or dead eastern indigo
snake is encountered:**

North Florida ES Office – (904) 731-3336
Panama City ES Office – (850) 769-0552
South Florida ES Office – (772) 562-3909

DESCRIPTION: The eastern indigo snake is one of the largest non-venomous snakes in North America, with individuals often reaching up to 8 feet in length. They derive their name from the glossy, blue-black color of their scales above and uniformly slate blue below. Frequently, they have orange to coral reddish coloration in the throat area, yet some specimens have been reported to only have cream coloration on the throat. These snakes are not typically aggressive and will attempt to crawl away when disturbed. Though indigo snakes rarely bite, they should NOT be handled.

SIMILAR SNAKES: The black racer is the only other solid black snake resembling the eastern indigo snake. However, black racers have a white or cream chin, thinner bodies, and WILL BITE if handled.

LIFE HISTORY: The eastern indigo snake occurs in a wide variety of terrestrial habitat types throughout Florida. Although they have a preference for uplands, they also utilize some wetlands and agricultural areas. Eastern indigo snakes will often seek shelter inside gopher tortoise burrows and other below- and above-ground refugia, such as other animal burrows, stumps, roots, and debris piles. Females may lay from 4 - 12 white eggs as early as April through June, with young hatching in late July through October.

Appendix C

Baseline Conditions Photographs



Photo Point 1 Facing NW



Photo Point 2 Facing SW



Photo Point 3 Facing SE



Professional Engineers, Planners & Land Surveyors

Sunniland Town Center CPD Description of Surface Water Management Plan

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

- a. The runoff characteristics of the property in its existing state;
The ±33.3-acre site is bordered on the east, north, and west by canals/ditches and by Lee Blvd. on the south which is a closed drainage system. The site is vacant with existing roads running through it. The site is relatively flat, but drains to the perimeter canals/ditches. The canals are controlled by the Lehigh Acres Municipal Services Improvement District (LAMSID). The large canal to the north is known as the Angelfish Canal. The canals in this area ultimately drain to the Tidal Caloosahatchee River.
- b. In general terms, the drainage concept proposed, including the outfall to canals or natural water bodies including how drainage flow from adjacent properties will be maintained;
The proposed drainage system will preserve existing drainage patterns and not block any runoff overflow from adjacent properties. The proposed drainage within the development will be collected into a catch basin and pipe system and detained in on-site proposed dry/wet detention areas. The detention areas will discharge into the Angelfish Canal.
- c. The retention features (including existing natural features) that will be incorporated into the drainage system and the legal mechanism which will guarantee their maintenance;
The water management system will consist of proposed on-site dry/wet detention. If the property remains under single ownership, that owner will maintain the drainage system consistent with the South Florida Water Management District permit that will be required. If the property ownership does not remain under a single owner, then an association would be formed to maintain the drainage system.
- d. How existing natural features will be preserved. Include an estimate of the ranges of existing and post development water table elevations, where appropriate;
A preserve will be created in the northeast corner of the property. Preliminary investigation indicates that the canal is controlled at an elevation of 20.0' NAVD. The existing elevations on site range from 18'-24' NAVD. The water table elevations will be maintained by appropriately setting the detention outfall structures at the established water control elevation, which will be controlled with LAMSID and SFWMD.

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

This site is not located in a flood zone established by FEMA. The building finished floor elevations will be set at or above the internal 100 year 3 day storm event which will be modeled with no discharge.

ATTACHMENT W

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ENVIRONMENTAL STAFF REPORT

CASE NUMBER: DCI2023-00010
TYPE OF CASE: Commercial Planned Development
CASE NAME: Sunniland Town Center CPD
TOTAL ACREAGE: 34.9 Acres
SUFFICIENCY DATE: February 16, 2024
HEARING EXAMINER DATE: April 25, 2024

Request

The applicant is requesting to amend the current zoning of a 34.9-acre parcel, to permit a mixed-use commercial and residential development. The request includes either 250,000 square feet of commercial floor area or 150,000 square feet and 300 multi-family dwelling units on the 34.9 acres. The property is located in Lehigh Acres, north of Lee Boulevard and both east and west of Sunniland Boulevard. The property is located within the Mixed-Use Overlay per the Lee Plan.

Existing Conditions

As mentioned, is located in Lehigh Acres, north of Lee Boulevard and to the east and west of Sunniland Boulevard. The applicant has submitted a Protected Species Survey (Exhibit A) that includes the Florida Land Use Cover and Classification System (FLUCCS) map depicting the meandering linear transect methodology. Twenty-eight (28) Gopher Tortoise burrows were observed onsite.

The project has two existing violations that are being abated through the zoning amendment action. VIO2021-06268 and VIO2021-06269 were created when the property owner cleared without permits, was out of compliance with the previous zoning resolution (Z-06-090), and did not obtain a development order.

A small portion of the project's FLUCCS map demonstrates wetlands present onsite. The applicant is proposing impacts to the wetland area (FLUCCS 618E). The applicant must obtain a formal jurisdictional determination or ERP from the South Florida Water Management District prior to construction of the development. If the SFWMD deems there are more wetlands than the environmental consultant observed, the applicant will have to provide an updated MCP or mitigate through State and Federal Permitting.

Open Space

The Land Development Code requires large (defined in LDC 10-1) Commercial Planned Developments to provide 20% open space when the project is located within the Mixed-Use Overlay. LDC 10-415(b) requires half of the required open space to be utilized as an indigenous native preserve (10% of the total site area). The minimum required open space is 7-acres; however, the applicant is exceeding the minimum required open space by providing 8.14-acres. 3.5-acres of the 8.14-acres is the applicant's indigenous preservation and restoration areas.

Prior to the issuance of the first development order, the development order plans must include a map depicting where mechanical and hand-removal methods of exotic vegetation removal will be located. Mechanical clearing must be limited to non-indigenous areas and native vegetation must be protected by the tree barricades.

The applicant must submit a vegetation removal permit with a survey point map depicting the preservation and restoration areas and mechanical clearing limits. Prior to Certificate of Completion, if the proposed restoration plantings fail, the developer must provide temporary irrigation approved by Lee County Development Services Staff.

Prior to the issuance of the first development order, development order plans must demonstrate exotic removal and restoration of detention areas to begin concurrently with improvements to land.

Prior to the issuance of the first development order, development order plans must demonstrate a schedule for the indigenous preservation and restoration to be completed within the first five years.

Prior to the issuance of the first development order, landscape plans must depict native species for the required supplemental plantings.

Buffers

The proposed development abuts canal systems to the west, north, and the south property boundary abuts Lee Boulevard right-of-way. The canal area on the west and north are wide enough where buffering is not required due to the definition of abutting (10-1). The east property line abuts commercial developments.

East – The property to the east of the proposed development is a school and commercial zoned property. LDC 10-425 does not require a buffer between commercial uses. However, the applicant is proposing a 5-foot buffer (five trees per 100 feet linear feet) along the entirety of the eastern boundary.

West – The property to the west of the proposed development is a canal system. Abutting means any property that is immediately adjacent to, or contiguous with, or that is located immediately across from any street, canal, easement or water body, not to exceed 25 feet from the other property. The canal easement is wider than 25 feet; therefore, it does not require buffering. The applicant is listing LDC 33-1405(c) buffer requirements on the MCP; however, LDC 33-1405(c) does not apply to this area. The applicant is in compliance with the LDC.

North - The property to the north of the proposed development is a large canal that is approximately 55-feet in width. The Land Development Code does not require a buffer to the north due to the definition of abutting. The applicant has proposed restoration throughout much of the northern property line. The restoration areas will provide for enhanced screening requirements.

South - The south property line abuts Lee Boulevard right-of-way. LDC 10-425 requires a 5-foot buffer when commercial properties abut rights-of-ways. The applicant is providing the code required 5-foot buffer in accordance with LDC 10-425(f)1.

Staff recommends the following buffer conditions to ensure that the depicted buffers will be provided:

Prior to the issuance of the first development order, the development order plans must depict a 5-foot buffer along the east property line to be planted with five trees per 100 linear feet.

Prior to the issuance of the first development order, the development order plans must depict 5-foot internal right-of-way buffers in accordance with LDC 10-425(f).

Deviations

Deviation 2 - Deviation 2 seeks relief from LDC Section 10-416(d)(6) which states if roads, drives, or parking areas associated with residential subdivisions or with a multifamily or nonresidential use are located less than 125 feet from an existing single-family residential subdivision or single-family residential lots, a solid wall or combination berm and solid wall not less than eight feet in height must be constructed not less than 25 feet from the abutting property, to allow a 10-foot buffer on Outparcel 1. LDC 33-1405 states that section 10-416(d)(6) does not apply within the Lehigh Acres Planning Community. Staff believes that the applicant needs to strike the requested deviation due to the location within the Lehigh Acres Planning Community.

Deviation 3 – Deviation 3 seeks relief from LDC Section 10-415(b), which requires that large developments with existing indigenous native vegetation communities must provide 50 percent of their open space percentage requirement through the onsite preservation of existing native vegetation communities, to allow for the indigenous preservation to be met through the combination of preservation of on-site indigenous areas and the restoration of areas that do not meet the definition of indigenous vegetation. cabbage palms in addition to many native shrub and ground cover species in those strata. The Preservation Area Management Plan includes the restoration of 2.3 acres of uplands within two proposed dry detention areas. The proposed upland habitat restoration areas are within two dry detention areas and will be planted with native vegetation that is typically found in indigenous pine flatwood habitats adapted to frequent short-term inundation and long periods of dry conditions. Restoration plantings including 310 trees and 1,002 shrubs and ground cover species along with the 711 replacement trees will be planted in the 2.3-acre restoration area. The combined number of planted trees will result in trees at approximately 9.9' centers and shrubs and ground cover species on 10' centers. This will restore native habitat for the urbanized wildlife which are common in this part of Lehigh Acres. The subject property is within the County's Mixed-Use Overlay and the Lehigh Commercial Overlay. This property is one of only a few opportunities for commercial or mixed-use development within the entire community. The existing indigenous areas on the property are located where they would either significantly impact the ability to develop the site or significantly diminish view corridors into the property from Lee Boulevard, a necessity for a successful commercial development that serves the needs of the community.

Staff recommends approval of Deviation 3 with the following condition:

Prior to the approval of a development order, development order plans must demonstrate 2.3-acres on the north property line must be demonstrated as restoration per the preserve management plan (Exhibit B).

Exhibits

- A – Protected Species Survey & FLUCCS Map
- B – Preservation/Restoration Management Plan
- C – Master Concept Plan

Lehigh Sunniland

Section 26, Township 44 South, Range 26 East
Lee County, Florida

Protected Species Survey & Florida Bonneted Bat Roost Survey

May 2023

Prepared by:



ENVIRONMENTAL CONSULTING, LLC
15957 Tropical Breeze Drive, Fort Myers, FL 33908
(239) 994-9007

INTRODUCTION

The 33.68± acre parcel is located within a portion of Section 26, Township 44 South, Range 26 East, Lee County, Florida (Figure 1). The parcel straddles Sunniland Boulevard and is bordered to the north by a canal, to the east by Sunshine Elementary School, to the south by Lee Boulevard, and to the west by residential housing.

VEGETATIVE CLASSIFICATIONS

The predominant vegetation associations were mapped in the field on 2022 digital 1" = 160' scale aerial photography. The project boundary was obtained from Morris-Depew and inserted into the digital aerial. The boundary was not staked in the field at the time of our site inspection and was, therefore, estimated based on the overlay of the approximate boundary on the aerial photography. Seven vegetation associations were identified using the Florida Land Use, Cover and Forms Classification System (FLUCCS). Figure 2 depicts the approximate location and configuration of these vegetation associations and Table 1 summarizes the acreages by FLUCCS Code. A brief description of each FLUCCS Code is also provided below. This habitat contains more than 75 percent cover by exotics with only scattered native plant species.

Table 1. Acreage Summary by FLUCCS Code

FLUCCS CODE	DESCRIPTION	ACREAGE
411E2	Pine Flatwoods Invaded by Exotics (26-50%)	7.49±
450	Mixed Exotic Upland Forest	2.17±
618E	Willow Invaded by Exotics (5-9%)	3.28±
740	Disturbed Land	4.64±
743	Spoil Areas	0.83±
748	Cleared Areas	13.62±
814	Roads and Highways	1.65±
Total		33.68±

FLUCCS Code 411, Pine Flatwoods

This flatwood consists of slash pine (*Pinus elliotii*), cabbage palm (*Sabal palmetto*), grape vine (*Vitis* sp.), Brazilian pepper (*Schinus terebinthifolia*), earleaf acacia (*Acacia auriculiformis*), hairy pod cowpea (*Vigna luteola*), southern sida (*Sida acuta*), ragweed (*Ambrosia artemisiifolia*), poison ivy (*Toxicodendron radicans*), flatsedges (*Cyperus* spp.), beauty berry (*Callicarpa americana*), torpedo grass (*Panicum repens*), live oak (*Quercus virginiana*), broomsedge (*Andropogon* sp.), saw palmetto (*Serenoa repens*), wax myrtle (*Myrica cerifera*), swamp fern (*Blechnum serrulatum*), briar (*Smilax* sp.), and dog fennel (*Eupatorium capillifolium*).

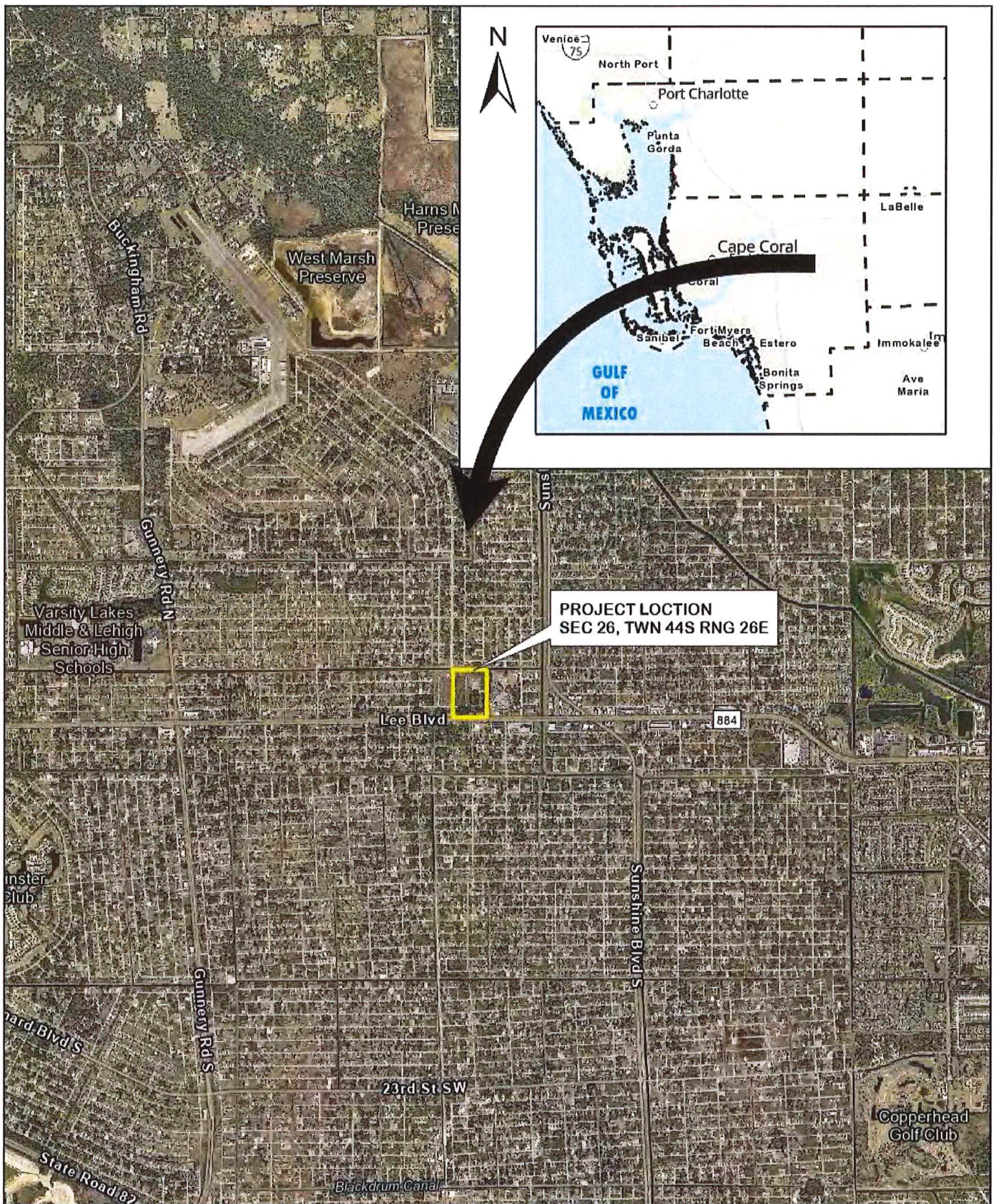
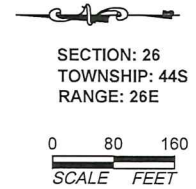


Figure 1. Project Location Map

OWEN ENVIRONMENTAL
CONSULTING, LLC.
FORT MYERS 239-994-9007

Lehigh Sunniland



FLUCCS	Description	Acreage
411E2	Pine Flatwoods Invaded by Exotics (26-50%)	7.49 Ac.±
450	Mixed Exotic Upland Forest	2.17 Ac.±
618E*	Willow Invaded by Exotics (5-9%)	3.28 Ac.±
740	Disturbed Land	4.64 Ac.±
743	Spoil Areas	0.83 Ac.±
748**	Cleared Areas	13.62 Ac.±
814	Roads and Highways	1.65 Ac.±
Total		33.68 Ac.±

* Potential SFWMD Jurisdictional Wetlands
** Areas Cleared resulting in VIO2021-06268 & VIO2021-06269 Notice of Violations.

Notes:

1. Property boundary is approximate and was obtained from the Lee County Property Appraiser's Website.
2. Mapping based on photointerpretation of 2021 aerial photography and ground truthing in September 2021.
3. Delineation of jurisdictional wetlands is preliminary and subject to field review/approval by applicable regulatory agencies.

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Figure 2. Vegetation Map

OWEN ENVIRONMENTAL CONSULTING, LLC.
FORT MYERS 239-994-9007

FLUCCS Code 450, Mixed Exotic Upland Forest

This upland area consists of live oak, Brazilian pepper, cabbage palm, lead tree (*Leucaena leucocephala*), carpet grass (*Axonopus* sp.), saw palmetto, Spanish needles (*Bidens alba*), rosary pea (*Abrus precatorius*), wild coffee (*Psychotria nervosa*), and slash pine.

FLUCCS Code 618, Willow

The vegetation present in this wetland includes live oak, swamp fern (*Blechnum serrulatum*), cabbage palm, grape vine, beauty berry, wild coffee, Caesarweed (*Urena lobata*), earleaf acacia, wax myrtle, beauty berry, bracken fern (*Pteridium aquilinum*), and briar.

FLUCCS Code 740, Disturbed Land

This disturbed land includes Brazilian pepper, cabbage palm, foxtail grass (*Setaria* sp.), ragweed, false buttonweed (*Spermacoce remota*), Bahia grass (*Paspalum notatum*), smutgrass (*Sporobolus indicus*), lead tree, cogongrass (*Imperata cylindrica*), guineagrass (*Panicum maximum*), grape vine, Florida pusley (*Richardia scabra*), stinkweed (*Pluchea* sp.), torpedo grass (*Panicum repens*), St. John's wort (*Hypericum cistifolium*), sensitive briar (*Mimosa quadrivalvis*), and camphorweed (*Heterotheca subaxillaris*).

FLUCCS Code 743, Spoil Areas

The spoil areas consist of ragweed, frog fruit (*Phyla nodiflora*), false buttonweed, Bermuda grass (*Cynodon dactylon*), sensitive Briar, Florida pusley, Spanish needles, foxtail grass, and smutgrass.

FLUCCS Code 748, Cleared Areas

On January 19, 2023 county code enforcement issued VIO2021-06268 and VIO2021-06269 Notice of Violations. County staff observed violations at 36114 5th Street West, Lehigh Acres and 3650 5th Street West, Lehigh Acres on August 4, 2021. Approximately 13.62 acres of previously approved indigenous and gopher tortoise preserve under Zoning Resolution Z-06-090 had been cleared without a Development Order or clearing permits. The vegetation present in these cleared areas include pokeweed (*Phytolacca americana*), false buttonweed, Bermuda grass, bluestem (*Schizachyrium* sp.), spurge (*Euphorbia celastroides*), Brazilian pepper, Virginia creeper, poison ivy (*Toxicodendron radicans*), horseweed (*Erigeron canadensis*), dog fennel, ragweed, cabbage palm, cogongrass, Caesar weed, Spanish needles, Bahia grass, torpedo grass, Florida pusley, grape vine, saltbush (*Baccharis halimifolia*), Virginia creeper, wild poinsettia (*Euphorbia heterophylla*), foxtail grass, camphorweed, smutgrass, lead tree, bluestem, live oak, saw palmetto, sensitive briar, downy rose myrtle (*Rhodomyrtus tomentosa*), winged sumac (*Rhus copallinum*), earleaf acacia, and beauty berry.

FLUCCS Code 814, Roads and Highways

No vegetation is present in these areas.

SURVEY METHOD

Lee County Protected Species Ordinance No. 89-34 lists several protected species of animals that could potentially occur on-site based on the general vegetative associations found on the subject parcel. Each habitat type was surveyed for the occurrence of these and any other listed species likely to occur in the specific habitat types. The survey was conducted using meandering linear pedestrian belt transects. This survey methodology is based on the Lee County administratively approved Meandering Transect Methodology. As part of this survey all live trees and snags were inspected for the evidence of cavities that could potentially be used as roosts by the Florida bonneted bat (*Eumops floridanus*). In order to provide at least 80 percent visual coverage of habitat types listed in Ordinance No. 89-34, the transects were spaced approximately 50 feet apart. The approximate locations of all direct sighting or signs (such as tracks, nests, and droppings) of a listed species were denoted on the aerial photography. A Florida bonneted bat (*Eumops floridanus*) cavity survey has also been conducted. All live trees and snags were inspected for the evidence of cavities. The 1" = 160' scale aerial Protected Species Assessment map (Figure 3) depicts the approximate location of the survey transects and the results of the survey. The listed species survey was conducted during the mid-day hours of July 14-15, 2022 and updated on February 3, 2023. During the survey the weather was humid and sunny.

Species listed as endangered, threatened, or species of special concern by the Florida Fish and Wildlife Conservation Commission (FWC) or the United States Fish and Wildlife Service (FWS) that could potentially occur on the subject parcel according to the Lee County Protected Species Ordinance are shown in Table 2. This list from the Lee County Protected Species Ordinance is general in nature, contains species that were subsequently delisted by the state, does not necessarily reflect existing conditions within or adjacent to the 33.68± acre property, and is provided for general informational purposes only. The bald eagle (*haliaeetus leucocephalus*) (which has been delisted by the FWC and FWS but is still protected by other regulations), the Florida black bear (*Ursus americanus floridanus*) (delisted in 2012 and still protected by the Florida Black Bear Management Plan), and the Florida bonneted bat (*eumops floridanus*) (which was listed by the FWS after Ordinance No. 89-34 was adopted by Lee County) were also included in the survey.

Prior to inspecting the site, the Florida Fish and Wildlife Conservation Commission (FWC) listed species occurrence data base was reviewed to determine the known occurrence of species listed by the FWC and/or U.S. Fish and Wildlife Service (FWS) as threatened, endangered, or species of special concern in the project area. According to that database there are no known listed species sightings on the subject property.

Florida Bonneted Bat (*Eumops floridanus*) Roost Survey Method

Florida Bonneted Bat (*Eumops floridanus*) Roost Survey Method Per U.S. Fish and Wildlife Service (FWS) Draft Protocol for Florida Bonneted Bat Roost Surveys dated February 3, 2015, a series of meandering transects were completed across the portion of the site containing areas with potential natural roosting structures. Transects through roosting habitat were spaced approximately 50 feet apart and all trees and snags were visually inspected for evidence of cavities. Evidence of protected species was gathered through both direct observation and through observation of signs such as potential roost cavities, tracks, nests, and scat. If a sign was found or sighting occurred, their locations in the field were recorded using a GPS unit. Figure 3 depicts the locations and results of the potential cavities survey. The site inspection was conducted during the mid-day hours of July 14-15, 2022, and updated on February 3, 2023.

Table 2. Listed Species That Could Potentially Occur On-site

FLUCCS CODE	Percent Survey Coverage	Species Name	Present	Absent
411	80	Gopher Frog (<i>Rana areolata</i>)*		√
		Eastern Indigo Snake (<i>Drymarchon corais couperi</i>)		√
		Gopher Tortoise (<i>Gopherus polyphemus</i>)	√	
		Red-cockaded Woodpecker (<i>Picoides borealis</i>)		√
		Southeastern American Kestrel (<i>Falco sparverius paulus</i>)		√
		Big Cypress Fox Squirrel (<i>Sciurus niger avicennia</i>)		√
		Florida Black Bear (<i>Ursus americanus floridanus</i>)*		√
		Florida Panther (<i>Felis concolor coryi</i>)		√
		Beautiful Pawpaw (<i>Deeringothamnus pulchellus</i>)		√
		Fakahatchee Burmannia (<i>Burmannia flava</i>)		√
		Florida Coontie (<i>Zamia floridana</i>)		√
		Satinleaf (<i>Chrysophyllum olivaeforme</i>)		√
450	80	None		

FLUCCS CODE	Percent Survey Coverage	Species Name	Present	Absent
618	80	American Alligator (<i>Alligator mississippiensis</i>) Little Blue Heron (<i>Egretta caerulea</i>) Reddish Egret (<i>Egretta rufescens</i>) Snowy Egret (<i>Egretta thula</i>)* Tricolored Heron (<i>Egretta tricolor</i>) Wood Stork (<i>Mycteria americana</i>) Big Cypress Fox Squirrel (<i>Sciurus niger avicennia</i>) Everglades Mink (<i>Mustela vison evergladensis</i>)		√ √ √ √ √ √ √
740	80	None		
743	80	Gopher Tortoise (<i>Gopherus polyphemus</i>)**		√
748	80	None		
814	80	None		

* Species delisted subsequent to adoption of Lee County Protected Species Ordinance No. 89-34.

** Lee County Protected Species Ordinance No. 89-34 does not list this species for this FLUCCS Code but it was observed on-site.

Lehigh Sunniland



SECTION: 26
TOWNSHIP: 44S
RANGE: 26E

0 80 160
SCALE FEET

- Approximate Pedestrian Survey Transects
- Potentially Occupied Gopher Tortoise Burrow (28)

FLUCCS	Description	Acreage
411E2	Pine Flatwoods Invaded by Exotics (26-50%)	7.49 Ac.±
450	Mixed Exotic Upland Forest	2.17 Ac.±
618E*	Willow Invaded by Exotics (5-9%)	3.28 Ac.±
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** Areas Cleared resulting in VIO2021-06268 & VIO2021-06269 Notice of Violations.

Notes:

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2. Mapping based on photointerpretation of 2021 aerial photography and ground truthing in September 2021.
3. Delineation of jurisdictional wetlands is preliminary and subject to field review/approval by applicable regulatory agencies.

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Figure 3. Protected Species Survey Map

OWEN ENVIRONMENTAL CONSULTING, LLC.
FORT MYERS 239-904-9007

SURVEY RESULTS

Twenty-Eight (28) potentially occupied gopher tortoise burrows were found on site. Based on 80 percent survey coverage, it is estimated that 34 potentially occupied gopher tortoise burrows occur within this general area.

The gopher tortoise is listed as a threatened species by the FWC and is not listed by the FWS. Gopher tortoise burrows were observed primarily in the mixed exotic upland forest (FLUCCS Code 450), exotic pine flatwoods (FLUCCS Code 411E2), disturbed land (FLUCCS Code 740) and in cleared areas (FLUCCS Code 748). The majority of these burrows are located toward the outer areas of the site.

Other Listed Species

No other species listed by either the FWS or the FWC were observed on the site during the protected species survey or during other site visits. In addition to the site inspections, a search of the FWC species database (updated in June 2022) revealed no additional known protected species within or immediately adjacent to the project limits.

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Sunniland

Section 26, Township 44 South, Range 26 East
Lee County, Florida

Preservation Area Management Plan

October 2023

Prepared by:



ENVIRONMENTAL CONSULTING, LLC
15957 Tropical Breeze Drive, Fort Myers, FL 33908
(239) 994-9007

Introduction

The goal of this management plan is to preserve 1.2 acres and restore 2.3 acres of upland preservation areas as shown on the attached Preservation Area Management Plan Map on-site via vegetation debris removal, selective regrading, and restoration planting. A vegetation removal permit associated with a development order is required for any restoration site work.

On January 19, 2023, Lee County Code Enforcement issued VIO2021-06268 and VIO2021-06269 Notice of Violations. County staff observed violations at 36114 5th Street West, Lehigh Acres and 3650 5th Street West, Lehigh Acres on August 4, 2021. Approximately 13.62 acres of previously approved indigenous and gopher tortoise preserve under Zoning Resolution Z-06-090 had been cleared without a Development Order or clearing permits. This plan also includes replacement plantings to abate the two code violations VIO2021-06268 and VIO2021-06269 for the removal of protected trees without permits.

Debris Removal

The debris piles, including horticultural and trash, within the preservation and restoration areas will be removed and disposed of in an appropriate facility. This will be accomplished by hand or by using mechanical equipment only from the existing roads except within 50' of any gopher tortoise burrow where debris will be removed by hand. No vehicles or mechanical equipment will be placed or operate within the restoration area. Any significant ruts created by the initial clearing and the restoration debris removal will be returned to grade by hand.

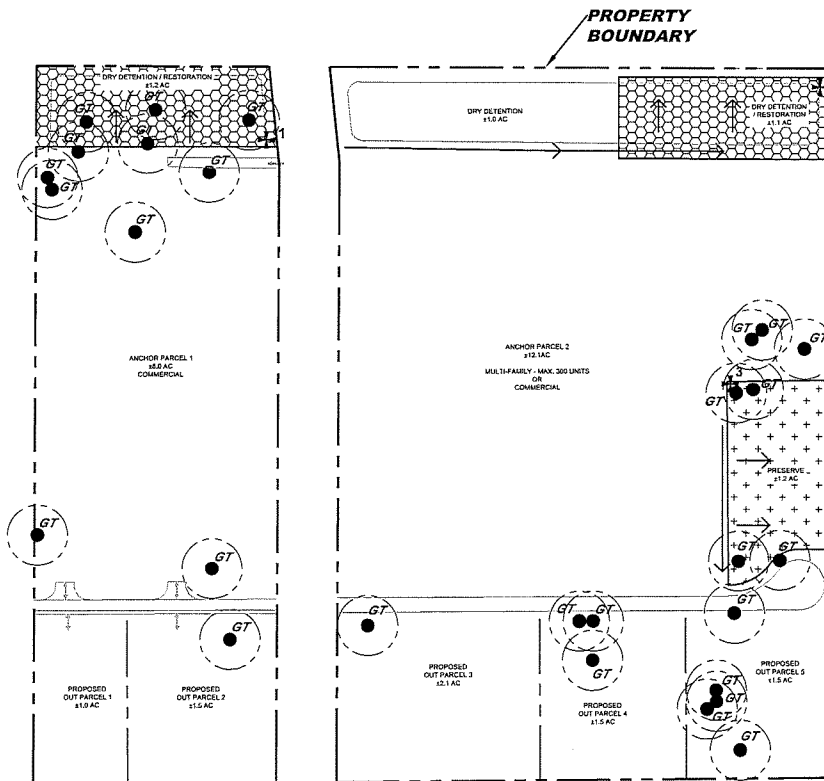
Initial Exotic Vegetation Treatment

All exotic and nuisance species (defined per LDC Sec. 10-420(f) and Category I and II species on the Florida Exotic Pest Plant Council's List of Invasive Species) within the preservation and restoration areas will be treated as shown on the Preserve Area Plan Map. The mapped communities of the preservation/restoration area include Mixed Exotic Upland Forest (FLUCS 450), Disturbed Land (FLUCCS 740), and Cleared Land (FLUCCS 748).

Exotics may be mechanically removed and treated in the restoration areas as they are currently dominated by exotic vegetation, predominantly Brazilian pepper (*Schinus terebinthifolia*), and have very few native species present. Access to the mechanical removal areas will be by existing trails including the existing roads as shown on the Preservation Area Management Plan Map. This mechanical activity may result in temporary disturbance to the soil. Once the exotic control is completed, ruts caused using heavy equipment will be graded to blend with adjacent grades. In the event, mechanical removal of exotics is not practicable, exotics within these areas will be treated as described below.

Non-native trees and shrubs can be cut by chainsaw or machete just above natural grade and the stump treated with an appropriate herbicide suitable for aquatic

Sunniland



SECTION: 26
TOWNSHIP: 44S
RANGE: 26E

A horizontal scale bar with markings at 0, 100, and 200. Below the bar, the word "SCALE" is written under the 0 mark and "FEET" is written under the 200 mark.

Notes:

1. *Property boundary and Site Plan was received from Banks Engineering.*
2. *Mapping based on photointerpretation of 2021 aerial photography and ground truthing in September 2021.*
3. *Delineation of jurisdictional wetlands is preliminary and subject to field review/approval by applicable regulatory agencies.*

Legend:



Upland Restoration Area (2.3 Ac.±) - Includes Planting



*Indigenous Habitat Preservation
Area (1.2 Ac.±)*



Potentially Occupied Gopher Tortoise Burrow (28) and 50' Buffer Radius

- Access Points



Photo Station (typ.)

application where necessary. Treatment will occur immediately following cutting to ensure maximal uptake of the herbicide. The restoration areas will have the resulting vegetative material disposed of in accordance with local regulations. If non-woody exotics are present within the restoration areas they will be treated by a foliar application of an appropriate herbicide suitable for aquatic application. Herbicides will be used in strict accordance with label directions by trained applicators. Care will be taken to reduce damage to non-target native species to the maximum extent practical. The owner or his designee shall conduct vegetation control through the management of exotic, invasive and nuisance vegetation.

Exotic control of melaleuca and Brazilian pepper can be accomplished by chainsaw or machete as shown on the Preserve Area Plan Map. The four inch DBH and smaller trees and shrubs will be cut just above natural grade and the stump treated with an appropriate herbicide suitable for aquatic application. The resulting vegetative material will be disposed of by removal from the preserves. Herbicides will be used in strict accordance with label directions by trained applicators. Care will be taken to reduce damage to non-target native species to the maximum extent practical.

A marker dye will be added to the spray solution to help visualize where the solution is being applied. An appropriately licensed herbicide applicator will supervise the crew. Herbicides will be used carefully in accordance with the label provided.

Regrading

After the debris and exotic vegetation has been removed from the preservation and restoration areas, the significant soil disturbance areas will be regraded by hand. No regrading will occur within 50' of any gopher tortoise burrow until after the gopher tortoises have been relocated offsite per a valid Florida Fish and Wildlife Conservation Commission Gopher Tortoise (FWC GT) Permit. Please see the protected species management plan below. A vegetation removal permit is required for regrading the restoration areas.

Barricading

Prior to any site work, the preservation and restoration areas will be surveyed, located, staked in the field, and the required erosion control barriers installed. Prior to any site work, barricades will be installed around the gopher tortoise protection zone and the site perimeter for erosion control. Please see the attached Preserve Area Plan Map for the locations of the barricades and erosion control. These barriers will be inspected by County staff prior to commencement of restoration activities. The operation of construction equipment, storage of equipment, and stockpiling of debris material will be prohibited within the restoration area. The staking identifying the limits of the preservation/restoration areas and silt fences will be maintained for the duration of adjacent restoration activities. If the gopher tortoises have been relocated from the site under a valid FWC GT permit, no barricades for the gopher tortoise burrows will be required.

Access Points

Access for the garbage and vegetative debris removal, exotic vegetation treatment, regrading, and planting within the preservation and restoration areas will be via the existing roads. No vehicles will travel within a 50' radius of any potentially occupied gopher tortoise burrows onsite unless the gopher tortoises have been relocated from the site under a valid FWC GT permit. No equipment or debris will be stored within a 50' radius of any potentially occupied gopher tortoise burrows onsite unless the gopher tortoises have been relocated offsite. Please see the attached Preserve Area Plan Map for the location of access points.

Restoration and Replacement Planting

Upon the completion of the debris removal and regrading, the dry detention/restoration areas will be planted with native plants to restore these areas to native habitat. Additionally, these areas will include replacement plantings to abate the two violations listed above. Native ground cover and trees, as listed in the Dry Detention/Upland Restoration Area Planting Table and Replacement Planting Table, will be planted by the end of November 2024. The final species list will be based upon site specific conditions and on plant material availability at the time of planting and will be provided at the time of development order.

Dry Detention/Upland Restoration Area Plantings

A total of 310 trees and 1,002 understory plants will be planted in the restoration area shown on the attached Preserve Area Plan Map.

Upland Restoration Planting Area Table

Botanical Name	Common Name	Minimum Size/Container	Maximum Spacing	Quantity
Trees				
<i>Pinus elliottii</i>	Slash Pine	6' tall/FG	18 Feet Centers	270
<i>Sabal palmetto</i>	Cabbage Palm	6' tall/FG	18 Feet Centers	40
Understory				
<i>Chrysobalanus icaco</i>	Cocoplum	1 Gallon	10 Feet Centers	*
<i>Callicarpa americana</i>	Beautyberry	1 Gallon	10 feet Centers	*
<i>Serenoa repens</i>	Saw Palmetto	1 Gallon/3 gallon	10 Feet Centers	*501/166
<i>Commelina erecta or diffusa</i>	Dayflower	1 Gallon	10 Feet Centers	*
<i>Muhlenbergia sp.</i>	Muhley Grass	1 Gallon	10 Feet Centers	*
<i>Aristida beyrichiana</i>	Wiregrass	1 Gallon	10 Feet Centers	*

*There will be a total of 1,002 understory plants with species quantities as follows:

- Green saw palmetto a minimum of 501 at one gallon or 166 at 3 gallon in size and a minimum 14' at installation.
- A combination of at least 8 of the remaining species for a total of 501.

Understory plantings are to be randomly planted/grouped at a maximum of 10' on center.

Abatement Replacement Plantings

A total of 711 trees will be planted in the restoration areas shown on the attached Preserve Area Plan Map. Cabbage palms from the development footprint may not be relocated and used for the replacement planting plan below.

Replacement Planting Table

Scientific Name	Common Name	Minimum Size/Container	Maximum Spacing	Quantity
Trees				
<i>Quercus virginiana</i>	Live Oak	20' tall, 4" caliper, 8' canopy	N/A	21
<i>Sabal palmetto</i>	Cabbage Palm	6' tall/FG	18 Feet Centers	598
<i>Quercus virginiana</i>	Live Oak	6' tall/FG	18 Feet Centers	79
<i>Pinus elliottii</i>	Slash Pine	6' tall/FG	18 Feet Centers	13

Trees must meet the standards for Florida No. 1 or better, as set out in Grades and Standards for Nursery Plants, Parts I and II, Department of Agricultural, State of Florida (as amended), nursery grown, containerized and a minimum of 6 feet in height with a minimum trunk diameter of 1 inch measured at 3 feet above the ground and a minimum canopy diameter of 2 feet at installation unless otherwise noted above. Palms must have a minimum of eight feet of clear trunk at planting.

Alternative tree heights can be used. The total heights and calipers must equal or exceed that specified above, such as one 12' in height with two inch caliper tree is equal two 6'in height with one inch caliper trees.

Trees and palms must be installed in a horticultural correct manner, including staking and mulching.

Temporary above-ground irrigation must be installed in the restoration areas and removed no longer than one year from the date of planting.

A two-inch minimum layer, after watering-in, of pine straw mulch must be placed and maintained around all restoration trees.

The restoration and replacement plantings are provided in addition to any trees or shrubs otherwise required to be planted by the LDC. A monitoring report must be submitted annually for 5 years describing the conditions of the restored area.

Prior to replanting, a detailed restoration landscape plan will be submitted as a Development Order (DO) showing the planted material's location, species, and planting standards from above. Replacement vegetation may not be planted on any property line, underground utility or County easement. A Certificate of Compliance (CC) will be obtained.

Proposed Work Schedule

The debris removal, invasive exotic and nuisance plant control program, and regrading will commence after approval of the project's development order. The initial debris removal, exotic treatment, and regrading will be initiated during the first dry season following issuance of all required federal, state, and local authorizations. It is anticipated that the initial treatment will be completed in less than three months. The restoration and replacement plantings will be initiated within approximately two to three months of the completion of the initial exotic removal, weather permitting.

Ecological Performance Standards

To meet the objective of this plan, the following performance standards will apply to the onsite preservation and restoration areas:

1. At least 80 percent cover by appropriate upland and wetland species in the preservation and restoration areas.
2. The preservation and restoration areas are free of exotics immediately following maintenance treatment events. All exotic and nuisance species (defined as Category I and II species on the Florida Exotic Pest Plant Council's List of Invasive Species) within the preserve areas will be treated. The nuisance species dog fennel (*Eupatorium capillifolium*), Caesar weed (*Urena lobata*), primrose willow (*Ludwigia peruviana*), grape vine (*Vitis* sp.), and cattail (*Typha* spp.) as well as exotic species shall total less than five percent combined between maintenance events.
3. Monitoring of the preservation and restoration areas shall be conducted for a minimum of 5 years with annual reports submitted to the County. After the initial restoration and replacement plantings described above, if native upland species do not achieve 80% coverage within the initial two years of the monitoring program native species shall be planted in accordance with the maintenance program. At the end of the monitoring program the restoration area shall contain an 80% survival rate of planted vegetation and an 80% coverage of desirable upland species.

4. The preservation and restoration areas shall be maintained in perpetuity to ensure coverage by native desirable vegetation and the target habitat types and success criteria are maintained as specified in this restoration plan.
5. The preservation and restoration areas shall be managed such that exotic/nuisance vegetation species do not dominate any one section of areas within the preserves.

These performance standards will be achieved by the end of the five-year monitoring period.

Long-Term Management

The applicant and/or the owners association will be responsible for the long-term maintenance of the onsite preservation and restoration areas. Vegetation removal permits are required for ongoing management activities associated with this approved Preservation Area Management Plan that is preserve area specific for the type of management that is being requested. Signs marking the preserve areas will be posted at 100 foot intervals along the outer edge of all preserve areas.

Adaptive Management

If during monitoring of the onsite preserve areas, areas do not appear to be trending toward meeting the above ecological performance standards, the methods for treating exotic vegetation will be re-evaluated.

Maintenance

A routine maintenance program will be initiated upon the completion of the initial exotic treatment and native plant installation in the county preserve areas. A vegetation removal permit will be required for preserve maintenance. For the first two years following the initial treatment, the preservation and restoration areas will be inspected twice a year (late spring and fall) and all exotic and/or nuisance species will be treated. During these inspections the preservation and restoration areas will be qualitatively evaluated, potential problems (if any) identified, and corrective actions recommended. After the second year, inspections and treatments will be conducted annually during the dry season. The property owner will be responsible for long-term management of the preserves.

Pruning and trimming activities will not be performed in the preserves, however invasive exotic vegetation may have to be treated within planting areas. The frequency of maintenance will be based on how successful the new plantings are and the extent to which nuisance pest species enter into the newly planted area. Semi-annual monitoring will be conducted in each newly planted area for one year to carefully evaluate these parameters. Herbicide maintenance will be conducted semi-annually during the first year following implementation of the pest control program and at least annually thereafter, in accordance with LDC 10-420(h).

If monitoring events reveal severe deer grazing or other disturbance from wild hogs, the affected planting area will be temporarily isolated with a fence to keep

out larger animals until the plantings are well established. Once success criteria are achieved, all temporary fencing will be removed from the preserve.

Newly planted areas will be included in the invasive pest control program. The herbicide maintenance areas shall expand to control exotic and nuisance species as necessary where native vegetation is being established. Periodic management of the planting areas is required to ensure that the plants will survive and thrive. This will guarantee success and allow desirable indigenous species an opportunity to recruit into the planting areas. As part of ongoing management of the site, the owner or his designee shall treat and/or remove exotic species (per LDC Sec. 10-420(h) and nuisance species as necessary at least semiannually for one year and annually thereafter. Nuisance species shall mean those species of flora whose noxious characteristics or presence in sufficient number, biomass, or areal extent may reasonably be expected to prevent, or unreasonably interfere with, the designated use of the waters under consideration, as defined in rules 62-312.310(8) and 62-302.200(14), F.A.C.. Invasive exotic species include at a minimum the species listed in LDC Sec. 10-420(h).

Protected Species Management

Gopher Tortoise

Offsite relocation to a FWC approved recipient site may be necessary for any future development phase and will be addressed during the development order for each project. All gopher tortoises and their burrows will be protected and managed during the preservation and restoration activities which include removal of vegetative debris, exotic/nuisance vegetation treatment and removal, regrading, and planting unless the gopher tortoises have been relocated offsite per a valid FWC GT permit.

All gopher tortoise burrows will be marked in the field with orange flagging. The limits of the restoration area will be staked with silt fencing. Prior to any site work, barricades will be installed around gopher tortoise protection zones unless the gopher tortoises have been relocated offsite per a valid FWC GT permit.

Prior to any land clearing activities, informational materials (Appendix A) will be provided to construction personnel that includes the gopher tortoise's description and directions to cease clearing activities in the vicinity of a gopher tortoise and allow it to move out of harm's way. Once the tortoise has moved, work can be restarted. A qualified biologist will be onsite during the restoration area work to monitor the gopher tortoises onsite and will be notified if a gopher tortoise is sighted by construction personnel within or near any restoration area unless the gopher tortoises have been relocated offsite per a valid FWC GT permit. Prior to the issuance of a vegetation removal permit, the applicant must conduct a gopher tortoise survey and submit documentation from Florida Fish and Wildlife Conservation Commission regarding the gopher tortoise relocation permit for the phase or site.

Eastern Indigo Snake

Prior to any land clearing activities, informational materials (Appendix B) will be provided to construction personnel that includes the eastern indigo snake's description and directions to cease clearing activities in the vicinity of an eastern indigo snake and allow the snake to move out of harm's way. Once the snake has moved, work can be restarted. A qualified biologist will be notified if an eastern indigo snake is sighted by construction personnel.

Monitoring Plan

The proposed monitoring of the county required preservation/restoration areas will consist of baseline monitoring, time-zero monitoring, and annual monitoring of vegetation. The annual reports will document the extent of success of the project and, if needed, identify specific actions to be taken to improve conditions within the project area. Sampling stations and methodology of data collection will remain the same for all monitoring events.

An important component of the monitoring reports will be the before and after pictures. All monitoring reports will include panoramic photographs from photo stations as shown on the Preservation Area Management Plan Map.

The results of monitoring events within the preservation and restoration areas will be reported as stated in this plan. Monitoring reports will describe if/where herbicide treatment is necessary to control nuisance species. The report will also explain if/where plantings need to be replaced or if new plantings should be added to a specific area to improve diversity or percent coverage. Prior to any preserve maintenance, Lee County Division of Environmental Sciences will be notified in writing.

The proposed monitoring will consist of baseline monitoring, time-zero monitoring, and annual monitoring of vegetation and wildlife. Baseline monitoring will document the conditions as they exist prior to initiating the proposed restoration effort. The time-zero report will document the conditions immediately following completion of debris/exotic vegetation and planting activities. A monitoring report will be submitted annually to the Lee County Division of Environmental Sciences for five consecutive years starting one year from the completion of initial restoration activities. The annual reports will document the extent of success of the preservation and restoration and, if needed, identify specific actions to be taken to improve the conditions within the project area.

A baseline monitoring report is required for approval of the development order. Please see Appendix C for baseline conditions photographs from the four photo points. The baseline monitoring report will include a description of each of the specific areas and a map depicting the location of each photo station. Copies of the baseline report will be submitted to regulating agencies, including Lee County.

The time-zero monitoring report will be provided prior to certification of compliance. Vegetation removal permits are required for ongoing management activities associated with this approved restoration area plan that is specific for the type of management that is being requested. This report will include the date the planting activity was completed and color photographs to provide an accurate representation of the specific area. The photographs shall be taken from fixed reference points described in the baseline monitoring report and shown on a scaled plan view. A table depicting numbers, spacing, and sizes of each species planted will also be provided. The tree height will be used to measure the size of saplings until the tree is mature enough to enable the diameter-breast height (DBH) to be measured. Subsequent annual monitoring reports will be submitted to requesting agencies within thirty (30) days after each monitoring event. The monitoring reports will include a general qualitative and quantitative characterization of the areas. Any pertinent climatological conditions preceding the monitoring event will be described. Qualitative parameters may include estimates of % bare ground, % desirable species, % undesirable species (nuisance and exotic), and notations regarding faunal presence and use. The monitoring will be completed by November of every year (the end of the growing season) and an annual report submitted to the reviewing agencies by the end of December. All data collected and analyzed will be included in the report.

Wildlife Monitoring

Regular observations of wildlife will be made during all monitoring events by qualified ecologists. This will consist of recording evidence and signs of wildlife (i.e., direct sighting, vocalization, nests, tracks, droppings, etc.).

Photographic Documentation

Permanent fixed-point photograph stations will be established in the monitored areas thereby providing physical documentation of the condition and appearance of an area, as well as any changes taking place. Panoramic photographs will accompany vegetation data in each report. Locations of photo stations will remain the same throughout the duration of the monitoring program.

Report

The methodology and results of each monitoring event will be documented in an annual monitoring report. Data will typically be collected toward the end of the growing season (October-November) and submitted to the agencies with 90± days of data collection.

Appendix A

Gopher Tortoise Information Pamphlet



Chris Leonard

Before you bulldoze

Before you clear land, learn the law. Visit MyFWC.com/GopherTortoise or call the gopher tortoise conservation biologist in your region. Request a permitting fact sheet and remember gopher tortoises must be relocated before any land clearing or development takes place. Property owners must obtain permits from the FWC before tortoises can be moved. Depending on the type of permit, you may be permitted to move the tortoises yourself or you may need to contact an authorized agent.

Tips for horse owners

Gopher tortoises often dig their burrows in pastures, which can be a challenge to horse farm owners who are concerned their horses may step into the burrows and be injured. For tips on how to avoid potential horse-tortoise conflicts, visit MyFWC.com/GopherTortoise or call the gopher tortoise conservation biologist in your region.

Gopher tortoise fast facts

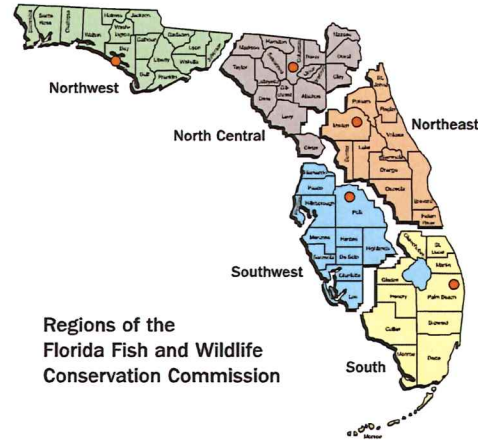
- Gopher tortoise burrows average seven feet deep and 15 feet long but may be more than 40 feet long.
- A tortoise may have multiple burrows within the area it spends most of its time.
- Burrow openings are half-moon shaped with the curve at the top, and its size is a fair representation of the size of the tortoise. Burrows with round openings have generally been taken over by an armadillo.
- Adult tortoises are generally 9-11 inches long and weigh 7-9 pounds.
- Females begin to reproduce when they are 9-21 years old (age depends on local conditions); males begin slightly younger.
- They breed March-October but generally dig nests in May and June. One clutch is laid per year with an average of six eggs. Many eggs never hatch because they are eaten by mammals, birds and snakes.
- The biggest threat to the gopher tortoises' long-term survival is loss of habitat.

Wildlife Alert Reward Program

It is against the law to kill, harass or destroy gopher tortoises, their burrows or eggs. If you suspect illegal activity, you can report it anonymously to FWC's Wildlife Alert Hotline at 888-404-3922, 24 hours a day or online at MyFWC.com/law/Alert. You could be eligible for a reward if your information leads to an arrest.



Robert La Follette



Regions of the Florida Fish and Wildlife Conservation Commission

Northwest Region
3911 Highway 2321
Panama City, FL 32409-1658
850-265-3676

North Central Region
3377 East U.S. Highway 90
Lake City, FL 32055-8795
386-758-0525

Northeast Region
1239 S.W. 10th Street
Ocala, FL 34471-0323
352-732-1225

Southwest Region
3900 Drane Field Road
Lakeland, FL 33811-1299
863-648-3200

South Region
8535 Northlake Boulevard
West Palm Beach, FL 33412
561-625-5122

For more on any information in this brochure, or for Gopher Tortoise Management Plan or permitting information, please call the gopher tortoise conservation biologist in your region listed above, or call 850-488-3831, or visit MyFWC.com/GopherTortoise.

♻️ printed on recycled paper

A guide to living with gopher tortoises



David Moynahan



**Florida Fish and Wildlife
Conservation Commission**
MyFWC.com



Cliff Leonard

The gopher tortoise in Florida

Where they live: high and dry

The gopher tortoise (*Gopherus polyphemus*) is a medium size land turtle with large, stumpy hind legs and flattened, shovel-like front legs it uses to dig burrows in sandy soil. These burrows provide a home and refuge for the tortoise and more than 350 species of wild animals and insects that share the same habitat.

Gopher tortoises occur in parts of all 67 counties in Florida, but prefer high, dry, sandy places such as longleaf pine and oak sandhills. They also live in scrub, dry hammocks, pine flatwoods, dry prairies, coastal grasslands and dunes, mixed hardwood-pine communities and a variety of disturbed habitats, such as pasture lands.

What they eat

Gopher tortoises graze naturally on a wide variety of plant types, including broadleaf grasses, wiregrass, prickly pear cactus, wild grape, blackberry, blueberry, beautyberry and many more. They generally feed within about 160 feet of their burrows, but have been known to travel more than twice that distance to meet their foraging and nutritional needs.

A keystone species

Wildlife experts call the gopher tortoise a "keystone species" because it is the backbone of the plant and wildlife community in which it lives. Without the tortoise, the populations of more than 350 wildlife species that seek refuge or live in the burrows would be greatly reduced, if not eliminated. The species that depend upon tortoise burrows are called commensals and include the indigo snake, pine snake, gopher frog, opossum, burrowing owl, Florida mouse, gopher cricket and scarab beetle.

Protecting and managing

Gopher tortoises have lived for millions of years, but biologists who study these ancient reptiles are concerned we may lose them entirely unless we do more to protect and conserve them and their rapidly disappearing habitat.

In 2007, the Florida Fish and Wildlife Conservation Commission (FWC) listed the gopher tortoise as a threatened species and created a plan to manage and protect these unique reptiles. The plan is a blueprint of conservation objectives and actions which includes guidelines for landowners whose property contains gopher tortoises, habitat acquisition plans and permitting guidelines all designed to ensure the tortoises' habitat needs are met now and in the future.

Legal protection

It is against the law to damage, destroy, harass or kill gopher tortoises, their burrows or their eggs. Gopher tortoises must be moved out of harm's way before any land clearing or development takes place. Permits are required from the FWC before handling or moving tortoises.



Robert La Follette



Living in your yard

If a gopher tortoise is living in your yard, embrace the opportunity to learn about a threatened species and help the conservation efforts. Here are a few tips:

- Leave the tortoise alone and keep dogs and small children away from it and its burrow.

- Use tortoise-friendly plants to landscape your yard. In addition to providing excellent food for the tortoise, the plants will require very little watering once established. For a list of suitable plants visit MyFWC.com/GopherTortoise.

- Allow the tortoise to come and go freely from your yard. Fencing it in or restricting its movements in any way is against the law.

- It is acceptable to trim tall grass around the burrow if necessary but leave the burrow and mound alone.

- If possible, avoid mowing, digging, driving over or otherwise disturbing the area right around the burrow, which includes the entrance apron and 25 feet beyond the burrow opening.

- Never block the entrance to the burrow, it could harm the tortoise or prevent its exit.

- A burrow should not compromise the integrity of a foundation or mound septic system, but the gopher tortoise conservation biologist in your region can offer you options.

Crossing the road

- Do not take the tortoise with you.

- If it is in the roadway you can move it across the road in the direction in which it was headed. **Do not put your life in danger to move the tortoise.**

- Do not put the tortoise in the water. Gopher tortoises are terrestrial turtles which means they live on land.

Living in your neighborhood

Gopher tortoises and their burrows are often found on undeveloped lots in neighborhoods that were built in gopher tortoise habitat. The last remaining tortoises in a community sometimes take refuge on these habitat islands scattered among home sites. If your neighborhood has some of these reptilian residents, keep the following in mind:

- Before a lot can be developed, any gopher tortoises present must, by law, be moved out of harm's way before land clearing begins. Property owners must obtain permits from the FWC before moving gopher tortoises.

- If a lot is about to be developed, you can search the online gopher tortoise permitting database at MyFWC.com/GopherTortoise to see if a permit to move the tortoise(s) has been issued. You can also call the gopher tortoise conservation biologist in your region.

- If there is no land clearing or construction activity on the lot, leave the tortoises alone.

- If you suspect a violation has occurred or is about to occur, call the FWC's toll free Wildlife Alert Hotline at 888-404-3922 or report it online at MyFWC.com/law/Alert.

Sick or injured

- Sometimes it's better to just leave a sick or injured gopher tortoise alone and let it return to its burrow to heal.

- You may pick up an injured tortoise to transport it for treatment if necessary.

- Call the nearest FWC regional office to find a wildlife rehabilitator in the area or take it to a veterinarian.

- If you think the injury is the result of a violation and you can provide information, call the FWC's Wildlife Alert Hotline.

Help their future

- Become tortoise-wise: Learn about gopher tortoises and their habitat needs online at MyFWC.com/GopherTortoise and share the information with family, friends and neighbors.

- Support "green spaces" in and around developments – there is still time to save gopher tortoise habitat before it's gone.

Appendix B

Eastern Indigo Standard Protection Measures and Information Pamphlet

Killing, harming, or harassing indigo snakes is strictly prohibited and punishable under State and Federal Law.

Only individuals currently authorized through an issued Incidental Take Statement in association with a USFWS Biological Opinion, or by a Section 10(a)(1)(A) permit issued by the USFWS, to handle an eastern indigo snake are allowed to do so.

LEGAL STATUS: The eastern indigo snake is classified as a Threatened species by both the USFWS and the Florida Fish and Wildlife Conservation Commission. "Taking" of eastern indigo snakes is prohibited by the Endangered Species Act without a permit. "Take" is defined by the USFWS as an attempt to kill, harm, harass, pursue, hunt, shoot, wound, trap, capture, collect, or engage in any such conduct. Penalties include a maximum fine of \$25,000 for civil violations and up to \$50,000 and/or imprisonment for criminal offenses, if convicted.



August 12, 2013

ATTENTION:

**THREATENED EASTERN INDIGO
SNAKES MAY BE PRESENT ON
THIS SITE!!!**



Please read the following information provided by the U.S. Fish and Wildlife Service to become familiar with standard protection measures for the eastern indigo snake.

**IF YOU SEE A LIVE EASTERN
INDIGO SNAKE ON THE SITE:**

- Cease clearing activities and allow the eastern indigo snake sufficient time to move away from the site without interference.
- Personnel must NOT attempt to touch or handle snake due to protected status.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Immediately notify supervisor or the applicant's designated agent, **and** the appropriate U.S. Fish and Wildlife Service (USFWS) office, with the location information and condition of the snake.
- If the snake is located in a vicinity where continuation of the clearing or construction activities will cause harm to the snake, the activities must halt until such time that a representative of the USFWS returns the call (within one day) with further guidance as to when activities may resume.

**IF YOU SEE A DEAD EASTERN
INDIGO SNAKE ON THE SITE:**

- Cease clearing activities and immediately notify supervisor or the applicant's designated agent, **and** the appropriate USFWS office, with the location information and condition of the snake.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Thoroughly soak the dead snake in water and then freeze the specimen. The appropriate wildlife agency will retrieve the dead snake.

**USFWS Florida Field Offices to be
contacted if a live or dead eastern indigo
snake is encountered:**

**North Florida ES Office – (904) 731-3336
Panama City ES Office – (850) 769-0552
South Florida ES Office – (772) 562-3909**

DESCRIPTION: The eastern indigo snake is one of the largest non-venomous snakes in North America, with individuals often reaching up to 8 feet in length. They derive their name from the glossy, blue-black color of their scales above and uniformly slate blue below. Frequently, they have orange to coral reddish coloration in the throat area, yet some specimens have been reported to only have cream coloration on the throat. These snakes are not typically aggressive and will attempt to crawl away when disturbed. Though indigo snakes rarely bite, they should NOT be handled.

SIMILAR SNAKES: The black racer is the only other solid black snake resembling the eastern indigo snake. However, black racers have a white or cream chin, thinner bodies, and WILL BITE if handled.

LIFE HISTORY: The eastern indigo snake occurs in a wide variety of terrestrial habitat types throughout Florida. Although they have a preference for uplands, they also utilize some wetlands and agricultural areas. Eastern indigo snakes will often seek shelter inside gopher tortoise burrows and other below- and above-ground refugia, such as other animal burrows, stumps, roots, and debris piles. Females may lay from 4 - 12 white eggs as early as April through June, with young hatching in late July through October.

Appendix C

Baseline Conditions Photographs



Photo Point 1 Facing NW



Photo Point 2 Facing SW



Photo Point 3 Facing SE

Lehigh Sunniland



SECTION: 26
TOWNSHIP: 44S
RANGE: 26E

0 80 160
SCALE FEET

● Heritage Trees (29)

ID	SPECIES	DBH	LATITUDE	LONGITUDE	NOTES
HT-3	SLASH PINE	24.5	26° 37' 3.31" N	81° 41' 32.16" W	
HT-4	LIVE OAK	24.5	26° 37' 3.76" N	81° 41' 31.52" W	
HT-5	SLASH PINE	21.5	26° 37' 3.57" N	81° 41' 30.64" W	
HT-6	SLASH PINE	26	26° 37' 2.27" N	81° 41' 30.82" W	
HT-7	SLASH PINE	22	26° 37' 2.38" N	81° 41' 30.39" W	
HT-8	SLASH PINE	20.5	26° 37' 2.86" N	81° 41' 30.07" W	
HT-9	SLASH PINE	20.5	26° 37' 3.67" N	81° 41' 29.79" W	
HT-10	SLASH PINE	21	26° 37' 4.25" N	81° 41' 29.94" W	
HT-11	LIVE OAK	24	26° 37' 4.01" N	81° 41' 28.53" W	Multi trunk
HT-12	LIVE OAK	21.5	26° 37' 4.20" N	81° 41' 28.24" W	Multi trunk
HT-13	SLASH PINE	22	26° 37' 5.55" N	81° 41' 31.91" W	
HT-14	SLASH PINE	23	26° 37' 6.75" N	81° 41' 31.89" W	
HT-15	SLASH PINE	24.5	26° 37' 6.80" N	81° 41' 31.58" W	
HT-16	SLASH PINE	28	26° 37' 7.18" N	81° 41' 31.67" W	Damaged Base
HT-17	SLASH PINE	20	26° 37' 8.75" N	81° 41' 30.71" W	
HT-18	SLASH PINE	23	26° 37' 8.36" N	81° 41' 30.38" W	
HT-19	SLASH PINE	20	26° 37' 7.92" N	81° 41' 29.70" W	
HT-20	SLASH PINE	23	26° 37' 7.53" N	81° 41' 29.27" W	
HT-21	SLASH PINE	22	26° 37' 6.66" N	81° 41' 29.78" W	
HT-22	SLASH PINE	20	26° 37' 6.26" N	81° 41' 29.31" W	
HT-23	SLASH PINE	20	26° 37' 5.52" N	81° 41' 29.60" W	
HT-24	SLASH PINE	20	26° 37' 6.18" N	81° 41' 30.20" W	
HT-25	SLASH PINE	21	26° 37' 6.07" N	81° 41' 29.72" W	
HT-26	SLASH PINE	20	26° 37' 8.47" N	81° 41' 27.42" W	
HT-27	SLASH PINE	21	26° 37' 6.21" N	81° 41' 27.30" W	
HT-28	LIVE OAK	27.5	26° 37' 4.07" N	81° 41' 39.14" W	Multi trunk
HT-29	LIVE OAK	20	26° 37' 3.73" N	81° 41' 41.20" W	Multi trunk
HT-30	LIVE OAK	21	26° 37' 3.42" N	81° 41' 38.89" W	Multi trunk
HT-31	SLASH PINE	21.5	26° 37' 4.70" N	81° 41' 32.55" W	
HT-32	SLASH PINE	23.5	26° 37' 4.42" N	81° 41' 32.83" W	

Notes:

1. Property boundary is approximate and was obtained from the Lee County Property Appraiser's Website.
2. Mapping based on photo interpretation of 2021 aerial photography and ground truthing in September 2021.
3. Delineation of jurisdictional wetlands is preliminary and subject to field review/approval by applicable regulatory agencies.

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