ATWELL

May 20, 2024

Mr. Brian Roberts, Planner
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, Florida 33901

**REFERENCE: HOME FRONT HEROES MINOR CPD**
**DCI2023-00047**
**1st Sufficiency Response**

Dear Brian:

This letter is written in response to the review comments dated December 20, 2023. Please note that the request language is being revised in response to staff's request to amend the existing zoning resolution. Additionally, the acreage of the project site has been updated to reflect the historical surveys and legal descriptions on file with Lee County which included navigable waterways within the boundary. The site acreage has been revised to reflect 10.78± acres of land (15.76± acres including navigable waterway).

Revised request language: Request an amendment to a portion of Tract M of the existing Moody River Estates RPD/CPD (Z-05-048) to rezone 10.78± acres of land (15.76± acres including navigable waterway) from Residential Planned Development (RPD) to Home Front Heroes Minor Commercial Planned Development (CPD) to allow a maximum of 50,000 square feet of commercial uses including up to four caretaker's residence/multiple-family units with accessory multi-purpose outdoor recreation areas, existing boat ramps, and private multi-slip docking facility with maximum 10 wet slips plus 10 optional boat trailer parking/dry slips with a maximum building height of 35 feet.

With this letter we are submitting the following additional information requested for the project:

1. Revised PD Application
2. Preliminary Phasing Program
3. Revised Legal Description & Sketch
4. Email regarding Florida Master Site File Inquiry
5. Archaeological Sensitivity Zone Map
6. Revised MCP
7. Final Judgement including non-exclusive access easement recorded in Instrument Number 2011000133899
8. Access, Utility & Drainage Easement recorded in Instrument number 2021000044030 & Termination of Option recorded in Instrument No. 2022000397714
9. Settlement Agreement and Restrictive Covenant is recorded in Instrument No. 2012000249447
10. Proposed Revisions to Z-05-048 Conditions, Schedule of Uses and Property Development Regulations in Strike-Thru/Underline
11. Revised Narrative of Request
12. Schedule of Deviations and Justifications
13. Conceptual Open Space Design Plan
14. Title Insurance Policy and Affidavit of No Change
15. Revised Survey
16. Response from TR Transportation Consultants, Inc.
17. DOS2004-00063 Approved Open Space Plan
18. DOS2013-00023 Approved Shoreline Exhibit
19. Manatee Protection Plan Response with Dock Drawings
20. Revised Environmental Assessment & Species Survey Report

21. Bald Eagle Management Plan

Presented below are responses to each review comment:

**ZONING & PLANNING**

Comment 1: The applicant does not include the 10 additional boat slips in F.2. of the application. Please confirm that 10 additional boat slips are part of the intent uses on the property.

**Response: Please see attached revised application which confirms that 10 wet boat slips and 10 optional dry slips/boat trailer parking are proposed.**

Comment 2: The narrative indicated that phasing is anticipated. Page 9 of the application did not include an "X" mark on the Phasing Program enclosure. Please revise.

**Response: Please see attached revised application and preliminary phasing program.**

Comment 3: It is not clear from the survey, sketch/description or MCP how the applicant arrived at the acreage proposed for rezoning. Please clarify.

**Response: Pursuant to follow up discussions with staff regarding the historical surveys and approved permitting on the site on file in Lee County records, the applicant has provided the attached revised legal description and sketch which includes navigable waterways that match the previously reviewed and approved surveys and legal descriptions. The site acreage has been revised to reflect 10.78± acres of land (15.76± acres including navigable waterway).**

Comment 4: Please provide the required public information meeting documentation in LDC 33-1352(b).

**Response: The applicant is in the process of scheduling the required public information meeting and will provide the required summary under separate cover prior to finding of sufficiency.**

Comment 5: 34-373(a)(4)(d) The subject property is within Archaeological Sensitivity Zone 2. Please provide the nature and location of any known or recorded historical or archaeological sites as listed on the Florida Master Site File or the Lee County Historic Site Survey (if applicable). Also please provide a drawing showing the location of any part of the property that is located within an Archaeological Sensitivity Zone.

**Response: Please see attached email from the Florida Department of State Bureau of Historic Preservation - Florida Master Site File confirming no cultural resources were detected on the site and a map showing the site lies fully within Archaeological Sensitivity Zone 2.**

Comment 6: Show the estimated location of the caretaker residences on the MCP.

**Response: The location was shown on the original MCP and is shown in more detail on the**

**attached revised MCP.**

Comment 7: Please show the non-exclusive access easement (item 16 on the survey on the MCP). This grants access to the existing boat launch area. Will this be maintained or modified? How will access be maintained?

**Response:** **Please see attached revised MCP. The existing access to the boat launch area will be maintained consistent with the Final Judgement recorded in Instrument Number 2011000133899. The existing access gates will remain and new gates will be installed internal to the site for the proposed Home Front Heroes CPD improvements south of the existing boat launch area.**

Comment 8: The phasing is not clear on the MCP. Please provide a complete description of each phase to include any property improvements proposed for each phase. The phasing plan should provide a complete description of proposed improvements.

**Response:** **Please see attached Preliminary Phasing Program.**

Comment 9: Please clarify the modular office shown on the MCP. Is this existing? Was it permitted via the development order process? Please note that any structure will be required to meet the architectural requirements in Chapter 10 and Chapter 33 at time of development order. This will be conditioned as part of the zoning approval.

**Response:** **The modular office is an existing temporary modular office approved by permit number TMP2022-00611. The applicant acknowledges that any structure will be required to meet the architectural requirements in Chapters 10 and 33 at the time of development order. <u>Please note that the subject property is not within the North Fort Myers Commercial Corridor or Town Center and is not subject to LDC Sections 33-1566 through 33-1604</u>.**

Comment 10: The applicant has requested Home Occupation as an allowable use. Please clarify with respect to the caretaker's residence which isn't considered residential. Are home occupations other than those in the Schedule of Uses anticipated in the caretaker's residences?

**Response:** **Please see attached revised Schedule of Uses removing Home Occupation located in the Proposed Revisions to Z-05-048 Conditions.**

Comment 11: The applicant has requested Restaurant, Group II for food trucks. Will this be open to the public? Where will the food trucks be staged on the MCP?

**Response:** **The food trucks will only be located on site for special events that will be open to the public attending the special event. This property is not intended to be used as a food truck park. Please see attached revised MCP whish shows the approximate location where the food trucks will be staged at these events.**

Comment 12: The applicant has requested Schools, noncommercial as an allowable use. This use is reserved for schools owned by LCSB and Charter Schools. Is this necessary considered Social Services, Group II includes training and rehabilitation services, vocational training, skills training centers, and job training?

**Response:** **Please see attached revised Schedule of Uses removing Schools, noncommercial located in the Proposed Revisions to Z-05-048 Conditions.**

Comment 13: Staff is concerned about certain uses in Social Services Group II such as Offender Rehabilitation Agencies and Offender Self-Help Organizations considering the residential nature of the location. Please consider excepting those uses in Group II or provide additional information in your narrative that address the incompatibility of those uses given the residential nature of the area.

**Response:** **Please see attached revised Schedule of Uses excluding Offender Rehabilitation Agencies and Offender Self-Help Organizations located in the Proposed Revisions to Z-05-048 Conditions.**

Comment 14: Is the language "Home Front Heroes Non-Profit primary use. Facilities may be shared with other similar non-profit organizations" necessary in the Schedule of Uses? Social Service Group I includes "Other social services of a similar type, not specifically listed elsewhere."

**Response:** **Please see attached revised Schedule of Uses removing this additional language located in the Proposed Revisions to Z-05-048 Conditions.**

Comment 15: The narrative listed Sheriff training events. Please clarify the types of training. Will there be outdoor training, firearms, K9, or tactical training?

**Response:** **There may be outdoor training and/or demonstrations that could include K9, tactical training and/or firearm safety on site as part of the community programs. There will not be any discharging of firearms on site. A note has been added to the Schedule of Uses located in the Proposed Revisions to Z-05-048 Conditions.**

Comment 16: Are any uses or activities proposed on the island area under conservation easement?

**Response:** **There are no improvements proposed for the island areas. Circumnavigation by paddle craft for exploration purposes are anticipated. The islands are bordered on their perimeter by extensive mangroves and are relatively impenetrable.**

Comment 17: The property development regulations list 80x100 lots with a minimum of 10,000 sf. Does the applicant intend to split the lot at a future date? What is the purpose of the reduced sizes and area?

**Response:** **The applicant had just included typical property development regulations and does not intend to split the lot. Please see attached revised Property Development Regulations.**

Comment 18: Please note the greater of the required dimensions on the building setbacks is required in the property development regulations.

**Response:** **Acknowledged.**

Comment 19: 34-2017(b)(1) - The MCP shows stabilized grassed parking. Low turnover parking lots may be permitted alternative surfaces such as gravel, crushed shell, or other similar materials. Parking on grass or other unimproved surfaces is prohibited.

**Response:** **Please see attached revised MCP which removed the grassed parking label. Surface materials will be determined at the time of development order.**

Comment 20: An amendment will be required to Z-05-048 to remove the property from the approved zoning resolution. Has this process been started? How will approvals in Z-05-048 impact the subject property and proposed rezoning (open space, indigenous area, etc.) and access to the eastern parcel? Please clarify.

**Response:** **In lieu of filing two separate applications, the applicant has amended this application to request an amendment to the Moody River Estates RPD/CPD since the existing boat ramp on the property is limited to the residents and property owners within the planned development and their guests.**

**The request has no impact to the existing approved open space areas provided for the Moody River Estates development. Please see attached approved Open Space Plan for Moody River Estates from DOS2004-00063 which demonstrates that the provided open space exceeds the required amount even though less open space was required due to more lots exceeding the minimum 6,500 square feet size limit. The plan demonstrates that out of the 35.52 acres required by the zoning which anticipated only 54 acres of single-family lots exceeding 6,500 square feet, 144.9± acres are single-family lots exceeding 6,500 square feet and 37.35 acres of wetlands and indigenous including credits are provided without utilizing Tract M.**

**Access to the eastern parcel (remainder of Tract M) was granted via an Access, Utility and Drainage Easement recorded in Instrument number 2021000044030 as shown on the MCP and attached for reference. The Termination of Option recorded in Instrument No. 2022000397714 is also attached.**

Comment 21: Cuddy Cove Place is a privately maintained local roadway however the MCP nor the survey show any ROW or easement associated with the road. Who is responsible for maintaining the roadway and who has rights to use the roadway? The MCP shows track and pathways as well as gating of the roadway. Please clarify.

**Response:** **There is no right-of-way or easement associated with Cuddy Cove Place. The existing county maps depict this existing access with this name and classification, so it was**

**shown as such on the MCP. The accessway is privately maintained. The area shown on the MCP as a non-exclusive access easement recorded in Instrument number 2011000133899 (final judgement) is required to be maintained, insured and protected by The Moody River Estates Community Association. Members of the Moody River Estates Community Association and their invitees as well as Home Front Heroes and their invitees have rights to use the roadway and the easement area. The areas outside of the prior recorded easement will be privately maintained by Home Front Heroes.**

Comment 22: The narrative notes a settlement agreement on the subject parcel and the parcel to the east. Please provide more information about that agreement. How does the proposed rezoning impact this settlement agreement? Please clarify access to the eastern parcel.

**Response:** **The Settlement Agreement and Restrictive Covenant is recorded in Instrument No. 2012000249447 (attached) and applies to the subject property referred to as Single Family Property in the document and the parcel adjacent to the east (proposed remainder Tract M) is referred to as Multi-Family Property. The eastern parcel/Multi-Family Property is limited to 55 multi-family dwelling units. The subject property/Single Family Property is limited to 14 single family units with specific acknowledgement of the intent to convey the property to a not-for-profit charitable entity for use consistent with such not-for-profit's mission to assist young people to develop and grow into contributing members of society. The agreement states that the Moody River Estates CDD will consent to a written request to increase the intensity of the Single Family Property consistent with the agreement. The applicant is actively coordinating with the CDD for the requested amendment. The agreement also outlines CDD assessments.**

**Access to the eastern parcel is via a 10' non-exclusive access, utility and drainage easement pursuant to the Grant of Easement and Option recorded in Instrument No. 2021000044030. There was an option to purchase 14' additional which was terminated by Instrument No. 2022000397714. These documents are attached for reference.**

Comment 23: Please address Policy 5.1.5. 30.3.3 and 30.5.3 in your Lee Plan Analysis.

**Response:** **See attached revised Narrative of Request. The proposed improvements and buffers remain compatible with the surrounding properties.**

Comment 24: Please expand on Policy 6.1.4 as it pertains to the commercial development and compatibility with existing and proposed land uses. Specifically, the proposed uses in relation to the adjacent residential community.

**Response:** **Please see attached revised Narrative of Request. The compatibility is evident by the proposed social services, group I use being a permitted use on Moody River Estates CPD Tract K which is approximately 110 feet from the nearest existing residences in Tract J. Not only are the nearest residences the same distance from the subject property, there is a roadway and enhanced buffers along both sides of the roadway separating Moody River Estates. The existing boat ramp was already reviewed and approved and found compatible with the Mangrove Bay uses to the north. The**

**proposed uses will be a benefit to the adjacent residential community.**

## LEGAL

Comment 1: Sec. 34-202(a). Submittal requirements for applications requiring public hearing.
(5) Please provide a legal description and sketch in accordance with the requirements of Lee County LDC §34-202(a)(5).
- The legal description provided does not include calls for the entire perimeter of the property. The description includes approximate distances and a call to "follow the northernly line of said property". Surveyed calls are required for the metes and bounds legal description.

(6) Please provide a boundary survey of the subject property in accordance with the requirements of Lee County LDC §34-202(a)(6).
- The submitted boundary survey does not include a metes and bounds description of the perimeter boundary which must also be clearly marked with a heavy line and must include the entire area to be developed. The boundary survey must be based on the title certification provided for LDC §34-202(a)(7).

(7) Please provide a title certification for the property subject to zoning approval in accordance with the requirements of Lee County LDC §34-202(a)(7).
i. Title certificate or title opinion, no greater than 90 days old at the time of the initial development order submittal. Or,
ii. Title insurance policy with appropriate schedules, no greater than five years old at the time of the initial zoning case submittal and an affidavit of no change covering the period of time between issuance of the policy and the application date.
-The submitted title insurance commitment is not an accepted form of certification of title and encumbrances.

**Response:** **Pursuant to follow up discussions with staff regarding the historical surveys and approved permitting on the site on file in Lee County records, the applicant has provided the attached revised legal description and sketch which includes navigable waterways that match the previously reviewed and approved surveys and legal descriptions. The site acreage has been revised to reflect 10.78± acres of land (15.76± acres including navigable waterway). Please see attached title insurance policy and affidavit of no change as well as revised survey.**

## LEETRAN

Comment 1: Based on the LeeTran 2021 Transit Development Plan (TDP) evolved network, also reflected within the Lee County Comprehensive Map 3-C Section 10-441, the route along Moody Rd will not exist, therefore, no routes within a one-quarter mile of the proposed development in the near future. Therefore, no improvements are required by the developer."

**Response:** **Acknowledged.**

## TIS

Comment 1: Due to insufficient data within the ITE Trip Generation Manual for four Single-Family Attached or Detached housing units, it is advisable to resort to the trip generation fitted curve values associated with ITE Land Use Code 220 (Multi-family Low-Rise) to facilitate accurate estimation of trip generation for four caretaker's residences.

**Response:** **Please see attached response from TR Transportation Consultants, Inc.**

Comment 2: According to AC 13-17, as the project generates more than 100 peak-hour trips, information regarding the Level of Service of the site accesses and all intersections within one-quarter of a mile area shall be provided.

**Response:** **Please see attached response from TR Transportation Consultants, Inc.**

## ENVIRONMENTAL

Comment 1: The environmental consultant used an "herbaceous" FLUCCS codes along the waterway and right-of-way. Please provide a separate FLUCCS code, accurately demonstrating the area along the waterway and the trees along the right-of-way.

**Response:** **Please see attached revised Environmental Assessment & Species Survey Report which includes an updated FLUCCS map.**

Comment 2: Staff conducted a site visit on December 15, 2023. Please revise the FLUCCS codes along the shoreline to include mangroves with exotics, and include the vegetation on the island area. The island area has vegetation such as Brazilian pepper, pine trees, melaleuca, and mangroves. Please revise the FLUCCS codes to accurately depict the vegetation onsite.

**Response:** **Please see attached revised Environmental Assessment & Species Survey Report which includes an updated FLUCCS map.**

Comment 3: The applicant has submitted the application without applying for an ADD to separate the parcel from the associated residential portion. Please note that staff cannot accurately review the parcel until the applicant submits the ADD. Please note that staff is uncertain about the status of the conservation island area, due to the residential areas of Z-05-048 receiving indigenous open space from the designated location. Additional comments will follow.

**Response:** **In lieu of filing two separate applications, the applicant has amended the application to request an amendment to the Moody River Estates RPD/CPD since the existing boat ramp on the property is limited to the residents and property owners within the planned development and their guests.**

**The request has no impact to the existing approved open space areas provided for the Moody River Estates development. Please see attached approved Open Space Plan for Moody River Estates from DOS2004-00063 which demonstrates that the provided open space exceeds the required amount even though less open space was required due to more lots exceeding the minimum 6,500 square feet size limit. The plan demonstrates that out of the 35.52 acres required by the zoning which**

**anticipated only 54 acres of single-family lots exceeding 6,500 square feet, 144.9± acres are single-family lots exceeding 6,500 square feet and 37.35 acres of wetlands and indigenous including credits are provided without utilizing Tract M.**

Comment 4: Please provide details on past conditions, conservation areas, open space, buffers, etc.

**Response:** **Please see attached proposed revisions to past conditions and deviations as part of this revised application.**

Comment 5: The island area the applicant has depicted on the MCP and part of the shoreline are within conservation easements with the past resolution. Please explain how the applicant is intending to meet the past conditions of Z-05-048 while providing indigenous for the proposed development.

**Response:** **As previously stated, the existing Moody River Estates exceeds the indigenous open space requirement for the entire development. The request to amend the RPD/CPD to rezone this portion of Tract M to CPD has no impact on the remainder of the development. The only zoning conservation area that is part of the Home Front Heroes property includes the offshore island which proposes to remain as conservation. The existing conservation easement is associated with the Manatee Protection Plan to establish the number of slip credits for the property. The applicant is working with Natural Resources staff and the County Attorney's office on the proper methodology to specify 20 slips to be retained on the site (ten wet slips and ten optional upland boat trailer parking spaces/dry slips) and adjust the Transferable Slip Credit (TSC) count owned by Home Front Heroes decreasing it from 125 TSCs to 105 TSCs. Please see attached Schedule of Deviations and Justifications which includes Deviation 15 to exclude the navigable waterways within the boundary from the open space requirements and to allow preservation of existing mangroves to meet indigenous requirement.**

Comment 6: Please demonstrate the 50-foot natural waterway buffer per LDC 10-416(d)(9).

**Response:** **Please see attached approved DOS2013-00023 Shoreline Exhibit for the subject property which demonstrates that the shoreline has been man altered and does not require the 50-foot natural waterway buffer.**

Comment 7: Please provide a deviation for LDC 10-421(a)(8).

**Response:** **Please see Deviation 16 in the attached Schedule of Deviations and Justifications.**

Comment 8: The applicant is demonstrating a Type B buffer to the north. Please note that LDC 10-416(d) requires a C/F buffer when commercial abuts residential. Please provide a deviation for LDC 10-416(d) along the north property line.

**Response:** **Please see Deviation 17 in the attached Schedule of Deviations and Justifications.**

Comment 9: The applicant is showing parking in the middle of the development. Please note that parking is not considered open space per LDC 10-415(d). Please provide an open space exhibit per LDC 34-373.

**Response: Acknowledged. Please see attached Conceptual Open Space Design Plan.**

Comment 10: The remainder of Tract M was intended for residential. Please provide the required buffer per 10-416(d) along the east (Lee Plan Policy 6.1.6).

**Response: Acknowledged. The submitted MCP and the attached revised MCP depict a Type C or F buffer along the east property line.**

Comment 11: Resolution Z-05-048 included a conditioned buffer along Moody Road. The buffer was 20 feet in width, 5 trees/100 linear feet, and a double staggered hedge row. Please revise the MCP to depict the required buffer per Resolution Z-05-048.

**Response: The enhanced buffer required by Z-05-048 was for multi-family development within 250 feet of Moody Road which was allowed to be 75-feet in height which is much more intense development and is no longer proposed. While this buffer exists and is not proposed to be revised, the new code required Type D buffer is demonstrated on the MCP since the proposed height is now limited to 35 feet.**

Comment 12: Please indicate if the applicant is proposing recreational activity on the island area.

**Response: There are no improvements proposed for the island areas. Circumnavigation by paddle craft for exploration purposes is anticipated. The islands are bordered on their perimeter by extensive mangroves and are relatively impenetrable.**

Comment 13: The applicant is only demonstrating a 10.72 acre area of tract M. Due to the open space required by tract M, the total amount of open space per Z-05-48 must be demonstrated. Please revise the open space charts to depict the full amount of open space required by Z-05-48 for the entirety of Tract M.

**Response: See attached proposed revisions to conditions and deviations as well as the Conceptual Open Space Design Plan.**

Comment 14: Condition 22 of Z-05-048 required vegetation between docks. Please provide a brief summary on how the applicant intends to meet condition 22.

**Response: The previous condition 22 was for a completely different and much more intense docking facility (53± slips) and no longer applies to the proposed 10-slip private multi-slip docking facility. The existing mangrove fringe surrounding the marina basin will remain unaffected. The location of the aluminum gangway connecting the upland staging platform with the floating docks has been amended to reflect an existing opening through the mangroves that eliminates any impact.**

Comment 15: Please provide a lee plan analysis for Lee plan policies 123.3.3, 123.3.2, and 123.6.1.

**Response: Please see attached revised Narrative of Request which provides analysis for Lee Plan policies 123.3.2 and 123.6.1. The site is not located in a nonurban area, so Policy 123.3.3 is not applicable to this site and was not included.**

Comment 16: Please provide a strike through and underline of Resolution Z-05-048.

**Response: Please see attached proposed revisions to Resolution Z-05-048 in strike through and underline.**

## DEVELOPMENT SERVICES

Comment 1: Please provide an update on the status of issued LDO case number LDO2023-00316 and issued DO case number DOS2013-00023 which are both associated with the subject parcel.

**Response: Both of these development orders completed construction.**

Comment 3: 34-373(a)(8) Deviations
If the applicant intends to request any deviations in the resubmittal, please ensure the deviations are noted in the appropriate location on the MCP. The deviations must include a separate written request and justifications.

**Response: Please see attached revised MCP and Schedule of Deviations and Justifications.**

INFORMATIONAL: Pursuant to Condition 21 of Z-05-048, prior to local development order approval, the development order plans must delineate the location of the boat ramp, docks and mooring pilings. The final design of these structures is subject to review through the Lee County Dock and Shoreline Permit process.

**Response: Acknowledged.**

## NATURAL RESOURCES

Comment 1: Please note that while the applicant may have access to the 125 slips which were severed from the property, the applicant will need to formally request the release of the conservation easement to locate wet/dry slips in the proposed location. Staff suggests scheduling a meeting to discuss further.

**Response: The applicant met with staff and is working with Natural Resources staff and the County Attorney's office on the proper methodology to specify 20 slips to be retained on the site (ten wet slips and ten optional upland boat trailer parking spaces/dry slips) and adjust the Transferable Slip Credit (TSC) count owned by Home Front Heroes decreasing it from 125 TSCs to 105 TSCs.**

Comment 2: Please provide a Manatee Protection Plan evaluation from the Lee County Division of Natural Resources per Lee Plan policy 128.4.6. Please note the site will need to be reevaluated at the time the conservation easement is released.

**Response:** **The applicant is working with Natural Resources staff and the County Attorney's office on the proper methodology to specify 20 slips to be retained on the site (ten wet slips and ten optional upland boat trailer parking spaces/dry slips) and adjust the Transferable Slip Credit (TSC) count owned by Home Front Heroes decreasing it from 125 TSCs to 105 TSCs. Please see attached Manatee Protection Plan Response.**

Comment 3: Please number all wet and dry slips within the project. Are the boat ramps proposed to be open to the public? If so, please identify where the boat trailers will be parked? If the boat ramps are private, what measures will be implemented to restrict access?

**Response:** **The proposed wet and dry slips have been numbered on the revised MCP. The existing northern boat ramp for motorized vessels has 10 existing dry slips which are limited to the Moody River Estates and Home Front Heroes residents, property owners and guests and are for private use only. No boat ramps are proposed to be open to the public. There are existing boat trailer parking spaces at the northern boat ramp and ten optional boat trailer parking spaces are shown on the MCP for the Home Front Heroes project. Bollards will be placed on the old south boat ramp which is proposed for non-motorized access only. An existing access dock located through the mangroves is also proposed to be rebuilt to provide access for a more formal paddle craft launch facility that includes a ramp down to a floating dock designed for non-motorized vessel staging. There are existing gates restricting access to the site and boat ramp that are proposed to remain.**

Comment 4: Please clarify how the proposed multi-slip docking facility will operate. Who/what organization will be using the multi-slip docking facility? Who will have access to use the facility? Please depict on the MCP where future users of the proposed multi-slip docking facility will park.

**Response:** **Home Front Heroes will be the organization controlling the use of the wet slips and optional boat trailer parking spaces south of the existing shared private boat ramp facility on the northern portion of the property. Access to the proposed private multi-slip docking facility would be controlled by Home Front Heroes, essentially by invitation. Users may include youth organizations, other enforcement agencies, other social service agencies, and Home Front Heroes or Lee County Sheriff staff. The MCP has been revised to show conceptual parking areas.**

Comment 5: LDO2013-00596 approved the opening of the northern boat ramp and closure of the southern boat ramp. If the applicant intends to operate the southern boat ramp as a non-motorized launch, please demonstrate how the launch will comply with LDC26-73 regarding paddlecraft structures. Will permanent bollards be installed to limit motorized vessels from using the ramp?

**Response:** **Bollards will be placed on the old south boat ramp which is proposed for non-motorized access only. An existing access dock located through the mangroves is also proposed to be rebuilt to provide access for a more formal paddle craft launch**

**facility that includes a ramp down to a floating dock designed for non-motorized vessel staging. Handrails and no boat mooring signage will be demonstrated at time of development order. No setbacks are required since within a manmade basin. The proposal complies with LDC Sec. 26-73.**

Comment 6: Please provide an analysis of Lee Plan policies 128.4.5, 128.4.7, 128.4.8, 128.4.9, 128.4.10, and 128.4.11.

**Response: Please see attached revised Narrative of Request including this analysis.**

Comment 7: Please clarify whether new seawalls are proposed. Please provide analysis of Lee Plan policies 101.4.2 and 101.4.3 and demonstrate compliance with LDC 26-75 regarding seawalls, retaining walls, and riprap revetment.

**Response: No new seawalls are proposed. Please see attached revised Narrative of Request which includes analysis of the requested policies.**

Comment 8: Please demonstrate compliance with LDC 26-71(f) regarding water depths adjacent to and within a multi slip docking facility.

**Response: Refer to <u>Detail B – Proposed Dock Plan</u> included with the Mantatee Protection Plan Response for depth contours. All mooring areas are located in depths at or deeper than -4' MLW. Access to the Caloosahatchee River is via Hancock Creek and an existing dredged channel providing a minimum of -5' MLW controlling depths. The request complies with LDC Section 26-71(f).**

Comment 9: Please demonstrate compliance with LDC 26-77 regarding mangrove removal. Please provide cross sections of the proposed multi-slip docking facility.

**Response: Please refer to Cross Section A-A in the Manatee Protection Plan Response attachments. The existing mangrove fringe surrounding the marina basin will remain unaffected. The location of the aluminum gangway connecting the upland staging platform with the floating docks has been amended to reflect an existing opening through the mangroves that eliminates any impact. Should any mangroves be required to be removed for utilization of the existing south boat ramp, they will be mitigated by planting 3 mangroves for each 1 removed at an alternate location on the property or payment into a mitigation bank, consistent with LDC 26-77.**

Comment 10: Please provide a draft bald eagle management plan (BEMP) that complies with LDC 14-119(c) for review. Once Staff finds the BEMP sufficient it will be scheduled for the next available Eagle Technical Advisory Committee meeting. Please contact Staff for additional information.

**Response: Please see attached Bald Eagle Management Plan.**

If you have any questions or I may be of further assistance, please do not hesitate to contact me at (239) 770-2527 or shewitt@atwell-group.com.

Sincerely,
**ATWELL, LLC**

Stacy Ellis Hewitt, AICP
Planner

Attachments

SEH:jms

Lee County Community Development

# APPLICATION FOR PLANNED DEVELOPMENT PUBLIC HEARING UNINCORPORATED AREAS ONLY

**Project Name:** Home Front Heroes Minor CPD

**Request:** Rezone from: RPD To: CPD

Type: ☐ Major PD ☐ Minor PD ☐ DRI w/Rezoning ☐ PRFPD
☒ Major PD Amendment ☐ Minor PD Amendment

**Bonus Density included?** ☒ NO ☐ YES[1] for: _____ Bonus Units

[1] *If **YES**, submit additional fee required by LDC 2-147(A)(3)*

**Summary of Project:**

Amendment to a portion of Tract M of the existing Moody River Estates RPD/CPD (Z-05-048) to rezone 10.78± acres of land (15.76± acres including navigable waterway) from RPD to Home Front Heroes Minor CPD to allow a maximum of 50,000 SF of commercial uses including up to four caretaker's residence/multiple-family units with accessory multi-purpose outdoor recreation areas, existing boat ramps, and private multi-slip docking facility with maximum 10 wet slips and 10 optional boat trailer parking/dry slips with a maximum building height of 35 feet.

## PART 1
## APPLICANT/AGENT INFORMATION

**A. Name of Applicant:** Home Front Heroes, Inc.
Address: 14750 Six Mile Cypress Parkway
City, State, Zip: Fort Myers, FL 33912
Phone Number: c/o 239-770-2527/239-939-5490
E-mail Address: c/o shewitt@atwell-group.com

**B. Relationship of Applicant to owner (check one) and provide Affidavit of Authorization form:**

☒ Applicant is the sole owner of the property. **[34-201(a)(1)a.1.]**

☐ Applicant has been authorized by the owner(s) to represent them for this action. **[34-202(a)(3)]**

☐ Application is County initiated. Attach BOCC authorization.

**C. Authorized Agent: (If different than applicant) Name of the person who is to receive all County-initiated correspondence regarding this application. [34-202(a)(4)]**

**1.** Company Name: Atwell, LLC (Banks Engineering has merged with Atwell, LLC)
Contact Person: Stacy Ellis Hewitt, AICP
Address: 10511 Six Mile Cypress Parkway
City, State, Zip: Fort Myers, FL 33966
Phone Number: 239-770-2527/239-939-5490 Email: shewitt@atwell-group.com

**2.** **Additional Agent(s):** Provide the names of other agents that the County may contact concerning this application. **[34-202(a)(4)]**

## PART 2
## PROPERTY OWNERSHIP

**A. Property owner(s): If multiple owners (corporation, partnership, trust, association), provide a list with owner interest. [34-202(a)(2)]**

**Name:** Same as Applicant

Address:

City, State, Zip:

Phone Number: Email:

**B. Disclosure of Interest [34-202(a)(2)]:**

☒ Attach Disclosure of Interest Form.

**C. Multiple parcels:**

☐ Property owners list. **[34-202(a)(8)]**

☐ Property owners map. **[34-202(a)(8)]**

**D. Certification of Title and Encumbrances [34-202(a)(7)]**

**1.** Title certification document, no greater than 90 days old.

**2.** Date property was acquired by present owner(s): 12/29/22

## PART 3
## PROPERTY INFORMATION

**A. STRAP Number(s):** [Attach extra sheets if additional space is needed.] **[34-203(a)(5)]**

10-44-24-00-01046.0000,
10-44-24-00-00047.0010,
10-44-24-00-00047.0030, &
10-44-24-00-00047.0000,
10-44-24-00-00047.0020,
10-44-24-00-01046.0010

**B. Street Address of Property:** 884, 938 & 940 Moody Road & access undetermined

**C. Legal Description (must submit) [34-202(a)(5)]:**

☒ Legal description (metes and bounds) (8½"x11") and sealed sketch of the legal description.

**OR**

☐ Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click here to see an example of a legal description with no metes and bounds.)

**AND**

**Boundary Survey [34-202(a)(6):**

☒ A Boundary survey, tied to the state plane coordinate system.

**OR**

☐ Not required if the property is located within a subdivision platted per F.S. Chapter 177.

**D. Surrounding property owners** (within 500 feet of the perimeter of the subject parcel or portion thereof that is subject of the request)**:**

**1.** ☒ List of surrounding property owners. **[34-202(a)(9)]**

**2.** ☒ Map of surrounding property owners. **[34-202(a)(9)]**

**3.** ☒ One set of mailing labels. **[34-202(a)(9)]**

*Note: When the case is found complete/ sufficient, a new list and mailing labels must be submitted.*

**E. Current Zoning of Property:** RPD

☒ Provide a list of all Zoning Resolutions and Zoning Approvals applicable to the subject property.

**F. Use(s) of Property:**

**1.** Current uses of property are: 2 private boat ramps with parking & restrooms

**2.** Intended uses of property are: 2 private boat ramps with parking & restrooms & commercial social services with 4 caretaker's residences/multiple-family units & accessory outdoor recreation, private multi-slip docking facility with maximum 10 wet slips & 10 dry slips/boat trailer parking

**G. Future Land Use Classification (Lee Plan):**

| | | | | |
|---|---|---|---|---|
| Suburban | 13.5± | Acres | 86± | % of Total |
| Wetlands (1.4± AC on site + 0.86± AC in creek) | 2.26± | Acres | 14± | % of Total |
| | | Acres | | % of Total |

**H. Property Dimensions:**

1. Width (average if irregular parcel): 670± Feet
2. Depth (average if irregular parcel): 632± Feet
3. Total area: 10.78± ac Acres or square feet **(15.76± including 4.98± acres of navigable waterways of Hancock Creek)**
4. Frontage on road or street: 670.06± Feet on Moody Road Street
   2nd Frontage on road or street: Feet on Street

**I. Planning Communities/Community Plan Area Requirements:** If located in one of the following planning communities/community plan areas, provide a meeting summary document of the required public informational session.

- ☐ Not Applicable
- ☐ Captiva Planning Community (Captiva Island). **[33-1612(a)&(b); Lee Plan Policy 13.1.7]**
- ☐ North (Upper) Captiva Community Plan area. **[33-1711]**
- ☐ Boca Grande Planning Community. **[Lee Plan Policy 22.1.5]**
- ☐ Caloosahatchee Shores Community Plan area. **[33-1482(a)&(b); Lee Plan Policy 21.6.3]**
- ☐ Page Park Community Plan area. **[33-1203(a) & (b); Lee Plan Policy 27.11.2]**
- ☐ Palm Beach Boulevard Community Plan area. **[Lee Plan Policy 23.5.2]**
- ☐ Buckingham Planning Community. **[Lee Plan Policy 17.7.2]**
- ☐ Pine Island Planning Community. **[33-1004(a) & (b); Lee Plan Policy 14.7.1]**
- ☐ Lehigh Acres Planning Community. **[33-1401(a)&(b); Lee Plan Policy 32.12.2]**
- ☒ North Fort Myers Planning Community. **[33-1532(a)&(b)]**
- ☐ North Olga Community Plan area. **[33-1663(a)&(b)]**

**J. Waivers from Application Submission Requirements**: Attach waivers, if any, approved by the Director of Zoning. **[34-201(c)]**

## PART 4
## TYPES OF LAND AREA ON PROPERTY

**A. Gross Acres (total area within described parcel)** **15.76±** **Acres**

1. Submerged land subject to tidal influence-**navigable waterways/Hancock Creek** 4.98± Acres
2. **a.** Preserved freshwater wetlands ____ Acres
   **b.** Impacted wetlands ____ Acres
   **c.** Preserved saltwater wetlands 1.4±* Acres **(*+0.86± Ac within creek)**
   **d.** Total wetlands (A.2.a. plus A.2.b. plus A.2.c.) 1.4±* Acres
3. R-O-W providing access to non-residential uses ____ Acres
4. Non-residential use areas (1) (2) 9.38± Acres

**B. Total area not eligible as gross residential acreage** (Items A.1. + A.3. + A.4.). **15.76±** **Acres**

**C. Gross residential acres. (A minus B)** (3) **0*** **Acres**

***caretakers residences are considered commercial**

**D. Gross residential acres (by Land Use Category) N/A**

1. **a.** Intensive Development – upland ____ Acres
   **b.** Intensive Development – preserved freshwater wetlands ____ Acres
   **c.** Intensive Development – impacted wetlands ____ Acres
2. **a.** Central Urban – upland ____ Acres
   **b.** Central Urban – preserved freshwater wetlands ____ Acres
   **c.** Central Urban – impacted wetlands ____ Acres
3. **a.** Urban Community or Suburban – upland ____ Acres
   **b.** Urban Community or Suburban – preserved freshwater wetlands ____ Acres
   **c.** Urban Community or Suburban – impacted wetlands ____ Acres

| | | | | |
|---|---|---|---|---|
| **4.** | **a.** | Suburban – upland | _____ | Acres |
| | **b.** | Suburban – preserved freshwater wetlands | _____ | Acres |
| | **c.** | Suburban – impacted wetlands | _____ | Acres |
| **5.** | **a.** | Outlying Suburban – upland | _____ | Acres |
| | **b.** | Outlying Suburban – preserved freshwater wetlands | _____ | Acres |
| | **c.** | Outlying Suburban – impacted wetlands | _____ | Acres |
| **6.** | **a.** | Sub-Outlying Suburban – upland | _____ | Acres |
| | **b.** | Sub-Outlying Suburban – preserved freshwater wetlands | _____ | Acres |
| | **c.** | Sub-Outlying Suburban – impacted wetlands | _____ | Acres |
| **7.** | **a.** | Rural, Outer Island, Rural Community Preserve – upland | _____ | Acres |
| | **b.** | Rural, Outer Island, Rural Community Preserve – wetlands | _____ | Acres |
| **8.** | **a.** | Open Lands – upland | _____ | Acres |
| | **b.** | Open Lands – wetlands | _____ | Acres |
| **9.** | **a.** | Resource – upland | _____ | Acres |
| | **b.** | Resource – wetlands | _____ | Acres |
| **10.** | **a.** | Wetlands | _____ | Acres |
| **11.** | **a.** | New Community – upland | _____ | Acres |
| | **b.** | New Community – wetlands | _____ | Acres |
| **12.** | **a.** | University Community – upland | _____ | Acres |
| | **b.** | University Community – wetlands | _____ | Acres |
| **13.** | **a.** | Coastal Rural – upland | _____ | Acres |
| | **b.** | Coastal Rural – wetlands | _____ | Acres |
| | | **TOTAL** (should equal "C" above) | _____ | **Acres** |

Notes:

(1) Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included except within the Mixed Use Overlay {see Note (2) below}.

(2) Within the Mixed Use Overlay, lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses may be included in density calculations {see Lee Plan Objective 4.3}.

(3) Lands to be used for residential uses including land within the development proposed to be used for streets & street rights of way, utility rights-of-way, public & private parks, recreation & open space, schools, community centers, & facilities such as police, fire & emergency services, sewage & water, drainage, and existing man-made waterbodies.

## PART 5
## RESIDENTIAL DEVELOPMENT - PRELIMINARY DENSITY CALCULATIONS

i. Complete only if living units are proposed in a Future Land Use Category.
ii. If more than one classification, calculations for each classification must be submitted. Attach extra sheets as necessary.
iii. If wetlands are located on the property, density calculations are considered preliminary pending a wetlands jurisdictional determination.

**A. Future Land Use Category:** **N/A**

| | | **Lee Plan Table 1(a) Max. standard density** | | **Units** |
|---|---|---|---|---|
| **1.** | **Standard Units** | | | |
| | **a.** Total upland acres (from Part 4, D.) | _____ x _____ | equals | _____ |
| | **b.** Total preserved freshwater wetlands acres (from Part 4, D.) | _____ x _____ | equals | _____ |
| | **c.** Total impacted wetlands acres (from Part 4, D.) | _____ x _____ | equals | _____ |
| | **d.** **Total Allowed Standard Units** (1) | | | _____ |
| **2.** | **Bonus Units [2-143]** | | | |
| | **a.** Site-built Affordable Housing | | | _____ |
| | **b.** Transferrable Dwelling Units | | | _____ |
| | **c.** Sub-total | | | _____ |
| **3.** | **Total Permitted Units** (1) | | | _____ |

Note:

(1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.

## PART 6
## COMMERCIAL, INDUSTRIAL, MINING, ASSISTED LIVING FACILITIES, HOTELS & MOTELS PRELIMINARY INTENSITY CALCUATIONS

| | | Height | Total Floor Area (Square Feet) |
|---|---|---|---|
| **A.** | **Commercial** | | |
| **1.** | Medical | | |
| **2.** | General Office | 35’ | * |
| **3.** | Retail | 35’ | * |
| **4.** | Other: Social Services | 35’ | * |
| **5.** | **TOTAL FLOOR AREA** | | ***Max. 50,000 SF** |

| | | Height | Total Floor Area (Square Feet) |
|---|---|---|---|
| **B.** | **Industrial** | | |
| **1.** | Under Roof | | |
| **2.** | Not Under Roof | | |
| **3.** | **TOTAL FLOOR AREA** | | |

| | | Depth | Total Acres |
|---|---|---|---|
| **C.** | **Mining** | | |
| **1.** | Area to be excavated | | |

| | | Height | Total Beds/Units |
|---|---|---|---|
| **D.** | **Assisted Living Facilities** | | |
| **1.** | Dependent Living Units | | |
| **2.** | Independent Living Units | | |
| **3.** | **TOTAL BEDS/UNITS** | | |

| | | Height | Total Rental Units |
|---|---|---|---|
| **E.** | **Hotels/Motels (Room Size)** | | |
| **1.** | < 425 sq. ft. | | |
| **2.** | 426-725 sq. ft. | | |
| **3.** | 725 < sq. ft. | | |
| **4.** | **TOTAL UNITS** | | |

## PART 7
## ACTION REQUESTED

**A. Request Statement:** Provide a single narrative explaining the nature of the request and how the property qualifies for the rezoning to a planned development. This narrative should include how the proposed development complies with the Lee Plan, the Land Development Code, and the applicable findings/review criteria set forth in LDC section 34-145(d)(4). This narrative may be utilized by the Board of County Commissioners, Hearing Examiner and staff in establishing a factual basis for the granting or denial of the rezoning. **[34-373(a)(5)]**

**B. Traffic Impact Statement.** A traffic impact statement in a format and to the degree of detail required by the County and in conformance with the adopted Lee County Administrative Code. TIS is not required for an existing development. **[34-373(a)(7)]**

**C. Master Concept Plan:**

1. **Master Concept Plan, Non-PRFPD:** A graphic illustration (Master Concept Plan) of the proposed development, showing and identifying the information required by LCLDC Section 34-373(a)(6)a. Copies of the Master Concept Plan must be provided in two sizes, 24”x36” and 11”x17”, and must be clearly legible and drawn at a scale sufficient to adequately show and identify the required information. In addition to the Master Concept Plan, an open space design plan delineating the indigenous preserves and/or native tree preservation areas as required by LDC Section 10-415(b) must be submitted. **[34-373(a)(6)]**
2. **Schedule of Uses:** A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property including the information required by LCLDC Section 34-373(a)(8)]. **[34-373(a)(8)]**

3. **Schedule of Deviations and Written Justification:** A schedule of deviations and a written justification for each deviation requested as part of the Master Concept Plan accompanied by documentation including sample detail drawings illustrating how each deviation would enhance the achievement of the objectives of the planned development and will not cause a detriment to public interests. The location of each requested deviation must be located/shown on the Master Concept Plan. **[34-373(a)(9)]**

**D. Bonus Density: [34-202(a)(11)]**

☒ Not Applicable

☐ Bonus Density will be used. Provide the number of Bonus Density units being requested and a narrative of how the request meets the requirements of LDC Section 2-146.

## PART 8
## ENVIRONMENTAL REQUIREMENTS

**A. Topography:** Describe the range of surface elevations of the property. Attach a county topographic map (if available) or a USGS quadrangle map showing the subject property. **[34-373(a)(4)b.iv.]**
**Attached is a map showing 2018 LiDAR spot elevations (NAVD88) which vary on the main property from a low of 2.88'± near the existing boat ramp to a high of 9.72'± near Moody Road and a low of 0.65'± to a high of 2.5'± on the island area.**

**B. Sensitive Lands:** Identify any environmentally sensitive lands, including, but not limited to, wetlands (as defined in the LEE Plan Section XII), flowways, creek beds, sand dunes, other unique land forms [see LEE Plan Policy 77.1.1 (2)] or listed species occupied habitat [see LCLDC Section 10-473(f)].
**There are 1.12± acres of indigenous mangrove wetlands on the island parcel which are designated as a historic flowway by Lee County GIS mapping. There were no listed species observed on site. There are 0.28± acre of non-indigenous mangrove wetlands on the main development parcel. There is 0.46± acre of indigenous mangrove wetlands and 0.4± acre of non-indigenous wetlands within Hancock Creek.**

**C. Preservation/Conservation of Natural Features:** Describe how the lands listed in PART 6.B. above will be protected by the completed project:
**The 1.12± acres of indigenous wetlands on the island parcel are protected by being within an existing Conservation Easement. The remaining 0.28± acres within the main development parcel will also be preserved. No impacts are proposed to the 0.86± acre of mangrove wetland within Hancock Creek.**

**D. Shoreline Stabilization:** If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:
**The site is located adjacent to Hancock Creek. The shoreline has been historically man-altered so does not require a natural waterway buffer. Northern portions have an existing concrete seawall near the boat ramp.**

**E. Soils Map:** Attach maps drawn at the same scale as the Master Concept Plan marked or overprinted to show the soils classified in accordance with the USDA/SCS System. **[34-373(a)(4)b.i.]** **See Environmental Assessment & Species Survey Report Exhibit D**

**F. FLUCCS Map:** A Florida Land Use, Cover and Classification System (FLUCCS) map, at the same scale as the Master Concept Plan, prepared by an environmental consultant. The FLUCCS map must clearly delineate any Federal and State jurisdictional wetlands and other surface waters, including the total acreage of Federal and State wetlands. **[34-373(a)(4)c.]** **See Environmental Assessment & Species Survey Report Exhibits B & C**

**G. Rare & Unique Upland Habitat Map:** Maps drawn at the same scale as the Master Concept Plan marked or overprinted to show significant areas of rare and unique upland habitat as defined in the LEE Plan Section XII. **[34-373(a)(4)b.iii.]** **N/A**

**H. Existing and Historic Flow-Ways Map:** Map(s) drawn at the same scale as the master concept plan marked or overprinted to show existing and historic flow-ways. **[34-373(a)(4)b.v.]** **The existing wetlands on the island are designated as an existing and historic flowway by Lee County GIS mapping.**

## PART 9
## SANITARY SEWER & POTABLE WATER FACILITIES

**A. Special Effluent:** If the discharge of any special effluent is anticipated, please specify what it is and what strategies will be used to deal with its' special characteristics:
N/A

**B. Private On-Site Facilities:** If a private on-site wastewater treatment and disposal facility is proposed, please provide a detailed description of the system including:

1. Method and degree of treatment:
N/A

2. Quality of the effluent:
N/A

3. Expected life of the facility:
N/A

4. Who will operate and maintain the internal collection and treatment facilities:
N/A

5. Receiving bodies or other means of effluent disposal:
N/A

C. **Spray Irrigation:** If spray irrigation will be used, specify:

1. The location and approximate area of the spray fields:
N/A

2. Current water table conditions:
N/A

3. Proposed rate of application:
N/A

4. Back-up system capacity:
N/A

## PART 10
## ADDITIONAL REQUIREMENTS

A. **Major Planned Developments:**

1. **Surface Water Management Plan.** A written description of the surface water management plan as required by LCLDC Section 34-373(b)(1). **[34-373(b)(1)]**
2. **Phasing Program.** If the development is to be constructed in phases or if the Traffic Impact Statement utilized phasing, then a description of the phasing program must be submitted. **[34-373(b)(3)]**
3. **Protected Species Survey.** A protected species survey is required for large developments (as defined in LCLDC Section 10-1) as specified in LCLDC Section 10-473. **[34-373(b)(2)]**

B. **Amendments to Built Planned Developments:** The consent of the owners of the remainder of the original planned development is not required, but these owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property. Attach proof of notice to other property. **[34-373(c)]**

C. **Development of Regional Impact:** Binding letter of interpretation from DCA or a complete and sufficient ADA. (See also Application for Public Hearing for DRI Form.) **[34-373(d)(9)]**

D. **Private Recreational Facility Planned Developments (PRFPDs):**

1. **Master Concept Plan, PRFPD.** Master Concept Plan showing and identifying information required by LDC Section 34-941(g)(1). Copies of the Master Concept Plan must be provided in two sizes, 24”x36” and 11”x17”, and must be clearly legible and drawn at a scale sufficient to adequately show and identify the required information. **[34-941(g)(1)]**
2. **Conceptual Surface Water Management Plan.** A Conceptual Surface Water Management Plan must be submitted. The plan must be viable and take into consideration any natural flowway corridors, cypress heads, natural lakes, and the restoration of impacted natural flowway corridors. **[34-941(d)(3)b.i.1)]**
3. **Well Drawdown Information.** If within an area identified as an anticipated drawdown area for existing or future well development, demonstration of compliance with LCLDC Section 34-941(d)(3)d.i & ii. must be provided. **[34-941(d)(3)d.]**

4. **Preliminary Indigenous Restoration Plan.** A Preliminary Indigenous Restoration Plan must be provided if on-site indigenous restoration is being used to meet the indigenous native plant community preservation requirement. **[34-941(e)(5)f.iii.]**
5. **Environmental Assessment.** An Environmental Assessment must be provided which includes, at a minimum, an analysis of the environment, historical and natural resources. **[34-941(g)(2)]**
6. **Demonstration of Compatibility.** Written statements concerning how the applicant will assure the compatibility of the proposed development with nearby land uses (by addressing such things as noise, odor, lighting and visual impacts), and the adequate provision of drainage, fire and safety, transportation, sewage disposal and solid waste disposal must be provided. **[34-941(g)(4)]**

**E. Potable Water & Central Sewer.** Will the project be connected to potable water and central sewer as part of any development of the property?

☒ **YES** (Provide a letter from the appropriate Utility to which the connection(s) are proposed confirming availability of service.) **[34-202(a)(10)]**
☐ **NO** (Provide a narrative explaining why the connection is not planned and how the water and sewer needs of the project will be met.) **[34-202(a)(10)]**

**F. Existing Agricultural Use:** If the property owner intends to continue an existing agricultural use on the property subsequent to the zoning approval, an Existing Agricultural Use Affidavit must be provided. Entitle as "Existing Agricultural Uses at Time of Zoning Application." **[34-202(a)(12)]**

**G. Flood Hazard:**

☐ Not applicable
☒ The property is within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s.
☒ The minimum elevation required for the first habitable floor is AE El 10+1 & VE-El 11+1 NAVD (MSL)

**H. Excavations/Blasting:**

☒ No blasting will be used in the excavation of lakes or other site elements.
☐ If blasting is proposed, provide Information Regarding Proposed Blasting (including soil borings, a map indicating the location of the proposed blasting, and other required information).

**I. Hazardous Materials Emergency Plan for Port Facilities: [12-110(a)(16)]**

☒ Not Applicable
☐ Provide a Hazardous materials emergency plan.

**J. Mobile Home Park: [34-174(h)]**

☒ Not Applicable
☐ Request includes rezoning of a Mobile Home Park. Provide facts related to the relocation of dislocated owners that meets the requirements of F.S. § 723.083 (1995).

**K. Airport Zones & Lee County Port Authority (LCPA) Requirements:**

☒ Not Applicable
☐ Property is located within _____ Airport Noise Zone: **[34-1104]**
☐ Property is located within Airport Runway Protection Zone. Indicate which Zone below. **[34-1105]**
☐ Property is located within Airport Residential and Educational Protection Zone: **[34-1106]**
☐ Property is located in an Airport Obstruction Notification Zone and subject to LCPA regulations. **[34-1107]**
☐ A Tall Structures Permit is required. **[34-1108]**

| PART 5<br>SUBMITTAL REQUIREMENT CHECKLIST | | |
|---|---|---|
| ***Clearly label your attachments as noted in bold below*** | | |
| **Copies Required** | | **SUBMITTAL ITEMS** |
| 3 | ☒ | Completed application for Public Hearing [34-202(a)(1)] |
| 1 | ☒ | Filing Fee - [34-201(d)] |
| 1 | ☐ | Bonus Density Filing Fee - (if applicable) [34-202(a)(11)] |
| 3 | ☒ | **Affidavit of Authorization** (notarized) Form [34-202(a)(3)] |
| 3 | ☒ | **Additional Agents** [34-202(a)(4)] |
| 3 | ☐ | **Multiple Owners List** (if applicable) [34-202(a)(2)] |
| 3 | ☒ | **Disclosure of Interest** Form (multiple owners) [34-202(a)(2)] |
| 3 | ☒ | **Legal description (must submit)** [34-202(a)(5)] |
| | | ☒ Legal description (metes and bounds) and sealed sketch of legal description |
| | | **OR** |
| | | ☐ Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click here to see an example of a legal description with no metes and bounds.) |
| 3 | ☒ | **Boundary Survey** – not required if platted lot (2 originals required) [34-202(a)(6)] |
| 3 | ☐ | **Property Owners list** (if applicable) [34-202(a)(8)] |
| 3 | ☐ | **Property Owners map** (if applicable) [34-202(a)(8)] |
| 3 | ☒ | Confirmation of **Ownership/Title Certification** [34-202(a)(7)] |
| 3 | ☐ | **STRAP Numbers** (if additional sheet is required) [34-202(a)(5)] |
| 1 | ☒ | **List of Surrounding Property Owners** [34-202(a)(9)] |
| 1 | ☒ | **Map of Surrounding Property Owners** [34-202(a)(9)] |
| 1 | ☒ | **Mailing labels** [34-202(a)(9)] |
| 3 | ☒ | List of **Zoning Resolutions** and Approvals |
| 3 | ☒ | Summary of **Public Informational Session** (if applicable) |
| 3 | ☐ | **Waivers** from Application Submission Requirements (if applicable) [34-201(c)] |
| 3 | ☐ | Preliminary **Density** Calculations (if applicable) |
| 3 | ☒ | **Request Statement** [34-373(a)(5)] |
| 3 | ☒ | Traffic Impact Statement (**TIS**) (not required for existing development) [34-373(a)(7)] |
| 3 | ☒ | Master Concept Plan (**MCP**), **Non-PRFPD** [34-373(a)(6)] |
| 3 | ☒ | **Schedule of Uses** [34-373(a)(8)] |
| 3 | ☒ | Schedule of **Deviations and** Written **Justification** [34-373(a)(9)] |
| 3 | ☒ | **Topography** (if available) [34-373(a)(4)b.iv.] |
| 3 | ☒ | **Soils Map** [34-373(a)(4)b.9.] |
| 3 | ☒ | **FLUCCS Map** [34-373(a)(4)c.] |
| 3 | ☐ | Rare & Unique **Upland Habitat Map** [34-373(a)(4)b.iii.] |
| 3 | ☒ | Existing and Historic **Flow-Ways Map** [34-373(a)(4)b.v.] |
| 3 | ☒ | **Surface Water Management Plan** (if applicable) [34-373(b)(1)] |
| 3 | ☒ | **Phasing Program** (if applicable) [34-373(b)(3)] |
| 3 | ☒ | **Protected Species Survey** (if applicable) [34-373(b)(2)] |
| 3 | ☐ | **Proof of Notice** (if applicable) [34-373(c)] |

| | | |
|---|---|---|
| 3 | ☐ | **Binding Letter** from DCA (if applicable) [34-373(d)(9)] |
| 3 | ☐ | Master Concept Plan (**MCP**), **PRFPD** (if applicable) [34-941(g)(1)] |
| 3 | ☐ | **Conceptual Surface Water Management Plan** (if applicable) [34-941(d)(3)b.i.1)] |
| 3 | ☐ | **Well Drawdown** Information (if applicable) [34-941(d)(3)d.] |
| 3 | ☐ | Preliminary Indigenous **Restoration Plan** (if applicable) [34-941(e)(5)f.iii.] |
| 3 | ☐ | **Environmental Assessment** (if applicable) [34-941(g)(2)] |
| 3 | ☐ | Demonstration of **Compatibility** (if applicable) [34-941(g)(4)] |
| 3 | ☒ | **Potable Water & Sanitary Sewer**. Letter from the appropriate utility entity indicating the utility entity or explanation of how water and sewer needs will be met if connection will not be made. [34-202(a)(10)] |
| 3 | ☐ | Existing **Agricultural Use Affidavit** (if applicable) [34-202(a)(12)] |
| 3 | ☐ | Information Regarding **Proposed Blasting** (if applicable). |
| 3 | ☐ | Hazardous Materials **Emergency Plan** (if applicable) |
| 3 | ☐ | Mobile Home Park **Dislocated Owners** Information (if applicable) [34-202(b)(4)] |
| 3 | ☐ | **Tall Structures Permit** (if applicable) [34-1108] |

ATWELL

# Home Front Heroes Minor CPD

# Preliminary Phasing Program

**Order of phases may be interchangeable and not in consecutive order.**

**Phase 1**: Temporary Events including but not limited to outdoor recreation, petting zoo, bounce houses, food trucks, shade structures and/or temporary trailer(s).

**Phase 2**: Add handrails and no mooring sign to existing dock for fishing boardwalk, installation of bollards for existing boat ramp to ensure non-motorized use only.

**Phase 3**: Maximum of 4 caretaker's residence/multiple-family units with phased drive aisle, phased parking, and phased dry detention.

**Phase 4**: Private multi-slip docking facility with optional boat trailer parking, phased parking, and phased dry detention.

**Phase 5**: Future building, phased parking, and phased dry detention.

**Phase 6**: Potential paddle craft access to existing dock. .

10511 Six Mile Cypress Parkway, Fort Myers, FL 33966
www.atwell-group.com

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DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

A PARCEL OF LAND LYING IN SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 10, THENCE RUN ALONG THE WEST BOUNDARY OF SAID SOUTHEAST QUARTER N 01°10'32" E FOR 1343.11 FEET TO A POINT OF INTERSECTION WITH THE SOUTH BOUNDARY OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 10 SAID POINT BEING THE **POINT OF BEGINNING**: THENCE S 89°18'20" W FOR 8.63 FEET TO THE EAST LINE OF THE COUNTY MAINTAINED RIGHT-OF-WAY OF MOODY ROAD (33' EAST OF CENTERLINE); THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, N 00°36'02" W FOR 670.06 FEET TO A POINT OF INTERSECTION WITH THE SOUTH BOUNDARY OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2138, PAGE 4303, (MANGROVE BAY CONDOMINIUMS) OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE ALONG SAID SOUTH BOUNDARY N 89°33'52" E FOR 990.00 FEET TO THE CENTERLINE OF HANCOCK CREEK EAST CHANNEL; THENCE ALONG THE APPROXIMATE CENTERLINE OF SAID HANCOCK CREEK, FOR THE FOLLOWING (3) THREE COURSES:

1) S 02°52'11" E FOR 201.15 FEET;
2) N 74°09'54" E FOR 296.35 FEET;
3) S 74°26'06" E FOR 79.67 FEET TO A POINT OF INTERSECTION WITH THE EAST BOUNDARY OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 10; THENCE ALONG SAID EAST BOUNDARY S 01°30'32" W FOR 164.71 FEET TO THE NORTHEAST CORNER OF LANDS DESCRIBED IN INSTRUMENT NUMBER 2022000185447 OF SAID PUBLIC RECORDS; THENCE NORTHWESTERLY, SOUTHWESTERLY AND NORTHWESTERLY ALONG THE NORTHERLY LINE OF SAID LANDS, FOR THE FOLLOWING (17) SEVENTEEN COURSES:

1) N 81°07'54" W FOR 28.53 FEET;
2) N 89°05'42" W FOR 33.51 FEET;
3) N 84°36'07" W FOR 27.15 FEET;
4) N 81°02'31" W FOR 37.15 FEET;
5) N 86°39'42" W FOR 47.65 FEET;
6) S 76°21'19" W FOR 19.74 FEET;
7) S 71°36'26" W FOR 17.76 FEET;
8) S 65°13'50" W FOR 21.64 FEET;
9) S 60°18'43" W FOR 36.94 FEET;
10) S 47°10'00" W FOR 26.05 FEET;
11) S 38°29'37" W FOR 39.67 FEET;
12) S 48°24'32" W FOR 77.81 FEET;
13) S 73°49'21" W FOR 16.95 FEET;
14) S 63°14'23" W FOR 58.74 FEET;
15) S 69°08'58" W FOR 35.05 FEET;
16) S 83°44'12" W FOR 60.94 FEET;
17) N 87°06'59" W FOR 12.91 FEET TO THE NORTHWEST CORNER OF SAID LANDS, SAID POINT ALSO BEING AN INTERSECTION WITH THE WEST LINE OF THE EAST 533 FEET OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 10; THENCE S 01°30'32" W ALONG SAID WEST LINE AND THE WEST LINE OF



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SAID LANDS FOR 190.12 FEET TO THE SOUTHWEST CORNER OF SAID LANDS AND AN INTERSECTION WITH THE SOUTH LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE S 89°18'20" W ALONG SAID SOUTH LINE FOR 799.25 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 15.76 ACRES, MORE OR LESS.
**NOTE**: ACREAGE INCLUDES STATE OWNED SOVEREIGN LANDS.

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

BEARINGS ARE BASED ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA AS BEARING N 01°10'32" E.

DESCRIPTION PREPARED: 02-02-2024
DESCRIPTION REVISED 02-02-2024

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009
DATE SIGNED: 02-02-2024

Digitally signed by Richard M. Ritz, R.L.S. #4009 State of Florida using an SHA-1 authentication code. Printed copies of this document are not considered signed and sealed and the SHA-1 authentication code must be verified on any electronic copies.
Date: 2024.02.02 12:00:08 -05'00'



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S:\Jobs\25xx\2506\Surveying\Descriptions\2506-MOOD-LGL-2024.doc
S:\Jobs\25xx\2506\Surveying \Descriptions\2506-MOOD-SKT-2024.dwg

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PHONE (239)939-5490 FAX (239)939-2523

ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690

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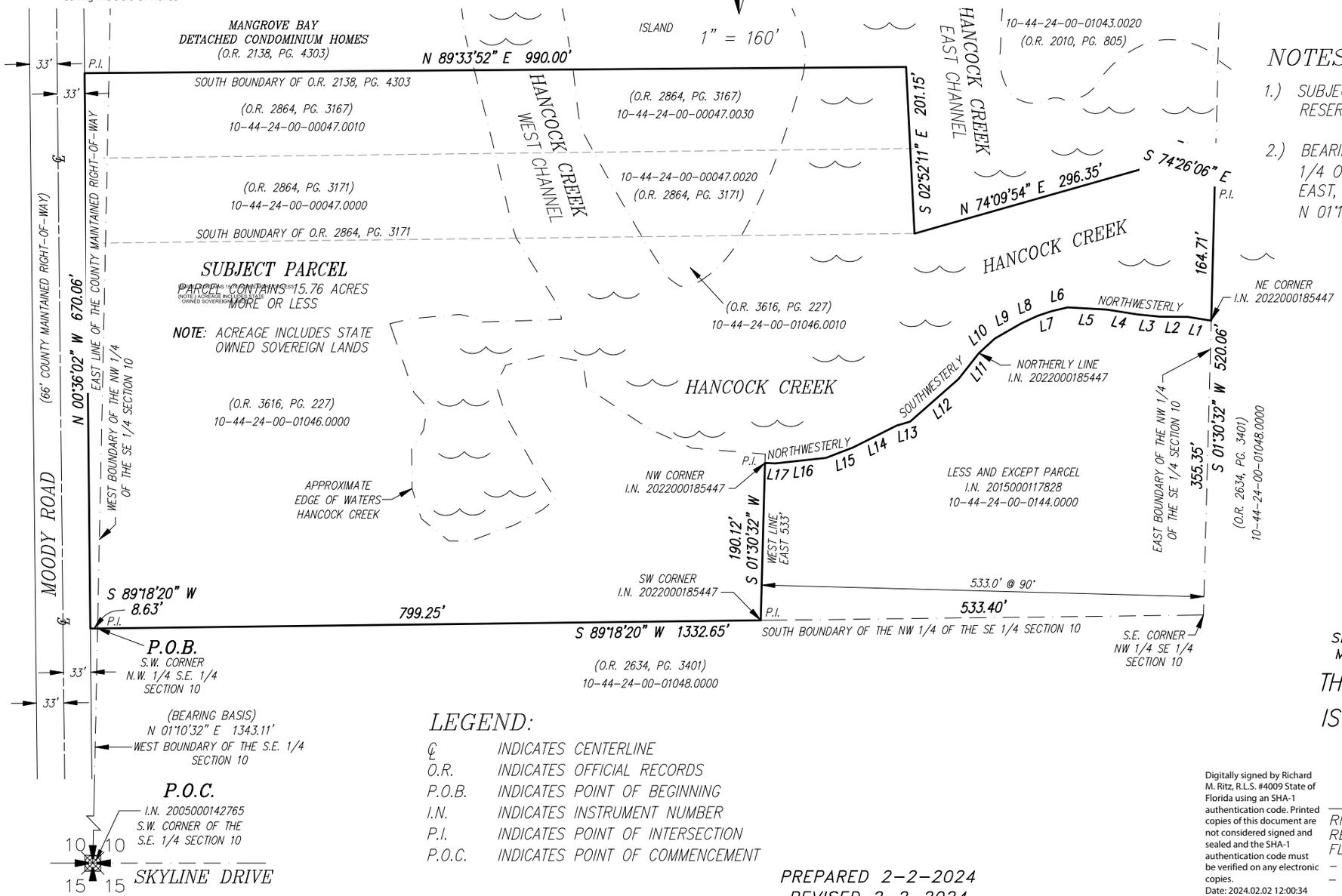
# SKETCH OF DESCRIPTION

OF

A PARCEL OF LAND LYING IN
SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA




## NOTES:

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

2.) BEARINGS ARE BASED ON THE WEST LINE OF THE SE 1/4 OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA AS BEARING N 01°10'32" E.

## LINE TABLE

| LINE | BEARING | DISTANCE |
|---|---|---|
| L1 | N 81°07'54" W | 28.53' |
| L2 | N 89°05'42" W | 33.51' |
| L3 | N 84°36'07" W | 27.15' |
| L4 | N 81°02'31" W | 37.15' |
| L5 | N 86°39'42" W | 47.65' |
| L6 | S 76°21'19" W | 19.74' |
| L7 | S 71°36'26" W | 17.76' |
| L8 | S 65°13'50" W | 21.64' |
| L9 | S 60°18'43" W | 36.94' |
| L10 | S 47°10'00" W | 26.05' |
| L11 | S 38°29'37" W | 39.67' |
| L12 | S 48°24'32" W | 77.81' |
| L13 | S 73°49'21" W | 16.95' |
| L14 | S 63°14'23" W | 58.74' |
| L15 | S 69°08'58" W | 35.05' |
| L16 | S 83°44'12" W | 60.94' |
| L17 | N 87°06'59" W | 12.91' |

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

THIS SKETCH OF DESCRIPTION IS NOT A BOUNDARY SURVEY

## LEGEND:

| | |
|---|---|
| ℄ | INDICATES CENTERLINE |
| O.R. | INDICATES OFFICIAL RECORDS |
| P.O.B. | INDICATES POINT OF BEGINNING |
| I.N. | INDICATES INSTRUMENT NUMBER |
| P.I. | INDICATES POINT OF INTERSECTION |
| P.O.C. | INDICATES POINT OF COMMENCEMENT |

PREPARED 2-2-2024
REVISED 2-2-2024
SHEET 3 OF 3

Digitally signed by Richard M. Ritz, R.L.S. #4009 State of Florida using an SHA-1 authentication code. Printed copies of this document are not considered signed and sealed and the SHA-1 authentication code must be verified on any electronic copies.
Date: 2024.02.02 12:00:34 -05'00'

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

- DATE SIGNED: 2-2-2024
- THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

S:\JOBS\25XX\2506\SURVEYING\DESCRIPTIONS\2506-MOOD-LGL-2024.DOC
S:\JOBS\25XX\2506\SURVEYING\DESCRIPTIONS\2506-MOOD-SKT-2024.DWG

## Stacy Hewitt

**From:** Vovsi, Eman M. <Eman.Vovsi@DOS.MyFlorida.com>
**Sent:** Thursday, February 8, 2024 1:13 PM
**To:** Stacy Hewitt
**Subject:** RE: Florida Master Site File Inquiry
**Attachments:** Template_102.pdf

Completed; no cultural resources detected
Kind regards,

Eman M. Vovsi, Ph.D. (he/him/his)
Sr. Data Base Analyst – Florida Department of State
Bureau of Historic Preservation - Florida Master Site File – Tallahassee, FL 32399-0250 – Phone: 850.245.6377 – e-mail: Eman.Vovsi@DOS.MyFlorida.com

"Due to and depending on the requested information, work load and limited staffing, it may take longer than usual to get a response. Thank you for your patience and understanding during this time."

---

**From:** Stacy Hewitt <SHewitt@BanksEng.com>
**Sent:** Thursday, February 8, 2024 12:39 PM
**To:** FMSFILE <FMSFILE@dos.myflorida.com>
**Subject:** Florida Master Site File Inquiry

EMAIL RECEIVED FROM EXTERNAL SOURCE

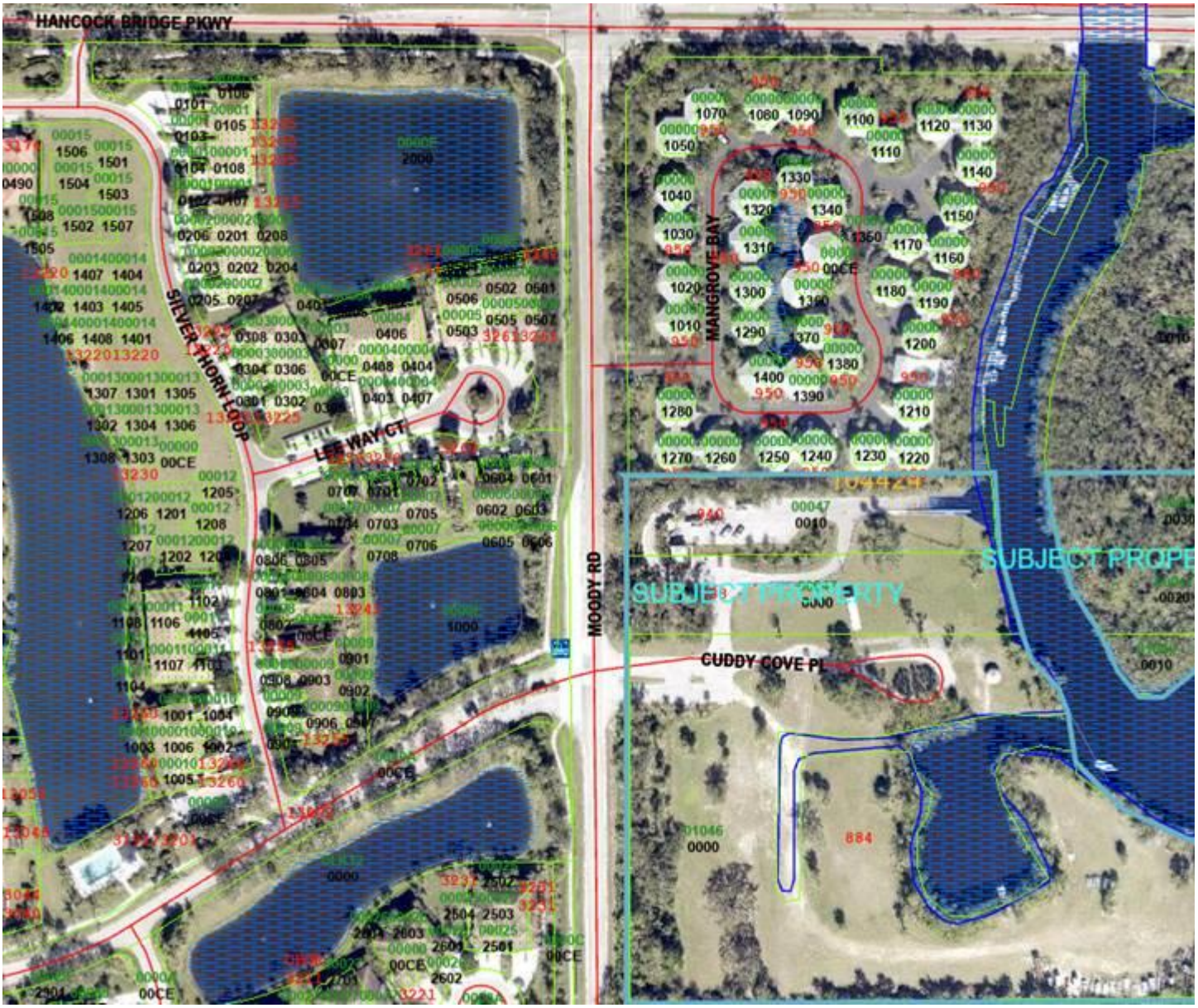
The attachments/links in this message have been scanned by Proofpoint.

Good afternoon 😊 I hope all is well.

Please accept this email as a request to perform an archaeological search on the properties listed below. I have also included a location map for your information. Please do not hesitate to contact me via cell or email if you should have any questions.

STRAP Numbers: 10-44-24-00-01046.0000,
10-44-24-00-01046.0010,
10-44-24-00-00047.0000,
10-44-24-00-00047.0010,
10-44-24-00-00047.0020, &
10-44-24-00-00047.0030

Property Address: 884, 938 & 940 Moody Road & access undetermined




Thank you and please take care,
Stacy

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**Stacy Ellis Hewitt, AICP**
Director of Planning

**Cell:** 239-770-2527
**Email:** shewitt@bankseng.com
**Office :** 239-939-5490

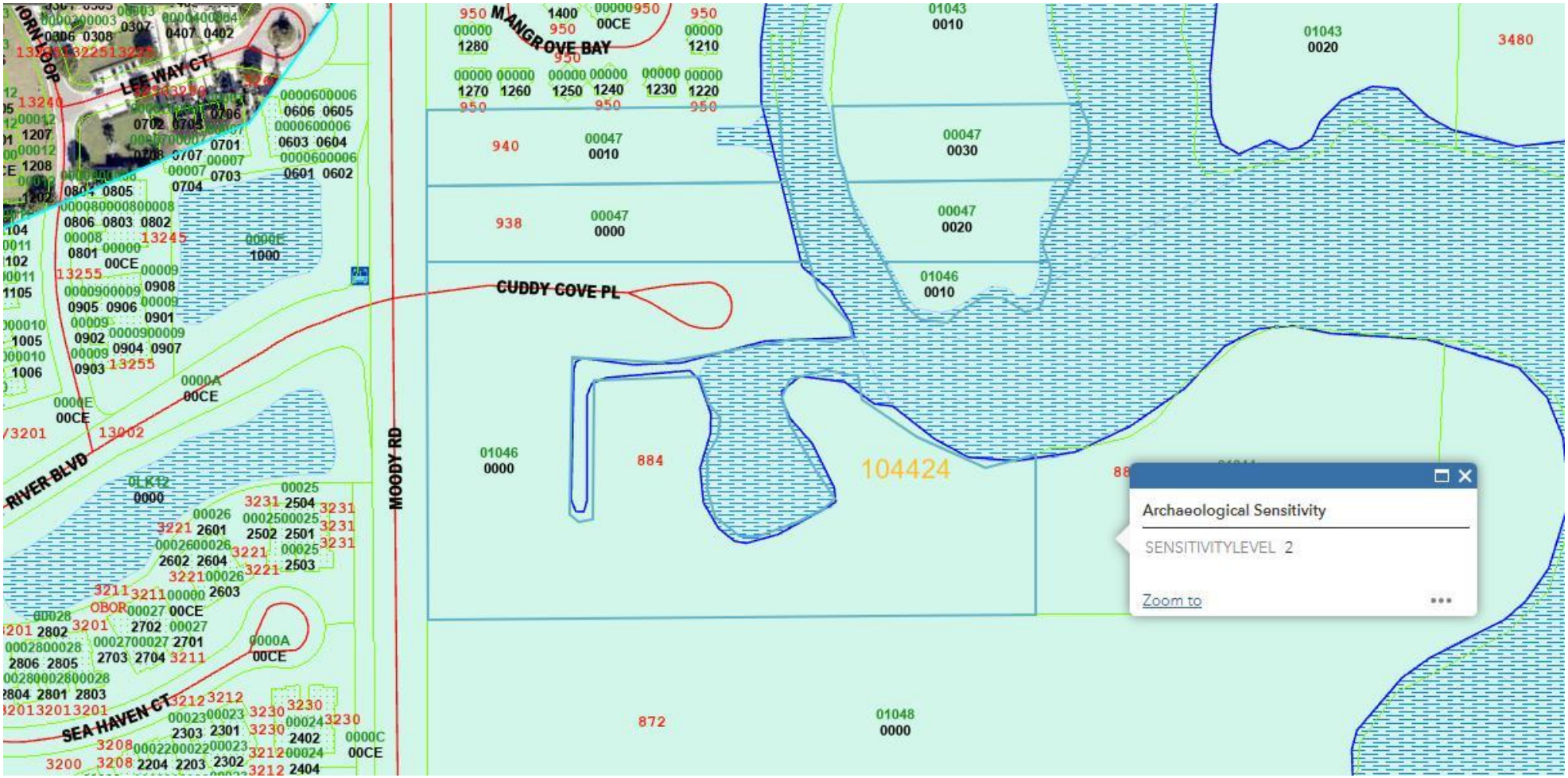
10511 Six Mile Cypress Parkway
Fort Myers, Florida 33966

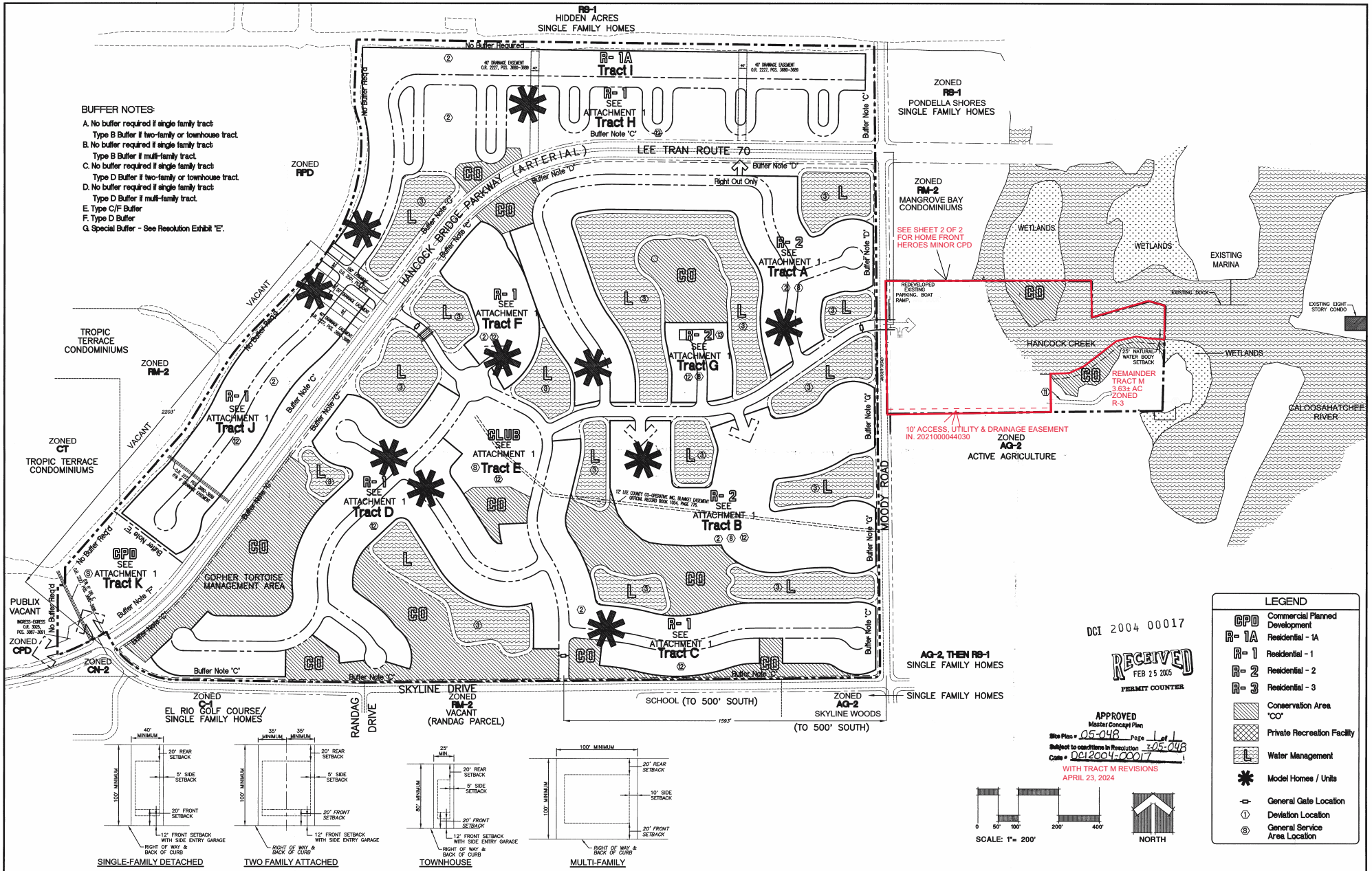
LL00758
Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

# Home Front Heroes Minor CPD

## Archaeological Sensitivity Zone Map

### DCI2023-00047




RS-1
HIDDEN ACRES
SINGLE FAMILY HOMES
No Buffer Required
R- 1A
Tract I
R- 1
SEE
ATTACHMENT 1
Tract H
Buffer Note "C"
LEE TRAN ROUTE 70
Buffer Note "D"
Right Out Only
ZONED
RS-1
PONDELLA SHORES
SINGLE FAMILY HOMES
BUFFER NOTES:
A. No buffer required if single family tract:
Type B Buffer if two-family or townhouse tract.
B. No buffer required if single family tract:
Type B Buffer if multi-family tract.
C. No buffer required if single family tract:
Type D Buffer if two-family or townhouse tract.
D. No buffer required if single family tract:
Type D Buffer if multi-family tract.
E. Type C/F Buffer
F. Type D Buffer
G. Special Buffer - See Resolution Exhibit "E".
ZONED
RPD
HANCOCK BRIDGE PARKWAY (ARTERIAL)
ZONED
RM-2
MANGROVE BAY
CONDOMINIUMS
SEE SHEET 2 OF 2
FOR HOME FRONT
HEROES MINOR CPD
WETLANDS
EXISTING
MARINA
EXISTING DOCK
EXISTING EIGHT
STORY CONDO
REDEVELOPED
EXISTING
PARKING, BOAT
RAMP.
HANCOCK CREEK
25' NATURAL
WATER BODY
SETBACK
REMAINDER
TRACT M
3.63± AC
ZONED
R-3
CALOOSAHATCHEE
RIVER
R- 2
SEE
ATTACHMENT 1
Tract A
R- 1
SEE
ATTACHMENT 1
Tract F
R- 2
SEE
ATTACHMENT 1
Tract G
TROPIC
TERRACE
CONDOMINIUMS
ZONED
RM-2
VACANT
R- 1
SEE
ATTACHMENT 1
Tract J
10' ACCESS, UTILITY & DRAINAGE EASEMENT
IN: 2021000044030
ZONED
AG-2
ACTIVE AGRICULTURE
ZONED
CT
TROPIC TERRACE
CONDOMINIUMS
CLUB
SEE
ATTACHMENT 1
Tract E
R- 1
SEE
ATTACHMENT 1
Tract D
R- 2
SEE
ATTACHMENT 1
Tract B
MOODY ROAD
CPD
SEE
ATTACHMENT 1
Tract K
GOPHER TORTOISE
MANAGEMENT AREA
PUBLIX
VACANT
ZONED
CPD
ZONED
CN-2
R- 1
SEE
ATTACHMENT 1
Tract C
AG-2, THEN RS-1
SINGLE FAMILY HOMES
SKYLINE DRIVE
ZONED
C-1
EL RIO GOLF COURSE/
SINGLE FAMILY HOMES
RANDAG
DRIVE
ZONED
RM-2
VACANT
(RANDAG PARCEL)
SCHOOL (TO 500' SOUTH)
ZONED
AG-2
SKYLINE WOODS
(TO 500' SOUTH)
SINGLE FAMILY HOMES
DCI 2004 00017
RECEIVED
FEB 25 2005
PERMIT COUNTER
APPROVED
Master Concept Plan
Site Plan # 05-048 Page 1 of 1
Subject to conditions in Resolution Z-05-048
Case # DCI2004-00017
WITH TRACT M REVISIONS
APRIL 23, 2024
SCALE: 1"= 200'
NORTH
LEGEND
CPD Commercial Planned Development
R- 1A Residential - 1A
R- 1 Residential - 1
R- 2 Residential - 2
R- 3 Residential - 3
Conservation Area "CO"
Private Recreation Facility
Water Management
Model Homes / Units
General Gate Location
Deviation Location
General Service Area Location
40' MINIMUM
20' REAR SETBACK
5' SIDE SETBACK
20' FRONT SETBACK
12' FRONT SETBACK WITH SIDE ENTRY GARAGE
RIGHT OF WAY & BACK OF CURB
100' MINIMUM
SINGLE-FAMILY DETACHED
35' MINIMUM
TWO FAMILY ATTACHED
25' MIN.
80' MINIMUM
TOWNHOUSE
10' SIDE SETBACK
MULTI-FAMILY
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Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants
WilsonMiller, Inc.
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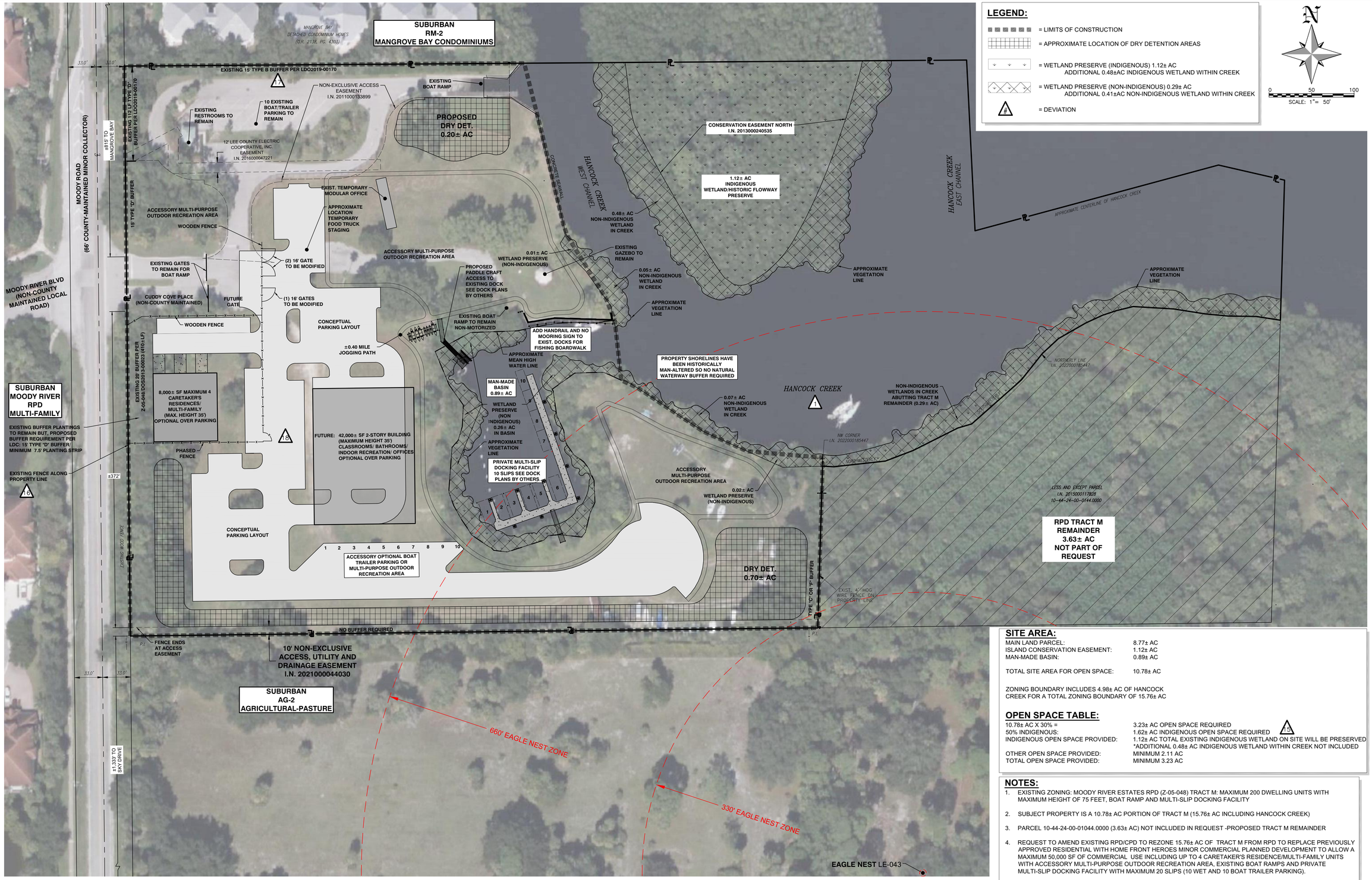
3200 Bailey Lane, Suite 200 • Naples, Florida 34105-8327 • Phone 239-643-4040 • Fax 239-643-5716 • Web-Site www.wilsonmiller.com
REVISION
02 Revisions to Tract M Per Client 12/20/04 DWP/686
01 Reconfigure Parcels in the NE Corner 03/15/04 KC/1213
ACTIVITY
DESIGNED BY: CD/0359
DRAWN BY: ACS/1324 03/15/04
CHECKED BY:
CONTRACT ADMIN. BY:
WM APPROVED BY:
CLIENT: COLONIAL HOMES
PROJECT: MOODY RIVER ESTATES
DATE: 03/16/2004
HORIZONTAL SCALE: 1" = 200'
VERTICAL SCALE:
SEC. TWP. RGE. 10 45 24
TITLE: MASTER CONCEPT PLAN
CROSS REFERENCE FILE NO.:
PROJECT NUMBER: 03657-008-000
INDEX NUMBER: D-03657-06
SHEET NUMBER: 1 OF 2




## SITE AREA:

| | |
|---|---|
| MAIN LAND PARCEL: | 8.77± AC |
| ISLAND CONSERVATION EASEMENT: | 1.12± AC |
| MAN-MADE BASIN: | 0.89± AC |
| TOTAL SITE AREA FOR OPEN SPACE: | 10.78± AC |

ZONING BOUNDARY INCLUDES 4.98± AC OF HANCOCK CREEK FOR A TOTAL ZONING BOUNDARY OF 15.76± AC

## OPEN SPACE TABLE:

| | |
|---|---|
| 10.78± AC X 30% = | 3.23± AC OPEN SPACE REQUIRED |
| 50% INDIGENOUS: | 1.62± AC INDIGENOUS OPEN SPACE REQUIRED |
| INDIGENOUS OPEN SPACE PROVIDED: | 1.12± AC TOTAL EXISTING INDIGENOUS WETLAND ON SITE WILL BE PRESERVED *ADDITIONAL 0.48± AC INDIGENOUS WETLAND WITHIN CREEK NOT INCLUDED |
| OTHER OPEN SPACE PROVIDED: | MINIMUM 2.11 AC |
| TOTAL OPEN SPACE PROVIDED: | MINIMUM 3.23 AC |

## NOTES:

1. EXISTING ZONING: MOODY RIVER ESTATES RPD (Z-05-048) TRACT M: MAXIMUM 200 DWELLING UNITS WITH MAXIMUM HEIGHT OF 75 FEET, BOAT RAMP AND MULTI-SLIP DOCKING FACILITY
2. SUBJECT PROPERTY IS A 10.78± AC PORTION OF TRACT M (15.76± AC INCLUDING HANCOCK CREEK)
3. PARCEL 10-44-24-00-01044.0000 (3.63± AC) NOT INCLUDED IN REQUEST -PROPOSED TRACT M REMAINDER
4. REQUEST TO AMEND EXISTING RPD/CPD TO REZONE 15.76± AC OF TRACT M FROM RPD TO REPLACE PREVIOUSLY APPROVED RESIDENTIAL WITH HOME FRONT HEROES MINOR COMMERCIAL PLANNED DEVELOPMENT TO ALLOW A MAXIMUM 50,000 SF OF COMMERCIAL USE INCLUDING UP TO 4 CARETAKER'S RESIDENCE/MULTI-FAMILY UNITS WITH ACCESSORY MULTI-PURPOSE OUTDOOR RECREATION AREA, EXISTING BOAT RAMPS AND PRIVATE MULTI-SLIP DOCKING FACILITY WITH MAXIMUM 20 SLIPS (10 WET AND 10 BOAT TRAILER PARKING).
5. SEE PHASING PLAN
6. SHARED FACILITIES WITH OTHER NON-PROFIT AGENCIES

PREPARED FOR:
**HOME FRONT HEROES INC.**
14750 SIX MILE CYPRESS PARKWAY
FORT MYERS, FL 33912

ALL ELEVATIONS ON CIVIL ENGINEERING PLANS REFERENCE:NAVD 1988

| NO. | DATE | REVISION DESCRIPTION | BY |
|---|---|---|---|
| 01 | 5-8-2024 | INSUFFICIENCY RESPONSE | KG |

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Professional Engineers, Planners, & Land Surveyors
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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
# HOME FRONT HEROES MINOR CPD
LEE COUNTY, FLORIDA

| COMPLETION DATE: | PROJECT: | DRAFTED BY: | DESIGNED BY: | REVIEWED BY: | SCALE: | SHEET: |
|---|---|---|---|---|---|---|
| 10/24/2023 | 2506HFH | KG | KG | SWM | AS NOTED | 02 OF 02 |

S:\Jobs\25xx\2506HFH\Documents\Zoning\2506HFH-MCP.dwg, 5/16/2024 10:34:31 AM, KEVIN GONZALEZ, BANKS ENGINEERING

DCI2023-00047 Lee County ePlan Additional info dated 05-20-2024
INSTR # 2011000133899, Doc Type JUD, Pages 12, Recorded 06/09/2011 at 02:02 PM,
Charlie Green, Lee County Clerk of Circuit Court, Deputy Clerk ERECORD

6/9/2011 12:13 PM Filed Lee County Clerk of Court

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

MERITAGE HOMES OF FLORIDA, INC.,
an Arizona corporation,

Plaintiff,

v.

MOOD DEVELOPMENT
CORPORATION, a Florida corporation,

Defendant.
_____/

CASE NO.: 07-CA-8197
(Consolidated with Case 07-CA-14491)
(Consolidated with Case 08-CA-22428)

**FINAL JUDGMENT**

This cause came before the court as a non-jury trial on September 14-17, September 20-24, and September 27-October 1. Testimony and documentary evidence were introduced and after all parties rested, the court entered its opinion and made its Findings of Fact and Conclusions of Law on November 5, 2010. This Final Judgment sets forth the Court's ultimate determinations based on the evidence presented at trial. Based on the evidence presented and those Findings of Fact and Conclusions of Law dated November 5, 2010, which are incorporated herein by reference, it is ORDERED and ADJUDGED that:

1. The declaratory relief requested by Plaintiff, Meritage Homes of Florida, Inc. ("Meritage"), in Count III of its Third Amended Complaint is hereby GRANTED as set forth herein.

2. A private, non-exclusive easement and right of access (the "Easement") is hereby declared to exist on, over, and to a portion of the real property legally described on Exhibit "A" hereto ("the Moody Marina Property"), and in particular on, over and to: (i) the boat launch, driveway, trailer parking and adjacent parking area, and park improvements, which area and

improvements consist of approximately 1 acre and are graphically depicted and outlined on Exhibit "B" hereto (Meritage Trial Exhibit 343); and (ii) the buffer area between the western and northern boundaries of the easement area and the western and northern property lines, from the intersection of the easement boundary and the westernmost proposed parking space depicted on Exhibit B to the northeast corner of the easement area depicted on Exhibit B, which buffer area consists of approximately .20 acres. These areas totaling approximately 1.20 acres will be referred to collectively throughout the Final Judgment as the "Easement Area".

3. The Easement is for the benefit of The Moody River Estates Community Association, Inc. (the "Association"), and members of the Association ("Members") and their invitees. Meritage shall also have the unimpeded right of access over and to the Easement Area and on, over, and to the adjacent areas on the Moody Marina Property as may be necessary for the purpose of constructing the boat launch, vehicle and trailer parking improvements, and park improvements depicted on Exhibit "B" (the "New Boat Launch Improvements").

4. The Members and their invitees also are entitled to a private, non-exclusive easement and right of access over the rights-of-way and roadways that at any time provide ingress, egress and access to the Easement Area and New Boat Launch Improvements from Moody Road.

5. The Members and their invitees shall also have a temporary easement and right of access on, over, and to the boat launch, driveway, vehicle and trailer parking, and park area which currently exist on the Moody Marina Property, which existing area is legally described and depicted on Exhibit "C" attached hereto (the "Existing Boat Launch"). Meritage shall be permitted to make such improvements to the Existing Boat Launch as are necessary to comply with any governmental permitting requirements pertaining to use of the Existing Boat Launch.

DCI2023-00047 Lee County eFiling Additional Info dated 05-20-2024

Meritage shall disclose to all governmental permitting agencies the contemplated use of the Existing Boat Launch. At such time as may be permitted by any governmental agency or authorities, Meritage shall be responsible for demolishing the existing boat ramp and Meritage shall have an easement and right of access to do so.

6. Meritage, its consultants, subcontractors, and agents shall have a commercially reasonable period of time to design, permit, improve and construct the New Boat Launch Improvements, and shall be permitted ingress, egress and access to the Moody Marina Property as necessary to design, permit, improve and construct the New Boat Launch Improvements and demolish the existing boat ramp.

7. Meritage shall indemnify Mood from and against any claims, causes of action, damages, or judgments pertaining to any personal injury, property damage, or construction lien claims directly resulting from any construction work performed by Meritage pursuant to this Final Judgment.

8. Mood, its successors and assigns, shall immediately and permanently cease and desist from prohibiting, interfering, or otherwise restricting or limiting access by the Members and their invitees to the Existing Boat Launch, except as may be necessary to facilitate construction of the New Boat Launch Improvements or other currently permitted construction activity which may be undertaken on the property. Nothing contained in this Final Judgment shall be construed to prohibit Mood from making any lawful use of its property.

9. Meritage shall pay to Mood as liquidated damages and not as a penalty the sum of $665,595.34 in consideration for the property rights adjudged and declared to exist in this Final Judgment.

DCI2023-00047 Lee County eFiling Additional Info dated 05-20-2024

10. Meritage, Mood and the Members shall reasonably cooperate in executing any applications, instruments, or other documents and taking other actions as required by any governmental agencies or authorities to effectuate the purposes and intent of this Final Judgment.

11. The Association will, at its expense, maintain, insure and protect a) the Existing Boat Launch (during such time as it is made available for use pursuant to paragraph 5 of this Final Judgment; and b) the Easement Area and the New Boat Launch Improvements once constructed thereon.

12. Mood ma y promulgate reasonable rules and regulations regarding use of the Existing Boat Launch and the Easement Area and the New Boat Launch Improvements to be constructed thereon, including but not limited to hours of operation and conditions for use, provided that the rules are not inconsistent with the terms of this Final Judgment.

13. The Association will procure and maintain a) adequate property insurance coverage on all structures, improvements, and fixtures which are part of the Existing Boat Launch (only during such time as it is made available for use pursuant to paragraph 5 of this Final Judgment) and the Easement Area and the New Boat Launch Improvements constructed thereon; and b) public liability insurance coverage for the Existing Boat Launch (only during such time as it is made available for use pursuant to paragraph 5 of this Final Judgment) and the Easement Area and the New Boat Launch Improvements constructed thereon. Mood or its successors will be included as additional insureds on any policy of insurance covering the Existing Boat Launch, the Easement Area and the New Boat Launch Improvements.

14. Meritage will procure and maintain adequate builder's risk insurance coverage during construction of a) any improvements made to the Existing Boat Launch; and b) the

Easement Area and the New Boat Launch Improvements to be constructed thereon. Mood or its successor will be included as an additional insured on any such policies of insurance coverage.

15. Under Section 5(iv) of the Option Agreement dated April 8, 2005, by and between Meritage and Mood (the "Option Agreement"), which survived the termination of the Option Agreement, Mer itage has a continuing obligation to provide to Mood "professional services, . . . and any fill which might be required in order to locate the building pads and roadway as shown on . . . Exhibit 'H'" to the Option Agreement as an ongoing obligation that will accrue when and if the property is developed in accordance with the site plan attached as Exhibit "H" to the Option Agreement.

16. Pursuant to Section 9(A) of the Option Agreement between Mood and Meritage, Mood or its successors or assigns, as an appurtenance to the Moody Marina Property, is hereby awarded the present right for up to 190 units to be constructed on the Moody Marina Property at any time in the future to utilize the common amenities constructed or to be constructed on adjacent land (west of Moody Road) in the Moody River Estates residential planned development on an identical basis with unit owners in the Moody River Estates residential planned development. As set forth in the Option Agreement, such rights shall not provide for any payment to be due from Mood or its successors or assigns until such time as Mood or its successors or assigns has constructed and sold the units entitled to such memberships to third party purchasers. Such rights shall include any membership or other description of owners' rights within Moody River Estates. The Association shall take all steps necessary to insure that the rights provided hereby and in the Option Agreement are documented in the records of the Association, and shall permit such membership rights and associated usage as provided herein.

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17. Mood's actual express knowledge of the Easement and right to access to the boat launch and the inclusion of a portion of the Moody Marina Property in the Community Development District precludes reliance on the Owner's Affidavit, statutory warranty deed and title commitment. Mood's actual express knowledge precludes its contractual claims and claims for fraud against Colonial and Farrior. Mood's actual express knowledge, Mood's contractually assumed and agreed to obligations, and Mood's actual notice of, and actual knowledge of the terms of the operative documents, excludes and excepts First American's duty to defend and coverage under the title policy. Additionally, the existing title policy, statutory warranty deed and Owner's Affidavit all exclude and except coverage for CDD assessments. Therefore, the cross-claims between Colonial and First American become moot and are therefore DENIED.

18. All other requests for relief by any party are hereby DENIED.

19. The Court shall retain jurisdiction over this matter to amend this judgment or enter further orders that may be necessary to award supplemental relief, including but not limited to injunctive relief to prevent additional interference with the property rights described herein, and to consider motions for attorneys' fees and to tax costs.

20. Meritage's principal place of business is located at 17851 North 85th Street, Suite 300, Scottsdale, Arizona 85255.

21. The Association's principal place of business is located at 3050 Moody River Boulevard, North Fort Myers, Florida 33903.

22. Mood's principal place of business is located at 10130 Bertram Lane, Fort Myers, Florida 33919.

23. The Clerk of Court is instructed to record this Final Judgment in the public records of Lee County, Florida.

DCI2023-00047 Lee County eFiling Additional Info dated 05-20-2024

DONE and ORDERED, in Chambers at Ft. Myers, Lee County, Florida, this 8th day of June, 2011.

MICHAEL T. MCHUGH
Circuit Court Judge

Conformed copies to: *12 counsel of record

# Schedule A

PARCEL I:

A PARCEL OF LAND LYING IN SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 10, THENCE RUN ALONG THE WEST BOUNDARY OF SAID SOUTHEAST ONE-QUARTER N. 01DEG.10'32" E., 1343.11 FEET TO A POINT OF INTERSECTION WITH THE SOUTH BOUNDARY OF THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 10 SAID POINT BEING THE POINT OF BEGINNING; THENCE SOUTH 89DEG.18'20" WEST, 8.63 FEET TO THE EAST LINE OF THE COUNTY MAINTAINED RIGHT OF WAY OF MOODY ROAD (33' EAST OF CENTERLINE); THENCE ALONG SAID EAST RIGHT OF WAY LINE, NORTH 00DEG.36'02" WEST, 670.06 FEET TO A POINT OF INTERSECTION WITH THE SOUTH BOUNDARY OF THE LANDS DESCRIBED IN O.R. BOOK 2138, AT PAGE 4303, (MANGROVE BAY CONDOMINIUMS) OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE ALONG SAID SOUTH BOUNDARY NORTH 89DEG.33'52" EAST, 990.00 FEET TO THE CENTERLINE OF HANCOCK CREEK EAST CHANNEL; THENCE ALONG THE APPROXIMATE CENTERLINE OF SAID HANCOCK CREEK, FOR THE FOLLOWING (3) THREE COURSES: 1. SOUTH 02DEG.52'11" EAST, 201.15 FEET; 2) NORTH 74DEG.09'54", 296.35 FEET; 3) SOUTH 74DEG.26'06" EAST 79.67 FEET TO A POINT OF INTERSECTION WITH THE EAST BOUNDARY OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 10; THENCE ALONG SAID EAST BOUNDARY SOUTH 01DEG.30'32" WEST 520.06 FEET TO A POINT OF INTERSECTION WITH THE SOUTH BOUNDARY OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 10; THENCE ALONG SAID SOUTH BOUNDARY SOUTH 89DEG.18'20" WEST 1332.65 FEET TO THE POINT OF BEGINNING.

LESS THE FOLLOWING:

BEGIN AT A POINT 465.1 FEET NORTH AND 25 FEET EAST OF THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 10 IN TOWNSHIP 44 SOUTH RANGE 24 EAST, THENCE RUN NORTH 205.2 FEET; THENCE RUN WEST TO THE EASTERLY SIDE OF THE PRESENT HARD SURFACED COUNTY ROAD; THENCE RUN SOUTH ALONG THE EASTERLY SIDE OF SAID ROAD TO A POINT WEST OF THE POINT OF BEGINNING; THENCE RUN EAST TO THE POINT OF BEGINNING.

AND

BEGIN AT A POINT 465.1 FEET NORTH AND 25 FEET EAST OF THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 10 IN TOWNSHIP 44 SOUTH, RANGE 24 EAST; THENCE RUN NORTH 205.2 FEET; THENCE RUN EAST TO THE CENTER OF THE EASTERLY CHANNEL OF HANCOCK CREEK; THENCE SOUTHERLY ALONG THE CENTER OF THE EASTERLY CHANNEL OF HANCOCK CREEK TO A POINT EAST OF THE POINT OF BEGINNING; THENCE WEST TO THE POINT OF BEGINNING.

ALL-STATE LEGAL®
EXHIBIT
A

DCI2023-00047 Lee County ePlan Additional Info dated 05-20-2024

Parcel "A"
The North ½ of the following described parcel of land:

Parcel 1:
Begin at a point 465.1 Feet North and 25 Feet East of the Southwest corner of the Northwest quarter of the Southeast quarter of Section 10, Township 44 South, Range 24 East, thence run North 205.2 Feet, thence run West to the Easterly side of the present hard surfaced county road, thence run south along the Easterly side of said road to a point West of the point of beginning, thence run East to the point of beginning.

And

Parcel 2:
Begin at a point 465.1 Feet North and 25 Feet East of the Southwest Corner of the Northwest quarter of the Southeast quarter of Section 10, Township 44 South, Range 24 East, thence run North 205.2 Feet, thence run east to the center of the Easterly channel of Hancock Creek, thence Southerly along the center of the Easterly channel of Hancock Creek to a point East of the point of beginning, thence west to the point of beginning.

Surveyors Notations:

1. This sketch is not intended to reflect a boundary survey, but is intended to represent a graphic depiction of the description shown hereon.

2. Bearings shown hereon are based on the south line of Mangrove Bay Condominium being North 00°20'28" East.

DCI2023-00047 Lee County ePlan Additional info dated 05-20-2024

Parcel "B"
The South ½ of the following described parcel of land:

Parcel 1:
Begin at a point 465.1 Feet North and 25 Feet East of the Southwest corner of the Northwest quarter of the Southeast quarter of Section 10, Township 44 South, Range 24 East, thence run North 205.2 Feet, thence run West to the Easterly side of the present hard surfaced county road, thence run south along the Easterly side of said road to a point West of the point of beginning, thence run East to the point of beginning.

And

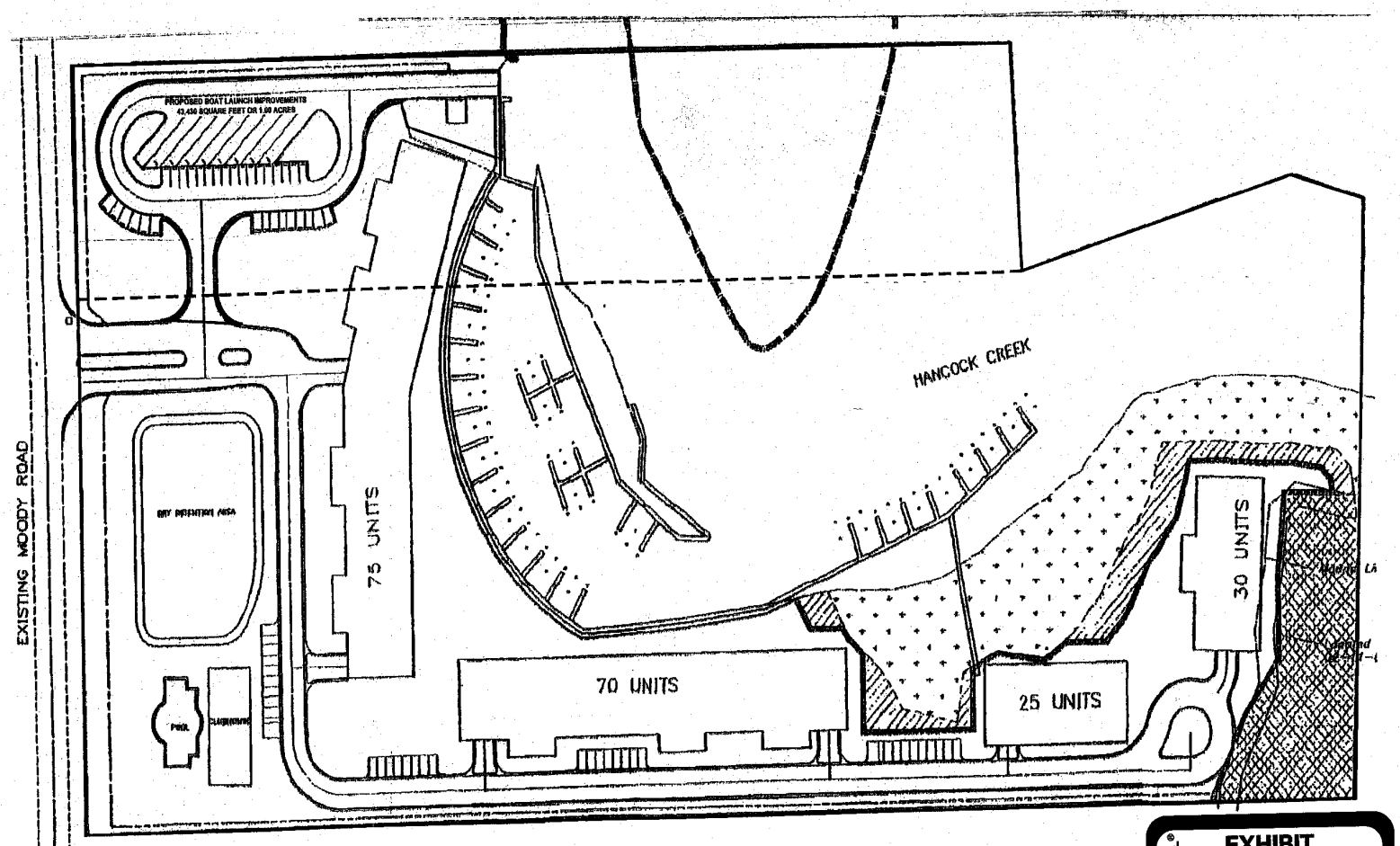
Parcel 2:
Begin at a point 465.1 Feet North and 25 Feet East of the Southwest Corner of the Northwest quarter of the Southeast quarter of Section 10, Township 44 South, Range 24 East, thence run North 205.2 Feet, thence run east to the center of the Easterly channel of Hancock Creek, thence Southerly along the center of the Easterly channel of Hancock Creek to a point East of the point of beginning, thence west to the point of beginning.

Surveyors Notations:

1. This sketch is not intended to reflect a boundary survey, but is intended to represent a graphic depiction of the description shown hereon.

2. Bearings shown hereon are based on the south line of Mangrove Bay Condominium being North 00°20'28" East.

DC1202300047 Lee County Page Number 11 of 12 Additional info dated 05-20-2024




N

50 0 25 50

1 inch = 50 ft.
INTENDED DISPLAY SCALE

ALL-STATE LEGAL®

EXHIBIT

B

EXHIBIT 343

DEPOSITION EXHIBIT 357 Cooner

NOTES:
1. BACKGROUND LINE WORK (SHADED GRAY) WAS SCANNED FROM SURFACE WATER MANAGEMENT PLAN - MOODY RIVER ESTATES BY HEIDT & ASSOCIATES, INC. DATED APRIL 18, 2005.
2. BOUNDARY LINE WORK (BLACK) BASED ON BOUNDARY SURVEY BY HEIDT & ASSOCIATES, INC. DATED NOVEMBER 5, 2004.

COONER & ASSOCIATES, INC.
SURVEYING AND MAPPING
WWW.COONER.COM
5670 ZIP DRIVE
FORT MYERS, FLORIDA 33905
TELEPHONE: 239.277.0722
FAX: 239.277.7179
2351 RADEN DRIVE
LAND O'LAKES, FLORIDA 34639
TELEPHONE: 813.909.2693
FAX: 813.909.2841

| REVISION | DATE |
|---|---|
| | |
| | |
| | |
| | |

FOR:

| | |
|---|---|
| COUNTY: | |
| SEC. | SEC. 10, TWP. 44 S, RGE. 24 E |
| PROJECT NUMBER: | |
| DWG. NUMBER: | SOUND-OPTION SCHEME |
| DWG. DATE: | 7-21-10 |
| SURVEY DATE: | |
| DRAWN BY: | DT |
| CHECKED BY: | JC |

EXHIBIT:
PROPOSED BOAT LAUNCH IMPROVEMENTS
HERITAGE - MOOD

1 OF 1

S:\AutoCAD\TEMPLATES\2009\Cs3 bndy.dwt 4/4/2009 2:09:45 PM EDT

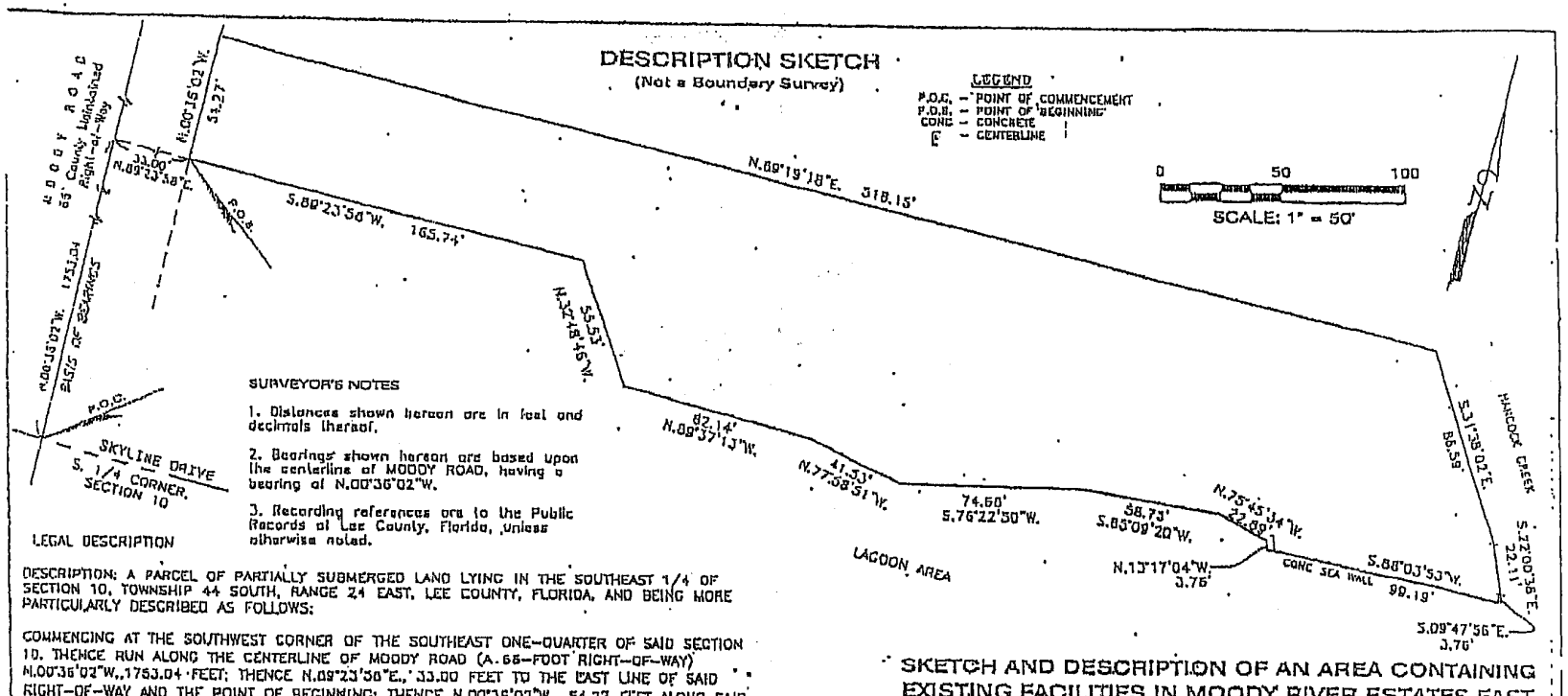
DOCTYPE: Additional Info dated 05-20-2024
DOCNUM: 2023-00047-LEE-CORRESPONDENCE
Page Number 12 of 12

# DESCRIPTION SKETCH

(Not a Boundary Survey)

LEGEND
P.O.C. – POINT OF COMMENCEMENT
P.O.B. – POINT OF BEGINNING
CONC – CONCRETE
℄ – CENTERLINE

SCALE: 1" = 50'




SURVEYOR'S NOTES

1. Distances shown hereon are in feet and decimals thereof.

2. Bearings shown hereon are based upon the centerline of MOODY ROAD, having a bearing of N.00°36'02"W.

3. Recording references are to the Public Records of Lee County, Florida, unless otherwise noted.

LEGAL DESCRIPTION

DESCRIPTION: A PARCEL OF PARTIALLY SUBMERGED LAND LYING IN THE SOUTHEAST 1/4 OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 10. THENCE RUN ALONG THE CENTERLINE OF MOODY ROAD (A 65-FOOT RIGHT-OF-WAY) N.00°36'02"W.,1753.04 FEET; THENCE N.89°23'58"E., 33.00 FEET TO THE EAST LINE OF SAID RIGHT-OF-WAY AND THE POINT OF BEGINNING; THENCE, N.00°36'02"W., 54.27 FEET ALONG SAID EAST RIGHT-OF-WAY; THENCE N.89°19'18"E., 318.15 FEET TO THE APPROXIMATE WEST BANK OF HANCOCK CREEK; THENCE ALONG SAID APPROXIMATE WEST BANK THE FOLLOWING TWO (2) COURSES: 1) S.31°38'02"E., 86.59 FEET; 2) S.22°00'38"E., 22.11 FEET TO A POINT ON THE EAST SIDE OF A CONCRETE SEA WALL; THENCE ALONG THE EAST, SOUTH, AND WEST SIDES OF SAID CONCRETE SEA WALL, THE FOLLOWING THREE (3) COURSES: 1) S.09°47'56"E., 3.76 FEET; 2) S.88°03'53"W., 99.19 FEET; 3) N.13°17'04"W., 3.76 FEET; THENCE N.75°45'34"W., 22.80 FEET; THENCE S.85°09'20"W., 58.73 FEET; THENCE S.76°22'50"W., 74.68 FEET; THENCE N.77°58'51"W., 41.33 FEET; THENCE N.89°37'13"W., 82.14 FEET; THENCE N.32°48'46"W., 55.53 FEET; THENCE S.89°23'58"W., 165.74 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.07 ACRES, MORE OR LESS.

## SKETCH AND DESCRIPTION OF AN AREA CONTAINING EXISTING FACILITIES IN MOODY RIVER ESTATES EAST

| No. | Date | Revisions | Dwn. |
|---|---|---|---|
| | | | |

REVISIONS

Prepared For: COLONIAL HOMES

SKETCH AND LEGAL

(Not a Survey)

2/2/07

FLORIDA PROFESSIONAL SURVEYOR AND MAPPER
JAMES H. WILKISON NO. LS4876

PREPARED BY: HEIDT & ASSOCIATES, Inc.
Civil Engineering, Planning, Surveying, Environmental Permitting, Landscape Architecture
Fort Myers Office: 3800 Colonial Blvd., #100, Fort Myers, Florida 33966, Phone 239-693-1777, FAX 239-693-1010
Tampa: Jacksonville: Hendersonville

Dwn. KAC | Dr. J.H.W. | SKD_EXIST_FAC
Date 02/01/07 | Order No. CR-07-116

SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST

SHEET 1 OF 1 SHEETS

Moody Ranch\Marina\Description\SKD_EXIST_FAC.dwg, 2/2/2007 12:27:24 PM, kaubanks, 1:1

ALL-STATE LEGAL®

EXHIBIT

C

DCI2020-00047 Lee County eFile Additional info dated 05-20-2024
Linda Doggett, Lee County Clerk of Circuit Court
INSTR. # 2021000044030, Doc Type EAS, Pages 10, Recorded 2/11/2021 at 8:16 AM, Deputy Clerk DSCHAEFER ERECORD
Rec Fees: $86.50 Deed Doc: $0.70

**RECORD AND RETURN TO:**
This Instrument Prepared By:
Michael G. Candiotti, Esq.
Latham, Luna, Eden & Beaudine, LLP
111 North Magnolia Ave, Suite 1400
Orlando, FL 32801

# GRANT OF EASEMENT AND OPTION

THIS **GRANT OF EASEMENT AND OPTION** (this "Grant" or "Easement") is made and entered into this 26 day of January 2021, between **MOOD DEVELOPMENT CORPORATION**, a Florida corporation, whose address is 10130 Bertram Lane, Fort Myers, FL 33908 ("**Grantor**") and **FLORIDA TAX LIEN ASSETS IV, LLC**, a Florida limited liability company, whose address 2055 U.S. Highway 1, Vero Beach, FL 32960 (the "**Grantee**").

## W I T N E S S E T H

**THAT GRANTOR** for and in consideration of the sum of TEN and no/100 Dollars ($10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, Grantor does hereby grant and convey to the Grantee, for the benefit of that certain lands located in Lee County, Florida, as more practically described on **Exhibit "I"** attached hereto (the "**Benefited Property**"), a non-exclusive easement for access, utility, and drainage purposes, with full authority to enter upon, excavate, remove, construct, repair, maintain and replace, as the Grantee (its successors and/or assigns) may deem necessary for the development of utilities, roadways, drainage systems and associated infrastructure for the benefit of the Benefited Property over, under, upon and through the certain of Grantor's lands as more particularly described on **Exhibit "II"** attached hereto (the "**Initial Easement Area**").

**AND FURTHER THAT GRANTOR**, in consideration of an addition TEN and no/100 Dollars ($10.00), and other good and valuable consideration an option (the "**Option**") for a period of one (1) year after the date hereof (as may be extended in accordance with the Settlement Agreement (as defined below), but in no event more than three (3) years) to Grantee for the purchase of an additional easement area over an across a portion of the Grantor's property, directly north of and adjacent to the Initial Easement Area, as more particularly described on **Exhibit "III"** attached hereto (the "**Option Easement Area**"). Grantee may exercise its option on all or a portion of the Option Easement Area, provided such area shall be contiguous to the Initial Easement Area. The price and related terms to execute the option shall be as provided in that certain unrecorded Settlement Agreement (the "**Settlement Agreement**") between Grantor and Grantee dated concurrently herewith. The Initial Easement Area and any portion of the Option Easement Area purchased by the Grantee pursuant to the foregoing shall be hereinafter referred to as the "**Overall Easement Area**". If Grantee timely exercises any of its Option rights under this Grant , the parties shall execute an Easement Agreement that covers and applies to the Overall Easement Area. If Grantee does not timely exercise its Option rights, the Option shall automatically terminate and Grantor is authorized to file and record in the Public Records a Memorandum of Termination of Option.

Grantor agrees to reasonably modify the description of the Overall Easement Area at no cost to Grantor to permit Grantee to construct of the right of way for Moody Road as provided for in the Settlement Agreement, subject to Grantor's written approval of the plans and specifications for the same, which approval shall not be unreasonably conditioned, delayed or withheld.

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Grantee agrees to cooperate with Grantor its successor and/or assigns in any platting or development approval process as long as such cooperation is at no cost to Grantee

**TOGETHER WITH** the right to clear, keep clear and remove from the Initial Easement Area, and from the Option Area if the Option is timely exercised, all trees, undergrowth and other obstructions that may interfere with the location, excavation, operation or maintenance of the access, utility, and drainage systems or any structures installed related thereto. Grantor does hereby covenant with the Grantee, that it is lawfully seized and possessed of the Overall Easement Area, has good and lawful right to convey the easements created herein and that the Overall Easement Area is free from all encumbrances, except matters of public record, to the best of Grantor's knowledge.

**SUBJECT TO**: Grantor, its successors and assigns, right to replace, maintain or add additional improvements within the Overall Easement Area such that do not interfere with the rights of Grantee, its successors and assigns, as provided herein; PROVIDED, HOWEVER, that Grantor and its successors and assigns shall not build, construct or create, or permit others to build, construct or create any buildings or other structures on the Overall Easement Area that may interfere with the location, excavation, operation or maintenance of the access, utility and drainage systems or any structures installed related thereto. Nevertheless, Grantor and Grantee agree that there currently exists an opening for a previous gate, and barricades, along Moody Road, part of which is on the Overall Easement Area. If the Grantee ultimately removes the barricades so as to open access from Moody Road to the Overall Easement Area, Grantee agrees to replace the barricades with a mutually agreeable gate so as to restrict access to the Overall Easement Area, or some other mutually agreeable manner to restrict access to the Overall Easement Area, and to maintain such access restriction to the Overall Easement Area.

In the event that the Benefitted Property comes into common ownership with any adjacent property that has access to the county or city road system, or if the Benefited Property gains access to the public road network in any other manner, this Grant of Easement and Option shall automatically terminate. FTL, its successors and or assigns agree to execute any document necessary to evidence such automatic termination.

RESERVING unto Grantor its successor and/or assigns, however, all right, title, interest and privilege and the full enjoyment of said land and the use thereof for all purposes not inconsistent with the use herein above specified, consistent with the unrecorded Settlement Agreement by and between the parties hereto, their successors and assigns. Grantor shall not grant to the public the use of the surface rights of the easement area and shall limit underground use shall that does not unreasonably interfere with the rights granted herein.

This Easement is granted by Grantor and accepted by Grantee subject to the following conditions and obligations which Grantee covenants and agrees to perform:

1. To exercise due care in the use of the Overall Easement Area.

2. To limit the use of the Easement for the purposes set forth herein.

3. To use the Easement hereby granted so as to prevent the creation of any obstruction or condition, which is or may become dangerous to Grantor, its guests, employees, invitees, licensees or the public in general.

4. To indemnify and hold Grantor harmless from any and all claims for the payment of any compensation or damages resulting from the use by Grantee or its affiliates of the easement

DCI2023-00047 Lee County eFlan

Additional info dated 05-20-2024

granted herein or resulting from Grantee's failure to secure access from unauthorized individuals and the public.

5. There shall be no grant of easement, or any easement rights, to the public at large and the Easement shall be appurtenant to the Benefited Property, pursuant to this Grant.

Grantor and Grantee also agree and covenant that this Grant is not intended to encumber any portion of the Grantor's property not specifically within the Overall Easement Area and Grantee shall have no rights or interest as to any of portion of the Grantor's property that is not specifically within the Overall Easement Area (as modified in accordance herewith).

The easements created herein, which shall include any rights created by virtue of the timely exercise of the Option by the Grantee, shall survive in perpetuity regardless of changes in the Overall Easement Area or Grantor's adjacent property.

This instrument and the rights hereunder shall be construed in accordance with Florida law (exclusive of choice of law rules) and shall not be amended, modified or terminated unless in writing executed by Grantor and Grantee, their respective successors and assigns, and recorded in the Public Records of Lee County, Florida. Venue for any action arising hereunder shall lie exclusively in the state courts of Lee County, Florida. All of the covenants, conditions and obligations herein contained shall be binding upon and inure to the benefit of the parties, and their respective heirs, personal representatives, successors, and assigns, and shall be covenants running with the title to the land described herein. In any dispute pertaining to this instrument the rights, obligations or liabilities of the parties hereto, the enforcement or the interpretation of any provision hereof, the prevailing party shall be entitled to recover reasonable attorneys' fees and costs incurred in connection therewith from the other party.

**IN WITNESS WHEREOF**, the Grantor has executed this instrument as of the date firth written above

**WITNESSES:**

Sign: _____

Print: Joseph M Meddock

Sign: _____

Print: Jessica Quijada

STATE OF FLORIDA
COUNTY OF Lee

**GRANTOR:**

**MOOD DEVELOPMENT CORPORATION**, a Florida corporation

By: _____

Name: Charles H. Hueller

Title: President



V. 01-21-2021

DCI2023-00047 Lee County Plan Additional info dated 05-20-2024


The foregoing instrument was acknowledged before me this 21 day of January, 2021, by Charles H. Hueth as President of MOOD DEVELOPMENT CORPORATION, a Florida corporation, on behalf of said corporation, by means of [__] physical presence or [__] online notarization and who is/are [___] personally known to me, or [__] who has/have produced as identification.

JOSEPH M. MADDEN, JR.
MY COMMISSION # GG 285300
EXPIRES: December 13, 2022

[affix stamp here]

Sign: _____
Print: _____

**WITNESSES:**

Sign: _____

Print: _____

Sign: _____

Print: _____

**FTL:**

FLORIDA TAX LIEN ASSETS IV, LLC, a Florida limited liability company

By: _____

Name: _____

Title: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ___ day of _____, 2021, by _____, as _____ of Florida Tax Lien Assets IV LLC, a Florida limited liability company, on behalf of said company, by means of [__] physical presence or [__] online notarization and who is/are [___] personally known to me, or [__] who has/have produced as identification.

.

_____
Notary Public
Print Name: _____
My Commission Expires: _____



V. 01-21-2021

DCI2023-00047 Lee County Plan Additional info dated 05-20-2024


The foregoing instrument was acknowledged before me this _____ day of _____, 2021, by _____as _____ of MOOD DEVELOPMENT CORPORATION, a Florida corporation, on behalf of said corporation, by means of [__] physical presence or [__] online notarization and who is/are [___] personally known to me, or [__] who has/have produced as identification.

[affix stamp here]

Sign: _____
Print: _____

**WITNESSES:**

Sign: _____
Print: JANA CARRINGTON

Sign: _____
Print: Alicia Renz

**FTL:**

FLORIDA TAX LIEN ASSETS IV, LLC, a Florida limited liability company

By: _____
Name: Kelly P. Kite, Jr.
Title: Manager

STATE OF FLORIDA
COUNTY OF Indian River

The foregoing instrument was acknowledged before me this 26 day of January, 2021, by Kelly P. Kite, Jr., as Manager of Florida Tax Lien Assets IV LLC, a Florida limited liability company, on behalf of said company, by means of [✓] physical presence or [__] online notarization and who is/are [✓] personally known to me, or [__] who has/have produced as identification.

Notary Public State of Florida
Andrew Sechen
My Commission GG 321412
Expires 04/08/2023

Notary Public
Print Name: Andrew Sechen
My Commission Expires: 04/08/2023



V. 01-21-2021

DCI2023-00047 Lee County Plan Additional info dated 05-20-2024


**EXHIBIT "I"**

BENEFITTED PROPERTY

THE EAST 533 FEET OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, LYING SOUTH OF HANCOCK CREEK. LESS AND EXCEPT A PORTION OF THE LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT NUMBER 2005000142765, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

DCI2023-00047 Lee County Plan Additional info dated 05-20-2024


**EXHIBIT "II"**

INITIAL EASEMENT AREA

**DESCRIPTION OF EASEMENT AREA: THE SOUTH 10 FEET OF THE FOLLOWING PARCEL**

A PARCEL OF LAND LYING IN SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 10, THENCE RUN ALONG THE WEST BOUNDARY OF SAID SOUTHEAST ONE-QUARTER N. 01°10'32" E., 1343.11 FEET TO A POINT OF INTERSECTION WITH THE SOUTH BOUNDARY OF THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 10 SAID POINT BEING THE POINT OF BEGINNING; THENCE SOUTH 89°18'20" WEST. 8.63 FEET TO THE EAST LINE OF THE COUNTY MAINTAINED RIGHT OF WAY OF MOODY ROAD (33' EAST OF CENTERLINE); THENCE ALONG SAID EAST RIGHT OF WAY LINE, NORTH 00°36'02" WEST, 670.06 FEET TO A POINT OF INTERSECTION WITH THE SOUTH BOUNDARY OF THE LANDS DESCRIBED IN O.R. BOOK 2138, AT PAGE 4303, (MANGROVE BAY CONDOMINIUMS) OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE ALONG SAID SOUTH BOUNDARY NORTH 89°33'52" EAST, 990.00 FEET TO THE CENTERLINE OF HANCOCK CREEK EAST CHANNEL; THENCE ALONG THE APPROXIMATE CENTERLINE OF SAID HANCOCK CREEK, FOR THE FOLLOWING (3) THREE COURSES: 1. SOUTH 02°52'11" EAST, 201.15 FEET; 2) NORTH 74°09'54", 296.35 FEET; 3) SOUTH 74°26'06" EAST 79.67 FEET TO A POINT OF INTERSECTION WITH THE EAST BOUNDARY OF THE NORTHWEST 114 OF THE SOUTHEAST 1/4 OF SAID SECTION 10; THENCE ALONG SAID EAST BOUNDARY SOUTH 01°30'32" WEST 520.06 FEET TO A POINT OF INTERSECTION WITH THE SOUTH BOUNDARY OF THE NORTHWEST 1/4 OF THE SOUTHWEST 114 OF SAID SECTION 10; THENCE ALONG SAID SOUTH BOUNDARY SOUTH 89°18'20" WEST 1332.65 FEET TO THE POINT OF BEGINNING.

LESS THE FOLLOWING:

BEGIN AT A POINT 465.1 FEET NORTH AND 25 FEET EAST OF THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 114 OF SECTION 10 IN TOWNSHIP 44 SOUTH RANGE 24 EAST, THENCE RUN NORTH 205.2 FEET; THENCE RUN WEST TO THE EASTERLY SIDE OF THE PRESENT HARD SURFACED COUNTY ROAD; THENCE RUN SOUTH ALONG THE EASTERLY SIDE OF SAID ROAD TO A POINT WEST OF THE POINT OF BEGINNING; THENCE RUN EAST TO THE POINT OF BEGINNING.

AND LESS

BEGIN AT A POINT 465.1 FEET NORTH AND 25 FEET EAST OF THE SOUTHWEST CORNER OF THE NORTHWEST 114 OF THE SOUTHEAST 1/4 OF SECTION 10 IN TOWNSHIP 44 SOUTH RANGE 24 EAST, THENCE RUN NORTH 205.2 FEET; THENCE

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RUN EAST TO THE CENTER OF THE EASTERLY CHANNEL OF HANCOCK CREEK; THENCE SOUTHERLY ALONG THE CENTER OF THE EASTERLY CHANNEL OF HANCOCK CREEK TO A POINT EAST OF THE POINT OF BEGINNING; THENCE WEST TO THE POINT OF BEGINNING.

AND LESS

THE EAST 533 FEET OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, LYING SOUTH OF HANCOCK CREEK. LESS AND EXCEPT A PORTION OF THE LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT NUMBER 2005000142765, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

DCI2023-00047 Lee County Plan Additional info dated 05-20-2024


**EXHIBIT "III"**

**OPTION EASEMENT AREA**

**DESCRIPTION OF EASEMENT AREA: THE NORTH 14 FEET OF THE SOUTH 24 FEET OF THE FOLLOWING PARCEL:**
A PARCEL OF LAND LYING IN SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 10, THENCE RUN ALONG THE WEST BOUNDARY OF SAID SOUTHEAST ONE-QUARTER N. 01°10'32" E., 1343.11 FEET TO A POINT OF INTERSECTION WITH THE SOUTH BOUNDARY OF THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 10 SAID POINT BEING THE POINT OF BEGINNING; THENCE SOUTH 89°18'20" WEST. 8.63 FEET TO THE EAST LINE OF THE COUNTY MAINTAINED RIGHT OF WAY OF MOODY ROAD (33' EAST OF CENTERLINE); THENCE ALONG SAID EAST RIGHT OF WAY LINE, NORTH 00°36'02" WEST, 670.06 FEET TO A POINT OF INTERSECTION WITH THE SOUTH BOUNDARY OF THE LANDS DESCRIBED IN O.R. BOOK 2138, AT PAGE 4303, (MANGROVE BAY CONDOMINIUMS) OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE ALONG SAID SOUTH BOUNDARY NORTH 89°33'52" EAST, 990.00 FEET TO THE CENTERLINE OF HANCOCK CREEK EAST CHANNEL; THENCE ALONG THE APPROXIMATE CENTERLINE OF SAID HANCOCK CREEK, FOR THE FOLLOWING (3) THREE COURSES: 1. SOUTH 02°52'11" EAST, 201.15 FEET; 2) NORTH 74°09'54", 296.35 FEET; 3) SOUTH 74°26'06" EAST 79.67 FEET TO A POINT OF INTERSECTION WITH THE EAST BOUNDARY OF THE NORTHWEST 114 OF THE SOUTHEAST 1/4 OF SAID SECTION 10; THENCE ALONG SAID EAST BOUNDARY SOUTH 01°30'32" WEST 520.06 FEET TO A POINT OF INTERSECTION WITH THE SOUTH BOUNDARY OF THE NORTHWEST 1/4 OF THE SOUTHWEST 114 OF SAID SECTION 10; THENCE ALONG SAID SOUTH BOUNDARY SOUTH 89°18'20" WEST 1332.65 FEET TO THE POINT OF BEGINNING.

LESS THE FOLLOWING:

BEGIN AT A POINT 465.1 FEET NORTH AND 25 FEET EAST OF THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 114 OF SECTION 10 IN TOWNSHIP 44 SOUTH RANGE 24 EAST, THENCE RUN NORTH 205.2 FEET; THENCE RUN WEST TO THE EASTERLY SIDE OF THE PRESENT HARD SURFACED COUNTY ROAD; THENCE RUN SOUTH ALONG THE EASTERLY SIDE OF SAID ROAD TO A POINT WEST OF THE POINT OF BEGINNING; THENCE RUN EAST TO THE POINT OF BEGINNING.

AND LESS
BEGIN AT A POINT 465.1 FEET NORTH AND 25 FEET EAST OF THE SOUTHWEST CORNER OF THE NORTHWEST 114 OF THE SOUTHEAST 1/4 OF SECTION 10 IN TOWNSHIP 44 SOUTH RANGE 24 EAST, THENCE RUN NORTH 205.2 FEET; THENCE

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RUN EAST TO THE CENTER OF THE EASTERLY CHANNEL OF HANCOCK CREEK; THENCE SOUTHERLY ALONG THE CENTER OF THE EASTERLY CHANNEL OF HANCOCK CREEK TO A POINT EAST OF THE POINT OF BEGINNING; THENCE WEST TO THE POINT OF BEGINNING.

AND LESS

THE EAST 533 FEET OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, LYING SOUTH OF HANCOCK CREEK. LESS AND EXCEPT A PORTION OF THE LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT NUMBER 2005000142765, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

**Kevin C. Karnes, Lee County Clerk of Circuit Court**
**INSTR. # 2022000397714, Doc Type TER, Pages 7, Recorded 12/29/2022 at 4:27 PM, Deputy Clerk CGRINER**
**Rec Fees: $61.00**

Prepared by:

Joseph M. Madden Jr.
Madden Law Firm LLC
2277 Main Street
Fort Myers, FL 33901

File No. 9110.000

**MEMORANDUM OF TERMINATION OF OPTION**

THIS TERMINATION OF OPTION ("Termination") is made by **MOOD DEVELOPMENT CORPORATION,** A Florida corporation, whose address is 2277 Main Street, Fort Myers, FL 33901, as it relates to that certain Grant of Easement and Option with **FLORIDA TAX LIEN ASSETS IV, LLC**, a Florida limited liability company, recorded on February 11, 2021, as Instrument No. 2021000044030 in the Public Records of Lee County, Florida.

WHEREAS, the Grant of Easement and Option identified above contains an option for the original Grantee to acquire additional easement property from the property described on Exhibit "A" attached hereto and incorporated herein by reference, for an initial period of one (1) year as may have been extended by the terms of the Grant of Easement and Settlement Agreement (relevant portions of which are attached hereto as Composite Exhibit "B") entered into between those parties; and

WHEREAS, the option was not exercised within said one year period; and

WHEREAS, there were no "Waiver Proceedings" properly initiated during the initial one year term so as to extend the option period;

NOW THEREFORE, in consideration of Ten and No/100's Dollars ($10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, MOOD DEVELOPMENT CORPORATION hereby states as follows

1. MOOD DEVELOPMENT CORPORATION, as the fee simple owner of the property described on Exhibit "A" attached hereto and incorporated herein, hereby confirms by this Memorandum and the notice attached hereto as Exhibit "B" that the option disclosed above has been properly terminated.

IN WITNESS WHEREOF, the Grantor has executed this Memorandum of Termination of Option intending to be bound as of the day and year first written above,

Signed, sealed and delivered in our presence:

Witness: Stacy Hartman

Witness:

MOOD DEVELOPMENT CORPORATION
BY: Harry C. Huether
ITS: President

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 28th day of December, 2022, by Harry C. Huether, by means of [_x_] physical presence or [__] online notarization and who is/are [___] personally known to me, or [_x_] who has/have produced drivers license as identification.

JOSEPH M. MADDEN JR
Notary Public - State of Florida
Commission # HH 315621
My Comm. Expires Dec 18, 2026
Bonded through National Notary Assn.

(Notary Seal)

NOTARY PUBLIC
Print Name:
Commission No:
Commission Expires:

COMPOSIT EXHIBIT "A" - Page 1 of 2

BANKS ENGINEERING

Professional Engineers, Planners & Land Surveyors

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

A PARCEL OF LAND LYING IN SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 10, THENCE RUN ALONG THE WEST BOUNDARY OF SAID SOUTHEAST QUARTER N 01°10'32" E FOR 1343.11 FEET TO A POINT OF INTERSECTION WITH THE SOUTH BOUNDARY OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 10 SAID POINT BEING THE **POINT OF BEGINNING**: THENCE S 89°18'20" W FOR 8.63 FEET TO THE EAST LINE OF THE COUNTY MAINTAINED RIGHT-OF-WAY OF MOODY ROAD (33' EAST OF CENTERLINE); THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, N 00°36'02" W FOR 670.06 FEET TO A POINT OF INTERSECTION WITH THE SOUTH BOUNDARY OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2138, PAGE 4303, (MANGROVE BAY CONDOMINIUMS) OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE ALONG SAID SOUTH BOUNDARY N 89°33'52" E FOR 990.00 FEET TO THE CENTERLINE OF HANCOCK CREEK EAST CHANNEL; THENCE ALONG THE APPROXIMATE CENTERLINE OF SAID HANCOCK CREEK, FOR THE FOLLOWING (3) THREE COURSES:

1) S 02°52'11" E FOR 201.15 FEET;
2) N 74°09'54" E FOR 296.35 FEET;
3) S 74°26'06" E FOR 79.67 FEET TO A POINT OF INTERSECTION WITH THE EAST BOUNDARY OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 10; THENCE ALONG SAID EAST BOUNDARY S 01°30'32" W FOR 164.71 FEET MORE OR LESS TO THE NORTHEAST CORNER OF LANDS DESCRIBED IN INSTRUMENT NUMBER 2022000185447 OF SAID PUBLIC RECORDS; THENCE NORTHWESTERLY, SOUTHWESTERLY AND NORTHWESTERLY ALONG THE NORTHERLY LINE OF SAID LANDS TO THE NORTHWEST CORNER OF SAID LANDS, SAID POINT ALSO BEING AN INTERSECTION WITH THE WEST LINE OF THE EAST 533 FEET OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 10; THENCE S 01°30'32" W ALONG SAID WEST LINE AND THE WEST LINE OF SAID LANDS FOR 190.12 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF SAID LANDS AND AN INTERSECTION WITH THE SOUTH LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE S 89°18'20" W ALONG SAID SOUTH LINE FOR 799.25 FEET TO THE **POINT OF BEGINNING**.

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

BEARINGS ARE BASED ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA AS BEARING N 01°10'32" E.

DESCRIPTION PREPARED: 12-21-2022
DESCRIPTION REVISED 12-22-2022

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009
DATE SIGNED: 12-22-2022

**SHEET 1 OF 2**

**• SERVING THE STATE OF FLORIDA •**

10511 Six Mile Cypress Parkway • Suite 101 • Fort Myers, Florida 33966
Phone 239-939-5490 • www.bankseng.com • Fax 239-939-2523
Engineering License No. EB 6469 • Surveying License No. LB 6690
S:\Jobs\25xx\2506\Surveying\Descriptions\2506-MOOD-LGL-2022.doc
S:\Jobs\25xx\2506\Surveying\Descriptions\2506-MOOD-LGL-2022.doc

DCI2023-00047 Lee County ePlan Additional info dated 05-20-2024



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

10511 SIX MILE CYPRESS PARKWAY, SUITE 101
FT. MYERS, FLORIDA 33966
PHONE (239)939-5490 FAX (239)939-2523

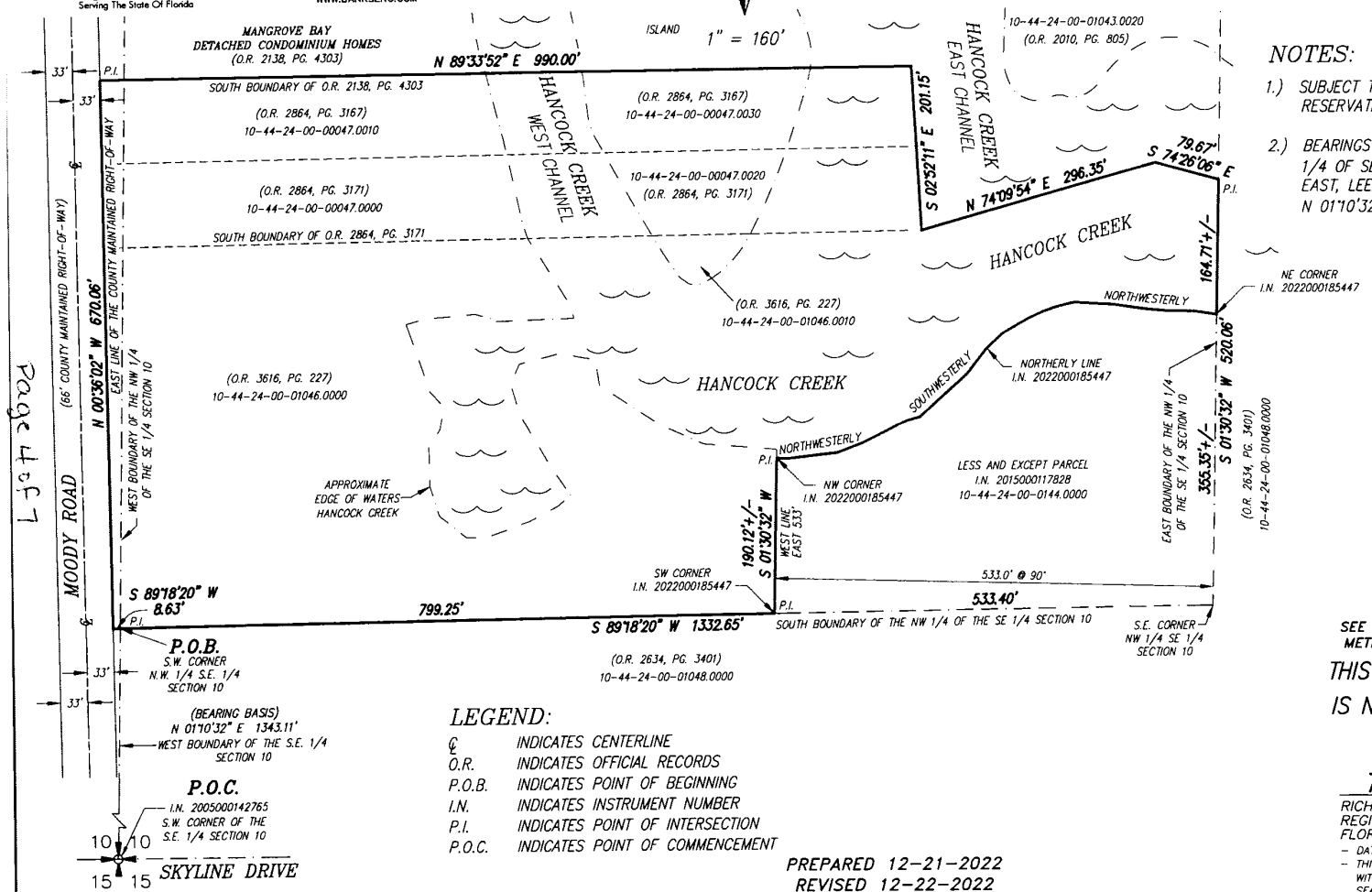
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690

WWW.BANKSENG.COM

# SKETCH OF DESCRIPTION

OF

A PARCEL OF LAND LYING IN
SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA




## NOTES:

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

2.) BEARINGS ARE BASED ON THE WEST LINE OF THE SE 1/4 OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA AS BEARING N 01°10'32" E.

## LEGEND:

| | |
|---|---|
| ℄ | INDICATES CENTERLINE |
| O.R. | INDICATES OFFICIAL RECORDS |
| P.O.B. | INDICATES POINT OF BEGINNING |
| I.N. | INDICATES INSTRUMENT NUMBER |
| P.I. | INDICATES POINT OF INTERSECTION |
| P.O.C. | INDICATES POINT OF COMMENCEMENT |

PREPARED 12-21-2022
REVISED 12-22-2022
SHEET 2 OF 2

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

THIS SKETCH OF DESCRIPTION IS NOT A BOUNDARY SURVEY

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

- DATE SIGNED: 12-22-2022
- THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

S:\JOBS\25XX\2506\SURVEYING\DESCRIPTIONS\2506-MOOD-LGL-2022.DOC
S:\JOBS\25XX\2506\SURVEYING\DESCRIPTIONS\2506-MOOD-SKT-2022.DWG

Composite Exhibit "A" page 2 of 2

Page 4 of 7

COMPOSITE EXHIBIT "B"
TERMINATION OF MEMORANDUM OF OPTION

Madden Law Firm LLC

May 12, 2022

**Via Email:**
Latham, Luna, Eden & Beaudine, LLP
ATTN: Marc L. Levine, Esq.
111 N. Magnolia Avenue, Suite 1400
Orlando, FL 32801

RE: Easement Settlement Agreement

Dear Mr. Levine:

As you remember, the Settlement Agreement identified above states that "Mood will provide FTL with an Option for a one year period to purchase additional easement rights". The Agreement further provides that "plans and specifications shall be subject to the prior approval of Mood." Mood has not approved any plans and specifications, and the one year period has expired. Please consider this letter as confirmation that the Option has expired and has automatically terminated.

Thank you for your attention to this matter

Sincerely,

Joseph M. Madden, Jr.

JMM:jh
Enclosure(s)
cc: client

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

Telephone: 239.332.2100
Facsimile: 239.332.2150

**SETTLEMENT AGREEMENT**

This **SETTLEMENT AGREEMENT** (this "**Agreement**") is entered into as of the _____ day of January 2021 (the "**Effective Date**"), by and between FLORIDA TAX LIEN ASSETS IV, LLC, a Florida limited liability company ("**FTL**") and MOOD DEVELOPMENT CORPORATION, a Florida corporation ("**Mood**").

**WHEREAS**, FTL is the owner of certain real property located in Lee County, Florida (the "**FTL Property**") as more particularly described on **Exhibit "A"** attached hereto by virtue of that certain Tax Deed recorded under Official Record Instrument Number 2015000117828 of the Public Records of Lee County, Florida (the "**Tax Deed**").

**WHEREAS**, Mood is the owner of certain real property located directly adjacent to the FTL Property (the "**Mood Property**") as more particularly described on **Exhibit "B"** attached hereto.

**WHEREAS**, prior to the date of the Tax Deed, the Mood Property and the FTL Property were both owned by Mood (collectively, the "**Mood Properties**"), pursuant to that certain Statutory Warranty Deed recorded under Official Record Instrument Number 2006000168545 (the "**Mood Deed**"), however, the Mood Property and the FTL Property have different tax identification numbers and have never been legally identified as one parcel.

**WHEREAS**, as a result of the Tax Deed, the FTL Property does not have access to a public right of way, with reasonable access being over and across the southernmost portion of the Mood Property.

**WHEREAS**, on September 27, 2016, FTL instituted a lawsuit to (i) Quiet Title to the FTL Property against Mood, et. al., and (ii) to establish an easement over and across the Mood Property under Case No. 2016-CA-003403 (the "**Lawsuit**").

**WHEREAS**, pursuant to that certain stipulated Final Judgment on Count I of Plaintiff's Complaint and Quieting Title in Favor of Plaintiff dated July 28, 2017, title to the FTL Property has been quieted in favor of FTL and the only remaining issue under the Lawsuit is the determination of FTL's easement claims over the Mood Property.

**WHEREAS**, the Parties desire to settle the dispute over the easement claims without the need for protracted litigation.

**NOW, THEREFORE**, in consideration of the mutual covenants and promises set forth below, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties expressly, knowingly, and voluntarily agree as follows:

1. **Recitals**. The foregoing recitals are true and correct and are incorporated herein by reference.

2. **Easement and Option**.

(a) Grant. Concurrently herewith, Mood shall execute and deliver to FTL a Grant of Easement and Option in the form attached hereto as **Exhibit "C"** (the "**Easement and Option**"), whereby

Mood shall provide FTL, at no cost to FTL, with a 10-foot wide access easement over and across the southern ten (10) feet of the Mood Property which abuts the adjacent property currently owned by Amtel Group of Florida, Inc. ("Amtel"), from the FTL Property to Moody Road. Mood will not interfere with FTL's use and enjoyment of the access easement. Mood has no present intention of using the Overall Easement Area (as defined in the Easement and Option) for primary or significant access to the Mood Property. In the event that Mood uses the Overall Easement Area in more than an intermittent basis, Mood will pay its pro rata share of the cost of maintaining the improvements in the Overall Easement Area. In addition, Mood will provide FTL with an Option for a one year period to purchase additional easement rights as more specifically set forth in the Easement and Option; provided, however that the one-year period shall abate for a period not to exceed three (3) years after the Effective Date, during any Waiver Proceedings (defined below) to the extent the same are initiated within in initial one-year period. A two (2) page sketch depicting the approximate location of the Initial Easement Area and the Option Easement Area (as those terms are defined in the Easement and Option) is attached hereto as **Exhibit "D."** The price to be paid by FTL to Mood for additional easement rights under the Option shall be based on $12.00 per square foot of the additional land for which the option rights are exercised. In addition, upon FTL providing Mood with plans and specifications for the road to be constructed in the easement area, if any, the parties will modify the easement to permit FTL to construct the road, including the apron thereof, to the extent required by Lee County for the development of the FTL Property, which additional easement area for said apron shall be provided without additional compensation at the $12/foot rate. The plans and specifications shall be subject to the prior approval of Mood, which shall not be unreasonably withheld, conditioned or delayed. FTL shall use good faith efforts to minimize the width of the easement area, including pursuing any Waiver Proceedings. For the purposes hereof, the term "Waiver Proceedings" shall the pursuit of waiver, approval or variance from the Lee County Development Code (the "Code") to (i) request approval of a twenty-four foot (or less) roadway in accordance with Section 10-296(m)(4) of Code, or otherwise pursue a variance from the requirements under Section 10-296(1) of the Code. Mood shall join, consent, and reasonably cooperate and participate with all such Waiver Proceedings, at no cost to Mood.

In the event that the Tax Deed parcel comes into common ownership with any adjacent property that has access to the county or city road system, or if the Tax Deed parcel gains access to the public road network in any other manner, this Grant of Easement and Option shall automatically terminate. FTL, its successors and or assigns agree to execute any document necessary to evidence such automatic termination.

(b) Closing Documents. In addition to entering into the Easement and Option, Mood shall sign, execute and delivery (or cause the execution and delivery, where appropriate), the following documents (in addition to the Initial Easement, the "**Closing Documents**"), which documents shall be prepared by FTL's counsel, subject to approval by Mood, which approval shall not be unreasonably withheld:

1. An Owners/Title Affidavit and such other documentation required by the Title Company to insure the Easement, in a form reasonably acceptable to Mood and subject to Mood's reasonable approval. Mood makes no representations that any of the easement rights are insurable.

2. Affidavit of Seller stating that Seller is not a "foreign person" under the Foreign Investment in Real Property Tax Act of 1980.

3. Quit Claim Deed from Mood in favor of FTL with respect to the FTL Property in form attached hereto as **Exhibit "F"**.

DC12023-00047 Lee County ePlan Additional info dated 05-20-2024
INSTR # 2012000249447, Doc Type AGR, Pages 12, Recorded 11/14/2012 at 02:52 PM, Charlie Green, Lee County Clerk of Circuit Court, Rec. Fee $103.50 Deputy Clerk CKELLER

Prepared by/Return to:

Jason E. Merritt
**Hopping Green & Sams, P.A.**
119 South Monroe Street, Suite 300
Tallahassee, Florida 32301

# SETTLEMENT AGREEMENT AND RESTRICTIVE COVENANT

THIS SETTLEMENT AGREEMENT AND RESTRICTIVE COVENANT ("**Agreement**") is made this 31st day of October, 2012 ("**Effective Date**") by and between MOOD DEVELOPMENT CORPORATION, a Florida corporation ("**MDC**") and MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT, LEE COUNTY, FLORIDA, a local unit of special-purpose government organized and existing under Chapter 190, Florida Statutes ("**District**").

RECITALS:

WHEREAS, the District is, and has been at all times, on and after November 15, 2004, a legally created, duly organized, and validly existing community development district under the provisions of Chapter 190, Florida Statutes, as amended; and

WHEREAS, MDC, owns certain real property that the District asserts is within the boundaries of the District, which property is more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference, which property will hereinafter be referred to as the "**MDC Southern Property**"; and

WHEREAS, the MDC Southern Property consists of two separate tax parcels, as follows: Lee County STRAP # 10-44-24-00-01044.0000 (sometimes hereinafter referred to as the "**Multi-Family Property**") and Lee County STRAP # 10-44-24-00-01046.0000 (sometimes hereinafter referred to as the "**Single-Family Property**"). The Multi-Family Property and Single-Family Property are more particularly depicted on Exhibit "C" attached hereto and incorporated herein by this reference; and

WHEREAS, MDC owns additional property located northerly ("**MDC Northern Property**") of and contiguous to the MDC Southern Property, which property is not claimed by the District as included within its boundaries and it is agreed by all parties hereto that the MDC Northern Property is not part of the District; and

WHEREAS, the District levied special assessments upon the MDC Southern Property in accordance with Florida law for purposes of paying certain bonds issued by the District to finance community improvements undertaken by the District (the "**Capital Debt Assessments**") and to pay for the cost of operating and maintaining improvements owned by the District (the

"**O&M Assessments**" and with the Capital Debt Assessments collectively, the "**Assessments**"); and

WHEREAS, the District's O&M Assessments are currently allocated to the MDC Southern Property based on a methodology which assumes the MDC Southern Property will be improved with 204 residential units (the "**Current Density**"); and

WHEREAS, MDC, as Plaintiff brought an action against the District and Cathy Curtis, as Lee County Tax Collector ("**Tax Collector**"), in the Twentieth Judicial Circuit Court ("**Circuit Court**") in and for Lee County, Florida in case no. 09-CA-004771 challenging the assertion by the District that the MDC Southern Property is in fact included in the District and subject to the District's Assessments and challenging the right of the Tax Collector to collect such Assessments against the MDC Southern Property; and

WHEREAS, MDC brought an additional action against the District, Lee County Tax Collector and Lee County Property Appraiser, case no. 11-CA-004015 challenging the levy and collection of certain District Assessments on the MDC Southern Property; and

WHEREAS, MDC, as Plaintiff also brought a third action against the District, Lee County Tax Collector and Lee County Property Appraiser in case no. 11-CA-004015 challenging the levy and collection of certain District Assessments on the MDC Southern Property. For ease of reference, the three lawsuits by MDC against the District are referred to herein as the "**Litigation**"; and

WHEREAS, MDC has filed an action to consolidate and extend all three cases ("**Motion to Consolidate**"); and

WHEREAS, the Circuit Court in case no. 09-CA-004771 ordered MDC and the District to mediate the disputes between them, and the parties submitted all three cases in the Litigation to mediation; and

WHEREAS, the parties reached a tentative mediation settlement agreement at mediation which, among other things, contemplates restricting the intensity of development on the MDC Southern Property in an amount less than the Current Density by imposing a restrictive covenant upon the MDC Southern Property; and

WHEREAS, the parties desire to memorialize the final settlement terms between them consistent with the terms of the tentative mediation settlement agreement referenced above; and

WHEREAS, this Agreement is intended to be that detailed settlement agreement clarifying, finalizing and delineating the terms of the final mediation settlement between MDC and the District with respect to all matters pending in the Litigation and is also intended to operate as a restrictive covenant limiting the intensity of future development of the MDC Southern Property as is more particularly provided herein.

NOW THEREFORE, for and in consideration of the mutual promises and other good and valuable consideration the parties hereto agree as follows:

1. **Recitals**. The above Recitals are true and accurate and are incorporated herein by this reference as part of this Agreement.

2. **MDC Southern Property**. MDC stipulates and agrees, both for itself and on behalf of its successors and assigns, that the MDC Southern Property is located within the boundaries of the District and agrees not to contest or challenge the inclusion of the MDC Southern Property in the District or to contest the Assessments levied by the District as provided herein.

3. **Restriction on Use**. MDC, for itself and on behalf of its successors and assigns, hereby agrees that, except as is specifically provided in this Agreement, from and after the Effective Date development of the MDC Southern Property shall be limited and restricted to no more than 55 multi-family units upon the Multi-Family Property and no more than 14 single family units upon the Single Family Property (the "**Restriction on Use**"). The development density allowed pursuant to the Restriction on Use shall be the maximum development permitted on the MDC Southern Property except as otherwise provided in this Agreement. MDC and the District intend that the Restriction on Use is a present, binding restrictive covenant and equitable servitude upon the MDC Southern Property in favor of the District which, except as is otherwise provided in this Agreement, shall run with the MDC Southern Property and be binding on all successors in interest to the MDC Southern Property in perpetuity. The District and MDC agree that District will record this Agreement in the Official Records of Lee County, Florida, for the purpose of providing record notice of the Restriction on Use to third parties.

MDC, for itself and on behalf of its successors and assigns, agrees that District may pursue equitable remedies, including but not limited temporary and permanent injunctions, to prevent any threatened or actual violation of the Restriction on Use on the part of MDC or any successor in interest to MDC of all or any portion of the MDC Southern Property.

4. **Modifications to Development Plan**. The District acknowledges that MDC intends to convey the MDC Southern Property to a not-for-profit charitable entity for use consistent with such not-for-profit's mission to assist young people to develop and grow into contributing members of society. As provided in this paragraph 4, the District acknowledges that such not-for-profit entity or subsequent owner may need to modify the plan of development permitted under the Restriction on Use, to accommodate future use. The parties agree that the contemplated development permitted under the Restriction of Use is a general concept for development of the MDC Southern Property and that modifications may be necessary to conform to the applicable law, the not for profit mission of the not-for-profit entity taking title to the MDC Southern Property and other development or permitting requirements. Such modification shall not be inconsistent with this Agreement. The District will consent to a written request from MDC or a subsequent owner of the MDC Single Family Property to increase the intensity of development permitted on the Single Family Property to a greater density or intensity than permitted under the Restriction on Use (the "**Proposed Density**") upon satisfaction of the following conditions precedent: (a) the person submitting the request shall make all payments of O&M Assessments that could have been assessed against the MDC Single Family Property, or

portion thereof which is the subject of the request, had the same been developed in a manner consistent with the Proposed Density from the Effective Date of this Agreement through the date of the request as calculated by the District's manager in a manner consistent with the provisions of Paragraph 6 and 9 hereof before development commences; and (b) the proposed development complies with all applicable governmental requirements. Upon satisfaction of condition (a) above the District shall record an instrument in the Official Records of Lee County, Florida evidencing such consent and amending the Restriction on Use in a manner consistent with the terms of the requested modification.

5. **Existing O&M Assessments on Single-Family Parcel**. Within five (5) business days of the Effective Date, MDC shall cause all outstanding and unpaid annual installments of Assessments previously levied against the Single-Family Parcel to be paid. The parties agree that MDC's performance of its obligations under the previous sentence shall be a condition precedent to the District's performance under this Agreement. Should MDC fail to perform its obligations under the first sentence of this Paragraph 5 within the time frame fixed therefor and should such failure continue for a period of ten (10) business days following delivery of written notice by the District to MDC at 10130 Bertram Lane, Fort Myers, Florida 33919 by certified U.S. Mail, return receipt requested, or nationally recognized overnight courier service, then District may, without waiving any remedy available at law or in equity, terminate this Agreement in which event this Agreement and all obligations of the parties arising hereunder shall be null and void and of no further force and effect.

6. **Revised O&M Assessment**. As part of this settlement, the parties hereto agree that after the Effective Date, O&M Assessments levied against the MDC Southern Property shall reflect only those costs, fees and expenses that directly benefit the MDC Southern Property as such budget categories or line items are delineated on attached Exhibit "B", incorporated herein by this reference ("**Per Unit O&M**"). Exhibit "B" shall include an example of per unit costs based on the District's fiscal year 2012-2013 O&M costs pertaining to the MDC Southern Property. Such O&M Assessments shall be established and calculated based on the development density allowed by the Restriction on Use, as the same may be modified as provided by Paragraph 4, and not the Current Density. Each fiscal year, the O&M Assessment for the MDC Southern Property will be calculated by multiplying the Per Unit O&M by the total number of units that may be developed on the MDC Southern Property as permitted by the Restriction on Use, as the same may be modified as provided herein.

7. **Assessment Challenge Waiver**. MDC on behalf of itself and any successors and assigns who may own the MDC Southern Property waives the right to contest the Capital Debt Assessments and the O&M Assessments previously levied and certified for collection by the Tax Collector on the MDC Southern Property. MDC, on behalf of itself and its heirs, successors and assigns hereby waives any rights to object to: (i) the debt special assessments imposed by Resolution Nos. 2005-26, 2005-27, 2005-29 and 2005-30; (ii) the operation and maintenance special assessments imposed by Resolution Nos. 2009-4, 2010-6, 2011-7 and 2012-5 (collectively, the "**Assessment Resolutions**"); (iii) any claim that the foregoing were not duly adopted by the Board of Supervisors of the District ("**Board**"); and (iv) any claim that the proceedings undertaken by the District with respect thereto were not in accordance with applicable Florida law, or that the District has not taken all action necessary to levy and impose the Assessments, or that the Assessments are not legal, valid and binding first liens upon the

Property co-equal with the lien of all state, county, district and municipal taxes, superior in dignity to all other liens, titles and claims, until paid. Notwithstanding the foregoing, MDC reserves its right to contest O&M Assessments levied subsequent to the date hereof which do not comport with the terms of this Agreement.

8. **Enforceability of Financing Documents**. MDC represents it is not aware of any bases to contest the validity or enforceability of the Assessments or any financing documents related to the District's issuance and exchange of the Series 2005 Bonds or securing payment thereof and all other documents and certifications relating to the exchange of the Series 2005 Bonds or securing payment thereof and all other documents and certifications relating to the exchange of the Series 2005 Bonds (the "**Financing Documents**"). MDC acknowledges that it may have the legal right to obtain a judicial determination concerning the validity and enforceability of the Assessments and Financing Documents. MDC hereby intentionally relinquishes any such right to obtain a determination as to the validity or enforceability of, or to otherwise contest in any way, the Assessments and Financing Documents.

9. **Future O&M Assessments**. MDC on its own behalf and on behalf of its successors and assigns agrees to continue to pay O&M Assessments levied by the District from and after the Effective Date so long as those assessments are calculated utilizing the methodology set forth in Paragraph 6 above. Notwithstanding the foregoing, MDC agrees that the District shall have the right, as a condition precedent to any cancellation or termination of the Restriction on Use, to assess the MDC Southern Property for repayment of the difference of the O&M Assessments that could have been assessed from the Effective Date through the date of cancellation or termination of the Restriction on Use but for the existence of the Restriction on Use and the O&M Assessments actually levied based on the Restriction on Use. In such instance the additional O&M Assessments may, at the sole discretion of the District, be calculated based on the Per Unit O&M for each year between the Effective Date and the date of termination or cancellation of the Restriction on Use multiplied by the Current Density and then subtracting the actual O&M Assessments imposed on the MDC Southern Property from the Effective Date through the date of the termination or cancellation of the Restriction on Use.

10. **Existing Assessment Prepayment**. MDC or it successors and assigns will continue to pay the Capital Debt Assessments levied on the MDC Southern Property until paid in full. MDC shall have the right to prepay such assessments in full. The current principal amount of the Capital Debt Assessments as of the Effective Date is $95,706.00 on the Multi-Family Property, and $65,044.00 on the Single Family Property, subject to any applicable reduction to reflect the current payoff amounts. This Agreement will not create any additional remedy for the District to collect debt assessments from MDC or its successors, other than as may be provided by Florida law. The District's right to collect the Capital Debt Assessments as permitted by Florida law is not restricted or affected in any way by this Agreement. This Agreement is not intended to create any personal recourse against MDC or its successors for the Capital Debt Assessments detailed in this paragraph, and the District's remedies in the event of non-payment of the Capital Debt Assessments shall limited to the MDC Southern Property as provided by Florida law, but in no event shall District have the right to assert an in personam claim against MDC or assert any claim against any asset owned by MDC other than the MDC Southern Property.

11. **Dismissal of Actions**. Within seven (7) days of the MDC's performance of its obligations under Paragraph 5, the parties agree to jointly move the Court for dismissal of the Litigation with prejudice, subject to the Court retaining jurisdiction for purposes of enforcing the provisions of this Agreement. Except as is provided in Paragraph 14, each party shall bear its own costs and attorneys' fees incurred in the Litigation.

12. **Mutual Releases**. Upon the recording of this Agreement as provided in Paragraph 3, and subject to the terms hereof, the parties shall be deemed to have released and discharged each other of and from any and all claims, costs, fees, or expenses associated with or raised in the Litigation. Such release shall in no way affect or impair MDC's obligation to pay the Assessments or subsequent special assessments levied in conformity herewith, nor shall the provisions of this Agreement operate to release the District's rights should MDC, or any subsequent owner of the MDC Southern Property, fail to pay the Assessments as provided herein or subsequent special assessments levied in conformity herewith. However this Agreement is not intended to create personal recourse against MDC or its successor's for any Assessments levied by the District, and the District's remedies in the event of non-payment of the Assessments shall limited to the MDC Southern Property as provided by Florida law, but in no event shall District have the right to assert an in personam claim against MDC or assert any claim against any asset owned by MDC other than the MDC Southern Property. Further, the District expressly retains any and all rights to pursue its remedies arising from a violation of the Restriction on Use as provided herein.

13. **Preserved Claims**. MDC does not waive any claim it may have against Colonial Homes, Inc., Meritage Homes of Florida or any affiliates thereof ("**Adverse Parties**").

14. **Termination of Restriction on Use.** The parties acknowledge that MDC is currently attempting to obtain rescission of its purchase of the MDC Southern Property from certain Adverse Parties. The parties further acknowledge that a court may require, as a condition of allowing rescission, MDC to convey the MDC Southern Property to its predecessor in title without the encumbrance of the Restriction on Use or this Agreement. In such event, the District shall consent to the termination of the Restriction on Use and the cancellation of this Agreement upon MDC's performance of the conditions contained in this Paragraph 14. As a condition precedent to the termination of the Restriction on Use and the cancellation of this Agreement, MDC shall: (1) pay all pending tax bills and/or redeem any tax certificates outstanding against the MDC Southern Property (and, to the extent that at such time any portion of any of the Assessments are not collected on the tax bills for the MDC Southern Property, MDC shall pay all such Assessments owing to the District which are not on the property tax bills for the MDC Southern Property), (2) MDC shall pay all Assessments that could have been levied against the MDC Southern Property based upon the Current Density but for the Restriction on Use based on the methodology used for O&M Assessments by the District for fiscal year 2012-2013 for each year between the Effective Date and the year of termination of the Restriction on Use, (3) MDC shall pay the District's attorneys fees and court costs incurred in the Litigation which fees and costs are currently estimated to be $150,000.00; (4) MDC shall indemnify and hold the District harmless from and against any and all rights, claims, demands, complaints, grievances, damages, actions and causes of action, including court costs and reasonable attorneys fees, arising from or relating to the termination of the Restriction on Use or the cancellation of this Agreement; and (5) MDC shall not otherwise be in default under the terms of this Agreement.

15. **Survival**. In the event of cancellation of this Agreement pursuant to the provisions of Paragraph 14 the following provisions shall be deemed to survive such cancellation notwithstanding any provision to the contrary contained herein: Paragraph 5, Paragraph 11, Paragraph 12 Paragraph 13, Paragraph 14, and Paragraph 15.

16. **Binding Effect**. THE RECITALS, ACKNOWLEDGEMENTS AND AGREEMENTS CONTAINED HEREIN SHALL BE BINDING ON MDC AND ON ALL PERSONS (INCLUDING CORPORATIONS, ASSOCIATIONS, TRUSTS AND OTHER LEGAL ENTITIES) TAKING TITLE TO ALL OR ANY PART OF THE MDC SOUTHERN PROPERTY, AND THEIR SUCCESSORS IN INTEREST, WHETHER OR NOT THE MDC SOUTHERN PROPERTY IS PLATTED AT SUCH TIME. BY TAKING SUCH TITLE, SUCH PERSONS SHALL BE DEEMED TO HAVE CONSENTED AND AGREED TO THE PROVISIONS OF THIS AGREEMENT TO THE SAME EXTENT AS IF THEY HAD EXECUTED IT AND BY TAKING SUCH TITLE, SUCH PERSONS SHALL BE ESTOPPED FROM CONTESTING, IN COURT OR OTHERWISE, THE VALIDITY, LEGALITY AND ENFORCEABILITY OF THIS AGREEMENT OR ANY MATTERS CONTAINED HEREIN.

17. **Applicable Law**. The parties hereto agree that they shall hereafter continue in a manner consistent with the requirements of applicable law, with neither party waiving any right, provision or entitlement thereto or any proceeding as described thereunder except as specifically stated in this Agreement.

18. **Enforcement**. Either party may legally enforce their rights provided by this Agreement and Florida law. This Agreement shall be construed under the laws of the State of Florida without regard to conflict of laws principles. The parties agree that the sole and exclusive venue for any action related to this Agreement shall be in a court of competent jurisdiction located in Lee County, Florida. In the event of such litigation, the prevailing party shall be entitled to recover its reasonable attorneys' fees and costs from the non-prevailing party. If any Assessments are not timely paid, the District's remedy for non-payment shall be the same as those that are commonly provided by Florida statutory law. The intent of this Agreement is to allow the District to seek those applicable remedies pertaining to the unpaid or delinquent Assessments that are covered in this Agreement. It is further agreed that the Single Family Property and Multi-Family Property are separate tax parcels and may have a separate or different ownership entity in the future. Each tax parcel is a stand-alone parcel for enforcement of any unpaid assessments. Nothing contained herein shall limit or restrict the right and ability of the District to enforce the terms of this Agreement (other than payment of Assessments) by an action at law or in equity against MDC or its successor in interest to the MDC Southern Property. This Agreement is not intended to create any personal recourse against MDC or its successor for unpaid Capital Debt Assessments and O&M Assessments, and the District's remedies in the event of non-payment of either the Capital Debt Assessments or the O&M Assessments shall limited to the MDC Southern Property as provided by Florida law, but in no event shall District have the right to assert an in personam claim against MDC or assert any claim against any asset owned by MDC other than the MDC Southern Property.

DCI2023-00047 Lee County eFiling Additional Info dated 05-20-2024

IN WITNESS WHEREOF, the parties hereto have affixed their sign and seal on the day indicated.

"MDC"

MOOD DEVELOPMENT CORPORATION, a Florida corporation

By: Virginia Huether
Name: VIRGINIA HUETHER
Its: PRESIDENT

Witness: Anthony Chestnut
Witness: Charles Huether

STATE OF ~~FLORIDA~~ PENNSYLVANIA
COUNTY OF SCHUYLKILL

The foregoing instrument was acknowledged before me this 1st day of ~~October,~~ NOVEMBER 2012, by Virginia Huether, as Pres. of Mood Development Corporation, a Florida corporation, on its behalf.

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Fern A. Schaeffer, Notary Public
West Brunswick Twp., Schuylkill County
My Commission Expires Feb. 8, 2016
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

SEAL

Signature of Notary Public

Fern A Schaeffer
Name of Notary Public
(Typed, Printed or Stamped)

Personally Known _____ OR Produced Identification ✓
Type of Identification Produced: DRIVER LICENSE

[Signatures continue on following page]

DCI2023-00047 Lee County ePlan Additional Info dated 05-20-2024

"DISTRICT"

MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT, LEE COUNTY, FLORIDA, a local unit of special-purpose government organized under Chapter 190, Florida Statutes

Witness: Jeffrey R. Berry

By: Ilse H. Mayer
Name: Ilse H. Mayer
Its: Chairman

Witness: RONALD F. MAZUK

STATE OF FLORIDA
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 31st day of October, 2012, by Ilse Mayer, as Chairman of Moody River Estates Community Development District, a local unit of special-purpose government organized under Chapter 190, Florida Statutes, on its behalf.

Signature of Notary Public

(SEAL)

Cleo Crismond
Name of Notary Public
(Typed, Printed or Stamped)

Personally Known ✓ OR Produced Identification _____
~~Type of Identification~~ Produced: _____

Schedule of Exhibits

**Exhibit A** – Legal Description of MDC Southern Property
**Exhibit B** – Assessment Calculation
**Exhibit C** – Diagram of Multi-Family Property and Single Family Property

CLEO CRISMOND
MY COMMISSION # EE 147913
EXPIRES: December 12, 2015
Bonded Thru Notary Public Underwriters

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

PARCEL I:

A PARCEL OF LAND LYING IN SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 10, THENCE RUN ALONG THE WEST BOUNDARY OF SAID SOUTHEAST ONE-QUARTER N. 01°10'32" E., 1343.11 FEET TO A POINT OF INTERSECTION WITH THE SOUTH BOUNDARY OF THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 10 SAID POINT BEING THE POINT OF BEGINNING; THENCE SOUTH 89°18'20" WEST, 8.63 FEET TO THE EAST LINE OF THE COUNTY MAINTAINED RIGHT OF WAY OF MOODY ROAD (33' EAST OF CENTERLINE); THENCE ALONG SAID EAST RIGHT OF WAY LINE, NORTH 00°36'02" WEST, 670.06 FEET TO A POINT OF INTERSECTION WITH THE SOUTH BOUNDARY OF THE LANDS DESCRIBED IN O.R. BOOK 2138, AT PAGE 4303, (MANGROVE BAY CONDOMINIUMS) OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE ALONG SAID SOUTH BOUNDARY NORTH 89°33'52" EAST, 990.00 FEET TO THE CENTERLINE OF HANCOCK CREEK EAST CHANNEL; THENCE ALONG THE APPROXIMATE CENTERLINE OF SAID HANCOCK CREEK, FOR THE FOLLOWING (3) THREE COURSES: 1. SOUTH 02°52'11" EAST, 201.15 FEET; 2) NORTH 74°09'54", 296.35 FEET; 3) SOUTH 74°26'06" EAST 79.67 FEET TO A POINT OF INTERSECTION WITH THE EAST BOUNDARY OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 10; THENCE ALONG SAID EAST BOUNDARY SOUTH 01°30'32" WEST 520.06 FEET TO A POINT OF INTERSECTION WITH THE SOUTH BOUNDARY OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 10; THENCE ALONG SAID SOUTH BOUNDARY SOUTH 89°18'20" WEST 1332.65 FEET TO THE POINT OF BEGINNING.

LESS THE FOLLOWING:

BEGIN AT A POINT 465.1 FEET NORTH AND 25 FEET EAST OF THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 10 IN TOWNSHIP 44 SOUTH RANGE 24 EAST, THENCE RUN NORTH 205.2 FEET; THENCE RUN WEST TO THE EASTERLY SIDE OF THE PRESENT HARD SURFACED COUNTY ROAD; THENCE RUN SOUTH ALONG THE EASTERLY SIDE OF SAID ROAD TO A POINT WEST OF THE POINT OF BEGINNING; THENCE RUN EAST TO THE POINT OF BEGINNING.

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**Exhibit B**

Moody East will be assessed operations and maintenance assessments based on its prorata share of the "Professional & Admin" budget, less the line items "Legal-Litigation" (litigation against Mood) and "Engineering." Using Fiscal Year 2012-2013 as an example, the operations and maintenance assessment per unit in Moody East assuming the Settlement Agreement and Restrictive Covenant were in effect, would have been $128.74 per unit, not including statutory discount and fees of the Lee County Property Appraiser and Tax Collector. This would be a total annual operations and maintenance assessment of $8,883.06 for Moody East ($1,802.36 of which would be attributable to STRAP # 10-44-24-00-01046.0000 and $7,080.70 of which would be attributable to STRAP # 10-44-24-00-01044.00), not including statutory discount and fees of the Lee County Property Appraiser and Tax Collector. This new methodology will not apply until Fiscal Year 2013-2014, assuming the Settlement Agreement and Restrictive Covenant is executed and recorded.

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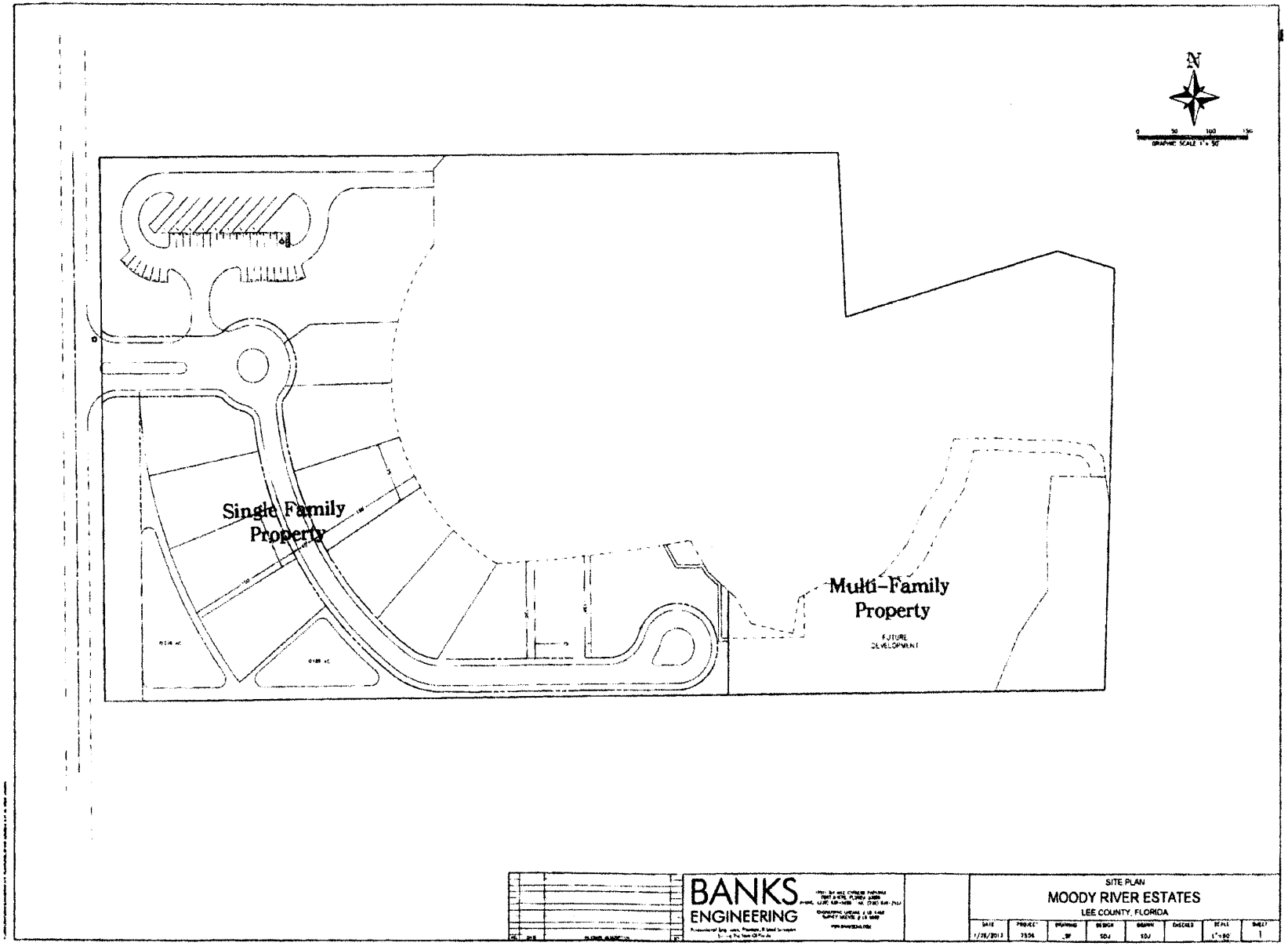
# EXHIBIT "C"



# Home Front Heroes Minor CPD
## Proposed Revisions to Conditions in RESOLUTION NUMBER Z-05-048
## Including Revised Schedule of Uses, Property Development Regulations & 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 ~~one~~two-page Master Concept Plan (MCP) entitled "Moody River Estates," on page 1 and "Home Front Heroes Minor CPD" on page 2, ~~stamped received February 25, 2005, last revised December 20, 2004,~~ except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

   The applicant may develop up to 1,000 residential dwelling units on the property, and 45,000 square feet of commercial uses west of Moody Road. The dwelling units may consist of single-family, zero-lot-line, townhouse, and multi-family units. All of the dwellings will be limited to 35 feet in height on Tracts A-L. A portion of Tract M is zoned Home Front Heroes Minor CPD which allows 50,000 square feet of commercial including up to four caretaker's residences/multiple-family units. Remainder Tract M is limited to a maximum of 200 dwelling units of the total of 1,000 permitted and is allowed a maximum building height of 75 feet.

   If multiple-family dwelling units are developed in Tracts B ~~and M~~ within 250 feet of Moody Road, the applicant must provide the following buffer at the time the first development order for the project is issued.

   a. The buffer must be no less than 20 feet in width.

   b. There may be no fewer than five trees per 100 linear feet of the length of the buffer.

   c. Trees must be no less than four inches in diameter at 12 inches above the ground and no less than 16 feet in height at the time of planting.

   d. Shrubs must be a minimum ten-gallon container size; planted in double staggered rows; at least 48 inches in height; and spaced 36 inches on center. They must be at least 60 inches in height within 12 months of the time of planting and maintained in perpetuity at a height of no less than 60 inches above the adjacent pavement that is required to be buffered, screened, or both, except for visibility at intersections and where pedestrian access is provided.

   e. In Tract B, no backs of buildings will face Moody Road, and no multiple family building will contain more than four dwelling units. In Tract M, no backs of multiple family buildings may face Moody Road.

   f. Special Buffer - Tract B along Moody Road

      Minimum Width: 20 feet
      Minimum # of trees: Five per 100 linear feet
      Minimum tree size: Trees must be no less than four inches in diameter at 12 inches

above the ground and no less than 16 feet in height at the time of planting.

Hedges: Shrubs must be a minimum 10-gallon container size; planted in double staggered rows; at least 48 inches in height; and spaced 36 inches on-center. They must be at least 60 inches in height within 12 months of time of planting and maintained in perpetuity at a height of no less than 60 inches above the adjacent pavement required to be buffered, screened or both, except for visibility at intersections and where pedestrian access is provided.

At least 75 percent of the trees and 50 percent of the shrubs used to fulfill these requirements must be native Florida species.

No wall is required for this buffer.

Single Family detached lots in Tract I must be 7,500 square feet or larger in lot area.

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

a. Schedule of Uses

**RPD - PERMITTED LAND USES**

Tract I - Residential IA (R-1A)

Accessory Uses
Administrative Offices
Agricultural Uses, continuation of bona fide use only
Dwelling Units
Single Family, detached (up to 500 units)
Entrance Gates and Gatehouses
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention
Fences and Walls
Home Occupation, as limited by the LDC
Model Homes, Model Units, and Model Display Center, including accessory parking lots, Real Estate Sales and Rental Office - limited to sales of lots, homes, or units within the development.
Real Estates Sales and Rental Office - limited to sales of lots, homes or units within the development.
Recreation Facilities, Personal and Private On-Site
Residential accessory uses, including but not limited to:
Private garages, carports, and parking areas
Private swimming pools and enclosures
Private Boat Dock and tennis courts
Signs
Temporary Uses - limited to a sales center and a construction office

Tracts C, D, F, H, and J - Residential 1 (R-1)

All uses permitted in the R-1A District plus Dwelling Units: Townhouses (up to 500 units) and Two-family Attached (up to 400 units)

Tracts A, B, and G - Residential 2 (R-2)

All uses permitted in the R-1A District plus Dwelling Units: Multiple Family Buildings (up to 600 units)

Remainder Tract M - Residential 3 (R-3) - (up to 200 units)

All uses in the Residential 1A- R-2 districts and the following uses:
Multi-slip docking facility
~~Boat Ramp - private - Limited solely for the use of the residents within this planned development~~
Multi-slip docking facility
Parking Lot, Accessory

Tract E - Recreational Facilities, Private On-Site or Off-Site

Accessory Uses
Administrative Offices
Agricultural Uses, continuation of bona fide use only
Club (up to 20,000 square feet) Private including but not limited to the following ancillary uses:
- Food and Beverage Service
- Pro Shop and Specialty Retail, Group I Locker Rooms
- Health Club and Spa
- Rental or Leasing Establishment, Group I (limited to bicycles, tennis rackets, and other small sports equipment for use within the development.)

Entrance Gates and Gatehouses
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention
Fences and Walls
Project Maintenance Facility
Recreational Facilities, Group I, for use by the residents of the development and their guests
Signs, including the existing billboard
Temporary Uses - limited to Real Estate Sales and Rental Office limited to sales of lots, homes, or units within the development and a Construction Office

**CPD PERMITTED USES**

Tract K - (up to 45,000 sq ft)

Accessory Uses
Administrative Offices
Animal Clinic - outside kennels are prohibited
ATM (automatic teller machine)
Auto Parts Store

Banks and Financial Establishments, All Groups
Business Services, Group I
Clothing Stores
Daycare Center, Child or Adult
Department Store
Drive-through facility accessory to any permitted use
Drug Store
Essential Services
Essential Service Facility, Group I
Fences and Walls
Gift and Souvenir Shop
Hardware Store
Health Care Facility, Group III
Hobby, Toy and Game Shop
Hospice
Offices, Medical
Personal Services Groups I and II - limited to Beauty Spas, Health Clubs or Spas, Reducing or Slenderizing
Salons, Group III, and Group IV - limited to babysitting bureaus, debt counseling services, portrait copying, shopping services, and tax return preparation services
Real Estate Sales and Rental Office
Rental and Leasing Establishments, Group II - outside storage is prohibited
Restaurants, Standard - Groups I, II, and III
Shopping Center
Signs, in compliance with the LDC
Social Services, Group I only
Specialty Retail Shops, Groups I - IV
Storage, Indoor only and only as an ancillary use
Studios
Temporary Uses - limited to sales center and construction offices, in compliance with LDC regulations regarding temporary uses
Variety Store (added by ADD2017-00148)

**HOME FRONT HEROES MINOR CPD – former portion of Tract M (up to 50,000 sq ft).**

Accessory Uses and Structures*
Administrative Offices
Boats: Boat ramps and dockage (not marinas)
Boat Ramp – private **(Existing Moody River Estates Waterpark)** – Limited solely for the use of the residents **and**
**property owners** within this planned development **and guests**
Caretaker's Residences/multiple-family units (maximum 4)
Community gardens
Entrance gate and gatehouse
EMS, fire or sheriff's station, limited to sheriff's office and ancillary uses
Essential services
Essential service facilities, Group I
Excavation, water retention
Fences, walls

~~Home Occupation~~
Parking lot: accessory, temporary
Private multi-slip docking facility (maximum 10 **wet** slips **and 10 boat trailer parking/dry slips**)
Recreational facilities, personal, private on-site
Restaurant, Group II (temporary food trucks)
~~Schools, non-commercial~~
Signs
Social Services, Groups I and II, **excluding Offender Rehabilitation Agencies and Offender Self-Help**
**Organizations** ~~(Home Front Heroes Non-Profit primary use. Facilities may be shared with other similar non-profit organizations)~~
Storage, Indoor only
Temporary Uses

*Home Front Heroes anticipated Accessory Uses Including but not limited to:
Outreach education - Youth programs
Community Outreach programs to include Crime Prevention education and Presentations.
Sailing/Boating Lessons
Boxing Lessons
Various programs with Sheriff's Youth Athletic League
Soccer
Basketball
Explorers Programs
Camping tents
Kayaking/Canoeing
Fishing
Sheriff's Summer Camp
Arts and Crafts
Shade structures
Tutoring
Temporary events: Petting Zoo, Bounce Houses, Food Trucks, and similar Uses and activities
Lee County Sheriff training events**, no discharging of firearms**

**Conservation Areas (Wetland and Upland Conservation Areas)**

Interpretative centers and Signage, rain shelters, gazebos
Nature and foot trails including boardwalks, benches, and jogging trails
Paths, boardwalks and bridges
Water Management Facilities
Wildlife Management
Mitigation and Restoration Activities

b. Site Development Regulations for all parcels except Home Front Heroes Minor CPD: As approved by Zoning Resolution #Z-03-022, with the sole exception of the allowed building height in Remainder Tract M. This Tract is limited as provided for in Condition 1 and the maximum height of structures within Remainder Tract M is 75 feet.

**RESIDENTIAL PLANNED DEVELOPMENT / MOODY RANCH**

| LAND USES | MIN LOT AREA (SF) | MIN LOT WIDTH (FT) | MIN LOT DEPTH (FT) | MIN. SIDE SET-BACK INCL. CORNER LOTS (FT)* | MIN. REAR LOT SET-BACK (FT) | MIN. REAR WET-LAND SET-BACK (FT) | MIN. REAR ACC. SET-BACK (FT) | MIN. FRONT ENTRY GAR-AGE SET-BACK (FT) | MIN. BLDG. OR SIDE ENTRY GARAGE SET-BACK (FT) | MIN. WTR BODY SET-BACK (FT) | MAX BLDG. HGHT. (FT) | MIN. BLDG SEPARA-TION (FT) | MAX. LOT COV-ER-AGE (%)** |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| SINGLE-FAMILY DETACHED | 4,000 | 40 | 100 | 5 | 20 | 20 | 5 | 20 | 12 | 20 | 35 OR 2 STORY | 10 | 45 |
| TWO FAMILY ATTACH-ED | 3,500 | 35 | 100 | 0 OR 5 | 20 | 20 | 5 | 20 | 12 | 20 | 35 OR 2 STORY | 10 | 45 |
| TOWN HOUSE | 2,000 | 25 | 80 | 0 OR 10 | 20 | 20 | 5 | 20 | 15 | 20 | 35 OR 2 STORY | 10 | 45 |
| MULTI-FAMILY | 10,000 | 100 | 100 | 10 | 20 | 20 | 5 | 20 | 20 | 20 | 35 OR 2 STORY | 10 OR 20 *** | 45 |
| CLUB HOUSE | 20,000 | 80 | 100 | 10 | 20 | 20 | 5 | N/A | 20 | 20 | 45 OR 2 STORY | 20 | 45 |

* Applies to lots of all widths and to corner lots. Each lot, including corner lots, will have only one front yard.
** As defined by LDC Chapter 34. *** 10 feet for 1-story building, 20 feet for 2-story buildings and higher.

| OPEN SPACE AND INDIGENOUS VEGETATION/ MOODY RANCH WEST OF MOODY RD | | | | | | | |
|---|---|---|---|---|---|---|---|
| | ACRES | OPEN SPACE | | | INDIGENOUS VEGETATION | | |
| | | REQUIRED | | MIN. PROVIDED | REQUIRED | | MIN. PROVIDED |
| | | %OPEN SPACE | ACRES | ACRES | % INDIGENOUS | ACRES | ACRES |
| RESIDENTIAL PLANNED DEVELOPMENT | | | | | | | |
| RESIDEN. TRACTS W/LOTS GREATER THAN 6,500 SF. | 54.0* | N/A | N/A | 4.32 | N/A | 2.16 | 2.16 |
| BALANCE OF DEVELOPMENT | 163.4 | 40% | 65.36 | 65.36 | 50% | 32.68 | 32.68 |
| TOTAL | 217.4 | | 65.36 | 69.68 | 50% | 34.84 | 34.84 |
| COMMERCIAL PLANNED DEVELOPMENT | | | | | | | |
| CPD | 4.5 | 30% | 1.35 | 1.35 | 50% | .68 | .68** |
| TOTAL PROJECT | 221.9 | | 66.71 | 71.03 | | 35.52 | 35.52 |

• If the acreage of "Residential Tracts with lots greater than 6,500 square feet• changes, this table will be adjusted accordingly.
** This acreage may be provided within the Residential Planned Development.

| COMMERCIAL PLANNED DEVELOPMENT TRACT K | | |
|---|---|---|
| | PRINCIPAL USES | ACCESSORY USES |
| MIN. LOT OR PARCEL AREA | 10,000 square feet | N/A |
| MIN. LOT WIDTH | 75 feet | N/A |
| MINIMUM BUILDING SETBACKS: | | |
| HANCOCK BRIDGE PARKWAY | 35 feet or BH, whichever is greater | 20 feet |
| INTERNAL FRONTAGE ROAD | 15 feet | 20 feet |
| WATERFRONT | 25 feet | Zero (0) feet to bulkhead or rip-rap at top of bank |
| MINIMUM DISTANCE: | | |
| Between Structures, which are part of an architecturally unified group | 10 feet | 10 feet* |
| Between All Other Structures | 20 feet | 10 feet |
| MAXIMUM BUILDING HEIGHT: | | |

| | | |
|---|---|---|
| Office Buildings | 80 feet | 80 feet |
| Boat Dry Storage | 35 feet | 35 feet |
| Architectural features | N/A | 100 feet |
| MAXIMUM LOT COVERAGE * | 55 percent | 55 percent |

* as defined by LDC Chapter 34

**HOME FRONT HEROES MINOR CPD – former portion of Tract M**

**Minimum Lot Area and Dimensions:**

**Area:**

**Conservation Easement Island: 1.12 acres with no minimum width/depth**

**Main Development Parcel: ~~10,000 square feet~~ 9.66 acres**

**Width: ~~80~~ 670 feet**

**Depth: ~~100~~ 360 feet**

**Minimum Building Setbacks:**

**Perimeter (Principal) 15 feet or ½ building height**

**Street:**

**Moody Road: 25 feet**

**Private: 20 feet**

**Side: 15 feet or ½ building height**

**Rear: 20 feet**

**Waterbody: 20 feet**

**Accessory Structures: In compliance with LDC**

**Minimum Building Separation: 20 feet**

**Maximum Lot Coverage: 45 percent**

**Maximum Building Height: 35 feet (subject to LDC Section 34-2171-34-2174)**

**Open Space: 30 percent (see Deviation 15)**

3. Open space requirements must be tracked with each development order and must be substantially consistent with the Open Space and Indigenous Vegetation. A cumulative open space table listing the development tract, development order number, type of use, lot size, lot coverage, and required open space must be included with each development order. The open space table must include all development orders under review and approved. The development order plans must demonstrate how the open space requirements for common open space and indigenous/native tree preservation are being met. The residential development tracts must be labeled as to minimum lot size and maximum lot coverage. A minimum of 54 acres including associated lakes and roadways must be single family residential lots with a minimum lot size of 6,500 square feet and a maximum lot coverage of 45 percent.

4. Prior to issuance of a Vegetation Removal Permit: (1) the existing borrow pit area and

wetlands must be surveyed specifically for the presence of wading bird and alligator nests. If any active nests are located, then buffer areas must be established to protect these areas; and (2) the area located north of Hancock Bridge Parkway must be resurveyed for gopher tortoise burrows.

5. Gopher tortoises must be protected on-site. The gopher tortoise preserve must be provided in the CO tract with the bald eagle nest on the Master Concept Plan stamped received February 25, 2005. The development order plans must include the location and detail of sandy earthen berms to be created within the gopher tortoise preserve to provide a high, dry area for burrowing; and a vegetative barrier or permanent fencing must be delineated along any roadway abutting the gopher tortoise preserve. The berms within the preserve must be planted with a mixture of bahia grass, other broad leaf vegetation, and scattered native shrubs prior to moving gopher tortoises to the preserve. Supplemental feeding such as alfalfa hay may be necessary until the berm plantings establish.

   Prior to the issuance of a Certificate of Compliance for the infrastructure, either the vegetative barrier or permanent fencing must be installed along any roadways or development areas under construction abutting the gopher tortoise preserve, whichever is chosen at time of local development order review.

6. Prior to local development order approval, the plans must include signs adjacent to the lake abutting the Club Tract E stating "It is unlawful to feed or harass alligators." Additional information regarding how to live with alligators including the danger of approaching or feeding alligators must be available for residents or potential residents in the sales center and club house.

7. Prior to local development order approval, a minimum 10-foot waterway buffer must be delineated along the canal measured from the State jurisdictional wetland line. All native vegetation within the waterway buffer must be retained during subdivision development and perpetually by future residents. Additionally, any native tree clusters which occur within 25-feet of the State jurisdictional wetland line must be preserved or relocated on-site using proper horticultural means if the trees interfere with building layout or the site drainage system. Sabal palms located landward of the 10-foot-wide waterway buffer may be preserved in place or relocated on-site. An accessway to a dock or fishing/observation pier may be installed through the waterway buffer limited to a four-foot width and placed to avoid existing native vegetation to the maximum extent possible.

   Prior to plat approval, the homeowner's documents/deed restrictions must include language detailing the preservation of native trees along the canal.

8. Any sabal palms with a minimum eight-foot clear trunk located within the project boundaries north of Hancock Bridge Parkway must be either preserved in place or relocated on-site to buffers or common areas. Efforts must be made to coordinate the salvaging of any sabal palms with a minimum eight-foot clear trunk located within the project boundaries south of Hancock Bridge Parkway with the Division of Environmental Sciences' Staff, whether used on-site or otherwise. Any sabal palms being relocated must be moved in a horticulturally correct manner, per Lee County Extension Services brochure Lee 8/2000A, attached as Exhibit D hereto. Prior to local development order approval, any preserved and/or relocated palms must be delineated on the plans. Preserved and relocated sabal palms will receive protected tree credits per LDC §10-420(h).

9. Bulkhead or rip-rap may be used along up to 30 percent of the lake shorelines adjacent to internal project roadways and Club Tract E. If bulkhead or rip-rap is proposed, it must be delineated on the landscape plan, and the paving and grading plan with cross-sections. A compensatory littoral zone must be provided for each linear footage of bulkhead or rip-rap and must consist of an 8:1 slope, with two herbaceous littoral plants per linear foot of shoreline. The littoral plantings must be clustered within the compensatory littoral zone.

10. The full median openings indicated on the Master Concept Plan are subject to any future operational decision by the County to install a traffic signal, modify, or remove the median opening. If installation of a traffic signal is deemed to be appropriate by the County at the project entrance, the full cost of the traffic signal improvement will be the responsibility of the developer.

11. All Model Homes and Model Units are regulated by the provisions of LDC §34-1951. All Model Homes, Model Units, and Model Display Centers, throughout the entire project, are limited by the time limitations of LDC §34-1954(d).

12. Commercial buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC §34-2174(a).

13. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.

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

15. The drainage and access easements depicted on the Master Concept Plan must be accommodated and incorporated (at development order approval stage) into the development orders and plats for the subject property, unless proof that the easements have been released or relocated is provided.

16. No development blasting activity is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.

17. The 12-foot-wide Lee County Electric Cooperative (LCEC) easement, as depicted on the Master Concept Plan (recorded at O.R. Book 1054, Page 776), must be released or relocated at the time of development order approval.

18. AGRICULTURAL USES: Existing bona fide agricultural uses on this site are allowed only in strict compliance with the following:

    a. Bona fide agricultural uses that are in existence at the time the application for this project was filed, and as shown on Exhibit E attached hereto, may continue until approval of a local development order for the area of the project containing those uses.

b. Additional clearing of trees or other vegetation in agricultural areas is prohibited. Existing areas of bona fide agricultural use may be maintained, i.e., mowed, but not cleared or expanded. This prohibition is not intended to preclude County approved requests for the removal of invasive exotic vegetation.

c. Prior to issuance of a local development order, the property owner must provide written proof, subject to approval by the County Attorney's Office, of the following:

i. Termination of all agricultural use on any portion of the property included in the development order application/approval. Proof must include a sworn affidavit from the person or entity holding title to the subject property that specifically provides:

(1) the date the agricultural uses ceased;

(2) the legal description of the property subject to the development order approval;

(3) an affirmative statement that the owner acknowledges and agrees that all agricultural uses are illegal and prohibited on the property and that the owner covenants with the county that they will not allow any such uses on the property unless and until the property is re-zoned to permit such uses; and,

(4) that the affidavit constitutes a covenant between the owner and the county that is binding on the owner and their assignees and successors in interest.

The covenant must be properly recorded in the public records of the county at the owner's expense.

ii. Termination of the agricultural tax exemption for any portion of the property included in the development order application/approval. Proof as to termination must include of a copy of the request to terminate the tax exemption provided to the Property Appraiser.

19. The design of the right-out turn onto Hancock Bridge Parkway shall include adequate sight distance for a vehicle to turn onto Hancock Bridge Parkway and obtain a safe speed without interfering with the thru traffic on Hancock Bridge Parkway, as described in AASHTO. The access point must also meet the intersection separation distance of 660 lineal feet, as defined in LDC §10-285 (Connection Separation).

20. The southern bald eagle management plan entitled "Bald Eagle Management Plan Nest LE43B for Moody River Estates" prepared by W. Dexter Bender & Associates, Inc. stamped received June 18, 2004 is hereby adopted by reference. A copy of the text is attached as Exhibit F. All provisions of this Plan must be implemented through the development order and Vegetation Removal Permit process. The prohibition against radios and CD/cassette players is not intended to prevent use of on-body, personal portable music players, worn with ear plugs.

21. Prior to local development order approval, the development order plans must delineate the location of the boat ramp, docks and mooring pilings. The final design of these structures is subject to review through the Lee County Dock and Shoreline Permit process.

22. ~~Prior to issuance of a Lee County Dock and Shoreline Permit, the marina basin design must include the creation of habitat through littoral planting shelves between the docks and the shoreline and underwater habitat under the docks.~~ The proposed design and any mitigation is subject to review and approval by the Division of Environmental Sciences Staff at the time of development order.

23. DELETED. ~~Prior to local development order approval, the design and planting plan for the island depicted on the Master Concept Plan between the marina basin and Hancock Creek must be detailed on the landscape plan. The planting plan must include 100 percent native vegetation to create native habitat and must provide a minimum 5-foot-wide littoral shelf planted with a minimum of four native wetland species. The littoral plantings must provide 50 percent coverage of the littoral shelf at time of planting.~~

24. The transfer of excavated materials from this development south across Skyline Drive is limited to a maximum of 188,000 cubic yards. The transfer of material from this site is prohibited between the hours of 7:30 a.m. to 8:30 a.m., and 1:30 p.m. to 2:30 p.m. on the

days School District of Lee County is holding classes. Otherwise, the hours for transfer of the excavated materials may be from 6:00 a.m. to 6:00 p.m., provided the crossing section of Skyline Drive is well lighted for the early morning and late afternoon hours. Fill transfer is only permitted on Saturdays from 8:00 a.m. to 5:00 p.m., and no fill transfer is permitted on Sunday.

25. The developer will be responsible for any damage to Skyline Drive resulting from this construction activity. The developer will be responsible for the repair of those damages, as needed, and will coordinate the repairs with the Lee County Department of Transportation.

26. The developer will provide personnel to direct traffic at the crossing of Skyline Drive and extra lighting of the crossing area in an attempt to prevent accidents at this crossing.

27. At the intersection of the project's internal road connection with Moody Road, the developer is responsible for the erection of signs warning motorists on Moody Road of the potential crossing of vehicles with boat trailers from one side of Moody Road to the other.

SECTION C. DEVIATIONS:

1. Deviation (1) withdrawn.

2. Deviation (2) withdrawn.

3. Deviation (3) seeks relief from the LDC §10-329(e)(4) requirement to provide excavation banks to be sloped, to allow up to 40 percent of the banks to utilize either:

   a. a vertical slope with the condition that lake bottom slopes at the toe of any bulkhead may be no greater than 4:1; or

   b. a 2:1 (horizontal: vertical) slope to a depth of six-feet below control elevation, with the condition that the 2:1 sections be stabilized with rip-rap.

   This deviation is APPROVED, SUBJECT TO Condition 9, and that adequate elements for the protection of wayward vehicles are provided when adjacent to any roadway, parking lot, or driveway aisle.

4. Deviation (4) withdrawn.

5. Deviation (5) withdrawn.

6. Deviation (6) withdrawn.

7. Deviation (7) withdrawn.

8. Deviation (8) seeks relief from the LDC §10-285(a) requirement to provide that connection separations on local roads be a minimum of 125 feet, to allow driveways serving multiple family units with private driveways to have a minimum separation of 20 feet. This deviation is APPROVED, SUBJECT TO the following condition:

Provided the setback applies to internal roads and accessways with a posted maximum speed of 20 MPH, that there be a visual clear zone in accordance with LDC §34 -3131, that there be a provision for traffic calming devices (if required) as identified in the ITE Residential Street Design and Traffic Control Book, and that each drive is only serving a private driveway and garage for an individual unit.

9. Deviation (9) withdrawn.

10. Deviation (10) withdrawn.~~seeks relief from the LDC §10-285(b) requirement to provide access roads that intersect another road that also intersects the parallel arterial or collector road to have an outer separation of 100 feet from the edge of pavement of the arterial or collector, to allow a separation of 65 feet. This deviation is APPROVED, SUBJECT TO the condition that, prior to local development order approval, the developer demonstrates that the Emergency Medical Service and local Fire District have reviewed these plans and have no objections to the design supporting this deviation and that the health, safety, and welfare of the residents in Tract M has been protected.~~

11. Deviation (11) seeks relief from the LDC §10-296(m)(4) requirement to provide no more than 100 multiple family units to be constructed without provision of a right-of-way, to allow up to 200 units. This deviation is APPROVED, SUBJECT TO the condition that, prior to local development order approval, the developer demonstrates that the Emergency Medical Service and local Fire District have reviewed these plans and have no objections to the design supporting this deviation and that the health, safety, and welfare of the residents in Remainder Tract M has been protected.

12. Deviation (12) seeks relief from the LDC §10-329 (b) Table1 requirement which limits excess spoil removal plans for development order projects to 20,000 cubic yards of material, to allow up to 188,000 cubic yards. This deviation is APPROVED, provided the soil removal is from the RPO site to the project's RM-2 parcel on the south side of Skyline Drive.

13. Deviation (13) seeks relief from the LDC §10-296(k)(1) requirement to provide a circular turnaround (cul-de-sac) for dead-end streets, to allow a hammerhead turnaround. This deviation is APPROVED, SUBJECT TO the condition that, prior to local development order approval, the developer demonstrates that the Emergency Medical Service and local Fire District have reviewed these plans and have no objections to the design supporting this deviation and that the health, safety, and welfare of the residents in Tract G has been protected.

14. Deviation (14) withdrawn ~~seeks relief from the LDC §34-935 requirement that the minimum separation between structures must be one-half the sum of the height of the buildings, to allow a separation of 47 feet. This deviation is APPROVED as depicted on attached Exhibit G~~.

15. Deviation (15) Home Front Heroes Minor CPD seeks relief from Land Development Code (LDC) Section 10-415 which requires large commercial developments to provide a minimum of 30 percent open space; to allow the navigable waterways within the boundary

to be excluded from the required open space calculations and to allow preservation of existing mangroves to meet indigenous requirement.

16. Deviation (16) Home Front Heroes Minor CPD seeks relief from LDC Section 10-421(a)(8) which states that if a wall or fence is proposed, but not required, then the required buffer plantings must be installed on the exterior side (between the wall and the abutting property or street right-of-way) of the wall or fence; to allow the decorative fence to be outside the existing buffer along Moody Road.

17. Deviation (17) Home Front Heroes Minor CPD seeks relief from LDC Section 10-416(d) which requires a type C/F buffer when commercial abuts residential; to allow the existing type B buffer to remain.

18. Deviation (18) Home Front Heroes Minor CPD seeks relief from LDC Section 34-2020(b) which requires 1 parking space per 300 square feet of social services Group I office uses and 1 parking space for every 2 boat slips; to allow a 10 percent reduction in required parking pursuant to LDC Section 34-2020(c)(2).

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 (subject parcel identified with shading)
Exhibit C: The Master Concept Plan

Exhibit D: Lee County Extension Services brochure Lee 8/2000A
Exhibit E: Affidavit of bona fide agricultural uses

Exhibit F: Eagle Management Plan
~~Exhibit G: Deviation Drawing~~

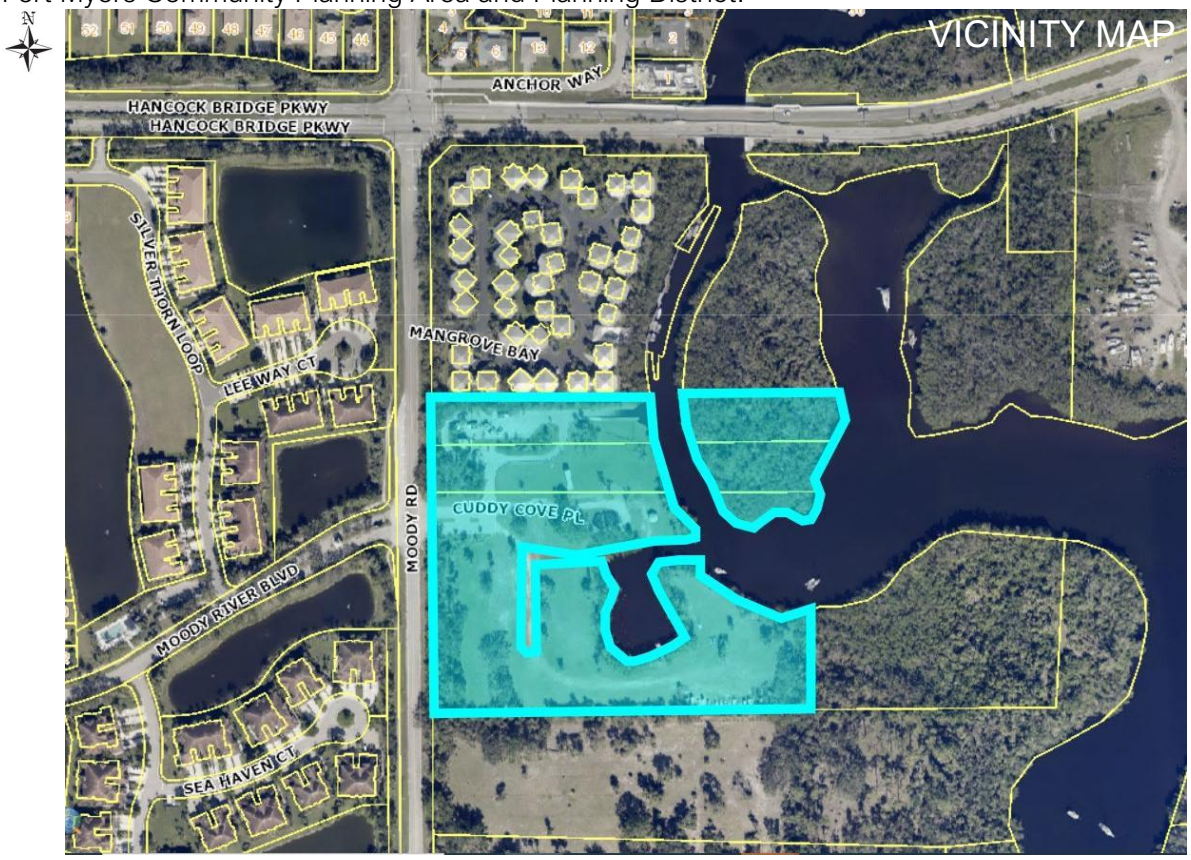
ATWELL

# Home Front Heroes Minor CPD
# Narrative of Request
**DCI2023-00047-Revised May 2024**

## Introduction/Request

The applicant, Home Front Heroes, Inc., a Florida not for profit corporation, is requesting approval of an amendment to a portion of Tract M of the existing Moody River Estates RPD/CPD (Z-05-048) to rezone 10.78± acres of land (15.76± acres including navigable waterway) from Residential Planned Development (RPD) to Home Front Heroes Minor Commercial Planned Development (CPD) to allow a maximum of 50,000 square feet of commercial uses including up to four caretaker's residence units/multiple-family units with accessory multi-purpose outdoor recreation areas, existing boat ramps, and private multi-slip docking facility with maximum 10 wet slips and 10 optional boat trailer parking spaces/dry slips with a maximum building height of 35 feet.

The property consists of six parcels located on the east side of Moody Road approximately 550 feet south of its intersection with Hancock Bridge Parkway. The site addresses are 884, 938 & 940 Moody Road & three parcels with access undetermined since they are an island of preserved mangrove wetlands within Hancock Creek. The main parcel is located within the Suburban Future Land Use Category while the island parcels are within the Wetlands Future Land Use Category within the North Fort Myers Community Planning Area and Planning District.




The requested CPD zoning is to allow the Home Front Heroes charitable organization to provide charitable assistance and community outreach social service programs including education, crime prevention, public safety, recreation and animal welfare services for youth, veterans, the disabled

and the needy. The proposed Master Concept Plan (MCP) identifies development of the site which contains the following six phases of development (phase timing may be interchangeable):

- Phase 1: Temporary Events including but not limited to outdoor recreation, petting zoo, bounce houses, food trucks, shade structures and/or temporary trailer(s).
- Phase 2: Add handrails and no mooring sign to existing dock for fishing boardwalk, installation of bollards for existing boat ramp to ensure non-motorized use only.
- Phase 3: Maximum of 4 caretaker's residences (multiple-family dwelling units) with phased drive aisle, phased parking, and phased dry detention.
- Phase 4: Private multi-slip docking facility with optional boat trailer parking, phased parking, and phased dry detention.
- Phase 5: Future building, phased parking, and phased dry detention.
- Phase 6: Potential paddle craft access to existing dock.

The anticipated programs for the site include but are not limited to accessory uses such as sailing and boating lessons, boxing lessons, various programs with the Lee County Sheriff's Youth Athletic League, soccer, basketball, explorer programs, camping, kayaking/canoeing, fishing, arts and crafts, tutoring, and Sheriff training events. It is also anticipated to share the facilities with other similar non-profit organizations. It is anticipated that most of the youth programs will take place after school, on weekends and during the summer.

## Background

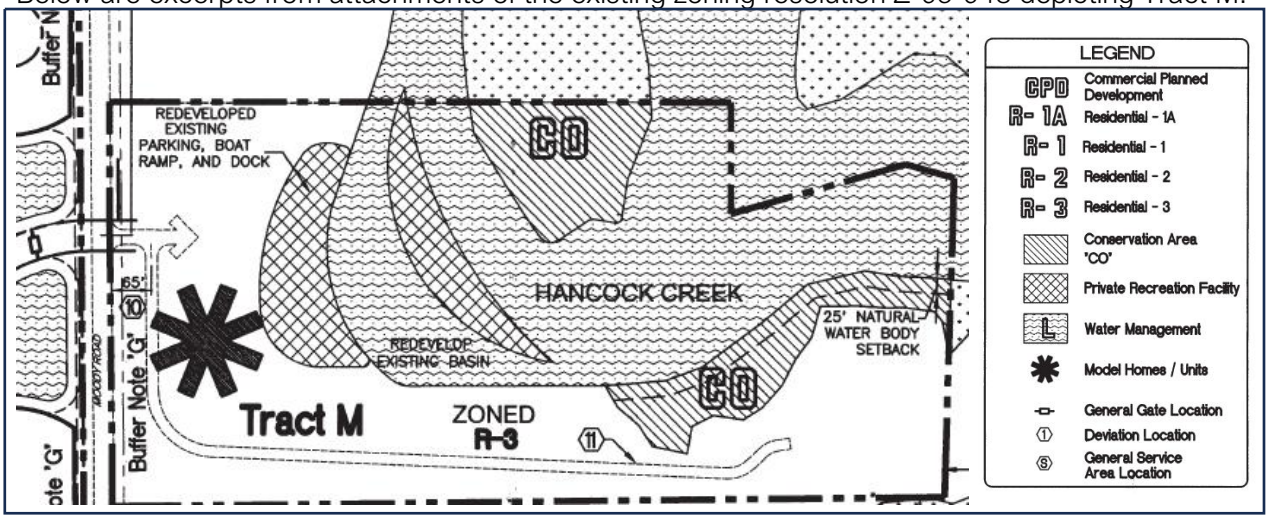
The subject property is a portion of Tract M of the existing Moody River Estates RPD which is governed by zoning resolution number Z-05-048, approved on September 19, 2005 which rezoned the property from AG-2. The southeast 3.63± acre corner of Tract M (STRAP number 10-44-24-00-01044.0000) is not included in this request. Tract M is permitted up to 200 dwelling units (single-family, townhouses, two-family attached, or multi-family) with a maximum height of 75 feet. The site also includes uses such as recreation facilities, personal and private on site, private boat dock, tennis courts, and a multi-slip docking facility. The approved MCP shows a Private Recreational Facility and Conservation area on Tract M as well. The conservation areas allow interpretive centers and signage, rain shelters, gazebos, nature and foot trails including boardwalks, benches and jogging trails, paths, boardwalks and bridges. Private Recreational Facilities are defined in LDC Section 34-2 as, "…includes nature trails, tent camping areas, boardwalks, play areas (as defined in "Park Planning Guidelines, 3rd Edition"), horse stables and riding areas, golf courses, and other uses…" Recreation Facilities, personal and private on site both allow recreation equipment and facilities.

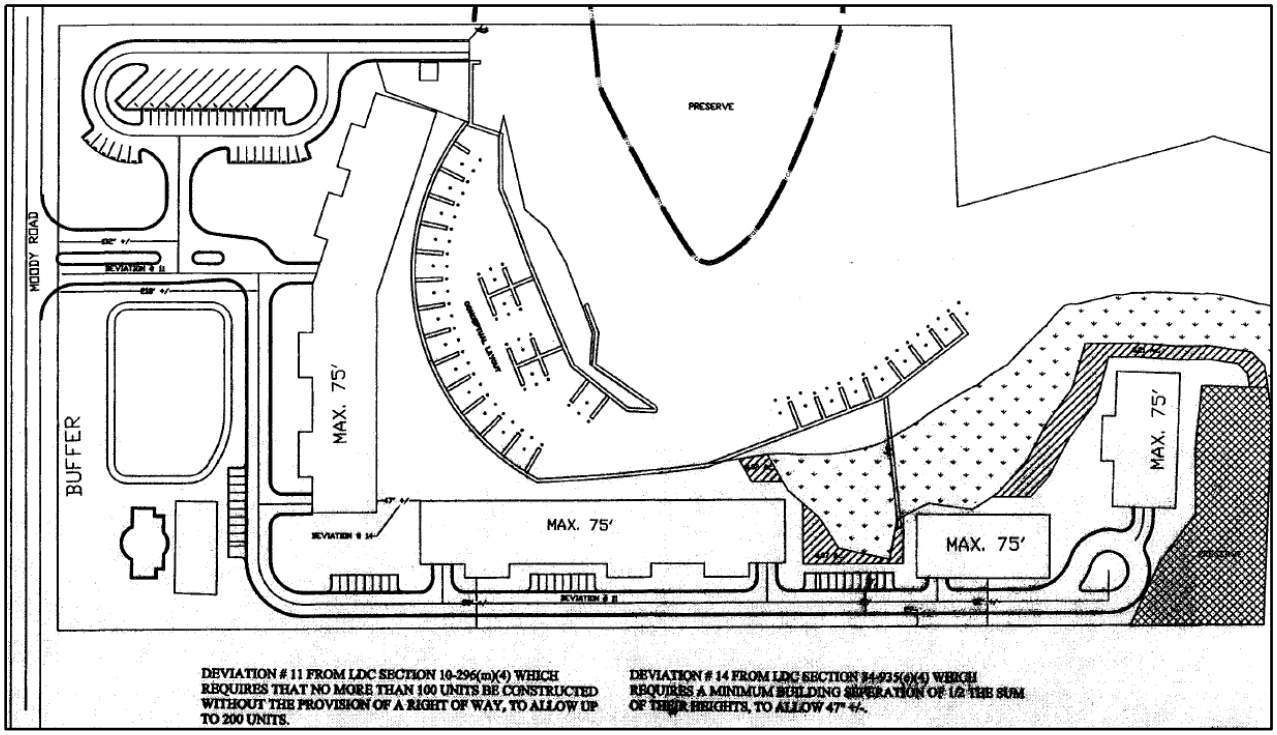
The overall Moody River Estates was approved for 1,000 dwelling units (may be single-family, zero-lot-line, townhouse and multi-family) and 45,000 square feet of commercial uses.

The northern portion of the subject property has been partially developed with Moody River Estates Waterfront Park: a gated, private boat ramp launch facility for the subject property and Moody River Estates development with associated parking, restroom facilities, landscaping and infrastructure that was approved under case number LDO2013-00596. A minor change to the landscaping was later approved under case number LDO2019-00170. The southern portion of the site was approved and partially cleared and filled under case number DOS2013-00023. There is an existing non-motorized boat ramp, gazebo and temporary trailer on the site and a fence has been installed under case number LDO2023-00316.

Although not part of Lee County approvals, it should be noted that there was a private settlement agreement on the subject property that limited the subject property to 14 single-family units (with acknowledgement of intention to convey to not-for-profit charitable entity for use consistent with mission to assist young people to develop and grow into contributing members of society) and the remainder portion of Tract M not included in the request to 55 multi-family units. This agreement has no impact on the existing zoning entitlements for Tract M that allow up to 200 dwelling units, boat ramp, multi-slip docking facility, recreation facilities and accessory parking lot. The subject application is an important step in realizing the charitable use vision for the property.

Below are excerpts from attachments of the existing zoning resolution Z-05-048 depicting Tract M:



## Land Development Code Analysis

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

### *(a) Complies with the Lee Plan*

Rezoning the subject property from RPD to minor CPD is consistent with the Lee Plan and will facilitate compatible development of social services serving the community at a location that has been deemed appropriate for development for over 18 years. The subject property is located in the Suburban and Wetland Future Land Use Categories. The proposed rezoning to minor CPD is consistent with the following goals, objectives, standards and policies of the Lee Plan:

The Suburban Future Land Use Category is described in the Lee Plan as follows.

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

Approval of the requested rezoning will allow development of the subject property consistent with the intent of the Suburban Future Land Use category at a location identified for development for over 18 years. The subject property is surrounded by property also located within the Suburban Future Land Use Category and Wetlands Future Land Use Category within and along Hancock Creek to the east. The Suburban areas are appropriate for commercial zoning categories and uses as demonstrated by the existing commercial zoning along Hancock Bridge Parkway and Skyline Drive, including the CPD portion of Moody River Estates which includes social services, group I in its schedule of uses. Development of not-for-profit, charitable social services and associated uses including the private multi-slip docking facility, maximum four caretaker's residences/multiple-family and ancillary outdoor recreation areas are appropriate uses for the site and will allow the subject property to provide beneficial services necessary to serve the community and surrounding residential areas and fulfilling the longtime vision for the site. The existing zoning allows for 200 dwelling units with a maximum height of 75 feet on Tract M along with a multi-slip docking facility and the existing boat ramp for use by the subject property and Moody River Estates. The property has rights to construct or transfer up to 125 watercraft slips per the Limited Deed of Conservation Easement recorded in Instrument Number 2013000240535. The previously permitted 53-slip multi-slip docking facility attached to the current zoning resolution is much more intense than the 10 wet slips and optional 10 boat trailer parking spaces/dry slips proposed with the current request. Approval of the rezoning request will allow for appropriate, compatible development of the site while reducing the previously approved building mass and height and size of the multi-slip docking facility. The proposed amendment rezoning to minor CPD and requested schedule of uses are consistent with Policy 1.1.5.

The Wetland Future Land Use Category is described in the Lee Plan as follows.

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

The only portion of the property that is designated within the Wetland Future Land Use Category is the mangrove wetlands on the island parcel which are within an existing conservation easement, are designated as historic flowway by Lee County GIS mapping and continue to be preserved by this request. The submitted Environmental Assessment demonstrates a total of 2.3± wetlands, some of which are within Hancock Creek. The wetland areas are provided on the MCP as follows: island parcel: 1.12± acres (plus 0.48± acre additional within Hancock Creek) and 0.29± acre within the main parcel and manmade basin (plus 0.41± acre within Hancock Creek). The existing wetlands will be preserved to the maximum extent possible. The proposed amendment rezoning to minor CPD remains consistent with Policy 1.5.1.

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

*commercial or industrial uses contained in Table 1(b) to be exceeded. This policy will be implemented as follows:*

1. *For each Planning District the County will maintain a parcel-based database of existing land use.*
2. *Project reviews for development orders must include a review of the capacity, in acres, that will be consumed by buildout of the development order. No development order, or extension of a development order, will be issued or approved if the acreage for a land use, when added to the acreage contained in the updated existing land use database, exceeds the limitation established by Table 1(b) regardless of other project approvals in that Planning District.*
3. *When updating the Lee Plan's planning horizon, a comprehensive evaluation of the Planning Districts Map and Acreage Allocation Table will be conducted.*

Lee Plan Policy 1.6.5 establishes the Planning Communities Map and Acreage Allocation Table 1(b). There are 1,121 acres allocated for commercial development within the North Fort Myers Planning Community with 682± acres existing. There are 439± acres remaining to be developed as commercial which accommodates the subject request's conversion of the site's 10.78± acres of land (15.76± acres including navigable waterway). The requested amendment rezoning to CPD is consistent with Policy 1.6.5.

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

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

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

As previously stated, approval of the amendment rezoning to minor CPD will facilitate compatible development of social services serving the community at a location that has been deemed appropriate for development for over 18 years and will provide an opportunity to establish the compact and contiguous growth pattern envisioned by Lee Plan Objective 2.1. The proposed rezoning is consistent with Lee Plan Objective 2.1 and Policies 2.1.1 and 2.1.2

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

*of Sections 163.3202(2)(g) and 163.3180, F.S. and the concurrency requirements in the Land Development Code.*

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

As previously stated, approval of the amendment rezoning to minor CPD will facilitate compatible development of social services serving the community at a location that has been deemed appropriate for development for over 18 years. Adequate public facilities exist to service the existing approved intensities and are adequate to service the needs of the proposed request. The site has frontage and an existing access onto Moody Road (county-maintained minor collector) approximately 550 feet south of its intersection with Hancock Bridge Parkway (county-maintained arterial). The existing access is identified on county records as Cuddy Cove Place (private local) which aligns with Moody River Boulevard (private local). This is only a site access point and not a road easement or right-of-way. The submitted Traffic Impact Statement (TIS) was analyzed using a "worst case" scenario of a Recreational Community Center since there is no use within the Institute of Transportation Engineer's (ITE) Trip Generation Manual, 11th Edition that matches the unique use being proposed for the site. The proposed use is less intense than the analyzed use with most activities occurring after school, weekends and during summer months. The TIS demonstrates that the rezoning will not degrade the roadway Level of Service on the roadways within the study area. All of the roadway links will continue to operate at an acceptable Level of Service pursuant to the Lee Plan in 2028 both with and without the proposed development. Therefore, roadway capacity improvements will not be warranted as a result of the additional traffic to be generated by the proposed development. An additional Traffic Impact Statement will be provided at the time of Development Order application. A Letter of Availability from Lee County Utilities has been submitted with the request demonstrating there is sufficient capacity to serve development of the property. The proposed development's estimated flows are considerably less than that which would have been generated by the existing approved intensity for the site. North Fort Myers Fire Station 2 is 1.6± miles from the site at 1280 Barrett Road. Lee County EMS Medic 7 and Lee County Sheriff's North District Office are located 1.6± miles from the site at 121 Pondella Road. There is an existing sidewalk along the west side of Moody Road. There is an existing bus stop across the street for the Gold Line Route of the Downtown Fort Myers River District Trolley which provides seasonal service November through April.

The following describes the surrounding future land use, zoning and uses on the adjacent properties:

*North*
The property adjacent to the north is within the Suburban Future Land Use Category, zoned Multi-Family RM-2 and is developed with Mangrove Bay Condominiums. The onsite existing boat ramp with associated parking and restrooms abut this property which is buffered with an existing 15' Type B buffer that was previously found compatible and is proposed to remain as demonstrated on the submitted MCP.

*East*
Adjacent to the east is the remaining undeveloped portion of Tract M of the Moody River Estates RPD that is not included with this request and was previously anticipated to be developed with approximately 55 multi-family dwelling units. The proposed MCP depicts the required Type C or F buffer for commercial uses abutting multi-family residential uses. Also adjacent to the east is Hancock Creek where the existing zoning allows a much larger multi-slip docking facility where a 10-slip private multi-slip docking facility is now proposed. The shorelines have been historically man-altered, so no natural water body buffer is required nor proposed in this location. The reduced size of the proposed private multi-slip docking facility remains compatible with the adjacent Hancock Creek.

*South*
Adjacent to the south are agriculturally (AG-2) zoned pasture lands within the Suburban Future Land Use Category where no buffer is required. This adjacent property is under negotiation with Conservation 2020 which has not yet been finalized.

*West*
Adjacent to the west is the Moody Road intersection with Moody River Boulevard then Moody River Estates RPD Tracts A and B within the Suburban Future Land Use Category developed with an existing buffer, stormwater lakes and an existing multi-family 4-unit coach home across from the southern portion of the site and an existing multi-family 6-unit carriage home across from the existing boat ramp facilities. The subject property has existing buffering installed along Moody Road which is shown on the proposed MCP. As previously stated, the Moody River Estates community has been aware of the longtime vision and intention of use of the property for a not-for-profit charitable entity to assist young people to develop and grow into contributing members of society.

Approval of the requested Minor CPD will allow for compatible infill development providing a compact and contiguous development pattern, consistent with Objective 2.2 and Policy 2.2.1.

*STANDARD 4.1.1: WATER.*
*1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Chapter 62-550, F.A.C.).*
*2. If the proposed development lies within the boundaries of a water utility's certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 6), then the development must be connected to that utility.*
*3. The developer must provide proof that the prior commitments of the water utility, plus the projected need of the developer, do not exceed the supply and facility capacity of the utility.*

*STANDARD 4.1.2: SEWER.*
*1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.*
*2. If the proposed development exceeds the thresholds listed above and lies within the boundaries of a sewer utility's certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 7), and that utility has sufficient capacity to*

*provide minimum service to the development, then the development must connect to that sewer utility if there is existing infrastructure adequate to accept the effluents of the development within l/4 mile from any part of the development.*

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

The subject property is located within the Lee County Utilities service area and existing facilities are available for connection. A Letter of Availability from Lee County Utilities has been submitted with the request demonstrating there is sufficient capacity to serve development of the property. The proposed development's estimated flows are considerably less than that which would have been generated by the existing approved intensity for the site. Further, the Applicant will be required to provide water and sewer service in accordance with the Lee County Land Development Code at the time of local Development Order. The requested rezoning is consistent with Standards 4.1.1 and 4.1.2.

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

There are existing residences to the north in Mangrove Bay and to the west across Moody Road in Moody River Estates. There are potential future residences to the east on the remainder of Tract M. As previously discussed, the property has existing zoning approval to construct multi-family residential uses with a maximum height of 75 feet and private recreational facilities including a larger private multi-slip docking facility. The proposed use reduces height from 75 feet to 35 feet, reduces the private multi-slip docking facility from 53-slip to 10 wet slips and 10 optional boat trailer parking spaces/dry slips, continues to have recreational facilities and limited commercial uses. The proposed uses are less intense than the existing zoning allows. The onsite existing boat ramp with associated parking and restrooms abut Mangrove Bay which is buffered by an existing 15' Type B buffer that was found compatible and is proposed to remain as demonstrated on the submitted MCP. No changes are proposed to the existing boat ramp facilities so no changes are proposed to the existing buffer. Commercial uses require a 15' Type D buffer along rights-of-way which is the proposed minimum buffer along Moody Road. Portions of this buffer have previously been installed and are proposed to remain with the southern portion exceeding the Type D buffer requirements. The MCP depicts the required Type C or F buffer along the eastern property line. These buffers are appropriate and allow for compatible infill development. The request is consistent with Policy 5.1.5.

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

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

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

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

As discussed previously, the project has existing access and the submitted TIS demonstrates approval of the rezoning will not degrade the roadway Level of Service on the roadways within the study area. All of the roadway links will continue to operate at an acceptable Level of Service pursuant to the Lee Plan in 2028 both with and without the proposed development. Therefore, roadway capacity improvements will not be warranted as a result of the additional traffic to be generated by the proposed development. Adequate public services and facilities exist to serve the proposed rezoning. The proposed MCP demonstrates adequate screening and buffering of the proposed development which is compatible with adjacent land uses and surrounding neighborhoods. The existing wetlands continue to be preserved to the maximum extent possible. The southeast portion of the site is within the 660' eagle nest zone of nest site LE-043 with less than 20± feet within the 330' eagle nest zone. The submitted Bald Eagle Management Plan demonstrates that the nest was declared unsuccessful for the 2023 nesting season and is believed to be unsuccessful for the 2024 nesting season. The applicant will coordinate with Lee County staff and the Eagle Technical Advisory Committee and demonstrate compliance with the LDC. No construction will occur within the eagle nest zone during nesting season unless approved by Lee County. The requested rezoning facilitates the longtime charitable use vision for the property and is consistent with Goal 6, Objective 6.1, Policy 6.1.1.

*POLICY 6.1.3: Commercial developments requiring rezoning and meeting DCI thresholds must be rezoned to a Planned Developments except if located within the Mixed Use Overlay. The Planned Development must be designed to arrange uses in an integrated and cohesive unit in order to: provide visual harmony and screening; reduce dependence on the automobile; promote pedestrian movement within the development; utilize joint parking, access and loading facilities; avoid negative impacts on surrounding land uses and traffic circulation; protect natural resources; and, provide necessary services and facilities where they are inadequate to serve the proposed use.*

The proposed project does not meet DCI thresholds, however the applicant is proposing an amendment for rezoning to Minor CPD to provide the specific development plan which will allow for appropriate, compatible development of the site fulfilling the longtime vision for not-for-profit charitable use of the property benefiting the community while reducing the previously approved building mass, height and size of the multi-slip docking facility. Adequate screening will continue to be provided and natural resources protected. The request is consistent with Policy 6.1.3.

> *POLICY 6.1.4: Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities.*
>
> *POLICY 6.1.5: Maintain land development regulations that require commercial development be designed to protect the traffic-carrying capacity of roads and streets. Methods to achieve this include, but are not limited to: frontage roads; clustering of activities; limiting access; sharing access; setbacks from existing rights-of-way; acceleration, deceleration and right-turn-only lanes; and, signalization and intersection improvements.*
>
> *POLICY 6.1.6: Maintain land development regulations that require commercial development provide adequate and appropriate landscaping, open space, buffering, and architectural standards.*

As previously stated, the amendment for rezoning the property from RPD to minor CPD will facilitate development of appropriate and compatible uses with existing available public services and facilities to service the site. The compatibility is evident by the proposed Social Services, Group I use being a permitted use on Moody River Estates CPD Tract K which is approximately 110 feet from the nearest existing residences in Tract J. Not only are the nearest residences approximately the same distance from the subject property, Moody Road with existing enhanced buffers along both sides separates the site from Moody River Estates. The existing boat ramp was already reviewed and approved and found compatible with the Mangrove Bay uses to the north. The site has existing access which will continue to accommodate the existing Moody River Estates Waterfront Park facilities and the proposed Home Front Heroes uses. The proposed setbacks to Moody Road are 25 feet, consistent with LDC Section 34-2192. The submitted TIS demonstrates that the rezoning will not degrade the roadway Level of Service on the roadways within the study area and that roadway capacity improvements will not be warranted as a result of the rezoning. Site specific turn lane improvements along Moody Road at the site access drive intersections will be evaluated based on the Lee County Turn Lane Policy at the time of Development Order review. The MCP demonstrates adequate and appropriate buffering and open space. Additional landscaping as well as architectural standards must meet LDC requirements to be demonstrated at the time of Development Order review. The subject rezoning request is consistent with Lee Plan Policies 6.1.4 through, 6.1.6.

> *POLICY 6.1.7: Prohibit commercial developments from locating in such a way as to open new areas to premature, scattered, or strip development; but permit commercial development to infill on small parcels in areas where*

*existing commercial development would make a residential use clearly unreasonable.*

The proposed amendment rezoning to minor CPD with limited schedule of uses provides appropriate infill development in an area that has previously been deemed appropriate for development for over 18 years pursuant to previous approvals and which fulfills a long-time vision for the proposed charitable use of the site. Tract M is currently permitted up to 200 dwelling units (single-family, townhouses, two-family attached, or multi-family) with a maximum height of 75 feet. The site also includes uses such as recreation facilities, personal and private on site, private boat dock, tennis courts, and a multi-slip docking facility. The approved MCP shows a Private Recreational Facility and Conservation area on Tract M as well. The conservation areas allow interpretive centers and signage, rain shelters, gazebos, nature and foot trails including boardwalks, benches and jogging trails, paths, boardwalks and bridges. Private Recreational Facilities are defined in LDC Section 34-2 as, "…includes nature trails, tent camping areas, boardwalks, play areas (as defined in "Park Planning Guidelines, 3rd Edition"), horse stables and riding areas, golf courses, and other uses…" Recreation Facilities, personal and private on site both allow recreation equipment and facilities. The request removes a significant number of dwelling units from within the Coastal High Hazard Area, allowing only 4 caretaker's residences/multiple-family units in lieu of the previously proposed 145± multi-family dwelling units on the site. The request is consistent with Policy 6.1.7.

*GOAL 30: NORTH FORT MYERS COMMUNITY PLAN. Improve the livability and economic vitality in the North Fort Myers Community Plan area by: promoting compact, mixed use development in the form of town and neighborhood centers; attracting appropriate investment to revitalize older neighborhoods and commercial corridors; stabilizing and enhancing, existing neighborhoods; and preserving natural resources.*

The Home Front Heroes Minor CPD property is located within the North Fort Myers Community Planning Area and as such will schedule the required publicly advertised public information meeting within the community plan area boundaries prior to finding of sufficiency. Consistent with Lee County Land Development Code Section 33-1532, a meeting summary document will be submitted containing the date, time and location of each meeting, a list of attendees, a summary of any concerns raised and the applicant's response prior to the application being found complete. The site is not located within any of the designated Town Centers, Neighborhood Centers, nor within the Corridor Overlay District. The property does not abut any existing large lot residential subdivisions and is not located within a Commercial Corridor nor the Town Center, so Divisions 3 and 4 of LDC Chapter 33 are not applicable to the project. The requested rezoning facilitates the longtime charitable use vision for the property which will benefit the surrounding neighborhoods and community and is consistent with Goal 30.

*POLICY 30.3.3: Identify opportunities to improve transit service, frequency, routes, and stop amenities within the North Fort Myers Community Plan area.*

Lee Tran reviewed the application and provided the following comment, "*Based on the LeeTran 2021 Transit Development Plan (TDP) evolved network, also reflected within the Lee County Comprehensive Map 3-C Section 10-441, the route along Moody Rd will not exist, therefore, no*

*routes within a one-quarter mile of the proposed development in the near future. Therefore, no improvements are required by the developer*." The request is consistent with Policy 30.3.3.

> *POLICY 30.5.3: Protect and conserve natural resources, expand recreation opportunities and accessibility for the use of existing waterways, and provide a broad mix of parks, trails, and water recreation areas, to support the lifestyle preferences, livability, sustainability, recreational interest and economic vitality of the community.*

The request protects and conserves the existing mangroves to the maximum extent possible. Approval of the request will allow compatible charitable assistance and community outreach social service programs providing expanded recreation opportunities and accessibility for the use of the existing waterways to support these community services. The site continues to provide the existing boat ramp and associated infrastructure that supports the subject property and the Moody River Estates community. The request is consistent with Policy 30.5.3.

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

Please see the submitted Description of Surface Water Management Plan. The proposed drainage system will preserve existing drainage patterns and not block any runoff overflow to or from adjacent properties. The proposed drainage within the development will be collected via catch basins, culverts and/or vegetated swales to on-site dry detention areas. After meeting water quality and attenuation, in accordance with South Florida Water Management District (SFWMD) requirements, runoff will be regulated offsite through a control structure discharging into the Tidal Caloosahatchee River via Hancock Creek. The mangrove wetlands on the island parcel are within an existing conservation easement, are designated as a historic flowway by Lee County GIS mapping, and continue to be preserved by this request. The remainder of the wetlands will be preserved to the maximum extent possible. The request is consistent with Policies 60.4.1 and 60.4.3.

> *GOAL 101: COASTAL AREAS. Protect human life along with current and future development from the impacts of coastal flooding. Coastal flooding includes, but is not limited to, high tide events, storm surge, flash floods, stormwater runoff, and impacts of sea level rise.*
>
> > *POLICY 101.1.1: Require that development within the Coastal High Hazard Area be compatible with natural systems, such as, water retention and*

*purification, wildlife habitat, primary productivity, and defense against coastal flooding.*

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

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

*POLICY 101.3.5: An applicant of a development order for any permanent or temporary places of residence including, but not limited to, caretakers residence, dormitories, hotels or motels, and dwelling units within the Hurricane Vulnerability Zone or on islands, must provide appropriate mitigation as determined by Lee County Department of Public Safety, which may include, but is not limited to, the payment of a fee, or construction of hurricane shelters and transportation facilities.*

*POLICY 126.1.4: Development designs must provide for maintaining or improving surface water flows, groundwater levels, and lake levels at or above existing conditions.*

The site is located within the Coastal High Hazard Area. The mangrove wetlands on the island parcel are within an existing conservation easement, are designated as a historic flowway by Lee County GIS mapping and continue to be preserved by this request. The remainder of the site was previously disturbed. The existing mangroves will be preserved to the maximum extent possible. The proposed drainage system will preserve existing drainage patterns and not block any runoff overflow to or from adjacent properties. The proposed drainage within the development will be collected via catch basins, culverts and/or vegetated swales to on-site dry detention areas. After meeting water quality and attenuation, in accordance with South Florida Water Management District (SFWMD) requirements, runoff will be regulated offsite through a control structure discharging into the Tidal Caloosahatchee River via Hancock Creek. Development is only proposed on the upland portions of the site. The maximum four caretaker's residences/multiple-family units will provide appropriate mitigation if required as determined by Lee County Department of Public Safety in compliance with the LDC. The request is consistent with Goal 101, Policies101.1.1, 101.1.2, 101.3.2, 101.3.5 and Policy 126.1.4.

*POLICY 101.4.2: Vertical seawalls must not be constructed along natural waterways except where such a wall is the most reasonable alternative (using criteria established by ordinance) and vertical seawalls along artificial canals will not be permitted unless an adequate littoral zone consistent with the surrounding environment is provided. Seawalls in artificial canals where 50% of the canal or greater is seawalled or for seawalls of less than 300 feet where both adjoining properties are seawalled, will be exempt from this requirement.*

*POLICY 101.4.3: Encourage the planting of mangroves or placement of rip-rap in artificial and natural canal systems to replace existing seawalls in need of repair.*

Consistent with Policies 101.4.2 and 101.4.3, no new seawalls are proposed. All seawalls are existing with existing mangroves along the shorelines as demonstrated on the submitted Environmental Assessment. If in the future the existing seawall is to be maintained or repaired, it may be replaced with the same type structure, built to the same dimensions and in the same location as the previously existing structure, consistent with LDC Section 26-75. If it is determined at the time of development order application that retaining walls or riprap revetment is required, the applicant will demonstrate compliance with LDC Section 26-75.

*POLICY 123.3.2: Participate in the development of a regional plan to identify and protect areas utilized by wildlife, including panthers and bears, so as to promote the continued viability and diversity of regional species.*

*POLICY 123.6.1: Negotiate with owners of land surrounding eagle nests to provide an optimal management plan for land subject to imminent development. Management plans will include measures to protect and enhance critical eagle nesting habitat.*

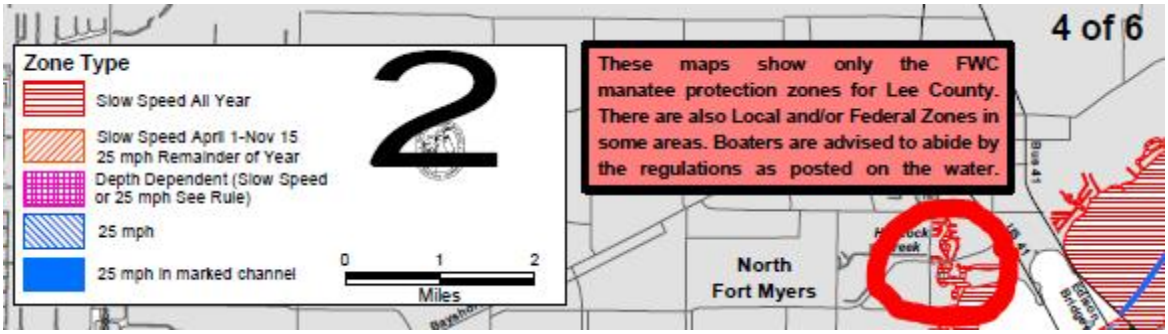
The submitted Protected Species Survey shows there were no protected species or signs thereof observed on-site. The site is not located in a panther habitat zone and no evidence of bears in the vicinity of the site. The only existing indigenous vegetation on the site is located on the island and will remain preserved. The subject property has been previously approved for more intense development than that which is proposed. The request is consistent with Policy 123.3.2. The submitted Bald Eagle Management Plan provides general development guidelines, consistent with Policy 123.6.1.

*OBJECTIVE 128.4: MARINE FACILITIES SITING CRITERIA. The County will consider the following criteria in evaluating requests for new and expanded marinas, other wet slip facilities, dry slip facilities with launches, and boat ramps in order to make efficient use of limited shoreline locations and to minimize environmental impacts.*

In accordance with the Marine Facilities Sighting Requirements contained in Lee Plan Objective 128.4, Hans Wilson Associates (HWA) is applying for all permits in relation to Federal, State and Local regulations. The site has existing zoning approval for a multi-slip docking facility. The property has rights to construct or transfer up to 125 watercraft slips per the Limited Deed of Conservation Easement recorded in Instrument Number 2013000240535. The previously permitted 53-slip multi-slip docking facility attached to the current zoning resolution is much more intense than the 10 wet slips and optional 10 boat trailer parking/dry slips proposed with the current request. Approval of the rezoning request will allow for appropriate, compatible development of the site while reducing the size of the multi-slip docking facility. The request remains consistent with Objective 128.4 and its attendant Policies.

*POLICY 128.4.5: New boat access facilities must be designed to avoid erosion on adjacent shorelines.*

The site is located in a FWC Slow Speed Zone as demonstrated on the following map so vessels operating out of the private multi-slip docking facility will not create wake energy that would erode the shoreline. In addition, the shoreline is heavily populated with mangroves and there are no indications that in the main section of Hancock Creek already subject to boating traffic that the shoreline is eroding. The request is consistent with Policy 128.4.5.




*POLICY 128.4.6: Proposed boat access facilities and expansion of existing facilities will be evaluated in accordance with the Lee County MPP, dated June 17, 2004 and approved by the Board of County Commissioners on June 29, 2004. Specifically, Section 8 of the MPP, Marine Facility Siting Requirements, will be used to determine the appropriate number of slips as defined by the MPP for each new project or allowable expansion.*

The applicant is working with Natural Resources staff and the County Attorney's office on the proper methodology to specify 20 slips to be retained on the site (ten wet slips and ten optional upland boat trailer parking spaces/dry slips) and adjust the Transferable Slip Credit (TSC) count owned by Home Front Heroes decreasing it from 125 TSCs to 105 TSCs. Please see attached Manatee Protection Plan Response. The request is consistent with Policy 128.4.6.

*POLICY 128.4.7: Boat access facilities, including multi-slip docking facilities and boat ramps which would disturb or destroy wetlands or grassbeds must demonstrate a pressing need for the proposed facility and must provide for continued use by the general public.*

The proposed docks include only one access location through intertidal wetlands that is already cleared and open as shown in the attached Manatee Protection Plan Response. Field verification and staking will be provided to the county to confirm the access location for further review. There are no seagrasses noted within the footprint of the proposed docks based on depths. The initial dock design was adjusted to move the floating dock slightly east so the gangway would land at the base of the finger piers proving more room to move around on the dock and eliminating impacts to small tooth sawfish habitat. The request is consistent with Policy 128.4.7.

*POLICY 128.4.8: Boat access facilities should be located in areas of maximum physical advantage (e.g. adequate water depth). Adequate existing water depths between the proposed facility and any navigational channel, inlet, or deep water, are preferred, as new dredging is discouraged.*

The proposed docks are located in a deepwater basin, maximum depth @ -11', with all docks located in depths at or deeper than -4' MLW per the Lee County MPP. Refer to Detail B – Proposed Dock Plan included with the Mantatee Protection Plan Response for depth contours. All mooring areas are located in depths at or deeper than -4' MLW. Access to the Caloosahatchee River is via Hancock Creek and an existing dredged channel providing a minimum of -5' MLW controlling depths. The request is consistent with Policy 128.4.8.

*POLICY 128.4.9: Boat access facility locations should minimize natural shoreline disruption.*

The proposed docks include only one access location through intertidal wetlands that is already cleared and open as shown in the attached Manatee Protection Plan Response. Field verification and staking will be provided to the county to confirm the access location for further review. There are no seagrasses noted within the footprint of the proposed docks based on depths. The request is consistent with Policy 128.4.9.

*POLICY 128.4.10: Boat access facility construction in dead-end canals is discouraged due to difficulty in meeting state water quality standards.*

The total wet slip count has been limited to not more than ten slips. This generally precludes the need for a water quality flushing study per the Applicants Handbook Section 10.2.4.3.(see below excerpt). Water quality is not anticipated to be negatively impacted given the extensive watershed upstream of the site and close proximity to the Caloosahatchee River. The request is consistent with Policy 128.4.10.

**10.2.4.3 Additional Water Quality Considerations for Docking Facilities**

Docking facilities, due to their nature, provide potential sources of pollutants to wetlands and other surface waters. If the proposed work has the potential to adversely affect water quality, an applicant proposing the construction, expansion or alteration of a docking facility must address the following factors to provide the required reasonable assurance that water quality standards will not be violated:

(a) Hydrographic information or studies shall be required for docking facilities of greater than ten boat slips, unless hydrographic information or studies previously conducted in the vicinity of the facility provide reasonable assurance that the conditions of the water body and the nature of the proposed activity do not warrant the need for new information or studies. Hydrographic information or studies also may be required for docking facilities of fewer than ten slips, dependent upon the site specific features described in **section 10.2.4.3(b), below**. In all cases, the design of the hydrographic study, and its complexity, will be dependent upon the specific project design and the specific features of the project site.

*POLICY 128.4.11: Proposed boat access facilities must demonstrate that the site has adequate uplands to provide support facilities for all activities proposed on site without damaging or removing wetlands or rare and unique upland systems.*

The Master Concept Plan demonstrates that there are adequate uplands to support the development with limited or no impacts to wetlands. There are no rare and unique upland systems on the property. The request is consistent with Policy 128.4.11.

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

The site will be developed in compliance with the Lee Plan and the Land Development Code, together with approval of the requested Deviations. Compliance with design-related provisions of the Land Development Code will be demonstrated at the time of Development Order review.

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

The property has been deemed appropriate for intense development for over 18 years. Pursuant to Lee County Land Development Code (LDC) Section 34-2175(b)(5), the Suburban future land use category allows a height up to 45 feet, and the subject request is to reduce the maximum height on the property from 75 feet to 35 feet. The MCP demonstrates the existing 15' Type "B" buffer to the north abutting Mangrove Bay Condominiums which has been previously deemed compatible and proposes to remain. A Type C or F buffer is demonstrated along the common property line with the remaining undeveloped portion of Tract M to the east that is not included in this request. The reduced size of the proposed private multi-slip docking facility remains compatible with the adjacent Hancock Creek. No buffer is required or proposed to the pasture lands to the south. A minimum 15' Type D buffer is required along Moody Road where there is existing buffering that exceeds this minimum requirement. As previously stated, the Moody River Estates community has been aware of the vision and intention of use of the property for a not-for-profit charitable entity which includes assisting young people to develop and grow into contributing members of society. The requested amendment to minor CPD is compatible with the surrounding uses.

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

Sufficient access is provided to support the proposed development intensity. The site has frontage and an existing access onto Moody Road (county-maintained minor collector) approximately 550 feet south of its intersection with Hancock Bridge Parkway (county-maintained arterial). The existing access is identified as Cuddy Cove Place (private local pursuant to County records although no right-of-way or easement exists) which aligns with Moody River Boulevard (private local). Lee County will provide additional review at the time of Development Order application.

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

The submitted Traffic Impact Statement (TIS) was analyzed using a "worst case" scenario of a Recreational Community Center since there is no use within the Institute of Transportation Engineer's (ITE) Trip Generation Manual, 11th Edition that matches the unique use being proposed for the site.

The proposed non-profit use is less intense than the analyzed public use with most activities occurring after school, weekends and during summer months. The TIS demonstrates that the rezoning will not degrade the roadway Level of Service on the roadways within the study area. All of the roadway links will continue to operate at an acceptable Level of Service pursuant to the Lee Plan in 2028 both with and without the proposed development. Therefore, roadway capacity improvements will not be warranted as a result of the additional traffic to be generated by the proposed development. An additional Traffic Impact Statement will be provided at the time of Development Order application. Any expected impacts on transportation facilities will be adequately addressed by existing county regulations during the Development Order application process.

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

The site will not adversely affect environmentally critical or sensitive areas and natural resources. The site is currently zoned to allow for two larger 75' tall buildings and 53± slips in the multi-slip docking facility and the proposed rezoning will lessen these intensities by providing a maximum height of 35 feet and only 10 wet slips and 10 optional boat trailer parking/dry slips. The only portion of the property that is designated within the Wetland Future Land Use Category is the mangrove wetlands on the island parcel which are within an existing conservation easement, are designated as historic flowway by Lee County GIS mapping and continue to be preserved by this request. The submitted Environmental Assessment demonstrates a total of 2.3± acres of wetlands, some of which are within Hancock Creek. The wetland areas are provided on the MCP as follows: island parcel: 1.12± acres (plus 0.48± acre additional within Hancock Creek) and 0.29± acre within the main parcel and manmade basin (plus 0.41± acre within Hancock Creek). The existing wetlands will be preserved to the maximum extent possible. The submitted Protected Species Survey shows there were no protected species or signs thereof observed on-site. The site is not located in a panther habitat zone and no evidence of bears in the vicinity of the site. The only existing indigenous vegetation on the site is located on the island and will remain preserved. The existing wetlands continue to be preserved to the maximum extent possible. The southeast portion of the site is within the 660' eagle nest zone of nest site LE-043 with less than 20± feet within the 330' eagle nest zone. The submitted Bald Eagle Management Plan demonstrates that the nest was declared unsuccessful for the 2023 nesting season and is believed to be unsuccessful for the 2024 nesting season. The applicant will coordinate with Lee County staff and the Eagle Technical Advisory Committee and demonstrate compliance with the LDC. No construction will occur within the eagle nest zone during nesting season unless approved by Lee County.

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

The subject property is located in the Suburban Future Land Use Category. Adequate public facilities exist to service the existing approved intensities and are adequate to service the needs of the proposed request. The site has frontage and an existing access onto Moody Road (county-maintained minor collector) approximately 550 feet south of its intersection with Hancock Bridge Parkway (county-maintained arterial). The existing access is identified as Cuddy Cove Place (private local) which aligns with Moody River Boulevard (private local). A Letter of Availability from Lee County

Utilities has been submitted with the request demonstrating there is sufficient capacity to serve development of the property. The proposed development's estimated flows are considerably less than that which would have been generated by the existing approved intensity for the site. North Fort Myers Fire Station 2 is 1.6± miles from the site at 1280 Barrett Road. Lee County EMS Medic 7 and Lee County Sheriff's North District Office are located 1.6± miles from the site at 121 Pondella Road. There is an existing sidewalk along the west side of Moody Road. There is an existing bus stop across the street for the Gold Line Route of the Downtown Fort Myers River District Trolley which provides seasonal service November through April.

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

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

The proposed development of not-for-profit, charitable social services and associated uses including the private multi-slip docking facility, maximum four caretaker's residences/multiple-family units and ancillary outdoor recreation areas are appropriate uses for the site and will allow the subject property to provide beneficial services necessary to serve the community and surrounding residential areas and fulfilling the longtime vision for the site. These uses are appropriate at the proposed infill development location that was previously approved for development.

***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.***

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

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

***1)Enhances the achievement of the objectives of the planned development; and***

***2)Protects the public health, safety, and welfare.***

The submitted Schedule of Deviations and Justifications demonstrates that the proposed deviations each enhance the achievement of the planned development and protect the public health, safety and welfare.

In conclusion, the proposed amendment rezoning a portion of Tract M to minor CPD allows for appropriate infill development on a site deemed appropriate for development for over 18 years. The request is in compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations, together with approval of the requested deviations; is compatible with existing and planned uses in the surrounding area; will provide access sufficient to support the proposed development intensity; the expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval; will not adversely affect environmentally critical or sensitive areas and natural resources; and will be served by urban services, defined in the Lee Plan.

DCI2023-00047 Lee County ePlan Additional info dated 05-20-2024



The proposed uses are appropriate at the proposed location; conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development. For these reasons, the applicant respectfully submits that the amendment rezoning request from RPD to minor CPD should be approved.

ATWELL

# Home Front Heroes Minor CPD
# Schedule of Deviations and Justifications
## DCI2023-00047

**All Deviations approved by Z-05-048 remain unchanged except as noted below:**

**Existing Deviations (10) and (14) are withdrawn as they are no longer necessary with this amendment.**

**NEW Deviation (15):** seeks relief from Land Development Code (LDC) Section 10-415 which requires large commercial developments to provide a minimum of 30 percent open space; to allow the navigable waterways within the boundary to be excluded from the required open space calculations and to allow preservation of existing mangroves to meet indigenous requirement.

Justification**:** This deviation is being requested based upon the previous existing surveys in the Lee County Zoning and Development Services files and approvals for the subject property dating back to 2004. The surveys have always included portions of Hancock Creek which is a navigable waterway that should not be subject to open space requirements. This 4.98± acre portion of the property is requested to be exempt from the open space calculations since it is in and of itself open space. The request has no impact to the existing approved open space areas provided for the Moody River Estates development. Please see attached approved Open Space Plan for Moody River Estates from DOS2004-00063 which demonstrates that the provided open space exceeds the required amount even though less open space was required due to more lots exceeding the minimum 6,500 square feet size limit. The plan demonstrates that out of the 35.52 acres required by the zoning which anticipated only 54 acres of single-family lots exceeding 6,500 square feet, 144.9± acres are single-family lots exceeding 6,500 square feet and 37.35 acres of wetlands and indigenous including credits are provided without utilizing Tract M. The subject property has 1.12± acres of existing indigenous vegetation within the North Conservation Easement which is an existing mangrove wetland island. This area is proposed to remain and serves as the project's existing native vegetation. An additional 0.48± acre of mangrove wetlands extend into Hancock Creek which will also be preserved but are not included in the required acreage since the applicant does not own the submerged lands underneath. There are 0.26± acre of additional mangrove wetlands within the manmade basin that are exotic infested and do not qualify for existing native indigenous, but are proposed to be preserved. There are also 0.03± acre of non-indigenous mangrove wetlands within the main development parcel that do not meet the minimum dimensions to qualify for indigenous preservation and an additional 0.12± acre that extend into the creek along the main development parcel and 0.29± acre along Remainder Tract M within the creek. The

site will require fill which will prevent the preservation of individual trees within the site. Additionally, a majority of the site is proposed for accessory multi-purpose recreational areas which include occasional temporary sports fields which also prevents the preservation of individual trees which create conflicts with the proposed fields. Any tree removal will comply with the requirements of the LDC at the time of development order approval. The proposed open space table and conceptual open space design plan demonstrate that the project provides ample open space for the proposed use. The requested deviation enhances the achievement of the objectives of the planned development and protects the public health, safety and welfare.

**NEW Deviation (16):** seeks relief from LDC Section 10-421(a)(8) which states that if a wall or fence is proposed, but not required, then the required buffer plantings must be installed on the exterior side (between the wall and the abutting property or street right-of-way) of the wall or fence; to allow the decorative fence to be outside the existing buffer along Moody Road.

Justification**:** This deviation is being requested based upon the location of the existing buffers that were installed several years ago under prior development orders and the cosmetic nature of the fence approved and installed under case number LDO2023-00316. The fence would not be seen if it were to be installed behind the existing buffer vegetation. The previous fence that was replaced was located along the property line which is consistent with other properties to the north and south along Moody Road. The fence provides enhanced beautification for the property and is consistent with the prior fence and surrounding area. The requested deviation enhances the achievement of the objectives of the planned development and protects the public health, safety and welfare.

**NEW Deviation (17):** seeks relief from LDC Section 10-416(d) which requires a type C/F buffer when commercial abuts residential; to allow the existing type B buffer to remain.

Justification**:** This deviation is being requested based upon the existing development and existing installed buffer for the site in this area. This area was developed with the Moody River Estates Waterfront Park: a gated, private boat ramp launch facility for the subject property and Moody River Estates development with associated parking, restroom facilities, landscaping and infrastructure that was approved under case number LDO2013-00596. A minor change to the landscaping was later approved under case number LDO2019-00170. No changes are proposed to the site in this area, so no changes to the existing buffer are proposed since it has was previously reviewed, found compatible and approved. The requested deviation enhances the achievement of the objectives of the planned development and protects the public health, safety and welfare.

DCI2023-00047 Lee County ePlan Additional info dated 05-20-2024

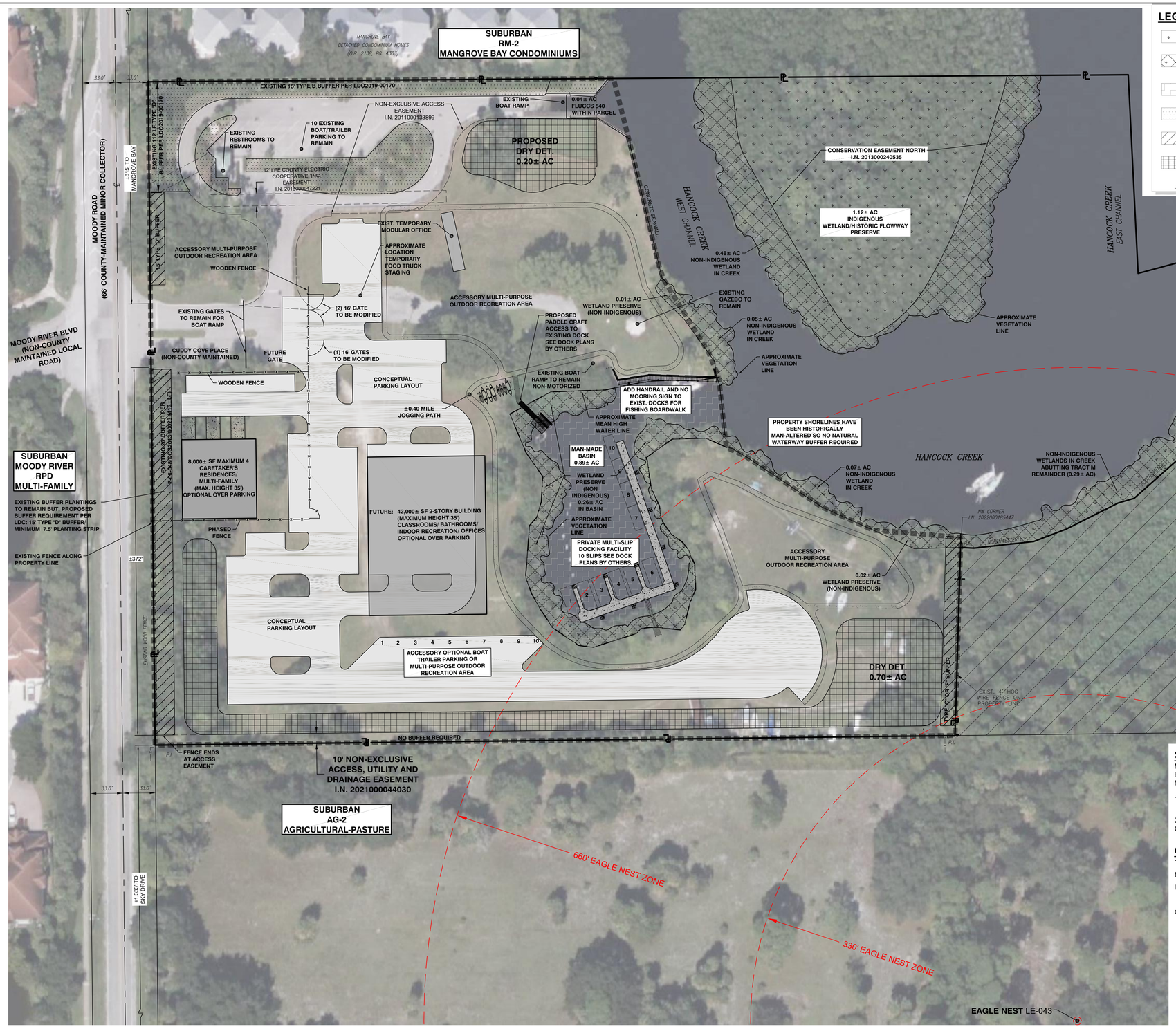


**NEW Deviation (18):** seeks relief from LDC Section 34-2020(b) which requires 1 parking space per 300 square feet of social services Group I office uses and 1 parking space for every 2 boat slips; to allow a 10 percent reduction in required parking pursuant to LDC Section 34-2020(c)(2).

Justification**:** This deviation is being requested based upon the specific use proposed for the property and the proposed private multi-slip docking facility on the site. LDC Section 34-2020(c)(2) states, "The minimum required parking for a use may be reduced by ten percent if boat docking is abutting and available on the same premises as a use." The boat docks can be utilized by guests visiting the site for the proposed use and for potentially utilizing the boats for lessons. The proposed use anticipates ride sharing, parent drop off and potential for bus drop off for youth which will further limit the required parking. The proposed optional boat trailer parking spaces and private multi-slip docking facility will be limited to the use of Home Front Heroes and their guests and will not require additional parking. The proposed on-site parking will accommodate the proposed uses on the site and the deviation will prevent unnecessary expanses of pavement that would serve no purpose. As part of coordination with the Moody River Estates Community Development District, the applicant has committed to signage on its road frontage during events that prohibit roadside parking along Moody Road. Preliminary potential parking calculations are provided below based on buildout of the full 50,000 square feet:

50,000 SF Social Services, Group I (including caretakers' residences)
50,000/300 = 167 spaces
20 total wet & dry boat slips /2 = 10 spaces
Total required: 177 spaces before reduction
177 x 10% = 18 space reduction
Total required spaces: 159 spaces

The requested deviation enhances the achievement of the objectives of the planned development and protects the public health, safety and welfare.




## LEGEND:

- = WETLAND PRESERVE (INDIGENOUS) 1.12± AC
  ADDITIONAL 0.48±AC INDIGENOUS WETLAND WITHIN CREEK
- = WETLAND PRESERVE (NON-INDIGENOUS) 0.29± AC
  ADDITIONAL 0.41±AC NON-INDIGENOUS WETLAND WITHIN CREEK
- = EXIST. MAN MADE BASIN (0.89± AC)
  INCLUDES 0.26±AC NON-INDIGENOUS WETLAND PRESERVE
- = EXIST. BOAT RAMP OPEN SPACE (0.45± AC)
- = WEST AND EAST BUFFER AREAS (0.27±AC)
- = APPROXIMATE DRY DETENTION AREAS (0.9± AC)
- = OPEN SPACE DEVIATION

N

0 50 100
SCALE: 1" = 50'

## SITE AREA:

| | |
|---|---|
| MAIN LAND PARCEL: | 8.77± AC |
| ISLAND CONSERVATION EASEMENT: | 1.12± AC |
| MAN-MADE BASIN: | 0.89± AC |
| TOTAL SITE AREA FOR OPEN SPACE: | 10.78± AC |

ZONING BOUNDARY INCLUDES 4.98± AC OF HANCOCK CREEK FOR A TOTAL ZONING BOUNDARY OF 15.76± AC

## OPEN SPACE TABLE:

| | |
|---|---|
| 10.78± AC X 30% = | 3.23± AC OPEN SPACE REQUIRED |
| 50% INDIGENOUS: | 1.62± AC INDIGENOUS OPEN SPACE REQUIRED 15 |
| INDIGENOUS OPEN SPACE PROVIDED: | 1.12± AC TOTAL EXISTING INDIGENOUS WETLAND ON SITE WILL BE PRESERVED* |
| | *ADDITIONAL 0.48± AC INDIGENOUS WETLAND WITHIN CREEK NOT INCLUDED |
| OTHER OPEN SPACE PROVIDED: | 2.51± AC (MINIMUM 2.11 AC) |
| EXISTING MAN MADE BASIN 0.89± AC - 0.26 AC VEGETATION | |
| (MAXIMUM 25% OF OPEN SPACE AREA): | = 0.63± AC |
| EXISTING BOAT RAMP OPEN SPACE: | = 0.45± AC |
| WEST AND EAST BUFFER AREAS: | = 0.27± AC |
| DRY DETENTION AREAS: | = 0.90± AC |
| NON-INDIGENOUS WETLANDS PRESERVED ON SITE: | = 0.26± AC (0.29± AC**) |
| ** 0.03± AC DOES NOT MEET OPEN SPACE DIMENSIONS & | |
| 0.41± AC ADDITIONAL NON-INDIGENOUS WETLAND WITHIN CREEK NOT INCLUDED | |
| TOTAL OPEN SPACE PROVIDED: | 3.63± AC (MINIMUM 3.23 AC) |

PREPARED FOR:
**HOME FRONT HEROES INC.**
14750 SIX MILE CYPRESS PARKWAY
FORT MYERS, FL 33912

ALL ELEVATIONS ON CIVIL ENGINEERING PLANS REFERENCE:NAVD 1988

| NO. | DATE | REVISION DESCRIPTION | BY |
|---|---|---|---|

BANKS ENGINEERING
Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida
10511 SIX MILE CYPRESS PKWY, STE. 101
FORT MYERS, FLORIDA 33966
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

**CONCEPTUAL OPEN SPACE EXHIBIT**
# HOME FRONT HEROES MINOR CPD
**LEE COUNTY, FLORIDA**

| COMPLETION DATE: | PROJECT: | DRAFTED BY: | DESIGNED BY: | REVIEWED BY: | SCALE: | SHEET: |
|---|---|---|---|---|---|---|
| 05-08-2024 | 2506HFH | KG | KG | SWM | AS NOTED | 01 |

S:\Jobs\25xx\2506HFH\Documents\Zoning\2506HFH-MCP.dwg, 5/16/2024 10:34:53 AM, KEVIN GONZALEZ, BANKS ENGINEERING

**AFFIDAVIT OF NO CHANGE**

I, John Holloway, as President of Home Front Heroes, Inc., a Florida Not for Profit Corporation ("Owner"), hereby certify that I am an authorized Officer of the Owner of the property and that:

1. I have full authority to execute this Affidavit on behalf of Owner and am providing this Affidavit in connection with Owner's Rezoning Application ("Application") for the property identified as STRAP Numbers: 10-44-24-00-01046.0000, 10-44-24-00-01046.0010, 10-44-24-00-00047.0000,10-44-24-00-00047.0010, 10-44-24-00-00047.0020, & 10-44-24-00-00047.0030, Lee County, Florida (the "Property");

2. Attached hereto as Exhibit A, is the Owner's title policy dated as of December 29, 2022, which is not greater than five (5) years old at the time of the Application; and

3. Per Sec. 34-202(a)(7) of the Lee County, Florida, Land Development Code, I hereby certify there has been no change to the title of the Property since December 29, 2022, to the date of the Application.

By: Home Front Heroes, Inc.

Name: John Holloway, President

Date 02/28/24

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒physical presence or ☐online notarization, this 28 day of FEBRUARY, 2024 by JOHN HOLLOWAY, who is personally known to me or who has produced _____(type of identification) as identification.

STAMP/SEAL
SHARON M. FAHEY
Commission # HH 436223
Expires September 2, 2027

Signature of Notary Public
Commission Expires: SEPTEMBER 2, 2027

**EXHIBIT A**

# ALTA OWNER'S POLICY OF TITLE INSURANCE with FLORIDA MODIFICATIONS

Policy Number **OYFL-08016519** **File Number: 8116.000**

Issued by OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

**This policy, when issued by the Company with a Policy Number and the Date of Policy, is valid even if this policy or any endorsement to this policy is issued electronically or lacks any signature.**

**Any notice of claim and any other notice or statement in writing required to be given to the Company under this policy must be given to the Company at the address shown in Condition 17.**

## COVERED RISKS

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B, AND THE CONDITIONS, Old Republic National Title Insurance Company, a Florida corporation (the "Company"), insures as of the Date of Policy and, to the extent stated in Covered Risks 9 and 10, after the Date of Policy, against loss or damage, not exceeding the Amount of Insurance, sustained or incurred by the Insured by reason of:

1. The Title being vested other than as stated in Schedule A.
2. Any defect in or lien or encumbrance on the Title. Covered Risk 2 includes, but is not limited to, insurance against loss from:
   a. a defect in the Title caused by:
      i. forgery, fraud, undue influence, duress, incompetency, incapacity, or impersonation;
      ii. the failure of a person or Entity to have authorized a transfer or conveyance;
      iii. a document affecting the Title not properly authorized, created, executed, witnessed, sealed, acknowledged, notarized (including by remote online notarization), or delivered;
      iv. a failure to perform those acts necessary to create a document by electronic means authorized by law;
      v. a document executed under a falsified, expired, or otherwise invalid power of attorney;
      vi. a document not properly filed, recorded, or indexed in the Public Records, including the failure to have performed those acts by electronic means authorized by law;
      vii. a defective judicial or administrative proceeding; or
      viii. the repudiation of an electronic signature by a person that executed a document because the electronic signature on the document was not valid under applicable electronic transactions law.
   b. the lien of real estate taxes or assessments imposed on the Title by a governmental authority due or payable, but unpaid.
   c. the effect on the Title of an encumbrance, violation, variation, adverse circumstance, boundary line overlap, or encroachment (including an encroachment of an improvement across the boundary lines of the Land), but only if the encumbrance, violation, variation, adverse circumstance, boundary line overlap, or encroachment would have been disclosed by an accurate and complete land title survey of the Land.

**Policy Issuer:**
**MADDEN LAW FIRM, LLC**
**2277 MAIN STREET**
**FORT MYERS, FL 33901**
**PHONE: (239) 332-2100**

**OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**
*A Stock Company*
*1408 North Westshore Blvd., Suite 900, Tampa, Florida 33607*
*(612) 371-1111* *www.oldrepublictitle.com*

By C Monroe President

Attest David Wold Secretary

*Authorized Officer or Agent*

**Transaction Identification Data, for which the Company assumes no liability as set forth in Condition 9.e.:**

| | |
|---|---|
| Issuing Agent: | Madden Law Firm, LLC |
| Issuing Office: | 2277 Main Street Fort Myers, FL 33901 |
| Issuing Office File Number: | 8116.000 |
| ORT File No.: | 20103139 |
| Property Address: | 884 Moody Rd, North Fort Myers, FL 33903<br>938 Moody Rd, North Fort Myers, FL 33903<br>940 Moody Rd, North Fort Myers, FL 33903 |

# SCHEDULE A
# Owners Policy

Name and Address of Title Insurance Company: Old Republic National Title Insurance Company
Send all Notices to: 1408 North Westshore Boulevard, Suite 900, Tampa, Florida 33607

Policy Number: **OYFL-08016519**

| | |
|---|---|
| Amount of Insurance: | $5,000,000.00 |
| Date of Policy: | December 29, 2022 at 04:27 pm |

1. **The Insured is:**

   Home Front Heroes Inc., a Florida not-for-profit corporation

2. **The estate or interest in the Land insured by this policy is:**

   Fee Simple

3. **The Title is vested in:**

   Home Front Heroes Inc., a Florida not-for-profit corporation by virtue of that Warranty Deed, recorded December 29, 2022 in Official Records Instrument No. 2022000397715 of the Public Records of Lee County, Florida.

4. **The land is described as follows:**

   See Attached Legal Description

# SCHEDULE B

## OWNERS POLICY

### EXCEPTIONS FROM COVERAGE

**Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This policy treats any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document are excepted from coverage.**

This policy does not insure against loss or damage and the Company will not pay costs, attorneys' fees, or expenses resulting from the terms and conditions of any lease or easement identified in Schedule A, and the following matters:

1. General or special taxes and assessments required to be paid in the year 2023 and subsequent years, which are not yet due and payable.

2. Rights of tenants and/or parties in possession, and any parties claiming, by through or under said tenants or parties in possession, as to any unrecorded leases or rental agreements.

3. Lee County Ordinances 86-14, 86-38,11-03 and 11-27 providing for mandatory solid waste collection and the imposition of special assessments for said collection services.

4. Right of Way Easement to Lee County, a political subdivision of the State of Florida recorded in Official Records Book 600, Page 132.

5. Notice of Lot Split Approval recorded in Official Records Book 2830, Page 2947.

6. Sovereign Submerged Lands Use Agreement in favor of Tampa Electric Company, a Florida corporation d/b/a Teco Peoples Gas recorded in Official Records Book 3511, Page 4184.

7. Easement to Comcast of California XIV, LLC, recorded in Official Records Book 4320, Page 2982.

8. Subject land lies within the Moody River Estates Community Development District as evidenced by instrument recorded in Official Records Book 4526, Page 776, Official Records Book 4647, Page 4069 and Official Records Instrument Number 2008000260136 and is subject to the terms, conditions and assessments thereof.

9. South Florida Water Management District Notice of Environmental Resource or Surface Water Management Permit recorded in Official Records Instrument Number 2007000119013 and Official Records Instrument Number 2010000047919.

10. Easement contained in Final Judgment recorded in Official Records Instrument Number 2011000133899.

11. Settlement Agreement and Restrictive Covenant recorded in Official Records Instrument Number 2012000249447, as affected by Official Records Instrument Number 2017000027125.

12. Limited Deed of Conservation Easement and Covenant Limiting Watercraft Slips recorded in Official Records Instrument Number 2013000240535, as affected by Deed of Transfer of Slip Credits recorded in Official Records Instrument Number 2013000240546.

13. Easement in favor of Lee County Electric Cooperative, Inc. recorded in Official Records Instrument Number 2016000047221.

14. Terms and conditions of the Lease Agreement dated September 30, 2015 by and between Mood Development Corporation, Lessor, and Royal Palm Sailing Club, Inc., d/b/a Edison Sailing Center, Lessee, as evidenced by Memorandum thereof recorded in Official Records Instrument Number 2016000215685.

15. Riparian and littoral rights are not insured.

16. Those portions of the property herein described being artificially filled in land in what was formerly navigable waters, are subject to the right of the United States Government arising by reason of the United States Government control over navigable waters in the interest of navigation and commerce.

17. Any adverse ownership claim by the State of Florida by right of sovereignty to any portion of the lands insured hereunder, including submerged, filled and artificially exposed lands and lands accreted to such lands.

18. The rights, if any, of the public to use as a public beach or recreation area any part of the land lying between the body of water abutting the subject property and the natural line of vegetation, bluff, extreme high water line, or other apparent boundary lines separating the publicly used area from the upland private area.

19. This policy does not insured any portion of the insured parcel lying waterward of the ordinary high water mark of Hancock Creek.

20. This policy does not insure any portion of the insured parcel lying waterward of the ordinary high water mark of Caloosahatchee River.

21. The inalienable right of the public to use navigable waters.

22. The right of the State of Florida and the United States of America to regulate the use of the navigable waters.

23. Since those parcels described by the Lee County Property Appraiser under Tax Parcel Numbers 10-44-24-00-01046.0010, 10-44-24-00-01047.0020 and 10-44-24-00-01047.0030 are located on an island property with no dry access to the mainland, this policy does not insure a right of access to and from those lands insured hereby, notwithstanding any insuring provisions contained elsewhere in this policy.

24. Grant of Easement and Option recorded in Official Records Instrument Number 2021000044030.

DCI2023-00047 Lee County ePlan Additional info dated 05-20-2024



## EXHIBIT "A"

A parcel of land lying in Section 10, Township 44 South, Range 24 East, Lee County, Florida, and being more particularly described as follows:

Commencing at the Southwest corner of the Southeast one-quarter of said Section 10, thence run along the West boundary of said Southeast one-quarter N. 01°10'32" E., 1343.11 feet to a point of intersection with the South boundary of the Northwest one-quarter of the Southeast one-quarter of said Section 10 said point being the Point of Beginning; thence South 89°18'20" West, 8.63 feet to the East line of the county maintained right of way of Moody Road (33' East of centerline); thence along said East right of way line, North 00°36'02" West, 670.06 feet to a point of intersection with the South boundary of the lands described in Official Records Book 2138, at Page 4303, (Mangrove Bay Condominiums) of the Public Records of Lee County, Florida; thence along said South boundary North 89°33'52" East, 990.00 feet to the centerline of Hancock Creek East Channel; thence along the approximate centerline of said Hancock Creek, for the following (3) three courses: 1) South 02°52'11" East, 201.15 feet; 2) North 74°09'54" East, 296.35 feet; 3) South 74°26'06" East 79.67 feet to a point of intersection with the East boundary of the Northwest 1/4 of the Southeast 1/4 of said Section 10; thence along said East boundary South 01°30'32" West 520.06 feet to a point of intersection with the South boundary of the Northwest 1/4 of the Southeast 1/4 of said Section 10; thence along said South boundary South 89°18'20" West 1332.65 feet to the Point of Beginning; LESS AND EXCEPT that portion described in Tax Deed recorded in Official Records Instrument Number 2015000117828, of the Public Records of Lee County, Florida.

3. Unmarketable Title.
4. No right of access to and from the Land..
5. A violation or enforcement of a law, ordinance, permit, or governmental regulation (including those relating to building and zoning), but only to the extent of the violation or enforcement described by the enforcing governmental authority in an Enforcement Notice that identifies a restriction, regulation, or prohibition relating to:
    a. the occupancy, use, or enjoyment of the Land;
    b. the character, dimensions, or location of an improvement on the Land;
    c. the subdivision of the Land; or
    d. environmental remediation or protection on the Land.
6. An enforcement of a governmental forfeiture, police, regulatory, or national security power, but only to the extent of the enforcement described by the enforcing governmental authority in an Enforcement Notice.
7. An exercise of the power of eminent domain, but only to the extent:
    a. of the exercise described in an Enforcement Notice; or
    b. the taking occurred and is binding on a purchaser for value without Knowledge.
8. An enforcement of a PACA-PSA Trust, but only to the extent of the enforcement described in an Enforcement Notice.
9. The Title being vested other than as stated in Schedule A, the Title being defective, or the effect of a court order providing an alternative remedy:
    a. resulting from the avoidance, in whole or in part, of any transfer of all or any part of the Title to the Land or any interest in the Land occurring prior to the transaction vesting the Title because that prior transfer constituted a:
        i. fraudulent conveyance, fraudulent transfer, or preferential transfer under federal bankruptcy, state insolvency, or similar state or federal creditors' rights law; or
        ii. voidable transfer under the Uniform Voidable Transactions Act; or
    b. because the instrument vesting the Title constitutes a preferential transfer under federal bankruptcy, state insolvency, or similar state or federal creditors' rights law by reason of the failure:
        i. to timely record the instrument vesting the Title in the Public Records after execution and delivery of the instrument to the Insured; or
        ii. of the recording of the instrument vesting the Title in the Public Records to impart notice of its existence to a purchaser for value or to a judgment or lien creditor.
10. Any defect in or lien or encumbrance on the Title or other matter included in Covered Risks 1 through 9 that has been created or attached or has been filed or recorded in the Public Records subsequent to the Date of Policy and prior to the recording of the deed or other instrument vesting the Title in the Public Records.

## DEFENSE OF COVERED CLAIMS

The Company will also pay the costs, attorneys' fees, and expenses incurred in defense of any matter insured against by this policy, but only to the extent provided in the Conditions.

## EXCLUSIONS FROM COVERAGE

The following matters are excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. a. any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) that restricts, regulates, prohibits, or relates to:
        i. the occupancy, use, or enjoyment of the Land;
        ii. the character, dimensions, or location of any improvement on the Land;
        iii. the subdivision of land; or
        iv. environmental remediation or protection.
    b. any governmental forfeiture, police, regulatory, or national security power.
    c. the effect of a violation or enforcement of any matter excluded under Exclusion 1.a. or 1.b.

    Exclusion 1 does not modify or limit the coverage provided under Covered Risk 5 or 6.

2. Any power of eminent domain. Exclusion 2 does not modify or limit the coverage provided under Covered Risk 7.
3. Any defect, lien, encumbrance, adverse claim, or other matter:
   a. created, suffered, assumed, or agreed to by the Insured Claimant;
   b. not Known to the Company, not recorded in the Public Records at the Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
   c. resulting in no loss or damage to the Insured Claimant;
   d. attaching or created subsequent to the Date of Policy (Exclusion 3.d. does not modify or limit the coverage provided under Covered Risk 9 or 10); or
   e. resulting in loss or damage that would not have been sustained if consideration sufficient to qualify the Insured named in Schedule A as a bona fide purchaser had been given for the Title at the Date of Policy.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights law, that the transaction vesting the Title as shown in Schedule A is a:
   a. fraudulent conveyance or fraudulent transfer;
   b. voidable transfer under the Uniform Voidable Transactions Act; or
   c. preferential transfer:
      i. to the extent the instrument of transfer vesting the Title as shown in Schedule A is not a transfer made as a contemporaneous exchange for new value; or
      ii. for any other reason not stated in Covered Risk 9.b.
5. Any claim of a PACA-PSA Trust. Exclusion 5 does not modify or limit the coverage provided under Covered Risk 8.
6. Any lien on the Title for real estate taxes or assessments imposed or collected by a governmental authority that becomes due and payable after the Date of Policy. Exclusion 6 does not modify or limit the coverage provided under Covered Risk 2.b.
7. Any discrepancy in the quantity of the area, square footage, or acreage of the Land or of any improvement to the Land.

## CONDITIONS

1. DEFINITION OF TERMS

In this policy, the following terms have the meanings given to them below. Any defined term includes both the singular and the plural, as the context requires:

   a. "Affiliate": An Entity:
      i. that is wholly owned by the Insured;
      ii. that wholly owns the Insured; or
      iii. if that Entity and the Insured are both wholly owned by the same person or entity.
   b. "Amount of Insurance": The Amount of Insurance stated in Schedule A, as may be increased by Condition 8.d. or decreased by Condition 10 or 11; or increased or decreased by endorsements to this policy.
   c. "Date of Policy": The Date of Policy stated in Schedule A.
   d. "Discriminatory Covenant": Any covenant, condition, restriction, or limitation that is unenforceable under applicable law because it illegally discriminates against a class of individuals based on personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or other legally protected class.
   e. "Enforcement Notice": A document recorded in the Public Records that describes any part of the Land and:
      i. is issued by a governmental agency that identifies a violation or enforcement of a law, ordinance, permit, or governmental regulation;
      ii. is issued by a holder of the power of eminent domain or a governmental agency that identifies the exercise of a governmental power; or
      iii. asserts a right to enforce a PACA-PSA Trust.
   f. "Entity": A corporation, partnership, trust, limited liability company, or other entity authorized by law to own title to real property in the State where the Land is located.
   g. "Insured":
      i. (a) The Insured named in Item 1 of Schedule A;
         (b). the successor to the Title of an Insured by operation of law as distinguished from purchase, including heirs, devisees, survivors, personal representatives, or next of kin;
         (c). the successor to the Title of an Insured resulting from dissolution, merger, consolidation, distribution, or reorganization;

(d). the successor to the Title of an Insured resulting from its conversion to another kind of Entity; or
(e). the grantee of an Insured under a deed or other instrument transferring the Title, if the grantee is:
(1) an Affiliate;
(2) a trustee or beneficiary of a trust created by a written instrument established for estate planning purposes by an Insured;
(3) a spouse who receives the Title because of a dissolution of marriage;
(4) a transferee by a transfer effective on the death of an Insured as authorized by law; or
(5) another Insured named in Item 1 of Schedule A.

ii. The Company reserves all rights and defenses as to any successor or grantee that the Company would have had against any predecessor Insured.

h. "Insured Claimant": An Insured claiming loss or damage arising under this policy.

i. "Knowledge" or "Known": Actual knowledge or actual notice, but not constructive notice imparted by the Public Records.

j. "Land": The land described in Item 4 of Schedule A and improvements located on that land at the Date of Policy that by State law constitute real property. The term "Land" does not include any property beyond that described in Schedule A, nor any right, title, interest, estate, or easement in any abutting street, road, avenue, alley, lane, right-of-way, body of water, or waterway, but does not modify or limit the extent that a right of access to and from the Land is insured by this policy.

k. "Mortgage": A mortgage, deed of trust, trust deed, security deed, or other real property security instrument, including one evidenced by electronic means authorized by law.

l. "PACA-PSA Trust": A trust under the federal Perishable Agricultural Commodities Act or the federal Packers and Stockyards Act or a similar State or federal law.

m. "Public Records": The recording or filing system established under State statutes in effect at the Date of Policy under which a document must be recorded or filed to impart constructive notice of matters relating to the Title to a purchaser for value without Knowledge. The term "Public Records" does not include any other recording or filing system, including any pertaining to environmental remediation or protection, planning, permitting, zoning, licensing, building, health, public safety, or national security matters.

n. "State": The state or commonwealth of the United States within whose exterior boundaries the Land is located. The term "State" also includes the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and Guam.

o. "Title": The estate or interest in the Land identified in Item 2 of Schedule A.

p. "Unmarketable Title": The Title affected by an alleged or apparent matter that would permit a prospective purchaser or lessee of the Title or a lender on the Title to be released from the obligation to purchase, lease, or lend if there is a contractual condition requiring the delivery of marketable title.

2. CONTINUATION OF COVERAGE

This policy continues as of the Date of Policy in favor of an Insured, so long as the Insured:

a. retains an estate or interest in the Land;
b. owns an obligation secured by a purchase money Mortgage given by a purchaser from the Insured; or
c. has liability for warranties given by the Insured in any transfer or conveyance of the Insured's Title.

Except as provided in Condition 2, this policy terminates and ceases to have any further force or effect after the Insured conveys the Title. This policy does not continue in force or effect in favor of any person or entity that is not the Insured and acquires the Title or an obligation secured by a purchase money Mortgage given to the Insured.

3. NOTICE OF CLAIM TO BE GIVEN BY INSURED CLAIMANT

The Insured must notify the Company promptly in writing if the Insured has Knowledge of:

a. any litigation or other matter for which the Company may be liable under this policy; or
b. any rejection of the Title as Unmarketable Title.

If the Company is prejudiced by the failure of the Insured Claimant to provide prompt notice, the Company's liability to the Insured Claimant under this policy is reduced to the extent of the prejudice.

4. PROOF OF LOSS

The Company may, at its option, require as a condition of payment that the Insured Claimant furnish a signed proof of loss. The proof of loss must describe the defect, lien, encumbrance, adverse claim, or other matter insured against by this policy that constitutes the basis of loss or damage and must state, to the extent possible, the basis of calculating the amount of the loss or damage.

5. DEFENSE AND PROSECUTION OF ACTIONS

a. Upon written request by the Insured and subject to the options contained in Condition 7, the Company, at its own cost and without unreasonable delay, will provide for the defense of an Insured in litigation in which any third party asserts a claim covered by this policy adverse to the Insured. This obligation is limited to only those stated causes of action alleging matters insured against by this policy. The Company has the right to select counsel of its choice (subject to the right of the Insured to object for reasonable cause) to represent the Insured as to those covered causes of action. The Company is not liable for and will not pay the fees of any other counsel. The Company will not pay any fees, costs, or expenses incurred by the Insured in the defense of any cause of action that alleges matters not insured against by this policy.

b. The Company has the right, in addition to the options contained in Condition 7, at its own cost, to institute and prosecute any action or proceeding or to do any other act that, in its opinion, may be necessary or desirable to establish the Title, as insured, or to prevent or reduce loss or damage to the Insured. The Company may take any appropriate action under the terms of this policy, whether or not it is liable to the Insured. The Company's exercise of these rights is not an admission of liability or waiver of any provision of this policy. If the Company exercises its rights under Condition 5.b., it must do so diligently.

c. When the Company brings an action or asserts a defense as required or permitted by this policy, the Company may pursue the litigation to a final determination by a court having jurisdiction. The Company reserves the right, in its sole discretion, to appeal any adverse judgment or order.

6. DUTY OF INSURED CLAIMANT TO COOPERATE

a. When this policy permits or requires the Company to prosecute or provide for the defense of any action or proceeding and any appeals, the Insured will secure to the Company the right to prosecute or provide defense in the action or proceeding, including the right to use, at its option, the name of the Insured for this purpose.

When requested by the Company, the Insured, at the Company's expense, must give the Company all reasonable aid in:

i. securing evidence, obtaining witnesses, prosecuting or defending the action or proceeding, or effecting settlement; and
ii. any other lawful act that in the opinion of the Company may be necessary or desirable to establish the Title or any other matter, as insured.

If the Company is prejudiced by any failure of the Insured to furnish the required cooperation, the Company's liability and obligations to the Insured under this policy terminate, including any obligation to defend, prosecute, or continue any litigation, regarding the matter requiring such cooperation.

b. The Company may reasonably require the Insured Claimant to submit to examination under oath by any authorized representative of the Company and to produce for examination, inspection, and copying, at such reasonable times and places as may be designated by the authorized representative of the Company, all records, in whatever medium maintained, including books, ledgers, checks, memoranda, correspondence, reports, e-mails, disks, tapes, and videos, whether bearing a date before or after the Date of Policy, that reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Insured Claimant must grant its permission, in writing, for any authorized representative of the Company to examine, inspect, and copy all the records in the custody or control of a third party that reasonably pertain to the loss or damage. No information designated in writing as confidential by the Insured Claimant provided to the Company pursuant to Condition 6 will be later disclosed to others unless, in the reasonable judgment of the Company, disclosure is necessary in the administration of the claim or required by law. Any failure of the Insured Claimant to submit for examination under oath, produce any reasonably requested information, or grant permission to secure reasonably necessary information from third parties as required in Condition 6.b., unless prohibited by law, terminates any liability of the Company under this policy as to that claim.

7. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS; TERMINATION OF LIABILITY

In case of a claim under this policy, the Company has the following additional options:

a. *To Pay or Tender Payment of the Amount of Insurance*

To pay or tender payment of the Amount of Insurance under this policy. In addition, the Company will pay any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment or tender of payment and that the Company is obligated to pay.

Upon the exercise by the Company of this option provided for in Condition 7.a., the Company's liability and obligations to the Insured under this policy terminate, including any obligation to defend, prosecute, or continue any litigation.

b. *To Pay or Otherwise Settle with Parties other than the Insured or with the Insured Claimant*

i. To pay or otherwise settle with parties other than the Insured for or in the name of the Insured Claimant. In addition, the Company will pay any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay; or

ii. To pay or otherwise settle with the Insured Claimant the loss or damage provided for under this policy. In addition, the Company will pay any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay.

Upon the exercise by the Company of either option provided for in Condition 7.b., the Company's liability and obligations to the Insured under this policy for the claimed loss or damage terminate, including any obligation to defend, prosecute, or continue any litigation.

8. CONTRACT OF INDEMNITY; DETERMINATION AND EXTENT OF LIABILITY

This policy is a contract of indemnity against actual monetary loss or damage sustained or incurred by an Insured Claimant who has suffered loss or damage by reason of matters insured against by this policy. This policy is not an abstract of the Title, report of the condition of the Title, legal opinion, opinion of the Title, or other representation of the status of the Title. All claims asserted under this policy are based in contract and are restricted to the terms and provisions of this policy. The Company is not liable for any claim alleging negligence or negligent misrepresentation arising from or in connection with this policy or the determination of the insurability of the Title.

a. The extent of liability of the Company for loss or damage under this policy does not exceed the lesser of:
   i. the Amount of Insurance; or
   ii. the difference between the fair market value of the Title, as insured, and the fair market value of the Title subject to the matter insured against by this policy.

b. Except as provided in Condition 8.c. or 8.d., the fair market value of the Title in Condition 8.a.ii. is calculated using the date the Insured discovers the defect, lien, encumbrance, adverse claim, or other matter insured against by this policy.

c. If, at the Date of Policy, the Title to all of the Land is void by reason of a matter insured against by this policy, then the Insured Claimant may, by written notice given to the Company, elect to use the Date of Policy as the date for calculating the fair market value of the Title in Condition 8.a.ii.

d. If the Company pursues its rights under Condition 5.b. and is unsuccessful in establishing the Title, as insured:
   i. the Amount of Insurance will be increased by 15%; and
   ii. the Insured Claimant may, by written notice given to the Company, elect, as an alternative to the dates set forth in Condition 8.b. or, if it applies, 8.c., to use either the date the settlement, action, proceeding, or other act described in Condition 5.b. is concluded or the date the notice of claim required by Condition 3 is received by the Company as the date for calculating the fair market value of the Title in Condition 8.a.ii.

e. In addition to the extent of liability for loss or damage under Conditions 8.a. and 8.d., the Company will also pay the costs, attorneys' fees, and expenses incurred in accordance with Conditions 5 and 7.

9. LIMITATION OF LIABILITY

a. The Company fully performs its obligations and is not liable for any loss or damage caused to the Insured if the Company accomplishes any of the following in a reasonable manner:
   i. removes the alleged defect, lien, encumbrance, adverse claim, or other matter;
   ii. cures the lack of a right of access to and from the Land; or
   iii. cures the claim of Unmarketable Title,

   all as insured. The Company may do so by any method, including litigation and the completion of any appeals.

b. The Company is not liable for loss or damage arising out of any litigation, including litigation by the Company or with the Company's consent, until a State or federal court having jurisdiction makes a final, non-appealable determination adverse to the Title.

c. The Company is not liable for loss or damage to the Insured for liability voluntarily assumed by the Insured in settling any claim or suit without the prior written consent of the Company.

d. The Company is not liable for the content of the Transaction Identification Data, if any.

10. REDUCTION OR TERMINATION OF INSURANCE

All payments under this policy, except payments made for costs, attorneys' fees, and expenses, reduce the Amount of Insurance by the amount of the payment.

11. LIABILITY NONCUMULATIVE

The Amount of Insurance will be reduced by any amount the Company pays under any policy insuring a Mortgage to which exception is taken in Schedule B or to which the Insured has agreed, assumed, or taken subject, or which is executed by an Insured after the Date of Policy and which is a charge or lien on the Title, and the amount so paid will be deemed a payment to the Insured under this policy.

12. PAYMENT OF LOSS

When liability and the extent of loss or damage are determined in accordance with the Conditions, the Company will pay the loss or damage

within 30 days.

13. COMPANY'S RECOVERY AND SUBROGATION RIGHTS UPON SETTLEMENT AND PAYMENT
    a. If the Company settles and pays a claim under this policy, it is subrogated and entitled to the rights and remedies of the Insured Claimant in the Title and all other rights and remedies in respect to the claim that the Insured Claimant has against any person, entity, or property to the fullest extent permitted by law, but limited to the amount of any loss, costs, attorneys' fees, and expenses paid by the Company. If requested by the Company, the Insured Claimant must execute documents to transfer these rights and remedies to the Company. The Insured Claimant permits the Company to sue, compromise, or settle in the name of the Insured Claimant and to use the name of the Insured Claimant in any transaction or litigation involving these rights and remedies.
    b. If a payment on account of a claim does not fully cover the loss of the Insured Claimant, the Company defers the exercise of its subrogation right until after the Insured Claimant fully recovers its loss.
    c. The Company's subrogation right includes the Insured's rights to indemnity, guaranty, warranty, insurance policy, or bond, despite any provision in those instruments that addresses recovery or subrogation rights.

14. POLICY ENTIRE CONTRACT
    a. This policy together with all endorsements, if any, issued by the Company is the entire policy and contract between the Insured and the Company. In interpreting any provision of this policy, this policy will be construed as a whole. This policy and any endorsement to this policy may be evidenced by electronic means authorized by law.
    b. Any amendment of this policy must be by a written endorsement issued by the Company. To the extent any term or provision of an endorsement is inconsistent with any term or provision of this policy, the term or provision of the endorsement controls. Unless the endorsement expressly states, it does not:
        i. modify any prior endorsement,
        ii. extend the Date of Policy,
        iii. insure against loss or damage exceeding the Amount of Insurance, or
        iv. increase the Amount of Insurance.

15. SEVERABILITY
    In the event any provision of this policy, in whole or in part, is held invalid or unenforceable under applicable law, this policy will be deemed not to include that provision or the part held to be invalid, but all other provisions will remain in full force and effect.

16. CHOICE OF LAW AND CHOICE OF FORUM
    a. *Choice of Law*

       The Company has underwritten the risks covered by this policy and determined the premium charged in reliance upon the State law affecting interests in real property and the State law applicable to the interpretation, rights, remedies, or enforcement of policies of title insurance of the State where the Land is located.

       The State law of the State where the Land is located, or to the extent it controls, federal law, will determine the validity of claims against the Title and the interpretation and enforcement of the terms of this policy, without regard to conflicts of law principles to determine the applicable law.
    b. *Choice of Forum*
       Any litigation or other proceeding brought by the Insured against the Company must be filed only in a State or federal court having jurisdiction.

17. NOTICES
    Any notice of claim and any other notice or statement in writing required to be given to the Company under this policy must be given to the Company at: 1408 North Westshore Boulevard, Suite 900, Tampa, Florida 33607.

18. ARBITRATION
    a. All claims and disputes arising out of or relating to this policy, including any service or other matter in connection with issuing this policy, any breach of a policy provision, or any other claim or dispute arising out of or relating to the transaction giving rise to this policy, may be submitted to binding arbitration only when agreed to by both the Company and the Insured. Arbitration must be conducted pursuant to the Title Insurance Arbitration Rules of the American Land Title Association ("ALTA Rules"). The ALTA Rules are available online at www.alta.org/arbitration. The ALTA Rules incorporate, as appropriate to a particular dispute, the Consumer Arbitration Rules and Commercial Arbitration Rules of the American Arbitration Association ("AAA Rules"). The AAA Rules are available online at www.adr.org.

b. *If there is a final judicial determination that a request for particular relief cannot be arbitrated in accordance with this Condition 18, then only that request for particular relief may be brought in court. All other requests for relief remain subject to this Condition 18.*

c. Fees will be allocated in accordance with the applicable AAA Rules. The results of arbitration will be binding upon the parties. The arbitrator may consider, but is not bound by, rulings in prior arbitrations involving different parties. The arbitrator is bound by rulings in prior arbitrations involving the same parties to the extent required by law. The arbitrator must issue a written decision sufficient to explain the findings and conclusions on which the award is based. Judgment upon the award rendered by the arbitrator may be entered in any State or federal court having jurisdiction.

Prepared by and return to:
**Joseph M. Madden, Jr.**
**Manager**
**MADDEN LAW FIRM, LLC**
**2277 MAIN ST.**
**Fort Myers, FL 33901**
**239-332-2100**
File Number: **9110.000**

INSTR. # 2022000397715, Pages 4
Doc Type: D, Recorded: 12/29/2022 at 4:27 PM
Kevin C. Karnes Lee County Clerk of the Circuit Court
Rec Fees: $35.50 Deed Doc: $0.70

Deputy Clerk CGRINER
#2

Consideration: Exempt/Donation to Non-Profit

[Space Above This Line For Recording Data]

# Special Warranty Deed

**This Special Warranty Deed** made this **29th** day of **December, 2022** between **MOOD DEVELOPMENT CORPORATION, a Florida corporation** whose post office address is **2277 Main Street, Fort Myers, FL 33901**, grantor, and **HOME FRONT HEROES INC., a Florida not-for-profit corporation** whose post office address is **14750 Six Mile Cypress Pkwy, Fort Myers, FL 33912**, grantee:

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

**Witnesseth**, that said grantor, for and in consideration of the sum ONE AND NO/100 DOLLARS ($1.00), the desire to promote welfare, and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Lee County, Florida**, to-wit:

**SEE EXHIBIT "A"**

**Parcel Identification Number: 10-44-24-00-01046.0000**

**and**

**Parcel Identification Number: 10-44-24-00-00047.0000**

**and**

**Parcel Identification Number: 10-44-24-00-00047.0010**

**and**

**Parcel Identification Number: 10-44-24-00-00047.0020**

**and**

**Parcel Identification Number: 10-44-24-00-00047.0030**

**and**

**Parcel Identification Number: 10-44-24-00-01046.0010**

Subject to that certain Limited Deed of Conservation Easement recorded at Official Records Instrument No. 2013000240535 in the Public Records of Lee County, Florida.

Grantor warrants that at the time of this conveyance, the subject property is not the Grantor's homestead within the meaning set forth in the constitution of the State of Florida, nor is it contiguous to or a part of homestead property.

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

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

**And** the Grantor hereby covenants with the Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey this land; that the Grantor hereby specially warrants that title to the land is free from all encumbrances made by Grantor, and Grantor will defend the same against the lawful claims of all persons claiming by, through, or under Grantor, but against none other.

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

Signed, sealed and delivered in our presence:

MOOD DEVELOPMENT CORPORATION, a Florida corporation

By: _____
HARRY C. HUETHER, President

Witness Name: Stacy Hartman

Witness Name: Joseph M. Madden Jr

(Corporate Seal)

State of Florida
County of Lee

The foregoing instrument was acknowledged before me by means of [X] physical presence or [_] online notarization, this 28 day of December, 2022 by HARRY C. HUETHER, President of MOOD DEVELOPMENT CORPORATION, a Florida corporation, on behalf of the corporation. He/she [_] is personally known to me or [X] has produced a driver's license as identification.

[Notary Seal]

JOSEPH M. MADDEN JR
Notary Public - State of Florida
Commission # HH 315621
My Comm. Expires Dec 18, 2026
Bonded through National Notary Assn.

Notary Public _____

Printed Name: _____

My Commission Expires: _____

COMPOSITE EXHIBIT "A" - Page 1 of 2

BANKS ENGINEERING

Professional Engineers, Planners & Land Surveyors

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

A PARCEL OF LAND LYING IN SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 10, THENCE RUN ALONG THE WEST BOUNDARY OF SAID SOUTHEAST QUARTER N 01°10'32" E FOR 1343.11 FEET TO A POINT OF INTERSECTION WITH THE SOUTH BOUNDARY OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 10 SAID POINT BEING THE **POINT OF BEGINNING**: THENCE S 89°18'20" W FOR 8.63 FEET TO THE EAST LINE OF THE COUNTY MAINTAINED RIGHT-OF-WAY OF MOODY ROAD (33' EAST OF CENTERLINE); THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, N 00°36'02" W FOR 670.06 FEET TO A POINT OF INTERSECTION WITH THE SOUTH BOUNDARY OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2138, PAGE 4303, (MANGROVE BAY CONDOMINIUMS) OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE ALONG SAID SOUTH BOUNDARY N 89°33'52" E FOR 990.00 FEET TO THE CENTERLINE OF HANCOCK CREEK EAST CHANNEL; THENCE ALONG THE APPROXIMATE CENTERLINE OF SAID HANCOCK CREEK, FOR THE FOLLOWING (3) THREE COURSES:

1) S 02°52'11" E FOR 201.15 FEET;
2) N 74°09'54" E FOR 296.35 FEET;
3) S 74°26'06" E FOR 79.67 FEET TO A POINT OF INTERSECTION WITH THE EAST BOUNDARY OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 10; THENCE ALONG SAID EAST BOUNDARY S 01°30'32" W FOR 164.71 FEET MORE OR LESS TO THE NORTHEAST CORNER OF LANDS DESCRIBED IN INSTRUMENT NUMBER 2022000185447 OF SAID PUBLIC RECORDS; THENCE NORTHWESTERLY, SOUTHWESTERLY AND NORTHWESTERLY ALONG THE NORTHERLY LINE OF SAID LANDS TO THE NORTHWEST CORNER OF SAID LANDS, SAID POINT ALSO BEING AN INTERSECTION WITH THE WEST LINE OF THE EAST 533 FEET OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 10; THENCE S 01°30'32" W ALONG SAID WEST LINE AND THE WEST LINE OF SAID LANDS FOR 190.12 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF SAID LANDS AND AN INTERSECTION WITH THE SOUTH LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE S 89°18'20" W ALONG SAID SOUTH LINE FOR 799.25 FEET TO THE **POINT OF BEGINNING.**

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

BEARINGS ARE BASED ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA AS BEARING N 01°10'32" E.

DESCRIPTION PREPARED: 12-21-2022
DESCRIPTION REVISED 12-22-2022

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009
DATE SIGNED: 12-22-2022

**SHEET 1 OF 2**

**• SERVING THE STATE OF FLORIDA •**

10511 Six Mile Cypress Parkway • Suite 101 • Fort Myers, Florida 33966
Phone 239-939-5490 • www.bankseng.com • Fax 239-939-2523
Engineering License No. EB 6469 • Surveying License No. LB 6690
S:\Jobs\25xx\2506\Surveying\Descriptions\2506-MOOD-LGL-2022.doc
S:\Jobs\25xx\2506\Surveying\Descriptions\2506-MOOD-LGL-2022.doc

DCI2023-00047 Lee County ePlan Additional info dated 05-20-2024

Composit Exhibit "A" - Page 2 of 2

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

10511 SIX MILE CYPRESS PARKWAY, SUITE 101
FT. MYERS, FLORIDA 33966
PHONE (239)939-5490 FAX (239)939-2523

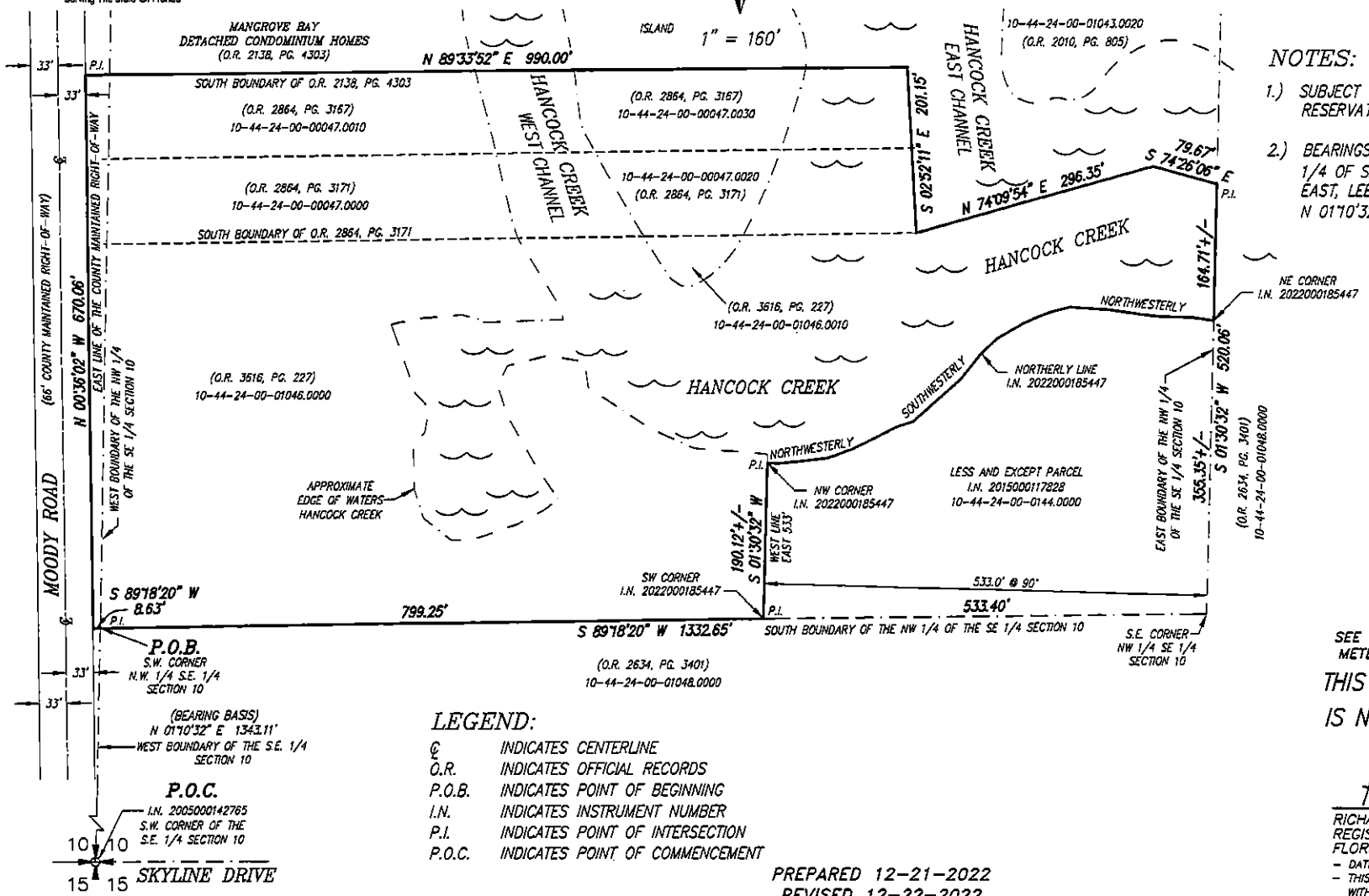
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690

WWW.BANKSENG.COM

# SKETCH OF DESCRIPTION

OF

A PARCEL OF LAND LYING IN
SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA




## NOTES:

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

2.) BEARINGS ARE BASED ON THE WEST LINE OF THE SE 1/4 OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA AS BEARING N 01°10'32" E.

## LEGEND:

| | |
|---|---|
| ℄ | INDICATES CENTERLINE |
| O.R. | INDICATES OFFICIAL RECORDS |
| P.O.B. | INDICATES POINT OF BEGINNING |
| I.N. | INDICATES INSTRUMENT NUMBER |
| P.I. | INDICATES POINT OF INTERSECTION |
| P.O.C. | INDICATES POINT OF COMMENCEMENT |

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

THIS SKETCH OF DESCRIPTION IS NOT A BOUNDARY SURVEY

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

- DATE SIGNED: 12-22-2022
- THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

PREPARED 12-21-2022
REVISED 12-22-2022
SHEET 2 OF 2

S:\JOBS\25XX\2506\SURVEYING\DESCRIPTIONS\2506-MOOD-LGL-2022.DOC
S:\JOBS\25XX\2506\SURVEYING\DESCRIPTIONS\2506-MOOD-SKT-2022.DWG

Instrument #2023000010531
Recorded: 1/10/2023 at 8:46 AM
Lee County Circuit Court
Doc Stamps: $0.70
Intangible Tax:
Recording Fee: $18.50

Prepared by:

Joseph M. Madden Jr.
Madden Law Firm LLC
2277 Main Street
Fort Myers, FL 33901

File No. 9110.000

Strap Numbers: 10-44-24-00-01046.0000
10-44-24-00-01046.0010
10-44-24-00-00047.0020
10-44-24-00-00047.0030

# Quit Claim Deed

**PREPARED WITHOUT EXAMINATION OR REVIEW OF TITLE**

**This Quit Claim Deed** made this 29th day of December 2022, between, MOOD DEVELOPMENT CORPORATION, a Florida corporation, whose post office address 2277 Main Street, Fort Myers, FL 33901, grantor, and HOME FRONT HEROES INC., a not-for-profit corporation, whose post office address is 14750 Six Mile Cypress Parkway, Fort Myers, FL 33912, grantee:

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

**Witnesseth**, that said grantor, for and in consideration of the sum ONE AND NO/100 DOLLARS ($1.00), the desire to promote welfare, and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described agreements, situate, lying and being in Lee County, Florida to-wit:

Any and all rights, title or interest, including equitable rights, in those certain Boat Slip Transfer Credits described in the Deed of Transfer recorded at Official Record Instrument No. 2013000240546, and the Limited Deed of Conservation Easement recorded in Official Record Instrument No. 2013000240535 in the Public Records of Lee County, Florida.

**To Have and to Hold**, the same together with all and singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of grantors, either in law or equity, for the use, benefit and profit of the said grantee forever.

**In Witness Whereof**, grantor has hereunto set grantor's hand and seal the day and year first above written.
Signed, sealed and delivered in our presence:

Signed, sealed and delivered in our presence:

Witness: Joseph M Madden Jr

Mood Development Corporation
By: Harry C. Huether
Its: President

Witness: Stacy Hartman

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 29 day of December 2022, by Harry C. Huether, President of Mood Development Corporation, by means of [_x_] physical presence or [__] online notarization and who is/are [___] personally known to me, or [_x_] who has/have produced Driver License as identification.

JOSEPH M. MADDEN JR
Notary Public - State of Florida
Commission # HH 315621
My Comm. Expires Dec 18, 2026
Bonded through National Notary Assn.

(Notary Seal)

NOTARY PUBLIC
Print Name:
Commission No:
Commission Expires:

## VICINITY MAP
NOT TO SCALE

### SURVEYOR'S NOTES CONTINUES:

SURVEY RELATED MATTERS REFERENCED IN ALTA OWNER'S POLICY OF TITLE INSURANCE WITH FLORIDA MODIFICATIONS, ISSUED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, POLICY NUMBER OYFL-08016519 (ISSUING OFFICE FILE NO. 8116.000 WITH A DATE OF NOVEMBER 9, 2022 AT: 04:27 PM, ARE SHOWN HEREON OR ADDRESSED AS FOLLOWS:

ITEM 4 RIGHT OF WAY EASEMENT TO LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA RECORDED IN OFFICIAL RECORDS BOOK 600, PAGE 132. (RIGHT OF WAY EASEMENT DOES NOT LIE OVER AND ACROSS SUBJECT PROPERTY)

ITEM 5 NOTICE OF LOT SPLIT APPROVAL RECORDED IN OFFICIAL RECORDS BOOK 2830, PAGE 2947. (LANDS DESCRIBED IN NOTICE OF LOT SPLIT APPROVAL ARE A PORTION OF SUBJECT PROPERTY)

ITEM 7 EASEMENT TO COMCAST OF CALIFORNIA XIV, LLC, RECORDED IN OFFICIAL RECORDS BOOK 4320, PAGE 2982. (A PORTION OF SUBJECT PROPERTY LIES WITHIN LANDS DESCRIBED IN GRANT OF EASEMENT)

ITEM 8 SUBJECT LAND LIES WITHIN THE MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT AS EVIDENCED BY INSTRUMENT RECORDED IN OFFICIAL RECORDS BOOK 4526, PAGE 776, OFFICIAL RECORDS BOOK 4647, PAGE 4069 AND OFFICIAL RECORD INSTRUMENT NUMBER 2008000260136 AND IS SUBJECT TO THE TERMS, CONDITIONS AND ASSESSMENTS THEREOF. (A PORTION OF SUBJECT PROPERTY LIES WITHIN LANDS DESCRIBED IN NOTICE OF ESTABLISHMENT OF THE MOODY RIVER ESTATES AND DISCLOSURE OF PUBLIC FINANCING AND MAINTENANCE OF IMPROVEMENTS TO REAL PROPERTY UNDERTAKEN BY THE MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT)

### SURVEYOR'S NOTES CONTINUES:

ITEM 9 SOUTH FLORIDA WATER MANAGEMENT DISTRICT NOTICE OF ENVIRONMENTAL RESOURCE OR SURFACE WATER MANAGEMENT PERMIT RECORDED IN OFFICIAL RECORDS INSTRUMENT NUMBER 2007000119013 AND OFFICIAL RECORDS INSTRUMENT NUMBER 2010000047919. (LANDS DESCRIBED IN NOTICE OF ENVIRONMENTAL RESOURCE OR SURFACE WATER MANAGEMENT PERMIT AND ENVIRONMENTAL RESOURCE PERMIT NOTICE, ARE A PORTION OF SUBJECT PROPERTY)

ITEM 10 EASEMENT CONTAINED IN FINAL JUDGMENT RECORDED IN OFFICIAL RECORDS INSTRUMENT NUMBER 2011000133899. "EASEMENT AREA" PER BOUNDARY AND TOPOGRAPHIC SURVEY, PREPARED BY FOCAL GEOMATICS, PROJECT NUMBER 130203, DRAWING DATE 3-13-13 (LIES OVER AND ACROSS SUBJECT PROPERTY, SHOWN HEREON)

ITEM 11 SETTLEMENT AGREEMENT AND RESTRICTIVE COVENANT RECORDED IN OFFICIAL RECORDS INSTRUMENT NUMBER 2012000249447, AS AFFECTED BY OFFICIAL RECORDS INSTRUMENT NUMBER 2017000027125. (LANDS DESCRIBED IN SETTLEMENT AGREEMENT AND RESTRICTIVE COVENANT IS A PORTION OF SUBJECT PROPERTY)

ITEM 12 LIMITED DEED OF CONSERVATION EASEMENT AND COVENANT LIMITING WATERCRAFT SLIPS RECORDED IN OFFICIAL RECORDS INSTRUMENT NUMBER 2013000240535, AS AFFECTED BY DEED OF TRANSFER OF SLIPS CREDITS RECORDED IN OFFICIAL RECORDS INSTRUMENT NUMBER 2013000240546. (LIES OVER AND ACROSS PORTIONS OF SUBJECT PROPERTY)

ITEM 13 EASEMENT IN FAVOR OF LEE COUNTY ELECTRIC COOPERATIVE, INC. RECORDED IN OFFICIAL RECORDS INSTRUMENT NUMBER 2016000047221. (LIES OVER AND ACROSS SUBJECT PROPERTY, SHOWN HEREON)

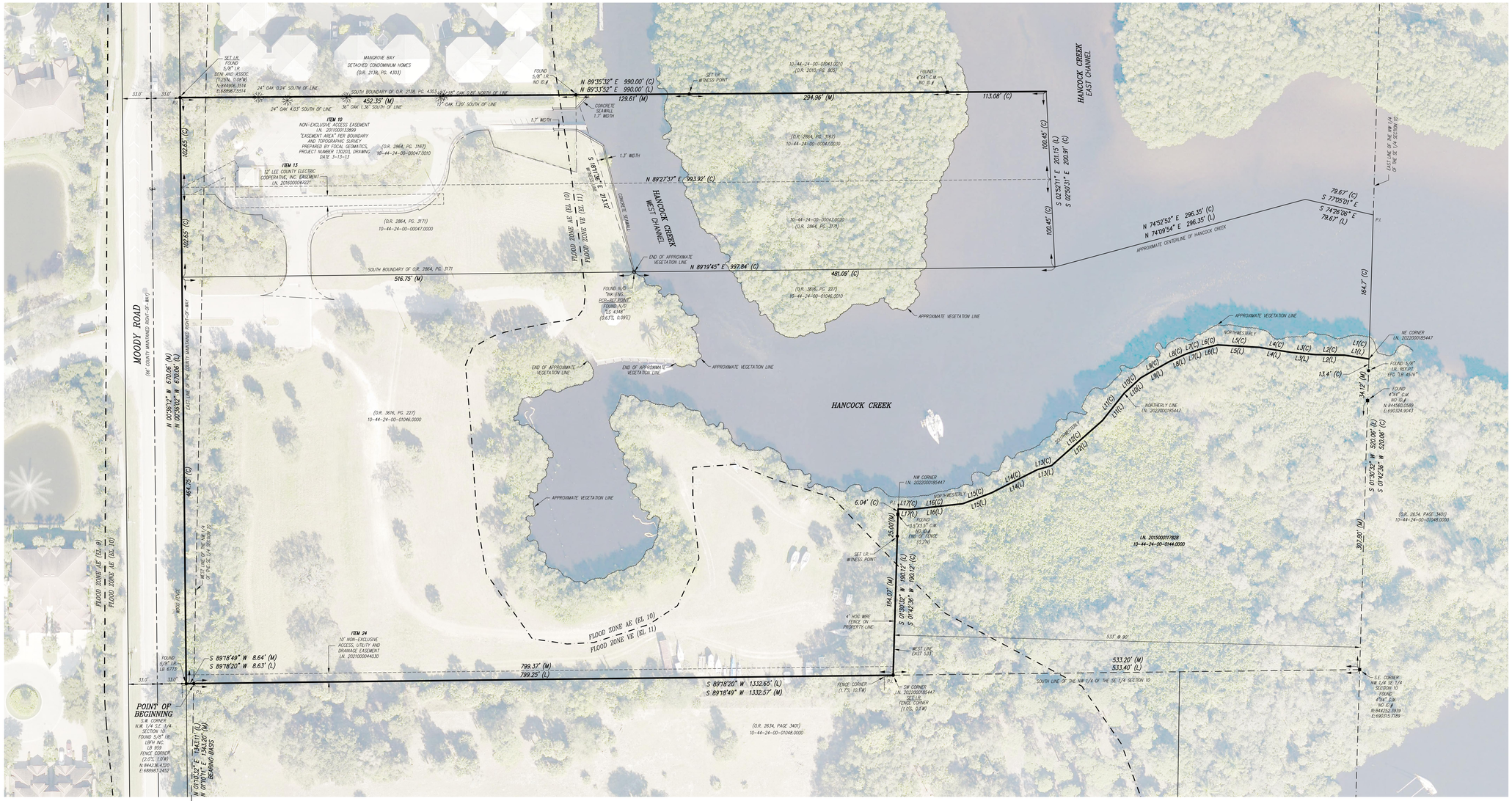
### SURVEYOR'S NOTES CONTINUES:

ITEM 14 TERMS AND CONDITIONS OF THE LEASE AGREEMENT DATED SEPTEMBER 30, 2015 BY AND BETWEEN MOGO DEVELOPMENT CORPORATION, LESSOR, AND ROYAL PALM SAILING CLUB, INC., D/B/A EDISON SAILING CENTER, LESSEE, AS EVIDENCED BY MEMORANDUM THEREOF RECORDED IN OFFICIAL RECORDS INSTRUMENT NUMBER 2016000215685. (LANDS DESCRIBED IN MEMORANDUM OF PERPETUAL NOT FOR PROFIT CHARITABLE LEASE AGREEMENT IS A PORTION OF SUBJECT PROPERTY)

ITEM 24 GRANT OF EASEMENT AND OPTION RECORDED IN OFFICIAL RECORDS INSTRUMENT NUMBER 2021000044030, AS AFFECTED BY MEMORANDUM OF TERMINATION OF OPTION RECORDED IN OFFICIAL RECORDS INSTRUMENT NUMBER 2022000397714. (LIES OVER AND ACROSS SUBJECT PROPERTY, SHOWN HEREON)

# SURVEY PLAT
OF
A PARCEL OF LAND LYING IN
SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA

1" = 60'
30' 0 30' 60'




### LEGAL DESCRIPTION:

REFERENCED IN ALTA OWNER'S POLICY OF TITLE INSURANCE WITH FLORIDA MODIFICATIONS, ISSUED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, POLICY NUMBER OYFL-08016519 (ISSUING OFFICE FILE NO. 8116.000 WITH A DATE OF NOVEMBER 9, 2022 AT: 04:27 PM.

A PARCEL OF LAND LYING IN SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 10, THENCE RUN ALONG THE WEST BOUNDARY OF SAID SOUTHEAST ONE-QUARTER N. 01°01'32" E., 1343.11 FEET TO A POINT OF INTERSECTION WITH THE SOUTH BOUNDARY OF THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 10 SAID POINT BEING THE **POINT OF BEGINNING**; THENCE SOUTH 89°18'20" WEST, 8.63 FEET TO THE EAST LINE OF THE COUNTY MAINTAINED RIGHT OF WAY OF MOODY ROAD (33' EAST OF CENTERLINE); THENCE ALONG SAID EAST RIGHT OF WAY LINE, NORTH 00°36'02" WEST, 670.06 FEET TO A POINT OF INTERSECTION WITH THE SOUTH BOUNDARY OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2138, AT PAGE 4303, (MANGROVE BAY CONDOMINIUMS) OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE ALONG SAID SOUTH BOUNDARY NORTH 89°33'52" EAST, 990.00 FEET TO THE CENTERLINE OF HANCOCK CREEK EAST CHANNEL; THENCE ALONG THE APPROXIMATE CENTERLINE OF SAID HANCOCK CREEK, FOR THE FOLLOWING (3) THREE COURSES:
1) SOUTH 02°52'11" EAST, 201.15 FEET;
2) NORTH 74°09'54" EAST, 296.35 FEET;
3) SOUTH 74°26'06" EAST 79.67 FEET TO A POINT OF INTERSECTION WITH THE EAST BOUNDARY OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 10; THENCE ALONG SAID EAST BOUNDARY SOUTH 01°30'32" WEST 520.06 FEET TO A POINT OF INTERSECTION WITH THE SOUTH BOUNDARY OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 10; THENCE ALONG SAID SOUTH BOUNDARY SOUTH 89°18'20" WEST 1,332.65 FEET TO THE **POINT OF BEGINNING**; LESS AND EXCEPT THAT PORTION DESCRIBED IN TAX DEED RECORDED IN OFFICIAL RECORDS INSTRUMENT NUMBER 2015000117828, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

### SURVEYOR'S NOTES:

THIS PLAT PREPARED AS A BOUNDARY SURVEY OF THE WEST, NORTH, SOUTH AND MOST WESTERLY NORTH-SOUTH LINE, EXCLUDING THE DEMARCATION OF PRIVATE AND SOVEREIGN LANDS AND IS NOT INTENDED TO DELINEATE THE JURISDICTION OR JURISDICTIONAL AREAS OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY, BOARD, COMMISSION OR OTHER ENTITY.

BOUNDARY SURVEY BASED ON THE FOLLOWING:

(1) ALTA OWNER'S POLICY OF TITLE INSURANCE WITH FLORIDA MODIFICATIONS, ISSUED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, POLICY NUMBER OYFL-08016519 ISSUING OFFICE FILE NO. 8116.000 WITH A DATE OF NOVEMBER 9, 2022 AT: 04:27 PM.

(2) CERTIFIED CORNER RECORDS (C.C.R.) FOR SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST.

(3) EXISTING MONUMENTATION.

ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF UNLESS OTHERWISE SHOWN.

BEARINGS AND DISTANCES UNLESS OTHERWISE SHOWN ARE BASED ON THE "STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST NAD 83 (CORS). WHEREIN THE WEST LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST BEARS N 01°10'11" E. THE STATION IS THE ANTENNA REFERENCE POINT OF THE GPS ANTENNA BASED AT PAGE FIELD. THE STATION IS A GPS CONTINUOUSLY OPERATING REFERENCE STATION DESIGNATION – FORT MYERS CORS ARP. HORIZONTAL VALUES WERE ESTABLISHED AND ADJUSTED BY THE NATIONAL GEODETIC SURVEY IN MARCH 2004. THE HORIZONTAL VALUES WERE ESTABLISHED BY GPS OBSERVATIONS. THE SCALE FACTOR IS 0.999942422.

INTERNAL IMPROVEMENT LOCATION WAS NOT INCLUDED WITHIN THE SCOPE OF THIS SURVEY. IMPROVEMENTS WHERE NOT LOCATED UNLESS OTHERWISE SHOWN.

OWNERSHIP BETWEEN PRIVATE AND SOVEREIGN LANDS WAS NOT DETERMINED.

THE SUBJECT PARCEL AS SHOWN HEREON IS LOCATED IN A SPECIAL FLOOD HAZARD AREA ON THE NATIONAL FLOOD INSURANCE PROGRAM'S FLOOD INSURANCE RATE MAPS.

PER FLOOD INSURANCE RATE MAP NUMBER 12071C0267G, AFFECTIVE DATE NOVEMBER 17, 2022 THE SUBJECT PARCEL LIES IN FLOOD ZONES AE 9, AE 10, AND FLOOD WAY AREA ZONE VE 11 HAVING A BASE FLOOD ELEVATION OF 9, 10 AND 11 FEET.

APPROXIMATE VEGETATION LINE TRACED FROM AERIAL IMAGE FLOWN BY EAGLE VIEW, FLIGHT DATE FROM 1-1-2022 TO 3-11-2022, OBTAINED FROM LEE COUNTY, FLORIDA.

DATE OF LAST FIELD WORK: 2-28-2023.

### SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, THAT THIS PLAT OF THE HEREON DESCRIBED PROPERTY IS A TRUE REPRESENTATION OF A FIELD SURVEY MADE UNDER MY DIRECTION AND MEETS THE STANDARDS OF PRACTICE SET FORTH IN CHAPTER: 5J-17 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

RICHARD M. RITZ, R.L.S.
FLORIDA CERTIFICATION NO. 4009
DATE SIGNED: 4-4-2024

Digitally signed by Richard M. Ritz, R.L.S. #4009 State of Florida using an SHA-1 authentication code. Printed copies of this document are not considered signed and sealed and the SHA-1 authentication code must be verified on any electronic copies.
Date: 2024.04.04 13:38:07 -04'00'

- ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED HEREON.
- IT IS NOT A CERTIFICATION OF TITLE, ZONING, SETBACKS, OR FREEDOM OF ENCUMBRANCES.
- THIS SURVEY WAS PREPARED WITH THE BENEFIT OF THAT CERTAIN ALTA OWNER'S POLICY OF TITLE INSURANCE WITH FLORIDA MODIFICATIONS, ISSUED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, POLICY NUMBER OYFL-08016519 ISSUING OFFICE FILE NO. 8116.000 WITH A DATE OF NOVEMBER 9, 2022 AT: 04:27 PM.
- ALL MATTERS OF TITLE SHOULD BE REFERRED TO AN ATTORNEY AT LAW.

### LEGEND:

| | |
|---|---|
| PT. | INDICATES POINT |
| (L) | INDICATES LEGAL |
| RNG | INDICATES RANGE |
| SEC | INDICATES SECTION |
| TWP | INDICATES TOWNSHIP |
| I.R. | INDICATES IRON ROD |
| (M) | INDICATES MEASURED |
| REF. | INDICATES REFERENCE |
| ℄ | INDICATES CENTERLINE |
| (C) | INDICATES CALCULATED |
| ENG. | INDICATES ENGINEERING |
| ID.# | INDICATES IDENTIFICATION |
| N/D | INDICATES NAIL AND DISK |
| U.E. | INDICATES UTILITY EASEMENT |
| A.E. | INDICATES ACCESS EASEMENT |
| LB | INDICATES LICENSED BUSINESS |

### LEGEND:

| | |
|---|---|
| D.E. | INDICATES DRAINAGE EASEMENT |
| LS | INDICATES LICENSED SURVEYOR |
| I.N. | INDICATES INSTRUMENT NUMBER |
| C.M. | INDICATES CONCRETE MONUMENT |
| EB | INDICATES ENGINEERING BUSINESS |
| P.I. | INDICATES POINT OF INTERSECTION |
| O.R. | INDICATES OFFICIAL RECORDS BOOK |
| R.L.S. | INDICATES REGISTERED LAND SURVEYOR |
| I.R. | INDICATES 5/8" IRON ROD, LB 6690 "BANKS ENG" UNLESS OTHERWISE NOTED |
| CORS. | INDICATES CONTINUOUSLY OPERATING REFERENCE STATION "STATE PLANE COORDINATES" FLORIDA ZONE WEST NAD 83/2011 (CORS.) |
| N:842893.5103 E:688955.8348 | |

### LINE TABLE (C)

| LINE | BEARING | DISTANCE |
|---|---|---|
| L1(C) | N 81°07'27" W | 28.53' |
| L2(C) | N 89°05'15" W | 33.51' |
| L3(C) | N 84°35'40" W | 27.15' |
| L4(C) | N 81°02'04" W | 37.15' |
| L5(C) | N 86°39'15" W | 47.65' |
| L6(C) | S 76°21'46" W | 19.74' |
| L7(C) | S 71°36'53" W | 17.76' |
| L8(C) | S 65°14'17" W | 21.64' |
| L9(C) | S 60°19'10" W | 36.94' |
| L10(C) | S 47°10'27" W | 26.05' |
| L11(C) | S 38°30'04" W | 39.67' |
| L12(C) | S 48°24'59" W | 77.81' |
| L13(C) | S 73°49'48" W | 16.95' |
| L14(C) | S 63°14'50" W | 58.74' |
| L15(C) | S 69°19'25" W | 35.05' |
| L16(C) | S 83°42'05" W | 60.94' |
| L17(C) | N 86°55'06" W | 13.29' |

### LINE TABLE (L)

| LINE | BEARING | DISTANCE |
|---|---|---|
| L1(L) | N 81°07'54" W | 28.53' |
| L2(L) | N 89°05'42" W | 33.51' |
| L3(L) | N 84°36'07" W | 27.15' |
| L4(L) | N 81°02'31" W | 37.15' |
| L5(L) | N 86°39'42" W | 47.65' |
| L6(L) | S 76°21'19" W | 19.74' |
| L7(L) | S 71°36'26" W | 17.76' |
| L8(L) | S 65°13'50" W | 21.64' |
| L9(L) | S 60°18'43" W | 36.94' |
| L10(L) | S 47°10'00" W | 26.05' |
| L11(L) | S 38°29'37" W | 39.67' |
| L12(L) | S 48°24'32" W | 77.81' |
| L13(L) | S 73°49'21" W | 16.95' |
| L14(L) | S 63°14'23" W | 58.74' |
| L15(L) | S 69°18'58" W | 35.05' |
| L16(L) | S 83°44'12" W | 60.94' |
| L17(L) | N 87°06'59" W | 12.91' |

| NO. | DATE | REVISION DESCRIPTION | BY |
|---|---|---|---|
| 3 | 4-3-2024 | REVISED PER ALTA OWNER'S POLICY OF TITLE INSURANCE | RS |
| 1 | 1-31-2024 | REVISED PER NEW LEGAL DESCRIPTION | RS |
| 1 | 4-10-2023 | REVISED PER ATTORNEY COMMENTS | JDW |

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

BOUNDARY SURVEY
## A PORTION OF SECTION 10, TWP 44S, RNG 24E
LEE COUNTY, FLORIDA

| DATE | PROJECT | DRAWING | DRAWN | CHECKED | SCALE | SHEET | OF | FILE NO. (S-T-R) |
|---|---|---|---|---|---|---|---|---|
| 3-7-2023 | 2506BS | 2506BS-BNDY-SR | RS | JDW | 1"=60' | 1 | 1 | 10-44-24 |

TR TRANSPORTATION CONSULTANTS, INC

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

April 25, 2023

Ms. Stacey Hewitt, AICP
Banks Engineering
10511 Six Mile Cypress Parkway
Fort Myers, FL 33966

RE: Home Front Heros Minor CPD
DCI2023-00047

Dear Ms. Hewitt:

TR Transportation Consultants, Inc. has reviewed the Traffic Impact Statement (TIS) comments issued by the Lee County Department of Community Development regarding the above project. The comments and TR Transportation's response to those comments are listed below for reference.

***TIS Review:***

> *Due to insufficient data within the ITE Trip Generation Manual for four Single-Family Attached or Detached housing units, it is advisable to resort to the trip generation fitted curve values associated with ITE Land Use Code 220 (Multifamily Low-Rise) to facilitate accurate estimation of trip generation for four caretaker's residences.*

The trip generation does not change regardless if LUC 220 or LUC 2015 is utilized for 4 dwelling units. No changes were made to the TIS based on this comment. Due to the low number of units, the trip rate has to be utilized from the data, not the equation. Four dwelling units does not generate over twenty peak hour trips.

> *According to AC 13-17, as the project generates more than 100 peak-hour trips, information regarding the level of Service of the site accesses and all intersections within one-quarter of a mile area shall be provided.*

Weekday peak hour turning movements were conducted at the intersections of Hancock Bridge Parkway and Moody Road and Moody Road and Moody River Boulevard on Thursday, January 11th, 2024. The traffic counts were adjusted to peak season conditions per the FDOT Peak Season Adjustment Factor Category Report, which is attached to this response. The intersection volumes were then adjusted to the project 2028 build-out year and the intersection analysis was completed for both location utilizing the ***SYNCHRO©*** program. The summary sheets for the existing 2024 peak season conditions, the projected 2028 Background Conditions and the 2028 Background + Project Traffic conditions are attached to this response letter for reference.

DCI2023-00047 Lee County ePlan Additional info dated 05-20-2024



The signalized intersection of Hancock Bridge Parkway and Moody Rive Road will continue to operate at an acceptable Level of Service in 2028 with the project traffic added to the intersection. The unsignalized intersection of Moody Road and Moody River Boulevard, which is where the site access drive will align, is also projected to operate at an acceptable Level of Service with all movements shown at LOS "A" or LOS "B" in 2028 both with and without the project trips added to the intersection.

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

Sincerely,

Ted B. Treesh, PTP
President

Attachments

K:\2023\10 October\01 Home Front Heros CPD Zoning\Sufficiency\1-17-2024 TIS Sufficiency.doc

# INTERSECTION TRAFFIC COUNT DATA

DCI2023-00047 Lee County ePlan

Additional info dated 05-20-2024

# Hancock Bridge Pkwy @ Moody Rd
## North Fort Myers FL
## Thursday, January 11, 2024

| Time | Southbound Moody Rd | | | | | | Westbound Hancock Bridge Pkwy | | | | | | Northbound Moody Rd | | | | | | Eastbound Hancock Bridge Pkwy | | | | | | VEHICLE TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | U Turns | Left Turns | Straight Through | Right Turns | Crosswalk Crossings | *Vehicle Approach Total* | U Turns | Left Turns | Straight Through | Right Turns | Crosswalk Crossings | *Vehicle Approach Total* | U Turns | Left Turns | Straight Through | Right Turns | Crosswalk Crossings | *Vehicle Approach Total* | U Turns | Left Turns | Straight Through | Right Turns | Crosswalk Crossings | *Vehicle Approach Total* | |
| 7:00 AM | 0 | 43 | 20 | 48 | 0 | *111* | 0 | 5 | 55 | 1 | 0 | *61* | 0 | 0 | 3 | 21 | 0 | *24* | 0 | 17 | 379 | 1 | 0 | *397* | **593** |
| 7:15 AM | 0 | 50 | 23 | 43 | 1 | *116* | 0 | 9 | 92 | 3 | 1 | *104* | 0 | 3 | 11 | 39 | 0 | *53* | 0 | 14 | 403 | 4 | 0 | *421* | **694** |
| 7:30 AM | 0 | 44 | 22 | 56 | 1 | *122* | 0 | 13 | 121 | 3 | 0 | *137* | 0 | 9 | 30 | 54 | 0 | *93* | 1 | 12 | 439 | 0 | 0 | *452* | **804** |
| 7:45 AM | 0 | 21 | 17 | 45 | 1 | *83* | 0 | 8 | 136 | 7 | 0 | *151* | 0 | 8 | 32 | 42 | 0 | *82* | 0 | 14 | 394 | 2 | 0 | *410* | **726** |
| Hourly Total | 0 | 158 | 82 | 192 | 3 | *432* | 0 | 35 | 404 | 14 | 1 | *453* | 0 | 20 | 76 | 156 | 0 | *252* | 1 | 57 | 1615 | 7 | 0 | *1680* | **2817** |
| 8:00 AM | 0 | 20 | 16 | 56 | 0 | *92* | 0 | 4 | 121 | 1 | 0 | *126* | 0 | 4 | 22 | 22 | 0 | *48* | 0 | 12 | 299 | 0 | 0 | *311* | **577** |
| 8:15 AM | 0 | 9 | 10 | 43 | 4 | *62* | 0 | 5 | 137 | 7 | 0 | *149* | 0 | 5 | 11 | 12 | 0 | *28* | 0 | 22 | 302 | 0 | 0 | *324* | **563** |
| 8:30 AM | 0 | 4 | 9 | 43 | 1 | *56* | 0 | 5 | 137 | 6 | 0 | *148* | 0 | 2 | 2 | 8 | 1 | *12* | 0 | 18 | 258 | 0 | 0 | *276* | **492** |
| 8:45 AM | 1 | 13 | 7 | 41 | 0 | *62* | 0 | 8 | 148 | 2 | 1 | *158* | 0 | 2 | 9 | 13 | 2 | *24* | 0 | 26 | 191 | 0 | 0 | *217* | **461** |
| Hourly Total | 1 | 46 | 42 | 183 | 5 | *272* | 0 | 22 | 543 | 16 | 1 | *581* | 0 | 13 | 44 | 55 | 3 | *112* | 0 | 78 | 1050 | 0 | 0 | *1128* | **2093** |
| **TOTAL** | **1** | **204** | **124** | **375** | **8** | ***704*** | **0** | **57** | **947** | **30** | **2** | ***1034*** | **0** | **33** | **120** | **211** | **3** | ***364*** | **1** | **135** | **2665** | **7** | **0** | ***2808*** | **4910** |
| **Cars** | 1 | 201 | 119 | 365 | 5 | *686* | 0 | 56 | 922 | 29 | 1 | *1007* | 0 | 30 | 117 | 209 | 3 | *356* | 1 | 134 | 2639 | 4 | 0 | *2778* | **4827** |
| **Heavy Vehicles** | 0 | 3 | 5 | 10 | 3 | *18* | 0 | 1 | 25 | 1 | 1 | *27* | 0 | 3 | 3 | 2 | 0 | *8* | 0 | 1 | 26 | 3 | 0 | *30* | **83** |
| **Heavy Vehicle %** | 0.00% | 1.47% | 4.03% | 2.67% | 37.50% | *2.56%* | 0.00% | 1.75% | 2.64% | 3.33% | 50.00% | *2.61%* | 0.00% | 9.09% | 2.50% | 0.95% | 0.00% | *2.20%* | 0.00% | 0.74% | 0.98% | 42.86% | 0.00% | *1.07%* | **1.69%** |

# Hancock Bridge Pkwy @ Moody Rd
## North Fort Myers FL
## Thursday, January 11, 2024
### AM Peak Hour

| Time | Southbound | | | | | | Westbound | | | | | | Northbound | | | | | | Eastbound | | | | | | VEHICLE TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | U Turns | Left Turns | Straight Through | Right Turns | Crosswalk Crossings | *Vehicle Approach Total* | U Turns | Left Turns | Straight Through | Right Turns | Crosswalk Crossings | *Vehicle Approach Total* | U Turns | Left Turns | Straight Through | Right Turns | Crosswalk Crossings | *Vehicle Approach Total* | U Turns | Left Turns | Straight Through | Right Turns | Crosswalk Crossings | *Vehicle Approach Total* | |
| 7:00 AM | 0 | 43 | 20 | 48 | 0 | *111* | 0 | 5 | 55 | 1 | 0 | *61* | 0 | 0 | 3 | 21 | 0 | *24* | 0 | 17 | 379 | 1 | 0 | *397* | **593** |
| 7:15 AM | 0 | 50 | 23 | 43 | 1 | *116* | 0 | 9 | 92 | 3 | 1 | *104* | 0 | 3 | 11 | 39 | 0 | *53* | 0 | 14 | 403 | 4 | 0 | *421* | **694** |
| 7:30 AM | 0 | 44 | 22 | 56 | 1 | *122* | 0 | 13 | 121 | 3 | 0 | *137* | 0 | 9 | 30 | 54 | 0 | *93* | 1 | 12 | 439 | 0 | 0 | *452* | **804** |
| 7:45 AM | 0 | 21 | 17 | 45 | 1 | *83* | 0 | 8 | 136 | 7 | 0 | *151* | 0 | 8 | 32 | 42 | 0 | *82* | 0 | 14 | 394 | 2 | 0 | *410* | **726** |
| Peak Hour Total | 0 | 158 | 82 | 192 | 3 | *432* | 0 | 35 | 404 | 14 | 1 | *453* | 0 | 20 | 76 | 156 | 0 | *252* | 1 | 57 | 1615 | 7 | 0 | *1680* | **2817** |
| PHF | 0.000 | 0.790 | 0.891 | 0.857 | 0.750 | *0.885* | 0.000 | 0.673 | 0.743 | 0.500 | 0.250 | *0.750* | 0.000 | 0.556 | 0.594 | 0.722 | 0.000 | *0.677* | 0.250 | 0.838 | 0.920 | 0.438 | 0.000 | *0.929* | **0.876** |

| Total Vehicles On Leg | | | | | 990 |
|---|---|---|---|---|---|
| Vehicles Entering Intersection | 704 | | Vehicles Exiting Intersection | | 286 |
| **Southbound** | | | | | |
| Cars | 365 | 119 | 201 | 1 | 5 |
| Heavy | 10 | 5 | 3 | 0 | 3 |
| **Total** | **375** | **124** | **204** | **1** | **8** |

| Total Vehicles on Leg 4164 | | Eastbound | Cars | Heavy | Total |
|---|---|---|---|---|---|
| | Vehicles Entering Intersection 2808 | | 0 | 0 | **0** |
| | | | 1 | 0 | **1** |
| | Vehicles Exiting Intersection 1356 | | 134 | 1 | **135** |
| | | | 2639 | 26 | **2665** |
| | | | 4 | 3 | **7** |

Volumes

| Cars | Heavy | Total | Westbound | | Total Vehicles on Leg 4114 |
|---|---|---|---|---|---|
| 29 | 1 | 30 | | Vehicles Entering Intersection 1034 | |
| 922 | 25 | 947 | | | |
| 56 | 1 | 57 | | Vehicles Exiting Intersection 3080 | |
| 0 | 0 | 0 | | | |
| 1 | 1 | 2 | | | |

| | | | | | |
|---|---|---|---|---|---|
| Cars | 3 | 0 | 30 | 117 | 209 |
| Heavy | 0 | 0 | 3 | 3 | 2 |
| **Total** | **3** | **0** | **33** | **120** | **211** |
| **Northbound** | | | | | |
| Vehicles Entering Intersection | 364 | | Vehicles Exiting Intersection | | 188 |
| Total Vehicles On Leg | | | 552 | | |

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# Hancock Bridge Pkwy @ Moody Rd
## North Fort Myers FL
## Thursday, January 11, 2024

| Time | Southbound Moody Rd | | | | | | Westbound Hancock Bridge Pkwy | | | | | | Northbound Moody Rd | | | | | | Eastbound Hancock Bridge Pkwy | | | | | | VEHICLE TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | U Turns | Left Turns | Straight Through | Right Turns | Crosswalk Crossings | *Vehicle Approach Total* | U Turns | Left Turns | Straight Through | Right Turns | Crosswalk Crossings | *Vehicle Approach Total* | U Turns | Left Turns | Straight Through | Right Turns | Crosswalk Crossings | *Vehicle Approach Total* | U Turns | Left Turns | Straight Through | Right Turns | Crosswalk Crossings | *Vehicle Approach Total* | |
| 4:00 PM | 0 | 8 | 5 | 36 | 0 | *49* | 0 | 17 | 307 | 12 | 0 | *336* | 0 | 4 | 7 | 12 | 0 | *23* | 1 | 18 | 167 | 5 | 0 | *191* | **599** |
| 4:15 PM | 0 | 6 | 6 | 46 | 0 | *58* | 1 | 13 | 329 | 9 | 0 | *352* | 0 | 6 | 9 | 15 | 0 | *30* | 0 | 20 | 187 | 5 | 0 | *212* | **652** |
| 4:30 PM | 0 | 8 | 8 | 26 | 0 | *42* | 0 | 15 | 341 | 20 | 2 | *376* | 0 | 2 | 5 | 7 | 2 | *14* | 1 | 21 | 196 | 1 | 0 | *219* | **661** |
| 4:45 PM | 0 | 9 | 15 | 43 | 0 | *67* | 1 | 14 | 355 | 10 | 0 | *380* | 0 | 2 | 7 | 22 | 1 | *31* | 0 | 19 | 201 | 1 | 0 | *221* | **699** |
| Hourly Total | 0 | 31 | 34 | 151 | 0 | *216* | 2 | 59 | 1332 | 51 | 2 | *1444* | 0 | 14 | 28 | 56 | 3 | *98* | 2 | 78 | 751 | 12 | 0 | *843* | **2601** |
| 5:00 PM | 0 | 4 | 5 | 37 | 0 | *46* | 0 | 15 | 312 | 12 | 1 | *339* | 0 | 3 | 1 | 7 | 0 | *11* | 0 | 25 | 196 | 1 | 0 | *222* | **618** |
| 5:15 PM | 0 | 10 | 11 | 37 | 0 | *58* | 0 | 8 | 368 | 19 | 0 | *395* | 0 | 4 | 8 | 9 | 2 | *21* | 0 | 23 | 231 | 1 | 0 | *255* | **729** |
| 5:30 PM | 0 | 10 | 7 | 35 | 0 | *52* | 0 | 19 | 368 | 7 | 2 | *394* | 0 | 2 | 4 | 10 | 3 | *16* | 0 | 30 | 176 | 2 | 0 | *208* | **670** |
| 5:45 PM | 0 | 3 | 11 | 41 | 0 | *55* | 0 | 17 | 310 | 4 | 0 | *331* | 0 | 5 | 6 | 5 | 1 | *16* | 0 | 18 | 152 | 0 | 0 | *170* | **572** |
| Hourly Total | 0 | 27 | 34 | 150 | 0 | *211* | 0 | 59 | 1358 | 42 | 3 | *1459* | 0 | 14 | 19 | 31 | 6 | *64* | 0 | 96 | 755 | 4 | 0 | *855* | **2589** |
| **TOTAL** | **0** | **58** | **68** | **301** | **0** | ***427*** | **2** | **118** | **2690** | **93** | **5** | ***2903*** | **0** | **28** | **47** | **87** | **9** | ***162*** | **2** | **174** | **1506** | **16** | **0** | ***1698*** | **5190** |
| **Cars** | 0 | 58 | 66 | 295 | 0 | *419* | 2 | 116 | 2679 | 92 | 4 | *2889* | 0 | 24 | 46 | 85 | 9 | *155* | 2 | 172 | 1485 | 16 | 0 | *1675* | **5138** |
| **Heavy Vehicles** | 0 | 0 | 2 | 6 | 0 | *8* | 0 | 2 | 11 | 1 | 1 | *14* | 0 | 4 | 1 | 2 | 0 | *7* | 0 | 2 | 21 | 0 | 0 | *23* | **52** |
| **Heavy Vehicle %** | 0.00% | 0.00% | 2.94% | 1.99% | 0.00% | *1.87%* | 0.00% | 1.69% | 0.41% | 1.08% | 20.00% | *0.48%* | 0.00% | 14.29% | 2.13% | 2.30% | 0.00% | *4.32%* | 0.00% | 1.15% | 1.39% | 0.00% | 0.00% | *1.35%* | **1.00%** |

# Hancock Bridge Pkwy @ Moody Rd
## North Fort Myers FL
## Thursday, January 11, 2024
### PM Peak Hour

| Time | Southbound | | | | | | Westbound | | | | | | Northbound | | | | | | Eastbound | | | | | | VEHICLE TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | U Turns | Left Turns | Straight Through | Right Turns | Crosswalk Crossings | *Vehicle Approach Total* | U Turns | Left Turns | Straight Through | Right Turns | Crosswalk Crossings | *Vehicle Approach Total* | U Turns | Left Turns | Straight Through | Right Turns | Crosswalk Crossings | *Vehicle Approach Total* | U Turns | Left Turns | Straight Through | Right Turns | Crosswalk Crossings | *Vehicle Approach Total* | |
| 4:45 PM | 0 | 9 | 15 | 43 | 0 | *67* | 1 | 14 | 355 | 10 | 0 | *380* | 0 | 2 | 7 | 22 | 1 | *31* | 0 | 19 | 201 | 1 | 0 | *221* | **699** |
| 5:00 PM | 0 | 4 | 5 | 37 | 0 | *46* | 0 | 15 | 312 | 12 | 1 | *339* | 0 | 3 | 1 | 7 | 0 | *11* | 0 | 25 | 196 | 1 | 0 | *222* | **618** |
| 5:15 PM | 0 | 10 | 11 | 37 | 0 | *58* | 0 | 8 | 368 | 19 | 0 | *395* | 0 | 4 | 8 | 9 | 2 | *21* | 0 | 23 | 231 | 1 | 0 | *255* | **729** |
| 5:30 PM | 0 | 10 | 7 | 35 | 0 | *52* | 0 | 19 | 368 | 7 | 2 | *394* | 0 | 2 | 4 | 10 | 3 | *16* | 0 | 30 | 176 | 2 | 0 | *208* | **670** |
| Peak Hour Total | 0 | 33 | 38 | 152 | 0 | *223* | 1 | 56 | 1403 | 48 | 3 | *1508* | 0 | 11 | 20 | 48 | 6 | *79* | 0 | 97 | 804 | 5 | 0 | *906* | **2716** |
| PHF | 0.000 | 0.825 | 0.633 | 0.884 | 0.000 | *0.832* | 0.250 | 0.737 | 0.953 | 0.632 | 0.375 | *0.954* | 0.000 | 0.688 | 0.625 | 0.545 | 0.500 | *0.637* | 0.000 | 0.808 | 0.870 | 0.625 | 0.000 | *0.888* | **0.931** |

| Total Vehicles On Leg | | | 741 | | |
|---|---|---|---|---|---|
| Vehicles Entering Intersection 427 | | | Vehicles Exiting Intersection 314 | | |
| Southbound | | | | | |
| Cars | 295 | 66 | 58 | 0 | 0 |
| Heavy | 6 | 2 | 0 | 0 | 0 |
| Total | 301 | 68 | 58 | 0 | 0 |

| Total Vehicles on Leg 4719 | Vehicles Entering Intersection 1698 | Eastbound | Cars | Heavy | Total |
|---|---|---|---|---|---|
| | | | 0 | 0 | 0 |
| | | | 2 | 0 | 2 |
| | Vehicles Exiting Intersection 3021 | | 172 | 2 | 174 |
| | | | 1485 | 21 | 1506 |
| | | | 16 | 0 | 16 |

Total Volumes

| Cars | Heavy | Total | Westbound | Vehicles Entering Intersection 2903 | Total Vehicles on Leg 4556 |
|---|---|---|---|---|---|
| 92 | 1 | 93 | | | |
| 2679 | 11 | 2690 | | | |
| 116 | 2 | 118 | | Vehicles Exiting Intersection 1653 | |
| 2 | 0 | 2 | | | |
| 4 | 1 | 5 | | | |

| | | | | | |
|---|---|---|---|---|---|
| Cars | 9 | 0 | 24 | 46 | 85 |
| Heavy | 0 | 0 | 4 | 1 | 2 |
| Total | 9 | 0 | 28 | 47 | 87 |
| Northbound | | | | | |
| Vehicles Entering Intersection 162 | | | Vehicles Exiting Intersection 202 | | |
| Total Vehicles On Leg | | | 364 | | |

DCI2023-00047 Lee County ePlan

Additional info dated 05-20-2024

# Moody River Blvd @ Moody Rd
## North Fort Myers FL
## Thursday, January 11, 2024

| Time | Southbound Moody Rd | | | | | | Westbound Moody River Blvd | | | | | | Northbound Moody Rd | | | | | | Eastbound Moody River Blvd | | | | | | VEHICLE TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | U Turns | Left Turns | Straight Through | Right Turns | Crosswalk Crossings | *Vehicle Approach Total* | U Turns | Left Turns | Straight Through | Right Turns | Crosswalk Crossings | *Vehicle Approach Total* | U Turns | Left Turns | Straight Through | Right Turns | Crosswalk Crossings | *Vehicle Approach Total* | U Turns | Left Turns | Straight Through | Right Turns | Crosswalk Crossings | *Vehicle Approach Total* | |
| 7:00 AM | 0 | 2 | 22 | 1 | 0 | *25* | 0 | 0 | 0 | 0 | 0 | *0* | 0 | 0 | 18 | 0 | 0 | *18* | 0 | 6 | 0 | 0 | 3 | *6* | **49** |
| 7:15 AM | 0 | 0 | 34 | 0 | 0 | *34* | 0 | 0 | 2 | 0 | 0 | *2* | 0 | 0 | 56 | 0 | 0 | *56* | 0 | 11 | 0 | 0 | 6 | *11* | **103** |
| 7:30 AM | 0 | 0 | 28 | 2 | 2 | *30* | 0 | 0 | 0 | 0 | 0 | *0* | 0 | 0 | 61 | 0 | 0 | *61* | 0 | 10 | 0 | 0 | 1 | *10* | **101** |
| 7:45 AM | 0 | 0 | 25 | 2 | 2 | *27* | 0 | 0 | 0 | 0 | 0 | *0* | 0 | 0 | 79 | 0 | 0 | *79* | 0 | 6 | 0 | 1 | 6 | *7* | **113** |
| Hourly Total | 0 | 2 | 109 | 5 | 4 | *116* | 0 | 0 | 2 | 0 | 0 | *2* | 0 | 0 | 214 | 0 | 0 | *214* | 0 | 33 | 0 | 1 | 16 | *34* | **366** |
| 8:00 AM | 0 | 1 | 17 | 1 | 0 | *19* | 0 | 0 | 0 | 0 | 0 | *0* | 0 | 0 | 34 | 0 | 0 | *34* | 0 | 7 | 0 | 0 | 3 | *7* | **60** |
| 8:15 AM | 0 | 1 | 13 | 1 | 2 | *15* | 0 | 0 | 0 | 0 | 0 | *0* | 0 | 0 | 23 | 0 | 0 | *23* | 0 | 6 | 0 | 0 | 3 | *6* | **44** |
| 8:30 AM | 0 | 1 | 11 | 3 | 3 | *15* | 0 | 0 | 0 | 0 | 0 | *0* | 0 | 0 | 8 | 0 | 0 | *8* | 0 | 4 | 0 | 1 | 4 | *5* | **28** |
| 8:45 AM | 1 | 1 | 9 | 3 | 4 | *14* | 0 | 0 | 1 | 0 | 0 | *1* | 0 | 0 | 20 | 0 | 0 | *20* | 0 | 2 | 0 | 0 | 8 | *2* | **37** |
| Hourly Total | 1 | 4 | 50 | 8 | 9 | *63* | 0 | 0 | 1 | 0 | 0 | *1* | 0 | 0 | 85 | 0 | 0 | *85* | 0 | 19 | 0 | 1 | 18 | *20* | **169** |
| **TOTAL** | **1** | **6** | **159** | **13** | **13** | ***179*** | **0** | **0** | **3** | **0** | **0** | ***3*** | **0** | **0** | **299** | **0** | **0** | ***299*** | **0** | **52** | **0** | **2** | **34** | ***54*** | **535** |
| **Cars** | 1 | 5 | 152 | 13 | 13 | *171* | 0 | 0 | 2 | 0 | 0 | *2* | 0 | 0 | 292 | 0 | 0 | *292* | 0 | 52 | 0 | 2 | 34 | *54* | **519** |
| **Heavy Vehicles** | 0 | 1 | 7 | 0 | 0 | *8* | 0 | 0 | 1 | 0 | 0 | *1* | 0 | 0 | 7 | 0 | 0 | *7* | 0 | 0 | 0 | 0 | 0 | *0* | **16** |
| **Heavy Vehicle %** | 0.00% | 16.67% | 4.40% | 0.00% | 0.00% | *4.47%* | 0.00% | 0.00% | 33.33% | 0.00% | 0.00% | *33.33%* | 0.00% | 0.00% | 2.34% | 0.00% | 0.00% | *2.34%* | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% | *0.00%* | **2.99%** |

# Moody River Blvd @ Moody Rd
## North Fort Myers FL
## Thursday, January 11, 2024
### AM Peak Hour

| Time | Southbound | | | | | | Westbound | | | | | | Northbound | | | | | | Eastbound | | | | | | VEHICLE TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | U Turns | Left Turns | Straight Through | Right Turns | Crosswalk Crossings | *Vehicle Approach Total* | U Turns | Left Turns | Straight Through | Right Turns | Crosswalk Crossings | *Vehicle Approach Total* | U Turns | Left Turns | Straight Through | Right Turns | Crosswalk Crossings | *Vehicle Approach Total* | U Turns | Left Turns | Straight Through | Right Turns | Crosswalk Crossings | *Vehicle Approach Total* | |
| 7:15 AM | 0 | 0 | 34 | 0 | 0 | *34* | 0 | 0 | 2 | 0 | 0 | *2* | 0 | 0 | 56 | 0 | 0 | *56* | 0 | 11 | 0 | 0 | 6 | *11* | **103** |
| 7:30 AM | 0 | 0 | 28 | 2 | 2 | *30* | 0 | 0 | 0 | 0 | 0 | *0* | 0 | 0 | 61 | 0 | 0 | *61* | 0 | 10 | 0 | 0 | 1 | *10* | **101** |
| 7:45 AM | 0 | 0 | 25 | 2 | 2 | *27* | 0 | 0 | 0 | 0 | 0 | *0* | 0 | 0 | 79 | 0 | 0 | *79* | 0 | 6 | 0 | 1 | 6 | *7* | **113** |
| 8:00 AM | 0 | 1 | 17 | 1 | 0 | *19* | 0 | 0 | 0 | 0 | 0 | *0* | 0 | 0 | 34 | 0 | 0 | *34* | 0 | 7 | 0 | 0 | 3 | *7* | **60** |
| Peak Hour Total | 0 | 1 | 104 | 5 | 4 | *110* | 0 | 0 | 2 | 0 | 0 | *2* | 0 | 0 | 230 | 0 | 0 | *230* | 0 | 34 | 0 | 1 | 16 | *35* | **377** |
| PHF | 0.000 | 0.250 | 0.765 | 0.625 | 0.500 | *0.809* | 0.000 | 0.000 | 0.250 | 0.000 | 0.000 | *0.250* | 0.000 | 0.000 | 0.728 | 0.000 | 0.000 | *0.728* | 0.000 | 0.773 | 0.000 | 0.250 | 0.667 | *0.795* | **0.834** |

| Total Vehicles On Leg | | | 531 | | |
|---|---|---|---|---|---|
| Vehicles Entering Intersection | 179 | | Vehicles Exiting Intersection | 352 | |
| Southbound | | | | | |
| Cars | 13 | 152 | 5 | 1 | 13 |
| Heavy | 0 | 7 | 1 | 0 | 0 |
| **Total** | **13** | **159** | **6** | **1** | **13** |

| Total Vehicles on Leg 70 | Vehicles Entering Intersection 54 | Eastbound | Cars | Heavy | Total |
|---|---|---|---|---|---|
| | | | 34 | 0 | 34 |
| | | | 0 | 0 | 0 |
| | Vehicles Exiting Intersection 16 | | 52 | 0 | 52 |
| | | | 0 | 0 | 0 |
| | | | 2 | 0 | 2 |

Volumes

| Cars | Heavy | Total | Westbound | Vehicles Entering Intersection 3 | Total Vehicles on Leg 9 |
|---|---|---|---|---|---|
| 0 | 0 | 0 | | | |
| 2 | 1 | 3 | | | |
| 0 | 0 | 0 | | Vehicles Exiting Intersection 6 | |
| 0 | 0 | 0 | | | |
| 0 | 0 | 0 | | | |

| | | | | | |
|---|---|---|---|---|---|
| Cars | 0 | 0 | 0 | 292 | 0 |
| Heavy | 0 | 0 | 0 | 7 | 0 |
| **Total** | **0** | **0** | **0** | **299** | **0** |
| Northbound | | | | | |
| Vehicles Entering Intersection | 299 | | Vehicles Exiting Intersection | 161 | |
| Total Vehicles On Leg | | | 460 | | |

DCI2023-00047 Lee County ePlan

Additional info dated 05-20-2024

# Moody River Blvd @ Moody Rd
## North Fort Myers FL
## Thursday, January 11, 2024

| Time | Southbound Moody Rd | | | | | | Westbound Moody River Blvd | | | | | | Northbound Moody Rd | | | | | | Eastbound Moody River Blvd | | | | | | VEHICLE TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | U Turns | Left Turns | Straight Through | Right Turns | Crosswalk Crossings | *Vehicle Approach Total* | U Turns | Left Turns | Straight Through | Right Turns | Crosswalk Crossings | *Vehicle Approach Total* | U Turns | Left Turns | Straight Through | Right Turns | Crosswalk Crossings | *Vehicle Approach Total* | U Turns | Left Turns | Straight Through | Right Turns | Crosswalk Crossings | *Vehicle Approach Total* | |
| 4:00 PM | 0 | 0 | 20 | 5 | 0 | *25* | 0 | 0 | 0 | 2 | 0 | *2* | 0 | 0 | 14 | 3 | 0 | *17* | 0 | 5 | 0 | 0 | 2 | *5* | 49 |
| 4:15 PM | 0 | 0 | 17 | 4 | 0 | *21* | 0 | 0 | 0 | 5 | 0 | *5* | 0 | 0 | 15 | 0 | 0 | *15* | 0 | 6 | 0 | 0 | 2 | *6* | 47 |
| 4:30 PM | 0 | 1 | 14 | 9 | 2 | *24* | 0 | 0 | 0 | 1 | 0 | *1* | 0 | 0 | 9 | 0 | 0 | *9* | 0 | 4 | 0 | 1 | 3 | *5* | 39 |
| 4:45 PM | 0 | 0 | 25 | 3 | 0 | *28* | 0 | 0 | 1 | 1 | 0 | *2* | 0 | 1 | 23 | 0 | 0 | *24* | 0 | 5 | 0 | 2 | 0 | *7* | 61 |
| Hourly Total | 0 | 1 | 76 | 21 | 2 | *98* | 0 | 0 | 1 | 9 | 0 | *10* | 0 | 1 | 61 | 3 | 0 | *65* | 0 | 20 | 0 | 3 | 7 | *23* | 196 |
| 5:00 PM | 0 | 0 | 15 | 6 | 0 | *21* | 0 | 0 | 0 | 0 | 0 | *0* | 0 | 1 | 10 | 0 | 0 | *11* | 0 | 2 | 0 | 1 | 1 | *3* | 36 |
| 5:15 PM | 0 | 1 | 16 | 3 | 0 | *20* | 0 | 0 | 0 | 0 | 0 | *0* | 0 | 0 | 14 | 0 | 0 | *14* | 0 | 8 | 0 | 0 | 1 | *8* | 42 |
| 5:30 PM | 0 | 0 | 20 | 7 | 3 | *27* | 0 | 0 | 1 | 0 | 1 | *1* | 0 | 0 | 14 | 0 | 1 | *14* | 0 | 4 | 1 | 0 | 4 | *5* | 47 |
| 5:45 PM | 0 | 0 | 19 | 5 | 0 | *24* | 0 | 0 | 0 | 0 | 0 | *0* | 0 | 0 | 12 | 0 | 0 | *12* | 0 | 3 | 0 | 2 | 2 | *5* | 41 |
| Hourly Total | 0 | 1 | 70 | 21 | 3 | *92* | 0 | 0 | 1 | 0 | 1 | *1* | 0 | 1 | 50 | 0 | 1 | *51* | 0 | 17 | 1 | 3 | 8 | *21* | 165 |
| **TOTAL** | **0** | **2** | **146** | **42** | **5** | ***190*** | **0** | **0** | **2** | **9** | **1** | ***11*** | **0** | **2** | **111** | **3** | **1** | ***116*** | **0** | **37** | **1** | **6** | **15** | ***44*** | **361** |
| **Cars** | 0 | 2 | 142 | 42 | 5 | *186* | 0 | 0 | 2 | 8 | 1 | *10* | 0 | 2 | 106 | 2 | 1 | *110* | 0 | 36 | 1 | 6 | 15 | *43* | **349** |
| **Heavy Vehicles** | 0 | 0 | 4 | 0 | 0 | *4* | 0 | 0 | 0 | 1 | 0 | *1* | 0 | 0 | 5 | 1 | 0 | *6* | 0 | 1 | 0 | 0 | 0 | *1* | **12** |
| **Heavy Vehicle %** | 0.00% | 0.00% | 2.74% | 0.00% | 0.00% | *2.11%* | 0.00% | 0.00% | 0.00% | 11.11% | 0.00% | *9.09%* | 0.00% | 0.00% | 4.50% | 33.33% | 0.00% | *5.17%* | 0.00% | 2.70% | 0.00% | 0.00% | 0.00% | *2.27%* | **3.32%** |

# Moody River Blvd @ Moody Rd
## North Fort Myers FL
## Thursday, January 11, 2024
### PM Peak Hour

| Time | Southbound | | | | | | Westbound | | | | | | Northbound | | | | | | Eastbound | | | | | | VEHICLE TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | U Turns | Left Turns | Straight Through | Right Turns | Crosswalk Crossings | *Vehicle Approach Total* | U Turns | Left Turns | Straight Through | Right Turns | Crosswalk Crossings | *Vehicle Approach Total* | U Turns | Left Turns | Straight Through | Right Turns | Crosswalk Crossings | *Vehicle Approach Total* | U Turns | Left Turns | Straight Through | Right Turns | Crosswalk Crossings | *Vehicle Approach Total* | |
| 4:00 PM | 0 | 0 | 20 | 5 | 0 | *25* | 0 | 0 | 0 | 2 | 0 | *2* | 0 | 0 | 14 | 3 | 0 | *17* | 0 | 5 | 0 | 0 | 2 | *5* | 49 |
| 4:15 PM | 0 | 0 | 17 | 4 | 0 | *21* | 0 | 0 | 0 | 5 | 0 | *5* | 0 | 0 | 15 | 0 | 0 | *15* | 0 | 6 | 0 | 0 | 2 | *6* | 47 |
| 4:30 PM | 0 | 1 | 14 | 9 | 2 | *24* | 0 | 0 | 0 | 1 | 0 | *1* | 0 | 0 | 9 | 0 | 0 | *9* | 0 | 4 | 0 | 1 | 3 | *5* | 39 |
| 4:45 PM | 0 | 0 | 25 | 3 | 0 | *28* | 0 | 0 | 1 | 1 | 0 | *2* | 0 | 1 | 23 | 0 | 0 | *24* | 0 | 5 | 0 | 2 | 0 | *7* | 61 |
| Peak Hour Total | 0 | 1 | 76 | 21 | 2 | *98* | 0 | 0 | 1 | 9 | 0 | *10* | 0 | 1 | 61 | 3 | 0 | *65* | 0 | 20 | 0 | 3 | 7 | *23* | 196 |
| PHF | 0.000 | 0.250 | 0.760 | 0.583 | 0.250 | *0.875* | 0.000 | 0.000 | 0.250 | 0.450 | 0.000 | *0.500* | 0.000 | 0.250 | 0.663 | 0.250 | 0.000 | *0.677* | 0.000 | 0.833 | 0.000 | 0.375 | 0.583 | *0.821* | 0.803 |

| Total Vehicles On Leg | 347 | | | | |
|---|---|---|---|---|---|
| Vehicles Entering Intersection | 190 | Vehicles Exiting Intersection | 157 | | |
| **Southbound** | | | | | |
| Cars | 42 | 142 | 2 | 0 | 5 |
| Heavy | 0 | 4 | 0 | 0 | 0 |
| **Total** | **42** | **146** | **2** | **0** | **5** |

| Total Vehicles on Leg 90 | Vehicles Entering Intersection 44 | Eastbound | Cars | Heavy | Total |
|---|---|---|---|---|---|
| | | | 15 | 0 | 15 |
| | | | 0 | 0 | 0 |
| | Vehicles Exiting Intersection 46 | | 36 | 1 | 37 |
| | | | 1 | 0 | 1 |
| | | | 6 | 0 | 6 |

Volumes

| Cars | Heavy | Total | Westbound | Vehicles Entering Intersection 11 | Total Vehicles on Leg 17 |
|---|---|---|---|---|---|
| 8 | 1 | 9 | | | |
| 2 | 0 | 2 | | | |
| 0 | 0 | 0 | | Vehicles Exiting Intersection 6 | |
| 0 | 0 | 0 | | | |
| 1 | 0 | 1 | | | |

| | | | | | |
|---|---|---|---|---|---|
| Cars | 1 | 0 | 2 | 106 | 2 |
| Heavy | 0 | 0 | 0 | 5 | 1 |
| **Total** | **1** | **0** | **2** | **111** | **3** |
| **Northbound** | | | | | |
| Vehicles Entering Intersection | 116 | Vehicles Exiting Intersection | 152 | | |
| Total Vehicles On Leg | | 268 | | | |

# PEAK SEASON ADJUSTMENT FACTOR DATA

2022 PEAK SEASON FACTOR CATEGORY REPORT - REPORT TYPE: ALL
CATEGORY: 1243 NORTH FORT MYERS

MOCF: 0.90

| WEEK | DATES | SF | PSCF |
|---|---|---|---|
| 1 | 01/01/2022 - 01/01/2022 | 1.00 | 1.11 |
| 2 | 01/02/2022 - 01/08/2022 | 0.98 | 1.09 |
| 3 | 01/09/2022 - 01/15/2022 | 0.96 | 1.07 |
| * 4 | 01/16/2022 - 01/22/2022 | 0.94 | 1.04 |
| * 5 | 01/23/2022 - 01/29/2022 | 0.92 | 1.02 |
| * 6 | 01/30/2022 - 02/05/2022 | 0.91 | 1.01 |
| * 7 | 02/06/2022 - 02/12/2022 | 0.89 | 0.99 |
| * 8 | 02/13/2022 - 02/19/2022 | 0.87 | 0.97 |
| * 9 | 02/20/2022 - 02/26/2022 | 0.87 | 0.97 |
| *10 | 02/27/2022 - 03/05/2022 | 0.87 | 0.97 |
| *11 | 03/06/2022 - 03/12/2022 | 0.87 | 0.97 |
| *12 | 03/13/2022 - 03/19/2022 | 0.87 | 0.97 |
| *13 | 03/20/2022 - 03/26/2022 | 0.89 | 0.99 |
| *14 | 03/27/2022 - 04/02/2022 | 0.91 | 1.01 |
| *15 | 04/03/2022 - 04/09/2022 | 0.92 | 1.02 |
| *16 | 04/10/2022 - 04/16/2022 | 0.94 | 1.04 |
| 17 | 04/17/2022 - 04/23/2022 | 0.96 | 1.07 |
| 18 | 04/24/2022 - 04/30/2022 | 0.99 | 1.10 |
| 19 | 05/01/2022 - 05/07/2022 | 1.01 | 1.12 |
| 20 | 05/08/2022 - 05/14/2022 | 1.04 | 1.16 |
| 21 | 05/15/2022 - 05/21/2022 | 1.06 | 1.18 |
| 22 | 05/22/2022 - 05/28/2022 | 1.08 | 1.20 |
| 23 | 05/29/2022 - 06/04/2022 | 1.09 | 1.21 |
| 24 | 06/05/2022 - 06/11/2022 | 1.11 | 1.23 |
| 25 | 06/12/2022 - 06/18/2022 | 1.12 | 1.24 |
| 26 | 06/19/2022 - 06/25/2022 | 1.12 | 1.24 |
| 27 | 06/26/2022 - 07/02/2022 | 1.12 | 1.24 |
| 28 | 07/03/2022 - 07/09/2022 | 1.11 | 1.23 |
| 29 | 07/10/2022 - 07/16/2022 | 1.11 | 1.23 |
| 30 | 07/17/2022 - 07/23/2022 | 1.10 | 1.22 |
| 31 | 07/24/2022 - 07/30/2022 | 1.09 | 1.21 |
| 32 | 07/31/2022 - 08/06/2022 | 1.08 | 1.20 |
| 33 | 08/07/2022 - 08/13/2022 | 1.07 | 1.19 |
| 34 | 08/14/2022 - 08/20/2022 | 1.06 | 1.18 |
| 35 | 08/21/2022 - 08/27/2022 | 1.07 | 1.19 |
| 36 | 08/28/2022 - 09/03/2022 | 1.09 | 1.21 |
| 37 | 09/04/2022 - 09/10/2022 | 1.10 | 1.22 |
| 38 | 09/11/2022 - 09/17/2022 | 1.11 | 1.23 |
| 39 | 09/18/2022 - 09/24/2022 | 1.09 | 1.21 |
| 40 | 09/25/2022 - 10/01/2022 | 1.08 | 1.20 |
| 41 | 10/02/2022 - 10/08/2022 | 1.06 | 1.18 |
| 42 | 10/09/2022 - 10/15/2022 | 1.04 | 1.16 |
| 43 | 10/16/2022 - 10/22/2022 | 1.03 | 1.14 |
| 44 | 10/23/2022 - 10/29/2022 | 1.01 | 1.12 |
| 45 | 10/30/2022 - 11/05/2022 | 1.00 | 1.11 |
| 46 | 11/06/2022 - 11/12/2022 | 0.98 | 1.09 |
| 47 | 11/13/2022 - 11/19/2022 | 0.97 | 1.08 |
| 48 | 11/20/2022 - 11/26/2022 | 0.98 | 1.09 |
| 49 | 11/27/2022 - 12/03/2022 | 0.99 | 1.10 |
| 50 | 12/04/2022 - 12/10/2022 | 0.99 | 1.10 |
| 51 | 12/11/2022 - 12/17/2022 | 1.00 | 1.11 |
| 52 | 12/18/2022 - 12/24/2022 | 0.98 | 1.09 |
| 53 | 12/25/2022 - 12/31/2022 | 0.96 | 1.07 |

* PEAK SEASON

23-FEB-2023 09:11:18 830UPD 1_1243_PKSEASON.TXT

DCI2023-00047 Lee County ePlan Additional info dated 05-20-2024

# DEVELOPMENT OF FUTURE YEAR BACKGROUND TURNING MOVEMENT VOLUMES

DCI2023-00047 Lee County ePlan Additional info dated 05-20-2024

# Development of Future Year Background Turning Volumes

| | |
|---|---|
| Intersection | **Hancock Bridge Pkwy @ Moody Rd.** |
| Count Date | January 11, 2024 |
| Build-Out Year | 2028 |

**AM Peak Hour**

| | NBL | NBT | NBR | SBL | SBT | SBR | EBL | EBT | EBR | WBL | WBT | WBR |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| RAW Turning Movement Counts | 20 | 76 | 156 | 158 | 82 | 192 | 58 | 1,615 | 7 | 35 | 404 | 14 |
| Peak Season Correction Factor | 1.07 | 1.07 | 1.07 | 1.07 | 1.07 | 1.07 | 1.07 | 1.07 | 1.07 | 1.07 | 1.07 | 1.07 |
| Current Peak Season Volumes | 21 | 81 | 167 | 169 | 88 | 205 | 62 | 1,728 | 7 | 37 | 432 | 15 |
| Growth Rate | | | | | | | 1.04% | 1.04% | 1.04% | 1.04% | 1.04% | 1.04% |
| Years to Build-out | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 |
| 2028 Background Turning Volumes | **21** | **81** | **167** | **169** | **88** | **205** | **65** | **1,801** | **7** | **39** | **450** | **16** |
| Project Turning Volumes | 9 | 6 | 12 | | 11 | | | | 19 | 25 | | |
| 2028 Background + Project | **30** | **87** | **179** | **169** | **99** | **205** | **65** | **1,801** | **26** | **64** | **450** | **16** |

**PM Peak Hour**

| | NBL | NBT | NBR | SBL | SBT | SBR | EBL | EBT | EBR | WBL | WBT | WBR |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| RAW Turning Movement Counts | 11 | 20 | 48 | 33 | 38 | 152 | 97 | 804 | 5 | 57 | 1,403 | 48 |
| Peak Season Correction Factor | 1.07 | 1.07 | 1.07 | 1.07 | 1.07 | 1.07 | 1.07 | 1.07 | 1.07 | 1.07 | 1.07 | 1.07 |
| Current Peak Season Volumes | 12 | 21 | 51 | 35 | 41 | 163 | 104 | 860 | 5 | 61 | 1,501 | 51 |
| Growth Rate | | | | | | | 1.04% | 1.04% | 1.04% | 1.04% | 1.04% | 1.04% |
| Years to Build-out | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 |
| 2028 Background Turning Volumes | **12** | **21** | **51** | **35** | **41** | **163** | **108** | **896** | **5** | **64** | **1,564** | **53** |
| Project Turning Volumes | 27 | 15 | 35 | | 13 | | | | 24 | 31 | | |
| 2028 Background + Project | **39** | **36** | **86** | **35** | **54** | **163** | **108** | **896** | **29** | **95** | **1,564** | **53** |

DCI2023-00047 Lee County ePlan Additional info dated 05-20-2024

# Development of Future Year Background Turning Volumes

| | |
|---|---|
| Intersection | **Moody Rd. @ Moody Rriver Blvd.** |
| Count Date | January 11, 2024 |
| Build-Out Year | 2028 |

**AM Peak Hour**

| | NBL | NBT | NBR | SBL | SBT | SBR | EBL | EBT | EBR | WBL | WBT | WBR |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| RAW Turning Movement Counts | | 230 | | 1 | 104 | 5 | 34 | | 1 | | | |
| Peak Season Correction Factor | 1.07 | 1.07 | 1.07 | 1.07 | 1.07 | 1.07 | 1.07 | 1.07 | 1.07 | 1.07 | 1.07 | 1.07 |
| Current Peak Season Volumes | 0 | 246 | 0 | 1 | 111 | 5 | 36 | 0 | 1 | 0 | 0 | 0 |
| Growth Rate | | | | | | | | | | | | |
| Years to Build-out | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 |
| 2028 Background Turning Volumes | **0** | **246** | **0** | **1** | **111** | **5** | **36** | **0** | **1** | **0** | **0** | **0** |
| Project Turning Volumes | | | 0 | 55 | | | 0 | | | | | 27 |
| 2028 Background + Project | **0** | **246** | **0** | **56** | **111** | **5** | **36** | **0** | **1** | **0** | **0** | **27** |

**PM Peak Hour**

| | NBL | NBT | NBR | SBL | SBT | SBR | EBL | EBT | EBR | WBL | WBT | WBR |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| RAW Turning Movement Counts | | 61 | | 1 | 76 | 21 | 20 | | 3 | | 1 | 9 |
| Peak Season Correction Factor | 1.07 | 1.07 | 1.07 | 1.07 | 1.07 | 1.07 | 1.07 | 1.07 | 1.07 | 1.07 | 1.07 | 1.07 |
| Current Peak Season Volumes | 0 | 65 | 0 | 1 | 81 | 22 | 21 | 0 | 3 | 0 | 1 | 10 |
| Growth Rate | | | | | | | | | | | | |
| Years to Build-out | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 |
| 2028 Background Turning Volumes | **0** | **65** | **0** | **1** | **81** | **22** | **21** | **0** | **3** | **0** | **1** | **10** |
| Project Turning Volumes | | | 0 | 68 | | | 0 | | | | | 77 |
| 2028 Background + Project | **0** | **65** | **0** | **69** | **81** | **22** | **21** | **0** | **3** | **0** | **1** | **87** |

# SYNCHRO SUMMARY SHEETS

DCI2023-00047 Lee County ePlan Additional info dated 05-20-2024

# HANCOCK BRIDGE PARKWAY

# @

# MOODY ROAD

# 2024 EXISTING CONDITIONS

Lanes, Volumes, Timings
3: Moody Rd & Hancock Bridge Pkwy

2024 AM Peak Existing
01/16/2024

| Lane Group | EBL | EBT | EBR | WBL | WBT | WBR | NBL | NBT | NBR | SBL | SBT | SBR |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Lane Configurations | | | | | | | | | | | | |
| Traffic Volume (vph) | 62 | 1728 | 7 | 37 | 432 | 15 | 21 | 81 | 167 | 169 | 88 | 205 |
| Future Volume (vph) | 62 | 1728 | 7 | 37 | 432 | 15 | 21 | 81 | 167 | 169 | 88 | 205 |
| Ideal Flow (vphpl) | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 |
| Lane Width (ft) | 12 | 12 | 12 | 12 | 12 | 12 | 12 | 12 | 12 | 12 | 12 | 12 |
| Grade (%) | | 0% | | | 0% | | | 0% | | | 0% | |
| Storage Length (ft) | 265 | | 0 | 240 | | 0 | 170 | | 0 | 230 | | 0 |
| Storage Lanes | 1 | | 0 | 1 | | 0 | 1 | | 0 | 1 | | 0 |
| Taper Length (ft) | 25 | | | 25 | | | 25 | | | 25 | | |
| Lane Util. Factor | 1.00 | 0.95 | 0.95 | 1.00 | 0.95 | 0.95 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Ped Bike Factor | | | | | | | | | | | | |
| Frt | | 0.999 | | | 0.995 | | | 0.899 | | | 0.895 | |
| Flt Protected | 0.950 | | | 0.950 | | | 0.950 | | | 0.950 | | |
| Satd. Flow (prot) | 1787 | 3571 | 0 | 1787 | 3556 | 0 | 1787 | 1691 | 0 | 1787 | 1684 | 0 |
| Flt Permitted | 0.439 | | | 0.076 | | | 0.348 | | | 0.423 | | |
| Satd. Flow (perm) | 826 | 3571 | 0 | 143 | 3556 | 0 | 655 | 1691 | 0 | 796 | 1684 | 0 |
| Right Turn on Red | | | Yes | | | Yes | | | Yes | | | Yes |
| Satd. Flow (RTOR) | | 1 | | | 5 | | | 103 | | | 115 | |
| Link Speed (mph) | | 45 | | | 45 | | | 40 | | | 30 | |
| Link Distance (ft) | | 654 | | | 976 | | | 878 | | | 582 | |
| Travel Time (s) | | 9.9 | | | 14.8 | | | 15.0 | | | 13.2 | |
| Confl. Peds. (#/hr) | | | | | | | | | | | | |
| Confl. Bikes (#/hr) | | | | | | | | | | | | |
| Peak Hour Factor | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 |
| Growth Factor | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% |
| Heavy Vehicles (%) | 1% | 1% | 1% | 1% | 1% | 1% | 1% | 1% | 1% | 1% | 1% | 1% |
| Bus Blockages (#/hr) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Parking (#/hr) | | | | | | | | | | | | |
| Mid-Block Traffic (%) | | 0% | | | 0% | | | 0% | | | 0% | |
| Adj. Flow (vph) | 67 | 1878 | 8 | 40 | 470 | 16 | 23 | 88 | 182 | 184 | 96 | 223 |
| Shared Lane Traffic (%) | | | | | | | | | | | | |
| Lane Group Flow (vph) | 67 | 1886 | 0 | 40 | 486 | 0 | 23 | 270 | 0 | 184 | 319 | 0 |
| Enter Blocked Intersection | No | No | No | No | No | No | No | No | No | No | No | No |
| Lane Alignment | Left | Left | Right | Left | Left | Right | Left | Left | Right | Left | Left | Right |
| Median Width(ft) | | 12 | | | 12 | | | 12 | | | 12 | |
| Link Offset(ft) | | 0 | | | 0 | | | 0 | | | 0 | |
| Crosswalk Width(ft) | | 16 | | | 16 | | | 16 | | | 16 | |
| Two way Left Turn Lane | | | | | | | | | | | | |
| Headway Factor | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Turning Speed (mph) | 15 | | 9 | 15 | | 9 | 15 | | 9 | 15 | | 9 |
| Turn Type | pm+pt | NA | | pm+pt | NA | | Perm | NA | | Perm | NA | |
| Protected Phases | 7 | 4 | | 3 | 8 | | | 2 | | | 6 | |
| Permitted Phases | 4 | | | 8 | | | 2 | | | 6 | | |
| Detector Phase | 7 | 4 | | 3 | 8 | | 2 | 2 | | 6 | 6 | |
| Switch Phase | | | | | | | | | | | | |
| Minimum Initial (s) | 5.0 | 5.0 | | 5.0 | 5.0 | | 5.0 | 5.0 | | 5.0 | 5.0 | |
| Minimum Split (s) | 9.5 | 22.5 | | 9.5 | 22.5 | | 22.5 | 22.5 | | 22.5 | 22.5 | |
| Total Split (s) | 9.8 | 58.2 | | 9.8 | 58.2 | | 32.0 | 32.0 | | 32.0 | 32.0 | |
| Total Split (%) | 9.8% | 58.2% | | 9.8% | 58.2% | | 32.0% | 32.0% | | 32.0% | 32.0% | |

Lanes, Volumes, Timings
3: Moody Rd & Hancock Bridge Pkwy

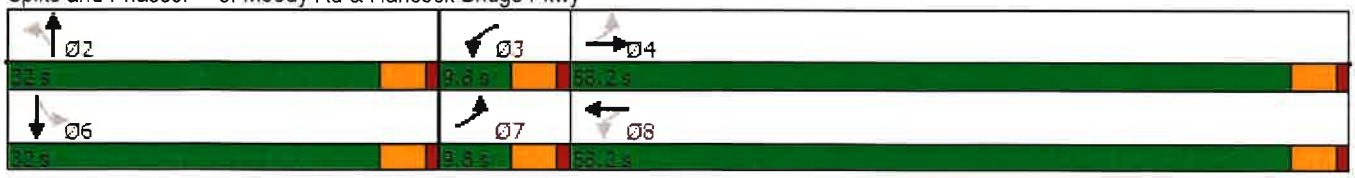
2024 AM Peak Existing
01/16/2024

| Lane Group | EBL | EBT | EBR | WBL | WBT | WBR | NBL | NBT | NBR | SBL | SBT | SBR |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Maximum Green (s) | 5.3 | 53.7 | | 5.3 | 53.7 | | 27.5 | 27.5 | | 27.5 | 27.5 | |
| Yellow Time (s) | 3.5 | 3.5 | | 3.5 | 3.5 | | 3.5 | 3.5 | | 3.5 | 3.5 | |
| All-Red Time (s) | 1.0 | 1.0 | | 1.0 | 1.0 | | 1.0 | 1.0 | | 1.0 | 1.0 | |
| Lost Time Adjust (s) | 0.0 | 0.0 | | 0.0 | 0.0 | | 0.0 | 0.0 | | 0.0 | 0.0 | |
| Total Lost Time (s) | 4.5 | 4.5 | | 4.5 | 4.5 | | 4.5 | 4.5 | | 4.5 | 4.5 | |
| Lead/Lag | Lead | Lag | | Lead | Lag | | | | | | | |
| Lead-Lag Optimize? | Yes | Yes | | Yes | Yes | | | | | | | |
| Vehicle Extension (s) | 3.0 | 3.0 | | 3.0 | 3.0 | | 3.0 | 3.0 | | 3.0 | 3.0 | |
| Minimum Gap (s) | 3.0 | 3.0 | | 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 | | 0.0 | 0.0 | |
| Time To Reduce (s) | 0.0 | 0.0 | | 0.0 | 0.0 | | 0.0 | 0.0 | | 0.0 | 0.0 | |
| Recall Mode | None | None | | None | None | | Max | Max | | Max | Max | |
| Walk Time (s) | | 7.0 | | | 7.0 | | 7.0 | 7.0 | | 7.0 | 7.0 | |
| Flash Dont Walk (s) | | 11.0 | | | 11.0 | | 11.0 | 11.0 | | 11.0 | 11.0 | |
| Pedestrian Calls (#/hr) | | 0 | | | 0 | | 0 | 0 | | 0 | 0 | |
| Act Effct Green (s) | 56.9 | 53.8 | | 55.9 | 51.8 | | 27.6 | 27.6 | | 27.6 | 27.6 | |
| Actuated g/C Ratio | 0.59 | 0.56 | | 0.58 | 0.54 | | 0.29 | 0.29 | | 0.29 | 0.29 | |
| v/c Ratio | 0.12 | 0.94 | | 0.23 | 0.25 | | 0.12 | 0.48 | | 0.81 | 0.56 | |
| Control Delay | 7.7 | 31.9 | | 10.2 | 12.5 | | 29.3 | 21.2 | | 61.1 | 23.4 | |
| Queue Delay | 0.0 | 0.0 | | 0.0 | 0.0 | | 0.0 | 0.0 | | 0.0 | 0.0 | |
| Total Delay | 7.7 | 31.9 | | 10.2 | 12.5 | | 29.3 | 21.2 | | 61.1 | 23.4 | |
| LOS | A | C | | B | B | | C | C | | E | C | |
| Approach Delay | | 31.0 | | | 12.3 | | | 21.8 | | | 37.2 | |
| Approach LOS | | C | | | B | | | C | | | D | |
| Queue Length 50th (ft) | 15 | 588 | | 9 | 82 | | 11 | 87 | | 110 | 110 | |
| Queue Length 95th (ft) | 30 | #792 | | 21 | 112 | | 32 | 166 | | #236 | 202 | |
| Internal Link Dist (ft) | | 574 | | | 896 | | | 798 | | | 502 | |
| Turn Bay Length (ft) | 265 | | | 240 | | | 170 | | | 230 | | |
| Base Capacity (vph) | 542 | 2002 | | 174 | 1995 | | 188 | 558 | | 228 | 565 | |
| Starvation Cap Reductn | 0 | 0 | | 0 | 0 | | 0 | 0 | | 0 | 0 | |
| Spillback Cap Reductn | 0 | 0 | | 0 | 0 | | 0 | 0 | | 0 | 0 | |
| Storage Cap Reductn | 0 | 0 | | 0 | 0 | | 0 | 0 | | 0 | 0 | |
| Reduced v/c Ratio | 0.12 | 0.94 | | 0.23 | 0.24 | | 0.12 | 0.48 | | 0.81 | 0.56 | |

**Intersection Summary**

Area Type: Other
Cycle Length: 100
Actuated Cycle Length: 96.1
Natural Cycle: 90
Control Type: Actuated-Uncoordinated
Maximum v/c Ratio: 0.94
Intersection Signal Delay: 28.1 Intersection LOS: C
Intersection Capacity Utilization 86.7% 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: Moody Rd & Hancock Bridge Pkwy



Lanes, Volumes, Timings
3: Moody Rd & Hancock Bridge Pkwy

2024 PM Peak Existing
01/16/2024

| Lane Group | EBL | EBT | EBR | WBL | WBT | WBR | NBL | NBT | NBR | SBL | SBT | SBR |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Lane Configurations | | | | | | | | | | | | |
| Traffic Volume (vph) | 104 | 860 | 5 | 61 | 1501 | 51 | 12 | 21 | 51 | 35 | 41 | 163 |
| Future Volume (vph) | 104 | 860 | 5 | 61 | 1501 | 51 | 12 | 21 | 51 | 35 | 41 | 163 |
| Ideal Flow (vphpl) | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 |
| Lane Width (ft) | 12 | 12 | 12 | 12 | 12 | 12 | 12 | 12 | 12 | 12 | 12 | 12 |
| Grade (%) | | 0% | | | 0% | | | 0% | | | 0% | |
| Storage Length (ft) | 265 | | 0 | 240 | | 0 | 170 | | 0 | 230 | | 0 |
| Storage Lanes | 1 | | 0 | 1 | | 0 | 1 | | 0 | 1 | | 0 |
| Taper Length (ft) | 25 | | | 25 | | | 25 | | | 25 | | |
| Lane Util. Factor | 1.00 | 0.95 | 0.95 | 1.00 | 0.95 | 0.95 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Ped Bike Factor | | | | | | | | | | | | |
| Frt | | 0.999 | | | 0.995 | | | 0.894 | | | 0.880 | |
| Flt Protected | 0.950 | | | 0.950 | | | 0.950 | | | 0.950 | | |
| Satd. Flow (prot) | 1787 | 3571 | 0 | 1787 | 3556 | 0 | 1787 | 1682 | 0 | 1787 | 1655 | 0 |
| Flt Permitted | 0.075 | | | 0.254 | | | 0.464 | | | 0.706 | | |
| Satd. Flow (perm) | 141 | 3571 | 0 | 478 | 3556 | 0 | 873 | 1682 | 0 | 1328 | 1655 | 0 |
| Right Turn on Red | | | Yes | | | Yes | | | Yes | | | Yes |
| Satd. Flow (RTOR) | | 1 | | | 5 | | | 55 | | | 119 | |
| Link Speed (mph) | | 45 | | | 45 | | | 40 | | | 30 | |
| Link Distance (ft) | | 654 | | | 976 | | | 878 | | | 582 | |
| Travel Time (s) | | 9.9 | | | 14.8 | | | 15.0 | | | 13.2 | |
| Confl. Peds. (#/hr) | | | | | | | | | | | | |
| Confl. Bikes (#/hr) | | | | | | | | | | | | |
| Peak Hour Factor | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 |
| Growth Factor | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% |
| Heavy Vehicles (%) | 1% | 1% | 1% | 1% | 1% | 1% | 1% | 1% | 1% | 1% | 1% | 1% |
| Bus Blockages (#/hr) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Parking (#/hr) | | | | | | | | | | | | |
| Mid-Block Traffic (%) | | 0% | | | 0% | | | 0% | | | 0% | |
| Adj. Flow (vph) | 113 | 935 | 5 | 66 | 1632 | 55 | 13 | 23 | 55 | 38 | 45 | 177 |
| Shared Lane Traffic (%) | | | | | | | | | | | | |
| Lane Group Flow (vph) | 113 | 940 | 0 | 66 | 1687 | 0 | 13 | 78 | 0 | 38 | 222 | 0 |
| Enter Blocked Intersection | No | No | No | No | No | No | No | No | No | No | No | No |
| Lane Alignment | Left | Left | Right | Left | Left | Right | Left | Left | Right | Left | Left | Right |
| Median Width(ft) | | 12 | | | 12 | | | 12 | | | 12 | |
| Link Offset(ft) | | 0 | | | 0 | | | 0 | | | 0 | |
| Crosswalk Width(ft) | | 16 | | | 16 | | | 16 | | | 16 | |
| Two way Left Turn Lane | | | | | | | | | | | | |
| Headway Factor | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Turning Speed (mph) | 15 | | 9 | 15 | | 9 | 15 | | 9 | 15 | | 9 |
| Turn Type | pm+pt | NA | | pm+pt | NA | | Perm | NA | | Perm | NA | |
| Protected Phases | 7 | 4 | | 3 | 8 | | | 2 | | | 6 | |
| Permitted Phases | 4 | | | 8 | | | 2 | | | 6 | | |
| Detector Phase | 7 | 4 | | 3 | 8 | | 2 | 2 | | 6 | 6 | |
| Switch Phase | | | | | | | | | | | | |
| Minimum Initial (s) | 5.0 | 5.0 | | 5.0 | 5.0 | | 5.0 | 5.0 | | 5.0 | 5.0 | |
| Minimum Split (s) | 9.5 | 22.5 | | 9.5 | 22.5 | | 22.5 | 22.5 | | 22.5 | 22.5 | |
| Total Split (s) | 13.0 | 63.8 | | 10.2 | 61.0 | | 26.0 | 26.0 | | 26.0 | 26.0 | |
| Total Split (%) | 13.0% | 63.8% | | 10.2% | 61.0% | | 26.0% | 26.0% | | 26.0% | 26.0% | |

Lanes, Volumes, Timings
3: Moody Rd & Hancock Bridge Pkwy

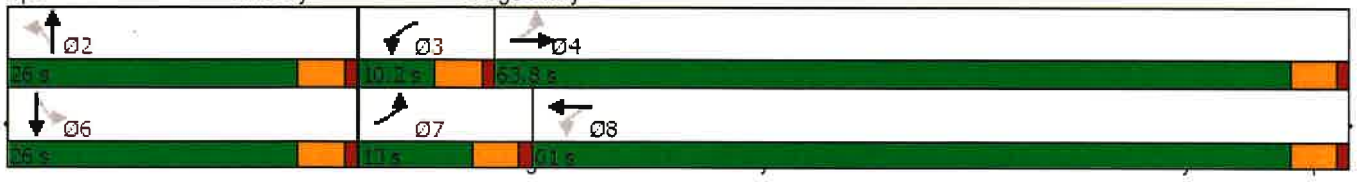
2024 PM Peak Existing
01/16/2024

| Lane Group | EBL | EBT | EBR | WBL | WBT | WBR | NBL | NBT | NBR | SBL | SBT | SBR |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Maximum Green (s) | 8.5 | 59.3 | | 5.7 | 56.5 | | 21.5 | 21.5 | | 21.5 | 21.5 | |
| Yellow Time (s) | 3.5 | 3.5 | | 3.5 | 3.5 | | 3.5 | 3.5 | | 3.5 | 3.5 | |
| All-Red Time (s) | 1.0 | 1.0 | | 1.0 | 1.0 | | 1.0 | 1.0 | | 1.0 | 1.0 | |
| Lost Time Adjust (s) | 0.0 | 0.0 | | 0.0 | 0.0 | | 0.0 | 0.0 | | 0.0 | 0.0 | |
| Total Lost Time (s) | 4.5 | 4.5 | | 4.5 | 4.5 | | 4.5 | 4.5 | | 4.5 | 4.5 | |
| Lead/Lag | Lead | Lag | | Lead | Lag | | | | | | | |
| Lead-Lag Optimize? | Yes | Yes | | Yes | Yes | | | | | | | |
| Vehicle Extension (s) | 3.0 | 3.0 | | 3.0 | 3.0 | | 3.0 | 3.0 | | 3.0 | 3.0 | |
| Minimum Gap (s) | 3.0 | 3.0 | | 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 | | 0.0 | 0.0 | |
| Time To Reduce (s) | 0.0 | 0.0 | | 0.0 | 0.0 | | 0.0 | 0.0 | | 0.0 | 0.0 | |
| Recall Mode | None | None | | None | None | | Max | Max | | Max | Max | |
| Walk Time (s) | | 7.0 | | | 7.0 | | 7.0 | 7.0 | | 7.0 | 7.0 | |
| Flash Dont Walk (s) | | 11.0 | | | 11.0 | | 11.0 | 11.0 | | 11.0 | 11.0 | |
| Pedestrian Calls (#/hr) | | 0 | | | 0 | | 0 | 0 | | 0 | 0 | |
| Act Effct Green (s) | 59.5 | 53.2 | | 55.4 | 51.1 | | 21.9 | 21.9 | | 21.9 | 21.9 | |
| Actuated g/C Ratio | 0.65 | 0.58 | | 0.60 | 0.56 | | 0.24 | 0.24 | | 0.24 | 0.24 | |
| v/c Ratio | 0.48 | 0.46 | | 0.18 | 0.85 | | 0.06 | 0.18 | | 0.12 | 0.46 | |
| Control Delay | 17.1 | 12.0 | | 6.4 | 22.9 | | 32.4 | 14.9 | | 32.7 | 19.5 | |
| Queue Delay | 0.0 | 0.0 | | 0.0 | 0.0 | | 0.0 | 0.0 | | 0.0 | 0.0 | |
| Total Delay | 17.1 | 12.0 | | 6.4 | 22.9 | | 32.4 | 14.9 | | 32.7 | 19.5 | |
| LOS | B | B | | A | C | | C | B | | C | B | |
| Approach Delay | | 12.6 | | | 22.3 | | | 17.4 | | | 21.4 | |
| Approach LOS | | B | | | C | | | B | | | C | |
| Queue Length 50th (ft) | 21 | 162 | | 12 | 438 | | 7 | 12 | | 20 | 55 | |
| Queue Length 95th (ft) | 66 | 206 | | 24 | 547 | | 23 | 50 | | 48 | 128 | |
| Internal Link Dist (ft) | | 574 | | | 896 | | | 798 | | | 502 | |
| Turn Bay Length (ft) | 265 | | | 240 | | | 170 | | | 230 | | |
| Base Capacity (vph) | 246 | 2350 | | 370 | 2231 | | 208 | 443 | | 316 | 485 | |
| Starvation Cap Reductn | 0 | 0 | | 0 | 0 | | 0 | 0 | | 0 | 0 | |
| Spillback Cap Reductn | 0 | 0 | | 0 | 0 | | 0 | 0 | | 0 | 0 | |
| Storage Cap Reductn | 0 | 0 | | 0 | 0 | | 0 | 0 | | 0 | 0 | |
| Reduced v/c Ratio | 0.46 | 0.40 | | 0.18 | 0.76 | | 0.06 | 0.18 | | 0.12 | 0.46 | |

**Intersection Summary**

Area Type: Other
Cycle Length: 100
Actuated Cycle Length: 92
Natural Cycle: 75
Control Type: Actuated-Uncoordinated
Maximum v/c Ratio: 0.85
Intersection Signal Delay: 18.8 — Intersection LOS: B
Intersection Capacity Utilization 72.3% — ICU Level of Service C
Analysis Period (min) 15

Splits and Phases: 3: Moody Rd & Hancock Bridge Pkwy



# 2028 BACKGROUND TRAFFIC CONDITIONS

Lanes, Volumes, Timings
3: Moody Rd & Hancock Bridge Pkwy

2028 AM Projected Background Conditions
Scenario 3

| Lane Group | EBL | EBT | EBR | WBL | WBT | WBR | NBL | NBT | NBR | SBL | SBT | SBR |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Lane Configurations | | | | | | | | | | | | |
| Traffic Volume (vph) | 65 | 1801 | 7 | 39 | 450 | 16 | 21 | 81 | 167 | 169 | 88 | 205 |
| Future Volume (vph) | 65 | 1801 | 7 | 39 | 450 | 16 | 21 | 81 | 167 | 169 | 88 | 205 |
| Ideal Flow (vphpl) | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 |
| Lane Width (ft) | 12 | 12 | 12 | 12 | 12 | 12 | 12 | 12 | 12 | 12 | 12 | 12 |
| Grade (%) | | 0% | | | 0% | | | 0% | | | 0% | |
| Storage Length (ft) | 265 | | 0 | 240 | | 0 | 170 | | 0 | 230 | | 0 |
| Storage Lanes | 1 | | 0 | 1 | | 0 | 1 | | 0 | 1 | | 0 |
| Taper Length (ft) | 25 | | | 25 | | | 25 | | | 25 | | |
| Lane Util. Factor | 1.00 | 0.95 | 0.95 | 1.00 | 0.95 | 0.95 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Ped Bike Factor | | | | | | | | | | | | |
| Frt | | 0.999 | | | 0.995 | | | 0.899 | | | 0.895 | |
| Flt Protected | 0.950 | | | 0.950 | | | 0.950 | | | 0.950 | | |
| Satd. Flow (prot) | 1787 | 3571 | 0 | 1787 | 3556 | 0 | 1787 | 1691 | 0 | 1787 | 1684 | 0 |
| Flt Permitted | 0.431 | | | 0.073 | | | 0.324 | | | 0.404 | | |
| Satd. Flow (perm) | 811 | 3571 | 0 | 137 | 3556 | 0 | 610 | 1691 | 0 | 760 | 1684 | 0 |
| Right Turn on Red | | | Yes | | | Yes | | | Yes | | | Yes |
| Satd. Flow (RTOR) | | 1 | | | 6 | | | 100 | | | 113 | |
| Link Speed (mph) | | 45 | | | 45 | | | 40 | | | 30 | |
| Link Distance (ft) | | 654 | | | 976 | | | 878 | | | 582 | |
| Travel Time (s) | | 9.9 | | | 14.8 | | | 15.0 | | | 13.2 | |
| Confl. Peds. (#/hr) | | | | | | | | | | | | |
| Confl. Bikes (#/hr) | | | | | | | | | | | | |
| Peak Hour Factor | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 |
| Growth Factor | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% |
| Heavy Vehicles (%) | 1% | 1% | 1% | 1% | 1% | 1% | 1% | 1% | 1% | 1% | 1% | 1% |
| Bus Blockages (#/hr) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Parking (#/hr) | | | | | | | | | | | | |
| Mid-Block Traffic (%) | | 0% | | | 0% | | | 0% | | | 0% | |
| Adj. Flow (vph) | 71 | 1958 | 8 | 42 | 489 | 17 | 23 | 88 | 182 | 184 | 96 | 223 |
| Shared Lane Traffic (%) | | | | | | | | | | | | |
| Lane Group Flow (vph) | 71 | 1966 | 0 | 42 | 506 | 0 | 23 | 270 | 0 | 184 | 319 | 0 |
| Enter Blocked Intersection | No | No | No | No | No | No | No | No | No | No | No | No |
| Lane Alignment | Left | Left | Right | Left | Left | Right | Left | Left | Right | Left | Left | Right |
| Median Width(ft) | | 12 | | | 12 | | | 12 | | | 12 | |
| Link Offset(ft) | | 0 | | | 0 | | | 0 | | | 0 | |
| Crosswalk Width(ft) | | 16 | | | 16 | | | 16 | | | 16 | |
| Two way Left Turn Lane | | | | | | | | | | | | |
| Headway Factor | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Turning Speed (mph) | 15 | | 9 | 15 | | 9 | 15 | | 9 | 15 | | 9 |
| Turn Type | pm+pt | NA | | pm+pt | NA | | Perm | NA | | Perm | NA | |
| Protected Phases | 7 | 4 | | 3 | 8 | | | 2 | | | 6 | |
| Permitted Phases | 4 | | | 8 | | | 2 | | | 6 | | |
| Detector Phase | 7 | 4 | | 3 | 8 | | 2 | 2 | | 6 | 6 | |
| Switch Phase | | | | | | | | | | | | |
| Minimum Initial (s) | 5.0 | 5.0 | | 5.0 | 5.0 | | 5.0 | 5.0 | | 5.0 | 5.0 | |
| Minimum Split (s) | 9.5 | 22.5 | | 9.5 | 22.5 | | 22.5 | 22.5 | | 22.5 | 22.5 | |
| Total Split (s) | 9.8 | 60.0 | | 9.8 | 60.0 | | 30.2 | 30.2 | | 30.2 | 30.2 | |
| Total Split (%) | 9.8% | 60.0% | | 9.8% | 60.0% | | 30.2% | 30.2% | | 30.2% | 30.2% | |

## Lanes, Volumes, Timings
## 3: Moody Rd & Hancock Bridge Pkwy

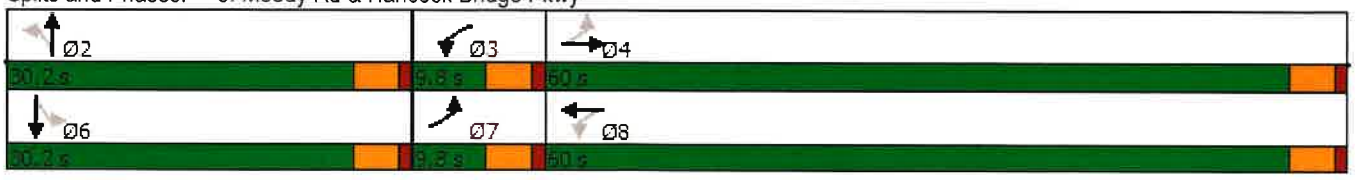
## 2028 AM Projected Background Conditions
Scenario 3

| Lane Group | EBL | EBT | EBR | WBL | WBT | WBR | NBL | NBT | NBR | SBL | SBT | SBR |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Maximum Green (s) | 5.3 | 55.5 | | 5.3 | 55.5 | | 25.7 | 25.7 | | 25.7 | 25.7 | |
| Yellow Time (s) | 3.5 | 3.5 | | 3.5 | 3.5 | | 3.5 | 3.5 | | 3.5 | 3.5 | |
| All-Red Time (s) | 1.0 | 1.0 | | 1.0 | 1.0 | | 1.0 | 1.0 | | 1.0 | 1.0 | |
| Lost Time Adjust (s) | 0.0 | 0.0 | | 0.0 | 0.0 | | 0.0 | 0.0 | | 0.0 | 0.0 | |
| Total Lost Time (s) | 4.5 | 4.5 | | 4.5 | 4.5 | | 4.5 | 4.5 | | 4.5 | 4.5 | |
| Lead/Lag | Lead | Lag | | Lead | Lag | | | | | | | |
| Lead-Lag Optimize? | Yes | Yes | | Yes | Yes | | | | | | | |
| Vehicle Extension (s) | 3.0 | 3.0 | | 3.0 | 3.0 | | 3.0 | 3.0 | | 3.0 | 3.0 | |
| Minimum Gap (s) | 3.0 | 3.0 | | 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 | | 0.0 | 0.0 | |
| Time To Reduce (s) | 0.0 | 0.0 | | 0.0 | 0.0 | | 0.0 | 0.0 | | 0.0 | 0.0 | |
| Recall Mode | None | None | | None | None | | Max | Max | | Max | Max | |
| Walk Time (s) | | 7.0 | | | 7.0 | | 7.0 | 7.0 | | 7.0 | 7.0 | |
| Flash Dont Walk (s) | | 11.0 | | | 11.0 | | 11.0 | 11.0 | | 11.0 | 11.0 | |
| Pedestrian Calls (#/hr) | | 0 | | | 0 | | 0 | 0 | | 0 | 0 | |
| Act Effct Green (s) | 58.7 | 55.7 | | 57.8 | 53.6 | | 25.8 | 25.8 | | 25.8 | 25.8 | |
| Actuated g/C Ratio | 0.61 | 0.58 | | 0.60 | 0.56 | | 0.27 | 0.27 | | 0.27 | 0.27 | |
| v/c Ratio | 0.13 | 0.95 | | 0.24 | 0.26 | | 0.14 | 0.51 | | 0.91 | 0.60 | |
| Control Delay | 7.0 | 31.8 | | 9.8 | 11.6 | | 31.3 | 23.1 | | 80.1 | 25.4 | |
| Queue Delay | 0.0 | 0.0 | | 0.0 | 0.0 | | 0.0 | 0.0 | | 0.0 | 0.0 | |
| Total Delay | 7.0 | 31.8 | | 9.8 | 11.6 | | 31.3 | 23.1 | | 80.1 | 25.4 | |
| LOS | A | C | | A | B | | C | C | | F | C | |
| Approach Delay | | 30.9 | | | 11.4 | | | 23.7 | | | 45.4 | |
| Approach LOS | | C | | | B | | | C | | | D | |
| Queue Length 50th (ft) | 15 | 615 | | 9 | 81 | | 11 | 91 | | 115 | 115 | |
| Queue Length 95th (ft) | 30 | #825 | | 20 | 112 | | 33 | 173 | | #251 | 209 | |
| Internal Link Dist (ft) | | 574 | | | 896 | | | 798 | | | 502 | |
| Turn Bay Length (ft) | 265 | | | 240 | | | 170 | | | 230 | | |
| Base Capacity (vph) | 549 | 2068 | | 173 | 2062 | | 163 | 526 | | 203 | 534 | |
| Starvation Cap Reductn | 0 | 0 | | 0 | 0 | | 0 | 0 | | 0 | 0 | |
| Spillback Cap Reductn | 0 | 0 | | 0 | 0 | | 0 | 0 | | 0 | 0 | |
| Storage Cap Reductn | 0 | 0 | | 0 | 0 | | 0 | 0 | | 0 | 0 | |
| Reduced v/c Ratio | 0.13 | 0.95 | | 0.24 | 0.25 | | 0.14 | 0.51 | | 0.91 | 0.60 | |

### Intersection Summary

Area Type: Other
Cycle Length: 100
Actuated Cycle Length: 96.1
Natural Cycle: 90
Control Type: Actuated-Uncoordinated
Maximum v/c Ratio: 0.95
Intersection Signal Delay: 29.3 Intersection LOS: C
Intersection Capacity Utilization 89.1% 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: Moody Rd & Hancock Bridge Pkwy



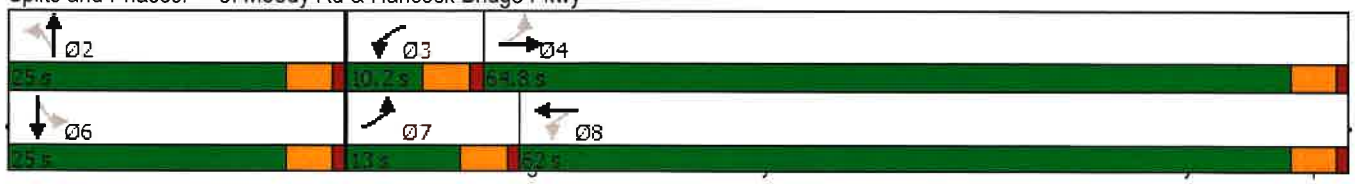
| Lane Group | EBL | EBT | EBR | WBL | WBT | WBR | NBL | NBT | NBR | SBL | SBT | SBR |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Lane Configurations | | | | | | | | | | | | |
| Traffic Volume (vph) | 108 | 896 | 5 | 64 | 1564 | 53 | 12 | 21 | 51 | 35 | 41 | 163 |
| Future Volume (vph) | 108 | 896 | 5 | 64 | 1564 | 53 | 12 | 21 | 51 | 35 | 41 | 163 |
| Ideal Flow (vphpl) | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 |
| Lane Width (ft) | 12 | 12 | 12 | 12 | 12 | 12 | 12 | 12 | 12 | 12 | 12 | 12 |
| Grade (%) | | 0% | | | 0% | | | 0% | | | 0% | |
| Storage Length (ft) | 265 | | 0 | 240 | | 0 | 170 | | 0 | 230 | | 0 |
| Storage Lanes | 1 | | 0 | 1 | | 0 | 1 | | 0 | 1 | | 0 |
| Taper Length (ft) | 25 | | | 25 | | | 25 | | | 25 | | |
| Lane Util. Factor | 1.00 | 0.95 | 0.95 | 1.00 | 0.95 | 0.95 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Ped Bike Factor | | | | | | | | | | | | |
| Frt | | 0.999 | | | 0.995 | | | 0.894 | | | 0.880 | |
| Flt Protected | 0.950 | | | 0.950 | | | 0.950 | | | 0.950 | | |
| Satd. Flow (prot) | 1787 | 3571 | 0 | 1787 | 3556 | 0 | 1787 | 1682 | 0 | 1787 | 1655 | 0 |
| Flt Permitted | 0.069 | | | 0.254 | | | 0.435 | | | 0.706 | | |
| Satd. Flow (perm) | 130 | 3571 | 0 | 478 | 3556 | 0 | 818 | 1682 | 0 | 1328 | 1655 | 0 |
| Right Turn on Red | | | Yes | | | Yes | | | Yes | | | Yes |
| Satd. Flow (RTOR) | | 1 | | | 6 | | | 55 | | | 116 | |
| Link Speed (mph) | | 45 | | | 45 | | | 40 | | | 30 | |
| Link Distance (ft) | | 654 | | | 976 | | | 878 | | | 582 | |
| Travel Time (s) | | 9.9 | | | 14.8 | | | 15.0 | | | 13.2 | |
| Confl. Peds. (#/hr) | | | | | | | | | | | | |
| Confl. Bikes (#/hr) | | | | | | | | | | | | |
| Peak Hour Factor | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 |
| Growth Factor | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% |
| Heavy Vehicles (%) | 1% | 1% | 1% | 1% | 1% | 1% | 1% | 1% | 1% | 1% | 1% | 1% |
| Bus Blockages (#/hr) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Parking (#/hr) | | | | | | | | | | | | |
| Mid-Block Traffic (%) | | 0% | | | 0% | | | 0% | | | 0% | |
| Adj. Flow (vph) | 117 | 974 | 5 | 70 | 1700 | 58 | 13 | 23 | 55 | 38 | 45 | 177 |
| Shared Lane Traffic (%) | | | | | | | | | | | | |
| Lane Group Flow (vph) | 117 | 979 | 0 | 70 | 1758 | 0 | 13 | 78 | 0 | 38 | 222 | 0 |
| Enter Blocked Intersection | No | No | No | No | No | No | No | No | No | No | No | No |
| Lane Alignment | Left | Left | Right | Left | Left | Right | Left | Left | Right | Left | Left | Right |
| Median Width(ft) | | 12 | | | 12 | | | 12 | | | 12 | |
| Link Offset(ft) | | 0 | | | 0 | | | 0 | | | 0 | |
| Crosswalk Width(ft) | | 16 | | | 16 | | | 16 | | | 16 | |
| Two way Left Turn Lane | | | | | | | | | | | | |
| Headway Factor | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Turning Speed (mph) | 15 | | 9 | 15 | | 9 | 15 | | 9 | 15 | | 9 |
| Turn Type | pm+pt | NA | | pm+pt | NA | | Perm | NA | | Perm | NA | |
| Protected Phases | 7 | 4 | | 3 | 8 | | | 2 | | | 6 | |
| Permitted Phases | 4 | | | 8 | | | 2 | | | 6 | | |
| Detector Phase | 7 | 4 | | 3 | 8 | | 2 | 2 | | 6 | 6 | |
| Switch Phase | | | | | | | | | | | | |
| Minimum Initial (s) | 5.0 | 5.0 | | 5.0 | 5.0 | | 5.0 | 5.0 | | 5.0 | 5.0 | |
| Minimum Split (s) | 9.5 | 22.5 | | 9.5 | 22.5 | | 22.5 | 22.5 | | 22.5 | 22.5 | |
| Total Split (s) | 13.0 | 64.8 | | 10.2 | 62.0 | | 25.0 | 25.0 | | 25.0 | 25.0 | |
| Total Split (%) | 13.0% | 64.8% | | 10.2% | 62.0% | | 25.0% | 25.0% | | 25.0% | 25.0% | |

| Lane Group | EBL | EBT | EBR | WBL | WBT | WBR | NBL | NBT | NBR | SBL | SBT | SBR |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Maximum Green (s) | 8.5 | 60.3 | | 5.7 | 57.5 | | 20.5 | 20.5 | | 20.5 | 20.5 | |
| Yellow Time (s) | 3.5 | 3.5 | | 3.5 | 3.5 | | 3.5 | 3.5 | | 3.5 | 3.5 | |
| All-Red Time (s) | 1.0 | 1.0 | | 1.0 | 1.0 | | 1.0 | 1.0 | | 1.0 | 1.0 | |
| Lost Time Adjust (s) | 0.0 | 0.0 | | 0.0 | 0.0 | | 0.0 | 0.0 | | 0.0 | 0.0 | |
| Total Lost Time (s) | 4.5 | 4.5 | | 4.5 | 4.5 | | 4.5 | 4.5 | | 4.5 | 4.5 | |
| Lead/Lag | Lead | Lag | | Lead | Lag | | | | | | | |
| Lead-Lag Optimize? | Yes | Yes | | Yes | Yes | | | | | | | |
| Vehicle Extension (s) | 3.0 | 3.0 | | 3.0 | 3.0 | | 3.0 | 3.0 | | 3.0 | 3.0 | |
| Minimum Gap (s) | 3.0 | 3.0 | | 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 | | 0.0 | 0.0 | |
| Time To Reduce (s) | 0.0 | 0.0 | | 0.0 | 0.0 | | 0.0 | 0.0 | | 0.0 | 0.0 | |
| Recall Mode | None | None | | None | None | | Max | Max | | Max | Max | |
| Walk Time (s) | | 7.0 | | | 7.0 | | 7.0 | 7.0 | | 7.0 | 7.0 | |
| Flash Dont Walk (s) | | 11.0 | | | 11.0 | | 11.0 | 11.0 | | 11.0 | 11.0 | |
| Pedestrian Calls (#/hr) | | 0 | | | 0 | | 0 | 0 | | 0 | 0 | |
| Act Effct Green (s) | 64.2 | 57.6 | | 58.5 | 52.9 | | 20.6 | 20.6 | | 20.6 | 20.6 | |
| Actuated g/C Ratio | 0.67 | 0.61 | | 0.61 | 0.56 | | 0.22 | 0.22 | | 0.22 | 0.22 | |
| v/c Ratio | 0.51 | 0.45 | | 0.19 | 0.89 | | 0.07 | 0.19 | | 0.13 | 0.49 | |
| Control Delay | 19.9 | 11.3 | | 6.1 | 25.3 | | 33.6 | 15.3 | | 33.8 | 21.0 | |
| Queue Delay | 0.0 | 0.0 | | 0.0 | 0.0 | | 0.0 | 0.0 | | 0.0 | 0.0 | |
| Total Delay | 19.9 | 11.3 | | 6.1 | 25.3 | | 33.6 | 15.3 | | 33.8 | 21.0 | |
| LOS | B | B | | A | C | | C | B | | C | C | |
| Approach Delay | | 12.2 | | | 24.5 | | | 17.9 | | | 22.9 | |
| Approach LOS | | B | | | C | | | B | | | C | |
| Queue Length 50th (ft) | 20 | 166 | | 12 | 462 | | 7 | 12 | | 20 | 58 | |
| Queue Length 95th (ft) | 74 | 211 | | 24 | 577 | | 24 | 51 | | 49 | 132 | |
| Internal Link Dist (ft) | | 574 | | | 896 | | | 798 | | | 502 | |
| Turn Bay Length (ft) | 265 | | | 240 | | | 170 | | | 230 | | |
| Base Capacity (vph) | 236 | 2274 | | 372 | 2162 | | 176 | 407 | | 287 | 449 | |
| Starvation Cap Reductn | 0 | 0 | | 0 | 0 | | 0 | 0 | | 0 | 0 | |
| Spillback Cap Reductn | 0 | 0 | | 0 | 0 | | 0 | 0 | | 0 | 0 | |
| Storage Cap Reductn | 0 | 0 | | 0 | 0 | | 0 | 0 | | 0 | 0 | |
| Reduced v/c Ratio | 0.50 | 0.43 | | 0.19 | 0.81 | | 0.07 | 0.19 | | 0.13 | 0.49 | |

**Intersection Summary**

Area Type: Other
Cycle Length: 100
Actuated Cycle Length: 95.2
Natural Cycle: 80
Control Type: Actuated-Uncoordinated
Maximum v/c Ratio: 0.89
Intersection Signal Delay: 20.1 Intersection LOS: C
Intersection Capacity Utilization 74.4% ICU Level of Service D
Analysis Period (min) 15

Splits and Phases: 3: Moody Rd & Hancock Bridge Pkwy



# 2028 BACKGROUND TRAFFIC

# +

# PROJECT TRIPS

| Lane Group | EBL | EBT | EBR | WBL | WBT | WBR | NBL | NBT | NBR | SBL | SBT | SBR |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Lane Configurations | | | | | | | | | | | | |
| Traffic Volume (vph) | 65 | 1801 | 26 | 64 | 450 | 16 | 30 | 87 | 179 | 169 | 99 | 205 |
| Future Volume (vph) | 65 | 1801 | 26 | 64 | 450 | 16 | 30 | 87 | 179 | 169 | 99 | 205 |
| Ideal Flow (vphpl) | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 |
| Lane Width (ft) | 12 | 12 | 12 | 12 | 12 | 12 | 12 | 12 | 12 | 12 | 12 | 12 |
| Grade (%) | | 0% | | | 0% | | | 0% | | | 0% | |
| Storage Length (ft) | 265 | | 0 | 240 | | 0 | 170 | | 0 | 230 | | 0 |
| Storage Lanes | 1 | | 0 | 1 | | 0 | 1 | | 0 | 1 | | 0 |
| Taper Length (ft) | 25 | | | 25 | | | 25 | | | 25 | | |
| Lane Util. Factor | 1.00 | 0.95 | 0.95 | 1.00 | 0.95 | 0.95 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Ped Bike Factor | | | | | | | | | | | | |
| Frt | | 0.998 | | | 0.995 | | | 0.899 | | | 0.899 | |
| Flt Protected | 0.950 | | | 0.950 | | | 0.950 | | | 0.950 | | |
| Satd. Flow (prot) | 1787 | 3567 | 0 | 1787 | 3556 | 0 | 1787 | 1691 | 0 | 1787 | 1691 | 0 |
| Flt Permitted | 0.439 | | | 0.073 | | | 0.313 | | | 0.378 | | |
| Satd. Flow (perm) | 826 | 3567 | 0 | 137 | 3556 | 0 | 589 | 1691 | 0 | 711 | 1691 | 0 |
| Right Turn on Red | | | Yes | | | Yes | | | Yes | | | Yes |
| Satd. Flow (RTOR) | | 2 | | | 5 | | | 101 | | | 101 | |
| Link Speed (mph) | | 45 | | | 45 | | | 40 | | | 30 | |
| Link Distance (ft) | | 654 | | | 976 | | | 878 | | | 582 | |
| Travel Time (s) | | 9.9 | | | 14.8 | | | 15.0 | | | 13.2 | |
| Confl. Peds. (#/hr) | | | | | | | | | | | | |
| Confl. Bikes (#/hr) | | | | | | | | | | | | |
| Peak Hour Factor | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 |
| Growth Factor | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% |
| Heavy Vehicles (%) | 1% | 1% | 1% | 1% | 1% | 1% | 1% | 1% | 1% | 1% | 1% | 1% |
| Bus Blockages (#/hr) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Parking (#/hr) | | | | | | | | | | | | |
| Mid-Block Traffic (%) | | 0% | | | 0% | | | 0% | | | 0% | |
| Adj. Flow (vph) | 71 | 1958 | 28 | 70 | 489 | 17 | 33 | 95 | 195 | 184 | 108 | 223 |
| Shared Lane Traffic (%) | | | | | | | | | | | | |
| Lane Group Flow (vph) | 71 | 1986 | 0 | 70 | 506 | 0 | 33 | 290 | 0 | 184 | 331 | 0 |
| Enter Blocked Intersection | No | No | No | No | No | No | No | No | No | No | No | No |
| Lane Alignment | Left | Left | Right | Left | Left | Right | Left | Left | Right | Left | Left | Right |
| Median Width(ft) | | 12 | | | 12 | | | 12 | | | 12 | |
| Link Offset(ft) | | 0 | | | 0 | | | 0 | | | 0 | |
| Crosswalk Width(ft) | | 16 | | | 16 | | | 16 | | | 16 | |
| Two way Left Turn Lane | | | | | | | | | | | | |
| Headway Factor | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Turning Speed (mph) | 15 | | 9 | 15 | | 9 | 15 | | 9 | 15 | | 9 |
| Turn Type | pm+pt | NA | | pm+pt | NA | | Perm | NA | | Perm | NA | |
| Protected Phases | 7 | 4 | | 3 | 8 | | | 2 | | | 6 | |
| Permitted Phases | 4 | | | 8 | | | 2 | | | 6 | | |
| Detector Phase | 7 | 4 | | 3 | 8 | | 2 | 2 | | 6 | 6 | |
| Switch Phase | | | | | | | | | | | | |
| Minimum Initial (s) | 5.0 | 5.0 | | 5.0 | 5.0 | | 5.0 | 5.0 | | 5.0 | 5.0 | |
| Minimum Split (s) | 9.5 | 22.5 | | 9.5 | 22.5 | | 22.5 | 22.5 | | 22.5 | 22.5 | |
| Total Split (s) | 9.8 | 59.0 | | 9.8 | 59.0 | | 31.2 | 31.2 | | 31.2 | 31.2 | |
| Total Split (%) | 9.8% | 59.0% | | 9.8% | 59.0% | | 31.2% | 31.2% | | 31.2% | 31.2% | |

| Lane Group | EBL | EBT | EBR | WBL | WBT | WBR | NBL | NBT | NBR | SBL | SBT | SBR |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Maximum Green (s) | 5.3 | 54.5 | | 5.3 | 54.5 | | 26.7 | 26.7 | | 26.7 | 26.7 | |
| Yellow Time (s) | 3.5 | 3.5 | | 3.5 | 3.5 | | 3.5 | 3.5 | | 3.5 | 3.5 | |
| All-Red Time (s) | 1.0 | 1.0 | | 1.0 | 1.0 | | 1.0 | 1.0 | | 1.0 | 1.0 | |
| Lost Time Adjust (s) | 0.0 | 0.0 | | 0.0 | 0.0 | | 0.0 | 0.0 | | 0.0 | 0.0 | |
| Total Lost Time (s) | 4.5 | 4.5 | | 4.5 | 4.5 | | 4.5 | 4.5 | | 4.5 | 4.5 | |
| Lead/Lag | Lead | Lag | | Lead | Lag | | | | | | | |
| Lead-Lag Optimize? | Yes | Yes | | Yes | Yes | | | | | | | |
| Vehicle Extension (s) | 3.0 | 3.0 | | 3.0 | 3.0 | | 3.0 | 3.0 | | 3.0 | 3.0 | |
| Minimum Gap (s) | 3.0 | 3.0 | | 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 | | 0.0 | 0.0 | |
| Time To Reduce (s) | 0.0 | 0.0 | | 0.0 | 0.0 | | 0.0 | 0.0 | | 0.0 | 0.0 | |
| Recall Mode | None | None | | None | None | | Max | Max | | Max | Max | |
| Walk Time (s) | | 7.0 | | | 7.0 | | 7.0 | 7.0 | | 7.0 | 7.0 | |
| Flash Dont Walk (s) | | 11.0 | | | 11.0 | | 11.0 | 11.0 | | 11.0 | 11.0 | |
| Pedestrian Calls (#/hr) | | 0 | | | 0 | | 0 | 0 | | 0 | 0 | |
| Act Effct Green (s) | 58.7 | 54.6 | | 58.7 | 54.6 | | 26.7 | 26.7 | | 26.7 | 26.7 | |
| Actuated g/C Ratio | 0.60 | 0.56 | | 0.60 | 0.56 | | 0.27 | 0.27 | | 0.27 | 0.27 | |
| v/c Ratio | 0.13 | 1.00 | | 0.41 | 0.26 | | 0.21 | 0.54 | | 0.95 | 0.62 | |
| Control Delay | 7.4 | 43.3 | | 15.3 | 11.9 | | 32.6 | 24.3 | | 92.0 | 27.6 | |
| Queue Delay | 0.0 | 0.0 | | 0.0 | 0.0 | | 0.0 | 0.0 | | 0.0 | 0.0 | |
| Total Delay | 7.4 | 43.3 | | 15.3 | 11.9 | | 32.6 | 24.3 | | 92.0 | 27.6 | |
| LOS | A | D | | B | B | | C | C | | F | C | |
| Approach Delay | | 42.1 | | | 12.3 | | | 25.1 | | | 50.6 | |
| Approach LOS | | D | | | B | | | C | | | D | |
| Queue Length 50th (ft) | 15 | ~712 | | 15 | 84 | | 16 | 102 | | 116 | 128 | |
| Queue Length 95th (ft) | 31 | #853 | | 36 | 114 | | 44 | 187 | | #255 | 225 | |
| Internal Link Dist (ft) | | 574 | | | 896 | | | 798 | | | 502 | |
| Turn Bay Length (ft) | 265 | | | 240 | | | 170 | | | 230 | | |
| Base Capacity (vph) | 546 | 1986 | | 171 | 1982 | | 160 | 534 | | 193 | 534 | |
| Starvation Cap Reductn | 0 | 0 | | 0 | 0 | | 0 | 0 | | 0 | 0 | |
| Spillback Cap Reductn | 0 | 0 | | 0 | 0 | | 0 | 0 | | 0 | 0 | |
| Storage Cap Reductn | 0 | 0 | | 0 | 0 | | 0 | 0 | | 0 | 0 | |
| Reduced v/c Ratio | 0.13 | 1.00 | | 0.41 | 0.26 | | 0.21 | 0.54 | | 0.95 | 0.62 | |

**Intersection Summary**

Area Type: Other
Cycle Length: 100
Actuated Cycle Length: 98
Natural Cycle: 110
Control Type: Actuated-Uncoordinated
Maximum v/c Ratio: 1.00
Intersection Signal Delay: 36.8 Intersection LOS: D
Intersection Capacity Utilization 90.2% ICU Level of Service E
Analysis Period (min) 15

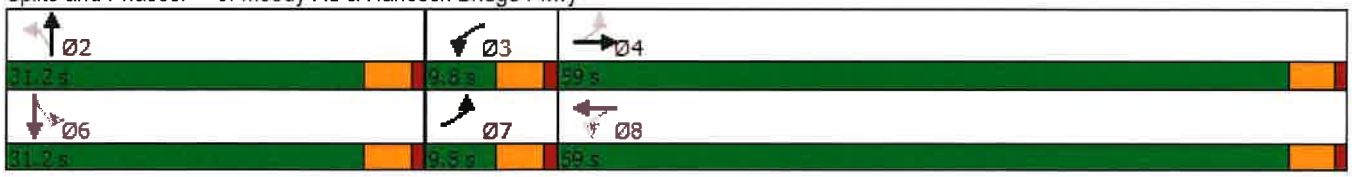
~ Volume exceeds capacity, queue is theoretically infinite.
Queue shown is maximum after two cycles.

# 95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.

DCI2023-00047 Lee County ePlan Additional info dated 05-20-2024



Splits and Phases: 3: Moody Rd & Hancock Bridge Pkwy



| Lane Group | EBL | EBT | EBR | WBL | WBT | WBR | NBL | NBT | NBR | SBL | SBT | SBR |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Lane Configurations | | | | | | | | | | | | |
| Traffic Volume (vph) | 108 | 896 | 29 | 95 | 1564 | 53 | 39 | 36 | 86 | 35 | 54 | 163 |
| Future Volume (vph) | 108 | 896 | 29 | 95 | 1564 | 53 | 39 | 36 | 86 | 35 | 54 | 163 |
| Ideal Flow (vphpl) | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 |
| Lane Width (ft) | 12 | 12 | 12 | 12 | 12 | 12 | 12 | 12 | 12 | 12 | 12 | 12 |
| Grade (%) | | 0% | | | 0% | | | 0% | | | 0% | |
| Storage Length (ft) | 265 | | 0 | 240 | | 0 | 170 | | 0 | 230 | | 0 |
| Storage Lanes | 1 | | 0 | 1 | | 0 | 1 | | 0 | 1 | | 0 |
| Taper Length (ft) | 25 | | | 25 | | | 25 | | | 25 | | |
| Lane Util. Factor | 1.00 | 0.95 | 0.95 | 1.00 | 0.95 | 0.95 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Ped Bike Factor | | | | | | | | | | | | |
| Frt | | 0.995 | | | 0.995 | | | 0.894 | | | 0.887 | |
| Flt Protected | 0.950 | | | 0.950 | | | 0.950 | | | 0.950 | | |
| Satd. Flow (prot) | 1787 | 3556 | 0 | 1787 | 3556 | 0 | 1787 | 1682 | 0 | 1787 | 1669 | 0 |
| Flt Permitted | 0.071 | | | 0.237 | | | 0.407 | | | 0.624 | | |
| Satd. Flow (perm) | 134 | 3556 | 0 | 446 | 3556 | 0 | 766 | 1682 | 0 | 1174 | 1669 | 0 |
| Right Turn on Red | | | Yes | | | Yes | | | Yes | | | Yes |
| Satd. Flow (RTOR) | | 6 | | | 6 | | | 93 | | | 134 | |
| Link Speed (mph) | | 45 | | | 45 | | | 40 | | | 30 | |
| Link Distance (ft) | | 654 | | | 976 | | | 878 | | | 582 | |
| Travel Time (s) | | 9.9 | | | 14.8 | | | 15.0 | | | 13.2 | |
| Confl. Peds. (#/hr) | | | | | | | | | | | | |
| Confl. Bikes (#/hr) | | | | | | | | | | | | |
| Peak Hour Factor | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 | 0.92 |
| Growth Factor | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% |
| Heavy Vehicles (%) | 1% | 1% | 1% | 1% | 1% | 1% | 1% | 1% | 1% | 1% | 1% | 1% |
| Bus Blockages (#/hr) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Parking (#/hr) | | | | | | | | | | | | |
| Mid-Block Traffic (%) | | 0% | | | 0% | | | 0% | | | 0% | |
| Adj. Flow (vph) | 117 | 974 | 32 | 103 | 1700 | 58 | 42 | 39 | 93 | 38 | 59 | 177 |
| Shared Lane Traffic (%) | | | | | | | | | | | | |
| Lane Group Flow (vph) | 117 | 1006 | 0 | 103 | 1758 | 0 | 42 | 132 | 0 | 38 | 236 | 0 |
| Enter Blocked Intersection | No | No | No | No | No | No | No | No | No | No | No | No |
| Lane Alignment | Left | Left | Right | Left | Left | Right | Left | Left | Right | Left | Left | Right |
| Median Width(ft) | | 12 | | | 12 | | | 12 | | | 12 | |
| Link Offset(ft) | | 0 | | | 0 | | | 0 | | | 0 | |
| Crosswalk Width(ft) | | 16 | | | 16 | | | 16 | | | 16 | |
| Two way Left Turn Lane | | | | | | | | | | | | |
| Headway Factor | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Turning Speed (mph) | 15 | | 9 | 15 | | 9 | 15 | | 9 | 15 | | 9 |
| Turn Type | pm+pt | NA | | pm+pt | NA | | Perm | NA | | Perm | NA | |
| Protected Phases | 7 | 4 | | 3 | 8 | | | 2 | | | 6 | |
| Permitted Phases | 4 | | | 8 | | | 2 | | | 6 | | |
| Detector Phase | 7 | 4 | | 3 | 8 | | 2 | 2 | | 6 | 6 | |
| Switch Phase | | | | | | | | | | | | |
| Minimum Initial (s) | 5.0 | 5.0 | | 5.0 | 5.0 | | 5.0 | 5.0 | | 5.0 | 5.0 | |
| Minimum Split (s) | 9.5 | 22.5 | | 9.5 | 22.5 | | 22.5 | 22.5 | | 22.5 | 22.5 | |
| Total Split (s) | 13.0 | 63.6 | | 11.4 | 62.0 | | 25.0 | 25.0 | | 25.0 | 25.0 | |
| Total Split (%) | 13.0% | 63.6% | | 11.4% | 62.0% | | 25.0% | 25.0% | | 25.0% | 25.0% | |

## Lanes, Volumes, Timings
## 3: Moody Rd & Hancock Bridge Pkwy

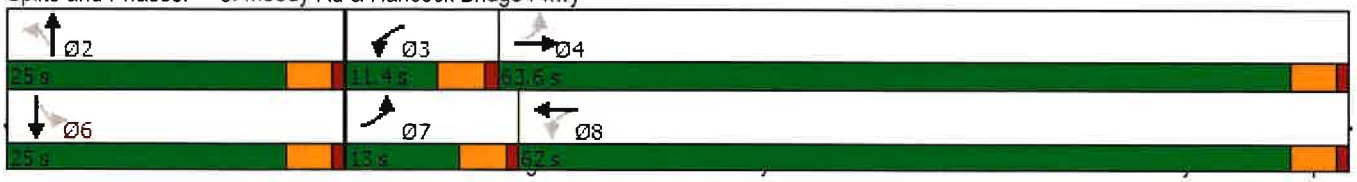
## 2028 PM With Project Conditions
Lanes, Volumes, Timings

| Lane Group | EBL | EBT | EBR | WBL | WBT | WBR | NBL | NBT | NBR | SBL | SBT | SBR |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Maximum Green (s) | 8.5 | 59.1 | | 6.9 | 57.5 | | 20.5 | 20.5 | | 20.5 | 20.5 | |
| Yellow Time (s) | 3.5 | 3.5 | | 3.5 | 3.5 | | 3.5 | 3.5 | | 3.5 | 3.5 | |
| All-Red Time (s) | 1.0 | 1.0 | | 1.0 | 1.0 | | 1.0 | 1.0 | | 1.0 | 1.0 | |
| Lost Time Adjust (s) | 0.0 | 0.0 | | 0.0 | 0.0 | | 0.0 | 0.0 | | 0.0 | 0.0 | |
| Total Lost Time (s) | 4.5 | 4.5 | | 4.5 | 4.5 | | 4.5 | 4.5 | | 4.5 | 4.5 | |
| Lead/Lag | Lead | Lag | | Lead | Lag | | | | | | | |
| Lead-Lag Optimize? | Yes | Yes | | Yes | Yes | | | | | | | |
| Vehicle Extension (s) | 3.0 | 3.0 | | 3.0 | 3.0 | | 3.0 | 3.0 | | 3.0 | 3.0 | |
| Minimum Gap (s) | 3.0 | 3.0 | | 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 | | 0.0 | 0.0 | |
| Time To Reduce (s) | 0.0 | 0.0 | | 0.0 | 0.0 | | 0.0 | 0.0 | | 0.0 | 0.0 | |
| Recall Mode | None | None | | None | None | | Max | Max | | Max | Max | |
| Walk Time (s) | | 7.0 | | | 7.0 | | 7.0 | 7.0 | | 7.0 | 7.0 | |
| Flash Dont Walk (s) | | 11.0 | | | 11.0 | | 11.0 | 11.0 | | 11.0 | 11.0 | |
| Pedestrian Calls (#/hr) | | 0 | | | 0 | | 0 | 0 | | 0 | 0 | |
| Act Effct Green (s) | 63.3 | 56.7 | | 59.5 | 52.9 | | 20.6 | 20.6 | | 20.6 | 20.6 | |
| Actuated g/C Ratio | 0.66 | 0.60 | | 0.62 | 0.56 | | 0.22 | 0.22 | | 0.22 | 0.22 | |
| v/c Ratio | 0.51 | 0.47 | | 0.28 | 0.89 | | 0.25 | 0.30 | | 0.15 | 0.51 | |
| Control Delay | 19.8 | 12.0 | | 6.9 | 25.3 | | 38.0 | 14.3 | | 34.3 | 19.6 | |
| Queue Delay | 0.0 | 0.0 | | 0.0 | 0.0 | | 0.0 | 0.0 | | 0.0 | 0.0 | |
| Total Delay | 19.8 | 12.0 | | 6.9 | 25.3 | | 38.0 | 14.3 | | 34.3 | 19.6 | |
| LOS | B | B | | A | C | | D | B | | C | B | |
| Approach Delay | | 12.9 | | | 24.2 | | | 20.1 | | | 21.7 | |
| Approach LOS | | B | | | C | | | C | | | C | |
| Queue Length 50th (ft) | 20 | 177 | | 18 | 462 | | 23 | 20 | | 20 | 55 | |
| Queue Length 95th (ft) | 73 | 225 | | 33 | 577 | | 55 | 71 | | 49 | 132 | |
| Internal Link Dist (ft) | | 574 | | | 896 | | | 798 | | | 502 | |
| Turn Bay Length (ft) | 265 | | | 240 | | | 170 | | | 230 | | |
| Base Capacity (vph) | 237 | 2222 | | 377 | 2162 | | 166 | 436 | | 254 | 466 | |
| Starvation Cap Reductn | 0 | 0 | | 0 | 0 | | 0 | 0 | | 0 | 0 | |
| Spillback Cap Reductn | 0 | 0 | | 0 | 0 | | 0 | 0 | | 0 | 0 | |
| Storage Cap Reductn | 0 | 0 | | 0 | 0 | | 0 | 0 | | 0 | 0 | |
| Reduced v/c Ratio | 0.49 | 0.45 | | 0.27 | 0.81 | | 0.25 | 0.30 | | 0.15 | 0.51 | |

### Intersection Summary

Area Type: Other
Cycle Length: 100
Actuated Cycle Length: 95.2
Natural Cycle: 80
Control Type: Actuated-Uncoordinated
Maximum v/c Ratio: 0.89
Intersection Signal Delay: 20.1 — Intersection LOS: C
Intersection Capacity Utilization 82.9% — ICU Level of Service E
Analysis Period (min) 15

Splits and Phases: 3: Moody Rd & Hancock Bridge Pkwy



# MOODY ROAD

# @

# MOODY RIVER BLVD.

# SITE ACCESS

# 2024 EXISTING CONDITIONS

| Intersection | |
|---|---|
| Int Delay, s/veh | 1.1 |

| Movement | EBL | EBT | EBR | WBL | WBT | WBR | NBL | NBT | NBR | SBL | SBT | SBR |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Lane Configurations | | | | | | | | | | | | |
| Traffic Vol, veh/h | 36 | 0 | 1 | 0 | 0 | 0 | 0 | 246 | 0 | 1 | 111 | 5 |
| Future Vol, veh/h | 36 | 0 | 1 | 0 | 0 | 0 | 0 | 246 | 0 | 1 | 111 | 5 |
| Conflicting Peds, #/hr | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sign Control | Stop | Stop | Stop | Stop | Stop | Stop | Free | Free | Free | Free | Free | Free |
| RT Channelized | - | - | None | - | - | None | - | - | None | - | - | None |
| Storage Length | - | - | - | - | - | - | - | - | - | - | - | 240 |
| Veh in Median Storage, # | - | 0 | - | - | 0 | - | - | 0 | - | - | 0 | - |
| Grade, % | - | 0 | - | - | 0 | - | - | 0 | - | - | 0 | - |
| Peak Hour Factor | 92 | 92 | 92 | 92 | 92 | 92 | 92 | 92 | 92 | 92 | 92 | 92 |
| Heavy Vehicles, % | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 |
| Mvmt Flow | 39 | 0 | 1 | 0 | 0 | 0 | 0 | 267 | 0 | 1 | 121 | 5 |

| Major/Minor | Minor2 | | | Minor1 | | | Major1 | | | Major2 | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Conflicting Flow All | 390 | 390 | 121 | 393 | 395 | 267 | 126 | 0 | 0 | 267 | 0 | 0 |
| Stage 1 | 123 | 123 | - | 267 | 267 | - | - | - | - | - | - | - |
| Stage 2 | 267 | 267 | - | 126 | 128 | - | - | - | - | - | - | - |
| Critical Hdwy | 7.12 | 6.52 | 6.22 | 7.12 | 6.52 | 6.22 | 4.12 | - | - | 4.12 | - | - |
| Critical Hdwy Stg 1 | 6.12 | 5.52 | - | 6.12 | 5.52 | - | - | - | - | - | - | - |
| Critical Hdwy Stg 2 | 6.12 | 5.52 | - | 6.12 | 5.52 | - | - | - | - | - | - | - |
| Follow-up Hdwy | 3.518 | 4.018 | 3.318 | 3.518 | 4.018 | 3.318 | 2.218 | - | - | 2.218 | - | - |
| Pot Cap-1 Maneuver | 569 | 545 | 930 | 566 | 542 | 772 | 1460 | - | - | 1297 | - | - |
| Stage 1 | 881 | 794 | - | 738 | 688 | - | - | - | - | - | - | - |
| Stage 2 | 738 | 688 | - | 878 | 790 | - | - | - | - | - | - | - |
| Platoon blocked, % | | | | | | | | - | - | | - | - |
| Mov Cap-1 Maneuver | 568 | 544 | 930 | 565 | 541 | 772 | 1460 | - | - | 1297 | - | - |
| Mov Cap-2 Maneuver | 568 | 544 | - | 565 | 541 | - | - | - | - | - | - | - |
| Stage 1 | 881 | 793 | - | 738 | 688 | - | - | - | - | - | - | - |
| Stage 2 | 738 | 688 | - | 876 | 789 | - | - | - | - | - | - | - |

| Approach | EB | WB | NB | SB |
|---|---|---|---|---|
| HCM Control Delay, s | 11.7 | 0 | 0 | 0.1 |
| HCM LOS | B | A | | |

| Minor Lane/Major Mvmt | NBL | NBT | NBR | EBLn1 | WBLn1 | SBL | SBT | SBR |
|---|---|---|---|---|---|---|---|---|
| Capacity (veh/h) | 1460 | - | - | 574 | - | 1297 | - | - |
| HCM Lane V/C Ratio | - | - | - | 0.07 | - | 0.001 | - | - |
| HCM Control Delay (s) | 0 | - | - | 11.7 | 0 | 7.8 | 0 | - |
| HCM Lane LOS | A | - | - | B | A | A | A | - |
| HCM 95th %tile Q(veh) | 0 | - | - | 0.2 | - | 0 | - | - |

| Intersection | |
|---|---|
| Int Delay, s/veh | 1.3 |

| Movement | EBL | EBT | EBR | WBL | WBT | WBR | NBL | NBT | NBR | SBL | SBT | SBR |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Lane Configurations | | | | | | | | | | | | |
| Traffic Vol, veh/h | 21 | 0 | 3 | 0 | 1 | 0 | 0 | 65 | 0 | 1 | 81 | 22 |
| Future Vol, veh/h | 21 | 0 | 3 | 0 | 1 | 0 | 0 | 65 | 0 | 1 | 81 | 22 |
| Conflicting Peds, #/hr | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sign Control | Stop | Stop | Stop | Stop | Stop | Stop | Free | Free | Free | Free | Free | Free |
| RT Channelized | - | - | None | - | - | None | - | - | None | - | - | None |
| Storage Length | - | - | - | - | - | - | - | - | - | - | - | 240 |
| Veh in Median Storage, # | - | 0 | - | - | 0 | - | - | 0 | - | - | 0 | - |
| Grade, % | - | 0 | - | - | 0 | - | - | 0 | - | - | 0 | - |
| Peak Hour Factor | 92 | 92 | 92 | 92 | 92 | 92 | 92 | 92 | 92 | 92 | 92 | 92 |
| Heavy Vehicles, % | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 |
| Mvmt Flow | 23 | 0 | 3 | 0 | 1 | 0 | 0 | 71 | 0 | 1 | 88 | 24 |

| Major/Minor | Minor2 | | | Minor1 | | | Major1 | | | Major2 | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Conflicting Flow All | 162 | 161 | 88 | 175 | 185 | 71 | 112 | 0 | 0 | 71 | 0 | 0 |
| Stage 1 | 90 | 90 | - | 71 | 71 | - | - | - | - | - | - | - |
| Stage 2 | 72 | 71 | - | 104 | 114 | - | - | - | - | - | - | - |
| Critical Hdwy | 7.12 | 6.52 | 6.22 | 7.12 | 6.52 | 6.22 | 4.12 | - | - | 4.12 | - | - |
| Critical Hdwy Stg 1 | 6.12 | 5.52 | - | 6.12 | 5.52 | - | - | - | - | - | - | - |
| Critical Hdwy Stg 2 | 6.12 | 5.52 | - | 6.12 | 5.52 | - | - | - | - | - | - | - |
| Follow-up Hdwy | 3.518 | 4.018 | 3.318 | 3.518 | 4.018 | 3.318 | 2.218 | - | - | 2.218 | - | - |
| Pot Cap-1 Maneuver | 803 | 731 | 970 | 788 | 709 | 991 | 1478 | - | - | 1529 | - | - |
| Stage 1 | 917 | 820 | - | 939 | 836 | - | - | - | - | - | - | - |
| Stage 2 | 938 | 836 | - | 902 | 801 | - | - | - | - | - | - | - |
| Platoon blocked, % | | | | | | | | - | - | | - | - |
| Mov Cap-1 Maneuver | 801 | 730 | 970 | 785 | 708 | 991 | 1478 | - | - | 1529 | - | - |
| Mov Cap-2 Maneuver | 801 | 730 | - | 785 | 708 | - | - | - | - | - | - | - |
| Stage 1 | 917 | 819 | - | 939 | 836 | - | - | - | - | - | - | - |
| Stage 2 | 937 | 836 | - | 898 | 800 | - | - | - | - | - | - | - |

| Approach | EB | WB | NB | SB |
|---|---|---|---|---|
| HCM Control Delay, s | 9.5 | 10.1 | 0 | 0.1 |
| HCM LOS | A | B | | |

| Minor Lane/Major Mvmt | NBL | NBT | NBR | EBLn1 | WBLn1 | SBL | SBT | SBR |
|---|---|---|---|---|---|---|---|---|
| Capacity (veh/h) | 1478 | - | - | 819 | 708 | 1529 | - | - |
| HCM Lane V/C Ratio | - | - | - | 0.032 | 0.002 | 0.001 | - | - |
| HCM Control Delay (s) | 0 | - | - | 9.5 | 10.1 | 7.4 | 0 | - |
| HCM Lane LOS | A | - | - | A | B | A | A | - |
| HCM 95th %tile Q(veh) | 0 | - | - | 0.1 | 0 | 0 | - | - |

# 2028 BACKGROUND TRAFFIC CONDITIONS

| Intersection | |
|---|---|
| Int Delay, s/veh | 1.1 |

| Movement | EBL | EBT | EBR | WBL | WBT | WBR | NBL | NBT | NBR | SBL | SBT | SBR |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Lane Configurations | | | | | | | | | | | | |
| Traffic Vol, veh/h | 36 | 0 | 1 | 0 | 0 | 0 | 0 | 246 | 0 | 1 | 111 | 5 |
| Future Vol, veh/h | 36 | 0 | 1 | 0 | 0 | 0 | 0 | 246 | 0 | 1 | 111 | 5 |
| Conflicting Peds, #/hr | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sign Control | Stop | Stop | Stop | Stop | Stop | Stop | Free | Free | Free | Free | Free | Free |
| RT Channelized | - | - | None | - | - | None | - | - | None | - | - | None |
| Storage Length | - | - | - | - | - | - | - | - | - | - | - | 240 |
| Veh in Median Storage, # | - | 0 | - | - | 0 | - | - | 0 | - | - | 0 | - |
| Grade, % | - | 0 | - | - | 0 | - | - | 0 | - | - | 0 | - |
| Peak Hour Factor | 92 | 92 | 92 | 92 | 92 | 92 | 92 | 92 | 92 | 92 | 92 | 92 |
| Heavy Vehicles, % | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 |
| Mvmt Flow | 39 | 0 | 1 | 0 | 0 | 0 | 0 | 267 | 0 | 1 | 121 | 5 |

| Major/Minor | Minor2 | | | Minor1 | | | Major1 | | | Major2 | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Conflicting Flow All | 390 | 390 | 121 | 393 | 395 | 267 | 126 | 0 | 0 | 267 | 0 | 0 |
| Stage 1 | 123 | 123 | - | 267 | 267 | - | - | - | - | - | - | - |
| Stage 2 | 267 | 267 | - | 126 | 128 | - | - | - | - | - | - | - |
| Critical Hdwy | 7.12 | 6.52 | 6.22 | 7.12 | 6.52 | 6.22 | 4.12 | - | - | 4.12 | - | - |
| Critical Hdwy Stg 1 | 6.12 | 5.52 | - | 6.12 | 5.52 | - | - | - | - | - | - | - |
| Critical Hdwy Stg 2 | 6.12 | 5.52 | - | 6.12 | 5.52 | - | - | - | - | - | - | - |
| Follow-up Hdwy | 3.518 | 4.018 | 3.318 | 3.518 | 4.018 | 3.318 | 2.218 | - | - | 2.218 | - | - |
| Pot Cap-1 Maneuver | 569 | 545 | 930 | 566 | 542 | 772 | 1460 | - | - | 1297 | - | - |
| Stage 1 | 881 | 794 | - | 738 | 688 | - | - | - | - | - | - | - |
| Stage 2 | 738 | 688 | - | 878 | 790 | - | - | - | - | - | - | - |
| Platoon blocked, % | | | | | | | | - | - | | - | - |
| Mov Cap-1 Maneuver | 568 | 544 | 930 | 565 | 541 | 772 | 1460 | - | - | 1297 | - | - |
| Mov Cap-2 Maneuver | 568 | 544 | - | 565 | 541 | - | - | - | - | - | - | - |
| Stage 1 | 881 | 793 | - | 738 | 688 | - | - | - | - | - | - | - |
| Stage 2 | 738 | 688 | - | 876 | 789 | - | - | - | - | - | - | - |

| Approach | EB | WB | NB | SB |
|---|---|---|---|---|
| HCM Control Delay, s | 11.7 | 0 | 0 | 0.1 |
| HCM LOS | B | A | | |

| Minor Lane/Major Mvmt | NBL | NBT | NBR | EBLn1 | WBLn1 | SBL | SBT | SBR |
|---|---|---|---|---|---|---|---|---|
| Capacity (veh/h) | 1460 | - | - | 574 | - | 1297 | - | - |
| HCM Lane V/C Ratio | - | - | - | 0.07 | - | 0.001 | - | - |
| HCM Control Delay (s) | 0 | - | - | 11.7 | 0 | 7.8 | 0 | - |
| HCM Lane LOS | A | - | - | B | A | A | A | - |
| HCM 95th %tile Q(veh) | 0 | - | - | 0.2 | - | 0 | - | - |

| Intersection | |
|---|---|
| Int Delay, s/veh | 1.7 |

| Movement | EBL | EBT | EBR | WBL | WBT | WBR | NBL | NBT | NBR | SBL | SBT | SBR |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Lane Configurations | | | | | | | | | | | | |
| Traffic Vol, veh/h | 21 | 0 | 3 | 0 | 1 | 10 | 0 | 65 | 0 | 1 | 81 | 22 |
| Future Vol, veh/h | 21 | 0 | 3 | 0 | 1 | 10 | 0 | 65 | 0 | 1 | 81 | 22 |
| Conflicting Peds, #/hr | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sign Control | Stop | Stop | Stop | Stop | Stop | Stop | Free | Free | Free | Free | Free | Free |
| RT Channelized | - | - | None | - | - | None | - | - | None | - | - | None |
| Storage Length | - | - | - | - | - | - | - | - | - | - | - | 240 |
| Veh in Median Storage, # | - | 0 | - | - | 0 | - | - | 0 | - | - | 0 | - |
| Grade, % | - | 0 | - | - | 0 | - | - | 0 | - | - | 0 | - |
| Peak Hour Factor | 92 | 92 | 92 | 92 | 92 | 92 | 92 | 92 | 92 | 92 | 92 | 92 |
| Heavy Vehicles, % | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 |
| Mvmt Flow | 23 | 0 | 3 | 0 | 1 | 11 | 0 | 71 | 0 | 1 | 88 | 24 |

| Major/Minor | Minor2 | | | Minor1 | | | Major1 | | | Major2 | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Conflicting Flow All | 167 | 161 | 88 | 175 | 185 | 71 | 112 | 0 | 0 | 71 | 0 | 0 |
| Stage 1 | 90 | 90 | - | 71 | 71 | - | - | - | - | - | - | - |
| Stage 2 | 77 | 71 | - | 104 | 114 | - | - | - | - | - | - | - |
| Critical Hdwy | 7.12 | 6.52 | 6.22 | 7.12 | 6.52 | 6.22 | 4.12 | - | - | 4.12 | - | - |
| Critical Hdwy Stg 1 | 6.12 | 5.52 | - | 6.12 | 5.52 | - | - | - | - | - | - | - |
| Critical Hdwy Stg 2 | 6.12 | 5.52 | - | 6.12 | 5.52 | - | - | - | - | - | - | - |
| Follow-up Hdwy | 3.518 | 4.018 | 3.318 | 3.518 | 4.018 | 3.318 | 2.218 | - | - | 2.218 | - | - |
| Pot Cap-1 Maneuver | 797 | 731 | 970 | 788 | 709 | 991 | 1478 | - | - | 1529 | - | - |
| Stage 1 | 917 | 820 | - | 939 | 836 | - | - | - | - | - | - | - |
| Stage 2 | 932 | 836 | - | 902 | 801 | - | - | - | - | - | - | - |
| Platoon blocked, % | | | | | | | | - | - | | - | - |
| Mov Cap-1 Maneuver | 787 | 730 | 970 | 785 | 708 | 991 | 1478 | - | - | 1529 | - | - |
| Mov Cap-2 Maneuver | 787 | 730 | - | 785 | 708 | - | - | - | - | - | - | - |
| Stage 1 | 917 | 819 | - | 939 | 836 | - | - | - | - | - | - | - |
| Stage 2 | 921 | 836 | - | 898 | 800 | - | - | - | - | - | - | - |

| Approach | EB | WB | NB | SB |
|---|---|---|---|---|
| HCM Control Delay, s | 9.6 | 8.8 | 0 | 0.1 |
| HCM LOS | A | A | | |

| Minor Lane/Major Mvmt | NBL | NBT | NBR | EBLn1 | WBLn1 | SBL | SBT | SBR |
|---|---|---|---|---|---|---|---|---|
| Capacity (veh/h) | 1478 | - | - | 806 | 956 | 1529 | - | - |
| HCM Lane V/C Ratio | - | - | - | 0.032 | 0.013 | 0.001 | - | - |
| HCM Control Delay (s) | 0 | - | - | 9.6 | 8.8 | 7.4 | 0 | - |
| HCM Lane LOS | A | - | - | A | A | A | A | - |
| HCM 95th %tile Q(veh) | 0 | - | - | 0.1 | 0 | 0 | - | - |

# 2028 BACKGROUND TRAFFIC

# +

# PROJECT TRIPS

DCI2023-00047 Lee County ePlan Additional info dated 05-20-2024



| Intersection | |
|---|---|
| Int Delay, s/veh | 2.6 |

| Movement | EBL | EBT | EBR | WBL | WBT | WBR | NBL | NBT | NBR | SBL | SBT | SBR |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Lane Configurations | | | | | | | | | | | | |
| Traffic Vol, veh/h | 36 | 0 | 1 | 0 | 0 | 27 | 0 | 246 | 0 | 56 | 111 | 5 |
| Future Vol, veh/h | 36 | 0 | 1 | 0 | 0 | 27 | 0 | 246 | 0 | 56 | 111 | 5 |
| Conflicting Peds, #/hr | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sign Control | Stop | Stop | Stop | Stop | Stop | Stop | Free | Free | Free | Free | Free | Free |
| RT Channelized | - | - | None | - | - | None | - | - | None | - | - | None |
| Storage Length | - | - | - | - | - | - | - | - | - | - | - | 240 |
| Veh in Median Storage, # | - | 0 | - | - | 0 | - | - | 0 | - | - | 0 | - |
| Grade, % | - | 0 | - | - | 0 | - | - | 0 | - | - | 0 | - |
| Peak Hour Factor | 92 | 92 | 92 | 92 | 92 | 92 | 92 | 92 | 92 | 92 | 92 | 92 |
| Heavy Vehicles, % | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 |
| Mvmt Flow | 39 | 0 | 1 | 0 | 0 | 29 | 0 | 267 | 0 | 61 | 121 | 5 |

| Major/Minor | Minor2 | | | Minor1 | | | Major1 | | | Major2 | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Conflicting Flow All | 525 | 510 | 121 | 513 | 515 | 267 | 126 | 0 | 0 | 267 | 0 | 0 |
| Stage 1 | 243 | 243 | - | 267 | 267 | - | - | - | - | - | - | - |
| Stage 2 | 282 | 267 | - | 246 | 248 | - | - | - | - | - | - | - |
| Critical Hdwy | 7.12 | 6.52 | 6.22 | 7.12 | 6.52 | 6.22 | 4.12 | - | - | 4.12 | - | - |
| Critical Hdwy Stg 1 | 6.12 | 5.52 | - | 6.12 | 5.52 | - | - | - | - | - | - | - |
| Critical Hdwy Stg 2 | 6.12 | 5.52 | - | 6.12 | 5.52 | - | - | - | - | - | - | - |
| Follow-up Hdwy | 3.518 | 4.018 | 3.318 | 3.518 | 4.018 | 3.318 | 2.218 | - | - | 2.218 | - | - |
| Pot Cap-1 Maneuver | 463 | 467 | 930 | 472 | 464 | 772 | 1460 | - | - | 1297 | - | - |
| Stage 1 | 761 | 705 | - | 738 | 688 | - | - | - | - | - | - | - |
| Stage 2 | 725 | 688 | - | 758 | 701 | - | - | - | - | - | - | - |
| Platoon blocked, % | | | | | | | | - | - | | - | - |
| Mov Cap-1 Maneuver | 428 | 443 | 930 | 453 | 440 | 772 | 1460 | - | - | 1297 | - | - |
| Mov Cap-2 Maneuver | 428 | 443 | - | 453 | 440 | - | - | - | - | - | - | - |
| Stage 1 | 761 | 669 | - | 738 | 688 | - | - | - | - | - | - | - |
| Stage 2 | 697 | 688 | - | 719 | 665 | - | - | - | - | - | - | - |

| Approach | EB | WB | NB | SB |
|---|---|---|---|---|
| HCM Control Delay, s | 14.1 | 9.8 | 0 | 2.6 |
| HCM LOS | B | A | | |

| Minor Lane/Major Mvmt | NBL | NBT | NBR | EBLn1 | WBLn1 | SBL | SBT | SBR |
|---|---|---|---|---|---|---|---|---|
| Capacity (veh/h) | 1460 | - | - | 434 | 772 | 1297 | - | - |
| HCM Lane V/C Ratio | - | - | - | 0.093 | 0.038 | 0.047 | - | - |
| HCM Control Delay (s) | 0 | - | - | 14.1 | 9.8 | 7.9 | 0 | - |
| HCM Lane LOS | A | - | - | B | A | A | A | - |
| HCM 95th %tile Q(veh) | 0 | - | - | 0.3 | 0.1 | 0.1 | - | - |

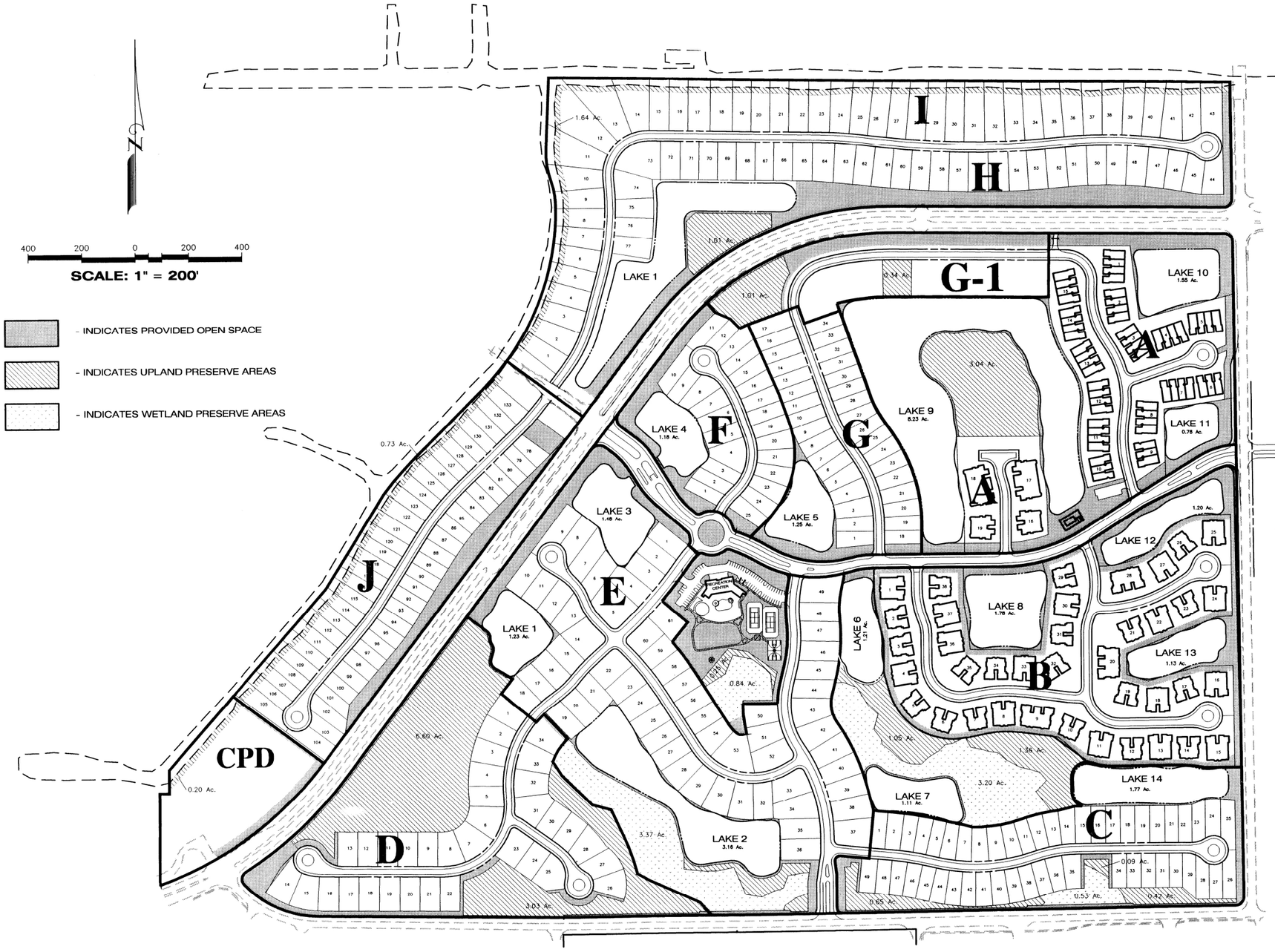
| Intersection | |
|---|---|
| Int Delay, s/veh | 4.6 |

| Movement | EBL | EBT | EBR | WBL | WBT | WBR | NBL | NBT | NBR | SBL | SBT | SBR |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Lane Configurations | | | | | | | | | | | | |
| Traffic Vol, veh/h | 21 | 0 | 3 | 0 | 1 | 87 | 0 | 65 | 0 | 69 | 81 | 22 |
| Future Vol, veh/h | 21 | 0 | 3 | 0 | 1 | 87 | 0 | 65 | 0 | 69 | 81 | 22 |
| Conflicting Peds, #/hr | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sign Control | Stop | Stop | Stop | Stop | Stop | Stop | Free | Free | Free | Free | Free | Free |
| RT Channelized | - | - | None | - | - | None | - | - | None | - | - | None |
| Storage Length | - | - | - | - | - | - | - | - | - | - | - | 240 |
| Veh in Median Storage, # | - | 0 | - | - | 0 | - | - | 0 | - | - | 0 | - |
| Grade, % | - | 0 | - | - | 0 | - | - | 0 | - | - | 0 | - |
| Peak Hour Factor | 92 | 92 | 92 | 92 | 92 | 92 | 92 | 92 | 92 | 92 | 92 | 92 |
| Heavy Vehicles, % | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 |
| Mvmt Flow | 23 | 0 | 3 | 0 | 1 | 95 | 0 | 71 | 0 | 75 | 88 | 24 |

| Major/Minor | Minor2 | | | Minor1 | | | Major1 | | | Major2 | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Conflicting Flow All | 357 | 309 | 88 | 323 | 333 | 71 | 112 | 0 | 0 | 71 | 0 | 0 |
| Stage 1 | 238 | 238 | - | 71 | 71 | - | - | - | - | - | - | - |
| Stage 2 | 119 | 71 | - | 252 | 262 | - | - | - | - | - | - | - |
| Critical Hdwy | 7.12 | 6.52 | 6.22 | 7.12 | 6.52 | 6.22 | 4.12 | - | - | 4.12 | - | - |
| Critical Hdwy Stg 1 | 6.12 | 5.52 | - | 6.12 | 5.52 | - | - | - | - | - | - | - |
| Critical Hdwy Stg 2 | 6.12 | 5.52 | - | 6.12 | 5.52 | - | - | - | - | - | - | - |
| Follow-up Hdwy | 3.518 | 4.018 | 3.318 | 3.518 | 4.018 | 3.318 | 2.218 | - | - | 2.218 | - | - |
| Pot Cap-1 Maneuver | 598 | 605 | 970 | 630 | 587 | 991 | 1478 | - | - | 1529 | - | - |
| Stage 1 | 765 | 708 | - | 939 | 836 | - | - | - | - | - | - | - |
| Stage 2 | 885 | 836 | - | 752 | 691 | - | - | - | - | - | - | - |
| Platoon blocked, % | | | | | | | | - | - | | - | - |
| Mov Cap-1 Maneuver | 518 | 574 | 970 | 603 | 556 | 991 | 1478 | - | - | 1529 | - | - |
| Mov Cap-2 Maneuver | 518 | 574 | - | 603 | 556 | - | - | - | - | - | - | - |
| Stage 1 | 765 | 671 | - | 939 | 836 | - | - | - | - | - | - | - |
| Stage 2 | 800 | 836 | - | 710 | 655 | - | - | - | - | - | - | - |

| Approach | EB | WB | NB | SB |
|---|---|---|---|---|
| HCM Control Delay, s | 11.9 | 9.1 | 0 | 3 |
| HCM LOS | B | A | | |

| Minor Lane/Major Mvmt | NBL | NBT | NBR | EBLn1 | WBLn1 | SBL | SBT | SBR |
|---|---|---|---|---|---|---|---|---|
| Capacity (veh/h) | 1478 | - | - | 550 | 982 | 1529 | - | - |
| HCM Lane V/C Ratio | - | - | - | 0.047 | 0.097 | 0.049 | - | - |
| HCM Control Delay (s) | 0 | - | - | 11.9 | 9.1 | 7.5 | 0 | - |
| HCM Lane LOS | A | - | - | B | A | A | A | - |
| HCM 95th %tile Q(veh) | 0 | - | - | 0.1 | 0.3 | 0.2 | - | - |




## REQUIRED OPEN SPACE PER ZONING ATTACHMENT 2

| | Acres | OPEN SPACE REQUIRED % OPEN SPACE | OPEN SPACE REQUIRED Acres | OPEN SPACE MIN. TO BE PROVIDED Acres | INDIGENOUS VEGETATION REQUIRED % INDIG. | INDIGENOUS VEGETATION REQUIRED Acres | INDIGENOUS VEGETATION MIN. TO BE PROVIDED Acres |
|---|---|---|---|---|---|---|---|
| **RESIDENTIAL PLANNED DEVELOPMENT** | | | | | | | |
| RESIDENTIAL TRACTS WITH LOTS GREATER THAN 6,500 SF | 54.0* | n/a | n/a | 4.32 | n/a | 2.16 | 2.16 |
| BALANCE OF DEVELOPMENT | 163.4 | 40% | 65.36 | 65.36 | 50% | 32.68 | 32.68 |
| TOTAL | 217.4 | | 65.36 | **69.68** | 50% | 34.84 | **34.84** |
| **COMMERCIAL PLANNED DEVELOPMENT** | | | | | | | |
| CPD | 4.5 | 30% | 1.35 | 1.35 | 50% | .68 | .68** |
| TOTAL PROJECT | 221.9 | | 66.71 | **71.03** | | 35.52 | **35.52** |

*IF THE ACREAGE OF RESIDENTIAL TRACTS WITH LOTS GREATER THAN 6,500 SF CHANGES THIS TABLE WILL BE ADJUSTED ACCORDINGLY.

**THIS ACREAGE MAY BE PROVIDED WITHIN THE RESIDENTIAL PLANNED DEVELOPMENT.

## RPD PROVIDED OPEN SPACE

| TRACT # | TYPE OF USE | MINIMUM PROVIDED LOT SIZE | MAX LOT COVERAGE | TRACT AREA (Ac) | OPEN SPACE WETLANDS | OPEN SPACE INDIGENOUS UPLAND | OPEN SPACE INDIGENOUS CREDIT | OPEN SPACE BUFFERS/ COMMON | OPEN SPACE LAKES* | OPEN SPACE TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|
| **PHASE 1 & 2 (DOS-2003-00192)** | | | | | | | | | | |
| E | SINGLE-FAMILY | 70'X130' = 9100SF | 45% | 32.20 | 3.37 | 0.58 | 0 | 1.60 | 0.42 | 5.97 |
| F | SINGLE-FAMILY | 50'X130' = 6500SF | 45% | 8.15 | 0 | 0 | 0 | 1.30 | 0 | 1.30 |
| ROAD | ROAD R/W | NA | NA | 4.20 | 0 | 0 | 0 | 0.17 | 0 | 0.17 |
| SUBTOTAL | | | | 44.55 | 3.37 | 0.58 | 0 | 3.07 | 0.42 | 7.44 |
| **PARCEL C (DOS-2004-00063)** | | | | | | | | | | |
| C | SINGLE-FAMILY | 50'X130' = 6500SF | 45% | 14.60 | 0.53 | 1.16 | 0 | 0.50 | 0 | 2.19 |
| **RECREATION CENTER (DOS-2004- 00065)** | | | | | | | | | | |
| REC CENTER | RECREATION | NA | 45% | 4.95 | 0.84 | 0.25 | 0 | 2.25 | 0 | 3.34 |
| **PARCEL B (DOS-2004-00087)** | | | | | | | | | | |
| B | MULTI-FAMILY | NA | 45% | 33.00 | 3.20 | 2.41 | 0.60 | 5.50 | 6.40 | 18.11 |
| **PARCEL D (DOS-2004-XXXXX)** | | | | | | | | | | |
| D | SINGLE-FAMILY | 70'X130' = 9100SF | 45% | 21.65 | 0 | 9.63 | 4.82 | 1.00 | 0 | 15.45 |
| **PARCEL A & G (DOS-2004-00222)** | | | | | | | | | | |
| A | MULTI-FAMILY | NA | 45% | 29.40 | 0 | 3.04 | 1.52 | 3.70 | 10.60 | 18.86 |
| G | SINGLE-FAMILY | 50'X130' = 6500SF | 45% | 9.00 | 0 | 0 | 0 | 0.70 | 0 | 0.70 |
| **NORTH PARCEL (DOS-2004-X XXX)** | | | | | | | | | | |
| H & I | SINGLE-FAMILY | 70'X130' = 9100SF | 45% | 37.50 | 0 | 2.65 | 0.25 | 4.10 | 0 | 7.00 |
| J | SINGLE-FAMILY | 50'X130' = 6500SF | 45% | 15.00 | 0 | 0.70 | 0 | 1.70 | 0 | 2.40 |
| **FUTURE PHASES (ESTIMATED)** | | | | | | | | | | |
| ** G-1 | ~~MULTI-FAMILY~~ SINGLE-FAMILY | NA | 45% | 6.80 | 0 | 1.35 | 0.25 | 1.30 | 0 | 2.90 |
| TOTAL | | | | 216.45 | 7.94 | 21.77 | 7.44 | 23.82 | 17.42 | 78.39 |

*MAXIMUM OF 25% OF REQUIRED OPEN SPACE CAN BE LAKES
69.68 Ac. REQUIRED X 0.25 = 17.42 Ac. OF LAKES CAN BE USED AS OPEN SPACE

**PARCEL G-1 (DOS2014-00023) SINGLE-FAMILY LOTS =/> 6,500 SF

LOTS =/> 6,500 SF:
32.2+8.15+14.6+21.65+9+37.5+15+6.8=144.9 AC

## CPD PROVIDED OPEN SPACE

| TRACT # | TYPE OF USE | MINIMUM PROVIDED LOT SIZE | MAX LOT COVERAGE | TRACT AREA (Ac) | OPEN SPACE WETLANDS | OPEN SPACE INDIGENOUS UPLAND | OPEN SPACE INDIGENOUS CREDIT | OPEN SPACE BUFFERS/ COMMON | OPEN SPACE LAKES | OPEN SPACE TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|
| **TEMPORARY SALES CENTER (DOS-2003-00217)** | | | | | | | | | | |
| CPD | COMMERCIAL | NA | NA | 5.45 | 0.0 | 0.2 | 0 | 1.45 | 0 | 1.65 |

## TOTAL PROJECT PROVIDED OPEN SPACE

| TRACT # | TYPE OF USE | MINIMUM PROVIDED LOT SIZE | MAX LOT COVERAGE | TRACT AREA (Ac) | OPEN SPACE WETLANDS | OPEN SPACE INDIGENOUS UPLAND | OPEN SPACE INDIGENOUS CREDIT | OPEN SPACE BUFFERS/ COMMON | OPEN SPACE LAKES | OPEN SPACE TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|
| TOTAL | NA | NA | NA | 221.9 | 7.94 | 21.97 | 7.44 | 25.27 | 17.42 | 80.04 |

PROVIDED WETLANDS AND INDIGENOUS VEGETATION = 37.35 Ac.

LDC
APPROVED

Michael Christopher Pappas
Florida Professional Engineer #60910
Heidt & Associates, Inc.
Date: 5-6-05
Phone 239-482-7275 239-482-2103

| DATE | DESCRIPTION | BY |
|---|---|---|
| 10-03-04 | 4 REVISED BUILDINGS & SETBACKS | |
| 09-09-04 | 3 ADDED NORTH PARCEL | |
| 08-23-04 | 2 ADDED PARCEL A AND G | |
| 05-24-04 | 1 ADDED PARCEL D | |

REVISIONS

Engineering Business Certificate of Authorization No.: 146
HEIDT & ASSOCIATES, Inc.
Tampa ◆ Fort Myers
Fort Myers Office
3800 Colonial Boulevard, #200
Fort Myers, Florida 33912
Phone: 239-482-7275
FAX: 239-482-2103
~~STRICKLAND T. SMITH, P.E. NO. 50652~~
FLORIDA PROFESSIONAL ENGINEER

OPEN SPACE PLAN

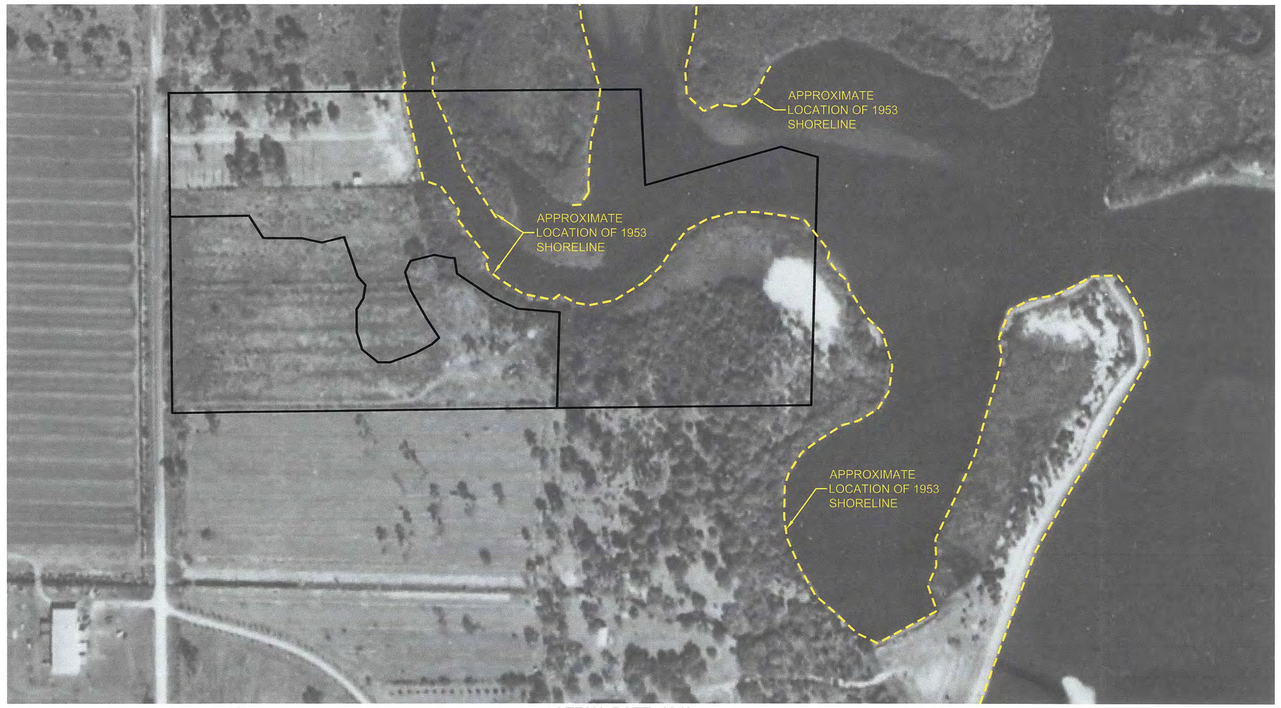
# MOODY RIVER ESTATES

JOB NO. COL-MR-004
DESIGN R. IBACH
DRAWN R.MOSHER
DATE 05-03-04
FILE Open_Space_M
PREPARED FOR: COLONIAL HOMES, INC.

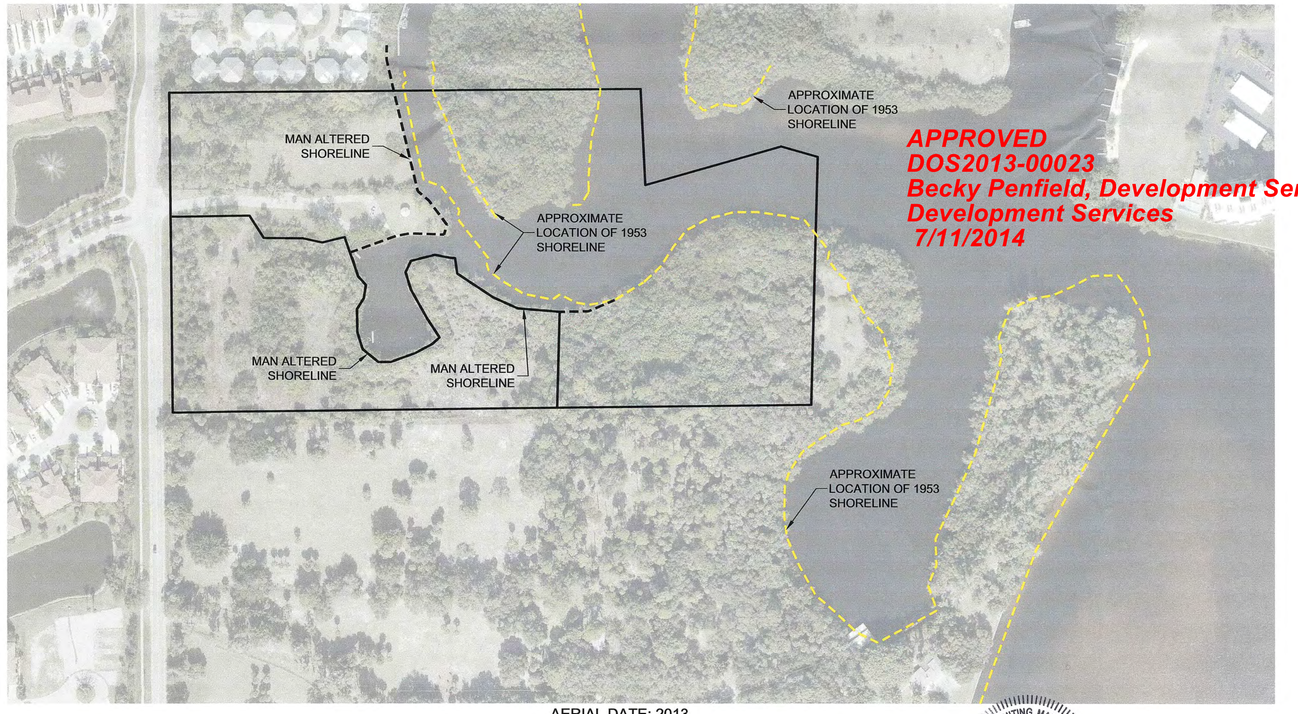
SHEET 1 OF 1 SHEETS

D9-10-04 9:13AM HEIDT & ASSOC. ROBINM:P:\MOODY RANCH\MASTER PLAN\ENGINEERING\OPEN_SPACE_NORTH.DWG

P:\Moody Ranch\Master Plan\Engineering\Open_Space_North.dwg, 10/4/2004 1:58:19 PM




AERIAL DATE: 1953




AERIAL DATE: 2013

APPROVED
DOS2013-00023
Becky Penfield, Development Service Representative
Development Services
7/11/2014

N

0 150 300 450
GRAPHIC SCALE 1"= 150'

CAMP COSTALOT

PREPARED FOR:
MOOD DEVELOPMENT
10130 BERTRAM LANE
FORT MYERS, FLORIDA 33919

| NO. | DATE | REVISION DESCRIPTION | BY |
|---|---|---|---|

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

SAMUEL WHITING MARSHALL II LICENSE No. 48881 STATE OF FLORIDA PROFESSIONAL ENGINEER
JUN 09 2014
SAMUEL W. MARSHALL, P.E. #48881

SHORELINE EXHIBIT
CAMP COSTALOT
LEE COUNTY, FLORIDA

| DATE | PROJECT | DRAWING | DESIGN | DRAWN | CHECKED | SCALE | SHEET |
|---|---|---|---|---|---|---|---|
| 1/25/2013 | 2506 | _AER | BRB | SDJ | SWM | 1"=150' | 02-A |

HWA
Hans Wilson & Associates
Marine Engineers and Environmental Consultants

May 8, 2024

To: Project File, Lee County, Banks Engineering

From: Hans Wilson

Subject: Home Front Heroes – Manatee Protection Plan Response

The following is a response to a request from Lee County staff regarding modification of the site restrictions on boat slips per the Manatee Protection Plan. As stated in the correspondence:

*"For further consideration, please provide a summary report that includes at a minimum: a representation (**description, map, and photos** if available) of the subject properties, what **amendments** to the CE are being proposed, **why** the amendments to the CE are needed, **details** on the proposed project, what the **intended use** of the returned slips will be, how the amended Conservation Easement will be **upheld** (particularly with multiple ramps and unlimited trailer parking), how the property currently is or will be brought into **compliance** with the existing CE, along with any additional information on how this is in the **best interest** of the County and the Lee County Manatee Protection Plan.*

*As the Conservation Easement resides on the properties, please have the property owner or their representative make a written request to this office to amend the Conservation Easement. "*

The following is a description of the proposed project. The site is intended to be used by Home Front Heros, a not for profit organization, that functions as an educational outreach affiliated with the Lee County Sheriff's Office. It will include a 42,000 sf., two story building over parking that will include offices, classrooms, and restroom facilities. A separate building in the southeast corner of the property will provide living quarters for enforcement staff. Recreational components include a soccer field and jogging path. The marina component includes ten wet slips associated with a floating dock, a canoe/kayak launch floating dock, an open shoreline section next to the seawall for paddlecraft access and parking on the upland for ten vehicle/boat trailer combinations that may use the existing concrete ramp to the north. Attached is a drawing package that includes a **map** of the site and details associated with both the water access and upland components. The project **description** submitted to the Army Corps of Engineers is also included, which includes more **details**.

1938 Hill Avenue ▪ Fort Myers, FL 33901
Office: (239) 334-6870 ▪ Fax: (239) 334-7810
info@hanswilson.com

The Conservation Easement (CE) and Transfer of Slip documents are proposed to be **amended** to allow for a total of twenty slips (10 wet/10 trailer) to occupy the land currently under the CE restriction. **Why** the amendment is needed is to allow for the slips to operate off the parcel and qualify the federal and state permit applications. The **intended use** of the slips is for mooring enforcement vessels, vessels associated with special events, and vessels providing support for educational activities.

The CE would be **upheld** or adhered to via the requirements to either park a boat trailer in a designated trailer parking space and allow no more than ten slips to be occupied on the floating docks. This can be a condition of the South Florida Water Management District permit and/or the U.S. Army Corps of Engineers permit. There is only one bonafide powerboat ramp on the entire parcel. The canoe/kayak launching will take place via a floating dock and ramp dedicated for this purpose or continue use of the shoreline at the west end of the seawall on the north side of the entrance.

Currently the property is in **compliance** with the existing CE. There are no boats or trailers located on the property. A number of **photos** are attached to this memo detailing this condition as of February 21st. The site is fenced and locked.

Currently the slip credits that were transferred from the property to Darth and hence to Home Front Heros have been inactive. Relative to how this is in the **best interest** of the county and the Manatee Protection Plan, we are simply putting back into place 20 of the 125 slips transferred via the Conservation Easement. This is related to the operations of the Lee County Sheriff and the Not For Profit Home Front Heros that is a public service organization. I believe providing law enforcement access to the water in an area that is drastically devoid of public boat ramps is clearly in the interest of the county. I believe that the Conservation Easement and Slip Credit ownership documents, which are both controlled by Home Front Heros, can be amended to achieve this goal with no consequences to the Manatee Protection Plan.

***This is a composite photo looking west at the main entrance.***

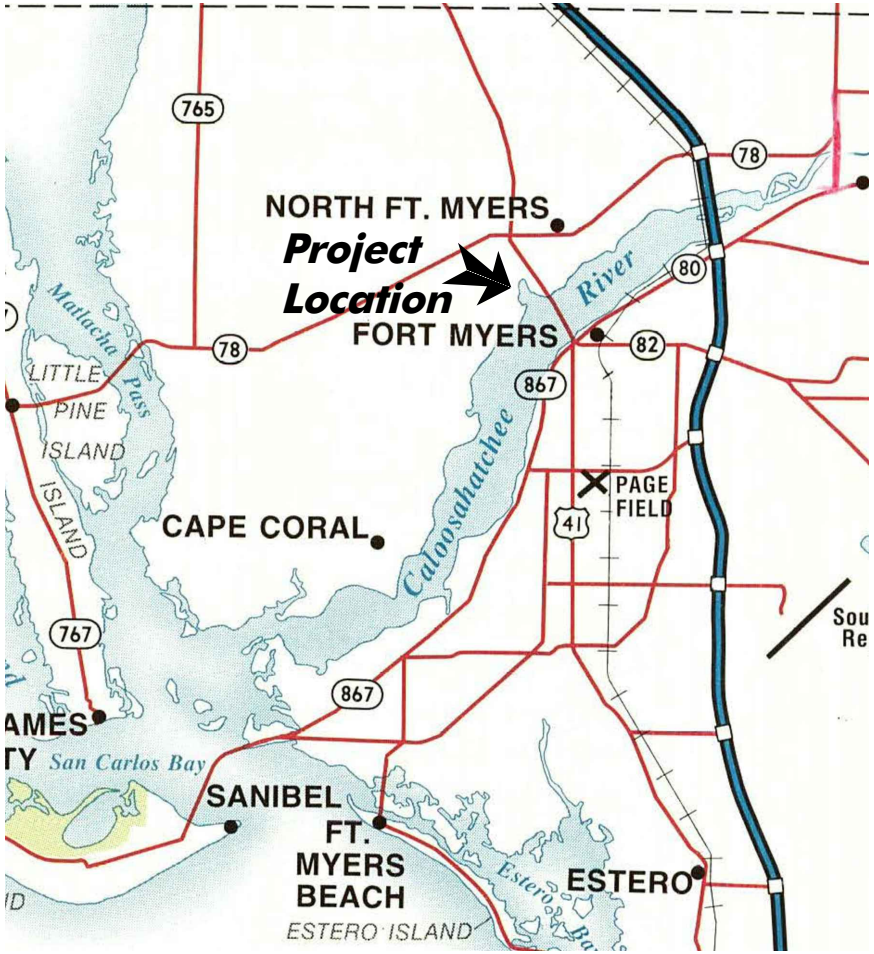
***This is a photo of the older dirt boat ramp that is used intermittently for non-motorized vessel launching. A more formal canoe/kayak floating launch facility is proposed in the northwest corner of the basin however this will remain as an access until the facility is constructed. Bollards will prevent motorized vessel access.***

***This would be the access to the future floating dock for the paddle craft. The five foot wide access platform would be rebuilt and the ramp to the floating paddle craft dock extended off the end of the fixed dock.***

***This would be the land access location to the proposed floating docks, avoiding any impacts to mangroves along the shoreline.***

SECTION: 10
TOWNSHIP: 44 S.
RANGE: 24 E.

0 5 10
SCALE MILES




## Vicinity Map

SCALE: 1" = 10 mi.

0 0.25 0.5
SCALE MILES

## Location Map

SCALE: 1" = 1/2 mi.

HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: May 09, 2024 12:26:27 p.m.
Drawing: HFH1MASTER.DWG

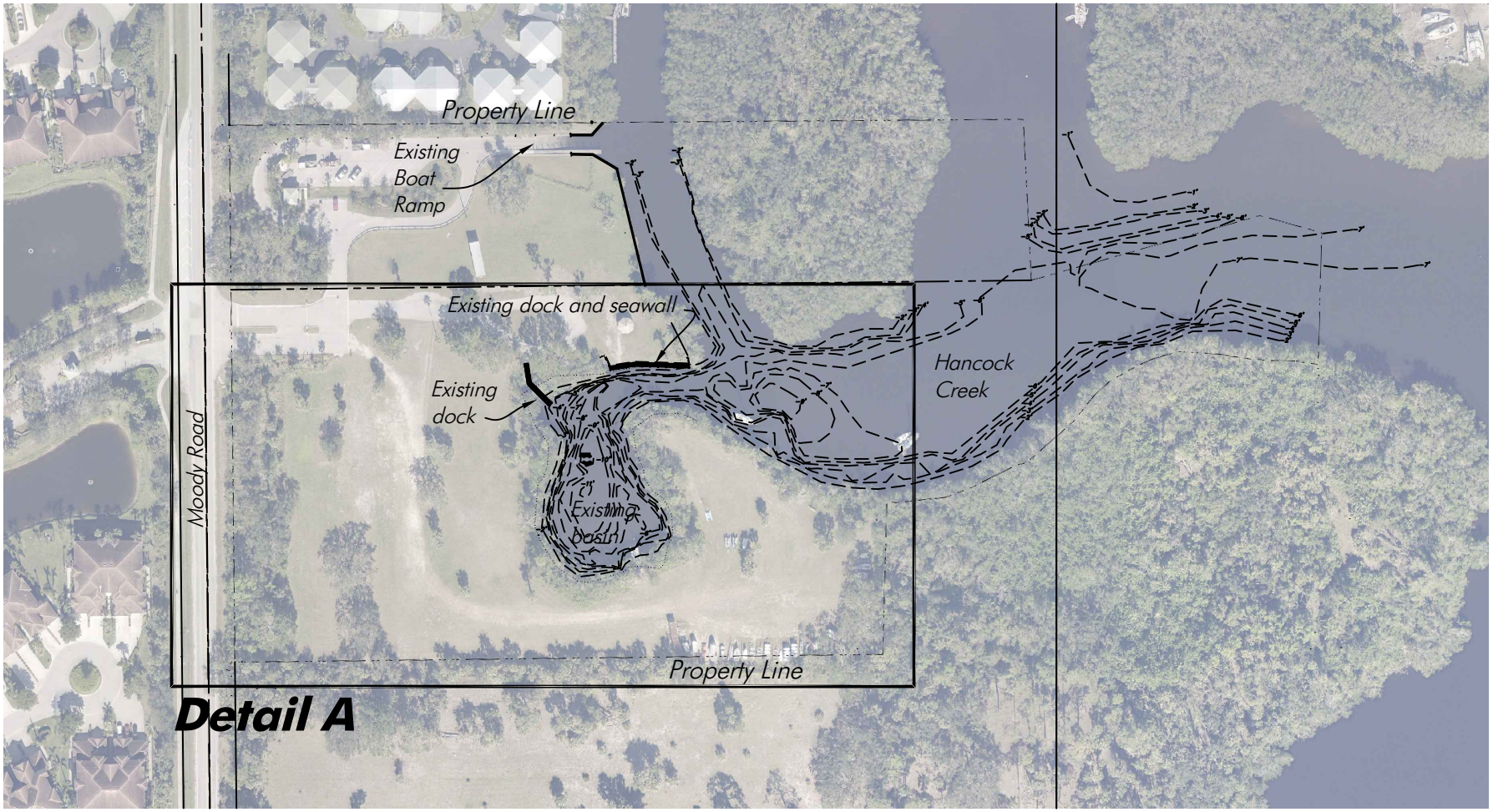
PERMIT USE ONLY, NOT FOR CONSTRUCTION

| | | | | |
|---|---|---|---|---|
| HWA Hans Wilson & Associates | HANS WILSON & ASSOC., INC.<br>1938 Hill Ave. Ft. Myers, Florida 33901<br>Tel:239-334-6870 Fax: 239-334-7810<br>MARINE and ENVIRONMENTAL CONSULTANTS | 4-9-24<br>HJMW | **Home Front Heroes, Inc.** | SHEET 1/6 |

SECTION: 10
TOWNSHIP: 44 S.
RANGE: 24 E.

Lee County Aerial 2023

0' 100' 200'
SCALE FEET




# Existing Site Plan

SCALE: 1" = 200'

Note: Depths reference NGVD datum.
Upland site survey information courtesy of Banks Engineering.

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REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: May 09, 2024 12:26:27 p.m.
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Tel:239-334-6870 Fax: 239-334-7810
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4-9-24
HJMW

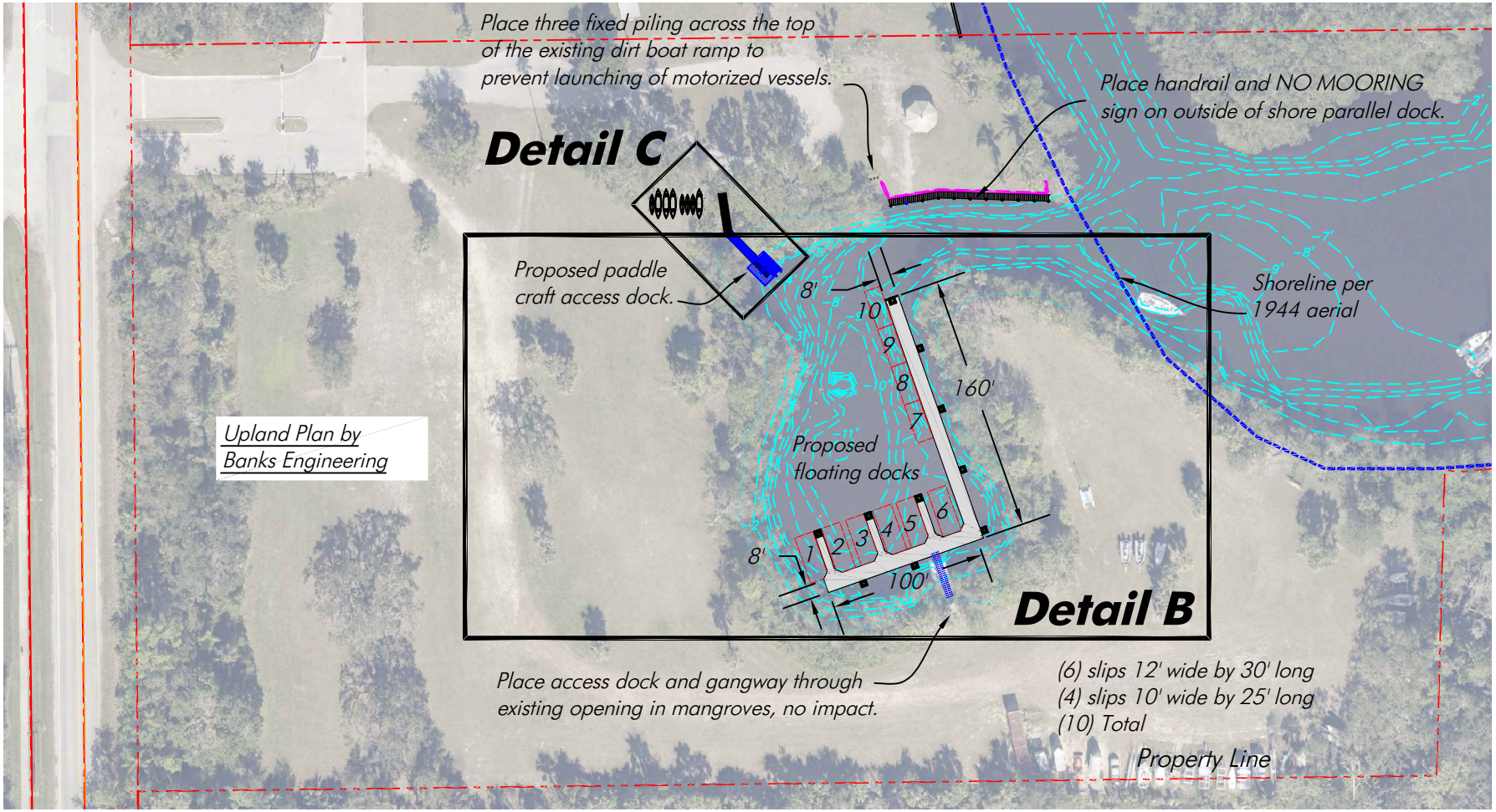
**Home Front Heroes, Inc.**

SHEET 2/6

SECTION: 10
TOWNSHIP: 44 S.
RANGE: 24 E.

Lee County Aerial 2023

0' 50' 100'
SCALE FEET




# Detail A - Proposed Site Plan

SCALE: 1" = 100'

Note: Depths reference NGVD datum.
Upland site plan courtesy of Banks Engineering.

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FLORIDA REGISTRATION NO. 39680
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4-9-24
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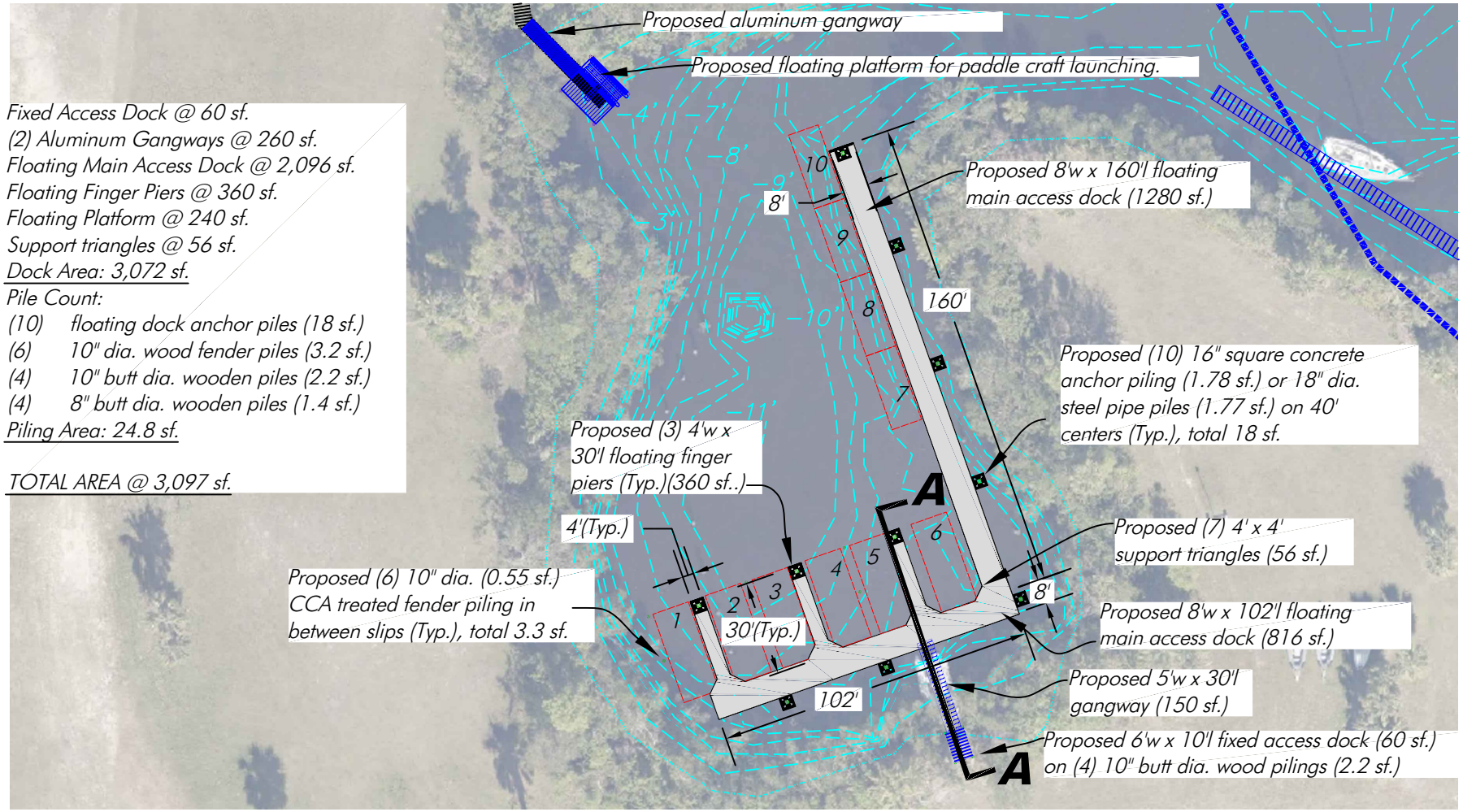
**Home Front Heroes, Inc.**

SHEET 3/6

SECTION: 10
TOWNSHIP: 44 S.
RANGE: 24 E.

Lee County Aerial 2023

0' 25' 50'
SCALE FEET




Fixed Access Dock @ 60 sf.
(2) Aluminum Gangways @ 260 sf.
Floating Main Access Dock @ 2,096 sf.
Floating Finger Piers @ 360 sf.
Floating Platform @ 240 sf.
Support triangles @ 56 sf.
Dock Area: 3,072 sf.
Pile Count:
(10) floating dock anchor piles (18 sf.)
(6) 10" dia. wood fender piles (3.2 sf.)
(4) 10" butt dia. wooden piles (2.2 sf.)
(4) 8" butt dia. wooden piles (1.4 sf.)
Piling Area: 24.8 sf.

TOTAL AREA @ 3,097 sf.

# Detail B - Proposed Dock Plan

SCALE: 1" = 50'

Note: Depths reference NGVD datum.
Upland site plan courtesy of Banks Engineering.

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REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: May 09, 2024 12:26:27 p.m.
Drawing: HFH1MASTER.DWG

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4-9-24
HJMW

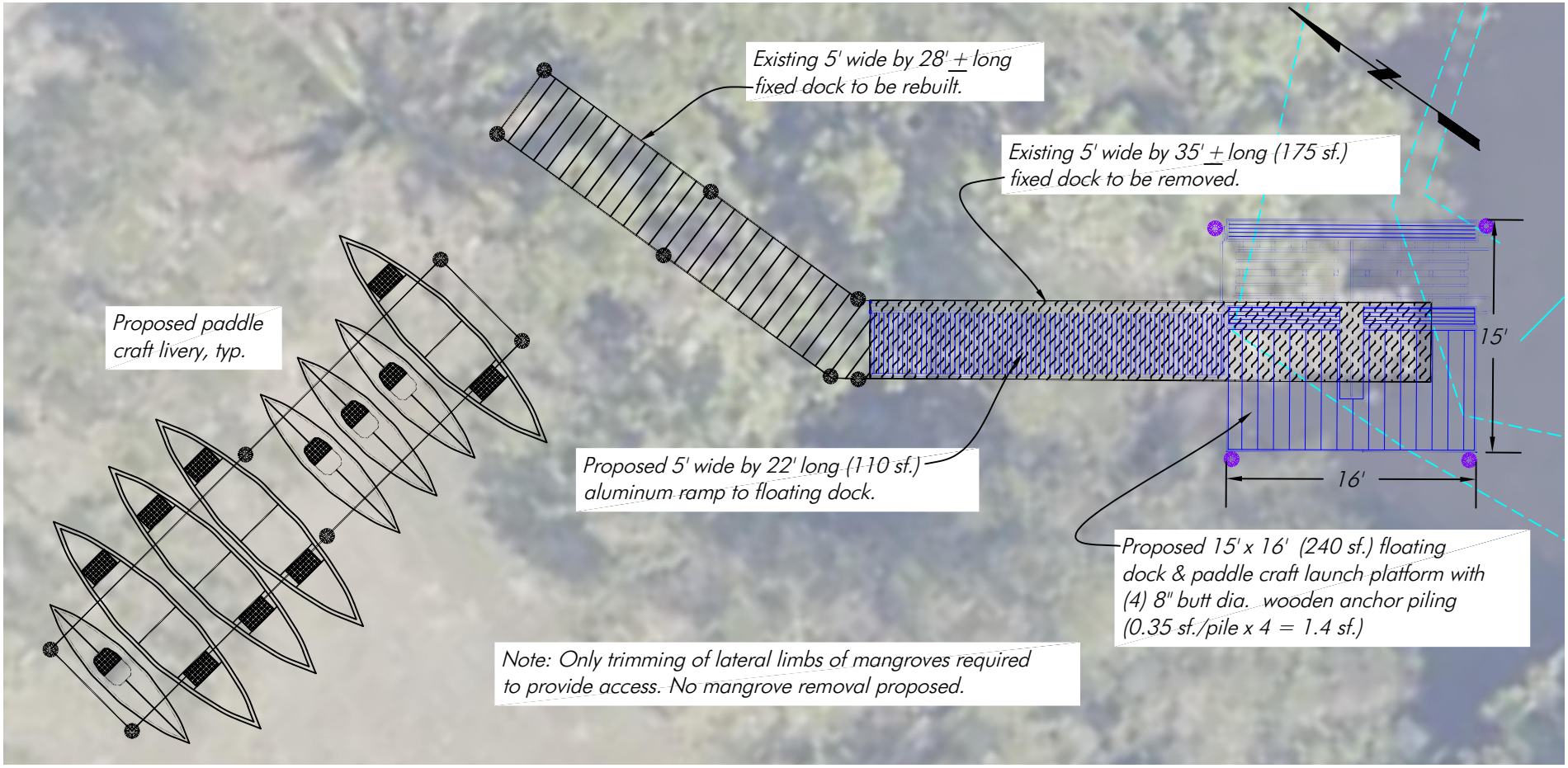
**Home Front Heroes, Inc.**

SHEET 4/6

SECTION: 10
TOWNSHIP: 44 S.
RANGE: 24 E.

Lee County Aerial 2023

0' 25' 50'
SCALE FEET




# Detail C - Proposed Paddle Craft Dock

SCALE: 1" = 10'

Note: Depths assumed NGVD datum.
Upland site plan courtesy of Banks Engineering.

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FLORIDA REGISTRATION NO. 39680
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Drawing: HFH1MASTER.DWG

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Tel:239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

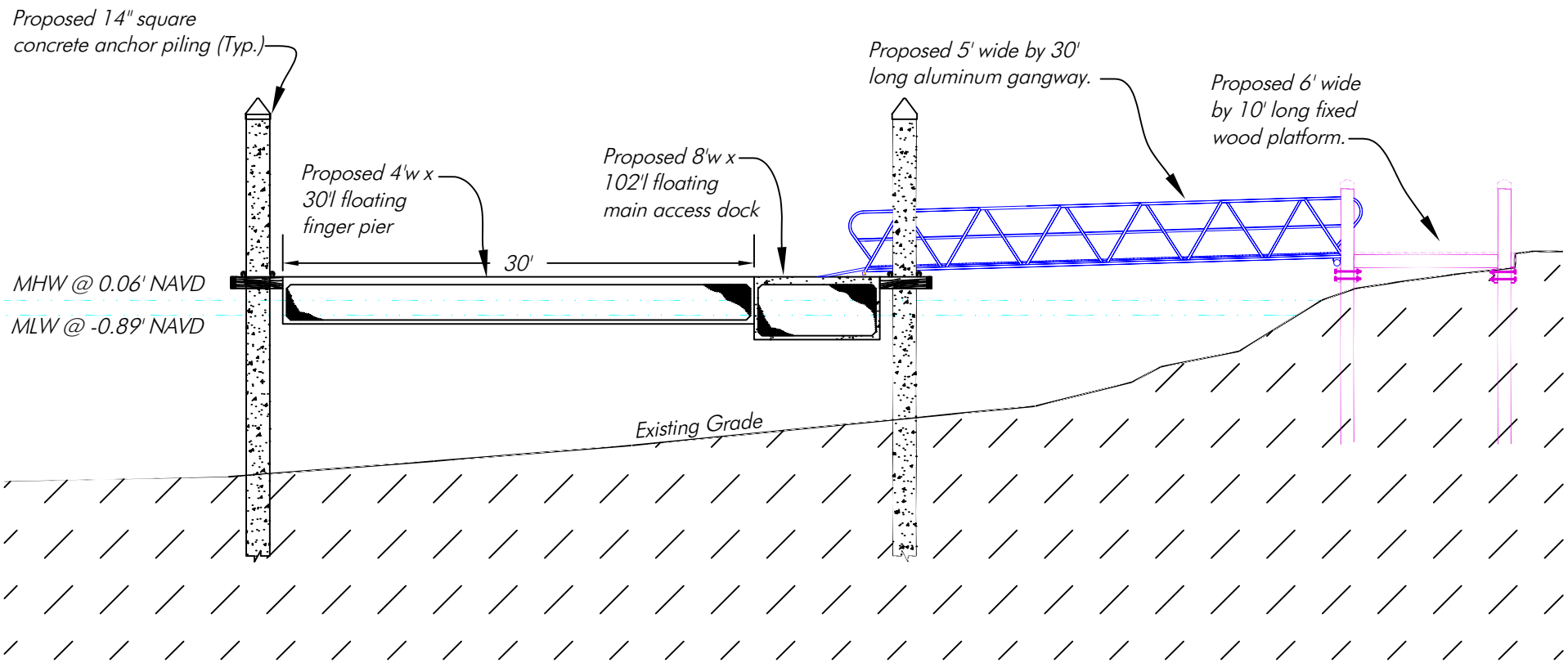
4-9-24
HJMW

**Home Front Heroes, Inc.**

SHEET 5/6

SECTION: 10
TOWNSHIP: 44 S.
RANGE: 24 E.

0' 5' 10'
SCALE FEET




# Cross Section: A-A

SCALE: 1" = 10'

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REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: May 09, 2024 12:26:27 p.m.
Drawing: HFH1MASTER.DWG

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MARINE and ENVIRONMENTAL CONSULTANTS

4-9-24
HJMW

**Home Front Heroes, Inc.**

SHEET 6/6

# HOME FRONT HEROES

## ENVIRONMENTAL ASSESSMENT & SPECIES SURVEY REPORT

*Lee County STRAP #'s: 10-44-24-00-00047.0000, 10-44-24-00-01046.0000, 10-44-24-00-00047.0010, 10-44-24-00-00047.0020, 10-44-24-00-00047.0030, & 10-44-24-00-00046.0010*

*August 2023*
*Revised April 2024*

Prepared For:

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**Introduction**

An environmental assessment and species survey was conducted on the Home Front Heroes property on August 22, 2023. The 15.76± acre site is located in Section 10, Township 44S, and Range 24E, of Lee County, Florida. More specifically, the site is located south of Hancock Bridge Parkway, east of Moody Road, and north of Skyline Drive, in North Fort Myers, Florida. Please see the attached Project Location Map (Exhibit A).

The purpose of this assessment was to identify the potential for either U.S. Army Corps of Engineers (ACOE) Department of Environmental Protection (DEP), and/or South Florida Water Management District (SFWMD) jurisdictional wetlands. The site was also assessed to determine the potential of listed (endangered, threatened, etc.) species inhabiting the site that are regulated by the U.S. Fish & Wildlife Service (FWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

Listed (endangered, threatened, etc.) species are regulated by the US Fish & Wildlife Service (FWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC). Specific attention was paid toward that of locating any gopher tortoise (*Gopherus polyphemus*), as well as locating any potential fox squirrel (*Sciurus niger*) nests, Florida bonneted bat (*Eumops floridanus*) cavity trees, and any bald eagle (*Haliaeetus leucocephalus*) nests.

The project's surrounding land uses are a mixture of residential homes, undeveloped vacant land, and forested land. The survey was conducted in the mid-afternoon; the temperatures were in the mid-upper 80's to low 90's, with light breezes, and partly cloudy skies.

**Background**

The ACOE, DEP, and the SFWMD are the agencies that regulate development activities in wetlands. To be considered wetlands by the ACOE, DEP, and/or SFWMD, the area should exhibit wetland hydrology, contain wetland vegetation, and have hydric soils. For an area to be considered wetlands, a site should have hydric soils, wetland hydrology, and wetland vegetation present. The property was reviewed for indicators of these parameters.

Hydric soils are identified by certain characteristics that are unique to wetland soils. Wetland hydrology is normally present if the soil is saturated or inundated for a period of time; typically from May through November; the rainy season in Southwest Florida. In the absence of visual signs of saturation or inundation, the regulatory agencies typically use hydrologic indicators such as adventitious rooting, lichen lines, or algal matting as method of guidance. If the majority of the shrubs/plants that are present are those that are adapted to saturated soil conditions, it's likely wetland vegetation.

The FWS and FWC are the primary agencies that review potential impacts to listed species. The FWS reviews potential impacts and provides comments to the ACOE and DEP during the permitting process, while the FWC provides comments to the SFWMD. In general, the wildlife agency concerns need to be addressed in order for the permits to be authorized by the ACOE, DEP, and/or the SFWMD.

**Methodology**

The species survey was conducted utilizing combined methodologies from Lee County's Land Development Code (LDC, Chapter 10, Article III, Division 8 - Protection of Habitat) and also encompassed the Lee County Endangered Species Ordinance No. 89-34. Surveys for Lee County protected species are based on the presence of specific vegetation associations and habitat types noted on-site, as outlined in the LDC. The frequency of transects performed in these habitats, unless otherwise discussed, were designed to meet the minimum updated coverage requirement. Following the Lee County Endangered Species Ordinance No. 89-34, the specific methodology included pedestrian surveys of parallel transects. The survey was conducted according to the previously approved Lee County methodology, submitted by Kevin L. Erwin Consulting Ecologist, Inc.

These methods are comprised of a several step process. The vegetation communities or land-uses on the study area are delineated on an aerial photograph using the Florida Land Use, Cover and Forms Classification System (FLUCFCS). Next, these FLUCFCS codes are cross-referenced with the Lee County Protected Species List. With a list of the potential listed plants and animals, each FLUCFCS community is searched in the field for these species. An intensive pedestrian survey is conducted using parallel belt transects as a means of searching for protected plants and animals; signs or sightings of these species are then recorded.

**Existing Site Conditions**

*Boundary* – The project boundary was obtained from the Lee County parcel data and is assumed to be approximately 15.76± acres.

*Soils* - The soils on the property have been mapped by the National Resource Conservation Service (NRCS, formerly the Soil Conservation Service). These mappings are general in nature but can provide a certain level of information about the site as to the possible extent of wetland area. The agencies commonly use these mappings as justification for certain wetland/upland determinations. According to these mappings, the parcel is underlain by Myakka fine sand (NRCS #11; non-hydric), Wulfert muck (NRCS #23; hydric), Immokalee sand (NRCS #28; non-hydric) soils. Myakka fine sand and Immokalee sand soils are considered non-hydric at both the local and national levels. Please see the attached NRCS Soils Map (Exhibit D).

*Vegetation Descriptions* – Vegetation is one parameter used in determining the presence of uplands or wetlands; these community mappings will generally reflect what a specific area could be considered by the regulatory agencies. We identified approximately 2.30± acres of wetlands and 4.76± acres of "other surface water" communities on-site during the initial site assessment.

While on-site, generalized community delineations are hand-drawn on an aerial defining the different vegetation associations on-site. These general delineations were based on the nomenclature of the Florida Land Use, Cover and Forms Classification System (FLUCFCS), Level III and IV (FDOT 1999). Please see the attached FLUCFCS Map with Aerial (Exhibit B) and FLUCFCS Map without Aerial (Exhibit C). Listed below are the vegetation communities and land-uses identified on the site.

**FLUCFCS Codes & Community Descriptions**

*Uplands*
*The following community areas have been designated as upland habitats. Uplands are any area that does not qualify as a wetland because the associated hydrologic regime is not sufficiently wet enough to elicit development of vegetation, soils, and/or hydrologic characteristics associated with wetlands.*

**FLUCFCS 140 Commercial – 1.41± Acres**

This commercial property has been previously cleared and developed and is comprised of a paved parking lot, concrete pads, portable trailers, and a boat ramp. This community occupies approximately 1.41± acres of the site. This community would be considered uplands by regulatory agencies.

**FLUCFCS 400 E2 Planted Landscape Buffers (Exotics 25-49%) – 0.36± Acres**

This upland community type occupies approximately 0.36± acres of the property and is located along the right-of-way. This community was planted as part of the previously approved development order's issues for this property. Exotic species such as earleaf acacia (*Acacia auriculiformis*), melaleuca *(Melaleuca quinquenervia),* mimosa (*Albizia julibrissin*), and Brazilian pepper (*Schinus terebinthifolius*) occupy approximately 25-49% of this community. The canopy contains melaleuca *(Melaleuca quinquenervia)* with scattered earleaf acacia (*Acacia auriculiformis*), mimosa (*Albizia julibrissin*), slash pine *(Pinus elliottii),* and live oak *(Quercus virginiana)*. The sub-canopy contains scattered cabbage palm (*Sabal palmetto*) and Brazilian pepper (*Schinus terebinthifolius*). The ground cover is mostly open, but contains scattered various opportunistic weedy species. Commonly observed vines include greenbriar (*Smilax sp.)*, and grapevine (*Vitis rotundifolia)*. This community would be considered uplands by the regulatory agencies.

**FLUCFCS 420 E4 Mixed Forest Mixed (Exotics > 75%) – 0.13± Acres**

This upland community type occupies approximately 0.13± acres of the property. Exotic species such as earleaf acacia (*Acacia auriculiformis*), mimosa (*Albizia julibrissin*), and Brazilian pepper (*Schinus terebinthifolius*) occupy approximately 75-99% of this community. The canopy is dominated by melaleuca *(Melaleuca quinquenervia)* with scattered earleaf acacia (*Acacia auriculiformis*), mimosa (*Albizia julibrissin*), slash pine *(Pinus elliottii),* and live oak *(Quercus virginiana)*. The sub-canopy contains scattered cabbage palm (*Sabal palmetto*) and Brazilian pepper (*Schinus terebinthifolius*). The ground cover is mostly open, due to the dense exotic coverage, but contains scattered various opportunistic weedy species. Commonly observed vines include greenbriar (*Smilax sp.)*, and grapevine (*Vitis rotundifolia)*. This community would be considered uplands by the regulatory agencies.

**FLUCFCS 740 Disturbed Lands – 6.80± Acres**

This upland habitat type occupies a majority of the property and encompasses approximately 6.80± acres of the property. Exotic species such as earleaf acacia (*Acacia auriculiformis*), melaleuca *(Melaleuca quinquenervia),* mimosa (*Albizia julibrissin*), and Brazilian pepper (*Schinus terebinthifolius*) occupy approximately 50-74% of this community. The canopy is mostly open with scattered slash pine *(Pinus elliottii),* melaleuca *(Melaleuca quinquenervia),* live oak (*Quercus virginiana*), and earleaf acacia *(Acacia auriculiformis).* The sub-canopy is also mostly open with widely scattered cabbage palm (*Sabal palmetto*), Brazilian pepper (*Schinus terebinthifolius*), and wax myrtle (*Myrica cerifera*). The groundcover contained Spanish needle (*Bidens alba*), false buttonweed (*Spermacoce floridan*), caesar weed (*Urena lobata*), dog fennel (*Eupatorium capillifolium*), ragweed (*Ambrosia artemisiifolia*), finger grass (*Eustachys floridana*), muhly grass (*Muhlenbergia capillaris*), broomsedge (*Andropogon virginicus*), and bahia grass (*Paspalum notatum*), with various other opportunistic weedy species. Commonly observed vines include air potato (*Dioscorea bulbifera*), greenbriar (*Smilax sp.)*, grapevine (*Vitis rotundifolia)*, Virginia creeper (*Parthenocissus quinquefolia*), creeping oxeye *(Sphagneticola trilobata),* peppervine (*Ampelopsis arborea*), and poison ivy (*Toxicodendron radicans*). This community would be considered uplands by regulatory agencies.

*Other Surface Waters (OSW)*
*The following community area has been designated as other surface waters. Surface waters are waters on the surface of the earth, contained in bounds created naturally or artificially.*

**FLUCFCS 500 Man-Made Basin – 0.63± Acres**

This man-made "other surface water" (OSW) community occupies approximately 0.63± acres of the property. This community was dug-out and created during the original permitting process and leads out to Hancock Creek, which runs out to the Caloosahatchee River. There are red mangroves (*Rhizophora mangle*), along the edges of this community. The depth varies from approximately a few inches along the edge to several feet deep in the middle. This community would be considered "other surface waters" by the regulatory agencies.

**FLUCFCS 540 Bays & Estuaries – 4.13± Acres**

This "other surface water" (OSW) community occupies approximately 4.13± acres of the property. This community includes a boat ramp and Hancock Creek that runs out to the Caloosahatchee River. There are red mangroves (*Rhizophora mangle*), along the sides of the canal. The depth varies from approximately a few inches along the edge to several feet deep in the middle. This community would be considered "other surface waters" by the regulatory agencies.

*Wetlands*
*The following community areas have been designated as wetland habitats. Wetlands are any areas that under normal circumstances have hydrophytic vegetation, hydric soils, and wetland hydrology.*

**FLUCFCS 612 E3 Mangrove Wetlands (Exotics 50-74%) – 1.60± Acres**

This wetland community type occupies approximately 1.60± acres of the property. Exotic species such as *(Melaleuca quinquenervia)* and Brazilian pepper (*Schinus terebinthifolius*) occupy approximately 50-74% of this community. The canopy contains red mangrove (*Rhizophora mangle*), and buttonwood (*Conocarpus erectus)* with scattered slash pine *(Pinus elliottii),* and melaleuca *(Melaleuca quinquenervia)*. The sub-canopy contains cabbage palm (*Sabal palmetto*), Brazilian pepper (*Schinus terebinthifolius*), seaside mahoe (*Thespesia populnea*), sea grape (*Coccoloba uvifera*), and pond apple (*Annona glabra*). The ground cover is mostly open with giant leather fern (*Acrostichum daneifolium*), and coin vine (*Dalbergia ecastaphyllum*). This community does contain wetland vegetation, advantageous rooting, water line staining, and algal matting, as well as other signs in this community that would be classified as wetlands. This community would be considered wetlands by the regulatory agencies.

**FLUCFCS 612 E4 Mangrove Wetlands (Exotics > 75%) – 0.70± Acres**

This wetland community type occupies approximately 0.70± acres of the property. Exotic species such as *(Melaleuca quinquenervia)* and Brazilian pepper (*Schinus terebinthifolius*) occupy approximately greater than 75% of this community. The canopy contains red mangrove (*Rhizophora mangle*), and buttonwood (*Conocarpus erectus)* with scattered slash pine *(Pinus elliottii),* and melaleuca *(Melaleuca quinquenervia)*. The sub-canopy contains cabbage palm (*Sabal palmetto*), Brazilian pepper (*Schinus terebinthifolius*), seaside mahoe (*Thespesia populnea*), sea grape (*Coccoloba uvifera*), and pond apple (*Annona glabra*). The ground cover is mostly open with giant leather fern (*Acrostichum daneifolium*), and coin vine (*Dalbergia ecastaphyllum*). This community does contain wetland vegetation, advantageous rooting, water line staining, and algal matting, as well as other signs in this community that would be classified as wetlands. This community was located along the edge of the disturbed lands with a majority located beyond the mean high-water line but were still included as part of this community. This community would be considered wetlands by the regulatory agencies.

**Table 1. FLUCFCS Community Table**

| FLUCFCS Code | Community Description | Habitat Type | Acreage |
|---|---|---|---|
| 140 | Commercial, Parking, & Boat Ramp | Upland | 1.41± Ac. |
| 400 E2 | Planted Landscape Buffers (Exotics 25-49%) | Upland | 0.36± Ac. |
| 420 E4 | Upland Forest Mixed (Exotics > 75%) | Upland | 0.13± Ac. |
| 500 | Man-Made Basin | OSW | 0.63± Ac. |
| 540 | Bays & Estuaries | OSW | 4.13± Ac. |
| 612 E3 | Mangrove Wetlands (Exotics 50-74%) | Wetland | 1.60± Ac. |
| 612 E4 | Mangrove Wetlands (Exotics > 75%) | Wetland | 0.70± Ac. |
| 740 | Disturbed Lands | Upland | 6.80± Ac. |
| Total | | | 15.76± Ac. |

**Species Survey Results**

There have been numerous prior environmental assessments and species surveys conducted on-site; these most recent surveys conducted on-site have been provided specifically in the areas where the proposed development is to be taking place. There were no protected species or signs thereof observed on-site. There were a few stick nests observed in some of the melaleuca (*Melaleuca quinquenervia*) trees, but they are believed to belong to that of the numerous eastern gray squirrels (*Sciurus carlinensis*) observed while on-site. There were several burrows, believed to belong to that of the eastern nine-banded armadillo (*Dasypus novemcinctus*), that were identified, but not flagged in the field; there was no evidence indicating that gopher tortoise (*Gopherus polyphemus*) would be utilizing these burrows.

There is a bald eagle (*Haliaeetus leucocephalus*) nest located at 26.655750 N, 81.897095 W. The nest is located southeast of the property within 660' of proposed site development. A bald eagle management plan will be proposed to be approved for the LE-43D nest by Lee County, as a portion of the proposed project will be within the 660' and a very small portion is located within the 330' eagle buffer zone. The management plan will outline the project's proposed protection measures for Nest LE-43D. Please refer to Exhibit E which includes a protected species survey map showing the 330' and 660' buffer zones shows the buffer zones for the nest including the approximate locations and transects that were provided under this latest survey.

There were several non-listed species identified while conducting the protected species survey, among those were several mourning doves, Eastern cottontail rabbits, grey squirrels, and a black racer. The various listed species that may occur in the FLUCFCS communities on-site have been tabulated on the attached table below.

**Mitigation Discussion**

Generally, the ACOE and/or DEP does not regulate isolated wetlands or excavation in wetlands where there is only incidental fall back of fill material; the ACOE or DEP do not have jurisdiction over isolated wetlands. In making the determination on whether the wetlands are isolated, the ACOE and DEP considers if water leaves the site, (i.e. ditches) or whether the wetlands are completely contained on-site or extend off-site. If the wetlands extend off-site, they will more than likely assert jurisdiction. Currently, the ACOE and DEP position on most all wetlands is that one of them has jurisdiction; the ACOE regulates navigable waters whereas the DEP regulates both navigable waters and adjacent wetlands. However, the agencies would not make this determination until a Joint Environmental Resource Permit (ERP) and Dredge & Fill Permit (D&F) application is received.

The SFWMD does not require mitigation for impacts to isolated wetlands not used by listed (protected) species that are less than 0.50± acres in size. Impacts to wetlands greater than 0.50± acres or those utilized by protected species

would require mitigation. With the ACOE and DEP, impacts to wetlands that are less than 0.50± acres, the activity can usually be processed as a Nationwide Permit application. For projects with greater than 0.50± acres of impacts, the application will be processed as an Individual Permit application. This involves a public notice process and coordination with other federal agencies such as the EPA and the FWS.

There are three steps that are required to be addressed when requesting an ERP permit with the SFWMD and/or the DEP for impacts to regulated wetlands:

1) Avoidance (i.e. can these wetland impacts be completely avoided)
2) Minimization (i.e. can the amount of wetland impact be reduced while maintaining a feasible project)
3) Mitigation (i.e. the loss of wetland function must be replaced)

It should be noted that avoidance and minimization must first be substantiated, before mitigation will be considered by the agencies. When wetlands are proposed to be impacted, the impacts cannot result in any loss of wetland function. In order to prevent net loss in wetland function, wetland mitigation must be provided. Mitigation is a way to off-set impacts to natural resources such as wetlands and may consist of wetland enhancement, wetland creation, wetland preservation, upland compensation, or off-site mitigation. Mitigation costs usually increase with the quantity of proposed impacts. The actual amount of mitigation required would be finalized during the Environmental Resource Permit review process with the SFWMD, ACOE, and DEP.

There are two main categories of wetland mitigation, onsite or off-site. On-site mitigation would include preserving a portion of the on-site wetlands, treating and removing the exotics, potentially providing supplemental plantings, and placing the preserve areas under a Conservation Easement. Preserve areas are required to be maintained in perpetuity. Off-site mitigation requires the purchase of wetland credits at an approved mitigation bank within the service area of the site. This parcel lies within the service area of Little Pine Island Mitigation Bank (LPIMB); currently, credits at LPIMB are going for $200,000-$225,000 depending on whether they are herbaceous or forested credits.

**Summary**

In general, this site does not contain much native, undisturbed community types in which protected species would typically inhabit. Due to the disturbed nature of the site, the surrounding land uses, and busy roadways, it is unlikely that this site supports or would provide habitat for protected species. Community locations were drawn using non-rectified aerial images with approximate property boundaries; hence their location, aerial extent, and acreage is approximate.

The determination of ecological system classifications, functions, values, and boundaries is an inexact science, and different individuals and agencies may reach different conclusions. It is not possible for BearPaws Environmental Consulting to guarantee the outcome of such determinations. Therefore, the conclusions of this report are preliminary in nature and would require a full review by the appropriate regulatory agencies.

The information contained and the work performed as part of this initial assessment, conforms to the standards and generally accepted practices in the environmental field, and was prepared substantially in accordance with then-current technical guidelines and criteria. The conclusions of this report represent the results of our analysis of the information provided by the client and their consultants, together with information gathered in the course of the study. No other guarantee, expressed or implied, is made.

## Table 2: Listed Species by Habitat with Current Status

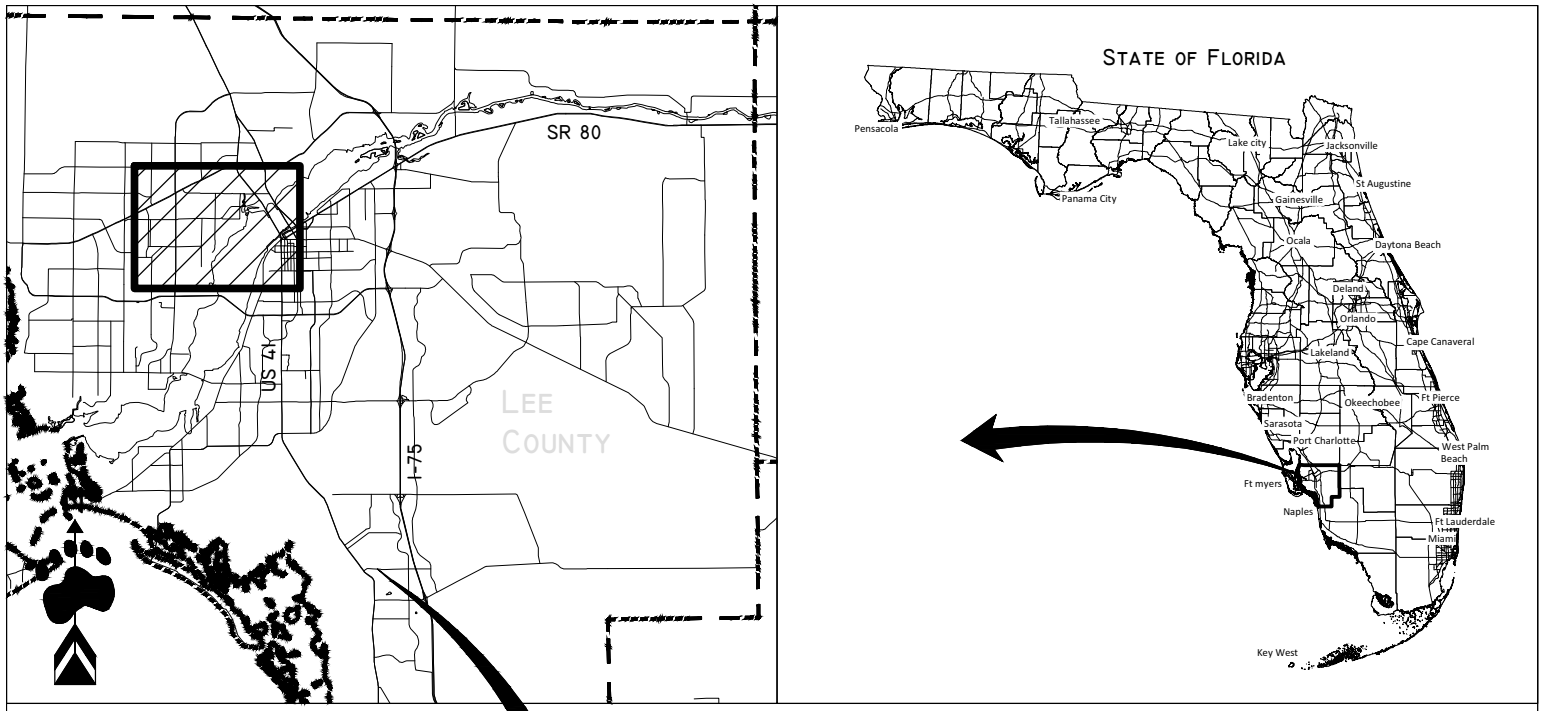
| FLUCFCS Code | FLUCFCS Description | Common Name | Scientific Name | Observed | USDA | FDA&CS | FWS | FWC |
|---|---|---|---|---|---|---|---|---|
| 140 | Commercial | N/A | *N/A* | -- | -- | -- | -- | -- |
| 400 | Planted Upland Buffer | Audubon's crested caracara | *Polyborus plancus audubonii* | -- | -- | -- | T | T |
| | | Eastern indigo snake | *Drymarchon corais couperi* | -- | -- | -- | T | T |
| | | Florida black bear | *Ursus americanus floridanus* | -- | -- | -- | SAT | T |
| | | Hand adder's tongue fern | *Ophioglossum palmatum* | -- | -- | E | -- | -- |
| | | Simpson's stopper | *Myrcianthes fragrans var. simpsonii* | -- | -- | T | -- | -- |
| | | Gopher tortoise | *Gopherus polyphemus* | -- | -- | -- | T | T |
| 420 | Upland Forest Mixed | Audubon's crested caracara | *Polyborus plancus audubonii* | -- | -- | -- | T | T |
| | | Eastern indigo snake | *Drymarchon corais couperi* | -- | -- | -- | T | T |
| | | Florida black bear | *Ursus americanus floridanus* | -- | -- | -- | SAT | T |
| | | Hand adder's tongue fern | *Ophioglossum palmatum* | -- | -- | E | -- | -- |
| | | Simpson's stopper | *Myrcianthes fragrans var. simpsonii* | -- | -- | T | -- | -- |
| | | Gopher tortoise | *Gopherus polyphemus* | -- | -- | -- | T | T |
| 500 | Other Surface Waters | American alligator | *Alligator mississipiensis* | -- | -- | -- | SAT | SSC |
| | | Everglades mink | *Mustela vison evergladensis* | -- | -- | -- | -- | T |
| | | Limpkin | *Aramus guarauna* | -- | -- | -- | -- | SSC |
| | | Little blue heron | *Egretta caerulea* | -- | -- | -- | -- | SSC |
| | | Reddish egret | *Egretta rufescens* | -- | -- | -- | -- | SSC |
| | | Roseate spoonbill | *Ajaia ajaja* | -- | -- | -- | -- | SSC |
| | | Snowy egret | *Egretta thula* | -- | -- | -- | -- | SSC |
| | | Tricolored heron | *Egretta tricolor* | -- | -- | -- | -- | SSC |
| 612 | Mangroves | American alligator | *Alligator mississipiensis* | -- | -- | -- | SAT | SSC |
| | | Everglades mink | *Mustela vison evergladensis* | -- | -- | -- | -- | T |
| | | Florida sandhill crane | *Grus canadensis pratensis* | -- | -- | -- | -- | T |
| | | Limpkin | *Aramus guarauna* | -- | -- | -- | -- | SSC |
| | | Little blue heron | *Egretta caerulea* | -- | -- | -- | -- | SSC |
| | | Snail kite | *Rostrhamus sociabilis* | -- | -- | -- | E | E |
| | | Snowy egret | *Egretta thula* | -- | -- | -- | -- | SSC |
| | | Tricolored heron | *Egretta tricolor* | -- | -- | -- | -- | SSC |
| 740 | Disturbed Lands | Florida sandhill crane | *Grus canadensis pratensis* | -- | -- | -- | -- | T |
| | | Burrowing owl | *Athene cunicularia floridana* | -- | -- | -- | -- | SSC |

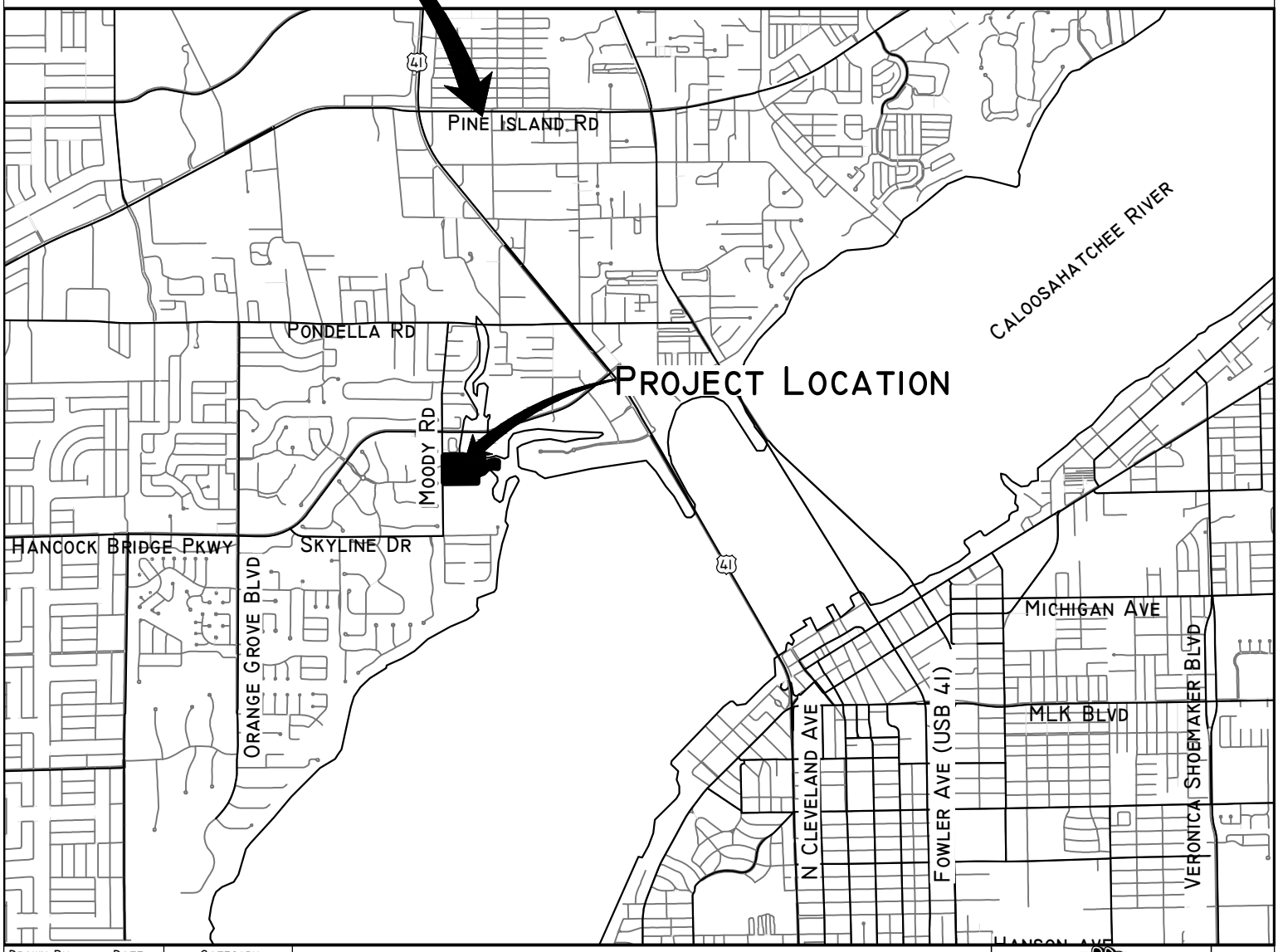
C = Commercially Exploited, SAT = Similarity of Appearance Threatened, SSC = Species of Special Concern, T = Threatened, E = Endangered

Table designates listed species with potential to occur in each FLUCFCS community.

# EXHIBIT A

**Project Location Map**




| Drawn By: | Date: | Category |
|---|---|---|
| BWS | 3/12/24 | Location |
| Job Number | | Scale: NTS |
| S/T/R 10/44S/24E | | County Lee |

# Home Front Heroes (Moody Road)

Location Map

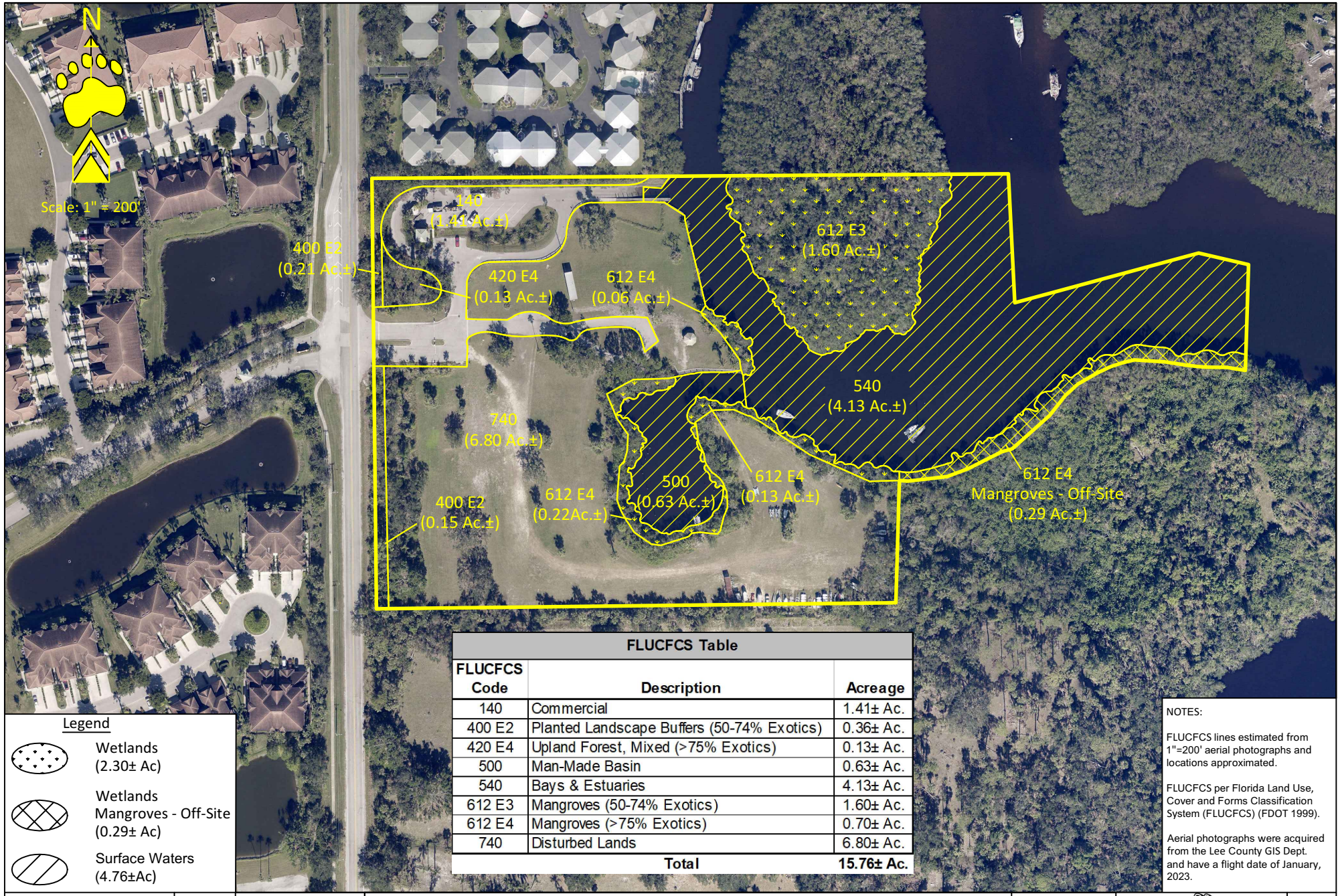
BEARPAWS ENVIRONMENTAL CONSULTING
1599 Covington Circle East, Fort Myers, FL 33919
(239) 340-0678 bearpaws.env.consulting@gmail.com

Page

Exhibit

# EXHIBIT B

**FLUCFCS Map with Aerial**




**FLUCFCS Table**

| FLUCFCS Code | Description | Acreage |
|---|---|---|
| 140 | Commercial | 1.41± Ac. |
| 400 E2 | Planted Landscape Buffers (50-74% Exotics) | 0.36± Ac. |
| 420 E4 | Upland Forest, Mixed (>75% Exotics) | 0.13± Ac. |
| 500 | Man-Made Basin | 0.63± Ac. |
| 540 | Bays & Estuaries | 4.13± Ac. |
| 612 E3 | Mangroves (50-74% Exotics) | 1.60± Ac. |
| 612 E4 | Mangroves (>75% Exotics) | 0.70± Ac. |
| 740 | Disturbed Lands | 6.80± Ac. |
| | **Total** | **15.76± Ac.** |

Legend

- Wetlands (2.30± Ac)
- Wetlands Mangroves - Off-Site (0.29± Ac)
- Surface Waters (4.76±Ac)

NOTES:

FLUCFCS lines estimated from 1"=200' aerial photographs and locations approximated.

FLUCFCS per Florida Land Use, Cover and Forms Classification System (FLUCFCS) (FDOT 1999).

Aerial photographs were acquired from the Lee County GIS Dept. and have a flight date of January, 2023.

| Revisions | Date: |
|---|---|
| | |
| | |
| | |

Drawn By: BWS Date: 3/12/24

Job Number

S/T/R 10/44S/24E

# Home Front Heroes (Moody Road)

## Aerial FLUCFCS Map

Category: FLUCFCS

Scale: 1" = 200'

County: Lee

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(239) 340-0678 bearpaws.env.consulting@gmail.com

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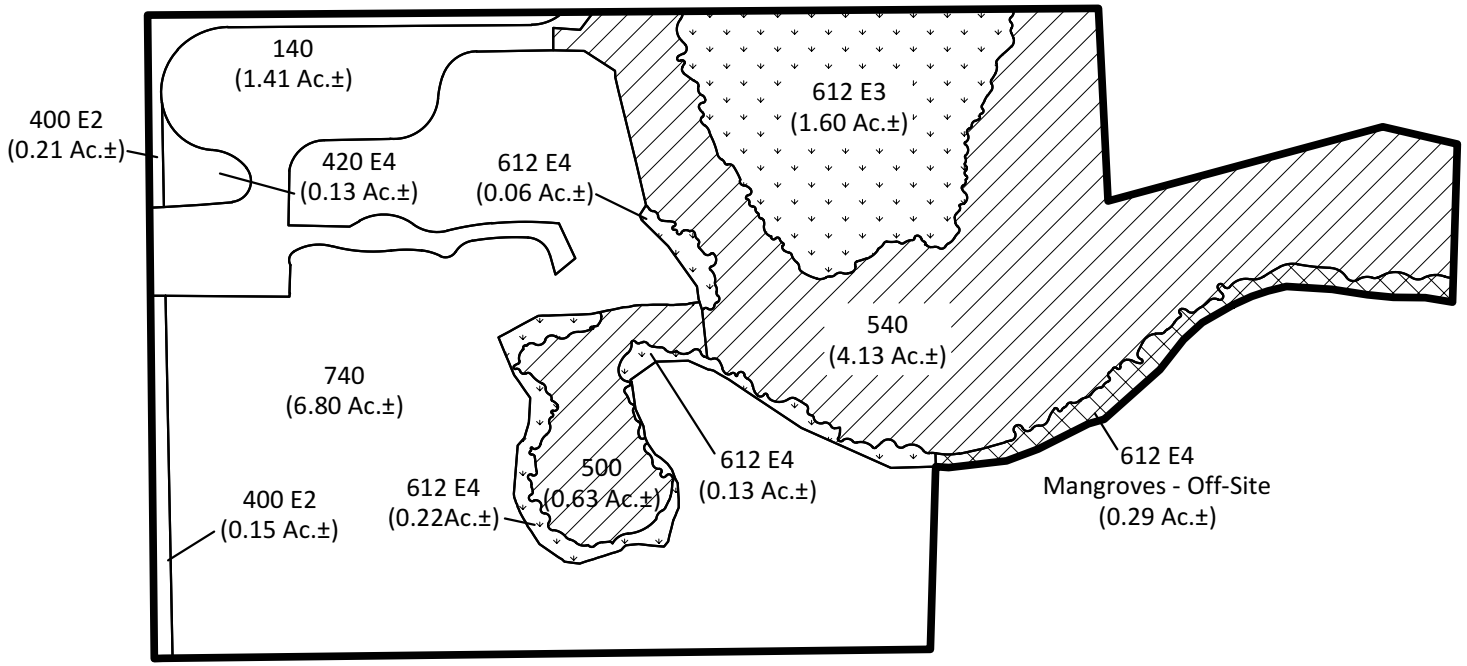
Exhibit -

# EXHIBIT C

**FLUCFCS Map**

N

Scale: 1" = 200'




Legend

- Wetlands (2.30± Ac)
- Wetlands Mangroves - Off-Site (0.29± Ac)
- Surface Waters (4.76±Ac)

| FLUCFCS Table | | |
|---|---|---|
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NOTES:

FLUCFCS lines estimated from 1"=200' aerial photographs and locations approximated.

FLUCFCS per Florida Land Use, Cover and Forms Classification System (FLUCFCS) (FDOT 1999).

| Revisions | Date: | Drawn By: BWS | Date: 3/12/24 | Home Front Heroes (Moody Road) | Category: FLUCFCS | BEARPAWS ENVIRONMENTAL CONSULTING | Page - |
|---|---|---|---|---|---|---|---|
| | | Job Number | | FLUCFCS Map | Scale: 1" = 200' | 1599 Covington Circle East Fort Myers, FL 33919 (239) 340-0678 bearpaws.env.consulting@gmail.com | Exhibit - |
| | | S/T/R 10/44S/24E | | | County: Lee | | |

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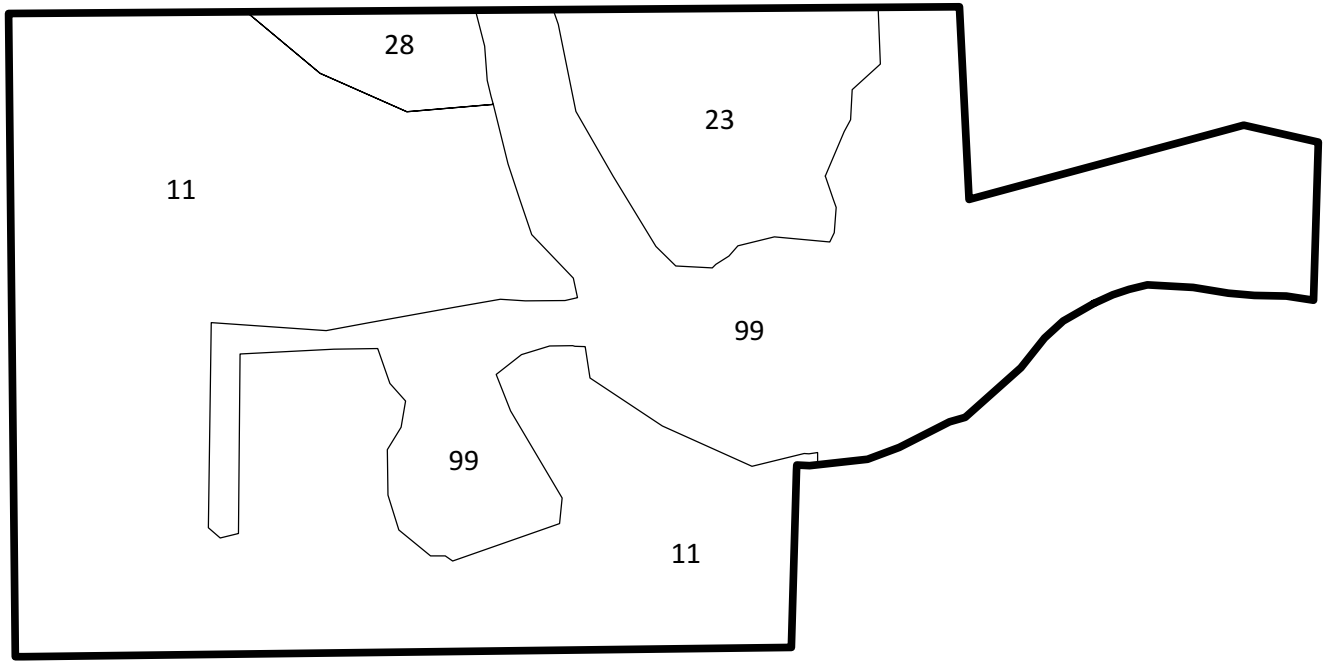
# EXHIBIT D

**NRCS Soils Map**

N

Scale: 1" = 200'




| NRCS Soils Table | | |
|---|---|---|
| Soils No. | Name | Hydric |
| 11 | Myakka Fine Sand | No |
| 23 | Wulfert Muck | Yes |
| 28 | Immokalee Sand | No |
| 99 | Water | Unranked |

NOTES

Soils were acquired from LABINS and are from the NRCS.

| Revisions | Date: | Drawn By: | Date: | Home Front Heroes (Moody Road) | Category | Page |
|---|---|---|---|---|---|---|
| | | BWS | 3/12/24 | | Soils | - |
| | | Job Number | | | Scale: 1" = 200' | Exhibit |
| | | S/T/R | | Soils Map | County | |
| | | 10/44S/24E | | | Lee | - |

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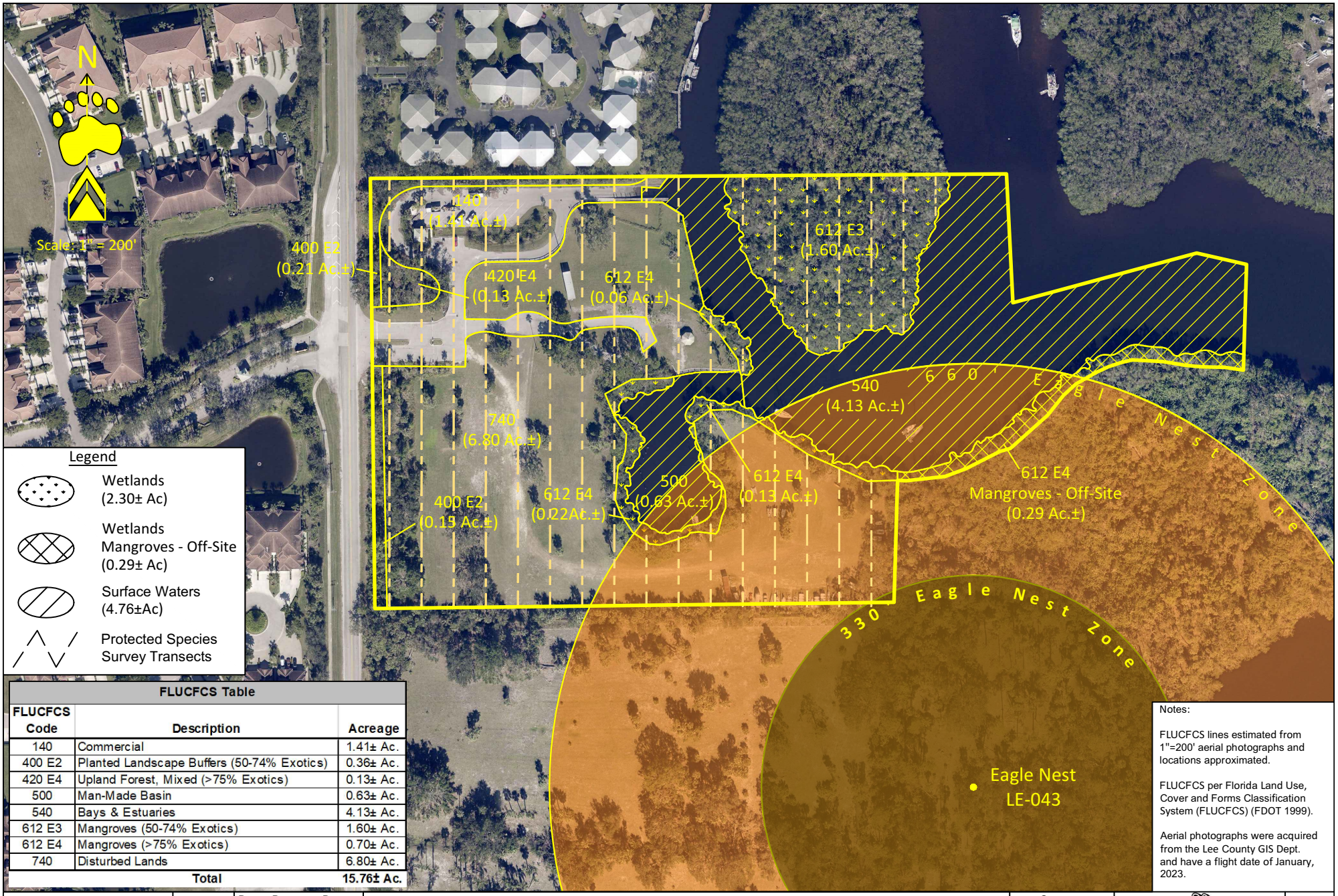
# EXHIBIT E

**Protected Species Survey Map**




**FLUCFCS Table**

| FLUCFCS Code | Description | Acreage |
|---|---|---|
| 140 | Commercial | 1.41± Ac. |
| 400 E2 | Planted Landscape Buffers (50-74% Exotics) | 0.36± Ac. |
| 420 E4 | Upland Forest, Mixed (>75% Exotics) | 0.13± Ac. |
| 500 | Man-Made Basin | 0.63± Ac. |
| 540 | Bays & Estuaries | 4.13± Ac. |
| 612 E3 | Mangroves (50-74% Exotics) | 1.60± Ac. |
| 612 E4 | Mangroves (>75% Exotics) | 0.70± Ac. |
| 740 | Disturbed Lands | 6.80± Ac. |
| | **Total** | **15.76± Ac.** |

Notes:

FLUCFCS lines estimated from 1"=200' aerial photographs and locations approximated.

FLUCFCS per Florida Land Use, Cover and Forms Classification System (FLUCFCS) (FDOT 1999).

Aerial photographs were acquired from the Lee County GIS Dept. and have a flight date of January, 2023.

| Revisions | Date: | Drawn By: | Date: | | Category | | Page |
|---|---|---|---|---|---|---|---|
| | | BWS | 3/12/24 | Home Front Heroes (Moody Road) | PSS | BEARPAWS ENVIRONMENTAL CONSULTING | - |
| | | Job Number | | | Scale: 1" = 200' | | Exhibit |
| | | S/T/R | | Aerial PSS Map | County | | - |
| | | 10/44S/24E | | | Lee | 1599 Covington Circle East, Fort Myers, FL 33919 (239) 340-0678 bearpaws.env.consulting@gmail.com | |

# HOME FRONT HEROES

## BALD EAGLE (*HALIAEETUS LEUCOCEPHALUS*) MANAGEMENT PLAN

*Lee County STRAP #'s: 10-44-24-00-00047.0000, 10-44-24-00-01046.0000, 10-44-24-00-00047.0010, 10-44-24-00-00047.0020, 10-44-24-00-00047.0030, & 10-44-24-00-00046.0010*

*February 2024*
*Revised April 2024*

Prepared For:

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Fort Myers, Florida 33966
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Prepared By:

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**Introduction**

The 15.76± Home Front Heroes property is located at 884 Moody Road, in a portion of Section 10, Township 44S, and Range 24E, of Lee County, Florida. More specifically, the site is located south of Hancock Bridge Parkway, east of Moody Road, and north of Skyline Drive, in North Fort Myers, Florida. Please see the attached Project Location Map (Exhibit A).

There is a bald eagle (*Haliaeetus leucocephalus*) nest located at 26.655750 N, 81.897095 W. The nest is located southeast of the property within 660' of proposed site development. This bald eagle management plan is being proposed to be approved for the LE-43D nest by Lee County, as a portion of the proposed project will be within the 660' eagle buffer zone. This management plan has been created to outline the project's proposed protection measures for Nest LE-43D. The MCP showing the 330' and 660' buffer zones is included as Exhibit B.

**Site Conditions**

The Home Front Heroes property consists of a marina, open and developed land, which has been used by the Fort Myers Sailing Club in the past. This disturbed upland herbaceous area is vegetated primarily by uplands, which encompasses a majority of the property. The canopy is mostly open with scattered slash pine *(Pinus elliottii),* melaleuca *(Melaleuca quinquenervia),* live oak (*Quercus virginiana*), and earleaf acacia *(Acacia auriculiformis).* The sub-canopy is also mostly open with widely scattered cabbage palm (*Sabal palmetto*), Brazilian pepper (*Schinus terebinthifolius*), and wax myrtle (*Myrica cerifera*). The groundcover contained mostly disturbed opportunistic weedy species. There are some scattered red mangroves (*Rhizophora mangle*), located along the edges of the herbaceous community; however, they were beyond the mean high-water line, within the FLUCFCS 540 - Bays & Estuaries. There is a large mangrove swamp (FLUCFCS 612) located off the "mainland property" on an island, but it's being proposed to be preserve, which is dominated by red mangroves (*Rhizophora mangle*), with widely scattered slash pine *(Pinus elliottii),* melaleuca *(Melaleuca quinquenervia),* Brazilian pepper (*Schinus terebinthifolius*), and cabbage palm (*Sabal palmetto*). The property on which Nest LE-43D is located consists of undeveloped vacant land and forested land.

**Site Observations**

A bald eagle (*Haliaeetus leucocephalus*) constructed a nest (LE-43D) in a slash pine *(Pinus elliottii)* tree located approximately 320 feet southeast of the southern property line and approximately 970 feet east of Moody Road. The nest was active during the 2023-2024; however, it was declared unsuccessful for the 2023 nesting season and is believed to be unsuccessful for the 2024 nesting season. Nest LE-43D was a new nest, which was initially reported in July 2022; the nest was destroyed during Hurricane Ian, but reconstructed afterward, but the fledglings were never confirmed.

There have been four vegetation associations that were identified using the Florida Land Use, Cover and Forms Classification System (FLUCFCS). 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 FLUCFCS Community is also provided below.

**FLUCFCS Codes & Community Descriptions**

*Uplands*
*The following community areas have been designated as upland habitats. Uplands are any area that does not qualify as a wetland because the associated hydrologic regime is not sufficiently wet enough to elicit development of vegetation, soils, and/or hydrologic characteristics associated with wetlands.*

**FLUCFCS 140 Commercial – 1.41± Acres**

This commercial property has been previously cleared and developed and is comprised of a paved parking lot, concrete pads, portable trailers, and a boat ramp. This community occupies approximately 1.41± acres of the site. This community would be considered uplands by regulatory agencies.

**FLUCFCS 400 E2 Planted Landscape Buffers (Exotics 25-49%) – 0.36± Acres**

This upland community type occupies approximately 0.36± acres of the property and is located along the right-of-way. This community was planted as part of the previously approved development order's issues for this property. Exotic species such as earleaf acacia (*Acacia auriculiformis*), melaleuca *(Melaleuca quinquenervia),* mimosa (*Albizia julibrissin*), and Brazilian pepper (*Schinus terebinthifolius*) occupy approximately 25-49% of this community. The canopy contains melaleuca *(Melaleuca quinquenervia)* with scattered earleaf acacia (*Acacia auriculiformis*), mimosa (*Albizia julibrissin*), slash pine *(Pinus elliottii),* and live oak *(Quercus virginiana)*. The sub-canopy contains scattered cabbage palm (*Sabal palmetto*) and Brazilian pepper (*Schinus terebinthifolius*). The ground cover is mostly open, but contains scattered various opportunistic weedy species. Commonly observed vines include greenbriar (*Smilax sp.)*, and grapevine (*Vitis rotundifolia)*. This community would be considered uplands by the regulatory agencies.

**FLUCFCS 420 E4 Mixed Forest Mixed (Exotics > 75%) – 0.13± Acres**

This upland community type occupies approximately 0.13± acres of the property. Exotic species such as earleaf acacia (*Acacia auriculiformis*), mimosa (*Albizia julibrissin*), and Brazilian pepper (*Schinus terebinthifolius*) occupy approximately 75-99% of this community. The canopy is dominated by melaleuca *(Melaleuca quinquenervia)* with scattered earleaf acacia (*Acacia auriculiformis*), mimosa (*Albizia julibrissin*), slash pine *(Pinus elliottii),* and live oak *(Quercus virginiana)*. The sub-canopy contains scattered cabbage palm (*Sabal palmetto*) and Brazilian pepper (*Schinus terebinthifolius*). The ground cover is mostly open, due to the dense exotic coverage, but contains scattered various opportunistic weedy species. Commonly observed vines include greenbriar (*Smilax sp.)*, and grapevine (*Vitis rotundifolia)*. This community would be considered uplands by the regulatory agencies.

**FLUCFCS 740 Disturbed Lands – 6.80± Acres**

This upland habitat type occupies a majority of the property and encompasses approximately 6.80± acres of the property. Exotic species such as earleaf acacia (*Acacia auriculiformis*), melaleuca *(Melaleuca quinquenervia),* mimosa (*Albizia julibrissin*), and Brazilian pepper (*Schinus terebinthifolius*) occupy approximately 50-74% of this community. The canopy is mostly open with scattered slash pine *(Pinus elliottii),* melaleuca *(Melaleuca quinquenervia),* live oak (*Quercus virginiana*), and earleaf acacia *(Acacia auriculiformis).* The sub-canopy is also mostly open with widely scattered cabbage palm (*Sabal palmetto*), Brazilian pepper (*Schinus terebinthifolius*), and wax myrtle (*Myrica cerifera*). The groundcover contained Spanish needle (*Bidens alba*), false buttonweed (*Spermacoce floridan*), caesar weed (*Urena lobata*), dog fennel (*Eupatorium capillifolium*), ragweed (*Ambrosia artemisiifolia*), finger grass (*Eustachys floridana*), muhly grass (*Muhlenbergia capillaris*), broomsedge (*Andropogon virginicus*), and bahia grass (*Paspalum notatum*), with various other opportunistic weedy species. Commonly observed vines include air potato (*Dioscorea bulbifera*), greenbriar (*Smilax sp.)*, grapevine (*Vitis rotundifolia)*, Virginia creeper (*Parthenocissus quinquefolia*), creeping oxeye *(Sphagneticola trilobata),* peppervine (*Ampelopsis arborea*), and poison ivy (*Toxicodendron radicans*). This community would be considered uplands by regulatory agencies.

*Other Surface Waters (OSW)*
*The following community area has been designated as other surface waters. Surface waters are waters on the surface of the earth, contained in bounds created naturally or artificially.*

**FLUCFCS 500 Man-Made Basin – 0.63± Acres**

This man-made "other surface water" (OSW) community occupies approximately 0.63± acres of the property. This community was dug-out and created during the original permitting process and leads out to Hancock Creek, which runs out to the Caloosahatchee River. There are red mangroves (*Rhizophora mangle*), along the edges of this community. The depth varies from approximately a few inches along the edge to several feet deep in the middle. This community would be considered "other surface waters" by the regulatory agencies.

**FLUCFCS 540 Bays & Estuaries – 4.13± Acres**

This "other surface water" (OSW) community occupies approximately 4.13± acres of the property. This community includes a boat ramp and Hancock Creek that runs out to the Caloosahatchee River. There are red mangroves (*Rhizophora mangle*), along the sides of the canal. The depth varies from approximately a few inches along the edge to several feet deep in the middle. This community would be considered "other surface waters" by the regulatory agencies.

*Wetlands*
*The following community areas have been designated as wetland habitats. Wetlands are any areas that under normal circumstances have hydrophytic vegetation, hydric soils, and wetland hydrology.*

**FLUCFCS 612 E3 Mangrove Wetlands (Exotics 50-74%) – 1.60± Acres**

This wetland community type occupies approximately 1.60± acres of the property. Exotic species such as *(Melaleuca quinquenervia)* and Brazilian pepper (*Schinus terebinthifolius*) occupy approximately 50-74% of this community. The canopy contains red mangrove (*Rhizophora mangle*), and buttonwood (*Conocarpus erectus)* with scattered slash pine *(Pinus elliottii),* and melaleuca *(Melaleuca quinquenervia)*. The sub-canopy contains cabbage palm (*Sabal palmetto*), Brazilian pepper (*Schinus terebinthifolius*), seaside mahoe (*Thespesia populnea*), sea grape (*Coccoloba uvifera*), and pond apple (*Annona glabra*). The ground cover is mostly open with giant leather fern (*Acrostichum daneifolium*), and coin vine (*Dalbergia ecastaphyllum*). This community does contain wetland vegetation, advantageous rooting, water line staining, and algal matting, as well as other signs in this community that would be classified as wetlands. This community would be considered wetlands by the regulatory agencies.

**FLUCFCS 612 E4 Mangrove Wetlands (Exotics > 75%) – 0.70± Acres**

This wetland community type occupies approximately 0.70± acres of the property. Exotic species such as *(Melaleuca quinquenervia)* and Brazilian pepper (*Schinus terebinthifolius*) occupy approximately greater than 75% of this community. The canopy contains red mangrove (*Rhizophora mangle*), and buttonwood (*Conocarpus erectus)* with scattered slash pine *(Pinus elliottii),* and melaleuca *(Melaleuca quinquenervia)*. The sub-canopy contains cabbage palm (*Sabal palmetto*), Brazilian pepper (*Schinus terebinthifolius*), seaside mahoe (*Thespesia populnea*), sea grape (*Coccoloba uvifera*), and pond apple (*Annona glabra*). The ground cover is mostly open with giant leather fern (*Acrostichum daneifolium*), and coin vine (*Dalbergia ecastaphyllum*). This community does contain wetland vegetation, advantageous rooting, water line staining, and algal matting, as well as other signs in this community that would be classified as wetlands. This community was located along the edge of the disturbed lands with a majority located beyond the mean high-water line but were still included as part of this community. This community would be considered wetlands by the regulatory agencies.

**Table 1. FLUCFCS Community Table**

| FLUCFCS Code | Community Description | Habitat Type | Acreage |
|---|---|---|---|
| 140 | Commercial, Parking, & Boat Ramp | Upland | 1.41± Ac. |
| 400 E2 | Planted Landscape Buffers (Exotics 25-49%) | Upland | 0.36± Ac. |
| 420 E4 | Upland Forest Mixed (Exotics > 75%) | Upland | 0.13± Ac. |
| 500 | Man-Made Basin | OSW | 0.63± Ac. |
| 540 | Bays & Estuaries | OSW | 4.13± Ac. |
| 612 E3 | Mangrove Wetlands (Exotics 50-74%) | Wetland | 1.60± Ac. |
| 612 E4 | Mangrove Wetlands (Exotics > 75%) | Wetland | 0.70± Ac. |
| 740 | Disturbed Lands | Upland | 6.80± Ac. |
| Total | | | 15.76± Ac. |

**General Development Guidelines**

The protection measures outlined below have been designed utilizing the FWS's *National Bald Eagle Management Guidelines* (FWS 2007a) and Section 14-111 through 14-120 of the Lee County Land Development Code. These proposed restrictions and requirements apply only to the Homefront Heroes project and are not binding on any other property in the vicinity of Bald Eagle Nest LE-43D.

If Nest LE-43D is vacated before the end of the nesting season (May 15th) or if Lee County Division of Environmental Sciences (DES) determines that Nest LE-43D has been abandoned, construction activities may commence upon confirmation of those conditions by DES. If the nest is not active by March 15th or as confirmed by DES, then the nesting season for Nest LE-43D shall be considered over and the construction restrictions shall not apply. A determination that the nest is not active shall be consistent with the *Bald Eagle Monitoring Guidelines* (FWS 2007b).

*330 Feet Zone Activities and Restrictions*

A very small portion the project parcel is located just inside of the 330' LE-43D nesting buffer. There is no construction proposed within this buffer zone, the only land work includes the installation of the type "C" or "F" buffer and creation of the dry detention. There will be no buildings or roadways proposed within this buffer zone.

*330 - 660 Feet Zone Activities and Restrictions*

A portion of the property is located within the 660' buffer of Nest LE-43D. The project will include the driveways, multi-purpose outdoor recreation area, and private multi-slip docking, within the 660' zone. The restrictions described below are only applicable to the portion of the property within 660' of Nest LE-43D.

- Major exterior construction activities, such as initial site clearing, major earth work, grading, drive isles construction, and access road construction may occur during the nesting season provided that the activities do not disturb the nesting bald eagles as defined by the *Bald Eagle Monitoring Guidelines*. Nest monitoring consistent with the *Bald Eagle Monitoring Guidelines* shall be required during these construction activities.
- The use of any chemicals that are known to be toxic to wildlife shall be prohibited within 660± feet of the bald eagle nest. The use of all chemicals will be in accordance with labeling instructions.
- Outdoor lighting installed within 660± feet of the bald eagle nest shall be subdued, shielded, and directed away from the nest tree.

*Greater Than 660 Feet Zone Activities and Restrictions*

The proposed uses of the property more than 660 feet of Bald Eagle Nest LE-43D consist of the construction of a future commercial building, caretakers residences, parking, infrastructure, and outdoor recreation area. Construction activities and normal activities will be allowed outside of 660± feet of the bald eagle nest throughout the year.

**Implementation**

The landowner and/or developer will be responsible for following this Bald Eagle Management Plan. A qualified ecologist will monitor Nest LE-43D consistent with the *Bald Eagle Monitoring Guidelines* and will submit the reports to DES on a monthly basis during nesting season. DE staff will review these reports and may also inspect the site to verify compliance with the conditions of this Bald Eagle Management Plan. Any violation of these conditions may result in a "Stop Work Order" being issued to halt all construction activity during the bald eagle nesting season, including building inspections, until the violation is resolved.

All of the management practices will remain in effect until the nest is deemed abandoned or lost by DES pursuant to Section 14-112 of the Land Development Code. None of these management practices will be required after the nest is deemed abandoned or lost. The nest will be defined as abandoned if the nest is intact or partially intact but has been inactive through five or more consecutive nesting seasons. The nest will be defined as lost if the nest or nest tree is destroyed by natural causes (e.g. nest that fell apart or was blown out of a tree, or the tree itself was lost) and is not rebuilt in the same tree within three nesting seasons.

**Bald Eagle Management Plan Modifications**

Any changes to this Bald Eagle Management Plan must be reviewed and approved by Lee County Division of Environmental Sciences staff through the planned development administrative amendment process.

DCI2023-00047 Lee County ePlan Additional info dated 05-20-2024

**References**

Florida Fish and Wildlife Conservation Commission. 2008. Bald Eagle Management Plan. 60p.

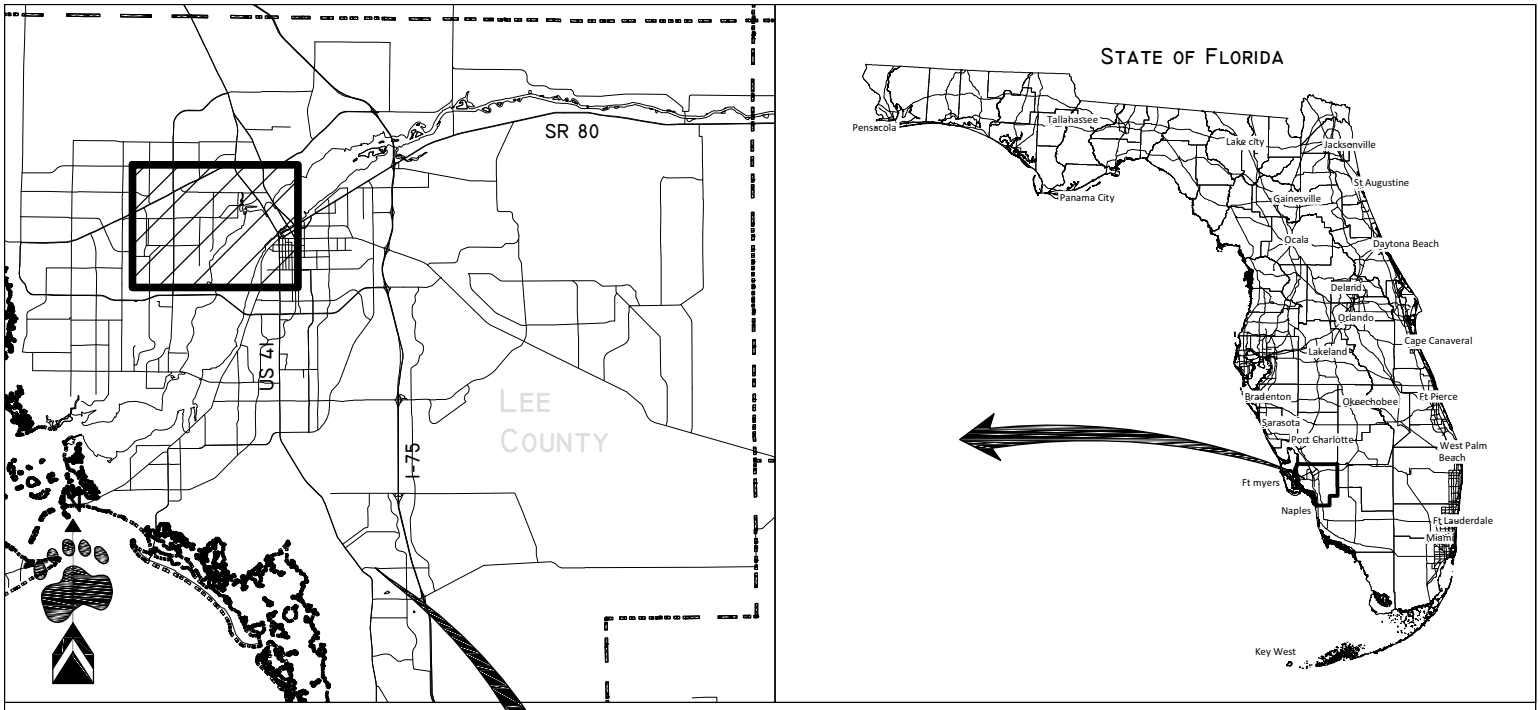
Florida Fish and Wildlife Conservation Commission. 2017. Historical Bald Eagle Nesting Areas.

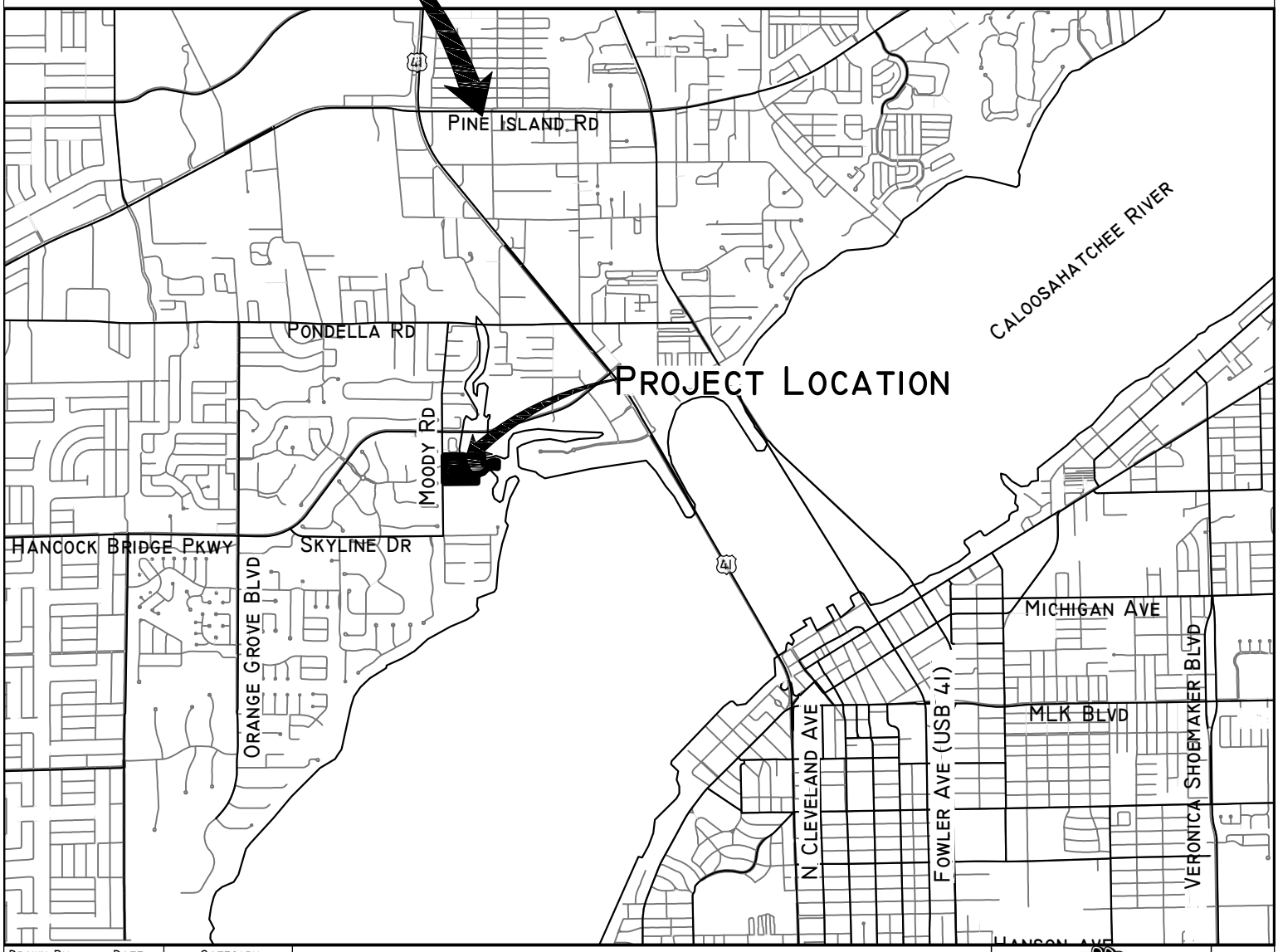
U.S. Fish and Wildlife Service. 2007a. National Bald Eagle Management Guidelines. 23p.

U.S. Fish and Wildlife Service. 2007b. Bald Eagle Monitoring Guidelines. 20p.

# EXHIBIT A

**Project Location Map**




| Drawn By: | Date: | Category |
|---|---|---|
| BWS | 3/12/24 | Location |
| Job Number | | Scale: NTS |
| S/T/R 10/44S/24E | | County Lee |

# Home Front Heroes (Moody Road)

Location Map

BEARPAWS ENVIRONMENTAL CONSULTING
1599 Covington Circle East, Fort Myers, FL 33919
(239) 340-0678 bearpaws.env.consulting@gmail.com

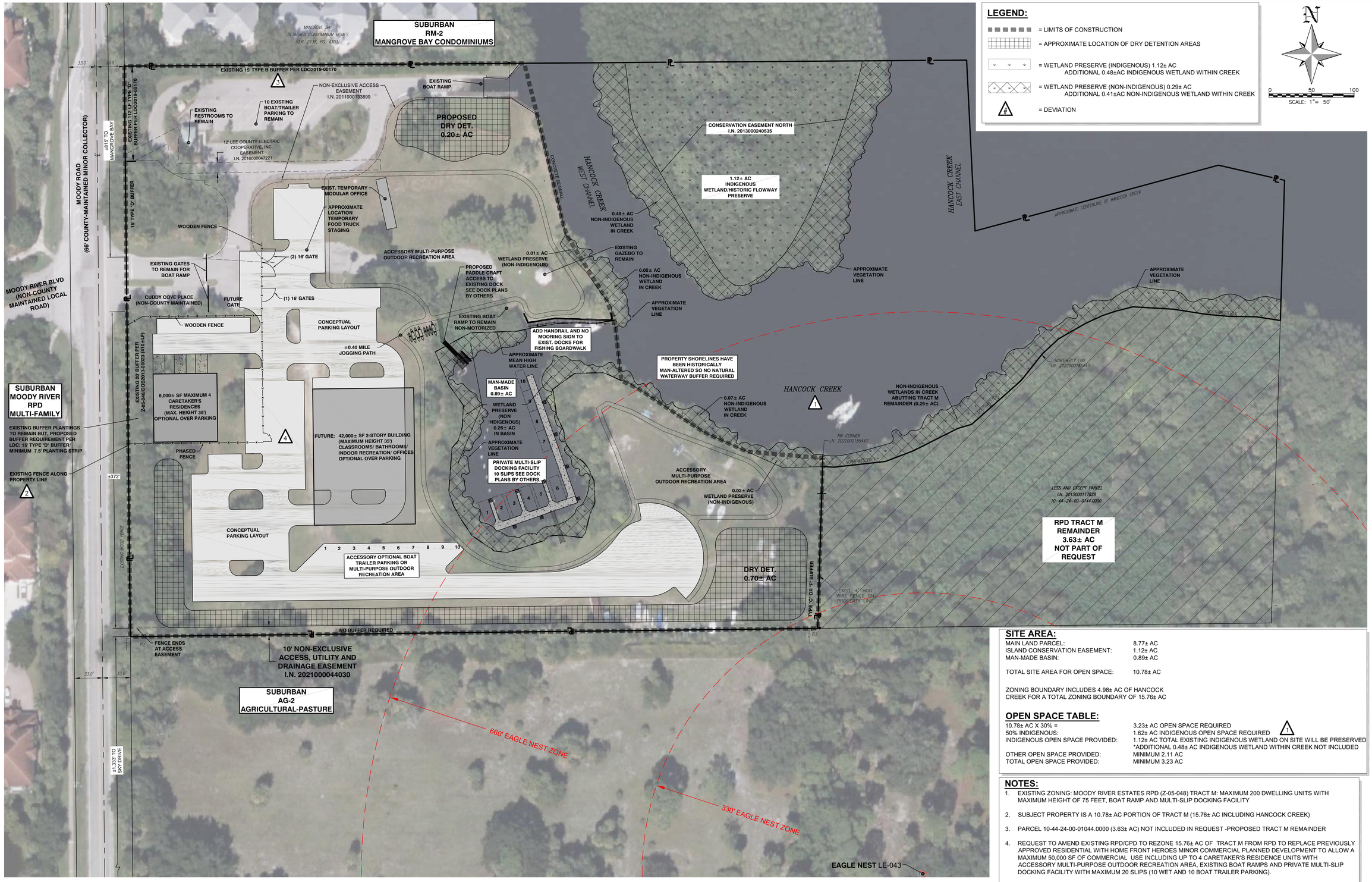
Page

Exhibit

DCI2023-00047 Lee County ePlan Additional info dated 05-20-2024

# EXHIBIT B

**MCP Showing Bald Eagle Nesting Zones**




## SITE AREA:

| | |
|---|---|
| MAIN LAND PARCEL: | 8.77± AC |
| ISLAND CONSERVATION EASEMENT: | 1.12± AC |
| MAN-MADE BASIN: | 0.89± AC |
| TOTAL SITE AREA FOR OPEN SPACE: | 10.78± AC |

ZONING BOUNDARY INCLUDES 4.98± AC OF HANCOCK CREEK FOR A TOTAL ZONING BOUNDARY OF 15.76± AC

## OPEN SPACE TABLE:

| | |
|---|---|
| 10.78± AC X 30% = | 3.23± AC OPEN SPACE REQUIRED |
| 50% INDIGENOUS: | 1.62± AC INDIGENOUS OPEN SPACE REQUIRED |
| INDIGENOUS OPEN SPACE PROVIDED: | 1.12± AC TOTAL EXISTING INDIGENOUS WETLAND ON SITE WILL BE PRESERVED *ADDITIONAL 0.48± AC INDIGENOUS WETLAND WITHIN CREEK NOT INCLUDED |
| OTHER OPEN SPACE PROVIDED: | MINIMUM 2.11 AC |
| TOTAL OPEN SPACE PROVIDED: | MINIMUM 3.23 AC |

## NOTES:

1. EXISTING ZONING: MOODY RIVER ESTATES RPD (Z-05-048) TRACT M: MAXIMUM 200 DWELLING UNITS WITH MAXIMUM HEIGHT OF 75 FEET, BOAT RAMP AND MULTI-SLIP DOCKING FACILITY
2. SUBJECT PROPERTY IS A 10.78± AC PORTION OF TRACT M (15.76± AC INCLUDING HANCOCK CREEK)
3. PARCEL 10-44-24-00-01044.0000 (3.63± AC) NOT INCLUDED IN REQUEST -PROPOSED TRACT M REMAINDER
4. REQUEST TO AMEND EXISTING RPD/CPD TO REZONE 15.76± AC OF TRACT M FROM RPD TO REPLACE PREVIOUSLY APPROVED RESIDENTIAL WITH HOME FRONT HEROES MINOR COMMERCIAL PLANNED DEVELOPMENT TO ALLOW A MAXIMUM 50,000 SF OF COMMERCIAL USE INCLUDING UP TO 4 CARETAKER'S RESIDENCE UNITS WITH ACCESSORY MULTI-PURPOSE OUTDOOR RECREATION AREA, EXISTING BOAT RAMPS AND PRIVATE MULTI-SLIP DOCKING FACILITY WITH MAXIMUM 20 SLIPS (10 WET AND 10 BOAT TRAILER PARKING).
5. SEE PHASING PLAN
6. SHARED FACILITIES WITH OTHER NON-PROFIT AGENCIES

PREPARED FOR:
**HOME FRONT HEROES INC.**
14750 SIX MILE CYPRESS PARKWAY
FORT MYERS, FL 33912

ALL ELEVATIONS ON CIVIL ENGINEERING PLANS REFERENCE:NAVD 1988

| NO. | DATE | REVISION DESCRIPTION | BY |
|---|---|---|---|
| 01 | 5-8-2024 | INSUFFICIENCY RESPONSE | KG |

BANKS ENGINEERING
Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida
10511 SIX MILE CYPRESS PKWY, STE. 101
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
# HOME FRONT HEROES MINOR CPD
LEE COUNTY, FLORIDA

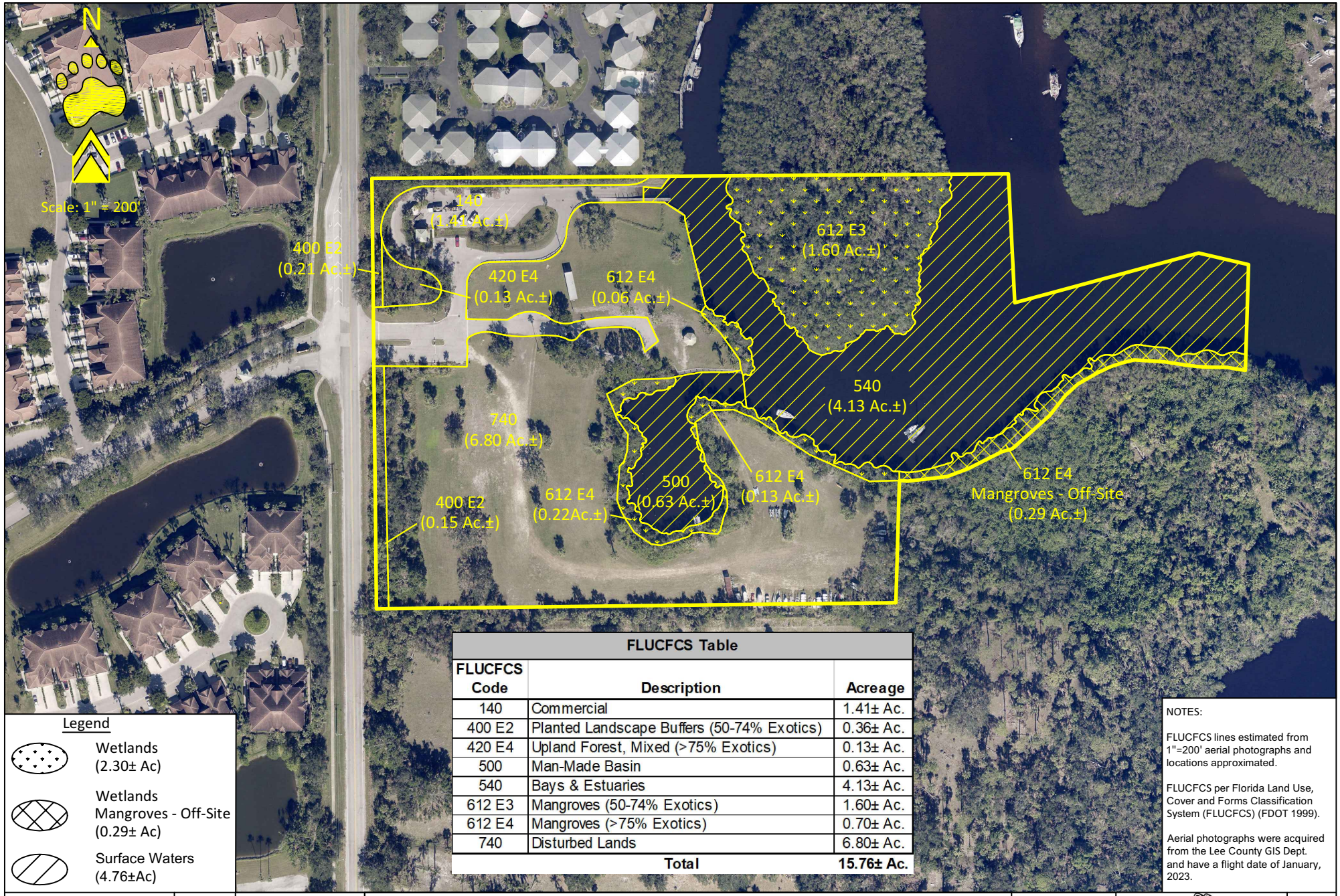
| COMPLETION DATE: | PROJECT: | DRAFTED BY: | DESIGNED BY: | REVIEWED BY: | SCALE: | SHEET: |
|---|---|---|---|---|---|---|
| 10/24/2023 | 2506HFH | KG | KG | SWM | AS NOTED | 01 |

E:\Jobs\Zion\2506HFH\Documents\Zoning\2506HFH-MCP.dwg, 5/8/2024 10:03:40 AM, KEVIN GONZALEZ, BANKS ENGINEERING

DCI2023-00047 Lee County ePlan Additional info dated 05-20-2024

# EXHIBIT C

**Aerial FLUCFCS Map**




**FLUCFCS Table**

| FLUCFCS Code | Description | Acreage |
|---|---|---|
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| 540 | Bays & Estuaries | 4.13± Ac. |
| 612 E3 | Mangroves (50-74% Exotics) | 1.60± Ac. |
| 612 E4 | Mangroves (>75% Exotics) | 0.70± Ac. |
| 740 | Disturbed Lands | 6.80± Ac. |
| | **Total** | **15.76± Ac.** |

Legend

- Wetlands (2.30± Ac)
- Wetlands Mangroves - Off-Site (0.29± Ac)
- Surface Waters (4.76±Ac)

NOTES:

FLUCFCS lines estimated from 1"=200' aerial photographs and locations approximated.

FLUCFCS per Florida Land Use, Cover and Forms Classification System (FLUCFCS) (FDOT 1999).

Aerial photographs were acquired from the Lee County GIS Dept. and have a flight date of January, 2023.

| Revisions | Date: |
|---|---|
| | |
| | |
| | |

Drawn By: BWS Date: 3/12/24

Job Number

S/T/R 10/44S/24E

# Home Front Heroes (Moody Road)

## Aerial FLUCFCS Map

Category: FLUCFCS

Scale: 1" = 200'

County: Lee

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1599 Covington Circle East, Fort Myers, FL 33919
(239) 340-0678 bearpaws.env.consulting@gmail.com

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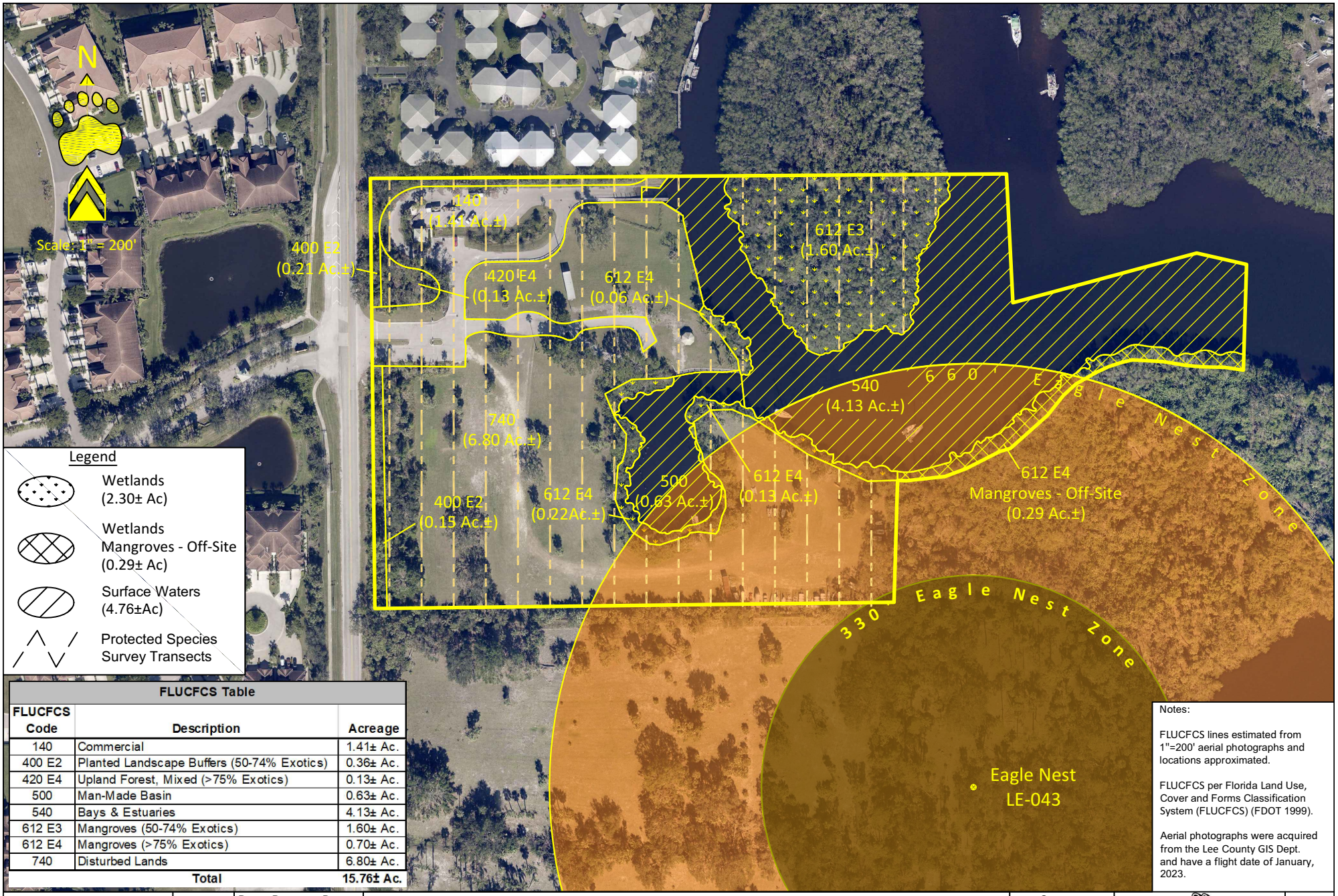
Exhibit -

DCI2023-00047 Lee County ePlan Additional info dated 05-20-2024

# EXHIBIT D

**Protected Species Survey Map with Bald Eagle Buffer Zones**




**FLUCFCS Table**

| FLUCFCS Code | Description | Acreage |
|---|---|---|
| 140 | Commercial | 1.41± Ac. |
| 400 E2 | Planted Landscape Buffers (50-74% Exotics) | 0.36± Ac. |
| 420 E4 | Upland Forest, Mixed (>75% Exotics) | 0.13± Ac. |
| 500 | Man-Made Basin | 0.63± Ac. |
| 540 | Bays & Estuaries | 4.13± Ac. |
| 612 E3 | Mangroves (50-74% Exotics) | 1.60± Ac. |
| 612 E4 | Mangroves (>75% Exotics) | 0.70± Ac. |
| 740 | Disturbed Lands | 6.80± Ac. |
| | **Total** | **15.76± Ac.** |

Notes:

FLUCFCS lines estimated from 1"=200' aerial photographs and locations approximated.

FLUCFCS per Florida Land Use, Cover and Forms Classification System (FLUCFCS) (FDOT 1999).

Aerial photographs were acquired from the Lee County GIS Dept. and have a flight date of January, 2023.

| Revisions | Date: | Drawn By: | Date: | Home Front Heroes (Moody Road) | Category | Page |
|---|---|---|---|---|---|---|
| | | BWS | 3/12/24 | | PSS | - |
| | | Job Number | | Aerial PSS Map | Scale: 1" = 200' | Exhibit |
| | | S/T/R | | | County | - |
| | | 10/44S/24E | | | Lee | |

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