



October 15, 2024

Mr. Brian Roberts, Planner  
Lee County Development Services  
1500 Monroe Street  
Fort Myers, FL 33901

Reference: **HOME FRONT HEROES MINOR CPD**  
**DCI2023-00047**  
**3<sup>rd</sup> Sufficiency Response**

Dear Brian:

This letter is written in response to your review comments dated September 10, 2024. With this letter we are submitting the additional information you requested and revised application documents to clarify the request language. Presented below are responses to each review comment.

Enclosed are the following documents for review:

1. Summary of Public Information Session
2. Letters of No Objection from
  - a. North Fort Myers Fire Department
  - b. Lee County Sheriff's Office
  - c. Lee County Public Safety
3. Revised Bald Eagle Management Plan
4. Revised Master Concept Plan
5. Revised Conceptual Open Space Plan
6. Revised PD Application
7. Revised Narrative of Request
8. Revised Schedule of Deviations and Justifications
9. Revised Preliminary Phasing Program
10. Revised Proposed Revisions to Z-05-048 Conditions, Schedule of Uses and Property Development Regulations in Strike-Thru/Underline

## **ZONING**

Comment 1: Repeat Comment: Please provide the required public information meeting documentation in LDC 33- 1352(b).

**Response: Please see attached Summary of Public Information Session.**

Comment 2: Please provide a letter of no objection from the Fire Department, Sheriff's Department and Lee County Public Safety to support deviation #19 from LDC 10-291(3).

**Response: Please see attached letters of no objection from North Fort Myers Fire Department, Lee County Sheriff's Office, and Lee County Public Safety.**

**NATURAL RESOURCES**

Comment 1: Staff understands the applicant is working with Natural Resources staff and the County Attorney's office to retain 20 slips onsite. Please note the application cannot be found sufficient until this process is complete.

**Response:** As discussed and coordinated with staff, the process does not require a public hearing and is nearing completion and should not prevent the application being found sufficient.

Comment 2: Additional comments pending ETAC committee review of the Bald Eagle Management Plan.

**Response:** The project was presented to the ETAC committee on September 10, 2024, where it received conditional approval with the following conditions:

- Coordinate with US Fish and Wildlife Service (USFWS) on whether the site plan would require permitting.
- Preserve native trees within 330' of the bald eagle nest in the southeast corner of the property to maximum extent possible.

Please see attached revised Bald Eagle Management Plan which has been revised to remove all work including proposed dry detention and buffers from within 330' of the bald eagle nest and includes coordination with USFWS.

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.com](mailto:shewitt@atwell.com).

Sincerely,  
**ATWELL, LLC**



Stacy Ellis Hewitt, AICP  
Planner

Attachments

SEH:jms



# 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<sup>1</sup> for: \_\_\_\_\_ Bonus Units

<sup>1</sup> If **YES**, submit additional fee required by LDC 2-147(A)(3)

## Summary of Project:

Amendment to western 15.76± acres 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 water way) from RPD to Home Front Heroes  
Minor CPD to allow a maximum of 50,000 square feet of commercial uses including up to four caretakers'  
residences 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 45 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  
 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)]

LEE COUNTY COMMUNITY DEVELOPMENT  
 PO BOX 398 (1500 MONROE STREET), FORT MYERS, FL 33902  
 PHONE (239) 533-8585

**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,

10-44-24-00-00047.0000,

10-44-24-00-00047.0010,

10-44-24-00-00047.0020,

10-44-24-00-00047.0030, &

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 maximum 4 caretakers' residences & accessory outdoor recreation, private multi-slip docking facility with maximum 10 wet slips & up to 10 dry slips/boat trailer parking

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

|   |       |       |     |            |
|---|-------|-------|-----|------------|
| Suburban                                | 13.5± | Acres | 86± | % of Total |
| Wetlands (1.4± onsite + 0.86± 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
- 2<sup>nd</sup> 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**

|  |       |               |                                 |
|--|-------|---------------|---------------------------------|
| <b>A. Gross Acres (total area within described parcel)</b>                                 |       | <b>15.76±</b> | <b>Acres</b>                    |
| 1. Submerged land subject to tidal influence   |       | 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 <sup>(1) (2)</sup>  |       | 9.38±         | Acres                           |
| <b>B. Total area not eligible as gross residential acreage (Items A.1. + A.3. + A.4.).</b> |       | <b>15.76±</b> | <b>Acres</b>                    |
| <b>C. Gross residential acres. (A minus B) <sup>(3)</sup></b>                              |       | <b>0*</b>     | <b>Acres</b>                    |
| <b>*caretakers residences are considered commercial</b>                                    |       |               |                                 |
| <b>D. Gross residential acres (by Land Use Category) <u>N/A</u></b>                        |       |               |                                 |
| 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        |
| <b>TOTAL (should equal "C" above)</b> |    |  | _____ | <b>Acres</b> |

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    

|  |   | <b>Lee Plan Table 1(a)</b>   |                |              |
|--|---|------------------------------|----------------|--------------|
|  |   | <b>Max. standard density</b> |                | <b>Units</b> |
| <b>1. Standard Units</b>                       |   |                              |                |              |
| 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.   | <b>Total Allowed Standard Units</b> <sup>(1)</sup>          |                              |                | _____        |
| <b>2. Bonus Units [2-143]</b>                  |   |                              |                |              |
| a.   | Site-built Affordable Housing                               |                              |                | _____        |
| b.   | Transferrable Dwelling Units                                |                              |                | _____        |
| c.   | Sub-total   |                              |                | _____        |
| <b>3. Total Permitted Units</b> <sup>(1)</sup> |   |                              |                | _____        |

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**

|                                      |  |               |   |
|--------------------------------------|--|---------------|---|
| <b>A. Commercial</b>                 |  | <b>Height</b> | <b>Total Floor Area<br/>(Square Feet)</b> |
| 1. Medical                           |  | _____         | _____                                     |
| 2. General Office                    |  | 35'           | *   |
| 3. Retail                            |  | 35'           | *   |
| 4. Other: <u>Social Services</u>     |  | 35'           | *   |
| 5. <b>TOTAL FLOOR AREA</b>           |  |               | <b>*Max. 50,000 SF</b>                    |
|                                      |  |               |   |
| <b>B. Industrial</b>                 |  | <b>Height</b> | <b>Total Floor Area<br/>(Square Feet)</b> |
| 1. Under Roof                        |  | _____         | _____                                     |
| 2. Not Under Roof                    |  | _____         | _____                                     |
| 3. <b>TOTAL FLOOR AREA</b>           |  |               | _____                                     |
|                                      |  |               |   |
| <b>C. Mining</b>                     |  | <b>Depth</b>  | <b>Total Acres</b>                        |
| 1. Area to be excavated              |  | _____         | _____                                     |
|                                      |  |               |   |
| <b>D. Assisted Living Facilities</b> |  | <b>Height</b> | <b>Total Beds/Units</b>                   |
| 1. Dependent Living Units            |  | _____         | _____                                     |
| 2. Independent Living Units          |  | _____         | _____                                     |
| 3. <b>TOTAL BEDS/UNITS</b>           |  |               | _____                                     |
|                                      |  |               |   |
| <b>E. Hotels/Motels (Room Size)</b>  |  | <b>Height</b> | <b>Total Rental Units</b>                 |
| 1. < 425 sq. ft.                     |  | _____         | _____                                     |
| 2. 426-725 sq. ft.                   |  | _____         | _____                                     |
| 3. 725 < sq. ft.                     |  | _____         | _____                                     |
| 4. <b>TOTAL UNITS</b>                |  |               | _____                                     |

**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

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

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

N/A

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2. Current water table conditions:

N/A

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3. Proposed rate of application:

N/A

---

4. Back-up system capacity:

N/A

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## 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 EI 10+1 & VE-EI 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]**

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

|   |                                     |   |
|---|-------------------------------------|---|
| 3 | <input type="checkbox"/>            | <b>Binding Letter</b> from DCA (if applicable) [34-373(d)(9)]   |
| 3 | <input type="checkbox"/>            | Master Concept Plan ( <b>MCP</b> ), <b>PRFPD</b> (if applicable) [34-941(g)(1)]   |
| 3 | <input type="checkbox"/>            | <b>Conceptual Surface Water Management Plan</b> (if applicable) [34-941(d)(3)b.i.1)]  |
| 3 | <input type="checkbox"/>            | <b>Well Drawdown</b> Information (if applicable) [34-941(d)(3)d.]   |
| 3 | <input type="checkbox"/>            | Preliminary Indigenous <b>Restoration Plan</b> (if applicable) [34-941(e)(5)f.iii.]   |
| 3 | <input type="checkbox"/>            | <b>Environmental Assessment</b> (if applicable) [34-941(g)(2)]  |
| 3 | <input type="checkbox"/>            | Demonstration of <b>Compatibility</b> (if applicable) [34-941(g)(4)]  |
| 3 | <input checked="" type="checkbox"/> | <b>Potable Water &amp; Sanitary Sewer.</b> 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 | <input type="checkbox"/>            | Existing <b>Agricultural Use Affidavit</b> (if applicable) [34-202(a)(12)]  |
| 3 | <input type="checkbox"/>            | Information Regarding <b>Proposed Blasting</b> (if applicable).   |
| 3 | <input type="checkbox"/>            | Hazardous Materials <b>Emergency Plan</b> (if applicable)   |
| 3 | <input type="checkbox"/>            | Mobile Home Park <b>Dislocated Owners</b> Information (if applicable) [34-202(b)(4)]  |
| 3 | <input type="checkbox"/>            | <b>Tall Structures Permit</b> (if applicable) [34-1108]   |



# Home Front Heroes Minor CPD

## Narrative of Request

DCI2023-00047-Revised October 2024

### Introduction/Request

The applicant, Home Front Heroes, Inc., a Florida not for profit corporation, is requesting approval of an amendment to the western 15.76± acres 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 caretakers' residences 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 45 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 caretakers' residences 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.
- Phase 7: Optional future building expansion, phased parking, and phased dry detention.

The anticipated programs for the site include but are not limited to accessory uses such as outreach education, youth programs, community outreach programs to include crime prevention education and presentations, sailing and boating lessons, boxing lessons, various programs with the Lee County Sheriff's Youth Athletic League, soccer, basketball, pickleball, explorer programs, camping, kayaking/canoeing, fishing, summer camp, arts and crafts, shade structures, tutoring, and Sheriff demonstration events. Temporary events are also proposed including: petting zoo, bounce houses, mobile food vendors and similar uses and activities. 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. The maximum four caretakers' residences are required to allow the unique program for the site. Each of the onsite caretakers are proposed to be Lee County Sheriff's office deputies or employees who will perform general caretaking and security functions for the property and its use. More than one caretaker is required to provide for differing schedules and shifts.

## Background

The subject property is the western 15.76± acres 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 eastern 3.63± acres of Tract M (STRAP number 10-44-24-00-01044.0000) is not included in this request. 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.

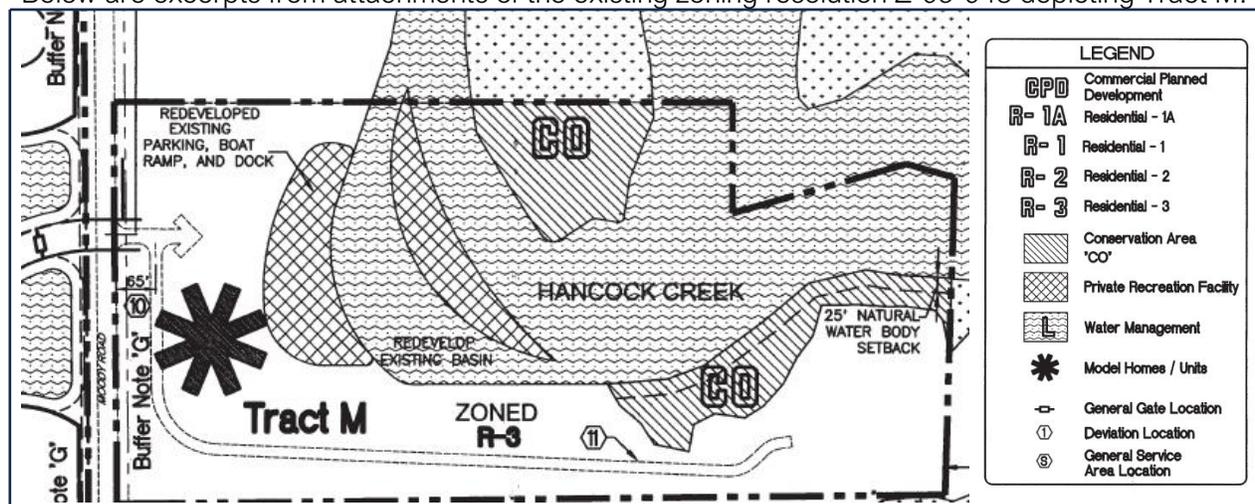
The overall Moody River Estates was approved for 1,000 dwelling units (may be single-family, zero-lot-line, townhouse and multi-family) and 45,000 square feet of commercial uses.

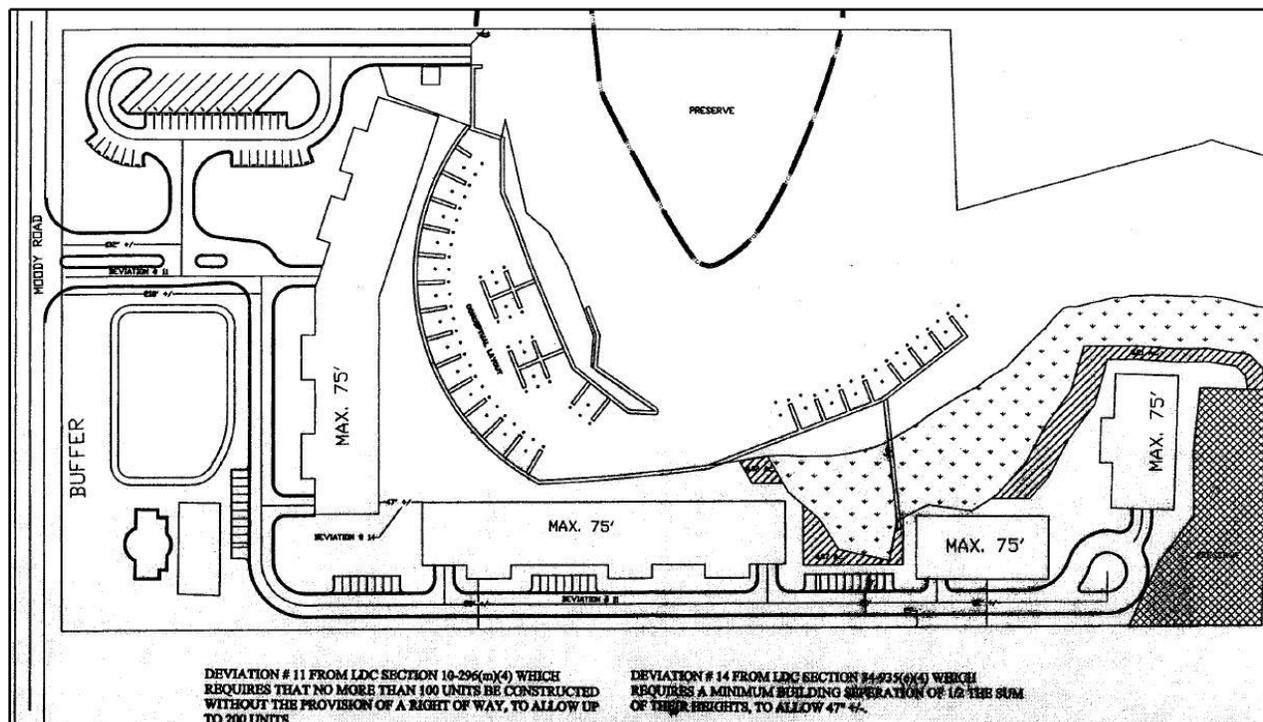
The northern portion of the subject property has been partially developed with Moody River Estates Waterfront Park: a gated, private boat ramp launch facility for the subject property and Moody River Estates development with associated parking, restroom facilities, landscaping and infrastructure that 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 eastern 3.63± acres 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 caretakers' residences 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 applicant is amending this easement to retain 20 slips on the property and allow 105 transferable slip credits. 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.

10511 Six Mile Cypress Parkway, Fort Myers, FL 33966  
[www.atwell-group.com](http://www.atwell-group.com)

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

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). A deviation is proposed to allow the single access point to serve the proposed project. Letters of no objection to allow the single access deviation are provided from EMS, North Fort Myers Fire District and Lee County Sheriff's office. The existing access is identified on county records as Cuddy Cove Place (private local) which aligns with Moody River Boulevard (private local). The existing access 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, 11<sup>th</sup> 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 eastern 3.63± acres 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 has been approved for purchase by Conservation 2020 which has not yet been finalized. Although no buffer is required to the south, an alternative 30-foot buffer is proposed within the eagle nest buffer zones as shown on the MCP which is also proposed to serve as the preserve buffer should Conservation 20/20 purchase the property.

#### 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 1/4 mile from any part of the development.
3. If there is not sufficient capacity nor adequate infrastructure within 1/4 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 eastern 3.63± acres 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 45 feet and providing increased setbacks by ½ foot for every foot over 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, except within the 330-foot eagle nest buffer zone where the Eagle Technical Advisory Committee recommended saving native trees. Although no buffer is required to the south agricultural use, an alternative 30-foot buffer is proposed within the eagle nest buffer zones as shown on the MCP which is also proposed to serve as the preserve buffer should Conservation 20/20 purchase the property. 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-043D and a small portion 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 has coordinated with Lee County staff and the Eagle Technical Advisory Committee and made modifications to the Bald Eagle Management Plan to demonstrate compliance with the LDC. 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 caretakers' residences 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 held 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 has been 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. 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 caretakers' residences 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, Policies 101.1.1, 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.

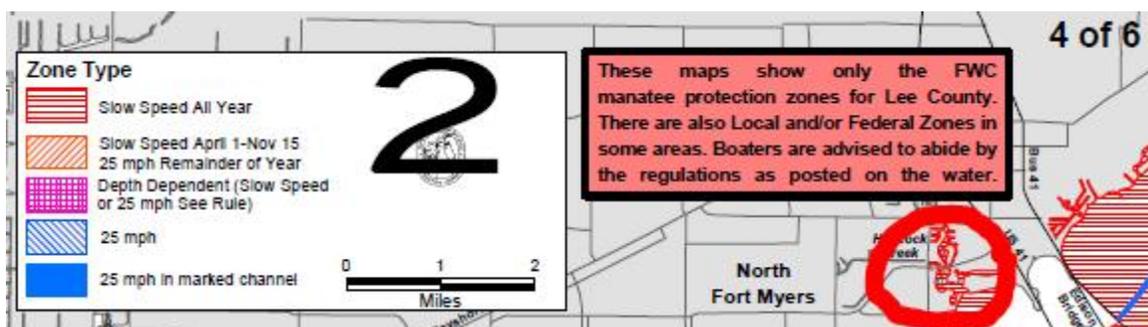
The submitted Protected Species Survey shows there were no protected species or signs thereof observed on-site. The site is not located in a panther habitat zone and no evidence of bears in the vicinity of the site. The only existing indigenous vegetation on the site is located on the island and will 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 providing 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 Manatee 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  
10511 Six Mile Cypress Parkway, Fort Myers, FL 33966  
[www.atwell-group.com](http://www.atwell-group.com)

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 existing and 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 45 feet and providing increased setbacks by ½ foot for every foot over 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 eastern 3.63± acres of Tract M that are not included in this request with the exception of the area within the 330-foot eagle nest buffer zone where existing native trees are proposed to be retained to the maximum extent possible. 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. Although no buffer is required to the south, an alternative 30-foot buffer is proposed within the 660-foot eagle nest buffer zone as shown on the MCP which is also proposed to serve as the preserve buffer should Conservation 20/20 purchase the property with existing native trees within the 330-foot eagle nest buffer being preserved to the maximum extent possible. 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). A deviation is requested to allow this single access point to remain and letters of no objection have been provided by EMS, North Fort Myers Fire District and Lee County Sheriff's office. 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, 11<sup>th</sup> 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 45 feet and providing increased setbacks by ½ foot for every foot over 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-043D and a small portion 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 has coordinated with Lee County staff and the Eagle Technical Advisory Committee and revised the Bald Eagle Management Plan to demonstrate compliance with the LDC.

**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 caretakers' residences 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 existing and proposed deviations each enhance the achievement of the planned development and protect the public health, safety and welfare.

In conclusion, the proposed amendment rezoning the western 15.76± acres 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. 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.

**Home Front Heroes Minor CPD**  
**Proposed Revisions to Conditions in RESOLUTION NUMBER Z-05-048**  
**Including Revised Schedule of Uses, Property Development Regulations &**  
**Conditions**  
**DCI2023-00047 – Revised September 2024**

**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~~ 95,000 square feet of commercial uses. 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. The eastern 3.63± acres of 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. The western 15.76± acres of Tract M is zoned Home Front Heroes Minor CPD which allows up to 50,000 square feet of commercial including up to four caretakers' residences. Tract K is zoned CPD and allows up to 45,000 square feet of commercial uses.

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)

Eastern 3.63± Acres of 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 – Western 15.76± acres 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

Caretakers' Residences (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

Pickleball

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 Mobile

Food Vendors Pursuant to LDC Section 34-3052, and similar Uses  
and activities

Lee County Sheriff training demonstration events, no tactical  
training or 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/western 15.76± acres of Tract M: As approved by Zoning Resolution #Z-03-022, with the sole exception of the allowed building height in eastern 3.63± acres of Tract M. ~~This Tract~~ which is limited as provided for in Condition 1 and the maximum height of structures within eastern 3.63± acres of Tract M is 75 feet.

| OPEN SPACE AND INDIGENOUS VEGETATION/ MOODY RANCH <u>WEST OF MOODY RD</u> |              |              |              |               |                       |              |               |
|---|--------------|--------------|--------------|---------------|-----------------------|--------------|---------------|
|   | ACRES        | OPEN SPACE   |              |               | INDIGENOUS VEGETATION |              |               |
|   |              | REQUIRED     |              | MIN. PROVIDED | REQUIRED              |              | MIN. PROVIDED |
|   |              | % OPEN SPACE | ACRES        | ACRES         | % INDIGENOUS          | ACRES        | ACRES         |
| <b>RESIDENTIAL PLANNED DEVELOPMENT</b>                                    |              |              |              |               |                       |              |               |
| 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         |
| <b>TOTAL</b>  | <b>217.4</b> |              | <b>65.36</b> | <b>69.68</b>  | <b>50%</b>            | <b>34.84</b> | <b>34.84</b>  |
| <b>COMMERCIAL PLANNED DEVELOPMENT</b>                                     |              |              |              |               |                       |              |               |
| CPD   | 4.5          | 30%          | 1.35         | 1.35          | 50%                   | .68          | .68**         |
| <b>TOTAL PROJECT</b>  | <b>221.9</b> |              | <b>66.71</b> | <b>71.03</b>  |                       | <b>35.52</b> | <b>35.52</b>  |

\* 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<br><u>TRACT K</u>                       |                                     |   |
|--|-------------------------------------|---|
|  | PRINCIPAL USES                      | ACCESSORY USES                                      |
| MIN. LOT OR PARCEL AREA  | 10,000 square feet                  | N/A   |
| MIN. LOT WIDTH   | 75 feet                             | N/A   |
| <b>MINIMUM BUILDING SETBACKS:</b>                                      |                                     |   |
| 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 |
| <b>MINIMUM DISTANCE:</b>   |                                     |   |
| Between Structures, which are part of an architecturally unified group | 10 feet                             | 10 feet*  |
| Between All Other Structures   | 20 feet                             | 10 feet   |
| <b>MAXIMUM BUILDING HEIGHT:</b>  |                                     |   |
| Office Buildings   | 80 feet                             | 80 feet   |
| Boat Dry Storage   | 35 feet                             | 35 feet   |
| Architectural features   | N/A                                 | 100 feet  |
| <b>MAXIMUM LOT COVERAGE *</b>  | <b>55 percent</b>                   | <b>55 percent</b>                                   |

\* as defined by LDC Chapter 34

### HOME FRONT HEROES MINOR CPD – Western 15.76± acres of Tract M

#### Minimum Lot Area and Dimensions:

|               |   |
|---------------|---|
| <u>Area:</u>  |   |
|               | <u>Conservation Easement Island: 1.12 acres with no minimum width/depth</u> |
|               | <u>Main Development Parcel: 10,000 square feet 9.66 acres</u>               |
| <u>Width:</u> | <u>80 670 feet</u>  |
| <u>Depth:</u> | <u>400 360 feet</u>   |

#### Minimum Building Setbacks:

|                              |                                     |
|------------------------------|-------------------------------------|
| <u>Perimeter (Principal)</u> | <u>15 feet or ½ building height</u> |
| <u>Street:</u>               |                                     |
|                              | <u>Moody Road: 25 feet</u>          |
|                              | <u>Private: 20 feet</u>             |
| <u>Side:</u>                 | <u>15 feet or ½ building height</u> |
| <u>Rear:</u>                 | <u>20 feet</u>                      |
| <u>Waterbody:</u>            | <u>20 feet</u>                      |

Accessory Structures: In compliance with LDC

|                                     |  |
|-------------------------------------|--|
| <u>Minimum Building Separation:</u> | <u>20 feet</u>   |
| <u>Maximum Lot Coverage:</u>        | <u>45 percent</u>  |
| <u>Maximum Building Height:</u>     | <u>45 feet (Over 35 feet subject to LDC Section 34-2171-34-2174)</u> |
| <u>Open Space:</u>                  | <u>30 percent (see Deviation 15)</u>                                 |

- 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.
- 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.
- 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.
- 27-28. Home Front Heroes Minor CPD/western 15.76± acres of Tract M: The Home Front Heroes Bald Eagle Management Plan hereby adopted by reference. A copy of the text is attached. All provisions of this Plan must be implemented through the development order and Vegetation Removal Permit process. The 30-foot buffer shown on MCP page 2 within the 660-foot eagle nest buffer zone shall serve as the preserve buffer should Conservation 20/20 purchase the property to the south. Reasonable efforts to retain all native live oak trees that currently exist within the proposed eastern and southern buffer must be made. It is recognized that site design requirements (e.g., fill) may limit the ability to retain some individual trees, and in that case the County will allow the removal of those trees. Any potential heritage live oak trees located outside of the buffer, but within the development footprint that are removed will be replaced with another live oak tree 20-foot tall or greater.

**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 vertical slope with the condition that lake bottom slopes at the toe of any bulkhead may be no greater than 4:1; or
- 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 Eastern 3.63± acres of 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/western 15.76± acres of Tract M 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/western 15.76± acres of Tract M 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/western 15.76± acres of Tract M seeks relief from LDC Section 10-416(d) which requires a type C/F buffer when commercial abuts residential and a 30' buffer when commercial abuts a public preserve; to allow the following buffers as shown on the MCP:
  - North property line: to allow the existing type B buffer to remain;
  - East property line: to allow existing indigenous trees within the 330' eagle nest zone and Type C or F buffer outside 330' eagle nest zone; and
  - South property line: to allow existing indigenous trees within the 330' eagle nest zone with 10' tree planting area outside the 330' zone and proposed 30' buffer between 330' eagle nest zone and 660' eagle nest zone to serve preserve buffer.
18. Deviation (18) Home Front Heroes Minor CPD/western 15.76± acres of Tract M seeks relief from LDC Section 34-2020(b) which requires 1 parking space per 350 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).

19. Deviation (19) Home Front Heroes Minor CPD/western 15.76± acres of Tract M seeks relief from LDC Section 10-291(3) which requires commercial development of more than ten acres to provide more than one means of ingress or egress for the development; to allow the previously approved and constructed single access.
- ~~16-20.~~ Deviation (20) Home Front Heroes Minor CPD/western 15.76± acres of Tract M seeks relief from LDC Section 10-420(f) which requires that the height of all trees, palms, and shrubs located within the buffer areas must be measured from the parking lot grade of the project site; to allow the height of buffer trees, palms and shrubs to be measured from the final grade in which they reside but no lower than the crown of the adjacent road or existing grade of the abutting property.

**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 Plans

~~Exhibit G: Deviation Drawing~~



## Home Front Heroes Minor CPD Schedule of Deviations and Justifications DCI2023-00047 – Revised September 2024

**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 the eastern 3.63± acres of 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 and a 30' buffer when commercial abuts a public preserve; to allow the following buffers as shown on the MCP:

- North property line: to allow the existing type B buffer to remain;
- East property line: to allow existing indigenous trees within the 330' eagle nest zone and Type C or F buffer outside 330' eagle nest zone; and
- South property line: to allow existing indigenous trees within the 330' eagle nest zone with 10' tree planting area outside the 330' zone and proposed 30' buffer between 330' eagle nest zone and 660' eagle nest zone to serve preserve buffer.

Justification: North property line: This deviation is being requested based upon the existing development and existing installed buffer for the site along the north property line. 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 been previously reviewed, found compatible and approved. East property line: This deviation is being requested based upon the feedback received at the Eagle Technical Advisory Committee meeting on September 10, 2024, where it was recommended to keep the existing native trees within the small portion of the property within the 330' eagle nest zone as shown on the MCP. The remainder of the east property line will comply with the Type C or F buffer requirement. South Property Line: This deviation is being requested based upon the feedback received at the Eagle Technical Advisory Committee meeting on September 10, 2024, where it was recommended to keep the existing native trees within the small portion of the property within the 330' eagle nest zone as shown on the MCP. While no buffer is required between the proposed commercial use and the adjacent agricultural use to the south, the Board of County Commissioners approved Conservation 20/20's purchase of the property adjacent to the south on August 20, 2024. The applicant has worked with staff to provide the 30' buffer alternate as shown on the MCP and proposed condition 28 which states that the 30-foot buffer shown on MCP page 2 within the 660-foot eagle nest buffer zone shall serve as the preserve buffer should Conservation 20/20 purchase the property to the south. Reasonable efforts to retain all native live oak trees that currently exist within the proposed eastern and southern buffer must be made. It is recognized that site design requirements (e.g., fill) may limit the ability to retain some individual trees, and in that case the County will allow the removal of those trees. Any potential heritage live oak trees located outside of the buffer, but within the development footprint that are removed will be replaced with another live oak tree 20-foot tall or greater. The requested deviation enhances the achievement of the objectives of the planned development and protects the public health, safety and welfare.

**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 Office/300 SF = | 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.

**NEW Deviation (19):** seeks relief from LDC Section 10-291(3) which requires commercial development of more than ten acres to provide more than one means of ingress or egress for the development; to allow the previously approved and constructed single access.

**Justification:** This deviation is being requested based upon the existing access configuration which was constructed pursuant to previous approvals on the site. The single access point was deemed appropriate for the existing approved zoning for Tract M which 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 53± slip multi-slip docking facility. The existing approved MCP shows a Private Recreational Facility and Conservation area on Tract M as well. The single access remains appropriate for the proposed maximum 50,000 square feet of commercial social services uses including up to four caretakers' residences 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. The Applicant has submitted letters of no objection from North Fort Myers Fire Department, Lee County Public Safety and Lee County Sheriff's Office. Pursuant with LDC requirements, a notice to all future property owners will be recorded by the developer in the public records prior to the issuance of a local development order allowing construction of the access to the development. The notice will articulate the emergency access plan and provide information as to where a copy of this plan may

be obtained from the developer or developer's successor. The alternative proposed is based on sound engineering practices and is no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested. The requested deviation enhances the achievement of the objectives of the planned development protects the public health, safety, and welfare.

**NEW Deviation (20):** seeks relief from LDC Section 10-420(f) which requires that the height of all trees, palms, and shrubs located within the buffer areas must be measured from the parking lot grade of the project site; to allow the height of buffer trees, palms and shrubs to be measured from the final grade in which they reside but no lower than the crown of the adjacent road or existing grade of the abutting property.

Justification: This deviation is being requested based upon the unique nature of the site as it relates to existing uses and potential grading of the site. Buffers are intended to screen adjacent properties so measuring the height from no lower than the crown of the adjacent road or existing grade of the abutting property will ensure that appropriate buffering is provided. Requiring the plantings to be measured from the parking lot grade of the project site could potentially result in lack of availability of larger sized plant materials and unnecessarily increase costs for the proposed nonprofit use of the site. The requested deviation enhances the achievement of the objectives of the planned development protects the public health, safety, and welfare.



## Home Front Heroes Minor CPD

### Preliminary Phasing Program

DCI2023-00047-Revised September 2024

**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 caretakers' residences 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.

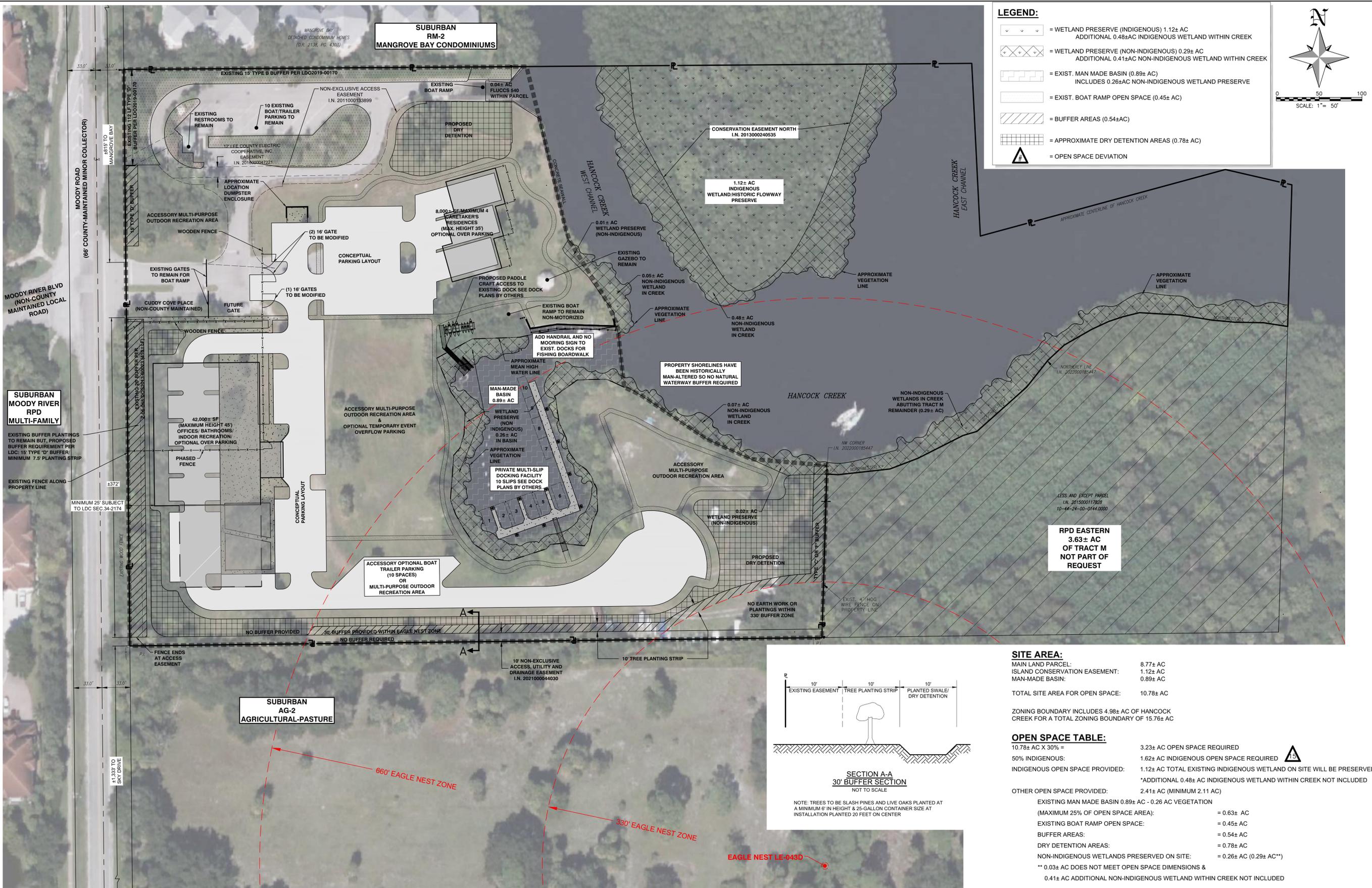
**Phase 5:** Future building, phased parking, and phased dry detention.

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

**Phase 7:** Optional future building expansion, phased parking, and phased dry detention.

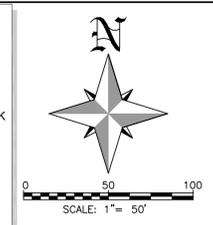






**LEGEND:**

- [Symbol] = WETLAND PRESERVE (INDIGENOUS) 1.12± AC  
ADDITIONAL 0.48± AC INDIGENOUS WETLAND WITHIN CREEK
- [Symbol] = WETLAND PRESERVE (NON-INDIGENOUS) 0.29± AC  
ADDITIONAL 0.41± AC NON-INDIGENOUS WETLAND WITHIN CREEK
- [Symbol] = EXIST. MAN MADE BASIN (0.89± AC)  
INCLUDES 0.26± AC NON-INDIGENOUS WETLAND PRESERVE
- [Symbol] = EXIST. BOAT RAMP OPEN SPACE (0.45± AC)
- [Symbol] = BUFFER AREAS (0.54± AC)
- [Symbol] = APPROXIMATE DRY DETENTION AREAS (0.78± AC)
- [Symbol] = OPEN SPACE DEVIATION



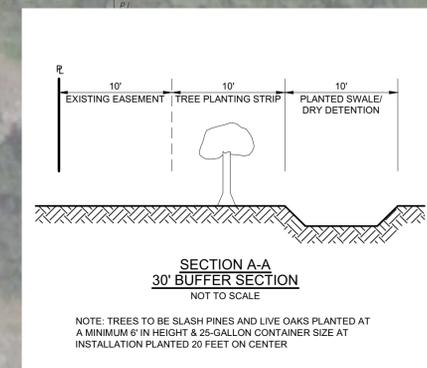
**SITE AREA:**

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

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:   | 2.41± 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  |
| BUFFER AREAS:  | = 0.54± AC  |
| DRY DETENTION AREAS:   | = 0.78± 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 |   |
| <b>TOTAL OPEN SPACE PROVIDED:</b>  | <b>3.78± AC (MINIMUM 3.23 AC)</b>                                     |



| PREPARED FOR:<br><b>HOME FRONT HEROES INC.</b><br>14750 SIX MILE CYPRESS PARKWAY<br>FORT MYERS, FL 33912 | ALL ELEVATIONS ON CIVIL ENGINEERING PLANS REFERENCE: NAVD 1988<br><table border="1"> <tr><td>02</td><td>9-16-2024</td><td>INSUFFICIENCY RESPONSE</td><td>RJV</td></tr> <tr><td>01</td><td>08-01-24</td><td>INSUFFICIENCY RESPONSE</td><td>KG</td></tr> <tr><td>NO.</td><td>DATE</td><td>REVISION DESCRIPTION</td><td>BY</td></tr> </table> | 02                     | 9-16-2024    | INSUFFICIENCY RESPONSE | RJV      | 01     | 08-01-24 | INSUFFICIENCY RESPONSE | KG | NO. | DATE | REVISION DESCRIPTION | BY | <b>BANKS ENGINEERING</b><br>Professional Engineers, Planners, & Land Surveyors<br>Serving The State Of Florida<br>10511 SIX MILE CYPRESS PKWY, STE. 101<br>FORT MYERS, FLORIDA 33966<br>PHONE: (239) 939-5490 FAX: (239) 939-2523<br>ENGINEERING LICENSE # EB 6469<br>SURVEY LICENSE # LB 6690<br>WWW.BANKSENG.COM | <b>CONCEPTUAL OPEN SPACE EXHIBIT</b><br><b>HOME FRONT HEROES MINOR CPD</b><br><b>LEE COUNTY, FLORIDA</b><br><table border="1"> <tr> <th>COMPLETION DATE:</th> <th>PROJECT:</th> <th>DRAFTED BY:</th> <th>DESIGNED BY:</th> <th>REVIEWED BY:</th> <th>SCALE:</th> <th>SHEET:</th> </tr> <tr> <td>05-08-2024</td> <td>2506HFH</td> <td>KG</td> <td>KG</td> <td>SWM</td> <td>AS NOTED</td> <td>01</td> </tr> </table> | COMPLETION DATE: | PROJECT: | DRAFTED BY: | DESIGNED BY: | REVIEWED BY: | SCALE: | SHEET: | 05-08-2024 | 2506HFH | KG | KG | SWM | AS NOTED | 01 |
|--|--|------------------------|--------------|------------------------|----------|--------|----------|------------------------|----|-----|------|----------------------|----|--|--|------------------|----------|-------------|--------------|--------------|--------|--------|------------|---------|----|----|-----|----------|----|
| 02   | 9-16-2024  | INSUFFICIENCY RESPONSE | RJV          |                        |          |        |          |                        |    |     |      |                      |    |  |  |                  |          |             |              |              |        |        |            |         |    |    |     |          |    |
| 01   | 08-01-24   | INSUFFICIENCY RESPONSE | KG           |                        |          |        |          |                        |    |     |      |                      |    |  |  |                  |          |             |              |              |        |        |            |         |    |    |     |          |    |
| NO.  | DATE   | REVISION DESCRIPTION   | BY           |                        |          |        |          |                        |    |     |      |                      |    |  |  |                  |          |             |              |              |        |        |            |         |    |    |     |          |    |
| COMPLETION DATE:   | PROJECT:   | DRAFTED BY:            | DESIGNED BY: | REVIEWED BY:           | SCALE:   | SHEET: |          |                        |    |     |      |                      |    |  |  |                  |          |             |              |              |        |        |            |         |    |    |     |          |    |
| 05-08-2024   | 2506HFH  | KG                     | KG           | SWM                    | AS NOTED | 01     |          |                        |    |     |      |                      |    |  |  |                  |          |             |              |              |        |        |            |         |    |    |     |          |    |

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## **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*

*October 2024*

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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 26.65551 N, 81.897032 W. The nest is located southeast of the property, just within 330 feet of the 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 330-foot and 660-foot 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-foot and 660-foot 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 elliotii*), 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 elliotii*), 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 of the project parcel is located just inside of the 330' LE-43D nesting buffer. There is no work proposed within the 330' buffer zone. All work, including the installation of the type "C" or "F" buffer and creation of the dry detention has been relocated to outside of the buffer zone. 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 installation of the dry detention area and the installation of the type "C" or "F" buffer along the 330' zone. Additionally, other construction proposed within the 660' buffer will include 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. All construction activities within the 660' buffer zone shall only be conducted during the non-nesting season (i.e., May 6<sup>th</sup> - September 30th) without a monitor, and when the nest is not actively being used for nesting; otherwise, a monitor will be required to be present.

- Major exterior construction activities, such as initial site clearing, major earthwork, 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.

- 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.
- Native slash pine and live oak trees will be installed along the southern property boundary, outside of the 330' buffer zone, to provide a visual buffer between development and eagle nest. Trees planted will be a minimum of 6-foot in height and 25-gallon container size at time of insulation and planted on 20-foot center. The trees will be included on the landscape plans and with the development order that's required for the site development. The visual vegetation buffer installation will occur outside of nesting season, since a portion of the property lies within 330-foot zone of the bald eagle nest.

#### 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. There is no work proposed within the 330' buffer zone of the bald eagle nest. Coordination has been made with Ms. Ulgonda Kirkpatrick of USFWS via email on September 24, 2024. The FWS stated that the project appears to be fairly low risk to the eagles, particularly given the proposed buffer. The monitoring guidelines and disturbance avoidance should not be necessary for this site; therefore, the applicant will not be obtaining a take permit from USFWS as a majority of the property is located outside of the 330-foot buffer zone and any proposed work has been relocated to outside of the 330' buffer zone. There will be limited work proposed within the 660' buffer zone during nesting season, provided that the activities do not disturb the nesting bald eagles as defined by the Bald Eagle Monitoring Guidelines.

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.

### **References**

Florida Fish and Wildlife Conservation Commission. 2008. Bald Eagle Management Plan. 60p.

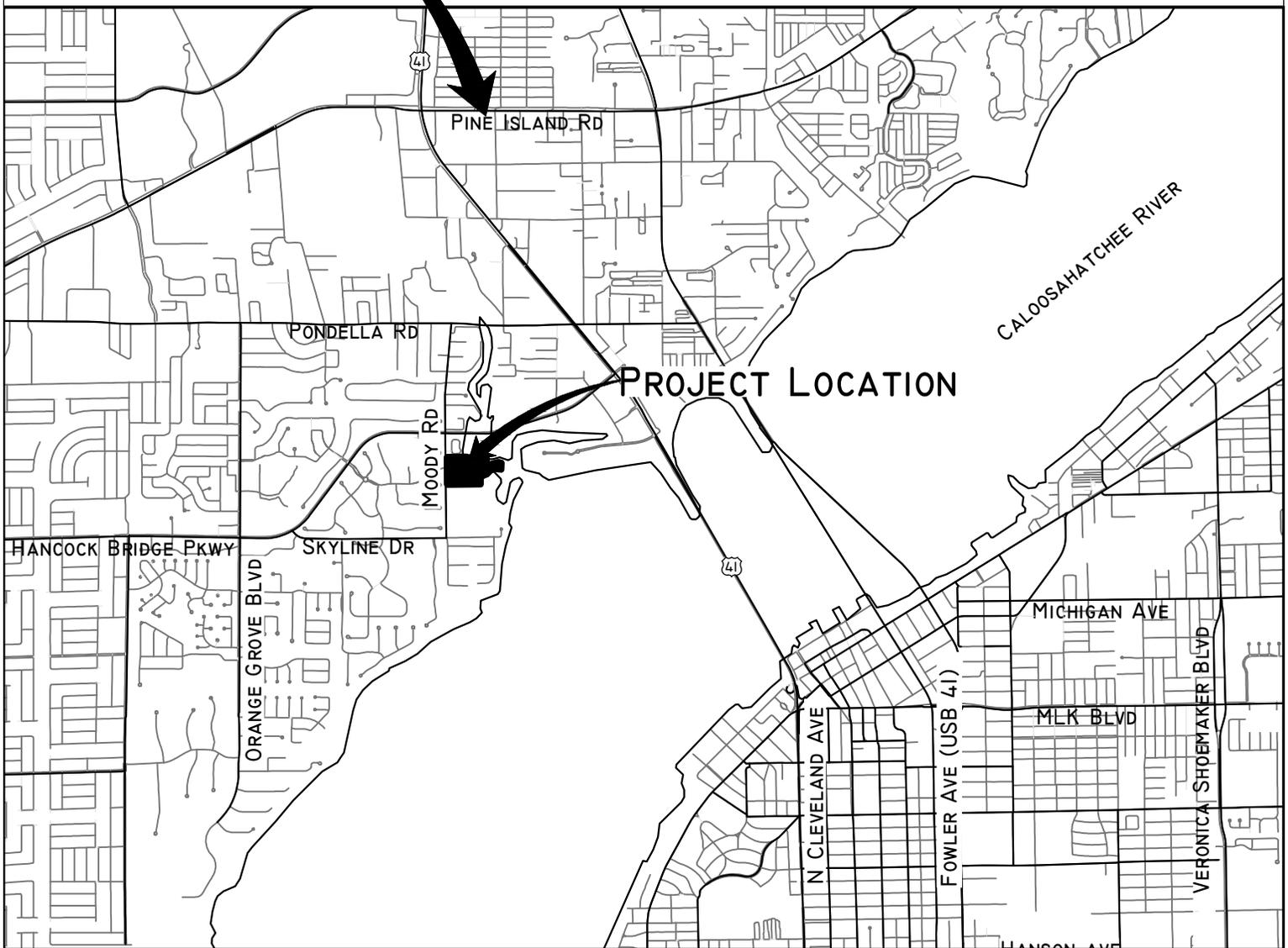
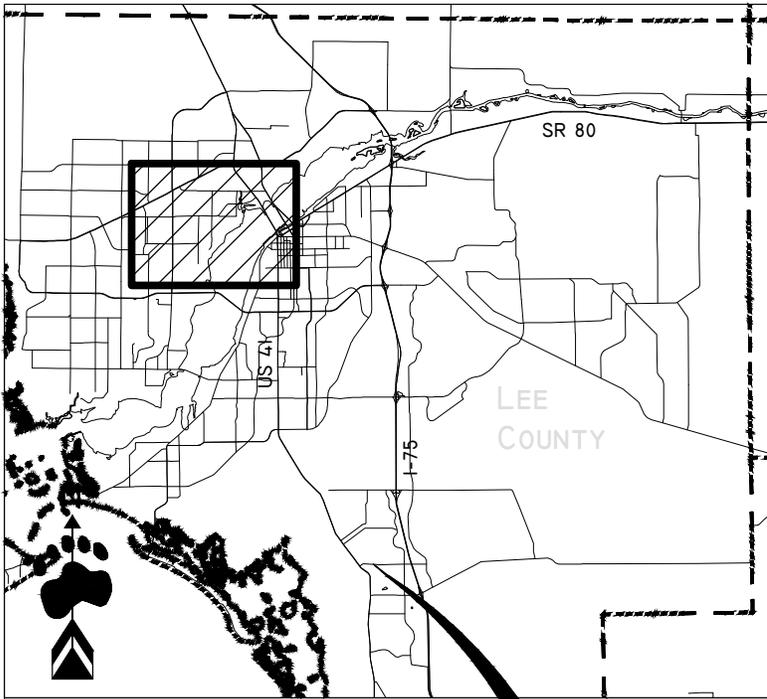
Florida Fish and Wildlife Conservation Commission. 2017. Historical Bald Eagle Nesting Areas.

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:   |
| S/T/R      |         | NTS      |
|            |         | COUNTY   |
| 10/44S/24E |         | LEE      |

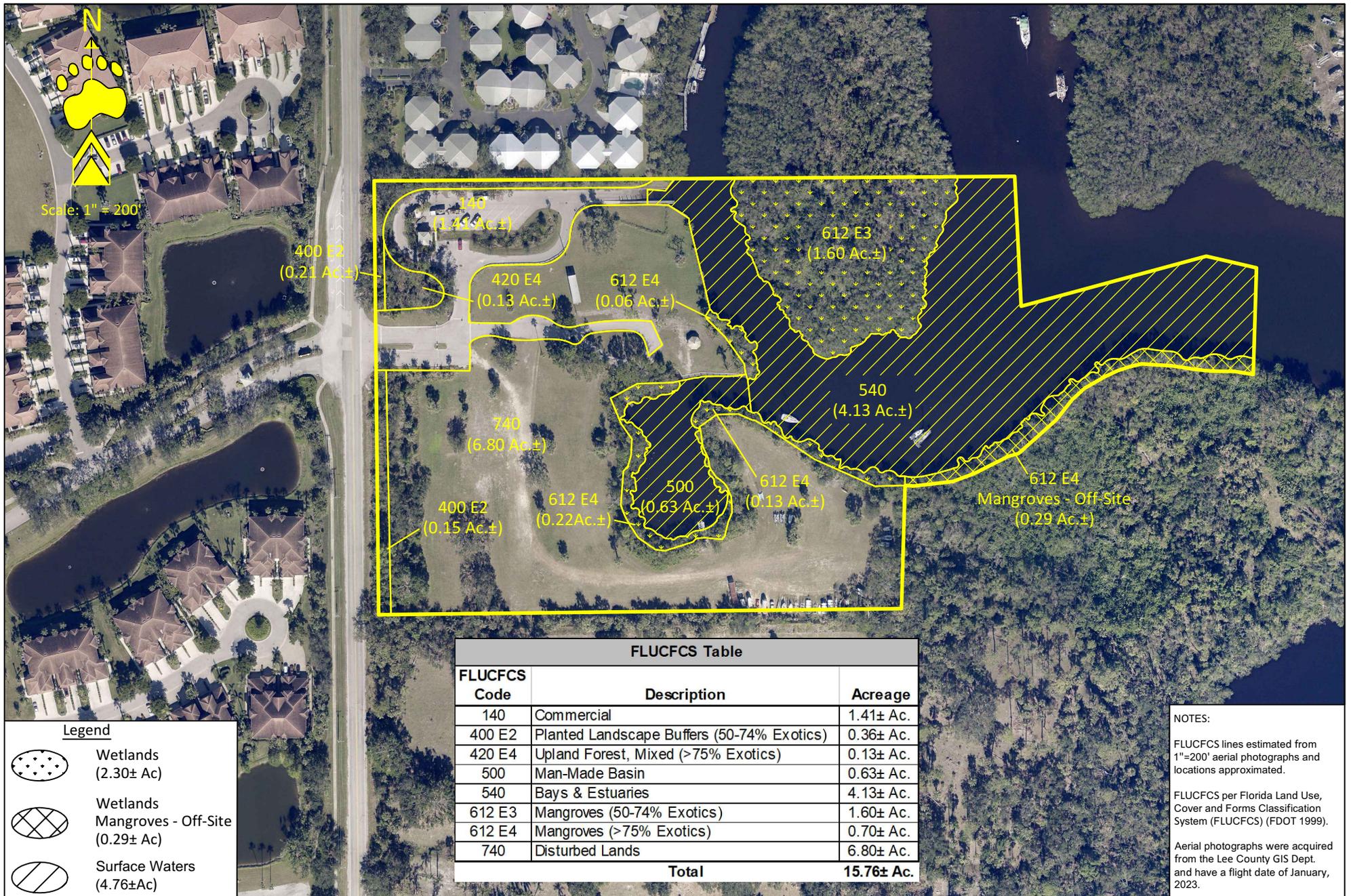
# Home Front Heroes (Moody Road)

## Location Map

BEARPAWS  
ENVIRONMENTAL CONSULTING  
1599 COWINGTON CIRCLE EAST, FORT MYERS, FL 33919  
(239) 340-0678 BEARPAWS.ENV.CONULTING@GMAIL.COM

**EXHIBIT B**

**Aerial FLUCFCS 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.         |
| <b>Total</b>  |  | <b>15.76± Ac.</b> |

**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:  | Date:   |
|           |       | BWS        | 3/12/24 |
|           |       | Job Number |         |
|           |       | S/T/R      |         |
|           |       | 10/44S/24E |         |

## Home Front Heroes (Moody Road)

### Aerial FLUCFCS Map

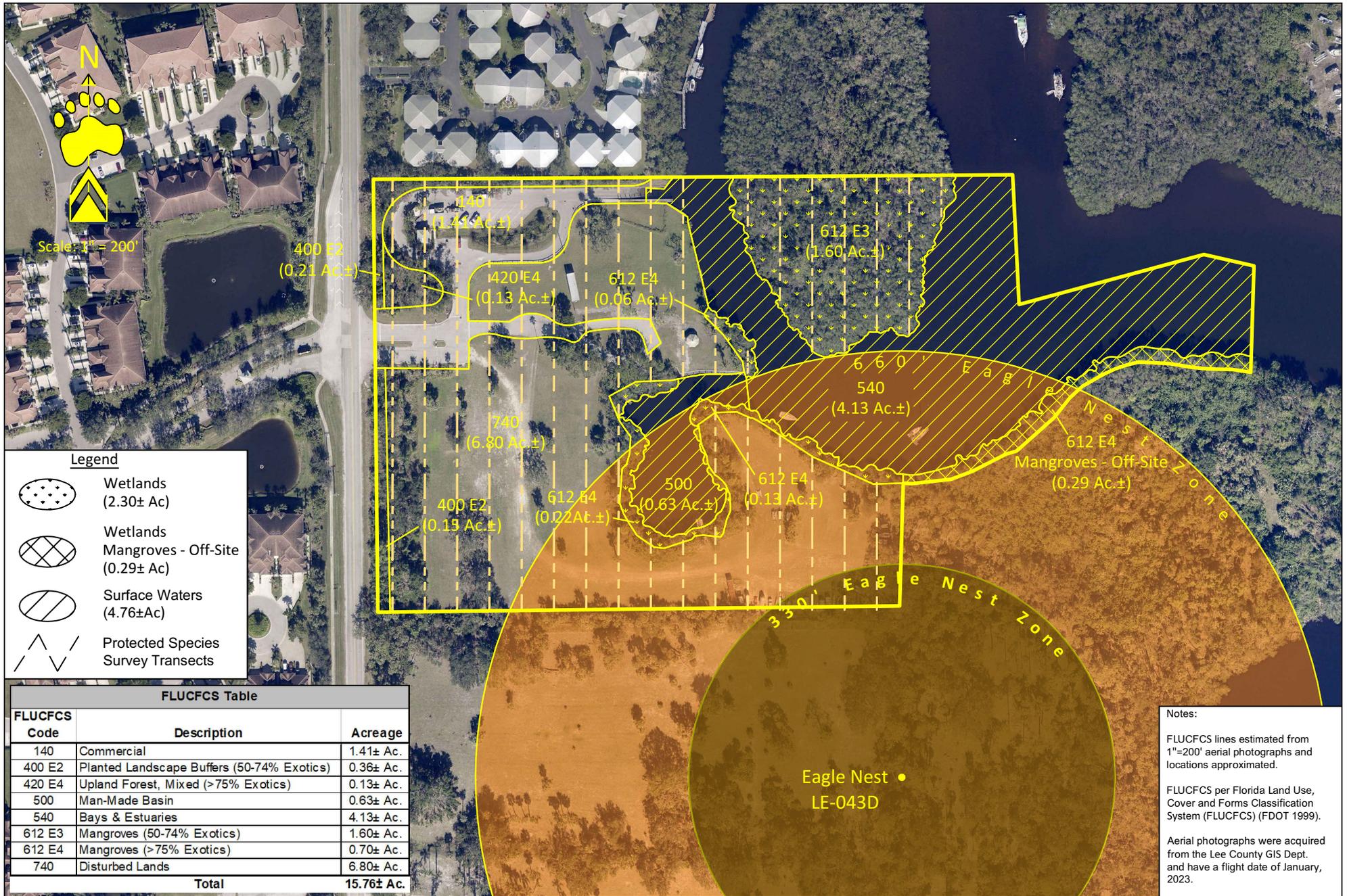
|          |           |
|----------|-----------|
| Category | FLUCFCS   |
| Scale:   | 1" = 200' |
| County   | Lee       |

1599 Covington Circle East, Fort Myers, FL 33919  
(239) 340-0678 bearpaws.env.consulting@gmail.com

|         |   |
|---------|---|
| Page    | - |
| Exhibit | - |

**EXHIBIT C**

**Protected Species Survey Map with Bald Eagle Buffer Zones**



**Legend**

- Wetlands (2.30± Ac)
- Wetlands Mangroves - Off-Site (0.29± Ac)
- Surface Waters (4.76±Ac)
- Protected Species Survey Transects

| 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.         |
| <b>Total</b>  |  | <b>15.76± Ac.</b> |

**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:   |
|           |       | BWS        | 3/12/24 |
|           |       | Job Number |         |
|           |       | S/T/R      |         |
|           |       | 10/44S/24E |         |

# Home Front Heroes (Moody Road)

## Aerial PSS Map

|          |           |
|----------|-----------|
| Category | PSS       |
| Scale:   | 1" = 200' |
| County   | Lee       |

1599 Covington Circle East, Fort Myers, FL 33919  
(239) 340-0678 bearpaws.env.consulting@gmail.com

|         |   |
|---------|---|
| Page    | - |
| Exhibit | - |

**EXHIBIT D**

**Master Concept Plan**





## Home Front Heroes Minor CPD Summary of Public Information Session DCI2023-00047

The Home Front Heroes Minor CPD property is located within the North Fort Myers Community Planning Area. Consistent with Lee Plan Policy 17.3.5 and Lee County Land Development Code Section 33-1532, a publicly advertised Public Informational Session within the North Fort Myers Planning Community was held on September 24, 2024, at 5:30 p.m. at an independent meeting held at North Fort Myers Recreation Center, Room 102A, 2000 North Recreation Park Way, North Fort Myers, FL 33903.

Since LDC Section 33-1532 does not specify advertising requirements, Lee Plan Policy 17.3.4 was utilized and a notice was advertised in the Fort Myers News Press a minimum of 10 days prior to the meeting describing the project and providing contact information for questions or comments. Although not a requirement, the Applicant also notified the Moody River Estates Homeowners Association and North Fort Myers Civic Association email notifications of the meeting a minimum of 10 days prior to the meeting.

Attached please find the following backup documentation:

- Ad run in the Fort Myers News Press September 13, 2024
- Sign-in sheet

During the meeting, the applicant provided a general overview of the above project requests for interested citizens. The following questions/comments were received, followed by the applicant's response.

Comment: Is the property adjacent to the south the one with the large for sale sign on it?  
Response: Confirmed.

Comment: Can you provide our CAM Jon Hosey a copy of the presentation?  
Response: The information in the presentation is the same that will be in county records available to the public. We will coordinate with you separately.

Comment: What is proposed for the caretakers' residences? What type of housing, how big? Will they be set up like family homes with fences, driveways and shrubbery or more like a mobile home? Type and number of bedrooms?

Response: This meeting is regarding the zoning stage and not providing final details which would not be dictated during the zoning. More information may be able to be provided and discussed at Homeowner Association Meetings. The zoning request establishes the caretakers' residences use, but they will be measured by commercial square footage that will be limited combined with the rest of the commercial uses to a maximum total of 50,000 square feet for the project. The caretakers' residences are proposed in the northeast corner of the site. They

will not be allowed to be mobile homes or trailers. They will be limited to 35 feet in height and the commercial use will be limited to 45 feet.

Comment: What is the use of the large building that abuts the road?

Response: The building is anticipated to include offices, bathrooms, indoor recreation and uses associated with the Home Front Heroes community outreach use. The schedule of uses also includes option for satellite Sheriff's office. potential

Comment: Will it be similar to this recreation center?

Response: Yes – it could be similar to a recreation center and anticipate an indoor gym for recreation activities.

Comment: You referenced the boat ramp area – will you take over maintenance of the boat ramp? What is your intention?

Response: This meeting is about the zoning request for the use of the property. Maintenance responsibilities is handled outside of the zoning within prior private agreements that are being addressed separately with the Community Development District.

Comment: You mentioned 10% reduction in parking - Will you be using our boat ramp parking?

Response: The site plan shows conceptual parking layout for the site. It is not anticipated to utilize the boat ramp parking as part of the required parking on site. This does not preclude the occasional use of the boat ramp spaces if needed for events. The boat ramp facilities are on Home Front Heroes property with a private easement for Moody River Estates use so Applicant does have the right to utilize parking spaces.

Comment: Are you telling us we cannot ask questions outside of the zoning process?

Response: You are welcome to ask any questions you would like. It is just noted that this meeting is specifically about the Lee County Zoning request and there is history outside of the zoning process.

Comment: When will the hearings take place?

Response: Once Lee County deems the application complete, they will set the initial Hearing Examiner hearing date typically around 60 days after found sufficient or complete. Around two weeks prior to the hearing, notices will be mailed out to property owners within 500 feet and signs will be posted on the property with the hearing date and time. The case will then go to the Board of County Commissioners. You must be present and speak at the Hearing Examiner hearing to be able to speak at the Board of County Commissioners hearing.

Comment: Will it be all children and what ages?

Response: No. It will also include veterans, elderly, any age children.

Comments: Will you be accepting volunteers?

Response: Yes, we would welcome and appreciate volunteers.

Comment: What is the programming and requirements for social services for residential counseling licensing requirements?

Response: Licensing requirements would not be part of the zoning request. The social services use is a category for charitable organization use such as boys and girls club, etc. that doesn't necessarily have licensed counselor requirements.

Comment: Sheriffs come and go – what happens if the program is no longer supported and gets abandoned?

Response: Home Front Heroes is a separate organization and as any other project, proposes to raise funds and construct the project as proposed. Applicant does not anticipate the project being abandoned.

Comment: Are there similar projects like this already existing?

Response: There are multiple programs offered throughout the county in multiple locations such as summer camp, basketball, boxing, etc., but not one concentrated location to offer multiple services. We are not proposing to take any of the existing programs or locations away, but there are not many programs existing in the North Fort Myers area. The reason for the concept is to allow space for these programs in a central location to offer multiple outreach services.

Comment: You referenced private boat slips – what does that mean? Who would be able to use them and wouldn't they have to use the boat ramp?

Response: The private boat slips will be used by the property owner and their guests and will not be available to the public. They may use the boat ramp, as the property owner and guests are permitted to use the boat ramp today. Alternatively, boaters could come to the boat slips from other locations and park at the slips for access to the site.

Comment: This site goes back many years with CDD payments – will the payments go away and leave us to cover the difference?

Response: That is also handled separately with the CDD. A member in the public audience answered this question by stating:

The CDD is in negotiations to amend the agreement and will be compensated for the change in zoning and change in intensity. It is in the process now but cannot say too much but will not lose the CDD payments.

Comment: I assume the CDD agreement needs to be settled and finalized before the zoning is completed?

Response: The private agreement is handled separately with the CDD and is not part of the Lee County zoning process. Lee County is not involved in the private agreement.

Comment: Will you get rid of abandoned boats?

Response: The Applicant has been ongoing working on cleaning up the site and doing all we can. There is lengthy process for boats.

Comment: Are you proposing residential with 4 story buildings? 45 feet is like 4 stories and will it be residential by the road?

Response: The existing zoning allows 200 multi-family units up to 75 feet tall and the Applicant is proposing maximum 45 feet height with optional recreation center and offices over parking along the road and maximum of four caretakers' residences with a maximum height of 35 feet in the northeast along water.

Comment: What are multiple caretakers' residences?

Response: The maximum four caretakers' residences are required to allow the unique program for the site. Each of the onsite caretakers are proposed to be Lee County Sheriff's office deputies or employees who will perform general caretaking and security functions for the property and its use. More than one caretaker is required to provide for differing schedules and shifts.

Comment: Why do you need so much security?

Response: Applicant and some public in audience responded the security is a benefit to the community response times and not just on site security.

Comment: Are you bringing in troubled youth with programs – youth programs for who?

Response: The programs are not for troubled youth, it is for any youth that contacts us for programs. As has been discussed several times at the Homeowners Association meetings, the programs are not for at risk youth.

Comment: You are not answering questions.

Response: We are answering the questions about the zoning to the best of our ability. In all reality the requirement for this meeting is to gather feedback and provide the answers to Lee County.

Comment: With this change to commercial you may not be telling us what you are doing and once it is commercial they could change the use.

Response: The zoning approval will be limited to the specific Master Concept Plan and schedule of uses which specify what is allowed on the site and where. Lee County requested that we further restrict some of the uses such as no offender

rehabilitation or offender self help programs to make sure they are not included here. All submitted documents for the project are available and public record. Cannot be changed once zoning resolution completed.

Comment: Could you change it to housing or different commercial use after that?

Response: We are not proposing housing other than four caretakers' residences and not proposing typical commercial such as restaurants. The proposed community services unfortunately fall under commercial use in Lee County codes. Like the current zoning resolution that governs the use of the property, the new zoning resolution would be approved adopting the Master Concept Plan and schedule of uses.

Comment: Who can use site the site? Is it open to public?

Response: Only individuals who are part of the programs can use the site as it will not be open to public. It is for the use of Home Front Heroes programs and events. Participants would be signed up to participate such as with summer youth camp programs.

Comment: The programs are not for at risk youth?

Response: The programs are for all children – whoever signs up. We have different programs for different services and different needs such as boxing programs, programs with animals, things that help people grow. People can recommend their neighbors, children, grandchildren, etc. There is an onsite fenced area for animals for during events. These are programs to help kids. This is not a citation program for at risk youth.

Comment: Why are you holding the meeting in summer when people can't come?

Response: The meeting was not planned to have it in the summer, the meeting is being held now because the project is at the time in the zoning process where the plan is nearing finalization and time to present to the community for feedback.

Comment: Where are private boat ramps?

Response: There is the existing motorized boat ramp, proposed boat slips and existing non motorized ramp. The slips will not be rented out to the public. Patrol boats could pull in, property owner and guests can utilize but not open to the public or for rent.

Comment: When will the project be completed? What is the time frame, construction start, phasing?

Response: The project timeframe and construction will be based on funding. The preliminary phasing submitted with the zoning was shared and noted that item timing was interchangeable. Feel that what is proposed is a better concept than

the 200 homes that is currently allowed by zoning or than another use that could be proposed if owned by someone else.

Comment: How can you change it to add another commercial use after this? You are jumping through these hoops to get this and if you don't get funding could you change it? Once commercial zoned could you change that and put something less desirable. Big leap residential to commercial.

Response: Any changes would have to follow the same process with Lee County. North Fort Myers Community Planning Area requires public information meetings even if an administrative zoning change is proposed or if a public hearing change is proposed. An additional public information meeting will be required at time of development order.

Comment: If everyone didn't want it, we couldn't vote, what happens? It happened downtown – didn't listen to people and still got approved.

Response: The zoning goes through a review process including bringing this feedback to county staff. County staff has included comments further restricting the schedule of uses and the site will be limited to the approved schedule of uses adopted by the zoning resolution.

Comment: Is there a funding strategy plan developed?

Response: Yes we are working on a funding strategy with professionals working on the project.

Comment: What period of time for zoning hearing will it be with residents in town? What about whole project?

Response: We are hopeful to have hearings end of this year or January but notices will be sent out and signs posted around two weeks prior.

Comment: Was this meeting not held at Moody because it is not just for Moody River residents?

Response: This meeting is for North Fort Myers community. Ad was placed in paper, we emailed the Community Association Manager and North Fort Myers Civic Association to keep you informed.





|                      |                             |                      |                            |                    |           |
|----------------------|-----------------------------|----------------------|----------------------------|--------------------|-----------|
| <b>PROJECT NAME:</b> | Home Front Heroes Minor CPD | <b>MEETING DATE:</b> | September 24, 2024, 5:30pm | <b>JOB NUMBER:</b> | BK2506HFH |
|----------------------|-----------------------------|----------------------|----------------------------|--------------------|-----------|

| PRINT NAME             | PHONE             | COMPANY<br>(IF APPLICABLE) | EMAIL                    |
|------------------------|-------------------|----------------------------|--------------------------|
| JOHN & BRENDA EASTHAM  | 484-678-5258      | MRE Resident               | eastham52@gmail.com      |
| Mark & Linda Wilson    | 260/452-7727      | MRE Resident               | mwilsongn1@aol.com       |
| Teresa & Vincent Silva | 12741 0100 Bangor | MRE Resident               | TS450@aol.com            |
| Debbie Noston          | 239-2180710       | MRE                        | dnoston@yahoo.com        |
| MICHAEL GRAY           | 239-6914789       | MRE                        | X53BANKER@aol.com        |
| William Krykowski      | 6318349707        | MRE                        | Kruk322@aol.com          |
| JOHN "BANNY" HOFSTETER | 239 204 6579      | MRE                        | HOFSTETER.John@yahoo.com |
| Loui Glenwood          |                   | MRE                        |                          |
| DAVIS MIZE             | 770-856-0919      | MRE                        | dwmize@bellsouth.net     |
|                        |                   |                            |                          |
|                        |                   |                            |                          |
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|                        |                   |                            |                          |



September 19, 2024

Stacy Ellis  
Atwell, LLC  
10511 Six Mile Cypress Pkwy  
Ft. Myers, FL 33966

Re: Home Front Heroes Minor CPD

Ms. Ellis,

The North Fort Myers Fire Department has "No Objection" to the proposed single access layout for the above referenced project. If you have any additional questions, please contact our office @ 239-731-1931.

Respectfully,

Rick Jones  
Fire Marshal

*Carmine Marceno*  
Sheriff



*"Proud to Serve"*

State of Florida  
County of Lee

September 12, 2024

Stacy Ellis Hewitt  
Atwell, LLC  
10511 Six Mile Cypress Pkwy.  
Fort Myers, Florida 33966

Ms. Ellis Hewitt,

The Lee County Sheriff's Office has reviewed your request for a letter of no objection for a deviation to allow use of an existing single access point for the proposed Home Front Heroes Minor CPD rezoning. The property is located on the east side of Moody Road, approximately 550 feet south of the intersection with Hancock Bridge Parkway in North Fort Myers. The site addresses are 884, 938 and 940 Moody Road, and three parcels with access undetermined.

The requested amendment would rezone the western 15.76± acres (10.78± acres of land) of Tract M of the existing Moody River Estates RPD/CPD (Z-05-048) from Residential Planned Development to Commercial Planned Development, which would allow a maximum of 50,000 square feet of commercial uses including up to four caretaker's residence 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 45 feet. The commercial use is primarily 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.

Based on the information provided in your request, including prior approval for the single access point, the Lee County Sheriff's Office does not object to this request. This agency will provide law enforcement services from our 1<sup>st</sup> Precinct offices in North Fort Myers. At the time of application for new development orders or building permits, the applicant shall provide a Crime Prevention Through Environmental Design (CPTED) report done by the applicant and given to the Lee County Sheriff's Office for review and comments.

Respectfully,

A handwritten signature in black ink, appearing to read "Rob Casale" with a date "07/09/23" written to the right.

Rob Casale  
Major, Patrol Bureau



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Examiner

September 12, 2024

Stacy Ellis Hewitt, AICP  
Atwell, LLC  
10511 Six Mile Cypress Pkwy.  
Fort Myers, FL 33966

Re: Review of Deviation from LDC – Home Front Heroes Minor CPD

Ms. Hewitt,

I am in receipt of your letter requesting a review of a deviation in the Land Development Code for the project known as Home Front Heroes Minor CPD. The property consists of a three parcels bearing the addresses of 884, 938, and 940 Moody Road, as well as three other adjoining parcels with access undetermined.

The deviation requested is within Section 10-291, regarding a secondary emergency access to the project.

I have reviewed the Master Concept Plan for the project. The plan includes a primary access from Moody Road. There is limited access to the parcel from Moody Road, and a single access point across from Moody River Blvd. will create a logical connection to the existing road network. Adding a secondary access along the limited frontage on Moody Road would require the elimination of buffers.

Given this information, the Department of Public Safety consents to this deviation.

Should the plans change, a new analysis of this deviation would be required.

Sincerely,

A handwritten signature in blue ink, appearing to read "Benjamin Abes", written over a circular stamp or seal.

Benjamin Abes  
Director, Public Safety