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

Case Number: DCI2023-00047 Type of Case: Amendment to Existing Residential and Commercial Planned Development (RPD/CPD) Case Name: Home Front Heroes Minor Commercial Planned Development Area Subject to Request: +/- 15.76 Acres (including 4.98 acres navigable waterway) Sufficiency Date: September 3, 2024 Hearing Date: March 13, 2025

REQUEST:

Atwell, LLC, has filed an application to amend the existing Moody River Estates RPD/CPD (Z-05-048, Attachment L) to rezone the western portion of Tract "M", consisting of approximately 15.76 acres (including 4.98 acres navigable waterway), from Residential Planned Development (RPD) to Commercial Planned Development (CPD) to allow for the development of a charitable organization known as "Home Front Heroes." Home Front Heroes includes education in crime prevention and public safety, social outreach, recreation activities and animal welfare services for youth, veterans, the disabled and disadvantaged.

The proposed development will include a maximum of 46,000 square feet of commercial uses such as administrative offices, two caretaker's residences, recreation, and social services. Proposed development includes accessory multi-purpose outdoor recreation areas, boat ramps, and a private multi-slip docking facility with a maximum of 10 wet slips and 10 optional boat trailer parking/dry slips with a maximum building height of 45 feet.

The subject property is located south of Moody Road approximately 825 feet south of Hancock Bridge Parkway in the North Fort Myers Community Plan area. The 10.78-acre property is located within the Suburban and Wetlands future land use categories according to **Lee Plan Map 1-A** with the remaining 4.98 acres being navigable waterway. The applicant held a public information meeting in compliance with **Land Development Code Section 33-1532** (see Attachment F) on September 24, 2024. A legal description and boundary survey of the subject property are included as Attachment B of the staff report.

SUMMARY:

Staff recommends **APPROVAL** of the applicant's request, as conditioned, to amend the existing zoning of approximately +/-15.76 acres of the western portion of Tract-M, to Commercial Planned Development to allow a maximum of 46,000 square feet of commercial uses with two caretaker's residences and accessory multi-purpose outdoor recreation areas, boat ramps, and a private multi-slip docking facility with a maximum of 10 wet slips and 10 optional boat trailer parking/dry slips with a maximum building height of 45 feet. The applicant has requested six deviations from the Land Development Code. Staff is recommending approval of five deviations, as conditioned. One deviation has been withdrawn by the applicant.

HISTORY OF PARCEL:

Zoning Resolution Number Z-03-022 (Attachment M) granted the rezoning of 221.9 acres from Agricultural (AG-2) and Tourist Commercial (CT) to Residential Planned Development (RPD) and Commercial Planned Development (CPD) for the development of up to 1,000 residential dwelling units and 45,000 square feet of commercial floor area known as Moody Ranch. In 2005, the Moody Ranch approval was amended by Zoning Resolution Number Z-05-048 (Attachment L) to add 19.56 acres known as Tract "M." Tract "M" was

rezoned from AG-2 to RPD and approved for the development of up to 200 dwelling units of the maximum 1,000 dwelling units allowed within the overall development with a maximum height of 75 feet. The total number of allowable dwelling units for the overall development was not increased. In addition to the allocation of the dwelling units, Tract M was approved for a private club, recreational facilities, the redevelopment of existing parking, boat ramp and dock, and the redevelopment of the existing basin. The Master Concept Plan (Attachment D) for Tract M depicted an access from Moody Road and a single access road to the east near the southern property line. LDO2013-00596 (Attachment N) approved parking, restroom facilities, landscaping and infrastructure for a gated, private boat launch facility along the north portion of Tract M adjacent to Mangrove Bay. DOS2013-00023 approved site clearing and filling for future development of Tract M. Intervening civil cases resulted in the split of the parcel and placement of certain easements and requirements on the property. As a result, Tract M was divided into two parcels, with the western 15.76 acres of Tract M being the subject of this amendment request.

CHARACTER OF THE AREA:

The subject parcel is located in an area of predominately residential uses with frontage on Moody Road. Moody Road is a County-maintained minor collector roadway. There is an existing gated access to the subject property and a private boat launch and supporting infrastructure on the northern portion of the site. Hancock Bridge Parkway, approximately 0.15 miles north of the site, is in the Commercial Corridor of the North Fort Myers Planning Community and provides primary access east and west through North Fort Myers and Cape Coral. Adjacent uses include single family and multi-family residential dwelling units to the north and west, Hancock Creek to the east and undeveloped lands to the south.

<u>North</u>

The subject property abuts Mangrove Bay to the north. The property is zoned Multi-Family (RM-2) and within the Suburban FLUC. Mangrove Bay is a gated residential condominium community with amenities and boat docking facilities.

<u>East</u>

Property to the east includes portions of navigable waterway known as Hancock Creek. It also shares a property line with the remainder of Tract M from the original rezoning, which will retain its Residential Planned Development (RPD) zoning. An access easement on the south side of the subject property allows access to the remainder of Tract M. The access easement is depicted on the south side of the MCP. The parcel to the east is in the Suburban and Wetlands FLUCs.

<u>South</u>

The subject property abuts undeveloped land zoned Agricultural (AG-2) to the south in the Suburban and Wetlands FLUC. The Board of County Commissioners approved Lee County Conservation 20/20 to purchase the property on August 20, 2024. An active Southern bald eagle's nest is present on the adjacent property. The location of the eagle's nest as well as the 330-foot and 660-foot buffer zones are shown on the MCP.

<u>West</u>

The subject property abuts Moody Road, a County-Maintained minor collector. Across Moody Road, to the west, is Moody River Estates. Moody River Estates is zoned Residential Planned Development (RPD), within the Suburban FLUC and included in the zoning resolution proposed to be amended. Access to Moody River Estates is directly across from an existing access to the proposed development. Development in Moody River Estates across from the subject site consists of multifamily residential units.

AVAILABILTY OF URBAN SERVICES:

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

<u>Public water and sewer:</u> The subject property is within the Lee County Future Water and Sanitary Sewer Service Areas per **Lee Plan Map 4-A and 4-B**. The applicant has provided a letter of availability for potable water and sewer services from Lee County Utilities (LCU) (Attachment G) and water and sanitary sewer lines are in operation adjacent to the site. The letter provided states that LCU has sufficient capacity to meet the estimated flow demand of 7,100 gallons per day.

<u>Public transit and pedestrian facilities:</u> An existing 6-foot sidewalk is located along the west side of Moody Road. The sidewalk extends north and connects to facilities on Hancock Bridge Parkway and extends to the south to connect to facilities on Skyline Drive. The nearest year-round Lee Tran bus route that serves the site is Route 70 which serves Cape Coral and Fort Myers via Hancock Bridge Parkway. Bus stop number 3570 is approximately 0.65 miles to the northwest at the southern intersection of Moody River Road and Hancock Bridge Parkway. There is a seasonal gold line trolley stop across Moody Road from the site. The gold line trolley is available during the months of November through April and provides service to US41 and the Fort Myers Downtown Commercial District.

<u>Police, fire, and emergency services</u>: EMS – Medic 7 and a Sheriff's office are located less than two miles to the northwest at 121 Pondella Road. North Fort Myers Fire Department Station 2 is located less than two miles to the north at 1280 Barrett Road.

CONDITIONS, SCHEDULE OF USES, PROPERTY DEVELOPMENT REGULATIONS & DEVIATIONS:

The applicant provided, in red strikethrough and underlined text, the proposed revisions to Section B. Conditions, Section C. Deviations, and Section: D. Exhibits of the approved Zoning Resolution Number Z-05-048 as part of the amendment request (Attachment F). Staff recommended changes, highlighted in green text, to the applicant's Conditions, Schedule of Uses, and Property Development Regulations can be found in Attachment E. Staff finds the proposed property development regulations appropriate to facilitate development in accordance with the MCP.

DEVIATIONS:

The applicant has requested six additional deviations (Deviation #15 through Deviation #20) and is withdrawing existing Deviation #10 and Deviation #14. Corrections to previously approved Deviations #3 and #11 are required to update the referenced Land Development Code Section to the current code.

Deviation #15 is being requested from 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 the indigenous requirement. Approval of this deviation will allow open space calculation to exclude the 4.98 acres of Hancock Creek, allowing open space to be calculated on the upland area of 10.78 acres. Staff recommends APPROVAL of Deviation #15, SUBJECT to condition number 35.

Deviation #16 is being requested from LDC Section 10-421(a)(8), which states 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. An amendment to LDO2023-00316 (Attachment O) was previously approved depicting the fence on the property line and not set back 15 feet per LDC Section 10-421(a)(8). The applicant has requested the deviation to legitimize the prior approval and allow the fence to remain in its existing location. This is consistent with properties to the north and south along Moody Road. Staff recommends **APPROVAL** of Deviation #16, **SUBJECT to condition number 34**.

Deviation #17 is being requested from LDC Section 10-416(d) which requires a type C/F buffer when commercial abuts residential and a 30-foot wide 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-foot eagle nest zone and Type C or F buffer outside 330-foot eagle nest zone; and
- South property line: to allow existing indigenous trees within the 330-foot eagle nest zone with 10-foot tree planting area outside the 330-foot zone and proposed 30-foot buffer between 330-foot eagle nest zone and 660-foot eagle nest zone to serve preserve buffer.

The applicant is requesting to allow the existing Type B buffer previously permitted and constructed at the Moody River Estates Waterfront Park (LDO2013-00596) along the north property line to remain (Attachment N). Along the south and east property line, the applicant is complying with the 30-foot width requirement of a Type F buffer but requesting indigenous trees to meet the planting requirement within the eagle nesting zones. The Eagle Technical Advisory Committee, at the September 10, 2024 meeting, recommended keeping the existing native trees to the extent possible to protect and provide habitat for the eagle nest. Additionally, property to the south was approved for purchase by the Board of County Commissioners for Conservation 20/20 on August 20, 2024. Staff is recommending **APPROVAL** of Deviation #17, **SUBJECT to condition number 34**.

Deviation #18 is being requested 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). 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 the use. The MCP provided by the applicant meets the requirements in LDC Section 34-2020(c)(2) and staff is recommending **APPROVAL** of Deviation #18.

Deviation #19 is being requested 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. A similar deviation was previously approved for the development of Tract "M." The applicant has submitted letters of no objection to the requested deviation from Lee County Public Safety, Lee County Sheriff's Office, North Fort Myers Fire District (Attachment K). Staff is recommending APPROVAL of Deviation #19, SUBJECT to condition number 36.

Deviation #20 WITHDRAWN

REVIEW CRITERIA:

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

a) Complies with the Lee Plan;

- b) Meets the Land Development Code and other applicable County regulations or qualifies for deviations;
- c) Is compatible with existing and planned uses in the surrounding area;
- d) Will provide access sufficient to support the proposed development intensity;
- e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;
- f) Will not adversely affect environmentally critical or sensitive areas and natural resources; and
- g) Will be served by urban services, defined in the Lee Plan, if located in a Future Urban Area category.

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

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

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

REVIEW CRITERIA ANALYSIS:

The subject property is in the Suburban and Wetlands future land use categories. **Lee Plan Policy 1.1.5** describes the Suburban FLUC as predominately residential areas that do not provide the full mix of land uses typical of urban areas, emphasizes the protection of existing residential development and does not permit industrial land uses. The applicant is not proposing any industrial uses of the property. The proposed development is adjacent to multifamily development to the north and east. The existing Moody River Waterfront Park along the northern property line will remain and will not be changed as part of this rezoning request. The proposed two-story building has been located on the southwest portion of the site away from the residential development to the north and will be buffered from Moody Road with the remainder of the site being used for parking, caretaker's residences, and outdoor recreation areas. The previously approved zoning allowed for the development of up to 200 residential units with a maximum height of 75 feet on the subject parcel. The proposed request reduces the maximum height to 45 feet, which enhances compatibility with adjacent residential development. Staff finds the request, as conditioned, to be **CONSISTENT with Lee Plan Policy 1.1.5**.

The applicant is not proposing any physical changes to the existing lands within the Wetland FLUC. The areas designated Wetlands are located on the island parcels and are not proposed for development as part of this rezoning. Lee Plan Policy 1.5.1 describes this future land use category as consisting of very low-density residential uses and recreational uses that will not adversely affect the wetlands. Requested uses

within the wetlands include nature and foot trails, paths, signs, boardwalks, and water management facilities. Staff finds the request, as conditioned, to be **CONSISTENT with Lee Plan Policy 1.5.1.**

The proposed development complies with **Objectives 2.1 and 2.2** for development location and timing. The parcel was previously rezoned to RPD to allow up to 200 dwelling units with a maximum height of 75 feet. There is existing development on the northern portion of the site and multifamily development adjacent to the site along the north property line and across Moody Road to the east. The site is the Lee County Utilities Future Water and Sewer Service Areas Lee Plan Map 4-A and 4-B, has access to potable water and central sewer adjacent to the site, and received a letter of availability of capacity from Lee County Utilities. There is an existing sidewalk and a seasonal transit stop along the west side of Moody Road. The project is located near fire, sheriff, and EMS stations. Staff finds the request, as conditioned, to be **CONSISTENT with Lee Plan Objectives 2.1 and 2.2**, and Standards 4.1.1 and 4.1.2.

The existing zoning approval over the subject property allows for up to 200 units, a multi-slip docking facility, and associated recreation facilities with a maximum height of 75 feet. This request includes up to 42,000 square feet of limited commercial uses for social service programs, recreational activities, and 4,000 square feet for two (2) caretaker's residences. The request reduces the maximum permitted building height from 75 feet to 45 feet and limits the multi-slip docking facility to 10 wet slips and 10 dry slips, significantly less than the 53 wet slips previously approved. The private use boat launching facility on the northern portion of the property and landscape buffer adjacent to Mangrove Bay will remain as previously approved and will not be altered as a result of this request. The remainder of the site will provide landscape buffers per the Land Development Code or be conditioned as part of this planned development request to protect existing and future residential uses from potential impacts. Staff finds the request, as conditioned, to be **CONSISTENT with Lee Plan Policy 5.1.5**.

GOAL 6 of the Lee Plan and subsequent Policies 6.1.1, 6.1.4, 6.1.5, and 6.1.6 permit orderly and wellplanned commercial development at appropriate locations within the County. The applicant is proposing to develop property previously zoned for residential development that was never constructed. The subject property is located adjacent to a County-maintained minor collector. The Lee County Department of Transportation has analyzed the applicant's Traffic Impact Statement (Attachment F) and concluded that the "proposed project will not have a detrimental impact on the surrounding roadway system" in Attachment H. The applicant is providing a Type F buffer along the south and east property lines and is requesting a deviation to allow existing indigenous vegetation to meet the planting requirement along the east property line and within the eagle nest buffers along the south property line. Although the parcels to the south and east are zoned AG-2, the parcel to the south has been recommended for purchase by Lee County Conservation 20/20 and the Type F buffer is appropriate. The parcel along the eastern boundary will not be impacted by this request and will remain as originally rezoned in Resolution Number Z-05-048. Access to this parcel is available via the 10-foot non-exclusive access, utility and drainage easement along the south property line. The MCP provided demonstrates compliance with the right-of-way buffering requirements and the applicant has requested a deviation to allow the previously approved decorative fence to be placed along the property line instead of set back 15 feet as required in the Land Development Code. There is an existing Type B buffer along the north property line as permitted in LDO2013-00596. The applicant has requested a deviation to allow that buffer to remain. There will be no change to the previously developed Moody River Estates Waterfront Park. The request includes the mangrove island parcels across the navigable portion of Hancock Creek. The applicant is not proposing any changes to the existing Moody River Waterfront Park development. This request reduces the maximum permitted building height from the previously permitted 75 feet to 45 feet and includes large areas of open space for recreational activities. Additionally, the proposed development reduces the number of wet-slips to a maximum of ten and will require less sanitary sewer treatment and potable water capacity than the previously permitted 200 dwelling units. In sum, the proposed development will not negatively impact the surrounding neighborhoods, adjacent lands, or the environment, is compatible with adjacent existing and proposed land uses, does not negatively impact the surrounding roadway network, and provides adequate landscaping, buffering and open space. Staff finds the request, as conditioned, to be **CONSISTENT with Lee Plan Goal 6, and Policies 6.1.1, 6.1.4, 6.1.5, and 6.1.6**.

As mentioned above, the proposed project is in the North Fort Myers Community Plan area, which requires a public information meeting per Lee Plan Policy 17.3.5. The applicant advertised and held a public information meeting at the North Fort Myers Recreation Center on September 24, 2024. The applicant has provided the meeting summary per LDC Section 33-1532 (Attachment F). The North Fort Myers Planning Community was established to improve the livability and economic vitality of the Community Plan area. The purpose of the request is to establish a charitable organization to provide facilities to promote education, youth programs, community outreach, and provided needed recreational activities that will enhance the surrounding community. The subject parcel is not located within the Mixed-Use Overlay, Commercial Corridor Overlay, or designated Town or Neighborhood Centers. Staff finds the request, as conditioned, to be CONSISTENT with Lee Plan Goal 30.

The applicant provided a Surface Water Management Plan as part of the submittal documents. The plan provided meets the requirement in LDC Section 34-373(b)(1) and is attached as Attachment F. The plan outlines the existing site hydrology, future drainage concept, water quality features, preservation, and flood mitigation. When developed, the site will require a South Florida Water Management Environmental Resource Permit and Lee County Development Order. The applicant is proposing drainage facilities such as catch basins, culverts, vegetated swales, berms and on-site dry detention areas to collect surface water runoff, meet water quality and attenuation requirements, and prevent impacts to offsite properties. Discharge will be regulated via a control structure discharging to Hancock Creek. The existing wetlands on the island parcels will not be impacted. The MCP provided depicts an interconnected dry detention area along the south and east property lines. An additional dry detention area is proposed south of the existing boat ramp and north of the proposed caretaker's residences. The Surface Water Management Plan and proposed surface water infrastructure are consistent with Goal 60 and Policy 60.4.1, which require new development to implement Best Management Practices such as vegetated swales, detention areas, and preserved wetlands into storm water management systems to improve water quality and storage. Through the permitting process, the construction, operation and maintenance will be ensured through the Operation and Maintenance Plan requirements in the South Florida Water Management District permitting process and LDC Section 10-321(a) at the time of development order permitting and is consistent with Lee Plan Goal 61. Staff finds the request, as conditioned, to be CONSISTENT with Lee Plan Goals 60, Goal 61, and Policy 60.4.1.

The subject parcel is located within the Coastal High Hazard Area and FEMA Flood Zones VE-EL 11 and AE EL-10. Approximately 6.64 acres of the subject property is in a Conservation Easement as described in the Natural Resources Staff Report (Attachment J). The are no proposed impacts to the wetland island parcels as part of this request and is consistent with the requirements in **Policies 101.1.2 and 101.3.2** to protect coastal wetlands and restrict development in the Coastal High Hazard Area to uplands. During permitting the site will be required to meet minimum finished floor elevations which include meeting FEMA criteria, and provide a surface water management system to route, store, and attenuate runoff without causing flooding or adverse offsite impacts, and compensating floodplain storage may also be required. These measures will provide a defense against coastal flooding consistent with **Policy 101.1.1**. Appropriate impact mitigation required for the proposed caretaker's residences within the Hurricane Vulnerability Zone will be determined at time of development order in accordance with LDC Chapter 2, Article XI, Hurricane Preparedness and Policy 101.3.5. There are no new seawalls proposed as part of this development. There are existing seawalls as shown in the Environmental Assessment submitted by the applicant. All necessary repair or replacement of existing seawalls or additional measures to reduce erosion will be completed in

accordance with LDC Section 26-75 and Lee Plan Policies 101.4.2 and 101.4.3, which limits construction of new vertical seawalls and encourages the planting of mangroves or placement of riprap in artificial and natural canal systems to replace existing seawalls in need of repair. Staff finds the request, as conditioned, to be CONSISTENT with Lee Plan Policies 101.1.1, 101.1.2, 101.3.2, 101.3.5, 101.4.2, and 101.4.3.

The applicant provided a Bald Eagle Management Plan (Attachment J, Attachment II) as required to address the presence of bald eagle nest LE-043D consistent with Lee Plan Policy 123.6.1, which requires a management plan to include measures to protect and enhance critical eagle nesting habitat. The existing nest is located approximately 265 feet south of the southeast property corner as shown on the MCP. A small portion of the site is within the 330-foot buffer zone and the MCP notes "NO EARTHWORK OR PLANTING WITHIN 330' BUFFER ZONE" in compliance with the Bald Eagle Management Plan (BEMP). The BEMP recommended additional conservation measures to protect critical nesting habitat such as a planted visual buffer and limits on exterior construction between the 330 and 600-foot buffer zones during nesting season as outlined in the Natural Resources Staff Report. The BEMP was recommended for approval by the Eagle Technical Advisory Committee (ETAC) on September 10, 2024. Natural Resources staff recommends the following condition be applied to ensure compliance with LDC Section 14-119(c):

Prior to local development order approval, the developer must adhere to the attached Bald Eagle Management Plan dated October 2024 for all proposed impacts within 660 feet of the bald eagle nest. The 660-foot buffer zone and the activities and restrictions outlined in the bald eagle management plan must be shown on the development order plans.

Staff finds the request, as conditioned, to be **CONSISTENT with Lee Plan Policy 123.6.1**.

The attached Natural Resources staff report (Attachment J) provides details of the previously approved multi-slip docking facility, the proposed non-motorized boat ramp, and proposed multi-slip docking facility. The existing boat ramp shown on the MCP south of the caretaker's residences is proposed to be improved and converted to a non-motorized boat launch facility. To prevent the non-motorized boat launch from becoming operational as a motorized boat launch, Natural Resources staff proposed the following condition to maintain compliance with the Manatee Protection Plan:

Prior to local development order approval, the developer must depict permanent bollards on the development order plans that prevent motorized vessel access at the non-motorized boat ramp identified on the Master Concept Plan.

Lee Plan Objective 128.4 outlines the criteria in evaluating request for new wet-slip and dry-slip facilities in order to make efficient use of limited shoreline locations and minimize environmental impacts. The Natural Resources Staff Report reviewed the proposed multi-slip docking facility design for compliance with this Objective. The Staff Report concluded that the design will not result in erosion to adjacent shorelines or wetland impacts. The staff report also acknowledges that the facility is not located in an aquatic preserve, is in a deepwater basin providing adequate water depth consistent with LDC Section 26-71(f), has adequate uplands to support the development, and will avoid mangrove and wetland impacts along the shoreline in accordance with Lee Plan Policies 128.4.5, 128.4.7, 128.4.8, 128.4.9, and 128.4.11. The facility is located in close proximity to the Caloosahatchee River, and flushing effects from upstream portions of Hancock Creek will mitigate adverse impacts to water quality in accordance with Lee Plan Policy 128.4.10. Proposed boat access facilities are required to be evaluated in accordance with the Section 8 of the Lee County Manatee Protection Plan (MPP) as described in Lee Plan Policy 128.4.6 to determine the number of appropriate slips. A Conservation Easement and Covenant Limiting Watercraft Slips was recorded in the Public Record (Inst#2013000240535) over approximately 6.64 acres of the site. This easement created 125

transfer slip credits as determined by the Lee County MPP. This allowed 125 slips to be sold or transferred from the subject property to a qualifying receiving parcel. Ultimately no slips were ever transferred, and the applicant has indicated that they control all 125 transfer slip credits. The applicant is currently in the process of amending the Conservation Easement to retain and construct 10 wet slips and 10 dry slips onsite. To ensure compliance with **Lee Plan Policy 128.4.6** Natural Resources staff recommends the following conditions:

Prior to local development order approval, the developer must demonstrate that the recorded Conservation Easement has been modified to allow for a maximum of 20 boat slips to remain on the property.

Prior to local development order approval, the developer must depict and number all proposed boat slips on the development order plans.

Staff finds the request, as conditioned, to be **CONSISTENT with Lee Plan Objective 128.4 and subsequent Policies 128.4.5, 128.4.6, 128.4.7, 128.4.8, 128.4.9, 128.4.10, and 128.4.11**.

All applications for development review must identify the location and status of historic resources and archaeological sites in accordance with Lee Plan Policy 141.1.2. The subject property is within Archaeological Sensitivity Zone 2. The applicant has provided verification from the Bureau of Historic Preservation, Florida Master Site File that no cultural resources were identified on site (Attachment P). At time of development order the applicant will also be required to obtain a Certificate to Dig. Staff finds the request, as conditioned, to be CONSISTENT with Lee Plan Policy 141.12

Home Front Heroes is a charitable organization focused on community outreach and will include educational and training opportunities such as job counseling, job training, manpower training, and skills training furthering the intent of **Lee Plan Objective 160.3** to provide workforce education and training. Staff finds the request, as conditioned, to be **CONSISTENT with Lee Plan Objective 160.3**.

Land Development Code Compliance

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

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

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

Compliance with LDC Section 34-145(d)(4)

Staff makes the following findings with respect to this request:

a) Complies with Lee Plan.

The proposed rezoning, with outstanding issues completed and as conditioned, is consistent with the Lee Plan as demonstrated in the analysis in this staff report.

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

The applicant will be required to obtain a development order for the proposed project that must comply with the Land Development Code and Lee Plan. The deviations that are requested are needed to maintain the existing boat launch facility on the northern portion of the property, the existing fence along Moody Road, accommodate the bald eagle nest, and provide a buffer to possible Conservation 20/20 lands to the south while maintaining the required access to the property along the eastern property line.

c) Compatibility with existing and planned uses in the surrounding area.

The subject property was previously approved for up to 200 residential units with a maximum height of 75 feet. This request reduces the maximum height to 45 feet and \pm 46,000 square feet of floor area, reducing the mass and scale of the proposed improvements. The request will maintain the previously approved and constructed development along the north property line adjacent to Mangrove Bay Condominiums. The applicant is proposing to reduce the size of the multi-slip docking facility from 52 slips to 10 wet slips and 10 dry slips. The buffers, as conditioned, are sufficient to provide compatibility with the existing and planned uses in the area. The applicant has designed the Master Concept Plan to depict the commercial building in the southeast portion of the site away from the existing residential development to the north. The site includes outdoor recreation areas and will provide a minimum of 3.23 acres of open space.

d) Sufficiency of Access and Transportation Impacts.

The proposed building, with a maximum of $\pm 42,000$ square feet of floor area, on the southeastern portion of the site will be utilized for administrative offices and programs associated with the mission of Home Front Heroes to serve the community with programs that create a stronger and safer environment for lifelong success. These programs include and social service programs, education, crime prevention, recreation, and public safety. A maximum of four (2) caretaker's residences, with a maximum of $\pm 4,000$ square feet of floor area is proposed by the applicant south of the existing Moody River Waterfront Park. The site also includes outdoor recreation areas, 10 wet slips, 10 dry slips and a boat launching facility. Access to the subject site is proposed via one connection to Moody Road.

The trip generation for the proposed development was reviewed by referencing the Institute of Transportation Engineer's (ITE) Trip Generation 11th Edition Report. The applicant used a Recreational Center use (Land Use Code 495) and Single Family Attached Housing (Land Use Code 220) to study the worst-case scenario for the proposed subject property. The peak AM and PM weekday trips were then tabulated:

Land Use		eekday A. Peak Hour		Weekday P.M Peak Hour		
	In	Out	Total	In	Out	Total
Recreation Center (±48,000 sq. ft)	53	27	80	67	76	143
Single Family Attached (±19,000 sq. ft)	2	0	2	1	1	2
Total Net New Trips	55	27	82	68	77	145

The table below shows the net trip difference in the AM peak Hours, PM Peak Hour and Daily trip count between the approved RPD zoning and proposed CPD zoning.

	А	AM Peak Hour			PM Peak Hour		
Land Use	In	Out	Total	In	Out	Total	Daily
Approved RPD Zoning	16	52	68	52	31	83	1,005
Proposed CPD Zoning	55	27	82	68	77	145	1,220
Net	+39	-25	+14	+16	+46	+62	+215

Hancock Bridge Parkway and Moody Road were analyzed for the proposed build-out year of 2028 with and without the proposed development.

		Significant	Level of Service		
Roadway	Segment	Impact Expected	Existing	Future	Future+ Project
Hanagala Dridge Dhumi	E of Moody Rd	No	С	С	С
Hancock Bridge Pkwy	W of Moody Rd	No	С	С	C
Moody Rd	N of Hancock Bridge Pkwy	No	C	С	С

Per the Traffic Impact Statement and the Department of Transportation, the access is sufficient to support the proposed development (Attachments F & H).

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

The applicant has provided a Traffic Impact Statement that analyzed the proposed trips within the surrounding roadway network with trips assigned based upon the routes drivers are anticipated to utilize to access the proposed development. Per the Traffic Impact Statement and the Department of Transportation, the access is sufficient to support the proposed development and there will be no detrimental impacts on the surrounding roadway (Attachments F & H). At time of development order, the applicant will be required to submit a Traffic Impact Statement that will analyze the proposed development parameters, level of service, and the need for any off-site improvements such as turn lanes.

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

The request will have no impacts to environmentally sensitive or critical areas. The applicant has provided a Florida Land Use Cover and Classification System (FLUCCS) map depicting the habitat types on the site and a Protected Species Survey (PSS) (Attachment F). The FLUCCS map indicates that the majority of the site consists of Disturbed Lands (FLUCCS 740) and Bays and Estuaries (FLUCCS 540). There is an existing mangrove fringe that is over 75 percent exotics and does not meet the definition of indigenous per **LDC Section 10-1** along the portion of the property that abuts the Caloosahatchee River. The applicant indicated in their PSS that there are no protected species on site. There is an active Southern Bald Eagle Nest (LE-043D) located on the adjacent property to the south. The applicant has provided a BEMP which was reviewed by ETAC on September 10, 2024. Staff has recommended condition numbers 28, 32, 33, and 34 to ensure that impacts to environmentally critical or sensitive areas are mitigated.

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

The subject parcel is in a future suburban area.

h) Supplemental Planned Development Criteria

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

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

CONCLUSION:

Based upon an analysis of the application and the standards for approval of planned development rezonings, staff finds the request to be consistent with the established review criteria. The Commercial Planned Development rezoning request is consistent with the Suburban future land use designation and the applicable goals, objectives, and policies of the Lee Plan. The request, as conditioned, is appropriate in the context of its surroundings. Staff recommends **APPROVAL** of the request to amend the Mood River Estates RPD/CPD from Residential Planned Development (RPD) to Commercial Planned Development (CPD) to allow a total of 46,000 square feet of commercial uses, including two (2) caretaker's residences, at a maximum proposed height of 45 feet (see Attachment E).

ATTACHMENTS:

- A. Expert Witness Information
- B. Legal Description, Sketch and Description
- C. Location Map, Aerial, Future Land Use, and Current Zoning Maps
- D. Master Concept Plan
- E. Development Regulations and Conditions
- F. Applicant's Project Narrative Schedule of Uses & Property Development Regulations North Fort Myers Community Meeting Summary Surface Water Management Narrative Deviation Request and Justification Applicant's Protected Species Survey Applicant's Traffic Impact Statement
- G. Potable Water and Wastewater Availability
- H. Department of Transportation Staff Memorandum
- I. Environment Staff Report
- J. Natural Resources Staff Report
- K. Letters of No Objection Public Safety, Fire, Sheriff

- L. Z-05-048
- M. Z-03-022
- N. LDO2013-00596, Sheet C-5.01
- 0. LD02023-00316-A01, Site Plan
- P. Bureau of Historic Preservation, Email
- Q. Abandoned Nest Bald Eagle Nest LE-043B

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

Case Number:	DCI2023-00047
Project Name:	Home Front Heroes Minor CPD
Hearing Examiner Date:	January 09, 2025

Brian Roberts, Manager, Development Services, 1500 Monroe Street, Fort Myers, FL 33901

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

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

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

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

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

ATTACHMENT A

Jillian Scholler, Deputy Director Transportation, Department of Transportation, 1500 Monroe Street, Fort Myers, FL 33901

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





Professional Engineers, Planners & Land Surveyors

DESCRIPTION

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

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

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

- 1) S 02°52'11" E FOR 201.15 FEET;
- 2) N 74°09'54" E FOR 296.35 FEET;

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

- 1) N 81°07'54" W FOR 28.53 FEET;
- 2) N 89°05'42" W FOR 33.51 FEET;
- 3) N 84°36'07" W FOR 27.15 FEET;
- 4) N 81°02'31" W FOR 37.15 FEET;
- 5) N 86°39'42" W FOR 47.65 FEET;
- 6) S 76°21'19" W FOR 19.74 FEET;
- 7) S 71°36'26" W FOR 17.76 FEET;
- 8) S 65°13'50" W FOR 21.64 FEET;
- 9) S 60°18'43" W FOR 36.94 FEET;
- 10) S 47°10'00" W FOR 26.05 FEET;
- 11) S 38°29'37" W FOR 39.67 FEET;
- 12) S 48°24'32" W FOR 77.81 FEET;
- 13) S 73°49'21" W FOR 16.95 FEET;
- 14) S 63°14'23" W FOR 58.74 FEET;
- 15) S 69°08'58" W FOR 35.05 FEET;
- 16) S 83°44'12" W FOR 60.94 FEET;

17) N 87°06'59" W FOR 12.91 FEET TO THE NORTHWEST CORNER OF SAID LANDS, SAID POINT ALSO BEING AN INTERSECTION WITH THE WEST LINE OF THE EAST 533 FEET OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 10; THENCE S 01°30'32" W ALONG SAID WEST LINE AND THE WEST LINE OF

SHEET 1 OF 3

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ATTACHMENT B

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

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

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

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

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

-m e una

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

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

REVIEWED DCI2023-00047 Rick Burris, Principal Planner Lee County DCD/Planning 9/3/2024

SHEET 2 OF 3

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DCI2023-00047 Lee County ePlan

Post Sufficiency Submittal Dated 02-06-2025



ATTACHMENT D



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 February 2025

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 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 6, 2025, 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 91,000 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 are 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 Commercial Planned Development (CPD) which allows up to 46,000 square feet of commercial intensity including two 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

Page 1 of 16

ATTACHMENT E

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. <u>Schedule of Uses</u>

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, Group1 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 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 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 46,000 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 2) 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 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 Signs, in accordance with Chapter 30 Social Services, Groups I and II, excluding Offender Rehabilitation Agencies and Offender Self-Help 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, Mobile Food Vendors Pursuant to LDC Section 34-3052, and similar uses Lee County Sheriff 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 Number Z-05-048, with the sole exception of the allowed building height in eastern 3.63± acres of Tract M 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 WEST OF MOODY RD								
		OPEN SPACE			INDIGENOUS VEGETATION			
		REQUIRED		MIN. PROVIDE D	REQUIRED		MIN. PROVIDED	
	ACRES	%OPEN SPACE	ACRES	ACRES	% INDIGENOUS	ACRES	ACRES	
RESIDENTIAL I	RESIDENTIAL PLANNED DEVELOPMENT							
RESIDEN. TRACTS W/LOTS GREATER THAN 6,500 SF.	54.0*	N/A	N/A	4.32	N/A	2.16	2.16	
BALANCE OF DEVELOPMENT	163.4	40%	65.36	65.36	50%	32.68	32.68	
TOTAL	217.4		65.36	69.68	50%	34.84	34.84	
COMMERCIAL PLANNED DEVELOPMENT								
CPD	4.5	30%	1.35	1.35	50%	.68	.68**	
TOTAL PROJECT	221.9		66.71	71.03	s table will be adjusted	35.52	35.52	

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

COMMERCIAL PLANNED DEVELOPMENT TRACT K							
	PRINCIPAL USES	ACCESSORY USES					
MIN. LOT OR PARCEL AREA	10,000 square feet	N/A					
MIN. LOT WIDTH	75 feet	N/A					
MINIMUM BUILDING SETBACKS:							
HANCOCK BRIDGE PARKWAY	35 feet or BH, whichever is greater	20 feet					
INTERNAL FRONTAGE ROAD	15 feet	20 feet					
WATERFRONT	25 feet	Zero (0) feet to bulkhead or rip-rap at top of bank					
MINIMUM DISTANCE:							
Between Structures, which are part of an architecturally unified group	10 feet	10 feet*					
Between All Other Structures	20 feet	10 feet					
MAXIMUM BUILDING HEIGHT:							
Office Buildings	80 feet	80 feet					
Boat Dry Storage	35 feet	35 feet					
Architectural features	N/A	100 feet					
MAXIMUM LOT COVERAGE *	55 percent	55 percent					

Page 7 of 16

* as defined by LDC Chapter 34

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

Minimum Lot Area and Dimensions: Area[.] Conservation Easement Island: 1.12 acres with no minimum width/depth Main Development Parcel: 9.66 acres Width: 670 feet Depth: 360 feet Minimum Building Setbacks: Perimeter (Principal) 15 feet or ½ building height (whichever is greater) Street: Moody Road: 25 feet Private: 20 feet Side: 15 feet or ½ building height (whichever is greater) Rear: 20 feet Waterbody: 20 feet Accessory Structures: In compliance with LDC Minimum Building Separation: 20 feet or $\frac{1}{2}$ building height (whichever is greater) Maximum Lot Coverage: 45 percent Maximum Building Height: 45 feet (Over 35 feet subject to LDC Section 34-2174) 30 percent (see Deviation 15) **Open Space:**

- 3. Open space requirements must be tracked with each development order and must be substantially consistent with the Open Space and Indigenous Vegetation. A cumulative open space table listing the development tract, development order number, type of use, lot size, lot coverage, and required open space must be included with each development order. The open space table must include all development orders under review and approved. The development order plans must demonstrate how the open space requirements for common open space and indigenous/native tree preservation are being met. The residential development tracts must be labeled as to minimum lot size and maximum lot coverage. A minimum of 54 acres including associated lakes and roadways must be single family residential lots with a minimum lot size of 6,500 square feet and a maximum lot coverage of 45 percent.
- 4. Prior to issuance of a Vegetation Removal Permit: (1) the existing borrow pit area and wetlands must be surveyed specifically for the presence of wading bird and alligator nests. If any active nests are located, then buffer areas must be established to protect these areas; and (2) the area located north of Hancock Bridge Parkway must be resurveyed for gopher tortoise burrows.
- 5. Gopher tortoises must be protected on-site. The gopher tortoise preserve must be provided in the CO tract with the bald eagle nest on the Master Concept Plan stamped received February 25, 2005. The development order plans must include the location and detail of

sandy earthen berms to be created within the gopher tortoise preserve to provide a high, dry area for burrowing; and a vegetative barrier or permanent fencing must be delineated along any roadway abutting the gopher tortoise preserve. The berms within the preserve must be planted with a mixture of bahia grass, other broad leaf vegetation, and scattered native shrubs prior to moving gopher tortoises to the preserve. Supplemental feeding such as alfalfa hay may be necessary until the berm plantings establish.

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

- 6. Prior to local development order approval, the plans must include signs adjacent to the lake abutting the Club Tract E stating <u>"It is unlawful to feed or harass alligators."</u> 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 Page 9 of 16

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. DELETED

- 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. DELETED
- 23. DELETED
- 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

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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.
- 28. Prior to local development order approval on the western 15.76 acres of Tract "M" known as Home Front Heroes, the developer must adhere to the attached Bald Eagle Management Plan dated October 2024 for all proposed impacts within 660 feet of the bald eagle nest. The 660-foot buffer zone and the activities and restrictions outlined in the bald eagle management plan must be shown on the development order plans.
- 29. Prior to local development order approval on the western 15.76 acres of Tract "M" known as Home Front Heroes, the developer must demonstrate that the recorded Conservation Easement has been modified to allow for a maximum of 20 boat slips to remain on the property.
- 30. Prior to local development order approval on the western 15.76 acres of Tract "M" known as Home Front Heroes, the developer must depict and number all proposed boat slips on the development order plans.
- 31. Prior to local development order approval on the western 15.76 acres of Tract "M" known as Home Front Heroes, the developer must depict permanent bollards on the development order plans that prevent motorized vessel access at the non-motorized boat ramp identified on the Master Concept Plan.
- 32. Prior to local development order approval on the western 15.76 acres of Tract "M" known as Home Front Heroes, the development order plans must depict 1.12 acres of indigenous preserve area.
- 33. Prior to local development order approval on the western 15.76 acres of Tract "M" known as Home Front Heroes, the exotic vegetation must be removed by hand from the mangrove fringe as depicted on Master Concept Plan received October, 15, 2024.
- 34. Prior to the issuance of a development order for Tract "M" known as Home Front Heroes, the applicant must provide the following buffers:
- a. North property line must depict a Type-B buffer preserving existing heritage trees.
- b. South property line must depict a 30-foot-wide buffer between the 660-foot and 330-foot eagle nest zone consisting of a ten-foot-wide tree planting strip and ten-foot-wide planted swale consisting of the following:
 - i. Slash Pine (Pinus elliottii) and Live Oaks (Quercus virginiana) must sixfoot-in-height, 25 gallon, and installed 20-foot on center; and
 - ii. Spartina bakerii must be one gallon and specified to be installed two feet on center within the swale.
- c. Southwest corner must include preservation of existing indigenous vegetation, no earth work, and hand removal of exotics.
- d. East property line must preserve existing indigenous vegetation, no earth work, hand removal of exotics within the 330-foot eagle nest zone and a Type-C or Type-F buffer outside of the 330-foot eagle nest zone.
- e. West property line must depict a Type-D buffer preserving existing heritage trees and a decorative fence along the property line.
- 35. Prior to local development order approval on the western 15.76 acres of Tract "M" known as Home Front Heroes, the development order plans must depict 3.73 acres of open space base on 30 percent of 10.78 acres of land.
- 36. Prior to local development order approval on the western 15.76 acres of Tract "M" known as Home Front Heroes, the applicant must demonstrate that the required notice to all future property owners has been recorded in the public record detailing the emergency access plan and where a copy of this plan may be obtained from the developer or developers successor.

SECTION C. DEVIATIONS:

- 1. Deviation (1) withdrawn.
- 2. Deviation (2) withdrawn.
- 3. Deviation (3) seeks relief from the LDC §10-329(d)(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

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the protection of wayward vehicles are provided when adjacent to any roadway, parkinglot, 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.
- 11. Deviation (11) seeks relief from the LDC §10-296(I)(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

- 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. This deviation is APPROVED, SUBJECT TO the condition number 35.
- 16. Deviation (16) 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 development 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 requirements. This deviation is APPROVED, SUBJECT TO the condition number 35.
- 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-foot eagle nest zone and Type C or F buffer outside 330-foot eagle nest zone; and
 - South property line: to allow existing indigenous trees within the 330-foot eagle nest zone with 10-foot tree planting area outside the 330-foot zone and proposed 30-foot buffer between 330-foot eagle nest zone and 660-foot eagle nest zone to serve as the preserve buffer.

This deviation is APPROVED, SUBJECT TO the condition number 35

- 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). This deviation is APPROVED.
- 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. This deviation is APPROVED, SUBJECT TO the condition number 36.
- 20. Deviation (20) withdrawn.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

Exhibit A: Legal description of the property

Exhibit B: Zoning Map (subject parcel identified with shading)

Exhibit C: The Master Concept Plan

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

Exhibit F: Eagle Management Plan



Home Front Heroes Minor CPD Narrative of Request DCi2023-00047-Revised February 2025

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 46,000 square feet of commercial uses including up to two 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).

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- 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 2 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 two caretakers' residences are proposed to be Lee County Sheriff's office deputies/employees who will perform general caretaking and security functions for the property and support for its use. More than one caretaker is required to provide for differing schedules and shifts and to honor commitments made to the community of providing a law enforcement presence on the site.

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..."

The overall Moody River Estates was approved for 1,000 dwelling units (may be single-family, zerolot-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

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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:



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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.

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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 vears. 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 two 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.

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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 $2.3\pm$ wetlands, some of which are within Hancock Creek. The wetland areas are provided on the MCP as follows: island parcel: $1.12\pm$ acres (plus $0.48\pm$ acre additional within Hancock Creek) and $0.29\pm$ acre within the main parcel and manmade basin (plus $0.41\pm$ 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,

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conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.

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

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

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

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

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

As previously stated, approval of the amendment rezoning to minor CPD will facilitate compatible development of social services serving the community at a location that has been deemed appropriate for development for over 18 years. Adequate public facilities exist to service the existing approved intensities and are adequate to service the needs of the proposed request. The site has frontage and an existing access onto Moody Road (county-maintained minor collector) approximately 550 feet south of its intersection with Hancock Bridge Parkway (county-maintained arterial). 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, 11th Edition that matches the unique use being proposed for the site. The proposed use is less intense than the analyzed use with most activities occurring after school, weekends and during summer months. The TIS demonstrates that the rezoning will not degrade the roadway Level of Service on

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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 manaltered, 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

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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 I/4 mile from any part of the development.

3. If there is not sufficient capacity nor adequate infrastructure within I/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

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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 1/2 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);

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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;

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setbacks from existing rights-of-way; acceleration, deceleration and rightturn-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

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removes a significant number of dwelling units from within the Coastal High Hazard Area, allowing only 2 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 Lee Tran 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.

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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

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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 two 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, Policies101.1.1, 101.1.2, 101.3.2, 101.3.5 and Policy 126.1.4.

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

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

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

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

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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.



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

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

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

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

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

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

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

The proposed docks include only one access location through intertidal wetlands that is already cleared and open as shown in the attached Manatee Protection Plan Response. Field verification 10511 Six Mile Cypress Parkway, Fort Myers, FL 33966 www.atwell-group.com

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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

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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 rightof-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, 11th Edition that matches the unique use being proposed for the site. The proposed non-profit use is less intense than the analyzed public use with most activities occurring after school, weekends and during summer months. The TIS demonstrates that the rezoning will not degrade the roadway Level of Service on the roadways within the study area. All of the roadway links will continue to operate at an acceptable Level of Service pursuant to the Lee Plan in 2028 both with and without the proposed development. Therefore, roadway capacity improvements will not be warranted as a result of the additional traffic to be generated by the proposed development. An additional Traffic Impact Statement will be provided at the time of Development Order application. Any expected impacts on transportation facilities will be adequately addressed by existing county regulations during the Development Order application process.

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

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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 1/2 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:

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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 two 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 cthe amendment rezoning request from RPD to minor CPD should be approved.

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Home Front Heroes Minor CPD

Preliminary Phasing Program

DCI2023-00047-Revised February 2025

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 2 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.

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LETTER OF AUTHORIZATION

The undersigned hereby acknowledges to be the Owner of the real property described below and further authorizes <u>RVi Planning + Landscape Architecture</u>, <u>Atwell</u>, <u>LLC and/or Henderson</u>, <u>Franklin</u>, <u>Starnes & Holt</u>, <u>P.A.</u> to act as agent in order to apply for all necessary permits for development of the subject property.

Property Address:

884, 938 & 940 Moody Road & access undetermined

STRAP Number:

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

BY: Home Front Heroes Inc.

Signature

2-3-25 Date

<u>John Holloway</u> Print Name

President Title

ATTEST/NOTARY

State of FloR±DA

County of Lee

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this <u>3</u>^(b) day of <u>FCDTUAR</u>, 20<u>3</u>, by ________, 20<u>3</u>, by _________, (name of person providing oath or affirmation), who is <u>personally</u> known to me or who has produced _________ (type of identification) as identification.

(SEAL)

Signature of notary public

TAMMY RHODES Printed name of notary public



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 <u>onetwo</u>-page Master Concept Plan (MCP) entitled "Moody River Estates," <u>on page 1 and "Home Front Heroes Minor</u> <u>CPD" on page 2, stamped received February 25, 2005, last revised December 20, 2004,</u> 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

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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	s must be a minimum 10-gallon container size; planted	
in dou	ble staggered rows; at least 48 inches in height; and	
enaco	d 36 inches on-center. They must be at least 60	

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. <u>Schedule of Uses</u>

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 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

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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

<u>Tract K - (up to 45,000 sq ft)</u>

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
	<u>Signs</u>
	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

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Arts and Crafts <u>Shade structures</u> <u>Tutoring</u> <u>Temporary events: Petting Zoo, Bounce Houses, Food Trucks Mobile</u> <u>Food Vendors Pursuant to LDC Section 34-3052, and similar Uses</u> <u>and activities</u> <u>Lee County Sheriff training demonstration events, no tactical</u> <u>training or discharging of firearms</u>

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 <u>CPD/western 15.76± acres of Tract M</u>: As approved by Zoning Resolution #Z-03-022, with the sole exception of the allowed building height in <u>eastern 3.63± acres of</u> Tract M. This Tract which is limited as provided for in Condition 1 and the maximum height of structures within <u>eastern 3.63± acres of</u> Tract M is 75 feet.

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

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

COMMERCIAL PLANNED DEVELOPMENT TRACT K			
	PRINCIPAL USES	ACCESSORY USES	
MIN. LOT OR PARCEL AREA	10,000 square feet	N/A	
MIN. LOT WIDTH	75 feet	N/A	
MINIMUM BUILDING SETBACKS:			
HANCOCK BRIDGE PARKWAY	35 feet or BH, whichever is greater	20 feet	
INTERNAL FRONTAGE ROAD	15 feet	20 feet	
WATERFRONT	25 feet	Zero (0) feet to bulkhead or rip-rap at top of bank	
MINIMUM DISTANCE:			
Between Structures, which are part of an architecturally unified group	10 feet	10 feet*	
Between All Other Structures	20 feet	10 feet	
MAXIMUM BUILDING HEIGHT:			
Office Buildings	80 feet	80 feet	
Boat Dry Storage	35 feet	35 feet	
Architectural features	N/A	100 feet	
MAXIMUM LOT COVERAGE *	55 percent	55 percent	

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* as defined by LDC Chapter 34

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

Minimum Lot Area and Dimensions:

Area:

	Conservation Easement Island: 1.12 acres with no minimum width/depth	
	Main Development Parcel: <u>10,000 square feet</u> 9.66 acres	
Width:	80 670 feet	
Depth:	100 360 feet	

Minimum Building Setbacks:

Perimeter (Principal)	15 feet or 1/2 building height		
Street:			
Moody Road:	25 feet		
Private:	20 feet		
Side:	15 feet or 1/2 building height		
Rear:	20 feet		
Waterbody:	20 feet		

Accessory Structures: In compliance with LDC

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

- 3. Open space requirements must be tracked with each development order and must be substantially consistent with the Open Space and Indigenous Vegetation. A cumulative open space table listing the development tract, development order number, type of use, lot size, lot coverage, and required open space must be included with each development order. The open space table must include all development orders under review and approved. The development order plans must demonstrate how the open space requirements for common open space and indigenous/native tree preservation are being met. The residential development tracts must be labeled as to minimum lot size and maximum lot coverage. A minimum of 54 acres including associated lakes and roadways must be single family residential lots with a minimum lot size of 6,500 square feet and a maximum lot coverage of 45 percent.
- 4. Prior to issuance of a Vegetation Removal Permit: (1) the existing borrow pit area and wetlands must be surveyed specifically for the presence of wading bird and alligator nests. If any active nests are located, then buffer areas must be established to protect these areas; and (2) the area located north of Hancock Bridge Parkway must be resurveyed for gopher tortoise burrows.
- 5. Gopher tortoises must be protected on-site. The gopher tortoise preserve must be provided in the CO tract with the bald eagle nest on the Master Concept Plan stamped received February 25, 2005. The development order plans must include the location and detail of

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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 <u>"It is unlawful to feed or harass alligators."</u> 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 Page 9 of 15
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 Page 11 of 15

time of development order.

- 23. <u>DELETED.</u> 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

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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) <u>withdrawn.seeks relief from the LDC §10-285(b)</u> 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 <u>Eastern 3.63± acres of</u> 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) <u>withdrawn</u> 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).

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- 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

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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.

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

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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.

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PROJECT NAME: Home Front Heroes Minor CPD		MEETING DATE: September		per 24, 2024, 5:30pm JOB NUMBER: BK2506HFH			
PRINT	NAME	PHONE	COMPANY (IF APPLICABLE			EMAIL	
JOHN SBI	RENDA GAS	HAM 484-678-5			f eastha	m52@6	motic Com
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Debbie	Nosta	239-2170710	MRE		dnostra	r exah	00,000
MICHAEL O	GEML	239-6914789	MRE		X 53 BANK	KEN DAO	1.001
William K	KryKowski	6318349707	MRE		Kruk32	28 Qal. co.	n
BOAN BRINNY "	HOPSDER	239 204 6579	MRE		HOFSTETTER	TOAN @ YHAD	D, COM
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Home Front Heroes Minor CPD Description of Surface Water Management Plan DCI2023-00047 – Revised August 2024

LDC Sec. 34-373(b)(1) A written description of the surface water management plan that includes:

a. The runoff characteristics of the property in its existing state;

The 10.78±-acre site (15.76± acres including navigable waterway) is bordered on the west by Moody Road, to the north by Mangrove Bay Condominiums, to the east by Hancock Creek and the undeveloped eastern 3.63± acre portion of Tract M of the Moody River Estates RPD that is not included with this request, and to the south by grazing lands. The southern portion of the site consists of vacant, previously disturbed lands, a gated entrance road, temporary trailer and gazebo and nonmotorized boat ramp. The existing stormwater runoff for the undeveloped southern portion of the site sheet flows generally to the east until it discharges to the Tidal Caloosahatchee River via Hancock Creek. The site previously received SFWMD ERP permit no. 36-05485-P for a project that included the construction of 9.75 acres of a residential development containing four multi-family buildings, 53 wet slips, boat ramp area, clubhouse, internal roadway, associated parking and a stormwater management system. This permit has since expired but permit no. 36-05485-P-02 was issued for Moody River Estates Waterfront Park for construction of the existing boat ramp area on the northern portion of the site. The northern 1.42± acres of the site are developed with the existing boat ramp, restroom building, parking, roadway, dry detention, and all other associated infrastructure. Water quality and attenuation is provided for the northern developed portion project area in the dry detention area prior to discharge to the Tidal Caloosahatchee River via Hancock Creek. A stub out pipe was also constructed for future stormwater management system connection with development of the remainder of the site.

b. In general terms, the drainage concept proposed, including the outfall to canals or natural water bodies including how drainage flow from adjacent properties will be maintained;

The proposed drainage system will preserve existing drainage patterns and not block any runoff overflow from adjacent properties. The proposed drainage within the development will be collected 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.

c. The retention features (including existing natural features) that will be incorporated into the drainage system and the legal mechanism which will guarantee their maintenance; The water management system will consist of proposed on-site dry detention areas. The existing wetland island will not be disturbed. The property owner will maintain the drainage system consistent with the South Florida Water Management District

permit that will be required. The existing developed boat ramp portion of the site will continue to be maintained as required by the existing SFWMD permit.

d. How existing natural features will be preserved. Include an estimate of the ranges of existing and post development water table elevations, where appropriate;

The only existing natural features of the site are the $1.12\pm$ acres of existing indigenous mangrove wetlands on the island in Hancock Creek which are proposed to be preserved and are already within a conservation easement and $0.29\pm$ acre of non-indigenous wetlands that are proposed to be preserved. The water table elevations will be maintained by appropriately setting the outfall structure at the established water control elevation.

e. If the property is subject to seasonal inundation or subject to inundation by a stream swollen by the rains of a 100-year storm event, indicate the measures that will be taken to mitigate the effects of expectable flooding.

The property is within two FEMA flood zones. The majority of the site is within the Coastal A Zone (AE-EL10) with the portions along Hancock Creek within VE=EL11. This will be mitigated by placing fill such that the finished floor elevation is one foot above the FEMA base flood elevation.



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 gualify 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

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

<u>Justification</u>: 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.

<u>Justification</u>: 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

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Park: a gated, private boat ramp launch facility for the subject property and Moody River Estates development with associated parking, restroom facilities, landscaping and infrastructure that was approved under case number LDO2013-00596. A minor change to the landscaping was later approved under case number LDO2019-00170. No changes are proposed to the site in this area, so no changes to the existing buffer are proposed since it has was previously reviewed, found compatible and approved. 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 next 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 next 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 30foot 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).

<u>Justification</u>: 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

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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

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

<u>Justification</u>: 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

ENVIRONMENTAL ASSESSMENT & SPECIES SURVEY REPORT

Lee County STRAP #'s: 10-44-24-00-00047.0000, 10-44-24-00-01046.0000, 10-44-24-00-00047.0010, 10-44-24-00-00047.0020, 10-44-24-00-00047.0030, & 10-44-24-00-00046.0010

> August 2023 Revised April 2024 Updated July 2024

> > Prepared For:

Banks Engineering Stacy Hewitt – Director of Planning 10511 Six Mile Cypress Parkway Fort Myers, Florida 33966 Phone: 239-939-5490 E-Mail: shewitt@bankseng.com

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Introduction

An environmental assessment and species survey was conducted on the Home Front Heroes property on August 22, 2023. The 15.76± acre site is located in Section 10, Township 44S, and Range 24E, of Lee County, Florida. More specifically, the site is located south of Hancock Bridge Parkway, east of Moody Road, and north of Skyline Drive, in North Fort Myers, Florida. Please see the attached Project Location Map (Exhibit A).

The purpose of this assessment was to identify the potential for either U.S. Army Corps of Engineers (ACOE) Department of Environmental Protection (DEP), and/or South Florida Water Management District (SFWMD) jurisdictional wetlands. The site was also assessed to determine the potential of listed (endangered, threatened, etc.) species inhabiting the site that are regulated by the U.S. Fish & Wildlife Service (FWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

Listed (endangered, threatened, etc.) species are regulated by the US Fish & Wildlife Service (FWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC). Specific attention was paid toward that of locating any gopher tortoise (*Gopherus polyphemus*), as well as locating any potential fox squirrel (*Sciurus niger*) nests, Florida bonneted bat (*Eumops floridanus*) cavity trees, and any bald eagle (*Haliaeetus leucocephalus*) nests.

The project's surrounding land uses are a mixture of residential homes, undeveloped vacant land, and forested land. The survey was conducted in the mid-afternoon; the temperatures were in the mid-upper 80's to low 90's, with light breezes, and partly cloudy skies.

Background

The ACOE, DEP, and the SFWMD are the agencies that regulate development activities in wetlands. To be considered wetlands by the ACOE, DEP, and/or SFWMD, the area should exhibit wetland hydrology, contain wetland vegetation, and have hydric soils. For an area to be considered wetlands, a site should have hydric soils, wetland hydrology, and wetland vegetation present. The property was reviewed for indicators of these parameters.

Hydric soils are identified by certain characteristics that are unique to wetland soils. Wetland hydrology is normally present if the soil is saturated or inundated for a period of time; typically from May through November; the rainy season in Southwest Florida. In the absence of visual signs of saturation or inundation, the regulatory agencies typically use hydrologic indicators such as adventitious rooting, lichen lines, or algal matting as method of guidance. If the majority of the shrubs/plants that are present are those that are adapted to saturated soil conditions, it's likely wetland vegetation.

The FWS and FWC are the primary agencies that review potential impacts to listed species. The FWS reviews potential impacts and provides comments to the ACOE and DEP during the permitting process, while the FWC provides comments to the SFWMD. In general, the wildlife agency concerns need to be addressed in order for the permits to be authorized by the ACOE, DEP, and/or the SFWMD.

Methodology

The species survey was conducted utilizing combined methodologies from Lee County's Land Development Code (LDC, Chapter 10, Article III, Division 8 - Protection of Habitat) and also encompassed the Lee County Endangered Species Ordinance No. 89-34. Surveys for Lee County protected species are based on the presence of specific vegetation associations and habitat types noted on-site, as outlined in the LDC. The frequency of transects performed in these habitats, unless otherwise discussed, were designed to meet the minimum updated coverage requirement. Following the Lee County Endangered Species Ordinance No. 89-34, the specific methodology included pedestrian surveys of parallel transects. The survey was conducted according to the previously approved Lee County methodology, submitted by Kevin L. Erwin Consulting Ecologist, Inc.

These methods are comprised of a several step process. The vegetation communities or land-uses on the study area are delineated on an aerial photograph using the Florida Land Use, Cover and Forms Classification System (FLUCFCS). Next, these FLUCFCS codes are cross-referenced with the Lee County Protected Species List. With a list of the potential listed plants and animals, each FLUCFCS community is searched in the field for these species. An intensive pedestrian survey is conducted using parallel belt transects as a means of searching for protected plants and animals; signs or sightings of these species are then recorded.

Existing Site Conditions

Boundary – The project boundary was obtained from the Lee County parcel data and is assumed to be approximately 15.76± acres.

Soils - The soils on the property have been mapped by the National Resource Conservation Service (NRCS, formerly the Soil Conservation Service). These mappings are general in nature but can provide a certain level of information about the site as to the possible extent of wetland area. The agencies commonly use these mappings as justification for certain wetland/upland determinations. According to these mappings, the parcel is underlain by Myakka fine sand (NRCS #11; non-hydric), Wulfert muck (NRCS #23; hydric), Immokalee sand (NRCS #28; non-hydric) soils. Myakka fine sand and Immokalee sand soils are considered non-hydric at both the local and national levels. Please see the attached NRCS Soils Map (Exhibit D).

Vegetation Descriptions – Vegetation is one parameter used in determining the presence of uplands or wetlands; these community mappings will generally reflect what a specific area could be considered by the regulatory agencies. We identified approximately $2.30\pm$ acres of wetlands and $4.76\pm$ acres of "other surface water" communities on-site during the initial site assessment.

While on-site, generalized community delineations are hand-drawn on an aerial defining the different vegetation associations on-site. These general delineations were based on the nomenclature of the Florida Land Use, Cover and Forms Classification System (FLUCFCS), Level III and IV (FDOT 1999). Please see the attached FLUCFCS Map with Aerial (Exhibit B) and FLUCFCS Map without Aerial (Exhibit C). Listed below are the vegetation communities and land-uses identified on the site. Additionally, please refer to Exhibit F, the Open Space Exhibit for a further breakdown of on-site and off-site FLUCFCS.

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 $1.41\pm$ 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 $0.36\pm$ acres of the property and is located along the right-ofway. 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 $0.13\pm$ 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 $0.63\pm$ 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 $4.13\pm$ 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

The wetland community type in its entirety occupies approximately $1.60\pm$ acres of the property; this includes $1.12\pm$ acres of indigenous/historic flow-way wetland preserve and $0.48\pm$ acres of non-indigenous wetland located within the creek. Exotic species such as *(Melaleuca quinquenervia)* and Brazilian pepper (*Schinus terebinthifolius*) occupy approximately 50-74% of this community. The canopy contains red mangrove (*Rhizophora mangle*), and buttonwood (*Conocarpus erectus*) with scattered slash pine (*Pinus elliottii*), and melaleuca (*Melaleuca quinquenervia*). The sub-canopy contains cabbage palm (*Sabal palmetto*), Brazilian pepper (*Schinus terebinthifolius*), seaside mahoe (*Thespesia populnea*), sea grape (*Coccoloba uvifera*), and pond apple (*Annona glabra*). The ground cover is mostly open with giant leather fern (*Acrostichum daneifolium*), and coin vine (*Dalbergia ecastaphyllum*). This community does contain wetland vegetation, advantageous rooting, water line staining, and algal matting, as well as other signs in this community that would be classified as wetlands. This community would be considered wetlands by the regulatory agencies.

FLUCFCS 612 E4 Mangrove Wetlands (Exotics > 75%) - 0.70± Acres

The wetland community type in its entirety occupies approximately $0.70\pm$ acres of the property; this includes, $0.29\pm$ acres of non-indigenous wetland preserve in-basin, $0.12\pm$ acres of non-indigenous wetlands in the creek, and $0.29\pm$ acres of off-site non-indigenous wetlands in the creek. Exotic species such as *(Melaleuca quinquenervia)* and Brazilian pepper (*Schinus terebinthifolius*) occupy approximately greater than 75% of this community. The canopy contains red mangrove (*Rhizophora mangle*), and buttonwood (*Conocarpus erectus*) with scattered slash pine (*Pinus elliottii*), and melaleuca (*Melaleuca quinquenervia*). The sub-canopy contains cabbage palm (*Sabal palmetto*), Brazilian pepper (*Schinus terebinthifolius*), seaside mahoe (*Thespesia populnea*), sea grape (*Coccoloba uvifera*), and pond apple (*Annona glabra*). The ground cover is mostly open with giant leather fern (*Acrostichum daneifolium*), and coin vine (*Dalbergia ecastaphyllum*). This community does contain wetland vegetation, advantageous rooting, water line staining, and algal matting, as well as other signs in this community that would be classified as wetlands. This community was located along the edge of the disturbed lands with a majority located beyond the mean high-water line but were still included as part of this community. This community would be considered wetlands by the regulatory agencies.

Table 1. FLUCFCS Community Table

FLUCFCS Code	Community Description	Habitat Type	Acreage
140	Commercia	Upland	1.41± Ac.
400 E2	Planted Landscape Buffers (Exotics 25-49%)	Upland	0.36± Ac.
420 E4	Upland Forest Mixed (Exotics > 75%)	Upland	$0.13 \pm Ac.$
500	Man-Made Basin	OSW	0.63± Ac.
540	Bays & Estuaries	OSW	4.13± Ac.
612 E3	Mangrove Wetlands (Exotics 50-74%)	Wetland	1.60± Ac.
612 E4	Mangrove Wetlands (Exotics > 75%)	Wetland	0.70± Ac.
740	Disturbed Lands	Upland	6.80± Ac.
	Total		15.76± Ac.

Species Survey Results

There have been numerous prior environmental assessments and species surveys conducted on-site; these most recent surveys conducted on-site have been provided specifically in the areas where the proposed development is to be taking place. There were no protected species or signs thereof observed on-site. There were a few stick nests observed in some of the melaleuca (*Melaleuca quinquenervia*) trees, but they are believed to belong to that of the numerous eastern gray squirrels (*Sciurus carlinensis*) observed while on-site. There were several burrows, believed to belong to that of the eastern nine-banded armadillo (*Dasypus novemcinctus*), that were identified, but not flagged in the field; there was no evidence indicating that gopher tortoise (*Gopherus polyphemus*) would be utilizing these burrows.

There is a bald eagle (*Haliaeetus leucocephalus*) nest located at 26.655750 N, 81.897095 W. The nest is located southeast of the property within 660' of proposed site development. A bald eagle management plan will be proposed to be approved for the LE-43D nest by Lee County, as a portion of the proposed project will be within the 660' and a very small portion is located within the 330' eagle buffer zone. The management plan will outline the project's proposed protection measures for Nest LE-43D. Please refer to Exhibit E which includes a protected species survey map showing the 330' and 660' buffer zones shows the buffer zones for the nest including the approximate locations and transects that were provided under this latest survey.

There were several non-listed species identified while conducting the protected species survey, among those were several mourning doves, Eastern cottontail rabbits, grey squirrels, and a black racer. The various listed species that may occur in the FLUCFCS communities on-site have been tabulated on the attached table below.

Mitigation Discussion

Generally, the ACOE and/or DEP does not regulate isolated wetlands or excavation in wetlands where there is only incidental fall back of fill material; the ACOE or DEP do not have jurisdiction over isolated wetlands. In making the determination on whether the wetlands are isolated, the ACOE and DEP considers if water leaves the site, (i.e. ditches) or whether the wetlands are completely contained on-site or extend off-site. If the wetlands extend off-site, they will more than likely assert jurisdiction. Currently, the ACOE and DEP position on most all wetlands is that one of them has jurisdiction; the ACOE regulates navigable waters whereas the DEP regulates both navigable waters and adjacent wetlands. However, the agencies would not make this determination until a Joint Environmental Resource Permit (ERP) and Dredge & Fill Permit (D&F) application is received.

The SFWMD does not require mitigation for impacts to isolated wetlands not used by listed (protected) species that are less than $0.50\pm$ acres in size. Impacts to wetlands greater than $0.50\pm$ acres or those utilized by protected species

would require mitigation. With the ACOE and DEP, impacts to wetlands that are less than $0.50\pm$ acres, the activity can usually be processed as a Nationwide Permit application. For projects with greater than $0.50\pm$ acres of impacts, the application will be processed as an Individual Permit application. This involves a public notice process and coordination with other federal agencies such as the EPA and the FWS.

There are three steps that are required to be addressed when requesting an ERP permit with the SFWMD and/or the DEP for impacts to regulated wetlands:

- 1) Avoidance (i.e. can these wetland impacts be completely avoided)
- 2) Minimization (i.e. can the amount of wetland impact be reduced while maintaining a feasible project)
- 3) Mitigation (i.e. the loss of wetland function must be replaced)

It should be noted that avoidance and minimization must first be substantiated, before mitigation will be considered by the agencies. When wetlands are proposed to be impacted, the impacts cannot result in any loss of wetland function. In order to prevent net loss in wetland function, wetland mitigation must be provided. Mitigation is a way to off-set impacts to natural resources such as wetlands and may consist of wetland enhancement, wetland creation, wetland preservation, upland compensation, or off-site mitigation. Mitigation costs usually increase with the quantity of proposed impacts. The actual amount of mitigation required would be finalized during the Environmental Resource Permit review process with the SFWMD, ACOE, and DEP.

There are two main categories of wetland mitigation, onsite or off-site. On-site mitigation would include preserving a portion of the on-site wetlands, treating and removing the exotics, potentially providing supplemental plantings, and placing the preserve areas under a Conservation Easement. Preserve areas are required to be maintained in perpetuity. Off-site mitigation requires the purchase of wetland credits at an approved mitigation bank within the service area of the site. This parcel lies within the service area of Little Pine Island Mitigation Bank (LPIMB); currently, credits at LPIMB are going for \$200,000-\$225,000 depending on whether they are herbaceous or forested credits.

Summary

In general, this site does not contain much native, undisturbed community types in which protected species would typically inhabit. Due to the disturbed nature of the site, the surrounding land uses, and busy roadways, it is unlikely that this site supports or would provide habitat for protected species. Community locations were drawn using non-rectified aerial images with approximate property boundaries; hence their location, aerial extent, and acreage is approximate.

The determination of ecological system classifications, functions, values, and boundaries is an inexact science, and different individuals and agencies may reach different conclusions. It is not possible for BearPaws Environmental Consulting to guarantee the outcome of such determinations. Therefore, the conclusions of this report are preliminary in nature and would require a full review by the appropriate regulatory agencies.

The information contained and the work performed as part of this initial assessment, conforms to the standards and generally accepted practices in the environmental field, and was prepared substantially in accordance with thencurrent technical guidelines and criteria. The conclusions of this report represent the results of our analysis of the information provided by the client and their consultants, together with information gathered in the course of the study. No other guarantee, expressed or implied, is made.

Table 2: Listed S	Species by	Habitat with	Current Status

FLUCFCS Code	FLUCFCS Description	Common Name	Scientific Name	Observed	USDA	FDA&CS	FWS	FWC
140	Commercial	N/A	N/A					
		Audubon's crested caracara	Polyborus plancus audubonii				T	T
		Eastern indigo snake	Drymarchon corais couperi				T	T
400		Florida black bear	Ursus americanus floridanus				SAT	T
400	Planted Upland Buffer	Hand adder's tongue fern	Ophioglossum palmatum			E		
		Simpson's stopper	Myrcianthes fragrans var. simpsonii			Т		
		Gopher tortoise	Gopherus polyphemus				Т	Т
		Audubon's crested caracara	Polyborus plancus audubonii				Т	T
	Ī	Eastern indigo snake	Drymarchon corais couperi				T	T
420 Upland Fores	Unloy d Eccent Mixed	Florida black bear	Ursus americanus floridanus				SAT	Т
420	Upland Forest Mixed	Hand adder's tongue fern	Ophioglossum palmatum			E		
	[] [Simpson's stopper	Myrcianthes fragrans var. simpsonii			Т	****	
		Gopher tortoise	Gopherus polyphemus				Т	Т
		American alligator	Alligator mississipiensis				SAT	SSC
		Everglades mink	Mustela vison evergladensis					Т
		Limpkin	Aramus guarauna					SSC
500 Other Surface Waters	Other Surface Waters	Little blue heron	Egretta caerulea					SSC
	Other Surface waters	Reddish egret	Egretta rufescens					SSC
	Γ	Roseate spoonbill	Ajaia ajaja		-			SSC
		Snowy egret	Egretta thula					SSC
		Tricolored heron	Egretta tricolor					SSC
		American alligator	Alligator mississipiensis				SAT	SSC
	Ē	Everglades mink	Mustela vison evergladensis					Т
		Florida sandhill crane	Grus canadensis pratensis					Т
(12		Limpkin	Aramus guarauna					SSC
612 Mangr	Mangroves -	Little blue heron	Egretta caerulea				**	SSC
		Snail kite	Rostrhamus sociabilis				E	E
	F	Snowy egret	Egretta thula					SSC
	L L L L L L L L L L L L L L L L L L L	Tricolored heron	Egretta tricolor					SSC
740	Distante d I en la	Florida sandhill crane	Grus canadensis pratensis					T
/40	Disturbed Lands	Burrowing owl	Athene cunicularia floridana					SSC

C = Commercially Exploited, SAT = Similarity of Appearance Threatened, SSC = Species of Special Concern, T = Threatened, E = Endangered

Table designates listed species with potential to occur in each FLUCFCS community.

EXHIBIT A

Project Location Map



EXHIBIT B

FLUCFCS Map with Aerial

		A00EZ 612 E4 630 Avec	22 E3 0 Ac ±) 540 4.13 Ac.±)	612 E4 roves - Off St (0 29 Ac.±)	
W W B TO MAKE		FLUCFCS Table		HTTL MAR	
	RY-X/S	Code Description	Acreage	and states	
Legend		140 Commercial	1.41± Ac.	T. S. S.	NOTES:
Wetlands	F ARA	400 E2 Planted Landscape Buffers (50-74% Exotics) 420 E4 Upland Forest, Mixed (>75% Exotics)	0.36± Ac.		FLUCFCS lines estimated from
(2.30± Ac)		500 Man-Made Basin	0.63± Ac.		1"=200' aerial photographs and locations approximated.
Wetlands		540 Bays & Estuaries	4.13± Ac.	Road Barris	FLUCFCS per Florida Land Use,
Mangroves - Off-Site		612 E3 Mangroves (50-74% Exotics)	1.60± Ac.		Cover and Forms Classification System (FLUCFCS) (FDOT 1999).
(0.29± Ac)	AN PROPERTY AND	612 E4 Mangroves (>75% Exotics)	0.70± Ac.	- Starte A	Aerial photographs were acquired
Surface Waters		740 Disturbed Lands Total	6.80± Ac.		from the Lee County GIS Dept. and have a flight date of January,
(4.76±Ac)					2023.
Revisions Date:	Drawn By: Date: BWS 3/12/24 Job Number	Home Front Heroes (Moody	Road)	Category FLUCFCS Scale:	Page Page -
	s/t/r 10/44S/24E	Aerial FLUCFCS Map		1" = 200' County Lee	Exviol/16/14 (ONDALING 1599 Covington Circle East, Fort Myers, PL 33919 (203) 340-0678 bergrows cm: consulting/ingmail.com

EXHIBIT C

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FLUCFCS Map



Scale: 1" = 200'



NOTES:

FLUCFCS lines estimated from

1"=200' aerial photographs and locations approximated.

FLUCFCS per Florida Land Use, Cover and Forms Classification

	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.

System (FLUCFCS) (FDOT 1999). Category Page Home Front Heroes (Moody Road) FLUCFCS Scale: 1" = 200 Exhibit **FLUCFCS Map** County ENVIRON 1599 Covington Ctrcle East Fort Myers, FL 33919 (239) 340-0678 hearpaws.env.consulting@gmail.com Lee

Legend Wetlands

(

Mangroves - Off-Site (0.29± Ac) Surface Waters

(2.30± Ac)

Wetlands

(4.76±Ac)

	Revisions	Date:	Drawn By:	Date:	
			BWS	3/12/24	
			Job Number		
			S/T/R		
ļ					
			10/4	4S/24E	

EXHIBIT D

NRCS Soils Map






NOTES

	NRCS Soils Tabl	e
Soils		
No.	Name	Hydric
11	Myakka Fine Sand	No
23	Wulfert Muck	Yes
28	Immokalee Sand	No
99	Water	Unranked

					Soils were acquired from LABINS and are from the NRCS.
Revisions	Date:	Drawn By: Date:		Category	Page
		BWS 3/12/24	Home Front Heroes (Moody Road)	Soils	
		Job Number	none none nerves (movay noud)	Scale:	DEX Shelles -
· · · · · · · · · · · · · · · · · · ·	-	1		1" = 200'	BEARTAVS Exhibit
		S/T/R	Soils Map	County	ENVIRONMENTAL CONSULTING
		10/44S/24E		Lee	1599 Covington Circle East, Fort Myers, FL 33919 (239) 340-0678 bearpaws.env.consulting@pmnil.com

EXHIBIT E

Protected Species Survey Map



EXHIBIT F

Open Space Exhibit



TRANSPORTATION CONSULTANTS, INC

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

> TRAFFIC ENGINEERING TRANSPORTATION PLANNING SIGNAL SYSTEMS/DESIGN

April 25, 2023

Ms. Stacey Hewitt, AICP Banks Engineering 10511 Six Mile Cypress Parkway Fort Myers, FL 33966

RE: Home Front Heros Minor CPD DCI2023-00047

Dear Ms. Hewitt:

TR Transportation Consultants, Inc. has reviewed the Traffic Impact Statement (TIS) comments issued by the Lee County Department of Community Development regarding the above project. The comments and TR Transportation's response to those comments are listed below for reference.

TIS Review:

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

The trip generation does not change regardless if LUC 220 or LUC 2015 is utilized for 4 dwelling units. No changes were made to the TIS based on this comment. Due to the low number of units, the trip rate has to be utilized from the data, not the equation. Four dwelling units does not generate over twenty peak hour trips.

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

Weekday peak hour turning movements were conducted at the intersections of Hancock Bridge Parkway and Moody Road and Moody Road and Moody River Boulevard on Thursday, January 11th, 2024. The traffic counts were adjusted to peak season conditions per the FDOT Peak Season Adjustment Factor Category Report, which is attached to this response. The intersection volumes were then adjusted to the project 2028 build-out year and the intersection analysis was completed for both location utilizing the *SYNCHRO*[©] program. The summary sheets for the existing 2024 peak season conditions, the projected 2028 Background Conditions and the 2028 Background + Project Traffic conditions are attached to this response letter for reference.



Ms. Stacey Hewitt, AICP DCI2023-00047 January 17, 2024 Page 2

The signalized intersection of Hancock Bridge Parkway and Moody Rive Road will continue to operate at an acceptable Level of Service in 2028 with the project traffic added to the intersection. The unsignalized intersection of Moody Road and Moody River Boulevard, which is where the site access drive will align, is also projected to operate at an acceptable Level of Service with all movements shown at LOS "A" or LOS "B" in 2028 both with and without the project trips added to the intersection.

If you have any additional questions, please do not hesitate to contact us.

Sincerely,

Trasl

Ted B. Treesh, PTP President

Attachments

K:\2023\10 October\01 Home Front Heros CPD Zoning\Sufficiency\1-17-2024 TIS Sufficiency.doc

INTERSECTION TRAFFIC COUNT DATA

Hancock Bridge Pkwy @ Moody Rd North Fort Myers FL Thursday, January 11, 2024

										(n	ursaay	, Janu	ary 11	2024											
	I I			bound					West		-					bound					Eastb	ound		1	1
			Moo	dy Rd					Hancock B	ridge Pkwy	,				Moor	dy Rd					Hancock B	ridge Pkwy	1	1.000	
Time	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Annroach	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicie Approach Total	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Approach Tatal	TOTAL
7:00 AM	0	43	20	48	0	111	0	5	55	1	0	61	0	0	3	21	0	24	0	17	379	1	0	397	593
7:15 AM	0	50	23	43	16	116	0	9	92	3	1	104	0	3	11	39	0	53	0	14	403	4	0	421	694
7:30 AM	0	44	22	56	-1	122	0	13	121	3	0	137	0	9	30	54	0	93	1	12	439	0	Q	452	804
7:45 AM	0	21	17	45	1	83	0	8	136	7	0	151	0	.8	32	42	0	82	0	14	394	2	0	410	726
Hourly Total	0	158	82	192	3	432	0	35	404	14	1	453	0	20	76	156	0	252	1	57	1615	7	0	1680	2817
8:00 AM	0	20	16	56	0	92	0	4	121	1	0	126	0	4	22	22	0	48	0	12	299	٥	0	311	577
8:15 AM	D	9	10	43	4	62	0	5	137	7	0	149	0	5	11	12	0	28	0	22	302	0	0	324	563
8:30 AM	Q	4	9	43	1	56	0	5	137	6	o	148	0	2	2	8	1	12	0	18	258	0	0	276	492
8:45 AM	1	13	7	41	0	62	0	8	148	2	1	158	0	2	9	13	2	24	0	26	191	D	0	217	461
Hourly Total	1	45	42	183	5	272	0	22	543	16	1	581	0	13	44	55	3	112	0	78	1050	D	0	1128	2093
TOTAL	1	204	124	375	8	704	0	57	947	30	2	1034	0	33	120	211	3	364	1	135	2665	7	0	2808	4910
Cars	1	201	119	365	5	686	0	56	922	29	1	1007	0	30	117	209	3	356	1	134	2639	4	0	2778	4827
Heavy Vehicles	0	3	5	10	3	18	0	1	25	1	1	27	0	3	з	2	0	8	0	1	26	3	Ð	30	83
Heavy Vehicle %	0.00%	1.47%	4.03%	2.67%	37.50%	2.56%	0.00%	1.75%	2.64%	3.33%	50.00%	2.61%	0.00%	9,09%	2.50%	0.95%	0.00%	2.20%	0.00%	0.74%	0.98%	42.85%	0.00%	1 07%	1.69%

Hancock Bridge Pkwy @ Moody Rd North Fort Myers FL Thursday, January 11, 2024 AM Peak Hour

											AM Peak Hour														
	1		South	bound					West	bound			1		North	bound					Eastb	ound		1	1
Time	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Tatal	VEHICLE
7:00 AM	0	43	20	48	0	111	0	5	55	1	0	61	0	O	3	21	0	24	0	17	379	1	0	397	593
7:15 AM	0	50	23	43	1	116	0	9	92	3	1	104	0	з	11	39	0	53	0	14	403	4	0	421	694
7:30 AM	0	44	22	56	1	122	0	13	121	3	0.	137	0	9	30	54	0	93	1	12	439	0	0	452	804
7:45 AM	0	21	17	45	1	83	0	8	136	7	0	151	D	8	32	42	0	82	0	14	394	2	0	410	726
Peak Hour Total	0	158	82	192	3	432	0	35	404	14	1	453	0	20	76	156	0	252	1	57	1615	7	0	1680	2817
PHF	0.000	0.790	0.891	0.857	0.750	0.885	0.000	0.673	0.743	0.500	0.250	0.750	0.000	0.556	0.594	0.722	0,000	0.577	0.250	0.838	0.920	0.438	0.000	0 929	0.876

Vehicle	Total Vehic es Entering ntersection	704	Vehicles		286
		Southb	ound		
Cuts	365	119	201	1	5
Heavy	10	5	3	0	2
Total	375	124	204	1	8
	1		L		6.1

	Vehicles		Cars	Heavy	Total
Total	Entering		0	0	0
Vehicles on Leg 4164	2808	puno	1	D	1
	Vehicles	Eastbound	134	1	135
	Exiting		2639	26	2665
	1356		4	3	7

10	5	3	0	2
375	124	204	1	8
 لہ	ŧ	4	ŀ	50)
		Volumes		

Cans	Heavy	Total		Vehicles	
29	1	30		Entering	Total
922	25	947	West	1034	Vehicles on Leg
56	1	57	Westbound	Vehicles	4114
0	O	0	-	Exiting	
1	1	2		3080	

新	า	1	1	C					
3	0	30	117	209					
0	0	3	3	2					
3	0	33	120	211					
1.1.1		ound							
es Entering	364	Vehicles Exiting Intersection 188							
Total Vehi	cles On Leg	552							
	3 0 3 es Entering nlersection	3 0 0 0 3 0	3 0 30 0 0 3 3 3 10 23 Northbound as Entering Intersection	3 0 30 117 0 0 3 13 3 3 3 3 3 3 120 Northbound 3 120 Northbound 3 16 3 16 3 120 Northbound 3 16					

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F
G
杨木

Hancock Bridge Pkwy @ Moody Rd North Fort Myers FL Thursday, January 11, 2024

	2									10	ursuay	, Janu	ary 11	, 2024											
	1		South							bnuod						bound						ound			1
			Moor	dy Rd					Hancock B	ridge Pkwy					Moo	dy Rd					Hancock B	ridge Pkwy	1		VEHICLE
Time	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings		U Turns	Left Turns	Through	Turns	Crosswalk Crossings	Approach Total	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Approach Total	U Turns	Left Turns	Through	Right Turns	Crosswalk Crossings	Approach Total	TOTAL
4:00 PM	0	8	5	36	0	49	0	17	307	12	0	336	0	4	7	12	0	23	1	18	167	5	0	191	599
4:15 PM	0	6	6	46	0	58	1	13	329	9	0	352	0	8	9	15	0	30	0	20	187	5	0	212	652
4:30 PM	0	B	8	26	0	42	D	15	341 355	20	2	376	0	2	5	7	2	14	1	21	196	1	0	219	661
4:45 PM	0	9	15	43	0	67	1	14	355	10	0	380	0	2	7	22	1	31	0	19	201	1	0	221	699
Hourly Total	0	31	34	151	0	216	2	59	1332	51	2	1444	0	14	28	56	3	98	2	78	751	12	0	843	2601
5:00 PM	0	4	5	37	0	46	0	15	312	12	1	339	0	3	1	7	0	11	0	25	196	1	O	222	618
5:15 PM	0	10	11	37	0	58	0	8	368	19	0	395	0	4	8	9	2	21	0	23	231	1	0	255	729
5:30 PM	D	10	7	35	0	52	D	19	368	7	2	394	0	2	4	10	3	16	Q	30	176	2	0	208	670
5:45 PM	D	3	11	41	0	55	0	17	310	4	0	331	0	5	6	5	1	16	0	18	152	0	0	170	572
Hourly Total	0	27	34	150	0	215	0	59	1358	42	3	1459	0	14	19	21	6	64	0	96	755	4	0	855	2589
TOTAL Cars	0	58 58	68 66	301 295	0 0	427 419	2 2	118 116	2690 2679	93 92	5	2903 2889	0 0	28 24	47 46	87 85	9 9	162 155	2 2	174 172	1506 1485	16 16	0	1698 1675	5190 6138
Heavy Vehicles	0	0	2	6	0	8	0	2	11	1	1	14	D	4	1	2	0	7	0	2	21	0	0	23	52
Heavy Vehicle %	0.00%	0.00%	2.94%	1.99%	0.00%	1.87%	0.00%	1,69%	0.41%	1,08%	20.00%	0.48%	0.00%	14.29%	2.13%	2 30%	0.00%	4.32%	0.00%	1.15%	1.39%	0.00%	0.00%	1 35%	1.00%

Hancock Bridge Pkwy @ Moody Rd North Fort Myers FL Thursday, January 11, 2024

												PM Peak Hour													
			South	bound			ľ.		West	bound			il and		North	bound					Eastb	ound			(
Time	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Totai	VEHICLE
4:45 PM	0	9	15	43	0	67	1	14	355	10	0	380	0	2	7	22	1	31	0	19	201	1	0	221	699
5:00 PM	0	4	5	37	0	46	0	15	312	12	1	339	0	3	1	7	0	71	0	25	196	1	O	222	618
5:15 PM	0	10	11	37	0	58	0	8	368	19	0	395	0	4	8	9	2	21	0	23	231	1	0	255	729
5:30 PM	0	10	7	35	0	52	0	19	368	7	2	364	0	2	4	10	3	16	0	30	176	2	D	208	670
Peak Hour Total	0	33	38	152	0	223	1	56	1403	48	3	150B	0	11	20	48	G	79	0	97	504	5	0	906	2716
PHF	0.000	0.825	0.633	0.884	0.000	0.832	0.250	0.737	0.953	0.632	0.375	0.954	0.000	0.688	0.625	0.545	0 500	0.637	0.000	0.808	0.870	0.625	0.000	0 888	0.931

Vehick	Total Vehic es Entering ntersection	427	Vehicles		314
		Southb	bund		
Care	295	66	58	0	0
Heavy	6	2	0	0	0
Total	301	68	58	0	0
	_		4		61

	Vehicles		Cars	Heavy	Total
Total	Entering		0	O	0
Vehicles on Leg	1698	puno	2	0	2
4719	Vehicles	Eastbound	172	2	174
	Exing		1485	21	1506
	3021		16	0	16

174	2		1	Total Volum	0 5
1506					
16	7				
		á,	ๆ	1	1
	Cato	9	0	24	45
	Heavy	0	0	4	1
	Total	9	0	28	47

	Cars	Heavy	Total		Vehicles	
L	92	1	93		Entering	Total
+	2679	11	2690	West	2903	Vehicles on Leg
C	116	2	118	Westbound		4556
-	2	0	2	-	Vehicles Exting Intersection	
統	4	1	5		1653	

	动	ๆ	1	1	r
Cato	9	0	24	45	85
Heavy	0	0	4	1	2
Total	9	0	28	47	87
		Northb	bnuo	1910	
Vehicle	es Entering	162	Vehicle: Inters	Exiting ection	202
	Total Vehi	des On Leg		364	

Moody River Blvd @ Moody Rd North Fort Myers FL Thursday, January 11, 2024

	2									10	ursaay	, Janu	ary 11	, 2024											
	1		Southbound Westbound Moody Rd Moody River Bivd										ibound idy Rd					Eastb Moody R							
Time	U Turns	Left Turns	Straight Through		Crosswalk Crossings	Tatal	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings		U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings		VEHICLE
7:00 AM	0	2	22	1	0	25	D	0	0	0	0	0	0	0	18	0	0	18	0	6	0	0	3	6	49
7:15 AM	0	0	34	0	0	34	D	0	2	0	0	2	0	0	56	0	0	56	0	11	0	0	6	11	103
7:30 AM	0	0	28	2	2	30	0	0	0	0	0	0	0	0	61	0	0	61	0	10	0	0	1	10	101
7:45 AM	0	0	25	2	2	27	0	0	0	0	0	0	D	0	79	0	0	79	0	6	0	1	6	7	113
Hourly Total	0	2	109	5	4	116	0	0	2	0	0	2	0	0	214	0	0	214	0	33	0	1	16	34	366
8:00 AM	D	1	17	1	0	19	0.	0	0	D	0	0	0	0	34	0	0	34	o	7	0	D	3	7	60
8:15 AM	0	.1	13	1	2	15	0	O	0	0	0	0	Q	0	23	0	0	23	0	6	0	U	3	5	44
8:30 AM	0	1	11	3	3	15	0	0	0	0	0	0	0	0	8	0	0	8	0	4	0	1	4	5	26
8:45 AM	1	1	9	3	4	14	0	0	1	0	0	1	0	Q	20	0	0	20	0	2	.0	0	8	2	37
Hourly Total	1	4	50	8		63	0	Ō	1	0	0	7	0	0	85	0	0	85	0	19	0	1	18	20	169
TOTAL	1	6	159	13	13	179	0	0	3	0	0	3	0	0	299	0	0	299	0	52	0	2	34	54	535
Cars	1	5	152	13	13	171	0	0	2	0	0	2	0	0	292	0	0	292	0	52	0	2	34	54	519
Heavy Vehicles	0	1	7	0	0	8	0	0	1	0	0	1	0	0	7	0	0	7	0	0	0	0	0	0	16
Hanvy Vahirla %	0.00%	16 67%	4 40%	0.00%	0.00%	4 47%	0.00%	0.00%	33 33%	0.00%	0.00%	33 33%	0.00%	0.00%	2 34%	0.00%	0.00%	2.34%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	2.99%

Moody River Blvd @ Moody Rd North Fort Myers FL Thursday, January 11, 2024

												AM Peak I	lour												
			South	bound			1		West	bound					North	bound					Eastb	ound			1
Time	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	VEHICLE TOTAL
7:15 AM	0	0	34	0	0	34	0	0	2	0	0	2	0	0	56	0	0	56	0	11	0	0	6	11	103
7:30 AM	0	0	28	2	2	30	0	D	0	0	0	0	0	0	61	0	0	61	0	10	0	0	1	10	101
7:45 AM	D	0	25	2	2	27	0	0	0	0	0	0	0	0	79	0	0	79	0	6	0	1	6	7	113
8:00 AM	0	1	17	1	0	19	٥	0	0	0	0	0	0	D	34	0	0	34	0	7	0	0	3	7	60
Peak Hour Total	0	1	104	5	4	110	0	0	2	0	0	2	0	0	230	0	0	230	0	34	0	1	16	35	377
PHF	0.000	0.250	0.765	0.625	0.500	0.809	0.000	0.000	0.250	0.000	0.000	0.250	0.000	0.000	0.728	0.000	0.000	0.728	0.000	0.773	0.000	0.250	0.667	0.795	0.834

	Total Vehi	des On Leg		531	
Vehici	les Entering Intersection	179	Vehicles		352
		Southb	ound		
Cam	13	152	5	1	13
Heavy	0	7	1	0	0
Total	13	159	6	1	1 13
1	1	+	4	Ŀ	动

	Vehicles		Cars	Heavy	Total
Total	Entering		34	0	34
Vehicles on Leg	54	puno	0	0	0
70	Vehicles	Eastbound	52	D	52
	Exiting		0	0	0
	16		2	0	2



_	Cars	Heavy	Total		Vehicles	
	0	D	Ø		Entering	Total
	2	1	3	West	3	Vehicles on Leg
	0	0	0	Westbound	Vehicles	9
六	0	0	0	_	Exting	
*	0	0	0		6	

	赤齐	1	1	1	r
Cars	0	0	0	292	0.
Heavy	0	0	0	7	0
Total	0	0	0	299	0
		Northb	ound		
Vehicl	es Entering Intersection	299	Vehicle: Inters		161
	Total Vehic	des On Leg		460	

Moody River Blvd @ Moody Rd North Fort Myers FL Thursday, January 11, 2024

											ursuay	, Janu	ary II,	2024											
				bound						bound			-			bound					Eastb				1
			Moo	dy Rd					Moody F	liver Blvd					Moo	dy Rd					Moody R	liver Blvd		the second second	VEHICLE
Time	U Turns	Left Turns	Inrough	Right Turns	Crosswalk Crossings	Approach Total	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	U Turns	Left Turns	Straight Through		Crosswalk Crossings		TOTAL
4:00 PM	0	0	20	5	0	25	0	0	0	2	C	2	0	0	14	3	0	17	0	5	0	0	2	5	49
4:15 PM	.0	0	17	4	0	21	0	0	0	5	0	5	0	0	15	0	0	15	0	6	0	0	2	6	47
4:30 PM	0	1	14	9	2	24	0	0	0	1	0	1	0	0	9	0	0	9	0	4	D	1	3	5	39
4:45 PM	0	0	25	3	0	28	0	0	1	1	0	2	0	1	23	0	0	24	0	5	D	2	0	7	61
Hourly Total	0	1	76	21	2	98	0	0	1 /	9	0	10	0	1	61	3	0	65	0	20	0	3	7	23	196
5:00 PM	0	0	15	6	0	21	0	0	0	0	0	0	Q	1	10	0	0	11	0	2	.0	1	1	3	35
5:15 PM	0	1	16	3	0	20	0	0	0	D	0	0	O	0	14	0	0	14	0	8	D	0	1	8	42
5:30 PM	0	0	20	7	3	27	0	0	1	D	1	1	0	۵	14	0	1	14	0	4	1	0	4	5	47
5:45 PM	0	0	19	5	0	24	0	0	0	0	0	0	0	0	12	0	0	12	0	3	0	2	2	5	41
Hourly Total	0	1	70	21	3	92	0	0	1	0	1;	1	D	1	50	0	1	51	0	17	1	3	ð	21	165
TOTAL	0	2	146	42	5	190	0	0	2	9	1	11	0	2	111	3	1	116	o	37	1	6	15	44	361
Cars	0	2	142	42	5	186	0	0	2	8	1	10	0	2	106	2	1	110	0	36	1	6	15	43	349
Heavy Vehicles	0	0	4	0	0	4	0	0	0	1	0	1	0	0	5	1	0	6	0	1	0	0	0	1	12
Heavy Vehicle %	0,00%	0.00%	2.74%	0.00%	0.00%	2.11%	0.00%	0,00%	0.00%	11.11%	0,00%	9.09%	0.00%	0.00%	4.50%	33.33%	0.00%	5.17%	0.00%	2.70%	0.00%	0.00%	0.00%	2 27%	3.32%

Moody River Blvd @ Moody Rd North Fort Myers FL Thursday, January 11, 2024

	PM Peak Hour																								
1			South	bound			Í		Westb	bound					North	bound					Eastb	ound		1	1
Time	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	VEHICLE TOTAL
4:00 PM	0	0	20	5	0	25	O	0	0	2	0	2	0	D	14	3	0	17	0	5	0	0	2	5	49
4:15 PM	0	0	17	4	0	21	0	0	0	5	0	5	0	0	15	0	0	15	0	6	0	0	2	6	47
4:30 PM	.0	1	14	9	2	24	G	.0	O	1	0	1	0.	D	9	0	0	9	0	4	0	1	3	5	39
4:45 PM	0	0	25	3	0	28	0	0	1	1	0	2	0	1	23	0	0	-24	0	5	0	2	0	7	St
Peak Hour Total	0	1	76	21	2	98	0	0	1	9	0	10	0	1	61	3	0	65	0	20	0	3	7	23	196
PHF	0.000	0.250	0.760	0.583	0.250	0.875	0.000	0.000	0.250	0.450	0.000	0.500	0.000	0.250	0.663	0.250	0.000	0.677	0.000	0.833	0.000	0.375	0,583	0.821	0.803

Vehick	Total Vehi is Entering intersection	cles On Leg 190	347 Vehicles Exiting Intersection 157 bound							
Cars	42	142	2	0	5					
Heavy	0	4	0	0	0					
Total	42	146	2	0	5					

Volumen

	Vehicles		Cars	Heavy	Total	
Total	Entering		15	0	15	
/ehicles on Leg	- 44	ound	0	0	0	
90	Vehicles	Esstbound	36	1	37	
	Exiting		1	0	1	
	46		6	0	6	



悉齐	า	1	1	~
1	0	2	106	2
0	0	0	15	1
1	0	2	111	3
5	Northb	ound		
es Entering Intersection	116			152
Total Vehic	des On Leg		268	
	1 0 1 es Entering Intersection	1 0 0 0 1 0 Northb	1 0 2 0 0 0 0 1 0 2 0 Northbound es Entering Intersection 116 Vehicle Intersection	1 0 2 106 0 0 0 5 1 0 2 111 Northbound es Entering 116 Vehicles Exiling Intersection 116 Vehicles Exiling Intersection

PEAK SEASON ADJUSTMENT FACTOR DATA

2022 PEAK SEASON FACTOR CATEGORY REPORT - REPORT TYPE: ALL CATEGORY: 1243 NORTH FORT MYERS

WEEK	DATES	SF	MOCF: 0.90 PSCF
1	01/01/2022 - 01/01/2022	1.00	
2	01/02/2022 - 01/08/2022	0.98	2.09
3 * 4	01/09/2022 - 01/15/2022	0.96	(1.07)
* 5	01/16/2022 - 01/22/2022 01/23/2022 - 01/29/2022	0.94 0.92	1.04
* 6	01/30/2022 - 02/05/2022	0.92	1.02 1.01
* 7	02/06/2022 - 02/12/2022	0.89	0.99
* 8	02/13/2022 - 02/19/2022	0.87	0.97
* 9	02/20/2022 - 02/26/2022	0.87	0.97
*10	02/27/2022 - 03/05/2022	0.87	0.97
*11	03/06/2022 - 03/12/2022	0.87	0.97
*12	03/13/2022 - 03/19/2022	0.87	0.97
*13	03/20/2022 - 03/26/2022	0.89	0.99
*14	03/27/2022 - 04/02/2022	0.91	1.01
*15	04/03/2022 - 04/09/2022	0.92	1.02
*16	04/10/2022 - 04/16/2022	0.94	1.04
17	04/17/2022 - 04/23/2022	0.96	1.07
18	04/24/2022 - 04/30/2022	0.99	1.10
19 20	05/01/2022 - 05/07/2022	1.01	1.12
20	05/08/2022 - 05/14/2022 05/15/2022 - 05/21/2022	1.04	1.16
22	05/15/2022 - 05/21/2022 05/22/2022 - 05/28/2022	1.06 1.08	1.18
23	05/29/2022 - 06/04/2022	1.08	1.20 1.21
24	06/05/2022 = 06/11/2022	1.11	1.23
25	06/12/2022 - 06/18/2022	1.12	1.24
26	06/19/2022 - 06/25/2022	1.12	1.24
27	06/26/2022 - 07/02/2022	1.12	1.24
28	07/03/2022 - 07/09/2022	1.11	1,23
29	07/10/2022 - 07/16/2022	1.11	1.23
30	07/17/2022 - 07/23/2022	1.10	1.22
31	07/24/2022 - 07/30/2022	1.09	1.21
32	07/31/2022 - 08/06/2022	1.08	1.20
33	08/07/2022 - 08/13/2022	1.07	1.19
34 35	08/14/2022 - 08/20/2022	1.06	1.18
36	08/21/2022 - 08/27/2022 08/28/2022 - 09/03/2022	1.07 1.09	1.19 1.21
37	09/04/2022 - 09/10/2022	1.10	1.21
38	09/11/2022 - 09/17/2022	1.11	1.23
39	09/18/2022 - 09/24/2022	1.09	1.21
40	09/25/2022 - 10/01/2022	1.08	1.20
41	10/02/2022 - 10/08/2022	1.06	1.18
42	10/09/2022 - 10/15/2022	1.04	1,16
43	10/16/2022 - 10/22/2022	1.03	1.14
44	10/23/2022 - 10/29/2022	1.01	1.12
45	10/30/2022 - 11/05/2022	1.00	1.11
46	11/06/2022 - 11/12/2022	0.98	1.09
47	11/13/2022 - 11/19/2022	0.97	1.08
48	11/20/2022 - 11/26/2022	0,98	1.09
49 50	11/27/2022 - 12/03/2022	0.99	1.10
50	12/04/2022 - 12/10/2022 12/11/2022 - 12/17/2022	0,99	1,10
52	12/11/2022 - 12/17/2022 12/18/2022 - 12/24/2022	1.00 0.98	1.11 1.09
53	12/25/2022 - 12/24/2022 12/25/2022 - 12/31/2022	0.96	1.09
55	12,20,2022 12,51/2022	0.50	1.07

* PEAK SEASON

23-FEB-2023 09:11:18

830UPD

1_1243_PKSEASON.TXT

DEVELOPMENT OF FUTURE YEAR BACKGROUND TURNING MOVEMENT VOLUMES

Development of Future Year Background Turning Volumes

Intersection
Count Date
Build-Out Yea

Hancock Bridge Pkwy @ Moody Rd. January 11, 2024 2028

ar

	AM Peak Hour												
1	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR	
RAW Turning Movement Counts	20	76	156	158	82	192	58	1,615	7	35	404	14	
Peak Season Correction Factor	1.07	1.07	1.07	1.07	1.07	1.07	1.07	1.07	1.07	1.07	1.07	1.07	
Current Peak Season Volumes	21	81	167	169	88	205	62	1,728	7	37	432	15	
Growth Rate							1.04%	1.04%	1.04%	1.04%	1.04%	1.04%	
Years to Build-out	4	4	4	4	4	4	4	4	4	4	4	4	
2028 Background Turning Volumes	21	81	167	169	88	205	65	1,801	7	39	450	16	
Project Turning Volumes	9	6	12		11				19	25			
2028 Background + Project	30	87	179	169	99	205	65	1,801	26	64	450	16	

	PM Peak Hour												
	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR	
RAW Turning Movement Counts	11	20	48	33	38	152	97	804	5	57	1,403	48	
Peak Season Correction Factor	1.07	1.07	1.07	1.07	1.07	1.07	1.07	1.07	1.07	1.07	1.07	1.07	
Current Peak Season Volumes	12	21	51	35	41	163	104	860	5	61	1,501	51	
Growth Rate Years to Build-out 2028 Background Turning Volumes	4 12	4 21	4 51	4 35	4 41	4 163	1.04% 4 108	1.04% 4 896	1.04% 4 5	1.04% 4 64	1.04% 4 1,564	1.04% 4 53	
Project Turning Volumes 2028 Background + Project	27 39	15 36	35 86	35	13 54	163	108	896	24 29	31 95	1,564	53	

Development of Future Year Background Turning Volumes

Intersection
Count Date
Build-Out Year

Moody Rd. @ Moody Rriver Blvd. January 11, 2024 2028

	AM Peak Hour											
	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts		230		1	104	5	34		1			
Peak Season Correction Factor	1.07	1.07	1.07	1.07	1.07	1.07	1.07	1.07	1.07	1.07	1.07	1.07
Current Peak Season Volumes	0	246	0	1	111	5	36	0	1	0	0	0
Growth Rate												
Years to Build-out	4	4	4	4	4	4	4	4	4	4	4	4
2028 Background Turning Volumes	0	246	0	1	111	5	36	0	1	0	0	0
Project Turning Volumes			0	55			0					27
2028 Background + Project	0	246	0	56	111	5	36	0	1	0	0	27

						PM Pea	ak Hour					
1	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts		61		1	76	21	20		3		1	9
Peak Season Correction Factor	1.07	1.07	1.07	1.07	1.07	1.07	1.07	1.07	1.07	1.07	1.07	1.07
Current Peak Season Volumes	0	65	0	1	81	22	21	0	3	0	1	10
Growth Rate												
Years to Build-out	4	4	4	4	4	4	4	4	4	4	4	4
2028 Background Turning Volumes	0	65	0	1	81	22	21	0	3	0	1	10
Project Turning Volumes 2028 Background + Project	0	65	0 0	68 69	81	22	0 21	0	3	0	1	77 87
2020 Dackyround + Project	U	00	J J	1 05	01		L	v	5	, ,	1	

SYNCHRO SUMMARY SHEETS

HANCOCK BRIDGE PARKWAY

MOODY ROAD

2024 EXISTING CONDITIONS

2024 AM Peak Existing 01/16/2024

Lene Group EBL EBR WBL WBT NBT NBT NBT SBR SBR SBR Lane Configurations ↑ <td< th=""><th></th><th>۶</th><th>-</th><th>\mathbf{r}</th><th>1</th><th>-</th><th>•</th><th>1</th><th>1</th><th>r</th><th>1</th><th>Ŧ</th><th>1</th></td<>		۶	-	\mathbf{r}	1	-	•	1	1	r	1	Ŧ	1
Traffic Oxinne (vph) 62 1728 7 37 432 15 21 81 167 169 88 205 Future Volume (vph) 62 1728 7 37 432 15 21 81 167 169 88 205 Cale How (vph) 1900 160 10 100 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 </td <td>Lane Group</td> <td>EBL</td> <td>EBT</td> <td>EBR</td> <td>WBL</td> <td>WBT</td> <td>WBR</td> <td>NBL</td> <td>NBT</td> <td>NBR</td> <td>SBL</td> <td>SBT</td> <td>SBR</td>	Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Future Volume (vph) 62 1728 7 37 432 15 21 81 167 166 88 205 Ideal Flow (vphp) 1900 1800	Lane Configurations	٦	41		۲	1		٦	Þ		٦	f)	
Future volume (vph) 62 1728 7 37 432 15 21 81 167 166 88 205 Ideal Flow (vphp) 1900 160 75 26 100 778 1084 0 430 100<	Traffic Volume (vph)	62	1728	7	37	432	15	21	81	167	169	88	205
$ \begin{array}{c c c c c c c c c c c c c c c c c c c $	Future Volume (vph)	62	1728	7	37	432	15	21	81	167	169	88	205
Grade (%) 0% 0% 0% 0% 0% Storage Length (ft) 265 0 240 0 170 0 230 0 Taper Length (ft) 25 26 25 26 26 26 26 26 26 26 26 26 26 26 26 26 26 <td>Ideal Flow (vphpl)</td> <td>1900</td>	Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Langs 1 0 240 0 170 0 230 0 Storage Langs 1 0 1 0 1 0 1 0 Lane Ulti, Factor 1,00 0.95 0.95 1.00 0.95 0.895 1.00	Lane Width (ft)	12	12	12	12	12	12	12	12	12	12	12	12
Storage Lanes 1 0 1 0 1 0 1 0 1 0 Taper Length (ft) 25	Grade (%)		0%			0%			0%			0%	1.2.1
Taper Length (ft) 26 25 25 26 26 Lane Ulli, Factor 1.00 0.95 0.95 1.00 0.95 0.95 1.00 <td>Storage Length (ft)</td> <td>265</td> <td></td> <td>0</td> <td>240</td> <td></td> <td>0</td> <td>170</td> <td></td> <td>0</td> <td>230</td> <td></td> <td>0</td>	Storage Length (ft)	265		0	240		0	170		0	230		0
Lame Utili. Factor 1.00 0.95 0.95 1.00 0.95 0.95 1.00 <th1.00< th=""> 1.00 1.00<td>Storage Lanes</td><td>1</td><td></td><td>0</td><td>1</td><td></td><td>0</td><td>1</td><td></td><td>0</td><td>1</td><td></td><td>0</td></th1.00<>	Storage Lanes	1		0	1		0	1		0	1		0
Ped Bike Factor Frt 0.999 0.995 0.899 0.899 0.895 FIL Protected 0.950 0.950 0.950 0.950 0.950 Satd. Flow (prot) 1787 3571 0 1787 3556 0 1787 1691 0 1787 1684 0 FIL Protected 0.439 0.076 0.348 0.423 3 0 1684 0 785 1684 0 785 1787 1684 0 785 1684 0 785 1684 0 785 178 15 115 115 115 115 115 115 115 115 115 115 115 115 112 116 126 117 126 116 128 186 160 100 100 100 100 100 100 100 100 100 100 100 100 100 100 100 100 100 100 100	Taper Length (ft)	25											
Frt 0.999 0.995 0.899 0.895 0.899 0.895 FI Protected 0.950 0.952 0.423 0.923 0.433 0.443 0.443 0.443 0.443 0.443 0.443 0.443 0.443 <t< td=""><td>Lane Util. Factor</td><td>1.00</td><td>0.95</td><td>0.95</td><td>1.00</td><td>0.95</td><td>0.95</td><td>1.00</td><td>1.00</td><td>1.00</td><td>1.00</td><td>1.00</td><td>1.00</td></t<>	Lane Util. Factor	1.00	0.95	0.95	1.00	0.95	0.95	1.00	1.00	1.00	1.00	1.00	1.00
Fit Protected 0.950 0.950 0.950 0.950 Satd. Flow (prot) 1787 3571 0 1787 3556 0 1691 0 1787 1684 0 Fit Permitted 0.439 0.076 0.348 0 796 1684 0 Right Turn on Red Yes Yes Yes Yes Yes Yes Satd. Flow (ROR) 1 5 103 115 103 100	Ped Bike Factor												
Satd. Flow (prot) 1787 3571 0 1787 3556 0 1787 1891 0 1787 1684 0 FIt Permitted 0.439 0.076 0.348 0.423 0.423 0.423 0.423 0.423 0.423 0.423 0.423 1684 0 Right Furn on Red Yes	Frt		0.999			0.995			0.899			0.895	
Fit Permitted 0.439 0.076 0.348 0.423 Satd. Flow (perm) 826 3571 0 143 3556 0 655 1691 0 786 1684 0 Right Turn on Red Yes Yes Yes Yes Yes Yes Link Speed (mph) 45 45 40 30 115 132 Link Distance (ft) 654 976 878 582 133.2 Confl. Peds. (#hr) Peak Hour Factor 0.92 0.	Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (perm) 826 3571 0 143 3556 0 655 1691 0 796 1684 0 Right Turn on Red Yes Yes <td>Satd. Flow (prot)</td> <td>1787</td> <td>3571</td> <td>0</td> <td>1787</td> <td>3556</td> <td>0</td> <td>1787</td> <td>1691</td> <td>0</td> <td>1787</td> <td>1684</td> <td>0</td>	Satd. Flow (prot)	1787	3571	0	1787	3556	0	1787	1691	0	1787	1684	0
Right Turn on Red Yes Yes Yes Yes Yes Satd. Flow (RTOR) 1 5 40 30 115 Link Speed (mph) 45 45 40 30 112 Link Distance (II) 654 976 878 582 13.2 Confl. Bikes (#hr) Confl. Bikes (#hr) 100%	Flt Permitted	0.439			0.076			0.348			0.423		
Satid. Flow (RTOR) 1 5 103 115 Link Speed (mph) 45 45 40 30 Link Distance (ft) 654 976 878 582 Travel Time (s) 9.9 14.8 15.0 13.2 Confl. Peds. (#hr) 1 1% 1% 100%	Satd. Flow (perm)	826	3571	0	143	3556	0	655	1691	0	796	1684	0
Link Speed (mph) 45 45 40 30 Link Distance (ft) 654 976 878 582 12 Travel Time (s) 9.9 14.8 15.0 13.2 13.2 Confl. Peds. (#hr) -				Yes			Yes			Yes			Yes
Link Distance (ft) 654 976 878 562 Travel Time (s) 9.9 14.8 15.0 13.2 Confl. Bikes (#hr) - <td< td=""><td>Satd. Flow (RTOR)</td><td></td><td>1</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></td<>	Satd. Flow (RTOR)		1										
Travel Time (s) 9.9 14.8 15.0 13.2 Confl. Peds. (#/hr) Confl. Bikes (#/hr) 5 5 5 5 Peak Hour Factor 0.92 Masthis	Link Speed (mph)		45			45			40			30	
Confl. Peds. (#/hr) Peak Hour Factor 0.92	Link Distance (ft)		654			976			878				
Confl. Bikes (#hr) Peak Hour Factor 0.92	Travel Time (s)		9.9			14.8			15.0			13.2	
Peak Hour Factor 0.92 0.02 0 Heavy Vehicles (%) 1% <td< td=""><td>Confl. Peds. (#/hr)</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></td<>	Confl. Peds. (#/hr)												
Growth Factor 100% 00 0	Confl. Bikes (#/hr)												
Heavy Vehicles (%) 1% 1	Peak Hour Factor				0.92								
Bus Blockages (#/hr) 0	Growth Factor		100%										
Parking (#/hr) Mid-Block Traffic (%) 0% 0% 0% 0% 0% Adj. Flow (vph) 67 1878 8 40 470 16 23 88 182 184 96 223 Shared Lane Traffic (%)	Heavy Vehicles (%)	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%
Mid-Block Traffic (%) 0% 0% 0% 0% Adj. Flow (vph) 67 1878 8 40 470 16 23 88 182 184 96 223 Shared Lane Traffic (%) 70 0 184 319 0 Lane Group Flow (vph) 67 1886 0 40 486 0 23 270 0 184 319 0 Enter Blocked Intersection No Signst 12 12 12 12 12 12 12 12 100 1.00	Bus Blockages (#/hr)	0	0	0	0	0	0	0	0	0	0	0	0
Adj. Flow (vph) 67 1878 8 40 470 16 23 88 182 184 96 223 Shared Lane Traffic (%) Lane Group Flow (vph) 67 1886 0 40 486 0 23 270 0 184 319 0 Enter Blocked Intersection No Start 12 12 12 12 12 12 12 12 12 16 16 100 <td< td=""><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>121121</td><td></td><td>1.5. 2</td><td></td><td>0.78</td></td<>									121121		1.5. 2		0.78
Shared Lane Traffic (%) Lane Group Flow (vph) 67 1886 0 40 486 0 23 270 0 184 319 0 Enter Blocked Intersection No No<	Mid-Block Traffic (%)												
Lane Group Flow (vph) 67 1886 0 40 486 0 23 270 0 184 319 0 Enter Blocked Intersection No 12 12 12 12 12 12 12 12 12 12 12 12 12 12 12 12 100 1.00		67	1878	8	40	470	16	23	88	182	184	96	223
Enter Blocked Intersection No So So <th< td=""><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></th<>													
Lane Alignment Left Right Left			and the second		and the second se						and the second se	and the second second second	
Median Width(ft) 12 12 12 12 12 Link Offset(ft) 0 1.00				No			No			No			No
Link Offset(ft) 0 0 0 0 Crosswalk Width(ft) 16 16 16 16 16 Two way Left Turn Lane	Lane Alignment	Left		Right	Left		Right	Left		Right	Left		Right
Crosswalk Width(ft) 16 16 16 16 16 Two way Left Turn Lane Headway Factor 1.00 1.0												12	
Two way Left Turn Lane Headway Factor 1.00													
Headway Factor1.00<	Crosswalk Width(ft)		16			16			16			16	
Turning Speed (mph) 15 9 15 16 16 17 17 18 18 2 6 16 17 18 <th18< th=""> <th< td=""><td>Two way Left Turn Lane</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></th<></th18<>	Two way Left Turn Lane												
Turn Type pm+pt NA pm+pt NA Perm NA Perm NA Protected Phases 7 4 3 8 2 6 6 Permitted Phases 4 8 2 6 6 6 6 Detector Phase 7 4 3 8 2 2 6 6 Switch Phase 7 4 3 8 2 2 6 6 Switch Phase 7 4 3 8 2 2 6 6 Minimum Initial (s) 5.0	Headway Factor		1.00	1.00		1.00	1.00		1.00	1.00		1.00	
Protected Phases 7 4 3 8 2 6 Permitted Phases 4 8 2 6 6 Detector Phase 7 4 3 8 2 2 6 Switch Phase 7 4 3 8 2 2 6 6 Switch Phase 7 4 3 8 2 2 6 6 Minimum Initial (s) 5.0	Turning Speed (mph)	15		9	15		9	15		9			9
Permitted Phases 4 8 2 6 Detector Phase 7 4 3 8 2 2 6 6 Switch Phase	Turn Type	pm+pt	NA		pm+pt			Perm			Perm	NA	
Detector Phase 7 4 3 8 2 2 6 6 Switch Phase	Protected Phases	7	4		3	8			2			6	22.00
Switch Phase 5.0 <t< td=""><td>Permitted Phases</td><td></td><td></td><td></td><td>8</td><td></td><td></td><td></td><td></td><td></td><td>6</td><td></td><td></td></t<>	Permitted Phases				8						6		
Minimum Initial (s) 5.0 5.0 5.0 5.0 5.0 5.0 Minimum Split (s) 9.5 22.5 9.5 22.5	Detector Phase	7	4		3	8		2	2		6	6	
Minimum Split (s) 9.5 22.5 9.5 22.5	Switch Phase												
Minimum Split (s) 9.5 22.5 9.5 22.5	Minimum Initial (s)	5.0	5.0		5.0	5.0		5.0	5.0		5.0	5.0	See 13
Total Split (s) 9.8 58.2 9.8 58.2 32.0 32.0 32.0 32.0		9.5	22.5		9.5	22.5		22.5			22.5	22.5	
		9.8	58.2		9.8	58.2		32.0	32.0	FRE	32.0	32.0	and the second second
Total Split (%) 9.8% 58.2% 9.8% 58.2% 32.0% 32.0% 32.0%		9.8%	58.2%		9.8%	58.2%		32.0%	32.0%		32.0%	32.0%	

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2024 AM Peak Existing 01/16/2024

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Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Maximum Green (s)	5.3	53.7	ALC: TL	5.3	53.7		27.5	27.5	S ST - AN	27.5	27.5	
Yellow Time (s)	3.5	3.5		3.5	3.5		3.5	3.5		3.5	3.5	
All-Red Time (s)	1.0	1.0		1.0	1.0		1.0	1.0		1.0	1.0	
Lost Time Adjust (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Total Lost Time (s)	4.5	4.5		4.5	4.5		4.5	4.5		4.5	4.5	
Lead/Lag	Lead	Lag		Lead	Lag							
Lead-Lag Optimize?	Yes	Yes		Yes	Yes		1218-10	177				
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Minimum Gap (s)	3.0	3.0	1000	3.0	3.0		3.0	3.0		3.0	3.0	
Time Before Reduce (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Time To Reduce (s)	0.0	0.0		0.0	0.0		0.0	0.0	and the second	0.0	0.0	11.20
Recall Mode	None	None		None	None		Max	Max		Max	Max	
Walk Time (s)	1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1	7.0			7.0		7.0	7.0	1. P. 1. P. 1.	7.0	7.0	1975
Flash Dont Walk (s)		11.0			11.0		11.0	11.0		11.0	11.0	
Pedestrian Calls (#/hr)	2.76.57	0		100	0	1	0	0	2YOMA	0	0	-
Act Effct Green (s)	56.9	53.8		55.9	51.8		27.6	27.6		27.6	27.6	ALC: NO.
Actuated g/C Ratio	0.59	0.56		0.58	0.54	1.15	0.29	0.29	Margare -	0.29	0.29	
v/c Ratio	0.12	0.94		0.23	0.25		0.12	0.48		0.81	0.56	
Control Delay	7.7	31.9		10.2	12.5		29.3	21.2	S STORES	61.1	23.4	-
Queue Delay	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Total Delay	7.7	31.9		10.2	12.5		29.3	21.2		61.1	23.4	
LOS	A	С		В	В		С	С		E	С	
Approach Delay	To and	31.0	Ester	and the	12.3	The second		21.8		and the second	37.2	
Approach LOS		С			В			С			D	
Queue Length 50th (ft)	15	588	THE ST	9	82		11	87		110	110	
Queue Length 95th (ft)	30	#792		21	112		32	166		#236	202	
Internal Link Dist (ft)	19 Bart	574			896		1000	798	Total Barris	1.2X-5X-5	502	
Turn Bay Length (ft)	265			240			170			230		and the second s
Base Capacity (vph)	542	2002		174	1995		188	558	Conternation (Section 1997)	228	565	
Starvation Cap Reductn	0	0	and the second second	0	0		0	0		0	0	
Spillback Cap Reductn	0	0		0	0		0	0	57.92	Ő	0	1000
Storage Cap Reductn	0	0		0	0		0	0		0	0	
Reduced v/c Ratio	0.12	0.94		0.23	0.24		0.12	0.48		0.81	0.56	1000
Intersection Summary	Section 21	1997		an entre of		S. A. V.	1525.63		1000	S. 75.75	45,455	
	Other	March 1					1.2			1.5		
Cycle Length: 100												
Actuated Cycle Length: 96.1	ENTED			A STATE OF	1.	PROP IN	1722	1.2.2		274914	10-1-1	
Natural Cycle: 90												
Control Type: Actuated-Unc	oordinated						2025	13704	- Santa			
Maximum v/c Ratio: 0.94												
Intersection Signal Delay: 28	8.1			In	tersection	LOS: C						
Intersection Capacity Utilization						of Service	E					and a state of the
Analysis Period (min) 15	A Barrier			116.683		1993 - 19	H ALLA					
# 95th percentile volume e	exceeds ca	pacity, qu	eue mav	be longe	r.							A COMPANY OF
Queue shown is maximu			Start?									

Splits and Phases: 3: Moody Rd & Hancock Bridge Pkwy

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2024 PM Peak Existing 01/16/2024

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Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	7	1		1	↑ ⊅	1 K. A. 1 K. A.	٦	Þ		ň	Þ	
Traffic Volume (vph)	104	860	5	61	1501	51	12	21	51	35	41	163
Future Volume (vph)	104	860	5	61	1501	51	12	21	51	35	41	163
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12	12	12	12	12	12	12
Grade (%)		0%			0%		1000	0%	in the		0%	1998
Storage Length (ft)	265		0	240		0	170		0	230		0
Storage Lanes	1		0	1		0	1		0	1		0
Taper Length (ft)	25			25			25			25		1
Lane Util. Factor	1.00	0.95	0.95	1.00	0.95	0.95	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor												
Frt	1000	0.999		1157	0.995			0.894	Carlo Martin		0.880	
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	1787	3571	0	1787	3556	0	1787	1682	0	1787	1655	0
Flt Permitted	0.075			0.254			0.464			0.706		
Satd. Flow (perm)	141	3571	0	478	3556	0	873	1682	0	1328	1655	0
Right Turn on Red		Section 1	Yes			Yes			Yes			Yes
Satd. Flow (RTOR)	1.1.1.1.1.1	1	11111		5	1.000	191.8	55			119	
Link Speed (mph)		45			45	Procession of the		40			30	
Link Distance (ft)		654		W. C. C. F.	976		4774	878		123153	582	
Travel Time (s)		9.9			14.8			15.0			13.2	
Confl. Peds. (#/hr)					10 Shield	25-5-8	1000			-	Sec. Carlo	1000
Confl. Bikes (#/hr)												
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Growth Factor	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%
Bus Blockages (#/hr)	0	0	0	0	0	0	0	0	0	0	0	0
Parking (#/hr)	2733							179953				E Carl
Mid-Block Traffic (%)		0%			0%			0%			0%	
Adj. Flow (vph)	113	935	5	66	1632	55	13	23	55	38	45	177
Shared Lane Traffic (%)												
Lane Group Flow (vph)	113	940	0	66	1687	0	13	78	0	38	222	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			12			12	
Link Offset(ft)		0			0	22.84		0	1		0	3421
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane	and a start	12-10									E CAR	1219
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15	1.15 11	9
Turn Type	pm+pt	NA		pm+pt	NA		Perm	NA		Perm	NA	
Protected Phases	7	4		3	8			2			6	
Permitted Phases	4			8			2			6		
Detector Phase	7	4		3	8		2	2	The state	6	6	5123
Switch Phase												
Minimum Initial (s)	5.0	5.0		5.0	5.0		5.0	5.0		5.0	5.0	12,151
Minimum Split (s)	9.5	22.5		9.5	22.5		22.5	22.5		22.5	22.5	
Total Split (s)	13.0	63.8		10.2	61.0		26.0	26.0		26.0	26.0	
Total Split (%)	13.0%	63.8%		10.2%	61.0%		26.0%	26.0%		26.0%	26.0%	
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2024 PM Peak Existing 01/16/2024

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Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Maximum Green (s)	8.5	59.3		5.7	56.5		21.5	21.5		21.5	21.5	1
Yellow Time (s)	3.5	3.5		3.5	3.5		3.5	3.5		3.5	3.5	
All-Red Time (s)	1.0	1.0		1.0	1.0		1.0	1.0		1.0	1.0	
Lost Time Adjust (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Total Lost Time (s)	4.5	4.5		4.5	4.5		4.5	4.5		4.5	4.5	
Lead/Lag	Lead	Lag		Lead	Lag							
Lead-Lag Optimize?	Yes	Yes		Yes	Yes							
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Minimum Gap (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Time Before Reduce (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Time To Reduce (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Recall Mode	None	None		None	None		Max	Max		Max	Max	
Walk Time (s)		7.0			7.0	1	7.0	7.0		7.0	7.0	
Flash Dont Walk (s)		11.0			11.0		11.0	11.0		11.0	11.0	
Pedestrian Calls (#/hr)		0			0		0	0		0	0	
Act Effct Green (s)	59.5	53.2		55.4	51.1		21.9	21.9		21.9	21.9	
Actuated g/C Ratio	0.65	0.58		0.60	0.56		0.24	0.24		0.24	0.24	
v/c Ratio	0.48	0.46		0.18	0.85		0.06	0.18		0.12	0.46	
Control Delay	17.1	12.0		6.4	22.9		32.4	14.9		32.7	19.5	1
Queue Delay	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Total Delay	17.1	12.0		6.4	22.9		32.4	14.9		32.7	19.5	
LOS	В	В		А	С		С	В		С	В	
Approach Delay		12.6			22.3			17.4			21.4	
Approach LOS		В			С			В			С	
Queue Length 50th (ft)	21	162	12.27	12	438		7	12		20	55	
Queue Length 95th (ft)	66	206		24	547		23	50		48	128	
Internal Link Dist (ft)		574			896			798			502	
Turn Bay Length (ft)	265			240			170			230		
Base Capacity (vph)	246	2350		370	2231		208	443		316	485	C. C. S.
Starvation Cap Reductn	0	0		0	0		0	0		0	0	
Spillback Cap Reductn	0	0		0	0		0	0	a man	0	0	
Storage Cap Reductn	0	0		0	0		0	0		0	0	
Reduced v/c Ratio	0.46	0.40		0.18	0.76	12.10.10	0.06	0.18		0.12	0.46	
Intersection Summary		3-11-	- 2 martin		121.5	1919-12	Class					
Area Type:	Other											1.2.2.1.2
Cycle Length: 100												
Actuated Cycle Length: 92										S. S.	1	- south
Natural Cycle: 75												
Control Type: Actuated-Un	coordinated								12. 21	and the		
Maximum v/c Ratio: 0.85												
Intersection Signal Delay:						n LOS: B						
Intersection Capacity Utiliz	ation 72.3%			10	CU Level	of Service	C					
Analysis Period (min) 15										1215		

Splits and Phases: 3: Moody Rd & Hancock Bridge Pkwy

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2028 BACKGROUND TRAFFIC CONDITIONS

2028 AM Projected Background Conditions

Scenario 3

Lane Group EBL BET EBR WBL WBT WBL NBT NBT NBR SBI SBI SBR Lane Configurations N + P N + P N + + + P + P		۶		\mathbf{r}	1	-	•	1	Ť	r	5	ŧ.	1
Traffic Volume (vph) 65 1801 7 39 450 16 21 81 187 163 88 205 Future Volume (vph) 65 1801 7 39 450 16 21 81 187 163 88 205 Lane Width (ft) 12	Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Traffic Volume (vph) 65 1801 7 39 450 16 21 81 187 169 88 205 Future Volume (vph) 65 1900 100 <	Lane Configurations	5	≜ î≽		٦	≜ î≽		٦	Þ		٦	Þ	
ideal Flow (ph) 1900		65	1801	7	39	450	16	21	81	167	169	88	205
Lane Width (ft) 12	Future Volume (vph)	65	1801	7	39	450	16	21	81	167	169	88	205
Lane Width (ft) 12	Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft) 265 0 240 0 170 0 230 0 Storage Lanes 1 0 1 1 1 0 1 0 1 0 1 0 1 0 1 0 1 0 1 0 1 0 1 0		12	12	12	12	12	12	12	12	12	12	12	12
Storage Lanes 1 0 1 0 1 0 1 0 1 0 Taper Length (II) 25	Grade (%)	Frank .	0%			0%			0%			0%	
Taper Length (ft) 25 25 25 25 25 Lane Ulli, Factor 1.00 0.95 0.95 1.00 0.95 0.95 1.00 <td>Storage Length (ft)</td> <td>265</td> <td></td> <td>0</td> <td>240</td> <td></td> <td>0</td> <td>170</td> <td></td> <td>0</td> <td>230</td> <td></td> <td>0</td>	Storage Length (ft)	265		0	240		0	170		0	230		0
Lane Util. Factor 1.00 0.95 0.95 1.00 0.95 0.95 1.00 <td>Storage Lanes</td> <td>1</td> <td></td> <td>0</td> <td>1</td> <td></td> <td>0</td> <td>1</td> <td></td> <td>0</td> <td>1</td> <td></td> <td>0</td>	Storage Lanes	1		0	1		0	1		0	1		0
Ped Biks Factor 0.999 0.995 0.899 0.895 Fit Protected 0.950 0.950 0.950 0.950 Statl. Flow (prot) 1787 3571 0 1787 3556 0 1787 1691 0 1787 1684 0 Fit Permitted 0.431 0.073 3556 0 1691 0 760 1684 0 Right Furw (perm) 811 3571 0 137 3556 0 101 107 760 1884 0 Right Furw on Red Yes 13 0 0.00 0.00 0.00 0.010 100 100 100 100 13.2 Confl.Peds (#hr) 13.2 Confl.Peds (#hr) 100% 100% 100% 100% 100% 100% 100% 100% 100% 100% 100% 100% 100% 100% 100% 100%	Taper Length (ft)	25			25			25			25		
Fri 0.999 0.995 0.899 0.899 0.895 Flt Protected 0.950 0.950 0.950 0.950 0.950 Stdt. Flow (prot) 1787 3571 0 1787 3556 0 1691 0 1787 1684 0 Stdt. Flow (perm) 811 3571 0 137 3555 0 610 1691 0 760 1684 0 Stdt. Flow (prot) 11 6 100 1133 100 1133 113 1111 1111 1111	Lane Util. Factor	1.00	0.95	0.95	1.00	0.95	0.95	1.00	1.00	1.00	1.00	1.00	1.00
Fit Protected 0.950 0.950 0.950 0.950 Satd. Flow (prot) 1787 3571 0 1787 3556 0 1787 1691 0 1787 1684 0 Satd. Flow (perm) 811 3571 0 137 3556 0 610 1691 0 760 1684 0 Right Turn on Red Yes Yes <td< td=""><td>Ped Bike Factor</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></td<>	Ped Bike Factor												
Satd. Flow (prot) 1787 3571 0 1787 3556 0 1787 1691 0 1787 1684 0 FI Permitted 0.431 0.073 0.324 0.404 0.404 0.404 0.404 Stald. Flow (perm) 811 3571 0 137 3556 0 610 1691 0 760 1684 0 Right Turn on Red Yes Yes Yes Yes Yes Yes Yes Stad. Flow (RTOR) 1 6 100 113 113 113 113 113 116N istance (ft) 30 114.8 15.0 13.2 100 100 100% 10	Frt		0.999			0.995			0.899		101	0.895	
Fit Permitted 0.431 0.073 0.324 0.404 Satd. Flow (perm) 811 3571 0 137 3556 0 610 1691 0 760 1684 0 Right Turn on Red Yes Yes Yes Yes Yes Yes Yes Satd. Flow (RTOR) 1 6 100 113 582 Tarval Time (s) 9.9 14.8 15.0 13.2 Confl. Bikes (#hr) 76 878 582 13.2 100% <	Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (perm) 811 3571 0 137 3556 0 610 1691 0 760 1684 0 Right Turn on Red Yes Yes <td>Satd. Flow (prot)</td> <td>1787</td> <td>3571</td> <td>0</td> <td>1787</td> <td>3556</td> <td>0</td> <td>1787</td> <td>1691</td> <td>0</td> <td>1787</td> <td>1684</td> <td>0</td>	Satd. Flow (prot)	1787	3571	0	1787	3556	0	1787	1691	0	1787	1684	0
Right Turn on Red Yes Yes Yes Yes Yes Yes Satd. Flow (RTOR) 1 6 100 1113 Link Speed (mph) 45 45 400 30 Link Distance (II) 654 976 878 582 Confl. Bikes (#hr) 59 14.8 15.0 13.2 Confl. Bikes (#hr) 502 0.92<	Flt Permitted	0.431			0.073			0.324			0.404		
Said. Flow (RTOR) 1 6 100 113 Link Speed (mph) 45 45 40 30 Link Distance (ft) 654 976 878 582 Travel Time (s) 9.9 14.8 15.0 13.2 Confl. Peds. (#hr) 1 10% 100% <t< td=""><td>Satd. Flow (perm)</td><td>811</td><td>3571</td><td>0</td><td>137</td><td>3556</td><td>0</td><td>610</td><td>1691</td><td>0</td><td>760</td><td>1684</td><td>0</td></t<>	Satd. Flow (perm)	811	3571	0	137	3556	0	610	1691	0	760	1684	0
Link Speed (mph) 45 45 40 30 Link Distance (ft) 654 976 878 582 Travel Time (s) 9.9 14.8 15.0 13.2 Confl. Peds. (#hr) 100% 10% 10% 11% 1% <td< td=""><td>Right Turn on Red</td><td></td><td></td><td>Yes</td><td></td><td></td><td>Yes</td><td></td><td></td><td>Yes</td><td></td><td></td><td>Yes</td></td<>	Right Turn on Red			Yes			Yes			Yes			Yes
Link Distance (tt) 654 976 878 582 Travel Time (s) 9.9 14.8 15.0 13.2 Confl. Bikes (#/hr) - <t< td=""><td>Satd. Flow (RTOR)</td><td>ALL ST</td><td>1</td><td>12311</td><td></td><td>6</td><td>1111</td><td>2.20</td><td>100</td><td>A States</td><td>STAR.</td><td>113</td><td></td></t<>	Satd. Flow (RTOR)	ALL ST	1	12311		6	1111	2.20	100	A States	STAR.	113	
Link Distance (ft) 654 976 878 582 Travel Time (s) 9.9 14.8 15.0 13.2 Confl. Bikes (#hr) - <td< td=""><td>Link Speed (mph)</td><td></td><td>45</td><td></td><td></td><td>45</td><td></td><td></td><td>40</td><td></td><td></td><td>30</td><td></td></td<>	Link Speed (mph)		45			45			40			30	
Confl. Peds. (#/hr) Confl. Bikes (#/hr) Peak Hour Factor 0.92			654	Section 1		976			878			582	11.2
Confl. Bikes (#/hr) Peak Hour Factor 0.92 0.82	Travel Time (s)		9.9			14.8			15.0			13.2	
Peak Hour Factor 0.92 0.02 0.02 Parking (#hr) 0 0 0 0 0 0 0 0 0 0 233 270 0 184 319 0 Enter Blocked Intersection No No No <td>Confl. Peds. (#/hr)</td> <td></td>	Confl. Peds. (#/hr)												
Growth Factor 100% 00% 0	Confl. Bikes (#/hr)												
Heavy Vehicles (%) 1% 1	Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92		0.92	0.92	0.92	0.92	0.92
Bus Blockages (#/hr) 0	Growth Factor	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Parking (#/hr) Mid-Block Traffic (%) 0% 0% 0% 0% Adj, Flow (vph) 71 1958 8 42 489 17 23 88 182 184 96 223 Shared Lane Traffic (%) 184 96 223 Lane Group Flow (vph) 71 1966 0 42 506 0 23 270 0 184 319 0 Enter Blocked Intersection No Start 12 12 12 12 12 <td< td=""><td>Heavy Vehicles (%)</td><td>1%</td><td>1%</td><td>1%</td><td>1%</td><td>1%</td><td>1%</td><td>1%</td><td>1%</td><td>1%</td><td>1%</td><td>1%</td><td>1%</td></td<>	Heavy Vehicles (%)	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%
Mid-Block Traffic (%) 0% 0% 0% 0% Adj. Flow (vph) 71 1958 8 42 489 17 23 88 182 184 96 223 Shared Lane Traffic (%) 71 1956 0 42 506 0 23 270 0 184 319 0 Enter Blocked Intersection No Signt 12 12 12 12 12 12 12 12 12 100 1.00<	Bus Blockages (#/hr)	0	0	0	0	0	0	0	0	0	0	0	0
Adj. Flow (vph) 71 1958 8 42 489 17 23 88 182 184 96 223 Shared Lane Traffic (%) Lane Group Flow (vph) 71 1966 0 42 506 0 23 270 0 184 319 0 Enter Blocked Intersection No Start <ttd>Start<ttd>Start<ttd>Start<ttd>Start<ttd>Start<ttd>Start<ttd>Start<ttd>Start<ttd>Start<ttd>Start<ttd>Start<ttd>Start<ttd>Start<ttd>Start<ttd>Start<ttd>Start<ttd>Start<ttd>Start<ttd>Start<ttd>Start<ttd>Start<ttd>Start<ttd>Start<t< td=""><td>Parking (#/hr)</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></t<></ttd></ttd></ttd></ttd></ttd></ttd></ttd></ttd></ttd></ttd></ttd></ttd></ttd></ttd></ttd></ttd></ttd></ttd></ttd></ttd></ttd></ttd></ttd>	Parking (#/hr)												
Shared Lane Traffic (%) Lane Group Flow (vph) 71 1966 0 42 506 0 23 270 0 184 319 0 Enter Blocked Intersection No No<	Mid-Block Traffic (%)												
Lane Group Flow (vph) 71 1966 0 42 506 0 23 270 0 184 319 0 Enter Blocked Intersection No 100 100 100 100 100 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00		71	1958	8	42	489	17	23	88	182	184	96	223
Enter Blocked Intersection No Sight Sight	Shared Lane Traffic (%)												
Lane Alignment Left Right Left									and the second second second			and the state of t	and the second se
Median Width(ft) 12 12 12 12 12 Link Offset(ft) 0 1.00							No			No			No
Link Offset(ft) 0 0 0 0 Crosswalk Width(ft) 16 16 16 16 16 Two way Left Turn Lane	Lane Alignment	Left		Right	Left		Right	Left		Right	Left		Right
Crosswalk Width(ft) 16 16 16 16 16 Two way Left Turn Lane													
Two way Left Turn Lane Headway Factor 1.00											1		
Headway Factor 1.00<			16			16			16			16	
Turning Speed (mph) 15 9 15 15 9 15 9 15 9 15 16 <th1< td=""><td></td><td></td><td>248.31</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>10.32</td><td>1415</td><td></td></th1<>			248.31								10.32	1415	
Turn Type pm+pt NA pmrpt NA Perm NA Perm NA Protected Phases 7 4 3 8 2 6 6 Permitted Phases 4 8 2 6 6 6 6 Detector Phase 7 4 3 8 2 2 6 6 Switch Phase 7 4 3 8 2 2 6 6 Switch Phase 7 4 3 8 2 2 6 6 Minimum Initial (s) 5.0	Headway Factor		1.00	1.00		1.00			1.00			1.00	
Protected Phases 7 4 3 8 2 6 Permitted Phases 4 8 2 6 Detector Phase 7 4 3 8 2 2 6 Switch Phase 7 4 3 8 2 2 6 6 Switch Phase 7 4 3 8 2 2 6 6 Minimum Initial (s) 5.0		15		9	15		9	and the second se		9			9
Permitted Phases 4 8 2 6 Detector Phase 7 4 3 8 2 2 6 6 Switch Phase	Turn Type	pm+pt			pm+pt			Perm			Perm		
Detector Phase 7 4 3 8 2 2 6 6 Switch Phase	Protected Phases	7	4		3	8			2			6	1
Switch Phase 5.0 <t< td=""><td>Permitted Phases</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></t<>	Permitted Phases												
Minimum Initial (s) 5.0	Detector Phase	7	4		3	8		2	2		6	6	4.5.15
Minimum Split (s) 9.5 22.5 9.5 22.5	Switch Phase												
Total Split (s) 9.8 60.0 9.8 60.0 30.2 30.2 30.2 30.2	Minimum Initial (s)							the second s					1111
	Minimum Split (s)												
Total Split (%) 9.8% 60.0% 9.8% 60.0% 30.2% 30.2% 30.2%	Total Split (s)												191
	Total Split (%)	9.8%	60.0%		9.8%	60.0%		30.2%	30.2%		30.2%	30.2%	

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2028 AM Projected Background Conditions Scenario 3

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Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Maximum Green (s)	5.3	55.5		5.3	55.5		25.7	25.7	T Stall	25.7	25.7	
Yellow Time (s)	3.5	3.5		3.5	3.5		3.5	3.5		3.5	3.5	
All-Red Time (s)	1.0	1.0		1.0	1.0		1.0	1.0		1.0	1.0	
Lost Time Adjust (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Total Lost Time (s)	4.5	4.5	1 2.	4.5	4.5		4.5	4.5		4.5	4.5	
Lead/Lag	Lead	Lag		Lead	Lag							
Lead-Lag Optimize?	Yes	Yes		Yes	Yes							
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Minimum Gap (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	15
Time Before Reduce (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Time To Reduce (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Recall Mode	None	None		None	None		Max	Max		Max	Max	
Walk Time (s)		7.0		N.C.S	7.0		7.0	7.0		7.0	7.0	1.11
Flash Dont Walk (s)		11.0			11.0		11.0	11.0		11.0	11.0	
Pedestrian Calls (#/hr)	16. J.S.	0			0		0	0		0	0	
Act Effct Green (s)	58.7	55.7		57.8	53.6		25.8	25.8		25.8	25.8	
Actuated g/C Ratio	0.61	0.58		0.60	0.56		0.27	0.27		0.27	0.27	1977
v/c Ratio	0.13	0.95		0.24	0.26		0.14	0.51		0.91	0.60	
Control Delay	7.0	31.8		9.8	11.6		31.3	23.1		80.1	25.4	
Queue Delay	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Total Delay	7.0	31.8		9.8	11.6	Ser. 1	31.3	23.1		80.1	25.4	
LOS	А	С		А	В		С	С		F	С	
Approach Delay		30.9			11.4			23.7		Sec. 1	45.4	
Approach LOS		С			В			С	-		D	
Queue Length 50th (ft)	15	615	SIGHA.	9	81		11	91	12.103	115	115	C. C. C.
Queue Length 95th (ft)	30	#825		20	112		33	173		#251	209	
Internal Link Dist (ft)	STATE:	574			896	2 1 - 1	in such	798	202.01		502	
Turn Bay Length (ft)	265			240			170			230		
Base Capacity (vph)	549	2068	19124	173	2062		163	526	Ser Contraction	203	534	
Starvation Cap Reductn	0	0		0	0		0	0		0	0	_
Spillback Cap Reductn	0	0	1001	0	0		0	0	2.5 1883	0	0	144.65
Storage Cap Reductn	0	0		0	0		0	0		0	0	
Reduced v/c Ratio	0.13	0.95		0.24	0.25	211142	0.14	0.51	San San	0.91	0.60	233
Intersection Summary				a particular	(Walker)						Sec. 1	
Area Type:	Other											
Cycle Length: 100												
Actuated Cycle Length: 96.	1							1.200				
Natural Cycle: 90												
Control Type: Actuated-Un	coordinated		6286L		AL 193		and the second					
Maximum v/c Ratio: 0.95												
Intersection Signal Delay: 2			ALLEN.			n LOS: C						
Intersection Capacity Utilization	ation 89.1%			10	CU Level	of Service	E					
Analysis Period (min) 15						S. CT.		161				
# 95th percentile volume			ieue may	be longe	r.							
Queue shown is maxim	um after two	o cycles.					1.5-14	Res la	11-15		142.1	

Splits and Phases: 3: Moody Rd & Hancock Bridge Pkwy

₫ Ø2	√ Ø3	-04
20/24	5.3 5	60 a
Ø6	● Ø7	₹Ø8
12.26	New Street Street	alter de la company de la c

2028 PM Projected Background Conditions Lanes, Volumes, Timings

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Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	٢	≜ t}	and the second second	ň	朴诤		٣	4Î		7	Þ	
Traffic Volume (vph)	108	896	5	64	1564	53	12	21	51	35	41	163
Future Volume (vph)	108	896	5	64	1564	53	12	21	51	35	41	163
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12	12	12	12	12	12	12
Grade (%)		0%			0%			0%			0%	
Storage Length (ft)	265		0	240		0	170		0	230		0
Storage Lanes	1		0	1		0	1	1.11	0	1		0
Taper Length (ft)	25			25			25			25		
Lane Util. Factor	1.00	0.95	0.95	1.00	0.95	0.95	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor												
Frt	1000	0.999	1.15		0.995	11.11.12	1000	0.894	Capital St		0.880	
Flt Protected	0.950			0.950	0.000		0.950			0.950	0.000	
Satd. Flow (prot)	1787	3571	0	1787	3556	0	1787	1682	0	1787	1655	0
Flt Permitted	0.069	0011		0.254			0.435	1002		0.706	1000	
Satd. Flow (perm)	130	3571	0	478	3556	0	818	1682	0	1328	1655	0
Right Turn on Red	100	0011	Yes	110	0000	Yes	010	1002	Yes	1020	1000	Yes
Satd. Flow (RTOR)	B.R. M.	1	100	1112	6	100		55	100	to the second	116	100
Link Speed (mph)		45			45			40			30	
Link Distance (ft)	No. of Lot of Lo	654			976	100000	1. 1. 1.	878	The second second	CE CTE T	582	1
Travel Time (s)		9.9			14.8			15.0			13.2	
Confl. Peds. (#/hr)	State 12	0.0	10000	17 M 1	11.0		of a real	10.0	S. 14	e la	10.2	
Confl. Bikes (#/hr)												
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Growth Factor	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%
Bus Blockages (#/hr)	0	0	0	0	0	0	0	0	0	0	0	0
Parking (#/hr)	1010.000			-	- Harden	ALC: NOT						
Mid-Block Traffic (%)		0%			0%			0%			0%	
Adj. Flow (vph)	117	974	5	70	1700	58	13	23	55	38	45	177
Shared Lane Traffic (%)		011			1100		10	20	00		10	
Lane Group Flow (vph)	117	979	0	70	1758	0	13	78	0	38	222	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)	Lon	12	rugitt	Lon	12	rugin	Lon	12	rugitt	Lon	12	rugin
Link Offset(ft)	12 M 1 1 1 1 1 1	0		Total And	0		10 0 1	0			0	
Crosswalk Width(ft)		16	Carl Contra		16			16			16	
Two way Left Turn Lane		10			10	15365.0	a state the second	10	1233.50		10	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	1.00	1.00	9	1.00	1.00	9	1.00	1.00	1.00	15	1.00	9
Turn Type	pm+pt	NA	9	pm+pt	NA	3	Perm	NA	9	Perm	NA	9
Protected Phases	7	4		3	8		renn	2	11000	reini	6	
Permitted Phases	4	4		8	0		2	2		6	0	1.1
Detector Phase	7	4		3	8	111111	2	2		6	6	Carlos Carlos
Switch Phase	1	4		3	0		4	4	a stated	0	0	
Minimum Initial (s)	5.0	5.0		5.0	5.0		5.0	50		5.0	5.0	Station of the
								5.0		5.0		
Minimum Split (s)	9.5	22.5		9.5	22.5		22.5	22.5	201 T C C C	22.5	22.5	No. of Concession, Name
Total Split (s)	13.0	64.8		10.2	62.0		25.0	25.0		25.0	25.0	
Total Split (%)	13.0%	64.8%		10.2%	62.0%		25.0%	25.0%		25.0%	25.0%	

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Synchro 11 Report Page 1

2028 PM Projected Background Conditions Lanes, Volumes, Timings

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Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Maximum Green (s)	8.5	60.3		5.7	57.5		20.5	20.5		20.5	20.5	
Yellow Time (s)	3.5	3.5		3.5	3.5		3.5	3.5		3.5	3.5	
All-Red Time (s)	1.0	1.0		1.0	1.0		1.0	1.0		1.0	1.0	
Lost Time Adjust (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Total Lost Time (s)	4.5	4.5		4.5	4.5		4.5	4.5		4.5	4.5	
Lead/Lag	Lead	Lag		Lead	Lag							
Lead-Lag Optimize?	Yes	Yes		Yes	Yes							
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Minimum Gap (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Time Before Reduce (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Time To Reduce (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Recall Mode	None	None		None	None		Max	Max		Max	Max	
Walk Time (s)		7.0			7.0		7.0	7.0		7.0	7.0	
Flash Dont Walk (s)		11.0			11.0		11.0	11.0		11.0	11.0	
Pedestrian Calls (#/hr)		0			0		0	0	200	0	0	
Act Effct Green (s)	64.2	57.6		58.5	52.9		20.6	20.6		20.6	20.6	
Actuated g/C Ratio	0.67	0.61	The state	0.61	0.56	and the second	0.22	0.22		0.22	0.22	1
v/c Ratio	0.51	0.45		0.19	0.89		0.07	0.19		0.13	0.49	
Control Delay	19.9	11.3		6.1	25.3	1111	33.6	15.3	1240	33.8	21.0	14 A.
Queue Delay	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Total Delay	19.9	11.3		6.1	25.3		33.6	15.3		33.8	21.0	
LOS	В	В		А	С		С	В		С	С	
Approach Delay		12.2		157.00	24.5	The first of	The second	17.9		1000	22.9	
Approach LOS		В			С			В			С	
Queue Length 50th (ft)	20	166		12	462		7	12		20	58	Ser Ital
Queue Length 95th (ft)	74	211		24	577		24	51		49	132	
Internal Link Dist (ft)		574			896			798			502	1
Turn Bay Length (ft)	265			240			170			230		
Base Capacity (vph)	236	2274		372	2162		176	407		287	449	21 F
Starvation Cap Reductn	0	0		0	0		0	0		0	0	
Spillback Cap Reductn	0	0		0	0		0	0		0	0	
Storage Cap Reductn	0	0		0	0		0	0		0	0	
Reduced v/c Ratio	0.50	0.43		0.19	0.81	20 2000	0.07	0.19		0.13	0.49	(AL
Intersection Summary	100				Part Pro	San Carl				Section .	a de tr	
Area Type:	Other							V. Caracia		Ar Inch		
Cycle Length: 100												
Actuated Cycle Length: 95	.2											1210
Natural Cycle: 80												
Control Type: Actuated-Un	coordinated					2012		an an an	1. 194			
Maximum v/c Ratio: 0.89												
Intersection Signal Delay:	20.1			lr	ntersectio	n LOS: C		IL . DO				
Intersection Capacity Utiliz		,				of Service	D					
Analysis Period (min) 15					83 F 1				61.5			1200
, , , , , , , , , , , , , , , , , , , ,						al a second						

Splits and Phases: 3: Moody Rd & Hancock Bridge Pkwy

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294	10,28	64.88
↓ Ø6		₩ Ø8
15-5	133	

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2028 BACKGROUND TRAFFIC

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PROJECT TRIPS

2028 AM With Project Conditions Lanes, Volumes, Timings

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Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	ሻ	≜ t		٦	1		7	ef (۳	ĥ	
Traffic Volume (vph)	65	1801	26	64	450	16	30	87	179	169	99	205
Future Volume (vph)	65	1801	26	64	450	16	30	87	179	169	99	205
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12	12	12	12	12	12	12
Grade (%)		0%			0%		Sel Sa	0%		No. C	0%	
Storage Length (ft)	265		0	240		0	170		0	230		0
Storage Lanes	1	1.12.12	0	1		0	1		0	1		0
Taper Length (ft)	25			25			25			25		
Lane Util. Factor	1.00	0.95	0.95	1.00	0.95	0.95	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor												
Frt		0.998	A. C. A.	1.0.0	0.995	1999	10.00	0.899			0.899	
Flt Protected	0.950			0.950			0.950			0.950		and
Satd. Flow (prot)	1787	3567	0	1787	3556	0	1787	1691	0	1787	1691	0
Flt Permitted	0.439			0.073			0.313			0.378		
Satd. Flow (perm)	826	3567	0	137	3556	0	589	1691	0	711	1691	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)	CALLE	2	112		5	States and		101	5788		101	1
Link Speed (mph)		45			45			40			30	
Link Distance (ft)	3 3	654		199	976		12010	878	To Just -	115	582	
Travel Time (s)		9.9			14.8			15.0			13.2	
Confl. Peds. (#/hr)	6 - E V.					195	1.7.1.7				1993	
Confl. Bikes (#/hr)												
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Growth Factor	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%
Bus Blockages (#/hr)	0	0	0	0	0	0	0	0	0	0	0	0
Parking (#/hr)	A STATE										- Televil	
Mid-Block Traffic (%)		0%			0%			0%			0%	
Adj. Flow (vph)	71	1958	28	70	489	17	33	95	195	184	108	223
Shared Lane Traffic (%)												
Lane Group Flow (vph)	71	1986	0	70	506	0	33	290	0	184	331	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			12			12	
Link Offset(ft)		0			0			0	1	- 124	0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane	in the set	STAN							R. CON	326.0	a partie	Sec. 24
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15	State of the	9
Turn Type	pm+pt	NA		pm+pt	NA		Perm	NA		Perm	NA	
Protected Phases	7	4	2 Section	3	8			2			6	123
Permitted Phases	4			8			2			6		
Detector Phase	7	4		3	8		2	2		6	6	
Switch Phase												
Minimum Initial (s)	5.0	5.0		5.0	5.0		5.0	5.0	1999	5.0	5.0	15 481
Minimum Split (s)	9.5	22.5		9.5	22.5		22.5	22.5		22.5	22.5	
Total Split (s)	9.8	59.0		9.8	59.0		31.2	31.2		31.2	31.2	12100
Total Split (%)	9.8%	59.0%		9.8%	59.0%		31.2%	31.2%		31.2%	31.2%	
											10 41 41 41 41 41 41 41 41 41 41 41 41 41	

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Synchro 11 Report Page 1

2028 AM With Project Conditions Lanes, Volumes, Timings

	٨		Y	1	+	A.	1	Ť	1	5	Ļ	1
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBF
Maximum Green (s)	5.3	54.5	322	5.3	54.5	Section 1	26.7	26.7		26.7	26.7	
Yellow Time (s)	3.5	3.5		3.5	3.5		3.5	3.5		3.5	3.5	
All-Red Time (s)	1.0	1.0		1.0	1.0		1.0	1.0		1.0	1.0	
ost Time Adjust (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Total Lost Time (s)	4.5	4.5	and the	4.5	4.5		4.5	4.5		4.5	4.5	
_ead/Lag	Lead	Lag		Lead	Lag							
ead-Lag Optimize?	Yes	Yes		Yes	Yes							
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Minimum Gap (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Time Before Reduce (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Time To Reduce (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Recall Mode	None	None		None	None		Max	Max		Max	Max	
Walk Time (s)	112	7.0		TANK PROPERTY	7.0	100	7.0	7.0		7.0	7.0	
Flash Dont Walk (s)		11.0			11.0		11.0	11.0		11.0	11.0	
Pedestrian Calls (#/hr)	P. S. Marrie	0			0		0	0	1.	0	0	
Act Effct Green (s)	58.7	54.6		58.7	54.6		26.7	26.7		26.7	26.7	
Actuated g/C Ratio	0.60	0.56		0.60	0.56	-	0.27	0.27		0.27	0.27	
v/c Ratio	0.13	1.00		0.41	0.26		0.21	0.54		0.95	0.62	
Control Delay	7.4	43.3		15.3	11.9	Pre-	32.6	24.3	STR. SAL	92.0	27.6	1
Queue Delay	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Total Delay	7.4	43.3		15.3	11.9		32.6	24.3	and the	92.0	27.6	
LOS	А	D		В	В		С	С		F	С	
Approach Delay		42.1			12.3	A. T.		25.1			50.6	1915
Approach LOS		D			В			С			D	
Queue Length 50th (ft)	15	~712		15	84		16	102		116	128	
Queue Length 95th (ft)	31	#853		36	114		44	187		#255	225	
Internal Link Dist (ft)		574			896			798			502	213
Turn Bay Length (ft)	265			240			170			230		
Base Capacity (vph)	546	1986		171	1982		160	534		193	534	
Starvation Cap Reductn	0	0		0	0		0	0		0	0	
Spillback Cap Reductn	0	0		0	0		0	0		0	0	
Storage Cap Reductn	0	0		0	0		0	0		0	0	
Reduced v/c Ratio	0.13	1.00		0.41	0.26	14 M	0.21	0.54	253.354	0.95	0.62	173
Intersection Summary	-	-	-			1	200	- Andrews		Reinus 3		
the second se	Other	1.1.1.1.1					The second			N I SA		
Cycle Length: 100												
Actuated Cycle Length: 98				a the state			and the second					
Natural Cycle: 110												
Control Type: Actuated-Unc	oordinated	1 Dese		13-2200	12.635	20143	No.					
Maximum v/c Ratio: 1.00												
Intersection Signal Delay: 36					tersection				in a			
Intersection Capacity Utiliza	tion 90.2%			IC	CU Level	of Service	ε					
Analysis Period (min) 15	1 million		200303		1.	1.1236					12.0	
 Volume exceeds capaci 			cally infin	ite.					-			
Queue shown is maximu			-	and the second								
# 95th percentile volume e			ieue may	be longe	r.							_
Queue shown is maximu	m after two	o cycles.				Call - Sta						

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Splits and Phases: 3: Moody Rd & Hancock Bridge Pkwy

1 Ø2	√ Ø3	
31.2 m	ALC: N	1994 - Contraction of the second s
↓ *ø6	→ Ø7	* Ø8
31.2 s	3.5.5	

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2028 PM With Project Conditions Lanes, Volumes, Timings

	۶		>	1	-		1	1	1	1	ŧ	1
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	۲	≜ t}		ሻ	14		۲	ĵ ∌		7	Þ	
Traffic Volume (vph)	108	896	29	95	1564	53	39	36	86	35	54	163
Future Volume (vph)	108	896	29	95	1564	53	39	36	86	35	54	163
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12	12	12	12	12	12	12
Grade (%)	142611	0%			0%			0%			0%	1
Storage Length (ft)	265		0	240		0	170		0	230		0
Storage Lanes	1		0	1		0	1		0	1		0
Taper Length (ft)	25			25			25			25		
Lane Util. Factor	1.00	0.95	0.95	1.00	0.95	0.95	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor												
Frt		0.995			0.995			0.894			0.887	
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	1787	3556	0	1787	3556	0	1787	1682	0	1787	1669	0
Flt Permitted	0.071			0.237			0.407			0.624		
Satd. Flow (perm)	134	3556	0	446	3556	0	766	1682	0	1174	1669	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		6			6			93			134	
Link Speed (mph)		45			45			40			30	
Link Distance (ft)		654			976			878			582	
Travel Time (s)		9.9			14.8			15.0			13.2	
Confl. Peds. (#/hr)												See.
Confl. Bikes (#/hr)												
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Growth Factor	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%
Bus Blockages (#/hr)	0	0	0	0	0	0	0	0	0	0	0	0
Parking (#/hr)								1916			1	
Mid-Block Traffic (%)		0%			0%			0%			0%	
Adj. Flow (vph)	117	974	32	103	1700	58	42	39	93	38	59	177
Shared Lane Traffic (%)		51.79 march 10										
Lane Group Flow (vph)	117	1006	0	103	1758	0	42	132	0	38	236	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			12			12	
Link Offset(ft)		0		1.4.1.1.1	0	Art is	5.7	0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane								(Skille)				- Ala
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15	1.14	9	15		9	15	1.1.1.5	9	15		9
Turn Type	pm+pt	NA		pm+pt	NA		Perm	NA		Perm	NA	
Protected Phases	7	4		3	8			2			6	Sustaine)
Permitted Phases	4			8			2	-		6		
Detector Phase	7	4		3	8	-	2	2		6	6	
Switch Phase				Contraction of the second							a la completion	
Minimum Initial (s)	5.0	5.0		5.0	5.0		5.0	5.0		5.0	5.0	
Minimum Split (s)	9.5	22.5		9.5	22.5		22.5	22.5		22.5	22.5	
Total Split (s)	13.0	63.6		11.4	62.0	of the	25.0	25.0		25.0	25.0	
Total Split (%)	13.0%	63.6%		11.4%	62.0%		25.0%	25.0%		25.0%	25.0%	

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2028 PM With Project Conditions Lanes, Volumes, Timings

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Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Maximum Green (s)	8.5	59.1		6.9	57.5		20.5	20.5		20.5	20.5	
Yellow Time (s)	3.5	3.5		3.5	3.5		3.5	3.5		3.5	3.5	
All-Red Time (s)	1.0	1.0		1.0	1.0		1.0	1.0		1.0	1.0	
Lost Time Adjust (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Total Lost Time (s)	4.5	4.5		4.5	4.5		4.5	4.5		4.5	4.5	
Lead/Lag	Lead	Lag		Lead	Lag							
Lead-Lag Optimize?	Yes	Yes		Yes	Yes							
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Minimum Gap (s)	3.0	3.0	1114	3.0	3.0		3.0	3.0		3.0	3.0	
Time Before Reduce (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Time To Reduce (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Recall Mode	None	None	-	None	None		Max	Max		Max	Max	-
Walk Time (s)		7.0	St. N.		7.0		7.0	7.0		7.0	7.0	
Flash Dont Walk (s)		11.0	_		11.0		11.0	11.0		11.0	11.0	_
Pedestrian Calls (#/hr)		0		1212	0		0	0		0	0	
Act Effct Green (s)	63.3	56.7	_	59.5	52.9		20.6	20.6		20.6	20.6	
Actuated g/C Ratio	0.66	0.60		0.62	0.56		0.22	0.22		0.22	0.22	
v/c Ratio	0.51	0.47		0.28	0.89		0.25	0.30		0.15	0.51	
Control Delay	19.8	12.0	Every	6.9	25.3		38.0	14.3		34.3	19.6	
Queue Delay	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Total Delay	19.8	12.0		6.9	25.3	The Works	38.0	14.3		34.3	19.6	
LOS	В	В		А	С		D	В		С	В	
Approach Delay		12.9			24.2		1	20.1			21.7	
Approach LOS		В			С			C			С	4
Queue Length 50th (ft)	20	177		18	462	and games	23	20		20	55	
Queue Length 95th (ft)	73	225		33	577		55	71		49	132	-
Internal Link Dist (ft)	0.05	574		0.40	896		470	798		000	502	
Turn Bay Length (ft)	265	0000		240	0400		170	100	and the second second	230	100	-
Base Capacity (vph)	237	2222		377	2162	3 40.0	166	436		254	466	
Starvation Cap Reductn	0	0		0	0		0	0		0	0	
Spillback Cap Reductn	0	0		0	0		0	0	-	0	0	-
Storage Cap Reductn	0	0		0	0	No. of Street, or other	0	0	1	0	0	
Reduced v/c Ratio	0.49	0.45		0.27	0,81		0.25	0.30	1	0.15	0.51	-
Intersection Summary	a think he	and the second			25/22	1.5		Star B	1. T. P	100	and the second	17-28 M
Area Type:	Other	12.2	11 11 1	19101								
Cycle Length: 100	-											Contrast Internal
Actuated Cycle Length: 95.	.2	Sec. 1							1 Alex			Sec. 1
Natural Cycle: 80		and the second	-									No. of Concession, Name
Control Type: Actuated-Un	coordinated	File seals			the states	SAT THE	24,500		1000			
Maximum v/c Ratio: 0.89			-			100.0			Carton Carton			
Intersection Signal Delay: 2		1 Martin				n LOS: C			1. 1. 1.			101107
Intersection Capacity Utiliz	ation 82.9%			10	JU Level	of Service	θE					
Analysis Period (min) 15							12 10	in the second				

Splits and Phases: 3: Moody Rd & Hancock Bridge Pkwy

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MOODY ROAD

MOODY RIVER BLVD.

SITE ACCESS
2024 EXISTING CONDITIONS

Intersection Int Delay, s/veh

Int Delay, s/veh	1.1												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR	
Lane Configurations		4			44			4			ર્સ	7	
Traffic Vol, veh/h	36	0	1	0	0	0	0	246	0	1	111	5	
Future Vol, veh/h	36	0	1	0	0	0	0	246	0	1	111	5	
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0	
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free	
RT Channelized		-	None		-	None		-	None	-	-	None	
Storage Length		-	-		-	-	-		-		-	240	
Veh in Median Storage,	# -	0	-	-	0	-	-	0	-	-	0	-	
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-	
Peak Hour Factor	92	92	92	92	92	92	92	92	92	92	92	92	
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2	
Mvmt Flow	39	0	1	0	0	0	0	267	0	1	121	5	

Major/Minor	Minor2		1	Minor1			Major1	222		Major2	- Andrew	1000	
Conflicting Flow All	390	390	121	393	395	267	126	0	0	267	0	0	
Stage 1	123	123	-	267	267	-	-	-	-	-	-		Address of the second
Stage 2	267	267	÷	126	128	-	-		-		-	1	
Critical Hdwy	7.12	6.52	6.22	7.12	6.52	6.22	4.12	-	-	4.12	-		THE REAL PROPERTY OF
Critical Hdwy Stg 1	6.12	5.52	÷.	6.12	5.52	-	-	-	-	+		9	
Critical Hdwy Stg 2	6.12	5.52	-	6.12	5.52						-	+	
Follow-up Hdwy	3.518	4.018	3.318	3.518	4.018	3.318	2.218	-	-	2.218			
Pot Cap-1 Maneuver	569	545	930	566	542	772	1460	-		1297		-	
Stage 1	881	794	-	738	688	-		•	-			×	
Stage 2	738	688	-	878	790	-	-	-		-	1 -1	54	
Platoon blocked, %								Se.			-	4	
Mov Cap-1 Maneuver	568	544	930	565	541	772	1460	-		1297	1	147	Means Strategy
Mov Cap-2 Maneuver	568	544	-	565	541	-	-	-	-	-	-		
Stage 1	881	793	-	738	688	-				-			A CONTRACTOR OF STREET
Stage 2	738	688	-	876	789	-	-					-	
The second second			1.22	1 Aller		1 2 1			Yales		No. To and	C. Therein	The state of the s

Approach	EB	WB	NB	SB	
HCM Control Delay, s	11.7	0	0	0.1	a Cost of the Astronomy and the second
HCM LOS	В	А			

Minor Lane/Major Mvmt	NBL	NBT	NBR E	BLn1W	BLn1	SBL	SBT	SBR
Capacity (veh/h)	1460	-	-	574		1297	-	*
HCM Lane V/C Ratio	-		÷	0.07	-	0.001	-	-
HCM Control Delay (s)	0	1.78		11.7	0	7.8	0	-
HCM Lane LOS	A		-	В	A	А	Α	
HCM 95th %tile Q(veh)	0	-	-	0.2	-	0	-	-

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Intersection Int Delay, s/veh

Int Delay, s/veh	1.3													
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR	A warne	
Lane Configurations		4			\$			4			ર્સ	1		
Traffic Vol, veh/h	21	0	3	0	1	0	0	65	0	1	81	22		
Future Vol, veh/h	21	0	3	0	1	0	0	65	0	1	81	22		
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0		
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free		
RT Channelized	-	-	None	- 11	-	None	-	-	None	-		None		
Storage Length		-		÷	-	3		-	÷		-	240		
Veh in Median Storage,	# -	0			0	-		0	-		0			
Grade, %	-	0		1.01	0			0	-		0	-		
Peak Hour Factor	92	92	92	92	92	92	92	92	92	92	92	92		
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2		
Mymt Flow	23	0	3	0	1	0	0	71	0	1	88	24		

Major/Minor	Minor2	22.		Minor1			Major1	SAL S		Major2		1997	Shirt.	
Conflicting Flow All	162	161	88	175	185	71	112	0	0	71	0	0		
Stage 1	90	90		71	71	-	-		-		-	-		
Stage 2	72	71		104	114		-				-	1.		
Critical Hdwy	7.12	6.52	6.22	7.12	6.52	6.22	4.12	-	-	4.12	-			
Critical Hdwy Stg 1	6.12	5.52	-	6.12	5.52	-		-			-	-		
Critical Hdwy Stg 2	6.12	5.52		6.12	5.52		-	-	-			-		
Follow-up Hdwy	3.518	4.018	3.318	3.518	4.018	3.318	2.218	14	-	2.218	-	- ÷		
Pot Cap-1 Maneuver	803	731	970	788	709	991	1478		-	1529		-		
Stage 1	917	820	4	939	836	3	ē		5	7	7	-		
Stage 2	938	836		902	801	-	-			-		-		
Platoon blocked, %								-			-			
Mov Cap-1 Maneuver	801	730	970	785	708	991	1478	-	-	1529	-	-		
Mov Cap-2 Maneuver	801	730	-	785	708	-	-	×	-	-	-	1		
Stage 1	917	819	-	939	836	-			12.	-	-	-		
Stage 2	937	836	-	898	800	-	4	4	-	ų.	۰.	-		
A STREET OF ALL AND A DECK														

Approach	EB	WB	NB	SB	All Conserves De
HCM Control Delay, s	9.5	10.1	0	0.1	Marshine Selection
HCM LOS	A	В			

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1V	VBLn1	SBL	SBT	SBR
Capacity (veh/h)	1478	-	-	819	708	1529	-	-
HCM Lane V/C Ratio	-	-	-	0.032	0.002	0.001	-	-
HCM Control Delay (s)	0	1 0	-	9.5	10.1	7.4	0	100
HCM Lane LOS	A	4	-	А	В	A	А	
HCM 95th %tile Q(veh)	0		-	0.1	0	0	-	-

K:\2023\10 October\01 Home Front Heros CPD Zoning\SYNCHRO\Hancock.syn

2028 BACKGROUND TRAFFIC CONDITIONS

Intersection

Int Delay, s/veh	1.1												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR	The way
Lane Configurations		4			4			4			र्भ	1	
Traffic Vol, veh/h	36	0	1	0	0	0	0	246	0	1	111	5	
Future Vol, veh/h	36	0	1	0	0	0	0	246	0	1	111	5	
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0	
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free	
RT Channelized	-	-	None	10.	-	None	-	-	None	-		None	
Storage Length		-		٠		τ.		-			-	240	
Veh in Median Storage,	# -	0	-		0	-		0	-	-	0	-	
Grade, %	-	0		-	0	-	-	0		14	0		
Peak Hour Factor	92	92	92	92	92	92	92	92	92	92	92	92	
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2	
Mvmt Flow	39	0	1	0	0	0	0	267	0	1	121	5	

Major/Minor	Minor2	Market .	1	Minor1			Major1			Major2			ADD BARDER
Conflicting Flow All	390	390	121	393	395	267	126	0	0	267	0	0	
Stage 1	123	123		267	267		-	-		-	-		
Stage 2	267	267	-	126	128		-	-	-	-	-	-	
Critical Hdwy	7.12	6.52	6.22	7.12	6.52	6.22	4.12	-	-	4.12	-	-	
Critical Hdwy Stg 1	6.12	5.52	14	6.12	5.52	4	121	v a t	1	(4)-		ě.	
Critical Hdwy Stg 2	6.12	5.52	-	6.12	5.52						4		
Follow-up Hdwy	3.518	4.018	3.318	3.518	4.018	3.318	2.218	-	-	2.218	10		
Pot Cap-1 Maneuver	569	545	930	566	542	772	1460	-	-	1297	-	-	
Stage 1	881	794		738	688			-			-	-	
Stage 2	738	688	-	878	790	-	-	-	-	-		-	
Platoon blocked, %								•			4	-	
Nov Cap-1 Maneuver	568	544	930	565	541	772	1460	-		1297			
Nov Cap-2 Maneuver	568	544	-	565	541	-	-	4	4	12	12		
Stage 1	881	793	-	738	688	-					-		
Stage 2	738	688	-	876	789	-	-				-		

Approach	EB	WB	NB	SB	
HCM Control Delay, s	11.7		0	0.1	
HCM LOS	В	А			

Minor Lane/Major Mvmt	NBL	NBT	NBR E	BLn1W	BLn1	SBL	SBT	SBR
Capacity (veh/h)	1460	-	1	574	-	1297	1. 1.	-
HCM Lane V/C Ratio	-	+	÷	0.07	-	0.001	-	1
HCM Control Delay (s)	0	7	-	11.7	0	7.8	0	
HCM Lane LOS	A			В	A	A	A	
HCM 95th %tile Q(veh)	0		-	0.2	-	0	-	0

Intersection

Int Delay, s/veh	1.7												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR	
Lane Configurations		4			4			4			स	7	
Traffic Vol, veh/h	21	0	3	0	1	10	0	65	0	1	81	22	
Future Vol, veh/h	21	0	3	0	1	10	0	65	0	1	81	22	
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0	
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free	
RT Channelized	-	-	None	-	-	None	1.	-	None			None	
Storage Length	-	-		•					-		-	240	
Veh in Median Storage,	# -	0	- 12	-	0	- 1	-	0	-	-	0	-	
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-	
Peak Hour Factor	92	92	92	92	92	92	92	92	92	92	92	92	
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2	
Mvmt Flow	23	0	3	0	1	11	0	71	0	1	88	24	

Major/Minor	Minor2			Minor1			Major1	-	VET'T	Major2		2.00	
Conflicting Flow All	167	161	88	175	185	71	112	0	0	71	0	0	
Stage 1	90	90		71	71	-	-	-	-	-		-	
Stage 2	77	71	-	104	114		1440		i.	-	-	-	
Critical Hdwy	7.12	6.52	6.22	7.12	6.52	6.22	4.12	-	4	4.12	- 1	-	
Critical Hdwy Stg 1	6.12	5.52	<u>1</u>	6.12	5.52	12	12	- <u>1</u>	P -	÷	47	5	
Critical Hdwy Stg 2	6.12	5.52	-	6.12	5.52	-	-	-	-		-		
Follow-up Hdwy	3.518	4.018	3.318	3.518	4.018	3.318	2.218	-	-	2.218	+	-	
Pot Cap-1 Maneuver	797	731	970	788	709	991	1478	-	-	1529	- 1		
Stage 1	917	820	-	939	836	17	(-).	-	-	-	1 .4		
Stage 2	932	836		902	801	-	-			-		-	
Platoon blocked, %								-			+	-	
Mov Cap-1 Maneuver	787	730	970	785	708	991	1478	-		1529		•	
Mov Cap-2 Maneuver	787	730	-	785	708	-	-	-	22	4	4°	4	
Stage 1	917	819	1101-	939	836	- 1		E U E	1			1	
Stage 2	921	836	-	898	800	-		-	-	7		-	

Approach	EB	WB	NB	SB	
HCM Control Delay, s	9.6	8.8	0	0.1	a service of the service of
HCM LOS	A	А			

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1V	VBLn1	SBL	SBT	SBR	
Capacity (veh/h)	1478	-		806	956	1529	-		Stephen and the second second
HCM Lane V/C Ratio	-	÷.	-	0.032	0.013	0.001	*		
HCM Control Delay (s)	0		-	9.6	8.8	7.4	0	-	
HCM Lane LOS	А		-	А	А	А	Α		
HCM 95th %tile Q(veh)	0	1.	-	0.1	0	0	3.0	-	

2028 BACKGROUND TRAFFIC

+

PROJECT TRIPS

Intersection Int Delay, s/veh

Int Delay, s/veh	2.6												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR	
Lane Configurations		4			4			4		_	र्स	1	
Traffic Vol, veh/h	36	0	1	0	0	27	0	246	0	56	111	5	
Future Vol, veh/h	36	0	1	0	0	27	0	246	0	56	111	5	
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0	
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free	
RT Channelized	-		None		-	None	-	-	None		-	None	
Storage Length		-			-				-	÷		240	
Veh in Median Storage,	# -	0	-		0	-	-	0	-	*	0	-	
Grade, %	-	0	4	-	0	-	-	0	- 4	-	0	-	
Peak Hour Factor	92	92	92	92	92	92	92	92	92	92	92	92	
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2	
Mvmt Flow	39	0	1	0	0	29	0	267	0	61	121	5	Contract of the

Major/Minor	Minor2			Minor1	2		Major1			Major2				110	
Conflicting Flow All	525	510	121	513	515	267	126	0	0	267	0	0			
Stage 1	243	243	-	267	267	1.	-	-		-	-	-	1. 1. 1.		E C
Stage 2	282	267	2	246	248		-	-	12	4	-	4			
Critical Hdwy	7.12	6.52	6.22	7.12	6.52	6.22	4.12	1	-	4.12	-	+	124		
Critical Hdwy Stg 1	6.12	5.52	¥	6.12	5.52		-	-	4			ų.			
Critical Hdwy Stg 2	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-			
Follow-up Hdwy	3.518	4.018	3.318	3.518	4.018	3.318	2.218		-	2.218	-				
Pot Cap-1 Maneuver	463	467	930	472	464	772	1460		-	1297	-	-			
Stage 1	761	705		738	688	.*			-						
Stage 2	725	688	-	758	701	19.		-	-	- 11	-	-			
Platoon blocked, %								-	-		-	-			
Mov Cap-1 Maneuver	428	443	930	453	440	772	1460	-	-	1297	-	-			
Mov Cap-2 Maneuver	428	443	-	453	440	-	-	-	-	-	-	-			
Stage 1	761	669	-	738	688	-	-	212	-	-		-	1.1.1		14
Stage 2	697	688	-	719	665	-	-	-			π				

Approach	EB	WB	NB	SB	
HCM Control Delay, s	14.1	9.8	0	2.6	Contrary in the Pressed
HCM LOS	В	А			

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1V	VBLn1	SBL	SBT	SBR
Capacity (veh/h)	1460			434	772	1297		-
HCM Lane V/C Ratio	-	=	-	0.093	0.038	0.047	-	
HCM Control Delay (s)	0			14.1	9.8	7.9	0	
HCM Lane LOS	A	-	-	В	А	А	Α	
HCM 95th %tile Q(veh)	0			0.3	0.1	0.1	11.	-

Intersection

Int Delay, s/veh	4.6	_											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR	Sup Charles
Lane Configurations		4			4			4			र्स	7	
Traffic Vol, veh/h	21	0	3	0	1	87	0	65	0	69	81	22	
Future Vol, veh/h	21	0	3	0	1	87	0	65	0	69	81	22	
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0	
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free	
RT Channelized	-	-	None	-		None	-		None	-		None	
Storage Length	-	-	-		-			-	17	1.	-	240	
Veh in Median Storage,	# -	0			0		-	0	-	1.	0	- 11	
Grade, %	-	0		-	0	-	÷.	0	-	-	0	-	
Peak Hour Factor	92	92	92	92	92	92	92	92	92	92	92	92	
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2	
Mvmt Flow	23	0	3	0	1	95	0	71	0	75	88	24	

Major/Minor	Minor2	S States	. Barrel	Minor1			Major1			Major	2		Diger 1	Contraction of the second second	and the second
Conflicting Flow All	357	309	88	323	333	71	112	0	0	7	1	0	0		
Stage 1	238	238	-	71	71		-		-		-	-	-		
Stage 2	119	71	-	252	262		-		-		*		u -		
Critical Hdwy	7.12	6.52	6.22	7.12	6.52	6.22	4.12		-	4.1	2	-	-		
Critical Hdwy Stg 1	6.12	5.52	-	6.12	5.52		1	2	-		4	4	-		
Critical Hdwy Stg 2	6.12	5.52	-	6.12	5.52		-						- 0		
Follow-up Hdwy	3.518	4.018	3.318	3.518	4.018	3.318	2.218	(2)	-	2.21	8		-		
Pot Cap-1 Maneuver	598	605	970	630	587	991	1478	-	-	152	9	-	-		
Stage 1	765	708	-	939	836			-	-		÷				
Stage 2	885	836		752	691	-	-				-	-	-		
Platoon blocked, %								-	5-			•			
Mov Cap-1 Maneuver	518	574	970	603	556	991	1478	-	-	152	9	-			
Mov Cap-2 Maneuver	518	574	-	603	556		-	4	12		4	÷			
Stage 1	765	671	-	939	836		-				-		2000		
Stage 2	800	836	-	710	655	-	-		-			-	T:		
	1000	100			-	100						1000	1		

Approach	EB	WB	NB	SB	A CARLEN STREET STREET
HCM Control Delay, s	11.9	9.1	0	3	
HCM LOS	В	A			

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1V	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1478	-		550	982	1529	-	and and
HCM Lane V/C Ratio	-	•	1	0.047	0.097	0.049	-	-
HCM Control Delay (s)	0		-	11.9	9.1	7.5	0	the card
HCM Lane LOS	A			В	A	А	А	
HCM 95th %tile Q(veh)	0	-	-	0.1	0.3	0.2	-	-

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

> TRAFFIC ENGINEERING TRANSPORTATION PLANNING SIGNAL SYSTEMS/DESIGN

TRAFFIC IMPACT STATEMENT

FOR

HOME FRONT HEROS MINOR CPD

(PROJECT NO. F2310.01)

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

October 3, 2023



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



I. INTRODUCTION

TR Transportation Consultants, Inc. has conducted a traffic impact statement to fulfill requirements set forth by the Lee County Department of Community Development for projects seeking rezoning approval. The subject site is located on the east side of Moody Road just south of Hancock Bridge Parkway in Lee County, Florida. The approximate location of the subject site is illustrated on **Figure 1**.

The applicant, Home Front Heroes, Inc., a Florida Not-For-Profit Corporation, is requesting approval of a rezoning of approximately 10.72 acres from Residential Planned Development (RPD) to a minor Commercial Planned Development (CPD) to allow a maximum of 50,000 square feet of commercial uses including up to four caretaker's residence units with accessory multi-purpose outdoor recreation areas, existing boat ramps, and a private multi-slip docking facility with maximum of 10 slips. The requested CPD zoning is to allow the Home Front Heroes charitable organization to provide charitable assistance and community outreach and social service programs, including education, crime prevention, public safety, recreation and animal welfare services for area youth, veterans, and the disabled community. All services will be provided free to the community. The anticipated programs for the site include, but are not limited to, accessory uses such as sailing and boating lessons, boxing lessons, various programs with the Lee County Sheriff's Youth Athletic League, soccer, basketball, explorer programs, camping, kayaking/canoeing, fishing, arts and crafts, tutoring, and Sheriff training events. It is also anticipated that the facilities will be shared with other similar non-profit organizations. It is anticipated that most of the youth programs will take place after school and on weekends and during the summer months.

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



ZTR TRANSPORTATION PROJECT LOCATION MAP CONSULTANTS, INC HOME FRONT HEROES CPD

Figure 1



II. EXISTING CONDITIONS

The site is currently occupied by a boat ramp and multi-slip docking facility as well as a accessory parking lot. The site is bordered by the Caloosahatchee River and Hancock Creek to the east, Moody Road to the west, multi-family residential to the north and vacant land to the south.

Moody Road is a north/south two-lane undivided Minor Collector roadway that borders the subject site to the west. Moody Road has a posted speed limit of 40 mph and is under the jurisdiction of the Lee County Department of Transportation.

Hancock Bridge Parkway is an east/west four lane divided arterial within the vicinity of the subject site to the north. Hancock Bridge Parkway has a posted speed limit of 45 mph and is under the jurisdiction of the Lee County Department of Transportation.

III. PROPOSED DEVELOPMENT

The subject property is a portion of Tract M of the existing Moody River Estates RPD governed by zoning Resolution Z-05-048. The southeast 4.05-acre corner of Tract M is not included in this rezoning request. Tract M is currently approved for a maximum of 200 multi-family dwelling units with a maximum height of 75 feet, a boat ramp, a multi-slip docking facility and an accessory parking lot. The overall Moody River Estates was approved for 1,000 dwelling units and 45,000 square feet of commercial uses.

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 identifies four phases of development of the site (phase timing may be interchangeable):

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- Phase 1: Temporary events including but not limited to petting zoo, bounce houses, food trucks, shade structures and/or temporary trailers,
- Phase 2: Up to 4 caretaker's residences,
- Phase 3: Future building to house offices, classrooms and/or indoor recreational facilities and bathrooms.
- Phase 4: Private multi-slip docking facility.

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

IV. TRIP GENERATION

Since there is no use within the Institute of Transportation Engineer's (ITE) *Trip Generation Manual*, 11th Edition that matches what is being proposed for this site, Land Use Code 495 (Recreational Community Center) was utilized for the trip generation estimation of the recreational uses proposed on the site and Land Use Code 215 (Single Family Attached Housing) was utilized for the 4 multi-family residential uses that are proposed for the residential uses. The Master Concept Plan identifies the proposed building area for the recreational center as 42,000 square feet. As previously stated, the majority of activities that are proposed to be offered on the property will occur during after-school hours and on weekends. However, in order to analyze a "worst case" scenario in terms of the zoning analysis for this application, these particular land use categories were utilized. No external trips were generated for the boat ramp as this will be an ancillary use to the recreational uses. The trip generation equations for these land uses are are contained in the Appendix of this report for reference. Table 2 indicates the



anticipated weekday A.M. and P.M. peak hour trip generation of the subject site. The anticipated daily trip generation of the subject site is also indicated within Table 1.

	Home	Trip Gen Front He	neration ros Minor	CPD			
	Weekda	y A.M. Pe	ak Hour	Weekda	ay P.M. Pe	Daily	
Land Use	In	Out	Total	In	Out	Total	(2-way)
Recreational Center (42,000 Sq. Ft.)	53	27	80	67	76	143	1,191
Single Family Attached Housing (4 Units)	2	0	2	1	1	2	29
Total Trips	55	27	82	68	77	145	1,220

Table 2

V. **TRIP DISTRIBUTION**

The trips as a result of the proposed development shown in Table 2 were then assigned to the surrounding roadway system based on the anticipated routes the drivers will utilize to approach the site. Based on current and projected population in the area and other existing or planned competing/complementary uses in the area, a distribution of the site traffic was formulated. The anticipated trip distribution of the development traffic is shown on Figure 2. Also shown on Figure 2 is the site traffic assignment to the proposed site access drive to Moody Road.



Figure 2

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In order to determine which roadway segments surrounding the site will be significantly impacted as outlined in the Lee County Traffic Impact Statement Guidelines. **Table 1A**, contained in the Appendix, was created. This table indicates which roadway links in the vicinity of the subject site will accommodate greater than 10% of the Peak Hour – Peak Direction Level of Service "C" volumes. The Level of Service Volumes for Moody Road and Hancock Bridge Parkway were taken from the *Lee County Generalized Peak Hour Directional Service Volumes* table. From Table 1A, none of the roadways in the study area were shown to be significantly impacted by the proposed development.

VI. FUTURE TRAFFIC CONDITIONS

A horizon year analysis of 2028 was selected as the analysis year to evaluate the future impacts this project will have on the surrounding roadway network. Based on this horizon year, a growth rate was applied to the existing traffic conditions for all roadway links that could be significantly impacted by this development. The growth rates were obtained through comparisons of annual traffic data obtained from 2022 *FDOT Traffic Information Online* resource. Based on the project distribution illustrated on Figure 2, the link data was analyzed for the year 2028 without the development and year 2028 with the development.

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

Figure 3 indicates the year 2028 peak hour – peak direction traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 3 is the peak hour – peak direction volume and Level of Service of each link should no development occur on the subject site and the peak hour – peak direction volume and Level of Service



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for the weekday P.M. peak hour with the development traffic added to the roadways. This figure was derived from Table 2A contained in the Appendix.

VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

Figure 3 details the Level of Service for all links inside the project's area of influence based on this analysis. In comparing the links' functional classification and calculated 2028 traffic volumes to the Service Volume Tables, it was determined that all roadway links will continue to operate at an acceptable Level of Service in 2028 both with and without the proposed development. Moody Road and Hancock Bridge Parkway are both shown to operate at LOS "C" in 2028 both with and without the project trips added to the roadways. Therefore, roadway capacity improvements will not be warranted as a result of the additional traffic to be generated by the rezoning of the subject site.

VIII. TRIP GENERATION COMPARISON

A trip generation comparison was completed to compare the trip generation of the approved RPD zoning on the subject site to the requested CPD zoning. As previously noted, the RPD zoning permits up to 200 residential dwelling units on the subject site. Since the CPD does not include the entire site, it was assumed that only 145 residential dwelling units were available to be developed on the parcel that is subject to the CPD zoning application. **Table 3** illustrates the trip generation comparison between 145 multifamily dwelling units to the anticipated trip generation illustrated in Table 2 and the increase in trips anticipated due to the zoning change being requested.

The trip generation comparison indicates that there will be a minor increase in trips due to the change in zoning. It should be noted that the trip generation estimate utilized for the proposed uses is most likely an "over estimation" of what the site will actually generate once fully operational as the site will not be open to the public but will be open for schedule activities only set by the non-profit organizations utilizing the facilities.

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	Weekda	y A.M. Pe	ak Hour	Weekda	Weekday P.M. Peak Hour				
Land Use	In	Out	Total	In	Out	Total	(2-way)		
Approved RPD Zoning (145 MF Dwelling Units)	16	52	68	52	31	83	1,005		
Requested CPD Zoning (50,000 Sq. Ft. & 4 Units)	55	27	82	68	77	145	1,220		
Resultant Trip Change	+39	-25	+14	+14	+46	+62	+215		

Table 3Trip Generation ComparisonHome Front Heros Minor CPD

Note: A positive number indicates an increase in trips due to change and a negative number indicates a decrease in trips

VIII. CONCLUSION

The rezoning of the approximate 10.72 acres from RPD to a Minor CPD to allow to 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 slips on property along the east side of Moody Road south of Hancock Bridge Parkway in Lee County, Florida 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 County Comprehensive 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.

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 the Development Order application.

K:\2023\10 October\01 Home Front Heros CPD Zoning\10-3-2023 Report.doc

APPENDIX

TABLES 1A & 2A

TABLE 1A PEAK DIRECTION PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES HOMEFRONT HEROS

TOTAL AM PEAK HOUR PRO	82 VPH	IN=	55	OUT=	27					
TOTAL PM PEAK HOUR PRO	OJECT TRAFFIC =	145 VPH	IN=	68	OUT=	77				
								PERCENT		
		ROADWAY	LOS A	LOS B	LOS C	LOS D	LOS E	PROJECT	PROJECT	PROJ/
ROADWAY	SEGMENT	<u>CLASS</u>	VOLUME	VOLUME	VOLUME	VOLUME	VOLUME	TRAFFIC	TRAFFIC	LOS C
Hancock Bridge Pkwy	E. of Moody Rd.	4LD	0	250	1,840	1,960	1,960	45%	35	1.9%
	W. of Moody Rd.	4LD	0	250	1,840	1,960	1,960	35%	27	1.5%
Moody Rd.	N. of Hancok Bridge Pkwy	2LN	0	0	310	660	740	20%	15	5.0%

* The Level of Service Thresholds were obtained from the Lee County Generalized Service Volume Tables



- Denotes a Significantly Impacted Roadway Link

TABLE 2A LEVEL OF SERVICE CALCULATIONS HOMEFRONT HEROS

TOTAL PROJECT TRAFFIC AM =	82	VPH	IN =	55	OUT=	27
TOTAL PROJECT TRAFFIC PM =	145	VPH	IN=	68	OUT=	77

							2021	2028					2028	5	202	8
							PK HR	PK HR PK SI	EASON	PERCENT			BCKGRNE) + AM	BCKGRN) + PM
		Count	BASE YR	2021	YRS OF	ANNUAL	PK SEASON	PK DIREC	TION	PROJECT	AM PROJ	PM PROJ	PROJ TR/	AFFIC	PROJ TR	AFFIC
ROADWAY	SEGMENT	Station	ADT	ADT	<u>GROWTH</u>	RATE	PEAK DIR. ¹	VOLUME	LOS	TRAFFIC	TRAFFIC	TRAFFIC	VOLUME	LOS	VOLUME	LOS
Hancock Bridge Pkwy	E. of Moody Rd.	126017	22,314	23,500	5	1.04%	1,356	1,458	С	45%	25	35	1,483	С	1,493	С
	W. of Moody Rd.	126017	22,314	23,500	5	1.04%	1,356	1,458	С	35%	19	27	1,477	С	1,485	С
Moody Rd.	N. of Hancok Bridge Pkwy	507	2,900	3,300	3	4.40%	182	246	с	20%	11	15	257	с	261	с

¹ 2021 peak hour peak season peak direction traffic volume for Hancock Bridge Pkwy & Moody Rd. obtained from the Lee County Public Facilities and Level of Service Report (2022). * ADT data for Moody Road from 2003 to 2006 (most recent data available from Lee County Traffic County Database)

LEE COUNTY GENERALIZED SERVICE VOLUMES

Lee County
Generalized Peak Hour Directional Service Volumes
Urbanized Areas

April 2016					c:\input5			
		Uninterr	upted Flow					
			Level of Ser					
Lane	Divided	<u>A</u>	B	C	D	E		
1	Undivided	130	420	850	1,210	1,640		
2	Divided	1,060	1,810	2,560	3,240	3,590		
3	Divided	1,600	2,720	3,840	4,860	5,380		
Arterials Class I (40 mph or higher posted speed limit) Level of Service								
Lane	Divided	Α	B	<u> </u>	D	E		
1	Undivided	*	140	800	860	860		
2	Divided	*	250	1,840	1,960	1,960		
3	Divided	*	400	2,840	2,940	2,940		
4	Divided	*	540	3,830	3,940	3,940		
Class II (35 mph or slower posted speed limit) Level of Service								
Lane	Divided	<u>A</u>	<u>B</u>	C 330	D 710	E 780		
1	Undivided	*	*	710	1,590			
23	Divided Divided	*	*	1,150	2,450	1,660 2,500		
4	Divided	*	*	1,130	3,310	3,340		
4	Divided			1,000	3,310	3,340		
		Control	led Access Level of Sei					
Lane	Divided	A	В	C	D	E		
1	Undivided	*	160	880	940	940		
2	Divided	*	270	1,970	2,100	2,100		
3	Divided	*	430	3,050	3,180	3,180		
Collectors Level of Service								
Lane	Divided	A	В	C	D	E		
1	Undivided	*	*	310	660	740		
1	Divided	*	*	330	700	780		
2	Undivided	*	+	730	1,440	1,520		
2	Divided	*	*	770	1,510	1,600		
Note: the service volumes for I-75 (freeway), bicycle mode, pedestrian mode, and bus mode should be from FDOT's most current version of LOS Handbook.								

LEE COUNTY PUBLIC FACILITIES LEVEL OF SERVICE AND CONCURRENCY REPORT

Table 21 b): Link-Level Service Volumes and LOS Table Table 21 b) 3 of 7

ink No.	NAME	ROADW	AY LINK	F. Class	ROAD		FORMANCE TANDARD		021 100 Hest H		FUT	URE FO		Notes
		FROM	то		TYPE	105	DIRECTIONAL CAPACITY	105	VOL	v/c	៤០ទ	VOL	v/c	
1450	ESTERO PKWY	THREE DAKS PKWY	BEN HILL GRIFFIN PKWY	M. Art	4LD	Ŧ	2,000	B	629	0.31	8	661	0.33	
0200	EVERGREEN PD	US 41	BUS 41	Maj. Col	2LN	E	360	C	100	0.12	C	116	0.13	old count projection
	FIDDLESTICKS BLVD	GUARDHOUSE	DANIELS PKWY	Maj. Col	2LN	E	860	C	340	0.40	C	358	0.42	and the second s
0400	FOWLER ST	US 41	N AIRPORT RD	P Art	6LD	E	2,300	D	1,308	0.57	D	1,375	0.60	
0500	FOWLER ST	N AIRPORT RD	COLONIAL BLVD	P.An	6LD	E	2,300	D	1,565	0.68	D	1,644	0.71	
0800	GASPARILLA BLVD	FIFTH ST	COUNTY LINE	Maj. Col	2UN	E	860	C	231	0.27	C	258	0.30	Constrained*
	GATEWAY BLVD	GATEWAY LAKES BLVD	SR82	M Art	21N	E	860	C	505	0.59	C	531	0.52	Old Count
	GATEWAY BLVD	DANIELS PKWY	GATEWAY LAKES BLVD	M. Art	AID	E	1,790	C	1,233	0.69	C	1,296	0.72	
0900	GLADIOLUS DR	MCGREGOR BLVD	PINE RIDGE RD	P.An	ALD	£	1,840	C	528	0.29	C	555	0.30	
1000	GLADIOLUS DR	PINE RIDGE RD	BASS RD	P. Art	41D	£	1,840	C	1,149	0.62	C	1,284	0.70	
	GLADIOLUS DR	BASS RD	WINKLER RD	P. Art	6LD	E	2,780	C	1,149	0.41	C	1,208	0.43	
	GLADIOLUS DR	WINKLER RD	SUMMERLIN RD	P. Art	6LD	£	2,780	3	1,149	0.41	3	1,208	0.43	
	GLADIOLUS DR	SUMMERLIN RD	US 41	P.An	61D	E	2,750	C	2,127	0.80	C	2,340	0.24	
1400	GREENBRIAR BLVD	RICHMOND AVE	NOEL BLVD	Min. Col	2UN	E	860	С	72	0.08	C	76	0.09	
1500	GUNNERY RD	SR 82	IFEBLVD	P.An	41D	E	1,920	B	1,427	0.74	B	1,522	0.79	
1600	GUNNERY RD	LEEBLVD	BUCKINGHAM RD	P. Art	218	E	1,020	C	777	0.76	C	912	0.89	
1700	HANCOCK BRIDGE PKWY	DEL PRADO BLVD	NE MTH AVE	P An	4LD	E	1,880	B	1,082	0.58	B	1,138	0.61	
1800	HANCOCK BRIDGE PKWY	NE 24TH AVE	DRANGE GROVE BLVD	P. Art	4LD	E	1,880	B	1,362	0.72	B	1,432	0.76	
1900	HANCOCK BRIDGE PKWY		MOODY RD	P. Art	410	E	1,830	B	1,356		B	1,425	0.76	
12000	HANCOCK BRIDGE PKWY	MOODYRD	05.41	P Art	4LD	E	1,880	В	1,355	0.72	3	1,425	0.75	
12100	HART RD	SR 78	TUCKER LANE	Min. Col	2LN	E	860	C	337	0.39	C	354	0.41	-
12200	HICKORY BLVD	BONITA BEACH RD	MeLAUGHLIN BLVD	M. Art	2LN	E	890	E	554	0.62	E	582	0.65	Constrained*
12300	HICKORY BLVD	MCLAUGHLIN BEVD	MELODY LANE	M. Art	2LN	E	890	E	554	0.62	E	582	0.65	Constrained*
12400	HICKORY BLVD	MELODYLANE	ESTERO BLVD	M. Art	ZLN	E	890	E	554	0.62	E	582	0.65	Constrained*
12430	HOMESTEAD RD	SR 82	MILWAUKEE BLVD	M.Art	21.8	Ē	1,010	D	517	0.51	E	687	0.68	
12490	HOMESTEAD RD	MILWAUKEE BLVD	SUNRISE BLVD	M.Art	2LN	E	1,010	D	517	0.51	E	687	0.68	1 () () () () () () () () () (
12500	HOMESTEAD RD	SUNRISE BLVD	LEELAND HEIGHTS	M. Art	4LN	E	1,960	C	517	0.26		687	0.35	4 lane under construction
12600	HOMESTEAD RD	LEELAND HEIGHTS	LEE BLVD	M. Art	4LN	E	1,960	D	1,249	0.64	D	1,345	0.69	
31800	175	BONITA BEACH RD	CORKSCREW RD	State	6UF	Ð	5,620	D	5,608	1.00	1.1	6,508	116	Status Andrews
31900	1-75	CORKSCREW RD	AUCO RD	State	6LF	D	5,620	1	5,816	103	ΙŦ.	6,656	1.18	State Performance Standard is D
32000	F75	ALICO RD	DANIELS PKWY	State	GLF	D	6,620		6,038	0.91	14	6,636	1.00	State Performance Standard is D
32100	1-75	DANIELS PKWY	COLOMAL BLVD	State	6UF	D	5,620	D	5,063	0.90	1.E	5,849	1.04	State Performance Standard is D
32300	1-75	MLK(SR 82)	LUCKETT RD	State	6LF	D	5,620	D	5,297	0.94		5,947	1.05	State Performance Standard is D
Z400	F75	LUCKETT RD	SR 80	State	6LF	D	6,520	C	5,063	0.76	C	5,00	0.85	
32500	175	SR 80	58.78	State	ÐF	D	6,620	8	3,557	0.54	B	3,993	0.60	
32600	175	SR 78	COUNTY LINE	State	6LF	C	4,670	B	3,241	0.69	C	3,572	0.75	
	175	COLONIAL BLVD	M.L.E.(SR 82)	State	6LF	D	5,620	C	4,788	0.85	D	4,936	0.88	
12700	IDLEWILD ST	METRO PKWY	RANCHETTE RD	Maj. Col	2UN	E	\$60	С	201	0.23	C		0.25	
13000	IMMOKALEE RD (SR 82)	E OF COLONIAL BLVD	GATEWAY BLVD	State	GLD	D	3,171	C	1,892	0.60	C	2,444	0.77	
13100	IMMOKALEE RD (SR 82)	GATEWAYBLVD	GUNNERY RD	State	GLD	D	3,171	C	1,362	0.43	C	1,775	0.56	
13200	IMMOKALEE RD (SR 82)	GUNNERY RD	ALABAMA RD	State	6LD	D	4,920	8	1,325	0.27		1,619		
13300	IMMOKALEE RD (SR 82)	ALABAMA RD	BELL BLVD	State	4LD	D	3,280	B	750	0.23	B	926	0.28	
13400	IMMOKALEE RD (SR 82)	BELL SLVD	COUNTY LINE	State	41D	Ð	3,280	B	707	0.22	B	871	0.27	
3500	IMPERIAL PKWY	COLLIER COUNTY LINE	BONITA BEACH RD	P.An	4LD	E	1,920	В	1,080	0.56	B	1,135	0.59	
3550	IMPERIAL PKWY	E TERRY ST	COCOMUT RD	Controlled as	410	E	1,920	B	730	0.38	B	767	0.40	
13600	IONA RD	DAVIS RD	McGREGOR BLVD	Maj. Col	21.N	E	860	C	384	0.45	C	463	0.54	
3700	ISLAND PARK RD	PARK RD	US 41	Maj. Col	2LN	E	860	C	79	0.09	C	210	0.24	
3600	JOEL BLVD	ALEX GRAHAM BELL BLVD	18TH 5T	P. Art	4LN	E	2,120	Э	514	0.19	3	824	0.39	Lost Blvd CPD

County-Maintained Collector Roadway - Unincorporated Lee County

County-Maintained Collector Roadway - Incorporated Lee County

County-Maintained Arterial Roadway - Unincorporated Lee County

County-Maintained Arterial Roadway - Incorporated Lee County

State-Maintained Arterial Roadway - Unincorporated Lee County

County Maintained Expressway

Public Facilities Level of Service and Concurrency Report 2022 – Inventory and Projections

Table 21 b):	Link-Level	Service	Volumes	and	LOS Table	
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Table 21 b) 4 of 7

		ROADWAY	ШІК		ROAD		FORMANCE		021 100		FUT	URE FO		
nk No.	NAME			F. Class	TYPE		DIRECTIONAL		iHEST H	<u> </u>		(2026		Hotes
		FROM	то	-		LOS	CAPACITY	105	VOL	V/C	los	VOL	v/c	
	JOEL BLVD	LETH ST	SR 80	P Art	ZLN	E	1,010	C	482	0.48	D	506	0.50	
	JOHN MORRIS RD	BUNCHE BEACH	SUMMERLIN RD	Min. Col	2LN	E	860	С	62	0.07	C	12	0.08	old count projection
14100	JOHN MORRIS RD	SUMMERLIN RD	KONA RD	Maj. Col	ZLN	E	860	C	256	0.30	С	269	0.31	,
	KELLY RD	McGREGOR BLVD	SAN CARLOS BLVD	Maj. Col	2LN	E	850	С	264	0.31	С	277	0.32	
	KELLY RD	SAN CARLOS BLVD	PINE RIDGE RD	Maj. Col	2111	E	850	С	106	0.12	С	120	0.14	old count projection(2010)
	LAUREL DR	BUS 41	BREEZE DR	Maj. Col	2111	E	850	C	384	0.45	C	404	0.47	
	LEE BLVD	59.62	ALVIN AVE	P. Art	6LD	E	2,840	B	2,084	0.73	B	2,190	0.77	
	LEE BLVD	ALVIN AVE	GUNNERY RD	P, Art	6LD	E	2,840	B	1,957	0.69	B	2,136	0.75	
14800	LEE BLVD	GLINNERY RD	HOMESTEAD RD	P.Art	6LD	E	2,840	B	2,093	0.74	B	2,200	0.77	
14900	LEE BLVD	HOMESTEAD RD	WILLIAMS AVE	P. Art	4LD	E	1,980	B	898	0.45	B	943	0.48	
14930	LEE BLVD	WILLIAMS AVE	LEELAND HEIGHTS	P.An	21.N	E	1,020	С	898	0.88	C	943	0.92	
15000	LEE RD	SAN CARLOS BLVD	ALICO RD	Maj. Col	2LN	E	860	С	544	0.63	D	614	0.71	old count projection(2015)
15100	LEELAND HEIGHTS	HOMESTEAD RD	JOEL BLVD	P. Art	4LN	E	1,800	8	832	0.45	B	867	0.48	100 C
15200	LEONARD BLVD	GUNNERY RD	WESTGATE BLVD	ML Art	21N	E	860	D	763	0.89	D	819	0.95	
15300	LITTLETON RD	CORBETT RD	US 41	Maj. Col	21.11	E	160	C	528	0.61	C	555	0.65	
15400	LITTLETON RD	US 41	BUS 41	Maj. Col	21.N	Ε	860	C	437	0.51	C	459	0.53	
15500	LUCKETT RD	ORTIZ AVE	1-75	M.Art	21.N	E	880	B	317	0.36	В	392	0.45	4 Ln design & ROW
15600	LUCKETT RD	F15	COUNTRY LAKES DR	Maj. Col	2LN	E	860	B	285	0.33	C	299	0.35	
15700	MAPLE DR*	SUMMERLIN RD	2ND AVE	Min. Col	2111	E	860	C	77	0.09	C	89	0.10	old count projection
15800	MCGREGOR BLVD	SANIBEL T PLAZA	HARBOR DR	P. Art	410	E	1,960	B	1173	0.50	6	1,233	0.63	
15900	McGREGOR BLVD	HARBOR DR	SUMMERLIN RD	P. Art	4LD	E	1,960	B	1,180	0.60	B	1,240	0.63	
15000	MCGREGOR BLVD	SUMMERLIN RD	KELLY RD	M.Art	410	E	1,960	A	927	0.47	A	983	0.50	
16100	MCGREGOR BLVD	KELLY RD	GLADIOLUS DR	M. Art	410	E	1,960	A	927	0.47	A	975	0.50	
15200	MCGREGOR BLVD (SR 86	OLD MEGREGOR /GLADIOLUS DR	IONA LOOP RD	State	4LD	D	2,100	C	1,465	0.70	C	1,635	0.78	AND DESCRIPTION OF THE
16300	MEGREGOR BLVD (SR 86	TIONA LOOP RD	PINE RIDGE RD	State	410	D	2,100	C	1.465	0.70	C	1,635	0.78	
16400	MCGREGOR BLVD (SR 86	PINE RIDGE RD	CYPRESS LAKE DR	State	410	D	2,100	C	1,674	0.80	C	1.873	0.89	
16500	MEGREGOR BLVD (SR SE		COLLEGE PKWY	State	4LD	D	2,100	C	1,674	0.80	C	1.873	0.89	
16600	MEGREGOR BLVD (SR 86		WINKLER RD	State	ZIN	D	924	C	726	0.79	C	797	0.85	Constrained
15700	McGREGOR BLVD (SR 86		TANGLEWOOD BLVD	State	ZUN	D	970		1,039	107		1,143		Constrained
15800	MCGREGOR BLVD (SR 86		COLONIAL BLVD	State	201	0	970		1.039	1.07	1	1.143	1.15	Constrained
16900	METRO PKWY (SR 739)	SOX MILE PKWY	DANIELS PKWY	State	6LD	0	3,171	0	1.136	0.36	C	1.492	0.47	
17000	METRO PKWY (SR 739)	DANIELS PKWY	CRYSTAL DR	State	4LD	D	2,100	c	1.184	0.55	c	1,446	0.69	
17100	METRO PKWY (SR 739)	CRYSTALOR	DANLEYOR	State	40	D	2,100	c	1,665	0.79	D	2,092		
17200	METRO PKWY (SR 739)	DANIEYOR	COLONIAL SLVD	State	4LD	D	2,100	c	1,665	0.79	D	2.092	1.00	
	MICHAEL RIPPE PKWY	U541	SOX MILES PKWY	State	SLD	D	3,171	C	1,397	0.44	C	1,875	0.59	
17600	MILWAUKEE BLVD	ALABAMA BLVD	BELL BLVD	Maj. Col	2LN	E	850	С	168	0.20	-	176	0.20	•
	MILWAUKEE BLVD	BELL BLVD	COLUMBUS BLVD	Min. Col	2LN	E	860	č	168	0.20	c	181	0.21	í.
17800	MOODY RD	HANCOCK B. PKWY	PONDELLA RD	Min. Col	2LN	E	860	c	182	0.21	c	205	0.24	old count projection(2009)
17900	NALLE GRADE RD	SLATER RD	NALLE RD	Min. Col	ZLN	E	860	c	69	0.08	c	72	0.08	in the product of the second
18000	NALLERD	SR 78	NALLE GRADE RD	Min. Col	2LN	E	860	c	128	0.15	c	147	0.17	
100 million (12)	NEALRD	ORANGE RIVER BLVD	BUCKINGHAM RD	Min. Col	ZLN	E	860	č	130	0.15	c	137	0.16	
18200	NORTH RIVER RD	931	FRANKLIN LOCK RD	MAR	21.11	E	1,140	A	145	013	B	264	0.23	
18300	NORTH RIVER RD	FRANKLIN LOCK RD	BROADWAYRD	ML Art	ZLN	E	1,140	A	145	0.13	B	286	0.75	
	NORTH RIVER RD	BRDADWAY RD	COUNTY LINE	ML Art	ZUN	E	1,140	A	100	0.09	A	133	0.12	
	OLGA RD*	SR 80 W	SR BO E	Min. Col	2LN	E	860	c	82	0.10		95	0.11	old count projection
19100	ORANGE GROVE BLVD	CLUB ENTR.	HANCOCK B. PKWY	Min. Col	ZLN	E	860	c	393	0.45		488	0.57	
19200	CRANGE GROVE BLVD	HANCOCK B. PKWY	PONDELLA RD	Min. Col	4LN	E	1,790	c	528	0.40	c		0.31	old count(2009)
19200	ORANGE RIVER BLVD	SR BD	STALEY RD	Maj. Col	4LN 21.N	F	1,790	D	528	0.48		555	0.50	

County-Maintained Collector Roadway - Unincorporated Lee County
County-Maintained Collector Roadway - Incorporated Lee County
County-Maintained Arterial Roadway - Unincorporated Lee County



State-Maintained Arterial Roadway - Unincorporated Lee County

County Maintained Expressway

TRAFFIC DATA FROM FDOT TRAFFIC REPORT ONLINE

FLORIDA DEPARTMENT OF TRANSPORTATION TRANSPORTATION STATISTICS OFFICE 2022 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 6017 - HANCOCK BRIDGE PKWY, 500' W OF BEAU DR, PTMS 2017, LCPR 17

YEAR	AADT	DIRECTION 1	DIRECTION	2 *K FACTOR	D FACTOR	T FACTOR
2022	23500 X	0	0	9.00	54.00	6.20
2021	23500 т	0	0	9.00	57.00	6.00
2020	23000 S	0	0	9.00	53.40	4.40
2019	23500 F	0	0	9.00	53.80	5.20
2018	23154 C	0	0	9.00	68.70	5.10
2017	22000 F	0	0	9.00	68.70	4.90
2016	22314 C	E 10601	W 11713	9.00	68.70	4.40
2015	21656 C	E 10187	W 11469	9.00	69.10	4.30
2014	20722 C	E 9709	W 11013	9.00	67.70	3.80
2013	18568 C	E 9442	W 9126	9.00	67.70	4.80
2012	17888 C	E 9440	W 8448	9.00	64.10	4.50
2011	20330 C	E 9584	W 10746	9.00	69.50	4.40
2010	20761 C	E 9546	W 11215	10.16	68.81	4.60
2009	20887 C	E 9648	W 11239	10.19	69.01	4.70
2008	21865 C	E 10171	W 11694	10.31	70.67	3.50

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

TRIP GENERATION EQUATIONS

Single-Family Attached Housing (215)

Vehicle Trip Ends vs: Dwelling Units On a: Weekday

Setting/Location: General Urban/Suburban

Number of Studies: 22

Avg. Num. of Dwelling Units: 120

Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
7.20	4.70 - 10.97	1.61

Data Plot and Equation





Single-Family Attached Housing (215)

Vehicle Trip Ends vs: Dwelling Units On a: Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m. Setting/Location: General Urban/Suburban Number of Studies: 46 Avg. Num. of Dwelling Units: 135 Directional Distribution: 31% entering, 69% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.48	0.12 - 0.74	0.14

Data Plot and Equation



Single-Family Attached Housing (215)

Vehicle Trip Ends vs: Dwelling Units On a: Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m. Setting/Location: General Urban/Suburban Number of Studies: 51 Avg. Num. of Dwelling Units: 136 Directional Distribution: 57% entering, 43% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.57	0.17 - 1.25	0.18

Data Plot and Equation




Recreational Community Center (495)

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

Setting/Location: General Urban/Suburban

Number of Studies: 4

Avg. 1000 Sq. Ft. GFA: 78

Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate		Range of Rates	Standard Deviation		
	28.82	21.49 - 36.71	8.56		

Data Plot and Equation



Recreational Community Center (495)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

- Number of Studies: 12
- Avg. 1000 Sq. Ft. GFA: 105

Directional Distribution: 66% entering, 34% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation		
1.91	1.08 - 4.18	0.88		

Data Plot and Equation





Recreational Community Center (495)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 15

Avg. 1000 Sq. Ft. GFA: 124

Directional Distribution: 47% entering, 53% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation		
2.50	1.05 - 5.37	1.28		

Data Plot and Equation





BOARD OF COUNTY COMMISSIONERS

Kevin Ruane District One

Cecil L Pendergrass District Two

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Michael Greenwell **District Five**

Dave Harner, II **County Manager**

Richard Wm Wesch County Attorney

Donna Marie Collins County Hearing Examiner

October 25, 2023

Stacy Ellis Hewitt **Banks** Engineering 10511 Six Mile Cypress Parkway Fort Myers, FL 33966

RE: Potable Water and Wastewater Availability Home Front Heroes Minor CPD - 884, 938, & 940 Moody Road STRAP # 10-44-24-00-01046.0000, 10-44-24-00-01046.0010, 10-44-24-00-00047.0000, 10-44-24-00-00047.0010, 10-44-24-00-00047.0020 & 10-44-24-00-00047.0030

To whom this may concern:

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

Your firm has indicated that this project will consist of two commercial units with an estimated flow demand of approximately 7,100 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

Availability of potable water and sanitary sewer service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our North Lee County Water Treatment Plant.

Sanitary sewer service will be provided by the FGUA - Del Prado Water Reclamation Facility. The Lee County Utilities' Design Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

There are no reuse mains in the vicinity of this parcel.

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

Recycled Paper

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 533-2111 lee-county.com AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

ATTACHMENT G

Via E-Mail

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

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

Sincerely,

LEE COUNTY UTILITIES

Ashanti Shahriyar

Ashanti Shahriyar Plan Reviewer 239-533-8531 UTILITIES ENGINEERING

Recycled Paper

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 533-2111 lee-county.com AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER



DCI2023-00047 Home Front Heroes Memo.DOCX ee County DEPARTMENT OF COMMUNITY DEVELOPMENT

Memo

To: Brian Roberts, Planner From: Tim Brooks, Project Manager, DOT Date: Dec 2, 2024

Subject: Home Front Heroes (DCI2023-00047) Transportation-Related Analysis

Proposed Development

The memo only addresses items pertinent to the zoning action. Development Order related items, that were included in the analysis, will be reviewed at the time of DO. This application requests approval to rezone approximately 10.72 acres from Residential Planned Development (RPD) to Commercial Planned Development (CPD) to allow a maximum of 50,000 square feet of commercial uses. Of that 50,000 square feet, 42,000 square feet will be for recreational activities, while the remaining will be for single housing units for caretakers. The existing boat slips will remain.

Site Location

The proposed development is approximately 0.2 mi south of the intersection of Hancock Bridge Pkwy & Moody Rd.

Site Access

Access to the subject site is proposed to Moody Rd (county-maintained major collector) via a single connection.

Trip Generation Review

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) Trip Generation 11th Edition Report. Table 1 outlines the proposed project's new trip generation for weekday AM and PM peak hours and daily traffic volumes. The LUCs 495 (Rec. Center) and 215 (Single Family Attached Housing) were used. The previously approved trip generation is 145 multi-family dwelling units (LUC 220).

Table 1: Trip Generation

Land Use	AM Peak Hour			PM Peak Hour			Daily
Land Use	In	Out	Total	In	Out	Total	Daily
Recreational Center (42,000 SF)	53	27	80	67	76	143	1,191
Single Family Attached Housing (4 Units)	2	0	2	1	1	2	29
TOTAL	55	27	82	68	77	145	1,220

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ATTACHMENT H

Land Use	AM Peak Hour			PM Peak Hour			Deller
Land Use	In	Out	Total	In	Out	Total	Daily
Approved RPD Zoning	16	52	68	52	31	83	1,005
Proposed CPD Zoning	55	27	82	68	77	145	1,220
Net	+39	-25	+14	+16	+46	+62	+215

Roadway Section Traffic Operation Level of Service Analysis

The proposed development was assumed to be completed by 2028 (build-out year). So, the roadway significantly impacted by the proposed development was analyzed for the horizon year 2028 without and with the proposed development (Table 2).

Table 2: Arterial/Collector Roadway Section(s) Adjacent to Site Expected to be Significantly Impacted by the Proposed Development

		Significant	Level of Service		
Roadway	Segment	Impact Expected	Existing	Future	Future+ Project
Hancock Bridge Pkwy	E of Moody Rd	No	C	С	C
Hancock Bridge Fkwy	W of Moody Rd	No	С	С	C
Moody Rd	N of Hancock Bridge Pkwy	No	C	С	C

Roadway Intersection Traffic Operation Level of Service Analysis

The new trip ends (peak hour net trips) generated for the proposed development is expected to be less than 100. Therefore, certain items from the TIS, such as Roadway Intersection Traffic Operation Level of Service Analysis, are not required.

Conclusion

The proposed project will not have a detrimental impact on the surrounding roadway system.

Lee County, Florida DEPARTMENT OF COMMUNITY DEVELOPMENT ENVIRONMENTAL STAFF REPORT

CASE NUMBER: DCI2023-00047 TYPE OF CASE: Commercial Planned Development CASE NAME: Home Front Heroes Minor Commercial Planned Development TOTAL ACREAGE: 15.76 Acres SUFFICIENCY DATE: October 31, 2024 HEARING EXAMINER DATE: January 9, 2025

<u>Request</u>

The applicant is requesting an amendment to the western 15.76 acres of Tract M of the existing Moody River Estates RPD/CPD (Resolution Z-05-048). The applicant is rezoning 10.78 acres of the 15.76-acre portion (4.98 acres is within navigable waterway) from Residential Planned Development to Commercial Planned Development to allow the following:

- maximum of 50,000 square feet of commercial uses
- up to four caretakers' residences
- accessory multi-purpose outdoor recreation areas
- existing boat ramps
- private multi-slip docking facility (maximum 10 wet slips and 10 dry slips

The property is located south of the intersection of Hancock Bridge Parkway and Moody Road. The proposed project is in the North Fort Myers Planning Community. According to the Lee Plan, the parcels are in the Suburban and Wetland Future Land Use Categories.

Existing Conditions and Protected Species

As mentioned, the property is in the North Fort Myers Planning Community, south of Hancock Bridge Parkway on the east side of Moody Road. The applicant has submitted a Protected Species Survey that includes the Florida Land Use Cover and Classification System (FLUCCS) map depicting the pedestrian transects methodology used to survey the project and a detailed FLUCCS for the project area (see Exhibit A). Most of the site consists of Disturbed Lands (FLUCCS 740) and Bays and Estuaries (FLUCCS 540). The portion of the property that abuts the Caloosahatchee River consists of a mangrove fringe that is over 75 percent of exotics and does meet the definition of indigenous per LDC Section 10-1. The property has an existing landscape buffer that abuts Moody Road and the buffer between the multi-family to the north previously approved per LDO2013-00596 and LDO2023-00316.

The applicant has indicated that no protected species are located on the site. Staff inspected the site and found no species. There is an active Southern bald eagle nest located south of the property and identified on the FLUCCS map (see Exhibit B). The applicant is proposing an alternative buffer per Deviation 17 and preservation of existing vegetation along the south property line to prevent a disturbance. The applicant

1 | Page

ATTACHMENT I

has presented the case to the Eagle Technical Advisory Committee which provided guidance for the proposed scope of work and State and Federal permits. More information regarding the bald eagle protection is provided in the Natural Resources staff report.

OPEN SPACE

The applicant has provided an Open Space Exhibit that provides that depicts the indigenous and general open space calculations for the site and hatches the different open space locations (see Exhibit C). The 10.78-acre total site area consists of the mainland parcel (8.77 acres), island conservation easement (1.12 acres), and man-made basin (0.89 acres). The zoning boundary includes 4.98 acres of Hancock Creek for a total of 15.75 acres. The applicant has requested a deviation (**Deviation 15**) to allow the open space to be based on the land acreage which would not include Hancock Creek (4.98 acres). Therefore, the applicant is basing the 30 percent open space from the 10.78 acres of land which requires the applicant to provide 3.23 acres of open space.

Staff is recommending APPROVAL, with a condition to ensure that the open space is based on 10.78 acres of land for Deviation 15 recommendation of approval:

Prior to the issuance of a development order for Tract M, the development order plans must depict 3.73 acres of open space based on 30 percent of 10.78 acres of land.

INDIGENOUS OPEN SPACE

The Land Development Code requires that large projects must provide 50 percent of the open space percentage requirement through onsite preservation of existing native vegetation communities (LDC 10-415(b)). The applicant is required to provide 1.62 acres of indigenous open space for the commercial development area and is providing 1.12 acres of indigenous wetland preservation. A conservation easement has been recorded for the 1.12-acre indigenous wetland preserve (Instrument #2013000240535) and attached as Exhibit D. The applicant has indicated on the open space exhibit that the mangrove fringe that is non-indigenous is being preserved. Staff is providing a condition that the exotic vegetation be hand removed from the mangrove fringe areas to allow mangrove succession.

Staff recommends the following condition to ensure the proposed indigenous open space is provided:

Prior to the issuance of the development order for Tract M, the development order plans must depict 1.12-acres of indigenous preserve area.

Prior to the issuance of a Certificate of Compliance for Tract M, the exotic vegetation must be removed by hand from the mangrove fringe as depicted on the Master Concept Plan received 10/15/2024.

BUFFERS

The proposed development abuts Hancock Creek, which is a man-made oxbow to the east, AG-2 zoned property that has been purchased by Lee County Conservation 20/20, Moody Road is located west of the parcel, and Mangrove Bay Condominium Association (RM-2) is located to the north. The required buffers are as follows:

North - The north property line abuts an RM-2 zoned property and the applicant has completed and certified a Type-B buffer per the Moody River Estates Waterfront Park, LDO2013-00596, which included existing heritage trees incorporated into the Type-B buffer. Deviation 17 is being requested to allow the Type-B buffer to remain.

South – The south property line abuts a vacant Agriculturally (AG-2) zoned property that was approved by the Board of County Commissioners on August 20, 2024, to allow Lee County Conservation 20/20 to purchase the adjacent property. The abutting property has an active Southern bald eagle nest with eagle buffer zones depicted on the Master Concept Plan. LDC Section 10-416(d) requires commercial developments that abut lands used for preservation to provide a Type-F buffer (30-foot-wide, 10 trees per 100 linear feet and double hedge). The south property line has a ten-foot-wide non-exclusive access, utility, and drainage easement (Instrument # 2021000044030) and the applicant is providing the 30-foot-wide buffer with the planting area within 20 feet of the buffer as depicted on cross section A-A on the master concept plan and below:



INSTALLATION PLANTED 20 FEET ON CENTER

The applicant is requesting a deviation from LDC Section 10-416(d) (Deviation 17) to allow the 30foot-wide buffer to begin at the 660-foot eagle nest zone and extend the length of the south property line and end at the 330-foot eagle nest zone. In addition, the applicant is requesting to allow the existing native trees within the 330-foot eagle nest zone to remain and serve as the buffer with no earth work or planting in this area as noted on the master concept plan. Staff is recommending **APPROVAL of Deviation 17**, as conditioned.

West – The west property line abuts Moody Road, a County maintained minor collector road. LDC Section 10-416(d) requires a 15-foot-wide Type D buffer when a proposed commercial, industrial, or multi-family use abuts a right-of-way. The applicant is demonstrating compliance with the 15-foot-wide Type D buffer. The applicant requested a decorative fence per LDO2023-00316 which was approved depicting the fence on the property line and not setback 15 feet per LDC Section 10-421(a)(8). The applicant has requested Deviation 16 to allow the fence to be on the west property line. Staff is recommending **APPROVAL of Deviation 16**.

East – The east property line abuts the AG-2 property that has been purchased by Lee County Conservation 20/20. Like the south buffer, LDC Section 10-416(d) requires a 30-foot Type F buffer when a proposed commercial or industrial use abuts conservation lands. The applicant is demonstrating compliance with the 30-foot Type-F buffer by preserving indigenous open space along the east property line. The applicant has requested Deviation 17 to allow the existing indigenous vegetation to meet the Type-F buffer. Staff is recommending **APPROVAL of Deviation 17**, with conditions.

Staff provides the following buffer conditions to ensure that the development order is consistent with the Master Concept Plan and to approve Deviations 16 and 17:

Prior to the issuance of a development order for Tract M, the applicant must provide the following buffers:

a. North property line must depict a Type-B buffer preserving existing heritage trees.

- b. South property line must depict a 30-foot-wide buffer between the 660 foot and 330-foot eagle nest zone consisting of a ten-foot-wide tree planting strip and ten-foot-wide planted swale consisting of the following:
 - *i.* Slash Pine (Pinus elliottii) and Live Oaks (Quercus virginiana) must six-foot-in-height, 25 gallon, and installed 20 foot on center; and
 - *ii.* Spartina bakeril must be one gallon and specified to be installed two feet on center within the swale.
- c. Southwest corner must include preservation of existing indigenous vegetation, no earth work, and hand removal of exotics.
- d. East property line must preserve existing indigenous vegetation, no earth work, hand removal of exotics within the 330-foot eagle nest zone and a Type-C or Type-F buffer outside of the 330-foot eagle nest zone.
- e. West property line must depict a Type-D buffer preserving existing heritage trees and a decorative fence along the property line.

Buffer Specifications and Deviation 20

The applicant has requested relief from LDC Section 10-420(f), which requires that the height of all buffer trees and shrubs be measured from the parking lot grade of the project site. The applicant is requesting to measure from the final grade in which the buffer trees reside but no lower than the crown of the adjacent road or existing grade of the abutting property. The height of the trees within the south buffer are reduced to six feet per the cross section provided on the master concept plan. The applicant will be required to elevate the site since it is in the Coastal "A" Zone with approximately seven feet of fill brought to the site. If the trees in the buffer are measured from existing grade or from the crown of the adjacent road, the buffer will provide no screening to meet **Lee Plan Policies 6.1.1, 6.1.3 or 6.1.4** for screening and buffering to demonstrate compatibility. In addition, the buffer is being proposed within the eagle buffer zones to provide protection to the Southern Bald Eagle nest and by granting Deviation 20, the protection measures to screen the bald eagle nest are not provided.

Staff is recommending **DENIAL of Deviation 20**.

Exhibits

- A Protected Species Survey
- B FLUCCS map
- C Open Space Exhibit
- D Conservation Easement Instrument #2013000240535

Date:	November 27, 2024
То:	Brian Roberts, Planner
From:	Nic DeFilippo, Senior Environmental Planner 239.533.8983 ndefilippo@leegov.com
Subject:	DCI2023-00047 Natural Resources Staff Report and Conditions for Home Front Heroes Minor CPD

The request is to rezone the western 10.78± acres (15.76± acres including navigable waterway) of Moody River Estates RPD/CPD (Z-05-048) Tract M from Residential Planned Development (RPD) to Commercial Planned Development (CPD). The requested rezoning would allow for 50,000 square feet of commercial uses including up to four caretaker residences with accessory multi-purpose outdoor recreation areas, existing boat ramps, and private multi-slip docking facility with a maximum of 10 wet slips and 10 boat trailer parking spaces/dry slips.

The existing zoning approval (Z-05-048) allows for 200 dwelling units, a 53-slip multi-slip docking facility, and the existing private boat ramp within Tract M, as depicted in the approved Master Concept Plan below.



Among the many proposed changes depicted in the Master Concept Plan, the following are relevant to Natural Resources review of the case:

- New multi-slip docking facility design
- New paddle craft launch utilizing an existing dock
- Permanent measures to ensure future compliance with the Manatee Protection Plan
- Existing private motorized boat ramp and non-motorized boat ramp
- Bald Eagle nest LE-043D

ATTACHMENT J

The new multi-slip docking facility design is discussed in detail later in this Staff report but represents a significant decrease in the number of proposed boat slips. The proposed new paddle craft launch will utilize an existing dock access and comply with the Land Development Code prior to issuance of local development order. The applicant is proposing to install handrails and no mooring signs on the existing dock, as depicted on the Master Concept Plan, to ensure this dock is not used for boat mooring. This permanent measure will ensure Manatee Protection Plan compliance in the future. The existing private boat ramp was developed under LDO2013-00596 and is utilized by Moody River residents. The non-motorized boat ramp and bald eagle nest LE-043D are discussed in detail later in the Staff Report.



Non-motorized boat ramp

The Master Concept Plan indicates that the non-motorized boat ramp will remain. This ramp is in poor condition but was historically used to launch motorized vessels prior to the construction of the existing private boat ramp. Below is a photo and description of the non-motorized boat ramp from the *Manatee Protection Plan Response with Dock Drawings* document provided by the applicant during review of the case.



This is a photo of the older dirt boat ramp that is used intermittently for nonmotorized vessel launching. A more formal canoe/kayak floating launch facility is proposed in the northwest corner of the basin however this will remain as an access until the facility is constructed. Bollards will prevent motorized vessel access.

As discussed later in this Staff Report, 6.64 acres of the property is subject to a Conservation Easement that restricts the number of allowed boat slips. A Slip is defined by the Manatee Protection Plan as:

"A space designed for the mooring or storage of a single watercraft, which include wet or dry slips, anchorage, beached or blocked, hoist, parked on trailers, open or covered racks, seawall, or the number of parking spaces for boat ramps. Piers authorized only for fishing or observation are not considered wet slips."

Non-motorized vessels and launches are exempt from the Manatee Protection Plan but without permanent measures the existing non-motorized boat ramp has the potential to become operational again and result in compliance issues. To ensure compliance with the Manatee Protection Plan and ensure motorized vessels are not launched at this access Staff recommends the following condition:

Prior to local development order approval, the developer must depict permanent bollards on the development order plans that prevent motorized vessel access at the non-motorized boat ramp identified on the Master Concept Plan.

Multi-slip Docking Facility

The new multi-slip docking facility design was reviewed for compliance with Lee Plan Objective 128.4 which outlines the criteria the County will consider in evaluating requests for new and expanded marinas, other wet slip facilities, dry slip facilities with launches, and boat ramps to make efficient use of limited shoreline locations and to minimize environmental impacts.

The proposed multi-slip docking facility is not located within an aquatic preserve, therefore Lee Plan policy 128.4.3 is not applicable. The proposed facility is located in a Florida Fish and Wildlife Conservation Commission (FWC) Slow Speed Zone therefore vessels operating out of the private multi-slip docking facility will not create wake energy. The design and location of the proposed facility will not result in erosion on adjacent shorelines consistent with Lee Plan Policy 128.4.5. The proposed multi-slip docking facility design will not result in wetland impacts and has demonstrated that there are adequate uplands to support the proposed facility consistent with Lee Plan policies 128.4.7 and 128.4.11. In addition, the design proposes one access location that passes through an already open area avoiding mangrove and wetland impacts along the shoreline consistent with Lee Plan Policies 128.4.7 and 128.4.9. It is not anticipated that the multi-slip docking facility will have a negative impact on water quality given its proximity to the Caloosahatchee River and anticipated flushing from upstream, consistent with Lee Plan Policy 128.4.10.

Lee Plan policy 128.4.6 requires that proposed boat access facilities be evaluated in accordance with the Lee County Manatee Protection Plan (MPP) to determine the appropriate number of slips. Per Section 8 of the MPP, a proposed facility must first meet success criteria for both seagrass and water depth to qualify for boat slips. The applicant has indicated that there are no seagrasses within the proposed dock footprint consistent with Lee Plan policy 128.4.7. In regard to water depth, the proposed docking facility is located in a deepwater basin, maximum depth of -11', and all docks will be located in depths at or greater than -4' MLW. In addition, access to the Caloosahatchee River is provided by Hancock Creek which is an existing dredged channel providing a minimum of -5' MLW controlling depth consistent with Lee Plan policy 128.4.8 and LDC 26-71(f).

Between the approval of Z-05-048 and the current request, approximately 6.64 acres of the subject property were placed under a Conservation Easement (Attachment 1) which prohibits the placement of

boat slips on the property. The existing private boat ramp is not included within the Conservation Easement boundary. The Conservation Easement created 125 Transfer Slip Credits that may be sold or transferred from the subject property to a qualifying receiving parcel in accordance with the Manatee Protection Plan. These 125 Transfer Slip Credits were never sold or transferred to another property and the applicant has indicated that all 125 slips are controlled by the applicant (Home Front Heroes). The applicant has been working with the Lee County Attorney's Office and the Division of Natural Resources to amend the Conservation Easement to reduce the number of created Transfer Slip Credits to 105 which would allow the project to retain and construct 20 boat slips. To comply with Lee Plan policy 128.4.6, the amended Conservation Easement must be executed and recorded prior to issuance of local development order authorizing the construction boat slips on the property. Staff recommends the following conditions to ensure compliance with the Manatee Protection Plan and Lee Plan policy 128.4.6:

Prior to local development order approval, the developer must demonstrate that the recorded Conservation Easement has been modified to allow for a maximum of 20 boat slips to remain on the property.

Prior to local development order approval, the developer must depict and number all proposed boat slips on the development order plans.

Bald Eagle

Portions of the proposed project are within the 660 foot-radius of bald eagle nest LE-043D. As a result, any improvements within the 660 foot-radius must obtain a Board of County Commissioners approved Bald Eagle Management Plan per Land Development Code Sec. 14-119(c). The Eagle Technical Advisory Committee recommended approval of the attached Bald Eagle Management Plan (Attachment 2) on September 10, 2024. The Bald Eagle Management Plan includes the following conservation measures to ensure protection of critical bald eagle nesting habitat:

- No construction within the 330-foot buffer zone.
- A planted visual buffer between the proposed development and the bald eagle nest. The visual buffer will consist of native slash pine and live oak trees along the southern property boundary.
- Exterior construction between the 330 660-foot buffer during nesting season (10/1-5/15) must be completed with a qualified bald eagle monitor present monitoring in accordance with the USFWS guidelines.

To ensure that the project complies with LDC section 14-119(c) staff recommends the following condition:

Prior to local development order approval, the developer must adhere to the attached Bald Eagle Management Plan dated October 2024 for all proposed impacts within 660 feet of the bald eagle nest. The 660-foot buffer zone and the activities and restrictions outlined in the bald eagle management plan must be shown on the development order plans.

Attachments

- I. Conservation Easement and Covenant Limiting Watercraft Slips
- II. Bald Eagle Management Plan dated October 2024

INSTR # 2013000240535, Doc Type RES, Pages 12, Recorded 10/22/2013 at 02:05 PM, Linda Doggett, Lee County Clerk of Circuit Court, Rec. Fee \$103.50 Deputy Clerk MNOLAN

ATTACHMENT 1

This Instrument Prepared by: Lee County Natural Resources Division Post Office Box 398 Fort Myers, FL 33902-0398 STRAP Number: 10-44-24-00-01 046.0000; 10-44-24-00-01046.001 0; 10-44-24-00-0004 7.0020; 10-44-24-00-00047 .0030;

1 .

The Above Space for Recording

LIMITED DEED OF CONSERVATION EASEMENT and Covenant Limiting Watercraft Slips

THIS DEED OF CONSERVATION EASEMENT and Covenant Limiting Watercraft Slips ("Conservation Easement') is given this <u>2nd</u> day of <u>October</u> 2013, by Mood Development Corporation, a Florida corporation, having an address at 10130 Bertram Lane, Fort Myers, Florida 33919 ("Grantor") to **Lee County** ("County"), a political subdivision of the State of Florida, whose address is 2115 Second Street, Fort Myers, Florida 3 3901 (P.O. Box 398, Ft. Myers, FL 33902-0398).

As used herein, the term "Grantor" includes any and all heirs, successors or assigns of the Grantor, and all subsequent owners of the real property situated in Lee County, Florida described in attached Exhibit "A" (*"Property"*). The term "County" includes any successor or assignee of the County.

No state documentary stamps or intangible taxes are due on this transaction.

WHEREAS, the Grantor is the sole owner in fee simple of the Property;

WHEREAS, the Grantor desires to grant this Conservation Easement over the Property for the sole purpose so as to determine the maximum number of watercraft slips or slips ("*Slips*"), as defined by the adopted Lee County Manatee Protection Plan ("*Plan*"), that can be developed on the Property; and

WHEREAS, the Grantor desires to limit the number of Slips on the Property to be able to establish credits for the express purpose of creating Transfer of Slip Credits ("TSC') that may be sold or transferred from the Property to a qualifying receiving parcel ("Receiving Parcel") as determined under the terms of the Plan.

NOW THEREFORE, in consideration of the above and the mutual covenants, terms, conditions, and restrictions contained herein, together with other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, by the parties herein, the Grantor hereby voluntarily grants and conveys a perpetual conservation easement for and in favor of the County upon the Property. This Conservation Easement is binding on and will inure to the benefit of, the heirs, successors, and assigns of the Grantor and to County.

T.

Grantor expressly intends this Declaration to run with the land, and as such, it must be recorded by the Grantor in the Public Records of Lee County, Florida prior to the Grantor conveying, granting, or otherwise transferring any interest in the Property.

The scope, nature and character of this Conservation Easement will be as follows:

1. <u>Purpose</u>. The purpose of this Conservation Easement is to:

a. determine the total number of Slips available on the Property, consistent with the terms and conditions of the Plan. Absent a conservation easement limiting the development of Slips, the Property would be eligible to construct a maximum of 125 Slips or transfer up to a maximum of 125 Slips. (*Note: Under the terms of the Plan, the calculation for the maximum number of Slips that can be constructed on site* is rounded up to the nearest whole number, while the maximum number of Slips that can be transferred is rounded down)

b. Allow the Grantor to limit the construction or operation of Slips on the Property for the express purpose of creating TSCs.

c. By limiting the number of Slips that can be developed on the Property to a maximum of 125 Slips, there is the understanding up to a maximum number of 125 Slips will become available to be approved as TSC that can ultimately be transferred to a qualifying Receiving Parcel.

d. Notwithstanding the order of recording, this Limited Conservation Easement shall only be effective upon the vesting of the 125 Transferable Slip Credits to Darth Properties, LLC, consistent with the Deed of Transfer of Slip Credits referenced herein.

e. The purposes set forth on Paragraphs 1(a), 1(b), and 1(c) above are the only restrictions on the Property created by the Limited Conservation Easement. The Grantor hereby reserves all other property rights inherent in the property.

f. It is further acknowledged herein that nothing contained herein shall prevent the transfer back of boat slips to the property as long as all County, State and Federal procedures are followed.

2. <u>Rights of County.</u> To carry out this purpose, the following rights are conveyed to County by this easement:

a. The right to take action to enforce the purpose of this Conservation Easement;

b. The right to prevent any activity on or use of the Property that is inconsistent with the purpose of this Conservation Easement, which is solely to prevent the construction of more than the total of Slips identified in above Paragraph 1.a. on the Property, and to require the restoration of areas or features of the Property that may have been damaged by uses inconsistent with this Conservation Easement; 1

c. The right to enter upon and inspect the Property in a reasonable manner and at reasonable times, including the right to use vehicles and all necessary equipment, to determine if Grantor or its successors and assigns are complying with the covenants and prohibitions contained in this Conservation Easement;

d. The right to enforce this Conservation Easement by injunction or any proceeding at law or in equity to enforce the provisions of this Conservation Easement and the covenants set forth herein, to prevent the occurrence of any of the prohibited activities hereinafter set forth, and the right to require Grantor to restore such areas or features of the Property that may be damaged by any inconsistent activity or use;

e. The County is also provided the legal right to revoke, or refuse to issue, any development approvals relating to the Property if the Grantor fails to timely provide legally sufficient documentation of having recorded this Conservation Easement prior to conveying, granting, or otherwise transferring any interest in the Property; and

f. The County has the right and obligation to track the sale and use of TSCs resulting from the recording of this Conservation Easement.

3. <u>Prohibited Uses</u>. Any activity on or use of the Property inconsistent with the purpose of this Conservation Easement is prohibited (e.g. sole slip construction). Without limiting the foregoing, the following activities and uses are expressly prohibited, except for authorized maintenance or rebuilding activities:

a. The construction and operation of more than 125 Slips on the Property.

b. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation including, but not limited to, ditching, diking, dredging and fencing.

4. <u>Reserved Rights</u>. Grantor reserves to itself, its successors or assigns all rights as owner of the Property, including the right to engage in all uses and property rights in the easement area that are not prohibited herein, which are not inconsistent with Florida Statute, any Agency rule, criteria, permit and the intent and purposes of this Conservation Easement.

5. <u>Public Access</u>. No right of access by the general public to any portion of the Property or a Receiving Parcel is conveyed or established by this Conservation Easement.

6. <u>Responsibilities of Parties</u>.

a. Grantor, its successors or assigns, are responsible for c osts or liabilities related to the operation, upkeep or maintenance of the Property. In addition, County, its successors or assigns, will have no responsibility for any costs or liabilities related to the operation, upkeep or maintenance of the Property.

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b. Grantor will ensure that any successors-in-interest are on both actual and constructive notice of the limitation placed on the development of the Property through compliance with Paragraphs 14 and 17 herein.

c. Upon proper application to the County, the County agrees to approve a sale or transfer of Slip Development Rights, as derived from the Property identified herein, to a qualifying Receiving Parcel.

7. <u>No Zoning Approval Guaranteed or Conveyed</u>. No rights of zoning approval are implied or conveyed by this Conservation Easement. The Property and any qualifying Receiving Parcel must either have or obtain the appropriate zoning approval from the County prior to the application for a dock permit or development order. Such zoning approval may require a public hearing.

8. <u>Taxes</u>. Grantor, its successors or assigns, must pay before delinquency all taxes, assessments, fees, and charges of whatever description levied on or assessed by competent authority on the Property, and must furnish County with satisfactory evidence of payment upon request.

9. <u>Liability.</u> Grantor, its successors or assigns, will assume all liability for injury or damage to the person or property of third parties that may occur on the Property arising from ownership of the Property by the Grantor, its successors or assigns. Grantor agrees, on behalf of itself, its successors or assigns, or any person or entity claiming by or through Grantor, its successors or assigns, it may not hold County liable for damage or injury to person or personal property that may occur on the Property. Furthermore, the Grantor, its successors or assigns agrees to indemnify and hold harmless County for all liability, injury or damage to the person or property of third parties that may occur on the Property. The granting of this Conservation Easement is not intended to place any additional liability on the County regarding damage or injury occurring to property or persons on the Property.

10. <u>Hazardous Waste</u>. Grantor covenants and represents that no hazardous substance or toxic waste exists nor has been generated, treated, stored, used, disposed of, or deposited in or on the Property, and that there are not now any underground storage tanks located on the Property. Grantor, for itself, its successors or assigns, further agrees to indemnify the County for all liability arising from the subsequent placement or discovery of hazardous or toxic material on the Property. In the event such material is discovered, Grantor, its successors or assigns, will be responsible for the removal of the materials following coordination and written approval of the County.

11. <u>Enforcement Discretion</u>. Enforcement of the terms, provisions and restrictions of this Conservation Easement will be at the reasonable discretion of County, and any forbearance on behalf of County to exercise its rights hereunder in the event of breach by Grantor, will not be deemed or construed to be a waiver of County's rights.

12. <u>Venue and Enforcement Costs</u>. The venue to enforce the terms of this Conservation Easement will be in Lee County, Florida. If the County prevails in an enforcement action, it will be entitled to recover costs, including expert witness fees, as well as the reasonable cost of restoring the land to the natural vegetative and hydrologic condition existing at the

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time of execution of this Conservation Easement or to the vegetative and hydrologic condition. These remedies are in addition to any other remedy, fine, or penalty that may be applicable under Chapters 373 and 403, Florida Statutes.

13. <u>Assignment of Rights</u>. County will hold this Conservation Easement exclusively for conservation purposes. County will not assign its rights and obligations under this Conservation Easement except to another organization qualified to hold such interests under applicable state laws.

14. <u>Recording in Land Records</u>. Grantor must record this Conservation Easement in a timely fashion in the Official Records of the Public Records of Lee County, Florida. Grantor will pay all recording costs and taxes necessary to record this Conservation Easement in the public records. Any amendment, alteration, release or revocation of this Conservation Easement must also be recorded in the Official Records of the Public Records of Lee County, Florida.

15. <u>Binding Force and Effect</u>. The covenants, terms, conditions and restrictions of this Conservation Easement will be binding upon, and inure to the benefit of the parties hereto and their respective personal representatives, heirs, successors and assigns and continue as a servitude running in perpetuity with the Property.

16. <u>Notices</u>. All notices, consents, approvals or other communications hereunder must be in writing and will be deemed properly given if sent by United States certified mail, return receipt requested, addressed to the appropriate party or successor-in-interest. All notices to be sent to the County should be directed to the Natural Resources Division, 1500 Monroe Street, Fort Myers, Florida 33901, with a copy to the Office of the County Attorney, Post Office Box 398, Fort Myers, Florida 33902-0398.

17. <u>Subsequent Deeds</u>. Grantor will incorporate the terms and restrictions herein or reference this Conservation Easement in any subsequent deed or other legal instrument by which Grantor divests itself of any interest in the Property. Grantor further agrees to give written notice to County of the transfer of any interest in the fee underlying the Conservation Easement at least twenty days prior to the date of such transfer. The failure of Grantor to perform any act required by this paragraph will not impair the validity of this Conservation Easement or limit its enforceability in anyway.

18. <u>Severability</u>. If any provision of this Conservation Easement or the application thereof to any person or circumstances is found to be invalid, the remainder of the provisions of this Conservation Easement will not be affected thereby, as long as the purpose of the Conservation Easement is preserved.

19. <u>Amendment, Alteration or Revocation</u>. This Conservation Easement may be amended, altered, released or revoked only by written agreement between the parties hereto or their heirs, assigns or successors-in-interest. This Conservation Easement may only be amended, altered, released in a manner that remains consistent with the State-approved Lee County Manatee Protection Plan. Any subsequent amendment, alteration, release or revocation of this Conservation Easement must be approved by the County and recorded in the Public Records of Lee County, Florida.

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20. <u>Controlling Law.</u> The interpretation and performance of this Conservation Easement will be governed by the laws of the State of Florida.

21. <u>Baseline Documentation Report</u>. A Baseline Documentation Report ("Report") has been prepared by the County for the Property, the terms and conditions of which are incorporated herein by reference. The specific conservation values of the Property are documented in the Report associated with this Conservation Easement. The Report consists of reports, maps, photographs and other documentation that the parties herein agree provide an accurate representation of the Property at the time of execution of this Conservation Easement. The Report is intended to serve as an objective information baseline for monitoring compliance with the terms of this Conservation Easement. The Report includes, if available, the Environmental Resource Permit numbers, names, addresses and a project location map for both the donor and recipient sites, for future cross-referencing of the Transfer of Slip Credit. In addition, the Report includes a drawing of the (donor) Property depicting the shoreline encumbered by the Conservation Easement, with the specific length of shoreline as measured in feet.

22. <u>Riparian Rights</u>. This Conservation Easement conveys to County all riparian rights associated with the construction and operation of additional Slips on the Property as described in the Report and as set forth herein.

23. <u>Ability to Execute this Conservation Easement</u>. Grantor hereby covenants that Grantor is lawfully seized of the Property identified in attached Exhibit "A" in fee simple; that the Property is free and clear of all encumbrances that are inconsistent with the terms of this Conservation Easement and all mortgagees have been joined or subordinated; that Grantor has good right and lawful authority to convey this Conservation Easement; and that it hereby fully warrants and defends the title to the Conservation Easement hereby conveyed against the lawful claims of all person whomsoever.

SIGNATURE PAGE TO FOLLOW

INSTR # 2013000240535 Page Number: 7 of 12

IN WITNESS WHEREOF, the Grantor has executed this Conservation Easement intending to be bound on the day and year first above written.

Signed, sealed and delivered in the presence of: TWO SEPARATE WITNESSES REQUIRED

(Sign (Prin (Sign) (Print)

STATE OF FLORIDA COUNTY OF LEE

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Mood Development Corporation, a Florida corporation

By: Virginia Huether Its: President

The foregoing instrument was acknowledged before me this $\frac{2}{D}$ day of <u>Octobel</u> 2013, by Virginia Huether, who \square is/are p ersonally k nown t o me or \square w ho h as/have p roduced as identification.



(Notary Seal)

NOTARY PUBLIC Print Name: Commission No: Commission Expires:

ACCEPTANCE BY LEE COUNTY

Lee County Natural Resources Division

By: Roland E. Ottolini, Director

Approved as to form:

Lee County Attorney's Office

John J. Fredyma, Assistant-County Attorney

Attachments:

Exhibit "A" - Transfer of Slip Property Sketch





Professional Engineers, Planners & Land Surveyors

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

CONSERVATION EASEMENT WEST-1

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST ONE-OUARTER OF SAID SECTION 10: THENCE RUN ALONG THE WEST BOUNDARY OF SAID SOUTHEAST ONE-OUARTER N.01°10'32" E., 1343.11 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 10 AND THE POINT OF BEGINNING; THENCE S. 89°18'20" W., 8.63 FEET ALONG THE WESTERLY EXTENSION OF THE SOUTH BOUNDARY OF SAID NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 10 TO THE EAST LINE OF THE COUNTY MAINTAINED RIGHT-OF-WAY OF MOODY ROAD (33 FEET EAST OF CENTERLINE); THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, N.00°36'02" W., 464.86 FEET TO A POINT OF INTERSECTION WITH THE SOUTH BOUNDARY OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2864, AT PAGE 3171, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE ALONG SAID SOUTH BOUNDARY N.89°19'18" E., 518.1 FEET +/- TO THE WATERS OF HANCOCK CREEK; THENCE ALONG SAID WATERS FOR THE NEXT FIFTEEN (15) CALLS; THENCE (1) SOUTHEASTERLY, (2) WESTERLY, (3) SOUTHERLY, (4) EASTERLY, (5) NORTHERLY, (6) NORTHEASTERLY, (7) SOUTHEASTERLY, (8) SOUTHERLY, (9) SOUTHEASTERLY, (10) NORTHEASTERLY, (11) NORTHERLY, (12) NORTHWESTERLY, (13) NORTHEASTERLY, (14) SOUTHEASTERLY AND (15) EASTERLY TO A INTERSECTION WITH A LINE 533.0' WEST OF (AS MEASURED ON A PERPENDICULAR) THE EAST BOUNDARY OF THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-OUARTER OF SAID SECTION 10: THENCE S.01°30'32"W., 191.1 FEET +/- TO A INTERSECTION WITH THE SOUTH BOUNDARY OF THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 10; THENCE ALONG THE SOUTH BOUNDARY OF THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 10, S.89°18'20"W., 799.24 FEET TO THE POINT OF BEGINNING.

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

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

SAID PARCEL CONTAINING 5.24 ACRES, MORE OR LESS.



JANUARY 04, 2013.



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PAGE 4 OF 5

Professional Engineers, Planners & Land Surveyors

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

CONSERVATION EASEMENT NORTH

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 10: THENCE RUN ALONG THE WEST BOUNDARY OF SAID SOUTHEAST ONE-QUARTER N.01°10'32" E., 1343.11 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 10; THENCE S. 89°18'20" W., 8.63 FEET ALONG THE WESTERLY EXTENSION OF THE SOUTH BOUNDARY OF SAID NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-OUARTER OF SECTION 10 TO THE EAST LINE OF THE COUNTY MAINTAINED RIGHT-OF-WAY OF MOODY ROAD (33 FEET EAST OF CENTERLINE); THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, N.00°36'02" W., 464.86 FEET TO A POINT OF INTERSECTION WITH THE SOUTH BOUNDARY OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2864, AT PAGE 3171, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE ALONG SAID SOUTH BOUNDARY N.89°19'18" E., 669.8 FEET +/- TO THE EASTERLY WATERS OF THE WEST CHANNEL OF HANCOCK CREEK AND THE POINT OF BEGINNING; THENCE ALONG SAID EASTERLY WATERS NORTHWESTERLY AND NORTHERLY TO A POINT OF INTERSECTION WITH THE NORTH BOUNDARY OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2864, AT PAGE 3167, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE ALONG SAID NORTH BOUNDARY N.89°19'18"E., 279.5 FEET +/- TO A INTERSECTION WITH THE WESTERLY WATERS OF THE EAST CHANNEL OF HANCOCK CREEK; THENCE ALONG THE WESTERLY WATERS OF THE EAST CHANNEL AND THE EASTERLY WATERS OF THE WEST CHANNEL OF HANCOCK CREEK FOR THE NEXT THREE (3) CALLS, (1) SOUTHWESTERLY, (2) WESTERLY AND (3) NORTHWESTERLY TO THE POINT OF BEGINNING.

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

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

SAID PARCEL CONTAINING 1.12 ACRES, MORE OR LESS.

RD IN RICHARD M RIT REGISTERED LAND SURVEYOR FLORIDA CERTIFICATION NO. 4009 DL'AND SU

JANUARY 04, 2013.



ATTACHMENT 2

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

Prepared For:

Banks Engineering Stacy Hewitt – Director of Planning 10511 Six Mile Cypress Parkway Fort Myers, Florida 33966 Phone: 239-939-5490 E-Mail: shewitt@bankseng.com

Prepared By:



BearPaws Environmental Consulting 1599 Covington Circle East Phone: (239) 340-0678 Email: BearPaws.Env.Consulting@GMail.com

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 $1.41\pm$ 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 $0.36\pm$ acres of the property and is located along the right-ofway. 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 $0.13\pm$ 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 notatun*), 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 $0.63\pm$ 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 $4.13\pm$ acres of the property. This community includes a boat ramp and Hancock Creek that runs out to the Caloosahatchee River. There are red mangroves (*Rhizophora mangle*), along the sides of the canal. The depth varies from approximately a few inches along the edge to several feet deep in the middle. This community would be considered "other surface waters" by the regulatory agencies.

Wetlands

The following community areas have been designated as wetland habitats. Wetlands are any areas that under normal circumstances have hydrophytic vegetation, hydric soils, and wetland hydrology.

FLUCFCS 612 E3 Mangrove Wetlands (Exotics 50-74%) – 1.60± Acres

This wetland community type occupies approximately 1.60± acres of the property. Exotic species such as *(Melaleuca quinquenervia)* and Brazilian pepper (*Schinus terebinthifolius*) occupy approximately 50-74% of this community. The canopy contains red mangrove (*Rhizophora mangle*), and buttonwood (*Conocarpus erectus*) with scattered slash pine (*Pinus elliottii*), and melaleuca (*Melaleuca quinquenervia*). The sub-canopy contains cabbage palm (*Sabal palmetto*), Brazilian pepper (*Schinus terebinthifolius*), seaside mahoe (*Thespesia populnea*), sea grape (*Coccoloba uvifera*), and pond apple (*Annona glabra*). The ground cover is mostly open with giant leather fern (*Acrostichum daneifolium*), and coin vine (*Dalbergia ecastaphyllum*). This community does contain wetland vegetation, advantageous rooting, water line staining, and algal matting, as well as other signs in this community that would be classified as wetlands. This community would be considered wetlands by the regulatory agencies.

FLUCFCS 612 E4 Mangrove Wetlands (Exotics > 75%) - 0.70± Acres

This wetland community type occupies approximately 0.70± acres of the property. Exotic species such as *(Melaleuca quinquenervia)* and Brazilian pepper (*Schinus terebinthifolius*) occupy approximately greater than 75% of this community. The canopy contains red mangrove (*Rhizophora mangle*), and buttonwood (*Conocarpus erectus*) with scattered slash pine (*Pinus elliottii*), and melaleuca (*Melaleuca quinquenervia*). The sub-canopy contains cabbage palm (*Sabal palmetto*), Brazilian pepper (*Schinus terebinthifolius*), seaside mahoe (*Thespesia populnea*), sea grape (*Coccoloba uvifera*), and pond apple (*Annona glabra*). The ground cover is mostly open with giant leather fern (*Acrostichum daneifolium*), and coin vine (*Dalbergia ecastaphyllum*). This community does contain wetland vegetation, advantageous rooting, water line staining, and algal matting, as well as other signs in this community that would be classified as wetlands. This community was located along the edge of the disturbed lands with a majority located beyond the mean high-water line but were still included as part of this community. This community would be considered wetlands by the regulatory agencies.

Table 1. FLUCFCS Community Table

FLUCFCS Code	Community Description	Habitat Type	Acreage
140	Commercial, Parking, & Boat Ramp	Upland	1.41± Ac.
400 E2	Planted Landscape Buffers (Exotics 25-49%)	Upland	0.36± Ac.
420 E4	Upland Forest Mixed (Exotics > 75%)	Upland	0.13± Ac.
500	Man-Made Basin	OSW	0.63± Ac.
540	Bays & Estuaries	OSW	4.13± Ac.
612 E3	Mangrove Wetlands (Exotics 50-74%)	Wetland	1.60± Ac.
612 E4	Mangrove Wetlands (Exotics > 75%)	Wetland	0.70± Ac.
740	Disturbed Lands	Upland	6.80± Ac.
	Total		15.76± Ac.

General Development Guidelines

The protection measures outlined below have been designed utilizing the FWS's *National Bald Eagle Management Guidelines* (FWS 2007a) and Section 14-111 through 14-120 of the Lee County Land Development Code. These proposed restrictions and requirements apply only to the Homefront Heroes project and are not binding on any other property in the vicinity of Bald Eagle Nest LE-43D.

If Nest LE-43D is vacated before the end of the nesting season (May 15th) or if Lee County Division of Environmental Sciences (DES) determines that Nest LE-43D has been abandoned, construction activities may commence upon confirmation of those conditions by DES. If the nest is not active by March 15th or as confirmed by DES, then the nesting season for Nest LE-43D shall be considered over and the construction restrictions shall not apply. A determination that the nest is not active shall be consistent with the *Bald Eagle Monitoring Guidelines* (FWS 2007b).

330 Feet Zone Activities and Restrictions

A very small portion 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^{th} - 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 $660\pm$ 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 $660\pm$ 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


EXHIBIT B

Aerial FLUCFCS Map

	A20 F4 B2 F4 A20 F4 B2 F4 (13 Ac +) B2 F4 (14 Ac +) B2 F4 (15 Ac	ALC LA BALC LA
	FLUCFCS Table	
	Code Description Acreage	
Legend	140 Commercial 1.41± Ac.	NOTES:
Legend Wetlands	400 E2 Planted Landscape Buffers (50-74% Exotics) 0.36± Ac. 420 E4 Upland Forest, Mixed (>75% Exotics) 0.13± Ac.	FLUCFCS lines estimated from
(2.30± Ac)	420 E4 Opland Polest, Mixed (>75% Exolics) 0.13± Ac. 500 Man-Made Basin 0.63± Ac.	1"=200' aerial photographs and locations approximated.
	540 Bays & Estuaries 4.13± Ac.	FLUCFCS per Florida Land Use,
Wetlands Mangroves - Off-Site	612 E3 Mangroves (50-74% Exotics) 1.60± Ac.	Cover and Forms Classification System (FLUCFCS) (FDOT 1999).
(0.29± Ac)	612 E4 Mangroves (>75% Exotics) 0.70± Ac.	Aerial photographs were acquired
Surface Waters	740 Disturbed Lands 6.80± Ac. Total 15.76± Ac.	from the Lee County GIS Dept. and have a flight date of January,
(4.76±Ac)		2023.
Revisions Date: Drawn By: Date: BWS 3/12/24 Job Number	Home Front Heroes (Moody Road)	Category FLUCFCS Scale: 1" = 200'
	Aerial FLUCFCS Map	I = 2000 Exhibit Exhibit County Image: Second

EXHIBIT C

Protected Species Survey Map with Bald Eagle Buffer Zones



EXHIBIT D

Master Concept Plan





September 19, 2024

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



Board of County Commissioners

Kevin Ruane District One

Cecil L Pendergrass District Two

Ray Sandelli District Three

Brian Hamman District Four

Mike Greenwell District Five

Roger Desjarlais County Manager

Richard Wm. Wesch County Attorney

Donna Marie Collins County Hearing Examiner 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 elminiation 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,

Benjamin Abes Director, Public Safety

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 $15.76\pm$ 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 1st 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,

01093

Rób Casale Major, Patrol Bureau



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



Bob Janes District One

A. Brian Bigelow District Two

Ray Judah District Three

Tammy Hall District Four

Frank Mann District Five

Karen B. Hawes County Manager

David Owen County Attorney

Diana M. Parker County Hearing Examiner January 07, 2010

MRS STACY HEWITT BANKS ENGINEERING INC. 10511 SIX MILE CYPRESS PKWY STE. 101 FORT MYERS FL 33912 Re: MOODY RIVER ESTATES Senate Bill 360 Extension (F) DCI2009-00062

Dear MRS STACY HEWITT:

In accord with Senate Bill 360 (SB360) and Lee County Resolution 09-06-22, development permits meeting certain criteria are entitled to one 2-year extension from the existing/initial permit expiration date. Accordingly, the effectiveness of the Master Concept Plan identified in Zoning Resolution Z-05-048, DCI2004-00017, MOODY RIVER ESTATES, is hereby extended for the following:

APPROVAL OF A 2-YEAR EXTENSION OF Z-05-48 FROM SEPTEMBER 19, 2010 TO SEPTEMBER 19, 2012 FOR MOODY RIVER ESTATES .

No additional extensions under SB360 may be granted for the above-referenced development permit. All underlying conditions of the zoning resolution remain in full force and effect. Failure to comply with zoning conditions may result in enforcement action as provided under Florida law and local regulations.

This extension applies only to the specific approvals identified above. If your project requires additional development permits or authorizations to continue construction, you are required to obtain the necessary approvals, including related permit extensions. If you hold other permits or authorizations that qualify for an extension under SB360, you must file a specific request for each qualifying development permit.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Department of Community Development

Pam Houck Director

239-533-8585

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 533-2111 internet address http://www.lee-county.com AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

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

WHEREAS, Colonial Homes, Inc., filed an application on behalf of the property owner, Colonial Homes, Inc., to amend the existing Residential Planned Development (RPD) to adopt a new Master Concept Plan and add 19.56 acres in reference to Moody River Estates; and

WHEREAS, a public hearing was advertised and held on June 1, 2005, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2004-00017; and

WHEREAS, a second public hearing was advertised and held on September 19, 2005, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to amend the existing RPD to adopt a new Master Concept Plan and add 19.56 acres. If approved, the overall number of dwelling units will remain at 1,000 units on a total of 241.46 acres, with a maximum building height of 75 feet. An Eagle Management Plan is included in this proposal. Blasting is not a proposed development activity. The property is located in the Suburban and Wetlands Future Land Use Categories and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

 The development of this project must be consistent with the one-page Master Concept Plan (MCP) entitled "Moody River Estates," stamped received February 25, 2005, last revised December 20, 2004, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

The applicant may develop up to 1,000 residential dwelling units on the property, and 45,000 square feet of commercial uses. 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

CASE NO: DCI2004-00017

Z-05-048 Page 1 of 15 in height on Tracts A-L. Tract M is limited to a maximum of 200 dwelling units of the total of 1,000 permitted and is allowed a maximum building height of 75 feet.

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

- a. The buffer must be no less than 20 feet in width.
- b. There may be no fewer than five trees per 100 linear feet of the length of the buffer.
- c. Trees must be no less than four inches in diameter at 12 inches above the ground and no less than 16 feet in height at the time of planting.
- d. Shrubs must be a minimum ten-gallon container size; planted in double staggered rows; at least 48 inches in height; and spaced 36 inches on center. They must be at least 60 inches in height within 12 months of the time of planting and maintained in perpetuity at a height of no less than 60 inches above the adjacent pavement that is required to be buffered, screened, or both, except for visibility at intersections and where pedestrian access is provided.
- e. In Tract B, no backs of buildings will face Moody Road, and no multiple family building will contain more than four dwelling units. In Tract M, no backs of multiple family buildings may face Moody Road.
- f. Special Buffer Tract B along Moody Road

Minimum Wid	th:	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 in doubl spaced inches i maintair above screene		s must be a minimum 10-gallon container size; planted ble staggered rows; at least 48 inches in height; and d 36 inches on-center. They must be at least 60 s in height within 12 months of time of planting and ained in perpetuity at a height of no less than 60 inches the adjacent pavement required to be buffered, ned or both, except for visibility at intersections and 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.

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- 2. The following limits apply to the project and uses:
 - a. <u>Schedule of Uses</u>

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)

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

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Z-05-048 Page 3 of 15 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

<u>Tract K - (up to 45,000 sq ft)</u>

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

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Z-05-048 Page 4 of 15 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

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: As approved by Zoning Resolution #Z-03-022, with the sole exception of the allowed building height in Tract M. This Tract is limited as provided for in Condition 1 and the maximum height of structures within Tract M is 75 feet.

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	RESIDENTIAL PLANNED DEVELOPMENT / MOODY RANCH												
LAND USES	MIN LOT AREA (SF)	MIN LOT WIDTH (FT)	MIN LOT DEPTH (FT)	MIN. SIDE SET- BACK INCL. CORNER LOTS (FT)*	MIN. REAR LOT SET- BACK (FT)	MIN. REAR WET-LAND SET-BACK (FT)	MIN. REAR ACC. SET- BACK (FT)	MIN. FRONT ENTRY GAR- AGE SET- BACK (FT)	MIN. BLDG. OR SIDE ENTRY GARAGE SET- BACK (FT)	MIN. WTR BODY SET- BACK (FT)	MAX BLDG. HGHT. (FT)	MIN. BLDG SEPARA- TION (FT)	MAX. LOT COV- ER- AGE (%)**
SINGLE- FAMILY DETACH ED	4,000	40	100	5	20	20	5	20	12	20	35 OR 2 STORY	10	45
TWO FAMILY ATTAC H-ED	3,500	35	100	0 OR 5	20	20	5	20	12	20	35 OR 2 STORY	10	45
TOWN HOUSE	2,000	25	80	0 OR 10	20	20	5	20	15	20	35 OR 2 STORY	10	45
Multi- Family -	10,00 0	100	100	10	20	20	5	20	20	20	35 OR 2 STORY	10 OR 20	45
CLUB HOUSE	20,00 0	80	100	10	20	20	5	N/A	20	20	45 OR 2 STORY	20	45

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

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

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

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

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

* as defined by LDC Chapter 34

- 3. Open space requirements must be tracked with each development order and must be substantially consistent with the Open Space and Indigenous Vegetation. A cumulative open space table listing the development tract, development order number, type of use, lot size, lot coverage, and required open space must be included with each development order. The open space table must include all development orders under review and approved. The development order plans must demonstrate how the open space requirements for common open space and indigenous/native tree preservation are being met. The residential development tracts must be labeled as to minimum lot size and maximum lot coverage. A minimum of 54 acres including associated lakes and roadways must be single family residential lots with a minimum lot size of 6,500 square feet and a maximum lot coverage of 45 percent.
- 4. Prior to issuance of a Vegetation Removal Permit: (1) the existing borrow pit area and wetlands must be surveyed specifically for the presence of wading bird and alligator nests. If any active nests are located, then buffer areas must be established to protect these areas; and (2) the area located north of Hancock Bridge Parkway must be resurveyed for gopher tortoise burrows.
- 5. Gopher tortoises must be protected on-site. The gopher tortoise preserve must be provided in the CO tract with the bald eagle nest on the Master Concept Plan stamped received February 25, 2005. The development order plans must include the location and detail of sandy earthen berms to be created within the gopher tortoise preserve to provide a high, dry area for burrowing; and a vegetative barrier or permanent fencing must be delineated along any roadway abutting the gopher tortoise preserve. The berms within the preserve must be planted with a mixture of bahia grass, other broad leaf vegetation, and scattered native shrubs prior to moving gopher tortoises to the preserve. Supplemental feeding such as alfalfa hay may be necessary until the berm plantings establish.

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

6. Prior to local development order approval, the plans must include signs adjacent to the lake abutting the Club Tract E stating "<u>It is unlawful to feed or harass alligators</u>." 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.

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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.

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- 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

CASE NO: DCI2004-00017

Z-05-048 Page 10 of 15 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 mitigation is subject to review and approval by the Division of Environmental Sciences Staff.
- 23. 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

CASE NO: DCI2004-00017

Z-05-048 Page 11 of 15 days School District of Lee County is holding classes. Otherwise, the hours for transfer of the excavated materials may be from 6:00 a.m. to 6:00 p.m., provided the crossing section of Skyline Drive is well lighted for the early morning and late afternoon hours. Fill transfer is only permitted on Saturdays from 8:00 a.m. to 5:00 p.m., and no fill transfer is permitted on Sunday.

- 25. The developer will be responsible for any damage to Skyline Drive resulting from this construction activity. The developer will be responsible for the repair of those damages, as needed, and will coordinate the repairs with the Lee County Department of Transportation.
- 26. The developer will provide personnel to direct traffic at the crossing of Skyline Drive and extra lighting of the crossing area in an attempt to prevent accidents at this crossing.
- 27. At the intersection of the project's internal road connection with Moody Road, the developer is responsible for the erection of signs warning motorists on Moody Road of the potential crossing of vehicles with boat trailers from one side of Moody Road to the other.

SECTION C. DEVIATIONS:

- 1. Deviation (1) withdrawn.
- 2. Deviation (2) withdrawn.
- 3. Deviation (3) seeks relief from the LDC §10-329(e)(4) requirement to provide excavation banks to be sloped, to allow up to 40 percent of the banks to utilize either:
 - a. a vertical slope with the condition that lake bottom slopes at the toe of any bulkhead may be no greater than 4:1; or
 - b. a 2:1 (horizontal: vertical) slope to a depth of six-feet below control elevation, with the condition that the 2:1 sections be stabilized with rip-rap.

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

- 4. Deviation (4) withdrawn.
- 5. Deviation (5) withdrawn.
- 6. Deviation (6) withdrawn.
- 7. Deviation (7) withdrawn.
- 8. Deviation (8) seeks relief from the LDC §10-285(a) requirement to provide that connection separations on local roads be a minimum of 125 feet, to allow driveways serving multiple family units with private driveways to have a minimum separation of 20 feet. This deviation is APPROVED, SUBJECT TO the following condition:

CASE NO: DCI2004-00017

Z-05-048 Page 12 of 15 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) 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 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 RPD 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) 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.

CASE NO: DCI2004-00017

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SECTION D. EXHIBITS AND STRAP NUMBER:

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

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (subject parcel identified with shading)
- Exhibit C: The Master Concept Plan
- Exhibit D: Lee County Extension Services brochure Lee 8/2000A
- Exhibit E: Affidavit of bona fide agricultural uses
- Exhibit F: Eagle Management Plan
- Exhibit G: Deviation Drawing

The applicant has indicated that the STRAP numbers for the subject property are: 09-44-24-00-01002.1010, 10-44-24-00-01054.0000, 10-44-24-00-01046.0000, 10-44-24-00-01044.0000, 10-44-24-00-01047.0000, and 10-44-24-00-01047.0010.

SECTION E. FINDINGS AND CONCLUSIONS:

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

CASE NO: DCI2004-00017

Z-05-048 Page 14 of 15 5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Judah, seconded by Commissioner Hall and, upon being put to a vote, the result was as follows:

Robert P. JanesAbsentDouglas R. St. CernyAyeRay JudahAyeTammy HallAyeJohn E. AlbionAye

DULY PASSED AND ADOPTED this 19th day of September 2005.

ATTEST: CHARLIE GREEN, CLERK

BY Deputy Clerk

SEA

BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA

BY: Chairman

Approved as to form by:

Dawh E. Perry-Lehnert County Attorney's Office

MINUTES OFFICE

Z-05-048 Page 15 of 15 RPD Area #1 Resolution No. Z-05-048 Tracts A thru G

RPD AREA (163.991 ACRES)

JOB NO. 01-7038 FILE NO. 01-7038CLGL.DOC SHEET 1 OF 1

DESCRIPTION:

TRACT OR PARCEL OF LAND IN THE SOUTH 3/8 OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 9, AND THE SOUTHWEST 1/4 OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY FLORIDA, WHICH IS DESCRIBED AS FOLLOWS:

FROM THE SOUTHEAST CORNER OF SAID SECTION 9, AS SHOWN ON THE PLAT OF WATERWAY ESTATES GOLF PARK AS RECORDED IN PLAT BOOK 22, PAGES 161 AND 162 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA; THENCE N.0°30'28"E. ALONG THE EAST SECTION LINE OF SAID SECTION 9, FOR 30.00 FEET TO THE POINT OF BEGINNING.

THENCE N.88°55'40"W. ALONG THE NORTHERLY RIGHT OF WAY (30.00 FEET FROM CENTERLINE) OF SKYLINE DRIVE AS RECORDED IN C.C.M.B. 11 AT PAGE 427 FOR 925.28 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT, RADIUS 385.00 FEET, DELTA ANGLE 46°06'32"; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND ALONG THE NORTHERLY RIGHT OF WAY (30.00 FEET FROM CENTERLINE) OF SKYLINE DRIVE FOR 309.83 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT, RADIUS 30.00 FEET, DELTA ANGLE 100°10'44"; THENCE NORTHWESTERLY AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE FOR 52.45 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT, RADIUS 1450.00 FEET, DELTA ANGLE 20°27'30"; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE AND THE SOUTHEASTERLY RIGHT OF WAY (50 FEET FROM THE CENTERLINE) OF HANCOCK BRIDGE PARKWAY FOR 517.75 FEET TO THE POINT OF TANGENCY; THENCE N.36°54'06"B. FOR 2078.07 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, RADIUS 1000.00 FEET, DELTA ANGLE 53°43'12"; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE FOR 937.59 FEET TO THE POINT OF TANGENCY; THENCE N.89°22'42"E CONTINUE ALONG THE SOUTHERLY RIGHT OF WAY (50 FEET FROM CENTERLINE) OF SAID HANCOCK BRIDGE PARKWAY FOR 1257.36 FEBT TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, RADIUS 30.00 FEET, DELTA ANGLE 88°46'40"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE FOR 46.48 FEBT TO THE POINT OF TANGENCY; THENCE S.00°36'02*B. ALONG THE WESTERLY RIGHT OF WAY (33.0 FEBT FROM CENTERLINE) OF MOODY ROAD FOR 2493.08 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, RADIUS 30.00 FEET, DELTA ANGLE 90°00'16"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE FOR 47.13 FEET TO THE POINT OF TANGENCY; THENCE S.89°24'14"W. ALONG THE NORTHERLY RIGHT OF WAY (35.00 FEET FROM CENTERLINE) OF SKYLINE DRIVE AS RECORDED IN C.C.M.B. 2, PAGE 510-514 FOR 2524.74 FEET; THENCE S.00°30'28"W. ALONG THE EAST LINE OF SAID SECTION 9 FOR 5.00 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 163.991 ACRES MORE OR LESS.

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

DCI 2004-00017

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Applicant's Legal Checked I'me 30, 2004

EXHIBIT A (Page 1 of 12)





EXHIBIT A (Page 3 of 12)

RPD Area #2 Resolution No. Z-05-048 Tracts H, I and J

RPD AREA (53.43 ACRES)

JULY 17, 2003 JOB NO. 01-7038 FILE NO. 01-703853ACRELGL

DESCRIPTION:

A PARCEL OF LAND LYING IN SECTIONS 9 AND 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 10 AND THE CENTERLINE OF SKYLINE DRIVE AND MOODY ROAD; THENCE; N.00°36'02"W., FOR 3161.83 FEET ALONG THE CENTERLINE OF MOODY ROAD PASSING THROUGH THE POINT OF INTERSECTION OF HANCOCK BRIDGE PARKWAY AT 2636.76 FEET; THENCE N.89°17'03"W., ALONG THE SOUTH LINE OF HIDDEN ACRES SUBDIVISION AS RECORDED IN PLAT BOOK 30, PAGES 71 THRU 72, FOR 33.01 FEET TO THE POINT OF BEGINNING. THENCE CONTINUE N.89°17'03"W., ALONG THE SAID SOUTH LINE AND THE APPROXIMATE CENTERLINE OF MOODY CANAL FOR 2493.78 FEET: THENCE N.89°43'02"W FOR 66.08 FEET TO A POINT OF INTERSECTION OF A CANAL; THENCE S.02°15'00"W., ALONG THE APPROXIMATE CENTERLINE OF SAID CANAL FOR 275.83 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 22°00'00", A CHORD BEARING OF S.08°45'00"E. AND A CHORD LENGTH OF 114.49 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 115.19 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 18°30'00", A CHORD BEARING OF S.10°30'00"E. AND A CHORD LENGTH OF 96.45 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 96.87 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 960.00 FEET, A CENTRAL ANGLE OF 45°55'00", A CHORD BEARING OF S.21°42'30"W. AND A CHORD LENGTH OF 748.92 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 769.34 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.44°40'00"W., FOR 363.52 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 1200.00 FEET, A CENTRAL ANGLE OF 08°56'16", A CHORD BEARING OF S.40°11'52"W. AND A CHORD LENGTH OF 187.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 187.19 FEET TO THE END OF SAID CURVE; THENCE S.31°43'57"W., FOR 416.34 FEET; THENCE S.41°00'00"W., FOR 631.66 FEET; THENCE S.53°05'54"E., LEAVING SAID CANAL FOR 428.46 FEET TO THE NORTHERLY RIGHT OF WAY OF HANCOCK BRIDGE PARKWAY (50 FEET FROM THE CENTERLINE); THENCE ALONG THE SAID NORTHERLY RIGHT OF WAY FOR THE FOLLOWING CALLS: N.36°54'06"E., FOR 2078.07 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 1100.00 FEET, A CENTRAL ANGLE OF 53°43'12", A CHORD BEARING OF N.63°45'42"E. AND A CHORD LENGTH OF 993.99 FEET; THENCE

DCI 2004-00017

· EXHIBIT A (Page 4 of 12) ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 1031.35 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.89°22'42"E., FOR 1253.94 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 91°13'20", A CHORD BEARING OF N.45°00'38"E. AND A CHORD LENGTH OF 42.88 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 47.76 FEET TO THE POINT OF TANGENCY OF SAID CURVE AND THE WEST RIGHT OF WAY OF MOODY ROAD (33 FEET FROM CENTERLINE); THENCE N.00°36'02"W., ALONG SAID WEST RIGHT OF WAY FOR 444.46 FEET TO THE POINT OF BEGINNING.

CONTAINING 53.4370 ACRES MORE OR LESS.

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

INK ENGINEERING, A DIVISION OF LBFH INC. (LB 959)

Applicant's Legal Checked June 30, 2004

GORDON D. MEIERS PROFESSIONAL LAND SURVEYOR FLORIDA CERT. # 2858

DCI 2004-00017

EXHIBIT A (Page 5 of 12)

CPD AREA (4.50 ACRES)

CPD Area Resolution No. Z-05-048 Tract K

Ink Engineering

> A Division of LBFH, Inc.

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JULY 1, 2002 JOB # 01-7038E FILE # 01-7038SK2LGL

DESCRIPTION: A TRACT OR PARCEL OF LAND LYING IN THE SOUTHEAST ONE-QUARTER (1/4) OF SECTION 9, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER (1/4) OF SAID SECTION 9 AND THE CENTERLINE INTERSECTION OF ORANGE GROVE BOULEVARD AND HANCOCK BRIDGE PARKWAY; THENCE S.88°55'40'E. ALONG THE CENTERLINE OF HANCOCK BRIDGE PARKWAY FOR 595.25 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 1400.00 FEET, A CENTRAL ANGLE OF 21°05'01", THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE FOR 515.17 FEET; THENCE N.20°00'41"W. FOR 50.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF HANCOCK BRIDGE PARKWAY AND THE POINT OF BEGINNING: THENCE N.00°15'19"E. ALONG THE EAST LINE OF A PARCEL OF LAND RECORDED IN O.R. 3025, PAGE 3062 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA FOR 346.81 FEET TO A POINT ON THE SOUTH LINE OF A PARCEL OF LAND RECORDED IN O.R. 1780, PAGE 3185 OF SAID PUBLIC RECORDS; THENCE S.89°43'55"E. ALONG THE SOUTH LINE OF SAID PARCEL FOR 35.23 FEET; THENCE N.00°16'05"E. ALONG THE EAST LINE OF SAID PARCEL FOR \$9.76 FEET TO THE APPROXIMATE CENTERLINE OF A CANAL; THENCE N.41°00'00"E. ALONG THE APPROXIMATE CENTERLINE OF SAID CANAL FOR 269.95 FEET; THENCE S.53°05'54"E. LEAVING SAID CANAL FOR 428.46 FEET TO A POINT ON THE NORTHWESTERLY RIGHT OF WAY OF HANCOCK BRIDGE PARKWAY 50.00 FEET FROM THE CENTERLINE ALSO BEING A POINT ON A CURVE TO THE RIGHT HAVING A RADIUS OF 1350.00 FEET, A CENTRAL ANGLE OF 28°59'31", A CHORD BEARING OF S.55°29'34"W.; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AND NORTHWESTERLY RIGHT OF WAY OF HANCOCK BRIDGE PARKWAY FOR 683.10 FEET TO THE POINT OF BEGINNING.

CONTAINING 4.50 ACRES.

SUBJECT TO AN INGRESS-EGRESS EASEMENT AS RECORDED IN O.R. 3025, PAGES 3087 THROUGH 3091 OF SAID PUBLIC RECORDS:

SUBJECT TO A 12 FEET WIDE DRAINAGE EASEMENT AS RECORDED IN O.R. 2227, PAGES 3680 THROUGH 3689 OF SAID PUBLIC RECORDS.

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

REFER TO 8 1/2" X 11" SKETCH

INK ENGINEERING, A DIVISION OF LBFH INC. (LB 959)

GORDON D. MEIERS

GORDON D. MEIERS PROFESSIONAL LAND SURVEYOR FLORIDA CERT. # 2858

Applicant's Legal Checked

NCT 2004-00017



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EXHIBIT A (Page 8 of 12)

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EXHIBIT A (Page 9 of 12)

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EXHIBIT A (Page 10 of 12)

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RPD AREA (19.403 ACRES)

LEGAL DESCRIPTION

DESCRIPTION: A parcel of land lying in Section 10, Township 44 South, Range 24 East, Lee County, Florida, and being more particularly described as follows:

Commencing at the Southwest corner of the Southeast one-quarter of said Section 10, thence run along the West boundary of said Southeast one-quarter N.01°10'32"E. 1343.11 feet to a point of intersection with the South boundary of the Northwest one-quarter of the Southeast one-quarter of adid Section 10 said point being the Point of Beginning; thence S.89°18'20"W., 8.63 feet to the East line of the County Maintained Right-of-Way of Moody Road (33' East of Centerline); thence along said East right-of-way fine, N.00'36'02"W., 670.06 feet to a point of intersection with the South boundary of the lands described in Official Records Book 2138, at page 4303, (Mangrove Bay Condominiums) of the Public Records of Lee County, Florida; thence along said South boundary N.89'33'52"E., 990.00 feet to the centerline of Hancock Creek East Channel; thence along the approximate centerline of said Hancock Creek, for the following three (3) courses: 1) S.02'52'11"E., 201.15 feet; 2) N.74'09'54"E., 296.35 feet; 3) S.74'26'06"E., 79.67 feet to a point of intersection with the East boundary of the Northwest one-quarter of the Southeast one-quarter of said Section 10; thence along said East boundary S.01''30'32"W., 520.06 feet to a point of intersection with the South boundary of the Southeast one-quarter of said Section 10; thence along said East boundary S.01''30''., 520.06 feet to a point of intersection with the South boundary S.89'18'20"W., 13'32.65 feet to the POINT OF BEGINNING.

Containing 19.403 acres, more or less.

Applicant's Legal Checked by 1/12/2005 RPD Area #3 Resolution No. Z-05-048 Tract M EXHIBIT A (Page 11 of 12)



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ZONING MAP

4/28/2005



EXHIBIT B

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EXHIBIT C

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Horticulture

TRANSPLANTING SABAL PALMS Step-by-Step Instructions

Stephen H. Brown Lee County Horticulture Agent

Rick Joyce

Deputy Director, Lee County Planning Division

Introduction

The native cabbage or sabal palm (Sabal palmetto) is the official state tree of Florida and is a prominent feature in Florida's landscape. The palm is highly adaptive, tough, tolerant of a wide range of soils, and is hurricane resistant. When planted six to ten feet on center, sabal palms provide desirable shade. Sabal palms, including large-sized palms, can be transplanted with high success if a few simple precautions are taken. This fact sheet provides specific proven techniques to increase the success of sabal palm transplanting.

Step-by-Step Transplant Instructions

- 1. Use gasoline powered tree spade or heavy steel shanked digging spade with a clean well-honed cutting edge to dig the largest possible root ball. Usually to 18 inches from the edge of the trunk.
- 2. Remove the paim from ground. Take care not to . damage the hidden bud located within the center of the canopy.
- 3. Using clean sharp hand spades, trim the root ball into circular shape 13 to 16 inches from the outer edge of the trunk.
- 4. Two methods of pruning fronds for landscape transplant (select one):
 - a. Remove oldest (brown) fronds. The the remaining fronds tightly together with a biodegradable twine. Do not disturb the bud.

- b. Remove all fronds otherwise known as "hurricane" or "cigar cut." This recommended pruning technique gives the highest rate of establishment but must be carefully done.
- 5. Secure the palm on a flat bed truck and transport it to the planting site. Make sure the center of the bud is well protected.
- 6. Keep the root ball moist between removal and installation.
- 7. Prepare planting hole 1-2 times the diameter of the trunk but at the same depth as the root ball.
- Back-fill the planting hole with the same soil that had been removed. There is no need to amend the planting hole, but if it is amended, use a fill similar to that of the planting hole. The amendment should not exceed 25 percent by volume of the soil removed from the hole.
- 9. Carefully set the palm into the planting hole. Make sure it is planted the same depth as it was in the field. Planting too deeply will cause root suffocation and lead to nutritional deficiencies, root rot, and frequently the death of the palm...
- 10. Secure and stake the palm as illustrated in the diagram. DO NOT DRIVE NAILS DIRECTLY INTO THE PALM.

(Continued on the back.)

The Extension Service is part of a publicly funded statewide educational network that provides information and scientific knowledge to area residents, businesses and government badders. The University of Florida, Extension Service offers the Intent research and technology in more than 200 autients related to borticulture, energy/conservation, agriculture, youth development and family and consumer sciences. Last year, the Los County Extension Service provided assistance to more than 70,000 people and provided 463 classes and workshops on everything from family financial planning to perficide training.

The Lee County Extension Service is an Equal Employment Opportunity - Affirmative Action Employer that provides research, educational information and other services with-

EXHIBIT D PAGE 1 OF 2

Lee 8/2000A

- 11. Establish a water-retaining ring around the paim three feet from the trunk. The ring should slope gently toward the trunk.
- 12. Fill the ring with mulch to a depth of three inches. Keep the mulch at least three inches away from the trunk.
- 13. Irrigation:
 - a. Palms with fronds remaining: Fill the ring with 50 gallons of water three times weekly.
 - b. Palms with hurricane out: Fill the ring with 20 to 25 galions of water three times weekly.
- 14. In both cases, after four weeks, reduce irrigation to twice weekly. Water twice weekly for four weeks, and then reduce irrigation to once weekly for an additional four weeks. Twelve weeks after planting, cease irrigation if the palm appears

healthy. However, during drought, water once a week for up to two years. For each inch of rain, skip one scheduled irrigation treatment.

- 15. As soon as new growth begins to appear, loosen tied fronds. This will happen between 3-6 months after transplanting, depending on the time of year and the health of the palm.
- 16. Begin fertilization after new growth begins. Fertilize three to four times per year with a 2-1-3ratio fertilizer at a rate of one to two pounds per 100 square feet. For best results use a slow release formulation.
- 17. Remove staking and burlap or asphalt paper rap after successful palm establishment. Removal usually occurs approximately one year after palm installation.



PLANTING AND STAKING SABAL PALM

EXHIBIT D PAGE 2 OF 2

AFFIDAVIT

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STATE OF FLORIDA) . COUNTY OF LEE)

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COMMUNITY DEVELOPMENT · DCI ZOOZ - 90037

BEFORE ME, the undersigned authority, on this 20th day of <u>May. 2003</u>, personally appeared <u>Anthony Persiculli</u> who is personally know to me and who did take an oath, who deposes and says as follows:

> That I am the owner of the following described property, to wit: See attached Exhibit "A" Parcel No. 09-44-24-00-01002.1010

That the above described property was used for bons fide agricultural purposes, to with <u>cattle grazing</u> at the time of the Les County Board of County Commissioners review and consideration of the rezoning of the property described on the attached Exhibit "A" scheduled to be heard on May 22, 2003.

The agricultural use of the property is an existing bona fide agricultural use.

4. The spricultural use is being conducted on <u>23.84</u> acres. The 23.84 acres of the total 45.84 acres as described on the attached Exhibit "A" is being used for cattle grazing.

5. Affiant further states that he is familiar with the nature of an oath; and with the penalties as provided by the laws of the State of aforesaid for falsely swearing to statements made in an instrument of this nature. Affiant further certifies that he has read, or has heard read to him, the full facts of this affidavit and understands its meaning and context.

FURTHER AFFIANT SAYETH NAUGHT.

Colonial Homes By Anthony Persichilli Its Division President

SWORN TO and subscribed before me on the date and year first above written.

(Notary Seal)



Signature of Notar

Commission No.

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

EXHIBIT E PAGE 1 OF 4









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EXHIBIT E PAGE 2 OF 4

AFFIDAVIT

STATE OF FLORIDA

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HAY 21 2003 DC/ 2002-00037 COMMUNITY LEV

BEFORE ME, the undersigned authority, on this 20th day of <u>May. 2003</u> personally appeared <u>Authony Persichilli</u> who is personally know to me and who did take an oath, who deposes and says as follows:

That I am the owner of the following described property, to wit: See attached Exhibit "A" Parcel No. 10-44-24-00-01054,0000

That the above described property was used for bons fide agricultural purposes, to with <u>cattle grazing</u> at the time of the Lee County Board of County Commissioners review and consideration of the rezoning of the property described on the attached Exhibit "A" scheduled to be heard on May 22, 2003.

3. The agricultural use of the property is an existing bona fide agricultural use.

4. The agricultural use is being conducted on <u>119.56</u> acres. The <u>119.56</u> acres of the total 177.49 acres as described on the attached Exhibit "A" is being used for cattle grazing.

Affiant forther states that he is familiar with the nature of an oath; and with the penalties as provided by the laws of the State of aloresaid for falsely swearing to statements made in an instrument of this nature. Affiant forther certifies that he has read, or has heard read to him, the full facts of this affidavit and understands its meaning and context.

FURTHER AFFIANT SAYETH NAUGHT.

Colonial Homes By Anthony Persichilli Its Division President

SWORN TO and subscribed before me on the date and year first above written.

PEODIFICERIOL (Notary Seal) EXPREX!

Signature of Noter

Commission No.

(Printy type or stamp commissioned name of Notary Public)

EXHIBIT E PAGE 3 OF 4 Map Output



BALD EAGLE MANAGEMENT PLAN

Nest LE43B

for

MOODY RIVER ESTATES

AND MOODY RIVER ESTATES NORTH PARCEL

Section 9, 10, 15, Township 44S, Range 24E

Lee County, Florida

December 2003 Revised: February 2004 Revised: May 2004 Revised: August 2004

Prepared by:

W. Dexter Bender & Associates, Inc. 2052 Virginia Avenue Fort Myers, FL 33901

> EXHIBIT F (Page 1 of 20)

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INTRODUCTION

Moody River Estates (the "Project" or "project site") is a $243\pm$ acre project which is divided by Skyline Drive. Moody River Estates North Parcel is a $50\pm$ acre project located north of Hancock Bridge Parkway. A location map reflecting the location of the Project is attached as Exhibit "A". The northern 164± acre portion of the project is bounded on the North/West by Hancock Bridge Parkway, on the East by Moody Road, and on the South by Skyline Drive. The southern 79± acre portion of the project site is located at the southeast corner of Skyline Drive and Randag Drive. The property is bordered by single and multi-family residential, a small golf course, an elementary school, and vacant land.

As shown on Exhibit "B", a southern bald eagle (*Haliaetus leucocephalus*) nest is located in a live pine tree located approximately 450' south of Hancock Bridge Parkway, 1,100' west of Moody Road, and 2,100' north of Skyline Drive. This nest has been designated by the Florida Fish and Wildlife Conservation Commission (FWC) as LE-43B. Nest LE-43B, (discovered December 9, 2003 by Lee County Environmental Sciences (ES) staff), is presumed to be the eagles from Nest LE-43A located in the Skyline Woods subdivision. The nest was monitored by W. Dexter Bender and Associates, Inc. from December 10, 2003 to January 2, 2004 to evaluate the nest site as well as observe eagle activity and flight patterns.

Site Conditions

The Project Site contains mostly uplands that have been converted to improved pasture with scattered areas within the upland consisting of stands of pine, oaks, and cabbage palms. The Project Site also contains six (6) wetland areas and two (2) borrow areas. The existing site topography ranges from 8.5 NGVD at the north end of the site to 4.9 NGVD at the south end of the site.

The Project will consist of single family lots, multi-family lots, lakes, internal roadways, clubhouse, recreational pool, tennis and Bocci Ball courts, catch basins, and culverts. Approximately 45 acres of upland/wetland preserves are proposed (see Exhibit "F").

The attached Exhibit "B" is 1 = 300 aerial dated 2002, depicting the existing conditions and location of the eagle's nest.

Site Observations

As reflected on Exhibit "B", Nest LE-43B is located in a live South Florida slash pine (*Pinus elliottii* var. densa). Nest LE-43B was first observed by Lee County ES staff on December 9, 2003. On Wednesday, December 10, 2003 W. Dexter Bender & Associates, Inc. observed one eagle perched on the nest tree and the nest appeared fairly complete. The nest and adjacent areas were observed for a total of thirteen (13) hours on nine (9) separate occasions. The dates and times of these observations are recorded below along with weather conditions and a description of any significant activities at or near the nest location.

<u>12/22/03 - 6:45 am-8:00 am</u>

Temperature was 52°F with clear skies. Winds were northeast at approximately 5 mph. Upon arrival both eagles were perched outside of nest. At 6:55 a.m. one eagle flew south and returned from the southeast at 6:58 a.m. On two (2) occasions an eagle would fly south, make a circle and reperch. At 7:05 a.m. one eagle flew south and returned from the south at 7:53 a.m. At 7:28 a.m. one eagle went into the nest.

<u>12/23/03 - 6:45 a.m. - 8:00 a.m.</u>

Temperature was 56°F with clear skies. Winds were calm. Upon arrival one eagle was in the nest and one eagle was perched on limb. At 7:00 a.m., the eagle came out of the nest for 2 minutes and went back in. There was one eagle in nest and one eagle on limb for the duration of this monitoring event. No flights.

<u>9:00 a.m. - 9:30 a.m.</u>

One eagle was in the nest and the other eagle was not present.

<u>12/24/03 - 9:00 a.m. - 10:30 a.m.</u>

Temperature was 66°F with sunny clear skies. Winds were southwest at approximately 5 mph. Upon arrival, one eagle was in the nest and the other eagle was not present. At 9:50 a.m., the second eagle arrived from the southwest, circled the tree, landed on nest from west side, and relieved first eagle from nest which perched on an adjacent tree to the east. Both eagles were at the nest tree upon leaving at 10:30 a.m.

<u>12/27/03 - 12:30 p.m. - 2:00 p.m.</u>

Temperature was 75°F with sunny clear skies. Winds were northeast at approximately 5 mph. Upon arrival, one eagle was in the nest. The other eagle was not present and did not return during survey time.

<u>12/29/03 - 12:15 p.m. - 1:45 p.m.</u>

Temperature was 76°F with partly cloudy skies. Winds were east, southeast at approximately 10-15 mph. Upon arrival one eagle was in the nest and one eagle was observed catching a rat in the field and bringing it to the nest. At 12:20 p.m., one eagle flew away to the southeast and did not return during survey time.

<u>12/30/03 - 12:30 p.m. - 2:30 p.m.</u>

Temperature was 80°F with sunny clear skies. Winds were southeast at approximately 5-10 mph. Upon arrival, one eagle was in the nest and the other eagle was not present and did not return during survey time.

<u>12/31/03 - 7:30 a.m. - 9:30 a.m.</u>

Temperature was 63°F with sunny clear skies. Winds were calm. Upon arrival, one eagle was in the nest and the other eagle was not present and did not return during survey time.

<u>1/2/04 - 8:00 a.m. -10:00 a.m.</u>

Temperature was 67°F with sunny clear skies. Winds were calm. Upon arrival, one eagle was in the nest and the other eagle was not present. At 8:33 a.m., the second eagle returned from the southeast

to the nest with nest material. The second eagle arranged material and settled into nest. The first eagle perched on branch in nest tree. At 8:44 a.m., the first eagle changed branches. At 8:45 a.m., the first eagle changed branches again. At 9:15 a.m., the second eagle got out of nest. There was a lot of vocalization between the eagles perched side by side. At 9:17 a.m., the first eagle got back in the nest. At 10:00 a.m., both eagles were at nest tree, one eagle in nest and one eagle perched on limb.

GENERAL DEVELOPMENT GUIDELINES

Critical Nesting Habitat and Protection Zones

Based upon the monitoring of LE-43B, the eagles primarily fly to the south and southeast to forage in the Caloosahatchee River. These eagles are flying over existing roads, an elementary school, and residences to reach their foraging destination. The LE-43A eagles have demonstrated a high tolerance to human activity by completing five (5) of six (6) successful nesting seasons and fledging seven (7) young eagles since 1997-1998 from the LE-43A nest location. Nest LE-43A was located in the Skyline Woods subdivision (Lot 10) and 100' east of Hancock Creek Elementary School. A single family residence was constructed in 2001-2002 within 100' of the nest and constant noises (bullhorns and screaming children) from the elementary school occurred during the successful nesting seasons (1997-1998 to 2002-2003) suggest that the eagle pair which used LE-43A adapted to urban environments and are more tolerant of land uses otherwise restricted or limited under the Bald Eagle Management Guidelines. Accordingly, strict application of the Guidelines would not be appropriate in light of the best data available for this eagle pair. Under this Management Plan the applicant will establish an Eagle Preserve Area (see Exhibit "C") that will consist of an irregular shaped polygon totaling 11.8 acres. This area is the equivalent to a 399' radius and will consist of a lake (8.2 acres) on three (3) sides of the nest. The irregular shape of the Eagle Preserve Area is based on eagle observations, flight study, and recommendations from Lee County Staff and Eagle Technical Advisory Committee (ETAC). The Primary Protection Zone (40.5 acres) (see Exhibit "D") will consist of a 750' radius from Nest LE-43B. No exterior construction or clearing activities will occur in the Primary Protection Zone during the nesting season (i.e. nesting activity through fledging).

In addition to the on-site preservation measures, Colonial Homes, Inc. has agreed to donate \$100,000.00 to the Calusa Land Trust for the purpose of purchasing bald eagle habitat on or near Pine Island, Florida. Colonial Homes has requested and the Calusa Land Trust has indicated that preference will be given to select a parcel that presently supports active nesting or supports suitable habitat for attracting and supporting nesting bald eagles.

Site Plan and Development Phasing

*

- * All buildings within the Project Site including single family, multi-family, and common area facilities will not exceed 35' in height
 - Within the Eagle Preserve Area, no buildings will be constructed. Lake 9 will be constructed during the non-nesting season (May 15th October 1st). The lake will be a minimum of 100' from the nest tree and will serve as a "moat" around three (3) sides of the nest tree. The lake

and fence/hedge along the south development pod will inhibit any human activity within the Eagle Preserve Area. The lake's shoreline will be heavily planted with trees to buffer the nest from development.

Excavation of Lake 9, the loop road around the phased development (including utilities) and proposed buffering and enhancement activities will occur following the 2003-2004 nesting season. Existing vegetation within the phased development areas will not be removed until such time as that particular phase is cleared and graded.

*

- Existing pine trees located around the edge of the lake will be incorporated into the lake design to the maximum extent possible. Efforts will be made through the use of retaining walls, meandering the lake edge or other measures to preserve existing trees not located within development areas within the primary zone.
- Twenty slash pine trees will be planted within the Eagle Preserve Area during the non-nesting season. Planted slash pine shall consist of ten (10) 14' minimum and ten (10) 10' minimum height trees. Dead-tree snags currently existing within the Eagle Preserve Area will not be removed.
 - Long term management of the Eagle Preserve area shall include replacement of the planted slash pine to achieve a 90 percent survival rate for a period of five (5) years. Long term management shall also include maintenance of the littoral zone vegetation to achieve 85 percent coverage by desirable native aquatic species through a 2-year establishment period. All lake maintenance and any required planting replacements will occur during the non-nesting season.
 - All work within the Primary Zone (750') will be conducted in the non-nesting season. If nesting activities within Nest LE-43B has not occurred by February 15th, then the nesting season shall be considered over and the construction restrictions within the Primary Zone shall not apply. Nesting season construction limitations shall not apply outside of the Primary Zone.
 - Within the Primary Zone, exterior house construction will be conducted during the nonnesting season only, except for the lots within the 50.0 acre Moody River Estates North Parcel development lying north of Hancock Bridge Parkway, and will be phased over a four (4) year period allowing the birds' acclimation to the change in landscape. Land clearing for the lots north of Hancock Bridge Parkway within the 750' Primary Zone will not be allowed during the nesting season.

Phasing within the Primary Protection Zone will be as follows (see attached Phasing Plan - Exhibit "E"):

Year 1: Following the 2003-2004 nesting season, Lake 9 will be excavated; the loop road around the phased development area will be constructed (including utilities); clearing, grading, and vertical construction will commence within the Year 1 areas (southeast and southwest of the nest tree); vegetative buffer plantings will occur,

where feasible, prior to construction of the building. The Year 2-4 areas will be left at existing grade with existing trees.

Year 2 will consist of clearing, grading, and vertical construction east, west and south of the nest tree. Vegetative buffer plantings will occur, where feasible, prior to construction of the buildings.

Year 3 will consist of clearing, grading, and vertical construction northeast and northwest of the nest tree. Buffer plantings will occur, where feasible, prior to construction of the buildings.

Year 4 will consist of clearing, grading, and vertical construction north of the nest tree. Buffer plantings will occur, where feasible, prior to construction of the buildings.

Multifamily units will be to the east and north of Nest LE-43B, and single family units to the west of the nest tree. No swimming pools are allowed within 350' of Nest LE-43B (See Exhibit "E").

Screening of the second story of the buildings will be accomplished through clumpings of staggered height cabbage palms (*Sabal palmetto*) and shade trees such as oaks (minimum 12' at planting). The first floor of the buildings will be screened by shrubs such as coco plum (*Chrysobalanus icaco*), wax myrtle (*Myrica cerifera*), and other native shrub species (see attached Exhibit "G" by MSA Design).

The Nest LE-43B nesting season shall be considered over upon fledging of chicks, if any, after which unrestricted construction activities may commence upon Lee County Environmental Sciences or FWS confirmation. After construction, normal residential activities will be allowed within the Primary Protection Zone throughout the calendar year.

All external lighting within the Primary Zone shall be shielded away from Nest LE-43B.

The Eagle Management Plan will be incorporated into the Project's restrictive covenants (HOA document), and will include a map showing the Eagle Preserve Area. A Conservation Easement or equivalent restrictive covenants will encumber the Eagle Preserve Area with South Florida Water Management District (SFWMD) and Lee County listed as Grantees.

Interior construction within the Primary Zone will be allowed during the Nest LE-43B nesting season subject to the following conditions:

• If doors and windows have not been installed, plywood and blankets will be installed in their place to muffle sounds from within the house.

All door and window openings facing the eagle's nest are to remain closed at all times except for access and deliveries.

- All deliveries will be unloaded in the garage or at the entrance to the garage. All construction materials and deliveries will be stored inside the garage or house.
- If a construction dumpster is necessary, it will be located behind the proposed buildings, out of sight of the nest tree.
- Any portable sanitation facility will be located behind the buildings, out of view from the nest.
- No exterior work of any kind will be permitted.
- No radios, CD players, or similar equipment will be permitted.
 - A sign will be prepared and posted that states:

NO RADIOS, CD PLAYERS, OR SIMILAR EQUIPMENT OR LOUD NOISES ARE ALLOWED ON THE PROPERTY. ALL WINDOWS AND DOORS ARE TO REMAIN CLOSED AT ALL TIMES. NO EXTERIOR WORK OF ANY KIND IS PERMITTED.

- All interior activities including preparatory cutting, sawing, etc. will only occur inside the house or garage.
- It is the responsibility of the general contractor/builder to insure that all workers including subcontractors, know and follow the above conditions.

All of the management practices will be in effect until the nest is deemed abandoned by the FWC or the FWS.

W:\WPDOCS\COLO-7A\COLO-7A Bald Eagle Man Plan Rev 8-11-04 Rev.wpd

EXHIBIT F (Page 8 of 20)

EXHIBIT "A"

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EXHIBIT F (Page 10 of 20)

EXHIBIT "B"

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EXHIBIT F (Page 11 of 20)

EXHIBIT "C"



EXHIBIT F (Page 13 of 20)

EXHIBIT "D"

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EXHIBIT F (Page 15 of 20)

EXHIBIT "E"

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EXHIBIT F (Page 18 of 20)

EXHIBIT "G"







RESOLUTION NUMBER Z-03-022

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

WHEREAS, an application was filed by Colonial Homes, Inc. to rezone 221.9 acres from Agriculture (AG-2) and Commercial Tourist (CT) zoning districts to Residential Planned Development (RPD) and Commercial Planned Development (CPD) in reference to Moody Ranch; and

WHEREAS, a public hearing was advertised and held on May 22, 2003, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2002-00037; and

WHEREAS, a second public hearing was advertised and held on August 18, 2003, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone a Request is to rezone 221.9 acres from AG-2 and CT zoning districts to RPD and CPD to permit the development of up to 1000 residential dwelling units (single family, zero-lot-line, townhouses, and multiple family units) and 45,000 square feet of commercial floor area, with buildings not to exceed 80 feet in height. The property is located in the Suburban Land Use Category and is legally described in attached Exhibit A. The request is APPROVED SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. The development of this project must be consistent with the one-page Master Concept Plan entitled "Moody Ranch," date stamped "Received OCT 29 2003, " except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of 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. If there are any conflicts between commitments made in this application and conditions of this zoning action, the conditions will be the effective requirement of this planned development.

CASE NO:DCI2002-00037

Z-03-022 Page 1 of 7

ATTACHMENT M

The Applicant may develop up to 1000 residential dwelling units on the property, and 45,000 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.

If multiple-family dwelling units are developed in Tract B 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" 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. No backs of buildings will face Moody Road, and no multiple-family building will contain more than four dwelling units.

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. <u>Schedule of Uses</u>

See attached Exhibit D

b. <u>Site Development Regulations & Special Buffer</u>

See attached Exhibit E

3. Open space requirements must be tracked with each development order and be substantially consistent with the Open Space and Indigenous Vegetation table dated April 9, 2003. 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

CASE NO:DCI2002-00037

Z-03-022 Page 2 of 7 maximum lot coverage. A minimum of 54 acres including associated lakes and roadways must be single family residential lots with a minimum lot size of 6,500 square feet and a maximum lot coverage of 45 percent.

- 4. Prior to issuance of a Vegetation Removal Permit: (1) the existing borrow pit area and wetlands must be surveyed specifically for the presence of wading bird and alligator nests. If any active nests are located, then buffer areas must be established to protect these areas; and (2) the area located north of Hancock Bridge Parkway must be resurveyed for gopher tortoise burrows.
- 5. Gopher tortoises must be protected on-site. The 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 and other broad leaf vegetation prior to moving gopher tortoises to the preserve. Supplemental feeding such as alfalfa hay may be necessary until the berm plantings are established.

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 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 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 homeowners documents/deed restrictions must include language detailing the preservation of native trees along the canal.

8. Any sabal palms with a minimum 8-foot clear trunk located within the project 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 8-foot clear trunk located within the project south of Hancock Bridge Parkway with the Division of Environmental Sciences staff whether used on-site or other wise. Any sabal palms being relocated must be moved in a horticulturally correct manner

CASE NO:DCI2002-00037

Z-03-022 Page 3 of 7 per Lee County Extension Services brochure Lee 8/2000A attached as Exhibit F. 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 lake shorelines adjacent to internal project roadways and Club Tract E up to 30% of the shoreline. 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 which consists of an 8:1 slope and 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 are limited by the time limitations of LDC § 34-1954(d) throughout the entire project.
- 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 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.

CASE NO:DCI2002-00037

Z-03-022 Page 4 of 7

- 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 this resolution is approved and as shown on **Exhibit G** attached hereto may continue until approval of a local development order for the area of the project containing those uses.
 - (b) Additional clearing or grading of existing agricultural areas is prohibited. This prohibition is not intended to preclude County approved requests for the removal of invasive exotic vegetation.
 - (c) The property owner must terminate the agricultural tax exemption for any portion of the property that receives a local development order. The exemption termination must be filed with the Property Appraiser's Office by December 31st of the calendar year in which the local development order is issued. A copy of the exemption termination must be provided to the Office of the County Attorney.
- 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).

SECTION C. DEVIATIONS:

Deviation 1 - Withdrawn by Applicant.

Deviation 2 - Withdrawn by Applicant.

Deviation 3 requests relief from LDC § 10-329(e)(4) which requires excavation banks to be sloped; to allow up to 40 percent of the banks to utilize either:

- 1) a vertical slope with the condition that lake bottom slopes at the toe of any bulkhead may be no greater than 4:1 or
- 2) a 2:1 (horizontal: vertical) slope to a depth of 6-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.

Deviation 4 - Withdrawn by the Applicant.

Deviation 5 - Withdrawn by the Applicant.

Deviation 6 - Withdrawn by Applicant.

CASE NO:DCI2002-00037

Z-03-022 Page 5 of 7
Deviation 7 - Withdrawn by Applicant.

Deviation 8 requests relief from LDC § 10-285(a) which requires 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**, 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.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

- Exhibit A: The legal description of the property
- Exhibit B: Zoning Map (subject parcel identified with shading)
- Exhibit C: The Master Concept Plan and Sketch illustrating Deviations 3 and 8
- Exhibit D: Schedule of Uses

Exhibit E: Site Development Regulations & Special Buffer

Exhibit F: Lee County Extension Services brochure Lee 8/2000A

Exhibit G: Bona Fide Agricultural Uses Affidavits and Maps

The applicant has indicated that the STRAP numbers for the subject property are: 09-44-24-00-01002.1010 & 10-44-24-00-01054.0000

SECTION E. FINDINGS AND CONCLUSIONS:

- 1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
- 2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
 - e. will not adversely affect environmentally critical areas or natural resources.

CASE NO:DCI2002-00037

- 3. The rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
- 4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
- 5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Albion, seconded by Commissioner Janes and, upon being put to a vote, the result was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 18th day of August 2003.

E GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA

BY: Chairmai

Approved as to form by:

Office Attorney's

CASE NO:DCI2002-00037

SEDENDA IN LANSE

Z-03-022 Page 7 of 7

EXHIBIT "A" LEGAL DESCRIPTION Property located in Lee County, Florida

JOB NO. 01-7038 PILE NO. 01-7038CLGL.DOC

SHEET 1 OF 1

DESCRIPTION

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TRACT OR PARCEL OF LAND IN THE SOUTH 3/8 OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 9, AND THE SOUTHEAST 1/4 OF SECTION 10, TOKNSHIP 44 SOUTH, RANGE 24 PAST, LEE COUNTY FLORIDA, WHICH IS DESCRIBED AS FOLLOWS:

FROM THE SOUTHEAST CORNER OF SAID SECTION 9, AS ENGEN ON THE PLAT OF NATERWAY ESTATES GOLF PARK AS RECORDED IN PLAT BOOK 22, PAGES 161 AND 162 OF THE PUBLIC RECORDS OF PLAT BOON 12, FROM 101 AFM 101 OF THE FORME RECORDS O LEE COUNTY FLORIDA; THENCE N.0°30'28"E. ALONG THE EAST SECTION LINE OF SAID SECTION 9, FOR 30.00 FEBT TO THE POINT OF BEGINNING.

FOINT OF BEGINNING. THENCE N.88*55'40"W. ALONG THE NORTHERLY RIGHT OF WAY [30.00 FEBT FROM CENTERLINE) OF SXYLINE DRIVE AS RECORDED IN C.C.M.B. 11 AT PAGE 427 FOR 925.28 FEBT TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT, RADIUS 385.00 FEBT, DBLTA ANGLE 46*06'32"; THENCE MORTHHESTERLY ALONG THE ARC OF SALD CURVE AND ALONG THE NORTHERLY RIGHT OF WAY (30.00 PEET FROM CENTERLINE) OF SKYLINE DRIVE FOR 309.83 FEBT TO A POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT, RADIUS 30.00 FEBT, DELTA ANGLE 100*10'44"; THENCE HORTHHESTERLY AND NORTHEASTERLY ALONG THE ARC OF SALD CURVE FOR 52.45 FEBT TO A POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT, RADIUS 1450.00 FEBT, DELTA ANGLE 20*27'30"; THENCE NORTHEASTERLY ALONG THE ARC OF SALD CURVE FOR 52.45 FEBT TO A POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT, RADIUS 1450.00 FEBT, DELTA ANGLE 20*27'30"; THENCE NORTHEASTERLY ALONG THE ARC OF SALD CURVE AND THE SOUTHEASTERLY RIGHT OF WAY [50 FEET FROM THE CENTERLINE] OF HANGCKY, THENCE N.36*54'96".FOR 2078.07 FEBT TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, RADIUS 1000.00 FEBT, DELTA NGLE 53*4'3'12'; THENCE MORTHEASTERLY ALONG THE ANC OF SALD CURVE FOR 937.59 FEBT TO THE POINT OF CURVATURE OF A CURVE FOR 937.59 FEBT TO THE POINT OF CURVATURE OF A CURVE FOR 937.59 FEBT TO THE POINT OF CURVATURE OF A CURVE FOR 937.59 FEBT TO THE POINT OF CURVATURE OF A CURVE FOR 937.59 FEBT TO THE POINT OF CURVATURE OF A CURVE FOR 1257.36 FEBT TO THE POINT OF CURVATURE OF A CURVE FOR 1257.36 FEBT TO THE POINT OF CURVATURE OF A CURVE FOR 1257.36 FEBT TO THE POINT OF CURVATURE OF A CURVE FOR 46.48 FEBT TO THE FOINT OF TANGENCY, THENCE S.00*36'02*E, ALONG THE HESTERLY RIGHT OF THE ARC OF SAID CURVE FOR 46.48 FEBT TO THE FOINT OF TANGENCY, THENCE S.00*36'02*E, ALONG THE HESTERLY RIGHT OF THE ARC OF SAID CURVE FOR 46.48 FEBT TO THE FOINT OF TANGENCY, THENCE S.00*36'002*E, ALONG THE HESTERLY RIGHT OF THE ARC OF SAID CURVE FOR 46.48 FEBT TO THE FOINT ALONG THE ARC OF SAID CURVE FOR 9AFD CURVE FOR 40

PARCEL CONTAINS 163.991 ACRES MORE OR LESS.

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

Applicants Legal Checked 18301403 008

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Exhibit "A"

Page 1 of 4

JULY 17, 2003 JOB NO. 01-7038 FILE NO. 01-703853ACRELGL

DESCRIPTION:

A PARCEL OF LAND LYING IN SECTIONS 9 AND 10, TOWNSHIP 44 SOUTH. RANGE 24 EAST, LEB COUNTY FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 10 AND THE CENTERLINE OF SKYLINE DRIVE AND MOODY ROAD; THENCE; N.00°36'02"W., FOR 3161.83 FEET ALONG THE CENTERLINE OF MOODY ROAD PASSING THROUGH THE POINT OF INTERSECTION OF HANCOCK BRIDGE PARKWAY AT 2636.76 FEET; THENCE N.89°17'03"W., ALONG THE SOUTH LINE OF HIDDEN ACRES SUBDIVISION AS RECORDED IN PLAT BOOK 30, PAGES 71 THRU 72, FOR 33.01 FEET TO THE POINT OF BEGINNING. THENCE CONTINUE N.89°17'03"W., ALONG THE SAID SOUTH LINE AND THE APPROXIMATE CENTERLINE OF MOODY CANAL FOR 2493.78 FEET: THENCE N.89°43'02"W FOR 66.08 FEET TO A POINT OF INTERSECTION OF A CANAL; THENCE S.02°15'00"W., ALONG THE APPROXIMATE CENTERLINE OF SAID CANAL FOR 275.83 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 22°00'00", A CHORD BEARING OF S.08°45'00"E. AND A CHORD LENGTH OF 114.49 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 115.19 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 18°30'00", A CHORD BEARING OF S.10°30'00"E. AND A CHORD LENGTH OF 96.45 FBET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 96.87 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 960.00 FEET, A CENTRAL ANGLE OF 45°55'00", A CHORD BEARING OF S.21°42'30"W. AND A CHORD LENGTH OF 748.92 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 769.34 FEBT TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.44°40'00"W., FOR 363.52 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 1200.00 FEET, A CENTRAL ANGLE OF 08°56'16", A CHORD BEARING OF S.40°11'52"W. AND A CHORD LENGTH OF 187.00 FEBT; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 187.19 FEET TO THE END OF SAID CURVE; THENCE S.31°43'57*W., FOR 416.34 FEET; THENCE S.41°00'00*W., FOR 631.66 FEET; THENCE S.53°05'54"E., LEAVING SAID CANAL FOR 428.46 FEET TO THE NORTHERLY RIGHT OF WAY OF HANCOCK BRIDGE PARKWAY (50 FEET FROM THE CENTERLINE); THENCE ALONG THE SAID NORTHERLY RIGHT OF WAY FOR THE FOLLOWING CALLS: N.36"54'06"E., FOR 2078.07 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 1100.00 FEET, A CENTRAL ANGLE OF 53°43'12", A CHORD BEARING OF N.63°45'42"E. AND A CHORD LENGTH OF 993.99 FEET; THENCE

Exhibit "A"

Page 2 of 4

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ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 1031.35 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.89°22'42"E., FOR 1253.94 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 91°13'20", A CHORD BEARING OF N.45°00'38"E. AND A CHORD LENGTH OF 42.88 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 47.76 FEET TO THE POINT OF TANGENCY OF SAID CURVE, AN ARC LENGTH OF 47.76 FEET TO THE POINT OF TANGENCY OF SAID CURVE AND THE WEST RIGHT OF WAY OF MOODY ROAD (33 FEET FROM CENTERLINE); THENCE N.00°36'02"W., ALONG SAID WEST RIGHT OF WAY FOR 444.46 FEET TO THE POINT OF BEGINNING.

CONTAINING 53.4370 ACRES MORE OR LESS.

SUBJECT TO BASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

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INK ENGINEERING, A DIVISION OF LBFH INC. (LB 959)

GORDON D. MEIERS PROFESSIONAL LAND SURVEYOR FLORIDA CERT. # 2858

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Exhibit "A"

Page 3 of 4

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Ink Engineering

A Division of LBFH, Inc.

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JULY 1, 2002 JOB F 01-7038E FILE # 01-70385K2LGL

DESCRIPTION: A TRACT OR PARCEL OF LAND LYING IN THE SOUTHEAST ONE-QUARTER (1/4) OF SECTION 9, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

10

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER (1/4) OF SAID SECTION 9 AND THE CENTERLINE INTERSECTION OF ORANGE GROVE BOULEVARD AND HANCOCK BRIDGE PARKWAY; THENCE S.88*55'40"E. ALONG THE CENTERLINE OF HANCOCK BRIDGE PARKWAY; THENCE S.88*55'40"E. ALONG THE CENTERLINE OF HANCOCK BRIDGE PARKWAY; THENCE S.88*55'40"E. ALONG THE CENTERLINE OF A CURVE TO THE LEFT HAVING A RADIUS OF 1400.00 FEET, A CENTRAL ANGLE OF 21'03'01", THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE FOR 515.17 FEET; THENCE N.20*00'41"W. FOR 50.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF HANCOCK BRIDGE PARKWAY AND THE POINT OF BEGINNING: THENCE N.00*15'19"E. ALONG THE EAST LINE OF A PARCEL OF LAND RECORDED IN O.R. 3025, FAGE 3040 OF THE FUBLIC RECORDS OF LEE COUNTY, FLORIDA. FOR 346.81 FEET TO A POINT ON THE SOUTH LINE OF A PARCEL OF LAND RECORDED IN O.R. 3025, FAGE 3185 OF SAID PUBLIC RECORDS; THENCE 8.39*43'35"E. ALONG THE SOUTH LINE OF SAID PARCEL FOR 35.23 FEET; THENCE 8.49*43'35"E. ALONG THE SOUTH LINE OF SAID PARCEL FOR 39.76 FEET TO THE APPROXIMATE CENTERLINE OF A CANAL; THENCE N.41*00'00'E. ALONG THE APPROXIMATE CENTERLINE OF SAID CANAL FOR 29.95 FEET; THENCE 8.35*05'54"E. LEAVING SAID CANAL FOR 428.46 FEET TO A POINT ON THE NORTHWESTERLY RIGHT OF WAY OF HANCOCCK BRIDGE PARKWAY 50.00 FEET; ROM THE CENTERLINE ALSO BEING A POINT ON A CURVE TO THE RIGHT FAVING A RADIUS OF 1330.00 FEET, A CENTRAL ANGLE OF 34'9'51", A CHORD BEARING OF S.35*29'54"W.; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AND NORTHWESTERLY RIGHT OF BEGRNING.

CONTAINING 4.50 ACRES.

SUBJECT TO AN INGRESS-EGRESS EASEMENT AS RECORDED IN O.R. 3025, PAGES 3087 THROUGH 3051 OF SAID PUBLIC RECORDS:

SUBJECT TO A 12 FEET WIDE DRAINAGE EASEMENT AS RECORDED IN O.R. 2227, PAGES 3610 THROUGH 3639 OF SAID PUBLIC RECORDS.

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

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REFER TO \$ %" X 11" SKETCH

INK ENGINEERING, A DIVISION OF LEFH INC. (LE 959)

(zul/11) GORDON D. MELERS

GORDON D. MELEHS PROFESSIONAL LAND SURVEYOR FLORIDA CERT. # 2353

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Exhibit "A"

Page 4 of 4





EXHIBIT C

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Exhibit D

Moody Ranch PERMITTED LAND USES April 2, 2003 Revised October 2003

RPD - PERMITTED LAND USES

Tract I

Residential 1A (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
- 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 docks 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 Townhouse (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-1 District plus Multi-Family Buildings (up to 600 units)

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 sq. ft.), Private including but not limited to the following ancillary uses:
 - Food and Beverage Service
 - Pro Shop and Specialty Retail, Group I Locker Rooms





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Exhibi	t "D"
Page 1.	of 3
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ZONING COUNTER

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 II
- Excavation, Water Retention
- Fences and Walls
- Project Maintenance Facility
- Recreational Facilities 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

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CPD - PERMITTED LAND 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 and Adult
- Department Store
- Drive-through facility accessory to any permitted use
- Drug Store
- Essential Services
- Essential Service Facilities, 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, Group I, 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 & 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

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Exhibit "D" Page 2 of 3

Conservation Areas (Wetland and Upland Conservation Areas)

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

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6/6/2002- 21554 Ver: 011- CDAY CAM3 03657-000-001- PW/RK- 6088

Exhibit "D" Page 3 of 3

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Moody Ranch PROPERTY DEVELOPMENT REGULATIONS April 2, 2003

	RESIDENTIAL PLANNED DEVELOPMENT													
		Minimum Lol				Minimum Seiback (ii)								
						Rear (II)		Front (N)					2	
EXHIBIT B	LAND USES	Area (sq N)	Min Widih (A)	Min Depih (îi)	Side Including Corner Lois (N)'	Lols	Weband	Acc	Front EnLy Garage	Bldg or Side Entry Garage	Waler Body (îl)	Max Building Height (N)	Min Bidg Separation (N)	Hax Lol Coverage (%)''
	Single Family Delached	4,000	40	100	5	20	20	5	_ 20	12	20	35 or 2 slories	10	45
1	Two Family Allached	3,500	35	100	• 0 or 5	20	20	5	: 20	12	20	35 or 2 slories	10	45
	Townhouse	2,000	25	80	0 or 10	20	20	5	: 20	15	20	35 or 2 stories	10	45
	Multi-Family	10,000	100	100	10	20	20	5	20	20	20	35 or 2 slories	10 or 20***	45
	Ciubhouse	20,000	80	100	10	20	20	5	rva	20	20	45 or 2 stories	20	45

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

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. COMMUNITY DEVELOPMENT

'Exhibit "E" Page 1 of 4

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COMMERCIAL	PLANNED DEVELOPMENT	
	PRINCIPAL USES	ACCESSORY USES
MINIMUM LOT OR PARCEL AREA	10,000 sq fi	NA
MINIMUM LOT WIDTH	75 ft	NA
MINIMUM BUILDING SETBACKS	-	
Hancock Bridge Parkway	35 ft or BH whichever greater	20 ft
Internal Frontage Drives	15 ft	20 ft
Waterfront	25 ft	0 fl lo buikhead or riprap al lop of bank
MINIMUM DISTANCE		•
Between Structures which are part of an architecturally unified group	10 fl.	_ 10 ft*
Between All Other Structures	20 ft	10 ft
MAXIMUM HEIGHT		
Relail Buildings	• 50 ft	35 ft
Office Buildings	80 ft	80 ft
Boat Dry Storage	35 fi	35 ft
Archilectural features	n/a	100 (i
MAX. LOT COVERAGE *	55%	55%

*As defined by LDC, Chapter 34.

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COMMUNITY DEVELOPMENT

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Exhibit "E" Page 2 of 4

OP:	EN SPACE	Mood	DIGENOU ly Ranch 9, 2003	JS VEGETA	TION	-	
		1	Open Sp	ace .	Indige	enous Ve	getation
		Requ	uired	Min. Provided	Requ	ired .	Min. Provided
	Acres	% Open Space	Acres	Acres	, % Indig.	Acres	Acres
RESIDENTIAL PLANNED D	EVELOP	AENT .		·	···	r	
Residential Tracts with lots greater than 6,500 sq ft	54.0*	n/a	n/a	4.32	n/a	2.16	[.] 2.16
Balance of Development	163.4	40%	65.36	65.36	50%	32.68	32.68
TOTAL	217.4		65,36	69.68	50%	34.84	34.84
COMMERCIAL PLANNED DEVELOPMENT							
CPD	4.5	30%	1.35	1.35	50%	.68	.68**
TOTAL PROJECT	221.9	· ·	66.71	71.03		35.52	· 35.52

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



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COMMUNELY DEVELOPMENT

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Exhibit "E"

Page 3 of 4

Exhibit E SPECIAL BUFFER -- TRACT B ALONG MOODY ROAD Moody Ranch April 9, 2003 Revised September 2003

Minimum width	20 feet
Minimum # of trees	5 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 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 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.



ZONING COUNTER

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Exhibit "E" Page 4 of 4



TRANSPLANTING SABAL PALMS Step-by-Step Instructions

Stephen H. Brown Lee County Horticulture Agent

Introduction

The native cabbage or sabal palm (Sabal palmetto) is the official state tree of Florida and is a prominent feature in Florida's landscape. The palm is highly adaptive, tough, tolerant of a wide range of soils, and is hurricane resistant. When planted six to ten feet on center, sabal palms provide desirable shade. Sabal palms, including large-sized palms, can be transplanted with high success if a few simple precautions are taken. This fact sheet provides specific proven techniques to increase the success of sabal palm transplanting.

Step-by-Step Transplant Instructions

- 1. Use gasoline powered tree spade or heavy steel shanked digging spade with a clean well-honed cutting edge to dig the largest possible root ball. Usually to 18 inches from the edge of the trunk.
- 2. Remove the palm from ground. Take care not to . damage the hidden bud located within the center of the canopy.
- 3. Using clean sharp hand spades, trim the root ball into circular shape 13 to 16 inches from the outer edge of the trunk.
- 4. Two methods of pruning fronds for landscape transplant (select one):
 - a. Remove oldest (brown) fronds. Tie the remaining fronds tightly together with a biodegradable twine. Do not disturb the bud.

Rick Joyce

Deputy Director, Lee County Planning Division

b. Remove all fronds otherwise known as "hurricane" or "cigar cut." This recommended pruning technique gives the highest rate of establishment but must be carefully done.

Lee 8/2000A

- 5. Secure the palm on a flat bed truck and transport it to the planting site. Make sure the center of the bud is well protected.
- 6. Keep the root ball moist between removal and installation.
- 7. Prepare planting hole 1-2 times the diameter of the trunk but at the same depth as the root ball.
- 8. Back-fill the planting hole with the same soil that had been removed. There is no need to amend the planting hole, but if it is amended, use a fill similar to that of the planting hole. The amendment should not exceed 25 percent by volume of the soil removed from the hole.
- 9. Carefully set the palm into the planting hole. Make sure it is planted the same depth as it was in the field. Planting too deeply will cause root suffocation and lead to nutritional deficiencies, root rot, and frequently the death of the palm.
- Secure and stake the palm as illustrated in the diagram. DO NOT DRIVE NAILS DIRECTLY INTO THE PALM.

(Continued on the back.)

The Lee County Extension Service is an Equal Employment Opportunity - Affirmative Action Employer that provides research, educational information and other services without regard to race, color, sex, age, handicap or national origin.

Exhi	Ъź	Lt '	'F"	
Page	1	of	2	

The Extension Service is part of a publicly funded statewide educational network that provides information and scientific knowledge to area residents, businesses and government leaders. The University of Florida, Extension Service offers the latest research and technology in more than 200 subjects related to horticulture, energy/conservation, agriculture, youth development and family and consumer sciences. Last year, the Lee County Extension Service provided assistance to more than 70,000 people and provided 463 classes and workshops on everything from family financial planning to pesticide training.

- 11. Establish a water-retaining ring around the palm three feet from the trunk. The ring should slope gently toward the trunk.
- 12. Fill the ring with mulch to a depth of three inches. Keep the mulch at least three inches away from the trunk.
- 13. Irrigation:
 - a. Palms with fronds remaining: Fill the ring with 50 gallons of water three times weekly.
 - b. Palms with hurricane cut: Fill the ring with 20 to 25 gallons of water three times weekly.
- 14. In both cases, after four weeks, reduce irrigation to twice weekly. Water twice weekly for four weeks, and then reduce irrigation to once weekly for an additional four weeks. Twelve weeks after planting, cease irrigation if the palm appears

healthy. However, during drought, water once a week for up to two years. For each inch of rain, skip one scheduled irrigation treatment.

- 15. As soon as new growth begins to appear, loosen tied fronds. This will happen between 3-6 months after transplanting, depending on the time of year and the health of the palm.
- 16. Begin fertilization after new growth begins. Fertilize three to four times per year with a 2-1-3ratio fertilizer at a rate of one to two pounds per 100 square feet. For best results use a slow release formulation.
- 17. Remove staking and burlap or asphalt paper rap after successful palm establishment. Removal usually occurs approximately one year after palm installation.



Exhibit "F" Page 2 of 2

AFFIDAVIT

STATE OF FLORIDA) COUNTY OF LEE)

COMMUNITY DEVELOPMENT

BEFORE ME, the undersigned authority, on this 20th day of <u>May. 2003</u>, personally appeared <u>Anthony Persichilli</u> who is personally know to me and who did take an oath, who deposes and says as follows:

 That I am the owner of the following described property, to wit: See attached Exhibit "A" Parcel No. 09-44-24-00-01002.1010

2. That the above described property was used for bona fide agricultural purposes, to with <u>cattle grazing</u> at the time of the Lee County Board of County Commissioners review and consideration of the rezoning of the property described on the attached Exhibit "A" scheduled to be heard on May 22, 2003.

- 3. The agricultural use of the property is an existing bona fide agricultural use.
- 4. The agricultural use is being conducted on 23.84 acres. The 23.84 acres of the total 45.84 acres as described on the attached Exhibit "A" is being used for cattle grazing.
- 5. Affiant further states that he is famillar with the nature of an oath; and with the penalties as provided by the laws of the State of aforesaid for falsely swearing to statements made in an instrument of this nature. Affiant further certifies that he has read, or has heard read to him, the full facts of this affidavit and understands its meaning and context.

FURTHER AFFIANT SAYETH NAUGHT.

Colonial Homes By Anthony Persichilli Its Division President

SWORN TO and subscribed before me on the date and year first above written.

(Notary Seal)



Mgnature at Notary

Commission No.

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

Exhibit "G"

Page 1 of 4

_ Map Output

HAY 21 2003

COMMUNITY DEVELOPMENT



http://gis.leepa.org/servlet/com.esri.esrimap.Esrimap?ServiceName=msLeePAInternet&Cl... 5/25/2003

Exhibit "G"

Page 2 of 4

AFFIDAVIT

STATE OF FLORIDA) COUNTY OF LEE)

. . ..

.....

BEFORE ME, the undersigned authority, on this 20th day of <u>May. 2003</u> personally appeared <u>Anthony Persichilli</u> who is personally know to me and who did take an oath, who deposes and says as follows:

1. That I am the owner of the following described property, to wit: See attached Exhibit "A" Parcel No. 10-44-24-00-01054.0000

2. That the above described property was used for bona fide agricultural purposes, to with <u>cattle grazing</u> at the time of the Lee County Board of County Commissioners review and consideration of the rezoning of the property described on the attached Exhibit "A" scheduled to be heard on May 22, 2003.

3. The agricultural use of the property is an existing bona fide agricultural use.

- 4. The agricultural use is being conducted on <u>119</u>,56 acres. The 119.56 acres of the total 177.49 acres as described on the attached Exhibit "A" is being used for cattle grazing.
- 5. Affiant further states that he is familiar with the nature of an oath; and with the penalties as provided by the laws of the State of aloresaid for falsely swearing to statements made in an instrument of this nature. Affiant further certifies that he has read, or has heard read to him, the full facts of this affidavit and understands its meaning and context.

FURTHER AFFIANT SAYETH NAUGHT.

D*CI 2002-0*003

COMMUNITY LES

Colonial Homes By Anthony Persichilli Its Division President

SWORN TO and subscribed before me on the date and year first above written.

PEGGY FRESHOUR

ECORES: N

(Notary Seal)

Ę,

Signature of Notary

Commission No.

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

Exhibit "G" Page 3 of 4



Map Output

Page 1 of 1



Exhibit "G"

Page 4 of 4



ATTACHMENT N



1.	EXISTING ZONING: MOODY RIVER ESTATES RPD (Z-05-048) TRACT M: MAXIMUM 200 DWELLING UNITS WITH MAXIMUM HEIGHT OF 75 FEET, BOAT RAMP AND MULTI-SLIP DOCKING FACILITY							
2.	SUBJECT PROPERTY IS A PORTION OF TRACT M							
3.	SEE DCI2023-00	047 FOR CONCL	RRENT REZONING	TO HOME FRON	T HEROES CPD.			
4.	WOOD FENCES SHALL BE CONSTRUCTED OF DECAY AND TERMITE-RESISTANT MATERIAL AS SPECIFIED IN SECTION 2304.12 OF THE FLORIDA BUILDING CODE.							
5.	ALL FASTENER	S TO BE HOT DI	PED GALVANIZED					
6.	POST TO BE SP	ACED 10' MAXIM	UM ON CENTER.					
7.	WOOD POST A	ND RAILS TO BE	PRESERVATIVE TH	REATED WOLMAN	IZED PINE GRADE	C OR BETTER.		
8.	HORIZONTAL F	RAMING SHALL O	CONSIST OF A MIN	IMUM OF 4 HORIZ	ONTAL RAILS OF N	OMINAL 2X4 P.T.	WOOD.	
9.	FENCE TO BE PAINTED OR STAINED PER OWNER.							
	ATTACHMENT O							
Τ		PR	OPOSED WO	DODEN FEN	CE AND GAT	ES		
		E F	IOME F	BONT H	IFROES	3		
				OUNTY, FLO				
ł	COMPLETION DATE:	PROJECT:	DRAFTED BY:	DESIGNED BY:	REVIEWED BY:	SCALE:	SHEET:	
	7-18-2023	2506	KG	KG	SWM	AS NOTED	01	

NOTES:

	JILO.	
1.	EXISTING ZONING: MOODY RIVER ESTATES RPD (Z-05-048) TRACT M: MAXIMUM 200 DWELLING UNITS WITH MAXIMUM HEIGHT OF 75 FEET, BOAT RAMP AND MULTI-SLIP DOCKING FACILITY	
2.	SUBJECT PROPERTY IS A PORTION OF TRACT M	

N

LOCATION MAP

-Hancock Bri Mar Them Long

- INT C

NA

Stacy Hewitt

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

Completed; no cultural resources detected Kind regards,

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

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

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

EMAIL RECEIVED FROM EXTERNAL SOURCE

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

Good afternoon 😊 I hope all is well.

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

STRAP Numbers:

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

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

ATTACHMENT P



Thank you and please take care, Stacy



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Stacy Ellis Hewitt, AICP Director of Planning

Cell: 239-770-2527 Email: <u>shewitt@bankseng.com</u> Office : 239-939-5490

10511 Six Mile Cypress Parkway Fort Myers, Florida 33966



Board of County Commissioners

Kevin Ruane **District One**

June 8, 2021

Cecil L Pendergrass District Two

Ray Sandelli **District Three**

Brian Hamman **District Four**

Frank Mann **District Five** Roger Desiarlais

County Manager

Richard Wm. Wesch **County Attorney**

Donna Marie Collins County Hearing Examiner

Moody River Estates CDD c/o Wrathell Hunt & Associates LLC 2300 Glades RD STE 410W Boca Raton FL 33431

RE: Abandoned Nest Bald eagle Nest LE-043B **Moody River Estates CDD** North Fort Myers FL STRAP #10-44-24-46-0000C.0000

Moody River Estates CDD c/o Wrathell Hunt & Associates LLC:

On June 8, 2021 the Eagle Technical Advisory Committee (ETAC) recommended to declare Nest LE-043B abandoned in accordance with Lee County Development Code (LDC) Chapter 14. According to LDC 14-114, an abandoned nest is a nest that is intact or partially intact but has been inactive through five or more consecutive nesting seasons. Available information concerning Nest LE-043B indicates the following:

According to ETAC monitoring reports Nest LE-063 was last occupied by an eagle pair during the 2015-2016 nesting season. Therefore, under Chapter 14 of the LDC, ETAC can declare Nest LE-043B as an abandoned nest. Please note this letter does not relieve the property owner from any requirements of the state or federal governments.

If you have any questions or wish to discuss further, please contact Nic DeFilippo with Lee County Planning Section at ndefilippo@leegov.com or 239-533-8983.

Sincerely,

Eagle Technical Advisory Committee

Befeie Chatt

Betsie Hiatt. **ETAC Vice Chair**

CC:

Ulgonda Kirkpatrick, USFWS Migratory Bird Division (email only)

P.O. Box 398, Fort Myers, Florida 33902-0398 | (239) 533-2111 | leegov.com AN EQUAL OPPORTUNITY EMPLOYER

ATTACHMENT Q