



March 26, 2025

VIA EMAIL (HEX@LEEGOV.COM)

The Honorable Amanda Rivera
Deputy Hearing Examiner
Office of the Lee County Hearing Examiner
1500 Monroe Street – Suite 218
Fort Myers, Florida 33902-0298

**RE: DCI2023-00047 | HOME FRONT HEROES MINOR CPD
JOINT POST HEARING WRITTEN SUBMISSION**

Dear Madam Hearing Examiner:

The record was left open at the conclusion of the hearing on the above referenced matter on March 13, 2025, to allow Staff and the Applicant to submit written materials specified below, followed by response. Staff and Applicant are in agreement regarding the attached proposed conditions contained herein.

1. Revised Conditions

RESPONSE: Please see attached redline and clean versions of the conditions contained in the Applicant's 48-hour notice depicting the following revisions:

1. Page 5, Condition 2.a. Schedule of Uses: Home Front Heroes Minor CPD – Western 15.76± acres of Tract M: relocate and clarify the 2 non-motorized boat ramps shown on the MCP and clarify limitation of use by Home Front Heroes Minor CPD and guests and clarify that Existing Moody River Estates Waterpark is limited solely for the use of the residents and property owners within the Moody River Estates RPD and Home Front Heroes Minor CPD and guests.
2. Page 15, Condition 35: Correct open space typographical errors to reflect 3.23 acres as clarified during hearing.
3. Page 15, New Condition 39: Proposed outdoor hours of operation.

Sincerely,

RVi Planning + Landscape Architecture

A handwritten signature in blue ink, appearing to read 'Stacy Ellis Hewitt', written over a light blue circular stamp.

Stacy Ellis Hewitt, AICP
Planning Director

cc: Brian Roberts, P.E.
Richard Akin, Esq.



Home Front Heroes Minor CPD - DCI2023-00047
Joint Post Hearing Written Submission Conditions
(redline to 48-Hour Notice Version)

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

family buildings may face Moody Road.

f. Special Buffer - Tract B along Moody Road

Minimum Width: 20 feet
Minimum # of trees: Five per 100 linear feet
Minimum tree size: Trees must be no less than four inches in diameter at 12 inches above the ground and no less than 16 feet in height at the time of planting.

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

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

No wall is required for this buffer.

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

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

a. Schedule of Uses

RPD - PERMITTED LAND USES

Tract I - Residential IA (R-1A)

Accessory Uses
Administrative Offices
Agricultural Uses, continuation of bona fide use only
Dwelling Units
 Single Family, detached (up to 500 units)
Entrance Gates and Gatehouses
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention
Fences and Walls
Home Occupation, as limited by the LDC
Model Homes, Model Units, and Model Display Center, including accessory parking lots, Real Estate Sales and Rental Office - limited to sales of lots, homes, or units within the development.

Real Estates Sales and Rental Office - limited to sales of lots, homes or units within the development.

Recreation Facilities, Personal and Private On-Site

Residential accessory uses, including but not limited to:

Private garages, carports, and parking areas

Private swimming pools and enclosures

Private Boat Dock and tennis courts

Signs

Temporary Uses - limited to a sales center and a construction office

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

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

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

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

Eastern 3.63+ Acres of Tract M - Residential 3 (R-3) - (up to 200 units)

All uses in the Residential 1A- R-2 districts and the following uses:

Multi-slip docking facility

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) - 2 non-motorized ramps - Limited solely for the use of Home Front Heroes Minor CPD and guests

Boat Ramp - private (Existing Moody River Estates Waterpark ~~and existing non-motorized ramp~~) - Limited solely for the use of the residents and property owners within this the Moody River Estates RPD and Home Front Heroes Minor CPD 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.

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 SEPARATION (FT)	MAX. LOT COV-ER-AGE (%)**
SINGLE-FAMILY DETACHED	4,000	40	100	5	20	20	5	20	12	20	35 OR 2 STORY	10	45
TWO FAMILY ATTACHED	3,500	35	100	0 OR 5	20	20	5	20	12	20	35 OR 2 STORY	10	45
TOWN HOUSE	2,000	25	80	0 OR 10	20	20	5	20	15	20	35 OR 2 STORY	10	45
MULTI-FAMILY	10,000	100	100	10	20	20	5	20	20	20	35 OR 2 STORY	10 OR 20 ***	45
CLUB HOUSE	20,000	80	100	10	20	20	5	N/A	20	20	45 OR 2 STORY	20	45

* Applies to lots of all widths and to corner lots. Each lot, including corner lots, will have only one front yard.

** As defined by LDC Chapter 34. *** 10 feet for 1-story building, 20 feet for 2-story buildings and higher.

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

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

** This acreage may be provided within the Residential Planned Development.

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

* as defined by LDC Chapter 34

HOME FRONT HEROES MINOR CPD -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 ½ building height (whichever is greater)
Maximum Lot Coverage:	45 percent
Maximum Building Height:	45 feet (Over 35 feet subject to LDC Section 34-2174)
Open Space:	30 percent (see Deviation 15)

3. West of Moody Road: 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. West of Moody Road: 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. West of Moody Road: Gopher tortoises must be protected on-site. The gopher tortoise preserve must be provided in the CO tract north of Tract G 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. West of Moody Road: 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. West of Moody Road: 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. West of Moody Road: 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. West of Moody Road: 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. West of Moody Road: 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), 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 0. R Book 1054, Page 776), must be released or relocated at the time of development order approval.
18. West of Moody Road: 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. West of Moody Road: 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. West of Moody Road: 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. West of Moody Road: 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. West of Moody Road: 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 stamped received February 6, 2025.
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 six-foot-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. Southeast corner within 330-foot eagle nest zone 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~~ 3.23 acres of open space based d 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.
 37. ADD2014-00053: Platted lake maintenance easement to continue to be located within single-family lots in Tracts A and G. This easement or right-of-way must be kept clear by the property owners and have satisfactory vehicle access, as required by LDC §10-328(a).
 38. ADD2020-00019 - The minimum building separation for buildings 2-story or greater on property located 13210, 13220, 13230 & 13240 Silver Thorn Loop, and 3180, 3181 & 3191 Sea Trawler Bend shall be as depicted on the drawing attached as Exhibit "G".
 39. The outdoor Hours of Operation for food trucks, bounce houses, or outdoor sporting events for the western 15.76 acres of Tract "M" known as Home Front Heroes shall be limited to 7am to 9pm Sunday through Thursday and 7am to 11pm Friday and Saturday.

SECTION C. DEVIATIONS:

1. Deviation (1) withdrawn.
2. Deviation (2) withdrawn.
3. West of Moody Road: 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 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. West of Moody Road: 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(1)(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. West of Moody Road: 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. West of Moody Road: 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 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. This deviation is APPROVED.
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:
 - a. North property line: to allow the existing type B buffer to remain;
 - b. 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
 - c. 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 34.

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.
21. Deviation (21) (ADD2012-00058) seeks relief from LDC §30-152(2)c.1. requiring 15 foot setback from right of way and five feet from edge of pavement of entrance and exit lanes for sign, to allow internal subdivision sign three feet from the entrance lane. This deviation is APPROVED.
22. Deviation (22) (ADD2014-00053) seeks relief from LDC §10-328(a) requiring “No portion of the required maintenance easement area may be located within the limits of a platted single-family residential lot”, to allow the existing, platted lake maintenance easement to continue to be located within the single family lots in Tracts A and G, Moody River Estate, Unit Four. This deviation is APPROVED, subject to condition number 37.

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: Minimum Building Separation Drawing (Carriage Homes III & Coach Homes V)

Home Front Heroes Minor CPD - DCI2023-00047
Joint Post Hearing Written Submission Conditions
(clean version)

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

family buildings may face Moody Road.

f. Special Buffer - Tract B along Moody Road

Minimum Width: 20 feet
Minimum # of trees: Five per 100 linear feet
Minimum tree size: Trees must be no less than four inches in diameter at 12 inches above the ground and no less than 16 feet in height at the time of planting.

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

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

No wall is required for this buffer.

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

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

a. Schedule of Uses

RPD - PERMITTED LAND USES

Tract I - Residential IA (R-1A)

Accessory Uses
Administrative Offices
Agricultural Uses, continuation of bona fide use only
Dwelling Units
 Single Family, detached (up to 500 units)
Entrance Gates and Gatehouses
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention
Fences and Walls
Home Occupation, as limited by the LDC
Model Homes, Model Units, and Model Display Center, including accessory parking lots, Real Estate Sales and Rental Office - limited to sales of lots, homes, or units within the development.

Real Estates Sales and Rental Office - limited to sales of lots, homes or units within the development.

Recreation Facilities, Personal and Private On-Site

Residential accessory uses, including but not limited to:

Private garages, carports, and parking areas

Private swimming pools and enclosures

Private Boat Dock and tennis courts

Signs

Temporary Uses - limited to a sales center and a construction office

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

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

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

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

Eastern 3.63+ Acres of Tract M - Residential 3 (R-3) - (up to 200 units)

All uses in the Residential 1A- R-2 districts and the following uses:

Multi-slip docking facility

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) – 2 non-motorized ramps –
Limited solely for the use of Home Front Heroes Minor CPD and guests

Boat Ramp - private (Existing Moody River Estates Waterpark) -
Limited solely for the use of the residents and property owners
within the Moody River Estates RPD and Home Front Heroes
Minor CPD 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.

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 SEPARATION (FT)	MAX. LOT COV-ER-AGE (%)**
SINGLE-FAMILY DETACHED	4,000	40	100	5	20	20	5	20	12	20	35 OR 2 STORY	10	45
TWO FAMILY ATTACHED	3,500	35	100	0 OR 5	20	20	5	20	12	20	35 OR 2 STORY	10	45
TOWN HOUSE	2,000	25	80	0 OR 10	20	20	5	20	15	20	35 OR 2 STORY	10	45
MULTI-FAMILY	10,000	100	100	10	20	20	5	20	20	20	35 OR 2 STORY	10 OR 20 ***	45
CLUB HOUSE	20,000	80	100	10	20	20	5	N/A	20	20	45 OR 2 STORY	20	45

* Applies to lots of all widths and to corner lots. Each lot, including corner lots, will have only one front yard.

** As defined by LDC Chapter 34. *** 10 feet for 1-story building, 20 feet for 2-story buildings and higher.

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

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

** This acreage may be provided within the Residential Planned Development.

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

* as defined by LDC Chapter 34

HOME FRONT HEROES MINOR CPD -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) Street:	15 feet or ½ building height (whichever is greater)
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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 ½ building height (whichever is greater)
Maximum Lot Coverage:	45 percent
Maximum Building Height:	45 feet (Over 35 feet subject to LDC Section 34-2174)
Open Space:	30 percent (see Deviation 15)

3. West of Moody Road: 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. West of Moody Road: 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. West of Moody Road: Gopher tortoises must be protected on-site. The gopher tortoise preserve must be provided in the CO tract north of Tract G 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. West of Moody Road: 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. West of Moody Road: 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. West of Moody Road: 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. West of Moody Road: 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. West of Moody Road: 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), 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 0. R Book 1054, Page 776), must be released or relocated at the time of development order approval.
18. West of Moody Road: 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. West of Moody Road: 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. West of Moody Road: 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. West of Moody Road: 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. West of Moody Road: 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 stamped received February 6, 2025.
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 six-foot-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. Southeast corner within 330-foot eagle nest zone 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 3.23 acres of open space based 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.
 37. ADD2014-00053: Platted lake maintenance easement to continue to be located within single-family lots in Tracts A and G. This easement or right-of-way must be kept clear by the property owners and have satisfactory vehicle access, as required by LDC §10-328(a).
 38. ADD2020-00019 - The minimum building separation for buildings 2-story or greater on property located 13210, 13220, 13230 & 13240 Silver Thorn Loop, and 3180, 3181 & 3191 Sea Trawler Bend shall be as depicted on the drawing attached as Exhibit "G".
 39. The outdoor Hours of Operation for food trucks, bounce houses, or outdoor sporting events for the western 15.76 acres of Tract "M" known as Home Front Heroes shall be limited to 7am to 9pm Sunday through Thursday and 7am to 11pm Friday and Saturday.

SECTION C. DEVIATIONS:

1. Deviation (1) withdrawn.
2. Deviation (2) withdrawn.
3. West of Moody Road: 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 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. West of Moody Road: 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(1)(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. West of Moody Road: 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. West of Moody Road: 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 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. This deviation is APPROVED.
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:
 - a. North property line: to allow the existing type B buffer to remain;
 - b. 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
 - c. 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 34.

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.
21. Deviation (21) (ADD2012-00058) seeks relief from LDC §30-152(2)c.1. requiring 15 foot setback from right of way and five feet from edge of pavement of entrance and exit lanes for sign, to allow internal subdivision sign three feet from the entrance lane. This deviation is APPROVED.
22. Deviation (22) (ADD2014-00053) seeks relief from LDC §10-328(a) requiring “No portion of the required maintenance easement area may be located within the limits of a platted single-family residential lot”, to allow the existing, platted lake maintenance easement to continue to be located within the single family lots in Tracts A and G, Moody River Estate, Unit Four. This deviation is APPROVED, subject to condition number 37.

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: Minimum Building Separation Drawing (Carriage Homes III & Coach Homes V)