Lee County
Dept. of Community Development
Zoning Section c/o Elizabeth Workman
1500 Monroe Street
Fort Myers, FL 33901

ensite

BETSY PKWY
Mixed Use Planned Development
RESPONSE LETTER #1

Please accept the responses below to your letter dated March 21, 2025 regarding the comments for Betsy Parkway MPD (DCI2025-00003).

Legal

1. Please see Sec. 34-202(a). Submittal requirements for applications requiring public hearing as a reference to the following comments:

- The boundary survey does not include the required state plane coordinates, one at the point of beginning (POB) and one at an opposing corner.

RESPONSE: Please see attached revised boundary survey.

- The certification submitted is greater than 90 days old at the time of the initial application submittal. An updated title certification is required.

RESPONSE: Please see attached updated title certification.

- When revised title certification is provided, the boundary survey will require the updated reference to the title certification.

RESPONSE: Please see attached revised boundary survey with the updated title certification as required.

Planning

2. The subject properties appear to be adjacent to state designated aquatic preserves, associated wetlands, or natural tributaries. Because of these conditions, Lee Plan policy 24.1.5 applies to the proposed development and was not included in the Lee Plan analysis. This policy also requires additional buffers and development regulations that do not appear to be incorporated in the proposed MCP. Provide an analysis of Policy 24.1.5 and revise the supporting documents accordingly.

RESPONSE: Please see revised Lee Plan policy analysis regarding policy 24.1.5 and updated

MCP depicting the requirements of the policy on the subject property.

3. Provide an analysis of the policies within Lee Plan Objective 124.1.

RESPONSE: Please see revised Lee Plan policy analysis regarding Objective 124.1.

Zoning

1. The property is in the Urban Community FLUC which focuses on commercial, residential, public and quasi-public uses, and light industrial. The Schedule of Uses includes intense manufacturing uses that exceed a light industrial type of use as listed in the IL zoning district
er LDC Section 34-903. Due to the non-compatible uses being requested, staff cannot find the case consistent with Lee Plan Goals, Objectives, and Policies for Development Location, Development Timing, Commercial Land Uses, and Industrial Land Uses.

RESPONSE: Please see revised Schedule of Uses.

2. Please explain why the applicant is requesting the Excess Spoil Removal use.

RESPONSE: This use has been removed, please see revised Schedule of Uses.

3. Please revise the Schedule of Uses to be consistent with the uses listed in LDC Section 34-934 for MPD zoning districts. For instance, Resource Recovery Facilities and Shredding and Composting of Vegetative Material are not allowable uses.

RESPONSE: Please see revised Schedule of Uses.

4. Please review the allowed uses within the MPD zoning district and remove those uses that are not compatible with the surrounding uses and environmentally sensitive lands located to the east of the subject property. Uses such as vehicle, farm equipment, and boat repair must be removed due to the proximity to conservation lands and the aquatic preserve. In addition to environmental sensitivity, the compatibility of the local roads must be considered when choosing uses such as Freight and Cargo and Private or Hybrid Warehouses. See the definition of each to understand the intensification to the road systems.

RESPONSE: The proposed repair uses are centrally located within the planned development and are proximate to similar uses located immediately to the south of the subject property within the adjacent industrial park. Please provide the Applicant with the Lee Plan policy which is prohibitive of repair uses at this location.

5. The Schedule of Uses include Rental and Leasing Establishments and Vehicle Sales. Depict the location of display and sale and rental areas on the Master Concept Plan. Revise the setbacks and buffers to comply with LDC Section 34-1353.

RESPONSE: The Schedule of Uses is not exclusively limited to the configuration of the proposed Master Concept Plan. Should a rental and leasing establishment/vehicle sales be developed on the site in the future, the use would need to be consistent with the LDC at time of DO since no deviation has been requested.

6. Commercial School is listed in the Schedule of Uses; however, the Master Concept Plan depicts open storage, service areas, and medical offices, including the existing medical office in the northeast corner of the site.

RESPONSE: The Schedule of Uses is not exclusively limited to the configuration of the proposed Master Concept Plan. A commercial school, as described in LDC Sec. 34-622(c)(45), is inclusive of several small-scale operations such as clerical/court reporting/secretarial school, craft schools, dance instruction, gymnastics instruction, martial arts instruction, and paralegal and real estate schools. All of the aforementioned uses are appropriate at the subject property. Should staff have concerns over the potential enrollment of such facilities the Applicant proposes the condition that no more than 35 students be enrolled within any future commercial school operation.

7. The applicant has listed Private, on-site and off-site Recreation Facilities. Please explain how this fits in with open storage, service areas, and medical offices.

RESPONSE: Please see revised Schedule of Uses. Please note that service areas are not a use.

8. Amateur Radio and Satellite Earth Stations are a proposed use being requested that must be reviewed per LDC Section 34-1175, which analyzes the environmental sensitivities that include migratory birds and aquatic preserve concerns. Please review this use and provide some background to meet LDC 34-1175.

RESPONSE: These uses have been removed. Please see revised Schedule of Uses.

9. The Lee Plan analysis and the MCP are unclear as to what is being provided as Indigenous Open Space. The site does not meet the indigenous vegetation definition per LDC Section 10-1 due to the level of exotic vegetation. If the applicant is proposing to preserve and restore the wetland, and indigenous restoration and management plan must be provided to demonstrate how the wetland will be restored.

RESPONSE: Please see revised Lee Plan analysis and MCP.

10. The restoration plantings must be specified at the height and planting requirements per the requirements of Developments Abutting an Aquatic Preserve per LDC Section 33-1082(a), a Type-F buffer per LDC Section 10-416(d) incorporated into the 50-foot buffer required per Lee Plan Policy 24.1.5 for developments abutting an aquatic preserve. The plant species must be salt tolerant as this area is tidally influenced.

RESPONSE: Please see revised MCP depicting the updated 50-foot buffer on the property.

11. Provide a cross section of the east property line to depict the grades of the preserve, upland buffer, and development area to ensure the upland buffer slope does not impact the preserve area. Provide a separate cross section depicting the east property line, the 50-foot excavation setback, the 20-foot lake maintenance easement and development area. Please ensure that Lee Plan Policy 24.1.5 is being met.

RESPONSE: Please see revised Lee Plan analysis for consistency with Policy 24.1.5 as well as companion MCP. Please note, surveyed topographical data is not available at this time and cross-sections will be provided at time of Development Order.

12. The MCP Open Space Table A indicates that indigenous credits are being allocated toward the restoration area. LDC Section 10-415(b)(3) does not allow indigenous credits for wetlands. Revise the document.

RESPONSE: The MCP has revised its open space table A accordingly.

13. The MCP Open Space Table A notes a deviation #1 triangle which relates to the deviation note for gate requirements depicted on the MCP. Please clarify how the gate deviation relates to the indigenous open space.

RESPONSE: This was an error, please see revised MCP.

14. The MCP must be revised to change the "indigenous preservation" call-out to "indigenous wetland restoration and preservation" and remove the reference to credits.

RESPONSE: Please see revised MCP.

15. Deviation #2 will not be supported by staff as this area is abutting an EC zoned Conservation 20/20 Land that is within the aquatic preserve. Revise the MCP and remove Deviation #2.

RESPONSE: Please see revised Schedule of Deviations, this deviation has been removed.

16. The subject property is within the Coastal High Hazard Area. Revise the Request Narrative to include analysis of Objective 101.3 and Policy 101.3.2. Development in Coastal High Hazard Areas is limited to upland areas, unless the use is Public Facilities.

RESPONSE: Please see revised request narrative to include additional analysis. The proposed project's footprint will be limited to the areas as permitted through SFWMD at time of DO, these areas are further detailed on the MCP.

17. Please submit the Community Review information per LDC Section 33-1003(b).

RESPONSE: Community meeting is scheduled to take place July 1, 2025.

18. Revise the MCP to label the buffers and all easements per LDC Section 34-373(6). Buffers must be in compliance with open storage screening (LDC Section 34-3005) and display, sale, rental establishments (LDC Section 34-1352)

RESPONSE: Please see revised MCP.

Development Services

19. LDC 34-202(a)(6) requires applicants to submit a boundary survey with public hearing applications. The boundary survey must identify and depict all easements affecting the subject property, whether recorded or unrecorded, and all other physical encumbrances readily identified by a field inspection. Survey Note #3 specifically exempts freedom of encumbrance and does not meet the referenced LDC requirement.

RESPONSE: Please see revised boundary survey.

20. Staff requests additional information in regard to Deviation (1) from LDC Sec. 34-1748(1)(d)(1). The MCP provided does not meet the requirements of LDC 34-1748(5) which requires a turn around on the ingress side of the gate. Please clarify how a vehicle approaching the gate when it is closed can turn around without backing into the ROW. Staff will not support a deviation request that does not provide an alternative method for a vehicle to turn around.

RESPONSE: This deviation has been removed.

21. Staff has no objection to Deviation (2) from LDC Sec. 10-329(d)(1)(a)(3) based on the justification provided.

RESPONSE: This deviation has been removed due to compliance with Policy 24.1.5.

22. Staff recommends removal of Deviation (3) from LDC Sec. 10-256. This will need to be requested at time of DO has a Waiver (fee-in-lieu) pursuant to LDC Sec. 10-256(b)(5).

RESPONSE: This deviation has been removed.

23. Pursuant to LDC Sec. 34-373(a)(6)e. the general location of service areas for delivery of goods or services must be shown on the proposed MCP for all developments that are not residential subdivisions.

RESPONSE: Please see revised MCP.

24. Please provide a written description of the surface water management plan per LDC 34-373(b)(1).

RESPONSE: Please see provided Surface Water Management Plan.

25. Please provide a status for existing case currently shown onsite (LDO2016-00238). If the work was completed, please reach out to DevRevInpspections@leegov.com to set up an inspection to close out the case. If the work was not completed and you wish to withdraw the case, please include a letter of request to withdraw from the property owner.

RESPONSE: LDO2016-00238 was for a Type D Limited Review Development Order fill a 935 SF area already under existing roof of the medical office building.

Natural Resources

26. Please provide a written description of the surface water management plan per LDC 34-373(b)(1).

RESPONSE: Please see provided Surface Water Management Plan.

27. Please note that the eagle nest has not yet met the Lost definition in LDC 14-112. Until ETAC makes a Lost declaration the applicant must comply with LDC 14-119.

RESPONSE: Thank you for the note/comment.

28. Please provide analysis of applicable Lee Plan policies within Goal 101.

RESPONSE: Please see revised Lee Plan policy analysis regarding Goal 101.

29. The properties to the east of the applicant's MPD are owned by Lee County and managed as part of Buttonwood Preserve. Please provide analysis of Lee Plan policies 123.1.5 and 123.2.10.

RESPONSE: Please see revised Lee Plan policy analysis regarding Policies 123.1.5 and 123.2.10.

30. Please provide an analysis of Lee Plan policies 125.1.2, 125.1.4, 126.1.1, and 126.1.4.

RESPONSE: Water quality monitoring may be required by SFWMD and will be consistent with the Lee Plan policies governing quality standards and timing. The narrative has been updated to include these policies.

Environmental Sciences

31. The application provided two FLUCCS maps on two separate protected species surveys, and the shared boundary between parcels does not show matching site conditions between FLUCCS maps. Provide a revised FLUCCS map, additional comments may follow.

RESPONSE: Please see updated Protected Species Survey in a single document.

32. Based on MCP provided, the open space table appears to provide an inaccurate amount of indigenous preservation for the industrial area of the development.

RESPONSE: Please see revised MCP and open space table.

33. The indigenous preserve area is located within an area where no indigenous vegetation communities are present and yet is applying credits pursuant to 10-415(b)(1)(3). This area does not meet the definition of indigenous native upland plant communities in LDC 10-1 and 10-701, and therefore credits should not be applied. Revise indigenous preserve areas to be sure they are in areas where native vegetation currently exists. Large projects with indigenous vegetation must provide half of the required open space through preservation.

RESPONSE: Please see revised MCP and open space table.

34. The MCP includes a map appearing to depict wetlands, but staff did not receive a 62-340 F.A.C., jurisdictional determination. Provide a jurisdictional determination of the wetlands and uplands or acknowledge that the zoning will be conditioned at time of development order approval.

RESPONSE: The zoning will be conditioned at time of DO.

35. Pursuant to LDC 10-415, commercial development abutting a preserve must provide a type-F buffer as part of the requirements per Lee Plan Policy 24.1.5. Provide the location of the lake maintenance easement so staff can confirm that they do not overlap with the required buffers.

RESPONSE: Please see attached revised MCP depicting the info as requested.

36. The northern property line abuts TFC-2 zoned properties. Pursuant to LDC 10-416 (d)(3), proposed commercial uses abutting a single-family use must provide either a Type-C or Type-F buffer. The proposed commercial use also abuts an industrial use and a commercial use. Provide code required buffers along the entire property boundary.

RESPONSE: See attached revised MCP for the northern property line where TFC-2 adjacent to industrial uses as well as any other buffers required. Please note that the MPD encompasses one project and therefore buffers are not anticipated and a deviation has been requested for the buffer between the internal uses. A landscape buffer chart was provided on the MCP for assistance.

37. Demonstrate that the open space areas have been designed to incorporate as many of the existing large native trees as possible. Staff completed a site inspection and noted the large number of trees on site that appeared to meet the definition of heritage tree.

RESPONSE: This will be done at DO stage. The project site does have sparse existing large native trees, however the proximity of these to trees (pines) to the development area and the amount of fill needed, will not allow much preservation of those trees.

38. Staff noted Rare and Unique plant communities during the site inspection. Lee Plan Policy 123.2.15 requires the applicant to protect Rare and Unique upland habitats from development impacts to the greatest extent possible. The county encourages the preservation of rare and unique uplands pursuant to Lee Plan Policy 24.1.6. Provide a Lee Plan Analysis of the sections and show how the project meets these sections.

RESPONSE: The subject property features 7.19 acres of FLUCCS code 411 – Pine Flatwoods which are defined as "rare and unique uplands" by the Lee Plan. As stated in Policy 24.1.6, the County will continue to encourage preservation of such areas through the priorities set forth in the Lee Plan. This policy defers to other areas of the Lee Plan for guidance and the only applicable policy referencing "rare and unique" uplands is Policy 123.2.15 which states "Protect Rare and Unique upland habitats from development impacts, to the maximum extent possible, through conservation and/or site design." This policy refers to "conservation and/or site design" as the means by which to protect this upland category however there is no further

direction in the Lee Plan (or Land Development Code) defining how this policy is implemented. It should also be noted that the subject property is in the Urban Community FLU which does not incentivize the preservation of Rare and Unique Uplands in the same manner typical of the Rural FLU.

39. Lee Plan Policy 24.7.9 prevents the applicant from deviating from setbacks unless the request meets the county approval criteria for variances.

RESPONSE: No setback deviations have been requested.

40. Provide an analysis of Lee Plan Policy 101.1.1 which requires development within the Coastal High Hazard Area be compatible with natural systems, such as, water retention and purification, wildlife habitat, primary productivity, and defensive against coastal flooding.

RESPONSE: Please see revised Lee Plan analysis.

41. Policy 101.3.2 restricts development in the Coastal High Hazard area to uplands and the MCP shows impacts to those wetlands. Demonstrate impacts can or will be mitigated, or staff will condition the zoning at time of DO.

RESPONSE: This MCP shows minimal impacts to wetlands to allow for the property to be developed. Mitigation of those wetlands will occur at time of Development Order as well as South Florida Water Management District permitting.

42. Show all proposed and existing easements on the MCP.

RESPONSE: The survey was completed with the benefit of title and therefore it was provided with any easements or encumbrances on it. If none were shown, none exist on the parcel.

DOT

43. Will both accesses remain on Pine Island Rd?

RESPONSE: Yes, please see Schedule of Deviations.

44. Demonstrate the motor vehicle connections on Pine Island Rd. and Betsy Pkwy shown on the plans are in compliance with LDC Section 10-285 (Connection Separation). The connection separation distances, measured edge to edge, must be determined on both sides of the roadway for undivided roadways. Existing and approved access points must be depicted on both sides of the road along the project frontage and to the nearest access point beyond the project frontage in each direction.

RESPONSE: Please see revised Master Concept Plan and Schedule of Deviations.

45. Per Lee Plan Policy 12.3.5: Commercial developments must provide interconnection opportunities with adjacent uses to minimize access points onto primary road corridors; and
residential developments to provide interconnect opportunities with commercial areas, including but not limited to, bike paths and pedestrian access ways. (Ord. No. 09-15, 18-18) Please demonstrate cross access on the MCP demonstrating compliance.

RESPONSE: Lee Plan Policy 12.3.5 is only applicable to commercial developments with adjacent uses to minimize access onto primary road corridors. There is no residential proposed and the southern portion of the property is proposed to be an industrial tract. The commercial tract proposed is not adjacent to any uses, the property to the east is undeveloped and south of it is a preserve, the western adjacent property is also undeveloped, and to the north of the commercial tract is Pine Island Road. Additionally, please see LDC Sec. 34-2 which defines "abutting property" as "properties having a boundary line, or point or portion thereof, in common, with no intervening street right-of-way or easement over 25 feet in width."

46. Deviations for sidewalks will not be approved or supported at the time of zoning. When the applicant applies for a development order, the applicant may request a fee-in-lieu by providing adequate justification and cost estimate in accordance with LDC 10-256(b)(5).

RESPONSE: Thank you for the note/comment. This deviation has been removed.

TIS

47. The application request does not have the proposed uses for this project.

RESPONSE: Please see revised TIS.

48. The Land Use Code (LUC) of warehousing was used in the TIS for the Industrial Tract, but the schedule of uses includes a lot of uses which have more trip generation than warehousing. The TIS shall study a worst-case scenario. We recommend the LUC of 130 (Industrial Park) be used for the Industrial Tract.

RESPONSE: Please see revised TIS.

49. The fitted curve rate shall be used for the trip generation calculation, not the average rate.

RESPONSE: Please see revised TIS.

50. The applicant needs to provide the information of the traffic/directional splits entering and exiting the proposed project at the proposed access points (trip distribution/assignment).

RESPONSE: Please see revised TIS.

51. The project's traffic significant impact on the roadway network is 10% of LOS "C" service volumes for the links at build-out, not 10% of LOS "E" service volumes.

RESPONSE: Please see revised TIS.

52. Stringfellow Road may be significantly impacted by the project.

RESPONSE: Thank you for the note/comment.

53. The applicant needs to show how the project traffic is assigned to the roadway network. For example, why only 58 trips were assigned onto Pine Island Road.

RESPONSE: Please see revised TIS.

54. Since the project's trip generation is more 100 trips per hour, the information of intersection Level of Service analysis for the project's entrances must be provided.

RESPONSE: Please see revised TIS.

Please contact me directly at (239) 226-0024 or if you should have any questions or require additional information.

Sincerely,
EnSite, Inc.

Cindy C. Leal Brizuela, AICP, MURP
Principal Planner

cc: Terry B. Cramer III Esq., Wilbur Smith

Enclosures:
1. Updated Schedule of Uses
2. Updated Request Narrative
3. Updated Schedule of Deviations
4. Updated Title Certification – Pine Island Rd
5. Updated Title Certification – Betsy Pkwy
6. Updated Boundary Survey
7. Updated Betsy MCP & Open Space Sheet
8. Updated Environmental Report

Lee County
Dept. of Community Development
Zoning Division
1500 Monroe Street
Fort Myers, FL 33901

BETSY PKWY
Mixed Use Planned Development Rezoning
Request Narrative

I. INTRODUCTION & REQUEST

The subject property is located at 10300 Betsy Pkwy and 5041 Pine Island Road NW within Greater Pine Island. The property is under two (2) STRAPs (28-44-22-00-00024.0000 & 28-44-22-00-00014.0000) and the zoning of the subject property is split; the parcel adjacent to Betsy Pkwy is zoned AG-2 whereas the remainder of the property, abutting Pine Island Road, is within the C-1A zoning district. The property is currently located within the Urban Community future land use category. The request is to rezone both parcels to the Mixed-Use Planned Development (MPD) zoning district to allow for storage uses as well as other commercial and industrial uses. Together, both parcels are approximately ±23.96 AC as can be seen in Figure 1 below.



Figure 1. Aerial of Subject Property

II. SURROUNDING LAND USES & COMPATIBILITY

The subject property is surrounded by a range of existing and planned commercial and industrial uses which are further described in Table 1.

	EXISTING USE	ZONING	FUTURE LAND USE	JURISDICTION
NORTH	ROW (Pine Island Rd) & Commercial Plaza	CPD	Urban Community	Lee County
EAST	Vacant Commercial and AG	CS-1 & AG-2	Urban Community	Lee County
SOUTH	Industrial Park	IL & IG	Urban Community	Lee County
WEST	ROW (Betsy Pkwy) & Commercial	CG	Urban Community	Lee County

Table 1. Surrounding Land Uses

Immediately to the north of the subject property is Pine Island Road, which provides access to Greater Pine Island. Pine Island Road is not a constrained roadway at the adjacent segment; it is only constrained from Shoreview Drive to Little Pinie Island, as outlined in Table 2(a) of the Lee Plan due to available right-of-way, as well as scenic, aesthetic, historic, and environmental conditions along that segment. The segment of Pine Island Road which abuts the subject property features three (3) lanes; one (1) eastbound lane, one (1) westbound lane, and one (1) westbound deceleration lane into the Shoppes at Calusa Cay commercial plaza. The Shoppes at Calusa Cay is a commercial planned development (CPD) which is made up of a Publix-anchored commercial plaza comprising of approximately 26.77 acres.

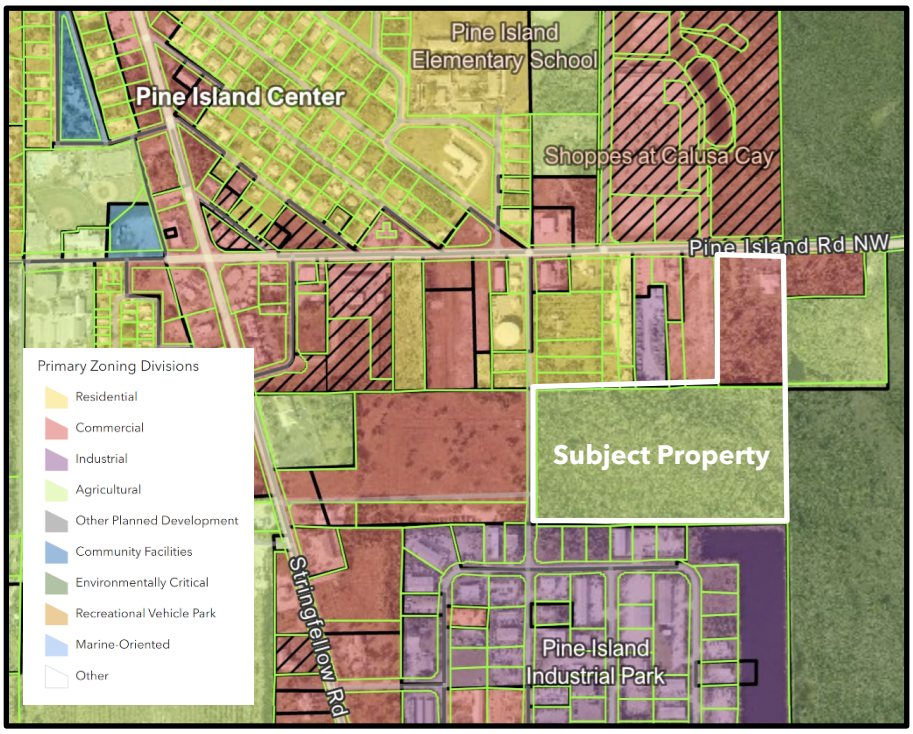


Figure 2. Current Subject Property Zoning & Surrounding Zoning Districts

To the northwest of the subject property are vacant commercially-zoned (CG) parcels as well as a parcel with light industrial (IL) zoning. To the west of these parcels is an area designated as TFC-2 which is a zoning district assigned "to recognize and protect existing two-family residential developments, lots, structures and uses, previously permitted but not conformable to the regulations

for the other two-family residential district set forth in this chapter, and to accommodate residential use of existing lots that were nonconforming under previous zoning regulations." [LDC Sec. 34-691(c)] The areas within this zoning district appear to contain sparsely located single family residences and agricultural uses.

To the east of the subject property is a CS-1 zoned vacant parcel and an AG-2 zoned vacant parcel. Further east are environmentally critical zoned lands which make up the Buttonwood Preserve located on the north and south sides of Pine Island Road. South of the subject property is the Pine Island Industrial Park which features a wide range of commercial and industrial uses that provide goods and services to the island. This area contains a mix of the conventional zoning districts CG (general commercial), IL (light industrial), and IG (general industrial) – allowing for a complimentary assortment of goods and services to be found throughout the industrial park. To the west of the subject property are commercial lots with CG zoning as well as Betsy Pkwy. The commercial lots depict outdoor storage uses on the latest county aerials. The segment of Betsy Pkwy abutting the subject property is classified as a non-county maintained local roadway.

As described above, the surrounding land uses (both existing and planned) are complimentary to the proposed commercial and industrial development. The assortment of existing and planned commercial and industrial uses proximate to the subject property are further depicted in Figure 2.

III. COMPREHENSIVE PLAN CONSISTENCY

The proposed rezoning is consistent with a number of goals, objectives, and policies outlined within the Lee Plan as well as regional and state plans as further analyzed below.

Policy 1.1.4: The Urban Community future land use category are areas characterized by a mixture of relatively intense commercial and residential uses. The residential development in these areas will be at slightly lower densities then other future urban categories described in this plan. As vacant properties within this category are developed, the existing base of public services will need to be maintained which may include expanding and strengthening them accordingly. As in the Central Urban future land use category, predominant land uses in this category will be residential, commercial, public and quasi-public, and limited light industrial with future development encouraged to be mixed use, as described in Objective 11.1, where appropriate. The standard density range is from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum total density of ten dwelling units per acre (10 du/acre). The maximum total density may be increased to fifteen dwelling units per acre (15 du/acre) utilizing Greater Pine Island Transfer of Development Units.

The Lee Plan describes the Urban category as predominantly developed with residential, commercial, public and quasi-public uses, and limited light industrial. This category also encourages future development to be mixed use where appropriate. This future land use designation does not reference

a maximum Floor Area Ratio (FAR) at this location to determine maximum intensities. The Planned Development zoning application is inclusive of a master concept plan (MCP) which depicts the proposed development, associated with this MCP is a Schedule of Uses which is catered to the site and further specifies the prospective commercial development program for the property.

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

The property's location along Pine Island Road supports Objective 2.1 by allowing for future development of the site to have readily available access to a number of utilities and services. Additionally, the subject property is located within the Greater Pine Island community and abuts existing and planned commercial development as well as an industrial park.

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 §163.3164, Fla. Stat.) will be granted only when consistent with the provisions of §163.3202(2)(g) and § 163.3180, Fla. Stat. and the concurrency requirements in the LDC.

The subject property is currently in the Urban community future land use category which is defined as a Future Urban area by the Lee Plan. The subject property is also surrounded by development on all but its eastern perimeter – this adjacent property has commercial zoning where abutting Pine Island Road. The subject property is in area where urban services are readily available and can support additional commercial development.

Goal 4: GENERAL DEVELOPMENT STANDARDS. Pursue or maintain land development regulations which protect the public health, safety and welfare, encourage creative site designs and balance development with service availability and protection of natural resources.

Objective 4.1: WATER, SEWER, AND ENVIRONMENTAL STANDARDS. Consider water, sewer, and environmental standards during the rezoning process. Ensure the standards are met prior to issuing a local development order.

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 Fla. Admin. Code R. 62-550).***

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 4A), 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.***

4. ***All waterline extensions to new development will be designed to provide minimum fire flows, as well as adequate domestic services as required by Fla. Admin. Code R. 62-555.***

5. ***If a new development is located in a certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 4-A), and the utility cannot provide the service or cannot provide the service except at a clearly unreasonable cost to the developer, the developer is encouraged to petition the appropriate regulatory agency to contract the service area so that the development may establish its own community water system or invite another adjacent utility to expand its service area in order to provide the required service.***

6. ***If a development lies outside any service area as described above, the developer may:***
   - ***request that the service area of Lee County Utilities or an adjacent water utility be extended to incorporate the property;***
   - ***establish a community water system for the development; or***
   - ***develop at an intensity that does not require a community water system.***

7. ***Lee County Utilities may provide potable water service to properties not located within the future water service area when such potable water service is found to benefit public health, safety, and welfare, including protection of Lee County's natural resources.***

As outlined in Standard 4.1.1(1) any commercial or industrial project exceeding 30,000 SF of gross floor area per parcel must connect to public water. The subject property's companion Planned Development further defines the future development parameters of the site and specifies the industrial and commercial uses proposed for the property which include industrial and commercial development in excess of 30,000 SF, therefore the subject property will be complying with this standard by connecting to public water as further supported by the Greater Pine Island Water Association Letters of Availability.

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 4-B), and that utility has sufficient capacity to provide minimum service to the development, then the development must connect to that sewer utility if there is existing infrastructure adequate to accept the effluents of the development within l/4 mile from any part of the development.

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

4. ***If a new development is located in a certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 4-B), and the utility cannot provide the service, or cannot provide the service except at a clearly unreasonable cost to the developer, II-16 April 2024 Future Land Use the developer may establish on a temporary basis a self-provided sanitary sewer facility for the development, to be abated when the utility extends service to the site. The developer may also petition the appropriate regulatory agency to contract the service area of the utility in order that another utility may be invited to provide the service.***

5. ***If a development lies outside any service area as described above, the developer may:***
   - ***request that the service area of Lee County Utilities or an adjacent sewer utility be expanded to incorporate the property;***
   - ***establish a self-provided sanitary sewer system for the development;***
   - ***develop at an intensity that does not require sanitary sewer service; or***
   - ***if no more than 5000 gallons of effluent per day per parcel is produced, an individual sewage disposal system per Fla. Admin. Code R. 64E-6 may be utilized, contingent on approval by all relevant authorities.***

6. ***Lee County Utilities may provide sanitary sewer service to properties not located within the future sewer service area when such sanitary sewer service is found to benefit public health, safety, and welfare, including protection of Lee County's natural resources.***

As outlined in Standard 4.1.2(1) any commercial or industrial project generating an excess of 5,000 gallons of wastewater per day must connect to public sanitary sewer system. The subject property's companion Planned Development further defines the future development parameters of the site and specifies the industrial and commercial uses proposed for the property which include industrial and commercial development in excess of 30,000 SF, therefore the subject property will be complying with this standard by connecting to public wastewater systems as further supported by the Lee County Utilities Letter of Availability.

Standard 4.1.4: ENVIRONMENTAL FACTORS.

1. ***In any case where there exists or there is the probability of environmentally sensitive areas (as identified by Lee County, the Corps of Engineers, Department of Environmental Protection, South Florida Water Management District (SFWMD), or other applicable***

regulatory agency), the developer/applicant must prepare an environmental assessment that examines the existing conditions, addresses existing or anticipated environmental problems, and proposes means and mechanisms to protect, conserve, or preserve the environmental and natural resources.

2. ***Ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site.***
3. ***Ensure development minimizes the need for expansion and construction of street and utility improvements.***

An environmental assessment of the northern site was conducted in August 2024 by Bearpaws Environmental Consulting and an environmental assessment inclusive of the southern parcel was completed in June 2022. The findings resulted in the conclusion that the property is generally heavily impacted by exotic vegetation. An area 8.99 acres in size is comprised of pine flatwoods with other 75% of the vegetation being exotic (FLUCFCS code 411 E4). There is a wetland area (FLUCFCS code 619) within the southern parcel made up of .21 acres of melaleuca wetland. Approximately 1.84 acres of the northern parcel are made up of a mixed wetland forest (FLUCFCS code 620). This parcel also features a small pond of approximately .17 acres (FLUCFCS code 510). Due to the absence of viable wetlands, or rare and unique uplands of high quality (the pine flatwoods are infested with exotic vegetation), the Applicant's improvement of the site will be inclusive of clearing the disturbed and exotic infested property while replanting with native vegetation for buffer areas and supplemental plantings throughout the site's designated open space.

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

The companion rezoning is being pursued as a Planned Development which further defines the development parameters for the limited commercial uses being proposed while allowing for flexibility for future commercial tenants which would further support proximate patrons within the Greater Pine Island Community and nearby Matlacha. The subject property currently has a commercial use (and commercial zoning) along its frontage on Pine Island Road NW. The configuration of the parcel – an elongated parcel with access to Pine Island Road, and a larger parcel with access on Betsy Pkwy whose perimeter abuts an industrial park – allows for the majority of the commercial development, predominantly those areas proposed to be developed within the southern parcel, to not be visible from the traveling public along Pine Island Road NW.

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

Consistent with Policy 6.1.4, the proposed project is compatible with existing and planned adjacent uses. The proposed PD rezone clarifies the location and square footage of commercial uses which would provide additional growth in the Greater Pine Island community at an appropriate location. This policy also requires that the proposed commercial uses be supported by public facilities; the property has direct access onto Pine Island Road NW. Additionally, the project will be supported by urban services via Lee County Utilities for potable water and sanitary sewer as noted in the provided Letter of Availability.

Policy 6.1.5: Maintain land development regulations that require commercial development be designed to protect the traffic-carrying capacity of roads and streets. Methods to achieve this include, but are not limited to: frontage roads; clustering of activities; limiting access; sharing access; setbacks from existing rights-of-way; acceleration, deceleration and right-turn-only lanes; and, signalization and intersection improvements.

Policy 6.1.5 protects the traffic-carrying capacity of roads and streets from incompatible commercial development. The companion Traffic Impact Study supports the assessment that the uses will not trigger a level of service deficiency for the adjacent road network. The minimal trip generation of the proposed development is further outlined in the companion traffic study.

Policy 6.1.6: Maintain land development regulations that require commercial development provide adequate and appropriate landscaping, open space, buffering, and architectural standards.

Policy 6.1.6 requires commercial developments to "provide adequate and appropriate landscaping, open space, and buffering." The project will provide appropriate landscaping, open space, and buffering as consistent with the Land Development Code at time of development order. An open space sheet has been provided as part of the MCP to demonstrate the landscape buffers and open space areas. No deviations from landscaping or buffering requirements are being requested.

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.

Pine Island Road NW features a number of commercial uses to the north and south of the roadway. And Betsy Pkwy provides access to an industrial park. In addition to being a suitable location for commercial development, the parcel's depth and configuration allows for a small frontage on Pine Island Road NW while the bulk of operations are significantly out of view from the traveling public. The project site is partially zoned for commercial uses and abuts industrial where agriculturally zoned, it does not open new areas up to premature, scattered, or strip commercial development and promotes commercial development where a residential use is clearly unreasonable.

Policy 6.1.8: Prohibit commercial development from locating near existing or planned school areas in such a way as to jeopardize the safety of students.

Consistent with Policy 6.1.8, the subject property is not located near an existing or planned school. The closest school campus is Pine Island Elementary School which is located almost 900 FT west of the subject property to the north of Pine Island Road NW.

Goal 7. INDUSTRIAL LAND USES. To promote opportunities for well-planned industrial development at suitable locations within the County.

Objective 7.1: All development approvals for industrial land uses must be consistent with the following policies, the general standards under Goal 4, and other provisions of this plan.

Policy 7.1.1: In addition to the standards required herein, the following factors apply to industrial rezoning and development order applications:

1. ***The development must comply with local, state, and federal air, water, and noise pollution standards.***

   Consistent with Policy 7.1.1(1), the proposed industrial uses have been tailored to this site per the companion Schedule of Uses and further limited in terms of intensity and location through the proposed configuration on the companion Master Concept Plan. Furthermore, the development will seek additional permitting to comply with local, state, and federal air, water, and noise pollution standards when applicable.

2. ***When located next to residential areas, industry must not generate noise levels incompatible with the residential development.***

   As noted in the surrounding uses table and available aerial imagery, there is one (1) residence abutting the subject property. This residence along with a number of other properties to the north of the subject property are zoned TFC-2. As noted on the companion Master Concept Plan, the proposed buffering is consistent with the requirements of the LDC to provide appropriate screening between the proposed industrial uses and the existing residential land uses.

3. ***Bulk storage or production of toxic, explosive, or hazardous materials will not be permitted near residential areas.***

   No bulk storage or production of toxic, explosive, or hazardous materials are proposed as noted in the companion Schedule of Uses.

4. ***Contamination of ground or surface water will not be permitted.***

   No ground or surface water contamination will be permitted. Furthermore, additional permitting through the South Florida Water Management District is necessary.

5. ***Applications for industrial development will be reviewed and evaluated as to:***

   a. ***air emissions (rezoning and development orders);***

Air emissions above normal levels are not proposed to be generated by the uses which are listed in the companion Schedule of Uses.

b. impacts and effects of environmental and natural resources (rezoning and development orders);

The impacts of the rezoning on environmental and natural resources is further noted in the companion Environmental Report which demonstrates that the site is not home to any protected species – the bald eagle's nest which was previously located on the site fell during Hurricane Ian and the eagles have not returned since. The impacts to the site will take place mostly on uplands or wetlands infected with invasive vegetation.

c. effect on neighbors and surrounding land use (rezoning);

The proposed development will compliment the existing surrounding land uses which consist mostly of commercial and industrial development. The proposed uses are listed in the companion Schedule of Uses; the proposed uses do not pose negative effects or impacts on the neighbors and surrounding land uses – on the contrary, they complement the existing and planned developments in the area.

d. impacts on water quality and water needs (rezoning and development orders);

The proposed uses are not anticipated to generate impacts on water quality or water needs however, the development is subject to additional state permitting and will require review by the South Florida Water Management District at time of Development Order.

e. drainage system (development orders);

N/A

f. employment characteristics (rezoning);

The proposed uses are commercial and industrial in nature and would continue to support economic growth, subsequently enhancing employment opportunities, within the Pine Island community.

g. fire and safety (rezoning and development orders);

The proposed development meets standards for fire and safety as further depicted on the Master Concept Plan. No deviations pertaining to hammerheads/safety vehicle turning are being requested via this rezoning.

h. noise and odor (rezoning and development orders);

Noise and odor are not anticipated to be noxious elements at the proposed development based on the governing County-wide noise ordinance as well as the uses

listed in the Schedule of Uses. These two regulatory documents work in tandem to ensure that noise (via the noise ordinance) and odor (via the Schedule of Uses) are detrimental to the development or impacting surrounding existing and planned land uses.

i. buffering and screening (planned development rezoning and development orders);

Buffering and screening are being proposed consistent with the regulations of the Land Development Code to ensure compatibility and consistency with surrounding developments. No deviations pertaining to buffering or screening are being proposed via this rezoning request.

j. impacts on transportation facilities and access points (rezoning and development orders);

The proposed development is not anticipated to generate a significant impact on transportation facilities as outlined in the companion traffic study. The proposed access points are consistent with the regulations of the Land Development Code pertaining to connection separations. No deviations pertaining to transportation facilities and access points are being proposed via this rezoning request.

k. access to rail, major thoroughfares, air, and if applicable, water (rezoning and development orders);

The property does not feature access to rail however, it does have an access point on Pine Island Road which is classified as a county-maintained arterial at the adjacent segment. This classification allows industrial and commercial traffic to flow without traversing through residential corridors. The property does not have access to water.

l. utility needs (rezoning and development orders); and

Letters of Availability for potable water and wastewater services have been provided by the issuing agencies; the Greater Pine Island Water Association and Lee County Utilities, respectively.

m. sewage collection and treatment (rezoning and development orders).

Wastewater will be provided through Lee County Utilities who have specified in their Letter of Availability that sanitary sewer service will be provided by their Pine Island Water Reclamation Facility and that service will ultimately be determined through hydraulic impact computations per the Lee County Utilities' Design Manual.

Policy 7.1.2: Industrial development is encouraged in the Industrial Development, Tradeport, and Industrial Interchange future land use categories. Industrial development in these future land use categories requiring rezoning and meeting DCI thresholds must be rezoned to a

Planned Development. All rezoning to allow industrial uses outside of the Industrial Development, Tradeport, or Industrial Interchange future land use categories must be rezoned to a Planned Development, except if located within the Mixed Use Overlay. The Planned Development must be designed to arrange uses as an integrated and cohesive unit in order to: promote compatibility 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 facilities and services where they are inadequate to serve the proposed use.

The subject property is not located within the Industrial, Tradeport, or Industrial Interchange future land use categories, it is located within the Urban Community FLU. Additionally, the property is not located within the Mixed Use Overlay. The request to rezone to a Mixed Use Planned Development consisting of commercial and industrial uses is consistent with the language in Policy 7.1.2 which requires the property be rezoned via the planned development process. The uses have been arranged cohesively to ensure that commercial uses are promoted along Pine Island Road and open storage along with industrial uses are located adjacent to the existing industrial park. This configuration promotes compatibility with existing and planned uses. The companion Master Concept Plan further depicts 1) screening and landscaping, 2) reduction on the automobile internal to the site which promotes pedestrian movement within the development, 3) use of joint parking, as well as 4) joint access and loading facilities and 5) the protection of natural resources.

Policy 7.1.3: Industrial land uses must be located in areas appropriate to their special needs and constraints, including, but not limited to, considerations of: topography; choice and flexibility in site selection; access by truck, air, deep water, and rail; commuter access from home-to-work trips; and utilities; greenbelt and other amenities; air and water quality considerations; proximity to supportive and related land uses; and compatibility with neighboring uses.

The proposed industrial tract of the Mixed Use Planned Development is adjacent to an existing industrial park and is generally shielded from the traveling public by the flag-shaped MPD boundary. The property has access by truck and availability of utilities per the provided LOAs. It is also proximate to supportive and related land uses and as previously mentioned, is highly compatible with the surrounding existing and planned uses.

Policy 7.1.4: The timing and location of industrial development will be permitted only with the availability and adequacy of existing or planned services and facilities.

As demonstrated in the companion traffic assessment as well as the supporting Letters of Availability, timing and location of the proposed industrial tract is consistent with the availability and adequacy of existing and planned services and facilities.

Policy 7.1.6: Maintain land development regulations that require industrial uses be adequately buffered and screened from adjacent existing or proposed residential areas so as to prevent visual blight and noise pollution.

The companion Master Concept Plan depicts the proposed buffers, all of which are consistent with the requirements of the Land Development Code. As previously mentioned, no deviations are being requested pertaining to the buffering or screening of the proposed development.

Policy 7.1.7: Industrial development will not be permitted if it allows industrial traffic to travel through predominantly residential areas.

The industrial tract has direct access onto Betsy Parkway and shared access with the commercial tract onto Pine Island Road therefore there will not be industrial traffic traveling through residential areas.

Goal 24. GREATER PINE ISLAND COMMUNITY PLAN. Manage future growth on and around Greater Pine Island so as to: maintain the island's unique natural resources, rural character, and coastal environment; support the viable and productive agricultural community and other local businesses; and to protect the public health, safety, and welfare of island residents and visitors when a hurricane strike is imminent.

Supportive of hurricane evacuation times, the subject property's proposed rezoning would not allow for any additional residential uses in Greater Pine Island. The use of the property for entirely commercial and industrial uses effectively maintains the current evacuation time. Additionally, the proposed Schedule of Uses has been tailored to meet the needs of the community and to enhance local business as well as promote a diverse local economy.

Policy 24.1.5: New development, including "planned development" rezoning approvals, new subdivisions, and agriculture, that adjoin state-designated aquatic preserves and associated wetlands and natural tributaries must preserve or create a 50-foot-wide native vegetated buffer area between the development and the waterbody or associated wetlands. This requirements will not apply to existing subdivided lots.

For agriculture, this requirement:

- ***will be implemented through the notice-of-clearing process in the LDC, Chapter 14;***
- ***will include a requirement to use this area as a riparian forest buffer with an adjoining filter strip wherever farmland abuts wetlands; and***
- ***if native vegetation does not currently exist, native tree cover will be established within three years of issuance of the notice of clearing.***

The placement and width of the 50 foot vegetated buffer can be modified to accommodate development; however, the development must meet all of the following criteria:

- ***impact less than 1.5 acres of the associated wetlands; and,***

- ***the impacted area must consist primarily of exotic vegetation; and,***
- ***avoid all impacts to mangrove swamps and tidal flats (FLUCCS Code 612 and 615); and,***
- ***be in the Urban Community Future Land Use Category; and,***
- ***be a planned development.***

In addition to the listed criteria, the development must create an onsite wetland area. The created wetland area must meet the following:

- ***must be a minimum of 1.5 square feet for each square foot of impacted associated wetlands; and,***
- ***consist of 100% native wetland species; and***
- ***consist of 6' wetland trees to be planted 15' on center and 3 gallon wetland shrubs planted 3'on center; and,***
- ***maintain a hydrologic connection the with the remaining preserved associated wetlands; and,***
- ***the wetland creation area may be comprised of planted dry detention, filter marsh or other similar green infrastructure techniques; and,***
- ***the created wetlands are not intended to replace any state or federal required offsite mitigation for permitted impacts to wetlands.***

The proposed Master Concept Plan depicts a 50' wide native-vegetated buffer along the eastern perimeter of the property where abutting state-designated wetland areas. Furthermore, the 50' wide buffer is part of a 2.71-acre preserve area contiguous to the state-designated wetland. This preserve area is irregularly shaped but averages a width of 143 feet as further annotated on the MCP. The preserve area is further separated from the proposed commercial and industrial development areas through the establishment of a 25-foot-wide upland buffer. The upland buffer provides spatial protection from any development activity that may take place on the site. Consistent with the above criteria, the proposed 50-foot-wide buffer and preserve area will consist of 100% native vegetation, will maintain a hydrologic connection with the adjacent wetlands, and will be planted pursuant to the above at time of Development Order.

Policy 24.1.6: The County will continue to encourage the preservation of environmentally sensitive areas, rare and unique uplands, eagle nesting areas, and archaeological and historic sites on Greater Pine Island in accordance with the priorities set out in this Plan.

The subject property features 7.19 acres of FLUCCS code 411 – Pine Flatwoods which are defined as "rare and unique uplands" by the Lee Plan. As stated in Policy 24.1.6, the County will continue to encourage preservation of such areas through the priorities set forth in the Lee Plan. This policy defers

to other areas of the Lee Plan for guidance and the only applicable policy referencing "rare and unique" uplands is Policy 123.2.15 which states "Protect Rare and Unique upland habitats from development impacts, to the maximum extent possible, through conservation and/or site design." This policy refers to "conservation and/or site design" as the means by which to protect this upland category however there is no further direction in the Lee Plan (or Land Development Code) defining how this policy is implemented. Additionally, per the Master Site File review dated September 4, 2024, the subject property does not feature any recorded archaeological or historic areas.

Objective 21.2: ROAD IMPROVEMENTS. The County will continually monitor traffic levels within Greater Pine Island to maintain hurricane evacuation clearance times in accordance with Objective 24.7.

As described above under Goal 24, the subject property is not proposing any residential at this location. This property is permitted a total density of 144 units (±23.96 AC x 6 du/AC) per the underlying Urban Community future land use. The Applicant has decided to pursue a mixed-use planned development which will bring the entirety of the property into a zoning district that allows for commercial and industrial uses and further, is governed by a Master Concept Plan and a Schedule of Uses. These regulatory documents will work together to ensure that the property maintains evacuation clearance times.

Objective 24.4: COMMERCIAL LAND USES. County regulations, policies, and discretionary actions will recognize certain unique characteristics of Greater Pine Island which justify different treatment of existing and future commercial areas than in mainland Lee County, as described in the following policies.

Policy 24.4.1: The future urban areas in the Pine Island Center are targeted for most future commercial and industrial uses, as permitted by other portions of this plan. Non-residential development within Pine Island Center as encouraged to provide employment opportunities; serve the day to day needs of residents and visitors; demonstrate a positive impact on traffic patterns within Greater Pine Island; and reduce the number of vehicular trips through Matlacha.

The subject property is not located within Pine Island Center although this area has yet to be defined within the regulatory documents provided by Lee County. It is assumed that Pine Island Center comprises of the island's central intersection and abutting properties; Pine Island Road NW and Stringfellow Rd. The subject property is approximately ±2,500 FT from this intersection (Euclidian distance), however, it is still consistent with this Policy. The proposed MPD rezoning is encouraged due to the need for non-residential development near the island's center, this configuration promotes employment opportunities within Pine Island and consequently limits trips through Matlacha and into Cape Coral.

Policy 24.4.2: Commercial development at locations outside Pine Island Center, but within future urban land use categories, must be designed to minimize impacts to residential and adjacent

agricultural uses. Permitted uses should be restricted to the following: marinas; fish houses; and minor commercial uses to serve the day to day needs of local residents and island visitors.

As outlined in the previous policy's consistency, the proposed mixed use planned development rezoning would not generate negative impacts to the surrounding properties and uses; the commercial and industrial uses proposed are complimentary to the surrounding commercial and industrial uses. Additionally, the subject property is over 20-acres which should be given consideration as this policy promotes minor commercial uses (under 30,000 SF) without contemplating an appropriate Floor Area Ratio (FAR). The Schedule of Uses is tailored to the community while allowing flexibility to promote the economic viability and longevity of the project.

Policy 24.4.3: The County will provide specific architectural and site design standards for Greater Pine Island in the LDC. These standards must: promote but not mandate rehabilitation over demolition; address the size and scale of building mass in relation to the built and natural environment; establish community-specific architectural standards in support of Greater Pine Island's coastal rural character; preserve mature trees wherever possible; encourage the location of off-street parking to the side and rear of buildings to preserve viewsheds along public roadways; require large windows and forbid most blank walls; and encourage metal roofs and other features of traditional "Old Florida" styles. The new commercial design standards will reflect the different characteristics of Bokeelia, Pineland, Matlacha, and St. James City. Deviations from these standards may not be granted unless the request meets the County approval criteria for variances set forth in the LDC, Chapter 34.

The subject property's unique flag-shaped configuration inherently protects the traveling public's viewshed and all elements of the proposed building and its architectural features will be consistent with Chapter 33 requirements at the time of Development Order when architectural elevations are required as part of the submittal package.

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.

The development is proposing compatibility with natural systems through the incorporation of water attenuation via a stormwater system permitted through SFWMD for purification, as well as retention/detention to defend against coastal flooding by providing storage for rainfall and storm surge consistent with local regulations and permitting. Existing wildlife habitat is further protected through on-site preservation of wetlands which are ecologically connected to the adjacent state-designated wetlands to the east of the site.

Objective 101.3: Development in Coastal Areas. Protect human life and property from natural and man-made disasters.

Policy 101.3.2: Restrict development in the Coastal High Hazard areas to uplands except as needed for the provisions of public facilities.

The Mixed-Use Planned Development is proposed to minimize any impacts to wetlands. The presence of FLUCCS 620 on the site expands into an area proposed to be impacted. Due to the flag-shape of the lot, and the adjacent conservation areas, the southern terminus of the narrow parcel (flagpole) is identified as code 620 as well as 510 (swale/ditch) making any physical connectivity between the parcels a challenge. The proposed development will need to undergo SFWMD permitting at time of Development Order to address any potential impacts.

Policy 123.1.5: Encourage private restoration of natural habitats to support connectivity between public and private conservation and preservation efforts.

POLICY 123.2.10: Require that development adjacent to aquatic and other nature preserves, wildlife refuges, and recreation areas be designed to protect the natural character and public investment in these areas

The proposed 50-wide buffer and 2.71 preserve area are not only abutting state (public) conservation/preservation areas but are also ecologically connected to this area through the incorporation of an upland buffer and berm which would dually function to separate the preserve from the proposed development area, thus protecting the natural character and public investment in the state-designated preserve areas.

Objective 124.1: Protect and conserve the natural functions of wetlands and wetland systems by maintaining wetland protection regulations.

Objective 125.1: Maintain high water quality, meeting or exceeding state and federal water quality standards.

Policy 125.1.2: New development and additions to existing development must not degrade surface and groundwater quality.

Policy 125.1.4: Developments which have the potential of lowering existing water quality below state and federal water quality standards will provide standardized appropriate monitoring data.

Objective 126.1: Water Supplies. Ensure water supplies of sufficient quantity and quality to meet the present and projected demands of consumers based on the capacity of the environment.

Policy 126.1.1: Natural water system features which are essential for retention, detention, purification, runoff, recharge, and maintenance of stream flows and groundwater levels shall be identified, protected, and managed.

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.

Water quality monitoring may be required through SFWMD at time of Development Order once uses and intensities are further identified. The proposed Master Concept Plan depicts various storage uses and limited commercial uses. Should the MCP need to be reconfigured in the future an administrative amendment would be required to address the reconfiguration of the MCP.

Strategic Regional Policy Plan

The proposed MPD rezoning is also consistent with the Southwest Florida Regional Planning Council's Strategic Regional Policy Plan Volume II. Specifically, the rezone support's the **Economic Development Element** and its vision; *"Southwest Florida will attract, retain, and create quality businesses to diversify its economic base, while protecting the natural and cultural environments, to promote economic stability, greater job and educational opportunities, and higher income for its residents."*

The proposed MPD rezoning would allow for expansion of commerce within Southwest Florida. The subject property's commercially zoned parcel is already developed with a commercial use, the addition of the southern parcel by the Applicant would allow for additional commercial development in a manner that is appropriate at the proposed location, thus providing more employment opportunities, as well as furthering economic diversity and stability in the region.

Goal 3: A stable regional economy based on a continuing excellent quality of life.

The rezoning is consistent with this goal by supporting business and industry in a location where public services are readily available. Pine Island Road NW is a major transportation corridor for the Pine Island community, connecting the island with mainland Lee County/the City of Cape Coral. Improvements to sites with readily available infrastructure promote commerce, ensuring economic stability, in appropriate locations.

Goal 4: A diverse regional economy.

The reasoning would allow for the expansion of commercial services at a location where commercial uses were previously programmed as noted by the underlying zoning districts as well as surrounding land use pattern.

State Comprehensive Plan

At the state level, the proposed map amendment is consistent with the State of Florida Comprehensive Plan found in F.S. 187.201, specifically the Land Use section;

(15)(a) Goal. In recognition of the importance of preserving the natural resources and

enhancing the quality of life of the state, development shall be directed to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and service capacity to accommodate growth in an environmentally acceptable manner.

Policy 1. Promote state programs, investments, and development and redevelopment activities which encourage efficient development and occur in areas which will have the capacity to service new population and commerce.

Policy 3. Enhance the livability and character of urban areas through the encouragement of an attractive and functional mix of living, working, shopping, and recreational activities.

The proposed MPD rezoning is consistent with the goal's sub-policies including; Policy 1 which encourages efficient development and promotes it in areas which will have the capacity to service new population and commerce; and, Policy 3 which promotes the livability and character of urban areas through the encouragement of an attractive and functional mix of living, working, shopping, and recreational activities. The proposed rezoning would effectively improve the employment opportunities of the region and would abide by the development standards of the local Land Development Code, which would promote an attractive product with appropriate architecture and landscaping, including open space and buffering, to address site-specific development.

IV. CRITERIA

The proposed development is in full compliance with the criteria set forth by LDC Section 34-145(d)(4)(a)(1), as further outlined below:

a) Complies with the Lee Plan;

As outlined in section III. Comprehensive Plan Compliance, the proposed request is consistent with a number of development-oriented policies, including those referencing commercial land uses, industrial land uses, development standards, and zoning provisions.

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

The companion Master Concept Plan meets the County's Land Development Code and qualifies for the one (1) deviation being sought which is further described along with its justification in the companion Schedule of Deviations.

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

As outlined in section II, the request for commercial and industrial uses is highly compatible with the existing and planned surrounding uses, most of which are also commercial and industrial in

nature.

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

The companion TIS demonstrates that there will be access sufficient to support the proposed development at the proposed intensity.

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

The companion TIS demonstrates the there will be minimal impacts on transportation facilities, further traffic analysis will be required at time of Development Order.

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

As noted in the environmental assessments of the site, the property does not feature environmentally critical or sensitive areas and natural resources will be preserved consistent the Land Development Code. No deviations are being sought in conjunction with the proposed rezoning request.

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

The subject property has direct access to adequate transportation facilities, utilities, and other urban services. This can be further noted by the provided Letters of Availability.

The proposed development is also in full compliance with the criteria set forth by LDC Section 34-145(d)(4)(a)(2), specific to planned development rezonings, as further outlined below:

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

The proposed configuration of commercial and industrial uses are highly compatible with the existing surrounding commercial and industrial uses. Additionally, by not providing residential, evacuation times off of Greater Pine Island are not anticipated to be impacted via this request.

b) The recommended conditions provide sufficient safeguards to the public interest are reasonably related to the impacts on the public's interest expected from the proposed development;

The proposed development will not be detrimental to the public interest and will instead enhance the corridor and the island's local economy, as well as promote trips internal to the island.

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) Preserves and promotes the general intent of this Code to protect the public health, safety, and welfare.

As outlined in the companion Schedule of Deviations, the three (3) deviations requested in conjunction with the rezoning are being requested to promote safety while taking into consideration the preservation of natural resources during the configuration and design of the Mater Concept Plan. The deviations work in tandem with the plan to promote and protect public health, safety, and welfare.

V. CONCLUSION

The proposed MPD rezoning is consistent with several policies set forth by the Lee Plan, the Southwest Florida Strategic Regional Policy Plan, and the State of Florida's Comprehensive Plan. The rezone would greatly enhance local economic diversity as well as promote economic stability and allow for development to take place at a location previously slated for commercial uses where public facilities and urban services are capable of servicing the site. Please contact me directly at (239) 226-0024 or CindyL@En-Site.com if you should have any questions or require additional information.

Sincerely,
EnSite, Inc.



Cindy C. Leal Brizuela, AICP, MURP
Principal Planner

cc: Wilbur Smith, LLC – Terry B. Cramer III, Esq.

1. A deviation from LDC Sec. 10-285, which requires a connection separation of 440 feet along a principal arterial roadway to allow 127′ at the closest point of separation. This will memorialize existing access into the parcel.

   JUSTIFICATION: The proposed deviation would allow for the memorialization of existing access points along Pine Island Road which is classified as a County-maintained arterial with a speed limit of 40 MPH. The dual entrances to the site along Pine Island Road ensure safe circulation internal to the site which features an existing building with a drive-through. This building previously functioned as a bank.

ensite

BETSY PKWY

Mixed Use Planned Development

Schedule of Uses

Commercial Tract

Accessory uses and structures
Administrative Offices
Animals:
- Clinic or kennel
- Control center (including Humane Society)

ATM
Bait and tackle shop
Banks and financial establishments, all groups
Boats:
- Boat parts store
- Boat sales

Broadcast studio, commercial radio and television
Building materials sales
Business services, all groups
Caretaker's residence
Car wash
Clothing stores, general
Clubs:
- Fraternal, membership organization
- Private

Contractors and builders, all groups
Convenience food and beverage store
Day care center, child, adult
Drive through facility for any permitted use
Drugstore, pharmacy
Entrance gates and gatehouse
Emergency operations center
Essential services
Excavation
- Water retention

Fences, walls
Gift and souvenir shop
Hardware store
Healthcare facilities,
- Group I
- Group II

Hobby, toy and game shops
Hospice
Household and office furnishings, all groups
Insurance companies
Lawn and garden supple stores
Medical office
Mobile home dealers
Nonstore retailers, all groups
Package store
Paint, glass, and wallpaper
Parking lot:
- Accessory
- Temporary

Personal services, all groups

Pet services
Pet shop
Pharmacy
Plant nursery
Post office
Printing and publishing
Real estate sales office
Recreation facilities, commercial
    Group I
    Group III
    Group IV
Rental or leasing establishment, all groups
Repair shops,
    Group I
    Group II
    Group III
Restaurant, fast food
Restaurants, all groups
Retail and wholesale sales, when clearly incidental and subordinate to a permitted principal use on the same premises
Schools:
    Commercial
Signs in accordance with Ch 30
Specialty retail shops, all groups
Studios
Temporary uses
Theater, indoor or outdoor (drive-in)
Used merchandise stores, all groups
Variety store

Industrial Tract
Accessory uses and structures
Administrative Offices
ATM
Automobile repair and service, all groups
Automobile service station
Boats:
    Boat parts store
    Boat repair and service
    Boatyard
Building materials sales
Business services
    Group II
Cleaning and maintenance services
Cold storage, pre-cooling warehouse and processing plant
Computer and data processing services
Contractors and builders, all groups
Drive through facility for any permitted use
Entrance gates and gatehouse
Emergency operations center
Essential services
Excavation
    Water retention
Factory outlets (point of manufacture only)
Farm equipment, sales, storage, rental or service
Fences, walls
Freight and cargo handling establishments
Parcel and express services
Parking lot:
    Accessory

- Temporary
- Processing or packaging or agricultural or fish products
- Processing and warehousing
- Recycling facility
- Rental or leasing establishment, all groups
- Repair shops, all groups
- Research and development laboratories
  - Group I
  - Group IV
- Retail and wholesale sales, when clearly incidental and subordinate to a permitted principal use on the same premises
- Signs in accordance with Ch 30
- Storage:
  - Indoor
  - Open Storage
- Transportation services,
  - Group II
- Vehicle and equipment dealers, all groups
- Warehouse
  - High cube
  - Hybrid
  - Mini-warehouse
  - Private
  - Public
- Wholesale establishments,
  - Group I
  - Group III
  - Group IV

Issuer: Attorneys' Title Fund Services, Inc. and Roetzel & Andress, L.P.A.
Recipient: Lee County

Fund File Number: 1548523 A1

Provided For: Roetzel & Andress, L.P.A. ***Agent's File Reference:*** 133742.0068

Effective Date of Search: March 23, 2025 at 11:00 PM

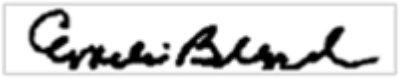
Description of Real Property Situated in Lee ***County, Florida:***

See Exhibit A

Record Title Vested in:

PI Daze, LLC, a Florida limited liability company by Warranty Deed recorded in Instrument Number 2024000102888, Public Records of Lee County, Florida.

Prepared Date: April 1, 2025 ***Attorneys' Title Fund Services, LLC***



Prepared by: Teresa McConnell, Senior Examiner
Amended by: Cheryl Logan, Senior Examiner
Email Address: TMcConnell@TheFund.com

By: Cyndi Bolyard, Branch Manager

Fund File Number: 1548523 A1

The following mortgages are all the mortgages of record that have not been satisfied or released of record nor otherwise terminated by law:

1. Nothing Found

Other encumbrances affecting the title:

1. Lee County Ordinance No. 86-14 recorded November 30, 1990, in O.R. Book 2189, Page 3281 and amended by Ordinance No. 86-38 in O.R. Book 2189, Page 3334, Public Records of Lee County, Florida.
2. Riparian and littoral rights are not insured.
3. Any portion of the Land lying waterward of the ordinary high-water mark of the body of water, and lands accreted thereto.
4. Rights of the lessees under unrecorded leases.
5. ADDED: General or special taxes and assessments for the year 2024 are paid.

This search is provided pursuant to the requirements of Lee County Land Development Code Section 10-154(2) for the uses and purposes specifically stated therein, and is not to be used as the basis for issuance of an insurance commitment and/or policy. This certificate has been prepared expressly for the appropriate governing body as is defined by Lee County Land Development Code Section 10-154(2), and is not to be relied upon by any other group or person for any other purpose.

The information contained herein is furnished for information only.

This report is not title insurance. Pursuant to s. 627.7843, Florida Statutes, the maximum liability of the issuer of this property information report for errors or omissions in this property information report is limited to the amount paid for this property information report, and is further limited to the person(s) expressly identified by name in the property information report as the recipient(s) of the property information report.

Begin at the Southeast corner of the North half (N1/2) of the Northeast quarter (NE/14) of the Southeast (SE/14), thence North 643.2 feet to the South side of State Road 78 right of way; thence West along said right of way 327.5 feet; thence South 643.2 feet; thence East 334.2 feet along the South line of the North half (N1/2) of the Northeast quarter (NE1/4) of the Southeast quarter (SE1/4) to the Point of Beginning; all in Section 28, Township 44 South, Range 22 East, Pine Island, Lee County, Florida.

Issuer: Attorneys' Title Fund Services, Inc. and Roetzel & Andress, L.P.A.
Recipient: Lee County

Fund File Number: 1548537 A1

Provided For: Roetzel & Andress, L.P.A. ***Agent's File Reference:*** 133742.0069

Effective Date of Search: March 20, 2025 at 11:00 PM

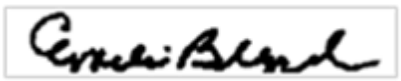
Description of Real Property Situated in Lee ***County, Florida:***

See Exhibit A

Record Title Vested in:

Joseph Polotto and Florence Polotto, as Co-Trustees of the Joseph and Florence Polotto Revocable Living Trust Agreement dated January 27, 2004 by Warranty Deed recorded in Instrument Number 2023000362132, Public Records of Lee County, Florida.

Prepared Date: March 31, 2025 ***Attorneys' Title Fund Services, LLC***



Prepared by: Teresa McConnell, Senior Examiner
Amended by: Cheryl Logan, Senior Examiner
Email: clogan@thefund.com

_____
By: Cyndi Bolyard, Branch Manager

Fund File Number: 1548537 A1

The following mortgages are all the mortgages of record that have not been satisfied or released of record nor otherwise terminated by law:

1. Nothing Found

Other encumbrances affecting the title:

1. Lee County Ordinance No. 86-14 recorded November 30, 1990, in O.R. Book 2189, Page 3281 and amended by Ordinance No. 86-38 in O.R. Book 2189, Page 3334, Public Records of Lee County, Florida.
2. Riparian and littoral rights are not insured.
3. Any portion of the Land lying waterward of the ordinary high-water mark of the body of water, and lands accreted thereto.
4. ADDED: General or special taxes and assessments for the year 2024 are paid.

This search is provided pursuant to the requirements of Lee County Land Development Code Section 10-154(2) for the uses and purposes specifically stated therein, and is not to be used as the basis for issuance of an insurance commitment and/or policy. This certificate has been prepared expressly for the appropriate governing body as is defined by Lee County Land Development Code Section 10-154(2), and is not to be relied upon by any other group or person for any other purpose.

The information contained herein is furnished for information only.

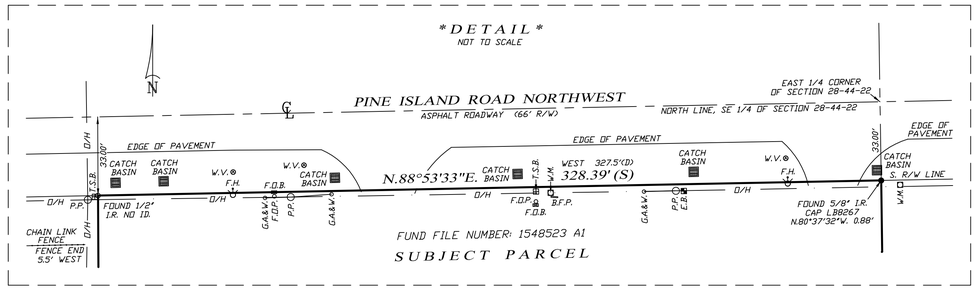
This report is not title insurance. Pursuant to s. 627.7843, Florida Statutes, the maximum liability of the issuer of this property information report for errors or omissions in this property information report is limited to the amount paid for this property information report, and is further limited to the person(s) expressly identified by name in the property information report as the recipient(s) of the property information report.

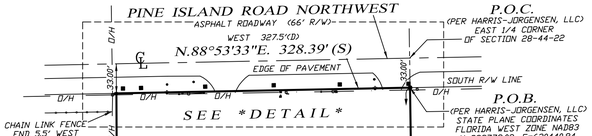
SOUTH HALF (S 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 28, TOWNSHIP 44 SOUTH, RANGE 22 EAST, LEE COUNTY, FLORIDA, EXCEPTING THEREFROM A STRIP OF LAND 25 FEET IN WIDTH OFF THE WEST SIDE THEREOF FOR COUNTY ROAD PURPOSES.

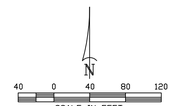
BOUNDARY SURVEY OF

A PARCEL OF LAND LYING IN SECTION 28,

TOWNSHIP 44 SOUTH, RANGE 22 EAST,
(INSTRUMENT No. 2024000102888 & 2023000362132)
PUBLIC RECORDS OF LEE COUNTY, FLORIDA







DESCRIPTION: PER TITLE CERTIFICATIONS)

FUND FILE NUMBER: 1548523

BEGIN AT THE SOUTHEAST CORNER OF THE NORTH HALF (N1/2) OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHEAST (SE1/4), THENCE NORTH 643.2 FEET TO THE SOUTH SIDE OF STATE ROAD 78 RIGHT OF WAY; THENCE WEST ALONG SAID RIGHT OF WAY 327.5 FEET; THENCE SOUTH 643.2 FEET; THENCE EAST 334.2 FEET ALONG THE SOUTH LINE OF THE NORTH HALF (N1/2) OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHEAST QUARTER (SE1/4) TO THE POINT OF BEGINNING; ALL IN SECTION 28, TOWNSHIP 44 SOUTH, RANGE 22 EAST, PINE ISLAND, LEE COUNTY, FLORIDA.

FUND FILE NUMBER: 1548537

SOUTH HALF (S 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 28, TOWNSHIP 44 SOUTH, RANGE 22 EAST, LEE COUNTY, FLORIDA; EXCEPTING THEREFROM A STRIP OF LAND 25 FEET IN WIDTH OFF THE WEST SIDE THEREOF FOR COUNTY ROAD PURPOSES.

DESCRIPTION: (PER HARRIS-JORGENSEN, LLC)

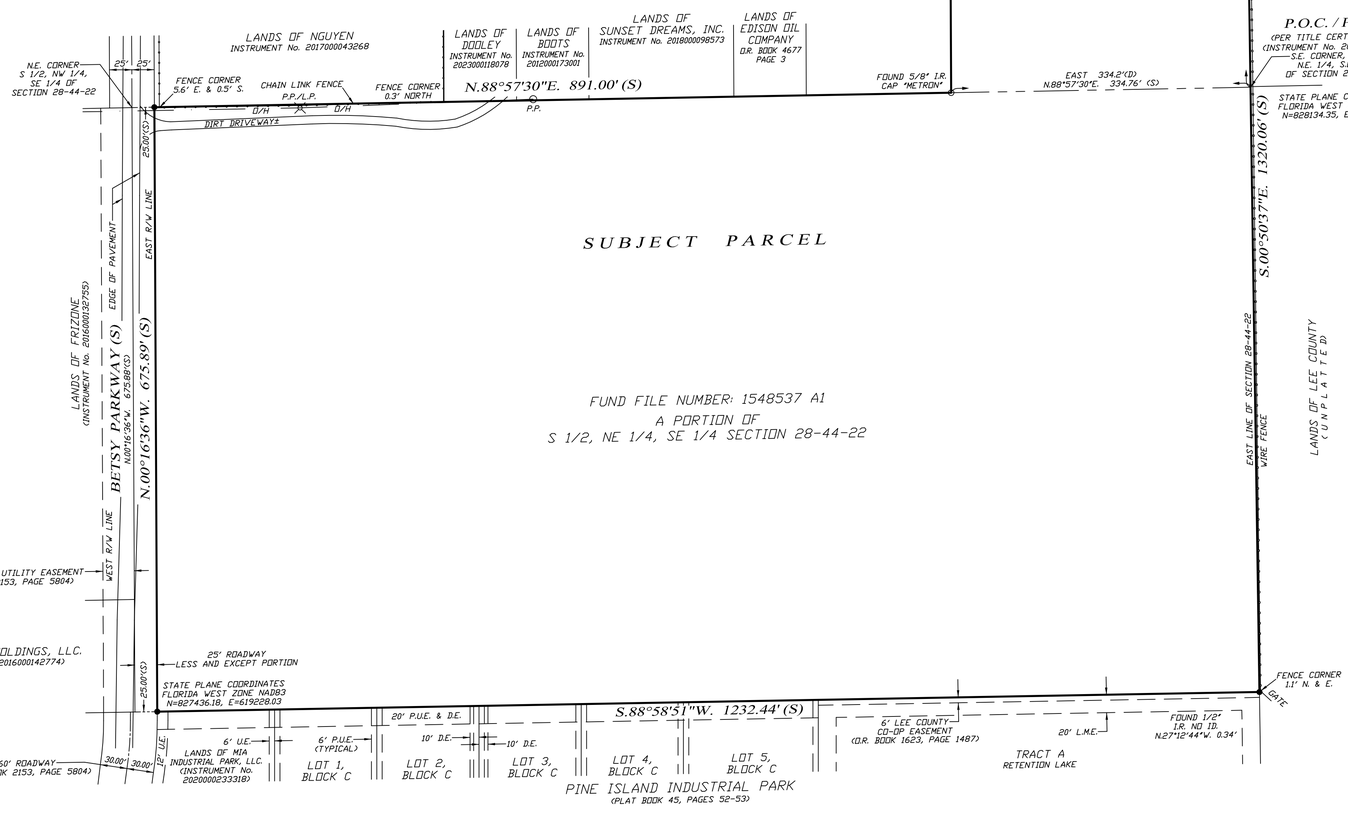
A PARCEL OF LAND LYING IN SECTION 28, TOWNSHIP 44 SOUTH, RANGE 22 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER (E 1/4) CORNER OF THE AFDRESAID SECTION 28; THENCE RUN S.00°50'37"E. ALONG THE EAST LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 28 FOR 33.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF PINE ISLAND ROAD NORTHWEST (66 FEET WIDE) AND THE POINT OF BEGINNING; THENCE CONTINUE S.00°50'37"E. ALONG SAID EAST LINE FOR 1320.06 FEET TO THE NORTHEAST CORNER OF TRACT "A", PINE ISLAND INDUSTRIAL PARK AS RECORDED IN PLAT BOOK 45, PAGES 52 AND 53, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN S.88°58'51"W. ALONG THE NORTH LINE OF SAID PINE ISLAND INDUSTRIAL PARK AND THE NORTH LINE OF PROPERTY DESCRIBED IN INSTRUMENT NUMBER 2020000233318, PUBLIC RECORDS OF LEE COUNTY, FLORIDA FOR 1232.44 FEET TO A POINT ON THE EAST LINE OF A 60.00 FEET WIDE ROADWAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 2153, PAGE 5804, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.00°16'36"W. ALONG THE EAST RIGHT-OF-WAY LINE OF BETSY PARKWAY (60 FEET WIDE) FOR 675.89 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF (N 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE AFDRESAID SECTION 28; THENCE RUN N.88°57'30"E. ALONG SAID SOUTH LINE FOR 891.00 FEET; THENCE RUN N.00°16'36"W. FOR 643.42 FEET TO A POINT ON THE AFDRESAID SOUTH RIGHT-OF-WAY LINE OF PINE ISLAND ROAD NORTHWEST; THENCE RUN N.88°53'33"E. ALONG SAID SOUTH RIGHT-OF-WAY LINE FOR 328.39 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 1,044,343.219 SQUARE FEET OR 23.974 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE SOUTH RIGHT-OF-WAY LINE OF THE AFDRESAID PINE ISLAND ROAD NORTHWEST AS BEING N.88°53'33"E.

THIS DESCRIPTION DESCRIBES THE SAME PROPERTY AS DESCRIBED IN FUND FILE NUMBER 1548523 AND FUND FILE NUMBER 1548537.



LEGEND:

●	SET 1/2" IRON ROD (CAP LB6921)	R.W.B.	RECLAIM WATER BOX
O	FOUND IRON ROD (I.R.)	W.M.	WATER METER
□	CONCRETE MONUMENT (C.M.)	O/H	OVERHEAD POWER
P.R.M.	PERMANENT REFERENCE MONUMENT	P.P.	POWER POLE
U.E.	UTILITY EASEMENT	L.P.	LIGHT POLE
P.U.E.	PUBLIC UTILITY EASEMENT	GA&W.	GUY ANCHOR & WIRE
D.E.	DRAINAGE EASEMENT	T.S.B.	TELEPHONE SERVICE BOX
L.M.E.	LAKE MAINTENANCE EASEMENT	N/D	NAIL & DISK
P.C.	POINT OF CURVATURE	N/T.T.	NAIL & TINTAB
O.R.	OFFICIAL RECORDS BOOK	ELEV.	ELEVATION
(S)	AS PER SURVEY	B.M.	BENCHMARK
(P)	AS PER PLAT	◊	TYPICAL ELEVATION
(C)	COMPUTED	A/C	AIR CONDITIONER
(1)	CURVE NUMBER	W.S.	WATER SYSTEM
L1	LINE NUMBER	P.E.	POOL EQUIPMENT
R/W	RIGHT-OF-WAY	CMP	CORRUGATED METAL PIPE
℄	CENTERLINE	▭	CONCRETE
F.H.	FIRE HYDRANT	→	DRAINAGE ARROW
W.V.	WATER VALVE	E.B.	ELECTRIC BOX
F.O.P.	FIBER OPTIC POST	B.F.P.	BACK FLOW PREVENTER
F.O.B.	FIBER OPTIC BOX		

NOTE: NO EASEMENTS PER TITLE CERTIFICATION PROVIDED BY CLIENT.

SURVEY NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE SOUTH RIGHT-OF-WAY LINE OF PINE ISLAND ROAD NORTHWEST, AS BEING N.88°53'33"E.
2. FIELD NOTES IN SECTION 28-44-22.
3. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF ZONING OR FREEDOM OF ENCUMBRANCES.
4. THIS SURVEY IS BASED ON TITLE CERTIFICATIONS) BY ATTORNEYS' TITLE FUND SERVICES, INC. AND ROETZEL & ANDRESS, L.P.A.; FUND FILE NUMBER 1548523 A1, EFFECTIVE DATE OF SEARCH MARCH 23, 2025, AT 11:00 PM, PREPARED DATE APRIL 1, 2025 AND FUND FILE NUMBER 1548537 A1, EFFECTIVE DATE OF SEARCH MARCH 20, 2025, AT 11:00 PM, PREPARED DATE MARCH 31, 2025.
5. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
6. THIS MAP/PLAT IS CONSIDERED SIGNED USING A DIGITAL SEAL IN ACCORDANCE WITH THE APPLICABLE STATE LAWS AND STATUTES FS 668.001-006; FS 668.50; FS 472.025; SJ-17.062, FLORIDA ADMINISTRATIVE CODE, STATE OF FLORIDA.
7. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
8. ISSUANCE OF THIS DRAWING, FROM THIS FIRM SHALL NOT RELIEVE THE BUILDER AND/OR CONTRACTORS OF THE RESPONSIBILITY TO REVIEW AND VERIFY ALL NOTES, DIMENSIONS, ELEVATIONS, AND ADHERENCE TO APPLICABLE BUILDING CODES PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION. BUILDER MAY NEED TO ADJUST ELEVATION AND/OR SETBACKS PRIOR TO CONSTRUCTION IF OTHER RESTRICTIONS EXIST OR APPLY.
9. THIS SURVEY IS INTENDED TO BE VIEWED AS AN 24X36, 80 SCALE DRAWING.

FLOOD ZONE: "AE" ELEVATION: 8' NAVD 1988
COMMUNITY No.: 125095 PANEL No.: 0380
SUFFIX: "---" G REVISION DATE: 11/17/2022
MAP NUMBER: 12071C0380

THIS SURVEY IS CERTIFIED TO:
EN-SITE, INC.

REVISED:	DESCRIPTION:	BY:
4/28/25	TITLE CERTIFICATIONS)	RBH
6/2/25	TITLE CERTIFICATIONS)	RBH

DATE OF LAST FIELD WORK: 8/15/24

DRAWN:	CHECK:	SCALE	PROJ. #
RBH	PMM	1"=80'	5041P1B-10300BB
SURVEY DATE		FILE NO.	SHT.- 1
8/15/24		44-22-28	OF - 1

Phillip M Mould, LS6515, State of Florida
Digitally signed by Phillip M Mould, LS6515, State of Florida
Date: 2025.06.02 12:54:34 -04'00'

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA

HARRIS-JORGENSEN, LLC.
3048 DEL PRADO BLVD S., SUITE 100
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921

FLORIDA CERTIFICATE OF AUTHORIZATION LB6921

PINE ISLAND ROAD & BETSY PARKWAY – 23± ACRES

ENVIRONMENTAL ASSESSMENT & PRELIMINARY SPECIES SURVEY REPORT

Lee County STRAP #'s 28-44-22-00-00014.0000 & 28-44-22-00-00024.0000

May 2025

Prepared For:

EnSite, Inc.
c/o: Brian R. Smith
2401 First Street, Suite 201
Fort Myers, FL 33901
Phone: 239.226.0024 ext. 105
Email: BrianS@en-site.com

Prepared By:

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

Introduction

An environmental assessment and preliminary species survey was conducted on the Pine Island Road & Betsy Parkway property on August 13, 2024. The 23.50± acre property is located in Section 28, Township 44S, and Range 22E, of Lee County, Florida. More specifically, the site is located south of Pine Island Road, east of Stringfellow Road, and north and east of Betsy Parkway on Pine Island, 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 Audubon's crested caracara (*Caracara plancus audubonii*) or bald eagle (*Haliaeetus leucocephalus*) nests.

The project's surrounding land uses are a mixture of residential homes, commercial and industrial developments, undeveloped vacant land, and forested land. The survey was conducted throughout the day; the temperatures were in the low-mid 80's, with light breezes, and partly cloudy to mostly 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.

Existing Site Conditions

Boundary – The project boundary was obtained from the Lee County parcel data and is assumed to be approximately 23.50± 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 Immokalee sand (NRCS #28; non-hydric) and Boca fine sand, tidal (NRCS #57; hydric). Immokalee sand soil is 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 3.68± acres of wetlands and 0.39± acres of "other surface water" communities on-site, during the initial site assessment.

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

FLUCFCS Codes & Community Descriptions

> *Uplands*
> *The following community areas have been designated as upland habitats. Uplands are any area that does not qualify as a wetland because the associated hydrologic regime is not sufficiently wet enough to elicit development of vegetation, soils, and/or hydrologic characteristics associated with wetlands.*

FLUCFCS 140 Commercial – 1.00± Acres

This commercial property is occupied by a stand-along commercial building with associated parking spaces and green-space. has been cleared commercial and is comprised of a concrete pad with vinyl fencing. This community occupies approximately 1.00± acres of the site. This community would be considered uplands by regulatory agencies.

FLUCFCS 310 Herbaceous – 0.21± Acres

This upland habitat type occupies approximately 0.21± acres. The canopy is mostly open with scattered slash pine *(Pinus elliottii),* live oak (*Quercus virginiana*), melaleuca *(Melaleuca quinquenervia),* and earleaf acacia *(Acacia auriculiformis).* The sub-canopy is also mostly open with scattered Brazilian pepper (*Schinus terebinthifolius*), downy rose myrtle (*Rhodomyrtus tomentosa*), tar flower (*Bejaria racemosa*), wax myrtle (*Myrica cerifera*), rusty lyonia *(Lyonia ferruginea),* and cabbage palm *(Sabal palmetto).* The groundcover includes scattered saw palmetto *(Seranoa repens),* with false buttonweed (*Spermacoce floridan*), yellow-eyed grass (*Xyris* floridana), Spanish needle (*Bidens alba*), tickseed (*Coreopsis floridana*), ragweed (*Ambrosia artemisiifolia*), finger grass (*Eustachys floridana*), cogon grass (*Imperata cylindrical*), muhly grass (*Muhlenbergia capillaris*), broomsedge (*Andropogon virginicus*), dollar weed (*Hydrocotyle umbellata),* frog fruit (*Phyla nodiflora*), bahia grass (*Paspalum notatum*), and St. Augustine grass (*Stenotaphrum secundatum*), with other various opportunistic weedy species. Commonly observed vines include grapevine *(Vitis munsoniana),* greenbriar *(Smilax* spp.), poison ivy *(Toxicodendron radicans),* and creeping oxeye *(Sphagneticola trilobata).* This community should be considered uplands by the regulatory agencies.

FLUCFCS 411 Pine Flatwoods – 7.19± Acres

This upland habitat type occupies 7.19± acres of the property. The canopy is similar to the community above; however, it contains exotic species such as downy rose myrtle (*Rhodomyrtus tomentosa*), melaleuca (*Melaleuca quinquenervia*), and Brazilian pepper (*Schinus terebinthifolia*) occupying > 75% of the habitat composition. The canopy contains slash pine *(Pinus elliottii)* with scattered live oak *(Quercus virginiana)* and melaleuca (*Melaleuca quinquenervia*). The subcanopy is dominated by downy rose myrtle (*Rhodomyrtus tomentosa*), with cabbage palm *(Sabal palmetto)*, Brazilian pepper *(Schinus terebinthifolius)*, wax myrtle *(Myrica cerifera)*, tar flower (*Bejaria racemosa*), and rusty lyonia *(Lyonia ferruginea)*. The ground cover is dominated by saw palmetto *(Seranoa repens)*, with caesar weed (*Urena lobata*), pennyroyal *(Piloblephis rigida)*, pawpaw *(Asimina* sp.), cocoa plum (*Chrysobalanus icaco*), and false buttonweed *(Spermacoce verticillata)*, with various other opportunistic weedy species. Commonly observed vines include grapevine *(Vitis munsoniana)*, greenbriar *(Smilax* spp.), and poison ivy *(Toxicodendron radicans)*. This community would be considered uplands by the regulatory agencies.

FLUCFCS 420 Upland Hardwoods – 1.01± Acres

This upland habitat type occupies the approximately 1.01± acres of the property with exotic species such as downy rose myrtle (*Rhodomyrtus tomentosa*), melaleuca (*Melaleuca quinquenervia*), and Brazilian pepper (*Schinus terebinthifolia*) occupying 50-74% of the habitat composition. The canopy consists of live oak (*Quercus virginiana*), slash pine (*Pinus elliottii*), melaleuca *(Melaleuca quinquenervia)*, earleaf acacia *(Acacia auriculiformis)*, downy rose myrtle (*Rhodomyrtus tomentosa*), and cabbage palm (*Sabal palmetto*). The sub-canopy contains cabbage palm (*Sabal palmetto*), Brazilian pepper (*Schinus terebinthifolius*), wax myrtle (*Myrica cerifera*), myrsine (*Rapanea guinensis*), and beauty-berry (*Callicarpa americana*). The ground cover includes scattered saw palmetto (*Serenoa repens*), with caesar weed (*Urena lobata*), dog fennel (*Eupatorium capillifolium*), hairy beggar-ticks (*Bidens alba*), broom sedge *(Andropogon virginicus)*, false buttonweed (*Spermacoce verticillata*), chocolate weed *(Melochia corchorifolia)*, bahia grass (*Paspalum notatum*), and other various opportunistic weedy species. Commonly observed vines include grapevine (*Vitis rotundifolia)*, greenbriar *(Smilax* spp.), Virginia creeper (*Parthenocissus quinquefolia*), and creeping oxeye *(Sphagneticola trilobata)*. This community would be considered uplands by the regulatory agencies.

FLUCFCS 430 Mixed Uplands – 5.88± Acres

This upland community type occupies approximately 5.88± acres of the property. The canopy contains slash pine (*Pinus elliottii*), melaleuca *(Melaleuca quinquenervia)*, Australian pine (*Casuarina equisetifolia*), live oak (*Quercus virginiana*), laurel oak (*Quercus laurifolia*), earleaf acacia (*Acacia auriculiformis*), and java plum (*Syzygium cumini*) with widely scattered cypress (*Taxodium distichum*). The sub-canopy contains cabbage palm (*Sabal palmetto*), beauty-berry (*Callicarpa americana*), buckthorn (*Sideroxylon celastrinum*), wax myrtle *(Myrica cerifera)*, myrsine (*Rapanea guinensis*), and Brazilian pepper (*Schinus terebinthifolius*). The ground cover includes scattered saw palmetto (*Serenoa repens*), with coco plum *(Chrysobalanus icaco)*, dog fennel (*Eupatorium capillifolium*), caesar weed (*Urena lobata*), false buttonweed *(Spermacoce verticillata)*, and other opportunistic weedy species. Commonly observed vines include grapevine (*Vitis rotundifolia*), poison ivy (*Toxicodendron radicans*), greenbriar (*Smilax sp.)*, and creeping oxeye *(Sphagneticola trilobata)*. This community would be considered uplands by the regulatory agencies. This community would be considered uplands by the regulatory agencies.

FLUCFCS 437 Australian Pine – 2.43± Acres

This upland community type occupies approximately 2.43± acres of the property. The canopy is dominated by Australian pine (*Casuarina equisetifolia*) with scattered live oak (*Quercus virginiana*), slash pine *(Pinus elliottii)*, java plum (*Syzygium cumini*), and. melaleuca *(Melaleuca quinquenervia)*. The sub-canopy contains wax myrtle (*Myrica cerifera*), Brazilian pepper (*Schinus terebinthifolius*), and cabbage palm *(Sabal palmetto)*. The ground

cover contains saw palmetto *(Seranoa repens),* caesar weed (*Urena lobata*), penny royal (*Piloblephis rigida*), broom sedge *(Andropogon virginicus),* false buttonweed *(Spermacoce verticillata),* cogon grass (*Imperata cylindrica*), and bahia grass (*Paspalum notatum*), with other opportunistic weedy species. Commonly observed vines include grapevine *(Vitis munsoniana),* greenbriar *(Smilax* spp.), poison ivy *(Toxicodendron radicans),* and creeping oxeye *(Sphagneticola trilobata).* This community should be considered uplands by the regulatory agencies.

FLUCFCS 740 Disturbed Lands – 0.62± Acres

This upland area occupies approximately 0.62± acres of the property. This community is found along the central southern boundary and was previously occupied by a homeless camp. The canopy is mostly open with scattered and slash pine (*Pinus elliotti*). The sub-canopy is also mostly open with scattered Brazilian pepper (*Schinus terebinthifolius*), melaleuca *(Melaleuca quinquenervia),* earleaf acacia *(Acacia auriculiformis),* and cabbage palm (*Sabal palmetto).* The ground cover includes saw palmetto *(Seranoa repens),* broomsedge (*Andropogon virginicus*), Spanish needle (*Bidens pilosa*), dog fennel (*Eupatorium capillifolium*), false buttonweed (*Spermacoce verticillata*), ragweed (*Ambrosia trifida*), caesar weed (*Urena lobata*), hairy beggar-ticks (*Bidens alba*), creeping ox-eye (*Wedelia chinensis*), sandspur (*Cenchrus echinatus*), and other opportunistic weedy species. Commonly observed vines include greenbriar (*Smilax sp.),* grapevine (*Vitis rotundifolia)*, Virginia creeper (*Parthenocissus quinquefolia*), peppervine (*Ampelopsis arborea*), and poison ivy (*Toxicodendron radicans*). This community would be considered uplands by the regulatory agencies.

FLUCFCS 8146 Primitive Roads & Trails – 1.09± Acres

This upland area occupies approximately 1.09± acres of the property. The canopy and sub-canopy is open. The ground cover is dominated by St. Augustine grass (*Stenotaphrum secundatum*) and bahia grass (*Paspalum notatum*), with scattered dog fennel (*Eupatorium capillifolium*), sandspur (*Cenchrus echinatus*), smutgrass (*Sporobolus sp.*), caesar weed (*Urena lobata*), hairy beggar-ticks (*Bidens alba*), ragweed (*Ambrosia trifida*), along the edges, with various other opportunistic weedy species. This community should be considered uplands 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 619 Exotic Wetlands – 0.14± Acres

This wetland community type occupies approximately 0.14± acres of the property. The canopy is dominated by melaleuca *(Melaleuca quinquenervia),* with scattered slash pine *(Pinus elliottii),* and laurel oak *(Quercus laurifolia).* The sub-canopy contains cabbage palm (*Sabal palmetto*), Brazilian pepper *(Schinus terebinthifolius),* myrsine *(Rapanea punctata),* and wax myrtle *(Myrica cerifera).* The ground cover vegetation includes swamp fern *(Blechnum serrulatum),* rosy camphorweed (*Pluchea rosea),* and flatsedge *(Cyperus ligularis),* with other various grasses and sedges. Commonly observed vines include greenbriar (*Smilax sp.).* This community does contain some transitional 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 620 Mixed Wetland Forest – 3.35± Acres

This wetland community type occupies approximately 3.35± acres of the property. The canopy is dominated by contains melaleuca (*Melaleuca quinquenervia*) with slash pine (*Pinus elliottii*), and laurel oak (*Quercus laurifolia*). The sub-canopy is dominated by cabbage palm (*Sabal palmetto*), with scattered Brazilian pepper (*Schinus terebinthifolius*), myrsine (*Rapanea punctata*), wax myrtle (*Myrica cerifera*), buckthorn (*Rhamnus cathartica*) and saltbush (*Baccharis halimifolia)*. The ground cover vegetation includes swamp fern *(Blechnum serrulatum),* black needlerush *(Juncus roemerianus),* beakrush *(Cyperus sp.),* yellow-eyed grass (*Xyris floridana*), sawgrass (*Cladium jamaicense*), leather fern (*Acrostichum daneifolium*), rosy camphorweed (*Pluchea rosea*), cocoa plum *(Chrysobalanus icaco),* dollarweed (*Hydrocotyle umbellata*), flatsedge *(Cyperus ligularis),* and shield fern *(Dryopteris ludoviciana*). Commonly observed vines include grapevine (*Vitis rotundifolia*), Virginia creeper (*Parthenocissus quinquefolia*), peppervine (*Ampelopsis arborea*), and greenbriar (*Smilax spp.*). This community does contain some transitional 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 740H Hydric Disturbed Lands – 0.19± Acres

This disturbed wetland habitat type occupies 0.19± acres of the property and was found along the eastern portion of the property. The canopy vegetation includes melaleuca *(Melaleuca quinquenervia)* with scattered slash pine *(Pinus elliottii).* The sub-canopy contains Brazilian pepper *(Schinus terebinthifolius),* with scattered cabbage palm *(Sabal palmetto),* climbing cassia (*Senna pendula*), primrose willow (*Ludwigia peruviana*), and saltbush (*Baccharis halimifolia)*. The ground cover contains broom sedge *(Andropogon virginicus),* false buttonweed *(Spermacoce verticillata),* Spanish needle (*Bidens alba*), ragweed (*Ambrosia artemisiifolia*), yellow-eyed grass (*Xyris floridana*), and torpedo grass (*Panicum repens*), with various other opportunistic weedy species. Commonly observed vines include grapevine *(Vitis munsoniana),* greenbriar *(Smilax* spp.), pepper vine (*Ampelopsis arborea*), and climbing hempvine (*Mikania scandens*). 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 could be considered wetlands by the 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 510 Swale/Ditch – 0.39± Acres

This "other surface water" (OSW) community occupies approximately 0.39± acres and consists of a swale/ditch located on-site. The canopy is mostly open with scattered Australian pine (*Casuarina equisetifolia*), slash pine *(Pinus elliottii)*, and melaleuca *(Melaleuca quinquenervia)* along the edges. The sub-canopy is dominated by Brazilian pepper (*Schinus terebinthifolius*), with scattered Carolina willow (*Salix caroliniana*), primrose willow (*Ludwigia peruviana*), wax myrtle (*Myrica cerifera*), and saltbush (*Baccharis halimifolia*) along the edges. The ground cover contains cat-tail (*Typha latifolia*), swamp fern *(Blechnum serrulatum),* yellow-eyed grass (*Xyris floridana*), water hyssop (*Bacopa monnieri*), maidencane (*Panicum hemitomon*), white-top sedge (*Dichromena colorata*), water hyacinth *(Eichhornia crassipes),* beak rush (*Rhynchospora spp.*), dotted smartweed *(Polygonum punctatum),* spikerush *(Eleocharis spp.),* flatsedge (*Cyperus ligularis*), and torpedo grass *(Panicum repens).* This community was artificially created and would be considered "other surface waters" by the regulatory agencies.

Table 1. FLUCFCS Community Table

FLUCFCS Code	Community Description	Habitat Type	Acres
140	Commercial	Upland	1.00± Ac.
310	Herbaceous	Upland	0.21± Ac.
411	Pine Flatwoods	Upland	7.19± Ac.
420	Upland Hardwoods	Upland	1.01± Ac.
430	Mixed Uplands	Upland	5.88± Ac.
437	Australian Pine	Upland	2.43± Ac.
510	Ditch/Swale	OSW	0.39± Ac.
619	Exotic Wetlands	Wetland	0.14± Ac.
620	Mixed Wetland Forest	Wetland	3.35± Ac.
740	Disturbed Lands	Upland	0.62± Ac.
740H	Hydric Disturbed Lands	Wetland	0.19± Ac.
8146	Primitive Roads & Trails	Upland	1.09± Ac.
Total			**23.50± Ac.**

Mitigation Discussion

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

The SFWMD does not require mitigation for impacts to isolated wetlands not used by listed (protected) species that are less than 0.50± acres in size. Impacts to wetlands greater than 0.50± acres or those utilized by protected species would require mitigation. With the ACOE and DEP, impacts to wetlands that are less than 0.50± acres, the activity can usually be processed as a Nationwide Permit application. For projects with greater than 0.50± acres of impacts, the application will be processed as an Individual Permit application. This involves a public notice process and coordination with other federal agencies such as the EPA and the FWS.

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

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

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

There are two main categories of wetland mitigation, onsite or off-site. On-site mitigation would include preserving a portion of the on-site wetlands, treating and removing the exotics, potentially providing supplemental plantings, and placing the preserve areas under a Conservation Easement. Preserve areas are required to be maintained in perpetuity. Off-site mitigation requires the purchase of wetland credits at an approved mitigation bank within the service area of the site. Currently, credits at Little Pine Island Mitigaiton Bank is going for approximately $200,000 to $250,000 per credit, depending on whether those credits needed are for herbaceous or forested and freshwater or saltwater.

Species Survey Results

During our field survey for protected species on the property, we did not observe any protected species or signs thereof. There were no gopher tortoise (*Gopherus polyphemus*) and/or burrowing owl (*Athene cunicularia floridana*) burrows identified. There were several other burrows, believed to belong to that of the eastern nine-banded armadillo (*Dasypus novemcinctus*), that were identified; there was no evidence that these burrows were being used by gopher tortoises. There were no other protected species or signs thereof observed; there were no nest-like structures or tree cavities noted while conducting the protected species survey on-site. Prior to Hurricane Ian, there was a bald eagle's nest LE-081 located on-site in one of the Australian pine trees; however, that tree fell during the storm and the eagles have not been back since. You can see the previous location of this nest on the attached Protected Species Map (Exhibit E).

There were several non-listed species identified while conducting the protected species survey, among those were several mourning doves (*Zenaida macroura*), an eastern cottontail rabbit (*Sylvilagus floridanus*), and a black racer (*Coluber constrictor*). The various listed species that may occur in the FLUCFCS communities on-site have been tabulated on the attached table.

Summary

Due to the abundance of exotic species, the surrounding land uses, and busy roadways, it is unlikely that this site supports or would provide much habitat for any other protected species. Community locations were drawn using non-rectified aerial images with approximate property boundaries; hence their location, aerial extent, and acreage is approximate. Before any detailed site planning, it is recommended that the flagged wetland lines are surveyed by professional land surveyor and approved by the regulatory agencies.

The determination of ecological system classifications, functions, values, and boundaries is an inexact science, and different individuals and agencies may reach different conclusions. The on-site conditions can vary throughout the year; therefore, the findings of this survey were based upon the site conditions at the time of the inspection. It is not possible for BearPaws Environmental Consulting to guarantee the outcome of such determinations; therefore, the conclusions of this report are preliminary in nature and would require a full review by the appropriate regulatory agencies.

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

Table 2: Listed Species by Habitat with Current Status

FLUCFCS Code	FLUCFCS Description	Common Name	Scientific Name	Observed	Percent Coverage	USDA	FDA&CS	FWS	FWC
140	Commercial	N/A	*N/A*	--	90	--	--	--	140
310	Herbaceous	Florida sandhill crane	*Grus canadensis pratensis*	--	90	--	--	--	T
		Gopher tortoise	*Gopherus polyphemus*	--	90	--	--	T	T
		Burrowing owl	*Athene cunicularia floridana*	--	90	--	--	--	SSC
411	Pine Flatwoods	Beautiful paw-paw	*Deeringothamnus pulchellus*	--	75	E	E	E	--
		Big cypress fox squirrel	*Sciurus niger avicennia*	--	75	--	--	--	SSC
		Eastern indigo snake	*Drymarchon corais couperi*	--	75	--	--	T	T
		Fakahatchee burmannia	*Burmannia flava*	--	75	--	E	--	--
		Florida black bear	*Ursus americanus floridanus*	--	75	--	--	SAT	T
		Florida coontie	*Zamia floridana*	--	75	--	C	--	--
		Gopher frog	*Rana areolata*	--	75	--	--	--	SSC
		Gopher tortoise	*Gopherus polyphemus*	--	75	--	--	T	T
		Red-cockaded woodpecker	*Picoides borealis*	--	75	--	--	E	SSC
		Satinleaf	*Chrysophyllum olivaeforme*	--	75	--	T	--	--
		Southeastern American Kestrel	*Falco sparverius paulus*	--	75	--	--	--	T
420/430	Mixed Upland Hardwood Forest	Audubon's crested caracara	*Polyborus plancus audubonii*	--	80	--	--	T	T
		Eastern indigo snake	*Drymarchon corais couperi*	--	80	--	--	T	T
		Florida black bear	*Ursus americanus floridanus*	--	80	--	--	SAT	T
		Hand adder's tongue fern	*Ophioglossum palmatum*	--	80	--	E	--	--
		Simpson's stopper	*Myrcianthes fragrans var. simpsonii*	--	80	--	T	--	--
		Gopher tortoise	*Gopherus polyphemus*	--	80	--	--	T	T
437	Australian Pine	N/A	--	--	90	--	--	--	--
510	Small Pond	American alligator	*Alligator mississipiensis*	--	90	--	--	SAT	SSC
		Everglades mink	*Mustela vison evergladensis*	--	90	--	--	--	T
		Limpkin	*Aramus guarauna*	--	90	--	--	--	SSC
		Little blue heron	*Egretta caerulea*	--	90	--	--	--	SSC
		Reddish egret	*Egretta rufescens*	--	90	--	--	--	SSC
		Roseate spoonbill	*Ajaia ajaja*	--	90	--	--	--	SSC
		Snowy egret	*Egretta thula*	--	90	--	--	--	SSC
		Tricolored heron	*Egretta tricolor*	--	90	--	--	--	SSC
619	Melaleuca	N/A	--	--	90	--	--	--	--
620	Mixed Wetland Forest	Florida black bear	*Ursus americanus floridanus*	--	80	--	--	SAT	T
		Limpkin	*Aramus guarauna*	--	80	--	--	--	SSC
		Little blue heron	*Egretta caerulea*	--	80	--	--	--	SSC
		Snowy egret	*Egretta thula*	--	80	--	--	--	SSC
		Tricolored heron	*Egretta tricolor*	--	80	--	--	--	SSC
		Tricolored heron	*Egretta tricolor*	--	80	--	--	--	SSC
740	Disturbed Lands	Gopher tortoise	*Gopherus polyphemus*	--	80	--	--	T	T
740H	Hydric Disturbed Lands	N/A	*N/A*	--	90	--	--	--	--
8146	Primitive Roads & Trails	N/A	*N/A*	--	90	--	--	--	--

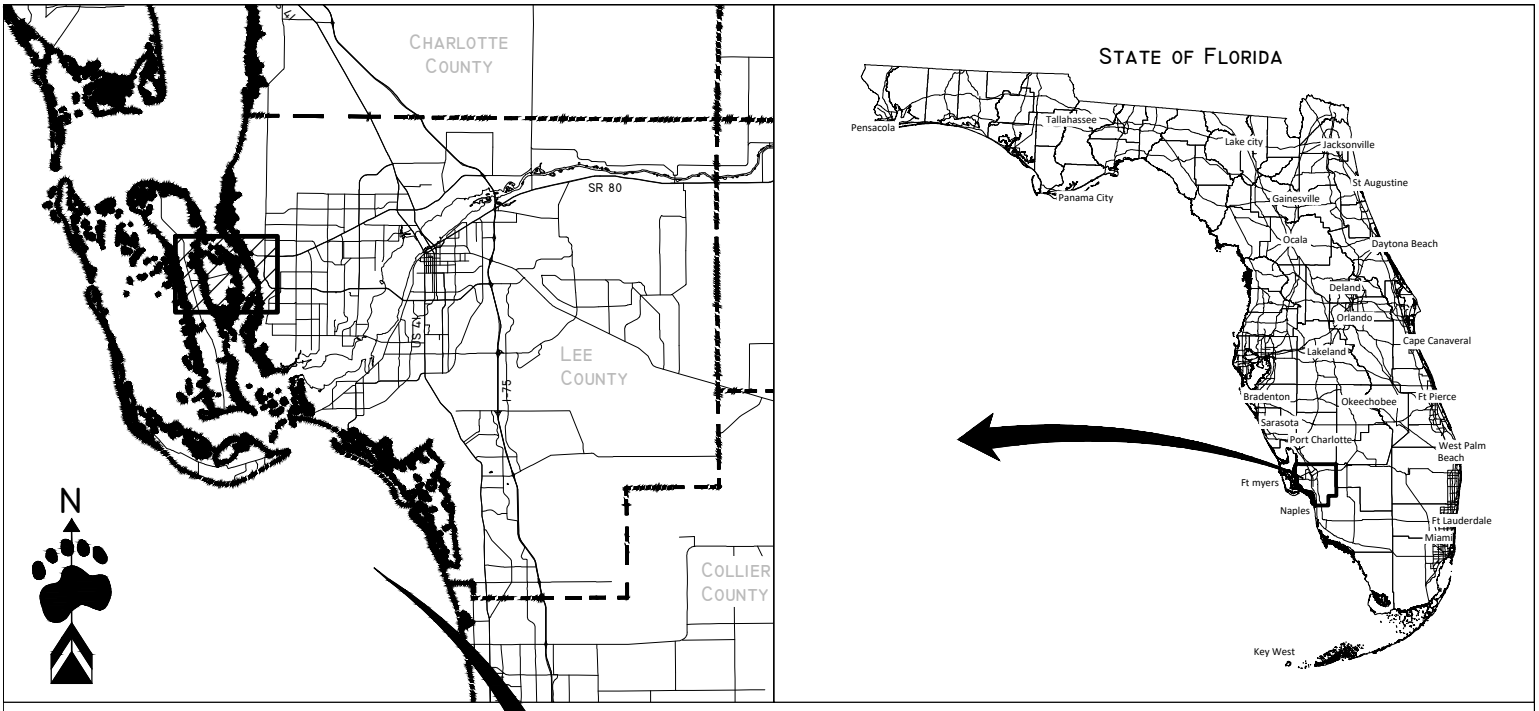
C = Commercially Exploited, SAT = Similarity of Appearance Threatened, SSC = Species of Special Concern, T = Threatened, E = Endangered

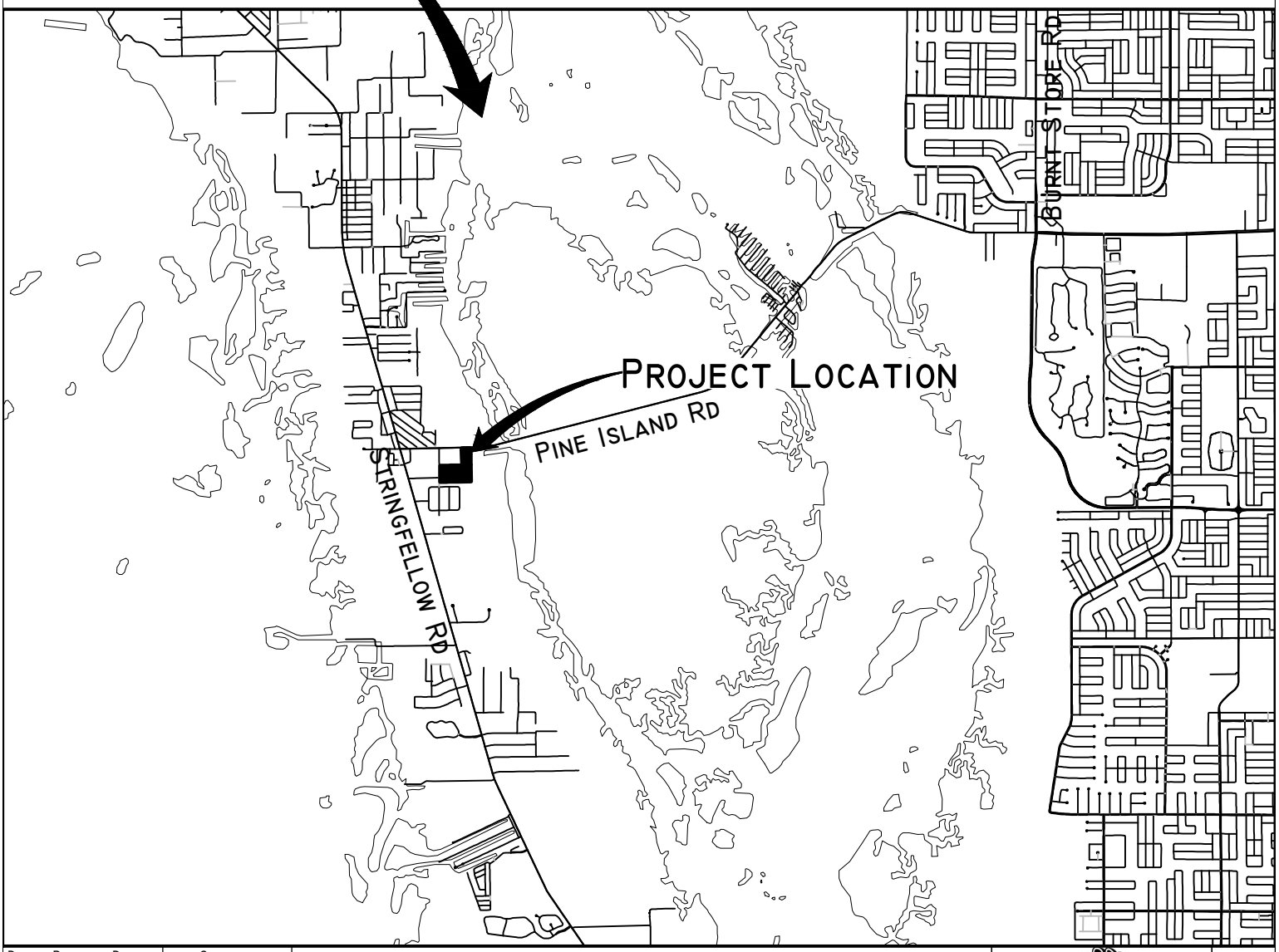
Table designates listed species with potential to occur in each FLUCFCS community.

EXHIBIT A

Project Location Map

DCI2025-00003 Lee County Additional Info Dated 06-27-2025





Drawn By: BWS	Date: 5/21/25	Category: Location
Job Number:		Scale: NTS
S/T/R: 28/44S/22E		County: Lee

Pine Island Road & Betsy Parkway

Location Map

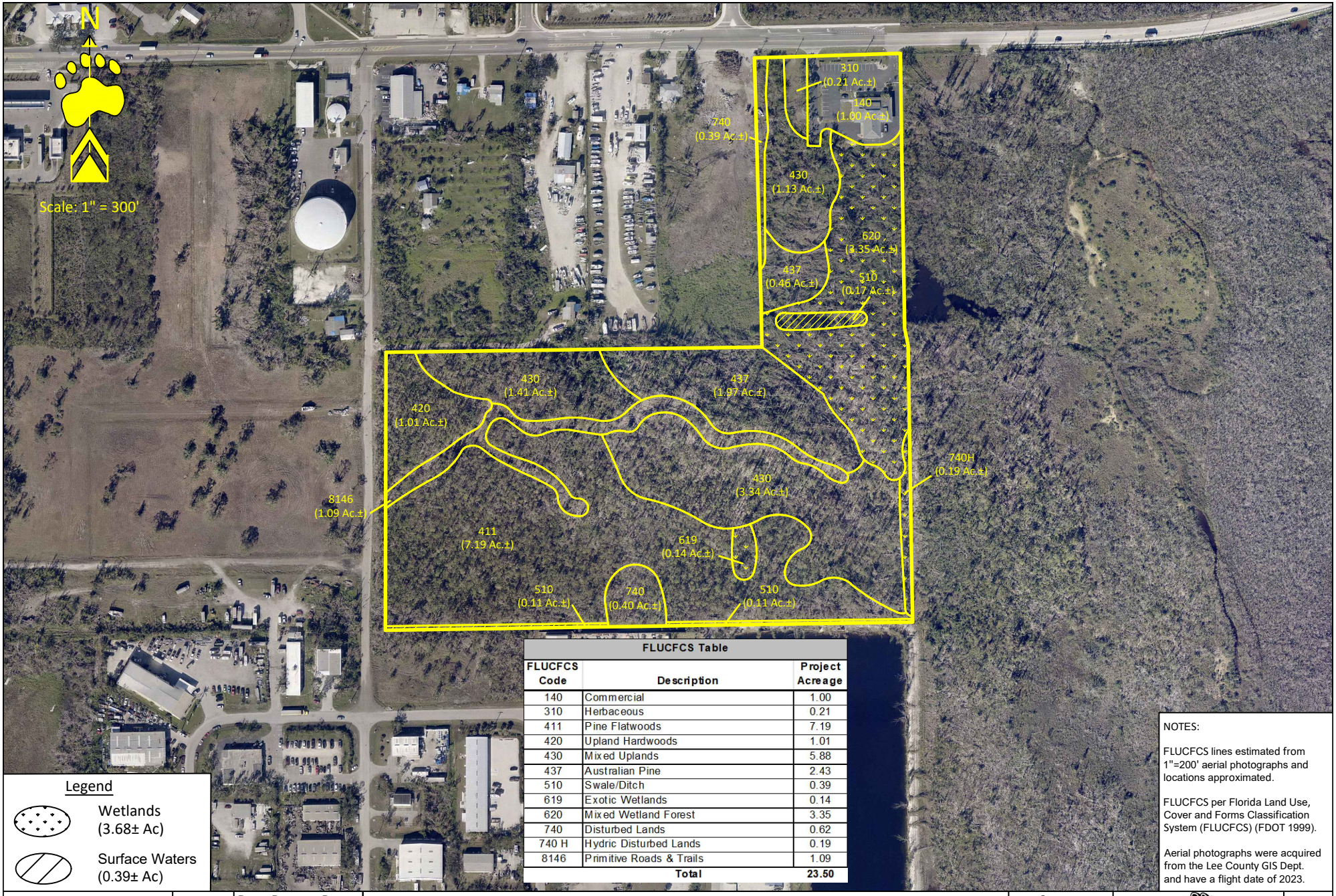
BEARPAWS ENVIRONMENTAL CONSULTING
1599 Covington Circle East, Fort Myers, FL 33919
(239) 340-0678 BEARPAWS.ENV.CONSULTING@GMAIL.COM

Page

Exhibit

EXHIBIT B

FLUCFCS Map with Aerial



Legend

Wetlands (3.68± Ac)

Surface Waters (0.39± Ac)

FLUCFCS Table

FLUCFCS Code	Description	Project Acreage
140	Commercial	1.00
310	Herbaceous	0.21
411	Pine Flatwoods	7.19
420	Upland Hardwoods	1.01
430	Mixed Uplands	5.88
437	Australian Pine	2.43
510	Swale/Ditch	0.39
619	Exotic Wetlands	0.14
620	Mixed Wetland Forest	3.35
740	Disturbed Lands	0.62
740 H	Hydric Disturbed Lands	0.19
8146	Primitive Roads & Trails	1.09
	Total	**23.50**

NOTES:

FLUCFCS lines estimated from 1"=200' aerial photographs and locations approximated.

FLUCFCS per Florida Land Use, Cover and Forms Classification System (FLUCFCS) (FDOT 1999).

Aerial photographs were acquired from the Lee County GIS Dept. and have a flight date of 2023.

Revisions	Date:

Drawn By: BWS Date: 5/21/25

Job Number

S/T/R 28/44S/22E

Pine Island Road & Betsy Parkway

Aerial FLUCFCS Map

Category: FLUCFCS

Scale: 1" = 300'

County: Lee

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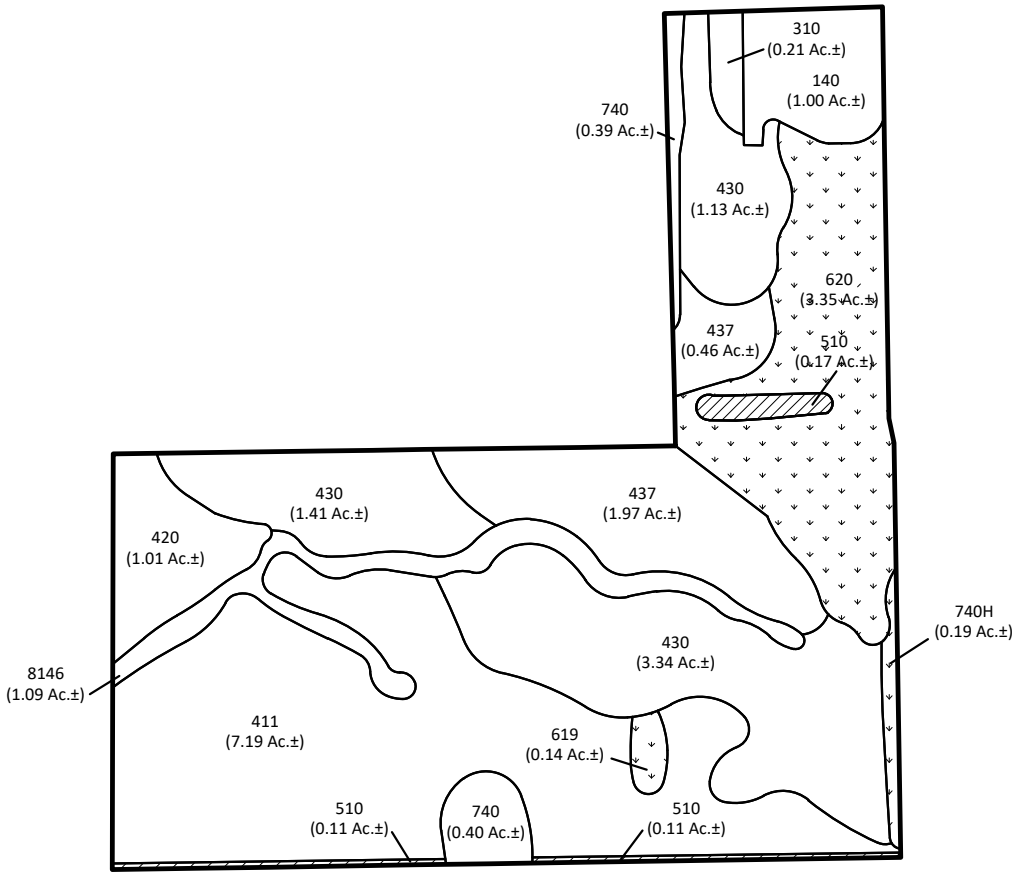
Exhibit -

EXHIBIT C

FLUCFCS Map

N

Scale: 1" = 300'



FLUCFCS Table		
FLUCFCS Code	Description	Project Acreage
140	Commercial	1.00
310	Herbaceous	0.21
411	Pine Flatwoods	7.19
420	Upland Hardwoods	1.01
430	Mixed Uplands	5.88
437	Australian Pine	2.43
510	Swale/Ditch	0.39
619	Exotic Wetlands	0.14
620	Mixed Wetland Forest	3.35
740	Disturbed Lands	0.62
740 H	Hydric Disturbed Lands	0.19
8146	Primitive Roads & Trails	1.09
	Total	23.50

Legend

Wetlands (3.68± Ac)

Surface Waters (0.39± Ac)

NOTES:

FLUCFCS lines estimated from 1"=200' aerial photographs and locations approximated.

FLUCFCS per Florida Land Use, Cover and Forms Classification System (FLUCFCS) (FDOT 1999).

Revisions	Date:	Drawn By:	Date:
		BWS	5/21/25
		Job Number	
		S/T/R	
		28/44S/22E	

Pine Island Road & Betsy Parkway

FLUCFCS Map

Category	Page
FLUCFCS	-
Scale: 1" = 300'	Exhibit
County: Lee	-

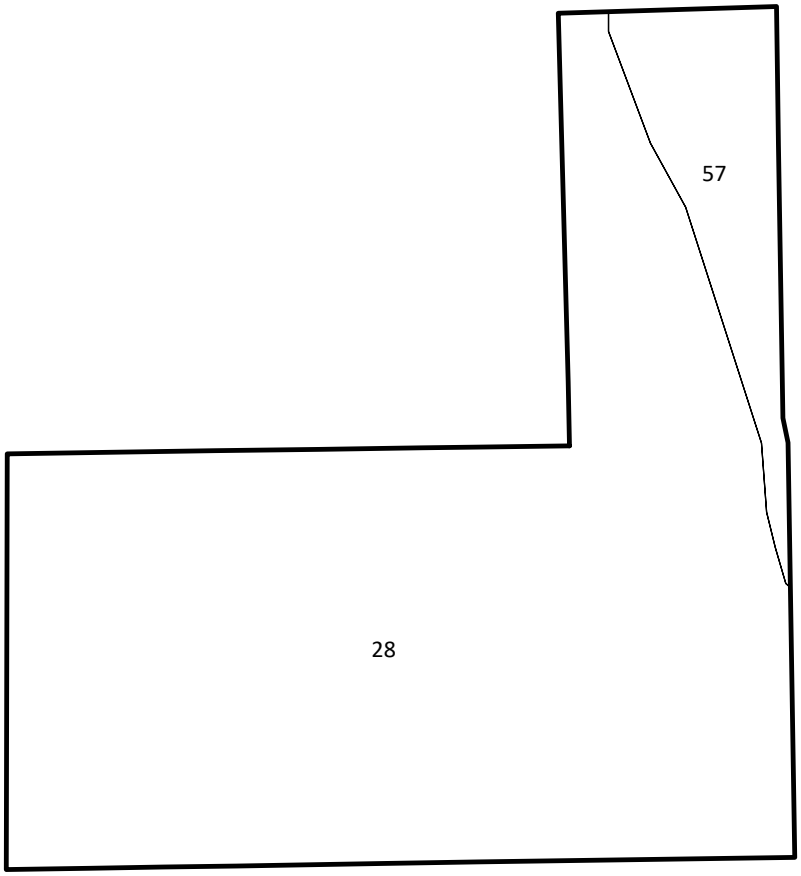
BEARPAWS ENVIRONMENTAL CONSULTING
1599 Covington Circle East Fort Myers, FL 33919
(239) 340-0678 bearpaws.env.consulting@gmail.com

EXHIBIT D

NRCS Soils Map

N

Scale: 1" = 300'



NRCS Soils Table		
Soils No.	Name	Hydric
28	Immokalee Sand	No
57	Boca Fine Sand, Tidal	Yes

NOTES

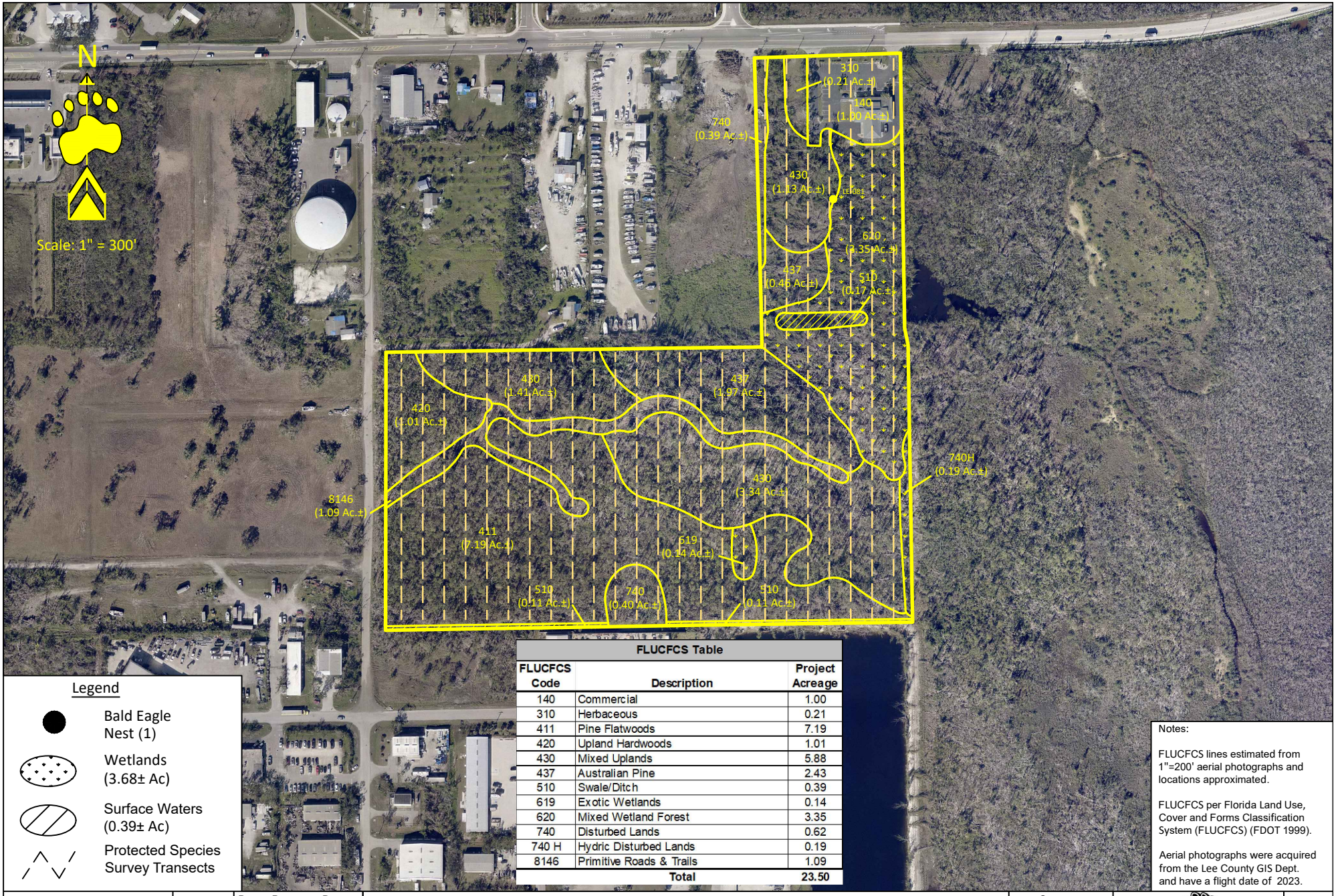
Soils were acquired from LABINS and are from the NRCS.

Revisions	Date:	Drawn By:	Date:	Pine Island Road & Betsy Parkway	Category	Page
		BWS	5/21/25		Soils	-
		Job Number		Soils Map	Scale: 1" = 300'	Exhibit
		S/T/R			County	-
		28/44S/22E			Lee	

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EXHIBIT E

Protected Species Survey Map



FLUCFCS Table

FLUCFCS Code	Description	Project Acreage
140	Commercial	1.00
310	Herbaceous	0.21
411	Pine Flatwoods	7.19
420	Upland Hardwoods	1.01
430	Mixed Uplands	5.88
437	Australian Pine	2.43
510	Swale/Ditch	0.39
619	Exotic Wetlands	0.14
620	Mixed Wetland Forest	3.35
740	Disturbed Lands	0.62
740 H	Hydric Disturbed Lands	0.19
8146	Primitive Roads & Trails	1.09
	Total	23.50

Legend

- Bald Eagle Nest (1)
- Wetlands (3.68± Ac)
- Surface Waters (0.39± Ac)
- Protected Species Survey Transects

Notes:

FLUCFCS lines estimated from 1"=200' aerial photographs and locations approximated.

FLUCFCS per Florida Land Use, Cover and Forms Classification System (FLUCFCS) (FDOT 1999).

Aerial photographs were acquired from the Lee County GIS Dept. and have a flight date of 2023.

Revisions	Date:

Drawn By: BWS Date: 5/21/25

Job Number

S/T/R 28/44S/22E

Pine Island Road & Betsy Parkway

Aerial PSS Map

Category: PSS

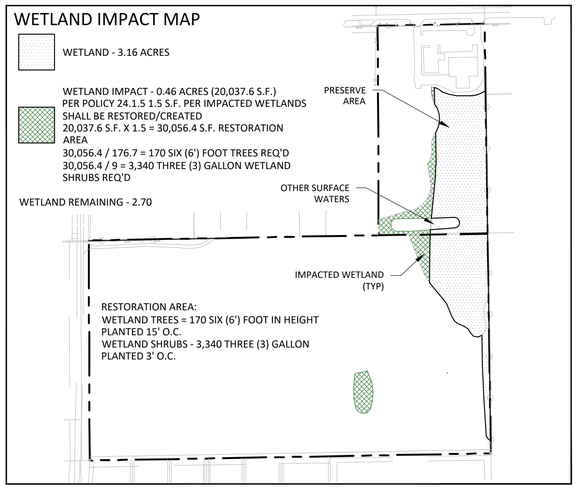
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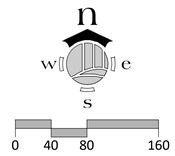
County: Lee

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Page -

Exhibit -





COMMERCIAL PORTION

INTENSITY	40,000 S.F.
SETBACKS (BUILDING)	PROPOSED
NORTH (SIDE)	25'
EAST (FRONT)	25'
WEST (REAR)	25'
SOUTH (SIDE)	N/A
WATER BODY SETBACK	25'
HEIGHT OF BUILDINGS	35'
OPEN SPACE	30%
MAX LOT COVERAGE	40%

INDUSTRIAL PORTION

INTENSITY	250,000 S.F.
SETBACKS (BUILDING)	PROPOSED
NORTH (SIDE)	20'
EAST (FRONT)	20'
WEST (REAR)	25'
SOUTH (SIDE)	20'
WATER BODY SETBACK	25'
HEIGHT OF BUILDINGS	35'
OPEN SPACE	20%
MAX LOT COVERAGE	40%

DEVIATIONS

1 DEVIATION FROM LDC 10-285, WHICH REQUIRES A CONNECTION SEPARATION OF 440 ALONG A PRINCIPAL ARTERIAL ROADWAY TO ALLOW 127' AT THE CLOSEST POINT OF SEPARATION. THIS WILL MEMORIALIZE THE EXISTING ACCESS INTO THE PARCEL.

NOTES:

THE PLANNED DEVELOPMENT COMPLIES OR WILL COMPLY WITH ALL APPLICABLE PORTIONS OF LAND DEVELOPMENT CODE, INCLUDING BUT NOT LIMITED TO, ARTICLE IV. - PLANNED DEVELOPMENT DISTRICTS. THE INTERNAL MECHANISMS OF THE SITE, SUCH AS WATER MANAGEMENT, ARE ALSO SUBJECT TO OTHER AGENCY PERMITTING REQUIREMENT. ALL OUTDOOR LIGHTING MUST COMPLY WITH SECTION 34-625.

OPEN SPACE CALCULATIONS:

TOTAL PROJECT AREA	±23.97 AC.
TOTAL COMMERCIAL AREA	±4.90 AC.
COMMERCIAL OPEN SPACE REQUIREMENT (30% OF TOTAL):	±1.47 AC.
TOTAL INDUSTRIAL AREA:	±19.07 AC.
INDUSTRIAL OPEN SPACE REQUIREMENT (20% OF TOTAL)	±3.81 AC.
TOTAL OPEN SPACE REQUIREMENTS:	
REQUIRED OPEN SPACE	±5.28 AC
PROVIDED OPEN SPACE	±5.28 AC
REQUIRED INDIGENOUS OPEN SPACE	±2.64 AC
PROVIDED INDIGENOUS OPEN SPACE	±2.71 AC*

*NOTE: 50% INDIGENOUS REQUIREMENT FOR BOTH THE COMMERCIAL AND INDUSTRIAL AREA IS MET THROUGH THE INDIGENOUS/WETLAND RESTORATION & PRESERVATION AREA

LEGEND:

- VEHICULAR / PARKING CIRCULATION
- PEDESTRIAN CONNECTION
- INDIGENOUS PRESERVATION / WETLANDS
- WATER MANAGEMENT / PRE-TREATMENT
- WATER MANAGEMENT
- EXISTING STRUCTURE

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PH: (239)-226-0024
EB-26544 CA-LC26000374

JOE POLOTTO
MATLACHA, FL
CLIENT NAME AND ADDRESS

POLOTTO MPD
LEE COUNTY, FL
PROJECT NAME AND LOCATION

NO.	REVISION	DATE
R1	PER COUNTY COMMENTS	05-30-25

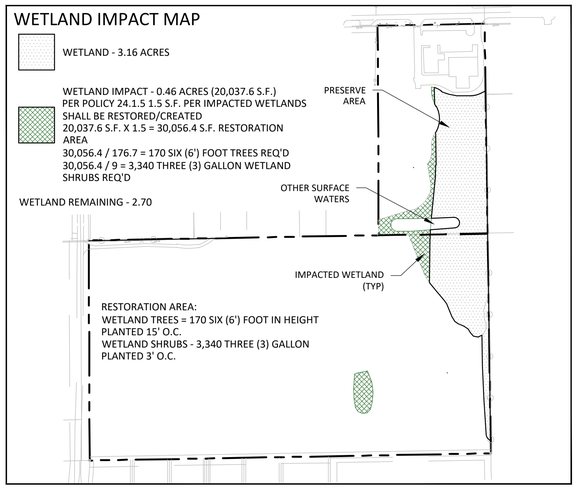
REVISIONS DESCRIPTION

DATE:	09-24-24
PROJECT NO.	1466-01
FILE NO.	
SCALE:	AS SHOWN

MASTER CONCEPT PLAN
SHEET TITLE

MCP-01
SHEET NUMBER

WETLAND IMPACT MAP



COMMERCIAL PORTION

INTENSITY	40,000 S.F.
SETBACKS (BUILDING)	PROPOSED
NORTH (SIDE)	25'
EAST (FRONT)	25'
WEST (REAR)	25'
SOUTH (SIDE)	N/A
WATER BODY SETBACK	25'
HEIGHT OF BUILDINGS	35'
OPEN SPACE	30%
MAX LOT COVERAGE	40%

INDUSTRIAL PORTION

INTENSITY	250,000 S.F.
SETBACKS (BUILDING)	PROPOSED
NORTH (SIDE)	20'
EAST (FRONT)	20'
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LEGEND: (OPEN SPACE)

- VEHICULAR / PARKING CIRCULATION
- PEDESTRIAN CONNECTION
- INDIGENOUS PRESERVATION / WETLANDS
- WATER MANAGEMENT / PRE-TREATMENT
- WATER MANAGEMENT
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CLIENT NAME AND ADDRESS

POLOTTO CPD
LEE COUNTY, FL
PROJECT NAME AND LOCATION

NO.	REVISION	DATE	REVISIONS DESCRIPTION
R1	-----	-----	-----

DATE:	09-24-24
PROJECT NO.	1466-01
FILE NO.	
SCALE:	AS SHOWN

OPEN SPACE PLAN
SHEET TITLE

MCP-02
SHEET NUMBER