

M E M O R A N D U M
FROM
THE OFFICE OF THE
LEE COUNTY HEARING EXAMINER

DATE: November 12, 2025

TO: Board of County Commissioners FROM: Donna Marie Collins
Lee County Deputy Hearing Examiner

RE: SINGLETARY CPD
Hearing Examiner Recommendation

Chief Hearing Examiner Donna Marie Collins has rendered a Recommendation on the following zoning request:

SINGLETARY CPD

DCI2024-00043

HEARD: October 30, 2025

The Zoning Section of the Department of Community Development will schedule a final hearing before the Board in the coming weeks.

cc: Michael Jacob, Esq. / County Attorney's Office
Joseph Adams, Esq. / County Attorney's Office
Anthony Rodriguez, AICP / Zoning Section
Adam Mendez / Zoning Section
Warren Baucom / Economic Development
Phil Gillogly / Natural Resources
Brienne Cherry / Community Development
Applicant(s) & Representative(s)
Other Interested Parties

Summary of Hearing Examiner Recommendation

Singletary CPD

The property is in an area of the County undergoing changing development patterns.

Development of Babcock Ranch is underway in Lee and Charlotte counties. In Lee County, the Babcock MPD is approved to develop 2,078 dwelling units, 1,170,000 square feet of non-residential uses, and 250 hotel rooms.

Florida Department of Transportation is currently widening S.R. 31 from two lanes to a four-lane divided roadway with bike and pedestrian facilities. The Department also has plans to improve Bayshore Road to a four-lane divided roadway and replace the Wilson Pigot Bridge with a six-lane span.

The Board amended the future land use classification of property fronting on S.R. 31 from Rural to Outlying Suburban in 2023. The Board also expanded the Lee County Utilities Service Area for potable water service to include the property.

The Greenwell MPD abuts the property on the north and is approved for 400,000 square feet of commercial use and 122 dwelling units. Approved building heights are up to 45 feet.

The request includes 110,000 square feet of commercial land uses and 100,000 square feet of storage. Storage may consist of both indoor and outdoor (open) storage.¹ Building heights are limited to 45 feet. Buildings/structures within 50 feet of the south property line are limited to 35 feet in height.²

The proposed commercial and storage uses on the site will serve the growing population along Bayshore Road, S.R. 31, and North River Road.

Detailed recommendation follows

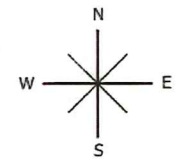
¹ The list of requested uses includes Storage Indoor, Storage Open, and Warehouse. Warehouse uses include Hybrid, Mini, and Public.

² The height limitation does not apply if the property south of Tract D is rezoned to non-residential use or if the existing residential use of the property should cease.

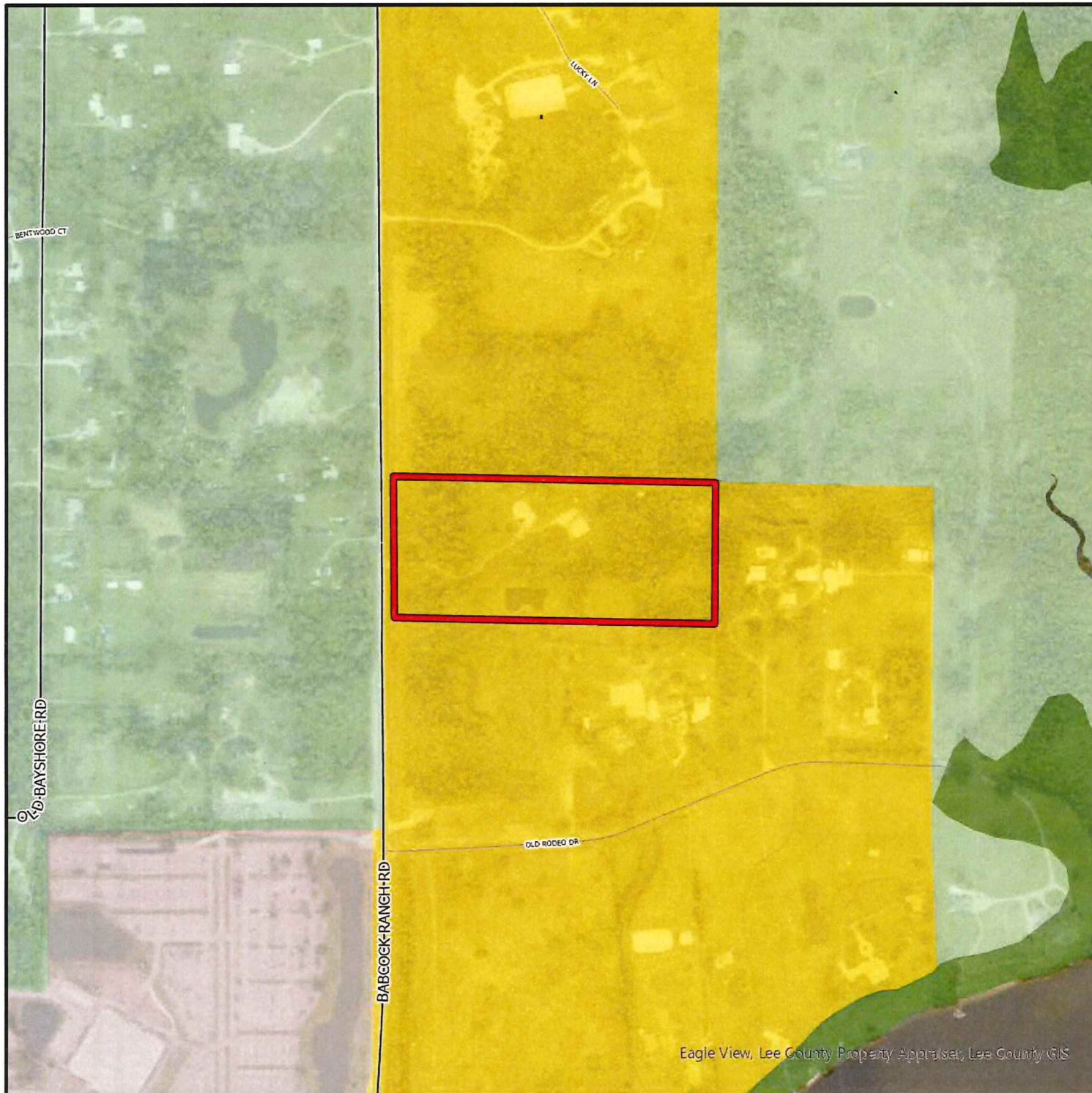
DCI2024-00043

Future Land Use

-  Subject Property
-  Outlying Suburban
-  Sub-Outlying Suburban
-  Public Facilities
-  Rural
-  Wetlands



0 500 1,000
Feet

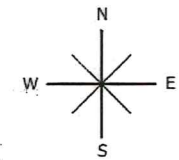




DCI2024-00043

Aerial

 Subject Property



0 500 1,000
Feet



OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2024-00043

Regarding: SINGLETARY CPD

Location: 18200 SR 31
Northeast Lee County Planning Community
(District 5)

Hearing Date: October 30, 2025

I. Request

Rezone 16.81 acres from Agricultural (AG-2) to Commercial Planned Development (CPD) to allow 110,000 square feet of commercial floor area and 100,000 square feet warehouse/self-storage floor area.

The legal description is set forth in Exhibit A.

II. Hearing Examiner Recommendation

Approval, subject to the conditions and deviations set forth in Exhibit B.

III. Discussion

The Hearing Examiner serves as an advisor to the Board of County Commissioners (Board) on applications to rezone property to a planned development zoning district.³ In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on an application to rezone property in the North Olga, Alva, and Northeast Lee County Planning Communities.

In preparing a recommendation to the Board, the Hearing Examiner must apply the Lee County Comprehensive Plan (Lee Plan), Land Development Code (LDC), and other County regulations to facts presented at hearing. The record must contain substantial competent evidence to support the recommendation.

³ LDC 34-145(d)(4) a.

Synopsis of Request

The request rezones 16.81 acres from Agriculture to Commercial Planned Development with up to 110,000 square feet of commercial floor area and 100,000 square feet of warehouse/self-storage.⁴

Maximum building heights will be 45 feet. Buildings and structures within 50 feet of the south property line of Tract D may not exceed 35 feet in height.⁵

Staff recommended approval, finding the proposed CPD satisfies review criteria in the LDC and the Lee Plan.

Zoning History

The property has been zoned for agriculture since the inception of zoning in Lee County. Site improvements include a single-family home and residential accessory structures. The site is utilized for livestock grazing.⁶

The property was included in a recent amendment to the Lee Plan that:⁷

1. Changed the property's future land use from Rural to Outlying Suburban,⁸
2. Included the property within the Lee County Utilities future water service area,⁹
3. Amended Table 1(b) Year 2045 Allocations in the Outlying Suburban category in Northeast Lee County.¹⁰

The Board adopted the Plan amendment on February 8, 2023.

Character of the Area

The property fronts State Route 31, a heavily traveled two lane state highway.¹¹ Existing development along the road includes public facilities, commercial, agricultural, and residential uses. Few homes are visible from the road. Residential development along the S.R. 31 corridor consists mainly of homes on acreage. There is limited commercial development north of North River Road.¹²

⁴ Self-storage includes hybrid, mini, and public warehousing.

⁵ This limitation does not apply if the property south of Tract D is rezoned to non-residential use or if the existing residential use of that property ceases.

⁶ Acknowledgement of Bona Fide Agricultural Uses at Time of Zoning Application executed by Richard Steven Singletary, President of Bayshore Farms, Inc.

⁷ Lee Plan Amendment CPA 2021-00015 adopted on February 8, 2023, as Ordinance 23-03.

⁸ Amended Lee Plan Map 1 to change future land use category from Rural to Outlying Suburban.

⁹ Amended Lee Plan Map 4-A to include property within Lee County Utilities Future Water Services Areas.

¹⁰ Amended Table 1(b) to increase acreage allocation for commercial, residential development in Northeast Lee County.

¹¹ The road segment along the property frontage is commonly known as Babcock Ranch Road.

¹² There is a commercial node at the edge of the Babcock Ranch community just north of the Charlotte County line.

Abutting property to the north is the Greenwell MPD approved in 2023.¹³ Further north is the Babcock Ranch community.¹⁴ Lee Civic Center lies to the southwest, as does Bayshore Road. The Caloosahatchee River lies further to the south, followed by a marina and Fort Myers Shores.

Recent Lee Plan amendments and zoning approvals along the North River Road, S.R. 31, and Bayshore Road corridors will substantially increase population in the area.¹⁵ Board approved developments along North River Road alone authorize nearly 1,500 dwelling units.¹⁶

The Northeast Lee County, Alva, and North Olga Planning Communities value rural character with open spaces, pastureland, and scattered, low density residential development.¹⁷ Development will be subject to Lee Plan directives to support and maintain the rural character.

The North Olga Community Plan envisions a mixed-use village center along S.R. 31.¹⁸ The plan of development includes commercial land uses and self-storage designed to support anticipated growth in population.¹⁹

Wetland preserves along the east boundary of the site together with a 1.29-acre lake, provides a substantial buffer from single family estates along the Radio Road corridor.²⁰

Lee Plan

The Lee Plan regulates land development activity in the County.²¹ The Plan's Future Land Use Map divides the County into future urban, non-urban, and

¹³ The Greenwell MPD zoning resolution authorizes 122 dwelling units and 400,000 square feet of commercial use. Maximum building heights are 45 feet. Z-22-037A.

¹⁴ Babcock Ranch is a mixed-use development in Charlotte and Lee Counties. Approximately 4,157.2 acres of Babcock Ranch extends into Lee County with development approvals for 2,078 dwelling units, 1,170,000 square feet of non-residential uses, and 250 hotel rooms.

¹⁵ Babcock property in Lee County has development entitlements for both residential and non-residential uses. Recently approved zoning applications for residential development in the area include Owl Creek RPD, Cary+Duke+Povia RPD. South of the river on SR 31 the Board approved the Marina Del Lago/31 Oaks application for 265 dwelling units and Calusa Palms 219 dwelling units. West of SR 31, the Board approved Bayshore Ranch 130 dwelling units.

¹⁶ Owl Creek RPD - Resolution Z-22-022. Cary+Duke+Povia RPD - Resolution Z-24-024

¹⁷ The property lies within the Northeast Lee County, Alva and North Olga planning communities. Community goals include a healthy local economy, balanced with environmental stewardship, and maintenance and enhancement of the area's heritage and rural character. Lee Plan Goals 27, 28, 29, Policies 29.3.3, 29.3.4.

¹⁸ Lee Plan Policy 2.2.2.

¹⁹ The proposed CPD authorizes a variety of commercial goods/services and open and indoor storage. Lee Plan Goal 6, Objectives 2.1, 2.2, 29.3, Policies 2.1.1, 2.2.2, 29.1.2.

²⁰ Lee Plan Policies 5.1.5, 6.1.4, 135.9.6; See, Singletary CPD MCP dated October 27, 2025.

²¹ LDC §34-491.

environmentally sensitive areas. Planned developments must be consistent with the Lee Plan.²²

The Lee Plan classifies the property as a “Future Urban Area.”²³ The future land use designation of Outlying Suburban applies to properties on the periphery of established urban areas. Standard densities range from one to three dwelling units per acre.²⁴ Wetlands may develop with very low-density residential uses and recreation uses that do not affect the ecological function of wetlands.²⁵

The property is subject to the Northeast Lee County, Alva, and North Olga Community Plans.²⁶ All three Community Plans emphasize rural character.²⁷ One way to support rural character is to conserve large areas of open land. This can be achieved by clustering development on the site.²⁸

The North Olga Community Plan includes goals to promote the economy and support rural character. Lee Plan directives emphasize the importance of aesthetic appearance in maintaining rural character.²⁹ The property lies on the edge of the community along what will soon be a multi-lane divided highway. Recent development approvals reveal the area is transitioning from rural to suburban in character.

The Economic Element supports a diversified economy to ensure maximum employment opportunities.³⁰ The request includes 210,000 square feet of commercial uses.³¹ The site will be part of an emerging commercial node serving the needs of residents of the North Olga, Bayshore, and Alva communities.³²

²² Lee Plan Policy 2.1.2; LDC §§34-411(a), 34-491: Rezoning must be consistent with Lee Plan goals, objectives, and policies. Potential conflicts between the Lee Plan and the LDC must be resolved in favor of the Lee Plan.

²³ Lee Plan Map 1-A, Lee Plan Glossary, Objective 1.4. The former future land use designation was non-urban, specifically Rural and Wetlands. Non-urban areas are designated primarily for low density residential development and commercial necessary to serve the rural community. The 2023 Plan amendment adopted by Ordinance 23-03 changed the property designation to a Future Urban Area.

²⁴ Bonus densities are not allowed.

²⁵ Lee Plan Policy 1.5.1; Wetlands must be consistent with Lee Plan Goal 124.

²⁶ Lee Plan Map 2-A and Goals 27, 28, 29. Policy 28.1.7. Zoning applications in Northeast Lee County community planning are subject to public information meetings in both the Alva and North Olga community plan areas. Lee Plan Policy 27.1.8. See also Policies 17.3.3, 17.3.4, LDC 33-1663.

²⁷ Rural character is defined in part as clustered development, ample views of wooded areas, open spaces, and protection of environmentally sensitive lands. Lee Plan Objectives 27.1, 28.1, 29.1, 29.2, Policies 27.1.1, 28.1.7, 29.1.1.

²⁸ Lee Plan Objective 29.2, Policies 27.1.1, 27.1.2, 29.1.1, 29.2.1.

²⁹ Lee Plan Objective 29.1, Policies 29.1.3, 29.1.4 (deviations from landscaping, sign, or architectural standards must be the approval criteria for variances.) The Lee Plan also notes that a large part of maintaining compatibility with surrounding land uses is to uphold the existing pattern of setbacks from area roadways.

³⁰ Lee Plan Goal 158. Objective 158.2, Policy 158.2.1.

³¹ Lee Plan Goal 2, Objectives 2.1, 2.2, Policies 2.1.1, 2.1.2.

³² The proposed schedule of uses include animal clinics, bait and tackle shops, cultural facilities, farm equipment sales, storage, rental and service, feed and fertilizer mixing and sales. These uses are consistent

The property has frontage on a state-maintained arterial roadway.³³ Commercial land uses are appropriate along major travel corridors.³⁴ Clustering development toward the S.R. 31 frontage protects environmentally sensitive wetlands/uplands on the site.³⁵ Perimeter setbacks and landscaping protect the character/integrity of surrounding development.³⁶

Rural design theme

There is an emphasis on maintaining rural character in the Northeast Lee County, North Olga, and Alva community plans.³⁷ The North Olga Plan encourages non-residential development to develop with a unified “*rural oriented*” design theme.³⁸

Coastal High Hazard Area

Development in coastal areas is subject to additional requirements under the Conservation and Coastal Management Element of the Lee Plan.³⁹ The property is within Hurricane Category 1 Storm Surge/Tide area and Evacuation Zone A.⁴⁰ Commercial land uses are preferable to residential land uses in Coastal High Hazard areas.

The MCP preserves and enhances on-site natural systems to provide stormwater retention, purification, and flood attenuation.⁴¹ The proposed wetland mitigation strategy provides .65 acres of compensating storage, consistent with Lee Plan directives to preserve/replace natural functions through compensatory measures.⁴² The project will be subject to land development regulations designed to reduce vulnerability from flooding.⁴³

with and support agricultural pursuits in the community. Lee Plan Goals 6, 29, Policies 6.1.1, 29.1.1, 29.1.2, Cf. Lee Plan Policy 18.1.1.

³³ Lee Plan Goal 2, Objectives 2.1, 2.2, Policies 2.2.1, 6.1.1.

³⁴ Cf. Lee Plan Policy 1.1.10

³⁵ Lee Plan Objectives 27.3, 28.1, 29.2, 29.7, Policies 29.1.1, 29.7.2, and Standard 4.1.4. The site plan preserves native vegetation, providing visual relief, and a buffer from adjacent land uses to the south. Lee Plan Objectives 77.2, 77.3, Policies 77.3.1, 77.3.2, 77.3.3, 77.3.4.

³⁶ Lee Plan Policies 5.1.5, 6.1.1, 6.1.4, 6.1.5, 6.1.7.

³⁷ Lee Plan Goal 27 (maintain, enhance & support the rural character of Northeast Lee County), Goal 28 (support and enhance unique rural, historic, agricultural character of Alva), Goal 29 (Land uses in the North Olga must be developed in a manner that protects the community's *rural character*, heritage, and economy), Objective 27.1 (Agricultural and Rural Character), 28.1 (Rural Character), Objective 29.3, (Commercial uses should serve and support the North Olga and incorporate a “unified and attractive rural-oriented design theme” with landscaping, architecture, lighting, and signs.), Policy 29.3.3 (maintain rural and aesthetic value of North Olga), Policy 29.3.4 (mixed uses must be compatible with rural character of North Olga).

³⁸ Lee Plan Objective 29.3. See *also* Policy 29.3.3. Cf. Policies 28.2.4, 28.2.6, Proposed condition 9 requires compliance with the North Olga Community design standards.

³⁹ Lee Plan Objective 2.6. See Goals 72, 73, 101.

⁴⁰ Florida Statutes 163.3178(2)(h), Lee Plan Map 5-A.

⁴¹ Lee Plan Policy 101.1.1.

⁴² The MCP compensates for the flood storage capacity of impacted wetlands. Lee Plan Objective 101.1

⁴³ Lee Plan Goal 72, Objective 72.2; LDC 2-481 *et seq.*

Economic Element

The Economic Element encourages expansion of the County's economic base.⁴⁴ The proposed commercial uses will serve the surrounding community and contribute to a positive business climate by increasing employment opportunities.⁴⁵

Compatibility

Preservation of native habitat on the eastern portion of the property exceeds LDC indigenous and general open space requirements.

The MCP depicts an enhanced buffer along the south boundary of Tract D. Tract D is adjacent to a 100-foot-wide drainage easement separating the project from single family uses to the south. The enhanced buffer includes a fence and continuous hedgerow maintained at a minimum of 60 inches in height.

Applicant testified open storage will not be permitted as a principal use on the property but may be accessory to a principal use.

LDC

One of the purposes of planned development zoning is to integrate new development with surrounding land uses.⁴⁶ Another purpose is to further goals of the Lee Plan while providing flexibility in planning and design.⁴⁷

Applications to rezone property must meet the LDC and other County regulations or qualify for deviations.⁴⁸ A "deviation" is a departure from a land development regulation.⁴⁹ Applicants must demonstrate each requested deviation enhances the planned development and will not cause a detriment to the public.⁵⁰

Applicants request three deviations to accommodate the proposed site design.⁵¹ Deviations seek relief from excavation setbacks from private property lines under separate ownership, ingress/egress standards for large developments, and buffers. Staff recommended approval, finding the deviations advance the

⁴⁴ Lee Plan Goals 158, 161, Objective 158.2.

⁴⁵ Lee Plan Goal 158 Objective 158.3.

⁴⁶ LDC §34-612(2). (Providing for screening and buffering, sign control, architectural controls, and landscape design).

⁴⁷ LDC §§34-411(a), 34-612(2); Planned developments must be consistent with the Lee Plan. Lee Plan Policy 2.1.2.

⁴⁸ Development will be subject to further permitting under the LDC, including those specific to the North Olga Planning Community. LDC Chapter 33, Article X – North Olga §§ 33-1661 *et seq.*

⁴⁹ LDC §34-2.

⁵⁰ LDC §34-373(a)(9).

⁵¹ Deviation 3 has two parts.

objectives of the planned development and protect public health, safety, and welfare.⁵² The Hearing Examiner agrees with this assessment.

The project will be subject to roads, fire, and emergency services impact fees.⁵³

Transportation

The property has frontage on S.R. 31, which the state has designated as a Strategic Intermodal System (SIS) roadway. SIS facilities are considered high priority transportation facilities and the primary method of moving people and freight between regions.⁵⁴

The MCP proposes one driveway limited to right-in, right-out turning movements. Florida Department of Transportation (FDOT) will determine precise location of the driveway.⁵⁵ Interconnection with future development to the north may offer opportunities to access a full median opening in the future.⁵⁶

FDOT is finalizing the PD&E study from S.R. 78 to S.R. 80 to evaluate future widening of S.R. 31 from the current two-lane undivided facility to a six-lane divided facility. The future improvement is funded in the FDOT Work Program (year 2029) and includes a new bridge over the Caloosahatchee River. The improvements address capacity deficiencies on S.R. 31.⁵⁷ The PD&E study for Bayshore Road is complete, but as of hearing, funding for the project has not been identified.

The Transportation Impact Statement (TIS) analyzed impacts assuming project buildout in 2028.⁵⁸ The TIS confirms impacted roadways will operate at acceptable levels of service at project buildout, except for two road segments: S.R. 31 between S.R. 78 and S.R. 80 and S.R. 78 west of S.R. 31 (Bayshore Road).⁵⁹ The segments are projected to operate below adopted levels of service with the addition of project traffic. The state planned road improvements described above will address this condition.⁶⁰

⁵² LDC §§34-373(a)(9), 34-377(a)(4).

⁵³ LDC Chapter 2.

⁵⁴ State Route 31 is a state-maintained arterial roadway. Lee County Administrative Code 11-1.

⁵⁵ See Staff Report Attachment M, Memo dated September 11, 2025, from Lili Wu, Principal Transportation Planner to Adam Mendez, Principal Planner.

⁵⁶ Lee Plan Policy 6.1.3.

⁵⁷ Testimony of Ted Treesh.

⁵⁸ Staff Report Attachment L: Traffic Impact Statement for Singletary CPD by TR Transportation Consultants, Inc. Revised December 31, 2024. The TIS assumed greater commercial intensity than the final request under review herein.

⁵⁹ *Id.* Florida Department of Transportation will determine necessary site related improvements.

⁶⁰ Lee Plan Objective 39.2, Policy 39.2.2.

The TIS intersection analysis indicates project access will operate at an acceptable level of service at buildout. The project will be subject to road impact fees at the time of development order approval.⁶¹ These fees will serve to mitigate project impacts on the road network. Developer must address turn lanes and other site related improvements during the development order process.⁶²

Environmental and Natural Resources

The Order of Taking for S.R. 31 improvements reduced the property to 13.16 acres. A project of this size must provide 3.95 acres of open space, 1.98 acres of which must consist of indigenous vegetation. The MCP exceeds code minimums, providing 4.43 acres of open space and 2.87 acres of indigenous preserve.⁶³

Clustered development along the S.R. 31 frontage protects onsite wetlands.⁶⁴ Site design impacts an isolated wetland in the center of the property.⁶⁵ The MCP mitigates impacts to this wetland with an area designed to serve as compensatory storage. The site plan preserves wetlands/uplands along the property's eastern edge.⁶⁶ The preserve connects to preserves on the Greenwell MPD and will be subject to conservation easements.⁶⁷

The property lies along the boundary of the Palm Creek and Owl Creek watersheds.⁶⁸ Both watersheds are classified as impaired by the Florida Department of Environmental Protection.⁶⁹ Recommended conditions require ongoing monitoring to ensure no further degradation.⁷⁰

The water management system includes wet and dry detention areas to provide water quality treatment and control the flow of water into onsite wetlands.⁷¹ The

⁶¹ LDC §2-261 *et seq.*

⁶² Lee Plan Objective 39.1 and Policy 39.1.1.

⁶³ Lee Plan Objective 29.7, Policy 29.7.2: Preserve, protect and enhance ecological values, native vegetation and encourage development to maintain onsite native vegetation.

⁶⁴ Protection of natural resources is a Goal of the Alva and North Olga Community Plans. Site design integrates development tracts and infrastructure with natural features. Lee Plan Goals 28, 29, Objectives 28.5, 29.7, Policies 29.7.2, 77.3.4, 123.1.1, 123.2.6, 123.2.15.

⁶⁵ South Florida Water Management District must issue an Environmental Resource Permit (ERP) prior to site improvements. The terms of the ERP may necessitate adjustments to development areas shown on the MCP. State permits are necessary to authorize wetland impacts. If granted, the impacted areas will no longer be considered wetlands under the Lee Plan.

⁶⁶ Lee Plan Objectives 27.3, 29.7. See Lee Plan Standard 4.1.4.

⁶⁷ Lee Plan Objectives 27.4, 123.1, Policies 27.4.3, 123.1.1, 123.1.7, 123.2.4, 123.2.8. Preservation of indigenous vegetation exceeds code minimums.

⁶⁸ Staff Report Attachment K: Natural Resources Staff Report dated September 18, 2025, prepared by Nic DeFilippo, Senior Environmental Planner.

⁶⁹ *Id.*

⁷⁰ Developer must include a Water Quality Monitoring Plan with development order submittals. Lee Plan Policies 125.1.2, 125.1.4. See Condition 4.

⁷¹ Lee Plan Policies 28.5.3, 60.1.1, 60.1.5, 60.4.1, 60.4.2, 60.4.3, 61.3.1, 61.3.2, 61.3.11, 125.1.2, 125.1.4, 126.1.1, 126.1.4. The proposed storm water management system includes Florida Friendly Landscaping

system is designed to direct runoff to swales on each parcel for pretreatment. Swales will outfall into the proposed lake west of the indigenous preserve for additional water quality treatment. From there, stormwater will outfall into the onsite preserve prior to discharge into the Caloosahatchee River.⁷² Developer will remove a raised trail along the north property line that impedes water flow between properties restoring natural flows from north to south.⁷³

Development order permitting requires removal of exotic vegetation.⁷⁴ Exotic vegetation within the indigenous preserve will be replaced with native plants to restore the ecosystem.⁷⁵ Required landscape materials must comply with Florida Friendly Landscape principles.⁷⁶

A protected species survey yielded no evidence of protected species on the site.⁷⁷

Public Services

Public services include the services, facilities, capital improvements, and infrastructure necessary to support development at urban levels of density and intensity.⁷⁸ The Lee Plan requires an evaluation of the availability of public services during the rezoning process.⁷⁹

The property has access to services and infrastructure, including paved roads, surface water management, police, fire protection, and emergency medical services.⁸⁰ Potable water and sanitary sewer service will require improvements, including line extensions to serve the property.⁸¹

vegetation, retention/detention lakes, and incorporates existing wetland systems prior to discharge. Staff Report Attachment K.

⁷² Testimony of Brett Addison, P.E., Atwell, LLC.

⁷³ Testimony of Barrett Stejskal, BearPaws Environmental

⁷⁴ Lee Plan Policy 123.2.9.

⁷⁵ Testimony of Barrett Stejskal.

⁷⁶ Lee Plan Objective 126.2.

⁷⁷ Staff Report Attachment J, exhibit 1. Environmental Assessment & Cursory Species Survey Report by Bear Paws Environmental Consulting updated April 2025.

⁷⁸ Public services include public water and sewer, paved streets, parks and recreation facilities, urban levels of police, fire and emergency services, urban surface water management, schools, employment, industrial and commercial centers, institutional, public, or administrative facilities, and community facilities.

⁷⁹ Lee Plan Policy 2.2.1.

⁸⁰ Lee Plan Goal 70, Objectives 53.1, 56.1, 66.1; Fire and rescue services will be provided by Lee County and Bayshore Fire Protection & Rescue District Station #131, Emergency Medical Services Station Medic #11. The Alva Fire Control & Rescue District is available to serve backup for fire and emergency medical services. Lee County Sheriff provides law enforcement services to the area. Staff Report Attachment G: Applicant Request Statement prepared by Tina Ekblad, MPA, AICP, Sage Entitlements.

⁸¹ Lee County Utilities and Florida Government Utility Authority service areas lie within a half mile of the property. Applications to extend lines to serve development on North River Road will extend infrastructure past the site. Staff Report Attachment G.

Conditions

The County must administer the zoning process so proposed land uses minimize adverse impacts on adjacent property and protect natural resources.⁸² Conditions must plausibly relate to anticipated impacts and be pertinent to mitigating those impacts to public health, safety, and welfare.⁸³

The proposed CPD is subject to several conditions of approval. The Hearing Examiner finds the conditions reasonably relate to impacts anticipated from the development.⁸⁴

Public Participation

No members of the public attended the hearing.

During the project planning process, Applicant made presentations at community-planning meetings in Alva⁸⁵ and North Olga.⁸⁶

If approved by the Board, the project will be subject to further community meetings in North Olga at the development order stage of permitting.⁸⁷

Conclusion

Based on the testimony and exhibits in the record, the Hearing Examiner recommends approval of the Singletary CPD subject to conditions set forth in Exhibit B.

IV. Findings and Conclusions

The Hearing Examiner recommends approval of the Singletary Commercial Planned Development (CPD) subject to conditions, and makes the following findings and conclusions:

- A. The requested CPD complies with the Lee Plan. See Lee Plan Goals 2, 4, 6, 27, 29, 60, 61, 77, 124, 125, 135, 158, 159; Objectives 1.4, 4.1, 6.1, 27.3, 29.1, 29.2, 29.7, 77.2, 77.3, 158.2, 158.3, Policies 2.1.2, 2.2.1, 5.1.5, 6.1.1, 6.1.3, 6.1.4, 6.1.6, 17.3.3, 17.3.4, 27.1.1, 27.1.2, 27.1.6, 27.1.18, 29.1.1, 29.2.1, 29.7.2, 126.2.1, 135.9.6, 158.3.1; Lee Plan Maps 1-A, 1-B, 2-A, 4-A, 4-B, and Table (b).

⁸² LDC §§34-145(d)(4) a.2.(b), 34-377(a)(3), 34-932(b and c). See also Lee Plan Policy 135.9.6.

⁸³ LDC §34-932(c).

⁸⁴ LDC §34-83(b)(4) a.3.

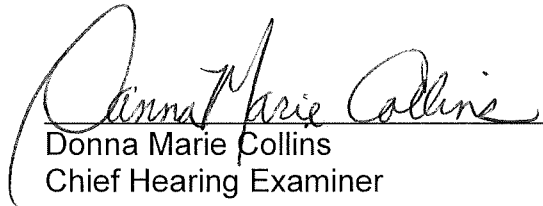
⁸⁵ Lee Plan Policy 27.1.8: Meetings held at the Alva on March 18, 2025. Staff Report Attachment P.

⁸⁶ Lee Plan Policy 27.1.8; LDC §33-1663(a)(2); North Olga Community Meeting held on March 19, 2025. Staff Report Attachment P.

⁸⁷ LDC §33-1663(a)(1).

- B. As conditioned herein, the CPD zoning designation:
1. Meets LDC standards and other regulations or qualifies for deviations.
 2. Is compatible with existing and planned uses in the surrounding area. Lee Plan Policies 2.1.2, 5.1.5, 6.1.4, 135.1.9, 135.9.6.
 3. Will provide access to support the proposed development intensity. Lee Plan Objective 39.1, Policies 2.2.1, 39.1.1, 39.2.2.
 4. Existing regulations and conditions of approval address expected impacts on transportation facilities. Lee Plan Policies 6.1.5, 135.9.6; LDC §2-265 *et seq.*, 10-7(b).
 5. Will not adversely affect environmentally critical areas or natural resources. Lee Plan Goals 60, 61, 77, 124, 125, Objectives 29.7, 60.4, 61.2, 77.3, 125.1, 126.2, Policies 6.1.6, 27.1.1, 29.1.1, 29.7.2, 29.7.3, 60.4.3, 61.3.1, 61.3.6, 61.3.11, 77.3.1, 77.3.2, 77.3.3, 77.3.4, 123.1.1, 123.2.15, 124.1.1, 125.1.2, 125.1.3, 125.1.4, 126.2.1, 135.9.6, and Standard 4.1.4; and
 6. Will be served by public services and infrastructure including public water and sewer, paved streets, police, fire and emergency services, and surface water management. Lee Plan Goals 2, 4, 6, 53, 56, 70, Objectives 2.1, 2.2, 4.1, 5.1, 6.1, 53.1, 56.1, 66.1; Policies 2.2.1, 65.2.1, and Standards 4.1.1, 4.1.2.
- C. The proposed uses are appropriate at the location. Lee Plan Goals 2, 6, 11, Objectives 2.1, 2.2, Policies 2.1.1, 2.1.2, 5.1.5, 6.1.4, 6.1.8, 135.1.9.
- D. The recommended conditions of approval and county regulations provide sufficient safeguards to protect the public interest. Lee Plan Policies 5.1.5, 6.1.4, 135.9.5, 135.9.6; LDC §§34-145(d)(4) a.2.b), 34-377(a)(3), 34-411, 34-932, 34-936.
- E. Recommended conditions are reasonably related to impacts expected from the proposed development. LDC 34-932, 34-936
- F. The deviations recommended for approval:
1. Enhance the objectives of the planned development; and
 2. Protect public health, safety, and welfare. LDC §§34-373(a)(9), 34-377(a)(4).

Recommendation Date: November 12, 2025.


Donna Marie Collins
Chief Hearing Examiner

Lee County Hearing Examiner
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, FL 33902-0398

Exhibits to Hearing Examiner's Recommendation

Exhibit A Legal Description and Vicinity Map
Exhibit B Recommended Conditions and Deviations
Exhibit C Exhibits Presented at Hearing
Exhibit D Hearing Participants
Exhibit E Information

Exhibit A

LEGAL DESCRIPTION AND VICINITY MAP

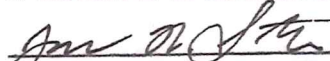
FOR: _____
DATE: 4-8-23
PHONE: (239) 543-3335

Starnes Surveying, Inc. L.A. 6766
SURVEYING-ENGINEERING-LAND PLANNING
19571 DURRANCERD.N. FT. MYERS, FL. 33917

CERTIFIED SKETCH
FIELD BOOK 25-248 W.O. NUMBER
PAGE 30-33 6703

SHEET _____ OF _____

I HEREBY CERTIFY THAT THIS SKETCH AS SHOWN IS A TRUE REPRESENTATION OF THE PARCEL HEREON DESCRIBED AS TO THE BEST OF MY KNOWLEDGE AND BELIEF.


JAMES R. STARNES P.L.S. 4869
PROFESSIONAL LAND SURVEYOR
STATE OF FLORIDA.



LEGAL DESCRIPTION AS PER INST. 2016000015912

A TRACT OR PARCEL OF LAND LYING IN SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 18, SAID CORNER LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 31, (100 FEET WIDE), THENCE RUN S 88°46'28" E FOR 100.00 FEET TO THE EASTERLY RIGHT-OF-WAY OF SAID STATE ROAD 31 (BASIS OF BEARINGS), THENCE RUN N 00°26'31" W ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 811.99 FEET TO THE POINT OF BEGINNING TO THE HEREIN DESCRIBED PARCEL:

FROM SAID POINT OF BEGINNING CONTINUE RUNNING N 00°26'31" W ALONG SAID RIGHT-OF-WAY LINE FOR 569.02 FEET; THENCE RUN S 88°53'02" E FOR 1290.40 FEET; THENCE RUN S 00°16'25" W FOR 569.02 FEET; THENCE RUN N 88°52'38" W FOR 1283.29 FEET TO THE POINT OF BEGINNING.

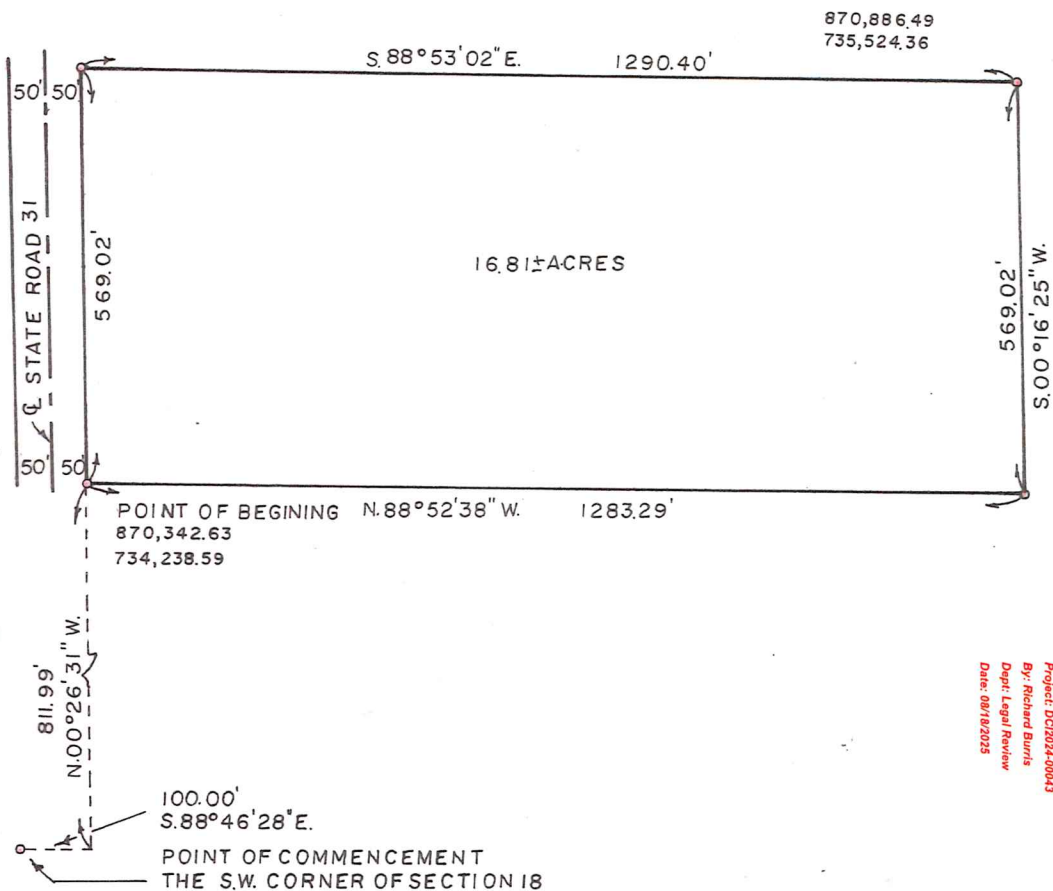
SAID PARCEL CONTAINS 16.81 ACRES, MORE OR LESS.

THE COORDINATES AS SHOWN HERE ON ARE BASED ON THE FLORIDA WEST ZONE 1983/1990 ADJUSTMENT.

NOTE: (1). THIS SKETCH IS NOT A SURVEY.

(2). THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.


SCALE: 1"=200'



REVIEWED
Project: DCJ2024-00043
By: Richard Burris
Date: Legal Review
Date: 08/18/2025

EXHIBIT A

THE ELEVATIONS AS SHOWN HERE ON ARE BASED ON THE DEPARTMENT OF TRANSPORTATION BENCHMARK A12 RESET, ELEVATION = 3.35'.
THE ELEVATIONS AS SHOWN HERE ON ARE BASED ON NAVD 88 DATUM.

S 88°46'28" E. ALABAMA
 MAR L.S. 4607

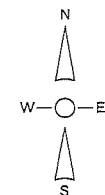
data feb. 25, 2025



I HEREBY CERTIFY THAT THE SURVEY HEREON WAS MADE UNDER MY DIRECTION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I DO NOT CERTIFY THAT THE ZONING REQUIREMENTS HAVE BEEN MET. I ALSO CERTIFY THAT THIS SURVEY HEREON MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA, AS SET FORTH IN SECTION 472.027, FLORIDA STATUTES AND ACCORDING TO CHAPTER 53-17.050, 53-0917.051 AND 53-17.052 FLORIDA ADMINISTRATIVE CODE.

REGISTERED LAND SURVEYOR P.L.S. #4869
STATE OF FLORIDA JAMES R. STARNES

NOTE: THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.



SCALE: 1" = 60'

BOUNDARY SURVEY

Starnes Surveying, Inc.
 4571 DORRANCE ROAD • H FORT MYERS, FLORIDA • (239) 640-3335
 Surveying Engineering Land Planning

According to the Post listed as recorded in Pub Book _____ at Page _____
 Pub's Records of _____ LEE _____ Court, Florida
 FOR _____ DATE 4-6-23
 REVISED _____

LEGAL DESCRIPTION AS FOR DIST#26089300

A TRACT OR PARCEL OF LAND LYING IN SECTION 10, TOWNSHIP 33 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTHWEST CORNER OF THE CORNER OF SAID SECTION 10, SAID CORNER LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 31, 688 FEET THENCE, THENCE RUN 43°42'08" E FOR 1800 FEET TO THE POINT OF BEGINNING; THENCE RUN 70°00'00" N 100.00 FEET TO A POINT OF BEGINNING; ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 5820 FEET TO THE POINT OF BEGINNING TO THE HEREIN RECORDED PARCEL.

THE NORTHWEST CORNER OF SAID SECTION 10, LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 31, 688 FEET THENCE, THENCE RUN 56°52'32" E FOR 1652.52 FEET THENCE RUN 5°-03'-32" E FOR 12394.45 FEET THENCE RUN 5°16'22" W FOR 1652.52 FEET THENCE RUN N 89°00'00" E FOR 1652.52 FEET TO THE POINT OF BEGINNING.

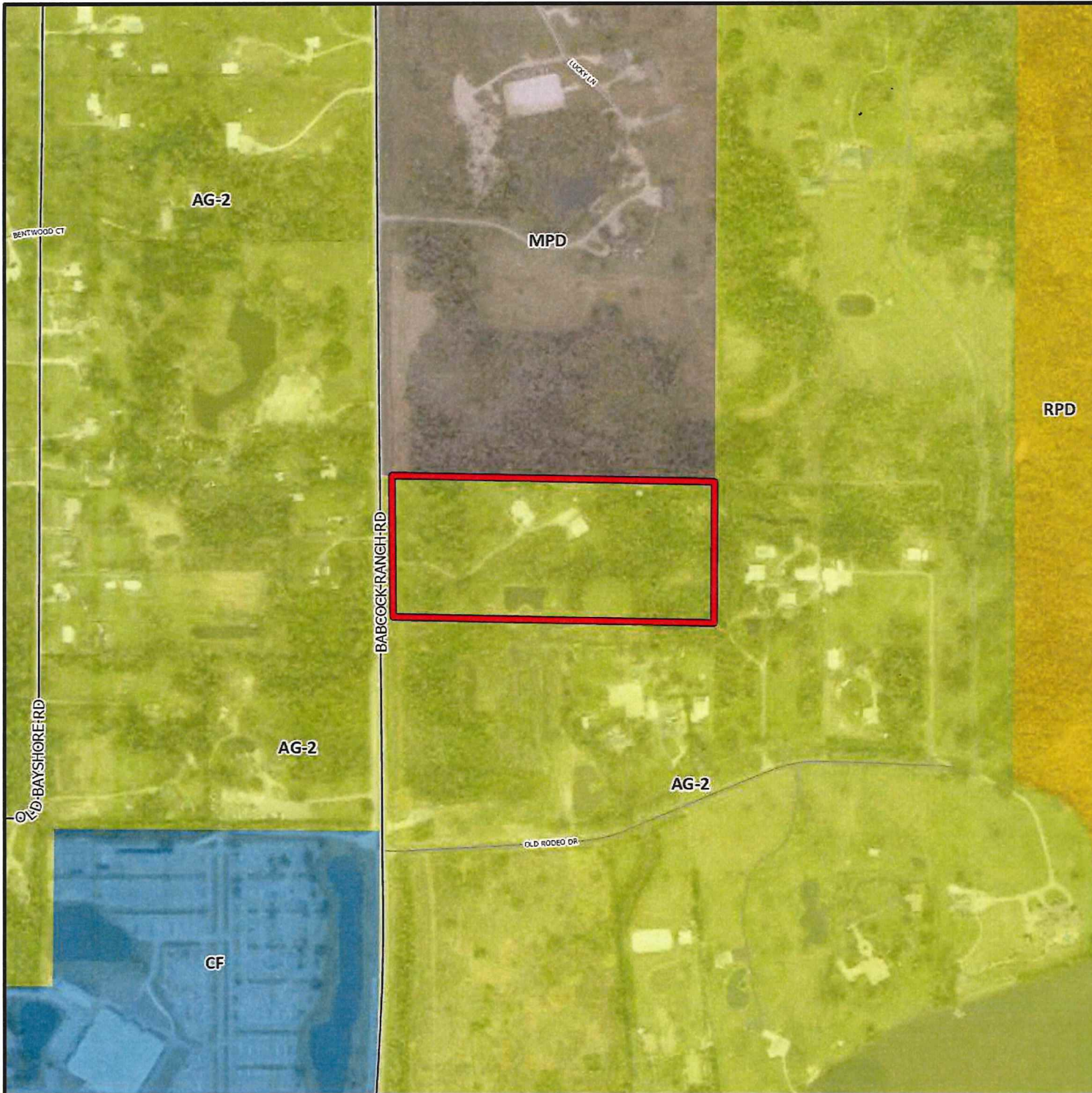
THE COORDINATES AS SHOWN HERE ON ARE BASED ON THE
FLORIDA WEST ZONE 1983/1990 ADJUSTMENT.

THIS SURVEY CONFORMS WITH THAT TITLE CERTIFICATION BY ATTORNEYS' TITLE FUND SERVICES, INC. TITLE FILE NUMBER 1667993 DATED JAN 31, 2023.

LEGEND:

- (1) DIMENSIONS ARE IN FEET AND DECIMALS THEREOF
- (2) F.D. = FOUND
- (3) N = NORTH
- (4) S = SOUTH
- (5) E = EAST
- (6) W = WEST
- (7) C.M. = CONCRETE MOUNT
- (8) C. = CURBLINE
- (9) B.D. = BRASS DISK
- (10) B.M. = BENCH MARK
- (11) E.L. = ELEVATION
- (12) R.C.W. = RIGHT-CF-WAY
- (13) U.T.S. = UNITED TELEPHONE SYSTEM
- (14) C.B. = CATCH BASIN
- (15) F.P.L. = FLORIDA POWER & LIGHT
- (16) P.O.B. = POINT OF BEGINNING
- (17) P.O.C. = POINT OF COMMENCEMENT
- (18) P.R.M. = PERMANENT REFERENCE MARKER
- (19) P.C.P. = PERMANENT CONTROL POINT
- (20) P.U. = PUBLIC UTILITY EASEMENT
- (21) C.A.L. = CALCULATED
- (22) MEAS. = MEASURED
- (23) PRG. = PRECINCTED
- (24) STARNES A REBAR = A REBAR AND METAL CAP STAMPED STARNES
- (25) STARNES B = B REBAR AND METAL CAP STAMPED STARNES WITH A METAL PLATE, STAMPED STARNES
- (26) N.G.V.D. = NATIONAL GEODETIC VERTICAL DATUM
- (27) N.H.H.T. = NEAR HIGH TIDE
- (28) Δ = DELTA

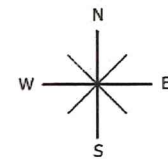
NOTE: UNDER GROUND IMPROVEMENTS THAT ARE NOT SHOWN, IF ANY WERE NOT LOCATED.



DCI2024-00043

Zoning

 Subject Property



0 500 1,000
Feet



Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

CONDITIONS

1. **Master Concept Plan and Development Parameters**

- a. Master Concept Plan (MCP). Development must be substantially consistent with the Singletary CPD MCP revised October 27, 2025, attached hereto as Exhibit B1.
- b. Compliance with Lee Plan and Land Development Code (LDC). Development permitting must be consistent with the Lee Plan and comply with the LDC, except where deviations have been approved. Amendments to the MCP or conditions of approval will be subject to review consistent with LDC development approval processes.
- c. Approved Development Parameters. Development is limited to a maximum of 110,000 square feet of commercial floor area and 100,000 square feet of indoor self-storage floor area.

2. **Schedule of Uses and Property Development Regulations**

- a. Schedule of Uses
References to uses are as defined/listed in the Lee County Land Development Code.

Accessory Uses and Structures

Administrative Offices

Agricultural Uses consistent with Condition 8

Animals:

Clinic or Kennel

Control Center (including Humane Society)

ATM (Automatic Teller Machine)

Auto Parts Store

Automobile Repair and Service, All Groups

Automobile Service Station

Bait and Tackle Shop

Banks and Financial Establishments: Groups I and II

Bar or Cocktail Lounge

Boats:

Boat Parts Store

Boat Rental

Boat Repair and Service Boat Sales

Boat Storage, Dry

Broadcast Studio, Commercial Radio, and Television

Building Material Sales

Business Services: Groups I and II

- Caretaker's residence
- Car Wash
- Cleaning and Maintenance Services
- Clothing Stores, General
- Clubs:
 - Commercial
 - Fraternal, Membership Organization
 - Private
- Communication Facilities, Wireless
- Consumption on Premises
- Contractors and Builders, All Groups
- Convenience Food and Beverage Store
- Cultural Facilities
- Day Care Center, Child, Adult
- Department Store
- Drive-Through Facility for any Permitted Use
- Drugstore, Pharmacy
- Dwelling Unit:
 - Single-family (existing-only)
- EMS, Fire or Sheriff's Station
- Entrance Gates and Gatehouse
- Essential Services
- Essential Service Facilities, Group I
- Excavation:
- Water Retention
- Farm Equipment, Sales, Storage, Rental or Service
- Feed or Fertilizer, Mixing and Sales
- Fences, Walls
- Flea Market: Open & Indoor
- Food Stores, Groups I, II
- Funeral Home and Mortuary (Without Crematory)
- Gift and Souvenir Shop
- Hardware Store
- Health Care Facilities, Group III only
- Hobby, Toy, and Game Shops
- Hospice
- Household and Office Furnishings, All Groups
- Insurance Companies
- Laundry or Dry Cleaning, Group I
- Lawn and Garden Supply Stores
- Medical Office
- Non-store Retailers, All Groups
- Package Store
- Paint, Glass, and Wallpaper

Parking Lot:

Accessory
Commercial
Temporary

Personal Services, Groups I-IV

Pet Services

Pet Shop

Pharmacy

Place of Worship

Plant Nursery

Post Office

Printing and Publishing

Real Estate Sales Office

Recreational Facilities, Commercial Groups I, III, IV

Religious Facilities

Rental or Leasing Establishment, Groups I-IV

Repair Shops, Groups I-V

Research and Development Laboratories, Groups I, II, & IV

Restaurant, Fast Food

Restaurants, Groups I-IV

Retail and Wholesale Sales, when clearly incidental and subordinate to a permitted principal use on the same premises

Schools:

Commercial
Noncommercial

Signs

Specialty Retail Shops, Groups I-IV

Storage, Indoor

Storage, Open (limited to accessory to permitted principal use)

Studios

Temporary Uses

Theater, Indoor or Outdoor (Drive-In)

Used Merchandise Stores, Groups I, II

Variety Store

Vehicle and Equipment Dealers, Groups I-V

Warehouse:

Hybrid
Mini Warehouse
Public

Wholesale Establishments, Groups I, III

b. Site Development Regulations

Minimum Lot Size: 10,000 square feet

Minimum Lot Width: 100 feet

Minimum Lot Depth: 100 feet

Minimum Setbacks, Maximum Building Height and Lot Coverage

Arterial Street:	50 feet
Private Street	15 feet
Side:	10 feet
Rear:	25 feet
Waterbody	25 feet
Maximum building height:	45 feet (see Condition 11)
Lot coverage:	50 percent

3. Open Space and Indigenous Preservation

Development order plans must depict open space areas substantially consistent with the approved MCP. Open space and indigenous preservation areas must meet or exceed the following minimums:

Total Open Space – 4.43 acres.

Indigenous preservation (within open space): minimum 2.87 acres

4. Water Quality Monitoring

Development Order submittals must include the attached Water Quality Monitoring Plan (Exhibit B2) with the following modifications:

- a. The Water Quality Monitoring Plan must specify surface water quality monitoring locations. Surface water quality monitoring sites must be located at each proposed outfall.
- b. Annual monitoring reports must include a comparison of State surface water quality standards, plots of parameters, and recommendations. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources.

Developer may request to amend water quality monitoring and reporting schedule after five years of meeting or exceeding state water quality monitoring standards. The request must be in writing and subject to approval by the Division of Natural Resources.

5. Conservation Easement

The property owner must record a conservation easement over indigenous preserve areas prior to the first development order approval. Conservation easements must be dedicated to a maintenance entity and provide third party enforcement rights to Lee County or another public agency acceptable to the County.

6. Utility Connections

Development must connect to public utilities for water and wastewater services.

7. State and Federal Permits

- a. Generally. County development permits do not create rights to obtain permits from state or federal agencies and do not create liability on the part of the County if the developer fails to obtain requisite approvals or fulfill obligations imposed by state/federal agencies or if applicant undertakes actions resulting in a violation of state or federal law. Developer must obtain applicable state/federal permits prior to commencing construction.
- b. State Wetland Permits. Developer may not commence construction on development impacting wetlands until issuance of required state permits. Development activity must comply with state wetland permits and applicable local development permits.

If the State does not approve wetland impacts or if State wetland permits are not consistent with proposed wetland impacts reflected in County development permits, Developer must amend County development permit approvals to achieve consistency with state wetland permits, and applicable Lee Plan and LDC regulations.

8. Agricultural Use

Existing bona fide agricultural uses may continue in compliance with the following:

- a. Continuation of Agricultural Use. Bona fide agricultural uses (grazing) in existence at the time the zoning application was filed and depicted on Exhibit B3 may continue until approval of the first County development order for the project area containing those uses.
- b. Clearing Prohibited. Additional clearing of trees or other vegetation in agricultural areas is prohibited. Existing areas of *bona fide* agricultural use may be maintained, i.e., mowed, but not cleared or expanded. The prohibition does not preclude County approved requests for the removal of invasive exotic vegetation.
- c. Written Documentation. Upon approval of a local development order for vertical development and prior to the issuance of a vegetation removal permit, the property owner must provide written proof, subject to approval by the County Attorney's Office, of the following:
 - i. Affidavit. Termination of agricultural use on portions of the property included in the development order. The written submittals must include an affidavit from the person/entity holding title to the property that provides:

- (1) Date the agricultural uses ceased.
- (2) Legal description of the property subject to the development order for vertical development.
- (3) Affirmative statement that the owner acknowledges and agrees all agricultural uses are illegal and prohibited on the property and that the owner covenants with Lee County that they will not allow agricultural use on the property unless the property is rezoned to permit agricultural uses; and
- (4) A statement that the affidavit constitutes a covenant between the owner and Lee County binding on the owner, their assignees, and successors in interest.
- (5) The covenant must be properly recorded in the public records of Lee County at the owner's expense.

- ii. Termination. Termination of the agricultural tax exemption on the portion of the property included in the subject development order. Proof of termination must include a copy of the Request to Terminate the Tax Exemption provided to the Property Appraiser.

9. North Olga Design Standards

Development Orders and building permits must comply with LDC Design Standards for the North Olga Planning Community. Departures from landscaping, signage and architectural regulations in those standards may be approved through a public hearing amendment.

10. Coastal High Hazard Area

Development order submittals must include calculations quantifying the flood storage volume provided by wetlands within the Coastal High Hazard Area and demonstrate equal compensatory flood storage volume within the project on the engineer plans.

11. Tract "D" Building Height

- a. Maximum building heights on Tract "D" may not exceed 35 feet within 50 feet of the southern MCP boundary.
- b. Beyond this 50-foot setback area, building heights may increase to a maximum of 45 feet, provided the building incorporates a tiered or stepped height transition to maintain compliance with the 50-foot setback area.
- c. This height limitation and associated transition requirement will be null and void if, at the time of Development Order approval, residential uses on the property immediately south of the ingress/drainage easement abutting Tract "D:" (1) have been discontinued and (2) the property has been rezoned to permit nonresidential uses.

DEVIATIONS

1. Excavation Setback. Deviation #1 seeks relief from LDC §10-329(d)(1)a.3., which requires a minimum setback of 50 feet between new excavations and a private property line under separate ownership, to allow a minimum excavation setback of 30 feet.

Deviation APPROVED, subject to consistency with the MCP.

2. Required Street Access. Deviation #2 seeks relief from LDC §10-291(3), which requires commercial developments greater than 10 acres to provide more than one point of ingress/egress, to allow a single point of ingress/egress onto State Road 31.

Deviation APPROVED.

3. Landscape Standards – South Property Boundary. Deviation #3A seeks relief from LDC §10-416(d)(3), which requires a Type C or F buffer where proposed commercial abuts a single-family use, to allow a 15-foot-wide Type D buffer along the southern property boundary.

Deviation #3B seeks relief from LDC §10-416(d)(6), which requires a landscape buffer consisting of an eight-foot-high solid wall or wall with a berm installed 25 feet from a shared property line with five trees and 18 shrubs per 100 linear feet, or a 30-foot-wide Type F buffer with a hedge set back of a minimum of 20 feet, to allow a 15-foot-wide Type D buffer along the southern property boundary.

Deviations #3A and 3B APPROVED, subject to the following conditions:

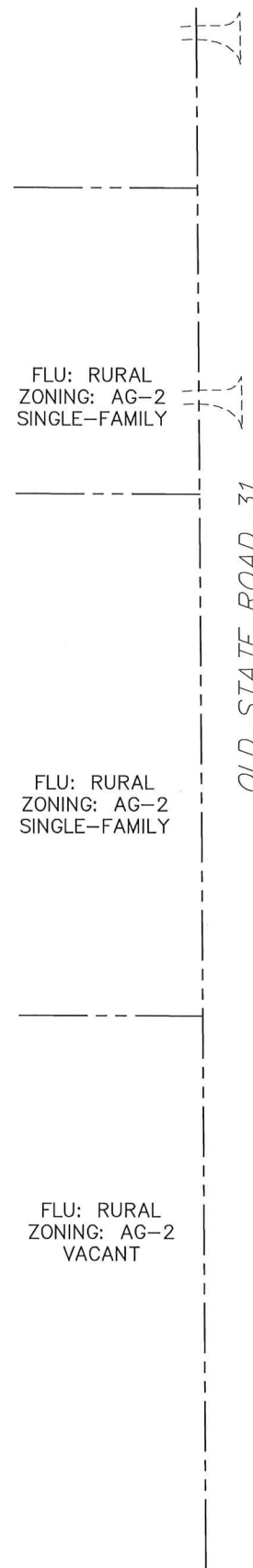
- 1) Development order plans must depict enhancements to the Type D buffer along the southern boundary line of MCP Tract D as follows:
 - i. Maintain the required continuous hedge at a minimum height of 60 inches at maturity.
 - ii. Install a continuous, opaque fence or wall at least six feet in height, set back a minimum of 15 feet from the southern boundary of MCP Tract D.
- 2) The above condition will be null and void if, at the time of Development Order approval, the residential uses on the property immediately south of the ingress/drainage easement abutting Tract “D” are discontinued and the property rezoned to permit nonresidential uses.

Exhibits to Conditions:

B1 Singletary CPD MCP revised October 27, 2025

B2 Water Quality Monitoring Plan

B3 Agricultural Use Affidavit



Water Quality Monitoring Plan

Singletary Commercial Planned
Development
DCI2024-00043



PREPARED FOR:

SAGE ENTITLEMENTS, LLC
97 NICKAJACK NORTH
SANTA ROSA BEACH, FLORIDA 32459

JULY 2025



13620 Metropolis Avenue, Suite 110
Fort Myers, Florida 33912
O 239.204.5300 ♦ F 866.398.2426
<https://apexcos.com/>

Water Quality Monitoring Plan

Singletary Commercial Planned
Development
DCI2024-00043



JULY 2025

A handwritten signature in blue ink, appearing to read 'Michael Jessich'.

Michael Jessich
Project Manager

A handwritten signature in blue ink, appearing to read 'Veronica Buccieri'.

Roni Buccieri
Staff Scientist

TABLE OF CONTENTS

SECTION 1 INTRODUCTION AND BACKGROUND..... 1

SECTION 2 GOALS AND OBJECTIVES 2

SECTION 3 MONITORING SITES 3

SECTION 4 PARAMETERS AND REPORTING SCHEDULE..... 4-5

SECTION 5 CONTINGENCY PLAN..... 6

FIGURES

Figure 1 Regional Location Map

Figure 2 Aerial Map Showing Project Footprint

Figure 3 Pertinent Features of the Project Including Proposed Surface Water
Monitoring Site

TABLES

Table 1 Proposed Monitoring Parameters and Schedule

1.0 INTRODUCTION AND BACKGROUND

The Singletary Commercial Planned Development project is an approximately 17-acre proposed commercial development located within Section 18, Township 43 South, Range 26 East, Lee County, Florida. The Singletary Commercial Planned Development (Project) proposed development is located east of State Road 31, Lee County, Florida. **Figure 1** and **Figure 2** includes a regional location and aerial map showing the project boundaries.

The project is currently seeking approval to change the zoning category from Agricultural (AG-2) to Commercial Planned Development (CPD) for a maximum of 210,000 square feet of commercial development (DCI2024-00043). The project is proposing to outfall into a natural waterway for conveyance and ultimate discharge into an impaired waterways. This Water Quality Monitoring Plan is prepared in accordance with Lee Plan policies 125.1.2 and 125.1.4 and in response to Lee County Comment Letter dated April 23, 2025 (Natural Resources Review Comment 1).

2.0 GOALS AND OBJECTIVES

This Water Quality Monitoring Plan (WQMP) provides a response to the Lee County Comment Letter dated April 23, 2025, Comment 1 of the Natural Resources Review section regarding the proposed outflow to the natural waterway that conveys water through several properties prior to discharging into an impaired waterway (Caloosahatchee River). Specifically, the goal of this monitoring plan is to ensure that the proposed development does not introduce contaminants into impaired watersheds identified by the Florida Department of Environmental Protection. The objective of the monitoring program is to quantify the existing water quality conditions onsite and to establish actions that will be taken to improve water quality should degradation be detected through monitoring efforts. The first task to reach that objective is identification of the locations of outfalls and establishment of the water quality monitoring parameters and schedule for the program. Another objective of the monitoring plan is to provide documentation of the monitoring program results to the Lee County Division of Natural Resources (LCDNR) through regular reporting and data transfer so that the water quality database maintained by Lee County can more accurately identify and characterize any contribution of contaminants to the Waters of State of Florida.

The Water Quality Monitoring Plan will be initiated to establish baseline conditions for the project site and to quantify potential impacts of the proposed commercial development. The Water Quality Monitoring Plan includes sampling locations, sampling frequency, reporting requirements, evaluations of the water quality within the project site, and a contingency plan.

The project will include a stormwater management lake that is hydraulically connected to the Water Table Aquifer. The proposed irrigation system will consist of stormwater harvesting from the stormwater management system with these withdrawals re-supplied by groundwater. The proposed source of groundwater to supplement lake withdrawals will be fresh to mildly brackish groundwater from the Sandstone Aquifer. Actual percentages of lake and groundwater withdrawals will be determined during the water use permitting process with the South Florida Water Management District (SFWMD). However, the combination of any use of mildly brackish groundwater and fresh stormwater will maintain a chloride level of less than 200 mg/l in compliance with SFWMD policy, and which will meet all applicable permitting criteria prior to withdrawals.

3.0 MONITORING SITES

The existing topography of the project site generally directs stormwater runoff from the north to the southeast to natural low-lying wetland preserves areas onsite. Development plans for the project include two proposed Master Concept Plans (Options) which indicate the stormwater drainage plan for a single proposed outfall control structure where water can flow out of the proposed stormwater management system and leave the project site.

The approximate location of the outfall control structure (CS-1) is identified in **Figure 3**. Flow leaving the proposed lake system from CS-1 will ultimately discharge to the east of the project through undetermined flow paths/sheet flow for outfall into a natural waterway that conveys water through several properties beyond the project boundary and ultimately discharges to the Caloosahatchee River and/or associated tributaries.

The proposed Water Quality Monitoring Plan includes the installation of a shallow piezometer downgradient of the outfall structure CS-1 to record stage elevations and obtain surface water samples, respectively. Sampling at CS-1 is proposed at the downstream end of the outfall structure. The piezometers will be equipped with electronic water level transducers set to record water levels every 24 hours. The water level elevations will be referenced to the North American Vertical Datum of 1988 (NAVD 88). Proposed sampling locations at the individual control structures, CS-1 are shown in **Figure 3** for the respective Master Concept Plan option proposed.

4.0 PARAMETERS AND REPORTING SCHEDULE

The proposed monitoring parameter list is provided in **Table 1**. Monitoring includes a baseline sampling event prior to construction commencement followed by semi-annual events. The semi-annual sampling events are proposed to occur twice per year during the wet season (June through October). The early wet season monitoring event is proposed to occur in June while the late wet season event is proposed to occur in October. The monitoring will include stage measurements using previously established benchmarks (piezometers) and the discharge condition will be recorded as either a “yes or no” depending on whether water is flowing through the control structures at the time of sampling.

Table 1. Proposed Monitoring Parameters and Schedule

Surface Water Monitoring Parameter	Minimum Detection Level (MDL)	Units	Analysis Type
Discharge Condition	NA	Yes or No	Field
Stage	0.01	Feet (NAVD)	Field
Turbidity	0.01	NTU	Field
Specific Conductance	2	umhos/cm	Field
pH	0.01	S.U.	Field
Dissolved Oxygen	0.1	mg/L	Field
Temperature	0.1	C	Field
Total Kjeldahl Nitrogen (TKN)	0.1	mg/L	Laboratory
Total Nitrogen	0.1	mg/L	Laboratory
Chlorophyll A	1.0	mg/m ³	Laboratory
Nitrite	0.01	mg/L	Laboratory
Nitrate	0.01	mg/L	Laboratory
Total Phosphorus	0.05	mg/L	Laboratory
Hardness (as CaCO ₃)	N/A	mg/L	Laboratory
Chloride	1.0	mg/L	Laboratory
Iron	0.20	mg/L	Laboratory
Copper	1.0	µg/L	Laboratory

Quality Assurance

Water samples will be collected and handled following protocols contained in Florida Department of Environmental Protection (FDEP) Quality Assurance Rule F.A.C. 62-160 and adopted as the 2014 FDEP Standard Operating Procedures for Field Activities (DEP-SOP-001/01), effective April 16, 2018, or as updated. Water Quality samples will be collected at surface water monitoring stations shown in **Figure 3**. One field blank and a field duplicate will be collected during each sampling event for quality assurance purposes. A chain of custody form(s) and laboratory analysis reports will be provided in corresponding annual reports.

Water samples will be tested by a certified laboratory under the National Environmental Laboratory Accreditation Program (NELAP) using approved test methods and QA testing requirements (i.e., blanks, sample duplicates, surrogates, matrix spikes etc.) as contained in F.A.C 62-160 QA Rules.

Water Monitoring Reporting and Analysis

An annual report which will include a comparison of State water quality standards, plots of parameters, and any conclusions or recommendations will be provided to the Division of Natural Resources annually for at least 5 years. The monitoring reports will be submitted once per year (or dependent upon priority of concerning data and/or incidents), as an Electric Data Deliverable (EDD) in a comma delimited text format approved by the Lee County Division of Natural Resources in their approved format within 60 days of receipt of laboratory reports from two wet season monitoring events during the reporting period. The reports will include a continuous hydrograph of the recorded water levels and updated tables of the semi-annual water quality sampling results. Conclusions and recommendations will be based on applicable target levels, statistical analyses, and trends of measured constituents.

Results of surface water sampling will be compared to applicable State Water Quality Standards based on F.A.C. Chapter 62-302.530, if listed and deviation from the initial baseline sampling will be analyzed for potential negative impacts and corrected if necessary. Parameters that do not have numeric target levels will be evaluated for trends. The surface water laboratory results will undergo statistical analysis for the development of conclusions and recommendations within the annual reports.

Water Quality Monitoring will continue for a minimum of 5 years from the date of completion of the stormwater management system. After 5 years of meeting or exceeding state water quality monitoring standards, the developer may amend or discontinue water quality monitoring and reporting after written requests, review, and approval by Lee County Division of Natural Resources.

5.0 CONTINGENCY PLAN

Should indications of water levels or water quality concerns be identified by exceedances of target levels, deviations from baselines, or through statistical trend analyses, site conditions will be reviewed for possible onsite and offsite incidents that could be attributed to elevated readings. If no incident or cause can be identified, the samples will be re-collected and re-analyzed for the parameter of concern. Following any re-sampling event, the Applicant will coordinate with the LCDNR to aid in identifying potential causes and potential needs to modify monitoring parameters, frequency, and/or reporting. If resampling shows water quality concerns, Lee County will be notified to discuss potential corrective actions.

Potential investigative and corrective actions may include:

- Review potential nearest upgradient facility lakes
- Review and revision of lake management, stormwater management, and landscape fertilizer application procedures and schedules
- Include additional surface water sampling sites
- Notification to impacted residents and applicable authorities as needed

In the unforeseen event that any significant surface and/or groundwater impacts are identified as a result of a hydrocarbon spill or pesticide/herbicide application at the subject property, the Developer or designee will notify the Director of the Lee County Natural Resources Division within no more than 12 hours (or next business day). If a spill or release “presents an immediate threat to human health and/or the environment” then the FDEP Office of Emergency Response (OER) will be contacted within 24 hours. Guidance outlining the definition of a release as well as reporting procedures is presented in the OEW webpage located at: http://www.dep.state.fl.us/per/reportable_incident.htm.

The Developer or their successor(s) will coordinate contamination assessment and remediation efforts with Lee County and will comply with applicable local, state, and federal permitting requirements. The initial phase of the remediation plan will consider the actions outlined in Section 4 and may consist of additional temporary monitoring wells installed to the short-term temporal monitoring or potential subsurface impacts and to evaluate the horizontal and the vertical distribution of the impacted area. Based on the findings of the initial phase, if necessary, a more comprehensive assessment may be required.

FIGURES

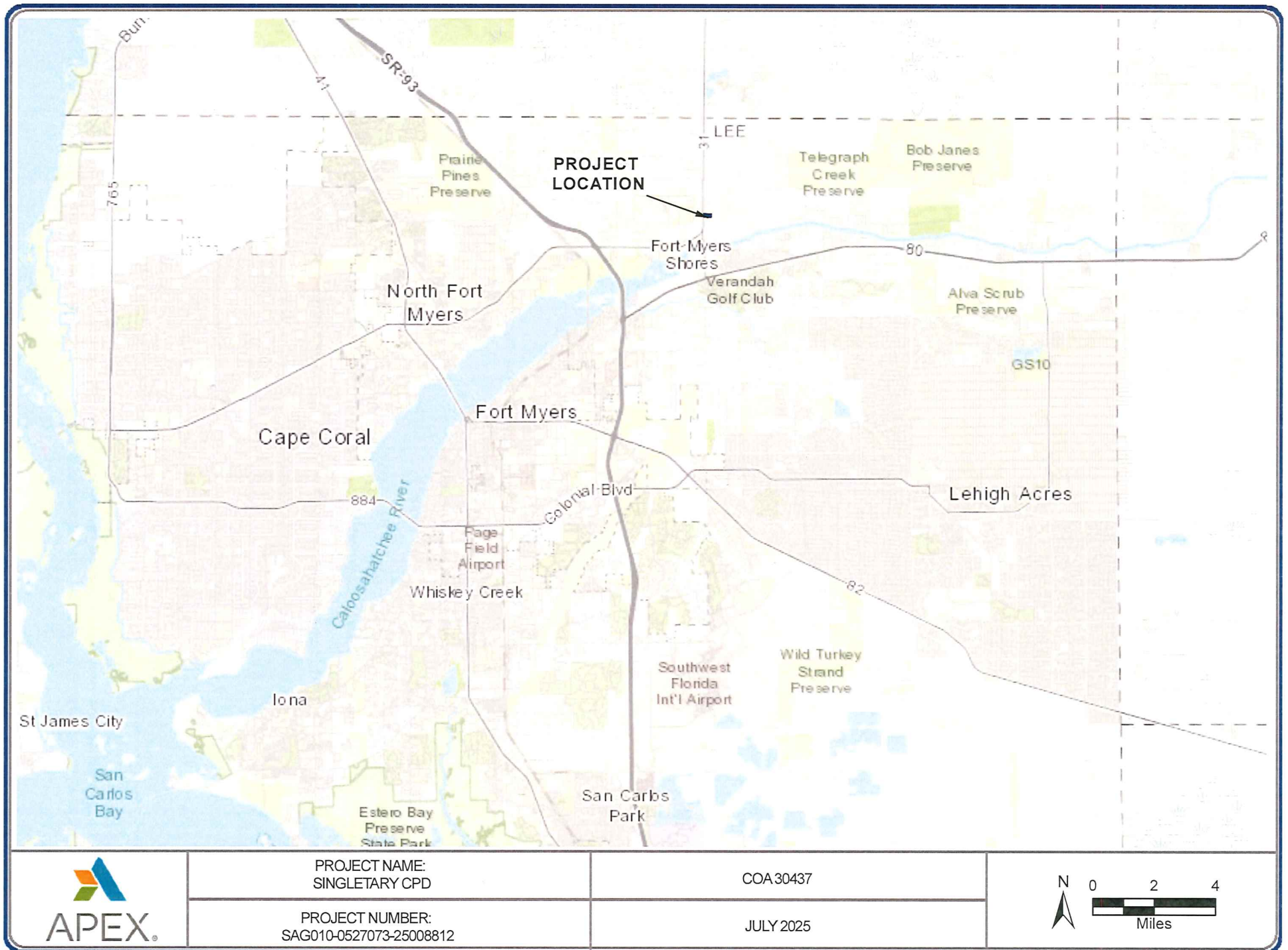


FIGURE 1. REGIONAL LOCATION MAP

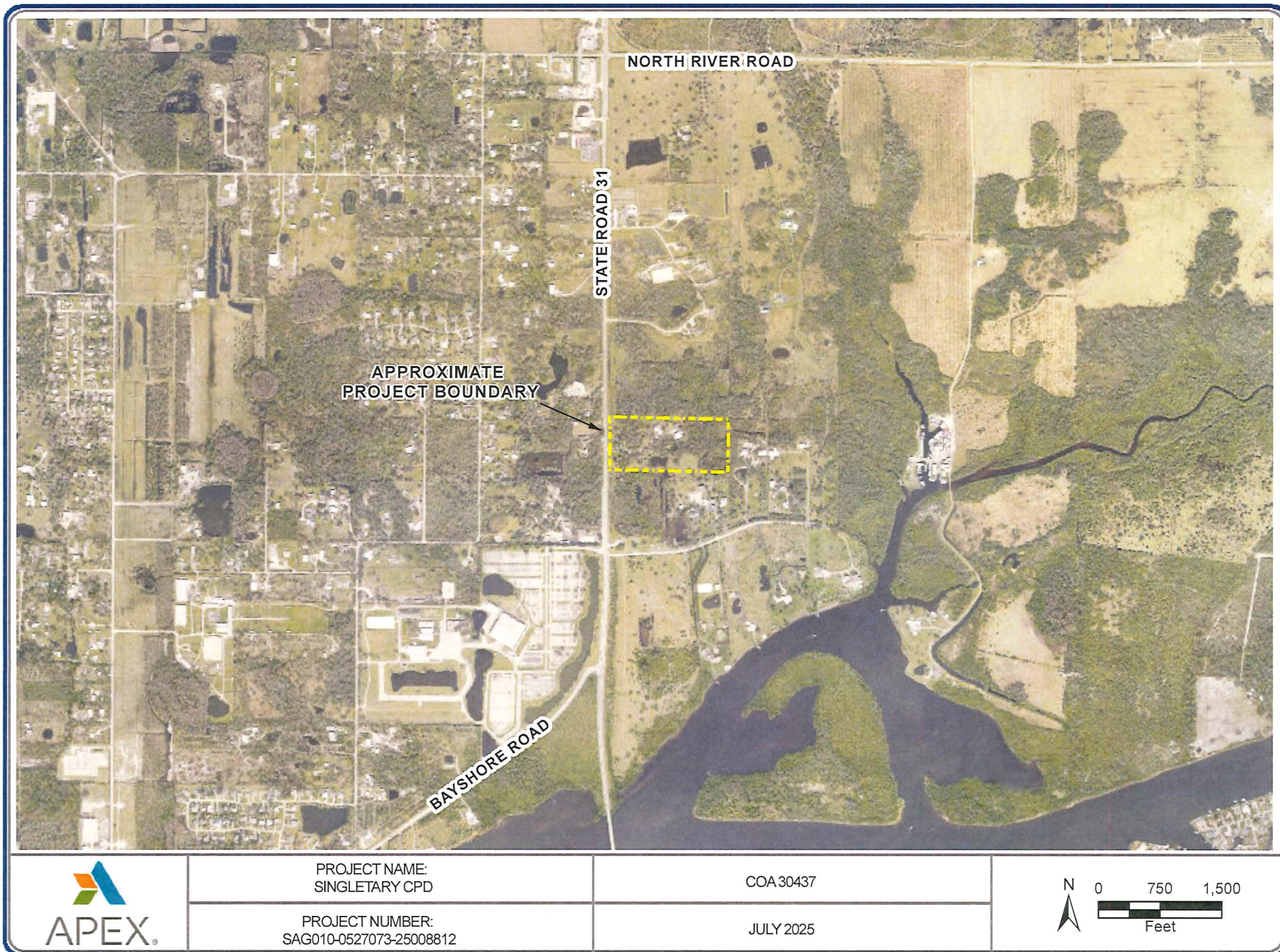


FIGURE 2. AERIAL MAP SHOWING PROJECT FOOTPRINT

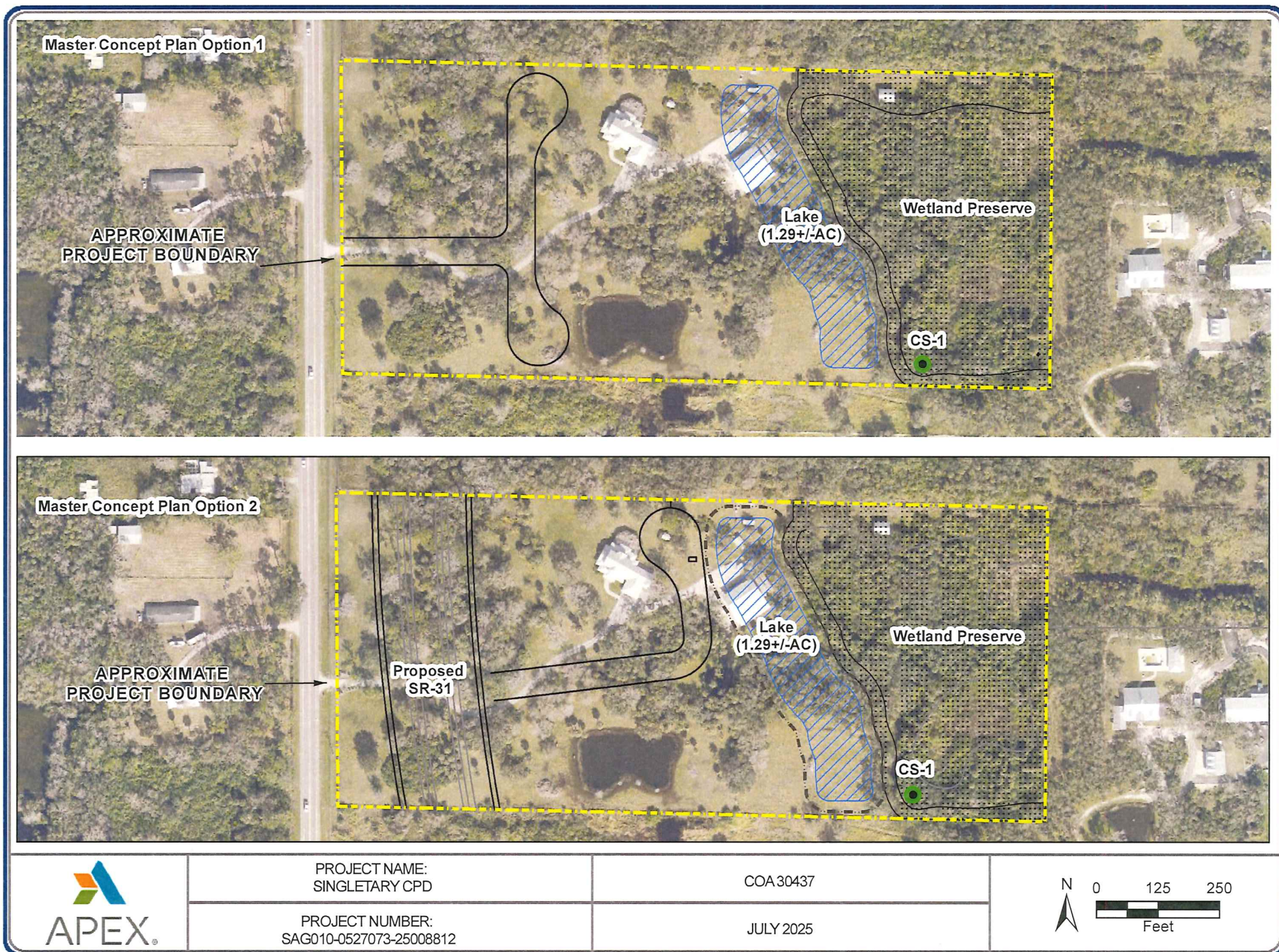


FIGURE 3. PERTINENT FEATURES OF THE PROJECT INCLUDING PROPOSED SURFACE WATER MONITORING SITE

**BONA FIDE
AGRICULTURAL USES
AT TIME OF ZONING APPLICATION**

I, R. Stephen Singletary as fee simple property owner, after having been duly sworn in accordance with law, hereby depose and say:

A bona fide agricultural use, livestock grazing exists on the property known as 18200 State Road 31, Alva, FL 33920 and was in existence at the time this application for this project was filed.

The entire 16.81 acres of the parcel (as described in the attached Exhibit A) is utilized for livestock grazing.

Bayshore Farms Inc
Company Name (if applicable).

Steve Singletary
Signature

Richard Stephen Singletary
STEVE SINGLETARY (PRES)
Printed Name & Title

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me by means of

☒ physical presence or ☐ online notarization.

This 21st (date) by Steve Singletary as Manager, of

Bayshore Farms Inc (name of company),

a FL (state) limited liability company, on behalf of the company, who is personally known to me or has produced _____ (type of identification) as identification.

Michael Williams
Notary Signature

Michael Williams
Notary Printed Name (or Stamped)

Title: Notary

Serial Number: HH399630



EXHIBIT B3

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. DCD Staff Report with attachments for DCI: Prepared by Adam Mendez, Senior Planner, date received October 15, 2025 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]
2. 48-Hour Notice: Email from Adam Mendez to Maria Perez, with copies to Tina Ekblad and Brienne Cherry, dated Tuesday, October 28, 2025, 8:57 AM (multiple pages – 8.5"x11")
3. Affidavit of Publication: For DCI2024-00043, Singletary CPD (1 page – 8.5"x11")
4. PowerPoint Presentation: Prepared by Lee County Staff for DCI2024-00043, Singletary CPD (multiple pages – 8.5"x11")[color]

APPLICANT EXHIBITS

1. 48-Hour Notice: Email from Tina Ekblad to Hearing Examiner, with copies to Adam Mendez, Richard Akin, Esq., Steve Singletary, and Brent Addison, dated Tuesday, October 28, 2025, 9:00 AM (multiple pages – 8.5"x11")
2. Revised Master Concept Plan: Prepared by Atwell for Singletary CPD, last revised October 27, 2025 (2 pages – 11"x17")
3. PowerPoint Presentation: Prepared for Singletary CPD, DCI2024-00043, dated October 30, 2025 (multiple pages – 8.5"x11")[color]

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Adam Mendez

Applicant Representatives:

1. Brent Addison
2. Richard Akin, Esq.
3. Tina Ekblad
4. Ted Treesh

Exhibit E
INFORMATION

UNAUTHORIZED COMMUNICATIONS

The LDC prohibits communications with the Hearing Examiner or her staff on the substance of pending zoning actions. There are limited exceptions for written communications requested by the Hearing Examiner, or where the Hearing Examiner seeks advice from a disinterested expert.

HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS

- A. The Hearing Examiner will provide a copy of this recommendation to the Board of County Commissioners.
- B. The Board will hold a final hearing to consider the Recommendation and record made before the Hearing Examiner. The Department of Community Development will notify hearing participants of the final hearing date. Only Parties and participants may address the Board at the final hearing. Presentations by participants are limited to the substance of testimony presented to the Hearing Examiner, testimony concerning the correctness of Findings of Fact or Conclusions of Law contained in the Recommendation, or allegations of relevant new evidence not known or that could not have been reasonably discovered by the speaker at the time of the Hearing Examiner hearing.
- C. Participants may not submit documents to the Board of County Commissioners unless they marked as Exhibits by the Hearing Examiner. Documents must have the Exhibit number assigned at hearing.

COPIES OF TESTIMONY AND TRANSCRIPTS

- A. Every hearing is recorded. Recordings are public records that become part of the case file maintained by the Department of Community Development. The case file and recordings are available for public examination Monday through Friday between 8:00 a.m. and 4:30 p.m.
- B. A verbatim transcript may also be available for purchase from the court reporting service.