



# Lee County

Southwest Florida

Kevin Ruane  
District One

Cecil L. Pendergrass  
District Two

Ray Sandelli  
District Three

Brian Hamman  
District Four

Mike Greenwell  
District Five

Dave Harner, II  
County Manager

Richard Wm. Wesch  
County Attorney

Donna Marie Collins  
County Hearing  
Examiner

November 14, 2025

Donna Harris, Senior Plan Processor  
State Land Planning Agency  
Caldwell Building  
107 East Madison – MSC 160  
Tallahassee, FL 32399-4120

**Re: Small Scale Amendment to the Lee Plan  
Adoption Submission Package  
CPA2024-00006, Horizon Tamiami**

Dear Ms. Harris,

In accordance with the provisions of F.S. Chapter 163.3187(1), this submission package constitutes the adoption of a Small-Scale Comprehensive Plan Amendment known locally as CPA2024-00006, Horizon Tamiami. The adopted amendment is being submitted through the small-scale review process as described in F.S. Chapter 163.3187(1). The amendment is as follows:

**CPA2024-00006, Horizon Tamiami:**

- Amend Lee Plan Map 1-C, Mixed Use Overlay, within the Future Land Use Map Series, to add 20.2 acres of the subject property to the Mixed Use Overlay.

The Local Planning Agency held a public meeting for the plan amendment on August 25, 2025. The Board of County Commissioners voted to adopt the amendment on November 5, 2025.

This small-scale amendment to the Lee Plan consists of ±20.2 acres and is the second small-scale amendment processed by Lee County this calendar year. The cumulative total number of acres for small-scale amendments Lee County has approved during the 2025 calendar year is ±21.96 acres.

The adopted small-scale comprehensive plan amendment is not within an area of critical state concern, nor does it involve a site within a rural area of critical economic concern.

The name, title, address, telephone number, and email address of the person in the local government who is most familiar with the proposed amendment are as follows:

Mrs. Kate Burgess, AICP, Principal Planner  
Lee County Planning Section  
P.O. Box 398  
Fort Myers, Florida 33902-0398  
(239) 533-8585  
Email: [KBurgess@leegov.com](mailto:KBurgess@leegov.com)

By copy of this letter and its attachments, I certify that this amendment and supporting data and analysis have been sent on this date to the agencies listed below.

Respectfully,  
**Lee County Department of Community Development  
Planning Section**



Brandon Dunn,  
Manager, Planning Section

Cc Case File

All documents and reports attendant to this transmittal are also being sent by copy of this cover in an electronic format to:

Comprehensive Plan Review  
Department of Agriculture and Consumer Services

Morgan Runion, AICP  
Department of Education

Plan Review  
Department of Environmental Protection

Alissa S. Lotane  
Florida Department of State

Scott Sanders  
Florida Fish and Wildlife Conservation Commission

Vitor Suguri  
FOOT District One

Ms. Margaret Wuerstle  
Southwest Florida Regional Planning Council

Terry Manning, AICP  
South Florida Water Management District

LEE COUNTY ORDINANCE NO. 25-21

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN TO ADOPT A SMALL SCALE AMENDMENT (CPA2024-00006) PERTAINING TO HORIZON TAMAMI; PROVIDING FOR PURPOSE, INTENT AND SHORT TITLE; ADOPTION OF SMALL SCALE AMENDMENT TO LEE PLAN MAP 1-C, THE MIXED USE OVERLAY MAP; LEGAL EFFECT OF THE "LEE PLAN"; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; GEOGRAPHICAL APPLICABILITY; SEVERABILITY; INCLUSION IN CODE, CODIFICATION AND SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

WHEREAS, the Lee County Comprehensive Plan ("*Lee Plan*") and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners ("*Board*"); and

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6, provide an opportunity for private individuals to request amendment to the Future Land Use Map through a small scale amendment public hearing process; and

WHEREAS, the Local Planning Agency ("*LPA*") held a public hearing on the adoption of the proposed amendment on August 25, 2025. At that hearing the LPA found the proposed amendment to be consistent with the Lee Plan and recommended that the Board adopt the amendment; and

WHEREAS, the Board held a public hearing for the adoption of the proposed amendment on November 5, 2025. At that hearing, the Board approved a motion to adopt proposed amendment CPA2024-00006 pertaining to Horizon Tamiami, amending Map 1-C of the Lee Plan, the Mixed Use Overlay Map. The subject parcel is located at the northeast corner of the intersection of Brooks Road and North Tamiami Trail in North Fort Myers.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:**

**SECTION ONE: PURPOSE, INTENT AND SHORT TITLE**

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted a public hearing to review a proposed small scale amendment to the Future Land Use Map Series of the Lee Plan. The purpose of this ordinance is to adopt the amendment to the Lee Plan discussed at that meeting and later approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." This amending ordinance may be referred to as "Horizon Tamiami (CPA2024-00006)".

**SECTION TWO: ADOPTION OF SMALL SCALE AMENDMENT TO LEE PLAN FUTURE LAND USE MAP SERIES, MAP 1-C**

The Lee County Board of County Commissioners hereby amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment to the Future Land Use Map Series, Map 1-C, the Mixed Use Overlay Map to incorporate approximately 20.2 acres of the subject property into the Mixed Use Overlay. The subject parcel is located at the northeast corner of the intersection of Brooks Road and North Tamiami Trail in North Fort Myers.

**SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"**

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

**SECTION FOUR: MODIFICATION**

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

**SECTION FIVE: GEOGRAPHIC APPLICABILITY**

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

**SECTION SIX: SEVERABILITY**

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board of County Commissioners that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

**SECTION SEVEN: INCLUSION IN CODE, CODIFICATION AND SCRIVENERS' ERROR**

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be re-numbered or re-lettered and the word "ordinance" may be changed to "section," "article" or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent may be authorized by the County Manager, or designee, without need of a public hearing, by filing a corrected or re-codified copy with the Clerk of the Circuit Court.

**SECTION EIGHT: EFFECTIVE DATE**

The small scale Lee Plan amendment adopted by this ordinance will be effective 31 days after adoption unless challenged within 30 days after adoption. If challenged within 30 days after adoption, the small scale amendment to the Lee Plan will not be effective until the Florida Department of Commerce or the Administration Commission issues a final order determining the small scale amendment is in compliance with Florida Statutes, Section 163.3184. No development orders, development permits or land uses dependent on this amendment may be issued or commence before the amendment has become effective.

Commissioner Hamman made a motion to adopt the foregoing ordinance, seconded by Commissioner Pendergrass. The vote was as follows:

Kevin Ruane	Aye
Cecil L Pendergrass	Aye
David Mulicka	Absent
Brian Hamman	Aye
District 5	Vacant

DONE AND ADOPTED this 5<sup>th</sup> day of November, 2025.

ATTEST:  
KEVIN C. KARNES  
CLERK OF CIRCUIT COURT

BY: *Kevin C. Karnes*  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: *Kevin Ruane*  
Kevin Ruane, Chair

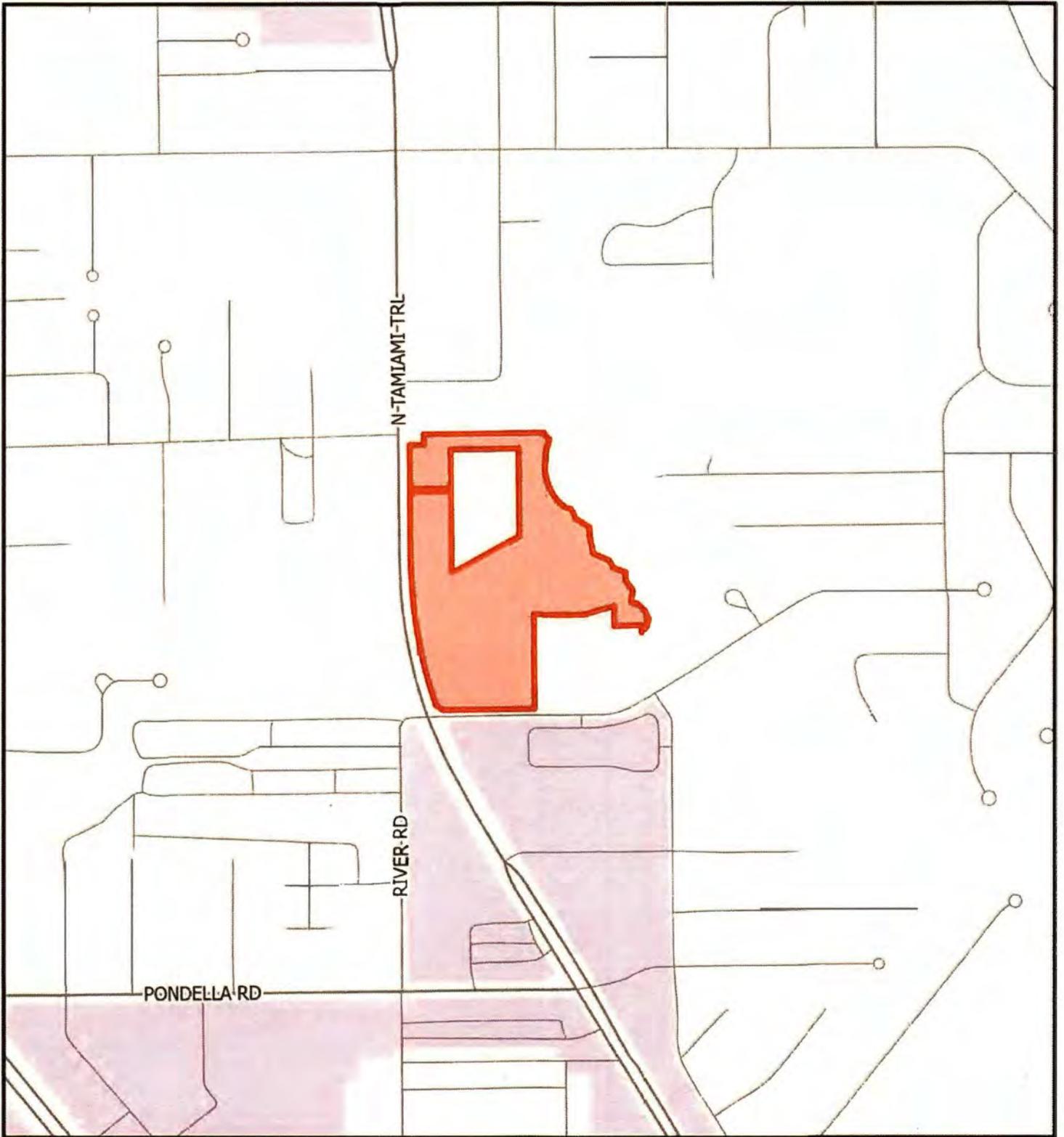
DATE: 11062025



APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY

*Joseph Adame*  
Lee County Attorney's Office

Exhibit A (Adopted by BOCC on November 5, 2025):  
Adopted proposed Mixed Use Overlay Map 1-C

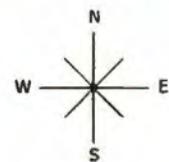


CPA2024-00006

Mixed Use Overlay



- Existing Mixed Use Overlay
- Proposed Mixed Use Overlay
- Subject Property



Map Generated: July 2025

**EXHIBIT A**



FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

November 13, 2025

Kevin Karnes  
Clerk of the Circuit Courts  
Lee County  
Post Office Box 2469  
Fort Myers, Florida 33902-2469

Dear Kevin Karnes:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Lee County Ordinance No. 25-21, which was filed in this office on November 13, 2025

Sincerely,

Alexandra Leijon  
Administrative Code and Register Director

AL/dp

**RECEIVED**

*By Melissa Butler at 4:21 pm, Nov 13, 2025*

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM  
CODRS CODING FORM

COUNTY: Lee

COUNTY ORDINANCE #: 25-21

(e.g., 93-001)

PRIMARY KEYFIELD

DESCRIPTOR: Comprehensive Planning

SECONDARY KEYFIELD

DESCRIPTOR: Planning

OTHER KEYFIELD

DESCRIPTOR: Land Use Planning

ORDINANCE DESCRIPTION: Horizon Tamiami CPA

(25 Characters Maximum Including Spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)

AMENDMENT #1: 89-02

AMENDMENT #2: \_\_\_\_\_

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL #1: \_\_\_\_\_ ; REPEAL #3: \_\_\_\_\_

REPEAL #2: \_\_\_\_\_ ; REPEAL #4: \_\_\_\_\_

(Others Repealed: List All That Apply): \_\_\_\_\_

(FOR OFFICE USE ONLY): COUNTY CODE NUMBER: \_\_\_\_\_

KEYFIELD 1 CODE: \_\_\_\_\_ KEYFIELD 2 CODE: \_\_\_\_\_

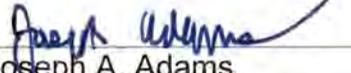
KEYFIELD 3 CODE: \_\_\_\_\_

**MEMORANDUM  
FROM THE  
OFFICE OF COUNTY ATTORNEY**

VIA HAND DELIVERY

DATE: November 5, 2025

To: Commissioner Kevin Ruane  
Chair, Board of County  
Commissioners

FROM:   
Joseph A. Adams  
Assistant County Attorney

RE: **Lee County Ordinance Amending the Lee County Comprehensive Plan  
Ord #25-21 (CPA2024-00006) Horizon Tamiami Small Scale Map Amendment  
Adoption Hearing on November 5, 2025**

On November 5, 2025, the Board of County Commissioners adopted an ordinance amending the Lee County Comprehensive Plan. The original ordinance is attached to this memorandum for execution. Kindly execute the ordinance at your earliest convenience and then forward to the Minutes Department.

By copy of this memorandum to Minutes, I request that a clerk attest to the Chair's signature on the attached ordinance and email a copy of the fully executed ordinance with all exhibits to my attention.

Insofar as State Statute mandates that the ordinance reach Tallahassee within ten (10) days of the adoption, please expedite the above request so that the ordinance arrives in Tallahassee no later than November 15, 2025. Also attached please find the Data Retrieval form to accompany the ordinance when transmitted to the State.

Thank you for your assistance.

JAA/les

Attachment: Ord #25-21 (CPA2024-00006)

cc via email only: [leeclerkminutes@leeclerk.org](mailto:leeclerkminutes@leeclerk.org)  
Brandon Dunn, Planning Manager, Planning  
Becky Sweigert, Senior Manager, Growth Management, DCD  
Janet Miller, Administrative Specialist, DCD

2025 NOV -7 AM 10:59

# STAFF REPORT FOR CPA2024-00006: HORIZON TAMIAMI



## Privately Initiated Small-Scale Lee Plan Map Amendment

### Recommendation:

Adopt

### Applicant:

Horizon Tamiami, LLC

### Representatives:

Veronica Martin  
TDM Consulting, Inc.

### Property Location:

1450, 1456, 1460, and 1470  
North Tamiami Trail

### Size:

± 20.2 acres

### Planning District:

District #19 (North Fort  
Myers)

### Commissioner District:

District #4

### Hearing Dates:

LPA: 08-25-2025  
BoCC #1: 10-08-2025

### Attachment(s):

1: Map Amendment  
2: Applicant Materials

### REQUEST

Amend Lee Plan Map 1-C to incorporate approximately 20.2 acres of the subject property into the Mixed Use Overlay.

### SUMMARY

The applicant requests to incorporate an approximately 20.2-acre upland portion of the subject property into the Mixed Use Overlay (MUO) to develop the site in accordance with the MUO standards outlined in Chapter 34 of the Land Development Code and rezone to a conventional zoning district instead of a planned development. According to the companion rezone application, the applicant intends to construct a mixture of commercial and residential uses. No saltwater wetlands will be incorporated into the MUO.

### PROPERTY LOCATION

The property is located at the northeast corner of the intersection of Brooks Road and North Tamiami Trail in North Fort Myers.



Figure 1: Location map of the portion of the subject property to be included in the Mixed Use Overlay

### RECOMMENDATION

Staff recommends that the Board of County Commissioners (BoCC) **adopt** the proposed amendment as shown in Attachment 1.

**PART 1**  
**STAFF DISCUSSION AND ANALYSIS**

**BACKGROUND AND REQUEST**

The approximately 28.2-acre subject property, comprised of four parcels, was designated with Intensive Development and Transition Zone, the precursor to the existing Wetlands future land use category, on the 1984 Lee Plan Future Land Use Map. The property currently consists of  $\pm 20.2$  acres of Intensive Development and  $\pm 8.0$ -acres of Wetlands future land use categories. The applicant is proposing to incorporate only the areas with the Intensive Development future land use category of the property into the MUO. A map depicting the existing future land use categories and the proposed MUO is included below.

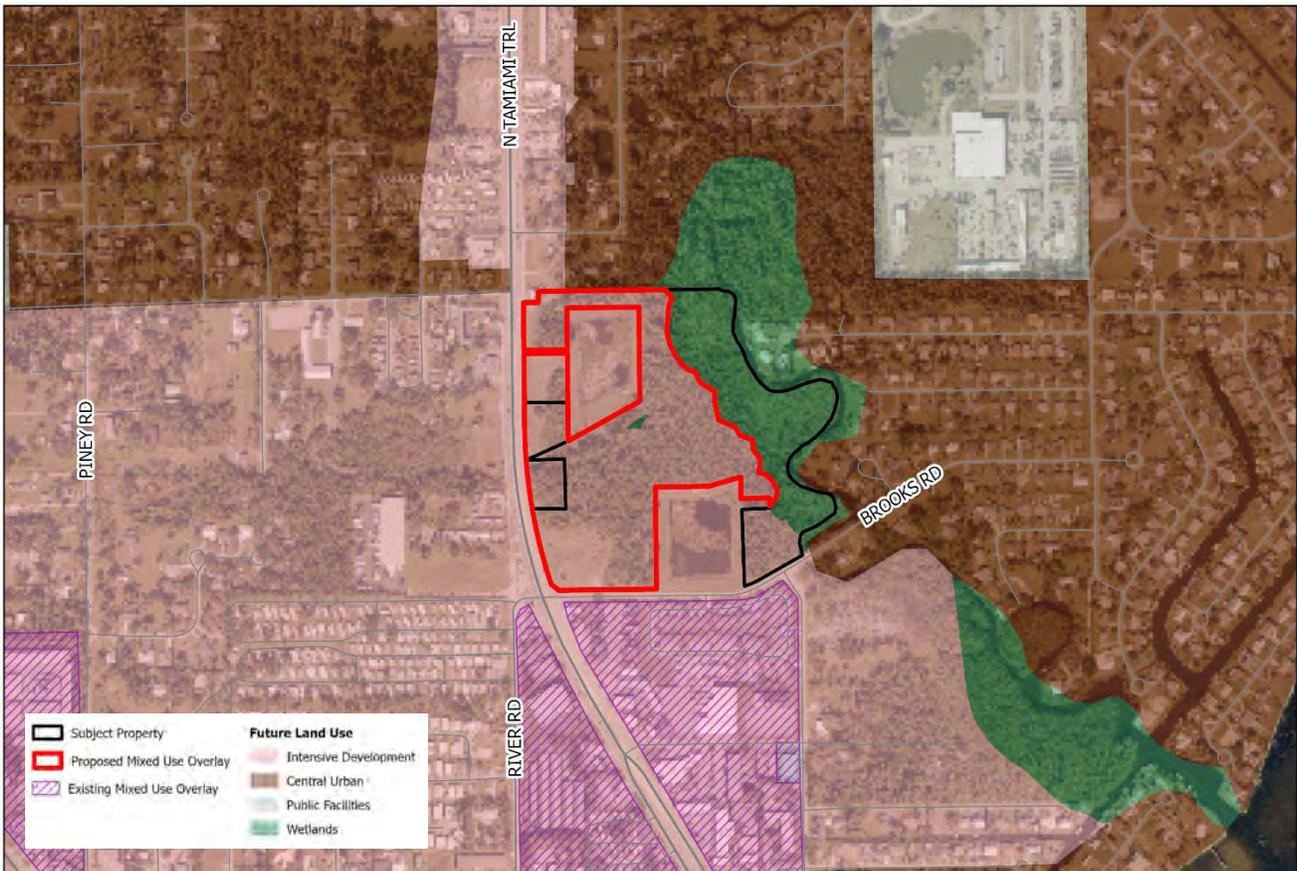


Figure 2: Future Land Use and Mixed Use Overlay

The proposed Comprehensive Plan Amendment enables the applicant to develop under the Mixed Use Overlay development standards and rezone to a conventional zoning district, rather than a planned development. The applicant has filed a companion rezoning application (REZ2024-00006), which is being reviewed concurrently with this comprehensive plan amendment application. The applicant is requesting to rezone  $\pm 20.2$  acres from General Commercial (CG), Commercial (C-1), and Residential Single Family (RS-1) to Commercial (C-1). The wetlands along the eastern property line are proposed to remain RS-1.

### **Future Land Use Categories**

The property is within the Intensive Development Future Land Use Category, which is the county's most intense future land use category. Lee Plan **Policy 1.1.2** states that this land use category allows the county's highest densities and intensities and encourages mixed-use centers. The policy is reproduced below.

***POLICY 1.1.2:** The Intensive Development areas are located along major arterial roads in Fort Myers, North Fort Myers, East Fort Myers west of I-75, and South Fort Myers. By virtue of their location, the county's current development patterns, and the available and potential levels of public services, they are well suited to accommodate high densities and intensities. Planned mixed use centers of high-density residential, commercial, limited light industrial (see Policy 7.1.6), and office uses are encouraged to be developed as described in Objective 11.1, where appropriate. As Lee County develops as a metropolitan complex, these centrally located urban nodes can offer a diversity of lifestyles, cosmopolitan shopping opportunities, and specialized professional services that befit such a region. The standard density range is from eight dwelling units per acre (8 du/acre) to fourteen dwelling units per acre (14 du/acre). Maximum total density is twenty-two dwelling units per acre (22 du/acre). The maximum total density may be increased to thirty dwelling units per acre (30 du/acre) utilizing Greater Pine Island Transfer of Development Units. (Ordinance No. 94-30, 09-06, 10-10, 16-07)*

The subject property is also within the Wetlands future land use category, with the jurisdictional boundaries confirmed through a Map Boundary Determination (MBD2024-00001). **Policy 1.5.1** outlines the permitted uses within the Wetlands future land use category, which include very low-density residential uses and recreation that will not adversely impact the ecological functions of wetlands. **Objective 1.5** is reproduced below.

***OBJECTIVE 1.5: WETLANDS.** Designate on the Future Land Use Map those lands that are identified as Wetlands in accordance with § 373.019(27), Fla. Stat. through the use of the unified state delineation methodology described in Fla. Admin. Code R. 62-340, as ratified and amended in § 373.4211, Fla. Stat.*

***POLICY 1.5.1:** Permitted land uses in Wetlands consist of very low-density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 124. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII.*

The property will continue to have a mixture of Intensive Development and Wetlands future land use categories. Requirements and standards pertaining to development within or adjacent to state-designated wetlands within the subject property are not changed by the proposed amendment.

### **Community Plan Area**

In addition to the future land use categories mentioned above, the subject property is located within the North Fort Myers Community Plan Area, which is generally located north of the Caloosahatchee River, west of Interstate 75 (I-75), and east of the City of Cape Coral. Lee Plan Goal 30, reproduced below, describes the North Fort Myers Community Plan Area.

**GOAL 30: NORTH FORT MYERS COMMUNITY PLAN.** *Improve the livability and economic vitality in the North Fort Myers Community Plan area by: promoting compact, mixed use development in the form of town and neighborhood centers; attracting appropriate investment to revitalize older neighborhoods and commercial corridors; stabilizing and enhancing, existing neighborhoods; and preserving natural resources.*

Goal 30 is divided into six objectives, each with supporting policies, that address neighborhoods and housing, transportation, community facilities and services, parks, recreation, and conservation, and the downtown waterfront. Under this goal and LDC Section 33-1566, the subject property is considered part of the Corridor Overlay District.

**Planning District**

The subject property is located in the North Fort Myers Planning District (District 19), which allocates 376 acres to the Intensive Development future land use category and no acreage to the Wetlands future land use category for residential development. District 19 allocates 1,121 acres for commercial use and 244 acres for industrial use. The proposed amendment will not change the future land use categories and, therefore, will not require a change to the total acreage allocations in the North Fort Myers Planning District. Additionally, the applicant’s companion rezoning includes commercial and residential uses, of which the District contains adequate allocation capacity.

**Surrounding Properties**

The subject property is comprised of four parcels and is located at the intersection of Tamiami Trail and Brooks Road. There is existing development on a ±0.11-acre parcel adjacent to the subject property. Additionally, the Florida Department of Transportation owns two parcels that cut into the subject property, which are used for stormwater attenuation. The proposed amendment will not change any overlays or future land use categories on the adjacent parcels.

**TABLE 1: SURROUNDING PROPERTY INFORMATION**

	<b>Future Land Use</b>	<b>Overlay</b>	<b>Zoning</b>	<b>Existing Use</b>
<b>North</b>	Intensive Development, Central Urban, and Wetlands	-	C-1, TFC-2, & RS-1	Vacant, Duplex, & Single-Family Residential
<b>East</b>	Central Urban and Wetlands	-	TFC-2 & RS-1	Single-Family Residential
<b>South</b>	Intensive Development	Mixed Use Overlay	C-2 & RM-2	Multi-Family Residential, Vacant, & Commercial
<b>West</b>	Intensive Development	-	C-1, CPD, & AG-2	Commercial & Vacant

**PROCEDURAL REQUIREMENTS**

The Lee Plan is Lee County’s comprehensive plan, which provides the long-term vision for development in the county. Florida Statutes require comprehensive plans to include certain topics as elements. The Lee Plan divides these elements into chapters, which are further supported by goals, objectives, standards, and policies. Lee Plan Chapter XIII, entitled Administration, section “d” addresses Amendments to the Plan. The applicable paragraph is reproduced below.

*This plan, including the Future Land Use Map, may be amended in accordance with Florida Statutes and administrative procedures adopted by the Board of County Commissioners in Lee County Administrative Code 13-6. In accordance with § 163.3177(1)(f), Fla. Stat., all amendments must be based upon relevant and appropriate data and analysis.*

Lee County Administrative Code 13-6 establishes procedures for amendments to the Lee Plan, including notice requirements and provisions for public participation during the amendment process. The subject application requests privately initiated map amendments to the Lee Plan, meaning it has been requested by an entity other than the County and follows the amendment process described in Florida Statutes section 163.3184. **The applicant has met the procedural requirements in AC 13-6.**

Because the applicant is proposing a map designation within a Community Plan Area, one public information meeting is required prior to the application being found sufficient under Lee Plan Policy 17.3.2. The applicant has provided a summary, sign-in sheets, public notice, and agenda for the community meeting held at the North Fort Myers Recreation Center on April 2, 2024, at 6:00 pm. **The applicant has met the public input requirements of Lee Plan Objective 17.1.**

Under the Florida Statutes, the proposed amendment to Map 1-C, which is part of the Future Land Use Map series, is considered a small-scale map amendment and will follow the state review process under F.S. 163.3187.

The proposed addition to the MUO totals approximately 20.2 acres, well below the 50-acre threshold for small-scale amendments, and no text amendments are proposed. **The proposed amendments are small-scale amendments under F.S. 163.3187**, which will require one public hearing before the Local Planning Agency for recommendation to the BOCC and one adoption hearing with the BOCC.

Small-scale development amendments may not become effective until 31 days after adoption. If challenged within 30 days after adoption, small-scale development amendments may not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining that the adopted small-scale development amendment is in compliance.

### **LEE PLAN ANALYSIS**

The comprehensive plan applies to all land use decisions within unincorporated Lee County. Where goals, objectives, standards, or policies of particular elements conflict, those conflicts will be resolved based on an analysis of the Lee Plan as a whole. The Lee Plan analysis included in this staff report outlines the proposed amendments in relation to the most applicable Lee Plan goals, objectives, and policies to determine their appropriateness.

As previously stated, Lee Plan **Policy 1.1.2** is the most intense future land use category, promoting mixed-use developments on suitable lands within this category. The proposed amendment to incorporate the subject property into the MUO further facilitates mixed-use development on the subject property, **consistent with the Intensive Development future land use category.**

**Objective 2.2** directs new growth to areas where “adequate public facilities exist or are assured and where compact and contiguous development patterns can be created”. The subject property is located in an area with existing public facilities. The development of this property will ensure continued compact development patterns, **consistent with Objective 2.2.**

**Objective 11.1** provides that mixed-use development should be allowed and encouraged “within certain future land use categories and at appropriate locations where sufficient infrastructure exists to support development”. **Adding the subject property to the Mixed Use Overlay will allow and encourage a mixed-use form of development, consistent with Objective 11.1.**

Expansion of the Mixed Use Overlay depends upon several criteria specifically addressed in **Policy 11.2.1**. Generally, these criteria include maintaining continued pedestrian and automobile connections, locating within specific future land use categories, and providing adequate access to public facilities and infrastructure. Policy 11.2.1 is reproduced below with an analysis of each criterion to follow.

***POLICY 11.2.1:** The Mixed Use Overlay identifies locations where mixed use development will have a positive impact on transportation facilities through increased transit service, internal trip capture, and reduced travel distance. Requests to expand the Mixed Use Overlay will be evaluated based on all of the following criteria:*

- 1. Located within the extended pedestrian shed of established transit routes; and,*
- 2. Distinct pedestrian and automobile connections to adjacent uses can be achieved without accessing arterial roadways; and,*
- 3. Located within the Intensive Development, Central Urban, or Urban Community future land use categories; and,*
- 4. Availability of adequate public facilities and infrastructure; and*
- 5. Will not intrude into predominantly single-family residential neighborhoods.*

**Proximity to Transit.** LeeTran Route 595 runs next to the subject property, serving bus stops 10471 and 10472, both of which are within the extended pedestrian shed of the subject property. **The Subject property meets this requirement of the MUO.**

**Pedestrian and Automobile Connections.** The subject property is adjacent to or within walking distance of multiple uses, including hotels, restaurants, entertainment, and retail establishments. There is an existing sidewalk network adjacent to the subject property that connects it to the businesses along Tamiami Trail. **The subject property provides distinct pedestrian and vehicular connections.**

**Future Land Use Category.** The portion of the subject property that will be incorporated into the Mixed Use Overlay is within the Intensive Development future land use category, **consistent with the Policy 11.2.1 requirement.** A portion of the subject property is within the Wetlands future land use category. This portion does not meet the requirements of Policy 11.2.1 and, therefore, was not included in the proposed amendment.

**Public facilities and infrastructure.** The subject property has existing connections to public utilities, and the applicant has provided letters of availability for Lee County Solid Waste, Lee County Sheriff's Office, Lee County EMS, Lee County LeeTran, and Lee County School District, verifying their ability to serve the site. **The subject property meets the criteria to have adequate public utilities and infrastructure available on-site.**

**Single-Family Residential.** Much of the eastern portion of the subject property is designated as the Wetlands future land use category, and any impacts to lands designated Wetlands will be subject to a maximum density of one dwelling unit per twenty acres per Objective 1.5. The calculation of density in impacted Wetlands encourages the developer to cluster the new structures closer to North Tamiami Trail,

away from the existing single-family neighborhood located across Powell Creek from the subject property. Additionally, the proposed extension of the MUO is limited to the portion of the property within the Intensive Development future land use category. The Wetlands portion of the site will remain and act as a buffer between the MUO portion and the residential areas on the other side of Powell Creek. **The proposed MUO extension does not intrude into areas of predominantly single-family development and therefore meets this criterion.**

**The proposed MUO extension meets all of the requirements of Lee Plan Policy 11.2.1.**

**Goal 30** of the Lee Plan outlines the vision for the North Fort Myers Community Plan Area. The proposed amendment promotes Goal 30 and the intent to improve the livability and economic vitality of North Fort Myers by promoting compact and mixed-use development, attracting appropriate investment to the commercial corridor, and preserving natural resources by excluding large portions of wetlands on the property from the request.

According to the Lee County Land Development Code Section 33-1537, the subject property is included within the definition of “commercial corridor”. **Policy 30.2.5** indicates that stricter requirements for certain development criteria in the Land Development Code apply to areas within this corridor. Additionally, certain development standards cannot be deviated from unless variance criteria are met, providing greater assurance regarding the nature of future development of the subject property.

**Policy 30.2.6** allows properties within the commercial corridor to utilize the development standards of the Mixed Use Overlay. This is interpreted to mean the standards for aspects such as parking, open space, and buffering allowed in the Mixed Use Overlay would also be allowed on the subject property. The proposed amendment will also allow the subject property to calculate density from the commercial areas of the project, which is not currently allowed under Policy 30.2.6 for properties not within the Mixed Use Overlay.

The subject property is also within the county’s Coastal High Hazard Area. **Policy 101.1.4** addresses the requirements of comprehensive plan amendments within the CHHA. This policy is reproduced below.

***POLICY 101.1.4:** Require that comprehensive plan amendments which increase density within the Coastal High Hazard Area or on islands meet one of the following criteria in accordance with § 163.3178(8), Fla. Stat.:*

- 1. Will not result in an out of County hurricane evacuation time that exceeds 16 hours for a Category 5 storm event (Level E storm surge threat); or*
- 2. Will maintain a 12 hour evacuation time to shelter for a Category 5 storm event (Level E storm surge threat) and ensure shelter space is available to accommodate the additional population; or*
- 3. Will provide appropriate mitigation as determined by Lee County Department of Public Safety, to satisfy both criteria above, which may include the payment of money or construction of hurricane shelters and transportation facilities.*

The proposed amendment does not change the future land use categories depicted on Lee Plan Map 1-A, which determines density allowances. However, it does change how density is calculated. Because the MUO allows for all portions of the property within the MUO to be used in the density calculations instead of segregating the calculations to the different use areas, the resulting project with a horizontal mixing of uses may contain more residential density than would be permitted on just the residential portion without

the MUO. However, the potential maximum allowable residential density of the site is unchanged with the proposed amendment. **Therefore, the proposed change is not inconsistent with Lee Plan Policies 101.1.4 and 101.3.6, as the MUO does not grant any additional density, and all proposed density would require flood and storm mitigation.**

### **PUBLIC FACILITIES AND INFRASTRUCTURE**

The lands on the subject property within the Intensive Development future land use category are located along major arterial roadways and have access to public services.

Analysis of the applicant's Traffic Impact Study by Lee County Department of Transportation indicates that the proposed amendments do not increase the traffic from the current Lee Plan allowable uses. Transportation concurrency is non-regulatory, as per Florida Statutes Section 163.3180 and Lee Plan Policy 95.1.3, which states, "Compliance with non-regulatory LOS standards will not be a requirement for continued development permitting, but will be used for facility planning purposes."

The subject property is within Lee County Utilities' (LCU) potable water service area and the Florida Governmental Utility Authority's wastewater (sewer) service area. FGUA currently has sewer infrastructure in place at the site and has provided the applicant with a letter of availability dated April 11, 2024, stating the capacity to serve the proposed development. LCU currently has potable water lines in operation adjacent to the site and has provided a letter of availability dated March 5, 2024.

Site-specific impacts on public services and the availability of services will be examined in any future development applications for construction on the impacted site.

- Fire: North Fort Myers Fire District, Station 2, located at 1280 Barrett Rd., is approximately 3.1 miles away. According to a letter dated April 3, 2024, the North Fort Myers Fire Department has no objection to this amendment and can adequately protect this property
- Emergency Medical Services: There are two ambulances located 1.0 miles south of the property. EMS service availability for the proposed development of this property is adequate at this time.
- Police: Lee County Sheriff's Office, located at 121 Pondella Rd, is approximately 1.3 miles away. According to a letter from the Lee County Sheriff's Office, dated April 2, 2024, the amendment will not affect the Agency's ability to provide law enforcement services.
- Solid Waste: The property is within Lee County Solid Waste Franchise Area 5 and is served by Waste Pro. According to a letter from Lee County's Solid Waste Department, dated April 2, 2024, solid waste is not opposed to the proposed amendment.
- Public Transit: According to a letter from LeeTran, dated August 14, 2025, the proposed development is within one-quarter mile of a fixed-route corridor, and the closest bus stop is #10471.
- Schools: The property is within the Lee County School District West Zone, District Area 5. According to a letter from the School District of Lee County, dated April 11, 2024, the proposed project will not negatively impact school capacity.

### **CONCLUSIONS**

Staff has reviewed the proposed amendment and provides the following conclusions:

- The subject property meets all of the requirements in Policy 11.2.1 for the Mixed Use Overlay.

- The incorporation of the subject property within the MUO does not increase the maximum potential density of the subject property and is therefore not inconsistent with Goal 101.
- Utilities and infrastructure are in place with no availability issues for redevelopment of the subject property.
- The applicant has provided all of the required documentation for the proposed amendments according to AC 13-6.

For the reasons discussed in this staff report, staff recommends that the Board of County Commissioners **adopt** the proposed amendment as shown in Attachment 1.

**PART 2  
LOCAL PLANNING AGENCY  
REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: August 25, 2025

**A. LOCAL PLANNING AGENCY REVIEW**

The applicant’s representatives provided a presentation addressing the requested amendments, the subject property, surrounding uses, and consistency with the Lee Plan.

Following this, staff made a presentation addressing the requested amendments, consistency with the Lee Plan, and staff recommendations.

Members of the LPA inquired about the transit availability on-site. Staff also provided some clarification on the approval processes, DOT and stormwater requirements, and the intent of Lee Plan Policy 5.1.2 after public comment.

Four members of the public spoke against the project at the meeting, expressing concerns about flooding, traffic, and the environment.

**B. LOCAL PLANNING AGENCY RECOMMENDATION**

A motion was made to recommend that the Board of County Commissioners (BoCC) **adopt** CPA2024-00006. The motion passed 4 to 0.

<b>RAYMOND BLACKSMITH</b>	<b>ABSENT</b>
<b>DUSTIN GARDNER</b>	<b>AYE</b>
<b>DAWN RUSSELL</b>	<b>AYE</b>
<b>JENNIFER SAPEN</b>	<b>AYE</b>
<b>DON SCHROTENBOER</b>	<b>ABSENT</b>
<b>STAN STOUDE</b>	<b>AYE</b>
<b>HENRY ZUBA</b>	<b>ABSENT</b>

**C. STAFF RECOMMENDATION**

Staff recommends that the BoCC **adopt** the proposed amendment as provided in Attachment 1.

**PART 3  
BOARD OF COUNTY COMMISSIONERS  
ADOPTION HEARING**

DATE OF PUBLIC HEARING: November 5, 2025

**A. BOARD REVIEW:**

Staff provided a brief presentation for the proposed amendment, which included LPA and staff recommendations, as well as an overview of the proposed amendment and its consistency with the Lee Plan.

Multiple members of the public spoke concerning the proposed amendments. One member of the public spoke in favor of the project associated with the proposed amendment. The others did not support the projects associated with the proposed amendment, citing concerns with traffic, stormwater, and the environment.

**B. BOARD ACTION:**

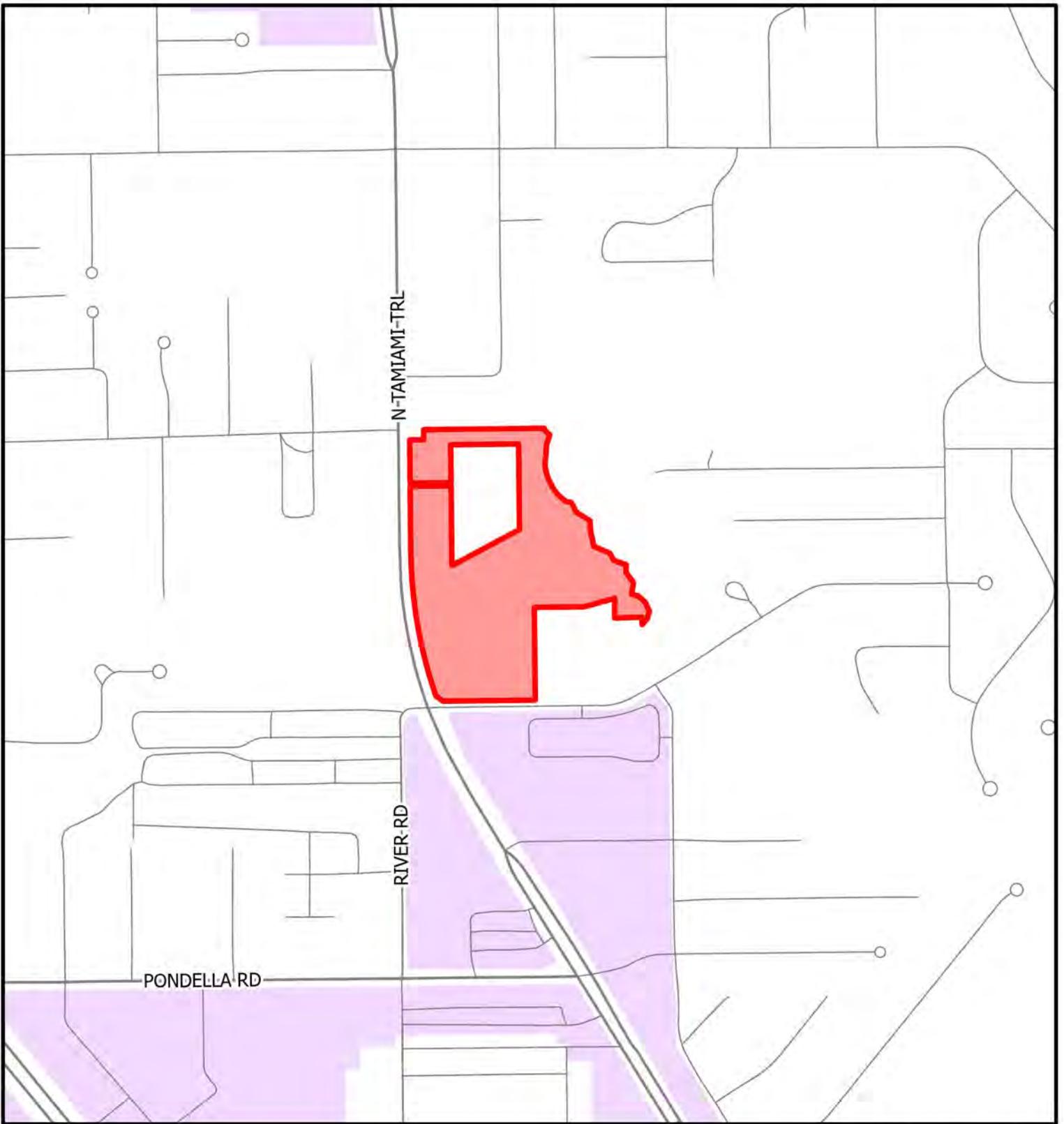
A motion was made to **ADOPT** CPA2024-00006 as recommended by staff and the LPA. The motion passed 3 to 0.

**MOTION DETAILS**

<b>BRIAN HAMMAN</b>	<u>AYE</u>
<b>CECIL PENDERGRASS</b>	<u>AYE</u>
<b>DAVID MULICKA</b>	<u>ABSENT</u>
<b>KEVIN RUANE</b>	<u>AYE</u>

# **ATTACHMENT 1**

➤ **Map 1C Mixed Use Overlay**

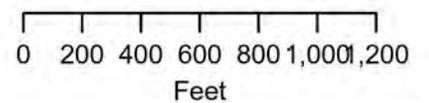
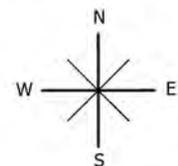


CPA2024-00006

Mixed Use Overlay



- Existing Mixed Use Overlay
- Proposed Mixed Use Overlay
- Subject Property



Map Generated: July 2025



**43 Barkley Circle, Suite 200  
Fort Myers, FL 33907  
Phone 239-433-4231 Fax 239-433-9632  
www.tdmcivilengineering.com  
Certificate of Authorization # 29086**

April 25, 2024

Brandon Dunn  
Planning Manager  
**Lee County Department of Community Development**  
1500 Monroe Street  
Fort Myers, FL 33901

**Reference: Application for Comprehensive Plan Amendment - Map  
± 20.2-acres at 1460, 1470, 1456, and 1450 N. Tamiami Trail  
Lee County S2-T44S-R24E**

Dear Mr. Dunn,

Attached herewith is a completed application and associated support material for a Comprehensive Plan Amendment – Map. The Applicant is requesting to amend Lee Plan Map 1-C by adding 20.2 acres of the subject property into the Mixed Use Overlay.

Please find attached the following items in relation to this application:

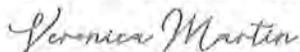
1. One (1) copy of the completed Application for a Comprehensive Plan Amendment – Map, Exhibit M1;
2. One (1) copy of the notarized Disclosure of Interest Affidavit, Exhibit M2;
3. One (1) copy of the Surrounding Property Owners List, Mailing Labels and Map for all parcels within 500 feet of the Subject Property, Exhibit M3;
4. One (1) copy of the Existing and Proposed Future Land Use Map 1-C, Exhibit M4;
5. One (1) copy of the Map and Description of Existing Land Uses of the Subject Property and Surrounding Properties, Exhibit M5;
6. One (1) copy of the Map and Description of Existing Zoning of the Subject Property and Surrounding Properties, Exhibit M6;
7. One (1) signed and sealed Legal Description and Sketch of the Description for each FLUC Proposed, Exhibit M7;
8. One (1) copy of the Warranty Deed of the Subject Property, Exhibit M8;
9. One (1) copy of the Aerial Map showing the Subject Property and Surrounding Properties, Exhibit M9;

10. One (1) copy of the Authorization Letter from the Property Owner(s) Authorizing the Applicant to Represent the Owner, Exhibit M10;
11. One (1) copy of the Proposed Amendment, Exhibit M11;
12. One (1) copy of the Lee Plan Analysis, Exhibit M12;
13. One (1) copy of the Environmental Impacts Analysis, Exhibit M13;
14. One (1) copy of the Historic Resources Impact Analysis, Exhibit M14;
15. One (1) copy of the Public Facilities Impacts Analysis, Exhibit M15;
16. One (1) copy of the Traffic Circulation Analysis, Exhibit M16;
17. One (1) copy of the Existing and Future Conditions Analysis – Sanitary Sewer, Potable Water, Surface Water/Drainage Basins, Parks and Rec, Open Space, Public Schools, Exhibit M17;
18. One (1) copy of the Letter of Determination for the Adequacy/Provision of Existing/Proposed Support Facilities – Fire Protection/Emergency Medical Services, Law Enforcement, Solid Waste, Mass Transit, Lee County Schools, Exhibit M18;
19. One (1) copy of the State Policy Plan and Regional Policy Plan, Exhibit M19;
20. One (1) copy of the Justification of Proposed Amendment, Exhibit M20; and
21. One (1) copy of the Planning Communities/Community Plan Area Requirements, Exhibit M21.

Your time and attention to this matter is greatly appreciated. Should County staff require additional information or have any questions regarding this submittal, please feel free to contact this office.

Sincerely,

**TDM CONSULTING, INC.**



Veronica Martin  
Senior Planner



# EXHIBIT M1

## APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT - MAP

**Project Name:** Horizon Tamiami

**Project Description:** Amend Lee Plan Map 1-C, request to add 20.16 acres of the subject property to the Mixed Use Overlay.

**Map(s) to Be Amended:** 1-C

**State Review Process:**  Small-Scale Review  State Coordinated Review  Expedited State Review

**1. Name of Applicant:** Horizon Tamiami, LLC

Address: 5 Corporate Dr #105

City, State, Zip: Central Valley, NY 10917

Phone Number: 941-274-1355

E-mail: trossi@redburndev.com

**2. Name of Contact:** Veronica Martin, TDM Consulting, Inc.

Address: 43 Barkley Cir, Suite 200

City, State, Zip: Fort Myers, FL 33907

Phone Number: 239-433-4231

E-mail: vmartin@tdmconsulting.com

**3. Owner(s) of Record:** Horizon Tamiami, LLC

Address: 5 Corporate Dr #105

City, State, Zip: Central Valley, NY 10917

Phone Number: 941-274-1355

E-mail: trossi@redburndev.com

**4. Property Location:**

1. Site Address: 1460, 1470, 1456 and 1450 N Tamiami Tr, North Fort Myers 33903

2. STRAP(s): 02-44-24-03-0000B.0010, -00001.0200, -00001.0210 and -02-44-24-03-0000B.0320

**5. Property Information:**

Total Acreage of Property: 27.36 ac

Total Acreage Included in Request: 20.16 ac

Total Uplands: 20.16 ac

Total Wetlands: 7.20 ac

Current Zoning: RS-1, C-1, and CG

Current Future Land Use Category(ies): Intensive Development and Wetlands

Area in Each Future Land Use Category: Intensive Development: 20.16 ac and Wetlands: 7.20 ac

Existing Land Use: Vacant/undeveloped

**6. Calculation of maximum allowable development under current Lee Plan:**

Residential Units/Density: 14 du/ac  
22 du/ac with bonus density

Commercial Intensity: 10,000 sf/ac  
based on average calculations

Industrial Intensity: none

**7. Calculation of maximum allowable development with proposed amendments:**

Residential Units/Density: 14 du/ac  
22 du/ac with bonus density

Commercial Intensity: 10,000 sf/ac  
based on average calculations

Industrial Intensity: none

## **Public Facilities Impacts**

NOTE: The applicant must calculate public facilities impacts based on the maximum development.

**1. Traffic Circulation Analysis:** The analysis is intended to determine the effect of the land use change on the Financially Feasible Highway Plan Map 3A (20-year plus horizon) and on the Capital Improvements Element (5-year horizon). Toward that end, an applicant must submit a Traffic Impact Statement (TIS) consistent with Lee County Administrative Code (AC)13-17.

- a. Proposals affecting less than 10 acres, where development parameters are contained within the Traffic Analysis Zone (TAZ) or zones planned population and employment, or where there is no change in allowable density/intensity, may be eligible for a TIS requirement waiver as outlined in the Lee County TIS Guidelines and AC-13-17. Identification of allowable density/intensity in order to determine socio-economic data for affected TAZ(s) must be coordinated with Lee County Planning staff. Otherwise a calculation of trip generation is required consistent with AC-13-17 and the Lee County TIS Guidelines to determine required components of analysis for:
  - i. Total peak hour trip generation less than 50 total trip ends – trip generation.
  - ii. Total peak hour trip generation from 50 to 300 total trip ends – trip generation, trip distribution and trip assignment (manual or Florida Standard Urban Transportation Modeling Structure (FSUTMS) analysis consistent with AC-13-17 and TIS Guidelines), short-term (5 year) and long-range (to current Lee Plan horizon year) segment LOS analysis of the nearest or abutting arterial and major collector segment(s) identified in the Transportation Inventory based on the trip generation and roadway segment LOS analysis criteria in AC-13-17. A methodology meeting is recommended prior to submittal of the application to discuss use of FSUTMS, any changes to analysis requirements, or a combined CPA and Zoning TIS short term analysis.
  - iii. Total peak hour trip generation is over 300 total trip ends - trip generation, mode split, trip distribution and trip assignment (manual or FSUTMS analysis consistent with AC-13-17 and TIS Guidelines), short-term (five-year) and long-range (to current Lee Plan horizon year) segment LOS analysis of arterial and collector segments listed in the Transportation Inventory. LOS analysis will include any portion of roadway segments within an area three miles offset from the boundary of the application legal description metes and bounds survey. LOS analysis will also include any additional segments in the study area based on the roadway segment LOS analysis criteria in AC-13-17. A methodology meeting is required prior to submittal of the application.
- b. Map amendment - greater than 10 acres -Allowable density/intensity will be determined by Lee County Planning staff.

**2. Provide an existing and future conditions analysis for the following (see Policy 95.1.3):**

- a. Sanitary Sewer
- b. Potable Water
- c. Surface Water/Drainage Basins
- d. Parks, Recreation, and Open Space
- e. Public Schools

**Analysis for each of the above should include (but is not limited to) the following (see the Lee County Concurrency Management Report):**

- a. Franchise Area, Basin, or District in which the property is located
- b. Current LOS, and LOS standard of facilities serving the site
- c. Projected 2030 LOS under existing designation
- d. Projected 2030 LOS under proposed designation
- e. Existing infrastructure, if any, in the immediate area with the potential to serve the subject property
- f. Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements
- g. Provide a letter of service availability from the appropriate utility for sanitary sewer and potable water

**In addition to the above analysis, provide the following for potable water:**

- a. Determine the availability of water supply within the franchise area using the current water use allocation (Consumptive Use Permit) based on the annual average daily withdrawal rate.
- b. Include the current demand and the projected demand under the existing designation, and the projected demand under the proposed designation.
- c. Include the availability of treatment facilities and transmission lines for reclaimed water for irrigation.
- d. Include any other water conservation measures that will be applied to the site (see Goal 54).

**3. Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including:**

- a. Fire protection with adequate response times
- b. Emergency medical service (EMS) provisions
- c. Law enforcement
- d. Solid Waste
- e. Mass Transit
- f. Schools

In reference to above, the applicant must supply the responding agency with the information from application items 5, 6, and 7 for their evaluation. This application must include the applicant's correspondence/request to the responding agency.

**Environmental Impacts**

Provide an overall analysis of the character of the subject property and surrounding properties, and assess the site's suitability for the proposed change based upon the following:

1. A map of the Plant Communities as defined by the Florida Land Use Cover and Classification system (FLUCCS).
2. A map and description of the soils found on the property (identify the source of the information).
3. A topographic map depicting the property boundaries and 100-year flood prone areas indicated (as identified by FEMA).
4. A map delineating the property boundaries on the most recent Flood Insurance Rate Map.
5. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.
6. A table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, state or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCCS and the species status (same as FLUCCS map).

**Impacts on Historic Resources**

List all historic resources (including structure, districts, and/or archaeologically sensitive areas) and provide an analysis of the proposed change's impact on these resources. The following should be included with the analysis:

1. A map of any historic districts and/or sites listed on the Florida Master Site File which are located on the subject property or adjacent properties.
2. A map showing the subject property location on the archaeological sensitivity map for Lee County.

**Internal Consistency with the Lee Plan**

1. Discuss how the proposal affects established Lee County population projections, Lee Plan Table 1(b) and the total population capacity of the Lee Plan Future Land Use Map.
2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment or that affect the subject property. This analysis should include an evaluation of all relevant policies under each goal and objective.
3. Describe how the proposal affects adjacent local governments and their comprehensive plans.

**State Policy Plan and Regional Policy Plan**

List State Policy Plan and Regional Policy Plan goals, strategies and actions, and policies which are relevant to this plan amendment.

**Justify the proposed amendment based upon sound planning principles**

Support all conclusions made in this justification with adequate data and analysis.

**Planning Communities/Community Plan Area Requirements**

If located within a planning community/community plan area, provide a meeting summary document of the required public informational session [Lee Plan Goal 17].

**Sketch and Legal Description**

The certified legal description(s) and certified sketch of the description for the property subject to the requested change. A metes and bounds legal description must be submitted specifically describing the entire perimeter boundary of the property with accurate bearings and distances for every line. The sketch must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment) with two coordinates, one coordinate being the point of beginning and the other an opposing corner. If the subject property contains wetlands or the proposed amendment includes more than one land use category a metes and bounds legal description, as described above, must be submitted in addition to the perimeter boundary of the property for each wetland or future land use category.

**SUBMITTAL REQUIREMENTS**

***Clearly label all submittal documents with the exhibit name indicated below.***

***For each map submitted, the applicant will be required to submit a 24"x36" version and 8.5"x11" reduced map for inclusion in public hearing packets.***

**MINIMUM SUBMITTAL ITEMS (3 Copies)**

<input checked="" type="checkbox"/>	Completed Application (Exhibit – M1)
<input checked="" type="checkbox"/>	Disclosure of Interest (Exhibit – M2)
<input checked="" type="checkbox"/>	Surrounding Property Owners List, Mailing Labels, and Map For All Parcels Within 500 Feet of the Subject Property (Exhibit – M3)
<input checked="" type="checkbox"/>	Existing Future Land Use Map (Exhibit – M4)
<input checked="" type="checkbox"/>	Map and Description of Existing Land Uses (Not Designations) of the Subject Property and Surrounding Properties (Exhibit – M5)
<input checked="" type="checkbox"/>	Map and Description of Existing Zoning of the Subject Property and Surrounding Properties (Exhibit – M6)
<input checked="" type="checkbox"/>	Signed/Sealed Legal Description and Sketch of the Description for Each FLUC Proposed (Exhibit – M7)
<input checked="" type="checkbox"/>	Copy of the Deed(s) of the Subject Property (Exhibit – M8)
<input checked="" type="checkbox"/>	Aerial Map Showing the Subject Property and Surrounding Properties (Exhibit – M9)
<input checked="" type="checkbox"/>	Authorization Letter From the Property Owner(s) Authorizing the Applicant to Represent the Owner (Exhibit – M10)
<input checked="" type="checkbox"/>	Proposed Amendments (Exhibit – M11)
<input checked="" type="checkbox"/>	Lee Plan Analysis (Exhibit – M12)
<input checked="" type="checkbox"/>	Environmental Impacts Analysis (Exhibit – M13)
<input checked="" type="checkbox"/>	Historic Resources Impact Analysis (Exhibit – M14)
<input checked="" type="checkbox"/>	Public Facilities Impacts Analysis (Exhibit – M15)
<input checked="" type="checkbox"/>	Traffic Circulation Analysis (Exhibit – M16)
<input checked="" type="checkbox"/>	Existing and Future Conditions Analysis - Sanitary Sewer, Potable Water, Surface Water/Drainage Basins, Parks and Rec, Open Space, Public Schools (Exhibit – M17)
<input checked="" type="checkbox"/>	Letter of Determination For the Adequacy/Provision of Existing/Proposed Support Facilities - Fire Protection, Emergency Medical Service, Law Enforcement, Solid Waste, Mass Transit, Schools (Exhibit – M18)
<input checked="" type="checkbox"/>	State Policy Plan and Regional Policy Plan (Exhibit – M19)
<input checked="" type="checkbox"/>	Justification of Proposed Amendment (Exhibit – M20)
<input checked="" type="checkbox"/>	Planning Communities/Community Plan Area Requirements (Exhibit – M21)

**APPLICANT – PLEASE NOTE:**

Changes to Table 1(b) that relate directly to and are adopted simultaneously with a future land use map amendment may be considered as part of this application for a map amendment.

Once staff has determined the application is sufficient for review, 15 complete copies will be required to be submitted to staff. These copies will be used for Local Planning Agency hearings, Board of County Commissioners hearings, and State Reviewing Agencies. Staff will notify the applicant prior to each hearing or mail out to obtain the required copies.

If you have any questions regarding this application, please contact the Planning Section at (239) 533-8585.

AFFIDAVIT

I, Joseph Niederman, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.

[Signature]  
Signature of Applicant

1/26/2024  
Date

Joseph Niederman  
Printed Name of Applicant

STATE OF new York  
COUNTY OF ORANGE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization on 1/26/24 (date) by Joseph Niederman (name of person providing oath or affirmation), who is personally known to me ~~or who has produced~~ [Signature] (type of identification) as identification.

[Signature]  
Signature of Notary Public

SAMUEL JOSEPH  
Notary Public-State of New York  
No. 01JO0002524  
Qualified in Orange County  
Commission Expires 03/08/2027

(Name typed, printed or stamped)

# EXHIBIT M2

## DISCLOSURE OF INTEREST AFFIDAVIT

BEFORE ME this day appeared Joseph Niederman, who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at 1450, 1456, 1460 and 1470 N. Tamiami Trail, North Fort Myers, Florida 33903 and is the subject of an Application for zoning action (hereinafter the "Property").

2. That I am familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.

[OPTIONAL PROVISION IF APPLICANT IS CONTRACT PURCHASER: In addition, I am familiar with the individuals that have an ownership interest in the legal entity that is under contract to purchase the Property.]

3. That, unless otherwise specified in paragraph 6 below, no Lee County Employee, County Commissioner, or Hearing Examiner has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.

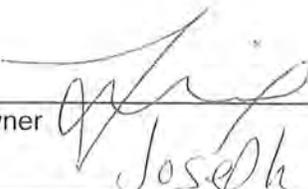
4. That the disclosure identified herein does not include any beneficial Ownership Interest that a Lee County Employee, County Commissioner, or Hearing Examiner may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for sale to the general public.

5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in the Property.

6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

Name and Address	Percentage of Ownership
NONE	
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief.

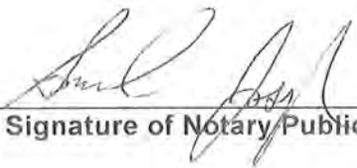
Property Owner   
Print Name Joseph Niederman

\*\*\*\*\*NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS\*\*\*\*\*  
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF NEW YORK  
COUNTY OF ORANGE

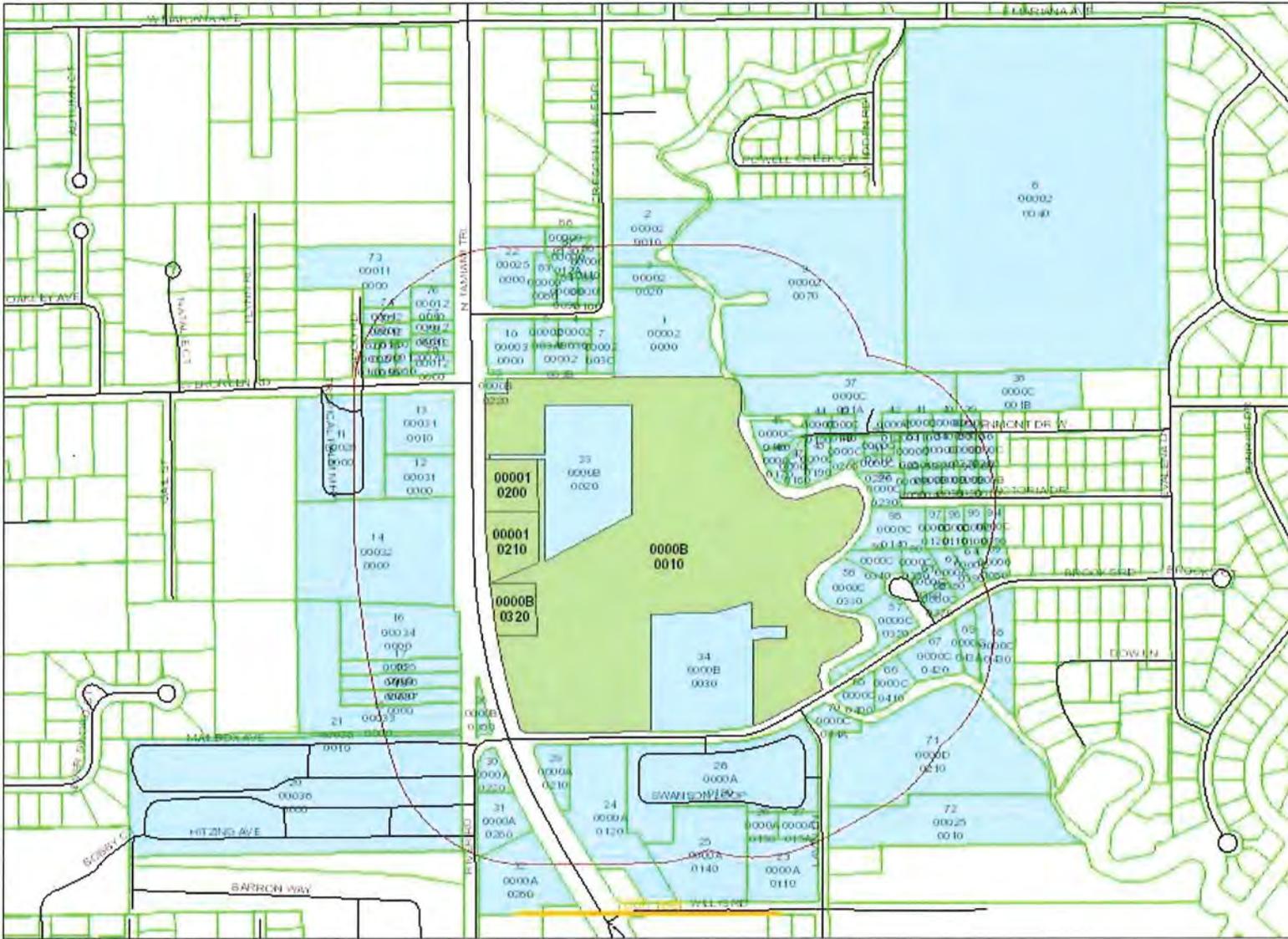
The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, on 1/26/2024 (date) by Joseph Niederman (name of person providing oath or affirmation), who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification.

STAMP/SEAL

  
Signature of Notary Public

SAMUEL JOSEPH  
Notary Public-State of New York  
No. 01JO002524  
Qualified in Orange County  
Commission Expires 03/08/2027

EXHIBIT M3



Date of Report: January 25, 2024

Buffer Distance: 500 feet

Parcels Affected: 99

Subject Parcels: **02-44-24-03-00001.0200, 02-44-24-03-00001.0210, 02-44-24-03-0000B.0010, 02-44-24-03-0000B.0320**

[Click here to download the map image, mailing labels \(Avery 5161\) and CSV formatted information.](#)

To change, add or remove subject parcels please change the parcel selection in [GeoView](#)

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
LEMBO PHYLLIS E + 37 CRESCENT LAKE DR FORT MYERS FL 33917	<b>02-44-24-00-00002.0000</b> 37-41 CRESCENT LAKE DR NORTH FORT MYERS FL 33917	S1/2 OF W1/2 OF W1/2 OF SE 1/4 OF NE1/4 + S1/2 OF SW 1/4 OF NE 1/4 W OF CREEK	1
THREE SEAS ESTATE LLC 12585 NEW BRITTANY BLVD FORT MYERS FL 33907	<b>02-44-24-00-00002.0010</b> 85 CRESCENT LAKE DR NORTH FORT MYERS FL 33917	PARL IN SW 1/4 OF NE 1/4 DESC IN OR 1163 PG 407	2
DAVENPORT DONALD & YOSHIE + 83 CRESCENT LAKE DR NORTH FORT MYERS FL 33917	<b>02-44-24-00-00002.0020</b> 83 CRESCENT LAKE DR NORTH FORT MYERS FL 33917	PARL IN SW 1/4 OF NE 1/4 DESC IN OR 1136 PG 1352	3
DOLL KATHLEEN TR 5123 CALUSA COURT CAPE CORAL FL 33904	<b>02-44-24-00-00002.0030</b> CRESCENT LAKE DR NORTH FORT MYERS FL 33917	PARL IN SW 1/4 OF NE 1/4 DESC IN OR 1126/1057 LESS PARLA .003A + .003B +.003C	4
HAMOR PHYLLIS TR 2631 NE 24TH AVE CAPE CORAL FL 33909	<b>02-44-24-00-00002.003A</b> 17/19 CRESCENT LAKE DR NORTH FORT MYERS FL 33917	PARL IN SW 1/4 OF NE 1/4 DESC OR 1469 PG 60	5

DOLL KATHLEEN TR 5123 CALUSA COURT CAPE CORAL FL 33904	<b>02-44-24-00-00002.003B</b> 21-27 CRESCENT LAKE DR NORTH FORT MYERS FL 33917	PARL IN SW 1/4 OF NE 1/4 DESC OR 2468 PG 0210	6
DOLL KATHLEEN TR 5123 CALUSA COURT CAPE CORAL FL 33904	<b>02-44-24-00-00002.003C</b> 29-35 CRESCENT LAKE DR NORTH FORT MYERS FL 33917	PARL IN SW 1/4 OF NE 1/4 DESC OR 2468 PG 0199	7
LEE COUNTY ELECTRIC CO-OP INC PO BOX 3455 NORTH FORT MYERS FL 33918	<b>02-44-24-00-00002.0040</b> 141 E MARIANA AVE NORTH FORT MYERS FL 33917	E 1/2 OF SE 1/4 OF NE 1/4 + E 1/2 OF W 1/2 OF SE 1/4 OF NE 1/4	8
FULLENKAMP DENNIS J TR 3405 HANCOCK BRIDGE PKWY STE A NORTH FORT MYERS FL 33903	<b>02-44-24-00-00002.0070</b> ACCESS UNDETERMINED NORTH FORT MYERS FL	S1/2 OF W1/2 OF W1/2 OF SE 1/4 OF NE1/4 + S1/2 OF SW 1/4 OF NE 1/4 E OF CREEK	9
HOWARD SHARON 12584 IVORY ST FORT MYERS FL 33913	<b>02-44-24-00-00003.0000</b> 1526 N TAMIAMI TRL NORTH FORT MYERS FL 33903	S 210 FT OF W 210 FT OF SW 1/4 OF SW 1/4 OF NE 1/4 LES R/W OR2347/759	10
ZALLY AND CHARLIE LLC 602 CENTER ST FORT MYERS FL 33907	<b>02-44-24-00-00028.0000</b> 45 EVERGREEN RD NORTH FORT MYERS FL 33903	S 400 FT OF N 450 FT OF W 342 FT OF E 654 FT OF NE 1/4 OF SW 1/4 AKA TROPICAL PALM TRAILER PK	11
SOUTHERN RUSH BAR LLC 1475 N TAMIAMI TR FORT MYERS FL 33903	<b>02-44-24-00-00031.0000</b> 1475 N TAMIAMI TRL NORTH FORT MYERS FL 33903	S 160.5 FT OF N 210.5 FT OF W 261.5 FT OF E 315.5 FT OF N E 1/4 OF S W 1/4	12
BHAKTA AMRATBHAI D & 1499 N TAMIAMI TRL NORTH FORT MYERS FL 33903	<b>02-44-24-00-00031.0010</b> 1499 N TAMIAMI TRL NORTH FORT MYERS FL 33903	FROM NE COR OF SW 1/4 TH W 54 FT/S 50 FT TO POB TH S 239/W 261/N 233/E 261 TO POB	13
ANNPAQ2 LLC 1402 SW 53RD LN CAPE CORAL FL 33914	<b>02-44-24-00-00032.0000</b> 1451 N TAMIAMI TRL NORTH FORT MYERS FL 33903	PARL IN N E 1/4 OF S W 1/4 DESC IN OR 3 PG 452	14
PREMIER RIVER ROAD GROUP LLC 1 S 443 SUMMIT AVE 302 OAKBROOK TERRACE IL 60181	<b>02-44-24-00-00033.0000</b> 1327 RIVER RD NORTH FORT MYERS FL 33903	S E 1/4 OF N E 1/4 OF S W 1/4 LESS PARL 32 + 34 THRU 37	15
MG4 INC 68 PONDELLA RD NORTH FORT MYERS FL 33903	<b>02-44-24-00-00034.0000</b> 1441 N TAMIAMI TRL NORTH FORT MYERS FL 33903	PARL IN N E 1/4 OF S W 1/4 DESC IN OR 1002 PG 1452	16
AGHA ENTERPRISE LLC + 1389 N TAMIAMI TRL NORTH FORT MYERS FL 33903	<b>02-44-24-00-00035.0000</b> 1389 N TAMIAMI TRL NORTH FORT MYERS FL 33903	N 50.43 FT OF S 267 FT OF W 450 FT OF E 494 FT OF N E 1/4 OF S W 1/4	17
PREMIER FLORIDA GROUP LLC 1 S 443 SUMMIT AVE 302 OAKBROOK TERRACE IL 60181	<b>02-44-24-00-00036.0000</b> 1343 RIVER RD NORTH FORT MYERS FL 33903	N 58.5 FT OF S 217 FT OF W 450 FT OF E 494 FT OF N E 1/4 OF S W 1/4	18
PREMIER RIVER ROAD GROUP LLC 1 S 443 SUMMIT AVE 302 OAKBROOK TERRACE IL 60181	<b>02-44-24-00-00037.0000</b> 1341 RIVER RD NORTH FORT MYERS FL 33903	N 58.5 FT OF S 158.5 FT OF W 450 FT OF E 494 FT OF N E 1/4 OF S W 1/4	19
PARADISE LIFESTYLES RESORT IV 6108 26TH ST W STE 2 BRADENTON FL 34207	<b>02-44-24-00-00038.0000</b> 1305/1319 RIVER RD NORTH FORT MYERS FL 33903	N 200 FT OF S E 1/4 OF S W 1/4 LESS RD R/W + PARCEL DESC AS: BEG 880 FT N OF SE COR SE 1/4 OF SW 1/4 W 1320 FT N 240 FT E 1320 FT S TO POB AKA TWIN PINES VILLAGE (FOSTERS + PALMS TP)	20
PREMIER RIVER ROAD GROUP LLC 1 S 443 SUMMIT AVE 302 OAKBROOK TERRACE IL 60181	<b>02-44-24-00-00038.0010</b> RIGHT OF WAY NORTH FORT MYERS FL 33903	S 30 FT OF N E 1/4 OF S W 1/4 LESS RD R/W	21
MIRAH BLUE LLC 1308 MIRACLE LN	<b>02-44-24-01-00025.0000</b> 1570 N TAMIAMI TRL	LITTLEGROVES UNIT A PB 9 PG 12 N 100 OFS300 OFW240	22

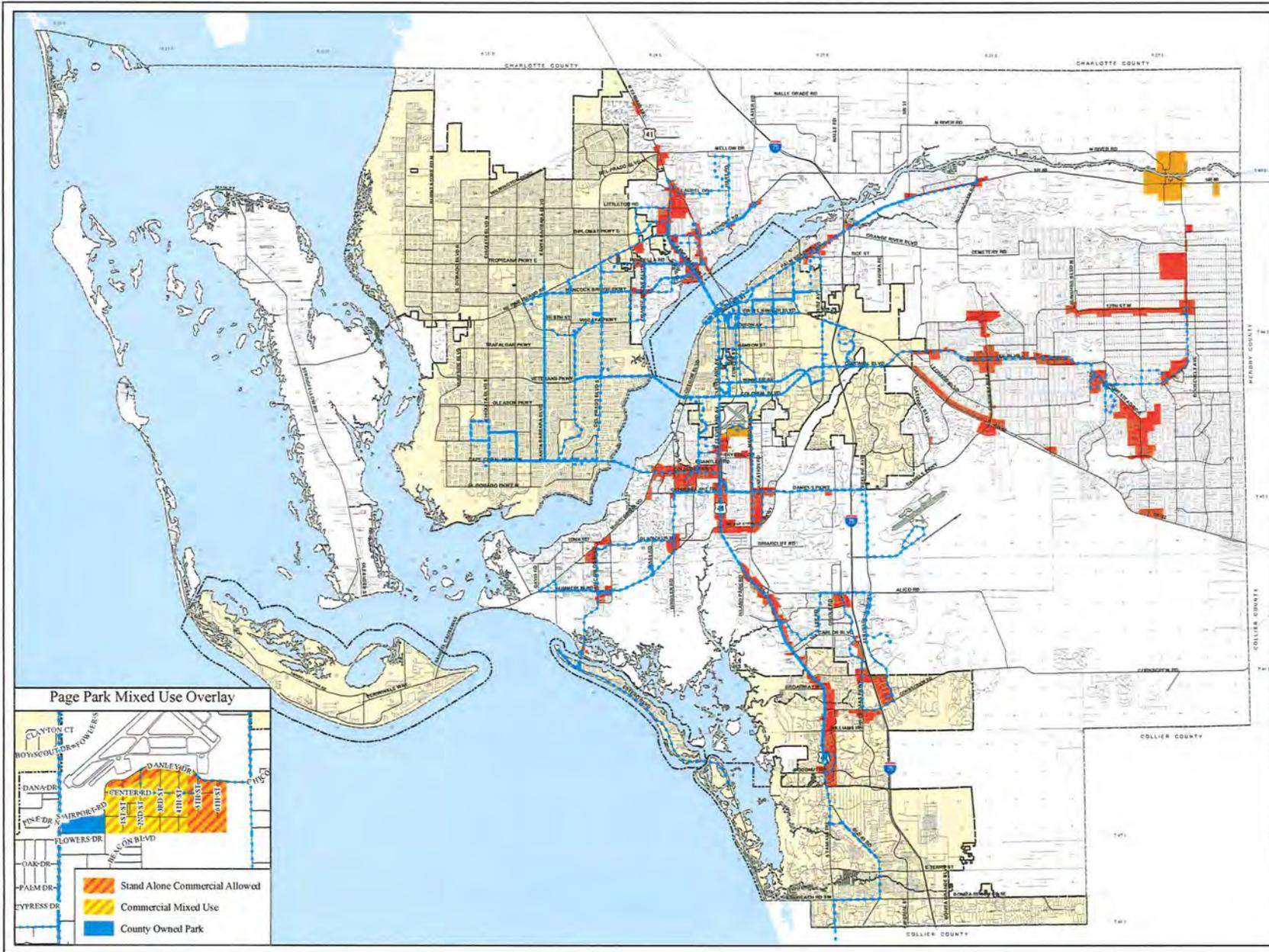
FORT MYERS FL 33901	NORTH FORT MYERS FL 33903	FT LT25 + SABAL PARK PB 9 PG 20 LOTS 6 + 7 LESS ROW OR 2347 PG 744	
NOAH LODGE # 357 F & A M 41 WILLIS RD NORTH FORT MYERS FL 33917	<b>02-44-24-03-0000A.0110</b> 41 WILLIS RD NORTH FORT MYERS FL 33917	TOWN OF KANTZ BLK A PB 1 PG 19 LOTS 11 + 13	23
MERE THOMAS A & VICKI L 1314 N TAMIAMI TRL NORTH FORT MYERS FL 33903	<b>02-44-24-03-0000A.0120</b> 1314 N TAMIAMI TRL NORTH FORT MYERS FL 33917	KANTZ TOWN OF BLK A PB 1 PG 19 PT LTS 27 + 29 + 25 + PAR DESC IN OR 4680/58 + VAC LES R/W OR2962/4190	24
HABITAT FOR HUMANITY OF LEE CO 12751 NEW BRITTANY BLVD #100 FORT MYERS FL 33907	<b>02-44-24-03-0000A.0140</b> 31 WILLIS RD NORTH FORT MYERS FL 33917	KANTZ TOWN OF PB 1/19 BLK A PT LTS 12+14+15+25 ALL 16-23+VAC LESS OR 2347/744 LESS OR 4473/3427 LESS 4680/58 LESS PORTION OF LAND DESC IN INSTRUMENT 2020000074592	25
RICH MICHAEL J TR PO BOX 50549 FORT MYERS FL 33994	<b>02-44-24-03-0000A.0150</b> 1353-1357 LAVIN LN NORTH FORT MYERS FL 33917	KANTZ TOWN OF BLK.A PB 1 PG 19 LOT PT 15	26
3D PROPERTY MANAGEMENT WYOMING 2244 PARKER AVE FORT MYERS FL 33905	<b>02-44-24-03-0000A.015A</b> 1341-1347 LAVIN LN NORTH FORT MYERS FL 33917	FR INTERSECTION OF WLY LI LAVIN LN AND NLY LI WILLIS ST RUN NLY ALG WLY LI OF	27
SWANSON LOOP LLC 4224 RENAISSANCE PRESERVE WAY FORT MYERS FL 33916	<b>02-44-24-03-0000A.0190</b> 4701-4791 SWANSON LOOP NORTH FORT MYERS FL 33917	TOWN OF KANTZ PB 1 PG 19 PORTION BLK A DESC IN INSTRUMENT 2020000074592	28
WESTRA DAVE E & MARY L 1349 SUNRISE DR NORTH FORT MYERS FL 33917	<b>02-44-24-03-0000A.0210</b> 1366 N TAMIAMI TRL NORTH FORT MYERS FL 33903	KANTZ TOWN OF BLK A PB 1 PG 19 AS DESC IN OR 3419 PG 1085 LES R/W OR2347/737	29
SPEEDWAY LLC PROPERTY TAX DEPARTMENT 539 SOUTH MAIN ST FINDLAY OH 45840	<b>02-44-24-03-0000A.0220</b> 1365 N TAMIAMI TRL NORTH FORT MYERS FL 33903	KANTZ TOWN OF BLK A PB 1 PG 19 LOT 22 W OF RD + N 1/2 LES R/W OR2341/304	30
1357 N TAMIAMI TRAIL NFM LLC 16 WINEWOOD CT FORT MYERS FL 33919	<b>02-44-24-03-0000A.0260</b> 1357 N TAMIAMI TRL NORTH FORT MYERS FL 33903	KANTZ TOWN OF BLK A PB 1 PG 19 S1/2 LT24 W OF RD + LTS 26+28LESR/WOR2342/1504	31
LIFE STORAGE LP PO BOX 71870 SALT LAKE CITY UT 84171	<b>02-44-24-03-0000A.0280</b> 1347 N TAMIAMI TRL NORTH FORT MYERS FL 33903	KANTZ TOWN OF BLK A PB1/19 LTS 28 30+ PT LTS27 29 LES R/W 2335/3637	32
STATE OF FL DOT PO BOX 1249 BARTOW FL 33831	<b>02-44-24-03-0000B.0020</b> 1474 N TAMIAMI TRL NORTH FORT MYERS FL 33903	TOWN OF KANTZ PB1/19 PT BLK B DESC OR 2339/3152 WATER STORAGE AREA	33
STATE OF FL DOT PO BOX 1249 BARTOW FL 33831	<b>02-44-24-03-0000B.0030</b> SUBMERGED NORTH FORT MYERS FL 33917	TOWN OF KANTZ PB1/19 PT BLK B DESC OR 2339/3152 WATER STORAGE AREA	34
FIFTEEN TWENTY LLC 1520 N TAMIAMI TRL NORTH FORT MYERS FL 33903	<b>02-44-24-03-0000B.0220</b> 1520 N TAMIAMI TRL NORTH FORT MYERS FL 33903	TOWN OF KANTZ BLK B PB 1 PG 19 W 100 FT OF N 50 FT LOT 22 LESS OR 2454 PG 4076	35
GERALDS LOCKSMITH INC 1383 N TAMIAMI TRL NORTH FORT MYERS FL 33903	<b>02-44-24-03-0000B.0380</b> 1383 N TAMIAMI TRL NORTH FORT MYERS FL 33903	KANTZ TOWN OF BLK B PB 1 PG 19 LTS 38+40W OF TRL LESS R/W OR 2347 PG 744	36
MCKEOWN KIM & JAN 4801 MCKEOWN LN NORTH FORT MYERS FL 33917	<b>02-44-24-03-0000C.001A</b> 4801 MCKEOWN LN NORTH FORT MYERS FL 33917	KANTZ TOWN OF BLK C PB 1 PG 19 LOC IN E 2/3 OF N 1/2 OF N 1/2	37

		OF N 1/2 OF N 1/2 OF SE 1/4 E OF CREEK + PARL IN NE 1/4 OF SE 1/4 SEC 2 T44 R24 RECORDED IN PB 1 P 19	
MCKEOWN PATRICK & 1425 EVALENA LN NORTH FORT MYERS FL 33917	<b>02-44-24-03-0000C.001B</b> MCKEOWN LN NORTH FORT MYERS FL 33917	KANTZ TOWN OF BLK C PB 1 PG 19 PAR IN E 2/3 OF N 1/2 OF N 1/2 OF N 1/2 OF NE 1/4 OF SE 1/4 DESC IN OR 4788 PG 2364	38
PARHAM TIMOTHY J + 2226 SE 2ND ST CAPE CORAL FL 33990	<b>02-44-24-03-0000C.0090</b> 62 GLENMONT DR W NORTH FORT MYERS FL 33917	KANTZ TOWN OF BLK C PB 1 PG 19 W 75 FT OF E 789 2 FT OF	39
KGB PROPERTIES 106 LLC PO BOX 801 MARCO ISLAND FL 34146	<b>02-44-24-03-0000C.0100</b> 68 GLENMONT DR W NORTH FORT MYERS FL 33917	KANTZ TOWN OF BLK C PB 1 PG 19 PT BLK C W 107 FT OF E 886.2 FT	40
WILSON JAMES B 76 GLENMONT DR W NORTH FORT MYERS FL 33917	<b>02-44-24-03-0000C.0110</b> 76 GLENMONT DR W NORTH FORT MYERS FL 33917	TOWN OF KANTZ BLK C W 101 86 FT OF E 997.92 FT OF S 80 FT OF N 233 FT LYING E OF POWELL CREEK LESS S 16 FT FOR EASE TO RD ROW	41
RIVERA ALEX 110 WILLIAMS ST FORT MYERS FL 33916	<b>02-44-24-03-0000C.0120</b> 86 GLENMONT DR W NORTH FORT MYERS FL 33917	TOWN OF KANTZ BLK.C W 96 FT OF E 1093.92 FT OF	42
DAVIS DONALD D & 3251 RUSTIC LANE NORTH FORT MYERS FL 33917	<b>02-44-24-03-0000C.0140</b> 88 GLENMONT DR W NORTH FORT MYERS FL 33917	FR NE COR OF SE 1/4 RUN S 233 FT ALG E LI SD SEC TH W 1193.35 FT TO POB CONT	43
SANDRO BARBARA J TR 90 GLENMONT DR W NORTH FORT MYERS FL 33917	<b>02-44-24-03-0000C.0150</b> 90 GLENMONT DR W NORTH FORT MYERS FL 33917	FR NE COR OF SE 1/4 S 233 W 1288 TO POB THEN W 95 N 80 E 95 S 80 TO POB AKA TRACT 2 PARCEL 6	44
SANDRO MICHAEL LEE TR 93 GLENMONT DR W NORTH FORT MYERS FL 33917	<b>02-44-24-03-0000C.0160</b> 93 GLENMONT DR W NORTH FORT MYERS FL 33917	KANTZ TOWN OF BLK C PB 1 PG 101 PAR DESC OR 785 PG 101 LESS PAR OR 1415 PG120	45
SANDRO MICHAEL J JR & 91 GLENMONT DR W NORTH FORT MYERS FL 33917	<b>02-44-24-03-0000C.0170</b> 91 GLENMONT DR W NORTH FORT MYERS FL 33917	KANTZ TOWN OF BLK C PB 1 PG 119 PAR 1 + 2 DESC IN OR 2861 PG 0575	46
LOPEZ ALEJANDRO RODRIGUEZ 830 SW 101ST AVE MIAMI FL 33174	<b>02-44-24-03-0000C.0180</b> 89 GLENMONT DR W NORTH FORT MYERS FL 33917	BEG 233 FT ST 1375 FT W OF NE COR OF SE 1/4 TH S 44 DEG 32 MIN W 113.14 FT TH	47
ONEILL MICHAEL P 87 GLENMONT DR W NORTH FORT MYERS FL 33917	<b>02-44-24-03-0000C.0190</b> 87 GLENMONT DR W NORTH FORT MYERS FL 33917	FR NE COR SE 1/4 GO S 233 FT TH W 1375 FT TO POB TH E 80 FT TH S 140 M/L TH	48
BIERMANN PAUL & JEAN 85 GLENMONT DR W NORTH FORT MYERS FL 33917	<b>02-44-24-03-0000C.0200</b> 85 GLENMONT DR W NORTH FORT MYERS FL 33917	COMMENCE NE COR SE 1/4 TH S ALG E LI SEC FOR 233 FT TH W 1210.70 FT TH S 15 FT	49
BIERMANN PAUL & JEAN 85 GLENMONT DR WEST NORTH FORT MYERS FL 33917	<b>02-44-24-03-0000C.0210</b> 81 GLENMONT DR W NORTH FORT MYERS FL 33917	FR NE COR SE 1/4 GO S 233 FT TH W 1210 FT + POB TH E 170 FT S 75 FT TH S 82 DEG	50
AIMMACK PROPERTIES LLC 8429 CARDINAL RD FORT MYERS FL 33967	<b>02-44-24-03-0000C.0220</b> 83 GLENMONT DR W NORTH FORT MYERS FL 33917	BEG AT PT 248 FT S OF N LI OF SE 1/4 SEC 2 T 44 R 24 E + 1020 FT W OF E	51
BOESCH URS & EVELINE 13300-56 SOUTH CLEVELAND AV	<b>02-44-24-03-0000C.0230</b> 80 VICTORIA DR NORTH FORT MYERS FL 33917	KANTZ TOWN OF BLK C PB 1 PG 19	52

#700 FORT MYERS FL 33907		PT OF AS DESC 1015/760 + PT OF AS DESC 1825/2974	
BRITO SISI JIMENEZ + 77 GLENMONT DR W NORTH FORT MYERS FL 33917	<b>02-44-24-03-0000C.0250</b> 77 GLENMONT DR W NORTH FORT MYERS FL 33917	TOWN OF KANTZ BLK C W 100 FT OF E 1020.7 FT OF S 127 FT OF N 360 FT LYG E OF POWELL CRK LESS N 15 FT EASE R/W	53
WEEKLY MARK J 1260 SUNRISE DR N FT MYERS FL 33917	<b>02-44-24-03-0000C.0260</b> 69 GLENMONT DR W #A&B NORTH FORT MYERS FL 33917	TOWN OF KANTZ BLK C W 115 FT OF E 920.50 FT OF	54
FULTON BRIAN D PO BOX 100637 CAPE CORAL FL 33910	<b>02-44-24-03-0000C.0270</b> 61 GLENMONT DR W NORTH FORT MYERS FL 33917	TOWN OF KANTZ BLK.C PB 1 PG 19 BEG 360 FT S + 729 W OF	55
WEEKLY MARK 1260 SUNRISE DR N FT MYERS FL 33917	<b>02-44-24-03-0000C.0280</b> 55 GLENMONT DR W NORTH FORT MYERS FL 33917	TOWN OF KANTZ BLK.C PB 1 PG 19 PT OF BLK C DESC OR1918PG343	56
240 LLC 14460 SW 162ND ST MIAMI FL 33177	<b>02-44-24-03-0000C.0320</b> 118 BROOKS RD NORTH FORT MYERS FL 33917	TOWN OF KANTZ BLK C PB 1 PG 19 FR SW COR LOT 8 BARTENS	57
BERRY SANDRA M + 122 BROOKS RD NORTH FORT MYERS FL 33917	<b>02-44-24-03-0000C.0330</b> 122 BROOKS RD NORTH FORT MYERS FL 33917	TOWN OF KANTZ BLK C PB 1 PG 19 POR OF BLK C LYING N OF BROOKS RD	58
WILLIS THOMAS WESLEY 5543 COLD CREEK DR KELSEYVILLE CA 95451	<b>02-44-24-03-0000C.0340</b> 126 BROOKS RD NORTH FORT MYERS FL 33917	TOWN OF KANTZ BLK C PB 1 PG 19 AKA LT 14 UT 2 BARTENS PINEVIEW EST	59
GUZMAN NELSON & LILIAN 130 BROOKS RD NORTH FORT MYERS FL 33917	<b>02-44-24-03-0000C.0350</b> 130 BROOKS RD NORTH FORT MYERS FL 33917	BEG 203 FT W OF NW COR LOT 8 BARTENS PINEVIEW EST + POB TH S 31 DEG E 72 FT TH	60
SYLVESTER R V & LOUISE C PO BOX 3563 FORT MYERS FL 33918	<b>02-44-24-03-0000C.0360</b> 134 BROOKS RD NORTH FORT MYERS FL 33917	TOWN OF KANTZ BLK C PB 1 PG 19 FR THE N WLY CORNER OF LOT	61
BEERHOME INC 17760 WELLSWOOD RD NORTH FORT MYERS FL 33917	<b>02-44-24-03-0000C.0370</b> 138 BROOKS RD NORTH FORT MYERS FL 33917	TOWN OF KANTZ PT BLK C N OF OF BROOKS RD COMM FR NWLY COR LOT 8 RUN SW 203.56 FT SELY 152.7 FT TO POB CONT SELY 80 FT SWLY 120 FT NWLY 80 FT NELY 120 FT TO POB	62
KOEHN PAIGE & GARCIA JAVIER 142 BROOKS RD NORTH FORT MYERS FL 33917	<b>02-44-24-03-0000C.0380</b> 142 BROOKS RD NORTH FORT MYERS FL 33917	TOWN OF KANTZ BLK C PB 1 PG 19 AKA LOT 10 UT 2 BARTENS PIN	63
DUBOSE SHAWN R 36750 WHISPERING PINES RD NORTH FORT MYERS FL 33917	<b>02-44-24-03-0000C.0390</b> 146 BROOKS RD NORTH FORT MYERS FL 33917	TOWN OF KANTZ POR BLK C DESC IN OR 3474 PG 3434	64
WIEBOLT PROPERTIES INC 5317 SWAN LN NE BEMIDJI MN 56601	<b>02-44-24-03-0000C.0400</b> 127 BROOKS RD NORTH FORT MYERS FL 33917	KANTZ TOWN OF BLK C PB 1 PG 19 BEG NE COR SE 1/4 SEC 2 TH	65
WIEBOLT PROPERTIES INC 5317 SWAN LN NE BEMIDJI MN 56601	<b>02-44-24-03-0000C.0410</b> 139 BROOKS RD NORTH FORT MYERS FL 33917	KANTZ TOWN OF BLK C PB 1 PG 19 PARL N + E OF POWELL CRK	66
VELDHUYZEN ALBERT R & 1369 HARBOR VIEW DR NORTH FORT MYERS FL 33917	<b>02-44-24-03-0000C.0420</b> 145 BROOKS RD NORTH FORT MYERS FL 33917	PARL IN N 1/2 OF SE 1/4 A/K/A PT BLK C TOWN OF KANTZ	67

MURNANE MARK R & LINDA A TR 149 BROOKS RD NORTH FORT MYERS FL 33917	<b>02-44-24-03-0000C.0430</b> 149 BROOKS RD NORTH FORT MYERS FL 33917	TOWN OF KANTZ BLK C PB 1 PG 19 PER INST 2005-84661	68
MURNANE MARK & LINDA TR 149 BROOKS RD NORTH FORT MYERS FL 33917	<b>02-44-24-03-0000C.043A</b> 147 BROOKS RD NORTH FORT MYERS FL 33917	TOWN OF KANTZ BLK C PB 1 PG 19 PER INST 2005-84660	69
PAULA SILMARA TOLEDO DE + 3766 METRO PKWY #534 FORT MYERS FL 33916	<b>02-44-24-03-0000C.044A</b> 1370 LAVIN LN NORTH FORT MYERS FL 33917	TOWN OF KANTZ PT LOTS B+C PB 1 PG 19 DESC IN OR 1302 PG 2082	70
SOUTHWEST FLORIDA AFFORDABLE H 4224 RENAISSANCE PRESERVE WAY FORT MYERS FL 33916	<b>02-44-24-03-0000D.0210</b> 1356 LAVIN LN NORTH FORT MYERS FL 33917	TRACT OR PARCEL OF LAND LYING IN BLK C+D OF TOWN OF KANTZ RECORDED IN PB1 PG19 DESC IN OR2905 PG1091	71
NOTTINGHAM MARK K TR 4026 PALM TREE BLVD CAPE CORAL FL 33904	<b>02-44-24-03-00025.0010</b> 1350 LAVIN LN NORTH FORT MYERS FL 33917	TOWN OF KANTZ PT OF BLK D PB 1 PG 19 DESC OR 2905 PG 1089	72
CLJ PROPERTIES OF FLORIDA LLC 4700 DEL SOL BLVD SARASOTA FL 34243	<b>02-44-24-04-00011.0000</b> 1555 N TAMIAMI TRL NORTH FORT MYERS FL 33903	MARIANA HEIGHTS PB 8 PG 73 LOT 11 + SLY 17 FT OF LOT 10 MERE THOMAS TRL PK 2 + N 78 FT OF W 180 FT OF E 343 FT OF LOT 12	73
LOPEZ CELERINO ROJAS & 1530 WOOD RD NORTH FORT MYERS FL 33903	<b>02-44-24-04-00012.0000</b> 1530 WOOD RD NORTH FORT MYERS FL 33903	MARIANA HTS PB 8 PG 73 S 60 FT OF N 138 FT OF W 180 FT OF E 343 FT OF LOT 12	74
RAINEY MATTHEW 1203 TRAVIS AVE NORTH FORT MYERS FL 33903	<b>02-44-24-04-00012.0030</b> 1526 WOOD RD NORTH FORT MYERS FL 33903	MARIANA HEIGHTS PB 8 PG 73 N 60 FT OF S 198 FT OF W 180 FT OF E 343 FT LOT 12	75
1547 N TAMIAMI LLC 4818 CORONADO PKWY #4 CAPE CORAL FL 33904	<b>02-44-24-04-00012.0040</b> 1547 N TAMIAMI TRL NORTH FORT MYERS FL 33903	MARIANA HEIGHTS PB 8 PG 73 N 120 FT OF E 163 FT OF LOT 12	76
T + S FASHION BOUTIQUE INC TR 1109 AMBER LAKE CT CAPE CORAL FL 33909	<b>02-44-24-04-00012.0050</b> 1535 N TAMIAMI TRL NORTH FORT MYERS FL 33903	MARIANA HEIGHTS PB 8 PG 73 S 50 FT OF N 170 FT OF E 163 FT OF LOT 12	77
IMPROTA JOHN 216 SE 15TH PL CAPE CORAL FL 33990	<b>02-44-24-04-00012.0060</b> 1515 N TAMIAMI TRL NORTH FORT MYERS FL 33903	MARIANA HEIGHTS PB 8 PG 73 S 91 FT OF E 163 FT OF LOT 12	78
T + S FASHION BOUTIQUE INC TR 1109 AMBER LAKE CT CAPE CORAL FL 33909	<b>02-44-24-04-00012.0070</b> 1517 N TAMIAMI TRL NORTH FORT MYERS FL 33903	MARIANA HTS PB 8 PG 73 N 75 FT OF S 166 FT OF E 163 FT OF LOT 12	79
SAMUELSON INDUSTRIES PO BOX 1130 PINE ISLAND MN 55963	<b>02-44-24-04-00012.0080</b> 18 EVERGREEN RD NORTH FORT MYERS FL 33903	MARIANA HEIGHTS PB 8 PG 73 PT LOT 12 BEGIN 380 FT FRM SW COR LOT 12 THEN N 138 FT THEN E 60 FT THEN S 138 FT THEN W 60 FT TO POB	80
VETTER RICHARD J TR 6470 BRIARCLIFF RD FORT MYERS FL 33912	<b>02-44-24-04-00012.0090</b> 22 EVERGREEN RD NORTH FORT MYERS FL 33903	MARIANA HEIGHTS PB 8 PG 73 S 138 FT OF W 60 FT OF E 283 FT OF LOT 12	81
VERTEFEUILLE PAUL A & 28 EVERGREEN RD NORTH FORT MYERS FL 33903	<b>02-44-24-04-00012.0100</b> 28 EVERGREEN RD NORTH FORT MYERS FL 33903	MARIANA HEIGHTS PB 8 PG 73 S 138 FT OF W 60 FT OF E 343 FT OF LOT 12	82

SINGLETARY DONISE 22 CRESCENT LAKE DR NORTH FORT MYERS FL 33917	<b>02-44-24-11-0000.0080</b> 22 CRESCENT LAKE DR NORTH FORT MYERS FL 33917	SABAL PARK PB 9 PG 20 LOT 8	83
LANE MARTHA L/E 28 CRESCENT LAKE DR NORTH FORT MYERS FL 33917	<b>02-44-24-11-0000.0090</b> 28 CRESCENT LAKE DR NORTH FORT MYERS FL 33917	SABAL PARK PB 9 PG 20 LOT 9	84
MULAC WAYNE W & NANCY P 46 CRESCENT LAKE DR FORT MYERS FL 33917	<b>02-44-24-11-0000.0100</b> 46 CRESCENT LAKE DR NORTH FORT MYERS FL 33917	SABAL PARK PB 9 PG 20 LOT 10	85
MULAC WAYNE II + 58 CRESCENT LAKE DR NORTH FORT MYERS FL 33917	<b>02-44-24-11-0000.0110</b> 58 CRESCENT LAKE DR NORTH FORT MYERS FL 33917	SABAL PARK PB 9 PG 20 LOT 11	86
VETTER RICHARD J TR 6470 BRIARCLIFF RD FORT MYERS FL 33912	<b>02-44-24-11-0000.012A</b> 66 CRESCENT LAKE DR NORTH FORT MYERS FL 33917	SABAL PARK PB 9 PG 20 LOTS 12	87
DAVENPORT DONALD & YOSHIE + 70 CRESCENT LAKE DR NORTH FORT MYERS FL 33917	<b>02-44-24-11-0000.0130</b> 70 CRESCENT LAKE DR NORTH FORT MYERS FL 33917	SABAL PARK PB 9 PG 20 LOT 13	88
HERNANDEZ JULIA 56 VICTORIA DR NORTH FORT MYERS FL 33917	<b>02-44-24-13-0000B.0010</b> 56 VICTORIA DR NORTH FORT MYERS FL 33917	KLINE MANOR NO 2 BLK B PB 10 PG 5 LOT 1	89
ALEXANDER INAMARY A 62 VICTORIA DR NORTH FORT MYERS FL 33917	<b>02-44-24-13-0000B.0020</b> 62 VICTORIA DR NORTH FORT MYERS FL 33917	KLINE MANOR NO 2 BLK B PB 10 PG 5 LOT 2	90
RAMP CAROL A 68 VICTORIA DR NORTH FORT MYERS FL 33917	<b>02-44-24-13-0000B.0030</b> 68 VICTORIA DR NORTH FORT MYERS FL 33917	KLINE MANOR NO 2 BLK B PB 10 PG 5 LOT 3	91
DEITER RYAN 99 SPRUCE AVE BIRDSBORO PA 19508	<b>02-44-24-13-0000B.0040</b> 74 VICTORIA DR NORTH FORT MYERS FL 33917	KLINE MANOR NO 2 BLK B PB 10 PG 5 LOT 4	92
DEITER RYAN 99 SPRUCE AVE BIRDSBORO PA 19508	<b>02-44-24-13-0000B.0050</b> 78 VICTORIA DR NORTH FORT MYERS FL 33917	KLINE MANOR NO 2 BLK B PB 10 PG 5 LOT 5	93
NILE SEAN A & TAMMY J 55 VICTORIA DR NORTH FORT MYERS FL 33917	<b>02-44-24-13-0000C.0090</b> 55 VICTORIA DR NORTH FORT MYERS FL 33917	KLINE MANOR NO 2 BLK C PB 10 PG 5 LOT 9	94
PROPEASY LLC 14148 8TH ST #203 DADE CITY FL 33525	<b>02-44-24-13-0000C.0100</b> 61 VICTORIA DR NORTH FORT MYERS FL 33917	KLINE MANOR NO 2 BLK C PB 10 PG 5 LOT 10	95
CSMA FT LLC 1850 PARKWAY PL #900 MARIETTA GA 30067	<b>02-44-24-13-0000C.0110</b> 67 VICTORIA DR NORTH FORT MYERS FL 33917	KLINE MANOR NO 2 BLK C PB 10 PG 5 LOT 11	96
WEEKLY MARK & MARGARET H 1260 SUNRISE DR NORTH FORT MYERS FL 33917	<b>02-44-24-13-0000C.0120</b> 71/73 VICTORIA DR NORTH FORT MYERS FL 33917	KLINE MANOR NO 2 BLK C PB 10 PG 5 LOT 12	97
WEEKLY MARK & MARGARET H 1260 SUNRISE DR NORTH FORT MYERS FL 33917	<b>02-44-24-13-0000C.0140</b> 75-79 VICTORIA DR NORTH FORT MYERS FL 33917	KLINE MANOR NO 2 BLK C PB 10 PG 5 LOTS 13 + 14	98
HANSON MICHAEL 18 WISTERIA WAY PALMYRA VA 22963	<b>02-44-24-19-0000.0080</b> 150 BROOKS RD NORTH FORT MYERS FL 33917	BARTENS PINEVIEW ESTATES PB 11 PG 26 LOT 8	99

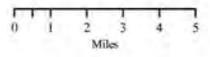


# MIXED USE OVERLAY

## EXHIBIT M4

- Mixed Use Overlay
- Mixed Use Overlay with Specific Community Plan Policies
- Transit Route
- City Limits

Ord. No. 07-15, 09-07, 09-08, 10-33, 11-18, 11-21, 17-20, 18-18, 20-08, 21-01, 23-11, 23-12



Map Generated: October 2023  
City limits and LeeTran Routes current to date of map generation

### Lee Plan Map 1-C

HORIZON TAMiami  
EXISTING FUTURE LAND USE MAP 1-C



HORIZON TAMiami  
PROPOSED FUTURE LAND USE MAP 1-C

EXHIBIT -M4  
REVISED 12-11-2024



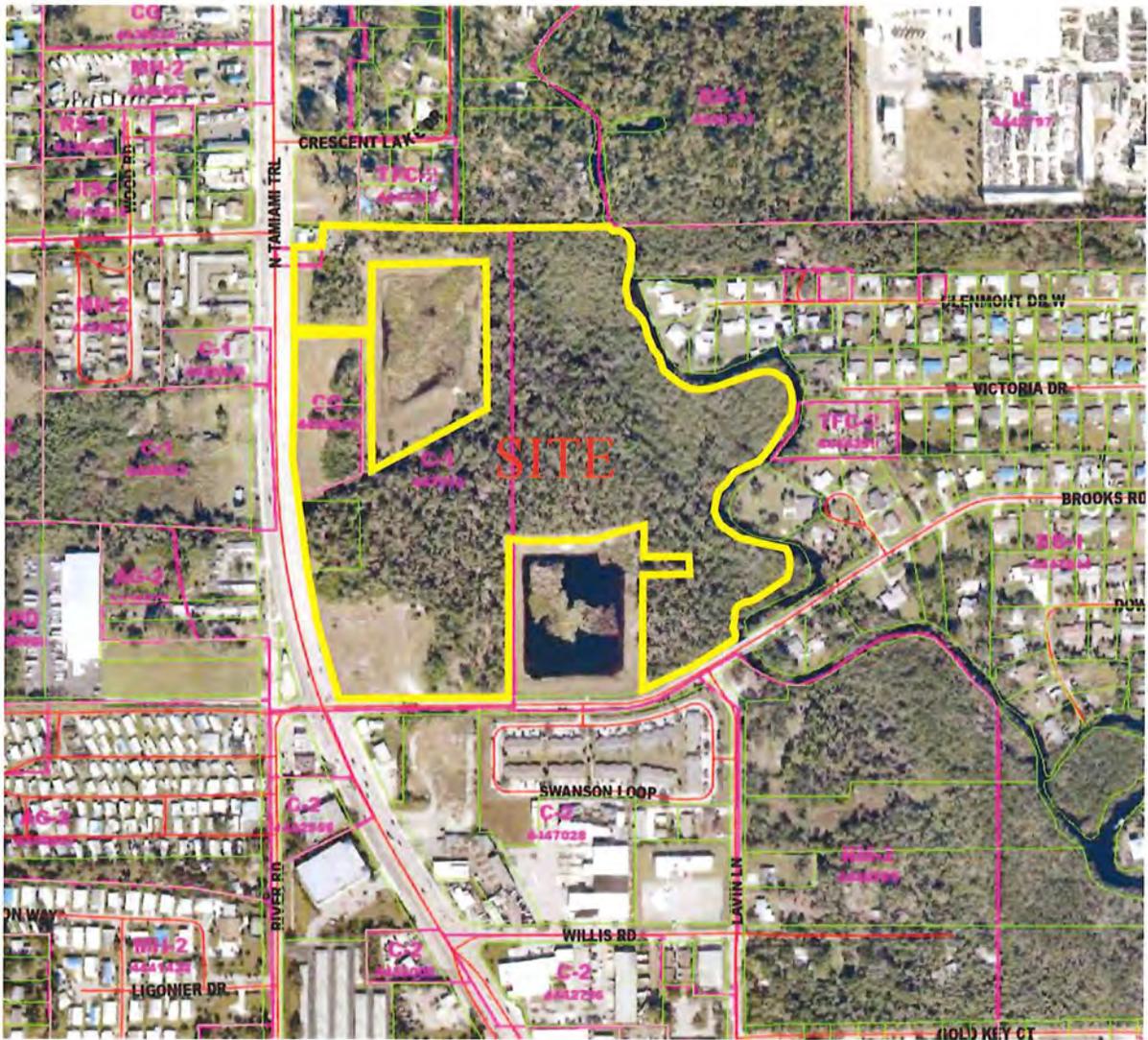
HORIZON TAMIAMI  
MAP OF EXISTING LAND USES  
Revised 7/19/2024

EXHIBIT M5



HORIZON TAMIAMI  
EXISTING ZONING OF SUBJECT PROPERTY

EXHIBIT M6



Mixed-Use Zoning Districts: C-1, C-2

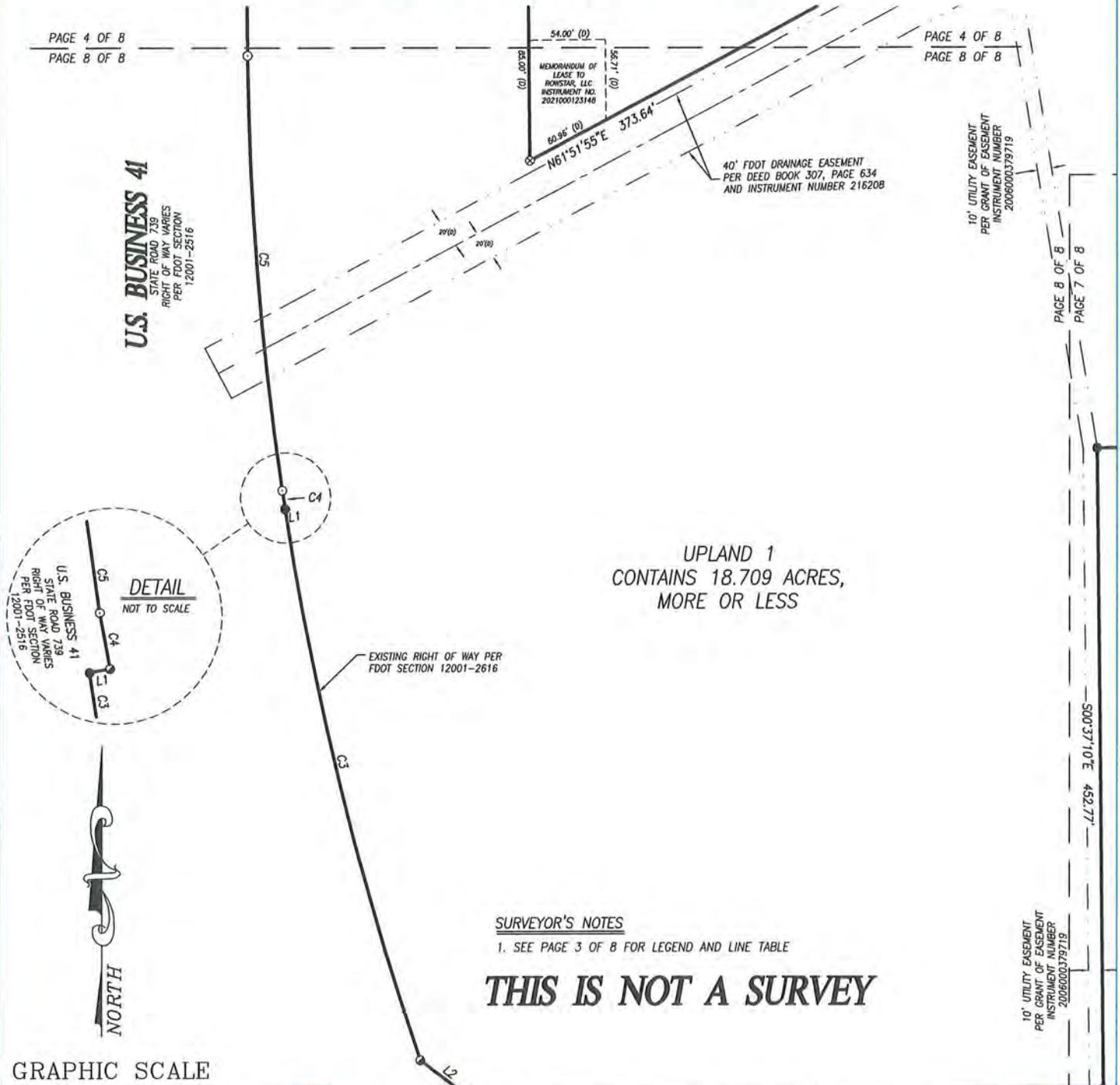
Commercial Zoning Districts: CG

Residential Zoning Districts: RS-1, TFC-2, MH-2, RM-2, AG-2

Industrial Zoning Districts: IL



# SKETCH OF DESCRIPTION OF A TRACT OR PARCEL OF LAND LYING IN SECTION 2, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA



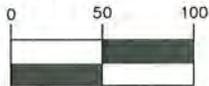
UPLAND 1  
CONTAINS 18.709 ACRES,  
MORE OR LESS

**SURVEYOR'S NOTES**

1. SEE PAGE 3 OF 8 FOR LEGEND AND LINE TABLE

**THIS IS NOT A SURVEY**

**GRAPHIC SCALE**



( IN FEET )

1 INCH = 100 FEET



60' WIDE PER  
OFFICIAL RECORDS BOOK 74, PAGE 690  
60' WIDE PER PLAT BOOK 11, PAGE 29  
**BROOKS ROAD**

LANDS NOW OR FORMERLY OWNED BY:  
DAVE E. WESTRA, ET AL.  
INSTRUMENT NO. 200800020310  
STRAP NO. 02-44-24-03-0000A.0210

LANDS NOW OR FORMERLY OWNED BY:  
THOMAS A. MERE, ET AL.  
INSTRUMENT NO. 2021000218046  
STRAP NO. 02-44-24-03-0000A.0120

THIS MAP PREPARED BY: CERTIFICATE OF AUTHORIZATION NO. LB 8399 NOT VALID WITHOUT THE SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER	JAMES M. CONDON, PSM  Professional Surveyor & Mapper Fla. License No. 6074	COMPUTER FILE: 230755.01.dwg DRAWN DATE: 02/26/2024 REVISION DATE: 02/09/2023	DRAWING SCALE: 1" = 100' REVISION NO.: REVISION DATE:	 CHW Professional Consultants	1625 Westville Drive, Suite 5-6 Fort Myers, FL 33911 (239) 362-9081 www.chw-inc.com est. 1989 FLORIDA CA-5078	DRAWN BY: FA CHECKED BY: JC FIELD BOOK: 197/204	CERTIFIED TO: HORIZON TAMAMI LLC	JOB NO.: 22-0514 SHEET NO.: 8 OF 8
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# SKETCH OF DESCRIPTION OF A TRACT OR PARCEL OF LAND LYING IN SECTION 2, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA

LEGAL DESCRIPTION

(UPLAND 2)

A TRACT OR PARCEL OF LAND LYING IN SECTION 2, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FDOT WATER STORAGE AREA AS RECORDED IN OFFICIAL RECORDS BOOK 2339, PAGE 3156 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THENCE NORTH 00°39'52" WEST, A DISTANCE OF 334.25 FEET; THENCE NORTH 87°58'01" EAST, A DISTANCE OF 122.50 FEET TO A JURISDICTIONAL WETLAND LINE; THENCE ALONG SAID WETLAND LINE THE FOLLOWING TEN (10) COURSES AND DISTANCES:

1. THENCE SOUTH 36°47'49" EAST, A DISTANCE OF 50.69 FEET;
2. THENCE SOUTH 65°31'15" EAST, A DISTANCE OF 35.16 FEET;
3. THENCE SOUTH 89°22'29" EAST, A DISTANCE OF 22.26 FEET;
4. THENCE SOUTH 34°05'09" EAST, A DISTANCE OF 54.42 FEET;
5. THENCE SOUTH 58°21'04" EAST, A DISTANCE OF 32.84 FEET;
6. THENCE SOUTH 74°58'53" EAST, A DISTANCE OF 23.34 FEET;
7. THENCE SOUTH 25°19'14" WEST, A DISTANCE OF 26.07 FEET;
8. THENCE SOUTH 25°15'50" WEST, A DISTANCE OF 35.18 FEET;
9. THENCE SOUTH 04°10'37" WEST, A DISTANCE OF 17.37 FEET;
10. THENCE SOUTH 03°48'11" WEST, A DISTANCE OF 12.58 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF BROOKS ROAD (60' RIGHT-OF-WAY);

THENCE SOUTH 57°03'03" WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 101.42 FEET TO THE POINT OF CURVE CONCAVE NORTHWESTERLY; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 570.00 FEET, A CENTRAL ANGLE OF 18°48'41", THE CHORD FOR WHICH BEARS SOUTH 66°27'23" WEST, A CHORD DISTANCE OF 186.30 FEET, AN ARC DISTANCE OF 187.14 FEET TO THE END OF SAID CURVE AND THE POINT OF BEGINNING.

CONTAINING 1.511 ACRES, MORE OR LESS.

SURVEYOR'S NOTES

1. BEARINGS SHOWN HEREON ARE BASED UPON THE EAST LINE OF THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION "FDOT WATER STORAGE AREA" HAVING A BEARING OF NORTH 00°39'52" WEST, WHICH IS STATE PLANE. COORDINATES ARE GRID, BASED UPON NORTH AMERICAN DATUM OF 1983 (NAD 83/2011), FLORIDA WEST ZONE.
2. THE STREET ADDRESS IS:  
  
1460 NORTH TAMIAMI TRAIL  
NORTH FORT MYERS, FLORIDA 33903
3. SUBJECT PARCEL CONTAINS 1.511 ACRES, MORE OR LESS
4. JURISDICTIONAL WETLAND LINES SHOWN HEREON ARE BASED UPON FIELD LOCATED FLAGS. WETLAND DELINEATION AND WETLAND FLAGGING WAS PERFORMED UNDER THE RESPONSIBLE CHARGE OF ANDY WOODRUFF OF CHW CONSULTANTS, INC. IN FEBRUARY OF 2023.
5. SEE PAGE 2 OF 2 SKETCH OF DESCRIPTION.



**THIS IS NOT A SURVEY**

THIS MAP PREPARED BY:	JAMES M. CONDON, PSM 	PROFESSOR FILE: 2-27248-0142	DRAWING BOARD: NOT TO SCALE		ELECTRONICALLY DRAWN, LAYOUT & C Fort Myers, FL 33903 GPO: 2019-200-0000 www.chw.com	CERTIFIED TO: HORIZON TAMIAMI LLC	JOB NO.: 22-0514
CERTIFICATE OF AUTHORIZATION NO. LP 8885 NOT VALID WITHOUT THE SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER	Professional Surveyor & Mapper Fla. License No. 6074	SURVEY DATE: 02/28/2024	ISSUANCE DATE: 05-09-2025	DRAWN BY: JA	CHECKED BY: JC	SCALE: 1/8" = 100'	SHEET NO.: 1 OF 2

# SKETCH OF DESCRIPTION OF A TRACT OR PARCEL OF LAND LYING IN SECTION 2, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA

**POWELL CREEK**

**UPLAND 1  
(NOT INCLUDED)**

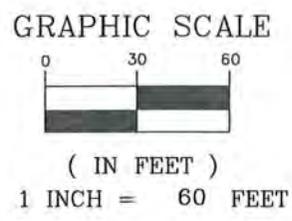
CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CHORD BEARING	CHORD
C1	18°48'41"	570.00'	187.14'	S66°27'23"W	186.30'
C2	13°33'22"	570.00'	134.86'	S82°38'25"W	134.55'

LANDS NOW OR FORMERLY OWNED BY:  
STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
OFFICIAL RECORDS BOOK 2339, PAGE 3156  
STRAP NO. 02-44-24-03-0000B.0030  
"FDOT WATER STORAGE AREA"  
**(NOT INCLUDED)**

EAST LINE OF STATE OF  
FLORIDA DEPARTMENT OF TRANSPORTATION  
FDOT WATER STORAGE AREA PER  
OFFICIAL RECORDS BOOK 2339, PAGE 3156

LINE	BEARING	DISTANCE
L53	S03°48'11"W	9.36'
L54	S03°48'11"W	12.58'
L55	S04°10'37"W	17.37'
L56	S25°15'50"W	35.18'
L57	S25°19'14"W	26.07'
L58	S74°58'53"E	23.34'
L59	S58°21'04"E	32.84'
L60	S34°05'09"E	54.42'
L61	S89°22'29"E	22.26'
L62	S65°31'15"E	35.16'
L63	S36°47'49"E	51.28'
L64	N39°52'04"E	12.08'
L65	N39°52'04"E	39.61'

N00°39'52"W 334.25'  
(BEARING BASIS)



**UPLAND 2  
CONTAINS  
1.511 ACRES,  
MORE OR LESS**

**JURISDICTIONAL  
WETLAND 1  
7.138 ACRES,  
MORE OR LESS**

**BROOKS ROAD**  
60' WIDE PER  
OFFICIAL RECORDS BOOK 74, PAGE 690  
50' WIDE PER PLAT BOOK 11, PAGE 26

**LAVIN LANE**  
80' RIGHT-OF-WAY (D)

**POINT OF BEGINNING**  
SOUTHEASTERLY CORNER OF  
STATE OF FLORIDA DEPARTMENT  
OF TRANSPORTATION  
FDOT WATER STORAGE AREA PER  
OFFICIAL RECORDS BOOK 2339, PAGE 3156  
N = 849638.425  
E = 695405.015



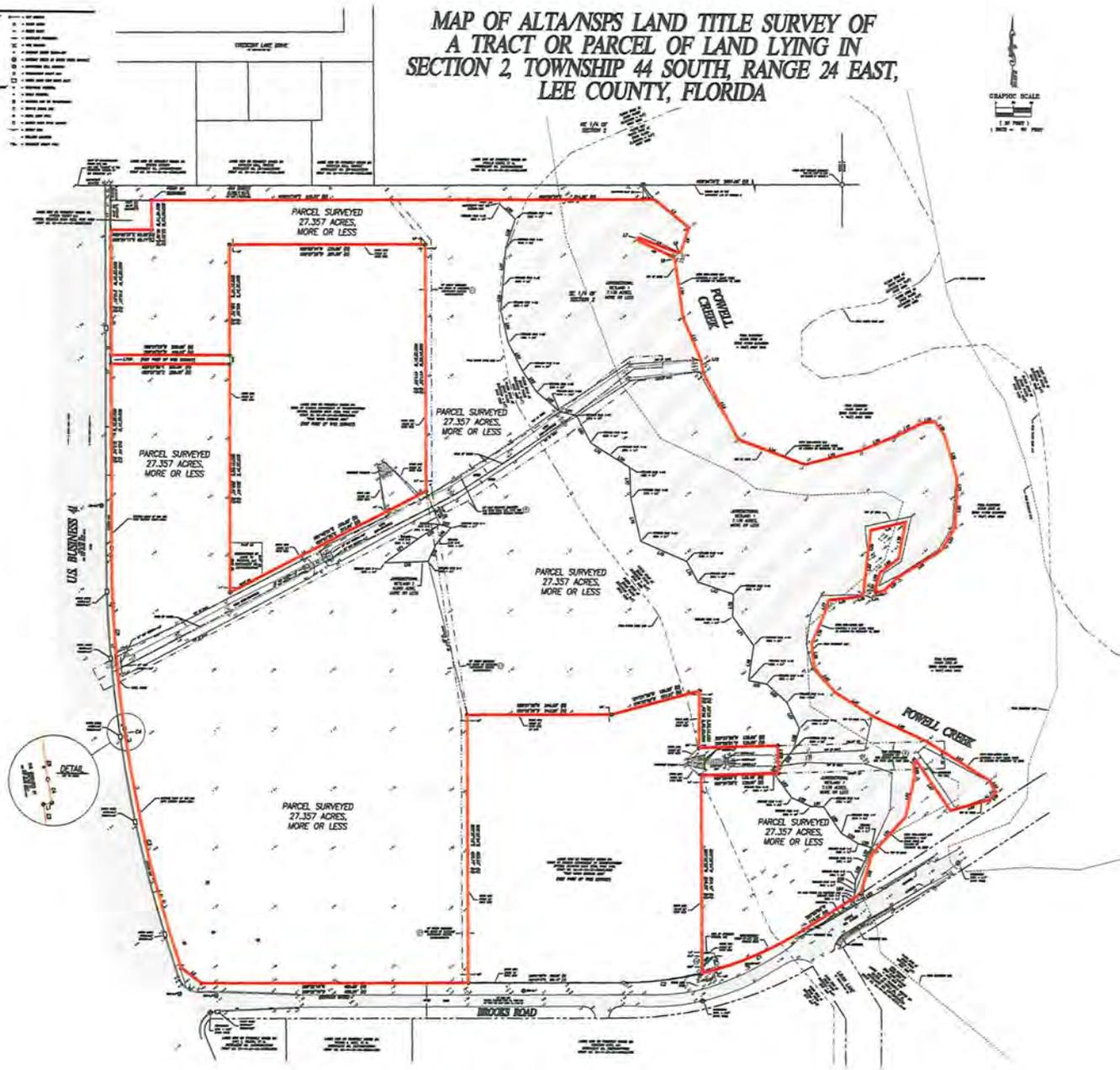
**SURVEYOR'S NOTES**

1. SEE PAGE 1 OF 2 LEGAL DESCRIPTION AND SURVEYOR'S NOTES.

**THIS IS NOT A SURVEY**

- LEGEND**
- |                     |                   |
|---------------------|-------------------|
| 1. - 1/4 Section    | 11. - 1/2 Acre    |
| 2. - 1/2 Section    | 12. - 1/4 Acre    |
| 3. - 3/4 Section    | 13. - 1/8 Acre    |
| 4. - 1/2 Section    | 14. - 1/16 Acre   |
| 5. - 1/4 Section    | 15. - 1/32 Acre   |
| 6. - 1/8 Section    | 16. - 1/64 Acre   |
| 7. - 1/16 Section   | 17. - 1/128 Acre  |
| 8. - 1/32 Section   | 18. - 1/256 Acre  |
| 9. - 1/64 Section   | 19. - 1/512 Acre  |
| 10. - 1/128 Section | 20. - 1/1024 Acre |

**MAP OF ALTA/NSPS LAND TITLE SURVEY OF  
A TRACT OR PARCEL OF LAND LYING IN  
SECTION 2, TOWNSHIP 44 SOUTH, RANGE 24 EAST,  
LEE COUNTY, FLORIDA**



# SKETCH OF DESCRIPTION OF A TRACT OR PARCEL OF LAND LYING IN SECTION 2, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA

**LEGAL DESCRIPTION**

(UPLAND 1)

A TRACT OR PARCEL OF LAND LYING IN SECTION 2, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 2, THENCE NORTH 89°24'36" EAST, ALONG THE NORTH LINE OF SAID SOUTHEAST 1/4 A DISTANCE OF 56.34 FEET; THENCE SOUTH 00°32'31" EAST, A DISTANCE OF 25.23 FEET TO THE NORTHWEST CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4322, PAGE 4600 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 89°36'32" EAST, ALONG THE NORTH LINE OF SAID LANDS A DISTANCE OF 68.57 FEET TO THE NORTHEAST CORNER OF SAID LANDS AND THE POINT OF BEGINNING;

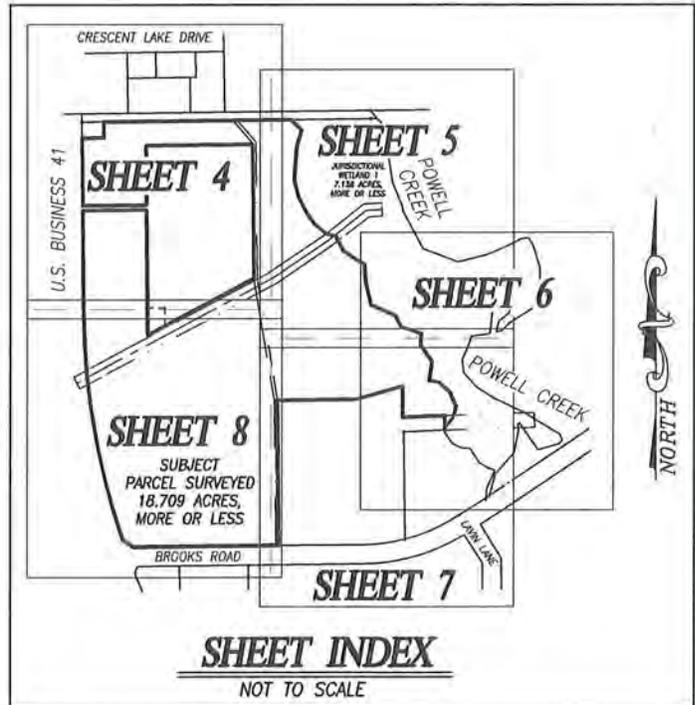
THENCE NORTH 89°22'36" EAST, A DISTANCE OF 535.52 FEET; THENCE NORTH 89°25'19" EAST, A DISTANCE OF 52.82 FEET TO THE JURISDICTIONAL WETLAND LINE; THENCE ALONG SAID WETLAND LINE THE FOLLOWING TWENTY-SIX (26) COURSES AND DISTANCES:

1. THENCE SOUTH 00°35'25" EAST, A DISTANCE OF 7.56 FEET;
2. THENCE SOUTH 46°42'18" EAST, A DISTANCE OF 36.17 FEET;
3. THENCE SOUTH 17°55'57" WEST, A DISTANCE OF 51.07 FEET;
4. THENCE SOUTH 03°47'01" WEST, A DISTANCE OF 64.98 FEET;
5. THENCE SOUTH 04°19'23" WEST, A DISTANCE OF 40.86 FEET;
6. THENCE SOUTH 13°40'41" EAST, A DISTANCE OF 55.29 FEET;
7. THENCE SOUTH 26°37'14" EAST, A DISTANCE OF 54.08 FEET;
8. THENCE SOUTH 35°07'44" EAST, A DISTANCE OF 42.36 FEET;
9. THENCE SOUTH 50°06'37" EAST, A DISTANCE OF 51.63 FEET;
10. THENCE SOUTH 77°39'45" EAST, A DISTANCE OF 27.87 FEET;
11. THENCE SOUTH 27°27'16" EAST, A DISTANCE OF 52.70 FEET;
12. THENCE SOUTH 57°28'33" EAST, A DISTANCE OF 38.79 FEET;
13. THENCE SOUTH 58°49'31" EAST, A DISTANCE OF 39.42 FEET;
14. THENCE SOUTH 02°59'05" EAST, A DISTANCE OF 52.66 FEET;
15. THENCE SOUTH 12°53'33" EAST, A DISTANCE OF 75.44 FEET;
16. THENCE SOUTH 66°47'05" EAST, A DISTANCE OF 84.51 FEET;
17. THENCE SOUTH 29°01'06" EAST, A DISTANCE OF 40.01 FEET;
18. THENCE SOUTH 71°12'26" EAST, A DISTANCE OF 63.76 FEET;
19. THENCE SOUTH 01°41'48" WEST, A DISTANCE OF 38.09 FEET;
20. THENCE SOUTH 36°08'40" EAST, A DISTANCE OF 60.87 FEET;
21. THENCE SOUTH 07°45'32" WEST, A DISTANCE OF 59.32 FEET;
22. THENCE SOUTH 79°23'10" EAST, A DISTANCE OF 30.47 FEET;
23. THENCE SOUTH 48°25'34" EAST, A DISTANCE OF 46.50 FEET;
24. THENCE SOUTH 25°46'41" EAST, A DISTANCE OF 49.36 FEET;
25. THENCE SOUTH 16°02'04" WEST, A DISTANCE OF 36.87 FEET;
26. THENCE SOUTH 39°52'04" WEST, A DISTANCE OF 39.61 FEET TO THE END OF SAID JURISDICTIONAL WETLAND LINE AND TO THOSE CERTAIN LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2339, PAGE 3156; THENCE ALONG SAID LANDS THE FOLLOWING SIX (6) COURSES AND DISTANCES:

1. THENCE NORTH 01°34'33" WEST, A DISTANCE OF 36.63 FEET;
2. THENCE SOUTH 87°58'01" WEST, A DISTANCE OF 133.00 FEET;
3. THENCE NORTH 00°09'22" EAST, A DISTANCE OF 96.64 FEET;
4. THENCE SOUTH 74°22'09" WEST, A DISTANCE OF 153.92 FEET;
5. THENCE SOUTH 89°22'09" WEST, A DISTANCE OF 243.88 FEET;
6. THENCE SOUTH 00°37'10" EAST, A DISTANCE OF 452.77 FEET TO THE NORTH RIGHT OF WAY LINE OF BROOKS ROAD; THENCE SOUTH 89°22'16" WEST ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 450.69 FEET TO THE EAST RIGHT OF WAY LINE OF U.S. BUSINESS 41 (STATE ROAD 739) PER FLORIDA DEPARTMENT OF TRANSPORTATION SECTION 12001-2516; THENCE NORTH 52°53'31" WEST ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 42.80 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY; THENCE CONTINUE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 2236.83 FEET, A CENTRAL ANGLE OF 10°17'22", THE CHORD FOR WHICH BEARS NORTH 13°55'16" WEST, A CHORD DISTANCE OF 401.16 FEET, AN ARC DISTANCE OF 401.70 FEET TO THE END OF SAID CURVE; THENCE NORTH 79°29'59" EAST, A DISTANCE OF 0.41 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE TO THE EAST; THENCE CONTINUE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 2818.79 FEET, A CENTRAL ANGLE OF 00°16'20", THE CHORD FOR WHICH BEARS NORTH 10°21'51" WEST, A CHORD DISTANCE OF 13.39 FEET, AN ARC DISTANCE OF 13.39 FEET TO A POINT OF COMPOUND CURVATURE; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 2236.83 FEET, A CENTRAL ANGLE OF 07°53'18", THE CHORD FOR WHICH BEARS NORTH 04°29'10" WEST, A CHORD DISTANCE OF 307.72 FEET, AN ARC DISTANCE OF 307.97 FEET TO THE END OF SAID CURVE; THENCE NORTH 00°32'31" WEST, A DISTANCE OF 313.44 FEET TO THOSE CERTAIN LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2339, PAGE 3157; THENCE ALONG SAID LANDS THE FOLLOWING SEVEN (7) COURSES AND DISTANCES:

1. THENCE NORTH 89°27'58" EAST, A DISTANCE OF 200.04 FEET;
2. THENCE SOUTH 00°31'08" EAST, A DISTANCE OF 389.41 FEET;
3. THENCE NORTH 61°51'55" EAST, A DISTANCE OF 373.64 FEET;
4. THENCE NORTH 00°34'05" WEST, A DISTANCE OF 417.56 FEET;
5. THENCE SOUTH 89°23'24" WEST, A DISTANCE OF 330.86 FEET;
6. THENCE SOUTH 00°31'47" EAST, A DISTANCE OF 185.78 FEET;
7. THENCE SOUTH 89°29'57" WEST, A DISTANCE OF 199.93 FEET THE EAST RIGHT OF WAY LINE OF U.S. BUSINESS 41 (STATE ROAD 739 PER FLORIDA DEPARTMENT OF TRANSPORTATION SECTION 12001-2516; THENCE NORTH 00°32'31" WEST ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 210.81 FEET TO THE SOUTHWEST CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4322, PAGE 4600 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 89°28'57" EAST, ALONG THE SOUTH LINE OF SAID LANDS, A DISTANCE OF 68.66 FEET TO THE SOUTHEAST CORNER OF SAID LANDS; THENCE NORTH 00°40'19" WEST, ALONG THE EAST LINE OF SAID LANDS, A DISTANCE OF 49.80 FEET TO THE POINT OF BEGINNING.

CONTAINING 18.709 ACRES, MORE OR LESS.



James M Condon

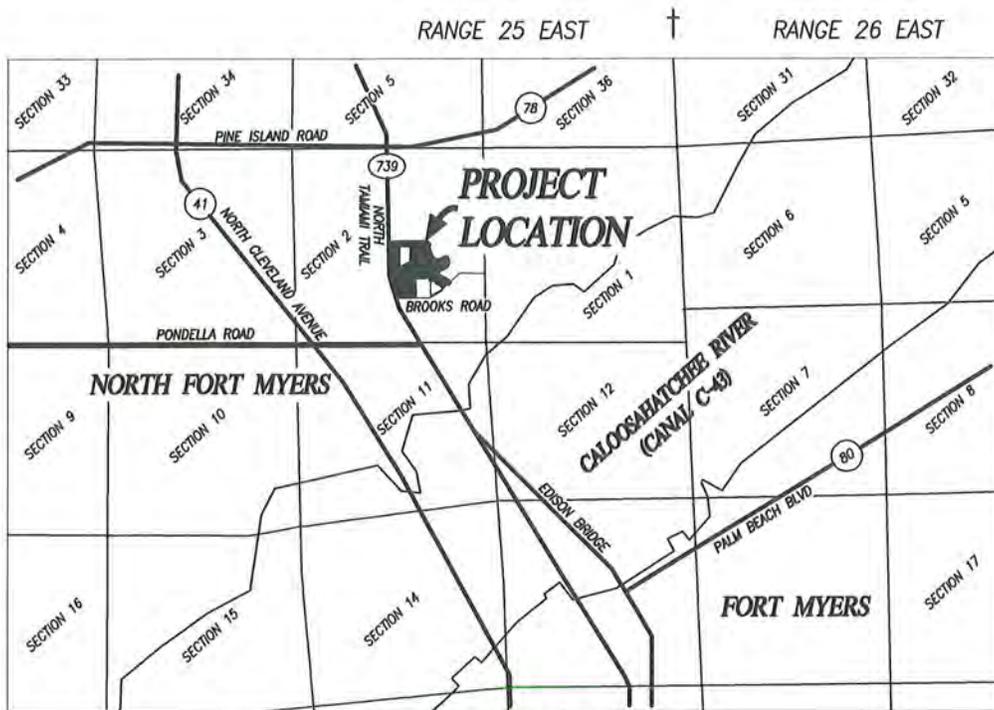


<p>THIS MAP PREPARED BY: <b>JAMES M. CONDON, PSM</b> Professional Surveyor &amp; Mapper Fla. License No. 6074</p>	<p>DRAWN FILE: 2-2025.03.04.01</p> <p>SURVEY DATE: 02/28/2024</p> <p>ISSUANCE DATE: 05-08-2025</p>	<p>DRAWING SCALE: NOT TO SCALE</p> <p>REVISION DATE: 05-08-2025</p>	<p>CHW Professional Surveyors</p>	<p>1001 Westlake Drive, Suite 5-8 Fort Myers, FL 33911 (813) 333-4200 www.chw.com</p> <p>STATE OF FLORIDA CA 0028</p>	<p>CERTIFIED TO: <b>HORIZON TAMiami LLC</b></p>	<p>APP NO: 22-0514</p> <p>SHEET NO: 1 OF 8</p>
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# SKETCH OF DESCRIPTION OF A TRACT OR PARCEL OF LAND LYING IN SECTION 2, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA

**SURVEYOR'S NOTES**

1. BEARINGS SHOWN HEREON ARE BASED UPON THE NORTH RIGHT OF WAY LINE OF BROOKS ROAD HAVING A BEARING OF SOUTH 89°22'16" WEST, WHICH IS STATE PLANE. COORDINATES ARE GRID, BASED UPON NORTH AMERICAN DATUM OF 1983 (NAD 83/2011), FLORIDA WEST ZONE.
2. THE STREET ADDRESS ARE:
  - 1450 NORTH TAMiami TRAIL  
NORTH FORT MYERS, FLORIDA 33903
  - 1456 NORTH TAMiami TRAIL  
NORTH FORT MYERS, FLORIDA 33903
  - 1460 NORTH TAMiami TRAIL  
NORTH FORT MYERS, FLORIDA 33903
  - 1470 NORTH TAMiami TRAIL  
NORTH FORT MYERS, FLORIDA 33903
3. SUBJECT PARCEL CONTAINS 18.709 ACRES, MORE OR LESS.
4. JURISDICTIONAL WETLAND LINES SHOWN HEREON ARE BASED UPON FIELD LOCATED FLAGS. WETLAND DELINEATION AND WETLAND FLAGGING WAS PERFORMED UNDER THE RESPONSIBLE CHARGE OF ANDY WOODRUFF OF CHW CONSULTANTS, INC. IN FEBRUARY OF 2023.



**VICINITY SKETCH**  
(NOT TO SCALE)

TOWNSHIP 43 SOUTH  
+  
TOWNSHIP 44 SOUTH



THIS IS NOT A SURVEY

THIS MAP PREPARED BY: CERTIFICATE OF AUTHORIZATION NO. LB 8885 NOT VALID WITHOUT THE SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER	JAMES M. CONDON, PSM  Professional Surveyor & Mapper Fla. License No. 6074	DRAWING FILE: 230726-01A1 SURVEY DATE: 02/28/2024 SIGNATURE DATE: 02/29/2025	DRAWING SCALE: NOT TO SCALE REVISION BY: REVISION DATE:	CHW CONSULTANTS 1231 Westfield Drive, Units 3-6 Fort Myers, FL 33911 (813) 332-6666 www.chw-fl.com Lic. No. FLORIDA CA-6074	DRAWN BY: FA CHECKED BY: JC PLOT NO. 197/58	CERTIFIED TO: HORIZON TAMiami LLC	JOB NO.: 22-0514 SHEET NO.: 2 OF 8
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# SKETCH OF DESCRIPTION OF A TRACT OR PARCEL OF LAND LYING IN SECTION 2, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA

LINE	BEARING	DISTANCE
L1	N79°29'59"E	0.41'
L2	N52°53'31"W	42.80'
L3	S50°30'43"E	74.18'
L4	S17°12'49"W	43.92'
L5	S83°01'33"W	5.28'
L6	N68°54'15"W	70.99'
L7	S02°36'37"W	5.05'
L8	S64°21'30"E	66.16'
L9	S26°09'19"E	4.88'
L10	S08°28'45"E	97.16'
L11	S23°21'37"E	77.36'
L12	S10°55'19"E	21.72'
L13	S27°49'37"E	128.74'
L14	S69°29'01"E	119.40'
L15	N75°39'25"E	97.39'
L16	N66°20'45"E	63.33'
L17	N63°07'19"E	51.18'
L18	N81°17'57"E	21.20'
L19	S35°18'31"E	30.24'
L20	S16°25'35"E	74.25'
L21	S00°03'56"E	32.37'
L22	S02°53'18"W	52.91'
L23	S30°17'17"W	44.99'
L24	S57°22'34"W	85.21'
L25	S45°32'21"W	34.93'
L26	S82°24'42"W	14.68'
L27	N08°35'50"E	12.96'
L28	N16°40'59"E	21.62'
L29	N52°14'55"E	39.65'
L30	N09°43'18"E	63.43'
L31	S75°56'44"W	59.86'
L32	S06°30'49"W	43.32'
L33	S06°06'13"W	65.62'
L34	S17°40'46"W	2.88'
L35	S71°00'00"W	8.69'
L36	S82°52'55"W	49.76'
L37	S16°52'50"W	23.68'
L38	S22°48'22"W	55.10'
L39	S06°07'45"E	40.65'
L40	S40°34'45"E	54.92'
L41	S58°01'48"E	75.62'
L42	S64°58'48"E	101.03'
L43	S58°41'06"E	124.44'
L44	S28°36'41"E	21.51'
L45	S38°20'18"W	16.11'
L46	S74°01'51"W	69.00'
L47	N34°56'58"W	100.61'
L48	S41°51'17"W	6.13'
L49	S01°43'42"E	22.21'
L50	S11°50'36"W	68.18'
L51	S41°50'50"W	85.65'
L52	S15°04'22"W	69.44'

LINE	BEARING	DISTANCE
L53	N03°48'11"E	9.36'
L54	N03°48'11"E	12.58'
L55	N04°10'37"E	17.37'
L56	N25°15'50"E	35.18'
L57	N25°19'14"E	26.07'
L58	N74°58'53"W	23.34'
L59	N58°21'04"W	32.84'
L60	N34°05'09"W	54.42'
L61	N89°22'29"W	22.26'
L62	N65°31'15"W	35.16'
L63	N36°47'49"W	51.28'
L64	N39°52'04"E	12.08'
L65	S39°52'04"W	39.61'
L66	S16°02'04"W	36.87'
L67	S25°46'41"E	49.36'
L68	S48°25'34"E	46.50'
L69	S79°23'10"E	30.47'
L70	S07°45'32"W	59.32'
L71	S36°08'40"E	60.87'
L72	S01°41'48"W	38.09'
L73	S71°12'26"E	63.76'
L74	S29°01'06"E	40.01'
L75	S66°47'05"E	84.51'
L76	S12°53'33"E	75.44'
L77	S02°59'05"E	52.66'
L78	S58°49'31"E	39.42'
L79	S57°28'33"E	38.79'
L80	S27°27'16"E	52.70'
L81	S77°39'45"E	27.87'
L82	S50°06'37"E	51.63'
L83	S35°07'44"E	42.36'
L84	S26°37'14"E	54.08'
L85	S13°40'41"E	55.29'
L86	S04°19'23"W	40.86'
L87	S03°47'01"W	64.98'
L88	S17°55'57"W	51.07'
L89	S46°42'18"E	36.17'
L90	S87°30'33"W	73.47'
L91	S53°40'02"W	70.18'
L92	S55°39'00"W	43.65'
L93	N74°40'52"W	19.96'
L94	N41°43'42"E	36.75'
L95	N24°43'45"E	33.38'
L96	S81°15'58"W	30.32'
L97	N08°43'01"W	25.08'
L98	N54°21'34"E	27.21'
L99	N75°30'29"E	38.96'
L100	S22°29'08"E	28.45'
L101	N73°34'16"W	30.16'
L102	S15°56'47"W	29.16'
L103	N01°34'33"W	46.11'
L104	S00°32'31"E	15.15'

### LEGEND

(D) = LEGAL DESCRIPTION DATA

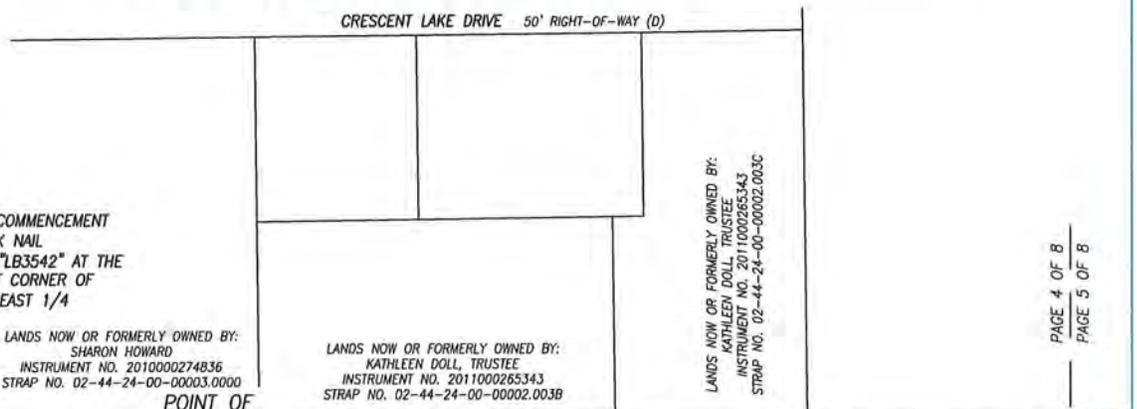
CURVE	DELTA	RADIUS	ARC	CHORD BEARING	CHORD
C1	18°48'41"	570.00'	187.14'	S66°27'23"W	186.30'
C2	13°33'22"	570.00'	134.86'	S82°38'25"W	134.55'
C3	10°17'22"	2236.83'	401.70'	N13°55'16"W	401.16'
C4	0°16'20"	2818.79'	13.39'	N10°21'51"W	13.39'
C5	7°53'19"	2236.83'	307.97'	N04°29'10"W	307.73'



## THIS IS NOT A SURVEY

THIS MAP PREPARED BY: CERTIFICATE OF AUTHORIZATION NO. LB 8886 NOT VALID WITHOUT THE SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER	<b>JAMES M. CONDON, PSM</b>  Professional Surveyor & Mapper Fla. License No. 6074	COMPUTER FILE: 2307258.DWG1 SURVEY DATE: 07/28/2024 PLOTTED DATE: 05/09/2025	DRAWING SCALE: NOT TO SCALE REVISION NO.: REVISION DATE:		DEED Worksheet Drive, Utility & E Post Office Box 31000 DORNO, FL 32008 www.chiwa.com in the FLORIDA STATE	DRAWN BY: JAC CHECKED BY: JAC FIELD NO.: 197/55	CERTIFIED TO: <b>HORIZON TAMAMI LLC</b>	AIR FILE: 22-0514 SHEET NO.: 3 OF 8
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# SKETCH OF DESCRIPTION OF A TRACT OR PARCEL OF LAND LYING IN SECTION 2, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA



POINT OF COMMENCEMENT  
FOUND P/K NAIL  
AND DISK "LB3542" AT THE  
NORTHWEST CORNER OF  
THE SOUTHEAST 1/4

LANDS NOW OR FORMERLY OWNED BY:  
SHARON HOWARD  
INSTRUMENT NO. 201000274836  
STRAP NO. 02-44-24-00-00003.0000

LANDS NOW OR FORMERLY OWNED BY:  
KATHLEEN DOLL, TRUSTEE  
INSTRUMENT NO. 2011000265343  
STRAP NO. 02-44-24-00-00002.003B

LANDS NOW OR FORMERLY OWNED BY:  
KATHLEEN DOLL, TRUSTEE  
INSTRUMENT NO. 2011000265343  
STRAP NO. 02-44-24-00-00002.003C

N89°24'36"E  
56.34'(C)  
25.23'(C)  
500°32'31"E

POINT OF  
BEGINNING  
N = 850938.455  
E = 894465.672

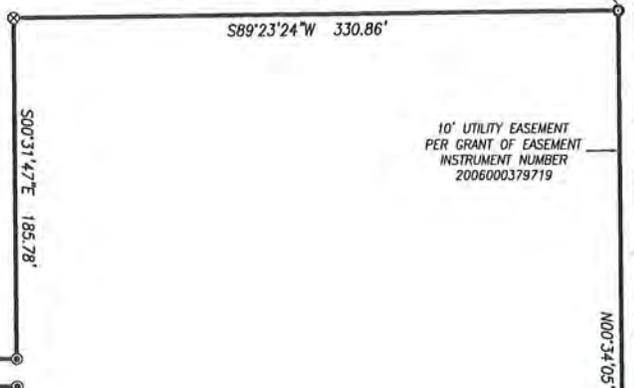
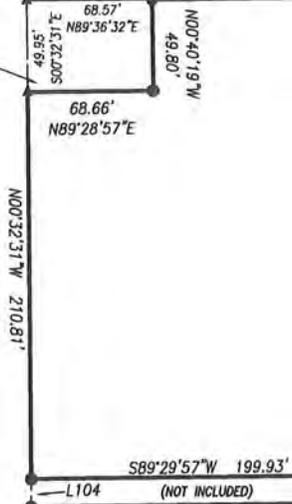
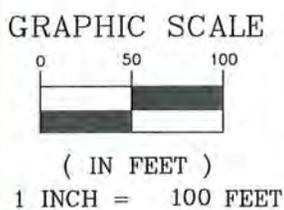
25' RIGHT OF WAY (P)  
PLAT BOOK 1, PAGE 19  
NOT OPEN / UNIMPROVED

N89°22'36"E 535.52' 4TH STREET

NB9  
4  
500°35'  
7.5'  
CLOSING

LANDS NOW OR FORMERLY OWNED BY:  
FIFTEEN TWENTY LLC  
OFFICIAL RECORDS BOOK 4322, PAGE 4600  
STRAP NO. 02-44-24-03-00008.0220

UPLAND 1  
CONTAINS 18.709 ACRES,  
MORE OR LESS



LANDS NOW OR FORMERLY OWNED BY:  
STATE OF FLORIDA DEPARTMENT OF  
TRANSPORTATION  
OFFICIAL RECORDS BOOK 2339, PAGE 3157  
STRAP NO. 02-44-24-03-00008.0020  
"FDOT WATER STORAGE AREA"  
(NOT INCLUDED)

SUBJECT PARCEL CONTAINS  
18.709 ACRES,  
MORE OR LESS

UPLAND 1  
CONTAINS 18.709 ACRES,  
MORE OR LESS

**SURVEYOR'S NOTES**

1. SEE PAGE 3 OF B FOR LEGEND AND LINE TABLE

**THIS IS NOT A SURVEY**

**U.S. BUSINESS 41**  
STATE ROAD 739  
RIGHT OF WAY VARIES  
PER FDOT SECTION  
12001-2616

EXISTING RIGHT OF WAY PER  
FDOT SECTION 12001-2616

PAGE 4 OF B  
PAGE 8 OF B

PAGE 4 OF B  
PAGE 8 OF B

<p>THIS MAP PREPARED BY: CERTIFICATE OF AUTHORIZATION NO. LB 8898 NOT VALID WITHOUT THE SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER</p>	<p>JAMES M. CONDON, PSM <i>J.M. Condon</i> Professional Surveyor &amp; Mapper, Fla. License No. 6074</p>	<p>COMPILED BY: 230758.D141 DATE: 02/28/2024</p>	<p>DRAWING SCALE: 1" = 100' REVISIONS: REVISION DATE: REVISION BY:</p>	<p>CHW Professional Consultants</p>	<p>DESI Westvillage Drive, Units 5-8 Fort Myers, FL 33911 239.388.4088 www.chw-nc.com 44, 5th FLOOR FLORIDA CA-6078</p>	<p>MADE BY: FA CHECKED BY: JC FIELD BOOK: 192/308</p>	<p>CERTIFIED TO: HORIZON TAMAMI LLC</p>	<p>JOB NO.: 22-0514 SHEET NO.: 4 OF 8</p>
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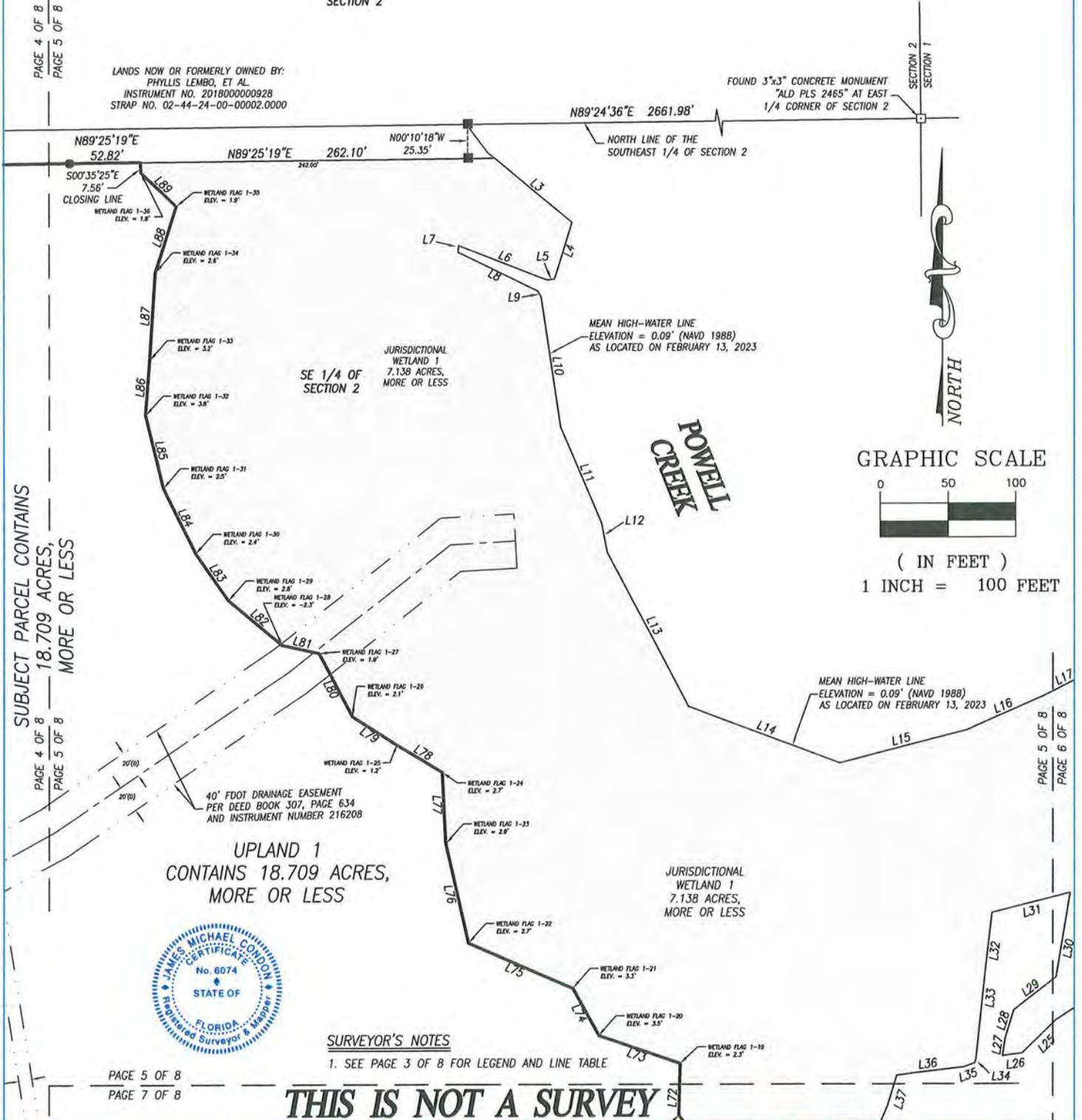
# SKETCH OF DESCRIPTION OF A TRACT OR PARCEL OF LAND LYING IN SECTION 2, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA

PAGE 4 OF 8  
PAGE 5 OF 8

NE 1/4 OF SECTION 2

LANDS NOW OR FORMERLY OWNED BY:  
PHYLIS LEMBO, ET AL.  
INSTRUMENT NO. 201800000928  
STRAP NO. 02-44-24-00-00002.0000

FOUND 3"x3" CONCRETE MONUMENT  
"ALD PLS 2465" AT EAST  
1/4 CORNER OF SECTION 2



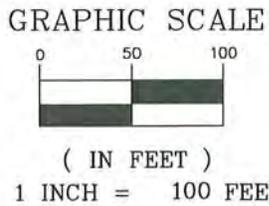
SUBJECT PARCEL CONTAINS  
18.709 ACRES,  
MORE OR LESS

PAGE 4 OF 8  
PAGE 5 OF 8

UPLAND 1  
CONTAINS 18.709 ACRES,  
MORE OR LESS

JURISDICTIONAL  
WETLAND 1  
7.138 ACRES,  
MORE OR LESS

POWELL  
CREEK



**SURVEYOR'S NOTES**

1. SEE PAGE 3 OF 8 FOR LEGEND AND LINE TABLE

THIS IS NOT A SURVEY

PAGE 5 OF 8  
PAGE 7 OF 8

PAGE 5 OF 8  
PAGE 6 OF 8

THIS MAP PREPARED BY: CERTIFICATE OF AUTHORIZATION NO. LB 8806 NOT VALID WITHOUT THE SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER	JAMES M. CONDON, PSM Professional Surveyor & Mapper, Fla. License No. 6074	COMPUTER FILE: 230755.011.dwg SURVEY DATE: 02/28/2024 SIGNATURE DATE: 05/09/2025	DRAWING SCALE: 1" = 100' REVISION #1: REVISION DATE:	18231 Westchase Drive, Suite 505 Fort Myers, FL 33907 (941) 343-9081 www.chiwa-fl.com INCORPORATED IN FLORIDA CA-5075	DRAWN BY: FA CHECKED BY: JC FIELD BOOK: 197/58	CERTIFIED TO: HORIZON TAMAMI LLC	JOB NO.: 22-0514 SHEET NO.: 5 OF 8
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## EXHIBIT M8

This Instrument was prepared by:  
Gregg S. Truxton, Esquire  
Bolaños Truxton, P.A.  
12800 University Drive, Suite 350  
Fort Myers, Florida 33907

Parcel Identification No: 02-44-24-03-0000B.0320; 02-44-24-03-00001.0210; and  
02-44-24-03-0000B.0010; 02-44-24-03-00001.0200

### SPECIAL WARRANTY DEED

**THIS SPECIAL WARRANTY DEED** is made this 20<sup>th</sup> day of October, 2023, by **Brooks Road QOZB, LLC**, a Florida limited liability company (hereinafter called the Grantor), whose address is 200 Mirror Lake Drive N., St. Petersburg, FL 33701, to **Horizon Tamiami LLC** a Delaware limited liability company (hereinafter called Grantee), whose address is 5 Corporate Drive, Suite 105, Central Valley, NY 10917.

**WITNESSETH:** That the Grantor, for and in consideration of the sum of Ten (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Lee County, Florida to-wit:

See Exhibit "A" attached hereto.

and this conveyance is subject to: (1) applicable zoning ordinances, regulations and governmental requirements; (2) real estate taxes and assessments for the year 2023 and subsequent years, which are not yet due and payable; and (3) covenants, conditions, restrictions and easements of record, if any.

**TOGETHER**, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**TO HAVE AND TO HOLD**, the same in fee simple forever.

**AND** the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said Grantor.

[SIGNATURE ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the said Grantor has hereunto set our hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Brooks Road QOZB, LLC, a Florida limited liability company

Sign: Sandra D. Christensen

Print Name: Sandra D. Christensen

By: [Signature]  
Joseph Bonora, Manager

Sign: Carrie L. Moore

Print Name: Carrie L. Moore

State of Florida

County of Lee

The foregoing instrument was acknowledged before me by means of (  ) physical presence or (  ) online notarization, this 20<sup>th</sup> day of October, 2023, by Joseph Bonora, as Manager of Brooks Road QOZB, LLC, a Florida limited liability company, who is (  ) personally known to me, or (  ) who has produced the following as identification:

Florida driver's license

My Commission Expires:

Carrie L. Moore  
Notary Public

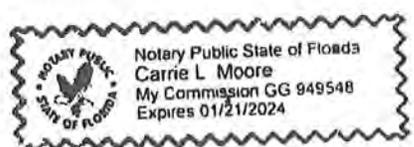


EXHIBIT "A"

A TRACT OR PARCEL OF LAND LYING IN SECTION 2, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 2, THENCE NORTH 89°24'36" EAST, ALONG THE NORTH LINE OF SAID SOUTHEAST 1/4 A DISTANCE OF 56.34 FEET; THENCE SOUTH 00°32'31" EAST, A DISTANCE OF 25.23 FEET TO THE NORTHWEST CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4322, PAGE 4600 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 89°36'32" EAST, ALONG THE NORTH LINE OF SAID LANDS A DISTANCE OF 68.57 FEET TO THE NORTHEAST CORNER OF SAID LANDS AND THE POINT OF BEGINNING;

THENCE NORTH 89°22'36" EAST, A DISTANCE OF 535.52 FEET; THENCE NORTH 89°25'19" EAST, A DISTANCE OF 314.92 FEET TO THE MEAN HIGH-WATER LINE OF POWELL CREEK; THENCE ALONG SAID MEAN HIGH-WATER LINE THE FOLLOWING FIFTY (50) COURSES AND DISTANCES:

1. THENCE SOUTH 50°30'43" EAST, A DISTANCE OF 74.18 FEET;
2. THENCE SOUTH 17°12'49" WEST, A DISTANCE OF 43.92 FEET;
3. THENCE SOUTH 83°01'33" WEST, A DISTANCE OF 5.28 FEET;
4. THENCE NORTH 68°54'15" WEST, A DISTANCE OF 70.99 FEET;
5. THENCE SOUTH 02°36'37" WEST, A DISTANCE OF 5.05 FEET;
6. THENCE SOUTH 64°21'30" EAST, A DISTANCE OF 66.16 FEET;
7. THENCE SOUTH 26°09'19" EAST, A DISTANCE OF 4.88 FEET;
8. THENCE SOUTH 08°28'45" EAST, A DISTANCE OF 97.16 FEET;
9. THENCE SOUTH 23°21'37" EAST, A DISTANCE OF 77.36 FEET;
10. THENCE SOUTH 10°55'19" EAST, A DISTANCE OF 21.72 FEET;
11. THENCE SOUTH 27°49'37" EAST, A DISTANCE OF 128.74 FEET;
12. THENCE SOUTH 69°29'01" EAST, A DISTANCE OF 119.40 FEET;
13. THENCE NORTH 75°39'25" EAST, A DISTANCE OF 97.39 FEET;
14. THENCE NORTH 66°20'45" EAST, A DISTANCE OF 63.33 FEET;
15. THENCE NORTH 63°07'19" EAST, A DISTANCE OF 51.18 FEET;
16. THENCE NORTH 81°17'57" EAST, A DISTANCE OF 21.20 FEET;
17. THENCE SOUTH 35°18'31" EAST, A DISTANCE OF 30.24 FEET;
18. THENCE SOUTH 16°25'35" EAST, A DISTANCE OF 74.25 FEET;
19. THENCE SOUTH 00°03'56" EAST, A DISTANCE OF 32.37 FEET;
20. THENCE SOUTH 02°53'18" WEST, A DISTANCE OF 52.91 FEET;
21. THENCE SOUTH 30°17'17" WEST, A DISTANCE OF 44.99 FEET;
22. THENCE SOUTH 57°22'34" WEST, A DISTANCE OF 85.21 FEET;
23. THENCE SOUTH 45°32'21" WEST, A DISTANCE OF 34.93 FEET;
24. THENCE SOUTH 82°24'42" WEST, A DISTANCE OF 14.68 FEET;
25. THENCE NORTH 08°35'50" EAST, A DISTANCE OF 12.96 FEET;

26. THENCE NORTH 16°40'59" EAST, A DISTANCE OF 21.62 FEET;
27. THENCE NORTH 52°14'55" EAST, A DISTANCE OF 39.65 FEET;
28. THENCE NORTH 09°43'18" EAST, A DISTANCE OF 63.43 FEET;
29. THENCE SOUTH 75°56'44" WEST, A DISTANCE OF 59.86 FEET;
30. THENCE SOUTH 06°30'49" WEST, A DISTANCE OF 43.32 FEET;
31. THENCE SOUTH 06°06'13" WEST, A DISTANCE OF 65.62 FEET;
32. THENCE SOUTH 17°40'46" WEST, A DISTANCE OF 2.88 FEET;
33. THENCE SOUTH 71°00'00" WEST, A DISTANCE OF 8.69 FEET;
34. THENCE SOUTH 82°52'55" WEST, A DISTANCE OF 49.76 FEET;
35. THENCE SOUTH 16°52'50" WEST, A DISTANCE OF 23.68 FEET;
36. THENCE SOUTH 22°48'22" WEST, A DISTANCE OF 55.10 FEET;
37. THENCE SOUTH 06°07'45" EAST, A DISTANCE OF 40.65 FEET;
38. THENCE SOUTH 40°34'45" EAST, A DISTANCE OF 54.92 FEET;
39. THENCE SOUTH 58°01'48" EAST, A DISTANCE OF 75.62 FEET;
40. THENCE SOUTH 64°58'48" EAST, A DISTANCE OF 101.03 FEET;
41. THENCE SOUTH 58°41'06" EAST, A DISTANCE OF 124.44 FEET;
42. THENCE SOUTH 28°36'41" EAST, A DISTANCE OF 21.51 FEET;
43. THENCE SOUTH 38°20'18" WEST, A DISTANCE OF 16.11 FEET;
44. THENCE SOUTH 74°01'51" WEST, A DISTANCE OF 69.00 FEET;
45. THENCE NORTH 34°56'58" WEST, A DISTANCE OF 100.61 FEET;
46. THENCE SOUTH 41°51'17" WEST, A DISTANCE OF 6.13 FEET;
47. THENCE SOUTH 01°43'42" EAST, A DISTANCE OF 22.21 FEET;
48. THENCE SOUTH 11°50'36" WEST, A DISTANCE OF 68.18 FEET;
49. THENCE SOUTH 41°50'50" WEST, A DISTANCE OF 85.65 FEET;
50. THENCE SOUTH 15°04'22" WEST, A DISTANCE OF 69.44 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF BROOKS ROAD (60' RIGHT OF WAY PER OFFICIAL RECORDS BOOK 74, PAGE 690);

THENCE SOUTH 57°03'03" WEST ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE A DISTANCE OF 114.22 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE CONCAVE NORTHWESTERLY; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 570.00 FEET, A CENTRAL ANGLE OF 18°48'40", THE CHORD FOR WHICH BEARS SOUTH 66°27'23" WEST, A CHORD DISTANCE OF 186.30 FEET, AN ARC DISTANCE OF 187.14 FEET TO THOSE CERTAIN LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2339, PAGE 3156 AND THE END OF SAID CURVE; THENCE ALONG SAID LANDS THE FOLLOWING EIGHT (8) COURSES AND DISTANCES:

1. THENCE NORTH 00°39'52" WEST, A DISTANCE OF 334.25 FEET;
2. THENCE NORTH 87°58'01" EAST, A DISTANCE OF 130.15 FEET;
3. THENCE NORTH 01°34'33" WEST, A DISTANCE OF 46.11 FEET;
4. THENCE SOUTH 87°58'01" WEST, A DISTANCE OF 133.00 FEET;
5. THENCE NORTH 00°09'22" EAST, A DISTANCE OF 96.64 FEET;
6. THENCE SOUTH 74°22'09" WEST, A DISTANCE OF 153.92 FEET;
7. THENCE SOUTH 89°22'09" WEST, A DISTANCE OF 243.88 FEET;
8. THENCE SOUTH 00°37'10" EAST, A DISTANCE OF 452.77 FEET TO THE

NORTH RIGHT OF WAY LINE OF BROOKS ROAD;

THENCE SOUTH 89°22'16" WEST ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 450.69 FEET TO THE EAST RIGHT OF WAY LINE OF U.S. BUSINESS 41 (STATE ROAD 739) PER FLORIDA DEPARTMENT OF TRANSPORTATION SECTION 12001-2516; THENCE NORTH 52°53'31" WEST ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 42.80 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY; THENCE CONTINUE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 2236.83 FEET, A CENTRAL ANGLE OF 10°17'22", THE CHORD FOR WHICH BEARS NORTH 13°55'16" WEST, A CHORD DISTANCE OF 401.16 FEET, AN ARC DISTANCE OF 401.70 FEET TO THE END OF SAID CURVE; THENCE NORTH 79°29'59" EAST, A DISTANCE OF 0.41 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE TO THE EAST; THENCE CONTINUE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 2818.79 FEET, A CENTRAL ANGLE OF 00°16'20", THE CHORD FOR WHICH BEARS NORTH 10°21'51" WEST, A CHORD DISTANCE OF 13.39 FEET, AN ARC DISTANCE OF 13.39 FEET TO A POINT OF COMPOUND CURVATURE; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 2236.83 FEET, A CENTRAL ANGLE OF 07°53'18", THE CHORD FOR WHICH BEARS NORTH 04°29'10" WEST, A CHORD DISTANCE OF 307.72 FEET, AN ARC DISTANCE OF 307.96 FEET TO THE END OF SAID CURVE; THENCE NORTH 00°32'31" WEST, A DISTANCE OF 313.44 FEET TO THOSE CERTAIN LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2339, PAGE 3157; THENCE ALONG SAID LANDS THE FOLLOWING SEVEN (7) COURSES AND DISTANCES:

1. THENCE NORTH 89°27'58" EAST, A DISTANCE OF 200.04 FEET;
2. THENCE SOUTH 00°31'08" EAST, A DISTANCE OF 389.41 FEET;
3. THENCE NORTH 61°51'55" EAST, A DISTANCE OF 373.64 FEET;
4. THENCE NORTH 00°34'05" WEST, A DISTANCE OF 417.56 FEET;
5. THENCE SOUTH 89°23'24" WEST, A DISTANCE OF 330.86 FEET;
6. THENCE SOUTH 00°31'47" EAST, A DISTANCE OF 185.78 FEET;
7. THENCE SOUTH 89°29'57" WEST, A DISTANCE OF 199.93 FEET THE EAST RIGHT OF WAY LINE OF U.S. BUSINESS 41 (STATE ROAD 739) PER FLORIDA DEPARTMENT OF TRANSPORTATION SECTION 12001-2516;

THENCE NORTH 00°32'31" WEST ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 210.81 FEET TO THE SOUTHWEST CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4322, PAGE 4600 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 89°28'57" EAST, ALONG THE SOUTH LINE OF SAID LANDS, A DISTANCE OF 68.66 FEET TO THE SOUTHEAST CORNER OF SAID LANDS; THENCE NORTH 00°40'19" WEST, ALONG THE EAST LINE OF SAID LANDS, A DISTANCE OF 49.80 FEET TO THE POINT OF BEGINNING.

HORIZON TAMiami  
AERIAL MAP OF SUBJECT PROPERTY

EXHIBIT M9



EXHIBIT M10

**AUTHORIZATION TO REPRESENT**

Please be advised that VERONICA MARTIN, SENIOR PLANNER and DEAN MARTIN, P.E., of TDM Consulting, Inc., 43 Barkley Circle, Suite 200, Fort Myers, FL 33907, are hereby authorized to represent Horizon Tamiami, LLC, 5 Corporate Drive #105, Central Valley, NY, 10917, the Applicant and Owner of Record, in all applications to Lee County and subsequent public hearings regarding the properties at 1450, 1456, 1460, and 1470 N. Tamiami Trail, North Fort Myers, FL 33903, also identified by STRAP Nos 02-44-24-03-0000B.0320, 02-44-24-03-00001.0210, 02-44-24-03-0000B.0010, and 02-44-24-03-00001.0200.

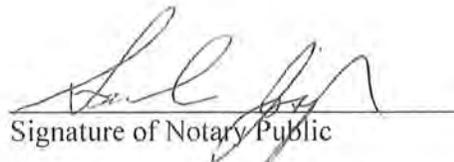


Joseph Niederman, Managing Member  
Horizon Tamiami, LLC

STATE OF New York  
COUNTY OF ORANGE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, on 1/26/2024 (date) by Joseph Niederman (name of person providing oath or affirmation), who are personally known to me or ~~who has produced~~ \_\_\_\_\_ (type of identification) as identification.

STAMP/SEAL  
SAMUEL JOSEPH  
Notary Public-State of New York  
No. 01JO0002524  
Qualified in Orange County  
Commission Expires 03/08/2027

  
Signature of Notary Public



**1520 Royal Palm Square Blvd, Suite 100**

**Fort Myers, FL 33919**

**Phone: 239-433-4231**

**[www.tdmcivilengineering.com](http://www.tdmcivilengineering.com)**

**Certificate of Authorization # 29086**

**Proposed Amendment – Exhibit M11**

**Revised 7/19/2024**

The Applicant, Horizon Tamiami, LLC, is requesting to amend Lee Plan Map 1-C, the Mixed Use Overlay Map. The project site is 27.36 acres, located in Section 2, Township 44 South, Range 24 East, north of Brooks Road and east of N. Tamiami Trail. The majority of the subject property has a future land use classification of Intensive Development. The remainder of the property has a future land use classification of Wetlands. The South Florida Water Management District (SFWMD) issued a formal wetland and OSW determination on May 2, 2023. Of the 27.36 acres, 7.20 acres is identified as Wetlands and another 0.29 acres is identified as OSW in the form of man-made ditches. As a result, the Applicant is requesting to add ±20.16-acres into the Mixed Use Overlay.

Lee Plan Policy 11.2.3 states that “At the discretion of the Board of County Commissioners, the Mixed Use Overlay boundary may be extended up to one-quarter mile to accommodate developments partially within a Mixed Use Overlay or immediately adjacent to a Mixed Use Overlay. The subject property is adjacent to the Mixed Use Overlay to the south of Brooks Road.



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Horizon Tamiami Rezoning

Lee Plan Analysis

Exhibit M12

Revised 12-12-2024

**Lee Plan Analysis:**

***Policy 1.1.2:** The Intensive Development future land use category is located along major arterial roads. By virtue of their location, the County's current development patterns, and the available and potential levels of public services, areas with this designation are suited to accommodate high densities and intensities. Mixed use developments of high-density residential, commercial, limited light industrial, and office uses are encouraged to be developed as described in Objective 11.1, where appropriate. The standard density range is from eight dwelling units per acre (8 du/acre) to fourteen dwelling units per acre (14 du/acre), with a maximum total density of twenty-two dwelling units per acre (22 du/acre). The maximum total density may be increased to thirty dwelling units per acre (30 du/acre) utilizing Greater Pine Island Transfer of Development Units.*

The majority of the subject property ( $\pm 20.16$  acres) has a future land use classification of Intensive Development. The Intensive Development future land use category is described as having the highest levels of public services and being best suited to accommodate high densities and intensities with mixed used developments encouraged where appropriate. The Applicant is requesting to add the 20.16-acres to Lee Plan Map I-C, the Mixed-Use Overlay Map. The property is located at the intersection of N. Tamiami Trail, a state-maintained arterial roadway, and Brooks Road, a county-maintained local road. Urban services are available and adequate to serve future development at this location. This is consistent with **Lee Plan Policy 1.1.2**.

***OBJECTIVE 1.5: WETLANDS.** Designate on the Future Land Use Map those lands that are identified as Wetlands in accordance with § 373.019(27), Fla. Stat. through the use of the unified state delineation methodology described in Fla. Admin. Code R. 62-340, as ratified and amended in § 373.4211, Fla. Stat.*

***POLICY 1.5.1:** Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 124. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table I(a) and Chapter XIII.*

***POLICY 1.5.2:** When the exact location of Wetlands boundaries is in question, Chapter XIII provides an administrative process to precisely define the boundary.*

The overall subject property owned by the applicant includes approximately 7.20 acres of land with a Wetlands future land use classification. The formal Wetland Determination Line was

approved by the South Florida Water Management District (SFWMD) via Permit no. 36-108765-P. The applicant will be required to apply to Lee County Department of Community Development for an administrative interpretation of Land Use Map Boundaries (LUMB) to clearly define the wetland boundary as required by Lee Plan Policy 1.5.2. The applicant does not intend to develop the wetlands, except as may be permitted for recreational uses like a boardwalk. This is consistent with **Lee Plan Objective 1.5 and Policies 1.5.1 and 1.5.2.**

**Goal 2: Growth Management.** *To provide for an economically feasible plan which coordinates the location and timing of new development with the provision of infrastructure by government agencies, private utilities, and other sources.*

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

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

**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.*

**Policy 2.2.2:** *The Future Land Use Map indicates the uses and density ranges that will ultimately be permitted on a given parcel. However, it is not a guarantee that such densities or uses are immediately appropriate, as the map provides for the County's growth beyond the 2045 planning horizon. During the rezoning process the Board of County Commissioners will balance the overall standards and policies of this plan with three additional factors:*

- 1. Whether a given proposal would further burden already overwhelmed existing and committed public facilities such that the approval should be delayed until the facilities can be constructed; and*
- 2. Whether a given proposal is for land so far beyond existing development or adequate public facilities that approval should be delayed in an effort to encourage compact and efficient growth patterns; and*
- 3. Whether a given proposal would result in unreasonable development expectations that may not be achievable because of acreage limitations contained in the Acreage Allocation Table (see Table 1(b)).*

*In all cases where rezoning is approved, such approval does not constitute a determination that the minimum acceptable levels of service (see Policy 95.1.3) will be available concurrent with the impacts of the proposed development. Such a determination must be made prior to the issuance of additional development permits, based on conditions which exist at that time, as required by Lee County's concurrency management system.*

Urban services are available and adequate to service future development of the property.

Fire: North Fort Myers Fire District, Station 2, located at 1280 Barrett Rd., is approximately 3.1 miles away.

Police: Lee County Sheriff's Office, located at 121 Pondella Rd, is approximately 1.3 miles away.

- EMS: North Fort Myers Fire District, Station 2, located at 1280 Barrett Rd., is approximately 3.1 miles away.
- Solid Waste: The property is within Lee County Solid Waste Franchise Area 5 and is served by Waste Pro.
- Public Transit: There is an existing bus stop located approximately .03 miles north on N Tamiami Trail from the northwest corner of the property and another existing bus stop on the corner of N Tamiami Trail and Brooks Road. Lee Tran Route 590 currently services this segment of N Tamiami Trail; however, Lee Tran intends to discontinue service along this section of N. Tamiami Trail in the future.
- Public Schools: The property is within the Lee County School District West Zone, District Area 5.
- Public Parks: The property is approximately 2.3 miles east from Judd Community Park and 2.4 miles south from North Fort Myers Community Park.

The subject property is one of the few remaining large blocks of land along N. Tamiami Trail, just north of the Edison Bridge. This area of the County has a future land use classification of Intensive Development with Central Urban future land use north and east of the subject property and Wetlands future land use near Powell Creek. The site has frontage on N. Tamiami Trail, a state-maintained arterial roadway, and Brooks Road, a county-maintained local road. Potable water, sanitary sewer and other urban services are adequate and available to serve the site. Although public transit is slated to be discontinued along this segment of N. Tamiami Trail, Lee Tran may add this to their "Transit on Demand" Map. **Lee Plan Table 1(b) Year 2045 Allocations** identifies 376 acres available in the Intensive Development future land use category for residential use and 1,121 acres for commercial development in the North Fort Myers planning community. Development of this property promotes compact and contiguous growth patterns in future urban areas where public facilities exist and are adequate to serve future developments. Adding the 20.16-acre subject property to Lee Plan Map 1-C is consistent with **Lee Plan Goal 2, Objective 2.2: Development Timing, and Policies 2.1.1, 2.1.2, and 2.2.2.**

***Standard 4.1.1: Water.***

*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 4- A), then the development must be connected to that utility.*

***Standard 4.1.2: Sewer.***

*1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.*

*2. If the proposed development exceeds the thresholds listed above and lies within the boundaries of a sewer utility's certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 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 1/4 mile from any part of the development.*

Lee County Utilities (LCU) provided a Letter of Availability confirming that potable water lines are in operation adjacent to the subject property and that LCU presently has sufficient capacity to provide potable water service as estimated. In addition, Florida Governmental Utility Authority (FGUA) provided a Letter of Availability confirming that sanitary sewer lines are in operation adjacent to the subject property and that FGUA presently has sufficient capacity to provide sanitary sewer service as estimated. Both letters confirm the capacity to serve the future development; however, developer enhanced improvements may be required at time of Development Order permitting. This is consistent with **Lee Plan Standards 4.1.1: Water and 4.1.2: Sewer.**

***STANDARD 4.1.3: Reuse.***

- 1. Any development that requires a development order, on a property that is adjacent to public reuse infrastructure with sufficient capacity, must connect to the reuse system for irrigation needs.*
- 2. Any new development that, at build-out, has an anticipated irrigation demand of 50,000 gallons per day, or more, using the Blaney-Criddle method, must connect to a public reuse system for irrigation needs when sufficient capacity and adequate infrastructure is within ¼ mile from any part of the development.*
- 3. If there is not sufficient capacity or adequate infrastructure within ¼ mile of the development, the developer must provide proof in the form of a clearly stated rejection of service.*
- 4. If a development has been rejected for reuse service, the proposed source of irrigation water must be identified consistent with Policy 61.1.6.*

Lee County Utilities (LCU) provided a letter stating that there aren't any reuse mains in the vicinity of the subject property. The applicant will be required to provide the anticipated irrigation demand calculations at time of Development Order permitting and will be required to provide the necessary infrastructure at that time or provide the source of irrigation water (wells) consistent with Lee Plan Policy 61.1.6. This is consistent with **Lee Plan Policy 4.1.3.**

***Goal 5: Residential Land Uses.*** *To accommodate the projected population of Lee County in the year 2045 in appropriate locations, guided by the Future Land Use Map, and in attractive and safe neighborhoods with a variety of price ranges and housing types.*

***POLICY 5.1.2:*** *Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.*

Powell Creek is located along the east property line of the subject property. FEMA identifies the area on both sides of Powell Creek to be in a Floodway. In addition, 7.20-acres of the subject property along Powell Creek is identified as wetlands. No development, with the exception of potential recreational uses in the form of a boardwalk, is anticipated within the wetlands. The applicant will be required to provide a Finished Floor Elevation of 1-foot above FEMA requirements to protect from potential flooding hazards. In addition, the community clubhouse can be used as a hurricane shelter. The applicant also has the option to provide a Hurricane Mitigation fee to Lee County Emergency Management. The applicant will comply with all necessary codes and regulations as required at time of Development Order permitting. This is consistent with **Lee Plan Policy 5.1.2.**

***Policy 5.1.5:*** *Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments.*

The subject property is located along N. Tamiami Trail, also known as Business 41, a state-maintained arterial roadway. Lee Tran Route 590 currently serves this segment of N. Tamiami Trail and there are two bus stops along the property frontage. In addition, there's an existing pedestrian facility along N. Tamiami Trail and a future planned bikeway facility. Nearby parks include Judd Community Park and North Fort Myers Community Park. As a true mixed-use development, pedestrian connections will be provided internal to the site between the residential development and the commercial development along N. Tamiami Trail.

The subject property already has a mix of commercial and residential zoning districts – CG, C-1, and RS-1. Existing and proposed uses surrounding the subject property include both commercial and residential. Brooks Road right-of-way is located south of the property. The properties south of Brooks Road are zoned C-2, are located within the Mixed-Use Overlay, and consist of multi-family development, retail, and vacant land. Powell Creek separates the subject property from the single-family lots to the east. There are 7.20-acres of wetlands along Powell Creek on the subject property. The applicant does not intend to impact those wetlands, but will designate them as both indigenous preservation and the requisite 50-foot upland buffer. This will protect the existing and/or future single-family lots from any potential impacts of the future mixed-use development. The zoning district of the single-family lots east of Powell Creek is RS-1 and TFC-2. There's a small commercial business with C-1 zoning along the north property line. In addition, there's a multifamily development with TFC-2 zoning and a single-family home with RS-1 zoning to the north of the subject property. North Tamiami Trail right-of-way is located along the west property line. Mostly commercial uses are located on the west side of the right-of-way, including several motels, a cocktail bar, single-family lot, and vacant land with C-1 and AG-2 zoning. Amending Lee Plan Map 1-C to add the 20.16-acre property to the Mixed-Use Overlay is consistent with **Lee Plan Goal 5 and Policy 5.1.5.**

***Goal 6: Commercial Land Uses:*** *To permit orderly and well-planned commercial development at appropriate locations within the county.*

***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.*

The subject property has a future land use classification of Intensive Development which is an area where mixed-use developments of high-density residential, commercial, limited light industrial, and office uses are encouraged. The subject property is currently zoned CG, C-1, and RS-1, which is a mix of commercial and residential zoning districts. The surrounding roadway network and other urban services, including potable water and sanitary sewer, are available and adequate to serve a proposed mixed-use development at this location. This is consistent with **Lee Plan Goal 6 and Policy 6.1.4.**

**Goal 11: Mixed Use.** Encourage mixed use developments that integrate multiple land uses, public amenities and utilities at various scales and intensities in order to provide: diversified land development; a variety of housing types; greater connectivity between housing, workplaces, retail businesses, and other destinations; reduced trip lengths; more transportation options; and pedestrian and bicycle-friendly environments.

**Objective 11.1: Mixed Use Development.** Allow and encourage mixed use development within certain future land use categories and at appropriate locations where sufficient infrastructure exists to support development.

**Policy 11.1.1:** Developments located within the Intensive Development, Central Urban, or Urban Community future land use categories that have existing connectivity or can demonstrate that connectivity may be created to adjacent neighborhoods are strongly encouraged to be developed with two or more of the following uses: residential, commercial (including office), and light industrial (including research and development use).

The subject property is currently zoned CG, C-1, and RS-1. The Applicant intends to develop the property as a true mixed-use development with commercial development along the N. Tamiami Trail frontage and multi-family residential along Brooks Road and the center of the site, while preserving the 7.20-acres of wetlands. The Intensive Development future land use category encourages mixed-use development. The existing roadway infrastructure, Lee Tran facilities, existing and planned pedestrian and bicycle facilities, and urban services are available and adequate to support a mixed-use development at this location. This is consistent with **Lee Plan Goal 11, Objective 11.1 and Policy 11.1.1.**

**Objective 11.2: Mixed Use Overlay.** The County will maintain an Overlay in the future land use map series identifying locations appropriate for mixed use located in proximity to: public transit routes; education facilities; recreation opportunities; and, existing residential, shopping and employment centers. Mixed Use, Traditional Neighborhood, and Transit Oriented development patterns are encouraged and preferred within the Mixed Use Overlay.

**Policy 11.2.1:** The Mixed Use Overlay identifies locations where mixed use development will have a positive impact on transportation facilities through increased transit service, internal trip capture, and reduced travel distance. Requests to expand the Mixed Use Overlay will be evaluated based on all of the following criteria:

1. Located within the extended pedestrian shed of established transit routes; and,
2. Distinct pedestrian and automobile connections to adjacent uses can be achieved without accessing arterial roadways; and,
3. Located within the Intensive Development, Central Urban, or Urban Community future land use categories;
4. Availability of adequate public facilities and infrastructure; and
5. Will not intrude into predominately single-family residential neighborhoods.

**Policy 11.2.2:** Development in the Mixed Use Overlay should accommodate connections to adjacent uses.

**Policy 11.2.3:** At the discretion of the Board of County Commissioners, the Mixed Use Overlay boundary may be extended up to one-quarter mile to accommodate developments located partially within a Mixed Use Overlay or immediately adjacent to a Mixed Use Overlay.

*Policy 11.2.4: Use of conventional zoning districts will be encouraged within the Mixed Use Overlay in order to promote continued redevelopment.*

*Policy 11.2.5: Lee County will maintain land development regulations for properties within the Mixed Use Overlay that allow for urban forms of development and a variety of uses.*

*Policy 11.2.7: Development, redevelopment, and infill development located within the Mixed Use Overlay may use the area of non-residential uses in their density calculations.*

Lee Plan Policy 11.2.3 permits the Board of County Commissioners to extend the Mixed Use Overlay boundary to accommodate developments located partially within or immediately adjacent to a Mixed Use Overlay. As noted, the properties south of Brooks Road are located within the Mixed Use Overlay, per Lee Plan Map 1-C, only separated by the 60-foot right-of-way. Future development will provide vehicular and pedestrian connections to Brooks Road for easy accessibility to the mixed-use development south of the property. In addition, future development will include vehicular and pedestrian facilities internal to the site between the multi-family residential area and the commercial area along N. Tamiami Trail. This will permit residents and visitors to travel internally without accessing an arterial road.

The subject property is currently zoned CG, C-1 and RS-1, which permits both commercial and residential uses. The property is located in the Intensive Development future land use category along an arterial roadway and urban services are available and adequate to serve future development of the property.

Lee County Utilities (LCU) provided a letter of availability confirming that LCU currently has sufficient capacity to provide potable water service to the proposed development, but that additional permitting will be required at time of local Development Order permitting. Florida Governmental Utility Authority (FGUA) also provided a letter of availability confirming that wastewater disposal service is available to serve the future development, which has an estimated demand of 96,600 GPD. The letter serves as a “statement of service”, but will also require additional permitting at time of local development order permitting.

Lee Tran Route 590 currently serves the site; however, Lee Plan Map 3-C: 2045 Financially Feasible Transit Network shows that this section of North Tamiami Trail is not slated to remain in operation. It is possible that the Map may be amended over the next 20 years to retain transit service along this section of N. Tamiami Trail especially with the addition of the proposed development, which is anticipated to develop 468 multi-family residential units plus commercial development. Other options are to include this segment of N. Tamiami Trail in the “Transit on Demand” Map. The request to add this subject property to the Mixed Use Overlay meets the other criteria and will have a positive impact on other urban services.

Lee County School District provided a letter confirming nearby schools had available capacity for a mixed-use development that included multi-family residential development. As a true mixed-use development, the subject property will be developed with multi-family residential uses along Brooks Road, with commercial outparcels located along N. Tamiami Trail. The development will have internal pedestrian and vehicular access between the two. In addition, there are other employment and shopping centers located south of Brooks Road, which can be accessed without accessing arterial roadways.

The property has frontage along a designated corridor overlay (N. Tamiami Trail, also known as Business 41). As previously stated, the site is one of the last remaining large undeveloped

properties along this section of N. Tamiami Trail in the Intensive Development future land use category. The site can be viewed as an infill development since the majority of the land on all four sides is currently developed with a mix of residential and commercial uses. The unusual lot configuration (due to the two FDOT-owned parcels that cut into the subject property), along with the wetlands along Powell Creek, has discouraged development of this property. Brooks Road is located along the south property line and Powell Creek acts as a physical barrier separating the subject property from the existing single-family lots to the east. Adding the subject property to Lee Plan Map 1-C is consistent with **Lee Plan Objective 11.2 and Policies 11.2.1, 11.2.2, 11.2.3, 11.2.4, 11.2.5, and 11.2.7.**

**Objective 17.3: Public Input.** *To provide opportunities for public input as part of the comprehensive plan and land development code amendment process.*

**Policy 17.3.2:** *One public information meeting is required for privately-initiated applications that propose a text change within a community plan or revises a map designation within a community plan area boundary. The meeting must be conducted before the application can be found complete.*

**Policy 17.3.3:** *Public information meetings required pursuant to the provisions of this subelement must be held within the established community plan area boundary that is affected by the amendment.*

**Policy 17.3.4:** *For required public information meetings, the applicant must provide the following:*

- *Adequate meeting space to accommodate projected attendance and security measures (as needed).*
- *Advance notice of the meeting in a publication of local distribution provided at least ten calendar days prior to the meeting, unless otherwise specified herein.*
- *At the meeting, a general overview of the text or map amendment and effect thereof.*
- *After the meeting, a meeting summary document submitted to the County that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and the applicant's response to any issues that were raised.*

A Public Information Meeting was held on April 2, 2024 at the North Fort Myers Recreation Center. The meeting was advertised in the News-Press ten days in advance and two signs were posted on the property advertising the meeting, as required by the North Fort Myers Community Planning Panel. A meeting summary with sign-in sheets is included with this application. This is consistent with **Lee Plan Objective 17.3 and Policies 17.3.2, 17.3.3, and 17.3.4.**

**Goal 30: North Fort Myers Community Plan.** *Improve the livability and economic vitality in the North Fort Myers Community Plan area by: promoting compact, mixed use development in the form of town and neighborhood centers; attracting appropriate investment to revitalize older neighborhoods and commercial corridors; stabilizing and enhancing, existing neighborhoods; and preserving natural resources.*

**Policy 30.1.3:** *Encourage a diversity of housing types in the North Fort Myers Community Plan area by supporting mixed use projects, with residential above or adjacent to retail and service uses, within the Mixed Use Overlay.*

**Objective 30.2: Land Use Centers and Corridors.** *To encourage revitalization of designated Town Center overlay districts, road corridor overlay districts and redevelopment areas.*

**Policy 30.2.3:** *Maintain provisions allowing for greater minimum, maximum base, and maximum total densities and building heights in the Mixed Use Overlay.*

**Policy 30.2.6:** *Development within the Town and Neighborhood Centers and the Corridor Overlay Districts may use the development standards allowed within the Mixed Use Overlay.*

The goal of the North Fort Myers community plan is to improve the livability and economic vitality in the area by promoting compact, mixed use development; attracting appropriate investment to revitalize older neighborhoods and commercial corridors; stabilizing and enhancing existing neighborhoods; and preserving natural resources. The subject property is located in the North Fort Myers planning community area along a designated corridor overlay (N. Tamiami Trail, also known as Business 41). As previously stated, the site is one of the last remaining large undeveloped properties along this section of N. Tamiami Trail in the Intensive Development future land use category. The site can be viewed as an infill development since the majority of the land on all four sides is currently developed with a mix of residential and commercial uses.

The subject property is located adjacent to lands already within the Mixed-Use Overlay per Lee Plan Map 1-C, to the south of Brooks Road. The site is currently zoned CG, C-1, and RS-1 – a mix of commercial and residential zoning districts. Adding the 20.16 acres to the Mixed-Use Overlay meets the intent of the North Fort Myers Community Plan to promote compact, mixed-use development, revitalizing commercial corridors, and allowing for more urban forms of design in the design regulations for developments in the Mixed Use Overlay. This is consistent with **Lee Plan Goal 30, Objective 30.2, and Policies 30.1.3, 30.2.3, and 30.2.6.**

**GOAL 101: COASTAL AREAS.** *Protect human life along with current and future development from the impacts of coastal flooding. Coastal flooding includes, but is not limited to, high tide events, storm surge, flash floods, stormwater runoff, and impacts of sea level rise.*

**OBJECTIVE 101.1: COASTAL AREA PLANNING.** *Improve the function of natural systems as a defense against coastal flooding.*

**POLICY 101.1.1:** *Require that development within the Coastal High Hazard Area be compatible with natural systems, such as, water retention and purification, wildlife habitat, primary productivity, and defense against coastal flooding.*

**POLICY 101.1.2:** *Protect and conserve the following environmentally sensitive coastal areas: wetlands, estuaries, mangrove stands, undeveloped barrier islands, beach and dune systems, aquatic preserves, wildlife refuges, undeveloped tidal creeks and inlets, critical wildlife habitats, benthic communities, and marine grass beds.*

**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 Area to uplands except as needed for the provision of public facilities.*

The applicant is requesting to add 20.16 acres of uplands to Lee Plan Map 1-C Mixed Use Overlay. The uplands will be developed for a mix of residential and commercial uses. The remaining 7.20 acres of the subject property is wetlands and will not be developed with the exception of possible

recreational uses (boardwalk), as may be permitted by the Lee Plan and LDC. Both an Environmental Resource Permit (ERP) through South Florida Management District (SFWMD) and an Army Corps of Engineers (ACE) will be required at time of local Development Order permitting. FEMA updated their requirements for surface water management immediately after Hurricane Ian in November 2022. The Finished Floor Elevation (FFE) is required to be a minimum of 1 foot above FEMA requirements. This is consistent with **Lee Plan Goal 101, Objective 101.1, Policies 101.1.1 and 101.1.2, Objective 101.3, and Policy 101.3.2.**

**GOAL 126: WATER RESOURCES.** *Conserve, manage, and protect the natural hydrologic systems of Lee County to ensure continued water resource availability.*

**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 126.1.4:** *Development designs must provide for maintaining or improving surface water flows, groundwater levels, and lake levels at or above existing conditions.*

An Environmental Resource Permit (ERP) will be required by SFWMD at time of local Development Order permitting. The applicant will be required to comply with the historic drainage patterns. All local, state and federal codes and regulations will be complied with at time of development order permitting to protect the County's water resources. This is consistent with **Lee Plan Goal 126, Objective 126.1 and Policy 126.1.4.**

The applicant is requesting to amend Lee Plan Map 1-C, Mixed-Use Overlay. The 20.16-acre property is not in relative proximity to either the City of Fort Myers or the City of Cape Coral municipal boundaries. The City of Fort Myers Comprehensive Plan, Chapter 11: Intergovernmental Coordination requires the City to monitor and participate in planning activities from other local governments, including major developments; however, this request does not impact the City of Fort Myers' Comprehensive Plan. The City of Cape Corals Comprehensive Plan, Chapter 6: Intergovernmental Coordination requires coordination with other governmental jurisdictions, agencies, and entities; however, this request does not impact the City of Cape Corals' Comprehensive Plan.

In summary, the subject property is consistent with the Goals, Objectives and Policies of the Lee Plan for properties in the Mixed Use Overlay.



**1520 Royal Palm Square Blvd, Suite 100**  
**Fort Myers, FL 33919**  
**Phone: 239-433-4231**  
**www.tdmcivilengineering.com**  
**Certificate of Authorization # 29086**

### Environmental Impacts Analysis – Exhibit M13

The Applicant owns a ±27.36 acre property located at the northeast intersection of N. Tamiami Trail and Brooks Road. The property owner had a formal wetland determination completed by SFWMD, which determined that 7.2 acres of the property is classified as wetlands. The area classified as wetlands abuts Powell Creek. The remainder of the property is uplands and has a future land use classification of Intensive Development. The Applicant is requesting to add the remaining 20.16 acres to Lee Plan Map 1-C (Mixed-Use Overlay Map).

The attached Soils Map indicates that the majority (89.1%) of the subject property is underlain with Immokalee sand – Urban land complex soil, #36. The hydric soils, Kesson fine sand, tidal (#24) and Isles fine sand (#39) is located within the wetland area.

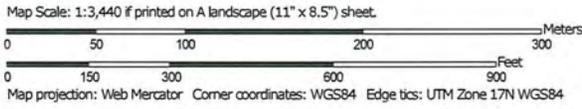
The attached FLUCFCS Map identifies mostly Pine, Oak, and Cabbage Palm along with Mixed Wetland Hardwoods with various levels of exotic vegetation, including Brazilian Pepper and Melaleuca throughout the site. The range of Exotics varies from E2 to E4.

The attached Flood Insurance Rate Map (FIRM) identifies the existing floodway (Powell Creek) along the eastern boundary of the property. The floodway coincides with the existing wetlands on-site, which will be preserved. The FIRMette/Topographic Map provides more detailed information on the flood elevations.

Amending Lee Plan Map 1-C to add the 20.16 acres to the Mixed-Use Overlay will not have any impacts to the environmental conditions of the property.

A copy of the Formal Wetland Determination Letter, Soils Map, and FLUCFCS Map is included with this Analysis.

Soil Map—Lee County, Florida  
(North Fort Myers Parcel)



Soil Map—Lee County, Florida  
(North Fort Myers Parcel)

**MAP LEGEND**

<b>Area of Interest (AOI)</b>			Spoil Area
	Area of Interest (AOI)		Stony Spot
<b>Soils</b>			Very Stony Spot
	Soil Map Unit Polygons		Wet Spot
	Soil Map Unit Lines		Other
	Soil Map Unit Points		Special Line Features
<b>Special Point Features</b>		<b>Water Features</b>	
	Blowout		Streams and Canals
	Borrow Pit	<b>Transportation</b>	
	Clay Spot		Rails
	Closed Depression		Interstate Highways
	Gravel Pit		US Routes
	Gravelly Spot		Major Roads
	Landfill		Local Roads
	Lava Flow	<b>Background</b>	
	Marsh or swamp		Aerial Photography
	Mine or Quarry		
	Miscellaneous Water		
	Perennial Water		
	Rock Outcrop		
	Saline Spot		
	Sandy Spot		
	Severely Eroded Spot		
	Sinkhole		
	Slide or Slip		
	Sodic Spot		

**MAP INFORMATION**

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.  
Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
Web Soil Survey URL:  
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Lee County, Florida  
Survey Area Data: Version 20, Sep 1, 2022

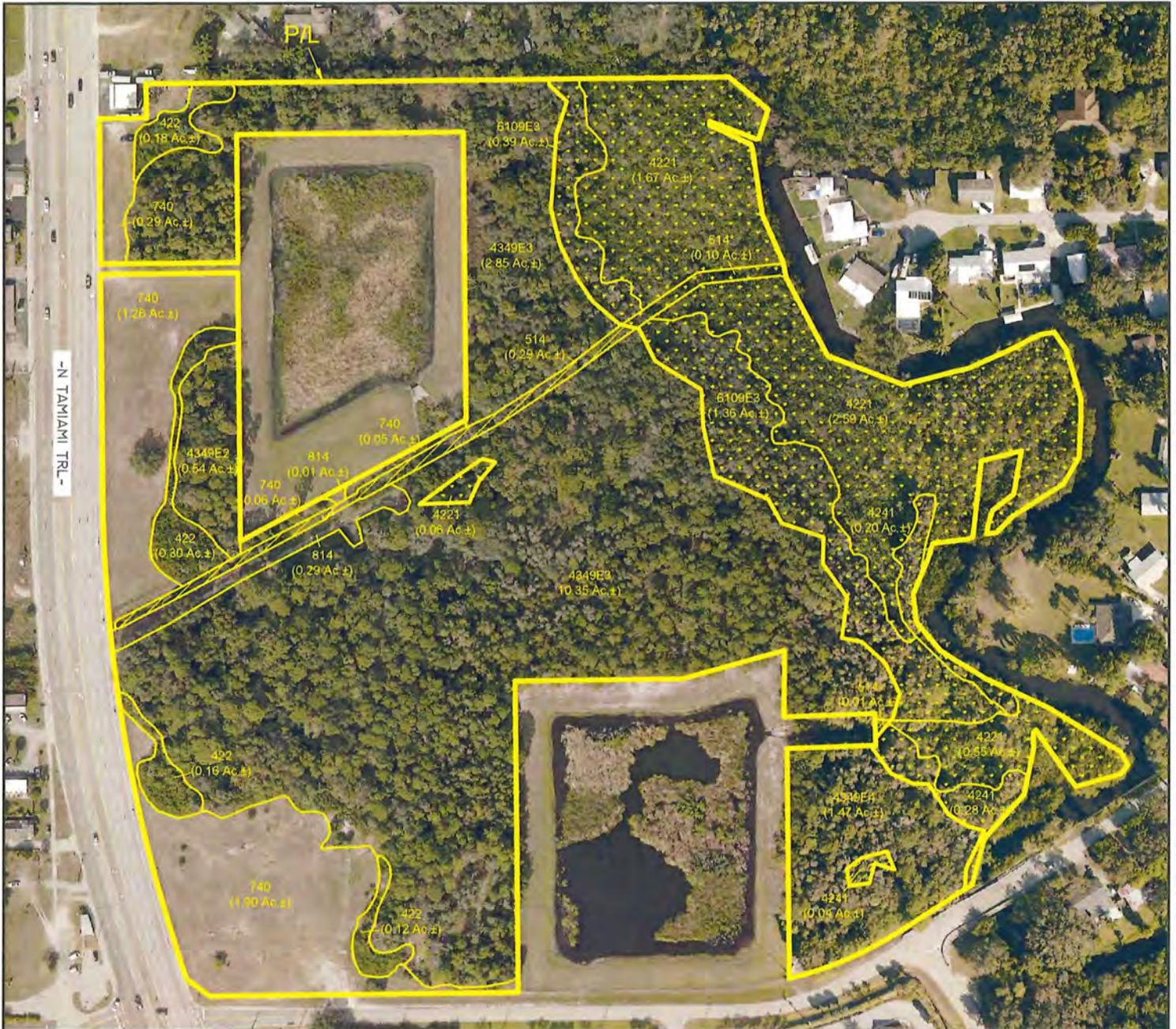
Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Nov 14, 2021—Nov 23, 2021

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
24	Kesson fine sand, tidal, 0 to 1 percent slopes	2.6	9.4%
36	Immokalee sand-Urban land complex, 0 to 2 percent slopes	24.4	89.1%
39	Isles fine sand, frequently ponded, 0 to 1 percent slopes	0.1	0.5%
64	Brynwood fine sand, wet-Urban land complex, 0 to 2 percent slopes	0.3	1.0%
<b>Totals for Area of Interest</b>		<b>27.4</b>	<b>100.0%</b>



**LEGEND:**

-  WETLANDS  
(7.20 Ac.)
-  OTHER SURFACE WATERS  
(0.30 Ac.)
-  WETLANDS NOT VERIFIED  
BY COE STAFF (0.04 AC.)

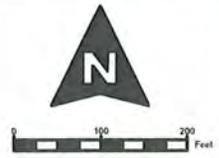
FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
422	BRAZILIAN PEPPER	0.76 Ac.±	2.8%
4221	BAZILIAN PEPPER, HYDRIC	4.87 Ac.±	17.8%
4241	MELALEUCA, HYDRIC	0.52 Ac.±	1.9%
4349 E2	PINE/OAK/CABBAGE PALM, DISTURBED, (25-40% EXOTICS)	0.54 Ac.±	2.0%
4349 E3	PINE/OAK/CABBAGE PALM, DISTURBED, (50-75% EXOTICS)	13.20 Ac.±	48.2%
4349 E4	PINE/OAK/CABBAGE PALM, DISTURBED, (76-100% EXOTICS)	1.47 Ac.±	5.4%
514	DITCH	0.29 Ac.±	1.1%
514*	DITCH, HYDRIC	0.10 Ac.±	0.4%
6109 E3	MIXED WETLAND HARDWOODS, DISTURBED (50-75% EXOTICS)	1.75 Ac.±	6.4%
740	DISTURBED LANDS	3.56 Ac.±	13.0%
814	ROAD	0.30 Ac.±	1.1%
<b>TOTAL</b>		<b>27.36 Ac.±</b>	<b>100.0%</b>

PROPERTY BOUNDARY AND SURVEYED WETLAND LINES PER CHW DRAWING NO. 220514 TOB.DWG DATED APRIL 14, 2023.

AERIAL PHOTOGRAPHS PROVIDED BY THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH FLIGHT DATES OF JANUARY-MARCH 2022.

FLUCFCS PER FLORIDA LAND USE, COVER, AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999).

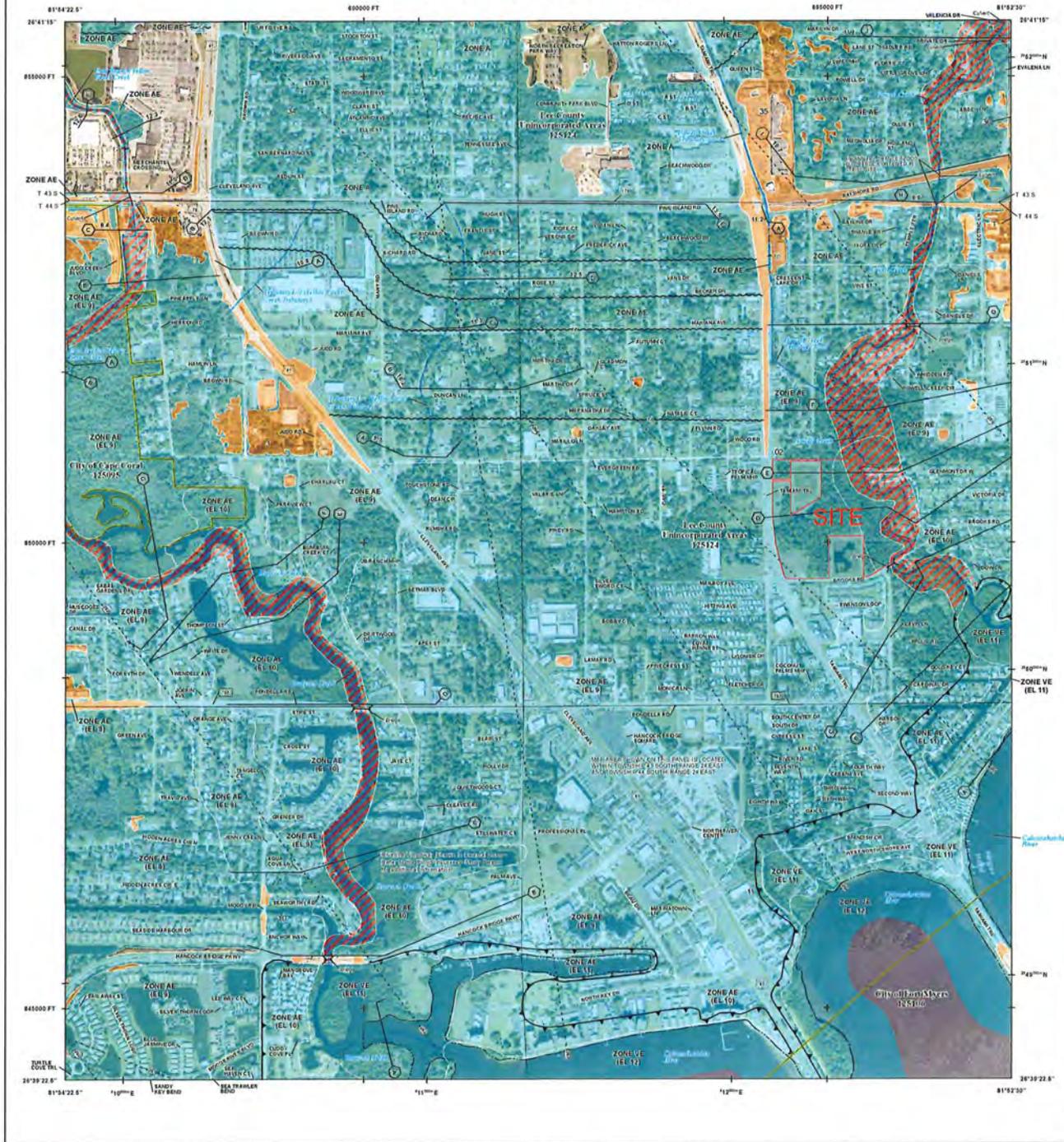
WETLAND LINES ARE PRELIMINARY AND SUBJECT TO REVISION UPON REVIEW BY THE APPROPRIATE AGENCIES.



## Aerial with FLUCFCS and Wetlands Map North Fort Myers Parcel

DRAWN BY:	D.B.
DRAWING DATE:	09/06/23
REVISED:	
EXHIBIT NUMBER:	Appendix B

# FLOOD INSURANCE RATE MAP



## FLOOD HAZARD INFORMATION

SEE THIS REGION FOR DETAILED LEGEND AND INDEX MAP FOR RISK PANEL LAYOUT  
 THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING  
 DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT  
[HTTPS://MSC.FEMA.GOV](https://msc.fema.gov)

- Without Base Flood Elevation (BFE)**  
 Zone A, ZONE AE
- With BFE or Depth** Zone AE (EL 10), AE (EL 9), AE (EL 8)
- Regulatory Floodway**
- 0.2% Annual Chance Flood Hazard, Areas of 1% Annual Chance Flood with average depth less than one foot or with discharge areas of less than one square mile.** Zone X
- Future Conditions 1% Annual Chance Flood Hazard** Zone X
- Area with Reduced Flood Risk due to Levee** Zone X
- Area with Flood Risk due to Levee** Zone X
- NO SCREEN** Area of Minimal Flood Hazard Zone X
- Area of Undetermined Flood Hazard** Zone X
- Channel, Culvert, or Storm Sewer**
- Levee, Dike, or Floodwall**
- Cross Sections with 1% Annual Chance Water Surface Elevation**  
 18.2  
 17.5
- Coastal Truncated**
- Coastal Truncated Baseline**
- Profile Baseline**
- Hydrographic Feature**
- Base Flood Elevation Line (BFE)**
- Limit of Study**
- Jurisdiction Boundary**

## NOTES TO USERS

For information and questions about the Flood Insurance Rate Map (FIRM), available products associated with the FIRM including policy services, the contact may refer to each FIRM panel. For more products, visit the National Flood Insurance Program (NFIP) website. Also visit the FEMA Flood Map Service Center website at <http://msc.fema.gov> (577-326-2277) or visit the FEMA Flood Map Service Center website at <http://msc.fema.gov>. Available products may include previously issued editions of the Flood Insurance Study (FIS), Flood Hazard Digital Elevation Data (FHEDE), and Flood Hazard Data (FHD). Many of these products can be ordered or obtained directly from the website. Communities arranging for an adjacent FIRM panel must obtain a current copy of the adjacent panel as well as the current FIRM data. These may be ordered directly from the Flood Map Service Center at the number listed above.

For community and contractor map data refer to the Flood Insurance Study Report for this jurisdiction.

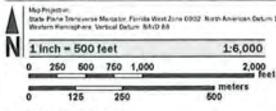
In preparation of this map, the data was analyzed in the community contact your insurance agent or call the National Flood Insurance Program at 1-800-455-8222.

Base map information shown on this FIRM was provided by Lee County, dated 2008 and 2016; the Florida Department of Transportation, dated 2010 and 2016; the U.S. Department of Agriculture, dated 2010; and the U.S. Department of Transportation, dated 2017.

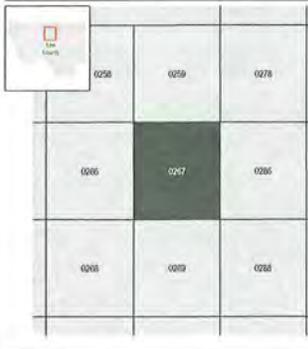
LIMIT OF MODERATE WAVE ACTION: Zone AE has been divided by a limit of Moderate Wave Action (LIMWA). The LIMWA represents the approximate landward limit of the 1.5-foot breaking wave. The effects of wave action between Zone VE and the LIMWA is between the shoreline and the LIMWA for areas where Zone VE is not identified or is complete. But this is not shown on this map.

The map reflects more detailed and up-to-date stream channel configurations than those shown on the previous FIRM for this jurisdiction. The boundaries and depths of areas within from the previous FIRM may have been adjusted to conform to these more stream channel configurations. As a result, the Flood Hazard and FIRM may not show stream channel boundaries that differ from those of a previous edition map.

## SCALE



## PANEL LOCATOR



**National Flood Insurance Program**

**NATIONAL FLOOD INSURANCE PROGRAM**  
**FLOOD INSURANCE RATE MAP**  
**LEE COUNTY, FLORIDA**  
 and Incorporated Areas

Panel 267 of 685

COMMUNITY	NUMBER	PANEL	SUFFIX
001000, CITY OF	120000	0267	0
001000, CITY OF	120000	0267	0
001000, CITY OF	120000	0267	0

VERSION NUMBER  
2.4.3.5

MAP NUMBER  
12071C0267G

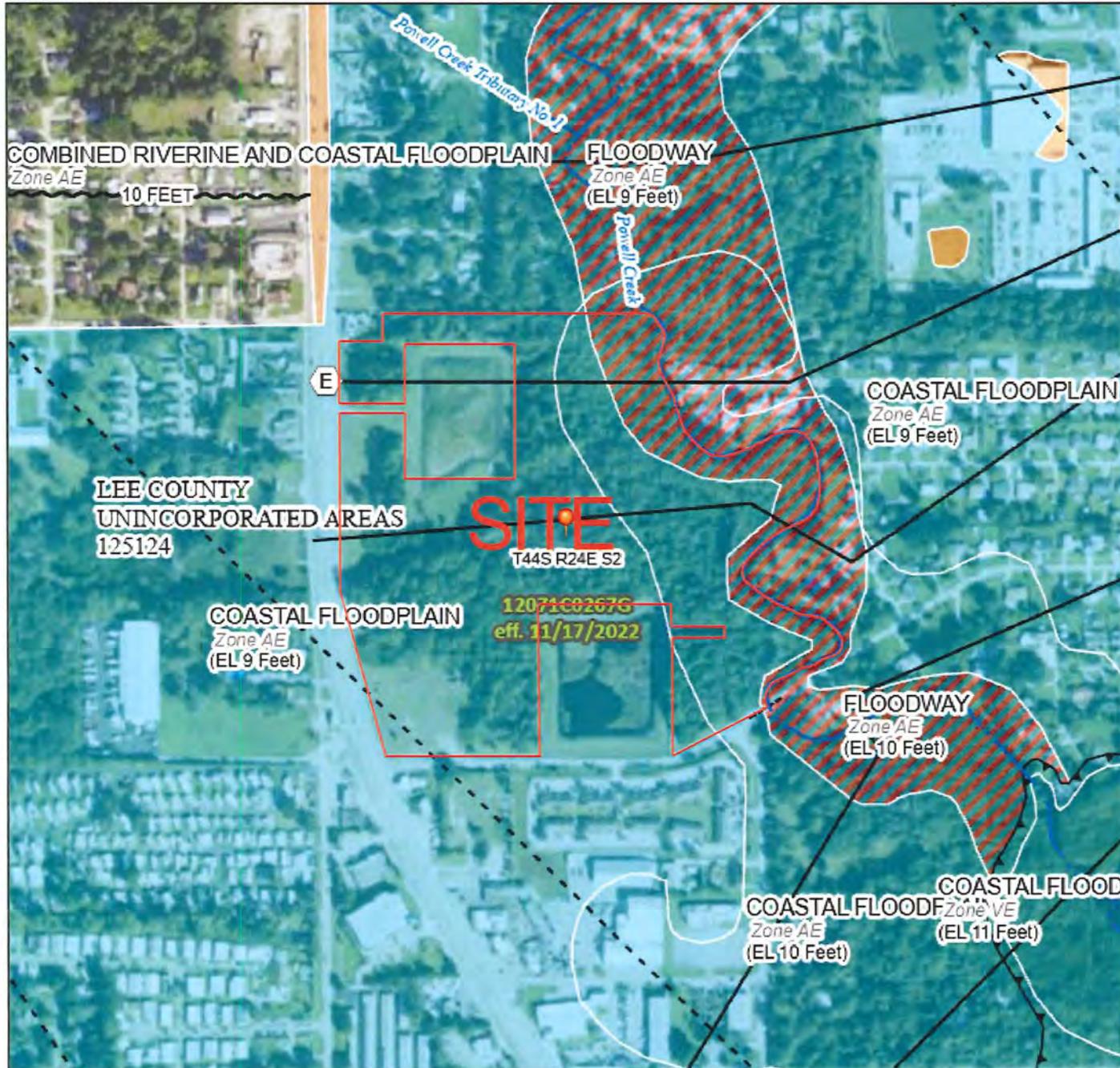
MAP REVISED  
NOVEMBER 17, 2022

# National Flood Hazard Layer FIRMette



## TOPOGRAPHIC MAP

81°53'10"W 26°40'38"N



### Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard. Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone D
		Channel, Culvert, or Storm Sewer
OTHER FEATURES		Levee, Dike, or Floodwall
		Cross Sections with 1% Annual Chance Water Surface Elevation
MAP PANELS		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
		Digital Data Available
		No Digital Data Available
		Unmapped
		The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

0 250 500 1,000 1,500 2,000 Feet 1:6,000

81°52'32"W 26°40'6"N

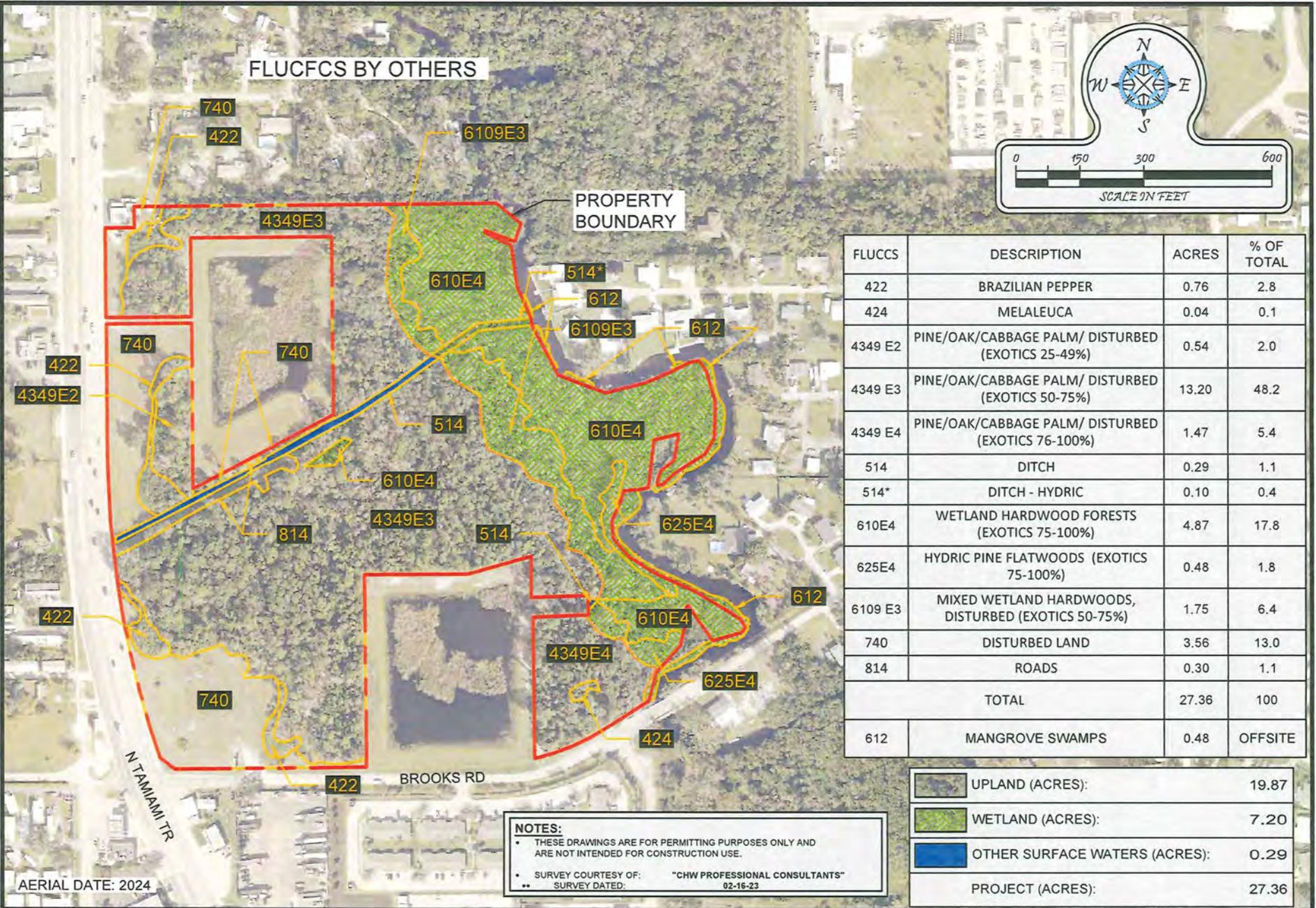
Basemap Imagery Source: USGS National Map 2023

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 7/24/2024 at 2:07 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

p:\22144\_00\dm consulting - master file\22144\_37\dm - 1460 n tamiami trail\CAD\PERMIT-ST\STATE\22144\_37-STATE.dwg FLUCFCS MAP 3/12/2025

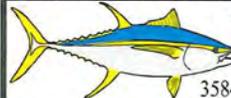


FLUCCS	DESCRIPTION	ACRES	% OF TOTAL
422	BRAZILIAN PEPPER	0.76	2.8
424	MELALEUCA	0.04	0.1
4349 E2	PINE/OAK/CABBAGE PALM/ DISTURBED (EXOTICS 25-49%)	0.54	2.0
4349 E3	PINE/OAK/CABBAGE PALM/ DISTURBED (EXOTICS 50-75%)	13.20	48.2
4349 E4	PINE/OAK/CABBAGE PALM/ DISTURBED (EXOTICS 76-100%)	1.47	5.4
514	DITCH	0.29	1.1
514*	DITCH - HYDRIC	0.10	0.4
610E4	WETLAND HARDWOOD FORESTS (EXOTICS 75-100%)	4.87	17.8
625E4	HYDRIC PINE FLATWOODS (EXOTICS 75-100%)	0.48	1.8
6109 E3	MIXED WETLAND HARDWOODS, DISTURBED (EXOTICS 50-75%)	1.75	6.4
740	DISTURBED LAND	3.56	13.0
814	ROADS	0.30	1.1
<b>TOTAL</b>		<b>27.36</b>	<b>100</b>
612	MANGROVE SWAMPS	0.48	OFFSITE

	UPLAND (ACRES):	19.87
	WETLAND (ACRES):	7.20
	OTHER SURFACE WATERS (ACRES):	0.29
<b>PROJECT (ACRES):</b>		<b>27.36</b>

**NOTES:**  
 \* THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.  
 • SURVEY COURTESY OF: "CHW PROFESSIONAL CONSULTANTS"  
 \*\* SURVEY DATED: 02-16-23

AERIAL DATE: 2024

 **Turrell, Hall & Associates, Inc.**  
 Marine & Environmental Consulting  
 3584 Exchange Ave. Naples, FL 34104-3732  
 Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

## BROOKS RD MULTI-FAMILY FLUCFCS MAP

DESIGNED:	AP	REV	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	-	-	-
CREATED:	02-19-25	2.	-	-	-
JOB NO.:	22144.37	3.	-	-	-
SHEET NO.:	02 OF 08	4.	-	-	-
		5.	-	-	-

SECTION-2    TOWNSHIP- 44 S    RANGE- 24 E

RY NO. 5875    THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

Soil Map—Lee County, Florida  
(North Fort Myers Parcel)



Soil Map may not be valid at this scale.

USDA  
Natural Resources  
Conservation Service

Web Soil Survey  
National Cooperative Soil Survey

4/25/2023  
Page 1 of 3

Exhibit No. 4.0  
Permit No. 36-108765-P  
Page 1 of 3

Soil Map—Lee County, Florida  
(North Fort Myers Parcel)

**MAP LEGEND**

- |  |  |   |
|--|--|---|
| <b>Area of Interest (AOI)</b>  |  Area of Interest (AOI) |  Spoil Area            |
| <b>Soils</b>   |  Soil Map Unit Polygons |  Stony Spot            |
|  |  Soil Map Unit Lines    |  Very Stony Spot       |
|  |  Soil Map Unit Points   |  Wet Spot              |
| <b>Special Point Features</b>  |  |  Other                 |
|  Blowout                |  |  Special Line Features |
|  Borrow Pit             |  | <b>Water Features</b>   |
|  Clay Spot              |  |  Streams and Canals    |
|  Closed Depression      |  | <b>Transportation</b>   |
|  Gravel Pit             |  |  Rails                 |
|  Gravelly Spot          |  |  Interstate Highways   |
|  Landfill               |  |  US Routes             |
|  Lava Flow              |  |  Major Roads           |
|  Marsh or swamp         |  |  Local Roads           |
|  Mine or Quarry         |  | <b>Background</b>   |
|  Miscellaneous Water    |  |  Aerial Photography    |
|  Perennial Water        |  |   |
|  Rock Outcrop           |  |   |
|  Saline Spot           |  |   |
|  Sandy Spot           |  |   |
|  Severely Eroded Spot |  |   |
|  Sinkhole             |  |   |
|  Slide or Slip        |  |   |
|  Sodic Spot           |  |   |

**MAP INFORMATION**

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.  
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Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
Web Soil Survey URL:  
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Lee County, Florida  
Survey Area Data: Version 20, Sep 1, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Nov 14, 2021—Nov 23, 2021

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# TURRELL, HALL & ASSOCIATES, INC.

## Marine & Environmental Consulting

3584 Exchange Avenue • Naples, Florida 34104-3732 • 239-643-0166 • Fax (239) 643-6632 • [tuna@thanaples.com](mailto:tuna@thanaples.com)

June 23, 2025

Lee County  
Attn: Ms. Kate Burgess  
[kburgess@leegov.com](mailto:kburgess@leegov.com)

RE: CPA2024-00006 Horizon Tamiami

Dear Ms. Burgess,

Thank you for your Request for Additional Information (RAI) dated June 13, 2025. Please see our responses below in **bold**.

1. Repeat Comment: Provide a table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, state, and local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCCS and the species status (same as FLUCCS map). The FLUCCS map provided does not address this comment.

**Please see the table below:**

FLUCFCS Code	Percent Survey Coverage	Species Name	Present	Absent
422	100	None		
424	100	None		
4349 E2	100	Bald eagle ( <i>Haliaeetus leucocephalus</i> ) Florida bonneted bat ( <i>Eumops floridanus</i> ) Eastern indigo snake ( <i>Drymarchon couperi</i> ) Gopher tortoise ( <i>Gopherus polyphemus</i> )		√ √ √ √
4349 E3	100	Bald eagle ( <i>Haliaeetus leucocephalus</i> ) Florida bonneted bat ( <i>Eumops floridanus</i> ) Eastern indigo snake ( <i>Drymarchon couperi</i> ) Gopher tortoise ( <i>Gopherus polyphemus</i> )		√ √ √ √
4349 E4	100	Bald eagle ( <i>Haliaeetus leucocephalus</i> ) Florida bonneted bat ( <i>Eumops floridanus</i> ) Eastern indigo snake ( <i>Drymarchon couperi</i> ) Gopher tortoise ( <i>Gopherus polyphemus</i> )		√ √ √ √
514	100	American alligator ( <i>Alligator mississippiensis</i> ) Little blue heron ( <i>Egretta caerulea</i> ) Roseate spoonbill ( <i>Platalea ajaja</i> ) Tricolored heron ( <i>Egretta tricolor</i> ) Wood stork ( <i>Mycteria americana</i> )		√ √ √ √ √
6109 E3	100	Florida bonneted bat ( <i>Eumops floridanus</i> ) American alligator ( <i>Alligator mississippiensis</i> ) Little blue heron ( <i>Egretta caerulea</i> ) Roseate spoonbill ( <i>Platalea ajaja</i> ) Tricolored heron ( <i>Egretta tricolor</i> ) Wood stork ( <i>Mycteria americana</i> )		√ √ √ √ √ √
610 E4	100	Florida bonneted bat ( <i>Eumops floridanus</i> ) American alligator ( <i>Alligator mississippiensis</i> ) Little blue heron ( <i>Egretta caerulea</i> ) Roseate spoonbill ( <i>Platalea ajaja</i> ) Tricolored heron ( <i>Egretta tricolor</i> ) Wood stork ( <i>Mycteria americana</i> )		√ √ √ √ √ √
625 E4	100	Bald eagle ( <i>Haliaeetus leucocephalus</i> ) Florida bonneted bat ( <i>Eumops floridanus</i> ) Eastern indigo snake ( <i>Drymarchon couperi</i> ) Gopher tortoise ( <i>Gopherus polyphemus</i> )		√ √ √ √
740	100	None		
814	100	None		

Please feel free to contact me at any time with questions or comments regarding this project at the letterhead telephone number or at [Arielle@THANaples.com](mailto:Arielle@THANaples.com).

Sincerely,

A handwritten signature in blue ink that reads "Arielle Poulos". The signature is written in a cursive style.

Arielle Poulos  
Project Manager  
Turrell, Hall & Associates, Inc.



# SOUTH FLORIDA WATER MANAGEMENT DISTRICT

May 2, 2023

*\* Delivered via email*

Randall Henderson \*  
Tad M Yeatter Trust and Randall P Henderson Jr Trust For Yeatter-henderson Br  
2310 First Street Suite 210B  
Fort Myers, FL 33901

**Subject: North Fort Myers Parcel  
Petition for Formal Determination of Wetlands and Surface Waters  
Permit No. 36-108765-P  
Application No. 230421-38378  
Lee County**

Your petition for a formal determination of wetlands and other surface waters is approved. This action is taken based on Chapter 373, Part IV of Florida Statutes (F.S.) and the rules in Chapters 62-330 and 62-340, Florida Administrative Code (F.A.C.). Please read this entire agency action thoroughly and understand its contents.

This action is subject to:

- Not receiving a filed request for a Chapter 120, F.S., administrative hearing.
- All referenced Exhibits.

Should you object to these conditions, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. Please contact this office if you have any questions concerning this matter. If we do not hear from you in accordance to the "Notice of Rights", we will assume that you concur with the District's action.

## CERTIFICATE OF SERVICE

I hereby certify that this Formal Wetland Determination and Notice of Rights have been mailed or electronically submitted to the addressee (and the persons listed on the attached distribution list) on May 1, 2023 in accordance with Section 120.60(3), F.S. Notice was also electronically posted on this date through a link on the home page of the District's website ([www.sfwmd.gov/ePermitting](http://www.sfwmd.gov/ePermitting)).

Sincerely,

  
Rich Batewell, III, P.E.  
Section Administrator

**South Florida Water Management District  
Formal Wetland Determination Permit No. 36-108765-P  
Date Issued: May 2, 2023**

**Project Name:** North Fort Myers Parcel

**Petitioner:** Randall Henderson  
Tad M Yeatter Trust and Randall P Henderson Jr Trust For Yeatter-henderson  
Br  
2310 First Street Suite 210B  
Fort Myers, FL 33901

**Application No.** 230421-38378

**Location:** Lee County, See Exhibit 1

**Acres:** 27.36

**Expiration  
Date:** May 2, 2028

**Type:** Certified Survey

### **Project Summary**

This application is for a formal determination of the landward extent of wetlands and other surface waters (OSW), pursuant to Rule 62-330.201, Florida Administrative Code (F.A.C.), for a 27.36-acre property known as North Fort Myers Parcel. The methodology used for the determination is consistent with Chapter 62-340, F.A.C.

### **Project Site Description**

The 27.36-acre property is located in Section 2, Township 44 South, Range 24 East, Lee County, Florida. More specifically, the property lies north of Brooks Road, east of U.S. 41 (North Tamiami Trail), in North Fort Myers, Florida. A Location Map is attached as Exhibit No. 1.0. The property is surrounded by low-density single family homes to the north; Powell Creek to the east; commercial and retail development and single family homes to the south; and U.S.41 (North Tamiami Trail) to the west. The property is an undeveloped parcel of land that consists of upland and wetland forests adjacent to Powell Creek. A detailed description of the on-site wetlands is below. An aerial photograph depicting the inspection boundary is attached as Exhibit No. 2.0.

### **Formal Determination of Wetlands and Other Surface Waters**

On April 21, 2023, the District received a request for a formal determination of the boundary of wetlands and OSW on a 27.36-acre property known as North Fort Myers Parcel. The landward extent of wetlands and OSW was established by Andy Woodruff with CHW Consultants and verified by Certified Wetland Evaluator (CWE) Matt Brosious on August 18, 2022.

The wetlands and OSW were first delineated under Application No. 220708-35104, which was submitted July 8, 2022. The application was withdrawn; however, the wetland and OSW boundaries have not changed.

Wetlands and other surface waters (OSW), as defined by Subsection 373.019(27), F.S. and Chapter 62-340, F.A.C., were identified on the property. Wetlands on the property were delineated

using the methods established in Chapter 62-340, F.A.C.; more specifically, the wetlands were delineated using the wetland definition and the B and D tests. Wetlands delineated on the property totaled 7.20 acres and OSW totaled 0.29 acres. A wetland and OSW survey is attached as Exhibit No. 3.0. Wetland data forms and representative photographs of the wetlands and upland areas can be found in the permit file. Wetland delineation data forms were filled out by District staff on August 18, 2022.

Wetland and OSW Description:

The wetlands identified on the property totaled 7.20 acres (Exhibit No. 3.0). The wetland canopy generally consisted of laurel oak (*Quercus laurifolia*), cabbage palm (*Sabal palmetto*), slash pine (*Pinus elliottii*), and melaleuca (*Melaleuca quinquenervia*). The sub-canopy was similar to the canopy except for myrsine (*Myrsine guianensis*) and Brazilian pepper (*Schinus terebinthifolius*). The ground cover was mostly open, but did contain swamp fern (*Blechnum serrulatum*). The wetlands were delineated using the B and D tests.

The OSW identified on the property totaled 0.29 acres (Exhibit No. 3.0). The OSW are man-made ditches. The Mean High Water line of Powell Creek forms the eastern property boundary, but is not within the property boundary.

Based on the National Resource Conservation Service (NRCS) data, the property contains three (3) historically mapped hydric soils. The mapped hydric soils on the property are Kesson Fine Sand, Tidal (Map Unit 24), Isles Fine Sand, Frequently Ponded (Map Unit 39) and Brynwood Fine Sand, Wet Urban Land Complex (Map Unit 64). A soils map is attached as Exhibit No. 4.0. Soil pit data is included within the wetland delineation data forms, which were filled out during the August 18, 2022 inspection.

Hydrologic Indicators observed during the delineation included hydric soil indicator Muck Presence (A8), which is a stand-alone D test indicator. Hydrologic indicator data is included within the wetland delineation data forms, which were filled out during the August 18, 2022 inspection.

This Formal Determination of Wetlands and Other Surface Waters is the District's determination of the landward extent (boundaries) of wetlands and OSW within the property based on the documentation submitted by the Petitioner and field application of Chapter 62-340, F.A.C. This action does not authorize any construction activities or constitute conceptual approval of any anticipated projects or activities in wetlands or other surface waters. It does not in any way establish boundaries of sovereign submerged lands, high water elevations or other elevations/boundaries.

Pursuant to Subsection 373.421 (4), F.S., the Governing Board may revoke the Formal Wetland Determination upon a finding that the Petitioner has submitted inaccurate information to the District.

The Formal Wetland Determination shall be binding for the stated duration provided physical conditions on the property do not change so as to alter the boundaries of wetlands and other surface waters during that period.

## Distribution List

Andy Woodruff, Chw, Inc \*

Joseph Bonora, Catalyst Asset Management, Inc \*

Florida Department of Environmental Protection SLERC \*

Lee County Property Appraiser \*

Florida Department of Environmental Protection - Environmental Administrator \*

## Exhibits

The following exhibits to this permit are incorporated by reference. The exhibits can be viewed by clicking on the links below or by visiting the District's ePermitting website (<http://my.sfwmd.gov/ePermitting>) and searching under this application number 230421-38378.

[Exhibit No. 1.0 Location Map](#)

[Exhibit No. 2.0 Aerial With Inspection Boundary](#)

[Exhibit No. 3.0 Wetland And OSW Survey](#)

[Exhibit No. 4.0 Soils Map](#)

## **NOTICE OF RIGHTS**

As required by Chapter 120, Florida Statutes, the following provides notice of the opportunities which may be available for administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, or judicial review pursuant to Section 120.68, Florida Statutes, when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Some of the legal proceedings detailed below may not be applicable or appropriate for your situation. You may wish to consult an attorney regarding your legal rights.

### **RIGHT TO REQUEST ADMINISTRATIVE HEARING**

A person whose substantial interests are or may be affected by the South Florida Water Management District's (District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Florida Statutes. Persons seeking a hearing on a District decision which affects or may affect their substantial interests shall file a petition for hearing in accordance with the filing instructions set forth herein within 21 days of receipt of written notice of the decision unless one of the following shorter time periods apply: (1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Florida Statutes; or (2) within 14 days of service of an Administrative Order pursuant to Section 373.119(1), Florida Statutes. "Receipt of written notice of agency decision" means receipt of written notice through mail, electronic mail, posting, or publication that the District has taken or intends to take final agency action. Any person who receives written notice of a District decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

If the District takes final agency action that materially differs from the noticed intended agency decision, persons who may be substantially affected shall, unless otherwise provided by law, have an additional point of entry pursuant to Rule 28-106.111, Florida Administrative Code.

Any person to whom an emergency order is directed pursuant to Section 373.119(2), Florida Statutes, shall comply therewith immediately, but on petition to the board shall be afforded a hearing as soon as possible.

A person may file a request for an extension of time for filing a petition. The District may grant the request for good cause. Requests for extension of time must be filed with the District prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and whether the District and any other parties agree to or oppose the extension. A timely request for an extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

### **FILING INSTRUCTIONS**

A petition for administrative hearing must be filed with the Office of the District Clerk. Filings with the Office of the District Clerk may be made by mail, hand-delivery, or e-mail. Filings by facsimile will not be accepted. A petition for administrative hearing or other document is deemed filed upon receipt during normal business hours by the Office of the District Clerk at the District's headquarters in West Palm Beach, Florida. The District's normal business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Any document received by the Office of the District Clerk after 5:00 p.m. shall be deemed filed as of 8:00 a.m. on the next regular business day.

Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the District Clerk, 3301 Gun Club Road, West Palm Beach, Florida 33406.
- Filings by hand-delivery must be delivered to the Office of the District Clerk. Delivery of a petition to the District's security desk does not constitute filing. It will be necessary to request that the District's security officer contact the Office of the District Clerk. An employee of the District's Clerk's office will receive and process the petition.
- Filings by e-mail must be transmitted to the Office of the District Clerk at [clerk@sfwmd.gov](mailto:clerk@sfwmd.gov). The filing date for a document transmitted by electronic mail shall be the date the Office of the District Clerk receives the complete document.

#### **INITIATION OF ADMINISTRATIVE HEARING**

Pursuant to Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Rules 28-106.201 and 28-106.301, Florida Administrative Code, initiation of an administrative hearing shall be made by written petition to the District in legible form and on 8 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, District file number or any other District identification number, if known.
2. The name, address, any email address, any facsimile number, and telephone number of the petitioner, petitioner's attorney or qualified representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the District's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the District's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the District's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the District to take with respect to the District's proposed action.

#### **MEDIATION**

The procedures for pursuing mediation are set forth in Section 120.573, Florida Statutes, and Rules 28-106.111 and 28-106.401–.405, Florida Administrative Code. The District is not proposing mediation for this agency action under Section 120.573, Florida Statutes, at this time.

#### **RIGHT TO SEEK JUDICIAL REVIEW**

Pursuant to Section 120.68, Florida Statutes, and in accordance with Florida Rule of Appellate Procedure 9.110, a party who is adversely affected by final District action may seek judicial review of the District's final decision by filing a notice of appeal with the Office of the District Clerk in accordance with the filing instructions set forth herein within 30 days of rendition of the order to be reviewed, and by filing a copy of the notice with the appropriate district court of appeals via the Florida Courts E-Filing Portal.

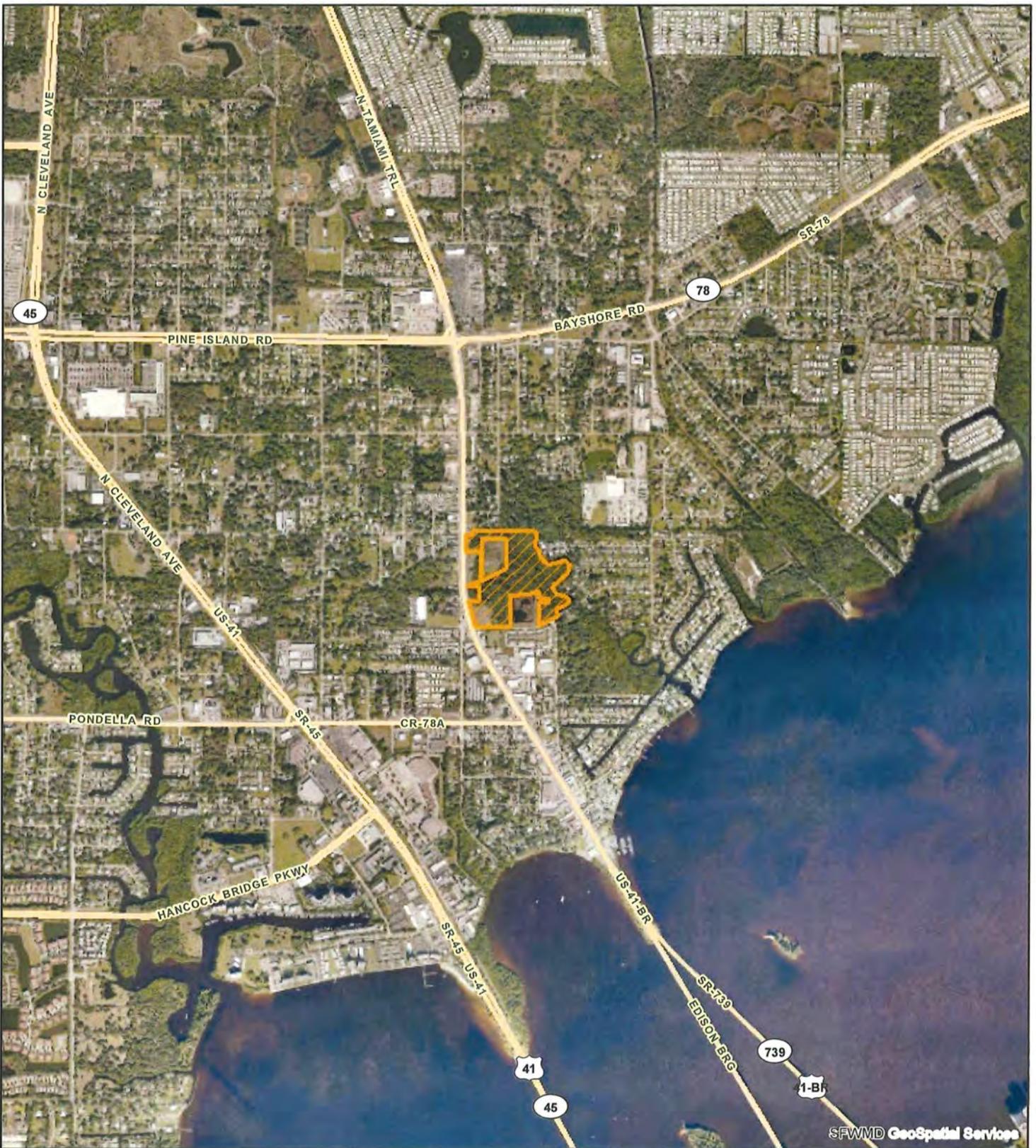


Exhibit No: 1.0	Exhibit Created On: 2022-07-12	LEE COUNTY, FL	 Application 
<p align="center"><b>REGULATION DIVISION</b></p> <p align="center">Project Name: North Fort Myers Parcel</p>			<p>Application Number: 230421-38378</p>
 <p align="center">0      1,700      3,400</p> <p align="center">_____ Feet</p> <p align="center">N ▲</p>			<p align="center">   <small>Created by U.S.C. Services</small>  <b>South Florida Water Management District</b> </p>



**North Fort Myers Parcel**  
Aerial with Boundary



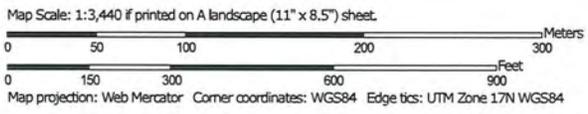
Lee County Property Appraisers Service  
14 DAY LATELUP AGREEMENT - MAR/2022







Soil Map—Lee County, Florida  
(North Fort Myers Parcel)



Soil Map—Lee County, Florida  
(North Fort Myers Parcel)

**MAP LEGEND**

<b>Area of Interest (AOI)</b>		 Spoil Area	
 Area of Interest (AOI)		 Stony Spot	
<b>Soils</b>		 Very Stony Spot	
 Soil Map Unit Polygons		 Wet Spot	
 Soil Map Unit Lines		 Other	
 Soil Map Unit Points		 Special Line Features	
<b>Special Point Features</b>		<b>Water Features</b>	
 Blowout		 Streams and Canals	
 Borrow Pit		<b>Transportation</b>	
 Clay Spot		 Rails	
 Closed Depression		 Interstate Highways	
 Gravel Pit		 US Routes	
 Gravelly Spot		 Major Roads	
 Landfill		 Local Roads	
 Lava Flow		<b>Background</b>	
 Marsh or swamp		 Aerial Photography	
 Mine or Quarry			
 Miscellaneous Water			
 Perennial Water			
 Rock Outcrop			
 Saline Spot			
 Sandy Spot			
 Severely Eroded Spot			
 Sinkhole			
 Slide or Slip			
 Sodic Spot			

**MAP INFORMATION**

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.  
Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
Web Soil Survey URL:  
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Lee County, Florida  
Survey Area Data: Version 20, Sep 1, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Nov 14, 2021—Nov 23, 2021

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
24	Kesson fine sand, tidal, 0 to 1 percent slopes	2.6	9.4%
36	Immokalee sand-Urban land complex, 0 to 2 percent slopes	24.4	89.1%
39	Isles fine sand, frequently ponded, 0 to 1 percent slopes	0.1	0.5%
64	Brynwood fine sand, wet-Urban land complex, 0 to 2 percent slopes	0.3	1.0%
<b>Totals for Area of Interest</b>		<b>27.4</b>	<b>100.0%</b>



**43 Barkley Circle, Suite 200  
Fort Myers, FL 33907  
Phone 239-433-4231 Fax 239-433-9632  
www.tdmcivilengineering.com  
Certificate of Authorization # 29086**

**Historic Resources Impact Analysis – Exhibit M14  
Revised 7/19/2024**

Florida Master Site File

Per the Florida Master Site File, there aren't any previously recorded cultural or historic resources in the area of the subject property; however, a formal survey has not been conducted. See the attached email and map.

Archaeological Sensitivity Map

The subject property is identified as being located within Archaeological Sensitivity Level 2 according to the Lee County Archaeological Sensitivity Map, dated December 2014. See attached Map.

Analysis

Amending Lee Plan Map 1-C Mixed Use Overlay Map to include the subject property will have little to no impacts on the Historic or Archaeological Sensitivity level of the property.

## Veronica Martin

---

**From:** Fowler, Christopher G. <Christopher.Fowler@DOS.MyFlorida.com>  
**Sent:** Friday, February 9, 2024 11:05 AM  
**To:** Veronica Martin  
**Subject:** RE: Historical Resources - Brooks Rd  
**Attachments:** map.pdf

Good morning Veronica,



I searched the area you indicated. There were no previously recorded resources in the area, however, there have been no surveys conducted. I attached a map for you. Let me know if you have any questions or need anything else. Have a great weekend.

**This record search is for informational purposes only and does NOT constitute a project review. This search only identifies resources recorded at the Florida Master Site File and does NOT provide project approval from the Division of Historical Resources. Contact the Compliance and Review Section of the Division of Historical Resources at 850-245-6333 for project review information.**

Kind regards,

### CHRIS FOWLER

Assistant Supervisor | Florida Master Site File | Bureau of Historic Preservation | Division of Historical Resources | Florida Department of State | 500 South Bronough Street | Tallahassee, Florida 32399 | 850.245.6327 | 1.800.847.7278 | Fax: 850.245.6439 | [flheritage.com](http://flheritage.com)

**From:** Veronica Martin <vmartin@tdmconsulting.com>  
**Sent:** Friday, February 9, 2024 9:15 AM  
**To:** Fowler, Christopher G. <Christopher.Fowler@DOS.MyFlorida.com>  
**Subject:** Historical Resources - Brooks Rd

EMAIL RECEIVED FROM EXTERNAL SOURCE

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

Good Morning Chris,

I'm requesting an amendment to the Lee County Comp Plan to add property to the Mixed Use Overlay. Can you please review the 27-acre property located at 1460, 1470, 1456, and 1450 N. Tamiami Trail, Fort Myers for historical and archaeological resources? Let me know if you have any questions.

Have a good day.

*Veronica Martin*

Senior Planner

[vmartin@tdmconsulting.com](mailto:vmartin@tdmconsulting.com)

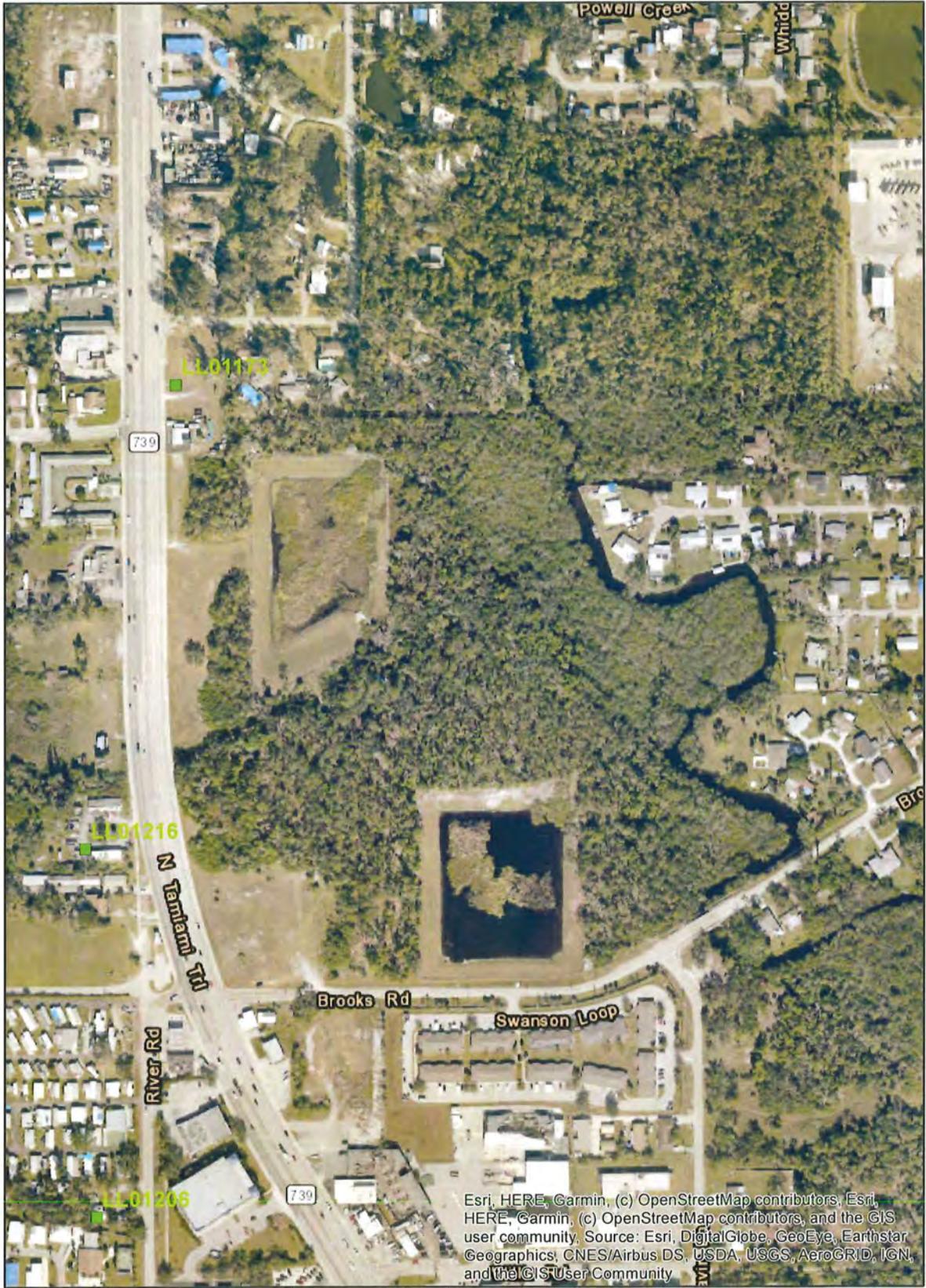
*Saving just one dog won't change the world...but, surely the world will change for that one dog...Adopt, don't shop...*



43 Barkley Circle, Suite 200  
Fort Myers, FL 33907  
Phone 239-433-4231 Fax 239-433-9632  
[www.tdmcivilengineering.com](http://www.tdmcivilengineering.com)

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***TDM Consulting, Inc.* makes no guarantees that this e-mail and/or attached files are free and clear of the presence of computer viruses, have been tampered with, or contain questionable material or content and accepts no responsibility for the loss or corruption of any data on the addressee's computer as a result of opening this e-mail. All efforts have been made to assure that messages and files generated from this office are free and clear of this type of material.**



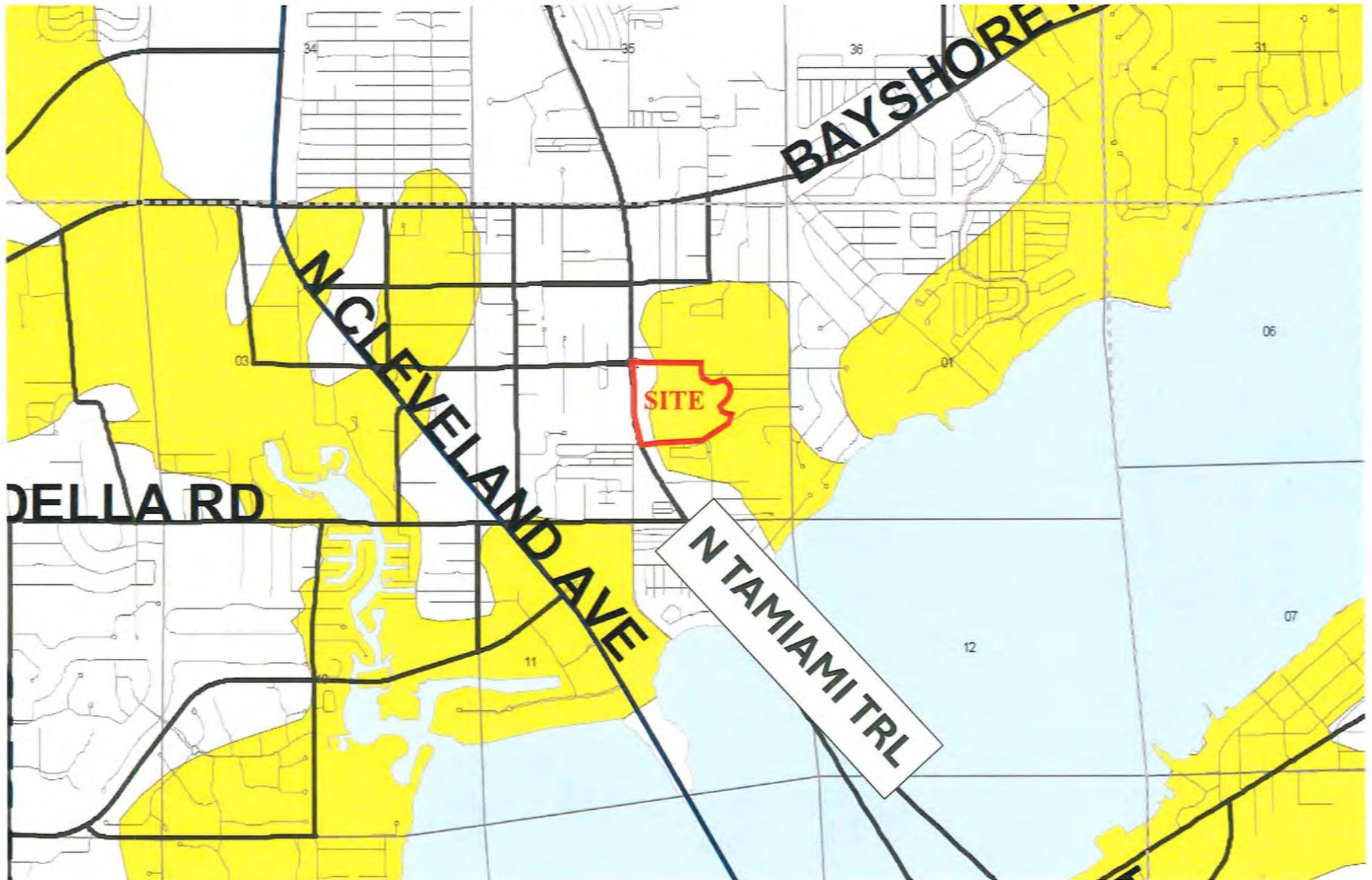
- Legend**
- FloridaSites
  - HistoricalBridges
  - HistoricalCemeteries
  - ResourceGroups
  - FloridaStructures





STRAP	Folio	Owner Name	Site Address	Last Trans. Date	Last Trans. Amt	Just Value	Taxable Value
02-44-24-03-0000B.0010	10151349	YEATTER TAD M TR	1460 N TAMAMIAMI TRL, NORTH FORT MY...	9-1995	\$ 100	\$ 637,500	\$ 207,703
02-44-24-03-0000B.0320	10151364	YEATTER TAD M TR	1450 N TAMAMIAMI TRL, NORTH FORT MY...	9-1995	\$ 100	\$ 32,300	\$ 32,300
02-44-24-03-00001.0200	10443151	YEATTER TAD M TR	1470 N TAMAMIAMI TRL, NORTH FORT MY...	5-1998	\$ 100	\$ 40,230	\$ 40,230
02-44-24-03-00001.0210	10443152	YEATTER TAD M TR	1456 N TAMAMIAMI TRL, NORTH FORT MY...	5-1998	\$ 100	\$ 46,409	\$ 46,409

LEE PLAN ARCHAEOLOGICAL SENSITIVITY MAP





**1520 Royal Palm Square Blvd, Suite 100**  
**Fort Myers, FL 33919**  
**Phone: 239-433-4231**  
**www.tdmcivilengineering.com**  
**Certificate of Authorization # 29086**

**Horizon Tamiami**  
**Public Facilities Impacts Analysis**  
**Exhibit M15**

The Public Facilities Impacts Analysis required for this Comprehensive Plan Amendment – Map Application includes:

1. Traffic Circulation Analysis (Exhibit – M16)
2. Existing and Future Conditions Analysis (Exhibit – M17)
  - a. Sanitary Sewer
  - b. Potable Water
  - c. Surface Water/Drainage Basins
  - d. Parks, Recreation, and Opens Space
  - e. Public Schools
3. Letters from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including: (Exhibit – M18)
  - a. Fire protection
  - b. Emergency medical service (EMS) provisions
  - c. Law enforcement
  - d. Solid Waste
  - e. Mass Transit
  - f. Schools

Please refer to Exhibits M16, M17, and M18 for the Analyses found therein.

**TRAFFIC GENERATION COMPARISON  
BETWEEN  
CURRENTLY APPROVED VERSUS PROPOSED**

**Horizon Tamiami**

*PREPARED FOR:*

**Mr. Tom Rossi, Principal  
Redburn Development Partners, LLC.  
204 Lafayette Street  
Schenectady, NY 12035**

*PREPARED BY:*



**1520 Royal Palm Square Blvd, Suite 100  
Fort Myers, FL 33919  
Phone: 239-433-4231  
www.tdmcivilengineering.com  
Certificate of Authorization # 29086**

**February 2024  
Revised May 2024**



**Digitally signed  
by Thomas D.  
Martin  
Date:  
2024.12.11  
10:55:38 -05'00'**

This item has been digitally signed and sealed by Dean Martin, P.E. using a Digital Signature. Printed copies of this document are not considered signed and sealed and the authentication code must be verified on any electronic copies.

## 1. PURPOSE

### ***OBJECTIVE***

This report has been prepared in accordance with Lee County Department of Community Development and Lee County TIS Guidelines criteria for projects seeking a Comprehensive Plan Amendment. This report compares the anticipated traffic generation of the currently approved development versus the proposed development in order to determine any adverse roadway impacts associated with the addition of **Horizon Tamiami** to the Mixed-Use Overlay.

The subject parcel per the most recent boundary survey is 27.36 acres, with 20.16 acres of uplands included in this request (the remaining 7.20 acres are preserved wetlands).

## 2. SITE DESCRIPTION

### *SITE LOCATION*

**Horizon Tamiami** is a 20.23-acre project located east of North Tamiami Trail (S.R. 739) north of Brooks Road in Section 2, Township 44 South, Range 24 East, Lee County, Florida (see Exhibit 1). The existing zoning for the property allows construction of ninety-three (93) single-family residential dwelling units (based on fourteen dwelling units per acre on 6.66 acres) and 135,700 square feet of commercial uses (based on 10,000 square feet per acre on 13.57 acres). The proposed Mixed-Use Overlay designation would allow the property to be developed into 202,300 square feet of commercial uses (based on 10,000 square feet per acre on 20.23 acres).

### 3. OBSERVATIONS

#### 3.1 TRIP GENERATION CALCULATIONS

Vehicular trips generated by the allowable development were calculated by using the equations provided by the Institute of Transportation Engineers, 11<sup>th</sup> Edition of the Trip Generation Manual, Land Use Code 210 (Single-Family Detached Housing) and Land Use Code 821 (Shopping Plaza 40-150k – Supermarket-Yes) using the average rates or the fitted curve equations shown in the tables.

**Table 1. Raw Trip Generation – Allowable Single-Family Detached Housing (LUC 210)**

<b><u>93 Dwelling Units:</u></b>	
A.	Daily Average Vehicle Trip Ends, Weekday $\text{Ln}(T) = 0.92 \text{Ln}(93) + 2.68 = \mathbf{944 (472 \text{ entering, } 472 \text{ exiting})}$
B.	A.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street) $\text{Ln}(T) = 0.91 \text{Ln}(93) + 0.12 = \mathbf{70 (18 \text{ entering, } 52 \text{ exiting})}$
C.	P.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street) $\text{Ln}(T) = 0.94 \text{Ln}(93) + 0.27 = \mathbf{93 (59 \text{ entering, } 34 \text{ exiting})}$

Source: TDM, 2024

**Table 2. Raw Trip Generation – Allowable Shopping Plaza (LUC 821)**

<b><u>135,700 Square Feet of Gross Floor Area:</u></b>	
A.	Daily Average Vehicle Trip Ends, Weekday $T = 76.96 (135.700) + 1,412.79 = \mathbf{11,856 (5,928 \text{ entering; } 5,928 \text{ exiting})}$
B.	A.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street) $T = 3.53 (135.700) = \mathbf{479 (297 \text{ entering, } 182 \text{ exiting})}$
C.	P.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street) $T = 7.67 (135.700) + 118.86 = \mathbf{1,160 (557 \text{ entering, } 603 \text{ exiting})}$

Source: TDM, 2024

**Table 3. Raw Trip Generation – Total Allowable Development**

**Table 1 + Table 2:**

- A. Daily Average Vehicle Trip Ends, Weekday  
 $944 + 11,856 = 12,800$  (6,400 entering; 6,400 exiting)
- B. A.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street)  
 $70 + 479 = 549$  (315 entering, 234 exiting)
- C. P.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street)  
 $93 + 1,160 = 1,253$  (616 entering, 637 exiting)

Source: TDM, 2024

Vehicular trips generated by the proposed development were calculated by using the equations provided by the Institute of Transportation Engineers, 11<sup>th</sup> Edition of the Trip Generation Manual, Land Use Code 820 (Shopping Center > 150k) using the fitted curve equations shown in the tables.

**Table 4. Raw Trip Generation – Proposed Shopping Center (LUC 820)**

**202,300 Square Feet of Gross Floor Area:**

- A. Daily Average Vehicle Trip Ends, Weekday  
 $T = 26.11 (202.300) + 5,863.73 = 11,146$  (5,573 entering; 5,573 exiting)
- B. A.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street)  
 $T = 0.59 (202.300) + 133.55 = 253$  (157 entering, 96 exiting)
- C. P.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street)  
 $\ln(T) = 0.72 \ln(202.300) + 3.02 = 937$  (450 entering, 487 exiting)

Source: TDM, 2024

**3.2 CONCLUSION**

When comparing Table 4 to Table 3 above, the proposed amendment will actually result in a decrease in vehicle trips (1,654 total daily trips; 296 A.M. peak trips; and 316 P.M. peak trips) therefore, the surrounding roadway network will continue to operate at acceptable Levels of Service both with and without the trips generated by the proposed development. No roadway capacity improvements will be warranted as a result of the traffic expected to be generated by the proposed development.

# 100<sup>TH</sup> HIGHEST HOUR LEVEL OF SERVICE CALCULATION NORTH TAMiami TRAIL

<b>ENGINEER:</b>	TDM Consulting, Inc. Dean Martin, P.E.
<b>DATE:</b>	October 24, 2023
<b>PROJECT NAME:</b>	1450 - 1470 North Tamiami Trail
<b>PROJECT LOCATION:</b>	North of Brooks Road
<b>PERMANENT COUNTING STATION NUMBER:</b>	1
<b>100<sup>TH</sup> HOUR V.P.H. (Year &amp; Rate) =</b>	2021                      1,715
<b>YEAR FOLLOWING PROJECT CONSTRUCTION:</b>	2027
<b>ADJUSTMENT FACTOR =</b>	
<b>Count &amp; Yr<sub>min</sub></b>	N/A                      N/A
<b>Count &amp; Yr<sub>max</sub></b>	N/A                      N/A
<b>Adjustment Factor =</b>	( N/A / N/A ##### ) <sup>6</sup> 1.000
<b>ADJUSTED 100<sup>TH</sup> HOUR V.P.H. =</b>	1,715 x 1.000                      1,715
<b>EXISTING LEVEL OF SERVICE =</b>	C
<b>PROJECT V.P.H. =</b>	1    149 (A.M. Ex.) x 96.7% x 69% (SB)                      99
<b>TOTAL V.P.H. =</b>	1,715 + 99                      1,814
<b>LEVEL OF SERVICE =</b>	C
<b>COMMENTS:</b>	A Growth Factor is not required



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## **Horizon Tamiami Comprehensive Plan Amendment**

### **Level of Service Analyses for Potable Water, Sanitary Sewer, Surface Water Drainage, Parks, Recreation and Open Space, and Public Schools Revised 1/3/2025**

#### **Exhibit - M17**

##### **Potable Water and Sanitary Sewer**

As a proposed development abutting an established mixed-use district, both potable water and sanitary sewer service the development. Per F.A.C. 64E-6.008 Table 1, the expected demand for the allowable ninety-three (93) single family residential dwelling units (assume three bedrooms and less than 2,250 square feet average) is 300 GPD per dwelling unit while the expected demand for the allowable 135,700 square feet of commercial uses is 0.1 GPD per square foot. Therefore, the allowable development can expect an average potable water and sanitary sewer demand of  $(93 \times 300) + (135,700 \times 0.1) = 27,900 \text{ GPD} + 13,570 \text{ GPD} = 41,470 \text{ GPD}$ .

Per F.A.C. 64E-6.008 Table 1, the expected demand for the proposed 202,300 square feet of commercial uses is 0.1 GPD per square foot. Therefore, the proposed development can expect an average potable water and sanitary sewer demand of  $(202,300 \times 0.1) = 20,230 \text{ GPD}$ .

Daily Peak Demand = Average Demand  $\times 1.3 = 20,230 \text{ GPD} \times 1.3 = 26,299 \text{ GPD}$

Hourly Peak Demand = Average Demand  $\times 4 = 20,230 \text{ GPD} \times 4 = 80,920 \text{ GPD} = 3,372 \text{ GPH} = 56.2 \text{ GPM}$

The proposed development is within the Lee County Utilities (LCU) potable water franchise area. LCU owns and maintains existing potable water lines along the parcel's frontages with North Tamiami Trail and with Brooks Road. LCU's North Lee County Water Treatment Plant will provide potable water service to the proposed development.

The proposed development is within the Florida Governmental Utility Authority (FGUA) franchise area. FGUA owns and maintains existing wastewater lines passing through the property and then along the parcel's frontage with Brooks Road. FGUA's Del Prado Wastewater Treatment Plant will provide wastewater service to the proposed development.

According to the 2023 Lee County Concurrency Report, LCU's interconnected water distribution system is permitted with a capacity of 54.3 million gallon per day (MGPD) and is projected to operate at 40.0 MGPD in 2027. Therefore, there is sufficient capacity within the existing water distribution system to serve the 20,230 GPD increase in demand to LCU's system from the project at build-out.

According to FGUA, their wastewater distribution system has a current capacity of 7.01 million gallon per day (MGPD) and is projected to operate at 8.25 MGPD in the future with an anticipated demand of 6.575 MGP by 2027. Please see the attached email from Sam Cain, P.E., Utility Engineer for FGUA. In addition, FGUA provided a Letter of Availability confirming that wastewater disposal service is available to the subject property and that there is sufficient capacity to serve the estimated demand. Additional design and analysis will be required at time of development order permitting.

### **Surface Water Drainage**

Water quantity, water quality, and attenuation will be provided by underground storage vaults prior to discharge to the preserved wetland and eventually Powell Creek. Stormwater runoff from the impervious areas will be directed to the underground storage vaults via catch basins and culverts. The parcel will require a SFWMD Environmental Resource Permit by virtue of its size (greater than ten acres) and the area of proposed impervious surfaces (greater than two acres).

The property in its existing state has no defined drainage pattern and appears to sheetflow to the existing wetland without benefit of any water quality treatment or attenuation. The property is almost entirely pervious, with most rainfall likely infiltrating the soil prior to discharge to the existing wetland and eventually Powell Creek.

Post-development stormwater discharge from the property will be to the existing wetland and eventually Powell Creek to mimic pre-development drainage patterns. There is no noticeable drainage flow from adjacent properties entering the property other than the FDOT drainage ditch conveying storm water runoff from North Tamiami Trail to the existing wetland. This FDOT drainage ditch will not be impacted by the proposed development except for two (2) culverted crossings.

The proposed underground storage vaults, culverts, catch basins, and control structures will be owned and maintained by the property owners in perpetuity.

The property is in an AE Flood Zone. Finished floor elevations of the proposed buildings on the property will be elevated to at least 1' above the flood elevation.

### **Parks, Recreation, and Open Space**

Per the 2023 Public Facilities Level of Service and Concurrency Report, the Required Capacity for Parks and Recreation is 5,682 acres of regional parks and 314 acres of community parks. The Available Capacity is currently at 7,066 acres of regional parks and 762 acres of community parks. The subject property is located near North Shore Park, located on U.S. 41 south of the property, and near North Fort Myers Community Park, located on North Tamiami Trail northwest of the property. The allowable residences would have diminished available regional park capacity by 1.4 acres (per the formula in the cited Report) and community parks by 0.2 acres (per the formula in the cited Report). The proposed commercial development doesn't diminish the available capacity of Parks.

### **Public Schools**

The proposed commercial development is in the West Zone per the School Benefit District Map according to the 2023 Lee County Concurrency Report. A total of fifteen (15) school-aged

Horizon Tamiami  
January 2025

children would be expected to utilize the public school system from the allowable development. The addition of this proposed commercial development to the Mixed Use Overlay will have no impacts to the overall capacity of Lee County Schools.

## Veronica Martin

---

**From:** Sam Cain <Sam.Cain@fgua.com>  
**Sent:** Friday, December 20, 2024 2:26 PM  
**To:** Michael Currier; Veronica Martin  
**Cc:** Paul Arnett; William Fontaine  
**Subject:** RE: sanitary sewer LOS in North Fort Myers  
**Attachments:** 2023Concurrency.pdf

### Junopi

Warning: Sender Sam.Cain@fgua.com has never sent any emails to your organization. Please be careful before replying or clicking/downloading the attachment and URLs.

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Afternoon, Veronica!

Summarized below are the current and future treatment capacities for the Lehigh Acres and Del Prado WWTPs along with the projected demands for each facility through 2027 based on the most recent capacity analysis report:

System	Capacity (MGD)		Projected Demand (MGD)	
	Current	*Future	2025	2027
Lehigh Acres WWTP	2.76	4.00	2.831	2.975
Del Prado WWTP	4.25	4.25	3.5	3.6
Total:	7.01	8.25	6.331	6.575

\*Anticipated by 2026

As shown above, the current treatment capacity of the Del Prado WWTP is adequate for providing service to both the projected future demand in 2027 and the estimated demand from the proposed development.

The Concurrency Report only lists capacity and demand values for the FGUA based on the sum of both the Del Prado and Lehigh Acres systems, therefore the values included in the report can't be used when evaluating the individual capacity of each system. The flow projections listed in the Concurrency Report also appear to be highly conservative compared to those in the most recent capacity analysis report for each system.

If any additional information is needed, please let us know.

Thanks!



**Sam Cain, P.E.**  
Utility Engineer,  
Florida Governmental Utility Authority

☎ [407-629-6900](tel:407-629-6900) 🌐 [www.fgua.com/](http://www.fgua.com/) ✉ [sam.cain@fgua.com](mailto:sam.cain@fgua.com)

## Latest News

Find out the latest happenings at the FGUA

**From:** Veronica Martin <[vmartin@tdmconsulting.com](mailto:vmartin@tdmconsulting.com)>  
**Sent:** Tuesday, December 17, 2024 3:23 PM  
**To:** Douglas Black <[douglas.black@anseradvisory.com](mailto:douglas.black@anseradvisory.com)>; Paul Arnett <[paul.arnett@anseradvisory.com](mailto:paul.arnett@anseradvisory.com)>;  
Michael Currier <[michael.currier@anseradvisory.com](mailto:michael.currier@anseradvisory.com)>  
**Subject:** FW: sanitary sewer LOS in North Fort Myers

Hello,

Lee County has asked me to find out from FGUA if there are any plans to expand sanitary sewer/treatment plants in the North Fort Myers area. I received the attached letter of availability, but Lee County staff is saying that the addition of this parcel exceeds the GPD currently provided by FGUA. Please see me email below for more information.

Thank you so much for your time and assistance.

*Veronica Martin*

*Senior Planner*

*[vmartin@tdmconsulting.com](mailto:vmartin@tdmconsulting.com)*

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**From:** Veronica Martin  
**Sent:** Wednesday, December 11, 2024 3:50 PM  
**To:** Douglas Black <[dblack@govmserv.com](mailto:dblack@govmserv.com)>  
**Subject:** sanitary sewer LOS in North Fort Myers

Hello Mr. Black,

I hope you can help me. I'm working on Lee County staffs requests for additional information regarding a comprehensive plan amendment for property at 1450, 1456, 1460 and 1470 N. Tamiami Trail, North Fort Myers. You provided a Letter of Availability for sanitary sewer service. Lee County's Concurrency Report states that FGUA currently operates at 7.0 MGD with a projected demand of 7.4 MGD by 2026. Staff wants me to provide any future measures that will expand the capacity of wastewater service provided by FGUA. Does FGUA have plan to expand service or enter into agreements with other providers to meet future demand? Are you able to help me address LC staff questions? If not, please let me know who I can contact. I really appreciate any assistance you can provide.

Thank you.

*Veronica Martin*

*Senior Planner*

*[vmartin@tdmconsulting.com](mailto:vmartin@tdmconsulting.com)*

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Brian Hamman  
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Mike Greenwell  
District Five

Dave Harner, II  
County Manager

Richard Wm. Wesch  
County Attorney

Donna Marie Collins  
County Hearing  
Examiner

July 29, 2024

Veronica Martin  
TDM Consulting, Inc  
1520 Royalm Palm Square Blvd, Suite 100  
Fort Myers, FL 33919

Re: Letter of Service Availability – Horizon Tamiami

Ms. Martin,

I am in receipt of your letter requesting a Letter of Service Availability for a Comprehensive Plan Amendment for Horizon Tamiami. The site consists of four addresses along N. Tamiami Trail in North Fort Myers: 1450, 1456, 1460, and 1470. The applicant is applying for changes to the plan to alter buffers, open space, and parking, but has no impact on density.

Lee County Emergency Medical Services is the primary EMS transport agency responsible for coverage at the location you have provided. There are two ambulances located 1.0 miles south of the property.

It is our opinion that the EMS service availability for the proposed development of this property is adequate at this time. Should the plans change, a new analysis of this impact would be required.

Sincerely,

A handwritten signature in black ink, appearing to read "Benjamin Abes".

Benjamin Abes  
Director, Public Safety

## Veronica Martin

---

**From:** Veronica Martin  
**Sent:** Tuesday, July 23, 2024 11:51 AM  
**To:** RHanna@leegov.com  
**Subject:** Lee County application review request  
**Attachments:** Aerial 4 properties.png; Area Location Map.pdf; Proposed Mixed Use Overlay Map.pdf

Hello Ms. Hanna,

I hope you can help me or direct me to whom I need to contact. I'm submitting a comprehensive plan amendment application to Lee County to add 20.16 acres of the subject property into the Mixed Use Overlay. This excludes the wetland acreage. The application requires a letter of review from Lee County EMS confirming they have adequate facilities to serve the future development.

The project is located at 1450, 1456, 1460 and 1470 N Tamiami Trail. The property will be developed as a mixed use development with commercial along the N Tamiami Trail frontage and multi-family residential along Brooks Rd and the interior of the property. The maximum density under the current Comprehensive Plan is 22 dwelling units per acre utilizing bonus density and 10,000 square feet per acre for commercial development. The Amendment application to add the property to the mixed-use overlay doesn't increase the residential density or commercial intensity of the site, but it does allow for reduced buffers, open space, and parking.

I'm attaching several exhibits for reference. Please let me know if you have any questions or need additional information.

Have a good day.

*Veronica Martin*

*Senior Planner*

*[vmartin@tdmconsulting.com](mailto:vmartin@tdmconsulting.com)*

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NORTH FT. MYERS FIRE DIST.

P.O. Box 3507 \* 2900 Trail Dairy Circle  
N. Ft. Myers, FL 33918-3507  
(239) 997-8654 (239) 995-3757 fax

April 3, 2024

Letter of Adequacy and Support

Veronica Martin  
TDM Consulting Inc.  
1520 Royal Palm Square Blvd., Suite 100  
Ft. Myers, FL 33919

Ms. Martin:

The North Fort Myers Fire Department has reviewed the information provided by TDM Consultants pertaining to the submission of a Comprehensive Plan Amendment requesting to add the 20.32 acres located @ 1450-1470 N Tamiami and Brooks Rd. to the Mixed-use Overlay Map.

The North Fort Myers Fire Department has no objection to this amendment and can adequately protect this property. If you have any further questions, please contact our office @239-731-1931.

Respectfully,

Rick Jones  
Fire Marshal

**Veronica Martin**

---

**From:** Veronica Martin  
**Sent:** Tuesday, April 2, 2024 2:45 PM  
**To:** m.brooks@northfortmyersfire.com  
**Subject:** Letter of Review  
**Attachments:** No Objection Letter.docx; Proposed Mixed Use Overlay Map.pdf; Area Location Map.pdf

Hello.

I hope you can help me again. I'm submitting a Comprehensive Plan Amendment application to Lee County Community Development to add 20.32 acres of land at the NE corner of N. Tamiami Trail and Brooks Road into the Mixed-Use Overlay. This property is already zoned to permit single-family, commercial, and other mixed-uses; however, it's technically not located within the Lee Plan Mixed Use Overlay Map. We're required to obtain a Letter of Review/Adequacy from all local support facilities stating that the change to mixed-use overlay won't impact the NFMFD/EMS ability to provide service to this property. I've attached a copy of the last letter that was provided by Fire Marshal Jones. I've also attached a copy of the area location map and map of the mixed use overlay.

The address of the property is 1460, 1470, 1456 and 1450 N Tamiami Trail, N Fort Myers. We're preserving the 7.14 acres of wetlands on-site. Please let me know if you need additional information or have any questions.

Thank you for your time.

*Veronica Martin*

*Senior Planner*

*[vmartin@tdmconsulting.com](mailto:vmartin@tdmconsulting.com)*

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## Veronica Martin

---

**From:** Heredia, Jacqueline <JacquelineHe@LeeSchools.net>  
**Sent:** Thursday, April 11, 2024 9:17 AM  
**To:** Veronica Martin  
**Subject:** RE: Letter of Review

Good morning,

The School District of Lee County has the following comments on this project:

This project is located in Elementary School Proximity Zone "C"

- The District's Student Generation Rate (SGR) for this area for multi-family development is 0.066 at the elementary level.
- The proposed 448 residential units could be expected to produce up to 29.57 elementary school students.
- Elementary School Proximity Zone "C" is currently operating at approximately 90 % of capacity with about 0 open seats.
- This proposed project will not negatively impact school capacity in the enrollment zone.

This project is located in Middle School Proximity Zone "CC"

- The District's Student Generation Rate (SGR) for this area for multi-family development is 0.043 at the middle school level.
- The proposed 448 residential units could be expected to produce up to 14.78 middle school students.
- Middle School Proximity Zone "CC" is currently operating at approximately 90% of capacity with about 17 open seats.
- This proposed project will not negatively impact school capacity in the enrollment zone.

This project is located in High School Enrollment Zone West, Sub-Zone 1

- The District's Student Generation Rate (SGR) for this area for multi-family development is 0.38 at the high school level.
- The proposed 448 residential units could be expected to produce up to 13.89 high school students.
- West Zone 1 is currently operating at approximately 105% of capacity with about 400 open seats.
- This proposed project will not negatively impact school capacity in the enrollment zone.

Thank you.

Jacqueline Heredia

**District Planning Specialist**

2855 Colonial Blvd, Fort Myers, FL 33966

o: 239-335-1494

[JacquelineHE@leeschools.net](mailto:JacquelineHE@leeschools.net)

[www.leeschools.net](http://www.leeschools.net)

**THE SCHOOL DISTRICT OF LEE COUNTY**

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**From:** Veronica Martin <vmartin@tdmconsulting.com>  
**Sent:** Wednesday, April 10, 2024 10:13 AM  
**To:** Heredia, Jacqueline <JacquelineHe@LeeSchools.net>  
**Subject:** FW: Letter of Review

**Caution:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning Ms. Heredia,

I'm following up on my email from last week regarding a letter of review for a Lee County comprehensive plan amendment application. Please feel free to reach out if you have any questions.

Have a good day.

*Veronica Martin*

Senior Planner

[vmartin@tdmconsulting.com](mailto:vmartin@tdmconsulting.com)

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**From:** Veronica Martin  
**Sent:** Tuesday, April 2, 2024 2:52 PM  
**To:** Heredia, Jacqueline <[JacquelineHe@LeeSchools.net](mailto:JacquelineHe@LeeSchools.net)>  
**Subject:** Letter of Review

Hello Ms. Heredia,

I hope you can help me again. I'm submitting a Comprehensive Plan Amendment application to Lee County Community Development to add 20.32 acres of land at the NE corner of N. Tamiami Trail and Brooks Road into the Mixed-Use Overlay. This property is already zoned to permit single-family, commercial, and other mixed-uses; however, it's technically not located within the Lee Plan Mixed Use Overlay Map. We're required to obtain a Letter of Review/Adequacy from all local support facilities stating that the change to mixed-use overlay won't impact the Lee County School District's ability to provide classrooms and educational programs to the future residents of this property. At maximum density, the property could potentially have 448 multi-family dwelling units. I've attached a copy of the area location map and map of the mixed use overlay.

The address of the property is 1460, 1470, 1456 and 1450 N Tamiami Trail, N Fort Myers. We're preserving the 7.14 acres of wetlands on-site. Please let me know if you need additional information or have any questions.

Thank you for your time.

*Veronica Martin*

*Senior Planner*

*[vmartin@tdmconsulting.com](mailto:vmartin@tdmconsulting.com)*

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*Carmine Marceno*  
Sheriff



*"Proud to Serve"*

State of Florida  
County of Lee

April 2, 2024

Veronica Martin  
TDM Consulting  
1520 Royal Palm Square Suite 100  
Fort Myers, FL 33919

Ms. Martin,

The Lee County Sheriff's Office has reviewed your service availability request for 20.32 acres of land at the northeast corner of N. Tamiami Trail and Brooks Road in North Fort Myers.

The property requires a Comprehensive Plan Amendment to add it to the adjacent Mixed-Use Overlay Map. Based upon the information you provided, the property at 1460, 1470, 1450 and 1456 N. Tamiami Trail could potentially have 448 multi-family dwelling units at maximum density, with 7.14 acres of wetlands on site.

This proposed change in designation will not impact our Agency's ability to provide law enforcement services to this community. Services will be provided from our Precinct 1 offices in North Fort Myers. At the time of application for a Development Order or building permit, we request that the applicant provide a Crime Prevention Through Environmental Design (CPTED) report done by the applicant and given to the Lee County Sheriff's Office for review and comment.

Please contact Community Response Unit Crime Prevention Practitioner Heather Turco at (239) 477-1863 with any questions regarding the CPTED study.

Respectfully,

A handwritten signature in black ink, appearing to read "Chris Reeves".

Chris Reeves  
Major, Patrol Bureau



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## Veronica Martin

---

**From:** Veronica Martin  
**Sent:** Tuesday, April 2, 2024 2:56 PM  
**To:** Stanley Nelson (SNelson@sheriffleefl.org)  
**Subject:** Letter of Review  
**Attachments:** Area Location Map.pdf; Proposed Mixed Use Overlay Map.pdf

Hello Director Nelson,

I hope you can help me again. I'm submitting a Comprehensive Plan Amendment application to Lee County Community Development to add 20.32 acres of land at the NE corner of N. Tamiami Trail and Brooks Road into the Mixed-Use Overlay. This property is already zoned to permit single-family, commercial, and other mixed-uses; however, it's technically not located within the Lee Plan Mixed Use Overlay Map. We're required to obtain a Letter of Review/Adequacy from all local support facilities stating that the change to mixed-use overlay won't impact the Lee County Sheriff's Offices' ability to provide police protection to the future residents and commercial shoppers of this property. At maximum density, the property could potentially have 448 multi-family dwelling units. I've attached a copy of the area location map and map of the mixed use overlay.

The address of the property is 1460, 1470, 1456 and 1450 N Tamiami Trail, N Fort Myers. We're preserving the 7.14 acres of wetlands on-site. Please let me know if you need additional information or have any questions.

Thank you for your time.

*Veronica Martin*

*Senior Planner*

[vmartin@tdmconsulting.com](mailto:vmartin@tdmconsulting.com)

*Saving just one dog won't change the world...but, surely the world will change for that one dog...Adopt, don't shop...*

**PLEASE NOTE OUR ADDRESS HAS CHANGED.**



# Lee County

Southwest Florida

Board of County Commissioners

Kevin Ruane  
District One

**July 19, 2024**

Cecil L Pendergrass  
District Two

TDM Consulting, Inc.  
1520 Royal Pam Square Blvd,  
Suite 100  
Fort Myers, FL 33919

Ray Sandelli  
District Three

Brian Hamman  
District Four

Mike Greenwell  
District Five

**Re: N. Tamiami Trail and Brooks Road  
Letter of Review**

Dave Harner, II  
County Manager

Richard Wm. Wesch  
County Attorney

LeeTran has received the request regarding the subject property in North Fort Myers. After reviewing the site and comparing the location with our existing and planned route locations according to the LeeTran 2021 Transit Development Plan (TDP), the following is determined:

Donna Marie Collins  
County Hearing  
Examiner

Based on the LeeTran 2021 Transit Development Plan (TDP) evolved network, also reflected within the Lee County Comprehensive Map 3-C section 10-441, the route along N Tamiami Trail will not exist therefore, there are no routes within a one-quarter mile of the proposed development in the near future. Therefore, no improvements are required by the developer.

If you have any questions or require further information, please do not hesitate to contact me at (239) 533-0322 or [ocassidy@leegov.com](mailto:ocassidy@leegov.com)

Sincerely,

*Olivia Cassidy*

Planner  
Lee County Transit, LeeTran  
3401 Metro Pkwy, Fort Myers, FL

## Veronica Martin

---

**From:** Veronica Martin  
**Sent:** Tuesday, April 2, 2024 3:01 PM  
**To:** Marino Diaz, Clarissa  
**Subject:** Letter of Review  
**Attachments:** Area Location Map.pdf; Proposed Mixed Use Overlay Map.pdf

Hi Clarissa,

I hope you can help me again. I'm submitting a Comprehensive Plan Amendment application to Lee County Community Development to add 20.32 acres of land at the NE corner of N. Tamiami Trail and Brooks Road into the Mixed-Use Overlay. This property is already zoned to permit single-family, commercial, and other mixed-uses; however, it's technically not located within the Lee Plan Mixed Use Overlay Map. We're required to obtain a Letter of Review/Adequacy from all local support facilities stating that the change to mixed-use overlay won't impact the Lee Tran's ability to provide public transit service to the future residents and commercial shoppers of this property. At maximum density, the property could potentially have 448 multi-family dwelling units. I've attached a copy of the area location map and map of the mixed use overlay.

The address of the property is 1460, 1470, 1456 and 1450 N Tamiami Trail, N Fort Myers. We're preserving the 7.14 acres of wetlands on-site. Please let me know if you need additional information or have any questions.

Thank you for your time.

*Veronica Martin*

*Senior Planner*

[vmartin@tdmconsulting.com](mailto:vmartin@tdmconsulting.com)

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## Veronica Martin

---

**From:** Lighthall, Justin <JLighthall@leegov.com>  
**Sent:** Tuesday, April 2, 2024 3:12 PM  
**To:** Veronica Martin  
**Subject:** RE: Letter of Review

Hi Veronica,

Solid Waste has reviewed your preliminary plans for development at the NE corner of N. Tamiami Trail and Brooks Road. We have no opposition to the proposed plans of 448 multifamily dwelling units, as plans have been made to account for future growth through the use of our Waste to Resource Recovery Facility and collection will be accomplished using our franchised hauling contractors. Please advise if you need any additional information.

Regards,



**Justin Lighthall | Manager, Public Utilities**

Solid Waste Department

6431 Topaz Ct, Fort Myers, FL 33966

office: (239) 533-8007

email: [Jlighthall@leegov.com](mailto:Jlighthall@leegov.com)

web: [www.leegov.com/solidwaste](http://www.leegov.com/solidwaste)

Connect With Us On Social Media



Sign up today to become a Solid Waste insider by clicking [here!](#)

**From:** Veronica Martin <vmartin@tdmconsulting.com>  
**Sent:** Tuesday, April 2, 2024 3:04 PM  
**To:** Lighthall, Justin <JLighthall@leegov.com>  
**Subject:** Letter of Review

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: \_\_\_\_\_ or 533-HELP.

Hi Justin,

I hope you can help me again. I'm submitting a Comprehensive Plan Amendment application to Lee County Community Development to add 20.32 acres of land at the NE corner of N. Tamiami Trail and Brooks Road into the Mixed-Use Overlay. This property is already zoned to permit single-family,

commercial, and other mixed-uses; however, it's technically not located within the Lee Plan Mixed Use Overlay Map. We're required to obtain a Letter of Review/Adequacy from all local support facilities stating that the change to mixed-use overlay won't impact the Lee Tran's ability to provide services for solid waste and recyclables to the future residents and commercial shoppers of this property. At maximum density, the property could potentially have 448 multi-family dwelling units. I've attached a copy of the area location map and map of the mixed use overlay.

The address of the property is 1460, 1470, 1456 and 1450 N Tamiami Trail, N Fort Myers. We're preserving the 7.14 acres of wetlands on-site. Please let me know if you need additional information or have any questions.

Thank you for your time.

*Veronica Martin*

*Senior Planner*

*[vmartin@tdmconsulting.com](mailto:vmartin@tdmconsulting.com)*

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Certificate of Authorization # 29086

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HORIZON TAMiami  
AERIAL MAP OF SUBJECT PROPERTY

EXHIBIT M9



HORIZON TAMIAMI  
PROPOSED FUTURE LAND USE MAP 1-C





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### State Policy Plan and Regional Policy Plan – Exhibit M19

#### Florida Department of Economic Opportunity – Comprehensive Plan

There are no State Policy Plan goals, strategies, actions, or policies that are relevant to the proposed amendment.

#### Southwest Florida Regional Planning Council (SWFRPC)

There are no Regional Policy Plan goals, strategies, actions, or policies that are relevant to the proposed amendment.



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### **Justification of Proposed Amendment – Exhibit M20**

Revised 12-11-2024

The Applicant, Horizon Tamiami, LLC, is requesting to amend Lee Plan Map 1-C, Mixed Use Overlay Map. The Applicant owns property totaling 27.36 acres, located in Section 2, Township 44 South, Range 24 East, north of Brooks Road and east of N. Tamiami Trail. The South Florida Water Management District (SFWMD) issued a formal Wetland and OSW determination on May 2, 2023. Of the 27.36 acres, 7.20 acres is identified as Wetlands. As a result, the Applicant is requesting to add ±20.16-acres into the Mixed Use Overlay.

Lee Plan Policy 11.2.3 states that “At the discretion of the Board of County Commissioners, the Mixed Use Overlay boundary may be extended up to one-quarter mile to accommodate developments partially within a Mixed Use Overlay or immediately adjacent to a Mixed Use Overlay. The subject property is adjacent to the Mixed Use Overlay to the south and west.

The 20.16 acres has a future land use classification of Intensive Development. The Lee Plan states that mixed use developments of high-density residential, commercial, limited light industrial and office uses are encouraged to be developed, where appropriate. The property is located along N. Tamiami Trail, a state-maintained arterial roadway, and Brooks Road, a county-maintained local road. LCU and FGUA have provided letters of availability confirming that potable water and sanitary sewer lines are available and adequate to service a future high density/intensity mixed-use development, and other urban services such as fire/EMS, police protection, solid waste, public transit, schools, and public parks and rec are available and proximate to the site.

The property is currently zoned CG, C-1, and RS-1, which permits commercial and residential uses. A future mixed-use development would be compatible with existing and proposed uses in the area since most are already commercial or multi-family residential. The only single-family subdivision is located east of Powell Creek. The existing wetlands and Powell Creek along the east property line act as a physical barrier to effectively buffer and shield the single-family lots from a future mixed-use development on the subject property.

The goal of the North Fort Myers community plan is to improve the livability and economic vitality in the area by promoting compact, mixed use development; attracting appropriate investment to revitalize older neighborhoods and commercial corridors; stabilizing and enhancing existing neighborhoods; and preserving natural resources. The subject property is located in the North Fort Myers planning community area along a designated corridor overlay (N. Tamiami Trail, also known as Business 41). The site is one of the last remaining large undeveloped properties along this section of N. Tamiami Trail in the Intensive Development future land use category. The site can be viewed as an infill development since the majority of the land on all four sides is currently developed with a mix of residential and commercial uses.

The subject property is located adjacent to lands already within the Mixed-Use Overlay per Lee Plan Map 1-C, to the south of Brooks Road. The site is currently zoned CG, C-1, and RS-1 – a mix of commercial and residential zoning districts. Adding the 20.16 acres to the Mixed-Use Overlay meets the intent of the North Fort Myers Community Plan to promote compact, mixed-use development, revitalizing commercial corridors, and allowing for more urban forms of design in the design regulations for developments in the Mixed Use Overlay.



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HORIZON TAMIAMI  
PLANNING COMMUNITY AREA REQUIREMENTS - PIM SUMMARY  
EXHIBIT M21

A Public Information Meeting was held at the North Fort Myers Recreation Center on April 2, 2024 at 6:00 p.m. The Notice of Meeting was published in the News-Press and meeting signs were posted on the property, as required by the North Fort Myers Community Planning Panel. A copy of the News-Press Ad, Meeting Agenda, and Sign-in Sheets are included with this summary.

TDM Consulting presented a Comprehensive Plan Amendment to add 20.23 acres of the subject property to Lee Plan Map 1-C, the Mixed Use Overlay, and a Conventional Rezoning application from RS-1, C-1, and CG to C-1 for a consistent zoning district. A copy of the presentation is included with this Summary.

Questions and Comments:

1. Who is the property owner/developer?  
Horizon Tamiami, LLC. TDM has worked with this developer on projects in the City of Fort Myers and Cape Coral and this is their first project in Lee County unincorporated.
2. Doesn't the Mixed-Use Overlay automatically guarantee bonus density?  
No. The property has a FLU classification of Intensive Development which permits a base density of 14 du/ac with a bonus density of 22 du/ac.
3. Will this be an affordable housing project – low income?  
No, the developer's typical product is aimed at renters at 80-120% of the median income.
4. Why are you rezoning if it already permits mixed-use?  
One of the current zoning districts is RS-1, which does not permit multi-family use. Instead of rezoning just the RS-1 portion of the property, we decided to rezone the entire property for a consistent zoning district.
5. Why didn't you rezone to a planned development?  
We don't anticipate needing any deviations or variances from the LDC. And although we've gone through several iterations of the site plan, it's still a work in progress. The comprehensive plan amendment is a long process, so we wanted to start that before submitting a site plan.
6. We don't believe the roads will support the density.

The property has a FLU classification of Intensive Development and is already zoned to permit commercial, multi-family, and single-family uses. The traffic engineer is required to analyze the development at maximum density and intensity. The traffic associated with the comprehensive plan amendment will not degrade the level of service of the surrounding roadway network beyond what is already permitted by right.

7. Why isn't there a site plan for us to look at?

The comprehensive plan amendment application is quite complex, but it doesn't require a site plan. Neither does a conventional rezoning application. It would be premature to present a site plan at this stage when we're only in the planning and zoning stages of this development. We'll be back to present at time of DO permitting to show the site plans, landscaping plans, and architectural elevations.

8. Won't you need an FDOT permit?

Yes, the applicant is proposing 2 entrances to the property from N. Tamiami Trail, so FDOT permitting will be required at time of DO permitting.

9. You mentioned a SFWMD permit. Is that a new one?

The previous property owner, Joe Bonora with Catalyst obtained a District Permit. To my knowledge the permit is still current, but will need to be amended with the new site plan.

The North Fort Myers Community Planning Panel would have preferred to see a Site Plan, but realize its not required at this stage. Overall, they were supportive of the proposed Comp Plan Amendment and Rezoning. The public didn't have much to add. Their biggest concern is traffic.

## Horizon Tamiami PIM Presentation

### **Summary**

- Horizon Tamiami, LLC
- Previously presented by Joe Bonora with Catalyst Asset Management
- comprehensive plan amendment and conventional rezoning application
- 27-acre property located at the NE corner of N Tamiami Trl and Brooks Rd (1450, 1456, 1460 and 1470 N Tamiami Trail)
- 2 drainage areas owned by FDOT
- FLU – Intensive Development
- Mixed-use development with commercial development along N Tamiami Trail and MFR along Brooks Rd and the interior.
- We've already had a wetland jurisdictional determination from SFWMD and we're preserving approx. 7 ac of wetlands.

### **Comprehensive Plan Amendment**

- Site is 27.35-acres
- 20.23 ac is uplands and 7.14 ac wetlands
- Requesting to amend the Mixed-Use Overlay Map, Lee Plan Map 1-C, by adding the 20.23 upland acres into the Mixed-Use Overlay.
- Intensive Development FLU permits 14 du/ac with bonus density up to 22 du/ac and an average commercial intensity of 10,000 sf/ac
- Public facilities: potable water, sanitary sewer, fire/EMS & police protection, parks, rec & open space and schools are all available and adequate to serve the proposed development at maximum density/intensity.
- The traffic analysis also demonstrated that the comprehensive plan amendment would not degrade the level of service of the surrounding roadways.
- FDOT permitting will be required at time of development order submittal.
- An Environmental Report

### **Conventional Rezoning**

- Current zoning: RS-1 (SFR), C-1 (Mixed-Use) and CG (General Commercial).
- Requesting to rezone to C-1 for a true Mixed-Use development.
- Intensive Development FLU permits 14 du/ac with bonus density up to 22 du/ac and an average commercial intensity of 10,000 sf/ac (448 dwelling units)
- A Site Plan isn't required for conventional rezoning applications; however, existing site conditions kind of dictate the layout in this instance. Primary entrance to residential development on Brooks Road with a secondary entrance on N. Tamiami. Primary entrance to commercial component from N Tamiami.
- Code required buffers, landscaping, open space, drainage, and parking will be provided at time of development order permitting. The applicant isn't anticipating requesting any deviations or variances at this time.

# News-Press.

## Public Notices

Originally published at news-press.com on 03/24/2024

### NOTICE OF MEETING

TDM Consulting, Inc. will be presenting a Comprehensive Plan Map Amendment and Conventional Rezoning application at the North Fort Myers Community Planning & Design Review Panel meeting on April 2, 2024 at 6:00 pm. The meeting will be held at the North Fort Myers Recreation Center, 2000 Recreation Way, North Fort Myers. The applicant, Horizon Tamiami, LLC, is requesting to amend Lee Plan Map 1-C by adding 27.35± acres located at 1450, 1456, 1460 and 1470 N. Tamiami Trail, North Fort Myers into the Mixed-Use Overlay. The applicant is also requesting to rezone the property from RS-1, C-1 and CG to C-1 for a consistent zoning district. For additional information please contact Veronica Martin with TDM Consulting, Inc. at 239-433-4231.

March 24, 2024 9989435

# AGENDA

## JOINT MEETING OF THE NORTH FORT MYERS DESIGN REVIEW PANEL &

## THE NORTH FORT MYERS COMMUNITY PLANNING PANEL

NORTH FORT MYERS RECREATION CENTER  
2000 N. RECREATION PARK WAY  
NORTH FORT MYERS, FL

**April 2, 2024**

**6:00 PM**

1. CALL TO ORDER
2. APPROVAL OF AGENDA
3. APPROVAL OF LAST MEETING MINUTES
4. NEW BUSINESS –
  - 1) Pine Lakes Country Club II – Rezoning Request – Kimley-Horn
  - 2) 1450, 1456, 1460 & 1470 N. Tamiami Trail Comp Plan Amendment - TDM Consulting – Veronica Martin
  - 3) 764 July Circle Rear Setback Variance – Norberto Menina
  - 4) Spring Woods Mobile Home Subdivision, Tract B site plan – Hole Montes, a BOWMAN company – Tyler Bonnough
5. OLD BUSINESS
6. OTHER BUSINESS
7. ADJOURNMENT

**NEXT MEETING May 7th, 2024- NFM REC. CTR.**

## PUBLIC INFORMATIONAL MEETING SIGN-IN SHEET

Project No. - Name:	MHPD French Parcel	Date:	April 2, 2024 @ 6pm
Facilitator:	NFM PLANNING PANEL	Location:	2000 Recreation Way, 33903

Name	Phone	E-Mail
Veronica Martin Mark A Ebelin		vmartin@tdmconsulting.com
RIC GREGSON		GREGSONRIC@YAHOO.COM
MIKE CIANCIO		
DAVE SHULTZ		
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