

EXHIBITS

CASE # DCI2024-00043

CASE NAME: SINGLETARY CPD

Attach copy of this form to top of packet of exhibits & place exhibits in case file.

ARE THERE ANY BOARD EXHIBITS? YES NO

LOCATION OF BOARDS

If there are any board exhibits, attach another copy of this form to boards for identification purposes.

EXHIBITS
APPLICANT

Case #
STAFF

DCI2024-00043

#1 48-Hour

#1 Staff Report

#2 MCP (new)

#2 48-Hour

#3 PowerPoint

#3 Abstract of Publication

#4 _____

#4 PowerPoint

#5 _____

#5 _____

#6 _____

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OTHER EXHIBITS

NAME

NUMBER

DESCRIPTION

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

Case Number: DCI2024-00043
Case Name: Singletary Commercial Planned Development
Case Type: Planned Development Rezoning
Area to be Rezoned: ±16.81 Acres
Sufficiency Date: August 25, 2025
Hearing Date: October 30, 2025
Commissioner District 5

RECEIVED

OCT 15 2025

BY: HEARING EXAMINER'S OFFICE

REQUEST:

Sage Entitlements, LLC, has filed an application to rezone 16.81 acres from Agricultural (AG-2) to Commercial Planned Development (CPD) to allow a maximum of 110,000 square feet of commercial floor area and 100,000 square feet of mini-warehouse/self-storage floor area.

SUMMARY:

The request represents a logical implementation of the recently adopted Future Land Use designation and responds to the same transportation and development dynamics that prompted the amendment and abutting Mixed-Use Planned Development rezoning to the north.

A legal description and boundary survey are enclosed in Attachment B. Staff recommends **APPROVAL** of the request with the conditions and deviations found in Attachment F of this report.

HISTORY OF PROPERTY:

The subject property has retained its original Agricultural (AU, AG-2 as converted) zoning designation since the implementation of zoning regulations in unincorporated Lee County. It is currently developed with a single-family residence, which first appeared on the Lee County tax roll in 1999, along with residential accessory structures. The property was redesignated Outlying Suburban from Rural in 2023 under Ordinance 23-03. The property also holds an Agricultural Exemption with the Lee County Property Appraiser's Office.

CHARACTER OF THE AREA:

The stretch of State Road 31 through Lee County, near the subject property, consists of low-density residential areas, the Lee County Civic Center, agricultural lands (including pastures and small farms), and open natural spaces. This corridor continues south until it reaches the Caloosahatchee River and Wilson Pigott drawbridge.

The Lee County Civic Center, located nearby, is a large, multi-purpose public event facility owned and operated by Lee County. The 100-acre site serves as a regional venue for community events, agricultural fairs, concerts, trade shows, and other large public gatherings.

The property immediately surrounding the subject site is shown in Attachment C of this report and falls within the **Outlying Suburban** and **Rural Future Land Use** categories, as designated by the Lee County Comprehensive Plan. State Road 31 also acts as a geographic boundary, separating the **Bayshore Planning Community** to the west from the **Northeast Lee County/North Olga Planning Community** to the east.

North

To the north, the subject property abuts a ±76-acre **Mixed-Use Planned Development (MPD)** approved for 400,000 square feet of commercial uses and 122 residential dwelling units. The site is located within the **Outlying Suburban Future Land Use category** and is currently developed with single-family residences and agricultural uses that pre-date the 2022 MPD rezoning approved under **Resolution Z-22-037A** (see Attachment T).

South and east

To the south and east, adjacent lands are zoned **Agricultural (AG-2)** within the **Outlying Suburban Future Land Use category**, and include a 100-foot-wide ingress/egress, drainage, and utility easement across an irregular T-shaped ±14-acre parcel improved with a single-family residence. The abutting easement reservation consists primarily of low-lying land used for drainage purposes, and it separates additional properties that access Old Rodeo Drive, some of which are also developed with single-family residences.

West

To the west, across State Road 31 (also known as Babcock Ranch Road), lands are zoned **Agricultural (AG-2)** and fall within the **Rural Future Land Use category**. Many of these parcels are developed with single-family residences near the Lee County Civic Center. A ten-acre, privately owned parcel directly north of the Civic Center is currently under review for rezoning to Commercial Planned Development (CPD), along with a companion comprehensive plan amendment (CPA2024-00017 and DCI2025-00005) to redesignate the site as Outlying Suburban.

AVAILABILITY OF PUBLIC SERVICES:

Public services are defined by the Lee Plan as “the requisite services, facilities, capital improvements, and infrastructure necessary to support growth and development.”

Public water and sewer: The subject property lies within the Lee County Utilities (LCU) Future Potable Water Service Area, as shown on Map 4-A of the Lee Plan. Potable water and sanitary sewer infrastructure do not currently abut the site (see Attachment O); the nearest existing LCU sewer service area is located at the Lee County Civic Center property nearby.

At the zoning stage, applicants are required to demonstrate that public utility service can be made available in a technically and financially feasible manner consistent with Lee Plan Standards. Actual infrastructure design, capacity allocation, and connection commitments are addressed during the development order review when a specific site plan and end user are identified. Developer-funded

system enhancements, such as line extensions, may be required at the development order stage to comply with **Lee Plan Standards 4.1.1 and 4.1.2.**

Paved streets and roads: The property has direct access to State Road 31, which is classified as a two-lane arterial road pursuant to Lee County Administrative Code 11-1, Exhibit "II." The Florida Department of Transportation (FDOT) is currently advancing plans for the construction of a new alignment of SR 31 in this area. Rather than widening the existing facility, the project involves building a new highway corridor adjacent to the existing SR 31, with the current roadway expected to serve as a frontage road along the west side of the new alignment. This future configuration is intended to improve regional mobility while maintaining local access.

While FDOT has active funding and construction underway for segments of the SR 31 corridor, most notably the 4.91-mile project between SR 78 (Bayshore Road) and Lake Babcock Drive scheduled for completion by late-2026 (see Attachment Q), full funding for the new SR 31 alignment and the replacement of the Wilson Pigott drawbridge (potentially via a high-level fixed span bridge) has not been publicly confirmed as fully secured across the entire corridor. A bridge replacement line item appears in FDOT's Work Program under Project Number 441942-2 (Bridge No. 120064), and FDOT appears to be actively evaluating bridge alternatives and conducting public outreach.

Police, fire, and emergency services: The subject property is located within the Bayshore Fire Protection and Rescue Service District. The nearest fire station (Station 131) is located at 17350 Nalle Road, approximately three miles southwest of the site. Lee County EMS (Medic #19) is co-located at this station. Law enforcement services are provided by the Lee County Sheriff's Office, within the N5 Precinct boundary.

Schools: The subject property is located within the Lee County School District. The proposed project does not include residential development and will not impact school capacity. The site currently contains one single-family residence. Staff recommends identifying this use as "Existing Only," pursuant to LDC Section 34-934, to allow the residence to remain until the site is redeveloped for commercial use.

ANALYSIS:

The subject property is designated **Outlying Suburban** on the Future Land Use Map, the highest applicable policy framework guiding development intensity and pattern for this area. The Outlying Suburban category is a Future Suburban Area characterized by its peripheral location relative to established urban areas and by the presence of existing low-density or rural development patterns.¹ This category allows for limited residential densities, generally ranging from one to three dwelling units per acre, and does not permit industrial uses. However, the category also recognizes areas where supporting infrastructure is planned or in place to accommodate increases in development intensity consistent with surrounding conditions.

¹ Lee Plan Policy 1.1.6

The Outlying Suburban designation in this portion of northeast Lee County was established through a 2023 comprehensive plan amendment (CPA2021-00015), adopted in response to a privately initiated petition that recognized the realignment and capacity improvements of State Road 31 and the urbanizing influence of the Babcock Ranch community to the north.

As part of that amendment, approximately 76 acres along the corridor were redesignated from the Rural category to Outlying Suburban to support a Mixed Use Planned Development (MPD) approved the same year, authorizing up to 122 dwelling units and 400,000 square feet of commercial uses. In acknowledgment of the functional relationship among adjoining properties, the Board of County Commissioners, under advisement from staff and the Local Planning Agency, concurrently redesignated an additional 189 contiguous acres under separate ownership from Rural to Outlying Suburban to promote a cohesive and coordinated land use pattern north of the Caloosahatchee River.

Within this evolving policy context, the 16-acre subject property, which directly abuts the approved MPD and fronts the future state roadway improvements, is seeking a Commercial Planned Development (CPD) zoning with interconnection proposed to the commercial component of the abutting MPD.

*The subject property also lies within both the Northeast Lee County (**Goal 27**) and North Olga (**Goal 29**) Community Plan Areas, which collectively emphasize maintaining rural character, supporting commercial agricultural operations, and directing new development in a compact and compatible pattern that conserves open space and natural resources. These community plan frameworks do not preclude non-residential development; rather, they encourage it to occur in clustered or mixed-use forms that complement agricultural and rural functions.*

*The proposed Commercial Planned Development (CPD) represents a logical extension of the existing Mixed Use Planned Development (MPD) immediately to the north and reinforces the County's adopted strategy of creating a compact and contiguous development pattern along State Road 31, a corridor now transitioning into a higher-capacity regional arterial. The North Olga Community Plan (**Goal 29 and Policy 29.1.1**) specifically supports compact or clustered development that maintains large, contiguous tracts of open space while allowing non-residential uses that serve and support the rural community (**Policy 29.3.2**). The proposal's coordinated design and direct interconnection with the adjoining MPD's commercial area advance these principles by concentrating activity along the State Road 31 corridor, thereby minimizing land fragmentation and the premature conversion of rural lands.*

*In addition, the applicant's Master Concept Plans exceed minimum open space and indigenous vegetation preservation requirements, which further aligns with the rural design and conservation directives of **Objectives 27.1, 29.1 and 29.7**, which encourage clustering to conserve open lands and maintain native vegetation communities. This approach demonstrates consistency with the community plans' intent to preserve visual openness, natural resources, and the rural aesthetic while allowing reasonable economic use of lands adjacent to improving regional transportation infrastructure.*

Overall, the request supports the cooperative vision of the Northeast Lee County and North Olga Community Plans by reinforcing the emerging mixed-use center envisioned near this segment of SR 31, maintaining a transition in intensity between the highway and rural lands to the east, and doing so through a design framework that prioritizes open space, connectivity, and compatibility with surrounding uses.

Right-of-Way Considerations and Master Concept Plans

The applicant has submitted two Master Concept Plans (MCPs) in recognition of the ongoing State Road 31 realignment project, which is anticipated to shift the roadway corridor eastward along the property's frontage. **MCP Option 1** depicts development under existing conditions, while **MCP Option 2** reflects the most current configuration of the planned right-of-way acquisition affecting the site. The Mixed Use Planned Development (MPD) directly to the north is also expected to experience a substantial reduction in its commercially designated area due to the same realignment. In the event that the taking occurs as anticipated, the commercial area proposed through this rezoning would provide replacement net developable area that helps maintain a consistent level of commercial opportunity along the corridor. This approach ensures that future development potential remains balanced and coordinated within the evolving transportation and land-use framework of the SR 31 corridor.

Open Space and Indigenous Preservation

The applicant's proposed Master Concept Plans (MCPs) provide open space and indigenous preservation tables that include figures that meet or exceed the minimum requirements of the Lee County Land Development Code (LDC). Two MCPs have been submitted: **MCP Option 1**, which represents existing conditions, and **MCP Option 2**, which reflects the anticipated Florida Department of Transportation (FDOT) right-of-way (ROW) taking associated with the planned realignment of State Road 31. Approximately 36 percent of the property is expected to be affected by the future ROW acquisition.

Under **MCP Option 1**, the net developable area (comprised of Development Tracts "A" through "G" and internal rights-of-way) is supported by approximately 6.93 acres of open space, inclusive of preservation areas, compensating storage, and the lake tract. This amount exceeds the minimum LDC requirement by 1.89 acres, or roughly 37.5 percent more than required. **MCP Option 2** accounts for the potential FDOT taking, which reduces the principal parcel from 16.81 acres to 13.16 acres, while maintaining the same 6.93 acres of open space. This represents an exceedance of the 30 percent minimum open space requirement (3.95 acres) by 2.98 acres. The reduction in total acreage under Option 2 therefore affects only the net developable area, not the extent or distribution of open space. Both MCPs include a minimum of 2.87 acres of indigenous preservation, exceeding applicable LDC standards. Additionally, each developable tract will provide at least 10 percent open space, which may be credited toward the total open space requirement for the project.

Given that the property lies within the Northeast Lee County and North Olga Community Plan Areas, where Comprehensive Plan policies emphasize clustering development to preserve open space and rural character, staff finds that the proposed open space configuration demonstrates compatibility

with surrounding agricultural and low-density residential lands. The MCPs' enhanced open space and indigenous preservation provisions further reinforce alignment with these adopted community planning objectives.

The increase in development intensity toward the south and east boundaries of the property, which equates to approximately 12,492 square feet of non-residential floor area per acre, further underscores the importance of the open space configuration and preserved indigenous areas. These elements function as a visual and spatial transition between the commercial corridor along State Road 31 and the surrounding rural and agricultural landscape. This design approach reinforces compatibility with adjacent properties and advances the character and policy objectives of the North Olga Community Plan.

Recommended Condition:

Development order plans must depict open space areas substantially consistent with those depicted on the approved Master Concept Plans. Open space and indigenous preservation areas must meet or exceed the following minimums:

- **MCP Option 1 (Existing Conditions):**
 - Total open space: **6.93 acres**
 - Indigenous preservation (within open space): **minimum 2.87 acres**
- **MCP Option 2 (With FDOT ROW Taking):**
 - Total open space: **5.42 acres**
 - Indigenous preservation (within open space): **minimum 2.87 acres**

Staff Note: Applicants' Open Space Tables would require revisions to align with minimums referenced in this condition (see Attachments D and E).

Landscaping and Buffering

The applicant's proposed Master Concept Plans (MCPs) depict landscape buffering around the perimeter of the site in compliance with LDC standards, except for where a deviation is sought along the south property line to approve an alternate buffer type, specifically, a Type D right-of-way buffer is proposed where one of two landscaping buffers would be required:

1. Where proposed roads, drives, or parking areas associated with nonresidential use are within 125 feet of existing single-family lots, an eight-foot-high solid wall or a wall with a berm must be installed at least 25 feet from the shared property line. The area between the wall and the property line must include landscaping with at least five trees and 18 shrubs per 100 linear feet, or a 30-foot-wide Type F buffer with the hedge set back a minimum of 20 feet.
2. Where proposed roads, drives, or parking areas associated with a nonresidential use are not within 125 feet of existing single-family lots, LDC Section 10-416 requires that a Type C or

Type F buffer be provided between the proposed commercial development and an abutting single-family residential use:

- A Type C buffer is 15 feet wide and contains a solid wall, berm or wall and berm combination, not less than eight feet in height as measured from the finished grade of the project site. All trees and shrubs required in the buffer must be placed on the residential side of the wall. The plant material required on the outside of the berm/wall is 5 trees and 18 shrubs per 100 linear feet. Shrubs are intended to provide visual screening and may not be pruned to reduce height.*
- A Type F buffer is a minimum of 30 feet wide and contains 10 trees per 100 linear feet and double staggered rows planted to form a 60-inch-high continuous visual screen at maturity. This buffer does not require a wall; however, it is twice as wide, with twice as many trees and shrub plantings as a Type C buffer.*

The deviation would result in a Type D buffer, which is intended to buffer road rights-of-way from certain development:

- A Type D buffer is 15 feet wide and contains 5 trees per 100 linear feet and double staggered hedge rows planted to form a 36-inch-high continuous visual screen at maturity. This buffer does not require an 8-foot-tall berm/wall or combination thereof.*

Policy and Regulatory Context

Objective 29.1 of the Lee Plan establishes the intent to “manage future community development in a manner that protects and enhances the rural character and aesthetic appearance of the North Olga Community Plan Area, while supporting the continued viability of commercial agricultural businesses.”

Goal 27 of the Northeast Lee County Plan defines rural character as large lots or clustered development, open views of wooded areas and agricultural lands, and protection of environmentally sensitive areas. Read together, these policies emphasize protecting large-lot residential and agricultural patterns as key elements of the community's rural identity.

Policy 29.1.3 directs the County to maintain enhanced design, landscaping, signage, and architectural standards to promote rural character. Policy 29.1.4 restricts deviations or variances from these community-based standards unless approved under the formal variance criteria in LDC Chapter 34. Objective 17.1.3 further clarifies that community plans are policy in nature and must be implemented through land development regulations.

The implementation regulations for the North Olga Community Plan are codified in LDC Sections 33-1661 through 33-1679. Section 33-1665 allows applicants to request deviations from community design standards under the administrative process of LDC Section 10-104. However, this provision directly conflicts with Policy 29.1.4, which limits such relief to the variance procedures in Chapter 34. Pursuant to Florida Statutes §§163.3194(1)(a)–(b) and (3)(a), the Comprehensive Plan governs when a conflict exists between the plan and the code. Accordingly, relief from community-based

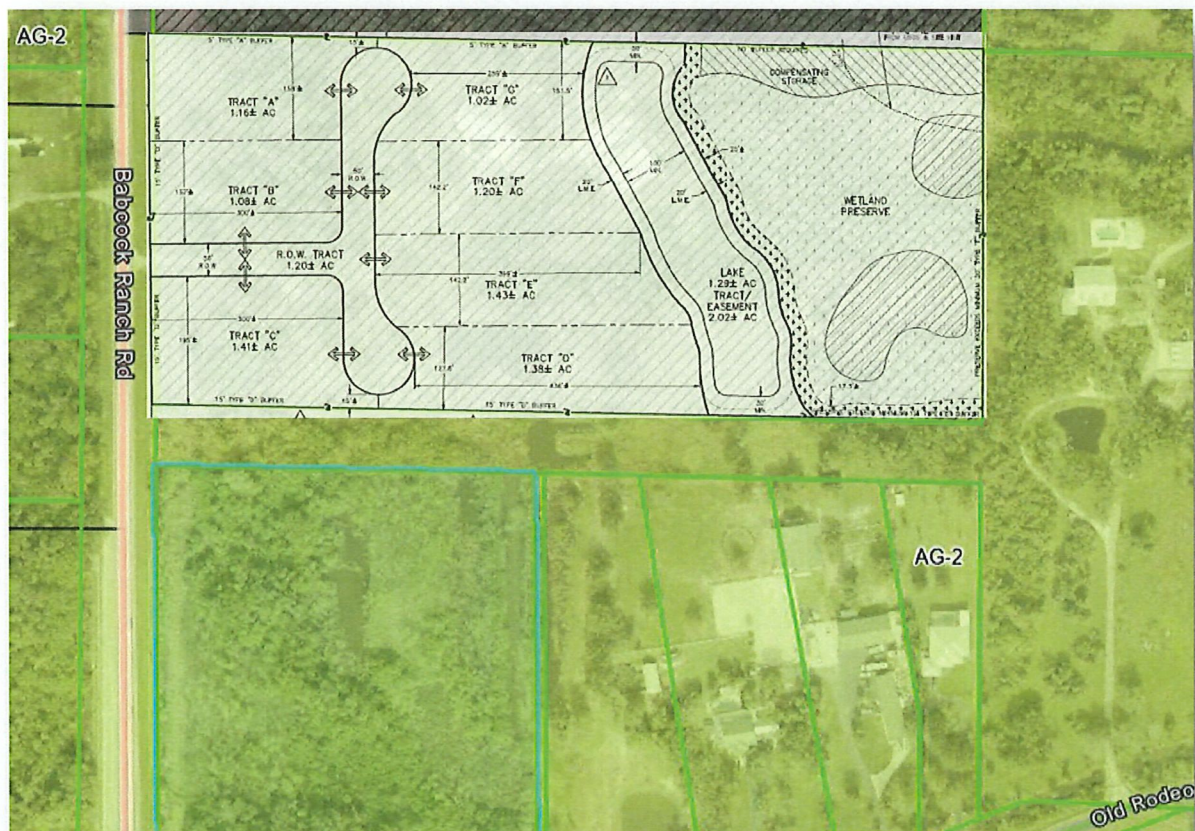
standards must be evaluated under the variance criteria of Chapter 34 to maintain consistency with the Lee Plan.

In this case, Deviation #3 seeks relief from general landscape requirements, not the community-specific standards in LDC Chapter 33. Therefore, the deviation is appropriately reviewed under the Chapter 34 deviation criteria, provided the request remains consistent with the Lee Plan.

Analysis and Recommendation

Staff finds merit in the applicant's deviation rationale for an alternate buffer along the southern boundary (see Attachment H). The portion of the adjacent parcel that will be protected by the proposed buffer is a 100-foot-wide, low-lying tract encumbered by a private easement for access and drainage that is not currently used for access (see Attachment U). The single-family and accessory structures on this parcel are located outside of the easement and screened by the proposed preservation areas. However, the area within the easement lacks substantial vegetation in some areas and provides little visual buffering between existing large-lot residences directly south of a proposed development tract (see Figure 1 below).

Figure 1. MCP Option 1 Superimposed with Aerial



Further, any vegetation not controlled by the applicant cannot be relied upon to offset buffering requirements. To ensure visual separation consistent with the rural character objectives of the North Olga Community Plan, staff recommends approval of the deviation with the following condition:

Condition:

Along the southern property line, where the project aligns with the rear lot lines of existing single-family residences, the required Type D buffer must be enhanced as follows:

- Maintain the required continuous hedge at a minimum height of 60 inches;
- Provide a six-foot-high opaque fence or wall, set back 15 feet from the southern property line; and
- Extend the enhanced Type D buffer for 420 linear feet to include the southern boundary of the lake tract (140 linear feet) and the immediately contiguous 280 linear feet of Tract D on both MCPs.

With this enhancement, staff finds the modified buffer meets the intent of the Land Development Code and furthers the objectives of the North Olga Community Plan by maintaining adequate separation and visual screening between commercial and large-lot residential uses, thereby preserving the area's rural character.

Use & Site Development Regulations

The applicant's proposed site development regulations reflect use, spatial, and dimensional standards consistent with the commercial component of the adjoining MPD (see Attachments I and T). This coordinated approach supports a unified development pattern along the shared boundary between these two projects and maintains predictable transitions in building placement, buffering, and overall site design. The staff recommended conditions of approval include retaining the existing single-family residence as existing-only, to be discontinued with the agricultural uses upon development order approval for commercial development. The 100,000 square foot allocation specifically for mini-warehouse and other self-storage uses will be subject to a general staff recommended height restriction along the southern boundary to reduce impacts of the height and bulk of these facilities on the adjacent estate lots.

North Olga Land Development Code Regulations

As noted above, LDC Sections 33-1661 through 33-1679 were adopted to implement the goals and objectives of the North Olga Community Plan (Goal 29 of the Lee Plan) and are intended to preserve the area's rural and Old Florida character while allowing context-sensitive development. The regulations apply to all new zoning and development order applications and establish community-specific standards for architecture, landscaping, signage, setbacks, and public engagement. In accordance with LDC Section 33-1663 and Lee Plan Policy 27.1.8, the applicant conducted the required two public information sessions, and the meeting summaries have been provided (see Attachment P).

No deviations are requested from these standards. Architectural design will follow the Old Florida vernacular style prescribed in Sections 33-1670 through 33-1672, while parking and signage will comply with Sections 33-1667 and 33-1677, emphasizing monument-style ground signage and parking located to the side or rear of buildings. Collectively, these measures ensure the project remains consistent with the North Olga community's intended aesthetic, scale, and character while contributing appropriately to the evolving mixed-use corridor along State Road 31.

Deviations

A deviation means a departure from a specific regulation of the LDC or other applicable regulation or code, when requested as part of a planned development in accordance with LDC Section 34-373(a)(9), based on the findings established in LDC Section 34-377(a)(4). Each deviation must enhance the achievement of the objectives of the planned development and preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

The applicant's relief requested is summarized and analyzed below:

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

The excavation setback reduction interfaces with an off-site preserve to the north and the off-site drainage easement to the south; therefore, the reduction does not pose a risk to the health, safety, and welfare of abutting landowners and the general public. Additionally, the deviation advances the overall objectives of the planned development by supporting design flexibility and functional site planning.

Staff recommend **APPROVAL** of Deviation 1.

Deviation 2 seeks relief from LDC §10-291(3), which requires commercial development of more than 10 acres to provide more than one point of ingress or egress for the development, to allow a single point of ingress/egress onto State Road 31.

The applicant's justification is based on the property's limited access potential along State Road 31, a designated Strategic Intermodal System corridor where FDOT restricts additional access points to preserve traffic flow and safety. Coordination with FDOT confirms that a secondary access point is highly unlikely for this property, thereby supporting the need for the deviation as proposed. Further, supporting multiple access points on limited frontage decreases connection separations, which may pose a risk to transportation safety. The applicant does depict a code-required interconnection with the abutting MPD, and that MPD also plans to interconnect with the subject property on its respective MCP.

Consolidating FDOT coordinated access on the SIS corridor promotes public health, safety, and welfare and advances the overall objectives of the planned development to provide sufficient access to the property.

Staff recommend **APPROVAL** of Deviation 2.

As previously analyzed in the Landscaping and Buffering Section of this staff report, it is appropriate to parse out applicant's requested Deviation #3 into Deviations #3A and #3B as follows:

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

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

As analyzed previously in this report, staff recommend **APPROVAL** of Deviations 3A and 3B subject to conditions requiring enhancements.

Rezoning Review Criteria

LDC Section 34-145 establishes review criteria applicable to planned developments. Specifically, the Hearing Examiner must find the request:

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

For planned development requests, the Hearing Examiner must also find:

- a) The proposed use or mix of uses is appropriate at the proposed location;
- b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and
- c) That each requested deviation:

- 1) Enhances the achievement of the objectives of the planned development; and
- 2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.

The applicant has provided a narrative that addresses the subject request with analysis of the applicable criteria (see Attachment G). The following provides staff analysis of the request, as measured by the established criteria.

Compliance with the Lee Plan

The applicant has provided a comprehensive and well-supported analysis demonstrating consistency with the Lee County Comprehensive Plan (Lee Plan). Staff has reviewed the applicant's responses in detail and concurs with the conclusions reached. The proposed CPD rezoning aligns with the goals, objectives, and policies of the Lee Plan, as outlined below.

Growth Management and Land Use

The proposed commercial development advances the growth management framework outlined in **Objectives 2.1** and **2.2** of the **Lee Plan**, which encourage compact, contiguous development that efficiently uses infrastructure and conserves land and natural resources. The site's frontage along State Road 31, a designated Strategic Intermodal System (SIS) corridor, makes it a logical location for commercial uses that complement surrounding and expanding residential communities. This includes nearby Residential Planned Developments (RPD) such as Owl Creek RPD (Resolution Z-22-022, Attachment R), Cary Duke Povia RPD (Resolution Z-24-024, Attachment S), both located south of Babcock Ranch within the North Olga area, as well as Babcock Ranch itself. The proposed CPD strengthens this corridor's emerging mixed-use pattern while maintaining consistency with the County's adopted growth management objectives.

Environmental Resources and Indigenous Preservation

The Master Concept Plan preserves ±4.4 acres of habitat and maintains 3.78 acres of wetlands, with impacts limited to 0.35 acres of isolated, exotic-infested wetland. Compensatory storage and 0.35 acres of wetland creation are provided adjacent to the preserved wetlands, maintaining a contiguous natural system for water retention, purification, and flood protection in accordance with **Policies 60.4.1, 60.4.2, and 101.1.1**. The natural waterbody crossing the northeast corner of the site (see demarcation on MCP) is retained and buffered by preserved indigenous areas, ensuring continued hydrologic and ecological function consistent with Policies 126.1.1 and 126.1.4. Staff concurs that these design measures reflect sound environmental planning and demonstrate consistency with Goal 124 and related water resource policies.

Compatibility and Community Character

The proposal is consistent with **Policy 5.1.5**, which directs that new commercial uses not adversely affect the character or integrity of existing or planned residential environments. A single-family residence located east of the property is separated and buffered by the 4.5-acre indigenous

preserve, providing an appropriate transition between residential and commercial uses. Additional surrounding residential development is located west of SR 31 and is physically separated by the highway, further reinforcing compatibility.

Commercial Location and Design

The request is consistent with **Goal 6** and supporting **Policies 6.1.1** through **6.1.4**, which encourage clustering of commercial uses along major transportation corridors in a manner that supports surrounding residential areas. The MCP concentrates commercial development at the SR 31 frontage with internal access and an interconnection to the adjoining approved commercial development to the north, reducing driveway conflicts and supporting coordinated development. A traffic impact statement, utility confirmations, and environmental assessments have been provided consistent with **Policy 6.1.1**. Staff concurs that the MCP demonstrates an orderly, context-appropriate pattern of commercial development consistent with the corridor's evolving mixed-use character.

Transportation and Access

SR 31's designation as a Strategic Intermodal System (SIS) facility restricts direct residential access to maintain regional mobility. FDOT's planned widening of SR 31 to six lanes with a landscaped median and 12-foot shared-use path will improve multimodal connectivity consistent with **Goal 39** and **Policy 39.2.2**. The proposed single commercial access point and northern interconnection reduce reliance on SR 31 for internal trips and align with **Policy 6.1.3**. Staff agrees that the proposed access design supports both transportation efficiency and safety.

Coastal High Hazard Area and Flood Protection

The property lies within the Coastal High Hazard Area (CHHA). The MCP preserves and enhances on-site natural systems that provide stormwater retention, purification, and flood attenuation, consistent with **Policies 101.1.1** and **101.3.2**. Development within upland areas and the proposed wetland mitigation strategy ensure consistency with **Lee Plan Policy 103.2**, which permits limited development within the CHHA when natural functions are preserved or replaced through compensatory measures.

Conclusion

Staff find the proposed planned development rezoning consistent with the Lee Plan. The project:

- Promotes infill development and efficient use of planned and existing infrastructure;
- Preserves and enhances indigenous habitat and wetland resources;
- Ensures compatibility with nearby residential uses;
- Concentrates commercial activity along a designated arterial corridor in a manner that integrates with planned transportation and multimodal improvements.

Land Development Code Compliance

The amendment request has been reviewed for compliance with the Lee County Land Development Code (LDC) and has been found to meet applicable requirements. Specifically, the request satisfies this criterion through the following:

- Submission of all required documents as outlined in the LDC to support a comprehensive evaluation of the application.*
- Compliance with the criteria for deviations, as applicable, including supporting justification for rationale of using deviation criteria for landscaping Deviations 3A and 3B.*
- Conducting public information meetings in accordance with LDC Section 33-1663 (see Attachment P).*

Staff find that the application has been processed in accordance with the procedural and substantive standards of the Land Development Code, and no LDC inconsistencies have been identified.

Compatibility with existing and planned uses in the surrounding area

Compatibility, in the context of land use, refers to the degree to which adjacent or nearby uses, buildings, or zoning districts can coexist without adverse impacts, or in some cases, provide mutual reinforcement through complementary functions and shared design characteristics.

The subject site is located within a Federal Emergency Management Agency (FEMA) Coastal A Flood Zone, which affects how building height is measured under LDC Section 34-2171(b). In these zones, building height is measured from the lowest minimum habitable floor elevation for which a building permit may be issued, rather than from natural grade. Furthermore, LDC Section 34-2172 allows buildings within Coastal A Zones to include an additional four feet above the maximum permitted height for resiliency purposes.

Together, these provisions can result in structures that appear substantially taller relative to the surrounding grade. To maintain compatibility with the rural character to the south, staff recommends a tiered building height approach. Specifically, building height on Tract "D" of the MCP should be limited to 35 feet within 50 feet of the southern boundary, consistent with the adjacent AG-2 zoning district. The height limitation would apply only to the portion of any building or structure exceeding 35 feet (up to the permitted 45 feet), thereby allowing a stepped or tiered height design where necessary.

This height condition (along with the enhanced Type D buffer requirement) will become null and void if, at the time of development order, the residential uses to the south are discontinued and the property is rezoned for nonresidential use.

As conditioned, the proposed Commercial Planned Development (CPD) achieves compatibility through site design and clustering that concentrate higher-intensity uses toward State Road 31, while preserving open space and indigenous vegetation along the southern and eastern project boundaries. These preserved and landscaped areas create both visual and spatial transitions between the emerging mixed-use corridor and the surrounding large-lot residential properties, consistent with the rural character objectives of the North Olga Community Plan.

Sufficiency of Access and Transportation Impacts

The access to the site is proposed via a single driveway connection to State Road 31 (SR 31), consistent with FDOT's access management requirements for this Strategic Intermodal System corridor.

The applicant's Traffic Impact Statement (TIS) indicates that, with or without project traffic, SR 31 between SR 78 and SR 80 is projected to operate below the adopted Level of Service (LOS) standard by the 2027–2028 buildout horizon (see Attachment L). However, this segment of SR 31 is under FDOT jurisdiction and is currently advancing through the Preliminary Design and Engineering (PD&E) phase for widening from two to six lanes, with construction funding programmed for 2029. These planned improvements will address the identified capacity deficiency.

Lee County Department of Transportation staff concur that the project's traffic impacts will be accommodated through existing and planned roadway improvements. Access to SR 31 remains subject to FDOT permitting and approval. Therefore, staff find that the proposed access is sufficient to support the intended development intensity and that transportation impacts will be adequately addressed through existing regulatory mechanisms and future state improvements (see Attachment M).

No adverse impacts on environmentally critical or sensitive areas and natural resources

Staff from Environmental and Natural Resources staff conducted a site inspection on March 28, 2025, confirming that the property contains indigenous native vegetation consistent with LDC Sections 10-1 and 10-701. The applicant's environmental assessment and protected species survey, completed on June 4, 2024, did not identify the presence of any listed wildlife species (See Attachments J and K).

Wetlands and surface waters were delineated on the applicant's FLUCCS map, and staff confirmed the presence of approximately 3.78 acres of onsite wetlands that receive off-site flows from the Greenwell SR 31 MPD to the north. These flows continue east through a natural waterway before discharging to the Caloosahatchee River. The proposed stormwater management system will incorporate both wet and dry detention and maintain the hydrologic connection to the existing wetland, consistent with Lee Plan Policies 60.4.2, 60.4.3, and 126.1.4. The plan also includes creation of a 0.35-acre wetland adjacent to the existing system to expand storage and enhance treatment capacity through natural recruitment or native plantings.

The property lies within the Palm Creek and Owl Creek watersheds, which are impaired for nutrients and bacteria and subject to Total Maximum Daily Load (TMDL) and Basin Management Action Plan (BMAP) requirements. To address these constraints and demonstrate consistency with Lee Plan Policies 125.1.2 and 125.1.4, the applicant submitted a Water Quality Monitoring Plan. Staff recommend approval subject to modification of the plan to identify final monitoring locations at each outfall and provide annual reporting comparing results to State surface water quality standards.

A condition will also require that no development activity impacting wetlands may commence until all required State and local permits are obtained, and any future County approvals must remain consistent with State wetland permitting.

With these conditions, staff finds that the proposed development appropriately preserves and enhances onsite environmental systems, maintains indigenous vegetation and hydrologic functions, and satisfies the comprehensive plan and land development code standards intended to prevent adverse impacts to environmentally sensitive areas and natural resources.

Will be served by public services, defined in the Lee Plan, if located in a Future Urban area category

The subject property will be adequately served by public services as defined in the Lee Plan. Potable water and wastewater service utility connections will be coordinated at the time of development order approval, consistent with Lee Plan Standards 4.1.1 and 4.1.2. The site has direct access to State Road 31, a major regional arterial maintained by FDOT and designated as part of the Strategic Intermodal System (SIS). The roadway is currently undergoing phased capacity improvements, ensuring adequate transportation infrastructure to accommodate the proposed development.

Police, fire, and emergency response services are available to the area through Lee County Emergency Services and the Lee County Sheriff's Office, which maintain established response coverage within the North Olga community.

Staff find that adequate public services and public facilities exist or will be available concurrent with development, meeting the requirements of the Lee Plan and Land Development Code.

Supplemental Planned Development Criteria

Staff find the proposed request for rezoning to be consistent with the following additional criteria:

- a) The proposed use is appropriate at the proposed location;*
- b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and*
- c) The requested deviations, as conditioned:*

- 1) *Enhance the achievement of the objectives of the planned development; and*
- 2) *Preserve and promote the general intent of this Code to protect the public health, safety and welfare*

CONCLUSION:

As conditioned, the proposed Commercial Planned Development (CPD) meets the standards for approval under the Lee County Land Development Code and is consistent with the Lee Plan. The request directs appropriately scaled commercial uses to a designated growth corridor, incorporates significant open space and indigenous preservation to ensure compatibility, and will connect to necessary infrastructure, and provide environmental safeguards. The project establishes a logical and well-buffered transition between rural residential areas and the emerging SR 31 commercial corridor, reflecting sound planning principles in a manner consistent with the intent of the North Olga Community Plan.

ATTACHMENTS:

- A. *Expert Witness Information*
- B. *Legal Description, Sketch and Boundary Survey*
- C. *Aerial, Future Land Use, and Current Zoning Maps*
- D. *Master Concept Plan Option #1*
- E. *Master Concept Plan Option #2*
- F. *Development Regulations, Conditions and Deviations*
- G. *Applicant's Request Statement*
- H. *Applicant's Schedule of Deviations & Justifications*
- I. *Applicant Proposed Use & Site Development Regulations*
- J. *Environmental Staff Report*
 - *Applicant's Environmental Assessment Attached*
- K. *Natural Resources Staff Report*
 - *Water Quality Monitoring Plan Attached*
- L. *Applicant's Traffic Impact Statement*
- M. *Lee County Department of Transportation Memorandum*
- N. *Bayshore Fire Control & Rescue District Letter*
- O. *Lee County Utilities Letter*
- P. *Public Information Session Summaries*
- Q. *Florida Department of Transportation SR 31 Flyer*
- R. *Resolution Z-22-022 | Owl Creek RPD*
- S. *Resolution Z-24-024 | Cary Duke Povia RPD*
- T. *Resolution Z-22-037A | Greenwell SR 31*
- U. *Ingress, Egress and Drainage Easement Recording*

ATTACHMENT A

**LEE COUNTY STAFF EXPERT WITNESS INFORMATION
PROVIDED PURSUANT TO AC-2-6**

Case Number: DCI2024-00043

Project Name: Singletary CPD

Hearing Examiner Date: October 30, 2025

Adam Mendez, Planner, Principal, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

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

William Lange, Planner, Planning, 1500 Monroe Street, Fort Myers, FL 33901

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

Anthony R. Rodriguez, AICP, Zoning Manager, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

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

Robert Price, P.E., Director, Development of Transportation, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.

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

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

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

Katie Burgess, AICP, Planner, Principal, Planning, 1500 Monroe Street, Fort Myers, FL 33901

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

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

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

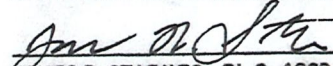
FOR: _____
DATE: 4-8-23
PHONE: (239) 643-3335

Starnes Surveying, Inc. L.B. 6766
SURVEYING-ENGINEERING-LAND PLANNING
18571 DURRANCERQ.N., FT. MYERS, FL. 33917

CERTIFIED SKETCH
FIELD BOOK 25-249 W.O. NUMBER
PAGE 30-33 6703

SHEET _____ OF _____

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


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



LEGAL DESCRIPTION AS PER INST. 2016000015912

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

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

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

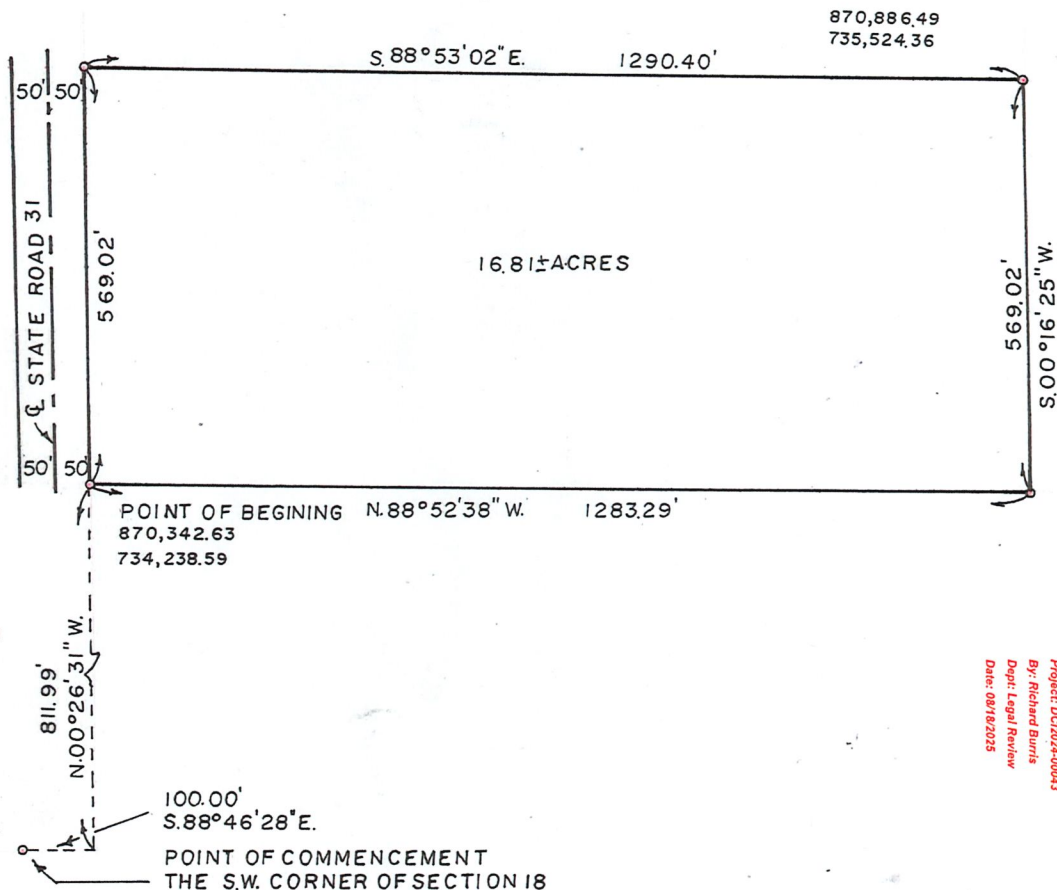
SAID PARCEL CONTAINS 16.81 ACRES, MORE OR LESS.

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

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

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


SCALE: 1" = 200'



REVIEWED
Project: DC2024-0043
By: Richard Burns
Dept: Legal Review
Date: 08/16/2023

Attachment B

FLOOD INFORMATION
ZONE AE
BASE ELEVATION = 11'
MAP 12071C 0282 G
DATE OF FIRM 11-17-22

THE ELEVATIONS AS SHOWN HERE ON ARE BASED ON THE DEPARTMENT OF TRANSPORTATION BENCHMARK A32 RESET, ELEVATION = 3.35'.
THE ELEVATIONS AS SHOWN HERE ON ARE BASED ON NAVD 88 DATUM.
= EXISTING ELEVATIONS

THE BEARINGS AS SHOWN HERE ON ARE BASED ON THE SOUTH LINE OF SECTION 18 AS BEING DIST. 201300097202 RECD 02/02/22

JAMES R. STARNES
DIGITALLY SIGNED AND SEALED
BY JAMES R. STARNES
PL54069



date feb, 25, 2025

I HEREBY CERTIFY THAT THE SURVEY HEREON WAS MADE UNDER MY DIRECTION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I DO NOT CERTIFY THAT THE CORING REQUIREMENTS HAVE BEEN MET. I ALSO CERTIFY THAT THIS SURVEY HEREON MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA, AS SET FORTH IN SECTION 472.027, FLORIDA STATUTES AND ACCORDING TO CHAPTER 54-17.020, 54-0517.051 AND 54-17.052 FLORIDA ADMINISTRATIVE CODE.

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

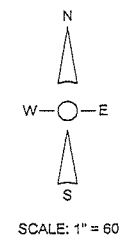
NOTE: THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

BOUNDARY SURVEY

Field Book 2424 Page 3933 W.O. 6703

Starnes Surveying, Inc.,
1437 DORRANCE ROAD - N. FORT MYERS, FLORIDA • (231) 641-3335

Account to be paid as follows: ☐ A/Pay ☐ County, Arch
Public Records of ☐ LEE
DATE 1-6-23
REVISED
FOR



SCALE: 1" = 60'

- LEGEND
- (1) DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
 - (2) F.O. = FOUND
 - (3) N = NORTH
 - (4) S = SOUTH
 - (5) E = EAST
 - (6) W = WEST
 - (7) C.M. = CONCRETE MONUMENT
 - (8) C. = CENTERLINE
 - (9) B.D. = BRASS DISC
 - (10) B.M. = BENCH MARK
 - (11) E.L. = ELEVATION
 - (12) R.O.W. = RIGHT-OF-WAY
 - (13) U.T.S. = UNITED TELEPHONE SYSTEM
 - (14) C.B. = CATCH BASIN
 - (15) F.P.G.L. = FLORIDA POWER & LIGHT
 - (16) P.O.B. = POINT OF BEGINNING
 - (17) P.O.C. = POINT OF COMMENCEMENT
 - (18) P.R.M. = PERMANENT REFERENCE MARKER
 - (19) P.C.P. = PERMANENT CONTROL POINT
 - (20) P.U.E. = PUBLIC UTILITY EASEMENT
 - (21) CALC. = CALCULATED
 - (22) MEAS. = MEASURED
 - (23) PRD. = PRORATED
 - (24) STARNES #4 REBAR = A #4 REBAR AND METAL CAP STAMPED STARNES
 - (25) STARNES MON. = CONCRETE MONUMENT WITH A METAL PLATE, STAMPED STARNES
 - (26) N.G.V.D. = NATIONAL GEODETIC VERTICAL DATUM
 - (27) M.H.T. = MEAN HIGH TIDE
 - (28) DELTA = DELTA
 - NOTE: UNDER GROUND IMPROVEMENTS THAT ARE NOT SHOWN, IF ANY WERE NOT LOCATED.

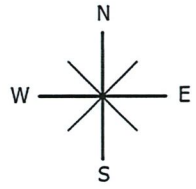
THIS SURVEY CONFORMS WITH THAT TITLE CERTIFICATION BY ATTORNEY'S TITLE FIRM SERVICES, INC. TITLE FILE NUMBER 147795 DATED JAN 31, 2025.

DIST. 2021000033032
VACANT
100' DRAINAGE EASEMENT
D.R. 4224 P 2287

THE COORDINATES AS SHOWN HERE ON ARE BASED ON THE FLORIDA WEST ZONE 1983/99 ADJUSTMENT.

LEGAL DESCRIPTION AS PER DIST. 201300097202
A TRACT OR PARCELS OF LAND LYING IN SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 18, SAID CORNER LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 31, 500 FEET WEST, THENCE RUN S89°40'25" E FOR 1000 FEET TO THE EASTERLY RIGHT-OF-WAY OF SAID STATE ROAD 31, BEARING OF BEARINGS, THENCE RUN N00°12'28" W ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 85.00 FEET TO THE POINT OF BEGINNING TO THE HEREIN RECORDED PARCEL;
FROM SAID POINT OF BEGINNING, CONTINUE RUNNING N 00°12'28" W ALONG SAID RIGHT-OF-WAY LINE FOR 563.85 FEET, THENCE RUN S 00°12'28" E FOR 563.85 FEET, THENCE RUN N 00°12'28" E FOR 100.00 FEET TO THE POINT OF BEGINNING.
SAID PARCEL CONTAINS 16.61 ACRES MORE OR LESS.

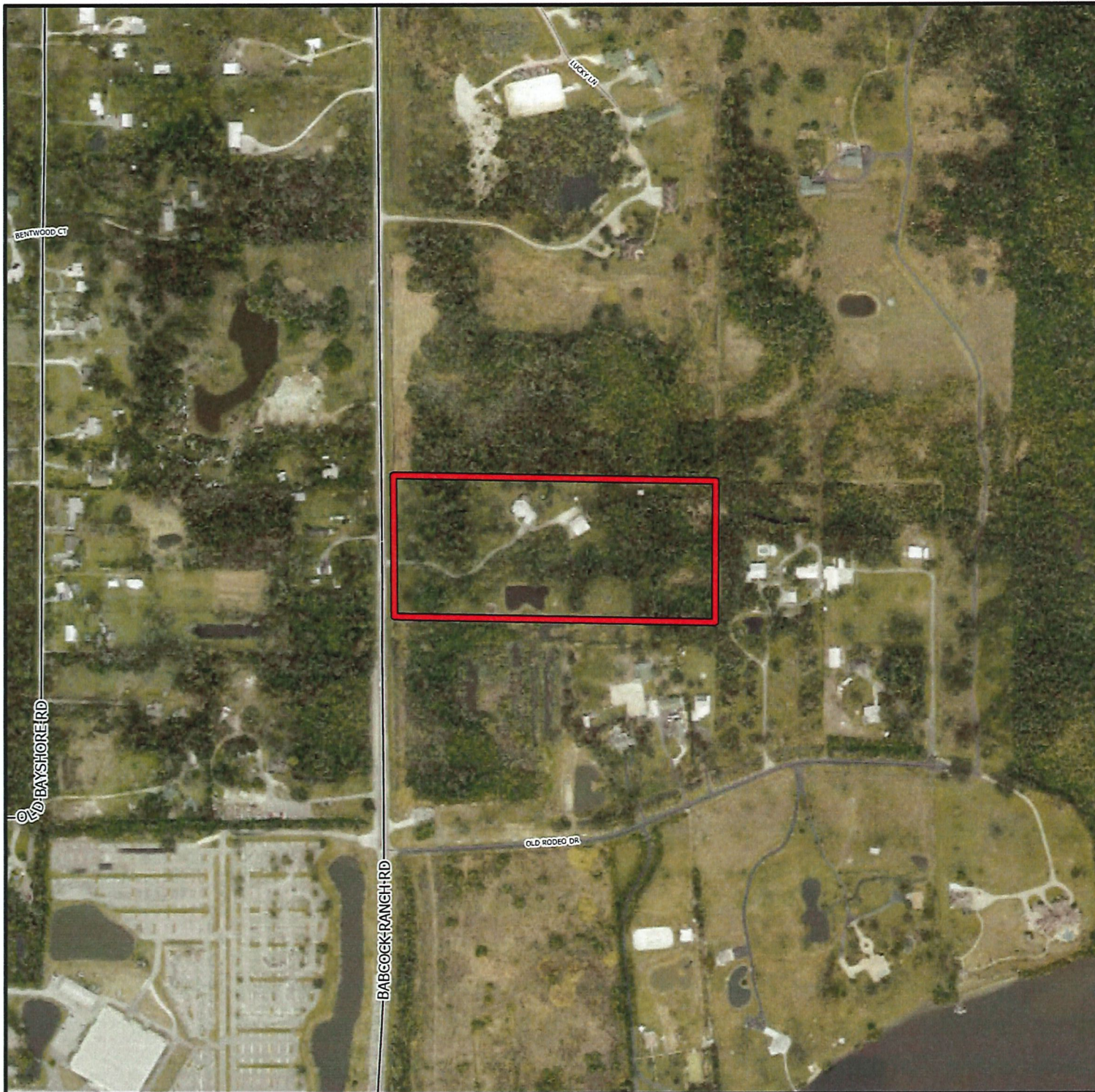
DCI2024-00043



0 1,000 2,000
US Feet

Attachment C

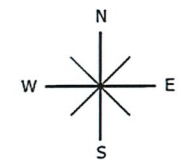




DCI2024-00043

Aerial

 Subject Property



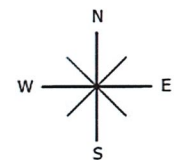
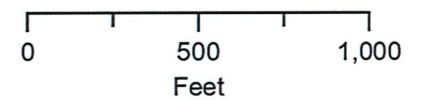
0 500 1,000
Feet



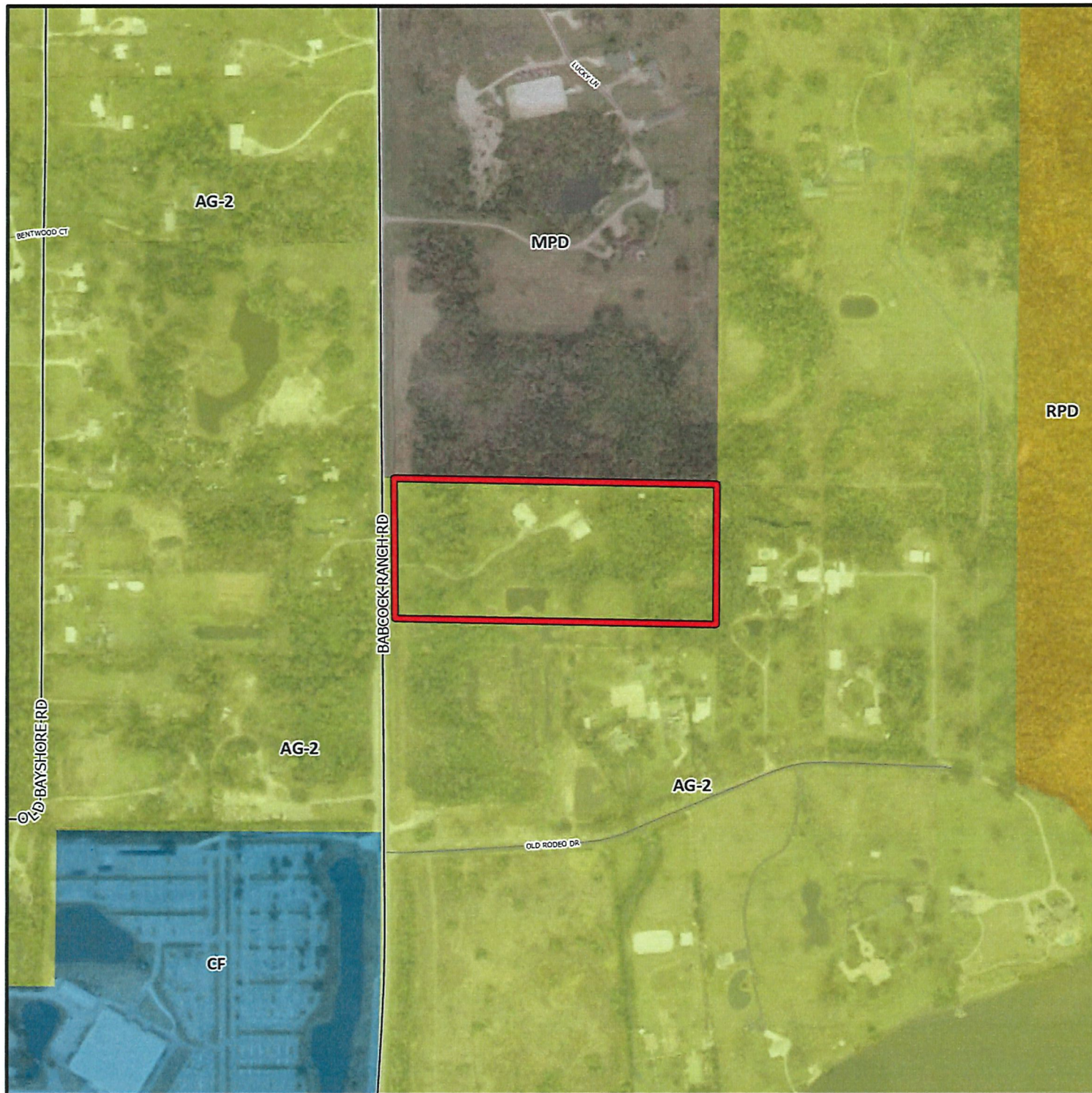
DCI2024-00043

Future Land Use

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



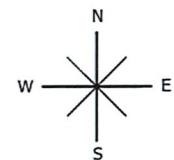
Eagle View, Lee County Property Appraiser, Lee County GIS



DCI2024-00043

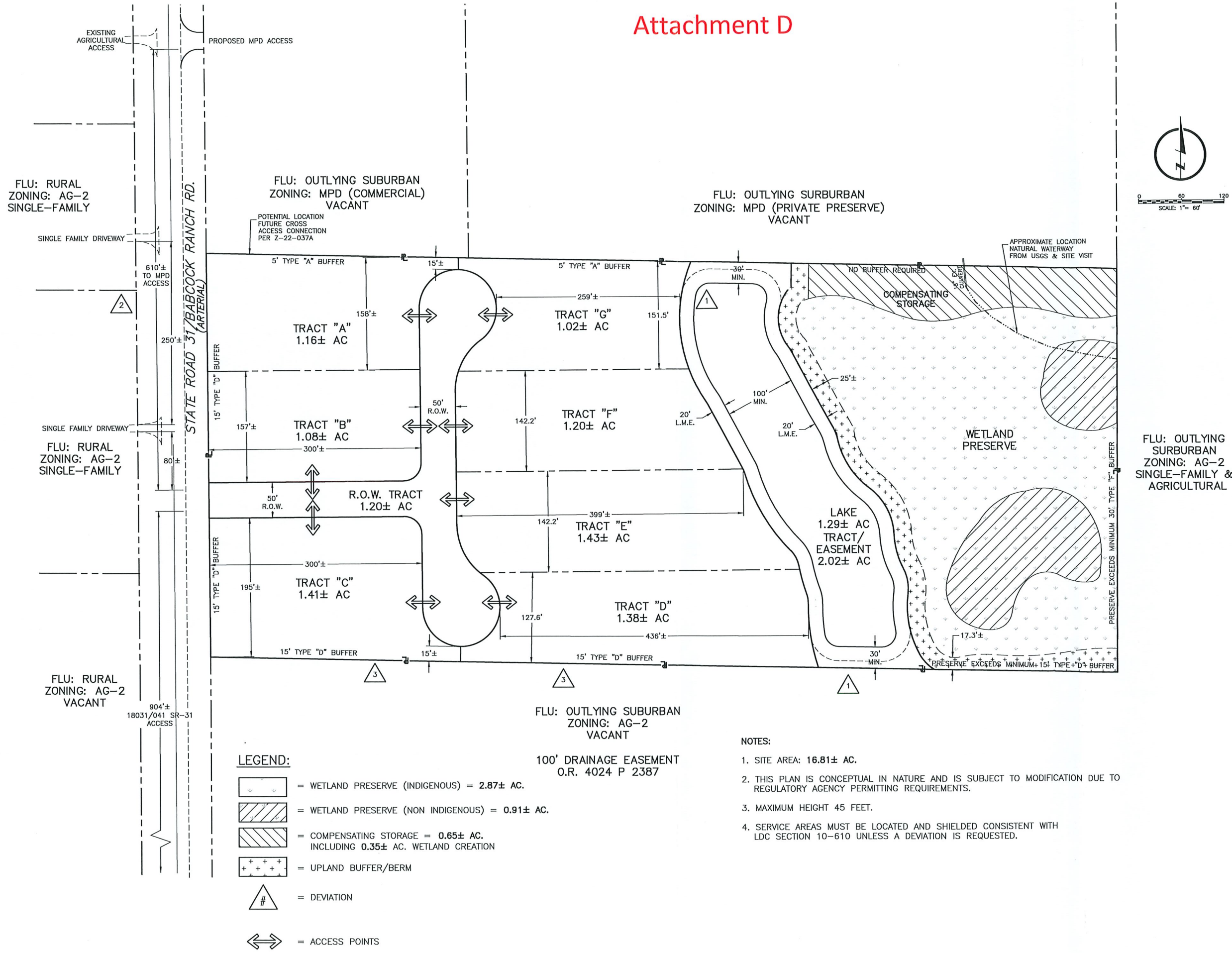
Zoning

 Subject Property



0 500 1,000
Feet

Attachment D



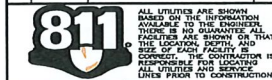
MASTER CONCEPT PLAN - OPTION #1

SINGLETARY CPD

LEE COUNTY, FLORIDA

STEVE SINGLETARY

NO.	DATE	REVISION DESCRIPTION	BY
1	3/1/2025	1st SUFFICIENCY	SEH



DRAFTED BY: JLS	DESIGNED BY: TRL	REVIEWED BY: SEH
PROJECT NUMBER: 24003215	COMPLETION DATE: 10/28/2024	SURVEY DATUM: NAD 83
BOOK AND PAGE: SHEET		

S:\Projects\24003215 - Singletary CPD - 18208 ST 31\24-31 OPEN SPACE - OPTION #1.dwg 6/7/2025 10:52 PM JODE SANDOZ, ATWELL LLC

FLU: RURAL
ZONING: AG-2
SINGLE-FAMILY

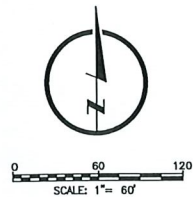
FLU: RURAL
ZONING: AG-2
SINGLE-FAMILY

FLU: RURAL
ZONING: AG-2
VACANT

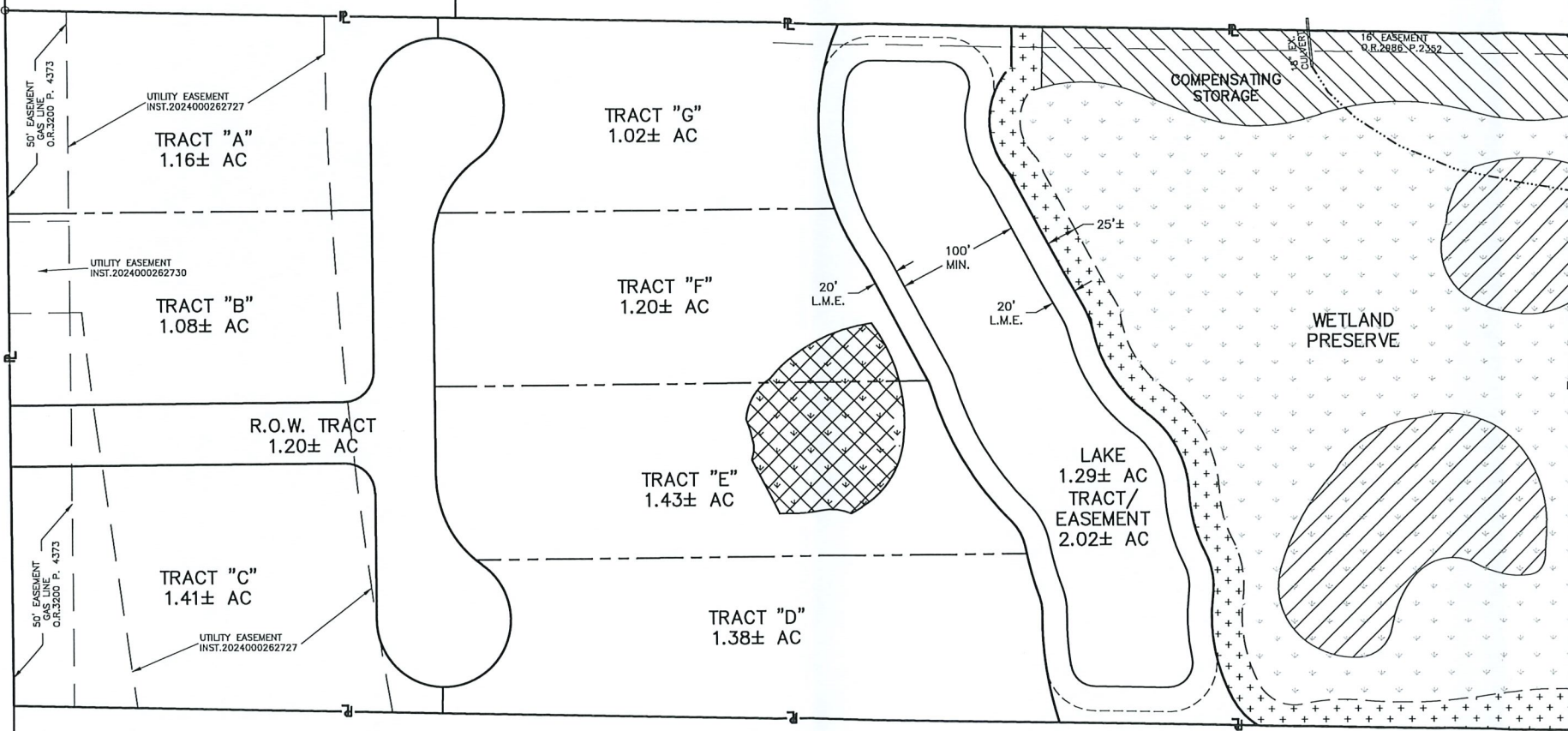
STATE ROAD 31/BABCOCK RANCH RD.
(ARTERIAL)

FLU: OUTLYING SUBURBAN
ZONING: MPD (COMMERCIAL)
VACANT

FLU: OUTLYING SUBURBAN
ZONING: MPD (PRIVATE PRESERVE)
VACANT



FLU: OUTLYING SUBURBAN
ZONING: AG-2
SINGLE-FAMILY &
AGRICULTURAL



LEGEND:

- = WETLAND PRESERVE (INDIGENOUS) = 2.87± AC.
- = WETLAND PRESERVE (NON INDIGENOUS) = 0.91± AC.
- = COMPENSATING STORAGE = 0.65± AC.
INCLUDING 0.35± AC. WETLAND CREATION
- = UPLAND BUFFER/BERM
- = WETLAND IMPACT = 0.35± AC.

FLU: OUTLYING SUBURBAN
ZONING: AG-2
VACANT

100' DRAINAGE EASEMENT
O.R. 4024 P 2387

OPEN SPACE TABLE

OPEN SPACE REQUIRED: 30% OF 16.81± AC. OR 5.04± AC
(10% MIN. OPEN SPACE ON EACH PARCEL/TRACT)

INDIGENOUS REQUIRED: 50% OF OPEN SPACE OR 2.52± AC

INDIGENOUS PROVIDED: 2.87± AC.

NON-INDIGENOUS PRESERVE 0.91± AC.
COMPENSATING STORAGE = 0.65± AC.
OTHER OPEN SPACE PROVIDED (LAKE, BUFFERS ETC.) MINIMUM 0.61 AC.

TOTAL OPEN SPACE PROVIDED: MINIMUM 5.04 AC.



OPEN SPACE & EASEMENT EXHIBIT - OPTION #1

SINGLETARY CPD

LEE COUNTY, FLORIDA

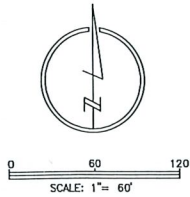
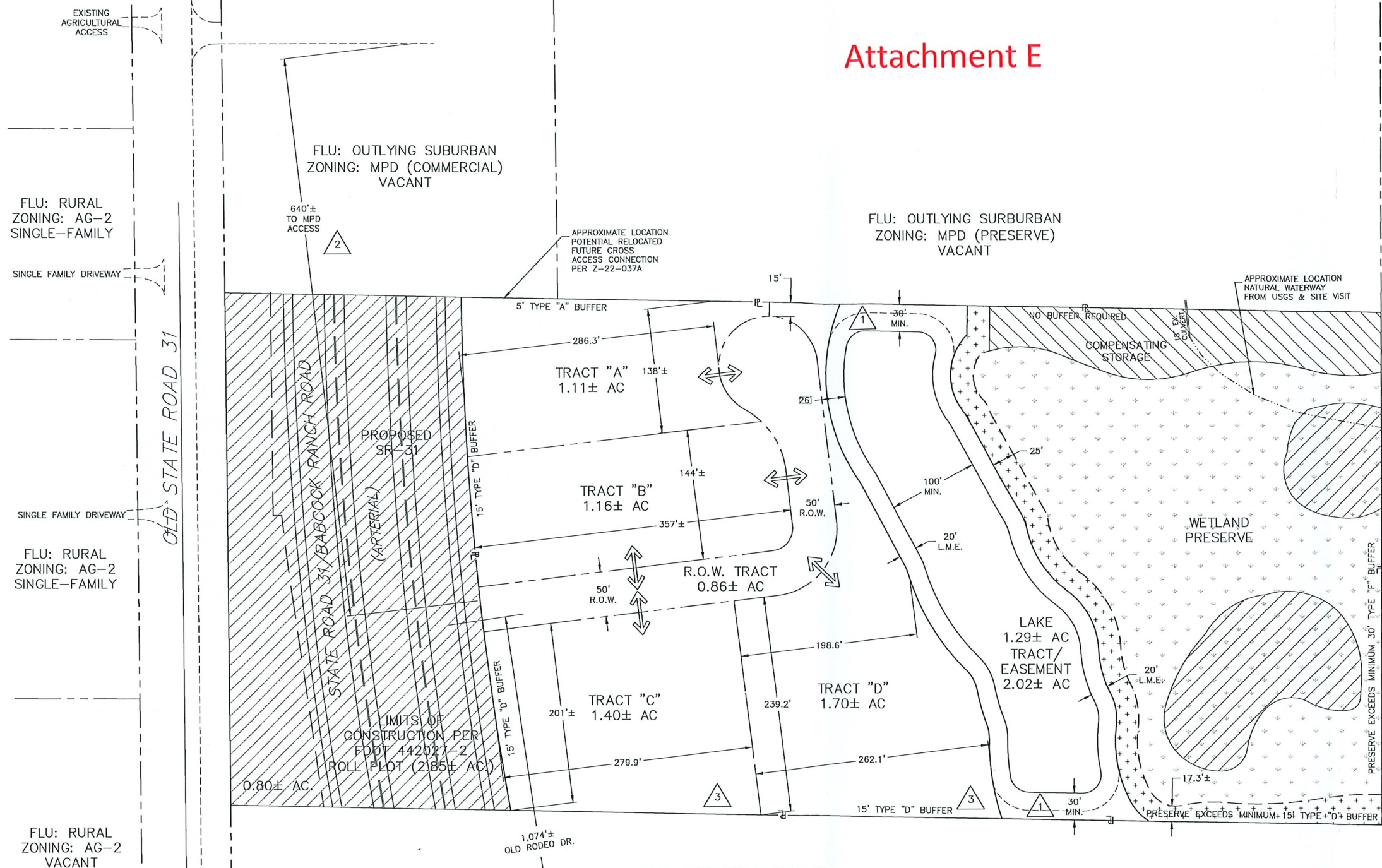
PREPARED FOR:
STEVE SINGLETARY

811
Know what's below.
Call before you dig.

ALL UTILITIES ARE SHOWN
BASED ON THE INFORMATION
AVAILABLE TO THE ENGINEER.
THESE ARE NOT GUARANTEES.
THE LOCATION, DEPTH, AND
SIZE OF EACH UTILITY IS
THE RESPONSIBILITY OF THE
CONTRACTOR. THE CONTRACTOR IS
RESPONSIBLE FOR LOCATING
ALL UTILITIES AND SERVICE
LINES PRIOR TO CONSTRUCTION.

DRAFTED BY: JLS	DESIGNED BY: TRL	REVIEWED BY: SEH
PROJECT NUMBER: 24003215	COMPLETION DATE: 3/1/2025	SURVEY DATUM:
BOOK AND PAGE:		
SHEET 2 of 2		

Attachment E



LEGEND:

- [Symbol] = WETLAND PRESERVE (INDIGENOUS) = 2.87± AC.
- [Symbol] = WETLAND PRESERVE (NON INDIGENOUS) = 0.91± AC.
- [Symbol] = COMPENSATING STORAGE = 0.65± AC. INCLUDING 0.35± AC. WETLAND CREATION
- [Symbol] = UPLAND BUFFER/BERM
- [Symbol] = DEVIATION
- [Symbol] = ACCESS POINT
- [Symbol] = *APPROXIMATE FDOT S.R.31 IMPACT AREA AND DESIGN SHOWN IS PRELIMINARY AND SUBJECT TO CHANGE PENDING FINALIZATION OF DESIGN PLANS

NOTES:

- SITE AREA: POST S.R.31 IMPACT AREA (16.81±AC.-3.65±AC.*) 13.16±AC.
- THIS PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO MODIFICATION DUE TO REGULATORY AGENCY PERMITTING REQUIREMENTS.
- MAXIMUM HEIGHT 45 FEET.
- SERVICE AREAS MUST BE LOCATED AND SHIELDED CONSISTENT WITH LDC SECTION 10-610 UNLESS A DEVIATION IS REQUESTED.

FLU: OUTLYING SUBURBAN ZONING: AG-2 SINGLE-FAMILY & AGRICULTURAL

MASTER CONCEPT PLAN - OPTION #2

SINGLETARY CPD

LEE COUNTY, FLORIDA

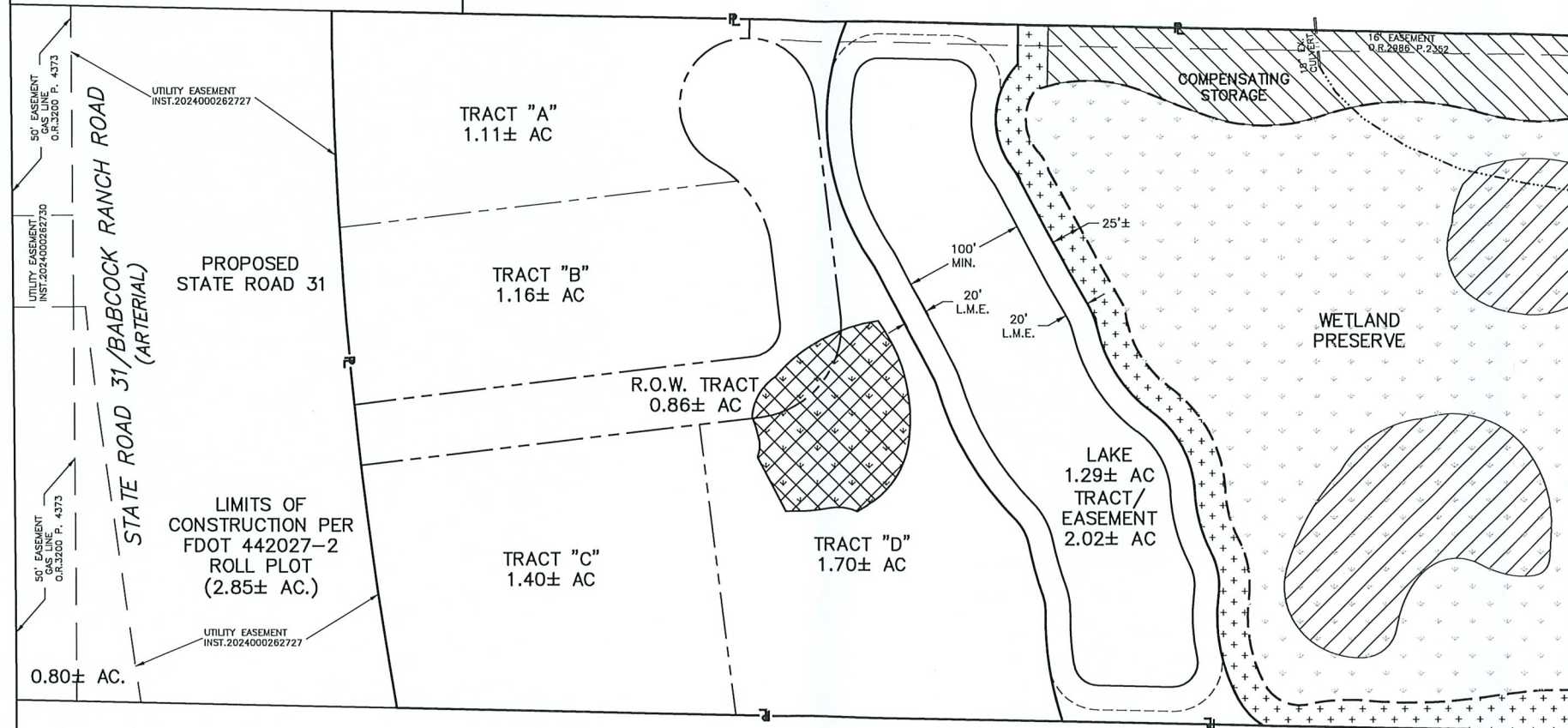
STEVE SINGLETARY

811 Know what's below. Call before you dig.

ALL UTILITIES ARE SHOWN BASED ON THE INFORMATION AVAILABLE TO THE ENGINEER. THERE IS NO GUARANTEE ALL UTILITIES ARE SHOWN OR THAT THE LOCATION, DEPTH, AND SIZE OF EACH UTILITY IS CORRECT. THE ENGINEER IS RESPONSIBLE FOR LOCATING ALL UTILITIES AND SERVICE LINES PRIOR TO CONSTRUCTION.

DRAFTED BY: JLS	DESIGNED BY: TRL	REVIEWED BY: SEH
PROJECT NUMBER: 24003215	COMPLETION DATE: 10/28/2024	SURVEY DATUM:
BOOK AND PAGE:	SHEET	

FLU: RURAL
ZONING: AG-2
VACANT



FLU: OUTLYING
SURBURBAN
ZONING: AG-2
SINGLE-FAMILY &
AGRICULTURAL

 = WETLAND PRESERVE (INDIGENOUS) = **2.87± AC.**
 = WETLAND PRESERVE (NON INDIGENOUS) = **0.91± AC.**
 = COMPENSATING STORAGE = **0.65± AC.**
 INCLUDING **0.35± AC. WETLAND CREATION**
 = UPLAND BUFFER/BERM
 = WETLAND IMPACT = **0.35± AC.**

100' DRAINAGE EASEMENT
O.R. 4024 P 2387

NON-INDIGENOUS PRESERVE: 0.91± AC.
COMPENSATING STORAGE: 0.65± AC.
TOTAL OPEN SPACE PROVIDED: MINIMUM 3.95 AC.

NO.	DATE	REVISION DESCRIPTION	BY
1	3/1/2025	1st SUFFICIENCY	SEH



Know what's below.
Call before you dig.

DRAFTED BY: JLS	DESIGNED BY: TRL	REVIEWED BY: SEH
PROJECT NUMBER: 24003215	COMPLETION DATE: 3/1/2025	SURVEY DATUM:
BOOK AND PAGE:		
SHEET		
2 of 2		

SINGLETARY CPD

LEE COUNTY, FLORIDA

STEVE SINGLETARY

PREPARED FOR:



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Attachment F

Conditions

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

(1) Master Concept Plan and Development Parameters

- a. Master Concept Plan. Development of the subject property must be substantially consistent with the two-page Master Concept Plan Option #1 or the two-page Master Concept Plan Option #2, last revised X/XX/2025 and attached hereto as Attachments D and E.

Staff note: Applicant to prepare revised MCP Open Space tables to align with recommended Condition #3

- b. Development Parameters. Development intensity is limited to a maximum of 110,000 square feet of commercial floor area and 100,000 square feet of self-storage floor area. The maximum building height is 45 feet, subject to Condition #11.
- c. Compliance with Lee Plan and LDC. Development must comply with all the requirements of the LDC at the time of local development order approval, except as may be granted by deviation as part of this planned development. Subsequent amendments to the Master Concept Plan or its auxiliary documentation attached thereto are subject to the planned development amendment process established by the Land Development Code.

(2) Schedule of Uses and Property Development Regulations

- a. Schedule of Uses

Accessory Uses and Structures
Administrative Offices
Agricultural Uses consistent with Condition 8
Animals:
 Clinic or Kennel
 Control Center (including Humane Society)
ATM (Automatic Teller Machine)
Auto Parts Store
Automobile Repair and Service, All Groups
Automobile Service Station
Bait and Tackle Shop
Banks and Financial Establishments: Groups I and II
Bar or Cocktail Lounge
Boats:
 Boat Parts Store
 Boat Rental
 Boat Repair and Service Boat Sales
 Boat Storage, Dry

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

Personal Services, Groups I-IV
 Pet Services
 Pet Shop
 Pharmacy
 Place of Worship
 Plant Nursery
 Post Office
 Printing and Publishing
 Real Estate Sales Office
 Recreational Facilities, Commercial Groups I, III, IV
 Religious Facilities
 Rental or Leasing Establishment, Groups I-IV
 Repair Shops, Groups I-V
 Research and Development Laboratories, Groups I, II, & IV
 Restaurant, Fast Food
 Restaurants, Groups I-IV
 Retail and Wholesale Sales, when clearly incidental and subordinate to a permitted principal use on the same premises
 Schools:
 Commercial
 Noncommercial
 Signs
 Specialty Retail Shops, Groups I-IV
 Storage, Indoor
 Storage, Open
 Studios
 Temporary Uses
 Theater, Indoor or Outdoor (Drive-In)
 Used Merchandise Stores, Groups I, II
 Variety Store
 Vehicle and Equipment Dealers, Groups I-V
 Warehouse:
 Hybrid
 Mini Warehouse
 Public
 Wholesale Establishments, Groups I, III

b. Site Development Regulations

Minimum Lot Size:	10,000 square feet
Minimum Lot Width:	100 feet
Minimum Lot Depth:	100 feet

Minimum Setbacks, Maximum Building Height and Lot Coverage

Arterial Street:	50 feet
Private Street	15 feet
Side:	10 feet
Rear:	25 feet

Waterbody	25 feet
Maximum building height:	45 feet (see Condition 11)
Lot coverage:	50 percent

(3) Open Space and Indigenous Preservation

Development order plans must depict open space areas substantially consistent with those depicted on the approved Master Concept Plans. Open space and indigenous preservation areas must meet or exceed the following minimums:

- (a) MCP Option 1 (Existing Conditions):
 - i. Total open space: 6.93 acres
 - ii. Indigenous preservation (within open space): minimum 2.87 acres
- (b) MCP Option 2 (With FDOT ROW Taking):
 - i. Total open space: 5.42 acres
 - ii. Indigenous preservation (within open space): minimum 2.87 acres

(4) Water Quality Monitoring

Prior to local development order approval, the developer must submit the attached Water Quality Monitoring Plan (Attachment K) with the following modifications:

- a. Surface water quality monitoring locations must be finalized and identified in the Water Quality Monitoring Plan. Surface water quality monitoring sites must be located at each proposed outfall.
- b. Annual monitoring reports must include a comparison of State surface water quality standards, plots of parameters, and recommendations. After five years of meeting or exceeding state water quality monitoring standards, the developer may amend water quality monitoring and reporting after written request, review, and approval by the Division of Natural Resources. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources.

(5) Conservation Easement

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

(6) Utility Connections

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

(7) State and Federal Permits

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

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

(8) Agricultural Use

Staff Note: Applicant must provide *Existing Agricultural Use Affidavit* meeting requirements of LDC 34-202(a)(12) with 48-Hour Response Letter.

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

- a. Bona fide agricultural uses in existence at the time the zoning application was filed, and depicted on **Attachment V** may continue until the county approves the first local development order for the project area containing those uses.
- b. Additional clearing of trees or other vegetation in agricultural areas is prohibited. Existing areas of bona fide agricultural use may be maintained, i.e., moved, but not cleared or expanded. This prohibition does not preclude county approved requests for the removal of invasive exotic vegetation.
- c. Upon approval of a local development order for vertical development and prior to the issuance of a vegetation removal permit, the property owner must provide written proof, subject to approval by the County Attorney's Office, of the following:

- i. Termination of all agricultural use on portions of the property included in the development order approval for vertical development and prior to the vegetation removal permit approval. Proof must include a sworn affidavit from the person or entity holding title to the subject property that specifically provides:
 - (1) The date the agricultural uses ceased;
 - (2) The legal description of the property subject to the development order approval for vertical development;
 - (3) An affirmative statement that the owner acknowledges and agrees that all agricultural uses are illegal and prohibited on the property and that the owner covenants with Lee County that they will not allow any such uses on the property unless and until the property is rezoned to permit such uses; and
 - (4) A statement that the affidavit constitutes a covenant between the owner and Lee County that is binding on the owner and their assignees and successors in interest.

The covenant must be properly recorded in the public records of Lee County at the owner's expense.

- ii. Termination of the agricultural tax exemption for any portion of the property included in the development order approval for vertical development and prior to the vegetation removal permit. Proof of termination must include a copy of the request to terminate the tax exemption that was provided to the Property Appraiser.

(9) North Olga Design Standards

Development Orders and building permits must comply with LDC Chapter 33, Article X, Division 2 Design Standards in the North Olga Planning Community. Departures from landscaping, signage and architectural regulations in this Article may only be approved through a public hearing amendment.

(10) Coastal High Hazard Area

Prior to issuance of a local development order, the developer must provide calculations that quantify the flood storage volume provided by wetlands within the Coastal High Hazard Area and demonstrate equal compensatory flood storage volume within the proposed development on the engineer plans.

(11) Tract “D” Building Height

- a. The maximum building height on Tract “D” shall not exceed 35 feet within 50 feet of the southern boundary of the Master Concept Plan (MCP).
- b. Beyond this 50-foot setback area, building height may increase up to a maximum of 45 feet, provided the building incorporates a tiered or stepped height transition to maintain compliance with the 50-foot setback area.
- c. This height limitation and associated transition requirement shall become null and void if, at the time of Development Order approval, the residential uses on the property immediately south of the ingress/drainage easement abutting Tract “D” have been discontinued and the property has been rezoned to a nonresidential district.

Deviations

Deviation #1:

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

This deviation is **APPROVED**, subject to consistency with the MCP.

Deviation #2:

Seeks relief from LDC §10-291(3), which requires commercial development of more than 10 acres to provide more than one point of ingress or egress for the development, to allow a single point of ingress/egress onto State Road 31.

This deviation is **APPROVED**.

Deviation #3A:

Seeks relief from LDC §10-416(d), which requires a Type C or F buffer type where proposed commercial abuts a single-family use, to allow a 15-foot-wide Type D buffer along the southern property boundary.

Deviation #3B:

Seeks relief from LDC §10-416(d)(6), which requires a landscape buffer consisting of either an eight-foot-high solid wall or a wall with a berm installed 25 feet from the shared property

line with five trees and 18 shrubs per 100 linear feet, or a 30-foot-wide Type F buffer with the hedge set back a minimum of 20 feet, to allow to allow a 15-foot-wide Type D buffer along the southern property boundary.

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

- 1) *Along the southern property line, where the project aligns with the rear lot lines of existing single-family residences, development order plans must depict the required Type D enhancements as follows:*
 - i. *Maintain the required continuous hedge at a minimum height of 60 inches;*
 - ii. *Provide a six-foot-high opaque fence or wall, set back 15 feet from the southern property line; and*
 - iii. *Extend the enhanced Type D buffer along 420 linear feet, including the southern boundary of the lake tract (140 linear feet) and the immediately contiguous 280 linear feet of Tract D on both MCPs.*
- 2) *Condition #1 of this deviation approval shall become null and void if, at the time of Development Order approval, the residential uses on the property immediately south of the ingress/drainage easement abutting Tract "D" have been discontinued and the property has been rezoned to a nonresidential district.*



Singletary Commercial Planned Development Project Narrative

The Singletary Commercial Planned Development ("CPD") is a single parcel identified by STRAP 18-43-26-00-00001.0060 ("Property") fronting on State Road 31 (aka Babcock Ranch Road) and within the Northeast Lee County planning district. The Property is approximately ± 16.81 acres, located in the Outlying Suburban future land use ("FLU") category and zoned Agricultural ("AG-2").

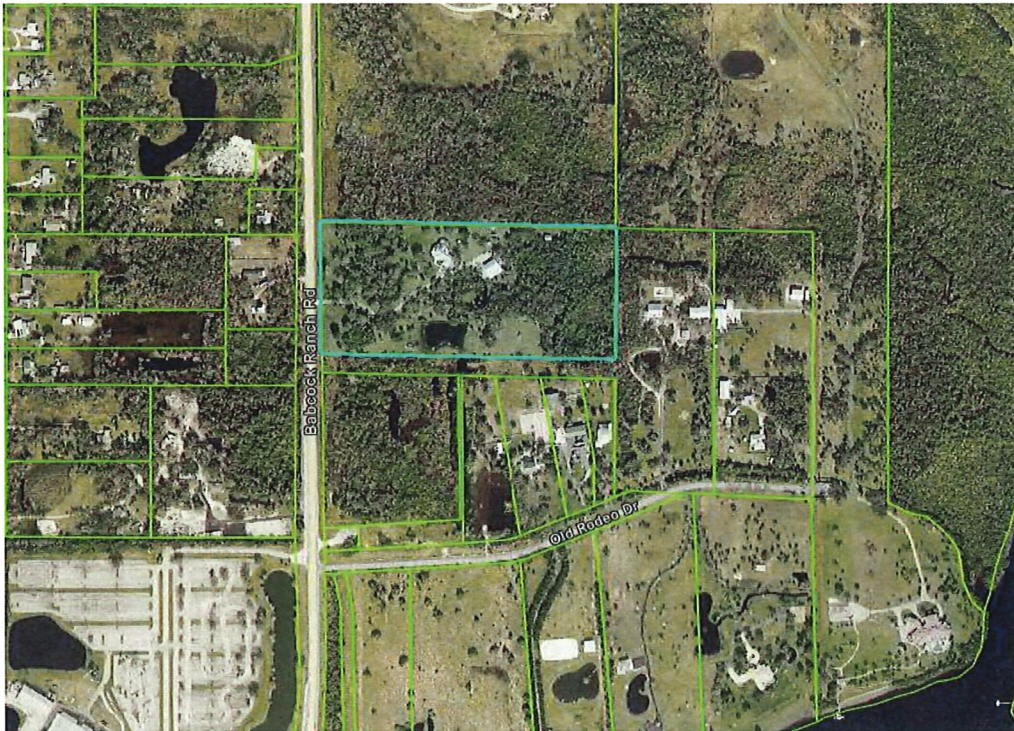


Figure 1. Subject Property

Background

The Property is located in an area of Lee County that is undergoing changing development patterns. In 2023, approximately 38 acres fronting SR 31 (including the Property) was amended from the Rural to Outlying Suburban FLU category and included in the Lee County Utilities Service Area for central water service. Sanitary sewer service areas are within a half mile of the property through Lee County Utilities ("LCU") and Florida Governmental Utility Authority ("FGUA"). Additionally, the Florida Department of Transportation ("FDOT") has identified a widening and improvement project for SR 31, which will increase the transportation capacity of this SIS Facility.

With the amendments to the FLU Map in the surrounding area, extension of the Lee County Utilities Service area, expansion of SR 31 by FDOT and other available public services, the character of the surrounding area is changing and becoming more suburban in nature. The following approvals demonstrate the development anticipated to occur (or already occurring) within the surrounding area.

Greenwell SR 31 is a 76.82-acre Mixed Use Planned Development (“MPD”) immediately north of the Property approved for 122 dwelling units and 400,000 square feet of commercial uses by Z-22-037A. The MPD is within the Outlying Suburban FLU category and enables agricultural uses permitted at the time of zoning approval to remain on-site until the approval of a local development order. While the zoning resolution approves these development maximums, additional permits and approvals related to stormwater management, indigenous habitat and the Coastal High Hazard Area are required prior to the commencement of construction.

The approved Master Concept Plan demonstrates a clustered development pattern around interconnected roadways, stormwater management and open space. The southwest portion of the property adjacent to SR 31 is identified for commercial development. The remaining portion of the southern property boundary is identified for preservation of the existing wetland and upland habitat. This design is similar to the conceptual layouts proposed for the Property and provides physical separation and buffering to the adjacent estate single family property to the east.

Owl Creek is a 342.68-acre Residential Planned Development (“RPD”) in the surrounding area to the east of the Property approved for 380 dwelling units with accessory uses including a multi-slip docking facility by Z-22-022. The RPD is within the Rural FLU and utilizes a density bonus for the preservation and restoration of Rare and Unique Habitat. Additional permits are required related to stormwater management, the Coastal High Hazard Area and floodplain, and the multi-slip docking facility.

The approved Master Concept Plan demonstrates a clustered development pattern around preserved and restored indigenous habitat and natural waterbodies. The MCP demonstrates minimal development areas proximate to the eastern property boundary with the remaining of the boundary adjacent to preserved habitat and natural waterbodies. Providing physical separation and buffering from the adjacent estate single family to the proposed development.

Cary + Duke + Povia is a 788-acre Residential Planned Development (“RPD”) in the surrounding area to the east of the Property that is approved Z-24-024 for 1,099 dwelling units with accessory uses for a density of 1.39 dwelling units per acre. The rezoning case was recently approved by the Board of County Commissioners. The concurrent map amendment application for Lee County Utilities Water and Sewer Service Areas was approved in March of 2024.

The proposed Master Concept Plan demonstrates a clustered development pattern into 3 ‘pods’ of one- and two-family dwelling units promoting environmental enhancements and open space to support the development.

Babcock Ranch is a 4,157.2-acre Mixed Use Planned Development in the surrounding area to the north of the Property, approved for 1,630 dwelling units, 1,170,000 square feet of

commercial uses and 600 hotel rooms by Z-17-026. The RPD is within the New Community FLU, permits agricultural uses to remain on-site until a Development Order phase is approved, ensures Emergency Medical Services will be available to serve the project, and requires additional permits related to stormwater management, indigenous habitat and protected species.

Future Land Use

The Property is located within the Outlying Suburban FLU, which is defined by Policy 1.1.6 of the Lee Plan as a “peripheral location in relation to established urban areas...is rural in nature or contains existing low-density development. Some of the requisite infrastructure needed for high density development is planned or in place.” The permitted density range is 1 to 3 dwelling units per acre.

Consistent with the descriptor policy for this FLU category, the Property is in an area of the County that is undergoing changing conditions from rural to more suburban development and the necessary public services are or will be available to support future development.

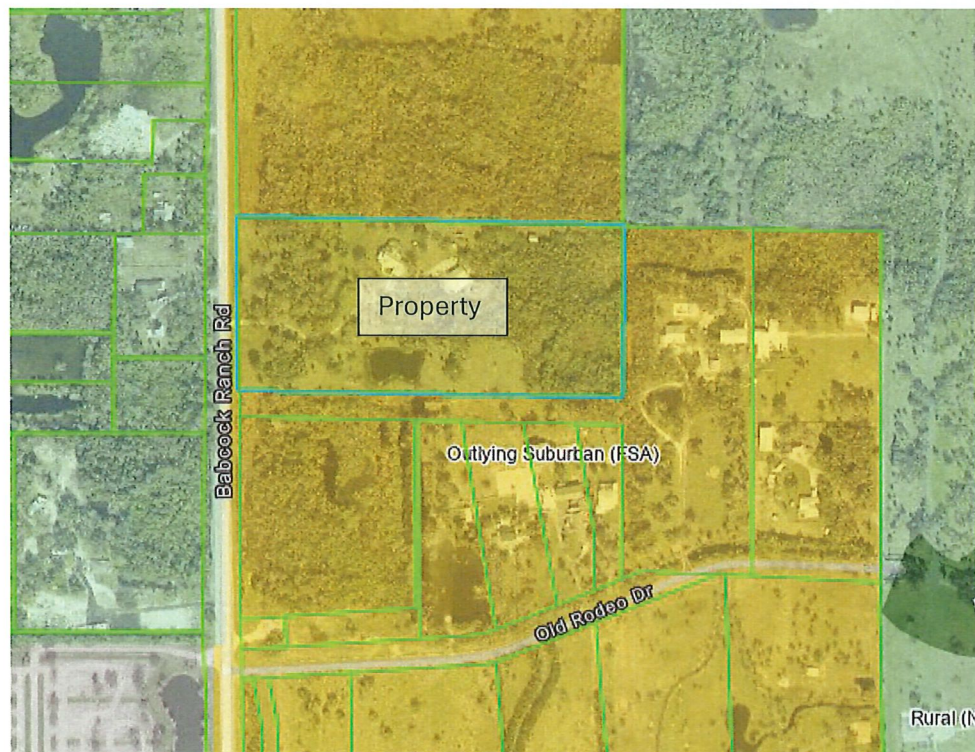


Figure 2. Future Land Use

In addition to the Outlying Suburban FLU guiding the future development of the Property, the vision of the Northeast Lee County and North Olga planning districts also provide guidance for future development.

Northeast Lee County

Goal 27 and its implementing policies seek to “maintain, enhance and support the heritage and rural character, natural resources, and agricultural lands” of the Alva and North Olga communities. Objective 27.1 clarifies that rural character is “those characteristics that convey a sense of rural lifestyle such as large lots or clustered development, ample views of wooded areas, open spaces...and the protection of environmentally sensitive lands. The Property is currently a single-family home and is proposed to be rezoned to support commercial uses. The proposed conceptual plan promotes the protection of the existing wetlands at the rear of the property and clusters the proposed commercial uses adjacent to SR 31. Open space will be required to be provided on each of the lots established up to 10% in addition to the 30% open space preserved through the proposed MCP. This design also promotes consistency with Policy 27.1.2 to conserve a large area of open land to promote compatibility with the adjacent single-family use to the east.

North Olga

The North Olga community plan echoes the Goals of Northeast Lee County with Policy 29.1.1 desiring to “protect the community’s rural aesthetic qualities, preserve the natural and historic and support a diverse rural economy by promoting compact of clustered development areas that maintain large, contiguous tracts of open space, while supporting commercial agricultural businesses.” The Property is proposed to be rezoned to commercial due to the frontage on SR 31 and the changing conditions of the area. However, the proposed conceptual plan clusters the area for commercial development to the frontage of the Property and protects the interconnect wetlands and uplands at the rear of the property which also promotes compatibility with the adjacent single family estate lot consistent with Policies 29.1.1., 29.2.2. and 29.7.2.

Objective 29.3 and its supporting policies govern commercial development and desire non-residential development to “serve and support the rural community.” Implementing this Objective, Policy 29.3.3 states that proposed “new commercial development will utilize a consistent landscaping and architectural style for all buildings...and will comply with the applicable design standards within the LDC, Chapter 33 as part of the development review process. The proposed Master Concept Plan incorporates many of the design requirements of the LDC, Chapter 33 and agrees to conditions within the zoning resolution that ensure a unified architectural theme and landscaping design at the time of Development Order submittal.

As part of the preservation of native habitats, Policy 29.7.3. requires planned developments to consider the incorporation of “Firewise” principles. The proposed Property Development Regulations include a 30-foot separation between any structures and any fire dependent vegetated communities on-site.

Additionally, the proposed schedule of uses includes several uses that are consistent with the surrounding agricultural activities and rural developments. For example, animal clinics, bait and tackle shops, cultural facilities, farm equipment sales, storage, rental or service, feed or fertilizer, mixing and sales, etc. While the proposed planned development does seek a commercial designation, the site design clusters the potential development adjacent to SR 31 and the list of available uses does enable commercial development supportive of the surrounding agricultural and rural activities as well as the increased residential development occurring in the surrounding area. Through an appropriate balance of future development with

the desired vision of the North Olga community, the requested commercial planned development is consistent with the Northeast Lee and North Olga community plans and Outlying Suburban FLU category.

Project Request

The requested CPD seeks to redevelop the current residential estate into a commercial subdivision for 110,000 square feet and 100,000 square feet of indoor mini-warehouse.

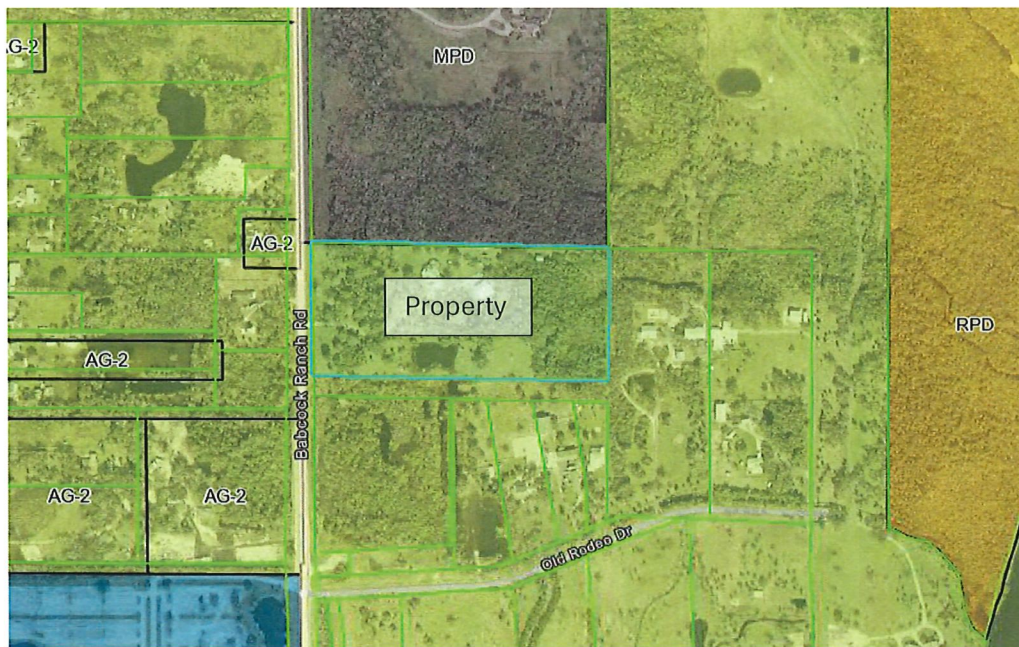


Figure 2. Subject Property and Surrounding Zoning

Properties within the Outlying Suburban FLU are anticipated to be at the periphery of established urban areas and have the requisite infrastructure for high density development. The requested CPD is consistent with this vision by supporting additional commercial development in an area that has undergone a FLU Map amendment to a Future Suburban Area, seen significant residential approvals over the past several years, and will have a major expansion to the adjacent State Roadway in the upcoming years.

Of note to the rezoning requested is the initial intent of the GU and AG-2 zoning districts. The GU zoning district was an interim zoning district to provide a placeholder until the property was rezoned. Over time, the GU district was converted to the now AG-2 district¹ which permits residential, commercial and agricultural activities. As a result of the FLU amendment to Outlying Suburban, the AG-2 zoning of the property has once again become a placeholder zoning district. The request for a CPD rezoning permits a conceptual plan sensitive to the natural resources of the property and adjacent existing and proposed uses as well as a schedule of uses supporting

¹ As approved by the 1978 Zoning Ordinance per LDC 34-619.

of the community plan to be adopted and create alignment with the underlying Outlying Suburban FLU.

The requested CPD incorporates 2 alternative design options for the Master Concept Plan due to the potential SR 31 widening. As of the time of this application only conceptual designs are available and the process to take the necessary land area for the widening project has not begun.

Option 1 Demonstrates a developable area of 12.29 acres (535,352 square feet); which includes tracts, ROW and lakes to support the requested intensity. An indigenous preserve of 4.52 acres is provided to exceed the requirements of the LDC. Smaller individual tracts have been shown on the MCP; however, larger lots could be proposed at the time of Development Order to support a larger structure and interconnectivity across the Property.

Option 2² Demonstrates a developable area of 7.82 acres (340,639 square feet); which includes tracts, ROW and lakes to support commercial intensity. The 4.52-acre indigenous preserve is maintained to continue to exceed the requirements of the LDC. The design plans presently available from FDOT indicate that 2.83 acres may be necessary for the SR 31 ROW and the .8 acres between Old State Road 31 and the proposed ROW is not of a geometry that support development intensity.

The CPD application materials and supporting documentation have been prepared to support Option 1 as this represents the maximum development scenario. It is understood that due to the expected loss of approximately 36% of the Property on account of the FDOT taking(s), the development intensity will need to be reduced by an amount that is the same or greater.

Comprehensive Plan Consistency

As established in Objectives 2.1 and 2.2, desired locations and timing for development are those that promote infill, minimize energy and service costs and conserve land, water and natural resources. The requested development accomplishes these goals by promoting commercial uses in an area with increasing residential units and a development pattern that preserves 4.5 acres of indigenous habitat. The necessary urban services are or will be in place to support the desired development. Consistent with Standards 4.1.1 and 4.1.2 a Letter of Availability has been obtained from Lee County Utilities confirming that potable water service will be available to the Property. Reuse water lines are not available in the vicinity of the Property, consistent with Policy 61.1.6 surface water will be prioritized for irrigation at the time of Development Order. An environmental analysis has been completed and is submitted as part of the Planned Development application consistent with Standard 4.1.4. The Applicant acknowledges that an Environmental Resource Permit will be necessary from the South Florida Water Management District prior to commencement of construction and anticipates the rezoning would be conditioned accordingly.

² Option 2 is only being proposed due to FDOT's notice to the owner of an intent to condemn a portion of the property via eminent domain.

There are some residential properties within the area surrounding the Property. However, the request to permit commercial on the Property does not represent commercial encroachment that would destroy the character or integrity of the residential environment as described in Policy 5.1.5. Adjacent to the Property's eastern boundary is an existing single-family residence, however this residence is located on several acres. Consistent with the protections desired by Policy 5.1.5, the MCP proposes to preserve 4.5 acres of indigenous habitat adjacent to the eastern boundary to promote appropriate separation and buffering from the adjacent residence. The other existing residential uses occur west of SR 31 and obtain access from Old Bayshore Road.

Additionally, SR 31 is a Strategic Intermodal System ("SIS") roadway as designated by the Florida Department of Transportation. SIS roadways are considered high-priority transportation facilities that are the primary method for moving people and freight between regions in Florida as well as other states.³ As a result, FDOT is currently in various stages of improving SR 31 to increase capacity. The portion of SR 31 adjacent to the Property is anticipated to be widened to accommodate 3 vehicular lanes of travel in each direction with a landscaped median and other pedestrian and bicyclist improvements. As a result of FDOT's widening, future access to this roadway will require a permit from FDOT and will likely be restricted to preserve the vehicular flow of the widened roadway. The SIS designation and anticipated improvements, demonstrates individual residential driveways to SR 31 are not appropriate and would not aid in maintaining traffic flow and capacity. The proposed commercial development will utilize a single access point and align with the existing approved commercial area within the MPD to the north. This MPD includes a condition for an interconnection and the Applicant has provided a notation on the MCP for an interconnection, which will permit vehicular traffic to access the two developments without traveling SR 31.

Commercial development is specifically addressed in the Lee Plan through Goal 6 and its supporting objectives and policies. Consistent with Policy 6.1.1, the application materials supporting this request include a traffic impact statement, master concept plan with landscaping, buffers and detailed site planning, letter of availability for utilities, environmental assessment, and analysis of compatibility and surrounding uses. The MCP demonstrates that the locations for commercial development are clustered at the front of the Property adjacent to SR 31 with an internal access road and availability for interconnection to the adjacent permitted commercial to the north consistent with Policy 6.1.3. This design pattern ensures the proposed commercial uses align with approved commercial uses in the MPD to the north and the existing single family to the east is appropriately separated and buffered by the preservation of 4.5 acres of indigenous preservation consistent with Policy 6.1.4. As described above, access to SR 31 will be controlled by FDOT and development of individual residential lots with driveways to this roadway is not appropriate given the SIS designation and priority of preserving capacity. Adequate residential unit types exist within the area as estate lots and master planned communities. As a result, the requested development is consistent with Policies 6.1.5, 6.1.7 and 6.1.9.

³ FDOT, 2023, Strategic Intermodal System Facility Designation.
<https://www.fdot.gov/planning/systems/sis/guidance.shtm> Accessed 9/27/2024.

Goal 39 seeks to link transportation and land use decisions to achieve a multi-modal transportation system. With the anticipated improvements to SR 31 there will be adequate capacity to serve the proposed development consistent with Objective 39.2 and Policy 39.2.2. The roadway cross-section provided by FDOT identifies that there will be 6 vehicular lanes and a 12-foot share use path ensuring future residents of the surrounding area can utilize a vehicle or walk and bike to destinations. It is anticipated that the 12-foot-wide multi-use path will provide the necessary connection desired by the Pine Island-Hendry Trail consistent with Policy 77.3.7. While transit does not currently serve the area, the 2,132 residential units approved by the surrounding planned developments with the existing development and anticipated future approvals will establish the necessary foundation for mass transit to service the area in the future.

The proposed MCP incorporates wet and dry detention for the future stormwater management system and locates these areas proximate to the existing indigenous vegetation. A future permit will be required from the South Florida Water Management District; however, it is anticipated that the proposed stormwater management system will retain surface water on-site to appropriately treat and control water discharge consistent with policies 60.1.1, 60.15, 60.4.2., 61.3.1, 61.3.2, 61.3.11, and 61.3.12. The final design will be permitted through the South Florida Water Management District consistent with their agency requirements and policy 60.4.1. Through this proposed system, the development will not degrade surface and groundwater quality consistent with Policies 125.1.2. and 125.1.4 Lee County Staff has identified a natural waterbody crosses the northeast corner of the property. The proposed Master Concept Plans retain this natural waterbody and the proposed indigenous preserve and created wetlands provide the necessary buffer to ensure the future protection of this system as required by Policy 126.1.1. Incorporating these natural features into the stormwater management system will maintain levels of surface and groundwater consistent with Policy 126.1.4.

The Property is within the Coastal High Hazard Area ("CHHA") and is required by Policy 101.1.1 to be compatible with natural systems for water retention, purification, wildlife habitat and defense against coastal flooding. Policy 101.3.2 restricts development within the CHHA to uplands except as needed for the provision of public facilities. Currently the Property has 4.13 acres of wetlands and the proposed MCP preserves 3.78 acres of wetlands. The .35 acres of wetlands proposed for impact are an isolated and exotic infested wetland. Eliminating this area permits the preservation of 2.87 acres of contiguous indigenous wetlands to the east. The preservation of the on-site wetlands and natural waterway retains an interconnected natural system for water retention, purification and defense against coastal flooding consistent with Policies 101.1.1, 60.4.2 and 60.4.1. Compensatory storage is proposed along the northern property boundary immediately adjacent to the preserved wetlands. The Master Concept Plan also proposes .35 acres of wetland creation within the compensatory storage area and adjacent to the natural waterway to replace the impacted wetland acreage. An Environmental Resource Permit will be obtained permitting this impact as well as the associated mitigation. Lee County has previously permitted development within the CHHA with the condition that an ERP be acquired for associated wetland impacts as once filled the wetland becomes an upland and development is consistent with Policy 103.2.

Surrounding Land Uses

The Property is in an area of existing and anticipated approved development within Lee County. Bounded by SR 31 along the western Property boundary, residential and vacant lands exist along the remaining Property boundaries.

	Future Land Use	Zoning	Current Use
North	Outlying Suburban	MPD	Single Family Residential & Agricultural
South	Outlying Suburban	AG-2	Access to Single Family to east, Single Family, vacant lands
East	Rural	AG-2	Single Family Residence
West	Rural	AG-2	SR 31, Single Family, vacant lands

Table 1. Surrounding Land Uses

North

To the North is a large parcel zoned MPD by Z-22-037A. Currently utilized as a single-family home, the portion of the parcel adjacent to the southern property boundary has been approved for commercial development fronting SR 31 and the rear/eastern portion for indigenous preservation. The MCP for the requested CPD includes a similar development pattern.

South

To the south is an approximately 90 foot wide “flag” portion of the parcel adjacent to the Eastern Property boundary, however this area is not currently utilized for access as the parcel also fronts Old Rodeo Drive.

Further south are existing parcels of varying sizes. The 8-acre parcel fronting SR 31 is currently vacant. The remaining parcels to the east and fronting Old Rodeo Drive range from 1.4 to 3 acres and have existing single-family residences and agricultural uses. These parcels generally align with the proposed preserved indigenous preservation on the MCP which provide appropriate separation and buffering from the proposed development and adjacent uses.

These properties are also within the Sub-Outlying Suburban FLU category and with the widening of SR 31 are anticipated to redevelop over time.

East

A single property is adjacent to the eastern Property boundary and is developed with a single-family home. The existing residence is setback approximately 120 feet from the shared boundary with the Property. The proposed MCP preserves the existing indigenous vegetation adjacent to the eastern Property boundary to provide further separation and buffering to the proposed commercial development. This property is within the Rural FLU category.

West

To the west is SR 31, approximately 120-foot right-of-way. The proposed cross-section from the PD&E study is anticipated to be a minimum of 170 feet wide.

Across SR 31 from the Property are existing single-family residences. The first property is approximately 3 acres with a single-family residence and 2 additional structures providing garage storage and a barn. The residence is setback from SR 31 approximately 135 feet. The second property is approximately an acre with a mobile home setback from SR 31 approximately 110 feet. These properties are within the Rural FLU category.

Urban Services & Availability

The Property is in an area that has a full slate of urban services available to support the existing and future development.

Utilities – The Property is within the service area for Lee County Utilities for potable water. Sanitary sewer service areas for Lee County Utilities (LCU”) and Florida Government Utility Authority (“FGUA”) exist within a half mile. Applications are currently in process by other surrounding developments to extend infrastructure, which would pass the Property.

Public Safety – Lee County Emergency Services is the primary EMS transport for the Property and can provide service from Bayshore Fire Station #131 or Alva Fire Station #181. Fire protection services are provided by the Bayshore Fire Department. There is a single fire station within the Bayshore District at the intersection of Nalle Road and Bayshore Road, approximately 3 miles from the Property. Lee County Sherriff provides police protection to the Property from Zone North 5.

Soid Waste – The Property is within the Lee County Solid Waste Franchise Area and is served through Lee County’s franchised hauling contractor, WastePro. Disposal of waste from the proposed development will occur through the Lee County Resource Recovery Facility and Lee-Hendry Regional Landfill.

Public Schools – The CPD does not request any residential uses and therefore will not impact Lee County Schools.

Review Criteria

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

a) Complies with the Lee Plan;

The requested CPD complies with the Lee Plan as demonstrated by the above narrative. The Outlying Suburban FLU of the Property permits commercial development. The proposed Schedule of Uses incorporates commercial uses that support the existing and future surrounding agricultural uses as well as the anticipated residential development.

b) Meets the Land Development Code and other applicable County regulations or qualifies for deviations;

The requested CPD is consistent with the requirements of the LDC and other applicable regulations. A deviation is requested to reduce the required perimeter buffer within the commercial development area along the northern boundary. This area aligns with an existing approved commercial development area on the adjacent property. The buffer reduction will promote increased integration between the properties and the anticipated commercial uses.

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

The proposed design of the Master Concept Plan associated with the CPD request promotes compatibility with the surrounding area and the existing uses. The proposed 4.5 acres of preservation at the rear of the property provides adequate separation and buffering from the existing adjacent single-family residence. The proposed location of commercial uses align with existing approved commercial development on the adjacent parcel to the north.

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

A single access point to SR 31 is proposed to maintain the existing capacity of the state roadway. A deviation is requested to reduce the intersection separation by 50 feet to allow the proposed driveway to align with an existing driveway across SR 31.

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

All of the roadway included in the analysis, except SR between SR 78 and SR 80 and S78 west of SR 31 are project to operate at or above the minimum adopted Level of Service in 2027 with and without the proposed development. SR 31 between SR 78 and SR 80 is projected to operate at a poor Level of Service in 2027 with the proposed development traffic added to this roadway. FDOT is finalizing the PD&E study on SR 31 from SR 78 to SR 80 to evaluate the future widening from the current two-lane undivided facility to a six-lane divided facility. This improvement will address the projected SR 31 capacity deficiency that was shown as part of the TIS analysis. Funding from FDOT is scheduled for 2029 for the widening of SR 31 from SR 80 to SR 78, including a new bridge over the Caloosahatchee River. Therefore, additional roadway capacity improvements will not be warranted, and the expected impacts will be addressed.

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

The proposed development does not negatively impact natural resources. The proposed .35 acre to be removed is isolated and will be mitigated consistent with the requirements of an approved ERP permit.

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

The Property is not located within a Future Urban category. However, Urban services will be available to serve the proposed development.

Planned Development rezoning requests must also have the following findings:

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

The schedule of uses includes a mix of commercial uses within a Suburban Future Area and along an existing arterial roadway that is scheduled to be widening. The Outlying Suburban FLU permits commercial uses and the necessary public services are available, or will be, to support the proposed uses.

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

The applicant understands that conditions will be placed on the property regarding the maximum development parameters, roadway access, wetland preservation, etc to ensure the future development is consistent with this narrative and proposed Master Concept Plan.

- c) That each requested deviation:*

- 1) Enhances the achievement of the objectives of the planned development; and*
- 2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.*

The proposed deviations enhance the planned development by promoting appropriate buffering for the existing development conditions and access for the existing and future conditions of SR 31.



Singletary
Commercial Planned Development
Schedule of Deviations

The requested rezoning includes 2 Master Concept Plans, the first demonstrates the current conditions of the Property and the second the conditions if the current design for the SR 31 widening were to be implemented. The below deviations are needed for both designs.

1. Deviation from LDC Section 10-329(d)(1)a.3. which requires a 50 foot excavation setback from a private property line to allow 30 feet from a private property line

Justification: The proposed MPC incorporates a single stormwater management lake to support the commercial development. At the northern and southern property boundaries, the setback to the excavation is proposed to be reduced to 30 feet. Along the northern boundary, the adjacent property has preserved indigenous habitat; therefore, there will be no negative impacts to the public health, safety and welfare or adjacent development. Along the southern boundary, the adjacent property is subject to a drainage easement; therefore, there will also be no negative impacts to the public health, safety and welfare and adjacent development.

The land development code permits a reduction of the required 50 foot setback administratively by the Director of Development Services up to 25 feet. This deviation is requested for consideration by the Hearing Examiner and Board of County Commissioners to implement the proposed design and eliminate the need for an Administrative Amendment at a later date.

2. Deviation from LDC Section 10-291(3) which requires commercial development of more than 10 acres to provide more than one point of ingress or egress for the development to allow a single point of ingress/egress.

Justification: The Property has approximately 569 feet of frontage on SR 31. This state roadway is part of the Strategic Intermodal System ("SIS"), which is the State's classification system for transportation capacity investments and primary focus for implementing the Florida Transportation Plan ("FTP"). As an SIS Corridor, access is restricted on SR 31 to prioritize the movement of people and goods. Initial coordination with FDOT has indicated a second access to SR 31 will not be provided to the Property.

No other deviations are requested related to the width or design of the roadway and the Property is of adequate size to permit passenger, emergency and commercial vehicles to enter the property, access the proposed commercial uses and exit

consistent with the design standards of the LDC. Therefore, the safety of the public health, safety and welfare will be maintained.

3. Deviation from LDC Section 10-416(d) which requires a Type C or F buffer from Commercial adjacent to Single Family to allow a 15 foot Type D buffer along the southern property boundary.

Justification: Immediately adjacent to the southern property boundary is a “flag” of 100 feet wide and 1285 feet long with a recorded drainage easement recorded at OR Book 4024 and Page 2387 and supporting the existing single-family residence to the east. Per LDC Section 10-416(d) a Type C or F Buffer are required between commercial and residential uses. However, a Type C and Type D buffer are very similar, with design variations relating to the maintenance of shrubs and a screening wall. The requested Type D buffer does not require a screening wall however, the double hedge row is permitted to be maintained at 36 inches.

Given the narrow 100 foot depth and length of the “flag” portion of the parcel immediately adjacent to the Property and the existing drainage easement, it is unlikely that a single-family residence would be constructed on this portion of the lot in the future. As a result, the applicant is requesting the elimination of the screening wall and the ability to install the double hedge row with maintenance of the hedges at 36 inches – consistent with the Type D buffer standards.

The proposed buffer will continue to visually screen and separate the proposed commercial uses from the “flag” portion of the property, enhancing the planned development and maintaining the public health, safety and welfare. While there are residential lots and existing residences, immediately south of the “flag” portion of the lot, these align with the proposed indigenous preserve and stormwater management area. Therefore, the existing residences will not be negatively impacted by the alternative landscape buffer request.

Schedule of Uses

Accessory Uses and Structures
Administrative Offices
Agricultural Uses (existing as conditioned)
Animals:
 Clinic or Kennel
 Control Center (including Humane Society)
ATM (Automatic Teller Machine)
Auto Parts Store
Automobile Repair and Service, All Groups
Automobile Service Station
Bait and Tackle Shop
Banks and Financial Establishments: Groups I and II
Bar or Cocktail Lounge
Boats:
 Boat Parts Store
 Boat Rental
 Boat Repair and Service
 Boat Sales
 Boat Storage, Dry
Broadcast Studio, Commercial Radio, and Television
Building Material Sales
Business Services: Groups I and II
Caretaker's residence
Car Wash
Cleaning and Maintenance Services
Clothing Stores, General
Clubs:
 Commercial
 Fraternal, Membership Organization
 Private
Communication Facilities, Wireless
Consumption on Premises
Contractors and Builders, All Groups
Convenience Food and Beverage Store
Cultural Facilities
Day Care Center, Child, Adult
Department Store
Drive-Through Facility for any Permitted Use
Drugstore, Pharmacy
EMS, Fire or Sheriff's Station
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I

Excavation:

Water Retention

Farm Equipment, Sales, Storage, Rental or Service

Feed or Fertilizer, Mixing and Sales

Fences, Walls

Flea Market: Open & Indoor

Food Stores, Groups I, II

Funeral Home and Mortuary (Without Crematory)

Gift and Souvenir Shop

Hardware Store

Health Care Facilities, Group III only

Hobby, Toy, and Game Shops

Hospice

Household and Office Furnishings, All Groups

Insurance Companies

Laundry or Dry Cleaning, Group I

Lawn and Garden Supply Stores

Medical Office

Non-store Retailers, All Groups

Package Store

Paint, Glass, and Wallpaper

Parking Lot:

Accessory

Commercial

Temporary

Personal Services, Groups I-IV

Pet Services

Pet Shop

Pharmacy

Place of Worship

Plant Nursery

Post Office

Printing and Publishing

Real Estate Sales Office

Recreational Facilities, Commercial Groups I, III, IV

Religious Facilities

Rental Or Leasing Establishment, Groups I-IV

Repair Shops, Groups I-V

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

Restaurant, Fast Food

Restaurants Groups I-IV

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

Schools:

Commercial
Noncommercial
Signs
Specialty Retail Shops, Groups I-IV
Storage, Indoor
Storage, Open
Studios
Temporary Uses (limited to temporary sales office, temporary contractor's office, staging area,
and equipment storage structures)
Theater, Indoor or Outdoor (Drive-In)
Used Merchandise Stores, Groups I, II
Variety Store
Vehicle and Equipment Dealers, Groups I-V
Warehouse:
 Hybrid
 Mini Warehouse
Wholesale Establishments, Groups I, III

Site Development Regulations

Minimum Open Space
30 percent
50 percent of the total open space must be indigenous open space

Minimum lot size: 10,000 sq. feet
Minimum lot width: 100 feet
Minimum lot depth: 100 feet

Minimum Setbacks:
Private Street: 15 feet
Arterial/Collectors: 50 feet
Side: 10 feet
Rear: 10 feet
Waterbody: 25 feet
Preserve (rear): 20 feet (10 feet for accessory structure)
Structural Setback: 30 feet for indigenous plant communities subject to fire
Maximum building height: 45 feet
Maximum lot coverage: 50 percent

Attachment J

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ENVIRONMENTAL STAFF REPORT

CASE NUMBER: DCI2024-00043
TYPE OF CASE: Planned Development
CASE NAME: Singletary CPD
TOTAL ACREAGE: 16.81
SUFFICIENCY DATE: 08/22/2025
HEARING EXAMINER DATE: 10/30/2025

Request

The applicant is requesting to rezone approximately 16.81 acres to permit up to 210,000 square feet of commercial development with 100,000 SF as indoor warehouse and 110,000 SF of commercial uses. The property is North of the Caloosahatchee River, East of State Road 31, West of an existing MPD. AG-2 zoned lot with a single-family residence, and south of Homestead Road. According to the Lee Plan, the parcel is Northeast Lee County Community Planning Area. The current Future Land Use Category for the site is Outlying Suburban.

The requested CPD includes two design options for the Master Concept Plan due to the State Road 31 widening project by FDOT. When the application for the rezoning was filed, no taking of land for the project had yet been initiated. The applicant has provided both Master Concept Plans to account for the potential taking involved in the road widening project.

Existing Conditions

The site is located North of Old Rodeo Drive. A review of historic aerial imagery shows that by 1998 the land was partially cleared and graded for a home site and agricultural use.

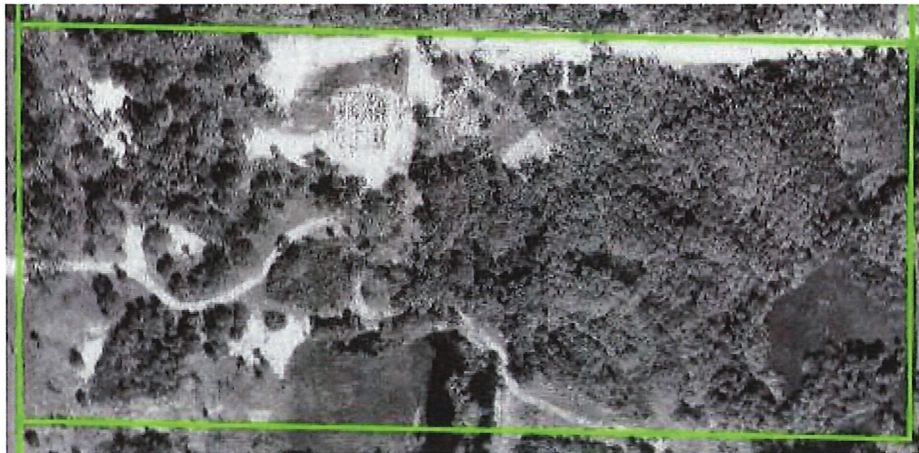


Figure 1: 1998 Aerial

By 2002, clearing and grading were completed. The home and associated appurtenant structures are placed, and in the configuration and location they are currently located.



Figure 2: 2002 Aerial

Staff conducted a site inspection of the property on 03/28/2025. During the site inspection staff walked the property and used the FLUCCS map provided by the applicant to review FLUCCS types and confirm the vegetation communities. Pursuant to LDC 10-1 and further described in LDC 10-701, staff confirmed that the site contains Indigenous Native Vegetation.

Staff identified the following native plants and their ratified status from 62-340., F.A.C. during the inspection. *Quercus laurifolia* (FW), *Quercus virginiana* (U), *Hydrocotyle verticillata* (FW), *Packera glabella* (O), *Cyclospermum leptophyllum* (F), *Erigeron striosus* (F), *Schinus terebinthifolius* (F), *Erigeron striosus* (F), *Pinus elliotii* (U), *Myrsine Cubano* (F), *Acrostichum aureum* (O), *Sabal palmetto* (F), *Pluchea Orodota* (FW), *Buchnera americana* (F), *Sphagneticola trilobata* (F), *Bidens alba* (F), *Urena Lobata* (U), *Annona glabra* (O), *Salix caroliniana* (O), *Ambrosia artemisiifolia* (F), *Cirsium horridulum* (U), *Eupatorium spp.* (F), and *Pluchea carolinensis* (FW).

The FLUCCS map provided by the applicant also included a delineation of wetlands and other surface waters. No 62-340 F.A.C. jurisdictional determination was included in the application. Staff recommend the following condition related to wetlands and other surface waters.

"developer may not commence construction on development impacting wetlands until issuance of required permits. Development activity must comply with state wetland permits and applicable local development permits. If the State does not approve wetland impacts or if the State wetland permits are not consistent with proposed wetland impacts reflected in County development permits, then developer must amend local development permit approvals to be consistent with State wetland permits or applicable Lee Plan and LDC regulations regarding development within wetlands."



Figure 3: 2025 Aerial

Protected Species

The applicant provided as part of the rezoning application a protected species survey. This survey was done on June 4th 2024. Staff did not identify any protected species during their site inspection.

Open Space

The applicant is requesting to rezone approximately 16.81 acres from a conventionally zoned AG-2 site to Commercial Planned Development (CPD). All projects must provide Open Space pursuant to LDC 10-415(a) and pursuant to LDC 10-1, large projects are defined as either a site over 10 acres, or a project which proposes over 2 acres of impervious surfaces. The applicant has provided two master concept plans (Master Concept Plan Option #1 and Master Concept Plan Option #2), both which tabulate the minimum requirements for a large commercial project, which is 30 percent open space. Master Concept Plan #1 provides the design for the site without the potential road widen project being considered and Master Concept Plan #2 provides the design plan for the site with the potential road widening, both open space tables are provided below.

Indigenous Open Space Preservation

The site contains Indigenous Native Vegetation and is considered a large project. Therefore, the applicant is required, pursuant to LDC 10-415 (b), to provide half of the required Open Space as Indigenous Open Space Preservation. The applicant has met this requirement on both Master Concept Plan Option #1 and Master Concept Plan Option #2. The open space tables for option #1 and option #2 are both shown below.

Protected Species

The applicant provided as part of the rezoning application, an environmental assessment, which included a protected species survey of the site. The protected species survey was conducted on June 4th, 2024, to evaluate the potential for listed wildlife species by the Florida Fish and Wildlife Conservation Commission and the US Fish and Wildlife Services. The protect species survey does not indicate any protected species were observed at that time.

Buffers

To the north the development is abutting an MPD zoned district. To the west the development is abutting the rights-of-way for State Road 31. To the south the development is abutting a right-of-way for an adjacently zoned AG-2 lot with a single-family use. To the east the development is abutting a single-family residence on an AG-2 zoned lot. The required buffers are as follows.

North – Pursuant to LDC section 10-416 (d), commercial development abutting commercial development is required to provide a Type A buffer five feet wide with 4 trees planted per 100 linear feet. The master concept plans depict the required buffers.

East – Pursuant to LDC section 10-416 (d), commercial development abutting a preserve is required to provide a Type F buffer, thirty feet wide with 10 trees planted per 100 linear feet and a double staggered hedge row of shrubs. The applicant is proposing to preserve wetlands on both Master Concept Plans along the eastern boundary and is meeting the Type F buffer requirements through the preserved wetlands.

South – Pursuant to LDC 10-416 (d), commercial development abutting a Single-Family Residential Use is required to provide either a Type C or Type F buffer. The applicant has requested a deviation to allow a 15-foot Type D Buffer along the southern boundary with 5 trees planted per 100 linear feet and a double staggered hedge row of shrubs. The master concept plans depicts the Type D buffer along the south.

Deviation 3 – The applicant has requested a deviation from LDC Section 10-416(d) which requires a Type C or F buffer from Commercial adjacent to Single Family to allow a 15-foot Type D buffer along the southern property boundary. This area is a “flag” for the eastern adjacent single-family residential use. Due to the size limitations of the “flag area” (100 feet wide and 1285 in length), construction of a single-family residence within the flag portion is unlikely.

Staff recommend approval of Deviation #3, with the analysis and conditions referenced in the lead staff report to ensure compatibility with the rural character.

West – Pursuant to LDC 10-416 (d), commercial development abutting a right of way is required to provide a Type D buffer, with 5 trees planted per 100 linear feet and a double staggered hedge row of shrubs. The master concept plans depict the required Type D buffer.

Exhibits

A – Environmental Assessment

Exhibit A

SINGLETRARY PROPERTY – 18200 STATE ROAD 31 (16.80± ACRES)

**ENVIRONMENTAL ASSESSMENT
& CURSORY SPECIES SURVEY REPORT**

Lee County STRAP #: 18-43-26-00-00001.0060

June 2024

Updated April 2025

Prepared For:

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Introduction

An environmental assessment and species survey was conducted on the Singletary SR 31 property on June 4, 2024. The 16.80± acre site is located in Section 18, Township 43S, and Range 26E, of Lee County, Florida. More specifically, the site is located at 18200 State Road 31, east of Babcock Ranch Road, north of Bayshore Road and south of North River Road, in Alva, Florida. Please see the attached Project Location Map (Exhibit A).

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

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

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

Background

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

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

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

Methodology

The protected species survey methodology consisted of overlapping parallel transects performed for all FLUCFCS communities on-site. The frequency of transects performed in these habitats, unless otherwise discussed, were designed to meet the minimum coverage requirements. This method is comprised of a several step process; the vegetation communities or land-uses on the study area are delineated on an aerial photograph using the Florida Land Use, Cover and Forms Classification System (FLUCFCS). Next, these FLUCFCS codes are cross-referenced with the Lee County Protected Species List. With a list of the potential listed plants and animals, each FLUCFCS community is searched in the field for these species.

An intensive pedestrian survey is conducted using parallel belt transects that are approximately 10-20 feet apart, depending upon both the thickness of vegetation and visibility, as a means of searching for plants and animals. In addition, periodic “stop-look-listen” and quiet stalking methods are conducted for animals. Signs or sightings of these species are then recorded. The table at end of the report lists the FLUCFCS communities found on the parcel and the corresponding species which have a probability of occurring in them.

Existing Site Conditions

Boundary – The project boundary was obtained from the Lee County parcel data and is assumed to be approximately 16.80± acres.

Soils - The soils on the property have been mapped by the National Resource Conservation Service (NRCS, formerly the Soil Conservation Service). These mappings are general in nature but can provide a certain level of information about the site as to the possible extent of wetland area. The agencies commonly use these mappings as justification for certain wetland/upland determinations. According to these mappings, the parcel is underlain by Boca fine sand (NRCS #13; non-hydric), Copeland sandy loam, depressional (NRCS #45; hydric), and Matlacha gravelly fine sand (NRCS #69; non-hydric) soils. Boca fine sand, Matlacha gravelly fine sand are considered non-hydric at both the local and national levels. Please see the attached NRCS Soils Map (Exhibit D).

Vegetation Descriptions – Vegetation is one parameter used in determining the presence of uplands or wetlands; these community mappings will generally reflect what a specific area could be considered by the regulatory agencies. We identified approximately 4.13± acres of wetlands and 0.35± acres of “other surface water” communities on-site, during the initial site assessment.

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

FLUCFCS Codes & Community Descriptions

Uplands

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

FLUCFCS 110 Residential – 1.16± Acres

This residential property contains a driveway, residential home, and several other buildings including barns, sheds, and storage containers. This community occupies approximately 1.16± acres of the site. This community would be considered uplands by regulatory agencies.

FLUCFCS 211 E1 Improved Pasture (Exotics 1-24%) – 5.40± Acres

This upland community type occupies approximately 5.40± acres. The canopy and sub-canopy is mostly open with widely scattered slash pine (*Pinus elliotti*), live oak (*Quercus virginiana*), melaleuca (*Melaleuca quinquenervia*), and earleaf acacia (*Acacia auriculiformis*). Sub-canopy species include cabbage palm (*Sabal palmetto*). The groundcover is dominated by Ground cover is dominated by bahia grass (*Paspalum notatum*) with spiny amaranth (*Amaranthus spinosus*), rosy camphorweed (*Pluchea rosea*), dog fennel (*Eupatorium capillifolium*), ragweed (*Ambrosia trifida*), dollarweed (*Hydrocotyle umbellata*), caesar weed (*Urena lobata*), hairy beggar-ticks (*Bidens alba*), tickseed (*Coreopsis floridana*), frog fruit (*Phyla nodiflora*), smutgrass (*Sporobolus sp.*), false buttonweed (*Spermacoce verticillata*), three-awn grass (*Aristida purpurea*), flattop goldenrod (*Euthamia caroliniana*), and other various opportunistic weedy species. Commonly observed vines include greenbriar (*Smilax sp.*), grapevine (*Vitis rotundifolia*), and peppervine (*Ampelopsis arborea*). This community should be considered uplands by regulatory agencies.

FLUCFCS 411 E1 Pine Flatwoods (Exotics 1-24%) – 0.66± Acres

This upland community type occupies approximately 0.66± acres of the property. The canopy is dominated by slash pine (*Pinus elliottii*) with scattered live oak (*Quercus virginiana*), laurel oak (*Quercus laurifolia*), earleaf acacia (*Acacia auriculiformis*), and melaleuca (*Melaleuca quinquenervia*). The sub-canopy contains cabbage palm (*Sabal palmetto*), rusty lyonia (*Lyonia ferruginea*), and Brazilian pepper (*Schinus terebinthifolius*). The ground cover is dominated by saw palmetto (*Serenoa repens*), with pennyroyal (*Piloblephis rigida*), caesar weed (*Urena lobata*), Spanish needle (*Bidens alba*), and broom sedge (*Andropogon virginicus*), with other opportunistic weedy species. Commonly observed vines include grapevine (*Vitis munsoniana*), greenbriar (*Smilax spp.*), and poison ivy (*Toxicodendron radicans*). This community should be considered uplands by the regulatory agencies.

FLUCFCS 420 E1 Mixed Upland Forest (Exotics 1-24%) – 1.48± Acres

This upland community type occupies approximately 1.48± acres of the property. The canopy contains live oak (*Quercus virginiana*), with slash pine (*Pinus elliottii*), java plum (*Syzygium cumim*), earleaf acacia (*Acacia auriculiformis*), and mimosa (*Albizia julibrissin*). The sub-canopy contains cabbage palm (*Sabal palmetto*), Brazilian pepper (*Schinus terebint20hifolius*), wild coffee (*Psychotria nervosa*), buckthorn (*Sideroxylon celastrinum*), wax myrtle (*Myrica cerifera*), myrsine (*Rapanea guinensis*), and beauty berry (*Callicarpa americana*). The ground cover includes scattered saw palmetto (*Serenoa repens*), with coco plum (*Chrysobalanus icaco*), dog fennel (*Eupatorium capillifolium*), caesar weed (*Urena lobata*), false buttonweed (*Spermacoce verticillata*), and other various opportunistic weedy species. Commonly observed vines include grapevine (*Vitis rotundifolia*), poison ivy (*Toxicodendron radicans*), greenbriar (*Smilax sp.*), and creeping oxeye (*Sphagneticola trilobata*). This community would be considered uplands by the regulatory agencies. This community would be considered uplands by the regulatory agencies.

FLUCFCS 420 E2 Mixed Upland Forest (Exotics 25-49%) – 2.84± Acres

This upland community type occupies approximately 2.84± acres of the property. The canopy and sub-canopy is similar to the community above; however, it contains melaleuca (*Melaleuca quinquenervia*), earleaf acacia (*Acacia auriculiformis*), and Brazilian pepper (*Schinus terebinthifolius*), dominating 25-49% of the community. The canopy contains live oak (*Quercus virginiana*), with slash pine (*Pinus elliottii*), java plum (*Syzygium cumim*), earleaf acacia (*Acacia auriculiformis*), and mimosa (*Albizia julibrissin*). The sub-canopy contains cabbage palm (*Sabal palmetto*), Brazilian pepper (*Schinus terebinthifolius*), wild coffee (*Psychotria nervosa*), buckthorn (*Sideroxylon celastrinum*), wax myrtle (*Myrica cerifera*), myrsine (*Rapanea guinensis*), and beauty berry (*Callicarpa americana*). The ground cover includes scattered saw palmetto (*Serenoa repens*), with coco plum (*Chrysobalanus icaco*), dog fennel (*Eupatorium capillifolium*), caesar weed (*Urena lobata*), false buttonweed (*Spermacoce verticillata*), and other various opportunistic weedy species. Commonly observed vines include grapevine (*Vitis rotundifolia*), poison ivy (*Toxicodendron radicans*), greenbriar (*Smilax sp.*), and creeping oxeye (*Sphagneticola trilobata*). This community would be considered uplands by the regulatory agencies. This community would be considered uplands by the regulatory agencies.

FLUCFCS 422 Brazilian Pepper – 0.14± Acres

This upland community type occupies approximately 0.14± acres of the site. The canopy was mostly open. The sub-canopy was dominated by Brazilian pepper (*Schinus terebinthifolius*), with scattered cabbage palm (*Sabal palmetto*). The groundcover was mostly open with various opportunistic weedy species. This community would be considered uplands by the regulatory agencies.

FLUCFCS 428 E1 Cabbage Palm (Exotics 1-24%) – 0.64± Acres

This upland community type occupies approximately 0.64± acres of the property. The canopy is dominated by cabbage palm (*Sabal palmetto*), with scattered slash pine (*Pinus elliottii*), laurel oak (*Quercus laurifolia*), and live oak (*Quercus virginiana*). The sub-canopy also contains cabbage palm (*Sabal palmetto*), with Brazilian pepper (*Schinus terebinthifolius*), myrsine (*Rapanea punctata*), saltbush (*Baccharis halimifolia*), buckthorn (*Sideroxylon celastrinum*), beauty berry (*Callicarpa Americana*), wild coffee (*Psychotria nervosa*), and wax myrtle (*Myrica cerifera*). The ground cover is mostly open with scattered Spanish needle (*Bidens alba*), false buttonweed (*Spermacoce floridan*), caesar weed (*Urena lobata*), ragweed (*Ambrosia artemisiifolia*), broomsedge (*Andropogon virginicus*), and bahia grass (*Paspalum notatum*), with various other opportunistic weedy species. Commonly observed vines include grapevine (*Vitis munsoniana*), greenbriar (*Smilax spp.*), peppervine (*Ampelopsis arborea*), and poison ivy (*Toxicodendron radicans*). This community should be considered uplands by the regulatory agencies.

Other Surface Waters (OSW)

The following community area has been designated as other surface waters. Surface waters are waters on the surface of the earth, contained in bounds created naturally or artificially.

FLUCFCS 520 Cow Pond – 0.35± Acres

This “other surface water” (OSW) community occupies approximately 0.35± acres of the property and consists of shallow cow ponds. The sub-canopy is mostly open with scattered Carolina willow (*Salix caroliniana*), wax myrtle (*Myrica cerifera*), and saltbush (*Baccharis halimifolia*) along the edges. The ground cover includes asiatic pennywort (*Centella asiatica*), spikerush (*Eleocharis interstincta*), smart weed (*Polygonum hydropiperoides*), water hyacinth (*Eichhornia crassipes*), torpedo grass (*Panicum repens*), maidencane (*Panicum hemitomon*), mermaid weed (*Proserpinaca pectinata*), water hyssop (*Bacopa monnieri*), flatsedge (*Cyperus ligularis*), and torpedo grass (*Panicum repens*). This community would be considered “other surface waters” by the regulatory agencies. This community was artificially created and would be considered “other surface waters” by the regulatory agencies.

Wetlands

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

FLUCFCS 618 E3 Wax Myrtle & Willow Wetland (Exotics 50-74%) – 0.63± Acres

This wetland community type occupies approximately 0.63± acres of the property. The canopy is dominated by Carolina willow (*Salix caroliniana*), with scattered laurel oak (*Quercus laurifolia*), and bald cypress (*Taxodium distichum*). The sub-canopy contains wax myrtle (*Myrica cerifera*), and buttonbush (*Cephalanthus occidentalis*), with Brazilian pepper (*Schinus terebinthifolius*) along the perimeter of the wetland. The ground cover vegetation includes swamp fern (*Blechnum serrulatum*), yellow-eyed grass (*Xyris floridana*), rosy camphorweed (*Pluchea rosea*), dollar weed (*Hydrocotyle umbellata*), little blue maidencane (*Amphicarpum muhlenbergianum*), frog fruit (*Phyla nodiflora*), false buttonweed (*Spermacoce verticillata*), swamp lily (*Crinum americanum*), mock bishop’s weed (*Ptilimnium capillaceum*), smart weed (*Polygonum hydropiperoides*), pickerel weed (*Pontederia cordata*), arrowhead (*Sagittaria latifolia*), fire flag (*Thalia geniculata*), and white-top sedge (*Rhynchospora colorata*), with various other grasses and sedges. Commonly observed vines include greenbriar (*Smilax* spp.) and Japanese climbing fern (*Lygodium japonicum*). This community does contain some transitional wetland vegetation, advantageous rooting, water line staining, and algal matting, as well as other signs in this community that would be classified as wetlands. This community would be considered wetlands by the regulatory agencies.

FLUCFCS 620 E2 Mixed Wetland Hardwoods (Exotics 25-49%) – 1.33± Acres

This wetland community type occupies approximately 1.33± acres of the property. The canopy contains slash pine (*Pinus elliottii*), laurel oak (*Quercus laurifolia*), and red maple (*Acer rubrum*). The sub-canopy vegetation includes Brazilian pepper (*Schinus terebinthifolius*), cabbage palm (*Sabal palmetto*), myrsine (*Rapanea punctata*), dahoon holly (*Ilex cassine*), beauty berry (*Callicarpa Americana*), buckthorn (*Sideroxylon celastrinum*), saltbush (*Baccharis halimifolia*), buttonbush (*Cephalanthus occidentalis*), wax myrtle (*Myrica cerifera*), and melaleuca (*Melaleuca quinquenervia*). The ground cover vegetation includes swamp fern (*Blechnum serrulatum*), black needlerush (*Juncus roemerianus*), beakrush (*Cyperus* sp.), yellow-eyed grass (*Xyris floridana*), sawgrass (*Cladium jamaicense*), leather fern (*Acrostichum daneifolium*), rosy camphorweed (*Pluchea rosea*), cocoa plum (*Chrysobalanus icaco*), dollarweed (*Hydrocotyle umbellata*), flatsedge (*Cyperus ligularis*), and shield fern (*Dryopteris ludoviciana*). Commonly observed vines include grapevine (*Vitis rotundifolia*), Virginia creeper (*Parthenocissus quinquefolia*), peppervine (*Ampelopsis arborea*), and greenbriar (*Smilax* spp.). This community

does contain some transitional wetland vegetation, advantageous rooting, water line staining, and algal matting, as well as other signs in this community that would be classified as wetlands. This community would be considered wetlands by the regulatory agencies.

FLUCFCS 624 E2 Oak – Pine – Cabbage Palm (Exotics 25-49%) – 1.54± Acres

This wetland community type occupies approximately 1.54± acres of the property. The canopy contains laurel oak (*Quercus laurifolia*) and slash pine (*Pinus elliottii*), with scattered melaleuca (*Melaleuca quinquenervia*). The sub-canopy contains cabbage palm (*Sabal palmetto*), Brazilian pepper (*Schinus terebinthifolius*), myrsine (*Rapanea punctata*), wax myrtle (*Myrica cerifera*), primrose willow (*Ludwigia peruviana*), saltbush (*Baccharis halimifolia*), buckthorn (*Sideroxylon celastrinum*), and buttonbush (*Cephalanthus occidentalis*). The ground cover vegetation includes swamp fern (*Blechnum serrulatum*), yellow-eyed grass (*Xyris floridana*), rosy camphorweed (*Pluchea rosea*), dollarweed (*Hydrocotyle umbellata*), torpedo grass (*Panicum repens*), St. Johns wort (*Hypericum perforatum*), mermaid weed (*Proserpinaca palustris*), water hyssop (*Bacopa monnieri*), and flatsedge (*Cyperus ligularis*). Commonly observed vines include climbing hempvine (*Mikania scandens*), and greenbriar (*Smilax* spp.). This community does contain some transitional wetland vegetation, advantageous rooting, water line staining, and algal matting, as well as other signs in this community that would be classified as wetlands. This community would be considered wetlands by the regulatory agencies.

FLUCFCS 641 E3 Freshwater Marsh (Exotics 50-74%) – 0.28± Acres

This wetland community type occupies approximately 0.28± acres of the property. The canopy is mostly open with scattered Carolina willow (*Salix caroliniana*), and melaleuca (*Melaleuca quinquenervia*). The sub-canopy contains primrose willow (*Ludwigia peruviana*), with saltbush (*Baccharis halimifolia*), wax myrtle (*Myrica cerifera*), and Brazilian pepper (*Schinus terebinthifolius*) along the edges. The ground cover includes torpedo grass (*Panicum repens*), swamp fern (*Blechnum serrulatum*), fire flag (*Thalia geniculata*), yellow-eyed grass (*Xyris floridana*), cat-tail (*Typha latifolia*), rosy camphorweed (*Pluchea rosea*), sand cordgrass (*Spartina* sp.), dog fennel (*Eupatorium capillifolium*), mermaid-weed (*Proserpinaca palustris*), corkwood (*Stillingia aquatica*), asiatic pennywort (*Centella asiatica*), dollar weed (*Hydrocotyle umbellata*), frog fruit (*Phylla nodiflora*), maidencane (*Panicum hemitomon*), mock bishop's weed (*Ptilimnium capillaceum*), and white-top sedge (*Rhynchospora colorata*), with other various grasses and sedges. This community does contain some transitional wetland vegetation, advantageous rooting, water line staining, and algal matting, as well as other signs in this community that would be classified as wetlands. This community would be considered wetlands by the regulatory agencies.

FLUCFCS 643 E3 Wet Prairie (Exotics 50-74%) – 0.35± Acres

This wetland community type occupies approximately 0.35± acres of the property. The canopy is mostly open. The sub-canopy contains scattered cabbage palm (*Sabal Palmetto*), wax myrtle (*Myrica cerifera*), primrose willow (*Ludwigia peruviana*), myrsine (*Rapanea punctata*), and Brazilian pepper (*Schinus terebinthifolius*) along the perimeter of the wetland. The ground cover includes asiatic pennywort (*Centella asiatica*), spikerush (*Eleocharis interstincta*), cat-tail (*Typha latifolia*), smart weed (*Polygonum hydropiperoides*), yellow-eyed grass (*Xyris floridana*), pickerel weed (*Pontederia cordata*), arrowhead (*Sagittaria latifolia*), torpedo grass (*Panicum repens*), white-top sedge (*Rhynchospora colorata*), maidencane (*Panicum hemitomon*), mermaid weed (*Proserpinaca pectinata*), and water hyssop (*Bacopa monnieri*). Commonly observed vines include climbing hempvine (*Mikania scandens*). This community does contain wetland vegetation, advantageous rooting, water line staining, and algal matting, as well as other signs in this community that would be classified as wetlands. This community would be considered wetlands by the regulatory agencies.

Table 1. FLUCFCS Community Table

FLUCFCS Code	Community Description	Habitat Type	Acres
110	Residential	Upland	1.16± Ac.
211 E1	Improved Pasture (Exotics 1-24%)	Upland	5.40± Ac.
411 E1	Pine Flatwoods (Exotics 1-24%)	Upland	0.66± Ac.
420 E1	Mixed Upland Forest (Exotics 1-24%)	Upland	1.48± Ac.
420 E2	Mixed Upland Forest (Exotics 25-49%)	Upland	2.84± Ac.
422	Brazilian Pepper	Upland	0.14± Ac.
428 E1	Cabbage Palm (Exotics 1-24%)	Upland	0.64± Ac.
520	Cow Pond	OSW	0.35± Ac.
618 E3	Wax Myrtle & Willow Wetland (Exotics 50-74%)	Wetland	0.63± Ac.
620 E2	Mixed Wetland Forest (Exotics 25-49%)	Wetland	1.33± Ac.
624 E2	Oak – Pine – Cabbage Palm (Exotics 25-49%)	Wetland	1.54± Ac.
641 E3	Freshwater Marsh (Exotics 50-74%)	Wetland	0.28± Ac.
643 E3	Wet Prairie (Exotics 50-74%)	Wetland	0.35± Ac.
Total			16.80± Ac.

Species Survey Results

A cursory listed species survey was conducted on the project site on June 4, 2024 to determine if the site was being utilized by wildlife species listed by the Florida Fish and Wildlife Conservation Commission (FWCC) and the U.S. Fish and Wildlife Services (USFWS), or by a protected species as designated by Lee County. There were no protected species identified on-site. In addition to the on-site assessment, FWCC and USFWS databases were researched to determine if documented occurrences of listed species exist on or around the project site. The following are the results of the database search.

The project site is listed within the Audubon's crested caracara (*Caracara plancus audubonii*) Consultation Area. During the listed species survey conducted on-site, the project site was surveyed for the crested caracara, but there were no caracara and/or caracara nests identified on-site.

Big Cypress fox squirrels (*Sciurus niger avicenniai*) are identified by the Florida Fish and Wildlife Conservation Commission (FWC) as a threatened species. The primary habitats utilized by this species includes open pine flatwoods, cypress strands, broad-leaf evergreen hammocks, mangroves, and oak forest. These squirrels feed on cypress balls, pine seed, and occasionally cabbage palm and saw palmetto berries. BCFS spend a considerable amount of time foraging on the ground with their optimal habitat consisting of open atmosphere. They are usually active during the day; their nests are constructed for resting, sleeping and breeding. They utilize stick and leaves nests in pines, cypress, cabbage palms, and melaleuca; nests in tree hollows; and nests in bromeliads.

The Florida bonneted bat (*Eumops floridanus*) is also listed as endangered by the FWS and the FWC. The FWS has established a Consultation Area and several Focal Areas for this species. The Florida bonneted bat is listed by the FWCC and USFWS as endangered. The property is located within the overall Consultation Area; however, it remains outside of the Focal Areas. The USFWS may require specific surveys (ie. cavity tree survey and/or multi-night acoustic surveys) to determine if the site is being utilized by the Florida bonneted bat. No Florida bonneted bats were observed on the project site during the preliminary listed species survey.

The Audubon Eagle Watch database for bald eagle (*Haliaeetus leucocephalus*) nests shows that the nearest nest is Nest LE-039, located about approximately 1.5 miles southeast of the project's eastern property boundary. The bald eagle nest database is current through the 2023-2024 nesting season. Nest LE-039 was documented as destroyed by Audubon for the 2023 nesting season. Additionally, there were no bald eagle nests observed on or immediately adjacent to the property during the preliminary listed species survey. This distance is beyond the USFWS and the FWCC recommended 660-foot buffer protection zone for active and alternate bald eagle nests. The bald eagle was delisted under the Federal Endangered Species Act (ESA) in 2007, but it is still protected under the Bald and Golden Eagle Protection Act.

The Florida Atlas of Breeding Sites for Herons and Their Allies was referenced for the location of breeding colonies of both listed and non-listed wading birds including, but not limited to, the snowy egret (*Egretta thula*), roseate spoonbill (*Platalea ajaja*), little blue heron (*Egretta caerulea*), wood stork (*Mycteria americana*), and tri-colored heron (*Egretta tricolor*). There was no evidence to breeding rookeries located on the project site.

The USFWS Draft Standard Local Operating Procedures for Endangered Species Wood Storks (*Mycteria americana*) recognizes a 30± kilometer (18.6± mile) zone surrounding a colony boundary as a core foraging area (CFA). The project site is located within the CFA designated for the wood stork. The project will abide by habitat guidelines and the standard protection measures for the Wood Stork. The wetland habitat and surface waters on-site are considered of poor quality for foraging habitat. If future development will impact these habitat types, coordination with the FWCC and/or the USFWS and compensation for impacts to wood stork foraging habitat may be required. The wood stork is listed as a state and federally threatened species.

The Florida Atlas of Breeding Sites for Herons and Their Allies (Runde *et al.* 1991) and the FWCC database were referenced for the locations of breeding colonies for both listed and non-listed wading birds including, but not limited to, snowy egret (*Egretta thula*), roseate spoonbill (*Ajaia ajaja*), little blue heron (*Egretta caerulea*), and tri-colored heron (*Egretta tricolor*). The FWCC information is current through 1999. According to these sources, there are no wading bird colonies on-site or in close vicinity of the project site.

The FWCC database for the and/or red-cockaded woodpecker (*Leuconotopicus borealis*) locations shows that this project is located within the red-cockaded woodpecker (RCW) consultation area. There may be some additional site specific surveys may be required by the permitting agencies to verify the presence/absence of the RCW on the project site. There were no RCWs or signs thereof (i.e., live cavity trees) identified on the project during the cursory listed species survey.

Mitigation Discussion

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

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

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

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

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

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

Summary

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

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

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

Table 2: Listed Species by Habitat with Current Status

FLUCFS Code	FLUCFS Description	Common Name	Scientific Name	Observed	USDA	FDA&CS	FWS	FWC
211	Improved Pasture	Florida Sandhill crane	<i>Grus canadensis pratensis</i>	--	--	--	--	T
212	Improved Pasture	Florida sandhill crane	<i>Grus canadensis pratensis</i>	--	--	--	--	T
213	Wooded Pasture	Florida sandhill crane	<i>Grus canadensis pratensis</i>	--	--	--	--	T
242	Sod Farm	Burrowing owl	<i>Athene cunicularia floridana</i>	--	--	--	--	SSC
261	Fallow Crop Lands	Burrowing owl	<i>Athene cunicularia floridana</i>	--	--	--	--	SSC
		Audubon's crested caracara	<i>Polyborus plancus audubonii</i>	--	--	--	T	T
		Beautiful paw-paw	<i>Deeringothammus pulchellus</i>	--	E	E	E	--
		Curtis milkweed	<i>Asclepias curtisii</i>	--	--	E	--	--
		Fakahatchee burmannia	<i>Burmammia flava</i>	--	--	E	--	--
		Florida black bear	<i>Ursus americanus floridanus</i>	--	--	--	SAT	T
		Eastern indigo snake	<i>Drymarchon corais couperi</i>	--	--	--	T	T
		Gopher frog	<i>Rana areolata</i>	--	--	--	--	SSC
321	Palmetto Prairie	Gopher tortoise	<i>Gopherus polyphemus</i>	--	--	--	T	T
		Florida black bear	<i>Ursus americanus floridanus</i>	--	--	--	SAT	T
		Florida coontie	<i>Zamia floridana</i>	--	--	C	--	--
		Florida sandhill crane	<i>Grus canadensis pratensis</i>	--	--	--	--	T
		Southeastern American kestrel	<i>Falco sparverius paulus</i>	--	--	--	--	T
		Beautiful paw-paw	<i>Deeringothammus pulchellus</i>	--	E	E	E	--
		Big cypress fox squirrel	<i>Sciurus niger avicennia</i>	--	--	--	--	SSC
		Eastern indigo snake	<i>Drymarchon corais couperi</i>	--	--	--	T	T
		Fakahatchee burmannia	<i>Burmammia flava</i>	--	--	E	--	--
		Florida black bear	<i>Ursus americanus floridanus</i>	--	--	--	SAT	T
411	Pine Flatwoods	Florida coontie	<i>Zamia floridana</i>	--	--	C	--	--
		Gopher frog	<i>Rana areolata</i>	--	--	--	--	SSC
		Gopher tortoise	<i>Gopherus polyphemus</i>	--	--	--	T	T
		Red-cockaded woodpecker	<i>Picoides borealis</i>	--	--	--	E	SSC
		Satinleaf	<i>Chrysophyllum olivaeforme</i>	--	--	T	--	--
		Southeastern American Kestrel	<i>Falco sparverius paulus</i>	--	--	--	--	T
422	Brazilian Pepper	N/A	--	--	--	--	--	--
424	Melaleuca	N/A	--	--	--	--	--	--
		Audubon's crested caracara	<i>Polyborus plancus audubonii</i>	--	--	--	T	T
		Eastern indigo snake	<i>Drymarchon corais couperi</i>	--	--	--	T	T
428	Cabbage Palm	Florida black bear	<i>Ursus americanus floridanus</i>	--	--	--	SAT	T
		Hand adder's tongue fern	<i>Ophioglossum palmatum</i>	--	--	E	--	--
		Simpson's stopper	<i>Myrcianthes fragrans var. simpsonii</i>	--	--	T	--	--
		Gopher tortoise	<i>Gopherus polyphemus</i>	--	--	--	T	T
		American alligator	<i>Alligator mississippiensis</i>	--	--	--	SAT	SSC
		Everglades mink	<i>Mustela vison evergladensis</i>	--	--	--	--	T
		Limpkin	<i>Aramus guarana</i>	--	--	--	--	SSC
		Little blue heron	<i>Egretta caerulea</i>	--	--	--	--	SSC
500	Other Surface Water	Reddish egret	<i>Egretta rufescens</i>	--	--	--	--	SSC
		Roseate spoonbill	<i>Ajaja ajaja</i>	--	--	--	--	SSC
		Snowy egret	<i>Egretta thula</i>	--	--	--	--	SSC
		Tricolored heron	<i>Egretta tricolor</i>	--	--	--	--	SSC

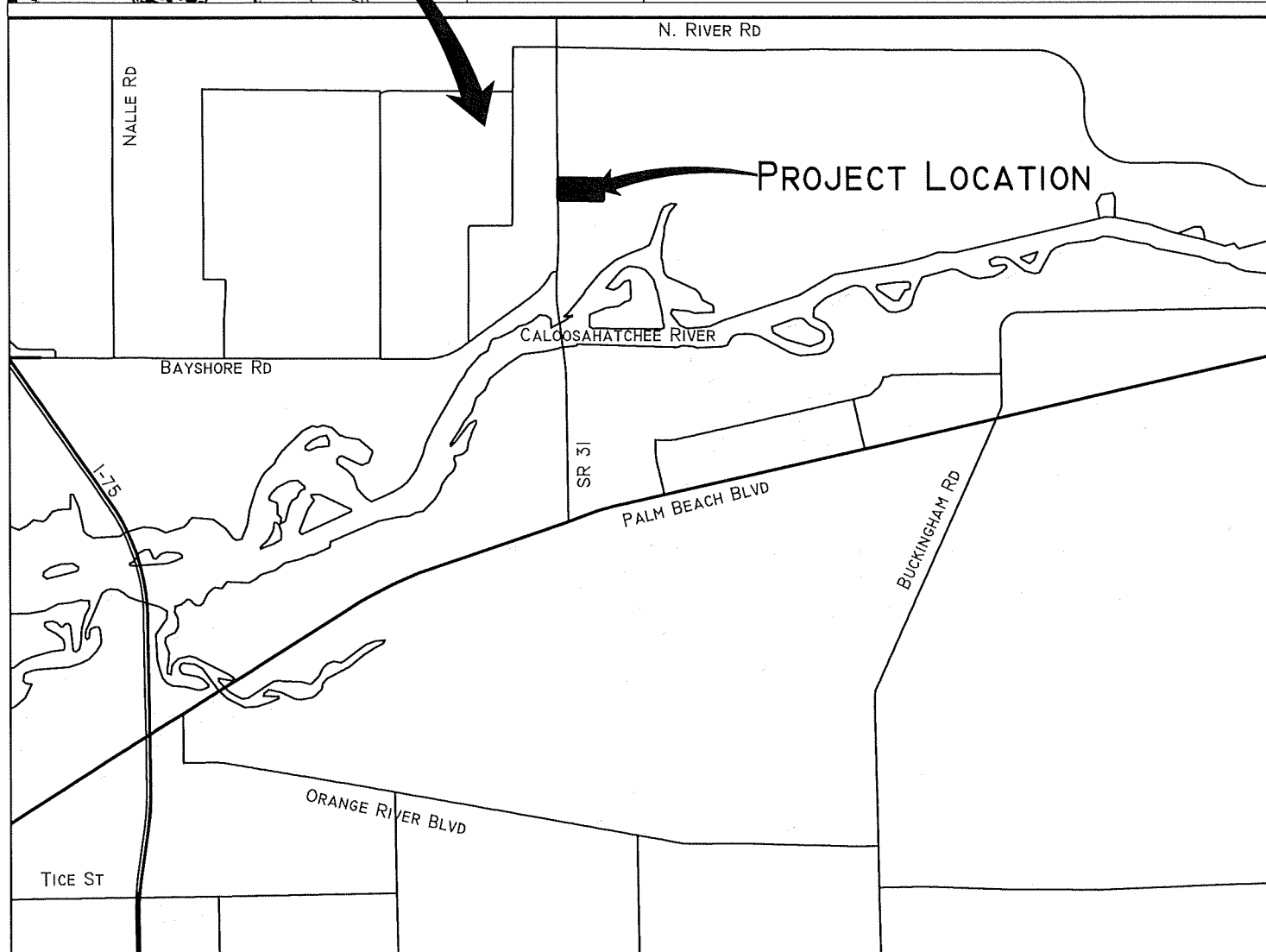
Table 2 Cont'd: Listed Species by Habitat with Current Status

FLUCFCS Code	FLUCFCS Description	Common Name	Scientific Name	Observed	USDA	FDA&CS	FWS	FWC
617	Mixed Wetland Hardwoods	Florida black bear	<i>Ursus americanus floridanus</i>	---	---	---	SAT	T
		Limpkin	<i>Aramus guarana</i>	---	---	---	---	SSC
		Little blue heron	<i>Egretta caerulea</i>	---	---	---	---	SSC
		Snowy egret	<i>Egretta thula</i>	---	---	---	---	SSC
		Tricolored heron	<i>Egretta tricolor</i>	---	---	---	---	SSC
621	Cypress	American alligator	<i>Alligator mississippiensis</i>	---	---	---	SAT	SSC
		Florida black bear	<i>Ursus americanus floridanus</i>	---	---	---	SAT	T
		Limpkin	<i>Aramus guarana</i>	---	---	---	---	SSC
		Little blue heron	<i>Egretta caerulea</i>	---	---	---	---	SSC
		Snowy egret	<i>Egretta thula</i>	---	---	---	---	SSC
624	Cypress – Pine – Cabbage Palm	Tricolored heron	<i>Egretta tricolor</i>	---	---	---	---	SSC
		Wood stork	<i>Mycteria americana</i>	---	---	---	E	E
		Florida black bear	<i>Ursus americanus floridanus</i>	---	---	---	SAT	T
		Little blue heron	<i>Egretta caerulea</i>	---	---	---	---	SSC
		Snowy egret	<i>Egretta thula</i>	---	---	---	---	SSC
641	Freshwater Marsh	Tricolored heron	<i>Egretta tricolor</i>	---	---	---	SAT	SSC
		American alligator	<i>Alligator mississippiensis</i>	---	---	---	---	SSC
		Everglades mink	<i>Mustela vison evergladensis</i>	---	---	---	---	T
		Florida sandhill crane	<i>Grus canadensis pratensis</i>	---	---	---	---	T
		Limpkin	<i>Aramus guarana</i>	---	---	---	---	SSC
740	Disturbed Lands	Little blue heron	<i>Egretta caerulea</i>	---	---	---	---	SSC
		Snail kite	<i>Rosirhamus sociabilis</i>	---	---	---	E	E
		Snowy egret	<i>Egretta thula</i>	---	---	---	---	SSC
		Tricolored heron	<i>Egretta tricolor</i>	---	---	---	---	SSC
		Gopher tortoise	<i>Gopherus polyphemus</i>	---	---	---	T	T
743	Spoil Area	Gopher tortoise	<i>Gopherus polyphemus</i>	---	---	---	T	T
814	Trail	N/A	---	---	---	---	---	---
	832	Electrical Power Lines	N/A	---	---	---	---	---

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

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

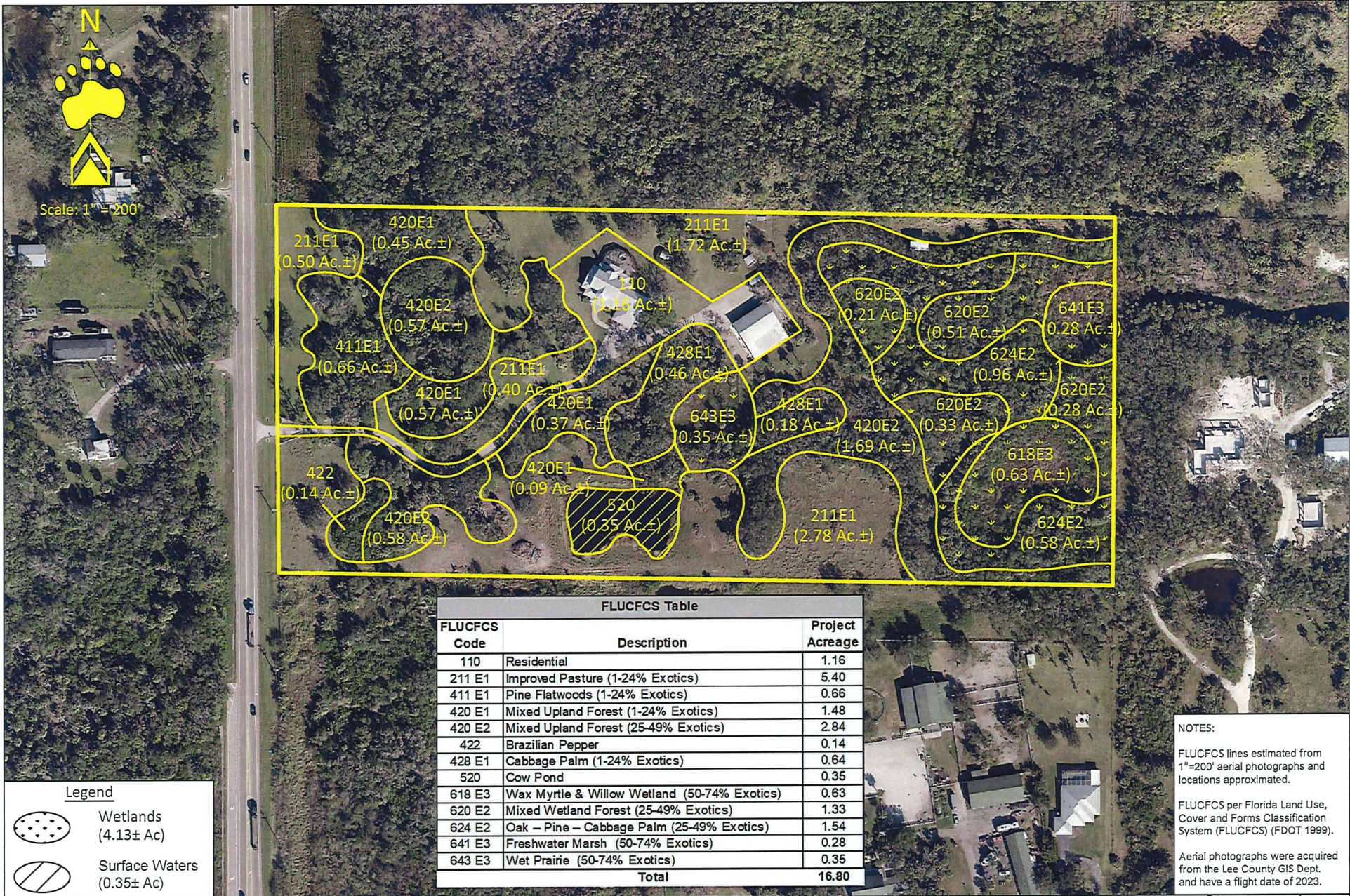
EXHIBIT A
Project Location Map



DRAWN BY: BWS DATE: 6/12/24 JOB NUMBER: 18/43S/26E S/T/R:	CATEGORY: LOCATION SCALE: NTS COUNTY: LEE	Singletary Property @ 18200 State Road 31 Location Map		 <small>1599 COWHATCH CIRCLE EASY, FORT MYERS, FL 33919 (239) 360-0678 BEARPAWS.ENV.CON.SULTING@GMAIL.COM</small>	PAGE EXHIBIT
--	---	--	--	--	---------------------

EXHIBIT B

FLUCFCS Map with Aerial



Revisions	Date:	Drawn By:	Date:	<h2 style="text-align: center;">Singletary Property @ 18200 State Road 31</h2> <h3 style="text-align: center;">Aerial FLUCFCS Map</h3>	Category		Page
		BWS	4/16/25		FLUCFCS		-
		Job Number			Scale:		
		S/T/R			1" = 200'		
		18/43S/26E		County	Lee	Exhibit	-

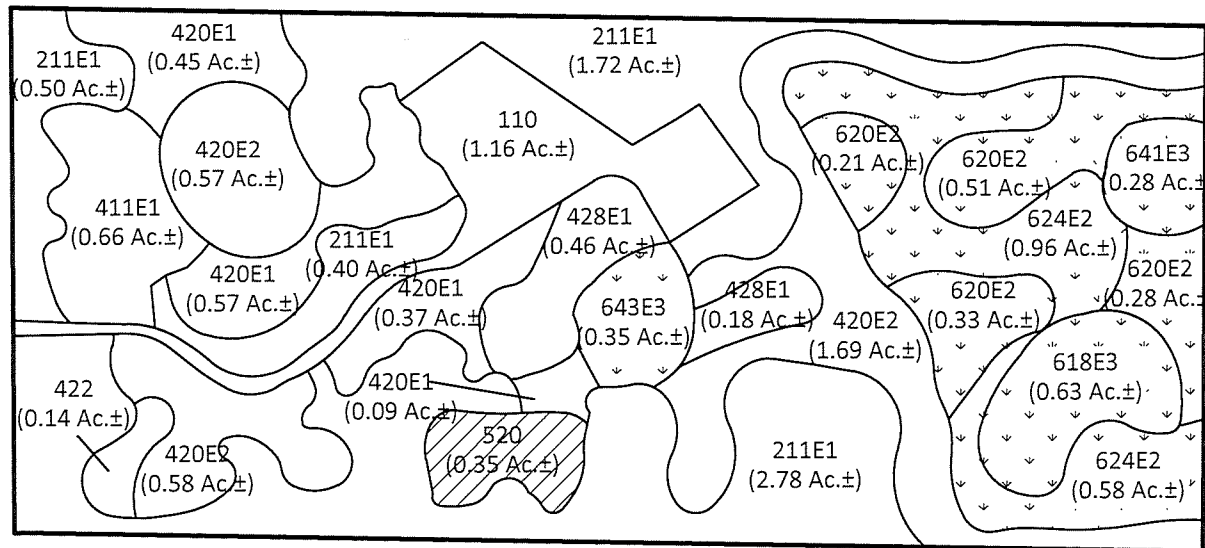
1599 Covington Circle East, Fort Myers, FL 33919
(239) 340-0678 bearpaws.env.consulting@gmail.com

EXHIBIT C

FLUCFCS Map

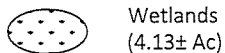


Scale: 1" = 200'



FLUCFCS Table		
FLUCFCS Code	Description	Project Acreage
110	Residential	1.16
211 E1	Improved Pasture (1-24% Exotics)	5.40
411 E1	Pine Flatwoods (1-24% Exotics)	0.66
420 E1	Mixed Upland Forest (1-24% Exotics)	1.48
420 E2	Mixed Upland Forest (25-49% Exotics)	2.84
422	Brazilian Pepper	0.14
428 E1	Cabbage Palm (1-24% Exotics)	0.64
520	Cow Pond	0.35
618 E3	Wax Myrtle & Willow Wetland (50-74% Exotics)	0.63
620 E2	Mixed Wetland Forest (25-49% Exotics)	1.33
624 E2	Oak – Pine – Cabbage Palm (25-49% Exotics)	1.54
641 E3	Freshwater Marsh (50-74% Exotics)	0.28
643 E3	Wet Prairie (50-74% Exotics)	0.35
Total		16.80

Legend



Wetlands
(4.13± Ac)



Surface Waters
(0.35± Ac)

NOTES:

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

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

Revisions	Date:	Drawn By: BWS	Date: 6/12/24	Singletary Property @ 18200 State Road 31 FLUCFCS Map	Category: FLUCFCS		Page
		Job Number			Scale: 1" = 200'		-
		S/T/R			County: Lee		Exhibit
		18/43S/26E					-

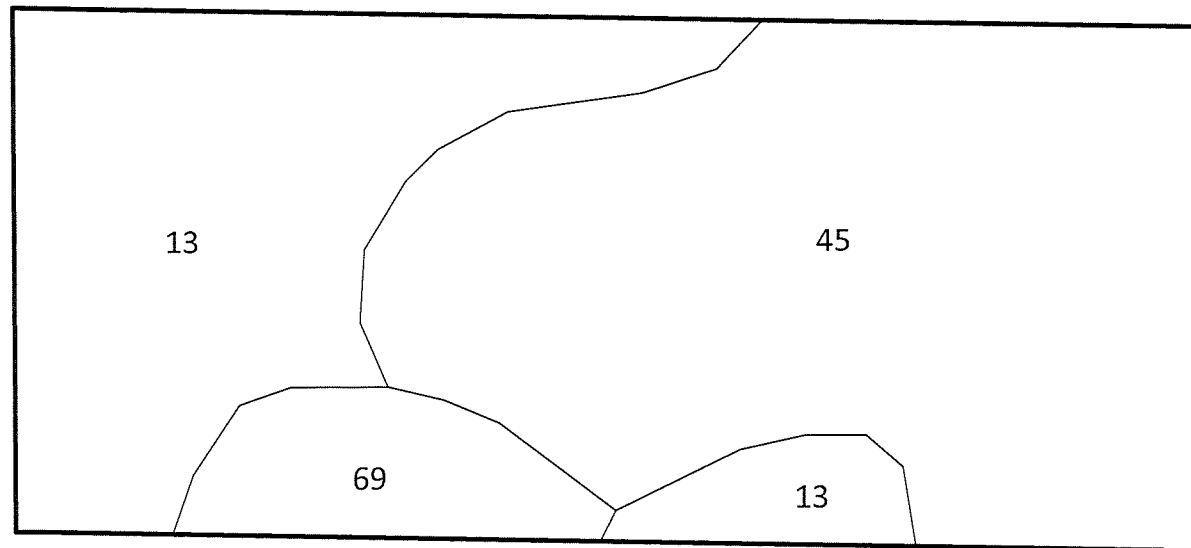
1599 Covington Circle East Fort Myers, FL 33919
(239) 340-0678 bearpaws.env.consulting@gmail.com

EXHIBIT D

NRCS Soils Map



Scale: 1" = 200'



NRCS Soils Table		
Soils		
No.	Name	Hydric
13	Boca Fine Sand	No
45	Copeland Sandy Loam, Depressional	Yes
69	Matlacha Gravelly Fine Sand	No

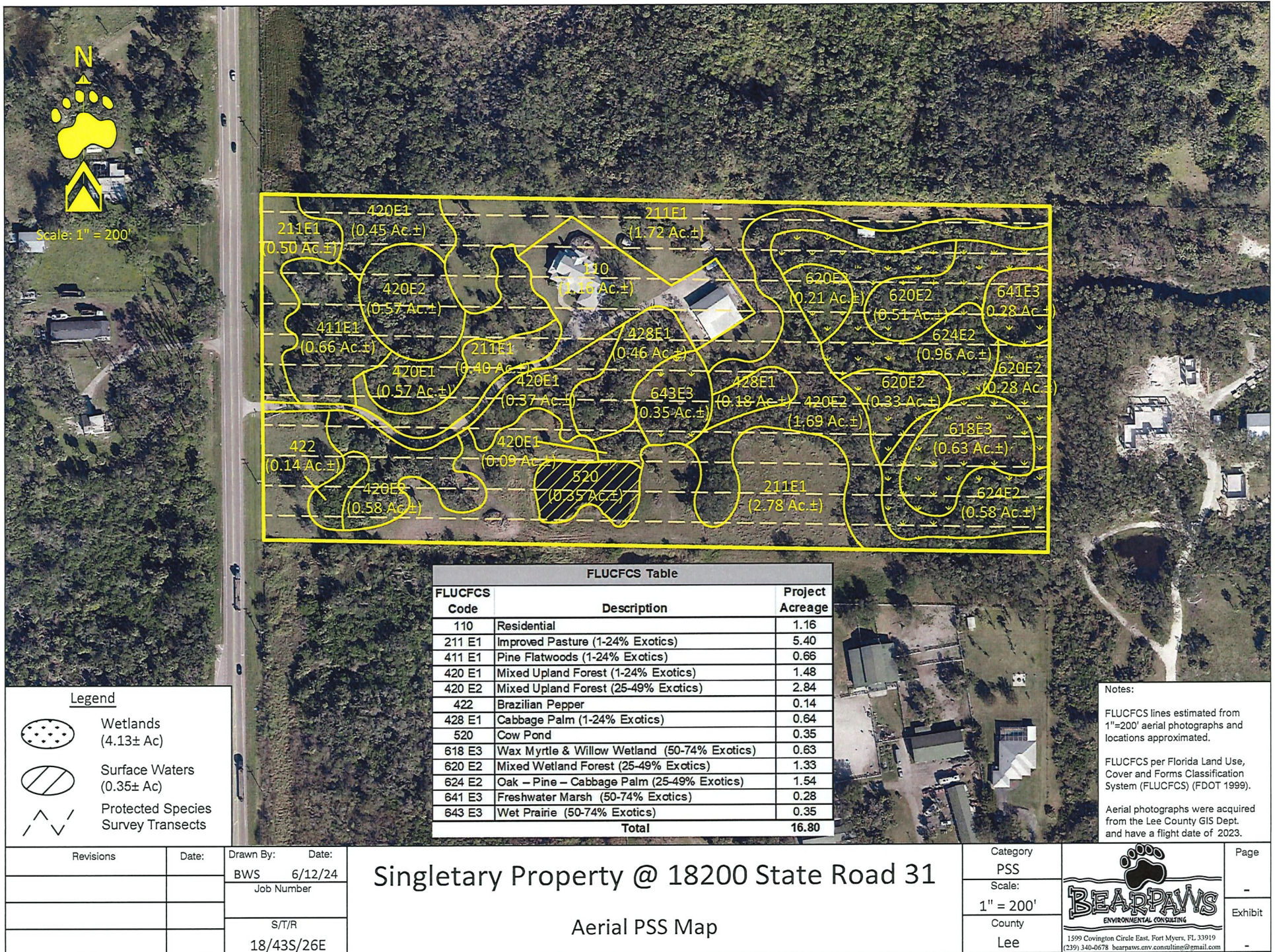
NOTES

Soils were acquired from LABINS and are from the NRCS.

Revisions	Date:	Drawn By:	Date:	Singletary Property @ 18200 State Road 31	Category		Page
		BWS	6/12/24		Soils		-
		Job Number			Scale:		Exhibit
		S/T/R			1" = 200'		-
		18/43S/26E			County	1599 Covington Circle East, Fort Myers, FL 33919 (239) 340-0678 bearpaws.env.consulting@gmail.com	
					Lee		

EXHIBIT E

Protected Species Survey Map



Revisions	Date:	Drawn By:	Date:
		BWS	6/12/24
		Job Number	
		S/T/R	
		18/43S/26E	

Singletary Property @ 18200 State Road 31 Aerial PSS Map

Category	PSS	Page	-
Scale:	1" = 200'	Exhibit	-
County	Lee		



Attachment K

Date: September 18, 2025

To: Adam Mendez, Principal Planner

From: Nic DeFilippo, Senior Environmental Planner
239.533.8983
ndefilippo@leegov.com

Subject: DCI2024-00043
Natural Resources Staff Report and Conditions for Singletary CPD

The request is to rezone 16.81± acres from Agricultural (AG-2) to Commercial Planned Development (CPD) to allow for the development of a commercial subdivision. The proposed CPD consists of two Master Concept Plan (MCP) design options due to the widening of State Road 31.

Under existing conditions, as indicated in the Surface Water Management Plan provided by the applicant, an onsite wetland receives offsite flows from the Greenwell SR 31 MPD (Z-22-037A), located north of the subject property. Surface water flows are then conveyed east through an existing natural waterway, which passes through several residential properties and the Owl Creek RPD project (Z-22-022), before discharging into the Caloosahatchee River.

The proposed stormwater management system will consist of both wet and dry detention prior to discharging into the ±3.78 acre onsite wetland. This general design is consistent with Lee Plan policies 60.4.2 and 60.4.3. The wetland will remain available to receive off-site flows, in accordance with Lee Plan policy 126.1.4. In addition, the applicant is proposing to create a ±0.35 acre wetland creation area out of uplands adjacent to the wetlands. This area will be graded and allowed to naturally recruit native plant species. The applicant has indicated that native supplemental plantings will be installed if natural recruitment is not successful within two growing seasons. This created wetland area increases the available area to receive offsite flows and further supports consistency with Lee Plan policy 126.1.4.

The proposed development is located on the boundary of the Palm Creek and Owl Creek watersheds, as identified by Florida Department of Environmental Protection (FDEP). The Palm Creek watershed is impaired for E. coli and on the FDEP Study List for Total Phosphorus, Dissolved Oxygen and Chlorophyll-a. The Owl Creek watershed is impaired for E. coli and on the FDEP Study List for Dissolved Oxygen. The portion of the Caloosahatchee River which the project discharges has an FDEP adopted Total Maximum Daily Load (TMDL) for Total Phosphorus, Total Nitrogen and Chlorophyll-a. In addition, the watershed is impaired for Iron and is part of the Caloosahatchee River and Estuary Basin Management Action Plan (BMAP). A TMDL represents the maximum amount of a given pollutant that a waterbody can assimilate and still meet water quality standards, including its applicable water quality criteria and its designated uses. TMDLs are developed for waterbodies that are verified as not meeting their water quality standards. To address consistency with Lee Plan policies 125.1.2 and 125.1.4, the applicant provided the attached Water Quality Monitoring Plan (Attachment 1).

Prior to local development order approval, the developer must provide the attached Water Quality Monitoring Plan with the following modifications:

- i) **Surface water quality monitoring locations must be finalized and identified in the Water Quality Monitoring Plan. Surface water quality monitoring sites must be located at each proposed outfall.**

- ii) Annual monitoring reports must include a comparison of State surface water quality standards, plots of parameters, and recommendations. After five years of meeting or exceeding state water quality monitoring standards, the developer may amend water quality monitoring and reporting after written request, review, and approval by the Division of Natural Resources. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources.

Exhibits

- I. Water Quality Monitoring Plan, July 2025

Exhibit I

Water Quality Monitoring Plan

Singletary Commercial Planned Development DCI2024-00043



PREPARED FOR:

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

JULY 2025



APEX®

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

Water Quality Monitoring Plan

Singletary Commercial Planned
Development
DCI2024-00043



JULY 2025

Handwritten signature of Michael Jessich in blue ink.

Michael Jessich
Project Manager

Handwritten signature of Veronica Buccieri in blue ink.

Roni Buccieri
Staff Scientist

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SECTION 1	INTRODUCTION AND BACKGROUND	1
SECTION 2	GOALS AND OBJECTIVES	2
SECTION 3	MONITORING SITES	3
SECTION 4	PARAMETERS AND REPORTING SCHEDULE.....	4-5
SECTION 5	CONTINGENCY PLAN.....	6

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Figure 1	Regional Location Map
Figure 2	Aerial Map Showing Project Footprint
Figure 3	Pertinent Features of the Project Including Proposed Surface Water Monitoring Site

TABLES

Table 1	Proposed Monitoring Parameters and Schedule
---------	---

1.0 INTRODUCTION AND BACKGROUND

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

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

2.0 GOALS AND OBJECTIVES

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

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

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

3.0 MONITORING SITES

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

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

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

4.0 PARAMETERS AND REPORTING SCHEDULE

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

Table 1. Proposed Monitoring Parameters and Schedule

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

Quality Assurance

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

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

Water Monitoring Reporting and Analysis

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

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

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

5.0 CONTINGENCY PLAN

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

Potential investigative and corrective actions may include:

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

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

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

FIGURES

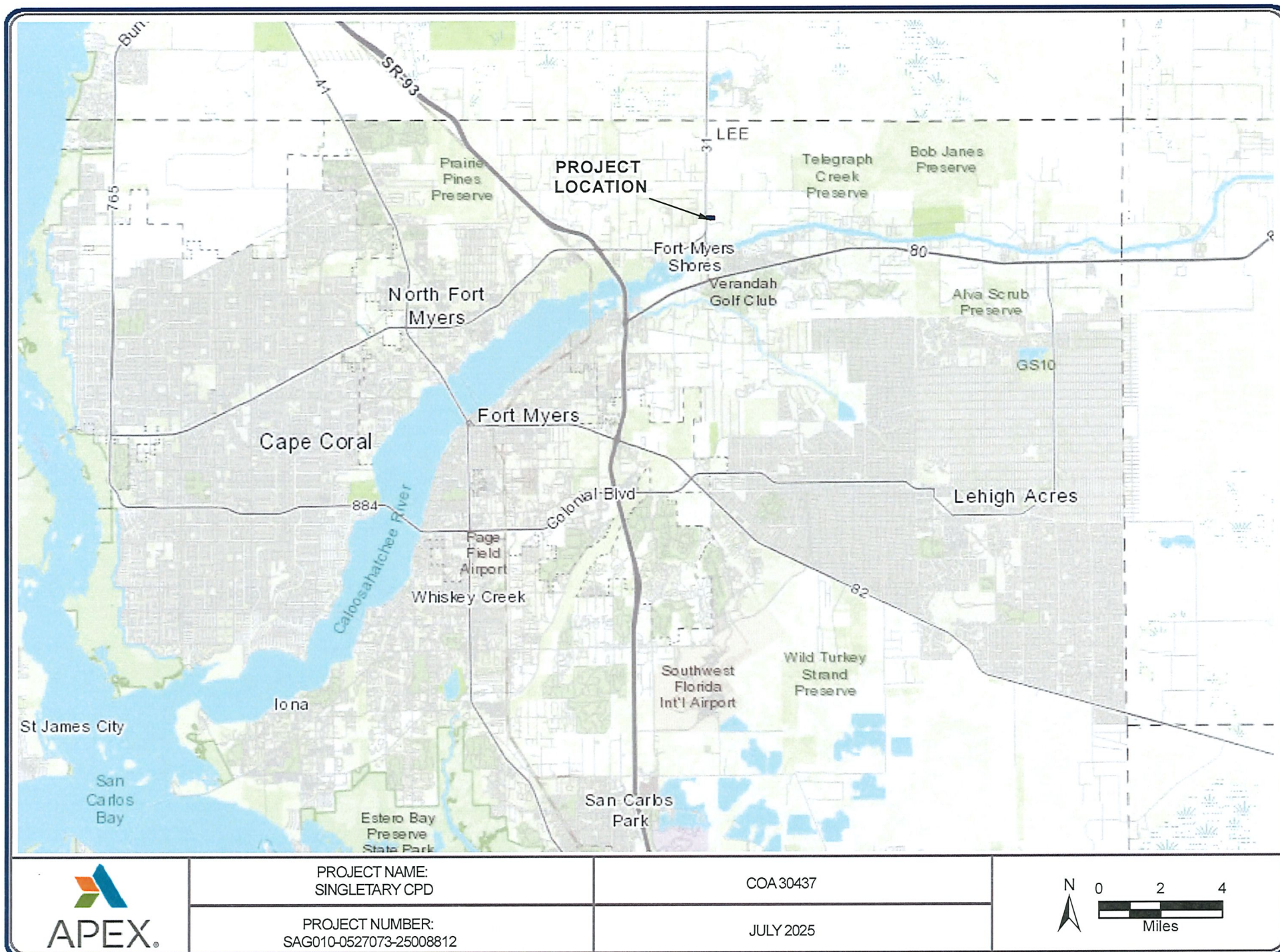


FIGURE 1. REGIONAL LOCATION MAP

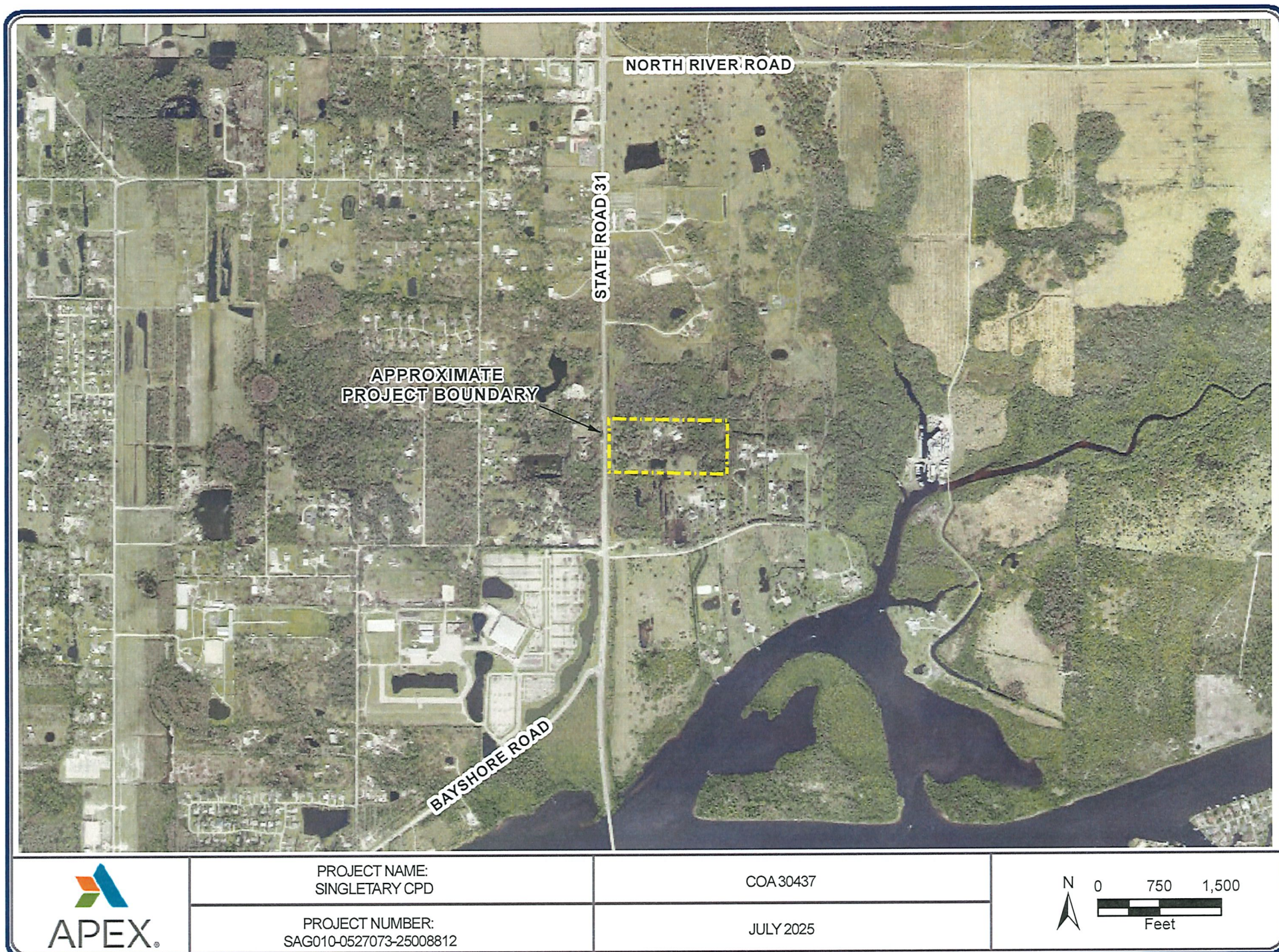


FIGURE 2. AERIAL MAP SHOWING PROJECT FOOTPRINT

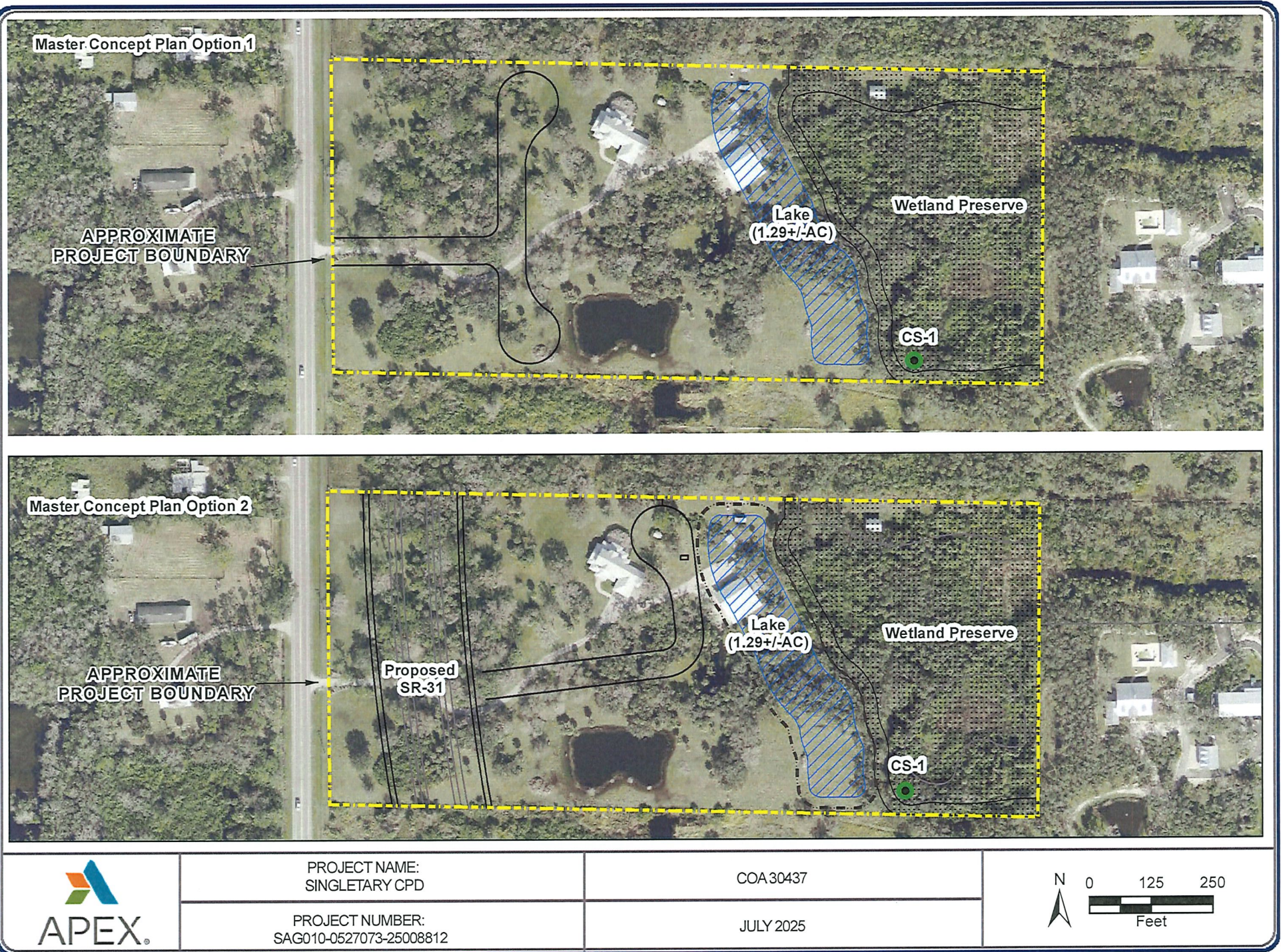


FIGURE 3. PERTINENT FEATURES OF THE PROJECT INCLUDING PROPOSED SURFACE WATER MONITORING SITE



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

TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

December 31, 2024

Ms. Tina Ekblad, AICP
Sage Entitlements, LLC
97 Nickajack N.
Santa Rosa Beach, FL 32459

RE: Singletary CPD
DCI2024-00043

Dear Ms. Ekblad:

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

Transportation:

1. *The application requests for 210,000 square feet of commercial uses for the project, but the TIS has 110,000 square feet of commercial uses and 100,000 square feet of indoor warehouse uses which the trip generation is much lower than the commercial uses. The applicant needs to change the uses in the application to consist with the uses in the TIS or the TIS is revised*

The application is for a total of 210,000 square feet of uses. Only 110,000 square feet of the floor area can be commercial uses. The remaining 100,000 square feet of floor area will be indoor warehouse/mini-warehouse uses, consistent with the TIS.

2. *The LUC 821 is used for the trip generation of commercial uses, however LUC 820 pass-by is shown in the Table 4.*

Table 4 was simply a typo and was revised in the updated TIS. Everywhere else in the TIS the property Land Use Code was referred to and LUC 821.

3. *Lee County Staff accepts the maximum pass-by rate is 30% for the LUC 821.*

Table 3 in the TIS was revised in the updated TIS to reflect the maximum pass-by rate of 30%, although Lee County has not officially indicated any policy as to the pass-by rates for Land Use Code 821, which is a smaller set of retail uses than Land Use Code 820, which traditionally Lee County limited the pass-by reduction to 30%. Smaller retail centers attract a higher rate of pass-by traffic due to the

nature of the tenants that are typically associated with smaller retail centers. So limiting the pass-by rate to 30% over-estimates the impacts these projects are having on the adjacent roadways based on the proven studies conducted by ITE rather than an arbitrary limitation put on the pass-by rate by the County many years ago.

4. *Since the project's build-out year is 2027, the service volumes in the Table 1A shall be taken from FDOT District 1 Level of Service Spreadsheet, not from FDOT's Multimodal Q/LOS Handbook*

FDOT's District 1 Level of Service Spreadsheets are based on the Multi-Modal Q/LOS Handbook. Table 1A was revised to reflect the Future Context Classification designation, which is what the FDOT Level of Service Spreadsheet utilizes from the Multimodal Q/LOS Handbook for the Level of Service Thresholds. This is reflected in the revised TIS.

5. *The project traffic distributions on Figure 2 and Table 2A are not consistent. The Table 2A shows 70% project's traffic (out bound) goes to south of the site, but the Figure 2 shows only 59% (298 of 509) going to south. Please make a correction.*

The trips shown in **Figure 2** are not the same trips shown on Table 2A. The trips shown in Table 2A are the Net New Trips added to the roadway and have a different trip distribution than the pass-by trips (see **Figures A-1** and **A-2**). The volumes from these two Figures are then combined to form Figure 2 so they won't have the same trip distribution as shown on Table 2A. Table 1A and 2A were corrected in the updated TIS as the previous TIS included the gross trip generation in these tables when it should have only been the Net New Trips as shown in Table 4 of the TIS.

6. *The intersection of SR 31/SR 78 is a T-intersection which is without west bound traffic. The intersection LOS analysis shows WBL, WBT, EBT and NBR which does not exist.*

Further explanation was included in the revised TIS. SR 31 is currently under construction and will include the reconstruction of the intersection of SR 78 and SR 31. A copy of the new intersection configuration is included in the Appendix of the previous TIS and is also included in the revised TIS for reference. Until the widening of SR 31 to the south of SR 78 is completed, SR 31 will "tee" into SR 78 from the east, forming a eastern approach and eliminating the northern approach of SR 31. This is reflected in the intersection analysis. The funding for construction of the segment of SR 31 south of SR 78 is beyond the analysis year of this project.

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

Sincerely,



Ted B. Treesh
President

Attachments

K:\2024\09 September\19 Singletary Parcel SR 31 Rezoning\Sufficiency\12-31-2024 TIS Sufficiency.doc



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TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

TRAFFIC IMPACT STATEMENT

FOR

SINGLETARY CPD

(PROJECT NO. F2409.19)

PREPARED BY:

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

REVISED:

December 31, 2024

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

I. INTRODUCTION

TR Transportation Consultants, Inc. has conducted a traffic impact statement to fulfill requirements set forth by the Lee County Department of Community Development for projects seeking a rezoning approval. The proposed development is located along the east side of SR 31 approximately ½ of a mile north of the Bayshore Road (SR 78) intersection in Lee County, Florida. The approximate location of the subject site is illustrated on **Figure 1**.

The approximate 16.8-acre subject site is currently zoned Agricultural (AG-2). The applicant is proposing to rezone the site to Commercial Planned Development (CPD) to permit a development of up to 110,000 square feet of commercial uses and up to 100,000 square feet of indoor self-storage/public warehouse use. The site has two proposed Master Concept Plans. Option 1 is the site in its current configuration and Option 2 depicts the site upon completion of the proposed taking and associated improvements to SR 31. This report analyzes proposed entitlements for Option 1 since the exact timing of taking the property for the SR 31 improvements are unknown and subject to change. Access to the subject site is proposed to SR 31 via a single access connection.

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

II. EXISTING CONDITIONS

The subject site is currently occupied by a single-family residence. The overall site is bordered by SR 31 to the west, and by vacant land and residential uses to the south and east and the recently approved Greenwell Mixed Use Planned Development (MPD) to the north.

F2409.19



SR 31 is currently a north/south two-lane undivided arterial the borders the subject site to the west. SR 31 has a posted speed limit of 40 mph and is under the jurisdiction of the Florida Department of Transportation (FDOT). SR 31 has an Access Management Classification of Class 4, which requires a minimum connection spacing of 440 feet between driveway connections and 2,640 feet between signals. Note, SR 31 is currently planned to be widened to a four-lane facility from SR 78 to Cook Brown Road by Babcock Ranch Community Improvement District. The construction for this improvement is scheduled to start in 2025. FDOT is also finalizing a PD & E study on SR 31 from SR 80 to SR 78 as well as on SR 78 from I-75 to SR 31 to evaluate future widening of these roadways to six-lane and four-lane facilities, respectively.

III. PROPOSED DEVELOPMENT

The applicant is proposing to rezone the approximate 16.8-acre site to a Commercial Planned Development (CPD). There are two proposed Master Concept Plans. One Master Concept Plan is for the current 16.8-acre site and includes the development of up to 110,000 square feet of commercial retail and office uses as well as up to 100,000 square feet of indoor self-storage/public warehouse uses. The second Master Concept Plan illustrates the potential impact of the future SR 31 widening and a potential future taking along the frontage of the property. With the reduced size in property, there would be reduced land available for development and much less developable area. The most intense land uses would be developed under the first Master Concept Plan; therefore, those uses were considered in the remainder of this analysis. **Table 1** summarizes the land use utilized for the purposes of this analysis.

Table 1
Land Use
Singletary CPD

Land Use	Permitted
Commercial Retail/Office (LUC 821)	110,000 Sq. Ft.
Mini-Warehouse (LUC 151)	100,000 Sq. Ft.

Access to the subject site is proposed to SR 31 via a single access connection.

IV. TRIP GENERATION

The trip generation for the proposed zoning was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled *Trip Generation Manual*, 11th Edition. Land Use Code 821 (Shopping Plaza – 40 - 150k w/Supermarket) was utilized for the trip generation purposes of the proposed commercial uses based on the proposed Schedule of Uses and Land Use Code 151 (Mini-Warehouse) was used for the enclosed self-storage/public warehouse use that is proposed. The trip generation equations utilized from these land uses are attached to the Appendix for reference. **Table 2** outlines the anticipated weekday A.M. and P.M. peak hour and daily trip generation of the development as currently proposed.

Table 2
Trip Generation
Singletary CPD

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Commercial (110,000 Sq. Ft.)	241	147	388	462	501	963	9,878
Mini-Warehouse (100,000 Sq. Ft.)	5	4	9	7	8	15	145
Total Trips	246	151	397	469	509	978	10,023

The trips shown for the proposed commercial uses in Table 2 will not all be new trips added to the adjacent roadway system. ITE estimates that retail uses may attract a significant amount of its traffic from vehicles already traveling on the adjoining roadway system. This traffic, called “pass-by” traffic, reduces the development’s overall impact on the surrounding roadway system but does not decrease the actual driveway volumes. The current version of the ITE *Trip Generation Handbook*, 3rd Edition, indicates that the weekday PM peak hour pass-by rate for Land Use Code 821 is forty (40%) percent. However, the maximum pass-by rate accepted by Lee County for retail uses is 30%. Therefore, a 30% pass-by rate was utilized for the commercial retail uses.

For this analysis, the “pass-by” traffic was accounted for in order to determine the number of “new” trips the development will add to the surrounding roadways. **Table 3** summarizes the “pass-by” percentage of the proposed uses. **Table 4** summarizes the development traffic and the breakdown between the new trips the development is anticipated to generate and the “pass-by” trips the development is anticipated to attract. It should be noted that the driveway volumes are not reduced as a result of the “pass-by” reduction, only the traffic added to the surrounding streets and intersections.

Table 3
Pass-by Trip Reduction Factors
Singletary CPD

Land Use	Percentage Trip Reduction
Shopping Center (LUC 821)	30% A.M. / P.M. & Daily

Table 4
Trip Generation – Net New Trips
Singletary CPD

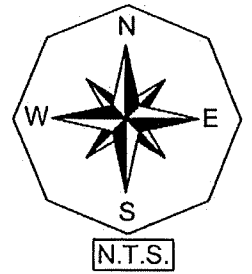
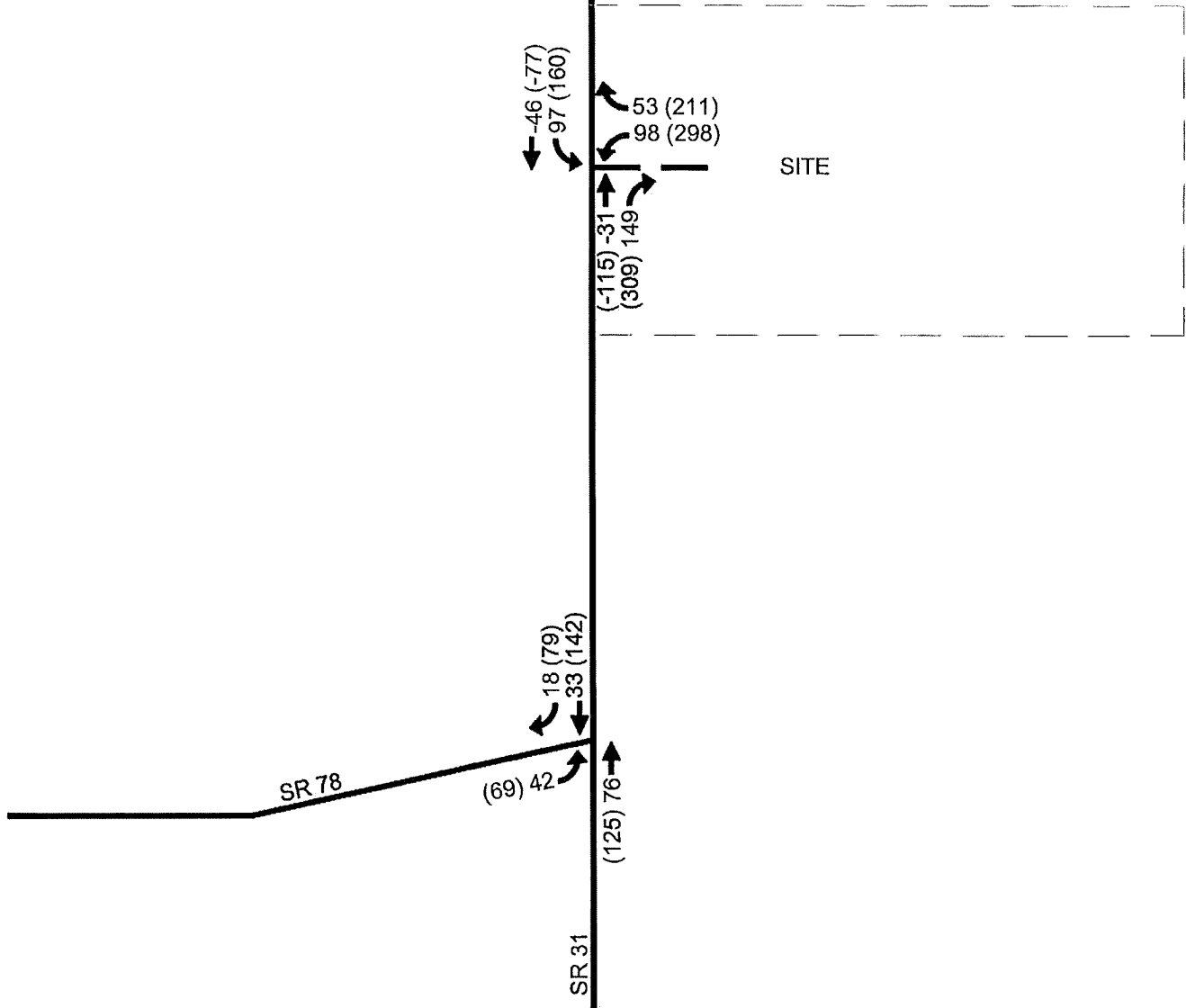
Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Total Trips	246	151	397	469	509	978	10,023
Less LUC 821 Pass-by	-58	-58	-116	-144	-144	-288	-2,963
Net New Trips	188	93	281	325	365	690	7,060

V. TRIP DISTRIBUTION

The trips the proposed development is anticipated to generate were then assigned to the surrounding roadway network. The net new trips anticipated to be added to the surrounding roadway network were assigned based upon the routes drivers are anticipated to utilize to approach the subject site. **Figure A-1**, included in the Appendix of this report, illustrates the percent project traffic distribution and assignment of the net new project trips. **Figure A-2**, included in the Appendix of this report, illustrates the percent project traffic distribution and assignment of pass-by trips. **Figure 2** illustrates the resulting assignment of all project related trips (net new + pass-by).

In order to determine which roadway segments surrounding the site may be significantly impacted as outlined in the Lee County Traffic Impact Statement Guidelines, Table 1A, in the Appendix, was created. This table indicates which roadway links will accommodate greater than 10% of the Peak Hour Level of Service “C” volumes. The Level of Service threshold volumes for State maintained roadways were obtained from FDOT’s *2023 Multimodal Quality/Level of Service Handbook* based on the Context Classification of the roadway. Based on Table 1A, SR 31 from the site to SR 80 as well as SR 78 from SR 31 to I-75 are the only roadway segments in the study area projected to be significantly impacted as a result of the proposed development.

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LEGEND

- ← 000 WEEKDAY AM PEAK HOUR TRAFFIC
- ← (000) WEEKDAY PM PEAK HOUR TRAFFIC

ASSIGNMENT & DISTRIBUTION OF
NET NEW + PASS-BY TRIPS
SINGLETARY CPD

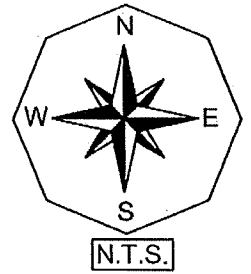
VI. FUTURE TRAFFIC CONDITIONS

A horizon year analysis of 2027 was selected as the analysis year to evaluate the future impacts this project will have on the surrounding roadway network. Based on this horizon year, a growth rate was applied to the existing traffic conditions for all roadway links in the study area. Annual growth rates were formulated based on the historical traffic data obtained from the FDOT's *Florida Traffic Online* webpage. Based on the project distribution illustrated on Figure 2, the link data was analyzed for the year 2027 without the development and year 2027 with the development.

Table 2A in the Appendix of the report indicates the methodology utilized to obtain the year 2027 build-out traffic volumes as well as the growth rate utilized for each roadway segment. The existing peak hour, peak season, peak direction traffic volumes were taken from the 2023 *Lee County Public Facilities Level of Service and Concurrency Report*.

Figure 3 indicates the year 2027 peak hour – peak direction traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 3 is the peak hour – peak direction volume and Level of Service of each link should no development occur on the subject site and the peak hour – peak direction volume and Level of Service for the weekday A.M. and P.M. peak hours with the development traffic added to the roadways. This figure is derived from Table 2A contained in the Appendix.

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1,820 - "D"
(1,876 - "D")
[1,930 - "D"]

SITE

1,820 - "D"
(1,952 - "F")
[2,076 - "F"]

SR 78

1,403 - "F"
(1,450 - "F")
[1,494 - "F"]

SR 31

1,456 - "F"
(1,540 - "F")
[1,620 - "F"]

XXX - "X" 2028 PEAK SEASON PEAK HOUR PEAK DIRECTION BACKGROUND TRAFFIC AND LEVEL OF SERVICE DESIGNATION

(XXX - "X") 2028 PEAK SEASON PEAK HOUR PEAK DIRECTION BACKGROUND TRAFFIC PLUS AM PEAK PROJECT TRAFFIC AND LEVEL OF SERVICE DESIGNATION

[XXX - "X"] 2028 PEAK SEASON PEAK HOUR PEAK DIRECTION BACKGROUND TRAFFIC PLUS PM PEAK PROJECT TRAFFIC AND LEVEL OF SERVICE DESIGNATION

2028 LEVEL OF SERVICE ANALYSIS SINGLETARY CPD

Figure 3

VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

Adverse impacts are defined as a degradation of the Level of Service beyond the adopted Level of Service Thresholds for those links as indicated in Table 1A. In comparing the links' functional classification and calculated 2027 traffic volumes to the Service Volume Tables, it was determined that all analyzed roadways, except for SR 31 between SR 78 and SR 80, and SR 78 west of SR 31 are projected to operate at or above the minimum adopted Level of Service in 2027 both with and without the proposed development. SR 31 between SR 78 and SR 80 is projected to operate at a poor Level of Service in 2027 with the proposed development traffic added to this roadway.

As previously mentioned FDOT is currently finalizing the PD&E study on SR 31 from SR 78 to SR 80 to evaluate the future widening from the current two-lane undivided facility to a six-lane divided facility. This improvement will address the projected SR 31 capacity deficiency that was shown as part of this analysis. FDOT has funded the Design Build project for the widening of SR 31 from SR 80 to SR 78, including a new bridge over the Caloosahatchee River beginning in the year 2029. Therefore, roadway capacity improvements will not be warranted as a result of the additional traffic to be generated by the proposed development. FDOT is also finalizing the PD & E study for the widening of SR 78 between I-75 and SR 31. This corridor has yet to receive funding for construction at the present time.

VIII. INTERSECTION ANALYSIS

Intersection analysis was performed at the proposed site access drive on SR 31 utilizing the latest version of *Highway Capacity Software (HCS®)*. Intersection analysis was also conducted at the signalized intersection of SR 31 with SR 78 utilizing the latest version of the program *SYNCHRO®*. The intersection analysis was based on the projected 2027 weekday AM and PM peak hour traffic conditions both with and without the project traffic. The 2025 peak hour peak season background traffic volumes at the SR 31 and SR 78 intersection were obtained from the attached FDOT's *SR 31 Project Development & Environmental (PD&E) Study*. It should be noted that the intersection of SR 78 and Bayshore Road is changing configuration as part of the SR 31 reconstruction until such time as FDOT can complete the widening of SR 31 from SR 78 across the Caloosahatchee River to SR 80. In the interim condition analyzed as part of this report, SR 31 will "tee" into SR 78 on the east side of the intersection, creating an east leg of the intersection. The existing north leg of SR 31 will be removed. A copy of the PD & E plans illustrating this intersection are included in the Appendix of this report for reference. The intersection analysis conducted as part of this report utilized the volumes and signal timings that were included in the FDOT PD & E study.

The 2025 peak season traffic volumes were then increased by a growth rate factor to determine the projected 2027 background turning movement volumes. **Table 2A** of the Appendix illustrates the methodology utilized to formulate the appropriate annual growth rate on SR 31 and SR 78. The turning volumes projected to be added to the intersection as illustrated on Figure 2 were then added to the 2027 background volumes to estimate the future 2027 traffic volumes with the project. These volumes are based on the data from the spreadsheet contained in the Appendix of this report titled *Development of Future Year Background Turning Volumes*. Note, the intersection analysis at the SR 31 and SR 78 intersection was completed consistent with the signal timings and turn lane distances assumed as part of the *SYNCHRO®* analysis completed for the FDOT's *SR 31 Project Development & Environmental (PD&E) Study*.

The results of the *HCS*® analysis at the proposed site access connection on SR 31 indicate all major movements on SR 31 to operate at an acceptable Level of Service in 2027 AM and PM peak hour conditions with the proposed development traffic added to the intersections.

The results of the *SYNCHRO*® analysis at the signalized intersection of SR 31 with SR 78 indicate the intersection to operate at acceptable Level of Service “D” in 2027 AM peak hour conditions both with and without the proposed development. Under the 2027 PM peak hour conditions, this intersection was shown to operate at Level of Service “D” without the project and at Level of Service “E” with the project traffic. Therefore, no intersection improvements will be warranted as a result of the proposed development. *HCS*® and *SYNCHRO*® summary sheets are attached to the Appendix of this report for reference.

IX. CONCLUSION

The proposed development is located along the east side of SR 31 approximately ½ of a mile north of the Bayshore Road intersection in Lee County, Florida. The proposed rezoning application will permit the 16.8-acre subject site to be developed with up to 110,000 square feet of commercial retail and office uses as well as up to 100,000 square feet of indoor self-storage/public warehouse uses.

The Level of Service analysis conducted as part of this report indicates all analyzed roadways, except for SR 31 between SR 78 and SR 80 and SR 78 west of SR 31, to operate at or above the minimum adopted Level of Service in 2027 both with and without the proposed development. SR 31 between SR 78 and SR 80 is projected to operate at a poor Level of Service in 2027 with the proposed development traffic added to this roadway. However, as previously mentioned FDOT is currently finalizing the PD & E study on SR 31 from SR 78 to SR 80 to evaluate the future widening from the current

two-lane undivided facility to a six-lane divided facility. This future improvement is now funded in the FDOT Work Program for the Year 2029, including the new bridge over the Caloosahatchee River. The future improvements to SR 78 are being addressed in the PD & E being finalized by FDOT in the Spring of 2025 but funding for construction of this project has yet to be identified. Therefore, roadway capacity improvements will not be warranted as a result of the additional traffic to be generated by the proposed development.

The results of the intersection analysis at the proposed site access connections on SR 31 indicate all major movements on SR 31 to operate at an acceptable Level of Service in 2027 AM and PM peak hour conditions with the proposed development traffic added to the intersections.

Intersection analysis was also conducted at the off-site signalized intersection of SR 31 with SR 78. Based on the results of the capacity analysis, the intersection was shown to operate at acceptable Level of Service “D” in 2027 AM peak hour conditions both with and without the proposed development. Under the 2027 PM peak hour conditions, this intersection was shown to operate at Level of Service “D” without the project and at Level of Service “E” with the project traffic. This intersection is considered as an off-site intersection for which the impacts are mitigated by the project through the payment of the road impacts fees. Therefore, no intersection improvements will be warranted as a result of the proposed development.

Turn lane improvements at the site access drive intersection will be evaluated at the time the project seeks a local Development Order approval and permit approval from the Florida Department of Transportation.

APPENDIX

TABLE 1A & 2A

**TABLE 1A
LEVEL OF SERVICE THRESHOLDS
SINGLETRARY CPD**

REVISED 12-31-2024

TOTAL AM PEAK HOUR PROJECT TRAFFIC =	281 VPH	IN=	188	OUT=	93
TOTAL PM PEAK HOUR PROJECT TRAFFIC =	690 VPH	IN=	325	OUT=	365

ROADWAY	ROADWAY SEGMENT	# LANES	ROADWAY DESIGNATION CONTEXT CLASSIFICATION	GENERALIZED SERVICE VOLUMES					PERCENT		
				LOS A VOLUME	LOS B VOLUME	LOS C VOLUME	LOS D VOLUME	LOS E VOLUME	PROJECT TRAFFIC	PROJECT TRAFFIC	PROJ/ LOS C
SR 31	N. of Site	4LD	Arterial - C3R	0	0	1,785	1,942	1,942	30%	110	6.1%
	S. of Site	4LD	Arterial - C3R	0	1,753	1,785	1,942	1,942	70%	256	14.3%
	S. of SR 78	2LU	Arterial - C3C	0	0	838	767	1,180	45%	164	19.6%
SR 78 (Bayshore Rd)	W. of SR 31	2LU	Arterial - C3R	0	0	1,070	1,224	1,224	25%	91	8.5%
	W. of Nelle Rd	2LU	Arterial - C3R	0	0	1,070	1,224	1,224	20%	73	6.8%
	W. of I-75	4LD	Arterial - C3R	0	0	1,874	2,040	2,040	20%	73	3.9%
SR 80 (Palm Beach Blvd)	W. of SR 31	6LD	Arterial - C3C	0	0	2,600	2,955	2,955	20%	73	2.8%
	E. of SR 31	4LD	Arterial - C3C	0	0	1,675	1,995	1,995	25%	91	5.4%

- Denotes the LOS Standard for each roadway segment

* Level of Service Thresholds for Lee County arterials/collectors taken from the Generalized Peak Hour Directional Service Volume tables for Urbanized Areas (dated April 2016)

* Level of Service Thresholds for State maintained roadways were taken from FDOT's Multimodal Q/LOS Manual Peak Hour Directional Volumes based on Context Classification

**TABLE 2A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS
SINGLETARY CPD**

REVISED 12-31-2024

TOTAL PROJECT TRAFFIC AM =	281	VPH	IN =	188	OUT=	93
TOTAL PROJECT TRAFFIC PM =	690	VPH	IN=	325	OUT=	365

<u>FDOT Sta. #</u>	<u>K</u>	<u>D</u>
121001	0.095	0.537
120030	0.090	0.537
121002	0.090	0.537
120022	0.090	0.537

ROADWAY	ROADWAY SEGMENT	LCDOT PCS OR FDOT SITE #	BASE YR ADT	2019/2020 ADT	YRS OF GROWTH ¹	ANNUAL RATE	PK SEASON PEAK DIR. ²	2022		2028		PERCENT		2028			2028		
								PK HR	PK HR	PK SEASON	PEAK DIRECTION	V/C	PROJECT	AM PROJ	PM PROJ	+ AM PROJ	V/C	+ PM PROJ	V/C
								VOLUME	LOS	Ratio	TRAFFIC	TRAFFIC	TRAFFIC	VOLUME	LOS	Ratio	VOLUME	LOS	Ratio
SR 31	N. of Site	121001	7,800	19,800	8	12.35%	717	1,820	D	1.02	30%	56	110	1,876	D	1.05	1,930	D	1.08
	S. of Site	121001	7,800	19,800	8	12.35%	717	1,820	D	1.02	70%	132	256	1,952	F	1.09	2,076	F	1.16
	S. of SR 78	120030	10,100	18,900	8	8.15%	778	1,456	F	1.90	45%	85	164	1,540	F	2.01	1,620	F	2.11
SR 78 (Bayshore Rd)	W. of SR 31	121002	7,300	13,200	8	7.69%	776	1,403	F	1.15	25%	47	91	1,450	F	1.18	1,494	F	1.22
	W. of Nalle Rd	120022	7,300	13,200	8	7.69%	776	1,403	F	1.15	20%	38	73	1,441	F	1.18	1,476	F	1.21

1 AGR for roadways was calculated based the historical traffic data obtained from Florida Traffic Online webpage.

2 Current peak hour peak season peak direction traffic volumes for state maintained roadways were obtained by adjusting the 2020 AADT by the appropriate K and D factors.

ITE TRIP GENERATION REPORT
PASS-BY TRIP DATA
LUC 821

Vehicle Pass-By Rates by Land Use

Source: ITE *Trip Generation Manual*, 11th Edition

[illegible]

**LEE COUNTY PUBLIC FACILITIES
LEVEL OF SERVICE AND
CONCURRENCY REPORT**

LEE COUNTY ROAD LINK VOLUMES (County- and State-Maintained Roadways)

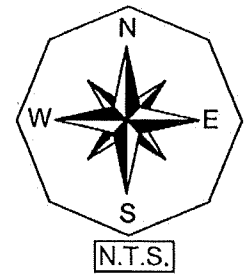
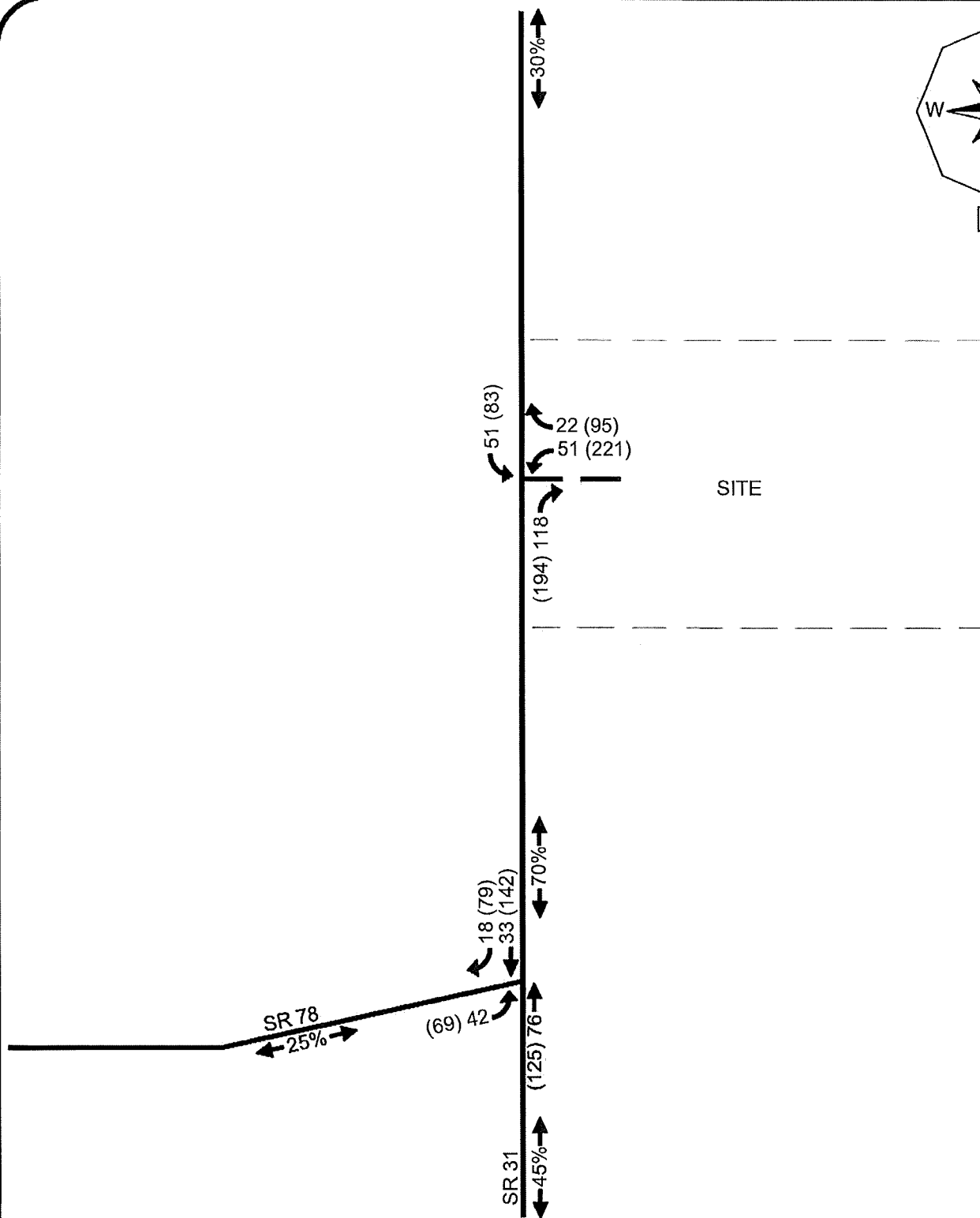
Link No.	ROAD NAME	LOCATION		ROAD TYPE	PERFORMANCE STANDARD		2022 100TH HIGHEST HOUR			2027 FUTURE FORECAST			Notes
		FROM	TO		LOS ⁽¹⁾	CAPACITY ⁽²⁾	LOS ⁽¹⁾	VOLUME ⁽²⁾	V/C ⁽³⁾	LOS ⁽¹⁾	VOLUME ⁽²⁾	V/C ⁽³⁾	
19400	ORANGE RIVER BLVD	STALEY RD	BUCKINGHAM RD	2LN	E	1,000	C	381	0.38	C	400	0.40	
19500	ORIOLE RD	SAN CARLOS BLVD	ALICO RD	2LN	E	860	C	130	0.15	C	137	0.16	
19600	ORTIZ AVE	COLONIAL BLVD	SR 82	2LN	E	900	E	1,056	1.17	E	1,110	1.23	City of Fort Myers
19700	ORTIZ AVE	SR 82	LUCKETT RD	2LN	E	900	E	897	1.00	E	943	1.05	partially located in City of Fort Myers
19800	ORTIZ AVE	LUCKETT RD	SR 80	2LN	E	900	B	374	0.42	B	393	0.44	
19900	PALM BEACH BLVD (SR 80)	PROSPECT AVE	ORTIZ AVE	4LD	D	1,900	C	1,278	0.67	C	1,343	0.71	
20000	PALM BEACH BLVD (SR 80)	ORTIZ AVE	I-75	6LD	D	2,814	C	1,426	0.51	C	1,499	0.53	
20100	PALM BEACH BLVD (SR 80)	I-75	SR 31	6LD	D	2,814	C	1,618	0.57	C	1,701	0.60	
20200	PALM BEACH BLVD (SR 80)	SR 31	BUCKINGHAM RD	4LD	D	1,900	E	2,204	1.16	E	2,316	1.22	
20300	PALM BEACH BLVD (SR 80)	BUCKINGHAM RD	WERNER DR	4LD	D	1,942	C	1,547	0.80	C	1,724	0.89	River Hall Country Club Phase II
20330	PALM BEACH BLVD (SR 80)	WERNER DR	JOEL BLVD	4LD	C	1,785	C	1,336	0.75	C	1,404	0.79	
20400	PALM BEACH BLVD (SR 80)	JOEL BLVD	HENDRY CO. LINE	4LD	C	1,785	C	1,138	0.64	C	1,196	0.67	
20500	PALOMINO LN	DANIELS PKWY	PENZANCE BLVD	2LN	E	860	C	352	0.41	C	414	0.48	The Springs at Daniels Road
20600	PARK MEADOWS DR	SUMMERLIN RD	US 41	2LN	E	860	C	194	0.23	C	204	0.24	
20800	PENZANCE BLVD	RANCHETTE RD	SIX MILE PKWY	2LN	E	860	C	151	0.18	C	174	0.20	
20900	PINE ISLAND RD	STRINGFELLOW RD	BURNT STORE RD	2LN	E	950	E	661	0.70	E	707	0.74	constrained
21400	PINE ISLAND RD (SR 78)	CITY LIMITS E OF BARRETT RD	US 41	4LD	D	1,900	D	1,823	0.96	E	1,916	1.01	
21500	PINE ISLAND RD (SR 78)	US 41	BUS 41	4LD	D	1,900	C	1,555	0.82	D	1,634	0.86	
21600	PINE RIDGE RD	SAN CARLOS BLVD	SUMMERLIN RD	2LN	E	860	C	535	0.62	D	566	0.66	(4)
21700	PINE RIDGE RD	SUMMERLIN RD	GLADIOLUS DR	2LN	E	860	C	256	0.30	C	396	0.46	(4); Heritage Isles
21800	PINE RIDGE RD	GLADIOLUS DR	MCGREGOR BLVD	2LN	E	860	C	256	0.30	C	269	0.31	
21900	PLANTATION RD	SIX MILE PKWY	DANIELS PKWY	2LN	E	860	C	342	0.40	C	359	0.42	
22000	PLANTATION RD	DANIELS PKWY	IDLEWILD ST	2LN	E	860	D	702	0.82	D	737	0.86	
22050	PLANTATION RD	IDLEWILD ST	COLONIAL BLVD	4LN	E	1,790	C	726	0.41	C	763	0.43	
22100	PONDELLA RD	SR 78	ORANGE GROVE BLVD	4LD	E	1,890	E	954	0.50	E	1,003	0.53	(4)
22200	PONDELLA RD	ORANGE GROVE BLVD	US 41	4LD	E	1,890	E	1,397	0.74	E	1,469	0.78	
22300	PONDELLA RD	US 41	BUS 41	4LD	E	1,890	E	1,021	0.54	E	1,073	0.57	
22400	PRITCHETT PKWY	SR 78	RICH RD	2LN	E	860	C	78	0.09	D	664	0.77	Stoneybrook North
22500	RANCHETTE RD	PENZANCE BLVD	IDLEWILD ST	2LN	E	860	C	105	0.12	C	110	0.13	
22600	RICH RD	SLATER RD	PRITCHETT PKWY	2LN	E	860	C	62	0.07	C	65	0.08	
22700	RICHMOND AVE	LEELAND HEIGHTS	E 12TH ST	2LN	E	860	C	107	0.12	C	127	0.15	pre-development order res development
22800	RICHMOND AVE	E 12TH ST	GREENBRIAR BLVD	2LN	E	860	C	107	0.12	C	112	0.13	
23230	SAN CARLOS BLVD	US 41	THREE OAKS PKWY	2LN	E	860	C	406	0.47	C	427	0.50	(4)
23000	SAN CARLOS BLVD (SR 865)	MANTANZAS PASS BRIDGE	MAIN ST	2LD	D	1,900	C	1,063	0.56	C	1,117	0.59	constrained
23100	SAN CARLOS BLVD (SR 865)	MAIN ST	SUMMERLIN RD	4LD	D	1,900	C	1,063	0.56	C	1,117	0.59	
23180	SAN CARLOS BLVD (SR 865)	SUMMERLIN RD	KELLY RD	2LD	D	1,180	C	730	0.62	C	767	0.65	
23200	SAN CARLOS BLVD (SR 865)	KELLY RD	GLADIOLUS DR	4LD	D	1,180	C	730	0.62	C	767	0.65	
23260	SANIBEL BLVD	US 41	LEE RD	2LN	E	860	C	496	0.58	C	521	0.61	
23300	SANIBEL CAUSEWAY	SANIBEL SHORELINE	TOLL PLAZA	2LN	E	1,140	E	1,035	0.91	E	1,088	0.95	
23400	SHELL POINT BLVD	MCGREGOR BLVD	PALM ACRES	2LN	E	860	C	243	0.28	C	255	0.30	(4)
23500	SIX MILE PKWY (SR 739)	US 41	METRO PKWY	4LD	D	1,900	D	1,897	1.00	E	1,994	1.05	
23600	SIX MILE CYPRESS	METRO PKWY	DANIELS PKWY	4LD	E	2,000	B	1,549	0.77	B	1,628	0.81	unincorporated Lee County
23700	SIX MILE CYPRESS	DANIELS PKWY	WINKLER EXT.	4LD	E	1,900	E	1,205	0.63	E	1,362	0.72	unincorporated Lee Co; Cr Mnr RPD/Ok Vill RPD
23800	SIX MILE CYPRESS	WINKLER EXT.	CHALLENGER BLVD	4LD	E	1,900	E	1,136	0.60	E	1,194	0.63	Incorporated Lee County
23900	SIX MILE CYPRESS	CHALLENGER BLVD	COLONIAL BLVD	6LD	E	2,860	B	1,136	0.40	B	1,194	0.42	Incorporated Lee County
24000	SLATER RD	SR 78	NALLE GRADE RD	2LN	E	1,010	C	365	0.36	C	384	0.38	(4)
24100	SOUTH POINTE BLVD	CYPRESS LAKE DR	COLLEGE PKWY	2LD	E	910	D	631	0.69	D	663	0.73	(4)
24200	SR 31 (ARCADIA RD)	SR 80	SR 78	2LN	D	766	E	778	1.02	E	818	1.07	

LEE COUNTY ROAD LINK VOLUMES (County- and State-Maintained Roadways)

Link No.	ROAD NAME	LOCATION		ROAD TYPE	PERFORMANCE		2022 100TH HIGHEST HOUR			2027 FUTURE FORECAST			Notes
		FROM	TO		LOS ⁽¹⁾	CAPACITY ⁽²⁾	LOS ⁽¹⁾	VOLUME ⁽²⁾	V/C ⁽³⁾	LOS ⁽¹⁾	VOLUME ⁽²⁾	V/C ⁽³⁾	
00100	A & W BULB RD	GLADIOLUS DR	McGREGOR BLVD	2LN	E	860	C	365	0.42	C	384	0.45	
00200	ALABAMA RD	SR 82	MILWAUKEE BLVD	2LN	E	990	C	262	0.26	C	275	0.28	
00300	ALABAMA RD	MILWAUKEE BLVD	HOMESTEAD RD	2LN	E	990	D	515	0.52	D	542	0.55	
00400	ALEXANDER BELL BLVD	SR 82	MILWAUKEE BLVD	2LN	E	990	D	555	0.56	D	583	0.59	
00500	ALEXANDER BELL BLVD	MILWAUKEE BLVD	LEELAND HEIGHTS	2LN	E	990	D	555	0.56	D	649	0.66	pre-development order res development
00590	ALICO RD	US 41	DUSTY RD	4LD	E	1,980	B	1,166	0.59	B	1,225	0.62	
00600	ALICO RD	DUSTY RD	LEE RD	6LD	E	2,960	B	1,166	0.39	B	1,261	0.43	
00700	ALICO RD	LEE RD	THREE OAKS PKWY	6LD	E	2,960	B	1,166	0.39	B	1,533	0.52	Three Oaks Distribution Center
00800	ALICO RD	THREE OAKS PKWY	I-75	6LD	E	2,960	B	2,618	0.88	B	2,752	0.93	⁽³⁾
00900	ALICO RD	I-75	BEN HILL GRIFFIN BLVD	6LD	E	2,960	B	1,448	0.49	B	1,533	0.52	⁽⁴⁾
01000	ALICO RD	BEN HILL GRIFFIN BLVD	GREEN MEADOW DR	2LN/4LN	E	1,100	C	406	0.37	D	660	0.60	⁽⁴⁾⁽⁵⁾ , unincorporated Lee Co; Ctr Pl/Prm Aprt Pk
01050	ALICO RD	GREEN MEADOW DR	CORKSCREW RD	2LN	E	1,100	B	256	0.23	B	269	0.24	⁽⁴⁾
01200	BABCOCK RD	US 41	ROCKEFELLER CIR	2LN	E	860	C	60	0.07	C	65	0.08	
01400	BARRETT RD	PONDELLA RD	PINE ISLAND RD (US 78)	2LN	E	860	C	152	0.18	C	160	0.19	
01500	BASS RD	SUMMERLIN RD	GLADIOLUS DR	4LN	E	1,790	C	712	0.40	C	766	0.43	
01600	BAYSHORE RD (SR 78)	BUS 41	NEW POST RD/HART RD	4LD	D	1,942	D	1,920	0.99	F	2,018	1.04	
01700	BAYSHORE RD (SR 78)	HART RD	SLATER RD	4LD	D	1,942	F	1,944	1.00	F	2,043	1.05	
01800	BAYSHORE RD (SR 78)	SLATER RD	I-75	4LD	D	2,910	B	1,215	0.42	B	1,294	0.44	
01900	BAYSHORE RD (SR 78)	I-75	NALLE RD	2LN	D	1,166	C	776	0.67	C	816	0.70	
02000	BAYSHORE RD (SR 78)	NALLE RD	SR 31	2LN	D	1,166	C	776	0.67	C	816	0.70	
02100	BEN HILL GRIFFIN PKWY	CORKSCREW RD	FGCU ENTRANCE	4LD	E	2,000	E	1,524	0.76	E	1,615	0.81	
02200	BEN HILL GRIFFIN PKWY	FGCU BOULEVARD S	COLLEGE CLUB DR	4LD	E	2,000	E	1,524	0.76	E	1,602	0.80	
02250	BEN HILL GRIFFIN PKWY	COLLEGE CLUB DR	ALICO RD	6LD	E	3,000	A	1,136	0.38	A	1,221	0.41	
26950	BEN HILL GRIFFIN PKWY	ALICO RD	TERMINAL ACCESS RD	4LD	E	1,980	A	1,136	0.57	A	1,195	0.60	unincorporated Lee County
02300	BETH STACEY BLVD	23RD ST	HOMESTEAD RD	2LN	E	860	C	336	0.39	C	529	0.62	Classic Hills (Copperhead) Golf Community
02400	BONITA BEACH RD	HICKORY BLVD	VANDERBILT DR	4LD	E	1,900	E	803	0.42	E	844	0.44	⁽⁴⁾ , constrained in city plan
02500	BONITA BEACH RD	VANDERBILT DR	US 41	4LD	E	1,900	E	1,417	0.75	E	1,489	0.78	constrained in city plan
02600	BONITA BEACH RD	US 41	OLD 41	4LD	E	1,860	E	1,456	0.78	E	1,530	0.82	constrained; old count projection (2010)
02700	BONITA BEACH RD	OLD 41	IMPERIAL ST	6LD	E	2,800	E	1,921	0.69	E	2,019	0.72	constrained in city plan
02800	BONITA BEACH RD	IMPERIAL ST	W OF I-75	6LD	E	2,800	E	2,139	0.76	E	2,248	0.80	constrained in city plan
02900	BONITA BEACH RD	E OF I-75	BONITA GRAND DR	4LD	E	2,020	A	655	0.32	A	688	0.34	constrained in city plan
02950	BONITA BEACH RD	BONITA GRANDE DR	Logan Boulevard	4LD	E	2,020	A	655	0.32	A	688	0.34	constrained in city plan
03100	BONITA GRANDE DR	BONITA BEACH RD	E TERRY ST	2LN	E	860	D	695	0.81	D	730	0.85	
03200	BOYSCOUT RD	SUMMERLIN RD	US 41	6LN	E	2,520	E	1,798	0.71	E	1,890	0.75	
03300	BRANTLEY RD	SUMMERLIN RD	US 41	2LN	E	860	C	271	0.32	C	285	0.33	
03400	BRIARCLIFF RD	US 41	TRIPLE CROWN CT	2LN	E	860	C	158	0.18	C	166	0.19	
03500	BROADWAY RD (ALVA)	SR 80	North RIVER RD	2LN	E	860	C	262	0.30	C	275	0.32	
03700	BUCKINGHAM RD	SR 82	GUNNERY RD	2LN	E	990	D	487	0.49	D	511	0.52	
03730	BUCKINGHAM RD	GUNNERY RD	ORANGE RIVER BLVD	2LN	E	990	C	358	0.36	C	392	0.40	
03800	BUCKINGHAM RD	ORANGE RIVER BLVD	SR 80	2LN	E	990	E	678	0.68	E	877	0.89	Fortico RPD
03900	BURNT STORE RD	SR 78	VAN BUREN PKWY	4LD	E	2,950	A	851	0.29	B	894	0.30	City of Cape Coral
04000	BURNT STORE RD	VAN BUREN PKWY	COUNTY LINE	2LN	E	1,140	C	571	0.50	C	600	0.53	partially located in City of Cape Coral
04200	BUS 41 (N TAMIAAMI TR, SR 739)	CITY LIMITS (N END EDISON BRG)	PONDELLA RD	6LD	D	2,810	C	2,158	0.77	D	2,268	0.81	
04300	BUS 41 (N TAMIAAMI TR, SR 739)	PONDELLA RD	SR 78	6LD	D	2,694	C	1,494	0.55	C	1,570	0.58	
04400	BUS 41 (N TAMIAAMI TR, SR 739)	SR 78	LITTLETON RD	4LD	D	1,900	C	1,186	0.62	C	1,246	0.66	
04500	BUS 41 (N TAMIAAMI TR, SR 739)	LITTLETON RD	US 41	4LD	D	1,900	C	617	0.32	C	648	0.34	
04600	CAPE CORAL BRIDGE	DEL PRADO BLVD	McGREGOR BLVD	4LB	E	4,000	D	3,097	0.77	D	3,255	0.81	
04700	CAPTIVA DR	BLIND PASS	SOUTH SEAS PLANTATION RD	2LN	E	860	F	1,069	1.24	F	1,124	1.31	constrained

SUPPLEMENTAL FIGURES A-1 & A-2

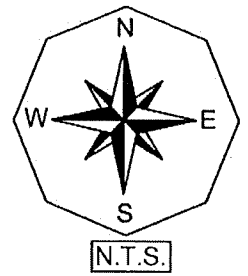
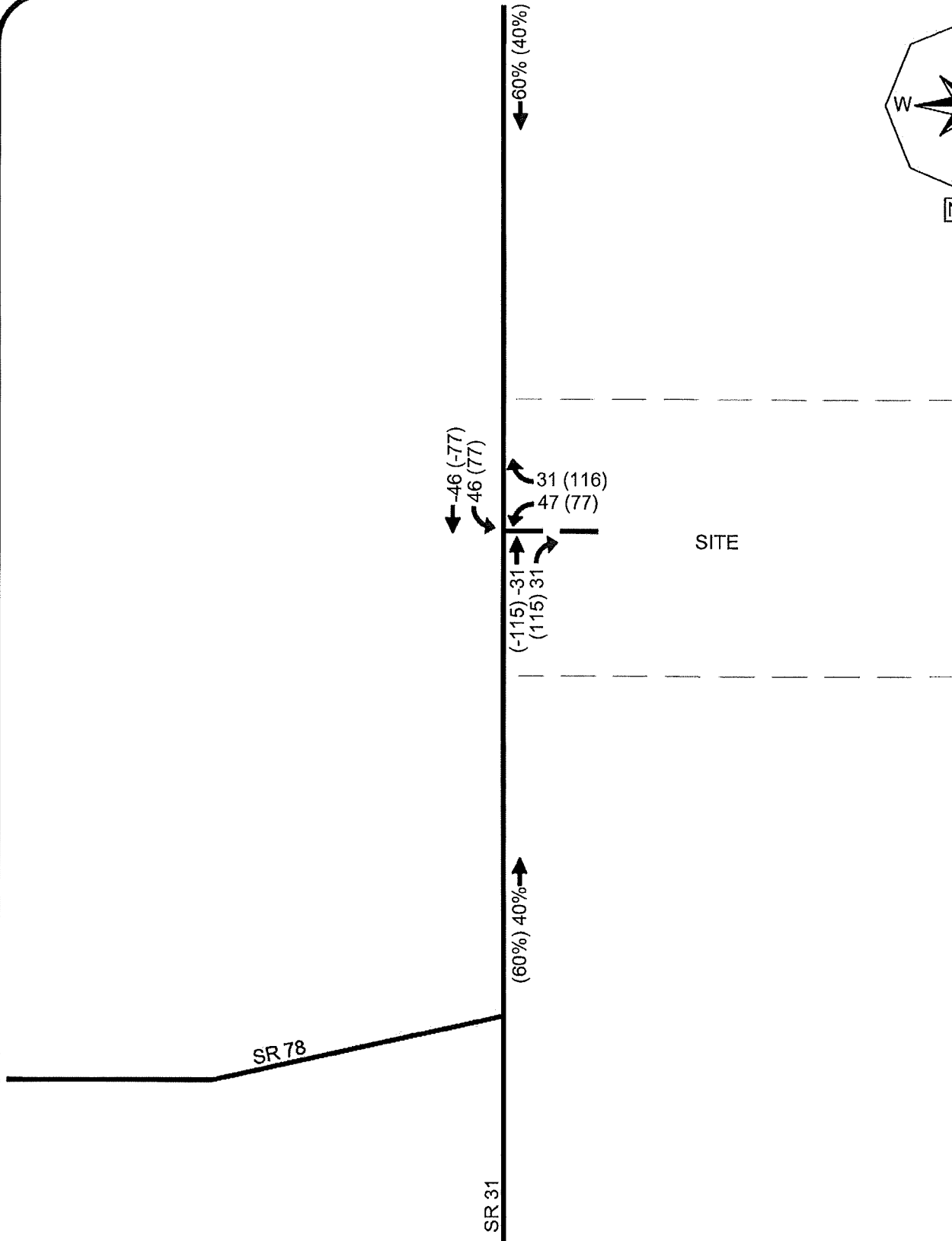
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LEGEND

- ← 000 WEEKDAY AM PEAK HOUR TRAFFIC
- ← (000) WEEKDAY PM PEAK HOUR TRAFFIC
- ← 20% → PERCENT TRIP DISTRIBUTION

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LEGEND

- ← 000 WEEKDAY AM PEAK HOUR TRAFFIC
- ← (000) WEEKDAY PM PEAK HOUR TRAFFIC
- ← 20% ONE-WAY AM TRIP DISTRIBUTION
- ← (20%) ONE-WAY PM TRIP DISTRIBUTION

**FDOT MULTIMODAL
QUALITY/LEVEL OF SERVICE
HANDBOOK GENERALIZED SERVICE
VOLUME TABLES**

C3C & C3R

Motor Vehicle Arterial Generalized Service Volume Tables

Peak Hour Directional

	B	C	D	E
1 Lane	*	760	1,070	**
2 Lane	*	1,520	1,810	**
3 Lane	*	2,360	2,680	**
4 Lane	*	3,170	3,180	**

Peak Hour Two-Way

	B	C	D	E
2 Lane	*	1,380	1,950	**
4 Lane	*	2,760	3,290	**
6 Lane	*	4,290	4,870	**
8 Lane	*	5,760	5,780	**

AADT

	B	C	D	E
2 Lane	*	15,300	21,700	**
4 Lane	*	30,700	36,600	**
6 Lane	*	47,700	54,100	**
8 Lane	*	64,000	64,200	**



	B	C	D	E
1 Lane	*	970	1,110	**
2 Lane	*	1,700	1,850	**
3 Lane	*	2,620	2,730	**

	B	C	D	E
2 Lane	*	1,760	2,020	**
4 Lane	*	3,090	3,360	**
6 Lane	*	4,760	4,960	**

	B	C	D	E
2 Lane	*	19,600	22,400	**
4 Lane	*	34,300	37,300	**
6 Lane	*	52,900	55,100	**



Adjustment Factors

The peak hour directional service volumes should be adjusted by multiplying by 1.2 for one-way facilities
 The AADT service volumes should be adjusted by multiplying 0.6 for one way facilities 2 Lane Divided
 Roadway with an Exclusive Left Turn Lane(s): Multiply by 1.05
 2 lane Undivided Roadway with No Exclusive Left Turn Lane(s): Multiply by 0.80

Exclusive right turn lane(s): Multiply by 1.05
 Multilane Undivided Roadway with an Exclusive Left Turn Lane(s): Multiply by 0.95
 Multilane Roadway with No Exclusive Left Turn Lane(s): Multiply by 0.75
 Non-State Signalized Roadway: Multiply by 0.90

This table does not constitute a standard and should be used only for general planning applications. The table should not be used for corridor or intersection design, where more refined techniques exist.

* Cannot be achieved using table input value defaults.

** Not applicable for that level of service letter grade. For the automobile mode, volumes greater than level of service D become F because intersection capacities have been reached.

**TRAFFIC DATA FROM FDOT
FLORIDA TRAFFIC ONLINE**

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2023 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 0273 - SR-31, 202' NORTH OF FOXHILL ROAD, LEE CO.

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
----	-----	-----	-----	-----	-----	-----
2023	14878 C	N 7392	S 7486	9.50	52.10	19.10
2022	12799 C	N 6265	S 6534	9.50	52.10	19.90
2021	11660 C	N 5695	S 5965	9.50	52.30	21.20
2020	9182 C	N 4508	S 4674	9.50	52.70	23.40
2019	9292 C	N 4645	S 4647	9.50	52.10	25.30
2018	7959 C	N 4032	S 3927	9.50	54.10	26.90
2017	7337 C	N 3712	S 3625	9.50	53.40	28.20
2016	6620 C	N 3338	S 3282	9.50	53.90	26.60
2015	5216 C	N 2618	S 2598	9.50	55.60	28.00
2014	4653 C	N 2325	S 2328	9.50	55.60	27.00
2013	4195 C	N 2099	S 2096	9.50	55.90	29.00
2012	4217 C	N 2149	S 2068	9.50	56.40	26.90
2011	4126 C	N 2094	S 2032	9.50	55.10	25.60
2010	4034 C	N 2041	S 1993	9.79	54.46	26.00
2009	3964 C	N 1994	S 1970	9.81	52.26	25.10
2008	4232 C	N 2124	S 2108	9.88	55.53	23.50

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE

S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE

V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN

*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2023 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 1001 - SR 31, SOUTH OF CR 78/NORTH RIVER ROAD (LC393)

YEAR	AADT		DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
----	-----		-----	-----	-----	-----	-----
2023	19800 C	N	9800	S 10000	9.50	56.80	23.00
2022	17800 C	N	8800	S 9000	9.50	52.10	25.40
2021	16000 C	N	8000	S 8000	9.50	52.80	23.30
2020	11000 C	N	5500	S 5500	9.50	53.70	23.40
2019	11000 C	N	5500	S 5500	9.50	54.00	25.30
2018	9400 C	N	4700	S 4700	9.50	55.20	26.90
2017	8800 C	N	4500	S 4300	9.50	54.40	20.20
2016	8600 F	N	4200	S 4400	9.50	57.70	20.20
2015	7800 C	N	3800	S 4000	9.50	57.50	20.20
2014	7200 F	N	3600	S 3600	9.50	56.80	20.50
2013	7000 C	N	3500	S 3500	9.50	56.50	20.50
2012	7500 C	N	3800	S 3700	9.50	54.20	22.60
2011	7300 F	N	3700	S 3600	9.50	56.20	17.60
2010	7300 C	N	3700	S 3600	9.91	56.34	17.60
2009	7100 C	N	3600	S 3500	9.98	55.90	19.70
2008	7700 C	N	3900	S 3800	10.16	57.01	23.50

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE

S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE

V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN

*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2023 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 0030 - SR 31, NORTH OF SR 80/PALM BEACH BOULEVARD LC391

YEAR	AADT		DIRECTION 1		DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2023	18900	F	N 9000		S 9900	9.00	56.80	21.90
2022	16600	C	N 7900		S 8700	9.00	52.10	21.90
2021	15900	C	N 7900		S 8000	9.00	52.80	14.20
2020	13800	C	N 6600		S 7200	9.00	53.70	17.80
2019	13500	C	N 6600		S 6900	9.00	54.00	20.80
2018	11500	C	N 5600		S 5900	9.00	55.20	18.60
2017	11200	C	N 5500		S 5700	9.00	54.40	19.00
2016	11100	F	N 5500		S 5600	9.00	57.70	12.50
2015	10100	C	N 5000		S 5100	9.00	57.50	12.50
2014	8700	F	N 4300		S 4400	9.00	56.80	14.90
2013	8500	C	N 4200		S 4300	9.00	56.50	14.90
2012	8700	C	N 4400		S 4300	9.00	54.20	13.80
2011	8500	F	N 4200		S 4300	9.00	56.20	13.70
2010	8500	C	N 4200		S 4300	9.91	56.34	13.70
2009	7800	C	N 3800		S 4000	9.98	55.90	13.40
2008	8500	C	N 4200		S 4300	10.16	57.01	12.80

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE

S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE

V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN

*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2023 HISTORICAL AADT REPORT

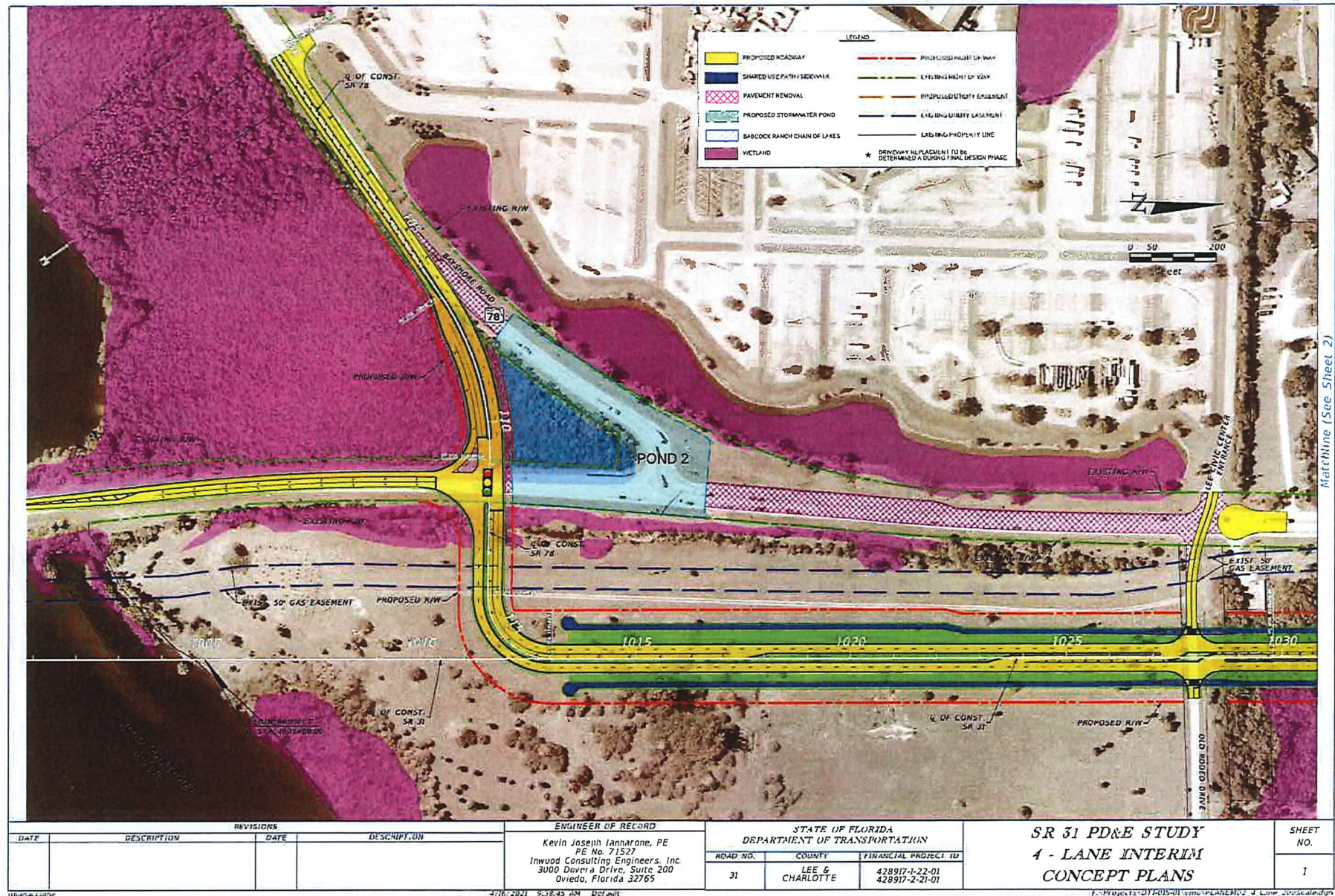
COUNTY: 12 - LEE

SITE: 1002 - SR 78/BAYSHORE ROAD, SOUTHWEST OF SR 31

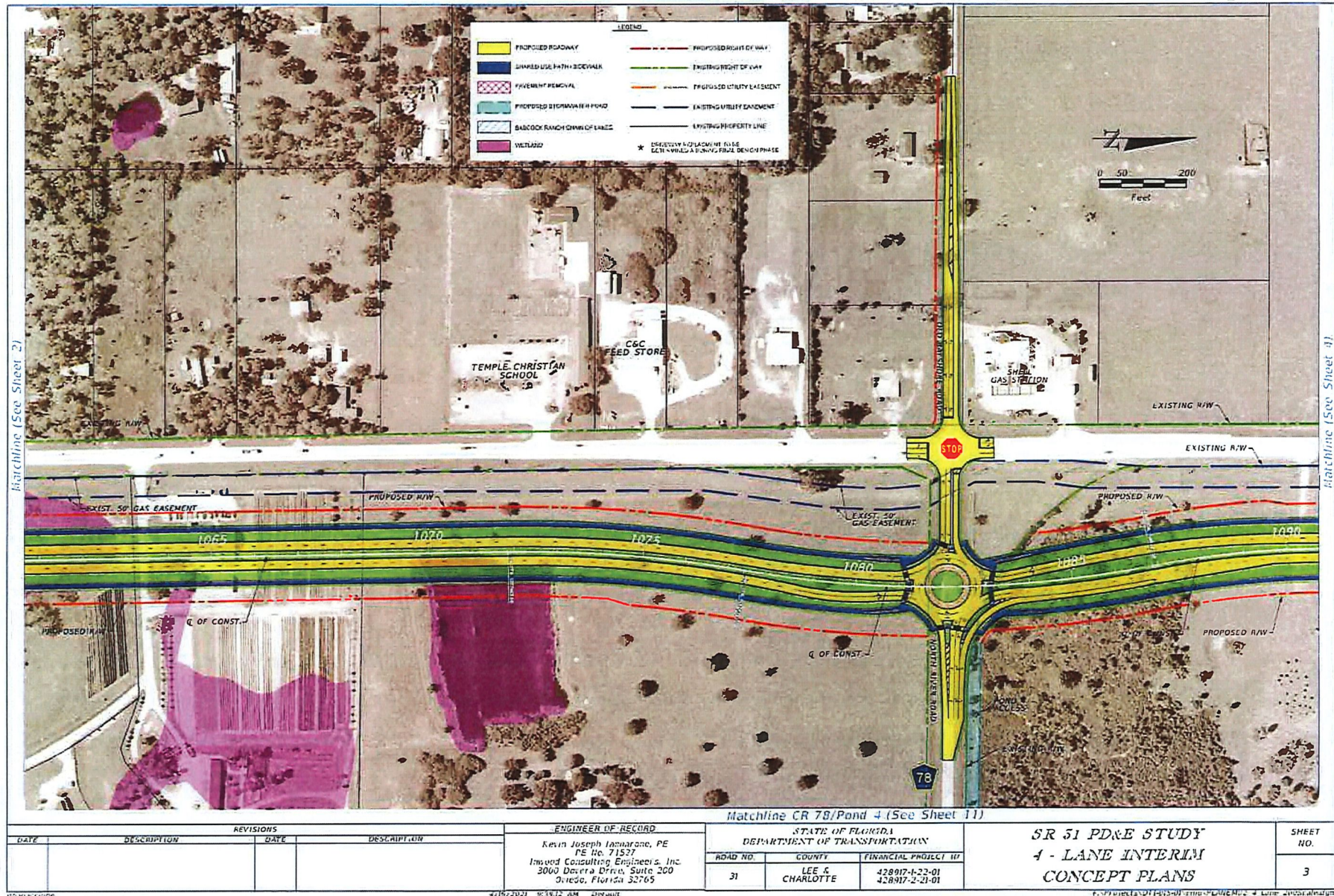
YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
----	-----	-----	-----	-----	-----	-----
2023	13200 C	E 6900	W 6300	9.00	56.80	25.40
2022	13600 F	E 7000	W 6600	9.00	52.10	21.80
2021	12400 C	E 6400	W 6000	9.00	52.80	21.80
2020	11000 C	E 5700	W 5300	9.00	53.70	18.90
2019	10600 C	E 5500	W 5100	9.00	54.00	22.00
2018	9600 C	E 5000	W 4600	9.00	55.20	21.60
2017	9200 C	E 4600	W 4600	9.00	54.40	13.00
2016	8600 F	E 4300	W 4300	9.00	57.70	13.00
2015	7800 C	E 3900	W 3900	9.00	57.50	13.00
2014	7300 F	E 3700	W 3600	9.00	56.80	14.00
2013	7100 C	E 3600	W 3500	9.00	56.50	14.00
2012	7500 C	E 3800	W 3700	9.00	54.20	16.40
2011	6800 F	E 3500	W 3300	9.00	56.20	14.90
2010	6800 C	E 3500	W 3300	9.91	56.34	14.90
2009	6900 C	E 3500	W 3400	9.98	55.90	17.00
2008	7500 C	E 3800	W 3700	10.16	57.01	19.30

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

FDOT SR 31 PD&E STUDY
CONCEPT PLAN



Maritime (See Sheet 2)



**TRAFFIC DATA FROM
FDOT SR 31 PD&E STUDY**

Preliminary Engineering Report

**Florida Department of Transportation (FDOT)
District One**

SR 31 Project Development & Environment (PD&E) Study

From State Road 78 (Bayshore Road) to County Road 78 (North River Road)
and from County Road 78 (North River Road) to Cook Brown Road
Lee and Charlotte Counties, Florida

Financial Project ID Numbers: 428917-1-22-01 & 428917-2-21-01

ETDM Numbers: 9791 & 9651

May 2021

The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by FDOT pursuant to 23 U.S.C. § 327 and a Memorandum of Understanding dated December 14, 2016, and executed by FHWA and FDOT.

Figure 7-1
Initial (Interim) Improvement Geometry

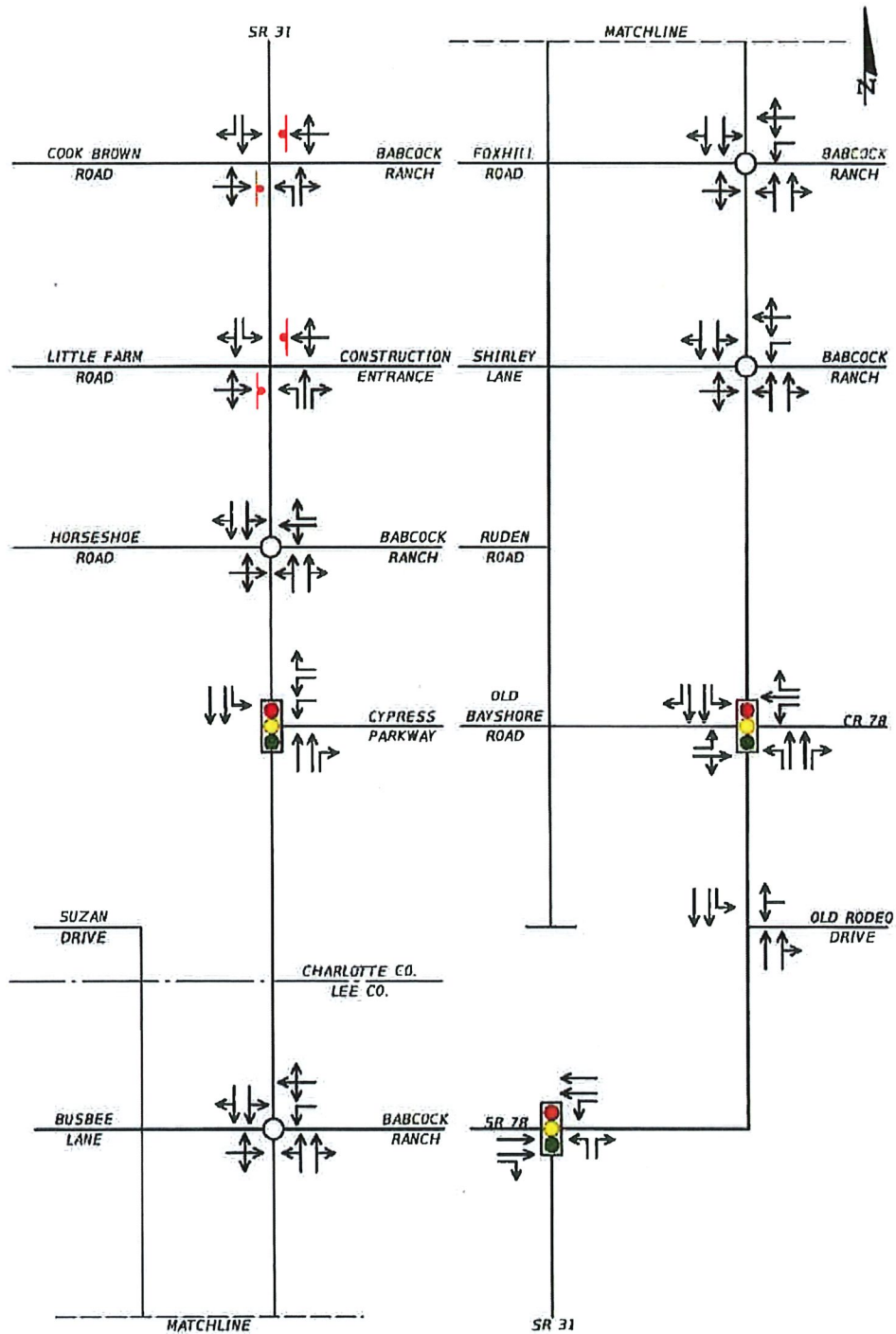


Figure 3-4
Opening Year (2025) AM Peak Hour Volumes

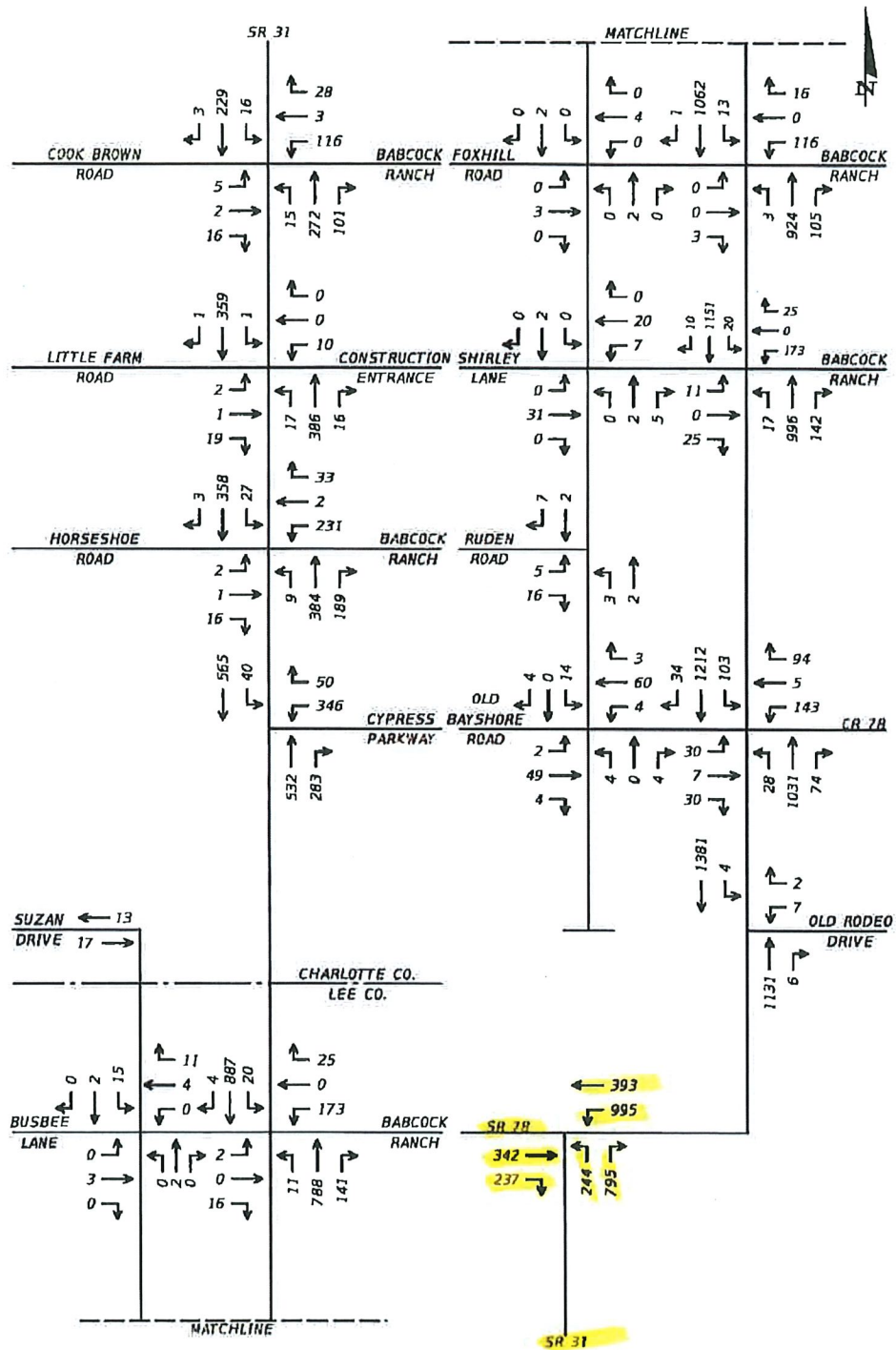
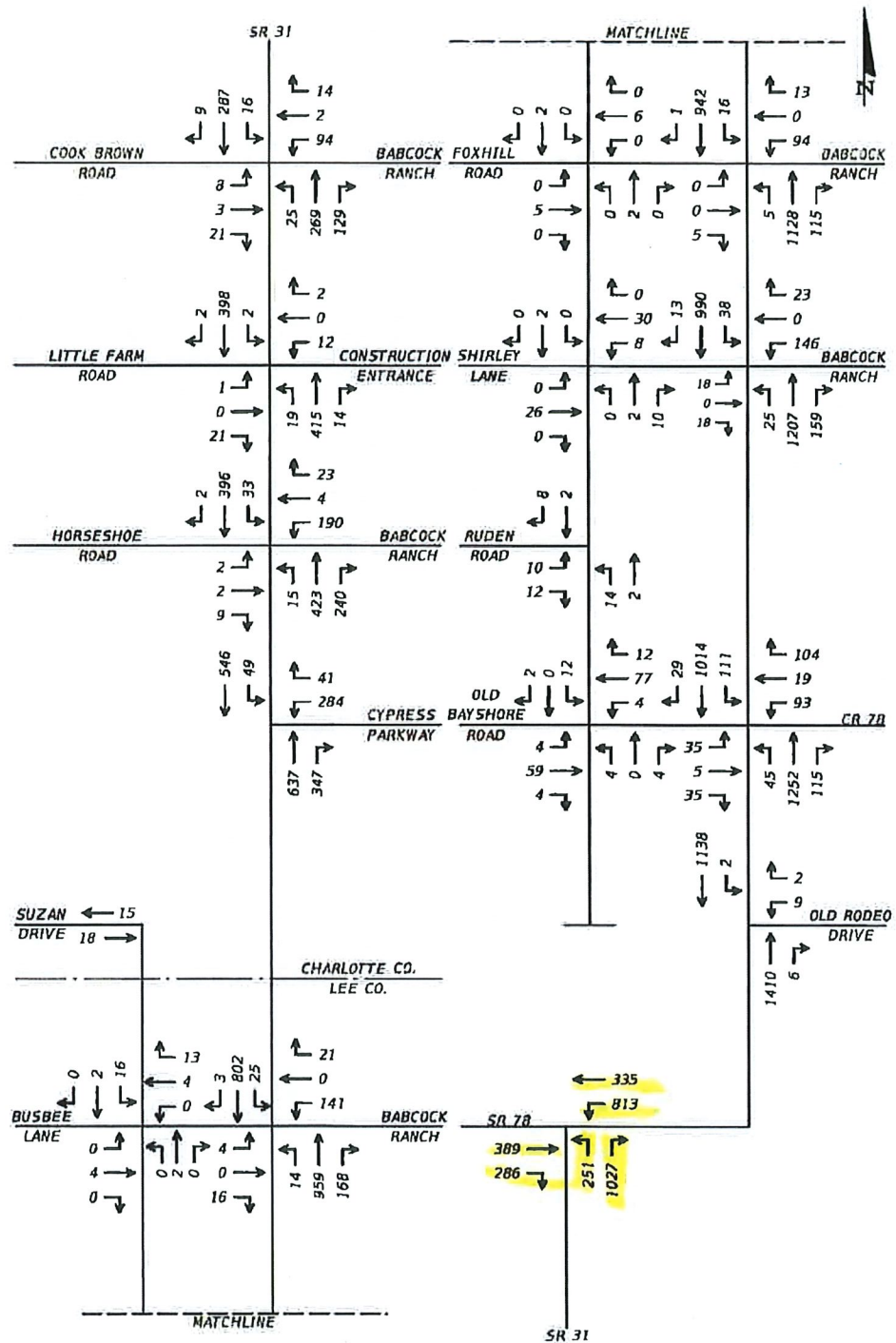


Figure 3-5
Opening Year (2025) PM Peak Hour Volumes



Lanes, Volumes, Timings
17: SR 31 & SR 78

11/06/2020

	→	↘	↙	←	↖	↗	
Lane Group	EBT	EBR	WBL	WBT	NBL	NBR	Ø2
Lane Configurations	↑↑	↑	↓	↑↑	↓	↑	
Traffic Volume (vph)	342	237	995	393	244	795	
Future Volume (vph)	342	237	995	393	244	795	
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	
Lane Width (ft)	12	12	12	12	12	12	
Grade (%)	0%			0%	0%		
Storage Length (ft)		200	500		500	0	
Storage Lanes		1	1		1	1	
Taper Length (ft)			25		25		
Lane Util. Factor	0.95	1.00	1.00	0.95	1.00	1.00	
Ped Bike Factor							
Frt		0.850				0.850	
Flt Protected			0.950		0.950		
Satd. Flow (prot)	3112	1553	1656	3223	1719	1509	
Flt Permitted			0.236		0.950		
Satd. Flow (perm)	3112	1553	411	3223	1719	1509	
Right Turn on Red		Yes				Yes	
Satd. Flow (RTOR)		118				32	
Link Speed (mph)	30			30	30		
Link Distance (ft)	1133			1537	1223		
Travel Time (s)	25.8			34.9	27.8		
Confl. Peds. (#/hr)							
Confl. Bikes (#/hr)							
Peak Hour Factor	0.95	0.95	0.95	0.95	0.95	0.95	
Growth Factor	100%	100%	100%	100%	100%	100%	
Heavy Vehicles (%)	16%	4%	9%	12%	5%	7%	
Bus Blockages (#/hr)	0	0	0	0	0	0	
Parking (#/hr)							
Mid-Block Traffic (%)	0%			0%	0%		
Adj. Flow (vph)	360	249	1047	414	257	837	
Shared Lane Traffic (%)							
Lane Group Flow (vph)	360	249	1047	414	257	837	
Enter Blocked Intersection	No	No	No	No	No	No	
Lane Alignment	Left	Right	Left	Left	Left	Right	
Median Width(ft)	22			22	22		
Link Offset(ft)	0			0	0		
Crosswalk Width(ft)	16			16	16		
Two way Left Turn Lane							
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	
Turning Speed (mph)		9	15		15	9	
Number of Detectors	2	1	1	2	1	1	
Detector Template	Thru	Right	Left	Thru	Left	Right	
Leading Detector (ft)	100	20	20	100	20	20	
Trailing Detector (ft)	0	0	0	0	0	0	
Turn Type	NA	pm+ov	pm+pt	NA	pm+pt	pt+ov	
Protected Phases	4	5	3	8	5	2 3	2
Permitted Phases		4	8		2		
Detector Phase	4	5	3	8	5	2 3	
Switch Phase							

Lanes, Volumes, Timings
17: SR 31 & SR 78

11/06/2020

	→	↘	↙	←	↖	↗
Lane Group	EBT	EBR	WBL	WBT	NBL	NBR
Minimum Initial (s)	5.0	5.0	5.0	5.0	5.0	5.0
Minimum Split (s)	24.0	24.0	11.0	24.0	24.0	24.0
Total Split (s)	24.0	25.0	81.0	105.0	25.0	25.0
Total Split (%)	18.5%	19.2%	62.3%	80.8%	19.2%	19%
Maximum Green (s)	18.0	19.0	75.0	99.0	19.0	19.0
Yellow Time (s)	4.5	4.5	4.5	4.5	4.5	4.5
All-Red Time (s)	1.5	1.5	1.5	1.5	1.5	1.5
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	6.0	6.0	6.0	8.0	6.0	6.0
Lead/Lag	Lag		Lead			
Lead-Lag Optimize?	Yes		Yes			
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0
Minimum Gap (s)	3.0	3.0	3.0	3.0	3.0	3.0
Time Before Reduce (s)	0.0	0.0	0.0	0.0	0.0	0.0
Time To Reduce (s)	0.0	0.0	0.0	0.0	0.0	0.0
Recall Mode	None	Max	None	None	Max	Max
Walk Time (s)						
Flash Dont Walk (s)						
Pedestrian Calls (#/hr)						
Act Effct Green (s)	17.5	42.5	98.5	98.5	19.0	100.0
Actuated g/C Ratio	0.14	0.33	0.76	0.76	0.15	0.77
v/c Ratio	0.86	0.42	1.01	0.17	1.02	0.71
Control Delay	74.9	19.6	53.4	4.4	116.1	11.5
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	74.9	19.6	53.4	4.4	116.1	11.5
LOS	E	B	D	A	F	B
Approach Delay	52.3			39.5	36.0	
Approach LOS	D			D	D	
90th %ile Green (s)	18.0	19.0	75.0	99.0	19.0	19.0
90th %ile Term Code	Max	MaxR	Max	Hold	MaxR	MaxR
70th %ile Green (s)	18.0	19.0	75.0	99.0	19.0	19.0
70th %ile Term Code	Max	MaxR	Max	Hold	MaxR	MaxR
50th %ile Green (s)	18.0	19.0	75.0	99.0	19.0	19.0
50th %ile Term Code	Max	MaxR	Max	Hold	MaxR	MaxR
30th %ile Green (s)	18.0	19.0	75.0	99.0	19.0	19.0
30th %ile Term Code	Max	MaxR	Max	Hold	MaxR	MaxR
10th %ile Green (s)	15.3	19.0	75.0	96.3	19.0	19.0
10th %ile Term Code	Gap	MaxR	Max	Hold	MaxR	MaxR
Stops (vph)	318	96	755	99	209	381
Fuel Used(gal)	10	4	27	6	9	12
CO Emissions (g/hr)	699	250	1882	392	646	807
NOx Emissions (g/hr)	136	49	366	76	126	157
VOC Emissions (g/hr)	162	58	436	91	150	187
Dilemma Vehicles (#)	0	0	0	0	0	0
Queue Length 50th (ft)	157	82	~823	43	~230	299
Queue Length 95th (ft)	#236	160	#1124	57	#403	445
Internal Link Dist (ft)	1053			1457	1143	
Turn Bay Length (ft)		200	500		500	
Base Capacity (vph)	432	588	1034	2464	252	1173

Lanes, Volumes, Timings
17: SR 31 & SR 78

11/06/2020

	→	↘	↙	←	↘	↙	
Lane Group	EBT	EBR	WBL	WBT	NBL	NBR	Ø2
Starvation Cap Reductn	0	0	0	0	0	0	
Spillback Cap Reductn	0	0	0	0	0	0	
Storage Cap Reductn	0	0	0	0	0	0	
Reduced v/c Ratio	0.83	0.42	1.01	0.17	1.02	0.71	

Intersection Summary

Area Type: Other

Cycle Length: 130

Actuated Cycle Length: 129.5

Natural Cycle: 120

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 1.02

Intersection Signal Delay: 40.8

Intersection LOS: D

Intersection Capacity Utilization 93.1%

ICU Level of Service F

Analysis Period (min) 15

90th %ile Actuated Cycle: 130

70th %ile Actuated Cycle: 130

50th %ile Actuated Cycle: 130

30th %ile Actuated Cycle: 130

10th %ile Actuated Cycle: 127.3

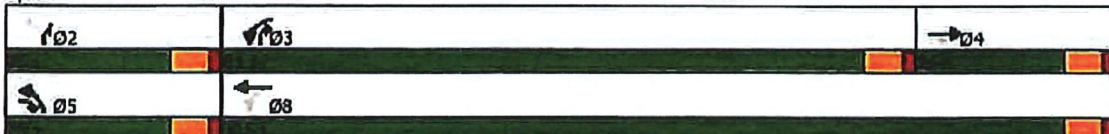
- Volume exceeds capacity, queue is theoretically infinite.

Queue shown is maximum after two cycles.

95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.

Splits and Phases: 17: SR 31 & SR 78



Lanes, Volumes, Timings
17: SR 31 & SR 78

11/06/2020

	→	↘	↙	←	↗	↖	
Lane Group	EBT	EBR	WBL	WBT	NBL	NBR	Ø2
Lane Configurations	↑↑	↑	↓	↑↑	↓	↑	
Traffic Volume (vph)	389	286	813	335	251	1027	
Future Volume (vph)	389	286	813	335	251	1027	
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	
Lane Width (ft)	12	12	12	12	12	12	
Grade (%)	0%			0%	0%		
Storage Length (ft)		200	500		500	0	
Storage Lanes		1	1		1	1	
Taper Length (ft)			25		25		
Lane Util. Factor	0.95	1.00	1.00	0.95	1.00	1.00	
Ped Bike Factor							
Frt		0.850				0.850	
Fit Protected			0.950		0.950		
Satd. Flow (prot)	3282	1538	1752	3223	1703	1553	
Fit Permitted			0.255		0.950		
Satd. Flow (perm)	3282	1538	470	3223	1703	1553	
Right Turn on Red		Yes				Yes	
Satd. Flow (RTOR)		117				57	
Link Speed (mph)	30			30	30		
Link Distance (ft)	1133			1537	1223		
Travel Time (s)	25.8			34.9	27.8		
Confl. Peds. (#/hr)							
Confl. Bikes (#/hr)							
Peak Hour Factor	0.93	0.93	0.93	0.93	0.93	0.93	
Growth Factor	100%	100%	100%	100%	100%	100%	
Heavy Vehicles (%)	10%	5%	3%	12%	6%	4%	
Bus Blockages (#/hr)	0	0	0	0	0	0	
Parking (#/hr)							
Mid-Block Traffic (%)	0%			0%	0%		
Adj. Flow (vph)	418	308	874	360	270	1104	
Shared Lane Traffic (%)							
Lane Group Flow (vph)	418	308	874	360	270	1104	
Enter Blocked Intersection	No	No	No	No	No	No	
Lane Alignment	Left	Right	Left	Left	Left	Right	
Median Width(ft)	22			22	22		
Link Offset(ft)	0			0	0		
Crosswalk Width(ft)	16			16	16		
Two way Left Turn Lane							
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	
Turning Speed (mph)		9	15		15	9	
Number of Detectors	2	1	1	2	1	1	
Detector Template	Thru	Right	Left	Thru	Left	Right	
Leading Detector (ft)	100	20	20	100	20	20	
Trailing Detector (ft)	0	0	0	0	0	0	
Turn Type	NA	pm+ov	pm+pt	NA	pm+pt	pt+ov	
Protected Phases	4	5	3	8	5	23	2
Permitted Phases		4	8		2		
Detector Phase	4	5	3	8	5	23	
Switch Phase							

Lanes, Volumes, Timings
17: SR 31 & SR 78

11/06/2020

	→	↘	↙	←	↖	↗	
Lane Group	EBT	EBR	WBL	WBT	NBL	NBR	Ø%
Minimum Initial (s)	5.0	5.0	5.0	5.0	5.0		5.0
Minimum Split (s)	24.0	24.0	11.0	24.0	24.0		24.0
Total Split (s)	25.0	24.0	51.0	76.0	24.0		24.0
Total Split (%)	25.0%	24.0%	51.0%	76.0%	24.0%		24%
Maximum Green (s)	19.0	18.0	45.0	70.0	18.0		18.0
Yellow Time (s)	4.5	4.5	4.5	4.5	4.5		4.5
All-Red Time (s)	1.5	1.5	1.5	1.5	1.5		1.5
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0		
Total Lost Time (s)	6.0	6.0	6.0	6.0	6.0		
Lead/Lag	Lag		Lead				
Lead-Lag Optimize?	Yes		Yes				
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0		3.0
Minimum Gap (s)	3.0	3.0	3.0	3.0	3.0		3.0
Time Before Reduce (s)	0.0	0.0	0.0	0.0	0.0		0.0
Time To Reduce (s)	0.0	0.0	0.0	0.0	0.0		0.0
Recall Mode	None	Max	None	None	Max		Max
Walk Time (s)							
Flash Dont Walk (s)							
Pedestrian Calls (#/hr)							
Act Effect Green (s)	16.7	40.7	67.8	67.8	18.0	69.1	
Actuated g/C Ratio	0.17	0.42	0.69	0.69	0.18	0.71	
v/c Ratio	0.75	0.43	0.95	0.16	0.86	0.99	
Control Delay	47.4	14.2	39.7	5.3	66.1	40.7	
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	
Total Delay	47.4	14.2	39.7	5.3	66.1	40.7	
LOS	D	B	D	A	E	D	
Approach Delay	33.3			29.7	45.7		
Approach LOS	C			C	D		
90th %ile Green (s)	19.0	18.0	45.0	70.0	18.0		18.0
90th %ile Term Code	Max	MaxR	Max	Hold	MaxR		MaxR
70th %ile Green (s)	19.0	18.0	45.0	70.0	18.0		18.0
70th %ile Term Code	Max	MaxR	Max	Hold	MaxR		MaxR
50th %ile Green (s)	17.6	18.0	45.0	68.6	18.0		18.0
50th %ile Term Code	Gap	MaxR	Max	Hold	MaxR		MaxR
30th %ile Green (s)	15.5	18.0	45.0	66.5	18.0		18.0
30th %ile Term Code	Gap	MaxR	Max	Hold	MaxR		MaxR
10th %ile Green (s)	12.7	18.0	45.0	63.7	18.0		18.0
10th %ile Term Code	Gap	MaxR	Max	Hold	MaxR		MaxR
Stops (vph)	358	122	566	103	218	750	
Fuel Used(gal)	9	4	19	5	7	22	
CO Emissions (g/hr)	641	281	1359	346	487	1570	
NOx Emissions (g/hr)	125	55	264	67	95	305	
VOC Emissions (g/hr)	149	65	315	80	113	364	
Dilemma Vehicles (#)	0	0	0	0	0	0	
Queue Length 50th (ft)	131	79	423	35	166	~588	
Queue Length 95th (ft)	184	149	#718	51	#314	#986	
Internal Link Dist (ft)	1053			1457	1143		
Turn Bay Length (ft)		200	500		500		
Base Capacity (vph)	638	709	916	2309	313	1113	

Lanes, Volumes, Timings
17: SR 31 & SR 78

11/06/2020

	→	↘	↙	←	↖	↗	
Lane Group	EBT	EBR	WBL	WBT	NBL	NBR	Ø2
Starvation Cap Reductn	0	0	0	0	0	0	
Spillback Cap Reductn	0	0	0	0	0	0	
Storage Cap Reductn	0	0	0	0	0	0	
Reduced v/c Ratio	0.66	0.43	0.95	0.16	0.86	0.99	

Intersection Summary

Area Type: Other
 Cycle Length: 100
 Actuated Cycle Length: 97.8
 Natural Cycle: 140
 Control Type: Actuated-Uncoordinated
 Maximum v/c Ratio: 0.99
 Intersection Signal Delay: 37.1
 Intersection LOS: D
 Intersection Capacity Utilization 84.7%
 ICU Level of Service E
 Analysis Period (min) 15
 90th %ile Actuated Cycle: 100
 70th %ile Actuated Cycle: 100
 50th %ile Actuated Cycle: 98.6
 30th %ile Actuated Cycle: 96.6
 10th %ile Actuated Cycle: 93.7
 ~ Volume exceeds capacity, queue is theoretically infinite.
 Queue shown is maximum after two cycles.
 # 95th percentile volume exceeds capacity, queue may be longer.
 Queue shown is maximum after two cycles.

Splits and Phases: 17: SR 31 & SR 78



**DEVELOPMENT OF FUTURE YEAR
BACKGROUND TURNING VOLUMES**

Development of Future Year Background Turning Volumes

Intersection
Count Date
Build-Out Year

SR 31 @ SR 78
2025
2027

AM Peak Hour												
	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts	244	0	795	0	0	0	0	342	237	995	393	0
Peak Season Correction Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Current Peak Season Volumes	244	0	795	0	0	0	0	342	237	995	393	0
Growth Rate	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Years to Build-out	2	2	2	2	2	2	2	2	2	2	2	2
2027 Background Turning Volumes	254	0	827	0	0	0	0	356	247	1,035	409	0
Project Turning Volumes			76					42		33	18	
2027 Background + Project	254	0	903	0	0	0	0	398	247	1,068	427	0

PM Peak Hour												
	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts	251	0	1,027	0	0	0	0	389	286	813	335	0
Peak Season Correction Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Current Peak Season Volumes	251	0	1,027	0	0	0	0	389	286	813	335	0
Growth Rate	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Years to Build-out	2	2	2	2	2	2	2	2	2	2	2	2
2027 Background Turning Volumes	261	0	1,068	0	0	0	0	405	298	846	349	0
Project Turning Volumes			125					69		142	79	
2027 Background + Project	261	0	1,193	0	0	0	0	474	298	988	428	0

Development of Future Year Background Turning Volumes

Intersection
Count Date
Build-Out Year

SR 31 @ Main Site Access
2025
2027

AM Peak Hour												
	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts	0	1,137	0	0	1,388	0	0	0	0	0	0	0
Peak Season Correction Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Current Peak Season Volumes	0	1,137	0	0	1,388	0	0	0	0	0	0	0
Growth Rate	0.00%	2.00%	0.00%	0.00%	2.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Years to Build-out	2	2	2	2	2	2	2	2	2	2	2	2
2027 Background Turning Volumes	0	1,183	0	0	1,444	0	0	0	0	0	0	0
Project Turning Volumes		-31	149	97	-46					98		53
2027 Background + Project	0	1,152	149	97	1,398	0	0	0	0	98	0	53

PM Peak Hour												
	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts	0	1,416	0	0	1,148	0	0	0	0	0	0	0
Peak Season Correction Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Current Peak Season Volumes	0	1,416	0	0	1,148	0	0	0	0	0	0	0
Growth Rate	0.00%	2.00%	0.00%	0.00%	2.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Years to Build-out	2	2	2	2	2	2	2	2	2	2	2	2
2027 Background Turning Volumes	0	1,473	0	0	1,194	0	0	0	0	0	0	0
Project Turning Volumes		-115	309	160	-77					298		211
2027 Background + Project	0	1,358	309	160	1,117	0	0	0	0	298	0	211

HCS SUMMARY SHEETS
SR 31 @ SITE ACCESS

HCS Two-Way Stop-Control Report

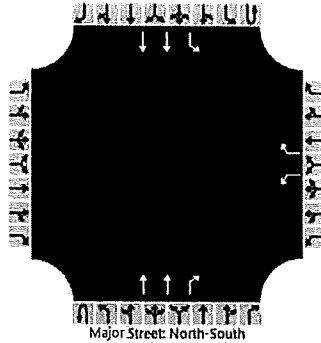
General Information

Analyst	tbt
Agency/Co.	TR Transportation Consult
Date Performed	10/31/2024
Analysis Year	2027
Time Analyzed	AM Pk Hr With Project
Intersection Orientation	North-South
Project Description	F2409.19

Site Information

Intersection	SR 31/Main Access
Jurisdiction	FDOT/Lee County
East/West Street	Main Access
North/South Street	SR 31
Peak Hour Factor	0.92
Analysis Time Period (hrs)	0.25

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		0	0	0		1	0	1	0	0	2	1	0	1	2	0
Configuration						L		R			T	R		L	T	
Volume (veh/h)						98		53			1152	149	0	97	1398	
Percent Heavy Vehicles (%)						3		3					3	3		
Proportion Time Blocked																
Percent Grade (%)					0											
Right Turn Channelized					No				No							
Median Type Storage	Left Only								1							

Critical and Follow-up Headways

Base Critical Headway (sec)						7.5		6.9						4.1		
Critical Headway (sec)						6.86		6.96						4.16		
Base Follow-Up Headway (sec)						3.5		3.3						2.2		
Follow-Up Headway (sec)						3.53		3.33						2.23		

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)						107		58						105		
Capacity, c (veh/h)						123		424						473		
v/c Ratio						0.87		0.14						0.22		
95% Queue Length, Q ₉₅ (veh)						5.4		0.5						0.8		
95% Queue Length, Q ₉₅ (ft)						138.2		12.8						20.5		
Control Delay (s/veh)						115.2		14.8						14.8		
Level of Service (LOS)						F		B						B		
Approach Delay (s/veh)					79.9								1.0			
Approach LOS					F								A			

HCS Two-Way Stop-Control Report

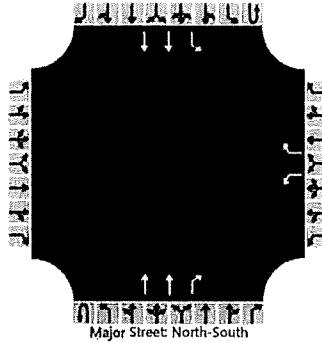
General Information

Analyst	tbt
Agency/Co.	TR Transportation Consult
Date Performed	10/31/2024
Analysis Year	2027
Time Analyzed	PM Pk Hr With Project
Intersection Orientation	North-South
Project Description	F2409.19

Site Information

Intersection	SR 31/Main Access
Jurisdiction	FDOT/Lee County
East/West Street	Main Access
North/South Street	SR 31
Peak Hour Factor	0.92
Analysis Time Period (hrs)	0.25

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		0	0	0		1	0	1	0	0	2	1	0	1	2	0
Configuration						L		R			T	R		L	T	
Volume (veh/h)						298		211			1358	309	0	160	1117	
Percent Heavy Vehicles (%)						3		3					3	3		
Proportion Time Blocked																
Percent Grade (%)					0											
Right Turn Channelized					No				No							
Median Type Storage	Left Only								1							

Critical and Follow-up Headways

Base Critical Headway (sec)						7.5		6.9						4.1		
Critical Headway (sec)						6.86		6.96						4.16		
Base Follow-Up Headway (sec)						3.5		3.3						2.2		
Follow-Up Headway (sec)						3.53		3.33						2.23		

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)						324		229						174		
Capacity, c (veh/h)						81		358						331		
v/c Ratio						3.99		0.64						0.53		
95% Queue Length, Q ₉₅ (veh)						33.9		4.2						2.9		
95% Queue Length, Q ₉₅ (ft)						867.8		107.5						74.2		
Control Delay (s/veh)						1450.7		31.3						27.3		
Level of Service (LOS)						F		D						D		
Approach Delay (s/veh)					862.3								3.4			
Approach LOS					F								A			

SYNCHRO SUMMARY SHEETS

SR 31 @ SR 78

Lanes, Volumes, Timings
3: SR 31 & SR 78

2027 AM Pk Hr Background
10/31/2024

Lane Group	EBT	EBR	WBL	WBT	NBL	NBR	Ø2
Lane Configurations	↑↑	↑	↑	↑↑	↑	↑	
Traffic Volume (vph)	356	247	1035	409	254	827	
Future Volume (vph)	356	247	1035	409	254	827	
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	
Storage Length (ft)		200	500		500	0	
Storage Lanes		1	1		1	1	
Taper Length (ft)			25		25		
Lane Util. Factor	0.95	1.00	1.00	0.95	1.00	1.00	
Frt		0.850				0.850	
Flt Protected			0.950		0.950		
Satd. Flow (prot)	3539	1583	1770	3539	1770	1583	
Flt Permitted			0.201		0.950		
Satd. Flow (perm)	3539	1583	374	3539	1770	1583	
Right Turn on Red		Yes				Yes	
Satd. Flow (RTOR)		97				25	
Link Speed (mph)	45			45	45		
Link Distance (ft)	1385			1710	953		
Travel Time (s)	21.0			25.9	14.4		
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	
Adj. Flow (vph)	387	268	1125	445	276	899	
Shared Lane Traffic (%)							
Lane Group Flow (vph)	387	268	1125	445	276	899	
Turn Type	NA	pm+ov	pm+pt	NA	pm+pt	pt+ov	
Protected Phases	4	5	3	8	5	2 3	2
Permitted Phases		4	8		2		
Detector Phase	4	5	3	8	5	2 3	
Switch Phase							
Minimum Initial (s)	5.0	5.0	5.0	5.0	5.0		5.0
Minimum Split (s)	24.0	24.0	11.0	24.0	24.0		22.5
Total Split (s)	24.0	25.0	81.0	105.0	25.0		25.0
Total Split (%)	18.5%	19.2%	62.3%	80.8%	19.2%		19%
Maximum Green (s)	18.0	19.0	75.0	99.0	19.0		20.5
Yellow Time (s)	4.5	4.5	4.5	4.5	4.5		3.5
All-Red Time (s)	1.5	1.5	1.5	1.5	1.5		1.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0		
Total Lost Time (s)	6.0	6.0	6.0	6.0	6.0		
Lead/Lag	Lag		Lead				
Lead-Lag Optimize?	Yes		Yes				
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0		3.0
Recall Mode	None	Max	None	None	Max		Max
Walk Time (s)	7.0	7.0		7.0	7.0		7.0
Flash Dont Walk (s)	11.0	11.0		11.0	11.0		11.0
Pedestrian Calls (#/hr)	0	0		0	0		0
Act Effct Green (s)	17.2	42.2	98.2	98.2	19.0	101.5	
Actuated g/C Ratio	0.13	0.33	0.76	0.76	0.15	0.79	
v/c Ratio	0.82	0.46	1.03	0.17	1.06	0.72	
Control Delay	69.4	24.2	57.6	4.4	125.6	10.9	
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	
Total Delay	69.4	24.2	57.6	4.4	125.6	10.9	

Lanes, Volumes, Timings
3: SR 31 & SR 78

2027 AM Pk Hr Background
10/31/2024

	→	↘	↙	←	↖	↗	
Lane Group	EBT	EBR	WBL	WBT	NBL	NBR	Ø2
LOS	E	C	E	A	F	B	
Approach Delay	50.9			42.6	37.8		
Approach LOS	D			D	D		
Queue Length 50th (ft)	168	111	~954	46	~257	314	
Queue Length 95th (ft)	#235	194	#1219	61	#435	464	
Internal Link Dist (ft)	1305			1630	873		
Turn Bay Length (ft)		200	500		500		
Base Capacity (vph)	493	582	1094	2711	260	1248	
Starvation Cap Reductn	0	0	0	0	0	0	
Spillback Cap Reductn	0	0	0	0	0	0	
Storage Cap Reductn	0	0	0	0	0	0	
Reduced v/c Ratio	0.78	0.46	1.03	0.16	1.06	0.72	

Intersection Summary

Area Type: Other
 Cycle Length: 130
 Actuated Cycle Length: 129.2
 Natural Cycle: 140
 Control Type: Actuated-Uncoordinated
 Maximum v/c Ratio: 1.06
 Intersection Signal Delay: 42.5
 Intersection LOS: D
 Intersection Capacity Utilization 96.3%
 ICU Level of Service F
 Analysis Period (min) 15
 ~ Volume exceeds capacity, queue is theoretically infinite.
 Queue shown is maximum after two cycles.
 # 95th percentile volume exceeds capacity, queue may be longer.
 Queue shown is maximum after two cycles.

Splits and Phases: 3: SR 31 & SR 78

Ø2	Ø3	Ø4
15 s	31 s	24 s
Ø5	Ø8	
15 s	105 s	

Lanes, Volumes, Timings
3: SR 31 & SR 78

2027 PM Pk Hr Background
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Lane Group	EBT	EBR	WBL	WBT	NBL	NBR	Ø2
Lane Configurations	↑↑	↑	↑	↑↑	↑	↑	
Traffic Volume (vph)	405	298	846	349	261	1068	
Future Volume (vph)	405	298	846	349	261	1068	
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	
Storage Length (ft)		200	500		500	0	
Storage Lanes		1	1		1	1	
Taper Length (ft)			25		25		
Lane Util. Factor	0.95	1.00	1.00	0.95	1.00	1.00	
Frt		0.850				0.850	
Flt Protected			0.950		0.950		
Satd. Flow (prot)	3539	1583	1770	3539	1770	1583	
Flt Permitted			0.234		0.950		
Satd. Flow (perm)	3539	1583	436	3539	1770	1583	
Right Turn on Red		Yes				Yes	
Satd. Flow (RTOR)		101				49	
Link Speed (mph)	45			45	45		
Link Distance (ft)	1385			1710	953		
Travel Time (s)	21.0			25.9	14.4		
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	
Adj. Flow (vph)	440	324	920	379	284	1161	
Shared Lane Traffic (%)							
Lane Group Flow (vph)	440	324	920	379	284	1161	
Turn Type	NA	pm+ov	pm+pt	NA	pm+pt	pt+ov	
Protected Phases	4	5	3	8	5	2 3	2
Permitted Phases		4	8		2		
Detector Phase	4	5	3	8	5	2 3	
Switch Phase							
Minimum Initial (s)	5.0	5.0	5.0	5.0	5.0		5.0
Minimum Split (s)	24.0	24.0	11.0	24.0	24.0		22.5
Total Split (s)	25.0	24.0	51.0	76.0	24.0		24.0
Total Split (%)	25.0%	24.0%	51.0%	76.0%	24.0%		24%
Maximum Green (s)	19.0	18.0	45.0	70.0	18.0		19.5
Yellow Time (s)	4.5	4.5	4.5	4.5	4.5		3.5
All-Red Time (s)	1.5	1.5	1.5	1.5	1.5		1.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0		
Total Lost Time (s)	6.0	6.0	6.0	6.0	6.0		
Lead/Lag	Lag		Lead				
Lead-Lag Optimize?	Yes		Yes				
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0		3.0
Recall Mode	None	Max	None	None	Max		Max
Walk Time (s)	7.0	7.0		7.0	7.0		7.0
Flash Dont Walk (s)	11.0	11.0		11.0	11.0		11.0
Pedestrian Calls (#/hr)	0	0		0	0		0
Act Effct Green (s)	16.6	40.6	67.6	67.6	18.0	70.5	
Actuated g/C Ratio	0.17	0.42	0.69	0.69	0.18	0.72	
v/c Ratio	0.73	0.45	1.00	0.15	0.87	1.00	
Control Delay	46.2	15.9	51.6	5.3	66.4	42.6	
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	
Total Delay	46.2	15.9	51.6	5.3	66.4	42.6	

Baseline

Lanes, Volumes, Timings
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Lanes, Volumes, Timings
3: SR 31 & SR 78

2027 PM Pk Hr Background
10/31/2024

	→	↘	↙	←	↖	↗	
Lane Group	EBT	EBR	WBL	WBT	NBL	NBR	Ø2
LOS	D	B	D	A	E	D	
Approach Delay	33.3			38.1	47.3		
Approach LOS	C			D	D		
Queue Length 50th (ft)	137	94	~493	37	175	~656	
Queue Length 95th (ft)	191	168	#789	52	#328	#1039	
Internal Link Dist (ft)	1305			1630	873		
Turn Bay Length (ft)		200	500		500		
Base Capacity (vph)	689	717	917	2538	326	1157	
Starvation Cap Reductn	0	0	0	0	0	0	
Spillback Cap Reductn	0	0	0	0	0	0	
Storage Cap Reductn	0	0	0	0	0	0	
Reduced v/c Ratio	0.64	0.45	1.00	0.15	0.87	1.00	

Intersection Summary

Area Type: Other
 Cycle Length: 100
 Actuated Cycle Length: 97.6
 Natural Cycle: 140
 Control Type: Actuated-Uncoordinated
 Maximum v/c Ratio: 1.00
 Intersection Signal Delay: 40.8
 Intersection LOS: D
 Intersection Capacity Utilization 87.5%
 ICU Level of Service E
 Analysis Period (min) 15
 ~ Volume exceeds capacity, queue is theoretically infinite.
 Queue shown is maximum after two cycles.
 # 95th percentile volume exceeds capacity, queue may be longer.
 Queue shown is maximum after two cycles.

Splits and Phases: 3: SR 31 & SR 78

↖ Ø2	↘ Ø3	→ Ø4
24 s	51 s	25 s
↙ Ø5	← Ø8	
24 s	76 s	

Lanes, Volumes, Timings
3: SR 31 & SR 78

2027 AM Pk Hr With Project
10/31/2024

Lane Group	EBT	EBR	WBL	WBT	NBL	NBR	Ø2
Lane Configurations	↑↑	↑	↑	↑↑	↑	↑	
Traffic Volume (vph)	398	247	1068	427	254	903	
Future Volume (vph)	398	247	1068	427	254	903	
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	
Storage Length (ft)		200	500		500	0	
Storage Lanes		1	1		1	1	
Taper Length (ft)			25		25		
Lane Util. Factor	0.95	1.00	1.00	0.95	1.00	1.00	
Frt		0.850				0.850	
Flt Protected			0.950		0.950		
Satd. Flow (prot)	3539	1583	1770	3539	1770	1583	
Flt Permitted			0.168		0.950		
Satd. Flow (perm)	3539	1583	313	3539	1770	1583	
Right Turn on Red		Yes				Yes	
Satd. Flow (RTOR)		87				15	
Link Speed (mph)	45			45	45		
Link Distance (ft)	1385			1710	953		
Travel Time (s)	21.0			25.9	14.4		
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	
Adj. Flow (vph)	433	268	1161	464	276	982	
Shared Lane Traffic (%)							
Lane Group Flow (vph)	433	268	1161	464	276	982	
Turn Type	NA	pm+ov	pm+pt	NA	pm+pt	pt+ov	
Protected Phases	4	5	3	8	5	2 3	2
Permitted Phases		4	8		2		
Detector Phase	4	5	3	8	5	2 3	
Switch Phase							
Minimum Initial (s)	5.0	5.0	5.0	5.0	5.0		5.0
Minimum Split (s)	24.0	24.0	11.0	24.0	24.0		22.5
Total Split (s)	24.0	25.0	81.0	105.0	25.0		25.0
Total Split (%)	18.5%	19.2%	62.3%	80.8%	19.2%		19%
Maximum Green (s)	18.0	19.0	75.0	99.0	19.0		20.5
Yellow Time (s)	4.5	4.5	4.5	4.5	4.5		3.5
All-Red Time (s)	1.5	1.5	1.5	1.5	1.5		1.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0		
Total Lost Time (s)	6.0	6.0	6.0	6.0	6.0		
Lead/Lag	Lag		Lead				
Lead-Lag Optimize?	Yes		Yes				
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0		3.0
Recall Mode	None	Max	None	None	Max		Max
Walk Time (s)	7.0	7.0		7.0	7.0		7.0
Flash Dont Walk (s)	11.0	11.0		11.0	11.0		11.0
Pedestrian Calls (#/hr)	0	0		0	0		0
Act Effct Green (s)	17.8	42.8	98.8	98.8	19.0	101.5	
Actuated g/C Ratio	0.14	0.33	0.76	0.76	0.15	0.78	
v/c Ratio	0.89	0.46	1.08	0.17	1.07	0.79	
Control Delay	76.7	25.6	74.2	4.4	127.2	14.0	
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	
Total Delay	76.7	25.6	74.2	4.4	127.2	14.0	

Baseline

Lanes, Volumes, Timings
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Lanes, Volumes, Timings
3: SR 31 & SR 78

2027 AM Pk Hr With Project
10/31/2024

	→	↘	↙	←	↖	↗	
Lane Group	EBT	EBR	WBL	WBT	NBL	NBR	Ø2
LOS	E	C	E	A	F	B	
Approach Delay	57.2			54.3	38.8		
Approach LOS	E			D	D		
Queue Length 50th (ft)	191	118	~1038	48	~257	397	
Queue Length 95th (ft)	#282	202	#1303	64	#435	604	
Internal Link Dist (ft)	1305			1630	873		
Turn Bay Length (ft)		200	500		500		
Base Capacity (vph)	491	579	1079	2700	258	1241	
Starvation Cap Reductn	0	0	0	0	0	0	
Spillback Cap Reductn	0	0	0	0	0	0	
Storage Cap Reductn	0	0	0	0	0	0	
Reduced v/c Ratio	0.88	0.46	1.08	0.17	1.07	0.79	

Intersection Summary

Area Type: Other
 Cycle Length: 130
 Actuated Cycle Length: 129.8
 Natural Cycle: 140
 Control Type: Actuated-Uncoordinated
 Maximum v/c Ratio: 1.08
 Intersection Signal Delay: 49.4
 Intersection LOS: D
 Intersection Capacity Utilization 99.2%
 ICU Level of Service F
 Analysis Period (min) 15
 ~ Volume exceeds capacity, queue is theoretically infinite.
 Queue shown is maximum after two cycles.
 # 95th percentile volume exceeds capacity, queue may be longer.
 Queue shown is maximum after two cycles.

Splits and Phases: 3: SR 31 & SR 78

↖ Ø2 25 s	↘ Ø3 61 s	→ Ø4 24 s
↙ Ø5 25 s	← Ø8 105 s	

Lanes, Volumes, Timings
3: SR 31 & SR 78

2027 PM Pk Hr With Project
10/31/2024

	→	↘	↙	←	↖	↗	
Lane Group	EBT	EBR	WBL	WBT	NBL	NBR	Ø2
Lane Configurations	↑↑	↑	↓	↑↑	↓	↓	
Traffic Volume (vph)	474	298	988	428	261	1193	
Future Volume (vph)	474	298	988	428	261	1193	
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	
Storage Length (ft)		200	500		500	0	
Storage Lanes		1	1		1	1	
Taper Length (ft)			25		25		
Lane Util. Factor	0.95	1.00	1.00	0.95	1.00	1.00	
Frt		0.850				0.850	
Flt Protected			0.950		0.950		
Satd. Flow (prot)	3539	1583	1770	3539	1770	1583	
Flt Permitted			0.183		0.950		
Satd. Flow (perm)	3539	1583	341	3539	1770	1583	
Right Turn on Red		Yes				Yes	
Satd. Flow (RTOR)		61				28	
Link Speed (mph)	45			45	45		
Link Distance (ft)	1385			1710	953		
Travel Time (s)	21.0			25.9	14.4		
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	
Adj. Flow (vph)	515	324	1074	465	284	1297	
Shared Lane Traffic (%)							
Lane Group Flow (vph)	515	324	1074	465	284	1297	
Turn Type	NA	pm+ov	pm+pt	NA	pm+pt	pt+ov	
Protected Phases	4	5	3	8	5	2 3	2
Permitted Phases		4	8		2		
Detector Phase	4	5	3	8	5	2 3	
Switch Phase							
Minimum Initial (s)	5.0	5.0	5.0	5.0	5.0		5.0
Minimum Split (s)	24.0	24.0	11.0	24.0	24.0		22.5
Total Split (s)	25.0	24.0	51.0	76.0	24.0		24.0
Total Split (%)	25.0%	24.0%	51.0%	76.0%	24.0%		24%
Maximum Green (s)	19.0	18.0	45.0	70.0	18.0		19.5
Yellow Time (s)	4.5	4.5	4.5	4.5	4.5		3.5
All-Red Time (s)	1.5	1.5	1.5	1.5	1.5		1.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0		
Total Lost Time (s)	6.0	6.0	6.0	6.0	6.0		
Lead/Lag	Lag		Lead				
Lead-Lag Optimize?	Yes		Yes				
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0		3.0
Recall Mode	None	Max	None	None	Max		Max
Walk Time (s)	7.0	7.0		7.0	7.0		7.0
Flash Dont Walk (s)	11.0	11.0		11.0	11.0		11.0
Pedestrian Calls (#/hr)	0	0		0	0		0
Act Effect Green (s)	17.8	41.8	68.8	68.8	18.0	70.5	
Actuated g/C Ratio	0.18	0.42	0.70	0.70	0.18	0.71	
v/c Ratio	0.81	0.46	1.21	0.19	0.88	1.14	
Control Delay	49.8	18.7	128.0	5.4	68.6	91.8	
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	
Total Delay	49.8	18.7	128.0	5.4	68.6	91.8	

Baseline

Lanes, Volumes, Timings
Page 1

	→	↘	↙	←	↖	↗	
Lane Group	EBT	EBR	WBL	WBT	NBL	NBR	Ø2
LOS	D	B	F	A	E	F	
Approach Delay	37.8			91.0	87.6		
Approach LOS	D			F	F		
Queue Length 50th (ft)	165	114	~791	46	179	~979	
Queue Length 95th (ft)	224	190	#1040	64	#328	#1238	
Internal Link Dist (ft)	1305			1630	873		
Turn Bay Length (ft)		200	500		500		
Base Capacity (vph)	680	704	888	2507	322	1137	
Starvation Cap Reductn	0	0	0	0	0	0	
Spillback Cap Reductn	0	0	0	0	0	0	
Storage Cap Reductn	0	0	0	0	0	0	
Reduced v/c Ratio	0.76	0.46	1.21	0.19	0.88	1.14	

Intersection Summary

Area Type: Other
 Cycle Length: 100
 Actuated Cycle Length: 98.8
 Natural Cycle: 140
 Control Type: Actuated-Uncoordinated
 Maximum v/c Ratio: 1.21
 Intersection Signal Delay: 78.4
 Intersection LOS: E
 Intersection Capacity Utilization 97.3%
 ICU Level of Service F
 Analysis Period (min) 15
 ~ Volume exceeds capacity, queue is theoretically infinite.
 Queue shown is maximum after two cycles.
 # 95th percentile volume exceeds capacity, queue may be longer.
 Queue shown is maximum after two cycles.

Splits and Phases: 3: SR 31 & SR 78

↖ Ø2	↗ Ø3	→ Ø4
24 s	51 s	27 s
↘ Ø5	↖ Ø8	
24 s	70 s	

TRIP GENERATION EQUATIONS

Mini-Warehouse (151)

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

Setting/Location: General Urban/Suburban

Number of Studies: 16

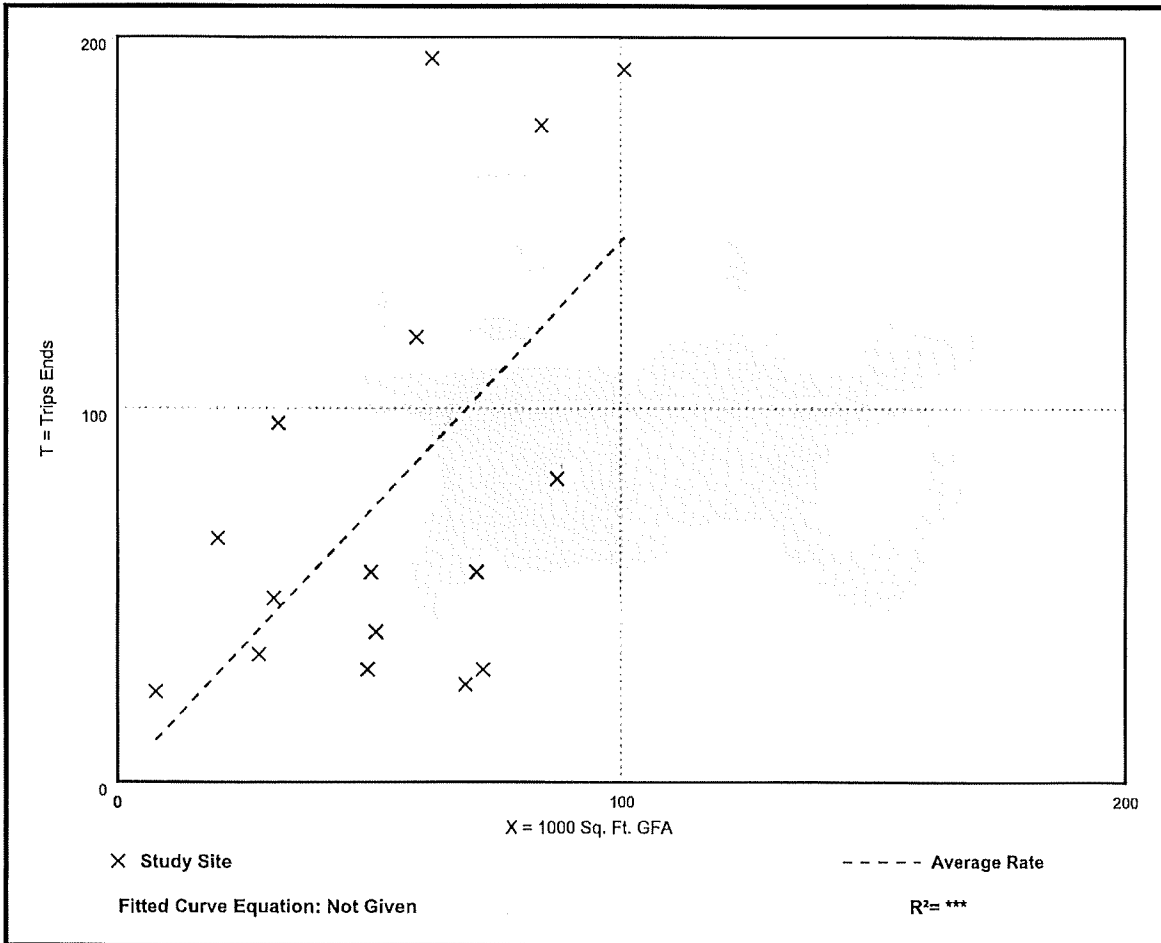
Avg. 1000 Sq. Ft. GFA: 55

Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
1.45	0.38 - 3.25	0.92

Data Plot and Equation



Mini-Warehouse (151)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 13

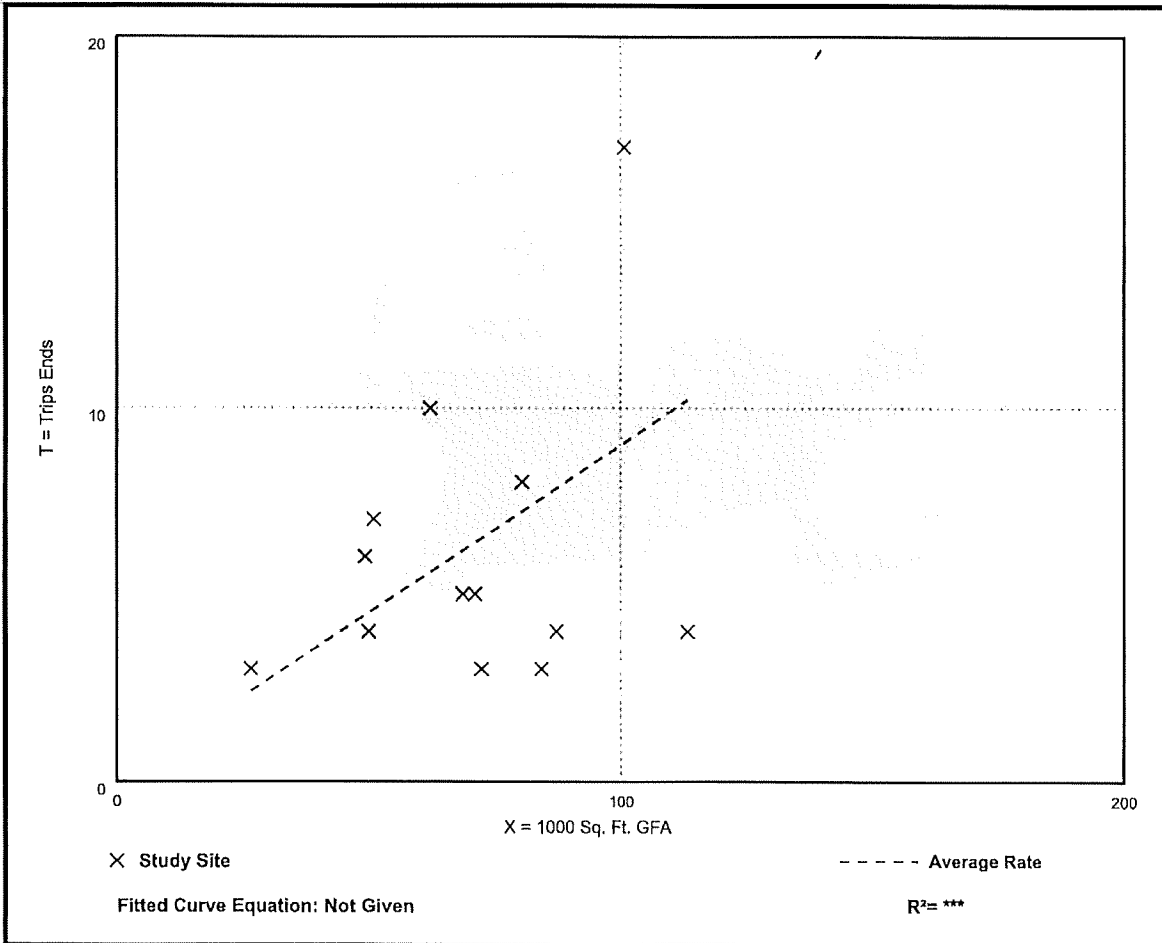
Avg. 1000 Sq. Ft. GFA: 70

Directional Distribution: 59% entering, 41% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
0.09	0.04 - 0.17	0.05

Data Plot and Equation



Mini-Warehouse (151)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 18

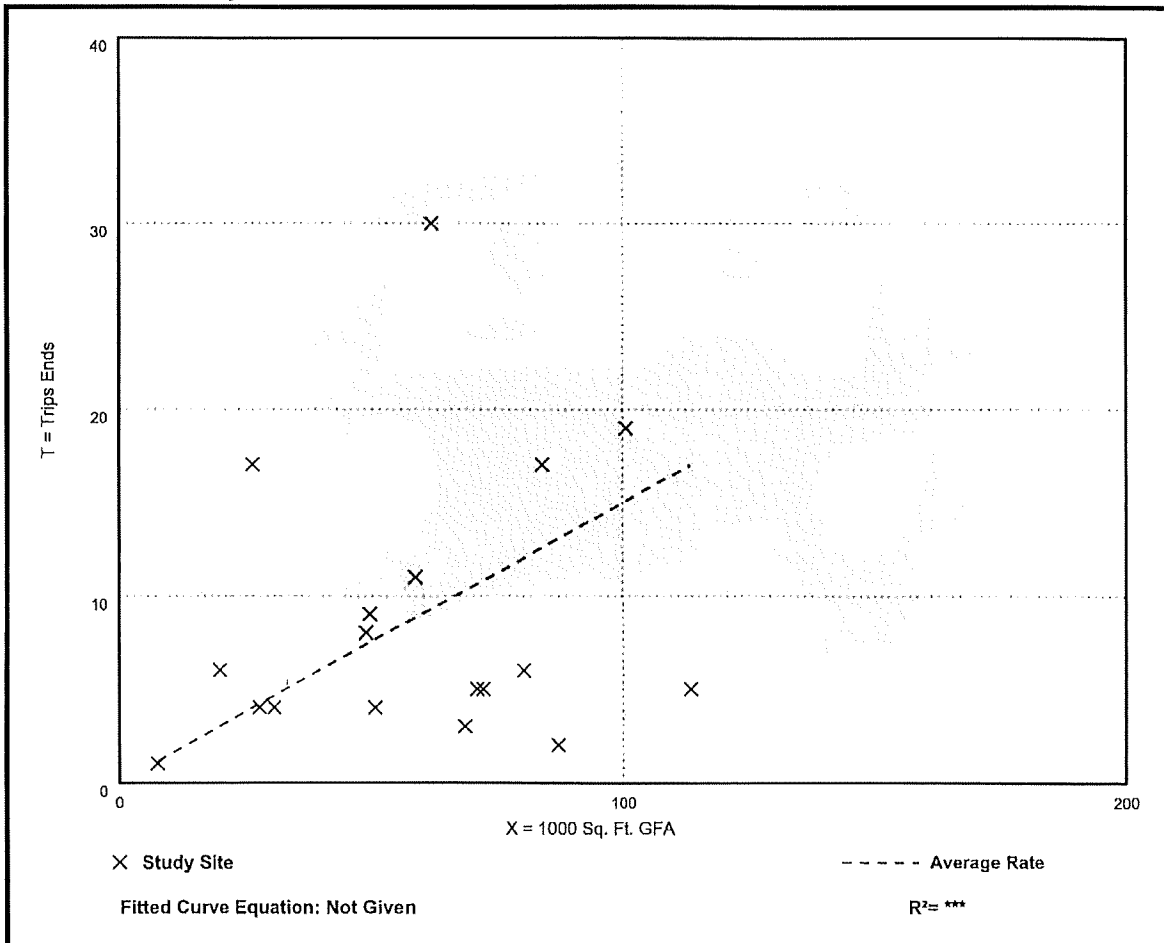
Avg. 1000 Sq. Ft. GFA: 59

Directional Distribution: 47% entering, 53% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
0.15	0.02 - 0.64	0.14

Data Plot and Equation



Shopping Plaza (40-150k) - Supermarket - Yes (821)

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

Setting/Location: General Urban/Suburban

Number of Studies: 17

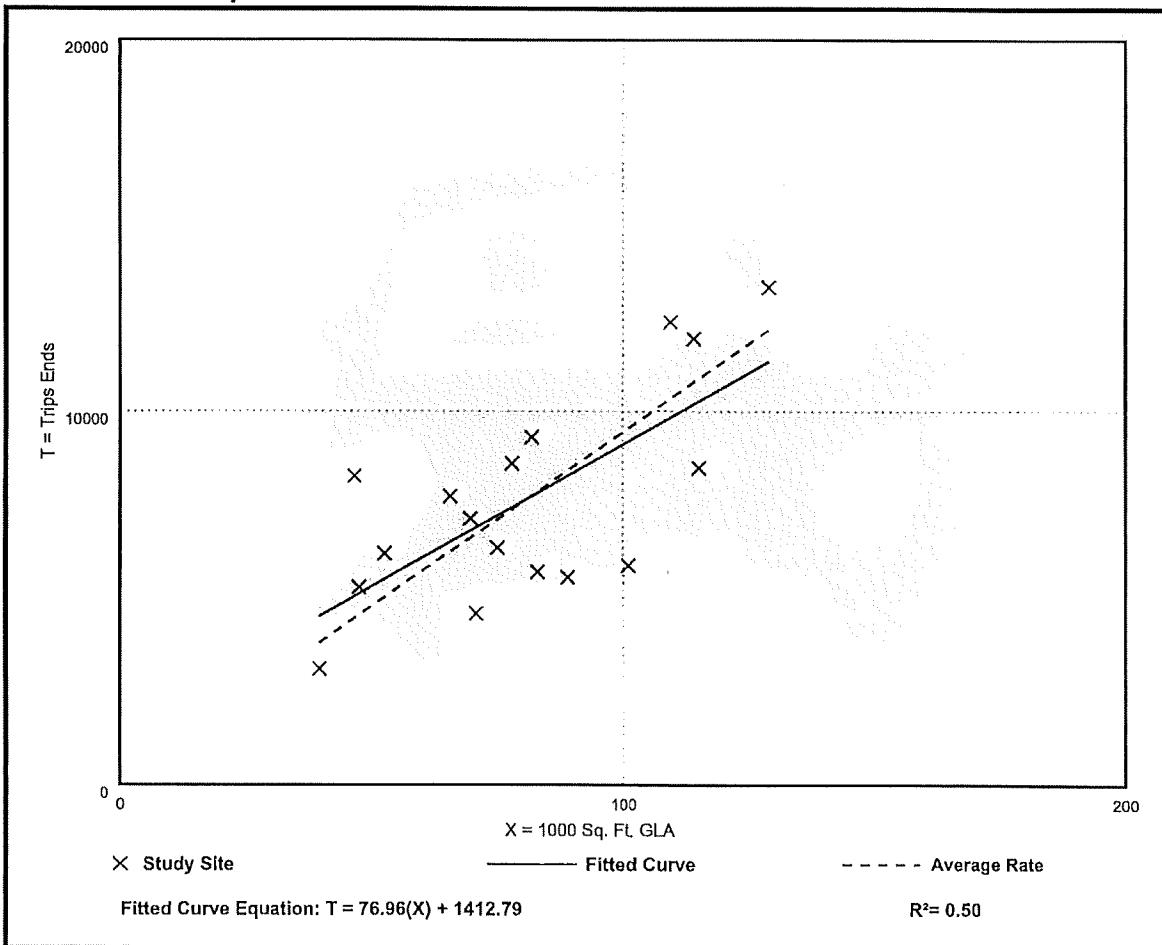
Avg. 1000 Sq. Ft. GLA: 81

Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
94.49	57.86 - 175.32	26.55

Data Plot and Equation



Shopping Plaza (40-150k) - Supermarket - Yes (821)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 16

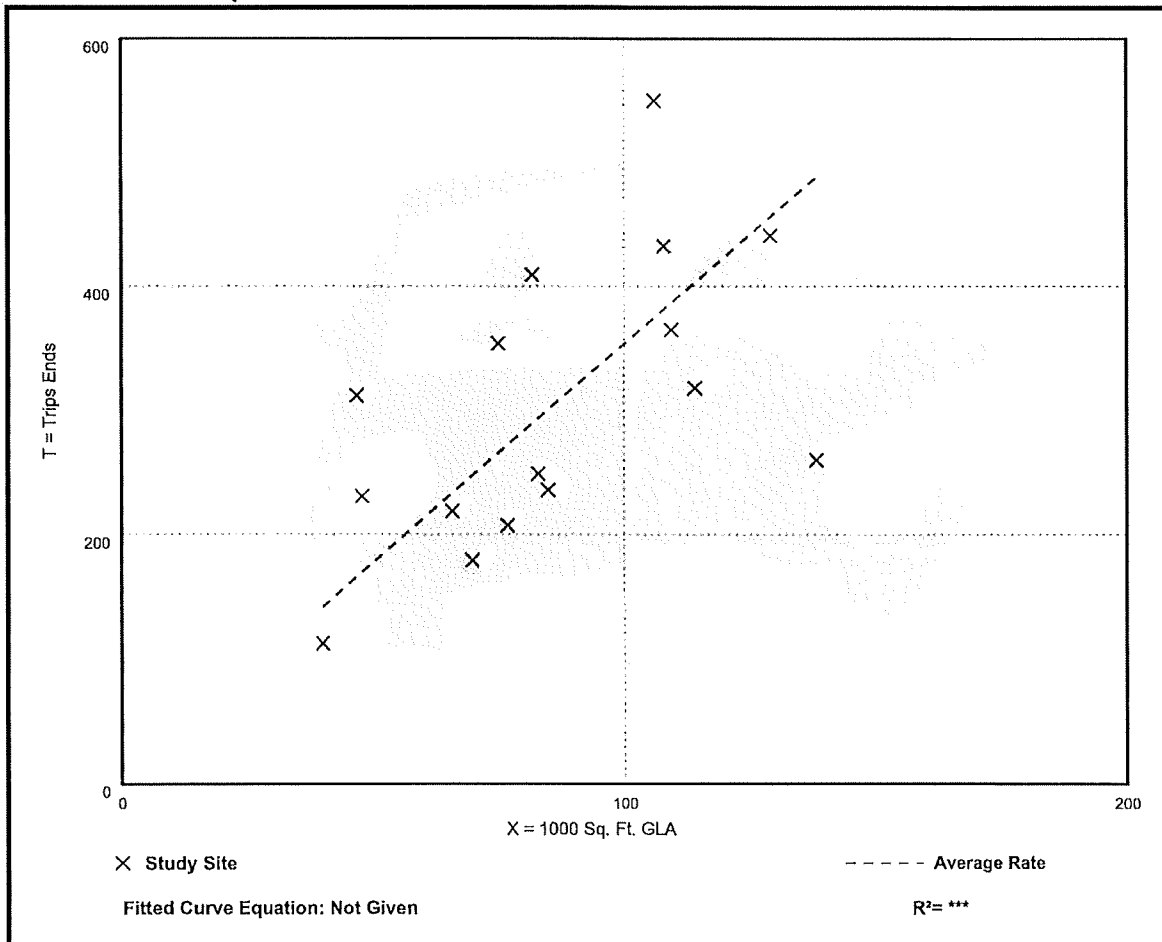
Avg. 1000 Sq. Ft. GLA: 86

Directional Distribution: 62% entering, 38% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
3.53	1.88 - 6.62	1.17

Data Plot and Equation



Shopping Plaza (40-150k) - Supermarket - Yes (821)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 51

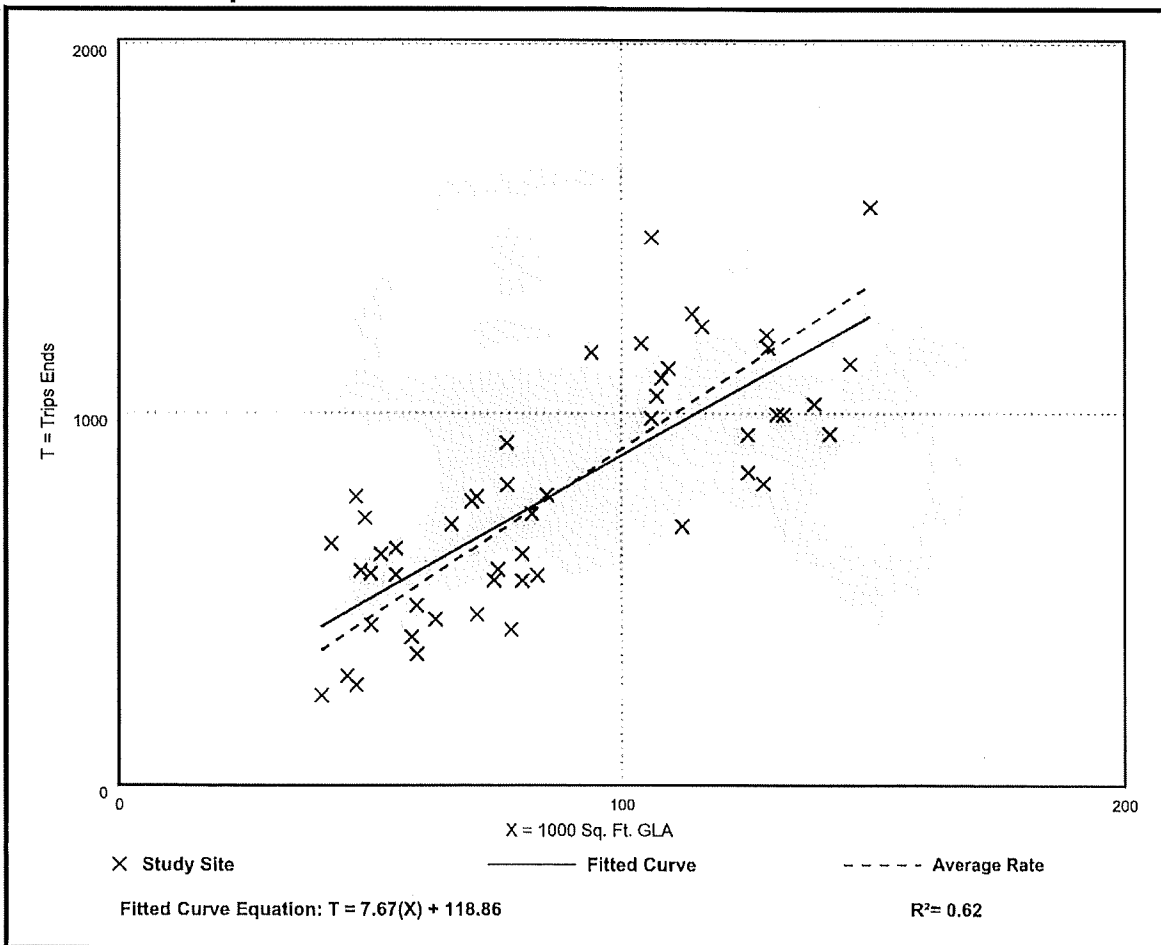
Avg. 1000 Sq. Ft. GLA: 87

Directional Distribution: 48% entering, 52% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
9.03	5.35 - 16.45	2.37

Data Plot and Equation





DEPARTMENT OF TRANSPORTATION

Memo

To: Adam Mendez, Principal Planner

From: Lili Wu, Principal Planner

Date: September 11, 2025

Subject: Singletary CPD (DCI2024-00043) Transportation-Related Analysis

Proposed Development

This application requests to permit up to 110,000 sf of commercial uses and 100,000 sf of warehouse uses.

Site Location

The subject property is located at east side of SR 31 and about 1/2 miles north of Bayshore Road (SR 78).

Site Access

Access to the project is proposed to SR 31 via a single access connection.

SR 31 is an arterial maintained by State.

Trip Generation Review

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) Trip Generation 11th Edition Report. Table 1 outlines proposed project's trip generation for weekday AM and PM peak hours traffic volumes (new trips).

Table 1

Land Use	Weekday A.M Peak Hour			Weekday P.M Peak Hour		
	In	Out	Total	In	Out	Total
Commercial (110,000 sf)	183	89	272	318	357	675
Warehouse (100,000 sf)	5	4	9	7	8	15
Total	188	93	281	325	365	690

Attachment M

Roadway Section Traffic Operation Level of Service Analysis

New trips related to the subject case were distributed across the surrounding road network to assess their impact on the Level of Service (LOS) in arterial/collector road sections most affected by the proposed development. According to Administrative Code AC-13-17 Traffic Study Guidelines for Planned Development Rezonings, a "significant impact" signifies a 10% or more of the LOS "C" service volumes at build-out.

The proposed development was assumed to be completed by 2028 (build-out year). Therefore, the roadway links impacted by the proposed development were analyzed for the 2028 projected traffic conditions without the proposed development and with the proposed development (Table 2).

Table 2: Arterial/Collector roadway sections adjacent to site expected to be impacted by the proposed development

Roadway	Location	2028 Level of Service (LOS)	
		Without Project	With Project
SR 31	N of Site Access	D	D
SR 31	S of Site Access	F	F

Roadway Intersection Traffic Operation Level of Service Analysis

New trip assignments were made to the surrounding road network to evaluate Level of Service (LOS) impacts as necessary at site entrances, intersections within the vicinity of site entrances, and intersections anticipated to be most affected by the proposed development. Table 3 describes the site access built-out year level of service with and without the project.

Table 3:

Intersection	Peak Hour	Level of Service (2028)	
		Future without Project	Future with Project
SR 31/Project Access	PM	N/A	F (West Bound)

Conclusion

Based on the roadway and intersection LOS analysis, SR 31 south of site access will operate at LOS "F" with and without the project in the build-out year condition (2028). The west bound of SR 31/Project Access intersection will operate at LOS "F" in year 2028.

Since SR 31 maintained by State, the proposed access on SR 31 is subject to the approval of FDOT.



**BAYSHORE FIRE PROTECTION AND RESCUE
SERVICE DISTRICT**

17350 Nalle Road, North Fort Myers, Florida 33917

Business: 239-543-3443 Fax: 239-543-7075

"Serving With Pride"

June 19, 2025

Brent Addison
Director
ATWELL, LLC
10511 Six Mile Cypress Pkwy, Suite 101
Fort Myers, FL 33966

Mr. Addison,

I have reviewed the documentation provided via email for the proposed commercial project located at 18200 State Road 31, Alva Fl. Bayshore Fire Protection and Rescue Services District has no objections to eliminating the secondary access as requested, provided that the main entrance is designed and built in a manner that both ingress and egress lanes independently meet the requirements for unobstructed 20' fire department access lanes and turnarounds as required in the Florida Fire Prevention Code, and Lee County Land Development Code

The District reserves the right to review the design of the entrance and enforce all applicable fire codes and ordinances as it relates to this deviation. Please feel free to contact me if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "W Underwood".

William Underwood
Fire Chief
Bayshore Fire Rescue



Lee County
Southwest Florida

BOARD OF COUNTY COMMISSIONERS

Kevin Ruane
District One

February 5, 2025

Via E-Mail

Cecil L. Pendergrass
District Two

Tina Ekblad

David Mulicka
District Three

Sage Entitlements, LLC.

Brian Hamman
District Four

97 Nickajack North

Santa Rosa Beach, FL 32459

Mike Greenwell
District Five

RE: **Potable Water and Wastewater Availability**

Dave Harner, II
County Manager

**Singletary Commercial Planned Development – 18200 State Road 31, Alva, FL
STRAP # 18-43-26-00-00001.0060**

Richard Wm. Wesch
County Attorney

To whom this may concern:

Donna Marie Collins
County Hearing
Examiner

The subject property is located within Lee County Utilities Future Water Service Area as depicted on Map 4A but is not within Lee County Utilities Future Wastewater Service Area on Map 4B of the Lee County Comprehensive Land Use Plan. Potable water and sanitary sewer lines are not adjacent to the property mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of maximum of 110,000 SF Commercial Retail/Office space and maximum of 100,000 SF Self Storage Space with an estimated flow demand of approximately 26,500 gallons per day. There are no reuse mains in the vicinity of this parcel.

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

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

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

Respectfully,

Nathan Beals, PMP, LCU Planning and New Development Operations Manager

Attachment P

Tina M. Ekblad, MPA, AICP
(561) 797-0288
tekblad@sageentitlements.com



Singletary Commercial Planned Development Community Meetings Summary DCI2024-00043

ALVA Community Meeting – March 18, 2025

At the Alva Community Center, Sage Entitlements, LLC hosted a Neighborhood Information Meeting regarding DCI2024-00043 on March 18, 2025 at 5:30pm. The meeting started on time at 5:30pm with a single participant, Derek Felder, a member of the Lehigh Acres Architectural and Zoning Review Board (“LA AZRB”). Mr. Felder is an interested member of the community and desired an overall summary of the project.

Tina Ekblad with Sage Entitlements provided an overall description of the CPD with the requested 100,000 square feet of commercial and 110,000 square feet of indoor storage, a summary of the site plan and revisions that had been made as a result of comments received from staff since the initial submittal. Each deviation was presented and discussed with a large format presentation board of the Master Concept Plan for reference. Mr. Felder asked several questions regarding the widening of State Road 31. Ms. Ekblad explained that while easements had been recorded the actual taking and agreement between the property owner and Florida Department of Transportation had not been reached. To address this evolving situation, a second Master Concept Plan has been prepared demonstrating the conceptual dimensions of the SR 31 widening and the impact to the property, which would reduce the amount of development that could occur.

At approximately 5:50 Mr. Felder departed. Ms. Ekblad remained at the community center until 6:10pm and no other participants arrived.

NORTH OLGA Community Meeting – March 19, 2025

At the 31Produce/Cracker Shack, Sage Entitlements, LLC hosted a Neighborhood Information Meeting regarding DCI2024-00043 on March 19, 2025 at 5:30pm. Tina Ekblad with Sage Entitlements, LLC stayed on-site until 6pm, no participants attended the meeting.

[illegible]

THANK YOU for your submission!

Your notice has been submitted for publication. Below is a confirmation of your order. You will also receive an email confirmation.

ORDER DETAILS**Order Number:****LSAR0249390****Order Status:**

Submitted

Classification:

Public Notices

Package:

General Package

Base amount:

69.60

Service fee:

2.78

Cash/Check/ACH**Discount:**

-0.00

Total payment:

72.38

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save! In no event are service fees refundable.

Payment Type:

amex

User ID:

L0097383

ACCOUNT INFORMATION

Tina Ekblad
97 Nickajack N
Santa Rosa Beach, FL 32459
561-797-0288
tekblad@sageentitlements.com
Sage Entitlements
Contract ID:

PAYMENT DETAILS**PREVIEW FOR AD NUMBER LSAR02493900**

Notice of Public Information Meeting
A Public Information Meeting will be held for DC12024-00043 on March 18, 2025 at 5:30 pm at the Alva Community Center 21471 North River Road. The 16 acre subject property is within the Northeast Lee and North Olga Planning Communities and is located on SR 31 In Alva, FL. A general overview of the Commercial Planned Development will be provided. Any questions or comments can be directed to Tina Ekblad of Sage Entitlements, LLC at tekblad@sageentitlements.com or 561-797-0288.
March 4 2025
LSAR0249390

<< Click here to print a printer friendly version >>

TRANSACTION REPORT

Date

February 27, 2025 10:15:59 AM EST

Amount:

72.38

ADDITIONAL OPTIONS

1 Affidavit

SCHEDULE FOR AD NUMBER LSAR02493900

March 4, 2025
Fort Myers News-Press

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[illegible]

THANK YOU for your submission!

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ORDER DETAILS**Order Number:****LSAR0249400****Order Status:**

Submitted

Classification:

Public Notices

Package:

General Package

Base amount:

69.60

Service fee:

2.78

Cash/Check/ACH**Discount:**

-0.00

Total payment:

72.38

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save! In no event are service fees refundable.

Payment Type:

amex

User ID:

L0097383

ACCOUNT INFORMATION

Tina Ekblad

97 Nickajack N

Santa Rosa Beach, FL 32459

561-797-0288

tekblad@sageentitlements.com

Sage Entitlements

Contract ID:

PREVIEW FOR AD NUMBER LSAR02494000**Notice of Public Information Meeting**

A Public Information Meeting will be held for DCI2024-00043 on March 19, 2025 at 5:30 pm at 31 Produce/Cracker Shack Café 18672 SR 31. The 16 acre subject property is within the Northeast Lee and North Olga Planning Communities and is located on SR 31 Alva, FL. A general overview of the requested Commercial Planned Development will be provided. Any questions or comments can be directed to Tina Ekblad of Sage Entitlements, LLC at tekblad@sageentitlements.com or 561-797-0288.
March 5 2025
LSAR0249400

<< Click here to print a printer friendly version >>

PAYMENT DETAILS

<div>TRANSACTION REPORT</div> <div><div>Date</div><div>February 27, 2025 10:20:48 AM EST</div><div>Amount:</div><div>72.38</div></div>
<div>ADDITIONAL OPTIONS</div> <div>1 Affidavit</div>
<div>SCHEDULE FOR AD NUMBER LSAR02494000</div> <div>March 5, 2025</div> <div>Fort Myers News-Press</div>

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ROADWAY IMPROVEMENTS

S.R. 31 from S.R. 78 (Bayshore Road) to Lake Babcock Drive

Lee County

Attachment Q

PROJECT DESCRIPTION

Babcock Ranch Community Independent Special District (ISD), in coordination with the Florida Department of Transportation (FDOT), is making improvements to **S.R. 31 from S.R. 78 (Bayshore Road) to Lake Babcock Drive**. These interim improvements include building a new four-lane roadway east of the existing S.R. 31 roadway that will tie-in to the existing two-lane roadway. Additional improvements to the project corridor include separated multi-use trail facilities along both sides of S.R. 31, lighting enhancements at all major intersections, and significant enhancements to stormwater facilities.

WHAT TO EXPECT

Motorists should expect minimal impacts to their daily commutes. Farther into the project, occasional traffic shifts and lane closures will occur when crews connect to existing intersections at Bayshore Road (S.R. 78) and Cypress Parkway.

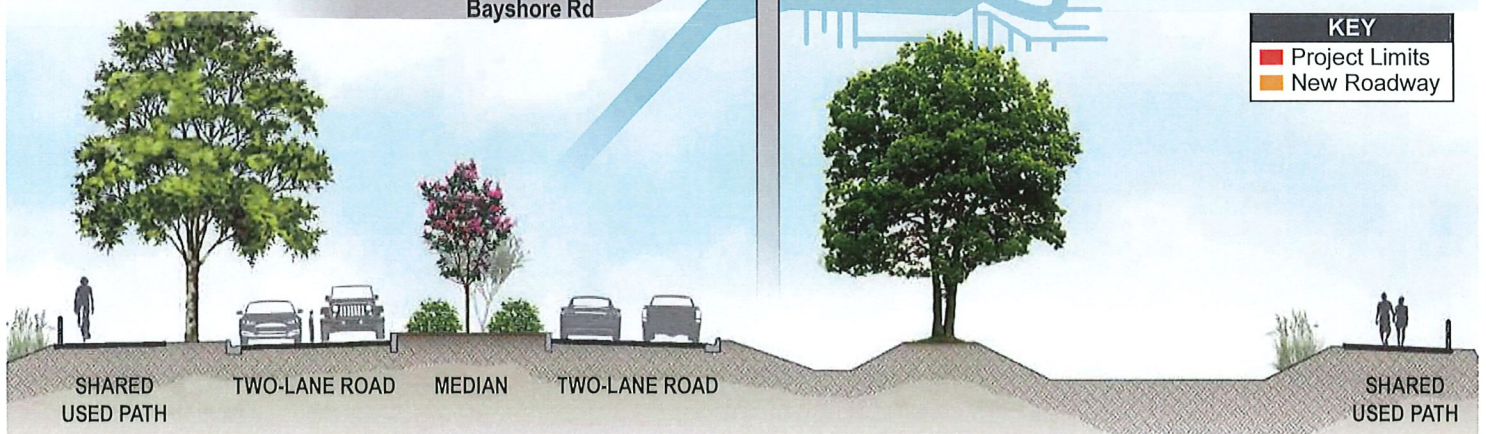
For the most current project details, visit the SWFL Roads project website at: www.swflroads.com/project/442027-2.



Scan the QR code using your mobile device to view more information on the project website.



RENDERING OF NEW ROADWAY ALIGNMENT



Financial Project Identification
(FPID) No. 442027-2

ESTIMATED CONSTRUCTION START
Summer 2024

ESTIMATED PROJECT COMPLETION
Winter 2026

PROJECT COST
\$85 million

CONTACT INFORMATION

Katelyn Carmona
Community Outreach Specialist
239-744-9192
katelyn.carmona@dot.state.fl.us

RESOLUTION NUMBER Z-22-022

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

WHEREAS, D.R. Horton, Inc. filed an application on behalf of the property owner, Talon Ventures, LLC, to rezone a 342.68± acre parcel from Agricultural (AG-2) to Residential Planned Development (RPD) in reference to Owl Creek Reserve Minor RPD; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Donna Marie Collins, was advertised and held on June 23, 2022; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2021-00011 and recommended APPROVAL of the Request; and

WHEREAS, a second public hearing was advertised for August 17, 2022, before the Lee County Board of Commissioners. Prior to commencing the hearing, at the request of staff and the applicant, the Board of County Commissioners continued the hearing until September 7, 2022. On September 7, 2022, the second public hearing was held; and,

WHEREAS, the Lee County Board of Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 342.68± acre parcel from AG-2 to RPD, to allow development of a clustered residential community containing up to 380 dwelling units with single-family and two-family attached dwellings, a 96 multi-slip docking facility and amenities. Maximum building height is 35 feet.

The property is located in the Rural and Wetlands Future Land Use Categories and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. Master Concept Plan (MCP). Development project must be consistent with the three-page MCP entitled "Owl Creek Reserve Minor RPD," prepared by Banks Engineering, Inc., dated June 23, 2022, except where modified by conditions below.

Consistency with Lee Plan and LDC. Development must comply with Lee Plan and Lee County LDC at the time of local development order, except where deviations have been granted to the planned development. Subsequent changes to the MCP may require further development approvals.

Approved Development Parameters. Development limited to up to 380 dwelling units, accessory uses, a boat ramp for paddle craft, and 96 private boat slips within a multi-slip docking facility.

2. Permitted Uses and Site Development Regulations.

a. Schedule of Uses

Accessory Uses and Structures
Administrative Offices
Boat dockage
Boat ramp, limited to paddle craft
Clubs, private
Community Gardens
Community Residential Home
Consumption on Premises, clubhouse (indoor and outdoor)
Dwelling Unit -
 Single-Family
 Two-Family Attached (limited to Tract 1)
Entrance Gate and Gatehouse
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention
Fences, Walls
Home care facility
Home occupation
Models: Display center, display group, model home
Multi-slip docking facility (Private on-site recreation facility only)
Parks, Group I
Parking Lot: Accessory
Real Estate Sales Office
Recreational Facilities: Personal, Private-on-site
Residential accessory uses
Signs
Stable: Boarding, Private, limited to lots 40,000 SF or greater in area
Temporary Uses, temporary construction trailers and equipment storage sheds

b. Site Development Regulations

Development Perimeter Setback: 50 feet

Minimum Open Space: 60%, of which 50% must be indigenous

Single Family

Minimum lot size: 6,500 square feet

Minimum lot width: 40 feet

Minimum lot depth: 100 feet

Minimum Setbacks:

Private Street: 20 feet (15 feet for side-loading garage)

Public Street: 20 feet

Side: 5 feet
Rear: 20 feet (5 feet for accessory structure)
Waterbody: 25 feet
Preserve: 20 feet (10 feet for accessory structure), 30 feet for communities subject to fire

Maximum building height: 35 feet
Maximum lot coverage: 55 percent

Setback from Owl Creek Boat Works Property Boundary: 100 feet to internal residential lot lines

Two-Family Attached

Minimum lot size: 3,750 square feet
Minimum lot width: 32 feet
Minimum lot depth: 100 feet

Minimum Setbacks:

Private Street: 20 feet (15 feet for side-loading garage)
Public Street: 20 feet
Side: 5 feet (0 feet for common wall unit)
Rear: 20 feet (5 feet for accessory structure)
Waterbody: 25 feet
Preserve: 20 feet (10 feet for accessory structure), 30 feet for communities subject to fire

Maximum building height: 35 feet
Maximum lot coverage: 55 percent

Setback from Owl Creek Boat Works Property Boundary: 100 feet to internal residential lot lines

Recreation Area

Minimum lot size: N/A
Minimum lot width: N/A
Minimum lot depth: N/A

Minimum Setbacks:

Private Street: 20 feet
Public Street: 20 feet
Side: 5 feet
Rear: 20 feet (5 feet for accessory structure)
Waterbody: 25 feet
Preserve: 20 feet (10 feet for accessory structure), 30 feet for communities subject to fire

Maximum building height: 35 feet
Maximum lot coverage: 55 percent

Parking for Private Multi-Slip Docking Facility: 1 parking space for every 3.5 slips

3. Density Derived from Rare and Unique Habitat

Developer may plat up to 339 residential lots upon recording a conservation easement over a minimum of 106.36 acres of preserved wetlands and 15.16 acres of Rare & Unique upland areas consistent with MCP Sheet 2 Density Exhibit.

Plat approval for the remaining 41 dwelling units may not be issued until:

- a. Restoration Complete. Preservation and restoration of 41.28 acres of Rare & Unique upland restoration shown on MCP Sheet 2 Density Exhibit is complete and Lee County issues a Certificate of Completion;
- b. Conservation Easement. Developer records a conservation easement over 41.28 acres of Rare & Unique upland restoration areas; and
- c. Optional Bond. In the alternative, developer may bond the cost of restoration work on the 41.28 ac. restoration area to permit plat approval of the additional 41 dwelling units.

4. Owl Creek Drive Access

- a. Access Easement. Prior to development order approval, developer must provide an access easement subject to approval by the County Attorney's Office. The easement must provide access for existing development currently utilizing Owl Creek Road. Prior to development order approval, the easement must be recorded in the public records of Lee County at Developer's expense.
- b. Owl Creek Drive Entrance. The project entrance gate on North River Road at Owl Creek Drive must remain open to allow public access during daylight hours. The entrance gate must allow access to Owl Creek Boatworks and the existing single-family residence 24 hours a day.

5. Secondary Access Signage

As part of the local development order approval proposing the second access from North River Road, the developer must provide signage stating the secondary access on North River Road is limited to resident use and direct all other traffic to the main entrance to the west.

6. FEMA Floodway

At the time of local development order approval, areas located in FEMA Regulatory floodways must provide a FEMA No Rise analysis, or the site plan must be revised to avoid the floodway.

7. Open Space

Development order plans must depict 168.41 acres of indigenous open space and 1.62 acres of upland restoration consistent with the MCP and consistent with the following:

- a. Rare and Unique Upland Preservation 15.16 acres;
- b. Rare and Unique Upland Restoration 41.28 acres;
- c. Upland Restoration 1.62 acres;
- d. Wetland Preservation 23.56 acres;
- e. Wetland Restoration 82.80 acres; and
- f. Surface Waters 5.61 acres.

8. Open Space Phasing

Development order plans must depict 60% open space consistent with Condition 7 and provide a phasing schedule demonstrating how the open space requirement will be met to support the proposed dwelling units.

9. Recording of Conservation Easement

Developer must record a conservation easement over all areas used to achieve the density incentive. Conservation easements must be dedicated to an appropriate maintenance entity that provides third party enforcement rights to Lee County or other public agency acceptable to Lee County. Conservation easements must be recorded within five years of the first development order approval.

10. Wetland Impacts

Developer must submit a copy of the mitigation receipt of payment or mitigation plans for wetland impacts to the County Department of Community Development prior to approval of a development order that proposes wetland impacts (up to 13.95 acres).

11. Indigenous Habitat Management Plan

- a. Development order plans must substantially comply with the Indigenous Habitat Management Plan received March 15, 2022.
- b. Development order plans must include a schedule for the indigenous preservation and restoration to be completed within five consecutive years.
- c. Development order plans must include a map depicting the location of mechanical and hand-removal methods of exotic vegetation.
- d. Developer must submit survey point maps depicting preservation and restoration areas and mechanical clearing limits with the vegetation removal permit.
- e. Developer must submit a surveyed point map depicting the flushing canal and littoral marsh clearing limits with the vegetation removal permit application.

12. Northern Buffer Planting Material

Development order plans must depict a 25-foot-wide buffer within the restoration area that includes 14-foot-in-height native canopy trees, spaced approximately 25-feet-on-center to comply with LDC §33-1673.

13. Surface and Ground Water Monitoring

Prior to local development order approval, developer must provide the Surface Water and Groundwater Monitoring Plan on file with this zoning case subject to the following modifications:

- a. The Surface Water and Groundwater Monitoring Plan submitted for review and approval by the Lee County Division of Natural Resources must establish the following:
 - i. Goals and objectives of the Plan;
 - ii. Outfall monitoring schedule during "wet" season of June through September and "dry" season of October through May, for Total Kjeldahl Nitrogen, Ammonia, Total Nitrogen, Nitrite, Nitrate, Chlorophyll A, Total Phosphorus, Chloride, Total Dissolved Solids, Florida PRO, Arsenic, Copper, Mercury, Lead, E. coli, Total Hardness, Field Temperature, Specific Conductance, pH, Dissolved Oxygen, Lake Stage, Water Table Aquifer Elevation, and Sandstone Aquifer Elevation Turbidity and Stage.
 - iii. Baseline monitoring event to be part of the monitoring plan that must be completed prior to commencement of construction.
 - iv. Identify monitoring point locations
 - v. Water quality monitoring data must be provided to the Division of Natural Resources annually for a minimum of 5 years and must include a report with a comparison of State water quality standards, plots of parameters, and recommendations. After five years of meeting or exceeding state water quality monitoring standards, Developer may amend water quality monitoring and reporting after written request, review, and approval by the Division of Natural Resources. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources.
 - vi. A contingency plan to be implemented following discovery of an exceedance of State Water Quality Standards. The contingency plan must include notification to impacted residents and applicable authorities.

14. Utility Connection

Development plans must demonstrate connection to public water and wastewater utility service.

15. Drainage and Access Easement

Developer must submit a draft drainage and access easement in favor of Lee County with the first development order application. The drainage and access easement must permit Lee County access to the floodway to allow the right, but not the obligation, to maintain the floodway per LDC §10-328. The draft easement will be subject to review by the County Attorney's Office. Developer must execute a County approved easement prior to issuance of a certificate of completion for the project.

16. Maximum Boat Slips

The proposed multi-slip docking facility is limited to 96 boat slips. Developer may not convert the remaining 234 boat slips permitted under the Manatee Protection Plan into slip credits.

17. Manatee Protection Plan

Developer must demonstrate the following prior to issuance of a development order for the multi-slip docking facility:

- a. Compliance with standard manatee construction conditions;
- b. Provide a manatee education program; and
- c. Prior to issuance of a dock and shore permit, Developer must pay \$546 per slip for enhanced marine law enforcement.

18. Indigenous Habitat Management Plan

Developer must update the littoral marsh plant list in the Indigenous Habitat Management Plan received March 15, 2022, to include red mangroves installed at 1 gallon 8-foot on center around the perimeter of the tidal lagoon prior to issuance of a local development order for the multi-slip docking facility.

19. Great Calusa Blueway Designation

Developer must demonstrate that the boat ramp, limited to kayak and canoe launch, has been included on The Great Calusa Blueway Map prior to issuance of a certificate of completion for the boat ramp. Developer must install signs within the project and along North River Road (if permitted by Lee Department of Transportation) to assist public access to the boat ramp. The kayak and canoe launch boat ramp must remain open to the public during daylight hours.

SECTION C. DEVIATIONS:

1. Entrance Gate and Gatehouses.

Deviation (1) seeks relief from the LDC §34-1748(5), which requires a paved turn-around, having a turning radius sufficient to accommodate a U-turn for a single unit truck vehicle as specified in the AASHTO Green Book current addition to be provided on the ingress side of the gate or gatehouse, to allow a paved turn-around, having a

turning radius sufficient to accommodate a passenger car as specified in the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook) current edition at the eastern resident only gate on North River Road.”

This deviation is APPROVED, SUBJECT TO the following conditions:

- a. As part of development order approval, developer must provide signage stating the eastern access point is a resident only access.
- b. Prior to development order approval that includes the resident only access gate, developer must submit a letter of no objection from the Bayshore Fire Protection and Rescue Service District.

2. Street Design and Construction Standards – Cul-de-Sac.

Deviation (2) seeks relief from the LDC §10-296(k)(1), which requires dead-end streets to provide a circular turnaround, to allow a dead-end street with a T-intersection in Tract 1 shown on the MCP.

This deviation is APPROVED.

3. Landscape Standards – Development Abutting Natural Waterway.

Deviation (3) seeks relief from the LDC §10-416(d)(9), which requires a 50-foot-wide vegetative buffer landward of non-seawalled natural waterways, to allow the following encroachments shown on the MCP:

- 3A – Tributary to Owl Creek: Tract 3 access road crossing and necessary improvements on North River Road;
- 3B – Trout Creek: Tract 7 access bridge crossing and existing bridge;
- 3C – Natural basin of Caloosahatchee River: Flushing connection; and
- 3D – Trout Creek: Flushing connection.

This deviation is APPROVED, SUBJECT TO the following conditions:

- a. 3A - Prior to approval of a development order that includes impacts to the Owl Creek natural waterway and its tributaries, the development order plans must provide detail drawings (including cross sections) of the impacts, limited to 140 feet on the east side and 145 feet on the west side of the Owl Creek tributary accessing Tract 3 and impacts of 25 feet to the east and west of the Owl Creek tributary along North River Road in substantial compliance with MCP sheet 2 and sheet 3.
- b. 3B - Prior to approval of a development order that includes impacts to Trout Creek natural waterway, development order plans must provide detail drawings of the proposed bridge and existing bridge (including cross sections) in substantial compliance with MCP sheet 2 and 3. The impacts for the new bridge

are limited to 190-feet on the north side and 170 feet along the south side of Trout Creek.

- c. 3C - Prior to approval of a development order that includes impacts to Trout Creek and/or the Caloosahatchee River, the development order plans must be in substantial compliance with the Private Multi-Slip Docking Facility Tidal Lagoon attached as Exhibit D.
- d. 3D - Prior to approval of a development order that includes impacts to Trout Creek and/or the Caloosahatchee River, development order plans must be in substantial compliance with the Private Multi-Slip Docking Facility Tidal Lagoon attached as Exhibit D.

4. Landscape Standards – Development Abutting Project Drives.

Deviation (4) seeks relief from the LDC §10-416(d)(6), which requires where proposed roads, drives, or parking areas are located less than 125 feet from existing single-family residential lots, a solid wall or combination berm and solid wall not less than eight feet in height must be constructed not less than 25 feet from the abutting property and landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 lineal feet or a 30-foot wide Type F buffer with the hedge planted a minimum of 20 feet from the abutting property; to allow no buffer where the proposed internal road will be constructed within 125' of the adjacent single family lot as shown on the MCP.

This deviation is APPROVED.

SECTION D. EXHIBITS:

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

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan
- Exhibit D: Private Multi-Slip Docking Facility Tidal Lagoon

SECTION E. FINDINGS AND CONCLUSIONS:

Based upon its review, the Board of County Commissioners adopts the recommendation of the Hearing Examiner, including the following findings and conclusions:

- 1. The requested Owl Creek RPD zoning is consistent with the Lee Plan. Lee Plan Goals 2, 4, 5, 27, 29, 59, 60, 61, 79, 82, 124; Objectives 1.5, 1.6, 2.2, 4.1, 27.1, 27.3, 27.5, 29.1, 29.2, 29.4, 29.5, 29.7, 29.8, 29.10, 29.11, 79.1, 158.1, and Policies 1.1.11, 1.5.1, 5.1.6, 27.1.1, 27.1.2, 27.3.1, 29.2.1, 29.2.4, 29.3.4, 79.1.2, 123.7.3, 123.7.5, 124.1.1, 128.4.12, 128.5.15; Lee Plan Maps 1-B, 4-A, 4-E and Table 1(a).
- 2. As conditioned, the RPD zoning designation:
 - a. Is consistent with the Land Development Code or qualifies for deviations. LDC §§ 33-1661 *et seq.*, 34-341(a), 34-373(a)(9), 34-411, 34-413, 34-491, 34-612(2);

- b. Is compatible with existing or planned uses in the surrounding area. Lee Plan Objectives 27.1, 27.3, 29.1, 29.2, 29.5, 29.9, 158.1, and Policies, 5.1.5, 5.2.4, 29.1.1, 29.9.1, 29.9.3, 29.11.3, 135.9.5, 158.1.7; LDC §34-413, and
 - c. Will not adversely affect environmentally sensitive areas or natural resources. Lee Plan Goals 59, 60, 61, 123, 125, Objectives 27.3, 29.7, 29.8, 60.4, 60.5, 61.2, 61.3, 123.1, 123.2, 124.1, 126.2, Policies 1.5.1, 1.6.1, 27.4.3, 27.7.2, 29.8.2, 29.11.3, 59.1.6, 60.4.1, 60.4.3, 60.4.5, 60.5.1, 60.5.2, 60.5.3, 61.2.4, 61.3.3, 61.3.6, 61.3.8, 61.3.11, 61.3.12, 123.2.4, 123.2.8, 123.2.9, 123.2.11, 123.2.15, 123.3.1, 123.3.3, 125.1.1, 125.1.2, 125.1.3, 126.2.1, 143.2.2, 158.1.7, and Standard 4.1.4.
- 3. There is sufficient road access to support the proposed development intensity.
 - 4. The expected impacts on transportation facilities will be addressed by County regulations and conditions of approval. Lee Plan Objectives 27.4, 29.5, 39.1, Policies 27.4.1, 38.1.1, 38.1.5, 39.1.1; LDC §§ 2-261 *et seq.*, 34-411(d) and (e).
 - 5. Public services and infrastructure will be available to serve the development, notwithstanding its Rural designation. Goals 4, 151, Objective 4.1, Policy 1.4.1, Standards 4.1.1, 4.1.2.
 - 6. The proposed uses are appropriate at the subject location. Lee Plan Goals 2, 5, 27, 29; Objective 29.2, Policies 1.4.1, 27.1.1, 29.1.1, 29.2.1, 124.1.1.
 - 7. The County regulations and recommended conditions of approval provide sufficient safeguards to protect the public interest. Lee Plan Policies 5.1.1, 5.1.2, 5.1.5, 5.2.2, 29.1.1, 29.2.2, 61.3.8, 123.7.5, 135.9.6; LDC §§ 34-377(a)(3), and 34-411.
 - 8. The recommended conditions reasonably relate to the impacts expected from the proposed development. Lee Plan Goals 79, 82, Objectives 29.6, 79.1, Policies 5.1.5, 29.6.2, 29.6.3, 61.3.3, 79.1.2, 82.1.2, 123.2.9, 135.9.5, 158.1.7; LDC §§ 34-145(d)(4)a.2.(b), 34-411, and 34-932(c).
 - 9. Deviations recommended for approval enhance the planned development and preserve the intent of the LDC to protect the public health, safety and welfare. LDC §§ 34-373(a)(9), 34-377(a)(4).

SECTION F. SCRIVENER'S ERRORS

The Board intends that this resolution can be renumbered or relettered and typographical errors that do not affect the intent and are consistent with the Board's action can be corrected with the authorization of the County Manager or his designee, without the need for a public hearing.

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

Adopted by unanimous consent.

Kevin Ruane	Aye
Cecil L Pendergrass	Aye
Raymond Sandelli	Abstain
Brian Hamman	Aye
Mike Greenwell	Aye

DULY PASSED AND ADOPTED this 7th day of September 2022.

ATTEST:
KEVIN C. KARNES, CLERK

BY: Melissa Butler
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: [Signature]
Cecil L Pendergrass, Chair

Vice

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

[Signature]

Amanda L. Swindle
Assistant County Attorney, Senior
County Attorney's Office

RECEIVED
MINUTES OFFICE
MB
2022 SEP 15 PM 3:52

BBL SURVEYORS, INC.
8860 TERRENE COURT,
BONITA SPRINGS, FLORIDA 34135
TELEPHONE: (239) 597-1315
FAX: (239) 597-5207

LEGAL DESCRIPTION

OWL CREEK

A PORTION OF SECTIONS 18 AND 19, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.00°16'39"W., ALONG THE WEST LINE OF SAID NORTHEAST QUARTER, FOR A DISTANCE OF 50.01 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF NORTH RIVER ROAD (STATE ROAD 78), A 100 FOOT WIDE RIGHT OF WAY, THE SAME BEING THE **POINT OF BEGINNING** OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN S.88°52'22"E., ALONG SAID SOUTHERLY RIGHT OF WAY LINE, FOR A DISTANCE OF 2,392.11 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT OF WAY LINE AND THE ARC OF SAID CURVE, HAVING A RADIUS OF 11,509.16 FEET THROUGH A CENTRAL ANGLE OF 00°53'50", SUBTENDED BY A CHORD OF 180.24 FEET, AT A BEARING OF S.89°19'16"E., FOR A DISTANCE OF 180.24 FEET TO THE END OF SAID CURVE, THE SAME BEING A POINT ON THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE RUN S.00°23'24"W., ALONG SAID EAST LINE, FOR A DISTANCE OF 2,608.43 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 18; THENCE RUN S.00°20'37"W., ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, FOR A DISTANCE OF 1,447.29 FEET TO A POINT HEREINAFTER REFERED TO AS **POINT "A"**, THE SAME BEING A POINT ON THE MEAN HIGH WATER LINE OF TROUT CREEK (ELEVATION 0.03 FEET-NORTH AMERICAN VERTICAL DATUM OF 1988); THENCE RUN S.63°09'11"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 68.12 FEET; THENCE RUN S.66°53'17"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 63.33 FEET; THENCE RUN S.70°27'15"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 39.63 FEET; THENCE RUN S.64°37'58"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 53.06 FEET; THENCE RUN S.77°10'24"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 31.94 FEET; THENCE RUN S.67°19'24"W., ALONG

SHEET 1 OF 15

Z:\Projects\2020\20.30 Owl Creek\LEGAL & SKETCH 01 21 21\20.30 OWL CREEK LEGAL DESC.docx

EXHIBIT A.

SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 49.00 FEET; THENCE
 RUN S.66°42'36"W., ALONG SAID MEAN HIGH WATER LINE, FOR A
 DISTANCE OF 31.31 FEET; THENCE RUN S.80°37'35"W., ALONG SAID MEAN
 HIGH WATER LINE, FOR A DISTANCE OF 23.70 FEET; THENCE RUN
 S.49°00'39"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF
 25.62 FEET; THENCE RUN S.65°48'12"W., ALONG SAID MEAN HIGH WATER
 LINE, FOR A DISTANCE OF 63.16 FEET; THENCE RUN S.74°36'11"W., ALONG
 SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 79.06 FEET; THENCE
 RUN S.73°49'33"W., ALONG SAID MEAN HIGH WATER LINE, FOR A
 DISTANCE OF 76.39 FEET; THENCE RUN S.77°28'30"W., ALONG SAID MEAN
 HIGH WATER LINE, FOR A DISTANCE OF 81.85 FEET; THENCE RUN
 S.82°44'45"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF
 86.96 FEET; THENCE RUN S.69°49'00"W., ALONG SAID MEAN HIGH WATER
 LINE, FOR A DISTANCE OF 63.53 FEET; THENCE RUN S.83°38'00"W., ALONG
 SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 84.05 FEET; THENCE
 RUN N.64°43'19"W., ALONG SAID MEAN HIGH WATER LINE, FOR A
 DISTANCE OF 10.65 FEET; THENCE RUN N.10°04'22"W., ALONG SAID MEAN
 HIGH WATER LINE, FOR A DISTANCE OF 17.28 FEET; THENCE RUN
 N.67°36'56"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF
 63.76 FEET; THENCE RUN N.75°31'42"E., ALONG SAID MEAN HIGH WATER
 LINE, FOR A DISTANCE OF 84.91 FEET; THENCE RUN N.67°43'57"E., ALONG
 SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 42.46 FEET; THENCE
 RUN N.48°46'12"E., ALONG SAID MEAN HIGH WATER LINE, FOR A
 DISTANCE OF 15.77 FEET; THENCE RUN N.22°03'58"E., ALONG SAID MEAN
 HIGH WATER LINE, FOR A DISTANCE OF 53.88 FEET; THENCE RUN
 N.67°46'02"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF
 56.48 FEET; THENCE RUN N.53°42'12"E., ALONG SAID MEAN HIGH WATER
 LINE, FOR A DISTANCE OF 56.78 FEET; THENCE RUN N.09°10'30"E., ALONG
 SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 71.37 FEET; THENCE
 RUN N.18°38'24"W., ALONG SAID MEAN HIGH WATER LINE, FOR A
 DISTANCE OF 45.27 FEET; THENCE RUN N.36°09'14"E., ALONG SAID MEAN
 HIGH WATER LINE, FOR A DISTANCE OF 54.90 FEET; THENCE RUN
 N.35°53'09"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF
 55.09 FEET; THENCE RUN N.01°19'19"E. ALONG SAID MEAN HIGH WATER
 LINE, FOR A DISTANCE OF 23.41 FEET; THENCE RUN N.32°33'04"W., ALONG
 SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 51.20 FEET; THENCE
 RUN N.07°39'06"E., ALONG SAID MEAN HIGH WATER LINE, FOR A
 DISTANCE OF 57.91 FEET; THENCE RUN N.06°39'11"W., ALONG SAID MEAN
 HIGH WATER LINE, FOR A DISTANCE OF 79.50 FEET; THENCE RUN
 N.36°15'06"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE
 OF 133.80 FEET; THENCE RUN N.13°17'04"E., ALONG SAID MEAN HIGH
 WATER LINE, FOR A DISTANCE OF 69.67 FEET; THENCE RUN N.51°38'20"E.,
 ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 56.94 FEET;
 THENCE RUN N.09°17'06"W., ALONG SAID MEAN HIGH WATER LINE, FOR A
 DISTANCE OF 57.33 FEET; THENCE RUN S.47°33'50"W., ALONG SAID MEAN
 HIGH WATER LINE, FOR A DISTANCE OF 52.48 FEET; THENCE RUN

S.52°35'15"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 71.39 FEET; THENCE RUN S.26°00'04"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 44.07 FEET; THENCE RUN S.05°32'36"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 123.25 FEET; THENCE RUN S.35°01'53"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 91.33 FEET; THENCE RUN S.50°35'34"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 85.61 FEET; THENCE RUN S.10°34'53"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 33.93 FEET; THENCE RUN S.21°26'11"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 36.72 FEET; THENCE RUN S.40°17'20"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 33.23 FEET; THENCE RUN S.35°18'25"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 42.17 FEET; THENCE RUN S.42°33'03"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 45.18 FEET; THENCE RUN S.41°13'28"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 30.71 FEET; THENCE RUN S.18°57'53"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 40.71 FEET; THENCE RUN S.02°39'27"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 43.57 FEET; THENCE RUN S.18°07'05"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 39.46 FEET; THENCE RUN S.67°10'19"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 48.51 FEET; THENCE RUN S.75°56'36"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 27.05 FEET; THENCE RUN S.56°00'26"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 40.96 FEET; THENCE RUN S.04°07'53"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 15.13 FEET; THENCE RUN S.02°20'53"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 30.76 FEET; THENCE RUN S.83°41'22"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 17.10 FEET; THENCE RUN N.81°54'26"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 32.46 FEET; THENCE RUN S.72°46'26"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 51.87 FEET; THENCE RUN N.79°37'03"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 77.30 FEET; THENCE RUN S.43°53'28"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 29.96 FEET; THENCE RUN S.64°51'44"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 33.22 FEET; THENCE RUN S.67°25'22"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 27.97 FEET; THENCE RUN S.63°29'01"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 21.10 FEET; THENCE RUN S.63°09'28"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 50.02 FEET; THENCE RUN S.55°16'21"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 81.31 FEET; THENCE RUN S.61°20'10"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 66.81 FEET; THENCE RUN S.67°49'59"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 48.47 FEET; THENCE RUN S.72°10'03"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 58.79 FEET; THENCE RUN S.78°14'00"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 49.72 FEET; THENCE

RUN S.64°42'00"W., ALONG SAID MEAN HIGH WATER LINE, FOR A
 DISTANCE OF 53.28 FEET; THENCE RUN S.38°23'32"W., ALONG SAID MEAN
 HIGH WATER LINE, FOR A DISTANCE OF 10.59 FEET; THENCE RUN
 N.89°16'27"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE
 OF 20.26 FEET; THENCE LEAVING SAID MEAN HIGH WATER LINE, RUN
 N.00°43'09"E., FOR A DISTANCE OF 121.86 FEET; THENCE RUN N.07°03'43"E.,
 FOR A DISTANCE OF 300.00 FEET; THENCE RUN N.02°16'53"E., FOR A
 DISTANCE OF 100.00 FEET; THENCE RUN N.07°27'32"W., FOR A DISTANCE
 OF 299.99 FEET; THENCE RUN N.01°23'52"W., FOR A DISTANCE OF 100.00
 FEET; THENCE RUN N.13°23'08"E., FOR A DISTANCE OF 100.00 FEET;
 THENCE RUN N.23°42'08"E., FOR A DISTANCE OF 99.22 FEET; THENCE RUN
 N.88°52'07"W., FOR A DISTANCE OF 500.00 FEET; THENCE RUN S.01°07'53"W.,
 FOR A DISTANCE OF 1,252.34 FEET TO SAID MEAN HIGH WATER LINE OF
 TROUT CREEK (ELEVATION 0.03 FEET-NORTH AMERICAN VERTICAL
 DATUM OF 1988); THENCE RUN S.59°33'49"W., ALONG SAID MEAN HIGH
 WATER LINE, FOR A DISTANCE OF 66.58 FEET; THENCE RUN S.19°55'43"W.,
 ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 17.96 FEET;
 THENCE RUN S.53°18'36"W., ALONG SAID MEAN HIGH WATER LINE, FOR A
 DISTANCE OF 53.47 FEET; THENCE RUN S.26°06'00"W., ALONG SAID MEAN
 HIGH WATER LINE, FOR A DISTANCE OF 82.56 FEET; THENCE RUN
 S.05°34'19"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF
 68.70 FEET; THENCE RUN S.07°11'04"E., ALONG SAID MEAN HIGH WATER
 LINE, FOR A DISTANCE OF 29.90 FEET; THENCE RUN S.07°54'16"E., ALONG
 SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 11.85 FEET; THENCE
 RUN S.12°21'57"W., ALONG SAID MEAN HIGH WATER LINE, FOR A
 DISTANCE OF 78.12 FEET; THENCE RUN S.10°40'48"W., ALONG SAID MEAN
 HIGH WATER LINE, FOR A DISTANCE OF 33.89 FEET; THENCE RUN
 S.21°15'12"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF
 20.19 FEET; THENCE RUN S.10°05'07"W. ALONG SAID MEAN HIGH WATER
 LINE,, FOR A DISTANCE OF 34.32 FEET; THENCE RUN S.16°26'09"W., ALONG
 SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 51.67 FEET; THENCE
 RUN S.20°15'30"W., ALONG SAID MEAN HIGH WATER LINE, FOR A
 DISTANCE OF 28.82 FEET; THENCE RUN S.18°57'28"W., ALONG SAID MEAN
 HIGH WATER LINE, FOR A DISTANCE OF 36.38 FEET; THENCE RUN
 S.15°47'44"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF
 34.13 FEET; THENCE RUN S.16°28'26"W., ALONG SAID MEAN HIGH WATER
 LINE, FOR A DISTANCE OF 59.42 FEET; THENCE RUN S.12°32'34"W., ALONG
 SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 53.60 FEET; THENCE
 RUN S.23°08'17"W., ALONG SAID MEAN HIGH WATER LINE, FOR A
 DISTANCE OF 62.09 FEET; THENCE RUN S.15°16'02"W., ALONG SAID MEAN
 HIGH WATER LINE, FOR A DISTANCE OF 33.53 FEET; THENCE RUN
 S.18°12'29"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF
 115.02 FEET; THENCE RUN S.03°19'16"E., ALONG SAID MEAN HIGH WATER
 LINE, FOR A DISTANCE OF 4.78 FEET; THENCE LEAVING SAID MEAN HIGH
 WATER LINE, RUN N.47°23'44"W., FOR A DISTANCE OF 78.47 FEET; THENCE
 RUN N.24°12'11"W., FOR A DISTANCE OF 91.43 FEET; THENCE RUN

N.03°48'12"W., FOR A DISTANCE OF 29.62 FEET; THENCE RUN N.06°50'11"W., FOR A DISTANCE OF 34.61 FEET; THENCE RUN N.08°54'45"W., FOR A DISTANCE OF 28.95 FEET; THENCE RUN N.12°43'52"W., FOR A DISTANCE OF 39.18 FEET; THENCE RUN N.28°20'46"W. ,FOR A DISTANCE OF 39.90 FEET; THENCE RUN N.32°06'08"W., FOR A DISTANCE OF 30.67 FEET; THENCE RUN N.45°59'51"W., FOR A DISTANCE OF 43.84 FEET; THENCE RUN N.40°53'39"W., FOR A DISTANCE OF 33.01 FEET; THENCE RUN N.53°48'26"W., FOR A DISTANCE OF 60.20 FEET; THENCE RUN N.75°05'44"W., FOR A DISTANCE OF 54.64 FEET; THENCE RUN N.71°07'07"W., FOR A DISTANCE OF 40.46 FEET; THENCE RUN N.62°42'59"W., FOR A DISTANCE OF 34.22 FEET; THENCE RUN N.66°57'30"W., FOR A DISTANCE OF 51.84 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 18; THENCE RUN N.00°16'39"E., ALONG SAID WEST LINE, AND THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 18, FOR A DISTANCE OF 5,052.72 FEET TO THE **POINT OF BEGINNING**. CONTAINING 11,154,906 SQUARE FEET OR 256.083 ACRES, MORE OR LESS.

AND

COMMENCE AT THE AFOREMENTIONED **POINT "A"**; THENCE RUN S.00°20'37"W., ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 18, FOR A DISTANCE OF 77.70 FEET TO THE **POINT OF BEGINNING** OF THE PARCEL OF LAND HEREIN DESCRIBED, THE SAME BEING A POINT ON THE MEAN HIGH WATER LINE OF TROUT CREEK (ELEVATION 0.03 FEET-NORTH AMERICAN VERTICAL DATUM OF 1988) ;THENCE LEAVING SAID MEAN HIGH WATER LINE RUN S.00°20'37"W., FOR A DISTANCE OF 1,134.17 FEET TO THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 19; THENCE RUN S.00°18'34"W., ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 19, FOR A DISTANCE OF 2,480.58 FEET TO THE NORTHERLY LINE OF SOUTH FLORIDA WATER MANAGEMENT DISTRICT CANAL 43 RIGHT OF WAY (A 800.00 FOOT WIDE RIGHT OF WAY); THENCE RUN S.71°02'37"W., ALONG SAID NORTHERLY LINE, FOR A DISTANCE OF 384.61 FEET TO THE MEAN HIGH WATER LINE OF THE CALOOSAHATCHEE RIVER (ELEVATION 0.23 FEET-NORTH AMERICAN VERTICAL DATUM OF 1988); THENCE RUN N.52°44'09"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 86.87 FEET; THENCE RUN N.23°50'54"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 68.13 FEET; THENCE RUN N.10°38'48"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 52.58 FEET; THENCE RUN N.09°06'55"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 42.95 FEET; THENCE RUN N.32°14'07"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 39.88 FEET; THENCE RUN N.43°39'22"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 52.79 FEET; THENCE RUN N.34°08'38"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 41.08 FEET; THENCE RUN N.54°52'16"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 60.65 FEET;

THENCE RUN N.87°04'33"E., ALONG SAID MEAN HIGH WATER LINE, FOR A
 DISTANCE OF 55.75 FEET; THENCE RUN N.49°55'04"E., ALONG SAID MEAN
 HIGH WATER LINE, FOR A DISTANCE OF 45.69 FEET; THENCE RUN
 N.28°07'43"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF
 46.00 FEET; THENCE RUN N.56°19'58"W., ALONG SAID MEAN HIGH WATER
 LINE, FOR A DISTANCE OF 17.93 FEET; THENCE RUN S.36°51'22"W., ALONG
 SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 39.99 FEET; THENCE
 RUN S.71°55'20"W., ALONG SAID MEAN HIGH WATER LINE, FOR A
 DISTANCE OF 31.45 FEET; THENCE RUN S.89°48'27"W., ALONG SAID MEAN
 HIGH WATER LINE, FOR A DISTANCE OF 25.16 FEET; THENCE RUN
 N.63°29'40"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE
 OF 53.19 FEET; THENCE RUN S.77°12'19"W., ALONG SAID MEAN HIGH
 WATER LINE, FOR A DISTANCE OF 81.07 FEET; THENCE RUN S.87°13'04"W.,
 ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 71.51 FEET;
 THENCE RUN S.86°14'38"W., ALONG SAID MEAN HIGH WATER LINE, FOR A
 DISTANCE OF 51.39 FEET; THENCE RUN N.32°39'35"W. ALONG SAID MEAN
 HIGH WATER LINE,, FOR A DISTANCE OF 39.89 FEET; THENCE RUN
 N.46°07'12"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE
 OF 55.49 FEET; THENCE RUN N.48°12'13"W., ALONG SAID MEAN HIGH
 WATER LINE, FOR A DISTANCE OF 67.15 FEET; THENCE RUN N.30°38'49"W.,
 ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 52.85 FEET;
 THENCE RUN N.25°28'33"W., ALONG SAID MEAN HIGH WATER LINE, FOR A
 DISTANCE OF 64.46 FEET; THENCE RUN N.28°26'17"W., ALONG SAID MEAN
 HIGH WATER LINE, FOR A DISTANCE OF 48.85 FEET; THENCE RUN
 N.24°27'43"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE
 OF 67.21 FEET; THENCE RUN N.23°43'59"W., ALONG SAID MEAN HIGH
 WATER LINE, FOR A DISTANCE OF 68.49 FEET; THENCE RUN N.44°29'30"W.,
 ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 30.93 FEET;
 THENCE RUN N.32°47'22"W., ALONG SAID MEAN HIGH WATER LINE, FOR A
 DISTANCE OF 39.03 FEET; THENCE RUN N.37°30'31"W., ALONG SAID MEAN
 HIGH WATER LINE, FOR A DISTANCE OF 53.12 FEET; THENCE RUN
 N.72°02'02"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE
 OF 37.99 FEET; THENCE RUN N.66°54'09"W., ALONG SAID MEAN HIGH
 WATER LINE, FOR A DISTANCE OF 50.25 FEET; THENCE RUN N.76°40'16"W.,
 ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 23.57 FEET;
 THENCE RUN N.62°41'50"W., ALONG SAID MEAN HIGH WATER LINE, FOR A
 DISTANCE OF 29.07 FEET; THENCE RUN N.57°22'45"W., ALONG SAID MEAN
 HIGH WATER LINE, FOR A DISTANCE OF 52.85 FEET; THENCE RUN
 S.81°19'58"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF
 24.79 FEET; THENCE RUN S.86°10'29"W., ALONG SAID MEAN HIGH WATER
 LINE, FOR A DISTANCE OF 20.72 FEET; THENCE RUN N.68°13'44"W., ALONG
 SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 70.32 FEET; THENCE
 RUN N.62°52'25"W., ALONG SAID MEAN HIGH WATER LINE, FOR A
 DISTANCE OF 25.24 FEET; THENCE RUN N.76°26'43"W., ALONG SAID MEAN
 HIGH WATER LINE, FOR A DISTANCE OF 42.82 FEET; THENCE RUN
 N.86°37'33"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE

OF 23.07 FEET; THENCE RUN N.66°30'11"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 23.15 FEET; THENCE RUN N.59°53'05"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 31.24 FEET; THENCE RUN N.63°30'36"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 30.41 FEET; THENCE RUN N.56°41'32"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 40.31 FEET; THENCE RUN N.61°46'56"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 24.48 FEET; THENCE RUN N.71°57'11"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 31.15 FEET; THENCE RUN N.60°34'35"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 28.45 FEET; THENCE RUN N.52°43'10"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 31.94 FEET; THENCE RUN N.40°26'58"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 13.97 FEET; THENCE RUN N.69°12'09"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 50.97 FEET; THENCE RUN N.75°09'23"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 27.53 FEET; THENCE RUN N.71°05'34"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 29.39 FEET; THENCE RUN N.50°55'57"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 7.35 FEET; THENCE LEAVING SAID MEAN HIGH WATER LINE, RUN N.48°06'50"E., FOR A DISTANCE OF 270.43 FEET; THENCE RUN N.42°11'10"W., FOR A DISTANCE OF 184.68 FEET; THENCE RUN N.03°40'10"W., FOR A DISTANCE OF 86.00 FEET; THENCE RUN N.44°50'41"E., FOR A DISTANCE OF 140.43 FEET; THENCE RUN N.48°53'50"E., FOR A DISTANCE OF 266.81 FEET; THENCE RUN N.37°56'50"E., FOR A DISTANCE OF 235.27 FEET; THENCE RUN N.28°49'50"E., FOR A DISTANCE OF 219.46 FEET; THENCE RUN N.15°00'10"W., FOR A DISTANCE OF 137.17 FEET; THENCE RUN S.74°59'50"W., FOR A DISTANCE OF 18.55 FEET; THENCE RUN N.15°00'10"W., FOR A DISTANCE OF 53.03 FEET; THENCE RUN N.44°37'10"W., FOR A DISTANCE OF 466.55 FEET; THENCE RUN N.29°52'10"W., FOR A DISTANCE OF 128.59 FEET; THENCE RUN N.24°50'50"E., FOR A DISTANCE OF 318.05 FEET; THENCE RUN N.13°28'44"W., FOR A DISTANCE OF 177.41 FEET TO SAID MEAN HIGH WATER LINE OF TROUT CREEK (ELEVATION 0.03 FEET-NORTH AMERICAN VERTICAL DATUM OF 1988); THENCE RUN N.68°36'37"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 118.44 FEET; THENCE RUN N.64°26'22"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 31.89 FEET; THENCE RUN N.64°03'20"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 59.04 FEET; THENCE RUN N.75°59'50"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 70.51 FEET; THENCE RUN N.73°52'12"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 36.64 FEET; THENCE RUN N.81°37'22"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 38.71 FEET; THENCE RUN N.76°10'56"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 61.09 FEET; THENCE RUN N.81°10'49"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 43.63 FEET; THENCE RUN N.79°19'30"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 27.70 FEET; THENCE RUN N.76°16'15"E., ALONG SAID MEAN

HIGH WATER LINE, FOR A DISTANCE OF 54.20 FEET; THENCE RUN N.78°48'20"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 120.20 FEET; THENCE RUN N.79°41'31"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 52.54 FEET; THENCE RUN N.75°23'35"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 99.29 FEET; THENCE RUN N.71°46'47"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 45.73 FEET; THENCE RUN N.77°14'48"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 27.77 FEET; THENCE RUN N.73°38'17"E. ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 131.49 FEET; THENCE RUN N.64°38'32"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 113.85 FEET; THENCE RUN N.64°07'37"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 23.99 FEET; THENCE RUN N.64°53'28"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 84.52 FEET; THENCE RUN N.64°11'02"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 86.91 FEET; THENCE RUN N.64°11'54"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 80.97 FEET TO **THE POINT OF BEGINNING**.
CONTAINING 3,772,203 SQUARE FEET OR 86.598 ACRES, MORE OR LESS.

TOTAL AREA OR PROPERTY DESCRIBED HEREIN IS 14,927,109 SQUARE FEET OR 342.68 ACRES, MORE OR LESS.

BEARINGS REFER TO THE WEST LINE THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, HAVING A BEARING OF S.00°16'39"W.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

Stephen Berry

Digitally signed by Stephen Berry
DN: c=US, ou=LS 5296, o=BBL5
Surveyors, Inc., cn=Stephen Berry,
email=sberry@bblsinc.net
Date: 2021.11.16 15:31:52 -05'00'

04/15/21

STEPHEN E. BERRY, STATE OF FLORIDA, (L.S. #5296)
BBL5 SURVEYORS, INC., (L.B. #8033)

PROOFED BY SEB
REVISED TYPO 04 15 21
REVISED CURVE 11 16 21

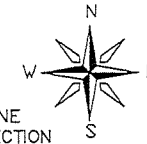
REVIEWED
DCI2021-00011
Rick Burris, Principal
Planner
Lee County DCD/Planning
4/6/2022



SEE ATTACHED SKETCH (SHEET 9 OF 15 THROUGH SHEET 15 OF 15)

SHEET 8 OF 15

SEE SHEET 1

18 17
18 17SCALE: 1" = 200'
0' 100' 200'EAST LINE
SE 1/4, SECTION
18, TWP. 43S
RNG 26 E**LEGEND**

P.O.C. POINT OF COMMENCEMENT
 P.O.B. POINT OF BEGINNING
 RNG. RANGE
 TWP. TOWNSHIP
 S.R. STATE ROAD
 O.R. OFFICIAL RECORDS BOOK
 PG. PAGE
 BRG. BEARING
 INST. INSTRUMENT
 N.A.V.D. NORTH AMERICAN VERTICAL DATUM

P.O.C.
'POINT 'A'S.00°20'37"W
77.70'PARCEL DESCRIBED HEREON
342.68 ACRES +/-**NOTES:**

- 1.) BEARINGS SHOWN HEREON REFER TO THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA AS BEING S00°16'39"W.
- 2.) THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.
- 3.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
- 4.) SEE SHEETS 14 AND 15 FOR LINE TABLES.

18 17
19 20

SEE SHEET 1

SHEET 10 OF 15

\\NAS\DATA\PROJECTS\2020\20.30 OWL CREEK\LEGAL & SKETCH 01 21\20.30 OWL CREEK LEGAL & SKETCH.DWG

SEE SHEET 14

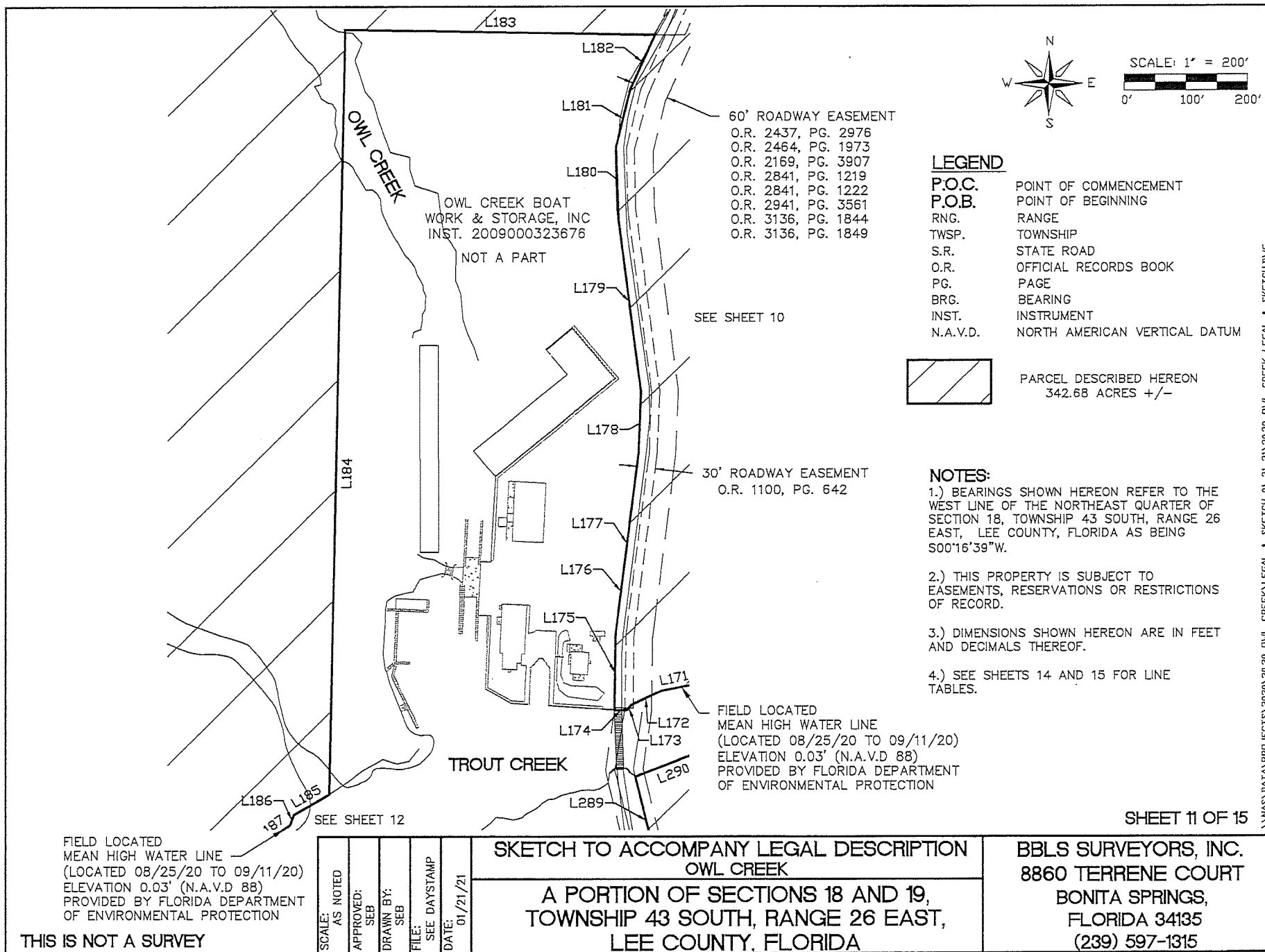
TROUT CREEK

FIELD LOCATED
MEAN HIGH WATER LINE
(LOCATED 08/25/20 TO 09/11/20)
ELEVATION 0.03' (N.A.V.D 88)
PROVIDED BY FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTIONFIELD LOCATED
MEAN HIGH WATER LINE
(LOCATED 08/25/20 TO 09/11/20)
ELEVATION 0.03' (N.A.V.D 88)
PROVIDED BY FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION**SKETCH TO ACCOMPANY LEGAL DESCRIPTION
OWL CREEK**A PORTION OF SECTIONS 18 AND 19,
TOWNSHIP 43 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA

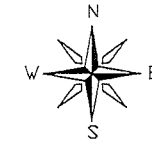
SCALE: AS NOTED
 APPROVED: SEB
 DRAWN BY: SEB
 FILE:
 DATE: 01/21/21
 SEE DAYSTAMP

THIS IS NOT A SURVEY

BBLs SURVEYORS, INC.
 8860 TERRENE COURT
 BONITA SPRINGS,
 FLORIDA 34135
 (239) 597-1315



SEE SHEET 11



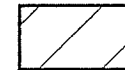
SCALE: 1" = 200'



0' 100' 200'

LEGEND

P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
RNG.	RANGE
TWSP.	TOWNSHIP
S.R.	STATE ROAD
O.R.	OFFICIAL RECORDS BOOK
PG.	PAGE
BRG.	BEARING
INST.	INSTRUMENT
N.A.V.D.	NORTH AMERICAN VERTICAL DATUM



NOTES:

- 1.) BEARINGS SHOWN HEREON REFER TO THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA AS BEING S00°16'39"W.
- 2.) THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.
- 3.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
- 4.) SEE SHEETS 14 AND 15 FOR LINE TABLES.

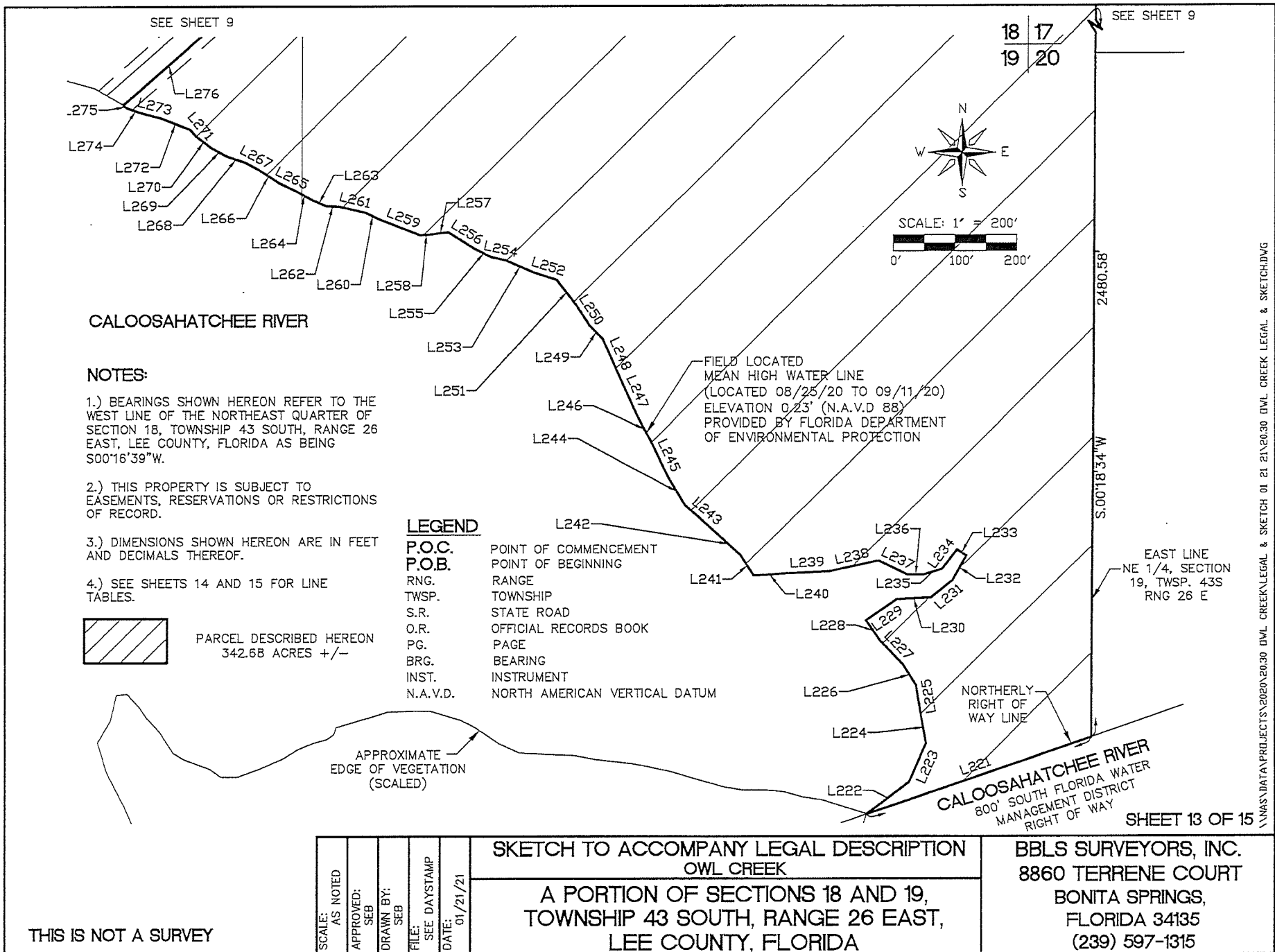
SHEET 12 OF 15

THIS IS NOT A SURVEY

SCALE:	AS NOTED	SKETCH TO ACCOMPANY LEGAL DESCRIPTION OWL CREEK A PORTION OF SECTIONS 18 AND 19, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA
APPROVED:	SEB	
DRAWN BY:	SEB	
FILE:	SEE DAYSTAMP	
DATE:	01/21/21	

BBL SURVEYORS, INC.
8860 TERRENE COURT
BONITA SPRINGS,
FLORIDA 34135
(239) 597-1315

\\NAS\DATA\PROJECTS\2020\20.30 DWL CREEK\LEGAL & SKETCH 01 21 21\20.30 DWL CREEK LEGAL & SKETCH.DWG



Parcel Table		
Line #	Line Direction	Length
L100	S63° 09' 11"W	68.12
L102	S66° 53' 17"W	63.33
L103	S70° 27' 15"W	39.63
L104	S64° 37' 58"W	53.06
L105	S77° 10' 24"W	31.94
L106	S67° 19' 24"W	49.00
L107	S66° 42' 36"W	31.31
L108	S80° 37' 35"W	23.70
L109	S49° 00' 39"W	25.62
L110	S65° 48' 12"W	63.16
L111	S74° 36' 11"W	79.06
L112	S73° 49' 33"W	76.39
L113	S77° 28' 30"W	81.85
L114	S82° 44' 45"W	86.96
L115	S69° 49' 00"W	63.53
L116	S83° 38' 00"W	84.05
L117	N64° 43' 19"W	10.65
L118	N10° 04' 22"W	17.28
L119	N67° 36' 56"E	63.76
L120	N75° 31' 42"E	84.91

Parcel Table		
Line #	Line Direction	Length
L121	N67° 43' 57"E	42.46
L122	N48° 46' 12"E	15.77
L123	N22° 03' 58"E	53.88
L124	N67° 46' 02"E	56.48
L125	N53° 42' 12"E	56.78
L126	N09° 10' 30"E	71.37
L127	N18° 38' 24"W	45.27
L128	N36° 09' 14"E	54.90
L129	N35° 53' 09"E	55.09
L130	N01° 19' 19"E	23.41
L131	N32° 33' 04"W	51.20
L132	N07° 39' 06"E	57.91
L133	N06° 39' 11"W	79.50
L134	N36° 15' 06"W	133.80
L135	N13° 17' 04"E	69.67
L136	N51° 38' 20"E	56.94
L137	N09° 17' 06"W	57.33
L138	S47° 33' 50"W	52.48
L139	S52° 35' 15"W	71.39
L140	S26° 00' 04"W	44.07

Parcel Table		
Line #	Line Direction	Length
L141	S05° 32' 36"E	123.25
L142	S35° 01' 53"E	91.33
L143	S50° 35' 34"E	85.61
L144	S10° 34' 53"W	33.93
L145	S21° 26' 11"E	36.72
L146	S40° 17' 20"E	33.23
L147	S35° 18' 25"W	42.17
L148	S42° 33' 03"W	45.18
L149	S41° 13' 28"W	30.71
L150	S18° 57' 53"E	40.71
L151	S02° 39' 27"E	43.57
L152	S18° 07' 05"W	39.46
L153	S67° 10' 19"W	48.51
L154	S75° 56' 36"W	27.05
L155	S56° 00' 26"W	40.96
L156	S04° 07' 53"W	15.13
L157	S02° 20' 53"W	30.76
L158	S83° 41' 22"W	17.10
L159	N81° 54' 26"W	32.46
L160	S72° 46' 26"W	51.87

Parcel Table		
Line #	Line Direction	Length
L161	N79° 37' 03"W	77.30
L162	S43° 53' 28"W	29.96
L163	S64° 51' 44"W	33.22
L164	S67° 25' 22"E	27.97
L165	S63° 29' 01"W	21.10
L166	S63° 09' 28"W	50.02
L167	S55° 16' 21"W	81.31
L168	S61° 20' 10"W	66.81
L169	S67° 49' 59"W	48.47
L170	S72° 10' 03"W	58.79
L171	S78° 14' 00"W	49.72
L172	S64° 42' 00"W	53.28
L173	S38° 23' 32"W	10.59
L174	N89° 16' 27"W	20.26
L175	N00° 43' 09"E	121.86
L176	N07° 03' 43"E	300.00
L178	N02° 16' 53"E	100.00
L179	N07° 27' 32"W	299.99

Parcel Table		
Line #	Line Direction	Length
L180	N01° 23' 52"W	100.00
L181	N13° 23' 08"E	100.00
L182	N23° 42' 08"E	99.22
L183	N88° 52' 07"W	500.00
L184	S01° 07' 53"W	1252.34
L185	S59° 33' 49"W	66.58
L186	S19° 55' 43"W	17.96
L187	S53° 18' 36"W	53.47
L188	S26° 06' 00"W	82.56
L189	S05° 34' 19"W	68.70
L190	S07° 11' 04"E	29.90
L191	S07° 54' 16"E	11.85
L192	S12° 21' 57"W	78.12
L193	S10° 40' 48"W	33.89
L194	S21° 15' 12"W	20.19
L195	S10° 05' 07"W	34.32
L196	S16° 26' 09"W	51.67
L197	S20° 15' 30"W	28.82
L198	S18° 57' 28"W	36.38
L199	S15° 47' 44"W	34.13

NOTES:

1.) BEARINGS SHOWN HEREON REFER TO THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA AS BEING S00°16'39"W.

2.) THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

3.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

THIS IS NOT A SURVEY

SCALE:	AS NOTED
APPROVED:	SEB
DRAWN BY:	SEB
FILE:	SEE DAYSTAMP
DATE:	01/21/21

SKETCH TO ACCOMPANY LEGAL DESCRIPTION OWL CREEK

**A PORTION OF SECTIONS 18 AND 19,
TOWNSHIP 43 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA**

BBLs SURVEYORS, INC.
8860 TERRENE COURT
BONITA SPRINGS,
FLORIDA 34135
(239) 597-1315

SHEET 14 OF 15

\\NAS\DATA\PROJECTS\2020\2030 OWL CREEK\LEGAL & SKETCH\01 21 21\2030 OWL CREEK\LEGAL & SKETCH.DWG

Parcel Table		
Line #	Line Direction	Length
L200	S16° 28' 26"W	59.42
L201	S12° 32' 34"W	53.60
L202	S23° 08' 17"W	62.09
L203	S15° 16' 02"W	33.53
L204	S18° 12' 29"W	115.02
L205	S03° 19' 16"E	4.78
L206	N47° 23' 44"W	78.47
L207	N24° 12' 11"W	91.43
L208	N03° 48' 12"W	29.62
L209	N06° 50' 11"W	34.61
L210	N08° 54' 45"W	28.95
L211	N12° 43' 52"W	39.18
L212	N28° 20' 46"W	39.90
L213	N32° 06' 08"W	30.67
L214	N45° 59' 51"W	43.84
L215	N40° 53' 39"W	33.01
L216	N53° 48' 26"W	60.20
L217	N75° 05' 44"W	54.64
L218	N71° 07' 07"W	40.46
L219	N62° 42' 59"W	34.22

Parcel Table		
Line #	Line Direction	Length
L298	N79° 19' 30"E	27.70
L299	N76° 16' 15"E	54.20
L300	N78° 48' 20"E	120.20
L301	N79° 41' 31"E	52.54
L302	N75° 23' 35"E	99.29
L303	N71° 46' 47"E	45.73
L304	N77° 14' 48"E	27.77
L305	N73° 38' 17"E	131.49
L306	N64° 38' 32"E	113.85

Parcel Table		
Line #	Line Direction	Length
L220	N66° 57' 30"W	51.84
L221	S71° 02' 37"W	384.61
L222	N52° 44' 09"E	86.87
L223	N23° 50' 54"E	68.13
L224	N10° 38' 48"W	52.58
L225	N09° 06' 55"W	42.95
L226	N32° 14' 07"W	39.88
L227	N43° 39' 22"W	52.79
L228	N34° 08' 38"W	41.08
L229	N54° 52' 16"E	60.65
L230	N87° 04' 33"E	55.75
L231	N49° 55' 04"E	45.69
L232	N28° 07' 43"E	46.00
L233	N56° 19' 58"W	17.93
L234	S36° 51' 22"W	39.99
L235	S71° 55' 20"W	31.45
L236	S89° 48' 27"W	25.16
L237	N63° 29' 40"W	53.19
L238	S77° 12' 19"W	81.07
L239	S87° 13' 04"W	71.51

Parcel Table		
Line #	Line Direction	Length
L307	N64° 07' 37"E	23.99
L308	N64° 53' 28"E	84.52
L309	N64° 11' 02"E	86.91
L310	N64° 11' 54"E	80.97

THIS IS NOT A SURVEY

SCALE:	AS NOTED
APPROVED:	SEB
DRAWN BY:	SEB
FILE:	SEE DAYSTAMP
DATE:	01/21/21

Parcel Table		
Line #	Line Direction	Length
L240	S86° 14' 38"W	51.39
L241	N32° 39' 35"W	39.89
L242	N46° 07' 12"W	55.49
L243	N48° 12' 13"W	67.15
L244	N30° 38' 49"W	52.85
L245	N25° 28' 33"W	64.46
L246	N28° 26' 17"W	48.85
L247	N24° 27' 43"W	67.21
L248	N23° 43' 59"W	68.49
L249	N44° 29' 30"W	30.93
L250	N32° 47' 22"W	39.03
L251	N37° 30' 31"W	53.12
L252	N72° 02' 02"W	37.99
L253	N66° 54' 09"W	50.25
L254	N76° 40' 16"W	23.57
L255	N62° 41' 50"W	29.07
L256	N57° 22' 45"W	52.85
L257	S81° 19' 58"W	24.79

Parcel Table		
Line #	Line Direction	Length
L258	S86° 10' 29"W	20.72
L259	N68° 13' 44"W	70.32
L260	N62° 52' 25"W	25.24
L261	N76° 26' 43"W	42.82
L262	N86° 37' 33"W	23.07
L263	N66° 30' 11"W	23.15
L264	N59° 53' 05"W	31.24
L265	N63° 30' 36"W	30.41
L266	N56° 41' 32"W	40.31
L267	N61° 46' 56"W	24.48
L268	N71° 57' 11"W	31.15
L269	N60° 34' 35"W	28.45
L270	N52° 43' 10"W	31.94
L271	N40° 26' 58"W	13.97
L272	N69° 12' 09"W	50.97
L273	N75° 09' 23"W	27.53
L274	N71° 05' 34"W	29.39
L275	N50° 55' 57"W	7.35
L276	N48° 06' 50"E	270.43
L277	N42° 11' 10"W	184.68

Parcel Table		
Line #	Line Direction	Length
L278	N03° 40' 10"W	86.00
L279	N44° 50' 41"E	140.43
L280	N48° 53' 50"E	266.81
L281	N37° 56' 50"E	235.27
L282	N28° 49' 50"E	219.46
L283	N15° 00' 10"W	137.17
L284	S74° 59' 50"W	18.55
L285	N15° 00' 10"W	53.03
L286	N44° 37' 10"W	466.55
L287	N29° 52' 10"W	128.59
L288	N24° 50' 50"E	318.05
L289	N13° 28' 44"W	177.41
L290	N68° 36' 37"E	118.44
L291	N64° 26' 22"E	31.89
L292	N64° 03' 20"E	59.04
L293	N75° 59' 50"E	70.51
L294	N73° 52' 12"E	36.64
L295	N81° 37' 22"E	38.71
L296	N76° 10' 56"E	61.09
L297	N81° 10' 49"E	43.63

NOTES:

1.) BEARINGS SHOWN HEREON REFER TO THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA AS BEING S00°16'39"W.

2.) THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

3.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

SHEET 15 OF 15

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
OWL CREEK

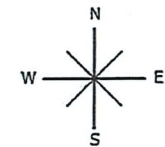
A PORTION OF SECTIONS 18 AND 19,
TOWNSHIP 43 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA

BBLs SURVEYORS, INC.
8860 TERRENE COURT
BONITA SPRINGS,
FLORIDA 34135
(239) 597-1315

\\NAS\DATA\PROJECTS\2020\2030 DWL CREEK\LEGAL & SKETCH 01 21 21\2030 DWL CREEK LEGAL & SKETCH.DWG

Zoning

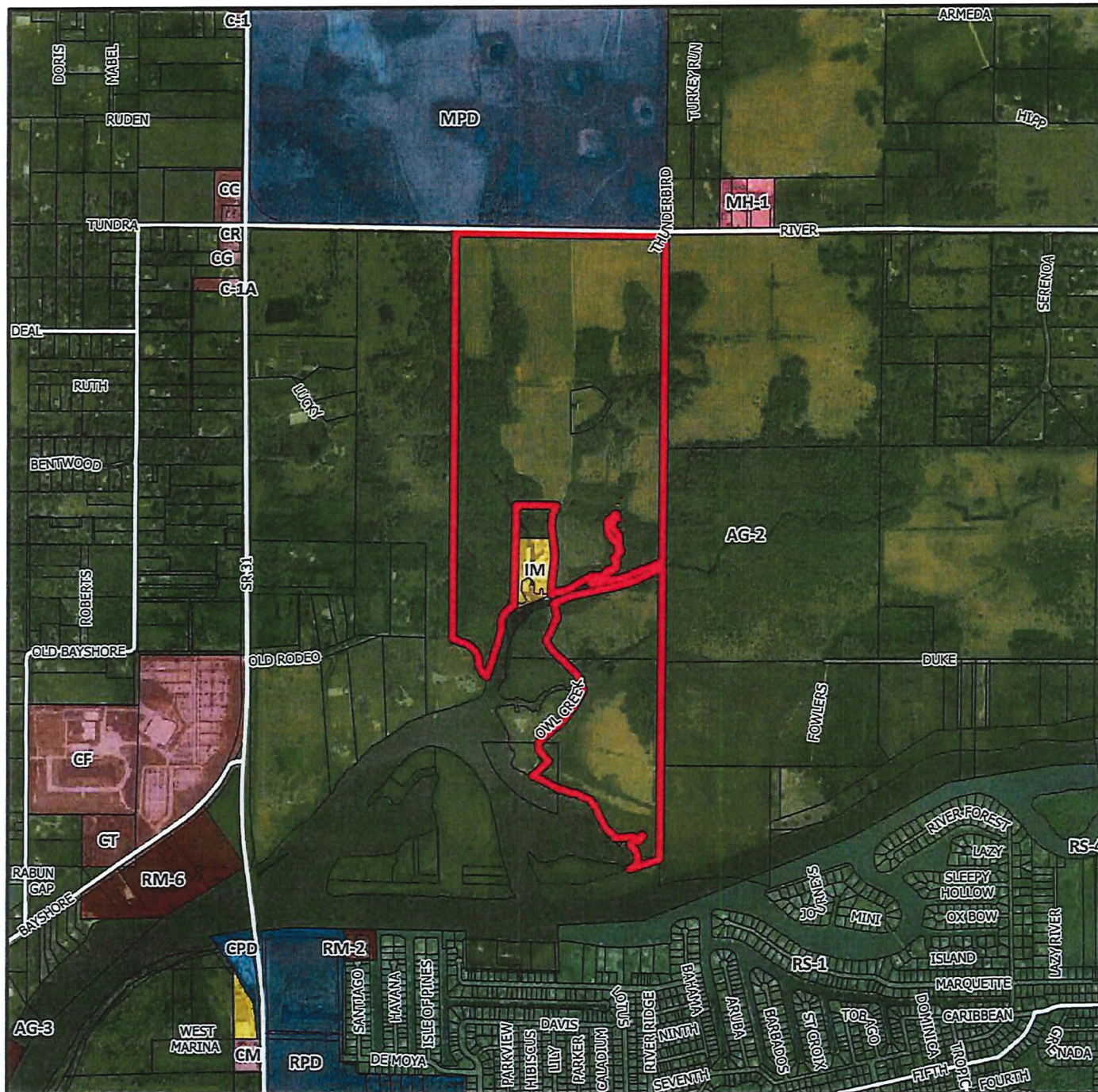
 Subject Property



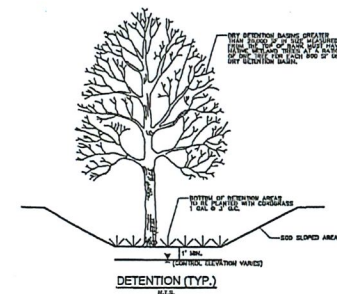
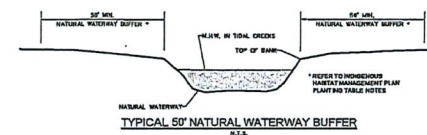
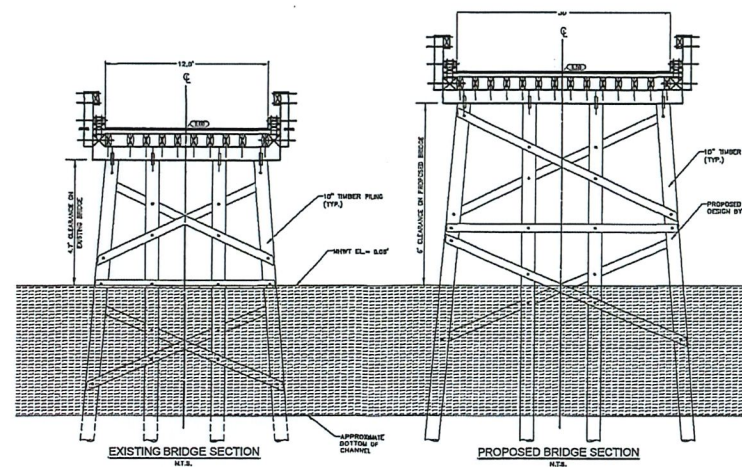
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Lee County
Southwest Florida



DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
07/12/2021	B504	_MCP	KG	KG	DRU	AS SHOWN	1 OF 3



Approved as Exhibit C
 MCP Page 2 of 3
 Resolution # 2-22-020

[illegible]

BANKS

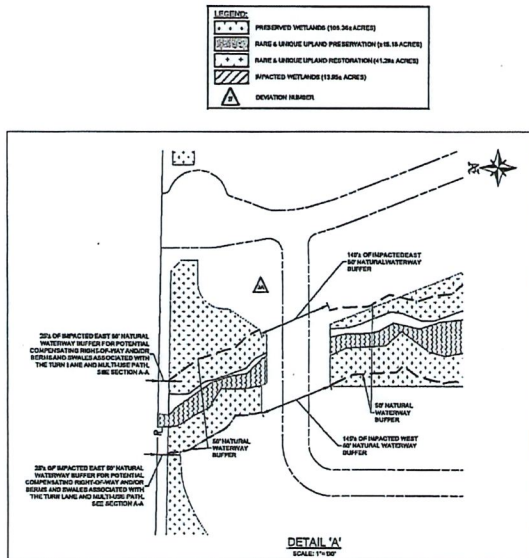
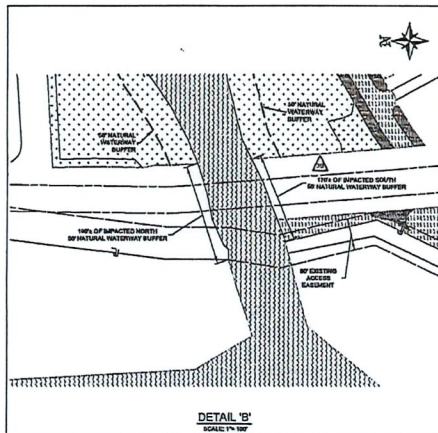
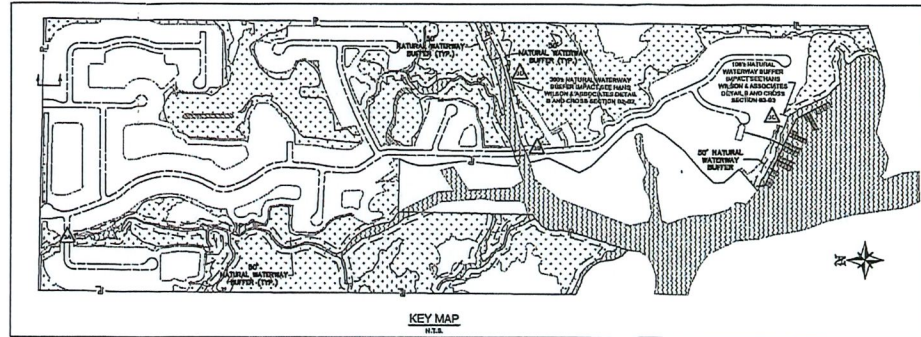
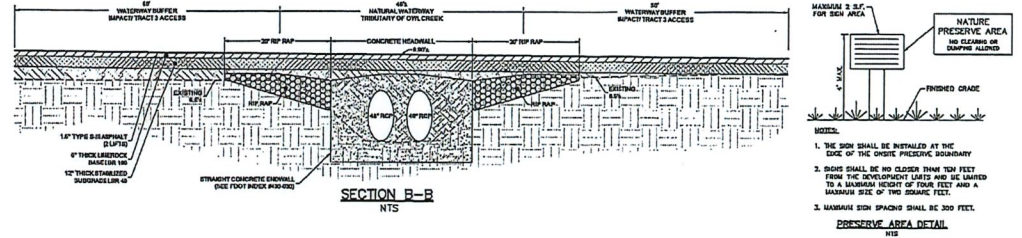
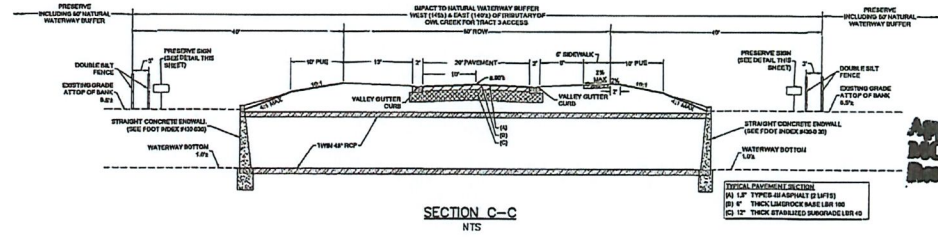
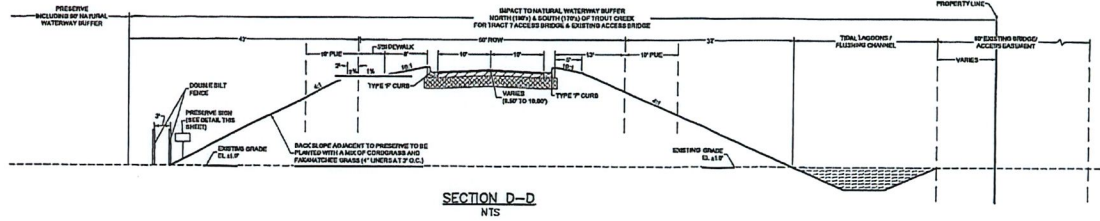
ENGINEERING

Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida

10511 BK WLE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33906
PHONE: (239) 938-6400 FAX: (239) 938-2532
ENGINEERING LICENSE # EN 6489
SURVEY LICENSE # LS 6489

MASTER CONCEPT PLAN-TYPICAL CROSS SECTIONS & DETAILS
OWL CREEK RESERVE
 LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
5/11/2021	8504	KSEC	KG	KG	DRU	N.T.S.	2 OF 3



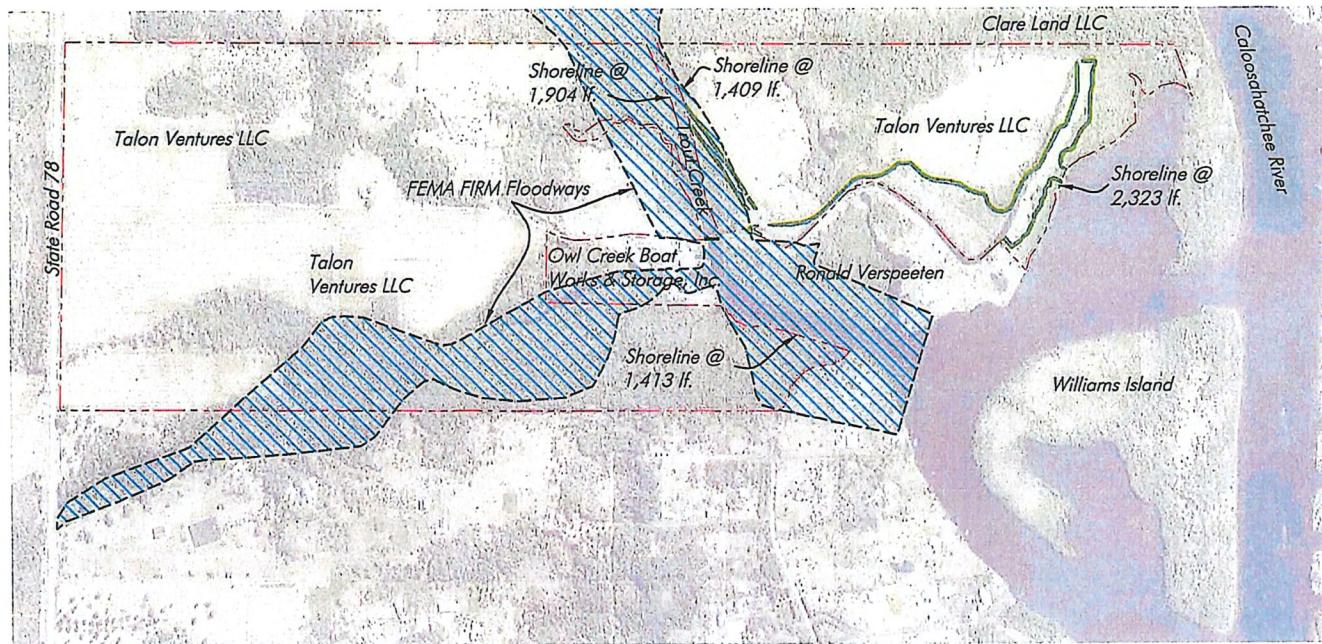
BANKS ENGINEERING Professional Engineers, Planners, & Land Surveyors Serving the South of Florida		1801 SW 15th Avenue, Suite 100 Fort Lauderdale, FL 33304 Phone: (954) 584-1444 Fax: (954) 584-2022 E-mail: info@bankseng.com Survey License # 12449 Professional Engineer # 12449		MASTER CONCEPT PLAN-TYPICAL CROSS SECTIONS & DETAILS OWL CREEK RESERVE LEE COUNTY, FLORIDA			
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
5/11/2021	8304	_JSCC	KD	KD	DRU	N.T.S.	3 OF 3

Approved as Exhibit C
 MCF Page 3 of 3
 Revision 2-22-082

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial

0' 500' 1,000'
SCALE FEET



Overall Site Plan
SCALE: 1" = 1,000'

Total project shoreline @ 7,049 lf.

Note: Property lines per Lee County Property Appraiser

PERMIT PLANS, NOT FOR CONSTRUCTION

This item has been digitally signed and sealed by
Hans J.M. Wilson on the date adjacent to the seal.
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HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: March 14, 2022 4:18:08 p.m.
Drawing: HORTON3MASTER.DWG



1938 Hill Avenue, Fort Myers, Florida 33901
Office: 239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

3-14-22

JWA

D R Horton

SHEET
2-21

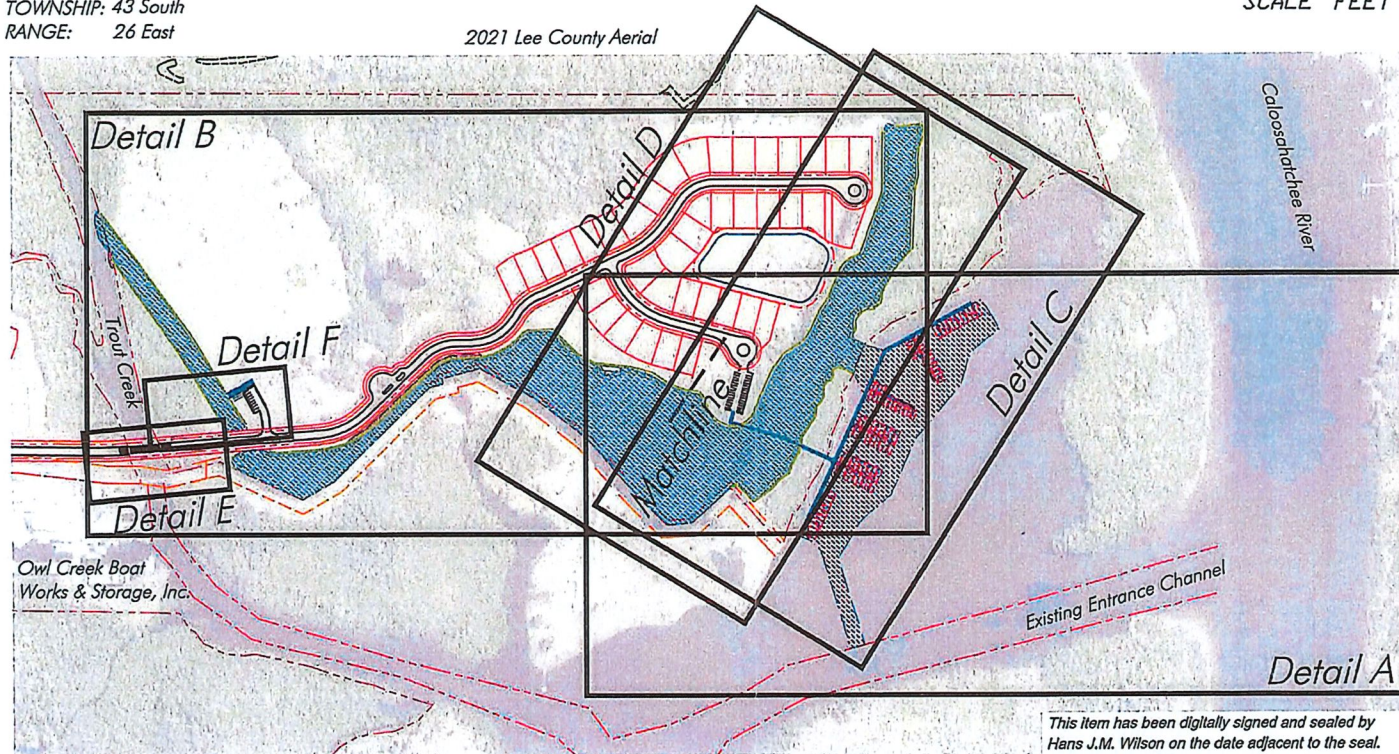
EXHIBIT D

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial



0' 250' 500'
SCALE FEET



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Drawing: HORTON3MASTER.DWG

Total project shoreline @ 7,049 lf.

Note: Property lines per Lee County Property Appraiser

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Proposed Site Plan

SCALE: 1" = 500'



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3-14-22

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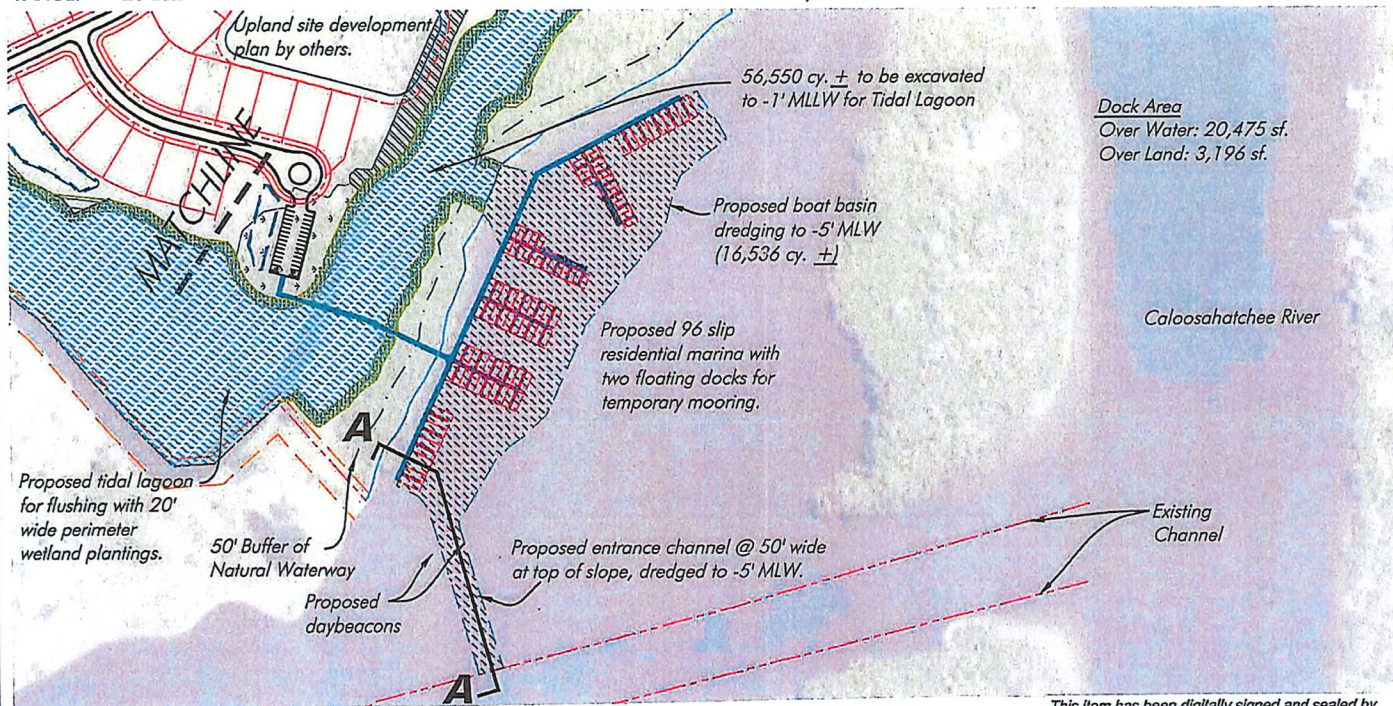
D R Horton

SHEET
4-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial

0' 150' 300'
SCALE FEET



Detail A - Proposed Dock Plan

SCALE: 1" = 300'

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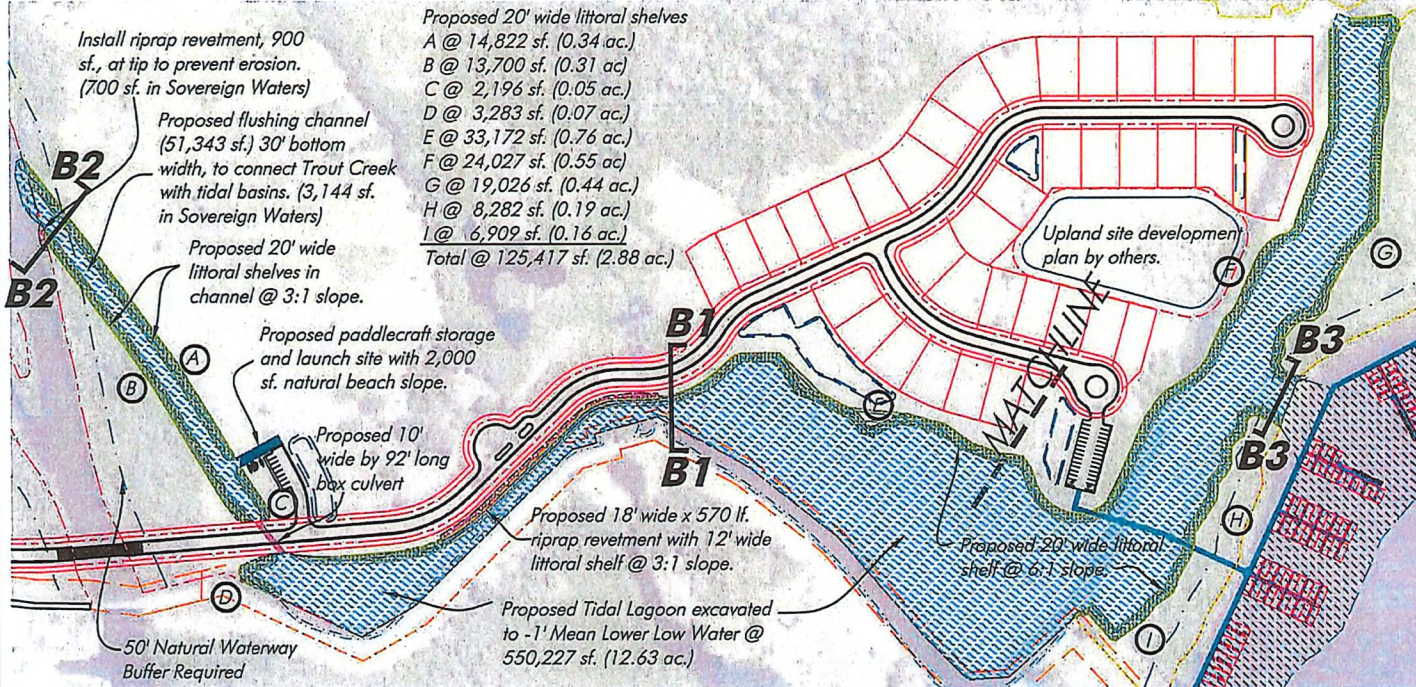
HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: March 14, 2022 4:18:08 p.m.
Drawing: HORTON3MASTER.DWG

SHEET
5-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial

0' 150' 300'
SCALE FEET



Notes: Depths reference MLW based on DEP Tide Station 872-5520.

MHW @ 0.06' NAVD.

MLW -0.89' NAVD

MLLW @ -1.04' NAVD.

Note: Property lines per Lee County Property Appraiser

PERMIT PLANS, NOT FOR CONSTRUCTION

Detail B - Tidal Lagoon/Tidal Channel

SCALE: 1" = 300'

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3-14-22

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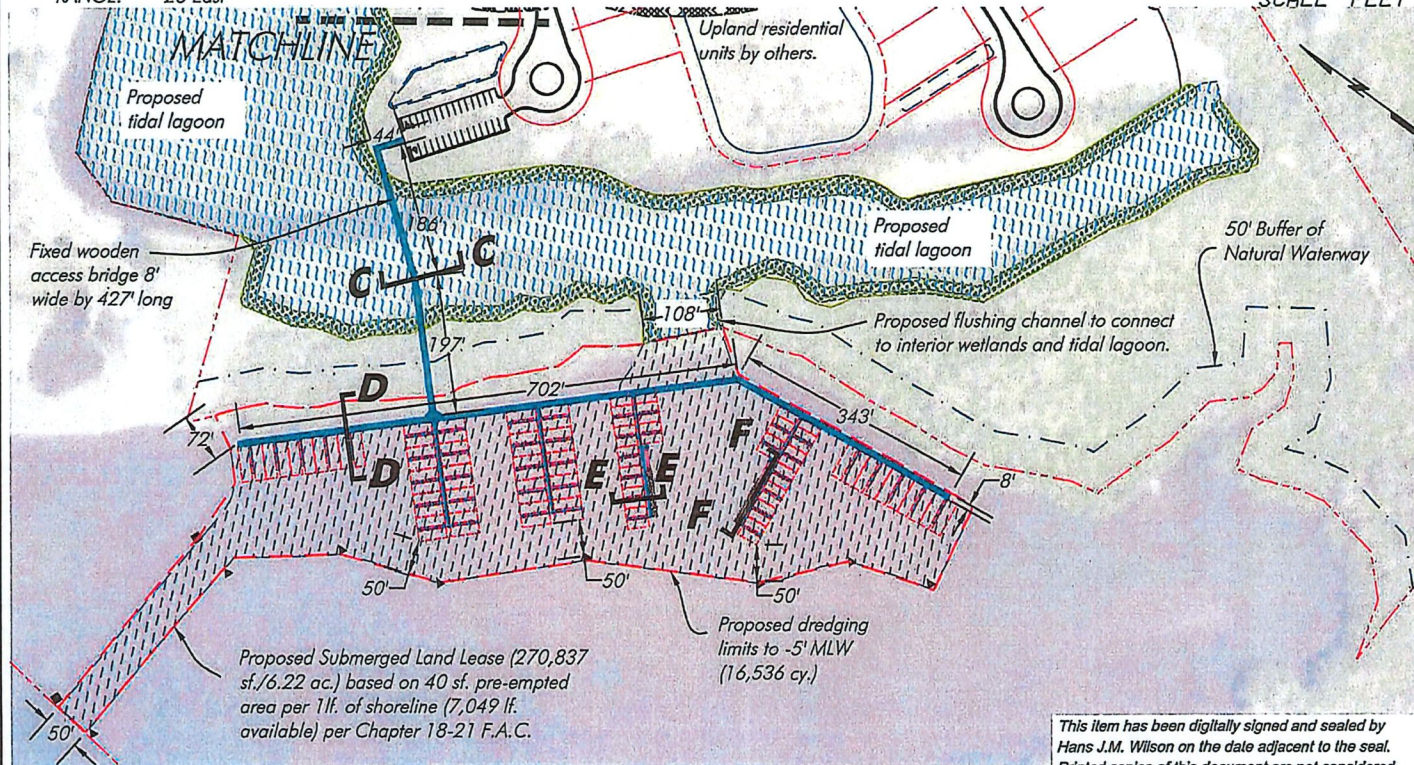
D R Horton

SHEET
6-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial

0 100 200
SCALE FEET



Detail C - Proposed Dredging Plan

SCALE: 1" = 200'

Note: Property lines per Lee County Property Appraiser
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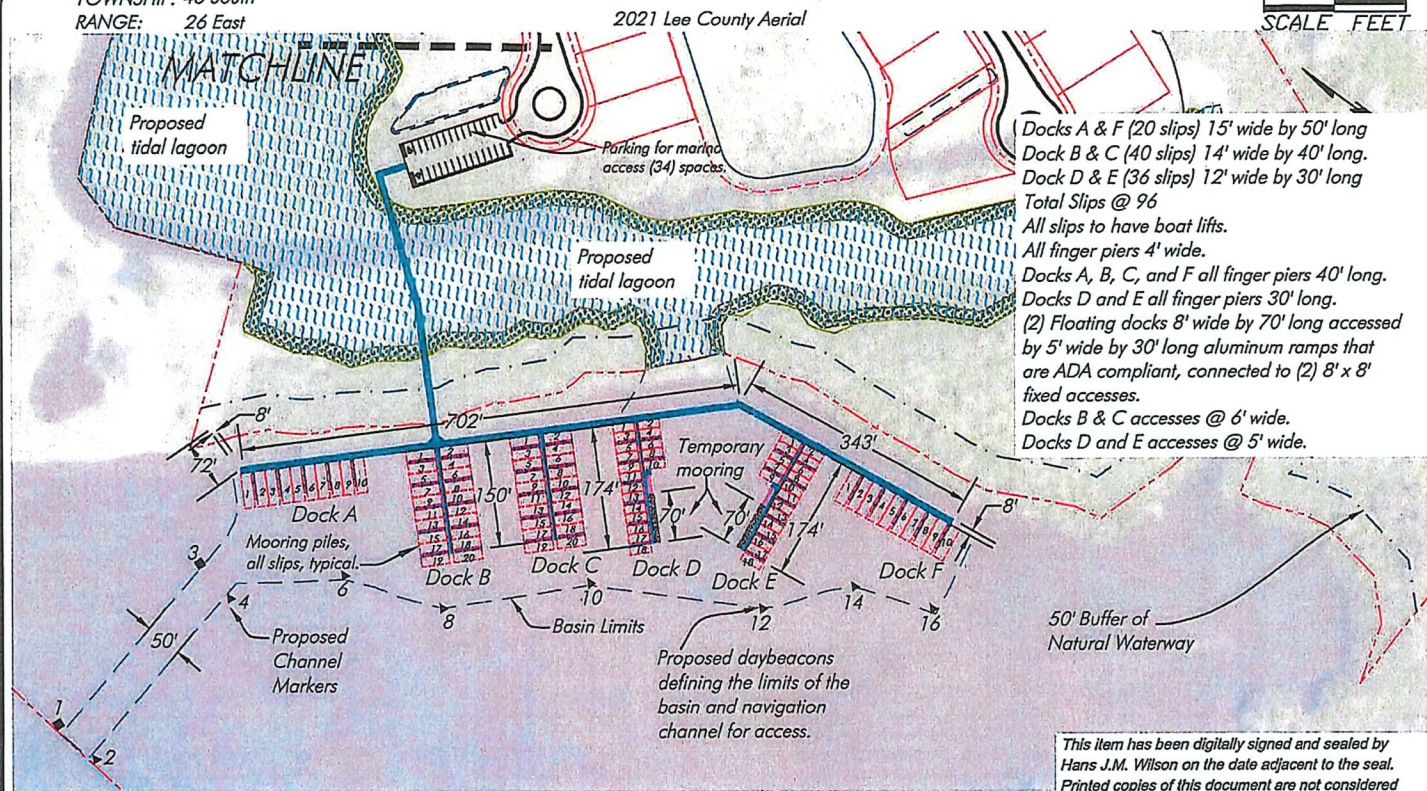
D R Horton

HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: March 14, 2022 4:18:08 p.m.
Drawing: HORTON3MASTER.DWG

SHEET
8-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

0 100 200
SCALE FEET



Detail C - Proposed Marina Plan

SCALE: 1" = 200'

Note: Property lines per Lee County Property Appraiser
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Drawing: HORTON3MASTER.DWG



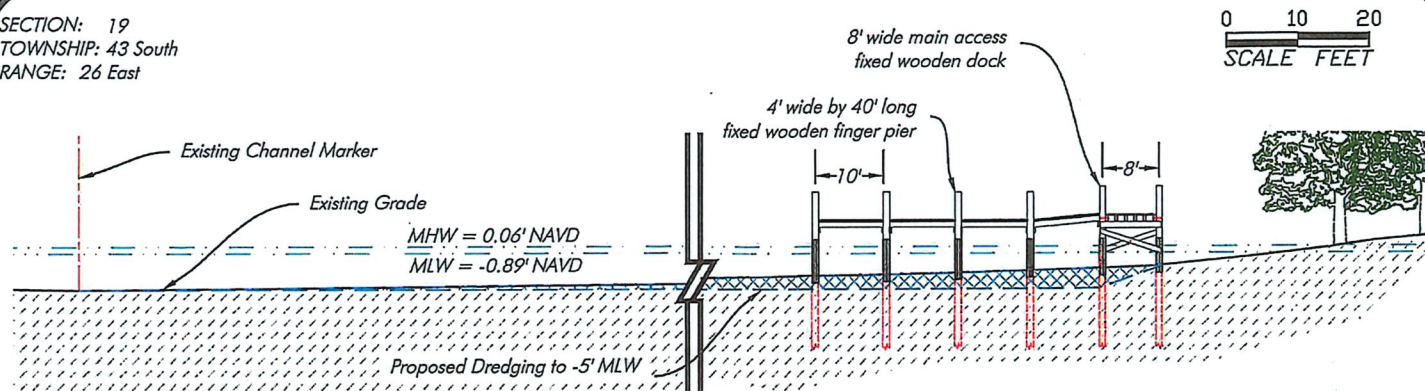
1938 Hill Avenue, Fort Myers, Florida 33901
Office: 239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

3-14-22
JWA

D R Horton

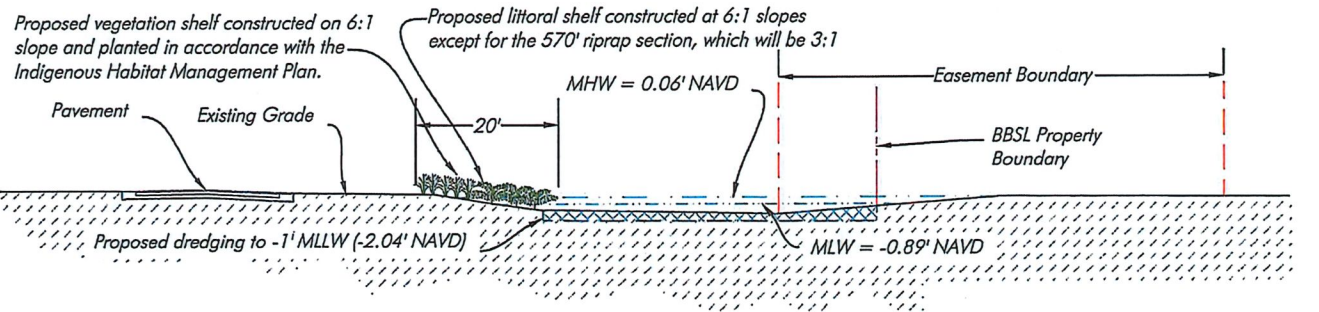
SHEET
9-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East



Cross Section A-A

SCALE: 1" = 20'



Cross Section B1-B1

SCALE: 1" = 20'

Notes: Depths reference MLW based on DEP Tide Station 872-5520.
MHW @ 0.06' NAVD.
MLW -0.89' NAVD
MLLW @ -1.04' NAVD.

Note: Property lines per Lee County Property Appraiser

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Drawing: HORTON3MASTER.DWG



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Office: 239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

3-14-22

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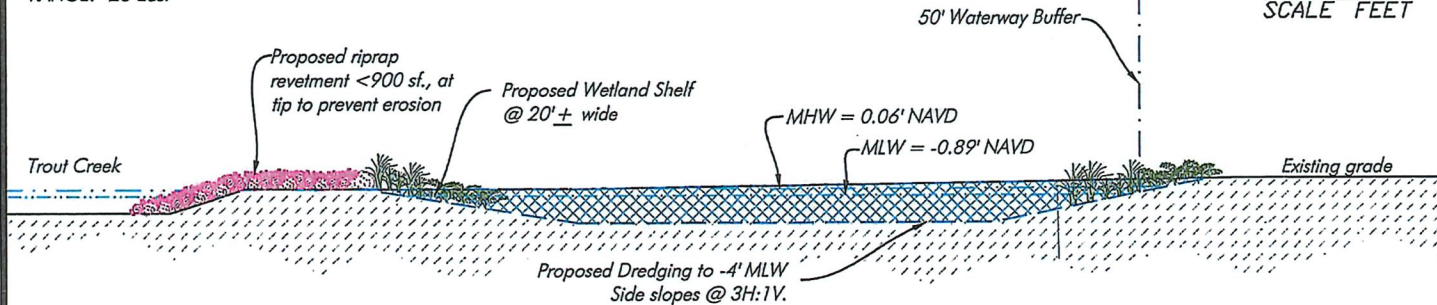
D R Horton

SHEET

13-21

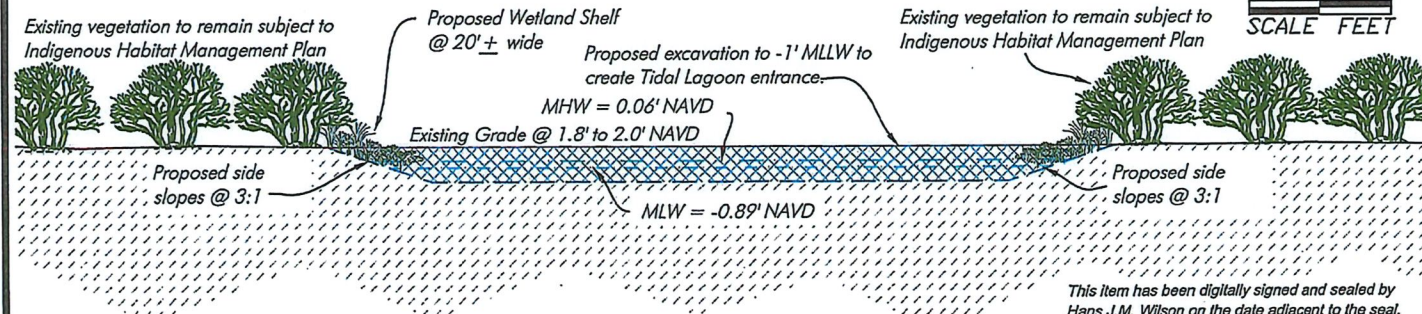
SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

0 10 20
SCALE FEET



Cross Section B2-B2

SCALE: 1" = 20'



Cross Section B3-B3

SCALE: 1" = 20'

Notes: Depths reference MLW based
on DEP Tide Station 872-5520.
MHW @ 0.06' NAVD.
MLW -0.89' NAVD
MLLW @ -1.04' NAVD.

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FLORIDA REGISTRATION NO. 39680
DATE: March 14, 2022 4:18:08 p.m.
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MARINE and ENVIRONMENTAL CONSULTANTS

3-14-22

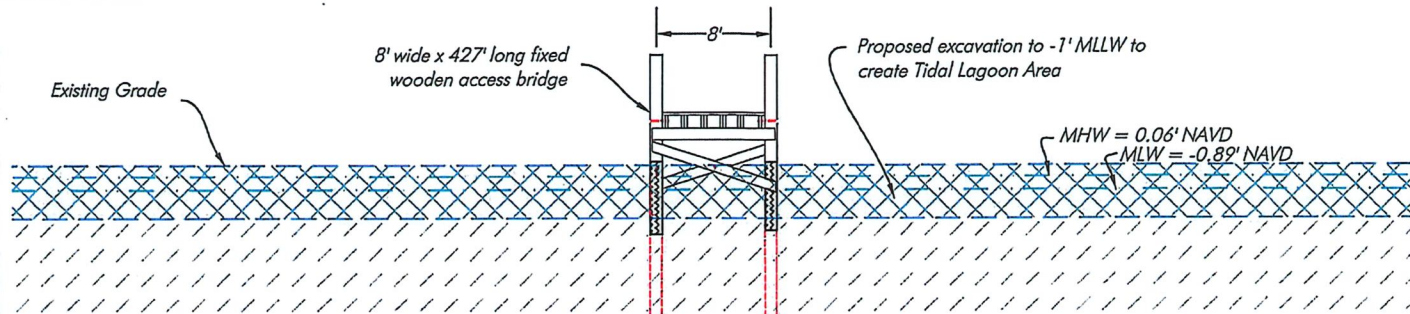
JWA

D R Horton

SHEET
14-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

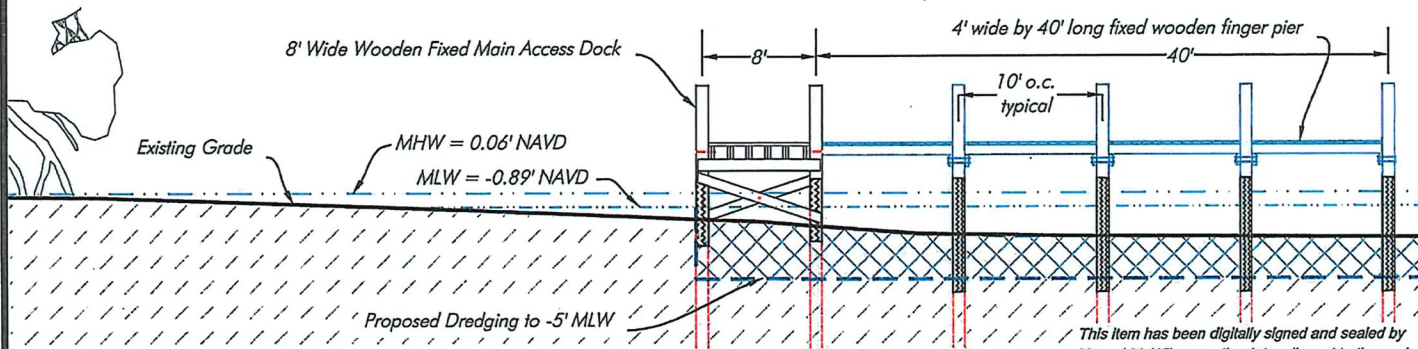
0 5 10
SCALE FEET



Cross Section C-C

SCALE: 1" = 10'

0 5 10
SCALE FEET



Cross Section D-D

SCALE: 1" = 10'

Notes: Depths reference MLW based
on DEP Tide Station 872-5520.

MHW @ 0.06' NAVD.

MLW -0.89' NAVD

MLLW @ -1.04' NAVD.

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Drawing: HORTON3MASTER.DWG



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MARINE and ENVIRONMENTAL CONSULTANTS

3-14-22

JWA

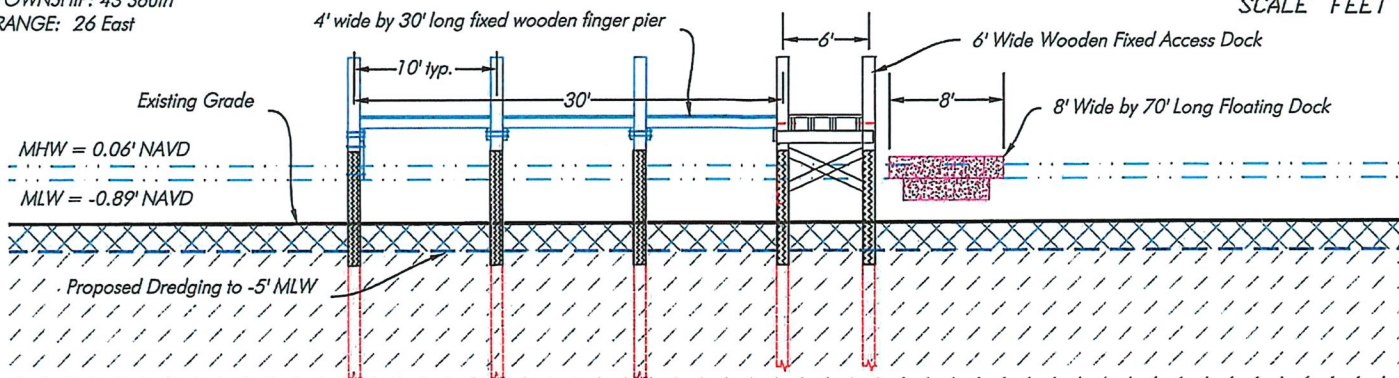
D R Horton

SHEET

15-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

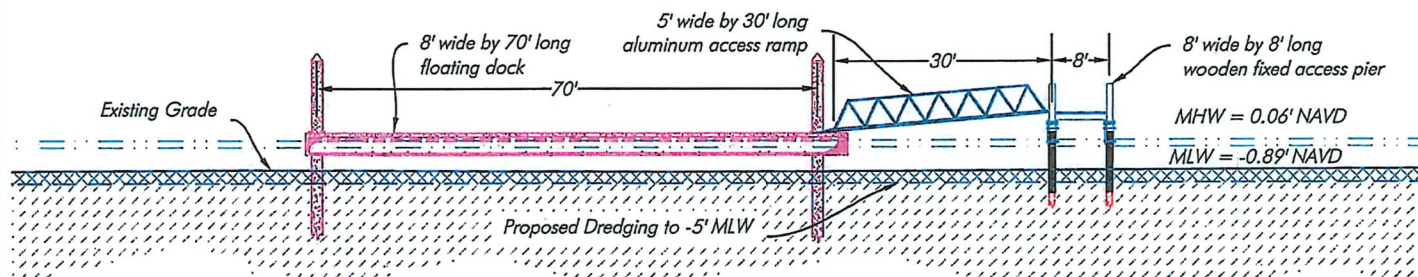
0 5 10
SCALE FEET



Cross Section E-E

SCALE: 1" = 10'

0 10 20
SCALE FEET



Cross Section F-F

SCALE: 1" = 20'

Notes: Depths reference MLW based
on DEP Tide Station 872-5520.
MHW @ 0.06' NAVD.
MLW -0.89' NAVD
MLLW @ -1.04' NAVD.

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HANS J.M. WILSON
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FLORIDA REGISTRATION NO. 39680
DATE: March 14, 2022 4:18:08 p.m.
Drawing: HORTON3MASTER.DWG



1938 Hill Avenue, Fort Myers, Florida 33901
Office: 239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

3-14-22

JWA

D R Horton

SHEET

16-21

Attachment S

RESOLUTION NUMBER Z-24-024

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

WHEREAS, Neal Communities of Southwest Florida, Inc., filed an application on behalf of the property owners, G. Keith Cary, Mary Ellen Povia, and Raymond E. Harney and Kathy R. Harney, as Trustees of the Harney Revocable Trust, to rezone a 788.96± acre parcel from Agricultural (AG-2) to Residential Planned Development (RPD) in reference to Cary+Duke+Povia RPD; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Amanda L. Rivera, was advertised and held on September 4 and 6, 2024. On September 6, 2024, the Hearing Examiner continued the hearing until September 20, 2024. On September 20, 2024, the public hearing was held. At the conclusion of the hearing, the Hearing Examiner left the record open and requested Staff and the Applicant to submit written submissions to her office on or before September 24, 2024; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case # DCI2022-00067 and recommended APPROVAL of the request with conditions; and

WHEREAS, a second public hearing was advertised to be heard on February 5, 2025 before the Lee County Board of Commissioners. On February 5, 2025, prior to commencing the case presentation, at the request of the applicant, the Lee County Board of Commissioners continued the hearing until March 5, 2025. On March 5, 2025, the second public hearing was held; and

WHEREAS, the Lee County Board of Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 788.96± acre parcel from AG-2 to RPD, to allow a clustered residential community containing up to 1,099 dwelling units with single-family/two-family attached dwellings and amenities. Maximum building height is 35 feet.

The property is located in the Rural and Wetlands Future Land Use Categories and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS

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

1. Master Concept Plan (MCP) and Development Parameters

- a. MCP. Development must be consistent with the four-page MCP entitled "Cary + Duke + Povia RPD," prepared by J.R. Evans Engineering, Inc., date stamped September 17, 2024 (Exhibit C) except as modified by conditions below.
- b. Lee Plan and Land Development Code (LDC). Development must comply with the Lee Plan and LDC at the time of local development order, except where deviations have been granted herein. Subsequent changes to the MCP may require further development approvals.
- c. Development Parameters. Development is limited to 1,099 dwelling units, amenity areas, and accessory uses.

2. Schedule of Uses and Development Regulations

a. Schedule of Uses

Accessory Uses and Structures
Administrative Offices
Clubs, private
Community Gardens, within the optional amenity areas only
Dwelling Unit
 Single-Family
 Two-Family Attached (Limited to the R Tract)
Entrance Gate and Gatehouse
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention
Excess Spoil Removal (20,000 cubic yards or more)
Fences, Walls
Home Care Facility
Home Occupation
Models: Display center, display group, model home
Parking Lot: Accessory
Real Estate Sales Office
Recreational Facilities: Personal, Private-on-site
Residential Accessory Uses
Signs
Temporary Uses, temporary construction trailers and equipment storage sheds
Temporary amenity structures

b. Site Development Regulations

	Single-Family Detached	Two-Family Attached	Clubhouse
Minimum Lot Size	4,800 sq ft	4,200 sq ft	N/A
Minimum Lot Width	40 feet	35 feet	N/A

Minimum Lot Depth	120 feet	120 feet	N/A
Maximum Lot Coverage	60 percent	65 percent	50 percent
Maximum Building Height	35 feet	35 feet	35 feet
Minimum Building Separation	10 feet	10 feet	10 feet
Setbacks			
Street (Interior Private Roads)	20 feet / 10 feet ¹	20 feet / 10 feet ¹	20 feet
Street (Public Roads)	50 feet	50 feet	50 feet
Side	5 feet ⁵	5 feet ⁵ / 0 feet ²	10 feet ⁵
Rear (Principal)	10 feet	10 feet	10 feet
Rear (Accessory)	5 feet ³	5 feet ³	5 feet ³
PD Perimeter	50 feet	50 feet	50 feet
Waterbody	20 feet	20 feet	20 feet
Preserve	20 feet ⁴	20 feet ⁴	20 feet ⁴

Notes:

- 1) 20 feet for front loaded garages, 10 feet for side loaded garages, and secondary street setbacks on corner lots.
- 2) No side setback is required from common lot line for two-family attached.
- 3) 5 feet (0 feet where lot abuts lake maintenance easement).
- 4) 30 feet for indigenous plant communities subject to fire.
- 5) Equipment pads may encroach up to 4.5 feet into a side setback (see Deviation 4).
- 6) Dwelling units must be setback a minimum of 170 feet from Duke Highway and 250 feet from North River Road.

3. Rural Compatibility

- a. Prior to development order approval, Developer must demonstrate that entrances features will provide design elements described in LDC §§ 33-1669 through 33-1672.
- b. The RPD must include an enhanced native buffer consistent with the MCP. The buffer must be a minimum 25 feet in width and within the 170-foot minimum setback to fill in gaps in the existing native vegetation and restoration areas to form a continuous, 100% opaque vegetative screen within 5 years of growth.
 - i. The enhanced buffer must meet the following minimum planting per 100 linear feet by 25-foot width: six (6) native canopy trees, seven (7) native understory trees, three (3) Cabbage Palms, and twenty-one (21) native shrubs.

- ii. Planting density may be achieved with a combination of existing and proposed enhanced native vegetation so long as trees are horizontally spaced no more than 15 feet on center and Cabbage Palms and shrubs are clustered in groups of three (3).
- iii. Enhanced buffer plantings must include minimum 10-foot tall, 2-inch caliper native canopy trees, minimum 10-foot clear trunk Cabbage Palms, minimum 10-foot-tall native understory trees, and minimum four (4) foot tall shrubs.
- iv. Enhanced native vegetation species must be consistent with and in addition to the approved Indigenous Preserve Management and Restoration Plan Supplemental Plantings List Revised May 2024 (Exhibit D) within this buffer. Restoration plantings will not contribute to the buffer plant material requirements set forth in this condition.
- v. Exotic vegetation within the 25-foot buffer must be hand removed to minimize disturbance to existing native vegetation.
- vi. Developer must obtain a Certificate of Compliance on the enhanced buffer installation prior to development order approval authorizing residential lots within 300 feet of the 25-foot-wide enhanced buffer depicted on the MCP.

4. Utility Connection

Development order plans must demonstrate connection to public utilities for water and wastewater services to support all phases of development.

5. Public Safety

Development order submittals must demonstrate that public safety service is available to serve each phase under review as evidenced by a letter of No Objection from the Lee County Public Safety Office.

6. Open Space

Development order plans must depict a total of 420.20 acres of indigenous open space in substantial compliance with the MCP consistent with the following:

- a. Rare and Unique Upland Preservation: 26.03 acres;
- b. Rare and Unique Upland Restoration: 2.68 acres;
- c. Rare and Unique Created: 300.01 acres;
- d. Upland Restoration: 7.38 acres;
- e. Upland Preservation: 23.98 acres;
- f. Wetland Preservation: 17.51 acres;
- g. Wetland Restoration: 33.95 acres; and
- h. Surface Waters: 8.66 acres.

7. Protected Species

Developer must submit pre-construction species monitoring reports, where applicable, with each vegetation removal permit application to ensure no protected species are within the clearing limits.

8. Conservation Easement Recording

Conservation easements must be recorded over areas used to achieve the density incentive. Conservation easements must be dedicated to the appropriate maintenance entity and provide Lee County or other public agency, acceptable to Lee County, with third party enforcement rights. Conservation Easements must be recorded within 5 years following approval of the first development order.

9. Wetland Impacts

The first development order application must include a copy of the mitigation receipt of payment or mitigation plans for the 18.85 acres of wetland impacts.

10. Indigenous Habitat Restoration/ Management Plan

- a. Development Order plans must be in substantial compliance with the Indigenous Preserve Management and Restoration Plan (Exhibit D).
- b. The first development order plans must include a schedule for the indigenous preservation, restoration, and created preserve areas to be completed within at least five consecutive years.
- c. The first development order plans must include cross sections depicting the hydrological restoration, upland grading, and the type of habitat being restored/created to ensure survivability. The plans must include details of soil amendments in the restoration and creation areas, if applicable.
- d. The first development order plans must include a map depicting where mechanical and hand-removal methods of exotic vegetation removal will be located.
- e. The first development order plans must include a monitoring schedule to ensure all preserve enhancement, restoration, and creation is completed and demonstrates 80 percent survivability within five consecutive years. Monitoring will be required until 80 percent survivability is achieved.
- f. The vegetation removal permit application must include survey point maps depicting the preservation and restoration areas and mechanical clearing limits.

11. Northern Buffer Planting Material

The first development order plans must depict a 25-foot-wide buffer within the restoration area along North River Road that includes 14-foot-high native canopy trees, spaced approximately 25 feet on center to comply with LDC § 33-1673.

12. Natural Waterbody Buffer

The first development order application that includes Trout Creek must include landscape plans that provide a natural waterway buffer plan in compliance with the Indigenous Preserve Management and Restoration Plan (Exhibit D). The vegetation must meet the plant specifications of LDC § 10-420. The natural waterway buffer must depict a ten-foot-wide Trout Creek maintenance easement with a 20-foot-wide Trout Creek maintenance access as depicted consistent with the MCP.

13. Surface and Ground Water Monitoring

Prior to local development order approval for any phase of work, Developer must provide the attached Water Quality Monitoring Plan (Exhibit E) with the following modifications:

- a. Developer must identify the groundwater withdrawal locations used to resupply the irrigation withdrawal lakes in the Water Quality Monitoring Plan;
- b. Developer must complete baseline monitoring events prior to commencement of construction and provide a baseline report to the County Division of Natural Resources;
- c. Surface water quality, groundwater quality, and groundwater level monitoring locations must be finalized and identified in the Water Quality Monitoring Plan. Surface water quality monitoring sites must be located at each proposed outfall. Groundwater level monitoring locations must be located to ensure surrounding residential uses are not adversely affected by Sandstone Aquifer withdrawal;
- d. Developer must provide water quality and groundwater level monitoring data to the Division of Natural Resources annually for a minimum of five (5) years. Annual monitoring reports must include a comparison of State surface water quality standards, plots of parameters, and recommendations. After five years of meeting/exceeding State water quality monitoring standards, Developer may amend water quality monitoring and reporting after written request, review, and approval by the Division of Natural Resources. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources; and
- e. A contingency plan to be implemented upon discovery of an exceedance of State Water Quality Standards. This plan must include notification to impacted residents, Lee County Division of Natural Resources, and applicable authorities.

14. Stormwater Reporting

Development order submittals for each phase must provide a Stormwater Report with models and calculations demonstrating that offsite flow conveyance capacity will be maintained during and following construction of the development.

15. Irrigation Requirements

Development order plans for each phase must demonstrate irrigation will be provided via a master-controlled central irrigation system. The master-controlled system must be

designed to comply with the Water Conservation Ordinance #24-01, as amended. The Property Owner Association documents, including Declarations and Covenants (submitted prior to Development Order approval and recorded prior to issuance of Certificate of Compliance), must prohibit the installation of single-family use wells for potable or irrigation water.

16. Agricultural Uses

- a. Termination of Agricultural Use. Bona fide agricultural uses (cattle grazing) in existence when the application for this project was filed, may continue in accordance with the Agricultural Use Affidavit (Exhibit F) filed with the zoning application until a local development order is approved for the area that contains these uses.
- b. Additional Clearing Prohibited. Clearing or injury of native trees or other native vegetation, including understory, in agricultural areas is prohibited except when done pursuant to a vegetation removal permit. Existing areas of bona fide agricultural use that include existing grass pasture(s) may be mowed but may not be cleared or expanded. This prohibition of clearing/expansion is not intended to preclude County approved requests for removal of invasive exotic vegetation. Violations of this condition will require restoration in accordance with LDC § 10-423.
- c. Proof of Termination. Prior to development order issuance, Developer must provide written proof, subject to approval by the Lee County Attorney's Office, of the following:
 - i. Affidavit. Termination of agricultural use on any portion of the property included in the development order application/approval. Proof must include a sworn affidavit from the person or entity holding title to the subject property that specifically provides:
 - (1) The date agricultural uses ceased.
 - (2) The legal description of the property subject to the development order approval.
 - (3) An affirmative statement that developer, its successors or assigns acknowledges and agrees that all agricultural uses are illegal and prohibited on the property and that the owner covenants with the County that they will not allow any such uses on the property unless and until the property is rezoned to permit such uses.
 - (4) That the affidavit constitutes a covenant between Developer, its successors or assigns, and the County that is binding on the developer, its successors or assigns. The covenant must be properly recorded in the public records of the County at the expense of the applicant, its successors or assigns.
- d. Termination of Tax Exemption. Termination of the agricultural tax exemption for any portion of the property included in the development order application/approval. Proof as to the termination must include a copy of the request to terminate the tax exemption submitted to the Property Appraiser.

17. School Bus Stop

Developer must provide a school bus pull-off at the project entrances as shown on the MCP to ensure buses can stop entirely outside of the North River Road right-of-way. The location and design of the bus stop is subject to approval by the Lee County School District.

18. Lighting

Developer and future property owners must ensure lighting from developed areas does not directly illuminate indigenous preserve or restoration areas by shielding fixtures as necessary and minimizing up-lighting. Developer must include these lighting standards in the Indigenous Management Plan, deed restrictions, and development order plans.

19. Development Permits

County development permits do not create rights to obtain permits from state/federal agencies. Further, County development permits do not create liability on the part of the County if applicant fails to obtain requisite approvals or fulfill obligations imposed by state/federal agencies or undertake actions in violation of state/federal law. Applicant must obtain applicable state/federal permits prior to commencing development.

SECTION C. DEVIATIONS

1. Access

Deviation (1) seeks relief from LDC § 10-291(3), which requires residential developments more than five acres to provide more than one means of ingress and egress for the development, to allow one access point to the development area west of Trout Creek only. This deviation is APPROVED.

2. North River Road Plantings

Deviation (2) seeks relief from LDC § 33-1673, which requires new developments with frontage on North River Road to provide a 25-foot-wide right-of-way buffer, planted with native canopy trees, such as Live Oaks and Laurel Oaks, with a minimum height of 14 feet and spaced 25 feet on center to allow for creation, restoration and preservation of "Rare and Unique" uplands and wetland vegetation along the North River Road frontage where proposed preserve areas abut the right-of-way. This deviation is APPROVED SUBJECT TO the condition that the development order landscape plans abutting North River Road must meet the Indigenous Preserve Management and Restoration Plan (Exhibit D). Landscape/restoration plants must meet the native tree specifications per LDC § 33-1673 and native shrubs specifications for a Type-F buffer per LDC § 10-416(d).

3. Lake Bank Slopes

Deviation (3) from LDC § 10-329(d)(4), which requires lake banks to be sloped at a 6:1 ratio from the top of bank to a water depth of two feet below the dry season water table, to allow for a minimum ratio of 4:1 slope. This deviation is APPROVED.

4. Equipment Pads

Deviation (4) seeks relief from LDC § 34-2191(5), which allows encroachments into required setbacks for equipment pads of up to 3 feet into a side, rear or waterbody setback, to allow for equipment pads encroachments of up to 4.5 feet into side setbacks. This deviation is APPROVED.

5. Drainage Easement

Deviation (5) seeks relief from LDC § 10-328(a), which requires a 20-foot-wide easement on one side of a watercourse/drainageway/canal/IDD easement/lake/pond/stream, and a 20-foot-wide easement on both sides for canals, lakes, or flow-ways greater than 50 feet wide for maintenance purposes, to allow a 10-foot-wide easement on one side of Trout Creek. This deviation is APPROVED SUBJECT TO the condition that a drainage and access easement consistent with the MCP must be submitted for approval prior to development order issuance. The easement must permit Lee County the right, but not the obligation, to maintain Trout Creek and must be dedicated to Lee County prior to issuance of a Certificate of Compliance for the first development order.

SECTION D. EXHIBITS

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

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: Master Concept Plan
- Exhibit D: Indigenous Habitat Management Plan
- Exhibit E: Water Quality Monitoring Plan
- Exhibit F: Agricultural Use Affidavit

SECTION E. FINDINGS AND CONCLUSIONS

Based upon its review, as conditioned, the Board of County Commissioners adopts the recommendation of the Hearing Examiner, including the following findings and conclusions:

1. Complies with the Lee Plan. Lee Plan Goals 2, 4, 5, 27, 29, 56, 59, 60, 61, 77, 101, 124, 125, 135; Objectives 1.5, 2.1, 2.2, 4.1, 5.1, 27.1, 27.2, 27.3, 27.4, 27.5, 29.1, 29.2, 29.4, 29.6, 29.7, 56.2, 77.1, 77.3, 135.1; Policies 1.4.1, 1.5.1, 2.1.2, 2.2.1, 5.1.2, 5.1.5, 5.1.6, 27.1.1, 27.1.2, 27.1.6, 27.1.8, 27.3.1, 27.4.1, 27.4.2, 29.1.1, 29.1.3, 29.1.4, 29.2.1, 29.2.2, 29.2.3, 29.2.4, 29.3.4, 29.4.3, 29.5.1, 29.7.2, 39.3.2, 60.4.1, 61.2.1, 67.3.7, 68.3.7, 77.3.1, 77.3.4, 101.1.1, 101.3.2, 123.2.7, 124.1.1, 125.1.1, 125.1.2, 135.1.9, 135.9.5, 135.9.6, Standards 4.1.1, 4.1.2, 4.1.4; Lee Plan Maps 1-A, 1-B, 2-A, 3-B, 4-A, 5-A, and Table 1(a).
2. Meets the LDC and other County regulations or qualifies for deviations. LDC §§ 33-1661 *et seq.*, 34-145(d), 34-341, 34-378, 34-411, 34-413, 34-491, 34-612(2), 34-373(a)(9), 34-932, 34-936.

3. Is compatible with existing and planned uses in the surrounding area. Lee Plan Objectives 2.1, 2.2, 27.1, 27.3, 29.1, 29.2, 29.4, Policies 5.1.5, 29.1.1, 29.1.3, 29.2.1, 29.2.2, 135.9.5, 135.9.6; LDC §§ 34-411, 34-413.
4. Provides access sufficient to support proposed development intensity. Expected impacts to transportation facilities will be addressed by the conditions of approval and County regulations. Lee Plan Objectives 27.4, 29.4, 39.1, Policies 27.4.1, 27.4.2, 29.4.3, 38.1.1, 38.1.5, 39.1.1; LDC §§ 2-261 *et seq.*, 10-287, 34-411(d)-(e).
5. Will not adversely affect environmentally critical/sensitive areas and natural resources. Lee Plan Goals 59, 60, 61, 77, 101, 123, 125, Objectives 27.3, 29.6, 29.7, 60.4, 60.5, 61.2, 61.3, 77.1, 77.3, 123.1, 123.2, 124.1, 126.2, Policies 1.5.1, 27.4.3, 27.7.2, 29.2.1, 29.7.2, 29.1.3, 59.1.6, 60.1.1, 60.4.1, 60.4.2, 60.4.3, 60.4.5, 61.2.4, 61.3.3, 61.3.6, 61.3.8, 61.3.11, 61.3.12, 101.1.1, 101.3.2, 123.2.4, 123.2.6, 123.2.8, 123.2.9, 123.2.11, 123.2.13, 123.2.15, 123.2.17, 123.3.1, 123.3.3, 125.1.1, 125.1.2, 125.1.3, 126.2.1, 143.2.2, Standard 4.1.4; and LDC § 34-411(h).
6. Public services and infrastructure will serve the RPD, notwithstanding its Rural designation. Lee Plan Glossary, Lee Plan Goals 2, 4, 56, Objectives 2.1, 2.2, 4.1, 56.2, Policy 1.4.1, 27.4.2, 29.4.3, 53.1.8, 53.1.9, 56.2.1, 61.1.6, 135.9.7, Standards 4.1.1, 4.1.2; LDC § 34-411(d).
7. The proposed use is appropriate at the proposed location. Lee Plan Goals 2, 5, 27, 29; Objective 29.1, 29.2, Policies 1.4.1, 2.1.1, 2.2.2, 5.1.2, 5.1.5, 27.1.1, 29.1.1, 29.1.3, 29.2.1, 29.2.2, 124.1.1, 135.1.9.
8. Recommended conditions and County regulations provide sufficient safeguards to protect the public interest and are reasonably related to expected impacts. Lee Plan Policies: 5.1.5, 5.1.6, 27.4.1, 27.4.2, 29.1.1, 29.1.3, 29.2.2, 61.3.3, 61.3.8, 123.2.9, 135.9.6; LDC §§ 34-377(a)(3), 34-411, 34-932.
9. Requested deviations, as conditioned:
 - a. Enhance objectives of the planned development; and
 - b. Protect public health, safety and welfare. Lee Plan Policy 29.1.4, LDC §§ 34-373(a)(9), 34-377(a)(4).

SECTION F. SCRIVENER'S ERRORS

The Board intends that this resolution can be renumbered or relettered and typographical errors that do not affect the intent and are consistent with the Board's action can be corrected with the authorization of the County Manager or his designee, without the need for a public hearing.

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

Adopted by unanimous consent.

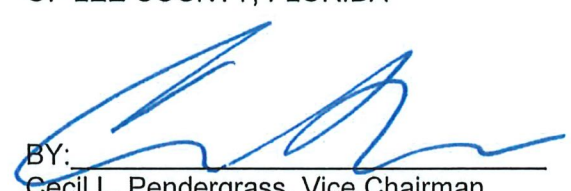
Kevin Ruane	Absent
Cecil L Pendergrass	Aye
David Mulicka	Aye
Brian Hamman	Aye
Mike Greenwell	Aye

DULY PASSED AND ADOPTED this 5th day of March 2025.

ATTEST:
KEVIN C. KARNES
CLERK OF CIRCUIT COURT

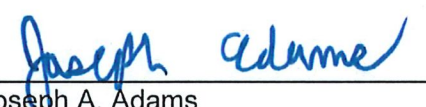
BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Cecil L. Pendergrass, Vice Chairman

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY




Joseph A. Adams
Assistant County Attorney
County Attorney's Office

2025 MAR 10 AM 9:52

MINUTES OFFICE

Exhibit A

RHODES & RHODES LAND SURVEYING, INC***88100 BONITA GRANDE DRIVE #107 NAPLES, FLORIDA 34108******PHONE (800) 405-6168 FAX (800) 405-6168***PARCEL 1

BEING A PORTION OF SECTION 16 AND 17, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE NORTHWEST CORNER OF SECTION 16, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE SOUTH 00°23'30" WEST, ALONG THE WESTERLY SECTION LINE OF SAID SECTION 16 A DISTANCE OF 50.00 FEET TO THE SOUTHERN RIGHT OF WAY LINE OF STATE ROAD NO. 78 (N. RIVER ROAD), ACCORDING THE STATE OF FLORIDA STATE ROAD DEPARTMENT RIGHT OF WAY MAP RECORDED IN SECTION 12560-2604 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. AND TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE ALONG THE SAID SOUTHERLY RIGHT OF WAY OF STATE ROAD NO. 78 THE FOLLOWING 11 COURSES, COURSE (1) SOUTH 89°54'13" EAST, 3,853.85 FEET; COURSE (2) SOUTH 00°05'41" WEST, 25.00 FEET TO A POINT ON A NON-TANGENTIAL CURVE; COURSE (3) SOUTHEASTERLY, 2,144.24 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 1,357.40 FEET, THROUGH A CENTRAL ANGLE OF 90°30'30" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 44°39'04" EAST, 1,928.15 FEET; COURSE (4) SOUTH 89°23'49" EAST, 25.00 FEET; COURSE (5) SOUTH 00°36'11" WEST, 451.22 FEET TO A POINT OF CURVATURE; COURSE (6) SOUTHERLY, 291.78 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 1,482.40 FEET, THROUGH A CENTRAL ANGLE OF 11°16'39" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 05°02'09" EAST, 291.31 FEET; COURSE (7) SOUTH 00°30'35" WEST, 269.95 FEET; COURSE (8) NORTH 89°29'25" WEST, 6.10 FEET; COURSE (9) SOUTH 00°31'50" WEST, 163.49 FEET; COURSE (10) SOUTH 89°29'25" EAST, 6.16 FEET; COURSE (11) SOUTH 00°30'35" WEST, 40.31 FEET THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 16; THENCE SOUTH 89°58'44" WEST ALONG THE SAID SOUTH LINE OF SAID SECTION 16, A DISTANCE OF 3,534.32 FEET; THENCE SOUTH 11°37'59" EAST, A DISTANCE OF 129.40 FEET; THENCE SOUTH 38°55'40" EAST, A DISTANCE OF 171.91 FEET; THENCE SOUTH 01°24'18" EAST, A DISTANCE OF 210.70 FEET; THENCE SOUTH 04°12'34" EAST, A DISTANCE OF 885.91 FEET TO A POINT ON A NON-TANGENTIAL CURVE; THENCE SOUTHEASTERLY, 741.98 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 735.02 FEET, THROUGH A CENTRAL ANGLE OF 57°50'17" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 63°49'32" EAST, 710.87 FEET; THENCE SOUTH 00°18'05" WEST, A DISTANCE OF 324.92 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF DUKE HIGHWAY, RIGHT OF WAY MAP DUKE HIGHWAY ACCORDING TO THE PLAT OR MAP RECORDED IN MAP BOOK 2, PAGES 1 THROUGH 9 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND TO A POINT ON A NON-TANGENTIAL CURVE; THENCE ALONG THE SAID NORTHERLY RIGHT OF WAY LINE OF DUKE HIGHWAY THE FOLLOWING 5 COURSES. COURSE (1) SOUTHWESTERLY, 241.09 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 370.00 FEET, THROUGH A CENTRAL ANGLE OF 37°20'01" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 39°14'38" WEST, 236.85 FEET; COURSE (2) SOUTH 20°31'56" WEST, 313.99 FEET TO A POINT ON A NON-TANGENTIAL CURVE; COURSE (3) SOUTHWESTERLY, 328.15 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 270.00 FEET, THROUGH A CENTRAL ANGLE OF 69°38'12" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 55°16'41" WEST, 308.33 FEET; COURSE (4) NORTH 89°54'59" WEST, 2,080.14 FEET; COURSE (5) NORTH 89°36'26" WEST, 2,006.30 FEET; THENCE NORTH 00°26'05" EAST LEAVING THE SAID NORTHERLY RIGHT OF WAY LINE OF DUKE HIGHWAY, A DISTANCE OF 635.18 FEET; THENCE NORTH 89°44'35" WEST, A DISTANCE OF 668.84 FEET TO A POINT ON THE WESTERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 43 SOUTH, RANGE 26 EAST; THENCE NORTH 00°34'39" EAST ALONG THE SAID WESTERLY LINE OF SECTION 17, A DISTANCE OF 1,995.23 FEET TO THE NORTHWEST CORNER OF SOUTHEAST QUARTER OF SECTION 17 ALSO BEING THE CENTER OF SECTION 17; THENCE NORTH 89°58'05" WEST ALONG THE SOUTHERLY LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17, A DISTANCE OF 2,666.94 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 17; THENCE NORTH 00°23'17" EAST ALONG THE WESTERLY SECTION OF SAID SECTION 17, A

RHODES & RHODES LAND SURVEYING, INC.

***88100 BONITA GRANDE DRIVE #107 NAPLES, FLORIDA 34108
PHONE (800) 405-8168 FAX (800) 405-8168***

DISTANCE OF 2,608.51 FEET TO A POINT ON THE SAID SOUTH RIGHT OF WAY LINE OF STATE ROAD 78 AND TO A POINT ON A NON-TANGENTIAL CURVE; THENCE ALONG THE SAID SOUTHERLY RIGHT OF WAY LINE OF SECTION 17 THE FOLLOWING 3 COURSES, COURSE (1) EASTERLY, 179.42 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 11,509.16 FEET, THROUGH A CENTRAL ANGLE OF 00°53'36" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 89°47'08" EAST, 179.42 FEET; COURSE (2) NORTH 89°19'50" EAST, 2,372.18 FEET TO A POINT ON A NON-TANGENTIAL CURVE; COURSE (3) EASTERLY, 113.88 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 11,409.16 FEET, THROUGH A CENTRAL ANGLE OF 00°34'19" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 89°44'43" EAST, 113.88 FEET TO A POINT ON THE EASTERLY LINE OF NORTHWEST QUARTER OF SAID SECTION 17; THENCE SOUTH 00°26'50" WEST ALONG THE SAID EASTERLY LINE OF THE NORTHWEST QUARTER OF SECTION 17, A DISTANCE OF 1,295.15 FEET TO THE NORTHWEST CORNER OF P. JOHN HART'S, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 7, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.; THENCE ALONG THE BOUNDARY LINE OF SAID P. JOHN HART'S THE FOLLOWING 2 COURSES, COURSE (1) SOUTH 89°42'51" EAST, 1,336.16 FEET; COURSE (2) SOUTH 00°25'09" WEST, 1,340.40 FEET TO THE SOUTHEAST CORNER OF SAID P. JOHN HART'S AND BEING THE SOUTHWEST CORNER OF NORTH RIVER OAKS ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 34 PAGES 102 AND 103, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.; THENCE ALONG THE BOUNDARY LINE OF SAID NORTH RIVER OAKS THE FOLLOWING 2 COURSES, COURSE (1) SOUTH 89°56'54" EAST, 1,336.09 FEET; COURSE (2) NORTH 00°24'21" EAST, 2,620.55 FEET TO THE POINT OF BEGINNING.

CONTAINING 34,362,815 SQUARE FEET OR 788.86 ACRES, MORE OR LESS.

**REVIEWED
DCI2022-00067
Rick Burris, Principal
Planner
Lee County DCD/Planning
6/20/2024**

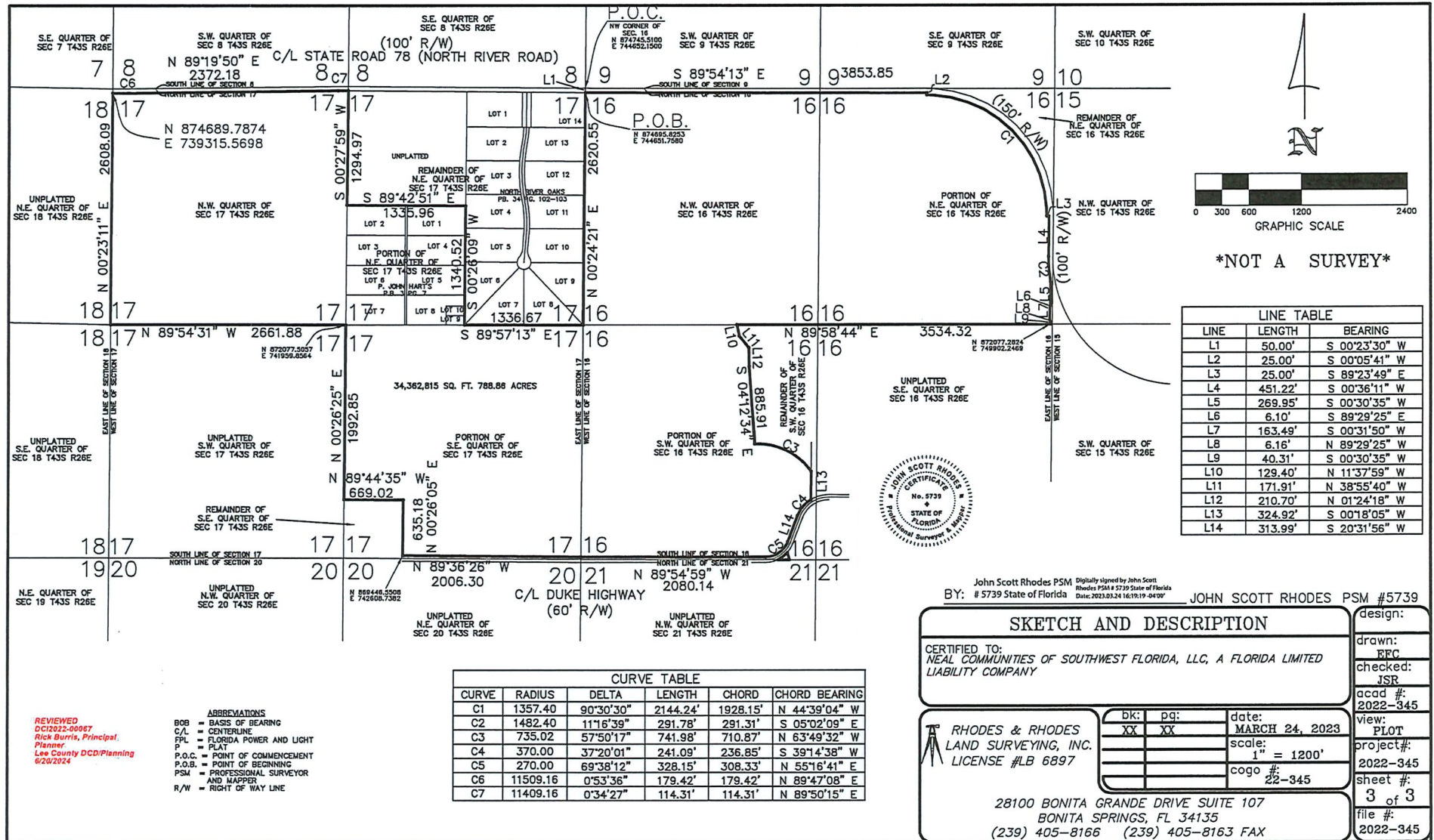


Exhibit A

RHODES & RHODES LAND SURVEYING, INC.

***88100 BONITA GRANDE DRIVE #107 NAPLES, FLORIDA 34106
PHONE (800) 405-5100 FAX (800) 405-5100***

PARCEL 2

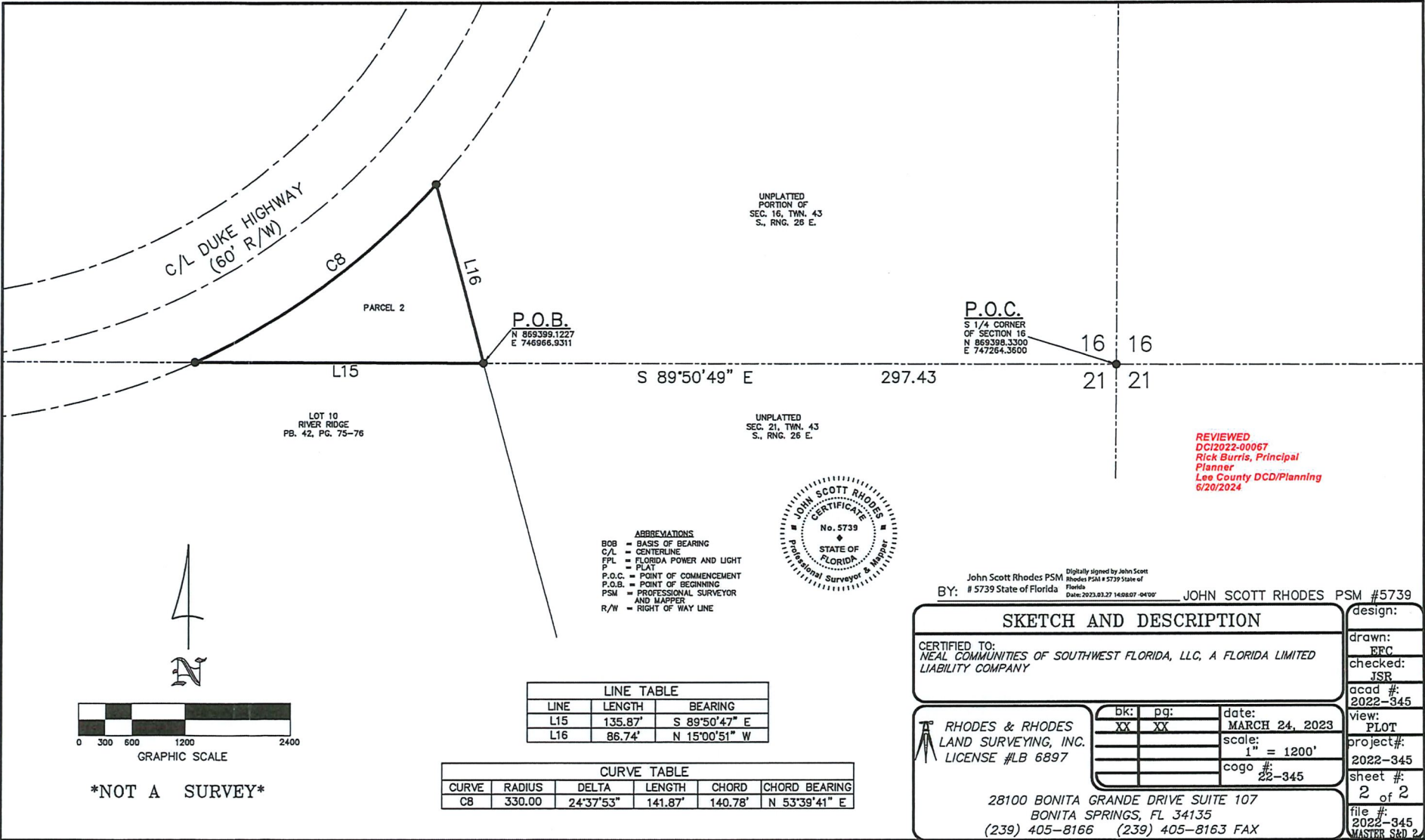
BEING A PORTION OF SECTION 16, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

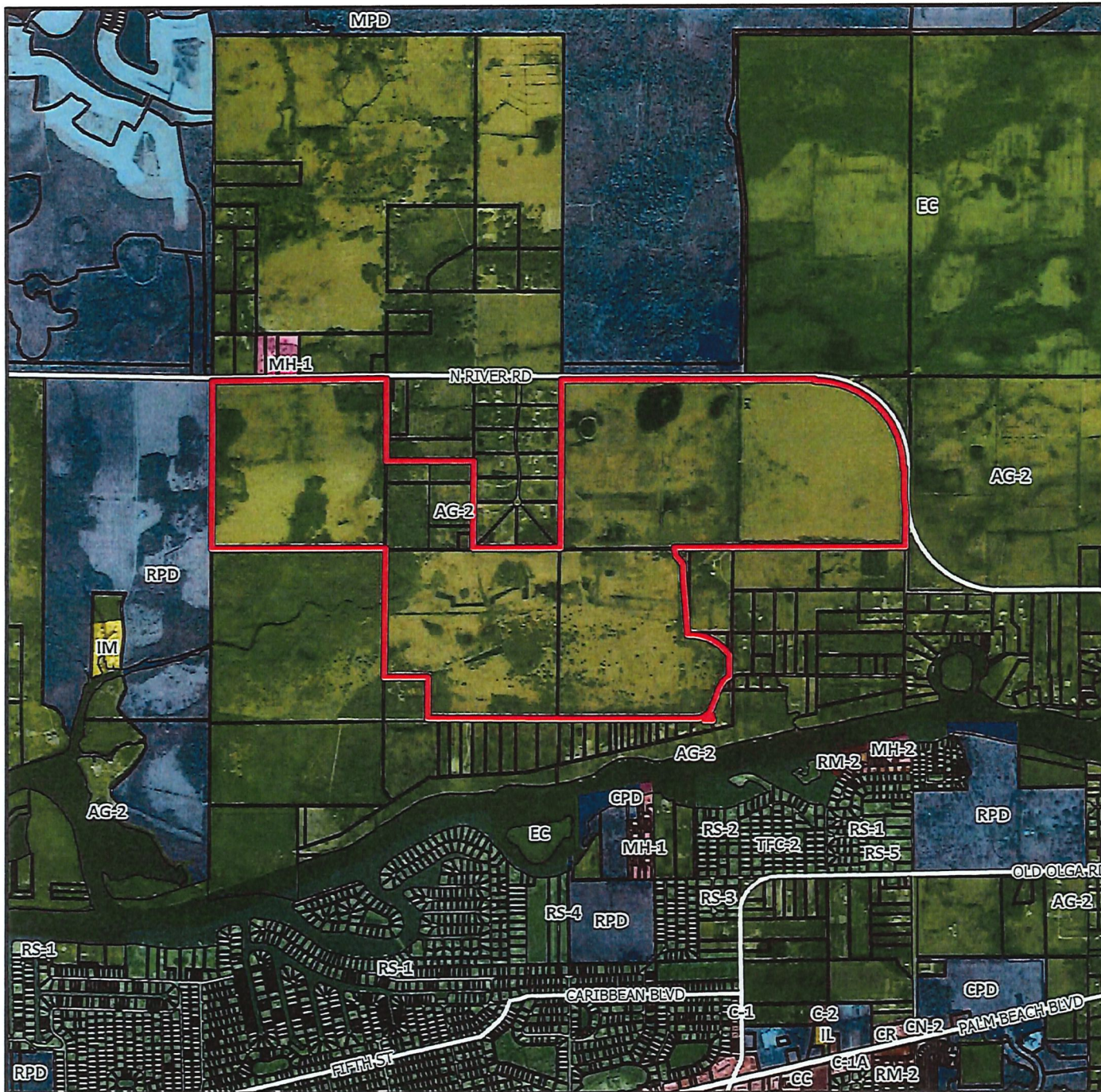
COMMENCE AT THE SOUTH $\frac{1}{4}$ CORNER OF SECTION 16, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA.; THENCE NORTH $89^{\circ}50'49''$ WEST ALONG THE SOUTHERLY LINE OF SAID SECTION 16, A DISTANCE OF 297.43 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE NORTH $89^{\circ}50'47''$ WEST CONTINUING ALONG THE SAID SOUTH LINE OF SECTION 16, A DISTANCE OF 135.87 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF DUKE HIGHWAY ACCORDING TO THE OFFICIAL RECORDS BOOK 2026 PAGE 2985, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, TO A POINT ON A NON-TANGENTIAL CURVE; THENCE NORTHEASTERLY ALONG THE SAID SOUTHERLY RIGHT OF WAY OF DUKE HIGHWAY, 141.87 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 330.00 FEET, THROUGH A CENTRAL ANGLE OF $24^{\circ}37'53''$ AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH $53^{\circ}39'41''$ EAST, 140.78 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT OF WAY OF DUKE HIGHWAY, SOUTH $15^{\circ}00'51''$ EAST, A DISTANCE OF 86.74 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,973 SQUARE FEET OR 0.114 ACRES, MORE OR LESS.

**REVIEWED
DCI2022-00067
Rick Burris, Principal
Planner
Lee County DCD/Planning
6/20/2024**

Z:\City Duke Prop for Neal 2022-345\2022-345 MASTER BNDY SKETCH & DESCRIP 2.dwg, Layout2, 3/27/2023 1:29:48 PM, 1:1

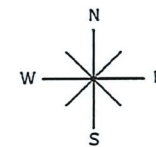




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Zoning

 Subject Property

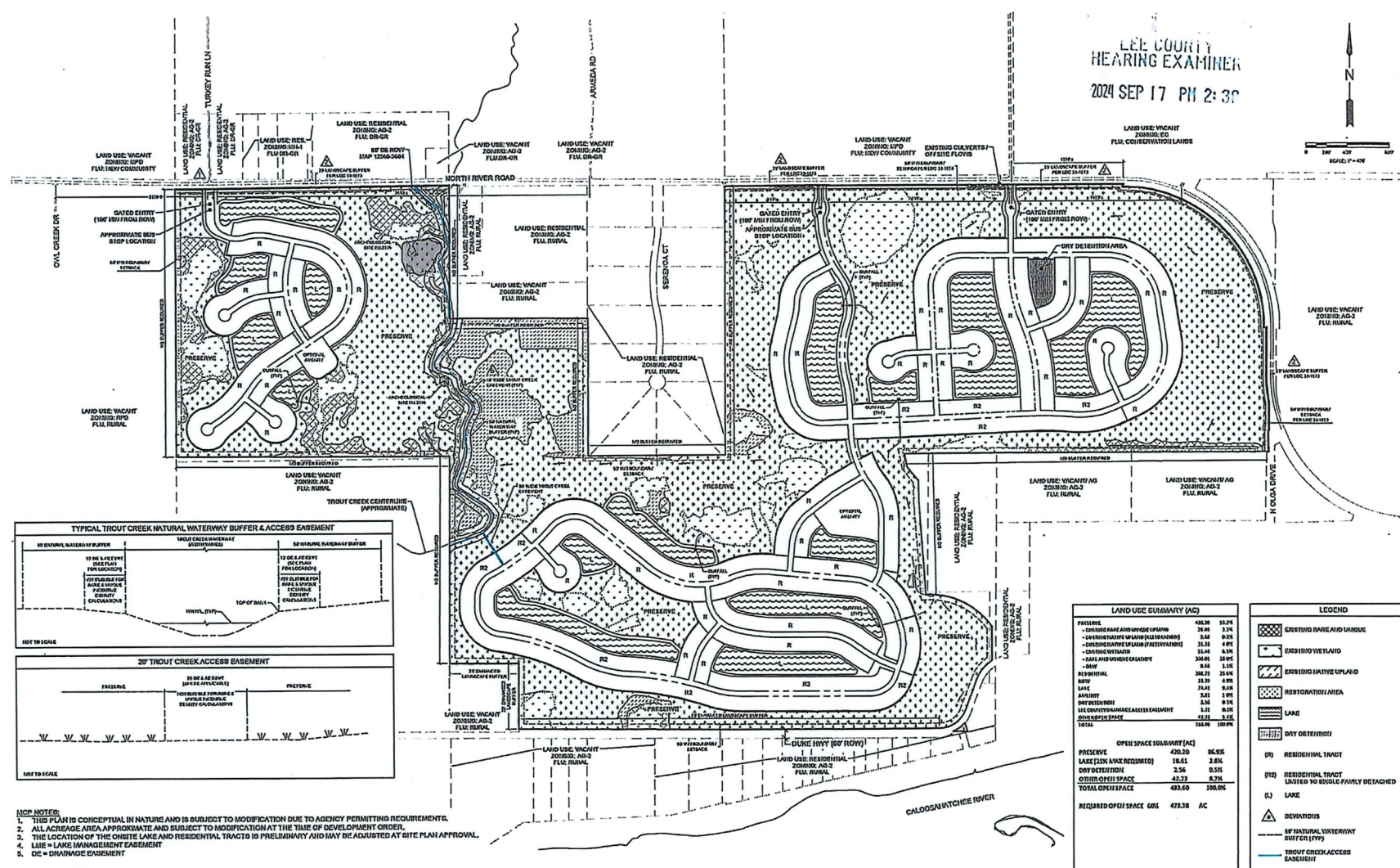


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Feet



EXHIBIT B

LEE COUNTY
HEARING EXAMINER
2024 SEP 17 PM 2:30



- NOTES:**
1. THIS PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO MODIFICATION DUE TO AGENCY PERMITTING REQUIREMENTS.
 2. ALL ACREAGE AREA APPROXIMATE AND SUBJECT TO MODIFICATION AT THE TIME OF DEVELOPMENT ORDER.
 3. THE LOCATION OF THE ON-SITE LAKE AND RESIDENTIAL TRACTS IS PRELIMINARY AND MAY BE ADJUSTED AT SITE PLAN APPROVAL.
 4. LUE = LAKE MANAGEMENT EASEMENT
 5. DE = DRAINAGE EASEMENT

LAND USE SUMMARY (AC)		
PRESERVE	40.30	33.2%
RESTORATION AREA	18.61	15.3%
LAKE (20K MAX REQUIRED)	2.34	1.9%
DRY DETENTION	4.23	3.5%
OTHER OPEN SPACE	483.60	100.0%
TOTAL	549.08	

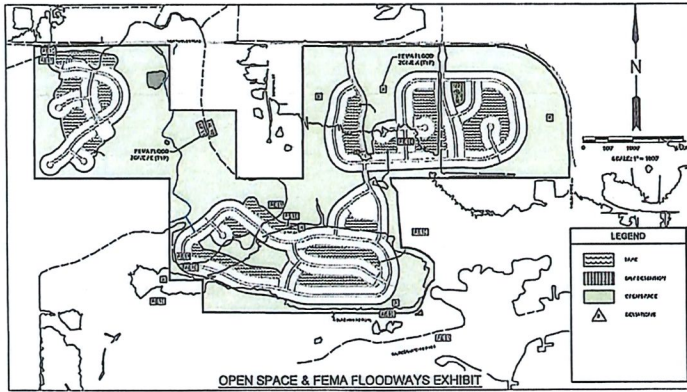
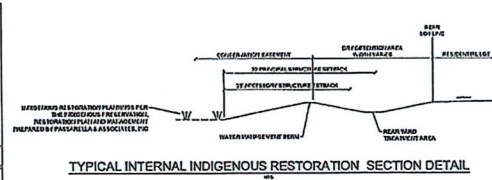
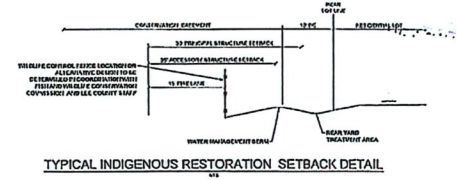
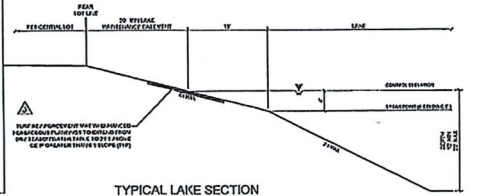
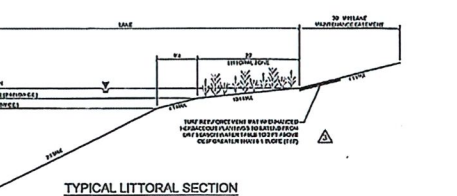
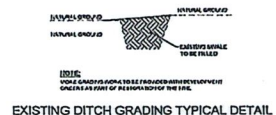
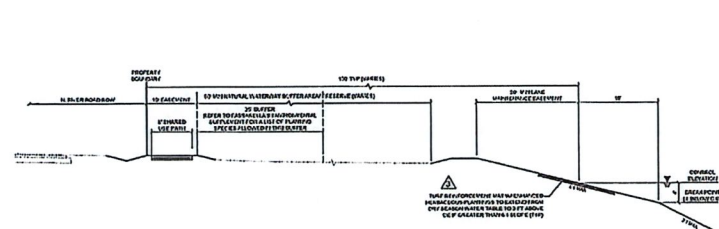
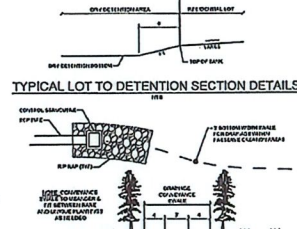
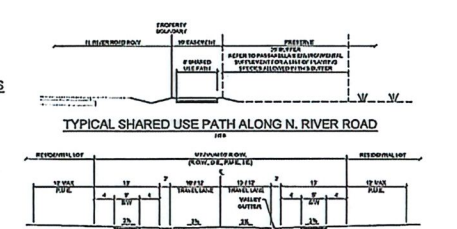
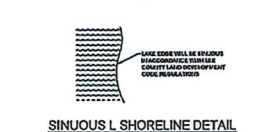
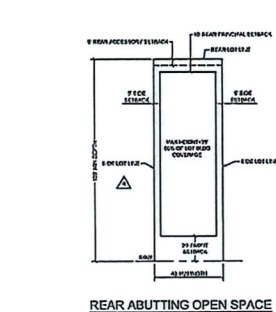
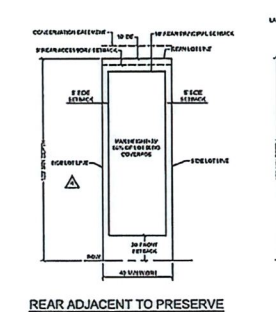
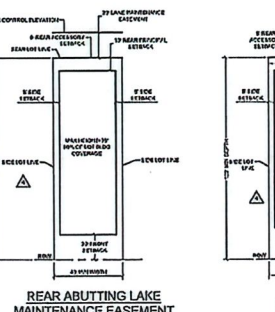
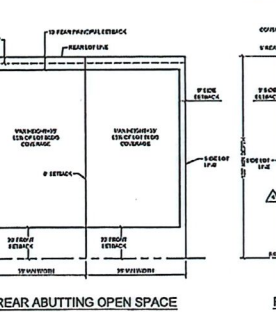
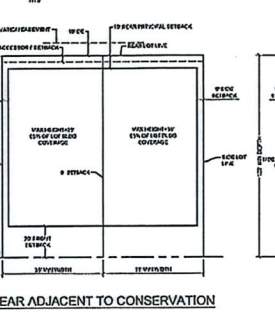
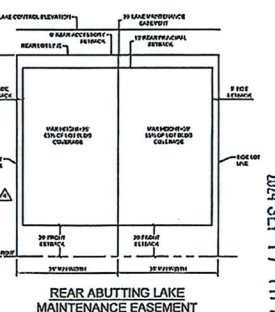
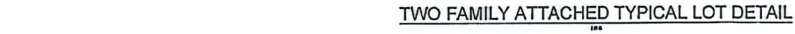
OPEN SPACE SUMMARY (AC)		
PRESERVE	40.30	86.9%
LAKE (20K MAX REQUIRED)	18.61	2.8%
DRY DETENTION	2.34	0.5%
OTHER OPEN SPACE	4.23	0.8%
TOTAL OPEN SPACE	65.48	100.0%
REQUIRED OPEN SPACE	605	473.38 AC

J.R. EVANS
ENGINEERING

CARY+DUKE+POVIA RPD
MASTER CONCEPT PLAN

00511-00 P0511 - OA MCP.DWG
September 17, 2024

Approved as Exhibit
MCP Page 1 of 4
Resolution # 2-24-024



J.R. EVANS
ENGINEERING

CARY+DUKE+POVIA RPD

OPEN SPACE AND TYPICAL CROSS SECTIONS EXHIBIT

LEE COUNTY
HEARING EXAMINER
2024 SEP 17 PM 2:38

00911-00 F0511 - OA MCP DWG
September 17, 2024

Approved as Exhibit C
MCP Page 2 of 4
Resolution # 2-24-024

2024 SEP 17 PM 2:39

100.0'

DUKE HIGHWAY

PROPERTY BOUNDARY

EXISTING NATIVE VEGETATION
&
RESTORATION PLANTINGS

PROPOSED NATIVE SHRUB

PROPOSED UNDERSTORY TREE

PROPOSED CABBAGE PALM

PROPOSED CANOPY TREE

25.0' ENHANCED BUFFER

170.0' PRESERVE

10.0' DE

20.0' TO PRESERVE

10.0' REAR
PRINCIPAL
SETBACK

5.0' REAR
ACCESSORY
SETBACK

5.0' SIDE
SETBACK

5.0' SIDE
SETBACK

5.0' SIDE
SETBACK

5.0' SIDE
SETBACK

5.0' SIDE
SETBACK

REAR LOT LINE

40.0' MIN. WIDTH

40.0' MIN. WIDTH

40.0' MIN. WIDTH

ENHANCED NATIVE BUFFER - NO EXISTING NATIVE VEGETATION

ENHANCED NATIVE BUFFER - NO EXISTING NATIVE VEGETATION

LEE COUNTY
HEARING EXAMINER
2024 SEP 17 PM 2:39

ENHANCED NATIVE BUFFER 25 FT. WIDE ENHANCED BUFFER	
Canopy Trees	67/100 LF
Understory Trees	77/100 LF
Cabbage Palms	37/100 LF
Shrub Species	217/100 LF

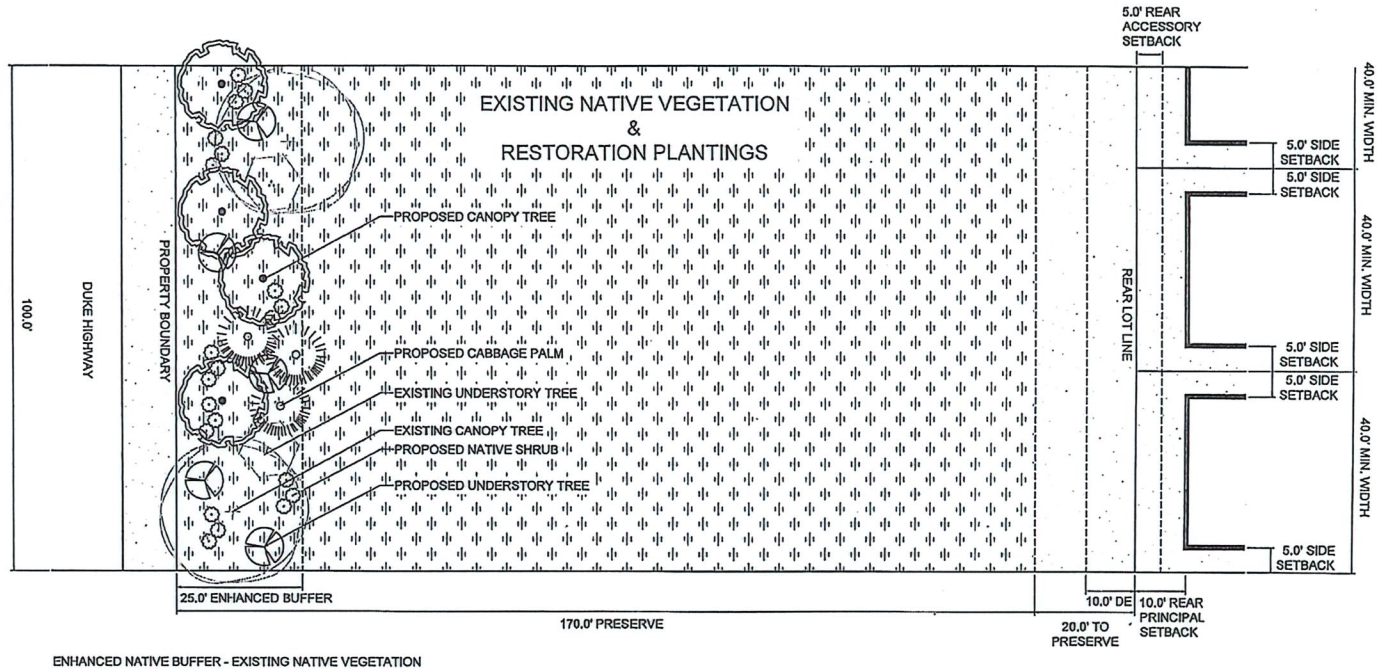
ENHANCED NATIVE BUFFER - EXISTING NATIVE VEGETATION

1. The enhanced native buffer shall be established by the applicant within 180 days of the date of the final approval of the development plan. The enhanced native buffer shall be established by the applicant within 180 days of the date of the final approval of the development plan. The enhanced native buffer shall be established by the applicant within 180 days of the date of the final approval of the development plan.

2. The enhanced native buffer shall be established by the applicant within 180 days of the date of the final approval of the development plan. The enhanced native buffer shall be established by the applicant within 180 days of the date of the final approval of the development plan. The enhanced native buffer shall be established by the applicant within 180 days of the date of the final approval of the development plan.

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4. The enhanced native buffer shall be established by the applicant within 180 days of the date of the final approval of the development plan. The enhanced native buffer shall be established by the applicant within 180 days of the date of the final approval of the development plan. The enhanced native buffer shall be established by the applicant within 180 days of the date of the final approval of the development plan.



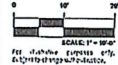
City of Lee



CARY + DUKE + POVIA RPD • DUKE HIGHWAY ENHANCED BUFFER

Lee County, FL
September 11, 2024
22001300
Neal Communities

NEAL COMMUNITIES
Building. Home. USA.



Approved as Exhibit C
MCP Page 4 of 4
Revision # 2-24-024

PAGE 6

CARY + DUKE + POVIA RPD
INDIGENOUS PRESERVE MANAGEMENT AND RESTORATION PLAN

Revised May 2024

Prepared For:

Neal Communities
28100 Bonita Grande Drive
Bonita Springs, Florida 34135
(941) 328-1993

Prepared By:

Passarella & Associates, Inc.
13620 Metropolis Avenue, Suite 200
Fort Myers, Florida 33912
(239) 274-0067

Project No. 22NCC3903

EXHIBIT D

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1.0 INTRODUCTION

The following outlines the Lee County Indigenous Preserve Management and Restoration Plan for the Cary + Duke + Povia RPD (Project). The Project site totals 788.98± acres and is located in Sections 16 and 17, Township 43 South, Range 26 East, Lee County (Appendix A). The proposed Project will establish on-site conservation areas totaling approximately 420.20± acres. The proposed conservation areas will contain the following elements:

- Preservation and enhancement of 67.52± acres of indigenous wetlands, indigenous uplands, and rare and unique uplands through the removal of exotic vegetation;
- Restoration of 44.01± acres of non-indigenous wetlands, uplands, and rare and unique uplands through the removal of exotic vegetation and installation of supplemental plantings;
- Creation of 300.01± acres of rare and unique indigenous uplands through the removal of exotic vegetation and supplemental plantings in non-indigenous areas; and
- Preservation of 8.66± acres of surface waters.

The rare and unique uplands that will be preserved, enhanced, restored, and created will be consistent with those community types identified in Chapter XII of the Lee Plan. This may include some, or all, of the following community types: pine flatwoods, tropical hardwood, live oak hammock, and cabbage palm hammock.

The conservation areas will be placed in an easement with inspection, enforcement, and approval rights granted to Lee County and the South Florida Water Management District (SFWMD). The total preserve area to be placed under a conservation easement is 420.20± acres.

2.0 EXISTING INDIGENOUS HABITATS

Pursuant to Land Development Code (LDC) Section 10-1, indigenous native vegetation is defined as those plant species that are characteristic of the major plant communities of the county. Native habitats, where invasive exotic vegetation exceeds 75 percent coverage, are not considered to be indigenous vegetation.

Existing indigenous wetland habitat within the proposed preserve totals 17.51± acres and primarily consists of mixed wetland hardwood, cypress, and freshwater marsh habitat. The indigenous upland habitat within the proposed preserve totals 50.01± acres and primarily consists of pine flatwood, live oak, and hardwood/conifer mixed habitat. The indigenous areas are comprised of wetland and upland habitats that contain less than 75 percent coverage by exotic vegetation.

A Florida Land Use, Cover and Forms Classification System (FLUCFCS) and wetland map is attached as Appendix B. Listed below are the FLUCFCS (Florida Department of Transportation

1999) descriptions of the indigenous wetland and upland habitats proposed for preservation and enhancement.

2.1 Indigenous Wetland Habitats

Cabbage Palm, Hydric, Disturbed (0-24% Exotics) (FLUCFCS Code 4281 E1)

This wetland community type includes cabbage palm (*Sabal palmetto*) with scattered laurel oak (*Quercus laurifolia*) and swamp bay (*Persea palustris*) in the canopy. The sub-canopy contains cabbage palm, Brazilian pepper (*Schinus terebinthifolia*), myrsine (*Myrsine cubana*), laurel oak, wax myrtle (*Morella cerifera*), Carolina willow (*Salix caroliniana*), swamp dogwood (*Cornus foemina*), and buckthorn (*Sideroxylon* sp.). The ground cover contains giant leather fern (*Acrostichum danaeifolium*), swamp fern (*Telmatoblechnum serrulatum*), cabbage palm, Brazilian pepper, Asiatic pennywort (*Centella asiatica*), marsh pennywort (*Hydrocotyle umbellata*), smartweed (*Persicaria* sp.), sand cordgrass (*Spartina bakeri*), laurel oak, dayflower (*Commelina diffusa*), Peruvian primrosewillow (*Ludwigia peruviana*), pickerelweed (*Pontedaria cordata*), and buttonbush (*Cephalanthus occidentalis*).

Cabbage Palm, Hydric, Disturbed (25-49% Exotics) (FLUCFCS Code 4281 E2)

This wetland community type includes vegetation associations that are similar to FLUCFCS Code 4281 E1 except with 25 to 49 percent Brazilian pepper in the sub-canopy.

Cabbage Palm, Hydric, Disturbed (50-75% Exotics) (FLUCFCS Code 4281 E3)

This wetland community type includes vegetation associations that are similar to FLUCFCS Code 4281 E2 except with 50 to 75 percent Brazilian pepper in the sub-canopy.

Willow, Disturbed (25-49% Exotics) (FLUCFCS Code 6189 E2)

The canopy of this wetland community type contains Carolina willow with scattered cabbage palm and Brazilian pepper. The sub-canopy contains Carolina willow, cabbage palm, Brazilian pepper, wax myrtle, swamp dogwood, and buckthorn. The ground cover includes smartweed, swamp fern, shield fern (*Thelypteris* sp.), sawgrass (*Cladium jamaicense*), cattail (*Typha* sp.), Carolina willow, cabbage palm, dayflower, white-top sedge (*Rhynchospora colorata*), and Brazilian pepper.

Cypress, Disturbed (0-24% Exotics) (FLUCFCS Code 6219 E1)

The canopy of this wetland community type includes bald cypress (*Taxodium distichum*), cabbage palm, and scattered laurel oak. The sub-canopy contains cabbage palm, Brazilian pepper, bishopwood (*Bischofia javanica*), red maple (*Acer rubrum*), and swamp bay. The ground cover includes spikerush (*Eleocharis interstincta*), pickerelweed, giant leather fern, and swamp fern.

Cypress, Disturbed (25-49% Exotics) (FLUCFCS Code 6219 E2)

This wetland community type includes vegetation associations that are similar to FLUCFCS Code 6219 E1 except with 25 to 49 percent melaleuca (*Melaleuca quinquenervia*) and/or Brazilian pepper in the sub-canopy.

Wetland Forested Mixed, Disturbed (0-24% Exotics) (FLUCFCS Code 6309 E1)

The canopy of this wetland community type contains live oak (*Quercus virginiana*), laurel oak, slash pine (*Pinus elliottii*), cabbage palm, swamp bay, and Carolina willow. The sub-canopy contains Brazilian pepper, cabbage palm, myrsine, wild coffee (*Psychotria nervosa*), Peruvian primrosewillow, Carolina willow, swamp dogwood, laurel oak, swamp bay, wax myrtle, persimmon (*Diospyros virginiana*), saltbush (*Baccharis halimifolia*), live oak, white stopper (*Eugenia axillaris*), and buckthorn. The ground cover includes swamp fern, giant leather fern, cabbage palm, marsh pennywort, Brazilian pepper, wild coffee, Peruvian primrosewillow, royal fern (*Osmunda regalis* var. *spectabilis*), arrowhead (*Sagittaria lancifolia*), water hyssop (*Bacopa* sp.), Asiatic pennywort, Southern beaksedge (*Rhynchospora microcarpa*), smartweed, torpedograss (*Panicum repens*), rosy camphorweed (*Pluchea baccharis*), shield fern, swamp lily (*Crinum americanum*), dog fennel (*Eupatorium capillifolium*), bulrush (*Scirpus* sp.), peppervine (*Ampelopsis arborea*), white-top sedge, and cattail.

Wetland Forested Mixed, Disturbed (25-49% Exotics) (FLUCFCS Code 6309 E2)

This wetland community type includes vegetation associations that are similar to FLUCFCS Code 6309 E1 except with 25 to 49 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy.

Wetland Forested Mixed, Disturbed (50-75% Exotics) (FLUCFCS Code 6309 E3)

This wetland community type includes vegetation associations that are similar to FLUCFCS Code 6309 E2 except with 50 to 75 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy.

Freshwater Marsh, Disturbed (50-75% Exotics) (FLUCFCS Code 6419 E3)

The canopy of this wetland community type is open. The sub-canopy contains wax myrtle, Brazilian pepper, and scattered cabbage palm. The ground cover contains sawgrass, giant leather fern, marsh pennywort, cattail, pickerelweed, torpedograss, sesbania (*Sesbania* sp.), creeping primrosewillow (*Ludwigia repens*), and swamp fern.

2.2 Indigenous Upland Habitats

Palmetto Prairie, Disturbed (50-75% Exotics) (FLUCFCS Code 3219 E3)

The canopy of this upland community type contains scattered live oak and cabbage palm. The sub-canopy contains Brazilian pepper. The ground cover contains saw palmetto (*Serenoa repens*), caesarweed (*Urena lobata*), beautyberry (*Callicarpa americana*), Brazilian pepper, and greenbrier (*Smilax* sp.).

Pine Flatwoods, Disturbed (0-24% Exotics) (FLUCFCS Code 4119 E1)

The canopy of this upland community type contains slash pine with scattered cabbage palm and live oak. The sub-canopy contains slash pine with scattered cabbage palm, live oak, and Brazilian pepper. The ground cover contains broomsedge bluestem (*Andropogon virginicus* var. *virginicus*), Brazilian pepper, bahiagrass (*Paspalum notatum*), wax myrtle, saw palmetto, caesarweed, and blackberry (*Rubus* sp.).

Live Oak, Disturbed (0-24% Exotics) (FLUCFCS Code 4279 E1)

The canopy of this upland community type contains live oak with widely scattered laurel oak, pop ash (*Fraxinus caroliniana*), Brazilian pepper, and cabbage palm. The sub-canopy contains live oak, cabbage palm, laurel oak, wax myrtle, myrsine, wild coffee, swamp bay, caesarweed, saltbush, and Brazilian pepper. The ground cover includes saw palmetto, poison ivy (*Toxicodendron radicans*), beautyberry, wild coffee, Virginia creeper (*Parthenocissus quinquefolia*), Brazilian pepper, tropical soda apple (*Solanum viarum*), beggarticks (*Bidens alba*), St. Augustine grass (*Stenotaphrum secundatum*), caesarweed, Boston fern (*Nephrolepis* sp.), cabbage palm, broomsedge bluestem, white stopper, and carpetgrass (*Axonopus fissifolius*).

Live Oak, Disturbed (25-49% Exotics) (FLUCFCS Code 4279 E2)

This upland community type includes vegetation associations that are similar to FLUCFCS Code 4279 E1 except with 25 to 49 percent Brazilian pepper in the sub-canopy.

Live Oak, Disturbed (50-75% Exotics) (FLUCFCS Code 4279 E3)

This upland community type includes vegetation associations that are similar to FLUCFCS Code 4279 E2 except with 50 to 75 percent Brazilian pepper in the sub-canopy.

Cabbage Palm, Disturbed (25-49% Exotics) (FLUCFCS Code 4289 E2)

The canopy of this upland community type contains cabbage palm with scattered live oak. The sub-canopy contains Brazilian pepper, wax myrtle, and cabbage palm. The ground cover includes smutgrass (*Sporobolus indicus*), bahiagrass, wild coffee, dog fennel, beggarticks, knotroot foxtail (*Setaria parviflora*), scattered broomsedge bluestem, and guineagrass (*Urochloa maximum*).

Hardwood/Conifer Mixed, Disturbed (0-24% Exotics) (FLUCFCS Code 4349 E1)

The canopy of this upland community type contains live oak, slash pine, and cabbage palm. The sub-canopy contains live oak, Brazilian pepper, cabbage palm, wax myrtle, saltbush, beautyberry, and scattered saw palmetto. The ground cover contains bahiagrass, broomsedge bluestem, smutgrass, beautyberry, Brazilian pepper, marsh pennywort, caesarweed, live oak, cabbage palm, greenbrier, dayflower, and saw palmetto.

Hardwood/Conifer Mixed, Disturbed (25-49% Exotics) (FLUCFCS Code 4349 E2)

This upland community type includes vegetation associations that are similar to FLUCFCS Code 4349 E1 except with 25 to 49 percent Brazilian pepper in the sub-canopy.

Hardwood/Conifer Mixed, Disturbed (50-75% Exotics) (FLUCFCS Code 4349 E3)

This upland community type includes vegetation associations that are similar to FLUCFCS Code 4349 E2 except with 50 to 75 percent Brazilian pepper in the sub-canopy.

Cypress, Drained, Disturbed (50-75% Exotics) (FLUCFCS Code 6215 E3)

The canopy of this upland community type contains bald cypress, and the sub-canopy contains Brazilian pepper, pop ash, and cabbage palm. The ground cover contains caesarweed and scattered swamp fern.

3.0 EXISTING NON-INDIGENOUS HABITATS

Existing non-indigenous wetland habitat within the preserve totals 33.95± acres. The non-indigenous wetland habitat is comprised of low pasture and areas with greater than 75 percent coverage by exotic vegetation, primarily Brazilian pepper and melaleuca.

Non-indigenous upland habitat within the preserve totals 310.07± acres and consist of pastures, disturbed land, berms, and forested areas with greater than 75 percent coverage by exotic vegetation, primarily Brazilian pepper.

Non-indigenous areas also include 8.66± acres of natural streams and man-made surface waters consisting of agricultural ditches and cow ponds. The non-indigenous wetland and upland habitat types and surface waters are depicted on Appendix B. Listed below are the FLUCFCS descriptions of the non-indigenous areas on the Project site.

3.1 Non-Indigenous Wetland Habitats

Low Pasture (FLUCFCS Code 262)

The canopy of this wetland habitat is open. The sub-canopy contains widely scattered cabbage palm, Brazilian pepper, wax myrtle, and Carolina willow. The ground cover includes inundated beaksedge (*Rhynchospora inundata*), Southern beaksedge, Asiatic pennywort, creeping primrosewillow, dayflower, pickerelweed, bushy bluestem (*Andropogon glomeratus*), sawgrass, white-top sedge, torpedograss, marsh pennywort, savanna iris (*Iris savannarum*), frogfruit (*Phyla nodiflora*), Southern umbrellasedge (*Fuirena scirpoidea*), smartweed, arrowhead, bighead rush (*Juncus megacephalus*), aster (*Aster* sp.), sesbania, spikerush, marsh-mallow (*Kosteletzkya* sp.), and rosy camphorweed.

Brazilian Pepper, Hydric (FLUCFCS Code 4221)

The canopy of this wetland habitat is dominated by Brazilian pepper with scattered live oak, cabbage palm, swamp bay, and Carolina willow. The sub-canopy is dominated by Brazilian pepper with scattered cabbage palm, live oak, swamp bay, myrsine, wax myrtle, saltbush, Carolina willow, pond apple (*Annona glabra*), red mangrove (*Rhizophora mangle*), and swamp dogwood. The ground cover contains Brazilian pepper, cabbage palm, giant leather fern, swamp fern, creeping primrosewillow, smartweed, cattail, shield fern, muscadine grapevine (*Vitis rotundifolia*), greenbrier, Southern beaksedge, flatsedge (*Cyperus* sp.), and marsh pennywort.

Wetland Forested Mixed, Disturbed (76-100% Exotics) (FLUCFCS Code 6309 E4)

This wetland community type includes vegetation associations that are similar to FLUCFCS Code 6309 E3 except with 76 to 100 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy.

Wetland Shrub, Disturbed (76-100% Exotics) (FLUCFCS Code 6319 E4)

The canopy in this wetland habitat type is open. The sub-canopy contains saltbush, giant leather fern, wax myrtle, Brazilian pepper, scattered Carolina willow, and swamp bay. The

ground cover contains giant leather fern, marsh pennywort, Brazilian pepper, saltbush, sawgrass, shield fern, and creeping primrosewillow.

Freshwater Marsh, Disturbed (76-100% Exotics) (FLUCFCS Code 6419 E4)

This wetland community type includes vegetation associations that are similar to FLUCFCS Code 6419 E3 except with 76 to 100 percent West Indian marsh grass (*Hymenachne amplexicaulis*), alligatorweed (*Alternanthera philoxeroides*), and water lettuce (*Pistia stratiotes*) in the ground cover.

3.2 Non-Indigenous Upland Habitats

Residential, Low Density (FLUCFCS Code 110)

This upland area consists of single-family homes alongside North River Road (County Road 78).

Improved Pasture (FLUCFCS Code 211)

The canopy in this upland area is open and includes widely scattered slash pine, cabbage palm, and live oak. The sub-canopy is open and includes widely scattered cabbage palm, wax myrtle, and Brazilian pepper. The ground cover includes bahiagrass, tropical soda apple, smutgrass, broomsedge bluestem, blackberry, flatsedge, torpedograss, frogfruit, caesarweed, and Asiatic pennywort. The improved pasture in the southeastern portion of the site was historically a spoil cell for the dredging of the Caloosahatchee River.

Woodland Pasture (FLUCFCS Code 213)

The canopy of this upland community type has scattered slash pine, live oak, laurel oak, and cabbage palm. The sub-canopy includes widely scattered slash pine, Brazilian pepper, persimmon, wax myrtle, live oak, laurel oak, and cabbage palm. The ground cover contains bahiagrass, smutgrass, broomsedge bluestem, muscadine grapevine, saw palmetto, cabbage palm, caesarweed, earleaf greenbrier (*Smilax auriculata*), and blackberry.

Pine Flatwoods, Disturbed (76-100% Exotics) (FLUCFCS Code 4119 E4)

This upland community type includes vegetation associations that are similar to FLUCFCS Code 4119 E1 except with 76 to 100 percent Brazilian pepper in the sub-canopy.

Brazilian Pepper (FLUCFCS Code 422)

The canopy of this upland community type is open. The sub-canopy is dominated by Brazilian pepper with scattered wax myrtle and cabbage palm. The ground cover includes Brazilian pepper.

Live Oak, Disturbed (76-100% Exotics) (FLUCFCS Code 4279 E4)

This upland community type includes vegetation associations that are similar to FLUCFCS Code 4279 E3 except with 76 to 100 percent Brazilian pepper in the sub-canopy.

Cabbage Palm, Disturbed (76-100% Exotics) (FLUCFCS Code 4289 E4)

This upland community type includes vegetation associations that are similar to FLUCFCS Code 4289 E2 except with 76 to 100 percent Brazilian pepper in the sub-canopy.

Hardwood/Conifer Mixed, Disturbed (76-100% Exotics) (FLUCFCS Code 4349 E4)

This upland community type includes vegetation associations that are similar to FLUCFCS Code 4349 E3 except with 76 to 100 percent Brazilian pepper in the sub-canopy.

Disturbed Land (FLUCFCS Code 740)

The canopy of this upland community type is open with cabbage palm, live oak, slash pine, red cedar (*Juniperus virginiana*), Florida strangler fig (*Ficus aurea*), Washington fan palm (*Washingtonia robusta*), laurel oak, and other unknown landscape trees. The sub-canopy contains scattered cabbage palm, citrus (*Citrus* sp.), wax myrtle, and Brazilian pepper. The ground cover contains bahiagrass, smutgrass, broomsedge bluestem, wax myrtle, frogfruit, caesarweed, Brazilian pepper, and Asiatic pennywort.

Spoil Areas (FLUCFCS Code 743)

This upland area consists of spoil material.

Berm (FLUCFCS Code 747)

This upland land use type includes spoil material left over from the excavation of ditches. The canopy may include scattered slash pine and live oak. The sub-canopy may include beautyberry, wax myrtle, and Brazilian pepper. The ground cover is consistent with improved pasture (FLUCFCS Code 211).

Road (FLUCFCS Code 814)

This upland land use type includes an unmaintained, partially paved roadway. The canopy and sub-canopy are open. The ground cover is consistent with improved pasture (FLUCFCS Code 211).

3.3 Surface Waters

Streams and Waterways (FLUCFCS Code 510)

These open-water areas consist of tributaries of the Caloosahatchee River.

Ditch (FLUCFCS Code 514)

This open-water land use type includes ditches associated with agricultural operations on the Project site. Ground cover vegetation includes cattail.

Cattle Pond (FLUCFCS Code 525)

This open-water area includes excavated ponds used for watering areas for cattle.

4.0 INDIGENOUS VEGETATION PRESERVATION, ENHANCEMENT, AND RESTORATION

Indigenous upland and wetland areas will be preserved, enhanced, and/or restored through the hand-removal/treatment of exotic and nuisance vegetation and the installation of supplemental plantings in areas with greater than 75 percent cover by exotic vegetation. The supplemental planting details are discussed in Section 6.0. The locations of the indigenous preservation areas are shown on Appendix C.

4.1 Methods to Remove and Control Exotic and Nuisance Plants

Exotics to be eradicated include, but are not limited to, the 21 species of prohibited invasive exotic species listed in Section 10-420(h) of the LDC (Table 1).

Table 1. Prohibited Invasive Exotics

Common Name	Scientific Name
Air potato	<i>Dioscorea bulbifera</i>
Australian pine	<i>Casuarina</i> sp.
Bishopwood	<i>Bischofia javanica</i>
Brazilian pepper	<i>Schinus terebinthifolia</i>
Carrotwood	<i>Cupaniopsis anacardioides</i>
Chinese tallow	<i>Sapium sebiferum</i>
Downy rose-myrtle	<i>Rhodomyrtus tomentosa</i>
Earleaf acacia	<i>Acacia auriculiformis</i>
Japanese climbing fern	<i>Lygodium japonicum</i>
Java plum	<i>Syzygium cumini</i>
Indian laurel	<i>Ficus microcarpa</i>
Indian rosewood	<i>Dalbergia sissoo</i>
Melaleuca	<i>Melaleuca quinquenervia</i>
Murray red gum	<i>Eucalyptus camaldulensis</i>
Old World climbing fern	<i>Lygodium microphyllum</i>
Rose apple	<i>Syzygium jambos</i>
Seaside mahoe	<i>Thespesia populnea</i>
Tropical soda apple	<i>Solanum viarum</i>
Wedelia	<i>Wedelia trilobata</i>
Weeping fig	<i>Ficus benjamina</i>
Woman's tongue	<i>Albizia lebbek</i>

Exotic and nuisance vegetation removal will be conducted by hand methods. Hand treatment will be either by the felling of exotic trees, hand-removal, and herbicide treatment of the tree stumps; or by hand-pulling and removal. The treatment of exotic and nuisance vegetation will include one or more of the following methods: (1) cut exotics within 12 inches of ground elevation, hand-remove cut vegetation, and treat the remaining stump with approved herbicide; (2) foliar application of approved herbicide or hand-pulling of exotic seedlings; and (3) foliar application of approved herbicide to nuisance grasses.

In areas where exotic coverage is greater than 75 percent, mechanical equipment may be utilized to assist in the removal of exotic species. The mechanical removal areas will be flagged in the field and approved by Lee County Department of Community Development (DCD) staff prior to issuance of a vegetation removal permit. The approximate locations of the mechanical clearing areas are depicted on Appendix C.

Efforts will be made to preserve and protect native trees when conducting the exotic removal with mechanized equipment. This may include the use of temporary barriers (e.g., staking, roping, fencing) around native trees prior to the use of mechanical equipment. To minimize adverse impacts to the ground surface, machinery that exerts a relatively low impact on the ground surface (i.e., tracked skid steer, feller-buncher) will be utilized within the mechanical removal areas. To prevent ground disturbance, mechanical equipment will not be utilized in areas that are saturated or inundated. If rutting occurs, the ground surface will be restored to natural grade with the use of low-impact equipment or by hand methods such as raking.

4.2 Debris Removal

Exotic vegetative debris that is cut will be removed from the indigenous preserve areas. Exotic debris may be stacked in the adjacent development area and burned. No stacking of exotic debris will occur within the preserves. The preserve areas will be inspected annually for trash or garbage. Trash or garbage located within the preserve areas will be removed and disposed of by hand.

4.3 Method and Frequency of Pruning and Trimming

Exotic removal within the existing indigenous habitats is scheduled to begin after Development Order approval. After completing the initial exotic removal, semi-annual inspections of the preserves will occur for the first two years. During these inspections, the conservation areas will be traversed by a qualified ecologist. Locations of nuisance and/or exotic species will be identified for immediate treatment with an appropriate herbicide. Potential problems will also be noted, and corrective actions will be taken. Once exotic/nuisance species levels have been reduced to acceptable limits, inspections of the conservation areas will be conducted a minimum of once every two years.

Exotic maintenance will be hand-removal only. Maintenance will be conducted in perpetuity to ensure that the conservation areas are free of exotic vegetation, including the prohibited invasive exotic species listed in Section 10-420(h) of the LDC (Table 1).

5.0 RARE AND UNIQUE UPLAND CREATION

Approximately 300.01± acres of rare and unique upland habitat will be created from existing upland pasture and agricultural ditches. Rare and unique upland creation activities will include hand or mechanical removal/treatment of exotic vegetation, backfilling to natural grade, replanting of vegetation to achieve rare and unique upland community types, and ongoing maintenance and management. The rare and unique upland creation areas may include some, or all, of the following community types: pine flatwoods, tropical hardwood, live oak hammock, and cabbage palm hammock.

5.1 Rare and Unique Upland Grading and Planting

The locations of the rare and unique upland creation areas are shown on Appendix C. Rare and unique upland creation will consist of the removal of exotic vegetation, backfilling of ditches, and planting with native rare and unique upland species. Exotic vegetation removal will use the same hand and/or mechanical methods described in Section 4.1. Soil modification may be required in portions of the rare and unique creation areas to backfill the ditches. Regrading will occur after the ditches have been filled to match the adjacent upland elevation. The soils used to backfill the ditches will consist of sandy, well drained soils that will support the proposed rare and unique upland community types consistent with Lee Plan Policy 123.2.17 5.b.

In areas of the Project where dredged material from the Caloosahatchee River will be removed, the soil will be removed to natural ground elevation or to an elevation that contains the appropriate soil types needed to support the establishment and success of the indigenous rare and unique upland habitat. This includes sandy or partially sandy soil types with loose to moderate density, similar to soil types documented throughout the property.

Plantings will be installed in the rare and unique upland creation areas following the completion of initial exotic vegetation removal, backfilling of the ditches, and associated regrading of the backfilled ditches. The planting details are outlined in Section 6.0.

6.0 SUPPLEMENTAL PLANTINGS

Following the removal of exotics, the indigenous wetland restoration areas (33.95± acres) will be supplemented with native vegetation plantings. The target community types include a mixture of cypress, mixed wetland forest, freshwater marsh, and cabbage palm hammock habitats. Plantings will consist of tree, shrub, and ground cover species. Within forested wetlands, tree and shrub plantings will include a minimum of three of the species listed in Table 2. Ground cover plantings will include a minimum of four of the species listed in Table 2. Supplemental plantings within the open marsh habitats will consist of herbaceous species only and include a minimum of four of the species listed in Table 2. The species selected for planting will depend on market availability at the time the plantings are to occur. Additional tree, shrub, and ground cover species may be included in the planting table with approval from DCD staff.

Table 2. Supplemental Wetland Plantings

Common Name	Scientific Name	Minimum Height	Minimum Container Size	Planting Density (On Center)
Trees				
Bald cypress	<i>Taxodium distichum</i>	5 ft.	3 gal.	15 ft.
Dahoon holly	<i>Ilex cassine</i>	5 ft.	3 gal.	15 ft.
Laurel oak	<i>Quercus laurifolia</i>	5 ft.	3 gal.	15 ft.
Pond apple	<i>Annona glabra</i>	5 ft.	3 gal.	15 ft.
Pond cypress	<i>Taxodium distichum</i>	5 ft.	3 gal.	15 ft.
Pop ash	<i>Fraxinus caroliniana</i>	5 ft.	3 gal.	15 ft.
Red mangrove	<i>Rhizophora mangle</i>	5 ft.	3 gal.	15 ft.
Red maple	<i>Acer rubrum</i>	5 ft.	3 gal.	15 ft.
Slash pine	<i>Pinus elliotii</i>	5 ft.	3 gal.	15 ft.
Swamp bay	<i>Persea palustris</i>	5 ft.	3 gal.	15 ft.
Swamp dogwood	<i>Cornus foemina</i>	5 ft.	3 gal.	15 ft.
Shrubs				
Buttonbush	<i>Cephalanthus occidentalis</i>	3 ft.	1 gal.	10 ft.
Gallberry	<i>Ilex glabra</i>	3 ft.	1 gal.	10 ft.
Giant leather fern	<i>Acrostichum danaeifolium</i>	3 ft.	1 gal.	10 ft.
Myrsine	<i>Myrsine cubana</i>	3 ft.	1 gal.	10 ft.
Saltbush	<i>Baccharis halimifolia</i>	3 ft.	1 gal.	10 ft.
Wax myrtle	<i>Morella cerifera</i>	3 ft.	1 gal.	10 ft.
Walter's viburnum	<i>Viburnum obovatum</i>	3 ft.	1 gal.	10 ft.
Ground Cover				
Arrowhead	<i>Sagittaria lancifolia</i>	12 in.	2 in.	3 ft.
Bushy bluestem	<i>Andropogon glomeratus</i>	12 in.	2 in.	3 ft.
Cordgrass	<i>Spartina bakeri</i>	12 in.	2 in.	3 ft.
Dotted smartweed	<i>Persicaria punctata</i>	12 in.	2 in.	3 ft.
Fireflag	<i>Thalia geniculata</i>	12 in.	2 in.	3 ft.
Frogfruit	<i>Phyla nodiflora</i>	12 in.	2 in.	3 ft.
Golden canna	<i>Canna flaccida</i>	12 in.	2 in.	3 ft.
Gulf Coast spikerush	<i>Eleocharis cellulosa</i>	12 in.	2 in.	3 ft.
Gulfdune paspalum	<i>Paspalum monostachyum</i>	12 in.	2 in.	3 ft.
Little blue maidencane	<i>Amphicarpum muehlenbergianum</i>	12 in.	2 in.	3 ft.
Maidencane	<i>Panicum hemitomon</i>	12 in.	2 in.	3 ft.
Muhlygrass	<i>Muhlenbergia capillaris</i>	12 in.	2 in.	3 ft.
Pickernelweed	<i>Pontederia cordata</i>	12 in.	2 in.	3 ft.
Purple lovegrass	<i>Eragrostis spectabilis</i>	12 in.	2 in.	3 ft.
Sawgrass	<i>Cladium jamaicense</i>	12 in.	2 in.	3 ft.
Soft rush	<i>Juncus effusus</i>	12 in.	2 in.	3 ft.
Soft-stem bulrush	<i>Scirpus validus</i>	12 in.	2 in.	3 ft.

Table 2. (Continued)

Common Name	Scientific Name	Minimum Height	Minimum Container Size	Planting Density (On Center)
Ground Cover (Continued)				
Spatterdock	<i>Nuphar advena</i> subsp. <i>advena</i>	12 in.	2 in.	3 ft.
Spikerush	<i>Eleocharis interstincta</i>	12 in.	2 in.	3 ft.
Swamp fern	<i>Telmatoblechnum serrulatum</i>	12 in.	2 in.	3 ft.
Tracy's beaksedge	<i>Rhynchospora tracyi</i>	12 in.	2 in.	3 ft.
Virginia chain fern	<i>Woodwardia virginica</i>	12 in.	2 in.	3 ft.

In addition, following the removal of exotics, indigenous upland restoration areas (7.38± acres) will be supplemented with native vegetation plantings. The target community types include pine flatwoods and hardwood/conifer mixed forested. Tree and shrub plantings will include a minimum of three of the species listed in Table 3. Ground cover plantings will include a minimum of four of the species listed in Table 3. The species selected for planting will depend on market availability at the time the plantings are to occur. Additional tree, shrub, and ground cover species may be included in the planting table with approval from DCD staff.

Table 3. Supplemental Upland Plantings

Common Name	Scientific Name	Minimum Height	Minimum Container Size	Planting Density (On Center)
Trees				
Cabbage palm	<i>Sabal palmetto</i>	5 ft.	3 gal.	15 ft.
Laurel oak	<i>Quercus laurifolia</i>	5 ft.	3 gal.	15 ft.
Live oak	<i>Quercus virginiana</i>	5 ft.	3 gal.	15 ft.
Slash pine	<i>Pinus elliottii</i>	5 ft.	3 gal.	15 ft.
Shrubs				
Gallberry	<i>Ilex glabra</i>	3 ft.	1 gal.	10 ft.
Myrsine	<i>Myrsine cubana</i>	3 ft.	1 gal.	10 ft.
Rusty lyonia	<i>Lyonia ferruginea</i>	3 ft.	1 gal.	10 ft.
Saw palmetto	<i>Serenoa repens</i>	3 ft.	1 gal.	10 ft.
Sparkleberry	<i>Vaccinium arboreum</i>	3 ft.	1 gal.	10 ft.
Tarflower	<i>Bejaria racemosa</i>	3 ft.	1 gal.	10 ft.
Wild coffee	<i>Psychotria nervosa</i>	3 ft.	1 gal.	10 ft.
Wax myrtle	<i>Morella cerifera</i>	3 ft.	1 gal.	10 ft.
Ground Cover				
Beautyberry	<i>Callicarpa americana</i>	12 in.	2 in.	5 ft.
Gulf muhly	<i>Muhlenbergia capillaris</i>	12 in.	2 in.	5 ft.
Gopher apple	<i>Geobalanus oblongifolius</i>	12 in.	2 in.	5 ft.
Fakahatchee grass	<i>Tripsacum dactyloides</i>	12 in.	2 in.	5 ft.

Table 3. (Continued)

Common Name	Scientific Name	Minimum Height	Minimum Container Size	Planting Density (On Center)
Ground Cover (Continued)				
Florida coontie	<i>Zamia integrifolia</i>	12 in.	2 in.	5 ft.
Lopsided Indian grass	<i>Sorghastrum secundum</i>	12 in.	2 in.	5 ft.
Purple lovegrass	<i>Eragrostis spectabilis</i>	12 in.	2 in.	5 ft.
Sand cordgrass	<i>Spartina bakeri</i>	12 in.	2 in.	5 ft.
Wiregrass	<i>Aristida stricta</i>	12 in.	2 in.	3 ft.

Following the removal of exotic vegetation and the completion of grading activities, supplemental plantings will be installed within the rare and unique upland restoration areas (2.68± acres) and rare and unique creation areas (300.01± acres) shown on Appendix C. The target community types may include a mixture of pine flatwoods, tropical hardwood, live oak hammock, and cabbage palm hammock habitats. Plantings will consist of tree, shrub, and ground cover species. Tree and shrub plantings will consist of a minimum of four (per stratum) of the species listed in Table 4, and ground cover plantings will consist of a minimum of four of the species listed in Table 4. The species selected for planting will depend on market availability at the time the plantings are to occur. Additional tree and ground cover species may be included in the planting table with approval from Lee County DCD staff.

The trees included in Table 4 will also be utilized to satisfy the Project's right-of-way (ROW) buffer requirements along North River Road; however, cabbage palm hammocks cannot be utilized within the ROW buffer. Cabbage palms may be planted within the ROW buffer but must be mixed with other native trees provided in Table 4.

Table 4. Supplemental Rare and Unique Upland Plantings

Common Name	Scientific Name	Minimum Height	Minimum Container Size	Planting Density (On Center)
Trees				
Cabbage palm	<i>Sabal palmetto</i>	5 ft.	3 gal.	15 ft.
Gumbo limbo	<i>Bursera simaruba</i>	5 ft.	3 gal.	15 ft.
Live oak	<i>Quercus virginiana</i>	5 ft.	3 gal.	15 ft.
Hackberry	<i>Celtis laevigata</i>	5 ft.	3 gal.	15 ft.
Hog plum	<i>Ximenia americana</i>	5 ft.	3 gal.	15 ft.
Slash pine	<i>Pinus elliottii</i>	5 ft.	3 gal.	15 ft.
Southern red cedar	<i>Juniperus virginiana</i>	5 ft.	3 gal.	15 ft.
Shrubs¹				
Fiddlewood	<i>Citharexylum spinosum</i>	3 ft.	1 gal.	10 ft.
Firebush	<i>Hamelia patens</i>	3 ft.	1 gal.	10 ft.
Florida privet	<i>Forestiera segregata</i>	3 ft.	1 gal.	10 ft.
Marlberry	<i>Ardisia escallonioides</i>	3 ft.	1 gal.	10 ft.

Table 4. (Continued)

Common Name	Scientific Name	Minimum Height	Minimum Container Size	Planting Density (On Center)
Shrubs¹ (Continued)				
Satin leaf	<i>Chrysophyllum oliviforme</i>	3 ft.	1 gal.	10 ft.
Saw palmetto	<i>Serenoa repens</i>	3 ft.	1 gal.	10 ft.
Shortleaf wild coffee	<i>Psychotria tenuifolia</i>	3 ft.	1 gal.	10 ft.
Simpson's stopper	<i>Myrcianthes fragrans</i>	3 ft.	1 gal.	10 ft.
Spanish stopper	<i>Eugenia foetida</i>	3 ft.	1 gal.	10 ft.
Sparkleberry	<i>Vaccinium arboreum</i>	3 ft.	1 gal.	10 ft.
Walter's viburnum	<i>Viburnum obovatum</i>	3 ft.	1 gal.	10 ft.
White indigoberry	<i>Randia aculeata</i>	5 ft.	3 gal.	10 ft.
White stopper	<i>Eugenia axillaris</i>	3 ft.	1 gal.	10 ft.
Wild coffee	<i>Psychotria nervosa</i>	3 ft.	1 gal.	10 ft.
Wild lime	<i>Zanthoxylum fagara</i>	3 ft.	1 gal.	10 ft.
Ground Cover¹				
Beautyberry	<i>Callicarpa americana</i>	12 in.	2 in.	3 ft.
Coral bean	<i>Erythrina herbacea</i>	12 in.	2 in.	3 ft.
Fakahatchee grass	<i>Tripsacum dactyloides</i>	12 in.	2 in.	5 ft.
Florida coontie	<i>Zamia integrifolia</i>	12 in.	2 in.	5 ft.
Gopher apple	<i>Geobalanus oblongifolius</i>	12 in.	2 in.	3 ft.
Lopsided Indian grass	<i>Sorghastrum secundum</i>	12 in.	2 in.	5 ft.
Sand cordgrass	<i>Spartina bakeri</i>	12 in.	2 in.	5 ft.
Wiregrass	<i>Aristida stricta</i>	12 in.	2 in.	3 ft.

¹No one species shall comprise more than 25 percent of the plantings.

The preserve enhancement, restoration, and creation activities may be completed in multiple phases. The wetland and upland planting activities will occur during the wet season (i.e., June through October). If plantings cannot be installed within this timeframe, irrigation will be utilized until the onset of the wet season (i.e., June) or until the vegetation is successfully established. Irrigation will be utilized on a temporary, as-needed basis, and will not be a required long-term activity.

Depending on the location of the planted areas, irrigation sources may include, but are not limited to, the on-site lakes and wells. The irrigation method may consist of an overhead sprinkler or temporary drip pipe installed to the water source. The temporary irrigation system will be removed within one year of installation or when plantings are successfully established.

In accordance with Section 10-416(d)(9) of the LDC, if restoration activity occurs within the 50-foot natural waterway buffer area, all supplemental plantings will comply with the requirements set forth under Section 10-420 of the LDC.

7.0 RARE AND UNIQUE UPLAND RESTORATION AND CREATION SOILS ANALYSIS

The target community types within the rare and unique restoration and creation areas may include a mixture of pine flatwoods, tropical hardwood, live oak hammock, and cabbage palm hammock habitats. Soil profiles within mesic flatwoods and mesic hammock habitats were researched with Florida Natural Areas Inventory (FNAI) in the *Guide to the Natural Communities of Florida* (2010). Per the source, mesic flatwoods habitats occupy poorly drained sandy soils, while mesic hammock habitats occupy well drained sandy soils with moderate to high amounts of organic matter.

The soils classifications within the rare and unique restoration and creation areas, per the Natural Resources Conservation Service (NRCS), are shown on Appendix D. The dominant soil classifications within these areas consist of Cypress Lake fine sand (Soil Unit 13) (24.51± acres); Immokalee sand (Soil Unit 28) (31.58± acres); Oldsmar sand (Soil Unit 33) (76.70± acres); and Caloosa fine sand (Soil Unit 144) (153.50± acres). According to the NRCS and the Soil Survey of Lee County, Florida (U.S. Department of Agriculture 1984 and 2020), Cypress Lake fine sand, Immokalee sand, and Oldsmar sand are poorly drained soils; and Caloosa fine sand is a moderately well drained soil.

Pursuant to Chapter XII of the Lee Plan, mesic hammock communities classified as rare and unique are scattered throughout the Project site and consist of Live Oak, Disturbed (FLUCFCS Codes 4279 E1, E2, and E3) and Cabbage Palm, Disturbed (FLUCFCS Code 4289 E2) (Appendix B). These mesic hammock habitats are currently established within a variety of NRCS soil unit types, including Cypress Lake fine sand, Immokalee sand, Oldsmar sand, and Caloosa fine sand. Therefore, the Project contains appropriate soil types for the establishment of rare and unique upland habitats.

8.0 MAINTENANCE

After completing the initial exotic removal, semi-annual inspections of the conservation areas will occur for the first two years. During these inspections, the conservation areas will be traversed by a qualified ecologist. Locations of nuisance and/or exotic species will be identified for immediate treatment with an appropriate herbicide. Additional potential problems will also be noted, and corrective actions will be taken. Once exotic/nuisance species levels have been reduced to acceptable limits, inspections of the conservation area will be conducted annually. After the initial exotic removal, subsequent exotic maintenance will be hand-removal only. Maintenance will be conducted in perpetuity to ensure that the conservation areas are free of exotic vegetation, including the prohibited invasive exotic species listed in Section 10-420(h) of the LDC (Table 1).

8.1 Prescribed Fire

Prescribed burning may be used as a management tool in the conservation area to maintain the native vegetation communities. Prescribed burns help maintain vegetative communities in their natural state, reduce fuel loads and the danger of wildfire, aid with the eradication

and control of exotic and nuisance vegetation species, and improve wildlife habitat. The objectives of prescribed burning maintenance events will be to aid in the control of exotic vegetation and woody shrubs (i.e., wax myrtle and saltbush) and to stimulate the growth and diversity of herbaceous vegetation.

If utilized, the burning frequency for the conservation areas will be two to four years, which is consistent with the natural fire regime for South Florida habitats described by the FNAI in the *Guide to the Natural Communities of Florida* (2010). The edges of the Project's freshwater marshes will be burned when the fire moves through the adjacent forested habitats. The fire will be allowed to extinguish naturally within the wetter marsh habitats.

Prescribed burning is typically conducted during the winter or early spring when temperatures are reduced and wind direction is more constant. The initial burn is anticipated to occur during the late winter. Winter burns are preferred to reduce high fuel loads. Growing season burns also may be conducted as conditions allow. Changes in annual weather cycles determine when burn permits will be available, and burns may be conducted only on the day(s) of Florida Forest Service (FFS) permission.

Fire breaks will be installed in strategic locations to safely ignite and control prescribed fires. Fire breaks will be co-located with maintenance trails, recreational trails, access roads, easements, fence lines, property boundaries, and natural habitat boundaries. Fires will be excluded from planted areas for at least ten years to allow plantings to mature enough to survive fires.

Controlled burns will be conducted with a permit issued from the FFS. In addition, notice will be given to the local fire district.

9.0 MONITORING REPORTS

The proposed monitoring of the Lee County Indigenous Preserve areas will consist of baseline, time-zero, and annual monitoring. Annual reports documenting the achievement of the enhancement, restoration, and creation activities will be submitted to Lee County's DCD. Annual monitoring reports will be provided for five years after the Certificate of Compliance has been issued by the DCD. The monitoring reports will include documented exotic and nuisance species; mortality of vegetation; estimated causes of mortality; the growth of the vegetation; and hydrologic conditions of the wetland preserve areas, including monitoring well hydrographs, wildlife observed, photographs, and factors that demonstrate the functional health of the conservation areas. A brief description of anticipated maintenance work to be conducted over the next year will also be included. In addition, monitoring reports will provide recommendations and/or corrective measures to address deficiencies observed, including impacts to wetland hydrology. Periodic inspections will be conducted by DCD staff to ensure the accuracy of the monitoring reports.

10.0 REFERENCES

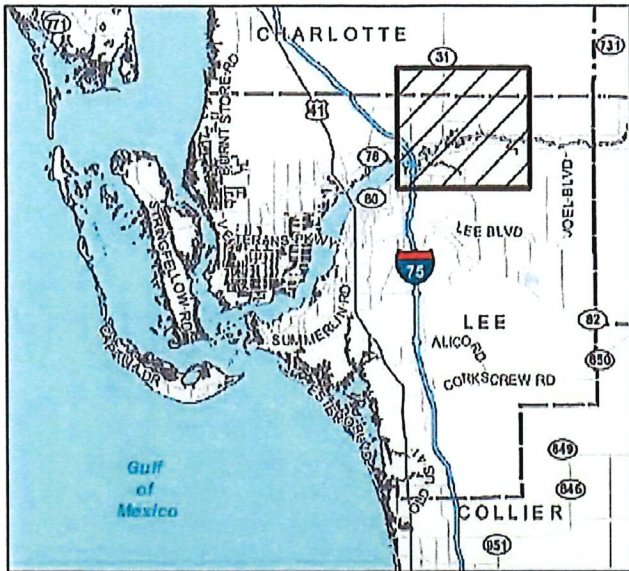
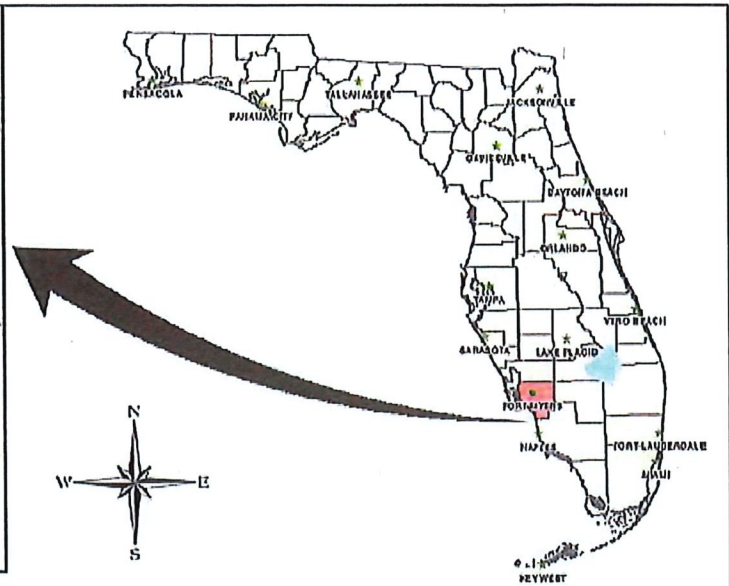
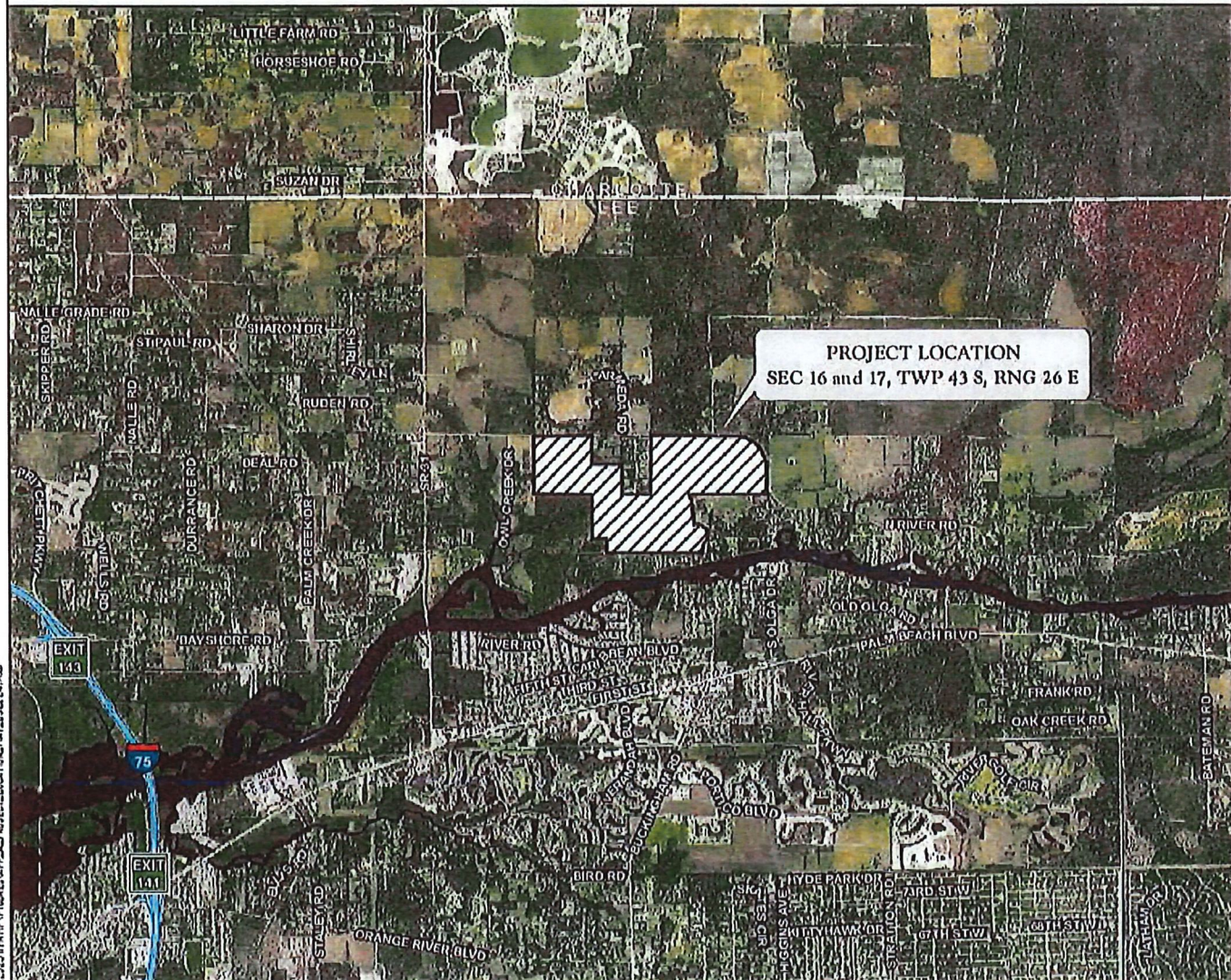
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APPENDIX A
PROJECT LOCATION MAP



PROJECT LOCATION
SEC 16 and 17, TWP 43 S, RNG 26 E

APPENDIX A. PROJECT LOCATION MAP
CARY + DUKE + POVIA RPD

DRAWN BY	DATE
P.F.	10/26/22
REVIEWED BY	DATE
B.B.	10/26/22
DRAWN BY	DATE
R.F.	05/22/24

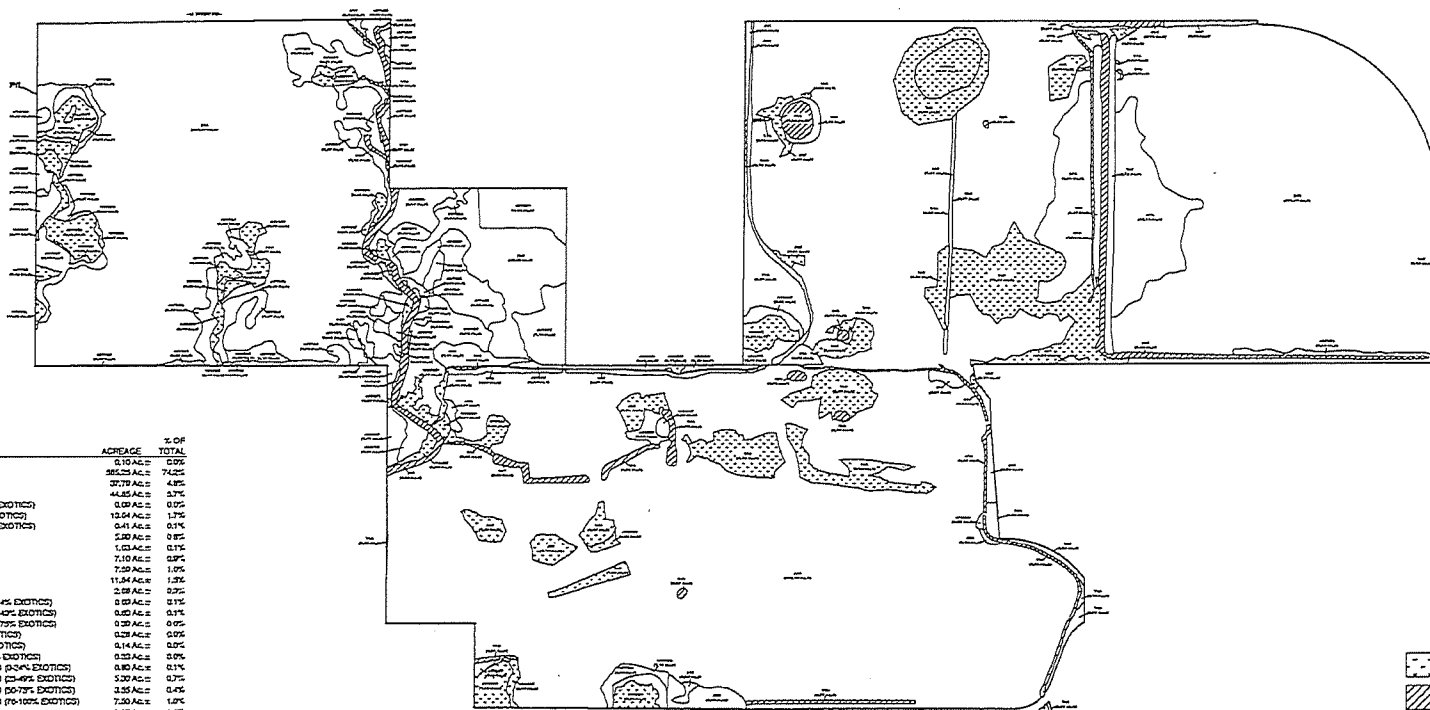


PASSARELLA
& ASSOCIATES

APPENDIX B
FLUCFCS AND WETLANDS MAP



SCALE: 1" = 400'



LEGEND:
SPWHD WETLANDS
(79.31 AC.±)
SPWHD "OTHER SURFACE WATERS"
(16.10 AC.±)

NOTES:
PROPERTY BOUNDARY PER JR EVANS ENGINEERING,
DRAWING NO. 09911-00 E5500 - DA MCLDWS DATED
MAY 21, 2024.

FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL
PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

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

UPLAND/WETLAND LIMITS HAVE NOT BEEN
REVIEWED BY ANY REGULATORY AGENCY AND ARE
SUBJECT TO CHANGE.

FLUCFCS CODE	DESCRIPTION	ACREAGE	% OF TOTAL
110	HORIZONTAL LOW BENTH	1.10 AC.±	0.0%
211	IMPROVED PASTURE	565.25 AC.±	74.2%
213	WOODLAND PASTURE	30.79 AC.±	4.0%
222	LOW PASTURE	44.85 AC.±	5.7%
2219 E3	PALMETTO PRUNCE, DISTURBED (50-75% EXOTICS)	0.09 AC.±	0.0%
4119 E1	PINE FLATWOODS, DISTURBED (5-25% EXOTICS)	12.54 AC.±	1.7%
4119 E4	PINE FLATWOODS, DISTURBED (75-100% EXOTICS)	0.41 AC.±	0.1%
422	BRAZILIAN PEPPER	2.30 AC.±	0.3%
4221	BRAZILIAN PEPPER, HYDRIC	1.03 AC.±	0.1%
4279 E1	LIVE OAK, DISTURBED (0-25% EXOTICS)	7.10 AC.±	0.9%
4279 E2	LIVE OAK, DISTURBED (25-49% EXOTICS)	7.59 AC.±	1.0%
4279 E3	LIVE OAK, DISTURBED (50-74% EXOTICS)	11.84 AC.±	1.6%
4279 E4	LIVE OAK, DISTURBED (75-100% EXOTICS)	2.59 AC.±	0.3%
4291 E1	CABBAGE PALM, DISTURBED, HYDRIC (0-25% EXOTICS)	0.03 AC.±	0.0%
4291 E2	CABBAGE PALM, DISTURBED, HYDRIC (25-49% EXOTICS)	0.03 AC.±	0.0%
4291 E3	CABBAGE PALM, DISTURBED, HYDRIC (50-74% EXOTICS)	0.29 AC.±	0.0%
4291 E4	CABBAGE PALM, DISTURBED, HYDRIC (75-100% EXOTICS)	0.14 AC.±	0.0%
4291 E1	WAX MYRTLE, DISTURBED, HYDRIC (0-25% EXOTICS)	0.53 AC.±	0.1%
4291 E2	HARDWOOD/CONIFER MIXED, DISTURBED (0-25% EXOTICS)	0.80 AC.±	0.1%
4291 E3	HARDWOOD/CONIFER MIXED, DISTURBED (25-49% EXOTICS)	3.00 AC.±	0.4%
4291 E4	HARDWOOD/CONIFER MIXED, DISTURBED (50-74% EXOTICS)	3.55 AC.±	0.5%
4291 E5	HARDWOOD/CONIFER MIXED, DISTURBED (75-100% EXOTICS)	7.30 AC.±	1.0%
510	STREAMS AND WATERWAYS	8.82 AC.±	1.2%
514	DITCH	3.54 AC.±	0.5%
525	CATTLE POND	3.84 AC.±	0.5%
6100 E2	WILLOW, DISTURBED (25-49% EXOTICS)	0.00 AC.±	0.0%
6215 E2	CYPRESS, DRAINED, DISTURBED (50-75% EXOTICS)	0.06 AC.±	0.0%
6215 E3	CYPRESS, DISTURBED (0-25% EXOTICS)	1.09 AC.±	0.2%
6215 E4	CYPRESS, DISTURBED (25-49% EXOTICS)	1.85 AC.±	0.2%
6215 E5	CYPRESS, DISTURBED (50-75% EXOTICS)	1.07 AC.±	0.2%
6215 E6	CYPRESS, DISTURBED (75-100% EXOTICS)	3.59 AC.±	0.5%
6215 E7	CYPRESS, DISTURBED (100% EXOTICS)	3.42 AC.±	0.4%
6215 E8	CYPRESS, DISTURBED (100% EXOTICS)	1.70 AC.±	0.2%
6215 E9	CYPRESS, DISTURBED (100% EXOTICS)	1.59 AC.±	0.2%
6215 E10	CYPRESS, DISTURBED (100% EXOTICS)	2.65 AC.±	0.3%
6215 E11	CYPRESS, DISTURBED (100% EXOTICS)	3.79 AC.±	0.5%
740	DISTURBED LAND	1.23 AC.±	0.2%
740	SPRUEHEAD	0.80 AC.±	0.1%
747	BERM	0.10 AC.±	0.0%
814	ROAD	0.73 AC.±	0.1%
TOTAL		774.39 AC.±	100.0%

APPENDIX B - FLUCFCS AND WETLANDS MAP

REVISIONS	DATE	BY	DATE
Revised boundary	03/07/23	R.F.	11/29/22
Revised boundary	04/01/24	B.B.	11/29/22
Revised boundary	05/22/24	B.B.	11/29/22

13620 Metropolis Avenue
Suite 200
Ft. Myers, FL 33912
Phone (239) 274-0067
Fax (239) 274-0069



CARY + DUKE + POVIA RPD
FLUCFCS AND WETLANDS MAP

PROJECT NO.	22NCC3903
APPENDIX	B

APPENDIX C

INDIGENOUS PRESERVE AND RESTORATION MANAGEMENT PLAN



SCALE: 1" = 400'



- LEGEND:
- INDIGENOUS WETLAND PRESERVATION AND ENHANCEMENT (17.51 AC.)
 - INDIGENOUS UPLAND PRESERVATION AND ENHANCEMENT (23.98 AC.)
 - INDIGENOUS WETLAND RESTORATION (32.95 AC.)
 - INDIGENOUS UPLAND RESTORATION (7.38 AC.)
 - RARE AND UNIQUE UPLAND CREATION* (230.81 AC.)
 - RARE AND UNIQUE UPLAND PRESERVATION* AND ENHANCEMENT (29.85 AC.)
 - RARE AND UNIQUE UPLAND RESTORATION* (2.68 AC.)
 - OSW PRESERVATION (8.96 AC.)
 - LEE COUNTY DRAINAGE ACCESS DESIGNATION - NOT INCLUDED IN CONSERVATION AREA (1.8 AC.)
 - MECHANICAL CLEARING AREAS (8.91 AC.)
 - APPROXIMATE ACCESS POINTS FOR MECHANICAL CLEARING
 - *UTILIZED FOR ZONING DENSITY INCREASE

NOTES:
PROPERTY BOUNDARY, SITE PLAN AND CONSERVATION AREAS PER J.R. EVANS ENGINEERING, DRAWING NO. 22NCC1903 - 04 MCD, DATED MAY 23, 2024.

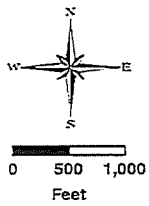
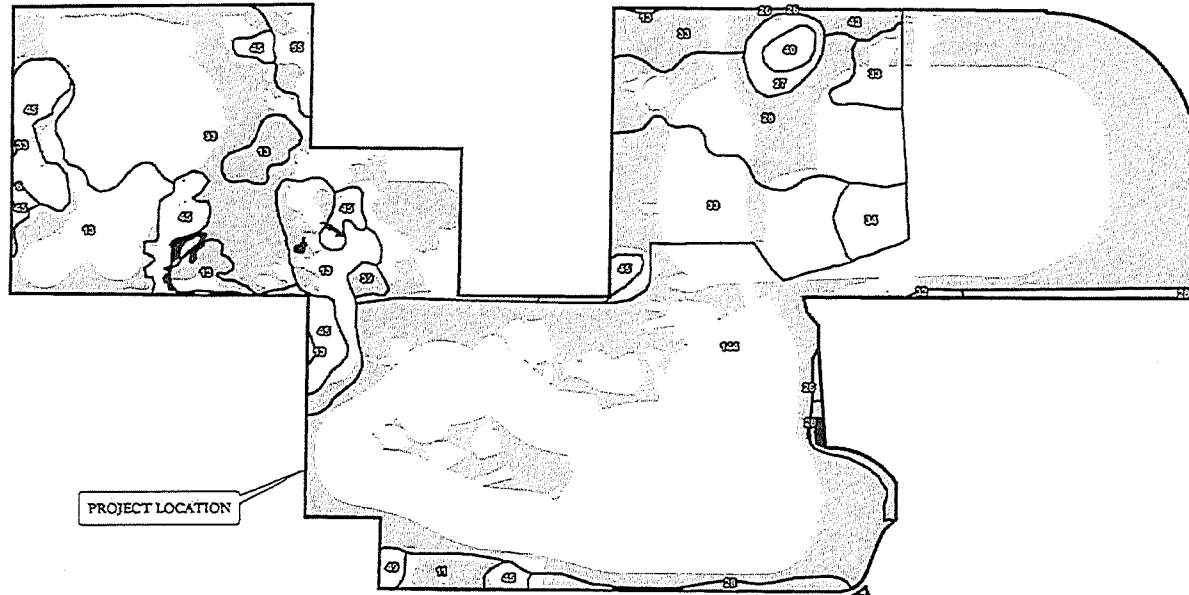
REVISIONS	DATE	DESIGNED BY	DATE	13620 Metropolis Avenue Suite 200 Ft. Myers, FL 33912 Phone (239) 274-0067 Fax (239) 274-0069
New site plan	01/24/24	R.F.	04/20/23	
New site plan	03/26/24	J.S.	04/20/23	
New site plan	05/23/24	S.J.	04/20/23	

**PASSARELLA
& ASSOCIATES**

CARY + DUKE + POVIA RPD
INDIGENOUS PRESERVE AND RESTORATION MANAGEMENT PLAN

PROJECT NO.
22NCC1903
SHEET NO.
APPENDIX C

APPENDIX D
SOILS OVERLAY MAP



LEGEND

- CARY + DUKE + POVIA RPD
- RARE AND UNIQUE UPLAND CREATION (300.01 AC.)
- RARE AND UNIQUE UPLAND RESTORATION (2.68 AC.)
- LEE SOILS

SOILS THAT FALL WITHIN RARE AND UNIQUE CREATION AND RESTORATION AREAS		
Soil Unit	Description	Acres
11	Myakka fine sand, 0 to 2 percent slopes	4.09 AC.
13	Cypress Lake fine sand, 0 to 2 percent slopes	24.51 AC.
26	Priddy-Pineda, wet, fine sand, 0 to 2 percent slopes	0.80 AC.
27	Pompano fine sand, frequently ponded, 0 to 1 percent slopes	0.79 AC.
28	Immokalee sand, 0 to 2 percent slopes	31.58 AC.
33	Okefenokee sand, 0 to 2 percent slopes	78.70 AC.
39	Isles fine sand, frequently ponded, 0 to 1 percent slopes	1.24 AC.
42	Wahcassa sand, limestone substratum, 0 to 2 percent slopes	3.06 AC.
45	Copeland fine sandy loam, frequently ponded, 0 to 1 percent slopes	2.59 AC.
49	Felda fine sand, frequently ponded, 0 to 1 percent slopes	0.09 AC.
55	Cocoa fine sand, 0 to 2 percent slopes	2.54 AC.
144	Caloosa fine sand, 0 to 2 percent slopes	153.50 AC.
TOTAL		302.89 AC.

NOTES:

PROPERTY BOUNDARY PER JR EVANS
ENGINEERING DRAWING NO. 00911-00
E0599 - DA MCP.DWG DATED MAY 21,
2024.

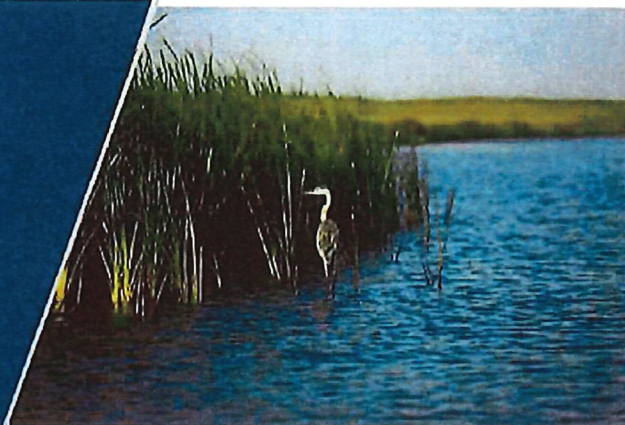
SOILS MAPPING WAS ACQUIRED FROM
THE UNITED STATES DEPARTMENT OF
AGRICULTURE WEBSITE OCTOBER 2022.

REVISION	DATE	DRAWN BY	CHECKED BY	DATE	13620 Metropolis Avenue Suite 200 Fort Myers, Florida 33912 Phone (239) 274-0067 Fax (239) 274-0069	PASSARELLA & ASSOCIATES ^{PC}	CARY + DUKE + POVIA RPD SOILS OVERLAY MAP	DRAWING No. 22NCCJ903
Revised boundary	04/01/24	H.H. R.F.	03/07/23					
Revised boundary	05/22/24	C.R.	03/07/23					
		REVIEWED BY	DATE					
		S.J.	03/07/23					APPENDIX D

J:\PROJECTS\2024\22NCCJ903\22NCCJ903.dwg

Water Quality Monitoring Plan

Cary-Duke-Povia
DCI2022-00067



Evan Lentz

Evan Lentz
Staff Scientist

Michael Alfieri

Michael Alfieri P.G. 2476
Senior Managing Hydrogeologist

MAY 2024

TABLE OF CONTENTS

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SECTION 3 MONITORING SITES 3

SECTION 4 PARAMETERS AND REPORTING SCHEDULE..... 4

SECTION 5 CONTINGENCY PLAN..... 6

FIGURES

FIGURE 1 Regional Location Map

FIGURE 2 Proposed Surface Water Quality Monitoring Site Locations

TABLES

TABLE 1 Proposed Monitoring Parameters and Schedule

EXHIBITS

EXHIBIT A Excerpt from Rezoning Application DCI2022-00067

1.0 INTRODUCTION AND BACKGROUND

The Cary-Duke-Povia project is an approximately 790-acre proposed residential community development located within Section 17 and 16, Township 43S, Range 26 in Lee County, Florida. The proposed Cary-Duke-Povia development is situated approximately one mile east of State Road 31 on the south side of State Road 78 (North River Road). The project is currently seeking approval to change the zoning category from Agricultural (AG-2) to a Residential Planned Development (RPD) under Application DCI2022-00067. Refer to **Figure 1** for a regional location map showing the Cary-Duke-Povia boundary.

2.0 GOALS AND OBJECTIVES

This Water Quality Monitoring Plan provides a response to the Lee County Comment Letter, dated January 19, 2023, Comment No. 6 of the Natural Resources Review section regarding the proposed outflow to Trout Creek. Specifically, the main objective of the Water Quality Monitoring Plan is to establish baseline conditions and to quantify potential impacts of the proposed residential development on Trout Creek. The first task is identification of outfall locations, establishing a water quality monitoring parameter list, and establishment of a schedule for the monitoring program. The second objective of the monitoring plan is to provide documentation of the analytical results to the Lee County Division of Natural Resources (LCDNR) through regular reporting and data transfer such that the water quality database maintained by Lee County accurately identifies and characterizes any contribution of contamination to Trout Creek. This Water Quality Monitoring Plan includes sampling locations, sampling frequency, reporting requirements, and evaluations of the water quality within the project site.

3.0 MONITORING SITES

The existing topography of the Cary-Duke-Povla project site generally directs stormwater runoff from the northeast to the southwest and from the northwest to the southeast into surrounding wetlands/preserves within the site property boundary. Development plans for the project indicate that there are five proposed outfall control structures where water can flow out of the proposed stormwater management system and leave the project site. These control structures, CS A, CS B-1, CS B-2, CS C, and CS D are identified in **Figure 2**. Flow leaving the proposed stormwater management system from the five outfall locations will enter the onsite wetland preserve areas and continue through existing wetlands to Trout Creek, located in the eastern portion of the project area.

The proposed Water Quality Monitoring Plan includes the installation of seven surface water sampling locations five at outfall locations and two staff gages installed in the irrigation withdrawal lakes (SG-1 & SG-2), two shallow monitor wells tapping the upper portion of the Water Table Aquifer (WT-1 & WT-2), and a deeper monitor well tapping the upper portion of the Sandstone Aquifer (SS-1) to record stage and ground water elevations and obtain surface and ground water samples. Sampling at CS A through CS D is proposed at the downstream end of the outfall structure from within the adjoining wetland. The seven surface water samples will be measured in the field and the Sandstone Aquifer wells will be outfitted with electronic water level transducers set to record water levels every 6 hours. Water quality data will be collected from the shallow Water Table wells and outfall locations. The water level elevations will be referenced to the North American Vertical Datum of 1988 (NAVD 88). Proposed sampling locations at the individual control structures, CS A, CS B-1, CS B-2, CS C, and CS D are shown in **Figure 2**.

4.0 PARAMETERS AND REPORTING SCHEDULE

The proposed monitoring parameter list is provided in Table 1. Monitoring includes a baseline sampling event prior to construction commencement followed by semi-annual sampling events. The sampling events are proposed to occur twice per year during the wet season (June through October). The early wet season monitoring event is proposed to occur in June, while the late wet season event is proposed to occur in October. Monitoring will include stage measurements using previously established benchmarks and the discharge condition will be recorded as either a "yes or no" depending on whether or not water is flowing through the control structures at the time of sampling. Water Quality samples will be collected from the water table monitor wells, staff gauge monitoring stations, and outfall locations. One field blank and a field duplicate will be collected during each sampling event for quality assurance purposes. Chain of custody forms and laboratory analysis reports will be provided in corresponding quarterly reports.

Table 1. Summary of Surface Water and Groundwater Sampling Parameters

PARAMETER	UNITS	BASELINE	Semi-Annualy	Groundwater Target Level	Surface Water Target Levels	ANALYSIS TYPE
Total Kjeldahl Nitrogen (TKN)	mg/L as N	x	x	NA	1.54	Laboratory
Ammonia (un-ionized)	mg/L as N	x	x	NA	0.02	Laboratory
Nitrite+Nitrate as Nitrogen (NOX)	mg/L as N	x	x	10	NON-NUMERIC	Laboratory
Nitrite	mg/L as N	x		1	NON-NUMERIC	Laboratory
Nitrate	mg/L as N	x		10	10	Laboratory
Total Phosphorus	mg/L	x	x	NA	0.12	Laboratory
Chloride	mg/L	x	x	250	250	Laboratory
Total Dissolved Solids (TDS)	mg/L	x	x	500	500 Average	Laboratory
Florida PRO (TRPH)	µg/L	x	x (Annually)	5000	5000	Laboratory
Arsenic	µg/L	x		10	10	Laboratory
Copper	µg/L	x	x	1000	2.72	Laboratory
Mercury	µg/L	x	x	2	0.012	Laboratory
Lead	mg/L	x	x	0.015	0.0085	Laboratory
E. coli	MPN/100mL	x	x	NA	126 Average	Laboratory
Total Hardness	mg/l	x	x	NA	NA	Laboratory
Temperature	C	x	x	NA	NA	Field
Specific Conductance	mhos/cm	x	x	NA	1275 or <50% Increase	Field
pH	pH units	x	x	6.5-8.5	1 unit from background	Field
Dissolved Oxygen (DO)	mg/L	x	x	NA	>5.0	Field
Lake Stage	ft NAVD	x	x	NA	NA	Field/Recorder
Water Table Aquifer Elevation	ft NAVD	x	x	NA	NA	Field/Recorder
Sandstone Aquifer Elevation	ft NAVD	x	x	NA	NA	Field/Recorder

NA=Not Applicable

Note - Groundwater Target Levels per Chapter 62-550 and Rule 62-520.420, FAC with exception of FL-PRO. FL-PRO is a petroleum screening parameter with a target level of 5 mg/l listed in Chapter 62-777, FAC. Surface Water Target Levels per Chapter 62-302.

Quality Assurance

Water samples will be collected and handled following protocols contained in Florida Department of Environmental Protection (FDEP) Quality Assurance Rule F.A.C. 62-160 and adopted as the 2014 FDEP Standard Operating Procedures for Field Activities (DEP-SOP-001/01), effective July 30, 2014. Water Quality samples will be collected at surface water monitoring stations documented on **Figure 2**. One field blank and a field duplicate will be collected during each sampling event for quality assurance purposes. A chain of custody form and laboratory analysis reports will be provided in corresponding annual reports.

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

Water Monitoring Reporting and Analysis

An annual report, which will include a comparison of State water quality standards, plots of parameters, and any conclusions or recommendations will be provided to the LCDNR annually for at least 5 years. The monitoring reports will be submitted once per year as an Electric Data Deliverable (EDD) in a comma delimited text format approved by the within 60 days of receipt of the laboratory reports. Conclusions and recommendations will be based on applicable target levels, statistical analyses, and trends of measured constituents.

Results of each water quality sampling events will be compared to applicable target levels, if listed and deviation from the initial baseline sampling. Parameters that do not have numeric target levels will be evaluated for trends. The surface water and groundwater laboratory results will undergo statistical analyses for the development of conclusions and recommendations within the annual reports.

Water quality reporting will continue for a minimum of 5 years from the date of completion of the stormwater management system. After 5 years of meeting or exceeding state water quality monitoring standards, the developer may amend or discontinue water quality monitoring and reporting after submitting a written request, review, and approval by LCDNR.

5.0 CONTINGENCY PLAN

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

Potential investigative and corrective actions may include:

- Review potential for contamination from the nearest upgradient facility's lakes;
- Review and revision of community lake management, stormwater management, and fertilizer application procedures and schedules;
- Include additional surface water sampling sites; and/or
- Notification to impacted residents and applicable authorities as needed.

FIGURES

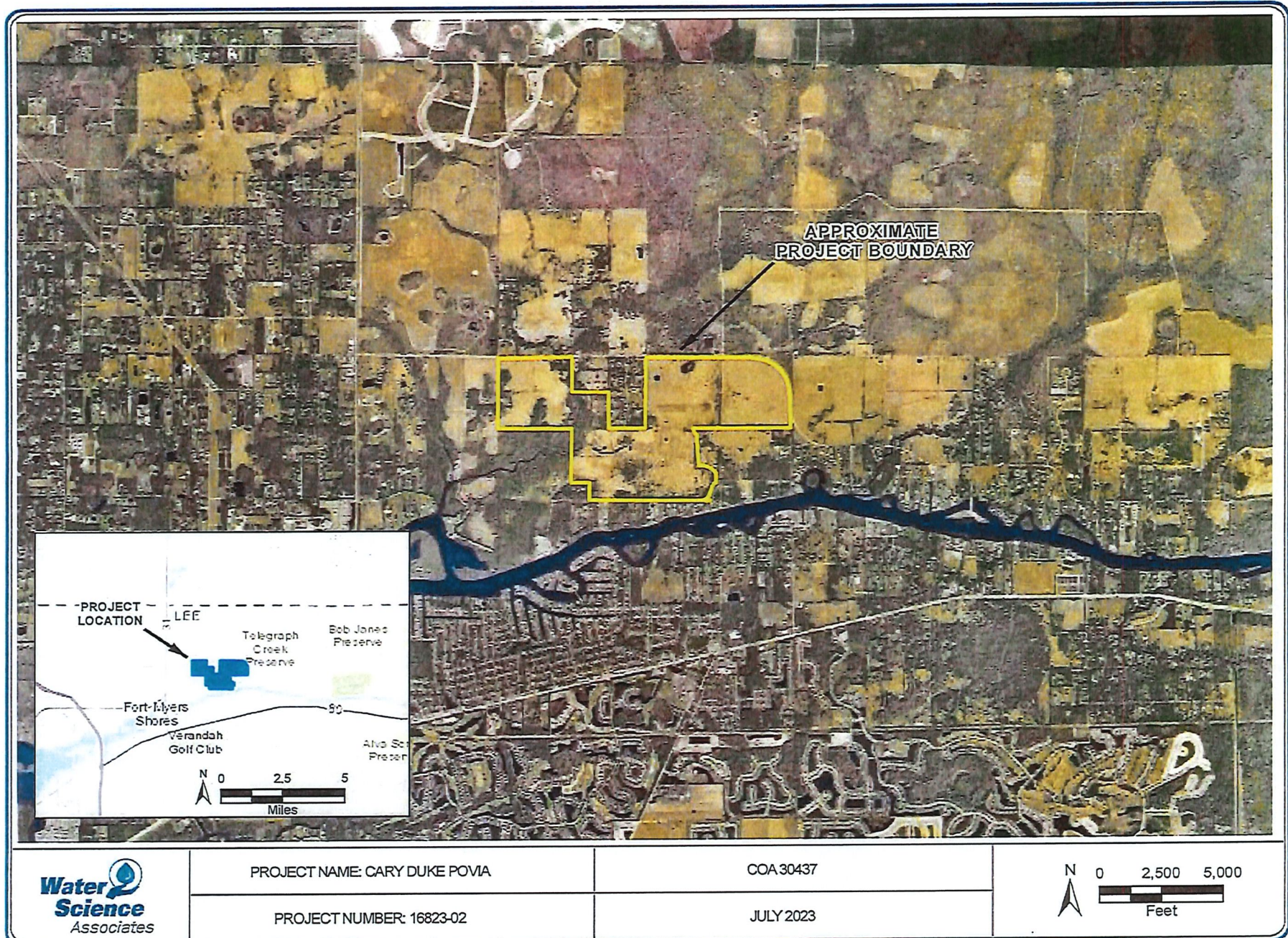


FIGURE 1. REGIONAL LOCATION MAP

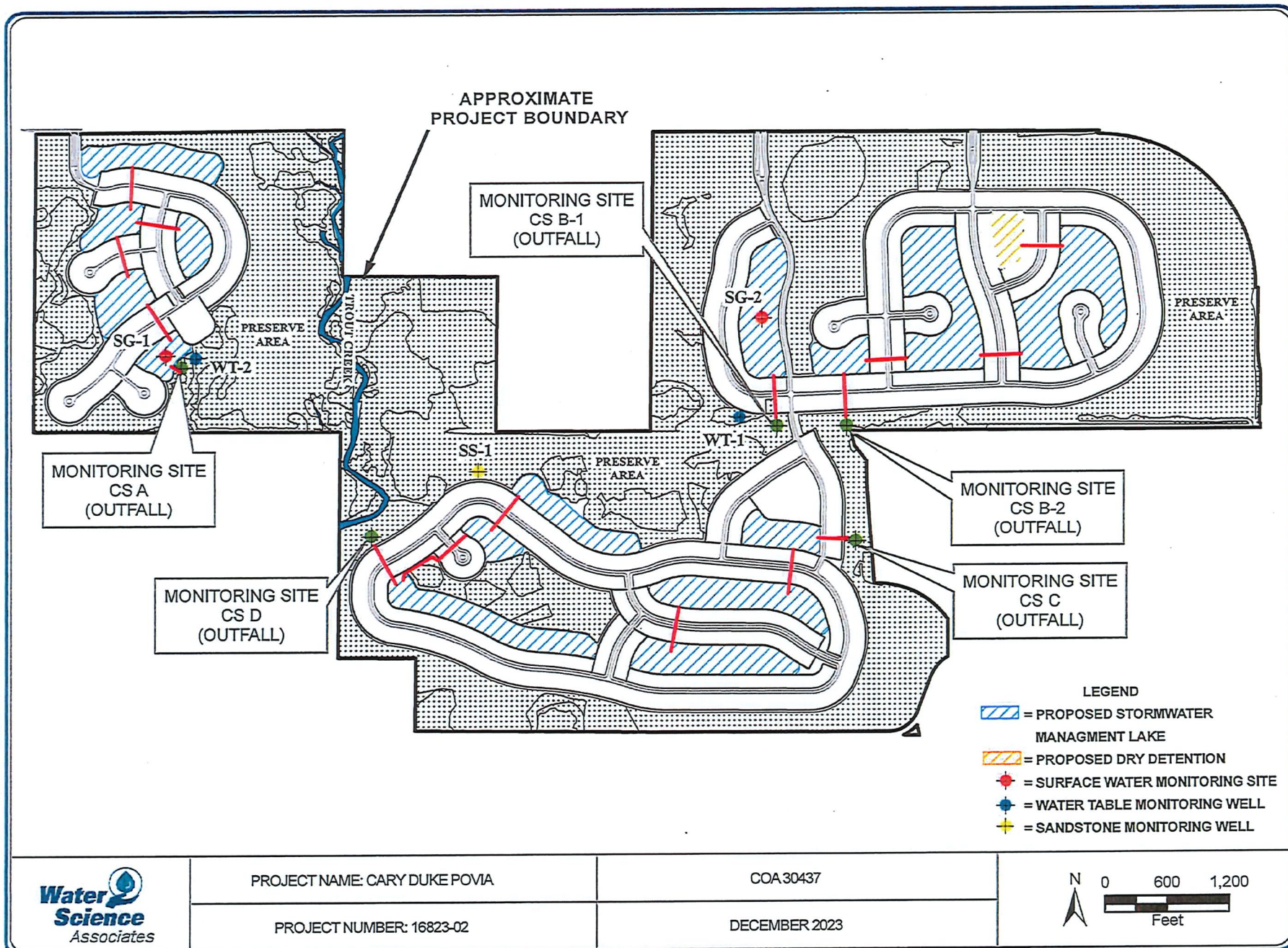


FIGURE 2. PROPOSED SURFACE WATER QUALITY MONITORING SITES

AGRICULTURAL USES AFFIDAVIT

STATE OF FLORIDA

COUNTY OF LEE

BEFORE ME, the undersigned authority, on this ____ day of December, 2022, personally appeared
G. Keith Cary, who is personally known to me or who
produced _____

as identification and who did take an oath, who deposes and says as follows:

1. That I am the Owner/Authorized Agent of the following described property, to wit:
STRAP # 17-43-26-00-00001.0000; 17-43-26-01-00003.0000; 17-43-26-01-00009.0000
16-43-26-00-00001.0040; 17-43-26-01-00004.0000
2. That the above-described property was used for bona fide agricultural purposes qualifying for the
Agricultural Tax Classification of the property described above at the time of this zoning
application.
3. The agricultural use of the property, cattle grazing, is an existing bona fide agricultural use.

FURTHER AFFIANT SAYETH NAUGHT.

By: G. Keith Cary

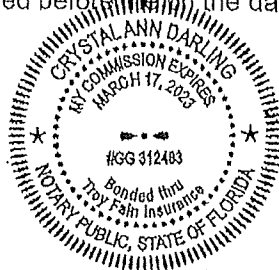
G. Keith Cary

Owner/Authorized Agent of Cary & Duke Properties, LLC

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

(Notary Seal)

Commission No.
GG 312483



Crystal Darling
Signature of Notary Public

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

EXHIBIT F

AGRICULTURAL USES AFFIDAVIT

STATE OF FLORIDA

COUNTY OF LEE

BEFORE ME, the undersigned authority, on this 14 day of December, 2022, personally appeared Mary Ellen Povia, who is personally known to me or who produced FL Drivers License PID: 586-45-842-0 as identification and who did take an oath, who deposes and says as follows:

1. That I am the Authorized Representative of the following described property, to wit:

See attached Exhibit "A"

2. That the above-described property was used for bona fide agricultural purposes qualifying for the Agricultural Tax Classification of the property described in the attached Exhibit "A" at the time of this zoning application.
3. The agricultural use of the property is an existing bona fide agricultural use.

FURTHER AFFIANT SAYETH NAUGHT.

By: Mary Ellen Povia

Authorized Agent for Povia Family, LLC

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

(Notary Seal)

Alexis Gaure Arrieta
Signature of Notary Public

Commission No.

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

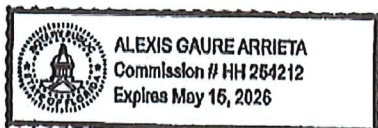


EXHIBIT "A"

LEGAL DESCRIPTION OF THE REAL PROPERTY

(Seller to provide prior to execution)

The North one-half (1/2) of Section 16, Township 43 South, Range 26 East, Lee County, Florida.

Less and Except

LEGAL DESCRIPTION (AS DESCRIBED BY THIS OFFICE)

THE NORTH ONE-HALF (1/2) OF SECTION 16, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA LYING NORTHEASTERLY OF THE CURRENT RIGHT OF WAY OF NORTH RIVER ROAD LESS AND EXCEPT THE FORMER RIGHT OF WAY AS REFERENCED IN RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS ADOPTED FEBRUARY 15, 1987 AND SHOWN ON STATE ROAD RIGHT OF WAY MAP SECTION 12560-2604, DATED JULY 20, 1985 AND LESS THE TAKING PER OFFICIAL RECORDS BOOK 393, PAGE 829 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1

BEGIN AT THE NORTHEAST CORNER OF SECTION 16, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE S.00°35'46"W., ALONG THE EAST LINE OF SAID SECTION, FOR A DISTANCE OF 400.86 FEET TO A POINT ON THE MAINTAINED RIGHT OF WAY LINE AS SHOWN ON STATE ROAD RIGHT OF WAY MAP SECTION 12560-2604, DATED JULY 20, 1985 BEING A POINT ON A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 811.00 FEET; THENCE ALONG SAID MAINTAINED RIGHT OF WAY AND SAID CURVE THROUGH A CENTRAL ANGLE OF 64°02'58", A CHORD BEARING OF N.43°40'59"W., A CHORD LENGTH OF 535.24 FEET AND AN ARC LENGTH OF 574.58 FEET; THENCE S.80°54'42"E. FOR A DISTANCE OF 387.65 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 82,738 SQUARE FEET, OR 1.211 ACRES, MORE OR LESS

TOGETHER WITH

PARCEL 2

COMMENCE AT THE NORTHEAST CORNER OF SECTION 16, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE N.80°54'42"W., ALONG THE NORTH LINE OF SAID SECTION, FOR A DISTANCE OF 700.72 FEET; THENCE S.27°33'00"W., A DISTANCE OF 38.43 FEET TO A POINT ON THE SOUTHERLY MAINTAINED RIGHT OF WAY AS SHOWN ON STATE ROAD RIGHT OF WAY MAP SECTION 12560-2604, DATED JULY 20, 1985 AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE S.80°54'42"E., ALONG SAID MAINTAINED RIGHT OF WAY, FOR A DISTANCE OF 126.11 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 580.00 FEET; THENCE ALONG SAID RIGHT OF WAY AND SAID CURVE THROUGH A CENTRAL ANGLE OF 90°30'30", A CHORD BEARING OF S.44°38'27"E., A CHORD LENGTH OF 781.28 FEET AND AN ARC LENGTH OF 886.82 FEET; THENCE S.00°35'46"W., FOR A DISTANCE OF 301.41 FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1807.40 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 41°10'29", A CHORD BEARING OF N.41°51'40"W., A CHORD LENGTH OF 1060.11 FEET AND AN ARC LENGTH OF 1083.27 FEET; THENCE N.27°33'00"E. FOR A DISTANCE OF 78.47 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 194,768 SQUARE FEET, OR 4.471 ACRES, MORE OR LESS

COMBINED ACREAGE IS 5.682 ACRES, MORE OR LESS.

AGRICULTURAL USES AFFIDAVIT

STATE OF WASHINGTON

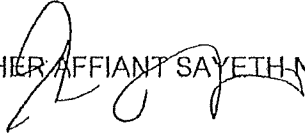
COUNTY OF SNOHOMISH

BEFORE ME, the undersigned authority, on this 12th day of December, 2022, personally appeared Raymond E. Harney and Kathy R. Harney, who is personally known to me or who produced WASHINGTON DRIVER'S LICENSE

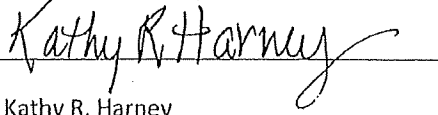
as identification and who did take an oath, who deposes and says as follows:

1. That I am the Owner/Authorized Agent of the following described property, to wit:
STRAP # 17-43-26-01-00008.0000
2. That the above-described property was used for bona fide agricultural purposes qualifying for the Agricultural Tax Classification of the property described above at the time of this zoning application.
3. The agricultural use of the property, cattle grazing, is an existing bona fide agricultural use.

FURTHER AFFIANT SAYETH NAUGHT.

By: 

Raymond E. Harney



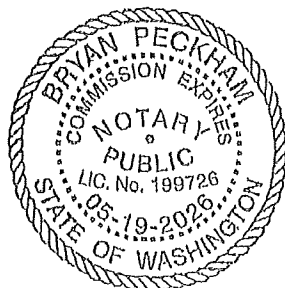
Kathy R. Harney

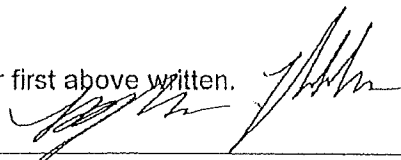
Owner/Authorized Agent of the Harney Trust.

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

(Notary Seal)

Commission No. 199726




Signature of Notary Public

Bryan Peckham

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

Attachment T

RESOLUTION NUMBER Z-22-037A

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

WHEREAS, BCF Management Group, LLC, filed an application on behalf of the property owners, Michael & Tracy C. Greenwell, Bo Greenwell, and Garrett Greenwell, to rezone a 76.82± acre parcel from Agricultural (AG-2) to the Mixed Use Planned Development (MPD), in reference to Greenwell SR 31 MPD; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Donna Marie Collins, was held on November 17, 2022. On December 1, 2022, the Hearing Examiner continued the hearing until January 13, 2023. On January 13, 2023, the public hearing was held; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2021-00050 and recommended Approval of the Request and a second public hearing was advertised and held on April 5, 2023 before the Lee County Board of County Commissioners; and,

WHEREAS, on April 5, 2023, the Lee County Board of County Commissioners approved the request and issued Zoning Resolution Z-22-037; and,

WHEREAS, following the Board Zoning hearing, it was determined that the initial Hearing before the Lee County Hearing Examiner was not properly advertised; and,

WHEREAS, a second public hearing (rehearing) before the Lee County Zoning Hearing Examiner, Donna Marie Collins, was advertised and held on June 9, 2023 to afford due process to members of the public. At the conclusion of the hearing, the Hearing Examiner left the record open and requested staff and the Applicant to submit written submissions to her Office on or before June 12, 2023; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2021-00050 and recommended Approval of the Request; and

WHEREAS, a second public hearing was advertised and held on June 21, 2023 before the Lee County Board of Commissioners; and,

WHEREAS, the Lee County Board of Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 76.82± acre parcel from AG-2 to the MPD district to allow up to 400,000 sq. feet of commercial development and up to 122 residential dwelling units.

The property is located in the Rural and Wetlands Future Land Use Categories and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. Master Concept Plan (MCP). Development must be consistent with five-page Master Concept Plan (MCP) entitled "Greenwell SR31," prepared by RWA Engineering, dated January 6, 2023, except as modified by conditions below. (Exhibit C)

Compliance with Land Development Regulations. Development must comply with Lee Plan and Lee County LDC, except where deviations have been granted. Changes to the MCP may require further development approvals.

Approved Development Parameters

122 dwelling units, and
400,000 sq. feet commercial uses

2. Uses and Property Development Regulations

a. Schedule of Uses

Single-Family Residential Tracts

Accessory Uses

Accessory Apartment

Agricultural Uses consistent with Condition 13

Dwelling Unit:

Single-Family

Entrance Gates and Gatehouse

Essential Services

Essential Service Facilities: Group I

Excavation: Water Retention

Fences, Walls

Home Occupation

Models:

Display Center

Model Home

Model Unit

Parking Lot: Accessory, limited to Lots Abutting Models

Real Estate Sales Office, limited to sales of lots, homes or units within the project

Recreation Facilities:
 Personal
 Private On-Site
Residential Accessory Uses
Signs
Temporary Uses (limited to temporary sales office, temporary contractor's office,
 staging area, and equipment storage structures)

Multi-Family Residential Tracts
Accessory Uses and Structures
Agricultural Uses consistent with Condition 13
Dwelling Unit:
 Townhouse
 Multiple-Family Building
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I
Excavation: Water Retention
Fences, Walls
Home Occupation
Models:
 Display Center
 Model Home
 Model Unit
Parking Lot: Accessory
Real Estate Sales Office, Limited to Sales of Lots, Homes, or Units within the
 Development
Recreation Facilities:
 Personal
 Private On-Site
Signs
Temporary Uses (Limited to Temporary Sales Office, Temporary Contractor's
 Office, Staging Area, and Equipment Storage Structures)

Commercial Tract
Accessory Uses and Structures
Administrative Offices
Agricultural Services: Office/Base Operations
Agricultural Uses consistent with Condition 13
Animals:
 Clinic or Kennel
 Control Center (including Humane Society)
Assisted Living Facility
ATM (Automatic Teller Machine)
Auto Parts Store
Automobile Repair and Service, All Groups
Automobile Service Station
Bait and Tackle Shop
Banks and Financial Establishments: Groups I and II
Bar and Cocktail Lounge

Boats:

- Boat Parts Store
- Boat Rental
- Boat Repair and Service
- Boat Sales
- Boat Storage, Dry
- Boatyard

Broadcast Studio, Commercial Radio, and Television

Building Material Sales

Business Services: Groups I and II

Bus Station/Depot

Car Wash

Cleaning and Maintenance Services

Clothing Stores, General

Clubs:

- Commercial
- Fraternal, Membership Organization
- Private

Communication Facilities, Wireless

Computer and Data Processing Services

Consumption on Premises

Continuing Care Facilities

Contractors and Builders, All Groups

Convenience Food and Beverage Store

Cultural Facilities

Day Care Center, Child, Adult

Department Store

Drive-Through Facility for any Permitted Use

Drugstore, Pharmacy

Emergency Operations Center

EMS, Fire or Sheriff's Station

Entrance Gates and Gatehouse

Essential Services

Essential Service Facilities, Groups I, II

Excavation: Water Retention

Farm Equipment, Sales, Storage, Rental or Service

Feed or Fertilizer, Mixing and Sales

Fences, Walls

Flea Market:

- Open
- Indoor

Food and Beverage Service, Limited

Food Stores, Groups I, II

Freight and Cargo Handling Establishments

Funeral Home and Mortuary (Without Crematory)

Gift and Souvenir Shop

Hardware Store

Health Care Facilities, Groups I-III

Hobby, Toy, and Game Shops

Hospice

Household and Office Furnishings, All Groups
 Insurance Companies
 Laundry or Dry Cleaning, Group I
 Lawn and Garden Supply Stores
 Medical Office
 Non-store Retailers, All Groups
 Parcel and Express Services
 Package Store
 Paint, Glass, and Wallpaper
 Parcel and Express Services
 Parks, Groups I, II
 Parking Lot:
 Accessory
 Commercial
 Garage, Public
 Temporary
 Personal Services, Groups I-IV
 Pet Services
 Pet Shop
 Pharmacy
 Place of Worship
 Plant Nursery
 Post Office
 Printing and Publishing
 Processing and Warehousing
 Real Estate Sales Office
 Recreational Facilities, Commercial
 Groups I, III, IV
 Recreational Vehicles
 Religious Facilities
 Rental Or Leasing Establishment, Groups I-IV
 Repair Shops, Groups I-V
 Research and Development Laboratories, Groups I-IV
 Restaurant, Fast Food
 Restaurants Groups I-IV
 Retail and Wholesale Sales, when clearly incidental and subordinate to a permitted
 principal use on the same premises
 Schools:
 Commercial
 Noncommercial
 Signs
 Social Services, Groups I-IV
 Specialty Retail Shops, Groups I-IV
 Stable, commercial
 Storage:
 Indoor
 Storage, Open
 Studios
 Temporary (limited to temporary sales office, temporary contractor's office,
 staging area, and equipment storage structures)

Theater, Indoor or Outdoor (Drive-In)
Transportation Services, Groups II-IV
Used Merchandise Stores, Groups I, II
Variety Store
Vehicle and Equipment Dealers, Groups I-V
Warehouse:
 High Cube
 Mini Warehouse
 Private
 Public
 Cold Storage
Wholesale Establishments, Groups I, III

Amenity Center

Accessory Uses and Structures
Administrative Offices
Clubs: Private
Communication Facility, Wireless (Antenna Only)
Community Gardens
Consumption On Premises
Essential Services
Essential Service Facilities, Group I
Excavation: Water Retention
Fences, Walls
Food and Beverage Service, Limited
Parking Lot, Accessory
 Limited to real estate sales office
Real Estate Office
Recreation Facilities: Private On-Site
Signs
Storage:
 Indoor
 Storage, Open, subject to Condition 11
Temporary Uses, limited to temporary sales office, temporary contractor's
 office, staging area, and equipment storage structures

b. Site Development Regulations

Minimum Open Space

40 percent of the 43.60 acres of residential use
30 percent of the 33.22 acres of commercial use
50 percent of the total open space must be indigenous open space

Single Family

Minimum lot size: 5,000 sq. feet; 10,000 sq. feet for lots within the single family
 only tracts.
Minimum lot width: 50 feet; 80 feet for perimeter lots
Minimum lot depth: 100 feet

Minimum Setbacks

Private Street: 20 feet (5 feet for corner lots with secondary frontage; 7.5 feet for side entry lots with secondary frontage, front porches, and combination of side entry lots and front porches)

Public Street: 25 feet

Side: 5 feet

Rear: 10 feet; 20 feet for lots within the single family only tracts

Waterbody: 30 feet

Preserve (side and rear): 20 feet (10 feet for accessory structure), 30 feet for indigenous plant communities subject to fire

Maximum building height: 35 feet

Maximum lot coverage: 40 percent

Building Separation: 10 feet

Townhouse

Minimum lot size: 2,500 sq. feet

Minimum lot width: 25 feet

Minimum lot depth: 100 feet

Minimum Setbacks:

Private Street: 15 feet (5 feet for corner lots with secondary frontage; 7.5 feet for side entry lots with secondary frontage, front porches, and combination of side entry lots and front porches)

Public Street: 25 feet

Side: 5 feet (0 feet for common wall unit or 10 feet for separation between principal structures where not attached)

Rear: 10 feet

Waterbody: 30 feet

Preserve (side and rear): 20 feet (10 feet for accessory structure), 30 feet for indigenous plant communities subject to fire

Maximum building height: 35 feet

Maximum lot coverage: 60 percent

Multi-Family

Minimum lot size: 10,000 sq. feet

Minimum lot width: 100 feet

Minimum lot depth: 100 feet

Minimum Setbacks:

Private Street: 15 feet (5 feet for corner lots with secondary frontage; 7.5 feet for side entry lots with secondary frontage, front porches, and combination of side entry lots and front porches)

Public Street: 25 feet

Side: 10 feet

Rear: 10 feet

Waterbody: 30 feet

Preserve (side and rear): 20 feet (10 feet for accessory structure), 30 feet for indigenous plant communities subject to fire

Maximum building height: 45 feet

Maximum lot coverage: 45 percent

Commercial and Amenity Areas

Minimum lot size: 10,000 sq. feet

Minimum lot width: 100 feet

Minimum lot depth: 100 feet

Minimum Setbacks:

Private Street: 15 feet

Arterial/Collectors: 50 feet

Side: 10 feet

Rear: 10 feet

Waterbody: 25 feet

Preserve (side and rear): 20 feet (10 feet for accessory structure), 30 feet for indigenous plant communities subject to fire

Maximum building height: 35 feet

Maximum lot coverage: 50 percent

3. Open Space

Development order plans must depict a total of 13.98 acres of indigenous open space in substantial compliance with the MCP.

4. Conservation Easement

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

5. Wetland Impacts

Prior to the issuance of the first development order, Developer must submit a copy of the mitigation payment receipt or mitigation plans for the 15.40 acres of wetland impacts to Lee County Department of Community Development.

6. Indigenous Habitat Management Plan

Development order plans must be in substantial compliance with the Indigenous Preservation, Restoration, and Management Plan revised August 2022.

7. Buffers

a. SR 31 Buffer

Prior to approval of the first development order, developer must submit written evidence from Florida Power and Light (FPL) confirming no objection to the proposed Type-D buffer vegetation (five trees per 100 linear feet and a double hedge) and confirming proposed landscaping will not interfere with long term maintenance of infrastructure within the easement.

If FPL objects to required buffer vegetation, developer must request a deviation and demonstrate compliance with the variance criteria required by the Lee Plan.

b. North, South and East Perimeter Buffer

Developer must install an enhanced perimeter buffer abutting conservation lands and residential uses along the north, south and east property lines. The enhanced buffers along the north, south and east property lines must be consistent with the following:

- i. North: 30-foot-wide enhanced Type F buffer within the Non-residential Development Area and 25-foot-wide enhanced Type B buffer within the Residential Development Area.
- ii. South: 30-foot-wide enhanced Type F buffer within the Non-residential Development Area.
- iii. East: 30-foot-wide enhanced Type F buffer within the Non-residential Development Area.

Enhanced perimeter buffers must include an opaque eight-foot-high wall/fence with code minimum landscape plants or 16-foot-high trees at time of planting and hedges 60 inches high at time of planting and maintained at 72 inches in height.

8. Surface and Ground Water Monitoring

Prior to local development order approval, the developer must provide a finalized Surface Water and Groundwater Monitoring Plan for review and approval by the Lee County Division of Natural Resources. The finalized Surface Water and Groundwater Monitoring Plan must include the following:

- a. A monitoring schedule during “wet” season and “dry” season that includes sampling parameters for Total Kjeldahl Nitrogen, Ammonia, Total Nitrogen, Nitrite, Nitrate, Total Phosphorus, Chloride, E. coli, Field Temperature, Specific Conductance, pH, Dissolved Oxygen, Lake Stage, Water Table Aquifer Elevation, and Sandstone Aquifer Elevation.
- b. A baseline monitoring event completed prior to commencement of construction.
- c. Location of groundwater monitoring wells and surface water sampling locations.

9. Coastal High Hazard Area

Prior to issuance of a local development order, the developer must provide calculations that quantify the flood storage volume provided by wetlands within the Coastal High Hazard Area and demonstrate equal compensatory flood storage volume within the proposed development on the engineer plans.

10. Utility Connection

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

11. Open Storage in Amenity Area

Open storage within the amenity area must be shielded with a continuous visual screen at least 8 feet in height.

12. State and Federal Permits

a. Generally. County development permits do not create rights to obtain permits from state or federal agencies and do not create liability on the part of the County if applicant fails to obtain requisite approvals or fulfill obligations imposed by state/federal agencies or if applicant undertakes actions resulting in a violation of state or federal law. Applicant must obtain applicable state/federal permits prior to commencing development.

b. State Wetland Permits. Developer may not commence construction on development impacting wetlands until issuance of required state permits. Development activity must comply with state wetland permits and applicable local development permits.

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

13. Agricultural Uses

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

a. Bona fide agricultural uses in existence at the time the zoning application was filed, and depicted on Exhibit D may continue until the county approves the first local development order for the project area containing those uses.

b. Additional clearing of trees or other vegetation in agricultural areas is prohibited. Existing areas of bona fide agricultural use may be maintained, i.e., moved, but not cleared or expanded. This prohibition does not preclude county approved requests for the removal of invasive exotic vegetation.

c. Prior to issuance of a local development order, the property owner must provide written proof, subject to approval by the County Attorney's Office, of the following:

i. Termination of all agricultural use on the property included in the development order application/approval. Proof must include an affidavit from the person or entity holding title to the property specifically providing:

(1) The date the agricultural uses ceased.

(2) The legal description of the property subject to the development order approval.

- (3) an affirmative statement that the owner acknowledges and agrees that all agricultural uses are illegal and prohibited on the property and that the owner covenants with the county that they will not allow such uses on the property unless the property is rezoned to permit agricultural use; and,
- (4) That the affidavit constitutes a covenant between the owner and the county binding on the owner, their assignees, and successors in interest.

The property owner must record the covenant in the public records of Lee County at the owner's expense.

- ii. Termination of the agricultural tax exemption on the property subject to the corresponding development order application/approval. Proof of termination must include a copy of the developer's request to terminate the tax exemption provided to the Property Appraiser.

14. Dead-End Roads

Development order plans depicting dead-end roadways must include a letter of no objection from the fire department with jurisdiction over the property.

15. North Olga Design Standards

Development Orders and building permits must comply with LDC Chapter 33, Article X, Division 2 Design Standards in the North Olga Planning Community.

SECTION C. DEVIATIONS:

1. Street Design and Construction Standards (Cul-de-sac). Deviation (1) seeks relief from the LDC §10-296(k)(1), which requires dead-end streets to be closed at one end by a circular turnaround for vehicles. The deviation would allow a dead-end street without a circular turnaround. This deviation is APPROVED SUBJECT TO Condition 14.

SECTION D. EXHIBITS:

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

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan
- Exhibit D: Bona Fide Agricultural Uses

SECTION E. FINDINGS AND CONCLUSIONS:

Based upon its review, the Board of County Commissioners adopts the recommendation of the Hearing Examiner, including the following findings and conclusions:

1. The requested MPD complies with the Lee Plan. See Lee Plan Goals 2, 4, 5, 6, 11, 27, 29, 60, 61, 77, 124, 125, 135, 158; Objectives 1.4, 4.1, 5.1, 6.1, 27.3, 29.1, 29.2, 29.7, 77.1, 77.2, 77.3, Policies 2.1.2, 2.2.1, 5.1.1, 5.1.2, 5.1.5, 6.1.1, 6.1.3, 6.1.4, 6.1.6, 17.3.3, 17.3.4, 27.1.1, 27.1.2, 27.1.6, 27.1.18, 29.1.1, 29.2.1, 29.7.2, 126.2.1, 135.1.9, 135.9.6;; Lee Plan Maps 1-A, 1-B, 2-A, 4-A, 4-B, and Tables 1(a) and (b).
2. As conditioned herein, the MPD zoning designation:
 - a. Meets the standards set forth in the LDC and other regulations or qualifies for deviations. LDC Chapters 2, 10, 33, 34;
 - b. Is compatible with existing and planned uses in the surrounding area. Lee Plan Policies 2.1.2, 5.1.5, 6.1.4, 135.1.9, 135.9.6; and LDC §34-411(j);
 - c. Will provide access to support the proposed development intensity. Lee Plan Objective 39.1, Policies 2.2.1, 39.1.1, 39.2.2; and LDC §34-411;
 - d. Existing regulations and conditions of approval address expected impacts on transportation facilities. Lee Plan Policies 6.1.5, 135.9.6; LDC §2-265 *et seq.*, LDC §10-7(b);
 - e. Will not adversely affect environmentally critical areas or natural resources. Lee Plan Goals 60, 61, 77, 124, 125, Objectives 29.7, 60.4, 61.2, 77.3, 125.1, 126.2, Policies 6.1.6, 27.1.1, 29.1.1, 29.7.2, 29.7.3, 60.4.3, 61.3.1, 61.3.6, 61.3.11, 77.3.1, 77.3.2, 77.3.3, 77.3.4, 123.1.1, 123.2.15, 124.1.1, 125.1.2, 125.1.3, 125.1.4, 126.2.1, 135.9.6, and Standard 4.1.4; and
 - f. Will be served by public services and infrastructure including public water and sewer, paved streets, police, fire and emergency services, and surface water management. Lee Plan Goals 2, 4, 53, 56, 70, Objectives 2.1, 2.2, 4.1, 5.1, 6.1, 53.1, 56.1, 66.1; Policies 2.2.1, 65.2.1, and Standards 4.1.1, 4.1.2.
3. The proposed uses are appropriate at the location. Lee Plan Goals 2, 5, 6, 11, Objectives 2.1, 2.2, Policies 2.1.1, 2.1.2, 5.1.5, 6.1.4, 6.1.8, 135.1.9, and LDC §34-411.
4. The recommended conditions of approval and county regulations provide sufficient safeguards to protect the public interest. Lee Plan Policies 5.1.5, 6.1.4, 135.9.5, 135.9.6; LDC §34-145(d)(4) a.2.b), LDC §§ 34-377(a)(3), 34-411, 34-932, 34-936.
5. The recommended conditions are reasonably related to the impacts expected from the proposed development. LDC §34-932, 34-936.
6. The deviations recommended for approval:
 - a. Enhance the objectives of the planned development; and
 - b. Promote the intent of the LDC to protect public health, safety, and welfare. LDC §§ 34-373(a)(9), 34-377(a)(4).

SECTION F. SCRIVENER'S ERRORS

The Board intends that this resolution can be renumbered or relettered and typographical errors that do not affect the intent and are consistent with the Board's action can be corrected with the authorization of the County Manager or his designee, without the need for a public hearing.

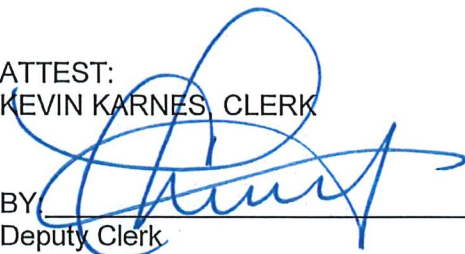
Commissioner Pendergrass made a motion to adopt the foregoing resolution, seconded by Commissioner Ruane. The vote was as follows:

Adopted by unanimous consent.

Kevin Ruane	Aye
Cecil L Pendergrass	Aye
Raymond Sandelli	Nay
Brian Hamman	Aye
Mike Greenwell	Abstain

DULY PASSED AND ADOPTED this 21st day of June 2023.

ATTEST:
KEVIN KARNES, CLERK

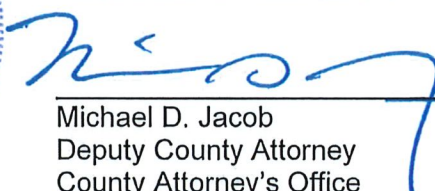
BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Brian Hamman, Chair



APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY


Michael D. Jacob
Deputy County Attorney
County Attorney's Office

RECEIVED
MINUTES OFFICE
2023 JUN 26 PM 4:35

EXHIBIT "A"
Legal Description of Property

LEGAL DESCRIPTION:
(AS CREATED BY SURVEY)

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

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 18, SAID CORNER LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 31, (100 FEET WIDE); THENCE RUN S.88°46'28"E., FOR 100 FEET TO THE EASTERLY RIGHT-OF-WAY OF SAID STATE ROAD 31 (BASIS OF BEARING); THENCE RUN N.00°26'31"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 1381.01 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

THENCE N.00°26'31"W., FOR 2,450.05 FEET TO A POINT OF CURVATURE;

THENCE NORTHERLY 112.20 FEET ALONG THE ARC OF A TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 68,704.96 FEET THROUGH A CENTRAL ANGLE OF 00°05'37" AND BEING SUBTENDED BY A CHORD WHICH BEARS N.00°31'31"W. FOR 112.20 FEET;

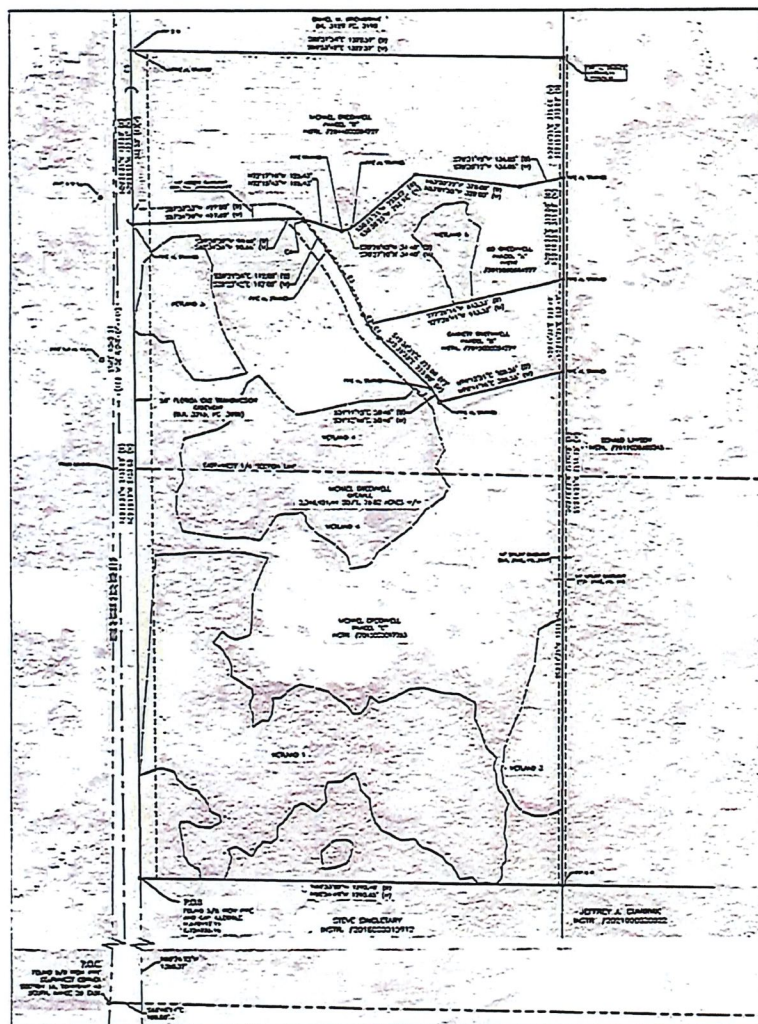
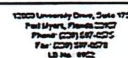
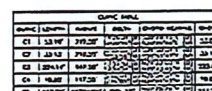
THENCE S.88°51'56"E., FOR 1,322.57 FEET;

THENCE S.00°16'25"W., FOR 2,561.15 FEET;

THENCE N.88°53'02"W., FOR 1,290.40 FEET TO THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN;

CONTAINING 3,346,451 SQUARE FEET OR 76.82 ACRES, MORE OR LESS

Parcel Strap Nos. 18-43-26-00-00001.0200, 18-43-26-00-00001.0180, 18-43-26-00-00001.0000, 18-43-26-00-00001.0190

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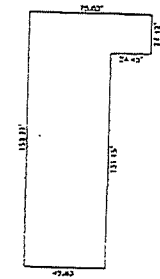
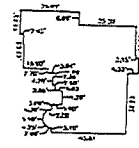
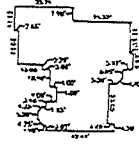
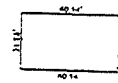
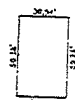
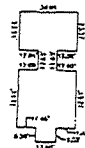
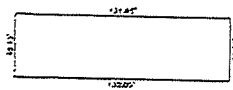
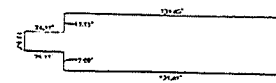
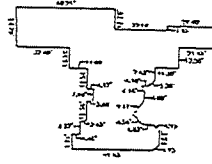
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TIME	09:00
BY	02/24/2011
PROJECT	BCF MANAGEMENT GROUP, LLC
TITLE	BOUNDARY AND TOPOGRAPHIC SURVEY

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PROJECT		GREENWELL SR31	
18672 FL-31, ALVA, FL 33920			
ISSUING OFFICE FBI MEM PHO	PROJECT NO 198136 07 00	SHEET NUMBER 1 of 4	PAGE NO 00 00

BUILDING DIMENSION DETAIL SHEET



NO. 1	10/20/2019				

DATE	DATE
10/20/2019	10/20/2019
10/20/2019	10/20/2019
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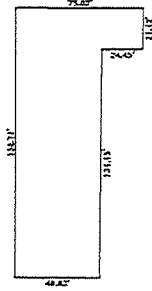
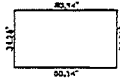
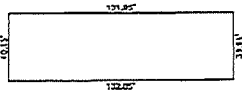
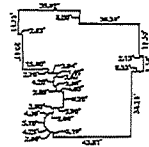
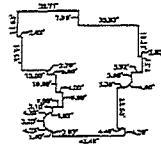
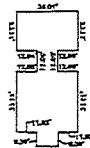
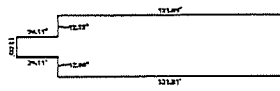
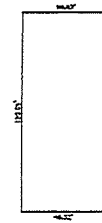
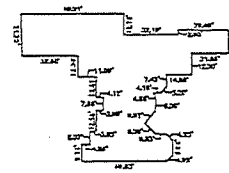
17803 University Drive, Suite 175
Fort Myers, FL 33907
Phone: (239) 597-0575
Fax: (239) 597-0575
L.S. No. 5257

DATE	11/11/2019
CLIENT	BCF MANAGEMENT GROUP, LLC
TITLE	BOUNDARY AND TOPOGRAPHIC SURVEY

PROJECT	GREENWELL SR31
18672 FL-31, ALVA, FL 33920	

DATE	10/20/2019	SHEET NUMBER	4 OF 4	FILE NO.	00 05
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BUILDING DIMENSION DETAIL SHEET

[illegible]

	NAME	DATE
FIELD:	CL	10/29/21
DIVISION:	NAV	11/11/21
OFFICE:	NAV	11/14/21

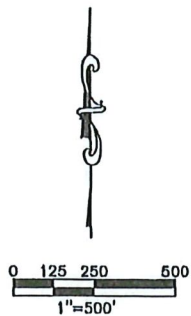


12600 University Drive, Suite 175
Fort Myers, Florida 33907
Phone: (239) 587-0575
Fax: (239) 587-0578
LE No: 6952

2000	11/11/11
2000	11/11/11
2000	11/11/11
2000	11/11/11

CLIENT:	BCF MANAGEMENT GROUP, LLC
TITLE:	BOUNDARY AND TOPOGRAPHIC SURVEY

PROJECT: GREENWELL SR31			
18672 FL-31, ALVA, FL 33920			
ORIGIN REFERENCE FR 543 PG 78	PROJECT NO. 180135.02.03	SHEET NUMBER 4 OF 4	FILE NO. 00 00



AL=112.20'
R=68704.98'
Δ=0°05'37"
CB=N0°23'43"W
CH=112.20'

FIP AL STARNES

FIP 5 B

DANIEL W. KREINBRINK
OR. 3129 PG. 2190

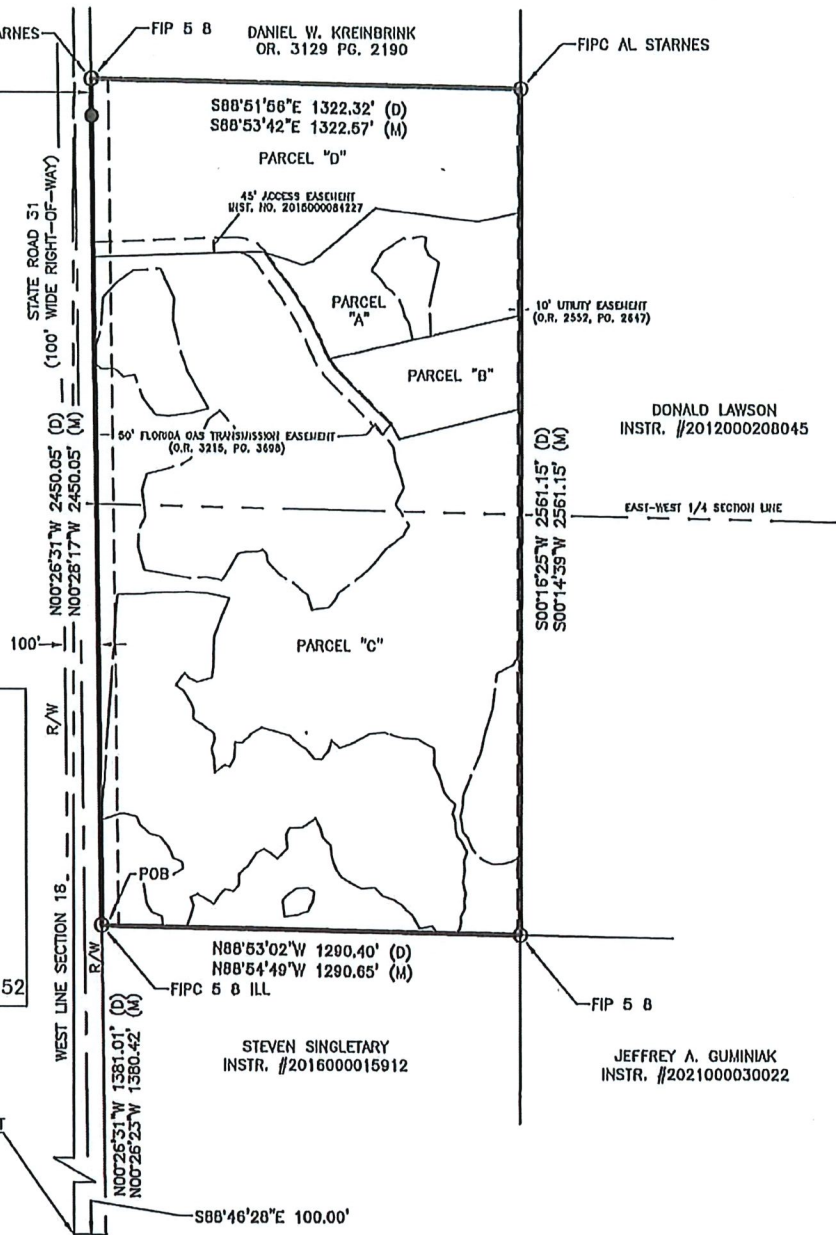
FIP AL STARNES

REVIEWED
DCI2021-00050
Hunter Searson, GIS
Planner
Lee County Government
7/22/2022

LEGEND

AL = ARC LENGTH
CH = CHORD LENGTH
CB = CHORD BEARING
DESC. = DESCRIPTION
INST. = INSTRUMENT NUMBER
OR = OFFICIAL RECORDS BOOK
PG = PAGE
POC = POINT OF COMMENCEMENT
POB = POINT OF BEGINNING
R = RADIUS
Δ = DELTA ANGLE
● = SET IRON ROD AND CAP LB 6952

POINT OF COMMENCEMENT
THE SOUTHWEST CORNER
OF SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST



NOTES:

1. THIS SKETCH IS NOT A SURVEY.
2. BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF INSTRUMENT NUMBER 2015000084227, PUBLIC RECORD OF LEE COUNTY, FLORIDA, WHEREIN THE WEST LINE BEARS N00°26'31"E.
3. THIS SKETCH DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON THE SUBJECT PARCEL.
4. PARCEL CONTAINS 3,346,451.44 SQUARE FEET (76.82 ACRES) MORE OR LESS.



By my hand and seal this 11th day of November, 2021, at Fort Myers, Florida, I, Noah J. Medeiros, Professional Surveyor and Mapper, Florida Certificate No. LS 7345, do hereby certify that the foregoing is a true and correct copy of the original survey and map as shown to me by the client, and that I am not aware of any fraud or mistake in the same.

11/11/2021

NOAH J. MEDEIROS
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. LS 7345
THE SEAL APPEARING ON THIS DOCUMENT WAS
AUTHORIZED BY NOAH J. MEDEIROS, PSM.

PARENT BOUNDARY
SKETCH AND DESCRIPTION



12800 University Drive, Suite 175
Fort Myers, Florida 33907
Phone: (239) 597-0576
Fax: (239) 597-0578
LB No.: 6952

JOB NUMBER	REVISION	SECTION	TOWNSHIP	RANGE	SCALE	DATE	DRAWN BY	FILE NAME	SHEET
190136.02.00	()	18	43S	26E	1"=500'	11/10/21	NJM	00 SD	1 OF 2

November 10, 2021 10:03 AM K:\2019\190735.02.00 Greenwell SR 31\0002 Comp Plan Amendment Prep\Sketch And Descriptions\Parent Boundary\00 SD.dwg

LEGAL DESCRIPTION AS PER RECORDED INSTRUMENT NUMBER 2015000084227

PARENT PARCEL

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

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 18, SAID CORNER LYING ON THE WESTERLY RIGHT-OF-WAY OF STATE ROAD 31 (100 FEET WIDE); THENCE S.88°46'28"E., FOR 100.00 FEET TO THE EASTERLY RIGHT-OF-WAY OF SAID STATE ROAD 31;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE N.00°26'31"W., FOR 1381.01 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL.

FROM SAID POINT OF BEGINNING CONTINUE N.00°26'31"W., FOR 2,450.05 FEET TO A POINT OF CURVATURE;

THENCE NORTHERLY 112.20 FEET ALONG THE ARC OF A TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 68,704.96 FEET THROUGH A CENTRAL ANGLE OF 00°05'37" AND BEING SUBTENDED BY A CHORD WHICH BEARS N.00°23'43"W., FOR 112.20 FEET;

THENCE S.88°51'56"E., FOR 1,322.32 FEET;

THENCE S.00°16'25"W., FOR 2,561.15 FEET;

THENCE N.88°53'02"W., FOR 1,290.40 FEET TO THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN;

CONTAINING 3,346,451 SQUARE FEET OR 76.82 ACRES, MORE OR LESS.

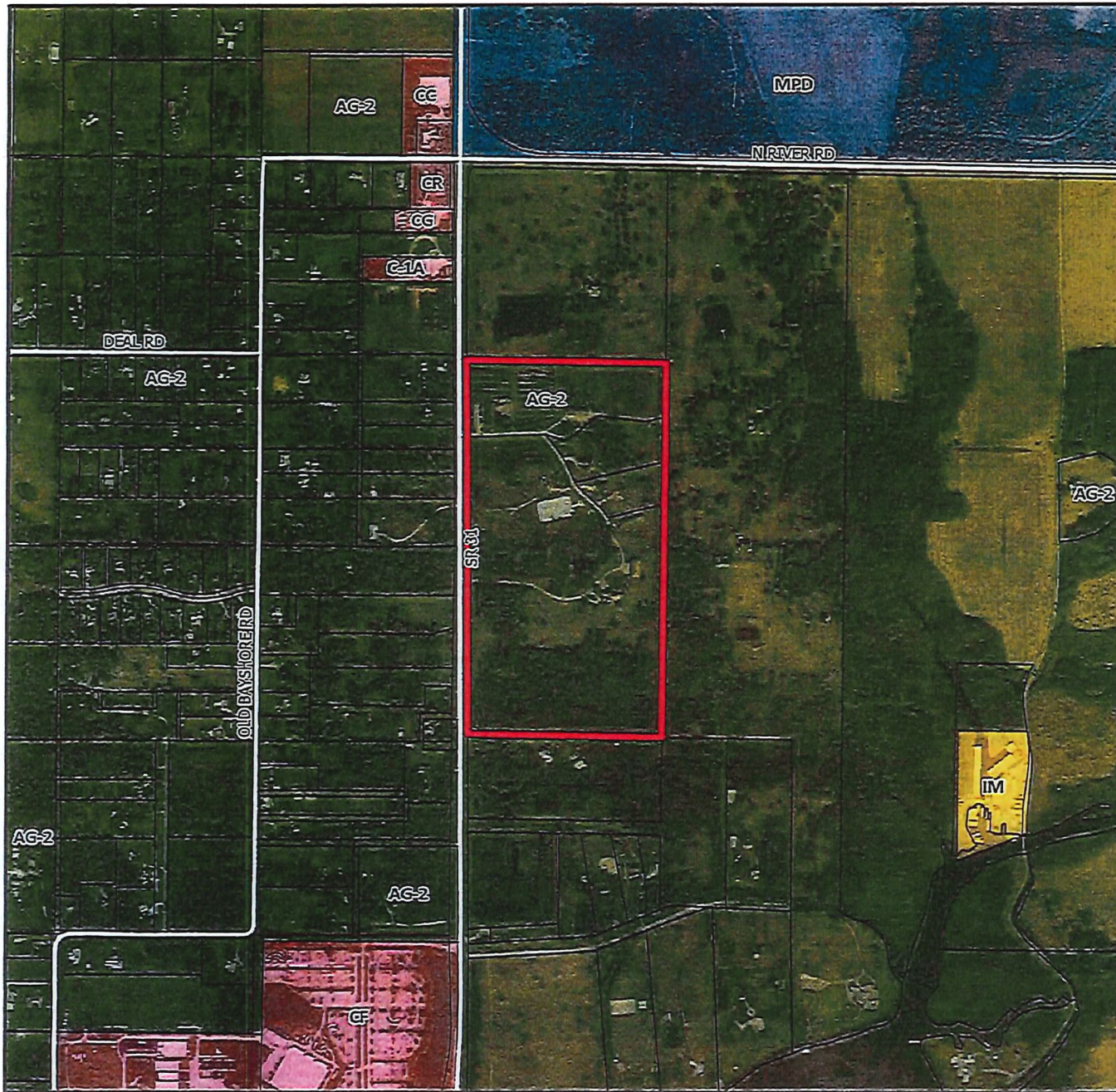
SAID PARCEL IS SUBJECT TO AND TOGETHER WITH A 45-FOOT-WIDE ACCESS EASEMENT, FOR INGRESS-EGRESS, DRAINAGE, AND UTILITIES OVER AND ACROSS THE STRIP OF LAND. 45-FOOT-WIDE STRIP OF LAND RECORDED IN INSTRUMENT NUMBER 2015000084227, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARENT BOUNDARY
SKETCH AND DESCRIPTION



12800 University Drive, Suite 175
Fort Myers, Florida 33907
Phone: (239) 597-0575
Fax: (239) 597-0578
LB No.: 6952

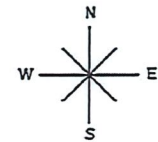
JOB NUMBER	REVISION	SECTION	TOWNSHIP	RANGE	SCALE	DATE	DRAWN BY	FILE NAME	SHEET
190136.02.00	()	18	43S	26E	1"=###'	11/10/21	NJM	00 SD	2 OF 2



DCI2021-00050

Zoning

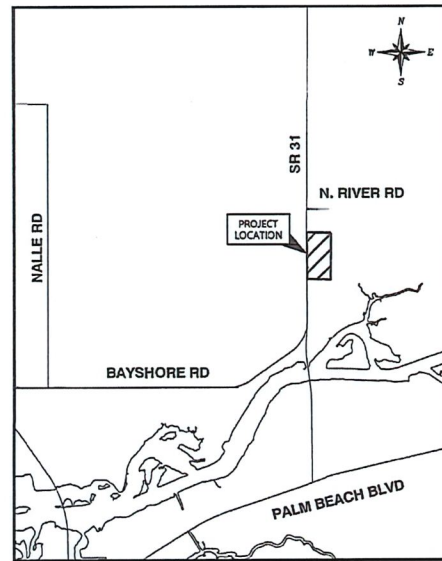
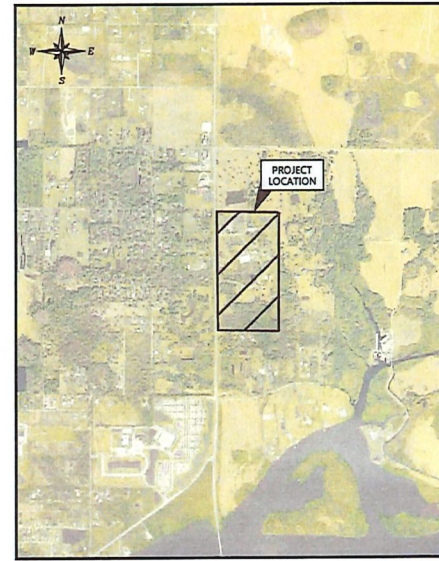
 Subject Property



0 1,320
Feet



MASTER CONCEPT PLAN FOR
GREENWELL SR 31
 PART OF SECTION 18, TOWNSHIP 43, RANGE 26E,
 LEE COUNTY, FLORIDA

VICINITY MAP
RTASITE LOCATION MAP
RTA

Approved as Exhibit C
 BACP Page 1 of 4
 Resolution # Z-22-037A

PREPARED FOR:
 BCF MANAGEMENT GROUP, LLC
 27171 HARBOR DRIVE
 BONITA SPRINGS, FL 34135

ON BEHALF OF:
 MICHAEL L. AND TRACY C. GREENWELL;
 BO GREENWELL; AND GARRET GREENWELL

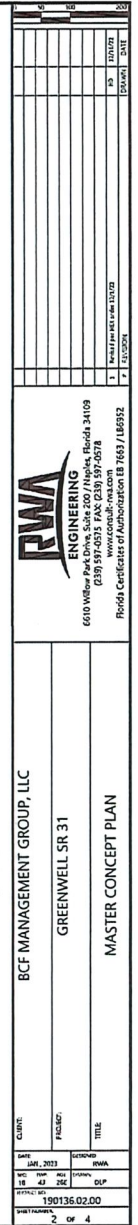
PROJECT TEAM



CONTENTS

SHEET NUMBER	SHEET DESCRIPTION
1	COVER SHEET
2	MASTER CONCEPT PLAN
3	GENERAL NOTES AND DEVIATIONS
4	TYPICAL SECTIONS
DATE:	PROJECT NO.:
JAN., 2023	190136.02.00
	SHEET NO.:
	1 of 4

Applicant's updated response dated 01-06-2023



GENERAL NOTES & DEVIATIONS:

- 1 THIS MASTER CONCEPT PLAN (MCP) IS CONCEPTUAL IN NATURE AND SUBJECT TO CHANGES DUE TO AGENCY REVIEW AND SITE CONDITIONS.
- 2 THE DESIGN, LOCATION, AND CONFIGURATION OF THE PROPOSED DEVELOPMENT AREA TRACTS, INTERNAL AND EXTERNAL INGRESS/EGRESS POINT LOCATIONS, DRIVES, AND LAND IMPROVEMENTS AND STRUCTURES, IF SHOWN, ARE APPROXIMATE AND SUBJECT TO ALTERATION AT TIME OF DEVELOPMENT ORDER FOR EACH TRACT. CHANGES TO THE MCP THAT ARE CONSISTENT WITH THE INTENT, CHARACTER, AND PROPERTY DEVELOPMENT REGULATIONS OF THIS RESIDENTIAL PLANNED DEVELOPMENT (RPD) CAN BE APPROVED ADMINISTRATIVELY.
- 3 TOTAL DEVELOPMENT AREA: 76.82 +/- AC
 - RESIDENTIAL DEVELOPMENT AREA: 43.6 +/- AC
 - THAT INCLUDES RESIDENTIAL TRACTS, AMENITY CENTER, RIGHT-OF-WAY, LAKES, AND PRESERVE/OPEN SPACE.
 - NON-RESIDENTIAL DEVELOPMENT AREA: 33.22 +/- AC
 - THAT INCLUDES COMMERCIAL BUILDINGS, PARKING, DRIVE AISLES, RIGHT-OF-WAY, AND OPEN SPACE.
- 4 THE FUTURE LAND USE MAP DESIGNATION: OUTLYING SUBURBAN AND WETLANDS
- 5 THE PROJECT WILL NOT BE PHASED.
- 6 UPLAND BUFFERS, WHEN APPLICABLE, SHALL BE A MINIMUM OF 15 FEET, AVERAGE 25 FEET, SURROUNDING PRESERVED WETLANDS.
- 7 PRESERVED WETLANDS WITH INSUFFICIENT SPACE TO PROVIDE UPLAND BUFFER WILL BE SEPARATED BY THE APPROPRIATE STRUCTURAL BUFFER CONSISTENT WITH SPWMD REQUIREMENTS.
- 8 LOADING ZONE MAY EITHER BE LOCATED & ACCESSED ALONG THE REAR, FRONT, OR SIDE OF THE COMMERCIAL BUILDINGS
- 9 THE BUFFER AND ASSOCIATED LANDSCAPE MATERIAL ARE ALLOWED IN ACCORDANCE WITH THE EXISTING GAS TRANSMISSION EASEMENT. A HOLD HARMLESS AGREEMENT WILL BE PROVIDED TO ENSURE THE BUFFER AND LANDSCAPE MATERIAL WILL BE PROVIDED IF IMPACTED DUE TO MANAGEMENT OR MAINTENANCE OF THE GAS LINE WITHIN THE EASEMENT AREA.

▲ DEAD END STREET DEVIATION

OPEN SPACE:**REQUIRED:**

- TOTAL SITE AREA: 76.82 AC
- TOTAL REQUIRED OPEN SPACE FOR RESIDENTIAL USE AREA: 40% OF 43.60 AC = 17.44 AC
- TOTAL REQUIRED OPEN SPACE FOR NON-RESIDENTIAL/COMMERCIAL USE AREA: 30% OF 33.22 AC = 9.97 AC
- TOTAL OPEN SPACE REQUIRED: 27.41 AC

PROVIDED:

- TOTAL OPEN SPACE PROVIDED: 32.30 AC
- PROVIDED OPEN SPACE DETAILS:

OPEN SPACE USE	ACRES
LAKE AREA	0.67 AC
PRESERVE AREA	13.98 AC
BUFFERS, YARDS, AND ALL OTHER AREAS	17.65 AC

PRESERVE:**REQUIRED:**

50% OF THE OPEN SPACE REQUIRED (27.41 AC) = 13.71 AC

PROVIDED:**INDIGENOUS NATIVE VEGETATION:**

- PRESERVED AND ENHANCED: 10.10± AC
 - o WETLANDS: 7.44± AC
 - o UPLANDS: 2.66± AC
- RESTORED: 3.50± AC
 - o WETLANDS: 3.27± AC
 - o UPLANDS: 0.23± AC

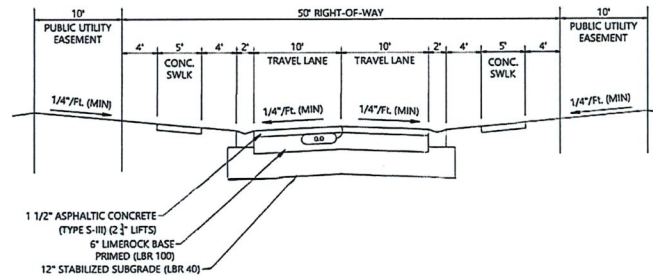
OTHER SURFACE WATERS:

- PRESERVED AND ENHANCED: 0.38± AC

TOTAL: 13.98± AC

SITE SUMMARY:

LAND USE	ACREAGE	PERCENT	DWELLING UNITS	NON-RESIDENTIAL AREA (SQUARE FEET)
RESIDENTIAL (TRACT AREA ONLY) (SEE NOTE #3)	± 12.42	16.2	122	N/A
NON-RESIDENTIAL (SEE NOTE #3)	± 30.08	39.2	N/A	N/A
COMMERCIAL BLDG	± 9.18	12.0	N/A	400,000
PARKING LOT / DRIVE	± 13.91	18.1	N/A	N/A
AMENITY CENTER	± 0.65	0.8	N/A	N/A
RIGHT-OF-WAY	± 6.34	8.3	N/A	N/A
LAKE AREA	± 2.69	3.5	N/A	N/A
PRESERVE AREA	± 13.98	18.2	N/A	N/A
UPLAND	± 2.89	3.8	N/A	N/A
WETLAND	± 10.71	13.9	N/A	N/A
OTHER SURFACE WATERS	± 0.38	0.5	N/A	N/A
ALL OTHER OPEN SPACE AREAS	± 17.65	23.0	N/A	N/A
TOTAL	± 76.82	100%	MAX: 122	MAX: 400,000

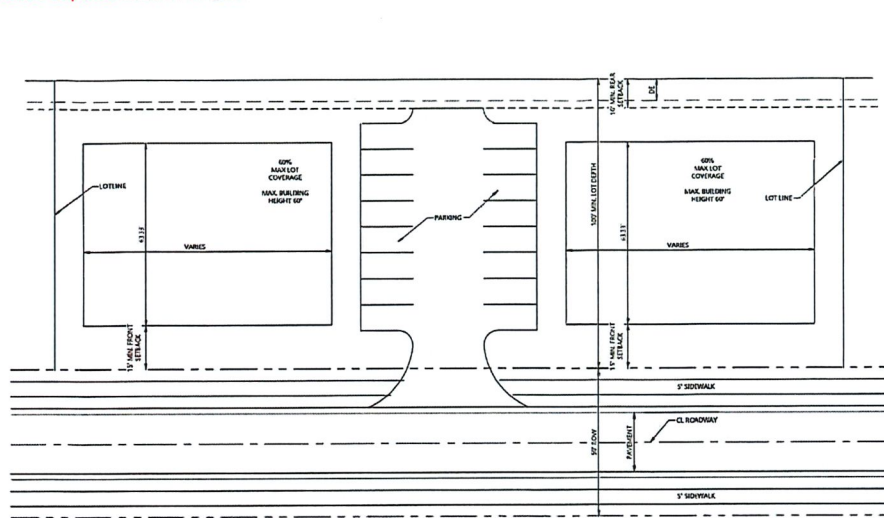


TYPICAL SECTION
50' RIGHT-OF-WAY Scale: NTS

RWA
ENGINEERING
6610 Wilbur Road, Suite 200, Jacksonville, FL 32209
(904) 357-0575 FAX (904) 357-0578
www.rwa-engineering.com
Florida Certificate of Registration No. 7668 / 16692

BCF MANAGEMENT GROUP, LLC
GREENWELL SR 31
GENERAL NOTES AND DEVIATIONS

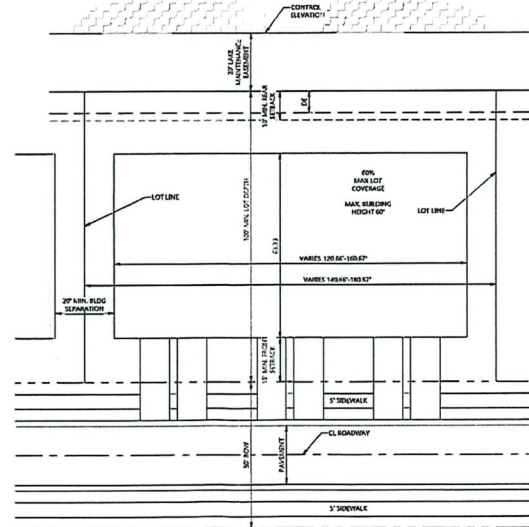
DATE: APRIL 2023
BY: [Signature]
CHECKED: [Signature]
APPROVED: [Signature]
PROJECT: 190136.02.00
SHEET NUMBER: 3 OF 4



TYPICAL TOWNHOUSE LOT
ABUTTING LAKE Scale: NTS

TYPICAL MULTI-FAMILY APARTMENT LOT
Scale: NTS

Approved as Exhibit C
 NACP Page 4 of 4
 Resolution # Z-22-0374



TYPICAL SINGLE FAMILY LOT
ABUTTING LAKE Scale: NTS

TYPICAL MULTI-FAMILY COACH HOME LOT
Scale: NTS

TYPICAL MULTI-FAMILY COACH HOME LOT
ABUTTING LAKE Scale: NTS

BONA FIDE
AGRICULTURAL USES
AT TIME OF ZONING APPLICATION

We, Michael L & Tracy C Greenwell, as property owners of a parcel "C" (STRAPH: 18-43-26-00-00001.0000)
(See Exhibit A - Sketch of Property) within the subject property (See Exhibit B) after having been duly
sworn in accordance with law, hereby depose and say:

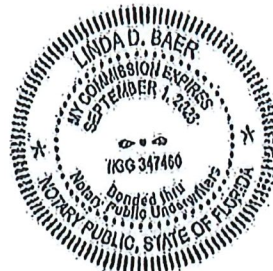
Bona fide agricultural use and agriculture exemption issued by the Lee County Property
Appraiser's Office exists on the parcel and was in existence at the time the application for this
project was filed.

Michael L Greenwell
Tracy C Greenwell
Signatures Date
Michael Greenwell
Tracy C Greenwell
Printed Names

STATE OF FLORIDA

COUNTY OF Lee

The foregoing instrument was SUBSCRIBED AND SWORN before me this 7th day of
November 2022, by Mike Greenwell & Tracy Greenwell who are
(personally known by me) or (has provided _____ as
identification.)



Linda D. Baer
Notary Public
Print Name: Linda D. Baer
My commission expires: 09/01/2023

EXHIBIT D

<p>SHEET 2 OF 2</p> <p>FOR MICHAEL GREENWELL</p> <p>DATE 4-22-13</p> <p>PHONE (239) 843-8880</p>	<p>I HEREBY CERTIFY THAT THIS SKETCH AS SHOWN IS A TRUE REPRESENTATION OF THE PARCEL HEREON DESCRIBED AS TO THE BEST OF MY KNOWLEDGE AND BELIEF.</p> <p><i>James R. Starnes</i></p> <p>JAMES R. STARNES PLS. 4869 PROFESSIONAL LAND SURVEYOR STATE OF FLORIDA</p>	<p>NOTED: THIS SKETCH IS NOT A SURVEY</p> <p>(2) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.</p> <p>APPROVED: LDO2013-00235 Susan Hollingsworth, Manager Development Review 4/17/2015</p> <p>LP1</p>	<p>LEGAL DESCRIPTION AS PER STARNES SURVEYING, INC.</p> <p>PARCEL "C"</p> <p>A TRACT OR PARCEL OF LAND LYING IN SECTION 18, TOWNSHIP 45 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:</p> <p>COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 18, SAID CORNER LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 31, (100 FEET WIDE); THENCE RUN S.88°46'28"E. FOR 100.00 FEET TO THE EASTERLY RIGHT-OF-WAY OF SAID STATE ROAD 31; (BASIS OF BEARINGS); THENCE RUN N.00°26'31"W. ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 138.01 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL.</p> <p>FROM SAID POINT OF BEGINNING CONTINUE RUNNING N.00°25'31"W. ALONG SAID RIGHT-OF-WAY LINE FOR 202.55 FEET; THENCE RUN N.87°52'53"E. FOR 427.80 FEET; THENCE RUN N.89°36'32"E. FOR 90.58 FEET TO A CURVE CONCAVE TO THE SOUTHWEST, HAVING FOR ITS ELEMENTS RADIUS = 117.50 FEET, DELTA = 05°16'01", CHORD = 20.20 FEET, CHORD BEARING = S.38°59'57"E; THENCE RUN ALONG SAID CURVE FOR 10.20 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE RUN S.38°22'56"E. FOR 112.00 FEET TO A CURVE TO THE RIGHT, HAVING FOR ITS ELEMENTS RADIUS = 917.50 FEET, DELTA = 13°59'53", CHORD = 223.60 FEET, CHORD BEARING = S.29°22'00"E; THENCE RUN ALONG SAID CURVE FOR 224.16 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT, HAVING FOR ITS ELEMENTS, RADIUS = 212.50 FEET, DELTA = 23°15'29", CHORD = 25.79 FEET, CHORD BEARING = S.34°00'18"E; THENCE RUN ALONG SAID CURVE FOR 86.32 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE RUN S.45°38'32"E. FOR 225.00 FEET; THENCE RUN S.31°11'15"E. FOR 50.48 FEET; THENCE RUN N.75°12'51"E. FOR 388.55 FEET; THENCE RUN S.00°16'25"W. FOR 159.65 FEET; THENCE RUN N.88°53'02"W. FOR 2280.40 FEET TO THE POINT OF BEGINNING.</p> <p>SAID PARCEL CONTAINS 53.29 ACRES MORE OR LESS.</p>
<p>BLVD MOB SURVEYING, INC. L.B. 8756</p> <p>SURVEYING/ENGINEERING/PLANNING</p> <p>10871 BURKMAN RD., N. AVENUE FL. 33017</p>	<p>FROM SAID POINT OF BEGINNING CONTINUE RUNNING N.00°25'31"W. ALONG SAID RIGHT-OF-WAY LINE FOR 202.55 FEET; THENCE RUN N.87°52'53"E. FOR 427.80 FEET; THENCE RUN N.89°36'32"E. FOR 90.58 FEET TO A CURVE CONCAVE TO THE SOUTHWEST, HAVING FOR ITS ELEMENTS RADIUS = 117.50 FEET, DELTA = 05°16'01", CHORD = 20.20 FEET, CHORD BEARING = S.38°59'57"E; THENCE RUN ALONG SAID CURVE FOR 10.20 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE RUN S.38°22'56"E. FOR 112.00 FEET TO A CURVE TO THE RIGHT, HAVING FOR ITS ELEMENTS RADIUS = 917.50 FEET, DELTA = 13°59'53", CHORD = 223.60 FEET, CHORD BEARING = S.29°22'00"E; THENCE RUN ALONG SAID CURVE FOR 224.16 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT, HAVING FOR ITS ELEMENTS, RADIUS = 212.50 FEET, DELTA = 23°15'29", CHORD = 25.79 FEET, CHORD BEARING = S.34°00'18"E; THENCE RUN ALONG SAID CURVE FOR 86.32 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE RUN S.45°38'32"E. FOR 225.00 FEET; THENCE RUN S.31°11'15"E. FOR 50.48 FEET; THENCE RUN N.75°12'51"E. FOR 388.55 FEET; THENCE RUN S.00°16'25"W. FOR 159.65 FEET; THENCE RUN N.88°53'02"W. FOR 2280.40 FEET TO THE POINT OF BEGINNING.</p>	<p>COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 18, SAID CORNER LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 31, (100 FEET WIDE); THENCE RUN S.88°46'28"E. FOR 100.00 FEET TO THE EASTERLY RIGHT-OF-WAY OF SAID STATE ROAD 31; (BASIS OF BEARINGS); THENCE RUN N.00°26'31"W. ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 138.01 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL.</p>	<p>FROM SAID POINT OF BEGINNING RUN N.87°52'53"E. FOR 427.80 FEET TO A CURVE TO THE RIGHT HAVING FOR ITS ELEMENTS, RADIUS = 77.50 FEET, DELTA = 05°45'11", CHORD = 72.47 FEET, CHORD BEARING = S.64°14'51"E; THENCE RUN ALONG SAID CURVE FOR 75.41 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE RUN S.36°21'56"E. FOR 112.00 FEET TO A CURVE TO THE RIGHT, HAVING FOR ITS ELEMENTS, RADIUS = 877.50 FEET, DELTA = 13°59'53", CHORD = 213.25 FEET, CHORD BEARING = S.29°22'00"E; THENCE RUN ALONG SAID CURVE FOR 214.38 FEET TO A POINT OF REVERSE CURVATURE AND A CURVE TO THE LEFT, HAVING FOR ITS ELEMENTS, RADIUS = 252.50 FEET, DELTA = 23°16'29", CHORD = 101.87 FEET, CHORD BEARING = S.34°00'18"E; THENCE RUN ALONG SAID CURVE FOR 102.57 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE RUN S.45°38'32"E. FOR 225.00 FEET; THENCE RUN N.44°21'23"W. FOR 45.00 FEET; THENCE RUN N.45°38'32"W. FOR 225.00 FEET TO A CURVE TO THE LEFT, HAVING FOR ITS ELEMENTS, RADIUS = 207.50 FEET, DELTA = 23°16'29", CHORD = 83.71 FEET, CHORD BEARING = N.134°00'18"W; THENCE RUN ALONG SAID CURVE FOR 84.29 FEET TO A POINT OF REVERSE CURVATURE, SAID CURVE HAVING FOR ITS ELEMENTS, RADIUS = 922.50 FEET, DELTA = 23°16'29", CHORD = 224.22 FEET, CHORD BEARING = N.29°22'00"W; THENCE RUN ALONG SAID CURVE FOR 225.38 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE RUN N.36°21'56"W. FOR 112.00 FEET TO A CURVE TO THE LEFT, HAVING FOR ITS ELEMENTS, RADIUS = 122.50 FEET, DELTA = 55°45'11", CHORD = 114.55 FEET, CHORD BEARING = N.64°14'21"W; THENCE RUN ALONG SAID CURVE FOR 119.20 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE RUN S.37°52'53"W. FOR 426.48 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD 31; THENCE RUN S.00°26'31"E. ALONG SAID RIGHT-OF-WAY LINE FOR 45.00 FEET TO THE POINT OF BEGINNING.</p>
<p>CERTIFIED SKETCH</p> <p>FIELD BOOK 233</p> <p>W.O. NUMBER 6276-C</p>	<p>NOTE: FENCES, GATES AND CATTLE GUARDS CAN EXIST IN THIS EASEMENT AS LONG AS THEY DO NOT HINDER THE USE OF SAID EASEMENT.</p>	<p>NOTE: FENCES, GATES AND CATTLE GUARDS CAN EXIST IN THIS EASEMENT AS LONG AS THEY DO NOT HINDER THE USE OF SAID EASEMENT.</p>	<p>NOTE: FENCES, GATES AND CATTLE GUARDS CAN EXIST IN THIS EASEMENT AS LONG AS THEY DO NOT HINDER THE USE OF SAID EASEMENT.</p>

EXHIBIT B

LDO2013-00235 Lee County ePlan

FOR MICHAEL GREENWELL
DATE: 2-9-13
PHONE: (239) 643-3338

SIGNING SURVEYING, Inc. L.R. 9786
SURVEYING, ENGINEERING, LAND PLANNING
18671 OVRANGEROAD, FT. MYERS, FL 33917

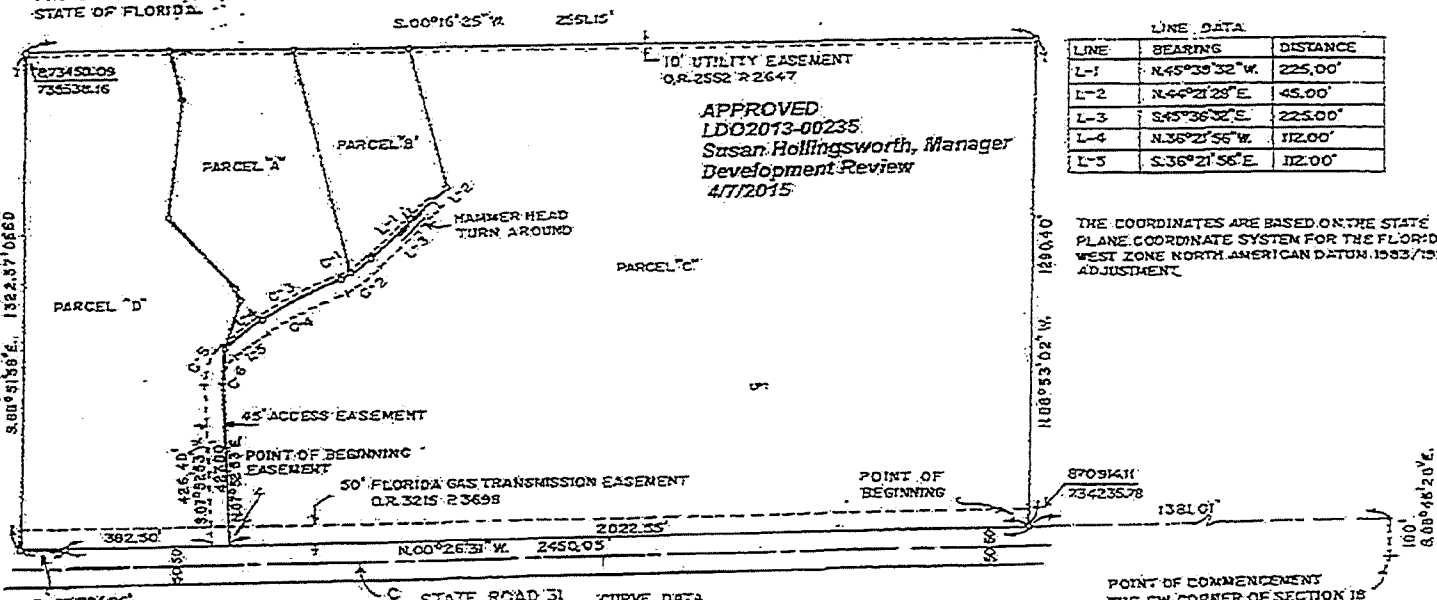
CERTIFIED SKETCH
FIELD BOOK: 235 WO. NUMBER
PAGE 626-P

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

James R. Starnes
JAMES R. STARNES, P.L.S. 4569
PROFESSIONAL LAND SURVEYOR
STATE OF FLORIDA

NOTE: (1) THIS SKETCH IS NOT A SURVEY.
(2) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SCALE: 1" = 300'



LINE DATA		
LINE	BEARING	DISTANCE
L-1	N45°39'32"W	225.00'
L-2	N44°21'23"E	45.00'
L-3	S45°36'32"E	225.00'
L-4	N36°21'56"W	112.00'
L-5	S36°21'56"E	112.00'

STATE ROAD 31 CURVE DATA					
CURVE	RADIUS	DELTA	ARC	CHORD	BEARING
C-1	202.50'	23°16'29"	84.29'	83.71'	N34°00'18"W
C-2	252.50'	23°16'29"	102.57'	101.87'	S34°00'18"E
C-3	322.50'	13°53'53"	225.38'	224.82'	N25°22'00"W
C-4	877.50'	13°53'53"	214.38'	213.85'	S25°22'00"E
C-5	122.50'	55°45'11"	119.20'	114.35'	N64°14'31"W
C-6	77.50'	55°45'11"	75.41'	72.47'	S64°14'31"E

FOR: MICHAEL GIEREWELL
DATE: 2-8-13
PHONE: (239) 943-3338
SHEET 2 OF 2
GLADIOS SURVEYING, INC. L.B. 6706
SURVEYING ENGINEER - LAND PLANNING
1861 DUNBAR RD. FT. MYERS, FL. 33917
FID: 000123239 W.O. NUMBER
PAGE 6275-P

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

James P. Starnes
JAMES P. STARNES, PLS. #869
PROFESSIONAL LAND SURVEYOR
STATE OF FLORIDA

NOTE: (1). THIS SKETCH IS NOT A SURVEY.
(2). THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

APPROVED
LDO2013-00235
Susan Hoffingsworth, Manager
Development Review
4/7/2015

LEGAL DESCRIPTION AS PER STARNES SURVEYING, INC.

PARENT PARCEL

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

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 18, SAID CORNER LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 31, (100 FEET WIDE); THENCE RUN S.22°45'22"E. FOR 100.00 FEET TO THE EASTERLY RIGHT-OF-WAY OF SAID STATE ROAD 31 (BASIS OF BEARINGS); THENCE RUN N.00°26'31"W. ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 1361.01 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL.

FROM SAID POINT OF BEGINNING CONTINUE RUNNING N.00°26'31"W. ALONG SAID RIGHT-OF-WAY LINE FOR 2450.05 FEET TO A POINT OF CURVATURE TO THE RIGHT, WITH A DELTA ANGLE OF 00°05'37", A RADIUS OF 68,704.96 FEET, A CHORD OF 112.20 FEET THAT BEARS N.00°23'43"W.; THENCE RUN NORTHERLY ALONG SAID CURVE AND SAID RIGHT-OF-WAY LINE FOR 112.20 FEET; THENCE RUN S.88°51'56"E. FOR 1322.32 FEET; THENCE RUN S.00°16'25"W. FOR 2561.15 FEET; THENCE RUN N.88°53'02"W. FOR 1290.40 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 76.805 ACRES MORE OR LESS.

SAID PARCEL IS SUBJECT TO AND TOGETHER WITH A 45 FOOT WIDE ACCESS EASEMENT, FOR EGRESS-EGRESS, DRAINAGE AND UTILITIES OVER AND ACROSS THE FOLLOWING STRIP OF LAND, LYING IN SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 18, SAID CORNER LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 31, (100 FEET WIDE); THENCE RUN S.22°40'28"E. FOR 100.00 FEET TO THE EASTERLY RIGHT-OF-WAY OF SAID STATE ROAD 31 (BASIS OF BEARINGS); THENCE RUN N.00°26'31"W. ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 3403.56 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT.

FROM SAID POINT OF BEGINNING RUN N.27°52'53"E. FOR 427.80 FEET TO A CURVE TO THE RIGHT HAVING FOR ITS ELEMENTS, RADIUS = 77.50 FEET, DELTA = 55°45'11", CHORD = 72.47 FEET, CHORD BEARING = S.64°14'31"E.; THENCE RUN ALONG SAID CURVE FOR 75.41 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE RUN S.36°21'36"E. FOR 112.00 FEET TO A CURVE TO THE RIGHT, HAVING FOR ITS ELEMENTS, RADIUS = 877.50 FEET, DELTA = 13°59'58", CHORD = 213.85 FEET, CHORD BEARING = S.28°22'00"E.; THENCE RUN ALONG SAID CURVE FOR 1214.38 FEET TO A POINT OF REVERSE CURVATURE AND A CURVE TO THE LEFT, HAVING FOR ITS ELEMENTS, RADIUS = 252.50 FEET, DELTA = 23°16'29", CHORD = 101.27 FEET, CHORD BEARING = S.34°00'18"E.; THENCE RUN ALONG SAID CURVE FOR 102.57 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE RUN S.45°38'32"E. FOR 225.00 FEET; THENCE RUN N.44°21'28"W. FOR 45.00 FEET; THENCE RUN N.45°38'32"W. FOR 225.00 FEET TO A CURVE TO THE LEFT, HAVING FOR ITS ELEMENTS, RADIUS = 207.50 FEET, DELTA = 23°16'29", CHORD = 83.71 FEET, CHORD BEARING = N.34°00'18"W.; THENCE RUN ALONG SAID CURVE FOR 84.29 FEET TO A POINT OF REVERSE CURVATURE, SAID CURVE HAVING FOR ITS ELEMENTS, RADIUS = 922.50 FEET, DELTA = 23°16'29", CHORD = 224.22 FEET, CHORD BEARING = N.25°22'00"W.; THENCE RUN ALONG SAID CURVE FOR 225.38 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE RUN N.36°21'56"W. FOR 112.00 FEET TO A CURVE TO THE LEFT, HAVING FOR ITS ELEMENTS, RADIUS = 122.50 FEET, DELTA = 55°45'11", CHORD = 114.55 FEET, CHORD BEARING = N.64°14'31"W.; THENCE RUN ALONG SAID CURVE FOR 119.20 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE RUN S.57°52'53"W. FOR 426.48 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD 31; THENCE RUN S.00°26'31"E. ALONG SAID RIGHT-OF-WAY LINE FOR 45.00 FEET TO THE POINT OF BEGINNING.

NOTE: FENCES, GATES AND CATTLE GUARDS CAN EXIST IN THIS EASEMENT AS LONG AS THEY DO NOT HINDER THE USE OF SAID EASEMENT.

BONA FIDE
AGRICULTURAL USES
AT TIME OF ZONING APPLICATION

I, Garrett Greenwell, as property owner of a parcel "0" (STRAP#: 18-43-26-00-00001.0180) (see Exhibit A - Sketch of Property) within the subject property (See Exhibit B) after having been duly sworn in accordance with law, hereby depose and say:

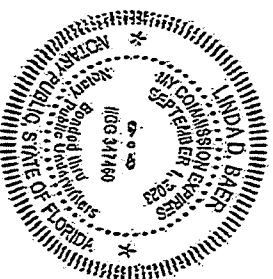
bona fide agricultural use and agriculture exemption issued by the Lee County Property Appraiser's Office exists on the parcel and was in existence at the time the application for this project was filed.

[Signature] 11-2-22
Signature Date

Garrett Greenwell
Printed Name

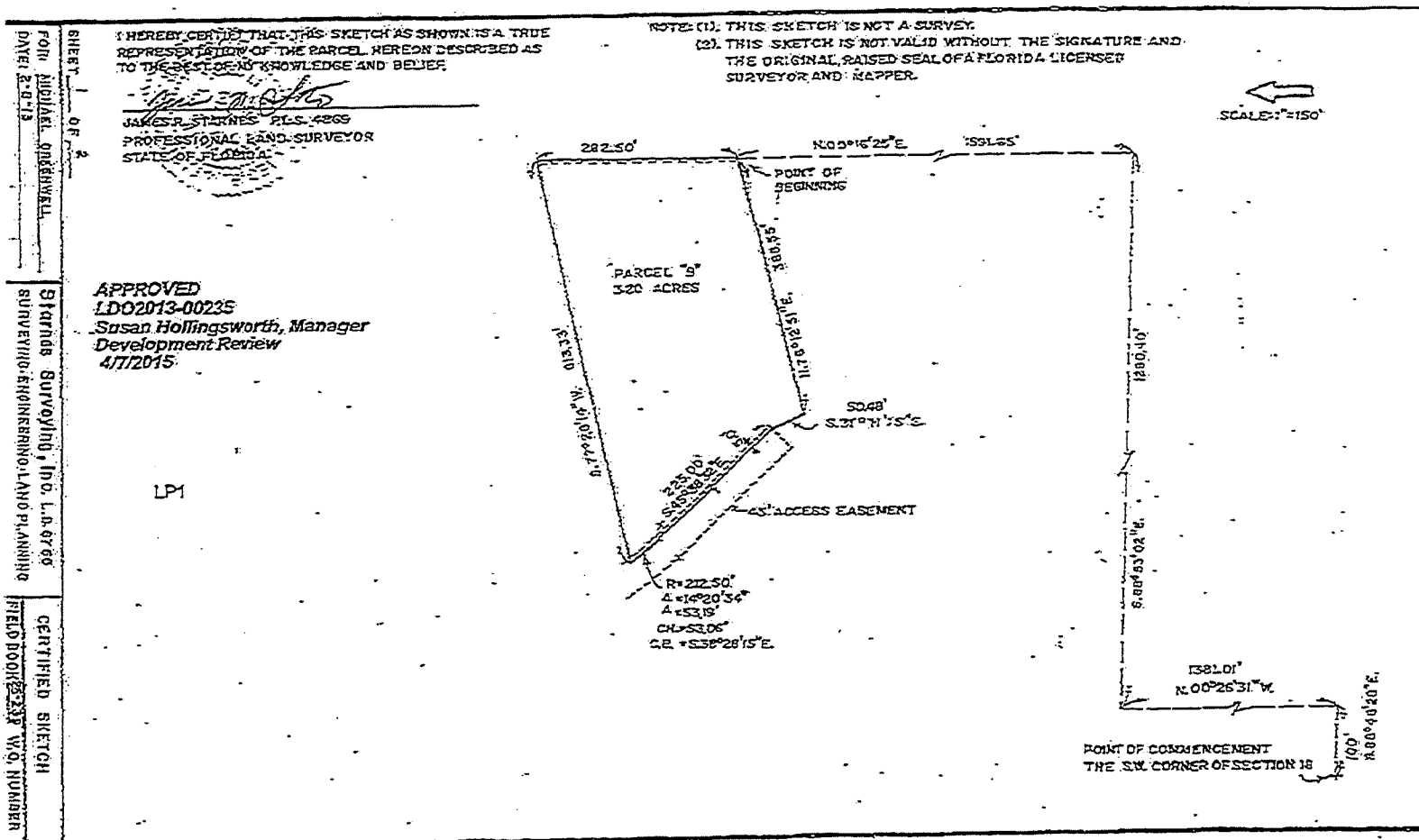
STATE OF FLORIDA
COUNTY OF Lee

The foregoing instrument was SUBSCRIBED AND SWORN before me this 11th day of November 2022, by Garrett Greenwell, who are (personally known by me) or (has provided _____ as (identification.)



Linda D Baer
Notary Public
Print Name: Linda D Baer
My commission expires: 01/01/2025

EXHIBIT A



SHEET 2 OF 2
FOR MICHAEL GREENWELL
DATE 8-2-18

Signatures Surveying, Inc. L.P. 0766
BUSINESS DEVELOPMENT AND PLANNING

CERTIFIED SKETCH
FIELD BOOK REFERENCE: W.O. NUMBER

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

JAMES P. SPARKS, P.L.S. 4869
PROFESSIONAL SURVEYOR
STATE OF FLORIDA

APPROVED
LD02013-00235
Susan Hollingsworth, Manager
Development Review
4/17/2015

NOTE (1): THIS SKETCH IS NOT A SURVEY.
(2): THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND
THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED
SURVEYOR AND MAPPER.

LP1

LEGAL DESCRIPTION AS PER STARNES SURVEYING, INC.

PARCEL "B"

A TRACT OR PARCEL OF LAND LYING IN SECTION 18, TOWNSHIP 42 SOUTH, RANGE 26 EAST, 15E
COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 18, SAID CORNER LYING ON THE
WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 31, (100 FEET WIDE); THENCE RUN S.88°46'28"E
FOR 100.00 FEET TO THE EASTERLY RIGHT-OF-WAY OF SAID STATE ROAD 31 (BASIS OF BEARINGS);
THENCE RUN N.00°26'31"W ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 1981.01 FEET THENCE
RUN S.88°38'02"E FOR 125.40 FEET; THENCE RUN N.00°15'25"E FOR 159.16 FEET TO THE POINT
OF BEGINNING OF THE HEREIN DESCRIBED PARCEL.

FROM SAID POINT OF BEGINNING RUN N.00°16'25"E FOR 282.50 FEET; THENCE RUN S.77°26'14"W
FOR 613.33 FEET TO A CURVE CONCAVE TO THE NORTHEAST, HAVING FOR ITS ELEMENTS, RADIUS =
212.50 FEET, DELTA = 14°21'34", CHORD = 53.06 FEET, CHORD BEARING = S.38°28'15"E; THENCE
RUN ALONG SAID CURVE FOR 53.06 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE RUN
S.45°38'32"E FOR 225.00 FEET; THENCE RUN S.31°11'15"E FOR 50.42 FEET; THENCE RUN
N.07°12'51"E FOR 58.55 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 3.20 ACRES MORE OR LESS.

SAID PARCEL IS SUBJECT TO AND TOGETHER WITH A 45 FOOT WIDE ACCESS EASEMENT, FOR
INGRESS, EGRESS, DRAINAGE AND UTILITIES OVER AND ACROSS THE FOLLOWING STRIP OF LAND,
LYING IN SECTION 18, TOWNSHIP 42 SOUTH, RANGE 26 EAST, 15E COUNTY, FLORIDA, BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

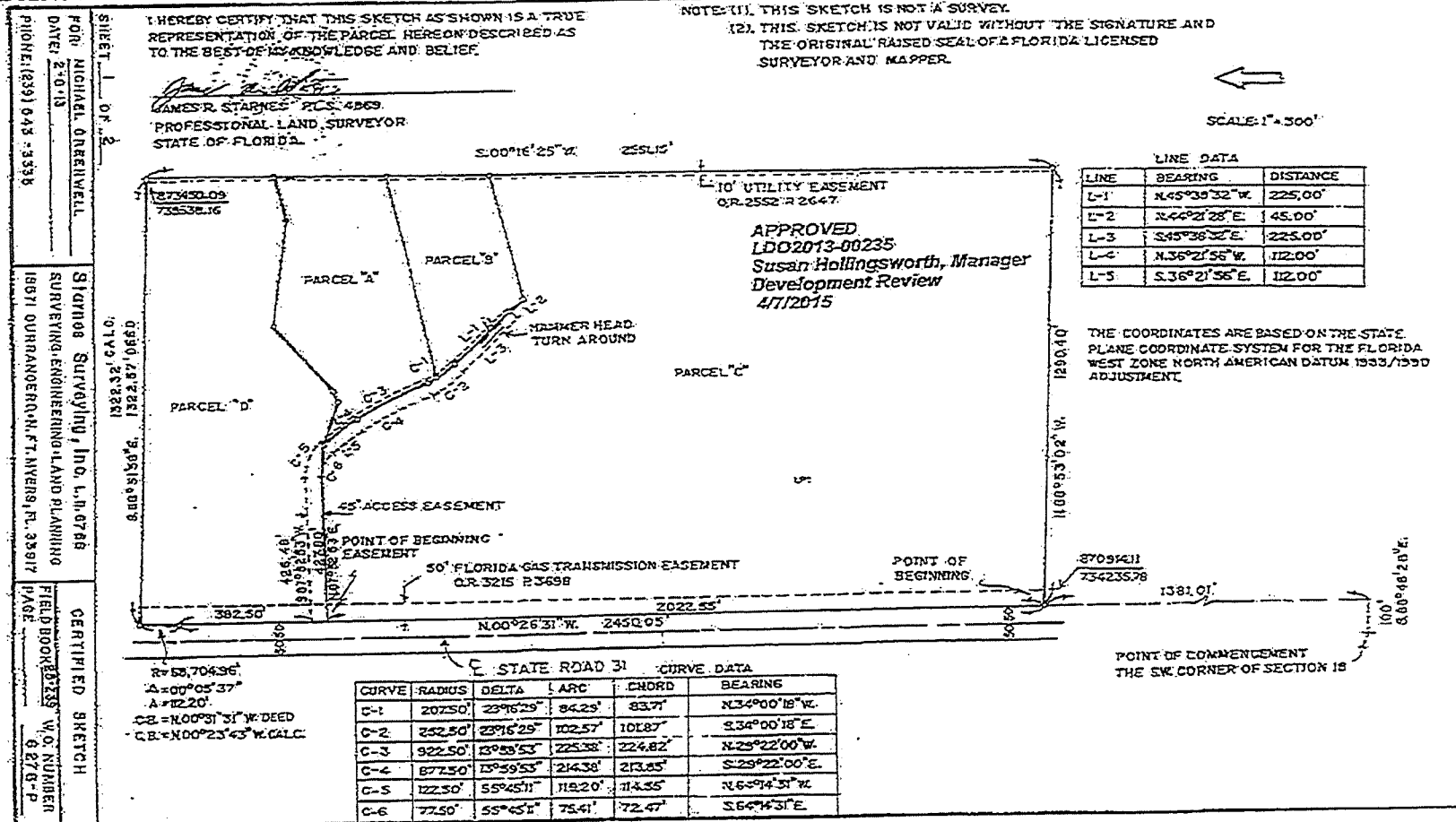
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 18, SAID CORNER LYING ON THE
WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 31, (100 FEET WIDE); THENCE RUN S.88°46'28"E
FOR 200.00 FEET TO THE EASTERLY RIGHT-OF-WAY OF SAID STATE ROAD 31 (BASIS OF BEARINGS);
THENCE RUN N.00°26'31"W ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 3403.51 FEET TO THE
POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT.

FROM SAID POINT OF BEGINNING RUN N.87°52'58"E FOR 427.50 FEET TO A CURVE TO THE RIGHT,
HAVING FOR ITS ELEMENTS, RADIUS = 77.50 FEET, DELTA = 55°45'11", CHORD = 72.47 FEET, CHORD
BEARING = S.54°14'31"E; THENCE RUN ALONG SAID CURVE FOR 75.41 FEET TO THE POINT OF
TANGENCY OF SAID CURVE; THENCE RUN S.96°22'56"E FOR 112.00 FEET TO A CURVE TO THE RIGHT,
HAVING FOR ITS ELEMENTS, RADIUS = 377.50 FEET, DELTA = 13°59'53", CHORD = 213.55 FEET,
CHORD BEARING = S.25°22'00"E; THENCE RUN ALONG SAID CURVE FOR 214.36 FEET TO A POINT OF
REVERSE CURVATURE AND A CURVE TO THE LEFT, HAVING FOR ITS ELEMENTS, RADIUS = 252.50
FEET, DELTA = 23°16'29", CHORD = 101.87 FEET, CHORD BEARING = S.34°00'18"E; THENCE RUN
ALONG SAID CURVE FOR 102.57 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE RUN
S.45°38'32"E FOR 225.00 FEET; THENCE RUN N.46°21'28"W FOR 45.00 FEET; THENCE RUN
N.45°58'32"W FOR 225.00 FEET TO A CURVE TO THE LEFT, HAVING FOR ITS ELEMENTS, RADIUS =
207.50 FEET, DELTA = 23°16'29", CHORD = 63.71 FEET, CHORD BEARING = N.34°00'18"W; THENCE
RUN ALONG SAID CURVE FOR 64.29 FEET TO A POINT OF REVERSE CURVATURE, SAID CURVE HAVING
FOR ITS ELEMENTS, RADIUS = 922.50 FEET, DELTA = 23°16'29", CHORD = 224.02 FEET, CHORD
BEARING = N.29°22'00"W; THENCE RUN ALONG SAID CURVE FOR 225.38 FEET TO THE POINT OF
TANGENCY OF SAID CURVE; THENCE RUN N.35°21'55"W FOR 112.00 FEET TO A CURVE TO THE LEFT,
HAVING FOR ITS ELEMENTS, RADIUS = 122.50 FEET, DELTA = 55°45'11", CHORD = 114.55 FEET,
CHORD BEARING = N.54°14'31"W; THENCE RUN ALONG SAID CURVE FOR 115.20 FEET TO THE POINT
OF TANGENCY OF SAID CURVE; THENCE RUN S.27°52'53"W FOR 425.48 FEET TO THE EASTERLY
RIGHT-OF-WAY LINE OF STATE ROAD 31; THENCE RUN S.07°26'51"E ALONG SAID RIGHT-OF-WAY LINE
FOR 45.00 FEET TO THE POINT OF BEGINNING.

NOTE: FENCES, GATES AND CATTLE GUARDS CAN EXIST WITHIN EASEMENT AS LONG AS THEY DO NOT
HINDER THE USE OF SAID EASEMENT.

EXHIBIT B

LDO2013-00235 Lee County ePlan:



SHEET 2 OF 2
 FOR MICHAEL OBERHEIM
 DATE 2-9-15
 PHONE (352) 643-3530
 9140000 Surveying, Inc. L.P. 07-08
 SURVEYING ENGINEERING AND PLANNING
 10871 DUNBAR ROAD, N. FT. MYERS, FL. 33917
 CERTIFIED SKETCH
 3/23/15
 W/O NUMBER
 0276-P

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

James R. Starnes
 JAMES R. STARNES, P.L.E. 4869
 PROFESSIONAL LAND SURVEYOR
 STATE OF FLORIDA

NOTE: (1) THIS SKETCH IS NOT A SURVEY.
 (2) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

APPROVED
 LDO2013-00235
 Susan Hoffingsworth, Manager
 Development Review
 4/7/2015

LEGAL DESCRIPTION AS PER STARNES SURVEYING, INC.

PARENT PARCEL

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

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 22, SAID CORNER LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 31, (100 FEET WIDE); THENCE RUN S.28°46'22"E. FOR 101.00 FEET TO THE EASTERLY RIGHT-OF-WAY OF SAID STATE ROAD 31 (BASIS OF BEARINGS); THENCE RUN N.00°26'31"W. ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 1381.01 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL.

FROM SAID POINT OF BEGINNING CONTINUE RUNNING N.00°26'31"W. ALONG SAID RIGHT-OF-WAY LINE FOR 2450.05 FEET TO A POINT OF CURVATURE TO THE RIGHT, WITH A DELTA ANGLE OF 00°05'37", A RADIUS OF 65,704.96 FEET, A CHORD OF 112.20 FEET THAT BEARS N.00°23'43"W.; THENCE RUN NORTHERLY ALONG SAID CURVE AND SAID RIGHT-OF-WAY FOR 112.20 FEET; THENCE RUN S.88°51'56"E. FOR 1322.32 FEET; THENCE RUN S.00°16'25"W. FOR 2561.15 FEET; THENCE RUN N.88°55'02"W. FOR 1290.40 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 76.805 ACRES MORE OR LESS.

SAID PARCEL IS SUBJECT TO AND TOGETHER WITH A 45 FOOT WIDE ACCESS EASEMENT, FOR INGRESS-EGRESS, DRAINAGE AND UTILITIES, OVER AND ACROSS THE FOLLOWING STRIP OF LAND, LYING IN SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 18, SAID CORNER LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 31, (100 FEET WIDE); THENCE RUN S.38°46'28"E. FOR 100.00 FEET TO THE EASTERLY RIGHT-OF-WAY OF SAID STATE ROAD 31 (BASIS OF BEARINGS); THENCE RUN N.00°26'31"W. ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 3403.55 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT.

FROM SAID POINT OF BEGINNING RUN N.27°52'53"E. FOR 427.80 FEET TO A CURVE TO THE RIGHT HAVING FOR ITS ELEMENTS, RADIUS = 77.50 FEET, DELTA = 55°45'11", CHORD = 72.47 FEET, CHORD BEARING = S.64°14'31"E.; THENCE RUN ALONG SAID CURVE FOR 75.41 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE RUN S.36°21'56"E. FOR 112.00 FEET TO A CURVE TO THE RIGHT, HAVING FOR ITS ELEMENTS, RADIUS = 877.50 FEET, DELTA = 13°59'53", CHORD = 213.85 FEET, CHORD BEARING = S.29°22'00"E.; THENCE RUN ALONG SAID CURVE FOR 214.38 FEET TO A POINT OF REVERSE CURVATURE AND A CURVE TO THE LEFT, HAVING FOR ITS ELEMENTS, RADIUS = 252.50 FEET, DELTA = 23°16'29", CHORD = 201.87 FEET, CHORD BEARING = S.34°00'18"E.; THENCE RUN ALONG SAID CURVE FOR 102.57 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE RUN S.45°38'32"E. FOR 225.00 FEET; THENCE RUN N.44°21'28"W. FOR 45.00 FEET; THENCE RUN N.45°38'32"W. FOR 225.00 FEET TO A CURVE TO THE LEFT, HAVING FOR ITS ELEMENTS, RADIUS = 202.50 FEET, DELTA = 23°16'29", CHORD = 83.71 FEET, CHORD BEARING = N.34°00'18"W.; THENCE RUN ALONG SAID CURVE FOR 84.29 FEET TO A POINT OF REVERSE CURVATURE, SAID CURVE HAVING FOR ITS ELEMENTS, RADIUS = 922.50 FEET, DELTA = 23°16'29", CHORD = 224.82 FEET, CHORD BEARING = N.29°22'00"W.; THENCE RUN ALONG SAID CURVE FOR 225.38 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE RUN N.36°21'56"W. FOR 112.00 FEET TO A CURVE TO THE LEFT, HAVING FOR ITS ELEMENTS, RADIUS = 122.50 FEET, DELTA = 55°45'11", CHORD = 114.55 FEET, CHORD BEARING = N.64°14'31"W.; THENCE RUN ALONG SAID CURVE FOR 119.20 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE RUN S.57°52'53"W. FOR 426.48 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD 31; THENCE RUN S.00°26'31"E. ALONG SAID RIGHT-OF-WAY LINE FOR 45.00 FEET TO THE POINT OF BEGINNING.

NOTE: FENCES, GATES AND CATTLE GUARDS CAN EXIST IN THIS EASEMENT AS LONG AS THEY DO NOT HINDER THE USE OF SAID EASEMENT.

BONA FIDE
AGRICULTURAL USES
AT TIME OF ZONING APPLICATION

I, Bo Greenwell, as property owner of a parcel "A" (STRAP# 18-43-26-00-00001.0190) (See Exhibit A - Sketch of Property) within the subject property (See Exhibit B) after having been duly sworn in accordance with law, hereby depose and say:

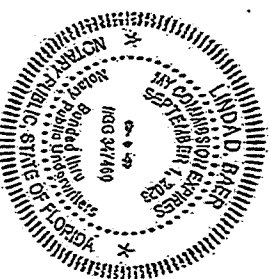
Bona fide agricultural use and agriculture exemption issued by the Lee County Property Appraiser's Office exists on the parcel and was in existence at the time the application for this project was filed.

Bo Greenwell 11-3-22
Signature Date

Bo Greenwell
Printed Name

STATE OF FLORIDA
COUNTY OF Lee

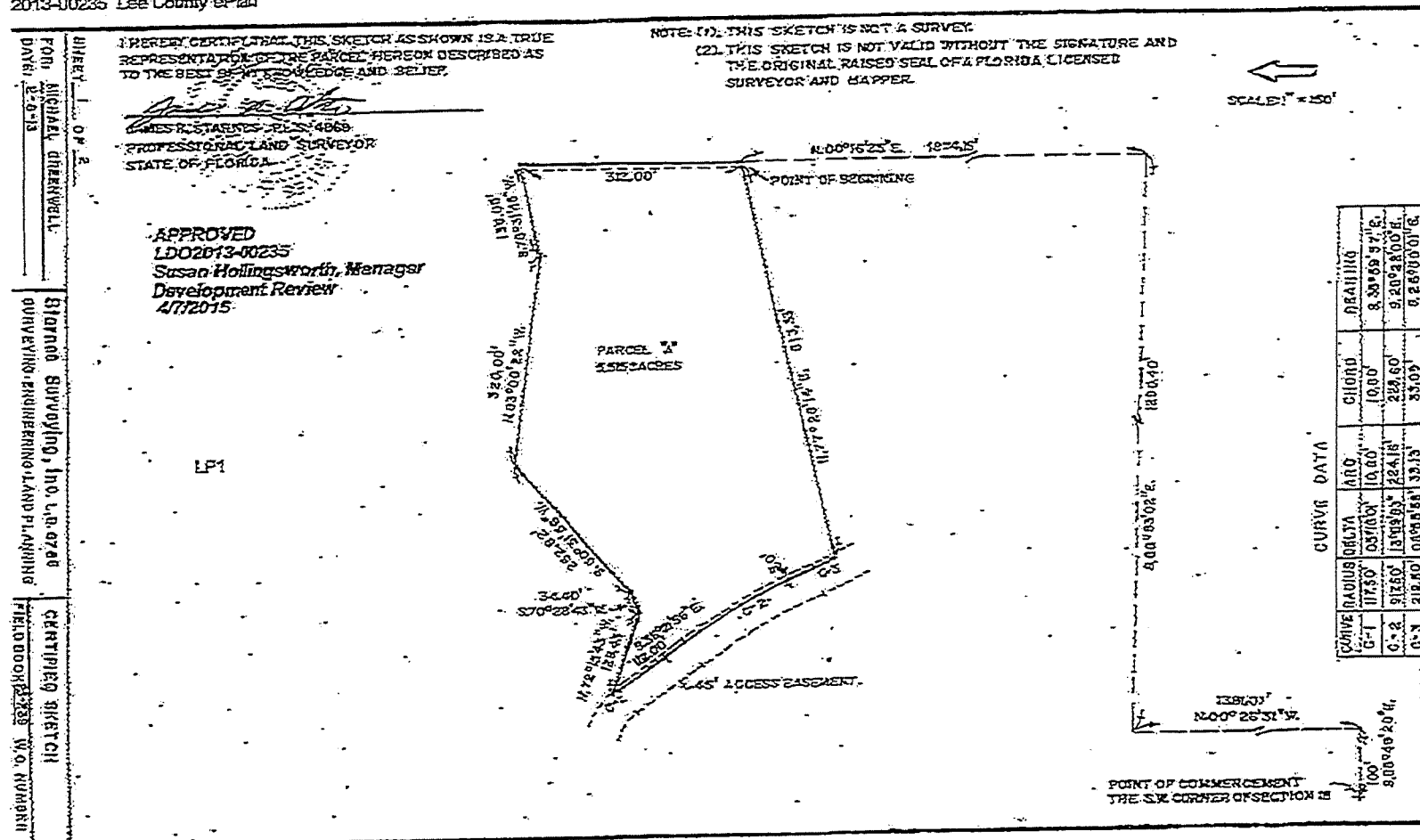
The foregoing instrument was SUBSCRIBED AND SWORN before me this 3rd day of November 2022, by BO GREENWELL who are
(personally known by me) or (has provided _____ as
identification.)



Linda D Rader
Notary Public
Print Name: Linda D. Rader
My commission expires: 01/01/2023

EXHIBIT A

2013-00235 Lee County ePlan



BOOK 2 OF 2
 FOR MICHAEL GINSBELL
 DATE: 2-0-13
 SURVEYING, ENGINEERING, LAND PLANNING
 CERTIFIED SKETCH
 CEN 18 MAR 2013 10:23 AM

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

JAMES R. STARNES, P.L.S. 4889
 PROFESSIONAL LAND SURVEYOR
 STATE OF FLORIDA

APPROVED
 LDO2013-00235
 Susan Hollingsworth, Manager
 Development Review
 4/7/2015

NOTE: (1). THIS SKETCH IS NOT A SURVEY.
 (2). THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

LEGAL DESCRIPTION AS PER STARNES SURVEYING, INC.

PARCEL "A"

A TRACT OR PARCEL OF LAND LYING IN SECTION 12, TOWNSHIP 45 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 12, SAID CORNER LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 31, (100 FEET WIDE); THENCE RUN S. 88° 46' 28" E. FOR 100.00 FEET TO THE EASTERLY RIGHT-OF-WAY OF SAID STATE ROAD 31 (BASIS OF BEARINGS); THENCE RUN N. 00° 26' 31" W. ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 1381.01 FEET THENCE RUN S. 88° 52' 02" E. FOR 1230.40 FEET; THENCE RUN N. 00° 16' 25" E. FOR 1374.35 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL.

FROM SAID POINT OF BEGINNING RUN N. 00° 16' 25" E. 312.00 FEET; THENCE RUN S. 78° 31' 45" W. FOR 136.05 FEET; THENCE RUN N. 83° 00' 22" W. FOR 320.00 FEET; THENCE RUN S. 50° 31' 56" W. FOR 252.82 FEET; THENCE RUN S. 70° 28' 43" W. FOR 34.40 FEET; THENCE RUN N. 72° 15' 43" W. FOR 125.45 FEET TO A CURVE CONCAVE TO THE SOUTHWEST, HAVING FOR ITS ELEMENTS, RADIUS = 117.50, DELTA = 05° 15' 01", CHORD = 10.80 FEET, CHORD BEARING = S. 38° 55' 57" E. THENCE RUN ALONG SAID CURVE IN A SOUTHEASTERLY DIRECTION FOR 10.80 FEET; THENCE RUN S. 38° 21' 56" E. FOR 112.00 FEET TO A CURVE TO THE RIGHT HAVING FOR ITS ELEMENTS, RADIUS = 87.50 FEET, DELTA = 12° 58' 55", CHORD = 223.50 FEET, CHORD BEARING = S. 29° 22' 00" E.; THENCE RUN ALONG SAID CURVE FOR 224.35 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT, HAVING FOR ITS ELEMENTS, RADIUS = 212.50 FEET, DELTA = 08° 55' 55", CHORD = 33.05 FEET, CHORD BEARING = S. 25° 50' 01" E.; THENCE RUN ALONG SAID CURVE FOR 33.13 FEET; THENCE RUN N. 77° 28' 14" E. FOR 615.33 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 5.515 ACRES MORE OR LESS.

SAID PARCEL IS SUBJECT TO AND TOGETHER WITH A 45 FOOT WIDE ACCESS EASEMENT, FOR INGRESS-EGRESS, DRAINAGE AND UTILITIES OVER AND ACROSS THE FOLLOWING STRIP OF LAND, LYING IN SECTION 12, TOWNSHIP 45 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 12, SAID CORNER LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 31, (100 FEET WIDE); THENCE RUN S. 88° 46' 28" E. FOR 100.00 FEET TO THE EASTERLY RIGHT-OF-WAY OF SAID STATE ROAD 31 (BASIS OF BEARINGS); THENCE RUN N. 00° 26' 31" W. ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 3463.56 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT.

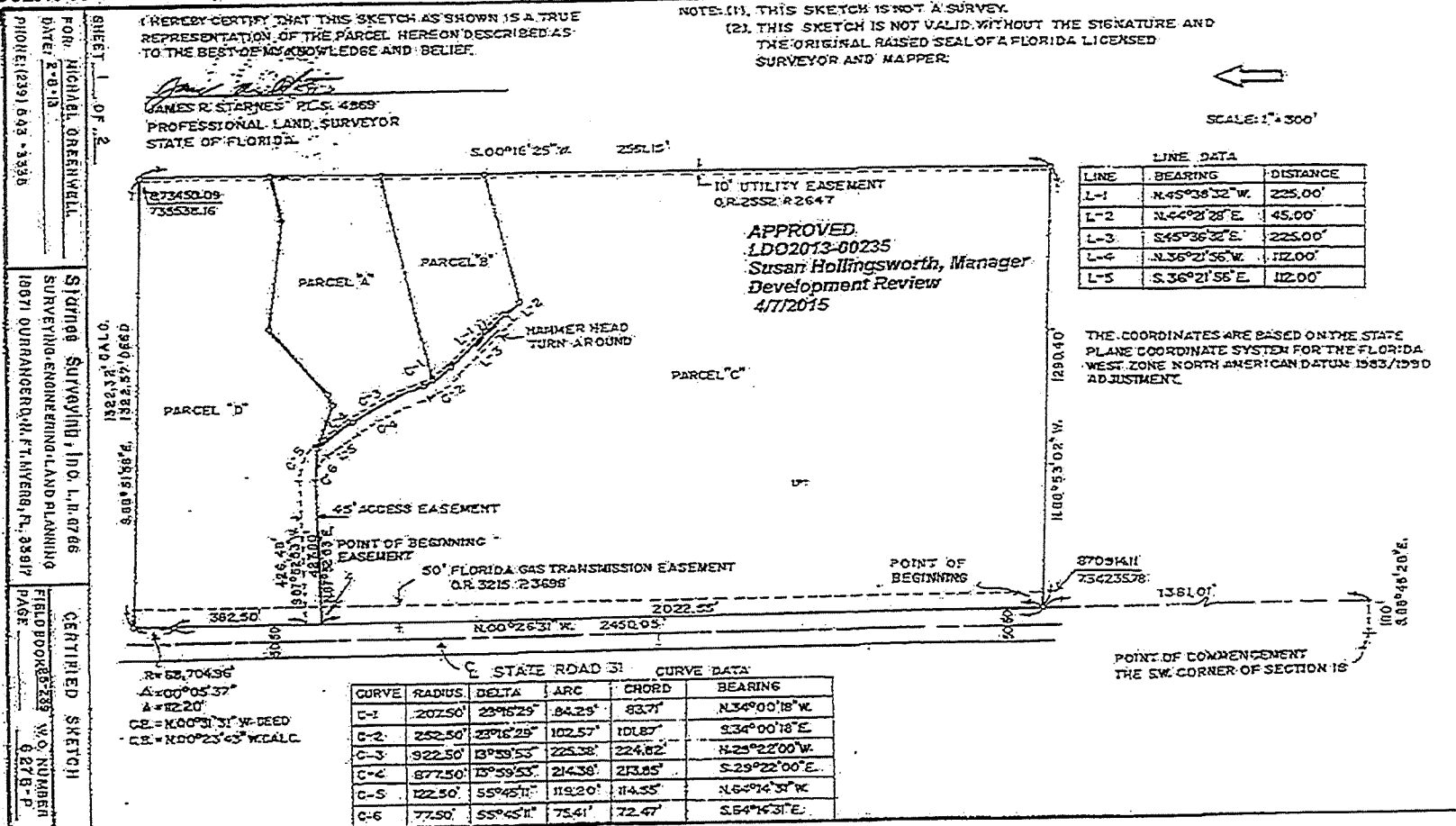
FROM SAID POINT OF BEGINNING RUN N. 87° 52' 53" E. FOR 427.80 FEET TO A CURVE TO THE RIGHT HAVING FOR ITS ELEMENTS, RADIUS = 77.50 FEET, DELTA = 55° 45' 11", CHORD = 72.47 FEET, CHORD BEARING = S. 64° 14' 31" E.; THENCE RUN ALONG SAID CURVE FOR 75.41 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE RUN S. 36° 21' 56" E. FOR 112.00 FEET TO A CURVE TO THE RIGHT, HAVING FOR ITS ELEMENTS, RADIUS = 87.50 FEET, DELTA = 12° 58' 55", CHORD = 223.55 FEET, CHORD BEARING = S. 29° 22' 00" E.; THENCE RUN ALONG SAID CURVE FOR 214.35 FEET TO A POINT OF REVERSE CURVATURE AND A CURVE TO THE LEFT, HAVING FOR ITS ELEMENTS, RADIUS = 252.50 FEET, DELTA = 25° 15' 29", CHORD = 101.87 FEET, CHORD BEARING = S. 34° 00' 18" E.; THENCE RUN ALONG SAID CURVE FOR 102.57 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE RUN S. 45° 38' 32" E. FOR 225.00 FEET; THENCE RUN N. 44° 21' 28" W. FOR 45.00 FEET; THENCE RUN N. 45° 38' 32" W. FOR 225.00 FEET TO A CURVE TO THE LEFT, HAVING FOR ITS ELEMENTS, RADIUS = 207.50 FEET, DELTA = 25° 15' 29", CHORD = 83.71 FEET, CHORD BEARING = N. 34° 00' 18" W.; THENCE RUN ALONG SAID CURVE FOR 84.29 FEET TO A POINT OF REVERSE CURVATURE, SAID CURVE HAVING FOR ITS ELEMENTS, RADIUS = 922.50 FEET, DELTA = 25° 15' 29", CHORD = 224.82 FEET, CHORD BEARING = N. 29° 22' 00" W.; THENCE RUN ALONG SAID CURVE FOR 225.35 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE RUN N. 36° 21' 56" W. FOR 112.00 FEET TO A CURVE TO THE LEFT, HAVING FOR ITS ELEMENTS, RADIUS = 122.50 FEET, DELTA = 55° 45' 11", CHORD = 114.55 FEET, CHORD BEARING = N. 64° 14' 31" W.; THENCE RUN ALONG SAID CURVE FOR 119.20 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE RUN S. 87° 52' 53" W. FOR 436.48 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD 31; THENCE RUN S. 00° 26' 31" E. ALONG SAID RIGHT-OF-WAY LINE FOR 45.00 FEET TO THE POINT OF BEGINNING.

NOTE: FENCES, GATES AND CATTLE GUARDS CAN EXIST IN THIS EASEMENT AS LONG AS THEY DO NOT HINDER THE USE OF SAID EASEMENT.

LP1

EXHIBIT B

LDO2013-00235 Lee County ePlan



SHEET 2 OF 2
 FOR MICHAEL GIBBELL
 DATE: 2-2-13
 PHONE: (904) 943-3330
 GIBBELL SURVEYING, INC. L.P. 6766
 SURVEYING, ENGINEERING, LAND PLANNING
 1891 DURAND RD., N. FT. MYERS, FL. 33917
 FIELD NO. 000623230 W.O. NUMBER
 PAGE 0215-P

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

JAMES R. STARNES, PLS. 4369
 PROFESSIONAL LAND SURVEYOR
 STATE OF FLORIDA

NOTE: (1) THIS SKETCH IS NOT A SURVEY.
 (2) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

APPROVED
 LDO2013-00235
 Susan Hollingsworth, Manager
 Development Review
 4/7/2015

LEGAL DESCRIPTION: ASPER STARNES SURVEYING, INC.

PARENT PARCEL

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

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 18, SAID CORNER LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 31, (100 FEET WIDE); THENCE RUN S.88°48'28"E. FOR 100.00 FEET TO THE EASTERLY RIGHT-OF-WAY OF SAID STATE ROAD 31 (BASIS OF BEARINGS); THENCE RUN N.00°26'31"W. ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 138.01 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL.

FROM SAID POINT OF BEGINNING CONTINUE RUNNING N.00°26'31"W. ALONG SAID RIGHT-OF-WAY LINE FOR 2450.05 FEET TO A POINT OF CURVATURE TO THE RIGHT, WITH A DELTA ANGLE OF 00°05'37", A RADIUS OF 68,704.96 FEET, A CHORD OF 112.20 FEET THAT BEARS N.00°25'43"W.; THENCE RUN NORTHERLY ALONG SAID CURVE AND SAID RIGHT-OF-WAY FOR 112.20 FEET; THENCE RUN S.88°51'56"E. FOR 1322.32 FEET; THENCE RUN S.00°16'25"W. FOR 2561.15 FEET; THENCE RUN N.85°53'02"W. FOR 1280.40 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 76.805 ACRES MORE OR LESS.

SAID PARCEL IS SUBJECT TO AND TOGETHER WITH A 45 FOOT WIDE ACCESS EASEMENT, FOR HIGHWAY EGRESS, DRAINAGE AND UTILITIES, OVER AND ACROSS THE FOLLOWING STRIP OF LAND, LYING IN SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 18, SAID CORNER LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 31, (100 FEET WIDE); THENCE RUN S.88°46'28"E. FOR 100.00 FEET TO THE EASTERLY RIGHT-OF-WAY OF SAID STATE ROAD 31 (BASIS OF BEARINGS); THENCE RUN N.00°26'31"W. ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 3403.56 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT.

FROM SAID POINT OF BEGINNING RUN N.27°52'53"E. FOR 427.80 FEET TO A CURVE TO THE RIGHT HAVING FOR ITS ELEMENTS, RADIUS = 77.50 FEET, DELTA = 55°45'11", CHORD = 72.47 FEET, CHORD BEARING = S.64°14'31"E.; THENCE RUN ALONG SAID CURVE FOR 75.41 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE RUN S.36°21'56"E. FOR 112.00 FEET TO A CURVE TO THE RIGHT, HAVING FOR ITS ELEMENTS, RADIUS = 877.50 FEET, DELTA = 13°59'53", CHORD = 213.85 FEET, CHORD BEARING = S.25°22'00"E.; THENCE RUN ALONG SAID CURVE FOR 214.38 FEET TO A POINT OF REVERSE CURVATURE AND A CURVE TO THE LEFT, HAVING FOR ITS ELEMENTS, RADIUS = 252.50 FEET, DELTA = 23°16'29", CHORD = 201.67 FEET, CHORD BEARING = S.34°00'18"E.; THENCE RUN ALONG SAID CURVE FOR 102.57 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE RUN S.45°38'32"E. FOR 225.00 FEET; THENCE RUN N.44°21'28"W. FOR 45.00 FEET; THENCE RUN N.45°38'32"W. FOR 225.00 FEET TO A CURVE TO THE LEFT, HAVING FOR ITS ELEMENTS, RADIUS = 207.50 FEET, DELTA = 23°16'29", CHORD = 83.71 FEET, CHORD BEARING = N.34°00'18"W.; THENCE RUN ALONG SAID CURVE FOR 84.29 FEET TO A POINT OF REVERSE CURVATURE, SAID CURVE HAVING FOR ITS ELEMENTS, RADIUS = 922.50 FEET, DELTA = 23°16'29", CHORD = 224.82 FEET, CHORD BEARING = N.25°22'00"W.; THENCE RUN ALONG SAID CURVE FOR 225.38 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE RUN N.36°21'56"W. FOR 112.00 FEET TO A CURVE TO THE LEFT, HAVING FOR ITS ELEMENTS, RADIUS = 122.50 FEET, DELTA = 55°45'11", CHORD = 114.55 FEET, CHORD BEARING = N.64°14'31"W.; THENCE RUN ALONG SAID CURVE FOR 119.20 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE RUN S.37°52'53"W. FOR 426.48 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD 31; THENCE RUN S.00°26'31"E. ALONG SAID RIGHT-OF-WAY LINE FOR 45.00 FEET TO THE POINT OF BEGINNING.

NOTE: FENCES, GATES AND CATTLE GUARDS CAN EXIST IN THIS EASEMENT AS LONG AS THEY DO NOT HINDER THE USE OF SAID EASEMENT.

BONA FIDE
AGRICULTURAL USES
AT TIME OF ZONING APPLICATION

We, Michael L & Tracy C Greenwell, as property owners of a parcel "D" (STRAPH: 10-43-26-00-00001.0200)
(See Exhibit A -- Sketch of Property) within the subject property (See Exhibit B) after having been duly
sworn in accordance with law, hereby depose and say:

Bona fide agricultural use and agriculture exemption issued by the Lee County Property
Appraiser's Office exists on the parcel and was in existence at the time the application for this
project was filed.

Michael Greenwell

Tracy C Greenwell
Signatures

Date

Michael Greenwell

Tracy C Greenwell
Printed Names

STATE OF FLORIDA

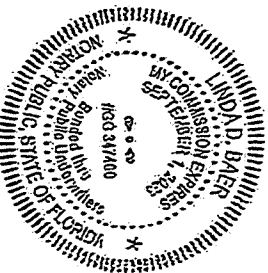
COUNTY OF Lee

The foregoing instrument was SUBSCRIBED AND SWORN before me this 11th day of

November 2022, by Michael Greenwell & Tracy Greenwell who are

(personally known by me) or (has provided _____ as

Identification.)

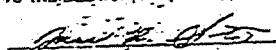


Linda D. Baer

Notary Public

Print Name: Linda D. Baer

My commission expires: 01/01/2023

SHEET 2 OF 3 FOR MICHAEL ORENBELL DATE: 4-22-18 PHONE: (239) 848-3380	I HEREBY CERTIFY THAT THIS SKETCH AS SHOWN IS A TRUE REPRESENTATION OF THE PARCEL HEREON DESCRIBED AS TO THE BEST OF MY KNOWLEDGE AND BELIEF.  JAMES R. STARNES - PLS. 4868 PROFESSIONAL LAND SURVEYOR STATE OF FLORIDA	NOTE: (1) THIS SKETCH IS NOT A SURVEY. (2) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. Lp1
SIGNED SURVEYING, INC. L.P. 0766 SURVEYING/ENGINEERING/LAND PLANNING 1087 DUNRANGE ROAD, FT. MYERS, FL. 33917	APPROVED LDO2013-00235 Susan Hollingsworth, Manager Development Review 4/18/2015 LEGAL DESCRIPTION AS FOR STARNES SURVEYING 4/18/2015 PARCEL "C" A TRACT OR PARCEL OF LAND LYING IN SECTION 18, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 18, SAID CORNER LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 31, (100 FEET WIDE); THENCE RUN S.88°45'28"E. FOR 100.00 FEET TO THE EASTERLY RIGHT-OF-WAY OF SAID STATE ROAD 31 (BASIS OF BEARINGS); THENCE RUN N.00°25'31"W. ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 3403.56 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL. FROM SAID POINT OF BEGINNING CONTINUE RUNNING N.00°25'31"W. ALONG SAID RIGHT-OF-WAY LINE FOR 427.50 FEET TO A POINT OF CURVATURE TO THE RIGHT, WITH A DELTA ANGLE OF 00°05'37", A RADIUS OF 68,704.56 FEET, A CHORD OF 112.20 FEET THAT BEARS N.00°23'43"9"E; THENCE RUN NORTHERLY ALONG SAID CURVE AND SAID RIGHT-OF-WAY FOR 112.20 FEET; THENCE RUN S.28°31'50"E. FOR 1322.32 FEET; THENCE RUN S.00°16'25"W. FOR 375.00 FEET; THENCE RUN S.7°31'45"W. FOR 136.05 FEET; THENCE RUN S.23°00'22"W. FOR 320.00 FEET; THENCE RUN S.50°51'56"W. FOR 152.82 FEET; THENCE RUN S.70°28'43"W. FOR 34.40 FEET; THENCE RUN N.72°15'43"W. FOR 125.43 FEET; THENCE RUN S.89°35'32"W. FOR 91.68 FEET; THENCE RUN S.57°52'53"W. FOR 427.80 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 14.20 ACRES MORE OR LESS.	SAID PARCEL IS SUBJECT TO AND TOGETHER WITH A 45 FOOT WIDE ACCESS EASEMENT, FOR INGRESS-EGRESS, DRAINAGE AND UTILITIES OVER AND ACROSS THE FOLLOWING STRIP OF LAND, LYING IN SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 18, SAID CORNER LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 31, (100 FEET WIDE); THENCE RUN S.88°45'28"E. FOR 100.00 FEET TO THE EASTERLY RIGHT-OF-WAY OF SAID STATE ROAD 31 (BASIS OF BEARINGS); THENCE RUN N.00°25'31"W. ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 3403.56 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT. FROM SAID POINT OF BEGINNING RUN N.87°52'53"E. FOR 427.80 FEET TO A CURVE TO THE RIGHT HAVING FOR ITS ELEMENTS, RADIUS = 77.50 FEET, DELTA = 55°45'11", CHORD = 72.47 FEET, CHORD BEARING = S.64°14'31"E; THENCE RUN ALONG SAID CURVE FOR 75.41 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE RUN S.36°21'58"E. FOR 122.00 FEET TO A CURVE TO THE RIGHT, HAVING FOR ITS ELEMENTS, RADIUS = 877.50 FEET, DELTA = 15°59'53", CHORD = 213.85 FEET, CHORD BEARING = S.29°22'00"E; THENCE RUN ALONG SAID CURVE FOR 214.38 FEET TO A POINT OF REVERSE CURVATURE AND A CURVE TO THE LEFT, HAVING FOR ITS ELEMENTS, RADIUS = 257.50 FEET, DELTA = 25°16'25", CHORD = 101.87 FEET, CHORD BEARING = S.34°00'18"E; THENCE RUN ALONG SAID CURVE FOR 102.57 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE RUN S.45°38'32"E. FOR 225.00 FEET; THENCE RUN N.44°21'28"W. FOR 45.00 FEET; THENCE RUN N.45°38'32"W. FOR 225.00 FEET TO A CURVE TO THE LEFT, HAVING FOR ITS ELEMENTS, RADIUS = 207.50 FEET, DELTA = 25°16'25", CHORD = 83.71 FEET, CHORD BEARING = N.34°00'18"W; THENCE RUN ALONG SAID CURVE FOR 84.29 FEET TO A POINT OF REVERSE CURVATURE, SAID CURVE HAVING FOR ITS ELEMENTS, RADIUS = 922.50 FEET, DELTA = 23°16'25", CHORD = 224.52 FEET, CHORD BEARING = N.29°22'00"W; THENCE RUN ALONG SAID CURVE FOR 225.33 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE RUN N.36°21'56"W. FOR 112.00 FEET TO A CURVE TO THE LEFT, HAVING FOR ITS ELEMENTS, RADIUS = 122.50 FEET, DELTA = 55°45'11", CHORD = 114.55 FEET, CHORD BEARING = N.64°14'31"W; THENCE RUN ALONG SAID CURVE FOR 119.20 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE RUN S.87°52'53"W. FOR 426.48 FEET TO THE EASTERLY RIGHT OF WAY LINE OF STATE ROAD 31; THENCE RUN S.00°25'31"E. ALONG SAID RIGHT OF WAY LINE FOR 45.00 FEET TO THE POINT OF BEGINNING.
CERTIFIED SKETCH FIELD BOOK 5223 W.O. NUMBER 6276-D	NOTE: FENCES, GATES AND CATTLE GUARDS CAN EXIST IN THIS EASEMENT AS LONG AS THEY DO NOT HINDER THE USE OF SAID EASEMENT.	

FORM NO. 1 DATE: 8-9-13 PHONE: (239) 441-3830	OBJECT 1 OF 2	<p>I HEREBY CERTIFY THAT THIS SKETCH AS SHOWN IS A TRUE REPRESENTATION OF THE PARCEL HEREON DESCRIBED AS TO THE BEST OF MY KNOWLEDGE AND BELIEF.</p> <p><i>James R. Starnes</i> JAMES R. STARNES, P.L.S. 4869 PROFESSIONAL LAND SURVEYOR STATE OF FLORIDA</p>	<p>NOTE: (1) THIS SKETCH IS NOT A SURVEY. (2) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.</p> <p>APPROVED LDO2013-00235 Susan Hoffingsworth, Manager Development Review 4/7/2015</p>
9 STATION SURVEYING, INC. L.P. 0768 SURVEYING ENGINEER/PLANNING 10871 DUNRANGEMAN, FT. MYERS, FL. 33917	CERTIFIED SKETCH FIELD BOOK 00235 V.O. NUMBER 0276-P	<p>LEGAL DESCRIPTION AS PER STARNES SURVEYING, INC.</p> <p>PARENT PARCEL</p> <p>TRACT OR PARCEL OF LAND LYING IN SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:</p> <p>COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 18; SAID CORNER LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 31, (100 FEET WIDE); THENCE RUN S.88°46'28"E. FOR 100.00 FEET TO THE EASTERLY RIGHT-OF-WAY OF SAID STATE ROAD 31 (BASIS OF BEARINGS); THENCE RUN N.00°26'31"W. ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 138.101 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL.</p> <p>FROM SAID POINT OF BEGINNING CONTINUE RUNNING N.00°26'31"W. ALONG SAID RIGHT-OF-WAY LINE FOR 245.015 FEET TO A POINT OF CURVATURE TO THE RIGHT, WITH A DELTA ANGLE OF 00°05'37", A RADIUS OF 68,704.96 FEET, A CHORD OF 112.20 FEET THAT BEARS N.00°23'43"W.; THENCE RUN NORTHERLY ALONG SAID CURVE AND SAID RIGHT-OF-WAY FOR 112.20 FEET; THENCE RUN S.88°51'56"E. FOR 122.32 FEET; THENCE RUN S.00°16'25"W. FOR 2561.15 FEET; THENCE RUN N.88°59'02"W. FOR 1290.40 FEET TO THE POINT OF BEGINNING.</p> <p>SAID PARCEL CONTAINS 76.805 ACRES MORE OR LESS.</p> <p>SAID PARCEL IS SUBJECT TO AND TOGETHER WITH A 45 FOOT WIDE ACCESS EASEMENT, FOR REGRESS-EGRESS, DRAINAGE AND UTILITIES OVER AND ACROSS THE FOLLOWING STRIP OF LAND, LYING IN SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:</p> <p>COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 18; SAID CORNER LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 31, (100 FEET WIDE); THENCE RUN S.88°46'28"E. FOR 100.00 FEET TO THE EASTERLY RIGHT-OF-WAY OF SAID STATE ROAD 31 (BASIS OF BEARINGS); THENCE RUN N.00°26'31"W. ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 3402.56 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT.</p>	<p>FROM SAID POINT OF BEGINNING RUN N.27°52'53"E. FOR 427.80 FEET TO A CURVE TO THE RIGHT HAVING FOR ITS ELEMENTS, RADIUS = 77.50 FEET, DELTA = 55°45'11", CHORD = 72.47 FEET, CHORD BEARING = S.64°14'31"E.; THENCE RUN ALONG SAID CURVE FOR 75.41 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE RUN S.36°21'56"E. FOR 112.00 FEET TO A CURVE TO THE RIGHT, HAVING FOR ITS ELEMENTS, RADIUS = 87.50 FEET, DELTA = 13°59'53", CHORD = 213.85 FEET, CHORD BEARING = S.28°22'00"E.; THENCE RUN ALONG SAID CURVE FOR 214.58 FEET TO A POINT OF REVERSE CURVATURE AND A CURVE TO THE LEFT, HAVING FOR ITS ELEMENTS, RADIUS = 252.50 FEET, DELTA = 23°16'29", CHORD = 101.67 FEET, CHORD BEARING = S.34°00'18"E.; THENCE RUN ALONG SAID CURVE FOR 102.57 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE RUN S.45°38'22"E. FOR 225.00 FEET; THENCE RUN N.44°21'28"W. FOR 45.00 FEET; THENCE RUN N.45°38'32"W. FOR 225.00 FEET TO A CURVE TO THE LEFT, HAVING FOR ITS ELEMENTS, RADIUS = 207.50 FEET, DELTA = 23°16'29", CHORD = 83.71 FEET, CHORD BEARING = N.34°00'18"W.; THENCE RUN ALONG SAID CURVE FOR 84.29 FEET TO A POINT OF REVERSE CURVATURE; SAID CURVE HAVING FOR ITS ELEMENTS, RADIUS = 922.50 FEET, DELTA = 23°16'29", CHORD = 224.32 FEET, CHORD BEARING = N.25°22'00"W.; THENCE RUN ALONG SAID CURVE FOR 225.35 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE RUN N.36°21'56"W. FOR 112.00 FEET TO A CURVE TO THE LEFT, HAVING FOR ITS ELEMENTS, RADIUS = 122.50 FEET, DELTA = 55°45'11", CHORD = 114.55 FEET, CHORD BEARING = N.54°14'31"W.; THENCE RUN ALONG SAID CURVE FOR 119.20 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE RUN S.57°52'53"W. FOR 426.48 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD 31; THENCE RUN S.00°26'31"E. ALONG SAID RIGHT-OF-WAY LINE FOR 45.00 FEET TO THE POINT OF BEGINNING.</p>
		<p>NOTE: FENCES, GATES AND CATTLE GUARDS CAN EXIST IN THIS EASEMENT AS LONG AS THEY DO NOT HINDER THE USE OF SAID EASEMENT.</p>	



✓
THIS INSTRUMENT PREPARED BY:
Sean M. Ellis, Esquire
Roetzel & Andress, a Legal Professional Association
2320 First Street, Suite 1000
Fort Myers, Florida 33901-2904

INSTR # 5928173
Official Records BK 04024 PG 2387
RECORDED 08/12/2003 04:08:29 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 28.50
DEPUTY CLERK S Jensen

6
**INGRESS-EGRESS, DRAINAGE AND
UTILITY EASEMENT AGREEMENT**

THIS INSTRUMENT WAS PREPARED WITHOUT THE BENEFIT OF TITLE EXAMINATION.

THIS AGREEMENT is made this 23rd day of July, 2003, by and between JEFFERY LUSTER ("Grantor"), whose address is 17321 Tallulah Falls Road, Fort Myers, Florida 33917, and PATRICK COCHRANE, whose address is 12251 Old Rodeo Drive, Alva, Florida 33920 (Grantee).

WHEREAS, Grantee owns the real property located in Lee County, Florida, as more particularly described on Exhibit "A" attached hereto (the "Grantees' Property"); and

WHEREAS, Grantor owns certain property located adjacent to the Grantees' Property (the "Grantor's Property"); and

WHEREAS, Grantor desires to grant to Grantee, and Grantee desires to accept from Grantor, a perpetual easement for ingress, egress, drainage and utilities over, under, through and across that part of the Grantor's Property as more particularly described on Exhibit "B" attached hereto (the "Easement Property"), subject to the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the above premises, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Recitals. The above recitals are true and correct and are incorporated herein by reference.

2. Grant of Ingress/Egress Easement. Grantor hereby grants, bargains, sells and conveys to Grantee, its successors, assigns, guests, tenants, invitees, and agents, a perpetual non-exclusive easement over, through and across the Easement Property for vehicular and pedestrian ingress to and egress from the Grantees' Property, and for the installation, maintenance, repair and replacement of a paved and/or non-paved driveway and related improvements.

3. Grant of Utility Easement. Grantor hereby grants, bargains, sells and conveys to Grantee, its successors, assigns, guests, tenants, invitees, employees and agents, a perpetual non-exclusive easement over, under, across and through the Easement Property, for the installation, operation, maintenance, repair, replacement and removal of utilities, including water lines, telephone lines, sewer lines, cable television lines, electric lines, drainage installations and other utilities and related systems.

4. Grant of Drainage Easement. Grantor hereby grants, bargains, sells and conveys to Grantee, its successors, assigns, guests, tenants, invitees, employees and agents, a perpetual non-exclusive drainage easement on, under, through and across the Easement Property for storm water run off. Grantee is granted the right to construct drainage, pipes and to maintain, repair and replace any such improvements installed by Grantee from time to time.

5. Use of Easement. Grantor shall not do or permit to be done anything on the Easement Property that would interfere with or hinder Grantee's uses of the Easement Property or to create any lien upon the Easement Property. All permits required for the construction and use of any improvement permitted by this Agreement shall be obtained by Grantee at Grantee's sole cost and expense. Grantee shall restore the Easement Property to its original condition after any repairs or maintenance by Grantee.

6. Attorney's Fees and Costs. In any litigation arising out of the interpretation or enforcement of this Agreement, the prevailing party shall be entitled to collect from the non-prevailing party its reasonable attorney's fees and costs, including appellate fees and costs.

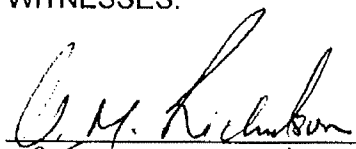
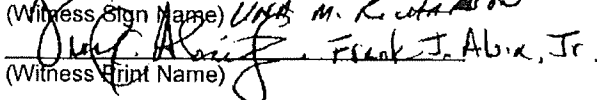
7. Governing Law and Venue. This Agreement shall be construed in accordance with Florida law; and any action brought hereon shall only be brought in a court of competent jurisdiction in Lee County, Florida.

8. No Public Rights Granted. The easements granted herein are private in nature; and nothing contained herein shall grant any rights to the public.

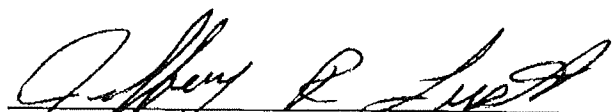
9. Successors Bound. This Agreement is binding on, and shall inure to the benefit of, the parties hereto, and their successors and assigns. This Agreement shall run with the Grantee's Property in perpetuity.

IN WITNESS WHEREOF, the parties have executed this Agreement effective the day and year set forth above.

WITNESSES:


(Witness Sign Name) W. M. Richardson

(Witness Print Name) Frank J. Abix, Jr.

GRANTOR:


Jeffery R. Luster

A. N. Schubert
(Witness Sign Name) *Lisa M. Reutarsen*
Frank J. Alvin, Jr.
(Witness Print Name)

GRANTEE:

Patrick Cochrane
Patrick Cochrane

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this *23rd* day of *July*, 2003, by Jeffery Luster, who ☐ are personally known to me or who ☒ have produced *FL L-236-436-100-326-0* as identification.

NOTARY RUBBER STAMP SEAL
OR EMBOSSED SEAL



Angela R. Triplett
Commission #DD231980
Expires: Aug 25, 2007
Bonded Thru
Atlantic Bonding Co., Inc.
STATE OF FLORIDA
COUNTY OF LEE

Angela R. Triplett
Notary Public
Angela R. Triplett
Printed Name
DD231980 *8/25/07*
Commission No. Expiration Date

The foregoing instrument was acknowledged before me this *23rd* day of *July*, 2003, by Patrick Cochrane who ☐ is personally known to me or who ☐ has produced *FL C265-662-70-129-8* as identification.

NOTARY RUBBER STAMP SEAL
OR EMBOSSED SEAL



Angela R. Triplett
Commission #DD231980
Expires: Aug 25, 2007
Bonded Thru
Atlantic Bonding Co., Inc.
STATE OF FLORIDA
COUNTY OF LEE

Angela R. Triplett
Notary Public
Angela R. Triplett
Printed Name
DD231980 *8/25/07*
Commission No. Expiration Date

EXHIBIT "A"

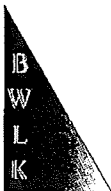
A TRACT OR PARCEL OF LAND LYING IN SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 18, SAID CORNER LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 31, (100 FEET WIDE), THENCE RUN S.88°46'28"E. FOR 100.00 FEET TO THE EASTERLY RIGHT-OF-WAY OF SAID STATE ROAD 31; THENCE RUN N.00°26'31"W. ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 45.23 FEET TO THE POINT OF BEGINNING TO THE HEREIN DESCRIBED PARCEL.

FROM SAID POINT OF BEGINNING CONTINUE RUNNING N.00°26'31"W. ALONG SAID RIGHT-OF-WAY LINE FOR 766.76 FEET; THENCE RUN S.88°52'38"E. FOR 1,283.29 FEET; THENCE RUN S.00°16'25"W. FOR 500.00 FEET; THENCE RUN S.67°55'20"W. FOR 491.11 FEET TO A CURVE TO THE RIGHT, HAVING A RADIUS OF 150.00 FEET, A CENTRAL ANGLE OF 18°38'54", A CHORD OF 48.61 FEET, A CHORD BEARING OF S.77°14'47"W., THENCE RUN ALONG SAID CURVE FOR 48.82 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE RUN S.86°34'14"W. FOR 773.62 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 20.11 ACRES MORE OR LESS.

SAID PARCEL IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHT-OF-WAYS OF RECORD.



Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard
Fort Myers, Florida 33919-5910
email – fmooffice@bwlk.net
(Ph) 239-481-1331 (Fax) 239-481-1073

Description

Ingress/Egress Drainage and Utility Easement
Lying in
Section 18, Township 43 South, Range 26 East
Lee County, Florida

An easement for ingress and egress, drainage and utilities lying in Section 18, Township 43 South, Range 26 East, Lee County, Florida, being more particularly described as follows:

From the southwest corner of said Section 18 run S88°46'28"E for 100.00 feet to an intersection with the east line of State Road No. 31 (100 feet wide); thence run N00°26'31"W along said east line for 45.23 feet to the southwest corner of lands described in Official Record Book 2747 at Page 2123 of the Lee County Public Records; thence continue N00°26'31"W along said east line for 766.76 feet to the northwest corner of said lands and the Point of Beginning.

From said Point of Beginning run S88°52'38"E along the north line of said lands for 1,283.29 feet to the northeast corner of said lands and the westerly line of lands described in Official Record Book 3876 at Page 3146 of said Public Records; thence run S00°16'25"W for along said west line for 100.01 feet; thence run N88°52'38"W for 1,282.04 feet to an intersection with the east line of said State Road No. 31; thence run N00°26'31"W along said east line for 100.04 feet to the Point of Beginning.

Containing 2.94 acres, more or less.

Bearings hereinabove mentioned based on the east line of State Road No. 31 to bear N00°26'31"W.

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)

34308DESC2

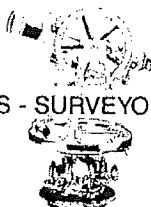
7/3/03

W. Britt Pomeroy, Jr.
W. Britt Pomeroy, Jr., R.L.S. 4448

PRINCIPALS:

WILLIAM E. BEAN, PSM, CHAIRMAN
SCOTT C. WHITAKER, PSM, PRESIDENT
JOSEPH L. LUTZ, PSM
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

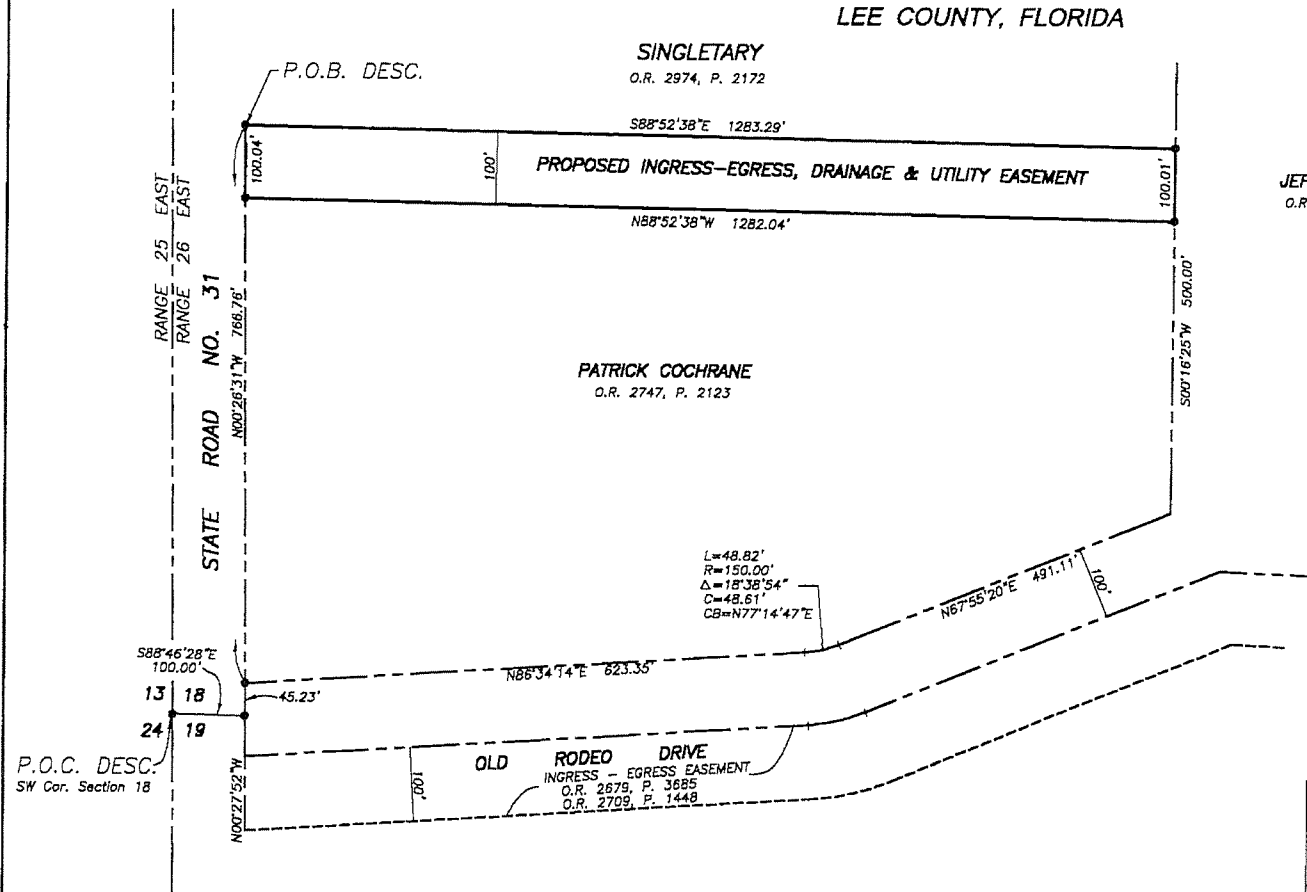
CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



ASSOCIATES:

TRACY N. BEAN, AICP
CHARLES D. KNIGHT, PSM
W. BRITT POMEROY, JR., PSM
STEPHEN H. SKORUPSKI, PSM
JAMES A. HESSLER, PSM
JEFFREY P. GAGNON, PSM
RUDOLF A. NORMAN, PE

**SKETCH TO ACCOMPANY DESCRIPTION
OF
INGRESS-EGRESS, DRAINAGE & UTILITY EASEMENT
IN
SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA**



JEFFERY LUSTER
O.R. 3876, P. 3146

THIS IS NOT A SURVEY

BEAN, WHITAKER, LUTZ & KAREH, INC.

W. Britt Pomeroy, Jr.
W. BRITT POMEROY, JR., (FOR THE FIRM)
PROFESSIONAL LAND SURVEYOR
FLORIDA CERTIFICATE NO. 4448

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

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)

CIVIL ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS

13041-1 MCGREGOR BOULEVARD, FORT MYERS, FLORIDA 33819-6910 (238) 481-1331

SK34308_2.DWG	DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO. CH-T-H
	7-2-03	34308	WBP	1"= 200'	1 OF 1	18-43-26

Perez, Maria

From: Tina Ekblad <TEkblad@sageentitlements.com>
Sent: Tuesday, October 28, 2025 9:00 AM
To: Hearing Examiner
Cc: Mendez, Adam; Richard Akin; Steve Singletary; Brent Addison
Subject: DCI2024-00043 Singletary CPD
Attachments: 2025-10-28 48 Hour Letter.pdf

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: servicedesk@leegov.com or 533-HELP.

Good Morning

Attached please find the Applicant's 48 Hour Letter. Let me know if there is any trouble downloading the PDF.

Thanks,
Tina

Tina M. Ekblad, MPA, AICP
Founder | Principal
(561) 797-0288
tekblad@sageentitlements.com



APPLICANT'S EXHIBIT
1

Tina M. Ekblad, MPA, AICP
97 Nickajack N
Santa Rosa Beach, FL 32459
(561) 797-0288
tekblad@sageentitlements.com



October 28, 2025

Via Electronic Mail

Ms. Donna Marie Collins, Esq.
Deputy Hearing Examiner
Lee County Hearing Examiner
1500 Monroe Street
Fort Myers, FL 33901

Re: Singletary Commercial Planned Development (CPD2024-00043) - 48 Hour Notice

Dear Ms. Collins,

Please be advised that Sage Entitlements, LLC, Henderson Franklin Starnes and Holt, PA, Atwell, TR Transportation, and Water Science Associates will represent Steve and Heidi Singletary (hereinafter the "Applicant") in reference to the property located at 18200 SR 31. On October 30, 2025, at 9:00am, the Applicant is scheduled to appear before you regarding a hearing for a Commercial Planned Development. Generally, the Applicant agrees with the Staff Report and the recommendation of approval. However, revisions to the conditions are proposed and agreed upon between the Applicant and Staff to promote clarity.

Expert Witness and Exhibit List:

It is anticipated that I, Tina M. Ekblad, MPA, AICP, will provide expert planning testimony at the hearing. I have previously appeared as an expert in prior hearings before the Hearing Examiner and resume is on file.

Ted Treesh will provide expert traffic analysis testimony at the hearing. He has previously appeared as an expert in prior hearings before the Hearing Examiner and his resume is on file.

Kirk Martin and/or Michael Jessich will provide expert testimony regarding the water quality monitoring report. He has previously appeared as an expert in prior hearings before the Hearing Examiner and his resume is on file.

Brent Addison will provide expert testimony regarding the proposed design and stormwater management concepts. He has previous appeared as an expert in prior hearings before the Hearing Examiner and his resume is on file.

The Applicant will provide a PowerPoint presentation, which will be submitted as an Exhibit at the hearing. A copy of the Stipulated Order of Taking for SR 31 is provided supporting the elimination of Option 1 Master Concept Plan. The Applicant's Agricultural Affidavit and revised Master Concept Plan are provided as an exhibit attached in response to the Staff Report and

48 Hour Letter. Minor modifications are also proposed to the conditions as attached in coordination with Staff. Additionally, the Staff Report and all exhibits attached thereto, any land use regulations staff memos or emails or documents of any kind produced by staff or members of the public may be used as Exhibits and/or as the basis for testimony by the Applicant or its representatives at the hearing.

If there are any questions regarding these matters, please do not hesitate to contact me. Thank you in advance for your consideration of this matter.

Sincerely,



Tina M. Ekblad, MPA, AICP
Founder | Principal

Cc: Steve Singletary
Richard Akin, Esq. – Henderson Franklin Starnes and Holt
Ted Treesh – TR Transportation
Kirk Martin – Water Science Associates
Brent Addison – Atwell
Barrett “Bear” Stejskal – BearPaws Environmental Consulting

Exhibit List

Exhibit 1 – Applicant’s PowerPoint Presentation
Exhibit 2 – Stipulated Order of Taking
Exhibit 3 – Applicant’s Agricultural Affidavit
Exhibit 4 - Revised Master Concept Plan
Exhibit 5 – Proposed Conditions

IN THE CIRCUIT COURT IN AND FOR THE TWENTIETH JUDICIAL
CIRCUIT, IN AND FOR LEE COUNTY, FLORIDA

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION,

Petitioner,

CIVIL ACTION NO.:2025-CA-002829
PARCEL NO: 106/809/702

v.

STEVE R. SINGLETARY, ALSO KNOWN AS RICHARD
STEPHEN SINGLETARY AND HEIDI L. SINGLETARY,
ALSO KNOWN AS HEIDI LYNN SINGLETARY,
HUSBAND AND WIFE, AS TO A LIFE ESTATE INTEREST
AND AS TRUSTEES OF THE SINGLETARY FAMILY TRUST
DATED JANUARY 7, 2016; NOELLE BRANNING, LEE COUNTY
TAX COLLECTOR

Defendants.

STIPULATED ORDER OF TAKING
WITH DIRECTIONS TO THE CLERK FOR DISBURSEMENT

THIS CAUSE coming on to be heard by the Court, it appearing that proper notice was first given to all the Defendants, and to all persons having or claiming any equity, lien, title, or other interest in or to the real property described in the Petition, that the Petitioner would apply to this Court for an Order of Taking of Parcels 106/809/702 and the Court being fully advised in the premises, upon consideration, it is, therefore,

ORDERED AND ADJUDGED:

1. That the Court has jurisdiction of the subject matter of and the parties to this cause.
2. That the pleadings in this cause are sufficient.
3. That the Petitioner is properly exercising its delegated authority.
4. That the property is being acquired for a public purpose.
5. That the taking of this property is reasonably necessary to serve the public purpose for which the property is being acquired.
6. That the Estimate of Value filed in this cause by the Petitioner was made in good faith and based upon a good faith appraisal.
7. That upon the payment of the deposit hereinafter specified into the Registry of this Court, the right, title or interest specified in the Petition as described herein shall vest in the

Petitioner, to-wit:

“Legal Description”

F.P. NO. 4289171 & 4289172 & 4420274

SECTION 01030-000 & 12090-000 STATE ROAD 31 LEE COUNTY DESCRIPTION

PARCEL 106

ESTATE OR INTEREST TO BE OBTAINED: FEE SIMPLE - RIGHT OF WAY

Those portions of Gov't Lots 3 and 4, lying in the southwest 1/4 of Section 18, Township 43 South, Range 26 East, Lee County, Florida.

Being described as follows:

Commence at the southwest corner of the southwest 1/4 of said Section 18, thence along the south line of said southwest 1/4, South 88°45'43" East a distance of 49.75 feet to the survey baseline of State Road 78; thence along said survey baseline North 00°27'19" West a distance of 811.88 feet; thence South 88°53'26" East a distance of 153.02 feet for a POINT OF BEGINNING; thence North 08°22'24" West a distance of 228.55 feet to the beginning of a curve having a radius of 3,015.00 feet; thence along the arc of said curve to the right a distance of 98.39 feet through a central angle of 01°52'11" with a chord bearing North 07°19'16" West to the end of said curve; thence South 89°32'41" West a distance of 9.71 feet; thence North 00°27'19" West a distance of 246.42 feet; thence South 88°53'50" East a distance of 213.27 feet to the beginning of a curve having a radius of 5,394.00 feet; thence along the arc of said curve to the left a distance of 558.40 feet through a central angle of 05°55'53" with a chord bearing South 05°12'04" East to the end of said curve; thence South 08°10'01" East a distance of 14.26 feet; thence North 88°53'26" West a distance of 208.40 feet to the POINT OF BEGINNING.

Containing 2.806 acres

F.P. NO. 4289171 & 4289172 & 4420274

SECTION 01030-000 & 12090-000 STATE ROAD 31 LEE COUNTY DESCRIPTION

PARCEL 702

ESTATE OR INTEREST TO BE OBTAINED: TEMPORARY CONSTRUCTION
EASEMENT

That portion of Gov't Lot 4, lying in the southwest 1/4 of Section 18, Township 43 South, Range 26 East, Lee County, Florida.

Being described as follows:

Commence at the southwest corner of the southwest 1/4 of said Section 18, thence along the south line of said southwest 1/4, South 88°45'43" East a distance of 49.75 feet to survey baseline State Road 78; thence along said survey baseline North 00°27'19" West a distance of 956.15 feet; thence North 89°32'41" East a distance of 342.27 feet to the beginning of a curve having a radius of 5,394.00 feet for a POINT OF BEGINNING; thence along the arc of said curve to the right a distance of 50.67 feet through a central angle of 00°32'18" with a chord bearing North 06°23'58" West to the end of said curve; thence North 83°35'15" East a distance of 46.92 feet; thence South 06°24'45" East a distance of 50.67 feet; thence South 83°35'15" West a distance of 46.93 feet to the POINT OF BEGINNING.

Containing 2,380 square feet

The purpose of this Temporary Construction Easement is to facilitate reconstruction of the existing driveways with adequate slopes to meet FDOT criteria. This Temporary Construction Easement expires no later than the 31st day of December 2027.

F.P. NO. 4289171 & 4289172 & 4420274

SECTION 01030-000 & 12090-000 STATE ROAD 31 LEE COUNTY DESCRIPTION

PARCEL 809

ESTATE OR INTEREST TO BE OBTAINED: PERPETUAL EASEMENT

That portion of Gov't Lot 4, lying in the southwest 1/4 of Section 18, Township 43 South, Range 26 East, Lee County, Florida.

Being described as follows:

Commence at the southwest corner of the southwest 1/4 of said Section 18, thence along the south line of said southwest 1/4, South 88°45'43" East a distance of 49.75 feet to survey baseline of State Road 78; thence along said survey baseline North 00°27'19" West a distance of 1,131.75 feet; thence North 89°32'41" East a distance of 50.00 feet to the east existing right of way line of said State Road 78 [per Section 1203-201(1252-150) for a POINT OF BEGINNING; thence along said east existing right of way line North 00°27'19" West a distance of 75.00 feet; thence

North 89°32'41" East a distance of 50.00 feet; thence South 00°27'19" East a distance of 75.00 feet; thence South 89°32'41" West a distance of 50.00 feet to the POINT OF BEGINNING. Containing 3,750 square feet.

The purpose of this permanent drainage easement is to construct and maintain drainage facilities.

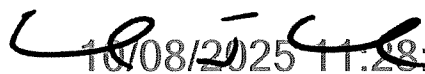
8. That the deposit of money will secure the persons lawfully entitled to compensation which will be ultimately determined by final judgment of this Court.

9. That the sum of money to be deposited in the registry of this Court within twenty\ (20) days of the entry of this Order shall be in the amount of **THREE HUNDRED SEVENTY-EIGHT THOUSAND ONE HUNDRED AND NO/100THS (\$378,100.00) DOLLARS (\$352,700.00 for Parcel 106; \$13,800.00 for Parcel 809 and \$11,600.00 for Parcel 702)** as a good faith deposit.

10. **ORDERED AND ADJUDGED**, that upon receipt of the deposit, the Clerk of Court shall immediately pay the remainder of the **THREE HUNDRED SEVENTY-EIGHT THOUSAND ONE HUNDRED AND NO/100THS (\$378,100.00) DOLLARS** to the Trust Account of Moore, Bowman & Reese, P.A., 4100 W. Kennedy Blvd., Suite 221, Tampa, FL 33609, minus any taxes to be paid to the Lee County Tax Collector, Lee County Tax Collector's Office, C/O Orfelio M. Mayor, Esquire, 2480 Thompson Street, 4th Floor, Fort Myers, Florida 33901; upon payment, this suit shall stand dismissed as to the Lee County Tax Collector as to Parcels 106, 809 and 702.

11. That on deposit as set forth above and without further notice or Order of this Court the Petitioner shall be entitled to possession of the property described in the Petition.

DONE AND ORDERED


10/08/2025 11:28:14
25-CA-002829

Michael T. McHugh, Circuit Court Judge SVIRyOo6
25-CA-002829 10/08/2025 11:28:14

JOINT STIPULATION

COMES NOW the parties to this action, by and through their undersigned attorneys and respectfully move this Honorable Court for entry of the Foregoing Stipulated Order of Taking, this 1st day of October 2025.

Andrew J. DeNering

Andrew J. DeNering, Esquire
FBN: 975117
DEPARTMENT OF TRANSPORTATION
Post Office Box 1249
Bartow, Florida 33830-3809
(863) 519-2617
DI.litigation@dot.state.fl.us
andrew.denering@dot.state.fl.us
Attorney for Petitioner

DATED: 10/1/25

Ryan C. Reese

Ryan C. Reese, Esquire
FBN: 113383
Moore Bowman and Reese P.A.
4100 W. Kennedy Blvd., Ste 221
Tampa, Florida 33609
(813) 318-9000
rreese@mbrfirm.com
vbolton@mbrfirm.com
Attorney for Defendants

DATED: 10/1/25

Service List

Steve R. Singletary, also known as
Richard Stephen Singletary
as to a Life Estate Interest and as Trustees
of the Singletary Family Trust dated
January 7, 2016

Heidi L. Singletary, also known as
Heidi Lynn Singletary, a married woman, as
to a Life Estate Interest and as Trustees of
the Singletary Family Trust
C/O Ryan C. Reese, Esquire
Moore, Bowman & Reese, P.A.
4100 W. Kennedy Blvd.
Suite 221
Tampa, FL 33609
rreese@mbrfirm.com

Noelle Branning
Tax Collector, Lee County
C/O Luis R. Rivera, II, Esquire
1404 Dean Street, Suite 300
Fort Myers, Florida 33901

Luis.rivera@gray-robinson.com
Sandra.santiago@gray-robinson.com

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

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

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

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

BAYSHORE FARMS INC
Company Name (if applicable)

Steve Singletary
Signature

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

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me by means of

☒ physical presence or ☐ online notarization.

This 11 Oct (date) by Steve Singletary as Manager, of

Bayshore Farms Inc (name of company),

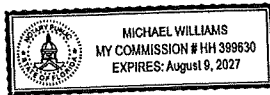
a FL (state), limited liability company, on behalf of the company, who is personally known to me or has produced _____ (type of identification) as identification.

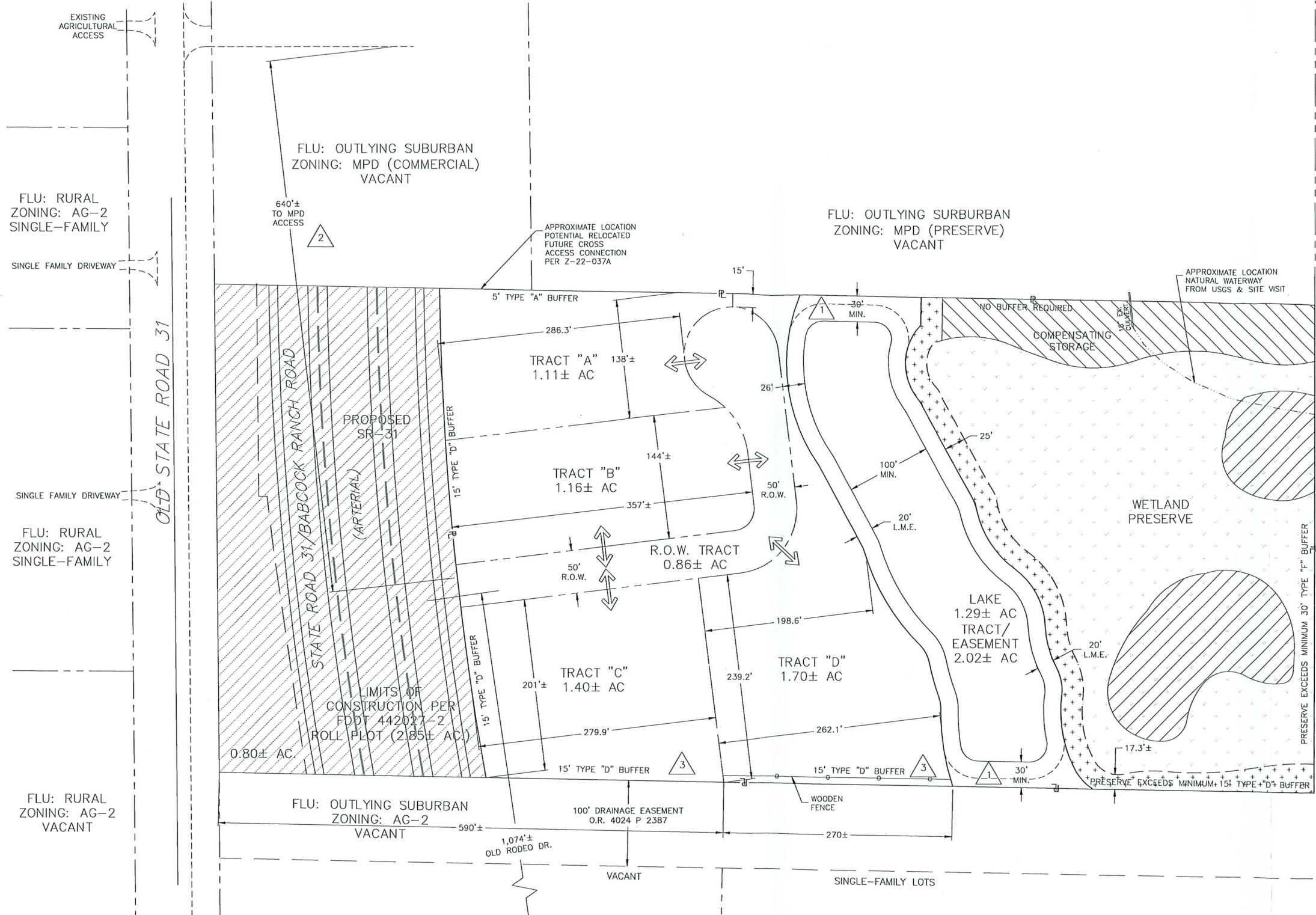
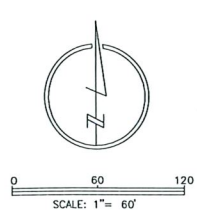
Michael Williams
Notary Signature

Michael Williams
Notary Printed Name (or Stamped)

Title: Notary

Serial Number: HH399630





- LEGEND:**
- [Hatched pattern] = WETLAND PRESERVE (INDIGENOUS) = 2.87± AC.
 - [Hatched pattern] = WETLAND PRESERVE (NON INDIGENOUS) = 0.91± AC.
 - [Hatched pattern] = COMPENSATING STORAGE = 0.65± AC. INCLUDING 0.35± AC. WETLAND CREATION
 - [Dashed line with cross-ticks] = UPLAND BUFFER/BERM
 - [Triangle with #] = DEVIATION
 - [Double arrow] = ACCESS POINT
 - [Hatched pattern] = *APPROXIMATE FDOT S.R.31 IMPACT AREA AND DESIGN SHOWN IS PRELIMINARY AND SUBJECT TO CHANGE PENDING FINALIZATION OF DESIGN PLANS

- NOTES:**
- SITE AREA: POST S.R.31 IMPACT AREA (16.81±AC.-3.65±AC.+) 13.16±AC.
 - THIS PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO MODIFICATION DUE TO REGULATORY AGENCY PERMITTING REQUIREMENTS.
 - MAXIMUM HEIGHT 45 FEET.
 - SERVICE AREAS MUST BE LOCATED AND SHIELDED CONSISTENT WITH LDC SECTION 10-610 UNLESS A DEVIATION IS REQUESTED.



MASTER CONCEPT PLAN
SINGLETARY CPD
LEE COUNTY, FLORIDA
PREPARED FOR: STEVE SINGLETARY

NO.	DATE	REVISION DESCRIPTION	BY
1	3/1/2025	1st SUFFICIENCY	SEH
2	10/27/2025	48-HR NOTICE	SEH

811
Know what's below.
Call before you dig.

DRAFTED BY: JLS	DESIGNED BY: TRL	REVIEWED BY: SEH
PROJECT NUMBER: 24003215	COMPLETION DATE: 10/28/2024	SURVEY DATUM:
BOOK AND PAGE:		
SHEET		1 of 2

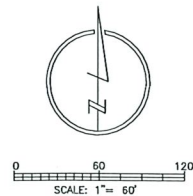
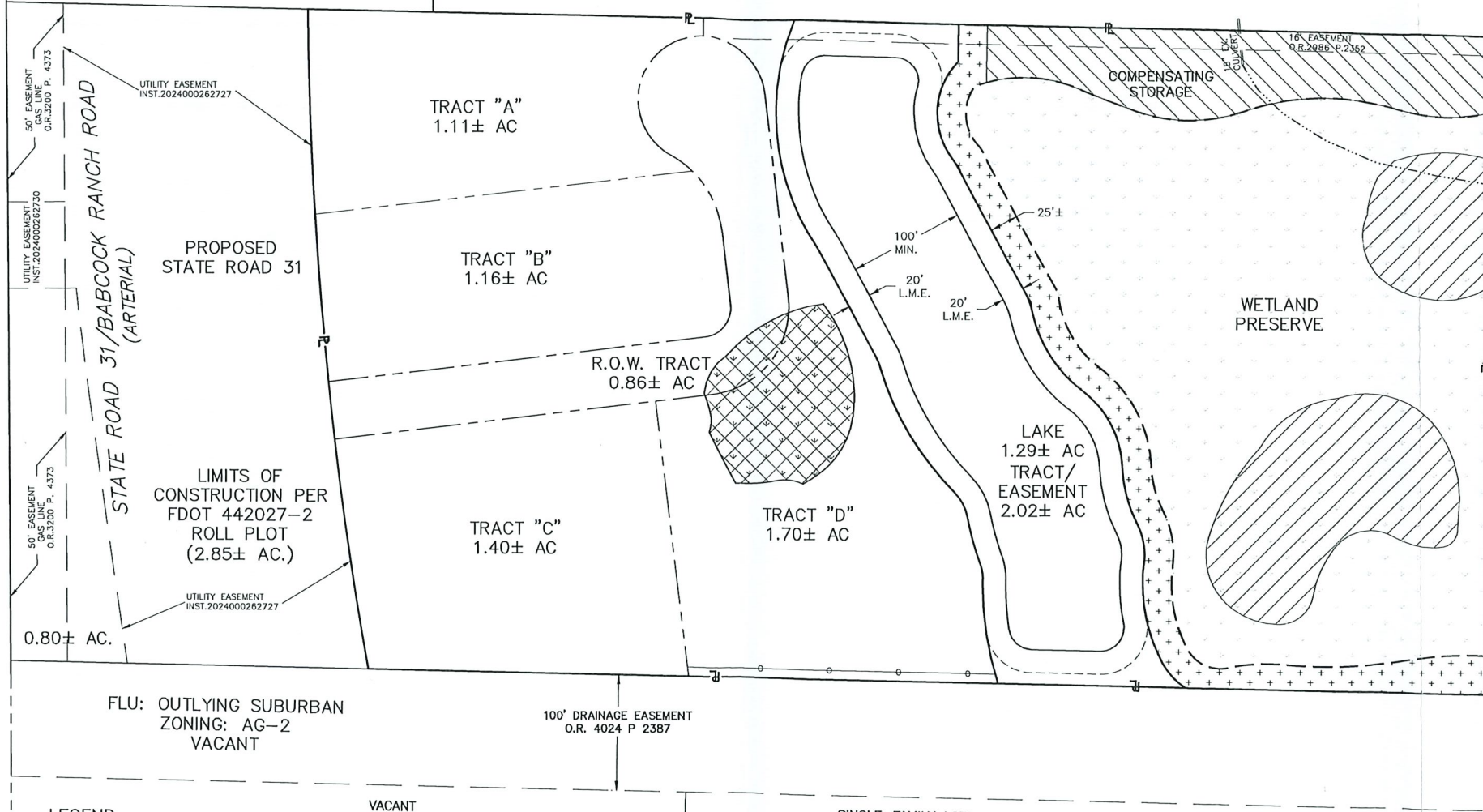
FLU: RURAL
ZONING: AG-2
SINGLE-FAMILY

FLU: RURAL
ZONING: AG-2
SINGLE-FAMILY

FLU: RURAL
ZONING: AG-2
VACANT

FLU: OUTLYING SUBURBAN
ZONING: MPD (COMMERCIAL)
VACANT

FLU: OUTLYING SUBURBAN
ZONING: MPD (PRESERVE)
VACANT



LEGEND:

- = WETLAND PRESERVE (INDIGENOUS) = 2.87± AC.
- = WETLAND PRESERVE (NON INDIGENOUS) = 0.91± AC.
- = COMPENSATING STORAGE = 0.65± AC.
INCLUDING 0.35± AC. WETLAND CREATION
- = UPLAND BUFFER/BERM
- = WETLAND IMPACT = 0.35± AC.

OPEN SPACE TABLE

OPEN SPACE REQUIRED: 30% OF 13.16± AC. OR 3.95± AC.
(10% MIN. OPEN SPACE ON EACH PARCEL/TRACT)

INDIGENOUS REQUIRED: 50% OF OPEN SPACE OR 1.98± AC

INDIGENOUS PROVIDED: 2.87± AC.

NON-INDIGENOUS PRESERVE: 0.91± AC.
COMPENSATING STORAGE: 0.65± AC.
TOTAL OPEN SPACE PROVIDED: MINIMUM 4.43 AC.

OPEN SPACE & EASEMENT EXHIBIT

SINGLETARY CPD

LEE COUNTY, FLORIDA

STEVE SINGLETARY

NO.	DATE	REVISION DESCRIPTION	BY
1	3/1/2025	1st SUFFICIENCY	SEH
2	10/27/2025	48-HR NOTICE	SEH



DRAFTED BY: JLS	DESIGNED BY: TRL	REVIEWED BY: SEH
PROJECT NUMBER: 24003215	COMPLETION DATE: 3/1/2025	SURVEY DATUM:
BOOK AND PAGE:		
SHEET		

Singletary
Commercial Planned Development
Revised Conditions

1. Master Concept Plan and Development Parameters

- a. Master Concept Plan. Development of the subject property must be substantially consistent with the ~~two-page Master Concept Plan Option #1 or the~~ two-page Master Concept Plan ~~Option #2~~, last revised 10/27/2025 and attached hereto as Attachments D ~~and E~~.

3. Open Space and Indigenous Preservation

Development order plans must depict open space areas substantially consistent with those depicted on the approved Master Concept Plans. Open space and indigenous preservation areas must meet or exceed the following minimums:

~~(a) MCP Option 1 (Existing Conditions):~~

~~i. Total open space: 6.93 acres~~

~~ii. Indigenous preservation (within open space): minimum 2.87 acres~~

~~(b) MCP Option 2 (With FDOT ROW Taking):~~

~~a. Total open space: 5.42 acres~~ 4.43 acres (33.6%)

b. Indigenous preservation (within open space): minimum 2.87 acres

11. Tract "D" Building Height

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

4. Deviation #3A: Seeks relief from LDC §10-416(d), which requires a Type C or F buffer type where proposed commercial abuts a single-family use, to allow a 15-foot-wide Type D buffer along the southern property boundary.

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

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

- ~~1) Along the southern property line, where the project aligns with the rear lot lines of existing single-family residences, development order plans must depict the required Type "D" enhancements as follows:~~

~~i. Maintain the required continuous hedge at a minimum height of 60 inches;~~

- ii. ~~Provide a six-foot-high opaque wooden fence or wall, setback 15 feet from the southern property line of Tract "D" for 270 feet; and~~
 - iii. ~~Extend the enhanced Type D buffer along 420 linear feet, including the southern boundary of the lake tract (140 linear feet) and the immediately contiguous 280 linear feet of Tract D on both MCPs.~~
- 1) Development order plans must depict enhancements to the Type "D" buffer along the southern boundary line of Tract "D" on the MCP as follows:
 - i. Maintain the required continuous hedge with a minimum height of 60 inches at maturity.
 - ii. Install a continuous, opaque fence or wall at least six (6) feet in height, setback a minimum of 15 feet from the southern boundary line of Tract "D" on the MCP.
 - 2) Condition #1 of this deviation approval shall become null and void if, at the time of Development Order approval, the residential uses on the property immediately south of the ingress/drainage easement abutting Tract "D" have been discontinued and the property has been rezoned to a permit nonresidential uses district.

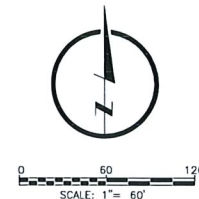
MASTER CONCEPT PLAN
SINGLETERARY CPD
LEE COUNTY, FLORIDA
STEVE SINGLETERARY

NO.	DATE	REVISION DESCRIPTION	BY
1	3/1/2025	1st SUFFICIENCY	SEH
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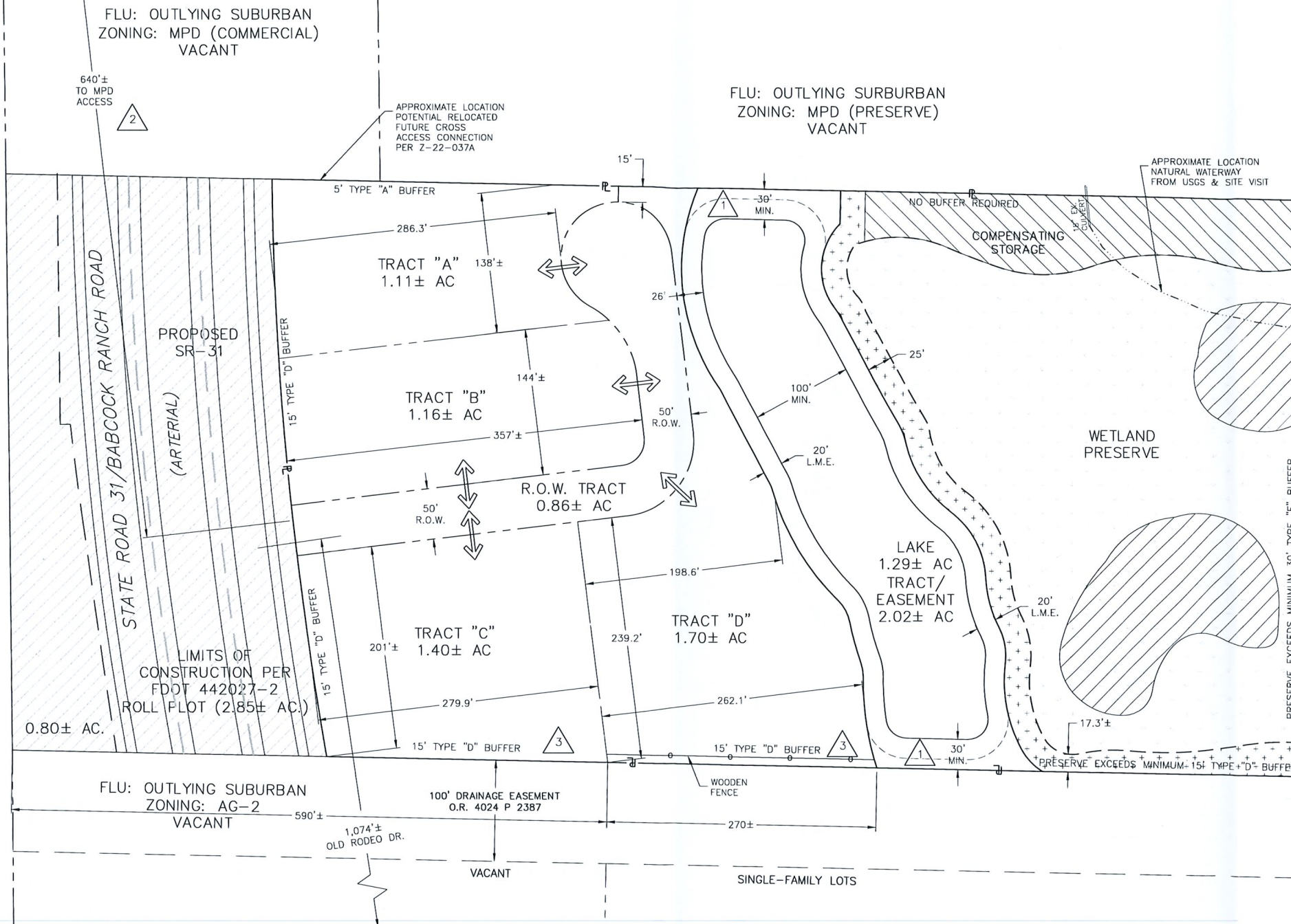
811
Know what's below.
Call before you dig.

ALL UTILITIES ARE SHOWN BASED ON THE INFORMATION FURNISHED TO THE ENGINEER. THERE IS NO GUARANTEE AS TO THE LOCATION, DEPTH, AND SIZE OF EACH FACILITY IS CORRECT. THE CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL UTILITIES AND SERVICE PRIOR TO CONSTRUCTION.

DRAFTED BY: JLS	DESIGNED BY: TRL	REVIEWED BY: SEH
PROJECT NUMBER: 24003215	COMPLETION DATE: 10/28/2024	SURVEY DATUM:
BOOK AND PAGE: SHEET		



FLU: OUTLYING SUBURBAN
ZONING: AG-2
SINGLE-FAMILY &
AGRICULTURAL



LEGEND:

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- = WETLAND PRESERVE (NON INDIGENOUS) = 0.91± AC.
- = COMPENSATING STORAGE = 0.65± AC.
INCLUDING 0.35± AC. WETLAND CREATION
- = UPLAND BUFFER/BERM
- = DEVIATION
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- MAXIMUM HEIGHT 45 FEET.
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Project Team



Ted Treesh



Barrett "Bear" Stejskal



Richard Akin, Esq.



Tina M. Ekblad, MPA, AICP



Kirk Martin, PG
Michael Jessich



Brent Addison, PE
Stacy Hewitt, AICP

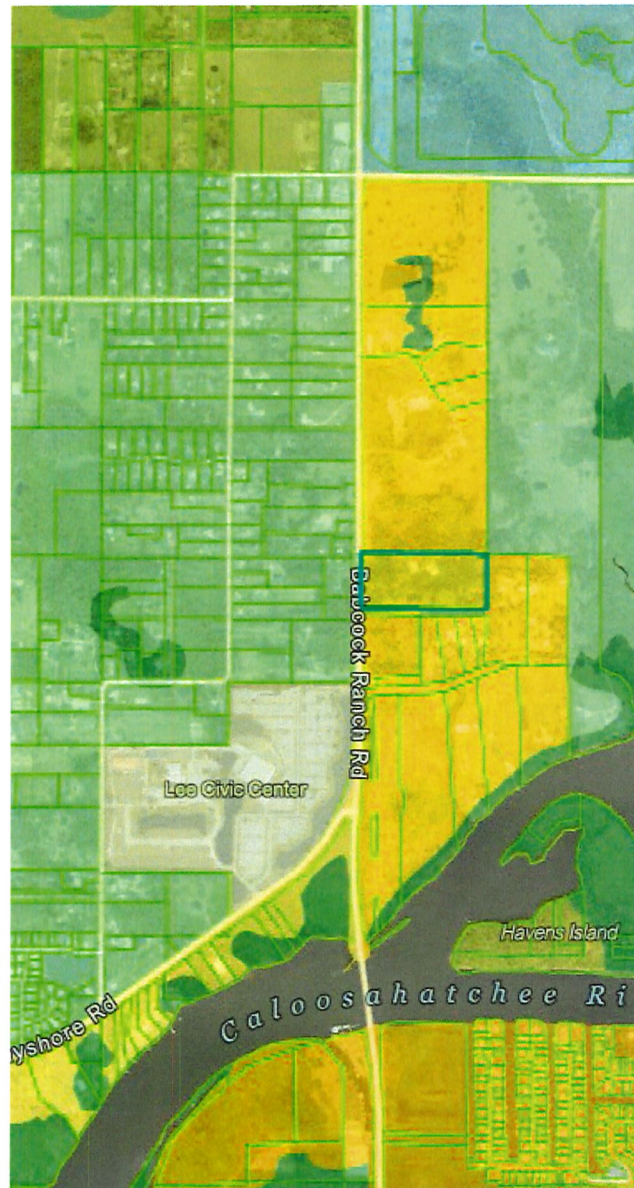
Property Background

Site Specific Details

- 16.81 Acres
 - 3.65 Acres subject to SR 31 Improvements
- Single Family Residence
- Outlying Suburban Future Land Use
- 2 Planning Communities
 - Alva
 - North Olga
- Agricultural Zoning
 - Existing Agricultural Uses Affidavit Submitted
- Utility Providers
 - Lee County Utilities
 - Florida Governmental Utility Authority

State Road 31 & Surrounding Area

- SR 31 is a Strategic Corridor
 - Part of the FDOT Strategic Intermodal System
- SIS Facilities are for the movement of people & freight
 - Interconnects major intra and interstate markets
- Multiple land use changes have occurred over 7 years to transition this area



Project Request

Rezoning from AG-2 to CPD

- 13.16 acres remain after SR 31 improvements
 - 110,000 SF of Commercial
 - 100,000 SF of Mini-Warehouse
- No deviations requested from North Olga requirements
 - Proposed modifications to conditions ensure rural design elements
- Concentrates commercial activity in the SR 31 corridor within the Outlying Suburban FLU reducing demand on nearby Rural lands.
- Option 1 Master Concept Plan eliminated due to Stipulated Order of Taking filed October 8, 2025



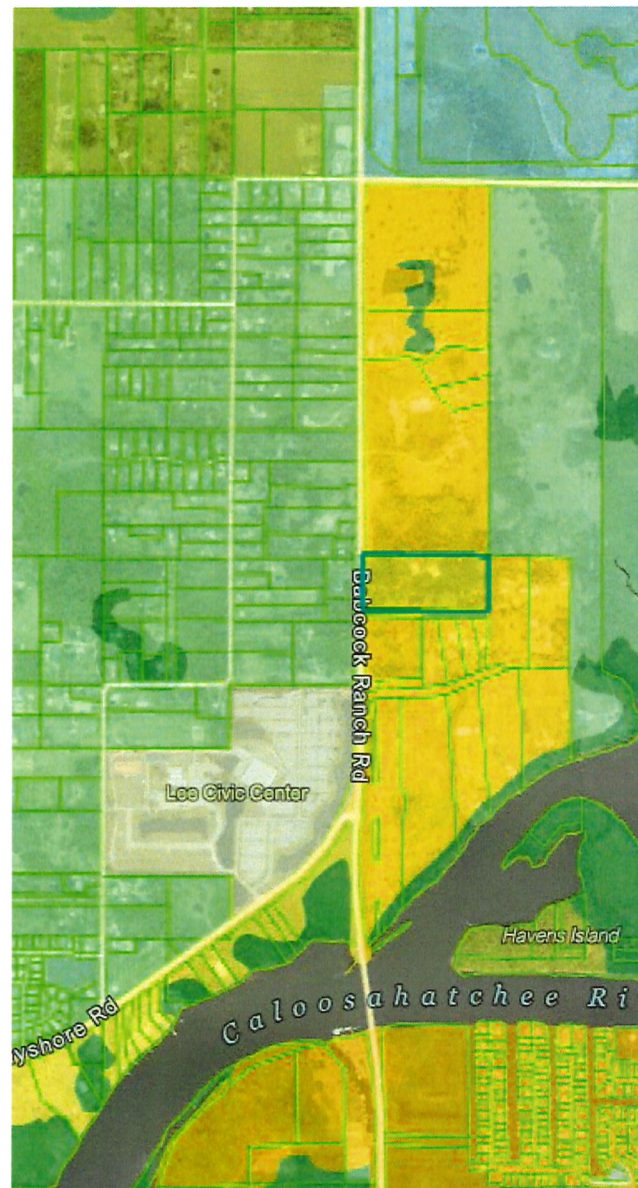
Future Land Use & Planning Community

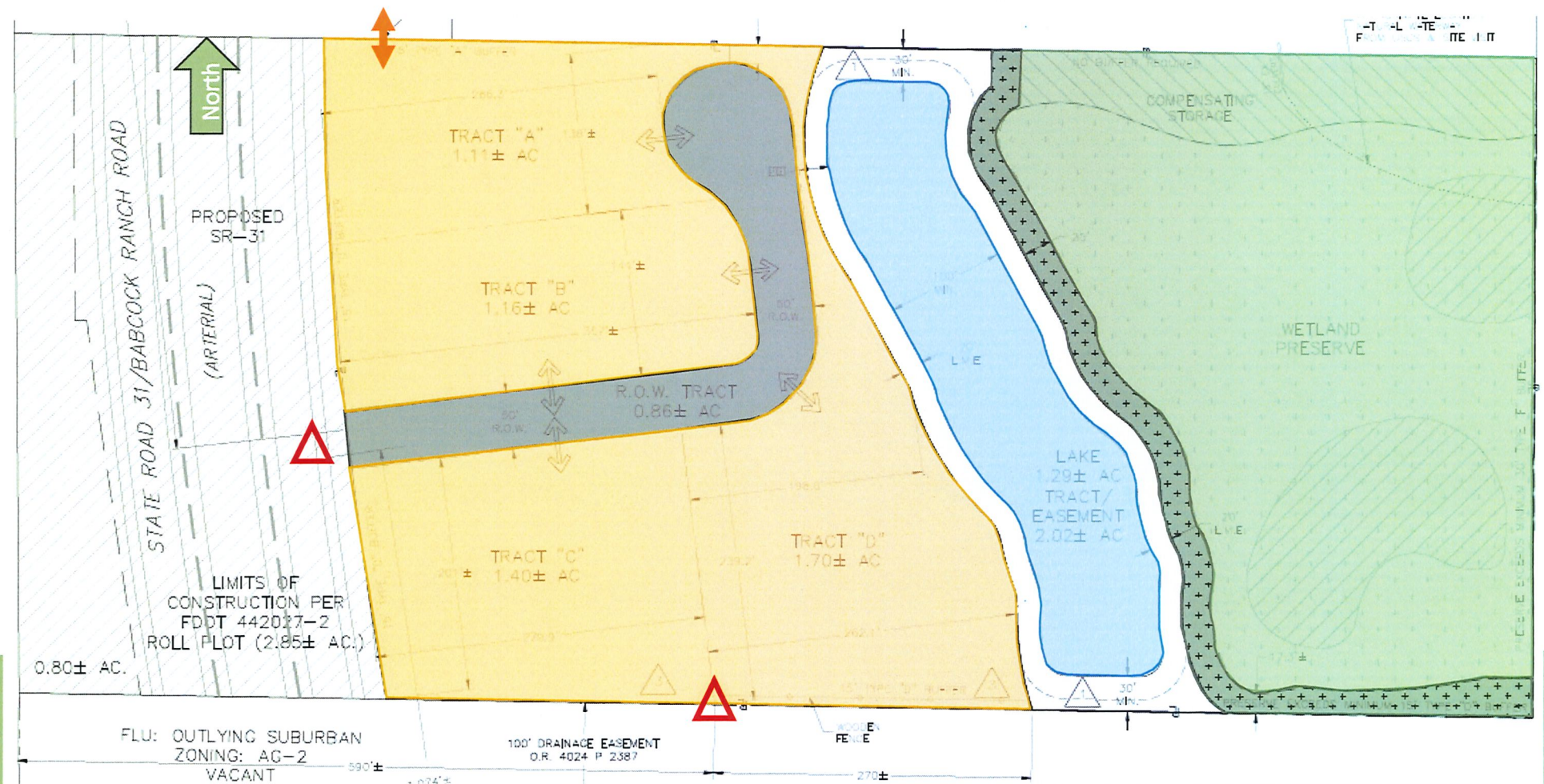
Policy 1.1.6: Outlying Suburban

- Peripheral location in relation to established urban areas.
- Some infrastructure is planned or in place.
- Density range is 1 to 3 dwelling units per acre.

Goal 27 Northeast Lee

- Maintain, enhance, and support the heritage and rural character, natural resources, and agricultural lands
- Rural character: characteristics that convey a sense of rural lifestyle
 - large lots or clustered development
 - ample views of wooded areas
 - open spaces
 - protection of environmentally sensitive lands
- Community Meeting: Alva Community March 18th





Master Concept Plan

Findings

LDC Section 34-145(d)(4)a.1. Rezoning generally. The Hearing Examiner must find the request:

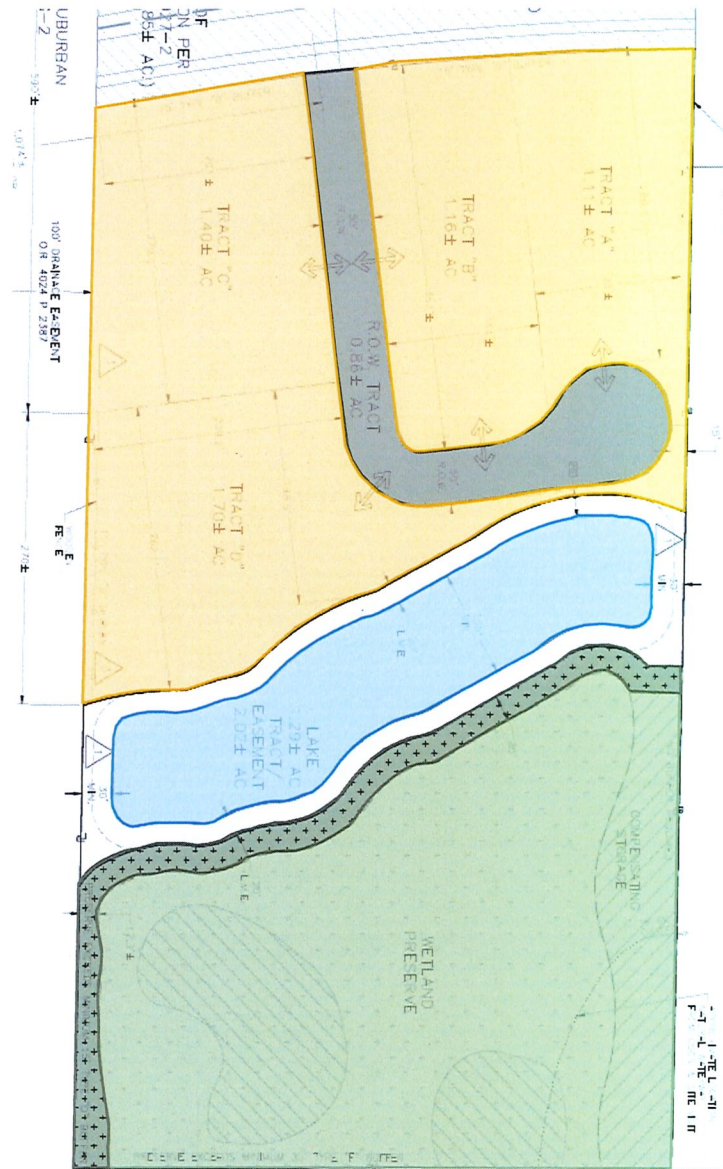
d) Will provide access adequate to support the proposed development intensity.

e) Expected impacts on transportation facilities will be addressed by existing County regulations and conditions.

- Deviation is proposed for a single access to comply with FDOT standards and access restrictions.

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

- 2.87 acres of wetland preservation
- .91 acres of indigenous restoration
- .65 acres of compensatory storage associated habitat restoration
- Total: 4.43 acres of Open Space



Land Use Framework

2017 Commercial Amendments

- Policy 6.1.2 & Commercial Definitions
 - Permits Neighborhood Commercial within $\frac{1}{4}$ mile of SR 31 between the Civic Center and River
 - Neighborhood Commercial 30,000 to 100,000 SF
 - Community Commercial is permitted when approved by a Planned Development
 - Community Commercial 100,000 to 400,000 SF

2018 Babcock Ranch

- Concurrent FLU and MPD to permit 1,630 dwelling units, 1.17 SF of commercial & 600 Hotel Rooms
- Additional Density & Intensity permitted in Charlotte County
- Babcock Ranch Community Independent Special District & FDOT are implementing the improvements to SR 31 together

2022 Rural Preservation Incentives

- Policy 132.2.17 provides density for preservation of indigenous communities
 - Owl Creek permits 380 residential units and multi-slip docking facility on the river. Main access is from North River Road.
 - Cary+Duke+Povia permits 1,099 residential units with amenities. Main access is from North River Road.
 - Both developments are in Development Order review

2023 Outlying Suburban FLU Amendment

- 38 acres between North River Road & River
- Amended the Lee County Utilities Service Area
- Greenwell SR 31 MPD permits 122 residential units & 400,000 SF of commercial uses.
- Several other rezoning applications are pending

Urban Services

Findings/ Review Criteria

LDC Section 34-145(d)(4)a.1. Rezonings generally. The Hearing Examiner must find the request:

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

- Outlying Suburban is a Future Suburban Area
- Urban Services are anticipated to be available with development



Lee County Utilities

- Potable Water
- Sanitary Sewer

Florida Government Utility Authority

- Sanitary Sewer



Lee County Emergency Services

- Bayshore Fire Station #131
- Alva Fire Station #181

Bayshore Fire Department

- Intersection of Nalle Road and Bayshore Road



Lee County Sherriff

- Office Locations on Pondella & Homestead Roads



Transportation

- SR 31 being widened to a 4 lane facility
- Addresses identified capacity deficiency

Surrounding Development

Outlying Suburban & New Community FLU

Where supporting infrastructure is planned or in place to accommodate increases in development intensity consistent with surrounding conditions.

North: Greenwell MPD, Babcock Ranch MPD, existing commercial & residential uses

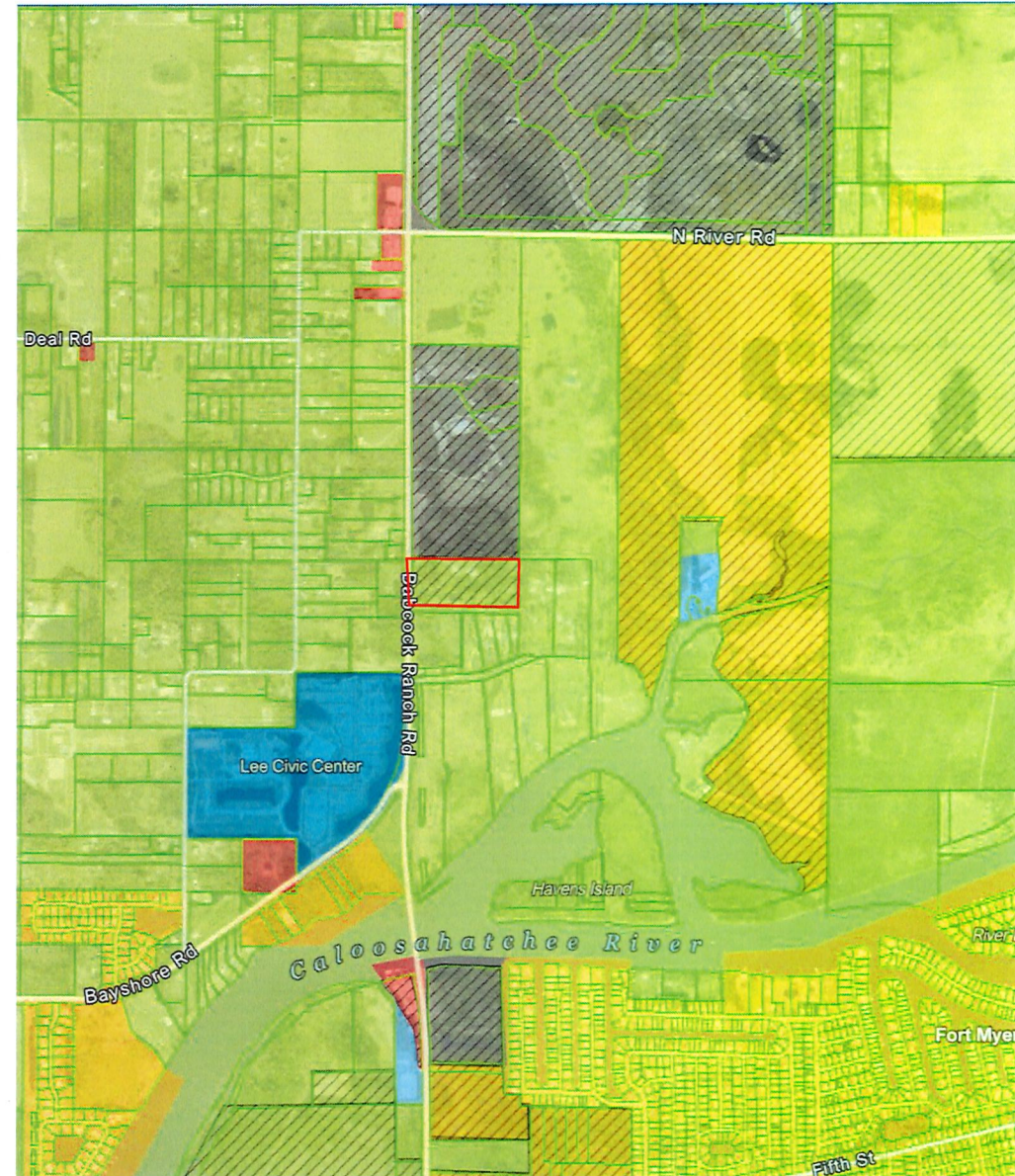
South: Existing Agricultural & Residential

Rural FLU

West: SR 31, existing residential, some commercial businesses, Lee County Civic Center

East: Existing Residential, Owl Creek RPD, Cary+Duke+Povia RPD

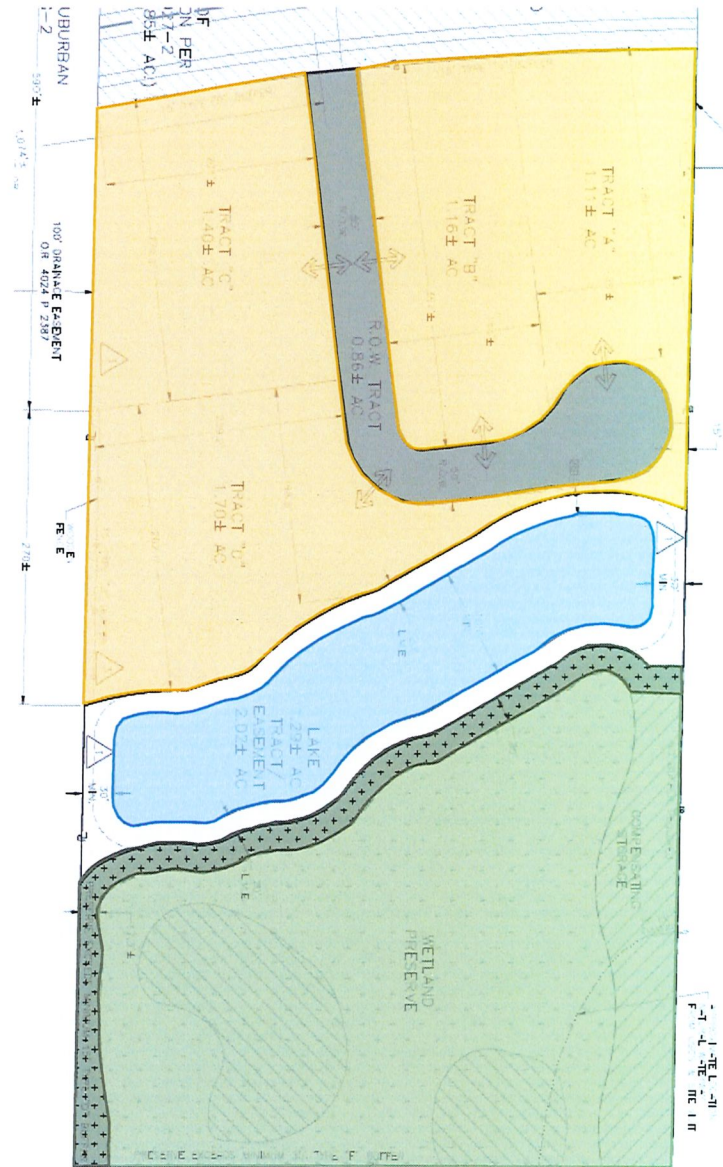
Widening of SR 31 & land use framework supports additional commercial intensity and is supporting the transition of the corridor from Rural to Suburban Development.



Findings

LDC Section 34-145(d)(4)a.1. Rezoning generally. The Hearing Examiner must find the request:

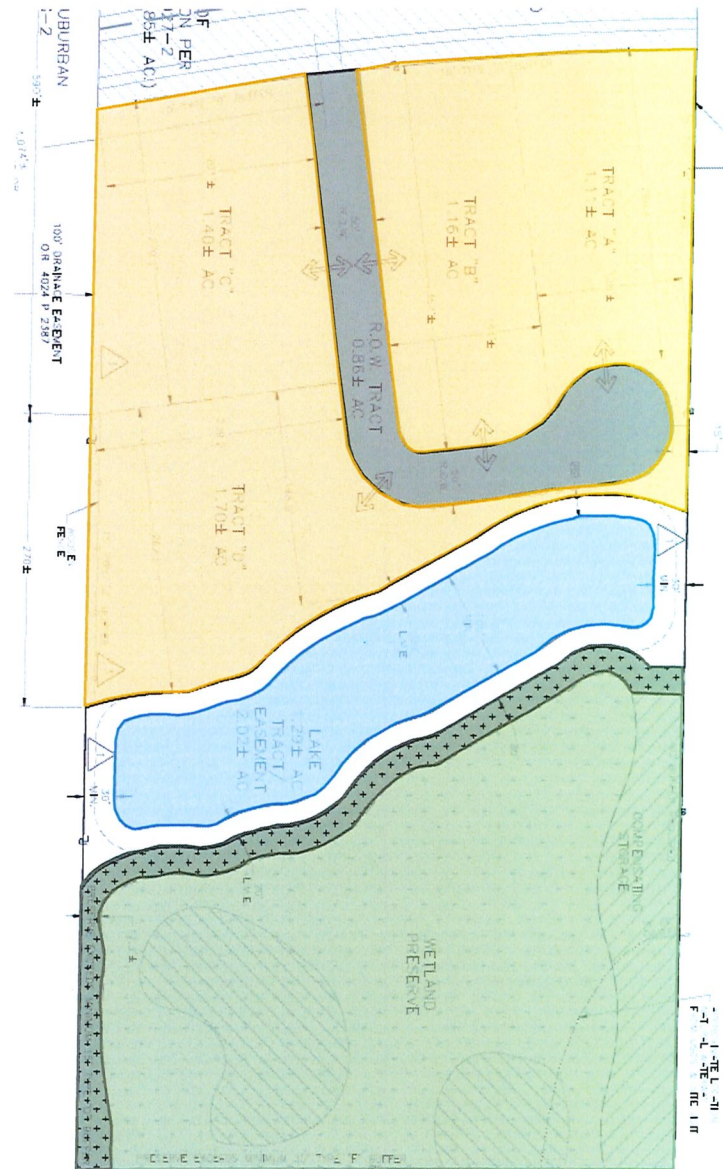
- a) Complies with the Lee Plan.
 - Commercial intensity is consistent with the FLU, Commercial policies & includes rural supporting uses.
 - Design preserves the existing natural resources & clusters development at SR 31 frontage.
- a) Meets the Code and other applicable regulations or qualifies for deviations
 - 3 deviations are requested to enhance the planned development and address future conditions of the property.
- a) Is compatible with existing and planned uses in the area
 - Development parameters support the anticipated suburban development of the area
 - Conditions ensure compatibility with existing uses during transition from a Rural to a Future Suburban Area



Findings

LDC Section 34-145(d)(4)a.2. Planned Development rezonings. The Hearing Examiner must also find:

- a) Mix of Uses is appropriate at this location.
 - Schedule of uses includes a mix of uses supporting agriculture, commercial and minor industrial.
 - Mix support the existing agricultural and future anticipated suburban development
- b) Recommended conditions provide sufficient safeguards and related to the public interest.
 - Conditions ensure open space, indigenous preservation, water quality monitoring, conservation easements, central utilities, compensatory storage, and compliance with N. Olga design standards.
- c) Deviations enhance the planned development and protect the public health, safety and welfare
 - Deviations address existing and anticipated conditions of the development.
 - Conditions appropriately protect public health, safety and welfare



Perez, Maria

From: Mendez, Adam
Sent: Tuesday, October 28, 2025 8:57 AM
To: Perez, Maria
Cc: Tina Ekblad; Cherry, Brienne
Subject: RE: CASE #: DCI2024-00043 CASE NAME: SINGLETARY CPD
Attachments: 48 Hour Notice_DCI2024-00043.pdf

Good morning, Maria,

Please find the attached 48-Hour Notice. I'll also be sending over a Word version of the revised conditions for your records.

Best regards,

Adam Mendez | Principal Planner

Department of Community Development, Zoning Section

1500 Monroe Street, Fort Myers, FL 33901

office: (239) 533-8325

email: amendez@leegov.com

web: www.leegov.com



Connect With Us On Social Media



From: Perez, Maria <MPerez@leegov.com>
Sent: Wednesday, October 22, 2025 11:35 AM
To: Bayshorefarms93@gmail.com; tekblad@sageentitlements.com; tbt@trtrans.net; bearpaws.env.comsulting@gmail.com; Mendez, Adam <AMendez@leegov.com>
Subject: CASE #: DCI2024-00043 CASE NAME: SINGLETARY CPD

Good afternoon. Ms. Donna Marie Collins will be the Hearing Examiner presiding over the subject zoning case scheduled to be heard on October 30, 2025.

I have attached instructions on how to submit a 48-hour notice and the exhibit list. Please do not pre-label exhibits that will be submitted during the hearing.

A court reporter will be present. Thank you.

We have upgraded the equipment in our hearing room. I have attached the new project layout so that PowerPoint presentations can be prepared to fit the screen. Thank you.

MARIA D. PEREZ
EXECUTIVE ASSISTANT
LEE COUNTY HEARING EXAMINER'S OFFICE
BOARD OF COUNTY COMMISSIONERS
P.O. Box 398
(1500 Monroe Street)
Fort Myers, Florida 33902
Tel: (239) 533-8100

E-mail: perezmd@leegov.com

PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure. Under Florida law, e-mail addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Please note our general office email address: hex@leegov.com

MEMORANDUM
FROM
THE DEPARTMENT OF COMMUNITY DEVELOPMENT

TO: Ms. Donna Marie Collins
Chief Hearing Examiner

DATE: October 28, 2025

FROM: Adam Mendez
Principal Planner, Zoning Section

RE: 48 Hour Notice
Singletary CPD (DCI2024-00043)

CASE NO: DCI2024-00037

Madame Hearing Examiner,

Staff respectfully submit the following exhibits in advance of the scheduled hearing:

- **Affidavit of Publication.** Notice of Public Hearing.
- **Revised Development Regulations, Conditions and Deviations.** Following publication of the staff report, staff and the applicant conferred regarding revisions to the proposed conditions of approval. The revisions include:
 - Condition #1, Update MCP references (MCP Option 1 eliminated due to Order of Taking).
 - Condition #3, Clarify minimum open space requirement.
 - Deviations 3A and 3B, revise conditions of approval to reflect a single MCP and to clarify language.

Respectfully Submitted,
Adam Mendez
Principal Planner, Zoning Section

Exhibits:

1. *Affidavit of Publication*
2. *Revised Development Regulations, Conditions and Deviations. (**Strike-Through and Underline**)*
3. *Revised Development Regulations, Conditions and Deviations. (**Clean Copy**)*



PO Box 631244 Cincinnati, OH 45263-1244

AFFIDAVIT OF PUBLICATION

Janet Miller
 Lcbc-Dept Of Comm Development-D
 1500 MONROE ST
 Fort Myers FL 33901

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Public Notices, was published on the publicly accessible website of Lee County, Florida, or in a newspaper by print in the issues of, on:

FNP Fort Myers News-Press 10/16/2025
 FNP news-press.com 10/16/2025

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 10/16/2025

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost:	\$241.98	
Tax Amount:	\$0.00	
Payment Cost:	\$241.98	
Order No:	11735904	# of Copies:
Customer No:	1124450	1
PO #:	900697	

THIS IS NOT AN INVOICE!*Please do not use this form for payment remittance.*

NICOLE JACOBS
 Notary Public
 State of Wisconsin

NOTICE OF PUBLIC HEARING

The Hearing Examiner of Lee County will hold public hearings on Thursday, October 30, 2025, in the Hearing Examiner Meeting Room, 1500 Monroe St., Ft. Myers, FL. An interested individual may appear in person, through counsel, or an authorized agent and provide testimony, legal argument or other evidence at the hearing. If you do not appear before the Hearing Examiner or otherwise become a participant for that case in which you wish to testify, the law does not permit you to address the Board of County Commissioners. Any document that a participant of record intends to submit to the BoCC during the Board Zoning Hearing must be submitted as an exhibit as part of the record in the hearing before the Hearing Examiner. If the document is not submitted and is not relevant new evidence that was not known or could not have been reasonably discovered by the participant at the time of the hearing before the Hearing Examiner, then the document may not be submitted to the Board. After the Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the Board of County Commissioners who will review the recommendation and make a final decision. Copies of staff report(s) are available two weeks prior to the hearing. The file can be reviewed at the Zoning Section, 1500 Monroe St., Fort Myers, FL. Call (239) 533-8585 for additional information.

In accordance with the Americans with Disabilities Act, Lee County will not discriminate against qualified individuals with disabilities in its services, programs, or activities. To request an auxiliary aid or service for effective communication or a reasonable modification to participate, contact the ADA Coordinator, Dr. Ranice Monroe, (239) 533-8782, ADARequests@leegov.com or Florida Relay Service 711. Accommodation will be provided at no cost to the requestor. Requests should be made at least five business days in advance. The following case(s) will be heard: DCI2024-00043. Single-story CPD. 9:00 am. Rezone 16.81± acres from Agricultural (AG-2) to Commercial Planned Development (CPD). Located at 18200 SR 31, Northeast Lee County Planning Community, Lee County, FL. Owner: Richard Stephen Singletary and Heidi Lynn Singletary
 10/16/2025 11735904

Exhibit 2

RECOMMENDED CONDITIONS AND DEVIATIONS

CONDITIONS

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

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

- a. Master Concept Plan. Development of the subject property must be substantially consistent with the ~~two-page Master Concept Plan Option #1 or the two-page Master Concept Plan Option #2~~, last revised 10/X/2025 and attached hereto as Attachments D ~~and E~~.
- b. Development Parameters. Development intensity is limited to a maximum of 110,000 square feet of commercial floor area and 100,000 square feet of self-storage floor area. The maximum building height is 45 feet, subject to Condition #11.
- c. Compliance with Lee Plan and LDC. Development must comply with all the requirements of the LDC at the time of local development order approval, except as may be granted by deviation as part of this planned development. Subsequent amendments to the Master Concept Plan or its auxiliary documentation attached thereto are subject to the planned development amendment process established by the Land Development Code.

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

a. Schedule of Uses

Accessory Uses and Structures
Administrative Offices
Agricultural Uses consistent with Condition 8
Animals:
 Clinic or Kennel
Control Center (including Humane Society)
ATM (Automatic Teller Machine)
Auto Parts Store
Automobile Repair and Service, All Groups
Automobile Service Station
Bait and Tackle Shop
Banks and Financial Establishments: Groups I and II
Bar or Cocktail Lounge
Boats:
 Boat Parts Store

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

- Medical Office
- Non-store Retailers, All Groups
- Package Store
- Paint, Glass, and Wallpaper
- Parking Lot:
 - Accessory
 - Commercial
 - Temporary
- Personal Services, Groups I-IV
- Pet Services
- Pet Shop
- Pharmacy
- Place of Worship
- Plant Nursery
- Post Office
- Printing and Publishing
- Real Estate Sales Office
- Recreational Facilities, Commercial Groups I, III, IV
- Religious Facilities
- Rental or Leasing Establishment, Groups I-IV
- Repair Shops, Groups I-V
- Research and Development Laboratories, Groups I, II, & IV
- Restaurant, Fast Food
- Restaurants, Groups I-IV
- Retail and Wholesale Sales, when clearly incidental and subordinate to a permitted principal use on the same premises
- Schools:
 - Commercial
 - Noncommercial
- Signs
- Specialty Retail Shops, Groups I-IV
- Storage, Indoor
- Storage, Open
- Studios
- Temporary Uses
- Theater, Indoor or Outdoor (Drive-In)
- Used Merchandise Stores, Groups I, II
- Variety Store
- Vehicle and Equipment Dealers, Groups I-V
- Warehouse:
 - Hybrid
 - Mini Warehouse
 - Public
- Wholesale Establishments, Groups I, III

b. Site Development Regulations

Minimum Lot Size:	10,000 square feet
Minimum Lot Width:	100 feet
Minimum Lot Depth:	100 feet

Minimum Setbacks, Maximum Building Height and Lot Coverage

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

3. Open Space and Indigenous Preservation

Development order plans must depict open space areas substantially consistent with those depicted on the approved Master Concept Plans. Open space and indigenous preservation areas must meet or exceed the following minimums:

- ~~a. MCP Option 1 (Existing Conditions):~~
 - ~~i. Total open space: 6.93 acres~~
 - ~~ii. Indigenous preservation (within open space): minimum 2.87 acres~~

~~b. MCP Option 2 (With FDOT ROW Taking):~~

- ~~a. Total open space: 5.42 acres 4.43 acres (33.6%)~~
- b. Indigenous preservation (within open space): minimum 2.87 acres

4. Water Quality Monitoring

Prior to local development order approval, the developer must submit the attached Water Quality Monitoring Plan (Attachment K) with the following modifications:

- a. Surface water quality monitoring locations must be finalized and identified in the Water Quality Monitoring Plan. Surface water quality monitoring sites must be located at each proposed outfall.
- b. Annual monitoring reports must include a comparison of State surface water quality standards, plots of parameters, and recommendations. After five years of meeting or exceeding state water quality monitoring standards, the developer may amend water quality monitoring and reporting after written request, review, and approval by the Division of Natural Resources. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources.

5. Conservation Easement

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

6. **Utility Connections**

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

7. **State and Federal Permits**

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

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

8. **Agricultural Use**

Staff Note: Applicant must provide *Existing Agricultural Use Affidavit* meeting requirements of LDC 34-202(a)(12) with 48-Hour Response Letter.

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

- a. Bona fide agricultural uses in existence at the time the zoning application was filed, and depicted on **Attachment V** may continue until the county approves the first local development order for the project area containing those uses.
- b. Additional clearing of trees or other vegetation in agricultural areas is prohibited. Existing areas of bona fide agricultural use may be maintained, i.e., moved, but not cleared or expanded. This prohibition does not preclude county approved requests for the removal of invasive exotic vegetation.

c. Upon approval of a local development order for vertical development and prior to the issuance of a vegetation removal permit, the property owner must provide written proof, subject to approval by the County Attorney's Office, of the following:

i. Termination of all agricultural use on portions of the property included in the development order approval for vertical development and prior to the vegetation removal permit approval. Proof must include a sworn affidavit from the person or entity holding title to the subject property that specifically provides:

- (1) The date the agricultural uses ceased;
- (2) The legal description of the property subject to the development order approval for vertical development;
- (3) An affirmative statement that the owner acknowledges and agrees that all agricultural uses are illegal and prohibited on the property and that the owner covenants with Lee County that they will not allow any such uses on the property unless and until the property is rezoned to permit such uses; and
- (4) A statement that the affidavit constitutes a covenant between the owner and Lee County that is binding on the owner and their assignees and successors in interest.

The covenant must be properly recorded in the public records of Lee County at the owner's expense.

ii. Termination of the agricultural tax exemption for any portion of the property included in the development order approval for vertical development and prior to the vegetation removal permit. Proof of termination must include a copy of the request to terminate the tax exemption that was provided to the Property Appraiser.

9. North Olga Design Standards

Development Orders and building permits must comply with LDC Chapter 33, Article X, Division 2 Design Standards in the North Olga Planning Community. Departures from landscaping, signage and architectural regulations in this Article may only be approved through a public hearing amendment.

10. Coastal High Hazard Area

Prior to issuance of a local development order, the developer must provide calculations that quantify the flood storage volume provided by wetlands within the Coastal High Hazard Area and demonstrate equal compensatory flood storage volume within the proposed development on the engineer plans.

11. Tract "D" Building Height

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

DEVIATIONS

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

This deviation is **APPROVED**, subject to consistency with the MCP.

3. Deviation #2. Seeks relief from LDC §10-291(3), which requires commercial development of more than 10 acres to provide more than one point of ingress or egress for the development, to allow a single point of ingress/egress onto State Road 31.

This deviation is **APPROVED**.

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

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

- ~~4) — Along the southern property line, where the project aligns with the rear lot lines of existing single-family residences, development order plans must depict the required Type D enhancements as follows:~~

- ~~i. — Maintain the required continuous hedge at a minimum height of 60 inches;~~

- ii. ~~Provide a six-foot-high opaque fence or wall, set back 15 feet from the southern property line; and~~
- iii. ~~Extend the enhanced Type D buffer along 420 linear feet, including the southern boundary of the lake tract (140 linear feet) and the immediately contiguous 280 linear feet of Tract D on both MCPs.~~

1) Development order plans must depict enhancements to the Type "D" buffer along the southern boundary line of Tract "D" on the MCP as follows:

- i. Maintain the required continuous hedge with a minimum height of 60 inches at maturity.
- ii. Install a continuous, opaque fence or wall at least six (6) feet in height, set back a minimum of 15 feet from the southern boundary line of Tract "D" on the MCP.

4)2) Condition #1 of this deviation approval shall become null and void if, at the time of Development Order approval, the residential uses on the property immediately south of the ingress/drainage easement abutting Tract "D" have been discontinued and the property has been rezoned to a-permit nonresidential uses district.

Exhibit 3

RECOMMENDED CONDITIONS AND DEVIATIONS

CONDITIONS

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

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

- a. Master Concept Plan. Development of the subject property must be substantially consistent with the two-page Master Concept Plan, last revised 10/X/2025 and attached hereto as Attachments D.
- b. Development Parameters. Development intensity is limited to a maximum of 110,000 square feet of commercial floor area and 100,000 square feet of self-storage floor area. The maximum building height is 45 feet, subject to Condition #11.
- c. Compliance with Lee Plan and LDC. Development must comply with all the requirements of the LDC at the time of local development order approval, except as may be granted by deviation as part of this planned development. Subsequent amendments to the Master Concept Plan or its auxiliary documentation attached thereto are subject to the planned development amendment process established by the Land Development Code.

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

a. Schedule of Uses

Accessory Uses and Structures
Administrative Offices
Agricultural Uses consistent with Condition 8
Animals:
 Clinic or Kennel
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ATM (Automatic Teller Machine)
Auto Parts Store
Automobile Repair and Service, All Groups
Automobile Service Station
Bait and Tackle Shop
Banks and Financial Establishments: Groups I and II
Bar or Cocktail Lounge
Boats:
 Boat Parts Store
 Boat Rental

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

- Non-store Retailers, All Groups
- Package Store
- Paint, Glass, and Wallpaper
- Parking Lot:
 - Accessory
 - Commercial
 - Temporary
- Personal Services, Groups I-IV
- Pet Services
- Pet Shop
- Pharmacy
- Place of Worship
- Plant Nursery
- Post Office
- Printing and Publishing
- Real Estate Sales Office
- Recreational Facilities, Commercial Groups I, III, IV
- Religious Facilities
- Rental or Leasing Establishment, Groups I-IV
- Repair Shops, Groups I-V
- Research and Development Laboratories, Groups I, II, & IV
- Restaurant, Fast Food
- Restaurants, Groups I-IV
- Retail and Wholesale Sales, when clearly incidental and subordinate to a permitted principal use on the same premises
- Schools:
 - Commercial
 - Noncommercial
- Signs
- Specialty Retail Shops, Groups I-IV
- Storage, Indoor
- Storage, Open
- Studios
- Temporary Uses
- Theater, Indoor or Outdoor (Drive-In)
- Used Merchandise Stores, Groups I, II
- Variety Store
- Vehicle and Equipment Dealers, Groups I-V
- Warehouse:
 - Hybrid
 - Mini Warehouse
 - Public
- Wholesale Establishments, Groups I, III

b. Site Development Regulations

Minimum Lot Size: 10,000 square feet

Minimum Lot Width:	100 feet
Minimum Lot Depth:	100 feet

Minimum Setbacks, Maximum Building Height and Lot Coverage

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

3. Open Space and Indigenous Preservation

Development order plans must depict open space areas substantially consistent with those depicted on the approved Master Concept Plans. Open space and indigenous preservation areas must meet or exceed the following minimums:

- a. Total open space: 4.43 acres (33.6%)
- b. Indigenous preservation (within open space): minimum 2.87 acres

4. Water Quality Monitoring

Prior to local development order approval, the developer must submit the attached Water Quality Monitoring Plan (Attachment K) with the following modifications:

- a. Surface water quality monitoring locations must be finalized and identified in the Water Quality Monitoring Plan. Surface water quality monitoring sites must be located at each proposed outfall.
- b. Annual monitoring reports must include a comparison of State surface water quality standards, plots of parameters, and recommendations. After five years of meeting or exceeding state water quality monitoring standards, the developer may amend water quality monitoring and reporting after written request, review, and approval by the Division of Natural Resources. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources.

5. Conservation Easement

The property owner must record a conservation easement over indigenous and restoration preserve areas prior to approval of the first development order. Conservation easements must be dedicated to a maintenance entity and provide

third party enforcement rights to Lee County or another public agency acceptable to Lee County.

6. **Utility Connections**

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

7. **State and Federal Permits**

a. Generally. County development permits do not create rights to obtain permits from state or federal agencies and do not create liability on the part of the County if applicant fails to obtain requisite approvals or fulfill obligations imposed by state/federal agencies or if applicant undertakes actions resulting in a violation of state or federal law. Applicant must obtain applicable state/federal permits prior to commencing construction.

b. State Wetland Permits. Developer may not commence construction on development impacting wetlands until issuance of required state permits. Development activity must comply with state wetland permits and applicable local development permits.

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

8. **Agricultural Use**

Staff Note: Applicant must provide *Existing Agricultural Use Affidavit* meeting requirements of LDC 34-202(a)(12) with 48-Hour Response Letter.

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

a. Bona fide agricultural uses in existence at the time the zoning application was filed, and depicted on **Attachment V** may continue until the county approves the first local development order for the project area containing those uses.

b. Additional clearing of trees or other vegetation in agricultural areas is prohibited. Existing areas of bona fide agricultural use may be maintained, i.e., moved, but not cleared or expanded. This prohibition does not preclude county approved requests for the removal of invasive exotic vegetation.

c. Upon approval of a local development order for vertical development and prior to the issuance of a vegetation removal permit, the property owner must provide written proof, subject to approval by the County Attorney's Office, of the following:

i. Termination of all agricultural use on portions of the property included in the development order approval for vertical development and prior to the vegetation removal permit approval. Proof must include a sworn affidavit from the person or entity holding title to the subject property that specifically provides:

- (1) The date the agricultural uses ceased;
- (2) The legal description of the property subject to the development order approval for vertical development;
- (3) An affirmative statement that the owner acknowledges and agrees that all agricultural uses are illegal and prohibited on the property and that the owner covenants with Lee County that they will not allow any such uses on the property unless and until the property is rezoned to permit such uses; and
- (4) A statement that the affidavit constitutes a covenant between the owner and Lee County that is binding on the owner and their assignees and successors in interest.

The covenant must be properly recorded in the public records of Lee County at the owner's expense.

ii. Termination of the agricultural tax exemption for any portion of the property included in the development order approval for vertical development and prior to the vegetation removal permit. Proof of termination must include a copy of the request to terminate the tax exemption that was provided to the Property Appraiser.

9. North Olga Design Standards

Development Orders and building permits must comply with LDC Chapter 33, Article X, Division 2 Design Standards in the North Olga Planning Community. Departures from landscaping, signage and architectural regulations in this Article may only be approved through a public hearing amendment.

10. Coastal High Hazard Area

Prior to issuance of a local development order, the developer must provide calculations that quantify the flood storage volume provided by wetlands within the Coastal High Hazard Area and demonstrate equal compensatory flood storage volume within the proposed development on the engineer plans.

11. **Tract "D" Building Height**

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

DEVIATIONS

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

This deviation is **APPROVED**, subject to consistency with the MCP.

2. Deviation #2. Seeks relief from LDC §10-291(3), which requires commercial development of more than 10 acres to provide more than one point of ingress or egress for the development, to allow a single point of ingress/egress onto State Road 31.

This deviation is **APPROVED**.

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

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

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

- 1) Development order plans must depict enhancements to the Type "D" buffer along the southern boundary line of Tract "D" on the MCP as follows:

- i. Maintain the required continuous hedge with a minimum height of 60 inches at maturity.
 - ii. Install a continuous, opaque fence or wall at least six (6) feet in height, set back a minimum of 15 feet from the southern boundary line of Tract "D" on the MCP.
- 2) Condition #1 of this deviation approval shall become null and void if, at the time of Development Order approval, the residential uses on the property immediately south of the ingress/drainage easement abutting Tract "D" have been discontinued and the property has been rezoned to permit nonresidential uses.



Florida

PO Box 631244 Cincinnati, OH 45263-1244

GANNETT

AFFIDAVIT OF PUBLICATION

Janet Miller
Lcbc-Dept Of Comm Development-D
1500 MONROE ST
Fort Myers FL 33901

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Public Notices, was published on the publicly accessible website of Lee County, Florida, or in a newspaper by print in the issues of, on:

FNP Fort Myers News-Press 10/16/2025
FNP news-press.com 10/16/2025

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 10/16/2025

Janet Miller
Legal Clerk
Nicole Jacobs
Notary, State of WI, County of Brown

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Notary Public
State of Wisconsin

NOTICE OF PUBLIC HEARING

The Hearing Examiner of Lee County will hold public hearings on Thursday, October 30, 2025, in the Hearing Examiner Meeting Room, 1500 Monroe St., Ft. Myers, FL. An interested individual may appear in person, through counsel, or an authorized agent and provide testimony, legal argument or other evidence at the hearing. If you do not appear before the Hearing Examiner or otherwise become a participant for that case in which you wish to testify, the law does not permit you to address the Board of County Commissioners. Any document that a participant of record intends to submit to the BoCC during the Board Zoning Hearing must be submitted as an exhibit as part of the record in the hearing before the Hearing Examiner. If the document is not submitted and is not relevant new evidence that was not known or could not have been reasonably discovered by the participant at the time of the hearing before the Hearing Examiner, then the document may not be submitted to the Board. After the Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the Board of County Commissioners who will review the recommendation and make a final decision. Copies of staff report(s) are available two weeks prior to the hearing. The file can be reviewed at the Zoning Section, 1500 Monroe St., Fort Myers, FL. Call (239) 633-8585 for additional information.

In accordance with the Americans with Disabilities Act, Lee County will not discriminate against qualified individuals with disabilities in its services, programs, or activities. To request an auxiliary aid or service for effective communication or a reasonable modification to participate, contact the ADA Coordinator, Dr. Ranice Monroe, (239) 533-8782, ADA@lee.gov or Florida Relay Service 711. Accommodation will be provided at no cost to the requestor. Requests should be made at least five business days in advance. The following case(s) will be heard: DC12024-00043. Single-tary CPD. 9:00 am. Rezone 16.81± acres from Agricultural (AG-2) to Commercial Planned Development (CPD). Located at 18200 SR 31, Northeast Lee County Planning Community, Lee County, FL. Owner: Richard Stephen Singletary and Heidi Lynn Singletary 10/16/2025 11735904

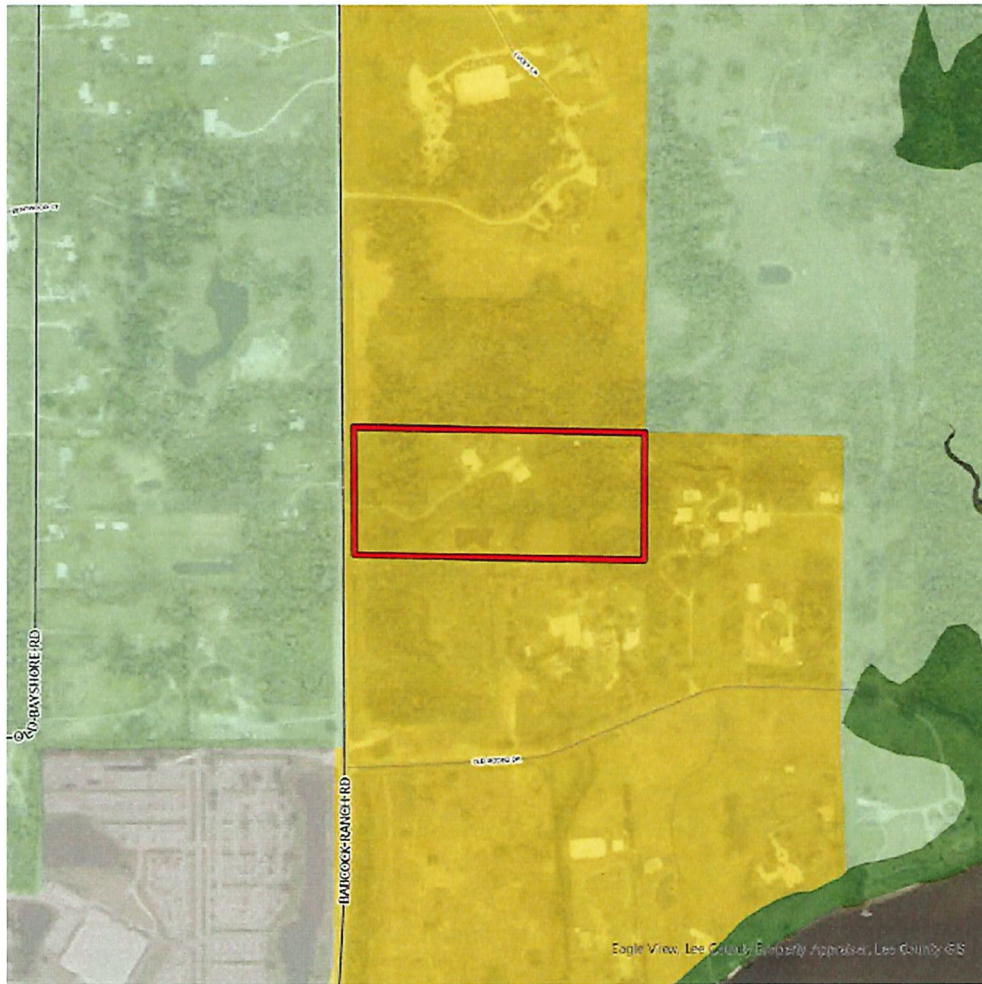


Lee County
Southwest Florida

Singletary CPD

DCI2024-00043

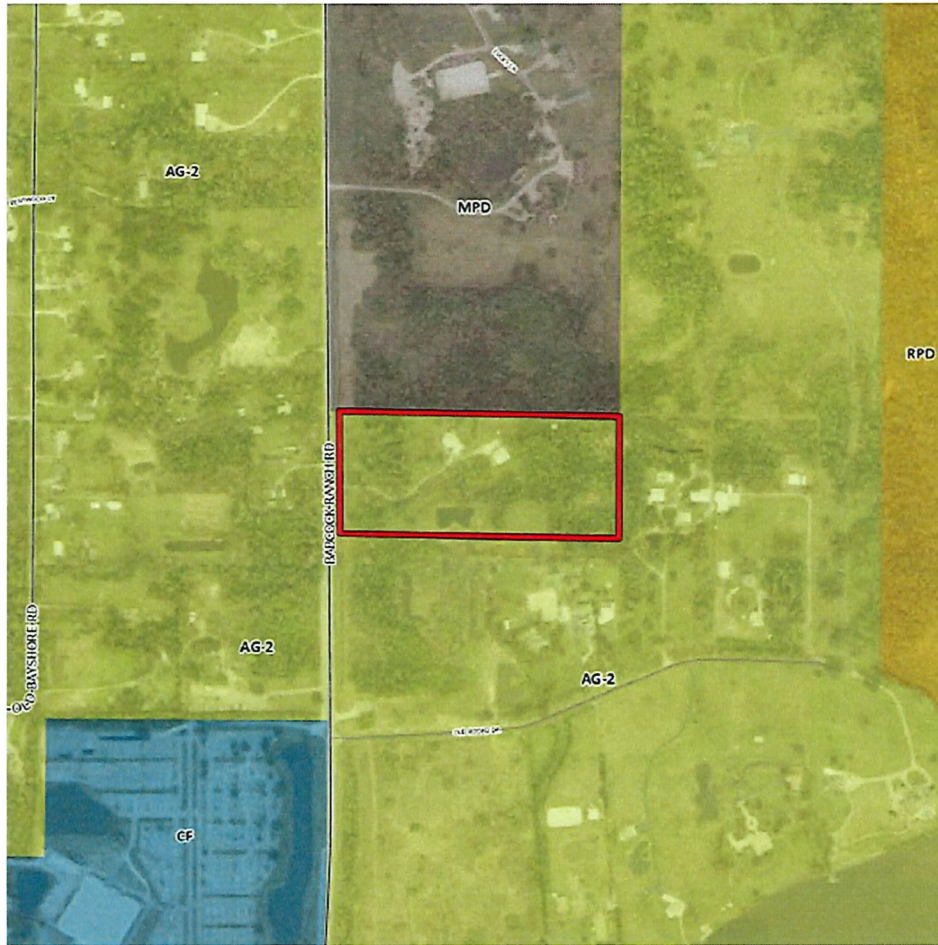
North Olga Community Plan Area

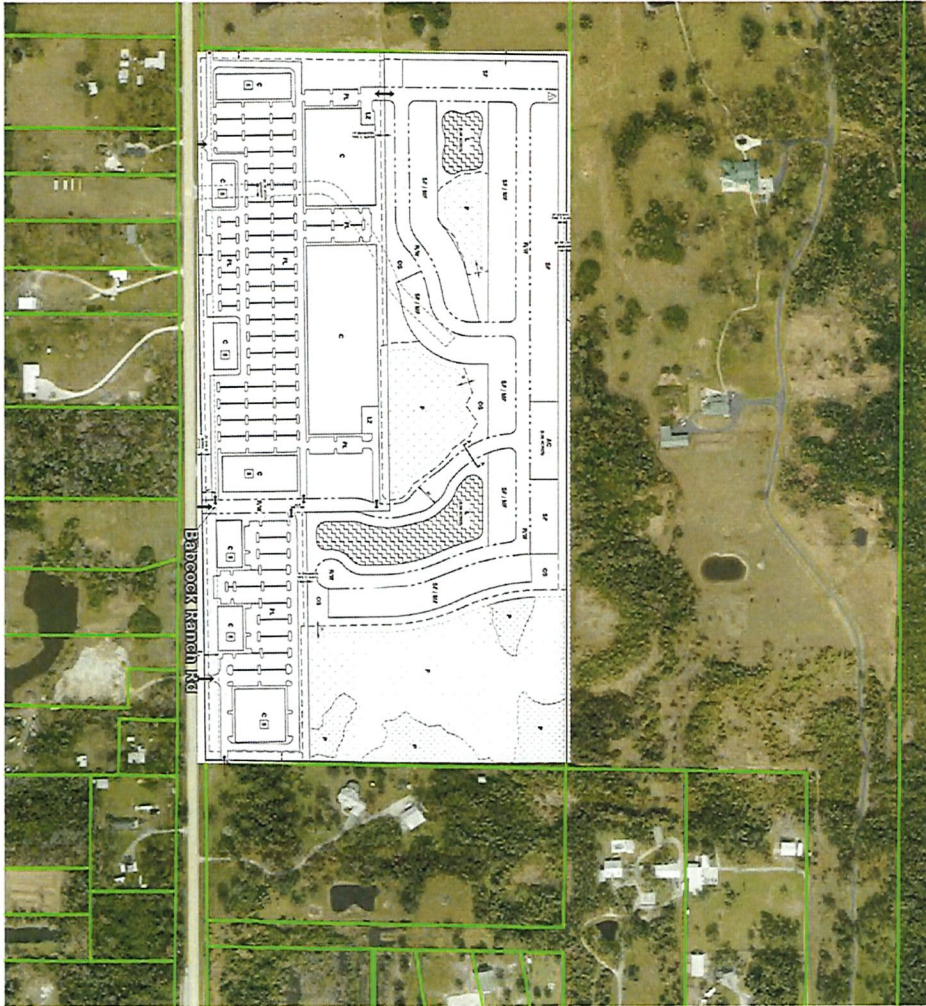


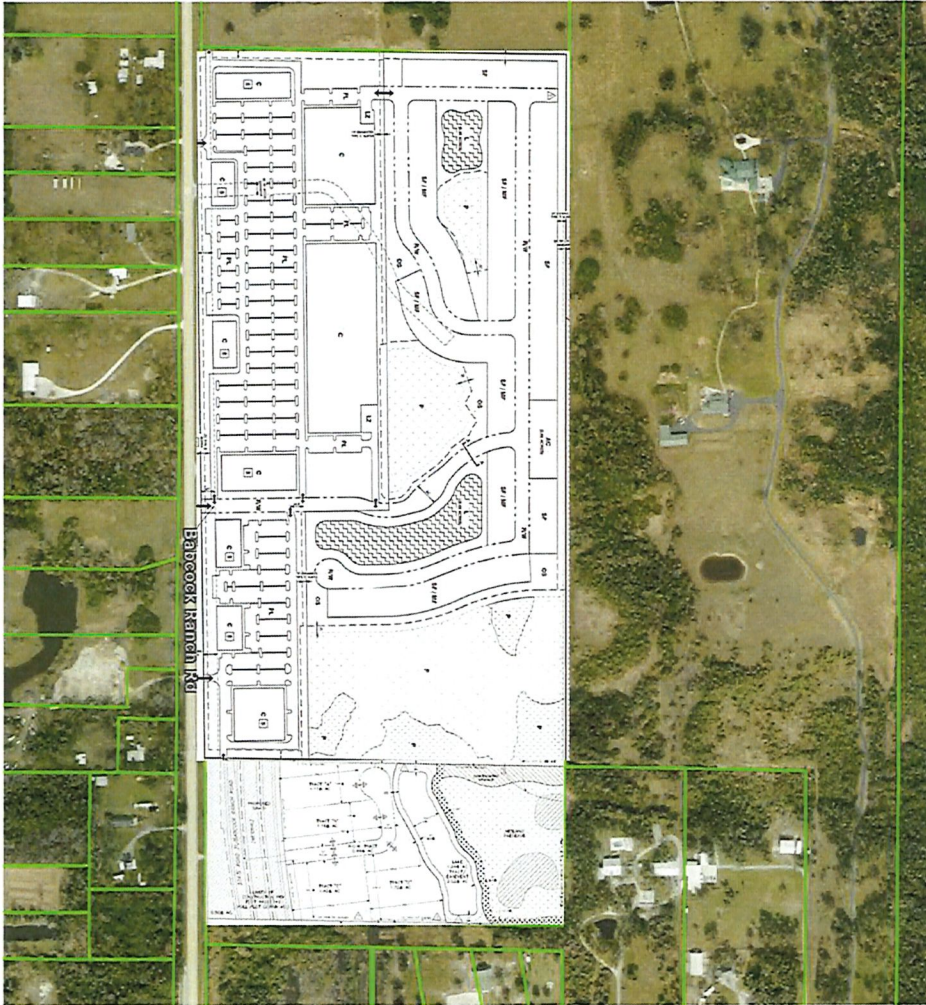
Future Land Use

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

Zoning









CONDITIONS

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

1. Master Concept Plan and Development Parameters

- a. Master Concept Plan. Development of the subject property must be substantially consistent with the ~~two-page Master Concept Plan Option #1 or the two-page Master Concept Plan Option #2~~, last revised 10/X/2025 and attached hereto as Attachments ~~D and E~~.
- b. Development Parameters. Development intensity is limited to a maximum of 110,000 square feet of commercial floor area and 100,000 square feet of self-storage floor area. The maximum building height is 45 feet, subject to Condition #11.
- c. Compliance with Lee Plan and LDC. Development must comply with all the requirements of the LDC at the time of local development order approval, except as may be granted by deviation as part of this planned development. Subsequent amendments to the Master Concept Plan or its auxiliary documentation attached thereto are subject to the planned development amendment process established by the Land Development Code.

3. Open Space and Indigenous Preservation

Development order plans must depict open space areas substantially consistent with those depicted on the approved Master Concept Plans. Open space and indigenous preservation areas must meet or exceed the following minimums:

- a. ~~MCP Option 1 (Existing Conditions):~~
 - i. ~~Total open space: 6.93 acres~~
 - ii. ~~Indigenous preservation (within open space): minimum 2.87 acres~~
- b. ~~MCP Option 2 (With FDOT ROW Taking):~~
 - a. Total open space: 5.42 acres ~~4.43 acres (33.6%)~~
 - b. Indigenous preservation (within open space): minimum 2.87 acres

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

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

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

~~1) Along the southern property line, where the project aligns with the rear lot lines of existing single family residences, development order plans must depict the required Type D enhancements as follows:~~

~~i. Maintain the required continuous hedges at a minimum height of 60~~

~~ii. Provide a six foot high opaque fence or wall, set back 15 feet from the southern property line, and~~

~~iii. Extend the enhanced Type D buffer along 420 linear feet, including the southern boundary of the lake tract (140 linear feet) and the immediately contiguous 280 linear feet of Tract D on both MCPs.~~

1) Development order plans must depict enhancements to the Type "D" buffer along the southern boundary line of Tract "D" on the MCP as follows:

i. Maintain the required continuous hedge with a minimum height of 60 inches at maturity.

ii. Install a continuous, opaque fence or wall at least six (6) feet in height, set back a minimum of 15 feet from the southern boundary line of Tract "D" on the MCP.

4)2) Condition #1 of this deviation approval shall become null and void if, at the time of Development Order approval, the residential uses on the property immediately south of the ingress/drainage easement abutting Tract "D" have been discontinued and the property has been rezoned to a permit nonresidential uses district.

Schedule of Uses

Accessory Uses and Structures
Administrative Offices
Agricultural Uses consistent with Condition 8
Animals:

Clinic or Kennel
Control Center (including Humane Society)
ATM (Automatic Teller Machine)
Auto Parts Store
Automobile Repair and Service, All Groups
Automobile Service Station
Bait and Tackle Shop
Banks and Financial Establishments: Groups I and II
Bar or Cocktail Lounge
Boats:

Boat Parts Store
Boat Rental
Boat Repair and Service Boat Sales
Boat Storage, Dry

Broadcast Studio, Commercial Radio, and Television

Building Material Sales

Business Services: Groups I and II

Caretaker's residence

Car Wash

Cleaning and Maintenance Services

Clothing Stores, General

Clubs:

Commercial
Fraternal, Membership Organization
Private

Communication Facilities, Wireless

Consumption on Premises

Contractors and Builders, All Groups

Convenience Food and Beverage Store

Cultural Facilities

Day Care Center, Child, Adult

Department Store

Drive-Through Facility for any Permitted Use

Drugstore, Pharmacy

Dwelling unit:

Single-family (existing-only)

EMS, Fire or Sheriff's Station

Entrance Gates and Gatehouse

Essential Services

Essential Service Facilities, Group I

Excavation:

Farm Equipment, Sales, Storage, Rental or Service

Feed or Fertilizer, Mixing and Sales

Fences, Walls

Flea Market: Open & Indoor

Food Stores, Groups I, II

Funeral Home and Mortuary (Without Crematory)

Gift and Souvenir Shop

Hardware Store

Health Care Facilities, Group III only

Hobby, Toy, and Game Shops

Hospice

Household and Office Furnishings, All Groups

Insurance Companies

Laundry or Dry Cleaning, Group I

Lawn and Garden Supply Stores

Medical Office

Non-store Retailers, All Groups

Package Store

Paint, Glass, and Wallpaper

Parking Lot:

Accessory

Commercial

Temporary

Personal Services, Groups I-IV

Pet Services

Pet Shop

Pharmacy

Place of Worship

Plant Nursery

Post Office

Printing and Publishing

Real Estate Sales Office

Recreational Facilities, Commercial Groups I, III, IV

Religious Facilities

Rental or Leasing Establishment, Groups I-IV

Repair Shops, Groups I-V

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

Restaurant, Fast Food

Restaurants, Groups I-IV

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

Schools:

Commercial

Noncommercial

Signs

Specialty Retail Shops, Groups I-IV

Storage, Indoor

Storage, Open

Studios

Temporary Uses

Theater, Indoor or Outdoor (Drive-In)

Used Merchandise Stores, Groups I, II

Variety Store

Vehicle and Equipment Dealers, Groups I-V

Warehouse:

Hybrid

Mini Warehouse

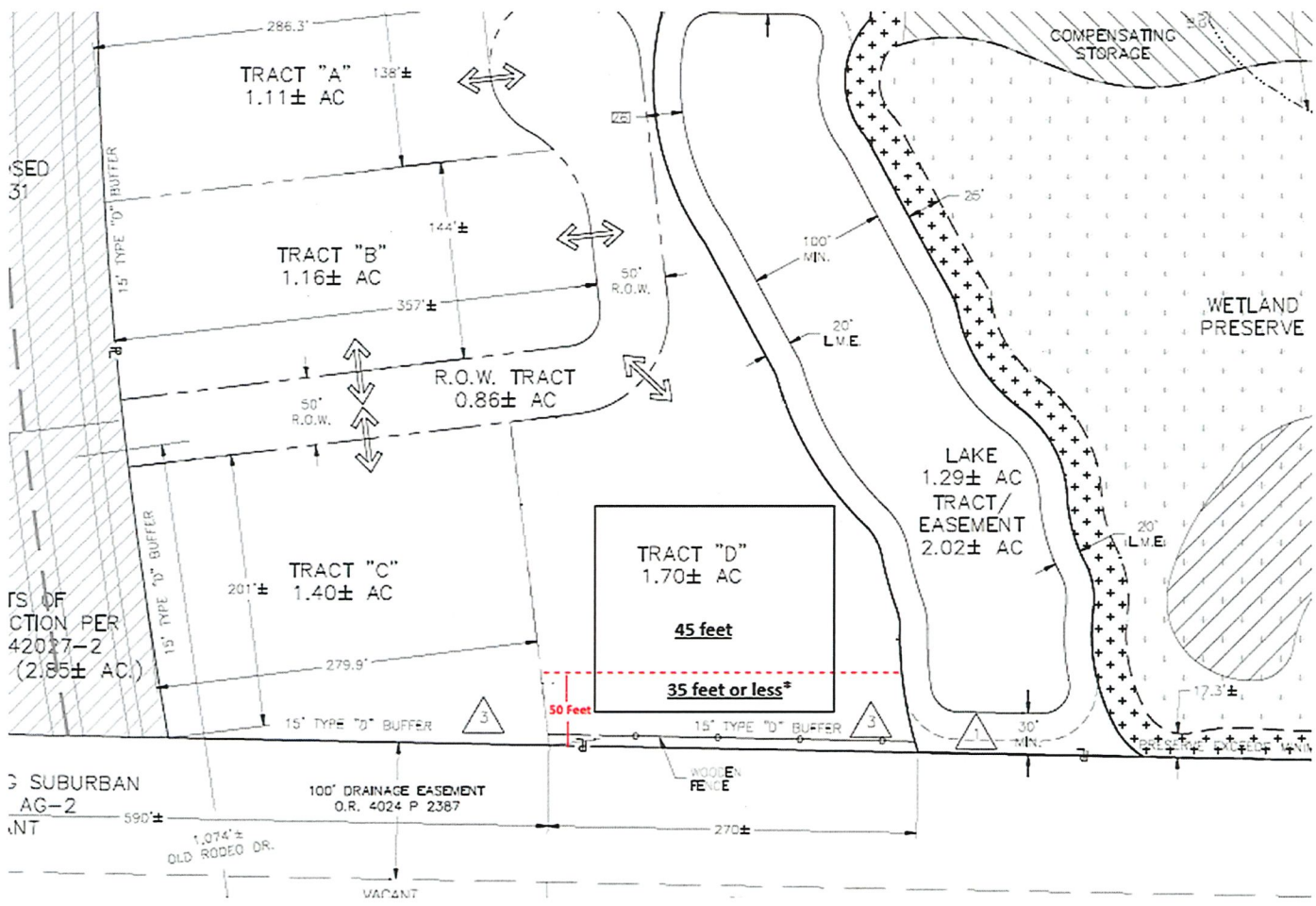
Public

Wholesale Establishments, Groups I, III

Development Standards

- **Open Space and Indigenous Preservation**
- **Water Quality Monitoring**
- **Conservation Easement**
- **Utility Connections**
- **State and Federal Permits**
- **Agricultural Use**
- **North Olga Design Standards**
- **Coastal High Hazard Area**
- **Tract "D" Building Height**

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





Lee County
Southwest Florida

Singletary CPD

DCI2024-00043

Presentation End