

EXHIBITS

CASE # REZ2025-00012

CASE NAME: 16400 OLD US 41

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

Case #

REZ2025-00012

APPLICANT

STAFF

#1 2/8-Hour

#1 Staff Report

#2 Power Point Presentation #2 4/6-Hour

#2

#3_

#3

PowerPoint Presentation -

#4_

#4

#5

#5

#6_

#6

#7

#7

#8.

#8

#9.

#9

#10_

#10_

OTHER EXHIBITS

NAME

NUMBER

DESCRIPTION

_____#_____

#

_____#_____

#

_____#_____

#

_____#_____

#

_____#_____

#

_____#_____

#

Perez, Maria

From: Alexis Crespo <acrespo@rviplanning.com>
Sent: Monday, June 1, 2026 5:13 PM
To: Perez, Maria
Cc: Schroeder, Brianna; Carol Zepeda
Subject: REZ2026-00012 - Applicant 48 Hour Letter
Attachments: REZ2025-00012 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 Afternoon –

Attached please find the Applicant's 48-hour letter. Look forward to seeing you on Thursday.

Thanks,

Alexis Crespo, AICP
Vice President of Planning

RVi Planning + Landscape Architecture
28100 Bonita Grande Drive, Suite 305 • Bonita Springs, FL 34135
239.850.8525 Mobile 239.405.7777 Main
www.rviplanning.com

APPLICANT'S EXHIBIT
1



June 1, 2026

Ms. Donna Marie Collins
Lee County Hearing Examiner
1500 Monroe Street
Fort Myers, FL 33905
Sent via email

**Re: 16400 Old US 41 - REZ2025-00012
48-Hour Letter**

Dear Madam Hearing Examiner,

On behalf of Jones S Herb Jr. Trust, the Applicant for the above referenced case, I am pleased to submit the information required in the 48-Hour Notice and Exhibit List. I will be the sole expert witness and our exhibit list is attached. The Applicant is in agreement with the staff report and findings of fact.

Thank you for your consideration of the above information. We look forward to presenting the case at the hearing.

Thank you,

RVI Planning + Landscape Architecture

A handwritten signature in blue ink, appearing to read 'Alexis Crespo'.

Alexis Crespo, AICP
Vice President of Planning

REZ2025-00012

Exhibit List

The Applicant will present the following exhibits at the hearing for the above referenced case:

- 1) Expert Witness Resume for Alexis Crespo (on file with the HEX office and incorporated by reference)
- 2) Zoning Staff Report and all attachments (incorporated by reference)
- 3) PowerPoint Presentation (to be provided at hearing)



I 6400 Old US 41 Rezone REZ2025-00012

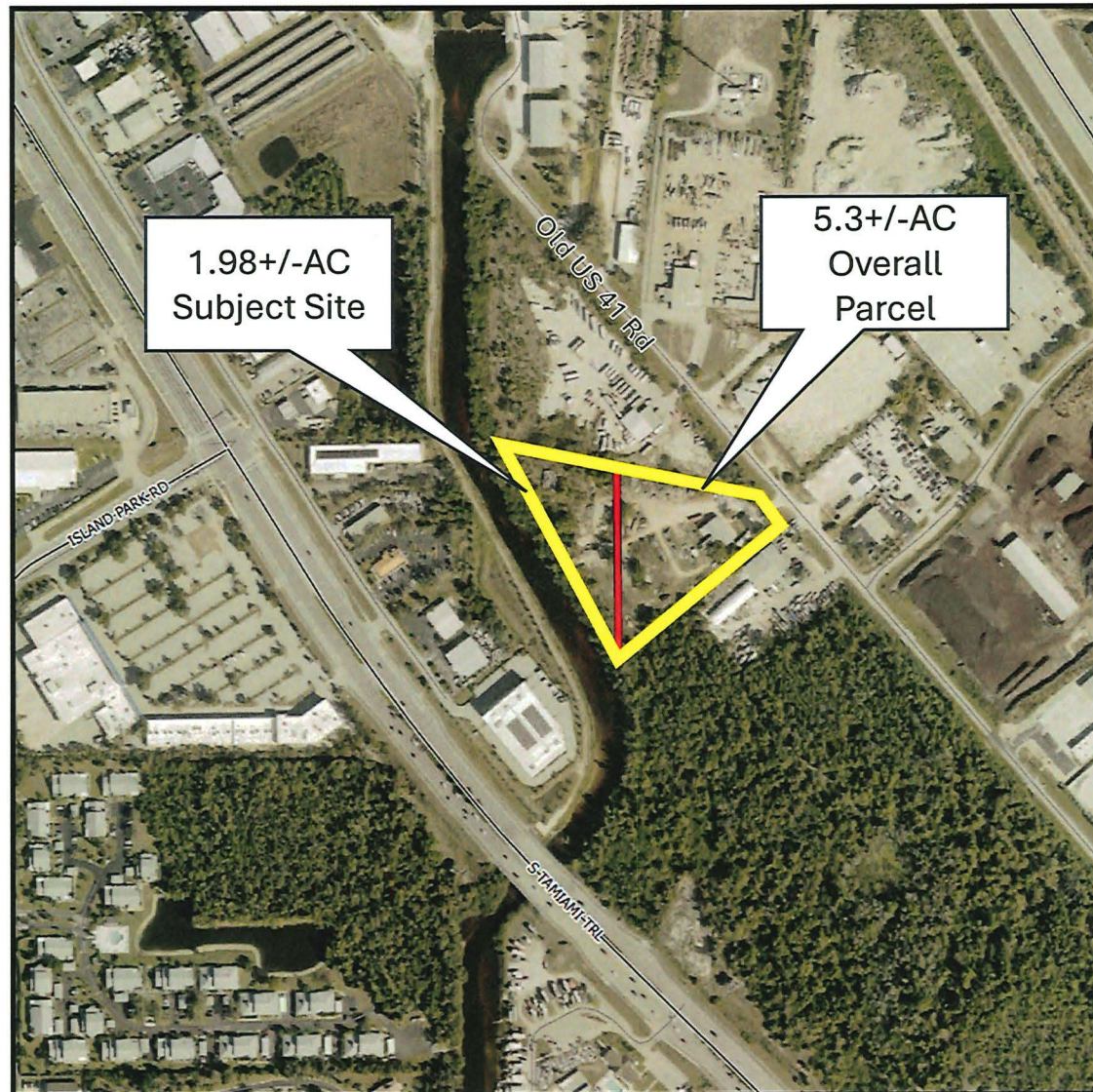
Lee County Hearing Examiner
June 4, 2026



Request

**Rezone a 2+/- acres from Agricultural (AG-2)
Zoning District to the Intensive Commercial (CI)
Zoning District.**

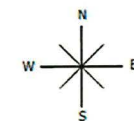
Property Location



REZ2025-00012

Aerial

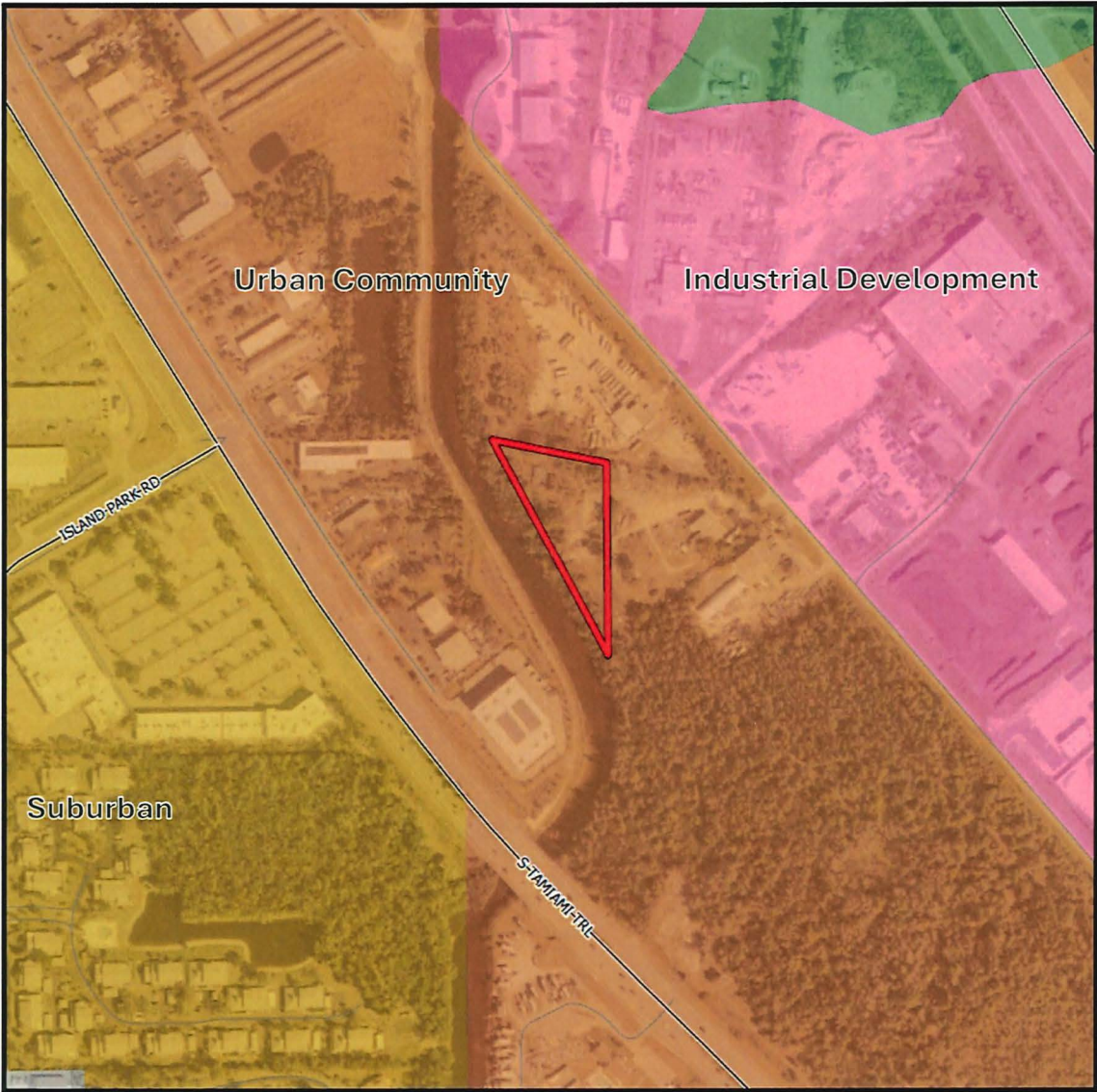
 Subject Property



0 500
Feet



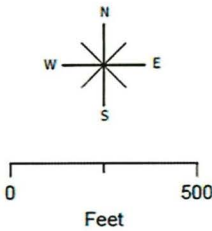
Future Land Use



REZ2025-00012

Future Land Use

- Subject Property
- Urban Community
- Suburban
- Industrial
- Public Facilities
- Wetlands



Slide 4

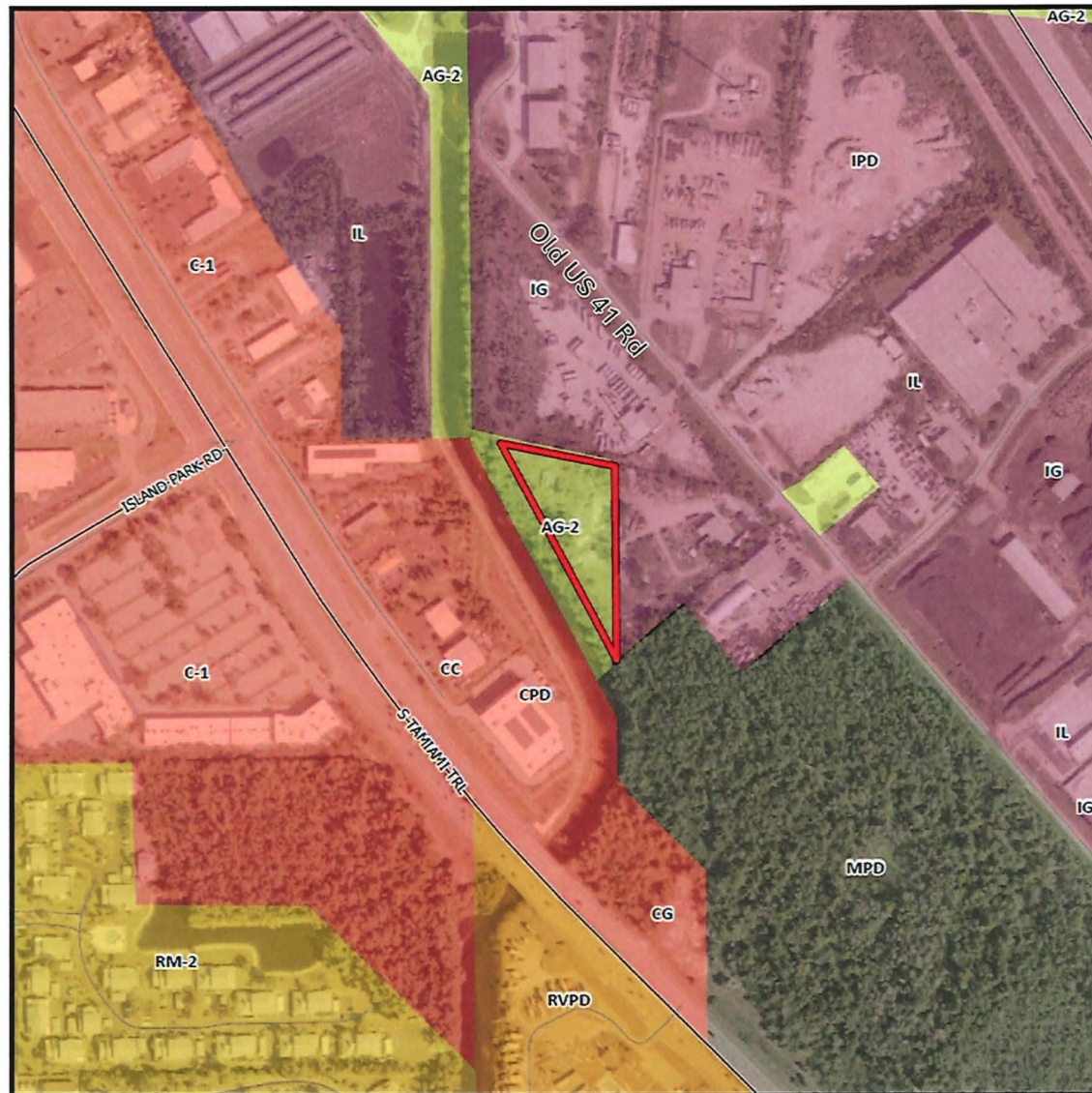
AC1 Same comment - remove text other than FLU

Make outline thicker

Move Urban community Label so its not under property linework

Alexis Crespo, 2026-05-18T12:55:49.360

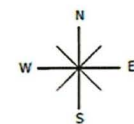
Existing Zoning



REZ2025-00012

Zoning

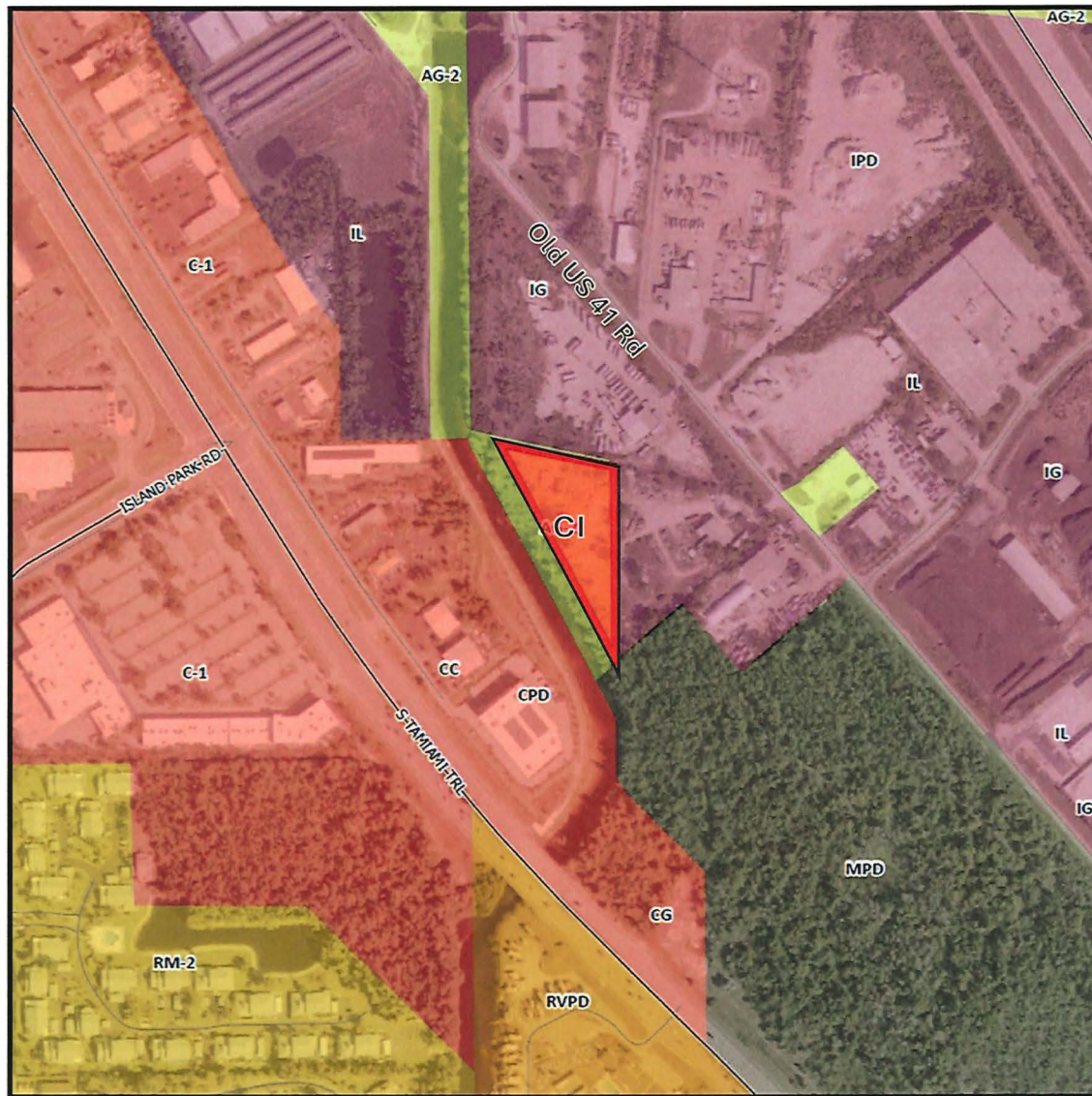
 Subject Property



0 500
Feet



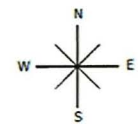
Proposed Zoning



REZ2025-00012

Zoning

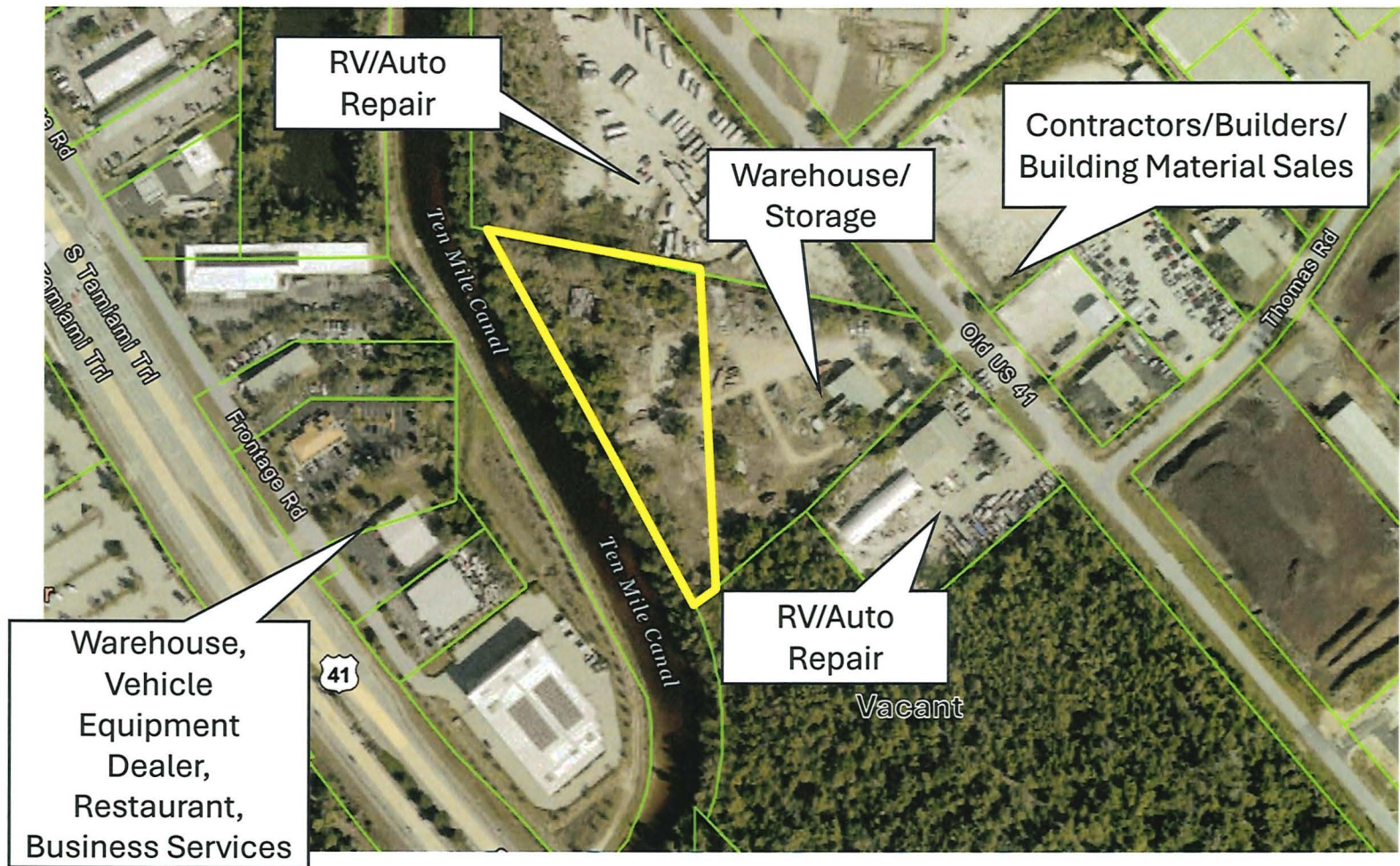
 Subject Property



0 500
Feet

 Lee County
Southwest Florida

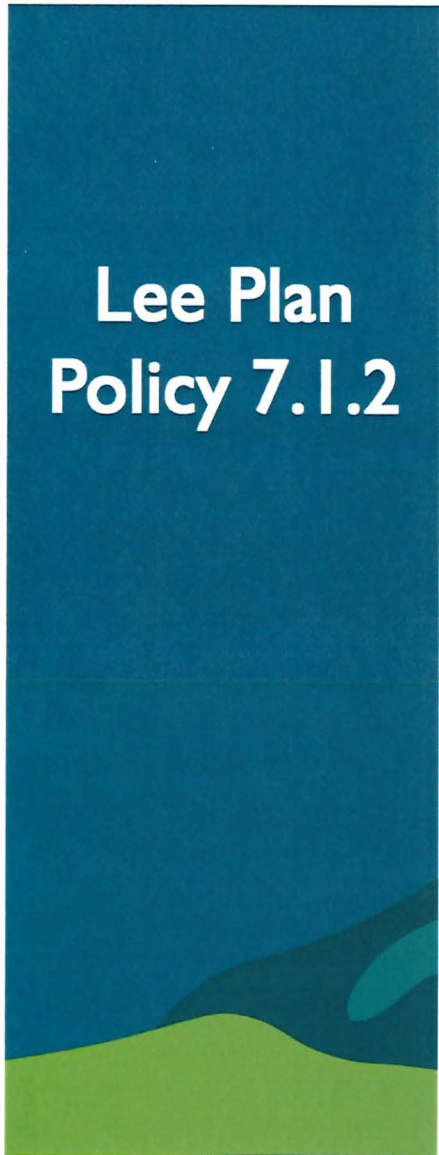
Surrounding Land Use





Details of Request

- Rezone approximately 2± acres from Agricultural (AG-2) to Intensive Commercial (CI)
- Resolves AG-2 zoning inconsistency with the underlying Urban Community future land use
- Supports infill development, business growth, and employment opportunities within an established urban area
- CI zoning allows for compatible range of intensive commercial, warehouse, storage, and service-oriented uses appropriate for the Old US 41/Alico corridor
- Complimentary to the adjacent IL zoning district in terms of allowable uses
- Rezoning to Light Industrial (IL) zoning to align with the remainder of the parcel not allowed per Lee Plan Policy 7.1.2



Lee Plan Policy 7.1.2

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

All rezonings to allow industrial uses outside of the Industrial Development, Tradeport, or Industrial Interchange future land use categories must be rezoned to a Planned Development, except if located within the Mixed Use Overlay.

**Administrative
Variance**
ADD2026-00006

- **Administrative Variance for current parcel configuration APPROVED on May 13, 2026**
- **Approval memorializes longstanding existing site conditions**
- **Allows existing 100-foot lot width where 200 feet is required for freestanding IL parcels**

ADMINISTRATIVE APPROVAL (ASV) ADD2026-00006

ADMINISTRATIVE APPROVAL
LEE COUNTY, FLORIDA

WHEREAS, Carol Zepeda, in reference to 16420 Old US 41, filed an application for administrative approval of a variance from Land Development Code (LDC) Section 34-904, which requires a minimum lot width of 200 feet for a property that is zoned Light Industrial (IL), to memorialize the existing 100-foot lot width for property located at 16420 Old US 41, Fort Myers, FL 33912; and

WHEREAS, the applicant had indicated that the property's current STRAP number is 06-46-25-L4-00013.001A, and a legal description is attached hereto as Exhibit "A"; and

WHEREAS, the subject property is zoned Light Industrial (IL) and Agricultural (AG-2) and is located in the Urban Community Future Land Use Category as designated by the Lee Plan; and

WHEREAS, the applicant has filed an application for Conventional Rezoning (REZ2025-00012) to rezone the portion of the property currently within the Agricultural (AG-2) zoning district to the Intensive Commercial (CI) zoning district; and

WHEREAS, the subject property is approximately ± 5.19 acres in area with ± 1.98 acres of the property being within the Agricultural (AG-2) zoning district and ± 3.21 acres being within the Light Industrial (IL) zoning district (see Exhibits "B" and "F"); and

WHEREAS, LDC Section 34-616(b) establishes when a lot is split by two or more zoning districts, the property development regulations for the largest proportional district prevail, making the property subject to the property development regulations established in LDC Section 34-904; and

WHEREAS, LDC Section 34-904 establishes that properties zoned Light Industrial (IL) that are freestanding and not within an industrial subdivision must have a minimum lot width of 200 feet, lot depth of 200 feet and be at least 2 acres in size; and

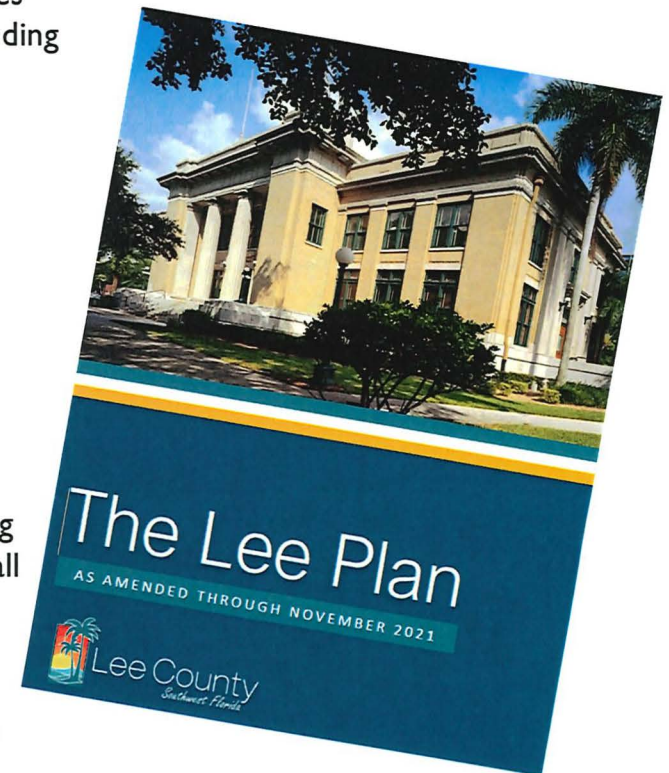
WHEREAS, LDC Section 34-2221(1) establishes the terms "lot width" and "street frontage" are synonymous on straight streets where lot lines are perpendicular to the street right-of-way line; and

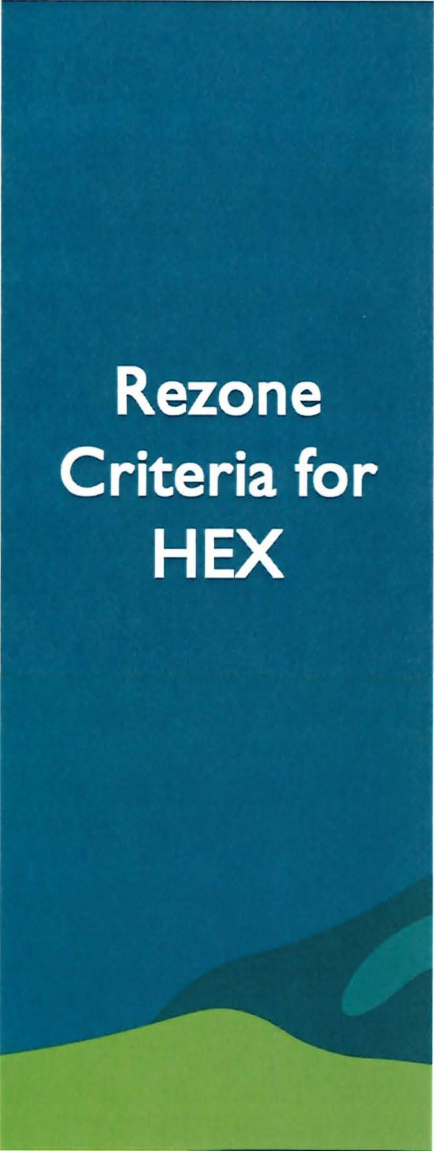
WHEREAS, for lots lawfully created after January 28, 1983, the width of a lot is considered to be the distance between the side lot lines (or a front and side lot line for corner lots) as measured along the minimum required street setback line as set forth in LDC Section 34-2; and

WHEREAS, the IL-zoned portion of the subject property was created through a deed

Lee Plan Consistency

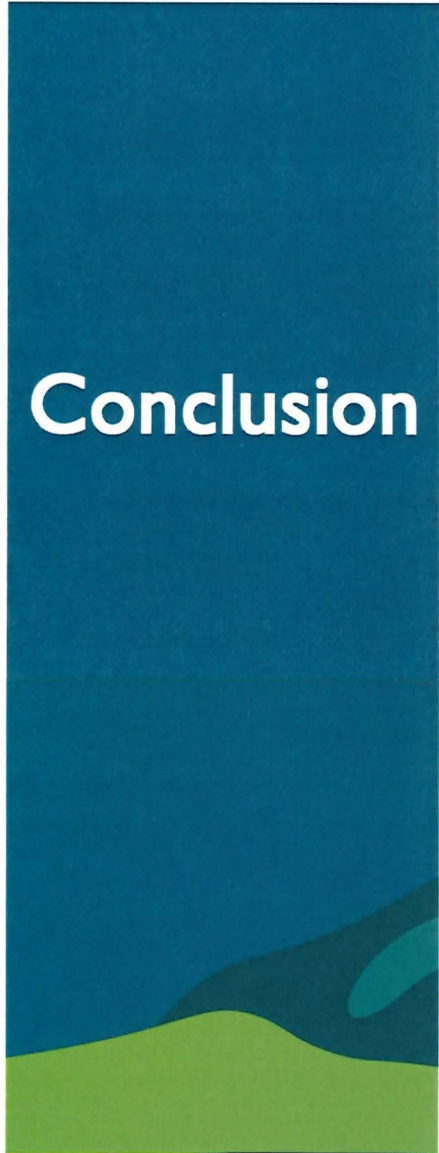
- **Policy 1.1.4 (Urban Community)**
 - ✓ CI zoning supports commercial and limited industrial uses consistent with the Urban Community FLU and surrounding development pattern
- **Objective 2.1 & Policy 2.1.1 (Development Location)**
 - ✓ Promotes compact infill development within the Future Urban Area
- **Policy 2.2.1 (Public Facilities & Compatibility)**
 - ✓ Adequate public facilities and infrastructure confirmed available
- **Policies 6.1.1, 6.1.4 & 6.1.7 (Commercial Development)**
 - ✓ Supports compatible infill commercial development along the Old US 41 industrial corridor and will comply with all applicable LDC development standards
- **Goal 7 & Policy 7.1.7 (Industrial Development)**
 - ✓ CI zoning allows range of non-residential uses compatible with the surrounding industrial corridor
- **Policies 101.1.1, 101.3.2, 125.1.2 & 125.1.3 (Natural Resources)**
 - ✓ Future development subject to ERP review, stormwater treatment, and FEMA/SFWMD requirements
 - ✓ Impacted site





Rezone Criteria for HEX

- a. Complies with the Lee Plan including Urban Community FLU**
- b. Meets Land Development Code & Regulations**
- c. Compatible with Surrounding Commercial & Industrial Uses**
- d. Has Adequate Access from Old US 41**
- e. Transportation Impacts Will Be Addressed at Development Order**
- f. No Adverse Environmental Impacts or Natural Resources**
- g. Served by Urban Public Services and Facilities**



Conclusion

- **Staff Recommendation of APPROVAL**
- **Applicant in agreement with Staff Report**
- **Corrects the existing AG-2 zoning inconsistency with the Urban Community FLU**
- **Support compatible infill development in appropriate area for intensive commercial/limited light industrial uses**
- **Consistent with the Lee Plan & LDC**



LEE COUNTY, FLORIDA
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION
STAFF REPORT

RECEIVED

MAY 20 2026

Case Number: REZ2025-00012

Type of Case: Conventional Rezoning

Case Name: 16400 Old US 41

Area Subject to Request: ±1.98 Acres

Commissioner District: District 2 (Commissioner Pendergrass)

Sufficiency Date: March 30, 2026

Hearing Date: June 4, 2026

BY: HEARING EXAMINER'S OFFICE

Summary of Request and Recommendation

Carol Zepeda with RVi and Landscape Architecture is requesting to rezone approximately ±1.98 acres from Agricultural (AG-2) to Intensive Commercial (CI). The subject property is located at 16420 Old US 41, Fort Myers, FL 33912 and is within the Urban Community Future Land Use Category established by the Lee Plan.

The property subject to this request is part of a five-acre property that is also zoned Light Industrial (IL) (±3.21 acres). Although this portion of the property and the majority of the surrounding area is already within an Industrial Zoning District, **Lee Plan Policy 7.1.2** requires rezonings to allow industrial uses outside of the Industrial Development, Tradeport, or Industrial future land use categories to be rezoned to a Planned Development. The ±1.98 acre portion of the property subject to this request is currently zoned Agricultural (AG-2) is seeking to rezone to the Intensive Commercial (CI) Zoning District to be consistent with **Lee Plan Policy 7.1.2** and allow a broad mix of commercial and light industrial land uses that are more compatible with the surrounding area.

The site is identified as STRAP 06-46-25-L4-00013.001A and a legal description of the request is attached hereto as Attachment C.

Staff recommends **APPROVAL** of the applicant's request.

History of Parcel and Character of Area

The subject property is split zoned, with ±1.98 acres being within the Agricultural (AG-2) zoning district and ±3.21 acres being within the Light Industrial (IL) zoning district, totaling in ±5.29 acres in area. The subject property is located on Old US 41, southwest of Michael G. Rippe Parkway, and east of South Tamiami Trail. The subject property abuts properties to the north and south that are zoned General Industrial (IG), Light Industrial (IL), and Mixed Use Planned Development (MPD).

Pursuant the Public Records of Lee County, in 1983, the subject property was part of a larger parent parcel (see Attachment G). The portion of the property that is within the Light Industrial (IL) zoning district has a creation date January 29, 1988 (see Attachment H) as recorded in Official Records Book 1967, Page 0888, Public Records of Lee County, Florida and pursuant to Public Records of Lee County, the first Warranty Deed for the Agricultural (AG-2) zoned portion of the property was recorded on July 29, 1988 (see Attachment Q) in Official Records Book 2006, Page

STAFF'S EXHIBIT # _____

2155. The parcels surrounding the subject property were rezoned from the Agricultural (AG-2) zoning district to the Light Industrial (IL), General Industrial (IG), General Commercial (CG), Commercial Planned Development (CPD), and Mixed Use Planned Development (MPD) zoning districts with some properties resulting in split zoning, this can be summarized as follows:

Address	Rezone Request	Resolution Number	Date
16420 Old US 41, Fort Myers, FL 33912 (Subject property – IL Zoned Portion)	AG-2 to IL / CG	Z-80-340	10/27/1980
16340 Old US 41, Fort Myers, FL 33912	AG-2 to IL	Z-75-137	6/9/1975
	IL to IG	Z-88-150	7/5/1988
16450 Old US 41, Fort Myers, FL 33912	AG-2 to IL / CG	Z-80-340	10/27/1980
Access Undetermined (south of subject property)	IL and CG to CPD	Z-92-045	2/11/1993
	CPD to MPD	Z-24-028	2/10/2025

On October 15, 2025, the subject property was combined with the ±3.21-acre lot that is currently zoned Light Industrial (IL), which directly abuts the subject property and is located on Old US 41 with Lee County Property Appraiser (see Attachment I). The application that was submitted to Lee County Property Appraiser provides two recorded Warranty Deeds to both parcels, of which show that the Warranty Deed for the ±1.98-acre property zoned Agricultural (AG-2) was last recorded on February 5, 2001 and the Warranty Deed for the ±3.21 acre property zoned Light Industrial (IL) was last recorded on February 4, 2002.

Area surrounding the subject property can be characterized as follows:

North

The property abutting the subject property to the north is currently developed and zoned Light Industrial (IL) and General Industrial (IG) by Resolutions Z-88-150 and Z-75-137 (see Attachments M and J) and is within the Urban Community Future Land Use Category established by the Lee Plan. The property is currently developed, and Lee County Records indicate that the current use is a recreational vehicle (RV) repair shop (Automotive repair and service), which was approved through an Occupancy Permit (OCC2023-00440). Additionally, there is a Development Order application (DOS2024-00085) that is currently issued and active to improve the existing infrastructure.

East

The property abutting the subject property to the east is currently developed and zoned Light Industrial (IL) and within the Urban Community Future Land Use Category. Properties located east of the subject property, across Old US 41, are zoned Light Industrial (IL) by Resolutions Z-75-137 and Z-81-233 (see Attachments J and N) and Agricultural (AG-2). These properties are within the Industrial Development Future Land Use Category established by the Lee Plan. These properties are currently developed and pursuant to Lee County Records, the current uses are Contractors and Builders, Group I and Building Materials Sales. There is a request to rezone the property located at 16451 Old US 41, which is currently zoned Agricultural (AG-2) and operating as “Building Material Sales” to the Light Industrial (IL) zoning district (REZ2026-00007). This case is currently undergoing sufficiency review.

South

Properties located south of the subject property are zoned Community Commercial (CC), Commercial Planned Development (CPD) by Resolution Z-18-020, and Mixed Use Planned Development (MPD) by Resolution Z-24-028 (see Attachments K and P). These properties are also within the Urban Community Future Land Use Category established by the Lee Plan. The property zoned Light Industrial (IL), which directly abuts the subject property, is currently developed and pursuant to Lee County Records the site is currently operating as both Vehicle and Equipment Dealers, Group I and V and Contractors and Builders, Group III. The property zoned Mixed Use Planned Development (MPD) is currently undeveloped but pursuant to Lee County Records there is an active Development Order application (DOS2025-00038) that is currently under review to construct approximately 350 multi-family dwelling units.

West

Properties located west of the subject property, across from a waterbody known as the “Ten Mile Canal” are zoned Commercial Planned Development (CPD) and Community Commercial (CC) and Commercial (C-1). These properties are also within the Urban Community Future Land Use Category established by the Lee Plan. Pursuant to Lee County Records, these properties are developed for various types of uses including but not limited to a Warehouse, Public, Vehicle and Equipment Dealer, Groups I and II, Business Services, Group I, and Restaurant, Group III.

Analysis

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

- a) Complies with the Lee Plan;
- b) Meets this 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 effect environmentally critical or sensitive areas and natural resources; and
- g) Will be served by public services, defined in the Lee Plan, if located in a Future Urban area category.

The applicant has provided a request statement addressing the motive for rezoning and an analysis of the decision-making criteria (see Attachment D). The following provides staff's analysis of the request, as measured against the review criteria. Specifically, staff finds the request;

a) Complies with the Lee Plan

The subject property is located within the Urban Community Future Land Use Category. **Policy 1.1.4** of the Lee Plan establishes that this future land use category are areas characterized by a mixture of relatively intense commercial and residential uses with residential development being at slightly lower densities in these areas. The purpose and intent of the Intensive Commercial (CI) zoning district pursuant to **LDC Section 34-841(n)** is “to permit the designation of suitable

locations for and to facilitate the proper development and use of land for those commercial activities which are like, or which have many of the same needs as industrial land uses". This code section also states that "the CI District is and is intended to be intermediate between consumer-oriented commercial and light industrial uses." The proposed Intensive Commercial (CI) zoning district's permissible uses include uses that align with the Urban Community Future Land Use category and share several common heavy commercial and light industrial uses between the Light Industrial (IL) and General Industrial (IG) zoning districts. Some of these commercial land uses are as follows: Building Material Sales, Business Services, Group II, Storage, Indoor, Open Storage, Warehouse (Hybrid, Mini-Warehouse, Private, and Public), and Wholesale, Groups I, III, and IV. **LDC Section 34-616(b)** restricts permitted uses, and accessory uses to the respective districts. Although permitted uses are restricted to respective zoning districts governing this property, staff finds that the majority of uses that are permitted in the Intensive Commercial (CI) zoning district are indistinguishable in terms of intensity with the Industrial Zoning Districts. Staff finds the proposed rezoning to Intensive Commercial (CI) is consistent with **Lee Plan Policy 1.1.4**.

Objective 2.1 of the Lee Plan promotes contiguous and compact growth patterns, which will be promoted through the rezoning process to contain urban sprawl. Concentrating intensive commercial and industrial development in proximity to existing industrial land uses, available infrastructure, and urban levels of public services reduces the need for costly service extensions and mitigates the inefficient use of land. Rezoning the subject property to Intensive Commercial (CI) provides consistency with existing industrial development within the Urban Community Future Land Use category and within a designated future urban area on the Future Land Use Map as described in **Lee Plan Policy 2.1.1**. In future urban areas, new growth will be directed where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created as described in **Lee Plan Objective 2.2**. The applicant has provided letters of availability from Lee County Utilities for potable water and sanitary sewer (see Attachment F). The subject property will be adequately served by community facilities and services with the San Carlos Fire District and Lee County EMS Medic Station being stationed within two miles of the site at 16901 Island Park Road and the closest station of the Lee County Sheriff's Office being approximately two miles from the site at 14750 Six Mile Cypress Pkwy. There are no residential uses being proposed at this site and residential uses are not permissible within the Intensive Commercial (CI) zoning district as set forth in **LDC Section 34-844**. Staff finds the request is consistent with **Objective 2.1, Policy 2.1.1, and Objective 2.2** of the Lee Plan.

As previously stated, the applicant has provided a letter of availability from Lee County Utilities stating potable water and sanitary sewer are available to the subject property, fulfilling the requirements of **Lee Plan Standards 4.1.1: Water and Standard 4.1.2: Sewer** (see Attachment F).

Goal 6 (Commercial Land Uses) of the Lee Plan permits orderly and well-planned commercial development at appropriate locations within the County. All applications for commercial development, pursuant to **Lee Plan Policy 6.1.1** will be reviewed and evaluated as to traffic and access impacts, availability and adequacy of services and facilities, impact on adjacent land uses and surrounding neighborhoods, proximity to other similar centers, and environmental considerations. **Lee Plan Policies 6.1.4 and 6.1.7** prohibit commercial development from being located in a way that will result in premature, scattered, or strip development; but permit commercial development in areas that have existing commercial development where compatible

with adjacent existing and proposed land uses, and would make residential uses clearly unreasonable.

The subject property is located on a County Maintained Road known as Old US 41. Lee County Department of Transportation (DOT) have reviewed the case and offered no comments. The need for site-related improvements will be further reviewed at the time of Development Order. The subject property is surrounded by properties that are mostly developed and are either in a commercial or industrial zoning district. The proposed Intensive Commercial (CI) zoning district schedule of use table established in **LDC Section 34-844** permits the use “Convenience food and beverage store”, which is not a permitted use in the industrial zoning districts pursuant to **LDC Section 34-903**. Although this use is not generally permitted on properties with a conventionally zoned industrial district, the use is permitted in an Industrial Planned Development (IPD) pursuant to **LDC Section 34-934** and the use is also subject to the supplementary regulations established in **LDC Section 34-1353**. Overall, the proposed Intensive Commercial (CI) zoning district is less intensive than the Light Industrial (IL) and General Industrial (IG) zoning districts and allows for a limited set of uses that generally aligns with industrial zoning districts and would be indistinguishable from the industrial land uses. As previously mentioned, the subject property will be adequately served by the applicable services and facilities.

Lee Plan Policy 6.1.3 requires commercial developments requiring rezoning and meeting DCI thresholds to be rezoned to a Planned Development. The proposed rezone request is not subject to the Planned Development rezoning requirements as set forth in **LDC Section 34-341**. At the time of Development Order, the applicant must provide adequate and appropriate landscaping, open space, buffering, and architectural standards as set forth in **Lee Plan Policy 6.1.6**. The site’s location in an area that is already heavily developed with primarily industrial and commercial uses, the request to rezone the property to Intensive Commercial (CI) is not anticipated to introduce any incompatible uses and will allow the property to be developed in line with the character of the surrounding area. Staff finds this request is consistent with **Goal 6, Policy 6.1.1, 6.1.3, 6.1.4, 6.1.6, and 6.1.7** of the Lee Plan.

Goal 7 (Industrial Land Uses) of the Lee Plan promotes opportunities for well-planned industrial development at suitable locations within the County. In April of 2023, the Board of County Commissioners (BOCC) adopted Lee County Ordinance 23-08, which revised **Lee Plan Policy 7.1.2**. This Lee Plan Policy encourages industrial development; however, the policy requires properties located outside of the Industrial Development, Tradeport and Industrial Interchange future land use categories to pursue industrial development through the Planned Development rezoning process, except if located within the Mixed-Use Overlay. The subject property is not located within the Mixed-Use Overlay. Therefore, the applicant is requesting to rezone the Agricultural (AG-2) zoned remnant property to the Intensive Commercial (CI) zoning district. **Lee Plan Policy 7.1.7** will not permit industrial development if it allows industrial traffic to travel through predominantly residential areas. As previously mentioned, the purpose and intent of the Intensive Commercial (CI) zoning district is to permit the designation of suitable locations for and to facilitate the proper development and use of land for those commercial activities which are like, or which have many of the same needs as industrial land uses. These commercial activities are often indistinguishable from industrial land uses due to the type and size of the buildings, relations to modes of transportation, and demands on various services. Future development of the property will be required to demonstrate compliance with the Department of Transportation (DOT) for

access and transportation. Staff finds the request is consistent with **Goal 7, Policy 7.1.2 and Policy 7.1.7** of the Lee Plan.

Lee Plan Policy 101.1.1 requires that development within the Coastal High Hazard Area be compatible with natural systems, such as water retention and purification, wildlife habitat, primary productivity, and defense against coastal flooding. **Lee Plan Policy 101.3.2** restricts development in the Coastal High Hazard Area to uplands except as needed for the provision of public facilities. While the subject property has already been impacted and does not contain substantial environmental resources or environmentally sensitive lands, the subject property will be required to incorporate stormwater systems meeting County and South Florida Water Management District (SFWMD) standards at the time of development. Staff finds the request is consistent with **Policy 101.1.1 and Policy 101.3.2** of the Lee Plan.

The subject property will be required to ensure pretreatment of stormwater prior to discharge in accordance with state regulations and **Lee Plan Policy 125.1.2**. An Environmental Resource Permit (ERP) from the South Florida Water Management District (SFWMD) will be required prior to the subject property being developed. **Lee Plan Policy 125.1.3** requires the design, construction, and maintenance of artificial drainage systems to provide for retention or detention areas and vegetated swale systems that minimize nutrient loading and pollution of freshwater and estuarine systems. The applicant will be required to provide drainage calculations and information at the time of Development Order to ensure compliance with these Lee Plan Policies. Staff finds the request is consistent with **Lee Plan Policies 125.1.2 and 125.1.3**.

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

As previously mentioned, the subject property had been combined with the abutting ±3.21-acre lot to the east that (zoned Light Industrial (IL)) directly abuts the ±1.98-acre property and is located on Old US 41 with Lee County Property Appraiser (see Attachment I). **LDC Section 34-616(b)** establishes when a lot is split by two or more zoning districts, the property development regulations for the largest proportional district prevail. The combination of the subject property with the abutting IL zoned parcel to the east creates a parcel that is approximately 5.29 acres in area, with ±3.21 acres being within the Light Industrial (IL) zoning district and ±1.98 acres being within the Intensive Commercial (CI) zoning district if this request is approved. Pursuant to **LDC Section 34-616(b)**, development of the subject property will be required to abide by the minimum property development standards of the Light Industrial (IL) zoning district established in **LDC Section 34-904**. An Administrative Approval (ADD2026-00006) was issued to memorialize the non-conforming 100-foot lot width (street frontage) in the Light Industrial (IL) zoning district (see Attachment R).

The applicant has acknowledged that at the time of development, all other applicable Land Development Code regulations will be met.

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

The subject property is located within the Urban Community future land use category, which allows for a mixture of relatively intense commercial and residential uses. The rezone request is compatible with the Light Industrial (IL), General Industrial (IG), Industrial Planned Development (IPD), Mixed Use Planned Development (MPD), Commercial Planned Development (CPD),

Community Commercial (CC), and Commercial (C-1) zoning districts that surround the subject property. Development of the subject property will be required to meet setbacks, open space, and buffering requirements contained in the Land Development Code at the time of development order approval. Staff finds the rezoning to Intensive Commercial (CI) is consistent and compatible with existing and planned uses surrounding the property.

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

The subject property has sufficient access when compiled with the abutting IL zoned land, which has street frontage on Old US 41, which connects to Alico Road, eventually providing access to Michael G. Rippe Parkway and South Tamiami Trail. A traffic impact statement will be required at the time of development order approval to demonstrate that development of the property will not adversely affect the Level of Service of the surrounding road network.

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

Impacts to transportation facilities will be addressed by existing county regulations and the required traffic impact statement during development order review.

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

Environmental Sciences staff states that the subject property is located in the Coastal High Hazard Area (**Lee Plan Policy 101.3.1**) and the Ten Mile Canal Watershed (see Attachment E). The subject property does not contain sufficient acreage to meet the definition of a large project as defined in **LDC Section 10-415** and is therefore defined as a small development. Industrial zoning districts that are classified as a small development are required to provide a minimum of 20 percent open space at the time of development order as set forth in **LDC Section 10-415**. There were no protected species identified on the subject property and indigenous open space is not required at the time of development order. Based on the historical impacts to the property and nature of the site, the request will not adversely affect environmentally critical areas or natural resources.

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

The property is located within the Urban Community future land use category which is a Future Urban area, and adequate public services are available to serve the site.

Utilities

Lee County Utilities has provided a Letter of Availability ensuring sufficient capacity to provide service to the site (see Attachment F).

Fire and Medic

San Carlos Fire Station and Lee County Emergency Medical Services are co-located at 16901 Island Park Road, which is within two miles of the subject property.

Sheriff

The Lee County Sheriff Department's Office is located at 14750 Six Mile Cypress Parkway, which is approximately two miles from the subject property.

Transportation

The subject property does not directly abut a Lee Tran Route; however, Bus Stops 3140 and 3141 are located on South Tamiami Trail, which is less than a mile from the site.

Conclusion

The requested rezoning from Agricultural (AG-2) to Intensive Commercial (CI) is consistent with the Lee Plan and Land Development Code. The proposed rezoning provides consistency within the area and allows the site to be developed in line with the surrounding properties. Staff have concluded that the rezoning will not result in negative impacts to urban services, infrastructure or surrounding property. The subject property is sufficiently served by fire, police, and emergency services personnel. The result will not impact any wetland preserves, or flood hazard areas, or adversely affect environmentally critical or sensitive areas and natural resources. Therefore, staff recommends **APPROVAL** of the applicant's request.

Attachments

- A - Expert Witness List
- B - Aerial, Current Zoning, and Future Land Use Maps
- C - Legal Description
- D - Applicant's Request Narrative and Lee Plan Consistency
- E - Lee County Environmental Staff Memorandum
- F - Lee County Utilities: Letters of Availability
- G - Title Chain for Parent Parcel
- H - Recorded Warranty Deed for IL Property
- I - Lee County Property Appraiser Lot Combination
- J - Resolution Z-75-137
- K - Resolution Z-18-020
- L - Resolution Z-80-340
- M - Resolution Z-88-150
- N - Resolution Z-81-233
- O - Resolution Z-92-045
- P - Resolution Z-24-028
- Q - Recorded Warranty Deed for AG-2 Property
- R - ADD2026-00006 RESO

ATTACHMENT A

**LEE COUNTY STAFF EXPERT WITNESS INFORMATION
PROVIDED PURSUANT TO AC-2-6, SECTION 2.2.b(5)(f)3.**

Brianna Schroeder, Planner, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

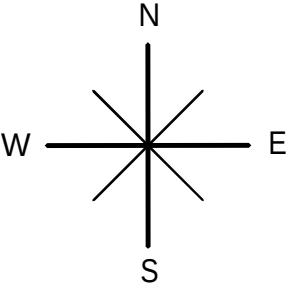
- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan, zoning, and land use planning.
- Report and documents are submitted with 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.

Paige Carroll, Environmental Planner, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

- Seeking to be qualified as an expert witness in the Lee County Land Development Code, 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.

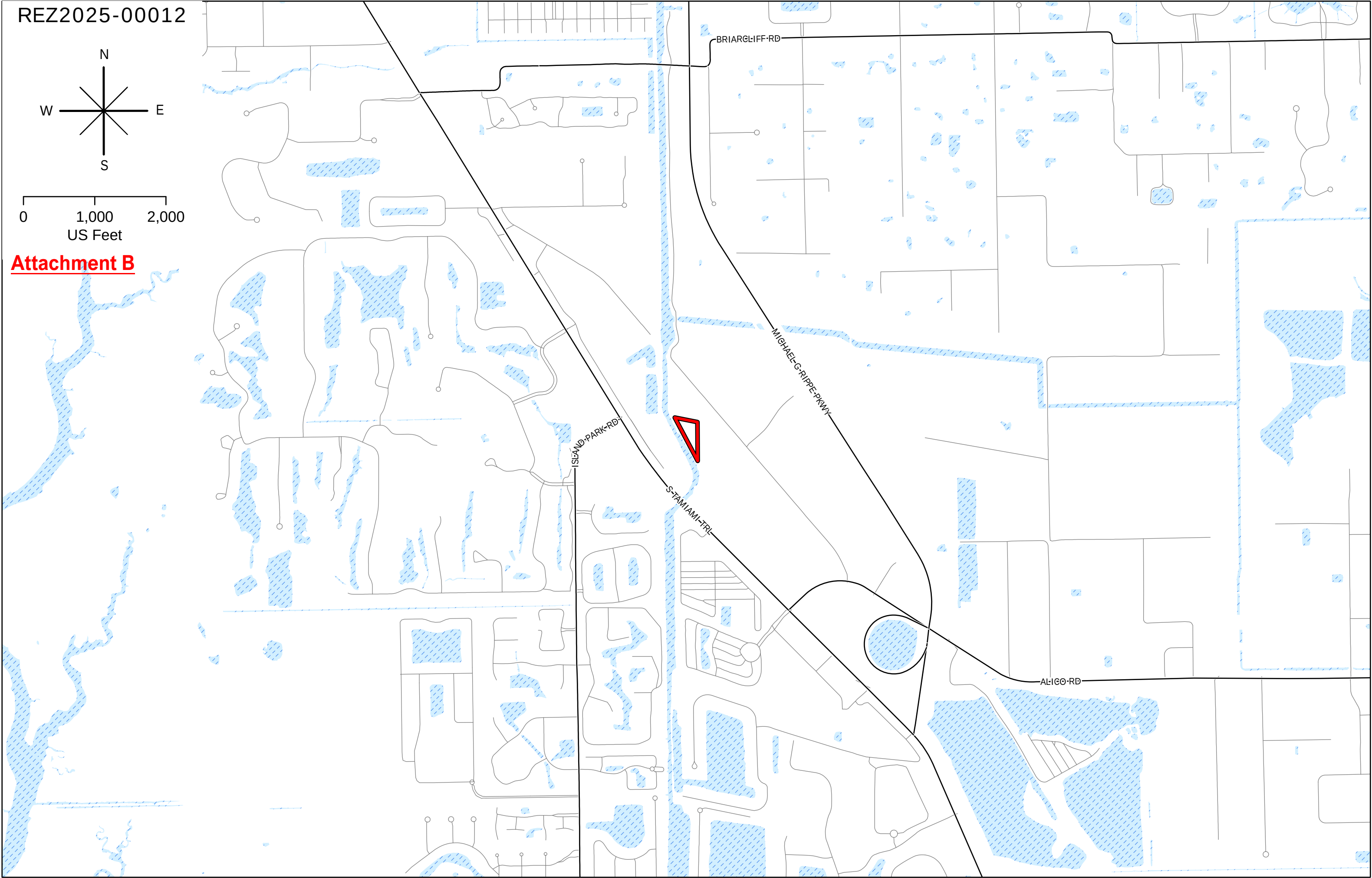
Elizabeth Workman, Principal Planner, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

- 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, 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.



0 1,000 2,000
US Feet

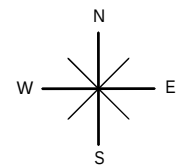
Attachment B



REZ2025-00012

Aerial

 Subject Property



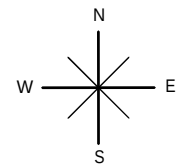
0 500
Feet



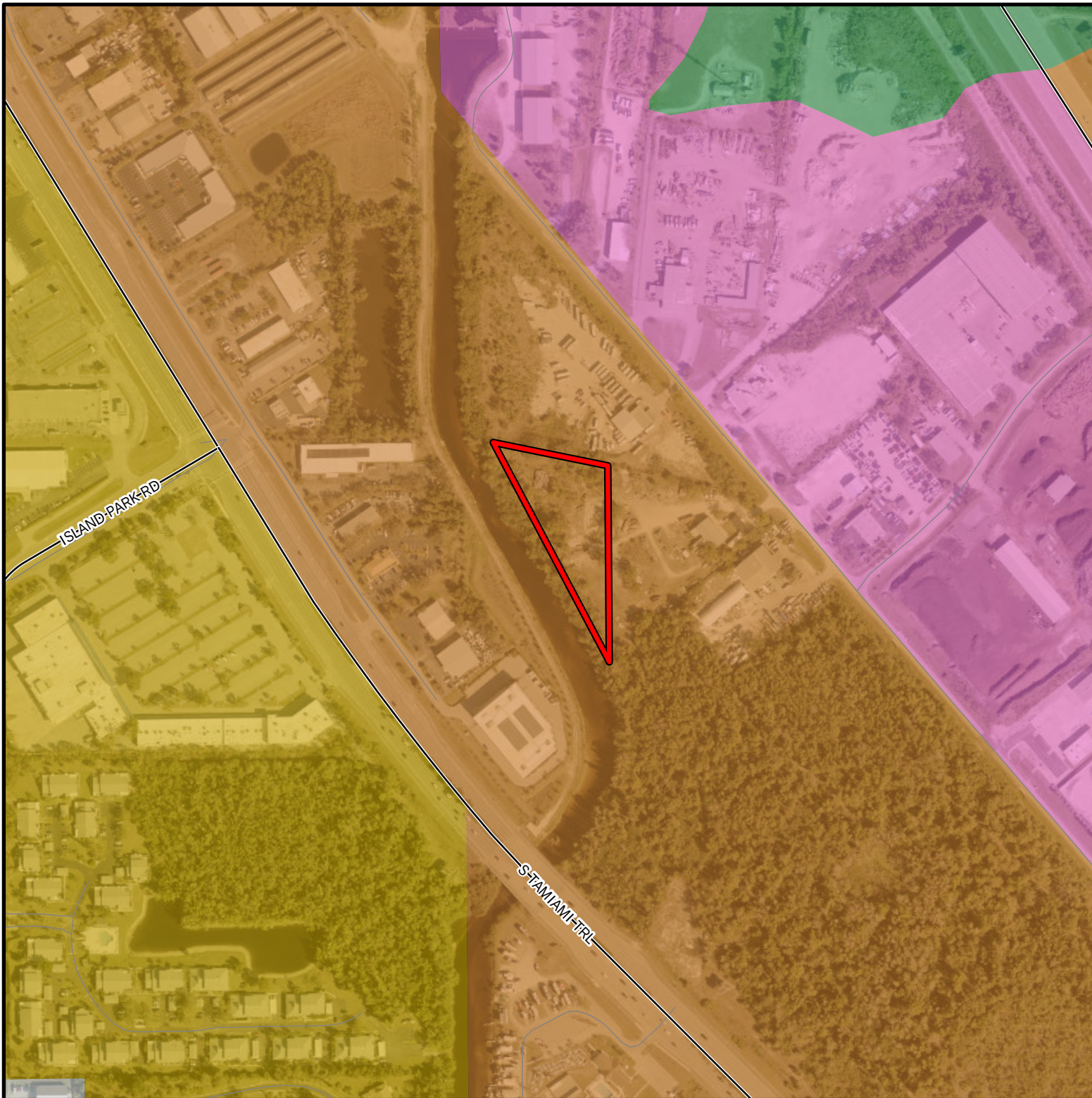
REZ2025-00012

Future Land Use

-  Subject Property
-  Urban Community
-  Suburban
-  Industrial
-  Public Facilities
-  Wetlands



0 500
Feet



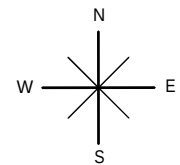


REZ2025-00012

Mixed Use Overlay

 Subject Property

 Mixed Use Overlay



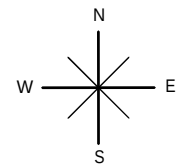
0 500
Feet



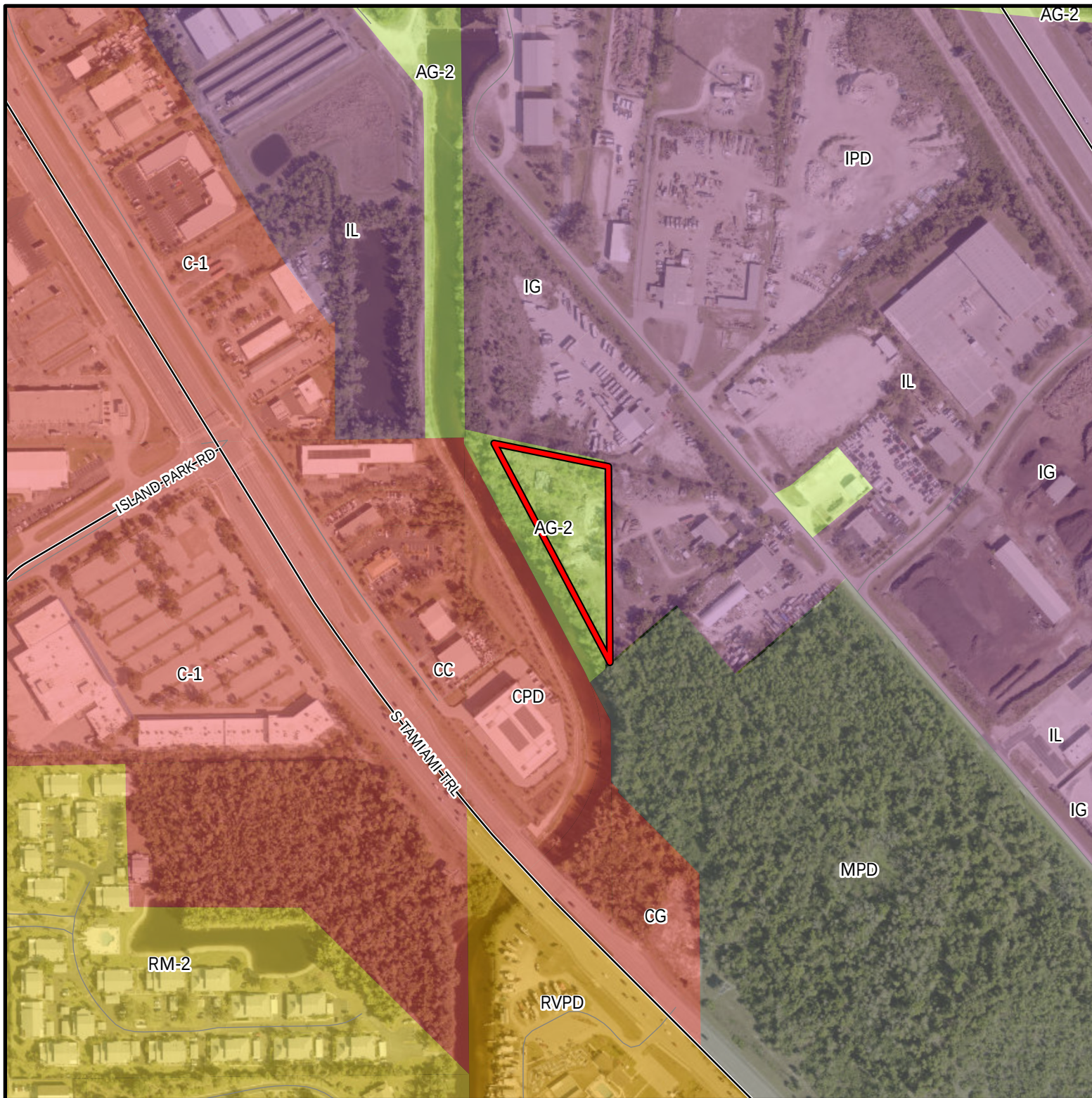
REZ2025-00012

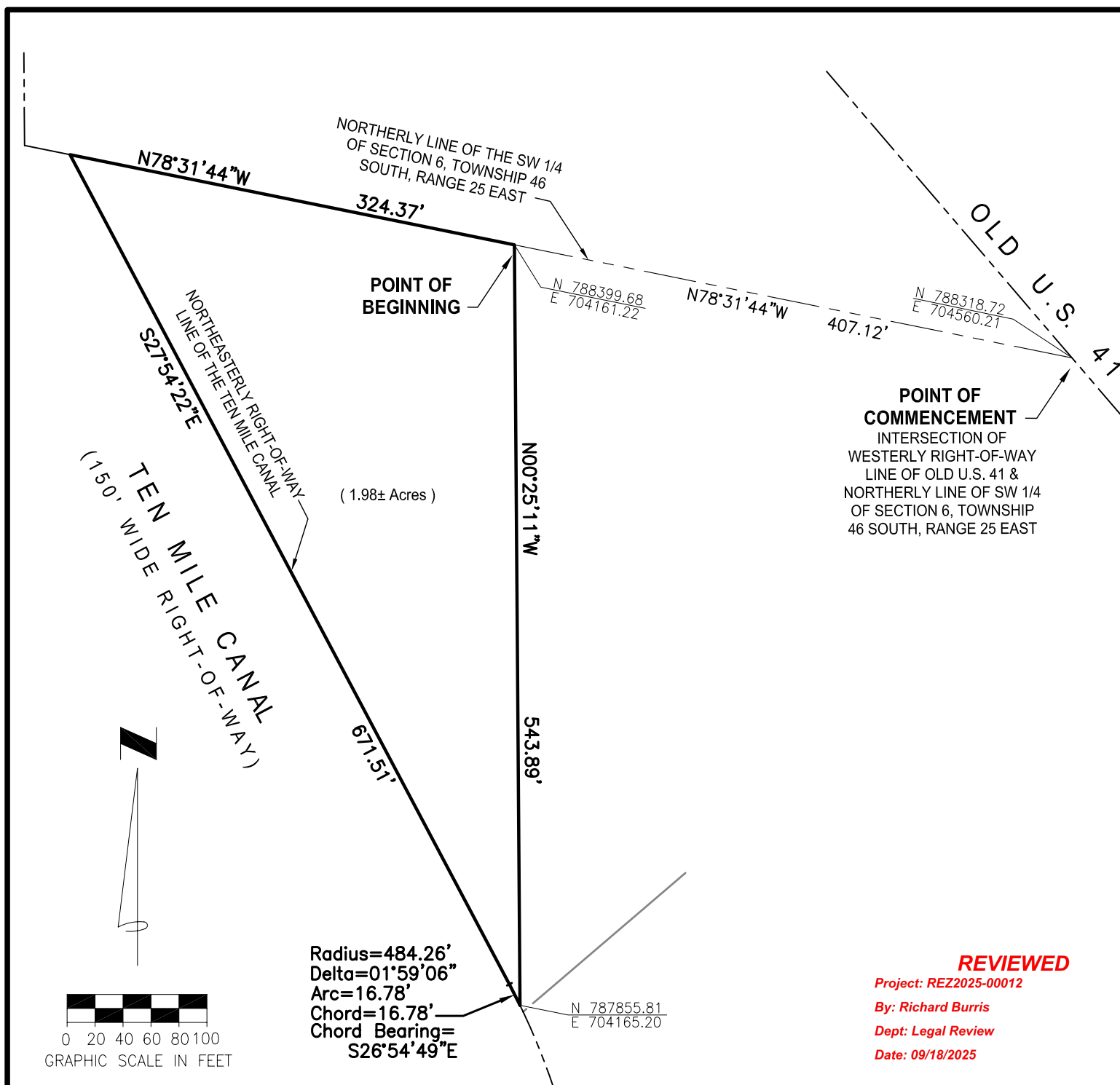
Zoning

 Subject Property



0 500
Feet



**REVIEWED**

Project: REZ2025-00012

By: Richard Burris

Dept: Legal Review

Date: 09/18/2025

THIS IS NOT A BOUNDARY SURVEY**SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION, SURVEYOR'S NOTES & SURVEYOR'S CERTIFICATION.**J H McCARRIER LAND SURVEYING, INC.
Licensed Business No. 70272460 SUNRISE BOULEVARD
FORT MYERS, FLORIDA 33907
Phone: (239) 277-7821

PROJECT

SKETCH & LEGAL DESCRIPTION**'16400 OLD U.S. 41 - FORT MYERS'**

PART OF THE SW 1/4 OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST

CLIENT

HALEY WARD, INC.13041 McGREGOR BLVD
FORT MYERS, FL 33919
PHONE: (239) 418-1331

SCALE

1"=100'

DATE

JUNE 18, 2021

FILENAME

16400OldUS41_s&l.dwg

PROJECT NO.

20-143.1

DRAWN BY
JHMCHECKED BY
JHM

SHEET 1 OF 2

LEGAL DESCRIPTION

A PORTION OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LYING NORTHEASTERLY OF THE TEN MILE CANAL, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A 3" X 3" CONCRETE MONUMENT, MARKING THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF OLD U.S. 41 AND THE NORTHERLY LINE OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SAID SECTION 6, RUN N78°31'44"W ALONG SAID QUARTER SECTION LINE, A DISTANCE OF 407.12 FEET TO A 4" X 4" CONCRETE MONUMENT AND THE **POINT OF BEGINNING**; THENCE CONTINUE N78°31'44"W ALONG SAID QUARTER SECTION LINE, A DISTANCE OF 324.37 FEET TO A POINT OF INTERSECTION WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID TEN MILE CANAL (150-FOOT WIDE); THENCE RUN S27°54'22"E ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 671.51 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE TO THE WEST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING FOR ITS ELEMENTS A RADIUS OF 484.26 FEET, A CENTRAL ANGLE OF 01°59'06", AN ARC DISTANCE OF 16.78 FEET, A CHORD DISTANCE OF 16.78 FEET AND A CHORD BEARING OF S26°54'49"E; THENCE RUN N00°25'11"W, A DISTANCE OF 543.89 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 1.98 ACRES, MORE OR LESS.

SURVEYOR'S NOTES

1. BEARINGS SHOWN HEREON ARE BASED UPON FIXING THE MONUMENTED NORTH LINE OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, AS N78°31'44"W.
2. THIS MAP IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL, OR A VALIDATED ELECTRONIC SIGNATURE, OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
3. HORIZONTAL COORDINATE VALUES SHOWN HEREON REFLECT FLORIDA STATE PLANE COORDINATES, WEST ZONE, AND ARE REFERENCED TO THE NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT.

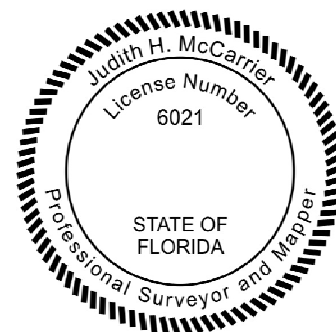
PREPARED BY:

Judith H McCarrier, PSM
License No. 6021
State of Florida

2025.07.03

15:06:50 -04'00'

JUDITH H. MCCARRIER
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA LICENSE NO. 6021



REVIEWED

Project: REZ2025-00012

By: Richard Burris

Dept: Legal Review

Date: 09/18/2025

THIS IS NOT A BOUNDARY SURVEY

SEE SHEET 1 OF 2 FOR SKETCH.



J H MCCARRIER LAND SURVEYING, INC.
Licensed Business No. 7027

2460 SUNRISE BOULEVARD
FORT MYERS, FLORIDA 33907
Phone: (239) 277-7821

PROJECT

SKETCH & LEGAL DESCRIPTION

'16400 OLD U.S. 41 - FORT MYERS'

PART OF THE SW 1/4 OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST

CLIENT

HALEY WARD, INC.

13041 MCGREGOR BLVD
FORT MYERS, FL 33919
PHONE: (239) 418-1331

SCALE

N.A.

DATE

JUNE 18, 2021

FILENAME

16400OldUS41_s&l.dwg

PROJECT NO.

20-143.1

DRAWN BY
JHM

CHECKED BY
JHM

SHEET 2 OF 2



16400 Old US 41 Rezone Request Narrative & Compliance Statement

REVISED October 2025

I. Request

Herbert Jones Jr. Trust (“Applicant”) is requesting approval to rezone the 2+/-acre property located at 16400 Old US 41 (“Property”) (STRAP: 06-46-25-00-00013.001A) from Agricultural (AG-2) to Intensive Commercial (CI).

The proposed rezoning will establish an appropriate zoning district that aligns with the existing land use patterns and surrounding industrial zoning districts, in light of the underlying Urban Community future land use. While continuation of Light Industrial (IL) zoning is inconsistent with Lee Plan Policy 7.1.2, the CI district supports a broad mix of uses—commercial, transportation, and warehouse operations – which will be compatible with the surrounding land use pattern and consistent with the Lee Plan. This flexibility is particularly advantageous in this location and will help foster business growth and job creation.

II. Existing Conditions & Property History

The 2.00-acre property is currently zoned Agricultural (AG-2) and is vacant. The site is located on the west side of Old US 41 with access provided through the adjacent property at 16420 Old US 41, under common ownership with the Applicant.

Light industrial and Commercial uses have thrived in the established areas along Alico Road and Old US 41, which are generally south and west of the airport. These locations provide diverse industrial space options for businesses in Fort Myers, offering a variety of sizes, amenities, and convenient access to key transportation routes. The surrounding land use pattern has been outlined below:

Table 1: Inventory of Surrounding Lands

	FUTURE LAND USE	ZONING	EXISTING LAND USE
NORTH	Urban Community	IL (Light Industrial)/ IG (General Industrial)	Automotive Repair and Service, Warehouse/Open Storage
SOUTH	Urban Community	Tamalico CPD DRI (Commercial Planned Development); Dewolfe & Johnson CPD; Dia Crossing MPD	Mini-Warehouse, Open Storage; Vacant/Undeveloped
EAST	Urban Community	IL (Light Industrial);	Warehouse, Open Storage, Office, Retail Sales,

WEST	Urban Community	Dewolfe & Johnson CPD, CC, C1	Office; Light Industrial; Mini-Warehouse, Auto Repair, Auto Sales, Retail Sales, Restaurant, Golf Cart Dealership, Self Storage
-------------	-----------------	----------------------------------	--

III. Public Infrastructure

Lee Plan Maps 4-A and 4-B include the site as part of the Lee County Service Franchise Area for centralized utilities. Lee County Utilities (LCU) sewer and water service is available to the property with lines in the abutting Old US 41 right-of-way. Capacity is available per the attached availability letter provided by LCU.

San Carlos Park Fire Department Station 52 and Lee County EMS Medic Station are co-located within 5 miles from the subject property, and the Lee County Sheriff's Office is 4 miles from the property.

It is understood that should the property be developed in the future; the developer will provide a transportation analysis and a transportation mitigation plan in accordance with Chapter 10 of the Land Development Code as part of the development order application once the final intended use is determined.

IV. Rezoning Justification

The proposed rezoning will bring the property into alignment with current Lee County code and enable development consistent with neighboring properties to the north, south, and west.

The existing Agricultural (AG-2) zoning is primarily intended for Rural and Non-Urban Areas and does not align with the site's current Future Land Use designation of Urban Community.

Rezoning to Intensive Commercial (CI) will allow for a broader range of uses, such as commercial retail, offices, warehousing, storage and open storage, —while restricting more intensive heavy industrial operations for consistency with the Urban Community FLU..

Rezoning the property from Agricultural (AG-2) to Intensive Commercial (CI), aligns well with the applicant's neighboring property located at 16420 Old US 41, thereby creating a larger site suitable for substantial commercial and industrial development. Its strategic location off the Alico Road industrial corridor near the airport enhances its appeal for such uses.

For these reasons, the proposed rezoning aims to position the property for a wider range of uses that support the community with minimal impact on nearby residences, while also ensuring consistency with the Lee Plan, as outlined below.

V. Decision-Making Compliance

In accordance with LDC Section 34-145, the data and analysis provided in the enclosed application demonstrate the following:

a) Complies with the Lee Plan;

The application is consistent with the uses and intensities allowed under the Urban Community Future Land Use designation. The rezoning will support commercial and limited light industrial uses that promotes job creation, expands employment opportunities, and provides services for residents throughout Lee County.

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

The request will fully comply with or exceed, the performance and locational standards of the proposed CI zoning district. Due to the conventional zoning request, no deviations are sought. When the site is redeveloped in the future, it will undergo all necessary review processes and receive the required approvals from Lee County.

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

The requested CI rezone is consistent with the goals, objectives, and policies of the Lee Plan, as outlined in this application and is a logical extension of the surrounding industrial and commercial zoning districts. The surrounding area to the east, west and south are zoned Commercial Planned Development (CPD), Light Industrial or General Industrial and are developed with a range of non-residential uses including mini-warehouse, open storage, and vehicle repair. The Old US 41 corridor and nearby Alico Road corridor serve as one of the key areas for industrial uses serving the entirety of Lee County. The future land use is Urban Community which allows for Intensive Commercial Zoning district.

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

Future proposed development on the site will via Old US 41, a roadway maintained by the Lee County Department of Transportation (Lee DOT) via the Applicant's adjacent property. Further transportation analysis will be provided at the time of development order depending on the ultimate uses proposed for development.

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

Approval of this request is not expected to significantly affect the surrounding roadway network. The proposed rezoning aligns with the area's Future Land Use classification and the existing zoning pattern along Old US 41. If the site is developed in the future, it will be subject to additional development order approval, during which

any potential impacts will be evaluated in accordance with the Land Development Code (LDC).

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

This request will not adversely affect environmentally critical areas and natural resources based on the historical impacts to the property and infill nature of the site. Further environmental analysis will be completed with any future development order.

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

The site is within the Future Urban Area and can be served by available urban levels of public infrastructure and services. Future development resulting from the proposed rezoning will be served by the County-maintained roadway network, Lee County Utilities, Lee County Fire, Sheriff, and EMS services.

VI. Lee Plan Compliance

The following is an analysis of the Intensive Commercial rezoning's consistency with goals, objectives and policies of the Lee County Comprehensive Plan (Lee Plan).

POLICY 1.1.4: The Urban Community future land use category are areas characterized by a mixture of relatively intense commercial and residential uses. The residential development in these areas will be at slightly lower densities than other future urban categories described in this plan. As vacant properties within this category are developed, the existing base of public services will need to be maintained which may include expanding and strengthening them accordingly. As in the Central Urban future land use category, predominant land uses in this category will be residential, commercial, public and quasi-public, and limited light industrial with future development encouraged to be mixed use , as described in Objective 11.1, where appropriate. The standard density range is from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 Future Land Use II-2 April 2024 du/acre), with a maximum total density of ten dwelling units per acre (10 du/acre). The maximum total density may be increased to fifteen dwelling units per acre (15 du/acre) utilizing Greater Pine Island Transfer of Development Units.

The intent of the Intensive Commercial (CI) zoning district is to permit the designation of suitable locations for and to facilitate the proper development and use of land for those commercial activities which are like, or which have many of the same needs as industrial land uses. Changing the zoning from Agricultural (AG-2) to Intensive Commercial (CI) aligns with the existing non-residential uses in the surrounding area. The Urban Community future land use category permits both commercial and light industrial zones, supporting uses such as essential service facilities, warehousing, wholesale establishments, and transportation services. CI is an implementing zoning

district for the Urban Community FLU, as evidenced by surrounding properties within this category.

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

This rezoning action supports the principles of smart growth by promoting compact, contiguous development patterns consistent with adjacent land uses to the south, east and west. Concentrating intensive commercial and industrial development in proximity to existing industrial land uses, available infrastructure and urban levels of public services reduces the need for costly service extensions and mitigates the inefficient use of outlying lands, or areas more proximate to residential land uses. This approach aligns with established community planning policies aimed at achieving sustainable land use and efficient resource allocation.

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

The proposed rezone will occur within the Urban Community FLU designation in Lee County, which is a Future Urban Area per the Lee Plan. This FLU anticipates a multitude of uses including areas of commercial, and industrial lands, supporting developments like wholesale establishments, warehousing, and essential service facilities. It also accommodates, transportation services, airport-related terminals, offices uses and repair shops.

POLICY 2.2.1: Rezoning and DRI proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare.

Please see enclosed LCU Letter of Availability. Future development proposed by the rezone will connect to centralized water and sewer. Fire/EMS are provided by San Carlos Fire District via a station within 2 miles of the site. Schools are not required to support the proposed non-residential land uses permitted via the CI zoning district. The site can be served by the Lee County Sheriff's Office. Further analysis of service availability will be provided at time of Development Order.

STANDARD 4.1.1 & 4.1.2: WATER & SEWER

Any future development proposed on the subject site will comply with the LDC relating to centralized water and sanitary sewer service connections.

POLICY 6.1.1: All applications for commercial development will be reviewed and evaluated as to:

- 1. Traffic and access impacts (rezoning and development orders);***
- 2. Landscaping and detailed site planning (development orders);***
- 3. Screening and buffering (Planned Development rezoning and development orders);***
- 4. Availability and adequacy of services and facilities (rezoning and development orders);***
- 5. Impact on adjacent land uses and surrounding neighborhoods (rezoning);***
- 6. Proximity to other similar centers (rezoning); and***
- 7. Environmental considerations (rezoning and development orders).***

1. Traffic and access impacts (rezoning and development orders)

The CI zoning district does not support heavy industrial uses that would create significant industrial traffic. Future development within this designation will be required to demonstrate consistency with County access and traffic circulation standards to ensure compatibility with surrounding land uses. Traffic and access considerations will be further evaluated during the local development order review. Based on the current proposal, access has been reviewed and a Traffic Impact Study is not required.

2. Landscaping and detailed site planning (development orders);

Landscape plans and the detailed site plan will be provided at the Development Order stage. The site will be required to demonstrate full compliance with all applicable standards in the Lee County Land Development Code.

3. Screening and buffering (Planned Development rezoning and development orders);

Landscape plans and the detailed site plan, including required screening and buffering, will be submitted at the Development Order stage. The project will demonstrate full compliance with all applicable standards in the Lee County Land Development Code.

4. Availability and adequacy of services and facilities (rezoning and development orders);

Public services and facilities are available and adequate to support development of the site. The presence of existing infrastructure and urban level services minimizes the need for costly extensions and helps prevent inefficient use of outlying areas or areas located closer to residential uses. Availability and capacity will be further reviewed at time of Development Order.

5. Impact on adjacent land uses and surrounding neighborhoods

The CI district is less intensive and is compatible with the adjacent IG and IL zoning districts. The proposed rezoning will establish a zoning category that better reflects existing land use patterns than AG-2, and is complimentary to the surrounding industrial and commercial zoning districts, as well as the intent of the the Urban Community future land use. While logical considering the adjacent IL zoning district, the IL zoning cannot be proposed due to consistency with Lee Plan Policy 7.1.2. However, the CI district allows a broad mix of commercial, transportation, and warehouse uses that align with the surrounding development pattern and support consistency with the Lee Plan.

Moreover, the allowance for convenience food and beverage and other service/retail type uses that are permitted in the CI zoning district, will be complimentary to the surrounding industrially-zoned lands by providing nearby goods and services to the employment base. By way of example the Industrial Planned Development (IPD) zoning district permits convenience food and beverage as an allowable use in the context of an industrial development. Convenience food and beverage also is subject to supplementary development standards to ensure external compatibility per LDC Sec. 34-1353.

6. Proximity to other similar centers (rezoning);

Adjacent properties to the south and west are already developed with uses that are similar to or consistent with those permitted within the CI district. These include office uses, light industrial operations, mini warehouse facilities, auto repair and auto sales establishments, retail sales, restaurants, golf cart dealerships, and self-storage. The presence of these existing commercial and light industrial activities demonstrates that the area already functions with a mix of commercial and industrial uses. The proposed CI zoning aligns with this established pattern and reinforces a cohesive concentration of compatible uses. This proximity to similar centers supports an orderly development pattern and ensures that the site contributes to, rather than conflicts with, the surrounding land use framework.

7. Environmental considerations (rezoning and development orders).

This request is not expected to adversely affect environmentally sensitive areas or natural resources given the historical disturbance of the property and its infill character. Additional environmental review and analysis will be conducted at the time of a future development order to ensure full compliance with applicable standards.

POLICY 6.1.3: POLICY 6.1.3: Commercial developments requiring rezoning and meeting DCI thresholds, must be rezoned to a Planned Development except if located within the Mixed-Use Overlay. The Planned Development must be designed to arrange uses in an integrated and cohesive unit in order to: provide visual harmony and screening; reduce dependence on the automobile; promote pedestrian movement within the development; utilize joint parking, access and loading facilities; avoid

negative impacts on surrounding land uses and traffic circulation; protect natural resources; and, provide necessary services and facilities where they are inadequate to serve the proposed use.

The project does not exceed the DCI thresholds and therefore is not subject to Planned Development rezoning requirements. The proposed zoning and site design will promote compatibility with surrounding uses, provide appropriate access and circulation, and comply with County standards for landscaping, screening, and environmental protection.

POLICY 6.1.7: Prohibit commercial developments from locating in such a way as to open new areas to premature, scattered, or strip development; but permit commercial development to infill on small parcels in areas where existing commercial development would make a residential use clearly unreasonable.

The site is located within an area already developed and zoned for commercial and industrial uses, representing logical infill rather than premature or scattered development. The proposed use is compatible with surrounding land uses and supports the orderly continuation of existing commercial development patterns.

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

Should future commercial uses be redeveloped on the site pursuant to the CI zoning district, they will be compatible with adjacent Commercial Planned Development and IL zoning districts surrounding the site. Public services and facilities exist to support development of the site. Additionally, the CI district is less intense and therefore will be compatible with the abutting IG and IL zoning districts.

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

The rezone proposes development that consist of CI uses that range from commercial to light industrial in nature. All development will fully comply with all applicable local, state, and federal standards. The project will adhere to air, water, and noise pollution regulations and will not include any bulk storage or production of toxic or hazardous materials near residential areas. Appropriate buffering and screening will be incorporated to minimize impacts on adjacent land uses, and measures will be taken to ensure no contamination of surface or groundwater occurs. The development will also be reviewed for its effects on transportation access, utility and sewer needs, drainage, and fire safety, while ensuring compatibility with surrounding neighborhoods through noise and odor control.

POLICY 7.1.2: Industrial development is encouraged in the Industrial Development, Tradeport, and Industrial Interchange future land use categories. Industrial development in these future land use categories requiring rezoning and meeting DCI

thresholds must be rezoned to a Planned Development. All rezonings to allow industrial uses outside of the Industrial Development, Tradeport, or Industrial Interchange future land use categories must be rezoned to a Planned Development, except if located within the Mixed Use Overlay. The Planned Development must be designed to arrange uses as an integrated and cohesive unit in order to: promote compatibility and screening; reduce dependence on the automobile; promote pedestrian movement within the development; utilize joint parking, access and loading facilities; avoid negative impacts on surrounding land uses and traffic circulation; protect natural resources; and, provide necessary facilities and services where they are inadequate to serve the proposed use.

The request is for a commercial zoning designation (CI – Intensive Commercial District), not which does not fall under the industrial zoning districts. As such, the policy's provisions regarding industrial development and Planned Development rezoning do not apply. The proposed CI zoning is appropriate for the site's Future Land Use designation and surrounding commercial and industrial uses.

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

The CI zoning district does not permit the type of industrial activities that would generate heavy industrial traffic. Any future development will demonstrate compliance with County access and traffic circulation standards to ensure compatibility with surrounding land uses.

POLICY 101.1.1: Require that development within the Coastal High Hazard Area be compatible with natural systems, such as, water retention and purification, wildlife habitat, primary productivity, and defense against coastal flooding. (Ord. No. 00-22, 18-28)

The site design will incorporate stormwater systems meeting County and SFWMD standards, utilize native landscaping, and comply with FEMA floodplain requirements to maintain natural water retention, protect water quality, and minimize impacts to coastal and habitat systems. The site has been heavily impacted and does not contain substantial environmental resources or environmentally sensitive lands.

POLICY 101.3.2: Restrict development in the Coastal High Hazard Area to uplands except as needed for the provision of public facilities. (Ord. No. 18-28)

Any future development proposes via the local development order process must demonstrate consistency with the above policy. The rezoning does not authorize wetland impacts within the Coastal High Hazard Area. If wetlands are found at the time of DO, conditions will be placed upon this approval to ensure compliance with the above policy, including but not limited to assurance that state and/or federal water management permits must first be obtained.

POLICY 125.1.2: New development and additions to existing development must not degrade surface and ground water quality.

The site design will ensure pretreatment of stormwater prior to discharge in accordance with state regulations. An Environmental Resource Permit (ERP) from the SFWMD will be required prior to site construction activities. Continued monitoring will be completed to ensure proper discharge. Heavy industrial uses are prohibited via the CI zoning district proposed.

POLICY 125.1.3: The design, construction, and maintenance of artificial drainage systems must provide for retention or detention areas and vegetated swale systems that minimize nutrient loading and pollution of freshwater and estuarine systems.

The site design will ensure pretreatment of stormwater prior to discharge in accordance with state regulations. An Environmental Resource Permit (ERP) from the SFWMD will be required prior to site construction activities. Additionally, the DO application will provide drainage calculations and information to ensure consistency with the above policy.

VII. Conclusion

The subject property lies within the Urban Community Future Land Use category. The proposed rezoning to Intensive Commercial (CI) is consistent with the surrounding industrial and commercial uses and will facilitate appropriate non-residential development in a strategic location near major arterial roads and adjacent to IL and IG zoning districts. Moreover, the rezoning will correct the existing AG-2 zoning district's inconsistency with the underlying future land use category and Lee Plan.

Access to public infrastructure, including Old US 41 and connections to potable water and sanitary sewer through the adjacent applicant-owned parcel at 16420 Old US 41, further supports the viability of this rezoning. The property will be developed in accordance with Lee County regulations and the Lee Plan, promoting the efficient use of land and infrastructure while advancing the objectives of the Urban Community Future Land Use category.

The rezoning will create a cohesive zoning framework aligned with established land use patterns, enhancing the area's economic potential and ensuring compatibility with adjacent development and infrastructure.

Attachment E

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ENVIRONMENTAL STAFF REPORT

CASE NUMBER: REZ2025-00012
TYPE OF CASE: Rezone
CASE NAME: 16400 Old US 41
TOTAL ACREAGE: 2.06 ±
SUFFICIENCY DATE: 03/30/2026
HEARING EXAMINER DATE: June 04, 2026

Request:

The applicant is requesting to rezone a portion of an existing 5.3± acre property currently zoned Agricultural (AG-2) and Light Industrial (IL) located at 16400 Old US 41. The portion of the property requested to be rezoned from Agricultural (AG-2) to Intensive Commercial (CI).

Existing Conditions:

The subject property is located in the Coastal High Hazard Area (Lee Plan Policy 101.3.1) and the Ten Mile Canal Watershed. The subject property is also located within the Urban Community Future Land Use category.

The site is already developed and has two buildings.

Buffers:

Property development regulations for Industrial zoning districts do not require any buffers between abutting Industrial zoned property's per LDC Section 10-416. A 15-foot Type D right-of-way buffer is required along Old US 41 per LDC Section 10-416. This requirement is being met by the applicant.

Open Space:

Small developments in Industrial zoning districts are required to provide 20% open space per LDC Section 10-415. This requirement is being met by the applicant.

Indigenous Open Space, and Protected Species:

Property development regulations for a small project in an Industrial zoning district does not require indigenous open space, and the site is already disturbed. No protected species are on the subject property.



BOARD OF COUNTY COMMISSIONERS

Kevin Ruane
District One

June 17, 2025

Via E-Mail

Cecil L Pendergrass
District Two

Carol Zepeda

David Mulicka
District Three

RVI Planning and Landscape Architecture

Brian Hamman
District Four

111 N. Magnolia Avenue, Suite 1350

Orlando, FL 32801

Mike Greenwell
District Five

**RE: Potable Water and Wastewater Availability
16400 Old US 41 – 16400 Old US 41, Fort Myers, FL 33912
STRAP # 06-46-25-00-00013.001A**

Dave Harner, II
County Manager

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 Service Area as depicted on Maps 4A and 4B of the Lee County Comprehensive Land Use Plan. Potable water and sanitary sewer lines are in operation 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 three commercial units with an estimated flow demand of approximately 73,000 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

Availability of potable water and sanitary sewer service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our Green Meadows Water Treatment Plant.

Sanitary sewer service will be provided by our Three Oaks Water Reclamation Facility. The Lee County Utilities' Design Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

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 Zoning only. Individual letters of availability will be required for the purpose of obtaining building permits.

Sincerely,

Ashanti Shahriyar

LEE COUNTY UTILITIES

Ashanti Shahriyar

Plan Reviewer

239-533-8531

UTILITIES ENGINEERING



OFF: 1243 REC: 2129

This Indenture,

Wherever used herein, the term "party" shall include the heirs, personal representatives, successors and/or assigns of the respective parties herein; the use of the singular number shall include the plural, and the plural the singular; the use of any gender shall include all genders, and, if used, the term "note" shall include all the notes herein described.

RECORDED
BY C. MURPHY, DC

Made this 27 day of December, A. D. 1977

Between

LARRY P. GARRETT, individually and as Trustee,

of the County of Lee in the State of Florida
party of the first part, and KEITH A. MILLER, TRUSTEE, whose correct address
is: 3432 Cleveland Avenue, Fort Myers

of the County of Lee in the State of Florida
party of the second part,

Witnesseth that the said party of the first part, for and in consideration of
the sum of TEN AND NO/100----- Dollars,
to him in hand paid by the said party of the second part, the receipt whereof is hereby
acknowledged, has granted, bargained and sold to the said party of the second part
his heirs and assigns forever, the following described land, situate lying and being in
the County of Lee, State of
Florida, to wit:

Beginning at the intersection of the Northeasterly right-of-way line
of State Road 45 and the East line of the West half of the Southwest
quarter of Section 6, Township 46 South, Range 25 East; thence run
North 45° 02' West along the Northeasterly right-of-way line of State
Road 45 a distance of 1345.68 feet; thence North 0° 22' 50" West
parallel to the West line of Section 6 to the North line of the South-
west quarter of Section 6; thence South 78° 29' 40" East along the
North line of the Southwest quarter of Section 6 to the Southwesterly
right-of-way line of the old Tamiami Trail; thence South 40° 31' 40"
East along the old Tamiami Trail a distance of 839.87 feet to the
East line of said West quarter of the Southwest quarter of Section 6;
thence South 0° 39' 30" East a distance of 1460.74 feet to the point
of beginning, containing 28 acres, more or less, and approximately
one-quarter mile of Highway 41 frontage, all the above in Lee County,
Florida.

SUBJECT to taxes for the calendar year and easements and restrictions
of record, if any.
Seller, Larry P. Garrett, Trustee, warrants that the above described
real estate is not Florida homestead property and further warrants that
Seller's residence is: 3543 Stuart Court, Fort Myers, Florida, 33901.

And the said party of the first part does hereby fully warrant the title to said land,
and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, the said party of the first part has hereunto set his
hand and seal the day and year first above written.

Signed, Sealed and Delivered in Our Presence:

[Signature] (LPG) *[Signature]*
Individually and as Trustee

State of Florida

County of Lee

I, *[Signature]*, That on this day personally appeared before me, an
officer duly authorized to administer oaths and take acknowledgments,
LARRY P. GARRETT, individually and as Trustee,

to me well known and known to me to be the individual described in and who
acknowledged the foregoing deed, and he acknowledged before me that
he executed the same freely and voluntarily for the purposes therein expressed.

Witness my hand and official seal
County of Lee, and State of Florida, this 20th
day of December, A. D. 1977.

My Commission Expires 2, 1979

[Signature]
Notary Public

Prepared By:
LYNN GERALD, JR.
2543 First Street
Fort Myers, Florida

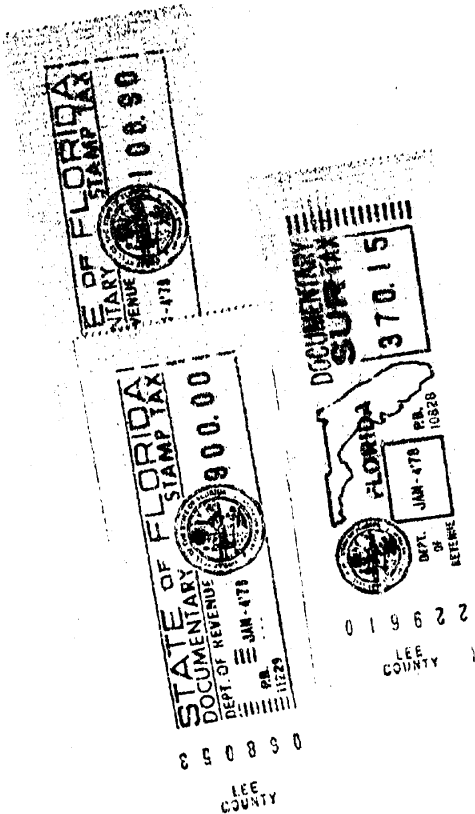
Warranty Deed

TO

Date

ABSTRACT OF DESCRIPTION

LYNN, GERALD, JR.
ATTORNEY AT LAW
FORT MYERS, FLORIDA



CLERK OF CIRCUIT COURT
JAN 4 4 21 PM '78
RECORDED IN OFFICIAL
RECORDS
LEE COUNTY, FLORIDA
RECORDS VERIFIED

OFF REC 1243 P2130

1243 P2130
JAN 4 1978
CLERK OF CIRCUIT COURT
FORT MYERS, FL 33901

1208833

1354 2007

This instrument was prepared by

Samuel V. Johnson

Warranty Deed

(STATUTORY FORM — SECTION 689.02 F.S.)

**SMITH, JOHNSON, CARTA
& MOCKLER**Attorneys At Law
Post Office Box 2446
FORT MYERS, FLORIDA 33902This Indenture, Made this 5th day of May June 1979 Between

KEITH A. MILLER, Individually and as Trustee,
of the County of Lee State of Florida, grantor, and
CHARLES S. RAKOS and JERRY C. HOUCK, Trustees, with power and authority
either to protect, conserve and to sell, or to lease or to encumber or otherwise to manage
whose post office address is and dispose of the real property described in this instrument, as more
specifically set forth in F.S. 689.071
3432 Cleveland Avenue, Fort Myers,
of the County of Lee State of Florida, grantee.

Witnesseth, That said grantor, for and in consideration of the sum of
----- Ten and no/100 ----- Dollars,

and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby
acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever the fol-
lowing described land, situate, lying and being in Lee County, Florida, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO.

SUBJECT TO easements, reservations, restrictions of record
and taxes for the current year.

ALSO SUBJECT TO that certain Mortgage dated January 3, 1978
and recorded in O. R. Book 1244, Page 366, Public Records of
Lee County, Florida, which Mortgage has an unpaid principal
balance of \$269,000.00, which balance Grantees hereby assume
and agree to pay in full.

THIS IS NOT THE HOMESTEAD PROPERTY OF THE GRANTOR.

and said grantor does hereby fully warrant the title to said land and will defend the same against the lawful claims
of all persons whomsoever.

* "Grantor" and "grantee" are used for singular or plural, as context requires.

In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.
Signed, sealed and delivered in our presence:

Linda S. H. Lee
Notary Public

Keith A. Miller (Seal)
Keith A. Miller, individually and as
Trustee (Seal)

(Seal)

(Seal)

STATE OF FLORIDA
COUNTY OF LEE

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally
appeared

KEITH A. MILLER, Individually and as Trustee

to me known to be the person described in and who executed the foregoing instrument and acknowledged before
me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 5th day of May June
1979

My commission expires:

July 22, 1982

Notary Public

1354 2008

Beginning at the intersection of the Northeasterly right of way line of State Road 45 and the East line of the West half ($W\frac{1}{2}$) of the Southwest quarter ($SW\frac{1}{4}$) of Section 6, Township 46 South, Range 25 East, thence run North $45^{\circ} 02'$ West along the Northeasterly right of way line of State Road 45 a distance of 1345.68 feet; thence North $0^{\circ} 22' 50''$ West parallel to the West line of Section 6 to the North line of the Southwest quarter ($SW\frac{1}{4}$) of Section 6; thence South $78^{\circ} 29' 40''$ East along the North line of the Southwest quarter ($SW\frac{1}{4}$) of Section 6 to the Southwesterly right of way line of the old Tamiami Trail; thence South $40^{\circ} 31' 40''$ East along the old Tamiami Trail a distance of 839.87 feet to the East line of said West quarter ($W\frac{1}{4}$) of the Southwest quarter ($SW\frac{1}{4}$) of Section 6; thence South $0^{\circ} 39' 30''$ East a distance of 1460.74 feet to the point of beginning.

LEE COUNTY	1	STATE OF FLORIDA	STAMP TAX
	6	DOCUMENTARY	STAMP TAX
	1	DEPT. OF REVENUE	STAMP TAX
	5	JUN-779	815.10
2	11229		

LEE COUNTY	2	FLORIDA	DOCUMENTARY
	8	DEPT. OF REVENUE	SUR TAX
	5	JUN-779	333.30
	8	P.B. 13825	

JUN 14 16 PM '79
 IN OFFICIAL
 RECORDS
 OF FLORIDA
 RECORDS VERIFIED
 STATE ARCHIVES
 TALLAHASSEE, FLORIDA

Exhibit "A"

1669 pt 512

P.O. Box 749
Fort Myers, FL. 33602

1969 n 513

NOTARY OF FLORIDA

COUNTY OF LAZ.

SS.

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, personally appeared Jerry Rouck Flowers, Trustee with power and authority either to protect, conserve, and to sell or to lease or to encumber or otherwise to manage and dispose of the real property described in this instrument as more specifically set forth in F. S. 689.071 to me known to be the person described in and who executed the foregoing instrument and she acknowledged that she executed same.

WITNESS my hand and seal in the County and State last aforesaid this 14th day of March, 1983.

Minnie Green
NOTARY PUBLIC
My Commission Expires: 2/3/85

EXHIBIT "A"

PARCEL 1

Beginning at the intersection of the Northeastly right of way line of State Road 45 and the East line of the West half (W $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 6, Township 46 South, Range 25 East, thence run North 45°02' West along the Northeastly right of way line of State Road 45 a distance of 1345.63 feet; thence North 0°22'50" West parallel to the West line of Section 6 to the North line of the Southwest Quarter (SW $\frac{1}{4}$) of Section 6; thence South 78°29'40" East along the North line of the Southwest Quarter (SW $\frac{1}{4}$) of Section 6 to the Southwesterly right of way line of the old Tardani Trail; thence South 40°31'40" East along the old Tardani Trail a distance of 839.87 feet to the East line of said West quarter (W $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 6, thence South 0°39'30" West a distance of 1460.74 feet to the point of beginning LESS AND EXCEPT a tract of land situated in the State of Florida, County of Lee, lying in the Southwest Quarter (SW $\frac{1}{4}$) of Section 6, Township 46 South, Range 25 East, and further bounded and described as follows:

BEGINNING at a concrete monument marking the intersection of the Northeastly right of way line of U.S. 41 with the East line of of the West half (W $\frac{1}{2}$) of said Southwest quarter (SW $\frac{1}{4}$) thence N 45°02'00" W along said right of way line for 1195.68 feet to the point of beginning; thence continuing N45°02'00" W along said right of way line for 150.00 feet; thence N00°2'50"W parallel with the West line of said section 6 for 340.00 feet, thence S45°02'00" E for 150.00 feet; thence S00°22'50"E for 340.00 feet to the point of beginning.

PARCEL 2

Lots 14, 15, 16 and 17, Block 161, Unit , of that certain subdivision known as CAPE CORAL SUBDIVISION, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court of Lee County, Florida in Plat Book 12, at page 70 through 80, inclusive.

May 2 3 23 PM '03
RECORDED IN OFFICIAL
BOOK 1063 PAGE 514
RECORDED IN 1063

FILED IN CLERK'S OFFICE

1875223

This Indenture, RAMCO FORM 4
RE 1738 PG 648

(Wherever used herein, the terms "first party" and "second party" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so permits or requires.)

Made this 5 day of December. A D. 19 84

BETWEEN KEITH A. MILLER and JERRY HOUCK SCHERS, Trustees with power and authority either to protect and to conserve and to sell or to lease, or to encumber or otherwise to manage and dispose of the real property described in the instrument of the County of Lee, in the State of Florida, part 1es of the first part, and

RONALD C. FRANCISCO, Trustee

of the County of _____, in the State of Florida, whose post office address is _____

3949 Evans Avenue, Fort Myers, Fl. 33901

part γ of the second part.

That the said party less of the first part, for and in consideration of the sum of TEN DOLLARS AND 00/100 Dollars, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said party of the second part, his heirs and assigns forever, the following described land, situate, and being in the County of Lee State of Florida, to-wit:

*as more specifically set forth in F. S. 689.071.

SEE SCHEDULE A ATTACHED HERETO AND MADE A PART HEREOF.

SUBJECT to that certain mortgage in favor of Larry P. Garrett, Trustee, dated January 3, 1978 recorded in OR Book 1244 at page 366 Public Records of Lee County, Florida which mortgage has a present unpaid principal balance of \$161,400.00 which unpaid balance Grantee hereby assumes and agrees to pay in full.

SUBJECT to that certain mortgage in favor of Keith A. Miller, Trustee, dated June 6, 1979 recorded in OR Book 1354 at page 2009, Public Records of Lee County, Florida with an unpaid balance of \$142,782.69 which unpaid balance Grantee hereby assumes and agrees to pay in full.

SUBJECT to easements, restrictions, reservations of record and taxes for the current year.

And the said parties of the first part do hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever

In Witness Whereof, The said parties of the first part have hereunto set their hands and seal this day and year first above written.

Signed, sealed and delivered in the presence of:

ASFC MILLER:

Mary E. Schmid

AS TO BOWERS

Thomas J. Baker
Robert W. Baker

STATE OF FLORIDA,
COUNTY OF Lee

I HEREBY CERTIFY that on this day, before me, as
y aforesaid to take acknowledgments, personally appeared

KEITH A. MILLER, Trustee

to me known to be the person described in and who executed the foregoing instruments and before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this

A. D. 19 34

NOTARY PUBLIC

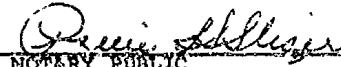
This Instrument prepared by: Samuel V. Johnson, 1st Lt. Comm.
Address P.O. Box 749
 Fort Myers, Fl. 33902

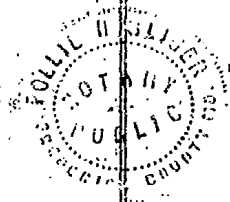
RE 1738 PG 849

STATE OF MARYLAND
COUNTY OF FREDERICK SS.

I HEREBY CERTIFY that on this day, before me, an
officer duly authorized in the State aforesaid and the County
aforesaid to take acknowledgments, personally appeared JERRY
HOUCK BOWERS, Trustee, to me known to be the person described in
and who executed the foregoing instrument and she acknowledged
before me that she executed the same.

WITNESS my hand and official seal in the County and
State last aforesaid this 29th day of November, 1994.


NOTARY PUBLIC
My Commission Expires: 7/1/86



LAW OFFICE
OF
JOHNSON & MCKLER
ATTORNEYS AT LAW
P.O. BOX 749
FORT MYERS, FLORIDA
33902
813-334-1321

SCHEDULE A

A tract or parcel of land situated in the State of Florida, County of Lee, lying in the southwest one quarter (SW $\frac{1}{4}$) of Section 6, Township 46 South, Range 25 East and further bounded and described as follows:

Beginning at a concrete monument marking the intersection of the northeasterly right-of-way line of U.S. 41 (SR 45) with the east line of the west one half (W $\frac{1}{2}$) of said southwest one quarter (SW $\frac{1}{4}$); thence N 45° 02' 00" W along said right-of-way line for 555.68 feet; thence N 00° 22' 50" W parallel with the west line of said Section 6 for 340.00 feet; thence N 45° 02' 00" W parallel with said right-of-way for 350.00 feet; thence N 00° 22' 50" W parallel with the west line of said Section 6 for 879.02 feet; thence S 78° 29' 40" E along the north line of said Southwest one quarter (SW $\frac{1}{4}$) for 405.86 feet; thence S 40° 31' 40" E along the southwesterly line of the Old Tamiami Trail for 100.00 feet; thence S 49° 28' 20" W perpendicular to said southwesterly line for 360.00 feet; thence S 40° 31' 40" E parallel to said southwesterly line for 250.00 feet; thence N 49° 28' 20" E for 360.00 feet; thence S 40° 31' 40" E along said southwesterly line for 489.88 feet; thence S 00° 39' 30" E along the east line of the west one half (W $\frac{1}{2}$) of said southwest one quarter (SW $\frac{1}{4}$) for 1,460.74 feet to the point of beginning.

Said parcel contains 27.44 acres more or less.

Said parcel subject to Ten Mile Canal right-of-way.

CLERK OF CIRCUIT COURT

Chas. J. [Signature]

Dec 6 4 26 PM '84
RECORDED IN OFFICIAL
RECORDS
LEE COUNTY, FLORIDA
RECORD VERIFIER

LAW OFFICES
OF
JOHNSON & ROCKLER
ATTORNEYS AT LAW
P.O. BOX 788
FORT MYERS, FLORIDA
33902
813-334-1821

QUIT-CLAIM DEED

RAMCO FORM 8

This Quit-Claim Deed. Executed this 5th day of February, A.D. 1985, by RONALD C. FRANCISCO, Trustee and individually, with power and authority either to protect and to conserve and to sell or to lease, or to encumber or otherwise to manage and dispose of the real property described in this instrument * first party, to THOMAS M. BRONSTETTER, Trustee

whose postoffice address is P. O. Box 2258, Ft. Myers, Florida 33902

second party:

(Wherever used herein the terms "first party" and "second party" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

Witnesseth, That the said first party, for and in consideration of the sum of \$ 10.00 in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Lee State of Florida, to-wit: as more specifically set forth in F. S. 689.071. SEE SCHEDULE "A" FOR A LEGAL DESCRIPTION OF THE PROPERTY BEING CONVEYED AND EXHIBIT "B" FOR RESERVATION OF DRAINAGE EASEMENT ATTACHED HERETO AND MADE A PART HEREOF.

SUBJECT to that certain mortgage in favor of Larry P. Garrett, Trustee, dated January 3, 1978 recorded in OR Book 1244 at page 366 Public Records of Lee County, Florida which mortgage has a present unpaid principal balance of \$161,400.00 which unpaid balance Grantee hereby assumes and agrees to pay in full.

SUBJECT to that certain mortgage in favor of Keith A. Miller, Trustee, dated June 6, 1979 recorded in OR Book 1354 at page 2009, Public Records of Lee County, Florida with an unpaid balance of \$142,782.69 which unpaid balance Grantee hereby assumes and agrees to pay in full.

SUBJECT to that certain mortgage in favor of Keith A. Miller, Trustee, and Jerry Houck Bowers, Trustee, dated December 6, 1984, recorded in OR Book 1758, at Page 651, Public Records of Lee County, Florida.

SUBJECT to easements, restrictions, reservations of record and taxes for the current year.

Documentary Tax Pd \$.45
 S CHAS. GREEN CLERK, LEE COUNTY
 By [Signature] Deputy Clerk

To Have and to Hold the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever.

In Witness Whereof, The said first party has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in presence of:

[Signature] [Signature] [Signature]
 RONALD C. FRANCISCO, Trustee
 L.S.
 L.S.

STATE OF FLORIDA,
 COUNTY OF Lee

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared RONALD C. FRANCISCO, Trustee

to me known to be the person described in and who executed the foregoing instrument and he acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 5th day of February, A. D. 1985.

[Signature]
 Notary Public, State of Florida at Large
 My Commission Expires October 18, 1986

This Instrument prepared by: Philip L. Burnett
 Address P. O. Box 2258, Ft. Myers, Florida 33902

SCHEDULE A

A tract or parcel of land situated in the State of Florida, County of Lee, lying in the southwest one quarter (SW $\frac{1}{4}$) of Section 6, Township 46 South, Range 25 East and further bounded and described as follows:

Beginning at a concrete monument marking the intersection of the northeasterly right-of-way line of U.S. 41 (SR 45) with the east line of the west one half (W $\frac{1}{2}$) of said southwest one quarter (SW $\frac{1}{4}$); thence N 45° 02' 00" W along said right-of-way line for 995.68 feet; thence N 00° 22' 50" W parallel with the west line of said Section 6 for 340.00 feet; thence N 45° 02' 00" W parallel with said right-of-way for 350.00 feet; thence N 00° 22' 50" W parallel with the west line of said Section 6 for 889.02 feet, thence S 78° 29' 40" E along the north line of said Southwest one quarter (SW $\frac{1}{4}$) for 405.86 feet; thence S 40° 31' 40" E along the southwesterly line of the Old Tamiami Trail for 100.00 feet; thence S 49° 28' 20" W perpendicular to said southwesterly line for 360.00 feet; thence S 40° 31' 40" E parallel to said southwesterly line for 250.00 feet; thence N 49° 28' 20" E for 360.00 feet; thence S 40° 31' 40" E along said southwesterly line for 489.88 feet; thence S 00° 39' 30" E along the east line of the west one half (W $\frac{1}{2}$) of said southwest one quarter (SW $\frac{1}{4}$) for 1,460.74 feet to the point of beginning.

Said parcel contains 27.44 acres more or less.

Said parcel subject to Ten Mile Canal right-of-way.

DESCRIPTION

A strip of land being 18.00 feet in width for drainage easement purposes lying in Section 6, Township 46 South, Range 25 East, Lee County, Florida. More particularly described as follows:

From a point at the intersection of the Northeast right-of-way of U.S. 41 (S.R. 45) and the East Line of the West Half (W 1/2) of the Southwest Quarter (SW 1/4) of Section 6, Township 46 South, Range 25 East; thence N 00°37'54" W along the East Line of said West Half (W 1/2) of the Southwest Quarter (SW 1/4) 341.65 feet for a point of beginning; thence continue N 00°37'54" W 25.73 feet; thence N 45°02' W parallel to the right-of-way of U.S. 41 (S.R. 45) 1304.76 feet to a point intersecting a curve concave to the West on the Easterly right-of-way of Ten Mile Canal Lateral Ditch, said point having a radial bearing of S 74°25'35" E ; thence along said curve to the Right through a central angle of 02°24'42" a radius of 485.28 feet, a length of 20.43 feet to a point on said curve which bears S 16°46'46" W, a distance of 20.43 feet; thence S 45°02' E parallel to said U.S. 41 (S.R. 45) 1313.49 feet to the Point of Beginning.

Containing 0.541 acres more or less.

Subject to easements, restrictions, and reservations of record.

EXHIBIT "B"

NOTARIAL
Signature

FEB 6 10 50 AM '85

RECORDED IN OFFICIAL
RECORDS
LEE COUNTY, FLORIDA
RECORD VERIFIED

EASEMENT description for ditch

330277

8/8/87

SPECIAL WARRANTY DEED

2399033

RAMCO FORM 03

This Special Warranty Deed Made the 19th day of June, A. D. 1987 by

THOMAS M. BRONSTETTER, Individually and as Trustee,

hereinafter called the grantor, to

ALAN S. WORTZEL, TRUSTEE,
whose postoffice address is
2323 Wooster Lane, Sanibel, Florida 33957
hereinafter called the grantee;

Documentary Tax Pd. \$ 836.00
\$ Intangible Tax Pd.
CHARLES GREEN, LEE COUNTY
By Charles Deputy Clerk

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth: That the grantor, for and in consideration of the sum of \$ 10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, releases, conveys and confirms unto the grantee, all that certain land situate in Lee County, Florida, viz:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.
SUBJECT TO easements, restrictions and reservations of record, if any, and taxes for the calendar year 1987 and subsequent years.
ALSO SUBJECT TO those certain mortgages in favor of Larry P. Garrett, Trustee dated January 3, 1978 and recorded in O.R. Book 1244, Page 366, in favor of Keith A. Miller, Trustee, dated June 6, 1979 and recorded in O.R. Book 1354, Page 2009, and in favor of Keith A. Miller and Jerry Houck Bowers, Trustees, dated December 6, 1984 and recorded in O.R. Book 1758, Page 651, all in the Public Records of Lee County, Florida; which said mortgages, however, the grantor herein agrees to pay as the same become due and hereby warrants that he will hold grantee and the property herein described harmless from same provided that the covenants contained in the purchase money mortgage from grantee to grantor of even date herewith and the note secured thereby are complied with by grantee and their successors and assigns.

This deed confers and the Trustee named herein is, pursuant to F.S. 689.071, hereby vested with full power and authority either to protect, conserve and to sell, or to lease, or to encumber, or otherwise to manage and dispose of the real property described herein.

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

To Have and to Hold, the same in fee simple forever.

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

In Witness Whereof, the said grantor has hereunto set hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Thomas M. Bronstetter
Richard W. Winesett

Thomas M. Bronstetter U.S.
THOMAS M. BRONSTETTER,
Individually and as Trustee U.S.

STATE OF FLORIDA,
COUNTY OF LEE

I HEREBY CERTIFY that on this day, before me, an

officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, personally appeared THOMAS M. BRONSTETTER, Individually and as Trustee

to me known to be the person described in and who executed the foregoing instrument and he acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 19th day of June, A. D. 1987.

My Commission Expires:

5/6/89

Richard W. Winesett
Notary Public

This Instrument prepared by:
Address

PREPARED BY:
RICHARD W. WINESSETT
BRONSTETTER, WINESSETT, AVERY
DUPREE & WHIGHAM, P.A.
P.O. Drawer 610
Fort Myers, FL 33902-0610

RECORDED BY: J. HANSEN, D.C.
BY: J. HANSEN, D.C.

SEE 961 P60888

EXHIBIT "A"

A parcel of land lying in Section 6, Township 46 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Beginning at the intersection of the North line of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 6 and the Southerly right of way line of Old U.S. 41; thence S 40°30'24" E along said Southerly right of way line for 100.00 feet; thence S 49°29'36" W for 605.22 feet; thence N 0°21'30" W parallel with the West line of said Section 6 for 550.44 feet to the North line of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 6; thence S 78°28'32" E along said North line for 406.86 feet to the point of beginning. Containing 3.210 acres.

OFF 967 PG 0889

JAN 23 3 52 PM '88

RECORDED & RETURN VERIFIED
Blalys
CLERK COUNTY CLERK
LEE COUNTY FLA

840.00 07
15.00p

RETURN TO: Courthouse Box 4

PREPARED BY: Richard W. Winesett
Avery, Whigham & Winesett, P.A.
Post Office Drawer 610
Fort Myers, FL 33902
Telephone: (813) 334-7040

3647389

Grantee's Social Security Number: 062-38-5527

Property Appraiser's Tax Folio Number: 06-46-25-00-00013.0040

SPECIAL WARRANTY DEED

This Special Warranty Deed, executed this 10th day of May, 1994, between ALAN S. WORTZEL, Individually and Trustee, whose post office address is 2323 Wooster Lane, Sanibel, Florida 33957, hereinafter called the grantor, and RONALD C. FRANCISCO, Trustee, whose post office address is 3949 Evans Avenue, Suite 109, Fort Myers, Florida 33907, hereinafter called the grantee:

(Whenever used herein the terms "grantor" and "grantee" shall include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations)

W I T N E S S E T H:

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

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE FOR THE LEGAL DESCRIPTION.

This deed confers and the Trustee named herein is, pursuant to F.S. 689.071, hereby vested with full power and authority either to protect, conserve and to sell, or to lease, or to encumber, or to otherwise manage and dispose of the real property described herein.

This deed is an absolute conveyance of the title to the grantee in consideration of the cancellation of the debt secured by that certain wraparound mortgage dated January 29, 1988 and recorded in Official Records Book 1967, at page 890 of the public records of Lee County, Florida, and is not intended to be an additional security. Acceptance of this deed satisfies the note and mortgage in full. Said mortgage was subsequently assigned to Citizens and Southern National Bank of Florida by assignment of mortgage dated January 29, 1988 and recorded in Official Records Book 1967, at page 893, of the public records of Lee County, Florida, said mortgage having an approximate principal balance outstanding of \$120,000.00.

This conveyance is subject to the following:

1. Zoning and other governmental regulations.
2. Restrictions, reservations, easements, conditions, and limitations of record.
3. Taxes for the year of 1991 and subsequent years.

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

To Have and to Hold the same in fee simple forever.

DEEDSPEC.WAR

DR2531 P60312

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY L. TALONE, D.C.

Documentary Tax Pd. \$ 840.00
Intangible Tax Pd.
CHARLIE GREEN, CLERK, LEE COUNTY
By [Signature] Deputy Clerk

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

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in the presence of:

Lauren M. Davies
signature of first witness

Lauren M. Davies
printed name of first witness

Alan S. Wortzel
ALAN S. WORTZEL, individually
and as Trustee

Pamela Gilbert Wortzel
signature of second witness

Pamela Gilbert Wortzel
printed name of second witness

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 10th
day of May, 1994, by ALAN S. WORTZEL, Individually and
as Trustee, who is personally known X to me or who has produced
[] _____ as identification.

NOTARY PUBLIC:

sign Lauren M. Davies
print Lauren M. Davies
State of Florida at Large (Seal)
My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. FEB. 16, 1995
BONDED THRU GENERAL INS. UND.

DR2531 PG0313

EXHIBIT "A"

A parcel of land lying in Section 6, Township 46 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Beginning at the intersection of the North line of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 6 and the Southerly right of way line of Old U.S. 41; thence S 40°30'24" E along said Southerly right of way line for 100.00 feet; thence S 49°29'36" W for 605.22 feet; thence N 0°21'30" W parallel with the West line of said Section 6 for 550.44 feet to the North line of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 6; thence S 78°28'32" E along said North line for 406.86 feet to the point of beginning. Containing 3.210 acres.

DR2531 PG0314

CHARLIE GREEN LEE CO., FL.
94 AUG 29 PM 4:35

RETURN TO: Courthouse Box 4

PREPARED BY: RICHARD W. WINESETT
Avery, Whigham & Winesett, P.A.
Post Office Drawer 610
Fort Myers, FL 33902
Telephone: (813) 334-7040

3845036

Documentary Tax Pd. \$ 70
Intangible Tax Pd.
CHARLIE GREEN, CLERK, LEE COUNTY
By G. Sherwood Deputy Clerk

OR2639 PG1692

QUIT-CLAIM DEED

10508
70
This Quit-Claim Deed, executed this 1st day of October, A.D. 1995, between RONALD C. FRANCISCO, Trustee, of the County of Lee in the State of Florida, first party, to HARVEY B. YOUNGQUIST as Trustee, whose post office address is P. O. Box 60257, Ft. Myers, Fl. 33906, second party:

(Whenever used herein the terms "first party" and "second party" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

W I T N E S S E T H:

That the said first party, for and in consideration of the sum of Ten Dollars (\$10.00), in hand paid by said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Lee, State of Florida, to wit:

A parcel of land lying in Section 6, Township 46 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Beginning at the intersection of the North line of the Southwest Quarter (SW-1/4) of said Section 6 and the Southerly right of way line of Old U.S. 41; thence S 40°30'24" E along said Southerly right of way line for 100.00 feet; thence S 49°29'36" W for 605.22 feet; thence N 0°21'30" W parallel with the West line of said Section 6 for 550.44 feet to the North line of the Southwest Quarter (SW-1/4) of said Section 6; thence S 78°28'32" E along said North line for 406.86 feet to the point of beginning.

THIS DEED CONFERS AND THE TRUSTEE NAMED HEREIN IS, PURSUANT TO F.S. 689.071, HEREBY VESTED WITH FULL POWER AND AUTHORITY EITHER TO PROTECT, CONSERVE AND TO SELL, OR TO LEASE OR TO ENCUMBER, OR OTHERWISE DISPOSE OF THE REAL PROPERTY DESCRIBED HEREIN.

This conveyance is subject to the following:

1. Zoning and other governmental regulations.
2. Restrictions, reservations, easements, conditions, and limitations of record.

3. Ad Valorem Real Property taxes.

To Have and to Hold the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whosoever of the said first party, either in law or equity, to the proper use, benefit and behoof of the second party forever.

IN WITNESS WHEREOF, the said first party has signed and sealed these presents the day and year first above written.
Signed, sealed and delivered
in the presence of:

Witnesses:

Richard W. Winesett

Witness

Printed name: RICHARD W. WINESETT

Ronald C. Francisco, Trustee
RONALD C. FRANCISCO, Trustee

Kathleen Fuhrman

Witness

Printed name: Kathleen Fuhrman

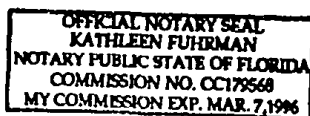
STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 1st day of September, 1995, by RONALD C. FRANCISCO, Trustee, who is personally known ☒ to me or who has produced ☐ as identification.

NOTARY PUBLIC:

sign Kathleen Fuhrman
print Kathleen Fuhrman
My Commission Expires:



DR2639 PG1693

QUINCY GREEN LEE CIV. FL
95 OCT -2 AM 11:40

2000
6.00
980.00

HARVEY GREEN LEE CITY FL

97MAR -3 AM 9:51

082796 PG4050

Prepared by / Return to:

Carl D. Dawson

Beta Title Company

12734 Kenwood Ln. Suite 13

Fl. Myers, FL 33907

Title Insurance #53651MB

Tax Parcel No.06-46-25-00-00013.0040

4121657

Documentary Tax Pd. \$

980.00

\$

County Clerk

County Clerk

(Space Above This Line for Recording Data)

RECORDED
VERIFIED
CHARLIE GREEN, CLERK
SUSAN THOMPSON

WARRANTY DEED

THIS INDENTURE made this 25th day of February, 1997 BETWEEN HARVEY YOUNGQUIST, TRUSTEE* as Sellers, of POST OFFICE BOX 60257, FORT MYERS, FLORIDA 33906, GRANTOR*, and HERB JONES, JR, TRUSTEE, , as GRANTEE* of

P.O. Box 6667, Fort Myers, FL 33932

WITNESSETH, That said Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and convey to the grantee and grantee's heirs forever the following described land located in the County of Lee, State of Florida, to-wit:

A parcel of land lying in Section 6, Township 46 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Beginning at the intersection of the North line of the Southwest Quarter (SW-1/4) of said Section 6 and the Southerly right of way line of Old U.S. 41; thence S 40 degrees 30'24" E along said Southerly right of way line for 100.00 feet; thence S 49 degrees 29'36" W for 605.22 feet; thence N 0 degrees 21'30" W parallel with the West line of said Section 6 for 550.44 feet to the North line of the Southwest Quarter (SW-1/4) of said Section 6; thence S 78 degrees 28'32" E along said North line for 406.86 feet to the point of beginning.

SUBJECT TO restrictions, reservations and easements of record and taxes for the year subsequent to the year 1996.

*and individually

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever. *Singular and plural are interchangeable as context requires.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

WITNESS

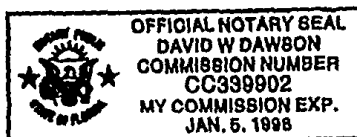
D. Wayne Kelly
D. Wayne Kelly
Printed Name

David W. Dawson
Printed Name

STATE OF Florida
COUNTY OF Lee

Harvey Youngquist
HARVEY YOUNGQUIST, TRUSTEE and individually

I HEREBY CERTIFY that on this 25th day of February, 1997, before me, an officer duly qualified to take acknowledgements, personally appeared: HARVEY YOUNGQUIST, TRUSTEE,* to me known to be the person(s) described in and who executed the foregoing instrument and acknowledged before me that they executed the same freely and voluntarily, and that the above-named person is () personally known to me () or produced as identification, and that an oath was not taken.



Notary Public

David W. Dawson

Printed Name

COMMISSION EXPIRATION:

INSTR # 5347108
OR BK 03572 PG 0818

Prepared by / Return to:
William B. Dawson
Beta Title Company
12734 Kenwood Lane, Suite 13
Fort Myers, Florida 33907
Title Insurance #56578LB
Tax Parcel No.06-46-25-00-00013.0040

RECORDED 02/04/02 10:33 AM
CHARLIE GREEN CLERK OF COURT
LEE COUNTY
RECORDING FEE 6.00
DEPUTY CLERK M Robinson

[Space Above This Line for Recording Data]

QUIT CLAIM DEED

EXECUTED this 31ST day of DECEMBER, 2000, BETWEEN HERB JONES, JR., INDIVIDUALLY AND AS TRUSTEE GRANTOR*, and HERBERT S. JONES, JR. TRUSTEE, OF THE HERBERT S. JONES, JR. DECLARATION OF TRUST DATED MARCH 31, 1997*, , as GRANTEE*, of

WITNESSETH, That said Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, does hereby remise, release, and quit claim unto the Grantee forever, all the right, title, interest, claim and demand which the said Grantor has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Lee, State of Florida, to wit:

A parcel of land lying in Section 6, Township 46 South, Range 25 East, Lee County, Florida, more particularly described as:

Beginning at the intersection of the North line of the Southwest Quarter (SW 1/4) of said Section 6 and the Southerly right-of-way line of Old U.S. 41; then S 40 degrees 30'24" E along said Southerly right-of-way line for 100.0 feet; thence S 49 degrees 29'36" W for 605.22 feet; thence N 0 degrees 21'30" W parallel with the West line of said Section 6 for 550.44 feet to the North line of the Southwest Quarter (SW 1/4) of said Section 6; thence S 78 degrees 28'32" E along said North line for 406.86 feet to the point of beginning.

*with full power and authority either to protect, conserve and to sell, or to lease, or to encumber, or otherwise to manage and dispose of the real property described in this recorded instrument under Fla Statute 689.071.

Subject to easements, restrictions and reservations of record and taxes for the current year.

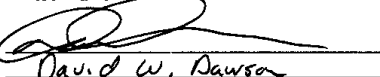
TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right title, interest, lien, equity and claim whatsoever of the said Grantor, either in law or equity to the only proper use benefit and behoof of the said Grantee forever.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

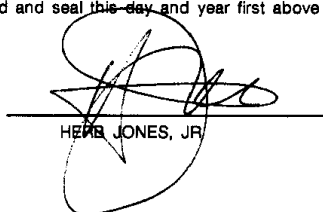
WITNESS


Christine W. Dawson

Printed Name

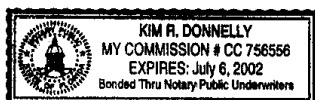

David W. Dawson

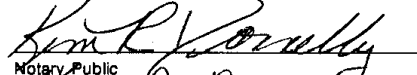
Printed Name


HERB JONES, JR.

STATE OF FLORIDA
COUNTY OF LEE

I HEREBY CERTIFY that on this 31ST day of DECEMBER, 2000, before me, an officer duly qualified to take acknowledgements, personally appeared: HERB JONES, JR., INDIVIDUALLY AND AS TRUSTEE, to me known to be the person(s) described in and who executed the foregoing instrument and acknowledged before me that they executed the same freely and voluntarily, and that the above-named person is () personally known to me () or produced as identification, and that an oath was NOT taken.




Notary Public
Kim R. Donnelly
Printed Name
COMMISSION EXPIRATION:

Attachment I



STATE OF FLORIDA
LEE COUNTY PROPERTY APPRAISER
MATTHEW H. CALDWELL



Mailing Address:
P.O. Box 1546
Fort Myers, Florida 33902-1546
Telephone: (239) 533-6100

Physical Address:
2480 Thompson Street
Fort Myers, Florida 33901-3074
Website: www.leepa.org

Application for Combination or Split of Existing Parcels

Please submit this completed form to GISTeam@leepa.org or fax to 239-533-6107.

This form serves as the owner's request to administratively combine or split parcels for tax billing and assessment purposes. The Property Appraiser's office will only combine or split parcels under the following conditions:

- Parcels must be contiguous.
- Taxes on all parcels must be paid.
- Parcel ownership/title must be the same.
- No open VAB petitions on the parcel(s).

To split a parcel, we may request one or more of the following items:

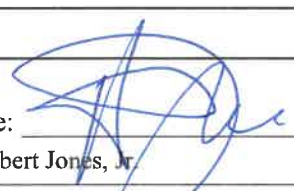
- Approval from the jurisdiction.
- Deed, Subdivision Plat, Declaration of Condominium etc. recorded with Lee Clerk of Court.
- Information that the parcel(s) was previously platted and/or previously recorded documents that correspond to the requested configuration.

The Property Appraiser's office reserves the right to deny any application, or to request additional information such as photo identification, site survey (to locate or identify buildings etc.), permit application, land development order, ordinance, or evidence of ownership.

This request does not imply suitability or authorize development of the parcel. Contact the development department of the local jurisdiction for questions concerning the development of the parcel and legality of this request. This action does not nullify or alleviate any existing liens or encumbrances on the property.

By submitting this application, you agree that the Lee County Property Appraiser is neither responsible nor liable for any problems or complications resulting from this request.  (Initial)

☒ COMBINE	← Check One →	☐ SPLIT								
Folio IDs or STRAP Numbers (Attach another application if more than 4)		Folio ID or STRAP Number								
<table border="1"><tr><td>06-46-25-00-00013.001A</td></tr><tr><td>06-46-25-00-00013.0040</td></tr><tr><td> </td></tr><tr><td> </td></tr></table>	06-46-25-00-00013.001A	06-46-25-00-00013.0040				<table border="1"><tr><td> </td></tr><tr><td> </td></tr><tr><td> </td></tr><tr><td> </td></tr></table>				
06-46-25-00-00013.001A										
06-46-25-00-00013.0040										
		<table border="1"><tr><td>List Lot Numbers or Attach Sketch/Survey</td></tr><tr><td> </td></tr><tr><td> </td></tr><tr><td> </td></tr></table>	List Lot Numbers or Attach Sketch/Survey							
List Lot Numbers or Attach Sketch/Survey										

Owner Signature:  Date: 10/15/2025
Print Name: Herbert Jones, Jr. Phone: (239) 340-6363
Email Address: greenie-1963@outlook.com
(Please print to receive automated email confirmation that your request was processed).

Prepared by and return to:
Simone Phillips
TROPICAL TITLE Insurance Agency, Inc.
660 9th Street North, Suite 3
Naples, FL 34102
012P8288
TAX ID NO. 06-46-25-00-00013.001A

INSTR # 5056722
OR BK 03359 PG 3173
RECORDED 02/05/01 08:37 AM
CHARLIE GREEN CLERK OF COURT
LEE COUNTY
RECORDING FEE 10.50
DOC TAX PD(F.S.201.02) 302.40
DEPUTY CLERK J Miller

WARRANTY DEED

THIS WARRANTY DEED Made the 26 day of JANUARY A.D. 2001 by

BERNARD J. DE WOLFE CO-TRUSTEE AND MARVIN METHENY CO-TRUSTEE OF THE US
41 TRUST IV DATED APRIL 3, 1988

whose postoffice address is 16050 S Tamiami Trail, Suite 103, Ft Myers, FL
33908, hereinafter called the grantor, to

HERB JONES JR. TRUSTEE OF THE HERB JONES, JR. TRUST

whose postoffice address is 16420 Old US 41, Fort Myers, FL 33912, hereinafter
called the grantee:

WITNESSETH: That the grantor, for and in consideration of the sum of ten and
00/100 (\$10.00) Dollars and other valuable considerations, receipt whereof is
hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases,
conveys and confirms unto the grantee, all that certain land situate in Lee
County, Florida, viz:

A portion of the Southeast quarter of Section 6, Township 46 South,
Range 25 East, lying Northeasterly of the 10 mile canal, Lee County,
Florida, being more particularly described as follows:

From a 4" X 4" concrete post, marking the intersection of the Westerly
Right-of-Way of Old US 41 and the northerly line of the Southeast
quarter of Section 6, Township 46 South, Range 25 East, run North 78
degrees 30'20" West along said Quarter Section line, a distance of
407.12 feet to the Point of Beginning; thence continue North 78
degrees 30'20" West 324.75 feet to the Northeasterly Right-of-Way of
Ten Mile Canal (150 foot R/W): thence run South 27 degrees 52'58" East
along said Right-of-Way, 672.31 feet to a Point of Curvature of a
curve to the right with a central angle of 1 degree 59'06", a radius
of 484.26 feet, a chord of 16.78 feet bearing South 26 degrees 53'25"
East; thence along the arc of said curve, 16.78 feet; thence run North
00 degrees 23'47" West, a distance of 543.89 feet to the Point of
Beginning.

This deed confers upon the Trustee(s) the full power and authority to
protect, conserve, sell, convey, lease, encumber or otherwise manage
and dispose of the real estate, or any part of it, pursuant to Florida
Statute 689.071.

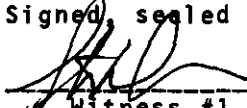
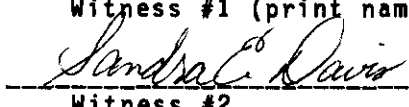
TOGETHER with all the tenements, hereditaments and appurtenances thereto
belonging or in anywise appertaining.

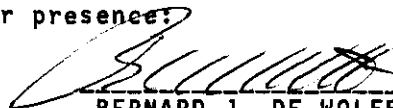
TO HAVE AND TO HOLD, the same in FEE SIMPLE

AND the grantor hereby covenants with said grantee that the grantor is lawfully
seized of said land in fee simple; that the grantor has good right and lawful
authority to sell and convey said land; that the grantor hereby fully warrants
the title to said land and will defend the same against the lawful claims of all
persons whomsoever; and that said land is free of all encumbrances, except taxes
accruing subsequent to December 31, 2000.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the
day and year first above written.

Signed, sealed and delivered in our presence:


Witness #1
STEVEN M. DAVIS
Witness #1 (print name)

Witness #2
Sandra E. Davis
Witness #2 (print name)


BERNARD J. DE WOLFE CO-TRUSTEE

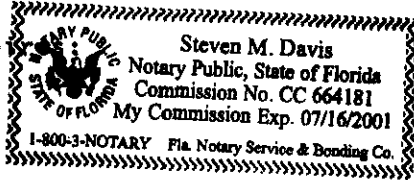
MARVIN METHENY CO-TRUSTEE

STATE OF FLORIDA

COUNTY OF Lee

The foregoing instrument was acknowledged before me this 26 day of JANUARY, 2001, by BERNARD J. DE WOLFE CO-TRUSTEE AND MARVIN METHENY CO-TRUSTEE OF THE US 41 TRUST IV DATED APRIL 3, 1988, who are personally known to me ~~or who have produced~~ as ~~identification~~ and who did not take an oath and executed the same for the purposes therein contained.

My commission expires
(SEAL)




Notary Public

Notary Public
Printed Name
COMMISSION EXPIRATION:

Carol Zepeda

From: GISTeam <GISTeam@leepa.org>
Sent: Wednesday, October 15, 2025 3:37 PM
To: GREENIE-1963@OUTLOOK.COM
Cc: Alexis Crespo; Carol Zepeda
Subject: RE: APPLICATION FOR COMBINATION OF EXISTING PARCELS (06-46-25-00-00013-001A; 06-46-25-00-0013-0040) - 20251134212CM

Our office has received and accepts your application for parcel reconfiguration. You will receive an automated email from our office once the process is complete. If you have any problems or questions please let us know.

Thanks,
GIS Team
Lee County Property Appraiser
P: (239) 533-6100
W: www.leepa.org

From: Carol Zepeda <czepeda@rviplanning.com>
Sent: Wednesday, October 15, 2025 2:15 PM
To: GISTeam <GISTeam@leepa.org>
Cc: Alexis Crespo <acrespo@rviplanning.com>
Subject: APPLICATION FOR COMBINATION OF EXISTING PARCELS (06-46-25-00-00013-001A; 06-46-25-00-0013-0040)

Hello,

Please see attached our request for a Combination of Existing Parcels with the required supporting documentation.

If any additional information is needed please feel free to contact me and I will be happy to assist.

Carol Zepeda
Project Manager

RVi Planning + Landscape Architecture
111 N. Magnolia Ave | Suite 1350 • Orlando, FL 32801
239.371.0462 Mobile • 407-775-6500 Direct •
www.rviplanning.com (-> urldefense.com)

How did we do? We want to hear from you!
<http://www.leepa.org/Feedback/Feedback.aspx>

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send email to the Lee County Property Appraiser Office. Instead, contact this office by phone or in writing.

Lee County Property Appraiser Office

Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning.

External Email: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Attachment J

RESOLUTION Z-75-137
(Amends Resolution Z-75-3)

The following resolution was offered by Commissioner Sayers
and seconded by Commissioner Goldtrap, and upon poll of the
members present the vote was as follows:

George Goldtrap	AYE
James Sweeney	AYE
Richard Sayers	AYE
Bob Whan	AYE
Betty Bowen	NAY

WHEREAS, Curtis Bostick (formerly Elton Eastman) has requested a change
in zoning from AU to IU

SUBJECT PROPERTY:

SEE ATTACHED LEGAL DESCRIPTION

WHEREAS, a public hearing of the Lee County Zoning Board was advertised and
held, as requested by law, and after hearing all interested parties and considering
adjacent areas, the Zoning Board recommended that the petition be denied for a
zoning change from AU to IU

WHEREAS, this Board after reviewing the records and recommendations of the
Zoning Board and having given an opportunity to all interested persons to be heard
after being duly sworn according to law, and upon due and proper consideration
having been given to this matter, this Board took action as hereinafter described.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Lee County,
Florida, that the decision of the Zoning Board recommending denial for a change
in zoning from AU to IU be set aside and approved for a change in zoning from AU
to IU with the stipulation that it be for site location only.

PASSED AND ADOPTED THIS 9th DAY OF June, 1975

Heard December 23, 1974

Approved As
To form.

By

County Attorney

74-12-5

LEGAL DESCRIPTION FOR CURTIS BOSTICK

74-12-5

SUBJECT PROPERTY:

140 acres more or less of Section 6, Township 46 South, Range 25 East of Lee County, Florida.

The South half of the Northwest quarter of Section 6, Township 46 South, Range 25 East, and all that part of the West half of the Southwest quarter of said Section 6 which lies East and North of the right-of-way of the "Old Tamiami Trail" formerly State Road No. 45.

There is excepted from the above described parcels the following parcel of land:

From the concrete monument marking the Northeast corner of said West half of the Southwest quarter of said Section 6, run North 78 degrees 29" 40' West along the quarter section line for 106.42 feet to the Point of Beginning of this exception. From said Point of Beginning run South 49 degrees 28" 20' West and perpendicular to the Northeasterly line of the maintained right-of-way line of said "Old Tamiami Trail" for 173.34 feet to a point on said Northeasterly right-of-way line; thence run North 40 degrees 31" 40' West along said Northeasterly line of said County Road passing through point on said quarter section line at 222.13 feet for 300.0 feet; thence run North 49 degrees 28" 20' East perpendicular to said Northeasterly right-of-way line for 173.34 feet; thence run South 40 degrees 31" 40' East parallel with said Northeasterly right-of-way line for 300 feet to the Point of Beginning.

Less the right-of-way for the "Old Tamiami Trail", formerly State Road No. 45, and less also the right-of-way for the Fort Myers Southern Railroad now occupied by Atlantic Coastline Railroad as the same presently exists, and subject to an easement for transmission lines along the Easterly side of said South half of the Northwest quarter in favor of Florida Power and Light Company.

AND

The East onehalf of the Southwest quarter of Section 6, Township 46 South, Range 25 East, lying East of the right of way of existing U. S. 41 (State Road No. 45); less railroad right of way and subject to oil, gas and mineral lease, right of way for State Road No. 45 and easement of record.

SIZE OF PROPERTY: 140 acres

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

WHEREAS, the property owner, GSS41, LLC, filed an application to amend the approved Commercial Planned Development (CPD) on a 3.38± acre parcel, in reference to Great Space Storage US 41; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Laura B. Belflower, was advertised and held on June 20, 2018; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2018-00010 and recommended APPROVAL of the Request; and

WHEREAS, a second public hearing was advertised and held on October 17, 2018 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 amend the approved CPD on approximately 3.38 acres of land to increase the maximum building height from 35 feet/3 stories to 50 feet.

The property is located in the Urban Community Future Land Use Category 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. The development of Parcel A must be in accordance with the one-page Master Concept Plan (MCP) entitled "Final Plan", prepared by Waldrop Engineering, date stamped received March 16, 2018 and attached hereto as Exhibit C, except as modified by the conditions herein. [Added by DCI2018-00010]

The development of Parcel B shall be in accordance with the one-page MCP, entitled "DeWolfe and Johnson C.P.D. Master Concept Plan", prepared by H.W. Morris & Associates, Drawing No. 88-100, plan dated December 15, 1988, date stamped received December 15, 1988, and attached hereto as Exhibit D, except as may be modified by the conditions herein. [Amended by DCI2018-00010]

Approval of this request does not exempt the applicant from compliance with all development regulations, except as specifically approved herein.

2. The schedule of uses for the CPD shall include the following uses (based on uses allowed in the CC and CG zoning districts in 1988): [Amended by DCI2018-00010]

- Administrative Offices
- Animal Clinics
- Animal Kennel – completely enclosed within a building
- Automatic Teller Machines
- Banks and Financial Establishments – all Groups
- Boat Parts Store
- Broadcasting Studio, Commercial Radio and Television
- Business Services – Group I
- Cleaning and Maintenance Services
- Clothing Stores, General
- Club, Commercial, Fraternal, or Membership Organization
- Convenience Food and Beverage Store
- Day Care Center, Adult or Child
- Department Store
- Drug Store/Pharmacy
- Drive-thru Facilities – for any permitted use
- Emergency Medical Services
- Entrance Gates and Gatehouses
- Essential Services
- Essential Service Facilities – Group I
- Excavation – water retention
- Flea Market, Indoor
- Food Stores – Groups I and II
- Funeral Home and Mortuaries, including crematories
- Government Services
- Hardware Store
- Health Care Facility – Group III
- Hobby, Toy and Game Shops
- Household/Office Furnishings – Groups I, II and III
- Medical Offices
- Mobile Home Dealer
- Model Display Centers
- Music Store
- Non-Store Retailers – all Groups
- Package Stores
- Personal Services – all Groups
- Pet Services
- Pet Shop
- Place of Worship and Religious Facilities
- Plant Nursery
- Printing and Publishing
- Recreation, Commercial – Groups II and IV
- Religious Facilities

- Repair Shops – Groups I, II, III and IV
- Restaurants – Fast Food
- Restaurants – Standard all Groups
- Schools, Commercial
- Signs, provided such signs comply with the Lee County Sign Ordinance
- Social Services – Group I
- Specialty Retail Shops – Groups I, II, III and IV
- Storage, Indoor, Enclosed
- Studios
- Temporary Uses
- Towers, Communication – when accessory to a permitted use
- Variety Stores
- Warehouse, Mini-warehouse – Parcel A only [Added by ADD2016-00196 and amended by DCI2018-00010]

3. The following Property Development Regulations are hereby established:

Minimum Setbacks: [Added by ADD2016-00196]

Street:	25 feet
Side:	20 feet or 1/2 building height, whichever is greater, except as modified by Deviation 4 [Amended by DCI2018-00010]
Rear:	25 feet
Water body:	25 feet

Maximum Lot Coverage: 40%

Minimum Open Space: 20% [Added by ADD2016-00196]

Maximum Building Height: [Amended by DCI2018-00010]

Parcel A: 50 feet

Parcel B: 35 feet/3 stories

Minimum Lot Size:

Parcel A: 3.2 Acres

Parcel B: 0.32 Acres

4. Prior to final plan approval, the location of the proposed point(s) of vehicular ingress and egress for Parcel B must be shown on the MCP. [Amended by DCI2018-00010]
5. A ten-foot wide Type "A" vegetative buffer shall be provided along the banks of the Ten Mile Canal which will aid in stabilization of canal banks, thereby preventing erosion, sedimentation and reducing storm runoff.
6. The applicant shall comply with the water quality provisions of the Lakes Park Watershed Ordinance (Ordinance 85-46), as may be amended.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §10-261(a) requirement to provide a minimum of 216 sq. ft. of refuse and solid waste container space for the first 25,000 sq. ft. of commercial building area, plus 8 sq. ft. for each additional 1,000 sq. ft. of commercial building area, to allow for a total container space to be based on office square footage only, and exclude building area used for mini-warehouse. This deviation was APPROVED by ADD2016-00196.
2. Deviation (2) seeks relief from the LDC §10-353(a)(2) requirement for commercial and industrial buildings with a gross floor area over 30,000 sq. ft. located within the Lee County Utilities' future sewer service areas to be connect to a sewer system, to allow for the 100,000 square foot mini-warehouse building to connect to a private septic system. This deviation was APPROVED by ADD2016-00196, SUBJECT TO the following conditions:
 - a. A development order may be issued upon satisfactory documentation that the development will itself provide sanitary sewer service in accordance with the regulations of the state department of environmental protection, or on-site sewage disposal in accordance with the regulations of the state department of health; and
 - b. The system approved under LDC §10-353(b)(1) must be removed or abated and connection to the utility must be made not more than 90 days from the date the utility provides written notice to the property owner that sanitary sewer service is available at the boundary of the development and connection is mandatory. An appropriate bond or equivalent security may, at the utility's option, be tendered to the affected utility to ensure compliance: and
 - c. The individual sewage disposal system installed must comply with Chapter 64E-6 of the Florida Administrative Code, as the same now exists or as it may be amended from time to time.
3. Deviation (3) seeks relief from the LDC §10-416(d)(1) requirement that all new developments adhere to buffering and screening regulations when the proposed development abuts a different use, to allow for a portion of the perimeter buffer to be located on the C-1 zoned portion of the parcel. This deviation was APPROVED by ADD2016-00196.
4. Deviation (4) seeks relief from the LDC §§ 34-935(b)(1)a and e requirement to provide a 20-foot setback and a 25-foot setback, respectively, for buildings from the development's perimeter boundary, to a reduced setback of 3 feet, as indicated on the MCP. This deviation was APPROVED by ADD2016-00196 and amended by DCI2018-00010.

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 1 (Parcel A)
- Exhibit D: The Master Concept Plan 2 (Parcel B)

SECTION E. FINDINGS AND CONCLUSIONS:

1. The Request:
 - a. Complies with the applicable provisions of the Lee Plan, specifically Lee Plan Policies 1.1.4 and 6.1.4;
 - b. Meets the applicable provisions of the LDC or qualifies for deviations; and
 - c. Is compatible with existing and planned uses in the surrounding area.
2. 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 height increase.
3. The recommended amendment to existing Deviation 4 enhances the achievement of the objectives of the planned development, while preserving and promoting the general intent of the LDC to protect the public health, safety and welfare.
4. The other review criteria are not relevant to this height increase request.

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

Adopted by unanimous consent.

John Manning	Aye
Cecil Pendergrass	Aye
Larry Kiker	Aye
Brian Hamman	Aye
Frank Mann	Absent

DULY PASSED AND ADOPTED this 17th day of October 2018.

ATTEST:
LINDA DOGGETT, CLERK

BY: Jogee Townsend
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Cecil Pendergrass
Cecil Pendergrass, Chair



APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

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

2018 NOV -5 AM 7:01

RHODES & RHODES LAND SURVEYING, INC.

JOHN SCOTT RHODES, P.S.M.
PHONE (239) 405-8166

THOMAS E. RHODES, P.S.M.
FAX (239) 405-8163

Applicant's Legal Checked
by MJL 1-3, 2/20/18

INSTRUMENT NO. 2011000260639

PARCEL 2:

A PART OF THE SOUTHWEST ONE-QUARTER OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLOIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE POINT OF BEGINNING, BEING THE INTERSECTION OF THE WEST LINE OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, AND THE NORTHEASTERLY RIGHT-OF-WAY OF US 41 (200 FEET R/W), RUN NORTH 00°23'47" WEST ALONG SAID WEST LINE OF SECTION 6, A DISTANCE OF 682.61 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY OF 10 MILE CANAL (150 FEET R/W), THENCE RUN SOUTH 27°52'58" EAST ALONG SAID RIGHT-OF-WAY, 564.52 FEET TO THLINE POINT OF CURVATURE OF A CURVE TO THE RIGHT WITH A RADIUS OF 334.26 FEET, A CENTRAL ANGLE OF 75°00', A CHORD OF 406.96 FEET BEARING SOUTH 093RO2 WEST; THENCE ALONG THE ARC OF SAID CURVE, 437.54 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 47°07'02" WEST 3.46 FEET TO THE NORTHEASTERLY RIGHT-OF-WAY OF US 41 (200 FEET R/W) AND A POINT ON A CURVE CONCAVE TO THE SOUTHWEST WITH A RADIUS OF 5597.58 FEET, A CENTRAL ANGLE OF 02°58'06" , A CHORD OF 289.85 FEET BEARING NORTH 40°37'53" WEST; THENCE ALONG THE ARC OF SAID CURVE 289.86 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING TWO PARCELS:

A PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST LINE OF SECTION 6. TOWNSHIP 46 SOUTH, RANGE 25 EAST. AND THE NORTHEASTERLY RIGHT-OF-WAY OF US 41 (200 FEET WIDE), RUN NORTH 00°18'00" WEST ALONG SAID WEST LINE OF SECTION 6 (BASIS OF BEARINGS) FOR 197.79 FEET TO THE POINT OF BEGINNING OF HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUE NORTH 00°18'00" WEST ALONG SAID WEST LINE OF SECTION 6 FOR 253.04 FEET; THENCE RUN SOUTH 36°19'38" EAST FOR 201.57 FEET; THENCE RUN SOUTH 52°29'20" WEST FOR 148.86 FEET TO SAID WEST LINE OF SECTION 6 AND THE POINT OF BEGINNING.

A PARCEL OF LAND LYING IN SECTION 1, TOWNSHIP 46 SOUTH, RANGE 24 EAST, AND SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EAST LINE OF THE AFORESAID SECTION 1 AND THE NORTHEASTERLY RIGHT-OF-WAY LINE OF US 41 (200 FEET WIDE) SAID POINT BEING A POINT ON A CURVE, CONCAVE TO THE NORTHEAST, WITH A RADIUS OF 5597.58 FEET AND WHICH RADIUS POINT BEARS NORTH 50°52'34" EAST; THENCE RUN NORTHWESTERLY ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 01°36'45", AND AN ARC DISTANCE OF 157.54 FEET TO THE POINT OF BEGINNING; THENCE NORTH 52°29'20" EAST FOR 270.69 FEET; THENCE SOUTH 36°19'38" EAST FOR 8 FEET; THENCE SOUTHWESTERLY PARALLEL TO AND 8 FEET AS MEASURED ON A PERPENDICULAR FROM THE LINE EXTENDING NORTH 52°29'20" EAST FROM THE POINT OF BEGINNING TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF US 41; THENCE NORTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

TOGETHER WITH:

A TEMPORARY 10.00 FOOT WIDE SLOPE EASEMENT LYING EASTERLY AND NORTHERLY OF (AND CONTIGUOUS TO) THE ABOVE DESCRIBED PARCEL. SAID TEMPORARY SLOPE EASEMENT TO BECOME NULL AND VOID AT THE TIME THE PARENT TRACT ON WHICH THIS EASEMENT LIES BECOMES DEVELOPED; AND

RECEIVED
MAR 16 2018

COMMUNITY DEVELOPMENT

DCI 2018.00010

RHODES & RHODES LAND SURVEYING, INC.

JOHN SCOTT RHODES, P.S.M.
PHONE (239) 405-8166

THOMAS E. RHODES, P.S.M.
FAX (239) 405-8163

THAT CERTAIN FRONTAGE ROAD AND UTILITY 40 FOOT WIDE EASEMENT FOR INGRESS AND EGRESS AND UTILITIES OVER AND ACROSS THE FOLLOWING DESCRIBED PROPERTY: A PARCEL OF LAND Lying IN SECTION 1, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EAST LINE OF THE AFORESAID SECTION 1 AND THE NORTHEASTERLY RIGHT-OF-WAY LINE OF US 41 (200 FEET WIDE) SAID POINT BEING A POINT ON A CURVE, CONCAVE TO THE NORTHEAST, WITH A RADIUS OF 5597.58 FEET AND WHICH RADIUS POINT BEARS NORTH 50°52'34" EAST; THENCE RUN NORTHWESTERLY ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 01°31'50", AND AN ARC DISTANCE OF 149.54 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE AND ALONG SAID CURVE, HAVING A RADIUS OF 5597.58 FEET, A CENTRAL ANGLE OF 03°10'11" AND AN ARC DISTANCE OF 309.67 FEET THENCE RUN NORTH 55°54'31" EAST ALONG A NON-RADIAL LINE FOR 40 FEET; THENCE RUN SOUTHEASTERLY ALONG A CURVE CONCAVE NORTHEAST ALONG A RADIUS OF 5597.58 FEET, A CENTRAL ANGLE OF 03°10'05" AND AN ARC DISTANCE OF 307.28; THENCE RUN SOUTH 52°29'20" WEST ALONG A NON-RADIAL LINE FOR 40 FEET TO THE POINT OF BEGINNING.

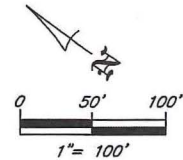
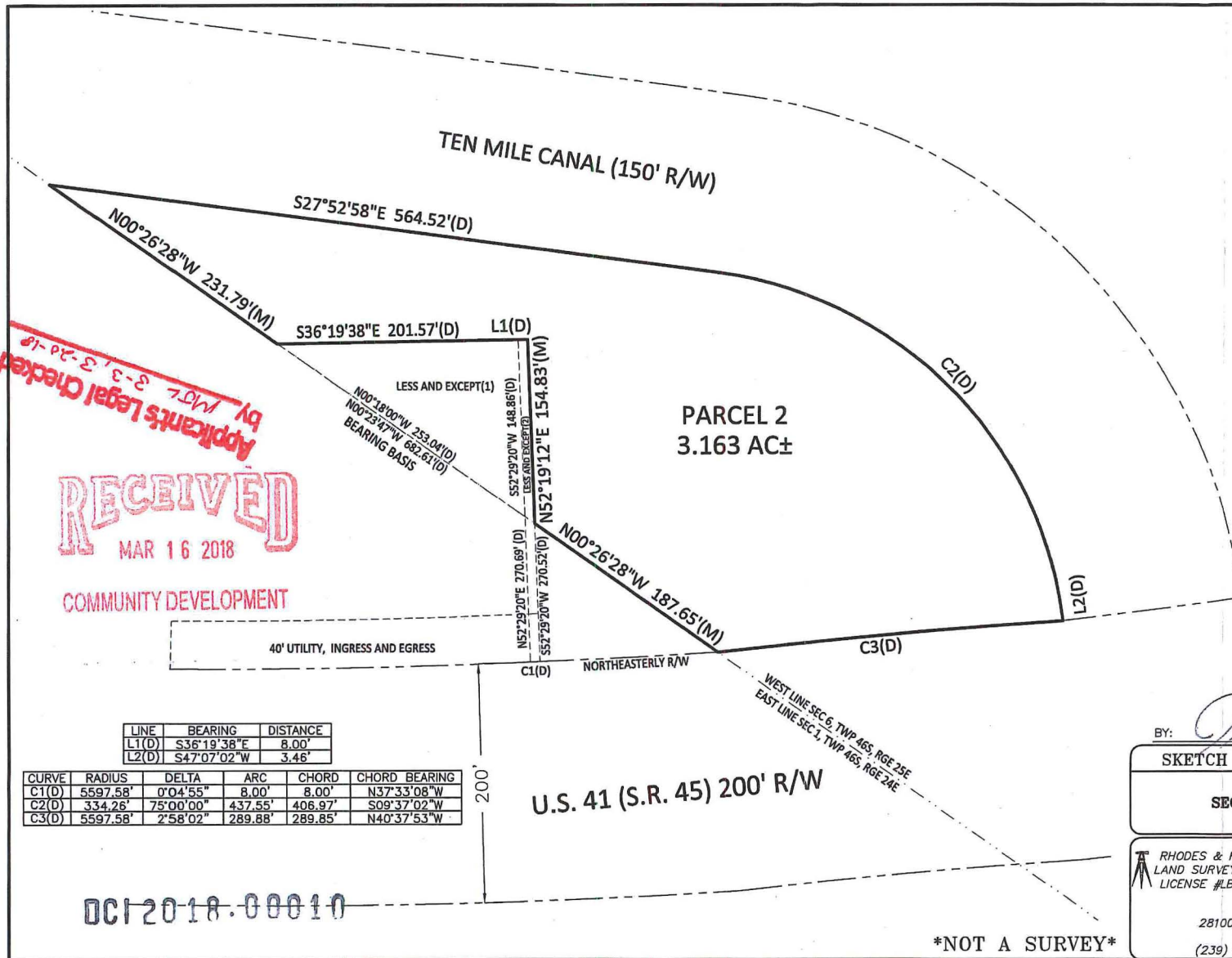
Applicant's Legal Checked
by MJL 2-3-18 3/20/18


JOHN SCOTT RHODES, P.S.M., NO. LS5739
PROFESSIONAL SURVEYOR & MAPPER
STATE OF FLORIDA

RECEIVED
MAR 16 2018

COMMUNITY DEVELOPMENT

DCI 2018.00010

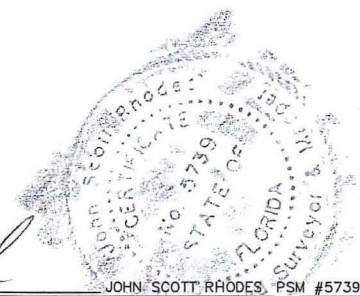


ABBREVIATIONS

P.O.B. = POINT OF BEGINNING
P.S.M. = PROFESSIONAL SURVEYOR & MAPPER
L.B.# = LICENSED BUSINESS NUMBER
C1 = CURVE NUMBER
L1 = LINE NUMBER
(D) = DEED
(M) = MEASURED

NOTES

1. BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF SECTION 6, AS PER INSTRUMENT NUMBER 2011000260639 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEARING NORTH 00°23'47" WEST.
2. SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.
3. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF, UNLESS OTHERWISE NOTED.



BY: *[Signature]* JOHN SCOTT RHODES, PSM #5739

SKETCH TO ACCOMPANY DESCRIPTION

PARCEL 2
SECTION 6, TWP 46S, RGE 25E
LEE COUNTY, FLORIDA

RHODES & RHODES
LAND SURVEYING, INC.
LICENSE #LB 6897

date: **NOVEMBER 8, 2016**
scale: **1" = 150'**
cadd file: **2016-1010SD**

28100 BONITA GRANDE DRIVE SUITE 107
BONITA SPRINGS, FL 34135
(239) 405-8166 (239) 405-8163 FAX

PSM: **JSR**
drawn: **CLJ**
checked: **AH**
acad #: **2016-1010**
view: **SKETCH**
project #: **2016-1010**
sheet #: **3 of 3**
file #: **2016-1010**

NOT A SURVEY

LINE	BEARING	DISTANCE
L1(D)	S36°19'38"E	8.00'
L2(D)	S47°07'02"W	3.46'

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1(D)	5597.58'	0°04'55"	8.00'	8.00'	N37°33'08"W
C2(D)	334.26'	75°00'00"	437.55'	406.97'	S09°37'02"W
C3(D)	5597.58'	2°58'02"	289.88'	289.85'	N40°37'53"W

DCI2018-00010

DCI2018-00010
Zoning

Legend

-  Subject Parcel
-  Parcel Boundary

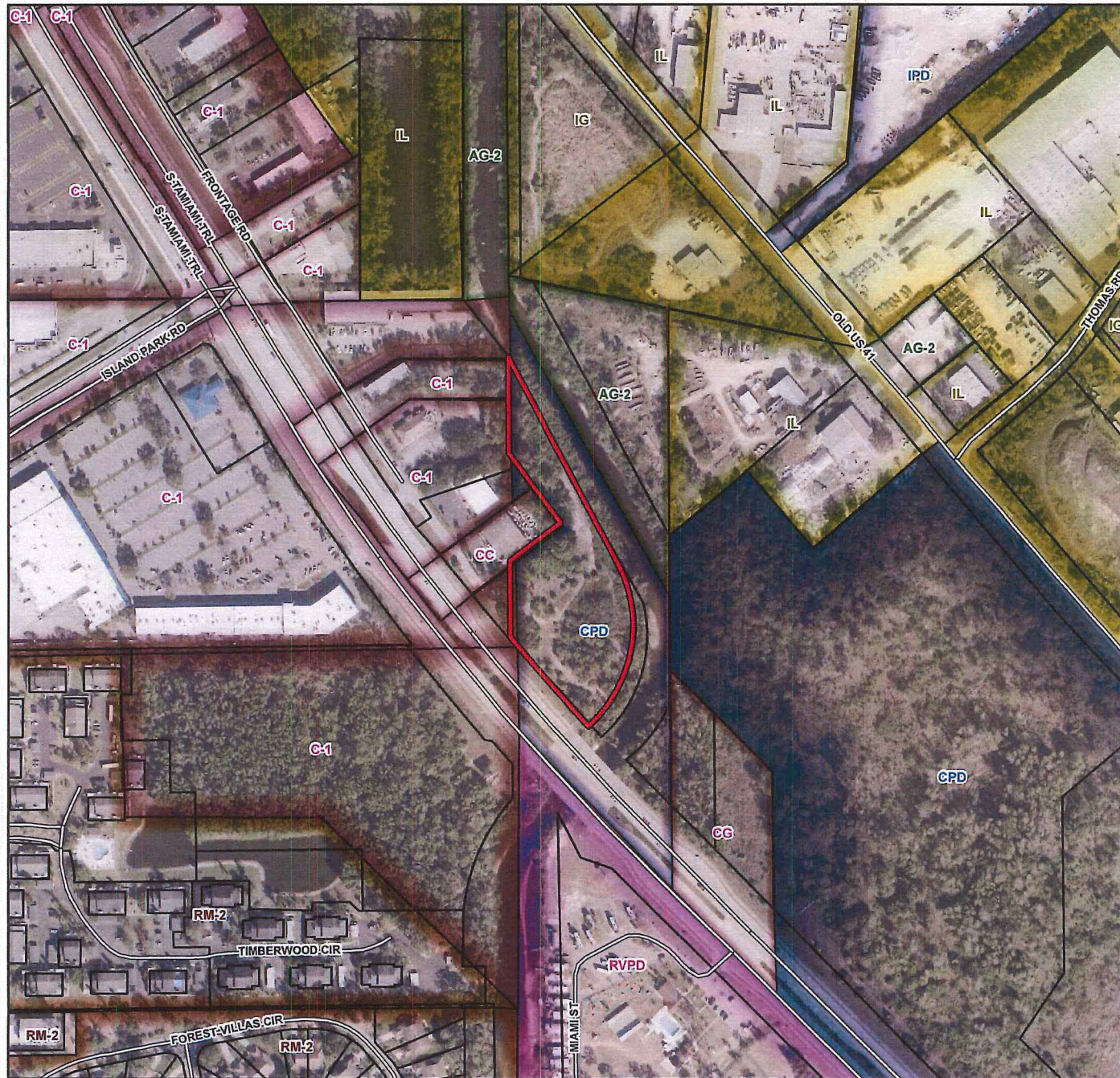
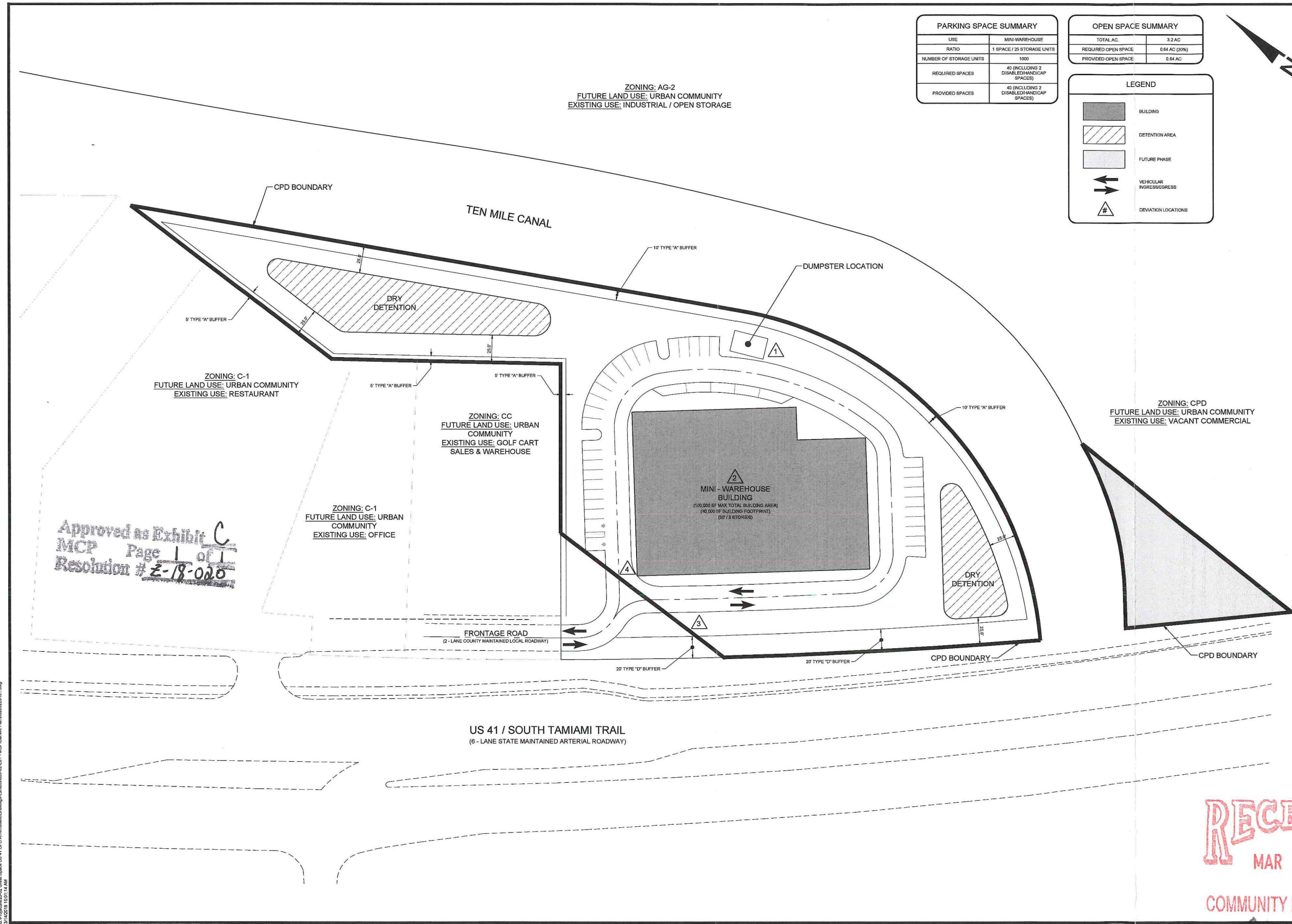


EXHIBIT B

B:\Projects\620-02 Great Space US 41 CPD Amendment\Drawings\Exhibit\620-02 E01 - MCP\Current Plans\62002E01.rvt.dwg
3/16/2018 10:11:14 AM



ZONING: AG-2
FUTURE LAND USE: URBAN COMMUNITY
EXISTING USE: INDUSTRIAL / OPEN STORAGE

ZONING: C-1
FUTURE LAND USE: URBAN COMMUNITY
EXISTING USE: RESTAURANT

ZONING: CC
FUTURE LAND USE: URBAN COMMUNITY
EXISTING USE: GOLF CART SALES & WAREHOUSE

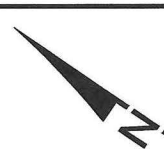
ZONING: C-1
FUTURE LAND USE: URBAN COMMUNITY
EXISTING USE: OFFICE

ZONING: CPD
FUTURE LAND USE: URBAN COMMUNITY
EXISTING USE: VACANT COMMERCIAL

PARKING SPACE SUMMARY	
USE	MINI-WAREHOUSE
RATIO	1 SPACE / 25 STORAGE UNITS
NUMBER OF STORAGE UNITS	1000
REQUIRED SPACES	40 (INCLUDING 2 DISABLED/HANDICAP SPACES)
PROVIDED SPACES	40 (INCLUDING 2 DISABLED/HANDICAP SPACES)

OPEN SPACE SUMMARY	
TOTAL AC.	3.2 AC
REQUIRED OPEN SPACE	0.64 AC (20%)
PROVIDED OPEN SPACE	0.64 AC

LEGEND	
	BUILDING
	DETENTION AREA
	FUTURE PHASE
	VEHICULAR INGRESS/EGRESS
	DEVIATION LOCATIONS



WALDROP ENGINEERING

CIVIL ENGINEERING & LAND DEVELOPMENT CONSULTANTS

29100 BONITA GRANDE DRIVE - SUITE 305 BONITA SPRINGS, FL 34135
P: 239-405-7777 F: 239-405-7599 EMAIL: info@waldropengineering.com

FINAL PLAN

GREAT SPACE US 41 CPD

CLIENT: GREAT SPACE SELF STORAGE (BONITA), LLC

PLAN REVISIONS	
NO.	REVISION
1	03/16/17 REVISED PER COUNTY COMMENTS
SCALE IN FEET	
0 20 40 80	
FLORIDA CERTIFICATE OF AUTHORIZATION #8836	
SHEET NUMBER 620-02-E01	
SHEET 1	

RECEIVED
MAR 16 2018

COMMUNITY DEVELOPMENT

OCI 2018.00010



Attachment L

RESOLUTION NUMBER Z-80-340

The following resolution was adopted by the Lee County Zoning Board upon motion by Zoning Board Member Ross, and seconded by Zoning Board Member Smith, and upon poll of the members present the vote was as follows:

Thomas C. Smith AYE
Thad Taylor AYE
Chuck Ross AYE
Monty Bishop AYE

Robert Terrell AYE
Truman A. Morris AYE
Tom Cox AYE

WHEREAS Keith Miller, Trustee has requested a review for rescission of or uphold the original grant of a change in zoning from AG to CG and IL with the stipulation that the access road be continued as a frontage road as it is on the adjoining property.

SUBJECT PROPERTY: (SEE ATTACHED)

WHEREAS, A Public Hearing of the Lee County Zoning Board was duly advertised and held as required by law, and after hearing all interested parties, after being duly sworn, and upon due and proper consideration having been given to the matter,

NOW THEREFORE BE IT RESOLVED by the Lee County Zoning Board, Lee County, Florida, that the petition be upheld as to the original grant.

UPON APPEAL, the following resolution was offered by Commissioner _____, and seconded by Commissioner _____, and upon poll of the members present the vote was as follows:

R. Doug Taylor
Harry Rodda
Roland Q. Roberts
Wade H. Scaffe
R.L. Steele

WHEREAS, an appeal was filed by an aggrieved person and a Public Hearing of the Lee County Commissioners was duly advertised and held, as required by law, this Board after reviewing the records and the motion made by the Zoning Board and having given an opportunity to all interested persons to be heard, after being duly sworn, and upon due and proper consideration having been given to this matter, NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Lee County, Florida, that the motion of the Zoning Board (No appeal was filed.)

PASSED AND ADOPTED THIS 27th DAY OF October, 19 80 by the Lee County Zoning Board

PASSED AND ADOPTED THIS _____ DAY OF _____, 19____ by the Lee County Commissioners

RESOLUTION NUMBER Z-80-340

APPROVED AS TO FORM

By Wanda M. Brubaker
OFFICE OF COUNTY ATTORNEY

HEARING NUMBER 78-3-11 (DCI)

LEGAL DESCRIPTION
Keith Miller, Trustee
78-3-11 (DCI)
Z-80-340

SUBJECT PROPERTY: IL Tract: Beginning at the intersection of the NEly R/W line of SR 45 and the E line of the W 1/2 of the SW 1/4 of Sec. 6, Twp. 46S, Rge. 25E, Lee County, Florida; thence run N 45 deg. 02 min. 00 sec. W along the NEly R/W line of SR 45 a distance of 1,345.68 ft.; thence N 00 deg. 22 min. 50 sec. W parallel to the W line of Sec. 6 to the N line of the SW 1/4 of Sec. 6; thence S 78 deg. 29 min. 40 sec. E along the N line of the SW 1/4 of Sec. 6 to the SWly R/W line of the Old Tamiami Trail; thence S 40 deg. 31 min. 40 sec. E along the Old Tamiami Trail a distance of 839.87 ft. to the E line of said W 1/2 of the SW 1/4 of Sec. 6; thence S 00 deg. 39 min. 30 sec. E a distance of 1,460.74 ft. to the POB. LESS the Sly 340.00 ft. thereof. Containing 20.9 acres more or less.

CG Tract: The Sly 340 ft. of the following described tract: Beginning at the intersection of the NEly R/W line of SR 45 and the E line of the W 1/2 of the SW 1/4 of Sec. 6, Twp. 46S, Rge. 25E, Lee County, Florida; thence run N 45 deg. 02 min. 00 sec. W along the NEly R/W line of SR 45 a distance of 1345.68 ft.; thence N 00 deg. 22 min. 50 sec. W parallel to the W line of Sec. 6 to the N line of the SW 1/4 of Sec. 6; thence S 78 deg. 29 min. 40 sec. E along the N line of the SW 1/4 of Sec. 6 to the SWly R/W line of the Old Tamiami Trail; thence S 40 deg. 31 min. 40 sec. E along the Old Tamiami Trail a distance of 839.87 ft. to the E line of said W 1/2 of the SW 1/4 of Sec. 6; thence S 00 deg. 39 min. 30 sec. E a distance of 1460.74 ft. to the POB. Containing 10.5 acres more or less.

Attachment M

2482640

RESOLUTION NUMBER Z-88-150

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

WHEREAS, Danny Kelly, Trustee has properly filed an application for a rezoning from the IL district to IG; and

WHEREAS, the subject property is located at 16340 Old U.S. 41, described more particularly as:

LEGAL DESCRIPTION: In Section 06, Township 46 South, Range 25 East, Lee County, Florida:

A tract or parcel of land lying East of I.D.D. Canal "A" (Ten Mile Canal) in the Northwest Quarter (NW 1/4) of Section 06, Township 46 South, Range 25 East, Lee County, Florida, lying South and West of the Old U.S. 41 right-of-way, less the West 50 feet of the South Half (S 1/2) of the Northwest Quarter (NW 1/4) of said Section 06 lying South and West of the Old U.S. 41 right-of-way, being part of the parcel described in O.R. Book 1930, Page 628 of the Public Records of Lee County, Florida, more particularly described as follows:

From the West One Quarter (W 1/4) corner of said Section 06, proceed S.78°29'40"E. along the quarter section line of said Section 06 for 51.10 feet to the POINT OF BEGINNING. THENCE run N.00°22'50"W. for 729.60 feet to a point on the West right-of-way line of Old U.S. 41, THENCE run S.40°31'40"E. along said West right-of-way line for 619.01 feet; THENCE run S.49°28'20"W. for 422.66 feet; THENCE run N.78°29'40"W. for 77.64 feet to the POINT OF BEGINNING. Containing 3.639 acres, more or less.

WHEREAS, the applicant has indicated the property's current STRAP number is 06-46-25-00-00003.0040; and

WHEREAS, proper authorization has been given to M. W. Morris & Associates, Inc., by Danny M. Kelly, Trustee, the owner of the subject parcel, to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Planning and Zoning Commission, with full consideration of all the evidence available to the Planning and Zoning Commission; and

WHEREAS, the Lee County Planning and Zoning Commission fully reviewed the matter in a public hearing held on June 6, 1988; and

10.5
BILLED

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY: H. FERNSTROM, S.C.

OR2001

PG0083

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and

WHEREAS, in the legislative process the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Planning and Zoning Commission, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE a rezoning from the IL Zoning District to IG.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Mary Ann Wallace, and seconded by Commissioner John E. Manning and, upon being put to a vote, the result was as follows:

John E. Manning	AYE
Charles L. Bigelow, Jr.	AYE
Mary Ann Wallace	AYE
Bill Fussell	ABSENT
Donald D. Slisher	AYE

DULY PASSED AND ADOPTED this 27th day of June, A.D., 1988.

ATTEST:
CHARLIE GREEN, CLERK

BY: [Signature]
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: [Signature]
Vice-Chairman

Approved as to form by:

[Signature]
County Attorney's Office

FILED

JUL 0 5 88

CLERK CIRCUIT COURT
BY [Signature] D.C.

RECORDED & RECORD VERIFIED
CLERK CIRCUIT COURT
LEE COUNTY, FLORIDA
JUL 5 4 08 PM '88
[Signature]

OR2001

PG0084

The following resolution was adopted by the Lee County Zoning Board upon motion by Zoning Board Member TERRELL, and seconded by Zoning Board Member SMITH, and upon poll of the members present the vote was as follows:

Thomas C. Smith	AYE	Robert Terrell	AYE
Thad Taylor	AYE	Truman A. Morris	AYE
Chuck Ross	AYE	Clyde Bowles	AYE
Monty Bishop	AYE		

WHEREAS ROBERT J. AND SANDRA R. BOURQUE has requested a change in zoning from AG to IL with a variance from Sec. 620.C.D of the Lee County Zoning Regulations (from the req. 100 ft to 0 ft from residential property line)

SUBJECT PROPERTY: (SEE ATTACHED)

WHEREAS, A Public Hearing of the Lee County Zoning Board was duly advertised and held as required by law, and after hearing all interested parties, after being duly sworn, and upon due and proper consideration having been given to the matter,

NOW THEREFORE BE IT RESOLVED by the Lee County Zoning Board, Lee County, Florida, that the petition be approved

APPROVED AG

[Signature]
COUNCIL

UPON APPEAL, the following resolution was offered by Commissioner , and seconded by Commissioner , and upon poll of the members present the vote was as follows:

Mike Roeder
Harry Rodda
Roland Q. Roberts
Wade H. Scaffa
Ernest Averill

WHEREAS, an appeal was filed by an aggrieved person and a Public Hearing of the Lee County Commissioners was duly advertised and held, as required by law, this Board after reviewing the records and the motion made by the Zoning Board and having given an opportunity to all interested persons to be heard, after being duly sworn, and upon due and proper consideration having been given to this matter, NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Lee County, Florida, that the motion of the Zoning Board no appeal filed

PASSED AND ADOPTED THIS 26 DAY OF May, 1981 by the Lee County Zoning Board.

PASSED AND ADOPTED THIS DAY OF , 19 by the Lee County Commissioners

LEGAL DESCRIPTION

81-5-33

ROBERT J. AND SANDRA R. BOURQUE

06-46-25

SUBJECT PROPERTY: A tract or parcel of land lying in the W 1/2 of the NW 1/4 and the W 1/2 of the SW 1/4, Sec. 6, Twp. 46S, Rge 25E, Lee County, Fl., which tract or parcel is described as follows: From the NE corner of said W 1/2 of the SW 1/4 run N 78 deg. 29 min. 40 sec. W., for 106.42 ft., to the POB: thence run S 49 deg. 28 min. 20 sec. W., for 173.34 ft., to an intersection with the NEly line of Old Tamiami Trail (100 ft. wide); thence N 40 deg. 31 min. 40 sec. W., along said NEly line for 147 ft.; thence run N 49 deg. 28 min. 20 sec. E., for 173.34 ft; thence run S 40 deg. 31 min. 40 sec. E., for 147 ft., to POB. Bearings herein above mentioned are derived from the centerline survey of SR 45.

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

WHEREAS, NationsBank Trust (Florida) N.A., in reference to Tamalico Center, has properly filed an application for:

- a) Consideration of the Application for Development Approval for a Development of Regional Impact known as Tamalico Center, State DRI # 3-8990-102; and
- b) A rezoning from IL, CG and Commercial Planned Development to Commercial Planned Development; and

WHEREAS, the subject property is located on the northeast corner of US 41 and Alico Road, described more particularly as:

LEGAL DESCRIPTION: In Section 06, Township 46 South, Range 25 East, Lee County, Florida:

PARCEL "A"

A parcel of land situated and lying in the West Half (W1/2) of the Southeast Quarter (SE1/4) of Section 06, Township 46 South, Range 25 East, lying Easterly of Old US 41 (SR 45) and Westerly of the Atlantic Coastline Railroad being more particularly described as follows:

From the Southwest corner of the Southeast Quarter (SE1/4) of said Section 06;

THENCE run N89°21'40"E, along the South line of the Southeast Quarter (SE1/4) of said Section 06, a distance of 1,324.44 feet to an intersection with the East line of the West Half (W1/2) of said Southeast Quarter (SE1/4);

THENCE run N00°50'53"W, along said East line of the West Half (W1/2) of the Southeast Quarter (SE1/4), a distance of 50.00 feet, to a point on the Northerly right-of-way line of Alico Road (100 foot right-of-way), said point being the POINT OF BEGINNING of the herein described parcel;

THENCE continue N00°50'53"W, along said East line of the West Half (W1/2) of the Southeast Quarter (SE1/4), a distance of 296.71 feet to a point on the Westerly right-of-way line of the Atlantic Coastline Railroad (195.00 foot right-of-way);

THENCE run N32°29'58"W, along said Westerly right-of-way line of the Atlantic Coastline Railroad, a distance of 951.47 feet to a point on the centerline of a Florida Power & Light Easement (265.00 feet wide) as recorded in Official Records Book 849, Page 268 of the Public Records of Lee County, Florida;

THENCE run S89°00'00"W, along the centerline of said Florida Power & Light Easement, a distance of 807.00 feet to a point on the Easterly right-of-way line of Old US 41 (SR 45) (100.00 foot right-of-way);

THENCE run South 23°25'04"E, along said Easterly right-of-way line of Old US 41 (SR 45), a distance of 1,192.78 feet to a point on the Northerly right-of-way line of Alico Road (100.00 foot right-of-way);

THENCE run N89°21'40"E, along said Northerly right-of-way line of Alico Road, a distance of 848.48 feet to the POINT OF BEGINNING.

Said Parcel "A" being 22.67 acres, more or less.

continued...

TOGETHER WITH:

PARCEL "B"

A parcel of land situated and lying in the Southeast Quarter (SE1/4) and the Southwest Quarter (SW1/4) of Section 06, Township 46 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

COMMENCING AT the Southwest corner of the Southeast Quarter (SE1/4) of said Section 06;
THENCE run N00°50'01"W, along the South Quarter (S1/4) section line of said Section 06, a distance of 143.25 feet to a point on the Northeasterly right-of-way line of US 41 (SR 45) (200.00 foot right-of-way), said point being the POINT OF BEGINNING of the herein described parcel;
THENCE run N45°02'00"W, along said Northeasterly right-of-way line of US 41 (SR 45), a distance of 2,917.12 feet;
THENCE run N00°21'30"W, a distance of 340.00 feet;
THENCE N45°02'00"W, a distance of 317.12 feet to a point on the Northeasterly line of a 150.00 foot wide easement for the re-routing of Ten Mile Canal by the State of Florida (L.P. Book 5, Page 115 and G.O. Book 27, Pages 525-532), said point also being on a curve to the left, having a radius of 485.28 feet, a central angle of 43°58'43" and a chord distance of 363.41 feet;
THENCE along the arc of said curve a distance of 372.49 feet;
THENCE run N49°29'36"E, a distance of 242.33 feet;
THENCE S40°30'24"E, a distance of 250.00 feet;
THENCE N49°29'36"E, a distance of 360.00 feet to a point on the Southwesterly right-of-way line of Old US 41 (SR 45) (100.00 foot wide);
THENCE run S40°30'24"E, along said Southwesterly right-of-way line of Old US 41 (SR 45), a distance of 1,839.98 feet, to the Point of Curvature of a curve to the right, having a radius of 1,081.77 feet, a central angle of 17°05'20", and a chord distance of 321.45 feet;
THENCE along the arc of said curve to the right, a distance of 322.65 feet to the Point of Tangency;
THENCE run S23°25'04"E, along the Southwesterly right-of-way line of Old US 41 (SR 45) (100.00 foot wide), a distance of 1,753.15 feet to a point on the Northerly right-of-way line of Alico Road (100.00 foot right-of-way);
THENCE run S89°21'40"W, along the said Northerly right-of-way line of Alico Road, a distance of 276.50 feet, to a point on the Northeasterly right-of-way line of US 41 (SR 45), (200.00 foot right-of-way);
THENCE run N45°02'00"W, along said Northeasterly right-of-way line of US 41 (SR 45), a distance of 130.50 feet to the POINT OF BEGINNING.

Said Parcel "B" being 67.11 acres, more or less.

WHEREAS, the applicant has indicated the property's current STRAP numbers are: 06-46-25-00-00010.0020 06-46-25-00-00011.0000 06-46-25-00-00013.0050; and

WHEREAS, proper authorization has been given to Carleton Ryffel, AICP, and Hole, Montes & Associates, by NationsBank Trust (Florida) N.A., as Trustee, the owner of the subject parcel, to act as agents to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Hearing Examiner, with full consideration of all the evidence available; and the Lee County Hearing Examiner fully reviewed the matter in a public hearing held on August 4, 1992 and subsequently continued to September 11, 1992; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and in the legislative process the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby:

- a) APPROVE DRI Development Order for a Development of Regional Impact known as Tamalico Center, State DRI No. 3-8990-102, which was filed by Nations-Bank Trust (Florida) N.A., as Trustee under Land Trust No's. 5361, 5364 and 5377, PO Box 1857, Naples, Florida 33939; and
- b) APPROVE a rezoning to Commercial Planned Development.

The rezoning and Master Concept Plan, which deviate from certain Lee County Standards, are subject to the following conditions:

1. The development of the property shall be in accordance with the Master Concept Plan entitled, "Tamalico Center" (Drawing No. 231-8A, Project No. 88.12, last revised 7-92, and stamped, Received July 30, 1992), prepared by Hole, Montes & Associates, Inc., except as may be modified by the conditions herein. This approval does not relieve the developer from compliance with the zoning regulations and all other applicable state or local regulations, except for those specifically approved as part of the development.
2. The development of this property shall be allowed all the uses permitted by right and special exception within the Commercial Planned Development (Section 461 of the Lee County Zoning Ordinance) with the following exceptions which are prohibited:

Aircraft landing facilities, Private
Club, Private - accessory to a residential use
Dwelling Unit, Multiple Family Building (df)
Dwelling Unit, Townhouse (df)
Entrance Gates and Gatehouses
Essential Services - Group II (Section 1001.13)
- Electric Substations
- Solid Waste Transfer Station
- Water Treatment Facilities
Excavation, Mining
Flea Market, Indoor (df), Open (df)
Group Quarters (df) Section 502
Health Care Facilities, Groups I, II & IV
Hospice (df)
Hotel/Motel
Marina
Model Display Centers
Parks, All Groups

Place of Worship (Section 521)
 Plant Nursery (df) (Section 523)
 Public Garage
 Race Tracks - All Groups (Section 1001.37)
 Recreation Center (df) accessory to a residential use
 Recreation, Commercial - Group III
 Recreation Facilities, Personal (df)
 Religious Facilities
 Residential Accessory Uses (Sections 501 & 1001.42)
 Resort
 Schools, Non Commercial (Section 524)
 Towers, Communication (df) (Section 530)
 Unit of High Impact (df) (Section 531)
 Wholesale Establishments - Group V (Section 1001.56)

3. A maximum total of 600,000 square feet of gross floor area is permitted of which up to 150,000 square feet may be industrial, up to 360,000 square feet may be commercial retail and up to 90,000 square feet may be commercial office. These totals are inclusive of all areas permanently devoted to the display and sale of consumer goods such as garden shops. Such areas shall provide adequate parking per the Lee County Zoning Ordinance.
4. The maximum building height shall not exceed 60 feet above average finished grade unless the applicant obtains the written approval of the San Carlos Park Fire Protection and Rescue Service Fire District official to build to a height not to exceed 95 feet above average grade. It is recognized that the applicant may be required to commit to the front-ending of impact fees to pay for the fire protection equipment needed to serve buildings up to 95 feet in height in order to obtain the written approval of the Fire Department.
5. The applicant shall encourage the design of all structures to be architecturally compatible with one and other and the landscaping shall be arranged to compliment and tie together the designs among individual parcels. This condition shall be incorporated into all pertinent covenants and restrictions of any property owners association.
6. Prior to the issuance of a local Development Order which would necessitate the use of the northwest access, the developer shall prepare, execute and record agreements, subject to the approval of the County Attorney's Office.
7. Transportation mitigation shall be provided as outlined in the DRI Development Order; however, additional site related improvements may be required per the Lee County Development Standards Ordinance.
8. The developer shall meet with Lee Transit staff, prior to any local Development Order, to resolve the following:
 - a. The provision of covered bus shelters, canopies or other comparable facility for bus patrons that will accommodate 10-12 passengers. In addition, it is directed that the developer provide bus pull-over area(s) in conjunction with the shelter canopies or other comparable facilities in compliance with Lee Transit's requirements.
 - b. The internal street network shall be designed to adequately accommodate bus travel through the project.
9. The large laurel oaks located close to US 41 and within parcels "B", "C" and "D" as shown on the Master Concept Plan shall be preserved wherever possible.
10. This resolution incorporates by reference the conditions adopted within the DRI Development Order. No local Development Order or other approval may be granted unless in compliance with this Resolution and the DRI Development Order.

11. The proposed realignment of Old US 41 shall be altered from that shown on the Master Concept Plan so that the southernmost curve reflects a 900-foot radius. Additional lands required for this design over local road standards shall be fully credited against proportionate share for traffic mitigation. The amount of credit shall be based upon the value of the land at the time of vacation/dedication.
12. The realigned Old US 41 shall include at least a 100-foot right-of-way of which at least 80 feet shall be available for road purposes.
13. The westernmost access on Alico Road, which is located 660 feet from the centerline of US 41, shall be restricted to right-in/right-out turning movements.
14. It is acknowledged that a change to the legal description of the subject property will occur at such time as Old US 41 is vacated and rededicated. As it has been determined herein that no substantial deviation will occur and no substantial deviation review will be required for the changed legal description, that change will be handled through a corrective resolution by the Board of County Commissioners.
15. Deviation (1) is a request to deviate from Zoning Ordinance Section 509.C.4 which requires a minimum water retention excavation setback to a street right-of-way of 150 feet, to allow a street right-of-way to be setback 0 feet. Deviation (1) is hereby APPROVED with the condition that prior to Final Development Order approval, a hold harmless agreement to indemnify Lee County shall be provided.

Deviation (2) is a request to deviate from Development Standards Ordinance Section C.3.h., which requires minimum intersection separation of 660 feet along arterial streets, to approximately 614 and 270 feet. Deviation (2) is hereby APPROVED.

Deviation (3) is a request to deviate from Development Standards Ordinance Section C.3.h, which requires a minimum intersection separation of 330 feet on a collector roadway, to approximately 250 feet. Deviation (3) is hereby APPROVED.

Deviation (4) is a request to deviate from Zoning Ordinance Section 509.B., which requires maximum excavation depth of 12 feet, to allow 20 feet or to the confining layer for aquifer separation. Deviation (4) is hereby APPROVED with the following conditions:

- a. A destratification system which will provide adequate destratification or aeration for the lake, taking into account lake size, depth and volume, shall be installed prior to Certificate of Compliance for this project. The specifications on the type, size, location(s) and number of pumps necessary to obtain adequate destratification or aeration shall be subject to approval by the Division of Environmental Sciences prior to installation. The destratification system shall be used to provide for proper oxygenation and destratification of the lake; and
- b. Chemical control methods shall not be used in the lake unless prior written approval is granted by the Division of Environmental Sciences.

Deviation (5) is a request to deviate from Development Standards Ordinance Sections C.3.j.(2) and C.3.o., which requires that access streets be constructed paralleling certain arterial streets, to provide a reverse frontage road. Deviation (5) is hereby APPROVED with the condition that a reverse curve frontage road be provided through the property as shown on the Master Concept Plan.

Deviation (6) is a request to deviate from Development Standards Ordinance Section C.5.c., which deals with open space requirements, to allow 7% open space per development area, excluding buffers and internal open space of parking areas. Deviation (6) is hereby APPROVED with the condition that each individual development site shall have 7% open space

within the boundaries of its development area, in addition to areas set aside for buffers, lakes, easements, mitigation/wetland areas and internal open space of parking lots. The 7% open space shall meet minimum size and requirements for small or large projects, as applicable, and as set forth in the Development Standards Ordinance. The total percentage of open space for the entire Tamalico Center shall be a minimum of 30%, with indigenous (native) open space as provided on the Master Concept Plan revised July, 1992, and date stamped July 30, 1992.

Site Plan 92-045 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings of fact were made in conjunction with this approval of Commercial Planned Development zoning:

- A. That the rezoning request was not necessitated by changed or changing conditions.
- B. That the rezoning request, as conditioned, will not have an adverse impact on the intent of the Zoning Ordinance.
- C. That the rezoning request, as conditioned, is consistent with the goals, objectives, policies and intent of the Lee Plan, and with the densities, intensities and general uses set forth in the Lee Plan.
- D. That the rezoning request, as conditioned, meets or exceeds all performance and locational standards set forth for the proposed use.
- E. That the rezoning request, as conditioned, will protect, conserve or preserve environmentally critical areas and natural resources.
- F. That the rezoning request, as conditioned, will be compatible with existing or planned uses and will not cause damage, hazard, nuisance or other detriment to persons or property.
- G. That the rezoning request, as conditioned, will not place an undue burden upon existing transportation or other services and facilities and will be served by streets with the capacity to carry traffic generated by the development.
- H. That the rezoning request, as conditioned, will be in compliance with all applicable general zoning provisions and supplemental regulations pertaining to the use, as set forth elsewhere in the Zoning Ordinance.
- I. That each deviation approved will enhance the achievement of the objectives of the planned development and will protect and promote the public health, safety and welfare.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Ray Judah, and seconded by Commissioner John E. Albion and, upon being put to a vote, the result was as follows:

John E. Manning	Aye
Douglas R. St. Cerny	Absent
Ray Judah	Aye
District #4	Vacant
John E. Albion	Aye

DULY PASSED AND ADOPTED this 1st day of February, A.D., 1993.

ATTEST:
CHARLIE GREEN, CLERK

BY: Clare G. Whisk
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Maxxing
Chairman

Approved as to form by:

Timothy P. [Signature]
County Attorney's Office

FILED

FEB 11, 1993

CLERK CIRCUIT COURT
BY Clare G. Whisk, D.C.

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

WHEREAS, Ryan Companies US, Inc., filed an application on behalf of the property owner, Jared F. Holes, Trustee, to rezone a 61.38± acre parcel from Commercial Planned Development (CPD) to Mixed Use Planned Development (MPD) in reference to Dia Crossing MPD; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Donna Marie Collins, was advertised and held on October 3, 2024. 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 October 31, 2024; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case # DCI2023-00020 and recommended APPROVAL of the request with conditions; and

WHEREAS, a second public hearing was advertised and held on December 4, 2024 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 61.38± acre parcel from CPD to MPD, to allow 200,000 square feet of commercial, 150 room hotel/motel, and 350 dwelling units, including 30 bonus density units.

The property is located in the Urban Community and Wetlands Future Land Use Categories and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions specified in Section B 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/Approved Development Parameters**

Master Concept Plan (MCP). Development must be consistent with the three-page MCP entitled "DIA Crossing MPD," stamped received by the Hearing Examiner October 30, 2024, except where modified by conditions below (Exhibit C).

Lee Plan and Land Development Code (LDC). Development must comply with the Lee Plan and LDC. Changes to the MCP or conditions will require further development approvals.

Approved Development Parameters. MPD may develop up to 200,000 square feet of commercial uses,** 350 residential dwelling units, including 30 bonus density units, and 150 hotel rooms.

**Subtract C-1 is limited to a maximum of 50,000 square feet and Subtract C-2 is limited to a maximum of 150,000 square feet.

2. Uses And Site Development Regulations

a. Schedule of Uses

Residential Tract

Accessory Uses and Structures

Dwelling Unit: Multiple-Family Building

Entrance Gates and Gatehouse

Essential Services

Essential Service Facilities, Group I

Excavation:

Water Retention and Detention

Lakes

Fences, Walls

Home Occupation

Models:

Display Center

Display Group

Model Home

Model Unit

Parking Lot:

Accessory

Park-and-Ride

Temporary

Real Estate Sales Office, limited to sales of lots, homes or units within the development

Recreation Facilities:

Personal

Private On-Site

Signs

Temporary Uses in accordance with LDC at time of development order review and limited to temporary sales office, temporary contractor's office, staging area, and equipment storage structures

Commercial Tracts

Accessory Uses and Structures

Administrative Offices

Animals: Clinic, 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, All Groups
 Bar or Cocktail Lounge
 Boat Parts Store
 Boat Repair & Service
 Boat Sales
 Boat Storage, Dry
 Boatyard
 Broadcast Studio, Commercial Radio and Television
 Building Materials Sales
 Business Services, All Groups
 Bus Station/Depot
 Caretaker's Residence
 Carwash
 Cleaning and Maintenance Services
 Clothing Stores, General
 Clubs:
 Commercial,
 Country,
 Fraternal, Membership Organization, & Private
 Communication Facility, Wireless
 Community Gardens
 Consumption on Premises
 Continuing Care Facilities
 Contractors and Builders, All Groups
 Convenience Food and Beverage Store, with or without fuel pumps
 Cultural Facilities
 Day Care Center, Adult & Child (Maximum 75 children or adults)
 Department Store
 Drive-Through Facility for any Permitted Use
 Drugstore, Pharmacy
 Dwelling Unit:
 Live-Work
 Townhouse
 Multiple-Family Building
 Entrance Gates and Gatehouse
 Emergency Operations Center
 EMS, Fire or Sheriff's Station
 Essential Services
 Essential Service Facilities, All Groups
 Excavation: Water Retention
 Flea market:
 Open
 Indoor
 Food and Beverage Service, Limited
 Food Stores, All Groups
 Funeral Home or Mortuary: with or without cremation
 Gift and Souvenir Shop

Hardware Store
 Health Care Facility, Groups I, II, III
 Hobby, Toy, and Game Shops
 Home Care Facility
 Hospice
 Hotel/Motel (Limited to Subtract C-2)
 Household and Office Furnishings, All Groups
 Insurance Companies
 Laundromat
 Laundry or Dry Cleaning, Group I
 Lawn and Garden Supply Store
 Library
 Maintenance Facility (Government)
 Mass Transit Depot or Maintenance Facility (Government-Operated)
 Medical Office
 Models:
 Display Center Only
 Model Home
 Model Unit
 Motion Picture Production Studio
 Nightclubs
 Non-Store Retailers, All Groups
 Package Store
 Paint, Glass and Wallpaper
 Parcel and Express Services
 Parks, All Groups
 Parking Lot:
 Accessory
 Commercial
 Garage, Public
 Park-and-Ride
 Temporary
 Personal Services, All Groups
 Pet Services
 Pet Shop
 Pharmacy
 Place of Worship
 Plant Nursery
 Post Office
 Printing and Publishing
 Real Estate Sales Office
 Recreation Facilities:
 Commercial: Groups I, III, IV
 Personal
 Private On-Site
 Religious Facilities
 Rental or Leasing Establishments, Groups I, II, III, IV
 Repair Shops, Groups I, II, III, IV
 Research and Development Laboratories, Groups I, II, IV
 Restaurant, Fast Food
 Restaurants, All Groups

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

Schools:

Commercial

Non-Commercial

Self-Service Fuel Pumps

Signs

Social Services, All Groups

Specialty Retail Shop, All Groups

Storage:

Indoor

Storage, Open

Studios

Supermarket

Temporary (Limited to Temporary Sales Office, Temporary Contractor's Office, Staging Area, And Equipment Storage Structures)

Theater, Indoor

Transportation Services, Groups II, III

Used Merchandise Store, Groups I, II

Vehicle and Equipment Dealers, All Groups

Warehouse:

High Cube

Mini Warehouse

Private

Public

Wholesale Establishment, Groups I, III

b. Site Development Regulations

See Exhibit D (Property Development Regulations).

3. Unified Sign Plan

Development order submittals must include a unified sign plan.

4. Natural Resources

a. Drainage Easement. Development order submittals must include a draft drainage easement designed to maintain the offsite conveyance drainage easement depicted on the MCP. Once approved by the County, the owner must record the drainage easement in the public records of Lee County. Proof of recordation is a prerequisite to issuance of a Certificate of Compliance.

b. Stormwater Report. Development order plans proposing improvements within open space areas must include a Stormwater Report with models and calculations demonstrating offsite flows will be maintained during and post construction.

c. Water Quality Monitoring Plan. Development order submittals must include a Water Quality Monitoring Plan that includes the following:

- i. Baseline Monitoring. Completion of baseline monitoring prior to commencing construction. Developer must submit the baseline monitoring report to the County Division of Natural Resources
- ii. Water Quality Monitoring Sites. Location of surface water quality and groundwater quality monitoring sites. Developer must locate a surface water quality monitoring site at each proposed outfall.

Data. Developer must submit water quality monitoring data to the Division of Natural Resources annually for a minimum of 5 years. Annual monitoring reports must include a comparison to State surface water quality standards, plots of parameters, and recommendations. Developer must report water quality monitoring data as Electric Data Deliverable (EDD), in a format approved by the Division.

Developer may file a written request with the Division of Natural Resources to amend the water quality monitoring/reporting condition after demonstrating the project met state water quality monitoring standards for five consecutive years.

- iii. Contingency Plan. Developer must prepare a Contingency Plan to be implemented in the event of an exceedance of State Water Quality Standards. The Contingency Plan must include notification to impacted residents, the Division of Natural Resources and applicable authorities.

5. Environmental

- a. Development Order plans must depict 36.73 acres of open space.
- b. Development Order plans must depict 6.00 acres of indigenous preserve area and 0.63 acres of restored indigenous wetlands.
- c. Development Order plans for the commercial portion of the project must depict 25-foot-wide buffers along Alico Road and South Tamiami Trail. The buffer must include five trees per 100 linear feet and a double hedge.
- d. Development Order plans must substantially comply with the "Indigenous Vegetation Communities & Protected Species Assessment for DIA Crossing Lee County Florida" dated January 2024 (Revised) Exhibit E.
- e. The application for Vegetation Removal Permits must include wetland mitigation documentation if onsite mitigation is necessary. Development Order plans must depict onsite mitigation restoration areas.

6. Department of Transportation

The MCP depicts conceptual access to US 41 and is subject to Florida Department of Transportation approval.

7. Pedestrian and Bicycle Access to School Bus

Development Order plans must accommodate safe pedestrian and bicycle access to school bus stops. The site plan must depict locations for school buses to stop, load and unload students in each residential development pod. Plans must also include a dedicated area for students to wait for the school bus. These waiting areas must be outside road rights-of-way and coordinated with the Lee County School District.

8. Permitting Generally

Permits from state or federal agencies and do not create liability on the part of the County if developer fails to obtain requisite approvals or fulfill obligations imposed by state/federal agencies or if applicant undertakes actions resulting in a violation of state or federal law. Developer must obtain applicable local development permits.

9. 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.

SECTION C. 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: Property Development Regulations
- Exhibit E: Indigenous Vegetation Communities and Protected Species Assessment

SECTION D. 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 DIA Crossings MPD is consistent with the Lee Plan. Lee Plan Goals 2, 4, 5, 6, 11, 77, 95, 123, 124, 125, 135, 158, 161; Objectives 2.1, 4.1, 5.1, 6.1, 11.1, 11.2, 77.1, 77.2, 77.3, 126.2, 135.1, 161.1, 161.3, and Policies 1.1.2, 1.5.1, 1.6.5, 2.2.1, 5.1.1, 5.1.3, 5.1.5, 5.1.6, 5.1.7, 6.1.1, 6.1.3, 6.1.4, 6.1.5, 6.1.6, 6.1.7, 11.1.2, 11.2.1, 11.2.5, 11.2.6, 11.2.7, 101.1.1, 135.1.9, 135.9.6, 160.1.3, Lee Plan Maps 1-A, 1-B, 4-A, 4-B, 3-D, 4-E, Tables 1(a), 1(b).

2. As conditioned, the MPD zoning district:
 - a. Is consistent with the LDC or qualifies for deviations. LDC Chapters 2, 10, and 34.
 - b. Is compatible with existing or planned uses in the surrounding area. Lee Plan Goal 11, Objectives 2.1, 2.2, 11.1, 11.2, 161.1, 161.3, and Policies 1.1.2, 5.1.3, 5.1.5, 5.1.6, 6.1.4, 6.1.6, 11.2.1, 11.2.5, 135.9.5, 135.9.6, 160.1.3, 161.2.2, 161.3.1; LDC §§ 34-411, 34-413.
 - c. Provides sufficient road access to support proposed development intensity. Lee Plan Objective 161.4, Policies 6.1.5, 161.1.2, 161.4.3.
 - d. Expected impacts on transportation facilities will be addressed by County regulations and conditions of approval. Lee Plan Objective 39.1, Policies 38.1.1, 39.1.1, 39.1.3; LDC §§ 2-261 *et seq.*, 34-411.
 - e. Will not adversely affect environmentally sensitive areas or natural resources. Lee Plan Goals 77, 124, 125, Objectives 77.3, 126.2, Policies 5.1.6, 6.1.6, 77.3.1, 77.3.2, 123.2.4, 123.2.8, 125.1.4, 126.2.1, and Standard 4.1.4.
 - f. Public services and infrastructure will be available to serve the development. Goals 2, 4, 5, 6, 11, 95, Objectives 2.1, 2.2, 4.1, 11.1, 11.2, Policies 2.2.1, 6.1.4, 11.2.1, 160.1.1, 161.1.2, 161.4.3, Standards 4.1.1, 4.1.2. Lee Plan Maps 4-A, 4-B.
3. The proposed uses are appropriate at the location. Lee Plan Goals 2, 5, 6, 11; Objectives 2.1, 2.2, 11.1, 11.2, 135.1, Policies 2.1.1, 2.1.2, 5.1.3, 6.1.7, 6.1.8, 11.1.1, 11.2.1, 135.1.9, 135.9.6, 160.1.3, 161.3.1, Lee Plan Tables 1(a), 1(b).
4. The County regulations and recommended conditions provide sufficient safeguards to protect the public interest and relate to impacts expected from the proposed development. Lee Plan Goals 123, 124, 125, Objectives 77.3, 126.2, Policies 5.1.5, 6.1.4, 53.1.5, 54.1.2, 56.1.4, 77.3.1, 123.2.4, 123.2.8, 123.2.9, 125.1.4, 126.2.1, 135.9.6, LDC §§ 34-377(a)(3), 34-411 and 34-932(c).
5. Deviations recommended for approval enhance the planned development and preserve public health, safety, and welfare. LDC §§ 34-373(a)(9), 34-377(a)(4).
6. The request to rescind the Tamalico Center DRI Development Order meets the statutory criteria for approval.

SECTION E. 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 designee, without the need for a public hearing.

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

Adopted by unanimous consent.

Kevin Ruane	Aye
Cecil L Pendergrass	Aye
David Mulicka	Aye
Brian Hamman	Absent
Mike Greenwell	Aye

DULY PASSED AND ADOPTED this 4th day of December, 2024.

ATTEST:
KEVIN C. KARNES
CLERK OF CIRCUIT COURT

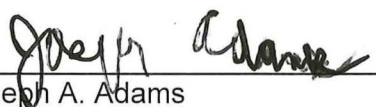
BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Kevin Ruane, Chair
Vice Commissioner Cecil L Pendergrass
Lee County Board of County Commissioners
District 2

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY




Joseph A. Adams
Assistant County Attorney
County Attorney's Office

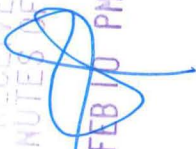
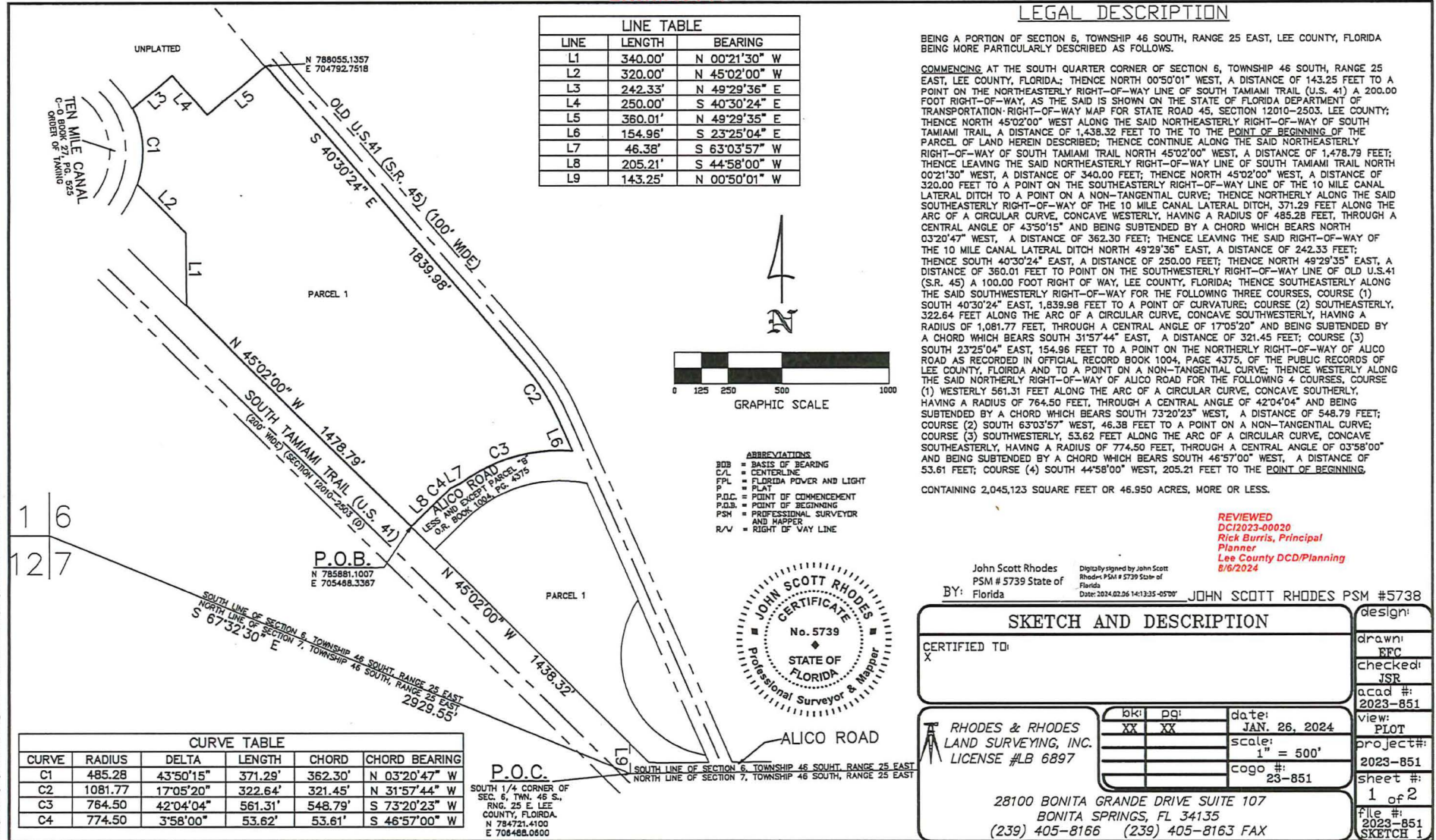
RECEIVED
MINUTES OFFICE
2025 FEB 10 PM 3:44


Exhibit A

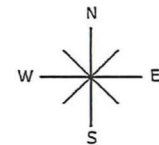




DCI2023-00020

Zoning

 Subject Property

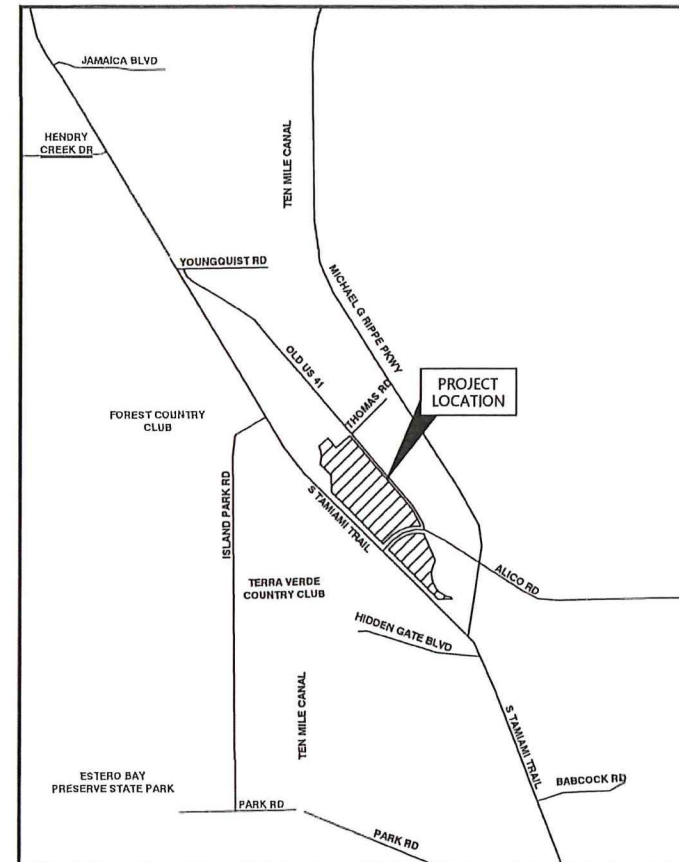


0 500 1,000 1,500
Feet



EXHIBIT B

MASTER CONCEPT PLAN FOR
DIA CROSSING MPD
PART OF SECTION 6, TOWNSHIP 46S, RANGE 25E,
FORT MYERS, FLORIDA



VICINITY MAP
N.T.S.



SITE LOCATION MAP
N.T.S.

CE-00011
HEARING EXAMINEE
2024 OCT 30 PM 2:35

PREPARED BY:



**THE NEIGHBORHOOD
COMPANY**

5618 WHISPERING WILLOW WAY
FORT MYERS, FL 33908

PREPARED FOR:



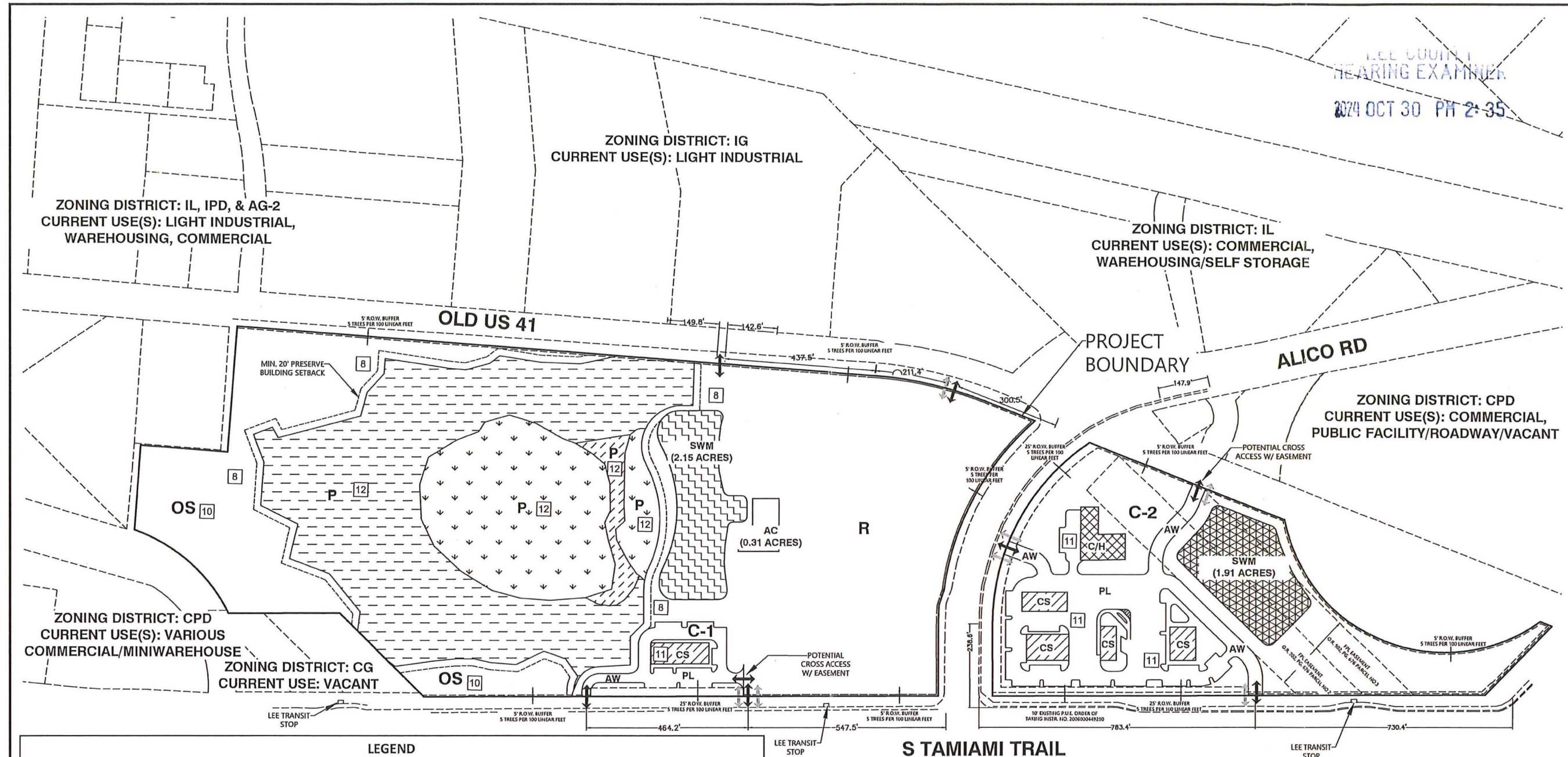
201 NORTH FRANKLIN ST, SUITE 3500
TAMPA, FL 33602

Approved as Exhibit C
MCP Page 1 of 3
Resolution # 2-24-028

CONTENTS

SHEET NUMBER	SHEET DESCRIPTION
1	COVER SHEET
2	MASTER CONCEPT PLAN
3	NOTES

DATE:	PROJECT No:	SHEET No:
April, 2024	220050.01.01	1 of 3



LEE COUNTY
HEARING EXAMINER
2024 OCT 30 PM 2:35



DATE	REVISION
10/24	1
11/23	2
9/23	3
11/23	4

THE NEIGHBORHOOD COMPANY
5618 WHISPERING WILLOW WAY | FORT MYERS, FL 33908
WWW.THENEIGHBORHOODCOMPANY

CLIENT:	RYAN COMPANIES US, INC.
PROJECT:	DIA CROSSING MPD
TITLE:	MASTER CONCEPT PLAN
PROJECT NO:	220050.01.01
DATE:	04/23
DESIGN:	K.G.
SHEET NUMBER:	2 OF 3

Approved as Exhibit C
MCP Page 2 of 3
Resolution # 2-24-038

- [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, ACCESS WAYS, DRIVES, STORMWATER MANAGEMENT AREAS, EASEMENTS, 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 MIXED USE PLANNED DEVELOPMENT (MPD) CAN BE APPROVED ADMINISTRATIVELY.
- [3] TOTAL DEVELOPMENT AREA: 61.38 +/- ACRES
- [4] THE FUTURE LAND USE MAP CATEGORY: URBAN COMMUNITY
- [5] NO RIGHT OF WAY OR PERIMETER LANDSCAPE BUFFERS ARE REQUIRED WHERE PRESERVE AREAS ARE PROVIDED.
- [6] NO INTERNAL LANDSCAPE BUFFERS ARE REQUIRED WITHIN MIXED USE OVERLAY.
- [7] THE NORTHERN AND SOUTHERN DEVELOPMENT AREAS MAY BE DEVELOPED SEPARATELY. EACH DEVELOPMENT AREA MAY CONTAIN MULTIPLE PLATTED LOTS, WHICH MAY BE DEVELOPED INDEPENDENTLY OF EACH OTHER AND AT DIFFERENT TIMES SUBJECT TO REVIEW AT TIME OF DEVELOPMENT ORDER.
- [8] UPLAND BUFFERS, WHEN APPLICABLE, SHALL BE A MINIMUM OF 15 FEET, AVERAGE 25 FEET, SURROUNDING PRESERVED WETLANDS.
- [9] LOADING ZONE MAY BE LOCATED & ACCESSED ALONG THE REAR, FRONT, OR SIDE OF THE COMMERCIAL BUILDINGS.
- [10] RECREATION FACILITIES, PRIVATE ON-SITE ONLY.
- [11] ALL EASEMENTS ASSOCIATED WITH THE DEVELOPMENT OF ANY FUTURE SUBDIVIDED LOT WILL BE PROVIDED AT TIME OF DEVELOPMENT APPROVAL.
- [12] 18.92 Ac.± OF PRESERVED FRESHWATER WETLANDS TO APPLY TOWARDS DENSITY CALCULATIONS.

REQUIRED:

- TOTAL SITE AREA: 61.38 AC
- TOTAL MINIMUM REQUIRED OPEN SPACE WITHIN MIXED USE OVERLAY : 20% OF 61.38 AC = 12.28 (12.3) AC

PROVIDED:

- TOTAL OPEN SPACE PROVIDED: ±36.73 AC
- PROVIDED OPEN SPACE DETAILS:

<u>OPEN SPACE USE</u>	<u>ACRES</u>
STORMWATER MANAGEMENT LAKES	±0.54 AC
PRESERVE AREAS	±18.92 AC
BUFFERS, YARDS, AND	±17.27 AC
ALL OTHER OPEN SPACE AREAS	

INDIGENOUS NATIVE VEGETATION PRESERVE AREA:

REQUIRED:

- 50% OF THE OPEN SPACE REQUIRED:
 - 50% OF THE 12.3 AC = 6.15 AC

PROVIDED:

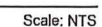
- PRESERVED AND ENHANCED:
 - WETLANDS: 6.00± AC
- RESTORED:
 - WETLANDS: 0.63± AC

TOTAL: 6.63± AC

- PRESERVED:
 - WETLANDS: 12.29± AC

TOTAL: 12.29± AC

LAND USE	ACREAGE	PERCENT	DWELLING UNITS	NON-RESIDENTIAL AREA (SQUARE FEET & ROOMS)
RESIDENTIAL TRACT	± 15.03	24.5	350	N/A
AMENITY CENTER	± 0.31	0.5	N/A	N/A
COMMERCIAL TRACTS	± 5.79	0.0	N/A	N/A
COMMERCIAL STRUCTURES	± 0.86	1.4	N/A	200,000
COMMERCIAL/HOTEL	± 0.31	0.5	N/A	150
ACCESS WAY/PARKING LOT	± 4.62	7.5	N/A	N/A
STORMWATER MANAGEMENT AREAS	± 4.06	6.6	N/A	N/A
INDIGENOUS NATIVE VEGETATION PRESERVE AREA	± 6.63	0.0	N/A	N/A
UPLAND	± 0.00	0.0	N/A	N/A
WETLAND - PRESERVED, ENHANCED AND RESTORED	± 6.63	10.8	N/A	N/A
NON-INDIGENOUS VEGETATION PRESERVE AREA	± 12.29	0.0	N/A	N/A
WETLAND-PRESERVED	± 12.29	20.0	N/A	N/A
BUFFER, YARDS, AND ALL OTHER OPEN SPACE AREAS	± 17.27	28.1	N/A	N/A
TOTAL	± 61.38	100	MAX: 350	MAX: 200,000 SF/150 ROOMS

[illegible]

NOTES AND TYPICAL SECTIONS

220050.01.01	DATE	04/23	DRAWN	F.L.
DESIGN			K.G.	
SHEET NUMBER			3	OF 3

DIA CROSSING MIXED USE PLANNED DEVELOPMENT (MPD)

A Major Planned Development

PROPERTY DEVELOPMENT REGULATIONS

LAND USES	<u>Min. Lot Size (sq. ft.)</u>	<u>Min. Lot Width (feet)</u>	<u>Min. Lot Depth (feet)</u>	<u>Min. Street Setback (feet) ^{1, 9}</u>	<u>Min. Side Setback (feet) ^{2, 3, 7}</u>	<u>Min. Rear Setback (feet) ^{3, 4}</u>	<u>Min. Accessory Structure ^{3, 5} Side Setback</u>	<u>Min. Accessory Structure ^{3, 5, 7} Rear Setback</u>	<u>Building Separation (feet) ⁸</u>	<u>Max. Building Height (feet) ⁶</u>	<u>Max. Lot Coverage (%)</u>
RESIDENTIAL											
Townhouse	2,500	25	100	15	0/10	7.5	5	5	10	35	60
Multi-family	10,000	100	100	5	10	10	5	5	20	75	60
NON-RESIDENTIAL											
Commercial including hotel/motel & Amenity Center	7,500	75	100	5	7.5	7.5	5	5	20	75	60

Planned Development Perimeter Setback: 25 feet

Note 1: Setback is measured from right-of-way or easement line.

Note 2: Side yard setbacks shall be a minimum of zero feet (0') with a ten foot (10') separation between principal structures where not attached.

Note 3: Minimum side and rear setbacks shall be adjusted to a minimum of 20 feet when abutting identified indigenous native preserves and 30 feet for indigenous plant community subject to fire.

Note 4: Where lots abut a waterbody, setback shall be measured from the rear lot line and increased to 20 feet.

Note 5: No accessory structure shall be more than 75% of principal structure's footprint area.

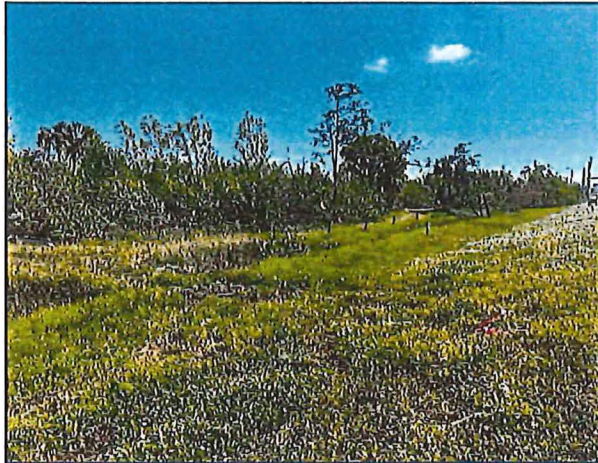
Note 6: Height is measured from the minimum base flood elevation.

Note 7: Encroachments, such as, but not limited to, mechanical equipment, open decks, and overhangs, may be permitted in the setback as per the LDC.

Note 8: No separation is required for any interior townhouse lots.

Note 9: Front entry garage setback for townhouse lots: 20 feet

Indigenous Vegetative Communities & Protected Species Assessment



Dia Crossing Lee County, Florida

January 2024 (Revised)

Prepared For:

Ryan Companies US, Inc.
201 N Franklin St Suite 3500
Tampa, FL 33602

Prepared By:



**Ecotech
Consultants, Inc.**
ENVIRONMENTAL SCIENCES & ENGINEERING

P.O. Box 690265
Vero Beach, FL 32969

TABLE OF CONTENTS

	<u>Page</u>
1.0 Introduction	1
2.0 Existing Indigenous Vegetation Habitats	3
3.0 Existing Non-Indigenous Vegetation.....	6
3.1 Non-Indigenous Wetland Habitats	6
3.2 Non-Indigenous Upland Habitats.....	7
4.0 Indigenous Vegetation Preservation and Enhancement	8
4.1 Removal and Maintenance of Invasive Vegetation.....	10
4.2 Removal and Management of Debris	11
4.3 Monitoring and Maintenance	11
5.0 Indigenous Wetland Vegetation Restoration	11
5.1 Monitoring and Maintenance	12
6.0 Compliance with Success Criteria	13
6.1 Indigenous Wetland and Upland Preservation and Enhancement	13
6.2 Indigenous Wetland Restoration.....	13
7.0 Monitoring Reports	14
8.0 Long-term Management.....	14
9.0 Protected Species Management Plan	14
9.1 Pedestrian Survey	15
9.2 Florida Black Bear Coordination	16
10.0 Preserve Signage and Community Education Plan	17

LIST OF TABLES

	<u>Page</u>
Table 1. Prohibited Invasive Exotics	10
Table 2. Supplemental Wetland Plantings.....	12
Table 3. Potential for Protected Species Within Existing Land Uses	15
Table 4. Observed Wildlife Species in Existing Land Uses.....	16

LIST OF FIGURES

	<u>Page</u>
Figure 1 - Location Map.....	2
Figure 2 - FLUCFCS Map.....	4
Figure 3 - Indigenous Preservation, Enhancement and Restoration Plan.....	9

LIST OF APPENDICES

Appendix 1. Florida Black Bear Informational Pamphlet	A-1
---	-----

1.0 INTRODUCTION

Ecotech Consultants, Inc. (ETC) was contracted by Ryan Companies to complete an ecological assessment of the 61.38-acre "Dia Crossing" site located in Lee County, Florida. The site is undeveloped and contains a mixture of previously cleared lands, borrow pond, disturbed forested wetlands, and disturbed uplands. The site is bounded by roadways on three sides, with an existing business and Ten Mile Canal along the northern boundary. Invasive vegetation has colonized the site and dominates the forested communities.

The site is located within Section 6, Township 46S, Range 25E, northeast of the intersection of Alico Road and US Highway 41 (Tamiami Trail), in Ft. Myers (Figure 1). The site is bounded by an interchange to the south, Tamiami Trail and commercial/residential areas to the west, existing business and Ten Mile Canal to the north, and industrial/commercial uses to the east (refer to the aerial view below).



View of Existing Adjacent Land Uses

The site is included as mixed use per the overlay found in Lee Plan mapping. Properties located within the mixed-use overlay as delineated on Map 1, Page 6 of the Lee Plan and described in Objective 11.2 must provide minimum open space and landscape requirements. Large developments, such as the Dia Crossing project, must provide a minimum of 20% open space; large developments with existing indigenous native vegetation communities must provide 50% of their open space percentage requirement

through the onsite preservation of existing native vegetation communities. As applied to the Dia Crossing site, the open space requirements for the 61.38-acre project area would encompass an area of approximately 12.3-acres; 6.15-acres of preserved indigenous habitat would be required to meet the County's indigenous native vegetation preservation requirements. This plan outlines the compliance of the proposed project with the indigenous species habitat preservation for the project site.

The indigenous habitats that will be enhanced and preserved as part of this plan will be consistent with those habitat types identified in Chapter XII of the Lee Plan. These habitats include cypress wetlands, wetland hardwoods, and a portion of a Carolina willow dominated inland pond. A Conservation Easement for preserved indigenous habitats will be granted to Lee County as part of development approvals.

In addition to the indigenous species enhancement and management plan, this report includes a summary of surveys completed to assess the potential for protected species to occur on the project site.

2.0 EXISTING INDIGENOUS VEGETATION HABITATS

Pursuant to Section 10-1 of the Lee County Land Development Code (LDC), indigenous native vegetation includes those plant species that are characteristic of the major plant communities of the County. Native habitats where invasive vegetation has exceeded 75 percent coverage are not considered to be indigenous vegetative habitats.

The Project site includes approximately 11.03 acres of existing indigenous native vegetation. The indigenous habitats occur as small shrub and forested wetlands with less than 75% coverage by invasives. These indigenous areas are surrounded by invasive wetland hardwoods and disturbed lands, both of which are classified as non-indigenous habitats.

Figure 2 depicts the Florida Land Use, Cover and Forms Classification System (FLUCFCS) map for the project site. Existing indigenous wetland vegetative communities, as well as non-indigenous upland and wetland communities are depicted on the land use map.

Presented below are descriptions of the FLUCFCS (Florida Department of Transportation 1999) habitats present on the project site. All of the indigenous vegetation habitats on site are composed of jurisdictional wetlands; no indigenous upland habitat is present on the project site.

Wetland Hardwoods, Disturbed (50-75% Invasives) (FLUCFCS Code 6109 E3)

The canopy of this +/- 0.71 acre wetland habitat cover type includes scattered large laurel oaks (*Quercus laurifolia*) and earleaf acacia (*Acacia auriculiformis*). The sub-canopy includes Brazilian pepper (*Schinus terebinthifolia*), wax myrtle (*Morella cerifera*), and earleaf acacia. Ground cover is dominated by swamp fern (*Telmatoblechnum serrulatum*), chain fern (*Woodwardia virginica*), many-flower pennywort (*Hydrocotyle umbellata*), Asiatic pennywort (*Centella asiatica*), as well as scattered caesarweed (*Urena lobata*) and other non-wetland ruderal species. Representative photographs of this habitat type are presented on page 5 of this report.

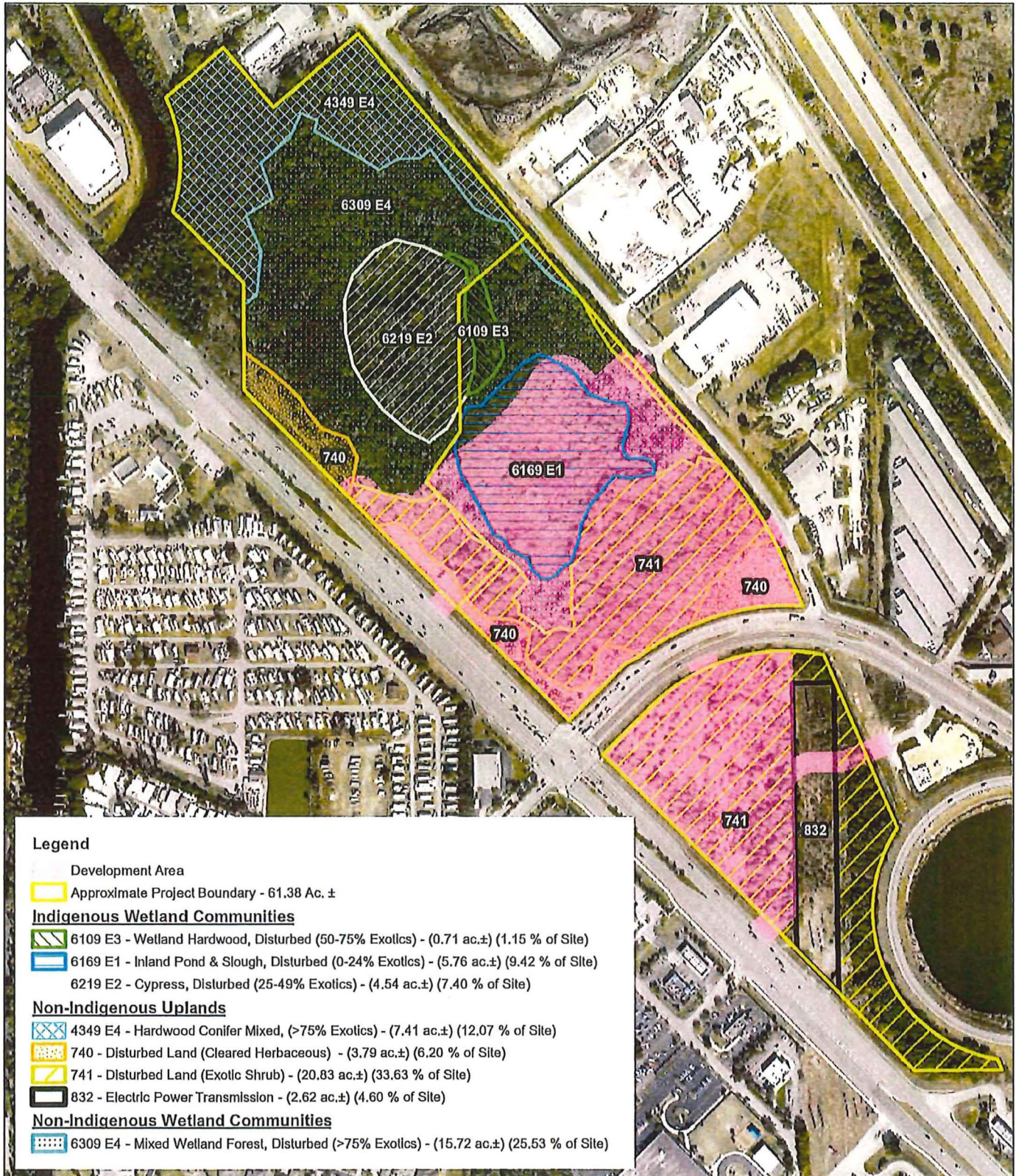


Figure 2 - Lee County FLUCFCS Map

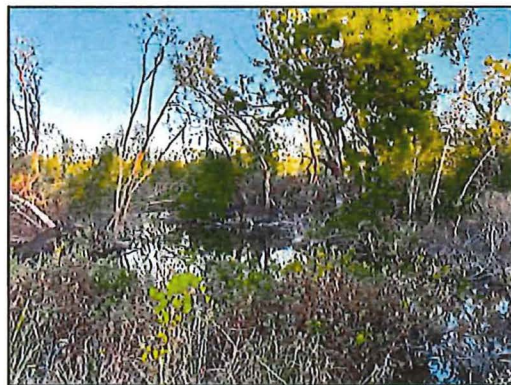
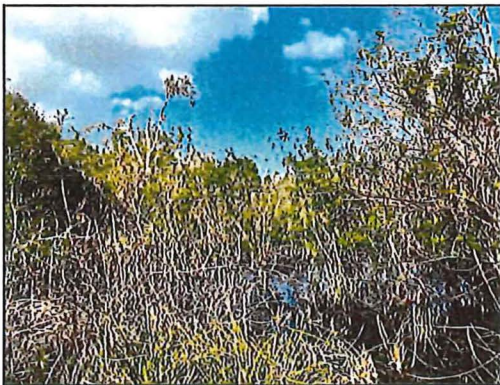
Dia Crossing
Lee County, Florida

0 200 400 800 Feet





Inland Pond & Slough, Disturbed (0-24% Invasives) (FLUCFCS Code 6169 E1) The canopy of this 5.76-acre wetland habitat is composed of Carolina willow (*Salix caroliniana*) and scattered cabbage palm (*Sabal palmetto*), with laurel oak along the perimeter. The sub-canopy includes widely scattered Carolina willow, wax myrtle, Brazilian pepper, and earleaf acacia. The ground cover contains swamp fern, sawgrass (*Cladium jamaicense*), torpedograss (*Panicum repens*), maidencane (*Panicum hemitomon*), duck potato (*Sagittaria lancifolia*), and various rushes and sedges. Representative photographs of this community type are presented below.



Cypress, Disturbed (25-49% Invasives) (FLUCFCS 6219E2)

The canopy in this 4.54-acre wetland is dominated by pond cypress (*Taxodium ascendens*), with scattered laurel oak, cabbage palm, and ear leaf acacia. Sub-canopy vegetation includes laurel oak, wax myrtle, Carolina willow, ear leaf acacia, and Brazilian pepper. Groundcover vegetation includes swamp fern, primrose willow (*Ludwigia peruviana*), duck potato and wetland grasses. Old World climbing fern (*Lygodium microphyllum*) was observed in patches throughout the wetland. Representative photographs of the cypress community are presented on page 6 of this report.



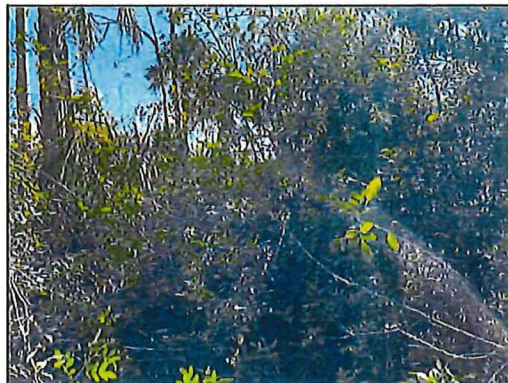
3.0 EXISTING NON-INDIGENOUS VEGETATION HABITATS

Approximately 50.36-acres of the project site contains vegetative communities and land cover classifications that do not meet the Lee County LDC's definition of indigenous vegetation. The non-indigenous areas include mixed wetland forest, hardwood/conifer mixed uplands, disturbed/previously cleared lands, and a large power line corridor. The non-indigenous wetland and upland vegetation communities and surface waters are depicted on Figure 2.

3.1 Non-Indigenous Wetland Habitats

Mixed Wetland Forested, Disturbed (>75% Invasives) (FLUCFCS Code 6309 E4)

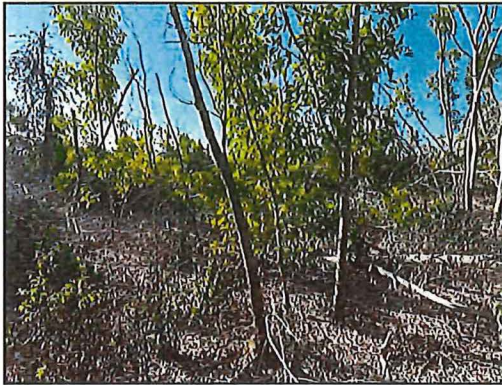
The canopy of this 15.72-acre habitat type is dominated by ear leaf acacia, java plum (*Syzygies cumini*), melaleuca (*Melaleuca quinquenervia*), with very sparse and scattered laurel oak, cabbage palm, and slash pine (*Pinus elliotii*). Sub-canopy vegetation includes similar species contained in the canopy, with scattered wax myrtle, Brazilian pepper and primrose willow. The groundcover is sparse, and includes swamp fern, and invasive species including climbing cassia (*Senna pendula*), pigweed (*Amaranthus australis*), and balsam apple (*Momordia charantia*). Representative photos of this habitat type are presented below.



3.2 Non-Indigenous Upland Habitats

Hardwood/Conifer Mixed, Disturbed (75-100% Invasives) (FLUCFCS Code 4349 E4)

This 7.41-acre vegetative community is dominated by a canopy of earleaf acacia, with scattered slash pine, cabbage palm, laurel oak, and Java plum. The sub-canopy consists of earleaf acacia, cabbage palm, and Brazilian pepper. Ground cover is sparse, and includes dog fennel (*Eupatorium capillifolium*), muscadine grapevine (*Vitis rotundifolia*), caesarweed, balsam apple, Virginia creeper (*Parthenocissus quinquefolia*), greenbrier (*Smilax* spp.), air potato (*Dioscorea bulbifera*) and guinea grass (*Urochloa maxima*). Representative photographs of this vegetative community are presented below.



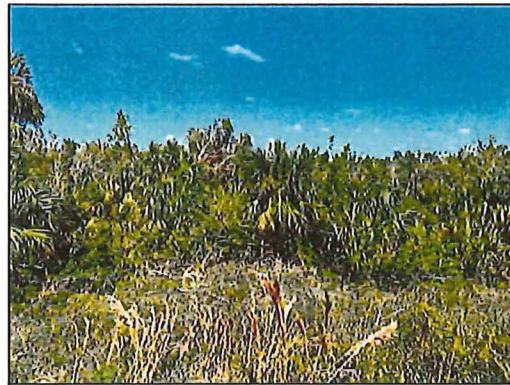
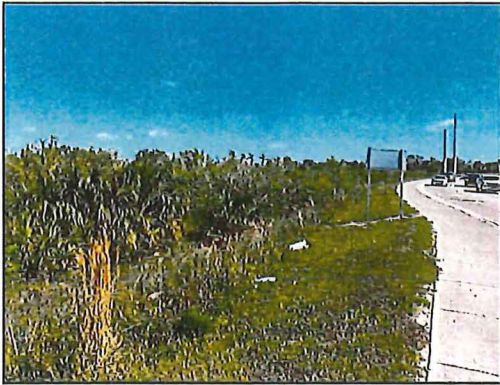
Disturbed Lands (Cleared Herbaceous) (FLUCFCS 740)

Approximately 3.79-acres of previously cleared uplands are present on the project site. Vegetation present in these areas includes Florida pusley (*Richardia scabra*), ragweed (*Ambrosia artimisiifolia*), climbing cassia, balsam apple, sand spurs (*Cenchrus echinatus*), grapevine, broomsedges (*Andropogon* spp.), caesarweed and Spanish needles (*Bidens alba*). Representative photographs of this community type are presented below.



Disturbed Lands (Shrub dominated) (FLUCFCS 741)

Approximately 20.83-acres of previously cleared uplands on the project site are dominated by a mixture of shrub species, with scattered canopy present. Dominant species include Brazilian pepper, Java plum, earleaf acacia, wax myrtle, cabbage palm, climbing cassia, hog plum (*Ximenia americana*), air potato, rosary pea (*Abrus precatorius*), greenbriar (*Smilax* spp.), and grapevine. Representative photographs of this community type are presented below.



Electrical Power Transmission Lines (FLUCFCS Code 832)

This land use includes a 2.62-acre power line corridor within the portion of the site to the south of Alico Road. Representative photographs of this area are presented below.



4.0 INDIGENOUS VEGETATION PRESERVATION AND ENHANCEMENT

A total of 6.00-acres of indigenous vegetation comprised of three vegetative wetland habitats with less than 75% cover by invasives will be preserved and enhanced through the removal/treatment of invasive vegetation. The indigenous preservation, enhancement and restoration areas are shown on Figure 3.

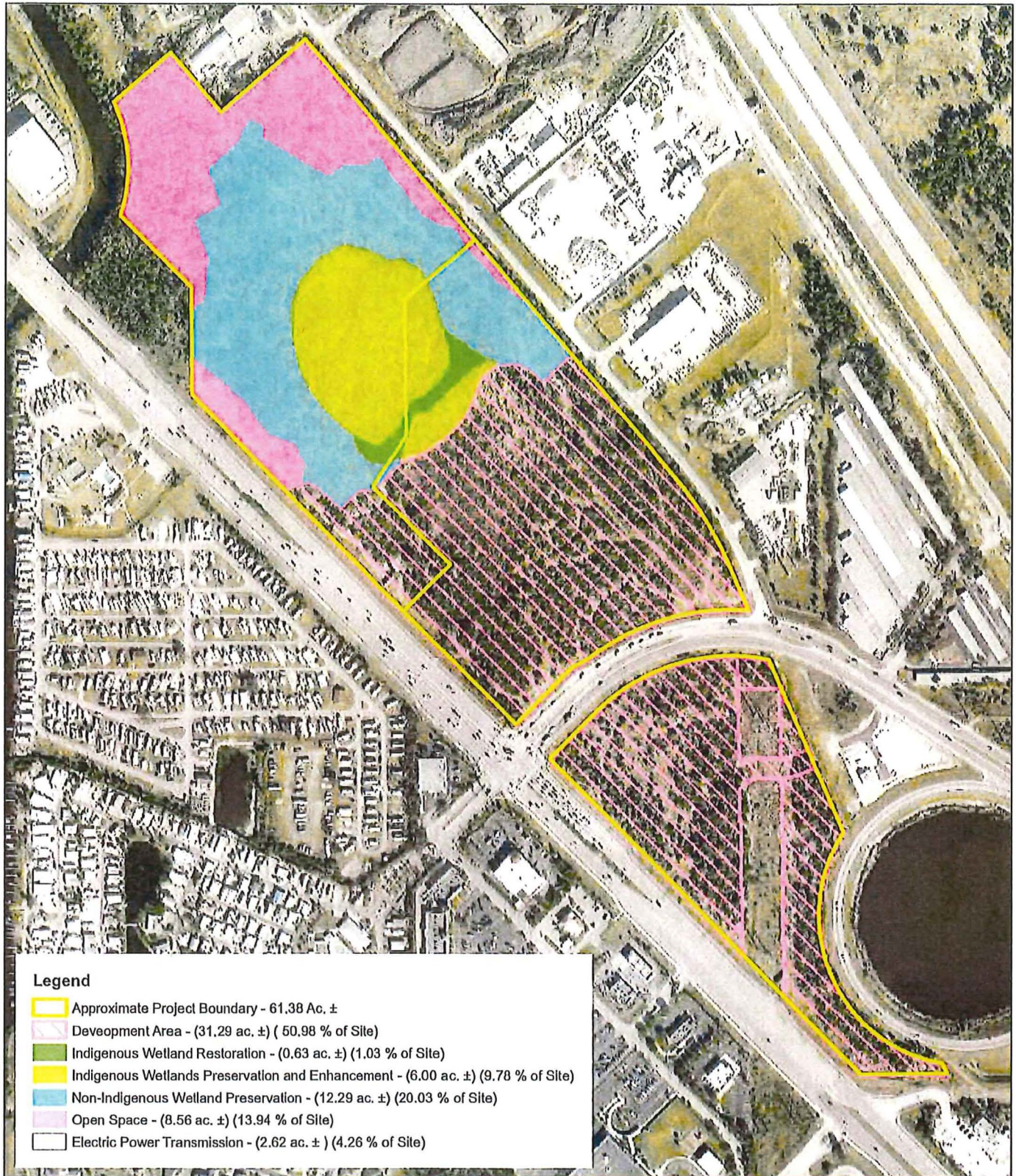


Figure 3 - Indigenous Habitat Preservation, Restoration, and Enhancement Plan

Dia Crossing
Lee County, Florida

0 200 400 800
Feet



4.1 Removal and Maintenance of Invasive and Nuisance Vegetation

Invasive vegetative species to be removed from the entire project site include, but are not limited to, the 21 species of prohibited invasive species listed in Section 10-420(h) of the LDC (Table 1).

Table 1. Prohibited Invasive Species

Common Name	Scientific Name
Air potato	<i>Dioscorea alata</i>
Australian pine	All <i>Casuarina</i> species
Bishopwood	<i>Bischofia javanica</i>
Brazilian pepper	<i>Schinus terebinthifolia</i>
Carrotwood	<i>Cupaniopsis anacardioides</i>
Chinese tallow	<i>Sapium sebiferum</i>
Cork tree	<i>Thespesia populnea</i>
Cuban laurel fig	<i>Ficus microcarpa</i>
Downy rose-myrtle	<i>Rhodomyrtus tomentosus</i>
Earleaf acacia	<i>Acacia auriculiformis</i>
Japanese climbing fern	<i>Lygodium japonicum</i>
Java plum	<i>Syzygium cumini</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>
Rosewood	<i>Dalbergia sissoo</i>
Tropical soda apple	<i>Solanum viarum</i>
Wedelia	<i>Wedelia trilobata</i>
Weeping fig	<i>Ficus benjamina</i>
Woman's tongue	<i>Albizia lebbbeck</i>

Invasive and nuisance vegetation treatment and removal within indigenous wetland habitats will be completed using the following methods:

- (1) cut stump within 12 inches of ground elevation and application of approved herbicide;
- (2) foliar application of approved herbicide or hand-pulling of invasive seedlings;
- (3) foliar application of approved herbicide to invasive and nuisance non-woody vegetation; and
- (4) All cut biomass will be removed from the project site

In addition to the species listed in Table 1, invasive species listed in the *Atlas of Florida Plants, Institute for Systemic Botany* shall be removed from the project site.

4.2 Removal and Management of Debris

Vegetative debris resulting from the cut stump and hand removal will be removed from the indigenous wetland preserves. Biomass may be moved and piled within proposed developed areas and burned, or disposed of off-site. Annual monitoring and inspection of treated areas will be completed to ensure that non-native vegetative debris, wind-blown debris, or other garbage is removed from the preserved wetlands.

4.3 Monitoring & Maintenance

Eradication of invasive vegetation within the existing indigenous habitats shall begin concurrent with the initiation of site construction. Subsequent to the initial treatment of invasive species within the indigenous wetlands, the preserve area will be inspected on an annual basis for a period of five years to detect any locations of recurrence of invasive vegetation. These inspections will be completed by a qualified contractor experienced in the identification and treatment of invasives found in Lee County. Any identified areas where there is re-growth or establishment of invasive vegetation will be mapped and corrective actions (re-treatment) will be completed.

Grasses such as cogongrass (*Imperata cylindrica*), guinea grass, and torpedograss will require multiple treatments. Quarterly evaluation of the preserved wetlands by qualified personnel will be required to evaluate the need for additional treatments.

In the event that the area does not meet the County's standards for cover of invasive species, the County may elect to extend the monitoring period up to a total of 10 years. Maintenance will be conducted in perpetuity to ensure that the conservation areas are free of invasive vegetation, including the prohibited invasive species listed in Section 10-420(h) of the LDC.

5.0 INDIGENOUS WETLAND VEGETATION RESTORATION

As depicted on Figure 3, approximately 0.63-acres of existing areas mapped as non-indigenous wetlands (>75% cover of invasive vegetation) will be restored to mixed wetland hardwood forest (FLUCFCS 6100). The existing land use of the 0.63-acre restoration area is 6309 E4 (Mixed Wetland Forest, Disturbed). Following the removal of invasives, the wetland restoration area will be planted with native vegetation plantings.

Canopy and shrub species to be planted 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. The species selected for planting may depend on market availability concurrent with the installation of the plants, as well as an assessment of site conditions following the eradication of invasive vegetation. Variations in topography and an assessment of recruited native vegetation may guide the species selection. 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 Size	Planting Density (On Center)
Tree Species				
Laurel oak	<i>Quercus laurifolia</i>	5 ft.	3 gal.	15 ft.
Dahoon holly	<i>Ilex cassine</i>	5 ft.	3 gal.	15 ft.
Red maple	<i>Acer rubrum</i>	5 ft.	3 gal.	15 ft.
Swamp bay	<i>Persea palustris</i>	5 ft.	3 gal.	15 ft.
Pop ash	<i>Fraxinus caroliniana</i>	5 ft.	3 gal.	15 ft.
Pond apple	<i>Annona glabra</i>	5 ft.	3 gal.	15 ft.
American elm	<i>Ulmus americana</i>	5 ft.	3 gal.	15 ft.
Shrub Species¹				
Cocoplum	<i>Chrysobalanus icaco</i>	3 ft.	1 gal.	10 ft.
White indigoberry	<i>Randia aculeata</i>	5 ft.	3 gal.	15 ft.
Myrsine	<i>Myrsine cubana</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.
Groundcover Species				
Dotted smartweed	<i>Persicaria punctata</i>	12 in.	1 gal.	3 ft.
Blue maidencane	<i>Amphicarpum muhlenbergianum</i>	12 in.	2 in.	3 ft.
Cordgrass	<i>Spartina bakeri</i>	12 in.	2 in.	3 ft.
Golden canna	<i>Canna flaccida</i>	12 in.	2 in.	3 ft.
Leather fern	<i>Acrostichum danaeifolium</i>	12 in.	1 gal.	3 ft.
Maidencane	<i>Panicum hemitomom</i>	12 in.	2 in.	3 ft.
Royal fern	<i>Osmunda regalis</i>	12 in.	1 gal.	3 ft.
Saururus cernuus	<i>Lizard's tail</i>	12 in.	4 in.	3 ft.

¹These species will be planted on the edges or transitional areas of the wetlands and not in the lower elevations.

5.1 Monitoring & Maintenance

Eradication of invasive vegetation within the restored wetland habitat shall begin concurrent with the initiation of site construction. Subsequent to the initial treatment of invasive vegetation within the Indigenous wetlands, and the installation of native vegetative species, the restored preserve area will be inspected on a quarterly basis for the first year following construction to assess both the recurrence of invasive vegetation, as well as the survivorship of planted species. These inspections will be completed by a qualified ecologist. Any identified areas where there is re-growth or establishment of invasive vegetation will be mapped and corrective actions (re-treatment) will be completed.

Any areas where there have been significant loss of planted material will be identified, and corrective measures may be implemented based on the potential for meeting the

success criteria. Following the initial year of monitoring, the restored wetlands will be reviewed annually to assess current site conditions and determine the need for any remedial measures.

6.0 COMPLIANCE WITH SUCCESS CRITERIA

6.1 Indigenous Wetland Preservation and Enhancement (6.00-acres)

The following summarizes the success criteria for the indigenous wetland preservation and enhancement areas:

- 1) Initial eradication of invasive vegetation will be completed.
- 2) The wetland preserve areas will be maintained free from invasive vegetation. Invasive vegetation species include, but are not limited to, the 21 species of prohibited invasive species listed in Section 10-420(h) of the LDC (Table 1).

6.2 Indigenous Wetland Restoration (0.63-acres)

The following are the success criteria for the indigenous wetland restoration areas:

- 1) Initial eradication of invasive vegetation will be completed;
- 2) Supplemental plantings will be completed in the indigenous restoration areas;
- 3) A minimum 80 percent survival of tree, shrub, and ground cover plantings after five years; and
- 4) The restored preserve areas will be maintained free from invasive vegetation. Invasive vegetation species include, but are not limited to, the 21 species of prohibited invasive species listed in Section 10-420(h) of the LDC (Table 1).

In the event that the success criteria for the wetland preserve and restoration areas are not met within five years of the completion of the initial enhancement and restoration work, an adaptive management plan will be prepared and provided to DCD staff to address the deficiencies. The adaptive management plan may include, but is not limited to, installation of additional plantings, habitat modifications, increased invasive maintenance regime, and an extended monitoring program.

7.0 MONITORING REPORTS

Annual vegetative monitoring will be conducted within the enhanced and restored wetlands. Monitoring reports summarizing the existing conditions within the enhanced and restored wetlands will be prepared and 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.

Monitoring reports will include, at a minimum, the following information:

- 1) Cover of invasive species within each habitat type
- 2) Quantitative data on the survivorship of planted vegetation
- 3) A discussion of issues that may have resulted in the loss of planted vegetation, and potential corrective measures that may be implemented (if applicable)
- 4) A description of the hydrology within the enhanced and restored wetlands
- 5) A summary of wildlife observed during monitoring and maintenance events
- 6) Panoramic photographs accompanied by a map depicting photo station locations
- 7) A summary of biological indicators and observations for the enhanced and restored wetlands that document their viability
- 8) A description of any corrective measures that were undertaken, as well as a description of any anticipated maintenance work to be conducted over the next monitoring period.
- 9) Recommendation(s) of measures to address any deficiencies observed

Periodic inspections will be conducted by DCD staff to ensure the accuracy of the monitoring reports.

8.0 LONG-TERM MANAGEMENT

The conservation areas will be placed in conservation easement(s). Grantees to conservation easement will be established by the South Florida Water Management District and Lee County. The conservation easements will prevent the encroachment of future development as well as activities that are incompatible with the goal of maintaining the integrity and functional value of the preserved, enhanced, and restored habitats on site. Long-term management of invasive and nuisance vegetation, debris removal, monitoring and maintenance of habitats will adhere to the requirements outlined in this plan.

9.0 PROTECTED SPECIES MANAGEMENT PLAN

During October 2022 and March 2023 ETC ecologists completed a Lee County protected species survey (PSS) on the Project site. The survey was conducted to meet LDC Chapter 10, Article III, Division 8 (Protection of Habitat) standards. All surveys were performed in general accordance with the methodologies outlined in the Florida Wildlife Conservation Guide (2011), developed by FWC, USFWS, and the Florida Natural Areas Inventory (FNAI). Based on the habitat types described in this report, a list of protected wildlife species known to occur in Lee County was generated (refer to Table 3).

Table 3. Potential for Protected Wildlife Species to Occur within Existing Land Uses on the Dia Crossing Site

Scientific Name	Common Name	Preferred Habitat	Potential Occurrence	Status ¹
Birds				
<i>Egretta caerulea</i>	Little blue heron	Forage in herbaceous and forested wetlands/margins of ponds/lagoons/ ditches. Nest in colonies; rely on wetlands and shrubby islands for breeding and roosting.	Moderate	ST
<i>Egretta tricolor</i>	Tricolored heron	Forage in herbaceous and forested wetlands/margins of ponds/lagoons/ditches. Nest in colonies; rely on wetlands and shrubby islands for breeding and roosting.	Moderate	ST
<i>Mycteria americana</i>	Wood stork	Forage in shallow waters of freshwater marshes, swamps, lagoons, ponds, tidal creeks, flooded pastures and ditches. Nest in colonies in cypress swamps and other forested wetlands.	Low	FT
Reptiles				
<i>Alligator mississippiensis</i>	American alligator	Inhabit fresh and brackish marshes, ponds, lakes, rivers, and swamps. Opportunistic feeders.	Low	FT (S/A)
<i>Drymarchon corais couperi</i>	Eastern indigo snake	Inhabit pine flatwoods, scrubby flatwoods, scrub and sandhill, hammocks, and wetlands. Prey includes birds, small mammals, anurans, lizards, snakes and turtles	Very Low	FT
Mammals				
<i>Sciurus niger avicennia</i>	Big Cypress fox squirrel	Inhabits cypress, slash pine savanna, mangrove swamps, tropical hardwood forest, live oak woods, coastal broadleaf evergreen hammocks, and suburban areas.	Low	ST

¹ Status: ST = State Threatened per Florida Fish and Wildlife Conservation Commission (FWC) regulations; FT = Federally Threatened per US Fish and Wildlife Service (FWS) regulations; FT(S/A) = Federally Threatened due to Similarity of Appearance

9.1 Pedestrian Survey

The field survey methodology consisted of qualified ecologists walking parallel belt transects across the property. The transects were generally traversed approximately

50 to 100 feet apart, depending on habitat type and visibility. The weather during the surveys was sunny, with partly cloudy skies, light winds, and temperatures in the low to mid-80s. Survey was directed at identifying the following:

- Tracks, scat, marking trees, cavities, nests, game trails, and any other indicators of wildlife use;
- Canopy vegetation was inspected for signs of squirrel beds;
- Assessment of denning within the site.

All observed species, listed and non-listed, were recorded. No listed species were identified during the course of the site reviews. The highly urbanized nature of the surrounding land uses, high cover by invasive vegetation, and the fragmentation of the site from other natural areas greatly reduces the potential use of the site by wildlife.

No known Lee County protected plants were observed on the site. A summary of wildlife species observed during surveys is included on Table 4.

Table 4. Observed Wildlife Species in Existing Site Land Uses

<u>Common Name</u>	<u>Scientific Name</u>
American Crow	<i>Corvus brachyrhynchos</i>
Black vulture	<i>Coragyps atratus</i>
Brown anole	<i>Anolis sagrei</i>
Eastern cottontail	<i>Sylvilagus floridanus</i>
Eastern gray squirrel	<i>Sciurus carolinensis</i>
Mourning dove	<i>Zenaida macroura</i>
Northern cardinal	<i>Cardinalis cardinalis</i>
Northern mockingbird	<i>Mimus polyglottos</i>
Pileated woodpecker	<i>Dryocopus pileatus</i>
Rufous-sided towhee	<i>Pipilo erythrophthalmus</i>
Red-headed woodpecker	<i>Melanerpes erythrocephalus</i>
Red-winged blackbird	<i>Agelaius phoeniceus</i>
Raccoon	<i>Procyon lotor</i>

9.2 Florida Black Bear Management Plan

Though no Florida black bear or sign of Florida black bear was documented on the project site during the wildlife surveys completed, there are past reports (circa 2014 & 2015) of bear calls ranging between 0.5 miles to more than 1.5 miles from the site. As Florida black bears may be within the general vicinity of the project, homeowners and construction personnel may be educated about the presence of black bears in the area. FWCC's educational brochure entitled "A Guide to Living in Bear Country" (Appendix 1) may be provided to residents and tenants. This brochure can be found at: <http://myfwc.com/wildlifehabitats/managed/bear/brochures/>.

10.0 PRESERVE SIGNAGE AND COMMUNITY EDUCATION PLAN

Signs identifying the preserve as a "Nature Preserve Area" will be installed along the boundary of the conservation areas. The signage will include language stating, "No dumping allowed." The signs will be spaced a maximum of 300 feet apart. The signs will be no closer than ten feet from residential property lines, and will be limited to a maximum height of four feet and a maximum size of two square feet.

Community informational and educational brochures, such as those describing the benefits of preserve areas, may be created and provided as needed to keep residents in compliance with conservation easements, wildlife regulations, etc. Continued education will ensure that the community is well-informed regarding the preserves and wildlife coexistence.

Dia Crossing Project

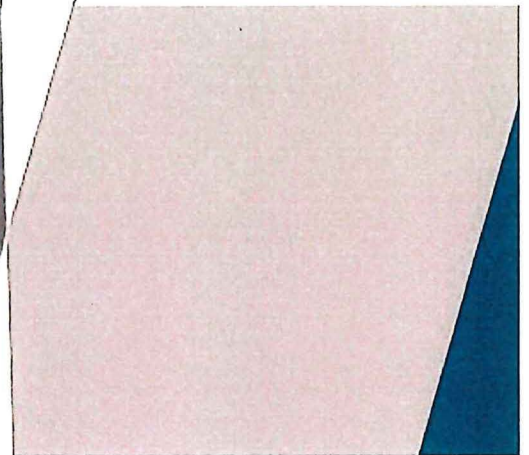
Indigenous Vegetation
Preservation, Enhancement, and
Restoration Plan & Protected
Species Assessment

January 2024

APPENDIX

1

FLORIDA BLACK BEAR
INFORMATION PAMPHLET





Phil Fox

Discouraging bears from visiting your home

Properly storing or securing residential garbage and other attractants is a proven method of discouraging bears and preventing bear conflicts around homes, farms and neighborhoods. The following items attract bears and should be protected by an electric fence, wildlife resistant container, or stored in a secure place, such as a garage or sturdy shed:

- Trash and recycling containers
- Bird and squirrel feeders
- Game feeders
- Pet foods and bowls
- Barbecue grills and smokers
- Pets and small livestock
- Livestock feed
- Compost piles
- Beehives
- Fruit and nut-bearing trees and shrubs

Funds from the "Conserve Wildlife" license plate help support efforts to reduce human-bear conflicts. Buy one today at your local tax collector's office or online at BuyAPlate.com.

Secure common bear attractants

- Use electric fencing to protect gardens, compost piles, apiaries, fruit trees and livestock.
- Store garbage and recyclables in bear-resistant containers or in a secure area until the morning of pick up.
- Feed pets indoors or bring food dishes (even if empty) inside before dark.
- Store pet and livestock feed in bear-resistant containers or inside a secure area.
- Remove bird and wildlife feeders. Ensure the area is free of all seed, corn, or other wild animal feed.
- Keep gardens and fruiting trees and shrubs tidy. Remove rotten fruit and harvest ripe nuts, fruits and vegetables.
- Clean meat smokers and barbecue grills with a degreasing detergent. Properly dispose of food remnants after each use.

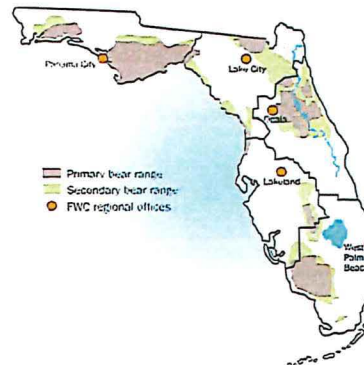
Learn more about black bears with the Florida Black Bear Curriculum Guide. The guide is designed to educate teachers and students in 3rd to 8th grade and offers a comprehensive series of lessons on Florida's black bear.

To get tips on how to secure bear attractants, watch videos about bears or how to install electric fencing, and learn more about bear-resistant containers, visit MyFWC.com/Bear.



Phil Fox

Bear range in Florida



If you are experiencing bear problems, please contact the nearest FWC regional office.

North Central, Lake City	386-758-0525
Northeast, Ocala	352-732-1225
Northwest, Panama City	850-265-3676
South, West Palm Beach	561-625-5122
Southwest, Lakeland	863-648-3200

If you suspect illegal activity, call FWC's Wildlife Alert Hotline at 1-888-404-3922.

Follow us on:



Cover photo by Ashley Hockenberry



Florida Fish and Wildlife
Conservation Commission
MyFWC.com

printed on recycled paper

A guide to living in bear country



Florida Fish and Wildlife
Conservation Commission
MyFWC.com



Ashley Hockenberry

If you live in Florida, you should know

Florida black bear populations have been recovering from historically low numbers in most areas of the state. At the same time, the human population is rapidly expanding in and around bear range. As a result, bears and humans are encountering each other more than ever.

Calls to the Florida Fish and Wildlife Conservation Commission (FWC) about human-bear encounters have increased from 1,000 in 2001 to over 4,000 in 2010. The most common calls refer to bears in yards and getting into garbage.

The mere presence of a black bear does not represent a problem. In fact, living in bear country can provide unique and rewarding experiences for residents.

While feeding bears is illegal in Florida, bears are still often fed by humans, either intentionally or unintentionally. When black bears have access to pet food, garbage, birdseed, livestock feed or other human-provided items, they quickly learn to associate people with food. Bears that have become

too comfortable around people are more likely to be killed, either by vehicle collisions, illegal shooting, or as a result of bear management actions.

People ask why problem bears can't simply be relocated to a "wild area where they won't bother anyone." Unfortunately, areas large and remote enough for bears to avoid people are rare in Florida. Also, most relocated bears typically leave the new area, either to return to their original home or to leave an area already occupied by other bears. Some bears will wander through unfamiliar areas and cross busy roads, creating a danger to the bear and to motorists. In addition, bears remaining in the relocation area often exhibit the same, unwanted behavior, thus shifting the problem to a new location. As a result, relocation is not a desirable or effective solution to bear conflicts. Wildlife biologists can provide technical advice to residents who live in bear country to help them take actions to discourage bears from becoming a problem. The FWC is committed to addressing the safety concerns of residents and visitors while ensuring the long-term well-being of black bears.

If a bear comes into your yard

If you encounter a black bear at close range, remain standing upright, back up slowly and speak to the bear in a calm, assertive voice.

- Do not intentionally feed or attract bears. If a bear is eating something on your property, take note of what it is and secure it after the bear has left the area.



Christy Jones



Ashley Hockenberry

- Never approach or surprise a bear. Keep as much distance between you and the bear as possible.
- Make sure you are in a secure area and the bear has a clear escape route to leave the area - then yell, bang pots and pans, or use an air horn to scare the bear away.
- Do not turn your back, play dead or run from a black bear. Back away slowly into a house, car or building.
- Report any bear threatening the safety of humans, pets or livestock, or causing property damage to the FWC (see back panel).
- Warning! It is illegal to injure or kill black bears under Florida state law. If you are found guilty, you could face fines and/or jail time.

Climbing trees is a bear's natural escape route. If the bear climbs a tree, keep people and pets away. The bear will come down the tree and leave when it feels safe, usually after dark.

Did you know?

Black bears are shy animals and generally not aggressive towards people. When a bear stands on its hind legs, it is merely trying to get a better view, rather than acting in a threatening way. Black bears may huff, snap their jaws, swat the ground or "bluff charge" when cornered, threatened or caught stealing food. Stand your ground and then slowly back away. Always respect bears - they are large and powerful wild animals and can act unpredictably. Bears used to getting food from humans may lose their natural fear of people and are more likely to damage property or become a safety

threat.

The bear facts

Black bears are the only species of bear in Florida and once roamed the entire state.

- FWC biologists estimate there are 2,500- 3,000 black bears in Florida.
- Florida bears are generally black with a brown muzzle and may have a white chest marking called a blaze.
- Adult black bears typically weigh between 150 to 400 pounds; males are usually larger than females.
- Female bears have their first litter at about 3½ years of age and generally have one to three cubs every other year.
- In Florida, the breeding season runs from June to August and cubs are born in late January or early February.
- Bears of all ages are excellent climbers and will climb trees when they are frightened or looking for food (e.g., acorns).
- About 80 percent of a black bear's diet comes from plants (e.g., fruits, nuts, berries), 15 percent from insects (e.g., termites, ants, yellow jackets) and 5 percent from meat (e.g., opossums, armadillos, carrion).

It is illegal to intentionally place food or garbage out that attracts bears and causes conflicts. Anything that attracts dogs, cats or raccoons also will attract bears!



FORM 1104

WARRANTY DEED (Statutory Form.) Rev. 4/88

TUTBLANC NOTARY PUBLIC
TUTBLANC PROPERTY CONSULTING, INC. AND ATTORNEYS**This Indenture,****2495304**

Wherever used herein, the term "party" shall include the heirs, personal representatives, successors and assigns of the respective parties herein; the use of the singular number shall include the plural, and the plural the singular; the use of any gender shall include all genders; and, if used, the term "note" shall include all the notes herein described if more than one.

Made this 21st day of July A.D. 1988
Between C. Ed Kanney and Edna Kanney, Husband and Wife, and
Albert E. Ingalls and Mildred R. Ingalls, Husband and Wife

of the County of _____ in the State of Ohio
party of the first part, and Bernard J. DeWolfe and Allen H. Johnson, as
Trustees*, 6140 Winkler Road, Unit C, Fort Myers, Florida 33919

of the County of Lee in the State of Florida
party of the second part,

Witnesseth, that the said party of the first part, for and in consideration of the sum of Ten (\$10.00) and no/100-----Dollars, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part his heirs and assigns forever, the following described land, situate lying and being in the County of State of Florida, to wit:

See attached Legal Description

*The Trustees are granted full power and authority either to protect, conserve and to sell, or to lease, or to encumber, or otherwise to manage and dispose of the real property described herein.

Documentary Tax Pd \$ 1705.00
By Mr. Robinson Deputy Clerk

Property Appraiser's Parcel Identification Number: 06-46-25-00-00013.0010

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in Our Presence:

Witness James T. Humphrey
Witness James T. Humphrey
Witness James T. Humphrey
Witness James T. Humphrey

C. Ed Kanney L.S.
Edna Kanney L.S.
Albert E. Ingalls L.S.
Mildred R. Ingalls L.S.

State of Florida }

County of ALLEN

I Hereby Certify That on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, C. Ed Kanney and Edna Kanney, Husband and Wife,

to me well known and known to me to be the individual s described in and who executed the foregoing deed, and they acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed.

Witness my hand and official seal at OWB Ohio
of Allen and State of Kentucky, this 21 day of July, A.D. 1988

My Commission Expires 10/24/89

PETER J. SCHWAGER
Notary Public, State of Ohio
My Commission Expires October 24, 1989

THIS INSTRUMENT PREPARED BY:

James T. Humphrey
HUMPHREY, JONES & MYERS, P.A. ATTORNEYS AT LAW
"THE OLD ROBB & STUCKY BUILDING"-1625 HENDRY STREET
FORT MYERS, FLORIDA 33901 (813) 334-2722

0R2006

PG2155

OR 2006 PG

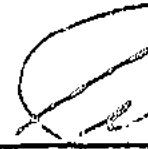
STATE OF OHIO)

COUNTY OF ALLEN)

I HEREBY CERTIFY That on this day per
me, an officer duly authorized to administer
acknowledgments, ALBERT E. INGALLS and MILDRED
Husband and Wife,
to me well known and known to me to be the in
and who executed the foregoing deed, and they
that they executed the same freely and volunt
therein expressed.

WITNESS my hand and official seal at
of *Allen*, and State of O
July, A.D. 1988

My Commission Expires 10/24/89


Notary

My C

Marriage Book

TO

Date

ABSTRACT OF DESCRIPTION

A PART OF THE SOUTHWEST QUARTER OF SECTION 6,
SOUTH, RANGE 25 EAST.

DESCRIPTION: Commence at the intersection of
Section 6, Township 46 South Range 25 East and
Right-of-way of U.S. 41 [200 foot R/W]: thence
along said west line of Section 6, a distance to
the east quarter section corner of said section
canal construction); thence run S $78^{\circ}30'23''$
line of the southwest quarter section of said
distance of 85.15 feet to the Point of Beginning;
continue S $78^{\circ}30'20''$ E, 324.75 feet; thence
a distance of 543.89 feet to a point on the
Way of "10 Mile Canal" (150 feet R/W), said
the arc of a curve concave to the east, said
radius of 484.26 feet, a central angle of 1°
16.78 feet bearing N $26^{\circ}53'25''$ W; thence along
curve 16.78 feet to a Point of Tangency; thence
672.31 feet to the Point of Beginning.
Containing 1.98 acres, more or less.

Prepare

Attachment R

ADMINISTRATIVE APPROVAL (ASV) ADD2026-00006

ADMINISTRATIVE APPROVAL
LEE COUNTY, FLORIDA

WHEREAS, Carol Zepeda, in reference to 16420 Old US 41, filed an application for administrative approval of a variance from Land Development Code (LDC) Section 34-904, which requires a minimum lot width of 200 feet for a property that is zoned Light Industrial (IL), to memorialize the existing 100-foot lot width for property located at 16420 Old US 41, Fort Myers, FL 33912; and

WHEREAS, the applicant had indicated that the property's current STRAP number is 06-46-25-L4-00013.001A, and a legal description is attached hereto as Exhibit "A"; and

WHEREAS, the subject property is zoned Light Industrial (IL) and Agricultural (AG-2) and is located in the Urban Community Future Land Use Category as designated by the Lee Plan; and

WHEREAS, the applicant has filed an application for Conventional Rezoning (REZ2025-00012) to rezone the portion of the property currently within the Agricultural (AG-2) zoning district to the Intensive Commercial (CI) zoning district; and

WHEREAS, the subject property is approximately ± 5.19 acres in area with ± 1.98 areas of the property being within the Agricultural (AG-2) zoning district and ± 3.21 acres being within the Light Industrial (IL) zoning district (see Exhibits "B" and "F"); and

WHEREAS, LDC Section 34-616(b) establishes when a lot is split by two or more zoning districts, the property development regulations for the largest proportional district prevail, making the property subject to the property development regulations established in LDC Section 34-904; and

WHEREAS, LDC Section 34-904 establishes that properties zoned Light Industrial (IL) that are freestanding and not within an industrial subdivision must have a minimum lot width of 200 feet, lot depth of 200 feet and be at least 2 acres in size; and

WHEREAS, LDC Section 34-2221(1) establishes the terms "lot width" and "street frontage" are synonymous on straight streets where lot lines are perpendicular to the street right-of-way line; and

WHEREAS, for lots lawfully created after January 28, 1983, the width of a lot is considered to be the distance between the side lot lines (or a front and side lot line for corner lots) as measured along the minimum required street setback line as set forth in LDC Section 34-2; and

WHEREAS, the IL-zoned portion of the subject property was created through a deed

recorded in the Public Records of Lee County in Official Records Book 1967, Page 0888 on January 29, 1988 (see Exhibit “D”); and

WHEREAS, the AG-2-zoned portion of the subject property was created through a deed recorded in the Public Records of Lee County in Official Records Book 2006, Page 2155 on July 29, 1988 (see Exhibit “E”); and

WHEREAS, the two parcels comprising the subject property were combined into one parcel through the Lee County Property Appraiser’s Office on October 15, 2025; and

WHEREAS, the subject property meets the minimum lot depth and lot area requirements of the Light Industrial (IL) zoning district, but exhibits a lot width of 100 feet, which does not meet the 200-foot lot width requirement established in LDC Section 34-904 (see Exhibit “B”); and

WHEREAS, the applicant has filed the subject request to memorialize the existing nonconforming 100-foot lot width of the subject property to bring the subject property into conformity with the minimum dimensional regulations of the Light Industrial (IL) zoning district as set forth in LDC Section 34-904; and

WHEREAS, an application for approval of an administrative variance has been filed pursuant to LDC Section 34-174(a)(1)g; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval; and

WHEREAS the following findings of fact are offered:

- (1) There are exceptional or extraordinary conditions or circumstances that are inherent to the property in question;
- (2) The variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to the property; and
- (3) The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for an administrative variance from LDC Section 34-904, which requires a minimum lot width of 200 feet for a property that is zoned Light Industrial (IL), to memorialize the existing 100-foot lot width of the subject property **is APPROVED, subject to the following conditions:**

- 1. The relief granted herein is limited to the lot width for the subject property as depicted on the sketch and legal description attached hereto as Exhibit “B”. All**

other development must be in compliance with the Land Development Code.

- 2. If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.**

Duly passed, adopted, and electronically signed on 05/13/2026

Anthony R. Rodriguez, AICP, CPM, Zoning Manager
Community Development

Exhibits

Exhibit A: Legal Description

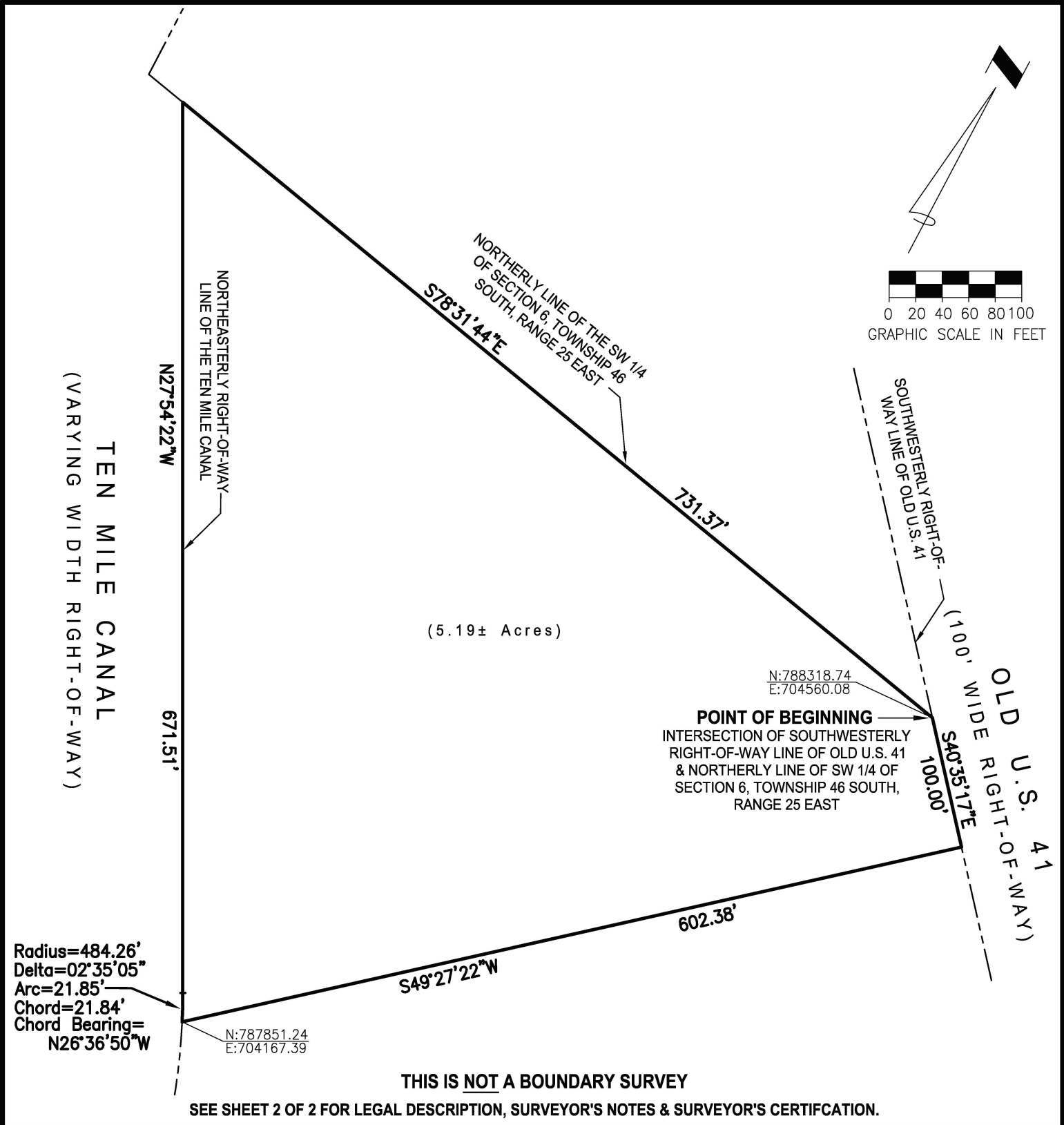
Exhibit B: Sketch and Legal Description for Lot Combination

Exhibit C: Applicant's Request Narrative

Exhibit D: Recorded Deed for IL Portion of the Property

Exhibit E: Recorded Deed for AG-2 Portion of the Property

Exhibit F: Sketch and Legal Description for AG-2 Portion of the Property



THIS IS NOT A BOUNDARY SURVEY

SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION, SURVEYOR'S NOTES & SURVEYOR'S CERTIFICATION.

 J H McCARRIER LAND SURVEYING, INC. Licensed Business No. 7027 2460 SUNRISE BOULEVARD FORT MYERS, FLORIDA 33907 Phone: (239) 277-7821	PROJECT			SKETCH & LEGAL DESCRIPTION	
				'16420 OLD U.S. 41 - FORT MYERS'	
				PART OF THE SW 1/4 OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST	
	CLIENT			SCALE	DATE
HERB JONES, JR. TRUST 16420 OLD U.S. 41 FORT MYERS, FL 33912 PHONE: (239) 340-6364			1"=100'	JANUARY 9, 2025	
			FILENAME	PROJECT NO.	
			16400-16420OldUS41_s&l.dwg	20-143.2	
			DRAWN BY	CHECKED BY	SHEET 1 OF 2
			JHM	JHM	

LEGAL DESCRIPTION

A PORTION OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LYING NORTHEASTERLY OF THE TEN MILE CANAL, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF OLD U.S. 41 AND THE NORTHERLY LINE OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SAID SECTION 6; THENCE S40°35'17"E, ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 100.00 FEET; THENCE S49°27'22"W A DISTANCE OF 602.38 FEET TO A POINT OF INTERSECTION WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF THE TEN MILE CANAL (SAID POINT LYING ON THE ARC OF A CIRCULAR CURVE, CONCAVE TO THE SOUTHWEST, A RADIAL LINE THROUGH SAID POINT BEARS N64°40'43"E); THENCE NORTHWESTERLY, ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF THE TEN MILE CANAL AND ALONG THE ARC OF SAID CURVE, HAVING FOR ITS ELEMENTS A RADIUS OF 484.26 FEET, A CENTRAL ANGLE OF 02°35'05", AN ARC DISTANCE OF 21.85 FEET, A CHORD DISTANCE OF 21.84 FEET AND A CHORD BEARING OF N26°36'50"W TO A POINT OF TANGENCY; THENCE CONTINUING ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, N27°54'22"W A DISTANCE OF 671.51 FEET TO A POINT OF INTERSECTION WITH THE NORTHERLY LINE OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SAID SECTION 6; THENCE S78°31'44"E, ALONG SAID NORTHERLY LINE, A DISTANCE OF 731.37 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 5.19 ACRES, MORE OR LESS.

SURVEYOR'S NOTES

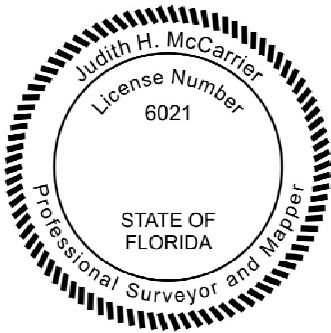
- 1. BEARINGS SHOWN HEREON ARE BASED UPON FIXING THE MONUMENTED NORTH LINE OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, AS S78°31'44"E.
- 2. THIS MAP IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL, OR A VALIDATED ELECTRONIC SIGNATURE, OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 3. HORIZONTAL COORDINATE VALUES SHOWN HEREON REFLECT FLORIDA STATE PLANE COORDINATES, WEST ZONE, AND ARE REFERENCED TO THE NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT.

PREPARED BY:

Judith H McCarrier, PSM
License No. 6021
State of Florida

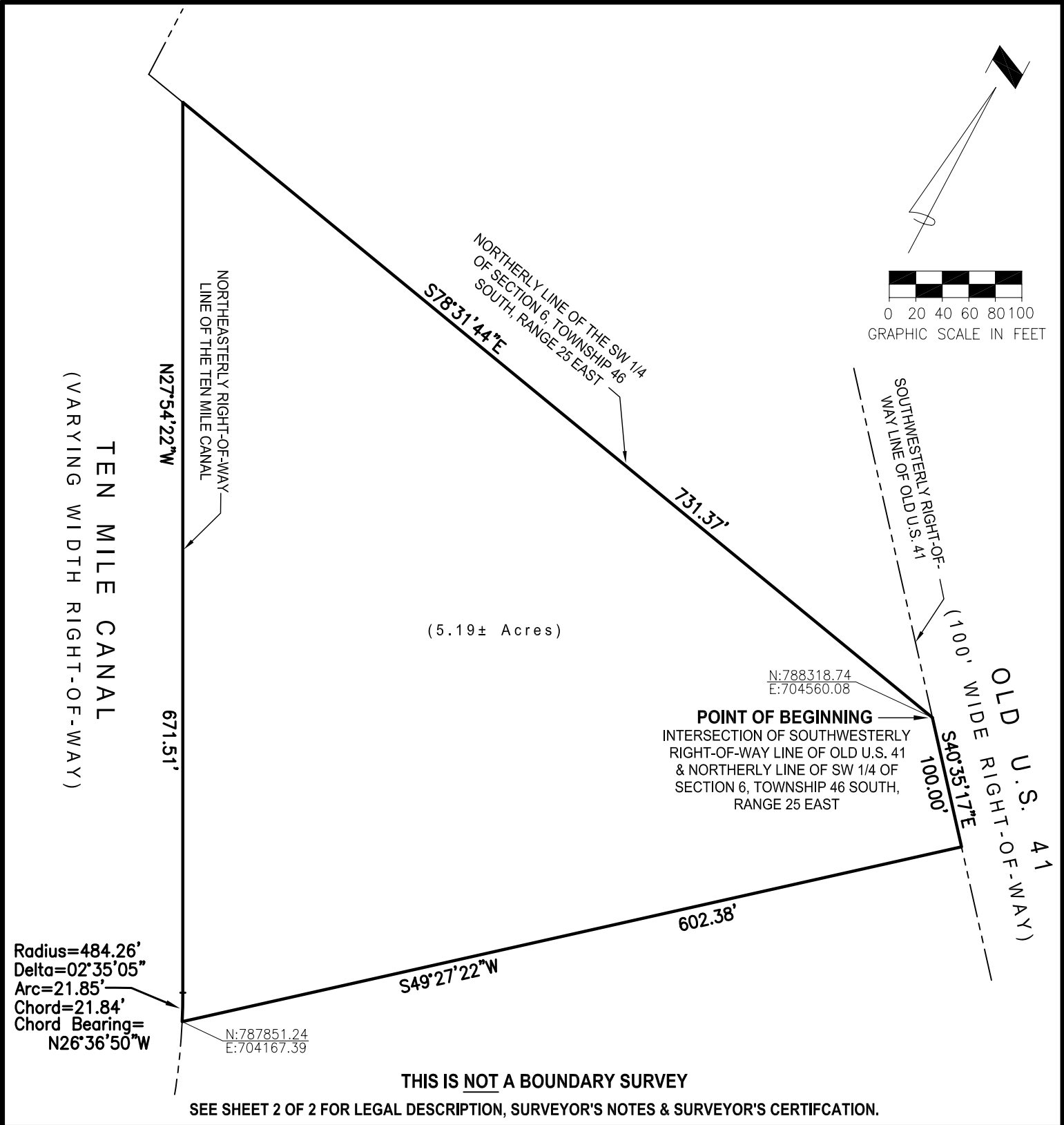
2026.01.09
16:55:23 -05'00'

JUDITH H. McCARRIER
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA LICENSE NO. 6021



THIS IS NOT A BOUNDARY SURVEY
SEE SHEET 1 OF 2 FOR SKETCH.

 J H McCARRIER LAND SURVEYING, INC. Licensed Business No. 7027 2460 SUNRISE BOULEVARD FORT MYERS, FLORIDA 33907 Phone: (239) 277-7821	PROJECT			SKETCH & LEGAL DESCRIPTION		
				'16420 OLD U.S. 41 - FORT MYERS'		
				PART OF THE SW 1/4 OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST		
	CLIENT			SCALE	N.A.	DATE
HERB JONES, JR. TRUST			FILENAME		PROJECT NO.	
16420 OLD U.S. 41			16400-16420OldUS41_s&l.dwg		20-143.2	
FORT MYERS, FL 33912			DRAWN BY	CHECKED BY	SHEET 2 OF 2	
PHONE: (239) 340-6364			JHM	JHM		



 J H McCARRIER LAND SURVEYING, INC. Licensed Business No. 7027 2460 SUNRISE BOULEVARD FORT MYERS, FLORIDA 33907 Phone: (239) 277-7821	PROJECT			SKETCH & LEGAL DESCRIPTION	
				'16420 OLD U.S. 41 - FORT MYERS'	
				PART OF THE SW 1/4 OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST	
	CLIENT			SCALE	DATE
HERB JONES, JR. TRUST 16420 OLD U.S. 41 FORT MYERS, FL 33912 PHONE: (239) 340-6364			1"=100'	JANUARY 9, 2025	
			FILENAME	PROJECT NO.	
			16400-16420OldUS41_s&l.dwg	20-143.2	
			DRAWN BY	CHECKED BY	SHEET 1 OF 2
			JHM	JHM	

LEGAL DESCRIPTION

A PORTION OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LYING NORTHEASTERLY OF THE TEN MILE CANAL, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF OLD U.S. 41 AND THE NORTHERLY LINE OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SAID SECTION 6; THENCE S40°35'17"E, ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 100.00 FEET; THENCE S49°27'22"W A DISTANCE OF 602.38 FEET TO A POINT OF INTERSECTION WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF THE TEN MILE CANAL (SAID POINT LYING ON THE ARC OF A CIRCULAR CURVE, CONCAVE TO THE SOUTHWEST, A RADIAL LINE THROUGH SAID POINT BEARS N64°40'43"E); THENCE NORTHWESTERLY, ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF THE TEN MILE CANAL AND ALONG THE ARC OF SAID CURVE, HAVING FOR ITS ELEMENTS A RADIUS OF 484.26 FEET, A CENTRAL ANGLE OF 02°35'05", AN ARC DISTANCE OF 21.85 FEET, A CHORD DISTANCE OF 21.84 FEET AND A CHORD BEARING OF N26°36'50"W TO A POINT OF TANGENCY; THENCE CONTINUING ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, N27°54'22"W A DISTANCE OF 671.51 FEET TO A POINT OF INTERSECTION WITH THE NORTHERLY LINE OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SAID SECTION 6; THENCE S78°31'44"E, ALONG SAID NORTHERLY LINE, A DISTANCE OF 731.37 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 5.19 ACRES, MORE OR LESS.

SURVEYOR'S NOTES

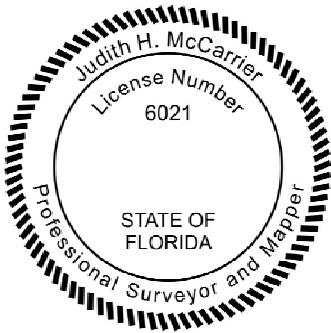
- 1. BEARINGS SHOWN HEREON ARE BASED UPON FIXING THE MONUMENTED NORTH LINE OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, AS S78°31'44"E.
- 2. THIS MAP IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL, OR A VALIDATED ELECTRONIC SIGNATURE, OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 3. HORIZONTAL COORDINATE VALUES SHOWN HEREON REFLECT FLORIDA STATE PLANE COORDINATES, WEST ZONE, AND ARE REFERENCED TO THE NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT.

PREPARED BY:

Judith H McCarrier, PSM
License No. 6021
State of Florida

2026.01.09
16:55:23 -05'00'

JUDITH H. McCARRIER
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA LICENSE NO. 6021



THIS IS NOT A BOUNDARY SURVEY
SEE SHEET 1 OF 2 FOR SKETCH.

 J H McCARRIER LAND SURVEYING, INC. Licensed Business No. 7027 2460 SUNRISE BOULEVARD FORT MYERS, FLORIDA 33907 Phone: (239) 277-7821	PROJECT			SKETCH & LEGAL DESCRIPTION		
				'16420 OLD U.S. 41 - FORT MYERS'		
				PART OF THE SW 1/4 OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST		
	CLIENT			SCALE	N.A.	DATE
HERB JONES, JR. TRUST			FILENAME		PROJECT NO.	
16420 OLD U.S. 41			16400-16420OldUS41_s&l.dwg		20-143.2	
FORT MYERS, FL 33912			DRAWN BY	CHECKED BY	SHEET 2 OF 2	
PHONE: (239) 340-6364			JHM	JHM		



16420 Old US 41 Administrative Variance

Request Narrative

The Herbert S. Jones Jr. Trust ("Applicant") requests an administrative variance for a property located at 16420 Old US 41 to permit a minimum 100-foot lot width/street frontage for a freestanding parcel in the IL zoning district that is not located within an industrial subdivision.. The parcel will otherwise comply with all applicable development standards set forth in Section 34-904, pursuant to the provisions for parcels divided by differing zoning districts under LDC Section 34-616.

The subject property is 5.19 acres in size and is generally located southwest of Old US 41 and ½ mile north of the Old US 41/Alico Road intersection. The subject property was recently combined to its current configuration, and was formerly two (2) separate parcels as follows:

- 1.98 acre per STRAP 06-46-25-00-00013-001A
- 3.21 acres per STRAP 06-46-25-00-00013.0040

This variance is requested as a supplemental application to support the rezoning of the former rear 2+/-acre parcel, currently zoned General Agriculture (AG-2) to the Commercial Intensive (CI) zoning district, as outlined below. The request is to memorialize the existing 100' minimum street frontage/lot width for the IL zoning district, which represents the majority of the property's zoning; whereas, LDC Sec. 34-904 requires 200' of street frontage/lot width for the IL zoning district when the parcel is outside an industrial subdivision.

LDC Section 34-174(a)(2) provides the following criteria for Administrative Variance approval:

- a. What are the exceptional or extraordinary conditions or circumstances that are inherent to the property in question?

The parcel was recently combined with the adjacent parcel under common ownership (STRAP# 06-46-25-00-00013-0040). The (former) rear parcel is zoned Agricultural (AG-2) while the front parcel is zoned Light Industrial (IL). The surrounding zoning districts and existing land uses are industrial as well.

In order to bring the AG-2 parcel into a zoning district consistent with the Lee Plan and surrounding land use pattern, the most appropriate conventional zoning district was determined to be the Commercial Intensive (CI) zoning district, as it allows several uses that align with IL uses, such as warehousing and open storage.

When combined to ensure access to the former rear parcel, the requirement for 200' of street frontage was triggered in accordance with the minimum frontage for stand-alone IL zoned parcels, and the provisions of 34-616 that state the following for parcels bifurcated by two or more zoning districts: "When a lot is split by two or more zoning districts, the property development regulations for the largest proportional district prevail. However, permitted uses and accessory uses are restricted to the uses permitted in the respective districts."

The frontage of 100' on Old US 41 has been a characteristic of the site since its acquisition by the Applicant in 2001. Thus, the parcel has existed in its current

configuration with non-conforming frontage for over 2 decades. The Administrative Variance seeks to memorialize these existing site conditions due to the recent lot combination and pending rezone of the rear 1.98 acres to the CI zoning district.

The parcel's configuration and partial AG-2 zoning are extraordinary circumstances inherent to the subject property.

- b. Is the requested variance the minimum that will relieve the applicant of an unreasonable burden caused by the regulation in question? If not, what is the minimum variance?

The variance is the minimum required to bring the site into compliance with the standards established in Section 34-904 pursuant to the provisions for parcels divided by differing zoning districts in LDC Section 64-616. Any reduction in the requested variance would prevent the site from meeting these standards and would not fully address the existing constraint.

- c. Will the granting of the variance be injurious to the neighborhood or otherwise detrimental to the public welfare?

No. The granting of the requested variance will not be injurious to the surrounding neighborhood nor detrimental to the public welfare. The variance will not alter the existing character of the area, create adverse impacts to adjacent properties, or impair public health, safety, or welfare. The variances will allow for continuation of the existing conditions and dimensions of the subject parcel. maintain consistency with applicable development standards and will function in a

Based on the analysis above, the requested administrative variance satisfies the criteria of Section 34-174(a)(2) by addressing a pre-existing site condition not created by the applicant. The request represents the minimum relief necessary to maintain the property's longstanding configuration and allow for its appropriate usage. Approval will not negatively impact surrounding properties, alter the area's character, or affect public health, safety, or welfare.

SPECIAL WARRANTY DEED

2399033

RAMCO FORM 03

This Special Warranty Deed Made the 19th day of June, A. D. 1987 by
THOMAS M. BRONSTETTER, Individually and as Trustee,
hereinafter called the grantor, to

ALAN S. WORTZEL, TRUSTEE,
whose postoffice address is
2323 Wooster Lane, Sanibel, Florida 33957
hereinafter called the grantee;

Documentary Tax Pd. \$ 836.00
\$ Intangible Tax Pd.
CHARLES GREEN, LEE COUNTY
By Charles Deputy Clerk

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth: That the grantor, for and in consideration of the sum of \$ 10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, releases, conveys and confirms unto the grantee, all that certain land situate in Lee County, Florida, viz:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.
SUBJECT TO easements, restrictions and reservations of record, if any, and taxes for the calendar year 1987 and subsequent years.
ALSO SUBJECT TO those certain mortgages in favor of Larry P. Garrett, Trustee dated January 3, 1978 and recorded in O.R. Book 1244, Page 366, in favor of Keith A. Miller, Trustee, dated June 6, 1979 and recorded in O.R. Book 1354, Page 2009, and in favor of Keith A. Miller and Jerry Houck Bowers, Trustees, dated December 6, 1984 and recorded in O.R. Book 1758, Page 651, all in the Public Records of Lee County, Florida; which said mortgages, however, the grantor herein agrees to pay as the same become due and hereby warrants that he will hold grantee and the property herein described harmless from same provided that the covenants contained in the purchase money mortgage from grantee to grantor of even date herewith and the note secured thereby are complied with by grantee and their successors and assigns.

This deed confers and the Trustee named herein is, pursuant to F.S. 689.071, hereby vested with full power and authority either to protect, conserve and to sell, or to lease, or to encumber, or otherwise to manage and dispose of the real property described herein.

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

To Have and to Hold, the same in fee simple forever.

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

In Witness Whereof, the said grantor has hereunto set hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Keith A. Miller
Richard W. Winesett

Thomas M. Bronstetter U.S.
THOMAS M. BRONSTETTER, U.S.
Individually and as Trustee

STATE OF FLORIDA,
COUNTY OF LEE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, personally appeared THOMAS M. BRONSTETTER, Individually and as Trustee

to me known to be the person described in and who executed the foregoing instrument and he acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 19th day of June, A. D. 1987.

My Commission Expires:

5/6/89

Richard W. Winesett
Notary Public

This Instrument prepared by:

Address

PREPARED BY:
RICHARD W. WINESSETT
BRONSTETTER, WINESSETT, AVERY
DUPREE & WHIGHAM, P.A.
P.O. Drawer 610
Fort Myers, FL 33902-0610

RECORDED BY: J. HANSEN, D.C.

SEE 961 P60888

EXHIBIT "A"

A parcel of land lying in Section 6, Township 46 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Beginning at the intersection of the North line of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 6 and the Southerly right of way line of Old U.S. 41; thence S 40°30'24" E along said Southerly right of way line for 100.00 feet; thence S 49°29'36" W for 605.22 feet; thence N 0°21'30" W parallel with the West line of said Section 6 for 550.44 feet to the North line of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 6; thence S 78°28'32" E along said North line for 406.86 feet to the point of beginning. Containing 3.210 acres.

OFF
REC'D 96 7 PG 0889

JAN 23 3 52 PM '88

RECORDED & RETURN VERIFIED
Blakely
CLERMONT COUNTY
LEE COUNTY

RETURN TO: Courthouse Box 4

PREPARED BY: Richard W. Winesett
Avery, Whigham & Winesett, P.A.
Post Office Drawer 610
Fort Myers, FL 33902
Telephone: (813) 334-7040

3647389

Grantee's Social Security Number: 062-38-5527

Property Appraiser's Tax Folio Number: 06-46-25-00-00013.0040

SPECIAL WARRANTY DEED

This Special Warranty Deed, executed this 10th day of May, 1994, between ALAN S. WORTZEL, Individually and Trustee, whose post office address is 2323 Wooster Lane, Sanibel, Florida 33957, hereinafter called the grantor, and RONALD C. FRANCISCO, Trustee, whose post office address is 3949 Evans Avenue, Suite 109, Fort Myers, Florida 33907, hereinafter called the grantee:

(Whenever used herein the terms "grantor" and "grantee" shall include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH:

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

SRE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE FOR THE LEGAL DESCRIPTION.

This deed confers and the Trustee named herein is, pursuant to F.S. 689.071, hereby vested with full power and authority either to protect, conserve and to sell, or to lease, or to encumber, or to otherwise manage and dispose of the real property described herein.

This deed is an absolute conveyance of the title to the grantee in consideration of the cancellation of the debt secured by that certain wraparound mortgage dated January 29, 1988 and recorded in Official Records Book 1967, at page 890 of the public records of Lee County, Florida, and is not intended to be an additional security. Acceptance of this deed satisfies the note and mortgage in full. Said mortgage was subsequently assigned to Citizens and Southern National Bank of Florida by assignment of mortgage dated January 29, 1988 and recorded in Official Records Book 1967, at page 893, of the public records of Lee County, Florida, said mortgage having an approximate principal balance outstanding of \$120,000.00.

This conveyance is subject to the following:

1. Zoning and other governmental regulations.
2. Restrictions, reservations, easements, conditions, and limitations of record.
3. Taxes for the year of 1991 and subsequent years.

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

To Have and to Hold the same in fee simple forever.

DEEDSPEC.WAR

DR2531 P60312

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY L. TALONE, D.C.

Documentary Tax Pd. \$ 840.00
Intangible Tax Pd.
CHARLIE GREEN, CLERK, LEE COUNTY
By L. Talone Deputy Clerk

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

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in the presence of:

Lauren M. Davies
signature of first witness

Lauren M. Davies
printed name of first witness

Alan S. Wortzel
ALAN S. WORTZEL, individually
and as Trustee

Pamela Gilbert Wortzel
signature of second witness

Pamela Gilbert Wortzel
printed name of second witness

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 10th day of May, 1994, by ALAN S. WORTZEL, Individually and as Trustee, who is personally known ☒ to me or who has produced ☐ as identification.

NOTARY PUBLIC:

sign Lauren M. Davies
print Lauren M. Davies
State of Florida at Large (Seal)
My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. FEB. 16, 1995
BONDED THRU GENERAL INS. UND.

DR2531 PG0313

EXHIBIT "A"

A parcel of land lying in Section 6, Township 46 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Beginning at the intersection of the North line of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 6 and the Southerly right of way line of Old U.S. 41; thence S 40°30'24" E along said Southerly right of way line for 100.00 feet; thence S 49°29'36" W for 605.22 feet; thence N 0°21'30" W parallel with the West line of said Section 6 for 550.44 feet to the North line of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 6; thence S 78°28'32" E along said North line for 406.86 feet to the point of beginning. Containing 3.210 acres.

DR2531 PG0314

CHARLIE GREEN LEE CO., FL.
94 AUG 29 PM 4:35

RETURN TO: Courthouse Box 4

PREPARED BY: RICHARD W. WINESETT
Avery, Whigham & Winesett, P.A.
Post Office Drawer 610
Fort Myers, FL 33902
Telephone: (813) 334-7040

3845036

Documentary Tax Pd. \$ 70
Intangible Tax Pd.
CHARLIE GREEN, CLERK, LEE COUNTY
By G. Sherwood Deputy Clerk

OR2639 PG1692

QUIT-CLAIM DEED

This Quit-Claim Deed, executed this 1st day of October, A.D. 1995, between RONALD C. FRANCISCO, Trustee, of the County of Lee in the State of Florida, first party, to HARVEY B. YOUNGQUIST as Trustee, whose post office address is P. O. Box 60257, Ft. Myers, Fl. 33906, second party:

(Whenever used herein the terms "first party" and "second party" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

W I T N E S S E T H:

That the said first party, for and in consideration of the sum of Ten Dollars (\$10.00), in hand paid by said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Lee, State of Florida, to wit:

A parcel of land lying in Section 6, Township 46 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Beginning at the intersection of the North line of the Southwest Quarter (SW-1/4) of said Section 6 and the Southerly right of way line of Old U.S. 41; thence S 40°30'24" E along said Southerly right of way line for 100.00 feet; thence S 49°29'36" W for 605.22 feet; thence N 0°21'30" W parallel with the West line of said Section 6 for 550.44 feet to the North line of the Southwest Quarter (SW-1/4) of said Section 6; thence S 78°28'32" E along said North line for 406.86 feet to the point of beginning.

THIS DEED CONFERS AND THE TRUSTEE NAMED HEREIN IS, PURSUANT TO F.S. 689.071, HEREBY VESTED WITH FULL POWER AND AUTHORITY EITHER TO PROTECT, CONSERVE AND TO SELL, OR TO LEASE OR TO ENCUMBER, OR OTHERWISE DISPOSE OF THE REAL PROPERTY DESCRIBED HEREIN.

This conveyance is subject to the following:

1. Zoning and other governmental regulations.
2. Restrictions, reservations, easements, conditions, and limitations of record.

3. Ad Valorem Real Property taxes.

To Have and to Hold the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whosoever of the said first party, either in law or equity, to the proper use, benefit and behoof of the second party forever.

IN WITNESS WHEREOF, the said first party has signed and sealed these presents the day and year first above written.
Signed, sealed and delivered
in the presence of:

Witnesses:

Richard W. Winesett
Witness

Printed name: RICHARD W. WINESETT

Ronald C. Francisco, Trustee
RONALD C. FRANCISCO, Trustee

Kathleen Fuhrman
Witness

Printed name: Kathleen Fuhrman

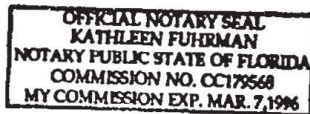
STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 1st day of September, 1995, by RONALD C. FRANCISCO, Trustee, who is personally known ☒ to me or who has produced ☐ as identification.

NOTARY PUBLIC:

sign Kathleen Fuhrman
print Kathleen Fuhrman
My Commission Expires:



DR2639 Pg1693

95 OCT -2 AM 11:40
QUAYLE GREEN LEE CO, FL

97MAR -3 AM 9:51

Prepared by / Return to:

Carl D. Dawson

Beta Title Company

12734 Kenwood Ln. Suite 13

Ft. Myers, FL 33907

Title Insurance #53651MB

Tax Parcel No.06-46-25-00-00013.0040

4121657

Documentary Tax \$

980.00

\$

Notary Public

Notary Public

Notary Public

(Space Above This Line for Recording Data)

082796 PG4050

RECORDED
 VERIFIED CHARLIE GREEN, CLERK
 SUSAN THOMPSON

WARRANTY DEED

THIS INDENTURE made this 25th day of February, 1997 BETWEEN HARVEY YOUNGQUIST, TRUSTEE* as Sellers, of POST OFFICE BOX 60257, FORT MYERS, FLORIDA 33906, GRANTOR*, and HERB JONES, JR, TRUSTEE, , as GRANTEE* of

P.O. Box 6667, Fort Myers, FL 33932

WITNESSETH, That said Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and convey to the grantee and grantee's heirs forever the following described land located in the County of Lee, State of Florida, to-wit:

A parcel of land lying in Section 6, Township 46 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Beginning at the intersection of the North line of the Southwest Quarter (SW-1/4) of said Section 6 and the Southerly right of way line of Old U.S. 41; thence S 40 degrees 30'24" E along said Southerly right of way line for 100.00 feet; thence S 49 degrees 29'36" W for 605.22 feet; thence N 0 degrees 21'30" W parallel with the West line of said Section 6 for 550.44 feet to the North line of the Southwest Quarter (SW-1/4) of said Section 6; thence S 78 degrees 28'32" E along said North line for 406.86 feet to the point of beginning.

SUBJECT TO restrictions, reservations and easements of record and taxes for the year subsequent to the year 1996.

*and individually

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever. *Singular and plural are interchangeable as context requires.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

WITNESS

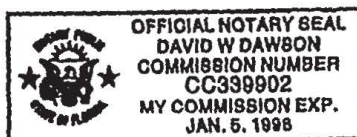
D. Wayne Kelly
D. Wayne Kelly
 Printed Name

David W. Dawson
 Printed Name

STATE OF Florida
 COUNTY OF Lee

Harvey Youngquist
 HARVEY YOUNGQUIST, TRUSTEE and individually

I HEREBY CERTIFY that on this 25th day of February, 1997, before me, an officer duly qualified to take acknowledgements, personally appeared: HARVEY YOUNGQUIST, TRUSTEE,* to me known to be the person(s) described in and who executed the foregoing instrument and acknowledged before me that they executed the same freely and voluntarily, and that the above-named person is () personally known to me () or produced as identification, and that an oath was not taken.



Notary Public

David W. Dawson

Printed Name

COMMISSION EXPIRATION:

INSTR # 5347108

OR BK 03572 PG 0818

Prepared by / Return to:

William B. Dawson

Beta Title Company

12734 Kenwood Lane, Suite 13

Fort Myers, Florida 33907

Title Insurance #56578LB

Tax Parcel No.06-46-25-00-00013.0040

RECORDED 02/04/02 10:33 AM

CHARLIE GREEN CLERK OF COURT

LEE COUNTY

RECORDING FEE 6.00

DEPUTY CLERK M Robinson

[Space Above This Line for Recording Data]

QUIT CLAIM DEED

EXECUTED this 31ST day of DECEMBER, 2000, BETWEEN HERB JONES, JR, INDIVIDUALLY AND AS TRUSTEE GRANTOR*, and HERBERT S. JONES, JR. TRUSTEE, OF THE HERBERT S. JONES, JR. DECLARATION OF TRUST DATED MARCH 31, 1997*, , as GRANTEE*, of

WITNESSETH, That said Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, does hereby remise, release, and quit claim unto the Grantee forever, all the right, title, interest, claim and demand which the said Grantor has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Lee, State of Florida, to wit:

A parcel of land lying in Section 6, Township 46 South, Range 25 East, Lee County, Florida, more particularly described as:

Beginning at the intersection of the North line of the Southwest Quarter (SW 1/4) of said Section 6 and the Southerly right-of-way line of Old U.S. 41; then S 40 degrees 30'24" E along said Southerly right-of-way line for 100.0 feet; thence S 49 degrees 29'36" W for 605.22 feet; thence N 0 degrees 21'30" W parallel with the West line of said Section 6 for 550.44 feet to the North line of the Southwest Quarter (SW 1/4) of said Section 6; thence S 78 degrees 28'32" E along said North line for 406.86 feet to the point of beginning.

*with full power and authority either to protect, conserve and to sell, or to lease, or to encumber, or otherwise to manage and dispose of the real property described in this recorded instrument under Fla Statute 689.071.

Subject to easements, restrictions and reservations of record and taxes for the current year.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right title, interest, lien, equity and claim whatsoever of the said Grantor, either in law or equity to the only proper use benefit and behoof of the said Grantee forever.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

WITNESS

Christina G. Donnelly
Christina G. Donnelly

Printed Name

David W. Dawson
David W. Dawson

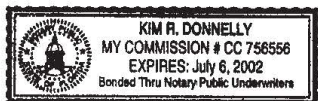
Printed Name

Herb Jones, Jr.
 HERB JONES, JR.

STATE OF FLORIDA

COUNTY OF LEE

I HEREBY CERTIFY that on this 31ST day of DECEMBER, 2000, before me, an officer duly qualified to take acknowledgements, personally appeared: HERB JONES, JR, INDIVIDUALLY AND AS TRUSTEE, to me known to be the person(s) described in and who executed the foregoing instrument and acknowledged before me that they executed the same freely and voluntarily, and that the above-named person is () personally known to me () or produced as identification, and that an oath was not taken.



Kim R. Donnelly
 Notary Public
Kim R. Donnelly
 Printed Name
 COMMISSION EXPIRATION:

FORM 1104

WARRANTY DEED-(Statutory Form.) Rev. 4/88

Exhibit E



TUTTLARK REPRODUCED BY POST OFFICE
TUTTLARK LAW FIRM, 10000 BAYVIEW BLVD, SUITE 100, FORT MYERS, FL 33907

This Indenture,

2495904

Wherever used herein, the term "party" shall include the heirs, personal representatives, successors and assigns of the respective parties hereto; the use of the singular number shall include the plural, and the plural the singular; the use of any gender shall include all genders; and, if used, the term "note" shall include all the notes herein described if more than one.

Made this 21st day of July A.D. 19 88
Between C. Ed Kanney and Edna Kanney, Husband and Wife, and
Albert E. Ingalls and Mildred R. Ingalls, Husband and Wife

of the County of in the State of Ohio
party of the first part, and Bernard J. DeWolfe and Allen H. Johnson, as
Trustees*, 6140 Winkler Road, Unit C, Fort Myers, Florida 33919

of the County of Lee in the State of Florida
party of the second part,

Witnesseth, that the said party of the first part, for and in consideration of the sum of
Ten (\$10.00) and no/100----- Dollars,
to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged,
has granted, bargained and sold to the said party of the second part his heirs and assigns forever, the
following described land, situate lying and being in the County of
State of Florida, to wit:

See attached Legal Description

*The Trustees are granted full power and authority either to protect,
conserve and to sell, or to lease, or to encumber, or otherwise
to manage and dispose of the real property described herein.

Documentary Tax Pd \$ 1705.00
\$
By M Robinson Deputy Clerk

Property Appraiser's Parcel Identification Number: 06-46-25-00-00013.0010

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same
against the lawful claims of all persons whomsoever.

In Witness Whereof, the said party of the first part has hereunto set his hand and seal the day
and year first above written.

Signed, Sealed and Delivered in Our Presence:

Witness
[Signature]
Witness
[Signature]
Witness
[Signature]
Witness
[Signature]

C. Ed Kanney L.S.
C. Ed Kanney
Edna Kanney L.S.
Edna Kanney
Albert E. Ingalls L.S.
Albert E. Ingalls
Mildred R. Ingalls L.S.
Mildred R. Ingalls

State of Florida }

County of ALLEN

I Hereby Certify That on this day personally appeared before me, an officer duly authorized to
administer oaths and take acknowledgments, C. Ed Kanney and Edna Kanney,
Husband and Wife,

to me well known and known to me to be the individual s described in and who executed the foregoing
deed, and they acknowledged before me that they executed the same freely and
voluntarily for the purposes therein expressed.

Witness my hand and official seal at CWB Ohio
of Allen , and State of OHIO, this 21 day of July, A.D. 19 88

My Commission Expires 10/24/89

PETER J. SCHWAGER
Notary Public, State of Ohio
My Commission Expires October 24, 1989

OR2006

PG2158

OR 2006 PG 2155A

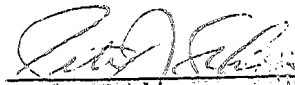
STATE OF OHIO)

COUNTY OF ALLEN)

I HEREBY CERTIFY That on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, ALBERT E. INGALLS and MILDRED R. INGALLS, Husband and Wife, to me well known and known to me to be the individuals described in and who executed the foregoing deed, and they acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal at CNB County
of Allen, and State of Ohio, this 21 day of
July, A.D. 1988

My Commission Expires 10/24/89


Notary Public

PETER J. SCHWAGER
Notary Public, State of Ohio
My Commission Expires October 24, 1989

Marriage Deed

TO

Date

ABSTRACT OF DESCRIPTION

A PART OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 46
SOUTH, RANGE 25 EAST.

DESCRIPTION: Commence at the intersection of the west line of
Section 6, Township 46 South Range 25 East and the Northeasterly
Right-of-way of U.S. 41 [200 foot R/W]: thence run N $0^{\circ}23'47''$ W
along said west line of Section 6, a distance of 864.88 feet to
the east quarter section corner of said section 6 (destroyed by
canal construction); thence run S $78^{\circ}30'23''$ E along the North
line of the southwest quarter section of said section 6, a
distance of 85.15 feet to the Point of Beginning; thence
continue S $78^{\circ}30'20''$ E, 324.75 feet; thence run S $0^{\circ}23'47''$ E,
a distance of 543.89 feet to a point on the easterly Right-of-
Way of "10 Mile Canal" (150 feet R/W), said point being on
the arc of a curve concave to the east, said curve having a
radius of 484.26 feet, a central angle of $1^{\circ}59'06''$, a chord of
16.78 feet bearing N $26^{\circ}53'25''$ W; thence along the arc of said
curve 16.78 feet to a Point of Tangency; thence N $27^{\circ}52'58''$ W,
672.31 feet to the Point of Beginning.
Containing 1.98 acres, more or less.

Prepared by: Larry V. Hay

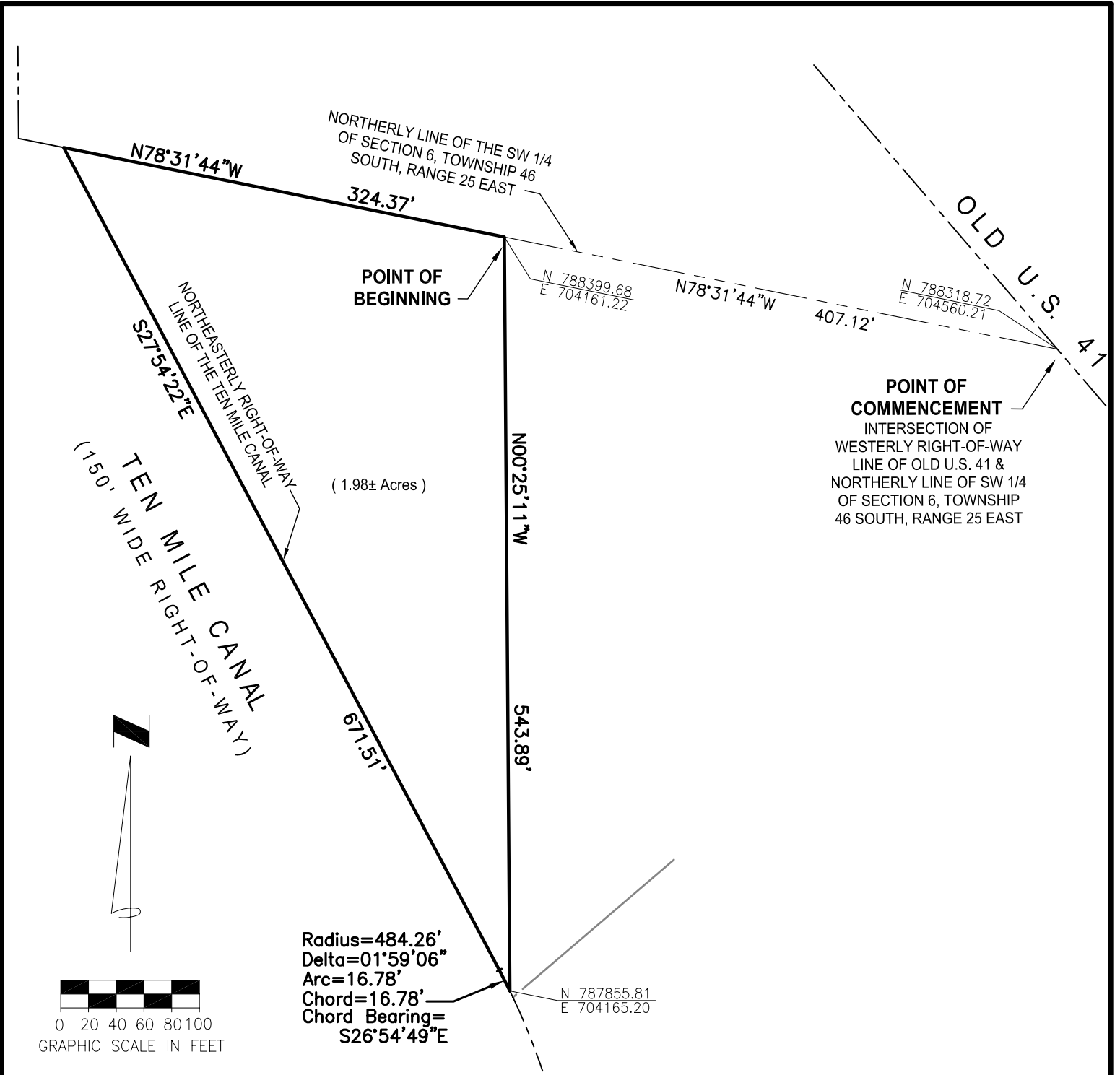
OR2006

P62186

JUL 29 11 52 AM '88

RECORDED & RETURNED
JUL 29 11 52 AM '88
LEE COUNTY CLERK
LEE COUNTY, FLA.

Exhibit F



THIS IS NOT A BOUNDARY SURVEY

SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION, SURVEYOR'S NOTES & SURVEYOR'S CERTIFICATION.

 J H McCARRIER LAND SURVEYING, INC. Licensed Business No. 7027 2460 SUNRISE BOULEVARD FORT MYERS, FLORIDA 33907 Phone: (239) 277-7821	PROJECT			SKETCH & LEGAL DESCRIPTION		
				'16400 OLD U.S. 41 - FORT MYERS'		
				PART OF THE SW 1/4 OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST		
	CLIENT			SCALE	1"=100'	DATE
HALEY WARD, INC. 13041 McGREGOR BLVD FORT MYERS, FL 33919 PHONE: (239) 418-1331			FILENAME		PROJECT NO.	
			16400OldUS41_s&l.dwg		20-143.1	
			DRAWN BY	CHECKED BY	SHEET 1 OF 2	
			JHM	JHM		

LEGAL DESCRIPTION

A PORTION OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LYING NORTHEASTERLY OF THE TEN MILE CANAL, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A 3" X 3" CONCRETE MONUMENT, MARKING THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF OLD U.S. 41 AND THE NORTHERLY LINE OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SAID SECTION 6, RUN N78°31'44"W ALONG SAID QUARTER SECTION LINE, A DISTANCE OF 407.12 FEET TO A 4" X 4" CONCRETE MONUMENT AND THE **POINT OF BEGINNING**; THENCE CONTINUE N78°31'44"W ALONG SAID QUARTER SECTION LINE, A DISTANCE OF 324.37 FEET TO A POINT OF INTERSECTION WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID TEN MILE CANAL (150-FOOT WIDE); THENCE RUN S27°54'22"E ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 671.51 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE TO THE WEST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING FOR ITS ELEMENTS A RADIUS OF 484.26 FEET, A CENTRAL ANGLE OF 01°59'06", AN ARC DISTANCE OF 16.78 FEET, A CHORD DISTANCE OF 16.78 FEET AND A CHORD BEARING OF S26°54'49"E; THENCE RUN N00°25'11"W, A DISTANCE OF 543.89 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 1.98 ACRES, MORE OR LESS.

SURVEYOR'S NOTES

1. BEARINGS SHOWN HEREON ARE BASED UPON FIXING THE MONUMENTED NORTH LINE OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, AS N78°31'44"W.
2. THIS MAP IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL, OR A VALIDATED ELECTRONIC SIGNATURE, OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
3. HORIZONTAL COORDINATE VALUES SHOWN HEREON REFLECT FLORIDA STATE PLANE COORDINATES, WEST ZONE, AND ARE REFERENCED TO THE NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT.

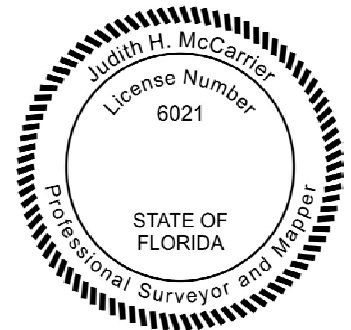
PREPARED BY:

*Judith H McCarrier, PSM
License No. 6021
State of Florida*

2025.07.03

15:06:50 -04'00'

JUDITH H. MCCARRIER
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA LICENSE NO. 6021

**THIS IS NOT A BOUNDARY SURVEY**

SEE SHEET 1 OF 2 FOR SKETCH.

 J H McCARRIER LAND SURVEYING, INC. Licensed Business No. 7027 2460 SUNRISE BOULEVARD FORT MYERS, FLORIDA 33907 Phone: (239) 277-7821	PROJECT SKETCH & LEGAL DESCRIPTION '16400 OLD U.S. 41 - FORT MYERS' PART OF THE SW 1/4 OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST		
	CLIENT HALEY WARD, INC. 13041 McGREGOR BLVD FORT MYERS, FL 33919 PHONE: (239) 418-1331	SCALE N.A.	DATE JUNE 18, 2021
		FILENAME 16400OldUS41_s&l.dwg	
		PROJECT NO. 20-143.1	
	DRAWN BY JHM	CHECKED BY JHM	SHEET 2 OF 2

Perez, Maria

From: Schroeder, Brianna
Sent: Tuesday, June 2, 2026 10:08 AM
To: Perez, Maria; Greenie-1963@outlook.com; Carol.zepeda@rviplanning.com; Alexis Crespo
Cc: Sweigert, Rebecca; Cherry, Brienne; Rozdolski, Mikki; Rodriguez, Anthony; Adams, Joseph; Ledesma, Mark
Subject: RE: CASE #REZ2025-00012 CASE NAME: 16400 OLD US 41
Attachments: REZ2025-00012 Staff 48-Hour Letter.pdf

Good morning,

Please see attached for Staff's 48-Hour Letter.

Thank you,



Brianna Schroeder | Planner

Department of Community Development, Zoning Section

1500 Monroe St, Fort Myers, FL 33901

office: (239) 533-8350

email: BSchroeder@leegov.com

web: www.leegov.com/dcd

Connect With Us On Social Media



From: Perez, Maria <MPerez@leegov.com>
Sent: Monday, June 1, 2026 3:35 PM
To: Greenie-1963@outlook.com; Carol.zepeda@rviplanning.com; Schroeder, Brianna <BSchroeder@leegov.com>
Cc: Sweigert, Rebecca <RSweigert@leegov.com>; Toussaint, Tracy <TToussaint@leegov.com>; Workman, Elizabeth <EWorkman@leegov.com>; Ennis, Audra <AEnnis@leegov.com>; DeFilippo, Nicholas <NDeFilippo@leegov.com>; Henderson, Abby <AHenderson@leegov.com>; Werst, Lee <LWerst@leegov.com>; Rodriguez, Jennifer <JMRodriguez@leegov.com>; Cherry, Brienne <BCherry2@leegov.com>; Gillogly, Phil <PGillogly@leegov.com>; Baucom, Warren <WBaucom@leegov.com>; Rozdolski, Mikki <MRozdolski@leegov.com>; Rodriguez, Anthony <ARodriguez4@leegov.com>; Bodach, Robert <RBodach@leegov.com>
Subject: CASE #REZ2025-00012 CASE NAME: 16400 OLD US 41

Good afternoon. Ms. Donna Marie Collins will be the Hearing Examiner presiding over the subject zoning case scheduled to be heard on June 4, 2026

I have attached instructions on how to submit a 48-hour notice and **the exhibit list**. When submitting your exhibit list, do not send any exhibits, as all exhibits have to be entered into the record during the hearing.

Prior to hearing, do not pre-label exhibits that will be submitted during the hearing. Once the Hearing Examiner accepts the exhibits, she will assign an exhibit number.

A court reporter will not be present. The applicant may hire a court reporter if they wish to have one 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: June 2, 2026

FROM: Brianna Schroeder
Planner

RE: Staff 48-Hour Letter
16400 Old US 41 (REZ2025-00012)

Madame Hearing Examiner,
Staff respectively would like to submit the Affidavit of Publication (attached) from the Fort Myers News-Press addressing the public hearing for the Conventional rezone request (REZ2025-00012) and is scheduled to be heard on June 4, 2026.

Respectfully Submitted,
Brianna Schroeder
Planner, Zoning Section

USA TODAY CO.



PO Box 631244 Cincinnati, OH 45263-1244

AFFIDAVIT OF PUBLICATION

Brienne Cherry
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 Govt 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 05/21/2026
FNP news-press.com 05/21/2026

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 05/21/2026

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost:	\$191.28	
Tax Amount:	\$0.00	
Payment Cost:	\$191.28	
Order No:	12326465	# 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, June 4, 2026, in the Hearing Examiner Meeting Room, 1500 Monroe St., Ft. Myers, FL. An interested individual may appear and be heard with respect to the case below. Unless a request for a public hearing before the Board of County Commissioners is made in accordance with Land Development Code Section 34-145(d)(1)e.5, the Hearing Examiner's written decision becomes final on the date rendered. That decision may be appealed to Circuit Court in Lee County if an appeal is filed within 30 days of the date the decision is rendered. Copies of the staff report are available two weeks prior to the hearing. The file can be reviewed at the Zoning Section, 1500 Monroe St., Fort Myers, FL. Call Brianna Schroeder at (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, Ranice Monroe, at (239) 533-0255, 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 will be heard: REZ2025-00012. 16400 Old US 41. 9:00 am. Request to rezone +/- 1.98 acres from the Agricultural (AG-2) Zoning District to the Intensive Commercial (CI) Zoning District. Located at 16400 Old US 41, San Carlos Planning District, Lee County, FL. Property Owner: Herbert S Jones Jr. Trust. Property owner's Representative: Carol Zepeda, (239) 371-0462.

5/21/2026 12326465



REZ2025-00012

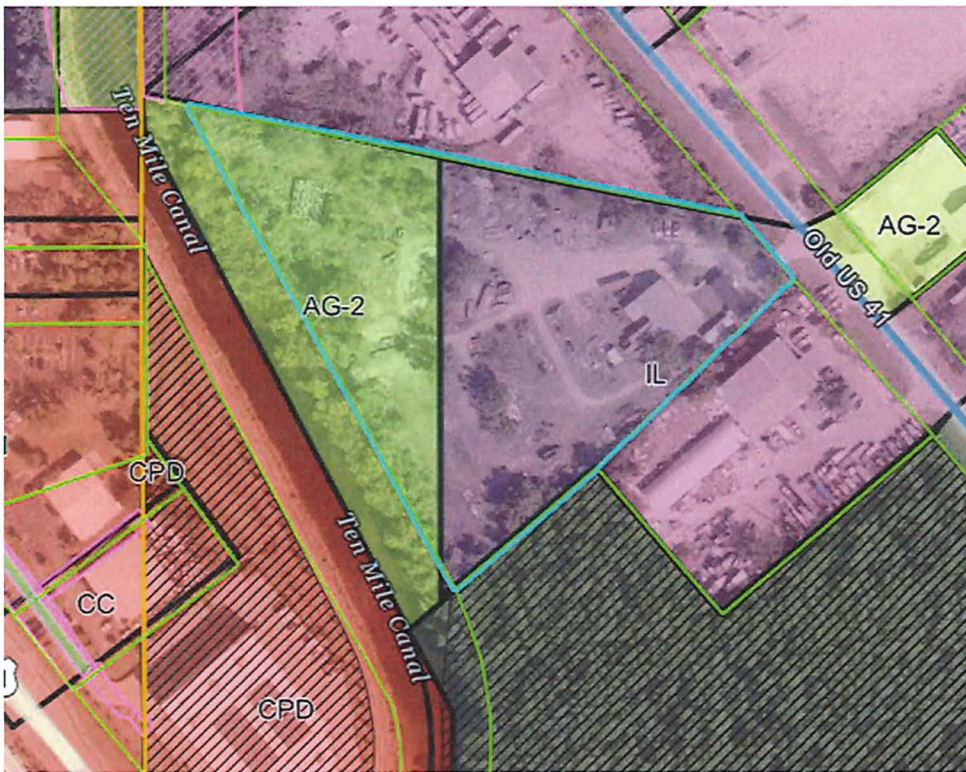
Conventional Rezone – 1600 Old US 41

Staff Presentation – June 4, 2026

No Content Here!

STAFF'S EXHIBIT #) 3
PouncePoint

Request and Recommendation



- Rezone 1.98± acres from the Agricultural (AG-2) Zoning District to the Intensive Commercial (CI) Zoning District.
- Property subject to this request is part of a five-acre property that is also zoned Light Industrial (IL) (±3.21 acres).
- Lee Plan Policy 7.1.2 requires rezonings to allow industrial uses outside of the Industrial Development, Tradeport, or Industrial future land use categories to be rezoned to a Planned Development.
- Allow a broad mix of commercial and light industrial land uses that are more compatible with the surrounding area

No Content Here!

Property Information



 Subject Property

 City Limits



STRAP: 06-46-25-L4-00013.001A

Address: 16420 Old US 41

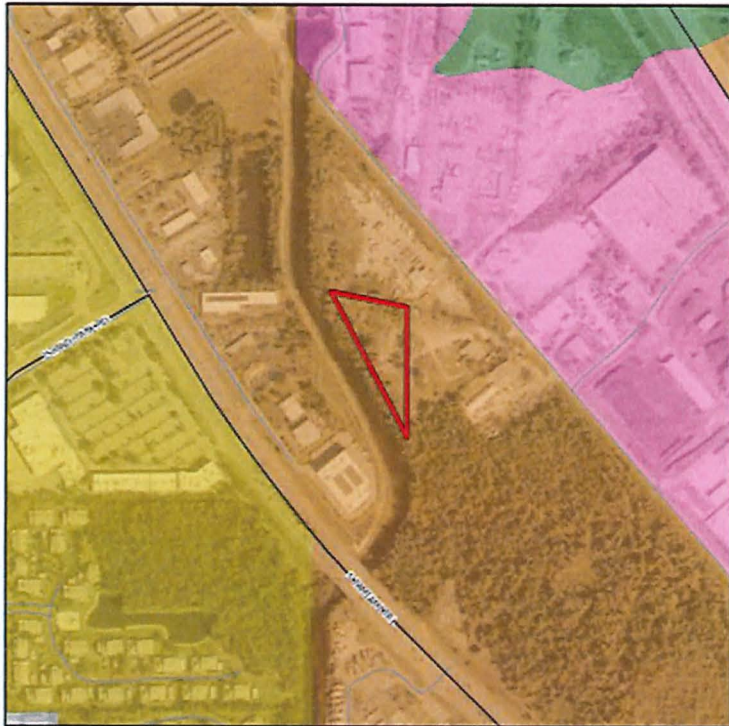
±1.98 Acres

Location:

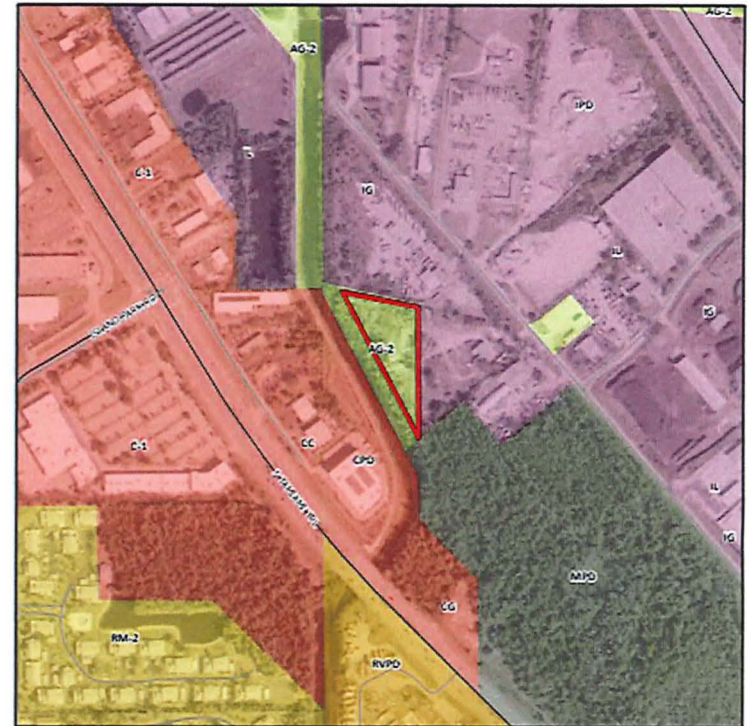
- Southeast of Michael G. Rippe Parkway
- East of South Tamiami Trail

No Content Here!

Future Land Use and Zoning District



 Subject Property



Agricultural (AG-2)

No Content Here!

History of Parcel and Character of Area

Address	Rezone Request	Resolution Number	Date
16420 Old US 41, Fort Myers, FL 33912 (Subject property – IL Zoned Portion)	AG-2 to IL / CG	Z-80-340	10/27/1980
16340 Old US 41, Fort Myers, FL 33912	AG-2 to IL	Z-75-137	6/9/1975
	IL to IG	Z-88-150	7/5/1988
16450 Old US 41, Fort Myers, FL 33912	AG-2 to IL / CG	Z-80-340	10/27/1980
Access Undetermined (south of subject property)	IL and CG to CPD	Z-92-045	2/11/1993
	CPD to MPD	Z-24-028	2/10/2025

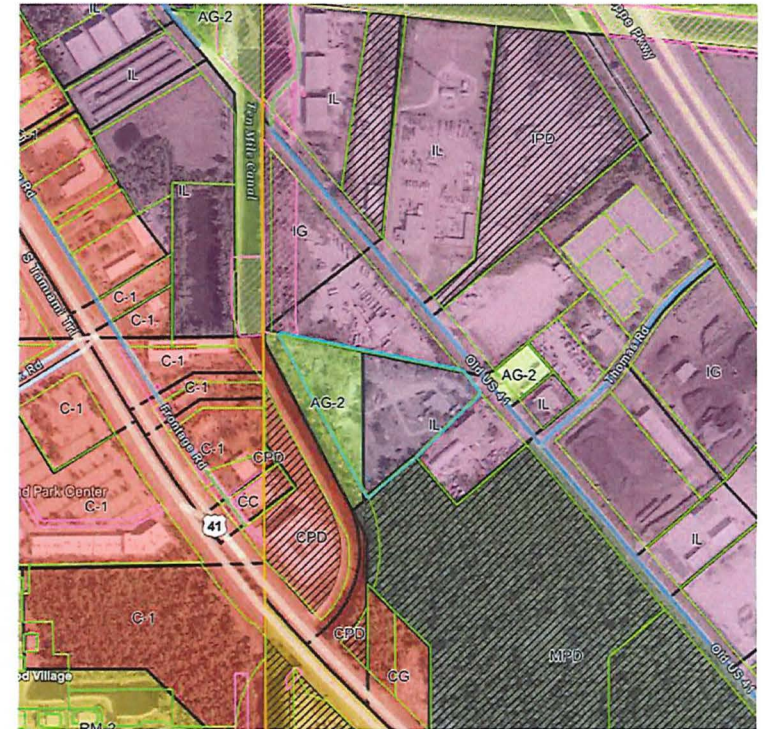
In 1983, the subject property was part of a larger parent parcel

The portion of the property that is within the Light Industrial (IL) zoning district has a creation date January 29, 1988

The first Warranty Deed for the Agricultural (AG-2) zoned portion of the property was recorded on July 29, 1988

The parcels surrounding the subject property were rezoned from the Agricultural (AG-2) zoning district to the zoning districts seen today.

The subject property was combined with the ±3.21-acre lot that is currently zoned Light Industrial (IL), which directly abuts the subject property and is located on Old US 41 with Lee County Property Appraiser on October 15, 2025.



No Content Here!

Surrounding Properties

North

Zoned:

- Light Industrial (IL)
- General Industrial (IG)

Urban Community Future Land Use Category

Developed for Automotive Repair and Service

Development Order (DOS2024-00085) currently issued to improve the existing infrastructure.

East

Zoned:

- Light Industrial (IL)

Urban Community Future Land Use Category

Zoned (Properties Across Old US 41):

- Light Industrial (IL)
- Agricultural (AG-2)

Industrial Development Future Land Use Category

All properties are developed for Contractors and Builders and Building Materials Sales

REZ2026-00007 currently undergoing sufficiency review for the Agricultural (AG-2) property

South

Zoned:

- Community Commercial (CC)
- Commercial Planned Development (CPD)
- Mixed Use Planned Development (MPD)
- Light Industrial (IL)

Urban Community Future Land Use Category

Developed for Vehicle and Equipment Dealers, Groups I and V and Contractors and Builders, Group III

Development Order (DOS2025-00038) in review to construct approximately 350 multi-family dwelling units for the MPD

West

Zoned (Properties across the "Ten Mile Canal):

- Commercial Planned Development (CPD)
- Community Commercial (CC)
- Commercial (C-1)

Urban Community Future Land Use Category

Developed for:

- Warehouse, Public
- Vehicle and Equipment Dealer, Groups I and II
- Business Services, Group I
- Restaurant, Group III

Conventional Rezone LDC Section 34-145

34-145(d)(4) Findings/review criteria.

Before recommending approval of a conventional rezoning request, the Hearing Examiner must find the request:

- a) Complies with the Lee Plan;
- b) Meets the 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 public services, defined in the Lee Plan, if located in a Future Urban area category.

Lee Plan Policy 1.1.4

Policy 1.1.4 of the Lee Plan establishes that this future land use category are areas characterized by a mixture of relatively intense commercial and residential uses with residential development being at slightly lower densities in these areas.

- The proposed Intensive Commercial (CI) zoning district's permissible uses include uses that align with the Urban Community Future Land Use Category.
- The permissible uses share several common heavy commercial and light industrial uses between the IL and IG zoning districts. Some of these commercial land uses are as follows: Building Material Sales, Business Services, Group II, Storage, Indoor, Open Storage, Warehouse (Hybrid, Mini-Warehouse, Private, and Public), and Wholesale, Groups I, III, and IV.
- LDC Section 34-616(b) restricts permitted uses, and accessory uses to the respective districts.
- Majority of uses that are permitted in the Intensive Commercial (CI) zoning district are indistinguishable in terms of intensity with the Industrial Zoning Districts.



Urban Community Subject Property

No Content Here!



Is consistent with this Lee Plan Policy

Growth Management

Objective 2.1 of the Lee Plan promotes contiguous and compact growth patterns, which will be promoted through the rezoning process to contain urban sprawl.

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

Objective 2.2 of the Lee Plan establishes that direct new growth to those portions of the future urban areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits will be granted only when consistent with the provisions of the Florida Statute and the concurrency requirements in the Land Development Code.

Policy 2.2.1 establishes that any Rezoning and DRI proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare.

- Reduces the need for costly service extensions and mitigates the inefficient use of land by concentrating intensive commercial and industrial development in proximity to existing industrial land uses.
- Rezoning the subject property to Intensive Commercial provides consistency with existing industrial development.
- Lee County Utilities for potable water and sanitary sewer, San Carlos Fire District, and Lee County EMS
- No residential uses being proposed at this site and residential uses
- Residential uses are not permittable per LDC Section 34-844



Is consistent with these Objectives and Policies of the Lee Plan

No Content Here!

Standards 4.1.1 and 4.1.2 Water and Sewer

Standard 4.1.1: Water

Any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system

Standard 4.1.2: Sewer

Any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.

A letter of availability from Lee County Utilities has been provided and available to the subject property

Is consistent with these Lee Plan Standards



No Content Here!

Commercial Land Uses

Goal 6 (Commercial Land Uses) of the Lee Plan permits orderly and well-planned commercial development at appropriate locations within the County.

Policy 6.1.1 All applications for commercial development will be reviewed and evaluated as to traffic and access impacts, availability and adequacy of services and facilities, impact on adjacent land uses and surrounding neighborhoods, proximity to other similar centers, and environmental considerations.

Lee Plan Policies 6.1.4 and 6.1.7 prohibit commercial development from being located in a way that will result in premature, scattered, or strip development; but permit commercial development in areas that have existing commercial development where compatible with adjacent existing and proposed land uses, and would make residential uses clearly unreasonable.

- Located on a County Maintained Road known as Old US 41. Lee County Department of Transportation (DOT) have reviewed the case and offered no comments.
- Site-related improvements will be further reviewed at the time of Development Order
- Surrounded by properties that are mostly developed and are either in a commercial or industrial zoning district.
- LDC Section 34-844 permits the use “Convenience food and beverage store”, which is not a permitted use in the industrial zoning districts pursuant to LDC Section 34-903. The use is permitted in an Industrial Planned Development (IPD) pursuant to LDC Section 34-934 and the use is also subject to the supplementary regulations established in LDC Section 34-1353.
- Intensive Commercial (CI) zoning district is less intensive than the Light Industrial (IL) and General Industrial (IG) zoning districts and allows for a limited set of uses that generally aligns with industrial zoning districts and would be indistinguishable from the industrial land uses.



Is consistent with the Goal and Lee Plan Policies

No Content Here!

Commercial Land Uses

Lee Plan Policy 6.1.3 requires commercial developments requiring rezoning and meeting DCI thresholds to be rezoned to a Planned Development.

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

- The proposed rezone request is not subject to the Planned Development rezoning requirements as set forth in LDC Section 34-341.
- At the time of Development Order, the applicant must provide adequate and appropriate landscaping, open space, buffering, and architectural standards
- The site's location is in an area that is already heavily developed with primarily industrial and commercial uses, the request to rezone the property to Intensive Commercial (CI) is not anticipated to introduce any incompatible uses and will allow the property to be developed in line with the character of the surrounding area.

Is consistent with these Lee Plan Policies



No Content Here!

Industrial Land Uses

Goal 7 of the Lee Plan promotes opportunities for well-planned industrial development at suitable locations within the County.

Policy 7.1.2 Industrial development is encouraged in the Industrial Development, Tradeport, and Industrial Interchange future land use categories. Industrial development in these future land use categories requiring rezoning and meeting DCI thresholds must be rezoned to a Planned Development. All rezonings to allow industrial uses outside of the Industrial Development, Tradeport, or Industrial Interchange future land use categories must be rezoned to a Planned Development, except if located within the Mixed Use Overlay.

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

- In April of 2023, Lee County Ordinance 23-08 was adopted and revised Lee Plan Policy 7.1.2 and is the reason behind the request to rezone the Agricultural (AG-2) zoned remnant property to the Intensive Commercial (CI) zoning district.
- The purpose and intent of the Intensive Commercial (CI) zoning district is to permit the designation of suitable locations for and to facilitate the proper development and use of land for those commercial activities which are like, or which have many of the same needs as industrial land uses.
- Permits commercial activities that are often indistinguishable from industrial land uses due to the type and size of the buildings, relations to modes of transportation, and demands on various services.
- Future development of the property will be required to demonstrate compliance with the Department of Transportation (DOT) for access and transportation



Is consistent with these Lee Plan Policies

No Content Here!

Policy 101.1 Require that development within the Coastal High Hazard Area be compatible with natural systems, such as, water retention and purification, wildlife habitat, primary productivity, and defense against coastal flooding.

Policy 101.3.2 Restrict development in the Coastal High Hazard Area to uplands except as needed for the provision of public facilities.

Policy 125.1.2 New development and additions to existing development must not degrade surface and ground water quality.

Policy 125.1.3 The design, construction, and maintenance of artificial drainage systems must provide for retention or detention areas and vegetated swale systems that minimize nutrient loading and pollution of freshwater and estuarine systems

- While the subject property has already been impacted and does not contain substantial environmental resources or environmentally sensitive lands, the subject property will be required to incorporate stormwater systems meeting County and South Florida Water Management District (SFWMD) standards at the time of development.
- An Environmental Resource Permit (ERP) from the South Florida Water Management District (SFWMD) will be required prior to the subject property being developed.
- The applicant will be required to provide drainage calculations and information at the time of Development Order to ensure compliance with these Lee Plan Policies.

Is consistent with these Lee Plan Policies



No Content Here!

Land Development Code and Compatibility

LDC Section 34-616(b) establishes when a lot is split by two or more zoning districts, the property development regulations for the largest proportional district prevail. Development of the subject property will be required to abide by the minimum property development standards of the Light Industrial (IL) zoning district established in LDC Section 34-904.

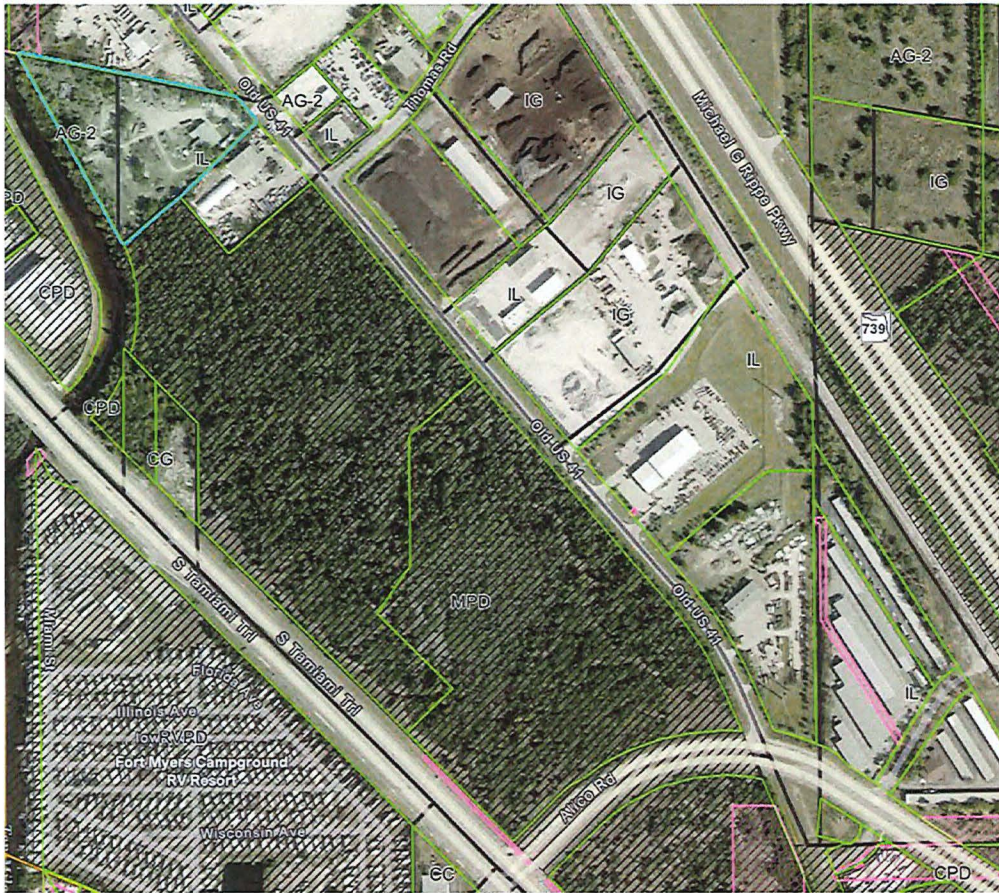
Administrative Approval (ADD2026-00006) issued to memorialize the non-conforming 100-foot lot width (street frontage) in the Light Industrial (IL) zoning district. All applicable Land Development Code regulations will be met

Compatible with the surrounding properties.

At the time of Development Order, development will be required to meet the following:

- Setbacks
- Open Space
- Buffering
- Lighting requirements

Sufficient Access and Transportation



Sufficient access on Old US 41

- Connects to Alico Road
- Provides access to Michael G. Rippe Parkway and South Tamiami Trail

Traffic Impact Statement will be required at the time of development order

Impacts to transportation facilities will be addressed by existing county regulations

No Content Here!

Environmentally Critical and Sensitive Areas

- Located in the Coastal High Hazard Area and the Ten Mile Canal Watershed.
- Project is a small project pursuant to LDC Section 10-415.
- Industrial zoning districts that are classified as a small development are required to provide a minimum of 20 percent open space at the time of development order as set forth in LDC Section 10-415
- There were no protected species identified on the subject property and indigenous open space is not required at the time of development order.
- Based on the historical impacts to the property and nature of the site, the request will not adversely affect environmentally critical areas or natural resources.

Public Services

Utilities:

Lee County Utilities has provided a Letter of Availability ensuring sufficient capacity to provide service to the site

Fire and Medic:

San Carlos Fire Station and Lee County Emergency Medical Services are co-located at 16901 Island Park Road, which is within two miles of the subject property.

Sheriff

The Lee County Sheriff Department's Office is located at 14750 Six Mile Cypress Parkway, which is approximately two miles from the subject property.

Transportation

The subject property does not directly abut a Lee Tran Route; however, Bus Stops 3140 and 3141 are located on South Tamiami Trail, which is less than a mile from the site.



No Content Here!

Conclusion

- The request meets the review criteria for a Conventional Rezone as set forth in LDC Sections 34-145
- Consistent with the Goals, Objectives, and Policies as set forth in the Lee County Comprehensive Plan (Lee Plan)
- Consistent with the regulations set forth in the Lee County Land Development Code
- Provides consistency within the area and allows the site to be developed in line with the surrounding properties.
- Not result in negative impacts to urban services, infrastructure or surrounding property
- Sufficiently served by fire, police, and emergency services personnel
- Will not impact any wetland preserves, or flood hazard areas, or adversely affect environmentally critical or sensitive areas and natural resources