



**LOCAL PLANNING AGENCY
ADMINISTRATION EAST BUILDING
2201 SECOND STREET, FORT MYERS, FL 33901
ROOM 118 (FIRST FLOOR)
MONDAY, JULY 27, 2026
9:00 AM**

AGENDA

1. Call to Order/Review of Affidavit of Publication/Pledge of Allegiance
2. Public Forum
3. Approval of Minutes – April 27, 2026
4. Lee Plan Amendment
 - A. CPA2025-00007 Pondella Holdings – Map Amendment
Amend Map 4-B, Lee County Utilities Future Sewer Service Areas, to include the 6.42-acre subject property. Additionally, staff recommends inclusion of all properties south of Pondella Road, north of Stillwater Court, west of Palm Avenue and east of Hancock Creek be included in the Future Sewer Service Area.
 - B. CPA2026-00004 Southeast Lee County Update

Amend the Lee Plan's Future Land Use Element, Property Rights Element, Glossary, and Appendix to update the Southeast Lee Community Plan Area, to manage growth, streamline the Southeast Lee County overlays by relocating Planned Development requirements for Southeast Lee to the Land Development Code, reduce unnecessary regulations, and encourage development that will adequately protect water resources and wildlife habitat. This includes text amendments to Lee Plan Goal 33, Objectives 33.2, 33.3, and 33.4 and Policies 1.1.10, 1.1.13, 1.4.5, 1.6.10, 2.3.1, 2.3.2, 2.3.3, 6.1.2, 7.1.2, 17.2.1, 17.2.2, 17.3.3, 33.1.2, 33.1.3, 33.1.6, 33.1.7, 33.1.8, 33.2.1, 33.2.2, 33.2.3, 33.2.4, 33.2.5, 33.3.1, 33.3.2, and Chapter 14 (Glossary), and add new Goal 166, Objectives 33.4 and 166.1, and Policies 1.1.16, 1.4.8, 17.2.3, 33.3.4, 33.4.1, 33.4.2, 33.4.3, 33.4.4, 166.1.1, 166.1.2 relating to the Southeast Lee Community Plan Area. To support the text amendments, amendments are proposed to Maps 1-A, 1-D, 2-A, 2-D, 4-A, and 4-B, and Tables 1(a) and 1(b).

5. Other Business

6. Adjournment

This meeting is open to the public. Interested parties may appear at the meeting and be heard. A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.

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**MINUTES REPORT
LOCAL PLANNING AGENCY
APRIL 27, 2026**

MEMBERS PRESENT:

Dustin Gardner
Dawn Russell
Jennifer Sapen

Don Schrotenboer (Vice Chair)
Stan Stouder (Chair)
Vincent Colaluca (Non-Voting School Board Member)

MEMBERS ABSENT:

Henry Zuba

STAFF PRESENT:

Joe Adams, Asst. Cty. Atty.
Nathan Beals, Utilities
Kate Burgess, Principal Planner, Planning
Brandon Dunn, Planning Manager
Lindsey Karczewski, Planning

Ohdet Kleinmann, Utilities
Janet Miller, DCD Admin.
Brian Roberts, Development Services Manager
Anthony Rodriguez, Zoning Manager

REPRESENTATIVES

CPA 2024-00016 Caloosa 80

Neale Montgomery, Esq., Pavese Law Firm
Alexis Crespo, AICP, RVi Planning & Landscape Architecture
Chris Kennedy, Kimley-Horn
Jackie Larocque, P.E., ATWELL
David Brown, P.G., RESPEC
Ted Treesh, TR Transportation

Land Development Code Amendments – Item 5A – Existing Aggregate Mines

Tina Ekblad from Sage Entitlements, representing Titan America and Seagate Mine
Tracy Hayden, Representing Titan America
Matt Price, CEO of Seagate Development Group, Representing Seagate Mine

Agenda Item 1 – Call to Order, Review of Affidavit of Publication/Pledge of Allegiance

Mr. Stouder, Chair, called the meeting to order at 9:00 a.m.

Mr. Adams, Assistant County Attorney, certified that the affidavit of publication for today's meeting was properly advertised.

Agenda Item 2 – Public Forum- None

Agenda Item 3 – Approval of Minutes – February 23, 2026

Mr. Schrotenboer made a motion to approve the February 23, 2026 meeting minutes with the two corrections on Page 10 of 11, outlined by Ms. Miller in her e-mail of 4/24/2026. The motion was seconded by Ms. Russell. The Chair called the motion, and it passed 5-0.

Agenda Item 4 – Lee Plan Amendment

A. CPA2024-00016 Caloosa 80 – Map Amendment

Amend Lee Plan Map 1-A, Future Land use Map, to redesignate 92.71 acres of the subject property from Rural to Sub-Outlying Suburban, add the full 192.3-acre site into Maps 4-A and 4-B, Lee County Utilities Future Water and Sewer Service Areas, and update Table 1(b). The property is generally located to the east of Bateman Road and to the south of Palm Beach Boulevard (SR 80).

Pat Neal from Neal Communities, Neale Montgomery, Esq. from Pavese Law Firm, Alexis Crespo, AICP from RVi Planning & Landscape Architecture, Chris Kennedy from Kimley-Horn, Jackie Larocque, P.E., from ATWELL, David Brown, P.G. from RESPEC, and Ted Treesh from TR Transportation, gave an overview of the project along with a PowerPoint Presentation and were available for questions.

Mr. Stouder referred to Table 4 on Page 36 of the PowerPoint presentation under the “*Transportation*” section and asked for confirmation that Table 4 indicates there will be 845 additional trips per day as a result of this development.

Mr. Treesh stated that was correct. He noted that in their analysis they use peak hour because that is the highest category.

There were no further questions of staff, so the Chair opened this item to staff.

Ms. Burgess reviewed the staff report and recommendations along with a PowerPoint presentation.

Mr. Schrotenboer referred to Page 6 of the staff report where it states, “*The overall characteristics of the portion of the property the applicant wants to amend the Future Land Use are not inconsistent with the Sub-Outlying Suburban.*” He also noted that during staff’s presentation, Ms. Burgess used the phrase “**generally consistent.**” To him, these were not definitive terms, which is a concern since this Board’s role is to find the amendment consistent with the Lee Plan.

Ms. Burgess stated that it has been found to be consistent with what is in the Lee Plan. Unless there are specific items that are called out, staff’s standard terminology is that it is “**not inconsistent**” or it is “**consistent.**” If it is “**consistent,**” it means it has met all the things that are called out. If it is “**not inconsistent,**” it means it meets all the things that are there, but it is not a specific item or characteristic that is required to be met. Due to Mr. Schrotenboer’s comment, Ms. Burgess clarified that the proposal is consistent with Goal 27.

Ms. Russell asked if the community meetings were well attended. Other than connectivity, she asked if there were other major concerns.

Ms. Crespo stated that rather than schedule separate community meetings, they opted to attend the Alva, Inc. meetings to provide their updates since they are well attended. She stated they are allowed to publish a notice and attend any scheduled meeting. The main consternation seemed to be the lot sizes in the zoning. She noted that it is clear on the density that this is not necessarily increasing density when taken together with the zoning. Regarding the clustering, the public wanted to see 1-acre lots.

Mr. Gardner asked for clarity on the actual unit count because there are multiple units listed in the materials such as 690, 746, 721, 794, etc.

Ms. Crespo stated that the 690 quoted is the MPD unit request, which is tied to the zoning. She admitted there were some discrepancies between the numbers she noted versus staff. Out of the 192 acres, 100 of those acres are in Urban Community. This equates to 600 units (6 units per acre). The balance of 92 is Rural, so the number is 692 and represents what is allowed today for the Future Land Use Map. She noted that there are other nuances that can impact these densities such as wetland/preservation provisions. Looking at the map colors, the densities are 692. She then stated that if you take the 92 acres and take it to 2-units per acre, that would be another 184 units. This means it would equate to 784 units at peak development. She believed staff would agree with her that the maximum allowed under the Future Land Use Map change is around 790 units. That being said, it is their intent to develop 690 units through the zoning, even though the map amendment allows them to go up to 790 units.

Ms. Sopen asked for clarification that today this Board is to only consider the requested change, which is a 92 unit increase. In other words, the only change is the Future Land Use change.

Ms. Crespo stated that was correct.

Mr. Stouder noted that heretofore there has been no Outlying Suburban in this part of the Future Land Use Map. He asked if staff knew why that might be.

Ms. Burgess noted one reason might be because this particular future land use category is newer than many of the others in this area of the county.

Mr. Dunn stated that was correct. The Sub-Outlying Suburban category is a newer category than Outlying Suburban. Those categories did not exist and there has not been any that have transitioned to that area. This is the first request staff has received.

Mr. Stouder referred to Page 2 of the staff report and noted there seemed to be several attempts made regarding this property in 2009 and 2022. The case was withdrawn after a Board Hearing that took place on May 22, 2024. He asked for specifics on that.

Ms. Crespo stated that Neal Communities is very active in Lee County and have done a lot of work in Northeast Lee County. The current property owners are in later stages of their careers, and this project is a large undertaking as a developer. Mr. Neal approached them after the Board hearing and told them he felt it would be a great Neal Communities project. The current owners decided not to go through with developing an RV resort and went under contract with Neal Communities.

Mr. Stouder asked Mr. Neal if he concurred with Ms. Crespo's statements.

Mr. Neal stated he agreed with her statements.

Mr. Stouder referred back to the 845 daily trips and asked for staff's position on impact fees as it relates to road improvements needed to maintain a level of safety not a level of service.

Mr. Dunn stated that regarding impact fees, staff follows the direction of the Board of County Commissioners on how they want to handle/implement impact fees. Regarding the 845 daily trip increase, it is based on the worst case scenario meaning if they were to build all 790 units within the limits that are currently allowed under today's future land use category. However, what was discussed today during the applicant's presentation is that they will not be building 790 units. They will be

constructing/building within the limits that are currently allowed under today's future land use category, which means it may not be realistic to expect the 845 daily trips.

Mr. Stouder stated that although it is outside of this Board's purview, he felt it was a lot of trips. He was certain that offsite improvements, etc. would be of great concern for people that navigate that stretch of road.

The LPA had no further questions, so Mr. Stouder opened this item to public comment.

Denise Eberle (opposed)

Ashley Randolph (opposed) – Represented the Brown Family Trust

Holly Schwartz (opposed)

Debbie Erwin (opposed)

The major concerns by the attendees were: 1) This amendment moves density into a Rural area that was planned to remain low density. In doing so, it introduces Suburban development patterns deeper into a Rural community; 2) Spreading density outward results in not protecting Rural character and not maintaining a clear boundary between Urban and Rural; 3) this change will create pressure for additional conversions in between and making it harder to defend remaining Rural areas from the same argument; 3) the outcome is having the character of the community change incrementally through decisions that seem isolated; 4) the LPA is being asked to approve this shift today without knowing what will ultimately be built; 5) approving this amendment sets a precedent that Rural land can absorb that shift and it will eventually be used again with other developments; 6) The proposal increases intensity of a Rural community; 6) There are concerns that this development would violate the Endangered Species Act and cause irreparable harm to a variety of endangered wildlife populations and altering the Rural landscape of the neighborhood; 7) In addition to concerns over the protected gopher tortoise and wood stork, there is evidence of this land being an active breeding habitat for the endangered Florida Panther including a siting by Florida Fish and Wildlife on their public map in 2025 where they made a siting on the east side of Bateman Road; 8) This development will cause habitat fragmentation and the urban development will lead to an increase in vehicular collisions, which is the leading cause of death for the endangered Florida Panther; 9) Developing something of this scale within a vital, active ecosystem, and breeding habitat will create barriers that restrict movement and isolate populations even further; 10) Regarding the utility expansion, the County should not be approving utilities in an area that is not within the boundary of the future service area recognized by the county and which is not contiguous to the existing boundary; 11) approving these utilities causes "*leapfrog*" development; 12) the Board of County Commissioners directed staff to prepare amendments to the Lee Plan for the Southeast Lee County Community Planning Area to manage growth and encourage development that protects the county's natural resources. The Alva community is asking for that same consideration; 13) "*Leap frogging*" an entire rural area for the approval of utilities will result in the harmful cumulative impact for the very last Rural areas of Lee County; 14) Concern was expressed regarding the presentation on the irrigation supplementation where the stormwater ponds would be used in the event that there is a drought and the sandstone aquifer will be tapped for that irrigation. It was noted that this area is where the residents have their wells, which run low at times. This will worsen if the density is added to the area and the stormwater ponds and sandstone aquifers are used; and 15) the community prefers to have a Trailer Park in lieu of having a development handled by Neal Communities, which they felt caused damage in Sarasota and Manatee Counties; 16) The property only constitutes 417 trailer park slots as opposed to 600 to 800 units crammed into their area.

No other members of the public wished to comment, so the public portion segment was closed.

The applicant's representatives asked if they could respond to some of the public comments. The LPA agreed.

Ms. Montgomery referred to comments made by the public regarding impacts on the sandstone aquifer. She noted that the purpose of having central water and sewer is to not impact existing legal users. If you have 1-acre lots with well and septic tanks, it will have an impact on existing users. She noted that David Brown indicated it would not be impactful. Regarding protected species, Mr. Kennedy is an ecologist. This project will have to go through a series of permitting and they will not be allowed to have adverse impacts on any listed species.

Ms. Saper referred to the concern about "*leap frogging*" in relation to the service map and asked if staff had any concerns with that.

Ms. Burgess stated there are other instances in the County in which the service areas "*leapfrog*." She noted it is common throughout the county.

Ms. Saper asked for confirmation that if it was not "*leapfrogged*" and the land in between was added to the map, that the residents would have to connect.

Ms. Burgess stated that was correct.

Ms. Saper asked for confirmation that by "*leapfrogging*," it allows the community to remain as is.

Ms. Burgess stated that was correct.

Mr. Schrottenboer referred to comments made about the Florida Panther and asked if this is a primary or secondary habitat and if there are any telemetry points being identified on the property as part of their preliminary studies.

Mr. Kennedy stated it is a secondary habitat. His team has not observed any utilization on the site but will continue to perform wildlife surveys throughout the process. To date, they have not observed any utilization.

Mr. Schrottenboer asked if clustering is allowed in the Rural land use category.

Ms. Burgess stated it is allowed. She noted there are some allowances for clustering and indigenous upland habit restoration that allows some bonus density. She stated the applicant was referring to Lee Plan Policy 5.1.10 which specifically addresses when two future land use categories exist within one property. In order to spread the units out evenly across those, it has to be in a Suburban or Urban area. Because the Rural category is considered a non-urban area, that portion of the property would have to meet the Rural density or Rural allowances.

Mr. Schrottenboer asked for clarification that they could cluster the 92 units that are currently allowed under Rural, but they would not be allowed to spread any of the additional density from Urban.

Ms. Burgess stated that was correct.

Ms. Russell referred to the public comment about the irrigation coming from the sandstone aquifer and asked whether that would impact the adjacent residents.

Mr. Brown stated they performed groundwater flow modeling on the proposed irrigation system. It was determined that there will be no adverse impacts offsite and that there will be minimal drawdown on existing wells. He reiterated that half of the irrigation is made up of stormwater, which greatly reduces the amount of groundwater that will be used.

Mr. Schrotenboer asked if it was mentioned at any of the community meetings the issue of development having the propensity of flooding offsite to neighboring properties. He asked if flooding was addressed as part of the water management program.

Ms. Larocque stated flooding would be addressed during the Stormwater Management Permit when they prepare their ERP. She reiterated that they will not be allowed to adversely impact anyone offsite. The stormwater will be kept onsite and slowly discharge, which is allowed per all the rules and regulations.

Mr. Stouder stated that changing the Comp Plan to Sub-Outlying Suburban, while it is not an increase in density in District One, it is a dramatic increase of 100% on the 92 acres, which he found to be in conflict with Goal 27, Goal 28, and their attendant policies as well as Policy 1.1.11. He did feel that the expansion of the utilities map and utility providers is consistent with the Lee Plan and he is supportive of FGUA yielding to Lee County Utilities. However, he did not feel the increase or the change in the Lee Plan to Sub-Outlying Suburban or the density incursion, even though it is not over the maximum in the overall district, to be consistent with the Lee Plan. He read the verbiage in Goal 27, which is “*Maintain, enhance, and support the heritage and rural character, natural resources, and agricultural lands. Alva and North Olga will work cooperatively toward this goal through the objectives and policies that follow, and through their individual community plans.*” He did not find it consistent with Goal 27 to double the density on 92 acres. He also read into the record verbiage for Goal 28, which is “*Support and enhance the unique rural, historic, agricultural character and natural environment and resources of the Alva Community Plan area, including the rural village and surrounding area.*” He noted that surrounding the subject property is existing Rural or Conservation, so he did not feel the proposal was consistent with Goal 28 either. Mr. Stouder referred to Page 3 of the staff report where it states, “*...no acreage to the Sub-Outlying Suburban future land use category for residential development.*” He noted that on Page 5 of the staff report under Policy 1.1.11, there is language that discourages the encroachment into these existing Rural land use map areas. Although he understood that 600 units are allowed in the Urban category, he could not find it to be consistent with the Lee Plan to change the 92 acres to Sub-Outlying Suburban.

Mr. Schrotenboer stated that the ability to cluster the density in the way that this project is proposing by having two urban categories provides tremendous ecological and water management benefits. He felt those benefits outweigh the potential inconsistencies mentioned by Mr. Stouder. He stated that if development is going to take place, this is the better plan by being able to cluster, increase the open space significantly from what is currently called for, as well as the ecological benefits that have been discussed in the application and in today’s discussion.

Mr. Stouder stated he did not have an issue if they want to put 600 units on the Urban piece. He felt the adjustment to the market will cause the benefit of open space and groundwater to be harvested in the existing Urban usage without needing to spread nor multiply by 100% onto the 92 acres. He could not find the current proposal to be consistent with the Lee Plan.

Mr. Schrotenboer made a motion to recommend transmittal of CPA2024-00016 (Caloosa 80). The motion was seconded by Ms. Sopen. The Chair called the motion, and it passed 3-2. Mr. Stouder and Mr. Gardner were opposed.

B. CPA2026-00003 2026 Cleanup Amendments - Text Amendment

Amend the Lee Plan to update policies 2.1.3, 6.1.2, 11.2.1, 25.8.4, Chapter XIII, and the Glossary of the Lee Plan. These amendments remove out-of-date policies, improve consistency, reflect current conditions and practices, and other general cleanup items.

Ms. Karczewski reviewed the staff report and recommendations.

Mr. Stouder referred to Page 5 of the staff report under Policy 25.8.4 where there is mention of the interconnectivity of Lehigh. He asked what would take place in instances where a neighbor will not grant the applicant an easement that they need.

Mr. Dunn stated that is something that happens occasionally, so staff felt this change allowed for more flexibility if that instance should occur in the future.

Mr. Roberts stated that the standard practice is to try to get a cross access easement on the property that is redeveloping, then at some point in the future, if the property that is adjacent redevelops, they can get a cross access easement when it redevelops, which allows us to establish a completed access. However, there are times this does not work out, so staff wanted to have more flexibility.

Mr. Schrottenboer made a motion to recommend transmittal of CPA2026-00003 (Cleanup Amendments), which includes amending Lee Plan Policies 2.1.3, 6.1.2, 11.2.1, and 25.8.4, Chapter XIII, and the Glossary. The motion was seconded by Ms. Russell. The Chair called the motion, and it passed 5-0.

Agenda Item 5 – Land Development Code Amendments

A. Administrative Amendments to Existing Aggregate Mines

Mr. Dunn gave an overview of the amendments.

Mr. Stouder asked what requests staff would be able to approve on their own without it going through a public hearing.

Mr. Dunn stated that conditions are placed on mines that generally address timing, which is a big issue. This amendment would not allow changes to the Master Concept Plan (areas shown as preservation and conservation or the extensive mine footprint). Staff would be approving general conditions that address hours of operation or the extension of the expiration of the mine.

Mr. Stouder asked legal counsel if they had any concerns with staff being able to administratively approve the expiration of the mines permit.

Mr. Adams stated he did not have any concerns with it. There are typical applications that staff receives and approves. This amendment only relates to the procedural burden of having to go through the public hearing process. This amendment is part of an effort to streamline our regulations.

Mr. Stouder stated that overall mining has been a contentious issue in this county. He believed that extending the expiration date would possibly be met with negative responses from the public.

Mr. Schrotenboer felt a more sensitive issue for the public might be staff being able to administratively approve adjustments to the hours of operation for mines.

Ms. Jennifer asked how staff reviews the administrative criteria for hours of operation.

Mr. Roberts stated there was a dewatering amendment because there was dewatering that was prohibited for a mine. When it comes to older mines, there has been language in there that prohibited blasting because blasting was part of the Land Development Code. However, it is not part of the Land Development Code anymore. This amendment targets issues like that. Hours of operation are wide to where it mainly prohibits activity on Sundays and Federal holidays. The amendment is aimed more towards things that may not have an internal impact versus things that are going to impact the public.

Mr. Rodriguez concurred with Mr. Roberts' statements. He noted there are opportunities to go through that administrative review process to mitigate through conditions offsite impacts referenced by Mr. Roberts. Rather than go through the lengthy procedural process mentioned by Mr. Adams to get to the same end result, there is an opportunity to cut some of that out to allow staff to use the technical expertise they have in-house to work with applicants to get to where they are trying to go in a way that protects the public. At the end of the day, that is the goal.

Mr. Stouder stated he was in favor of the concept, but not sure of the implementation.

The LPA had no further questions, so Mr. Stouder opened this item to the public. Public comment was received from:

Ms. Tina Ekblad from Sage Entitlements referred to questions about hours of operation. This is referring to existing mines. In Chapter 12-121, there is a very specific definition that a mine has to have an industrial planned development approval prior to 2008. What has been seen in those approvals is the hours of operation are actually segmented. For instance, they have hours of operation for trucking and when that queuing can happen. There are hours of operation for the administrative office. There are hours of operation for the actual processing and the rock crushing and then the actual excavation. This means there are different conditions that applicants can agree to in order to address those offsite impacts that have the potential to occur. When applicants request flexibility in those hours, they may choose to only alter the hours for one function. For instance, the office staff might need to be onsite early to get things ready. They are not in favor of creating an ADHOC bucket that everyone has to fit in. Currently, they cannot amend the conditions at all without going through a public hearing and you cannot amend broadbrush conditions for existing mines. There is very specific criteria of dewatering. This amendment expands opportunities for the existing mines to put an application in with their best justification and then for Community Development staff to review it and either determine it fits within the administrative requirements or not. If it does not fit the requirements, the mine will be required to move forth with a public hearing application. The Director always has the ability to say cumulatively that there is too much impact and require a public hearing. With regard to her comments for today, she referred to amendments to the Lee Plan Under Ordinance 19-13 that took place in 2019. These amendments resulted in a substantive change to Goal 10 related to extraction and it also limited extraction to the Southeast Lee County Planning Community and amended Goal 33 and its attendant policies. Since that time, the SE Lee County Planning Community has seen a lot of development (significant residential and mixed use development). As a result, there is not a large contiguous piece of property left for new mining. The

increase in development is increasing the demand for the materials, which in turn increases the flexibility that is needed on the existing mines to meet that demand. She thanked Community Development staff for bringing this forward and she was in support of the amendments.

Ms. Tracy Hayden from Titan America stated she was in support of Agenda Item 5.A. to amend Section 12 of the Land Development Code.

Mr. Matthew Price, CEO of Seagate Development Group, stated he was also in favor of these amendments. Mr. Price referred to a comment made earlier by Mr. Stouder and agreed that the mining operations are not always seen in a favorable light. As a result, getting another mine approved in Lee County is nearly impossible with the public pushback. When he went into the mining business, they tried to look at how they could use the existing mines, so he met with some of the other mine owners to see what some of the issues were. One of the issues is the time it takes to get things done. There are a lot of roads to build in Lee County in a short time frame. Many of the road costs are coming back extraordinarily higher than originally budgeted for. This will only get worse if the aggregate cannot get out of the ground. Mr. Price explained that what he would like to use this for with regards to his specific case, deals with the hours of operation. However, only dealing with their drag line, which does not have an impact on the outside world as it is only internal. It entails bringing the rock out of the ground and then putting it to the side. It does not involve sending trucks out. Normally, they would have to go through the same process as someone who had something that would create significant issues for neighbors. He felt staff has the best interest of the community in place. When there are small opportunities to use an existing mine and put regulations in place that will not take two years to get to a solution, could ultimately help the public.

No other members of the public wished to comment, so the public portion segment was closed.

Ms. Russell made a motion to find Agenda Item 5A (Administrative Amendments to Existing Aggregate Mines) to be consistent with the Lee Plan. The motion was seconded by Mr. Gardner. The Chair called the motion, and it passed 5-0.

B. Shipping Container Use and Stacking

Mr. Rodriguez gave an overview of the amendments.

Mr. Stouder asked for confirmation that “*Industrial General*” can amount to “*Heavy Industrial*.”

Mr. Rodriguez stated that was correct. In terms of when you compare the schedule of uses for “*Light Industrial*” and “*General Industrial*,” “*General Industrial*” allows for more heavy duty kind of manufacturing type uses than “*Light Industrial*.”

Mr. Stouder asked about Open Storage.

Mr. Rodriguez stated Open Storage is permitted in all of these districts.

Ms. Saper referred to Page 1 (a)(3) where it says, “*The use is approved on a temporary basis in accordance with Sections 34-3044 and 34-3050.*” She believed the first section was correct, but she believed the second one is in reference to RV Recreational vehicles. Ms. Saper stated it would cause her some concern if it was related to RV development.

Mr. Rodriguez stated he believed it related to temporary construction trailers, but he would double check that and correct the cross reference if needed.

Ms. Russell referred to instances where there is industrial adjacent to residential. In an instance like that, she asked if there would be further regulation or restrictions for the stacking if there are residential units in close proximity to that entitled zone area.

Mr. Rodriguez explained that part of these amendments include an amendment to Section 34-2443 on Page 2, which entails specific setbacks for specific uses. Generally speaking, more intense type manufacturing uses have a 660-foot setback from a residential use. In terms of the open storage type use and the stacker of containers, staff is proposing a 100-foot setback from a residential property and also bearing in mind that buffering and screening requirements will still govern in these scenarios.

Mr. Stouder stated he felt these amendments were highly consistent and very functional.

The LPA had no further comments, so Mr. Stouder opened this item to the public. No members of the public wished to comment, so the public portion segment was closed.

Mr. Schrotenboer made a motion to find Agenda Item 5.B. (Shipping Container Use and Stacking) to be consistent with the Lee Plan. The motion was seconded by Ms. Russell. The Chair called the motion, and it passed 5-0.

C. Architctural Standards

Mr. Roberts gave an overview of the amendments.

Ms. Saper referred to (e) (1) on Page 10 regarding Blank Wall Areas. Since the purpose of this section is to avoid large blank wall areas and it lists different ways to accomplish that, she did not agree with getting rid of the verbiage “*avoid large blank wall areas...*” She felt it was harmful to get rid of the intent of that section. She suggested adding some language to the end of Item f. on Page 11 that says, “*Any alternative treatment or combination of the above elements that the Development Services Director finds meets the intent of this section that reduces blank wall areas.*” To her, it brings back the intent, which is the purpose of the entire section.

Mr. Roberts stated there was an effort by staff to remove a lot of the intent language and only put in the requirements. The reason for this is that there was a lot of language that was included that were not requirements and it led to confusion on the consultant side as well as the staff side. However, staff will look into this further and take Ms. Saper’s comment into consideration.

Ms. Saper understood staff’s efforts as described by Mr. Roberts, but felt in this instance, it would be helpful from a consultant’s standpoint to understand what staff is trying to accomplish, especially since there are no pictures.

Mr. Schrotenboer asked how that type of verbiage was put in the regulations originally if it was not necessary.

Mr. Roberts stated that at that time there might have been a drive to give a lot of reasons why all the design treatments were necessary because it is not a cheap process on a building. He noted that many of these features add a lot of cost, which has impacted redevelopment and smaller developments especially

in Lehigh Acres. The original language may have been a way to sell it, but staff feels a lesser requirement should be in place for smaller commercial development to give them a chance.

Mr. Schrotenboer asked for confirmation that these amendments would not prohibit someone from adding all of these features.

Mr. Roberts stated that was correct. It will come down to how much money they want to spend.

The LPA had no further questions/comments, so Mr. Stouder opened this item to the public. No members of the public wished to comment, so the public portion segment was closed.

Ms. Sapien made a motion to find Agenda Item 5.C. (Architectural Standards) consistent with the Lee Plan. The motion was seconded by Mr. Gardner. The Chair called the motion, and it passed 5-0.

D. General Update and Correction

Mr. Roberts gave an overview of the amendments.

Mr. Stouder asked if the language specifies a specific fixture model related to foot candles.

Mr. Roberts stated there are no specific fixture models. The language just lists a foot candle limit. It is measured in foot candles at the property line and it depends on the modeling and the fixture that the developer is proposing. They generate a model out of the files in a photometric plan that is submitted at the development order phase.

Mr. Stouder asked if Bonita Springs specifies a model if someone is developing open storage in their area.

Mr. Roberts stated there is a model. It is a photometric plan.

Mr. Stouder asked how someone obtains that model, especially if it is superseded by a different product. It could impact someone who is about to get their final certificate of completion, but their plan is off by a model number. He was glad that the model information is not listed in the verbiage. He asked for confirmation that the entry ways and sidewalks will be allowed to have driver illumination for safety.

Mr. Roberts stated that would be allowed for safety. He noted this was an issue of concern when staff was making changes to the lighting code to bring it into Chapter 10. The development community was interested in a brighter and safer sidewalk adjacent to their side and the entrance.

The LPA had no further questions/comments, so Mr. Stouder opened this item to public comment. No members of the public wished to comment, so the public portion segment was closed.

Mr. Gardner made a motion to find Agenda Item 5.D. (General Update and Correction) to be consistent with the Lee Plan. The motion was seconded by Mr. Schrotenboer. The Chair called the motion, and it passed 5-0.

Agenda Item 6 – Other Business

Mr. Stouder asked if staff had impending cases for May.

Mr. Dunn felt staff would not have any cases ready for the May meeting but noted there were several amendments moving through the process that will likely be on the June agenda.

Agenda Item 7 – Adjournment

The meeting adjourned at 11:00 a.m.

CPA2025-00007

Pondella Holdings
Map Amendment

STAFF REPORT FOR CPA2025-00007: PONDELLA HOLDINGS



Privately Initiated Lee Plan Map Amendment

Recommendation:

Transmit

Applicant:

Pondella Holdings, LLC

Representative:

TDM Consulting Inc.

Amended Map(s):

- Map 4-B: Future Sewer Service Areas

Planning District:

District 19

Commissioner District:

District 4

Hearing Dates:

LPA: 07/27/2026

BoCC #1: TBD

BoCC #2: TBD

Attachment(s):

- 1: Map Amendment
- 2: Applicant Materials

REQUEST

- Amend **Map 4-B, Lee County Utilities Future Sewer Service Areas**, to include the 6.42-acre subject property.
- In addition to the applicant's request, staff recommends inclusion of all properties south of Pondella Road, north of Stillwater Court, west of Palm Avenue and east of Hancock Creek be included in Map 4-B (see Attachment 1).

SUMMARY

The requested amendment would add the subject property to the Lee County Utilities Future Sewer Service Areas as shown on Map 4-B. The property is already included in the Lee County Utilities Future Water Service Areas Map (Map 4-A). No other map or text amendments are proposed.

PROPERTY LOCATION

The subject property is located along the south side of Pondella Road, approximately 800 feet west of the intersection of North Cleveland Avenue and Pondella Road.



Figure 1: Aerial location of the subject property

RECOMMENDATION

Staff recommends that the Board of County Commissioners (BoCC) **transmit** staff's recommendation based on the analysis and findings provided in this staff report.

PART 1
STAFF DISCUSSION AND ANALYSIS

BACKGROUND AND REQUEST

The proposed amendment is a privately initiated Comprehensive Plan Amendment to identify the approximate 6.42-acre subject property within Lee County Utilities (LCU) Future Sewer Service Areas as shown on Map 4-B.

The current zoning of the property consists of four (4) zoning districts, C-1 Commercial, CT Commercial Tourist, C-1A Commercial, and RS-1 Residential Single Family. Most of the subject property lies within the Mixed-Use Overlay, with the exception of a portion of the property on the eastern side. Additionally, the application materials identify a small on-site wetland, approximately 0.28 acres, in the northwestern portion of the property. The applicant has filed a companion zoning application to rezone the property to CT Tourist Commercial for one consistent zoning district.

Future Land Use Category

The subject property is within the Central Urban future land use category, which allows residential, commercial, public and quasipublic, and limited light industrial land uses. **Policy 1.1.3** describes the Central Urban future land use category and is reproduced below.

POLICY 1.1.3: *The Central Urban future land use category can best be characterized as the “urban core” of the County. These areas are already the most heavily settled and have, or will have, the greatest range and highest levels of public services. Residential, commercial, public and quasipublic, and limited light industrial land uses will continue to predominate in the Central Urban future land use category. Future development in this category is encouraged to be mixed use, as described in Objective 11.1, where appropriate. The standard density range is from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre), with a maximum total density of fifteen dwelling units per acre (15 du/acre). The maximum total density may be increased to twenty dwelling units per acre (20 du/acre) utilizing Greater Pine Island Transfer of Development Units.*

Properties within the Central Urban future land use category are the most heavily settled and have, or will have, the greatest range and highest levels of public services. The Lee Plan permits a standard density range of four (4) to ten (10) dwellings units per acre, or up to fifteen (15) dwelling units per acre using the County’s bonus density program.

Community Plan Area

The subject property is located within the North Fort Myers Community Plan Area, which is generally located north of the Caloosahatchee River, west of Interstate 75 (I-75), and east of the City of Cape Coral. Lee Plan Goal 30, reproduced below, describes the North Fort Myers Community Plan Area.

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

Goal 30 is divided into six objectives, each with supporting policies, that address neighborhoods and housing, centers and corridors, transportation, community facilities and services, parks, recreation, & conservation, and the downtown waterfront. This property is located within a Commercial Corridor Overlay District, meaning future development of the site will adhere to specific design standards and use regulations located within Chapter 33 of the Land Development Code.

Surrounding Properties

The subject property is located along the south side of Pondella Road, approximately 800 feet west of the intersection of North Cleveland Avenue and Pondella Road.

TABLE 1: SURROUNDING PROPERTIES INFORMATION

	Future Land Use	Zoning	Existing Use
North	Intensive Development	C-1, C-1A, CG, CT, AG-2	Commercial/Agricultural
East	Intensive Development	CN-1, RS-1	Commercial/Residential
South	Central Urban	RS-1, RM-2	Commercial/Residential/Vacant
West	Central Urban	RS-1	Residential

Table 1, above, describes uses and zoning categories in proximity to the subject property. The properties to the north, on the other side of Pondella Road, are zoned general commercial (CG), commercial (C-1A), and agricultural (AG-2). These properties support a wholesaler for water technology equipment, a tire shop, a used car dealer, and single-family residences. The properties along the east side of the subject property are zoned neighborhood commercial (CN-1) and residential single family (RS-1) and include single-family residences. South of the subject property is zoned residential single-family (RS-1) and residential multiple family (RM-2) containing single and multiple family housing. The properties to the west of the subject property are zoned RS-1 and contain single-family residential uses.

PROCEDURAL REQUIREMENTS

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

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

Lee County Administrative Code 13-6 establishes procedures for amendments to the Lee Plan, including notice requirements and provisions for public participation during the amendment process. The amendment request is a privately initiated map amendment to the Lee Plan. Since the following

amendments affect only Map 4-B, LCU Future Sewer Service Areas, there is not a requirement to provide Courtesy Notice pursuant to Lee County Administrative Code 13-6. The subject application required a Public Information Meeting pursuant to Lee Plan Objective 17.3 because the proposed amendment is located within the North Fort Myers Community Plan Area.

The subject amendment to the Lee Plan will follow the **Expedited State Review process under F.S. 163.3184(3)**, which will require a total of three public hearings. One public hearing before the Local Planning Agency for recommendation to the BOCC, then the BOCC will hold two additional public hearings, one for transmittal to the state and one for adoption. Application types that follow the Expedited State Review process also require review by the State Reviewing Agencies.

LEE PLAN ANALYSIS

The comprehensive plan applies to all land use decisions within the county. Where goals, objectives, standards, or policies of particular elements conflict, those conflicts will be resolved based on an analysis of the Lee Plan altogether. The Lee Plan analysis included in this staff report considers the proposed amendments in relation to the applicable Lee Plan goals, objectives, and policies to determine overall consistency with the Lee Plan.

The subject property is designated as Central Urban future land use category on the Future Land Use Map, Map 1-A. **Policy 1.1.3** describes the Central Urban future land use category as a future urban area that provides for “*the greatest range and highest levels of public services.*” Additionally, the subject property is on an arterial road, within an area of the county that is currently served by LCU. It should be anticipated that lands within the Central Urban future land use category or other future urban areas be served by a public sewer provider. **Adding the subject property to the LCU Future Sewer Service Areas as identified on Map 4-B is consistent with and furthers Policy 1.1.3 of the Lee Plan.**

Objective 2.2 from the Lee Plan provides that future growth in Lee County should be concentrated in areas where public infrastructure is already in place or guaranteed, and where development can occur in a consistent and cohesive manner. The objective is reproduced below.

OBJECTIVE 2.2: DEVELOPMENT TIMING. *Direct new growth to those portions of the future urban areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in §163.3164, Fla. Stat.) will be granted only when consistent with the provisions of §163.3202(2)(g) and § 163.3180, Fla. Stat. and the concurrency requirements in the LDC.*

Development of the site will result in a cohesive and contiguous development pattern. There are currently public facilities and services available at the site, allowing the subject property to be developed in a timely manner. **The proposed amendment would facilitate infill development in an area with adequate public facilities and compact development patterns, consistent with Lee Plan Objective 2.2.**

Lee Plan **Standard 4.1.1: Water**, in paragraph 6, provides if a development lies outside any service area the developer may request that the service area of Lee County Utilities (LCU) or an adjacent water utility be extended to incorporate the property. The requested amendment represents the request to LCU to extend the LCU Future Sewer Service Areas to the subject property. LCU has provided a Letter of Availability confirming that potable water lines are in operation adjacent to the subject property and that

LCU currently has sufficient capacity to provide potable water service. **Adding the subject property to LCU's Future Sewer Service Areas is consistent with Standard 4.1.1 and will allow for future development consistent with the Central Urban future land use category.**

The subject property is located within the Mixed Use Overlay (MUO), as depicted on Lee Plan Map 1-C. **Goal 11** of the Lee Plan establishes certain characteristics that properties within the overlay should possess including “multiple land uses, public amenities and utilities at various scales and intensities in order to provide: diversified land development; a variety of housing types; greater connectivity between housing, workplaces, retail businesses, and other destinations; reduced trip lengths; more transportation options; and pedestrian and bicycle-friendly environments.” **Adding the subject property to Lee Plan Map 4-B makes it more consistent with its MUO designation.**

The subject application required a Public Information Meeting pursuant to Lee Plan **Objective 17.3** because the proposed amendment is located within the North Fort Myers Community Plan Area.

The applicant held a publicly advertised meeting within the boundaries of the North Fort Myers Community Planning Area on March 3, 2026, consistent with Objective 17.3. The meeting was held at the North Fort Myers Recreation Center and was advertised in the Fort Myers News Press along with two (2) meeting signs that were published on the frontage of the property. Five (5) members of the public attended the meeting with questions and comments on the proposed amendment. Questions included traffic on Pondella Road, access points to future development, flooding, density, zoning, and permitted uses within the proposed zoning category.

As previously stated, the subject property is within the North Fort Myers Commercial Corridor. **Lee Plan Objective 30.4** provides community facilities and services should be provided within the North Fort Myers Commercial Corridors. Additionally, **Policy 30.4.2** promotes the use of a centralized source of sewer service to the North Fort Myers Community Plan area. The property currently has a wide range of urban services available such as access to an arterial roadway, public potable water (LCU), and transit. The subject property currently does not have access to a centralized sanitary sewer system. **The proposed amendment to add the subject property to Map 4-B creates further consistency with the North Fort Myers Community Plan goal, and specifically Objective 30.4 and Policy 30.4.2.**

The proposed amendment furthers Lee Plan **Goal 56 and Objective 56.1**, which seeks to “*ensure the provision of acceptable levels of sanitary sewer service throughout the future urban areas of the unincorporated Lee County.*” Lee County Utilities has indicated there is adequate capacity to serve the subject property. **Adding the subject property to the LCU Future Sewer Service Areas is consistent with Goal 56 and Objective 56.1 of the Lee Plan.**

Policy 56.2.3 provides that Lee County “*will assess the feasibility of providing central sewer service to areas of more than 50 residential lots, built or unbuilt, with more than one onsite septic system located at more than 1 per acre within the unincorporated areas consistent with F.S. 163.31773(a)(6)(c)(3).*” This Policy was adopted by Ordinance 25-10. Ordinance 25-10 also adopted **Lee Plan Table 6, 10-Year Sanitary Sewer Service Feasibility**, which identified properties in unincorporated Lee County consistent with the requirements of F.S. 163.31773(a)(6)(c)(3). The subject property and the surrounding 44 acres are identified on Table 6. Additionally, the subject property and the surrounding 44 acres are within the Caloosahatchee River and Estuary Basin Action Management Plan (BMAP) boundary. A BMAP is a legally

binding structured framework designed to restore impaired waterbodies by reducing pollutant loadings. The availability of public wastewater services would help the County to achieve pollutant reductions and improve the water quality of the basin. **Therefore, the proposed amendment to add the property to the LCU Future Sewer Service Areas is consistent with and furthers Policy 56.2.3 and the Caloosahatchee River and Estuary BMAP.**

The subject property is within the Coastal High Hazard Area (CHHA). **Policy 101.1.4** sets forth requirements for comprehensive plan amendments that increase density within the CHHA. The amendments do not increase density. The Central Urban future land use category will continue to support a maximum standard density of ten (10) dwelling units per acre or fifteen (15) dwelling units per acre based on the proposed amendment. **The proposed amendments to not increase allowable densities on the subject property, therefore Policy 101.1.4 is not applicable to the current request.**

SERVICE AVAILABILITY

The proposed amendment to the LCU Future Sewer Service Areas identified in Lee Plan Map 4-B would have minimal impact on the availability of other public services. Site-specific impacts on public services and service availability will be examined in any future development applications for construction on the impacted property.

Transportation: The proposed amendment to include the subject property within Lee Plan Map 4-B does not impact **traffic circulation on Pondella road or the nearby road network.**

LeeTran: The proposed amendment does not impact **public transit service.**

Utilities: The subject property is within the Lee County Utilities' water infrastructure, as depicted on Map 4-A. The proposed amendment is to add the subject property to the Lee County Utilities' Future Sewer Service Areas Map, Map 4-B. LCU has issued letters of no objection to both potable water and sanitary sewer services. **Additionally, LCU had no objections or capacity concerns to including additional surrounding properties, as recommended by Staff.**

Fire/EMS: The proposed amendment does not affect **fire and EMS services to the subject property.**

Sheriff: The proposed amendment does not impact **Lee County police services.**

Solid Waste: The proposed amendment does not increase the capacity needs of **Lee County's solid waste program.**

Lee County School District: The proposed amendment does not negatively impact school concurrency for the **School District of Lee County.**

STAFF RECOMMENDATION

Surrounding the subject property to the immediate east, south and west, there are an additional 44 acres that are not currently included in the Lee County Utilities' Future Sewer Service Areas or within a Franchised Sewer Provider's service area, resulting in a small area of land that would remain outside of an established sewer service area (see "staff addition" on Attachment 1). The surrounding 44 acres

consists of eighty-six (86) residential properties and three (3) commercial properties. These properties are within the same future land use category (Central Urban), same Planning District (19, North Fort Myers) and same Community Planning Area (North Fort Myers) as the subject property. The zoning districts of the additional properties consists of a mix of commercial and residential districts (CN-1, CPD, RS-1, RM-2, TFC-2, and TF-1), similar to the subject property. Expanding the LCU Future Sewer Service Areas to the immediately adjacent 44 acres will facilitate future connectivity to public sewer services. Based on this and the analysis provided in this report, staff recommends expanding the amendment area to include the surrounding properties within the LCU Future Sewer Service Areas. Staff met with LCU regarding the expanded recommendation and they did not have any concerns about serving the additional area based on existing uses. **The property owners within the area proposed to be added by staff will not be required to connect based on existing infrastructure, but this will remove a regulatory barrier allowing them to connect in future.**

CONCLUSIONS

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

- The subject property is located along an arterial roadway, is within a future urban area of the county (Central Urban) and is within the Mixed Use Overlay and public sewer service should be anticipated.
- LCU has adequate sewer capacity to serve the subject property and surrounding 44 acres.
- The subject property and surrounding area are within a BMAP, therefore, the request would support nutrient reduction efforts.
- The applicant has provided all the required documentation for the proposed amendments according to AC 13-6.

For the reasons discussed in this staff report, staff recommends that the Board of County Commissioners **transmit** the proposed amendment as identified on Attachment 1, including the surrounding 44 acres.

ATTACHMENT 1

- **Map 4-B Future Sewer Service Areas**



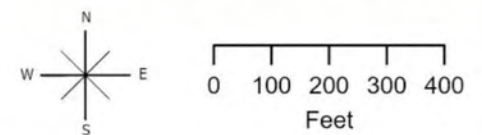
CPA2025-00007



Map Generated: July 2026

- Applicant Proposal
- Staff Addition
- Existing Future Sewer Service Areas

Future Sewer Service Areas



CPA2026-00004

Southeast Lee County Update

CPA2025-00007
Pondella Holdings

PREPARED BY:



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

RECEIVED
JUL 13 2026

COMMUNITY DEVELOPMENT

CPA2025-00007
PONDELLA HOLDINGS

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EXHIBIT M-1

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT - MAP

Project Name: Pondella Holdings

Project Description: Add subject property to the Lee County Utilities Future Sewer Service Area Map - Lee Plan Map 4-B

Map(s) to Be Amended: 4-B

State Review Process: ☒ Small-Scale Review ☐ State Coordinated Review ☐ Expedited State Review

1. **Name of Applicant:** Pondella Holdings, LLC

Address: 204 Lafayette St, #2

City, State, Zip: Schenectady, NY 12305

Phone Number: 518-527-2794

E-mail: trossi@redburndev.com

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

Address: 1520 Royal Palm Square Blvd, Suite 100

City, State, Zip: Fort Myers, FL 33919

Phone Number: 239-433-4231

E-mail: vmartin@tdmconsulting.com

3. **Owner(s) of Record:** Pondella Holdings, LLC

Address: Same as Applicant

City, State, Zip: _____

Phone Number: _____

E-mail: _____

4. **Property Location:**

1. Site Address: 333 Pondella Rd, North Fort Myers 33903

2. STRAP(s): 10-44-24-L2-00018.0010

5. **Property Information:**

Total Acreage of Property: 6.42

Total Acreage Included in Request: 6.42

Total Uplands: 6.14

Total Wetlands: 0.28

Current Zoning: C-1, C-1A, CT and RS-1

Current Future Land Use Category(ies): Central Urban

Area in Each Future Land Use Category: 6.42 ac in Central Urban FLU category (100%)

Existing Land Use: vacant

6. **Calculation of maximum allowable development under current Lee Plan:** Lee Plan Standard 4.1.2 Sewer

Residential Units/Density: 2.5 du/ac

Commercial Intensity: 30,000 sf

Industrial Intensity: 0

5,000 gpd

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

Residential Units/Density: 10 du/ac

Commercial Intensity: 64,000 sf +/-

Industrial Intensity: 0

Public Facilities Impacts

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

- 1. Traffic Circulation Analysis:** The analysis is intended to determine the effect of the land use change on the Financially Feasible Highway Plan Map 3A (20-year plus horizon) and on the Capital Improvements Element (5-year horizon). Toward that end, an applicant must submit a Traffic Impact Statement (TIS) consistent with Lee County Administrative Code (AC)13-17.
 - a. Proposals affecting less than 10 acres, where development parameters are contained within the Traffic Analysis Zone (TAZ) or zones planned population and employment, or where there is no change in allowable density/intensity, may be eligible for a TIS requirement waiver as outlined in the Lee County TIS Guidelines and AC-13-17. Identification of allowable density/intensity in order to determine socio-economic data for affected TAZ(s) must be coordinated with Lee County Planning staff. Otherwise a calculation of trip generation is required consistent with AC-13-17 and the Lee County TIS Guidelines to determine required components of analysis for:
 - i. Total peak hour trip generation less than 50 total trip ends – trip generation.
 - ii. Total peak hour trip generation from 50 to 300 total trip ends – trip generation, trip distribution and trip assignment (manual or Florida Standard Urban Transportation Modeling Structure (FSUTMS) analysis consistent with AC-13-17 and TIS Guidelines), short-term (5 year) and long-range (to current Lee Plan horizon year) segment LOS analysis of the nearest or abutting arterial and major collector segment(s) identified in the Transportation Inventory based on the trip generation and roadway segment LOS analysis criteria in AC-13-17. A methodology meeting is recommended prior to submittal of the application to discuss use of FSUTMS, any changes to analysis requirements, or a combined CPA and Zoning TIS short term analysis.
 - iii. Total peak hour trip generation is over 300 total trip ends - trip generation, mode split, trip distribution and trip assignment (manual or FSUTMS analysis consistent with AC-13-17 and TIS Guidelines), short-term (five-year) and long-range (to current Lee Plan horizon year) segment LOS analysis of arterial and collector segments listed in the Transportation Inventory. LOS analysis will include any portion of roadway segments within an area three miles offset from the boundary of the application legal description metes and bounds survey. LOS analysis will also include any additional segments in the study area based on the roadway segment LOS analysis criteria in AC-13-17. A methodology meeting is required prior to submittal of the application.
 - b. Map amendment - greater than 10 acres -Allowable density/intensity will be determined by Lee County Planning staff.
- 2. Provide an existing and future conditions analysis for the following (see Policy 95.1.3):**
 - a. Sanitary Sewer
 - b. Potable Water
 - c. Surface Water/Drainage Basins
 - d. Parks, Recreation, and Open Space
 - e. Public Schools

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

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

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

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

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

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

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

Environmental Impacts

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

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

Impacts on Historic Resources

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

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

Internal Consistency with the Lee Plan

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

State Policy Plan and Regional Policy Plan

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

Justify the proposed amendment based upon sound planning principles

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

Planning Communities/Community Plan Area Requirements

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

Sketch and Legal Description

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

SUBMITTAL REQUIREMENTS

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

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

MINIMUM SUBMITTAL ITEMS (3 Copies)

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

APPLICANT – PLEASE NOTE:

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

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

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

EXHIBIT M-2

**DISCLOSURE OF INTEREST
AFFIDAVIT**

BEFORE ME this day appeared Israel Gross, who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at 333 Pondella Road, North Fort Myers, FL 33903 and is the subject of an Application for zoning action (hereinafter the "Property").

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

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

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

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

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

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

	Name and Address	Percentage of Ownership
NONE		

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



Property Owner
ISRAEL GROSS

Print Name

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

STATE OF New York
COUNTY OF Rockland

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, on June 15 2025 (date) by ISRAEL GROSS (name of person providing oath or affirmation), who is personally known to me ~~or who has produced~~ (type of identification) as ~~identification~~.

STAMP/SEAL



Signature of Notary Public

JOSEPH NIEDERMAN
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01NI6144825
Qualified in Orange County
Commission Expires April 24, 2026

AFFIDAVIT OF AUTHORIZATION

APPLICATION IS SIGNED BY INDIVIDUAL OWNER, APPLICANT, CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, Israel Gross (name), as Managing Member (owner/title) of Pondella Holdings, LLC (company/property), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

***Notes:**

- If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.
- If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."
- If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
- If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.
- If the applicant is a trustee, then they must include their title of "trustee."
- In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.

[Signature]
Signature

6/15/25
Date

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

STATE OF New York
COUNTY OF Rockland

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 15 day of June, 2025, by ISRAEL GROSS (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL

[Signature]
Signature of Notary Public

JOSEPH NIEDERMAN
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01NI6144825
Qualified in Orange County
Commission Expires April 24, 2026

Exhibit M-3



Date of Report: June 15, 2025

Buffer Distance: 500 feet

Parcels Affected: 125

Subject Parcel: 10-44-24-L2-00018.0010

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

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

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
HARTERFTFL LLC 6404 VIA COLINITA RANCHO PALOS VERDES CA 90275	02-44-24-00-00065.0010 14041 N CLEVELAND AVE NORTH FORT MYERS FL 33903	PARL IN S W 1/4 OF S W 1/4 OF SW 1/4 DESC OR2432/3975 LESS R/W OR 2286/3092	1
ZHANG MING-GUANG + 12306 EUGENES PROSPECT DR BOWIE MD 20720	03-44-24-00-00030.0000 14071 N CLEVELAND AVE NORTH FORT MYERS FL 33903	E 165 FT S OF US 41 LESS S 214.32 FT + LES OR 2432 PG 3975	2

FIRST FLORIDA - FM INVESTMENTS MARVIN F POER + COMPANY PO BOX 52427 ATLANTA GA 30355	03-44-24-00-00030.0010 276 PONDELLA RD NORTH FORT MYERS FL 33903	S 214.32 FT OF E1/2 OF E1/2 OF E1/2 OF S1/2 OF SE1/4 OF SE1/4 LESS R/W OR 2325/762	3
UPWARD HEAVENLY BOUND LLC 2886 TRIGGERFISH ST MATLACHA FL 33993	03-44-24-00-00031.0000 300 PONDELLA RD NORTH FORT MYERS FL 33903	PAR LOC IN W 1/2 OF E 1/2 OF E 1/2 OF S 1/2 OF SE 1/4 OF SE 1/4 DESC IN OR 4313/159	4
HOOVER PALMS10 LLC 3000 BAYPORT DR #840 TAMPA FL 33607	03-44-24-00-00031.0010 14101 N CLEVELAND AVE NORTH FORT MYERS FL 33903	PAR LOC IN W 1/2 OF E 1/2 OF E 1/2 OF S 1/2 OF SE 1/4 OF SE 1/4 DESC IN OR 4313/161	5
CCADP LLC 197 PORTLAND ST 6TH FLR BOSTON MA 02114	03-44-24-00-00032.0000 318 PONDELLA RD NORTH FORT MYERS FL 33903	S 1145 FT OF E 1/2 OF W 1/2 OF E 1/2 OF SE 1/4 OF SE 1/4 LESS OR 2308/1108	6
DREW MICHAEL 328 PONDELLA RD NORTH FORT MYERS FL 33903	03-44-24-00-00033.0000 328 PONDELLA RD NORTH FORT MYERS FL 33903	W 1/2 OF W 1/2 OF E 1/2 OF S 1/2 OF SE 1/4 OF SE 1/4 LESS RD R/W + LESS N 285.72 FT AKA JUDD PINEY GROVE FARMS ADDN LOT 4	7
DREW MICHAEL 341 APEX ST NORTH FORT MYERS FL 33903	03-44-24-00-00033.0010 341 APEX ST NORTH FORT MYERS FL 33903	N 285.72 FT OF W 1/2 OF W 1/2 OF E 1/2 OF S 1/2 OF SE 1/4 OF SE 1/4	8
MYERS RONALD & CHRISTIE 343 APEX ST NORTH FORT MYERS FL 33903	03-44-24-00-00034.0000 336 PONDELLA RD NORTH FORT MYERS FL 33903	N 630 FT OF S 660 FT OF W 75 FT OF E 750 FT OF SE 1/4	9
MYERS RONALD W & CHRISTIE 343 APEX ST NORTH FORT MYERS FL 33903	03-44-24-00-00035.0000 343 APEX ST NORTH FORT MYERS FL 33903	N 302 FT OF W 90 FT OF E 1/2 OF E 1/2 OF W 1/2 OF S 1/2 OF SE 1/4 OF SE 1/4	10
POHL GREGORY & JOANNE L 5 SW 33RD PL CAPE CORAL FL 33991	03-44-24-00-00036.0000 344 PONDELLA RD NORTH FORT MYERS FL 33903	N 120 FT OF S 150 FT OF W 90 FT OF E 840 FT OF S E 1/4	11
HAYES TROY WAYNE 365 APEX ST NORTH FORT MYERS FL 33903	03-44-24-00-00037.0000 365 APEX ST NORTH FORT MYERS FL 33903	W 1/2 OF E 1/2 OF W 1/2 OF S 1/2 OF SE 1/4 OF SE 1/4 + S 208 OF N 510 FT OF W 90 FT OF E 1/2 OF E 1/2 OF W 1/2 OF S 1/2 OF SE 1/4 OF SE 1/4 LESS POR DESC IN INSTR	12

		#2006-381740 + LESS 2017--162627	
SANCHEZ YUNIOR 1210 SE 42ND ST FORT MYERS FL 33903	03-44-24-00-00037.0010 354 PONDELLA RD NORTH FORT MYERS FL 33903	SE 1/2 OF S/E 1/4 OF SE 1/4 AS DESC IN INST #2006-381740	13
ADAR B INVESTMENTS LLC 1127 ROYAL PALM BEACH BLVD #173 ROYAL PALM BEACH FL 33411	03-44-24-00-00041.0000 1260 BETMAR BLVD NORTH FORT MYERS FL 33903	S 119 FT OF N 264 FT OF W 1/2 OF W 1/2 OF W 1/2 OF S 1/2 OF SE 1/4 OF SE 1/4	14
VERDOW MARY LEIGH + 1254 BETMAR BLVD NORTH FORT MYERS FL 33903	03-44-24-00-00041.0020 1254 BETMAR BLVD NORTH FORT MYERS FL 33903	S 100 FT OF N 364 FT OF W 1/2 OF W 1/2 OF W 1/2 OF S 1/2 OF SE 1/4 OF SE 1/4	15
41 BY-PASS PROPERTIES OF VENIC 606 LAGUNA DR VENICE FL 34285	03-44-24-00-00042.0000 382 PONDELLA RD NORTH FORT MYERS FL 33903	IN THE SW 1/4 OF THE SE 1/4 OF 034424 AS DESC IN INST #2015000032280 LESS ROAD	16
390 PONDELLA LLC 390 PONDELLA RD #1 NORTH FORT MYERS FL 33903	03-44-24-03-00000.0010 390 PONDELLA RD NORTH FORT MYERS FL 33903	CHARLAU CHANNELS PB 8 PG 79 LOTS 1 + 2 LESS R/W	17
SALAS ROBER RAMIREZ 1249 DRIFTWOOD DR NORTH FORT MYERS FL 33903	03-44-24-03-00000.0030 1249 DRIFTWOOD DR NORTH FORT MYERS FL 33903	CHARLAU CHANNELS PB 8 PG 79 LOT 3	18
DEAVER JERRY C & KAREN S 1251 DRIFTWOOD DR NORTH FORT MYERS FL 33903	03-44-24-03-00000.0040 1251 DRIFTWOOD DR NORTH FORT MYERS FL 33903	CHARLAU CHANNELS PB 8 PG 79 LOT 4	19
EVANS BRIAN + 1250 DRIFTWOOD DR NORTH FORT MYERS FL 33903	03-44-24-03-00000.0450 1250 DRIFTWOOD DR NORTH FORT MYERS FL 33903	CHARLAU CHANNELS PB 8 PG 79 LOT 45	20
KELLY KIMBERLY JOAN & 41 BLAIR ST NORTH FORT MYERS FL 33903	10-44-24-00-00020.0000 41 BLAIR ST NORTH FORT MYERS FL 33903	W 155 FT OF E 653 FT OF S 135 FT OF N 500 FT OF NE 1/4	21
RODRIGUEZ CHARLIE NEGRON + 311 PONDELLA RD NORTH FORT MYERS FL 33903	10-44-24-00-00021.0010 311 PONDELLA RD NORTH FORT MYERS FL 33903	FM NE COR SEC S 30 FT W 337 FT TO POB THEN S 150 FT W 80 FT N 150 FT E 80 FT TO POB AKA LOT 30 LESS OR 2325/775	22
NEGRON CHARLIE + 311 PONDELLA RD N FORT MYERS FL 33903	10-44-24-00-00021.0020 30 BLAIR ST NORTH FORT MYERS FL	W 80 FT OF E 417 FT OF S 155 FT OF N 335 FT OF NE 1/4 AKA LT 25	23

	33903	BORDONARO PROPERTY UNREC	
WALTERS JAMES & KATHLEEN L/E 23326 W ST RT 579 CURTICE OH 43412	10-44-24-00-00021.0030 36 HOLLY DR NORTH FORT MYERS FL 33903	W 80 FT OF E 417 FT OF S 136 FT OF N 665 FT OF NE 1/4 AKA LT 17	24
ENDERSBEE MICHAEL N TR 18026 LEETANA RD NORTH FORT MYERS FL 33917	10-44-24-00-00021.0050 35 BLAIR ST NORTH FORT MYERS FL 33903	W 80 FT OF E 497 FT OF S 135 FT OF N 500 FT OF NE 1/4	25
CASSIANI DANIEL R 28 BARRON WAY NORTH FORT MYERS FL 33903	10-44-24-00-00022.0000 27 BLAIR ST NORTH FORT MYERS FL 33903	W 80 FT OF E 417 FT OF S 135 FT OF N 500 FT OF NE 1/4 AKA LOT 24 LYNDAL FIELDS UNREC	26
HOS PROPERTIES LLC 202 HOWARD ST STE 4 AUBURNDALE FL 33823	10-44-24-00-00023.0000 305 PONDELLA RD NORTH FORT MYERS FL 33903	W 75 FT OF E 337 FT OF S 150 FT OF N 180 FT OF NE 1/4 LES R/W OR2308/1108	27
D & I AUTO SALES INC 289 PONDELLA RD FORT MYERS FL 33903	10-44-24-00-00025.0000 289 PONDELLA RD NORTH FORT MYERS FL 33903	E 262 FT OF S 160 FT OF N 190 FT OF NE 1/4 LES R/W OR2480/1600-1601	28
AMSALEM YARON 6350 ROYALWOODS DR FORT MYERS FL 33908	10-44-24-00-00026.0000 1191 PALM AVE NORTH FORT MYERS FL 33903	W 93 FT OF E 113 FT OF S 145 FT OF N 335 FT OF NE 1/4	29
AMSALEM YARON 6350 ROYAL WOODS DR FORT MYERS FL 33908	10-44-24-00-00027.0000 10 BLAIR ST NORTH FORT MYERS FL 33903	W 75 FT OF E 185 FT OF S 145 FT OF N 335 FT OF NE 1/4	30
HARRIS R E & MARY T 2 BORDEN RD SCITUATE MA 02066	10-44-24-00-00028.0000 14 BLAIR ST NORTH FORT MYERS FL 33903	W 75 FT OF E 265 FT OF S 155 FT OF N 335 FT OF NE 1/4	31
SHAW JO E 20 BLAIR ST NORTH FORT MYERS FL 33903	10-44-24-00-00029.0000 20 BLAIR ST NORTH FORT MYERS FL 33903	LT 5 BORDONADO PROP UNREC BEG NE COR S335 W265TOPOB TH W75 N155 E75 S155TO POB	32
SANCHEZ ALEXIS OMAR 1180 TRAVIS AVE FORT MYERS FL 33903	10-44-24-00-00031.0000 5/7 BLAIR ST NORTH FORT MYERS FL 33903	W 150.7 FT OF E 170.7 FT OF S 67.5 FT OF N 365 FT OF NE 1/4	33

CORE MANAGEMENT SOLUTIONS LLC 1560 MATTHEW DR UNIT C FORT MYERS FL 33907	10-44-24-00-00032.0000 13 BLAIR ST NORTH FORT MYERS FL 33903	W 85 FT OF E 255 FT OF S 135 FT OF N 500 FT OF NE 1/4	34
CAPEZZA VINCENZO D & 21 BLAIR ST NORTH FORT MYERS FL 33903	10-44-24-00-00032.0010 21 BLAIR ST NORTH FORT MYERS FL 33903	FM NE COR S 365 W 255 TO POB THEN S 135 W 85 N 135 E 85 TO POB AKA LT 12	35
DELUCA CODY + 1179 PALM AVE NORTH FORT MYERS FL 33903	10-44-24-00-00033.0000 1179 PALM AVE NORTH FORT MYERS FL 33903	W 152 FT OF E 172 FT OF S 102.5 FT OF N 534 FT OF NE 1/4	36
HOLYCROSS JANICE S 1175 PALM AVE N FORT MYERS FL 33903	10-44-24-00-00033.0010 1175 PALM AVE NORTH FORT MYERS FL 33903	W 152 FT OF E 177 FT OF S 101 FT OF N 635 FT OF NE 1/4	37
EVARTS JAMES H & SHARON L L/E 36 GOODHUE ST ADDISON NY 14801	10-44-24-00-00034.0000 20 HOLLY DR NORTH FORT MYERS FL 33903	FR NE 1/2 SEC S 635 W 172.6 TO POB N 135.38 W 85 S 135.8 E 85 TO POB	38
ALDEBOT FIORE LISA 28 HOLLY DR NORTH FORT MYERS FL 33903	10-44-24-00-00034.0010 28 HOLLY DR NORTH FORT MYERS FL 33903	W 85 FT OF E 342 FT OF S 135 FO OF N 635 FT OF NE 1/4	39
SISTERS CREATIONS INC 512 3RD ST NW NAPLES FL 34120	10-44-24-00-00035.0000 ACCESS UNDETERMINED NORTH FORT MYERS FL	S 330 FT OF N 991 FT OF E 998.5 FT OF NE 1/4 LESS 35.001 + LESS PH II	40
WOOD RONNIE D & DEBRA L 1215 BETMAR BLVD NORTH FORT MYERS FL 33903	10-44-24-04-0000A.0050 1215 BETMAR BLVD NORTH FORT MYERS FL 33903	PONDELLA SHORES BLK A PB 10 PG 12 LOT 5	41
CAPERILLA FRANK R II 1207 BETMAR BLVD NORTH FORT MYERS FL 33903	10-44-24-04-0000A.0060 1207 BETMAR BLVD NORTH FORT MYERS FL 33903	PONDELLA SHORES BLK A PB 10 PG 12 LOT 6	42
SHREK LINES INC 17097 WAYZATA CT NORTH FORT MYERS FL 33917	10-44-24-04-0000A.0070 1201 BETMAR BLVD NORTH FORT MYERS FL 33903	PONDELLA SHORES BLK.A PB 10 PG 12 LOT 7	43
BERENGUER JASON 1197 BETMAR BLVD NORTH FORT MYERS FL 33903	10-44-24-04-0000A.0080 1197 BETMAR BLVD NORTH FORT MYERS FL 33903	PONDELLA SHORES BLK A PB 10 PG 12 LOT 8	44
GARVIN-ARTEAGA CYNTHIA A 1193 BETMAR BLVD N FT MYERS FL 33903	10-44-24-04-0000A.0090 1193 BETMAR BLVD NORTH FORT MYERS FL 33903	PONDELLA SHORES BLK.A PB 10 PG 12 LOT 9	45

FURTEK EDWARD A SR & 427 JAYE CT NORTH FORT MYERS FL 33903	10-44-24-04-0000A.0100 1189 BETMAR BLVD NORTH FORT MYERS FL 33903	PONDELLA SHORES BLK A PB 10 PG 12 LOT 10	46
STOKES MARILYN PAULINE 1185 BETMAR BLVD NW N FT MYERS FL 33903	10-44-24-04-0000A.0120 1185 BETMAR BLVD NORTH FORT MYERS FL 33903	PONDELLA SHORES BLK.A PB 10 PG 12 LOT 12	47
MILLS JEFFREY K + 1181 BETMAR BLVD NORTH FORT MYERS FL 33903	10-44-24-04-0000A.0130 1181 BETMAR BLVD NORTH FORT MYERS FL 33903	PONDELLA SHORES BLK.A PB 10 PG 12 LOT 13	48
NIEMI RAYMOND JOHN 1175 BETMAR BLVD NORTH FORT MYERS FL 33903	10-44-24-04-0000A.0140 1175 BETMAR BLVD NORTH FORT MYERS FL 33903	PONDELLA SHORES BLK.A PB 10 PG 12 LOT 14	49
DOLD SANDRA LEE TR 1238 BETMAR BLVD NORTH FORT MYERS FL 33903	10-44-24-04-0000B.0010 1250 BETMAR BLVD NORTH FORT MYERS FL 33903	PONDELLA SHORES BLK B LOT 1 PB 10 PG 12 LESS R/W OR 2319/1517	50
DOLD SANDRA LEE TR 1238 BETMAR BLVD NORTH FORT MYERS FL 33903	10-44-24-04-0000B.0020 1246 BETMAR BLVD NORTH FORT MYERS FL 33903	PONDELLA SHORES BLK B PB 10 PG 12 LOT 2 LESS S 25 FT+LES R/W OR2308/1108	51
DOLD SANDRA LEE TR 1238 BETMAR BLVD NORTH FORT MYERS FL 33903	10-44-24-04-0000B.0030 1238 BETMAR BLVD NORTH FORT MYERS FL 33903	PONDELLA SHORES BLK B PB 10 PG 12 LOT 3 + S 25 FT 2	52
DOLD SANDRA LEE TR 1238 BETMAR BLVD NORTH FORT MYERS FL 33903	10-44-24-04-0000B.0040 1234 BETMAR BLVD NORTH FORT MYERS FL 33903	PONDELLA SHORES BLK.B PB 10 PG 12 LOT 4	53
DOLD SANDILEE TR 1238 BETMAR BLVD NORTH FORT MYERS FL 33903	10-44-24-04-0000B.0050 1232 BETMAR BLVD NORTH FORT MYERS FL 33903	PONDELLA SHORES BLK B PB 10 PG 12 LOT 5	54
SWEENEY LINNEA TR 1230 BETMAR RD NORTH FORT MYERS FL 33903	10-44-24-04-0000B.0060 1230 BETMAR BLVD NORTH FORT MYERS FL 33903	PONDELLA SHORES BLK.B PB 10 PG 12 LOT 6	55
ARABACI EDWARD Z & AMY M TR 3023 LAKE BUTLER CT CAPE CORAL FL 33909	10-44-24-04-0000B.0070 1226 BETMAR BLVD NORTH FORT MYERS FL 33903	PONDELLA SHORES BLK B PB 10 PG 12 LOT 7	56
WOOD RONNIE D & DEBRA L 1215 BETMAR BLVD NORTH FORT MYERS FL 33903	10-44-24-04-0000B.0080 1200 BETMAR BLVD NORTH FORT MYERS FL	PONDELLA SHORES BLK B PB 10 PG 12 LOT 8	57

	33903		
CAPERILLA FRANK R II 1207 BETMAR BLVD NORTH FORT MYERS FL 33903	10-44-24-04-0000B.0090 1202 BETMAR BLVD NORTH FORT MYERS FL 33903	PONDELLA SHORES BLK.B PB 10 PG 12 LOT 9	58
SHREK LINES INC 17097 WAYZATA CT NORTH FORT MYERS FL 33917	10-44-24-04-0000B.0100 1204 BETMAR BLVD NORTH FORT MYERS FL 33903	PONDELLA SHORES BLK B PB 10 PG 12 LOT 10	59
BERENGUER JASON 1197 BETMAR BLVD NORTH FORT MYERS FL 33903	10-44-24-04-0000B.0110 1206 BETMAR BLVD NORTH FORT MYERS FL 33903	PONDELLA SHORES BLK B PB 10 PG 12 LOT 11	60
GARVIN-ARTEAGA CYNTHIA A 1193 BETMAR BLVD NORTH FORT MYERS FL 33903	10-44-24-04-0000B.0120 1208 BETMAR BLVD NORTH FORT MYERS FL 33903	PONDELLA SHORES BLK B PB 10 PG 12 LOT 12	61
DOTSON STEVEN M 410 JAYE CT NORTH FORT MYERS FL 33903	10-44-24-04-0000B.0130 410 JAYE CT NORTH FORT MYERS FL 33903	PONDELLA SHORES BLK B PB 10 PG 12 LOT 13	62
MCCONNELL JAMES TODD & 420 JAYE CT NORTH FORT MYERS FL 33903	10-44-24-04-0000B.0140 420 JAYE CT NORTH FORT MYERS FL 33903	PONDELLA SHORES BLK B PB 10 PG 12 LOT 14	63
EGELAND THOR H & KATHLEEN J 32471 LAKE RD AVON LAKE OH 44012	10-44-24-04-0000B.0150 428 JAYE CT NORTH FORT MYERS FL 33903	PONDELLA SHORES SUB BLK B PB 10 PG 12 LOT 15	64
ONEIL WILLIAM W 438 JAYE CT NORTH FORT MYERS FL 33903	10-44-24-04-0000B.0160 438 JAYE CT NORTH FORT MYERS FL 33903	PONDELLA SHORES BLK B PB 10 PG 12 LOT 16	65
ROBERTSON VICTORIA JEAN + 433 JAYE CT NORTH FORT MYERS FL 33903	10-44-24-04-0000B.0170 433 JAYE CT NORTH FORT MYERS FL 33903	PONDELLA SHORES BLK.B PB 10 PG 12 LOT 17	66
FURTEK ED SR & TRACI 427 JAYE CT NORTH FORT MYERS FL 33903	10-44-24-04-0000B.0180 427 JAYE CT NORTH FORT MYERS FL 33903	PONDELLA SHORES BLK.B PB 10 PG 12 LOT 18	67
BIERLY HAROLD R & BETTY L 585 N PENNSYLVANIA AVE CENTRE HALL PA 16828	10-44-24-04-0000B.0190 419 JAYE CT NORTH FORT MYERS FL 33903	PONDELLA SHORES BLK B PB 10 PG 12 LOT 19	68
FURTEK EDWARD J & MARGARET L/E 409 JAYE CT	10-44-24-04-0000B.0200 409 JAYE CT NORTH FORT MYERS FL	PONDELLA SHORES BLK B PB 10 PG 12 LOT 20	69

NORTH FORT MYERS FL 33903 33903			
FURTEK EDWARD A SR 427 JAYE CT NORTH FORT MYERS FL 33903	10-44-24-04-0000B.0210 1184 BETMAR BLVD NORTH FORT MYERS FL 33903	PONDELLA SHORES BLK B PB 10 PG 12 LOT 21	70
889 ENTERPRISE LLC 135 PATRICE TER WILLIAMSVILLE NY 14221	10-44-24-04-0000B.0220 1186 BETMAR BLVD NORTH FORT MYERS FL 33903	PONDELLA SHORES BLK.B PB 10 PG 12 LOT 22	71
STOKES MARILYN PAULINE 1185 BETMAR BLVD NORTH FORT MYERS FL 33903	10-44-24-04-0000B.0230 1188 BETMAR BLVD NORTH FORT MYERS FL 33903	PONDELLA SHORES BLK.B PB 10 PG 12 LOT 23	72
BRYAN BEVERLY S + 1181 BETMAR BLVD NORTH FORT MYERS FL 33903	10-44-24-04-0000B.0240 1190 BETMAR BLVD NORTH FORT MYERS FL 33903	PONDELLA SHORES BLK B PB 10 PG 12 LOT 24	73
GUIMARAES BRUNO AUGUSTO SILVA 1182 BETMAR BLVD NORTH FORT MYERS FL 33903	10-44-24-04-0000C.0010 1182 BETMAR BLVD NORTH FORT MYERS FL 33903	PONDELLA SHORES BLK C PB 10 PG 12 LOT 1	74
8050 CLEAVES LLC 1485 LINHART AVE FORT MYERS FL 33901	10-44-24-05-0000A.0050 8050 CLEAVES RD NORTH FORT MYERS FL 33903	CLEAVES CORNER U/R BLK A PB 259 PG 466 LOT 5	75
WEBB EDWARD & CECELIA M 8060 CLEAVES RD NORTH FORT MYERS FL 33903	10-44-24-05-0000A.0060 8060 CLEAVES RD NORTH FORT MYERS FL 33903	CLEAVES CORNER UNREC PLAT BLK A DB 259 PG 466 LOT 6	76
MCLAREN MARIANNE S 8070 CLEAVES RD NORTH FORT MYERS FL 33903	10-44-24-05-0000A.0070 8070 CLEAVES RD NORTH FORT MYERS FL 33903	CLEAVES CORNER UNREC PLAT BLK A DB 259 PG 466 LOT 7	77
WATERS LISA D 8080 CLEAVES RD NORTH FORT MYERS FL 33903	10-44-24-05-0000A.0080 8080 CLEAVES RD NORTH FORT MYERS FL 33903	CLEAVES CORNER UNREC PLAT BLK A DB 259 PG 466 LOT 8	78
PACE MARY E TR 8096 CLEAVES RD NORTH FORT MYERS FL 33903	10-44-24-05-0000A.0090 8090/92/96 CLEAVES RD NORTH FORT MYERS FL 33903	CLEAVES CORNER UNREC PLAT BLK A DB 259 PG 466 LOT 9	79
INFINITY FINANCING GROUP INC 10123 CHESAPEAKE BAY DR FORT MYERS FL 33913	10-44-24-05-0000A.0100 8100 CLEAVES RD NORTH FORT MYERS FL 33903	CLEAVES CORNER UNREC PLAT BLK A DB 259 PG 466 LOT 10	80
MCCARTHY ROBERT 8161 CLEAVES RD NORTH FORT MYERS FL 33903	10-44-24-05-0000A.0110 8110 CLEAVES RD NORTH FORT MYERS FL	CLEAVES CORNER UNREC PLAT BLK A DB 259 PG 466	81

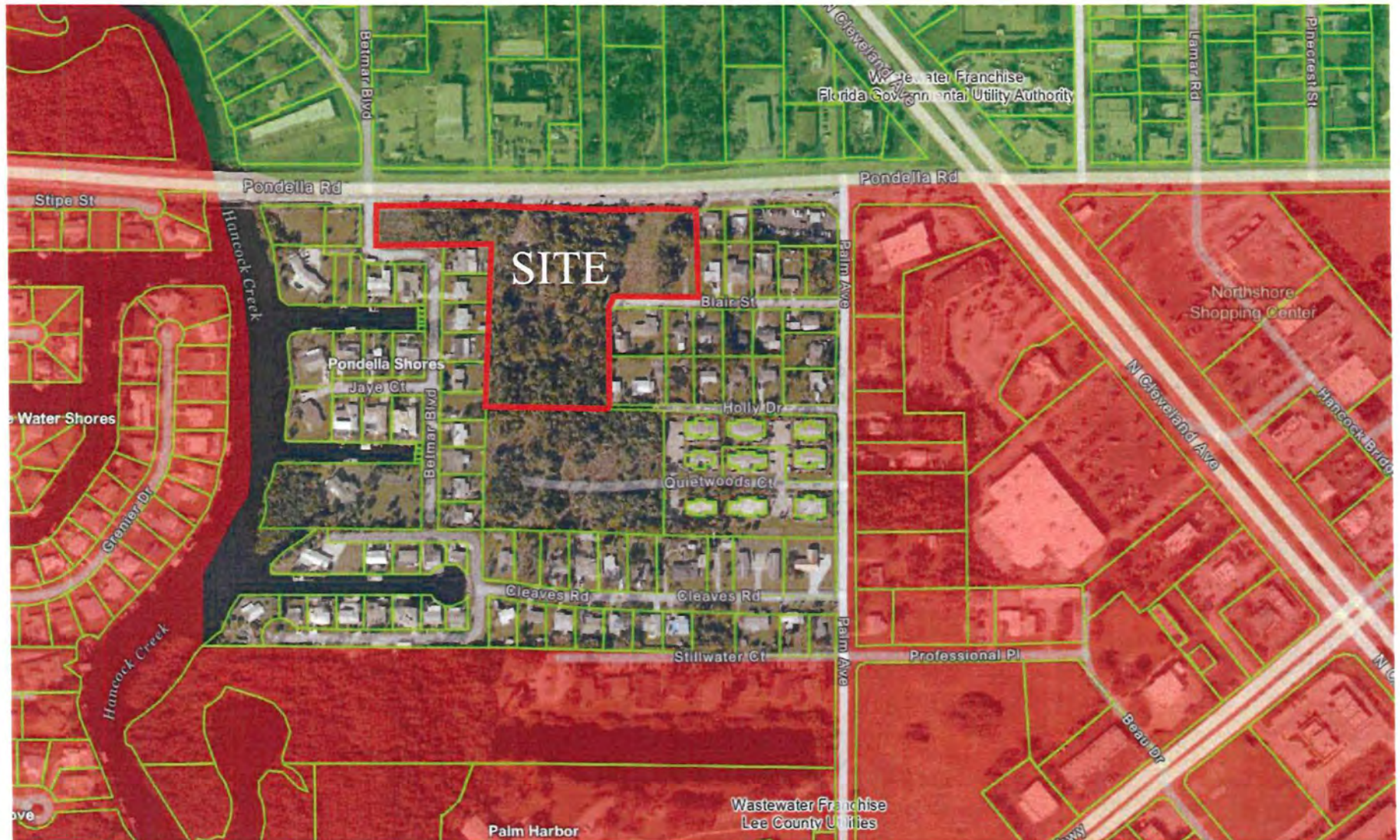
	33903	LOT 11	
UNKNOWN HEIRS OF 8130 CLEAVES RD NORTH FORT MYERS FL 33903	10-44-24-05-0000A.0120 8130 CLEAVES RD NORTH FORT MYERS FL 33903	CLEAVES CORNER UNREC PLAT BLK.A DB 259 PG 466 LOT 12	82
JOYCE JOHNNY J 8140 CLEAVES RD NORTH FORT MYERS FL 33903	10-44-24-05-0000C.0010 8140 CLEAVES RD NORTH FORT MYERS FL 33903	CLEAVES CORNER UNREC PLAT BLK C DB 259 PG 466 LOT 1	83
ROMANS WADE D & REBECCA 8150 CLEAVES RD NORTH FORT MYERS FL 33903	10-44-24-05-0000C.0020 8150 CLEAVES RD NORTH FORT MYERS FL 33903	CLEAVES CORNER UNREC PLAT BLK C DB 259 PG 466 LOT 2	84
RIDER CINDY KAY + 8160 CLEAVES RD NORTH FORT MYERS FL 33903	10-44-24-05-0000C.0030 8160 CLEAVES RD NORTH FORT MYERS FL 33903	CLEAVES CORNER UNREC,PLAT BLK C DB 259 PG 466 LOT 3	85
KROEGER PAUL & JO ANNA 8170 CLEAVES RD NORTH FORT MYERS FL 33903	10-44-24-05-0000C.0040 8170 CLEAVES RD NORTH FORT MYERS FL 33903	CLEAVES CORNER UNR PLAT BLK C DB 259 PG 466 LOT 4	86
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	10-44-24-06-00000.0010 437 STIPE ST NORTH FORT MYERS FL 33903	BLUE WATER SHORES PB 10 PG 78 LOT 1	87
JOHNSON ROBERT J & SUE E 1989 W MILL ST DELPHI IN 46923	10-44-24-06-00000.0020 441 STIPE ST NORTH FORT MYERS FL 33903	BLUE WATER SHORES PB 10 PG 78 LOT 2	88
CARAVAS GARY W & VICTORIA F 390 GRENIER DR NORTH FORT MYERS FL 33903	10-44-24-06-00000.0550 390 GRENIER DR NORTH FORT MYERS FL 33903	BLUE WATER SHORES PB 10 PG 78 LOTS 55 + 56	89
MARKET TERRY 399 GRENIER DR NORTH FORT MYERS FL 33903	10-44-24-06-00000.0570 399 GRENIER DR NORTH FORT MYERS FL 33903	BLUE WATER SHORES PB 10 PG 78 LOT 57	90
PALM FROND CONDO PH I 1165 PALM AVE APT 6A NORTH FORT MYERS FL 33903	10-44-24-21-00000.00CE PALM FROND C/E NORTH FORT MYERS FL 33903	PALM FROND CONDO PH I COMMON AREA DESC IN OR 1598 PG 479	91
PALM FROND CONDO PH II 1165 PALM AVE APT 6A NORTH FORT MYERS FL 33903	10-44-24-26-00000.00CE PALM FROND C/E NORTH FORT MYERS FL 33903	PALM FROND CONDO PH II COMMON AREA AS DESC IN OR 1598 PG 479	92

KING LISA MARIE & 46 HOLLY DR NORTH FORT MYERS FL 33903	10-44-24-L2-00021.0040 40/46 HOLLY DR NORTH FORT MYERS FL 33903	LOTS 19 + 20 OF BORDONARO'S UNRECORDED SUBDIVISION	93
NENOW TIMOTHY 1296 FIFTH ST FORT MYERS FL 33905	10-44-24-L2-00021.0180 38 HOLLY DR NORTH FORT MYERS FL 33903	W 81 OF E 653 FT OF S 136 FT OF N 650 FT OF NE 1/4	94
JONES JOHN C 1180 PALM AVE NORTH FORT MYERS FL 33903	11-44-24-00-00001.001B 1180 PALM AVE NORTH FORT MYERS FL 33903	BEG 30 FT E+ 66 FT N OF SW COR OF NW 1/4 NW 1/4 NW 1/4 THEN E 135 N 210 W 135 S 210 TO POB	95
DILULLO VERO FAMILY LP + 108 ALBACORE LN JUPITER FL 33477	11-44-24-00-00017.0030 13991 N CLEVELAND AVE NORTH FORT MYERS FL 33903	PARL IN NW 1/4 OF NW 1/4 OF NW 1/4 DESC IN OR 3965/324 + OR 3965/316 + OR 3965/320 LESS R/W 2308/1108 + 2508/1176	96
SULLINS VICTORIA 1165 PALM AVE #5A NORTH FORT MYERS FL 33903	10-44-24-21-00005.00A0 1165 PALM AVE #5A NORTH FORT MYERS FL 33903	PALM FROND CONDO PH I OR 1598 PG 0479 UNIT 5-A	97
ZAPATA CLAUDIA PATRICIA 2910 PONCE DE LEON DR NAPLES FL 34105	10-44-24-21-00005.00B0 1165 PALM AVE #5B NORTH FORT MYERS FL 33903	PALM FROND CONDO PH I OR 1598 PG 0479 UNIT 5-B	97
SOWDER HEATHER M & LANCE M 1165 PALM AVE #5C NORTH FORT MYERS FL 33903	10-44-24-21-00005.00C0 1165 PALM AVE #5C NORTH FORT MYERS FL 33903	PALM FROND CONDO PH I OR 1598 PG 0479 UNIT 5-C	97
DARIAN ANDREIA 1165 PALM AVE #5D NORTH FORT MYERS FL 33903	10-44-24-21-00005.00D0 1165 PALM AVE #5D NORTH FORT MYERS FL 33903	PALM FROND CONDO PH I OR 1598 PG 0479 UNIT 5-D	97
MENDES BRENO DOS SANTOS 1165 PALM AVE 6A NORTH FORT MYERS FL 33903	10-44-24-21-00006.00A0 1165 PALM AVE #6A NORTH FORT MYERS FL 33903	PALM FROND CONDO PH I BLDG 6 OR 1598 PG 479 UNIT A	98
CARROLL SANDRA J & ARTHUR F 1165 PALM AVE #6B NORTH FORT MYERS FL 33903	10-44-24-21-00006.00B0 1165 PALM AVE #6B NORTH FORT MYERS FL 33903	PALM FROND CONDO PH I BLDG 6 OR 1598 PG 479 UNIT B	98
SEIMER THOMAS 1165 PALM AVE APT 6C NORTH FORT MYERS FL 33903	10-44-24-21-00006.00C0 1165 PALM AVE #6C NORTH FORT MYERS FL	PALM FROND CONDO PH I BLDG 6 OR 1598 PG 479 UNIT C	98

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GRALEY ERIC WAYNE + 2915 JANET DR NORTH FORT MYERS FL 33903	10-44-24-21-00006.00D0 1165 PALM AVE #6D NORTH FORT MYERS FL 33903	PALM FROND CONDO PH I BLDG 6 OR 1598 PG 479 UNIT D	98
COUNTS WILLIAM T 1165 PALM AVE #9A NORTH FORT MYERS FL 33903	10-44-24-21-00009.00A0 1165 PALM AVE #9A NORTH FORT MYERS FL 33903	PALM FROND CONDO PH I BLDG 9 OR 1598 PG 479 UNIT A	99
PLACKETT ROBERT M II 1165 PALM AVE #9B NORTH FORT MYERS FL 33903	10-44-24-21-00009.00B0 1165 PALM AVE #9B NORTH FORT MYERS FL 33903	PALM FROND CONDO PH I BLDG 9 OR 1598 PG 479 UNIT B	99
ALDRICH JASON M 1165 PALM AVE #9C NORTH FORT MYERS FL 33903	10-44-24-21-00009.00C0 1165 PALM AVE #9C NORTH FORT MYERS FL 33903	PALM FROND CONDO PH I BLDG 9 OR 1598 PG 479 UNIT C	99
HICKMAN TOMMY ALLEN 1165 PALM AVE #9D NORTH FORT MYERS FL 33903	10-44-24-21-00009.00D0 1165 PALM AVE #9D NORTH FORT MYERS FL 33903	PALM FROND CONDO PH I BLDG 9 OR 1598 PG 479 UNIT D	99
SCHMOYER JEFFREY L & 204 PENNSYLVANIA AVE KUTZTOWN PA 19530	10-44-24-26-00001.00A0 1165 PALM AVE #1A NORTH FORT MYERS FL 33903	PALM FROND PH II OR 1598 PG 479 UNIT 1-A	100
NETZLEY CHRIS 841 NE 6TH PL CAPE CORAL FL 33909	10-44-24-26-00001.00B0 1165 PALM AVE #1B NORTH FORT MYERS FL 33903	PALM FROND PH II OR 1598 PG 479 UNIT 1-B	100
SMITH GERALDINE A 1165 PALM AVE #1C NORTH FORT MYERS FL 33903	10-44-24-26-00001.00C0 1165 PALM AVE #1C NORTH FORT MYERS FL 33903	PALM FROND PH II OR 1598 PG 479 UNIT 1-C	100
BULLOCK VANESSA 1165 PALM AVE #1D NORTH FORT MYERS FL 33903	10-44-24-26-00001.00D0 1165 PALM AVE #1D NORTH FORT MYERS FL 33903	PALM FROND PH II OR 1598 PG 479 UNIT 1-D	100
GOUGH ERIK M 1165 PALM AVE #4A NORTH FORT MYERS FL 33903	10-44-24-26-00004.00A0 1165 PALM AVE #4A NORTH FORT MYERS FL 33903	PALM FROND PH II OR 1598 PG 479 UNIT 4-A	101
GRISHAYEVA GALINA I 1165 PALM AVE APT 4B NORTH FORT MYERS FL 33903	10-44-24-26-00004.00B0 1165 PALM AVE #4B NORTH FORT MYERS FL 33903	PALM FROND PH II OR 1598 PG 479 UNIT 4-B	101
MAVRAKIS ANDREAS 1165 PALM AVE #4C NORTH FORT MYERS FL 33903	10-44-24-26-00004.00C0 1165 PALM AVE #4C NORTH FORT MYERS FL 33903	PALM FROND PH II OR 1598 PG 479 UNIT 4-C	101

	33903		
WHITE WENDY B 1165 PALM AVE # 4D NORTH FORT MYERS FL 33903	10-44-24-26-00004.00D0 1165 PALM AVE #4D NORTH FORT MYERS FL 33903	PALM FROND PH II OR 1598 PG 479 UNIT 4-D	101
BAKER SALLI 1105 BRIDGWOOD DR LAGRANGE GA 30240	10-44-24-26-00007.00A0 1165 PALM AVE #7A NORTH FORT MYERS FL 33903	PALM FROND PH II OR 1598 PG 479 UNIT 7-A	102
SANTACROCE CATHLEEN L/E 1165 PALM AVE #7B NORTH FORT MYERS FL 33903	10-44-24-26-00007.00B0 1165 PALM AVE #7B NORTH FORT MYERS FL 33903	PALM FROND PH II OR 1598 PH 479 UNIT 7-B	102
KINNEY KAREN 1165 PALM AVE #7C NORTH FORT MYERS FL 33903	10-44-24-26-00007.00C0 1165 PALM AVE #7C NORTH FORT MYERS FL 33903	PALM FROND PH II OR 1598 PG 479 UNIT 7-C	102
DE GODOI VITOR 1165 PALM AVE #7D NORTH FORT MYERS FL 33903	10-44-24-26-00007.00D0 1165 PALM AVE #7D NORTH FORT MYERS FL 33903	PALM FROND PH II OR 1598 PG 479 UNIT 7-D	102
GOODCHILD WAYNE 1165 PALM AVE #8A NORTH FORT MYERS FL 33903	10-44-24-26-00008.00A0 1165 PALM AVE #8A NORTH FORT MYERS FL 33903	PALM FROND PH II OR 1598 PG 479 UNIT 8-A	103
LAMBERT BRUCE 1165 PALM AVE #8B NORTH FORT MYERS FL 33903	10-44-24-26-00008.00B0 1165 PALM AVE #8B NORTH FORT MYERS FL 33903	PALM FROND PH II OR 1598 PH 479 UNIT 8-B	103
BURDETTE CINDY L 1165 PALM AVE # 8C NORTH FORT MYERS FL 33903	10-44-24-26-00008.00C0 1165 PALM AVE #8C NORTH FORT MYERS FL 33903	PALM FROND PH II OR 1598 PG 479 UNIT 8-C	103
RODRIGUEZ GISSELA 1165 PALM AVE #8D NORTH FORT MYERS FL 33903	10-44-24-26-00008.00D0 1165 PALM AVE #8D NORTH FORT MYERS FL 33903	PALM FROND PH II OR 1598 PG 479 UNIT 8-D	103

PONDELLA HOLDINGS
EXISTING FUTURE LAND USE MAP 4-B



PONDELLA HOLDINGS
PROPOSED FUTURE LAND USE MAP 4-B



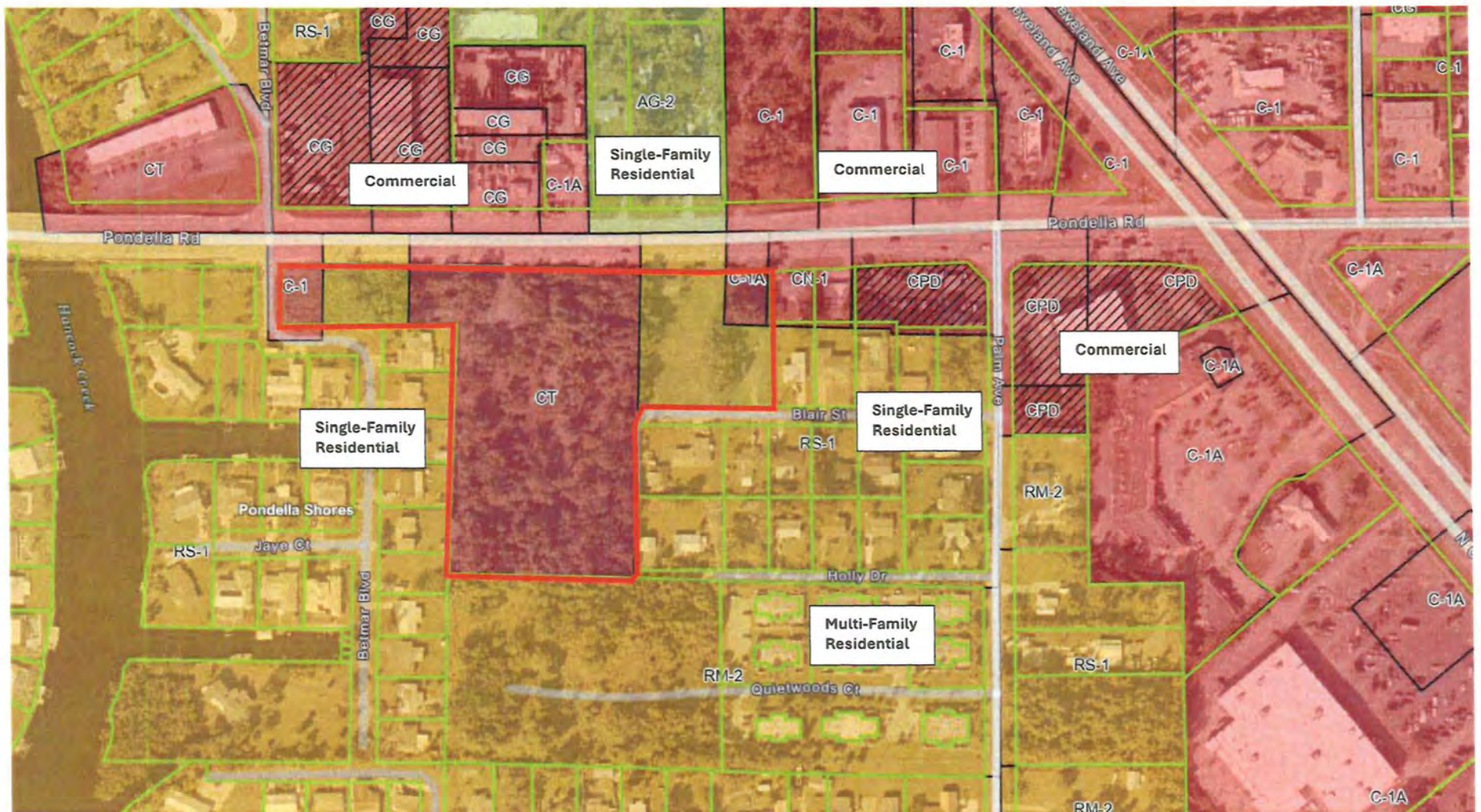
PONDELLA HOLDINGS
EXISTING LAND USES MAP

EXHIBIT M-5



PONDELLA HOLDINGS
SURROUNDING ZONING MAP

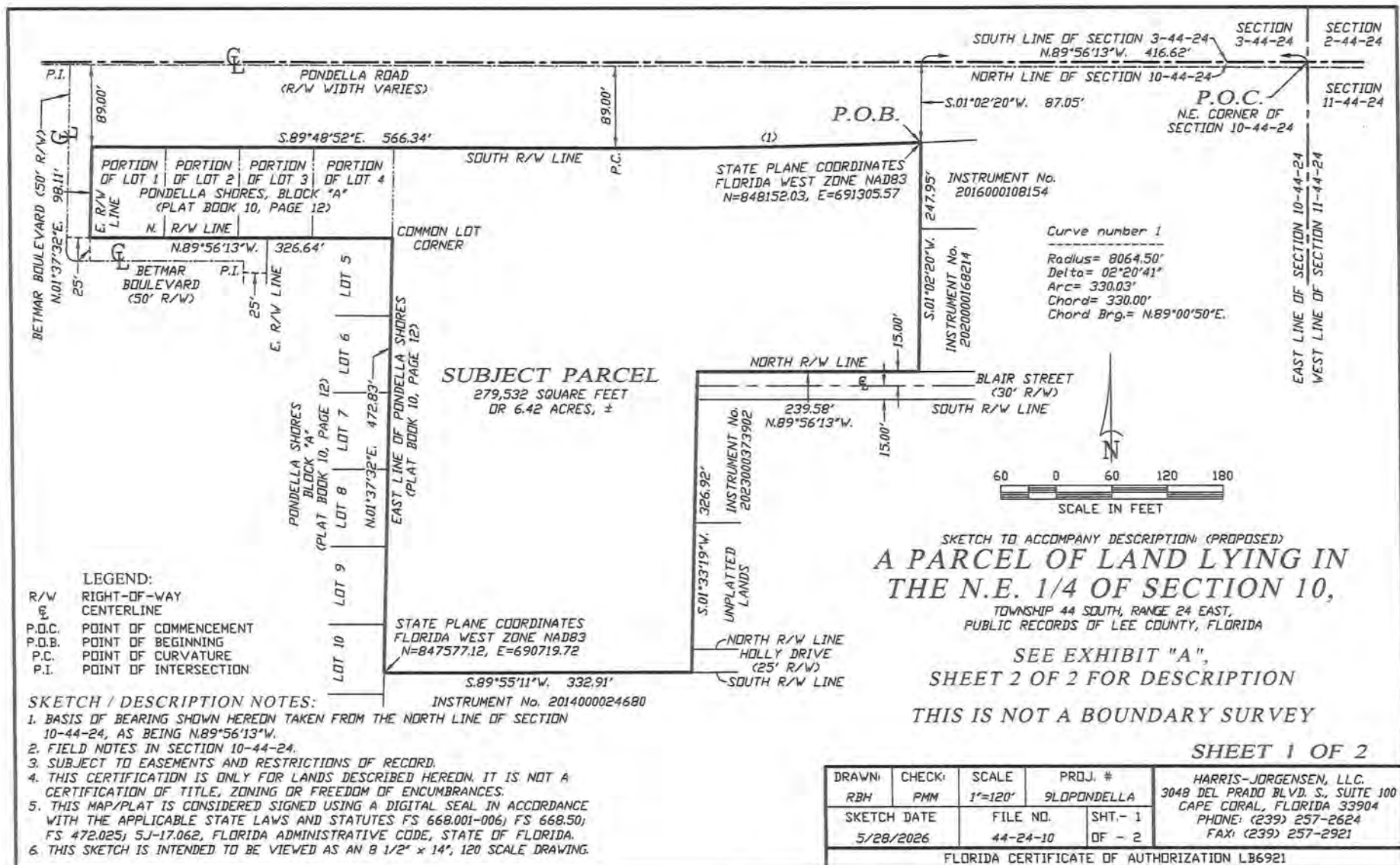
EXHIBIT M-6



■ Commercial Zoning Districts

■ Residential Zoning Districts

■ Agricultural Zoning Districts



DESCRIPTION TO ACCOMPANY SKETCH
EXHIBIT "A"

(PROPOSED)
**A PARCEL OF LAND LYING IN
THE N.E. 1/4 OF SECTION 10,
TOWNSHIP 44 SOUTH, RANGE 24 EAST,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA**

DESCRIPTION:

A PLOT OR PARCEL OF LAND LYING IN A PORTION OF LOTS 1, 2, 3, AND 4, BLOCK "A", PONDELLA SHORES, AS RECORDED IN PLAT BOOK 10, PAGE 12, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND A PORTION OF THE NORTHEAST QUARTER (1/4) OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID PLOT OR PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 10; THENCE RUN N.89°56'13"W. ALONG THE NORTH LINE OF SAID SECTION 10, FOR 416.62 FEET; THENCE RUN S.01°02'20"W. TO A POINT ALONG THE SOUTH LINE OF PONDELLA ROAD, FOR 87.05 FEET, FOR A POINT OF BEGINNING; THENCE CONTINUE S.01°02'20"W. TO A POINT ALONG THE NORTH RIGHT OF WAY LINE OF BLAIR STREET (50 FEET WIDE), FOR 247.95 FEET; THENCE RUN N.89°56'13"W. ALONG SAID NORTH RIGHT OF WAY LINE FOR 239.58 FEET; THENCE RUN S.01°33'19"W., FOR 326.92 FEET; THENCE RUN S.89°55'11"W. TO A POINT ALONG THE EAST LINE OF THE AFORESAID PONDELLA SHORES, FOR 332.91 FEET; THENCE RUN N.01°37'32"E. ALONG SAID EAST LINE, TO THE COMMON LOT CORNER BETWEEN LOTS 4 AND 5 OF SAID PONDELLA SHORES, FOR 472.83 FEET; THENCE RUN N.89°56'13"W. TO A POINT ALONG THE EAST RIGHT OF WAY LINE OF BETMAR BOULEVARD (50 FEET WIDE), FOR 326.64 FEET; THENCE RUN N.01°37'32"E. ALONG SAID EAST RIGHT OF WAY TO A POINT ALONG THE AFORESAID SOUTH RIGHT OF WAY LINE OF PONDELLA ROAD, FOR 98.11 FEET; THENCE RUN S.89°48'52"E. ALONG SAID SOUTH RIGHT OF WAY, FOR 566.34 FEET, TO A POINT OF CURVATURE; THENCE RUN ALONG THE ARC OF A CURVE, TO THE LEFT, FOR 330.03 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 8,064.50 FEET, A CENTRAL DELTA ANGLE OF 02°20'41", A CHORD THAT BEARS N.89°00'50"E., AND A CHORD DISTANCE OF 330.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING 279,532 SQUARE FEET OR 6.42 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE AFORESAID NORTH LINE OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST, AS BEING N.89°56'13"W.



Digitally signed by

PHILLIP M MOULD

Date: 2026.05.28

11:22:35 -04'00'

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER, LS6515
MAY 28, 2026

Exhibit M-8

Prepared by and Return to:

Faith Greenberg

The Closing Agent, Inc.

11 N. Summerlin Ave., Ste. 100

Orlando, FL 32801

File Number: 2138196

(Space Above This Line For Recording Data)

WARRANTY DEED

This Indenture made January 31, 2023 A.D. between EDISON PROPERTY SERVICES, LLC, A DELAWARE LIMITED LIABILITY COMPANY whose post office address is: PO BOX 155, HIGHLAND MILLS, NEW YORK 10930, a corporation existing under the laws of the State of Delaware, Grantor and PONDELLA HOLDINGS, LLC, A DELAWARE LIMITED LIABILITY COMPANY whose post office address is: C/O REDBURN DEVELOPMENT INC 204 LAFAYTTE STREET, SUITE 2, SCHENECTADY, NEW YORK 12305, Grantee,

Witnesseth, that the said Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), to it in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee forever, the following described land, situate, lying and being in the County of Lee, State of Florida, to wit:

PARCEL 1

LOTS 1, 2, AND 3, BLOCK A, PONDELLA SHORES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, PAGE 12, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

LESS AND EXCEPT THOSE LANDS TAKEN BY LEE COUNTY, IN THAT CERTAIN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 2308, PAGE 1108, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL 2

LOT 2, LINDALE FARMS, AN UNRECORDED SUBDIVISION, IN SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 10; THENCE SOUTH 00°49'15" EAST, ALONG THE EAST LINE OF SAID SECTION 10, 45.68 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF PONDELLA ROAD (S.R. NO. 78-A); THENCE SOUTH 88°53'40" WEST, ALONG SAID RIGHT-OF-WAY LINE 654.21 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°15'50" WEST, 617.74 FEET; THENCE SOUTH 88°37'31" WEST 332.91 FEET TO AN INTERSECTION WITH THE EAST BOUNDARY OF PONDELLA SHORES SUBDIVISION, AS RECORDED IN PLAT BOOK 10, PAGE 12, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 00°20'03" EAST ALONG SAID EAST BOUNDARY OF PONDELLA SHORES 619.32 FEET TO AN INTERSECTION WITH SAID SOUTH RIGHT-OF-WAY LINE OF PONDELLA ROAD; THENCE NORTH 85°53'40" EAST, ALONG SAID RIGHT OF WAY LINE 332.11 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT: A TRACT OR PARCEL OF LAND LYING IN THE NORTHEAST 1/4 OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING PART OF A PARENT TRACT OR PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORD BOOK 1979 AT PAGE 168 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 10; THENCE SOUTH 89°56'13" EAST FOR 2001.03 FEET ALONG THE NORTH LINE OF SAID NORTHEAST 1/4 TO A POINT WHICH LIES 65°36'09" FEET FROM THE NORTHEAST CORNER OF SAID NORTHEAST 1/4; THENCE SOUTH 01°33'19" WEST FOR 44.30 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY OF PONDELLA ROAD (FORMER STATE ROAD NO. S-78-A) AND THE POINT OF BEGINNING:

FROM SAID POINT OF BEGINNING; THENCE CONTINUE SOUTH 01°33'19" FOR 48.48 FEET ALONG THE EASTERLY LINE OF SAID PARENT TRACT TO A NON-RADIAL INTERSECTION WITH A CURVE TO THE RIGHT CONCAVE NORTHERLY (RADIUS 8064.50, CENTRAL ANGLE 00°39'25", CHORD 92.46 FEET, CHORD BEARING SOUTH 89°51'26" WEST); THENCE WESTERLY FOR 92.46 FEET ALONG THE ARC OF SAID CURVE, BEING 64.50 FEET SOUTHERLY OF AND CONCENTRIC WITH THE CENTERLINE SURVEY OF PONDELLA ROAD (LEE COUNTY PROJECT NO. 4656); THENCE NORTH 89°48'52" WEST FOR 239.72 FEET; THENCE NORTH 01°37'32" EAST FOR 49.02 FEET ALONG THE WESTERLY LINE OF SAID PARENT TRACT; THENCE SOUTH 89°48'52" EAST FOR 332.11 FEET ALONG THE AFOREMENTIONED SOUTHERLY RIGHT-OF-WAY OF PONDELLA ROAD (40.00 FROM CENTERLINE) TO THE POINT OF BEGINNING.

PARCEL 3

A TRACT OR PARCEL OF LAND IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST, THENCE SOUTH ALONG THE EASTERN BOUNDARY OF SAID SECTION 30 FEET, MORE OR LESS, TO THE SOUTH SIDE OF THE COUNTY ROAD; THENCE WEST ALONG THE SOUTH SIDE OF SAID COUNTY ROAD FOR 416.9 FEET; THENCE SOUTH 150 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; FROM SAID POINT OF BEGINNING CONTINUE ALONG THE LAST MENTIONED COURSE FOR A DISTANCE OF 155 FEET; THENCE WEST A DISTANCE OF 79.89 FEET; THENCE NORTH 155 FEET; THENCE EAST 79.16 FEET TO THE POINT OF BEGINNING. (KNOWN AS LOT 26 OF AN UNRECORDED PLAT OF THE DIVISION OF BORDONARO PROPERTY)

PARCEL 4

BEGINNING 495.35 FEET WEST AND 350 FEET SOUTH OF THE NORTHEAST CORNER OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST, RUN WEST 159.89 FEET; THENCE NORTH 120 FEET; THENCE EAST 159.44 FEET; THENCE SOUTH 120 FEET TO THE POINT OF BEGINNING, LEE COUNTY, FLORIDA.

PARCEL 5

FROM THE NORTHEAST CORNER OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST, THENCE RUN SOUTH 40 FEET, THENCE WEST ALONG THE SOUTHSIDE OF PONDELLA ROAD 416.9 FEET TO POINT OF BEGINNING, FROM SAID POINT OF BEGINNING RUN SOUTH 140 FEET; THENCE WEST 79.16 FEET; THENCE NORTH 140 FEET; THENCE EAST 78.45 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT ORDER OF TAKING DESCRIBED AS FOLLOWS:

A TRACT OR PARCEL OF LAND LYING IN THE NORTHEAST ONE-QUARTER OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING A PART OF A PARENT TRACT OR PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORD BOOK 1607, PAGE 668, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 10; THENCE S. 89°56'13" E. FOR 2237.50 FEET ALONG THE NORTH LINE OF SAID NORTHEAST ONE-QUARTER TO A POINT WHICH LIES 416.62 FEET FROM THE NORTHEAST CORNER OF SAID NORTHEAST ONE-QUARTER; THENCE S. 01°02'20" W. FOR 44.79 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY OF PONDELLA ROAD (FORMER STATE ROAD NO. 78A) AND THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING: THENCE CONTINUE S. 01°02'20" W. FOR 42.26 FEET ALONG THE EASTERLY LINE OF SAID PARENT TRACT TO A NON-RADIAL INTERSECTION WITH A CURVE TO THE RIGHT, CONCAVE NORTHERLY (RADIUS 8064.50 FEET, CENTRAL ANGLE 00°33'35", CHORD 78.78 FEET, CHORD BEARING S. 88°07'17" W.); THENCE WESTERLY FOR 78.78 FEET ALONG THE ARC OF SAID CURVE, BEING 64.50 FEET SOUTHERLY OF AND CONCENTRIC WITH THE CENTERLINE SURVEY OF PONDELLA ROAD (LEE COUNTY PROJECT NO. 4656); THENCE N. 01°20'18" E. NON-RADIALLY FOR 45.10 FEET ALONG THE WESTERLY LINE OF SAID PARENT TRACT; THENCE S. 89°48'52" W. FOR 78.45 FEET ALONG THE AFOREMENTIONED SOUTHERLY RIGHT OF WAY OF PONDELLA ROAD (40.00 FEET FROM CENTERLINE) TO THE POINT OF BEGINNING.

THE BEARINGS MENTIONED HEREIN ARE BASED UPON THE CENTERLINE OF SURVEY OF U.S. 41 (S.R. NO 45) BEING N. 39°28'01" W. AS SHOWN ON STATE OF FLORIDA (STATE ROAD DEPARTMENT) RIGHT OF WAY MAP (SECTION NO. 12010-212).

PARCEL 6

BEGINNING AT A POINT ON THE SOUTH SIDE OF THE COUNTY ROAD KNOWN AS PONDELLA ROAD, WHICH POINT IS 30 FEET SOUTH AND 495.35 FEET WEST OF THE NORTHEAST CORNER OF SECTION TEN (10), TOWNSHIP FORTY-FOUR (44) SOUTH, RANGE TWENTY-FOUR (24) EAST; THENCE RUN WEST ALONG THE SOUTH SIDE OF SAID PONDELLA ROAD A DISTANCE OF 158.45 FEET; THENCE RUN SOUTH A DISTANCE OF 200 FEET; THENCE RUN EAST A DISTANCE 159.4 FEET, MORE OR LESS, TO A POINT SOUTH OF THE POINT OF BEGINNING; THENCE RUN NORTH A DISTANCE OF 200 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM, HOWEVER, THE EASTERLY SEVENTY (70) FEET THEREOF, AND FURTHER EXCEPTING THEREFROM,

A TRACT OR PARCEL OF LAND LYING IN THE NORTHEAST ONE-QUARTER OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24, EAST, LEE COUNTY, FLORIDA, BEING A PART OF A PARENT TRACT OR PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORD BOOK 470, AT PAGE 6 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 10; THENCE S. 89 DEGREES 56'13" E FOR 2089.28 FEET ALONG THE NORTH LINE OF SAID NORTHEAST ONE-QUARTER TO A POINT WHICH LIES 564.84 FEET FROM THE NORTHEAST CORNER OF SAID NORTHEAST ONE-QUARTER; THENCE S 01 DEGREES 20'18"W FOR 44.48 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY OF PONDELLA ROAD (FORMER STATE ROAD NO. S-78-A) AND THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING; THENCE CONTINUE S 01 DEGREES 20'18"W FOR 46.98 FEET ALONG THE EASTERLY LINE OF SAID PARENT TRACT TO A NON-RADIAL

INTERSECTION WITH A CURVE TO THE RIGHT, CONCAVE NORTHERLY (RADIUS 8064.50 FEET, CENTRAL ANGLE 00 DEGREES 37'47", CHORD 88.64 FEET, CHORD BEARING S 89 DEGREES 12'50"W) THENCE WESTERLY FOR 88.64 FEET ALONG THE ARC OF SAID CURVE, BEING 64.50 FEET SOUTHERLY OF AND CONCENTRIC WITH THE CENTERLINE SURVEY OF PONDELLA ROAD (LEE COUNTY PROJECT NO. 4656); THENCE N 01 DEGREES 33'19" E NON-RADIALLY FOR 48.48 FEET ALONG THE WESTERLY LINE OF SAID PARENT TRACT; THENCE S 89 DEGREES 48'52"E FOR 88.42 FEET ALONG THE AFOREMENTIONED SOUTHERLY RIGHT OF WAY OF PONDELLA ROAD (40.00 FEET FROM CENTERLINE) TO THE POINT OF BEGINNING.

PARCEL 7

BEGINNING AT A POINT OF THE SOUTH SIDE OF THE COUNTY ROAD KNOWN AS PONDELLA ROAD, WHICH POINT IS 30 FEET SOUTH AND 495.35 FEET WEST OF THE NORTHEAST CORNER OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST; THENCE RUN WEST ALONG THE SOUTH SIDE OF SAID PONDELLA ROAD A DISTANCE OF 70 FEET; THENCE RUN SOUTH A DISTANCE OF 200 FEET; THENCE RUN EAST A DISTANCE OF 70 FEET, MORE OR LESS TO A POINT SOUTH OF THE POINT OF BEGINNING; THENCE RUN NORTH A DISTANCE OF 200 FEET TO THE POINT OF BEGINNING, LEE COUNTY, FLORIDA.

LESS AND EXCEPT:

A TRACT OR PARCEL OF LAND LYING IN THE NORTHEAST ONE-QUARTER OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING PART OF A PARENT TRACT OR PARCEL OF LAND DESCRIBED IN OFFICIAL RECORD BOOK 2020 AT PAGE 3302 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 10; THENCE S 87 DEGREES 56' 13" E FOR 2159.28 FEET ALONG THE NORTH LINE OF SAID NORTHEAST ONE-QUARTER TO A POINT WHICH LIES 494.84 FEET FROM THE NORTHEAST CORNER OF SAID NORTHEAST ONE-QUARTER; THENCE S 01 DEGREES 20'28"W FOR 44.63 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY OF PONDELLA ROAD (FORMER STATE ROAD NO. S-78-A) AND THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING; THENCE CONTINUE S 01 DEGREES 20'18"W FOR 45.10 FEET ALONG THE EASTERLY LINE OF SAID PARENT TRACT TO A NON-RADIAL INTERSECTION WITH THE ARC OF A CURVE TO THE RIGHT, CONCAVE NORTHERLY, (RADIUS 8054.50 FEET, CENTRAL ANGLE 00 DEGREES 29'52", CHORD 70.06 FEET, CHORD BEARING S. 88 DEGREES 35'00"W.) THENCE WESTERLY FOR 70.06 FEET ALONG THE ARC OF SAID CURVE, BEING 44.50 FEET SOUTHERLY OF AND CONCENTRIC WITH THE CENTERLINE SURVEY OF PONDELLA ROAD (LEE COUNTY PROJECT NO. 4656); THENCE N 01 DEGREES 20'18" E. NON-RADIALLY FOR 46.98 FEET ALONG THE WESTERLY LINE OF SAID PARENT TRACT; THENCE S 89 DEGREES 48'52" E FOR 70.00 FEET ALONG THE AFOREMENTIONED SOUTHERLY RIGHT OF WAY OF PONDELLA ROAD (40 FEET FROM CENTERLINE) TO THE POINT OF BEGINNING.

SUBJECT TO TAXES FOR THE YEAR 2023 AND SUBSEQUENT YEARS, RESTRICTIONS, RESERVATIONS, COVENANTS AND EASEMENTS OF RECORD, IF ANY.

Parcel Identification Number: 10-44-24-04-0000A.0010

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; 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, 2022.

In Witness Whereof, the said Grantor has caused this instrument to be executed in its name by its duly authorized officer and caused its corporate seal to be affixed the day and year first above written.

Signed and Sealed in Our Presence:

Witness:

Witness 1 - Signature

Chaya Spielman

Witness 1 - Printed Name

Seller:

Edison Property Services, LLC, a Delaware
Limited Liability Company

Shifra Kohn

Shifra Kohn, Authorized Signor

Raizy Green

Witness 2 - Signature

Raizy Green

Witness 2 - Printed Name

State of New York

County of Orange

The foregoing instrument was acknowledged before me by means of 1 physical presence or online notarization, this 31st day of January, 2023, by Shifra Kohn, Authorized Signor of EDISON PROPERTY SERVICES, LLC, A DELAWARE LIMITED LIABILITY COMPANY, she (X) is personally known to me or () has produced as identification.

NOTARY PUBLIC

Printed Name:

My Commission Expires:

Chaya Spielman
Notary Public, State of New York
No. 01SP6359244
Qualified in Orange County
Commission expires on May 02, 2025

PONDELLA HOLDINGS
AERIAL MAP

EXHIBIT M-9



AUTHORIZATION TO REPRESENT

Please be advised that VERONICA MARTIN, SENIOR PLANNER and DEAN MARTIN, P.E., of TDM Consulting, Inc., 1520 Royal Palm Square Blvd, Suite 100, Fort Myers, FL 33919, are hereby authorized to represent Pondella Holdings, LLC, the Applicant and Property Owner, in all applications to Lee County and subsequent public hearings regarding the property located at 333 Pondella Road, North Fort Myers, Florida, 33903, STRAP Number 10-44-24-L2-00018.0010.



Israel Gross, Managing Member
Pondella Holdings, LLC

STATE OF New York
COUNTY OF Rockland

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, on June 15, 2025 (date) by ISRAEL GROSS (name of person providing oath or affirmation), who are personally known to me ~~or who has produced~~ _____ (type of identification) as identification.

STAMP/SEAL



Signature of Notary Public

JOSEPH NIEDERMAN
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01NI6144825
Qualified in Orange County
Commission Expires April 24, 2026



**1520 Royal Palm Square Blvd, Suite 100
Fort Myers, FL 33919**

Phone: 239-433-4231

www.tdmcivilengineering.com

Certificate of Authorization # 29086

Proposed Amendment – Exhibit M11

The Applicant, Pondella Holdings, LLC, is requesting to amend Lee Plan Map 4-B, the Lee County Utilities Future Sewer Service Area Map by adding the subject property to the sewer service area. The development site is 6.42 acres, located in Section 10, Township 44 South, Range 24 East, along Pondella Road in North Fort Myers. The subject property has a future land use classification of Central Urban.



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Certificate of Authorization # 29086

Pondella Holdings
Lee Plan Analysis – Exhibit M12
Revised 4-7-2026

Lee Plan Compliance:

***Policy 1.1.3:** The Central Urban future land use category can best be characterized as the “urban core” of the County. These areas are already the most heavily settled and have, or will have, the greatest range and highest levels of public services. Residential, commercial, public and quasipublic, and limited light industrial land uses will continue to predominate in the Central Urban future land use category. Future development in this category is encouraged to be mixed use, as described in Objective 11.1, where appropriate. The standard density range is from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre), with a maximum total density of fifteen dwelling units per acre (15 du/acre). The maximum total density may be increased to twenty dwelling units per acre (20 du/acre) utilizing Greater Pine Island Transfer of Development Units.*

The Central Urban future land use category is described as the urban core of the county with the greatest range and highest levels of public services. Amending Lee Plan Map 4-B Lee County Utilities Future Sewer Service Area Map increases the level of public services available to the community. At this time, there’s a small enclave of properties that lie outside of LCU’s sewer franchise area or any other certified franchise area. Amending the Lee Plan Map 4-B is consistent with **Lee Plan Policy 1.1.3.**

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

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

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

***Objective 2.2: Development Timing.** Direct new growth to those portions of the future urban areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created.*

The subject property is considered an infill parcel with existing development on all sides. As previously noted, the subject property is within a small enclave of land that is not serviced by a certified franchise area; however, LCU's future sewer service area is located to the east, south, and west of the property. The property has a wide range of urban services available, with the exception of sanitary sewer. Development of this property promotes compact and contiguous growth patterns in future urban areas where public facilities exist and are adequate to serve future developments. Amending Lee Plan Map 4-B Lee County Utilities Future Sewer Service Area Map increases the level of public services available to the community. Amending Lee Plan Map 4-B is consistent with **Lee Plan Objectives 2.1: Development Location and 2.2: Development Timing, and Policies 2.1.1 and 2.1.2.**

***Objective 4.1: Water, Sewer, and Environmental Standards.** Consider water, sewer, and environmental standards during the rezoning process. Ensure the standards are met prior to issuing a local development order.*

Standard 4.1.1: Water.

- 1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Fla. Admin. Code R. 62-550).*
- 2. If the proposed development lies within the boundaries of a water utility's certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 4- A), then the development must be connected to that utility.*
- 3. The developer must provide proof that the prior commitments of the water utility, plus the projected need of the developer, do not exceed the supply and facility capacity of the utility.*

Lee County Utilities (LCU) provided a Letter of Availability confirming that potable water lines are in operation adjacent to the subject property and that LCU presently has sufficient capacity to provide potable water service as estimated. LCU also stated that there are no reuse mains in the vicinity. This is consistent with **Lee Plan Standard 4.1.1: Water.**

Standard 4.1.2: Sewer.

- 1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.*
- 2. If the proposed development exceeds the thresholds listed above and lies within the boundaries of a sewer utility's certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 4-B), and that utility has sufficient capacity to provide minimum service to the development, then the development must connect to that sewer utility if there is existing infrastructure adequate to accept the effluents of the development within 1/4 mile from any part of the development.*
- 3. If there is not sufficient capacity nor adequate infrastructure within 1/4 mile of the development, the developer must provide proof in the form of a clearly stated rejection of service.*
- 4. If a new development is located in a certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 4-B), and the utility cannot provide the*

service, or cannot provide the service except at a clearly unreasonable cost to the developer, the developer may establish on a temporary basis a self-provided sanitary sewer facility for the development, to be abated when the utility extends service to the site. The developer may also petition the appropriate regulatory agency to contract the service area of the utility in order that another utility may be invited to provide the service.

5. If a development lies outside any service area as described above, the developer may:

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

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

The subject property lies outside of Lee County Utilities services area; however, the applicant is requesting to amend Lee Plan Map 4-B, Lee County Utilities Future Sewer Service Area Map, to permit LCU to provide sanitary sewer service to the site. LCU provided a Letter of Availability stating that sanitary sewer lines are currently not available adjacent to the site. The applicant is aware that developer-funded extensions may be required. The purpose of this application is to provide sanitary sewer to the future development of the subject property. The proposed amendment is consistent with **Lee Plan Standard 4.1.2: Sewer, subsection 5.**

Standard 4.1.3: Reuse.

1. Any development that requires a development order, on a property that is adjacent to public reuse infrastructure with sufficient capacity, must connect to the reuse system for irrigation needs.

2. Any new development that, at build-out, has an anticipated irrigation demand of 50,000 gallons per day, or more, using the Blaney-Criddle method, must connect to a public reuse system for irrigation needs when sufficient capacity and adequate infrastructure is within ¼ mile from any part of the development.

3. If there is not sufficient capacity or adequate infrastructure within ¼ mile of the development, the developer must provide proof in the form of a clearly stated rejection of service.

4. If a development has been rejected for reuse service, the proposed source of irrigation water must be identified consistent with Policy 61.1.6.

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

Objective 5.1: *All development approvals for residential, commercial, and industrial land uses must be consistent with the following policies, the general standards under Goal 4, and other provisions of this plan.*

Amending Lee Plan Map 4-B to add the subject property to Lee County Utilities Future Sewer Service Area Map provides additional urban services to the land in the Central Urban future land use category. This is consistent with Goal 4 of the Lee Plan and **Objective 5.1**.

Objective 6.1: *Development approvals for commercial land uses must be consistent with the following policies, the general standards under Goal 4, and other provisions of this plan.*

The subject property is located along a commercial corridor as identified by LDC Sec. 33-1566, the North Fort Myers Community Plan. As such, commercial development is encouraged at this location. Amending Lee Plan Map 4-B to add the subject property to Lee County Utilities Future Sewer Service Area Map provides additional urban services to the area. This is consistent with Goal 4 of the Lee Plan and **Objective 6.1**.

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

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

The subject property is currently located in the Mixed-Use Overlay per Lee Plan Map 1-C. Once of the requirements is the availability of public facilities and infrastructure. Amending Lee Plan Map 4-B to add the subject property to LCU's Future Sewer Service Area Map is consistent with the Mixed-Use Over, **Policy 11.2.1**.

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

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

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

- Adequate meeting space to accommodate projected attendance and security measures (as needed).*
- Advance notice of the meeting in a publication of local distribution provided at least ten calendar days prior to the meeting, unless otherwise specified herein.*
- At the meeting, a general overview of the text or map amendment and effect thereof.*

• After the meeting, a meeting summary document submitted to the County that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and the applicant's response to any issues that were raised.

A Public Information Meeting was held on March 3, 2026 in the North Fort Myers community planning area as required by LDC Sec. 33-1532. The proposed comprehensive plan amendment and conventional rezoning applications were presented to the public. The public information meeting summary, notice of meeting, and sign-in sheet are included with the application. This is consistent with **Lee Plan Policies 17.3.4 and 17.3.5.**

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

Objective 30.4: Community Facilities & Services. *To provide community facilities and services within the Town Centers, Neighborhood Centers and Corridor Overlay Districts.*

Policy 30.4.2: *Support the concept of a single source of sewage service to the North Fort Myers Community Plan area.*

The goal of the North Fort Myers community plan is to improve the livability and economic vitality in the area by promoting compact, mixed use development; attracting appropriate investment to revitalize older neighborhoods and commercial corridors; stabilizing and enhancing existing neighborhoods; and preserving natural resources. The subject property is located in the North Fort Myers planning community area along a designated corridor overlay - Pondella Road. As previously stated, the applicant assembled multiple vacant lots along Pondella Road, creating a site for future development. The site can be viewed as an infill development since the majority of the land on all four sides is currently developed with a mix of residential and commercial uses. Adding the subject property to Lee County Utilities (LCU) future sewer service area is consistent with Lee Plan Objective 30.4, which promotes community facilities and services within corridor overlay districts and Policy 30.4.2, which promotes the concept of a single source of sewage service to the North Fort Myers Community Plan Area. Amending Lee Plan Map 4-B, LCU's Future Sewer Service Area Map to include the subject property encourages future development and provides a necessary service to the community. This is consistent with **Lee Plan Goal 30, Objective 30.4 and Policy 30.4.2.**

Goal 56: Sanitary Sewer Infrastructure. *In partnership with franchised/certificated utilities providers, provide sanitary sewer service and wastewater treatment and disposal throughout Lee County.*

Objective 56.1: *The County will ensure the provision of acceptable levels of sanitary sewer service throughout the future urban areas of the unincorporated County, either directly by Lee County Utilities or a utility authority, or indirectly through franchised utility companies.*

The subject property is located in a future urban area of Lee County – Central Urban. According to the 2024 Concurrency Report, LCU has adequate facilities to serve the proposed development's estimated 6,420 GPD. As previously noted, the subject property is located within a small enclave

of land that is not located within a sewer franchise area; however, the properties to the east, south, and west are within the LCU's sewer franchise area. The Applicant is requesting to amend Lee Plan Map 4-B to expand LCU's Future Sewer Service Area, which is consistent with Lee Plan Goal 56 and Objective 56.1.

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

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

Policy 101.3.4: Encourage new residential development, as required by the LDC, to provide continuing information to residents concerning hurricane evacuation and shelters.

A local development order and SFWMD ERP will be required for the development. The applicant must comply with the rules and regulations at that time, including LDC Article XI – Hurricane Preparedness and LDC Sec. 2-485 Impact Mitigation. This is consistent with **Lee Plan Policies 101.1.1, 101.3.2 and 101.3.4.**

ENVIRONMENTAL SUPPLEMENT

PONDELLA ROAD
NORTH FORT MYERS, FLORIDA 33903

JANUARY 2025

Prepared by: Christina Hall; Staff Biologist

**TURRELL, HALL &
ASSOCIATES, INC.** 
Marine & Environmental Consulting

PHONE: 239-643-0166 WWW.THANAPLES.COM

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1 INTRODUCTION

The proposed project is located at 353, 323, 333, 317, 375, 371, and 363 Pondella Road, and 40 and 36 Blair Street in North Fort Myers, Florida 33903 within Section 10, Township 44 South, and Range 24 East in Lee County. The subject property consists of approximately 6.54 acres and can be identified by the following Strap Numbers: 10-44-24-04-0000A.0010, 10-44-24-04-0000A.0020, 10-44-24-04-0000A.0040, 10-44-24-00-00016.0000, 10-44-24-00-00018.0010, 10-44-24-00-00021.0060, 10-44-24-00-00018.0000, 10-44-24-00-00020.0010, and 10-44-24-00-00021.0070.

The proposed project is a retail/residential development including one (1) retail building, two (2) residential buildings, and associated amenity areas, dog park, parking lots, an indigenous reserve and stormwater management structures.

This document provides information concerning the proposed project site as it relates to natural resources and environmental issues. It will be submitted to Lee County in support of a local building permit.

2 EXISTING CONDITIONS PRE-DEVELOPMENT

2.1 HABITAT DESCRIPTIONS AND VEGETATIVE ASSOCIATIONS

The Florida Land Use, Cover, and Forms Classification System (FLUCFCS) manual was used to classify all of the vegetative communities occurring within the site boundaries. The attached FLUCFCS exhibit on Sheet 2 shows the subject property, its vegetative cover, and depicts the approximate limits of the wetland and upland areas. A general description is provided below in Table 1 along with any site-specific nuances that may be relevant to the assessment.

Table 1: FLUCFCS Codes and Descriptions

FLUCFCS Code	Description	Acres	Jurisdictional Wetlands / OSW
111	Fixed Single Family Units	0.77	No
414E3	Pine Mesic Oak (Exotics 50-75%)	4.74	No
420E3	Upland Hardwood Forests (Exotics 50-75%)	0.45	No
514	Ditch	0.10	Yes
640E2	Vegetated Non-Forested Wetlands (Exotics 25-50%)	0.28	Yes
740	Disturbed Land	0.20	No
Total:		6.54	0.38

2.1.1 111 – Fixed Single Family Units (0.77 acres)

The Fixed Single Family Units area on-site consists of a single family residence at 333 Pondella Road and its associated yard.

2.1.2 414E3 - Pine Mesic Oak (Exotics 50-75%) (4.74 acre)

The majority of the project area is Pine Mesic Oak community with 50-75% cover of exotic vegetation. It is dominated by slash pine (*Pinus elliottii*) and laurel oak (*Quercus laurifolia*) in the canopy with various invasive and nuisance species present in each stratum. Overall, the vegetation in this community is not dominated by hydrophytic vegetation. The soil sampled in this community did not display hydric characteristics and no hydrologic indicators were observed. A list of observed species and their approximate percent coverages within the Pine Mesic Oak (Exotics 50-75%) community on-site can be seen below in Table 2.

Table 2: Vegetation observed within the Pine Mesic Oak (Exotics 50-75%) community on-site:

Common Name	Scientific Name	Strata/ Substrata	Wetland Status	
			FDEP	USACE
Slash pine	<i>Pinus elliottii</i>	C, M	UPL	FACW
Wild banyan	<i>Ficus citrifolia</i>	C	FAC	FAC
Laurel oak	<i>Quercus laurifolia</i>	M	FACW	FACW
Cabbage palm	<i>Sabal palmetto</i>	M, G	FAC	FAC

Java plum	<i>Syzygium cumini</i>	M, G	FAC	FAC
Tropical almond	<i>Terminalia catappa</i>	C	FAC	UPL
Brazilian pepper	<i>Schinus terebinthifolia</i>	M, G	FAC	FAC
Broomsedge	<i>Andropogon</i> sp.	G	FAC	FAC
Ragweed	<i>Ambrosia artemisiifolia</i>	G	UPL	FACU
False buttonweed	<i>Spermacoce</i> sp.	G	FAC	FAC
Tropical Mexican clover	<i>Richardia brasiliensis</i>	G	FAC	FAC
Grapevine	<i>Vitis</i> sp.	V	FAC	FAC
Greenbrier	<i>Smilax</i> sp.	V	FAC	FAC

C = Canopy M = Mid-story G = Groundcover V = Vine
OBL = Obligate Wetland FACW = Facultative Wetland FAC = Facultative
FACU = Facultative Upland UPL = Upland

2.1.3 420E3 - Upland Hardwood Forests (Exotics 50-75%) (0.45 acres)

The Upland Hardwood Forests (Exotics 50-75%) community is a small, forested area along the northeastern property boundary. Native vegetation is dominated by laurel oak and cabbage palm, while the remaining vegetation is comprised of invasive or nuisance species. Soils in this community do not appear to exhibit hydric characteristics and hydrologic indicators are not present. A list of species observed in the Upland Hardwood Forests (Exotics 50-75%) community can be found below in Table 3.

Table 3: Vegetation observed within the Upland Hardwood Forests (Exotics 50-75%) community on-site:

Common Name	Scientific Name	Strata/ Substrata	Wetland Status	
			FDEP	USACE
Laurel oak	<i>Quercus laurifolia</i>	C	FACW	FACW
Cabbage palm	<i>Sabal palmetto</i>	C, M	FAC	FAC
Java plum	<i>Syzygium cumini</i>	C	FAC	FAC
Royal poinciana	<i>Delonix regia</i>	C	FAC	UPL
Carrotwood	<i>Cupaniopsis anacardioides</i>	M, G	FAC	FAC
Creeping oxeye	<i>Sphagneticola trilobata</i>	G	FAC	FAC
False buttonweed	<i>Spermacoce</i> sp.	G	FAC	FAC

C = Canopy M = Mid-story G = Groundcover V = Vine
OBL = Obligate Wetland FACW = Facultative Wetland FAC = Facultative
FACU = Facultative Upland UPL = Upland

2.1.4 514 - Ditch (0.10 acres)

The Ditch community on-site refers to the linear stormwater ditch along Pondella Road. No water was present in the ditch during the site inspection; however, it is likely that this area holds water during the wet season.

2.1.5 640 – Vegetated Non-Forested Wetlands (Exotics 25-50%) (0.28 acres)

The Vegetated Non-Forested Wetlands (Exotics 25-50%) community on-site is a small wetland located in the northwestern portion of the property. This area is dominated by hydrophytic species but also exhibits recruitment of invasive vegetation. Soils in this community exhibit hydric characteristics in the form of muck presence, which is also a hydrologic indicator. A list of vegetation observed in the Vegetated Non-Forested Wetlands (Exotics 25-50%) can be found below in Table 4.

Table 4: Vegetation observed within the Vegetated Non-Forested Wetlands (Exotics 25-50%) community on-site:

Common Name	Scientific Name	Strata/ Substrata	Wetland Status	
			FDEP	USACE
Peruvian primrosewillow	<i>Ludwigia peruviana</i>	G	OBL	FACW
Broomsedge	<i>Andropogon glomeratus</i>	G	FACW	FACW
Whorled marshpennywort	<i>Hydrocotyle verticillate</i>	G	FACW	OBL
Cordgrass	<i>Spartina</i> sp.	G	FACW	FACW
False buttonweed	<i>Spermacoce</i> sp.	G	FAC	FAC
Bacopa	<i>Bacopa</i> sp.	G	OBL	OBL

C = Canopy M = Mid-story G = Groundcover V = Vine
OBL = Obligate Wetland FACW = Facultative Wetland FAC = Facultative
FACU = Facultative Upland UPL = Upland

2.1.6 740 – Disturbed Land (0.20 acres)

The Disturbed Land portion of the project site refers to an existing paved driveway located in the Pine Mesic Oak community on-site.

2.2 WETLANDS & OTHER SURFACE WATERS

Qualified Turrell, Hall & Associates, Inc. (THA) environmental staff inspected the project site for the purpose of delineating wetlands and other surface waters. The wetland delineation methodologies and criteria set forth by the state and the U.S. Army Corps of Engineers (in accordance with Chapter 62-340, FAC, and Version 2.0 of the Atlantic and Gulf Coastal Plain Regional Supplement to the Corps of Engineers Wetland Delineation Manual) were followed in determining whether an area was considered as a wetland or other surface water and in delineating the limits (boundaries) of potential jurisdictional wetlands and other surface waters.

2.2.1 Jurisdictional Status of Wetlands

The wetlands definitions in Chapter 62-340(19), F.A.C. and 33CFR 328.3 state that wetlands are those areas "inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils." The methodologies used to delineate a

wetland boundary as described in Chapter 62-340, F.A.C. use a series of tests in order to determine the presence of a wetland.

The 6.16-acres of Fixed Single Family Units, Pine Mesic Oak (Exotics 50-75%), Upland Hardwood Forests (Exotics 50-75%), and Disturbed Land communities do not meet the definition of a wetland. These areas are not dominated by hydrophytic vegetation, hydric soils are not present, nor are hydrologic indicators.

The 0.28-acre Vegetated Non-Forested Wetlands (Exotics 25-50%) community does meet the definition of a wetland. Vegetation in this community is primarily hydrophytic, soils exhibit hydric characteristics, and hydrologic indicators are present.

2.3 LISTED PLANT AND ANIMAL SPECIES

Several listed animal species have the potential to occur on-site. These species include but are not limited to the Eastern indigo snake, the Florida bonneted bat (*Eumops floridanus*), Florida burrowing owl (*Athene cunicularia floridana*), gopher tortoise (*Gopherus polyphemus*), and the red-cockaded woodpecker (*Picoides borealis*). The probability of these animals utilizing suitable habitats ranges from high to low depending on the particular species. It is improbable that most of these species currently reside or nest on-site. A list of potential listed species and their designations are provided below in Table 5.

Table 5: Potential Threatened and Endangered Species

Common Name	Scientific Name	Status
Bald eagle	<i>Haliaeetus leucocephalus</i>	*
Black skimmer	<i>Rynchops niger</i>	ST
Eastern indigo snake	<i>Drymarchon couperi</i>	FT
Florida bonneted bat	<i>Eumops floridanus</i>	FE
Florida burrowing owl	<i>Athene cunicularia floridana</i>	ST
Gopher tortoise	<i>Gopherus polyphemus</i>	ST
Least tern	<i>Sternula antillarum</i>	ST
Little blue heron	<i>Egretta caerulea</i>	ST
Red-cockaded woodpecker	<i>Picoides borealis</i>	FE
Roseate spoonbill	<i>Platalea ajaja</i>	ST
Tricolored heron	<i>Egretta tricolor</i>	ST
Wood stork	<i>Mycteria americana</i>	FT

FE = Federally Endangered

FT = Federally Threatened

ST = State Threatened

* = Non-listed, protected species

A survey for listed animal and plant species was conducted within the project area by THA biologists. This threatened and endangered species survey and its results are discussed in the attached listed species survey report in Appendix B.

3 PROPOSED CONDITIONS POST-DEVELOPMENT

3.1 PROPOSED PROJECTS

The proposed project is a retail/residential development including one (1) 5,000 square foot retail building, one (1) 65-unit, 14,892 square foot residential building, one (1) 60-unit, 14,892 square foot residential building, and associated dog park, amenity areas, parking lots, indigenous preserve and stormwater management structures.

3.2 IMPACTS TO WETLANDS

The small portion of isolated wetland habitat in the northwestern corner of the project site will be entirely impacted by the proposed development. Parking associated with the retail structure is proposed in this area.

3.3 PROJECT IMPACTS TO LISTED SPECIES

The Listed Species Survey Report in Appendix B provides an assessment of the proposed project's potential impacts to various listed animal species. The species addressed include those observed on or in close proximity to the subject property as well as certain species that could potentially occur on the subject site or on nearby off-site parcels.

3.4 PROJECT IMPACTS TO HISTORICAL & ARCHAEOLOGICAL RESOURCES

There is one resource listed in the Florida Master Site File Culture resource roster at 363 Pondella Road, Strap: 10-44-24-04-0000A.0040. The resource, LL01604, was a frame vernacular, single-story residence that was recorded in March 1992. The historical structure form lists the structure was "altered from its original condition and no longer exhibits any historic architectural significance". The structure no longer exists.

There are no other historical or archaeological resources located within the vicinity of the project.

3.5 PROJECT IMPACTS TO INDIGENOUS HABITAT

The proposed project would be considered a "small project" under the Lee County Land Development Code (LDC) and open space and indigenous preserve requirement will be based on that determination. Under the LDC, the development will have a 10% open space requirement of which 50% must be indigenous habitat (0.32 acre). The project is preserving 0.86 acre of upland habitat in the southernmost portion of the site.

4 PHOTOS



Figure 1: Fixed Single Family Units community on-site.



Figure 2: Pine Mesic Oak (Exotics 50-75%) community on-site.



Figure 3: Upland Hardwood Forests (Exotics 50-75%) community.



Figure 4: Ditch community on-site along Pondella Road.



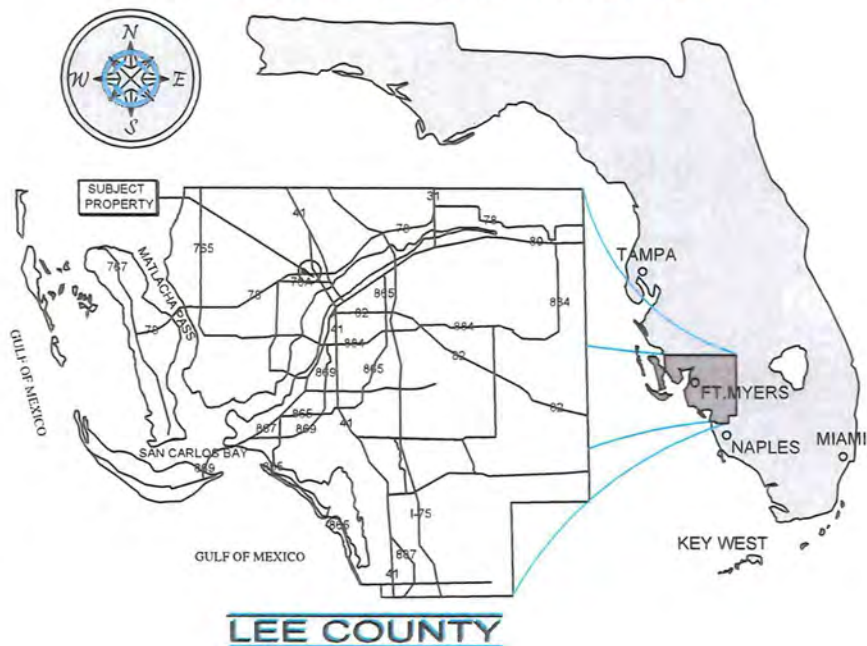
Figure 5: Vegetated Non-forested Wetlands (Exotics 25-50%) community on-site.



Figure 6: View of the Disturbed Lands community on-site.

APPENDIX A: EXHIBITS

STATE OF FLORIDA



LEE COUNTY

SUBJECT
PROPERTY



VICINITY MAP

SUBJECT
PROPERTY



COUNTY AERIAL

SITE ADDRESS:

<> PONDELLA RD
N FORT MYERS, FL 33903

<> LATITUDE: N 26.666709
<> LONGITUDE: W -81.893715

NOTES:

<> THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY
AND ARE NOT INTENDED FOR CONSTRUCTION USE.



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Marine & Environmental Consulting

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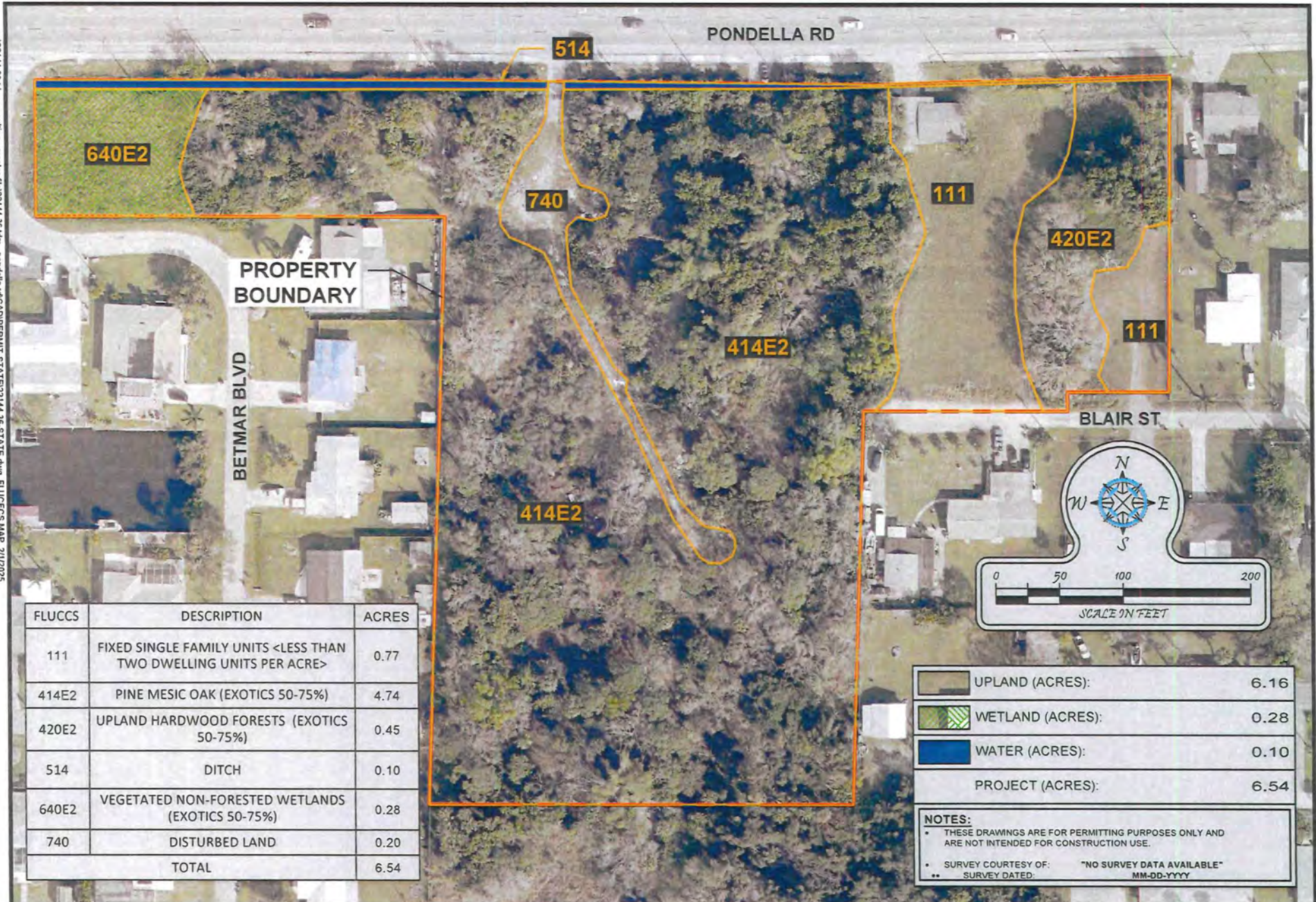
PONDELLA RD

LOCATION MAP

RY NO. 5875

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	CH	DATE	DATE	DATE	DATE
DRAWN BY:	RMJ	1.	-	-	-
CREATED:	02-01-25	2.	-	-	-
JOB NO.:	22144.36	3.	-	-	-
SHEET NO.:	01 OF 06	4.	-	-	-
		5.	-	-	-
SECTION- 10		TOWNSHIP- 44S		RANGE- 24E	



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Marine & Environmental Consulting
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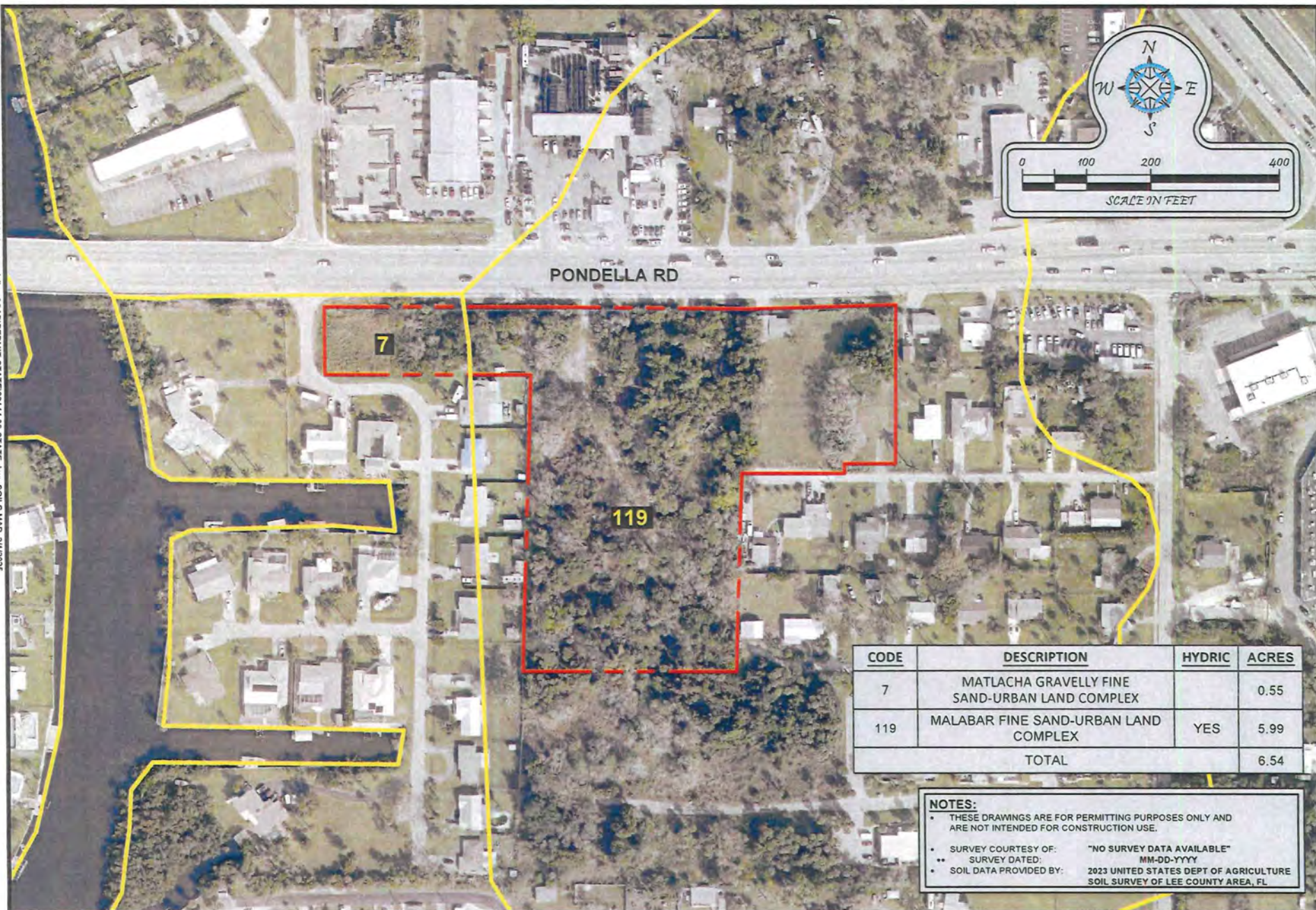
PONDELLA RD **FLUCFCS MAP**

RY NO. 5875

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	CH	DATE	1.	-	-	-	-
DRAWN BY:	RMJ	DATE	2.	-	-	-	-
CREATED:	02-01-25	DATE	3.	-	-	-	-
JOB NO.:	22144.36	DATE	4.	-	-	-	-
SHEET NO.:	02 OF 06	DATE	5.	-	-	-	-
SECTION- 10		TOWNSHIP- 44 S		RANGE- 24 E			

p:\2114.00 1dm consulting - master file\2114.36 1dm - pondella rd\CAD\PERMIT-STATE\2114.36-STATE.dwg SOILS MAP 2/11/2025



CODE	DESCRIPTION	HYDRIC	ACRES
7	MATLACHA GRAVELLY FINE SAND-URBAN LAND COMPLEX		0.55
119	MALABAR FINE SAND-URBAN LAND COMPLEX	YES	5.99
TOTAL			6.54

NOTES:

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- SURVEY COURTESY OF: "NO SURVEY DATA AVAILABLE"
- SURVEY DATED: MM-DD-YYYY
- SOIL DATA PROVIDED BY: 2023 UNITED STATES DEPT OF AGRICULTURE SOIL SURVEY OF LEE COUNTY AREA, FL



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PONDELLA RD

SOILS MAP

RY NO. 5875

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	CH	REVIEW BY:	DATE:	CHECK BY:	CHANGED:
DRAWN BY:	RMJ	1.	-	-	-
CREATED:	02-01-25	2.	-	-	-
JOB NO.:	22144.36	3.	-	-	-
SHEET NO.:	03 OF 06	4.	-	-	-
		5.	-	-	-
SECTION- 10		TOWNSHIP- 44 S		RANGE- 24 E	

APPENDIX B: LISTED SPECIES SURVEY

LISTED SPECIES SURVEY REPORT

PONDELLA ROAD
NORTH FORT MYERS, FLORIDA 33903

JANUARY 2025

Prepared by: Jack Hartfelder; Staff Biologist

**TURRELL, HALL &
ASSOCIATES, INC.** 
Marine & Environmental Consulting

PHONE: 239-643-0166 WWW.THANAPLES.COM

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1 INTRODUCTION

Turrell, Hall & Associates, Inc. (THA) has conducted a listed species survey at 353, 323, 333, 317, 375, 371, and 363 Pondella Road, and 40 and 36 Blair Street in North Fort Myers, Florida 33903 on January 3, 2025. The project property is located within Section 10, Township 44 South, and Range 24 East in Lee County. The project property consists of approximately 6.54 acres and can be identified by the following Strap Numbers: 10-44-24-04-0000A.0010, 10-44-24-04-0000A.0020, 10-44-24-04-0000A.0040, 10-44-24-00-00016.0000, 10-44-24-00-00018.0010, 10-44-24-00-00021.0060, 10-44-24-00-00018.0000, 10-44-24-00-00020.0010, and 10-44-24-00-00021.0070. The purpose of this report is to provide a summary of wildlife observations within the project area and to consider the potential effects of the proposed project on any local, state, or federal listed species that may utilize the project area for feeding, foraging, or nesting purposes.

2 METHODOLOGY

Prior to any wildlife survey, careful consideration is given to the habitat types in question and species that are known to utilize such areas. Several publications and references are also consulted, including The Official List of Florida's Endangered Species, Florida's Endangered and Threatened Species (dated December 2022), Florida's Imperiled Species Management Plans, Florida Fish and Wildlife Conservation Commission (FWC) Species Conservation Measures and Permitting Guidelines, The U.S. Fish and Wildlife Service's (FWS) Information for Planning and Consultation, the Florida Natural Areas Inventory (FNAI), and Lee County aerial photography.

The basic objective of any wildlife survey is to obtain evidence that wildlife species are utilizing the project site. This site may be comprised of a primary or secondary foraging zone, a nesting zone, or merely adjacent to those sites with regard to a particular listed species. As many listed species in Florida are cryptic and/or nocturnal, patience and sufficient time must be devoted to the survey.

Aerial photography and the Florida Land Use, Cover, and Forms Classification System (FLUCFCS) maps of the site and surrounding area were consulted before arriving on-site. After thorough consideration of the existing habitats, a potential list of species that could be found on-site was developed. The required survey procedure for each species was then followed to determine if any listed species was utilizing the project area.

A system of meandering transects was followed throughout the project area in the afternoon to survey for gopher tortoises, burrowing owls, and other anticipated or potential species that could occur on the project lands. Qualified THA biologists traversed the entire site in a series of linear transects spaced approximately 10 feet apart.

3 PRELIMINARY RESEARCH

Prior to field investigations, aerial photos, soil maps, and prior mapping of the project area were reviewed to identify various vegetation associations that are present on and adjacent to the project area. Various publications and databases were reviewed to identify listed plant and wildlife species, which could occur as well as those that had been previously documented on or near the project site and also to gather information concerning the listed species.

Based on the habitat types that were identified, existing knowledge of the project area, correspondence with other consultants, and review of publications and databases, a preliminary list of protected plant and animal species with the potential to occur within or near the project area was determined.

As used herein, the term "listed species" refers to those animals listed as endangered or threatened by the FWS or the FWC. The following subsections document these efforts and their results. Table 1 below features a list of listed species that could potentially utilize the project area.

Table 1: Potential Threatened and Endangered Species

Common Name	Scientific Name	Status
Bald eagle	<i>Haliaeetus leucocephalus</i>	*
Black skimmer	<i>Rynchops niger</i>	ST
Eastern indigo snake	<i>Drymarchon couperi</i>	FT
Florida bonneted bat	<i>Eumops floridanus</i>	FE
Florida burrowing owl	<i>Athene cunicularia floridana</i>	ST
Gopher tortoise	<i>Gopherus polyphemus</i>	ST
Least tern	<i>Sternula antillarum</i>	ST
Little blue heron	<i>Egretta caerulea</i>	ST
Red-cockaded woodpecker	<i>Picoides borealis</i>	FE
Roseate spoonbill	<i>Platalea ajaja</i>	ST
Tricolored heron	<i>Egretta tricolor</i>	ST
Wood stork	<i>Mycteria americana</i>	FT

FE = Federally Endangered FT = Federally Threatened ST = State Threatened FT (S/A) = Federally
* = Non-listed, protected species

4 EXISTING CONDITIONS

The project area is 1.34 acre in size and consists of two vegetative communities. The project area is bordered by various stages of commercial development on all sides.

The Florida Land Cover Classification System (FLUCFCS) manual was used to classify land use within the site boundaries. The FLUCFCS exhibit attached depicts the project area. Table 2 below features a general list of vegetative cover.

Table 2: FLUCFCS Codes and Descriptions

FLUCFCS Code	Description	Acres
111	Fixed Single Family Units	0.77
414E3	Pine Mesic Oak (Exotics 50-75%)	4.74
420E3	Upland Hardwood Forests (Exotics 50-75%)	0.45
514	Ditch	0.10
640E2	Vegetated Non-Forested Wetlands (Exotics 25-50%)	0.28
740	Disturbed Land	0.20
	Total:	6.54

5 RESULTS

The 2659 NE 9th Avenue project site was surveyed by one THA biologist on January 3, 2025 from 9:45 AM to 11:00 AM. The weather conditions were favorable with clear skies (5% cloud cover).

5.1 LISTED SPECIES OBSERVED ON-SITE

During the site inspection, no evidence of listed species utilization was observed.

5.2 SPECIES OBSERVED ON-SITE

While surveying the project area for listed species, biologists recorded sightings and signs of non-listed wildlife. Table 3 below features all wildlife observed on or adjacent to the project site.

Table 3: List of Species Observed On-site

Common Name	Scientific Name	Status
Turkey vulture	<i>Cathartes aura</i>	
Gray catbird	<i>Dumetella carolinensis</i>	
Blue jay	<i>Cyanocitta cristata</i>	
Yellow-rumped warbler	<i>Setophaga coronata</i>	
Palm warbler	<i>Setophaga palmarum</i>	
Blue-gray gnatcatcher	<i>Polioptila caerulea</i>	
Raccoon	<i>Procyon lotor</i>	

FE = Federally Endangered FT = Federally Threatened ST = State Threatened

6 DISCUSSION

6.1 PROJECT OVERVIEW

The proposed project is a retail/residential development including one (1) 5,000 square foot retail building, one (1) 65 unit, 14,892 square foot residential building, one (1) 60 unit, 14,892 square foot residential building, and associated dog park, amenity areas, parking lots, indigenous reserve and stormwater management structures.

6.2 PROJECT IMPACTS TO LISTED SPECIES

6.2.1 Bald eagle (*Haliaeetus leucocephalus*)

While no longer a listed species, state or federally, the bald eagle (*Haliaeetus leucocephalus*) is still protected by state rule 68A-16.002, F.A.C., and federal laws (Migratory Bird Treaty Act of 1918 and the Bald and Golden Eagle Protection Act of 1940). An incidental take permit may be needed for activities taking place within 660 feet of an eagle nest during the breeding season (October 1 - May 15). No eagle nests were observed on or adjacent to the project area during surveys. Four bald eagle nests are recorded near the project area. One active nest, LE133, is located approximately 0.48 miles northeast of the project area. Three unmonitored nests LE043a, LE043b, and LE043, are located approximately 0.74 miles west, 0.70 miles southwest, and 0.65 miles of the project area respectively. No state or federal permitting will be required for eagle nests in regard to this project area.

6.2.2 Eastern indigo snake (*Drymarchon couperi*)

The eastern indigo snake (*Drymarchon couperi*) is listed as federally threatened. Generally, this species lives and hunts in a wide variety of habitats, and its territory can cover large areas. It can be associated with gopher tortoise burrows (as a commensal) and favors pine flatwoods, palmetto prairies, and scrub habitats as well as wetland edges. It is relatively reclusive in nature and is rarely observed in the wild. Immediately prior to construction on the project area, an eastern indigo snake survey will be necessary to ensure that they are not utilizing areas where large equipment will be deployed. No eastern indigo snakes have been observed on-site. However, indigo snakes could potentially frequent parts of the project area. Special construction guidelines to protect the indigo snake will have to be followed by construction personnel during all phases of construction work performed on-site.

6.2.3 Florida bonneted bat (*Eumops floridanus*)

The Florida bonneted bat (*Eumops floridanus*) is a federally endangered bat species that utilizes relatively open terrestrial and freshwater areas as foraging habitat and as a source of drinking

water. Their roosting habitat includes forests or other areas with suitable roost structures (tree snags, trees with cavities, artificial cavities, etc.). No cavity trees were observed on-site. If any cavities are observed before development begins, they will be inspected prior to construction by means of a small camera and monitor system to ensure that they are unoccupied prior to being cut down. The project area is located within the Florida Bonneted Bat Consultation Area and contains foraging habitat. Due to the small size of the action area, if required best management practices are followed the project "May Affect, but is Not Likely to Adversely Affect" the Florida bonneted bat. Consultation will be required to confirm the impact of development of the project area on the Florida bonneted bat.

6.2.4 *Florida burrowing owl (Athene cunicularia floridana)*

The Florida burrowing owl (*Athene cunicularia floridana*) is a subspecies of the burrowing owl (*Athene cunicularia*) that occurs in Florida. It is classified as a State-designated Threatened Species in the Florida Endangered and Threatened Species List. It is a small, long-legged owl that uses burrows year-round for breeding and roosting purposes. Burrowing owls prefer well-drained sandy soil with low vegetation, typically native dry prairies. No burrowing owls were observed on-site or adjacent areas. There are many burrowing owl burrows in cape coral to the west of the project site. Development of the project is unlikely to result in any impact on Florida burrowing owls or their habitat. It is possible that once the project area is scraped for development, burrowing owl habitat may be temporarily created. Contractors will be educated on the Florida burrowing owl and any newly created burrows will be posted and avoided. All permitting guidelines will be followed until the burrows can be excavated under an incidental take permit.

6.2.5 *Gopher tortoise (Gopherus polyphemus)*

The gopher tortoise (*Gopherus polyphemus*) is listed as a threatened species by the FWC. This species prefers upland habitats, particularly xeric scrub communities, and higher-elevation pine flatwoods. They can also be found in disturbed upland areas, including fallow and abandoned agricultural fields, perimeters of active crop fields, and pastures. No gopher tortoise burrows were observed on the project area. An updated gopher tortoise survey will be required prior to any development of the project area. If any gopher tortoises are found, all state and federal permitting guidelines will be followed in association with the development of the project area.

6.2.6 *Red-cockaded woodpecker (Picoides borealis)*

The red-cockaded woodpecker (*Picoides borealis*; referred to in the following as "RCW") is a federally endangered species that typically utilizes mature pine woodlands and savannas. RCWs nest in cavities of mature, large, live pine trees. Stands with developed hardwood midstory are not suitable foraging or nesting habitat. The site area was surveyed for RCW cavities, and none were located on-site. The closest active RCW colony is approximately 15.5 miles north of the

project area in the Babcock-Webb Wildlife Management Area. Given the absence of suitable habitat or mature live cavity trees, there is a low probability of occurrence on-site.

6.2.7 *Imperiled beach-nesting birds*

The project area in its current state would not support use by imperiled beach-nesting birds, such as black skimmers (*Rynchops niger*) and least terns (*Sternula antillarum*), both of which are classified as a State-designated Threatened Species in the Florida Endangered and Threatened Species List. No least terns or black skimmers were observed during surveys. It is possible that once the project area is scraped for development or preservation, breeding habitat could be created. Both species have been recorded using land cleared for construction in Florida. If any imperiled beach nesting birds are observed in the project area during project activities, an approved bird monitor will identify nesting sites and maintain buffer areas to prevent any incidental take of imperiled beach-nesting birds.

6.2.8 *Various Listed Wading birds*

Little Blue herons (*Egretta caerulea*), tricolored herons (*Egretta tricolor*), roseate spoonbills (*Platalea ajaja*), and wood storks (*Mycteria americana*), could utilize the roadside swales that run parallel to Pondella Road. Wading birds may use the vegetated non-forested wetlands in the northwest corner of the property, but it does not appear to hold water for long enough to concentrate substantial forage for listed wading birds. No wading birds, listed or unlisted, were observed on-site. No nests of these species have been recorded within the project area. There are two wood stork breeding colonies, "Caloosahatchee River West" and "Caloosahatchee River East" that are 4.17 miles and 6.37 miles east-northeast of the project, respectively. The proposed wetland impacts are under half an acre and the project area is not within 0.47 miles of a colony site, therefore the project is "not likely to adversely affect" the wood stork. The proposed project will not impact the existing roadside swales and the proposed stormwater retention areas will create new potential foraging habitat for listed wading bird species.

7 CONCLUSION

THA performed a listed species survey of the approximately 6.54-acre project area in Lee County, Florida. No evidence of listed species utilization was observed. Although listed species were not observed, they have the potential to be impacted by the proposed development of the project area.

Special construction guidelines to protect the indigo snake will have to be followed by construction personnel during all phases of construction work performed on-site.

The project "May Affect, but is Not Likely to Adversely Affect" the Florida bonneted bat. Consultation will be required to confirm the impact of development of the project area on the Florida bonneted bat.

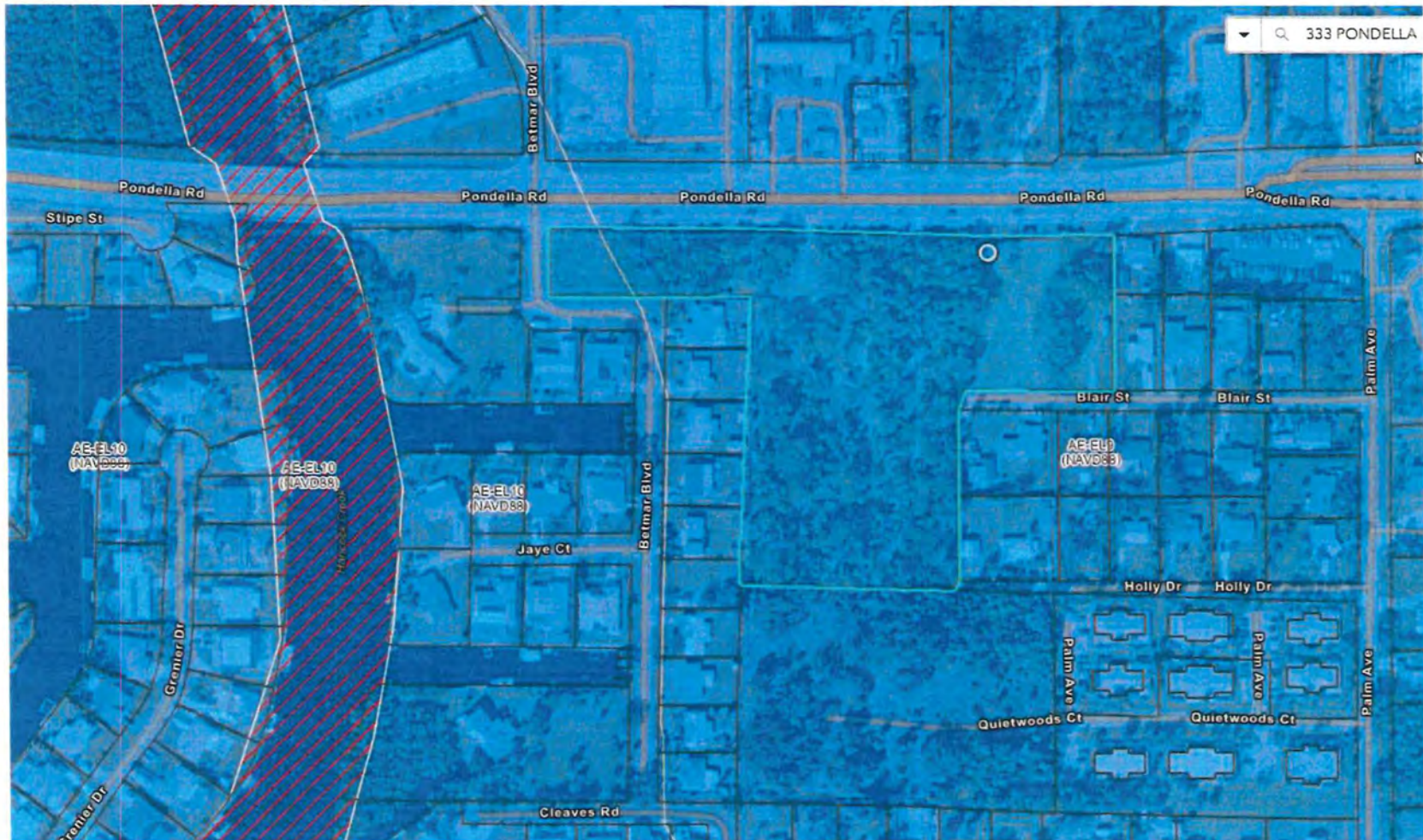
Development of the project is unlikely to result in any impact on Florida burrowing owls or their habitat. It is possible that once the project area is scraped for development, burrowing owl habitat may be temporarily created. Contractors will be educated on the Florida burrowing owl and any newly created burrows will be posted and avoided.

An updated gopher tortoise survey will be required prior to any development of the project area. If any gopher tortoises are found, all state and federal permitting guidelines will be followed in association with the development of the project area.

Little Blue herons, tricolored herons, roseate spoonbills, and wood storks, could utilize the roadside swales that run parallel to Pondella Road. The proposed project will not impact the existing roadside swales and the proposed stormwater retention areas will create new potential foraging habitat for listed wading bird species. The proposed wetland impacts are under half an acre and the project area is not within 0.47 miles of a colony site, therefore the project is "not likely to adversely affect" the wood stork.

Based on THA's observations, if the development of this site provides for appropriate design and management guidelines, it will not adversely affect any endangered, threatened, or otherwise protected species. These management guidelines shall be coordinated with the appropriate local, state, and federal agencies to better ensure their protection.

PONDELLA HOLDINGS
TOPOGRAPHIC MAP WITH FEMA FLOOD ZONES



Info

Parcel ID: 10-44-24-L2-00018-0010

FIRM Flood Zones

AE-EL5 (NAVD88)
1.5 to 2.0 ft

AE-EL10 (NAVD88)
2.0 to 2.5 ft

*Due to the varying accuracy of parcel lines, this value should only be considered an estimate.

STRAP 104424L2000180010
Parcel ID: 10633772

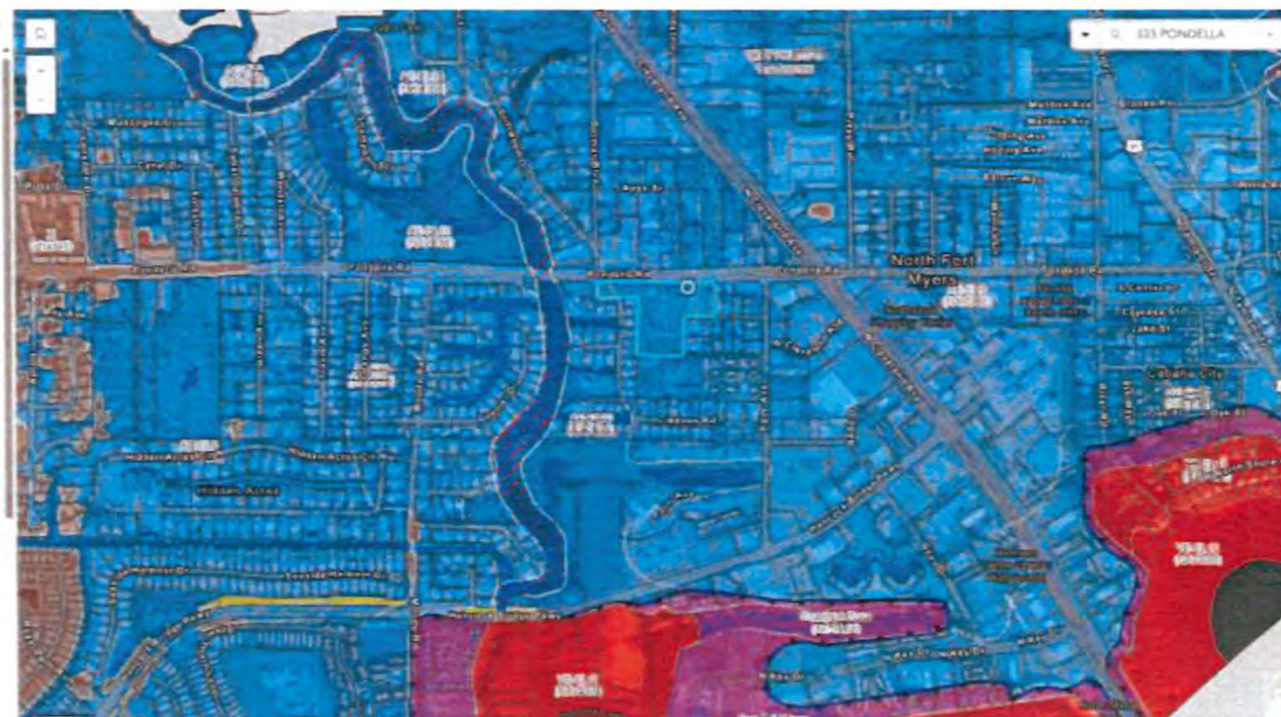
Lot: 4204455
333 PONDELLA RD
NORTH FORT MYERS FL 33903

Owner:
PONDELLA HOLDINGS LLC
c/o REDBURN DEVELOPMENT INC
204 LAFAYETTE ST #2
SCHENECTADY NY 12305

Property Description:
LOTS 1 THRU 4 LESS R/W AS DESC IN OR
2306/1108 + 2369/3771 LESS R/W + NE 575 FT
OF SE 248 FT OF NW 248 FT OF SW 322 OF NW
350 OF NE 567 OF NE 1/4 MORE OR LESS +
PARCEL DESC IN 2023000643899

Municipality:
UNINCORPORATED LEE COUNTY

Street Parcel Area 6,297 sq (286,190 sq ft)







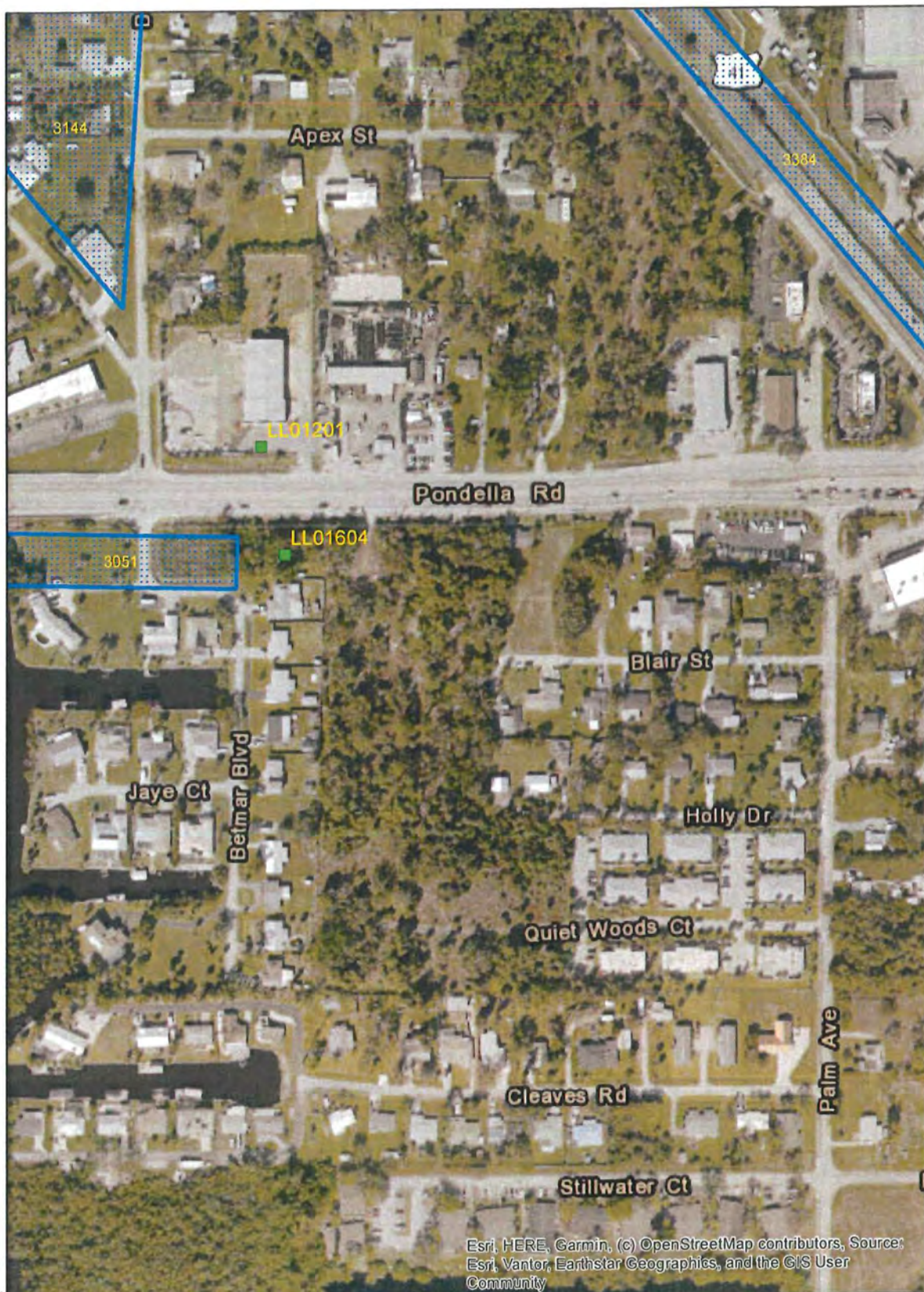
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Historic Resources Impact Analysis – Exhibit M14
Revised 4-8-2026

Analysis

The Florida Division of Historic Resources provided a map identifying a single Florida Structure on the subject property. The site address is listed as 363 Pondella Road, which was a single lot prior to the lot combination. Additional information on the Cultural Resource Roster states the item is a Frame Vernacular. Archaeological Consultants, Inc. provided the survey information in 1992. Since that time, the structure has been removed from the site (by one of the previous property owners). Looking at the Aerials provided by the Property Appraiser's Office, the structure was removed prior to 1998 by the property owner.

The historic resource (Florida Structure) is no longer located on the subject property so the site is unencumbered. In addition, amending Lee Plan Map 4-B Lee County Utilities Future Sewer Service Area Map to include the subject property will have no impacts on the Historic or Archaeological Sensitivity level of the property. The Archaeological Sensitivity of the subject property is unrelated to the amendment request.





AR=0
SS=1
CM=0
RG=0
BR=0
Total=1

Cultural Resource Roster

SiteID	Type	Site Name	Address	Additional Info	SHPO Eval	NR Status
LL01604	SS	363 PONDELLA RD	363 PONDELLA RD, FT MYERS	Frame Vernacular		



Total=1

Manuscript Roster

MS#	Title	Publication Information	Year
3051	A Cultural Resources Survey of a Portion of Pondella Road from Joerin Avenue to Betmar Blvd., Lee County, Florida	Archaeological Consultants, Inc., Sarasota. Submitted to Ink Engineering, Inc., North Fort Myers.	1992

PONDELLA HOLDINGS
ARCHAEOLOGICAL SENSITIVITY ZONES MAP

EXHIBIT M-14





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Pondella Holdings

Public Facilities Impacts Analysis

Exhibit M15

Analysis

Amending Lee Plan Map 4-B Lee County Utilities Future Sewer Service Area Map to include the subject property will have no impacts on Public Facilities with the exception of sanitary sewer. Please see Exhibit M-17 Existing and Future Conditions Analysis for the sanitary sewer analysis.



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Traffic Circulation Analysis – Exhibit M16

Amending Lee Plan Map 4-B Lee County Utilities Future Sewer Service Area Map to include the subject property will have no impacts on the traffic circulation of Pondella Road or the nearby roadway network. An analysis of traffic generated by the proposed development is unrelated to the amendment request.



Lee County
Southwest Florida

Board of County Commissioners

Kevin Ruane
District One

February 27, 2026

Via E-Mail

Cecil L Pendergrass
District Two

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

David Mulicka
District Three

Brian Hamman
District Four

RE: Potable Water and Wastewater Availability
333 Pondella Road
333 Pondella Rd, North Fort Myers, FL 33903
STRAP # 10-44-24-L2-00018.0010

Trish Petrosky
District Five

Dave Harner, II
County Manager

To whom this may concern:

Richard Wm. Wesch
County Attorney

Donna Marie Collins
County Hearing
Examiner

The subject property is located within Lee County Utilities Future Service Area as depicted on Map 4A of the Lee County Comprehensive Land Use Plan for potable water. The subject property is not located within the Lee County Utilities Future Service Area as depicted on Map 4B of the Lee County Comprehensive Land Use Plan for Wastewater. Potable water lines are in operation adjacent to the property mentioned above. However, 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 a multi-family development with 120 units and a 4,500 sq. ft. retail complex with an estimated flow demand of approximately 19,650 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water 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 North Lee County Water Treatment Plant.

Sanitary sewer and Reuse services from Lee County Utilities are currently not available adjacent to this property.

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 rezoning and comprehensive plan amendment purposes only. Individual letters of availability will be required for the purpose of obtaining building permits.

Sincerely,

Aixa Cruz

LEE COUNTY UTILITIES
Utilities Plan Reviewer, 239-533-8531



LEE COUNTY UTILITIES
REQUEST FOR LETTERS OF AVAILABILITY

DATE: FEBRUARY 26, 2026

TO: DCAP STAFF

Lcudcap@leegov.com

FROM: VERONICA MARTIN

FIRM: TDM CONSULTING, INC.

ADDRESS: 1520 ROYAL PALM SQUARE BLVD, SUITE 100

ADDRESS: FORT MYERS, FL 33919 -

PHONE#: (239)433-4231 FAX: () -

E-MAIL ADDRESS: VMARTIN@TDMCONSULTING.COM

PROJECT NAME: 333 PONDELLA ROAD

PREVIOUS PROJECT NAME(S):

10-44-24-L2-00018.0010

STRAP NUMBER(S):

PRIOR STRAP NUMBER(S) (IF ANY):

333 PONDELLA ROAD, NORTH FORT MYERS, FL 33903

LOCATION/SITE ADDRESS:

PURPOSE OF LETTER:

- ☐ DEVELOPMENT ORDER SUBMITTAL ☐ FINANCING ☐ EFFLUENT REUSE
☐ PERMITTING OF SURFACE WATER MANAGEMENT (SOUTH FLORIDA WATER MANAGEMENT DISTRICT)
☒ OTHER: (PLEASE SPECIFY) REZONING APPLICATION AND COMP PLAN AMENDMENT

PLANNED USE:

- ☒ COMMERCIAL ☐ INDUSTRIAL ☒ RESIDENTIAL - (☐ SINGLE-FAMILY ☒ MULTI-FAMILY)
☐ OTHER: (PLEASE SPECIFY) _____

PLANNED # OF COMMERCIAL/INDUSTRIAL BUILDINGS: 1 TOTAL SQUARE FOOTAGE 4,500 SF

RESIDENTIAL UNITS: SINGLE-FAMILY: _____ MULTI-FAMILY: 120

AVERAGE ESTIMATED DAILY FLOW (GPD): 19,650 (☒ WATER ☒ WASTE-WATER) (GPD): 19,650 ☒ REUSE

PLEASE SHOW CALCULATION USED TO DETERMINE AVERAGE ESTIMATED DAILY FLOW (GPD) PER CRITERIA SET FORTH IN LEE COUNTY UTILITIES DESIGN MANUAL: _____

Multi Family

120 Units X 160 GPD/Unit = 19,200 GPD

Retail

4,500 SF X 0.10 GDP/SF = 450 GPD

Total Flow for both Water and Sewer = 19,650 GPD

Please e-mail the completed form to Lcudcap@leegov.com.

If you should have any questions or require assistance, please feel free to call our office at (239) 533-8531.





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Pondella Holdings

Adequacy and Provision of Existing/Proposed Support Facilities Exhibit M18

Analysis

Amending Lee Plan Map 4-B Lee County Utilities Future Sewer Service Area Map to include the subject property will have no impacts on the support facilities, including Fire Protection, EMS, Law Enforcement, Solid Waste, Mass Transit or Lee County Schools.



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State Policy Plan and Regional Policy Plan – Exhibit M19

Florida Department of Economic Opportunity – Comprehensive Plan

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

Southwest Florida Regional Planning Council (SWFRPC)

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



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Pondella Holdings
Justification of Proposed Amendment – Exhibit M20

The Applicant, Pondella Holdings, LLC, is requesting to amend Lee Plan Map 4-B, the Lee County Utilities Future Sewer Service Area Map. The Applicant assembled multiple lots along Pondella Road, totaling 6.42 acres with the intention of developing the land for multi-family residential and commercial use. The site lies just outside the Lee County Utilities (LCU) franchise area. As shown on Lee Plan Map 4-B, the land to the east, south, and west is already within the franchise service area.

STANDARD 4.1.2: SEWER.

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

It is anticipated that the new residential development will exceed 2.5 dwelling units per acre and generate more than 5,000 gallons of sewage per day since the site is 6.42 acres and in the Central Urban future land use category.

2. *If the proposed development exceeds the thresholds listed above and lies within the boundaries of a sewer utility's certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 4-B), and that utility has sufficient capacity to provide minimum service to the development, then the development must connect to that sewer utility if there is existing infrastructure adequate to accept the effluents of the development within 1/4 mile from any part of the development.*

Lee County Utilities has existing sanitary sewer infrastructure along N. Cleveland Avenue to the east, which is approximately one-quarter mile away; however, the subject property is not within LCU's sewer franchise area.

3. *If there is not sufficient capacity nor adequate infrastructure within 1/4 mile of the development, the developer must provide proof in the form of a clearly stated rejection of service.*

The Applicant didn't request a letter of rejection from LCU denying sanitary sewer service since the applicant intends to work with LCU on extending the sewer infrastructure from N. Cleveland Avenue to the subject property.

4. *If a new development is located in a certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 4-B), and the utility cannot provide the service, or cannot provide the service except at a clearly unreasonable cost to the developer, the developer may establish on a temporary basis a self-provided sanitary sewer facility for the development, to be abated when the utility extends service to the site. The developer may*

also petition the appropriate regulatory agency to contract the service area of the utility in order that another utility may be invited to provide the service.

The proposed development is not located within another certificated or franchised service area, nor will a self-provided sanitary sewer facility be provided on a temporary basis.

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

The Applicant is requesting to amend Lee Plan Map 4-B, the Lee County Utilities Future Sewer Service Area Map to expand to incorporate the subject property.

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

The applicant is requesting to amend Lee Plan Map 4-B, which will permit LCU to provide sanitary sewer service to the subject property.

The goal of the North Fort Myers community plan is to improve the livability and economic vitality in the area by promoting compact, mixed use development; attracting appropriate investment to revitalize older neighborhoods and commercial corridors; stabilizing and enhancing existing neighborhoods; and preserving natural resources. The subject property is located in the North Fort Myers planning community area along a designated corridor overlay, Pondella Road. The site is one of the last remaining large undeveloped properties along this section of Pondella Road in the Central Urban future land use category. The site can be viewed as an infill development since the majority of the land on all four sides is currently developed with a mix of residential and commercial uses. Amending Lee Plan Map 4-B aligns with the goals of the North Fort Myers community, the Lee Plan, and the LDC.



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Planning Community Requirements – Exhibit M21
Revised 4-7-2026

The Applicant, Pondella Holdings, LLC, is requesting to amend Lee Plan Map 4-B, the Lee County Utilities Future Sewer Service Area Map. The project site is in the North Fort Myers planning community area. Per Lee Plan Policy 17.3.2, one public information meeting is required for privately-initiated applications that propose a text change within a community plan or revises a map designation within a community plan area boundary. A Summary of the Public Informational Meeting is provided below.

A Public Information Meeting was held at the North Fort Myers Recreation Center on March 3, 2026 at 6:00 p.m. The Notice of Meeting was published in the News-Press and two (2) meeting signs were posted along the property frontage/Pondella Road right-of-way, as required by the North Fort Myers Community Planning Panel. A copy of the News-Press Ad and Sign-in Sheet are included with this summary.

The presentation included two (2) application requests: (1) to add the site to Lee Plan Map 4-B; Lee County Utilities Future Sewer Service Area Map; and (2) to rezone the subject property from RS-1, C-1, C-1A, and CT to CT for a consistent zoning district in order to develop the property. The site is in the Mixed Use Overlay and the property owner intends to develop the site with multi-family residential uses with a small commercial component. With current density calculations, they can build approximately 60 dwelling units or up to 90 dwelling units if they decide to utilize bonus density. The comp plan amendment and rezoning are the first phase. If approved, the application will apply for a development order. Engineering plans haven't been started yet.

- Address: 333 Pondella Road
- Site: 6.42 acres
- FLU: Central Urban
- Surrounding zoning and uses
- Max. # dwelling units: 60 or 90 with bonus density

Questions and Comments:

1. There's already too much traffic on Pondella. This will only increase traffic.
A traffic impact study will be completed at time of DO permitting.
2. Where will the driveway be located?
At this time, plans are to have the site accessed directly from Pondella.
3. What about the side streets – Betmar Blvd?

The plans don't include access from the side streets/local roads; however, that's up to LCDOT and fire.

4. Our properties flooded the last 3 storms. This development will only make that worse.
The applicant will be required to get an ERP from SFWMD at time of DO permitting. The site will require stormwater management on site along with a berm around the property. (The engineers on the NFM planning panel explained to the public how the ERP worked to manage flooding.)
5. How many units?
A max of approximately 60 dwelling units with base density and up to approximately 90 units with bonus density.
6. What is bonus density and are they asking for it?
Bonus density permits the applicant to build more units with a cash contribution or affordable housing program. The applicant hasn't determined if bonus density will be utilized at this time.
7. How much of the land is zoned RS-1?
Approximately 1.5 acres in the NE corner of the site.
8. What uses are permitted in the CT zoning district?
Mostly that uses that support commercial tourism, including, but limited to: hotels/motels, business services, retail, medical offices, restaurants, and multi-family. The NFM members explained that the majority of the site was already zoned CT or C-1 and C-1A, which already permit the uses proposed.

The public was advised that TDM (engineer), the architect, and landscape architect will be required to make another presentation to the NFM community planning area for the development order and full plans will be provided at that time. They were also advised that if they have objections to the rezoning, they can attend the HEX hearing and voice their concerns at that time. The members of the North Fort Myers Community Planning Panel were supportive of the development and helped explain several concerns from the public regarding the use, density, drainage and traffic.

CPA2026-00004

Southeast Lee County Update

STAFF REPORT FOR CPA2026-00004: Southeast Lee Community Plan Area



County-Initiated Lee Plan Map and Text Amendments

Recommendation:

Adopt

Applicant:

Lee County BOCC
Direction on April 21, 2026

Representatives:

Lee County Planning
Section, Department of
Community Development

Amended Elements:

Future Land Use
Property Rights
Glossary

Amended Maps:

1-A, 1-D, 2-A, 2-D, 4-A, 4-B

Amended Tables:

1(a)

Planning District:

District 18, Southeast Lee

Commissioner Districts:

District 2 – Cecil
Pendergrass

District 3—David Mulika

Hearing Dates:

LPA: July 27, 2026
BOCC #1: TBD
BOCC #2: TBD

Attachment(s):

1: Proposed Amendments
2: Draft LDC Amendments

REQUEST

- Amend the Lee Plan's Future Land Use Element, Property Rights Element, Glossary, and Appendix to update the Southeast Lee County Community Plan Area, update policies related to development in Southeast Lee, and the related maps and table to better reflect current conditions, remove overlays and allow nonresidential uses to simplify regulations and reduce redundancies, and establish guardrails for development that will adequately protect the county's water resources and wildlife habitat in the future.
- Move the Planned Development requirements for Southeast Lee County to the Land Development Code (LDC).

SUMMARY

This amendment to the Lee Plan was initiated by the county in response to eleven privately-initiated amendments within the Southeast Lee County Community Plan Area. The proposed modifications will update the Lee Plan and introduce a new Southeast Lee County section to the Land Development Code (LDC). These LDC updates will follow the standard LDC amendment procedures. Planning staff collaborated extensively with County departments, private applicants, conservation organizations, and public stakeholders throughout the development of these proposed changes.



The Lee Plan

AS AMENDED THROUGH DECEMBER 2025

RECOMMENDATION

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

PART 1
STAFF DISCUSSION AND ANALYSIS

BACKGROUND

The Southeast Lee County Community Plan Area encompasses most lands south of SR 82, east of Gateway, the Southwest Florida International Airport (RSW), the Village of Estero, and the City of Bonita Springs, and north of Bonita Beach Road. Lee Plan Goal 33 provides the goals and policies for development in this area. Goal 33 is provided below.

GOAL 33: SOUTHEAST LEE COUNTY. *Protect Southeast Lee County’s natural resources through public and private acquisition and restoration efforts. Development incentives will be utilized as a mechanism to preserve, enhance, and protect natural resources, such as regional flow-ways and natural habitat corridors in the development of privately owned land. Allowable land uses will include conservation, agriculture, public facilities, low density or clustered residential, natural resource extraction operations, and private recreation facilities; allowable land uses must be compatible with protecting Southeast Lee County’s environment.*

This goal is currently supported by three (3) objectives: Objective 33.1, Water, Habitat, and Other Natural Resources; Objective 33.2, Residential and Mixed-Use Development; and Objective 33.3, Southeast Lee County Transfer of Development Rights Program. Generally, these objectives protect natural resources, limit development to the areas indicated on Map 2-D, and incentivize relocating development to uplands or other parts of the County.

The Southeast Lee Community Plan Area emphasizes conserving water resources and improving water quality. Southeast Lee County supports many of the county’s wellfields for public water supply. Ensuring long-term water conservation and preservation is very important in this part of the county. See Figure 2.

This area of the county is generally characterized by very low-density development (less than 1 unit per acre) and active mines. The predominant land use categories in Southeast Lee County are Density Reduction/Groundwater Resource (DR/GR), Conservation, and Wetlands. There are a number of properties with existing Tradeport, General Interchange, and Public Facilities designations.

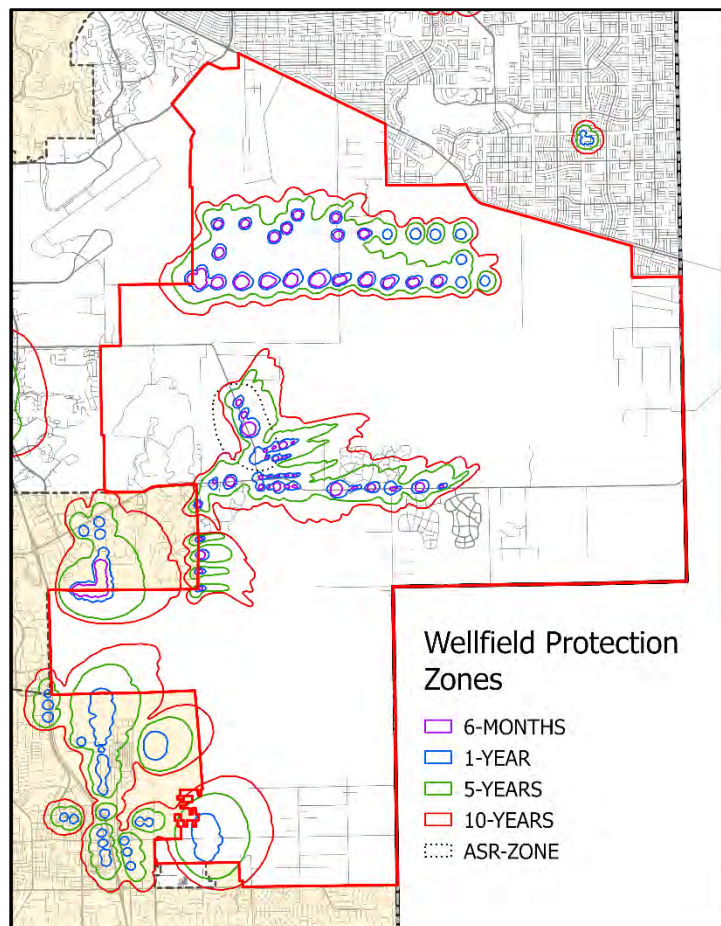


Figure 1: Wellfield Protection Zones

The Density Reduction/Groundwater Resource (DR/GR) designation was given to most of Southeast Lee County in 1990 to settle a legal dispute with the Florida Department of Community Affairs, the State planning agency, for two main reasons. First, to protect the shallow aquifers, which are underground water sources. Second, the state required Lee County to reduce its projected population by allocating a lower population limit using the Future Land Use Map and Table 1(b). At that time, Florida's Growth Management Act required local governments to plan for a maximum population; however, this requirement was removed in 2011.

In 2008, Dover, Kohl & Partners completed a four-part study for the county. This study helped create the Southeast Lee Community Plan Area and its associated overlay districts. The study included "Prospects for Southeast Lee County: Planning for the Density Reduction/Groundwater Resource Area (DR/GR)," "Natural Resource Strategies for Southeast Lee County," "Transferable Development Rights In Southeast Lee County," and "Proposed Lee Plan Amendments for Southeast Lee County." The four-part study was in response to direction by the Board of County Commissioners (BOCC) to take a proactive role in addressing competing needs in Southeast Lee County and to identify appropriate locations for various uses of land. The study helped develop Maps 1-D and 2-D and resulted in the establishment of Goal 33, Southeast Lee County.

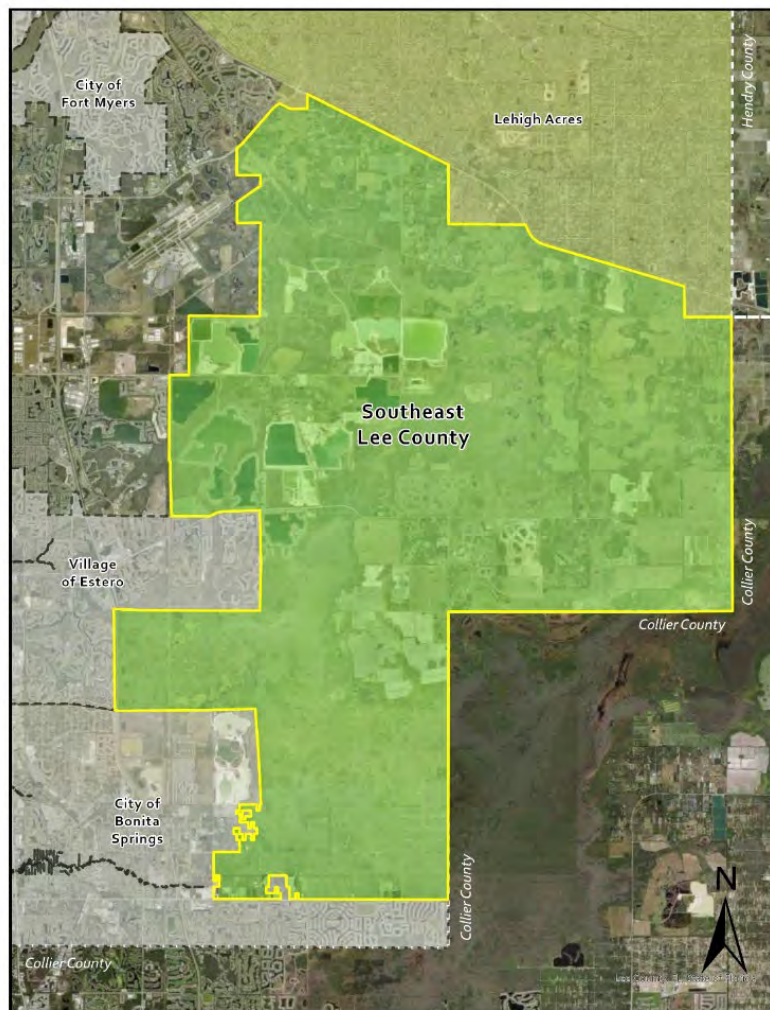


Figure 2: Southeast Lee Existing Boundary and Surrounding Communities

The majority of Southeast Lee is located just South of Lehigh Acres and borders Collier County. Currently, Southeast Lee is a mixture of semi-platted large-lot subdivisions, planned residential and mixed-use developments, mines, golf communities, and agricultural estates. The residential and mixed-use communities are mostly located along Corkscrew Road. Kingston is a new mixed-use community connecting Lehigh Acres on the North side of State Road 82 to Corkscrew Road. The County has acquired property between Alico Road and State Road 82 to extend Alico Road to connect with Sunshine Boulevard, thereby establishing a new major North-South connector between Lehigh Acres and the employment centers located in proximity to Alico Road, RSW, and Florida Gulf Coast University.

The southwestern corner of Southeast Lee borders the City of

Bonita Springs. This area has a distinctly different development pattern from Southeast Lee as a whole. Currently, there is a townhouse development, farm worker housing, and a couple of existing large lot residential developments. See Figure 3 for a General Location Map of Southeast Lee on page 3.

A large percentage of the Southeast Lee County Community Plan Area is preservation areas owned by the State of Florida, Lee County, or other conservation groups. See Figure 5. Additionally, most of Southeast Lee County is also designated as primary or secondary panther habitat. See Figure 4, Panther Habitat.

The Southeast Lee County Community Plan Area was adopted in 2010. In the last few years, Southeast Lee County has seen significant new development driven by court decisions and existing Lee Plan programs. This growth has led to expanded road networks and utility infrastructure, increasing demand for new types of development, as evidenced by the volume of privately initiated amendments. The Southeast Lee County Community Plan Area and related Lee Plan policies should be updated to guarantee that future growth in this area preserves the County's natural resources and aligns with its long-term development vision.

On April 1, 2025, the BOCC directed staff, "to bring back proposed amendments to increase efficiency, reduce unnecessary regulations, while maintaining the protections of public health safety and welfare, and meeting State and Federal mandates." The proposed amendments are directly related to this motion. Because the motion applied broadly to the Lee Plan and Land Development Code, staff anticipates that additional amendments made under this direction may affect the final location of the Southeast Lee amendment package within the text of the Lee Plan.

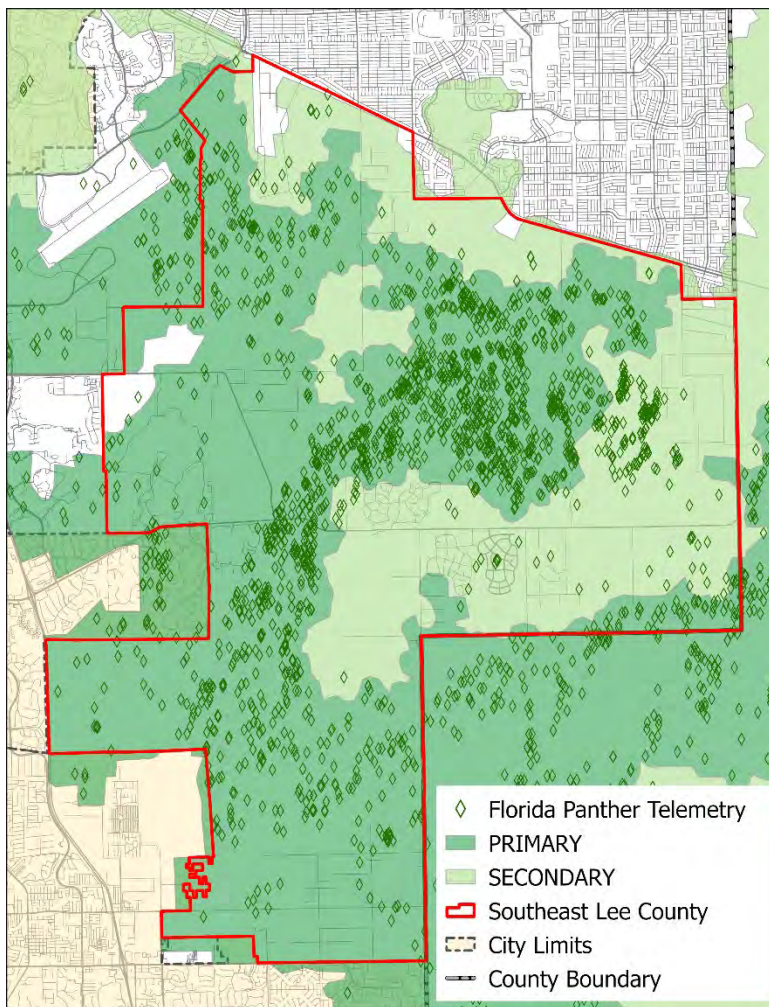


Figure 3: Panther Habitat

From 2023 to 2026, the County's Planning Section received eleven privately initiated text and map amendments to support projects within the Southeast Lee County Community Plan Area. Rather than reviewing each case separately, staff asked the Board of County Commissioners for specific direction to consider the text amendment requests collectively to ensure clear, consistent language, reduce redundancies, and increase efficiency, consistent with the Board's April 1, 2025, direction. **The Board**

directed staff to proceed with County-Initiated Amendments to Southeast Lee County on April 21, 2026, with two unanimously approved motions:

1. Direct staff to prepare amendments to the Lee Plan, relating to the Southeast Lee County Community Plan Area, to manage growth, streamline the Southeast Lee County Overlays, reduce unnecessary regulations, and encourage development that preserves or restores the County's natural resources.
2. Direct staff to pause processing the following privately-initiated text amendments to the Southeast Lee County Community Plan Area: CPA2024-00002, CPA2024-00012, CPA2025-00006, and CPA2026-00001.

Table 1 lists the privately initiated amendments and their general requests to illustrate the importance of a county-initiated amendment and to provide a reference based on the application numbers and requests in this report. The data and analysis provided in the privately initiated requests may also be used to justify the County-Initiated text and map amendments. All of the application materials for the privately-initiated amendments are incorporated by reference into the county-initiated amendment. When data from a privately initiated request is used, staff will provide a citation in the footnotes indicating which application it originated from.

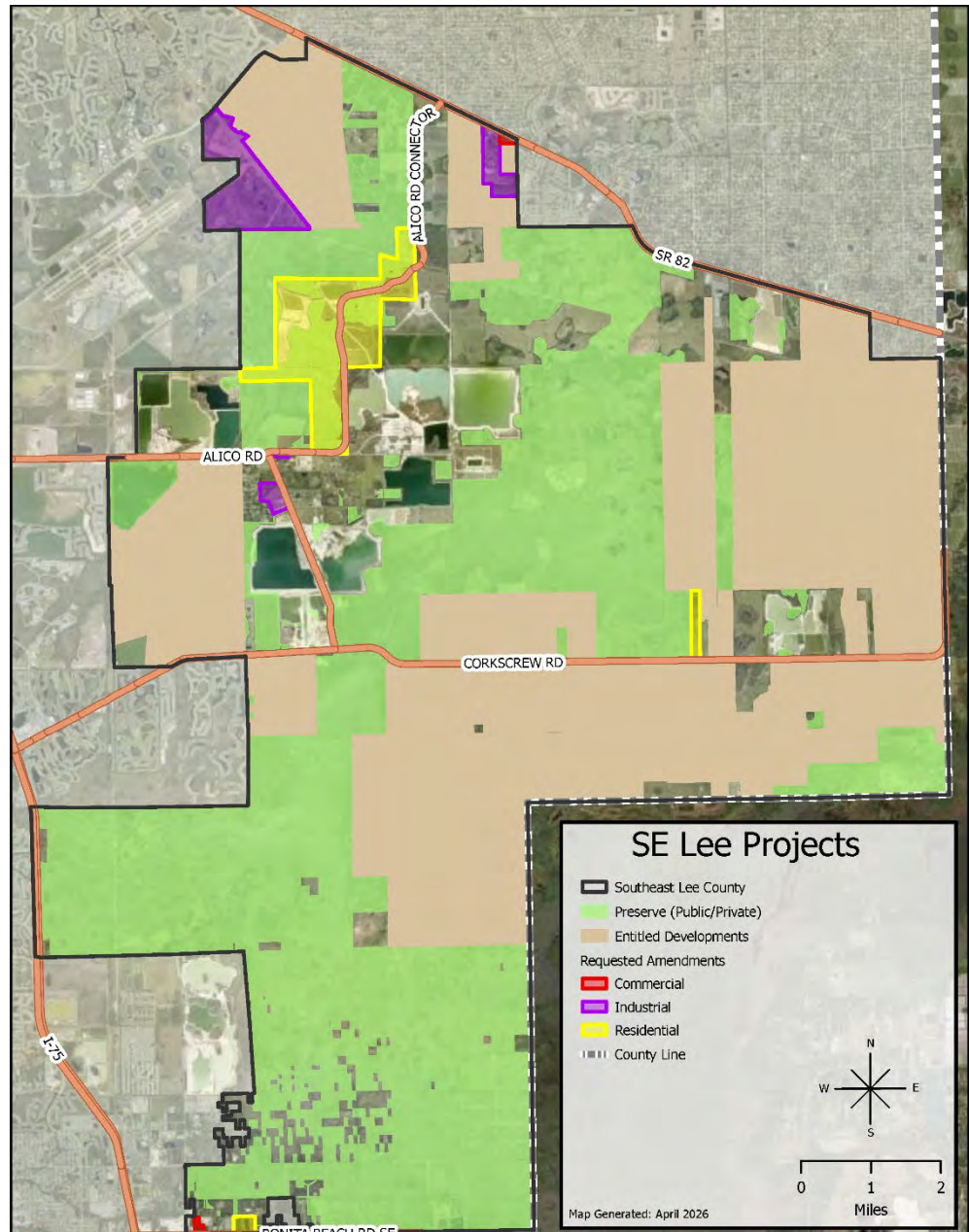


Figure 4: Southeast Lee Privately Initiated Amendments Map

Table 1: Privately-Initiated CPA Requests

CASE NUMBER	PROJECT NAME	REQUEST	CONSULTING TEAM
CPA2023-00009	Dante Commercial	- Map 1-A (DR/GR & Wetlands to Commercial & Wetlands) - Map 1-F (Remove Private Rec Fac. Overlay)	RVi Planning + Landscape Architecture
CPA2024-00001	Bonita Beach Commercial	Map 1-A (DR/GR & Wetlands to Sub-Outlying Suburban & Wetlands)	RVi Planning + Landscape Architecture
CPA2024-00002	Bonita Beach Commercial	Text Amendment to remove the commercial cap in Policy 33.2.5 and allow commercial uses in Goal 33	RVi Planning + Landscape Architecture
CPA2024-00011	Corkscrew 80 Residential	- Map 1-D (Designate as Tier 1) - Map 2-D (Designate as EEPKO) - Maps 4-A and 4-B (LCU Water and Sewer Services Areas)	RVi Planning + Landscape Architecture
CPA2024-00012	Corkscrew 80 Residential	Text Amendment to changes for Goal 33 to change the EEPKO locational and size requirements	RVi Planning + Landscape Architecture
CPA2025-00006	Alico Tradeport Industrial	Text Amendment to Goal 33 to allow industrial uses in Southeast Lee	Ensite
CPA2025-00009	Daniels Tradeport Industrial	- Map 1-A (DR/GR & Wetlands to Tradeport & Wetlands) - Map 2-A (Remove property from Southeast Lee) - Maps 4-A and 4-B (LCU Water and Sewer Areas)	Morris DePew & Associates
CPA2025-00010	Alico Tradeport Industrial	- Map 1-A (DR/GR to Tradeport) - Maps 4-A and 4-B (LCU Water and Sewer Areas)	Ensite
CPA2025-00011	SR 82 Freeman Industrial	- Map 1-A (DR/GR to Tradeport) - Maps 4-A and 4-B (LCU Water and Sewer Areas)	RVi Planning + Landscape Architecture
CPA2025-00013	White Willow Residential	Map 1-A (DR/GR to Outlying Suburban)	Daniel Delisi
CPA2026-00001	Bluewater Ridge Residential	Text Amendments to Goal 33 to create a new mine reclamation overlay to facilitate new residential development on an existing mine site	RVi Planning + Landscape Architecture

Staff's proposed amendments balance the privately initiated amendment requests with the county's interest in long-term water quality, appropriate development standards, and environmental protection by examining community needs, environmental conditions, and private property rights. Staff's proposed language minimizes redundancy and inconsistency and addresses the County's overarching goals for the Southeast Lee County Community Plan Area.

PROCEDURAL REQUIREMENTS

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

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

Lee County Administrative Code 13-6 establishes procedures for amending the Lee Plan, including notice requirements and public participation provisions. According to Florida Statutes and AC 13-6, the proposed amendments are County-Initiated Amendments, meaning they are proposed amendments directed by an affirmative vote of three or more Commissioners. The BOCC provided specific direction to pursue these amendments on April 21, 2026, in addition to the previous direction to simplify the LDC and Lee Plan provided on April 1, 2025.

County-initiated amendments have slightly different requirements from privately initiated amendments. According to AC 13-6, County-Initiated Amendments must follow sections C and D.1. Sections B and D.2, which set forth requirements for applications, fees, and Courtesy Notices, do not apply. No sign postings or mailed Courtesy Notices are required under AC 13-6 or Florida Statute, even though the proposed amendments would change the Future Land Use designations for privately owned properties. **The proposed amendments have followed the applicable procedures under AC 13-6.**

County-initiated amendments follow the **Expedited State Review** process under F.S. 163.3184(2)(a), which requires one public hearing before the Local Planning Agency for a recommendation to the BOCC and two public hearings before the BOCC. Applications that follow the Expedited State Review process also require review by the State Reviewing Agencies. **The proposed amendments will continue to follow the applicable process under F.S. 163.3184.**

PUBLIC OUTREACH & DEPARTMENT COLLABORATION

Lee Plan Objective 17.3 states that the county will "provide opportunities for public input as part of the comprehensive plan and land development code process." The Southeast Lee County Amendments have included extensive input from the public and subject-matter experts in Lee County, as well as professionals from local nonprofit organizations and consulting firms.

Most of the privately-initiated amendments shown in Table 1 on page 6 held public information meetings regarding their proposed amendments, consistent with Objective 17.3, even though none of the applications have been found sufficient as of the date of this report. Table 2 provides the dates and locations of the public input meetings held by the applicants for the privately-initiated requests. **These**

meetings covered only the application requests in the context of the Lee Plan at the time of the meeting, but they did provide an opportunity for the public to ask questions and provide feedback on the application requests.

Table 2: Privately-Initiated Public Meeting Dates

APPLICATION(S)	NAME	DATE	LOCATION
CPA2023-00009	Dante Commercial	NA	NA
CPA2024-00001 CPA2024-00002	Bonita Beach Commercial	7/28/2025	13660 Bonita Beach Road SE, Bonita Springs, FL 34135
CPA2024-00011 CPA2024-00012	Corkscrew 80 Residential	4/2/2025	20351 Corkscrew Rd, Fort Myers, FL 33928
CPA2025-00006 CPA2025-00010	Alico Tradeport Industrial	3/25/2026	14800 Alico Road, Fort Myers, FL 33912
CPA2025-00009	Daniel's Tradeport Industrial	3/31/2026	17320 Corkscrew Rd, Estero, FL 33928
CPA2025-00011	SR 82 Freeman	NA	NA
CPA2025-00013	White Willow Residential	4/21/2026	16999 Dormie Drive, Estero, FL 33928
CPA2026-00001	Bluewater Ridge Residential	NA	NA

In addition to the information sessions held by the applicants on their application requests, Table 3 outlines the major meetings on the proposed County-Initiated amendments with stakeholders, applicants, surrounding municipalities, and county staff.

Table 3: County-Initiated Meeting Summary

MEETING TYPE	LOCATION	DATE	ATTENDEE(S)
Department	Public Works Building	1/14/2026	County Attorney's Office
Applicant	Teams	2/3/2026	Morris DePew & Associates
Applicant	Teams	2/4/2026	Ensite
Applicant	Teams	2/6/2026	RVi Planning +Landscape Architecture
Applicant	Teams	2/13/2026	Delisi Planning
Board Meeting – AIR	Commission Chambers	4/21/2026	Public/Board
Department	Public Works Building	5/6/2026	Natural Resources
Department	Teams	5/7/2026	Solid Waste
Department	Teams	5/11/2026	Port Authority

Department	Public Works Building	5/11/2026	Lee DOT
Department	Teams	5/15/2026	Utilities
Stakeholder Round Table	Admin East	5/18/2026	Applicants, Members of the Public, County Staff, and Conservation Groups
Department	Teams	5/22/2026	Public Safety
Department	Public Works Building	5/26/2026	Planning GIS
Municipality	Teams	6/3/2026	City of Bonita Springs
Municipality	Teams	6/4/2026	City of Estero
Department	Public Works Building	6/10/2026	Development Services
Department	Public Works Building	6/19/2026	Natural Resources
Department	Public Works Building	6/19/2026	County Attorney's Office
Department	Public Works Building	6/26/2026	Planning GIS
Department	Public Works Building	6/26/2026	Zoning

Per **Policy 17.3.1**, County staff held meetings with the public to provide information on planning best practices and the comprehensive planning process, and to receive feedback on the proposed amendments. Attendees at the public meetings were provided with copies of the most recent draft changes and encouraged to send comments, questions, or concerns to planning staff. Comments from stakeholders, county departments, and applicants were considered and incorporated into the final version of the amendments when appropriate.

In addition to meetings with stakeholders, applicants, and county staff, the Department of Community Development, Planning Section website was updated to include a designated section detailing meetings, drafts, and anticipated timelines for the County-Initiated amendments.

The proposed amendments have met and exceeded the public outreach requirements in Administrative Code 13-6, Florida Statutes, and the Lee Plan.

AMENDMENTS & RATIONALE

The Amendments & Rationale section of the staff report will provide strikethrough and underline for the proposed changes, along with the reasoning for each amendment. The amendments will be organized by topic rather than by the order they appear in Attachment 1, beginning with the amendments to the Southeast Lee County Community Plan Area (Goal 33), followed by amendments relating to nonresidential uses, residential uses, and other supporting amendments. This section will not address how the proposed amendments are consistent with the Lee Plan; for that, see the Lee Plan Analysis on page 29.

NONRESIDENTIAL DEVELOPMENT & FAR

Lee Plan Goal 33 establishes the Southeast Lee County Community Plan Area. Currently, this goal limits the allowed uses in Southeast Lee County to agriculture, conservation, recreation, residential, and

resource extraction. One of the primary reasons for the proposed amendments was to allow nonresidential uses in Southeast Lee County to support job creation and general livability for residents in Southeast Lee County and the surrounding areas. **One of the first changes was to amend Goal 33 to generally allow all use types, but limit them to those compatible with the County's water resources and wildlife habitat in Southeast Lee.**

GOAL 33: SOUTHEAST LEE COUNTY. Protect Southeast Lee County's natural resources through public and private acquisition and restoration efforts. Development incentives will be utilized as a mechanism to preserve, enhance, and protect natural resources, such as regional flow-ways and natural habitat corridors, in the development of privately owned land. ~~Allowable land uses will include conservation, agriculture, public facilities, low density or clustered residential, natural resource extraction operations, and private recreation facilities; allowable land uses must be compatible with protecting Southeast Lee County's environment. A variety of uses may be permitted when developed in accordance with the goals, objectives, and policies in the Lee Plan, the Wellfield Protection Ordinance, Land Development Code, and other applicable environmental protection requirements.~~

To allow nonresidential uses, Policy 33.2.5 needed to be struck:

~~**POLICY 33.2.5:** Commercial uses may only be permitted if incorporated into a Mixed-Use Community, Environmental Enhancement and Preservation Community, or Rural Golf Course Community depicted on Map 2-D. The maximum commercial floor area that may be approved within the Southeast Lee County community plan area may not exceed 300,000 square feet.~~

The 300,000-square-foot limit was originally set in the 2010 amendments to the Lee Plan, which established the Southeast Lee County Community Plan Area following objections from the Florida Department of Community Affairs. Initially, the amendments did not include a cap on non-residential development. However, the state reviewing agency was concerned that the amendments lacked clear and predictable guidelines for the maximum intensity of nonresidential uses, especially regarding development rights transferred to the Mixed-Use Communities and TDR receiving areas outside the DR/GR area. Lee County then revised the amendments to introduce a 300,000-square-foot limit on nonresidential space in any Mixed-Use Community using TDR credits. No nonresidential development resulted from the Mixed-Use Communities amendments.

Nonresidential uses were later permitted in developments outside the Mixed-Use Communities in Southeast Lee. This change led to commercial development aligned with Policy 33.2.5. Specifically, WildBlue, Verdana Village, and Old Corkscrew Golf Club created 240,000 square feet of commercial development. However, two additional developments were approved through court decisions, via settlement agreements, outside the usual County public hearing process, allowing an additional 800,000 square feet of non-residential space within the Community Plan Area.

The Settlement Agreements created two problems for the Community Plan Area: a property rights issue, as no one else would be allowed to have nonresidential uses if the cap remained in place, and a traffic issue. Without an adequate amount of nonresidential uses in this area, residents will be forced to drive farther to access everyday goods, services, and jobs, resulting in even more traffic. This policy was established before most of the development in Southeast Lee, and no longer aligns with realistic future development conditions. 300,000 square feet of commercial space for the entirety of Southeast Lee

County is not feasible and results in a shortfall of approximately 1 million square feet of nonresidential space, even with the additional square footage associated with the Settlement Agreements¹. The current restriction acts as a market constraint that limits economic opportunities, increases vehicle trip lengths, and generally reduces the livability of this area of the county by preventing everyday essentials from being located near existing residential uses.

Instead of the commercial cap in Policy 33.2.5, the proposed amendments add Objective 33.4 to Goal 33 to provide the guiding policies for nonresidential uses in this area of the county.

OBJECTIVE 33.4: NONRESIDENTIAL USES. Livability in Southeast Lee County requires the allowance of nonresidential uses to provide employment opportunities and reduce the number and duration of vehicle trips. Due to the potential environmental impacts of certain nonresidential uses, limitations are required to protect the County's water resources and safeguard natural resources. Similar to residential development in Southeast Lee County, nonresidential development must create, improve, preserve, and/or restore strategic surface and groundwater resources and indigenous wildlife habitats while balancing the need for commercial, industrial, and office uses to support the existing and anticipated surrounding residential development.

POLICY 33.4.1: Commercial, light industrial, and office uses within the Southeast Lee County Community Plan Area must have a future land use designation of Preservation and Innovation or Conservation Community and provide hydrological connections to regional watersheds, wildlife habitat connections to publicly- or privately-owned conservation lands, or strategic infrastructure connections to benefit the county's water resources.

POLICY 33.4.2: The County will create LDC requirements for nonresidential uses in the Southeast Lee County Community Plan Area.

POLICY 33.4.3: Nonresidential development in Southeast Lee County must demonstrate compliance with the established LDC requirements through a planned development and development agreement accepted by the County Attorney's Office.

POLICY 33.4.4: To preserve open space and ensure lower-intensity development, nonresidential development in Southeast Lee County may not exceed a Floor Area Ratio of 0.25.

The new Objective establishes the guiding principles for nonresidential development in Southeast Lee, with requirements very similar to those of the existing Environmental Enhancement and Preservation Community Overlay. Instead of trying to make an existing Future Land Use Category work in Southeast Lee County or creating a new overlay in Southeast Lee, **Policy 33.4.1 establishes that new Future Land Use Categories, Preservation and Innovation, and Conservation Community, are the only categories in which nonresidential uses, not currently allowed in the DR/GR, are appropriate.**

The new categories have also been added to Lee Plan Goal 1 as new policies. The Preservation and Innovation category is a new nonresidential category. Conservation Community is a new residential category that also permits limited nonresidential uses.

¹ Commercial study included in CPA2024-00002. The consultants estimated that 45 SQFT of nonresidential uses is needed to support every residential unit. The study estimated that there were 28,000 approved housing units in Southeast Lee as of May 2025, which would yield a need of 1.2 million SQFT of nonresidential space, without considering any additional units or any residential units in Lehigh Acres, which is adjacent to Southeast Lee.

POLICY 1.1.16: The **Preservation and Innovation** future land use category is connected to central utilities and located along arterial or major collector roadways in the Southeast Lee County Community Plan Area, with the intent of balancing ecological, hydrological, and wildlife preservation with employment and commercial needs within the County. Office, light industrial, and commercial uses are encouraged when designed to preserve or restore surrounding natural resources. This category requires a large percentage of open space and the restoration of environmentally sensitive lands to protect the County's water resources and Southeast Lee County's natural resources. Uses that have a significant impact on ground and surface water levels or quality, are known producers or users of noxious gases or chemicals, or have other detrimental impacts on the natural environment, as demonstrated by appropriate data and analysis and verified by the County, may not be permitted. This land use category does not permit general residential uses. Caretaker's residences and dormitory-type accommodations for employees or individuals associated with the business may be permitted as part of the Floor Area Ratio (FAR) calculation when accessory to a nonresidential use. Development in this category is limited to an FAR of 0.25 and is encouraged to promote a park-like aesthetic, with pedestrian connections, extensive green spaces, and minimal linear commercial centers. Applications for rezoning must follow the planned development rezoning process in accordance with the Land Development Code.

POLICY 1.4.8: The **Conservation Community** future land use category denotes areas of low-density, clustered residential and mixed-use development within the Southeast Lee County Community Plan Area. Development in this category must connect to a potable water and sanitary sewer system. This category requires a large percentage of open space and the restoration of environmentally sensitive lands to protect the County's water resources and Southeast Lee County's natural resources. The standard density is 1 unit per 10 acres, with a maximum density of 1.15 units per acre when the community is designed as a planned development in accordance with the Land Development Code. Development in this category is encouraged to promote a park-like aesthetic, with pedestrian connections and extensive green spaces. Nonresidential and multifamily uses may be allowed when developed alongside low-density residential uses. These uses are limited to a maximum total FAR of 0.15, based on the acreage allocated to non-residential and multi-family uses. A traditional Main Street design with vertically mixed buildings, adjacent to park space, is encouraged for developments that utilize the FAR allowance; standalone linear commercial development is discouraged.

Two major changes in the proposed amendments are the removal of specifics related to the planned development (PD) from the Lee Plan to the Land Development Code (LDC) and the inclusion of Floor Area Ratio (FAR) as a limiting factor on the intensity (i.e., size) of allowed nonresidential development. The Staff Report will address the move of PD requirements to the LDC as part of the discussion of the proposed changes to the residential development in Southeast Lee, where the changes are more apparent. Existing development will not be affected, as the requirements are very similar to those currently in place for the EEPKO. Existing development would be able to amend their existing PDs to comply with the new regulations or utilize their vested rights under new Goal 166. See discussion of this Goal on Page 18.

Four of the other Community Plan Areas reference an average or limitation on FAR in specific areas, but these are the first FARs to apply broadly to development in a Future Land Use Category within Lee County. FAR provides development predictability by establishing a parcel-specific development size, which is an important condition for comprehensive planning under the Florida Statutes. **FARs are a percentage of the total land area that dictates the total potential square footage of a development. This means they provide the maximum possible total building size without considering other development requirements.** For example, a 1-acre parcel with an allowed FAR of 1.0 would be permitted to develop up to 43,560 square feet. The Land Development Code requirements will further limit building size in order to accommodate parking, setbacks, buffers, open space, stormwater management, maximum building height, and conservation requirements. It is very unlikely that a project would be able to use the entire FAR allowance. Typically, in Lee County, suburban development has an FAR between 0.20 and 0.30, resulting in approximately 10,000 square feet of development per acre. Rural development typically has an FAR of 0.15 or below, resulting in between 5,000 and 10,000 square feet of development per acre. **The proposed 0.25 FAR puts the potential development in this area of the county right between typical rural and suburban development, which, along with the LDC site requirements for parking, buffers, open space, and stormwater management, will help support the conservation and preservation efforts in Southeast Lee.** Note that Preservation and Innovation and Conservation Community have been added to the definitions for Future Non-Urban Areas (Conservation Community) and Future Suburban Areas (Preservation and Innovation).

The new Preservation and Innovation category allows a maximum FAR of 0.25, meaning the total development size cannot exceed 25% of the site's total acreage. This category is intended to support nonresidential development, meaning office, light industrial, and commercial uses, which typically have a larger footprint than residential development. Southeast Lee County is still intended to protect and restore the county's water resources and wildlife habitat. **The FAR and the requirements in the Land Development Code work together to achieve this goal by directly controlling the size of individual developments and limiting the building footprint through the other development standards, yielding more open space for wildlife habitat and water recharge.** This approach avoids the issue with Policy 33.2.5, which sets a fixed limit on total nonresidential development square footage in the Community Plan Area.

The new Conservation Community category also allows a very low FAR for nonresidential and multifamily development, but only when developed alongside low-density residential development. The inclusion of these uses within predominantly single-family conservation communities is intended to provide amenities, jobs, and housing options beyond detached single-family homes, better supporting multi-generational neighborhoods and mixed-income housing in one area, thereby reducing vehicular trip lengths and conserving more open space, particularly when developed in vertically mixed structures. Allowing multifamily development, which could include townhouses, condos, quadplexes, or other residential development types that do not qualify for a non-commercial building permit, within the FAR limitations is intended to discourage conversion of these lands to Live Local projects, which may not need to meet all of the environmental requirements for Southeast Lee. By allowing the use outright, there is less incentive for developers to use Live Local instead of the county's standard allowances. **In this category, the allowable FAR for nonresidential and multifamily development is separate from the maximum of 1.15 units per acre in the residential portion of the development, but the combined maximum is 0.15 FAR, calculated based on the nonresidential and multifamily acreage.**

RESIDENTIAL DEVELOPMENT

Currently, in Southeast Lee, the maximum standard density is 1 unit per 10 acres in the DR/GR future land use category, and may be increased to 1.15 units per acre when the property is designated on Map 1-D as a special development area or an Environmental Enhancement and Preservation Community Overlay (EEPCO) Tier 1 property. The other EEPCO Tiers also allow density increases, but at a lesser rate. The Lee Plan does not currently provide clear guidance on how to change tiers or what separates one tier from another. Additionally, the existing overlays are overly complicated and confusing for property owners.

Objective 33.2 currently describes the Southeast Lee County overlays, even though it is entitled “Residential and Mixed-Use Development.” This Objective is significantly changed in the proposed amendments to house the Residential Use policies and to strike all existing overlay details in Policies 33.2.2, 33.2.3, and 33.2.4. The new Objective and supporting Policies are reproduced below.

OBJECTIVE 33.2: RESIDENTIAL AND MIXED-USE DEVELOPMENT.

Residential development in Southeast Lee County must create, improve, preserve, and/or restore strategic surface and groundwater resources and indigenous wildlife habitats. Designate on a Future Land Use Map overlay areas that should be protected from adverse impacts of mining (Existing Acreage Subdivisions), specific locations for concentrating existing development rights on large tracts (Mixed-Use Communities), specific properties which provide opportunities to protect, preserve, and restore strategic regional hydrological and wildlife connections (Environmental Enhancement and Preservation Communities), and vacant properties with existing residential approvals that are inconsistent with the DR/GR future land use category (Improved Residential Communities).

POLICY 33.2.1: Residential development exceeding 1 unit per 10 acres within the Southeast Lee County Community Plan Area must have a future land use designation of Conservation Community and provide hydrological connections to regional watersheds, wildlife habitat connections to publicly or privately owned conservation lands, or strategic infrastructure connections to benefit the county’s water and natural resources. Communities approved prior to DATE through a settlement agreement are exempt from this requirement under Lee Plan Chapter 13. Existing acreage subdivisions are shown on Map 2-D. These subdivisions should be protected from adverse external impacts.

POLICY 33.2.2: The County will create a program to allow a maximum density of 1.15 units per acre for the Conservation Community future land use category in the land development code to offset the costs of improving, preserving, and restoring regional surface and groundwater resources and wildlife habitat for state- and federally listed species.

POLICY 33.2.3: Density in the Southeast Lee County Community Plan Area may not exceed 1.15 units per acre, regardless of land use category, even when the strategies in the land development code are met.

POLICY 33.2.4: Existing acreage subdivisions, as indicated in the Lee Plan Map 1-D, should be protected from adverse external impacts through appropriate mitigation measures such as, but not limited to, site configuration, setbacks, density distribution, buffers, and/or general design.

The proposed changes convert the existing Environmental Enhancement and Preservation Community Overlays into the new Conservation Community Future Land Use Category. **The new category has been developed to align with the existing EEPCO**, the most widely used of these overlays. The creation of the new Future Land Use Categories and the removal of existing overlays streamline implementation and reduce the number of unnecessary or confusing overlays. The removal of the overlays and addition of the new Future Land Use Categories required map amendments in addition to the text amendments.

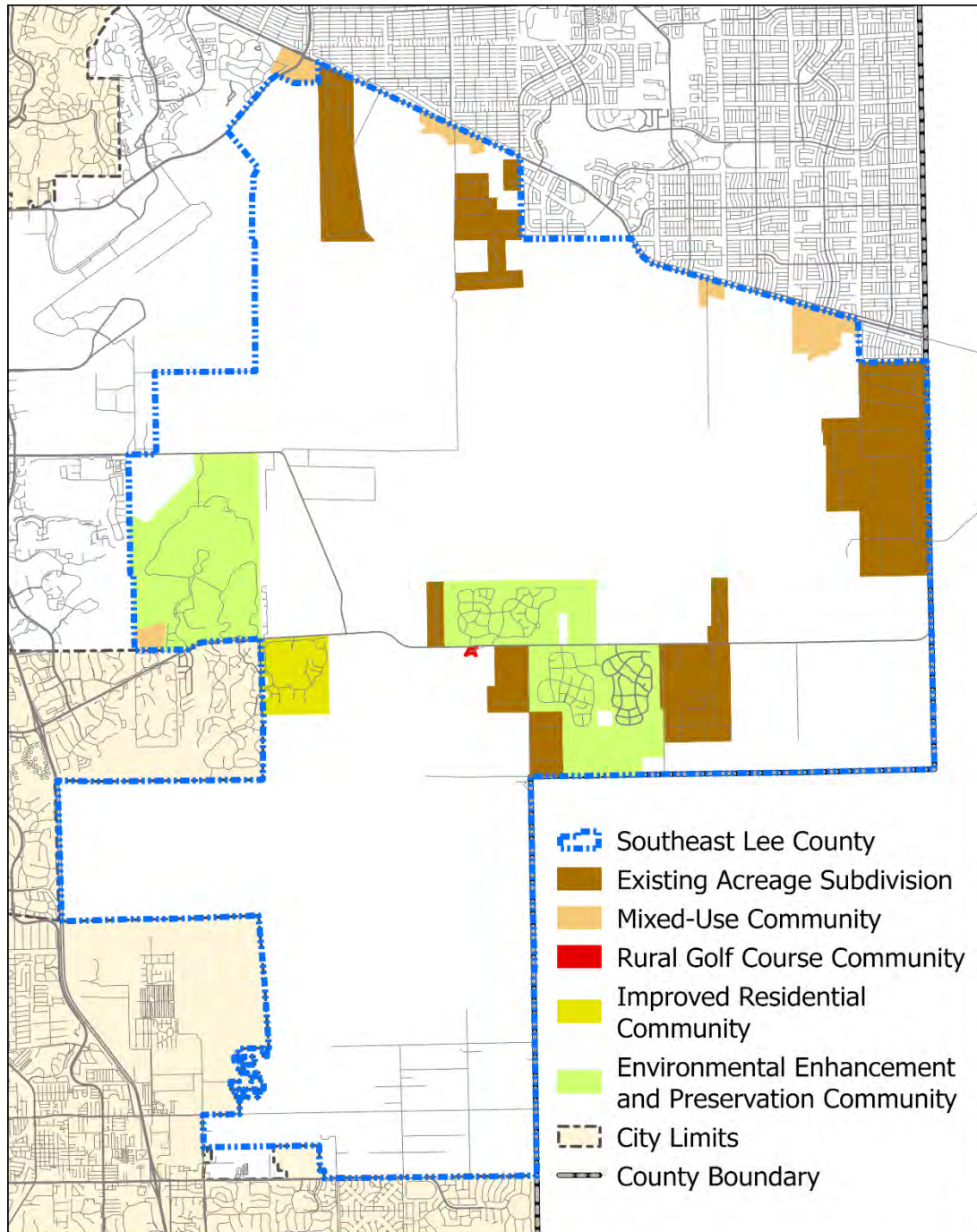


Figure 5: Existing Map 2-D, Southeast Lee Overlays

The Appendix maps and tables need to be updated to remove maps with existing overlays that have been condensed into the new categories, and to map areas with the new, most appropriate category. Figure 5 on page 15 shows the existing Map 2-D. The existing Acreage Subdivision and Rural Golf Course Community layers have been moved to Map 1-D, as shown in Figure 6 below. The Improved Residential Community and the Mixed-Use Community will be deleted and addressed in the property rights element, and the EEPKO overlay has been replaced with the Conservation Community land use category, as shown in Figure 7 below.

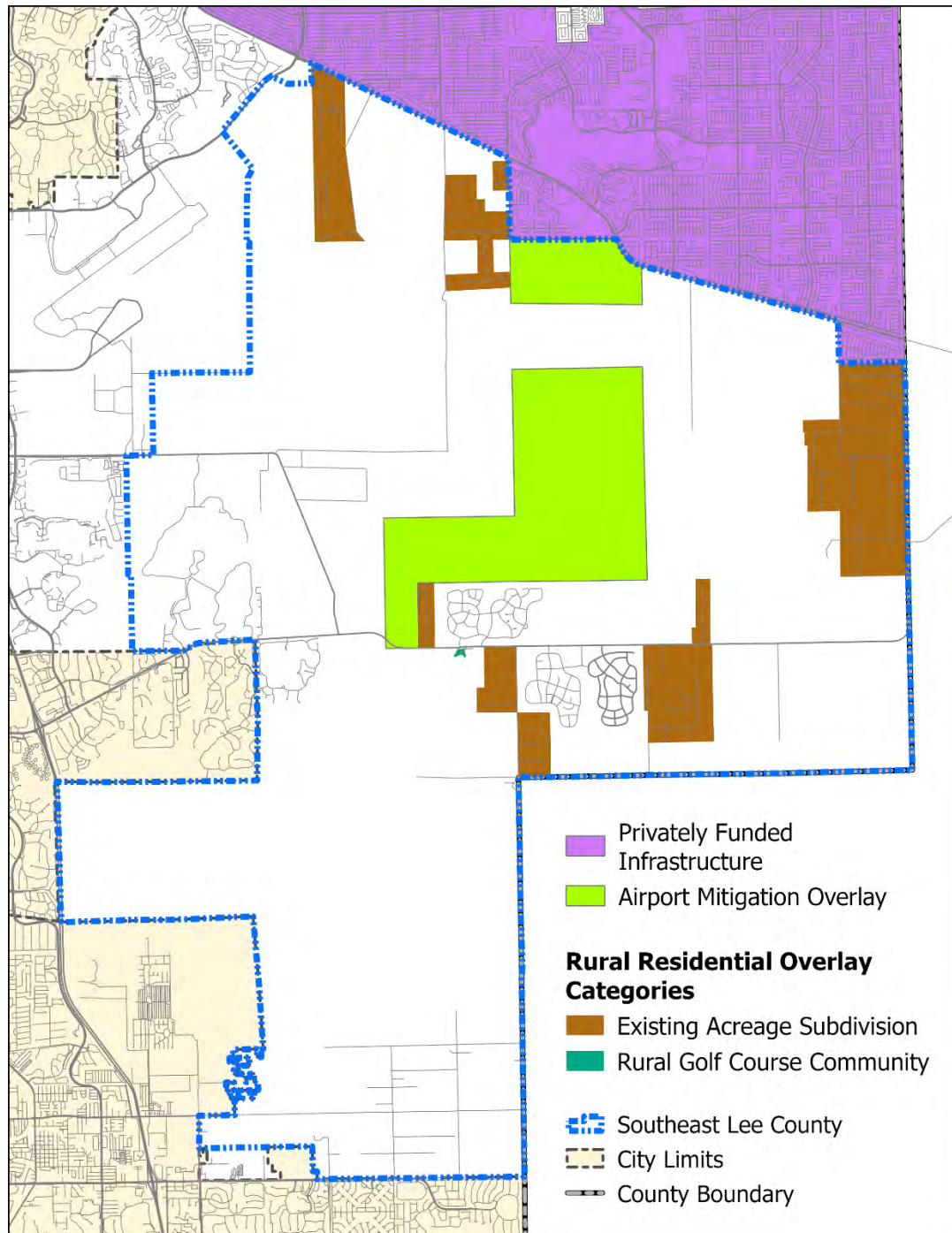


Figure 6: Proposed Map 1-D in Southeast Lee

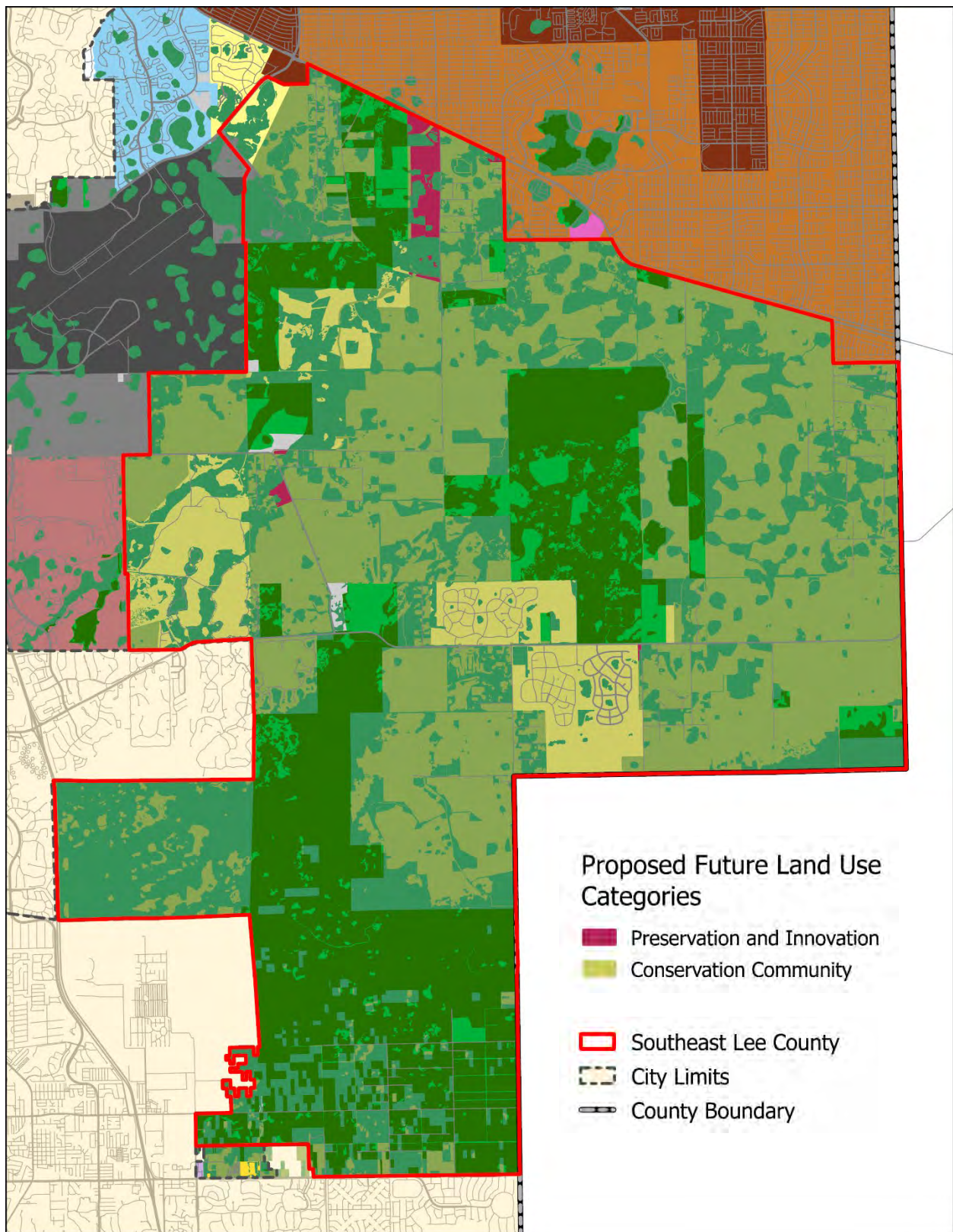


Figure 7: Future Land Use Map in Southeast Lee

The existing land use rights in areas where the county is changing the use category must be vested to ensure that the amendments do not violate F.S. 252.422 (SB 180) or impact the property owner's private property rights.

XII. Property Rights Element

GOAL 165: In accordance with §163.3177(6)(i), Fla. Stat., the following rights will be considered in local decision-making:

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

GOAL 166: County-initiated amendments may be made from time to time to update the Lee Plan, Future Land Use Map, or other regulatory documents to further the County's long-term vision for development.

OBJECTIVE 166.1: In certain instances where a county-initiated map or text amendment to the Lee Plan, Land Development Code, or zoning map changes the allowances on a property, the previous density and use allowances may be utilized in lieu of the changes.

POLICY 166.1.1: Properties previously identified as Mixed Use Community, Improved Residential Community, or Rural Golf Course Community in the Southeast Lee County Community Plan area may choose to develop under the regulations in effect prior to DATE by ORDINANCE, including requirements to concentrate development rights through the Southeast Lee County TDU program.

POLICY 166.1.2: Properties in the Southeast Lee County Community Plan Area whose land use was changed from DR/GR to Preservation and Innovation future land use category may retain the use and density allowances effective prior to DATE of Ordinance, in lieu of the Preservation and Innovation allowances. However, in no instance shall the density exceed 1 unit per 10 acres.

The existing rights of these properties were added to the Private Property Rights Element of the Lee Plan. This element previously contained only the required language from the Florida Statutes, but has been amended to include two goals: the required language and new language regarding county-initiated amendments. This location seemed more appropriate than keeping these amendments in Goal 33, as the new Goal 166 broadly covers County-initiated amendments, making it a central place to house future changes directly related to private property rights.

The last major change related to Objective 33.2 was the removal of all planned development requirements for Southeast Lee County from the Lee Plan. Originally, the proposed amendments to Southeast Lee County were fully contained within the Lee Plan. However, this Lee Plan Amendment has a companion LDC amendment that moves all implementing requirements for development in the Southeast Lee County Community Plan Area from the Lee Plan to the LDC. The PD requirements will, appropriately, move to the Land Development Code. **The Lee Plan still establishes the long-term vision for Southeast Lee, including development caps and general policies related to environmental preservation, but the implementing**

language has been moved to a new article that specifically addresses development within the Southeast Lee County Community Plan Area in the Land Development Code. The Land Development Code amendments are in a separate companion amendment that will follow the required LDC amendment process.

SUPPORTING AMENDMENTS

The nonresidential and residential amendments in Southeast Lee County necessitated changes elsewhere in the Lee Plan. Most of the amendments in this section are cleanup related to the amendments described above, with three exceptions: Policies 1.1.10, 1.1.13, and 7.1.2, whose changes resulted from the process of creating the main amendments.

As stated in the nonresidential section above, a new nonresidential category was created instead of trying to make the existing future land use categories work in Southeast Lee. Originally, the amendments were going to use the Commercial and Tradeport categories with additional protections for Southeast Lee. Staff reviewed the description of those categories as part of the original effort to make them work in Southeast Lee, and realized that general amendments were needed to help clarify and update the descriptions.

POLICY 1.1.10: The **Commercial** future land use category is located in areas where infrastructure is planned or in place and residential uses are not expected or incompatible due to surrounding land uses, environmental constraints, or proximity to the Coastal High Hazard Area. ~~the nature of surrounding land uses, location along major travel corridors, or where residential development would increase densities in Coastal High Hazard Areas or in Lehigh Acres, where residential uses are abundant and existing commercial areas serving the residential needs are limited. In these locations, the requisite infrastructure needed for commercial development is generally planned or in place. The Commercial category is intended to support all types of commercial uses and limited light industrial uses, excluding outdoor storage, retail developments, hotels and motels, banks, all types of office development, research and development, public, and other similar development will be predominant in the Commercial future land use category. Limited light industrial uses are also permitted, excluding outdoor storage type uses. Residential uses, other than bona fide caretaker residences, are not permitted in this future land use category. Any redesignation of land to the Commercial future land use category should occur along major travel corridors and at road intersections. The planned development rezoning process must be used to prevent adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans of each site. New developments~~Development in this category must connect to a potable water and sanitary sewer system.

The amendments to the Commercial future land use category simplify the description and remove the requirement of a planned development. Planned developments work well in areas with environmental constraints or unique circumstances, but they can complicate redevelopment. The Commercial category is intended to accommodate a variety of commercial uses and should align with conventional commercial zoning districts without requiring a PD for all development. The additional requirement of a planned development for all properties with a Commercial land use adds unnecessary steps to the development process.

The amendments to the Tradeport description specify that properties adjacent to Southwest Florida International Airport (RSW) or the Florida Strategic Intermodal System (freight highways) are best suited for this category, remove an outdated reference to Development of Regional Impact (DRIs), and clarify when commercial uses are permitted.

POLICY 1.1.13: The **Tradeport** future land use category includes areas of commercial and industrial lands adjacent to the Southwest Florida International Airport (RSW), the airport or other major transportation infrastructure such as Florida's Strategic Intermodal System (SIS). These areas will include developments consisting of light manufacturing or assembly, data centers, warehousing, and distribution facilities; research and development activities; laboratories; ground transportation and airport-related terminals or transfer facilities; hotels/motels, meeting facilities; education and training facilities; and office uses.

Stand-alone retail commercial uses intended to support and complement the surrounding business and industrial land uses are permitted if they are approved as part of a ~~Development of Regional Impact (DRI) or~~ Planned Development rezoning. Stand-alone retail commercial uses are limited to 1 acre ~~out of~~ every 10 Tradeport and preserved wetland acres within the project. To provide an incentive to preserve upland habitat, ~~DRIs or~~ Planned Developments may also receive additional stand-alone retail acres at the rate of 1 additional acre ~~out of~~ every 10 acres of preserved and enhanced uplands within the project that protect wetlands, flow-ways, or occupied listed species habitat. Ancillary ~~retail~~ commercial uses related directly to the sale of products manufactured or services provided by the associated light industrial use are not considered stand-alone commercial in Tradeport ~~are allowed if they are part of a planned development.~~ Residential uses, other than bona fide caretaker residences, are not permitted in this future land use category.

The changes to the Tradeport description clarify or update existing language; no substantive changes were made.

Similar to the change in the Commercial land use description, Policy 7.1.2 requires PDs for almost all industrial developments, including some within future land use categories that explicitly support industrial uses.

POLICY 7.1.2: Industrial development is encouraged through conventional zoning districts when the property is within the Industrial Development, Tradeport, and Industrial Interchange future land use categories or within a Future Urban Area, unless a Planned Development is specifically required by the Lee Plan or necessary to demonstrate compliance with Policy 5.1.5. ~~Industrial 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 proposed amendment to Policy 7.1.2 simplifies the policy and specifies that PDs are only necessary if specifically required by the Lee Plan or there are compatibility concerns with adjacent residential uses. The Land Development Code may need to be updated to ensure consistency with Planned Development requirements.

The remainder of the amendments directly relate to the Community Plan Area amendments for residential and nonresidential uses.

Policy 1.4.5 provides a description of the DR/GR future land use category. The proposed amendments clean up the language in #1 and remove the reference to the density increases in the Southeast Lee County Community Plan Area in #2.

POLICY 1.4.5: The **Density Reduction/Groundwater Resource (DR/GR)** future land use category includes upland areas that provide substantial recharge to aquifers most suitable for future wellfield development. These areas ~~also are~~ also the most favorable locations for physical withdrawal of water from those aquifers.

1. ~~New land uses in these areas that require rezoning or a development order must demonstrate compatibility with maintaining surface and groundwater levels at their historic levels utilizing hydrologic modeling. The impacts of proposed development on the historic surface and groundwater resources must be analyzed using hydrologic modeling to assess potential adverse impacts to upstream and downstream lands, current and future water resources, and natural systems. This analysis will occur during the rezoning application process or development order application review, if rezoning is not required. The analysis must demonstrate that the proposed change will have no significant impacts on present or future water resources. Lee County's Department of Natural Resources will review and verify all proposed analyses, which may include an integrated surface and groundwater hydrologic model. The intent of the analysis is to demonstrate the impact of a proposed development on the county's natural resources. the incorporation of increased storage capacity and the inclusion of green infrastructure. The modeling must also show that no adverse impacts will result to properties located upstream, downstream, as well as adjacent to the site. Offsite mitigation may be utilized, and may be required, to demonstrate this compatibility. Evidence as to historic levels must be submitted as part of the rezoning application and updated, if necessary, as part of the mining development order application.~~
2. Permitted land uses include agriculture, natural resource extraction and related facilities, conservation uses, public and private recreation facilities, and residential uses at a maximum standard density of one dwelling unit per ten acres (1 du/10 acres). See Objectives 33.2 and 33.3 for potential density adjustments resulting from concentration or transfer of development rights.
3. Private Recreational Facilities may be permitted in accordance with the site locational requirements and design standards, as further defined in Goal 13. No Private Recreational Facilities may occur within the DR/GR land use category

without a rezoning to an appropriate Planned Development zoning category, and compliance with the Private Recreation Facilities performance standards, contained in Goal 13.

The amendments to #1 clarify the requirements and keep the language consistent throughout the Lee Plan, but do not change the modeling requirements. Removing the reference to Objectives in Goal 33 in #2 was necessary. Residential development exceeding 1 unit per 10 acres in Southeast Lee County will need to have a Conservation Community future land use. This section only applies to properties with DR/GR land use. DR/GR will no longer have density incentives, so this policy no longer applies.

Policy 33.1.7 mirrors the language in #1 above:

POLICY 33.1.7: Impacts of proposed ~~land disturbances~~development on surface and groundwater resources ~~will~~must be analyzed using hydrologic modeling to assess potential adverse impacts to upstream and downstream lands, current and future water resources, and natural systems within Southeast Lee County. This analysis will occur during the rezoning application process or development order application review, if rezoning is not required. The analysis will be proportionate to the proposed impacts and use integrated surface and groundwater models that ~~utilize~~with site-specific data. Lee County's Department of Natural Resources will review and verify all proposed analysis, which may include an integrated surface and groundwater hydrologic model. The intent of the analysis is to demonstrate the impact of a proposed development on the county's natural resources. ~~to assess potential adverse impacts on water resources, and natural systems within Southeast Lee County. Lee County Division of Natural Resources will determine if the appropriate model or models are being utilized, and assess the design and outputs of the modeling to ensure protection of Lee County's natural resources.~~

Policy 1.6.10 establishes the residential overlays in Southeast Lee. The proposed amendments remove all overlays except the Existing Acreage Subdivisions and the Rural Golf Course Community. This change keeps this policy consistent with the amendments to Goal 33.

POLICY 1.6.10: Lee Plan Map 1-D, Special Treatment Areas, depicts areas of the county with specific requirements, including the following overlays: The Southeast Lee County Residential Overlay (Map 2-D) is described in Objective 33.2. This Overlay affects only Southeast Lee County and identifies five types of land:

1. "Existing Acreage Subdivisions:" Existing rural residential subdivisions that should be protected from adverse external impacts ~~such as natural resource extraction.~~
2. "Rural Golf Course Communities:" Potential locations for the concentration of development rights on property zoned Private Recreational Facilities Planned Development ~~and located in the Southeast DR/GR area.~~
3. ~~"Mixed-Use Communities:" Locations where this concentration of development rights from large contiguous tracts within the DR/GR area that can be supplemented by transfer of development rights from non-contiguous tracts in the Southeast DR/GR area. See Objective 33.3 and following policies.~~
4. ~~"Improved Residential Communities:" Property with existing residential approvals that are inconsistent with the Southeast DR/GR area that could be improved environmentally.~~

5. ~~“Environmental Enhancement and Preservation Communities:” Properties adjacent to Corkscrew and Alico Roads that have the potential to improve and restore important regional hydrological and wildlife connections.~~

Similar to Policy 1.6.10, the amendments to Policies 33.1.2 and 33.1.3, and Objective 33.3 remove references to the deleted overlays.

POLICY 33.1.2: ~~The County will create development incentives to offset the cost of creating, preserving, or re-establishing natural systems in the Southeast Lee County Community Plan Area. The incentive programs may be updated from time to time based on the changing needs of this area of the county. The DR/GR Priority Restoration Strategy consists of seven tiers of land where protection and/or restoration would be most critical to restore historic surface and groundwater levels and to connect existing corridors or conservation areas (see Map 1-D). Within these tiers, density incentives will be utilized as a mechanism to improve, preserve, and restore regional surface and groundwater resources and wildlife habitat of state and federally listed species; with Tier 1 and Tier 2 being the most incentivized tiers. Lee County may consider amendments to this Overlay based on changes in public ownership, land use, new scientific data, and/or demands on natural resources. This Overlay does not restrict the use of the land.~~

POLICY 33.1.3: ~~Pursue acquisition (partial or full interest) of land via public investment, land swaps, conservation easements, or donation of critical lands within Southeast Lee County to augment preservation lands to improve, restore, or create water resources, natural ecosystems, and wildlife connections through a planned development, Development Agreement approved by the Board of County Commissioners, or other legally binding agreement accepted by the County Attorney’s Office, within the Tier 1 areas in the Priority Restoration Strategy Overlay through direct purchase; partnerships with other government agencies; long term purchase agreements; right of first refusal contracts; land swaps; or other appropriate means to provide critical connections to conservation lands that serve as the backbone for water resource management and wildlife movement within Southeast Lee County. Tier 2 lands are of equal ecological and water resource importance as Tier 1 but have better potential to remain in productive agricultural use. Tier 3 lands and the southern two miles of Tiers 5, 6, and 7 can provide an important wildlife connection to conservation lands in Collier County and an anticipated regional habitat link to the Okaloacoochee Slough State Forest. Tiers 1, 2, 3, and the southern two miles of Tiers 5, 6, and 7 may qualify for unique development incentives outlined in Objectives 33.2 and 33.3 due to the property’s potential for natural resource benefits and/or wildlife connections. Additionally, the County may consider incentives, within all tiers, for private landowners to improve water resources and natural ecosystems.~~

Objective 33.3 currently houses the TDR program details in Southeast Lee. Many of these were directly related to the overlay in which a property was located. This objective has been updated to remove the overlay references that no longer apply and to create a new Flooding Mitigation Lands Program similar to the TDR program.

OBJECTIVE 33.3: ~~SOUTHEAST LEE COUNTY TRANSFER OF DEVELOPMENT RIGHTS (Southeast Lee County TDR) LAND CONSERVATION PROGRAMS.~~ To protect water resources and natural habitat of Southeast Lee County, Lee County establishes the Southeast Lee County Transferable Development Rights (TDR) and Flooding Mitigation programs. ~~may incorporate Southeast Lee County’s purchase and transfer of development rights programs into the LDC.~~

POLICY 33.3.1 The ~~new~~ programs ~~may~~ create incentives for property owners or ~~developers~~ within Southeast Lee County to transfer development rights associated with their sending parcels to receiving lands outside the planning community; ~~or, residential areas identified on Map 2-D; Southeast DR/GR Residential Overlay as specified in Policy 33.3.2.~~

POLICY 33.3.2: The Southeast Lee County TDR program will have the following characteristics:

1. Creation of Transferable Development Units (Southeast Lee County TDUs).
 - a. Up to one Southeast Lee County TDU may be created per five acres of preserved or indigenous wetlands.
 - b. Up to two Southeast Lee County TDUs may be created from a single-family lot or parcel designated as wetlands that holds an affirmative Minimum Use Determination pursuant to Chapter XIII.
 - c. Southeast Lee County TDU credits may be established from DR/GR designated lands as follows:
 - 1) Up to one Southeast Lee County TDU may be created for each ten upland acres encumbered by an agricultural easement.
 - 2) Up to one Southeast Lee County TDU may be created for each 5 upland acres with indigenous native or restored native vegetation encumbered by a conservation easement.
 - 3) ~~For each Southeast Lee County TDU credit allowed by c.1) or c.2) above, up to two extra TDU credits may be created if the sending area land is designated as Tier 1, Tier 2, Tier 3, or the southerly two miles of Tiers 5, 6, and 7 in the Priority Restoration Strategy (Map 1-D).~~
2. Receiving area density and intensity equivalents of Southeast Lee County TDUs.
 - a. ~~In Mixed Use Communities in Southeast Lee County identified on Map 2-D, each Southeast Lee County TDU credit may be redeemed for a maximum of one dwelling unit plus a maximum of 800 square feet of non-residential floor area.~~
 - ~~b. In Improved Residential Communities in Southeast Lee County identified on Map 2-D, each Southeast Lee County TDU credit may be redeemed for a maximum of one dwelling unit.~~
 - ~~c. In Rural Golf Course Communities in Southeast Lee County identified on Map 2-D, each Southeast Lee County TDU credit may be redeemed for a maximum of one dwelling unit or two bed and breakfast bedrooms.~~
 - ~~d. In Environmental Enhancement and Preservation Properties within the Conservation Community Communities future land use category may redeem identified on Map 2-D, each Southeast Lee County TDU credits may be redeemed for a maximum of one dwelling unit per 10 acres using when the credits are from DR/GR sending areas and a maximum of one dwelling unit per 20 acres using when credits are from wetland sending areas.~~
 - e. No more than 2,000 dwelling units may be placed on receiving parcels within the Southeast Lee County Community Plan Area identified in subsections a. through d. above using the Southeast Lee County TDR program.
 - f. Properties outside of the Southeast Lee County Community Plan area with In the Intensive Development, Central Urban, Urban Community, or General Interchange future land use categories outside of Southeast Lee County, each Southeast Lee County TDU may be redeemed Southeast Lee County TDUs

for up to two dwelling units an acre. Southeast Lee County TDUs may not be redeemed for non-residential floor area in these future urban areas.

3. The LDC may include regulations that permit the County to evaluate the effectiveness of the Southeast Lee County TDR program and make changes that may further condition or restrict the use of Southeast Lee County TDUs.

POLICY 33.3.3: The County will administer the TDR program and develop a forum to disseminate program information and records. The forum may include a TDR program website that provides general program information, rules and guidelines; TDU administrative determination application; County-approved form of conservation easement; certified TDU database with ownership information; and, TDU clearinghouse for individuals that request to be included within the TDU clearinghouse program.

POLICY 33.3.4: Southeast Lee County Flooding Mitigation Lands Program allows developers to purchase property in the Southeast Lee County Community Plan Area identified for county mitigation projects in exchange for development approvals. Purchased property must be approved and dedicated to the county. The Flooding Mitigation Lands Program will be allocated per the following:

1. For projects within the Southeast Lee County Community Plan Area, incentives will be provided per the thresholds described in the LDC.
2. For projects outside of the Southeast Lee County Community Plan Area:
 - a. Additional density may be applied to the receiving site at a rate of 2 units per acre of purchased and transferred land. The maximum density may not exceed the Bonus Density allowances of the land use category.
 - b. Open space at a 1-acre for every 5 acres of purchased and transferred land. No more than 25% of the required open space may be offset by this allowance.

The new Policy 33.3.4 facilitates a Public-Private Partnership for Flooding Mitigation Projects in Southeast Lee County by permitting private developers to purchase specific lands needed for county flooding projects and transfer them to the applicable entity in exchange for development credits. These parcels will be identified as “Public Acquisition” in a future update of Map 1-D, but they are already identified in the Department of Natural Resources’ CREW Project Area map. Additionally, the policy's second part might allow properties outside Southeast Lee County to gain development credits for the acquisition of these lands within Southeast Lee. The intent is to help the County acquire property essential to flooding mitigation projects in exchange for development incentives.

Objective 2.3 provides the required findings for Future Land Use Map Amendments. The proposed language clarifies the existing requirements, adds the new categories to Policy 2.3.2, removes the finding requirements, and removes Policy 2.3.3, which no longer applies.

OBJECTIVE 2.3: FUTURE LAND USE MAP AMENDMENTS. To require formal findings for certain Future Land Use Map amendments.

POLICY 2.3.1: All proposed changes to the Future Land Use Map in critical areas for future potable water supply, such as ~~Lehigh Acres~~, as described in Policy

54.1.9, and all land in the Southeast Lee County Community Plan Area or the DR/GR land use category.) Map amendments for these areas will be subject to a special review by the staff of Lee County. ~~This review will to analyze the potential impact of the land change on the proposed land uses to and determine the short-term and long-term~~ availability of irrigation and domestic water sources and ~~will~~ assess whether the proposed ~~land uses change~~ would cause any significant impact on present or future water resources. If the Board of County Commissioners wishes to approve any such changes to the Future Land Use Map, it must make a formal finding that no significant impacts on present or future water resources will result from the change.

POLICY 2.3.2: Future Land Use Map amendments to the existing DR/GR areas within the Southeast Lee County Community Plan Area to a district other than Preservation and Innovation, Conservation Community, Wetlands, Conservation Lands, or Public Facilities will be discouraged by the County. ~~south of SR 82 east of I 75, excluding areas designated by the Port Authority as needed for airport expansion, which increase the current allowable density or intensity of land use will be discouraged by the County. It is Lee County's policy not to approve further urban designations there for the same reasons that supported its 1990 decision to establish this category. In addition to satisfying the requirements in Ch. 163, Part II, Fla. Stat., the Strategic Regional Policy Plan, the State Comprehensive Plan, and all of the criteria in the Lee Plan, applicants seeking such an amendment must:~~

- ~~1. analyze the proposed allowable land uses to determine the availability of irrigation and domestic water sources; and,~~
- ~~2. identify potential irrigation and domestic water sources, consistent with the Regional Water Supply Plan. Since regional water suppliers cannot obtain permits consistent with the planning time frame of the Lee Plan, water sources do not have to be currently permitted and available, but they must be reasonably capable of being permitted; and,~~
- ~~3. present data and analysis that the proposed land uses will not cause any significant harm to present and future public water resources; and,~~
- ~~4. supply data and analysis specifically addressing urban sprawl.~~

~~During the transmittal and adoption process, the Board of County Commissioners must review the application for all these analytical requirements and make a finding that the amendment complies with all of them.~~

POLICY 2.3.3: ~~Lee Plan amendment applications to expand the Lee Plan's employment centers, which include light industrial, commercial retail and office land uses, will be evaluated by the Board of County Commissioners in light of the locations and cumulative totals already designated for such uses, including the 1994 addition of 1,400 acres to the Tradeport category just south of the Southwest Florida International Airport.~~

The proposed change to remove numbers 1 through 4 as required findings for map amendments in Southeast Lee reduces redundant policies. #1 and #2 state that properties would need to verify the availability of irrigation and domestic water resources. The LDC standards for all residential and nonresidential development in Southeast Lee require new development to connect to the central water and sewer system and to minimize irrigation needs. #3 states that all land use changes require data and analysis to ensure the proposed change will not adversely affect water quality or water resources. This is already a requirement in the proposed Policies 1.1.16, 1.4.5, 33.1.7, 33.2.1, and 33.4.1. #4 addresses urban sprawl. Lee Plan Goal 1 and Objective 2.1 already include language about containing and addressing urban sprawl. **The inclusion of these requirements in Policy 2.3.2 is unnecessary, as they are already required in other areas of the Lee Plan.**

Policy 6.1.2 is a supporting policy for Goal 6, which addresses all commercial development within the county. This is the second amendment to this policy this year. Previously, the policy included multiple bullet points that specified the areas to which it applied. The proposed amendment removes the bullet related to Southeast Lee County and changes the language to exempt only areas where the community plans specifically allow more intense commercial uses.

POLICY 6.1.2: Commercial development in non-urban future land use categories is limited to Minor Commercial, ~~except that unless the Lee Plan specifically provides otherwise.:~~

- ~~• Neighborhood Commercial uses are permitted in the Southeast Lee County Planning District as provided for in Objectives 13.3 and 33.2.5.~~

Minor Commercial development may include limited commercial uses serving rural areas and agricultural needs, and commercial marinas. Minor Commercial development must be located so that the retail use, including buildings and outdoor sales area, is located at the intersection (within 330 feet of the adjoining rights-of-way of the intersecting roads) of arterial and collector roads or two collector roads with direct access to both intersecting roads. Direct access may be achieved with an internal access road to either intersecting road. On islands, without an intersecting network of collector and arterial roads, commercial development may be located at the intersection of local and collector, or local and arterial, or collector and collector roads.

As part of the proposed amendments, staff evaluated the boundaries of the Southeast Lee County Community Plan Area in response to one of the privately initiated amendment requests (CPA2025-00009) and input from one of the County Departments regarding property along Bonita Beach Road within Lee County's jurisdiction.

The proposed map amendments include a slight contraction of the Southeast Lee County Community Plan Area along Bonita Beach Road, south of the Kehl Canal, and a portion of a property along Daniels Parkway. These areas do not share the same water characteristics as the rest of Southeast Lee County and, therefore, should not be subject to the same requirements. The proposed contraction areas have been coordinated and confirmed with Lee County's Department of Natural Resources. The proposed contraction area has no impact on Table 1(b), as the Planning District, which is used for data tracking, will not change with the proposed contraction.

The last text amendments add definitions to the Glossary to support the other amendments and to fill existing gaps.

COMMERCIAL DEVELOPMENT -- A use involving, in whole or in part, the sale of merchandise, materials, or services. Commercial development may include retail, wholesaling, personal services, temporary accommodations, office, or other uses that involve the transfer or sale of goods or services.

~~MINOR~~ – Commercial development that ~~provides for the sale of convenience goods and services and~~ contains less than 30,000 square feet of gross floor area.

~~NEIGHBORHOOD~~ – Commercial development that ~~provides for the sale of convenience goods and personal services, such as food, drug, sundries, and hardware items and~~ has a gross floor area range of 30,000 to 100,000 square feet.

~~COMMUNITY~~ – Commercial development that ~~provides for the sale of retail goods such as clothing, variety items, appliances, and furniture as well as goods that may be found in a neighborhood commercial development and~~ has a gross floor area range of 100,000 to 400,000 square feet.

~~REGIONAL~~ – Commercial development that ~~provides some functions of community commercial, in addition to providing a full range and variety of shopping goods for comparative shopping (such as general merchandise, apparel, furniture, and home furnishings) and~~ has a gross floor area range of 400,000 to 1 million square feet.

DISCOURAGED – To dissuade or attempt to dissuade from doing something, but not to prohibit outright; an unwanted action, not a prohibited one.

ENCOURAGED – A wanted action, but not the only action that may be acceptable.

FUTURE NON-URBAN AREAS – Those categories on the Future Land Use Map that are designated primarily for single use developments with a density equal to or less than 1 unit per acre unless otherwise allowed within a special treatment area identified in Objective 1.7: Rural, Rural Community Preserve, Coastal Rural, Outer Island, Open Lands, Wetlands, Conservation Lands (upland and wetland), New Community within the North Olga Planning Community, Conservation Community, and Density Reduction/Groundwater Resource.

FUTURE SUBURBAN AREAS – Those future urban categories on the Future Land Use Map that are designated primarily for single use developments: Suburban, Outlying Suburban, Sub-Outlying Suburban, Industrial Development, Airport, Tradeport, Preservation and Innovation, Commercial, Industrial Interchange, General Commercial Interchange, Industrial Commercial Interchange, University Village Interchange, University Community, Public Facilities, and the New Community within the Gateway/Airport Planning Community.

INDUSTRIAL DEVELOPMENT – A business use or activity involving manufacturing, fabrication, assembly, warehousing, and/or storage.

INDUSTRIAL, HEAVY – Manufacturing, resource refinement or extraction, other enterprises with significant external effects, or enterprises that pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in manufacturing or other processes. The location of a use does not indicate whether it is considered heavy industrial. Heavy Industrial uses can be inside or outside a building.

INDUSTRIAL, LIGHT – A use that involves the manufacturing, production, processing, fabrication, testing, assembly, treatment, repair, packaging, or warehousing of finished products within a building, without a noticeable amount of noise, dust, odor, smoke, glare, or vibrations.

The proposed changes to commercial development remove specific uses from the list of commercial development types, but retain the size limitations currently in place. The previous definitions of commercial development across different types have essentially identified only retail uses; however, commercial development encompasses a wide range of uses, as the new definition covers.

Throughout the Lee Plan, there are policies that use the terminology “encourage” and “discourage,” but until now, those terms have not been explicitly defined. The definitions encompass the current accepted use of the terms. This is not a change from the current interpretation; it is codifying the accepted practice.

The Lee Plan also lists “Light Industrial” as a permitted use in numerous Future Land Use Categories, but does not currently specify which industrial uses qualify as light industrial. The proposed amendment defines industrial uses and then divides them into Light and Heavy Industrial to provide clear guidance on which uses are appropriate in specific locations.

The proposed Glossary amendments may necessitate additional amendments to the Land Development Code to ensure consistency. Staff will include those with future LDC amendments.

All amendments, including those to the maps and tables in the appendix, are located in Attachment 1. All of these amendments support the text amendments described herein. Analysis of their consistency with the Lee Plan is provided in the Lee Plan Analysis section of this Staff Report.

LEE PLAN ANALYSIS

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

Lee Plan Chapter 2, Part b, contains the county’s Community Planning Goals within the Future Land Use Element. **Goal 17**, Community Planning, establishes the Community Plan Areas and their requirements. **Objective 17.1** states that community plans address specific conditions and long-term visions unique to that area of the county. This objective is supported by three policies. **Policy 17.1.1** states that the county will “Coordinate community plans with County-wide and regional plans with respect to population accommodation, transportation, employment, economic development, and infrastructure needs in an effort to avoid inconsistencies.” The proposed amendments support a coordinated effort between the county, private developers, the public, and conservation groups to balance development pressure and changing conditions with conservation and preservation goals in Southeast Lee.

As mentioned in the Background section of this report, the last major update to Southeast Lee County was the addition of the EEPCO in 2015. Since that update, development in Southeast Lee County has changed significantly, with the development of Kingston (settlement agreement), which added 10,000 new residential units, and the Alico Extension, which connects Corkscrew Road to State Road 82 and

Sunshine Blvd, a major connector in Lehigh that is anticipated to connect to State Road 80 in the future. Properties along the Alico Extension that previously did not connect to the county's major road network now have a front-row seat to a controlled-access major connector road. **The proposed amendments provide updated development parameters to accommodate the approved infrastructure, residential development, and environmental concerns in Southeast Lee, consistent with Policies 17.1.1 and 17.1.2.**

One of the major changes in the proposed amendments is moving the PD requirements out of the Lee Plan and into the Land Development Code. **Policy 17.1.3** states, "Community plans should consist of long term objectives and policies that are not regulatory in nature. If needed, land development regulations may be adopted to implement the community plan." **The transfer of the development requirements for Southeast Lee County from the Lee Plan to the LDC is consistent with Policy 17.1.3.**

The existing Policy 17.2.1 states, "Each community plan area boundary must be rationally related to the condition(s) identified in the individual community plan." The proposed map amendments to the Southeast Lee County Community Plan Area Boundary are consistent with **Policy 17.2.1**, as the areas being removed from Southeast Lee County do not share the same hydrological characteristics as the remainder of the plan area. The Kehl Canal blocks the surface water connection between properties along Bonita Beach Road and the Imperial River Watershed and CREW Wildlife Management Area. The portion of the property on Daniels Parkway that the amendments propose removing from Southeast Lee County is located in the Six Mile/Estero River watershed, a different watershed than the remainder of Southeast Lee; additionally, its proximity to Southwest Florida International Airport (RSW) further distinguishes that land from the rest of the Community Plan Area. **These properties are not rationally related to the conditions identified in the Southeast Lee County Community Plan Area; therefore, the proposed contraction of the Southeast Lee County Community Plan Area is consistent with Policy 17.2.1.**

Objective 17.3 provides guidance on Public Input for comprehensive plan amendments within a community plan area. As described in the Public Outreach and Department Collaboration and the Procedural Requirements sections of this staff report, **the amendments have met all public outreach requirements of the Florida Statutes, Lee Plan, and the County's Administrative Code.**

Lee Plan Goal 33 contains the Southeast Lee County Community Plan Area's Objectives and Policies that guide development in this area of the county. Goal 33 states:

GOAL 33: SOUTHEAST LEE COUNTY. Protect Southeast Lee County's natural resources through public and private acquisition and restoration efforts. Development incentives will be utilized as a mechanism to preserve, enhance, and protect natural resources, such as regional flow-ways and natural habitat corridors in the development of privately owned land. Allowable land uses will include conservation, agriculture, public facilities, low density or clustered residential, natural resource extraction operations, and private recreation facilities; allowable land uses must be compatible with protecting Southeast Lee County's environment.

The proposed amendments will continue to protect Southeast Lee County's water resources and wildlife habitat through strict development guidelines. The Conservation Community land use category, intended for residential and subordinate nonresidential uses, retained the EEPKO requirements, including, but not limited to, open space, habitat restoration, and hydrological connections. The Preservation and Innovation category requirements were also derived directly from the EEPKO requirements, with input from the County's Department of Natural Resources, Utilities Department, and Department of

Transportation, to ensure that new nonresidential uses couldn't negatively impact the County's water quality, infrastructure, or wildlife areas. **The new Future Land Use Categories are not inconsistent with the intent of Goal 33.**

The Dover-Kohl Study heavily influenced the creation of Goal 33, Restoration Tiers, and existing overlays in Southeast Lee. The study was intended to study Southeast Lee County to determine a way to limit population, which was a requirement of State Statutes at the time, discourage mining, and protect the County's water resources and wildlife habitat (i.e., Panther Habitat). The study stated that compact, mixed-use communities should be the standard in DR/GR. This idea influenced the creation of the existing residential overlays. The proposed Conservation Communities Future Land Use Category will replace the EEPCO and continue the idea of compact, mixed-use communities by requiring a large percentage of open space with clustered, low-density development, while also allowing a very small amount of nonresidential and multifamily via the permitted FAR. The deletion of the existing overlays does not detract from Goal 33's consistency with the Dover-Kohl recommendations, as both new land use categories draw direct inspiration from the existing overlays. **The changes to the Southeast Lee County Overlays are consistent with the Dover-Kohl recommendations and the intent of Goal 33.**

Objective 33.1 states that the County will "Protect and restore natural resources within Southeast Lee County including, but not limited to, surface and ground water, wetlands, and wildlife habitat." This objective is supported by eight policies related to water, habitat, and other natural resources. The proposed amendments do not substantively change any of these requirements. Residential and nonresidential projects within the Southeast Lee County Community Plan Area will need to preserve, restore, or create areas for water resources, wildlife habitat, wetlands, and flowway connections. Additionally, development the new Conservation Community and Preservation and Innovation categories will need to connect to public utilities, including reuse if it becomes available, which will also help protect the county's water resources in the area. **The proposed amendments are not inconsistent with Objective 33.1 or the intent of any of its policies.**

Lee Plan Goal 2 provides direction on Growth Management. The overarching Goal states that the County will provide an "economically feasible plan which coordinates the location and timing of new development with the provision of infrastructure by government agencies, private utilities, and other sources." In addition to the proposed Alico Extension project, the Kingston development will be constructing water and sewer infrastructure along Corkscrew Road to extend Lee County Utilities. The proposed county-initiated map amendments to incorporate the new land use categories into the Future Land Use Map will change the future land use categories of properties that have submitted map amendment applications to the appropriate new category and incorporate them into the Lee County Utilities Service Area Maps. All of the privately initiated map amendments have provided service availability letters from the applicable service providers. The proposed map amendments include a couple of properties that have not submitted an application. These amendments either fix an existing inconsistency between the zoning and future land use category or incorporate property along the new Alico Extension. All of the properties have, or will have upon development, access to public water and sewer infrastructure with adequate capacity to serve, public roads, EMS, and fire protection. **Per the letters of no objection attached to the staff report, no county departments have raised any concerns regarding the capacity to serve the properties associated with the proposed map amendments, consistent with Lee Plan Goal 2.**

Policy 2.3.2 includes four required findings for Future Land Use Map Amendments in DR/GR:

1. *Analyze the proposed allowable land uses to determine the availability of irrigation and domestic water sources; and,*
2. *Identify potential irrigation and domestic water sources, consistent with the regional water supply plan. Since regional water suppliers cannot obtain permits consistent with the planning time frame of the Lee Plan, water sources do not have to be currently permitted and available, but they must be reasonably capable of being permitted; and,*
3. *Present data and analysis that the proposed land uses will not cause any significant harm to present and future public water resources; and,*
4. *Supply data and analysis specifically addressing urban sprawl.*

As previously stated, county water and sewer connections will be required for all development in Southeast Lee. The proposed text amendments will ensure that irrigation sources will not negatively impact the county's water resources. **The proposed map amendments are consistent with #1 and #2.** All properties included in the map changes that are not currently developed will require a planned development rezone, in which the applicant must demonstrate that the proposed uses and development will not cause significant harm to present or future water resources. The new land use categories have been designed to minimize the impact of development on water resources and the environment. **The proposed map amendments are consistent with #3.** All the proposed map amendments are on existing or proposed major roads, will be required to connect to public utilities, and are located between existing developments, meaning they will fill in gaps between existing sprawl. **The proposed map amendments are not creating urban sprawl, consistent with #4.**

Two of the proposed map amendments are located along State Road 82, adjacent to Lehigh Acres. Both of those amendments are proposed as Preservation and Innovation, which supports nonresidential uses. The Lehigh Acres Commercial Land Use Study, written by Spikowski Planning Associates, dated May 1996, states,

About 2% of the land in Lehigh Acres currently has commercial zoning, far less than the typical 5% commercial allocation for an entire community. Even if all of this zoned land were actually available and usable for commercial development, it would provide only enough space for about 38% of the build-out population of Lehigh Acres. An even greater problem, though, is that much of the remaining commercially zoned land suffers from serious flaws. Two of these flaws are:

- *Premature platting of excellent commercial sites into single-family lots, which were sold off to individual buyers, many with deed restrictions against commercial uses.*
- *Provision of commercial land as shallow commercial strips, sold off into individual parcels in the same manner as single-family lots.*

The County has been trying to alleviate the shortage of commercial space in Lehigh for decades. As the Spikowski study states, two major flaws are the lack of appropriate locations for commercial development due to scattered residential development along major thoroughfares and the lack of adequately sized parcels to support it. Southeast Lee County has both of these in very close proximity to Lehigh. Another Lehigh Acres study, entitled "Lehigh Acres Comprehensive Planning Study," dated 2009, estimated the total number of parcels in Lehigh at 125,855, covering approximately 96 square miles, with a deficit of commercial land at 558 acres and industrial land at 444 acres. **While the proposed amendments would**

not be located within the Lehigh Acres Community Plan Area, the proposed map amendments to support nonresidential uses along State Road 82 and Daniels Parkway directly support the Lehigh Acres Community Plan Area Objectives 25.1 and 25.3, and Policies 25.3.2 and 25.4.1.

A portion of Southeast Lee County is subject to the Everglades West Coast Basin Management Action Plan (BMAP). Under state statute FS 163.3177, as amended by HB 1379 in 2023, local governments must consider how to extend utilities to residential development exceeding one (1) unit per acre in a BMAP. The proposed text amendments allow for a maximum of 1.15 units per acre, but require all new residential and nonresidential development to connect to public utilities. **The proposed incorporation of the properties associated with the privately-initiated amendments into the LCU Future Water Service Area (Map 4-A) and LCU Future Sewer Service Area (Map 4-B) is consistent with state statutes regarding utility expansion within a BMAP and Lee Plan Objective 4.1.**

Goals 53, Potable Water Infrastructure, and 56, Sanitary Sewer Infrastructure, state:

GOAL 53: POTABLE WATER INFRASTRUCTURE. *Provide high-quality central potable water service throughout Lee County. Ensure that the costs of providing facilities is borne by those who benefit from them.*

GOAL 56: SANITARY SEWER INFRASTRUCTURE. *In partnership with franchised/certificated utilities providers, provide sanitary sewer service and wastewater treatment and disposal throughout Lee County.*

Each developer would be financially responsible for extending the line outside of where the line is already proposed for expansion or connecting to the line when it becomes available. **Policy 53.1.1** states that the LCU service area is illustrated in Map 4-A, and **Policy 56.1.1** states that sewer service areas are indicated on Map 4-B. **Lee County Utilities provided a letter of no objection to the proposed amendments on DATE. All of the individual developments will need to show capacity availability at the time of rezone and Development Order.**

Lee Plan Goal 123 contains the County's goals for Resource Protection. This goal states,

GOAL 123: RESOURCE PROTECTION. *Manage coastal, wetland and upland ecosystems and natural resources in order to maintain and enhance native habitats, floral and faunal species diversity, water quality, and natural surface water characteristics.*

Development in both new land use categories requires preservation, creation, or restoration of upland, wetland, and wildlife habitats, **consistent with Policies 123.1.1, 123.1.5, 123.1.7, 123.2.4, 123.2.7, 123.2.8, 123.2.15, 123.3.1, and 123.4.3.** Both new districts also incorporate the creation of Wildfire Mitigation plans with their planned developments, **consistent with Policy 123.1.8.** The amendments to Policy 1.4.5 and 33.1.7 maintain the existing requirements for water modeling for all changes in land use categories. Policy 33.1.3, as amended, expands conservation measures to public and private entities, **consistent with Policy 123.1.2.** The Conservation Community designation maintains the required open space and environmental requirements that the existing EEPKO uses. Preservation and Innovation allows nonresidential uses only when an applicant can demonstrate the proposed use category will not harm the environment, provide adequate open space, and preserve and restore habitat, **consistent with Policy 123.2.2. The proposed text amendments are consistent with the broad goal of Goal 123.**

Lee Plan **Goal 124** contains the County's goals for Wetlands. This goal states,

GOAL 124: WETLANDS. To maintain and enforce a regulatory program for development in wetlands that is cost-effective, complements federal and state permitting processes, and protects the fragile ecological characteristics of wetland systems.

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

The proposed changes do not impact the regulations for wetlands as they apply to State Permits or general development standards in the County; however, the proposed amendments do strengthen them in Southeast Lee, particularly as they relate to nonresidential uses, which are not currently allowed based on the existing 300,000 square foot limitation for commercial uses. Currently, nonresidential uses throughout the county have no incentives to maintain wetlands on a property. The proposed Land Development Code amendments, which implement the Preservation and Innovation land use category, require that all connected wetlands be protected and conserved as part of the required open space. **The proposed amendments are consistent with Goal 124 and Objective 124.1.**

Lee Plan **Goals 125** and **126** contain the County's goals related to Water Quality and Water Resources. The proposed amendments have been extensively reviewed by Lee County's Departments of Natural Resources and Utilities to ensure adequate protection of the County's water resources for utility purposes and natural resources for general water quality and flow. The new density incentives in the Land Development Code for Conservation Community and the standard requirements for Preservation and Innovation increase the stormwater requirement to a 100-year, 24-hour event. This exceeds the standard stormwater requirement and should provide additional stormwater capacity in these developments. The proposed amendments still require water quality and quantity analysis during the development stages and long-term monitoring after development, **consistent with Goal 125, Objective 125.1, and Policies 125.1.1, 125.1.2, and 125.1.3.** As stated previously, all potential development resulting from these amendments will also be required to connect to central utilities, **consistent with 125.1.5.** The proposed Preservation and Innovation category limits uses to those that can demonstrate they will not adversely affect the County's water resources or water quality, with confirmation from the Department of Natural Resources prior to development, **consistent with Objective 126.1 and its supporting policies.**

Lee Plan **Objective 126.2** states that the County will promote Florida-Friendly Landscaping. The proposed amendments for residential development carry over the requirement for native landscaping from the EEPKO and provide an incentive for drip irrigation to minimize water use and ensure the longevity of the landscaping. Because the nonresidential requirements are new and apply to a use that is not currently allowed, the LDC standards require native landscaping and drip irrigation for all nonresidential developments. Both amendments are **consistent with Policies 126.2.1 and 126.2.3.**

Lee Plan **Chapter 11** is the Economic Element. One of the major reasons for the proposed text amendments was to support the development of nonresidential uses in Southeast Lee County to support employment opportunities and amenities for residents in Southeast Lee County and the surrounding communities. **Goal 158** states that the County will, "Achieve and maintain a diversified and stable economy by providing a positive business climate that assures maximum employments." There are very few places left in the county with parcels large enough to support business and industrial parks, particularly in close proximity to RSW, SR 82, and the adjacent counties. The proposed amendments help

foster a diversified economy by allowing nonresidential uses in Southeast Lee, **consistent with Goal 158, Objective 158.2, and policy 158.2.1 and 158.2.2.**

Objective 158.3 states that the County will “Ensure businesses have access to infrastructure and services needed to be competitive in a global economy.” This Objective is supported by four policies relating to transportation infrastructure, economic development related to the Port Authority, the State’s Strategic Intermodal System (SIS), and expansion of communication technology. The proposed amendments allow for nonresidential uses along arterial and collector roads, including SR 82 and Interstate 75, which are part of the SIS. Additionally, Southeast Lee County is adjacent to RSW, making it a natural expansion for airport-related businesses. **The proposed amendments allow nonresidential uses in an area of the County that currently cannot have any additional nonresidential uses and are therefore consistent with Objective 158.3 and Policies 158.3.1, 158.3.2, and 158.3.3.** New development along these corridors will help to expand access to broadband communications and infrastructure, **consistent with Policy 158.3.4.**

Lee Plan Chapter 12 contained the Property Rights Element. The proposed amendments add language to this element, but the existing language is important to consider. The existing element is reproduced below.

In accordance with §163.3177(6)(i), Fla. Stat., the following rights will be considered in local decision making:

- 1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.*
- 2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.*
- 3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.*
- 4. The right of a property owner to dispose of his or her property through sale or gift*

The proposed amendments do not impede a property owner’s ability to physically possess and control their property interests. The proposed amendments expand the potential uses of property, subject to approval of a Future Land Use Map Amendment, which may provide some additional uses and allowances for property owners in Southeast Lee. The amendments also include existing provisions to protect single-family, large-lot subdivisions. Additionally, new language has been added to this section to grant vested rights to existing developments in Southeast Lee County that have changed Future Land Use Category or Overlay with the proposed amendments. The amendments will not affect a property owner’s right to privacy or to exclude others from their property, nor will they affect a property owner’s right to dispose of their property. **The proposed amendments do not conflict with the requirements of Chapter 12.**

CONCLUSIONS

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

- The proposed amendments provide updated development parameters to accommodate the approved infrastructure, residential development, and environmental concerns in Southeast Lee County.
- No county departments have raised any concerns regarding the capacity to serve the properties associated with the proposed map amendments, consistent with Lee Plan Goal 2.
- Staff held numerous meetings with applicants, the public, and County departments to solicit feedback on the proposed amendments.
- The proposed amendments provide adequate protection for the County's water resources and wildlife habitat.
- The proposed amendments are consistent with the BoCC direction from April 1, 2025, and April 21, 2026.
- None of the amendments are in conflict with Senate Bill 180, as they expand use allowances and existing property rights are formally vested.

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

ATTACHMENT 1

➤ Text Amendments

➤ Map Amendments

- **Map 1-A: Existing Future Land Use Map**
- **Map 1-A: Proposed Future Land Use Map**
- **Map 1-D: Existing Special Treatment Areas**
- **Map 1-D: Proposed Special Treatment Areas**
- **Map 2-A: Community Planning Areas**
- **Map 2-D: Southeast DR/GR Residential Overlay**
- **Map 4-A: LCU Future Water Service Area**
- **Map 4-B: LCU Future Sewer Service Area**

➤ Table Amendments

- **Table 1(a) Summary of Residential Densities**

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POLICY 1.1.10: The **Commercial** future land use category is located in areas where infrastructure is planned or in place and residential uses are not expected or incompatible due to surrounding land uses, environmental constraints, or proximity to the Coastal High Hazard Area. ~~the nature of surrounding land uses, location along major travel corridors, or where residential development would increase densities in Coastal High Hazard Areas or in Lehigh Acres, where residential uses are abundant and existing commercial areas serving the residential needs are limited. In these locations, the requisite infrastructure needed for commercial development is generally planned or in place.~~ The Commercial category is intended to support all types of commercial uses and limited light industrial uses, excluding outdoor storage, retail developments, hotels and motels, banks, all types of office development, research and development, public, and other similar development will be predominant in the Commercial future land use category. Limited light industrial uses are also permitted, excluding outdoor storage type uses. Residential uses, other than bona fide caretaker residences, are not permitted in this future land use category. ~~Any redesignation of land to the Commercial future land use category should occur along major travel corridors and at road intersections. The planned development rezoning process must be used to prevent adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans of each site.~~ New developments Development in this category must connect to a potable water and sanitary sewer system.

- **Simplifies description:** Streamlines the Commercial future land use category.
- **Removes PD requirement:** Eliminates mandatory planned developments for commercial projects in the Commercial future land use category.
- **Accelerates approvals:** Removes unnecessary steps to speed up redevelopment.

POLICY 1.1.13: The **Tradeport** future land use category includes areas of commercial and industrial lands adjacent to the Southwest Florida International Airport (RSW), the airport or other major transportation infrastructure such as Florida's Strategic Intermodal System (SIS). These areas will include developments consisting of light manufacturing or assembly, data centers, warehousing, and distribution facilities; research and development activities; laboratories; ground transportation and airport-related terminals or transfer facilities; hotels/motels, meeting facilities; education and training facilities; and office uses.

Stand-alone retail commercial uses intended to support and complement the surrounding business and industrial land uses are permitted if they are approved as part of a ~~Development of Regional Impact (DRI) or Planned Development~~ rezoning. Stand-alone retail commercial uses are limited to 1 acre ~~out of~~ every 10 Tradeport and preserved wetland acres within the project. To provide an incentive to preserve upland habitat, ~~DRIs or Planned Developments~~ may also receive additional stand-alone retail acres at the rate of 1 additional acre ~~out of~~ every 10 acres of preserved and enhanced uplands within the project that protect wetlands, flow-ways, or occupied listed species habitat. Ancillary ~~retail~~ commercial uses related directly to the sale of products manufactured or services provided by the associated light industrial use are not considered stand-alone commercial

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~~in Tradeport are allowed if they are part of a planned development. Residential uses, other than bona fide caretaker residences, are not permitted in this future land use category.~~

- Specifies relation to RSW airport, not airports generally, and freight highways.
 - Removes outdated requirements: Deletes obsolete references to Developments of Regional Impact (DRIs).
 - Clarifies land use: Explicitly defines when commercial activities are allowed.
-

POLICY 1.1.16: The **Preservation and Innovation** future land use category is connected to central utilities and located along arterial or major collector roadways in the Southeast Lee County Community Plan Area, with the intent of balancing ecological, hydrological, and wildlife preservation with employment and commercial needs within the County. Office, light industrial, and commercial uses are encouraged when designed to preserve or restore surrounding natural resources. This category requires a large percentage of open space and the restoration of environmentally sensitive lands to protect the County's water resources and Southeast Lee County's natural resources. Uses that have a significant impact on ground and surface water levels or quality, are known producers or users of noxious gases or chemicals, or have other detrimental impacts on the natural environment, as demonstrated by appropriate data and analysis and verified by the County, may not be permitted. This land use category does not permit general residential uses. Caretaker's residences and dormitory-type accommodations for employees or individuals associated with the business may be permitted as part of the Floor Area Ratio (FAR) calculation when accessory to a nonresidential use. Development in this category is limited to an FAR of 0.25 and is encouraged to promote a park-like aesthetic, with pedestrian connections, extensive green spaces, and minimal linear commercial centers. Applications for rezoning must follow the planned development rezoning process in accordance with the Land Development Code.

- New land use category that allows nonresidential uses.
-

POLICY 1.4.5: The **Density Reduction/Groundwater Resource (DR/GR)** future land use category includes upland areas that provide substantial recharge to aquifers most suitable for future wellfield development. These areas ~~also are~~ are also the most favorable locations for physical withdrawal of water from those aquifers.

1. ~~New land uses in these areas that require rezoning or a development order must demonstrate compatibility with maintaining surface and groundwater levels at their historic levels utilizing hydrologic modeling. The impacts of proposed development on the historic surface and groundwater resources must be analyzed using hydrologic modeling to assess potential adverse impacts to upstream and downstream lands, current and future water resources, and natural systems. This analysis will occur during the rezoning application process or development order application review, if rezoning is not required. The analysis must demonstrate that the proposed change will have no significant impacts on present or future water resources. Lee County's Department of Natural Resources will review and verify all proposed analyses, which may include an integrated surface and groundwater hydrologic model. The intent of the analysis is to demonstrate the impact of a~~

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~~proposed development on the county's natural resources, the incorporation of increased storage capacity and the inclusion of green infrastructure. The modeling must also show that no adverse impacts will result to properties located upstream, downstream, as well as adjacent to the site. Offsite mitigation may be utilized, and may be required, to demonstrate this compatibility. Evidence as to historic levels must be submitted as part of the rezoning application and updated, if necessary, as part of the mining development order application.~~

2. Permitted land uses include agriculture, natural resource extraction and related facilities, conservation uses, public and private recreation facilities, and residential uses at a maximum standard density of one dwelling unit per ten acres (1 du/10 acres). See Objectives 33.2 and 33.3 for potential density adjustments resulting from concentration or transfer of development rights.
 3. Private Recreational Facilities may be permitted in accordance with the site locational requirements and design standards, as further defined in Goal 13. No Private Recreational Facilities may occur within the DR/GR land use category without a rezoning to an appropriate Planned Development zoning category, and compliance with the Private Recreation Facilities performance standards, contained in Goal 13.
- Clarifies requirements and standardizes language across the Lee Plan without altering existing requirements.
 - Removes reference to Objectives within Goal 33 which no longer apply.

POLICY 1.4.8: The Conservation Community future land use category denotes areas of low-density, clustered residential and mixed-use development within the Southeast Lee County Community Plan Area. Development in this category must connect to a potable water and sanitary sewer system. This category requires a large percentage of open space and the restoration of environmentally sensitive lands to protect the County's water resources and Southeast Lee County's natural resources. The standard density is 1 unit per 10 acres, with a maximum density of 1.15 units per acre when the community is designed as a planned development in accordance with the Land Development Code. Development in this category is encouraged to promote a park-like aesthetic, with pedestrian connections and extensive green spaces. Nonresidential and multifamily uses may be allowed when developed alongside low-density residential uses. These uses are limited to a maximum total FAR of 0.15, based on the acreage allocated to non-residential and multi-family uses. A traditional Main Street design with vertically mixed buildings, adjacent to park space, is encouraged for developments that utilize the FAR allowance; standalone linear commercial development is discouraged.

- New residential land use category for Southeast Lee, modeled after the EEPKO.
-

ATTACHMENT 1: Proposed Lee Plan Amendments

POLICY 1.6.10: Lee Plan Map 1-D, Special Treatment Areas, depicts areas of the county with specific requirements, including the following overlays: The Southeast Lee County Residential Overlay (Map 2-D) is described in Objective 33.2. This Overlay affects only Southeast Lee County and identifies five types of land:

1. “Existing Acreage Subdivisions:” Existing rural residential subdivisions that should be protected from adverse external impacts such as natural resource extraction.
2. “Rural Golf Course Communities:” Potential locations for the concentration of development rights on property zoned Private Recreational Facilities Planned Development and located in the Southeast DR/GR area.
3. “Mixed Use Communities:” Locations where this concentration of development rights from large contiguous tracts within the DR/GR area that can be supplemented by transfer of development rights from non-contiguous tracts in the Southeast DR/GR area. See Objective 33.3 and following policies.
4. “Improved Residential Communities:” Property with existing residential approvals that are inconsistent with the Southeast DR/GR area that could be improved environmentally.
5. “Environmental Enhancement and Preservation Communities:” Properties adjacent to Corkscrew and Aliso Roads that have the potential to improve and restore important regional hydrological and wildlife connections.

- Edits related to the inclusion of the new future land use categories and deletion or relocation of existing overlays.
-

OBJECTIVE 2.3: FUTURE LAND USE MAP AMENDMENTS. To require formal findings for certain Future Land Use Map amendments.

POLICY 2.3.1: All proposed changes to the Future Land Use Map in critical areas for future potable water supply, such as (Lehigh Acres, as described in Policy 54.1.9, and all land in the Southeast Lee County Community Plan Area or the DR/GR land use category.) Map amendments for these areas will be subject to a special review by the staff of Lee County. This review will to analyze the potential impact of the land change on the proposed land uses to and determine the short-term and long-term availability of irrigation and domestic water sources and will assess whether the proposed land uses change would cause any significant impact on present or future water resources. If the Board of County Commissioners wishes to approve any such changes to the Future Land Use Map, it must make a formal finding that no significant impacts on present or future water resources will result from the change.

POLICY 2.3.2: Future Land Use Map amendments to the existing DR/GR areas within the Southeast Lee County Community Plan Area to a district other than Preservation and Innovation, Conservation Community, Wetlands, Conservation Lands, or Public Facilities will be discouraged by the County, south of SR-82 east of I-75, excluding areas designated by the Port Authority as needed for airport expansion, which increase the current allowable density or intensity of land use will be discouraged by the County. It is Lee County’s policy not to approve further urban designations there for the same reasons that supported its 1990 decision to establish this category.

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In addition to satisfying the requirements in Ch. 163, Part II, Fla. Stat., the Strategic Regional Policy Plan, the State Comprehensive Plan, and all of the criteria in the Lee Plan, applicants seeking such an amendment must:

1. ~~analyze the proposed allowable land uses to determine the availability of irrigation and domestic water sources; and,~~
2. ~~identify potential irrigation and domestic water sources, consistent with the Regional Water Supply Plan. Since regional water suppliers cannot obtain permits consistent with the planning time frame of the Lee Plan, water sources do not have to be currently permitted and available, but they must be reasonably capable of being permitted; and,~~
3. ~~present data and analysis that the proposed land uses will not cause any significant harm to present and future public water resources; and,~~
4. ~~supply data and analysis specifically addressing urban sprawl.~~

During the transmittal and adoption process, the Board of County Commissioners must review the application for all these analytical requirements and make a finding that the amendment complies with all of them.

POLICY 2.3.3: ~~Lee Plan amendment applications to expand the Lee Plan's employment centers, which include light industrial, commercial retail and office land uses, will be evaluated by the Board of County Commissioners in light of the locations and cumulative totals already designated for such uses, including the 1994 addition of 1,400 acres to the Tradeport category just south of the Southwest Florida International Airport.~~

- Standardizes Lee Plan language: Clarifies requirements and updates text for consistency across the Lee Plan without altering requirements.
- Removes outdated incentives: Eliminates DR/GR density incentives and requires a Conservation Community designation for residential development in Southeast Lee County.

POLICY 6.1.2: Commercial development in non-urban future land use categories is limited to Minor Commercial, ~~except that unless the Lee Plan specifically provides otherwise,:~~

- ~~Neighborhood Commercial uses are permitted in the Southeast Lee County Planning District as provided for in Objectives 13.3 and 33.2.5.~~

Minor Commercial development may include limited commercial uses serving rural areas and agricultural needs, and commercial marinas. Minor Commercial development must be located so that the retail use, including buildings and outdoor sales area, is located at the intersection (within 330 feet of the adjoining rights-of-way of the intersecting roads) of arterial and collector roads or

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two collector roads with direct access to both intersecting roads. Direct access may be achieved with an internal access road to either intersecting road. On islands, without an intersecting network of collector and arterial roads, commercial development may be located at the intersection of local and collector, or local and arterial, or collector and collector roads.

- Removes outdated references.
-

POLICY 7.1.2: Industrial development is encouraged through conventional zoning districts when the property is within the Industrial Development, Tradeport, and Industrial Interchange future land use categories or within a Future Urban Area, unless a Planned Development is specifically required by the Lee Plan or necessary to demonstrate compliance with Policy 5.1.5. Industrial 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 proposed amendment to Policy 7.1.2 simplifies the policy and specifies that PDs are only necessary if specifically required by the Lee Plan or there are compatibility concerns with adjacent residential uses.
-

GOAL 33: SOUTHEAST LEE COUNTY. Protect Southeast Lee County's natural resources through public and private acquisition and restoration efforts. Development incentives will be utilized as a mechanism to preserve, enhance, and protect natural resources, such as regional flow-ways and natural habitat corridors, in the development of privately owned land. Allowable land uses will include conservation, agriculture, public facilities, low density or clustered residential, natural resource extraction operations, and private recreation facilities; allowable land uses must be compatible with protecting Southeast Lee County's environment. A variety of uses may be permitted when developed in accordance with the goals, objectives, and policies in the Lee Plan, the Wellfield Protection Ordinance, Land Development Code, and other applicable environmental protection requirements.

- Expands the allowed uses in Southeast Lee.
-

POLICY 33.1.2: The County will create development incentives to offset the cost of creating, preserving, or re-establishing natural systems in the Southeast Lee County Community Plan Area. The incentive programs may be updated from time to time based on the changing needs of this area

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of the county. The DR/GR Priority Restoration Strategy consists of seven tiers of land where protection and/or restoration would be most critical to restore historic surface and groundwater levels and to connect existing corridors or conservation areas (see Map 1-D). Within these tiers, density incentives will be utilized as a mechanism to improve, preserve, and restore regional surface and groundwater resources and wildlife habitat of state and federally listed species; with Tier 1 and Tier 2 being the most incentivized tiers. Lee County may consider amendments to this Overlay based on changes in public ownership, land use, new scientific data, and/or demands on natural resources. This Overlay does not restrict the use of the land.

POLICY 33.1.3: Pursue acquisition (partial or full interest) of land via public investment, land swaps, conservation easements, or donation of critical lands within Southeast Lee County to augment preservation lands to improve, restore, or create water resources, natural ecosystems, and wildlife connections through a planned development, Development Agreement approved by the Board of County Commissioners, or other legally binding agreement accepted by the County Attorney's Office, within the Tier 1 areas in the Priority Restoration Strategy Overlay through direct purchase; partnerships with other government agencies; long-term purchase agreements; right of first refusal contracts; land swaps; or other appropriate means to provide critical connections to conservation lands that serve as the backbone for water resource management and wildlife movement within Southeast Lee County. Tier 2 lands are of equal ecological and water resource importance as Tier 1 but have better potential to remain in productive agricultural use. Tier 3 lands and the southern two miles of Tiers 5, 6, and 7 can provide an important wildlife connection to conservation lands in Collier County and an anticipated regional habitat link to the Okaloacoochee Slough State Forest. Tiers 1, 2, 3, and the southern two miles of Tiers 5, 6, and 7 may qualify for unique development incentives outlined in Objectives 33.2 and 33.3 due to the property's potential for natural resource benefits and/or wildlife connections. Additionally, the County may consider incentives, within all tiers, for private landowners to improve water resources and natural ecosystems.

- Remove references to deleted overlays.

POLICY 33.1.6: On existing farmland, the County will offer incentives to encourage the continuation of agricultural operations. Incentives will include the ability to concentrate all existing development rights while farming continues on the remainder of the tract; and, the ability to sever and sell all development rights while farming continues on the entire tract. Other incentives may be provided to agricultural operations that implement and maintain best management practices. Continued agricultural use may be a desirable long-term use even within land designated on the Priority Restoration Strategy Overlay as potentially eligible for protection (see Policy 9.1.7).

POLICY 33.1.7: Impacts of proposed land disturbancesdevelopment on surface and groundwater resources willmust be analyzed using hydrologic modeling to assess potential adverse impacts to upstream and downstream lands, current and future water resources, and natural systems within Southeast Lee County. This analysis will occur during the rezoning application process or development order application review, if rezoning is not required. The analysis will be proportionate to the proposed impacts and use integrated surface and groundwater models that utilizewith site-specific data. Lee County's Department of Natural Resources will review and verify all models to evaluate their design and outputs, ensuring the protection of the county's natural

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~~resources, to assess potential adverse impacts on water resources, and natural systems within Southeast Lee County. Lee County Division of Natural Resources will determine if the appropriate model or models are being utilized, and assess the design and outputs of the modeling to ensure protection of Lee County's natural resources.~~

POLICY 33.1.8: The County supports a comprehensive and coordinated effort to manage water resources in a manner that ~~includes the protection and restoration of~~ protects and restores natural systems within Southeast Lee County.

- Clarifies requirements and standardizes language across the Lee Plan without altering existing modeling requirements.
- Remove references to deleted overlays.

OBJECTIVE 33.2: RESIDENTIAL AND MIXED-USE DEVELOPMENT. ~~Residential development in Southeast Lee County must create, improve, preserve, and/or restore strategic surface and groundwater resources and indigenous wildlife habitats. Designate on a Future Land Use Map overlay areas that should be protected from adverse impacts of mining (Existing Acreage Subdivisions); specific locations for concentrating existing development rights on large tracts (Mixed Use Communities); specific properties which provide opportunities to protect, preserve, and restore strategic regional hydrological and wildlife connections (Environmental Enhancement and Preservation Communities); and vacant properties with existing residential approvals that are inconsistent with the DR/GR future land use category (Improved Residential Communities).~~

POLICY 33.2.1: ~~Residential development exceeding 1 unit per 10 acres within the Southeast Lee Community Plan Area must have a future land use designation of Conservation Community and provide hydrological connections to regional watersheds, wildlife habitat connections to publicly or privately owned conservation lands, or strategic infrastructure connections to benefit the county's water and natural resources. Communities approved prior to DATE through a settlement agreement are exempt from this requirement under Lee Plan Chapter 13. Existing acreage subdivisions are shown on Map 2-D. These subdivisions should be protected from adverse external impacts.~~

POLICY 33.2.2: The County will create a program to allow a maximum density of 1.15 units per acre for the Conservation Community future land use category in the land development code to offset the costs of improving, preserving, and restoring regional surface and groundwater resources and wildlife habitat for state- and federally listed species.

POLICY 33.2.3: Density in the Southeast Lee County Community Plan Area may not exceed 1.15 units per acre, regardless of land use category, even when the strategies in the land development code are met.

POLICY 33.2.4: Existing acreage subdivisions, as indicated in the Lee Plan Map 1-D, should be protected from adverse external impacts through appropriate mitigation measures such as, but not limited to, site configuration, setbacks, density distribution, buffers, and/or general design.

- This section is repurposed to reference residential development.

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~~**POLICY 33.2.2:** Map 2-D identifies future locations for Mixed-Use Communities where development rights can be concentrated from large Southeast Lee County tracts. The preferred pattern for residential development is to cluster density within Mixed-Use Communities along existing roads and away from Future Limerock Mining areas.~~

- ~~1. Southeast Lee County Mixed-Use Communities must be concentrated from contiguous property owned under single ownership or control. Residential density is calculated from the upland and wetland acreage of the entire contiguous Southeast Lee County property. Increases in residential densities may be approved through incentives as specified in the LDC for permanent protection of indigenous native uplands on the contiguous tract (up to one extra dwelling unit allowed for each five acres of preserved or restored indigenous native uplands) and through the acquisition of TDUs from TDR-sending areas within Southeast Lee County as provided in Objective 33.3.~~
 - ~~a. The maximum gross density is 5 dwelling units per acre of total land designated as a Mixed-Use Community when TDUs are used.~~
 - ~~b. Properties that concentrate development rights and/or use TDUs created from Southeast Lee County within the Mixed-Use Communities identified on Map 2-D will be allowed to develop using permitted uses and the property development regulations for the C-2A zoning district.~~
 - ~~c. Contiguous property under the same ownership may be developed as part of a Mixed-Use Community provided it does not extend more than 400 feet beyond the perimeter of the Mixed-Use Community as designated on Map 2-D.~~
 - ~~d. Commercial uses developed as part of a Mixed-Use Community will be consistent with Policy 33.2.5 and will not exceed the allowable total square footage for commercial uses in Southeast Lee County.~~
- ~~2. Contiguous property adjacent to the Mixed-Use Community located within the Lehigh Acres Community Plan Area may sum allowable dwelling units for entire property. The resulting allowable dwelling units may be allocated across the project regardless of the underlying future land use category, provided:~~
 - ~~a. The project is developed as a Planned Development, and~~
 - ~~b. The project maintains 60% open space.~~

- ~~3. Central water and wastewater services are required to develop a Mixed-Use Community.~~

~~**POLICY 33.2.3:** Properties within Southeast Lee County that have existing approvals for residential development inconsistent with the current DR/GR or Wetlands density requirements;~~

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may have a negative impact on surface and sub-surface water resources, impact habitat, and may encroach on environmentally important land if developed consistent with the vested approvals. As an incentive to reduce these potential impacts, additional densities may be granted if strict criteria improving the adverse impacts are followed.

1. ~~These properties may be designated on Map 2-D as "Improved Residential Communities," provided they meet all of the following requirements:~~
 - a. ~~Abut lands designated as future urban areas;~~
 - b. ~~Adjacent to and eligible for public water and sewer services;~~
 - c. ~~Can provide two direct accesses to an arterial roadway, and;~~
 - d. ~~Is not already designated on Lee Plan Map 2-D as an Existing Acreage Subdivision or a Mixed-Use Community.~~
2. ~~In order to request an increase in density, the property must be rezoned to a Residential Planned Development (RPD) that demonstrates and is conditioned to provide the following:~~
 - a. ~~Reduced stress to the onsite potable aquifers and is more consistent with water resource goals of Lee County in Southeast Lee County than the existing development approvals.~~
 - b. ~~Increased conservation areas, relative to the existing approvals, with a restoration plan and long term maintenance commitment.~~
 - c. ~~Active and passive recreational amenities.~~
 - d. ~~Demonstrates a net benefit for water resources, relative to the existing approvals that demonstrates the following:~~
 - (1) ~~Lower irrigation demand.~~
 - (2) ~~Eliminates private irrigation wells~~
 - (3) ~~Protects Public wells by meeting or exceeding the requirements of the Well Field Protection Ordinance.~~
 - (4) ~~Uses Florida Friendly Landscaping with low irrigation requirements in common elements.~~
 - (5) ~~Connects to public water and sewer service, and must connect to reuse water when available.~~
 - (6) ~~Reduces impervious area relative to existing approvals improving opportunities for groundwater recharge.~~
 - (7) ~~Designed to accommodate existing or historic flow ways.~~
 - e. ~~Includes an enhanced lake management plan, that addresses at a minimum the following issues:~~
 - (1) ~~Best management practices for fertilizers and pesticides~~
 - (2) ~~Erosion control and bank stabilization~~
 - (3) ~~Lake maintenance requirements~~
 - (4) ~~Public well field protection~~
 - f. ~~Indigenous Management Plans must address human-wildlife coexistence.~~
3. ~~Properties meeting the above criteria and requirements may be permitted additional residential dwelling units in addition to the already existing approvals, but in no case in excess of three dwelling units per DR/GR upland acre. The application for Residential Planned Development must identify the source of the additional residential dwelling units from the criteria below. Approval of the rezoning will be conditioned to reflect the source of additional dwelling units:~~

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- a. ~~2 dwelling units for every acre of offsite DR/GR property acquired for conservation purposes with the possibility of passive recreation activities.~~
- b. ~~2 dwelling units for every additional acre of offsite DR/GR property put under a conservation easement dedicated to Lee County.~~
- c. ~~1.5 dwelling units for every additional acre of onsite property put under a conservation easement.~~
- d. ~~1 dwelling unit for every acre of onsite restoration, subject to restoration plan approval as part of the planned development rezoning process.~~
- e. ~~2 dwelling units for every acre of non-isolated DR/GR preserved primary and secondary panther habitat.~~
- f. ~~2 dwelling units for every acre of protected onsite wetlands connected to a regionally significant flow way identified in the Lee Plan.~~
- g. ~~1 dwelling unit for every \$8,500 (the current estimated cost to purchase an acre of Southeast DR/GR land) the applicant provides to the County to extinguish density on other Southeast DR/GR parcels.~~
- h. ~~1 dwelling unit for every \$8,500 the applicant provides to the County to construct a planned large mammal roadway crossing in the Southeast DR/GR area.~~

~~The improvements or acquisition of properties serve to mitigate impacts of the increased density. Future "Improved Residential Communities" proposed to be added to Map 2-D must provide a reanalysis of the cost to purchase one acre of DR/GR property if criteria g. or h. are used to account for the increased density.~~

POLICY 33.2.4: ~~Lands that provide a significant regional hydrological and wildlife connection have the potential to improve, preserve, and restore regional surface and groundwater resources and indigenous wildlife habitats. These lands, located along Corkscrew and Alico Roads, can provide important hydrological connections to the Flint Pen Strand and the Stewart Cypress Slough as well as important wildlife habitat connections between existing CREW and Lee County properties. As an incentive to improve, preserve, and restore regional surface and groundwater resources and wildlife habitat of state and federally listed species additional densities and commercial uses may be granted if the project is found consistent with and demonstrates through a planned development rezoning the following:~~

1. ~~These lands are within the "Environmental Enhancement and Preservation Communities" Overlay as designated on Map 2-D of the Plan. Lands eligible for designation on the Environmental Enhancement and Preservation Communities Overlay must be consistent with the criteria below:~~
 - ~~Provide significant regional hydrological and wildlife connections and have the potential to improve, preserve, and restore regional surface and groundwater resources and indigenous wildlife habitats; and~~
 - ~~Be located west of Lee County 20/20 Imperial Marsh Preserve (Corkscrew Tract) and within one mile north or south of Corkscrew Road. Properties with frontage on Corkscrew Road designated as Tier 1 Priority Restoration Area may extend the Overlay an additional mile south to include contiguous Tier 1 properties where the extension will result in regional environmental benefits by connecting protected habitat north of Corkscrew Road to land in Collier County used for conservation purposes; or,~~

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- ~~• Be located west of the intersection of Alieo Road and Corkscrew Road, north of Corkscrew Road and south of Alieo Road.~~
- 2. The property is rezoned to a planned development that meets the following:
 - a. ~~Planned development must include a minimum of 60% open space, not including previously mined lakes, which will be used to accommodate the following:~~
 - 1. ~~Restore and accommodate existing and historic regional flow ways where they currently or previously existed;~~
 - 2. ~~Restore and accommodate existing and historic groundwater levels;~~
 - 3. ~~Restore and preserve wetlands;~~
 - 4. ~~Restore and preserve indigenous upland habitats;~~
 - 5. ~~Provide critical wildlife connections to adjacent conservation areas; and~~
 - 6. ~~Provide 100' foot buffer along Corkscrew Road East of Alieo Road.~~
 - b. ~~Includes an enhanced lake management plan, that:~~
 - 1. ~~Applies best management practices for fertilizers and pesticides;~~
 - 2. ~~Provides erosion control and bank stabilization; and~~
 - 3. ~~Establishes lake maintenance requirements.~~
 - c. ~~Develop a site specific ecological and hydrological restoration plan which includes at a minimum the following: preliminary excavation and grading plans, analysis of hydrological improvements and water budget narrative, replanting plan, habitat restoration plan, success criteria, long term monitoring and maintenance.~~
 - d. ~~Preservation areas must be platted in separate tracts and dedicated to an appropriate maintenance entity. For projects larger than 1,000 acres a CDD or a master home owners association must be created that will accept responsibility for perpetually maintaining the preservation requirements identified in the planned development, prior to issuance of certificate of compliance (CC) for first local development order.~~
 - e. ~~Record a Conservation Easement for a minimum of 55% of the planned development, not including previously mined lakes, to be dedicated to the appropriate maintenance entity that provides Lee County or some other public agency, acceptable to Lee County, with third party enforcement rights. All Conservation Easements required as part of the planned development must be recorded within 5 years from first development order approval.~~
 - f. ~~Indigenous management plans must address human-wildlife coexistence.~~
 - g. ~~Uses Florida Friendly Landscaping with low irrigation requirements in common elements.~~
 - h. ~~The stormwater management system must demonstrate through design or other means that water leaving the development meets state and federal water quality standards. The developer must obtain authorization from the Division of Natural Resources prior to discharge of stormwater from the development into the County's MS4 system directly or indirectly.~~
 - i. ~~Irrigation and fertilizers (or other chemicals) for agricultural purposes must be entirely eliminated at time of first development order approval for row crops and no later than 5 years from first development order approval for citrus groves. If cessation of citrus groves is to be phased, a phasing plan provided at the time of zoning must demonstrate regional environmental benefits, including but not limited to regional or historic surface water and wildlife connections, occurring with the first phase of development.~~
 - j. ~~Protects public wells through compliance with the requirements of the Well Field Protection Ordinance.~~
 - k. ~~Each planned development within the Overlay will be required to mitigate the traffic impacts of the planned development and provide its proportionate share of the needed~~

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~~roadway improvements in accordance with Administrative Code (AC) 13-16. The proportionate share amount can be offset, in accordance with AC 13-16, by the dedication of needed right of way or the construction of improvements that would measurably lessen the need for roadway improvements, or by payment of impact fees, or use of impact fee credits, or as otherwise set forth in a written agreement between Lee County and the Developer. Prior to a final determination of a Project's proportionate share amount, compliance may be met through an enforceable instrument that obligates the property owners within a planned development to pay the Project's proportionate share, with said instrument being recorded prior to the issuance of any development order. For the developments known as WildBlue (CPA2014-00004) and Corkscrew Farms (CPA2015-00001) if the instrument is recorded prior to the final determination of the proportionate share amount, the proportionate share payment may not exceed \$1,600 per unit above the road impact fee amount.~~

- ~~l. Connect to public water and sewer service. Connect to reuse water if available at time of development order approval.~~
 - ~~m. Obtain written verification as to adequate public services for the planned development, from the sheriff, EMS, fire district, and Lee County School District.~~
 - ~~n. Demonstrate that the planned development will not result in significant detrimental impacts on present or future water resources.~~
- ~~3. In recognition of the preservation, enhancement, and protection of regional flow ways and natural habitat corridors, the interconnection with existing off site conservation areas, and the significant enhancement, preservation and protection of these lands, additional density may be approved through planned developments meeting the criteria and requirements outlined above as follows:~~
- ~~a. Tier 1 lands within the Priority Restoration Strategy will be permitted a maximum density of 1 unit per acre.~~
 - ~~b. Tier 2 lands within the Priority Restoration Strategy will be permitted a maximum density of 1 unit per 2 acres.~~
 - ~~c. Other lands within the Environmental Enhancement and Preservation Overlay, outside of Tier 1 and Tier 2, meeting the requirements above will be permitted a maximum density of 1 unit per 3 acres.~~
 - ~~d. Density in the Environmental Enhancement and Preservation Overlay will be based upon the acreage of the entire planned development (i.e. all areas within the boundary of the planned development whether uplands, wetlands, or lakes).~~
 - ~~e. Additional dwelling units may be approved in the planned development by using any combination of the following:~~
 - ~~1) Utilize the Southeast Lee County TDR program to transfer dwelling units from Southeast Lee County lands located outside of the planned development pursuant to Policy 33.3.2.~~
 - ~~2) Provide all of the following as part of the planned development for a density increase of up to 15%:~~
 - ~~i. A minimum of 65% open space, not including previously mined lakes; and~~
 - ~~ii. Significant regional hydrological connections that further Lee County's flood mitigation and flow way restoration efforts by providing:~~

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- a. ~~Physical surface water connections to allow surface water to flow to and from adjacent properties and off-site flow ways (to be considered site-related improvements); and~~
 - b. ~~Enhanced on-site surface water storage and flood attenuation.~~
4. ~~Commercial uses may be approved as part of a mixed use planned development if the project is found consistent with all of the following:~~
- a. ~~The project is a minimum of 2,000 acres;~~
 - b. ~~The project consists of both residential and commercial development and meets the minimum requirements of this policy;~~
 - c. ~~Wetlands may not be impacted by the commercial development area;~~
 - d. ~~The project will be consistent with Policy 33.2.5 and will not exceed the allowable total square footage for commercial uses in Southeast Lee County;~~
 - e. ~~Commercial uses and maximum floor area is limited to Neighborhood Commercial, as defined, and must not include any of the following uses: auto parts stores, lawn and garden supply stores, fuel pump stations, drycleaners (on-site), or any other use that is not compatible with protecting Southeast Lee County's environment;~~
 - f. ~~Commercial development within the 6-month, 1-year, 5-year, or 10-year travel zones of the Wellfield Protection Ordinance must provide a total of 1½ inches of treatment, ½ inch of which must be completed via dry pretreatment, at a minimum. The entire commercial portion of the project will be considered to be within the most restrictive wellfield protection zone as provided in the Wellfield Protection Ordinance. Ground water quality monitoring well(s) for the Surficial Aquifer System must be provided and located between Lee County's nearest production well(s) and the commercial development; and~~
 - g. ~~The human-wildlife coexistence plan required by subsection 2.f. of this policy must include a commercial component that at a minimum provides for bear-proof refuse containers, below-ground grease traps, and prevents light spillage onto adjacent preserve areas.~~

- Requirements of the overlays will remain requirements of the new Conservation Communities, but will be located in the Land Development Code. See attachment 2.

~~**POLICY 33.2.5:** Commercial uses may only be permitted if incorporated into a Mixed Use Community, Environmental Enhancement and Preservation Community, or Rural Golf Course Community depicted on Map 2-D. The maximum commercial floor area that may be approved within the Southeast Lee County community plan area may not exceed 300,000 square feet.~~

- Removes the commercial cap.

~~**OBJECTIVE 33.3: SOUTHEAST LEE COUNTY TRANSFER OF DEVELOPMENT RIGHTS (Southeast Lee County TDR) LAND CONSERVATION PROGRAMS.** To protect water resources and natural habitat of Southeast Lee County, Lee County establishes the Southeast Lee County Transferable Development Rights (TDR) and Flooding Mitigation programs. ~~may incorporate Southeast Lee County's purchase and transfer of development rights programs into the LDC.~~~~

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POLICY 33.3.1 ~~The new programs may create incentives for property owners or developers within Southeast Lee County to transfer development rights associated with their sending parcels to receiving lands outside the planning community; or, residential areas identified on Map 2-D; Southeast DR/GR Residential Overlay as specified in Policy 33.3.2.~~

POLICY 33.3.2: The Southeast Lee County TDR program will have the following characteristics:

1. Creation of Transferable Development Units (Southeast Lee County TDUs).
 - a. Up to one Southeast Lee County TDU may be created per five acres of preserved or indigenous wetlands.
 - b. Up to two Southeast Lee County TDUs may be created from a single-family lot or parcel designated as wetlands that holds an affirmative Minimum Use Determination pursuant to Chapter XIII.
 - c. Southeast Lee County TDU credits may be established from DR/GR designated lands as follows:
 - 1) Up to one Southeast Lee County TDU may be created for each ten upland acres encumbered by an agricultural easement.
 - 2) Up to one Southeast Lee County TDU may be created for each 5 upland acres with indigenous native or restored native vegetation encumbered by a conservation easement.
 - 3) ~~For each Southeast Lee County TDU credit allowed by c.1) or c.2) above, up to two extra TDU credits may be created if the sending area land is designated as Tier 1, Tier 2, Tier 3, or the southerly two miles of Tiers 5, 6, and 7 in the Priority Restoration Strategy (Map 1-D).~~
2. Receiving area density and intensity equivalents of Southeast Lee County TDUs.
 - a. ~~In Mixed-Use Communities in Southeast Lee County identified on Map 2-D, each Southeast Lee County TDU credit may be redeemed for a maximum of one dwelling unit plus a maximum of 800 square feet of non-residential floor area.~~
 - b. ~~In Improved Residential Communities in Southeast Lee County identified on Map 2-D, each Southeast Lee County TDU credit may be redeemed for a maximum of one dwelling unit.~~
 - c. ~~In Rural Golf Course Communities in Southeast Lee County identified on Map 2-D, each Southeast Lee County TDU credit may be redeemed for a maximum of one dwelling unit or two bed and breakfast bedrooms.~~
 - d. ~~In Environmental Enhancement and Preservation Properties within the Conservation Community Communities future land use category may redeem identified on Map 2-D, each Southeast Lee County TDU credits may be redeemed for a maximum of one dwelling unit per 10 acres using when the credits are from DR/GR sending areas and a maximum of one dwelling unit per 20 acres using when credits are from wetland sending areas.~~
 - eb. No more than 2,000 dwelling units may be placed on receiving parcels within the Southeast Lee County Community Plan Area identified in subsections a. through d. above using the Southeast Lee County TDR program.

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- fc. ~~Properties outside of the Southeast Lee County Community Plan area with In the Intensive Development, Central Urban, Urban Community, or General Interchange future land use categories outside of Southeast Lee County, each Southeast Lee County TDU may be redeemed Southeast Lee County TDUs for up to two dwelling units an acre. Southeast Lee County TDUs may not be redeemed for non-residential floor area in these future urban areas.~~
3. The LDC may include regulations that permit the County to evaluate the effectiveness of the Southeast Lee County TDR program and make changes that may further condition or restrict the use of Southeast Lee County TDUs.
- Updates the TDU program based on the changes to the overlays.

POLICY 33.3.4: Southeast Lee County Flooding Mitigation Lands Program allows developers to purchase property in the Southeast Lee County Community Plan Area identified for strategic county hazard mitigation projects in exchange for development approvals. Purchased property must be approved and dedicated to the county. The Flooding Mitigation Lands Program will be allocated per the following:

1. For projects within the Southeast Lee County Community Plan Area, incentives will be provided per the thresholds described in the LDC.
2. For projects outside of the Southeast Lee County Community Plan Area:
 - a. Additional density may be applied to the receiving site at a rate of 2 units per acre of purchased and transferred land. The maximum density may not exceed the Bonus Density allowances of the land use category.
 - b. Open space at a 1-acre for every 5 acres of purchased and transferred land. No more than 25% of the required open space may be offset by this allowance.

- Adds new land-swap options to assist in County projects for flooding mitigation.

OBJECTIVE 33.4: NONRESIDENTIAL USES. Livability in Southeast Lee County requires the allowance of nonresidential uses to provide employment opportunities and reduce the number and duration of vehicle trips. Due to the potential environmental impacts of certain nonresidential uses, limitations are required to protect the County's water resources and safeguard natural resources. Similar to residential development in Southeast Lee County, nonresidential development must create, improve, preserve, and/or restore strategic surface and groundwater resources and indigenous wildlife habitats while balancing the need for commercial, industrial, and office uses to support the existing and anticipated surrounding residential development.

POLICY 33.4.1: Commercial, light industrial, and office uses within the Southeast Lee County Community Plan Area must have a future land use designation of Preservation and Innovation or Conservation Community and provide hydrological connections to regional watersheds, wildlife habitat connections to publicly- or privately-owned conservation lands, or strategic infrastructure connections to benefit the county's water resources.

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POLICY 33.4.2: The County will create LDC requirements for nonresidential uses in the Southeast Lee County Community Plan Area.

POLICY 33.4.3: Nonresidential development in Southeast Lee County must demonstrate compliance with the established LDC requirements through a planned development and development agreement accepted by the County Attorney's Office.

POLICY 33.4.4: To preserve open space and ensure lower-intensity development, nonresidential development in Southeast Lee County may not exceed a Floor Area Ratio of 0.25.

- Adds new nonresidential development section.
- The specific development requirements will be in the Land Development Code. See attachment 2

XII. Property Rights Element

GOAL 165: In accordance with §163.3177(6)(i), Fla. Stat., the following rights will be considered in local decision-making:

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

GOAL 166: County-initiated amendments may be made from time to time to update the Lee Plan, Future Land Use Map, or other regulatory documents to further the County's long-term vision for development.

OBJECTIVE 166.1: In certain instances where a county-initiated map or text amendment to the Lee Plan, Land Development Code, or zoning map changes the allowances on a property, the previous density and use allowances may be utilized in lieu of the changes.

POLICY 166.1.1: Properties previously identified as Mixed Use Community and Rural Golf Community in the Southeast Lee County Community Plan area may choose to develop under the regulations in effect prior to DATE by ORDINANCE, including requirements to concentrate development rights through the Southeast Lee County TDU program.

POLICY 166.1.2: Properties in the Southeast Lee County Community Plan Area whose land use was changed from DR/GR to Preservation and Innovation future land use category may retain the use and density allowances effective prior to DATE of Ordinance, in lieu of the Preservation and Innovation allowances. However, in no instance shall the density exceed 1 unit per 10 acres.

- Adds language to the Property Rights Element to vest properties whose future land use has changed in these amendments.

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XIV. Glossary

COMMERCIAL DEVELOPMENT -- A use involving, in whole or in part, the sale of merchandise, materials, or services. Commercial development may include retail, wholesaling, personal services, temporary accommodations, recreation, office, or other uses that involve the transfer or sale of goods or services.

MINOR – ~~Commercial development that provides for the sale of convenience goods and services and contains less than 30,000 square feet of gross floor area.~~

NEIGHBORHOOD – ~~Commercial development that provides for the sale of convenience goods and personal services, such as food, drug, sundries, and hardware items and has a gross floor area range of 30,000 to 100,000 square feet.~~

COMMUNITY – ~~Commercial development that provides for the sale of retail goods such as clothing, variety items, appliances, and furniture as well as goods that may be found in a neighborhood commercial development and has a gross floor area range of 100,000 to 400,000 square feet.~~

REGIONAL – ~~Commercial development that provides some functions of community commercial, in addition to providing a full range and variety of shopping goods for comparative shopping (such as general merchandise, apparel, furniture, and home furnishings) and has a gross floor area range of 400,000 to 1 million square feet.~~

DISCOURAGED – To dissuade or attempt to dissuade from doing something, but not to prohibit outright; an unwanted action, not a prohibited one.

ENCOURAGED – A wanted action, but not the only action that may be acceptable.

FUTURE NON-URBAN AREAS – Those categories on the Future Land Use Map that are designated primarily for single use developments with a density equal to or less than 1 unit per acre unless otherwise allowed within a special treatment area identified in Objective 1.7: Rural, Rural Community Preserve, Coastal Rural, Outer Island, Open Lands, Wetlands, Conservation Lands (upland and wetland), New Community within the North Olga Planning Community, Conservation Community, and Density Reduction/Groundwater Resource.

FUTURE SUBURBAN AREAS – Those future urban categories on the Future Land Use Map that are designated primarily for single use developments: Suburban, Outlying Suburban, Sub-Outlying Suburban, Industrial Development, Airport, Tradeport, Innovation and Preservation, Commercial, Industrial Interchange, General Commercial Interchange, Industrial Commercial Interchange, University Village Interchange, University Community, Public Facilities, and the New Community within the Gateway/Airport Planning Community.

INDUSTRIAL DEVELOPMENT – A business use or activity involving manufacturing, fabrication, assembly, warehousing, and/or storage.

INDUSTRIAL, HEAVY – Manufacturing, resource refinement or extraction, other enterprises with significant external effects, or enterprises that pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in manufacturing or other processes. The location of a use does not indicate whether it is considered heavy industrial. Heavy Industrial uses can be inside or outside a building.

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INDUSTRIAL, LIGHT – A use that involves the manufacturing, production, processing, fabrication, testing, assembly, treatment, repair, packaging, or warehousing of finished products within a building, without a noticeable amount of noise, dust, odor, smoke, glare, or vibrations.

- Broadens commercial definitions: Expands the definition of commercial development beyond retail while keeping existing size restrictions intact.
 - Formally defines the terms "encourage" and "discourage" to match current practices.
 - Defines industrial use and separates industrial activities into clear "Light" and "Heavy" categories to clarify for existing Lee Plan policies.
 - Land Development Code definitions may need future amendments to ensure consistency.
-

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APPENDIX A: Maps

Map 1-A: Future Land Use Map

- Amend 5 properties from DR/GR and Wetlands to Conservation Community and Wetlands
- Amend 4 properties from DR/GR and Wetlands to Preservation & Innovation and Wetlands
- Amend 2 properties from DR/GR and Wetlands to Outlying Suburban and Wetlands
- Modified Wetland/Tradeport future land use category boundaries for 1 property based on a formal jurisdictional wetlands determination

Map 1-D: Special Treatment Areas

- Remove 'Priority Restoration Strategy Overlay'
- Add Existing Acreage Subdivision (Previously identified on Map 2-A)
- Add Rural Golf Course Community (Previously identified on Map 2-A)

Map 2-A: Community Planning Areas

- Modify the boundary of Southeast Lee County near the northwest and southwest corners of the planning area.

Map 2-D: Southeast DR/GR Residential Overlay

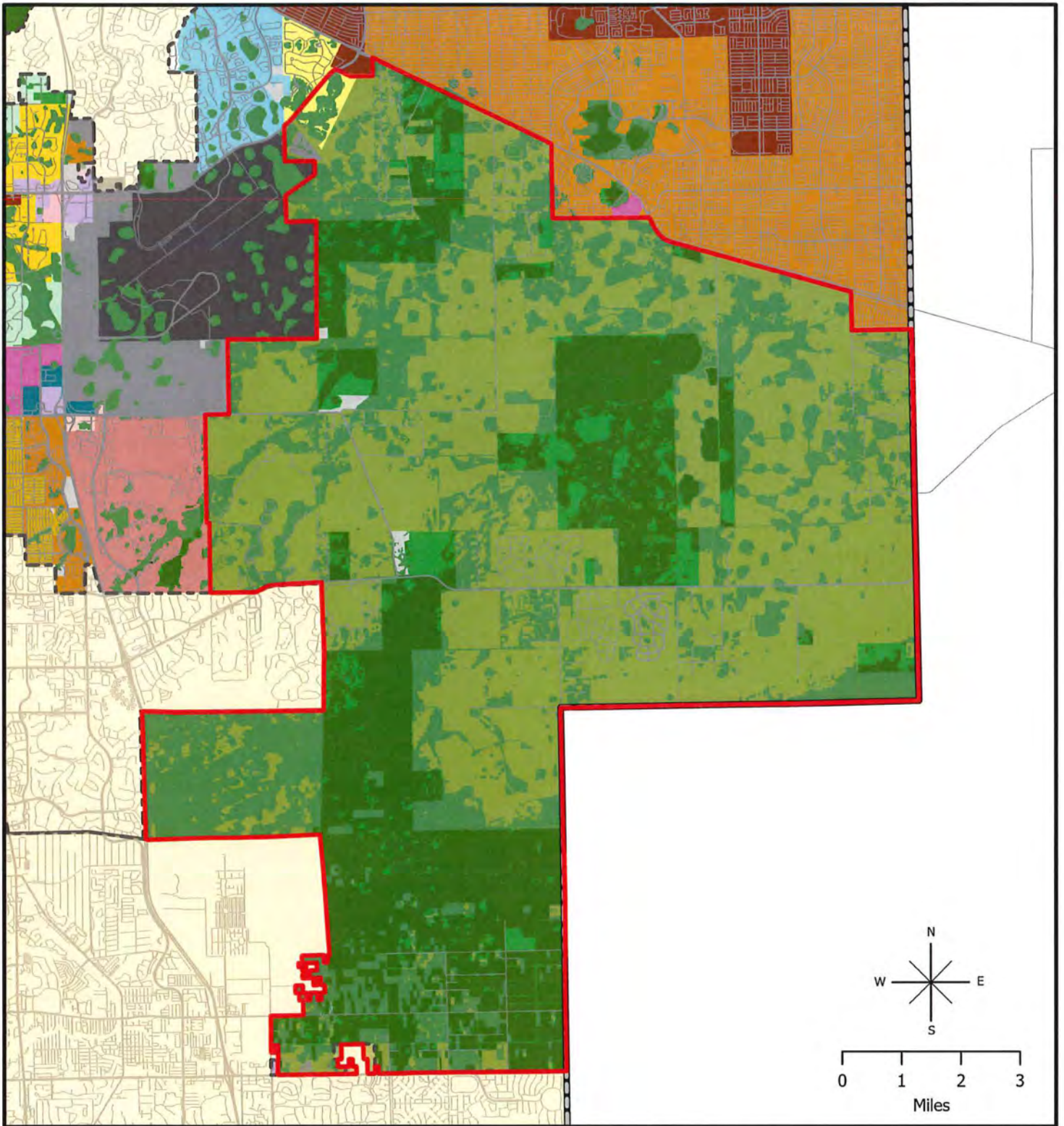
- Relocate Existing Acreage Subdivision to Map 1-D
- Delete Mixed Use Communities
- Relocate Rural Golf Course Community to Map 1-D
- Delete Improved Residential Community
- Delete Environmental Enhancement and Preservation Community Overlay (Properties to be designated as Conservation Community on the Future Land Use Map)
- Delete Map 2-D

Map 4-A:

- Update LCU Future Water Service Areas to include 8 additional properties

Map 4-B:

- Update LCU Future Sewer Service Areas to include 10 additional properties



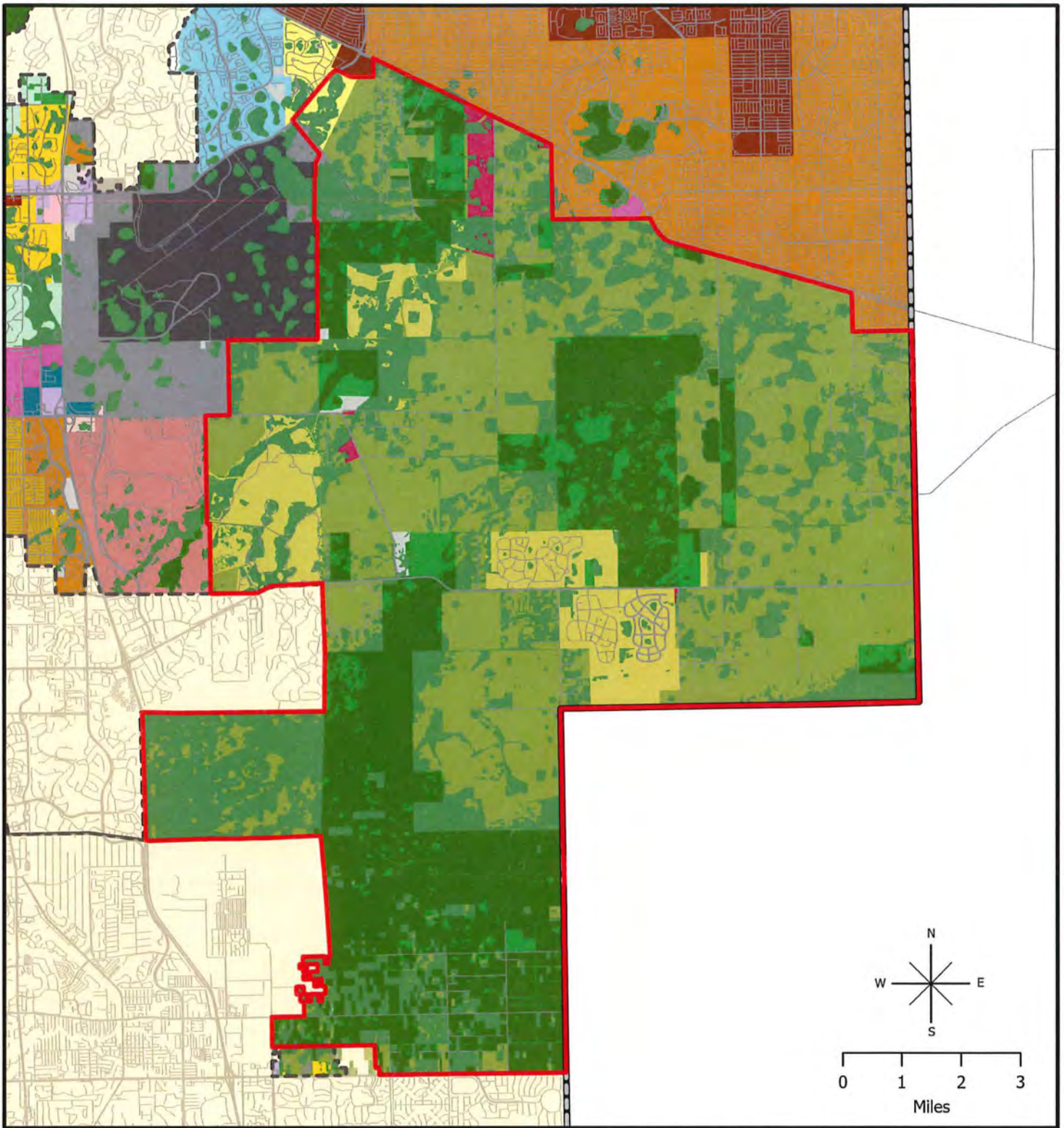
CPA2026-00004

Existing Future Land Use

- | | | | |
|--|-----------------------------------|--------------------------------|----------------------|
| Airport | Industrial Commercial Interchange | Sub-Outlying Suburban | Southeast Lee County |
| Central Urban | Industrial Development | Suburban | City Limits |
| Conservation Lands Upland | Intensive Development | Tradeport | |
| Conservation Lands Wetland | New Community | University Community | |
| Density Reduction/
Groundwater Resource | Outlying Suburban | University Village Interchange | |
| General Interchange | Public Facilities | Urban Community | |
| | Rural | Wetlands | |



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CPA2026-00004

Proposed Future Land Use

Existing Future Land Use Categories

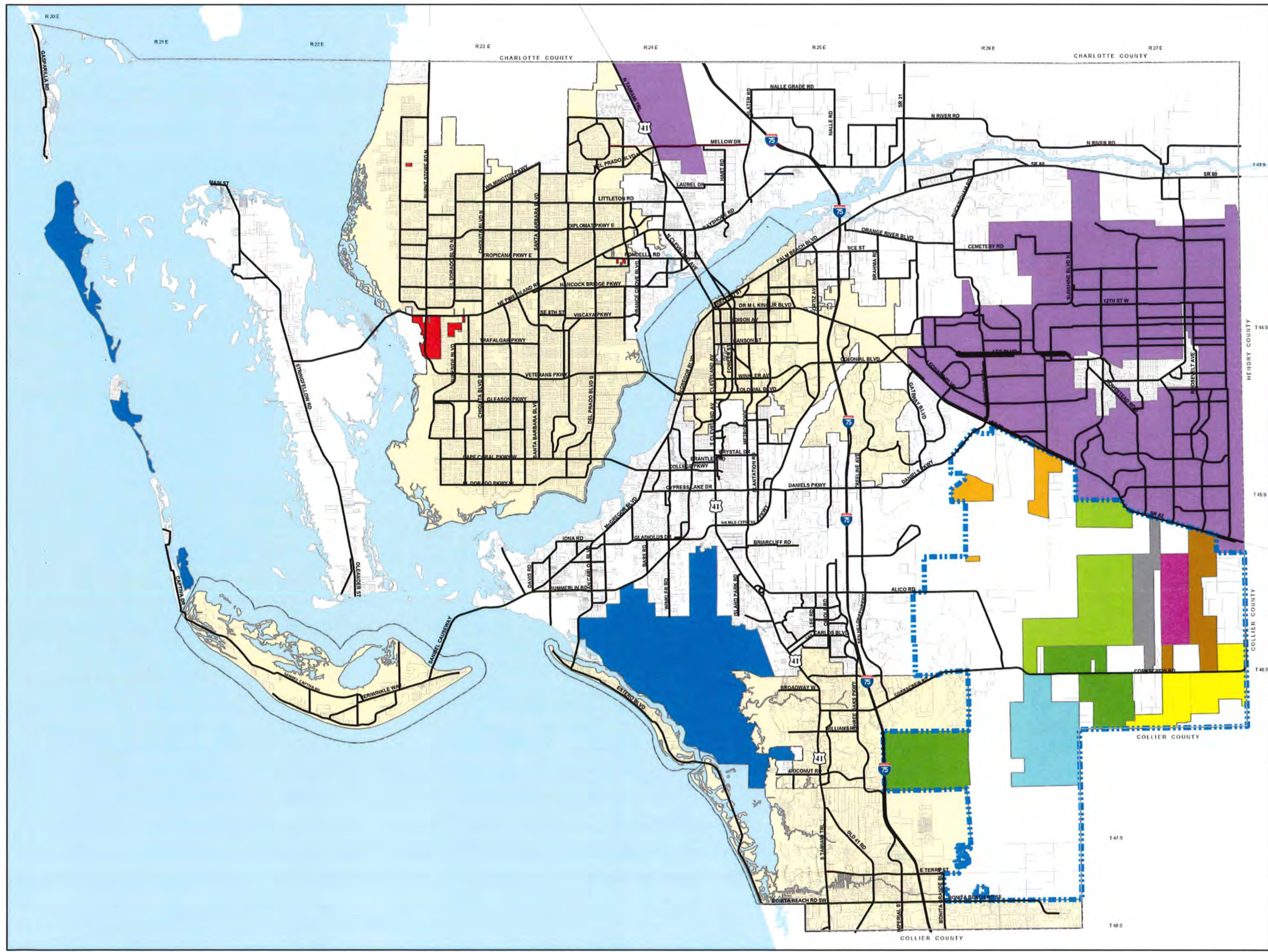
Airport	General Interchange	Outlying Suburban	Tradeport
Central Urban	Industrial Commercial Interchange	Public Facilities	University Community
Conservation Lands Upland	Industrial Development	Rural	University Village Interchange
Conservation Lands Wetland	Intensive Development	Sub-Outlying Suburban	Urban Community
Density Reduction/ Groundwater Resource	New Community	Suburban	Wetlands

Proposed Future Land Use Categories

Preservation and Innovation	Conservation Community	Southeast Lee County	City Limits
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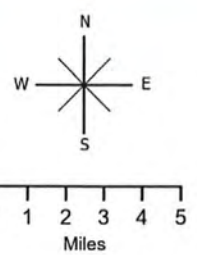
Map Generated: July 2026



SPECIAL TREATMENT AREAS Current

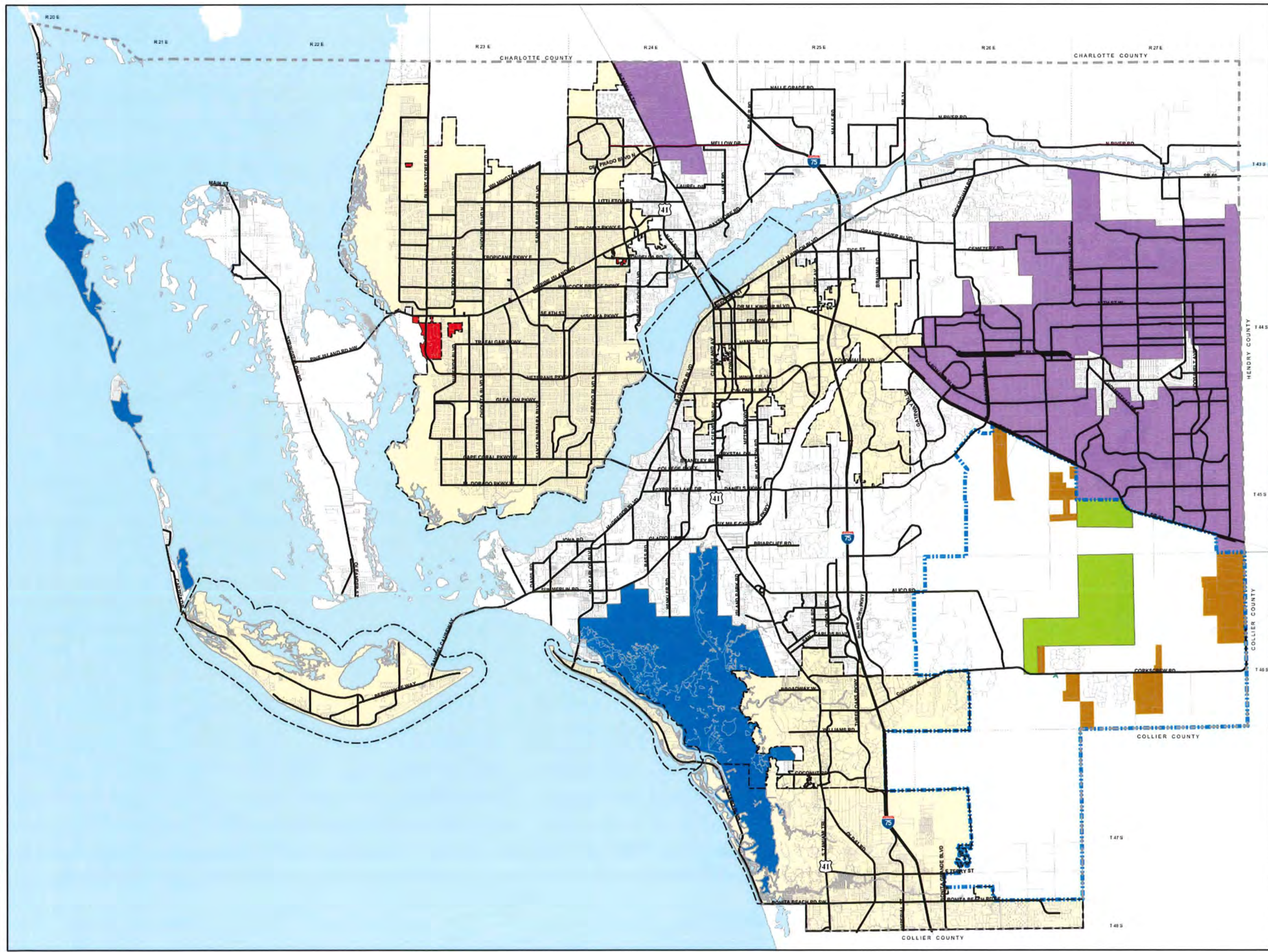
- Urban Reserve
Ord. No. 89-02, 93-25, 18-18
- Privately Funded Infrastructure
Ord. No. 89-02, 93-25, 18-18
- Public Acquisition
Ord. No. 89-02, 93-25, 18-18
- Airport Mitigation Overlay
Ord. No. 04-16, 19-05
- See Objective 33.1
- Tier 1 (highest priority)
- Tier 2
- Tier 3
- Tier 4
- Tier 5
- Tier 6
- Tier 7
Ord. No. 10-19
- City Limits
- Southeast Lee County

CPA2026-00004



Map Generated: November 2021
City limits current to date of map generation

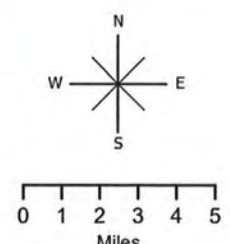
Lee Plan Map 1-D



SPECIAL TREATMENT AREAS PROPOSED

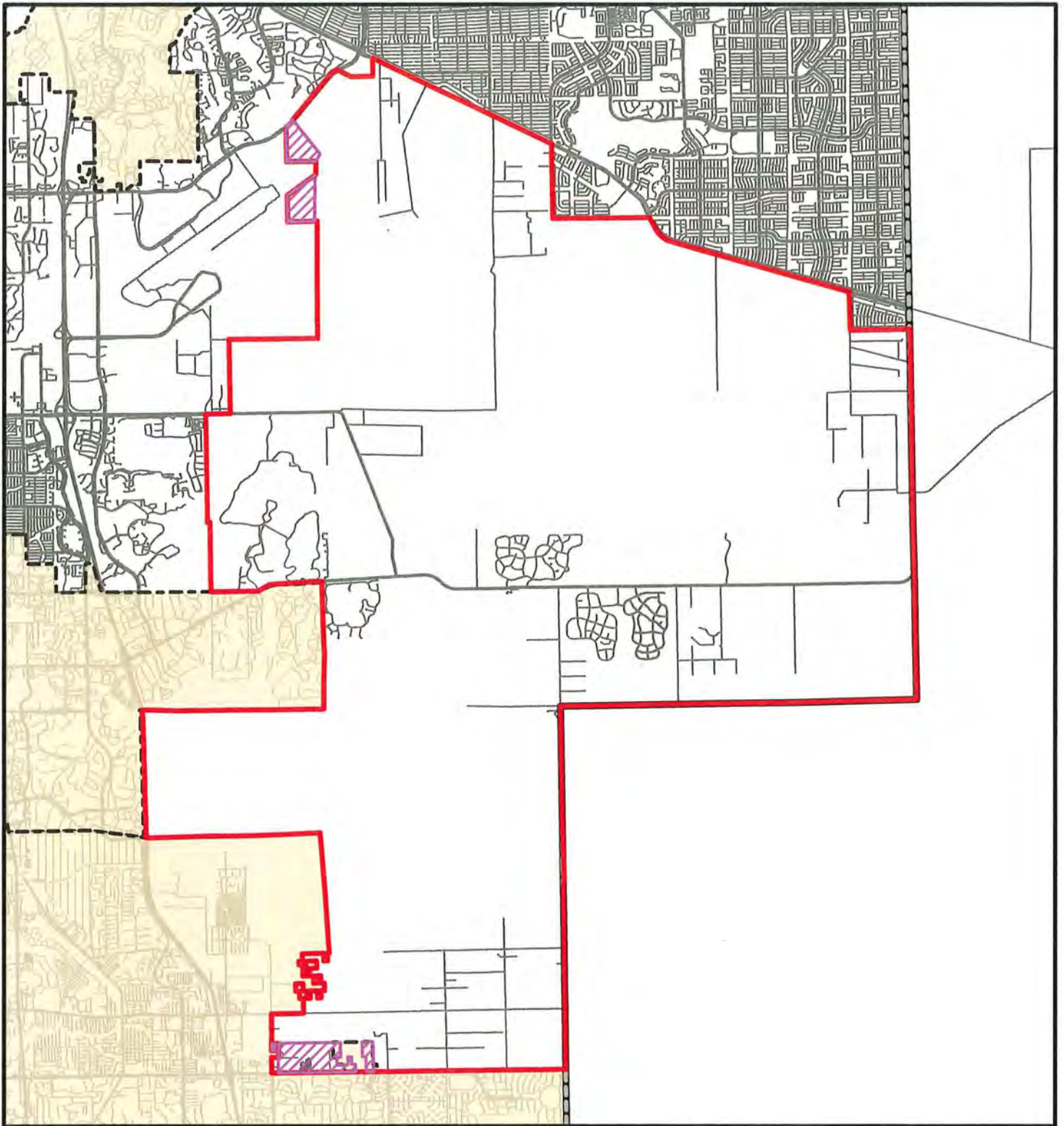
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Ord. No. 89-02, 93-25, 18-18
-  Airport Mitigation Overlay
Ord. No. 04-16, 19-05
-  Rural Residential Overlay
Existing Acreage Subd.
-  Rural Golf Course Community
Ord. No. 10-19, 10-21, 10-43, 12-24, 14-21, 15-13, 15-14, 17-06, 17-23, 17-24, 19-24
-  City Limits
-  Southeast Lee County

CPA2026-00004



Map Generated: July 2026
City limits current to date of map generation

Lee Plan Map 1-D



CPA2026-00004

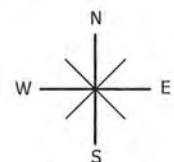
Community Planning Areas



 City Limits

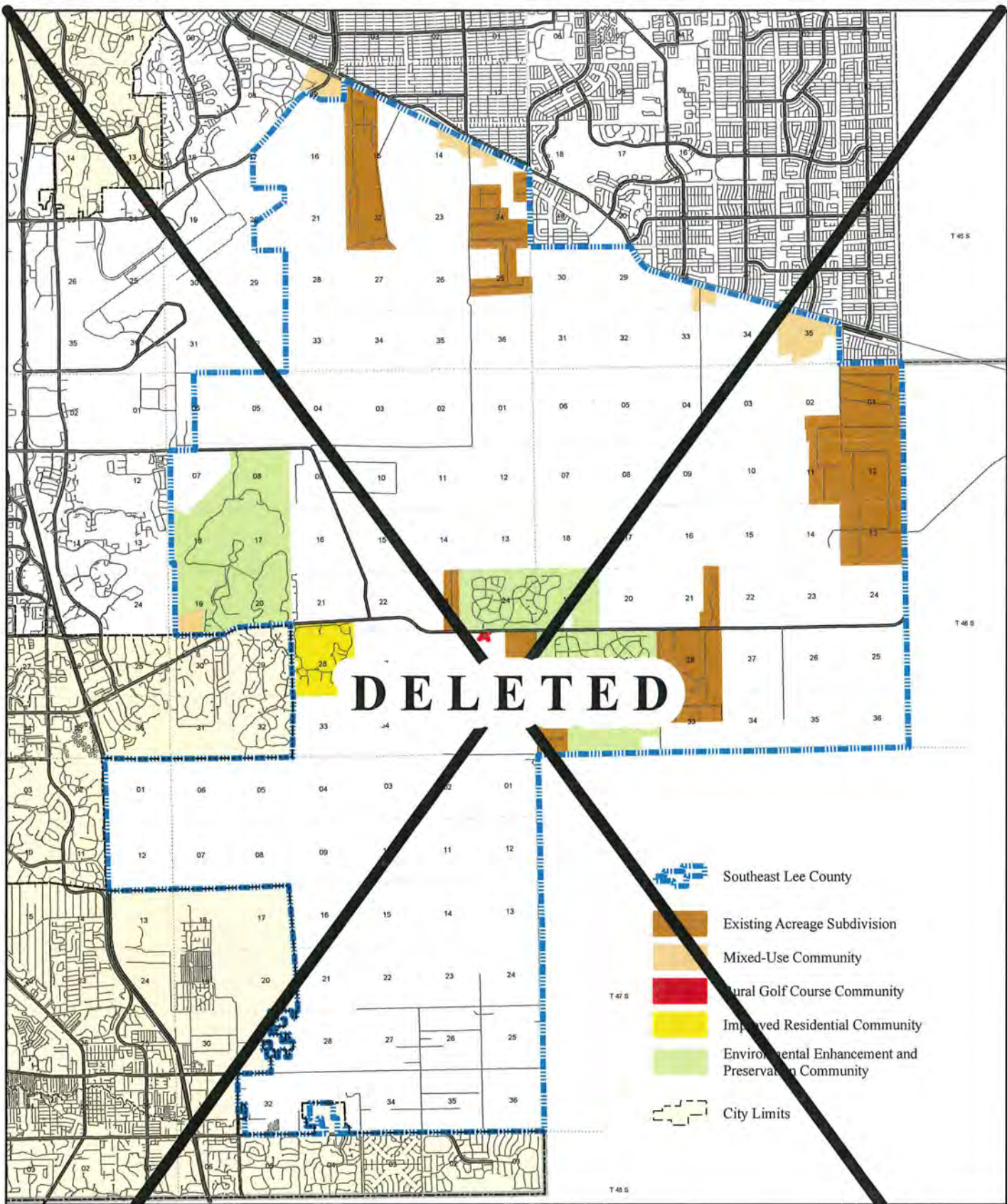
 Area to be removed

 Southeast Lee County



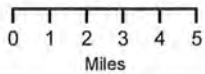
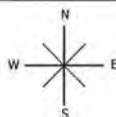
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Map Generated: July 2026



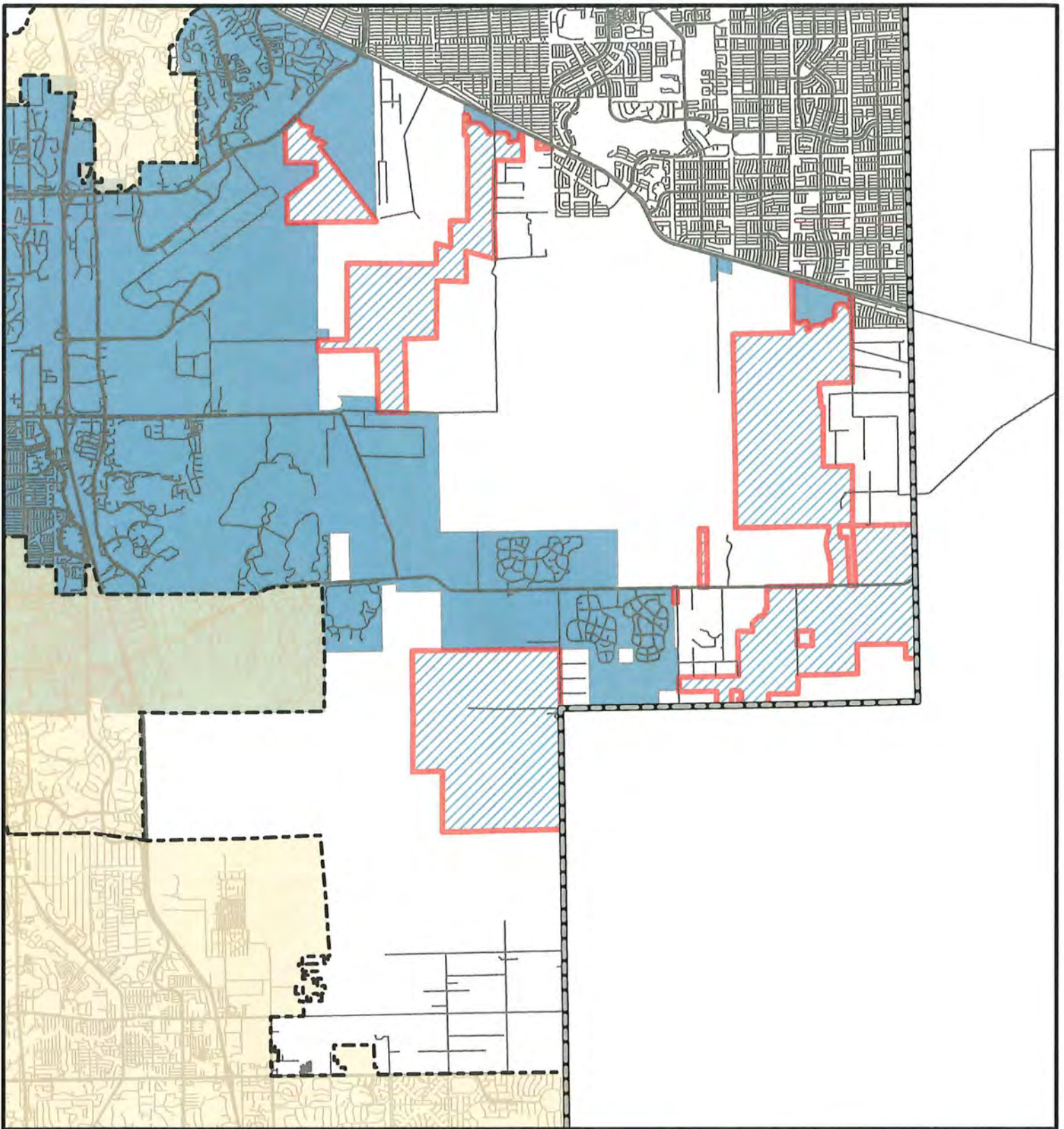
Map Generated: July 2026
 City Limits current to date of map generation

Ord. No. 10-19, 10-21, 10-43, 12-24, 14-21, 15-13, 15-14,
 17-06, 17-23, 17-24, 19-24



SOUTHEAST DR/GR RESIDENTIAL OVERLAY

Lee Plan Map 2-1

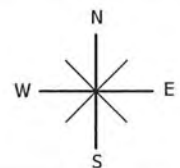


CPA2026-00004

Future Water Service Areas

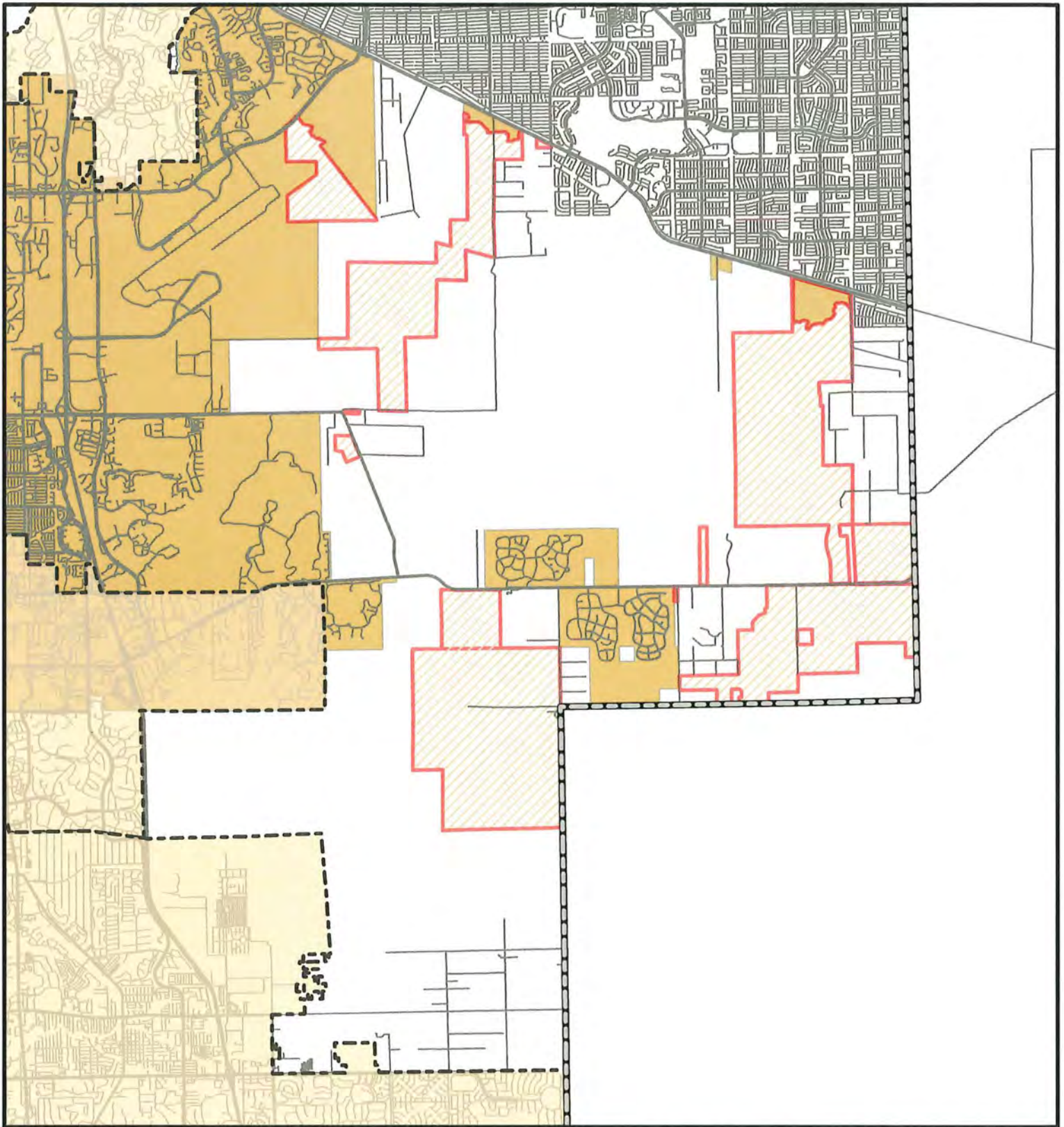


-  City Limits
-  Proposed Future Water Service Areas
-  Existing Future Water Service Areas



0 1 2 3
Miles

Map Generated: July 2026



CPA2026-00004

Future Sanitary Sewer Service Areas



Lee County
Southwest Florida



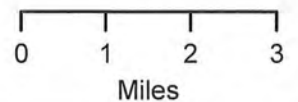
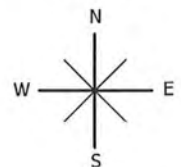
City Limits



Proposed Future Sewer
Service Areas



Existing Future Sewer
Service Areas



Map Generated: July 2026

ATTACHMENT 1: Proposed Lee Plan Amendments

APPENDIX B: Tables

Table 1(a): Summary of Residential Densities

- Add Conservation Community future land use category and corresponding allowable densities.
- Add Preservation and Innovation future land use category and corresponding allowable densities.

TABLE 1(a)
SUMMARY OF RESIDENTIAL DENSITIES¹

FUTURE LAND USE CATEGORY	STANDARD OR BASE DENSITY RANGE		BONUS DENSITY
	MINIMUM ² (Dwelling Units per Gross Acre)	MAXIMUM (Dwelling Units per Gross Acre)	MAXIMUM TOTAL DENSITY ³ (Dwelling Units per Gross Acre)
Intensive Development ¹⁴	8	14	22
General Interchange ²	8	14	22
Central Urban ¹⁵	4	10	15
Urban Community ^{4,5,16}	1	6	10
Suburban ¹⁷	1	6	No Bonus
Outlying Suburban	1	3	No Bonus
Sub-Outlying Suburban	1	2	No Bonus
<u>Conservation Community²⁰</u>	<u>No Minimum</u>	<u>1.15</u>	<u>No Bonus</u>
Rural ¹⁰	No Minimum	1	No Bonus
Outer Islands	No Minimum	1	No Bonus
Rural Community Preserve ⁶	No Minimum	1	No Bonus
Open Lands ⁷	No Minimum	1 du/10 acres	No Bonus
Density Reduction/Groundwater Resource ¹³	No Minimum	1 du/10 acres	No Bonus
Wetlands ⁸	No Minimum	1 du/20 acres	No Bonus
New Community ¹⁹	No Minimum	6	No Bonus
University Community ⁹	1	2.5	No Bonus
Destination Resort Mixed Use Water Dependent ¹¹	6	9.36	No Bonus
Burnt Store Marina Village ¹²	No Minimum	160 Dwelling Units; 145 Hotel Units	No Bonus
Coastal Rural ¹⁸	No Minimum	1 du/2.7 acres	No Bonus

CLARIFICATIONS AND EXCEPTIONS

- ¹See the glossary in Chapter XII for the full definition of “density”.
- ²Except in the General Interchange future land use category adherence to minimum densities is not mandatory but is recommended to promote compact development.
- ³These maximum densities may be permitted by transferring density from non-contiguous land through the provisions of the Bonus Density Program identified in the LDC, Chapter 2.
- ⁴Within the Future Urban Areas of Pine Island Center, rezonings that will allow in excess of 3 du/acre must “acquire” the density above 3 du/acre utilizing Greater Pine Island TDUs (see Objective 24.6), or transfer dwelling units in accordance with Policy 24.3.4.
- ⁵In all cases on Gasparilla Island, the maximum density must not exceed 3 du/acre.
- ⁶Within the Buckingham area, new residential lots must have a minimum of 43,560 square feet.
- ⁷A maximum density of 1 du/5 acres can only be approved through the planned development process (see Policy 1.4.4), except in the approximately 135 acres of land lying east of US41 and north of Alico Road in the northwest corner of Section 5, Township 46, Range 25.
- ⁸Higher densities may be allowed under the following circumstances where wetlands are preserved on the subject site:
- (a) If the dwelling units are relocated off-site through the TDR program provided in LDC, Chapter 2; or
 - (b) Dwelling units may be relocated to developable contiguous uplands designated Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, Outlying Suburban, Sub-Outlying Suburban, and New Community from preserved freshwater wetlands at the same underlying density as permitted for those uplands (see Policy 124.1.1). Impacted wetlands will be calculated at the standard Wetlands density of 1 du/20 acres. Planned developments or development orders approved prior to October 20, 2010 are permitted the density approved prior to the adoption of CPA2008-18.
- ⁹The overall average density for the University Village sub-district must not exceed 2.5 du/acre.
- ¹⁰In the Rural category located in Section 24, Township 43 South, Range 23 East and south of Gator Slough, the maximum density is 1 du/2.25 acres.
- ¹¹The overall number of residential dwelling units is limited to 271 units in the DRMUWD future land use category.
- ¹²The residential dwelling units and hotel development portions of this redevelopment project must be located outside of the designated Coastal High Hazard Area in accordance with Map 5-A.
- ¹³See Objectives 33.2 and 33.3 for potential density adjustments.
- ¹⁴The maximum total density may be increased to 30 du/acre utilizing Greater Pine Island TDUs.
- ¹⁵The maximum total density may be increased to 20 du/acre utilizing Greater Pine Island TDUs.
- ¹⁶The maximum total density may be increased to 15 du/acre utilizing Greater Pine Island TDUs.
- ¹⁷The maximum total density may be increased to 8 du/acre utilizing Greater Pine Island TDUs.
- ¹⁸The standard maximum density is 1 du/2.7 acres unless the “Adjusted Maximum Density” of 1 du/acre is achieved (see Policy 1.4.7 and LDC, Chapter 33).
- ¹⁹The maximum density in the New Community future land use category is limited to 1 du/1.9 acres in the North Olga Community Plan area (see Policy 1.1.15).
- ²⁰The maximum density in the Conservation Community future land use category is 1.15, inclusive of wetlands located within project boundaries (see Policies 1.4.8 and 33.2.2).

ATTACHMENT 2: DRAFT LDC Amendments for Southeast Lee County

Sec. ##-1750 Applicability

The provisions of this article apply to all development within Southeast Lee County to ensure that development creates, preserves, or restores surface and groundwater resources and other natural systems, consistent with Lee Plan Goal 16.

Sec. ##-1752 Community Meetings

1. *Applications requiring review.* The owner(s), applicant(s), or other registered agent(s) applying for the following application types must hold one (1) public information session in Southeast Lee County. The information sessions may be offered virtually or in person. In-person meetings may be held within a five-mile radius of the subject property or at any location within the Community Plan Area, but must be within Lee County. Virtual meetings must be available to the public, allow public participation, and include a video feed so the public can see the proposed plans. Audio-only virtual meetings are not permitted. This session must be publicly advertised and held before the application is deemed sufficient. Public meetings are required for zoning actions requiring a public hearing.
2. *Meeting requirements.* The applicant is responsible for providing the meeting space, providing notice of the meeting, and providing security measures as needed. The applicant will determine the meeting location. Meetings may, but are not required to, be conducted before non-County-formed boards, committees, associations, or planning panels. During the meeting, the agent will provide a general overview of the project, including, but not limited to, a proposed site plan, for any interested citizens. After this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. The applicant is not required to receive an affirmative vote or approval of citizens present at the meeting.

Sec. ##-1753 Deviations and Variances

Deviations and Variances for any of the requirements in this article must meet the County approval criteria for variances set forth in Section 34-145(b). No deviations or variances may be granted to Sec ##-1754.1, Sec ##-1754.2, or Sec ##-1755.

Sec. ##-1754 -- Residential Development.

Residential development exceeding 1 unit per 10 acres in the Conservation Communities future land use category may only be approved when the proposed development meets the requirements of this section and Lee Plan Goal 16. The County may require a Development Agreement or other legally binding agreement, approved by the County Attorney's Office, to

ATTACHMENT 2: DRAFT LDC Amendments for Southeast Lee County

ensure the long-term maintenance, timing, or other factors related to the construction or function of these developments.

1. **Density Incentives.** Density is determined based on the incentives provided in the planned development.
 - a. One (1) dwelling unit per one (1) acre will be approved through the planned development when the proposed development includes seven (7) of the strategies in LDC Sec ##-1755.2, with at least one strategy from each category.
 - b. One (1) unit per two (2) acres shall be approved when the proposed development includes five (5) of the strategies in LDC Sec ##-1755.2, with no more than 2 strategies from any one category.
 - c. One (1) unit per three (3) acres shall be approved when the proposed development includes three (3) of the strategies in LDC Sec ##-1755.2, with strategies from at least 2 categories.
 - d. Additional dwelling units may be approved in the planned development by using any combination of the following:
 - i. Utilize the Southeast Lee County TDR program to transfer dwelling units from Southeast Lee County lands located outside of the planned development pursuant to Policy 16.3.2.
 - ii. Provide all of the following as part of the planned development for a density increase of 5% per strategy, except when noted otherwise, for a maximum increase of up to 15%:
 1. A minimum of 65% open space, not including previously mined lakes or existing conservation easements; and
 2. Additional strategies from subsection 2, below.
 3. Two (2) dwelling units for every acre of offsite property identified in Lee Plan Map 1-D, acquired for Lee County Natural Resources water quality or flood mitigation projects.
2. **Improvement Categories and Mitigation Strategies:**
 - a. Flooding Mitigation and Aquifer Recharge:
 - i. Create, preserve, or restore flowways to reduce flooding and increase water recharge in the area. Such flowway projects that offer regional benefits may be completed off-site with approval from Lee County's Department of Natural Resources. A flowway is a broad, shallow, and slow-moving sheet flow of water. The flowway must distribute water across a broad front, allowing water to move naturally across the landscape while filtering nutrients and supporting native ecosystems.
 - ii. A stormwater management system designed to accommodate a 100-year, 72-hour storm event.
 - b. Minimize the Need for Irrigation:
 - i. Landscaping utilizes drip irrigation and 100% drought-tolerant native plantings throughout the development and limits the use of turfgrass within all common areas to no more than 30%. Drip irrigation must have a minimum application efficiency of 95%, a distribution uniformity of 90%, and utilize sustainable management practices.

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- ii. Centralized irrigation system that meets the Water Conservation Ordinance and prohibits the construction of individual irrigation wells on residential lots. The development's irrigation must utilize stormwater ponds and, if necessary, be resupplied from an alternative aquifer or a blend of multiple aquifers to reduce demand on aquifers used by adjacent County or private wells.
 - iii. Extend, connect to, and utilize reuse water for 100% of the development's irrigation needs.
 - c. Wildlife:
 - i. Create, preserve, or restore wildlife connections to adjacent conservation areas.
 - ii. Provided wildlife connection(s) must be a minimum of 300 feet wide and designed to allow mammals to traverse the project property and connect to adjacent conservation areas.
 - iii. Create designated mammal crossings for roadways to promote the movement of wildlife within and through the development. Crossing designs should include exclusion and wing/funnel fencing designed for the target species, including below-ground apron fencing for burrowing species, and long enough to prevent wildlife from bypassing the crossing.
 - iv. Create, preserve, or restore habitat with plant species that support foraging within primary and secondary panther habitat.
 - d. Wetlands and Native Habitat:
 - i. All wetlands are preserved and restored.
 - ii. Create, preserve, or restore upland habitat. Upland habitat must comprise a minimum of 40% of the required open space and have an average minimum width of 40 feet.
 - e. Wildfire Prevention:
 - i. Create a wildfire prevention plan per the Public Safety requirements, including but not limited to access points for wildfire response, prescribed burn schedule, or separation measures for spread mitigation.
 - ii. Bury all utilities to prevent potential arcing or sparking
- 3. ***Planned Development Requirements.*** Properties within the Conservation Communities Future Land Use Category must be rezoned to a planned development that includes the following, in addition to any requirements set forth in LDC Chapter 34, Article IV.
 - a. Connections to public water and sewer services. Development must also connect to public reuse infrastructure if available at the time of the development order.
 - b. A minimum of 60% open space, not including previously mined lakes, which will be used to accommodate the following, when applicable:
 - i. Restore and accommodate existing and historic regional flowways where they currently or previously existed;
 - ii. Restore and accommodate existing and historic groundwater levels;
 - iii. Restore and preserve wetlands;
 - iv. Restore and preserve indigenous upland habitats;

ATTACHMENT 2: DRAFT LDC Amendments for Southeast Lee County

- v. Provide critical wildlife connections to adjacent conservation areas; and
- vi. Provide a 100-foot buffer along Corkscrew Road.
- c. Includes an enhanced lake management plan that:
 - i. Applies best management practices for fertilizers and pesticides;
 - ii. Provides erosion control and bank stabilization; and
 - iii. Establishes lake maintenance requirements.
- d. A site-specific ecological and hydrological restoration plan which includes, at a minimum, the following: preliminary excavation and grading plans, analysis of hydrological improvements and water budget narrative, replanting plan, habitat restoration plan, success criteria, long-term monitoring and maintenance.
- e. Preservation areas must be platted in separate tracts and dedicated to an appropriate maintenance entity.
- f. Record a Conservation Easement for a minimum of 55% of the planned development, not including previously mined lakes or existing conservation easements to be dedicated to the appropriate maintenance entity that provides Lee County or some other public agency, acceptable to Lee County, with third-party enforcement rights. All Conservation Easements required as part of the planned development must be recorded within 5 years from the first development order approval. For sites with previously approved mines, the existing recorded conservation easements may not contribute more than 25% of the required minimum.
- g. Indigenous management plans must address human-wildlife coexistence.
- h. Uses Florida-Friendly Landscaping with low irrigation requirements in common elements. The Development Order must demonstrate that all landscaping uses drip irrigation, features drought-tolerant native plants, and limits turfgrass in all common areas to no more than 30%. Drip irrigation must have a minimum application efficiency of 95%, a distribution uniformity of 90%, and utilize sustainable management practices.
- i. Internal circulation and a proportionate fair share of the required transportation network improvements in accordance with Administrative Code (AC) 13-16.
- j. Obtain written confirmation from the Lee County Sheriff's Office, Public Safety (EMS), the applicable fire district, and Lee County Schools regarding the availability of sufficient public services for the proposed development.
- k. Demonstrate that the planned development will not result in significant detrimental impacts on present or future water resources.

Sec. ##-1755 Nonresidential Development

Nonresidential development in the **Preservation and Innovation** and **Conservation Community** land use categories may only be approved when the proposed development meets the requirements of this section and Lee Plan Goal 16. The County may require a Development Agreement or other legally binding agreement, approved by the County Attorney's Office, to ensure the long-term maintenance, timing, or other factors related to the construction or function of these developments.

ATTACHMENT 2: DRAFT LDC Amendments for Southeast Lee County

1. **Planned Development Requirements.** Non-residential uses may be permitted in Southeast Lee County through a planned development that includes the following, in addition to any requirements set forth in LDC Chapter 34, Article IV.
 - a. Connections to public water and sewer services. Development must also connect to public reuse infrastructure if available at the time of the development order.
 - b. Demonstrates through data and analysis that the planned development will not result in significant detrimental impacts on present or future water resources. Proposed uses may not pollute, degrade, or overconsume surface and groundwater resources, or engage in any other activity that Lee County's Department of Natural Resources determines to be incompatible with protecting Southeast Lee County's environment. Overconsumption is defined as water use exceeding 1.2 million gallons per acre per year, based on the developable area.
 - c. Nonresidential development within the 6-month, 1-year, 5-year, or 10-year travel zones as defined in the Wellfield Protection Ordinance must:
 - i. Meet or exceed SFWMD's nutrient removal standards for Outstanding Florida Waters (OFW).
 - ii. Conform to the most restrictive wellfield protection zone found on-site.
 - iii. Provide monitoring well(s) located between Lee County's nearest production well(s) and the nonresidential development.
 - d. Provides a minimum of 40% open space, which may consist of buffers, wetlands, indigenous uplands, and wildlife crossings. Stormwater systems may contribute up to 25% of the open space requirement. A project may provide off-site mitigation by acquiring and transferring to Lee County Natural Resources property acceptable to the county, specifically properties depicted on Map 1-D, for an open space credit of up to 25%.
 - e. Properties along Corkscrew Road must provide a 100-foot-wide buffer along the Corkscrew Road right-of-way.
 - f. Develop a site-specific ecological and hydrological restoration plan which includes, at a minimum, the following: preliminary excavation and grading plans, analysis of hydrological improvements and water narrative, replanting plan, habitat restoration plan, success criteria, and a mechanism for long-term monitoring and maintenance.
 - g. Develop an indigenous management plan addressing human-wildlife coexistence, including, but not limited to, wildlife-resistant refuse containers, wildlife corridor management, and native habitat restoration.
 - h. All connected wetlands and regional historic flowways must be restored or preserved. The flowway must distribute water across a broad front, allowing water to move naturally across the landscape while filtering nutrients and supporting native ecosystems.
 - i. Internal landscaping and buffers must create or restore indigenous upland habitat as part of the required open space.
 - j. Landscaping must utilize drip irrigation, use drought-tolerant native plants, and limit the use of turfgrass within all common areas to no more than 30%. Drip irrigation

ATTACHMENT 2: DRAFT LDC Amendments for Southeast Lee County

must have a minimum application efficiency of 95%, a distribution uniformity of 90%, and utilize sustainable management practices.

- k. Stormwater management system must be designed for a 100-year, 72-hour storm event and include an enhanced lake management plan that establishes surface and groundwater monitoring and maintenance plans, applies best management practices for fertilizers and pesticides, and provides erosion control and bank stabilization.
- l. All electrical utilities within the site must be buried within dedicated public utility easements.
- m. Development along SR 82 and the Alico Extension must demonstrate safe pedestrian connectivity across the right-of-way within the extended pedestrian shed from the site.
- n. Internal circulation and a proportionate fair share of the required transportation network improvements in accordance with Administrative Code (AC) 13-16.
- o. Obtain written confirmation from the Lee County Sheriff's Office, Public Safety (EMS), and the applicable fire district regarding the availability of sufficient public services for the proposed development.
- p. Create a wildfire prevention plan per the Public Safety requirements, including but not limited to access points for wildfire response, prescribed burn schedule, or separation measures for spread mitigation.

Sec. 34-2175. Height limitations for special areas and Lee Plan land use categories.

The following areas have special maximum height limitations applicable to all conventional and planned development districts:

- (a) *no proposed changes*
- (b) *Lee Plan land use categories.* Except as otherwise provided herein, maximum building height is established by future land use category as follows:

TABLE 34-2175(b) MAXIMUM BUILDING HEIGHT BY FUTURE LAND USE CATEGORY		
Future Land Use Category	Notes	Maximum Building Height
Destination Resort Mixed Use Water Dependent		Per Lee Plan
Intensive Development		135 feet
Central Urban		
Urban Community		95 feet
Airport Lands	Note (1)	45 feet
Tradeport	Note (1)	
University Community	Note (1)	
University Village Interchange	Note (1)	
Commercial		75 feet
General Commercial Interchange		
General Interchange		
Industrial Commercial Interchange		

ATTACHMENT 2: DRAFT LDC Amendments for Southeast Lee County

Industrial Development		45 feet
Industrial Interchange		
<u>Conservation Community</u>	<u>Note (1)</u>	
Density Reduction/Groundwater Resource		
Open Lands		
Outer Islands		
Outlying Suburban	Note (2)	
<u>Preservation and Innovation</u>	<u>Note (2)</u>	
Public Facilities		
Rural	Note (2)	
Rural Community Preserve		
Sub-outlying Suburban	Note (2)	
Suburban	Note (2)	
Notes: (1) With the consent of the Lee County Port Authority, the Board of County Commissioners may approve building heights up to 95 feet. (2) Buildings may be as tall as 75 feet when the applicant demonstrates through a zoning action that the additional height is required to preserve environmentally sensitive land, secure areas of native vegetation and wildlife habitat, or preserve historical, archaeological or scenic resources.		