



Lee County
Southwest Florida

Kevin Ruane
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District Three

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District Four

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District Five

Dave Harner, II
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
County Hearing
Examiner

September 4, 2026

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

**Re: Amendment to the Lee Plan
Transmittal Package
CPA2025-00007 Pondella Holdings**

Dear Ms. Harris,

In accordance with the provisions of F.S. Chapter 163.3184(3) for Expedited State Review, please find attached the proposed Comprehensive Plan Amendment, known locally as CPA2025-00007 (Pondella Holdings). The amendment is as follows:

CPA2025-00007 – Pondella Holdings:

Amend Lee Plan Map 4-B, the Lee County Utilities Future Sewer Services Map, to include the 6.42-acre subject property and all properties south of Pondella Road, north of Stillwater Court, west of Palm Avenue, and east of Hancock Creek.

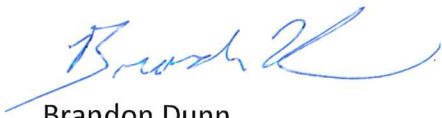
The Local Planning Agency held a public meeting for the plan amendment on July 27, 2026. The Board of County Commissioners voted to transmit the amendment on September 2, 2026. The proposed amendment is not applicable to an area of critical state concern. The Board of County Commissioners will hold an adoption hearing following the receipt of the review agencies' comments.

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

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

If you have any questions, please do not hesitate to let us know.

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



Brandon Dunn,
Manager, Planning Section

Cc Case File

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

Comprehensive Plan Review
Department of Agriculture and Consumer Services

Office of Educational Facilities
Department of Education

Plan Review
Department of Environmental Protection

Alissa S. Lotane
Florida Department of State

Scott Sanders
Florida Fish and Wildlife Conservation Commission

Vitor Suguri
FOOT District One

Ms. Rebekah Harp
Southwest Florida Regional Planning Council

Peter Germain
South Florida Water Management District

USA TODAY CO.



PO Box 631244 Cincinnati, OH 45263-1244

AFFIDAVIT OF PUBLICATION

Sandra Kokotilo
Lcbc-Dept Of Comm Development-D
1500 Monroe ST
Fort Myers FL 33901-5500

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Public Notices, was published on the publicly accessible website of Lee County, Florida, or in a newspaper by print in the issues of, on:

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Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

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Legal Clerk

Notary, State of WI, County of Brown

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NOTICE OF PROPOSED AMENDMENTS TO THE LEE COUNTY COMPREHENSIVE LAND USE PLAN

The Lee County Board of County Commissioners will hold a public hearing to consider the proposed amendments to the Lee County Comprehensive Land Use Plan (Lee Plan) on Wednesday, the 2nd day of September, 2026. The hearing will commence at 9:30 a.m., or as soon thereafter as can be heard, in the Board Chambers, 2120 Main Street in Downtown Fort Myers.

(TRANSMITTAL HEARING)

At the hearing, the Board will consider the proposed amendments for transmittal to the Florida Department of Commerce: CPA2024-00016 - Caloosa 80 CPA - Map Amendment, Amend 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 Rd and to the south of Palm Beach Blvd (SR 80).

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.

This transmittal hearing is the first step in a two-step public hearing process to amend the Lee Plan. A second hearing will follow the Department of Commerce's review of the application.

Documentation for the Proposed Comprehensive Plan Amendments is available at <https://www.lee.gov.com/planning/CPA> or at the Department of Community Development located at 1500 Monroe Street, Fort Myers, Florida. This meeting is open to the public. Interested parties may appear at the meeting and be heard with respect to the Proposed Plan Amendments. A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.

It is the intent of the Board of County Commissioners that the provisions of the Comprehensive Plan Amendments may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version. Lee County will not discriminate against individuals on the basis of race, color, national origin, sex, age, disability, religion, income or family status. To request language interpretation, document translation or an ADA-qualified reasonable modification at no charge to the requestor, contact the ADA Coordinator Ranice Monroe, (239) 533-0255, ADArequests@lee.gov, Florida Relay Service 711, at least five business days in advance. El Condado de Lee brindará servicios de traducción sin cargo a personas con el idioma limitado del inglés. 8/21/26 #12555976



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: 09/02/2026

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 4.1.2: Sewer**, in paragraph 5, 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 sewer 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.

PART 2
LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: July 27, 2026

A. LOCAL PLANNING AGENCY REVIEW

The applicants' representative provided a presentation addressing the requested amendment to the Lee County Utilities Future Sewer Service Areas Map, Lee Plan Map 4-B. The presentation addressed the subject property, surrounding area, and consistency with the Lee Plan.

Following the applicant's presentation, staff provided a presentation addressing the requested amendment. Staff's presentation included an addition to expand Map 4-B to the surrounding area, Lee Plan consistency and final staff recommendation.

Members of the LPA asked whether vacant tracks that decide to develop in the future would be required to connect to sewer, who would be responsible for the installation of sewage distribution lines within the additional acreage being included, and whether the additional acreage recommended by staff was included in the public information meeting.

Staff responded that properties would be required to connect if the proposed development exceeds the standard sewer thresholds set under the Lee Plan and noted that existing uses would not be required to connect. Staff also specified that whoever wants to connect to central sewer would be the one responsible for extending the distribution lines. The representative stated that the staff addition was proposed after the public information meeting had already occurred.

No members of the public were present or provided input.

B. LOCAL PLANNING AGENCY RECOMMENDATION

A motion was made to recommend that the Board of County Commissioners (BoCC) *transmit* CPA2025-00007. The motion passed 4 to 0.

DUSTIN GARDNER	AYE
DAWN RUSSELL	ABSENT
JENNIFER SAPEN	AYE
DON SCHROTENBOER	AYE
STAN STOUDE	AYE
HENRY ZUBA	ABSENT
VACANT POSITION	—

PART 3
BOARD OF COUNTY COMMISSIONERS
TRANSMITTAL HEARING

DATE OF PUBLIC HEARING: August 2, 2026

A. BOARD REVIEW:

Staff provided a brief presentation of the proposed amendment, which included an overview of the amendment, the subject property, consistency with the Lee Plan and the LPA and staff recommendations.

A Commissioner asked whether the staff recommendation would require property owners to connect to central sewer. Staff informed the commission that adding properties to the sewer service area boundaries would not require property owners to extend and connect.

There were no public comments concerning the proposed amendments.

B. BOARD ACTION:

A motion was made to transmit CPA2025-00007 as recommended by staff and the LPA. The motion passed 4 to 0.

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

ATTACHMENT 1

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



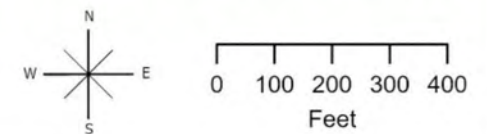
CPA2025-00007



Map Generated: July 2026

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

Future Sewer Service Areas



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

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

Parcels Affected: 125

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

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

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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

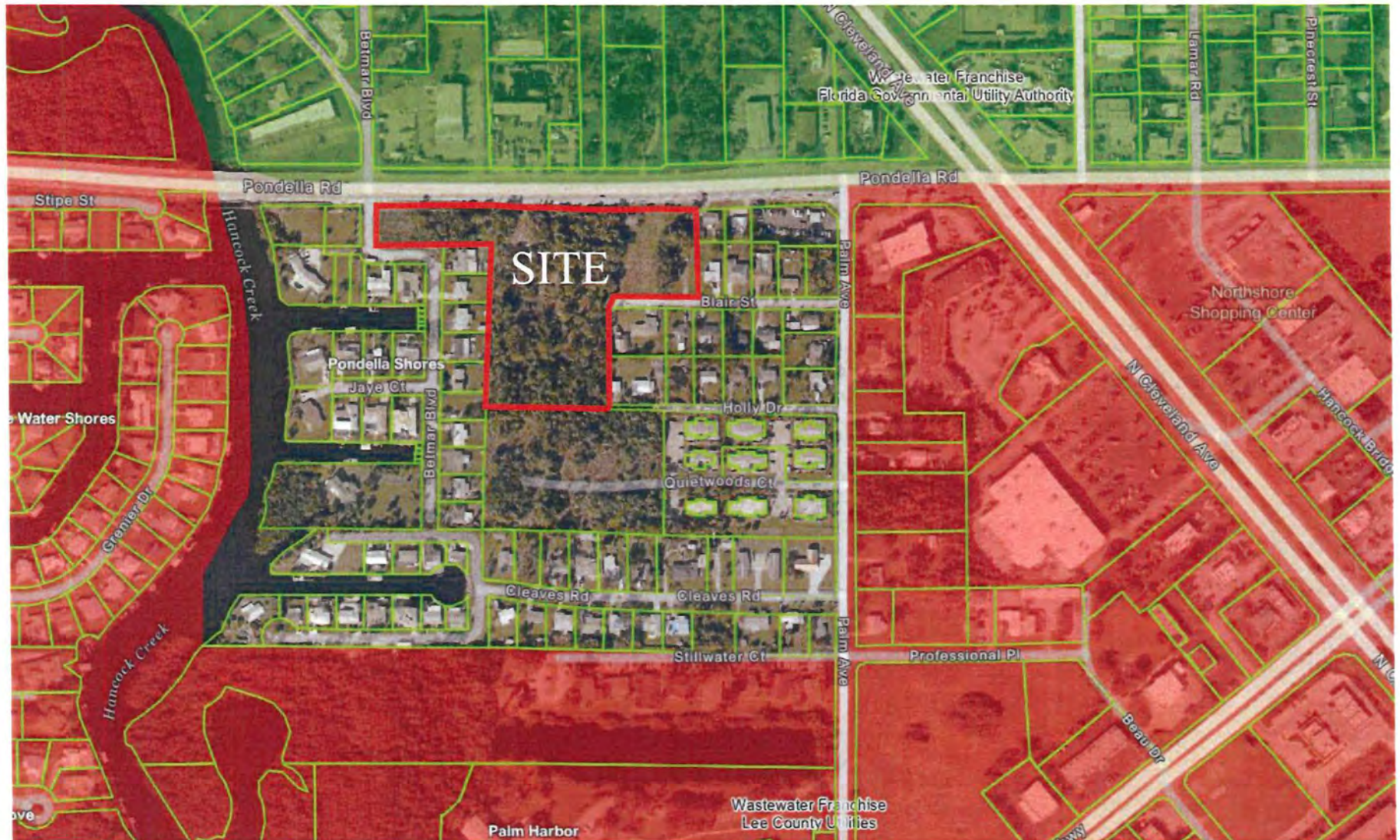
	33903	LOT 11	
UNKNOWN HEIRS OF 8130 CLEAVES RD NORTH FORT MYERS FL 33903	10-44-24-05-0000A.0120 8130 CLEAVES RD NORTH FORT MYERS FL 33903	CLEAVES CORNER UNREC PLAT BLK.A DB 259 PG 466 LOT 12	82
JOYCE JOHNNY J 8140 CLEAVES RD NORTH FORT MYERS FL 33903	10-44-24-05-0000C.0010 8140 CLEAVES RD NORTH FORT 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

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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



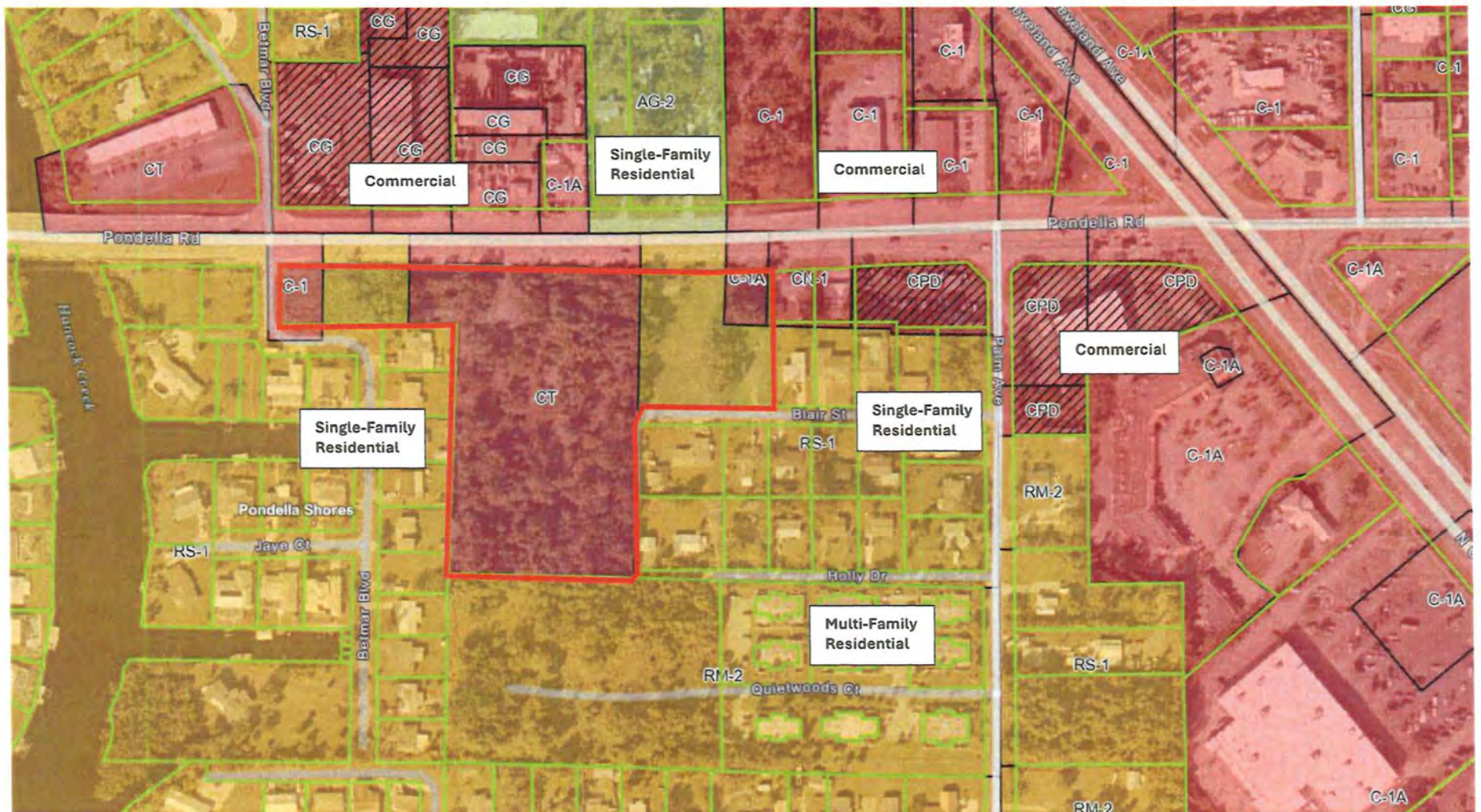
PONDELLA HOLDINGS
EXISTING LAND USES MAP

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.

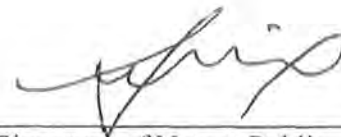


Israel Gross, Managing Member
Pondella Holdings, LLC

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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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

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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.



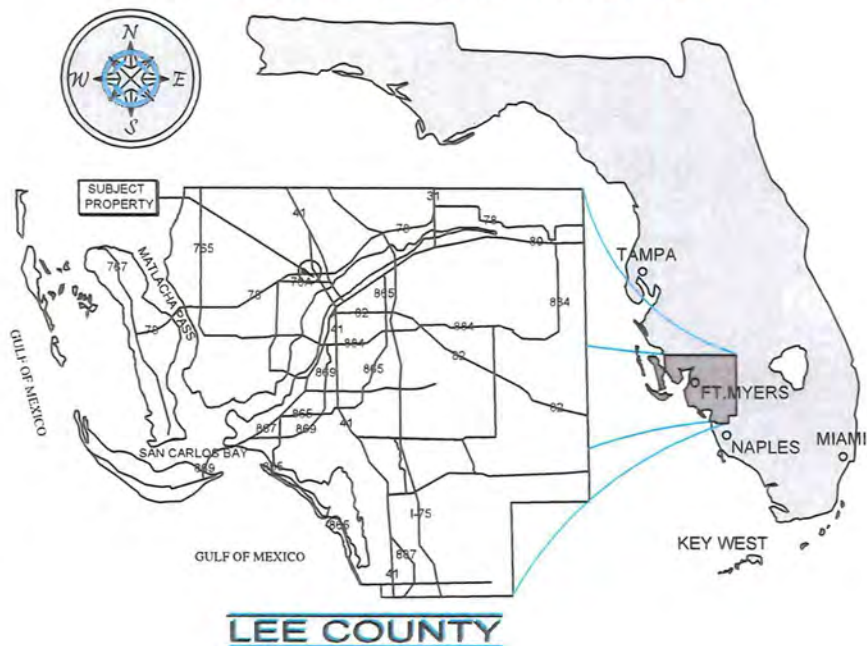
Figure 5: Vegetated Non-forested Wetlands (Exotics 25-50%) community on-site.



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

3584 Exchange Ave. Naples, FL 34104-3732

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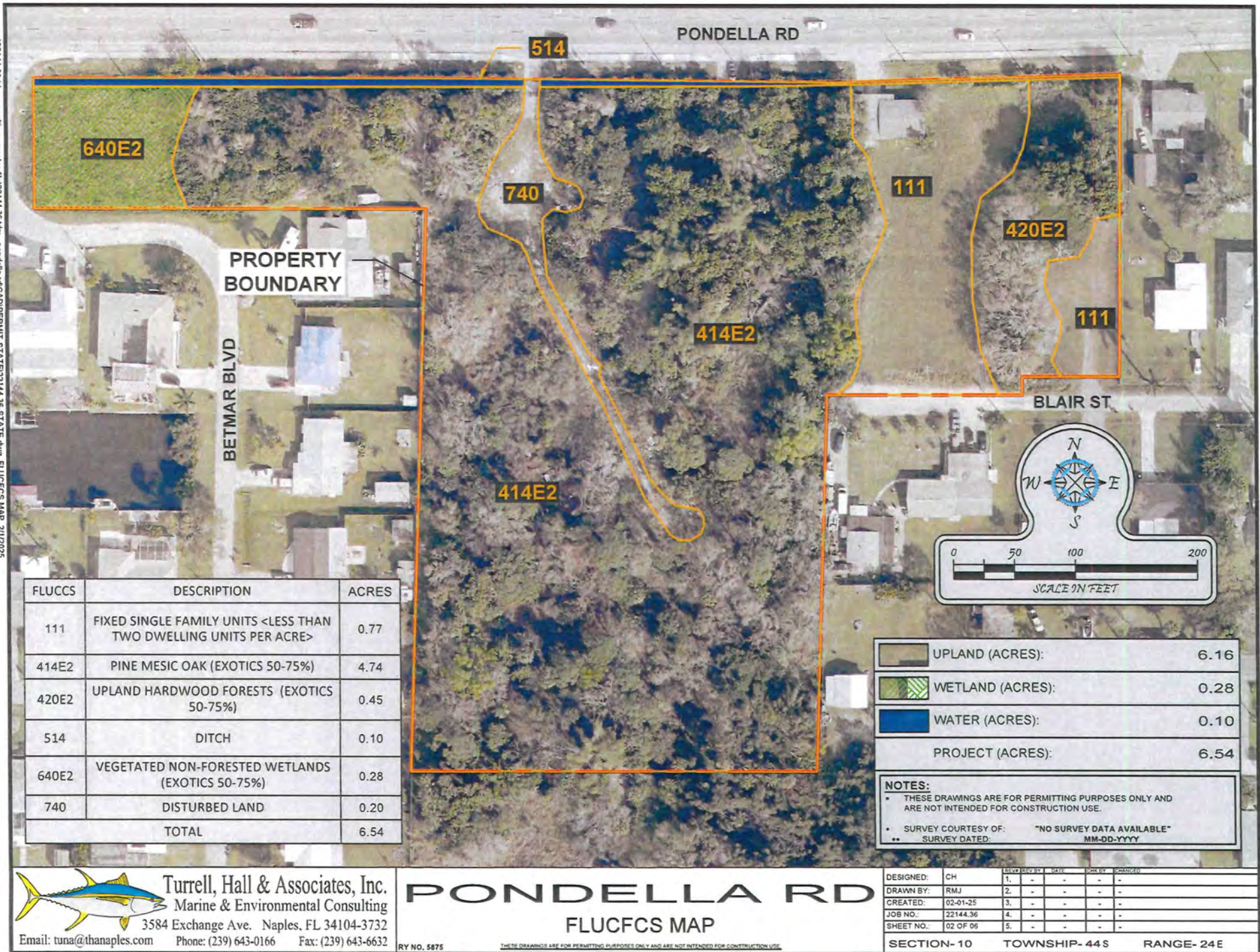
PONDELLA RD

LOCATION MAP

RY NO. 5875

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

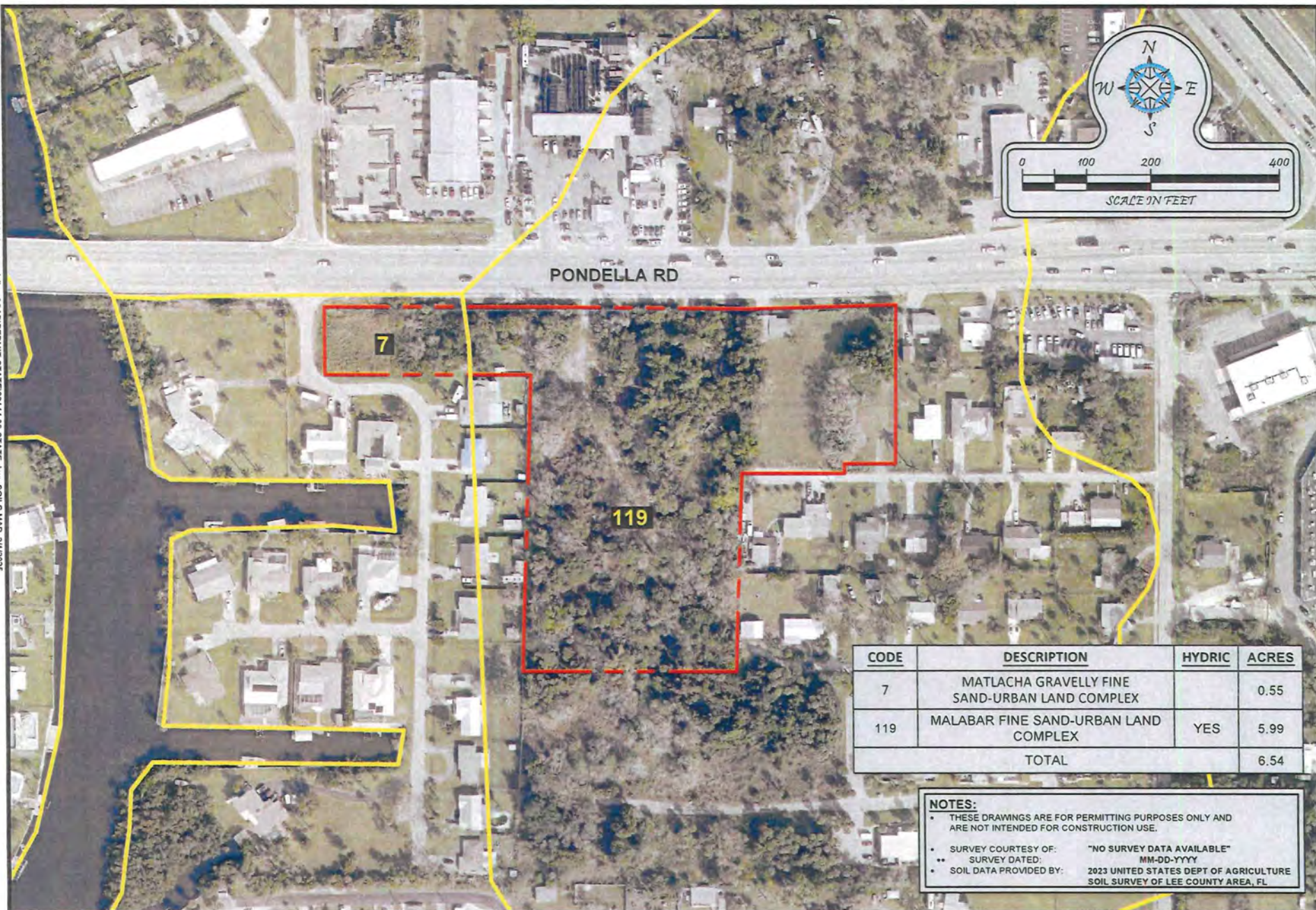
DESIGNED:	CH	DATE	DATE	DATE	DATE
DRAWN BY:	RMJ	1.	-	-	-
CREATED:	02-01-25	2.	-	-	-
JOB NO.:	22144.36	3.	-	-	-
SHEET NO.:	01 OF 06	4.	-	-	-
		5.	-	-	-
SECTION- 10		TOWNSHIP- 44S		RANGE- 24E	



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PONDELLA RD **FLUCFCS MAP**

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

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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.

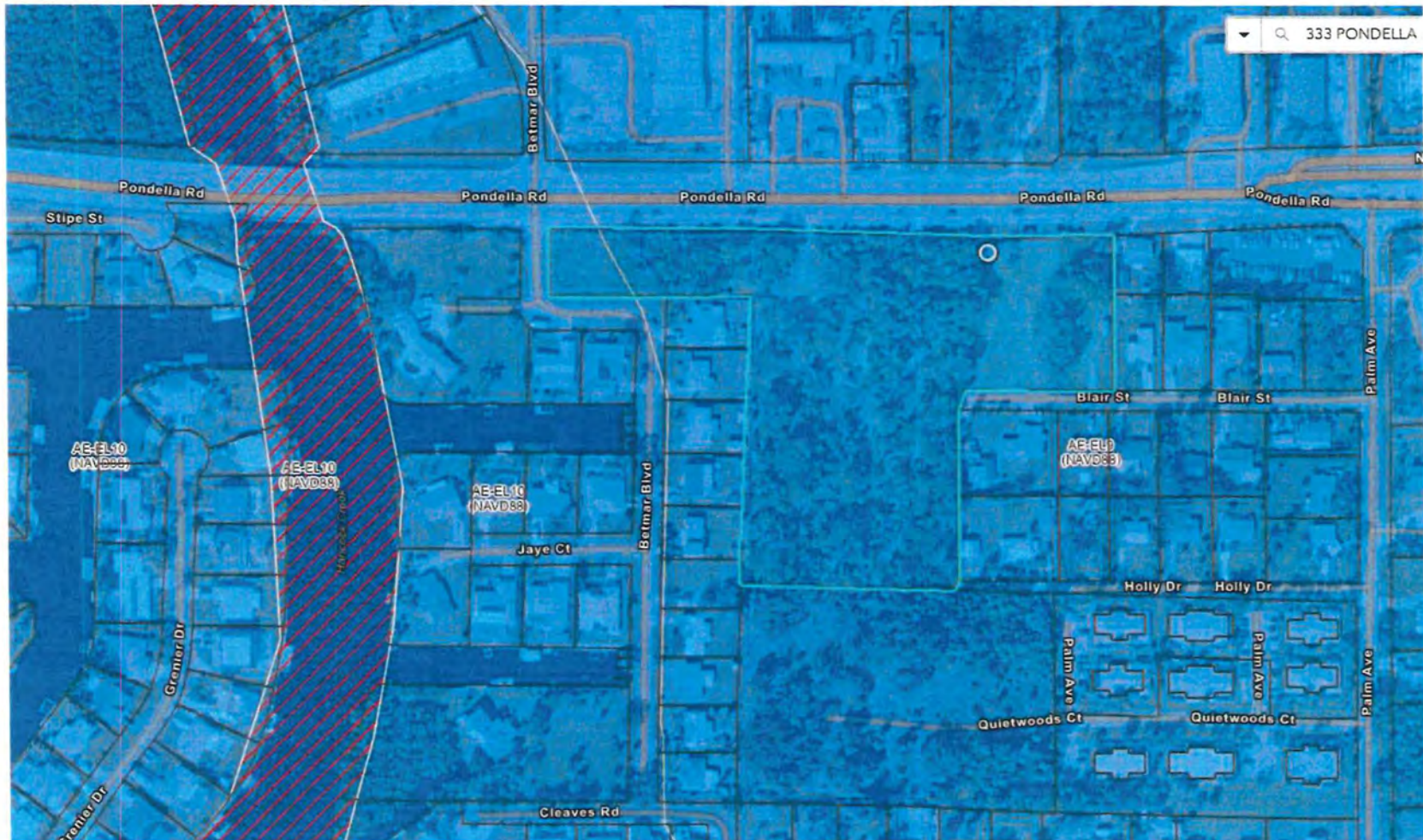
Development of the project is unlikely to result in any impact on Florida burrowing owls or their habitat. It is possible that once the project area is scraped for development, burrowing owl habitat may be temporarily created. Contractors will be educated on the Florida burrowing owl and any newly created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

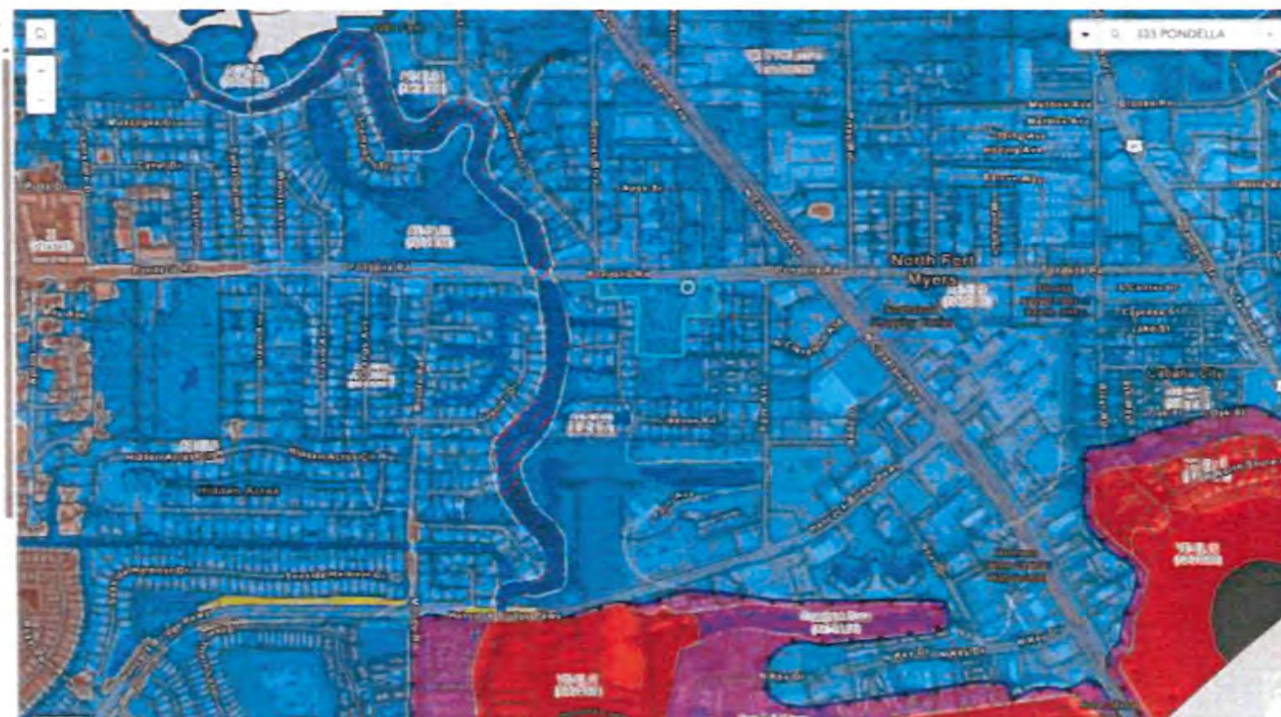
Lot: 4204455
333 PONDELLA RD
NORTH FORT MYERS FL 33903

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)





MAP AREA SHOWN ON THIS PANEL IS LOCATED
WITHIN TOWNSHIP 43 SOUTH, RANGE 24 EAST
AND TOWNSHIP 44 SOUTH, RANGE 24 EAST.

Riverine Floodway Shown in Coastal Zone -
Refer to the Flood Insurance Study Report
for additional information.

Hancock Creek

ZONE AE
(EL 10)

ZONE AE
(EL 9)

ZONE AE
(EL 11)

ZONE
(EL 11)



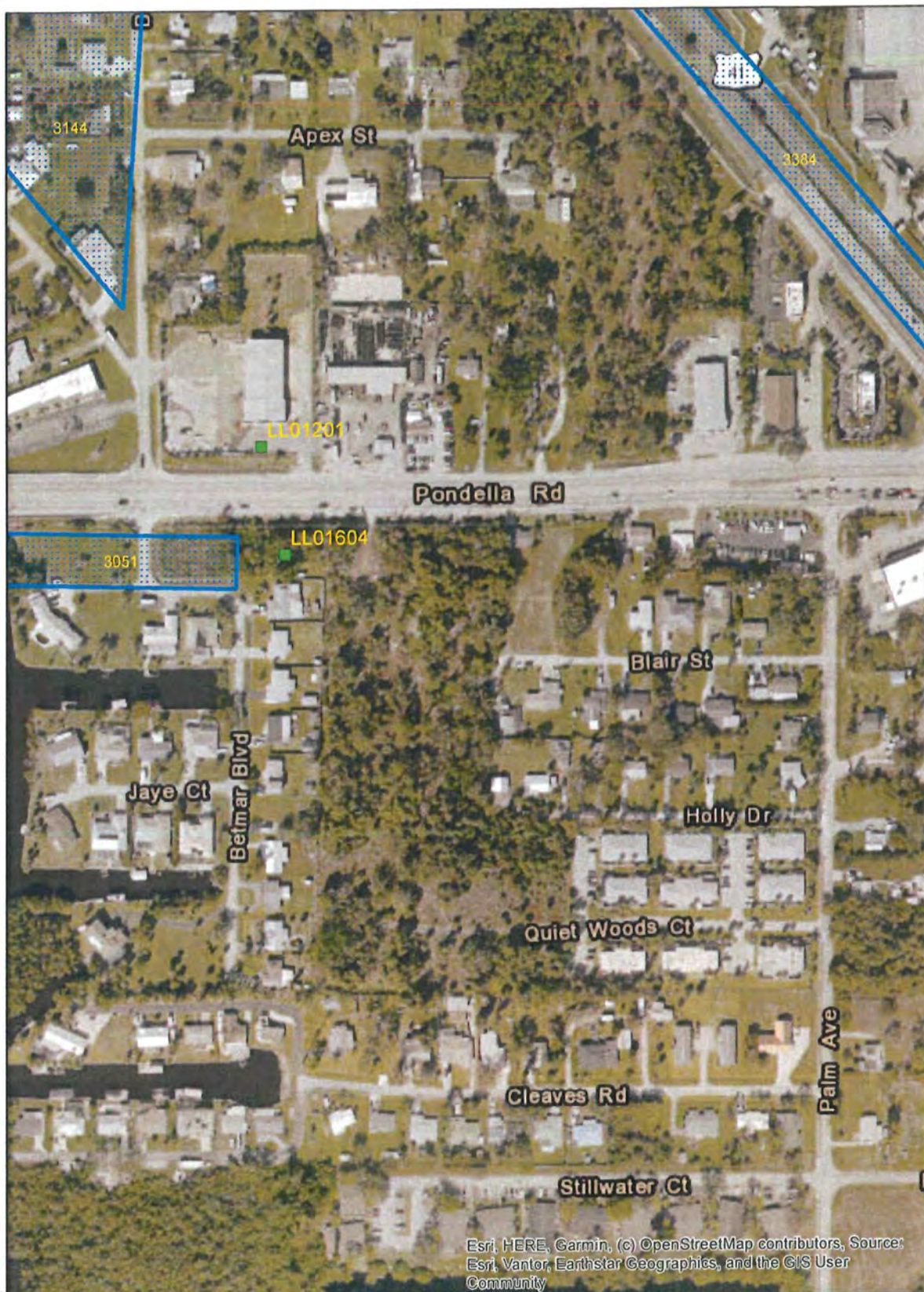
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Historic Resources Impact Analysis – Exhibit M14
Revised 4-8-2026

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.



Legend

- FloridaSites
- FloridaStruct
- HistoricalBridges
- HistoricalCemeteries
- ResourceGroups
- FieldSurveys

Esri, HERE, Garmin, (c) OpenStreetMap contributors, Source: Esri, Vantor, Earthstar Geographics, and the GIS User Community



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

Trish Petrosky
District Five

Dave Harner, II
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
County Hearing
Examiner

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

To whom this may concern:

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.