

Application No.
Z-11-11-22-TDU
(Rezoning Request)

Applicant
Harper Property Holdings, LLC &
McNew Property Holdings, LLC /
Harper-McNew Ranch

Quasi-Judicial

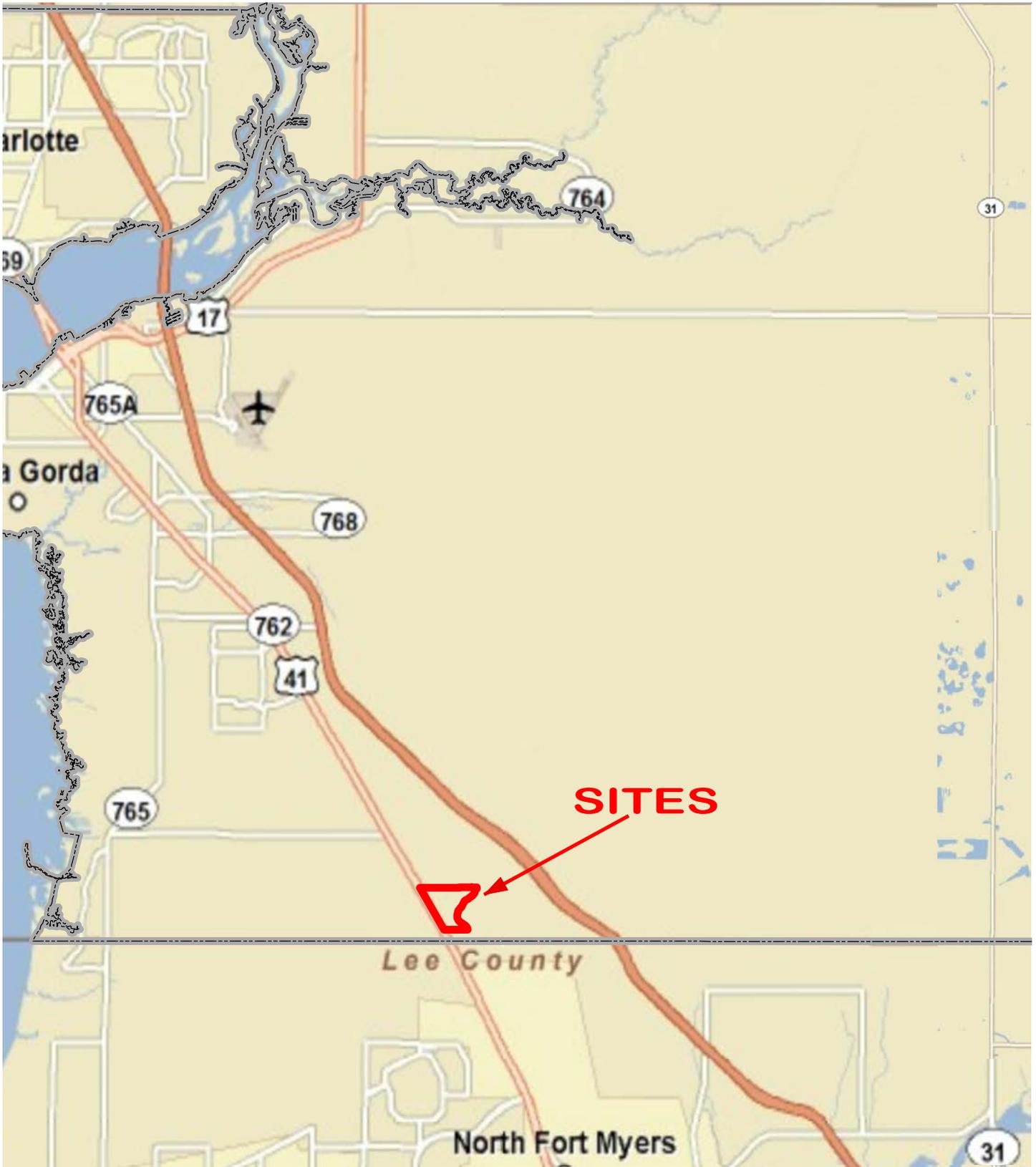
Commission Dist. II



Open for Business

Z-11-11-22
Harper - McNew Property Holdings LLC /
McNew Ranch PD
General Area Map

Map Prepared By
Charlotte County
Community Development
Department



32 & 33/42/24 South County

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guaranties, implied or otherwise as to its use. This is not a survey, nor is it to be used for design. Created 12-8-2011

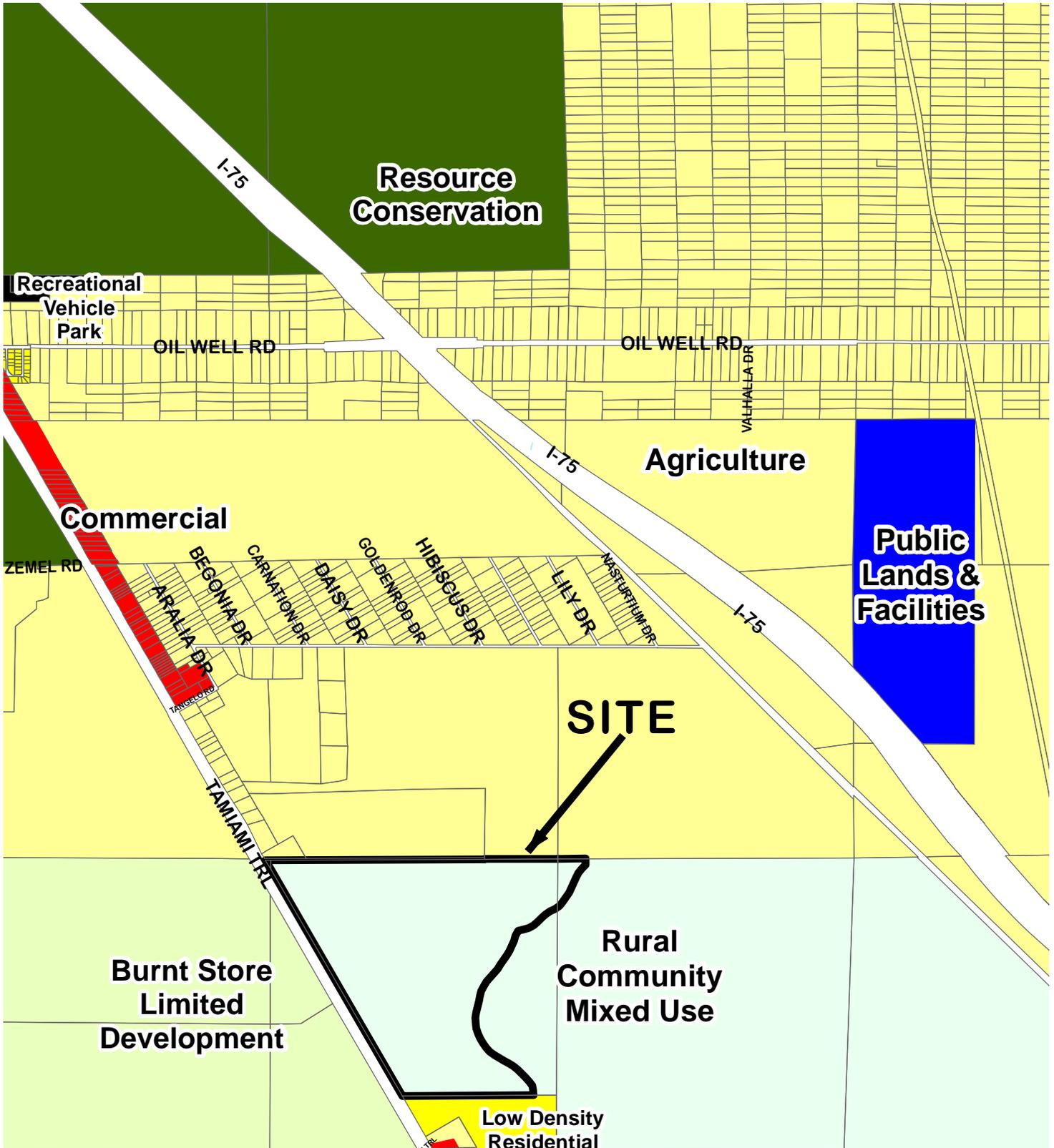




Open for Business

Z-11-11-22
Harper - McNew Property Holdings LLC /
McNew Ranch PD
2030 Future Land Use Designations

Map Prepared By
Charlotte County
Community Development
Department



Lee County

32 & 33/42/24 South County

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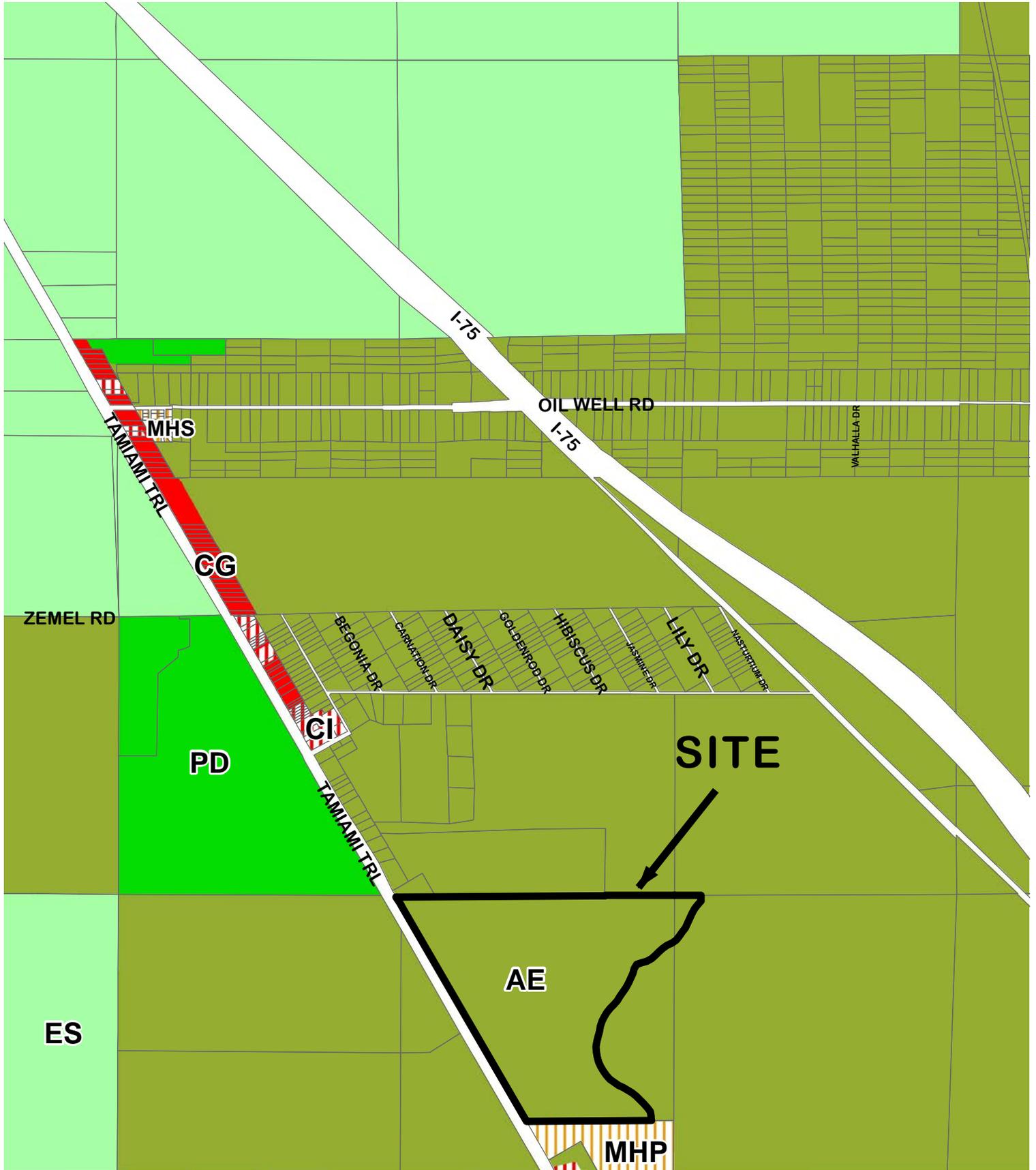




Open for Business

Z-11-11-22 Harper - McNew Property Holdings LLC / McNew Ranch PD Zoning Districts

Map Prepared By
Charlotte County
Community Development
Department



Lee County

32 & 33/42/24 South County

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Community Development Department Staff Report for Z-11-11-22-TDU

DATE: March 27, 2012

TO: Honorable Board of County Commissioners
The Planning and Zoning Board

FROM: Jie Shao, Planner III

REQUESTED

ACTION(S): A privately initiated request to amend the Charlotte County Zoning Atlas from Agriculture Estates (AE) to Planned Development (PD)

PART I

Applicant(s): Harper Property Holdings, LLC / McNew Property Holdings, LLC
5571 Halifax Avenue
Fort Myers, FL 33912

Owner(s): Same as the applicants

General Location and Acreage:

The subject property is located north of the Lee County Line, south of Zemel Road, east of Tamiami Trail (US 41) and west of I-75, in the South County area, and contains 332± acres.

Account Number(s): 422432200001 & 422433100001 (Approximately 22% of the site)

Analysis:

The subject property is composed of agricultural grazing lands and is located on the east side of US 41, just north of the Lee County Line in the South County area. On October 18, 2010, the Board of County Commissioners approved a large-scale plan amendment from Agriculture (AG) to Rural Community Mixed Use (RCMU) for approximately 1,554 acres of land, which stretches from US 41 to the railroad tracks. The subject property comprises the front part of that property, which is the portion adjacent to US 41. The purpose of this rezoning is to amend the zoning designation from AE to PD in order to implement the RCMU FLUM designation and to allow a rural, mixed use residential, commercial and industrial development, intended to include a maximum of 850 dwelling units, 225,000 square feet of retail use, 45,000 square feet of office, and 375,000 square feet of industrial use.

Consistency with the Smart Charlotte 2050 Comprehensive Plan (Smart Charlotte)

The subject property is located in the Rural Service Area and is designated as RCMU on the 2030 Future Land Use Map. The intent of this land use category is to provide residential and employment opportunities within the Rural Service Area. The proposed residential, commercial and industrial development provides a mix of housing types and different rural commercial uses in a walkable village. The proposed development is consistent with the Master Concept Plan which was adopted into FLU Appendix VIII: Rural Community Mixed Use Master Development Plan. In addition, a total of 130 acres of lands are designated Rural Residential Open Space and will be preserved in perpetuity, which is consistent with the goal of this land use category.

Therefore, this rezoning is consistent with goals, objective and policies of the Smart Charlotte, specifically:

FLU Policy 1.2.10: TDU Receiving Zones

Receiving Zones within the Rural Service Area include lands within:

1. Rural Community Mixed Use areas.
2. The Rural Settlement Area Overlay District.

Analysis: The base density on the subject site is 33 units and the applicant is proposing to build 850 units of single- and multi-family structures. The proposed change will require that a total of 817 units of density be transferred onto the subject property. The subject site is designated as RCMU, which qualifies as a Receiving Zone.

FLU Appendix I: Land Use Guide**RURAL COMMUNITY MIXED USE (RCMU)****Special Provisions**

2. An Open Space Management Plan shall be adopted concurrent with a Planned Development rezoning. It shall address opportunities for restoring and preserving native habitats and shall also include a mechanism(s) to implement management activities as well as a plan for the ownership and maintenance of the Rural Residential Open Space. Rural Residential Open Space shall be preserved in perpetuity through the use of an irrevocable agricultural or conservation easement, or both, which shall be filed with the Clerk of the Circuit Court upon approval of the Planned Development.

Analysis: An Open Space Management Plan has been created by the applicant and will be adopted concurrently with this PD rezoning. In addition, a conservation easement has also been drafted by the applicant's attorney. PD Condition "q" addresses the issue of a recording date for the proposed easement.

Compatibility

The subject property is located on the east side of US 41, in the South County area. To the north, there is an existing commercial, Group III, excavation site. There is a strip of vacant land designated for commercial uses located to the northwest of the site along the east side of US 41. Property to the east is also owned by the applicant and is part of the Rural Community Master Development Plan. Further to

the east, there is I-75 and railroad tracks. A mobile home park (Tropical Palms Mobile Home Park) is located directly to the southwest of the subject site. To the west, there is US 41, and further west, across US 41, there are vacant lands which are designated as Limited Development located within the boundary of the Burnt Store Area Plan. An established residential Development of Regional Impact (DRI), Herons Glen DRI, is located in Lee County, just south of the subject site.

The proposed project consists of residential, commercial and industrial uses as well as open space areas. Large areas of open space and residential areas will be located on the southern and eastern portions of the site, commercial uses will be located in the center area, and industrial development will be located on the northwestern portion of the site, which will provide a transition between the existing residential neighborhood to the south and an active mining site to the north. Therefore, the proposal is compatible with the surrounding land uses.

Concurrency Issues

- *Traffic:* The County Transportation Planner reviewed the Impact Study report, prepared by Florida Transportation Engineering, Inc., dated September 2011, and has concluded that the surrounding roadway segments within the area of the subject property are currently operating at acceptable levels of service and would continue to operate at acceptable levels of service in the analysis year 2015. Therefore, there would not be any roadway concurrency failures with the proposed project.
- *Water and Sewer:* the subject property is located in the service area of the Florida Governmental Utility Authority (FGUA). FGUA does not currently have a water treatment plant of sufficient capacity, or with sufficient infrastructure to serve the proposed development. However, Lee County Utilities (LCU) has infrastructure and capacity to serve the proposed development.
- *Student Generation:* In order to address the school concurrency issue, on January 26, 2012, the applicant, the applicant's agent, Charlotte County School District staff as well as the Community Development Department staff held a meeting to discuss the potential impact on school capacity. All parties agreed that it is premature at the rezoning stage to address the school concurrency issue; however, a PD condition was created to address when and how to solve the school concurrency issue.

Staff Recommendation:

“Approve of Petition No. Z-11-11-22-TDU with conditions ‘a’ through ‘u’ based on the findings and analysis in the Comprehensive Planning Division staff report dated March 27, 2012 and the evidence presented at the public hearing on the application (if applicable).”

Conclusion:

Staff recommends approval of this rezoning because it is consistent with the goals, objectives, and policies of the RCMU Future Land Use map designation in Smart Charlotte.

The Planning and Zoning Board proposed recommendations:

“Motion to forward application No. Z-11-11-22-TDU to the Board of County Commissioners with a recommendation of Approval with conditions ‘a’ through ‘u’ , based on the findings and analysis in

the staff report dated March 27, 2012 and the evidence presented at the public hearing on the application (if applicable).”

Conditions:

- a. Development on the subject property shall occur as illustrated in the PD Concept Plan submitted by the applicant, prepared by DeLisi Fitzgerald, Inc., dated October 12, 2011, revised on March 15, 2012, except such modifications as may be required to meet the conditions of the PD zoning district. Areas indicated for single-family, multi-family, mixed use, commercial and industrial development will be developed as such. The proposed project consists of a maximum of:
 - i. 850 dwelling units
 - ii. 270,000 square feet of commercial consisting of 225,000 square feet of retail and 45,000 square feet of office
 - iii. 375,000 square feet of industrial
- b. The base density for the subject property is 33 units. The proposal is to develop a total of 850 units, which includes 553 multi-family units and 297 single-family units. The mix of multi-family units and single-family units may be changed consistent with the PD Concept Plan. The subject property shall require 817 units of transferred density. The transfer of density units must be approved by the Board of County Commissioners prior to Final Site Plan or Preliminary Plat approval for each applicable phase, whichever occurs first.
- c. Prior to Final Site Plan approval for the first phase, the applicant shall provide a list of persons who are responsible for oversight of the development and ensuring that all conditions of approval are complied with. When responsibility devolves upon another entity, the applicant shall provide the County with an updated list.
- d. The development shall be consistent with the principles illustrated in the Pattern Book adopted in Smart Charlotte. County staff reserves the right to place additional development conditions beyond those required by Code for each phase submitted for Final Site Plan review. These conditions will be limited to building layout, internal traffic circulation, landscaping, development standards and design standards.
- e. There shall be no outside display, sale, or storage of items or outside service in the commercial areas except as specifically allowed by a permitted use. All outside display and storage in the industrial areas shall meet the lot setback requirements.
- f. Permitted uses:
 - i. For the areas identified as Residential:
 - 1) Multi-family.
 - 2) Single-family.
 - 3) Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures.
 - 4) One adult congregate living facility with a maximum of 40 residents, and it shall generally be located within a quarter mile of commercial area. This shall not be counted as residential density.
 - 5) Active and passive parks and playgrounds.
 - ii. For areas identified as Commercial:

- 1) Automotive specialty services, including the sale and repair of starters, generators, alternators and electrical parts, carburetors, speedometers and instruments, provided the services are performed on parts off the vehicle and no installation or removal of parts from the vehicle is performed on the premises.
- 2) Automotive parts, provided no installation is performed on the premises.
- 3) Banks and other financial institutions
- 4) Bars, cocktail lounges, nightclubs and taverns for on-premises consumption of alcoholic beverages, greater than one thousand (1,000) feet from a church or school. Outside seating and service is allowed.
- 5) Business services. A use primarily conducted in an office, not involving the sale of goods or commodities available in the office, and not dispensing personal services, but including such businesses as real estate brokers or agents, insurance agencies, stock brokers, automobile brokers, counselors, consultants, accountants, collection agencies, title and abstract companies, income tax services, travel agencies, advertising agencies, studios of art, music, dancing or photography, and any similar office-type use.
- 6) Car wash.
- 7) Child and adult day care facilities and group home facilities.
- 8) Elementary, middle and high schools.
- 9) Essential and emergency services.
- 10) Garden shops, including the sale of plants, fertilizers and customary garden supplies, equipment and furniture. Storage and sales areas for live vegetation may be outside the building.
- 11) Gas pumps.
- 12) Houses of worship.
- 13) Indoor commercial recreational facilities such as motion picture theaters, swimming pools, bowling alleys, billiard parlors, game arcades and similar uses.
- 14) Libraries, museums, and community centers.
- 15) Laboratories, class 3.
- 16) Laundromats and dry cleaning facilities.
- 17) Motels.
- 18) Outdoor Markets.
- 19) Parking lots and parking garages in support of uses permitted under this Sub condition ii.
- 20) Personal services. A use in which a service is performed to or on a person, such as beauty parlors, shops or salons, barbershops, reducing or slenderizing studios, steam baths, animal grooming shops; and similar personal activities.
- 21) Photocopying shops.
- 22) Post offices.
- 23) Private clubs.
- 24) Professional services. The conduct of business in any of the following or related categories: Law, architecture, planning, engineering, medicine, dentistry, osteopathy, chiropractic medicine, opticians or consulting in these or related fields; veterinarians and animal hospitals with no outdoor kennels or runs; and similar professional activities.

- 25) Public parks, playgrounds and buildings.
 - 26) Restaurants. Outdoor seating and service is allowed.
 - 27) Retail sales and services. Occasional sidewalk sales and display may be allowed through a temporary use permit.
 - 28) Vocational, trade, business schools, colleges and universities, provided all activities are conducted in completely enclosed buildings.
 - 29) Wholesale sales.
 - 30) Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures.
- iii. For areas identified as Industrial:
- 1) Boat and trailer service.
 - 2) Bulk storage yards, but not including bulk storage of flammable liquids.
 - 3) Car and truck sales and service.
 - 4) Car and moving van rental agencies.
 - 5) Equipment rental.
 - 6) Heavy machinery and equipment, including farm equipment, sales and service.
 - 7) Laboratories, classes 1 and 2.
 - 8) Light manufacturing, including processing, packaging and fabricating in completely enclosed buildings.
 - 9) Lumber and building supply establishments, except ready-mixed concrete asphalt plants and concrete product manufacturing plants.
 - 10) Medical clinic in connection only with industrial activities.
 - 11) Mini-warehouses and self-storage facilities.
 - 12) Outdoor storage yards, provided that the outdoor storage of items shall not be located closer than 25 feet to any public street; and provided further that this provision shall not permit wrecking yards, junkyards or yards used on whole or in part for scrap, salvage or secondhand building materials, junk automotive vehicles, or secondhand automotive vehicle parts.
 - 13) Printing, lithographing, publishing and similar establishments.
 - 14) Radio and television stations and transmitters.
 - 15) Service establishments catering to industry, including linen supplies, freight movers, communication services, employment agencies, sign companies, truck stops and similar uses.
 - 16) Wholesaling, warehousing, storage and distribution establishments and similar uses.
 - 17) Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures.
- g. The following agricultural uses shall be permitted on any portion of the site which is not developed.
- i. Raising of cattle, sheep, swine or other animals associated with or kept in support of agricultural operations.
 - ii. Breeding, training and boarding of horses.
 - iii. Harvesting, cultivation, processing and sale of crops grown on premises, including silviculture, aquaculture and commercial citriculture.
- h. For the school concurrency issues:

- i. In accordance with the Master Development Plan which was adopted into FLU Appendix VIII: Rural Community Mixed Use Master Development Plan, the first phase of the subject project consists of 311 residential units (“Phase 1”). Prior to Final Site Plan or preliminary plat approval for any residential development for Phase I, the Developer shall enter into a binding and enforceable agreement with the Charlotte County School District to address school concurrency for Phase I.
 - ii. Prior to Final Site Plan or preliminary plat approval for any residential development within this PD in excess of the 311 residential units addressed in the Phase I Agreement mentioned above, the Developer shall enter into a binding and enforceable agreement with the Charlotte County School District to address school concurrency for the remainder of this Planned Development.
 - iii. The terms of both agreements shall be incorporated into the Planned Development Final Site Plan approval and shall not constitute a major modification.
- i. The Commercial area shall contain at least one identifiable Main Street. The Main Street shall be located along a primary or secondary roadway. All portions of the Commercial area shall be designed as intended by the livable streets and pedestrian oriented village center concepts and illustrations outlined in the adopted Pattern Book.
 - j. Potable water and sanitary sewer lines must be extended to the site and the buildings connected to the utilities before any certificates of occupancy shall be issued. When made available by the utility(ies), the applicant shall also extend re-use water utility lines to the site and throughout the development or provide a permanent, alternative solution for non-potable water use acceptable to the County. A Developers Agreement with the appropriate utility for the extension of potable water, sanitary sewer, and if available, re-use lines must be approved by the appropriate agency prior to Final Site Plan approval for the first phase of development. If no re-use lines will be extended, then the alternative solution shall be made a part of the approval of the site plan.
 - k. Only Florida Friendly or native landscaping shall be allowed within the common areas. The applicant shall also make every effort to ensure that residential property owners within the development also use native landscaping and are made aware of plants that are considered prohibited species by the County. Any prohibited plant that is identified on any property within this community shall be immediately removed by the property owner. Enforcement shall be the responsibility of the applicant until such time as development is complete and responsibility has been transferred to a homeowner’s or property owner’s association.
 - l. The applicant shall institute an education program for all homeowners on best management practices for the use of pesticides, herbicides, and fertilizers. A partnership with the Cooperative Extension Service of the University of Florida to interact with the Florida Yards and Neighborhoods program is encouraged. Only organic or other slow release forms of fertilizers shall be utilized throughout the development.
 - m. All landscaping must be irrigated as necessary to ensure survival. Irrigation shall be done with non-potable water.
 - n. When non-canopy native trees are planted in landscape buffers, they must be planted in groups of three or more.

- o. Best Management Practices (BMP) and Low Impact Development (LID) techniques for stormwater management shall be used within the development. BMPs and LID techniques shall include two or more of the following techniques:
 - i. Created wetlands, filter marsh areas and/or phyto-zones.
 - ii. Use of rain water harvesting techniques to supplement irrigation water, which may include cisterns, rainwater gardens, bottomless planter, boxes, or any similar technique that stores rain water for irrigation.
 - iii. Use of pervious paving surfaces on portions of select parking areas where weight loads will allow.
 - iv. Inclusion of green roof areas on appropriate commercial or industrial buildings.
 - v. Use of pervious construction materials for trails, walkways and other non-vehicular travel ways.
 - vi. Use of pervious construction materials for parking spaces for recreation areas.
- p. Storm water ponds shall be designed to include Low Impact Development (LID) techniques, such as the following:
 - i. Rain gardens.
 - ii. Littoral planted with native vegetation.
 - iii. Entrapment systems.
 - iv. Extended hydraulic residence times and increased flow paths in storm water design.
- q. If the school bus stop is located at the entrance of the development, sufficient room for a parent drop-off and bus pick-up along with an adequate means for traffic circulation will be needed along with a shelter for the children and a bicycle rack at the pick-up area. This addition must be shown on the Final Site Plan for approval.
- r. In order to provide “Green” features within the overall site design to the highest degree practicable, the applicant shall provide, at a minimum, water conservation measures such as use of low flow plumbing fixtures and rain sensors for control of irrigation systems.
- s. No development in any phase shall occur prior to Final Site Plan approval of that phase.
- t. Rural Residential Open Space shall be preserved in perpetuity through a conservation easement, and such conservation easement shall be filed by the applicant with the Clerk of the Circuit Court prior to Final Site Plan approval of the first phase.
- u. In addition, the site plan review conditions of approval, per letter dated October 14, 2011, are required to be met, except for those revised as follows:
 - i. Conditions 1, 2, 3, 8, 10, 15, and 51 have been met.
 - ii. Condition 6: All roads built at a minimum 20’ width for fire department access.
 - iii. Condition 9: All required FWS and Florida Fish and Wildlife Conservation Commission (FWCC) and SFWMD permits must be provided to staff prior to commencement of any development.
 - iv. Condition 12: The applicant must submit an approved South Florida Water Management District (SFWMD) Environmental Resource Permit (ERP) and U.S. Army Corps of Engineers (ACOE) permits prior to commencement of any development.
 - v. Conditions 16-48 have been amended and only the following conditions shall apply:
 - 1) All trees that are removed or preserved must satisfy Chapter 3-2, Article IX, Tree Requirements, of the County Code. Heritage trees may occur on site. A tree survey,

identifying the heritage trees on site, must be provided with the Final application, unless verification is provided by the applicant that there are no Heritage Trees on site. Heritage trees are further protected by the provisions of Chapter 3-2, Article IX, Section 190 of the County Code. The applicant must incorporate any Heritage trees into the site plan or show that every effort has been made to save the trees. Documentation must be provided with the Final application. Tree Removal Authorization and Tree Preservation permits must be obtained prior to any land clearing activity or issuance of any building permits.

- 2) Identify any proposed conservation easements and/or open space / habitat preservation areas which will be “preserved in perpetuity” on the final landscape plans and the Final Site Plan.
- 3) The applicant must supply landscape plans that comply with Chapter 3-5, Article XVIII, Landscaping and Buffer Requirements, of the County Code, as may be amended, and with the approved concept plan with the Final Site Plan review application.
- 4) Ensure that any trees installed under and adjacent to overhead power lines meet FP&L guidelines and are in compliance with Tree Requirements, Section 3-2-188(a)(2)(b) Figure 8, Charlotte County Code, as may be amended.
- 5) Perimeter landscaping along US 41 shall be installed according to sheet L-5, Buffering Phasing Plan.

PART II: RESEARCH AND FINDINGS

1. **2050 Framework Designation:** The entire property is designated Agricultural/Rural.
2. **2030 Service Area Delineation:** The entire property is located in the Rural Service Area.
3. **Existing Land Use on the Site:** The subject site is currently grazing land.
4. **Existing Designation(s):**

FLUM	Development Standard
Rural Community Mixed Use (RCMU)	<p>This category is established to provide residential and employment opportunities within the Rural Service Area east of U.S 17 and U.S. 41. Rural communities shall contain a minimum of 640 acres and maximum of 5,000 acres. The County may approve up to a total of 10,000 acres of Rural Community Mixed Use.</p> <p><u>General Range of Uses</u> Single-family attached and detached residential dwelling units, multi-family residential dwelling units, rural commercial uses, industrial, recreational, agricultural uses, and public services and facilities.</p> <p><u>Maximum Density/Intensity</u> Density: maximum density is two dwelling units per one acre, gross. Intensity: Commercial Intensity: 0.25 FAR of the commercial acreage. Industrial Intensity: 0.25 FAR of the industrial acreage.</p>

Zoning	Development Standard
Agriculture Estates (AE) (existing)	<p>Agriculture districts are intended to retain the open character of the land. Permitted uses are limited to conservation, agriculture, low-density residential, recreation and other uses consistent therewith.</p> <ul style="list-style-type: none"> • Minimum lot area is 10 acre • Minimum width is 125 feet • Maximum lot coverage by all buildings is 20 percent • Maximum building height is 38 feet • Maximum density is 1 unit per 10 acres

Table 1

5. Proposed Designation(s):

FLUM	Development Standard
N/A	N/A

Zoning	Development Standard
Planned Development (PD)	<p><u>Minimum lot and yard requirements.</u> There are no minimum lot and yard requirements for this district, provided no structure shall be located closer to the peripheral property line of the PD than twenty-five (25) feet or as required by section 3-9-98, "Waterfront property," as the same may be amended, whichever is greater. If the PD abuts water, the minimum setback shall be twenty (20) feet. However, minimum lot and yard requirements other than those contained in this section and section 3-9-98 may also be established through the final site plan approval process.</p> <p><u>Maximum height of structures.</u> There is no maximum height for structures in this district, except as required by section 3-9-98, "Waterfront property," as the same may be amended. Maximum height limits other than those contained in section 3-9-98 may also be established through the PD review process.</p> <p><u>Open space.</u> A minimum of twenty (20) percent of the entire PD parcel or phase shall be open space, which may include vegetated areas unencumbered by an impervious surface.</p> <p><u>Utilities.</u> Potable water supply, sewage treatment and water management systems, utility lines and easements shall be designed in accordance with requirements of the county subdivision regulations except as modified in subsection (c) (1)e of this section, "Relation to utilities, public facilities and services."</p> <p><u>Internal circulation.</u> Streets to be dedicated to the public shall be designed and constructed in accordance with the subdivision regulations or other appropriate design standards. All streets shall be designed to provide safe, efficient and convenient access to land uses within the development and to roadways adjacent to the development. In addition to vehicular thoroughfares, functional pedestrian and bicycle-path systems are required in accordance with the master plan.</p>

Table 2

6. Surrounding Land Uses and their Future Land Use Map and Zoning Designations:

Direction	Existing Land Use	FLUM Designation	Zoning District Designation
North	Commercial excavation site	Agriculture (AG) Commercial (COM)	Agriculture Estates (AE) - 1 unit per 10 acres

	Agricultural lands Vacant lands designated for commercial uses		Commercial Intensive (CI) Commercial General (CG)
East	Vacant lands owned by the applicant Railroad tracks Agricultural lands I-75	Rural Community Mixed Use (RCMU) Agriculture (AG)	Agriculture Estates (AE) - 1 unit per 10 acres
South	Tropical Palms Mobile Home Park Improved commercial Established residential neighborhood (Lee County Residential Development of Regional Impact)	Low Density Residential (LDR) Agriculture (AG) Commercial (COM) N/A (Lee County)	Mobil Home Park (MHP) Agriculture Estates (AE) - 1 unit per 10 acres Commercial Intensive (CI) N/A (Lee County)
West	Tamiami Trail (US 41) Timberland Vacant agricultural lands Tropical Palms Mobile Home Park Grazing land owned by SLD Landfill Inc.	Low Density Residential (LDR) Agriculture (AG) Burnt Store Limited Development (BSLD)	Mobil Home Park (MHP) Planned Development (PD) Agriculture Estates (AE) - 1 unit per 10 acres

Table 3

7. Buildout Calculations (square footage &/or density):

The applicant is proposing to develop a mixed-use rural community, which includes a maximum of 850 dwelling units, 270,000 square feet of commercial uses, and 375,000 square feet of industrial uses.

8. Is the subject site within a Community Planning Area or Special Plan area?

The site is not located within any Community Planning Area or Special Plan area.

9. Is the subject site located adjacent to existing or proposed Federal, State, or County wildlife management areas, parks, preserves or reserves? The subject property is not adjacent to any of the existing or proposed Federal, State, or County wildlife management areas, parks, preserves or reserves.

10. Is the proposed land use designation(s) consistent with the provisions of the:

- a. Charlotte Harbor Aquatic Preserves Management Plan?** The subject property is located outside the boundary of the Charlotte Harbor Aquatic Preserves.
- b. Lemon Bay Aquatic Preserve Management Plan?** The subject property is located outside the boundary of the Lemon Bay Aquatic Preserve.

11. Does the subject site contain any designated archaeological site or historic structures?

According to the Florida Master Site File, the subject site does not contain any historic structures nor is it designated as an archaeological site.

12. Are there wetlands on the property?

- a. Number of acres of Category I:** According to the application, there are no wetlands on the proposed PD site that classify as Category I.
- b. Number of acres of Category II:** According to the Environmental Assessment/Protected Species Survey” report, prepared by Boylan Environmental Consultants, dated June 2011, all wetlands within this PD boundary are isolated. There are approximately 9.53 acres for Hydric Improved Pasture and 6.95 acres of Freshwater Marsh. All Category II wetlands are being preserved with only a minor impact to an isolated wetland at the northern boundary of the property where the proposed east-west road is located.

13. Natural Resources:

- a. Significant natural resources and/or critical habitat for endangered/potentially endangered species:** Two environmental scientists from Boylan Environmental Consultants, Inc. conducted a field investigation on the subject property on June 22, 2011. According to the Environmental Assessment/Protected Species Survey Report, dated June 2011, prepared by Boylan Environmental Consultants, the subject property contains approximately 9.53 acres for Hydric Improved Pasture and 6.95 acres of Freshwater Marsh. Surrounding conditions have been altered over time which has resulted in significant hydrological alteration on the site. The past agricultural activities on site have also served to diminish the quality and wildlife habitat values of the wetland and upland communities on site. In general, the site does not contain native, undisturbed community types in which protected species would typically inhabit. During the field survey for protected species on the property, two sandhill cranes were observed on site during the survey conducted on June 22, 2011. No nests were identified during the survey.
- b. Possible impacts to groundwater, surface water, wetlands or other significant natural resources:** According to the application, there no wetlands on the subject site that classify as Category I. All wetlands with the proposed project are isolated, and are being preserved with only a minor impact to an isolated wetland at the northern boundary of the property where the east-west road is located. This very minor impact is consistent with the Master Development Plan that was approved as part of Appendix VIII of Smart Charlotte.
- c. Is the subject site within the Special Surface Water Protection Overlay District?** No
- d. Is the subject site within the Watershed Overlay District?** No
- e. Is the subject site within a Wellhead Protection Area?** No
- f. Is the subject site within the Prime Aquifer Recharge Area?** No

14. Coastal Planning:

- a. Is the subject site within the Coastal Planning Area?** The subject site is located within the Coastal Planning Area.

- b. Could the proposed changes impact beach accessibility?** No
- c. Could the proposed change affect other waterfront access?** No
- d. Flood Zone:** The subject site is in Flood Zone “D”. Flood Zone “D” is an area in which flood hazards are undetermined, but possible.
- e. Storm Surge Zone:** The entire site is located with the Category 4-5 Storm Surge Zone.
- f. Coastal High Hazard Area?** No
- g. Could the proposed changes impact evacuation times?** No

15. Facilities and Services

a. Nearest Charlotte County Park:

Name: South County Regional Park

Classification: Regional

Address: 670 Cooper Street, Punta Gorda

Distance: Approximately 14.9 miles to the northwest of the subject site

b. Nearest Charlotte County Police Station:

Name: District 3 Office

Address: 7474 Utilities Road, Punta Gorda

Distance: Approximately 13.6 miles to the northwest of the subject site

c. Nearest Charlotte County Fire/EMS Station:

Name: Station 5

Address: 26287 Notre Dame Boulevard, Punta Gorda

Response Time: 4-6 minutes

d. Nearest Charlotte County Library:

Name: Punta Gorda Public Library

Address: 424 West Henry Street, Punta Gorda

Distance: Approximately 13.3 miles to the northwest of the subject site

e. Nearest Charlotte County Hospital:

Name: Charlotte Regional Medical Center

Address: 809 East Marion Avenue, Punta Gorda

Distance: Approximately 4.7 miles to the northwest of the subject site

f. Nearest Potential Charlotte County Emergency Shelter:

Name: Friendship United Methodist Church

Address: 12275 Paramount Drive, Punta Gorda

Distance: Approximately 7.6 miles to the northwest of the subject site

g. Nearest Charlotte County Public Schools:

1. *Elementary:*

Name: Sallie Jones Elementary School

Address: 1230 Narranja Street, Punta Gorda

Distance: Approximately 13.5 miles to the northwest of the subject site

2. *Middle:*

Name: Punta Gorda Middle School

Address: 825 Carmalita Street, Punta Gorda

Distance: Approximately 14 miles to the northwest of the subject site

3. **High:**

Name: Charlotte High School

Address: 1250 Cooper Street, Punta Gorda

Distance: Approximately 13.2 miles to the northwest of the subject site

16. Concurrency

a. Roads Level of Service: See attached report from Venkat Vattikuti, Transportation Planner

b. Potable Water Level of Service:

1. *Provider's Name:* Florida Governmental Utility Authority (FGUA)

Permitted Facility Capacity	225 gallons per ERU per day					
	Proposed Land Use estimated water needs					
FGUA does not currently have a water treatment plant of sufficient capacity, or with sufficient infrastructure, to serve the proposed development.	297 Single-family homes	553 units of Multi-family structures	225,000 square feet of retail uses	45,000 Square feet of office	375,000 square feet of industrial uses	Total
	56,430	85,715	11,250	4,500	112,500	270,395

Table 4

2. *Analysis:* The subject property is located within the FGUA certificated Water Service Utility area. If the Board approves this rezoning application, it will allow the property owner/applicant to have a maximum of a maximum of 850 dwelling units, 225,000 square feet of retail use, 45,000 square feet of office, and 375,000 square feet of industrial uses. The estimated water usage would be 270,395 gallons per day. FGUA will purchase bulk water from Lee County Utilities to serve the proposed Rural Community Mixed Use development.

c. Sanitary Sewage Level of Service:

1. *Provider's Name:* Florida Governmental Utility Authority (FGUA)

Permitted Facility Capacity	190 gallons per ERU per day					
	Proposed Land Use estimated water needs					
FGUA maintains a 20 inches major transmission line along US 41 just south of the entrance of the Heron's Glen Development, and it is located within one-half mile of the subject property.	297 Single-family homes	553 units of Multi-family structures	225,000 square feet of retail uses	45,000 Square feet of office	375,000 square feet of industrial uses	Total
	47,966	72,858	9,563	3,825	95,625	229,837

Table 5

2. *Analysis:* The subject property is located within the FGUA certificated Sanitary Sewer Utility area. If the Board approves this rezoning application, it will allow the property owner/applicant to have a maximum of a maximum of 850 dwelling units, 225,000 square feet of retail use, 45,000 square feet of office, and 375,000 square feet of industrial uses. The estimated sewer generation would be 229,837 gallons per day.

d. Park and Recreation Level of Service:

1. *Level of Service*

Adopted Level of Service is 16 Park, Recreation and Open Space (PROS) point per 1,000 populations

2. *Analysis:*

A 2009 analysis shows that the County currently has 17.2 PROS points per 1,000 populations.

e. Schools:

LOS Standard		
High	Middle	Elementary
95% of total FISH	100% of total FISH	100% of total FISH
Student Generation		
43	30	55

1. *Analysis:* student populations in the project area are expected to increase as a result of this rezoning. On January 26, 2012, the applicant, the applicant’s agent, Charlotte County School District staff, and Community Development Department staff held a meeting to discuss the potential impact on school capacity; and all parties agreed that it is premature at the rezoning stage to address the school concurrency issue. However, a PD condition is created to address when and how to solve the school concurrency issue.

f. Solid Waste:

1. *Refuse Collector:* Waste Management Inc. of Florida
2. *Solid Waste Provider:* Public Works Department - Municipal Solid Waste Management
3. *Level of Service*
 - Solid Waste (Landfill) 5.0 pounds per day per equivalent fulltime resident
 - Solid Waste (Recycle) 2.2 pounds per day per equivalent fulltime resident
 - Zemel Rd. landfill currently has capacity to dispose of 4.6 million cubic yards of waste. The landfill has a projected remaining lifespan to the year 2027. An existing estimated 170 acres for future disposal cells will provide disposal capacity beyond the year 2050.

g. Drainage:

1. *Level of Service*

New arterials – flood free in the 100-year rainfall event

New and improved collectors - not less than one lane of traffic in each direction above the design high water elevation from a 25-year, 24-hour rainfall.

New local residential streets - designed and constructed with the pavement centerline at or above the design high water elevation resulting from a 5-year, 24-hour rainfall

Stormwater management facilities - in all new subdivisions manage a 25-year, 24-hour rainfall.

New parking facilities- maximum temporary detention depth of nine (9) inches resulting from a 5-year, 24-hour rainfall.

New development on existing platted lots (except single-family, duplex, and triplex dwellings) - on-site stormwater management for a 25-year, 24-hour rainfall.

2. *Analysis:*

The Southwest Florida Water Management District and the Community Development Department review stormwater management plans on a project by project basis.

17. Capital Improvements Program

- a. **Are any updates to the CIP required as a result of this petition?** In 2010, during the large-scale Plan Amendment adoption process for the entire 1,554 acres of lands (the subject property is a portion of that amendment), the water and sanitary sewer capacities were reviewed and staff had concluded that “due to existing permitted capacity for both water and waste water through the first two phases of the development, no amendments to the Capital Improvement Element will be necessary at this time”. However, a note has been added to the *Site and Organization and Land Use Master Plan*, at the request of the South Florida Water Management District, following a September 29, 2010 meeting with the applicant, which states that the developer will work with Charlotte and Lee Counties to ensure that both counties amend their 10-Year Water Supply Facilities Work Plans at the appropriate time.” In addition, according to the PD rezoning application, the applicant will work with both the Florida Governmental Utility Authority (FGUA) and Lee County Utilities to provide adequate utility services to the proposed development, and capacity exists to serve the development; therefore, no any updates to the CIP is required as a result of this petition.

18. Intergovernmental Coordination

- a. **Does this amendment require comments from or coordination with adjacent governments or other governmental agencies?** Yes, the application packet was emailed to Paul O’Connor, Director of the Lee County Division of Planning on January 11, 2012.

19. Has a public hearing been held on this property within the last year? No

20. Smart Charlotte 2050 Comprehensive Plan; Goals, Objectives, and Policies that may be relevant to the proposed amendment:

There are various objectives and policies in the Future Land Use Element, FLU Appendix I: Land Use Guide and Natural Resources Element applicable to this proposed amendment.

21. Standards for Rezoning Approval:

For the rezoning of land, the recommendation of the Planning and Zoning Board shall be made after giving due consideration to:

a. Would the proposed change be contrary to the Comprehensive Plan?

Finding: On October 18, 2010, the Board of County Commissioners approved a large-scale plan amendment to amend the 2030 Future Land Use Map (FLUM) designation (Petition Number is PA-10-01-09) from Agriculture (AG) to Rural Community Mixed Use (RCMU) for approximately 1,554 acres of lands, which is located in the South County area. The Master Development Plan associated with this land use change was adopted into FLU Appendix VIII: Rural Community Mixed Use Master Development Plan. The subject property is part of that petition and is located immediately adjacent to US 41. The PD rezoning is required in order to implement the RCMU FLUM designation. The proposed Concept Plan associated with the PD rezoning is also consistent with the approved Master Development Plan. Therefore, the proposed change would not be contrary to Smart Charlotte.

b. The existing land use pattern in adjacent areas:

Finding: The subject property is located on U.S. 41. To the north, there is an existing commercial excavation site. To the east, there are agricultural lands owned by the applicant, I-75 is further to the east. A developed mobile home park is located directly to the south of the site; further to the south, there is an established residential Development of Regional Impact (DRI), Herons Glen DRI, situated in Lee County.

c. The population density pattern and possible increased load on public facilities, such as schools, utilities, and roads:

Finding: The proposed rezoning will increase the residential density from 33 to 850 units, so student populations in the project area are expected to increase as a result of this rezoning. On January 26, 2012, the applicant, the applicant's agent, Charlotte County School District staff and Community Development Department staff held a meeting to discuss a potential impact on the school capacity. All parties agreed that it is premature at the rezoning stage to address the school concurrency issue; however, a PD condition was created to address when and how to solve the school concurrency issue.

There will also be an increased use of public facilities, such as utilities and roads, as a result of this proposed development. According to the application, the subject property is located in the service area of the Florida Governmental Utility Authority (FGUA). FGUA does not currently have a water treatment plant of sufficient capacity, or with sufficient infrastructure to serve the proposed development. However, Lee County Utilities (LCU) has infrastructure and capacity to serve the proposed development. LCU has provided an availability letter, dated February 24, 2012, which states that potable water lines are in operation in close proximity to the subject property and LCU anticipates planning for the future capacity to

serve the estimated 0.87 MGD demand. The County Transportation Planner reviewed this rezoning application as well as a traffic impact study, prepared by Florida Transportation Engineering, Inc., dated September 2011, and concluded that the proposed change will not cause any roadway capacity issues.

d. Would changed conditions make the passage of the proposed amendments appropriate?

Finding: Yes. With the adoption of the RCMU FLUM designation for the subject site by the Board on October 18, 2010, any development must be through PD rezoning.

e. Would the proposed change adversely influence living conditions or property values in adjacent areas?

Finding: There are developed residential neighborhoods to the south and mining activities to the north. The proposed development consists of residential development and open space areas, commercial and industrial uses. Large areas of open space and residential areas will be located on the southern and eastern portions of the site, commercial uses will be located in the center area, and industrial development will be located on the northwestern portion of the site, which will provide a transition between the existing residential neighborhood to the south and an active mining site to the north. In addition, the proposed PD requires a 25-foot setback along the subject property boundary. Therefore, the proposed development should not adversely influence living conditions or property values in adjacent area.

f. Would the proposed change affect public safety?

Finding: The proposed change would not adversely affect the public safety.

g. Would the proposed change reduce light and air to adjacent areas?

Finding: The proposed rural community mixed development will provide not reduce light and air to adjacent areas.

h. Are there substantial reasons why the property cannot be used in accordance with the existing zoning?

Finding: Yes, a rural mixed use development cannot be developed under the existing zoning.



October 14, 2011

Mr. Andrew Fitzgerald, P.E.
DeLisi Fitzgerald, Inc.
1605 Hendry Street
Fort Myers, FL 33901

via email – drewf@delisifitzgerald.com

Re: DRC-PD-11-01pp Concept Plan
McNew Ranch
October 13, 2011 agenda

Dear Andrew:

Harper Property Holdings, L.L.C. and McNew Property Holdings, L.L.C. are requesting Concept Plan approval for McNew Ranch. This project consists of the rezoning of several land parcels from Agricultural Estates (AE) to Planned Development (PD) for the purpose of constructing a mixed use residential, commercial and industrial development. This 332.76 +/- acre site is located at 16750 Tamiami Trail in Sections 32 & 33, Township 42 South, Range 24 East in Punta Gorda, Florida.

DRC-PD-11-01pp Concept Plan has been approved with the following comments.

1. Provide a closure sheet on the exterior boundary. Survey – Steve Ford
2. There is a primary drainage ditch along the northern boundary of the project area. Charlotte County needs a drainage easement over this ditch from top of bank to top of bank, plus ten feet extra for maintenance access. Stormwater – Karen Bliss
3. There appears to be a primary ditch along the southern boundary of the project area. If this ditch is on the subject property, then Charlotte County will need a drainage easement over this ditch from top of bank to top of bank, plus ten feet extra for maintenance access. Stormwater – Karen Bliss
4. Provide an approved Charlotte County Stormwater Permit along with all other required Federal, State, and Local permits. If lakes are over 12 ft. in depth, a Group I excavation permit will be required and slopes will be required to be 6:1 for excavation banks.
5. Provide a utility plan showing locations of the fire hydrants.
6. All roads minimum 20' width for fire department access.

COMMUNITY DEVELOPMENT

Zoning | Current Planning

18400 Murdock Circle | Port Charlotte, FL 33948-1068

Phone: 941.743.1964 | Fax: 941.743.1598

7. The proposed mixed use commercial residential development will be developed utilizing central wastewater services provided by FGUA and potable water services provided by Lee County Utilities (via a bulk agreement with FGUA). The property is in the NFMU/FGUA potable water and wastewater service area.
8. The applicant shall preserve trees along the southwest border of the property.
9. The applicant has submitted a Florida Land Use, Cover and Forms Classification System (**FLUCCS**) Map and listed species assessments dated April/May 2002, December 2009 and June 2011 by Boylan Environmental Consultants. The most recent survey (2011) documented 2 Sandhill Cranes utilizing the site. Per site inspection on October 5, 2011 staff noted a significant discrepancy in what was classified on the FLUCCS map as Improved Pasture (211) which in staff's professional opinion the majority of this area should be classified as wetlands. The applicant has stated all of their wetland lines on the FLUCCS map provided to staff have been approved by the South Florida Water Management District (SFWMD). Staff will be further investigating this discrepancy with the appropriate state and federal agencies. All required FWS and Florida Fish and Wildlife Conservation Commission (FWCC) permits must be provided to staff prior to final DRC approval and the issuance of county permits and land clearing activities.
10. Per Smart Charlotte 2050 Comprehensive Plan, *ENV Policy 3.1.1 Identification and Categorization of Wetlands*, "The County shall require that the presence of wetlands be identified within the review processes of Developments of Regional Impact, Land Use Amendments, Rezoning applications and preliminary site plans. The type (i.e. Category I or II as defined below) of wetlands shall also be indicated by the applicant and reviewed for accuracy." As stated above, please define the category of each wetland that is proposed to be impacted on site.
11. The property is located in the Critical Wildlife Corridor per Smart Charlotte 2050 Comprehensive Plan FLUM Series Map #22. Staff noted the conceptual development plan identifies numerous 'common open space' areas that have potential to serve as wildlife corridors although numerous roads have been proposed throughout these areas as well. Wildlife road crossing protection measures will need to be thoroughly addressed during the PD rezoning process.
12. The applicant must submit an approved Southwest Florida Water Management District (SFWMD) Environmental Resource Permit (ERP) and U.S. Army Corps of Engineers (ACOE) permits. Final DRC approval shall reflect all SFWMD and ACOE conditions.
13. The project must comply with **Chapter 3-5, Article XV, Upland Buffer Zone** requirements of the County Code. The buffer shall be a minimum of fifteen (15) feet in width as measured from the landward limit of the wetland or surface water. Buffer width can be contracted along portions of the wetland or surface water border, in response to site-specific development constraints, provided that it is expanded along other portion such that the minimum buffer width is maintained, on average. Final site plans must clearly document that the buffer width has been

maintained on average (with calculations). Additional buffers may be required by other regulatory agencies.

14. The project must comply with **Chapter 3-5, Article IV, Clearing, Filling and Soil Conservation** requirements of the County Code. Best Use Management Plans must be documented on final site plans and utilized during all land clearing and development activities.
15. The project must comply with **Chapter 3-5, Article XVI, Open Space/Habitat Reservation Trust** requirements of the County Code. After review of the requested FLUCCS Map and listed species survey and given the absence of preservation of habitat for use by listed species the applicant may need to contribute an equal amount of \$300 per acre or fraction thereof, to the Open Space/Habitat Reservation Fund for a total of \$99,900.00 based on a project size of 332.76± acres or prior to the issuance any county permit or land improvement activities. If the applicant chooses to preserve on site for the Open Space/Habitat Preservation Trust, final site and landscape plans must label all preservation areas as preserved, in perpetuity with calculations shown to meet the 5% requirement.
16. All trees that are removed or preserved must satisfy **Chapter 3-2, Article IX, Tree Requirements**, of the County Code. Heritage trees may occur on site. A tree survey, identifying the heritage trees on site, must be provided with the Final application, unless verification is provided by the applicant that there are no Heritage Trees on site. Heritage trees are further protected by the provisions of **Chapter 3-2, Article IX, Section 190** of the County Code. The applicant must incorporate any Heritage trees into the site plan or show that every effort has been made to save the trees. Documentation must be provided with the Final application. Tree Removal Authorization and Tree Preservation permits must be obtained prior to any land clearing activity or issuance of any building permits.
17. Identify any open space / habitat preservation area which will be "preserved in perpetuity" on the landscape plan and the civil plans at time of final site plan review.
18. Identify any proposed conservation easements and/or open space / habitat preservation areas which will be "preserved in perpetuity" on the final landscape plans and the final site plan.
19. Clearly identify specific trees that are proposed to be preserved throughout the development.
20. Low Impact Development (LID) techniques shall be incorporated in all phases to the greatest extent possible.
21. Per **Section 3-5-395(a)** and **Section 3-5-400**, Florida friendly design principles shall be employed in all landscape plans.

22. All Brazilian pepper, melaleuca, Australian pines and downy rose myrtle must be removed from the entire site in accordance with **Section 3-5-397** of the landscape requirements.
23. The applicant must supply landscape plans that comply with **Chapter 3-5, Article XVIII, Landscaping and Buffer Requirements**, of the County Code with the final site plan review application.
24. It appears as though several additional tree points must be provided. We can look at that further in the process.
25. Preserve numbers are called out inconsistently on different sheets of the landscape plan. (Sheets 3 and 9 vs. sheets 5, 6 and 8)

Sheet L-1

26. Provide a sampling of Buffer Key 9 "Landscaping to be provided to enhance internal pedestrian connections and circulation thereby providing an aesthetically pleasing pedestrian environment."
27. Buffer Key 1 should run farther north, past the "Future Commercial Parcel", and the length and other information must also be revised.
28. Extend the "Typical Roadway/Pedestrian Interconnect Open Space" to the east about 100 feet and revise sheet L-4 to correspond.
29. The property that's left in its natural state may be deducted from the area considered for tree points, i.e. preserve areas; otherwise, tree points must be provided. Revise the calculations for "General Tree Point Requirements." (If the Preserve Areas are excluded from the development area, the trees that are within them may not be counted toward points.)

Sheet L-2

30. A watering schedule must be provided within the landscape plans if an automatic irrigation system is not planned.
31. Fifty (50) percent of the trees required in parking islands must be canopy trees.
32. The "Typical Parking Lot Planting Plan" on sheet L-2 is missing two trees from the islands shown.
33. Winged Yam (*dioscorea alata*) must be removed from the tree list. It's considered to be an invasive vine, listed by UF/IFAS Extension-Aquatic and Invasive Plants.
34. Golden Rain Tree, Queen Palm and Silver Dollar Eucalyptus are not considered to be Florida-friendly material, please remove them from the tree list.
35. The Black Olive Tree @ 2" caliper is 0.5 point, not 1 point as shown.

Sheet L-3

36. The Crape Myrtle, Chinese Elm and Black Olive trees @ 2" caliper are 0.5 point, not 1 point, as shown.
37. The Type D buffer "Typical per 100 L.F." should be 6 canopy trees, not 8 as shown.

Sheet L-4

38. Trees appear to be shown within the 20' Lake Maintenance Easement. Documentation allowing this will have to be provided with the final site plan review submittal.
39. It is the intention of the PD process to ensure that all development that goes through this process incorporates natural features and be, in general, consistent with the type of development already in the vicinity. Development in relationship to the surrounding features is addressed in both the PD regulation's Statement of Intent (**Section 3-9-49(a)**) as well as the Design Criteria and Development Standards provided in **Section 3-9-49(c)** as follows:

Section 3-9-49(a):

- (4) Preserve, where feasible, environmental assets and natural amenities as scenic and functional open space areas;
- (6) Encourage imaginative and innovative site planning and land development concepts in order to create an aesthetically pleasing and functionally desirable living environment; and
- (10) Promote development that is adapted to natural features, including wetlands, trees and other vegetation and habitat, and which avoids the disruption of natural drainage patterns.

Section 3-9-49(c):

(1) Design Criteria: Because of the unique characteristics of a PD, conventional zoning requirements are inappropriate. Instead the following design criteria and development standards shall apply in this district:

(b) Natural Features: The natural topography, soils and vegetation should be preserved and utilized where economically and physically feasible through the careful location and design of structures, parking areas, recreation areas, open spaces, utilities, drainage and other features.

(c) Landscaping: Where appropriate, landscaping shall be provided consisting of any combination of trees, shrubs, vines, ground cover etc. The use of native plant material, the use of xeriscaping, and retention of undisturbed areas are encouraged.

40. Identify overhead power lines (existing or proposed) either on or adjacent to the development site.
41. Ensure that any trees installed under and adjacent to overhead power lines meet FP&L guidelines and are in compliance with **Tree Requirements, Section 3-2-188(a)(2)(b) Figure 8**, Charlotte County Code.
42. Ensure and verify that ALL underground utility lines (water, sewer, electric, stormwater, phone, etc.) are minimum 10' from the critical root zone (CRZ) of any tree.
43. Graphically indicate the forty (40) foot sight triangles required at intersections of the right of ways, and intersections of the drive with the pavement of the right of way. Include a note for maintenance of the area within site triangles (from a height of 2 - 6 feet) if planted.
44. Provide curbing on the landscape and civil plans where landscape abuts pavement.
45. If any of the trees used are multi-trunk, at least one of the stems must be 2" caliper in order to count toward points.
46. PERIMETER LANDSCAPING SHALL BE INSTALLED AS PART OF THE FIRST PHASE OF THE SITE DEVELOPMENT.
47. Further review will be necessary upon submittal of revised landscape plans.
48. Written explanation or clarification to each comment or condition shall be provided as part of the submittal for final site plan review.
49. Zoning recommends that the commercial and residential land uses be approved as proposed, however, Zoning could not locate any information on the proposed land uses for the category titled "Industrial". As a result, Zoning recommends this land use be established during the rezoning process.
50. Zoning recommends approval of the building types and development standards specified on sheet 3 of the revised engineering plans submitted for this review with the following exceptions and clarifications:
 - a. The applicant is proposing that the minimum setback from all buildings to water is 20 feet as measured from the control elevation of the stormwater lakes. Zoning supports this proposal.
 - b. Zoning recommends that the single family development regulations be changed to show a 15 foot minimum setback from a swimming pool and

pool cage to water as measured from the control elevation of the stormwater lakes.

51. Zoning recommends that the Commercial Design Standards code (Chapter 3-5; Article XXIV) apply to the design of the commercial buildings.

A Concept Plan approval is valid for 12 months calculated from the BCC approval date. If you wish to request a 12 month extension, you must make this request in written form a minimum of 30 days prior to the expiration date. Final Detail plan approval will not be granted until all conditions are met. No permits to build will be issued until final approval. If you have any questions regarding the review please call the listed reviewer.

Sincerely,



Buddy Braselton
Planner II
Site Plan Review Coordinator

cc: Harper Property Holdings, LLC
5571 Halifax Avenue
Fort Myers FL 33912

**Planned Development Rezoning
Petition/ Account Number: Z-11-11-22**

TO: Honorable Board of County Commissioners
The Planning and Zoning Board

FROM: Venkat Vattikuti

DATE: December 29, 2011

REQUESTED ACTION:

APPLICANT: Harper Property Holdings, LLC/ McNew Property Holdings, LLC.

OWNER: Harper Property Holdings, LLC/ McNew Property Holdings, LLC., 5571
Halifax Avenue, Fort Myers, FL 33912

GENERAL LOCATION: Property Account No: 422432200001 & 422433100001

1 **ANALYSIS:**

2 From the transportation perspective, based on the original submitted traffic study,
3 there would not be any increase in the number of new trips with the proposed
4 rezoning and the surrounding roadway segments within the area of significance of
5 the subject property are currently operating at acceptable levels of service would
6 continue to operate at acceptable levels of service in the analysis year 2015 and
7 2030 and offer no comments.

8



MEMORANDUM

Date: December 8, 2011

To: Jie Shao, Planner III

From: Jamie Scudera, Environmental Specialist

Subject: Z-11-11-22
McNew Ranch PD Rezoning
(Portions of) acct. #'s 422432200001 & 422433100001

The Current Planning and Zoning Environmental Review Section reviewed the above referenced petition for **environmental, landscaping and tree compliance** and offer the following comments:

The applicant is proposing to amend the current zoning designation from Rural Community Mixed Use to Planned Development (PD).

A GIS aerial review, USGS soils map, NWI wetland search and site inspection was conducted by staff. Per site inspection on October 5, 2011 staff noted a significant discrepancy in what was classified on the FLUCCS map as Improved Pasture (211) which in staff's professional opinion should be classified as wetlands. The applicant has stated all of their wetland lines on the FLUCCS map provided to staff have been approved by the South Florida Water Management District (SFWMD). Staff has contacted the Army Corps of Engineers concerning this discrepancy. Further environmental review will be required.

If this petition is approved, the following conditions will be reviewed for compliance upon Site Plan Review Committee (DRC) and the issuance of any county permit or land improvement activities.

1. The applicant has submitted a Florida Land Use, Cover and Forms Classification System (**FLUCCS**) Map and listed species assessments dated April/May 2002, December 2009 and June 2011 by Boylan Environmental Consultants for a portion of the site. The most recent survey (June 2011) documented 2 Sandhill Cranes utilizing the site. All required Fish and Wildlife Service (FWS) and Florida Fish and Wildlife Conservation Commission (FWCC)

permits must be provided to staff prior to final DRC approval and the issuance of county permits and land clearing activities.

2. Per Smart Charlotte 2050 Comprehensive Plan, *ENV Policy 3.1.1 Identification and Categorization of Wetlands*, “The County shall require that the presence of wetlands be identified within the review processes of Developments of Regional Impact, Land Use Amendments, Rezoning applications and preliminary site plans. The type (i.e. Category I or II as defined below) of wetlands shall also be indicated by the applicant and reviewed for accuracy.” **As is stated above, please define the category of all wetlands that are proposed to be impacted on site.**
3. The property is located in the Critical Wildlife Corridor per Smart Charlotte 2050 Comprehensive Plan FLUM Series Map #22. Staff noted the conceptual development plan identifies numerous ‘common open space’ areas that have potential to serve as wildlife corridors although numerous roads have been proposed throughout these areas as well. Wildlife road crossing protection measures will need to be thoroughly addressed during the PD rezoning process.
4. The applicant must submit an approved Southwest Florida Water Management District (SWFWMD) Environmental Resource Permit (ERP) and U.S. Army Corps of Engineers (ACOE) permits. Final DRC approval shall reflect all SWFWMD and ACOE conditions.
5. The project must comply with **Chapter 3-5, Article XV, Upland Buffer Zone** requirements of the County Code. The buffer shall be a minimum of fifteen (15) feet in width as measured from the landward limit of the wetland or surface water. Buffer width can be contracted along portions of the wetland or surface water border, in response to site-specific development constraints; provided that it is expanded along other portion such that the minimum buffer width is maintained, on average. Final site plans must clearly document that the buffer width has been maintained on average (with calculations). Additional buffers may be required by other regulatory agencies.
6. The project must comply with **Chapter 3-5, Article IV, Clearing, Filling and Soil Conservation** requirements of the County Code. Best Use Management Plans must be documented on final site plans and utilized during all land clearing and development activities.
7. The project must comply with **Chapter 3-5, Article XVI, Open Space/Habitat Reservation Trust** requirements of the County Code. After review of the requested FLUCCS Map and listed species survey and given the absence of preservation of habitat for use by listed species the applicant may need to contribute an equal amount of \$300 per acre or fraction thereof, to the Open Space/Habitat Reservation Fund for a total of \$99,900.00 based on a project size of 332.76± acres or prior to the issuance any county permit or land improvement activities. If the applicant chooses to preserve on site for the Open Space/Habitat Preservation Trust, final site and landscape plans must label all preservation areas as preserved, in perpetuity with calculations shown to meet the 5% requirement.

COMMUNITY DEVELOPMENT DEPARTMENT

Planning and Zoning Division

18500 Murdock Circle | Port Charlotte, FL 33948

Phone: 941.743.1242 | Fax: 941.743.1292

The applicant is advised that this review is cursory, additional wildlife or environmental reviews may be required by state and federal agencies.

Please contact me if you have any questions or need additional information (941) 743-1290.

JS

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COMMUNITY DEVELOPMENT DEPARTMENT

Planning and Zoning Division
18500 Murdock Circle | Port Charlotte, FL 33948
Phone: 941.743.1242 | Fax: 941.743.1292



**MCNEW RANCH PD
CHARLOTTE COUNTY
PLANNED DEVELOPMENT REZONING
APPLICATION**

PREPARED BY:



**1605 HENDRY STREET FORT MYERS, FL 33901
(P) 239-418-0691 (F) 239-418-0692**

**APRIL 9, 2012
PLANNING AND ZONING HEARING**

McNew Ranch PD Rezoning Application Table of Contents

1. Planned Development Rezoning Application
2. McNew Property Holdings, LLC - Form A, Agent Authorization - Form B, and Affidavit
3. Harper Property Holdings, LLC - Form A, Agent Authorization - Form B, and Affidavit
4. Ownership and Encumbrance Report
5. Conservation Easement
6. TIS
7. Utility and Sanitary Sewer Letters of Availability
8. Utilities Analysis
9. Schedule of Uses
10. Archeological/Historical Memo
11. Rezoning Narrative
12. Legal Description and Sketch
13. Open Space Management Plan
14. Environmental Report
15. Aerial Location Map
16. Existing Features Map
17. Master Concept Plan



CHARLOTTE COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT

**PLANNED DEVELOPMENT REZONING
Application Information**

Application Submittal Requirements

- **Supply one unbound copy of the Application Materials (see checklist below).** Staff will have up to 5 working days following the application deadline day to review the application for completeness. If incomplete, the application will be returned with a description of the reasons why the application is incomplete. The applicant may resubmit the application any time prior to the next application deadline day.
- **Once deemed complete, the applicant will be notified that the application has been logged-in. The applicant is then required to supply one electronic copy, in PDF format, of all documents.** Additional copies of certain items will be required prior to the public hearing dates. *Do not* submit the additional copies to the Building and Growth Management Department until requested by a staff member of the department.
- **If deemed complete, the application will be logged in and assigned to a P&Z and BCC hearing cycle (see attached Application Schedule).** Staff will commence review.
 - The applicant is responsible for promptly providing any information that needs to be updated, modified, or newly submitted as part of the review; otherwise the petition may be continued to a later cycle or a recommendation of denial will be necessary.
- **No additional changes may be made to any information in an application subsequent to one week before the hearing packet is due to be compiled for the Planning and Zoning Board members or the NOVUS Agenda item deadline for the Board of County Commissioners.** The planner in charge of the petition will be able to inform the applicant of the final date.

Consistency with the Comprehensive Plan

The changes proposed by this application will be reviewed with regard to consistency with the Goals, Objectives, and Policies (GOPs) of the Smart Charlotte 2050 comprehensive plan. Inconsistency with Smart Charlotte will be a basis for a recommendation of denial by Staff.

The review will also be concerned with impacts to infrastructure (i.e. roads, water and sewer facilities, libraries, public buildings, parks, and schools), services (i.e. garbage collection, police protection, and fire/EMS service), the environment (i.e. impact to listed plant and animals species, soil content, erosion, generation of hazardous waste, water quality), and the potential for natural disasters (i.e. hurricanes and flooding).

Application Materials Checklist

- Completed Application form
- Survey and accurate legal description (including acreage), signed and sealed by a registered land surveyor
 - For unplatted property, one original boundary survey - *one hard copy and one copy in AutoCAD format*
 - For platted land, one original surveyor's sketch
- Most current *Title Insurance Policy* or an *Ownership and Encumbrance Report* for subject property
- Notarized authorization from each owner, as applicable (Form A)
- Notarized authorization for agent to submit petition, as applicable (Form B)
- A copy of any covenants, easements or restrictions that have been recorded for the subject site
- Environmental Assessment Report*
- Traffic Impact Analysis*
 - *Hurricane Evacuation Study*, as applicable
- Letters of availability of utility service from sanitary sewer and potable water utilities that would provide service to the site and *Estimated Potable Water and Sanitary Sewer Usage Report*
- Archeological/Historical Memo* indicating whether or not listed objects are located on the subject site
 - *Archeological/Historical Survey*, as applicable
- Narrative addressing rezoning standards of approval
- All information required by Section 15 of the application, 'A' through 'K'
- Adjacent property owners map and an electronic copy of the adjacent property owners list in text format (txt file) provided on disc.
- Affidavit, signed and notarized, stating the truth, accuracy and completeness of the application and all attachments
- Filing fee of **\$4,540.00**, with check made payable to the Charlotte County Board of County Commissioners, or CCBCC.

Additional Copies for Hearing Packet

10 copies each of the following when requested by department staff:

- any bound items
- any maps or other graphics sized larger than 11 X 17 (except surveys)
- any items in color

For Purposes of Public Hearing Presentation

Two views of the concept plan must be submitted to the County in an electronic format designed to fit on a PowerPoint slide; one view based against an off-white background, and one view presented as an overlay on a GIS aerial map of a scale to show adjacent properties. In order to make viewing of the PowerPoint concept plan easier, only the site plan, development standards, north arrow, and scale shall be portrayed. The concept (site) plan should be marked for easy reading:

- areas set aside for water retention should be colored blue
- areas set aside for Open Space should be colored green – dark green for preservation and light green for other areas
- areas set aside for Public Space should be colored brown

ATTENTION

If you are submitting an application that, if approved, will increase the amount of density allowed to be developed on your property, read this notice.

FLU Policy 1.2.7 of Smart Charlotte County outlines those situations wherein the Transfer of Density Units program is applicable.

“The TDU program shall be used during the review and approval process for all plan amendments and rezonings that propose to increase the base density on land and street vacations that would result in an accumulation of acreage allowing development of new units of density; this requirement shall continue to apply to lands that have been annexed by the City of Punta Gorda.”

Property may be exempted from the TDU program if located within a Revitalizing Neighborhood with an adopted Revitalization Plan. The exemption would need to be consistent with policies adopted into Smart Charlotte.

If not exempted, property must meet one of these requirements in order to be an acceptable Receiving Zone:

FLU Policy 1.2.10 TDU Receiving Zones

Receiving zones inside the Urban Service Area include lands within the following designations of FLUM Series Map #2: 2050 Framework:

1. Emerging Neighborhoods.
2. Maturing Neighborhoods.
3. Economic Corridors and Centers.
4. CRAs
5. Revitalizing Neighborhoods prior to adoption of a Revitalization Plan and also what may be required in accordance with a Revitalization Plan.

Receiving Zones within the Rural Service Area include lands within:

1. Rural Community Mixed Use areas.
2. The Rural Settlement Area Overlay District.

AND

Must not be in a prohibited Receiving Zone:

FLU Policy 1.2.11 Prohibited Receiving Zones

Density shall not be transferred into:

1. Lands within Managed Neighborhoods (FLUM Series Map #2).
2. Lands within the Resource Conservation and Preservation FLUM categories.
3. Land containing historical or archeological resources, or land deemed to contain environmentally sensitive resources; when a portion of a property contains resources, that area deemed not to contain resources may receive density if it meets one of the criteria of a receiving zone, a conservation easement will be required over the resource along with an undeveloped buffer of at least 100 feet. An historical structure that is to be integrated into a development will not need to be buffered.
4. Lands within the Prime Aquifer Recharge Area (FLUM Series Map #6).
5. Lands within the one-half mile setback of the Watershed Overlay District and Tippen Bay and Long Island Marsh (FLUM Series Map #4).
6. Land within a Public Water System Wellhead Protection Area (FLUM Series Map #7).
7. Land on a barrier island.

Application Schedule

Application Deadline 3 rd Monday of Month	Planning and Zoning Board hearing date 2 nd Monday of Month	Board of County Commissioners hearing date 3 rd Tuesday of Month
July 18, 2011	September 12, 2011	October 18, 2011
August 15, 2011	October 10, 2011	November 15, 2011
September 19, 2011	November 14, 2011	December 20, 2011
October 17, 2011	December 12, 2011	January 17, 2012
November 21, 2011	January 9, 2012	February 21, 2012
December 19, 2011	February 13, 2012	March 20, 2012
*January 16, 2012	March 12, 2012	April 17, 2012
*February 20, 2012	April 9, 2012	May 15, 2012
March 19, 2012	May 14, 2012	June 19, 2012
April 16, 2012	June 11, 2012	July 17, 2012
May 21, 2012	July 9, 2012	August 21, 2012
June 18, 2012	August 13, 2012	September 18, 2012
July 16, 2012	September 10, 2012	October 16, 2012
August 20, 2012	October 8, 2012	November 20, 2012
September 17, 2012	**November 12, 2012	December 18, 2012

***Exception: Holidays, rescheduled to the next available working date.**

****Holiday: new hearing date to be determined**

**TIME: 1:30 P.M. – Planning and Zoning Board
 9:00 A.M. – Board of County Commissioners**
**PLACE: Charlotte County Administration Center, Building A, Room 119
 18500 Murdock Circle, Port Charlotte, Florida**
UNLESS OTHERWISE ADVERTISED IN THE NEWSPAPER

The applicant will receive written notification of the hearing date. The applicant and/or a representative/agent must be present at both the Planning and Zoning Board and the Board of County Commissioners Meetings. **Charlotte County reserves the right to schedule petitions at times and dates other than those depicted above.**



CHARLOTTE COUNTY
 COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION for
 PLANNED DEVELOPMENT REZONING

Date Received:	Time Received:
Date of Log-in:	Petition #: Accela #:
Receipt #:	Amount Paid:

1. PARTIES TO THE APPLICATION

Name of Applicant: Harper Property Holdings, LLC/ McNew Property Holdings, LLC

Mailing Address: 5571 Halifax Avenue

City: Fort Myers	State: FL	Zip Code: 33912
Phone Number: 239-489-4066	Fax Number: 239-418-8477	

Email Address:

Name of Agent: DeLisi Fitzgerald, Inc. c/o Dan DeLisi, AICP

Mailing Address: 1605 Hendry Street

City: Fort Myers	State: FL	Zip Code: 33901
Phone Number: 239-418-0691	Fax Number: 239-418-0692	

Email Address: dan@delisifitzgerald.com

Name of Engineer/Surveyor: Banks Engineering, Inc. c/o Ken Trask

Mailing Address: 12653 SW CR 769

City: Lake Suzy	State: FL	Zip Code: 34269
Phone Number: 941-625-1165	Fax Number: 941-625-1149	

Email Address: ktrask@bankseng.com

Name of Property Owner (if more than one property owner, attach a separate sheet with a list of all owners):
 Please see attached Property Ownership Sheet

Mailing Address:

City:	State:	Zip Code:
Phone Number:	Fax Number:	

Email Address:

10. CURRENT LAND USE OF SUBJECT PROPERTY (example: house, vacant land, barn, etc.):

Agriculture.

11. SURROUNDING LAND USES:

North: Mining

South: Residential

East: Agriculture/I-75

West: Agriculture/ U.S. 41

12. ENVIRONMENTAL ASSESSMENT:

- Provide an *Environmental Assessment Report*, conducted within one year or less from the date of submittal, that includes:
 - Maps and surveys of the subject site illustrating the existing land cover according to Level 3 of the FLUCCS
 - Locations of listed flora and fauna species, if present.
 - If any wetlands are identified on site, provide a survey showing delineations of any wetlands, acreages, and the wetland Category (ENV Policy 3.1.3) under which they fall.
 - If the property is adjacent to any Federal, State, or County wildlife management areas, parks, preserves or reserves, supply a science-based analysis of possible impacts to the environmental resources of these lands and the manner in which these impacts can be eliminated. Where elimination is not possible, the analysis shall detail how these impacts can be reduced and mitigated.

13. INFRASTRUCTURE:

A. Roadway

- i. List the roads or streets upon which vehicles may travel to gain access to the site (generally within ¼ mile radius):

U. S. 41.

- ii. *Traffic Impact Analysis*: This study must be authored by a registered professional engineer in the State of Florida. Provide a study showing the impacts development of the subject site would have on the surrounding roadway network. Where traffic impacts reduce LOS below 'D' provide a proportionate fair share assessment for impacted roadways.

- *Hurricane Evacuation Study*: For any property that is even partially located in a Coastal High Hazard Area, or which generates trips wherein the majority of those trips would utilize a roadway that runs through a Coastal High Hazard Area, a *Hurricane Evacuation Study*

must accompany any *Traffic Impact Analysis*.

B. Potable Water and Sanitary Sewer

- i. Submit a letter from any water or sewer utilities that will be serving the subject site stating availability of utility service to the property.
- ii. Attach an *Estimated Potable Water and Sanitary Sewer Usage Report*: provide a report showing the gallons per day that may be generated by development of the subject site at the maximum buildout

14. HISTORICAL OR ARCHEOLOGICAL SITES: When the property under review is within the area determined to contain potential historic and archeological resources by the Archaeological Predictive Model (depicted on SPAM Series Map #3), the applicant must submit an *Archeological/Historical Memo* indicating that a review of the National Register of Historic Places, the Florida Master Site File and the Local Historic Register (when available) has been performed and the results of that review. If the subject site contains any object listed in these resources, the applicant must provide an *Archeological/Historical Survey* performed by a professional archeologist licensed in the State of Florida.

15. REZONING NARRATIVE

Charlotte County Code Section 3-9-11(e) lists the following standards for approval. A narrative stating the applicant's justification for the rezoning based upon the following standards of approval is required:

- A. Whether the proposed change would be contrary to the Comprehensive Plan
- B. The existing land use pattern in adjacent areas
- C. The population density pattern and possible increased load on public facilities such as schools, utilities, and streets
- D. Whether changed conditions make the passage of the proposed amendment appropriate
- E. Whether the proposed change will adversely influence living conditions or property values in adjacent areas
- F. Whether the proposed change will affect public safety
- G. Whether the proposed change will reduce light and air to adjacent areas
- H. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning

16. CONCEPT PLAN and DEVELOPMENT INFORMATION: Submit the following information regarding the proposed project.

(All maps must contain title of the project, landowner of record, names of the representatives of the landowner of record, scale, date, and north arrow)

- A. Include a *General Location Map*.
- B. Include *Existing Features Map(s)* showing all streets, curb cuts, buildings, watercourses, easements, other important physical features, zoning designations and future land use map designations in the property and on adjacent lands.
- C. Include a *Concept Design Map* showing locations of structures, acreage, density, and intensity for each proposed land use; show points of access and traffic flow and road improvements; show buffers, landscaped areas, and open space.
- D. Supply tabulations of total gross acreage in the proposed development, the percentage of total acreage to be devoted to each proposed use, height, and intensity of use identified through

Floor Area Ratio calculations and/or projected number of housing units proposed by dwelling type.

- E. Supply a phasing plan or general schedule of the development.
- F. Supply standards for height, open space, building density, and parking area.
- G. Include a narrative in which you cite specifically how this project meets the intent and goals of the Planned Development Zoning District, including any “community enhancements”.
- H. Show the general façade and overall architectural design scheme; explain building orientation, if applicable.
- I. Describe any Green Building or Low Impact Development (LID) design techniques that will be used.
- J. Supply a copy of any draft deed restrictions, protective covenants, and other statements or devices which will be used to control the use, development and maintenance of the land and improvements thereon, including those areas which are to be commonly owned and maintained.
- K. Supply any additional information identified at the preapplication conference, at concept approval, or requested by the Zoning Official or Building and Growth Management Director prior to submittal of the rezoning application.

18. ADJACENT PROPERTY OWNERS INFORMATION:

Provide an *electronic text file (.txt)* that includes the names and addresses of all property owners within 200 feet of the subject property (excluding street right-of-ways), and a map indicating which properties are included in the address list. The Adjacent Property Owner List must be based upon the latest available property records of the Property Appraiser’s Office. The list shall include property owner’s name, mailing address, and parcel(s) or lot(s) description or account number so each parcel can be referenced on the Adjacent Property Owner Map. Refer to the Geographic Information System Internet site for mapping and owner information at <http://www.ccgis.com/>. (Use a buffer of 250 feet or larger in order to account for right-of-ways, canals, etc.) Every property owner within 200 feet of every parcel of land involved will be notified of the schedule of public hearings

**McNew Ranch PD
Property Ownership Information**

STRAP NUMBERS	OWNERSHIP INFORMATION
422432200001 422433100001	McNew Property Holdings, LLC 5571 Halifax Avenue Fort Myers, FL 33912 Phone: 239-454-4999 Fax: 239-454-2773
	Harper Property Holdings, LLC 5571 Halifax Avenue Fort Myers, FL 33912 Phone: 239-454-4999 Fax: 239-454-2773

FORM A. PROPERTY OWNER AUTHORIZATION TO APPLICANT

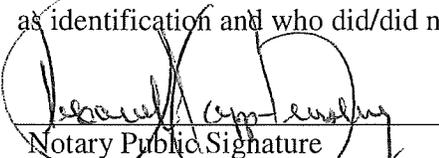
I, the undersigned, being first duly sworn, depose and say that I am the owner of the property described and which is the subject matter of the proposed hearing.

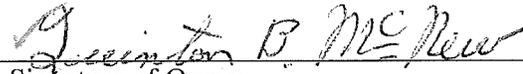
I give authorization for McNew Property Holdings, LLC. to be the applicant for this REZONING.

STATE OF Florida, COUNTY OF Lee

The foregoing instrument was acknowledged before me this 25th day of October, 2011, by Quinton B McNew who is personally known to me or has/have produced

as identification and who did/did not take an oath.


Notary Public Signature
Deborah L. Kapp-Beasley


Signature of Owner

Notary Printed Signature

Quinton B. McNew
Printed Signature of Owner

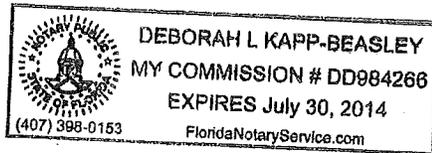
Manager
Title

5571 Halifax Avenue
Address

Commission Code

Fort Myers, FL 33912
City, State, Zip

239-489-4066
Telephone Number



FORM B. APPLICANT AUTHORIZATION TO AGENT

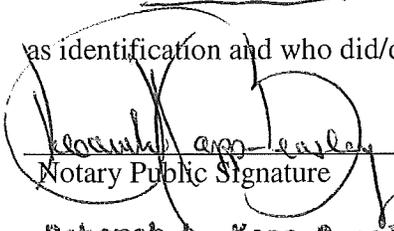
I, the undersigned, being first duly sworn, depose and say that I am the applicant for the REZONING of the property described and which is the subject matter of the proposed hearing.

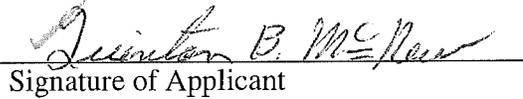
I give authorization for DeLisi Fitzgerald, Inc. to be my agent for this application.

STATE OF Florida, COUNTY OF Lee

The foregoing instrument was acknowledged before me this 25th day of October, 2011, by Quinton B. McNew who is personally known to me or has/have produced

as identification and who did/did not take an oath.


Notary Public Signature


Signature of Applicant

Deborah L. Kapp-Beasley
Notary Printed Signature

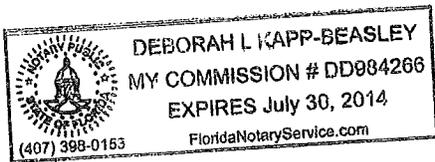
Quinton B. McNew- McNew Property Holdings, LLC.
Printed Signature of Applicant

Manager
Title

5571 Halifax Avenue
Address

Commission Code

Fort Myers, FL 33912
City, State, Zip



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Telephone Number

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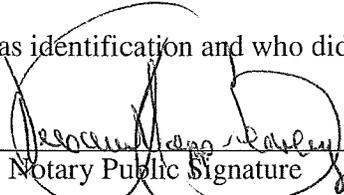
I, the undersigned, being first duly sworn, depose and say that I am the applicant for the REZONING of the property described and which is the subject matter of the proposed hearing.

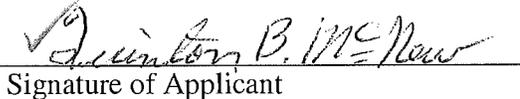
I give authorization for Ron Inge to be my agent for this application.

STATE OF Florida, COUNTY OF Lee

The foregoing instrument was acknowledged before me this 25th day of October, 2011, by Quinton B. McNew who is personally known to me or has/have produced

as identification and who did/did not take an oath.


Notary Public Signature


Signature of Applicant

Deborah L. Kapp-Beasley
Notary Printed Signature

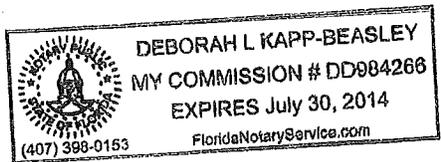
Quinton B. McNew- McNew Property Holdings, LLC.
Printed Signature of Applicant

Manager
Title

5571 Halifax Avenue
Address

Commission Code

Fort Myers, FL 33912
City, State, Zip



239-489-4066
Telephone Number

FORM B. APPLICANT AUTHORIZATION TO AGENT

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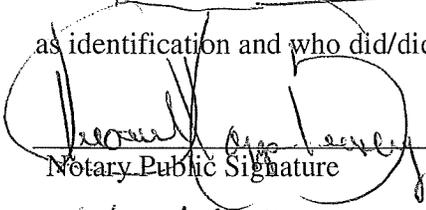
I give authorization for Gerri Waksler to be my agent for this application.

STATE OF Florida, COUNTY OF Lee

The foregoing instrument was acknowledged before me this 25th day of October, 2011, by

Quinton B. McNew
who is personally known to me or has/have produced

as identification and who did/did not take an oath.


Notary Public Signature

Quinton B. McNew
Signature of Applicant

Deborah L. Kapp-Beasley

Quinton B. McNew- McNew Property Holdings, LLC.

Notary Printed Signature

Printed Signature of Applicant

Manager
Title

5571 Halifax Avenue
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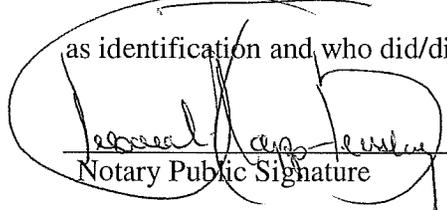
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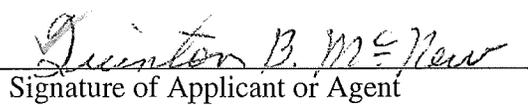
I, the undersigned, being first duly sworn, depose and say that I am the owner or agent of the property described and which is the subject matter of the proposed hearing; that all answers to the questions in this application, and all sketches, data and other supplementary matter attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be complete and accurate before the hearing can be advertised, and that if I am not the owner of the property I have attached a notarized authorization from the owner(s) to submit this application. I acknowledge that all items listed in the application must be submitted concurrent at the time the County accepts the application. I swear that the attached list of adjacent property owners is complete, including all property owners within 200 feet of the subject properties (excluding right-of-ways), that it is correct, providing addresses as listed in the County Tax Roll.

STATE OF Florida, COUNTY OF Lee

The foregoing instrument was acknowledged before me this 25th day of October, 2011, by Quinton B McNew who is personally known to me or has/have produced

as identification and who did/did not take an oath.


Notary Public Signature


Signature of Applicant or Agent

Deborah L. Kapp-Beasley

Quinton B. McNew - McNew Property Holdings, LLC.

Notary Printed Signature

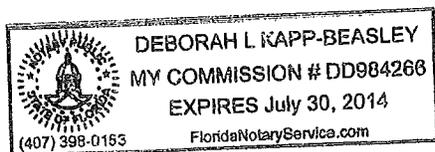
Printed Signature of Applicant or Agent

Manager
Title

5571 Halifax Avenue
Address

Commission Code

Fort Myers, FL 33912
City, State, Zip



239-489-4066
Telephone Number

FORM A. PROPERTY OWNER AUTHORIZATION TO APPLICANT

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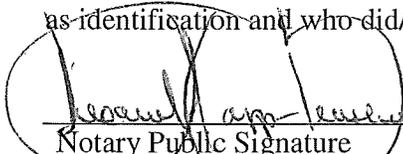
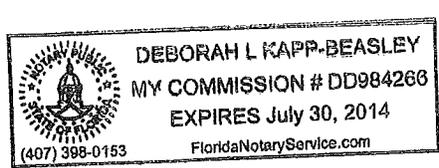
I give authorization for Harper Property Holdings, LLC. to be the applicant for this REZONING.

STATE OF Florida, COUNTY OF Lee

The foregoing instrument was acknowledged before me this 25th day of October, 2011, by

Daniel R Harper
who is personally known to me or has/have produced

as identification and who did/did not take an oath.

 Notary Public Signature	<input checked="" type="checkbox"/>  Signature of Owner
Deborah L. Kapp-Beasley Notary Printed Signature	Daniel R. Harper Printed Signature of Owner
Manager Title	5571 Halifax Avenue Address
Commission Code	Fort Myers, FL 33912 City, State, Zip
	239-489-4066 Telephone Number

FORM B. APPLICANT AUTHORIZATION TO AGENT

I, the undersigned, being first duly sworn, depose and say that I am the applicant for the REZONING of the property described and which is the subject matter of the proposed hearing.

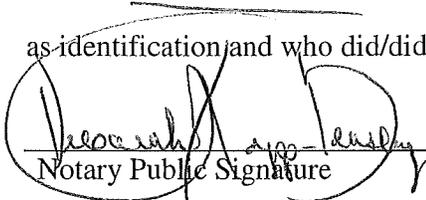
I give authorization for DeLisi Fitzgerald, Inc. to be my agent for this application.

STATE OF Florida, COUNTY OF Lee

The foregoing instrument was acknowledged before me this 25th day of October, 2011, by

Daniel R. Harper
who is personally known to me or has/have produced

as identification and who did/did not take an oath.


Notary Public Signature


Signature of Applicant

Deborah L. Kapp-Beasley
Notary Printed Signature

Daniel R. Harper - Harper Property Holdings, LLC.
Printed Signature of Applicant

Manager
Title

5571 Halifax Avenue
Address

Commission Code

Fort Myers, FL 33912
City, State, Zip



239-489-4066
Telephone Number

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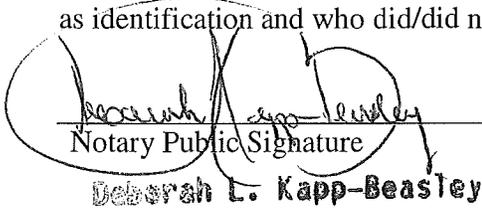
I give authorization for Ron Inge to be my agent for this application.

STATE OF Florida, COUNTY OF Lee

The foregoing instrument was acknowledged before me this 25th day of October, 2011, by

Daniel R. Harper
who is personally known to me or has/have produced

as identification and who did/did not take an oath.


Notary Public Signature
Deborah L. Kapp-Beasley


Signature of Applicant

Notary Printed Signature

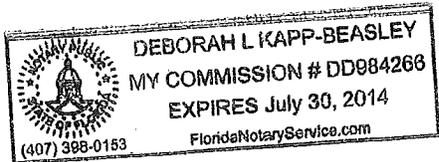
Daniel R. Harper - Harper Property Holdings, LLC.
Printed Signature of Applicant

Manager
Title

5571 Halifax Avenue
Address

Commission Code

Fort Myers, FL 33912
City, State, Zip



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Telephone Number

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I give authorization for Gerri Waksler to be my agent for this application.

STATE OF Florida, COUNTY OF Lee

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Daniel R. Harper
who is personally known to me or has/have produced

as identification and who did/did not take an oath.

Deborah L. Kapp-Beasley
Notary Public Signature

Daniel R. Harper
Signature of Applicant

Deborah L. Kapp-Beasley
Notary Printed Signature

Daniel R. Harper - Harper Property Holdings, LLC.
Printed Signature of Applicant

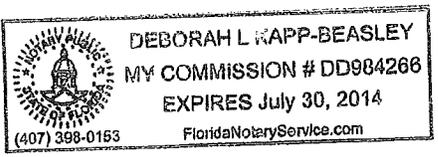
Manager
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Telephone Number



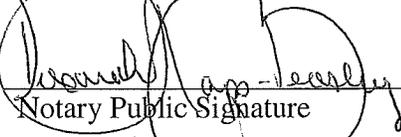
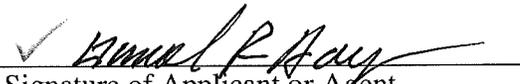
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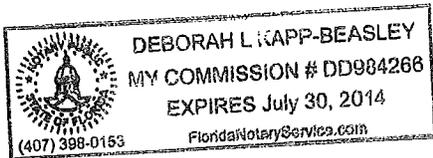
I, the undersigned, being first duly sworn, depose and say that I am the owner or agent of the property described and which is the subject matter of the proposed hearing; that all answers to the questions in this application, and all sketches, data and other supplementary matter attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be complete and accurate before the hearing can be advertised, and that if I am not the owner of the property I have attached a notarized authorization from the owner(s) to submit this application. I acknowledge that all items listed in the application must be submitted concurrent at the time the County accepts the application. I swear that the attached list of adjacent property owners is complete, including all property owners within 200 feet of the subject properties (excluding right-of-ways), that it is correct, providing addresses as listed in the County Tax Roll.

STATE OF Florida, COUNTY OF Lee

The foregoing instrument was acknowledged before me this 25th day of October, 2011, by Daniel R. Harper who is personally known to me or has/have produced

as identification and who did/did not take an oath.

 Notary Public Signature Deborah L. Kapp-Beasley	 Signature of Applicant or Agent Daniel R. Harper - Harper Property Holdings, LLC.
Notary Printed Signature	Printed Signature of Applicant or Agent
Manager	5571 Halifax Avenue
Title	Address
Commission Code	Fort Myers, FL 33912
	City, State, Zip
	239-489-4066
	Telephone Number



OWNERSHIP AND ENCUMBRANCE REPORT

Provided for: HARPER/McNEW

Effective Date: October 30, 2011 at 11:00 p.m.

This title search commences from the date of the last outstanding institutional first mortgage on the property. If there is no outstanding mortgage, the search commences with the date record title vested in the current record owner.

Description of real property situated in Charlotte County, Florida:

SEE EXHIBIT "A" ATTACHED HERETO.

Apparent title vested in:

HARPER PROPERTY HOLDINGS, LLC, a Florida limited liability company, as to an undivided 56.157% interest

McNEW PROPERTY HOLDINGS, LLC, a Florida limited liability company, as to an undivided 43.843% interest

THIS SEARCH DOES NOT COVER MATTERS OTHER THAN THOSE RECORDED IN THE OFFICIAL RECORDS BOOKS OF THE COUNTY. CURRENT AND/OR DELINQUENT (IF ANY) AD VALOREM TAX INFORMATION IS NOT PROVIDED.

ENCUMBRANCES

1. Outstanding Mortgages, Construction Liens, Assessment Liens, Financing Statements:

NONE OF RECORD.

2. Unsatisfied Judgments and tax liens (State and Federal and other liens for the recovery of money:

NONE OF RECORD.

3. Other (easements, restrictions, leases, agreement for deed, etc. recorded subsequent to the beginning date of this search:

Notice of Environmental Resource or Surface Water Management Permit filed by SOUTH FLORIDA WATER MANAGEMENT DISTRICT dated December 10, 2010 and recorded January 13, 2011 in Official Records Book 3540, Page 978, of the Public Records of Charlotte County, Florida.

Agreement by and between B.P. LIMITED LIABILITY COMPANY and NESLUND FAMILY LIMITED PARTNERSHIP II and HARPER PROPERTY HOLDINGS, LLC and McNEW PROPERTY HOLDINGS, LLC dated August 16, 2011 and recorded August 25, 2011 in Official Records Book 3593, Page 575, of the Public Records of Charlotte County, Florida.

Restrictive conditions, easements, oil, gas and mineral rights and leases, and restrictions of record.

A 20 YEAR NAME SEARCH HAS BEEN PERFORMED ON ALL RECORD OWNERS AND MORTGAGEES ACQUIRING AN INTEREST WITHIN THE TIME PERIOD COVERED BY THIS SEARCH AND THE FOLLOWING WAS FOUND:

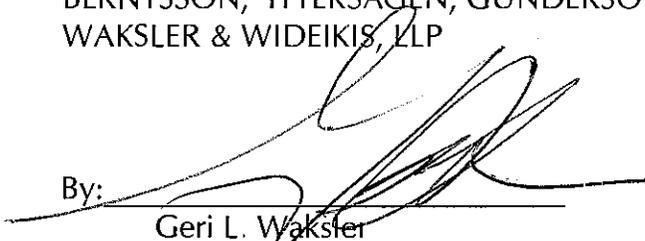
NOTHING OF RECORD.

THIS TITLE SEARCH IS PREPARED AND FURNISHED FOR INFORMATION ONLY. IT IS NOT AN OPINION OF TITLE AND IS NOT INTENDED FOR USE AS A TITLE BASE FOR THE ISSUANCE OF A TITLE INSURANCE COMMITMENT AND/OR POLICY, NOR SHOULD IT BE USED FOR THE PREPARATION OF FORECLOSURE PROCEEDINGS OR OTHER LITIGATION. LIABILITY IS HEREBY LIMITED TO THE AMOUNT PAID FOR THE TITLE SEARCH.

Signed this 16th day of November, 2011.

BERNTSSON, ITTERSAGEN, GUNDERSON,
WAKSLER & WIDEIKIS, LLP

By:


Geri L. Wakslar



Professional Engineers, Planners & Land Surveyors

DESCRIPTION OF A PARCEL
LYING IN SECTIONS 31, 32 & 33, T-42-S, R-24-E,
CHARLOTTE COUNTY, FLORIDA

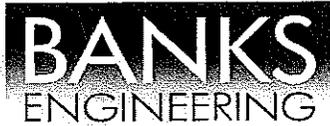
(PARCEL OF LAND)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTIONS 31, 32 AND 33, TOWNSHIP 42 SOUTH, RANGE 24 EAST, BEING A PART OF PARCEL ONE AS DESCRIBED IN OFFICIAL RECORDS BOOK 3442, PAGE 2200, CHARLOTTE COUNTY PUBLIC RECORDS AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 32; THENCE S.89°58'21"E. ALONG THE NORTH LINE OF SAID SECTION 32 FOR 2625.18 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 32; THENCE S.89°58'26"E ALONG THE NORTH LINE OF SAID SECTION 32 FOR 2625.01 FEET TO THE NORTHEAST CORNER OF SAID SECTION 32; THENCE N.89°21'37"E ALONG THE NORTH LINE OF SAID SECTION 33 FOR 509.17 FEET; THENCE LEAVING SAID NORTH LINE OF SECTION 33 S.00°38'23"E FOR 110.60 FEET; THENCE S.43°06'22"W FOR 99.14 FEET; THENCE S.38°11'50"W FOR 99.78 FEET; THENCE S.28°41'41"W FOR 99.96 FEET; THENCE S.24°55'26"W FOR 99.88 FEET; THENCE S.21°35'04"W FOR 100.09 FEET; THENCE S.24°55'21"W FOR 99.56 FEET; THENCE S.37°13'40"W FOR 99.99 FEET; THENCE S.35°07'47"W FOR 100.13 FEET; THENCE S.38°09'29"W FOR 99.80 FEET; THENCE S.56°19'39"W FOR 99.42 FEET; THENCE S.63°31'30"W FOR 100.03 FEET; THENCE S.56°38'07"W FOR 99.92 FEET; THENCE S.47°59'57"W FOR 99.87 FEET; THENCE S.44°13'52"W FOR 99.95 FEET; THENCE S.48°59'26"W FOR 99.86 FEET; THENCE S.62°01'56"W FOR 99.78 FEET; THENCE S.73°13'43"W FOR 99.71 FEET; THENCE S.73°44'14"W FOR 98.60 FEET; THENCE S.30°04'04"W FOR 98.17 FEET; THENCE S.18°16'07"W FOR 100.03 FEET; THENCE S.22°17'04"W FOR 99.96 FEET; THENCE S.26°20'45"W FOR 99.97 FEET; THENCE S.30°27'16"W FOR 100.04 FEET; THENCE S.33°30'00"W FOR 100.16 FEET; THENCE S.33°42'18"W FOR 99.91 FEET; THENCE S.31°20'25"W FOR 99.84 FEET; THENCE S.42°15'00"W FOR 99.64 FEET; THENCE S.44°45'35"W FOR 100.05 FEET; THENCE S.37°57'23"W FOR 99.85 FEET; THENCE S.32°48'06"W FOR 100.00 FEET; THENCE S.25°47'01"W FOR 99.87 FEET; THENCE S.15°36'18"W FOR 99.96 FEET; THENCE S.12°02'47"W FOR 100.01 FEET; THENCE S.13°07'36"W FOR 99.96 FEET; THENCE S.13°04'43"W FOR 99.92 FEET; THENCE S.09°41'21"W FOR 100.06 FEET; THENCE S.01°49'44"W FOR 99.91 FEET; THENCE S.08°28'46"E FOR 99.88 FEET; THENCE S.17°47'08"E FOR 99.91 FEET; THENCE S.24°42'46"E FOR 99.83 FEET; THENCE S.30°01'10"E FOR 100.11 FEET; THENCE S.35°38'01"E FOR 99.86 FEET; THENCE S.43°12'32"E FOR 99.77 FEET; THENCE S.51°38'27"E FOR 100.18 FEET; THENCE S.58°03'07"E FOR 99.88 FEET; THENCE S.61°34'00"E FOR 99.96 FEET; THENCE S.61°47'35"E FOR 99.98 FEET; THENCE S.57°51'26"E FOR 100.02 FEET; THENCE S.51°08'00"E FOR 99.85 FEET; THENCE S.46°35'30"E FOR 100.07 FEET; THENCE S.43°51'49"E FOR 99.86 FEET; THENCE S.41°53'26"E FOR 100.06 FEET; THENCE S.39°18'45"E FOR 99.93 FEET; THENCE S.10°24'09"E FOR 95.73 FEET; THENCE S.00°26'48"E FOR 62.57 FEET TO THE NORTH LINE OF THE PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 2030, PAGE 17, SAID CHARLOTTE COUNTY PUBLIC RECORDS; THENCE S.89°33'12"W ALONG SAID NORTH LINE FOR 2391.01 FEET TO THE EASTERLY RIGHT OF WAY LINE OF STATE ROAD 45 (U.S. HIGHWAY 41-TAMIAMI TRAIL); THENCE N.30°02'27"W ALONG SAID RIGHT OF WAY LINE FOR 1516.80 FEET; THENCE N.30°07'48"W ALONG SAID RIGHT OF WAY LINE FOR 2000.55 FEET; THENCE N.30°06'31"W ALONG SAID RIGHT OF WAY LINE FOR 1482.96 FEET TO THE NORTH LINE OF SAID SECTION 31; THENCE S.89°31'47"E ALONG SAID NORTH LINE FOR 99.83 FEET TO THE POINT OF BEGINNING

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www.bankseng.com



Professional Engineers, Planners & Land Surveyors

SAID PARCEL CONTAINS 14494909 97 SQUARE FEET, OR 332 76 ACRES, MORE OR LESS

BEARINGS ARE BASED ON SAID EASTERLY RIGHT OF WAY LINE OF STATE ROAD 45 AS BEARING
N 30°07'48"E

BANKS ENGINEERING
FLORIDA LICENSED BUSINESS NO LB6690

JULY 21, 2011

KENNETH E. TRASK
PROFESSIONAL LAND SURVEYOR
FLORIDA LICENSE NO. LS4684

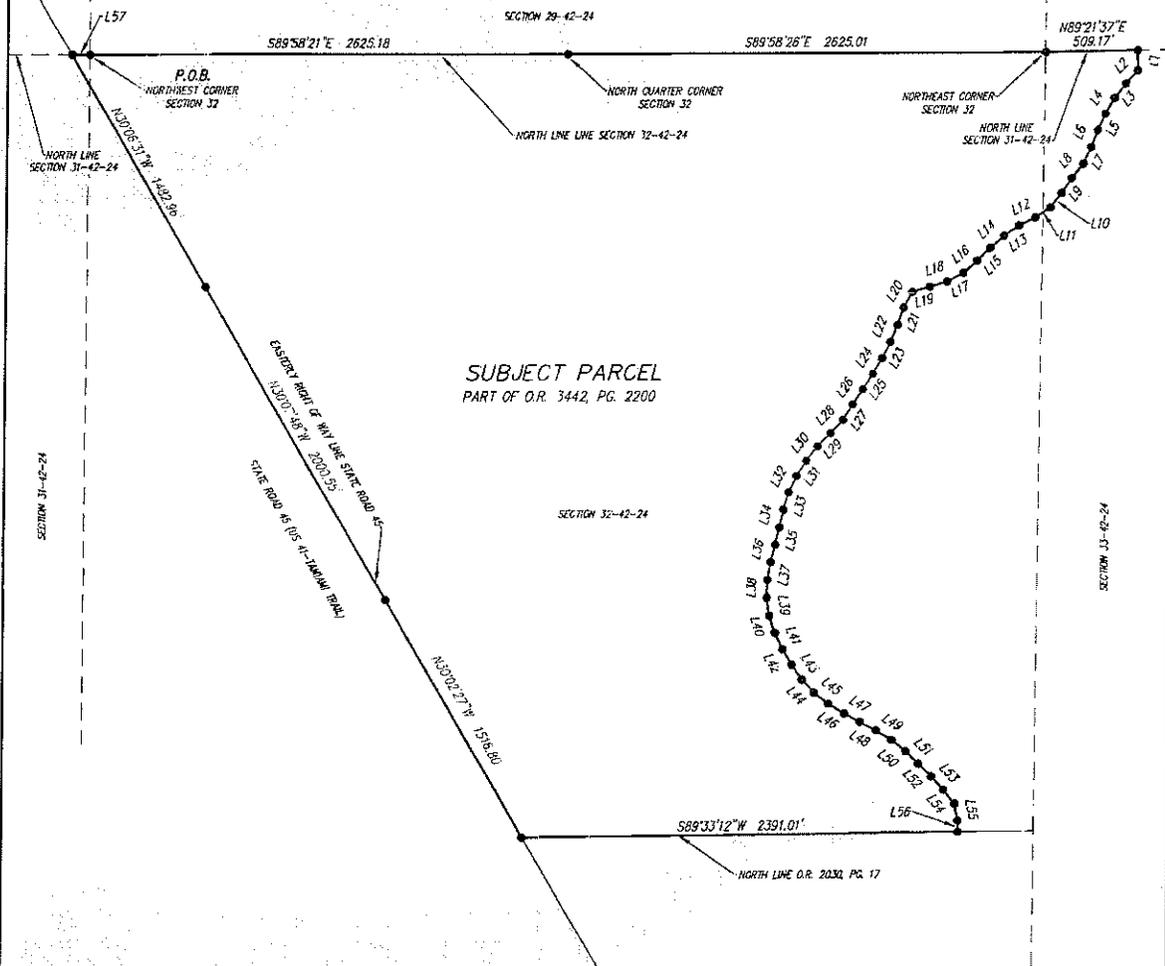
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LINE TABLE

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S00°38'23"E	110.60'	L23	S26°20'45"W	99.97'	L45	S51°38'27"E	100.18'
L2	S43°06'22"W	99.14'	L24	S30°27'16"W	100.04'	L46	S58°03'07"E	99.88'
L3	S38°11'50"W	99.78'	L25	S33°30'00"W	100.16'	L47	S61°34'00"E	99.96'
L4	S28°41'41"W	99.96'	L26	S33°42'18"W	99.91'	L48	S61°47'35"E	99.98'
L5	S24°55'26"W	99.88'	L27	S31°20'25"W	99.84'	L49	S57°51'26"E	100.02'
L6	S21°35'04"W	100.09'	L28	S42°15'00"W	99.64'	L50	S51°08'00"E	99.85'
L7	S24°55'21"W	99.56'	L29	S44°45'35"W	100.05'	L51	S46°35'30"E	100.07'
L8	S37°13'40"W	99.99'	L30	S37°57'23"W	99.85'	L52	S43°51'49"E	99.86'
L9	S35°07'47"W	100.13'	L31	S32°48'06"W	100.00'	L53	S41°53'26"E	100.06'
L10	S38°09'29"W	99.80'	L32	S25°47'01"W	99.87'	L54	S39°18'45"E	99.93'
L11	S56°19'39"W	99.42'	L33	S15°36'18"W	99.96'	L55	S10°24'09"E	95.73'
L12	S63°31'30"W	100.03'	L34	S12°02'47"W	100.01'	L56	S00°26'48"E	62.57'
L13	S56°38'07"W	99.92'	L35	S13°07'36"W	99.96'	L57	S89°31'47"E	99.83'
L14	S47°59'57"W	99.87'	L36	S13°04'43"W	99.92'			
L15	S44°13'52"W	99.95'	L37	S09°41'21"W	100.06'			
L16	S48°59'26"W	99.86'	L38	S01°49'44"W	99.91'			
L17	S62°01'56"W	99.78'	L39	S08°28'46"E	99.88'			
L18	S73°13'43"W	99.71'	L40	S17°47'08"E	99.91'			
L19	S73°44'14"W	98.60'	L41	S24°42'46"E	99.83'			
L20	S30°04'04"W	98.17'	L42	S30°01'10"E	100.11'			
L21	S18°16'07"W	100.03'	L43	S35°38'01"E	99.86'			
L22	S22°17'04"W	99.96'	L44	S43°12'32"E	99.77'			



SUBJECT PARCEL
PART OF O.R. 3442, PG. 2200

LEGEND

- PG AT PAGE
- P.O.B. POINT OF BEGINNING
- L1 LINE 1 OF LINE TABLE
- POINT OF ANGLE BREAK
- O.R. OFFICIAL RECORDS BOOK, CHARLOTTE COUNTY PUBLIC RECORDS

THIS IS NOT A BOUNDARY SURVEY

Kenneth E. Trask
KENNETH E. TRASK
PROFESSIONAL LAND SURVEYOR
FLORIDA CERTIFICATE NO. LS4684

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LAKE SUZY, FLORIDA 34268
PHONE: (941) 925-1185 FAX: (941) 925-1149
ENGINEERING LICENSE # EB 6458
SURVEY LICENSE # LS 8650
WWW.BANKSENG.COM

SKETCH TO ACCOMPANY DESCRIPTION
PARCEL LYING IN SECTIONS 31, 32 AND 33 T-42-S R-24-E
CHARLOTTE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	FILE NO. (S-T-R)
7-21-2011	J45J	3453-957-132.78-1C-34	DPS	KT	KT	1"=800'	3 OF 3	31, 32, & 33-42-24

★ Henderson, Franklin
P.O. Box 280
Ford Myers, FL 33902

AGREEMENT

THIS AGREEMENT made this 16th day of August, 2011, by and between B.P. Limited Liability Company and Neslund Family Limited Partnership II, hereinafter referred to as "Neslund", and Harper Property Holdings, LLC and McNew Property Holdings, LLC, hereinafter referred to as "Harper/McNew".

WHEREAS, Neslund is the owner of certain lands in Charlotte County, Florida identified in OR Book 1758, Page 835 and OR Book 1462, Page 127 of the Official Records of Charlotte County, Florida more particularly described on Exhibit "A" attached hereto and made a part hereof, the "Neslund Property": and

WHEREAS, Harper/McNew is the owner of certain lands in Charlotte County, Florida recorded in OR Book 3442, Pages 2196-2199 and OR Book 3442, Pages 2200-2203 and Corrective and Confirmatory Deeds recorded in OR Book 3456, Pages 313-316 and OR Book 3456, Pages 317-320 of the Official Records of Charlotte County, Florida, more particularly described on Exhibit "B" attached hereto and made a part hereof, the "Harper/McNew Property"; and

WHEREAS, a boundary survey of the Harper/McNew Property prepared by Banks Engineering, dated October 15, 2010 and Identified as Project Number 3453, Drawing 3453SR (Banks Survey), indicates an encroachment of a haul road being used by the operations on the Neslund Property onto the Harper/McNew Property; and

WHEREAS, Neslund has been provided a copy of the Banks Survey and acknowledges the encroachment; and

WHEREAS, the parties hereto desire to resolve the encroachment on an amicable basis.

NOW THEREFORE, in consideration of the sum of Ten Dollars and other good and valuable consideration, together with the mutual terms, covenants and promises contained in this agreement, it is hereby agreed, as follows:

1. Neslund acknowledges the encroachment on the Harper/McNew Property by construction and maintenance of a haul road being utilized in the operations on the Neslund Property, as shown on the Banks Survey.
2. Harper/McNew could request immediate removal of the encroachment.
3. Harper/McNew agrees to allow the encroachment constructed by Neslund to remain on the Harper/McNew Property, conditioned, as follows:
 - a. That the encroachment will be removed by Neslund at Neslund's sole cost and expense, upon thirty days' written notice from Harper/McNew.
 - b. That if Neslund should enter into a contract for sale and purchase or any other conveyance of the Neslund Property, Neslund will remove the encroachment

prior to the closing on, or conveyance of, the Neslund Property at Neslund's sole cost and expense.

- c. In the event that Neslund has not completed the excavation currently in progress on the eastern portion of the above-described property, Harper/McNew agree to allow Neslund to complete the excavation, so long as the excavation is complete on or before June 30, 2013. After June 30, 2013 this provision will have no force or effect. Additionally, this provision shall be void and unenforceable, if Harper/McNew have the opportunity to sell the above-described property, gives notice to Neslund, and the encroachment is objected to by any potential purchaser of the Harper/McNew property
- d. That Neslund will make no claim for ownership or easement on the Harper/McNew Property by claim of adverse possession or otherwise.
- e. That if Neslund shall fail and refuse to remove the encroachment as set forth above, Harper/McNew shall cause, after reasonable notice to Neslund, the encroachment to be removed and will be entitled to reimbursement of reasonable costs for the removal, including all costs of enforcement including, but not limited to, a reasonable attorneys fee and costs.

4. This document will be recorded in the Official Records of Charlotte County, Florida.

IN WITNESS WHEREOF, the parties have set their hands and seals on the date hereof.

Witnesses as to Neslund:

Carrie Jensen
James S. Fin
Carrie Jensen
James S. Fin

Richard Neslund
 B.P. Limited Liability Company
Richard Neslund
 Neslund Family Limited Partnership II

Witnesses as to Harper/McNew:

David R. Harper
Elizabeth McNeel

Harper Property Holdings, LLC
By: Harper Property Management, LLC, Manager

Daniel R. Harper
 Daniel R. Harper, Trustee, its Manager

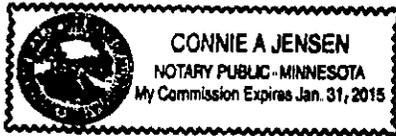
8

State of MINNESOTA

County of HENNEPIN

The foregoing instrument was acknowledged before me this 26 day of JULY, 2011, by RICHARD NESLUND, who is President of Southern Engineering, Inc., General Partner of Neslund Family Limited Partnership II, who executed the foregoing AGREEMENT individually and on behalf of said Neslund Family Limited Partnership II, and who is personally known to me, or who produced _____ as identification.

My Commission Expires:



Connie A. Jensen
Notary Public

CONNIE A. JENSEN
Print/Type Name of Notary

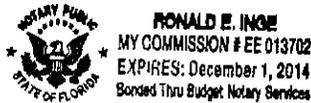
Commission No. 6096488

State of Florida

County of LEE

The foregoing instrument was acknowledged before me this 13th day of August, 2011, by Daniel R. Harper, Trustee Manager of Harper Property Management, LLC, who is manager of Harper Property Holdings, LLC, who executed the foregoing Agreement on behalf of said Harper Property Holdings, LLC, and who is personally known to me, or who produced _____ as identification.

My Commission Expires:



Ronald E. Ince
Notary Public

Ronald E. Ince
Print/Type Name of Notary

Commission No. EE013702

✓

State of FLORIDA

County of LEE

The foregoing instrument was acknowledged before me this 16th day of August, 2011 by Quinton B. McNew, Trustee Manager of McNew Property Management, LLC, who is manager of McNew Property Holdings, LLC, who executed the foregoing AGREEMENT on behalf of said McNew Property Holdings, LLC, and who is personally known to me, or who produced _____ as identification.

My Commission Expires:

[Signature]
Notary Public



RONALD E. INGE
MY COMMISSION # EE 013702
EXPIRES: December 1, 2014
Bonded Thru Budget Notary Services

Ronald E. Inge
Printed/Typed Name of Notary

Commission No. EE013702



PARCEL A (Parcel ID # 0073805-001000-2)

A parcel of land in Sections 29 and 30, Township 42 South, Range 24 East, of Charlotte County, Florida, more particularly described as follows:

From the Southwest Corner of Lot 57, Block 1, Unit 1, ORANGE GROVE PARK, as recorded in Plat Book 6, Pages 46A thru 46C, of the Public Records of Charlotte County, Florida, run South 30°02'03" East along the Easterly Right-of-Way line of U.S. 41 (S.R. 45) a distance of 1,233.32 feet; thence South 30°09'10" East 1822.73 feet; thence North 59°50'50" East 348.47 feet to the Point of Beginning; Thence North 30°02'30" West, 978.91 feet; thence East 4271.88 feet; thence South 1140 feet; thence West 3249.02 feet; thence North 30°09'10" West, 522.52 feet; thence South 59°50'50" West, 313.53 feet to the Point of Beginning.

PARCEL B (Parcel ID # 0073810-000000-7)

Being a part of the Southeast One-Quarter of Section 30 and a part of the South One-Half of Section 29, Township 42 South, Range 24 East, Charlotte County, Florida, more particularly described as follows:

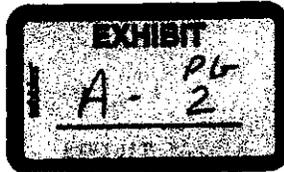
Commencing at the Southwest Corner of Lot 57, Block 1, Unit 1, ORANGE GROVE PARK, as recorded in Plat Book 6, Pages 46A thru 46C, of the Public Records of Charlotte County, Florida, run South 30°02'30" East along the Northeasterly Right-of-Way line of U.S. 41 (S.R. 45) a distance of 1,233.32 feet; thence South 30°09'10" East, along the said Northeasterly Right-of-Way line, a distance of 1822.73 feet to the Point of Beginning; said point being North 30°09'10" West, a distance of 171.93 feet from the Intersection of said Northeasterly Right-of-Way Line with the South Line of said Section 30; Thence North 59°50'50" East, a distance of 660.00 feet; thence South 30°09'10" East, a distance of 522.52 feet to a point on a line 30 feet North and parallel with the South line of said Section 29; thence due West a distance of 646.29 feet to a point on the West line of said Section 29, lying 30 feet North of the Southwest Corner of said Section 29; thence North 89°33'51" West along a line parallel with and 30 feet North of the South line of said Section 30, a distance of 117.52 feet to a point on the Northeasterly Right-of-Way Line of said U.S. 41; thence North 30°09'10" West, along said Northeasterly Right-of-Way Line a distance of 138.08 feet to the Point of Beginning.

PARCEL C (Parcel ID # 0073813-000110-1)

Lots 45, 46, 47, 48 and 49, Block 10, of the unrecorded plat of ORANGE GROVE PARK, being more particularly described as follows:

From the Intersection of the South line of Section 19, Township 42 South, Range 24 East and the Northeasterly Right-of-Way line (100 feet from centerline) of State Road 45 (U.S. 41) (Tamlami Trail), run South 29°54'40" East along the said Northeasterly Right-of-Way line 1,344.60 feet to a P.R.M.; thence South 30°02'30" East along said Right-of-Way line 2,904.76 feet; thence South 30°09'10" East along said Right of Way line 1,086.68 feet to the Point of Beginning; thence continue South 30°09'10" East along said Right-of-Way line 260.00 feet; thence North 59°57'30" East 347.45 feet; thence North 30°02'30" West, 260.00 feet; thence South 59°57'30" West, 347.93 feet to the Point of Beginning. All lying and being in Section 30, Township 42 South, Range 24 East, Charlotte County, Florida.

and



Parcel "A"

From the southwest corner of Lot 57, Block 1, Unit 1, ORANGE GROVE PARK, as recorded in Plat Book 6, at Pages 46A, 46B and 46C, Charlotte County Records, run South 30 degrees 02'30" East along the Easterly line of US 41, (SR 45) a distance of 1233.32 feet; thence South 30 degrees 09'10" East 416.68 feet to the Point of Beginning, thence North 59 degrees 57'30" East 349.19 feet; thence South 30 degrees 02'30" East 150 feet; thence South 59 degrees 57'30" West 348.90 feet; thence North 30 degrees 09'10" West 150 feet to the Point of Beginning. Being Lots 32, 33 and 34, Block 10, of an unrecorded portion of ORANGE GROVE PARK, Charlotte County, Florida.

PARCEL "B"

From the southwest corner of Lot 57, Block 1, Unit 1, ORANGE GROVE PARK, as recorded in Plat Book 6, Pages 46A, 46B and 46C, Charlotte County Records, run South 30 degrees 02'30" East along the Easterly line of U.S. 41 (S.R. 45) a distance of 1233.32 feet; thence South 30 degrees 09'10" East 566.68 feet to the Point of Beginning; thence North 59 degrees 57'30" East 348.90 feet, thence South 30 degrees 02'30" East 250 feet; thence South 59 degrees 57'30" West 348.42 feet; thence North 30 degrees 09'10" West 250 feet to the Point of Beginning. Being Lots 35 through 39, inclusive, Block 10, of an unrecorded portion of ORANGE GROVE PARK.

PARCEL "C"

From the southwest corner of Lot 57, Block 1, Unit 1, ORANGE GROVE PARK, as recorded in Plat Book 6, Pages 46-A, 46-B & 46-C, Charlotte County Records, run South 30 degrees 02'30" East along the Easterly line of U.S. 41 (S.R. 45) a distance of 1233.32 feet; thence South 30 degrees 09'10" East 566.68 feet; thence North 59 degrees 57'30" East 348.90 feet to the Point of Beginning; thence North 30 degrees 02'30" West 10.33 feet; thence East 1867.50 feet; thence North 2471.63 feet; thence East 6517.20 feet; thence South 45 degrees 46'50" East 5427.36 feet; thence South 89 degrees 19' West 1213.70 feet; thence South 89 degrees 19'50" West 5311.57 feet; thence West 1353.26 feet; thence North 1140 feet; thence West 4271.66 feet; thence North 30 degrees 02'30" West 278.46 feet to the Point of Beginning. Lying in Sections 27 through 30, Township 42 South, Range 24 East, Charlotte County, Florida.



Parcel 1

All of Sections 31, 32, 33, 34 and 35, Township 42 South, Range 24 East, Charlotte County, Florida lying Easterly of State Road No. 45 (U.S. 41 - Tamiami Trail) and lying Westerly of the Seaboard Coast Line Railroad Right of Way.

LESS AND EXCEPT the following:

Beginning at the Southeast corner of Section 32, Township 42 South, Range 24 East, Charlotte County, Florida run North along the East line of the Southeast Quarter (SE - ¼) of said Section 32 for 992 feet to the Northeast corner of lands described in deed recorded in Official Records Book 2030, at Page 0017, Charlotte County Records; thence run Westerly along the Northerly line of said lands also being parallel with the South line of the Southeast Quarter of said Section 32 to an intersection with the Northeasterly right of way line of State Road No. 45 (U.S. 41 - Tamiami Trail); thence run Southeasterly along said Northeasterly right of way line to an intersection with the South line of said Southeast Quarter (SE - ¼); thence run Easterly along said South line to the Point of Beginning.

Parcel 2

A strip of land (100 feet wide) being a portion of the former Atlantic Coast Line Railroad lying in Section 34, Township 42 South, Range 24 East, Charlotte County, Florida lying in Section 34, Township 42 South, Range 24 East, Charlotte County, Florida said strip of land being more particularly described as follows:

Commencing at the Southeast corner of the Southeast Quarter (SE-1/4) of said Section 34 run N 89°58'29" W along the South line of said fraction for 253.07 to an intersection with the Easterly line of said former Atlantic Coast Line Railroad (100 feet wide); thence run N 11°08'17" W along said Easterly line for 2315.41 feet to an intersection with the Northerly line of the Seaboard Coast Line Railroad and the Point of Beginning.

From said Point of Beginning continue N 11°08'17" W along said Easterly line for 669.49 feet to an intersection with the Southerly Limited Access Right of Way Line of State Road 93 (Interstate 75) as per FDOT right of way map Section No. 01075-2401; thence run Northwesterly along said Southerly Right of Way line along an arc of a curve to the right of radius 11307.50 feet (delta 00°44'14") (chord bearing S54°30'15" E) (chord 145.51 feet) for 145.52 feet to an intersection with the Westerly line of said former Atlantic Coast Line Railroad; thence run S 11°08'17" E along said Westerly line for 630.50 feet to an intersection with the Northerly line of said Seaboard Coast Line Railroad right of way; thence run S 45°45'01" E along said Northerly line for 175.91 feet to the Point of Beginning.

Bearings hereinabove mentioned are based on the South line of the Southeast Quarter (SE-1/4) of Section 34, Township 42 South, Range 24 East, Charlotte County, Florida to bear N 89°58'29" W.

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT
PO BOX 24680
WEST PALM BEACH FL 33416-4680



SOUTH FLORIDA WATER MANAGEMENT DISTRICT Notice of Environmental Resource Or Surface Water Management Permit

Document Prepared By:
South Florida Water Management District

Return Recorded Document To:
Environmental Resource Regulation
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406

RE: Permit No : 08-00111-P
Grantee: McNew Ranch
Parcel ID: 422433100001
County: Charlotte

Notice

The SFWMD hereby gives notice that Environmental Resource or Surface Water Management Permit No 08-00111-P has been issued to authorize the construction or modification of a surface water management system to serve the real-property described on Exhibit "A" attached hereto and made a part hereof ("Premises"). This property is subject to the requirements and restrictions set forth in Chapter 373, Florida Statute and Rule 40E, Florida Administrative Code.

Within thirty (30) days of any transfer of interest or control of that portion of the premises containing the surface water management system (or any portion thereof), the permittee must notify the SFWMD in writing of the property transfer. Notification of the transfer does not by itself constitute a permit transfer. Therefore, purchasers of that portion of the premises containing the surface water management system (or any portion thereof) are notified that it is unlawful for any person to construct, alter, operate, maintain, remove or abandon any stormwater management system, dam, impoundment, reservoir, appurtenant work or works, or any combination thereof, including dredging or filling, without first having obtained an environmental resource permit from the SFWMD in the purchaser's name.

Within thirty (30) days of the completion of construction of the surface water management system, a signed and sealed construction completion certification must be submitted to SFWMD pursuant to the requirements of Rule 40E-4 361, Florida Administrative Code.

This notice is applicable to property containing the structural surface water management facilities. For purposes of this notice only, the structural surface water management facilities are limited to lakes, canals, swales, ditches, berms, dry detention areas, water control structures, pumps, culverts, inlets, roads, and wetlands mitigation areas, buffers and upland compensation areas.

Conditions

The Permit is subject to the General Conditions set forth in Rule 40E-4 381, Florida Administrative Code. The Permit also contains additional Special Conditions. Accordingly, interested parties should closely examine the entire Permit, all associated applications, and any subsequent modifications.

Conflict Between Notice And Permit

This Notice of Permit is not a complete summary of the Permit. Provisions in the Notice of Permit shall not be used in interpreting the Permit provisions. In the event of conflict between this Notice of Permit and the Permit, the permit shall control.

This Notice is Not an Encumbrance

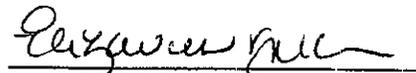
This Notice is for informational purposes only It is not intended to be a lien, encumbrance, or cloud on the title of the premises

Release

This Notice may not be released or removed from the public records without the prior written consent of the South Florida Water Management District

This Notice of Permit is executed on this 10th of December, 2010

South Florida Water Management District


Deputy District Clerk

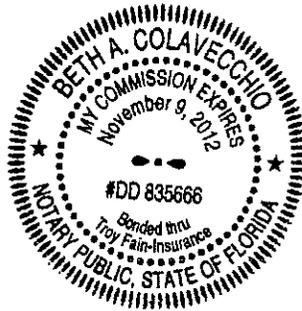
South Florida Water Management District contact: Director of Environmental Resource Compliance (ERC), Environmental Resource Regulation Department

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 10th day of December, 2010 by Elizabeth Veguilla as Deputy Clerk of the South Florida Water Management District a public corporation, on behalf of the public corporation He/She is personally known to me or has produced _____ as identification

(seal)




Notary Public

Beth A. Colavecchio
Print

My Commission Expires: Nov 9, 2012

10 52335
 9,401.00
 stamps
 990512-18
 DOCUMENTARY STAMP TAX
 DEPT. OF REVENUE
 JUN-4'81
 999.00
 EXECUTOR'S DEED
 668 PG 985

81 532335

THIS INDENTURE, made this 29 day of May, 1981, between ALLEN LEE DOUGHERTY, of the City of Danville, in the County of Vermilion and State of Illinois, as Executor of the Last Will and Testament of A.L. DOUGHERTY, Deceased, late of the City of Paoli, in the County of Orange and State of Indiana, party of the first part, and DANIEL R. HARPER, an undivided 45% interest therein, QUINTON B. McNEW, an undivided 35% interest therein, CURTIS W. BOSTICK, an undivided 10% interest therein, and THOMAS R. BAKER, an undivided 10% interest therein, of the County of Lee and State of Florida, as parties of the second part.

WITNESSETH, that whereas, A.L. DOUGHERTY, late of the City of Paoli in the County of Orange and State of Indiana, Deceased, in his lifetime, made and executed his Last Will and Testament bearing date the 5th day of December, 1980, which was duly provided and admitted to probate in and by the Probate Division of the Circuit Court for Charlotte County, Florida, whereby, among other things, he constituted and appointed the said ALLEN LEE DOUGHERTY, Executor of his said Last Will and Testament, and did thereby empower the said ALLEN LEE DOUGHERTY, Executor, to sell and dispose of real estate belonging to the said A.L. DOUGHERTY at the time of his death for such price and upon such terms and credits as deemed proper.

NOW, THEREFORE, the said party of the first part, by virtue of the power and authority to him given in and by the said Last Will and Testament, and for and in consideration of the sum of Ten (\$10.00) Dollars and other valuable considerations to him in hand paid by the said parties of the second part, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the said parties of the second part, namely, DANIEL R. HARPER, an undivided 45% interest therein, QUINTON B. McNEW, an undivided 35% interest therein, CURTIS W. BOSTICK, an undivided 10% interest therein, and THOMAS R. BAKER, an undivided 10% interest therein, all of the tract or parcel of land lying and being in the County of Charlotte and State of Florida described as follows, to-wit:

PARCEL 1: All that part of the South Half of the South Half of Section 32 lying east of Tamiami Trail; All of the South Half of the South Half of Section 33; and all that part of the South Half of the South Half of Section 34 lying west of the old Seaboard Air Line Railroad Right-of-Way; All in Township 42 South of Range 24 East; EXCEPTING THEREFROM: From the point of intersection of the South line of said Section 32 with the Easterly right-of-way line of the Tamiami Trail (State Road No. 45) run northwesterly along said right-of-way line 100

Notary Public
 My Comm. Expires
 [Signature]
 D.S.

81 532335
 OFFICIAL RECORDS

STATE OF FLORIDA DOCUMENTARY STAMP TAX DEPT. OF REVENUE JUN-4-91 999.00

STATE OF FLORIDA DOCUMENTARY STAMP TAX DEPT. OF REVENUE JUN-4-91 999.00

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STATE OF FLORIDA DOCUMENTARY STAMP TAX DEPT. OF REVENUE JUN-4-91 999.00

feet from the centreline for 57.5 feet to the point of beginning. From said point of beginning, continue Northwesterly along said right-of-way line for 234.5 feet; thence run Northeasterly, perpendicular to said right-of-way line for 710 feet; thence run Southeasterly parallel to said right-of-way line for 637.8 feet to a point 50 feet, measured on a perpendicular, North of said South line of Section 32; thence run west parallel to said South Line for 816.6 feet to the point of beginning.

PARCEL 2: All that part of the North Half of the South Half of Section 32, lying East of Tamiami Trail; all of the North Half of the South Half of Section 33; and all that part of the North Half of the South Half of Section 34, lying West of the old Seaboard Air Line Railroad right-of-way and West of the Atlantic Coast Line Railroad right-of-way; all in Township 42 South of Range 24 East.

PARCEL 3: All that part of the North Half of the North Half and the North Half of the South Half of the North Half of the North Half of the South half of the North Half of Section 33; and all that part of the North Half of the North Half and the North Half of the South Half of the North Half of Section 34 lying West of Atlantic Coastline Railroad right-of-way; all in Township 42 South of Range 24 East.

PARCEL 4: All that part of the South Half of the South Half of the North Half of Section 32, lying East of Tamiami Trail; all of the South Half of the South Half of the North Half of Section 33; and all that part of the South Half of the South Half of the North Half of Section 34 lying West of the Atlantic Coastline Railroad right-of-way; all in Township 42 South of Range 24 East, EXCEPT: for a point of reference commence at the SE corner of the NW 1/4 of Section 32, Township 42s, Range 24E, from said point of reference run thence N 89° 59' 28" West, along the South boundary of said NW 1/4, 1425.41 ft. to an intersection with the Easterly right-of-way line of U.S. Highway #41 (State Rd 45), said point of intersection also being the point of beginning; From said point of beginning run thence north 30° 10' 36" W, along the Easterly right-of-way line of U.S. Highway #41, 514.89 ft. to a point; thence S. 89° 59' 28" E. 516.93 feet to a point; thence S. 0° 0' 32" W 445.07 feet to an intersection with the South boundary of said NW 1/4; thence N 89° 59' 28" W, along the South boundary of said NW 1/4, 258.04 feet to the point of beginning; the above described tract or parcel of land containing 3.96 acres more or less.

PARCEL 5: That portion of the S 1/2 of the NW 1/4 of Section 32, Township 42 South, Range 24 East, Charlotte County, Florida, more particularly described as follows: For a point of reference commence at the Southeast Corner of the NW 1/4 of Said Section 32; from said point of reference run thence N 89° 59' 28" W along the South boundary of said NW 1/4 1425.41 feet to an intersection with the easterly right-of-way line of U.S. Highway 41 (State Road No. 45), said point of intersection also being the point of beginning of the lands hereby conveyed; from said point of beginning run thence N 30° 10' 36" W, along the easterly right of way of said U.S. Highway 41, 514.89 feet to a point; thence S 89° 59' 28" E, 516.93 feet to a point; thence S 00° 00' 32" W 445.07 feet to an intersection with the South boundary of said NW 1/4; thence run N 89° 59' 28" W, along the South boundary of said NW 1/4, 258.04 feet to the point of beginning, containing 3.96 acres, more or less.

LESS: With the exception of the following described property: Begin at SE corner of Section 32, Township 42 South, Range 24 East, Charlotte County, Florida, thence

STATE OF FLORIDA DOCUMENTARY STAMP TAX DEPT. OF REVENUE JUN-4-91 999.00

STATE OF FLORIDA DOCUMENTARY STAMP TAX DEPT. OF REVENUE JUN-4-91 999.00

STATE OF FLORIDA DOCUMENTARY STAMP TAX DEPT. OF REVENUE JUN-4-91 999.00

STATE OF FLORIDA DOCUMENTARY STAMP TAX DEPT. OF REVENUE JUN-4-91 598.40

Northerly along east line of said Section 32 for 992.07 feet; thence Westerly parallel to the South line of Said Section 32 for 2816.35 feet to the Northeasterly right-of-way, 100 feet from center line of State Road 45 (US 41), thence Southeasterly along said right-of-way for 852.86 feet to the most Westerly corner of a parcel previously deeded; then Northeasterly, perpendicular to said right-of-way for 710.00 feet; thence Southeasterly, parallel to said right-of-way for 637.8 feet to a point 50 feet, measured on a perpendicular north of south line of said Section 32, thence west parallel to said south line for 816.6 feet to said Northeasterly right of way, thence southerly along said right-of-way for 57.5 feet to the south line of said Section 32; thence easterly along said south line for 2222.62 feet to the point of beginning, containing 50.32 acres.

D.S. 668 Pg 987

PARCEL 6: All that part of Section 31, Township 42 South, Range 24 East lying East of State Road 45 R/W.

Containing a total of approximately 1504 acres, Charlotte County, Florida.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest and claim whatsoever of the said party of the first part either in law or equity, to the only proper use, benefit and behoof of the said parties of the second part, their heirs and assigns forever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed in the presence of:

Jess Ester

Margaret L. Manning

Allen L. Dougherty
ALLEN L. DOUGHERTY, Executor of the Last Will and Testament of A.L. DOUGHERTY, Deceased

SEND TAX STATEMENT TO: Grantees, whose address for tax purposes is, Route 1, Box 821, Fort Myers, Florida 33908

STATE OF ILLINOIS)
COUNTY OF VERMILION) ss

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, ALLEN L. DOUGHERTY, Executor of the Last Will and Testament of A.L. DOUGHERTY, Deceased, to me well known to be the person described as Grantor and who executed the foregoing deed, and acknowledged before me that said person executed the same freely and voluntarily for the

 HENDERSON FRANKLIN
P.O. BOX 280
Fort Myers, FL 33902

THIS INSTRUMENT PREPARED BY:
Denis H. Noah, Esq.
P.O. Box 280
Fort Myers, FL 33902-0280

**THIS INSTRUMENT PREPARED WITHOUT BENEFIT OF TITLE
EXAMINATION**

TRUSTEE'S DEED

THIS INDENTURE, made this 21st day of December, 2009, between **Quinton B. McNew, Individually and as Trustee of the Quinton B. McNew Revocable Trust dated March 29, 1995, as amended March 6, 1996, April 14, 1998 and November 17, 2004**, whose address is 5571 Halifax Avenue, Fort Myers, Florida 33912, of the County of Lee, State of Florida, Party of the First Part, and **McNew Property Holdings, LLC**, a Florida limited liability company, whose address is 5571 Halifax Avenue, Fort Myers, Florida 33912, of the County of Lee, State of Florida, party of the Second Part.

WITNESSETH: That the said Party of the First Part, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, to him in hand paid by the said Party of the Second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Party of the Second part, its successors and assigns forever, the following described land, situate, and being in the County of Charlotte, State of Florida, to wit:

An undivided 43.843% interest in the following described property:

Parcel 1

All of Sections 31, 32, 33, 34 and 35, Township 42 South, Range 24 East, Charlotte County, Florida lying Easterly of State Road No. 45 (U.S. 41 - Tamiami Trail) and lying Westerly of the Seaboard Coast Line Railroad Right of Way.

QBM

4

LESS AND EXCEPT the following:

Beginning at the Southeast corner of Section 32, Township 42 South, Range 24 East, Charlotte County, Florida run North along the East line of the Southeast Quarter (SE - ¼) of said Section 32 for 992 feet to the Northeast corner of lands described in deed recorded in Official Records Book 2030, at Page 0017, Charlotte County Records; thence run Westerly along the Northerly line of said lands also being parallel with the South line of the Southeast Quarter of said Section 32 to an intersection with the Northeasterly right of way line of State Road No. 45 (U.S. 41 - Tamiami Trail); thence run Southeasterly along said Northeasterly right of way line to an intersection with the South line of said Southeast Quarter (SE - ¼); thence run Easterly along said South line to the Point of Beginning.

Parcel 2

A strip of land (100 feet wide) being a portion of the former Atlantic Coast Line Railroad lying in Section 34, Township 42 South, Range 24 East, Charlotte County, Florida lying in Section 34, Township 42 South, Range 24 East, Charlotte County, Florida said strip of land being more particularly described as follows:

Commencing at the Southeast corner of the Southeast Quarter (SE-1/4) of said Section 34 run N 89°58'29" W along the South line of said fraction for 253.07 to an intersection with the Easterly line of said former Atlantic Coast Line Railroad (100 feet wide); thence run N 11°08'17" W along said Easterly line for 2315.41 feet to an intersection with the Northerly line of the Seaboard Coast Line Railroad and the Point of Beginning.

From said Point of Beginning continue N 11°08'17" W along said Easterly line for 669.49 feet to an intersection with the Southerly Limited Access Right of Way Line of State Road 93 (Interstate 75) as per FDOT right of way map Section No. 01075-2401; thence run Northwesterly along said Southerly Right of Way line along an arc of a curve to the right of radius 11307.50 feet (delta 00°44'14") (chord bearing S54°30'15" E) (chord 145.51 feet) for 145.52 feet to an intersection with the Westerly line of said former Atlantic Coast Line Railroad; thence run S 11°08'17" E along said Westerly line for 630.50 feet to an intersection with the Northerly line of said Seaboard Coast Line Railroad right of way; thence run S 45°45'01" E along said Northerly line for 175.91 feet to the Point of Beginning.

Bearings hereinabove mentioned are based on the South line of the Southeast Quarter (SE-1/4) of Section 34, Township 42 South, Range 24 East, Charlotte County, Florida to bear N 89°58'29" W.

9/3/11

Parcel 1 and Parcel 2 are subject to easements, restrictions and reservations of record and taxes for the year 2009 and all subsequent years

The property being conveyed hereby is vacant land and is not now, nor has it ever been the homestead property of the Grantor hereunder, nor contiguous to any homestead property of the Grantor.

Parcel Identification Nos.: 422432100001; 422432200001; 422433100001; 422434300001; 422435300003; and 422434400001

DOCUMENTARY STAMP TAX IS PAID HEREON BASED UPON \$10.00 CONSIDERATION AND NO ADDITIONAL CONSIDERATION HAS BEEN PAID BY GRANTEE OR RECEIVED BY GRANTOR. THIS IS A CONVEYANCE TO A CONDUIT ENTITY AS DEFINED IN F.S. SECTION 201.02 (1)(a), AND F.S. SECTION 201.02(b)1.a.

And the said Party of the First Part does hereby warrant that the premises are free from all encumbrances made by Party of the First Part, except as aforesaid, but against none other.

IN WITNESS WHEREOF, the said Party of the First Part has hereunto set his hand and seal the day and year first above written.

SIGNED, SEALED, AND DELIVERED
IN THE PRESENCE OF:

Donald Gibson
Witness

Donald Gibson
(Type/Print Name of Witness)

Deborah L. Kapp-Dresly
Witness

Deborah L. Kapp-Dresly
(Type/Print Name of Witness)

Quinton B. McNew
**Quinton B. McNew, Individually and as
Trustee of the Quinton B. McNew
Revocable Trust dated March 29, 1995,
as amended March 6, 1996, April 14,
1998 and November 17, 2004**

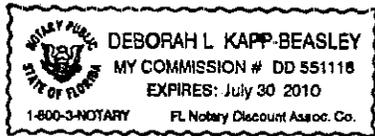
QBM'

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 21st day of December, 2009, by **Quinton B. McNew, Individually and as Trustee of the Quinton B. McNew Revocable Trust dated March 29, 1995, as amended March 6, 1996, April 14, 1998 and November 17, 2004**, who executed the foregoing Trustee's Deed individually and on behalf of said Trust, and who is personally known to me or who produced _____ as identification.

My Commission Expires: 7/30/10



[Signature]
Notary Public

Deborah L. Kapp-Beasley

Print/Type Name of Notary

Commission No. DD551118

#1749065v1

RAM

★ Henderson Franklin
P.O. Box 280
FORT MYERS, FL
33902

THIS INSTRUMENT PREPARED BY:
Denis H. Noah, Esq.
P.O. Box 280
Fort Myers, FL 33902-0280

**THIS INSTRUMENT PREPARED WITHOUT BENEFIT OF TITLE
EXAMINATION**

TRUSTEE'S DEED

THIS INDENTURE, made this 24th day of December, 2009, between Daniel R. Harper, Individually and as Trustee of the Daniel R. Harper Revocable Trust dated July 13, 1990, as amended and restated September 16, 1996, as amended April 14, 1998, October 30, 2000, February 24, 2004, July 20, 2004, November 17, 2004 and June 24, 2009, whose address is 5571 Halifax Avenue, Fort Myers, Florida 33912, of the County of Lee, State of Florida, Party of the First Part, and Harper Property Holdings, LLC, a Florida limited liability company, whose address is 5571 Halifax Avenue, Fort Myers, Florida 33912, of the County of Lee, State of Florida, party of the Second Part.

WITNESSETH: That the said Party of the First Part, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, to him in hand paid by the said Party of the Second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Party of the Second part, its successors and assigns forever, the following described land, situate, and being in the County of Charlotte, State of Florida, to wit:

An undivided 56.157% interest in the following described property:

Parcel 1

All of Sections 31, 32, 33, 34 and 35, Township 42 South, Range 24 East, Charlotte County, Florida lying Easterly of State Road No. 45 (U.S. 41 - Tamiami Trail) and lying Westerly of the Seaboard Coast Line Railroad Right of Way.

[Handwritten signature]

LESS AND EXCEPT the following:

Beginning at the Southeast corner of Section 32, Township 42 South, Range 24 East, Charlotte County, Florida run North along the East line of the Southeast Quarter (SE - ¼) of said Section 32 for 992 feet to the Northeast corner of lands described in deed recorded in Official Records Book 2030, at Page 0017, Charlotte County Records; thence run Westerly along the Northerly line of said lands also being parallel with the South line of the Southeast Quarter of said Section 32 to an intersection with the Northeasterly right of way line of State Road No. 45 (U.S. 41 - Tamiami Trail); thence run Southeasterly along said Northeasterly right of way line to an intersection with the South line of said Southeast Quarter (SE - ¼); thence run Easterly along said South line to the Point of Beginning.

Parcel 2

A strip of land (100 feet wide) being a portion of the former Atlantic Coast Line Railroad lying in Section 34, Township 42 South, Range 24 East, Charlotte County, Florida lying in Section 34, Township 42 South, Range 24 East, Charlotte County, Florida said strip of land being more particularly described as follows:

Commencing at the Southeast corner of the Southeast Quarter (SE-1/4) of said Section 34 run N 89°58'29" W along the South line of said fraction for 253.07 to an intersection with the Easterly line of said former Atlantic Coast Line Railroad (100 feet wide); thence run N 11°08'17" W along said Easterly line for 2315.41 feet to an intersection with the Northerly line of the Seaboard Coast Line Railroad and the Point of Beginning.

From said Point of Beginning continue N 11°08'17" W along said Easterly line for 669.49 feet to an intersection with the Southerly Limited Access Right of Way Line of State Road 93 (Interstate 75) as per FDOT right of way map Section No. 01075-2401; thence run Northwesterly along said Southerly Right of Way line along an arc of a curve to the right of radius 11307.50 feet (delta 00°44'14") (chord bearing S54°30'15" E) (chord 145.51 feet) for 145.52 feet to an intersection with the Westerly line of said former Atlantic Coast Line Railroad; thence run S 11°08'17" E along said Westerly line for 630.50 feet to an intersection with the Northerly line of said Seaboard Coast Line Railroad right of way; thence run S 45°45'01" E along said Northerly line for 175.91 feet to the Point of Beginning.

Bearings hereinabove mentioned are based on the South line of the Southeast Quarter (SE-1/4) of Section 34, Township 42 South, Range 24 East, Charlotte County, Florida to bear N 89°58'29" W.

Parcel 1 and Parcel 2 are subject to easements, restrictions and reservations of record and taxes for the year 2009 and all subsequent years.

The property being conveyed hereby is vacant land and is not now, nor has it ever been the homestead property of the Grantor hereunder, nor contiguous to any homestead property of the Grantor.

Parcel Identification Nos.: 422432100001; 422432200001; 422433100001; 422434300001; 422435300003; and 422434400001

DOCUMENTARY STAMP TAX IS PAID HEREON BASED UPON \$10.00 CONSIDERATION AND NO ADDITIONAL CONSIDERATION HAS BEEN PAID BY GRANTEE OR RECEIVED BY GRANTOR. THIS IS A CONVEYANCE TO A CONDUIT ENTITY AS DEFINED IN F.S. SECTION 201.02 (1)(a), AND F.S. SECTION 201.02(b)1.a.

And the said Party of the First Part does hereby warrant that the premises are free from all encumbrances made by Party of the First Part, except as aforesaid, but against none other.

IN WITNESS WHEREOF, the said Party of the First Part has hereunto set his hand and seal the day and year first above written.

SIGNED, SEALED, AND DELIVERED
IN THE PRESENCE OF:

Witness

(Type/Print Name of Witness)

Witness

(Type/Print Name of Witness)

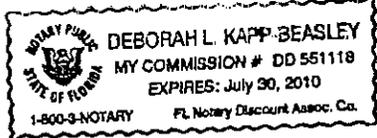
Daniel R. Harper
Daniel R. Harper, Individually and as
Trustee of the Daniel R. Harper
Revocable Trust dated July 13, 1990, as
amended and restated September 16,
1996, as amended April 14, 1998,
October 30, 2000, February 24, 2004
July 20, 2004, November 17, 2004 and
June 24, 2009

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 21st day of December, 2009, by **Daniel R. Harper, Individually and as Trustee of the Daniel R. Harper Revocable Trust dated July 13, 1990, as amended and restated September 16, 1996, as amended April 14, 1998, October 30, 2000, February 24, 2004, July 20, 2004, November 17, 2004 and June 24, 2009**, who executed the foregoing Trustee's Deed individually and on behalf of said Trust, and who is personally known to me or who produced _____ as identification.

My Commission Expires: 7/30/10



[Signature]
Notary Public

Deborah L. Kapp-Beasley,
Print/Type Name of Notary

Commission No. DD 551118

#1748946v2

[Signature]

MC
25704



THIS INSTRUMENT PREPARED BY:
Denis H. Noah, Esq.
P.O. Box 280
Fort Myers, FL 33902-0280

**THIS INSTRUMENT PREPARED WITHOUT BENEFIT OF TITLE
EXAMINATION**

CORRECTIVE AND CONFIRMATORY DEED

THIS INDENTURE, made this 8th day of February, 2010, between **Quinton B. McNew, Individually and as Trustee of the Quinton B. McNew Revocable Trust dated March 29, 1995, as amended March 6, 1996, April 14, 1998 and November 17, 2004**, whose address is 5571 Halifax Avenue, Fort Myers, Florida 33912, of the County of Lee, State of Florida, Party of the First Part, and **Harper Property Holdings, LLC**, a Florida limited liability company, whose address is 5571 Halifax Avenue, Fort Myers, Florida 33912, of the County of Lee, State of Florida, party of the Second Part.

WITNESSETH: That the said Party of the First Part, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, to him in hand paid by the said Party of the Second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Party of the Second part, its successors and assigns forever, the following described land, situate, and being in the County of Charlotte, State of Florida, to wit:

Any remaining interest of Party of the First Part in the following described real property in order to confirm that Party of the Second Part owns and holds a total interest of an undivided 56.157% interest in the following described Charlotte County real property:

Parcel 1

All of Sections 31, 32, 33, 34 and 35, Township 42 South, Range 24 East, Charlotte County, Florida lying Easterly of State Road No. 45 (U.S. 41 - Tamiami Trail) and lying Westerly of the Seaboard Coast Line Railroad Right of Way.

LESS AND EXCEPT the following:

Beginning at the Southeast corner of Section 32, Township 42 South, Range 24 East, Charlotte County, Florida run North along the East line of the Southeast Quarter (SE ¼) of said Section 32 for 992 feet to the Northeast corner of lands described in deed recorded in Official Records Book 2030, at Page 0017, Charlotte County Records; thence run Westerly along the Northerly line of said lands also being parallel with the South line of the Southeast Quarter of said Section 32 to an intersection with the Northeasterly right of way line of State Road No. 45 (U.S. 41 – Tamiami Trail); thence run Southeasterly along said Northeasterly right of way line to an intersection with the South line of said Southeast Quarter (SE ¼); thence run Easterly along said South line to the Point of Beginning.

Parcel 2

A strip of land (100 feet wide) being a portion of the former Atlantic Coast Line Railroad lying in Section 34, Township 42 South, Range 24 East, Charlotte County, Florida lying in Section 34, Township 42 South, Range 24 East, Charlotte County, Florida said strip of land being more particularly described as follows:

Commencing at the Southeast corner of the Southeast Quarter (SE-1/4) of said Section 34 run N 89°58'29" W along the South line of said fraction for 253.07 to an intersection with the Easterly line of said former Atlantic Coast Line Railroad (100 feet wide); thence run N 11°08'17" W along said Easterly line for 2315.41 feet to an intersection with the Northerly line of the Seaboard Coast Line Railroad and the Point of Beginning.

From said Point of Beginning continue N 11°08'17" W along said Easterly line for 669.49 feet to an intersection with the Southerly Limited Access Right of Way Line of State Road 93 (Interstate 75) as per FDOT right of way map Section No 01075-2401; thence run Northwesterly along said Southerly Right of Way line along an arc of a curve to the right of radius 11307.50 feet (delta 00°44'14") (chord bearing S54°30'15" E) (chord 145.51 feet) for 145.52 feet to an intersection with the Westerly line of said former Atlantic Coast Line Railroad; thence run S 11°08'17" E along said Westerly line for 630.50 feet to an intersection with the Northerly line of said Seaboard Coast Line Railroad right of way; thence run S 45°45'01" E along said Northerly line for 175.91 feet to the Point of Beginning.

Bearings hereinabove mentioned are based on the South line of the Southeast Quarter (SE-1/4) of Section 34, Township 42 South, Range 24 East, Charlotte County, Florida to bear N 89°58'29" W.

Parcel 1 and Parcel 2 are subject to easements, restrictions and reservations of record and taxes for the year 2009 and all subsequent years.

The property being conveyed hereby is vacant land and is not now, nor has it ever been the homestead property of the Grantor hereunder, nor contiguous to any homestead property of the Grantor.

Parcel Identification Nos.: 422432100001; 422432200001; 422433100001; 422434300001; 422435300003; and 422434400001

THIS DEED IS GIVEN SOLELY FOR THE PURPOSE OF CONFIRMING THE RELATIVE PERCENTAGES CONVEYED TO HARPER PROPERTY HOLDINGS, LLC, AND MCNEW PROPERTY HOLDINGS, LLC, IN THE TRUSTEES DEEDS RECORDED DECEMBER 22, 2009, IN O.R. BOOK 3442, PAGE 2196 AND IN O.R. BOOK 3442, PAGE 2200, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

And the said Party of the First Part does hereby warrant that the premises are free from all encumbrances made by Party of the First Part, except as aforesaid, but against none other.

IN WITNESS WHEREOF, the said Party of the First Part has hereunto set his hand and seal the day and year first above written.

SIGNED, SEALED, AND DELIVERED
IN THE PRESENCE OF:

[Signature]
Witness
[Signature]
(Type/Print Name of Witness)

Witness
[Signature]
(Type/Print Name of Witness)

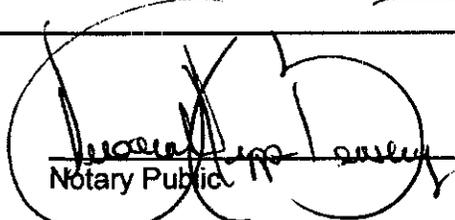
[Signature]
Quinton B. McNew, Individually and
as Trustee of the Quinton B. McNew
Revocable Trust dated March 29, 1995
as amended March 6, 1996, April 14,
1998 and November 17, 2004

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 27th day of February, 2010, by **Quinton B. McNew, Individually and as Trustee of the Quinton B. McNew Revocable Trust dated March 29, 1995, as amended March 6, 1996, April 14, 1998 and November 17, 2004**, who executed the foregoing Corrective and Confirmatory Deed individually and on behalf of said Trust, and who is personally known to me or who produced _____ as identification.

My Commission Expires:
7/30/10



Notary Public

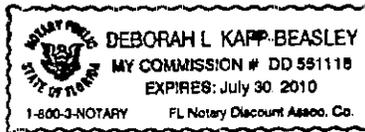
Deborah L. Kapp-Beasley

Print/Type Name of Notary

Commission No. DD55118

STATE OF FLORIDA

#1756916v2



This document prepared by and return to:
Geri L. Waksler
Bertsson, Ittersagen, Gunderson, Waksler & Wideikis, LLP
18401 Murdock Circle, Suite C
Port Charlotte, Florida 33948

CONSERVATION EASEMENT

THIS CONSERVATION EASEMENT is given this _____th day of _____, 20_____ by HARPER PROPERTY HOLDINGS, LLC, a Florida limited liability company whose address is 5571 Halifax Avenue, Fort Myers, FL 33912 and McNEW PROPERTY HOLDINGS, LLC, a Florida Limited Liability Company whose mailing address is 5571 Halifax Avenue, Fort Myers, FL 33912 (jointly the "Grantor") to CHARLOTTE COUNTY, a political subdivision of the State of Florida, whose mailing address is 18500 Murdock Circle, Port Charlotte, FL 33948 ("Grantee"). As used herein, the term Grantor shall include any and all heirs, successors or assigns of the Grantor, and all subsequent owners of the "Property" (as hereinafter defined) and the term Grantee shall include any successor or assignee of Grantee.

WITNESSETH

WHEREAS, the Grantor is the owner of certain lands situated in Charlotte County, Florida, and more specifically described in Exhibit A attached hereto and incorporated herein ("Property"); and

WHEREAS, Grantee approved Ordinance 2012-_____ on _____, 2012, rezoning the Property to Planned Development ("PD Approval"); and

WHEREAS, the Property is designated as Rural Community Mixed Use ("RCMU") in Charlotte County's comprehensive plan, Smart Charlotte 2050; and

WHEREAS, Smart Charlotte 2050 requires that open space located within land designated RCMU be preserved and placed under a conservation easement; and

WHEREAS, Smart Charlotte 2050 requires that 50 percent of RCMU open space shall remain undeveloped and permits the following uses on the remaining 50 percent of RCMU open space:

- a. bike paths,
- b. hiking trails,
- c. equestrian trails,
- d. canoeing and kayaking facilities,

- e. fishing facilities such as docks and limited storage for non-motorized boats,
- f. agricultural uses including accessory uses,
- g. stormwater management systems serving the community provided the stormwater systems are unfenced and are surrounded by, or adjoin, areas that are improved for use by wildlife and accessible to the residents of the development, and
- h. any required buffers (together the "Permitted Uses"); and

WHEREAS, the concept plan approved as part of the PD Approval, identifies as open space the property more specifically described in Exhibit "B" attached hereto and incorporated herein by this reference ("Open Space"); and

WHEREAS, the Grantor, in consideration of the requirements of Smart Charlotte 2050 and the conditions of the PD Approval, is agreeable to granting and securing to the Grantee a perpetual conservation easement, as defined in Section 704.06, Florida Statutes, over the Open Space; and

NOW THEREFORE, in consideration of the development approvals granted by Charlotte County, together with other good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, Grantor hereby grants, conveys, creates and establishes a perpetual conservation easement for and in favor of the Grantee upon the Open Space which shall run with the land and be binding upon the Grantor, and shall remain in full force and effect forever ("Conservation Easement").

The scope, nature and character of this Conservation Easement shall be as follows:

1. The recitals hereinabove set forth are true and correct and are hereby incorporated into and made a part of this Conservation Easement.
2. It is the purpose of this conservation easement to retain land or water areas predominantly in their natural, vegetative, hydrologic, scenic, open or wooded condition and to retain such areas as suitable habitat for fish, plants or wildlife.

To carry out this purpose, the following rights are conveyed to Grantee by this easement:

- a. To enter upon the Open Space at reasonable times and with any necessary equipment or vehicles to enforce the rights herein granted in a manner that will not unreasonably interfere with the use and quiet enjoyment of the Property by Grantor at the time of such entry; and
- b. To enjoy any activity on or use of the Open Space that is inconsistent with this conservation easement and to enforce the restoration of such areas or features of the Open Space that may be damaged by inconsistent activity or use.

c. Grantee may enforce the terms of this Conservation Easement. If Grantee does not exercise its rights under this Conservation Easement, Grantee's forbearance shall not be construed to be a waiver by Grantee of such term, or of any subsequent breach of the same, or any other term of this Conservation Easement. No delay or omission by Grantee in the exercise of any right or remedy upon any breach by Grantor shall impair such right or remedy or be construed as a waiver. Grantee shall not be obligated to Grantor, or to any other person or entity, to enforce the provisions of this Conservation Easement.

3. Except for the uses, improvement and rights reserved in Paragraph 4 herein below, the following activities are prohibited in or on the Open Space:

a. Construction or placing of buildings, road signs, billboards or other advertising, utilities or other structures on or above the ground;

b. Dumping or placing of soil or other substance or material as landfill or dumping or placing of trash, waste or unsightly or offensive materials;

c. Removal or destruction of trees, shrubs, or other vegetation, except for the removal of exotic nuisance vegetation;

d. Surface use except for the purposes that permit the land or water area to remain predominantly in its natural condition;

e. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation including, but not limited to, ditching, diking and fencing;

f. Acts or uses detrimental to such aforementioned retention of land or water areas;

g. Acts or uses which are detrimental to the preservation of any features or aspects of the Property having historical or archaeological significance.

h. Excavation, dredging, or removal of loam, peat, soil, gravel, rock or other material substances in such a manner as to affect the surface.

4. The following rights are specifically reserved to the Grantor, its heirs, successors and assigns:

a. Grantor reserves all rights as owner of the Open Space, including the right to engage in uses of the Open Space that are not prohibited herein and that are not inconsistent with the PD Approval or with the intent and purposes of this Conservation Easement.

- b. Grantor reserves all rights to engage in the Permitted Uses on that portion of the Open Space more specifically described in Exhibit "C" attached hereto and incorporated herein by this reference.
5. No right of access by the general public to any portion of the Open Space is conveyed by this conservation easement.
6. Grantee shall not be responsible for the costs or liabilities related to the operation, upkeep or maintenance of the Open Space.
7. Grantor shall pay any and all real property taxes and assessments levied by the competent authority on the Open Space. Nothing herein shall limit the Property Appraiser's ability to consider the existence and limitations of this Conservation Easement.
8. Any costs incurred in enforcing, judicially or otherwise, the terms, provisions and restrictions of this Conservation Easement shall be borne by and recoverable against the non-prevailing party in such proceedings.
9. Grantee will hold this Conservation Easement exclusively for conservation purposes. Grantee will not assign its rights and obligations under this Conservation Easement.
10. If any provision of this Conservation Easement or the application thereof to any person or circumstances is found to be invalid, the remainder of the provisions of this conservation easement shall not be affected thereby, as long as the purpose of this conservation easement is preserved.
11. All notices, consents, approvals or other communications hereunder shall be in writing and shall be deemed properly given if sent by United States certified mail, return receipt requested, addressed to the appropriate party or successor in interest.
12. Grantor shall record this Conservation Easement in timely fashion in the Official Records of Charlotte, County Florida, and shall rerecord it at any time Grantee may require to preserve its rights. Grantor shall pay all recording costs and taxes necessary to record this Conservation Easement in the public records. Grantor will hold Grantee harmless from any recording costs or taxes necessary to record this Conservation Easement in the public records.
13. This Conservation Easement may be amended or altered only by written agreement between the parties hereto or their heirs, assigns or successors in interest, which shall be filed in the public records in Charlotte County, Florida.
14. Neither Grantor, nor any person or entity claiming by or through Grantor shall hold Grantee liable for any damage or injury to person or personal property which may occur on the Open Space.

15. Nothing contained in this Conservation Easement shall be construed to entitle Grantee to bring any action against Grantor for any injury to or change in the Open Space resulting from natural causes beyond Grantor's control, including without limitation, fire, flood, storm and earth movement, or from any necessary action taken by Grantor under emergency conditions to prevent, abate or mitigate significant injury to the Open Space resulting from such causes

16. The covenants, terms, conditions, restrictions, and purpose imposed with this Conservation Easement shall be binding upon Grantor, and shall continue as a servitude running in perpetuity with the Open Space. The terms, conditions, restrictions and purpose of this Conservation Easement shall be referred to by Grantor in any subsequent deed or other legal instrument by which Grantor divests itself of any interest in the Conservation Easement. Any future holder of the Grantor's interest in the Property shall be notified in writing by Grantor of this Conservation Easement.

17. Grantor hereby covenants with Grantee that Grantor is lawfully seized of said Open Space in fee simple; that the Open Space is free and clear of all encumbrances that are inconsistent with the terms of this Conservation Easement and all mortgages have been joined or subordinated to this Conservation Easement; that Grantor has good right and lawful authority to convey this Conservation Easement; and that it hereby fully warrants and defends the title to the Conservation Easement hereby conveyed against the lawful claims of all persons whomsoever, excepting only the State of Florida.

IN WITNESS WHEREOF, the Grantor has hereunto set its authorized hand on the date first above written.

Signed, sealed and delivered
In our presence as witnesses:

McNew Property Holdings, LLC

Print Name:_____

By: _____
Print Name:_____
Title:_____

Print Name:_____

STATE OF _____
COUNTY OF _____

On this ____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____ as _____ of McNew Property Holdings, LLC, on behalf of the limited liability company, who is personally known to me or who produced _____ as identification, who subscribed to the foregoing Conservation Easement and did not take an oath.

Notary Public, State of _____

Print Name:

My Commission expires:

Signed, sealed and delivered
In our presence as witnesses:

Harper Property Holdings, LLC

Print Name:_____

By: _____
Print Name:_____
Title:_____

Print Name:_____

STATE OF _____
COUNTY OF _____

On this ____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____ as _____ of Harper Property Holdings, LLC, on behalf of the limited liability company, who is personally known to me or who produced _____ as identification, who subscribed to the foregoing Conservation Easement and did not take an oath.

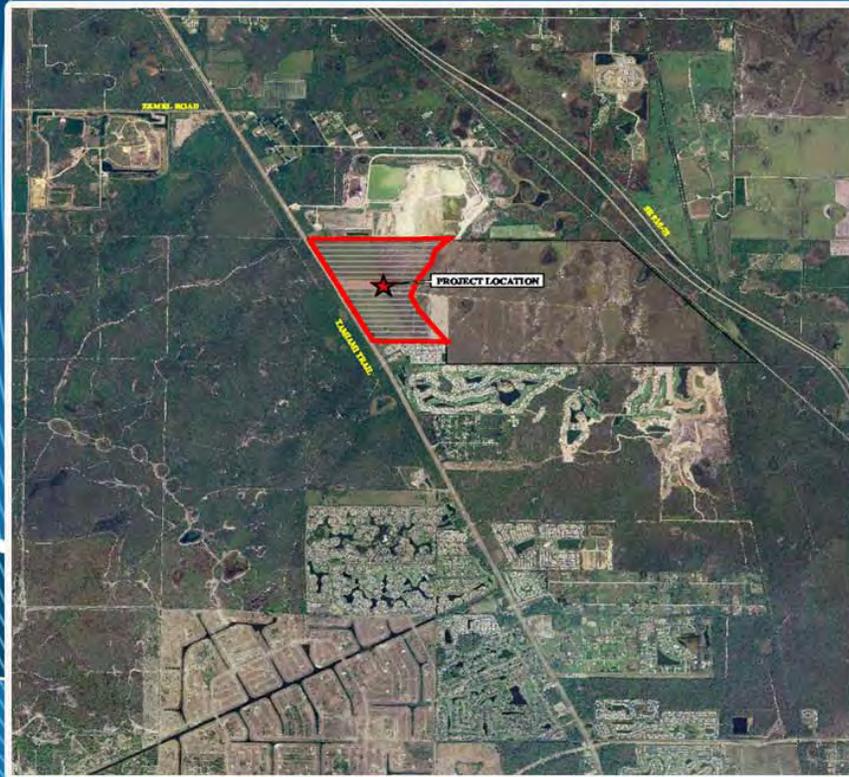
Notary Public, State of _____

Print Name:

My Commission expires:

TRAFFIC IMPACT STUDY

McNEW RANCH PROPERTY ZONING AMENDMENT CHARLOTTE COUNTY FLORIDA



SEPTEMBER, 2011



PROFESSIONAL ENGINEER CERTIFICATE

I hereby certify that I am a registered professional engineer in the State of Florida practicing with Florida Transportation Engineering, Inc., a consulting firm in the State of Florida and that I have supervised the preparation and approve the evaluation, findings, opinions, conclusions, and technical advice hereby reported for:

PROJECT: McNew Ranch Property Zoning Amendment TIS
LOCATION: On US 41, between Zemel Road and Lee County Line
COUNTY: Charlotte
STATE: Florida

This report includes a summary of Trip Generation, Trip Distribution, Level of Service Analysis, and Recommendations for **McNew Ranch Property Zoning Amendment**. I acknowledge that the procedures and references used to develop the results contained in this report are standard to the professional practice of transportation engineering and planning as applied through professional judgment and experience.

SIGNATURE: _____
Ravi Devaguptapu, P.E., PTOE

DATE: _____
Florida P.E. No. 53150

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C	EXCERPT FROM CHARLOTTE COUNTY 2030 LONG RANGE TRANSPORTATION PLAN AND FDOT FIVE YEAR WORK PROGRAM

1.0 EXECUTIVE SUMMARY

Florida Transportation Engineering, Inc. (FTE) was retained by McNew Ranch Property developers to perform a traffic impact study in order to evaluate the impacts of the proposed zoning amendment from Agricultural Estates (AE) to the Planned Unit Development (PUD). The proposed site is located between US 41 and I-75, south of Zemel Road. The approximate size of the development is 350 acres. The build-out year for the development is 2020. It should be noted that this 350 acre parcel is within the previously approved land use amendment parcel of 1554.5 acre property.

Based on the Charlotte County zoning category, currently, the existing site is designated as Agricultural Estates (AE). The developer proposes to change the existing Agricultural Estates zoning to a Planned Unit Development (PUD) zoning. Therefore, traffic study was prepared to address the roadway concurrency within the project vicinity.

In order to evaluate the impact of the proposed zoning amendment, an analysis was performed for planned residential, commercial, and industrial land use categories. Based on the anticipated development intensities per site plan, following development intensities were considered for the build-out year of 2020 for residential, commercial, and industrial uses. For residential uses; 297 units of Single Family Residential (ITE LUC 210), 227 units of Multi Family Residential (ITE LUC 220), and 326 units of Residential Townhouse (ITE LUC 230) were analyzed. For commercial uses; 225,000 Square-Foot of Shopping Center (ITE LUC 820), and 45,000 Square-Foot of General Office (ITE LUC 710) were analyzed. For industrial use; 300,000 of Light Industrial (ITE LUC 110) was analyzed.

Internal capture rates and Pass-by capture rates were utilized similar to previously approved Traffic Impact Study for the Large Scale Land Use Plan Amendment at the same location based on the Charlotte County's recommendations. Based on the analysis, the proposed development would generate 746 new external trips during the AM peak hour and 1,324 new external trips during the PM peak hour.

The project trips from the proposed development were distributed and assigned onto adjacent roadway network similar to previously approved Traffic Impact Study for the Large Scale Land Use Plan Amendment at the same location which was developed based on the Florida Standard Urban Transportation Model Structure (FSUTMS) for the Sarasota,

Manatee, and Charlotte County (SMC) network and recommendations from FDOT and Charlotte County staff in order to reflect proximity of the project to the Lee County. The project trips from the development were distributed 50% to the north and 50% to the south onto US 41, 12% onto Tuckers Grade Boulevard and I-75, and 8% onto Zemel Road.

An analysis was performed for build-out year of 2020. The existing 2011 Annual Average Daily Traffic (AADT) and Peak Hour Volume data on the roads within the project vicinity were obtained from the Charlotte County Concurrency Report, FDOT Traffic CD, and the Lee County Traffic Count Report 2010. The growth rates on US 41, I-75, Tuckers Grade Boulevard, and Zemel Road were obtained from Charlotte County staff. Based on the recommended growth rates, a growth rate of two (2) percent was utilized on US 41, and I-75 links; a growth rate of one (1) percent was utilized for Tuckers Grade Boulevard links, and a growth rate of eight (8) percent was utilized for Zemel Road links.

The existing traffic (2011) data was projected to the build-out year 2020 using the growth rate discussed above. Future Background Traffic for year 2020 was determined by applying the growth rates to the existing traffic. The future traffic conditions for the PM peak hour was determined after combining the future background traffic with the project traffic at build-out.

Based on the existing conditions, the roadway segments on US 41, Tuckers Grade Boulevard, Zemel Road, and I-75 currently operate at acceptable levels of service and these roadway segments would continue to operate at acceptable levels of service with the proposed zoning amendment at near term (2015) and at build-out (2020).

Based on the previously determined maximum allowable external PM Peak Hour trips (Trip CAP) of **3,490** trips for the entire development, after utilization of these **1,279** trips for 350 acre parcel within the 1554.5 acre parcel, **2,211** trips will be left for the remaining development in order to maintain the adopted level of service standards without requiring any improvements to the existing roadway network.

Therefore, with the proposed zoning amendment from Agricultural Estates (AE) to Planned Unit Development (PUD), no additional modifications would be required for the FDOT adopted 5-year Capital Improvement Plan.

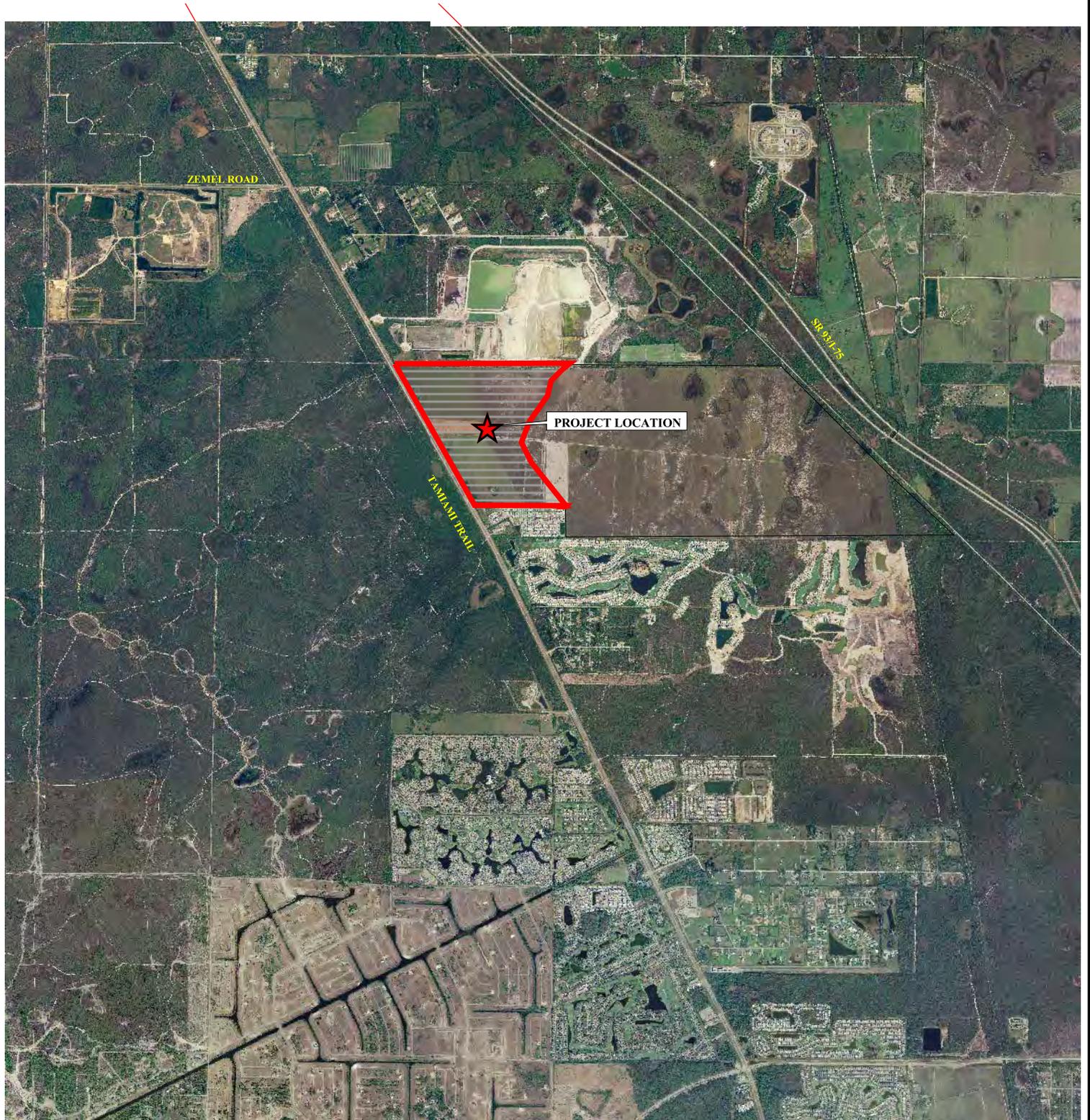
2.0 INTRODUCTION

Florida Transportation Engineering, Inc. (FTE) was retained by McNew Ranch Property developers to perform a traffic impact study in order to evaluate the impacts of the proposed zoning amendment from Agricultural Estates (AE) to the Planned Unit Development (PUD). The proposed site is located between US 41 and I-75, south of Zemel Road. The approximate size of the development is 350 acres. The build-out year for the development is 2020. It should be noted that this 350 acre parcel is within the previously approved land use amendment parcel of 1554.5 acre property.

Based on the Charlotte County zoning category, currently, the existing site is designated as Agricultural Estates (AE). The developer proposes to change the existing Agricultural Estates zoning to a Planned Unit Development (PUD) zoning. Therefore, traffic study was prepared to address the roadway concurrency within the project vicinity.

The proposed project site would have an access onto US 41. The project location map is provided in Figure 1.

FIGURE 1



McNEW RANCH PROPERTY

ZONING AMENDMENT

TRAFFIC IMPACT STUDY

PROJECT LOCATION MAP

3.0 TRIP GENERATION

Trip Generation was performed using the Institute of Transportation Engineers (ITE) *Trip Generation*, 8th Edition. Based on the anticipated development intensities per site plan, following development intensities were considered for the build-out year of 2020 for residential, commercial, and industrial uses. For residential uses; 297 units of Single Family Residential (ITE LUC 210), 227 units of Multi Family Residential (ITE LUC 220), and 326 units of Residential Townhouse (ITE LUC 230) were analyzed. For commercial uses; 225,000 Square-Foot of Shopping Center (ITE LUC 820), and 45,000 Square-Foot of General Office (ITE LUC 710) were analyzed. For industrial use; 300,000 of Light Industrial (ITE LUC 110) was analyzed.

The summary of proposed development parameters with at the build-out year of 2020 is summarized in Table 1.

TABLE 1
Estimated Development Intensity at Build-Out Year 2020

Residential Units			Commercial Area		Industrial Area
Single Family (ITE LUC 210)	Multi Family (ITE LUC 220)	Townhouse (ITE LUC 230)	Retail Use (ITE LUC 820)	Office Use (ITE LUC 710)	General Light Industrial (ITE LUC 110)
297 Units	227 Units	326 Units	225,000 SF	45,000 SF	300,000 SF

The Trip Generation was performed utilizing the parameters shown in Table 1 and based on the ITE Trip Generation Manual, 8th Edition. Table 2 summarizes the Estimated Raw Trips (Internal and External) with respect to the appropriate Land Use Code. The appropriate worksheets from the ITE Trip Generation Manual are included in Appendix A of this report.

TABLE 2
Estimated Raw Trips (Internal and External)

Land Use	LUC	Units	Daily Trips	AM Peak Hour	PM Peak Hour
Residential Single Family	210	297 Units	2,831	218 (55 In/ 163 Out)	280 (176 In/ 104 Out)
Residential Multi Family	220	227 Units	1,499	115 (23 In/ 92 Out)	143 (93 In/ 50 Out)
Residential Townhouse	230	326 Units	1,798	133 (23 In/ 110 Out)	158 (106 In/ 52 Out)
Commercial Retail	820	225,000 SF	11,504	249 (152 In/ 97 Out)	1,095 (537 In/ 558 Out)
General Office	710	45,000 SF	721	99 (87 In/ 12 Out)	129 (22 In/ 107 Out)
General Light Industrial	110	300,000 SF	2,139	265 (233 In/ 32 Out)	272 (33 In/ 239 Out)

Capture Rates: Internal capture rates and Pass-by capture rates were developed based on the ITE Trip Generation Handbook guidelines and considering the intent of the proposed land use in accordance to the Charlotte County Comprehensive Plan Future Land Use Element. The internal capture rates and pass-by capture rates were also discussed with the Charlotte County staff.

Internal Capture Rates: Based on the discussions with Charlotte County staff, and considering potential employment from outside of the development and in order to provide a conservative analysis, 25% internal capture rate for the commercial, industrial, and recreational uses were utilized. It should be noted that 25% internal capture was utilized for the Traffic Impact Study prepared for the Large Scale Land Use Plan Amendment per Charlotte County’s recommendation.

Pass-by Capture Rates (Commercial Retail Trips): Based on the ITE Trip Generation Handbook Second Edition, a pass-by capture rate of 34% for the PM peak traffic was considered for this development. It should be noted that the pass-by capture was applied only to the commercial retail trips expected on the surrounding roadway network. In

addition, these pass-by trips were checked for the criteria of 10% of the adjacent road traffic or 25% of the project’s external trips per FDOT site impact Handbook.

After the Zoning Amendment is approved, the internal and pass-by rates should be reviewed in accordance with all applicable guidelines namely ITE and FDOT Site Impact Handbook at the development permitting phase based on the actual development parameters (i.e. land use type and development units).

Table 3 summarizes the estimated new trips on the surrounding roadway network for the proposed development.

TABLE 3
Estimated New Trips (External)

Land Use	LUC	Units	Daily Trips	AM Peak Hour	PM Peak Hour
Residential Single Family	210	297 Units	2,123	164 (41 In/ 123 Out)	210 * (132 In/ 78 Out)
Residential Multi Family	220	227 Units	1,124	86 (17 In/ 69 Out)	107 (70 In/ 37 Out)
Residential Townhouse	230	326 Units	1,349	100 (17 In/ 83 Out)	119 (80 In/ 39 Out)
Commercial Retail	820	225,000 SF	5,694	124 (75 In/ 49 Out)	542 ** (266 In/ 276 Out)
General Office	710	45,000 SF	541	74 (65 In/ 9 Out)	97 *** (17 In/ 80 Out)
General Light Industrial	110	300,000 SF	1,604	199 (175 In/ 24 Out)	204 **** (25 In/ 179 Out)
Total Trips			12,435	747 (390 In/357 Out)	1,279 (590 In/689 Out)

* *External Trips = Raw Trips–Internal Trips=280–(25% of 483) =210 vph*

** *External Trips = (Raw Trips–Internal Trips)*(1-Passby Capture Rate) = (1,095 – (25% of 1,095))*(1-34%) =542vph*

*** *External Trips = (Raw Trips–Internal Trips) = (129 – (25% of 129)) =97 vph*

**** *External Trips = (Raw Trips–Internal Trips) = (272 – (25% of 272)) =204 vph*

Based on trip generation shown in Table 3, the proposed development would generate 747 new external trips during the AM peak hour and 1,279 new external trips during the PM peak hour.

4.0 TRIP DISTRIBUTION

The project trips from the proposed development were distributed and assigned onto adjacent roadway network similar to previously approved Traffic Impact Study for the Large Scale Land Use Plan Amendment at the same location which was developed based on the Florida Standard Urban Transportation Model Structure (FSUTMS) for the Sarasota, Manatee, and Charlotte County (SMC) network and recommendations from FDOT and Charlotte County staff in order to reflect proximity of the project to the Lee County.

The project trips from the development were distributed 50% onto US 41 between Lee County Line and Project Entrance, 50% onto US 41 between Project Entrance and Zemel Road, 42% onto US 41 between Zemel Road and Tuckers Grade Boulevard; 8% on Zemel Road from US 41 to County Landfill; 10% on I-75 from Tuckers Grade Boulevard to Jones Loop Road North; 2% on I-75 from Bayshore Road to Tuckers Grade Boulevard; and 12% on Tuckers Grade Boulevard from US 41 to I-75.

Based on the trip distribution, the project traffic was assigned onto the surrounding roadway network. The 2030 FSUTMS network output and project trip distribution are provided in Figure 2 and Figure 3 respectively.

FIGURE 2

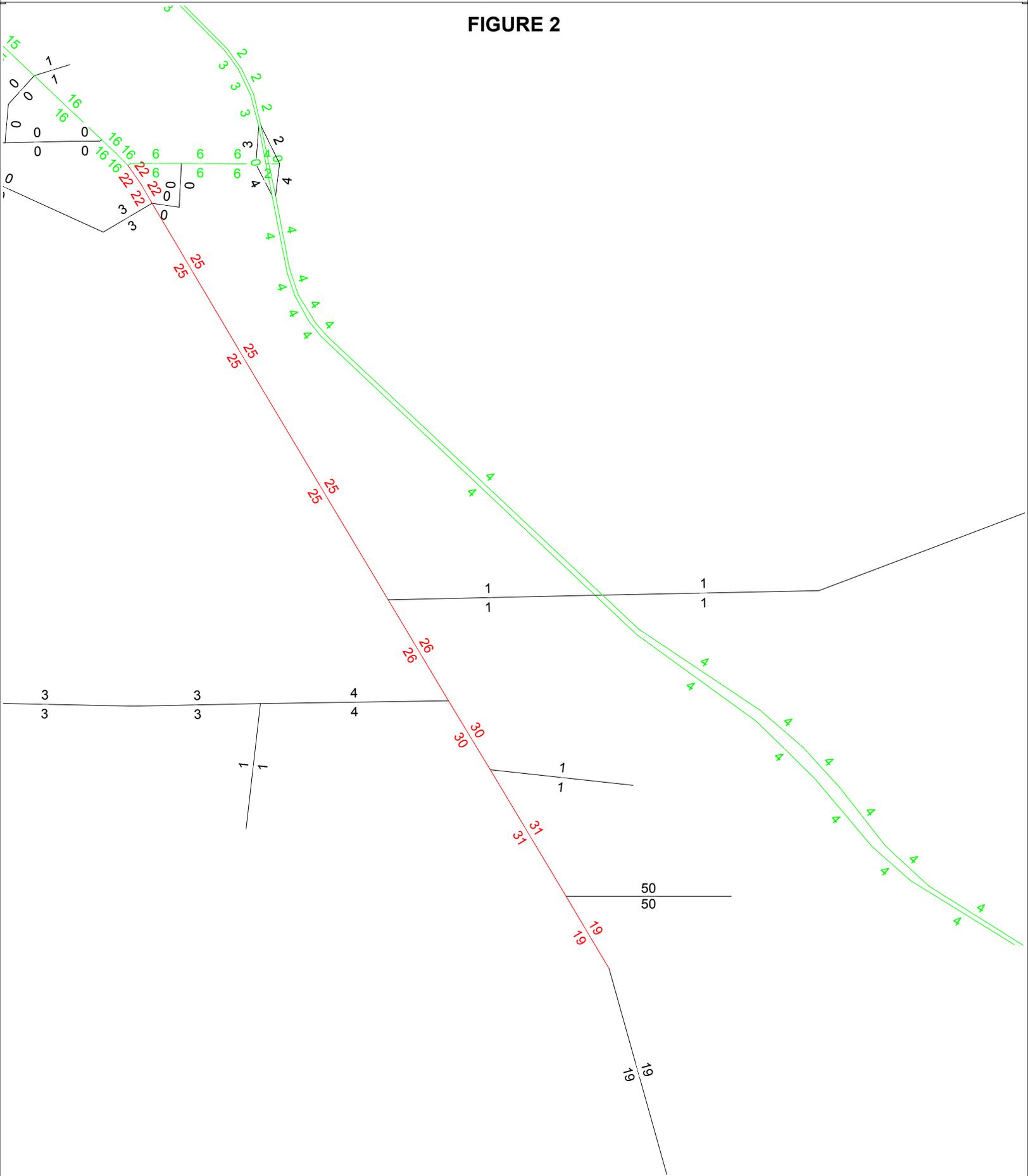


FIGURE 3



McNEW RANCH PROPERTY

ZONING AMENDMENT

TRAFFIC IMPACT STUDY

**PROJECT TRIP
DISTRIBUTION**

5.0 PROJECT TRIPS

Based on the Trip Generation and Trip Distribution, the project trips were calculated. The 2020 Project Trips (PM Peak Hour) are shown in Figure 4.

FIGURE 4



McNEW RANCH PROPERTY

ZONING AMENDMENT

TRAFFIC IMPACT STUDY

**2030 PROJECT TRIPS
(PM PEAK HOUR)**

6.0 EXISTING ROADWAY CONDITIONS

US 41 is a four-lane divided state road from Lee County Line to Tuckers Grade Boulevard, Tuckers Grade Boulevard is a four-lane divided county road from US 41 to I-75, Zemel Road is a two-lane undivided county road from US 41 to County Landfill, and I-75 is a four-lane divided interstate road from Lee County Line to Jones Loop Road.

The Average Annual Daily Traffic (AADT) data on US 41, Tuckers Grade Boulevard and Zemel Road was obtained from the Charlotte County Concurrency Report, Lee County 2010 Traffic Count Report, and the FDOT 2010 Traffic Information CD. In order to determine the PM peak hour level of service for these roadway links, the AADT was adjusted to 100th hour conditions using the appropriate Charlotte County K-100 factors. A copy of the Charlotte County Concurrency Report, excerpts from the Lee County 2010 Traffic Count Report and FDOT's AADT report are provided in Appendix B.

As shown in Table 4, currently, the roadway links within the project vicinity (including the links providing access to the development) operate at an acceptable level of service for peak hour conditions based on the adopted service volume tables. The Charlotte County Level of Service Table and Lee County Service Volume Table are included in Appendix B.

TABLE 4
Existing (2011) Link LOS Analysis

Roadway Segment	2011 AADT	K100 Factor	100 th hour	LOS*
US 41 from Tara Blvd to Lee County Line (3)	16,000	0.091	1,456	B
US 41 from Lee County Line to Project Entrance (1)	15,616	0.091	1,421	B
US 41 from Project Entrance to Zemel Road (1)	15,616	0.091	1,421	B
US 41 from Zemel Road to Tuckers Grade Boulevard (1)	18,296	0.091	1,665	B
Tuckers Grade Boulevard from US 41 to I-75 (2)	7,851	0.091	714	B
Zemel Road from US 41 to County Landfill (4)	2,015	0.091	183	C
I-75 from Bayshore Road to Tuckers Grade Blvd (5)	40,095	0.091	3,649	B
I-75 from Tuckers Grade Blvd to Jones Loop Road North (5)	40,095	0.091	3,649	B

**LOS Thresholds:*

(1) US 41, (Four-Lane Divided):

(2) Tuckers Grade Blvd (Four-Lane Divided):

(3) US 41, in Lee County (Four-Lane Divided):

(4) Zemel Road (Two-Lane Not Divided):

(5) I-75 (Four-Lane Divided):

"A -1", "B - 2840", "C - 3440", "D - 3560", "E -"

"A -1", "B - 2556", "C - 3096", "D - 3204", "E -"

"A -0", "B - 1950", "C - 3340", "D - 3470", "E - 3470

"A - 1", "B - 1", "C - 918", "D - 1332", "E - 1413"

"A - 1", "B - 4000", "C - 5500", "D - 6770", "E - 7300"

7.0 FUTURE TRAFFIC CONDITIONS

7.1 Future Background Traffic

The growth rate on US 41, Tuckers Grade Boulevard, Zemel Road, and I-75 were obtained from Charlotte County staff. Based on the recommended growth rates, a growth rate of two (2) percent was utilized on US 41, and I-75 links. A growth rate of one (1) percent was utilized for Tuckers Grade Boulevard, and a growth rate of eight (8) percent was utilized for Zemel Road links. The growth rates worksheets are provided in Appendix B.

The build-out (2020) background traffic was determined by applying growth rates to the existing traffic (2011).

7.2 Future Total Traffic

The future traffic conditions for the PM peak hour was determined after combining the future background traffic with the project traffic at build-out (2020). The project trips were determined from the trip generation and the trip distribution provided earlier in this report.

The 100th hour traffic (shown in Table 4) was projected to year 2020 to determine build-out year analysis using the growth rates discussed above.

Based on the Charlotte County adopted service volumes, the roadway links were analyzed for the expected levels of service in the year 2020. The results of 2020 analysis are provided in Table 5.

**TABLE 5
 2020 Link LOS Analysis (100th Hour)**

Roadway Segment	2011 100 th hour	Growth Rate	2020 Background		PM Project Trips	2020 Total Traffic	
			Traffic	LOS*		Traffic	LOS*
US 41 from Tara Blvd to Lee County Line (4)	1,456	2.00%	1,718	B	639	2,357	C
US 41 from Lee County Line to Project Entrance (1)	1,421	2.00%	1,677	B	639	2,316	B
US 41 from Project Entrance to Zemel Road (1)	1,421	2.00%	1,677	B	639	2,316	B
US 41 from Zemel Road to Tuckers Grade Boulevard (1)	1,665	2.00%	1,965	B	537	2,502	B
Tuckers Grade Boulevard from US 41 to I-75 (2)	714	1.00%	778	B	153	931	B
Zemel Road from US 41 to County Landfill (5)	183	8.00%	315	C	102	417	C
I-75 from Bayshore Road to Tuckers Grade Blvd (7)	3,649	2.00%	4,306	B	102	4,408	B
I-75 from Tuckers Grade Blvd to Jones Loop Road North (7)	3,649	2.00%	4,306	B	102	4,408	B

**LOS Thresholds:*

- | | |
|---|---|
| (1) US 41, (Four-Lane Divided): | "A -1", "B - 2840", "C - 3440", "D - 3560", "E -" |
| (2) Tuckers Grade Blvd (Four-Lane Divided): | "A -1", "B - 2556", "C - 3096", "D - 3204", "E -" |
| (3) Tuckers Grade Blvd (Six-Lane Divided): | "A - 700", "B - 4240", "C - 4950", "D - 5080", "E - 5080" |
| (4) US 41, in Lee County (Four-Lane Divided): | "A -0", "B - 1950", "C - 3340", "D - 3470", "E - 3470" |
| (5) Zemel Road (Two-Lane Not Divided): | "A - 1", "B - 1", "C - 918", "D - 1332", "E - 1413" |
| (6) I-75 (Four-Lane Divided): | "A - 1", "B -4000", "C - 5500", "D - 6770", "E - 7300" |
| (7) I-75 (Six-Lane Divided): | "A - 1", "B -6000", "C - 8320", "D - 10150", "E - 11290" |

As shown in Table 5, the roadway segments on US 41, Tuckers Grade Boulevard, Zemel Road, and I-75 currently operate at acceptable levels of service. These roadway segments would continue to operate at acceptable levels of service with the proposed land use amendment at build-out (2020).

Based on the link analysis, maximum allowable external PM Peak Hour trips (Trip CAP) from the development was determined based on the 2030 total traffic on US 41 in order to maintain adopted level of service standards without any improvements to the existing roadway network. Based on the analysis, a Trip CAP of **3,490** external PM Peak Hour trips was identified. It should be noted that the Trip CAP is a combination of the projected background traffic and the adopted service volume and is not dependent upon land uses, internal and pass-by capture rates. After this development in 350 acre parcel within 1,554.5 acre parcel, **2,211** trips will be left for the remaining development in order to maintain the adopted level of service standards without requiring any improvements to the existing roadway network.

In addition to the future analysis, the Charlotte County 2030 Cost Feasible Long Range Transportation Plan and the FDOT five year work programs were reviewed. Based on the review, the roadway improvement of Tuckers Grade Boulevard from US 41 to I-75 from 4-lanes to 6-lanes is included in the cost feasible portion of the plan; and roadway improvement of I-75 from Tuckers Grade Boulevard to Lee County Line from 4-lanes to 6-lanes is included in the FDOT Five Year Work Program. Furthermore, these improvements were also identified and included in the Florida Standard Urban Transportation Model Structure (FSUTMS) 2030 Financially Feasible roadway network. Therefore, I-75 from Tuckers Grade Boulevard to Lee County Line was analyzed as a six-lane roadway for the 2020 analysis year. It should be noted that this segment would operate at the acceptable level of service using the four-lane service volumes as well.

There were no other planned roadway improvements in the project vicinity in the Charlotte County and/or FDOT five year work programs. Therefore, with the proposed zoning amendment from Agricultural Estates (AE) to Planned Unit Development (PUD), no additional modifications would be required for the FDOT adopted 5 year Capital Improvement Plan. A copy of Charlotte County 2030 Long Range Transportation Plan and the excerpt from FDOT adopted five year work program are provided in Appendix C.

8.0 CONCLUSION

Based on the Charlotte County zoning category, currently, the existing site is designated as Agricultural Estates (AE). The developer proposes to change the existing Agricultural Estates zoning to a Planned Unit Development (PUD) zoning.

Based on the existing conditions, the roadway segments on US 41, Tuckers Grade Boulevard, Zemel Road, and I-75 currently operate at acceptable levels of service and these roadway segments would continue to operate at acceptable levels of service with the proposed zoning amendment at near term (2015) and at build-out (2020).

Based on the previously determined maximum allowable external PM Peak Hour trips (Trip CAP) of **3,490** trips for the entire development, after utilization of these **1,279** trips for 350 acre parcel out of 1554.5 acre parcel, **2,211** trips will be left for the remaining development in order to maintain the adopted level of service standards without requiring any improvements to the existing roadway network.

Therefore, with the proposed zoning amendment from Agricultural Estates (AE) to Planned Unit Development (PUD), no additional modifications would be required for the FDOT adopted 5-year Capital Improvement Plan.

APPENDIX A

ITE TRIP GENERATION WORKSHEETS

Single-Family Detached Housing (210)

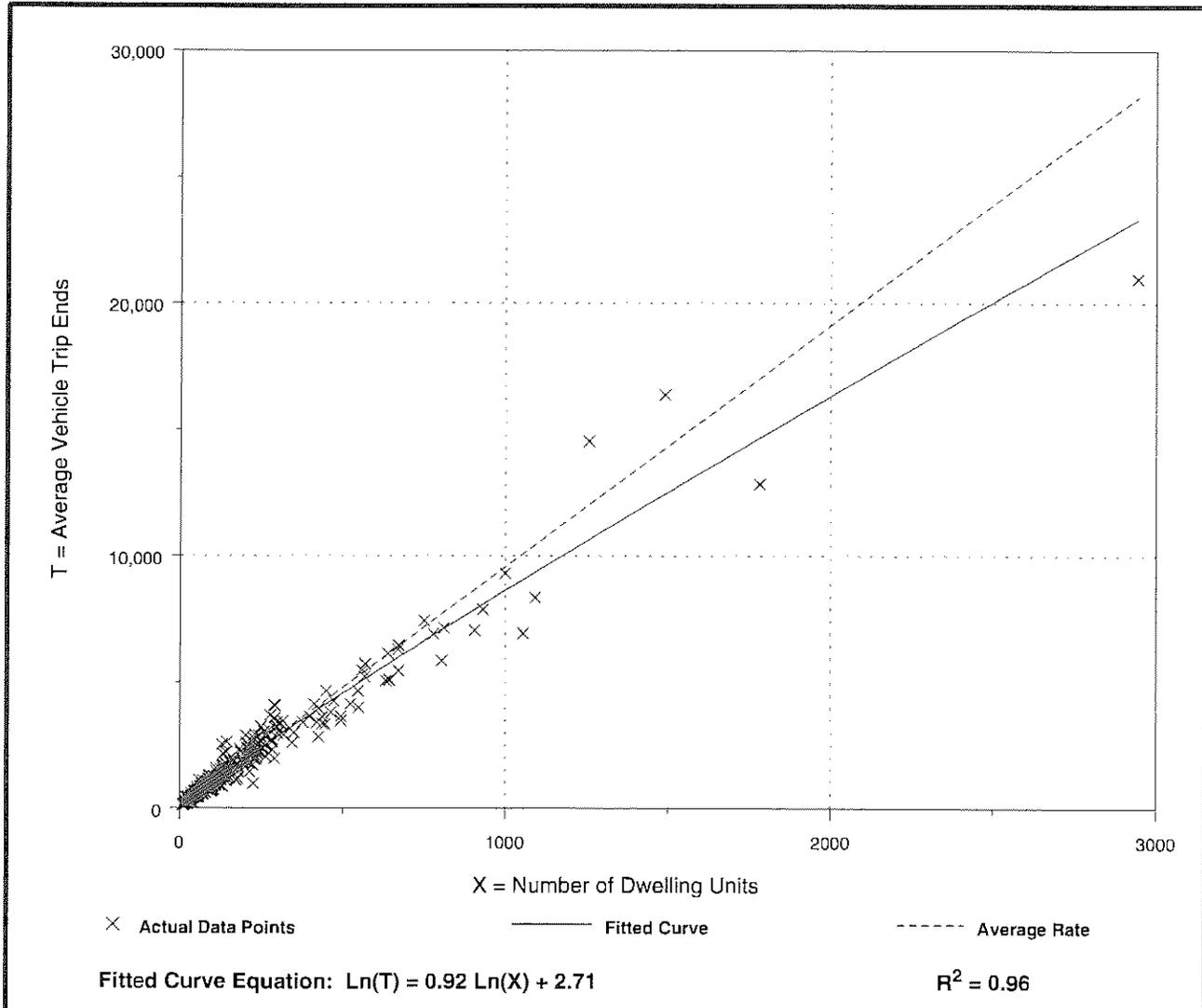
Average Vehicle Trip Ends vs: Dwelling Units
On a: **Weekday**

Number of Studies: 351
Avg. Number of Dwelling Units: 197
Directional Distribution: 50% entering, 50% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
9.57	4.31 - 21.85	3.69

Data Plot and Equation



Single-Family Detached Housing (210)

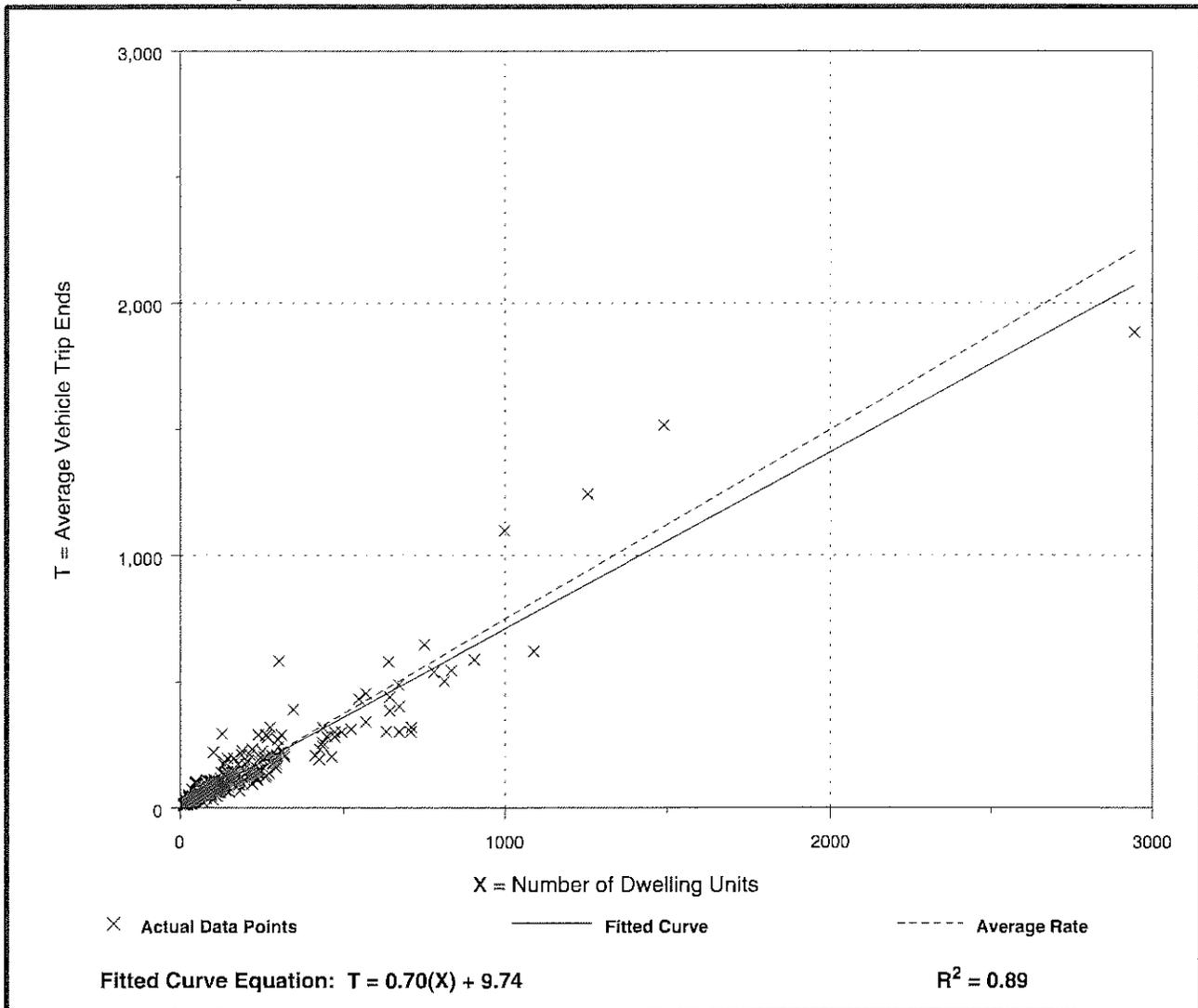
Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

Number of Studies: 286
 Avg. Number of Dwelling Units: 194
 Directional Distribution: 25% entering, 75% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.75	0.33 - 2.27	0.90

Data Plot and Equation



Single-Family Detached Housing (210)

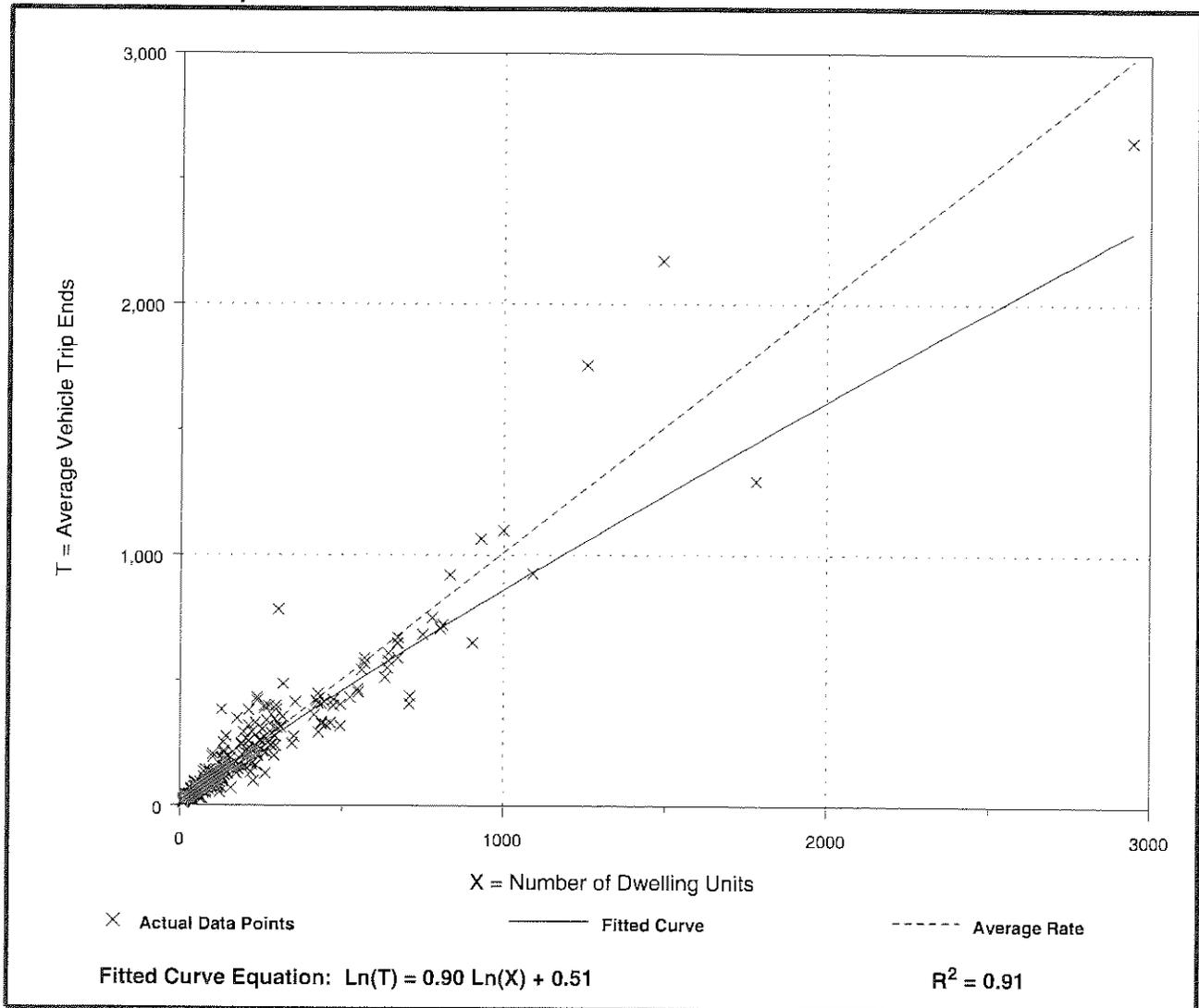
Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Number of Studies: 314
Avg. Number of Dwelling Units: 208
Directional Distribution: 63% entering, 37% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
1.01	0.42 - 2.98	1.05

Data Plot and Equation



Apartment (220)

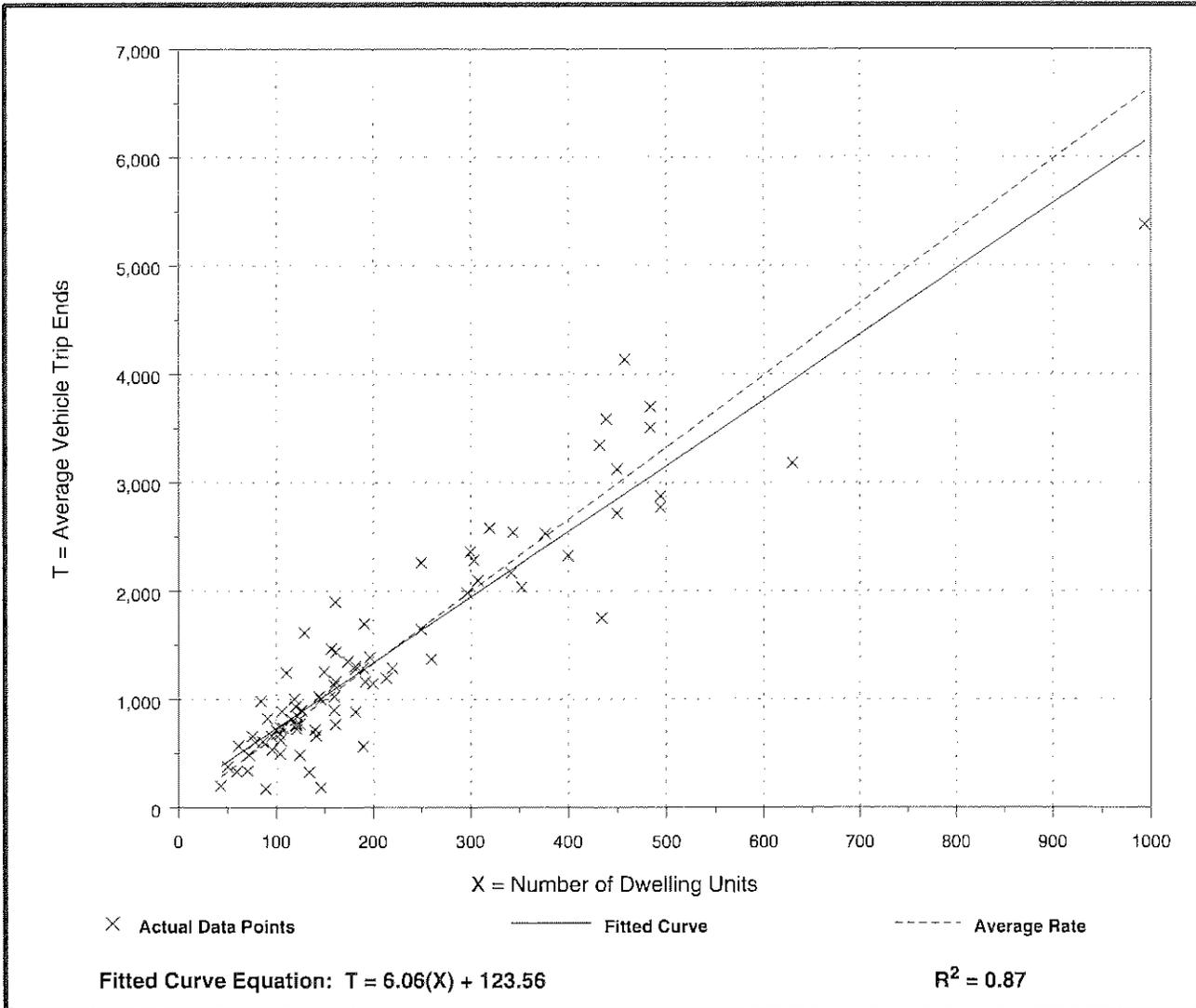
Average Vehicle Trip Ends vs: Dwelling Units On a: Weekday

Number of Studies: 88
 Avg. Number of Dwelling Units: 210
 Directional Distribution: 50% entering, 50% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
6.65	1.27 - 12.50	3.07

Data Plot and Equation



Apartment (220)

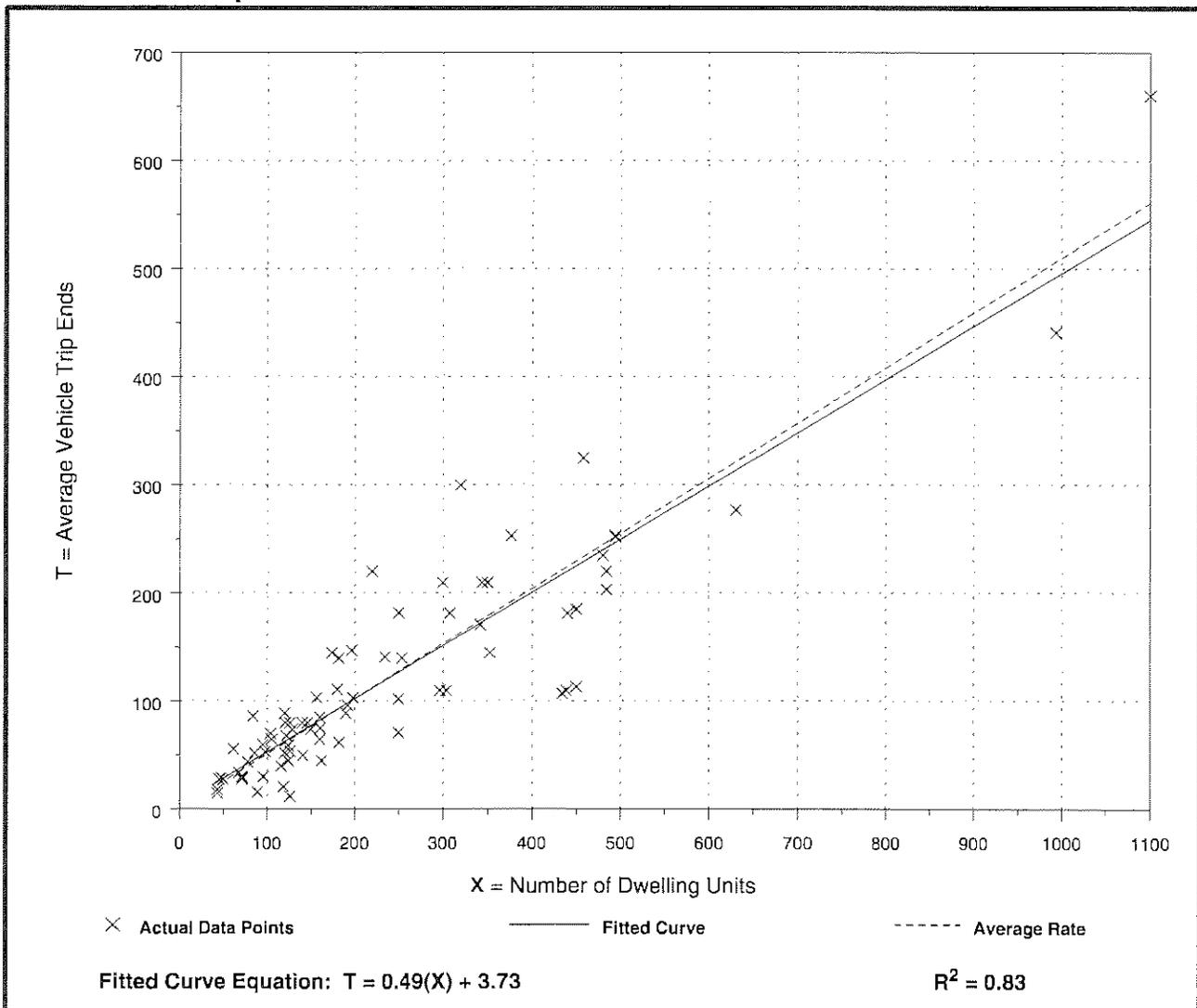
Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

Number of Studies: 78
 Avg. Number of Dwelling Units: 235
 Directional Distribution: 20% entering, 80% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.51	0.10 - 1.02	0.73

Data Plot and Equation



Apartment (220)

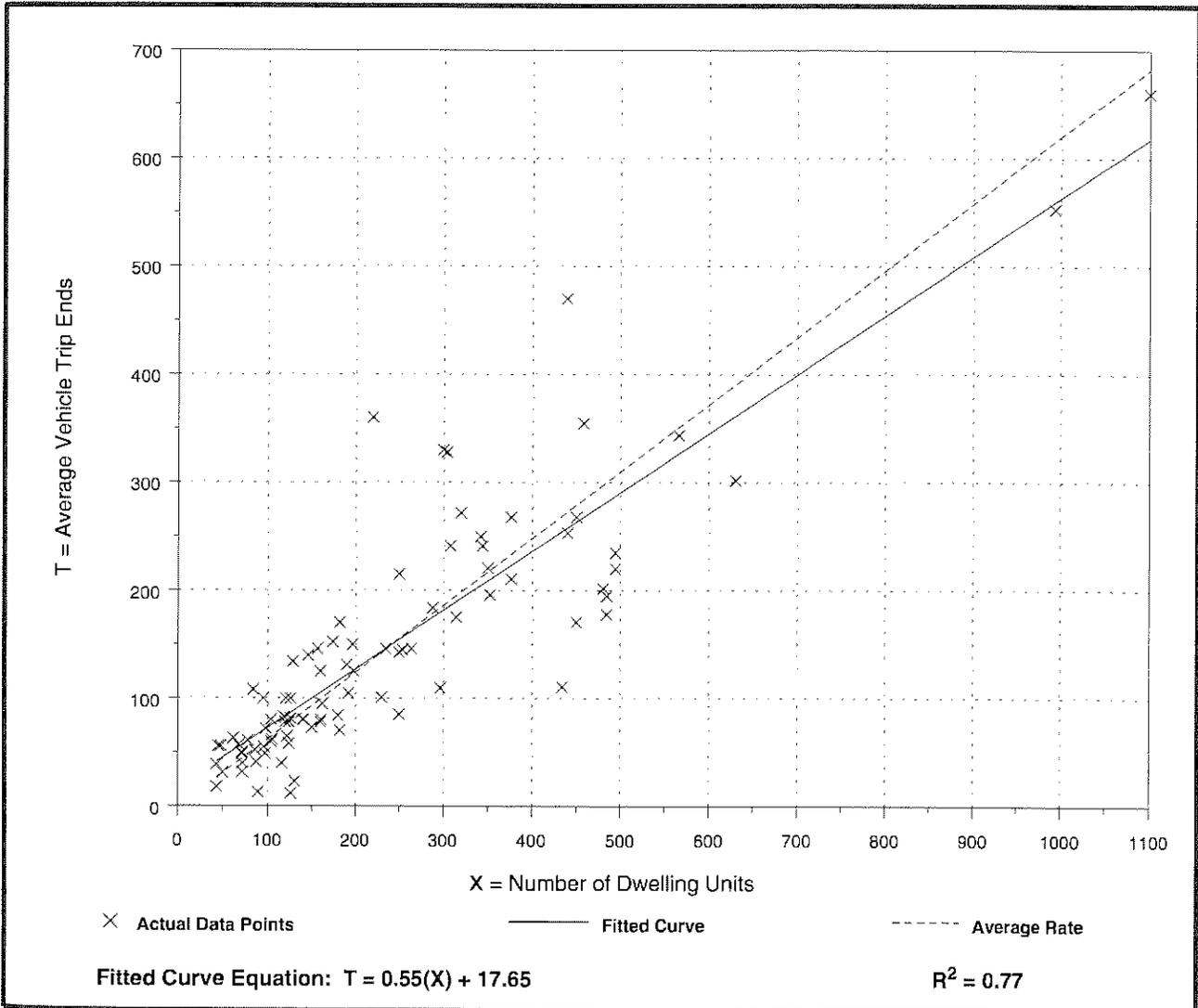
Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Number of Studies: 90
 Avg. Number of Dwelling Units: 233
 Directional Distribution: 65% entering, 35% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.62	0.10 - 1.64	0.82

Data Plot and Equation



Residential Condominium/Townhouse (230)

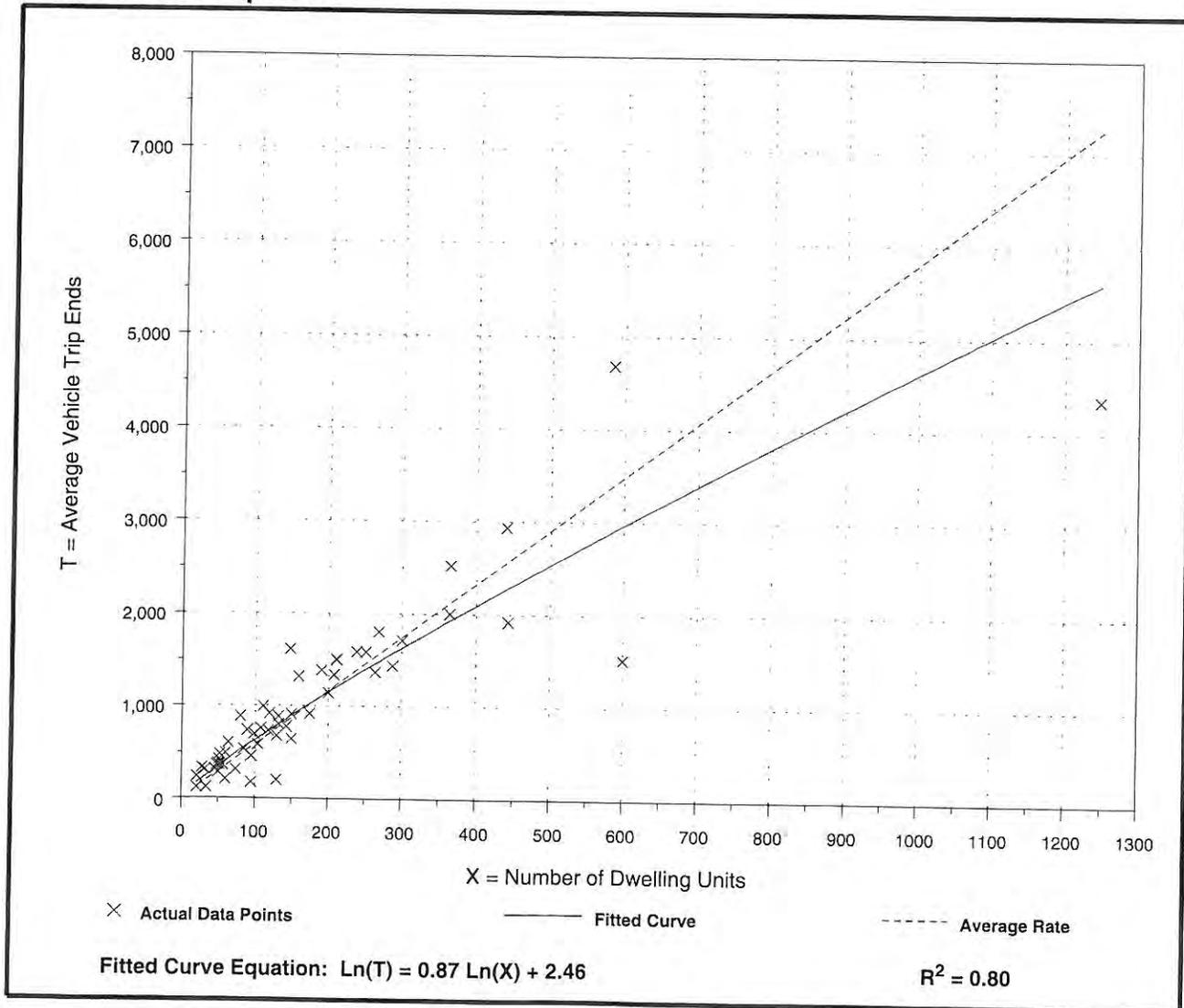
Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Number of Studies: 56
Avg. Number of Dwelling Units: 179
Directional Distribution: 50% entering, 50% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
5.81	1.53 - 11.79	3.11

Data Plot and Equation



Residential Condominium/Townhouse (230)

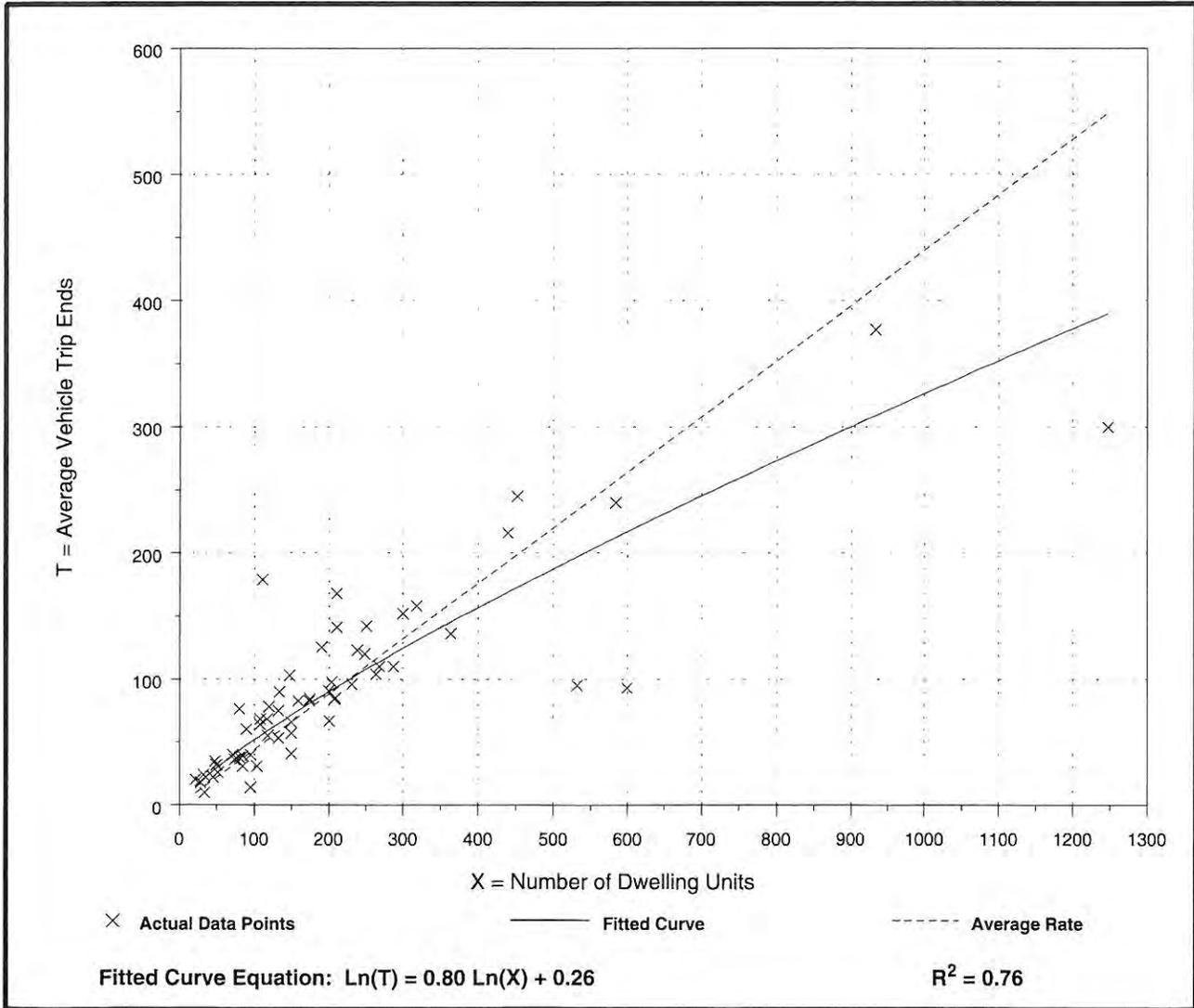
Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

Number of Studies: 59
 Avg. Number of Dwelling Units: 213
 Directional Distribution: 17% entering, 83% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.44	0.15 - 1.61	0.69

Data Plot and Equation



Residential Condominium/Townhouse (230)

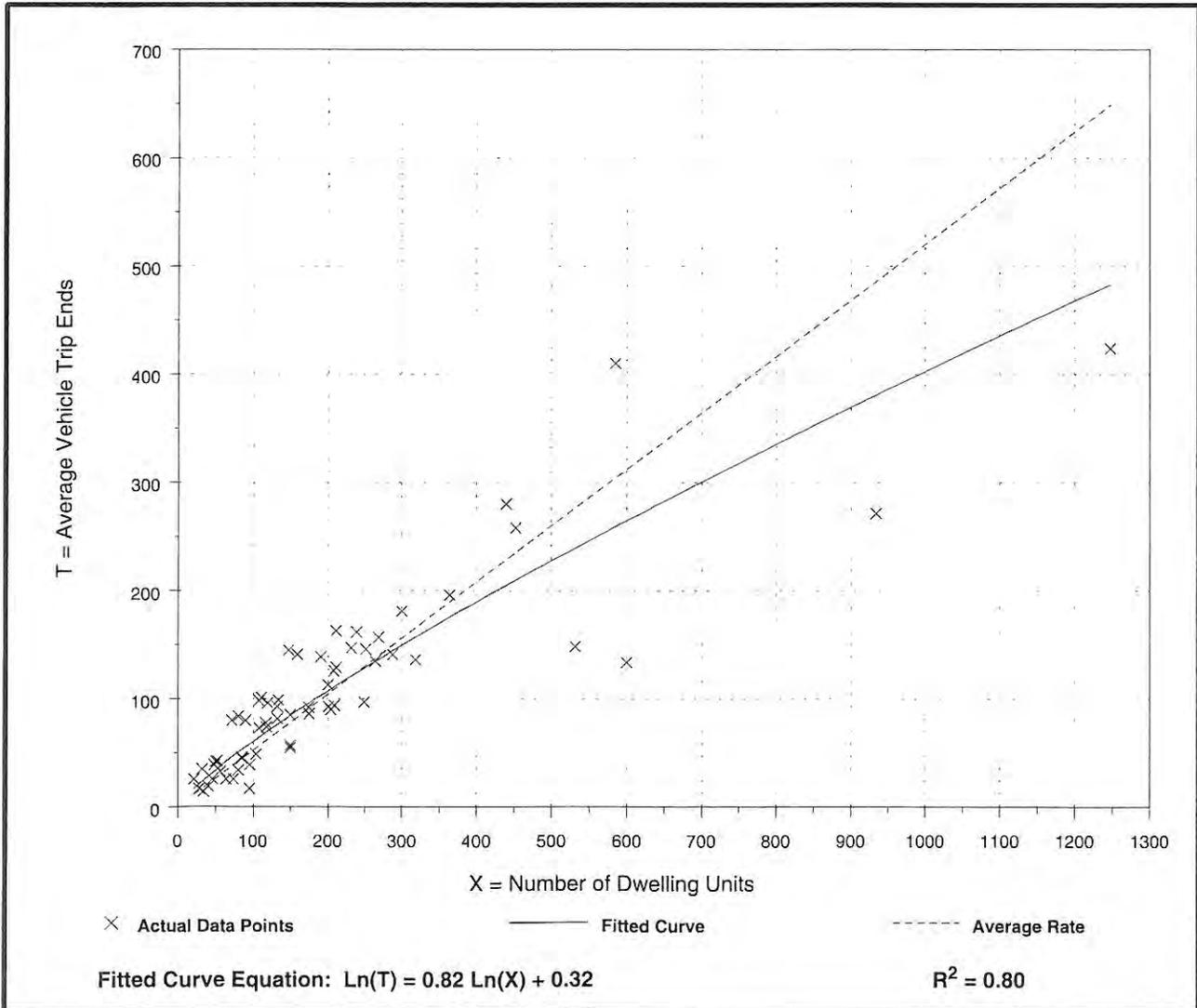
Average Vehicle Trip Ends vs: Dwelling Units
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 4 and 6 p.m.

Number of Studies: 62
 Avg. Number of Dwelling Units: 205
 Directional Distribution: 67% entering, 33% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.52	0.18 - 1.24	0.75

Data Plot and Equation



Shopping Center (820)

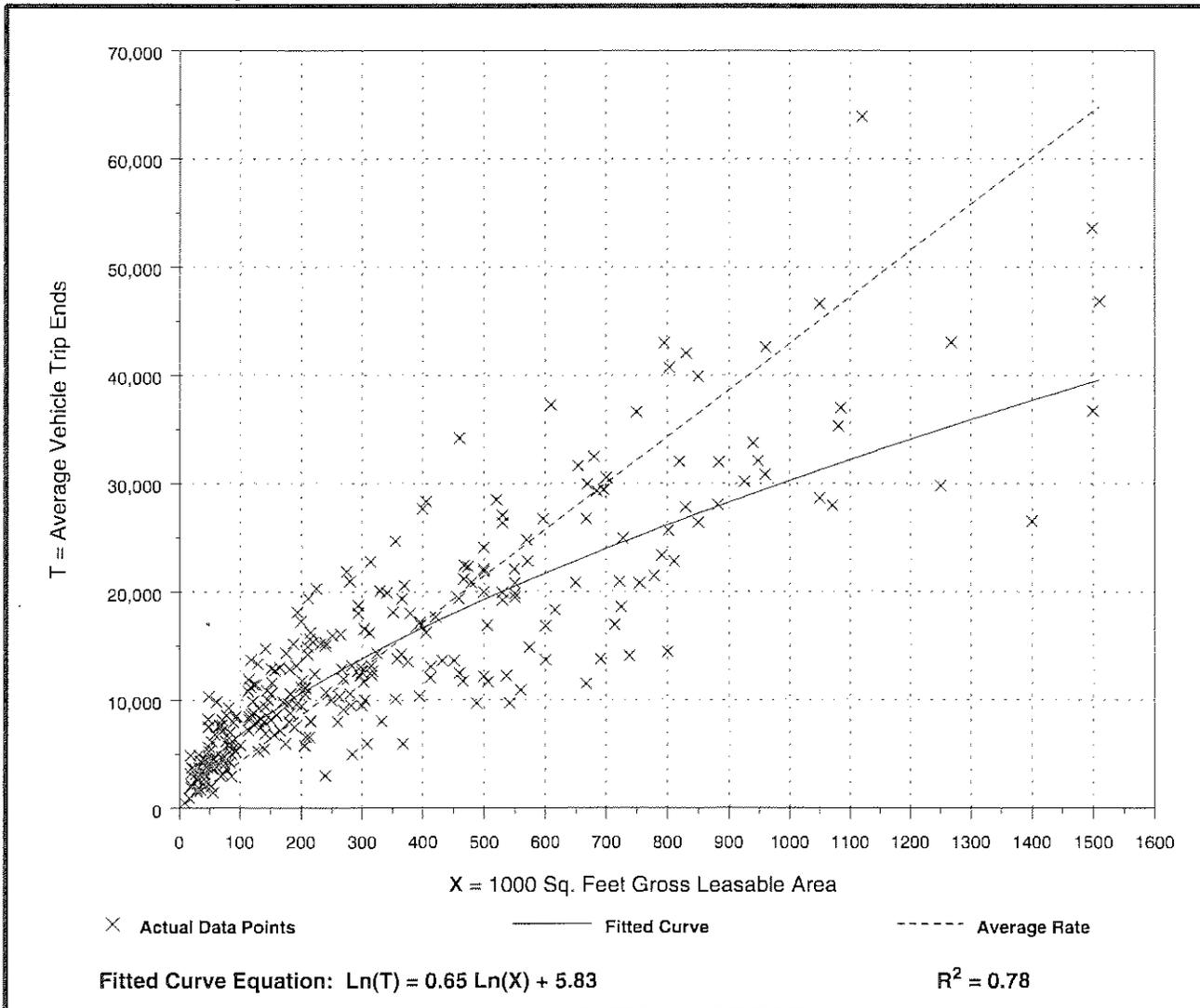
**Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Leasable Area
On a: Weekday**

Number of Studies: 302
Average 1000 Sq. Feet GLA: 328
Directional Distribution: 50% entering, 50% exiting

Trip Generation per 1000 Sq. Feet Gross Leasable Area

Average Rate	Range of Rates	Standard Deviation
42.94	12.50 - 270.89	21.38

Data Plot and Equation



Shopping Center (820)

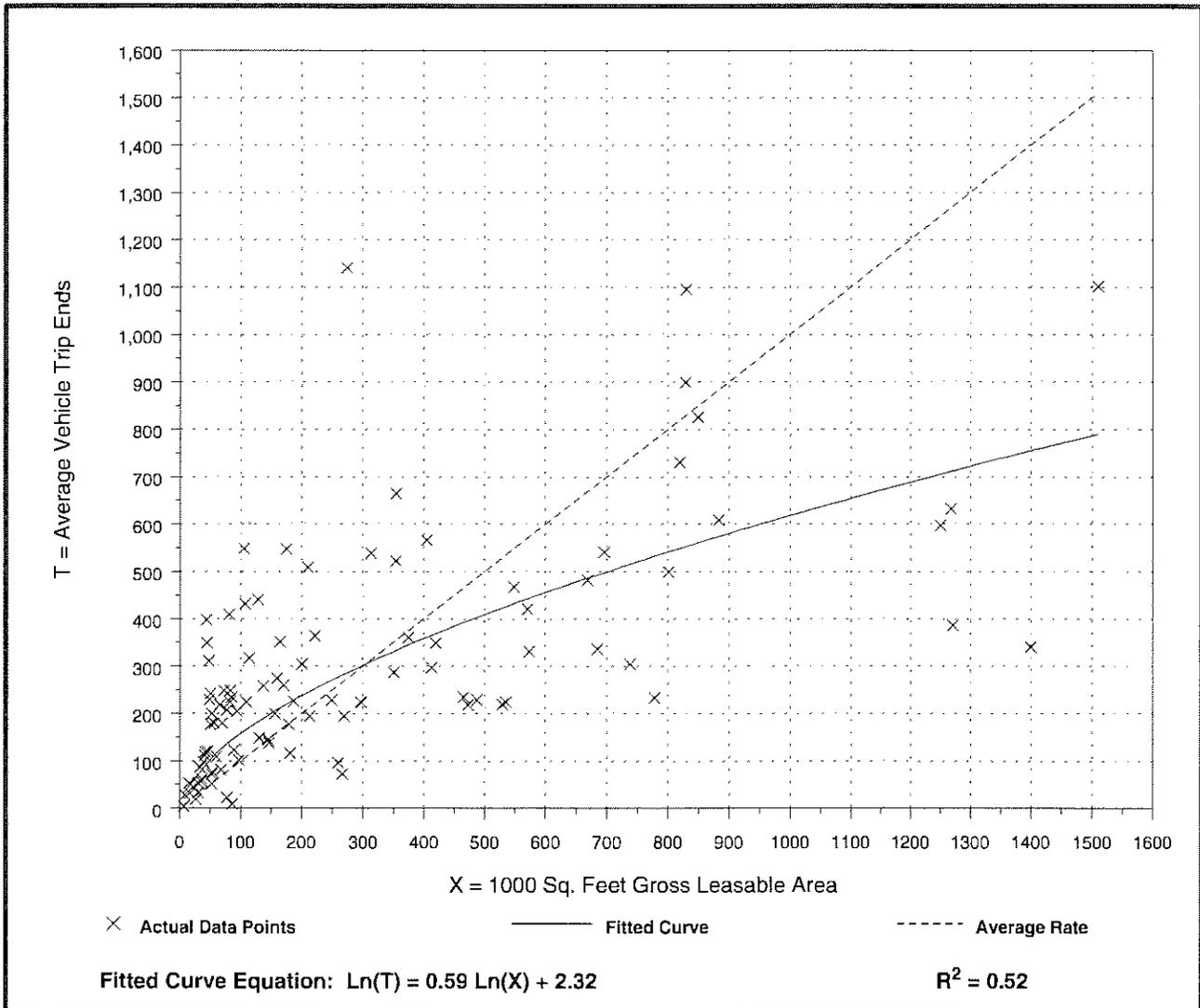
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Leasable Area
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

Number of Studies: 101
 Average 1000 Sq. Feet GLA: 296
 Directional Distribution: 61% entering, 39% exiting

Trip Generation per 1000 Sq. Feet Gross Leasable Area

Average Rate	Range of Rates	Standard Deviation
1.00	0.10 - 9.05	1.38

Data Plot and Equation



Shopping Center (820)

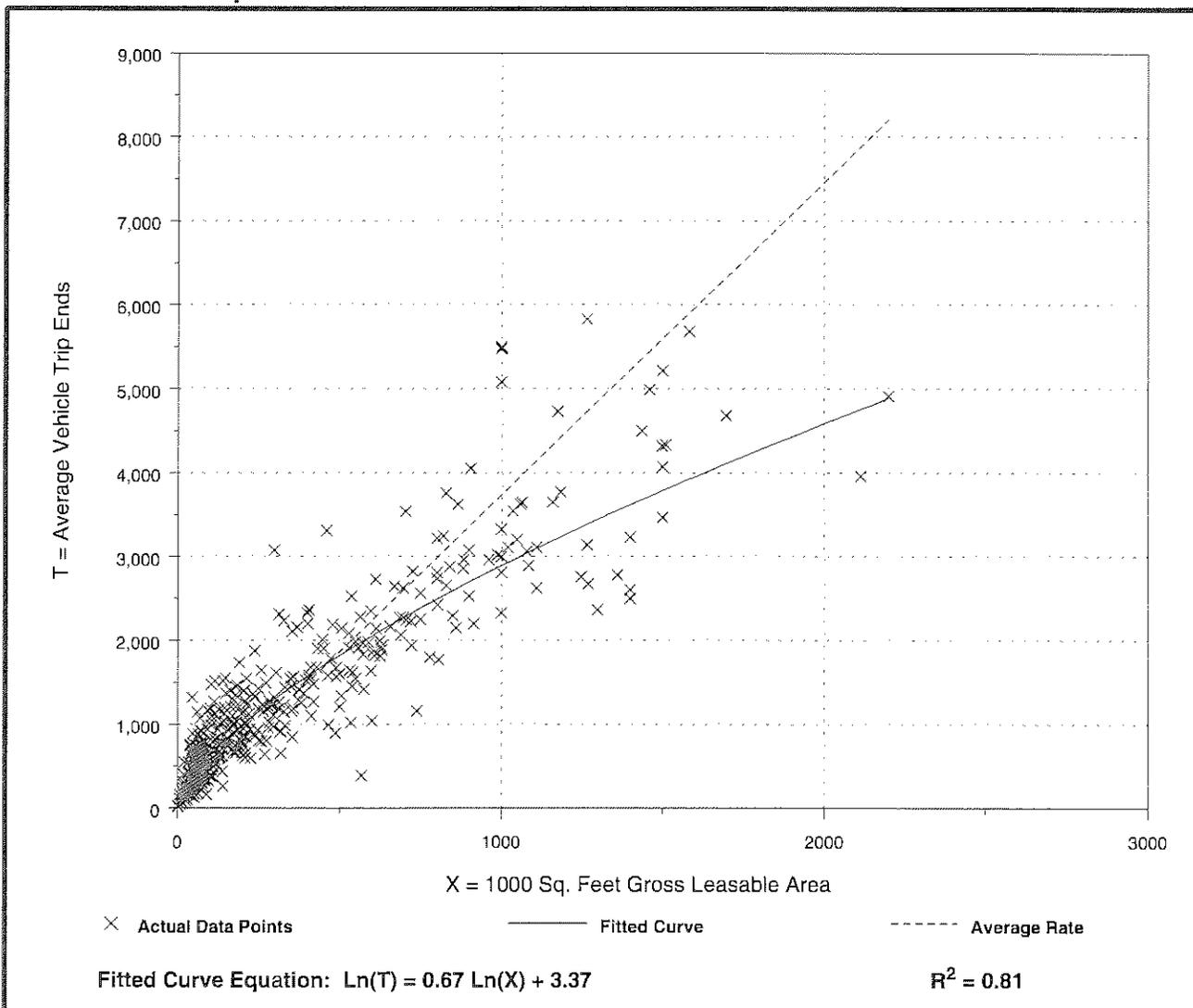
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Leasable Area
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Number of Studies: 412
Average 1000 Sq. Feet GLA: 379
Directional Distribution: 49% entering, 51% exiting

Trip Generation per 1000 Sq. Feet Gross Leasable Area

Average Rate	Range of Rates	Standard Deviation
3.73	0.68 - 29.27	2.74

Data Plot and Equation



General Office Building (710)

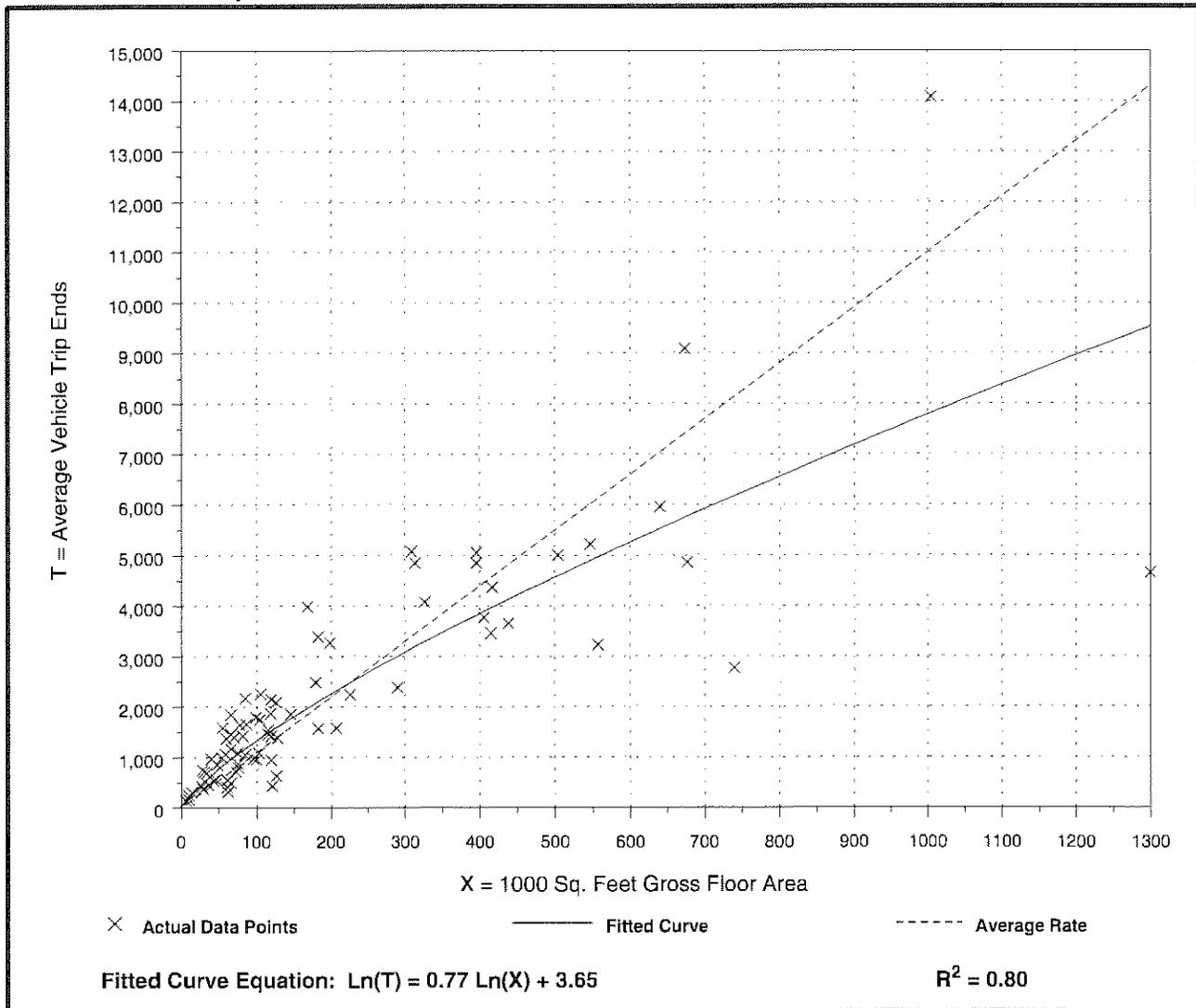
**Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday**

Number of Studies: 78
Average 1000 Sq. Feet GFA: 199
Directional Distribution: 50% entering, 50% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
11.01	3.58 - 28.80	6.13

Data Plot and Equation



General Office Building (710)

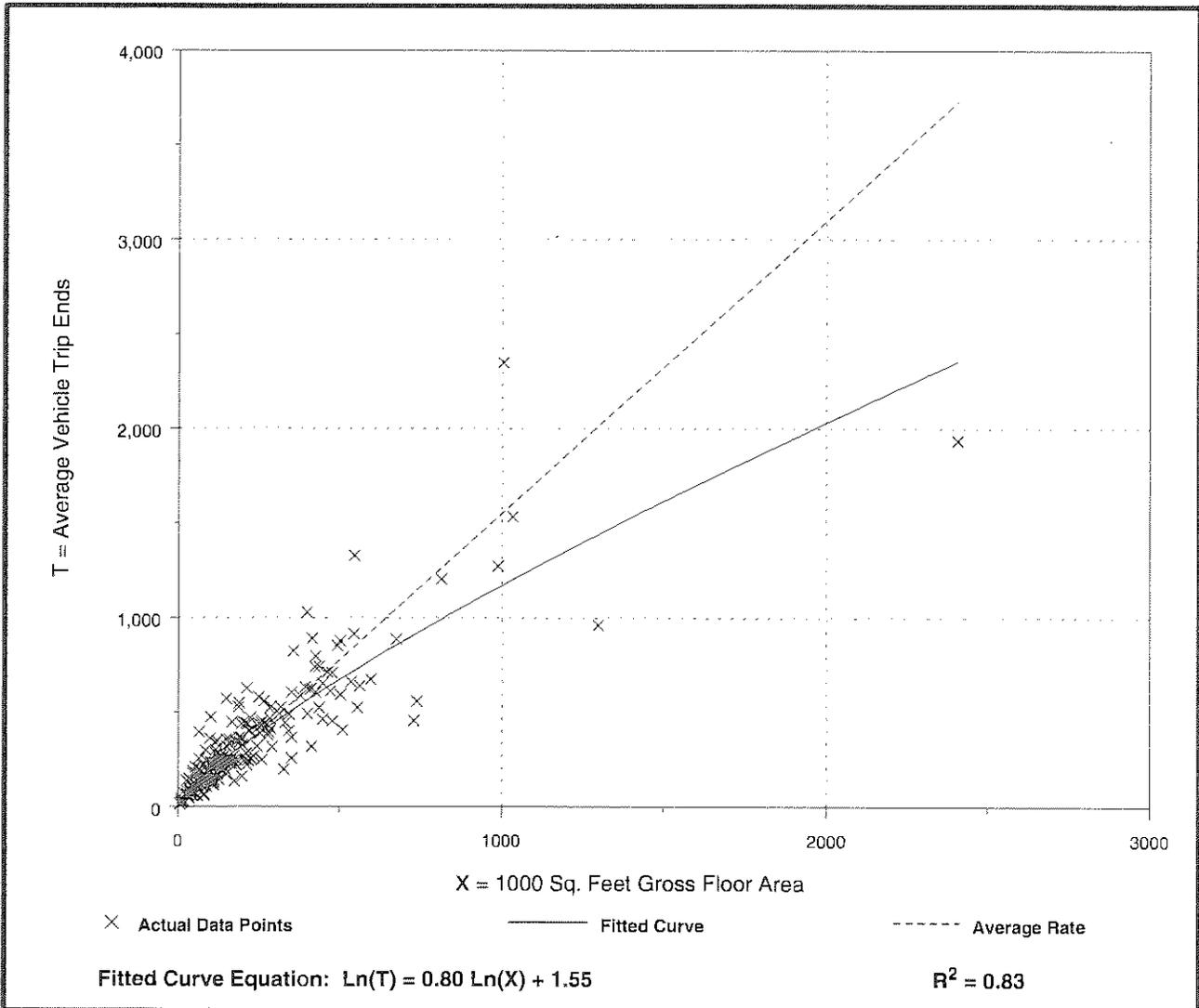
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday,
A.M. Peak Hour

Number of Studies: 217
Average 1000 Sq. Feet GFA: 223
Directional Distribution: 88% entering, 12% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
1.55	0.60 - 5.98	1.39

Data Plot and Equation



General Office Building (710)

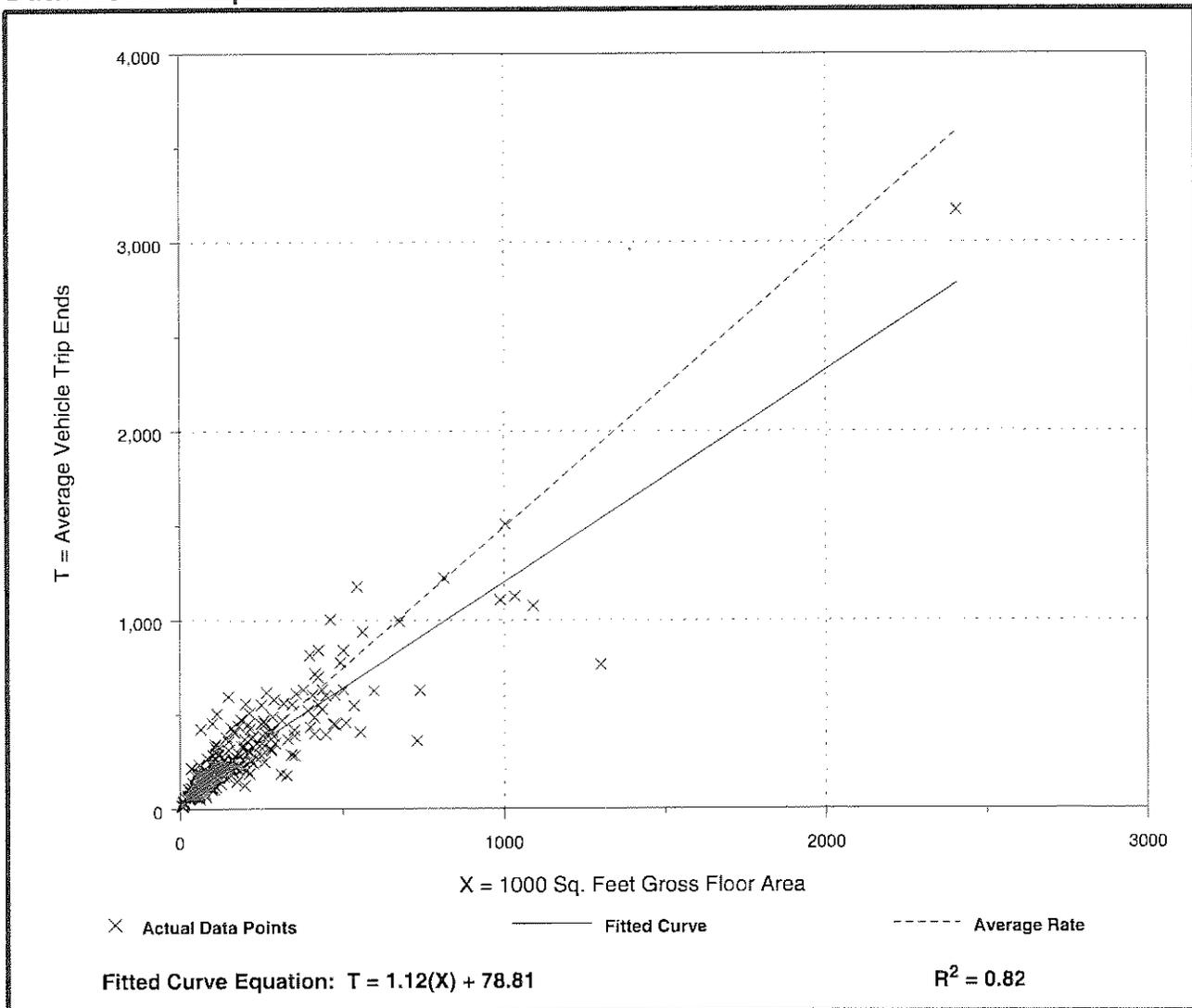
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday,
P.M. Peak Hour

Number of Studies: 235
Average 1000 Sq. Feet GFA: 216
Directional Distribution: 17% entering, 83% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
1.49	0.49 - 6.39	1.37

Data Plot and Equation



General Light Industrial (110)

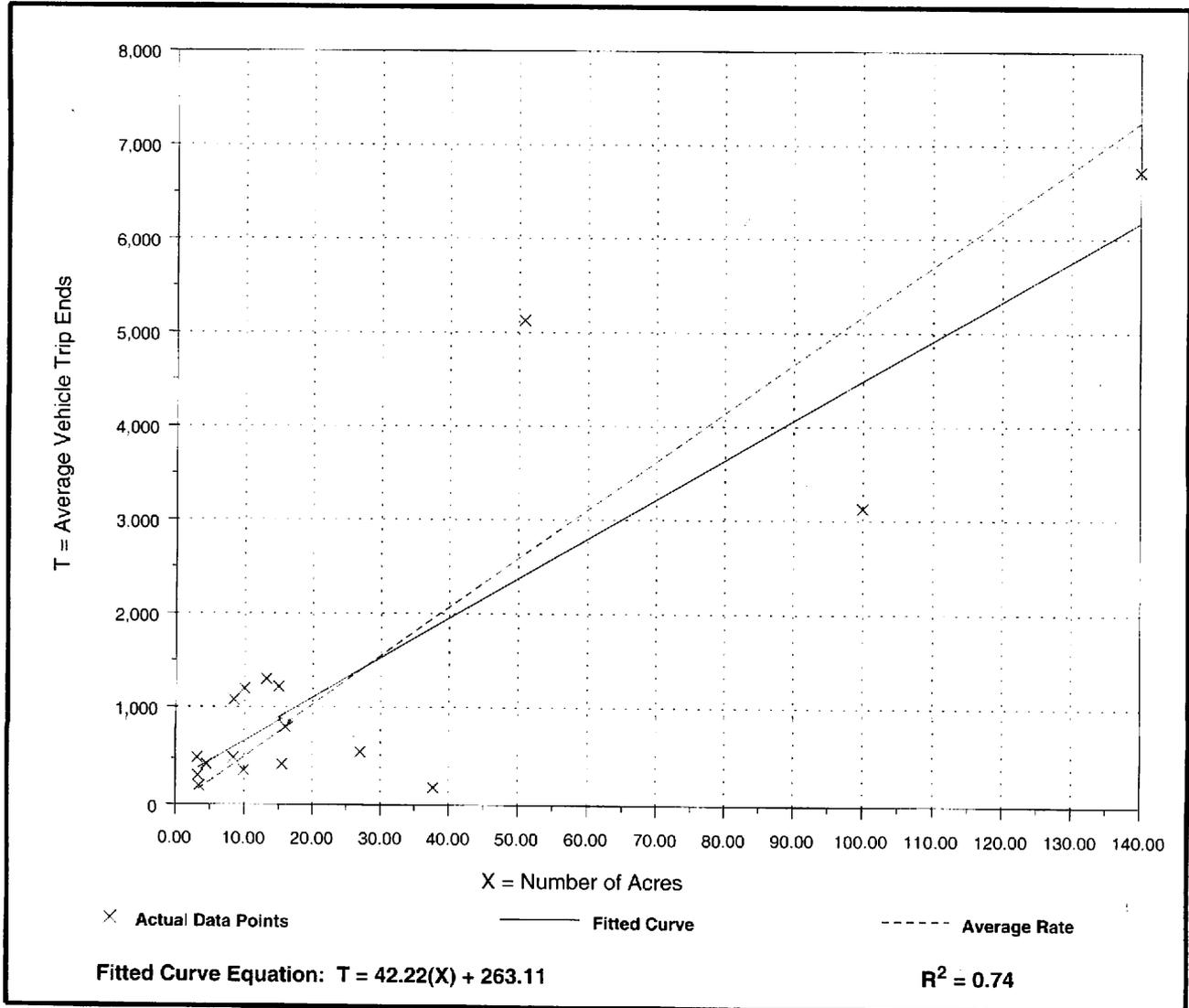
Average Vehicle Trip Ends vs: Acres
On a: Weekday

Number of Studies: 17
Average Number of Acres: 27
Directional Distribution: 50% entering, 50% exiting

Trip Generation per Acre

Average Rate	Range of Rates	Standard Deviation
51.80	5.21 - 159.38	32.69

Data Plot and Equation



General Light Industrial (110)

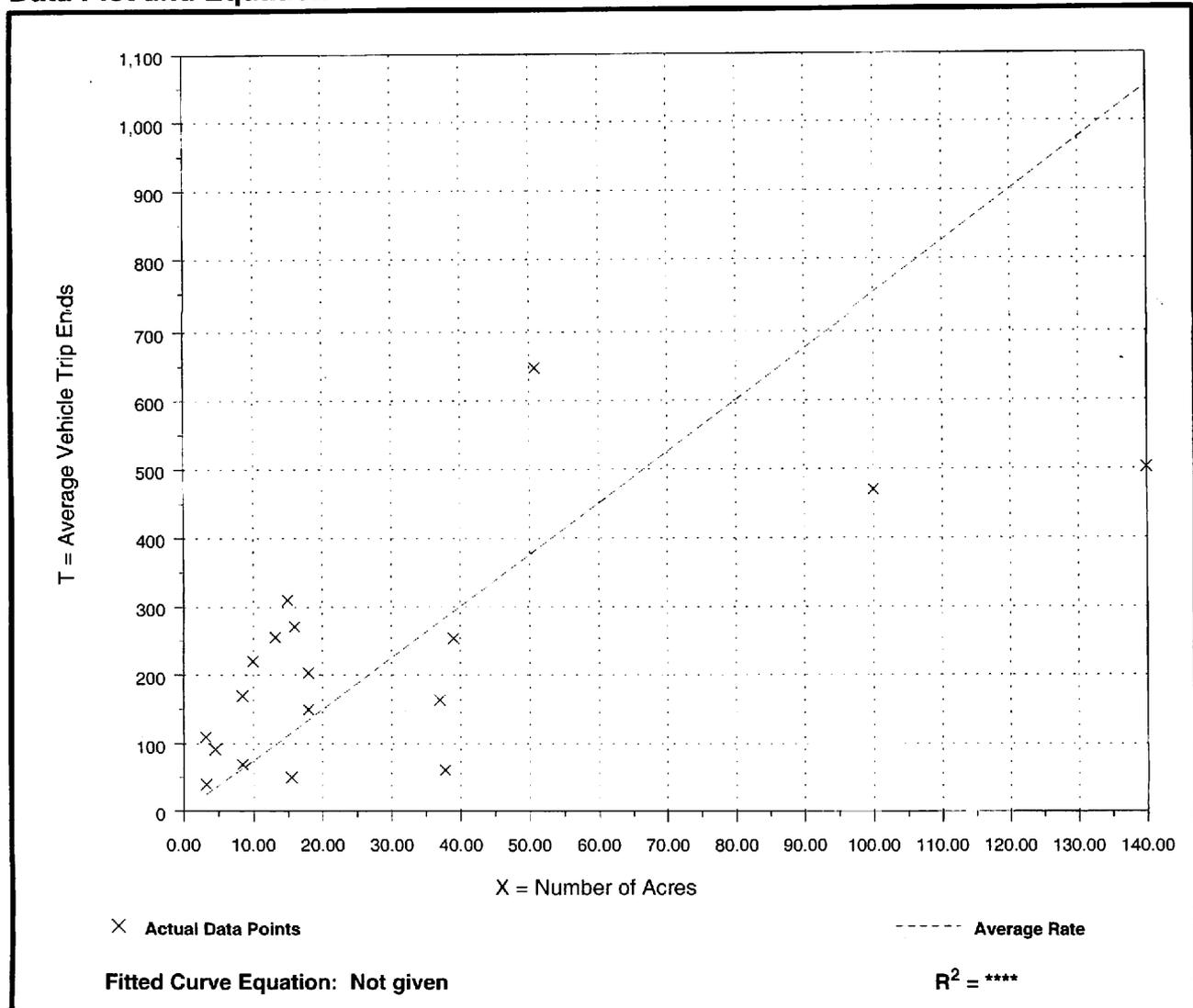
Average Vehicle Trip Ends vs: Acres
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

Number of Studies: 18
 Average Number of Acres: 30
 Directional Distribution: 83% entering, 17% exiting

Trip Generation per Acre

Average Rate	Range of Rates	Standard Deviation
7.51	1.61 - 34.38	6.51

Data Plot and Equation



General Light Industrial (110)

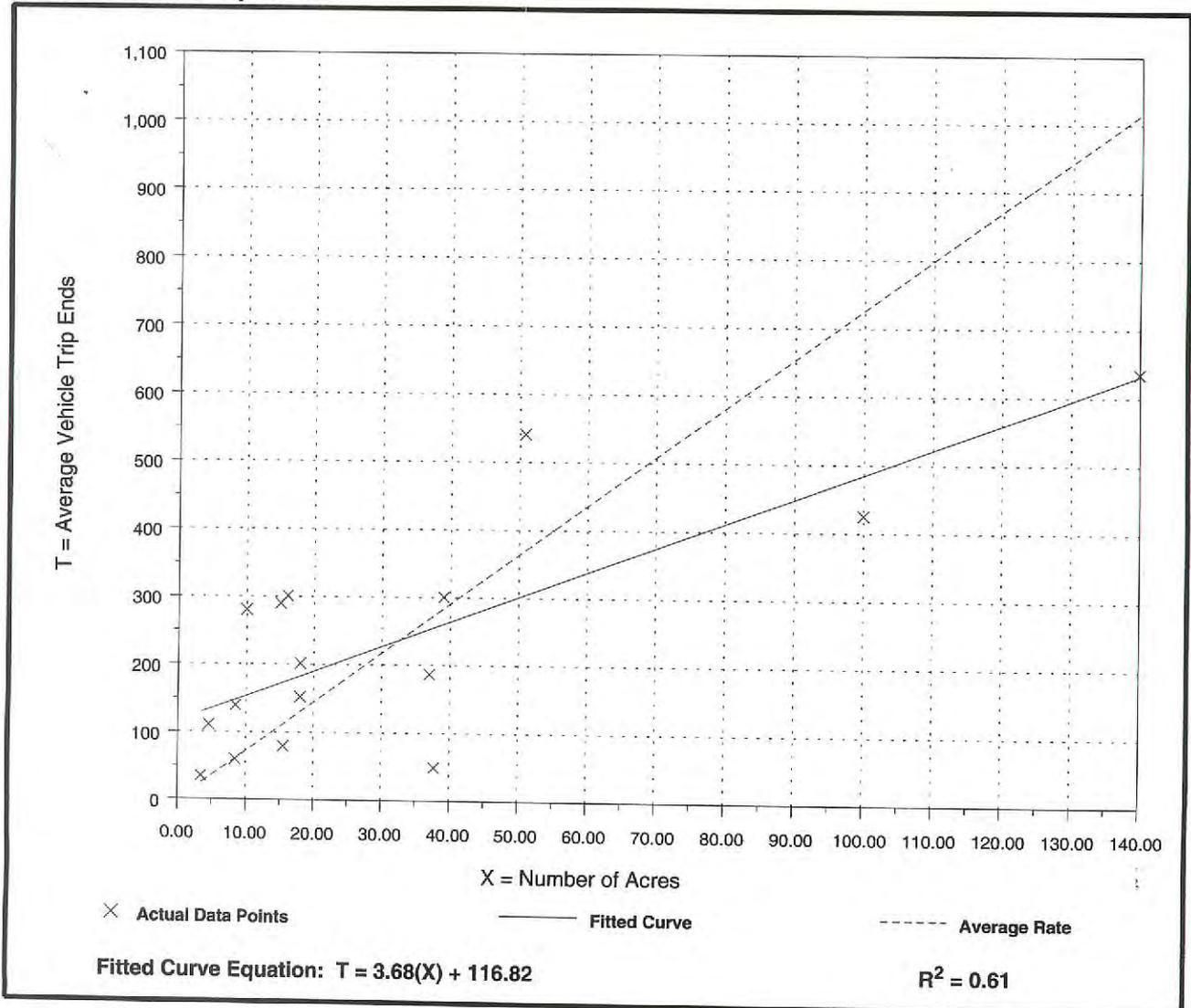
Average Vehicle Trip Ends vs: Acres
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Number of Studies: 16
 Average Number of Acres: 33
 Directional Distribution: 22% entering, 78% exiting

Trip Generation per Acre

Average Rate	Range of Rates	Standard Deviation
7.26	1.32 - 28.00	5.99

Data Plot and Equation



APPENDIX B

TRAFFIC COUNT DATA,
CHARLOTTE COUNTY
GENERALIZED LEVEL OF SERVICE TABLES,
AND
GROWTH RATES

CHARLOTTE COUNTY: ROADWAY LEVEL OF SERVICE DATA (AS OF 06/30/2011)

LOS Report ID	Roadway	From	To	Fed. Func. Class.	Lanes	2011 AADT	Date of Last Count	Sugg. Gr. Rate	Level of Service Calculations ¹								
									K100	100 th Hr Vol.	Level of Service Limits (Pk. Hr. Two-way Vol.)				Level of Service		Percent (%) Capacity Used
											B	C	D	E	Adopted	Current	
51	Harborview Road	Melbourne St.	Date St.	MA	2	8,013	Apr-11	1.00%	0.091	729	837	1,350	1,440	n/a	D	B	51%
102	Harborview Road	Date St.	I-75	MA	2	7,551	Apr-11	1.00%	0.091	687	837	1,350	1,440	n/a	D	B	48%
101	Harborview Road	I-75	Rio De Janiero Ave.	MA	2	9,393	Apr-11	1.00%	0.091	855	837	1,350	1,440	n/a	D	C	59%
100	Harborview Road	Rio De Janiero Ave.	Highlands Rd.	MA	2	5,489	Apr-11	1.00%	0.091	499	837	1,350	1,440	n/a	D	B	35%
211	Harness Road	Brig Circle	C.R. 771	RNC	2	189	Mar-11	1.25%	0.091	17	n/a	918	1,332	1,413	D	C	1%
252	Henry Street	Golf Course Blvd.	Florida St.	UC	2	995	Jun-11	1.00%	0.091	91	n/a	918	1,332	1,413	D	C	7%
11	Hillsborough Blvd	Veterans Blvd.	Toledo Blade Blvd.	RJC	2	4,358	Feb-11	5.00%	0.091	397	n/a	918	1,332	1,413	D	C	30%
12	Hillsborough Blvd	Toledo Blade Blvd.	Crandberry Blvd.	RJC	2	5,106	Feb-11	5.00%	0.091	465	n/a	918	1,332	1,413	D	C	35%
314	I-75	Lee Co. Line	Jones Loop Rd.N	I	4	40,095	Jan-00	2.00%	0.091	3,649	4,000	5,500	6,770	7,300	C	B	66%
319	I-75	Jones Loop Rd. N	U.S. 17	I	4	47,071	Jan-00	2.00%	0.091	4,283	4,000	5,500	6,770	7,300	C	C	78%
315	I-75	U.S. 17	Harborview Rd.	I	6	50,745	Jan-00	2.00%	0.091	4,618	6,000	8,320	10,150	11,290	C	B	56%
316	I-75	U.S. 17	Harborview Rd.	I	6	50,745	Jan-00	2.00%	0.091	4,618	6,000	8,320	10,150	11,290	C	B	56%
317	I-75	Harborview Rd.	Kings Highway	I	4	45,082	Jan-00	2.00%	0.091	4,102	4,000	5,500	6,770	7,300	C	C	75%
318	I-75	Kings Highway	Desoto Co. Line	I	4	39,223	Jan-00	2.00%	0.091	3,569	4,000	5,500	6,770	7,300	C	B	65%
200	Ingraham Blvd	San Cruz Waterway	C.R. 771	RNC	2	2,300	Mar-11	5.00%	0.091	209	n/a	918	1,332	1,413	D	C	16%
201	Ingraham Blvd	C.R. 771	Antis Dr.	RNC	2	483	Mar-11	5.00%	0.091	44	n/a	918	1,332	1,413	D	C	3%
216	Jacobs Street	Eleanor Ave.	Chamberlain Blvd.	RJC	2	1,714	Mar-11	1.48%	0.091	156	n/a	918	1,332	1,413	D	C	12%
217	Jacobs Street	S.R. 776	Eleanor Ave.	RJC	2	1,628	Mar-11	1.00%	0.091	148	n/a	918	1,332	1,413	D	C	11%
224	Kenilworth Blvd	Ravenswood Blvd.	Yorkshire St.	L	2	1,207	Apr-11	1.27%	0.091	110	n/a	918	1,332	1,413	D	C	8%
273	Kings Highway	U.S. 41	Harborview Rd.	MA	4	9,155	Apr-11	1.00%	0.091	833	2,556	3,096	3,204	n/a	D	B	26%
52	Kings Highway	Harborview Rd.	Westchester Blvd.	MA	4	13,852	Apr-11	1.00%	0.091	1,261	2,556	3,096	3,204	n/a	D	B	39%
112	Kings Highway	Westchester Blvd.	Veterans Blvd.	MA	4	18,265	Apr-11	1.00%	0.091	1,662	2,556	3,096	3,204	n/a	D	B	52%
307	Kings Highway	Veterans Blvd.	Sandhill Blvd.	MA	4	27,838	Apr-11	1.50%	0.091	2,533	2,556	3,096	3,204	n/a	D	B	79%
103	Kings Highway	Sandhill Blvd.	DeSoto Co. Line	MA	2	11,851	Apr-11	1.00%	0.091	1,078	837	1,350	1,440	n/a	D	C	75%
253	La Villa Road	Cooper St.	Florida St.	L	2	568	Jun-11	1.00%	0.091	52	n/a	918	1,332	1,413	D	C	4%
53	Lakeview Blvd	Edgewater Dr.	Springview Ave.	UC	2	2,167	May-11	1.00%	0.091	197	n/a	918	1,332	1,413	D	C	15%
55	Lakeview Blvd	Springview Ave.	Midway Blvd.	UC	2	2,427	May-11	1.00%	0.091	221	n/a	918	1,332	1,413	D	C	17%
54	Lakeview Blvd	Midway Blvd.	Chevy Chase St.	UC	2	6,745	May-11	1.00%	0.091	614	n/a	918	1,332	1,413	D	C	46%
56	Lakeview Blvd	Chevy Chase St.	Cochran Blvd. (a.k.a. Toledo Blade Blvd.)	UC	2	9,382	May-11	1.00%	0.091	854	n/a	918	1,332	1,413	D	C	64%
225	Loveland Blvd	Westchester Blvd.	Midway Blvd.	UC	2	1,712	Apr-11	1.00%	0.091	156	n/a	918	1,332	1,413	D	C	12%
57	Loveland Blvd	Midway Blvd.	Peachland Blvd.	UC	2	2,846	May-11	1.00%	0.091	259	n/a	918	1,332	1,413	D	C	19%
58	Loveland Blvd	Peachland Blvd.	Veterans Blvd.	UC	2	1,820	Apr-11	1.45%	0.091	166	n/a	918	1,332	1,413	D	C	12%
311	Manor Road	C.R. 775	S.R. 776	L	2	999	Mar-11	1.00%	0.091	91	n/a	918	1,332	1,413	D	C	7%
198	Marathon Blvd	Terminus	C.R. 771	RNC	2	1,337	Mar-11	1.00%	0.091	122	n/a	918	1,332	1,413	D	C	9%
199	Marathon Blvd	Gulfstream Blvd.	C.R. 771	RNC	2	1,393	Mar-11	6.24%	0.091	127	n/a	918	1,332	1,413	D	C	10%
175	Marion Avenue	Florida St.	I-75 Overpass	L	2	2,094	Jun-11	1.00%	0.091	191	n/a	918	1,332	1,413	D	C	14%
176	Marion Avenue	Marlympia Way	Florida St.	L	2	2,537	Jun-11	1.00%	0.091	231	n/a	918	1,332	1,413	D	C	17%
59	Melbourne Street	Harper Ave.	Harborview Rd.	UC	2	2,244	Apr-11	1.00%	0.091	204	n/a	918	1,332	1,413	D	C	15%
61	Midway Blvd	O'Hara Dr.	Edgewater Dr.	MA	2	4,930	May-11	1.00%	0.091	449	837	1,350	1,440	n/a	D	B	31%
60	Midway Blvd	Edgewater Dr.	Riviera Ln.	MA	2	3,717	May-11	1.00%	0.091	338	837	1,350	1,440	n/a	D	B	23%

CHARLOTTE COUNTY: ROADWAY LEVEL OF SERVICE DATA (AS OF 06/30/2011)

LOS Report ID	Roadway	From	To	Fed. Func. Class.	Lanes	2011 AADT	Date of Last Count	Sugg. Gr. Rate	Level of Service Calculations ¹								
									K100	100 th Hr Vol.	Level of Service Limits (Pk. Hr. Two-way Vol.)				Level of Service		Percent (%) Capacity Used
											B	C	D	E	Adopted	Current	
132	Sunnybrook Blvd	Boundary Blvd.	Rotonda Blvd. North	RJC	2	6,204	Mar-11	1.00%	0.091	565	n/a	918	1,332	1,413	D	C	42%
131	Sunnybrook Blvd	Gulfstream Blvd.	Boundary Blvd.	RJC	2	8,497	Mar-11	1.00%	0.091	773	n/a	918	1,332	1,413	D	C	58%
146	Sunnybrook Blvd	S.R. 776	Oceanspray Blvd.	RJC	2	5,886	Feb-11	1.00%	0.091	536	n/a	918	1,332	1,413	D	C	40%
145	Sunnybrook Blvd	Waterford Ave.	S.R. 776	RJC	2	2,178	Feb-11	1.00%	0.091	198	n/a	918	1,332	1,413	D	C	15%
231	Sunnybrook Road	Highlands Rd.	Broadpoint Dr.	L	2	4,432	Apr-11	1.00%	0.091	403	n/a	918	1,332	1,413	D	C	30%
177	Taylor Road	U.S. 41 N	Burnt Store Rd.	UC	2	6,476	Jun-11	1.00%	0.091	589	n/a	918	1,332	1,413	D	C	44%
178	Taylor Road	Burnt Store Rd.	Airport Rd.	RJC	2	9,290	Jun-11	5.00%	0.091	845	n/a	918	1,332	1,413	D	C	63%
179	Taylor Road	Airport Rd.	Cooper St.	RJC	2	5,597	Jan-11	1.00%	0.091	509	n/a	918	1,332	1,413	D	C	38%
91	Toledo Blade Blvd	Collingswood Blvd.	S.R. 776	MA	2	5,056	May-11	1.00%	0.091	460	837	1,350	1,440	n/a	D	B	32%
194	Toledo Blade Blvd	S.R. 776	U.S. 41 N	MA	2	5,901	Feb-11	1.00%	0.091	537	837	1,350	1,440	n/a	D	B	37%
16	Toledo Blade Blvd	U.S. 41 N	Sarasota Co Line	UC	4	11,548	Feb-11	1.00%	0.091	1,051	2,556	3,096	3,204	n/a	D	B	33%
186	Tucker's Grade	U.S. 41	I-75	MA	4	7,851	Jan-11	1.00%	0.091	714	2,556	3,096	3,204	n/a	D	B	22%
180	US Highway 17	I-75	Marlympia Way	PA	6	18,076	Jan-11	2.00%	0.091	1,645	4,370	5,200	5,360	n/a	D	B	31%
181	US Highway 17	Constitution Avenue	I-75	PA	6	20,541	Jan-11	2.00%	0.091	1,869	4,370	5,200	5,360	n/a	C	B	36%
282	US Highway 17	Washington Loop Rd. S	Constitutional Ave.	PA	4	15,571	Jan-11	2.00%	0.091	1,417	2,840	3,440	3,560	n/a	C	B	41%
110	US Highway 17	Peace River Shores Blvd.	Washington Loop Rd. S	PA	4	11,842	Jan-11	2.00%	0.091	1,078	2,840	3,440	3,560	n/a	B	B	38%
113	US Highway 17	DeSoto Co Line	Peace River Shores Blvd.	PA	4	8,134	Jan-11	2.00%	0.091	740	2,840	3,440	3,560	n/a	B	B	26%
187	US Highway 41	Lee County Line	Zemel Rd.	PA	4	15,616	Mar-11	2.00%	0.091	1,421	2,840	3,440	3,560	n/a	D	B	40%
313	US Highway 41	Zemel Rd.	Alligator Creek Bridge	PA	4	18,296	Jan-00	2.00%	0.091	1,665	2,840	3,440	3,560	n/a	D	B	47%
183	US Highway 41	Alligator Creek Bridge	Burnt Store Rd.	PA	4	14,744	Jan-11	2.00%	0.091	1,342	2,840	3,440	3,560	n/a	D	B	38%
286	US Highway 41	Burnt Store Rd.	Aqui Esta Dr.	PA	4	25,676	Jan-11	2.00%	0.091	2,337	2,840	3,440	3,560	n/a	D	B	66%
274	US Highway 41	Kings Highway	Bayshore Rd.	PA	6	46,392	Jan-00	1.25%	0.082	3,804	n/a	3,790	4,880	5,150	D	D	78%
275	US Highway 41	Harborview Rd.	Kings Highway	PA	6	40,791	Jan-00	1.25%	0.082	3,345	n/a	3,790	4,880	5,150	D	C	69%
276	US Highway 41	Hancock Ave. (Beaver Ln.)	Harborview Rd./Edgewater Dr.	PA	6	41,361	Jan-00	1.25%	0.082	3,392	n/a	3,790	4,880	5,150	D	C	70%
277	US Highway 41	Gardner Dr.	Hancock Ave. (Beaver Ln.)	PA	6	40,849	Jan-00	1.25%	0.082	3,350	n/a	3,790	4,880	5,150	D	C	69%
279	US Highway 41	Conway Blvd.	Gardner Dr.	PA	6	40,738	Jan-00	1.25%	0.082	3,340	n/a	3,790	4,880	5,150	D	C	68%
281	US Highway 41	Easy St.	Conway Blvd.	PA	6	40,221	Jan-00	1.25%	0.082	3,298	n/a	3,790	4,880	5,150	D	C	68%
283	US Highway 41	Harbor Blvd.	Easy St.	PA	6	41,916	Jan-00	1.25%	0.082	3,437	n/a	3,790	4,880	5,150	D	C	70%
285	US Highway 41	Olean Blvd.	Harbor Blvd.	PA	6	53,439	Jan-00	1.25%	0.082	4,382	n/a	3,790	4,880	5,150	D	D	90%
287	US Highway 41	Port Charlotte Blvd.	Olean Blvd.	PA	6	52,749	Jan-00	1.25%	0.082	4,325	n/a	3,790	4,880	5,150	D	D	89%
289	US Highway 41	W Tarpon Blvd.	Port Charlotte Blvd.	PA	6	52,808	Jan-00	1.25%	0.082	4,330	n/a	3,790	4,880	5,150	D	D	89%
291	US Highway 41	Midway Blvd.	W Tarpon Blvd.	PA	6	51,068	Jan-00	1.25%	0.082	4,188	n/a	3,790	4,880	5,150	D	C	86%
293	US Highway 41	Forrest Nelson Blvd.	Midway Blvd.	PA	6	54,397	Jan-00	1.25%	0.082	4,461	n/a	3,790	4,880	5,150	D	D	91%
295	US Highway 41	Carrousel Mall	Forrest Nelson Blvd.	PA	6	55,725	Jan-00	1.25%	0.082	4,569	n/a	3,790	4,880	5,150	D	D	94%
297	US Highway 41	Cochran Blvd. (a.k.a.Toledo Blade)	Carrousel Mall	PA	6	55,568	Jan-00	1.25%	0.082	4,557	n/a	3,790	4,880	5,150	D	D	93%
95	US Highway 41	Murdock Circle	Cochran Blvd. (a.k.a.Toledo Blade)	PA	6	46,250	Feb-11	1.25%	0.082	3,793	n/a	3,790	4,880	5,150	D	D	78%
18	US Highway 41	S.R. 776	Murdock Circle	PA	6	34,554	Feb-11	1.25%	0.082	2,833	n/a	3,790	4,880	5,150	D	C	58%
19	US Highway 41	Enterprise Dr.	S.R. 776	PA	6	30,009	Feb-11	1.25%	0.091	2,731	n/a	3,790	4,880	5,150	D	C	56%
21	US Highway 41	Toledo Blade Blvd.(N) (CR 39)	Enterprise Dr.	PA	4	30,133	Feb-11	2.00%	0.082	2,471	2,840	3,440	3,560	n/a	D	B	69%
20	US Highway 41	Flamingo Blvd.	Toledo Blade Blvd. (N)	PA	4	27,205	Feb-11	2.00%	0.091	2,476	2,840	3,440	3,560	n/a	D	B	70%

CHARLOTTE COUNTY: ROADWAY LEVEL OF SERVICE DATA (AS OF 06/30/2011)

LOS Report ID	Roadway	From	To	Fed. Func. Class.	Lanes	2011 AADT	Date of Last Count	Sugg. Gr. Rate	Level of Service Calculations ¹								
									K100	100 th Hr Vol.	Level of Service Limits (Pk. Hr. Two-way Vol.)				Level of Service		Percent (%) Capacity Used
											B	C	D	E	Adopted	Current	
17	US Highway 41	Chamberlain Blvd.	Flamingo Blvd.	PA	4	25,060	Feb-11	2.00%	0.091	2,281	2,840	3,440	3,560	n/a	D	B	64%
322	US Highway 41	Sarasota Co. Line	Chamberlain Blvd.	PA	4	31,097	Feb-11	2.00%	0.091	2,830	2,840	3,440	3,560	n/a	D	B	79%
264	US 41 Access Rd N		at Fordham Waterway	L	2	2,819	May-11	1.00%	0.091	257	n/a	918	1,332	1,413	D	C	19%
265	US 41 Access Rd N		at Elkcam Waterway	L	2	1,955	May-11	1.00%	0.091	178	n/a	918	1,332	1,413	D	C	13%
266	US 41 Access Rd N		at Sunrise Waterway	L	2	2,278	May-11	1.00%	0.091	207	n/a	918	1,332	1,413	D	C	16%
267	US 41 Access Rd S		at Sunrise Waterway	L	2	2,365	May-11	1.00%	0.091	215	n/a	918	1,332	1,413	D	C	16%
268	US 41 Access Rd S		at Elkcam Waterway	L	2	2,380	May-11	1.00%	0.091	217	n/a	918	1,332	1,413	D	C	16%
269	US 41 Access Rd S		at Fordham Waterway	L	2	2,248	May-11	1.00%	0.091	205	n/a	918	1,332	1,413	D	C	15%
87	Veterans Blvd	US-41	Murdock Circle	MA	4	17,269	Apr-11	1.00%	0.091	1,572	2,556	3,096	3,204	n/a	D	B	49%
278	Veterans Blvd	Murdock Circle	Cochran Blvd. (a.k.a.Toledo Blade)	MA	4	21,099	Apr-11	1.00%	0.091	1,920	2,556	3,096	3,204	n/a	D	B	60%
280	Veterans Blvd	Cochran Blvd. (a.k.a.Toledo Blade)	Harbor Blvd.	MA	4	18,947	Apr-11	1.00%	0.091	1,724	2,556	3,096	3,204	n/a	D	B	54%
24	Veterans Blvd	Harbor Blvd.	Loveland Blvd.	MA	4	16,098	Apr-11	1.00%	0.091	1,465	2,556	3,096	3,204	n/a	D	B	46%
256	Veterans Blvd	Loveland Blvd.	Kings Highway	MA	4	14,447	Apr-11	1.00%	0.091	1,315	2,556	3,096	3,204	n/a	D	B	41%
306	Veterans Blvd	Kings Highway	Peachland Blvd.	MA	4	27,151	Apr-11	2.00%	0.091	2,471	2,556	3,096	3,204	n/a	D	B	77%
226	Voyageur Drive	Broadpoint Dr.	Terminus	L	2	616	Apr-11	1.00%	0.091	56	n/a	918	1,332	1,413	D	C	4%
114	Washington Loop N	U.S. 17	Mangrove Rd.	L	2	1,304	Jan-11	1.00%	0.091	119	n/a	918	1,332	1,413	D	C	9%
115	Washington Loop S	U.S. 17	Rustic Dr.	L	2	1,761	Jan-11	1.00%	0.091	160	n/a	918	1,332	1,413	D	C	12%
98	West Tarpon Blvd	Edgewater Dr.	U.S. 41	L	2	704	May-11	1.00%	0.091	64	n/a	918	1,332	1,413	D	C	5%
97	Westchester Blvd	Gardner Dr.	Beacon Dr.	L	2	4,389	Apr-11	1.00%	0.091	399	n/a	918	1,332	1,413	D	C	30%
96	Westchester Blvd	Beacon Dr.	Kings Highway	L	2	4,078	Apr-11	1.00%	0.091	371	n/a	918	1,332	1,413	D	C	28%
214	Wilmington Blvd	Coliseum Blvd.	Gondelier Waterway	RJC	2	1,000	Feb-11	1.00%	0.091	91	n/a	918	1,332	1,413	D	C	7%
40	Wilmington Blvd	Gondelier Waterway	S.R. 776	RJC	2	1,988	Feb-11	1.00%	0.091	181	n/a	918	1,332	1,413	D	C	14%
308	Winchester Blvd	S.R. 776	Sarasota Co Line	RJC	2	4,776	Feb-11	1.00%	0.091	435	n/a	918	1,332	1,413	D	C	33%
243	Wintergarden Blvd	Collingswood Blvd.	Pellam Blvd.	L	2	460	Mar-11	1.00%	0.091	42	n/a	918	1,332	1,413	D	C	3%
244	Wintergarden Blvd	Flamingo Blvd.	Collingswood Blvd.	L	2	364	Mar-11	1.00%	0.091	33	n/a	918	1,332	1,413	D	C	2%
305	Zemel Road	Burnt Store Rd.	County Landfill	L	2	1,659	Jun-11	8.00%	0.091	151	n/a	918	1,332	1,413	D	C	11%
255	Zemel Road	County Landfill	U.S. 41	L	2	2,015	Jan-11	8.00%	0.091	183	n/a	918	1,332	1,413	D	C	14%

Notes and Assumptions for the LOS Computations:

- LOS Calculations are based on 2009 FDOT Generalized LOS Tables (TABLE 4) with the assumptions listed in the 2009 FDOT QUALITY/LEVEL OF SERVICE HANDBOOK
- For Roadway Segments with Level of Service "N/A", Please call Venkat Vattikuti @ (941) 623-1064 or email at venkat.vattikuti@charlottefl.com

PERIODIC COUNT STATION DATA

STREET	LOCATION	Station #	M A P	Daily Traffic Volume (AADT)											PCS	Area
				2001	2002	2003	2004	2005	2006	2007	2008	2009	2010			
US 41 (SR 45)	N OF BOY SCOUT DR	430	B	39900	42000	42200	45900	44100	45700	42700	38400	36200	32400	9	3	
	N OF N AIRPORT RD	427	B	43800	43900	44800	52900	45000	50500	49600	43500	38100		9	3	
	N OF COLONIAL BLVD	432	B	44600	51000	48200	49200	50300	52000	51600	46800	35500	38800	9	3	
	N OF WINKLER AVE	429	B	43700	45300	44500	48200	38500	50600	53000	52100	42000		9	3	
	N OF HANSON ST	428	B	45700	43900	43800	47400	45600	46600	46400	43200	40400		9	3	
	N OF NORTH KEY DR	1	C	41700	43500	45600	49900	52100	51900	U/C	42600	41800	41200		2	
	N OF HANCOCK BR. PWY	421	C	29500	29700	31600	31600	34400	39500	32700	29900	32700		1	2	
	N OF PONDELLA RD	431	C	23800	25000	25900	28900	27800	32100	26300	24900	26800		1	2	
	N OF PINE ISLAND RD	419	C	22500	22900	24300	24700	25700	30800	25100	26100	21600		1	2	
	N OF LITTLETON RD	425	C	17100	17400	18200	20000	20400	23000	18300	17700	15700		1	2	
	S OF CHARLOTTE CO.	449	I	14600	14800	15400	18000	18700	18400	15500	20700	13900		1	2	
VANDERBILT RD	S OF BONITA BEACH RD	491	H	N/A	7300	9300	9000	9600	7800	6100	5700	5100		23	6	
VETERANS PKWY	S OF PINE ISLAND RD	527	I		6100	8200	10600	12100	13600	14100	12900	13300	12000	50	1	
	E OF SURFSIDE BLVD	526	I			10800	13800	16400	18500	20100	19500	18700		50	1	
	E OF CHIQUITA BLVD	523	C	12000	15900	19200	23900	25700	27500	29500	28200	26800	24400	50	1	
	E OF SKYLINE BLVD	522	C	19200	23400	26700	32500	35300	40200	40000	36800	38400		50	1	
	E OF SANTA BARBARA BLVD	50	C	33800	40300	44300	48000	50700	53100	49600	47200	46900	44500		1	
	E OF COUNTRY CLUB BLVD	513	C	38700	44800	45900	50800	51400	58200	57400	49800	50800		50	1	
	AT TOLL PLAZA	530	C	37700	41800	44500	47600	49600	50100	48100			39400	50	1	
VIA COCONUT	S OF WILLIAMS RD	454								5100	5600	4500	5400	25	6	
	N OF WILLIAMS	457											2800	25	6	
WEST TERRY ST	E OF US 41	440	H	11100	13300	13300	12000	11400	12200	12200	11600	11500		42	6	
WESTGATE BLVD	S OF LEE BLVD	470	F				7300	6700	12000	8800	6400	6700	8000	22	5	

FLORIDA DEPARTMENT OF TRANSPORTATION
 2010 ANNUAL AVERAGE DAILY TRAFFIC REPORT - REPORT TYPE: ALL

COUNTY: 01 CHARLOTTE

SITE	SITE	DESCRIPTION		DIRECTION 1	DIRECTION 2	AADT	"K"	DEMAND	"D"	DEMAND	"T"
====	====	=====		=====	=====	=====	=====	=====	=====	=====	=====
0001		SR 776, EAST OF CR 775 & AINGER CREEK	CH14	E 15000	W 15000	30000 C	10.58F	9.94	53.04F	52.00	3.45A
0002		CR 775/PLACIDA, S OF SR 776 AT AINGER CREEK	CC	N 6900E	S 7000E	13900 S	10.33F	9.71	53.58F	52.00	3.38P
0004		SR 776, SOUTHWEST OF SR 45/US 41	CH306	E 11500	W 11000	22500 C	10.58F	9.94	53.04F	52.00	4.42A
0007		SR45/US41, 300' NW OF MURDOCK CIR/SE OF SR776	C	N 16500	S 17000	33500 C	10.32F	9.82	53.30F	52.00	3.05A
0008		SR 35/US 17, N OF CR 764/S WASHINGTON LP RD (CH1	N	N 4400	S 4300	8700 C	10.38F	9.66	54.69F	52.00	15.04A
0010		SR 35/US 17, 2500' NE OF CR 74/BERMONT RD	CH28	E 6600	W 6700	13300 C	10.38F	9.66	54.69F	52.00	13.21A
0015		SR 35/US 17 SB/MARION AV, NE OF DUPONT ST	CH 2	S 10000	0	10000 C	10.32F	9.82	99.99W	99.99	4.52A
0016		SR 45/US41, 1 MI NORTH OF CR 765 @ BRIDGE	CH28	N 12000	S 13000	25000 C	10.32F	9.82	53.30F	52.00	5.50A
0019		SR 45/US 41, SOUTHEAST OF ZEMEL ROAD	CH18	N 7800	S 7500	15300 C	10.32F	9.82	53.30F	52.00	9.07A
0021		SR 45/US 41, SE OF CR 765/ALLIGATOR CREEK	CH18	N 6900	S 7200	14100 C	10.32F	9.82	53.30F	52.00	8.34A
0022		CR 775/ PLACIDA S OF ROTUNDA BLVD	CC 140	N 5400E	S 5400E	10800 S	10.33F	9.71	53.58F	52.00	4.71P
0023		SR 35/US 17, SOUTH OF DESOTO COUNTY LINE	CH	N 2700	S 2700	5400 C	10.38F	9.66	54.69F	52.00	18.73A
0029		SR 776, 200' WEST OF CR 771	CH1	E 9300	W 9500	18800 C	10.58F	9.94	53.04F	52.00	5.36A
0030		SR45/US41, 300' NW OF TARPON BLVD/SE OF MIDWAY B	N	N 27500	S 26500	54000 C	10.32F	9.82	53.30F	52.00	2.76A
0032		SR45/US41NB, NW OF PEACE RIVER/MELBOURNE ST	CH2	N 24500	0	24500 C	10.32F	9.82	99.99W	99.99	4.36A
0033		SR45/US41/CROSS ST SB, NW OF PEACE RIVR BDG	CH2	S 23000	0	23000 C	10.32F	9.82	99.99W	99.99	4.86A

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FLORIDA DEPARTMENT OF TRANSPORTATION
 2010 ANNUAL AVERAGE DAILY TRAFFIC REPORT - REPORT TYPE: ALL

COUNTY: 01 CHARLOTTE

SITE ====	SITE TYPE ====	DESCRIPTION =====	DIRECTION 1 =====	DIRECTION 2 =====	AADT TWO-WAY =====	"K" FCTR =====	DEMAND K100 =====	"D" FCTR =====	DEMAND D100 =====	"T" FCTR =====
0034		SR 93/I 75, SOUTHEAST OF NORTH JONES LOOP RD/CR	N 20500	S 20000	40500 C	9.99F	9.50	52.92F	52.00	13.96A
0036		SR 93/I 75, 0.4 MI SE OF HARBOR VIEW ROAD/CR 776	N 26500	S 26000	52500 C	9.99F	9.26	52.92F	52.00	13.03A
0037		SR 93/I 75, SOUTHEAST OF KINGS HIGHWAY/CR 769	N 23000	S 23000	46000 C	9.99F	9.26	52.92F	52.00	14.67A
0038		SR 93/I 75, NORTHWEST OF KINGS HIGHWAY/CR 769	N 20000	S 19500	39500 C	9.99F	9.26	52.92F	52.00	16.53A
0039		SR-31 S OF CR 74	N 1600	S 1600	3200 C	9.91F	9.50	54.00F	52.00	35.75A
0040		SR 776, WEST OF CR 775/PINE STREET (CC1	W 13500	E 13500	27000 C	10.58F	9.94	53.04F	52.00	3.32A
0041		SR 31, NORTH OF CR 74	N 1700	S 1600	3300 C	9.91F	9.50	54.00F	52.00	39.05A
0042		SR 776, WEST OF GULFSTREAM BOULEVARD CH144	E 16000	W 15500	31500 C	10.58F	9.94	53.04F	52.00	4.11A
0044		SR 776, WEST OF SUNNYBROOKE BOULEVARD CH146	E 11500	W 11000	22500 C	10.58F	9.94	53.04F	52.00	5.21A
0045		SR 776, W OF SAM KNIGHT CRK/W OF BISCAYNE DR	E 11500	W 11500	23000 C	10.58F	9.94	53.04F	52.00	6.28A
0048		SR 45/US 41, 600' W OF N TOLEDO BLADE/CR39 CH2	W 15000	E 16000	31000 C	10.32F	9.82	53.30F	52.00	3.41A
0049		SR 45/US 41, SE OF N TOLEDO BLADE/CR39 CH23	W 16000	E 16000	32000 C	10.32F	9.82	53.30F	52.00	4.03A
0050		SR 45/US 41, NW OF COCHRAN BOULEVARD CH97	N 27000	S 26000	53000 C	10.32F	9.82	53.30F	52.00	2.44A
0051		SR 776, EAST OF W GULFSTREAM BLVD CH143	E 13000	W 12500	25500 C	10.58F	9.94	53.04F	52.00	4.45A
0052		SR 776, EAST OF SUNNYBROOK BOULEVARD CH145	E 10000	W 9800	19800 C	10.58F	9.94	53.04F	52.00	6.01A
0055		SR-93/I-75 S OF TUCKERS GRADE BLVD	N 19000	S 19500	38500 C	9.99F	9.26	52.92F	52.00	16.67A

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FLORIDA DEPARTMENT OF TRANSPORTATION
 2010 ANNUAL AVERAGE DAILY TRAFFIC REPORT - REPORT TYPE: ALL

COUNTY: 01 CHARLOTTE

SITE	SITE TYPE	DESCRIPTION	DIRECTION 1	DIRECTION 2	AADT TWO-WAY	"K" FCTR	DEMAND K100	"D" FCTR	DEMAND D100	"T" FCTR
0228	T	SR-776 427 FT SW OF RIVERBEACH DR CHARLOTTE CO	E 11467	W 11509	22976 C	10.80A	10.25	51.78A	53.09	5.59A
0350	T	SR-93/I-75 AT AIRPORT RD OP PUNTA GORDA CHARLOTT	N 23585	S 23704	47289 C	10.19A	9.50	53.32A	52.00	11.62A
0367	T	SR-45/US-41 4.6 MI N OF LEE CO LINE CHARLOTTE CO	N 7053	S 7035	14088 C	10.36A	9.63	54.31A	53.81	9.45A
1000		SR 45/US 41, 1.4 MI NW OF OIL WELL RD @14&117&99	N 7200	S 7300	14500 C	10.32F	9.82	53.30F	52.00	10.97A
4002		CHAMBERLAIN BLVD, WEST OF US 41/SR 45 CC 02	E 600E	W 600E	1200 S	10.33F	9.71	53.58F	52.00	7.04P
4007		EDGEWATER DRIVE, E OF FLAMINGO BLVD CC 07	E 1600E	W 1600E	3200 F	10.33F	9.71	53.58F	52.00	4.89F
4009		FLAMINGO BLVD, S OF SR 776/EL JOBEAN RD CC 09	N 1500E	S 1500E	3000 S	10.32F	9.82	53.30F	52.00	4.73P
4011		HILLSBOROUGH BLVD, E OF TOLEDO BLADE/CR39 CC	E 2000E	W 2300E	4300 S	10.33F	9.71	53.58F	52.00	5.81P
4026		VETERANS BLVD, EAST OF HARBOR BLVD CC 26	E 6700E	W 6500E	13200 S	10.33F	9.71	53.58F	52.00	7.13P
4031		COLLINGSWOOD BLVD, NORTH OF EDGEWATER DR CC31	N 2000E	S 1800E	3800 S	10.33F	9.71	53.58F	52.00	4.50P
4035		EDGEWATER DR, EAST OF COUSLEY DR CC 35	E 5800E	W 5800E	11600 S	10.33F	9.71	53.58F	52.00	4.27P
4040		EDGEWATER DR, WEST OF MIDWAY BLVD CC40	E 3500E	W 3600E	7100 S	10.33F	9.71	53.58F	52.00	4.83P
4048		HARBOR BLVD, NORTH OF OLEAN BLVD CC 48	N 6100E	S 6200E	12300 S	10.33F	9.71	53.58F	52.00	2.03P
4054		KINGS HWY N OF HARBORVIEW RD CC 54	N 6700E	S 6800E	13500 S	10.33F	9.71	53.58F	52.00	4.57P
4058		LAKEVIEW BLVD, S OF COCHRAN BLVD CC 58	N 5100E	S 5100E	10200 F	10.33F	9.71	53.58F	52.00	4.89F
4062		MIDWAY BLVD, E OF EDGEWATER DR CC 62	E 5000E	W 4600E	9600 F	10.33F	9.71	53.58F	52.00	4.89F

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FLORIDA DEPARTMENT OF TRANSPORTATION
 2010 ANNUAL AVERAGE DAILY TRAFFIC REPORT - REPORT TYPE: ALL

COUNTY: 12 LEE

SITE	SITE TYPE	DESCRIPTION		DIRECTION 1	DIRECTION 2	AADT	"K"	DEMAND	"D"	DEMAND	"T"
====	====	=====		=====	=====	=====	=====	=====	=====	=====	=====
0059		SR 93/I 75, SOUTH OF LUCKETT ROAD		N 35500	S 35000	70500 C	9.64F	9.02	55.58F	52.00	12.52A
0060		SR 93/I 75, NORTH OF LUCKETT ROAD LEE COUNTY		N 33500	S 33000	66500 C	9.64F	9.02	55.58F	52.00	13.01A
0061		SR 93/I 75, SOUTHEAST OF SR 78/BAYSHORE ROAD		N 26500	S 26500	53000 C	9.64F	9.02	55.58F	52.00	13.56A
0062		SR 93/I-75, NORTHWEST OF SR 78/BAYSHORE ROAD		N 19500	S 19500	39000 C	9.64F	9.50	55.58F	52.00	13.91A
0063		SR 884/COLONIAL BLVD, WEST OF SR 93/I-75 LC2		E 36500E	W 36000E	72500 F	10.44F	9.87	63.55F	52.00	4.88P
0064		SR 82, NORTHWEST OF BUCKINGHAM ROAD LC2		E 13000E	W 14000E	27000 F	10.06F	9.62	63.11F	52.00	7.75P
0065		SR 45/US 41, NORTH OF CR 887/OLD US 41 LC4		N 26000	S 25500	51500 C	10.32F	9.90	57.60F	52.00	3.23A
0066		SR 45/US 41, SOUTHEAST OF ALICO ROAD		N 21000	S 21500	42500 C	10.32F	9.90	57.60F	52.00	3.64A
0067		SR 45/US 41, NORTHWEST OF ALICO ROAD LC4		N 31500	S 30500	62000 C	10.32F	9.90	57.60F	52.00	4.00A
0068		SR 82, WEST OF BELL BOULEVARD S (LC21		E 4400	W 4400	8800 C	10.06F	9.62	63.11F	52.00	13.05A
0070		LEE BLVD/CR 884, N OF LEELAND HEIGHTS LC 311		E 6400E	W 6700E	13100 S	9.55F	9.10	57.50F	52.00	5.35P
0074		SR 78, WEST OF WILLIAMSBURG DRIVE @ TTMS 6004		E 9800	W 10500	20300 C	10.19F	9.85	55.56F	52.00	9.92A
0076		SR 876/DANIELS PKWY, EAST OF SR 93/I-75 @ TTMS 6		E 29000	W 29500	58500 C	11.06F	10.58	64.00F	52.00	3.42A
0077		SR 82, SOUTHEAST OF CR 884/COLONIAL BLVD LC2		E 11500	W 11500	23000 C	10.06F	9.62	63.11F	52.00	5.41A
0078		SR 739/US BUS 41, NORTH OF LAUREL DRIVE LC39		N 4200	S 3900	8100 C	11.16F	10.63	63.35F	52.00	7.65A
0079		SR45/US41, SOUTH OF SR739 & N OF LITTLETON RD L		N 10500	S 10500	21000 C	10.32F	9.90	57.60F	52.00	5.24A

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FLORIDA DEPARTMENT OF TRANSPORTATION
 2010 ANNUAL AVERAGE DAILY TRAFFIC REPORT - REPORT TYPE: ALL

COUNTY: 12 LEE

SITE =====	SITE TYPE =====	DESCRIPTION =====		DIRECTION 1 =====	DIRECTION 2 =====	AADT TWO-WAY =====	"K" FCTR =====	DEMAND K100 =====	"D" FCTR =====	DEMAND D100 =====	"T" FCTR =====
0099		SR 45/US 41, NORTH OF WEST TERRY STREET LC4		N 20500	S 19500	40000 C	10.32F	9.90	57.60F	52.00	2.87A
0101		SR 82, EOF GUNNERY ROAD S/DANIELS PKWY @ TTMS 60		E 11500	W 11000	22500 C	10.06F	9.62	63.11F	52.00	6.56A
0103		SR45/US41/TAMIAMI TR, S OF CHARLOTTE COUNTY LC4		N 8100	S 7900	16000 C	10.32F	9.90	57.60F	52.00	8.44A
0104		SR 80/PALM BEACH BLVD, WEST OF SR 31 @ TTMS 6005		E 13500	W 14500	28000 C	9.91F	9.26	56.34F	52.00	8.50A
0105		SR 45/US 41, SOUTHEAST OF HICKORY DRIVE @ TTMS 6		N 21000	S 20000	41000 C	10.32F	9.90	57.60F	52.00	3.20A
0107		SR 82, EAST OF OWEN AVENUE SOUTH		E 7500	W 7400	14900 C	10.06F	9.62	63.11F	52.00	6.74A
0108		SR 82, EAST OF COMMERCE LAKES DRIVE LC 222		E 6400	W 6400	12800 C	10.06F	9.62	63.11F	52.00	8.57A
0109		SR 45/US 41/TAMIAMI TRL, NORTH OF DEL PRADO BLVD		N 14000	S 13500	27500 C	10.32F	9.90	57.60F	52.00	6.60A
0184	T	SR-93/I-75 1.7 MI S OF DANIELS PKWY UNDERPASS LE		N 33359	S 34364	67723 C	9.78A	9.01	54.70A	54.87	8.63A
0203	T	SR-884 1.6 MI W OF I-75 LEE CO		E 23736	W 23037	46773 C	9.46A	9.03	55.38A	54.16	4.78A
0273	T	SR-31 202 FT NORTH OF FOXHILL ROAD LEE CO		N 2041	S 1993	4034 C	9.79A	9.50	54.46A	56.34	25.96A
1001		SR 31, SOUTH OF CR 78/NORTH RIVER ROAD (LC39		N 3700	S 3600	7300 C	9.91F	9.50	56.34F	52.00	17.63A
1002		SR 78/BAYSHORE ROAD, SOUTHWEST OF SR 31		E 3500	W 3300	6800 C	9.91F	9.26	56.34F	52.00	14.88A
1003		SR 78/PINE ISLAND RD, W OF CHIQUITA BLVD @ TTMS		E 5900E	W 6300E	12200 F	10.19F	9.85	55.56F	52.00	7.26P
1004		JACKSON ST, S OF SR 82/MLK & N OF PECK ST S		N 800	S 950	1750 C	10.44F	9.87	63.55F	52.00	7.10A
1005		SR 739, N OF N FORK DR		0E	0E	2900 S	9.91F	9.26	99.99W	99.99	9.07P

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APPENDIX C

EXCERPT FROM
CHARLOTTE COUNTY
2030 LONG RANGE TRANSPORTATION PLAN
AND
FDOT FIVE YEAR WORK PROGRAM

Charlotte County–Punta Gorda MPO
Year 2030 Long Range Transportation Plan

Table 9-2 Cost Feasible - Highway Projects

Project ID	Roadway	From	To	Proposed Improvement	Year 2030 ADT (approximate)	SIS Project Cost *	Other State & County Project Cost **	Total Cost
2	CR 765/Burnt Store Road	Lee County Line	US 41	Expand to 4-lanes	57,000	\$0	\$30,381,000	\$30,381,000
3	Edgewater Drive	Collingswood Boulevard	Harbor Boulevard	Expand to 4-lanes	40,000	\$0	\$21,391,360	\$21,391,360
4	Flamingo Road	Edgewater Drive	SR776/El Jobean Road	Expand to 4-lanes	30,000	\$0	\$15,154,812	\$15,154,812
10	CR 776/Harborview Road	Melbourne Street	West of I-75	Expand to 4-lanes	35,000	\$0	\$9,828,797	\$9,828,797
11	CR 776/Harborview Road	I-75	Rio de Janeiro Avenue	Expand to 4-lanes	35,000	\$0	\$3,879,936	\$3,879,936
12	CR768/North Jones Loop Road	US 41	Piper Road	Expand to 6-lanes	40,000	\$0	\$12,726,332	\$12,726,332
13	Liddy Street Extension	Veterans Boulevard	Wilton Avenue	Expand to 4-lanes	16,000	\$0	\$3,967,371	\$3,967,371
14	North Toledo Blade Extension	CR 39/Toledo Blade Boulevard	Liddy Street	New 4-lane facility	24,000	\$0	\$18,514,012	\$18,514,012
15	Piper Road	North Jones Loop Road	US 17	Expand to 4-lanes	17,000	\$0	\$20,164,736	\$20,164,736
16	Raintree Boulevard Connector	Veterans Boulevard	Sarasota County Line	New 4-lane facility	41,000	\$0	\$5,000,000	\$5,000,000
20	Tuckers Grade	US 41	I-75	Expand to 6-lanes	31,000	\$0	\$6,980,950	\$6,980,950
24	US 17	Piper Road	CR 74/Bermont Road	Expand to 6-lanes	36,000	\$863,850	\$0	\$863,850
26	US 41	Tuckers Grade	US 41 Split	Expand to 6-lanes	50,000	\$0	\$32,878,626	\$32,878,626
29	US 41	Enterprise Drive	Sarasota County Line	Expand to 6-lanes	60,000	\$0	\$22,966,174	\$22,966,174
30	SR 776/El Jobean Road	CR771/Gasparilla Road	US 41	Expand to 6-lanes	90,000	\$0	\$56,256,008	\$56,256,008
31	I-75 *	Lee County Line	US 17	4-lanes to 6-lanes	90,000	\$236,374,000	\$0	\$236,374,000
32	I-75 *	CR 776/Harborview Road	Sarasota County Line	4-lanes to 6-lanes	124,000	\$71,997,000	\$0	\$71,997,000
36	SR 776/South McCall Road	CR 775/Placida Road	San Casa Road	Expand to 6-lanes	45,000	\$0	\$8,167,302	\$8,167,302
37	SR 776/South McCall Road	San Casa Road	Sunnybrook Boulevard	Expand to 6-lanes	43,000	\$0	\$13,350,398	\$13,350,398
39	CR 771/Gasparilla Road	Rotonda Boulevard East	SR 776/South McCall Road	Expand to 4-lanes	23,000	\$0	\$12,295,571	\$12,295,571
Total Cost						\$309,234,850	\$293,903,385	\$603,138,235

* Costs from SIS Cost Feasible Plan

** Costs are stated in present value dollars (includes Design, R/W, CEI, and Construction)

All costs are stated in present day dollars (2006)

20 Projects at Cost of over \$603 Million



Florida Department Of Transportation

Office of Work Program
Lisa Saliba - Director

Five Year Work Program
2012-2016 - Adopted with Amended
(Updated: 9/11/2011)
District 01 - Charlotte County

Optional Search Items:

Type of Work: (All Types of Work)

Transportation System: (All Transportation Systems)

Strategic Intermodal System (SIS): (All SIS and Non SIS Projects)

Only Funds in Fiscal Years: 2012 2013 2014 2015 2016

Search for Description: _____

Search for Item Number: _____

[Detail Item Report of Selected Records.](#)
[Detail Schedule Activities Report of Selected Records.](#)

Description	Type of Work
Cape Haze Pioneer Trail At Various Location S	BIKE PATH/TRAIL
Charlotte Voluntary Dollar Commission Td	TD COMMISSION - CAPITAL
Charlotte Co Roadway & Bridge Maint Interstate System	SIS ROUTINE MAINTENANCE
Charlotte Co Roadway & Bridge Maint Primary System	ROUTINE MAINTENANCE
Charlotte Co - Cct Fta 5307	CAPITAL FOR FIXED ROUTE
Charlotte Co. Lcb Assistance Commission Td	TD COMMISSION - CAPITAL
Charlotte Co. Td Commission Trip And Equipment	TD COMMISSION - CAPITAL
Charlotte County Airport	AVIATION SAFETY PROJECT
Charlotte County Airport Capital Improvements	AVIATION PRESERVATION PROJECT
Charlotte County Airport Capital Improvements	AVIATION PRESERVATION PROJECT
Charlotte County Airport Capital Improvements	AVIATION REVENUE/OPERATIONAL
Charlotte County Airport Capital Improvements	AVIATION PRESERVATION PROJECT
Charlotte County Airport Captial Improvements	AVIATION PRESERVATION PROJECT
Charlotte County Highway Lighting	ROUTINE MAINTENANCE
Charlotte County Transit (Cct) Capital Assistance	TRANSIT SERVICE DEMONSTRATION
Charlotte County Transit (Cct) Operating Assistance	OPERATING/ADMIN. ASSISTANCE
Charlotte County Transit (Cct) Operating Assistance Fta 5307	OPERATING FOR FIXED ROUTE
Charlotte County Transit Capital Improvement Fta 5307	PURCHASE VEHICLES/EQUIPMENT
Charlotte County Tra Nsit Cct Fta 5307	OPERATING/ADMIN. ASSISTANCE
Charlotte County/ Punta Gorda Mpo Fy 2010/2011 Upwp	TRANSPORTATION PLANNING
Charlotte County/ Punta Gorda Mpo Fy 2013/2014 Upwp	TRANSPORTATION PLANNING
Charlotte County-cct Fta 5307	OPERATING/ADMIN. ASSISTANCE
Charlotte/Punta Gorda Mpo Fy 2015/2016 Upwp	TRANSPORTATION PLANNING
Cr 765 (Burnt Store) From Lee C/L To Zemel Road	ADD LANES & REHABILITATE PVMNT
Cr 765(Burnt Store) At Zemel Road	PD&E/EMO STUDY
I-75 At Jones Loop Road Rest Area Access	SIS MISCELLANEOUS CONSTRUCTION
I-75 From Kings Highway To Jones Loop Rd	SIS OVERHEAD SIGNING
I-75 From Lee C/L To Tuckers Grade	SIS ADD LANES & RECONSTRUCT
I-75 From S Of Harborview Road To North Of Kings Hwy	SIS PRELIM ENG FOR FUTURE CAPACITY
I-75 From S Of N Jones Loop To N Of Us 17	SIS PRELIM ENG FOR FUTURE CAPACITY
I-75 From S Of S Jones Loop Rd To North Of Airport Road	SIS GUARDRAIL

I-75 From Tucker'S Grade To N Jones Loop Road	SIS ADD LANES & RECONSTRUCT
I-75 (Sr 93) From N Of S Jones Loop Rd To S Of N Jones Loop Road	SIS BRIDGE - PAINTING
Its Devices Electric	SIS OTHER ITS
Kings Highway From I-75 To Desoto County Line	ADD LANES & RECONSTRUCT
Mechanical Sweeping	ROUTINE MAINTENANCE
Moa Charlotte County	ROUTINE MAINTENANCE
Mowing And Litter Removal	ROUTINE MAINTENANCE
Mowing, Litter Removal, And Edging And Sweeping	ROUTINE MAINTENANCE
Npdes Dep Ms4 Permit Fees	ENVIRONMENTAL TEST/MITIGATE
Npdes Ms4 Stormwater Agreement	ROUTINE MAINTENANCE
Punta Gorda Highway Lighting	ROUTINE MAINTENANCE
Punta Gorda Traffic Signals Reimbursement	TRAFFIC SIGNALS
Punta Gorda Transit Planning	MODAL SYSTEMS PLANNING
Sr 31 & Cr 74 Charlotte Co. Vws W/Pull Off Scale	MCCO WEIGH STATION STATIC/WIM
Sr 776 At Gulfstream Blvd	ADD RIGHT TURN LANE(S)
Sr 776 (McCall Rd) At Cr 771	INTERSECTION IMPROVEMENT
Sr 776 (McCall Rd) Cr 775 (Placida Rd) To Spinnaker Blvd	PD&E/EMO STUDY
Substructure Repair For Charlotte County Bridges	SIS BRIDGE-REPAIR/REHABILITATION
Traffic Signals Charlotte County Reimbursement	TRAFFIC SIGNALS
Us 17 (Olympia Ave) East Of Marlympia Way To West Of Copley Drive	SIS RESURFACING
Us 17 (Olympia Ave) From Northeast Of I-75 To North Of Bermont Road	SIS RESURFACING
Us 17 Mast Arm Repairs	TRAFFIC SIGNAL UPDATE
Us 41 From Oakley Street To Nw Of N Tarpon Blvd	SIGNING/PAVEMENT MARKINGS
Us 41 (Sr 45) At Gateway Project	CONSTRUCT SPECIAL STRUCTURE
Us 41 (Sr 45) At Kings Highway-parmely Street	ADD TURN LANE(S)
Us 41 (Sr 45) At Tarpon Boulevard	ADD TURN LANE(S)
Us 41 (Sr 45) From Enterprise Drive To Flamingo Blvd	ADD LANES & RECONSTRUCT
Us 41 (Sr 45) From Enterprise Drive To Sarasota County Line	PRELIM ENG FOR FUTURE CAPACITY
Us 41 (Sr 45) From Flamingo Blvd To Sarasota County Line	ADD LANES & REHABILITATE PVMNT
Us 41 (Sr 45) From Taylor Road To Aquiesta Drive	LIGHTING
Us 41 (Sr 45) Gateway Project Boardwalk	CONSTRUCT SPECIAL STRUCTURE
Us 41 (Sr 45) Sidewalk	BIKE PATH/TRAIL
Us 41 (Sr 45) At Harbor View Rd/Edgewater Dr	INTERSECTION IMPROVEMENT
Us 41 / Sr 45 At Harbor Blvd	INTERSECTION IMPROVEMENT
Us 41/ Sr 45 At Cochran Blvd	INTERSECTION IMPROVEMENT
Vineland Elementary School Srts Sidewalk	SIDEWALK
Winchester Blvd From Cr 775 To Sr 776	NEW ROAD CONSTRUCTION

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LEE COUNTY
SOUTHWEST FLORIDA
BOARD OF COUNTY COMMISSIONERS

2/206

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February 24, 2012

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County Attorney

Diana M. Parker
County Hearing Examiner

Mr. Drew Fitzgerald, P.E.
DeLisi Fitzgerald, Inc.
1605 Hendry Street
Fort Myers, FL 33901

SUBJECT: Harper Holdings/McNew Holdings Property-Charlotte County, Florida

Dear Mr. Fitzgerald:

Lee County Utilities (LCU) is in receipt of your request for the referenced property (the Property) to be served with potable water either through bulk service agreement with Florida Governmental Utility Authority (FGUA). The property is within FGUA service area. Potable water lines are in operation in close proximity to the subject Property and LCU anticipates planning for the future capacity to serve the estimated 0.87 MGD demand.

Bulk water service from LCU may be made available to the Property contingent upon sufficient system and raw water capacity to serve the project at the time of connection and completion of developer funded system improvements needed to serve the Property. Among other things, service would also be contingent upon developer funded and appropriate interconnections between LCU and FGUA's system to serve the Property and enter into an agreement whereby FGUA will purchase bulk water from LCU.

Subject to the above noted conditions and requirements, it is LCU's intent to seek the necessary interconnections and service agreements to provide potable water service to the FGUA to subsequently provide water service to the Property. Please be advised that LCU will commit to serve only upon approval by the Lee County Board of County Commissioners, receipt and approval of hydraulic calculations, of all appropriate connection fees, completion of developer funded system improvements, a signed request for service and/or executed service agreement, and the approval of all State and local regulatory agencies.

Sincerely,

LEE COUNTY UTILITIES

Pamela Keyes, P.E.
Director of Lee County Utilities

cc: Douglas L. Meurer, P.E., Assistant County Manager Public Works
Melody Bowers, Assistant County Attorney



Charlotte County Government

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RECEIVED
MAR 16 2012

March 13, 2012

BY: 590

Mr. J. Kevin Grace
Assistant Director of Municipal Services
FGUA Operations Office
Government Services Group, Inc.
280 Wekiva Springs Rd., Ste 2000
Longwood, FL 32779

Re: FGUA's request to serve Harper McNew Development and Tropical Palms Mobile Home Park

Dear Mr. Grace:

Charlotte County has received your February 29, 2012 letter requesting a letter of no objection to the FGUA providing water and sewer utility services to the proposed Harper McNew Development and the Tropical Palms Mobile Home Park, both in the southern portion of Charlotte County. The Charlotte Board of County Commissioners discussed FGUA's request at its regular meeting on March 13 and does not object to FGUA providing the requested utility services.

Sincerely,

Gordon Burger

Director

Budget and Administrative Services

GB/ldl

cc: Ray Sandrock, County Administrator
Terri Couture, Utilities Director
Janette Knowlton, County Attorney

BUDGET AND ADMINISTRATIVE SERVICES DEPT.

18500 Murdock Circle | Port Charlotte, FL 33948-1068
Phone: 941.743.1551 | Fax: 941.743.1286

MCNEW RANCH PD UTILITIES ANALYSIS

Demand Projections

With the proposed PD request, a total of 850 residential dwelling units, 270,000 square-feet of commercial retail and office, and 300,000 square-feet of industrial uses will be allowed. A summary of development parameters for the rezoning request is provided in Table 1.

Table 1. Proposed Unit Count

Residential Units Cumulative		Commercial Area Cumulative (S.F.)	Industrial Area Cumulative (S.F.)
Single-Family (d.u.)	Multi-family (d.u.)		
297	553	270,000	300,000

Table 2 below provides a summary of utility demands for the proposed development based on Chapter 64E-6 of the Florida Statutes, and using demand assumptions commonly accepted for planning purposes. For example, since Chapter 64E-6 of the Florida Statutes requires employee counts for most industrial type uses, utility demand for Industrial Uses was estimated assuming 15% of industrial developments will be general office supporting the industrial development. The ancillary office use is assumed to be the predominant generator of utility demand for Industrial Uses.

Table 2. Estimated Utility Demands for Proposed Development

Development Type	Cumulative Units	Unit Demand	Total Demand (GPD)
Single-Family	297 d.u.	250 GDP	74,250
Multi-Family	553 d.u.	220 GDP	121,660
Commercial	270,000 S.F.	0.15 GPD/S.F.	40,500
Industrial*	300,000 S.F.	0.15 GPD/S.F.	6,750
Total Demand			243,160

*Assumes 15% of overall Industrial Use is ancillary general office.

Wastewater Service

For wastewater service, the subject property is located in the service franchise area of Florida Governmental Utility Authority (FGUA) which acquired North Fort Myers Utility, Inc. in August, 2010. Several months prior to the acquisition, the subject property had been added to the North Fort Myers Utility, Inc. franchise area for water and wastewater

service by order of the Florida Public Service Commission (PSC) under Order Number PSC-10-0312-FOF-WS issued on May 17, 2010.

FGUA maintains a 20" major transmission line along U.S. 41 just south of the entrance of the Heron's Glen Development located along the south property line of the subject property. The transmission main is located within one-half mile of the subject property and can be extended to serve the subject property.

Potable Water Service

For potable water service, the property is also located in the FGUA service franchise area as previously described. FGUA does not currently have a water treatment plant of sufficient capacity, or with sufficient infrastructure, to serve the proposed development. However, Lee County Utilities (LCU) has infrastructure in proximity to the proposed development and currently serves the Heron's Glen Development previously described as being adjacent to the subject property. LCU has provided the applicant with a Letter of Availability (Appendix D) in which they indicate their willingness to serve the property through a bulk water agreement with FGUA, or other appropriate means. LCU serves the Heron's Glen Development with two (2) existing 12" watermains located less than half a mile south of the proposed development. An LCU 12" watermain is located along U.S. 41 in front of the Heron's Glen Development and another is located within an easement that runs along the east side of the Heron's Glen Development. The watermain along the east property line of Heron's Glen increases to a 16" about one and three quarters of a mile south of the property. Both lines are fed from the Lee County Utilities North Water Treatment Plant which is currently under expansion to provide 10 MGD of total capacity.

MCNEW RANCH PD SCHEDULE OF USES

- **For the areas identified as residential the following uses apply:**
 - Accessory uses and structures
 - Adult congregate living facilities (ACLF)
 - Multiple family units
 - Single Family units
 - Townhouse units

- **For the areas identified as commercial the following uses apply:**
 - Accessory uses and structures
 - Adult congregate living facilities.
 - Animal hospitals, provided the boarding of animals occurs in completely enclosed buildings.
 - Art galleries, libraries, museums, community centers, publicly owned recreational facilities, and theaters for live stage productions. Hospitals and nursing homes, but no such facility shall have a lot area less than two and one-half (2.5) acres.
 - Automobile rental agencies
 - Automotive specialty services, including the sale and repair of starters, generators, alternators and electrical parts, carburetors, speedometers and instruments, provided the services are performed on parts off the vehicle and no installation or removal of parts from the vehicle is performed on the premises.
 - Automotive parts, provided no installation is performed on the premises and all parts are stored within a completely enclosed building.
 - Banks and other financial institutions.
 - Bars, cocktail lounges, night clubs and taverns for on-premises consumption of alcohol, subject to the provisions of section 3-9-66 of this code, not less than one thousand (1,000) feet from a church or school.
 - Billiard parlors and game arcades.
 - Business services.
 - Car wash.
 - Child and adult day care facilities and group home facilities.
 - Convenience stores with or without gasoline sales.
 - Dance, art, music and photographic studios.
 - Elementary, middle and high schools.
 - Emergency services.
 - Essential and emergency services.
 - Funeral homes and crematoria.

- Garden shops, including the sale of plants, fertilizers and customary garden supplies, equipment and furniture. Storage and sales areas for plants and live vegetation may be outside the building.
 - Gas pumps.
 - Helistop in conjunction with hospitals.
 - Hotels, motels and restaurants.
 - Houses of worship, in accordance with section 3-9-80.1
 - Indoor commercial recreational facilities such as motion picture theaters, swimming pools, bowling alleys and similar uses.
 - Laboratories, class 3.
 - Laundromats and dry cleaning facilities.
 - Mass transit stations
 - Medical and dental clinics.
 - Miniature golf courses
 - Outdoor markets
 - Package stores for the sale of liquor.
 - Parking lots and parking garages in support of permitted uses.
 - Personal services.
 - Photocopying shops.
 - Post offices.
 - Printing, lithographing, publishing and similar establishments.
 - Private clubs.
 - Professional and business offices.
 - Professional services.
 - Public parks, playgrounds and buildings.
 - Retail sales and services, provided that all merchandise shall be stored and displayed within fully enclosed buildings.
 - Restaurants.
 - Vocational, trade, business schools, colleges and universities, provided all activities are conducted in completely enclosed buildings.
 - Wholesale sales, provided all merchandise shall be stored and displayed within fully enclosed buildings, but not bulk storage of flammable liquids.
- **For the areas identified as industrial the following uses are allowed:**
 - Accessory uses and structures
 - Auditorium and convention centers.
 - Automobile rental agencies.
 - Automotive sales and service, provided major mechanical and body overhaul and repair are conducted within a fully enclosed building.
 - Boat, trailer and motor sales and services.
 - Bulk storage yards, but not including bulk storage of flammable liquids.
 - Heavy machinery and equipment sales and service provided repair is conducted within a fully enclosed building.
 - Car wash.
 - Equipment rental.
 - Helistops.
 - Laboratories, classes 1, 2 and 3, provided central sewer is available.

- Light manufacturing, processing, including food processing, packaging and fabricating in completely enclosed buildings.
 - Lumber and building supply establishments, except ready-mixed concrete asphalt plants and concrete product manufacturing plants.
 - Medical clinic in connection only with industrial activities.
 - Mini-warehouses or storage facilities, but not bulk storage of flammable liquids.
 - Miscellaneous uses such as express offices, telephone exchanges, commercial parking lots and parking garages, motor bus or truck or other transportation terminals and related uses.
 - Outdoor storage yard or lots, provided such outdoor storage yards or lots shall not be located closer than twenty-five (25) feet to any public street; and provided further that this provision shall not permit wrecking yards (including automobile wrecking yards), junkyards or yards used in whole or in part for scrap or salvage operations or for processing, storage, display or sale of any scrap, salvage or secondhand building materials, junk automotive vehicles, or secondhand automotive vehicle parts.
 - Printing, lithographing, publishing and similar establishments.
 - Service establishments catering to commerce and industry, including linen supplies, freight movers, communication services, employment agencies, sign companies, automotive service, truck stops and similar uses.
 - Radio and television stations and transmitters.
 - Retail and repair establishments for sale or repair of new and used automobiles, motorcycles, trucks or tractors, mobile homes, boats, automotive vehicles parts and accessories (but not junkyards or automotive vehicle wrecking yards), heavy machinery or equipment, farm equipment, retail establishments for sale of farm supplies, lumber and building supplies, monuments and similar uses.
 - Service stations and truck stops.
 - Vocational, technical, trade and industrial schools, and similar uses.
 - Wholesaling, warehousing, storage and distribution establishments and similar uses.
 - Wholesale sales.
- **For all areas the following temporary uses are allowed:**
 - Raising and breeding of farm animals, including but not limited to cattle, sheep, poultry, and swine, provided no swine shall be kept within one thousand (1,000) feet of a non-agriculture district. Farm animals shall be defined as those animals typically raised for human consumption of the animal and/or its by-products.
 - Breeding, training and boarding of horses.
 - Harvesting, cultivation, processing and sale of crops grown on premises, including silviculture, aquaculture and commercial citiculture.



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

June 28, 2011



Alicia Lewis
Boylan Environmental Consultants, Inc.
11000 Metro Parkway, Suite 4
Fort Myers, FL 33966
Alicia@boylanenv.com

In response to your inquiry of June 28, 2011, the Florida Master Site File lists no previously recorded archaeological sites, one resource group, and no standing structures found in the following parcels of Charlotte County:

T42S R24E Sections 32 & 33

When interpreting the results of our search, please consider the following information:

- **This search area may contain *unrecorded* archaeological sites, historical structures or other resources even if previously surveyed for cultural resources.**
- **Because vandalism and looting are common at Florida sites, we ask that you limit the distribution of location information on archaeological sites.**
- **While many of our records document historically significant resources, the documentation of a resource at the Florida Master Site File does not necessarily mean the resource is historically significant.**
- **Federal, state and local laws require formal environmental review for most projects. This search DOES NOT constitute such a review. If your project falls under these laws, you should contact the Compliance and Review Section of the Division of Historical Resources at 850-245-6333.**

Please do not hesitate to contact us if you have any questions regarding the results of this search.

Sincerely,

Chris Fowler
Archaeological Data Analyst
Florida Master Site File
cgfowler@dos.state.fl.us

MCNEW RANCH PD

ZONING NARRATIVE

Harper Property Holdings, LLC/McNew Property Holdings, LLC is requesting approval of a rezoning to Planned Development (PD) for an approximately 332 acre parcel located on the east side of US 41 in South Charlotte County.

The McNew Ranch Planned Development is the first portion of the recently approved Rural Mixed Use Community in South Charlotte County to be proposed for development. Located along US 41, the property consists of approximately 332 acres, west of the flowway depicted on the Rural Community Mixed Use Master Plan.

Background

In accordance with the Rural Community Mixed Use planning process, a Master Plan and general development guidelines were adopted in to the Charlotte County Growth Management Plan in FLU Appendix VIII. The overall land use entitlements for this Rural Community Mixed Use area are 3,109 dwelling units, over 500,000 square feet of commercial floor area and 1.6 million square feet of industrial floor area over 1,554 acres. In accordance with the Master Development Plan, over 50% of this area will be common open space and preserve. The Rural Community Mixed Use designation was adopted in late 2010 and effective in early 2011. Through the process to amend the comprehensive plan, data and analysis was submitted in accordance with the Rural Mixed Use guidelines in FLU Appendix 1, and the proposed plan was found to be consistent with the Smart Charlotte 2050 Plan.

PD Description

The 332 acre property that is proposed for this Planned Development is requesting the following development program, consistent with the RCMU Master Plan and development program:

Use	Density/Intensity
Residential	850 Dwelling Units
Retail	225,000 Square Feet
Office	45,000 Square Feet
Industrial	375,000 Square Feet

In accordance with the Rural Community Mixed Use Master Plan, land uses that are depicted in FLU Appendix VIII are consistent with the land uses proposed in the Planned Development, including the density of residential development and intensity of commercial/industrial development in this 332 acre Planned Development. The property is currently zoned for Agriculture Estates (AE-10). In accordance with the Comprehensive Plan, Rural Mixed Use areas must be rezoned to Planned Development.

The criteria in the comprehensive plan require that, to the extent feasible, the project will incorporate Low Impact Development techniques into the design and permitting of the project. These techniques may include swales and detention areas within the green spaces, use of the (to be) restored flowway to the east for water conveyance and attenuation, as well as other accepted techniques as they become available, and are supported by regulatory requirements.

Below is a point-by-point analysis of how the proposed rezoning is consistent with Charlotte County regulations and the Charlotte County Comprehensive Plan. The following narrative addresses the standards of approval for a rezoning.

a. Whether the proposed change would be contrary to the Comprehensive Plan;

The following is a brief analysis of how the proposed Planned Development is in compliance with and implements the Charlotte County Comprehensive Plan. Plan policies are shown in plain text with the implementation narrative in bold italics.

FLU Policy 1.1.1 The Principles of Smart Growth shall guide the creation of land use policy and development regulations within Charlotte County and shall be implemented through the policies contained in this Smart Charlotte 2050 Comprehensive Plan (Plan). These principles shall include:

- Preserving open space, farmland, natural beauty and critical environmental areas.
- Strengthening and directing development towards existing communities.
- Taking advantage of compact building design.
- Fostering distinctive, attractive, mixed use communities with a strong sense of place.
- Creating walkable neighborhoods.
- Creating a range of housing opportunities and choices.
- Providing a variety of transportation choices.
- Encouraging community and stakeholder collaboration.
- Making development decisions predictable, fair and cost effective.

The proposed Planned Development is the first part of the Rural Community Mixed Use area that was adopted into the Charlotte County Comprehensive Plan in 2010. The Master Development Plan that is located in Appendix VIII of the FLUE shows the preservation of vast areas of open space and lands for preservation. The overall design promotes compact building areas surrounded and separated by large open space and preserve area. The compact nature of the development areas, as shown on the proposed PD plan for this initial phase, shows a community that will provide a mix of housing types and uses in a walkable village. The PD plan and the adopted Rural Community implement Charlotte County's Smart Growth goals.

FLU Policy 1.1.5 Strategy for Sustainability: Reducing the Carbon Footprint

The County shall take the following actions as part of an overall strategy to reduce the carbon footprint of development and infrastructure in Charlotte County:

1. *Bicycle and Pedestrian:* Encourage the cooperation of public agencies and private owners in the provision of a bicycle and pedestrian system connecting all land uses along arterial and collector roads within recreational, commercial and residential areas;

The proposed amendment, located along US 41, will implement this policy by designing a community where alternative modes of transportation to the automobile, such as the use of bicycles and walking, are viable. The requirement for rural community mixed use areas to be designed as compact villages will facilitate the implementation of this policy and reduce the carbon footprint through transferring density that is already on the future land use map, but designed in less sustainable land use forms.

FLU Policy 1.2.4 Rural Service Area

For lands within the Rural Service Area, the goals, objectives, and policies of this Comprehensive Plan shall:

1. Protect the existing rural character of the area and acknowledge that a certain portion of the County's population will desire to live in a rural setting;
2. Promote lower densities in outlying rural areas which have infrastructure limitations to development within the planning horizon;
3. Establish a framework for future opportunities and development options including standards that address the timing of future development.

The subject property is part of a Rural Community in accordance with FLU Policy 1.4.4, that was adopted into the Charlotte County Comprehensive Plan in 2010.

FLU Policy 1.2.10 TDU Receiving Zones

Receiving Zones within the Rural Service Area include lands within:

1. Rural Community Mixed Use areas.
2. The Rural Settlement Area Overlay District.

The proposed PD is part of a Rural Community Mixed Use area, thereby designating the property as a "receiving" area for density. Future development will have to transfer density at the time of Final Plan Approval in accordance with the TDU ordinance.

FLU Policy 1.4.4 Alternative Development Options

The recommended development patterns and options including Conservation Subdivisions, Rural Communities, and the Rural Settlement Overlay District are implementation techniques available to landowners within the Rural Service Area of the County and are not required forms of development. Landowners will have the option to participate in these programs if they desire to increase the densities and intensities allowed on their lands.

The subject property is part of Rural Community that was adopted into the Charlotte County Comprehensive Plan in 2010.

FLU Policy 2.1.7 Wetland Protection

The County shall protect wetlands so as to be consistent with the objectives and policies within the Natural Resources element and the Coastal Planning element, including the requirement that development proposals and activities protect wetlands so that productive natural functions shall be maintained in the post-development environment.

The few wetlands that exist within this PD boundary are isolated and of low environmental value. The PD plan is preserving all but a very minor wetland impact shown on the northern part of the site in a low grade isolated wetland. However, this impact is due to

the industrial road being located on the northern boundary of the site and is consistent with the adopted Master Development Plan.

FLU Policy 2.2.1 Establish a Wildlife Corridor Linkage Strategy

The County hereby adopts Critical Wildlife Corridors (FLUM Series Map #22) in the east county area as an initial important step in a County-wide Wildlife Corridor Linkage Strategy. Creation of a county-wide Wildlife Corridor Linkage Strategy shall be explored and will either be adopted as an appendix in the Natural Resources element or as Objective and Policies within that element by December 2012. Protection methods for lands within the Corridors may include acquisition, incentives, identification of compatible and complementary uses, and regulation. Regulatory actions will be supported by an update to the Code of Laws and Ordinances.

As part of the overall development of the adopted Rural Community Mixed Use Master Plan, a flowway will be restored and preserved, creating a corridor that can link to properties to the north and south.

FLU Goal 3 Smart Growth Concept Plan Implementation - Agricultural/Rural

Manage the form, pattern and timing of future growth and development through a clear and predictable land use strategy that:

- Preserves and enhances the rural character and lifestyle for rural residents.
- Respects the agricultural lands and landowners.
- Values and preserves open spaces.
- Facilitates the transition of land uses over time into sustainable, livable places (communities).

The proposed PD is part of a larger Rural Community Mixed Use area that was adopted in 2010 concurrent with the Smart Charlotte 2050 Plan. The proposed PD must be considered in the context of the overall Rural Community Mixed Use Master Development Plan. The overall plan of development that is included in FLU Appendix VIII provides a unique opportunity for a marketable, mixed use community that is designed in compact development areas. On-site wetlands are being proposed for preservation to a greater extent than would be preserved under agricultural development. The adopted plan creates a sustainable livable community that enhances the current on-site environmental features.

FLU Policy 3.1.3 Rural Community Opportunities

The County shall allow the establishment of "Rural Communities" within the Rural Service Area through the Rural Community Mixed Use FLUM category, described in FLU Appendix I, in order to:

The proposed PD is part of an adopted Rural Community Mixed Use area.

1. Provide residential and employment opportunities within this area;

The proposed plan amendment provides both residential and employment opportunities. The property is uniquely located along US 41, providing the opportunity to locate both residential and employment activities and design the two uses so that they are compatible with each other and the surrounding area.

2. Establish more functional transitions between urban areas and rural areas of the County;

The subject property, located directly adjacent to urban development to the south, provides a better transition from urban to rural uses than what exists today.

3. To provide an option within the rural community that enables a degree of rural sustainability, is designed around a rural theme, and protects the overall rural character of the area; and

Through transferring density from other rural areas, development of this property will protect the overall rural character of the area. To the extent that it exists around this property specifically, with mining to the north and urban residential development to the south, the proposed open space areas will serve to protect rural character. Additionally, rural design elements, such as fencing, large and broad open spaces and edge treatments are detailed in the pattern book that was submitted as part of the application to approve the site as a Rural Mixed Use Community.

4. Provides an opportunity to perpetually protect environmental lands and agricultural uses.

Through transferring density from other rural areas, development of this property will perpetually protect both environmental lands and preserve property for agricultural uses. Development of this property will also preserve and restore significantly more environmental area than under current agricultural permits.

FLU Policy 3.2.2 Elements of Rural Character

Rural character is denoted by:

1. Open space where the natural landscape and vegetation predominate over the built environment.

The Rural Community Mixed Use land use category requires a minimum of 50% open space. This requirement is achieved through the on-site preservation and restoration of significant upland and wetland areas on the overall Master Development Plan. This portion of the PD, containing predominantly development areas still has over 40% common open space area, not including any of the very large north-south flowway systems to the east of the subject boundary.

4. Uses that are consistent with the protection of natural surface water flows and ground water and surface water recharge and discharge areas.

A major part of the open space plan for this Rural Community Mixed Use development is the restoration on a historic flowway that crosses the property. This restoration area will enhance current water flows in the area. The proposed PD is consistent with that adopted Master Development Plan.

5. Intermittent concentrated village and hamlet style developments surrounded by large open spaces.

The Rural Mixed Use Village is being designed in Village and Hamlet style developments surrounded by large open space areas. This plan of development demonstrated compact land uses designed to be walkable and in proximity to commercial and recreational amenities to minimize use of the automobile. This proposed PD is the first of those village areas.

ENV GOAL 3: WETLANDS

Avoid, minimize, or mitigate impacts to wetlands by restoration, enhancement, creation or local wetland mitigation banking, when available.

The proposed planned development avoids and minimizes impacts to the small isolated wetlands on site.

ENV Policy 3.1.1: Identification and Categorization of Wetlands

The County shall require that the presence of wetlands be identified within the review processes of Developments of Regional Impact, Land Use Amendments, Rezoning applications and preliminary site plans. The type (i.e. Category I, II, or III as defined below) of wetlands shall also be indicated by the applicant and reviewed for accuracy.

A detailed FLUCCS map has been submitted with the application. The FLUCCS map is the product of extensive field survey work and an approved environmental resource permit has been issued by the South Florida Water Management District for agricultural activities. The wetland limits have been identified on the map.

ENV Policy 3.1.3: Wetland Categories

Category I

Category I wetlands shall mean those wetlands that meet at least one of the following criteria:

1. Any wetland of any size that has a hydrological connection (not man made or by flood plains) to natural surface water bodies, such as natural lakes, rivers, and springs. A natural hydrological connection that has been enhanced by human technology will be counted as a connection under this category.
2. Any wetland of any size that has a direct connection to the Floridian aquifer by way of an open sinkhole or spring.
3. Any wetland of any size that is within a lake littoral zone.
4. Any wetland of any size that provides optimal habitat for listed species.

The County shall limit the removal, alteration, encroachment, dredging, filling, or changes to the natural hydro period or water quality (hereinafter collectively referred to as "impacts") within Category I wetlands, regardless of any other regulatory agency authorization, to cases where no other feasible and practicable alternative exists that will permit a reasonable use of the land. The protection, preservation, and continuing viability of Category I wetlands shall be the prime objective of the basis for review of all proposed impacts within these areas.

Category II

Category II wetlands shall mean those wetlands that consist of isolated wetlands or formerly isolated wetlands which by way of man's activities have been directly connected to other surface water drainage. Impacts within Category II wetlands shall first be avoided. Impacts that can not be avoided may be mitigated as permitted by State and Federal permitting agencies. The County shall review the reasoning for any proposed impacts and may prohibit such if it is determined to be contrary to the public interest.

There are no wetlands on the proposed PD that classify as Category I. All wetlands within this PD are isolated. All Category II wetlands are being preserved with only a minor impact to an isolated wetland at the northern boundary of the property where the east west road is located. This very minor impact is consistent with the Master Development Plan that was approved as part of Appendix VIII and was previously found to be consistent with this policy.

ENV Policy 3.1.5: All Wetlands Impact Limitations

The County shall limit impacts in wetlands to the following...

The Concept Plan shows minimal impacts to wetlands, limited to the minor impact where the northern road is aligned. This is consistent with the adopted Master Development Plan in FLU Appendix VIII.

ENV Policy 3.1.6: Incompatible Uses

Where adequate land area exists to support the proposed use, the County shall require a 50 foot, undeveloped buffer between any commercial intensive and industrial land uses, including associated uses such as parking lots and storage areas, and any waterways, wetlands, or lakes.

The 50 foot setback shall be applied at the time of final site design for the areas where industrial uses are shown.

ENV Policy 3.1.7: Prohibited Uses

The use, storage, transmission, or generation of hazardous substances, or substances which may artificially accelerate the eutrophication of wetlands and waterbodies, is prohibited within 200 feet of wetlands.

The uses located on this property will comply with Policy 3.1.7 to further protect the wetland preservation and restoration goals of the proposed development. There are no such uses proposed for this planned development.

ENV Policy 3.1.8: Subdivision Approval

The County shall prohibit the creation of new lots and parcels that do not contain adequate buildable land to support the least intensive use allowed under the land use category.

Policy 3.1.8 shall be addressed at the time of Final Plan Approval.

ENV Policy 3.1.9: Roads

Roads necessary for access to upland portions of a subject property may cross wetlands provided it crosses the least sensitive portion (i.e., narrowest, most degraded, etc.) of the affected wetlands and all environmental permitting procedures have been followed. Minimally invasive building techniques and pervious road surfaces will be required.

This portion of the development does not include any roads through wetlands.

ENV Policy 3.1.10: Permits

The County shall require an FDEP Environmental Resource Permit and other State or Federal wetland permits prior to issuing local development permits. All conditions placed on such permits by the issuing agencies, including upland buffer zone requirements, restrictions of use within the wetland, etc., shall be incorporated into the final development approval issued by the County. The County reserves the right to deny any local permit regardless of any other regulatory agency authorization. Charlotte County shall also coordinate with permitting agencies to review wetland delineations prior to the finalization of the agency permits. If the County determines that the boundary may be incorrect, staff will work with the permitting agency to correct the delineation.

Any future development will need to obtain all necessary federal, state and local permits to proceed through final DRC approval. As always, staff has the ability to work with the applicant and other environmental agencies in the review of environmental resource permits. The property already has an existing ERP and an approve SFWMD wetland jurisdictional determination. The proposed development plan respects the boundaries of those wetlands.

b. The existing land use pattern in adjacent areas;

The subject property is located on the Charlotte Lee County line, along US 41. To the south of the property is a residential Development of Regional Impact (DRI) located in Lee County, and a mobile home park located in Charlotte County. To the north of the proposed PD is a commercial mining site. On the east, is a greenbelt designed as part of the Rural Community Mixed Use Master Development Plan that this property is a part of. The overall Rural Community is bounded on the east and west by major transportation corridors - I-75 and US 41 respectively. The subject property will be an extension of the residential development to the south with industrial uses adjacent to the mine to the north. However, the design of the development, in accordance with the standards of Rural Communities, is a significant improvement toward promoting Charlotte County's smart growth vision.

c. The population density pattern and possible increased load on public facilities such as schools, utilities, and streets;

A traffic impact study has been submitted, demonstrating that there is sufficient road capacity to meet the project's needs. The Planned Development is located in the FGUA/Lee County Utilities water and sewer service areas. Letters of availability to serve the property were submitted in late 2010 in connection with the Rural Mixed Use Community planning process. Sufficient capacity exists for both potable water and sewer service as demonstrated in the attached water and sewer analysis.

In accordance with Section F of the Master Development Plan, the School Student multipliers are:

Elementary School = 0.065 Students/Unit

Middle School = 0.036 Students/Unit

High School = 0.051 Students/Unit

	Elementary	Middle	High	Total
Students Projected	55	31	43	129

As development commences the student population will be accommodated through both Charlotte County schools and a potential for attendance at Lee County schools through the Charlotte-Lee Interlocal agreement.

d. Whether changed conditions make the passage of the proposed amendment appropriate;

In 2010, Charlotte County adopted a comprehensive plan amendment to designate the first Rural Community Mixed Use area, which encompasses this property. As part of that designation, the subject property must be rezoned to Planned Development.

e. Whether the proposed change will adversely influence living conditions or property values in adjacent areas;

The proposed development is consistent with the residential development to the south and the mining to the north. The Planned Development has been designed to provide a transition between those two land use types by locating residential and open space areas to the south and industrial use to the north. There will be no adverse impacts to adjacent properties.

f. Whether the proposed change will affect public safety;

Public safety will not be adversely affected. The subject property fronts directly on to US 41. Traffic from the proposed development will not traverse any adjacent property. In addition, the proposed Planned Development is designed with significant perimeter buffers in accordance with Rural Mixed Use development criteria, further ensuring the internalization of any impact. There is a planned fire station in the Tern Bay DRI approximately 7 miles to the west in Charlotte County. However, there is also an existing fire station approximately 2.5 miles to the south in Lee County, which through an inter-local agreement can service this property at the start of development.

g. Whether the proposed change will reduce light and air to adjacent areas; and

The proposed change will have no impact on light and air to adjacent areas.

h. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.

The subject property is currently in the agricultural zoning category and is being used for grazing. The property will continue to be used for agriculture until development transitions in accordance with the Master Development Plan adopted in Appendix VIII of the FLUE.



Professional Engineers, Planners & Land Surveyors

DESCRIPTION OF A PARCEL
LYING IN SECTIONS 31, 32 & 33, T-42-S, R-24-E,
CHARLOTTE COUNTY, FLORIDA

(PARCEL OF LAND)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTIONS 31, 32 AND 33, TOWNSHIP 42 SOUTH, RANGE 24 EAST, BEING A PART OF PARCEL ONE AS DESCRIBED IN OFFICIAL RECORDS BOOK 3442, PAGE 2200, CHARLOTTE COUNTY PUBLIC RECORDS AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 32; THENCE S.89°58'21"E. ALONG THE NORTH LINE OF SAID SECTION 32 FOR 2625.18 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 32; THENCE S.89°58'26"E. ALONG THE NORTH LINE OF SAID SECTION 32 FOR 2625.01 FEET TO THE NORTHEAST CORNER OF SAID SECTION 32; THENCE N.89°21'37"E. ALONG THE NORTH LINE OF SAID SECTION 33 FOR 509.17 FEET; THENCE LEAVING SAID NORTH LINE OF SECTION 33 S.00°38'23"E. FOR 110.60 FEET; THENCE S.43°06'22"W. FOR 99.14 FEET; THENCE S.38°11'50"W. FOR 99.78 FEET; THENCE S.28°41'41"W. FOR 99.96 FEET; THENCE S.24°55'26"W. FOR 99.88 FEET; THENCE S.21°35'04"W. FOR 100.09 FEET; THENCE S.24°55'21"W. FOR 99.56 FEET; THENCE S.37°13'40"W. FOR 99.99 FEET; THENCE S.35°07'47"W. FOR 100.13 FEET; THENCE S.38°09'29"W. FOR 99.80 FEET; THENCE S.56°19'39"W. FOR 99.42 FEET; THENCE S.63°31'30"W. FOR 100.03 FEET; THENCE S.56°38'07"W. FOR 99.92 FEET; THENCE S.47°59'57"W. FOR 99.87 FEET; THENCE S.44°13'52"W. FOR 99.95 FEET; THENCE S.48°59'26"W. FOR 99.86 FEET; THENCE S.62°01'56"W. FOR 99.78 FEET; THENCE S.73°13'43"W. FOR 99.71 FEET; THENCE S.73°44'14"W. FOR 98.60 FEET; THENCE S.30°04'04"W. FOR 98.17 FEET; THENCE S.18°16'07"W. FOR 100.03 FEET; THENCE S.22°17'04"W. FOR 99.96 FEET; THENCE S.26°20'45"W. FOR 99.97 FEET; THENCE S.30°27'16"W. FOR 100.04 FEET; THENCE S.33°30'00"W. FOR 100.16 FEET; THENCE S.33°42'18"W. FOR 99.91 FEET; THENCE S.31°20'25"W. FOR 99.84 FEET; THENCE S.42°15'00"W. FOR 99.64 FEET; THENCE S.44°45'35"W. FOR 100.05 FEET; THENCE S.37°57'23"W. FOR 99.85 FEET; THENCE S.32°48'06"W. FOR 100.00 FEET; THENCE S.25°47'01"W. FOR 99.87 FEET; THENCE S.15°36'18"W. FOR 99.96 FEET; THENCE S.12°02'47"W. FOR 100.01 FEET; THENCE S.13°07'36"W. FOR 99.96 FEET; THENCE S.13°04'43"W. FOR 99.92 FEET; THENCE S.09°41'21"W. FOR 100.06 FEET; THENCE S.01°49'44"W. FOR 99.91 FEET; THENCE S.08°28'46"E. FOR 99.88 FEET; THENCE S.17°47'08"E. FOR 99.91 FEET; THENCE S.24°42'46"E. FOR 99.83 FEET; THENCE S.30°01'10"E. FOR 100.11 FEET; THENCE S.35°38'01"E. FOR 99.86 FEET; THENCE S.43°12'32"E. FOR 99.77 FEET; THENCE S.51°38'27"E. FOR 100.18 FEET; THENCE S.58°03'07"E. FOR 99.88 FEET; THENCE S.61°34'00"E. FOR 99.96 FEET; THENCE S.61°47'35"E. FOR 99.98 FEET; THENCE S.57°51'26"E. FOR 100.02 FEET; THENCE S.51°08'00"E. FOR 99.85 FEET; THENCE S.46°35'30"E. FOR 100.07 FEET; THENCE S.43°51'49"E. FOR 99.86 FEET; THENCE S.41°53'26"E. FOR 100.06 FEET; THENCE S.39°18'45"E. FOR 99.93 FEET; THENCE S.10°24'09"E. FOR 95.73 FEET; THENCE S.00°26'48"E. FOR 62.57 FEET TO THE NORTH LINE OF THE PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 2030, PAGE 17, SAID CHARLOTTE COUNTY PUBLIC RECORDS; THENCE S.89°33'12"W. ALONG SAID NORTH LINE FOR 2391.01 FEET TO THE EASTERLY RIGHT OF WAY LINE OF STATE ROAD 45 (U.S. HIGHWAY 41-TAMIAMI TRAIL); THENCE N.30°02'27"W. ALONG SAID RIGHT OF WAY LINE FOR 1516.80 FEET; THENCE N.30°07'48"W. ALONG SAID RIGHT OF WAY LINE FOR 2000.55 FEET; THENCE N.30°06'31"W. ALONG SAID RIGHT OF WAY LINE FOR 1482.96 FEET TO THE NORTH LINE OF SAID SECTION 31; THENCE S.89°31'47"E. ALONG SAID NORTH LINE FOR 99.83 FEET TO THE **POINT OF BEGINNING**.

SERVING THE STATE OF FLORIDA



Professional Engineers, Planners & Land Surveyors

SAID PARCEL CONTAINS 14494909.97 SQUARE FEET, OR 332.76 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON SAID EASTERLY RIGHT OF WAY LINE OF STATE ROAD 45 AS BEARING N.30°07'48"E.

BANKS ENGINEERING
FLORIDA LICENSED BUSINESS NO. LB6690

JULY 21, 2011

A handwritten signature in black ink, appearing to read "Kenneth E. Trask", written over a horizontal line.

KENNETH E. TRASK
PROFESSIONAL LAND SURVEYOR
FLORIDA LICENSE NO. LS4684

SERVING THE STATE OF FLORIDA

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www.bankseng.com

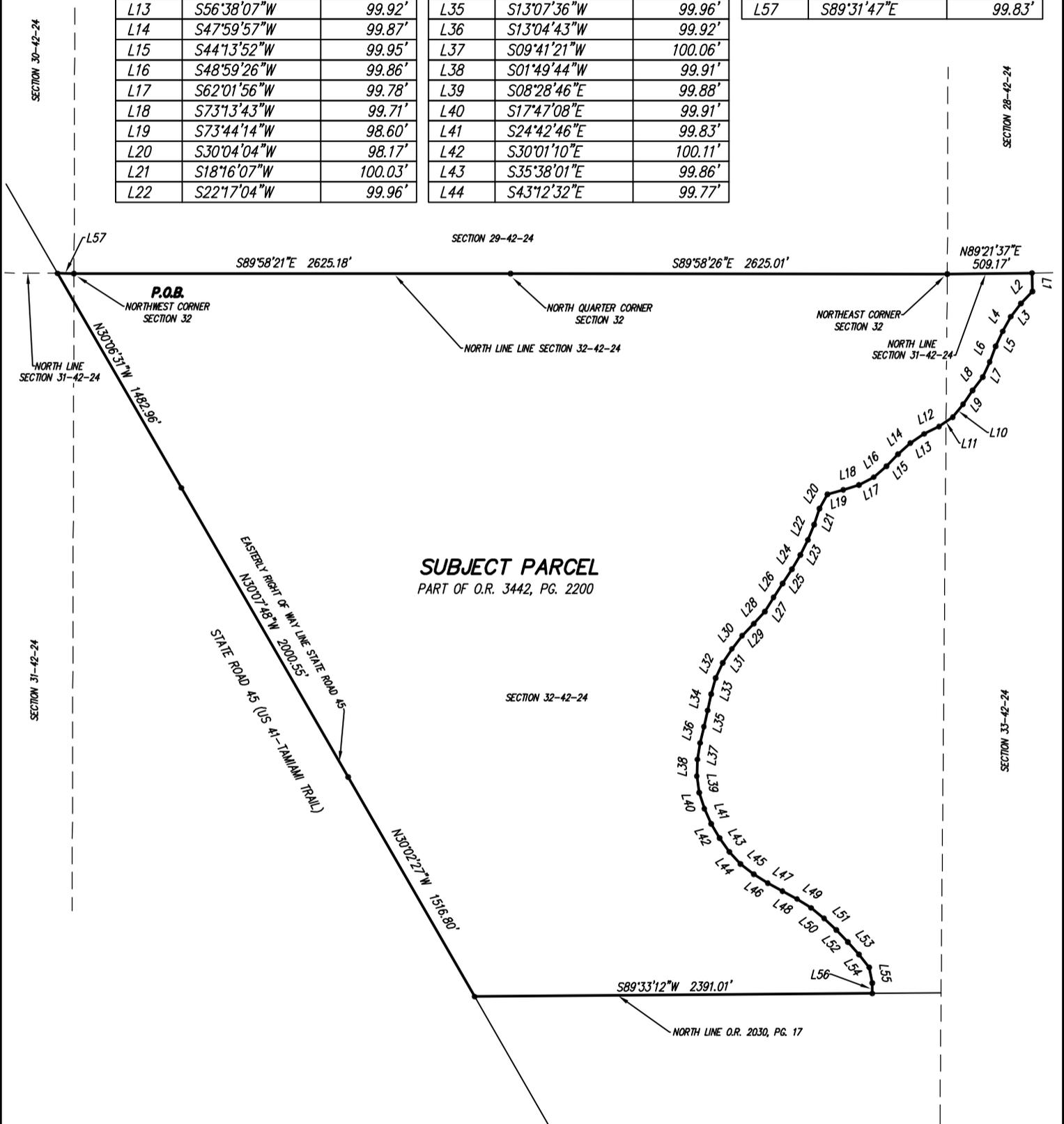


LINE TABLE

LINE	BEARING	DISTANCE
L1	S00°38'23"E	110.60'
L2	S43°06'22"W	99.14'
L3	S38°11'50"W	99.78'
L4	S28°41'41"W	99.96'
L5	S24°55'26"W	99.88'
L6	S21°35'04"W	100.09'
L7	S24°55'21"W	99.56'
L8	S37°13'40"W	99.99'
L9	S35°07'47"W	100.13'
L10	S38°09'29"W	99.80'
L11	S56°19'39"W	99.42'
L12	S63°31'30"W	100.03'
L13	S56°38'07"W	99.92'
L14	S47°59'57"W	99.87'
L15	S44°13'52"W	99.95'
L16	S48°59'26"W	99.86'
L17	S62°01'56"W	99.78'
L18	S73°13'43"W	99.71'
L19	S73°44'14"W	98.60'
L20	S30°04'04"W	98.17'
L21	S18°16'07"W	100.03'
L22	S22°17'04"W	99.96'

LINE	BEARING	DISTANCE
L23	S26°20'45"W	99.97'
L24	S30°27'16"W	100.04'
L25	S33°30'00"W	100.16'
L26	S33°42'18"W	99.91'
L27	S31°20'25"W	99.84'
L28	S42°15'00"W	99.64'
L29	S44°45'35"W	100.05'
L30	S37°57'23"W	99.85'
L31	S32°48'06"W	100.00'
L32	S25°47'01"W	99.87'
L33	S15°36'18"W	99.96'
L34	S12°02'47"W	100.01'
L35	S13°07'36"W	99.96'
L36	S13°04'43"W	99.92'
L37	S09°41'21"W	100.06'
L38	S01°49'44"W	99.91'
L39	S08°28'46"E	99.88'
L40	S17°47'08"E	99.91'
L41	S24°42'46"E	99.83'
L42	S30°01'10"E	100.11'
L43	S35°38'01"E	99.86'
L44	S43°12'32"E	99.77'

LINE	BEARING	DISTANCE
L45	S51°38'27"E	100.18'
L46	S58°03'07"E	99.88'
L47	S61°34'00"E	99.96'
L48	S61°47'35"E	99.98'
L49	S57°51'26"E	100.02'
L50	S51°08'00"E	99.85'
L51	S46°35'30"E	100.07'
L52	S43°51'49"E	99.86'
L53	S41°53'26"E	100.06'
L54	S39°18'45"E	99.93'
L55	S10°24'09"E	95.73'
L56	S00°26'48"E	62.57'
L57	S89°31'47"E	99.83'



SUBJECT PARCEL
PART OF O.R. 3442, PG. 2200

LEGEND

- PG. AT PAGE
- P.O.B. POINT OF BEGINNING
- L1 LINE 1 OF LINE TABLE
- POINT OF ANGLE BREAK
- O.R. OFFICIAL RECORDS BOOK, CHARLOTTE COUNTY PUBLIC RECORDS

THIS IS NOT A BOUNDARY SURVEY

Kenneth E. Trask
KENNETH E. TRASK
PROFESSIONAL LAND SURVEYOR
FLORIDA CERTIFICATE NO. LS4684

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SKETCH TO ACCOMPANY DESCRIPTION
PARCEL LYING IN SECTIONS 31, 32 AND 33 T-42-S, R-24-E
CHARLOTTE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	FILE NO. (S-T-R)
7-21-2011	3453	3453-WEST-332.78-AC-SK		DPS	KT	1"=800'	3 OF 3	31, 32, & 33-42-24

**Boylan
Environmental
Consultants**



*Wetland & Wildlife Surveys, Environmental Permitting,
Impact Assessment*



**McNew Ranch
Charlotte County, Florida**

Open Space Management Plan

March 27, 2012

Project No. 1995-35

INTRODUCTION

The McNew Ranch project site is located in southern Charlotte County. Specifically, it is situated north of the Lee-Charlotte County line and immediately east and adjacent to U.S. 41. Please see the attached Project Location Map Exhibit A.

This open space management plan addresses the opportunities for restoring and preserving native habitats on site. The management activities will be implemented by either the Master Association or the Homeowners Association.

The open space areas include the “Preserve” Areas and the “Miscellaneous Open Space” areas shown on the landscape plan that delineates the open space areas, attached as Exhibit B.

WETLAND AND UPLAND BUFFER PRESERVE AREAS

The wetland preserve areas and upland buffers will be maintained in accordance with the SFWMD permit (08-00111-P) requirements. The wetlands consist of freshwater marsh systems. An exotic treatment program will be implemented in these wetlands and their associated upland buffers. The purpose of this plan is to ensure that the preserves are maintained free of exotic and nuisance plants in perpetuity. The exotics include those defined by the latest exotic plant list published by the Florida Exotic Pest Plant Council. The program involves two phases, the initial exotic removal and the subsequent annual maintenance.

Exotic and nuisance shrubs and trees will be cut at stump height, the stump treated, and the resultant debris will be removed by hand from the preserve. Exotic and nuisance plants will be killed in a manner consistent with current approved exotic and nuisance plant removal practices. Any trimmed vegetation will be hand removed from the preserve. Access to the preserve will be in areas that will result in the least impact to native vegetation. In addition, staging areas for debris removal will be placed outside of the preserve and determined by the contractor on-site at the time of the removal. Subsequent maintenance will be conducted annually to treat any exotic or nuisance species. The goal of the program is that coverage of exotic and nuisance species will not exceed 5% of total cover between maintenance activities. These preserve areas will be maintained in perpetuity by the Master Association or the Homeowners Association.

ADDITIONAL OPEN SPACE PRESERVE AREAS

The open preserve areas outside of the SFWMD preserve areas will be maintained in accordance with the Charlotte County requirements to insure enhancement and preservation of these habitats. An exotic treatment program will be implemented in these areas. The purpose of this plan is to ensure that preserves are maintained free of exotic and nuisance plants in perpetuity. The exotics include those defined by the latest exotic plant list published by the Florida Exotic Pest Plant Council. The program also involves two phases, the initial exotic removal and the subsequent annual maintenance.

Exotic and nuisance shrubs and trees will be cut at stump height, the stump treated, and the resultant debris will be removed by hand from the preserve. Exotic and nuisance plants will be killed in a manner consistent with current approved exotic and nuisance plant removal practices. Any trimmed vegetation will be hand removed from the preserve. Access to the preserve will be in areas that will result in the least impact to native vegetation. In addition, staging areas for

debris removal will be placed outside of the preserve and determined by the contractor on-site at the time of the removal. Subsequent maintenance will be conducted annually to treat any exotic or nuisance species. The goal of the program is that coverage of exotic and nuisance species will not exceed 5% of total cover between maintenance activities. These preserve areas will be maintained in perpetuity by the Master Association or the Homeowners Association.

LAKE MAINTENANCE AREAS, LAKE AREAS AND MISCELLANEOUS OPEN SPACE AREAS

The open space areas not noted as preserve on the Planned Development Concept Plan will be maintained in accordance with the Charlotte County requirements to insure enhancement and preservation of these habitats. An exotic treatment program will be implemented in these areas.

The purpose of this plan is to ensure that these areas are maintained free of exotic and nuisance plants in perpetuity. The exotics include those defined by the latest exotic plant list published by the Florida Exotic Pest Plant Council.

The program involves two phases, the initial exotic removal and the subsequent annual maintenance. Exotic and nuisance shrubs will be cut at stump height, the stump treated, and the resultant debris will be removed by hand from the preserve. Exotic and nuisance plants will be killed in a manner consistent with current approved exotic and nuisance plant removal practices. Any trimmed vegetation will be removed from these areas and not remain within them. Care will be taken during the exotic removal phase to result in the least impact to native vegetation. In addition, staging areas for debris removal will be placed outside of these areas, to the greatest degree possible, as determined by the contractor on-site at the time of the removal. Subsequent maintenance will be conducted annually to treat any exotic or nuisance species. The goal of the program is that coverage of exotic and nuisance species will not exceed 5% of the total cover between maintenance activities.

In addition, the lake areas will be kept free of nuisance vegetation by the harvesting or treatment of the nuisance vegetation using techniques sensitive to native vegetation and other species. A maintenance program will be established, in conjunction with the land based open space areas, to keep the coverage of exotic and nuisance species to a minimum in the lake areas.

These open space areas will be maintained in perpetuity by the Master Association or the Homeowners Association.

Additionally, these open space areas may be utilized for the following uses, as permitted under the Rural Community Mixed Use provisions of the Smart Charlotte 2050 plan,:

- a. bike paths,
- b. hiking trails,
- c. equestrian trails,
- d. canoeing and kayaking facilities,
- e. fishing facilities such as docks and limited storage for non-motorized boats,
- f. agricultural uses including accessory uses,
- g. stormwater management systems serving the community provided the

- stormwater systems are unfenced and are surrounded by, or adjoin, areas that are improved for use by wildlife and accessible to the residents of the development, and
- h. any required buffers

The open space areas may be mowed or sodded or vegetation may be removed in order to accommodate the above uses.



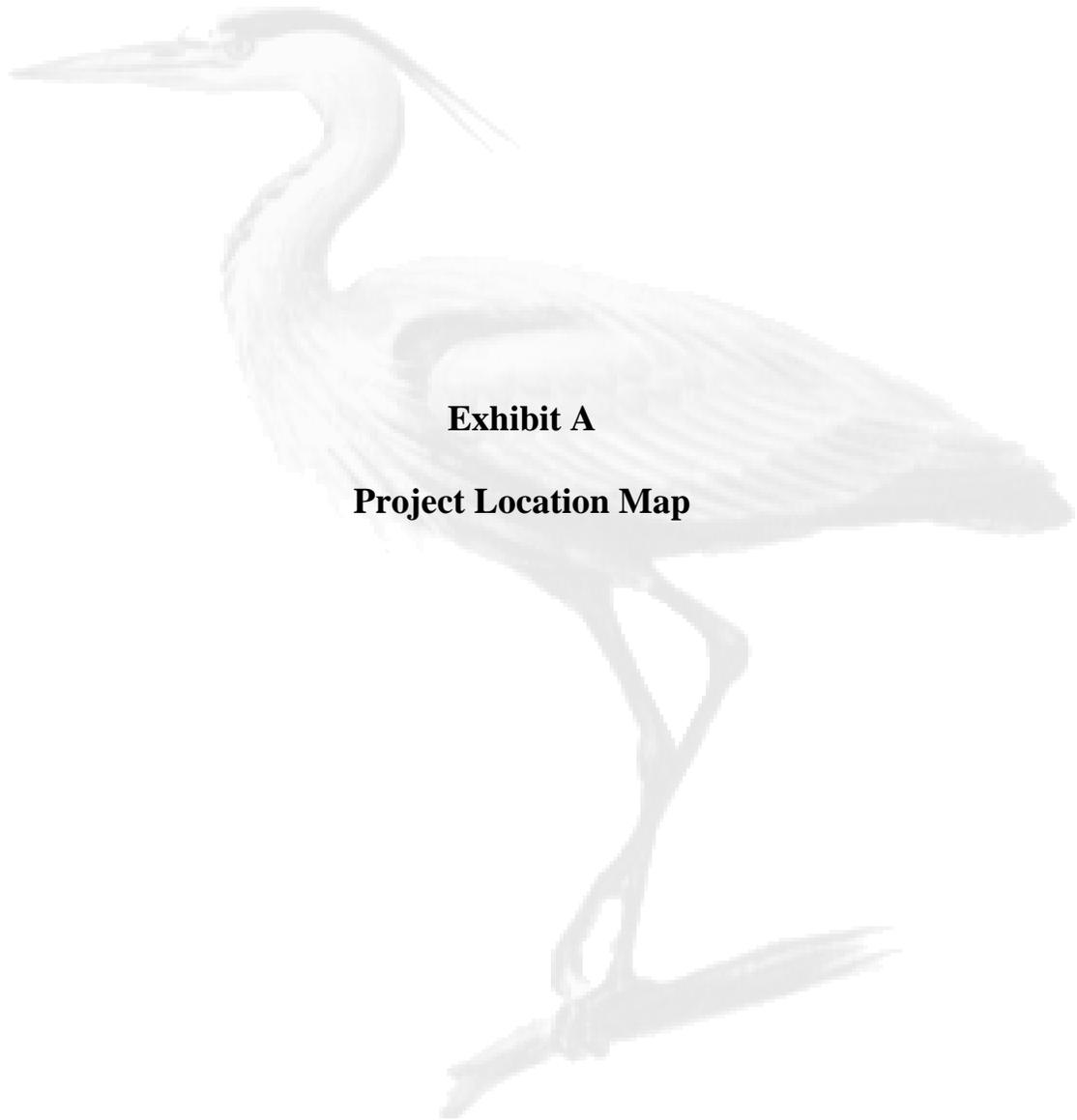
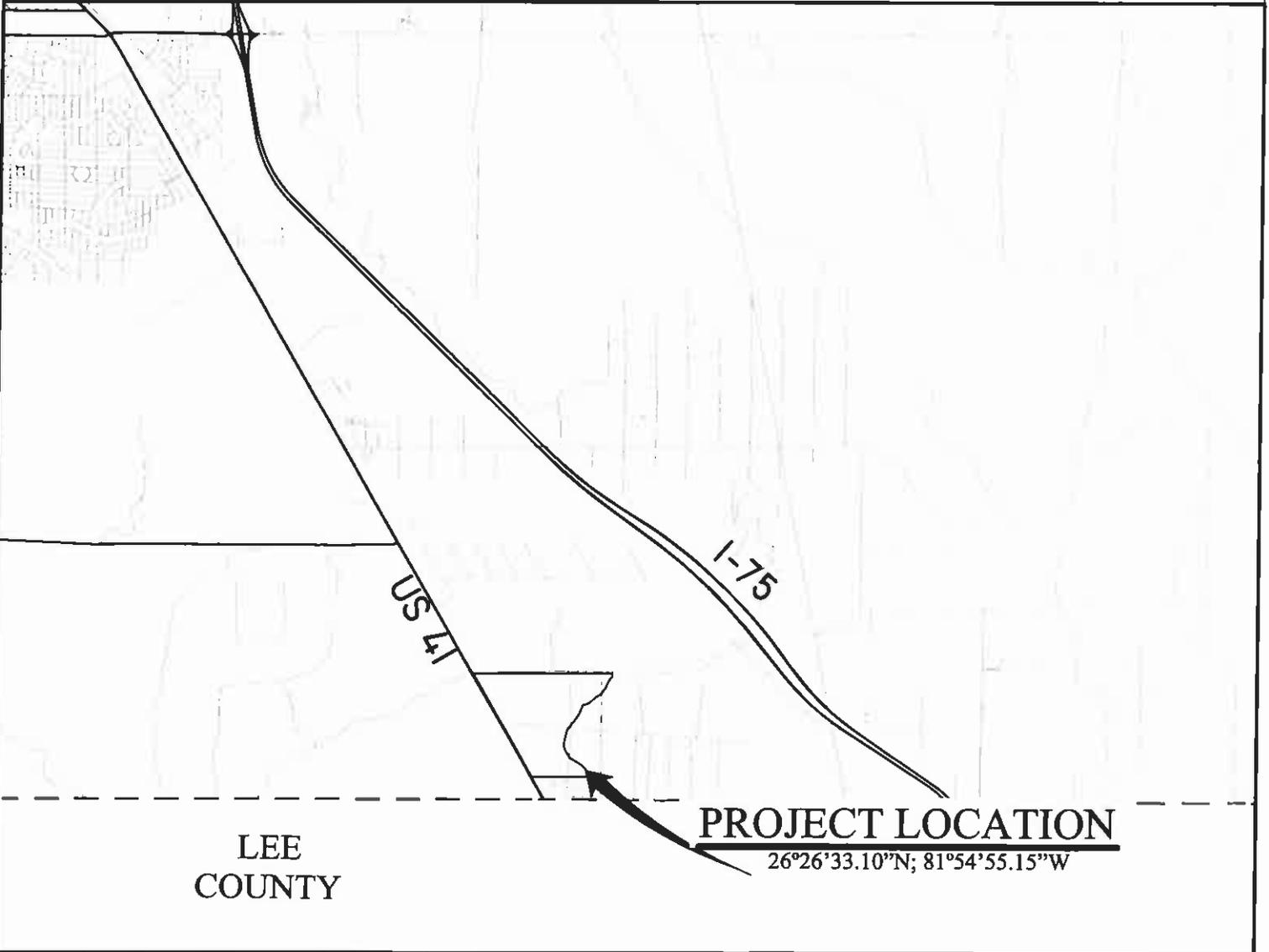
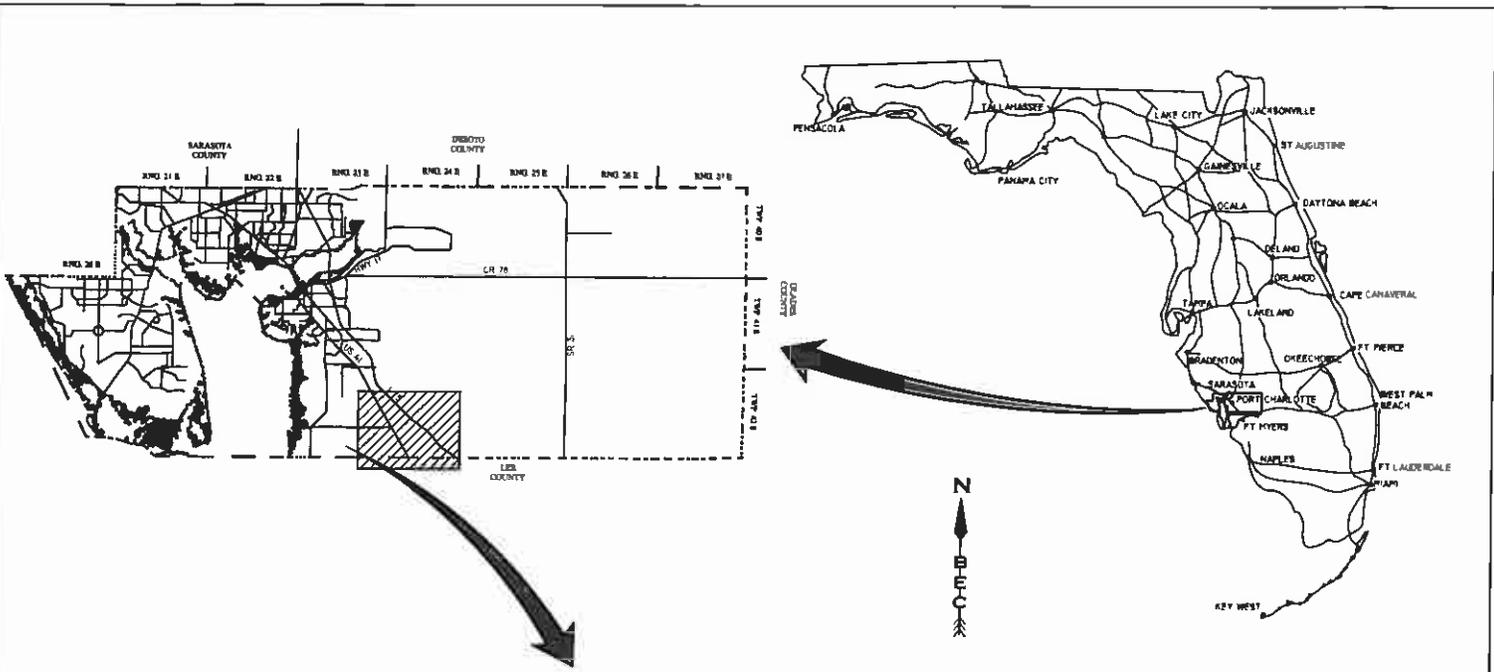


Exhibit A
Project Location Map



A:\REG-1-PROJECT\MAPS\BROOK CHARLOTTE EAP\0535\1201 REGIONAL PROJECT LOCATION MAP.PDF IAA LAYOUT MAR 22, 2017 - 4:48pm C:\Users\jv\...

Boylan Environmental Consultants, Inc.
Wetland & Wildlife Surveys, Environmental Permitting, Impact Assessments
 11000 Metro Parkway, Suite 4, Ft Myers, 33966 (239) 418-0671

Drawn By:	Date:	Category
KAS	7/6/2011	Location Map
Job Number		Scale:
009535		NTS
S/T/R		County
32, 33/42S/24E		Charlotte

McNew Ranch
 Project Location Map

Page
Exhibit

**Exhibit B
Landscape Plan**



DAVID M. JONES, JR.
AND ASSOCIATES, INC.
LANDSCAPE ARCHITECTS
AND PLANNERS
2291 Redwood Blvd.
P.O. Box 10000
Tampa, FL 33610
PHONE (813) 337-6825
FAX (813) 337-4884
2705 Parkway, 1st Fl. Unit 415
Punta Gorda, Florida 33950
PHONE (813) 337-6825
FAX (813) 337-4884
A. LICENSE, LC 0000063

**McNEW
RANCH
PD**
DADE COUNTY, FLORIDA

CONTRACT NO.
DATE
PROJECT NAME
OWNER
DESIGNER
SCALE
DATE

CONTRACT NO.
DATE
PROJECT NAME
OWNER
DESIGNER
SCALE
DATE

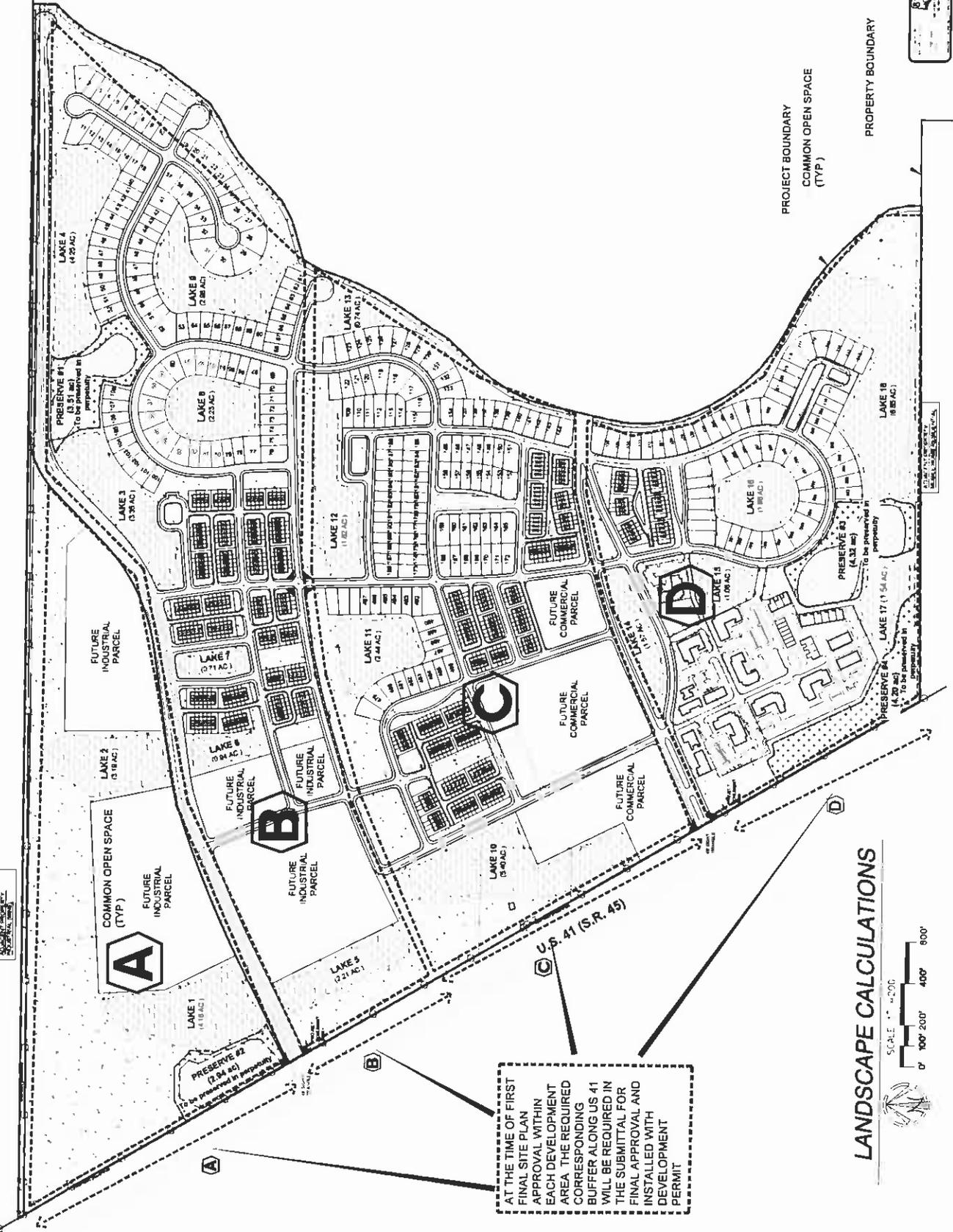
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CONTRACT NO.
DATE
PROJECT NAME
OWNER
DESIGNER
SCALE
DATE



AT THE TIME OF FIRST
FINAL SITE PLAN
APPROVAL WITHIN
EACH DEVELOPMENT
AREA THE REQUIRED
CORRESPONDING
BUFFER ALONG US 41
WILL BE REQUIRED IN
THE SUBMITTAL FOR
FINAL APPROVAL AND
INSTALLED WITH
DEVELOPMENT
PERMIT

LANDSCAPE CALCULATIONS



SCALE: 1" = 200'

0' 100' 200' 400' 600'



0° 100' 200' 400' 600'

0° 100' 200' 400' 600'

Boylan

*Environmental
Consultants*

Wetland & Wildlife Surveys, Environmental Permitting,
Impact Assessment



20

*Years of
Excellence*

McNew Ranch

**Section 32, 33; Township 42 South; Range 24 East
Charlotte County, Florida**

Environmental Assessment/Protected Species Survey for Charlotte County Zoning

June 2011

Project No. 1995-35

11000 Metro Parkway Suite 4 Fort Myers, Florida 33966
Phone: (239) 418-0671 Fax: (239) 418-0672 Web: www.boylanenv.com

INTRODUCTION

The 332.76± Ac. site is located in portions of Section 32 and 33, Township 42 South, Range 24 East, in Charlotte County, Florida. Specifically, it is situated east of U.S. 41 just north of the Charlotte/Lee County line (26°26'33.10" N, 81°54'55.15" W). Please see the attached Project Location Map (**Exhibit 1**).

PROJECT DESCRIPTION

Purpose

The proposed project is to develop a planned residential development with associated amenities.

Project Site

The property is 332.76± acres. The property is dominated by improved pasture lands. The site is bordered on the west by U.S 41, on the north by a mine, on the east by improved pasture lands and on the south by a manufactured housing development. Please see the attached Vicinity Aerial Map (**Exhibit 2**).

PROJECT SITE DESCRIPTION – SOILS

The soils on the property have been mapped by the National Resource Conservation Service (NRCS, formerly the Soil Conservation Service). These mappings are general in nature. According to these mappings, the parcel is underlain by Pineda Fine Sand (26; hydric), Oldsmar Sand (33; non-hydric), Malabar Fine Sand (34; hydric), and Pineda Fine Sand, Depressional (73; hydric). The soils series identified as hydric were listed in the Hydric Soils of Florida Handbook (1995) as hydric. Please see the attached NRCS Soils Map (**Exhibit 3**).

PROJECT SITE DESCRIPTION – VEGETATION COMMUNITIES

Each community was mapped in the field according to the system in use by the agencies, the Florida Land Use Cover and Forms Classification System (FLUCFCS). See Florida Land Use, Cover and Forms Classification System (Department of Transportation 1999) for definitions. The following communities were documented to occur on the property. These descriptions correspond to the mappings on the attached FLUCFCS map (**Exhibit 4**) and FLUCFCS Map with Aerial (**Exhibit 5**).

211 Improved Pasture (311.75± acres)

The majority of the canopy and sub-canopy were open in this community. Very widely scattered canopy and sub-canopy vegetation included: slash pine (*Pinus elliottii*), live oak (*Quercus virginiana*), cabbage palm (*Sabal palmetto*), and Brazilian pepper (*Schinus terebinthifolius*). The ground cover was dominated by bahia grass (*Paspalum notatum*) with scattered St. Augustine grass (*Stenotaphrum secundatum*), penny royal (*Piloblephis rigida*), blackroot (*Pterocaulon virgatum*), caesar weed (*Urena lobata*), pawpaw (*Asimina sp.*), wax myrtle (*Myrica cerifera*), greenbriar (*Smilax sp.*), and grapevine (*Vitis rotundifolia*).

211H Improved Pasture, Hydric (9.53± acres)

The majority of the canopy and sub-canopy were open in this community. Very widely scattered canopy and sub-canopy vegetation included: (*Pinus elliottii*), melaleuca

(*Melaleuca quinquenervia*), and cabbage palm (*Sabal palmetto*). The ground cover was dominated by yellow-eyed grass (*Xyris sp.*), with scattered bahia grass (*Paspalum notatum*), fox-tail (*Setaria geniculata*), white-top sedge (*Dichromena colorata*), square stem (*Melanthera nivea*), beak rush (*Rhynchospora sp.*), Elliot's aster (*Symphotrichum elliotii*), tickseed (*Coreopsis floridana*), and hydrocotyle (*Hydrocotyle umbellata*).

411E2 Pine Flatwoods, 25-49% Exotics (2.93± acres)

The canopy of this community was dominated by slash pine (*Pinus elliotii*) with scattered melaleuca (*Melaleuca quinquenervia*). The sub-canopy contained slash pine (*Pinus elliotii*), cabbage palm (*Sabal palmetto*), live oak (*Quercus virginiana*), rusty lyonia (*Lyonia ferruginea*), tar flower (*Befaria racemosa*) and wax myrtle (*Myrica cerifera*), with scattered melaleuca (*Melaleuca quinquenervia*) and Brazilian pepper (*Schinus terebinthifolius*). Ground cover vegetation included saw palmetto (*Serenoa repens*), greenbriar (*Smilax sp.*), poison ivy (*Toxicodendron radicans*), broom sedge (*Andropogon sp.*), and grapevine (*Vitis rotundifolia*). Exotics occupy approximately 25-49% of this community.

411E3 Pine Flatwoods, 50-74% Exotics (1.15± acres)

The canopy of this community contained slash pine (*Pinus elliotii*) and scattered melaleuca (*Melaleuca quinquenervia*). The sub-canopy contains slash pine (*Pinus elliotii*), cabbage palm (*Sabal palmetto*), live oak (*Quercus virginiana*), rusty lyonia (*Lyonia ferruginea*), tar flower (*Befaria racemosa*) and wax myrtle (*Myrica cerifera*), with scattered melaleuca (*Melaleuca quinquenervia*) and Brazilian pepper (*Schinus terebinthifolius*). Ground cover vegetation included saw palmetto (*Serenoa repens*), greenbriar (*Smilax sp.*), poison ivy (*Toxicodendron radicans*), broom sedge (*Andropogon sp.*), and grapevine (*Vitis rotundifolia*). Exotics occupy approximately 50-74% of this community.

641 Freshwater Marsh (6.95± acres)

This wetland community included isolated freshwater marsh systems and marsh wetlands associated with the hydric pasture lands on site. Vegetation present in these wetlands included fire flag (*Thalia geniculata*), pickerelweed (*Pontederia cordata*), arrowhead (*Sagittaria latifolia*), saw grass (*Cladium jamaicense*), maidencane (*Panicum hemitomon*), smooth water hyssops (*Bacopa spp.*) and torpedo grass (*Panicum repens*). Wax myrtle (*Myrica cerifera*) was scattered along the perimeter of these wetlands.

740 Disturbed Land (0.45± acres)

The canopy of this community was mostly open with scattered slash pine (*Pinus elliotii*), cabbage palm (*Sabal palmetto*), live oak (*Quercus virginiana*), melaleuca (*Melaleuca quinquenervia*), and Brazilian pepper (*Schinus terebinthifolius*). The sub-canopy was also mostly open with scattered melaleuca (*Melaleuca quinquenervia*), and Brazilian pepper (*Schinus terebinthifolius*). The ground cover included dog fennel (*Eupatorium capillifolium*), ragweed (*Ambrosia artemisiifolia*), caesar weed (*Urena lobata*), Spanish needles (*Bidens bipinnata*), sweet broom (*Bidens pilosa*), hairy beggar-ticks (*Bidens*

alba), sandspur (*Cenchrus echinatus*), saw palmetto (*Serenoa repens*), pepper vine (*Ampelopsis arborea*), and bahia grass (*Paspalum notatum*).

TABLE 1: EXISTING CONDITIONS – VEGETATION COMMUNITIES

FLUCFCS Code	Community	Acres	%
211	Improved Pasture	311.75 Ac.±	93.69%
211H	Hydric Improved Pasture	9.53 Ac.±	2.86%
411E2	Pine Flatwoods with Exotics 25-49.9%	2.93 Ac.±	0.88%
411E3	Pine Flatwoods with Exotics 50-74.9%	1.15 Ac.±	0.35%
641	Freshwater Marsh	6.95 Ac.±	2.09%
740	Disturbed Lands	0.45 Ac.±	0.14%
Total		332.76 Ac.±	100.00%

WETLAND DISCUSSION

Surrounding conditions have been altered over time which has resulted in significant hydrological alteration on the site. The past agricultural activities on site have also served to diminish the quality and wildlife habitat value of the wetland and upland communities on site.

The site was assessed for current field conditions with the surrounding changes. Section 62-340.300, of the Florida Administrative Code was used to delineate jurisdictional wetlands, as determined by the South Florida Water Management District. The plant tests “A” test and “B” test, which utilizes vegetation dominance, along with hydrology and hydrologic indicators were used to determine the extent of any wetland communities currently existing on-site. Vegetation composition can be seen in the above referenced FLUCFCS descriptions.

ENDANGERED, THREATENED, AND SPECIES OF SPECIAL CONCERN SUMMARY

A protected species survey was conducted by Boylan Environmental Consultants on June 22, 2011. The survey was conducted in order to document the presence or signs of any listed species inhabiting the site, that are regulated by the U.S. Fish and Wildlife Service (FWS) and the Florida Fish and Wildlife Conservation Commission (FWC). During the species survey, a pair of sandhill cranes (*Grus canadensis*) was observed foraging on the property. There were not any sandhill crane nests on the property. No other listed species or signs thereof were observed. A copy of the Protected Species Survey is attached as (**Exhibit 6**).

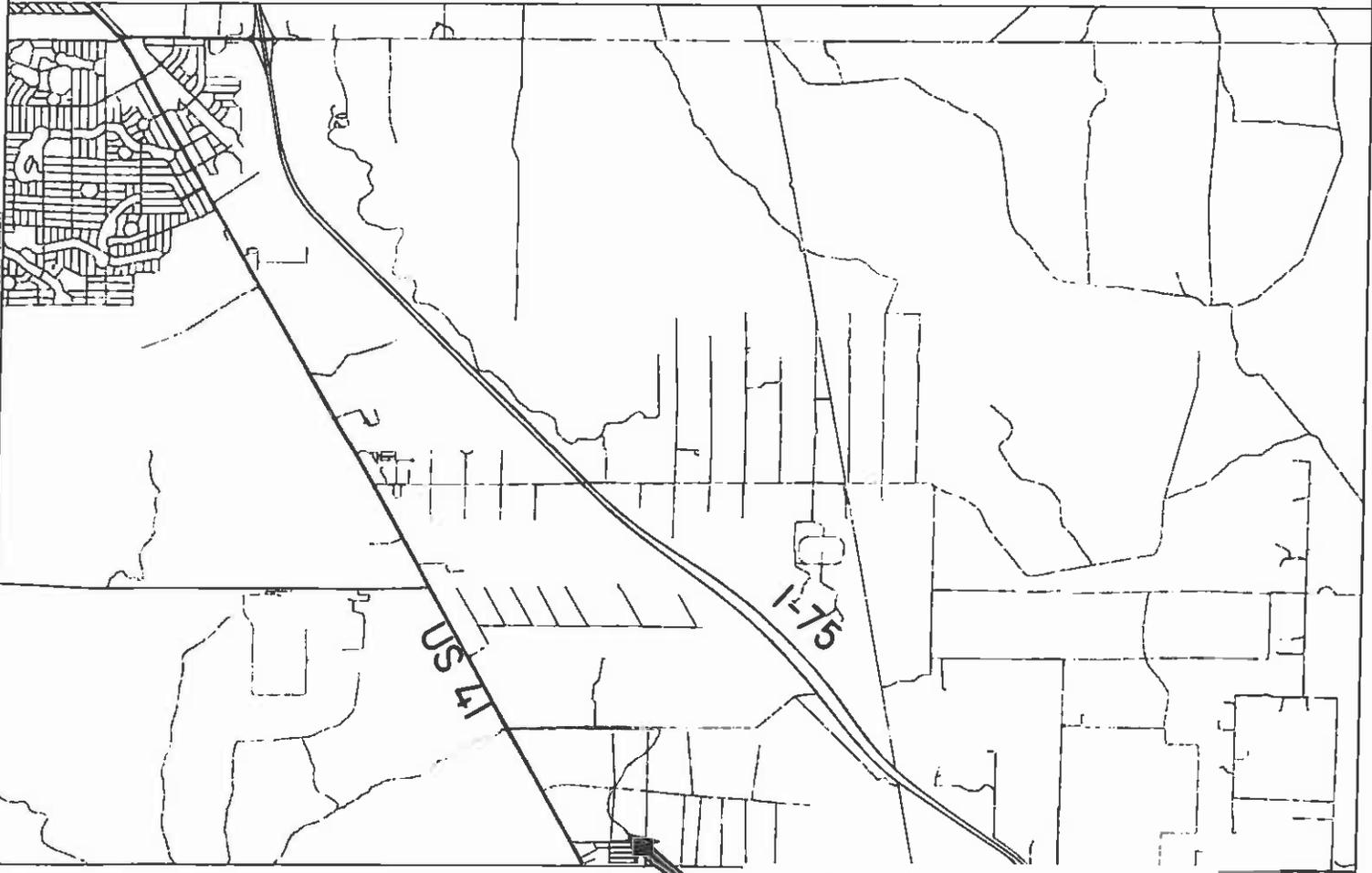
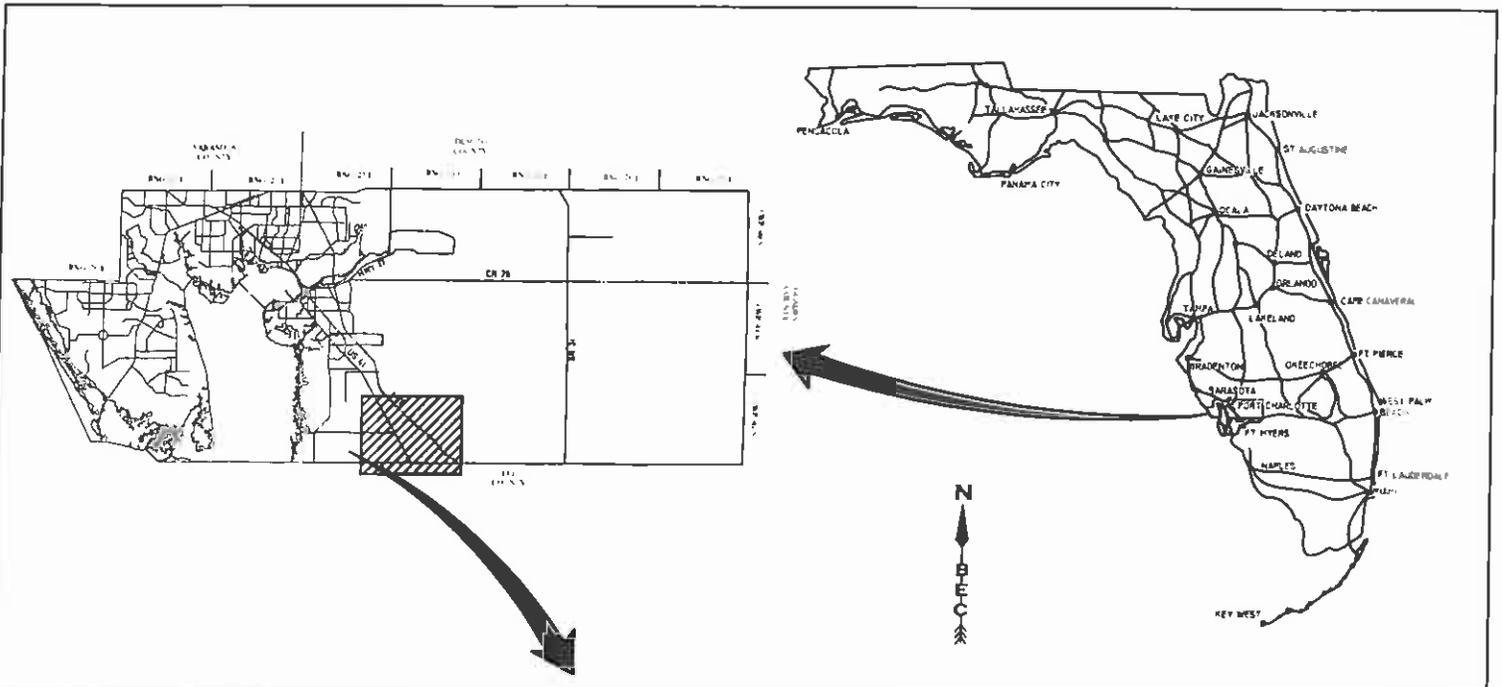
HISTORICAL AND ARCHAEOLOGICAL RESOURCES

The Florida State Division of Historical Resources was contacted regarding the possible presence of historical or archaeological resources. A letter dated June 28, 2011 was received from the Division of Historical Resources stating there are no previously recorded significant archaeological or historical resources for the parcel. Their correspondence is attached as (**Exhibit 7**).

HERITAGE TREES

No heritage trees were identified on the property.

Exhibit 1
Project Location Map



LEE COUNTY

PROJECT LOCATION
 26°26'33.10"N; 81°54'55.15"W

I:\BEECIG-H\PROJECTS\Lee County\Bios Charlotte\Map\03131201\Permit\Project Location Map.dwg Tab: Location Map.dwg 06/20/11 - 3:00pm PLOTTED BY: BARBETT

Boylan Environmental Consultants, Inc.
Wetland & PUD/A Surveys, Environmental Permitting, Impact Assessments
 11000 Metro Parkway, Suite 4, Ft. Myers, 33966 (239) 418-0671

Drawn By:	Date:	Category
KAS	7/6/2011	Location Map
Job Number		Scale:
009535		NTS
S/TR		County
32, 33/42S/24E		Charlotte

McNew Ranch
 Project Location Map

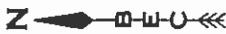
Page
Exhibit

Exhibit 2
Vicinity Aerial

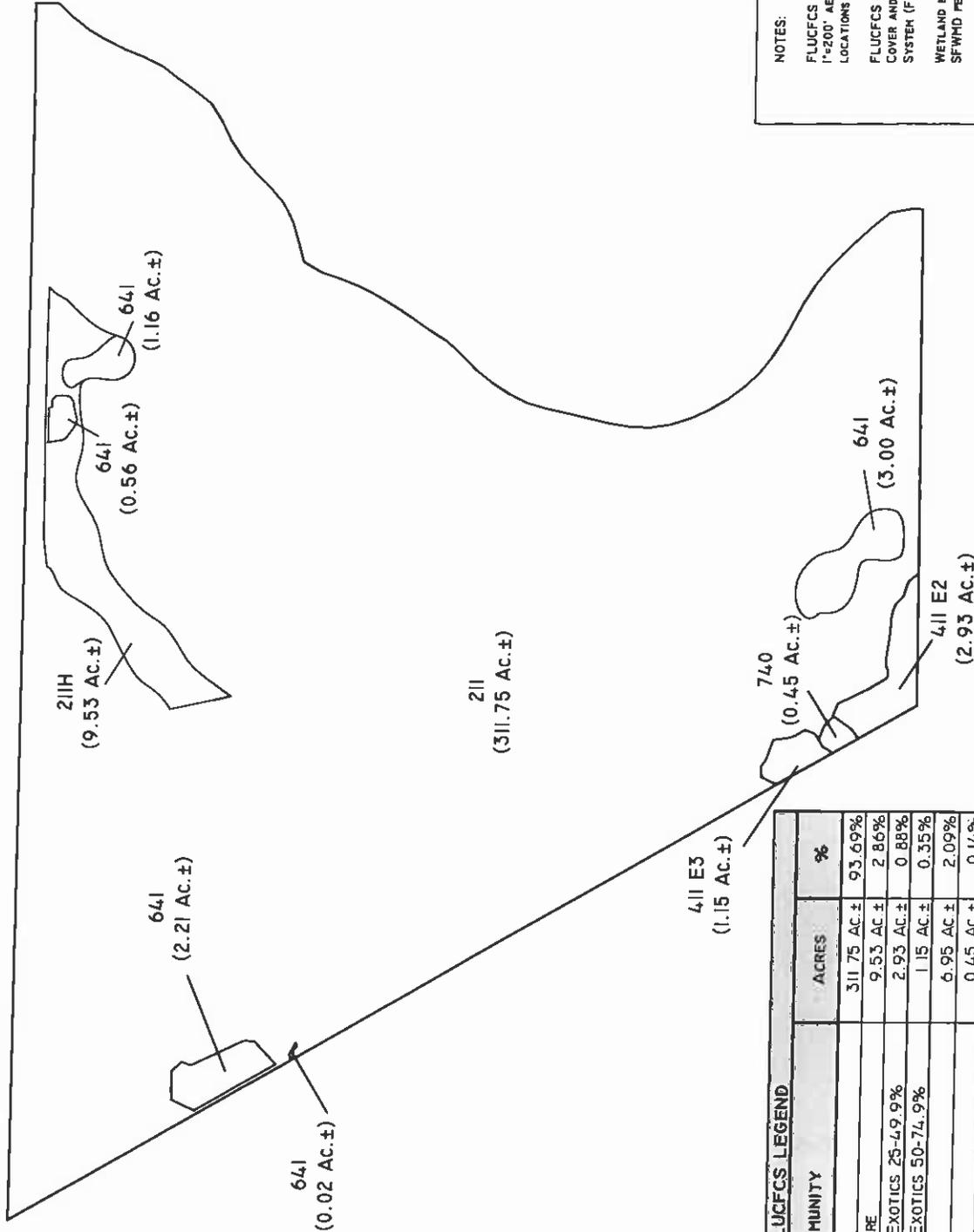
Exhibit 3

Soils Map

Exhibit 4
FLUCFCS Map



SCALE: 1" = 800'



FLUCFCS CODE	COMMUNITY	ACRES	%
211	IMPROVED PASTURE	311.75 AC.±	93.69%
211H	HYDRIC IMPROVED PASTURE	9.53 AC.±	2.86%
411E2	PINE FLATWOODS WITH EXOTICS 25-49.9%	2.93 AC.±	0.88%
411E3	PINE FLATWOODS WITH EXOTICS 50-74.9%	1.15 AC.±	0.35%
641	FRESHWATER MARSH	6.95 AC.±	2.09%
740	DISTURBED LANDS	0.45 AC.±	0.14%
TOTAL		332.76 AC.±	100.00%

NOTES:
 FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED
 FLUCFCS PER FLORIDA LAND USE COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999)
 WETLAND BOUNDARIES ACQUIRED FROM SFWMD PERMIT 08-00111-P
 BOUNDARY ACQUIRED FROM BANKS ENGINEERING DRAWING NO. 3653-WEST-332.78-AC-SK DWG

REVISIONS	DATE	PAGE
CATEGORY		
SCALE		
1" = 800'		
COUNTY		
LEE		

MCNEW RANCH FLUCFCS MAP

DRAWN BY: AML
 DATE: 6/28/2011
 JOB NUMBER: 1995-35
 S/T/R
 32.33/52S/24E

Boylan Environmental Consultants, Inc.
 Wetland & Wildlife Survey, Environmental Permitting & Impact Assessment
 11000 Marco Parkway, Suite 4, Ft. Myers, FL 33966 (239) 418-0671

3:\BEC-0-H-Proj\017\Wetland\Bros-Chang\017\Final\Final\953512011\Revisions\Total_6_2011.dwg Tm FLUCFCS.dwg 06/29/2011 - 12:55PM PLOTTER: M7_RN

Exhibit 5
FLUCFCS Map with Aerial



NOTES:
 FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED
 FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999)
 WETLAND BOUNDARIES ACQUIRED FROM SPWMD PERMIT 08-00111-P
 BOUNDARY ACQUIRED FROM BANKS ENGINEERING DRAWING NO. 3453-WEST-332 78-AC-SK DWG
 AERIAL IMAGE FROM THE DEPARTMENT OF REVENUE FLIGHT DATE IN 2008

FLUCFCS CODE	COMMUNITY	ACRES	%
211	IMPROVED PASTURE	311.75 AC ±	93.69%
211H	HYDRIC IMPROVED PASTURE	9.53 AC ±	2.86%
411E2	PINE FLATWOODS WITH EXOTICS 25-49.9%	2.93 AC ±	0.88%
411E3	PINE FLATWOODS WITH EXOTICS 50-74.9%	1.15 AC ±	0.35%
641	FRESHWATER MARSH	6.95 AC ±	2.09%
740	DISTURBED LANDS	0.45 AC ±	0.14%
TOTAL		332.70 AC ±	100.00%

REVISIONS	DATE	PAGE

CATEGORY: ---
 SCALE: 1" = 800'
 COUNTY: LEE

MCNEW RANCH
FLUCFCS MAP WITH AERIAL

DRAWN BY: AMI
 DATE: 6/28/2011
 JOB NUMBER: 1995-35
 S/I/R

Boylan Environmental Consultants, Inc.
 Wetland & Wildlife Services, Environmental Permitting & Impact Assessment
 11000 Metro Parkway, Suite 4, Ft. Myers, FL 33966 (239) 418-0671
 32, 33, 35/42S/24E

Exhibit 6
Species Survey



McNew Ranch

**Section 32 & 33; Township 42 South; Range 24 East
Charlotte County, Florida**

Protected Species Survey

June 2011

Project No.010018

INTRODUCTION

Two environmental scientists from Boylan Environmental Consultants, Inc conducted a field investigation on the 332.76± acre property on June 22, 2011. The site is located in portions of Section 32 and 33, Township 42 South, Range 24 East, in Charlotte County, Florida. Specifically, it is situated immediately east of U.S. 41, just north of the Lee-Charlotte County line, (26°26'33.10"N, 81°54'55.15"W). Please see the attached Project Location Map **Exhibit A**.

The purpose of the field investigation was to identify and document the presence of any listed species and any potential listed (endangered, threatened, etc.) species inhabiting the site that are regulated by the U.S. Fish & Wildlife Service (FWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

The survey was conducted in the morning through the afternoon with temperatures in the low 80s with a strong breeze and partly cloudy skies. Previous surveys for this site were conducted during April and May of 2002 and during December of 2009.

METHODOLOGY

The survey method consisted of overlapping belt transects performed for all FLUCFCS communities. The specific methodology included pedestrian surveys of parallel transects.

This survey is comprised of a several step process. First, vegetation communities or land-uses on the study area are delineated using the Florida Land Use, Cover and Forms Classification System (FLUCFCS). Please see the attached FLUCFCS Map **Exhibit B** and FLUCFCS Map with Aerial **Exhibit C**. Next, the FLUCFCS codes are cross-referenced with the Bonita Springs Protected Species List. This protected species list names the species which have a probability of occurring in any particular FLUCFCS community.

An intensive pedestrian survey is conducted using parallel belt transects that are approximately 10-40 feet apart as a means of searching for listed species. The distance between transects depends upon both the thickness of vegetation and visibility. In addition, periodic “stop-look-listen” and quiet stalking methods are conducted for animals. Signs or sightings of these species are then recorded and marked in the field with flagging tape. The table at end of the report lists the FLUCFCS communities found on the parcel and the corresponding species which have a probability of occurring in them.

Transects were walked approximately as shown on the attached Protected Species Survey Map **Exhibit D** and Protected Species Survey Map with Aerial **Exhibit E**. Specific attention was placed on locating any sand hill crane nests, potential fox squirrel nests and eagle’s nests within the forested portions of the property.

TABLE 1: SURVEY DATE AND WEATHER CONDITIONS

Survey Date	Survey Time	Weather Conditions
June 22, 2011	8:00am- 4:30pm	Mostly sunny, with a breeze and temperatures in the upper 80s.

EXISTING SITE CONDITIONS

Site Details – The boundary is approximate 332.76± acres. The site has been cleared and is used for pasture. In general, the property is composed of improved pasture, forested uplands, and marsh wetlands. The site is bordered by a mine to the north, improved pasture to the east, residential to the south east and U.S. 41 to the west.

Soil Type - The soils on the property have been mapped by the National Resource Conservation Service (NRCS, formerly the Soil Conservation Service). These mappings are general in nature. According to these mappings, the parcel is underlain by Pineda Fine Sand (26; hydric), Oldsmar Sand (33; non-hydric), Malabar Fine Sand (34; hydric), and Pineda Fine Sand, Depressional (73; hydric). The soils series identified as hydric were listed in the Hydric Soils of Florida Handbook (1995) as hydric. Please see the attached NRCS Soils Map (**Exhibit F**).

Vegetation Communities – Each community was mapped in the field according to the system in use by the agencies, the Florida Land Use Cover and Forms Classification System (FLUCFCS). Listed below are the vegetation communities or land-uses identified on the site. The following descriptions correspond to the mappings on the attached FLUCFCS Map **Exhibit B** and FLUCFCS Map with Aerial **Exhibit C**. See Florida Land Use, Cover and Forms Classification System (Department of Transportation 1999) for definitions.

211 Improved Pasture (311.75± acres)

The majority of the canopy and sub-canopy were open in this community. Very widely scattered canopy and sub-canopy vegetation included: slash pine (*Pinus elliottii*), live oak (*Quercus virginiana*), cabbage palm (*Sabal palmetto*), and Brazilian pepper (*Schinus terebinthifolius*). The ground cover was dominated by bahia grass (*Paspalum notatum*) with scattered St. Augustine grass (*Stenotaphrum secundatum*), penny royal (*Piloblephis rigida*), blackroot (*Pterocaulon virgatum*), caesar weed (*Urena lobata*), pawpaw (*Asimina sp.*), wax myrtle (*Myrica cerifera*), greenbriar (*Smilax sp.*), and grapevine (*Vitis rotundifolia*).

211H Improved Pasture, Hydric (9.53± acres)

The majority of the canopy and sub-canopy were open in this community. Very widely scattered canopy and sub-canopy vegetation included: (*Pinus elliottii*), melaleuca (*Melaleuca quinquenervia*), and cabbage palm (*Sabal palmetto*). The ground cover was dominated by yellow-eyed grass (*Xyris sp.*), with scattered bahia grass (*Paspalum notatum*), fox-tail (*Setaria geniculata*), white-top sedge (*Dichromena colorata*), square stem (*Melanthera nivea*), beak rush (*Rhynchospora sp.*), Elliot’s aster (*Symphotrichum elliottii*), tickseed (*Coreopsis floridana*), and hydrocotyle (*Hydrocotyle umbellata*).

411E2 Pine Flatwoods, 25-49% Exotics (2.93± acres)

The canopy of this community was dominated by slash pine (*Pinus elliottii*) with scattered melaleuca (*Melaleuca quinquenervia*). The sub-canopy contained slash pine (*Pinus elliottii*), cabbage palm (*Sabal palmetto*), live oak (*Quercus virginiana*), rusty lyonia (*Lyonia ferruginea*), tar flower (*Befaria racemosa*) and wax myrtle (*Myrica cerifera*), with scattered melaleuca (*Melaleuca quinquenervia*) and Brazilian pepper (*Schinus terebinthifolius*). Ground cover vegetation included saw palmetto (*Serenoa repens*), greenbriar (*Smilax sp.*), poison ivy (*Toxicodendron radicans*), broom sedge (*Andropogon sp.*), and grapevine (*Vitis rotundifolia*). Exotics occupy approximately 25-49% of this community.

411E3 Pine Flatwoods, 50-74% Exotics (1.15± acres)

The canopy of this community contained slash pine (*Pinus elliottii*) and scattered melaleuca (*Melaleuca quinquenervia*). The sub-canopy contains slash pine (*Pinus elliottii*), cabbage palm (*Sabal palmetto*), live oak (*Quercus virginiana*), rusty lyonia (*Lyonia ferruginea*), tar flower (*Befaria racemosa*) and wax myrtle (*Myrica cerifera*), with scattered melaleuca (*Melaleuca quinquenervia*) and Brazilian pepper (*Schinus terebinthifolius*). Ground cover vegetation included saw palmetto (*Serenoa repens*), greenbriar (*Smilax sp.*), poison ivy (*Toxicodendron radicans*), broom sedge (*Andropogon sp.*), and grapevine (*Vitis rotundifolia*). Exotics occupy approximately 50-74% of this community.

641 Freshwater Marsh (6.95± acres)

This wetland community included isolated freshwater marsh systems and marsh wetlands associated with the hydric pasture lands on site. Vegetation present in these wetlands included; fire flag (*Thalia geniculata*), pickerelweed (*Pontederia cordata*), arrowhead (*Sagittaria latifolia*), saw grass (*Cladium jamaicense*), maidencane (*Panicum hemitomon*), smooth water hyssops (*Bacopa spp.*) and torpedo grass (*Panicum repens*). Wax myrtle (*Myrica cerifera*) was scattered along the perimeter of these wetlands.

740 Disturbed Land (0.45± acres)

The canopy of this community was mostly open with scattered slash pine (*Pinus elliottii*), cabbage palm (*Sabal palmetto*), live oak (*Quercus virginiana*), melaleuca (*Melaleuca quinquenervia*), and Brazilian pepper (*Schinus terebinthifolius*). The sub-canopy was also mostly open with scattered melaleuca (*Melaleuca quinquenervia*), and Brazilian pepper (*Schinus terebinthifolius*). The ground cover included dog fennel (*Eupatorium capillifolium*), ragweed (*Ambrosia artemisiifolia*), caesar weed (*Urena lobata*), Spanish needles (*Bidens bipinnata*), sweet broom (*Bidens pilosa*), hairy beggar-ticks (*Bidens alba*), sandspur (*Cenchrus echinatus*), saw palmetto (*Serenoa repens*), pepper vine (*Ampelopsis arborea*), and bahia grass (*Paspalum notatum*).

TABLE 2: FLUCFCS COMMUNITY TABLE

FLUCFCS Code	Community	Acres	%
211	Improved Pasture	311.75 Ac.±	93.69%
211H	Hydric Improved Pasture	9.53 Ac.±	2.86%
411E2	Pine Flatwoods with Exotics 25-49.9%	2.93 Ac.±	0.88%
411E3	Pine Flatwoods with Exotics 50-74.9%	1.15 Ac.±	0.35%
641	Freshwater Marsh	6.95 Ac.±	2.09%
740	Disturbed Lands	0.45 Ac.±	0.14%
Total		332.76 Ac.±	100.00%

SPECIES PRESENCE

The various listed species that may occur in the FLUCFCS communities have been tabulated on the attached table. In general, this site does not contain native, undisturbed community types in which protected species would typically inhabit.

During the field survey for protected species on the property, two (2) sandhill cranes (*Grus canadensis*) were observed on-site during the survey conducted on June 22, 2011. No nests were identified during the survey.

Other non-listed animal species noted were cattle egret (*Bubulcus ibis*), meadowlark (*Sturnella magna*), ground dove (*Columbina passerine*), and loggerhead shrike (*Lanius ludovicianus*).

DISCUSSION

Due to the use of the property as improve pasture lands, the property provide minimal suitable habitat for use by listed species. The nearby major highway also creates a barrier and a hazard to other animals. The sandhill cranes that were observed were foraging; no sign of nests were documented on the site.

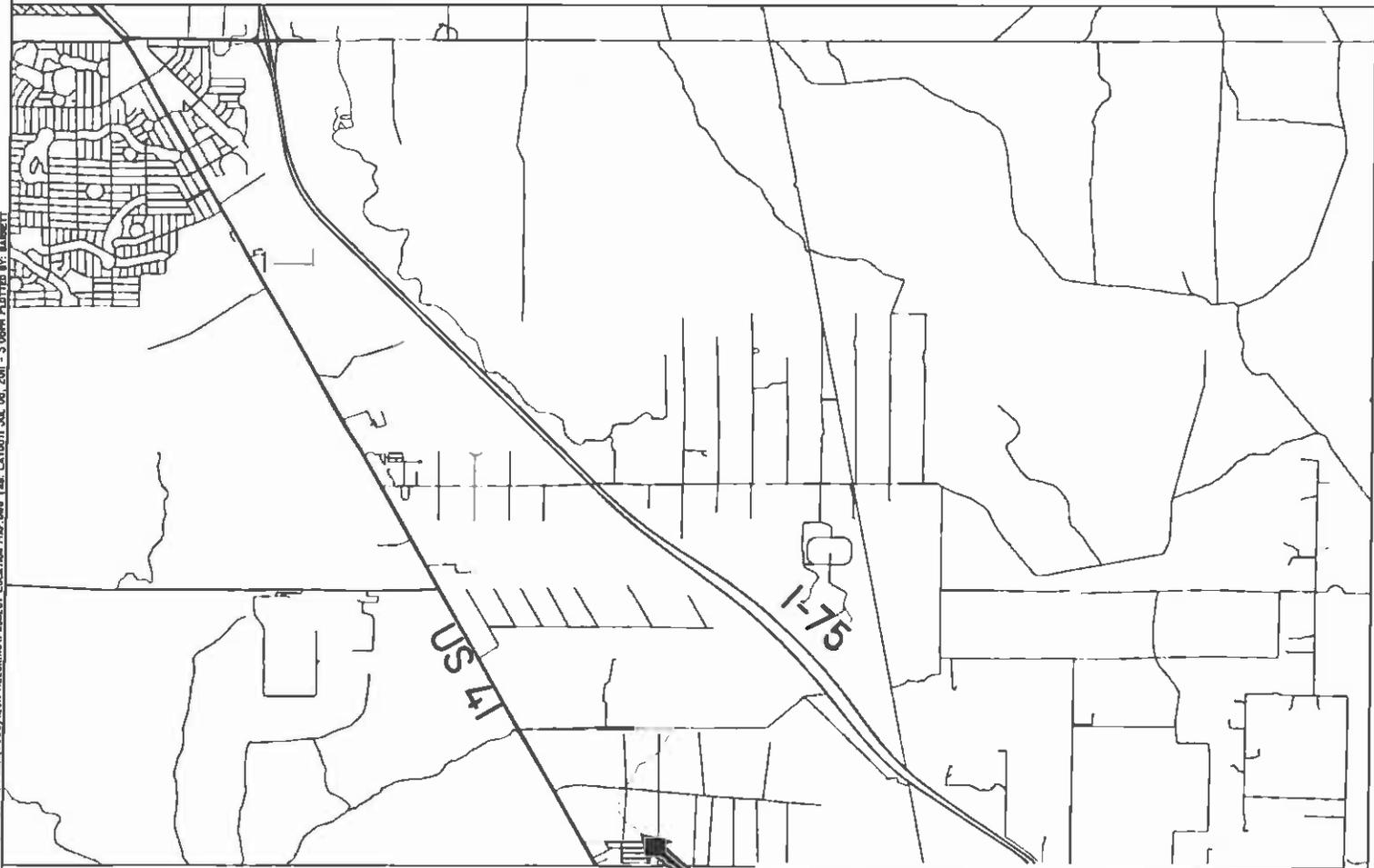
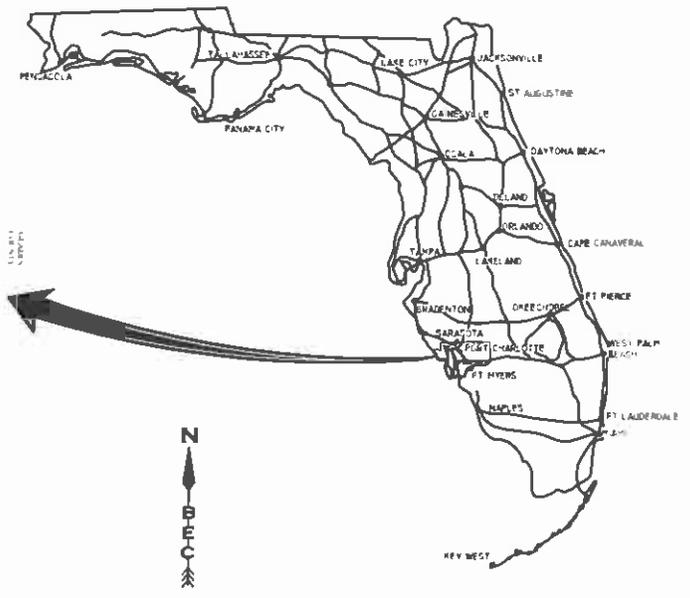
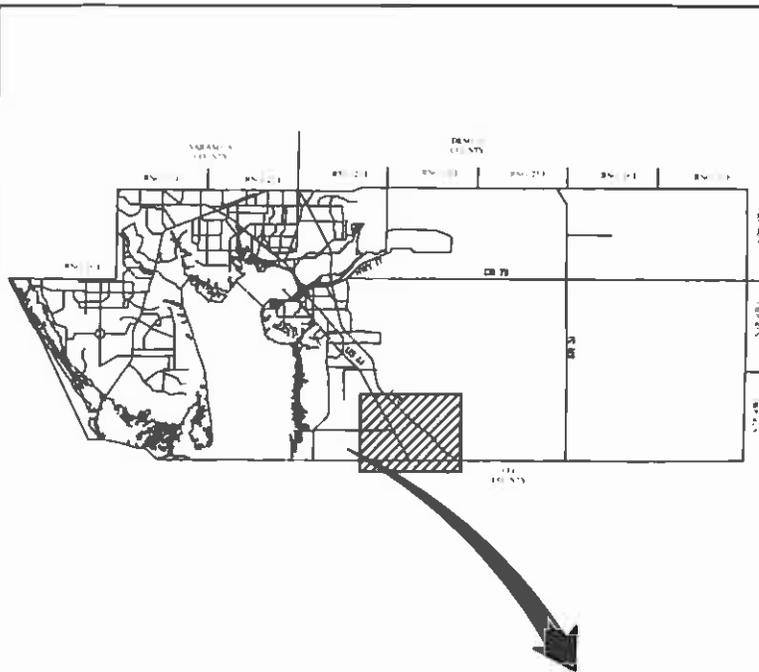
TABLE 3: LISTED SPECIES BY HABITAT WITH CURRENT STATUS

FLUCFCS Code	FLUCFCS Description	Common Name	Scientific Name	Percent Coverage	Observed	USDA	FDA&CS	FWS	FWC
211/211H	Improved Pasture	Florida sandhill crane	<i>Grus canadensis pratensis</i>	95	X	--	--	--	T
		Beautiful paw-paw	<i>Deeringothamus pulchellus</i>	85	--	E	E	E	--
		Big cypress fox squirrel	<i>Sciurus niger avicennia</i>	85	--	--	--	--	SSC
		Eastern indigo snake	<i>Drymarchon corais couperi</i>	85	--	--	--	T	T
		Fakahatchee burmannia	<i>Burmannia flava</i>	85	--	--	E	--	--
		Florida black bear	<i>Ursus americanus floridanus</i>	85	--	--	--	SAT	T
		Florida coontie	<i>Zamia floridana</i>	85	--	--	C	--	--
		Gopher frog	<i>Rana areolata</i>	85	--	--	--	--	SSC
		Gopher tortoise	<i>Gopherus polyphemus</i>	85	--	--	--	T	T
		Red-cockaded woodpecker	<i>Picoides borealis</i>	85	--	--	--	--	SSC
		Satinleaf	<i>Chrysophyllum olivaceiforme</i>	85	--	--	T	--	--
		411	Pine Flatwoods	Southeastern American Kestrel	<i>Falco sparverius paulus</i>	85	--	--	--
Spiny hackberry	<i>Celtis pallida</i>			85	--	--	E	--	--
Twisted air plant	<i>Tillandsia flexuosa</i>			85	--	--	T	--	--
American alligator	<i>Alligator mississippiensis</i>			85	--	--	--	SAT	SSC
Everglades mink	<i>Mustela vison evergladensis</i>			85	--	--	--	--	T
Limpkin	<i>Aramus guarana</i>			85	--	--	--	--	SSC
Little blue heron	<i>Egretta caerulea</i>			85	--	--	--	--	SSC
Reddish egret	<i>Egretta rufescens</i>			85	--	--	--	--	SSC
Roseate spoonbill	<i>Ajaia ajaja</i>			85	--	--	--	--	SSC
Snowy egret	<i>Egretta thula</i>			85	--	--	--	--	SSC
Tricolored heron	<i>Egretta tricolor</i>			85	--	--	--	--	SSC
641	Disturbed Areas			Gopher tortoise	<i>Gopherus polyphemus</i>	85	--	--	--

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

Table designates listed species with potential to occur in each FLUCFCS community as listed in Appendix H of the Lee County Land Development Code.

Exhibit A
Project Location Map



LEE
COUNTY

PROJECT LOCATION
26°26'33.10"N; 81°54'55.15"W

X:\BECUG-H Projects\Mapsets Base Charlotte Farm\0935\2011 REGIONAL\PROJECT LOCATION MAP.dwg [TAB: LAYOUT1] JUL 06, 2011 - 3:00pm PLOTTED BY: BARRETT

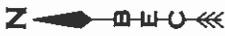
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 11000 Metro Parkway, Suite 4, Ft. Myers, 33966 (239) 418-0671

Drawn By:	Date:	Category
KAS	7/6/2011	Location Map
Job Number		Scale:
009535		NTS
S/T/R		County
32, 33/42S/24E		Charlotte

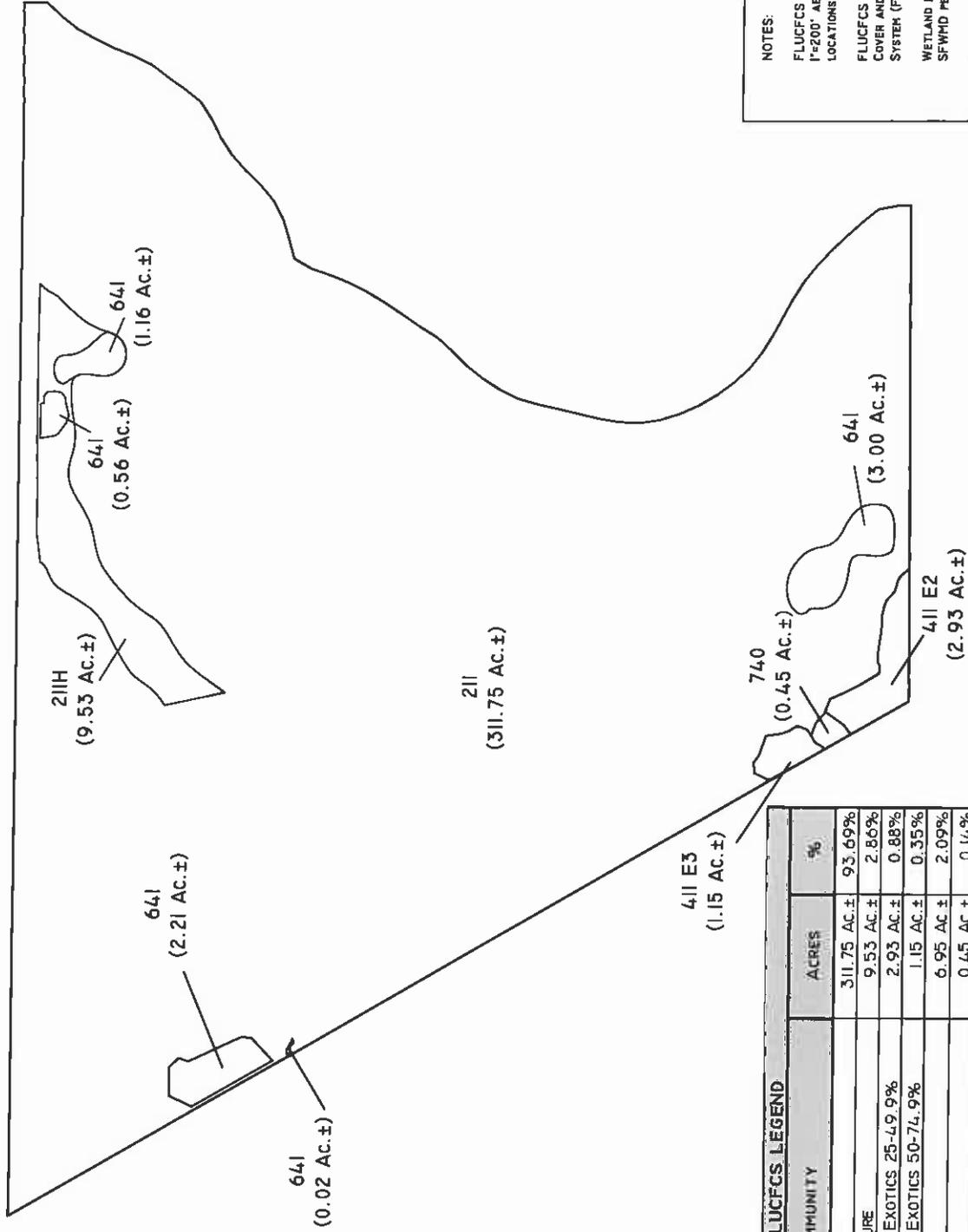
McNew Ranch
Project Location Map

Page
Exhibit

Exhibit B
FLUCFCS Map



SCALE: 1" = 800'



FLUCFCS CODE	COMMUNITY	ACRES	%
2II	IMPROVED PASTURE	311.75 AC.±	93.69%
2IIH	HYDRIC IMPROVED PASTURE	9.53 AC.±	2.86%
4II E2	PINE FLATWOODS WITH EXOTICS 25-49.9%	2.93 AC.±	0.88%
4II E3	PINE FLATWOODS WITH EXOTICS 50-74.9%	1.15 AC.±	0.35%
64I	FRESHWATER MARSH	6.95 AC.±	2.09%
740	DISTURBED LANDS	0.45 AC.±	0.14%
TOTAL		332.76 AC.±	100.00%

NOTES:
 FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED
 FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999).
 WETLAND BOUNDARIES ACQUIRED FROM SFWRD PERMIT 08-00111-P
 BOUNDARY ACQUIRED FROM BANKS ENGINEERING DRAWING NO. 3483-WEST-332.76-AC-SK DWG

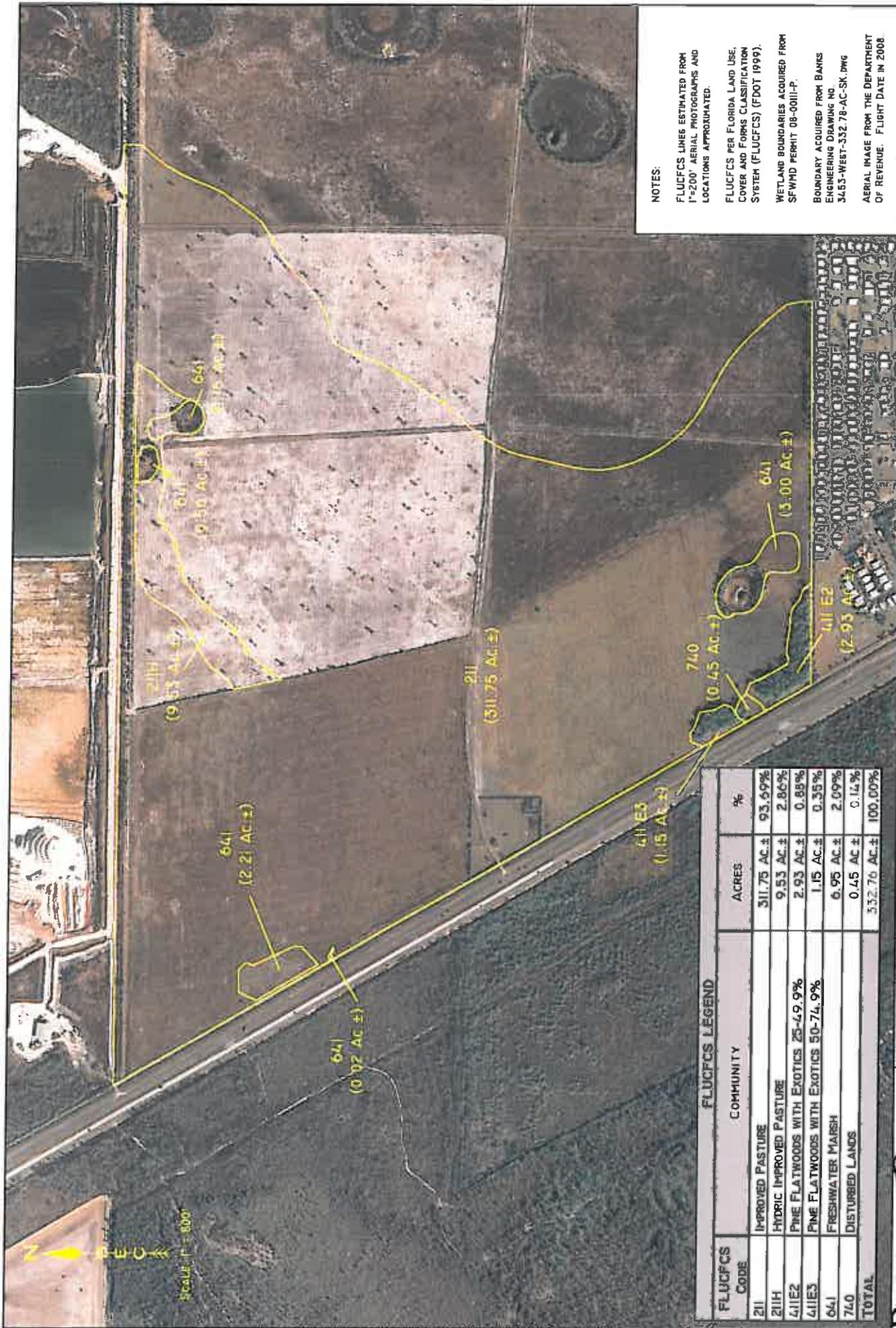
REVISIONS	DATE:	PAGE
CATEGORY	---	
SCALE	1" = 800'	
COUNTY	LEE	EXHIBIT

MCNEW RANCH FLUCFCS MAP

Boylan Environmental Consultants, Inc.
 Wetland & Wildlife Surveys, Environmental Assessments & Impact Assessments
 11000 Metro Parkway, Suite 4, Ft. Myers, FL 33966 (239) 418-0671
 DRAWN BY: AML DATE: 6/28/2011
 JOB NUMBER: 1995-35
 S/T/R: 32.33/425/24E

Exhibit C

FLUCFCS Map with Aerial



NOTES:
 FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.
 FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999).
 WETLAND BOUNDARIES ACQUIRED FROM SFWMD PERMIT 08-00111-P.
 BOUNDARY ACQUIRED FROM BANKS ENGINEERING DRAWING NO. 3453-WEST-332.78-AC-SK.DWG
 AERIAL IMAGE FROM THE DEPARTMENT OF REVENUE. FLIGHT DATE IN 2008

FLUCFCS CODE	COMMUNITY	ACRES	%
21H	IMPROVED PASTURE	311.75 AC ±	93.59%
411E2	HYDRIC IMPROVED PASTURE	9.53 AC ±	2.86%
411E3	PINE FLATWOODS WITH EXOTICS 25-49.9%	2.93 AC ±	0.88%
64I	PINE FLATWOODS WITH EXOTICS 50-74.9%	1.15 AC ±	0.35%
740	FRESHWATER MARSH	0.95 AC ±	0.29%
	DISTURBED LANDS	0.45 AC ±	0.14%
TOTAL		332.76 AC ±	100.00%

Boylan Environmental Consultants, Inc.
 Wetland & Wildlife Services, Environmental Permitting & Impact Assessment

11000 Metro Parkway, Suite 4, Ft. Myers, FL 33966 (239) 418-0671

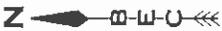
MCNEW RANCH

FLUCFCS MAP WITH AERIAL

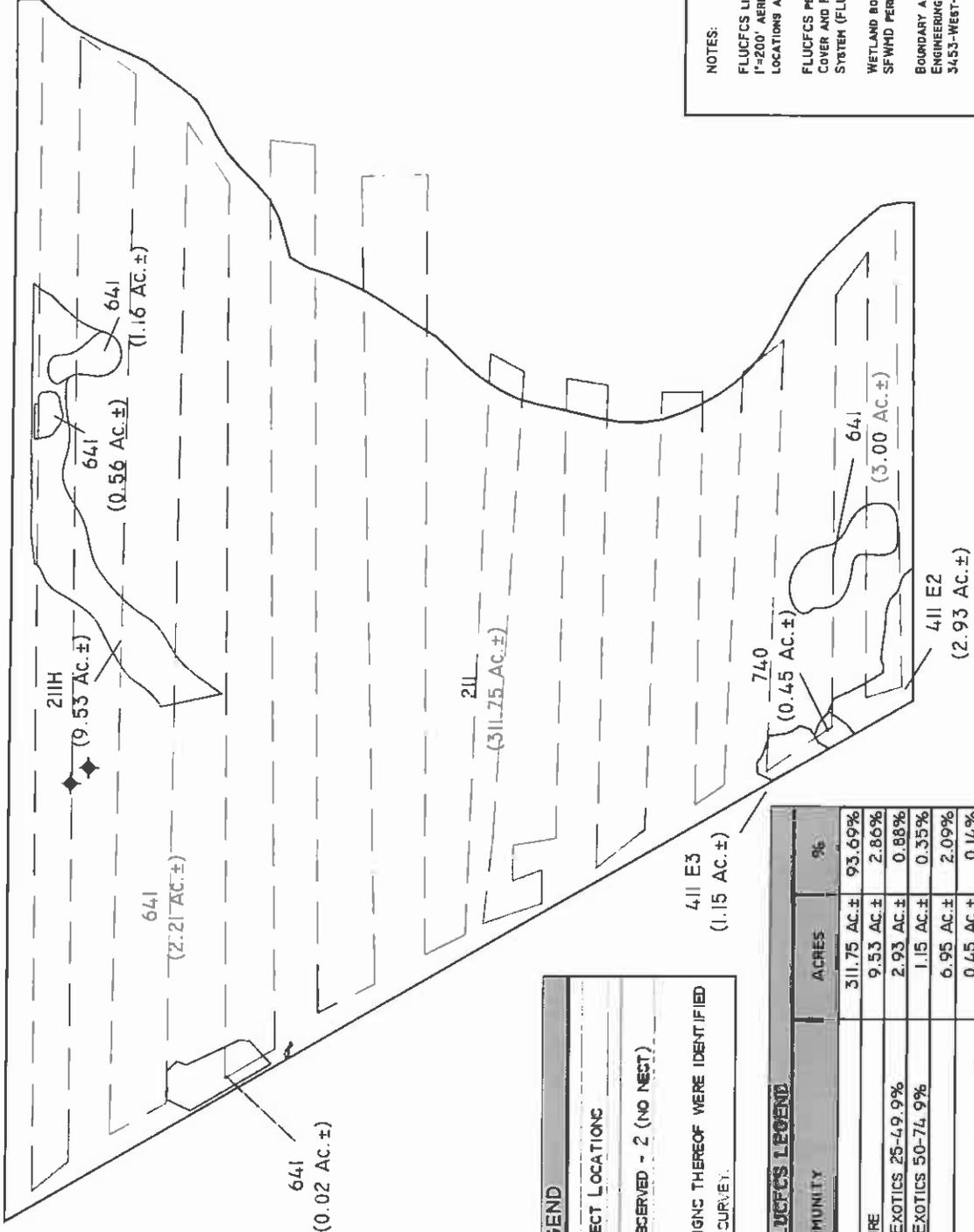
DRAWN BY: AMJ	DATE: 6/28/2011
JOB NUMBER: 1995-35	
S/T/R: S/T/R	
32_33/42S/24E	

REVISIONS	DATE	PAGE
CATEGORY		
SCALE		
1" = 800'		
COUNTY		
LEE		

Exhibit D
Protected Species Survey Map



SCALE 1" = 800'



PSS LEGEND

--- APPROXIMATE TRANSECT LOCATIONS

◆ SANDHILL CRANES OBSERVED - 2 (NO NEST)

NO OTHER PROTECTED SPECIES OR SIGNS THEREOF WERE IDENTIFIED DURING THE JUNE 22, 2011 SPECIES SURVEY.

FLUCFCS CODE	COMMUNITY	ACRES	%
211	IMPROVED PASTURE	311.75 AC.±	93.69%
211H	HYDRIC IMPROVED PASTURE	9.53 AC.±	2.86%
411E2	PINE FLATWOODS WITH EXOTICS 25-49.9%	2.93 AC.±	0.88%
411E3	PINE FLATWOODS WITH EXOTICS 50-74.9%	1.15 AC.±	0.35%
641	FRESHWATER MARSH	6.95 AC.±	2.09%
740	DISTURBED LANDS	0.45 AC.±	0.14%
TOTAL		332.76 AC.±	100.00%

NOTES:

FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

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

WETLAND BOUNDARIES ACQUIRED FROM SFWMD PERMIT 08-00111-P.

BOUNDARY ACQUIRED FROM BANKS ENGINEERING DRAWING NO. 3453-WEST-352.78-AC-SK.DWG

AERIAL IMAGE FROM THE DEPARTMENT OF REVENUE. FLIGHT DATE IN 2008.

Boylan Environmental Consultants, Inc.
Wetland & Wildlife Surveys, Environmental Permitting & Impact Assessments

11000 Metro Parkway, Suite 4, Ft. Myers, FL 33966 (239) 418-6071

MCNEW RANCH

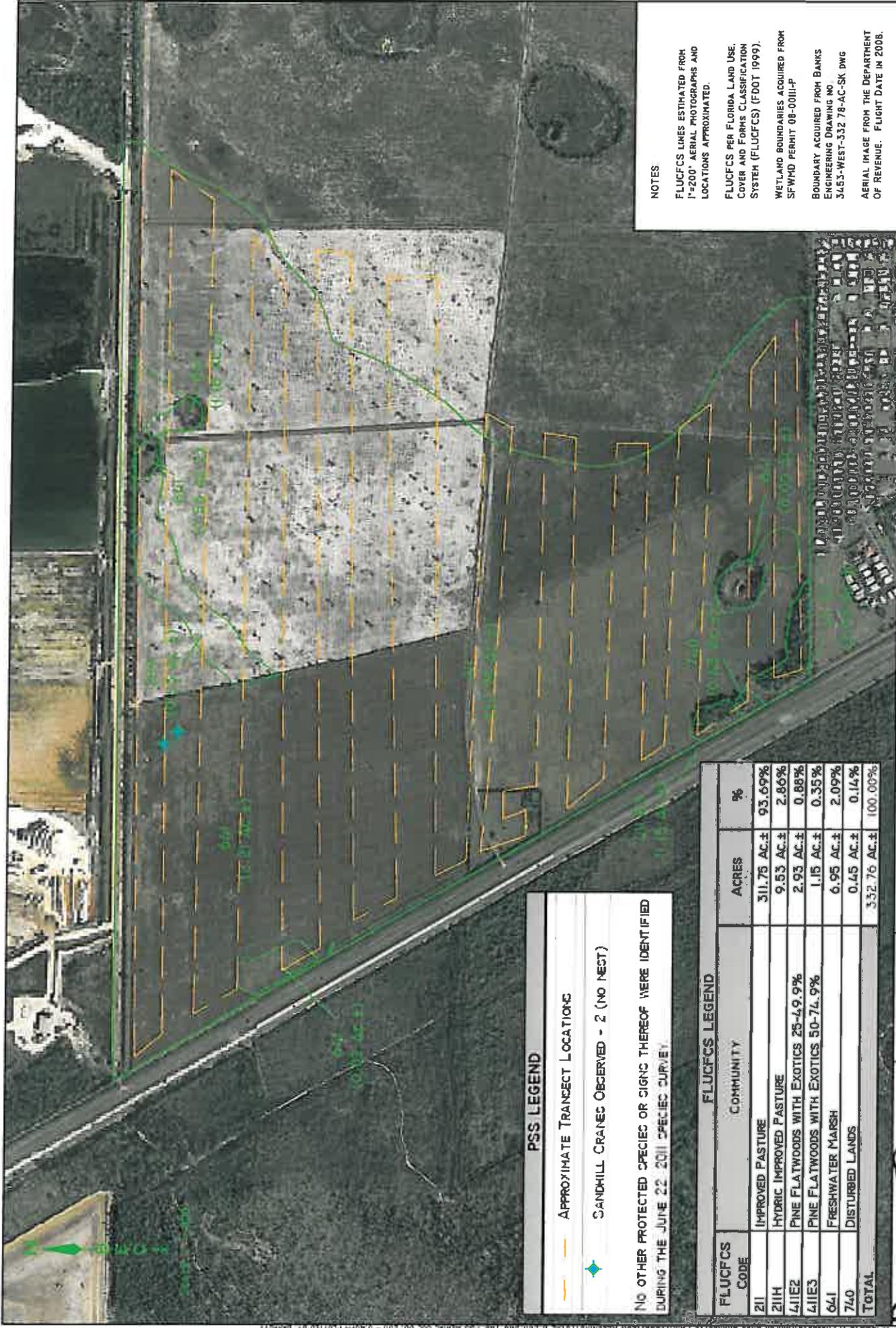
PSS MAP

DRAWN BY: AML
DATE: 6/28/2011
JOB NUMBER: 1995-35
S/T/R

REVISIONS	CATEGORY	DATE	PAGE
	SCALE:		
	1" = 800'		
	COUNTY		
	LEE		

Exhibit E

Protected Species Survey Map with Aerial



PSS LEGEND

- APPROXIMATE TRANSECT LOCATIONS
- ◆ SANDHILL CRANES OBSERVED - 2 (NO NEST)

NO OTHER PROTECTED SPECIES OR SIGNS THEREOF WERE IDENTIFIED DURING THE JUNE 22, 2011 SPECIES SURVEY.

FLUCFCS LEGEND

FLUCFCS CODE	COMMUNITY	ACRES	%
211	IMPROVED PASTURE	311.75 AC.±	93.69%
211H	HYDRIC IMPROVED PASTURE	9.53 AC.±	2.86%
411E2	PINE FLATWOODS WITH EXOTICS 25-49.9%	2.93 AC.±	0.88%
411E3	PINE FLATWOODS WITH EXOTICS 50-74.9%	1.15 AC.±	0.35%
641	FRESHWATER MARSH	6.95 AC.±	2.09%
740	DISTURBED LANDS	0.45 AC.±	0.14%
TOTAL		332.76 AC.±	100.00%

NOTES

FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

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

WETLAND BOUNDARIES ACQUIRED FROM SPWMD PERMIT 08-00111-P

BOUNDARY ACQUIRED FROM BANKS ENGINEERING DRAWING NO. 3453-WEST-332 78-AC-SK DWG

AERIAL IMAGE FROM THE DEPARTMENT OF REVENUE. FLIGHT DATE IN 2008.

REVISIONS	DATE	PAGE

McNEW RANCH

PSS WITH AERIAL MAP

CATEGORY: ---
 SCALE: 1" = 800'
 COUNTY: LEE

Boylan Environmental Consultants, Inc.
 Wetland & Wildlife Survey, Engineering & Permitting
 & Impact Assessment

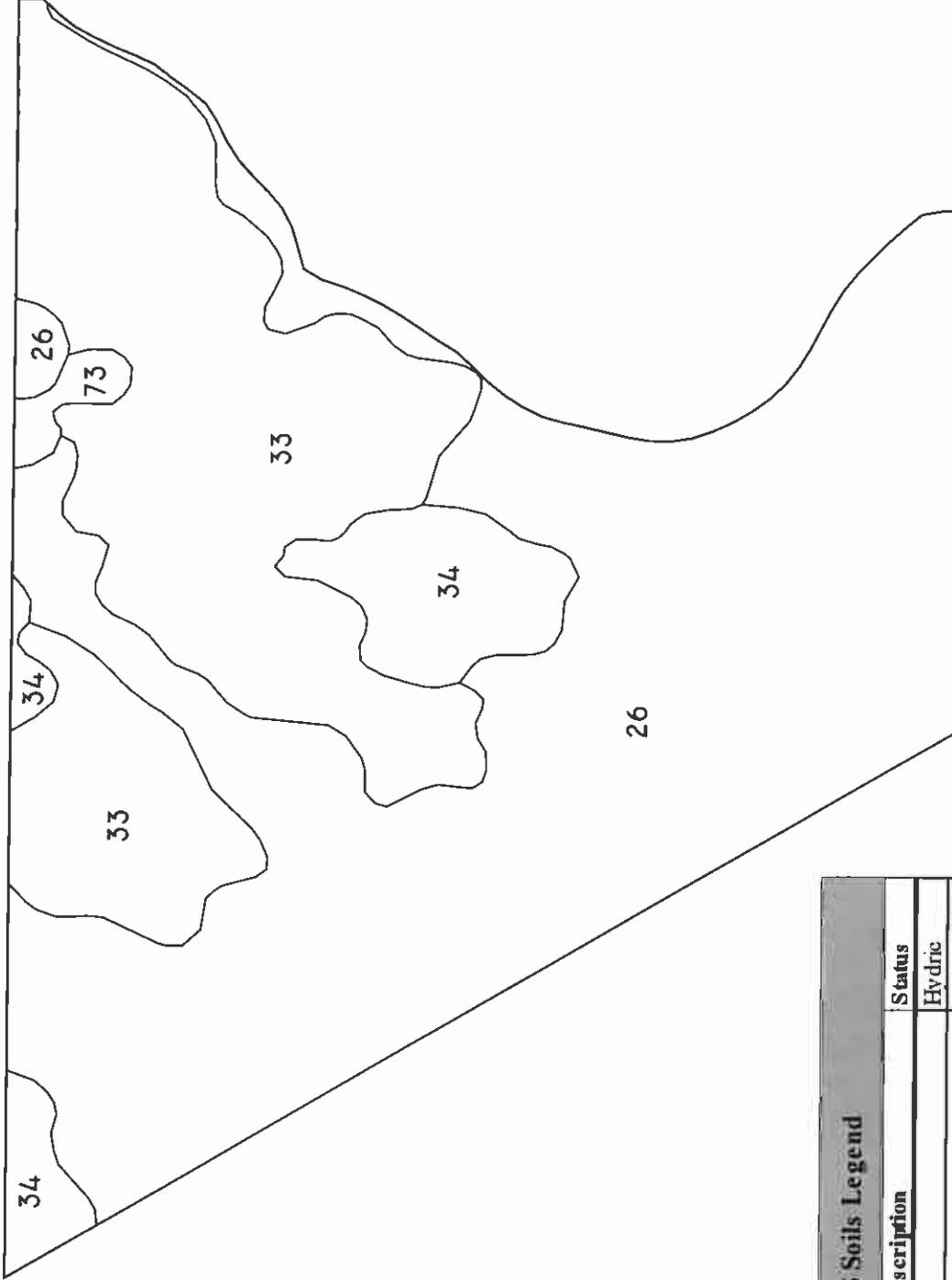
11000 Metro Parkway, Suite 4, Ft. Myers, FL 33966 (239) 418-4671

DRAWN BY: AMI DATE: 5/28/2011
 JOB NUMBER: 1995-35
 S/I/R: 32_33/42S/24E

Exhibit F
NRCS Soils Map



SCALE 1" = 800'



NOTES:
 BOUNDARY ACQUIRED FROM BANKS
 ENGINEERING DRAWING NO.
 3453-WEBT-332.7B-AC-SK.DWG

NRCS Soils Legend		
Soil No	Description	Status
26	Pineda Fine Sand	Hydric
33	Oldsmar Sand	Non-Hydric
34	Malabar Fine Sand	Hydric
73	Pineda Fine Sand, Depressional	Hydric

Boylan Environmental Consultants, Inc.
 Wetland & Wildlife Services, Environmental Permitting & Impact Assessment
 11000 Macro Parkway, Suite 4, Ft. Myers, FL 33906 (239) 415-0671

DRAWN BY: AML
 DATE: 6/28/2011
 Job Number: 1995-35
 S/T/R: 32, 33/42S/24E

MCNEW RANCH
NRCS SOILS MAP

REVISIONS	DATE	PAGE
CATEGORY: --		
SCALE: 1" = 800'		
COUNTY: LEE		
		EXHIBIT

Exhibit 7

Correspondence from the States Division of Historical Resources



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

June 28, 2011



Alicia Lewis
Boylan Environmental Consultants, Inc.
11000 Metro Parkway, Suite 4
Fort Myers, FL 33966
Alicia@boylanenv.com

In response to your inquiry of June 28, 2011, the Florida Master Site File lists no previously recorded archaeological sites, one resource group, and no standing structures found in the following parcels of Charlotte County:

T42S R24E Sections 32 & 33

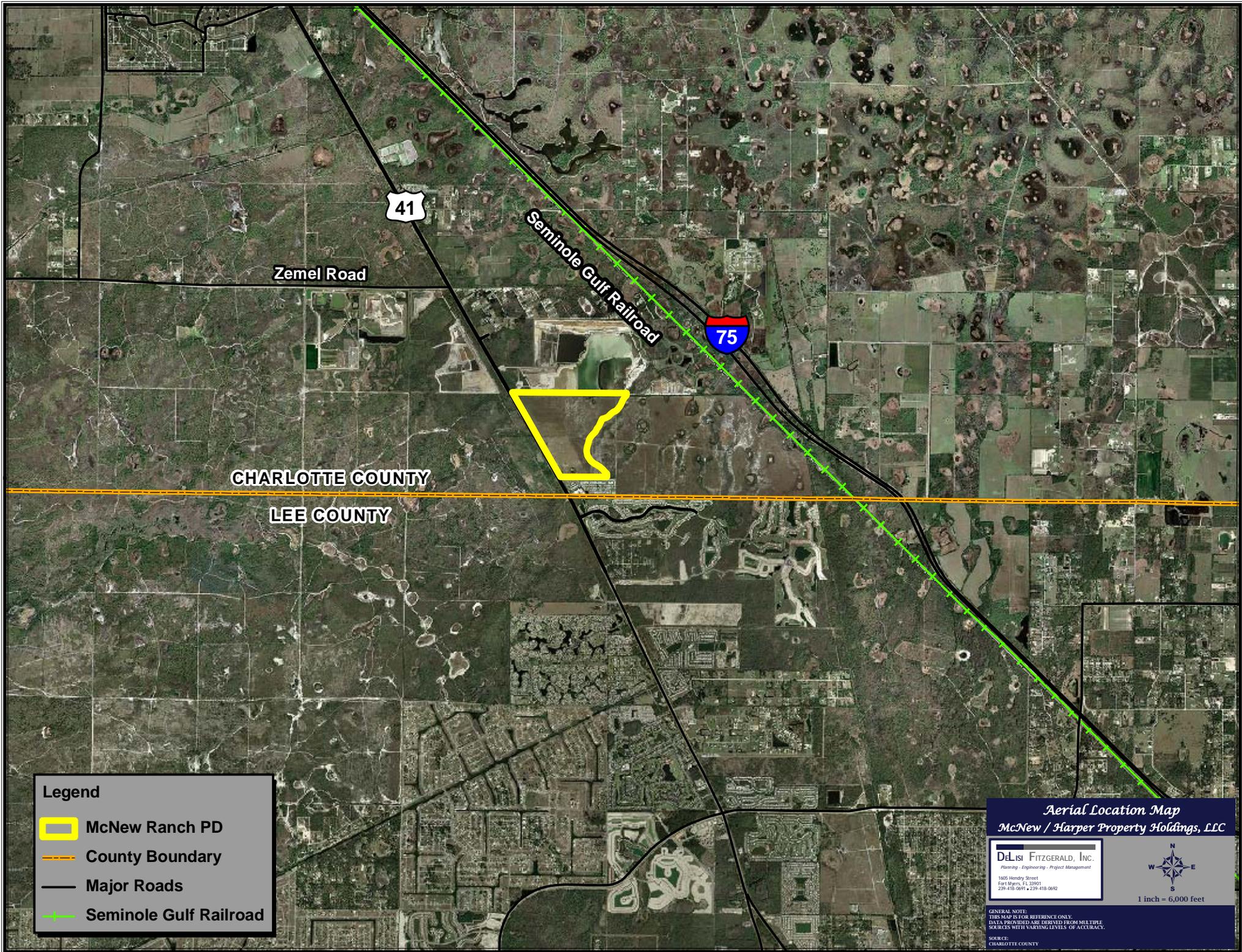
When interpreting the results of our search, please consider the following information:

- **This search area may contain *unrecorded* archaeological sites, historical structures or other resources even if previously surveyed for cultural resources.**
- **Because vandalism and looting are common at Florida sites, we ask that you limit the distribution of location information on archaeological sites.**
- **While many of our records document historically significant resources, the documentation of a resource at the Florida Master Site File does not necessarily mean the resource is historically significant.**
- **Federal, state and local laws require formal environmental review for most projects. This search DOES NOT constitute such a review. If your project falls under these laws, you should contact the Compliance and Review Section of the Division of Historical Resources at 850-245-6333.**

Please do not hesitate to contact us if you have any questions regarding the results of this search.

Sincerely,

Chris Fowler
Archaeological Data Analyst
Florida Master Site File
cgfowler@dos.state.fl.us



Legend

-  McNew Ranch PD
-  County Boundary
-  Major Roads
-  Seminole Gulf Railroad

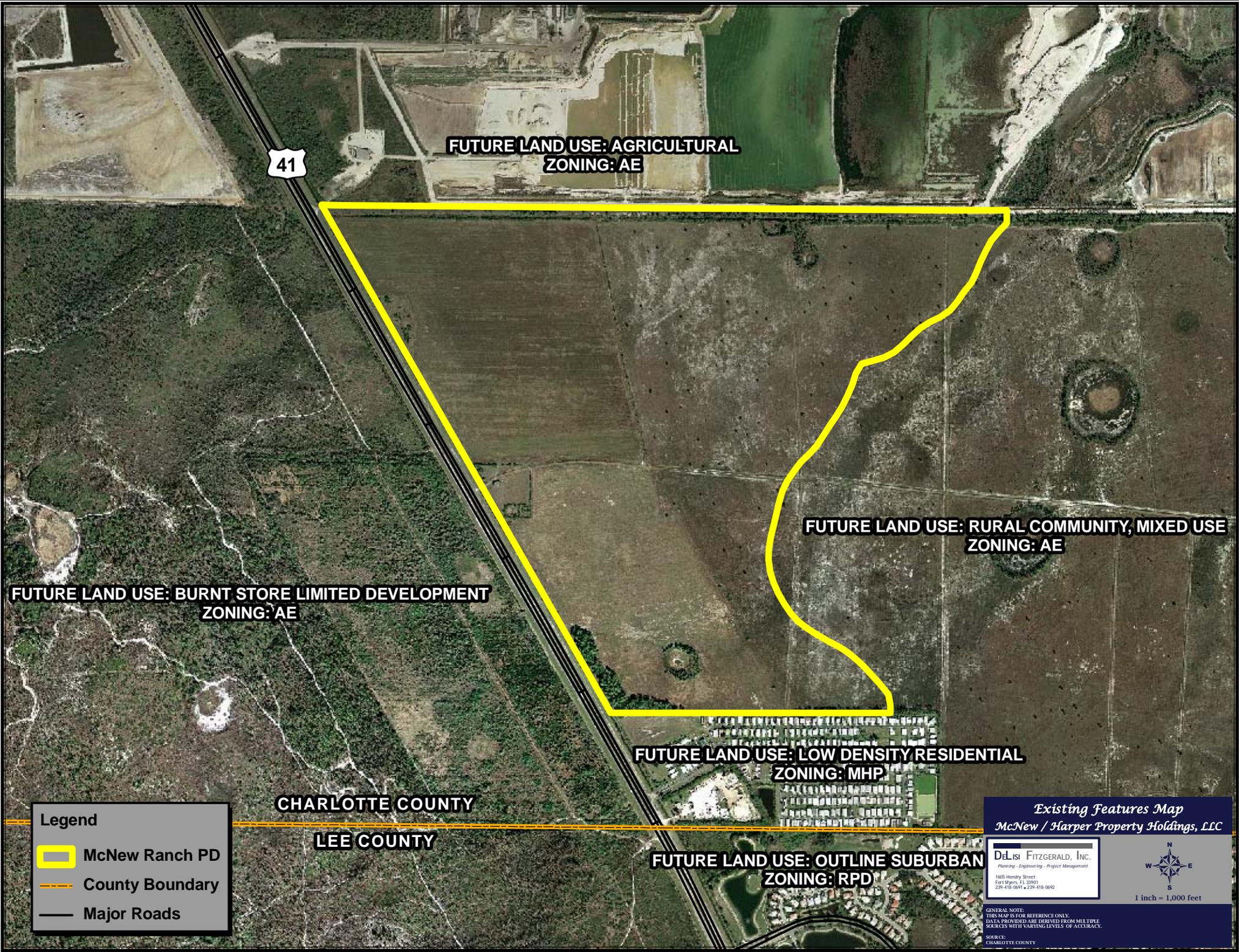
Aerial Location Map
McNew / Harper Property Holdings, LLC

DeLis FITZGERALD, INC.
 Planning - Engineering - Project Management
 1405 Hendry Street
 Fort Myers, FL 33901
 239-418-0991 • 239-418-0992



1 inch = 6,000 feet

GENERAL NOTE:
 THIS MAP IS FOR REFERENCE ONLY.
 DATA PROVIDED ARE DERIVED FROM MULTIPLE
 SOURCES WITH VARYING LEVELS OF ACCURACY.
 SOURCE:
 CHARLOTTE COUNTY



41

**FUTURE LAND USE: AGRICULTURAL
ZONING: AE**

**FUTURE LAND USE: RURAL COMMUNITY, MIXED USE
ZONING: AE**

**FUTURE LAND USE: BURNT STORE LIMITED DEVELOPMENT
ZONING: AE**

**FUTURE LAND USE: LOW DENSITY RESIDENTIAL
ZONING: MHP**

**FUTURE LAND USE: OUTLINE SUBURBAN
ZONING: RPD**

CHARLOTTE COUNTY

LEE COUNTY

Legend

-  McNew Ranch PD
-  County Boundary
-  Major Roads

Existing Features Map
McNew / Harper Property Holdings, LLC

DeLis FITZGERALD, INC.
Planning - Engineering - Project Management

1405 Hendry Street
Fort Myers, FL 33901
239-418-0691 • 239-418-0692



1 inch = 1,000 feet

GENERAL NOTE:
THIS MAP IS FOR REFERENCE ONLY.
DATA PROVIDED ARE DERIVED FROM MULTIPLE
SOURCES WITH VARYING LEVELS OF ACCURACY.

SOURCE:
CHARLOTTE COUNTY

