

LEE COUNTY  
RECEIVED

02 OCT -8 AM 11:51

RESOLUTION NUMBER Z-02-017

PLANNING  
PUBLIC AFFAIRS  
CENTRAL  
COUNCIL

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

WHEREAS, Horseshoe Development, Inc. filed an application on behalf of the property owner, Corkscrew Growers, Inc. to rezone a 649± acre parcel from Agricultural (AG-2) to Commercial Planned Development (CPD) and Residential Planned Development (RPD), in reference to Corkscrew Growers Section Three; and

WHEREAS, a public hearing was advertised and held on April 5, 2002, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2000-00070; and

WHEREAS, a second public hearing was advertised and held on June 17, 2002 before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 649± acre parcel from AG-2 to CPD and RPD to allow the development of a maximum of 644 dwelling units, a golf course and related amenities, and 45,000 square feet of gross commercial floor area, all not to exceed 50 feet. The property is located in the Rural Land Use Category and legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. The development of this project must be consistent with the one-page Master Concept Plan entitled "Corkscrew Growers Section 3 RPD," prepared by Banks Engineering, Inc., dated November 7, 2001, last revised July 8, 2002, and stamped "Received Aug 30 2002 Community Development," except as modified by the conditions below. This development must comply with all requirements of the LDC at time of local development order Approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

2. The following limits apply to the project and uses:

a. Schedule of Uses - RPD

Administrative Offices  
Accessory uses and structures  
Agricultural uses, existing only (Subject to Condition 8)

Clubs, Country and Private (limited to group activity center parcel only)  
 Consumption on premises (Subject to Condition 3)  
 Food and beverage service, limited  
 Health Club and Spa  
 Parking lot, accessory  
 Specialty retail shop, limited to golf and tennis pro shops  
 Dwelling Unit:  
     Conventional Single Family Residence  
     Duplex  
     Zero Lot Line  
     Townhouse  
     Two Family Attached  
     Multiple Family Building  
 Entrance Gate and Gatehouse, in compliance with LDC §34-1748  
 Essential Services  
 Essential Service Facilities, Group I  
 Excavation, water retention  
 Fences, walls  
 Golf Course  
     Consumption on premises  
     Maintenance Facility  
 Home occupation  
 Model Home, model unit  
 Parking lot, accessory  
 Recreation Facilities, Private on-site, Personal  
 Residential Accessory Uses  
 Signs, in compliance with LDC Chapter 30  
 Temporary uses (LDC §34-3041)

#### **Schedule of Uses - CPD**

Administrative Offices  
 Accessory uses and structures  
 Agricultural Uses, existing only, subject to Condition 8  
 Animal Clinic  
 ATM  
 Banks and Financial Establishments, Group I  
 Business Services, Group I  
 Business Services, Group II - Automobile claims adjusters, automobile  
     reposessing services; messenger services, packaging services; parcel and  
     express services, excluding outdoor storage  
 Cleaning and maintenance services  
 Clothing store  
 Club, commercial  
 Consumption on premises (limited to and in conjunction with a full service  
     restaurant)  
 Day Care Center, child or adult  
 Drive thru facility, limited to in conjunction with a bank  
 Essential Services  
 Essential Service Facilities, Group I  
 Excavation, water retention  
 Fences, walls

Health Care Facility, Group III  
 Laundry, Dry Cleaning, Group I  
 Medical Office  
 Package store (LDC §34-1263)  
 Parking lot, accessory  
 Personal Services Group I - ATM's; barbershops or beauty shops; clothing alterations and repair including dressmakers, seamstresses and tailors;  
 Personal Services Group II - Beauty spas, health clubs or spas, massage establishments;  
 Personal Services Group IV - Portrait copying; shopping services; tax return preparation services  
 Pet Services, grooming only  
 Pet Shop  
 Pharmacy  
 Place of Worship  
 Real Estate Sales Office  
 Restaurant, Groups I, II, and III  
 Signs, in accordance with LDC Chapter 30  
 Specialty Retail Shops, Group I - bookstores; cigar stores; florists; gift, novelty and souvenir shops; gift shops; golf equipment; jewelry stores; music stores; newsstands; tennis equipment; tobacco stores;  
 Specialty Retail Shops, Group II - Apparel accessory stores; retail; bathing suit stores; blouse stores; bridal shops, except custom; clothing, ready to wear, women's; corset and lingerie stores; cosmetic shops; custom tailors; dress shops; handbag stores; hat stores; hosiery stores; maternity shops; sports apparel stores; tie shops; umbrella stores  
 Studios  
 Storage, Indoor  
 Temporary uses (LDC §34-3041)

b. **Site Development Regulations**

<b><u>Minimum Lot Size:</u></b>	Single Family Detached
Lot Width	50 feet
Lot Depth	100 feet
Lot Area	5,000 square feet
Maximum Building Height	35 feet / 2 stories
Maximum Lot Coverage	45 percent

<b><u>Minimum Setbacks:</u></b>	
Front (street, public)	25 feet
Front (street, private)	20 feet
Side (principal, accessory)	5 feet
Rear	20 feet (5 feet for an accessory structure)
Waterbody	20 feet (10 feet for an accessory structure)

<b><u>Minimum Lot Size:</u></b>	Duplex
Lot Width	60 feet
Lot Depth	100 feet
Lot Area	6,000 square feet
Maximum Building Height	35 feet / 2 stories
Maximum Lot Coverage	45 percent

Minimum Setbacks:

Front (street, public)	25 feet
Front (street, private)	20 feet
Side (principal, accessory)	5 feet
Rear	20 feet (5 feet for an accessory structure)
Waterbody	20 feet (10 feet for an accessory structure)

Minimum Lot Size: Two-Family Attached

Lot Width Per Unit	37.5 feet
Lot Depth	100 feet
Lot Area Per Unit	3,750 square feet
Maximum Building Height	35 feet / 2 stories
Maximum Lot Coverage	45 percent

Minimum Setbacks:

Front (street, public)	25 feet
Front (street, private)	20 feet
Side (principal, accessory)	5 feet
Side (interior)	0 feet
Rear	20 feet (5 feet for an accessory structure)
Waterbody	20 feet (10 feet for an accessory structure)

Minimum Lot Size: Zero Lot Line

Lot Width	50 feet
Lot Depth	100 feet
Lot Area	5,000 square feet
Maximum Building Height	35 feet / 2 stories
Maximum Lot Coverage	45 percent

Minimum Setbacks:

Front (street, public)	25 feet
Front (street, private)	20 feet
Side (principal, accessory)	10 feet
Side (interior)	0 feet
Rear	20 feet (5 feet for an accessory structure)
Waterbody	20 feet (10 feet for an accessory structure)

Minimum Lot Size: Townhouse

Lot Width Per Unit	37.5 feet
Lot Depth	100 feet
Lot Area Per Unit	3,750 square feet
Maximum Lot Coverage	40 percent

Minimum Setbacks:

Front (street, public)	25 feet
Front (street, private)	20 feet
Side (principal, accessory)	7 feet
Side (interior)	0 feet
Rear	20 feet (5 feet for an accessory structure)
Waterbody	20 feet (10 feet for an accessory structure)

<u>Minimum Lot Size:</u>	Multiple Family Building
Lot Width	100 feet
Lot Depth	100 feet
Lot Area	10,000 square feet
Maximum Lot Coverage	45 percent

<u>Minimum Setbacks</u>	
Front (street, public)	25 feet
Front (street, private)	20 feet
Side (principal, accessory)	10 feet
Rear	20 feet (5 feet for an accessory structure)
Water body	20 feet (10 feet for an accessory structure)

Minimum Building Separation: one-half the sum of the building heights but not less than 20 feet

Maximum Building Height: 45 feet / 3 stories

<u>Minimum Lot Size - Commercial Planned Development</u>	
Lot Width	100 feet
Lot Depth	100 feet
Lot Area	10,000 square feet
Maximum Lot Coverage	45 percent

<u>Minimum Setbacks</u>	
Front (Bonita Beach Road)	25 feet
Front (street)	20 feet
Side (principal, accessory)	10 feet
Rear	20 feet (5 feet for an accessory structure)
Water body	20 feet (10 feet for an accessory structure)

Minimum Building Separation: one-half the sum of the building heights but not less than 20 feet

Maximum Building Height: 45 feet / 3 stories

3. The consumption on premises associated with the proposed clubhouse is limited to and in conjunction with the food and beverage service for the private club. Additionally, no outdoor seating that includes the consumption of alcoholic beverages may be located within 500 feet of any property line of a residentially developed parcel.
4. Prior to local development order approval:
  - a. A minimum of 10 percent open space must be provided for each Development Tract (labeled on the MCP as CPD; Model Home & Sales Center; Residential; Group Activity Center) except for those tracts consisting of residential lots not required to provide open space per LDC §10-415(a); and
  - b. Where feasible, any Development Tract requiring open space will be designed so that the open space abuts the Open Space, Recreation & Lake Areas; and

- c. No more than 50 percent or 129.8 acres of the required open space may be golf course.
- 5. Prior to local development order approval, the Zone 1 buffer planting plan must consist of native vegetation that provides wildlife habitat and foraging opportunity, including but not limited to, South Florida slash pine, live oak, dahoon holly, wax myrtle, cocoplum, and saw palmetto. The planting plan must include 50 three-gallon native trees and 150 three-gallon native shrubs per 100 linear foot section (10,000 square feet). Three 1-gallon native shrubs or native groundcover may be substituted for three-gallon native shrubs. The plantings must be mulched at time of planting with a three inch depth of organic mulch (no cypress mulch). A temporary automatic surface irrigation system designed to conserve water must be utilized to insure the survival of the plantings. The irrigation system must be removed within one year of the issuance of a Certificate of Compliance unless drought conditions have prohibited the establishment of the vegetation.
- 6. Prior to local development order approval, the surface water management system must be designed to mimic natural lakes with sinuous shorelines and vegetated littoral zones. Half of the proposed lakes must incorporate enlarged littoral shelves where the required littoral plants are clustered to provide a wetland area with draw down pools for wildlife foraging. Half of the proposed lakes must provide 50 percent of the required littoral plantings as native trees (red maple, cypress or pond apple) with one 10-foot-tall or two five-foot-tall or three-foot-tall trees being equivalent to ten herbaceous plants. (To meet these requirements, aqua range could provide trees at the south end, and the grasses at the "ears" on the northeast and northwest portions of that lake.)
- 7. Prior to local development order approval for a golf course, the golf course management and irrigation practices addressed in "The Section Three Golf Course Management Plan" counter stamped "Dec 7 2000," must be demonstrated on the local development order plans in terms of design and notes.
- 8. The Developer or his agent is entitled to continue bona fide agricultural uses already existing on the property. These uses are limited to the areas identified on the attached map, dated April 2, 2002, prepared by Banks Engineering, Inc. (attached as Exhibit D). Any existing agricultural use must be discontinued upon the commencement of any site development activities, as the term is defined in the LDC, pursuant to a local development order for the individual tract or phase identified in the development order.
- 9. Right-of-way for CR 951
  - a. The MCP must provided 125 feet of right-of-way along the western property boundary. This right-of-way alignment reflects the current planned extension of C.R. 951. The County agrees to accept the transfer of the title to the 125-foot-wide right-of-way strip and will grant road impact fee credits for 100 percent of the land value, as valued on the day before the original rezoning request is granted, provided the land transfer complies with LDC §2-275(3)b. [Nothing in this condition is intended to prevent Applicant and Lee County DOT from negotiating a narrower right-of-way once the final alignment of C.R. 951 has been established by the BOCC, provided the parties can agree on the provision and maintenance of stormwater facilities for the road's run-off.]

- b. Once the C.R. 951 right-of-way alignment and width are determined, Applicant may revise the legal description of the CPD area to maintain the maximum size of this parcel at five acres. This parcel's boundaries may be moved eastward or southward as necessary to achieve the full five-acre size.
  - c. A full access point to C.R. 951, as depicted on the MCP in the southwest portion of the site, is not approved nor guaranteed as part of this rezoning. Any access point in this location will be determined once the alignment and median spacing is designed. This condition, however, is not intended to prevent Applicant from having a restricted (right-in/right-out) access point into the CPD parcel, provided the access point meets the minimum separation standards.
- 10. At the time of each local development order application, the Applicant must provide the most current figures showing the acreage that has been used for residential development, open spaces, golf course areas, and non-residential development. This condition is intended to substantiate consistency with the provisions of Policy 1.4.1.1.a of the Lee Plan for the life of the development.
- 11. Development of this property will be subject to the requirements of the Lee Plan Privately Funded Infrastructure Overlay in perpetuity. Lee County will incur no cost for providing necessary infrastructure, facilities, and services to this development, per Lee Plan Policy 1.4.1.1.f.
- 12. Prior to the issuance of any development order, the applicant must provide evidence that the property has access to central water and sewer, or that the extension of central water and sewer will coincide with the development of the property.
- 13. Bonita Beach Road improvements must be committed to occur in pace with the planned development. Local development orders will not be issued until the road has been extended east to the project's entrance.
- 14. In accordance with Lee Plan Policy 1.4.1.1.d.(4), open space areas must be replanted with vegetation after construction. Seventy-five percent of the total number of required trees used in buffers and landscaping must be indigenous and 50 percent of the shrubs must be indigenous.
- 15. Project buffering must, at a minimum, be consistent with Lee Plan Policy 1.4.1.1.e.
- 16. The golf course will comply with the goals of the Audubon Cooperative Sanctuary Program for Golf Courses. These management practices will include:
  - a. The use of slow release fertilizers and/or carefully managed fertilizer applications that are timed to ensure maximum root uptake and minimal surface water runoff or leaching to the groundwater;
  - b. To reduce sources of pollutants, especially nutrients and pesticides associated with the golf course, the golf course manager must implement a chemicals management plan that management program such that nutrients and pesticides are used only when absolutely necessary. The program must address prevention, diagnosis, and limited treatment with pesticides when necessary rather than blanket treatment with broad spectrum pesticides as insurance against all pest species. The application of

pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified targeted species. The regular widespread application of broad spectrum pesticides is prohibited. The IPM program must minimize the use of pesticides and must include the use of the US Department of Agriculture - Natural Resources Conservation Service (USDA-NRCS) Soil Pesticide Interaction Rating guide to select pesticides for use that have a minimum potential for leaching or loss from runoff. The nutrient management program must be based upon the USDA-NRCS Nutrient Management Standard and must include the use of soil tests to determine needed applications of nutrients. Only EPA-approved chemicals may be used. No turf managed areas (including fairways, tees, and greens) are permitted within 35 feet of wetlands or preserve areas. The chemicals management plan must be submitted to and approved by Lee County Natural Resources Staff prior to the development order approval.

- c. The golf course manager must coordinate the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients;
  - d. The developer must utilize a golf course manager who is licensed by the State of Florida to use restricted pesticides and who will perform the required management functions. The golf course manager will be responsible for ensuring that the golf course fertilizers are selected and applied to minimize fertilizer runoff into the surface water and the leaching of those same fertilizers into the groundwater; and
  - e. The storage, mixing and loading of fertilizer and pesticides will be designed to prevent/minimize the pollution of the natural environment.
17. The developer will employ management strategies in and around the golf course to address the potential for pesticide/chemical pollution of the groundwater and surface water receiving areas. These strategies will include the following:
- a. All fairways, greens, and tees must be elevated above the 25-year flood level, and all greens must utilize underdrains. The effluent from these underdrains must be pre-treated prior to discharge into the balance of the project's water management system.
  - b. Prior to development order approval for the golf course, the developer must conduct a pre-development groundwater and surface water analysis and submit the analysis to Lee County Division of Natural Resources. This analysis is intended to establish baseline data for groundwater and surface water monitoring for the project area. The analysis must be designed to identify those nutrients and chemicals that are anticipated to be associated with the project. Prior to commencing this baseline study, the developer must submit the methodology for review, comment, and approval by Lee County.
  - c. An annual monitoring report of ground water and surface water quality is required for the golf course operation. The monitoring program must include: testing to assess whether there are any herbicide, pesticide or fertilizer pollution of the water within the area of the golf course; identifying the locations for the ground water monitoring and testing on a map(s); setting forth the testing and recording requirements. The Developer must submit the test results with the monitoring report



to the Lee County Natural Resource Division. The monitoring program will be established and operated at the expense of the Developer, or other comparable legal entity charged with the legal responsibility of managing the golf course. This plan will be evaluated in accordance with the directives of Chapter 62-302, F.A.C., water quality standards. The developer or its successor(s) and Staff will review this monitoring requirement every three years to determine if reduction or elimination of the monitoring requirement is justified; if so, the condition may be proposed for modification through the public hearing process.

- d. If groundwater or surface water pollution occurs, as that term is defined by the rules or regulations in effect at the time of development order, and should the pollution be caused by the application of fertilizers, herbicides or pesticides to the golf course, application of the polluting agent(s) must cease until there is a revised management plan. If mitigation is necessary to address the pollution, a mitigation plan approved by Lee County must be implemented by the Developer.
- e. Prior to the issuance of local development order approval, the developer must demonstrate compliance with A Best Management Practices for Golf Course Maintenance Departments, as prepared by the Florida Department of Environmental Protection, May 1995, as amended.
- f. The development order must demonstrate separate mixing and loading facilities for pesticides, and provide a separate pesticide storage area, in compliance with materials specified in the above referenced document. The development order must demonstrate separate mixing and loading facilities for fertilizer, and provide a separate fertilizer storage area, in compliance with materials specified in the above referenced document.
- g. The development order plans must indicate the construction material for all buildings in compliance with Best Management Practices for Golf Course Maintenance Departments.
- h. Equipment to apply pesticides and fertilizers must be stored in an area protected from rainfall.
- i. The golf course must be planted with a turfgrass cultivated variety that is drought and pest resistant, while requiring relatively low fertilizer use.
- j. The irrigation system must operate on an "as needed" basis through the utilization of weather forecasting and ongoing assessment of the moisture content of the soil.
- k. Stormwater run-off must be pre-treated through an acceptable recreated natural system or dry retention and/or detention and water retention and/or detention system, prior to discharging the run-off into existing lake or wetland (any aquatic) systems.
- l. Fertilizers must not be applied after active growth of the turfgrass has ceased, and must be kept to the lowest reasonable levels.

18. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
19. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.

#### SECTION C. DEVIATIONS:

1. Deviation (1) - withdrawn by Applicant.
2. Deviation (2) - withdrawn by Applicant.
3. Deviation (3) seeks relief from the LDC §10-329 requirement to provide a minimum setback of 50 feet from private property lines under separate ownership, to allow a setback of 25 feet. This deviation is DENIED for the perimeter property lines and was withdrawn for those excavations adjacent to proposed rights-of-way.
4. Deviation (4) - withdrawn by Applicant.

#### SECTION D. EXHIBITS AND STRAP NUMBER:

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

- Exhibit A: The legal description and STRAP number of the property.  
Exhibit B: Zoning Map (subject parcel identified with shading)  
Exhibit C: The Master Concept Plan  
Exhibit D: Ag Use Map

The applicant has indicated that the STRAP number for the subject property is: 03-48-26-00-00001.0000

#### SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
  - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,

- b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
  - c. is compatible with existing or planned uses in the surrounding area; and,
  - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
  - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
- a. the proposed use or mix of uses is appropriate at the subject location; and
  - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
  - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

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

Robert P. Janes	<u>Aye</u>
Douglas R. St. Cerny	<u>Aye</u>
Ray Judah	<u>Absent</u>
Andrew W. Coy	<u>Aye</u>
John E. Albion	<u>Aye</u>

DULY PASSED AND ADOPTED this 17th day of June, 2002.

ATTEST:  
CHARLIE GREEN, CLERK

BY:

Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY:

Chairman

Approved as to form by:

County Attorney's Office



2002 OCT -7 AM 10:54

RECEIVED  
MINUTES OFFICE

CASE NO: DCI2000-00070

**Banks Engineering, Inc.**

Professional Engineers, Planners & Land Surveyors

FORT MYERS • NAPLES • SARASOTA

**DCI 2000-00070**

DESCRIPTION OF A PARCEL OF LAND

LYING IN

SECTION 3, TOWNSHIP 48 SOUTH, RANGE 26 EAST

LEE COUNTY, FLORIDA

(CORKSCREW GROWERS RPD)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 3, TOWNSHIP 48 SOUTH, RANGE 26 EAST, AND BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 3; THENCE S.00°48'10"E. ALONG THE WEST LINE OF SAID SECTION FOR 5379.37 FEET TO THE SOUTHWEST CORNER OF SAID SECTION; THENCE N.89°56'22"E. ALONG THE SOUTH LINE OF THE WEST HALF OF SAID SECTION FOR 2621.14 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION OF SECTION; THENCE N.89°56'26"E. ALONG THE SOUTH LINE OF THE EAST HALF OF SAID SECTION FOR 2621.22 FEET TO THE SOUTHEAST CORNER OF SAID SECTION; THENCE N.00°37'08"W. ALONG THE EAST LINE OF SAID SECTION FOR 5385.34 FEET TO THE NORTHEAST CORNER OF SAID SECTION; THENCE S.89°52'32"W. ALONG THE NORTH LINE OF THE EAST HALF OF SAID SECTION FOR 2629.85 FEET TO THE NORTHWEST CORNER OF SAID FRACTION OF SECTION; THENCE S.89°52'12"W. ALONG THE NORTH LINE OF THE WEST HALF OF SAID SECTION FOR 2629.72 FEET TO THE POINT OF BEGINNING.

**LESS THE FOLLOWING DESCRIBED PARCEL:**

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 3; THENCE S.00°48'10"E. ALONG THE WEST LINE OF SAID SECTION FOR 150.01 FEET TO AN INTERSECTION WITH A LINE 150.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE WEST HALF OF SAID SECTION; THENCE N.89°52'12"E. ALONG SAID PARALLEL LINE FOR 125.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.89°52'12"E. ALONG SAID PARALLEL LINE FOR 544.54 FEET; THENCE S.00°48'10"E. FOR 400.03 FEET; THENCE S.89°52'12"W. FOR 544.54 FEET; THENCE N.00°48'10"W. FOR 400.03 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 643.79 ACRES, MORE OR LESS.

BEARINGS ARE ASSUMED AND BASED ON THE WEST LINE OF SAID SECTION 3 AS BEARING S.00°48'10"E.

PARCEL IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

DESCRIPTION REVISED SEPT. 4, 2002.

Applicant's Legal Checked

by gm 10/1/02

Thomas Clayton Shaw Sept 4, 2002

THOMAS C. SHAW, P.S.M.  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA CERTIFICATION No. 4672

**SHEET 1 OF 2**

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Exhibit "A" (DCI2000-00070)

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DCI 2000-00070 SKETCH TO ACCOMPANY DESCRIPTION



NOT TO SCALE

POINT OF  
COMMENCEMENT  
NORTHWEST CORNER  
SECTION 3

NORTH LINE WEST HALF SECTION 3

150.01'  
S.00°48'10"E.

N.89°52'12"E.  
125.00'

150.00'

N.89°52'12"E. 544.54'

POINT OF  
BEGINNING

WEST LINE SECTION 3

N.00°48'10"W. 400.03'

CPD PARCEL  
5.00 ± ACRES

S.00°48'10"E. 400.03'

125.00'

S.89°52'12"W. 544.54'

OF A  
PARCEL OF LAND  
LYING IN  
SECTION 3, TOWNSHIP 48 SOUTH, RANGE 26 EAST  
LEE COUNTY, FLORIDA

CPD PARCEL

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE  
OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 3,  
TOWNSHIP 48 SOUTH, RANGE 26 EAST, AND BEING  
FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID  
SECTION 3; THENCE S.00°48'10"E. ALONG THE WEST  
LINE OF SAID SECTION FOR 150.01 FEET TO AN  
INTERSECTION WITH A LINE 150.00 FEET SOUTH OF AND  
PARALLEL WITH THE NORTH LINE OF THE WEST HALF  
OF SAID SECTION; THENCE N.89°52'12"E. ALONG SAID  
PARALLEL LINE FOR 125.00 FEET TO THE POINT OF  
BEGINNING; THENCE CONTINUE N.89°52'12"E. ALONG  
SAID PARALLEL LINE FOR 544.54 FEET; THENCE  
S.00°48'10"E. FOR 400.03 FEET; THENCE S.89°52'12"W.  
FOR 544.54 FEET; THENCE N.00°48'10"W. FOR 400.03  
FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 5.00 ACRES, MORE OR LESS.

BEARINGS ARE ASSUMED AND BASED ON THE WEST  
LINE OF SAID SECTION 3 AS BEARING S.00°48'10"E.

PARCEL IS SUBJECT TO EASEMENTS, RESTRICTIONS,  
RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

\*\*\*THIS IS NOT A SURVEY\*\*\*

*Thomas C. Shaw* 9-4-02  
THOMAS C. SHAW  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA CERTIFICATION NO. 4672

—THIS SKETCH IS NOT VALID UNLESS IT BEARS THE  
SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA  
PROFESSIONAL SURVEYOR AND MAPPER

—PREPARED APRIL 5, 2002.

PREPARED BY:

**Banks Engineering, Inc.**

ENGINEERING, SURVEYING & LAND PLANNING  
8840 WILLOW PARK DRIVE - SUITE "B"  
HATFIELD, FLORIDA 34109  
(239) 697-2081

FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6680

SHEET 2 OF 2

# Exhibit "A" (DCI2000-00070)

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## DCI 2000-00070 SKETCH TO ACCOMPANY DESCRIPTION

OF A  
PARCEL OF LAND  
LYING IN

SECTION 3, TOWNSHIP 48 SOUTH, RANGE 26 EAST  
LEE COUNTY, FLORIDA

### RPD PARCEL

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 3, TOWNSHIP 48 SOUTH, RANGE 26 EAST, AND BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 3; THENCE S.00°48'10"E. ALONG THE WEST LINE OF SAID SECTION FOR 5379.37 FEET TO THE SOUTHWEST CORNER OF SAID SECTION; THENCE N.89°56'22"E. ALONG THE SOUTH LINE OF THE WEST HALF OF SAID SECTION FOR 2621.14 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION OF SECTION; THENCE N.89°56'26"E. ALONG THE SOUTH LINE OF THE EAST HALF OF SAID SECTION FOR 2621.22 FEET TO THE SOUTHEAST CORNER OF SAID SECTION; THENCE N.00°37'08"W. ALONG THE EAST LINE OF SAID SECTION FOR 5385.34 FEET TO THE NORTHEAST CORNER OF SAID SECTION; THENCE S.89°52'32"W. ALONG THE NORTH LINE OF THE EAST HALF OF SAID SECTION FOR 2629.85 FEET TO THE NORTHWEST CORNER OF SAID FRACTION OF SECTION; THENCE S.89°52'12"W. ALONG THE NORTH LINE OF THE WEST HALF OF SAID SECTION FOR 2629.72 FEET TO THE POINT OF BEGINNING.

### LESS THE FOLLOWING DESCRIBED PARCEL:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 3; THENCE S.00°48'10"E. ALONG THE WEST LINE OF SAID SECTION FOR 150.01 FEET TO AN INTERSECTION WITH A LINE 150.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE WEST HALF OF SAID SECTION; THENCE N.89°52'12"E. ALONG SAID PARALLEL LINE FOR 125.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.89°52'12"E. ALONG SAID PARALLEL LINE FOR 544.54 FEET; THENCE S.00°48'10"E. FOR 400.03 FEET; THENCE S.89°52'12"W. FOR 544.54 FEET; THENCE N.00°48'10"W. FOR 400.03 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 643.79 ACRES, MORE OR LESS.

BEARINGS ARE ASSUMED AND BASED ON THE WEST LINE OF SAID SECTION 3 AS BEARING S.00°48'10"E.

PARCEL IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

\*\*\*THIS IS NOT A SURVEY\*\*\*

*Thomas C. Shaw* 9-4-02  
THOMAS C. SHAW  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA CERTIFICATION NO. 4672

—THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER

—PREPARED APRIL 5, 2002, REVISED AREA JULY 22, 2002

PREPARED BY:  
**Banks Engineering, Inc.**

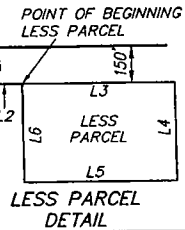
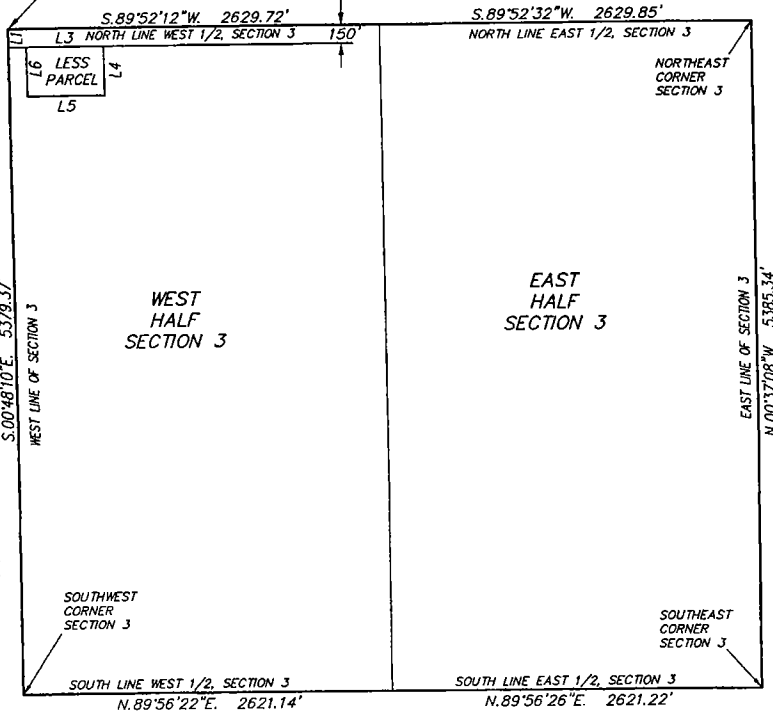
ENGINEERING, SURVEYING & LAND PLANNING  
8640 WILLOW PARK DRIVE - SUITE 70  
NAPLES, FLORIDA 34109

(941) 897-2061  
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690



NOT TO SCALE

POINT OF BEGINNING  
(OVERALL PARCEL)  
POINT OF COMMENCEMENT  
LESS PARCEL  
NORTHWEST CORNER  
SECTION 3



### LINE TABLE

Line	Bearing	Distance
L1	S.00°48'10"E.	150.01'
L2	N.89°52'12"E.	125.00'
L3	N.89°52'12"E.	544.54'
L4	S.00°48'10"E.	400.03'
L5	S.89°52'12"W.	544.54'
L6	N.00°48'10"W.	400.03'

**Banks Engineering, Inc.**

Professional Engineers, Planners & Land Surveyors

FORT MYERS • NAPLES • SARASOTA

**DCI 2000-00070**

DESCRIPTION OF A PARCEL OF LAND

LYING IN

SECTION 3, TOWNSHIP 48 SOUTH, RANGE 26 EAST

LEE COUNTY, FLORIDA

(CORKSCREW GROWERS CPD)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 3, TOWNSHIP 48 SOUTH, RANGE 26 EAST, AND BEING FURTHER DESCRIBED AS FOLLOWS:

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PARCEL CONTAINS 5.00 ACRES, MORE OR LESS.

BEARINGS ARE ASSUMED AND BASED ON THE WEST LINE OF SAID SECTION 3 AS BEARING S.00°48'10"E.

PARCEL IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

Applicant's Legal Checked

by *Jan 10/1/02*

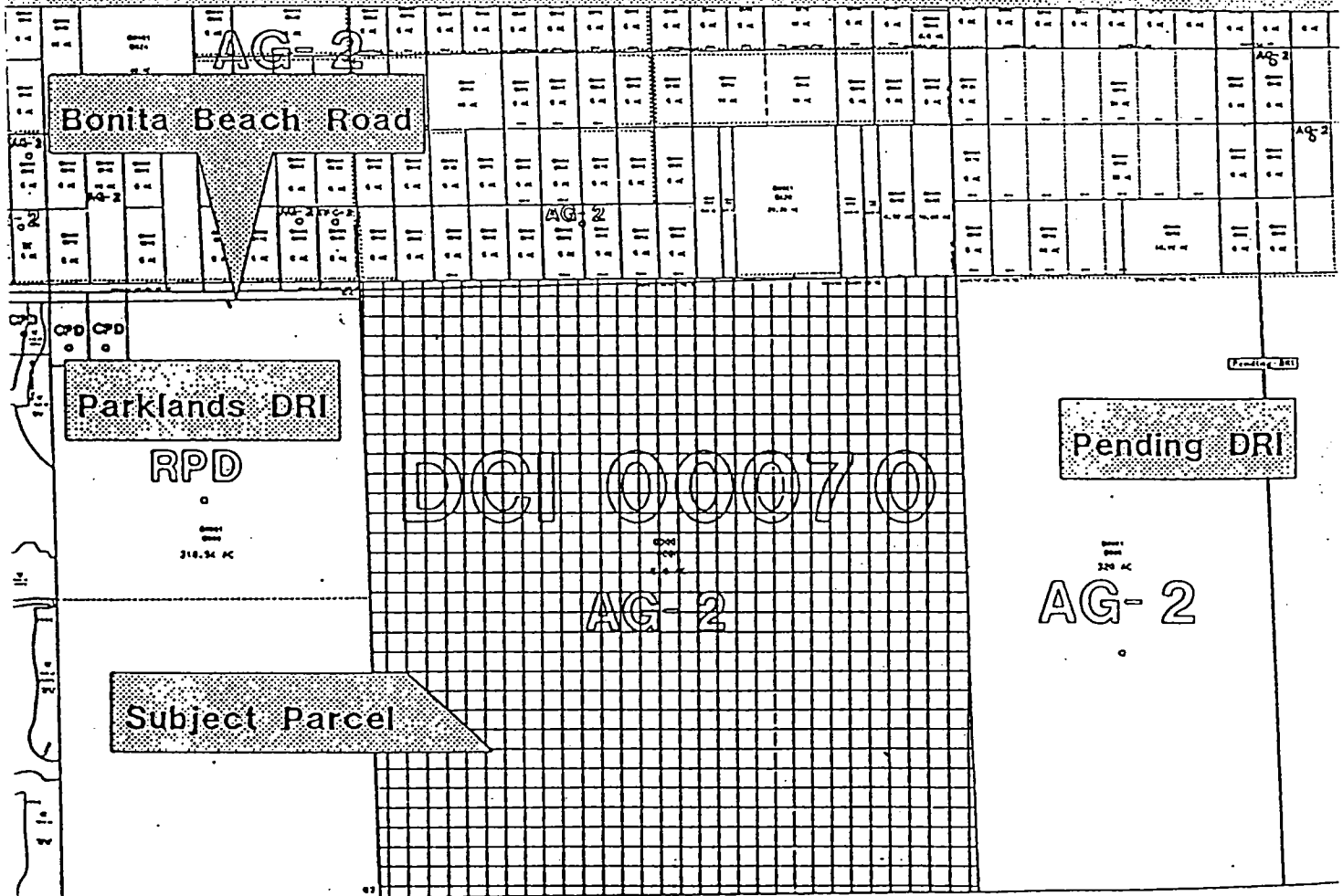
*Thomas C. Shaw Sept 4, 2001*

THOMAS C. SHAW, P.S.M.  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA CERTIFICATION No. 4672

SHEET 1 OF 2

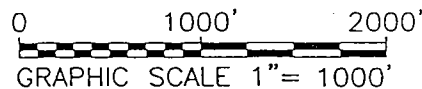
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# ZONING MAP









BONITA BEACH RD

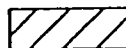
EXISTING RPD/DRI  
EXISTING USE-AGRICULTURE

### SECTION 3

RURAL VACANT AG-2

VACANT

LEGAL DESCRIPTION OF EXISTING AGRICULTURAL USE:  
ALL OF SECTION 3, TOWNSHIP 48 SOUTH , RANGE 26 EAST ,  
LEE COUNTY FLORIDA ; CONTAINING 648.80 ACRES



EXISTING USE = ROW CROP

## EXHIBIT D

[illegible]

**Banks Engineering, Inc.**  
Professional Engineers, Planners & Land Surveyors  
Engineering License No. EC-0006449 - Surveying License Number LB 6990  
6640 WILLOW PARK DRIVE - SUITE "H" - SARASOTA, FLORIDA 34108  
PHONE: (813)267-2081  
10511 SIX MILE CYPRESS PARKWAY - SUITE 101 FORT MYERS, FLORIDA 33912  
PHONE: (813)326-5490 FAX: (813)326-2523  
1164 TALLEYVALE ROAD - SUITE 113 SARASOTA, FLORIDA 34243  
PHONE: (813)340-1818 FAX: (813)340-6918

DESCRIPTION OF EXISTING AGRICULTURE USE  
CORKSCREW GROWERS PROPERTY  
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
04-02-02	1340	1340_DESC	GAM	KIJ	DRU	1"=1000'	1	1	3-485-26C