RESOLUTION NUMBER Z-01-017A

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

WHEREAS, an application was filed by the property owner, Worthington Group (fka Melinda Brondstetter, Trustee), to amend a Residential Planned Development (RPD) in reference to Colonial Lakes; and

WHEREAS, the initial public hearing was advertised and held on April 4, 2001, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2000-00086; and

WHEREAS, a second public hearing was held on May 21, 2001, before the Board of County Commissioners who, based upon all testimony and evidence in the record, remanded the case to the Hearing Examiner for further consideration as to:

1. The cumulative effects of a 20-foot easement near the easterly boundary of the development project;

2. The cumulative effects of drainage impacts;

3. The cumulative effects of traffic impacts on River Ranch Road and Three Oaks Parkway;

4. The cumulative effects of blasting on surrounding areas; and

WHEREAS, a third public hearing was advertised and held on June 14, 2001, before the Lee County Hearing Examiner, with written submittals made through July 27, 2001, on the remanded issues.

WHEREAS, a fourth public hearing was advertised and held on September 17, 2001, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents in the record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to amend an RPD to permit a maximum of 100 single-family residential dwelling units, not to exceed 35 feet in height, on 28.99± total acres of land.

The property is located in the Suburban Land Use Category and legally described in attached Exhibit A. This request is APPROVED, SUBJECT TO the conditions specified in Section B below.

SECTION B. CONDITIONS

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

A. **CONDITIONS:**[1]

1. The development of this project must be consistent with the one-page Master Concept Plan entitled "Colonial Lakes - Zoning Concept Plan," prepared by Vanasse & Daylor, L.L.P., last revised 6-27-01, stamped "Received Jun 27 2001," 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

   Residential Areas
   Accessory Uses and Structures, [§ 34-934, Note (1), §§ 34-1171, *et. seq.*, 34-2441 *et. seq.*, 34-1863, 34-2141 *et. seq.*]
   Dwelling Unit
   Single-Family
   Zero Lot Line
   Two-Family Attached
   Entrance Gates and Gatehouses
   Essential Services, Group I [§ 34-1611 *et. seq.*, 34-1741 *et. seq.*]
   Essential Service Facilities [§ 34-622(c)(13)]
   Group I [§ 34-934, Note (1), § 34-1611 *et. seq.*, 34-1741 *et. seq.*, 34-2141 *et. seq.*]
   Excavation
   Water Retention [§ 34-1651] [does not include the removal of excavated material from the site]
   Fences, Walls [§ 34-934 Note (1), § 34-1741 *et. seq.*]
   Home Occupation [§ 34-934 Note (1), § 34-1771 *et. seq.*]
   Models
   Display Center
   Model Home [§ 34-1951 *et. seq.*]

[1]Conditions have been renumbered based on the remand proceedings, and no longer follow the sequence of the original Staff Report.

Model Unit [§ 34-1951 *et. seq.*]
Real Estate Sales Office, in accordance with § 34-934 Note (23)
Recreational Facilities
Personal [§ 34-934 Note (1)]
Private - On-Site [§ 34-934 Note (1)]
Residential Accessory Uses [§ 34-622(c)(42)]
Signs, in accordance with Chapter 30 [§ 34-934 Note (1)]
Temporary Construction Trailer [§ 34-934 Note (1), § 34-3044]

Open Space / Recreation Areas
Uses permitted in § 34-983, except § 34-983(1)h. - Single-Family dwellings and their customary accessory uses
Entrance Gates and Gatehouses
Excavation
Water Retention [§ 34-1651] [does not include the removal of excavated material from the site]
Fences, Walls [§ 34-934 Note (1), § 34-1741 *et. seq.*]
Fishing Piers
Parking Lot
Accessory
Open Space
Recreational Facilities
Personal [§ 34-934 Note (1)]
Private - On-Site [§ 34-934 Note (1)]
Signs, in accordance with Chapter 30 [§ 34-934 Note (1)]

b. Site Development Regulations

Minimum Setbacks	
Streets	
Single-Family	20 feet
Zero Lot Line	20 feet
Two-Family Attached	20 feet
Community Facilities (Park)	15 feet
Residential Accessory Uses and Structures	20 feet
Side	
Single-Family	5 feet
Zero Lot Line	0 / 10 feet
Two-Family Attached	0 / 5 feet
Community Facilities	7.5 feet
Residential Accessory Uses and Structures	5 feet
Corner	
Single-Family	7.5 feet
Zero Lot Line	7.5 feet
Two-Family Attached	7.5 feet
Community Facilities	N/A

Residential Accessory Uses and Structures	7.5 feet
Rear	
Single-Family	15 feet
Zero Lot Line	15 feet
Two-Family Attached	15 feet
Community Facilities	20 feet
Residential Accessory Uses and Structures	5 feet
Water Body	
Single-Family	20 feet
Zero Lot Line	25 feet
Two-Family Attached	25 feet
Community Facilities	20 feet
Residential Accessory Uses and Structures	
Pools, Decks, Screen Enclosures	20 feet*
Docks, Ramps, Fishing Piers, Gazebos	0 feet*
* Unless Modified by Approved Deviations	
Minimum Lot Area	
Single-Family	6,254 sq. ft.
Zero Lot Line	5,500 sq. ft.
Two-Family Attached	3,750 sq. ft.
Community Facilities	N/A
Residential Accessory Uses and Structures	N/A
Minimum Lot Width	
Single-Family	50 feet
Zero Lot Line	50 feet
Two-Family Attached	40 feet
Community Facilities	N/A
Residential Accessory Uses and Structures	N/A
Maximum Building Height	35 feet

The Master Concept Plan must be in compliance with the property development standards set forth above.

3. The existing native trees within single-family residential lots along the northern project border must be retained and incorporated into the overall site design to the maximum extent possible. Native trees located outside of roads or lakes must remain intact and in good condition during construction of the infrastructure to the maximum extent possible. All retained trees must be adequately barricaded to discourage encroachment during construction activities.

4. To the extent possible, stormwater management structures, along the northern property line, should be designed and constructed to retain large native trees.

5. Prior to any development order approval, a gopher tortoise management plan (which includes a permanent relocation area in the southwestern corner of the property as designated on the MCP, the type of Florida Fish & Wildlife Conservation Commission permit to be acquired), must be submitted to and approved by the Lee County Division of Planning / Environmental Sciences Staff.

6. Prior to local development order approval, the plans must show the location of the bulkheads to confirm that no more than 30 percent of each lake shoreline consists of bulkhead or riprap. Lakes where bulkheads are proposed must be designed to provide one linear foot of compensatory littoral zone with an 8:1 slope for each linear foot of bulkhead. Land Development Code required littoral plants must be clustered within the 8:1 slope portion of the lake.

7. The development may not consist of more than 100 residential units.

8. 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.

9. 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).

10. This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.

11. The access to Three Oaks Parkway is limited to a right-in/right-out only, provided adequate sight distances to the north and south are maintained for southbound vehicles on Three Oaks Parkway extension and for vehicles utilizing the Tucker easement or project's entranceway, and stop signs or appropriate traffic control devices are installed at the intersection of the Tucker easement and the project's entrance roadway.

12. Drainage outfall for the Colonial Lakes site will be to the eastern boundary of the project site and will tie into the 42-inch RCP proposed in the Three Oaks Parkway extension drainage plans. The Applicant will obtain the appropriate permits from the South Florida Water Management District, Lee County Development Services (the development order) and Lee County Department of Transportation (the right-of-way permit).

13. Blasting is prohibited in the development of this project.

B. <u>DEVIATIONS:</u>

1. Deviation 1 seeks relief from the LDC § 10-296 Table 4(7)(c)2 requirements to establish minimum specifications for local and access street wearing surfaces, to allow decorative pavers on private, internal roads within the development. The alternative design is

requested by the applicant for the private, internal streets in the development. This deviation is APPROVED, SUBJECT TO the condition that no portion of the decorative pavers are located in any public right-of-way.

2. Deviation 2 seeks relief from the LDC § 10-329(e)(4) requirement to provide that excavation bank slopes be no greater than four horizontal to 1 vertical (4:1). The Applicant proposes to allow a maximum of 30 percent bank slope on any lake edge to incorporate bulkheads and to conform to South Florida Water Management District permits. This deviation is APPROVED, SUBJECT TO Condition 6.

3. Deviation 3 seeks relief from the LDC § 34-2474(b)(6) requirement to provide that recreation halls and ancillary facilities be located at least 40 feet from any residential dwelling, to allow a minimum setback of 15 feet from any on-site residential dwelling. This deviation is APPROVED, SUBJECT TO the condition that any proposed buildings meet the required 40-foot minimum separation from any residential dwelling.

4. Deviation 4 seeks relief from the LDC § 10-421(a)(5) requirement to provide no trees in a required buffer area be located in any easement, to allow required shrubs in easements, provided that any plants removed shall be replaced with material of equal or greater size, and that development order plans reflect the locations of shrubs and any potentially affected utilities within the easement boundaries. This deviation is APPROVED, SUBJECT TO the condition outlined in this paragraph.

5. Deviation 5 seeks relief from the LDC § 34-2194(c)(3)b. requirement to provide a minimum 10-foot setback for a non-seawalled artificial body of water, to allow the construction of recreational/amenity structures at the lake control elevation. This deviation is APPROVED, SUBJECT TO the recreational or residential amenity structures limitations.

6. Deviation 6 seeks relief from the LDC § 10-355 requirement to provide a 10-foot-wide utility easement on both sides of a street, to allow the utility easement on one side only. This deviation is APPROVED, SUBJECT TO the applicant submitting letters of no objection from all serving utilities before issuance of any development orders on the subject property.

7. Deviation 7 seeks relief from the LDC § 10-285(a) requirement to provide a connection separation along arterial streets of 660 feet, to allow a connection separation of 312 feet from the fire station proposed access point for the proposed southern right-in/right-out access point on the proposed Three Oaks Parkway extension. This deviation is APPROVED.

8. Deviation 8 seeks relief from the LDC § 10-285 requirement to provide a connection separation along collector streets of 330 feet, to allow a connection separation of 76 feet for the existing Horne Lane access point on River Ranch Road from Block Lane, and to allow a connection separation of 188 feet for the separation from Horne Lane access point on River Ranch Road from Road Runner Court. This deviation is APPROVED.

9. Deviation 9 seeks relief from the LDC §10-416(d)(6) requirement to provide a wall when a

roadway is constructed within 125 feet of residential lots, to allow a modified Type "F" buffer, instead of a wall. The modified Type "F" buffer shall include 10 trees per 100 linear feet, and a double hedge row. The hedge row will be installed at 24 inches (of height) and must be maintained at 60 inches (of height) within three years of installation. Further, the modified Type "F" buffer is reduced in width from 30 feet to 15 feet, measured to back of curb, and the required plants may be provided as allowed in Deviation 4 above. This deviation is APPROVED, SUBJECT TO the conditions outlined in this paragraph.

10. Deviation 10 seeks relief from the LDC §10-418(a)(1) requirements to provide the shorelines of stormwater ponds be sinuous in configuration to provide increased length and diversity of littoral zone, to allow the stormwater pond to be constructed as reflected on the Master Concept Plan. This deviation is APPROVED, SUBJECT TO the following conditions:

    a. The slope of the littoral shelf shall not be a consistent slope, and shall range between 6:1 and 4:1; and

    b. The minimum number of required wetland herbaceous plants is two plants per linear foot of lake; and

    c. Between 50 and 75 percent of the required wetland herbaceous plants shall be converted to trees, with one 10-foot-tall or two 5-foot-tall or three 3-foot-tall trees being equivalent to 10 herbaceous plants; and

    d. Required plant material shall be planted in clusters to visually break up the lake edge; and

    e. A wetland or upland area shall be retained in the western 0.25 acres of the lake (as depicted as aqua scape on the Master Concept Plan) to provide alternative habitat and increased water quality. The required herbaceous littoral plantings may be placed within this area, provided it is not constructed as an upland area.

11. Deviation 11 seeks relief from the LDC §10-285(b) requirement to provide a 100-foot separation between an access road and a public roadway, to allow that 20-foot-wide easement (Tucker easement) to remain at its present location adjacent to Three Oaks Parkway extension, and intersecting with the project's entrance roadway. This deviation is APPROVED, SUBJECT TO adequate sight distances north and south of the intersection are maintained, and stop signs or other appropriate traffic control devices are installed at the intersection of the Tucker easement and the project's entrance roadway.

SECTION C. EXHIBITS

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 crosshatching)
Exhibit C: Master Concept Plan

SECTION D. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the amendment by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.

2. The amendment, 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 amendment satisfies the following criteria:

   a. the proposed use or mix of uses is appropriate at the subject location; and

   b. The recommended conditions will be compatible with the existing and planned uses will protect the health, safety and welfare of the residents of that community.

   c. The recommended conditions to the Master Concept Plan are reasonably related to the impacts anticipated from the proposed development, and, with other regulations, will provide sufficient safeguar to the public interest.

4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

6. Blasting is inconsistent with the Lee Plan and incompatible due to proximity of homes in the neighborhood.

7. Preservation of gopher tortoise habitat through a permanent tortoise relocation is necessary to comply with the Lee Plan.

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

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 17th day of September, 2001.

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

RECEIVED
SEP 20 2001
MINUTES OFFICE

EXHIBIT "A"
Legal Description

PARCEL IN
SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST

A TRACT OR PARCEL OF LAND LYING IN SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING ALL OF LOT 29, BLOCK C, AND PARTS OF LOTS 27, 28 & 30, BLOCK C OF FLORIDA GULF LAND COMPANY SUBDIVISION AS RECORDED IN PLAT BOOK 1 AT PAGE 59 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORD BOOK 2110 AT PAGE 3255 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, WHICH TRACT OR PARCEL IS FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST; THENCE N 00°09'04" W ALONG THE EAST LINE OF SAID SECTION 34 FOR 1321.02 FEET TO THE SOUTHEAST CORNER OF SAID LOT 29, BLOCK C, OF FLORIDA GULF LAND COMPANY SUBDIVISION AND THE POINT OF BEGINNING; THENCE N 89°39'36" W ALONG THE SOUTH LINE OF LOTS 29, 28, & 27, BLOCK C OF FLORIDA GULF LAND COMPANY SUBDIVISION FOR 1988.54 FEET TO THE SOUTHWEST CORNER OF SAID LOT 27, BLOCK C; THENCE N 00°31'25" W ALONG THE WEST LINE OF SAID LOT 27, BLOCK C FOR 713.80 FEET TO THE NORTHWEST CORNER OF THE SAID PARCEL OF LAND AS RECORDED IN OFFICIAL RECORD BOOK 2110 AT PAGE 3255; THENCE S 89°38'37" E ALONG THE NORTH LINE OF SAID PARCEL OF LAND AS RECORDED IN OFFICIAL RECORD BOOK 2110 AT PAGE 3255 AND THE SOUTH LINE OF SPRING RIDGE SUBDIVISION AS RECORDED IN PLAT BOOK 42 AT PAGES 54 & 55, FOR 664.38 FEET TO THE NORTHEAST CORNER OF SAID PARCEL OF LAND AS RECORDED IN OFFICIAL RECORD BOOK 2110 AT PAGE 3255 AND THE SOUTHEAST CORNER OF SPRING RIDGE SUBDIVISION; THENCE S 00°23'59" E ALONG THE EAST LINE OF SAID PARCEL OF LAND AS RECORDED IN OFFICIAL RECORD BOOK 2110 AT PAGE 3255 AND THE WEST LINE OF A PARCEL OF LAND RECORDED IN OFFICIAL RECORD BOOK 1032 AT PAGE 1861 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, FOR 126.59 FEET; THENCE N 86°45'18" E ALONG THE SOUTH LINE OF SAID PARCEL RECORDED IN OFFICIAL RECORD BOOK 1032 AT PAGE 1861 FOR 165.20 FEET; THENCE N 88°16'42" E ALONG THE SOUTH LINE OF PARCELS RECORDED IN OFFICIAL RECORD BOOK 1457 AT PAGE 1713 AND OFFICIAL RECORD BOOK 1457 AT PAGE 1714 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, FOR 953.54 FEET; THENCE S 34°51'12" E ALONG THE WESTERLY LINE OF A PARCEL OF LAND RECORDED IN OFFICIAL RECORD BOOK 1480 AT PAGE 1923 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, FOR 368.95 FEET TO THE NORTHEAST CORNER OF SAID LOT 29, BLOCK C OF FLORIDA GULF LAND COMPANY SUBDIVISION; THENCE S 00°09'04" E ALONG THE EAST LINE OF SAID LOT 29, BLOCK C, FOR 330.08 FEET TO THE POINT OF BEGINNING.
CONTAINING 28.86 ACRES, MORE OR LESS

The applicant has indicated that the STRAP number for the subject property is: 34-46-25-01-0000C.0270

ZONING MAP

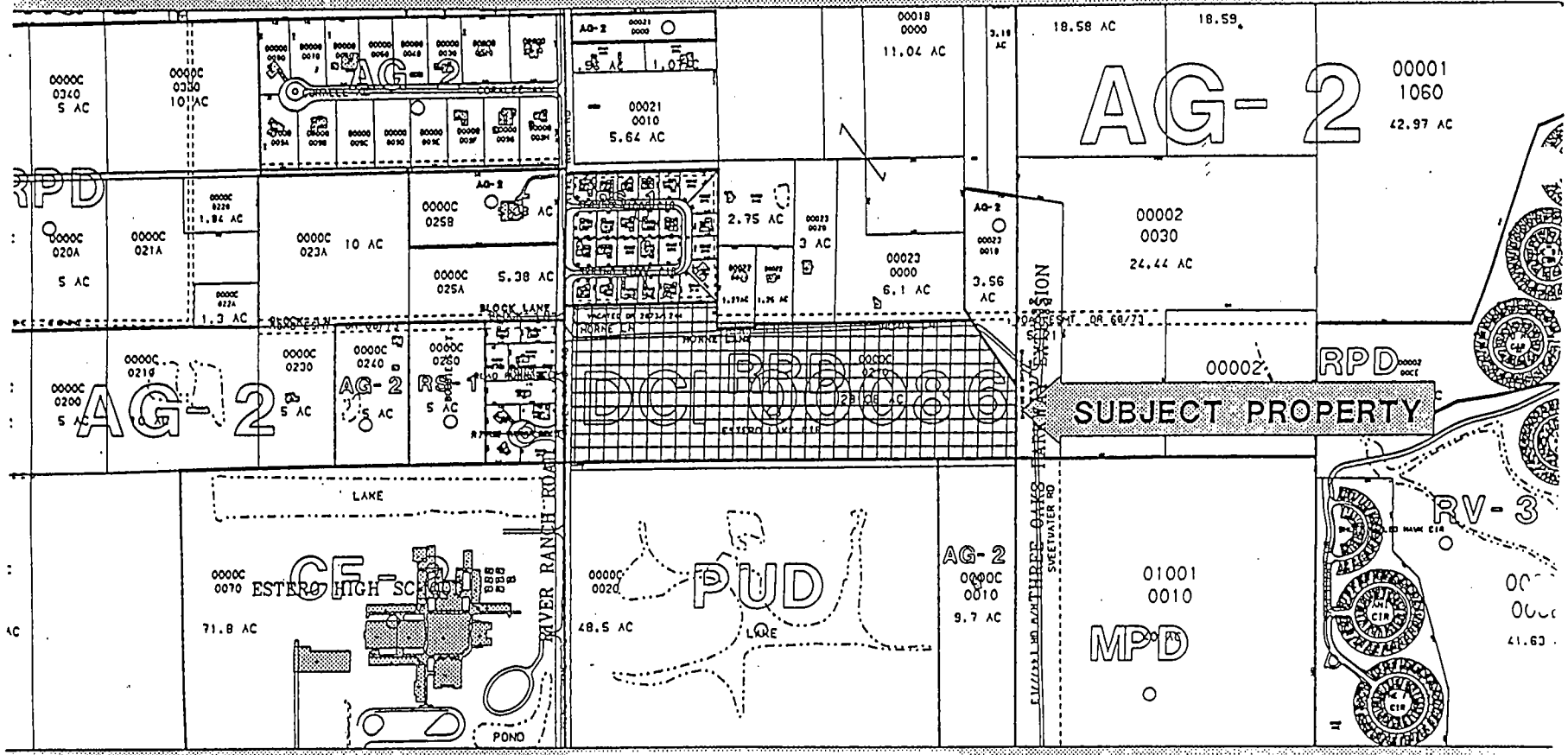
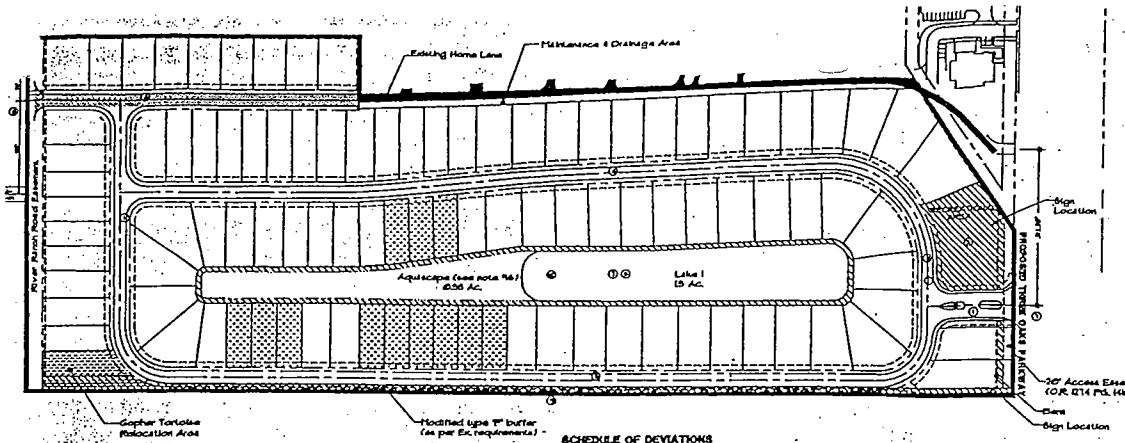


EXHIBIT B



PROJECT SUMMARY

Project Area	+/- 25.8 Acres
Required Open Space	4.4 Acres (17% Ac. x .A - As per Section 10-414.B)
Prm. Required Indigenous Vegetation	0 Ac. - No Indigenous Exists (As per Section 10-416(b))
Open Space Provided	4.78 Ac.

SURROUNDING ZONING AND LAND USES

ZONING	EXISTING LAND USES
North: RS-1 (AG-2	Single Family, Vacant
South: AG-2, PUD	Approved Residential and Existing Agriculture
East: AG-2	Proposed Three Oaks Parkway Extension
West: RS-1, CTPD	Single Family, Estero High School, River Ranch Road

LAND USE AND DEVELOPMENT PROGRAM SUMMARY

PARCEL	AREA	PERMITTED USES (BCPA)	DEVELOPMENT PROGRAM	
			Intensity	Notes
Residential	20.7 +/- Acres	Residential Uses as specified in List of Permitted Uses.	169 Units	Proposed density is well within the permitted residential density of 6 dwelling units per gross acre - as permitted by the Suburban land use category.
Recreational Area	.7 Ac.	Recreational uses specified in the list of Permitted Uses.	Not Applicable	The proposed recreational uses are intended for the residents and guests of the Colonial Lakes development. Typical uses including tennis courts, pools, trail and parking are permitted.
Roads	4.8 +/- Ac.	Not Applicable	Not Applicable	
Lakes	3.8 Ac.	All open space uses	Not Applicable	May allow bulk heads as per Dist. 7
Common Area	3.4 +/- Ac.	All Open Space Uses	Not Applicable	Includes buffers and common areas
TOTAL	25.8 Ac.			

PROPERTY DEVELOPMENT REGULATIONS

LANDUSE	MIN. LOT AREA SQ. FT.	MIN. LOT WIDTH	MIN. LOT DEPTH	MAX. LOT COVERAGE	SETBACKS (1)					MAX. HT./(1)	STORIES	MIN. OPEN SPACE
					Road	Side	Corner	Rear	Water			
RESIDENTIAL												
Single Family	6,750	50	90	45%	20	5	15	15	20	35	3	
Zero Lot Line	5,000	50	90	45%	20	0/10	15	15	20	35	3	
Two Family Attached	3,250	40	90	45%	20	0/5	15	15	20	35	3	-
COMMUNITY FACILITIES												
Recreational Area	N/A	N/A	15	45%	15	15	N/A	20	20	35	3	N/A
ACCESSORY STRUCTURES (RESIDENTIAL)												
Pools, Decks, Screen Enclosures	N/A	N/A	20	N/A	20	5	5	5	20*	N/A	N/A	N/A
Docks, Piers, Parking Piers, Gazebos	N/A	N/A	20	N/A	20	5	5	5	0*	N/A	N/A	N/A

(1) May be modified by approved deviations.

Up to 50% of all residential lots will include open space to meet open space requirements.

OPEN SPACE TABLE

AREA USE	GROSS ACRES	REQUIRED OPEN SPACE	OPEN SPACE SQ FEET PROVIDED
RESIDENTIAL LAKES NO. 1	15	40% = 6.0	40% = 6.0
RESIDENTIAL LAKES NO. 2	5.1	50% = 2.55	50% = 2.55
RESIDENTIAL AREA	4.16	40% = 1.66	40% = 1.66
LAKES	3.8	40% = 1.52	40% (1.52 min.) = 3.8
ROAD CENTERLINE	1.8	40% = 0.72	-
TOTAL	34.4 Ac.	4.43	4.78 Ac.

* Up 50% of residential lots will include open space to meet open space requirements.

SCHEDULE OF DEVIATIONS

1. Deviation from LDC Section 10-296 Table 4(1)(c)2 which establishes minimum specifications for street wearing surfaces, to allow decorative pavers on private, internal roads within the development, provided that no portion of the decorative pavers be located in any public right-of-way. No Exhibit required.
2. Deviation from LDC Section 10-329(3)(4) which requires that excavation bank slopes be no greater than 4:1, to allow the project to conform to SFWMD permits. The intent of the deviation is to allow a maximum of 30% of any lake edge to incorporate bulkheads. No Exhibit required.
3. Deviation from LDC Section 34-2174(b)(4), which requires that recreation centers and ancillary facilities be located at least 40 feet away from any residential dwelling units, to allow a minimum setback of 15 feet from any private residential unit, provided that buildings meet the required 40-foot minimum separation from any residential dwelling.
4. Deviation from LDC Section 10-416(d)(3) that requires that no portion of a buffer area that consists of trees and shrubs be located in any easements to allow planted buffers in easements, provided that any plants removed shall be replaced with material of equal or greater size, and that the development order plans reflect the locations of the shrubs and any potentially affected utilities within the easement boundaries.
5. Deviation from LDC Section 34-2194(a)(3)a. which requires a 10 foot setback for non-associated artificial bodies of water. This deviation would eliminate the setback to allow recreational/amenity structures to be placed at the lake's control elevation.
6. Deviation from LDC Section 10-355 that requires a 10' public utility easement on both sides of a roadway to allow the public utility easement on one side only.
7. Deviation from LDC Section 10-285(a) that requires the connection of streets with arterial facilities to have a minimum centerline separation of 660', to allow for a separation of 312' to the proposed southern "Right In/Right Out" access point on Three Oaks Parkway Extension into the Fire Station.
8. Deviation from LDC Section 10-285(a) that requires the connection of streets with collector facilities to have a minimum centerline separation of 330', to allow for a separation of 76' from the existing Home Lane access point on River Ranch Road to Block Road, and 188' from Home Lane to Road Runner.
9. Deviation from LDC Section 4(4)(d)(2)a) which requires a wall when a roadway is constructed within 25' of residential lots, to allow a modified type 'F' buffer, instead of a wall, as per HEX recommendation.
10. Deviation 10 seeks relief from the LDC § 10-416(a)(1) requirement for the shorelines of stormwater ponds to be shown in construction to provide increased length and diversity of littoral zone, to allow the stormwater pond to be constructed as reflected on the Master Concept Plan.

SCHEDULE OF USES

RESIDENTIAL

- Accessory Uses and Structures
- Dwelling Unit,
  - Single Family
  - Zero Lot Line
  - Two Family Attached
- Entrance Gates and Gatehouses
- Essential Services, Group I
- Excavation - Water Retention (not to include the removal of excavated material from the site)
- Fences, Walls
- Home Occupation
- Model Home, Unit, & Display Center
- Recreational Facilities, Personal
  - Private (on-site)
- Residential Accessory Uses
- Signs (as per Chapter 30)
- Temporary Construction Trailer
- Temporary Sales Center

RECREATIONAL AREA

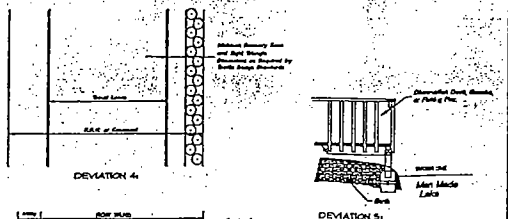
- All uses permitted in Section 34-2165 (except single family uses)
- Entrance Gates and Gatehouses
- Fences, Walls
- Excavation, water retention (not to include the removal of excavated material from the site)
- Parking Lot, Ancillary
- Open Space
- Recreational Facilities, Personal
  - Private (on-site)
  - Buildings ancillary to Recreational Facilities
- Signs (as per Chapter 30)

STRAP NUMBERS

34-46-25-01-00002.0010

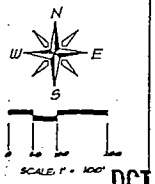
SITE DEVELOPMENT NOTES

1. This is a request for a rezoning from RPD to RPD. The Land use category is Suburban and the property is currently Vacant.
2. The total Residential unit count may not exceed 169 units. The gross density is within the permitted density of the Suburban land use category.
3. The proposed access to Three Oaks Parkway is a right, right out entrance, and has been designed in cooperation with the Estero Fire District.
4. This site has previously been cleared for agricultural purposes. No indigenous vegetation exists on site and therefore, as per LDC Section 10-415(b) there is no requirement for indigenous vegetation preservation.
5. The homes to the north of the subject property will continue to have access to River Ranch Road through Home Lane. Alternative access is also accommodated in conjunction with the signalized intersection at the Three Oaks Fire Station.
6. This master concept plan is general in nature and may be modified to reflect environmental conditions, easements, utilities and changes in market. All acreages are approximate and subject to slight adjustment.
7. The project buffers shall meet or exceed the requirements set forth in Section 10-416.
8. All exotic vegetation shall be removed from the development area according to a removal schedule established as part of the Development Order. The site shall be maintained free of exotics in perpetuity.
9. All uses will conform to the off street parking regulations in Section 34-2020 of the LDC.
10. With the exception of private driveways, all internal street connections shall be spaced according to Section 10-285(a). Access road intersection spacing shall be a minimum of 660'.
11. Drainage will be accommodated through the use of swales and/or retention areas. The location of a lake or pond may be refined without amending the MCP based on detailed site engineering, and compliance with all setback requirements set forth herein.
12. Maximum lot coverage is limited to 45%.
13. Up to 50% of all residential lots will include open space to meet open space requirements.
14. All but 17 acres of the total residential area will be developed as lots greater than 6,500 sq. ft. The lots greater than 6,500 sq. ft. will not generate an open space requirement.
15. At development order the appropriate traffic control devices will be provided at the intersection of the Three Oaks Parkway entry and the adjacent easement.
16. Aquascape is defined as a vegetated area adjacent to or connecting water quality lakes that will store water during the wet season and may be dry during the dry season.
17. The western section of Home Lane will act as the base along the north side of the property as shown on the Master Concept Plan.
18. The gopher tortoise relocation area is marked on the MCP at the lot in the south west corner of the site in an area that will be maintained for gopher tortoises as conditioned in the zoning resolution.
19. Home Lane will continue to provide access to River Ranch Road through the northeast corner of Colonial Lakes where it will be paved as shown. Other than the paving as shown, access to Home Lane by adjacent parcels will remain unchanged.



LEGEND

- Illustrates the only lots that do not exceed 6,500 square feet, and are therefore required to provide open space. This area is 17 acres, and requires 6.8 acres of open space.
- Illustrates the common open space provided within the proposed development.
- Illustrates existing Home Lane.
- Illustrates Home Lane to be paved.
- Berm
- Property Boundary



APPROVED
Master Concept Plan
Site Plan 01-0174
Page 1 of 1
Subject to conditions in Resolution Z-01-017

RECEIVED
JUN 27 2001
COMMUNITY DEVELOPMENT

NO.	DATE	BY	REVISIONS
1	2-16-01	DSD	REVISED ZONING CONCEPT PLAN
2	3-23-01	TDH	REVISED ZONING CONCEPT PLAN
3	5-21-01	JH	REVISED ZONING CONCEPT PLAN
4	6-27-01	DD	REVISED ZONING CONCEPT PLAN

SCALE	1" = 100'		
PROJECT MGR.	DSV	5-21-01	
DRAWN BY	DSD	5-21-01	
CHECKED BY	DSC	5-21-01	

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OWNER/DEV.: COLONIAL HOMES
4570 BIRTHAM DR.
FT. MYERS, FL 33912

PROJECT LOCATION: RIVER RANCH ROAD
LEE COUNTY, FL

COLONIAL LAKES - ZONING CONCEPT PLAN
EXHIBIT H-6 H-5 & H-4

PROJECT NO. 8034
DRAWING NO. 8034-MCP

DCI 2000-00086