ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Mr. Juan Porro filed an application for administrative approval to a Residential Planned Development on a project known as The Preserve at San Carlos Park (aka Porro RPD) to:

1. Eliminate one three story 12 unit building and combine it with another 12 unit 3 story building to have a total of three 24 unit, 3 story buildings on site; and

2. Remove the pool and cabana from the amenity area by deleting the cabana from the originally approved master concept plan and relocating the pool immediately east of the most westerly three story 24 unit building; and

3. Add a fitness room to the most westerly 3 story multiple-family buildings; and

3. To add a deviation seeking relief from Section 10-261, of the land development code, to allow a ground floor trash chutes with roll-out dumpsters for each multiple-family building,

on property located at S. Tamiami Trail, described more particularly as:

LEGAL DESCRIPTION: In Section 17, Township 46 South, Range 25 East, Lee County, Florida:

See Legal Description attached hereto as Exhibit "A"

WHEREAS, the property was originally rezoned in resolution number Z-06-091; and

WHEREAS, the subject property is located in the Urban Community Future Land Use Category as designated by the Lee Plan; and

WHEREAS, the original master concept plan was approved for two 24 unit buildings and two 12 unit buildings having a maximum height of 3 stories; and

WHEREAS the revised proposal is to have a total of three 24 unit buildings having a maximum height of three stories; and

WHEREAS, the developer is proposing to relocate the pool/cabana immediately to the east of the most westerly multiple-family building; and

WHEREAS, the developer will be providing a fitness building immediately to the west of the relocated pool; and

RESCINDED AND REPLACED BY ADD2012-00004 DATED 6-6-12

WHEREAS, the area east of Mullock Creek will be used for a park (amenity area) and dry retention; and

WHEREAS, the applicant is providing separate trash rooms for each building to utilize trash chutes for disposal of solid waste; and

WHEREAS, the disposal of the solid waste received from the trash chutes will be into roll-out dumpsters only; and

WHEREAS, the dumpsters will be contained in a separate trash room equipped with an overhead door incorporated into each building; and

WHEREAS, the developer will provide a minimum 7 foot wide sidewalk to facilitate the transfer of the dumpsters to the parking lot for pick-up; and

WHEREAS, the proposed dumpsters and trash chutes were reviewed by the Department of Public Works; and

WHEREAS, the Development Contract between The Board of County Commissioners, Lee County, Florida and Cobalt Development Group, Inc., has been amended to reflect the proposed changes to the master concept plan; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to Residential Planned Development to:

1. **Eliminate one three story 12 unit building and combine it with another 12 unit 3 story building to have a total of three 24 unit buildings on site; and**

2. **Remove the pool and cabana from the amenity area by deleting the cabana from the originally approved master concept plan and relocating the pool immediately east of the most westerly three story 24 unit building; and**

RESCINDED AND REPLACED BY ADD2012-00004 DATED 6-6-12

3. Seek relief from Section 10-261, of the land development code, to allow a ground floor trash chutes and roll-out dumpsters for each multiple-family building,

is APPROVED.

Approval is subject to the following conditions:

1. The Development must be in compliance with the amended Master Concept Plan, entitled "PORRO RPD, DCI2005-00094, REVISED MASTER CONCEPT PLAN", stamped received by Community Development on January 23, 2008. Master Concept Plan for ADD2007-00132 is hereby APPROVED and adopted. A reduced copy is attached hereto as Exhibit G.

2. The utilization of trash chutes and roll-out dumpsters in each of the three multiple-family buildings will require:

   a. the developer to be in compliance with the minimum specifications cited in the narrative submitted on November 20, 2007, attached hereto as Exhibit "B". Please see attached Floor Plans, Architectural elevations, and cross-sections attached hereto as Exhibits "C", "D", and "E" in support of the November 20, 2007 narrative; and

   b. the dumpsters must be contained within a separate trash room equipped with an overhead door incorporated into each multiple-family building; and

   c. the developer must provide a minimum 7 foot wide sidewalk to facilitate transfer of the dumpsters to the parking lot for pick-up; and

   d. that the transfer of the dumpsters to the parking lot is the responsibility of the developer and may be ultimately contracted to the waste hauler; and

   e. the developer must provide additional space for bulky items and recyclables in an outdoor enclosure (18 feet wide by 12 feet deep) as indicated on the master concept plan, stamped received by Community Development, on January 23, 2008, attached hereto.

3. Prior to development order approval, the development order plans must delineate a minimum five (5) foot wide planted strip along the north property line between the indigenous preserve and twenty-five (25) foot waterway buffer. The plantings must be native and include four (4) trees per one hundred (100) linear feet meeting overhead powerline height requirements and eighteen (18) shrubs per 100 linear feet meeting Land Development Code (LDC) Section 10-420(d) plant material standards.

RESCINDED AND REPLACED BY ADD2012-00004 DATED 6-6-12

4. Prior to development order approval, the applicant must submit a native tree survey for the area east of Mullock Creek depicting all native trees with >/= 4 inch caliper at diameter at breast height (dbh).

5. Prior to development order approval, the development order plans must delineate:

   a. the dry detention areas and proposed structures within the amenity area east of Mullock Creek must be designed to avoid existing mature native trees; and

   b. the proposed pedestrian path east of Mullock Creek outside the 25 foot waterway buffer, a maximum five (5) foot wide, constructed of either a crushed rock/shell surface or a stabilized grass area, and designed to avoid existing mature native trees.

6. Prior to development order and vegetation permit approvals, the locations of dry detention, amenity area, and pedestrian path east of Mullock Creek must be staked by the developer and field verified by Division of Environmental Sciences staff to insure the preservation of existing mature native trees.

7. The 20 foot wide maintenance easement adjacent and along the west bank of Mullock Creek as required by Land Development Code 10-328(a) may overlap the required natural waterway buffer provided that:

   a. vegetation removal is limited to the routine removal of exotics and downed vegetative debris only; and

   b. removal of native vegetation within the 20 foot easement must be minimized and limited to when necessary for vehicle access for waterway maintenance purposes only; and

   c. additional vegetation planted within the 20 foot maintenance easement, to meet any enhancements requirements, must be reviewed and approved by Environmental Sciences and Natural Resource staff.

8. Amend zoning resolution Z-06-091, Section B, by amending Condition 3.a.ii., by adding and deleting language in strike-through and underline format as follows:

   The type of permanent physical barrier to be installed between the preserve and the entry road and preserve and multi-family building ~~, and between the dry detention area east of the preserve and the parking lot~~ to deter gopher tortoises from entering the road ~~or~~ and parking lot. The permanent barrier may be a fence, native vegetation, rock wall, or a combination of these. The details of permanent barrier must also be shown on the development order plans; and,

RESCINDED AND REPLACED BY ADD2012-00004 DATED 6-6-12

9. **The amendment to the Development Contract between The Board of County Commissioners, Lee County, Florida and Cobalt Development Group, Inc., approved on January 29, 2008, is attached hereto as Exhibit F.**

10. **The terms and conditions of the original zoning resolutions remain in full force and effect, except as amended herein.**

DULY SIGNED this 22nd day of May, A.D., 2008.

BY: _____
Pam Houck, Director
Division of Zoning
Department of Community Development

RESCINDED AND REPLACED BY ADD2012-00004 DATED 6-6-12

LEGAL DESCR. .ION

A TRACT OR PARCEL OF LAND IN THE WEST ½ OF SECTION 17, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LYING EAST OF U.S. HIGHWAY NO. 41, LEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SW ¼ OF THE NW ¼ OF SAID SECTION 17, RUN N 88°43'40" E ALONG THE SOUTH LINE OF SAID NW ¼ OF SECTION 17, A DISTANCE OF 329 FEET TO THE SOUTHWEST CORNER OF SAN CARLOS PARK, SOUTHWEST ADDITION, AS RECORDED IN PLAT BOOK 28 PAGES 9 THROUGH 11 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N 0°40'12" W ALONG THE WEST LINE OF SAID SOUTHWEST ADDITION A DISTANCE OF 920.84 FEET TO THE POINT OF BEGINNING;
THENCE S 69°24'30" W 476.21 FEET;
THENCE N 20°35'30" W, 425 FEET;
THENCE S 69°24'30" W 500 FEET;
THENCE N 20°35'30" W 350 FEET ALONG THE NORTHEASTERLY RIGHT-OF-WAY OF STATE ROAD NO. 45 (U.S. NO. 41 - 200 FEET WIDE) TO THE NORTH LINE OF S ½ OF THE NW ¼ OF SAID SECTION 17;
THENCE N 88°57'23" E ALONG SAID NORTH LINE 1181.88 FEET TO THE WEST LINE OF PORT SAN CARLOS, UNIT 1, AS SHOWN IN O.R. BOOK 273, PAGES 670 THROUGH 675, PUBLIC RECORDS OF LEE COUNTY, FLORIDA;
THENCE S 0°40'12" E ALONG SAID WEST LINE 403.70 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBES APPROXIMATELY 9.24 ACRES OF LAND.

THIS SURVEY IS CERTIFIED TO THE FOLLOWING:
SAN CARLOS PARK, L.L.C., A FLORIDA LIMITED LIABILITY COMPANY
LASALLE BANK NATIONAL ASSOCIATION
RICHARD V.S. ROOSA, ESQ.
ATTORNEYS' TITLE INSURANCE FUND, INC.
SHUTTS & BOWEN LLP

RESCINDED AND REPLACED BY ADD2012-00004 DATED 6-6-12

Applicant's Legal Checked by BG 7/17/07

RECEIVED
JUN 13 2007
PERMIT COUNTER

ADD 2007-00132

COASTAL ENGINEERING CONSULTANTS, INC
FLORIDA BUSINESS AUTHORIZATION NO. LB 24

RICHARD J. EWING, VP
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5295
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
DATE OF FIELD SURVEY: 05/10/06
DATE OF SIGNATURE: 5-1-07

EXHIBIT A

CIVIL ENGINEERING
TDM
CONSULTING, INC.

8695 College Parkway, Suite 106
Fort Myers, FL 33919
Phone: 239 433 4231 Fax: 239 433 9632

NARRATIVE OF SOLID WASTE SERVICES

The multi-family development, The Preserve at San Carlos Park, proposes to utilize trash chutes for disposal of solid waste. A separate trash room is designated in each building to provide space for a 3 cu yd roll-out dumpster and a recyclable bin. In addition, a 12' x 18' dumpster pad is proposed on-site for additional recyclable area and bulk items. The area for the dumpster is 82.5 sf and the area for the recyclable bin is 55.0 sf for a total of 137.5 sf. An overhead door will provide access for the waste service provider and recyclable collection agency to roll each bin out. The association will pay the additional service fee for the waste service provider to roll out the dumpster each week for disposal. The dumpster and bin are both standard dimensions of 4' x 6'. A 7' wide sidewalk is proposed and will remain at a level elevation for safe transport of the dumpster. Calculations for solid waste and recyclables are provided on the re-submittal letter. Please see the attached Master Concept Plan, Floor Plans, and Architectural Elevations for further clarification.

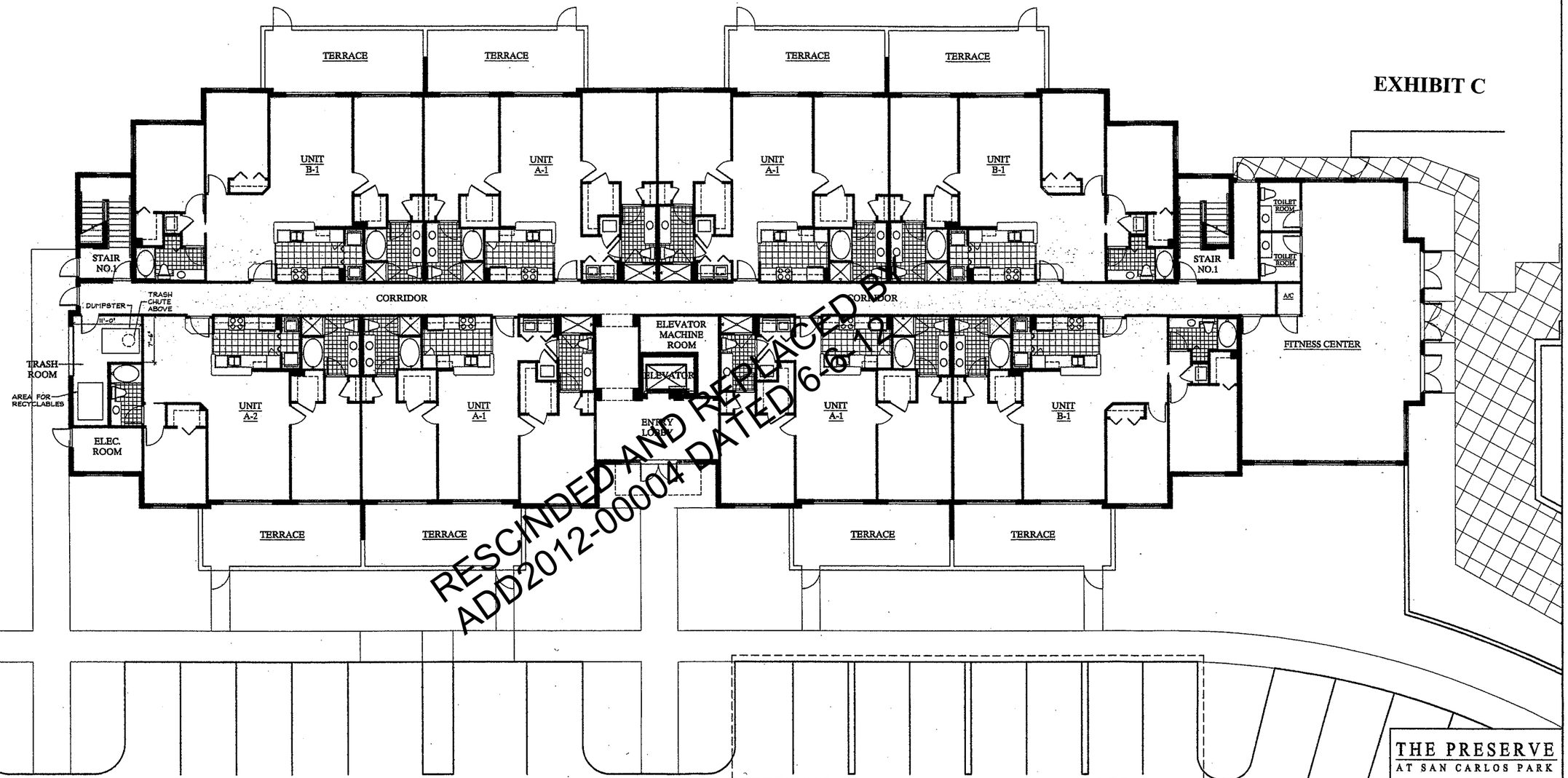
RESCINDED AND REPLACED BY ADD2012-00004 DATED 6-6-12

EXHIBIT B

ADD 2007-00132

RECEIVED
NOV 20 2007
COMMUNITY DEVELOPMENT

EXHIBIT C



RESCINDED AND REPLACED BY ADD2012-00004 DATED 6-6-12

BUILDING NO.1
PLAN @ GROUND FLOOR
SCALE: 1/16" = 1'-0

RECEIVED
NOV 20 2007
COMMUNITY DEVELOPMENT

ADD 2007-00132

THE PRESERVE
AT SAN CARLOS PARK

FOR
COBALT DEVELOPMENT GROUP

ROGER FRY & ASSOCIATES ARCHITECTS, P.A.
AA 26000598
ROGER FRY, ARCHITECT
AR 7534
2791 BIRD AVENUE COCONUT GROVE, FL. 33133
TEL. 305-446-7787
FAX 305-443-5755
rfry@rogerfry.com

DATE	SHEET NUMBER
6-29-07	A-1.1

EXHIBIT C

TERRACE
TERRACE
TERRACE
TERRACE
UNIT B-1
UNIT A-1
UNIT A-1
UNIT B-1
STAIR NO.1
CORRIDOR
CORRIDOR
STAIR NO.1
TRASH CHUTE ABOVE
DUMPSTER
11'-0"
7'-4"
TRASH ROOM
AREA FOR RECYCLABLES
ELEVATOR MACHINE ROOM
ELEVATOR
ENTRY LOBBY
UNIT B-1
UNIT A-1
UNIT A-1
UNIT A-2
ELEC. ROOM
TERRACE
TERRACE
TERRACE
TERRACE

RESCINDED AND REPLACED BY ADD2012-00004 DATED 6-6-12

RECEIVED
NOV 20 2007
COMMUNITY DEVELOPMENT

ADD 2007-00132

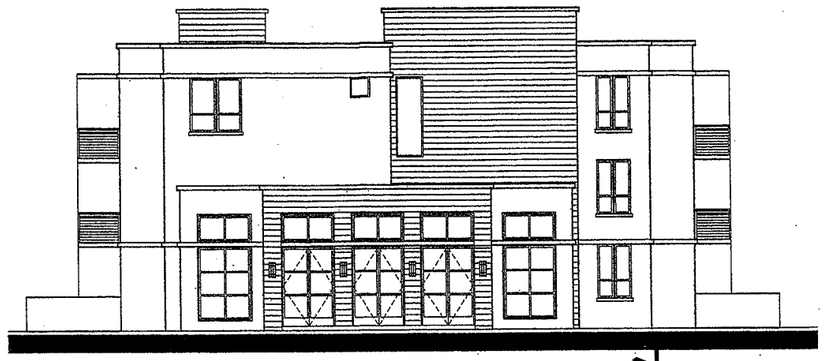
BUILDING NO.2
PLAN @ GROUND FLOOR
(BUILDING NO. 3 SIMILAR EXCEPT REVERSED)
SCALE: 1/16" = 1'-0

THE PRESERVE
AT SAN CARLOS PARK

FOR
COBALT DEVELOPMENT GROUP

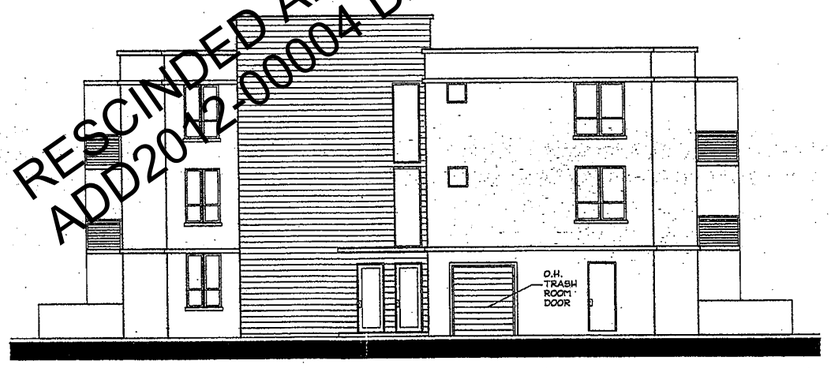
ROGER FRY & ASSOCIATES ARCHITECTS, P.A.
AA 26000598
ROGER FRY, ARCHITECT
AR 7534
2791 BIRD AVENUE COCONUT GROVE, FL. 33133
TEL. 305-446-7787
FAX 305-443-5755
rfry@rogerfry.com

DATE	SHEET NUMBER
6-29-07	A-1.3



RIGHT ELEVATION

RESCINDED AND REPLACED BY
ADD2012-00004 DATED 6-6-12



LEFT ELEVATION

ELEVATIONS
BUILDING NO.1

SCALE: 1/4" = 1'-0

RECEIVED
NOV 20 2007
COMMUNITY DEVELOPMENT

ADD 2007-00132

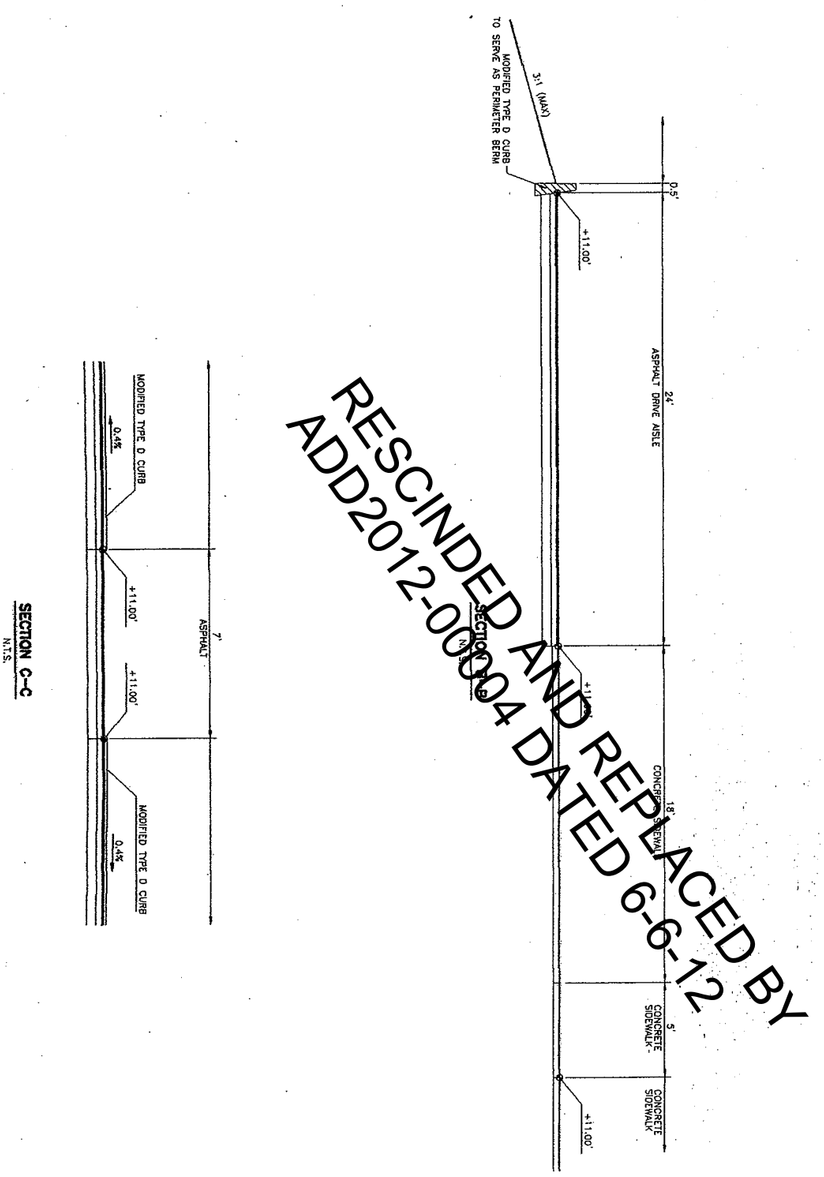
EXHIBIT D

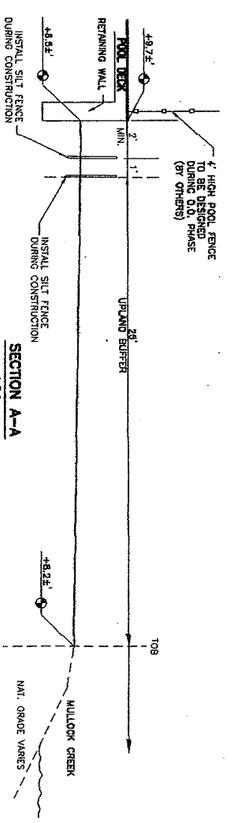
THE PRESERVE
AT SAN CARLOS PARK

FOR
COBALT DEVELOPMENT GROUP

ROGER FRY & ASSOCIATES ARCHITECTS, P.A.
AA 26000598
ROGER FRY, ARCHITECT
AR 7534
2791 BIRD AVENUE COCONUT GROVE, FL. 33133
TEL. 305-446-7787
FAX 305-443-5755
rfry@rogerfry.com

DATE	SHEET NUMBER
6-29-07	A-3.2





RESCINDED AND REPLACED BY ADD2012-00004 DATED 6-6-12

ADD 2007-00132

RECEIVED
NOV 20 2007
COMMUNITY DEVELOPMENT

EXHIBIT E

SHEET #	NOT VALID WITHOUT EMBOSSED SEAL, SIGNATURE AND DATE.		
1 of 1			
SCALE: 1" = 50'	Dean Martin, P.E. Florida # 52922 DATE:	CIVIL ENGINEERING TDM CONSULTING, INC. 8695 College Parkway, Suite #106 Fort Myers, FL 33919 Phone: (239) 433-4231 Fax: (239) 433-9632 Email: dean@tdmconsulting.com	PORRO RPD DCI 2005-00094 CROSS-SECTIONS

	DATE	REVISIONS	DATE: 01/07/05
1	10/22/07	REVISED PER LEE COUNTY COMMENTS	DESIGNED BY: JEM
			DRAWN BY: TE
			CHECKED BY: TDM
			APPROVED BY: TDM

DRAWING NAME: Porro\San Carlos\Drawings\Civil\TDM4MPC.dwg

AMENDMENT TO DEVELOPMENT CONTRACT
DATED MARCH 19, 2007 BETWEEN
THE BOARD OF COUNTY COMMISSIONERS, LEE COUNTY, FLORIDA
AND
COBALT DEVELOPMENT GROUP, INC.
RE: The Cash Contribution Option
of the Housing Bonus Density Program

WHEREAS, this Amendment is to an Agreement dated March 19, 2007 (hereinafter the "Agreement") between Lee County, a political subdivision of the State of Florida (hereinafter ("County") and Cobalt Development Group, Inc.(hereinafter "Developer"); and,

WHEREAS, during the permitting of the Porro Residential Planned Development (hereinafter "Development"); the Developer has encountered site planning issues; and,

WHEREAS, in response to the site planning issues encountered, the Developer desires to amend the Master Concept Plan attached to the Agreement as Exhibit B.

NOW, THEREFORE, in consideration of this Amendment and the various mutual terms, conditions, promises, and covenants herein, County and Developer agree to amend the Agreement as follows:

Exhibit B of the Agreement is replaced by the Revised Master Concept Plan stamped "Received JAN 10 2008" and attached hereto as Exhibit B.

RESCINDED AND REPLACED BY ADD2012-00004 DATED 6-6-12

IN WITNESS WHEREOF, the Parties, by their duly authorized representatives, have executed this Amendment on this 29th day of January 2008.

ATTEST:
Clerk of Circuit Court
Charlie Green, Clerk

By: Marcia Wilson
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS SEAL LEE COUNTY, FLORIDA

LEE COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

By: Ray Judah
Ray Judah, Chairman
DATE: 2/26/08
Approved as to Form:

By: Robert Spickerman
Robert Spickerman
Office of the County Attorney

EXHIBIT F

C3a
1-29-08

COPY

Linda Militic
(Witness)

Lola Solis
(Witness)

COBALT DEVELOPMENT GROUP, INC.
A Florida ~~Limited Liability Company~~ Corporation

By: _____
Juan C. Porro, President

State of Florida
County of Miami Dade

The foregoing contract was acknowledged before me this 18th day of February, 2008, by Juan C. Porro, in his capacity as the President of Cobalt Development Group, Inc.. He is ☒personally known to me or ☐has produced _____ as identification.

_____
Print Name: H. Del Valle

Exhibits: A. Legal Description (*See* Original Contract)
B. Revised Master Concept Plan

NOTARY PUBLIC - STATE OF FLORIDA
H. Del Valle
Commission # DD610954
Expires: DEC. 22, 2010
BONDED THRU ATLANTIC BONDING CO., INC.

RESCINDED AND REPLACED BY ADD2012-00004 DATED 6-6-12

EXHIBIT F

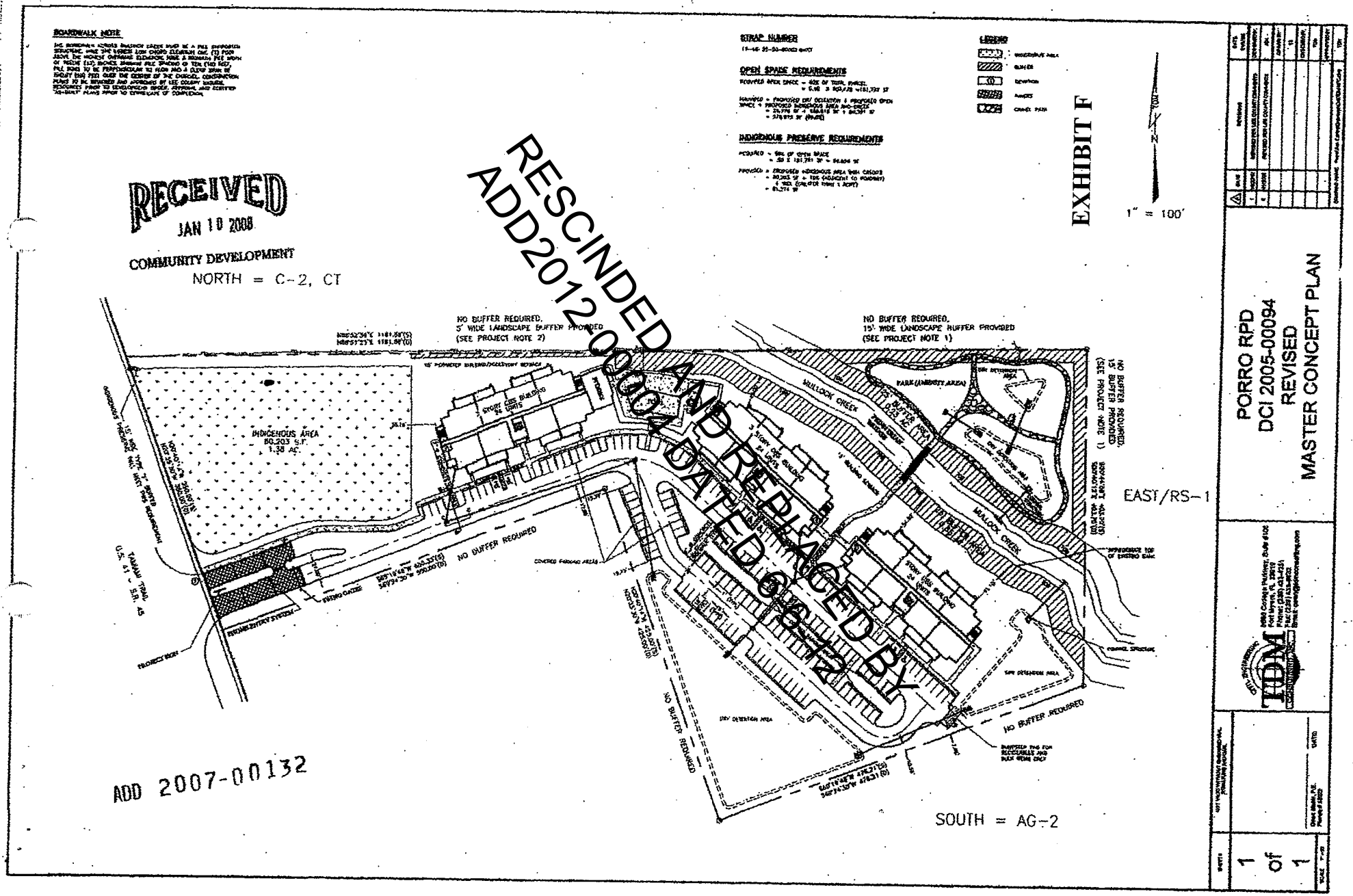

BOARDWALK NOTE
STRAP NUMBER
OPEN SPACE REQUIREMENTS
INDIGENOUS PRESERVE REQUIREMENTS
LEGEND
EXHIBIT F
1" = 100'
RECEIVED
JAN 10 2008
COMMUNITY DEVELOPMENT
NORTH = C-2, CT
RESCINDED AND REPLACED BY ADD2012-00004 DATED 6/6/12
NO BUFFER REQUIRED, 5' WIDE LANDSCAPE BUFFER PROVIDED (SEE PROJECT NOTE 2)
NO BUFFER REQUIRED, 15' WIDE LANDSCAPE BUFFER PROVIDED (SEE PROJECT NOTE 1)
INDIGENOUS AREA 80,203 S.F. 1.38 AC.
STUDIO CBS BUILDING 24 UNITS
3 STORY CBS BUILDING 24 UNITS
MULLOCK CREEK
PARK (AMENITY AREA)
EAST/RS-1
TAMIAMI TRAIL U.S. 41 - S.R. 45
PROJECT ENTRY
NO BUFFER REQUIRED
SOUTH = AG-2
ADD 2007-00132
PORRO RPD
DCI 2005-00094
REVISED
MASTER CONCEPT PLAN
1 of 1

EXHIBIT B

STRAP NUMBER

17-46-25-00-00002.0070

OPEN SPACE REQUIREMENTS

REQUIRED OPEN SPACE = 40% OF TOTAL PARCEL
= 0.40 X 404,479 =161,792 SF

PROVIDED = PROPOSED DRY DETENTION + PROPOSED OPEN SPACE + PROPOSED INDIGENOUS AREA AND CREEK
= 39,770 SF + 158,818 SF + 80,391 SF
= 278,979 SF (69.0%)

INDIGENOUS PRESERVE REQUIREMENTS

REQUIRED = 50% OF OPEN SPACE
= .50 X 161,791 SF = 80,896 SF

PROVIDED = PROPOSED INDIGENOUS AREA WITH CREDITS
= 60,203 SF + 10% (ADJACENT TO ROADWAY)
+ 25% (GREATER THAN 1 ACRE)
= 81,274 SF

BUFFER NOTES

1. SIDE/REAR BUFFER TO INCLUDE 2' TALL BERM WITH 6' HIGH CHAIN LINK FENCE WITH VINYL COATING AND DOUBLE STAGGERED HEDGE ROW.
2. 5' WIDE MINIMUM LANDSCAPE BUFFER TO BE NATIVE SPECIES AND INCLUDE 4 TREES AND 18 SHRUBS PER 100 LINEAR FEET.

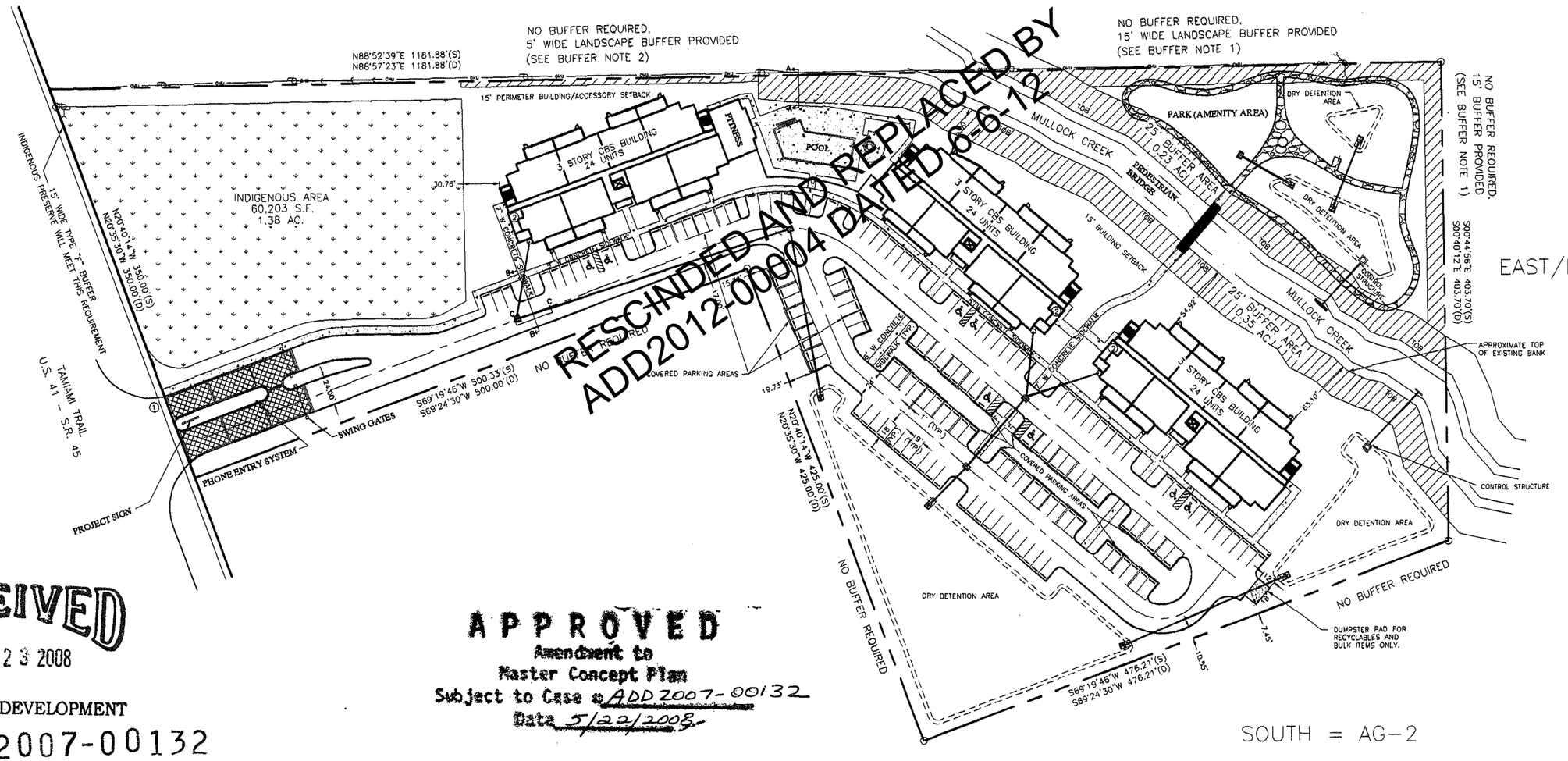
LEGEND

- INDIGENOUS AREA
- BUFFER
- DEVIATION
- PAVERS
- GRAVEL PATH

TDM N

1" = 100'

NORTH = C-2, CT



RECEIVED
JAN 23 2008
COMMUNITY DEVELOPMENT
ADD 2007-00132

APPROVED
Amendment to
Master Concept Plan
Subject to Case # ADD2007-00132
Date 5/22/2008

EXHIBIT G

	DATE	REVISIONS	DESIGNED BY:
1	10/22/07	REVISED PER LEE COUNTY COMMENTS	JBM
2	01/10/08	REVISED PER LEE COUNTY COMMENTS	DRAWN BY: TE
			CHECKED BY: TDM
			APPROVED BY: TDM
			DRAWING NAME: P:\mm\San Carlos\Drawings\ConMTM.MPC.dwg

DATE: 01/07/05

PORRO RPD
DCI 2005-00094
REVISED
MASTER CONCEPT PLAN

TDM CIVIL ENGINEERING CONSULTING, INC.
8695 College Parkway, Suite #106
Fort Myers, FL 33919
Phone: (239) 433-4231
Fax: (239) 433-9632
Email: dean@tdmconsulting.com

NOT VALID WITHOUT EMBOSSED SEAL, SIGNATURE AND DATE

Dean Martin, P.E.
Florida # 52022

DATE:

SHEET # 1 of 1

SCALE: 1" = 100'