GIS Tracking Sheet

Case No.: DCI 2009-00005

Intake Date: February 9, 2009

Project Name: Oasis Cove RPD/CPD

STRAP Number(s): 35-45-24-00-00015.0000 & 35-45-24-00-00014.0000

Planner Name: Tony Palermo Ext. 38325

LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING

Date: 12-22-09 **INTAKE:** DC109005

LEGAL SUFFICIENT ☒ YES ☐ NO Initials: CSJ

If not, give brief explanation:

Need to obtain TITLE OPINION or certificate and remove note stating Commitment.

Need S.P. coordinates

NEED NEW TITLE work & survey, close and Confirm —

MAP UPDATE following FINAL ACTION

Date:

☐ Hearing Examiner Decision ☐ Board of County Commissioner's Resolution

☐ Administrative Approval ☐ Blue Sheet

Zoning Notes:

MAP UPDATED ☐YES ☐NO Initials:

If not, give brief explanation:

ZONE : RPD : 501454

IL : RPD : 501495

Banks Engineering

Professional Engineers, Planners & Land Surveyors
10511 Six Mile Cypress Parkway - Suite 101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

RECEIVED
DEC 18 2009
COMMUNITY DEVELOPMENT

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

(CPD PARCEL)

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST, AND BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER (NW¼) OF SAID SECTION 35; THENCE S.01°11'00"E. ALONG THE EAST LINE OF SAID FRACTION FOR 554.86 FEET; THENCE N.77°09'08"W. FOR 20.52 FEET; THENCE N.57°54'34"W. FOR 24.44 FEET; THENCE S.70°39'04"W. FOR 29.95 FEET; THENCE S.35°51'19"W. FOR 28.90 FEET; THENCE S.10°52'34"E. FOR 27.03 FEET; THENCE S.09°24'39"W. FOR 38.83 FEET; THENCE S.25°14'18"W. FOR 27.38 FEET TO THE **POINT OF BEGINNING**; THENCE S.25°14'18"W. FOR 12.93 FEET; THENCE S.45°28'41"W. FOR 45.15 FEET; THENCE S.37°41'02"W. FOR 20.60 FEET; THENCE S.18°12'50"W. FOR 49.13 FEET; THENCE S.18°49'48"W. FOR 39.67 FEET; THENCE S.09°03'50"W. FOR 46.83 FEET; THENCE S.14°50'17"E. FOR 59.82 FEET; THENCE S.18°42'13"W. FOR 35.83 FEET; THENCE S.28°15'16"E. FOR 30.66 FEET; THENCE S.29°10'50"E. FOR 60.46 FEET; THENCE S.56°06'08"E. FOR 3.06 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (a/k/a COUNTY ROAD 865) AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1,307.39 FEET AND TO WHICH POINT OF CURVE A RADIAL LINE BEARS S.28°25'21"E.; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'42" FOR 315.16 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1,312.39 FEET AND TO WHICH POINT OF CURVE A RADIAL LINE BEARS S.13°40'12"E.; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 09°06'31" FOR 208.64 FEET; THENCE S.89°37'57"W. ALONG SAID RIGHT-OF-WAY LINE FOR 341.72 FEET; THENCE N.00°22'03"W. FOR 609.97 FEET; THENCE N.89°37'57"E. FOR 666.53 FEET; THENCE S.64°45'42"E. FOR 235.31 FEET TO THE **POINT OF BEGINNING.**

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 10.79 ACRES, MORE OR LESS.

DESCRIPTION PREPARED DECEMBER 16, 2009.

Applicant's Legal Checked
By BG 12-22-09

Richard M. Ritz

RICHARD M. RITZ,
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

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Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
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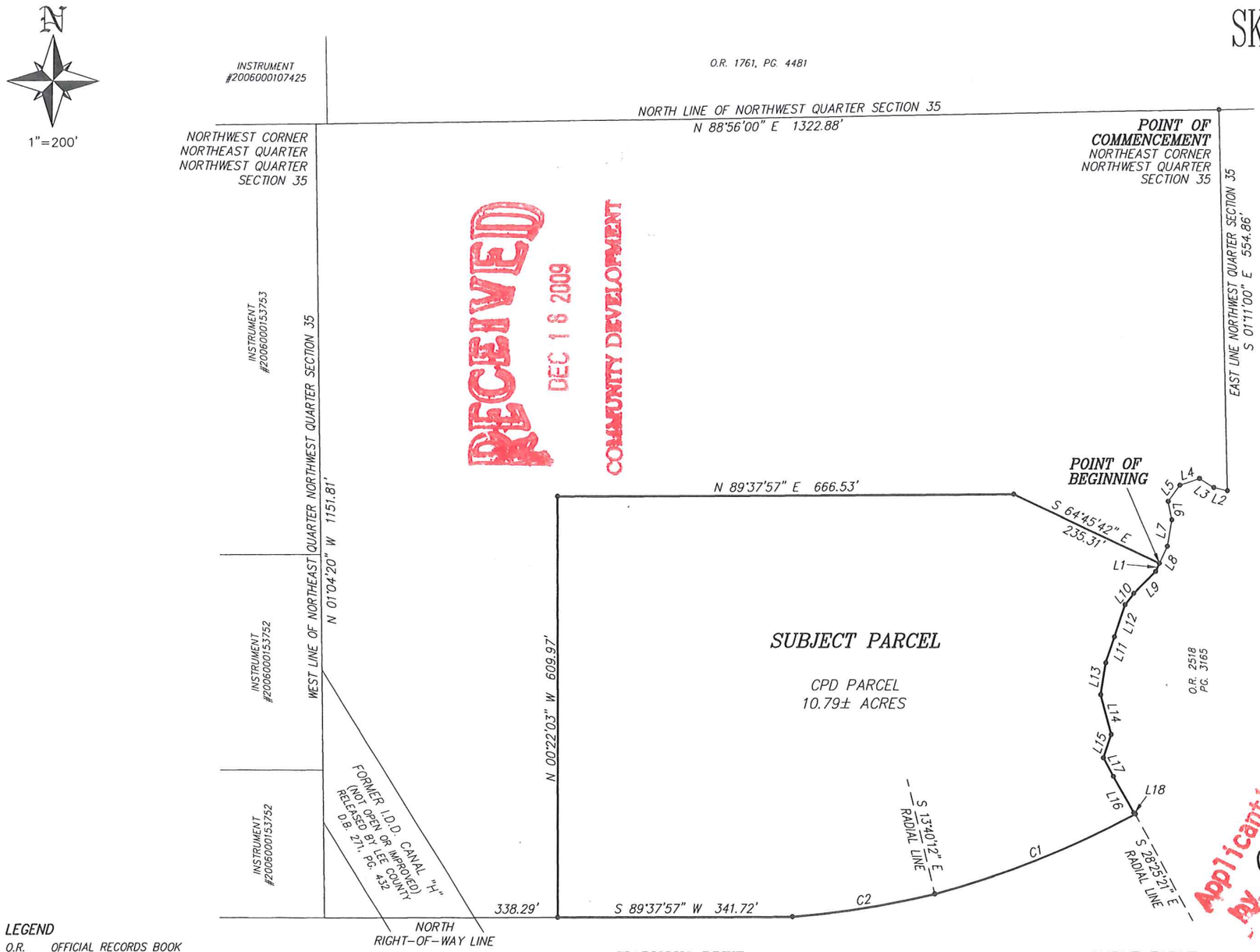
Fax (941) 625-1149

DCI 2009-00005

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



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DCI 2009-00005

NOTES:

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PARCEL CONTAINS 10.79 ACRES, MORE OR LESS.

SEE SHEET 1 OF 2 FOR COMPLETE METES & BOUNDS DESCRIPTION.

LINE TABLE

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S 25°14'18" W	12.93'	L12	S 18°12'50" W	49.13'
L2	N 77°09'08" W	20.52'	L13	S 09°03'50" W	46.83'
L3	N 57°54'34" W	24.44'	L14	S 14°50'17" E	59.82'
L4	S 70°39'04" W	29.95'	L15	S 18°42'13" W	35.83'
L5	S 35°51'19" W	28.90'	L16	S 29°10'50" E	60.46'
L6	S 10°52'34" E	27.03'	L17	S 28°15'16" E	30.66'
L7	S 09°24'39" W	38.83'	L18	S 56°06'08" E	3.06'
L8	S 25°14'18" W	27.38'			
L9	S 45°28'41" W	45.15'			
L10	S 37°41'02" W	20.60'			
L11	S 18°49'48" W	39.67'			

Applicant's Legal Checked
By ESG 12-22-09

THIS IS NOT A SURVEY

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

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

—PREPARED DECEMBER 16, 2009.

PREPARED BY:

Banks Engineering

ENGINEERING, SURVEYING & LAND PLANNING
10511 SIX MILE CYPRESS PARKWAY – SUITE 101
FORT MYERS, FLORIDA 33966
(239) 939-5490
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

LEGEND

O.R.	OFFICIAL RECORDS BOOK
D.B.	DEED BOOK
PG.	PAGE
C1	CURVE 1 OF THE CURVE TABLE
L1	LINE 1 OF THE LINE TABLE

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1307.39'	13°48'42"	315.16'	314.40'	S 68°29'00" W
C2	1312.39'	09°06'31"	208.64'	208.42'	S 80°53'03" W

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SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

(RPD PARCEL)

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST, AND BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER (NW¼) OF SAID SECTION 35; THENCE S.01°11'00"E. ALONG THE EAST LINE OF SAID FRACTION FOR 554.86 FEET; THENCE N.77°09'08"W. FOR 20.52 FEET; THENCE N.57°54'34"W. FOR 24.44 FEET; THENCE S.70°39'04"W. FOR 29.95 FEET; THENCE S.35°51'19"W. FOR 28.90 FEET; THENCE S.10°52'34"E. FOR 27.03 FEET; THENCE S.09°24'39"W. FOR 38.83 FEET; THENCE S.25°14'18"W. FOR 27.38 FEET; THENCE N.64°45'42" W FOR 235.31 FEET; THENCE S.89°37'57"W. FOR 666.53 FEET; THENCE S.00°22'03"E. FOR 609.97 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (a/k/a COUNTY ROAD 865); THENCE S.89°37'57"W. ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 338.29 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE NORTHEAST ONE-QUARTER (NE¼) OF THE NORTHWEST ONE-QUARTER (NW¼) OF SAID SECTION 35; THENCE N.01°04'20"W. ALONG SAID WEST LINE FOR 1,151.81 FEET TO THE NORTHWEST CORNER OF SAID FRACTION; THENCE N.88°56'00"E. ALONG THE NORTH LINE OF THE NORTHWEST ONE-QUARTER (NW¼) FOR 1,322.88 FEET TO THE **POINT OF BEGINNING.**

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 21.75 ACRES, MORE OR LESS.

DESCRIPTION PREPARED DECEMBER 16, 2009.

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

Applicant's Legal Checked
by CG 12-22-09

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Sarasota Office
1144 Tallevast Road Suite #115
Sarasota, Florida 34243
(941) 360-1618
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12653 SW CR 769 Suite B
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DCI 2009-00005

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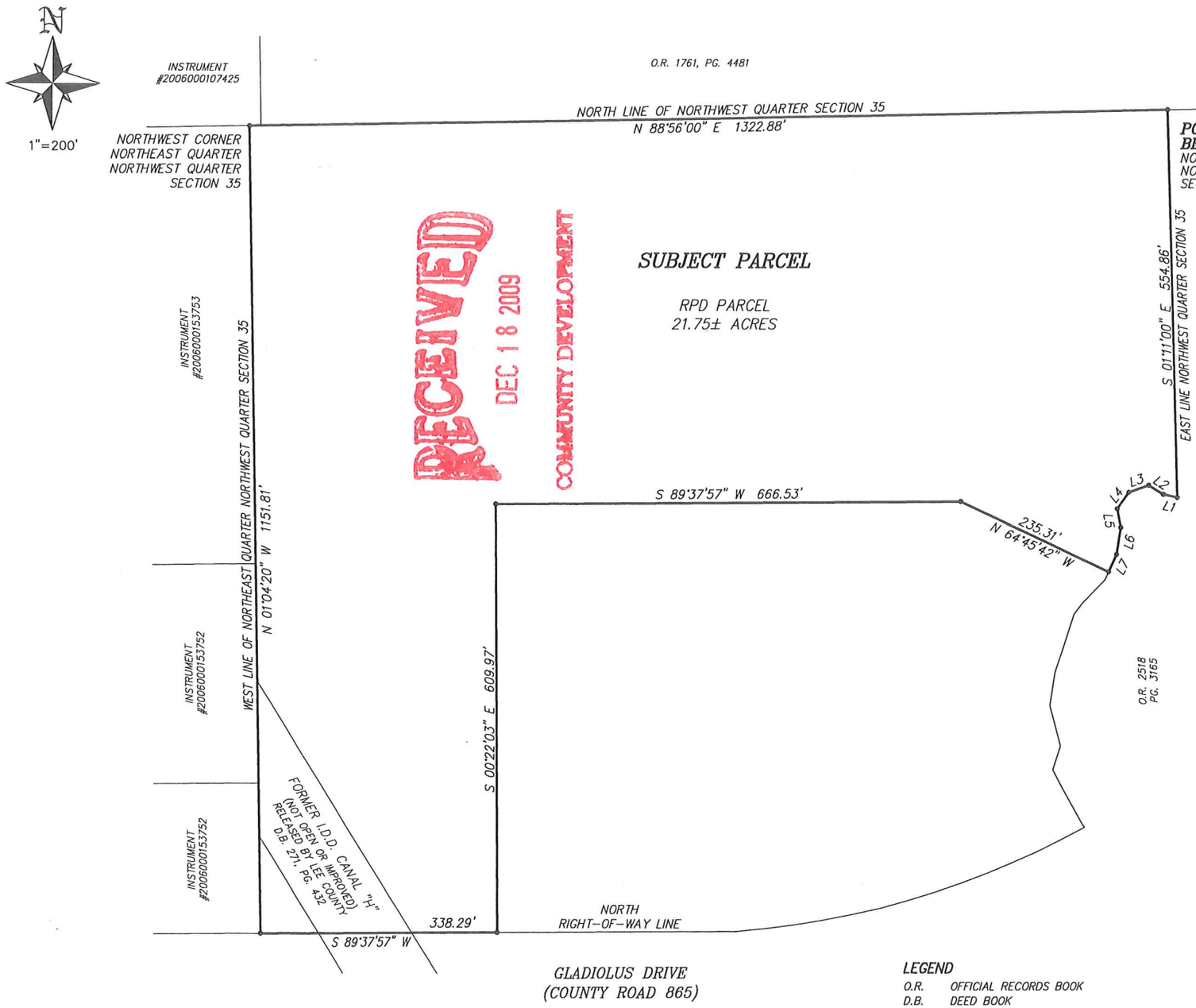

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PARCEL CONTAINS 21.75 ACRES, MORE OR LESS.

SEE SHEET 1 OF 2 FOR COMPLETE METES & BOUNDS DESCRIPTION.

Applicant's Legal Checked
by CG 12-22-09

DCI 2009-00005

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 77°09'08" W	20.52'
L2	N 57°54'34" W	24.44'
L3	S 70°39'04" W	29.95'
L4	S 35°51'19" W	28.90'
L5	S 10°52'34" E	27.03'
L6	S 09°24'39" W	38.83'
L7	S 25°14'18" W	27.38'

LEGEND

O.R.	OFFICIAL RECORDS BOOK
D.B.	DEED BOOK
PG.	PAGE
L1	LINE 1 OF THE LINE TABLE

THIS IS NOT A SURVEY

Richard M. Ritz

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—PREPARED DECEMBER 16, 2009.

PREPARED BY:
Banks Engineering
ENGINEERING, SURVEYING & LAND PLANNING
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FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

Banks Engineering
Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA ♦ PORT CHARLOTTE

RECEIVED
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LEE COUNTY, FLORIDA

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE S.88°56'00"W. ALONG THE NORTH LINE OF SAID FRACTION FOR 1322.88 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE S.01°04'20"E. ALONG THE WEST LINE OF SAID FRACTION FOR 1151.81 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (COUNTY ROAD 865 - 199.02 FEET WIDE); THENCE N.89°37'57"E. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 680.01 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 1312.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.04°33'41"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9°06'31" FOR 208.64 FEET TO AN INTERSECTION WITH A CURVE HAVING A RADIUS OF 1307.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.14°36'39"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'42" FOR 315.16 FEET; THENCE N. 56°06'08"W. FOR 3.06 FEET; THENCE N.29°10'50"W. FOR 60.46 FEET; THENCE N.28°15'16"W. FOR 30.66 FEET; THENCE N.18°42'13"E. FOR 35.83 FEET; THENCE N.14°50'17"W. FOR 59.82 FEET; THENCE N.09°03'50"E. FOR 46.83 FEET; THENCE N.18°49'48"E. FOR 39.67 FEET; THENCE N.18°12'50"E. FOR 49.13 FEET; THENCE N.37°41'02"E. FOR 20.60 FEET; THENCE N.45°28'41"E. FOR 45.15 FEET; THENCE N.25°14'18"E. FOR 40.31 FEET; THENCE N.09°24'39"E. FOR 38.83 FEET; THENCE N.10°52'34"W. FOR 27.03 FEET; THENCE N.35°51'19"E. FOR 28.90 FEET; THENCE N.70°39'04"E. FOR 29.95 FEET; THENCE S.57°54'34"E. FOR 24.44 FEET; THENCE S.77°09'08"E. FOR 20.52 FEET TO THE EAST LINE OF SAID FRACTION; THENCE N.01°10'59"W. ALONG SAID EAST LINE FOR 554.86 FEET TO THE **POINT OF BEGINNING.**

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.

DCI 2009-00005

Richard M. Ritz

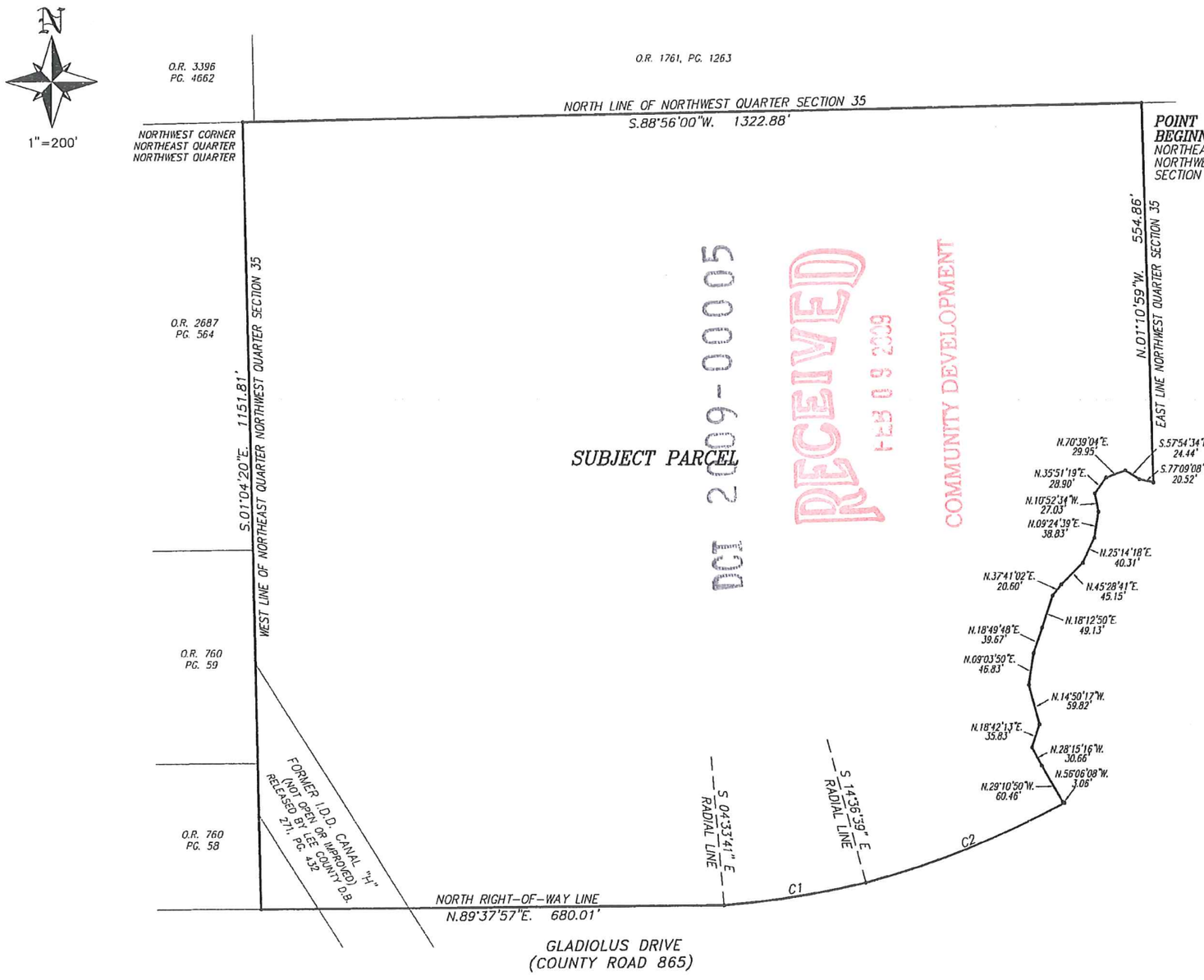
RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

Applicant's Legal Checked
by CSJ 2-12-09

S:\Jobs\16xx\1620\SURVEY\Descriptions\1620_DESC_RMR.doc
2515 Northbrooke Plaza Drive, Suite 200, Naples, Florida 34119 • (239) 597-2061 • Fax (239) 597-3082

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



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PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.

SEE SHEET 1 OF 2 FOR COMPLETE METES & BOUNDS DESCRIPTION.

Applicant's Legal Checked
by CSJ 2-12-09

LEGEND

O.R.	OFFICIAL RECORDS BOOK
PG.	PAGE
C1	CURVE DATA NUMBER

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1312.39'	09°06'31"	208.64'	208.42'	S 80°53'03" W
C2	1307.39'	13°48'42"	315.16'	314.40'	S 68°29'00" W
C3	1307.39'	07°21'30"	167.90'	167.79'	S 57°53'54" W

THIS IS NOT A SURVEY

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

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

—PREPARED JANUARY 14, 2009.

PREPARED BY:
Banks Engineering
ENGINEERING, SURVEYING & LAND PLANNING
2515 NORTHBROOKE PLAZA DRIVE - SUITE 200
NAPLES, FLORIDA 34119
(239) 597-2061
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

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

WHEREAS, an application was filed by Beck Group of Fort Myers, LLC, to rezone a 32.54±-acre parcel from Residential Planned Development (RPD), formerly known as Gladiolus RPD, to Residential Planned Development/Commercial Planned Development (RPD/CDP) in reference to a project known as Oasis Cove RPD/CPD; and,

WHEREAS, a public hearing was advertised and held on March 18, 2010, before the Lee County Zoning Hearing Examiner Richard A. Gescheidt, who gave full consideration to the evidence in the record for Case #DCI2009-00005; and,

WHEREAS, a second public hearing was advertised and held on June 7, 2010, 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 32.54±-acre parcel from RPD to RPD/CPD to allow Assisted Living Facilities (ALF), Continuing Care Facilities (CCF), Independent Living Units (ILU), multi-family development, and commercial uses. The maximum density proposed is 190 Multi-family dwelling units, or an equivalent number of units in ALFs, CCFs, and ILUs. The maximum intensity of non residential proposed is commercial, office, and retail development, maximum 100,000 square feet including a maximum 25,000 square feet retail. The maximum permissible height 45 feet for both Residential and Commercial. Development blasting was not requested as part of this application. Development will connect to public potable water and sanitary sewer service.

The property is located in the Central Urban and Wetlands Future Land Use Categories and is legally described in Exhibit A, attached hereto.

The request is APPROVED, SUBJECT TO the conditions and deviation 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).

06-07-10 Z

1. Development must be consistent with the one-page Master Concept Plan (MCP) entitled "Oasis Cove A.K.A. Gladiolus RPD," date stamped "Received Jun 08 2010," attached hereto as Exhibit C, except as modified by the conditions below.

Development must comply with all requirements of the LDC at time of the local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

The RPD is limited to a maximum of 190 multi-family dwelling units, or a maximum of 160 units of ALF/CCF units, plus a maximum of 300 ILUs, or any combination of ALF, CCF, or ILU, so long as the project density does not exceed 190 standard dwelling units on 21.75± acres of land.

The CPD is limited to a maximum of 100,000 square feet of gross floor area, including a maximum of 25,000 square feet of Commercial Retail uses.

Zoning Resolution Z-75-145, Z-04-034,and Administrative Amendment #ADD2006-00184 are superceded by this zoning resolution and will have no further force or effect.

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

a. Schedule of Uses

Commercial Planned Development

Accessory Uses and Structures
Administrative Offices
Animals - Clinic or Kennel - no outdoor runs, completely enclosed facilities.
ATM - Automatic Teller Machine
Auto Parts Store - no installation service
Bait and Tackle Shop - no outdoor storage or display.
Banks and Financial Establishments, Groups I and II.
Boats - limited to Boat Part Sales, no outdoor storage or display, no rental, storage, repair or service.
Broadcast Studio, Commercial Radio and Television - does not include freestanding wireless communication facilities, Wall-mounted and building-mounted antennae may be approved per LDC § 34-1441, *et seq.*
Business Services Groups I and II - Excluding bail bonding.
Cleaning and Maintenance Services.
Clothing Stores, General
Clubs: Commercial, Fraternal, Membership Organization, Private - Does not include consumption on premises indoors or outdoors.
Consumption on Premises - See Condition #13.
Contractors and Builders, Group I only (offices and indoor storage facilities, excludes any fabrication work or outdoor storage, other than parking of cars).
Cultural Facilities.

Day Care, Child, Adult.
Department Store
Drive Through Facility for Any Permitted Use.
Drugstore, Pharmacy.
Entrance Gates and Gatehouse.
EMS, Fire or Sheriff's Station.
Essential Services.
Essential Services Facilities, Group I.
Excavation - Water Retention and Detention - not to include the removal of excavated material from site, no blasting.
Fences and Walls.
Food and Beverage Service, Limited.
Food Stores, Group I - Not including Group II (freezer and locker meat provisioner).
Funeral Home and Mortuary - Without Crematory.
Gift and Souvenir Shop.
Heath Care Facilities, Group III.
Hobby, Toy and Game Shops - No outdoor storage or display.
Hospice, Limited to lots 5 and 6. Limited to 50 beds.
Household and Office Furnishings, Groups I and II. Excluding Group III (hot tub and spas, swimming pools, prefabricated). No outdoor storage or display.
Insurance Companies
Lawn and Garden Supply Stores - No outdoor display or storage.
Library
Maintenance Facility, Government
Medical Office
Motion Picture Production Studio
Nonstore Retailers, All Groups.
Casino-style games are prohibited.
Paint, Glass and Wallpaper - No outdoor display or storage.
Parking Lot, Accessory, Commercial, Garage, Public Parking, Temporary.
Personal Services, Groups I, II, III, IV - excluding Massage Parlors, Steam or Turkish Baths, Escort Services, Palm Readers, Fortunetellers or Card Readers, Tattoo Parlors.
Pet Services - no outdoor runs, completely enclosed facilities.
Pet Shop - no outdoor runs, completely enclosed facilities.
Place of Worship
Plant Nursery
Post Office
Printing and Publishing
Real Estate Sales Office
Recreation, Facilities, Commercial. Group I, Group III , Group IV - Casino-style games are prohibited.
Recreation Facilities, Personal, Private On Site, Private Off Site.
Religious Facilities
Rental or Leasing Establishments, Groups I, II and III. Excluding Recreation Vehicles and Utility Trailers.
Repair Shops, Groups I and II.
Research and Development Laboratories, Groups II and IV.

Restaurant, Fast Food - No stand alone fast food. No drive through for this use. Fast food permitted within a multi-occupancy building only.
Restaurants, Groups I, II, III, IV
Retail and Wholesale Sales, when clearly incidental and subordinate to a permitted principal use only.
Schools: Commercial, Noncommercial
Signs per Chapter 30 Lee County Land Development Code
Social Services, Groups I and II
Specialty Retail Shops, All Groups. Excluding Ammunition, Firearms, Hunters Equipment.
Studios
Temporary uses - limited to construction trailers, real estate sales offices.
Transportation Services, Group II (Automobile). No Group III (Bus).
Used Merchandise Stores, Groups I and II only. - excluding pawnshops. No Group III (Automotive) and No Group IV (Building Materials)
Warehouse, Miniwarehouse, Private, Public - limited to 10,000 square feet of floor area for the entire CPD.
Wholesale Establishments, Groups I and III. Indoor establishments only. No open storage, display or Group IV wholesale establishments.

Residential Planned Development

Accessory Uses and Structures.
Administrative Office
Assisted Living Facility (see Condition 1 for density)
ATM *
Banks and Financial Establishments, Group I *
Consumption on Premises - See Condition 13. *
Continuing Care Facility (see Condition 1 for density)
Dwelling Unit - Townhouse, Multifamily (see condition 1 for density)
Entrance Gates and Gatehouses
Essential Services.
Essential Services Facilities, Group I.
Excavation - Water Retention and Detention - not to include the removal of excavated material from site, no blasting.
Fences and Walls
Food and Beverage Service, limited *
Food Stores, Group I *
Health Care Facilities, Groups I and II only. *
Home Occupation
Independent Living Units (see Condition 1 for density)
Laundry or Dry Cleaning, Group I *
Medical Office *
Models: Model Unit (see condition 7)
Nonstore Retailers, Group II *
Parking Lot, Accessory, Temporary
Personal Services, Group I *
Pharmacy *

Recreation Facilities, Private, On Site. *
Residential Accessory Uses
Restaurants, Groups I and II *
Signs per Chapter 30 Lee County Land Development Code
Temporary uses - limited to construction trailers, real estate sales offices.

* Commercial uses listed above are accessory to the assisted living (ALF, CCF, and/or ILU) use only.

Site Development Regulations

Residential Planned Development:
Assisted Living Facility (ALF)/Continuing Care Facility(CCF)/Independent Living Unit (ILU)

RPD Area - 21.75 Acres

Lot Size

Minimum Lot Area:	10,000 square feet
Minimum Lot Depth:	100 feet
Minimum Lot Width:	100 feet

Setbacks

Street (public)	25 feet
Street (private)	20 feet
Side	10 feet
Rear	20 feet
Water body	20 feet

Lakes Park Setback (north boundary line)

Building: 75 feet (for maximum 45 feet in building height)
50 feet (for maximum 35 feet in building height)
40 feet (for maximum 25 feet in building height)

Minimum 30-foot building perimeter setback on the east, west and south boundaries of the subject property.

Accessory uses and setbacks must comply with the LDC § 34-1174 *et seq.* and LCD § 34-2194.

Minimum building separation: One half the sum of height of both buildings, or 20 feet, whichever is greater. Buildings exceeding 35 feet in height must maintain additional building separation and setbacks as regulated by LDC § 34-2174(a) and § 34-935(e)(4)

Maximum Lot Coverage 60 percent

Maximum Height 45 feet

Residential Planned Development:
Multi-Family, Clubhouse, Recreational Facility

Lot Size
Minimum Lot Area: 10,000 square feet
Minimum Lot Depth: 100 feet
Minimum Lot Width: 100 feet

Setbacks
Street (public) 25 feet
Street (private) 20 feet
Side 10 feet
Rear 20 feet
Water body 20 feet

Lakes Park Setback (north boundary line)

Building: 75 feet (for maximum 45 feet in building height)
50 feet (for maximum 35 feet in building height)
40 feet (for maximum 25 feet in building height)

Common Parking Areas may not be located closer than 100 feet to Lake Park's property line. (Not applicable when residential units are placed between Lakes Park property and the common parking areas for the RPD.)

Minimum 30-foot building perimeter setback on the east, west and south boundaries of the subject property.

Accessory uses and setbacks must comply with the LDC § 34-1174 *et. seq.* and § 34-2194.

Minimum building separation: One half the sum of height of both buildings, or 20 feet, whichever is greater. Buildings exceeding 35 feet in height must maintain additional building separation and setbacks as regulated by LDC § 34-2174(a) and § 34-935(e)(4)

Maximum Lot Coverage 60 percent

Maximum Height 45 feet

Residential Planned Development :
Townhouse

Lot Size
Minimum Lot Area: 2,000 square feet
Minimum Lot Depth: 100 feet

Minimum Lot Width: 20 feet

Setbacks
Street (public) 25 feet
Street (private) 20 feet
Side 5/0 feet
Rear 15 feet
Water body 20 feet
Lakes Park Setback (north boundary line)

Building: 75 feet (for maximum 45 feet in building height)
50 feet (for maximum 35 feet in building height)
40 feet (for maximum 25 feet in building height)

Common Parking Areas may not be located closer than 100 feet to Lake Park's property line. (Not applicable when residential units are placed between Lakes Park property and the common parking areas for the RPD.)

Minimum 30-foot building perimeter setback on the east, west and south boundaries of the subject property.

Accessory uses and setbacks must comply with the LDC § 34-1174 *et. seq.* and § 34-2194.

Minimum building separation: One half the sum of height of both buildings, or 20 feet, whichever is greater. Buildings exceeding 35 feet in height must maintain additional building separation and setbacks as regulated by LDC § 34-2174(a) and § 34-935(e)(4)

Maximum Lot Coverage 60 percent

Maximum Height 45 feet

Commercial Planned Development :
Commercial Uses

CPD Area - 10.79 Acres

Lot Size
Minimum Lot Area: 10,000 square feet
Minimum Lot Depth: 100 feet
Minimum Lot Width: 100 feet

Setbacks
Street (public) 25 feet
Street (private) 20 feet
Side 10 feet
Rear 15 feet

Water body	20 feet

Accessory uses and setbacks must comply with the LDC § 34-1174 *et. seq.* and § 34-2194.

Minimum building separation: One half the sum of height of both buildings, or 20 feet, whichever is greater. Buildings exceeding 35 feet in height must maintain additional building separation and setbacks as regulated by LDC § 34-2174(a) and § 34-935(e)(4)

Maximum Lot Coverage	60 percent
Maximum Height	45 feet

3. Concurrency

Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee County Comprehensive Plan. The developer is required to demonstrate compliance with all concurrency requirements, including traffic concurrency, prior to issuance of a local development order

4. Traffic

Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

5. Lee County Comprehensive Plan

Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee County Comprehensive Plan (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 (for commercial uses), as well as all other Lee County Comprehensive Plan provisions.

6. No Blasting

No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.

7. Model Units

a. Model units are limited to a maximum of eight.

b. Models cannot be of the same floor plan and each must be a different design.

c. Real estate sales are limited to administrative offices within model units and within the CPD

d. Real estate sales within the RPD area will be limited to the sale of lots or units within the development only. Real estate sales in the CPD area are not limited.

e. Hours of operation for model homes and real estate sales in the RPD area are limited to Monday through Sunday 8:00 a.m. to 8:00 p.m. Real estate sales in the CPD area are not limited.

f. No dry models are permitted.

8. Water and Sewer

Development must connect to both public water and public sewer. At time of local development order, the developer must also demonstrate there is adequate water and sewer capacity to handle level of development proposed in the development order submittal.

9. Accessory Uses

Accessory uses must be located on the same tract, parcel, or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel, or outparcel.

10. Sidewalks

Development must include internal sidewalks as a site-related improvement. These facilities must be included in local development orders as part of construction of the project's infrastructure.

11. Solid Waste/recycling

As part of any local development order approval for vertical development, the developer must include facilities in compliance with LDC §10-261 and Solid Waste Ordinance # 08-10 for the pick-up/disposal of solid waste and recyclables. The minimum area required for, and specific locations of, these facilities will be reviewed at the time of local development order application.

12. Casino-style Games

Casino-style games are prohibited.

13. Consumption on Premises

a. Consumption on Premises is limited to indoor seating in conjunction with a Group II or III Restaurant with a 4-COP-SRX or 2-COP beverage license.

b. The hours of operation for indoor consumption on premises is limited to between 11:00 a.m. to 11:00 p.m. daily.

c. No sale, service or consumption of alcoholic beverages will be permitted without the sale or availability of food and non-alcoholic beverages on the same premises.

d. Outdoor consumption on premises within the CPD and RPD may be approved by a special exception or an amendment to the planned development. A public hearing will be required. The applicant must provide adequate detail of the outdoor seating area used in conjunction with the outdoor consumption on premises (square footage, number of seats, proposed hours, distance to Lakes Park, outdoor entertainment, etc.) consistent with the requirements of the LDC.

14. Hurricane Shelter

An on-site hurricane shelter must be provided as part of any ALF, CCF, or ILU development to house all residents during storm events. On-site shelters and all required equipment and supplies for these facilities must comply with the following standards, as well as other standards required by the LDC:

a. Elevation to the anticipated storm surge from a land falling Category "5" storm.

b. Construction to withstand winds of 200 miles per hour in accordance with the Florida Building Code.

c. Construction with minimum exterior glass with all glazed openings provided with impact protection in accordance with the Florida Building Code.

d. Equipped with emergency power and potable water supplies to last up to five days.

e. Protected with adequate ventilation, sanitary facilities, and first aid medical equipment.

15. Hurricane Plan

a. The developer, his successors or assigns, will provide an educational program on an annual basis, in conjunction with the staff of the Lee County Emergency Management Department (EMS), which will provide literature, brochures, and speakers for Hurricane Awareness/Preparedness seminars describing the risks of natural hazards.

b. The developer, his successors or assigns, will formulate an emergency hurricane notification and evacuation plan for the development, which will be subject to review and approval by EMS.

c. The developer will coordinate with the Division of Public Safety of the Lee County EMS in determining and participating in a means to lessen its adverse impacts on

the County's hurricane preparedness process and public safety and will comply with the Hurricane Shelter Ordinance.

16. FEMA Floodway Area

Fill within the FEMA floodway areas is prohibited. The fill (encroachment) included, but not limited to, raising vegetative buffer zones, constructing perimeter berms, or any structure/fill that would hinder flow within the FEMA floodway. If future changes in the plan involve a fill/encroachment to the floodway, the applicant must submit and obtain approval of either a Letter of Map Revision (LOMR) or No-Rise Certification from appropriate agencies.

17. Access to Lakes Park

The design and construction of the pedestrian access from the development to Lakes Park is subject to approval by the Lee County Department of Public Works during the local development order review process. The developer is responsible for all costs associated with the design and construction of this access. The access will be gated and locked by the property owner daily from dusk to 7:00 a.m.

18. Open Space

Prior to local development order approval, the development order plans must delineate a minimum 12.99 acres of open space.

19. INDIGENOUS PRESERVATION

Prior to local development order approval:

a. development order plans must depict preservation in substantial compliance with the following:

(1) a minimum 1.19 acres existing pine-mesic oak upland (minimum 1.6 acres with credits taken); and

(2) a minimum 0.09 acre existing marsh wetland; and

(3) a minimum 0.67 acre indigenous creation/restoration area to provide minimum 15-foot, average 25-foot-wide upland buffers to the on-site wetland preserves and off-site conservation lands.

b. landscape plans must depict the indigenous creation/restoration areas to be planted per the approved Indigenous Restoration Plan attached to this resolution as Exhibit D.

c. an Indigenous Management Plan for the indigenous preservation and creation/restoration areas meeting the requirements of LDC §10-415(b)(4) must be submitted for of Environmental Sciences (ES) staff review.

d. development order plans must depict a minimum 20-foot building and accessory structure setback to indigenous preservation and creation/restoration areas.

20. Protected Species

Prior to local development order approval, American alligator and listed wading bird species management plans meeting the requirements of LDC §10-474 must be submitted for review and approval by the ES staff. The management plans must include information for residents on the importance of the littoral areas and adjacent preserves for providing nesting and foraging habitat. In addition, the development order plans must depict the appropriate locations and details of signage that identify that alligators may be present and inform that it is dangerous and illegal to feed or harass alligators.

21. DELETED AT PUBLIC HEARING

22. DELETED AT PUBLIC HEARING

23. Buffer Conditions

Prior to local development order approval, landscape plans must depict buffers provided in substantial compliance with the approved MCP and Landscape Exhibit (Exhibit E hereto) and to also provide:

a. One gallon, installed three-foot on center groundcover plantings along the interior side of the 30-foot wide Type F buffer within the RPD; and,

b. If parking areas are proposed adjacent to the RPD north property line, then each required 18-foot wide island abutting the 30-foot Type F buffer must be planted with one native canopy tree, minimum 10 feet in height and native grasses, one-gallon container size, installed two-foot on centers; and,

c. Required Type F buffer vegetation to be measured from the final grade of the on-site adjacent parking lot or roadway if the buffer is abutting proposed parking area or roadway; and,

d. Required Type F buffer trees installed in a configuration to provide a continuous visual canopy screen within one year after time of planting. If a continuous visual canopy screen is not obtained within one year after time of planting, then additional trees may be required; and,

e. Required Type F buffer trees and palms must not be pruned to reduce height or canopy spread.

24. Lakes Park/Wildlife Protection

Prior to local development order approval, development order plans must depict:

a. Lighting of pedestrian and parking areas must be directed internally to the site. Parking lot areas must be illuminated with enough intensity to create secure areas consistent with the Lee County Land Development Code; and

b. Except as provided herein, parking lot lamps on all parcels must be hooded or globed and must not exceed 20 feet in height. Parking lot lamps may not exceed 16 feet in height within the RPD parcel if located between residential buildings structures and north property line abutting Lakes Park and within CPD Lots 6 and 7, if located between commercial buildings and the east property line abutting the off-site County owned preserve; and

c. Mercury vapor lamps/lights are prohibited.

Prior to local development order approval, development plans for buildings within the RPD/CPD must be reviewed by ES staff for the utilization of window and architectural treatments to reduce or break up window panel reflection in order to decrease the potential of bird strikes. Examples of acceptable window and architectural treatments may include the use of non-reflective tinting, ultraviolet reflective decals, exterior sun shades, smaller windows, window awnings or similar treatments. This condition is applicable to the window and door panels on the northern building facades facing Lakes Park within the RPD parcel and on the eastern building facades facing the offsite County owned preserve within the CPD parcel Lots 6 and 7.

SECTION C. DEVIATIONS:

1. Deviation (1*) (Connection Separation) seeks relief from the LDC §10-285(a), Table 1, requirement to provide a 660-foot connection separation on an arterial road; to allow 628 feet of separation on Gladiolus Drive. This deviation is APPROVED.

*This deviation was previously approved in the Gladiolus RPD, in Resolution Z-04-43. In an abundance of caution, the Hearing Examiner recommends its approval as part of this rezoning request.

SECTION D. EXHIBITS :

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

Exhibit A: Legal description
Exhibit B: Zoning Map (subject parcel identified with shading)
Exhibit C: Master Concept Plan
Exhibit D: Indigenous Restoration Plan
Exhibit E: Landscape Exhibit

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning to RPD/CPD by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes or regulations.

2. The RPD/CPD rezoning, as approved:

   a. meets or exceeds the 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 RPD/CPD 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, 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.

Commissioner Mann made a motion to adopt the foregoing resolution, seconded by Commissioner Hall. The vote was as follows:

Vacant	
A. Brian Bigelow	Nay
Ray Judah	Aye
Tammara Hall	Aye
Franklin B. Mann	Aye

DULY PASSED AND ADOPTED this 7th day of June 2010.

ATTEST:
CHARLIE GREEN, CLERK

BY: Marcia Wilson
Deputy Clerk

SEAL

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: D. Hall
Tammara Hall, Chairwoman

Approved as to form by:

Donna Marie Collins
County Attorney's

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MW
2010 JUN 17 PM 3:09

Banks Engineering
Professional Engineers, Planners & Land Surveyors
10511 Six Mile Cypress Parkway - Suite 101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

RECEIVED
DEC 18 2009
COMMUNITY DEVELOPMENT

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

(CPD PARCEL)

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST, AND BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER (NW¼) OF SAID SECTION 35; THENCE S.01°11'00"E. ALONG THE EAST LINE OF SAID FRACTION FOR 554.86 FEET; THENCE N.77°09'08"W. FOR 20.52 FEET; THENCE N.57°54'34"W. FOR 24.44 FEET; THENCE S.70°39'04"W. FOR 29.95 FEET; THENCE S.35°51'19"W. FOR 28.90 FEET; THENCE S.10°52'34"E. FOR 27.03 FEET; THENCE S.09°24'39"W. FOR 38.83 FEET; THENCE S.25°14'18"W. FOR 27.38 FEET TO THE **POINT OF BEGINNING**; THENCE S.25°14'18"W. FOR 12.93 FEET; THENCE S.45°28'41"W. FOR 45.15 FEET; THENCE S.37°41'02"W. FOR 20.60 FEET; THENCE S.18°12'50"W. FOR 49.13 FEET; THENCE S.18°49'48"W. FOR 39.67 FEET; THENCE S.09°03'50"W. FOR 46.83 FEET; THENCE S.14°50'17"E. FOR 59.82 FEET; THENCE S.18°42'13"W. FOR 35.83 FEET; THENCE S.28°15'16"E. FOR 30.66 FEET; THENCE S.29°10'50"E. FOR 60.46 FEET; THENCE S.56°06'08"E. FOR 3.06 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (a/k/a COUNTY ROAD 865) AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1,307.39 FEET AND TO WHICH POINT OF CURVE A RADIAL LINE BEARS S.28°25'21"E.; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'42" FOR 315.16 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1,312.39 FEET AND TO WHICH POINT OF CURVE A RADIAL LINE BEARS S.13°40'12"E.; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 09°06'31" FOR 208.64 FEET; THENCE S.89°37'57"W. ALONG SAID RIGHT-OF-WAY LINE FOR 341.72 FEET; THENCE N.00°22'03"W. FOR 609.97 FEET; THENCE N.89°37'57"E. FOR 666.53 FEET; THENCE S.64°45'42"E. FOR 235.31 FEET TO THE **POINT OF BEGINNING**.

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 10.79 ACRES, MORE OR LESS.

DESCRIPTION PREPARED DECEMBER 16, 2009.

Applicant's Legal Checked
By BG 12-22-09

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

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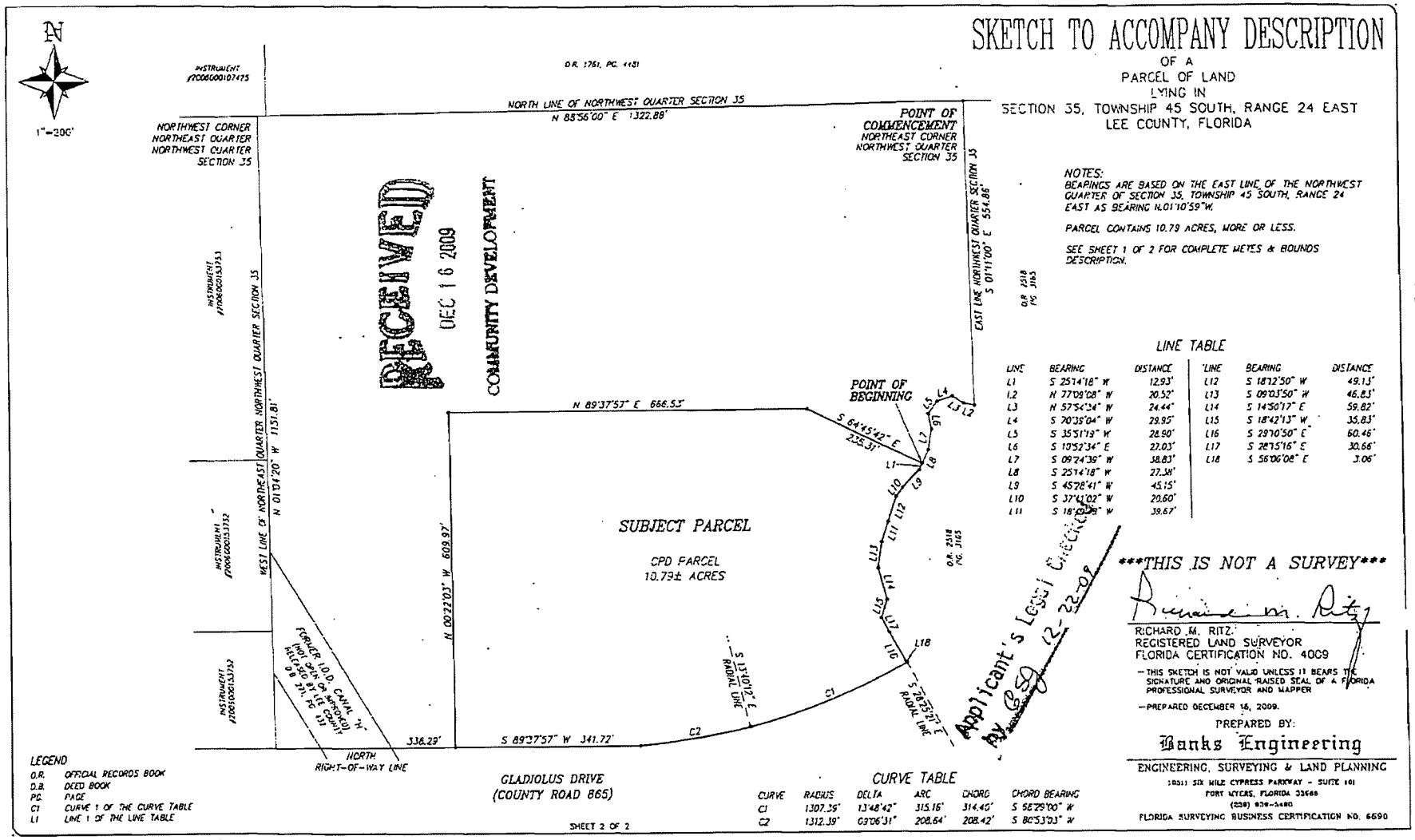
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



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NOTES:
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PARCEL CONTAINS 10.79 ACRES, MORE OR LESS.

SEE SHEET 1 OF 2 FOR COMPLETE METES & BOUNDS DESCRIPTION.

O.R. 2318 PG. 3165

LINE TABLE

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S 25°14'18" W	12.93'	L12	S 18°12'50" W	49.13'
L2	N 77°09'08" W	20.52'	L13	S 09°03'50" W	46.83'
L3	N 57°54'34" W	24.44'	L14	S 14°50'17" E	59.82'
L4	S 70°35'04" W	29.95'	L15	S 18°42'13" W	35.83'
L5	S 35°51'19" W	28.90'	L16	S 29°10'50" E	60.46'
L6	S 10°52'34" E	27.03'	L17	S 28°15'16" E	30.66'
L7	S 09°24'39" W	38.83'	L18	S 56°06'08" E	3.06'
L8	S 25°14'18" W	27.38'			
L9	S 45°28'41" W	45.15'			
L10	S 37°41'02" W	20.60'			
L11	S 18°20'08" W	38.67'			

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1307.39'	13°48'42"	315.16'	314.45'	S 52°29'00" W
C2	1312.39'	09°06'31"	208.64'	208.42'	S 80°53'03" W

LEGEND
O.R. OFFICIAL RECORDS BOOK
D.B. DEED BOOK
PG. PAGE
C1 CURVE 1 OF THE CURVE TABLE
L1 LINE 1 OF THE LINE TABLE

THIS IS NOT A SURVEY

Applicant's Legal Checked by CSG 12-22-09

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

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

-PREPARED DECEMBER 16, 2009.

PREPARED BY:

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COMMUNITY DEVELOPMENT

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

(RPD PARCEL)

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST, AND BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER (NW¼) OF SAID SECTION 35; THENCE S.01°11'00"E. ALONG THE EAST LINE OF SAID FRACTION FOR 554.86 FEET; THENCE N.77°09'08"W. FOR 20.52 FEET; THENCE N.57°54'34"W. FOR 24.44 FEET; THENCE S.70°39'04"W. FOR 29.95 FEET; THENCE S.35°51'19"W. FOR 28.90 FEET; THENCE S.10°52'34"E. FOR 27.03 FEET; THENCE S.09°24'39"W. FOR 38.83 FEET; THENCE S.25°14'18"W. FOR 27.38 FEET; THENCE N.64°45'42" W FOR 235.31 FEET; THENCE S.89°37'57"W. FOR 666.53 FEET; THENCE S.00°22'03"E. FOR 609.97 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (a/k/a COUNTY ROAD 865); THENCE S.89°37'57"W. ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 338.29 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE NORTHEAST ONE-QUARTER (NE¼) OF THE NORTHWEST ONE-QUARTER (NW¼) OF SAID SECTION 35; THENCE N.01°04'20"W. ALONG SAID WEST LINE FOR 1,151.81 FEET TO THE NORTHWEST CORNER OF SAID FRACTION; THENCE N.88°56'00"E. ALONG THE NORTH LINE OF THE NORTHWEST ONE-QUARTER (NW¼) FOR 1,322.88 FEET TO THE **POINT OF BEGINNING.**

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 21.75 ACRES, MORE OR LESS.

DESCRIPTION PREPARED DECEMBER 16, 2009.

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

Applicant's Legal Checked
BY CG 12-22-09

SHEET 1 OF 2

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(941) 625-1165
Fax (941) 625-1149

DCI 2009-00005

EXHIBIT A
Page 3 of 6

SKETCH TO ACCOMPANY DESCRIPTION

OF A
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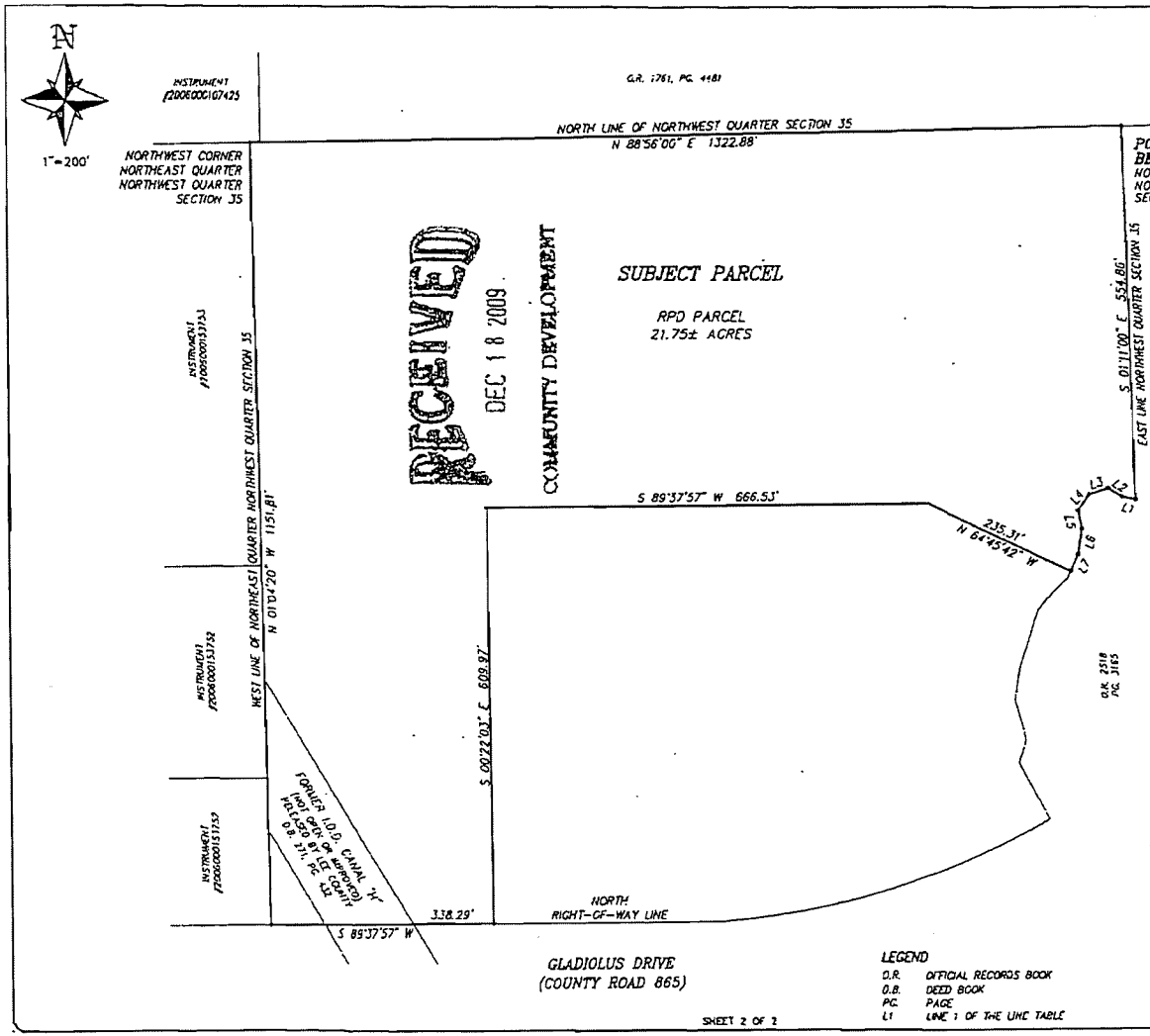
LEE COUNTY, FLORIDA



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DEC 18 2009
COMMUNITY DEVELOPMENT

DCI 2009-00005

NOTES:
BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST AS BEARING N.01°10'59"W.

PARCEL CONTAINS 21.75 ACRES, MORE OR LESS.

SEE SHEET 1 OF 2 FOR COMPLETE METES & BOUNDS DESCRIPTION.

Applicant's Initials
12-22-09

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 77°09'08" W	20.52'
L2	N 57°54'34" W	24.44'
L3	S 70°39'04" W	29.95'
L4	S 35°51'19" W	28.90'
L5	S 16°52'34" E	27.03'
L6	S 09°24'39" W	38.83'
L7	S 25°14'18" W	27.38'

LEGEND

O.R.	OFFICIAL RECORDS BOOK
O.B.	DEED BOOK
PG.	PAGE
L1	LINE 1 OF THE LINE TABLE

THIS IS NOT A SURVEY

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

—PREPARED DECEMBER 16, 2009.

PREPARED BY:

Banks Engineering
ENGINEERING, SURVEYING & LAND PLANNING
10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33966
(239) 936-1480
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6590

Banks Engineering

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA ♦ PORT CHARLOTTE

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE S.88°56'00"W. ALONG THE NORTH LINE OF SAID FRACTION FOR 1322.88 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE S.01°04'20"E. ALONG THE WEST LINE OF SAID FRACTION FOR 1151.81 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (COUNTY ROAD 865 - 199.02 FEET WIDE); THENCE N.89°37'57"E. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 680.01 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 1312.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.04°33'41"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9°06'31" FOR 208.64 FEET TO AN INTERSECTION WITH A CURVE HAVING A RADIUS OF 1307.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.14°36'39"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'42" FOR 315.16 FEET; THENCE N. 56°06'08"W. FOR 3.06 FEET; THENCE N.29°10'50"W. FOR 60.46 FEET; THENCE N.28°15'16"W. FOR 30.66 FEET; THENCE N.18°42'13"E. FOR 35.83 FEET; THENCE N.14°50'17"W. FOR 59.82 FEET; THENCE N.09°03'50"E. FOR 46.83 FEET; THENCE N.18°49'48"E. FOR 39.67 FEET; THENCE N.18°12'50"E. FOR 49.13 FEET; THENCE N.37°41'02"E. FOR 20.60 FEET; THENCE N.45°28'41"E. FOR 45.15 FEET; THENCE N.25°14'18"E. FOR 40.31 FEET; THENCE N.09°24'39"E. FOR 38.83 FEET; THENCE N.10°52'34"W. FOR 27.03 FEET; THENCE N.35°51'19"E. FOR 28.90 FEET; THENCE N.70°39'04"E. FOR 29.95 FEET; THENCE S.57°54'34"E. FOR 24.44 FEET; THENCE S.77°09'08"E. FOR 20.52 FEET TO THE EAST LINE OF SAID FRACTION; THENCE N.01°10'59"W. ALONG SAID EAST LINE FOR 554.86 FEET TO THE **POINT OF BEGINNING.**

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.

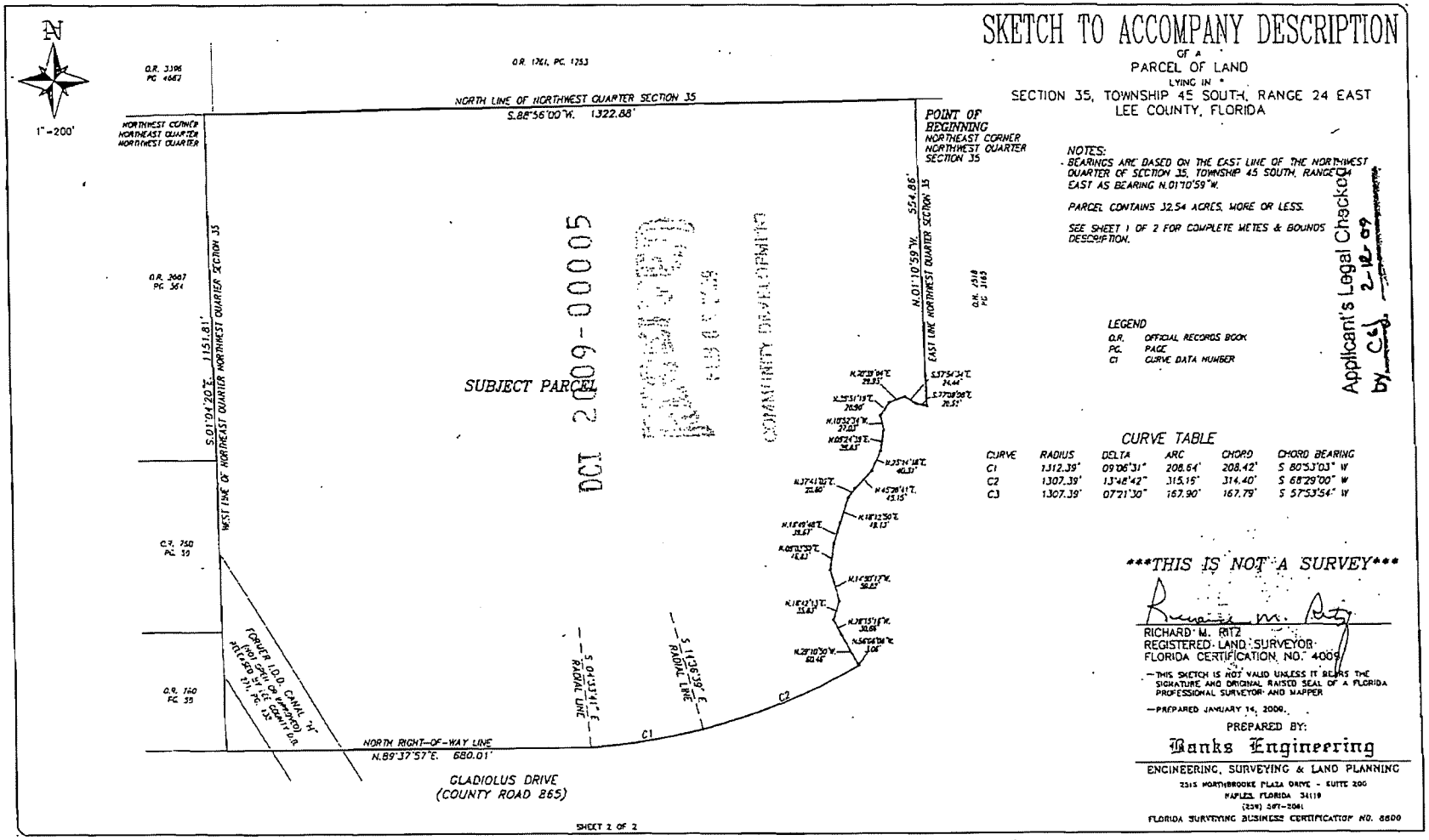
DCI 2009-00005

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

EXHIBIT A
Page 5of 6

Applicant's Legal Checked
by CSJ 2-12-09

S:\Jobs\16xx\1620\SURVEY\Descriptions\1620 DESC RMR.doc
2515 Northbrooke Plaza Drive, Suite 200, Naples, Florida 34119 • (239) 597-2061 • Fax (239) 597-3082



SKETCH TO ACCOMPANY DESCRIPTION

OF A

PARCEL OF LAND

LYING IN

SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

NOTES:

- BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST AS BEARING N.01°10'59"W.

PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.

SEE SHEET 1 OF 2 FOR COMPLETE METES & BOUNDS DESCRIPTION.

Applicant's Legal Checked by CEJ 2-12-09

LEGEND

O.R.	OFFICIAL RECORDS BOOK
PG.	PAGE
C1	CURVE DATA NUMBER

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1312.39'	09°06'31"	208.64'	208.42'	S 80°53'03" W
C2	1307.39'	13°48'42"	315.15'	314.40'	S 68°29'00" W
C3	1307.39'	07°21'30"	167.90'	167.79'	S 57°53'54" W

THIS IS NOT A SURVEY

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

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

—PREPARED JANUARY 14, 2009.

PREPARED BY:

Banks Engineering
ENGINEERING, SURVEYING & LAND PLANNING
2315 NORTHBROOKE PLAZA DRIVE - SUITE 200
NAPLES, FLORIDA 34119
(239) 597-2061
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6600

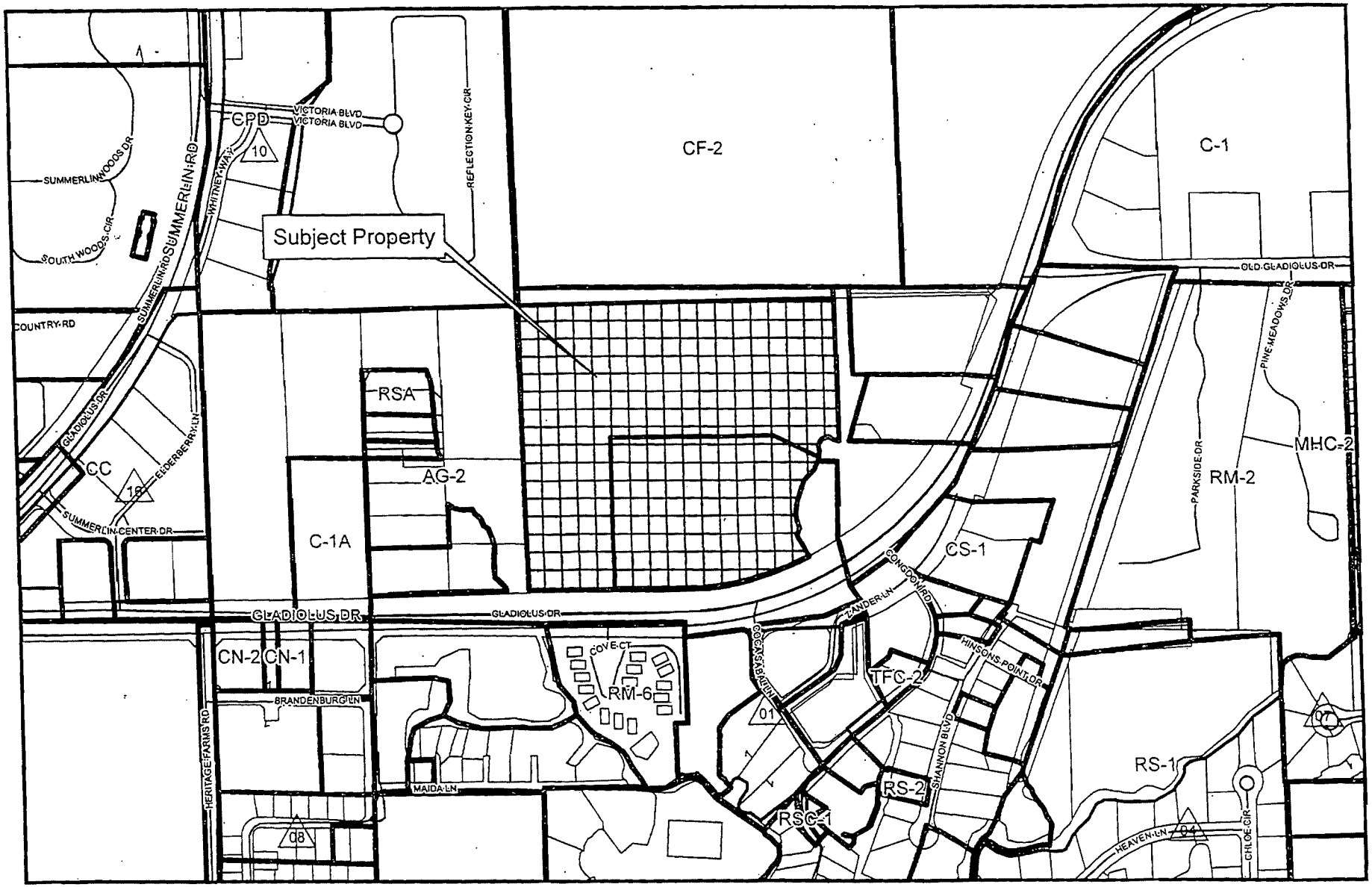
EXHIBIT A
Page 6 of 6

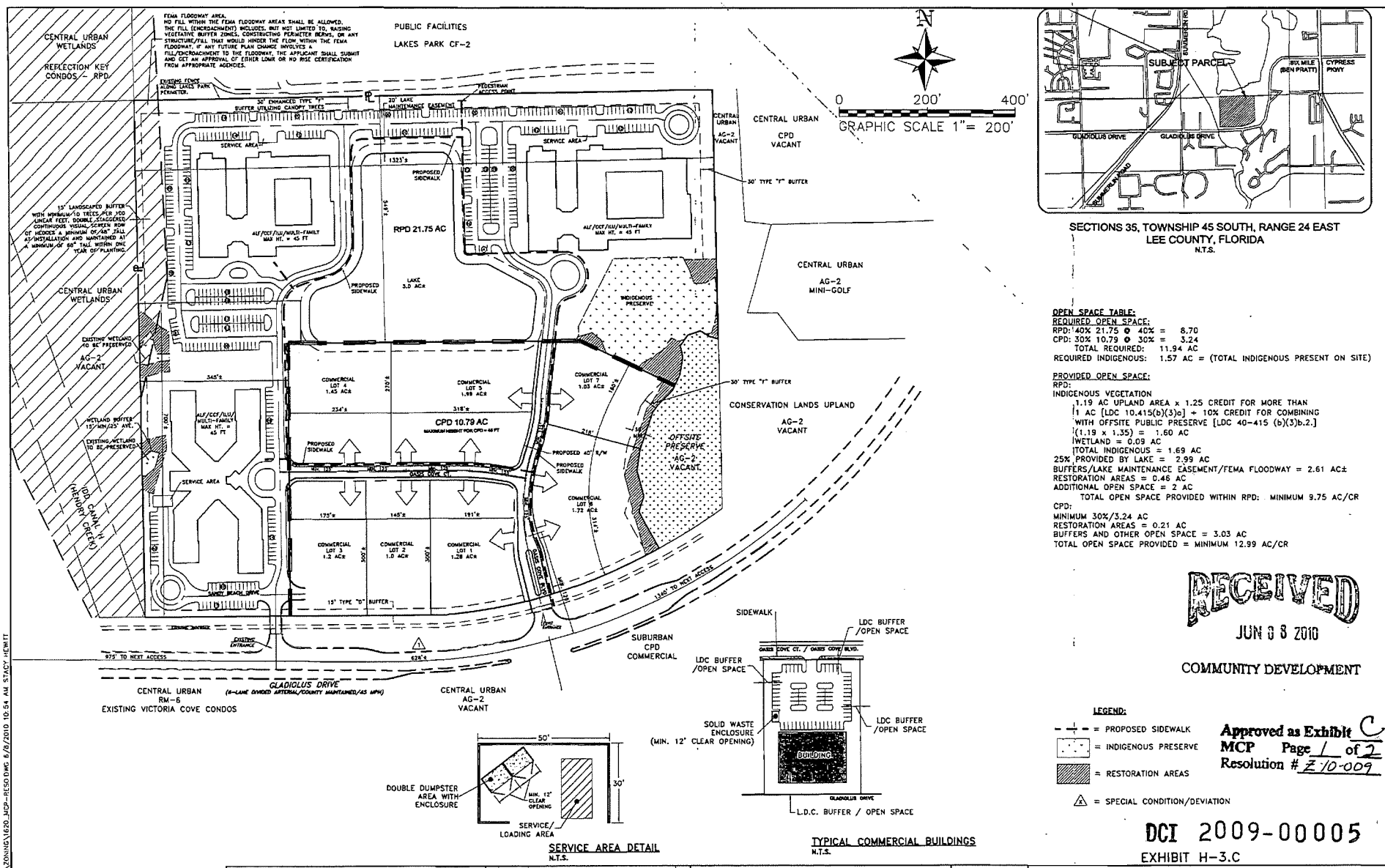
EXHIBIT B

DCI2009-00005

Zoning Map

1/26/2010





SERVICE AREA DETAIL
N.T.S.

TYPICAL COMMERCIAL BUILDINGS
N.T.S.

SECTIONS 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
N.T.S.

EXHIBIT C

OPEN SPACE TABLE:

REQUIRED OPEN SPACE:
RPD: 40% 21.75 @ 40% = 8.70
CPD: 30% 10.79 @ 30% = 3.24
TOTAL REQUIRED: 11.94 AC
REQUIRED INDIGENOUS: 1.57 AC = (TOTAL INDIGENOUS PRESENT ON SITE)

PROVIDED OPEN SPACE:
RPD:
INDIGENOUS VEGETATION
1.19 AC UPLAND AREA x 1.25 CREDIT FOR MORE THAN 1 AC [LDC 10.415(b)(3)a] + 10% CREDIT FOR COMBINING WITH OFFSITE PUBLIC PRESERVE [LDC 40-415 (b)(3)b.2.]
(1.19 x 1.35) = 1.60 AC
WETLAND = 0.09 AC
TOTAL INDIGENOUS = 1.69 AC
25% PROVIDED BY LAKE = 2.99 AC
BUFFERS/LAKE MAINTENANCE EASEMENT/FEMA FLOODWAY = 2.61 AC±
RESTORATION AREAS = 0.46 AC
ADDITIONAL OPEN SPACE = 2 AC
TOTAL OPEN SPACE PROVIDED WITHIN RPD: MINIMUM 9.75 AC/CR
CPD:
MINIMUM 30%/3.24 AC
RESTORATION AREAS = 0.21 AC
BUFFERS AND OTHER OPEN SPACE = 3.03 AC
TOTAL OPEN SPACE PROVIDED = MINIMUM 12.99 AC/CR

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JUN 0 3 2010
COMMUNITY DEVELOPMENT

LEGEND:
= PROPOSED SIDEWALK
= INDIGENOUS PRESERVE
= RESTORATION AREAS
= SPECIAL CONDITION/DEVIATION

Approved as Exhibit C
MCP Page 1 of 2
Resolution # Z-10-009

DCI 2009-00005
EXHIBIT H-3.C

PREPARED FOR:
BECK GROUP OF FT MYERS LLC
436 BAYFRONT PL
NAPLES, FL 34102
PHONE: (239) 848-8700
FAX: (239) 434-6225

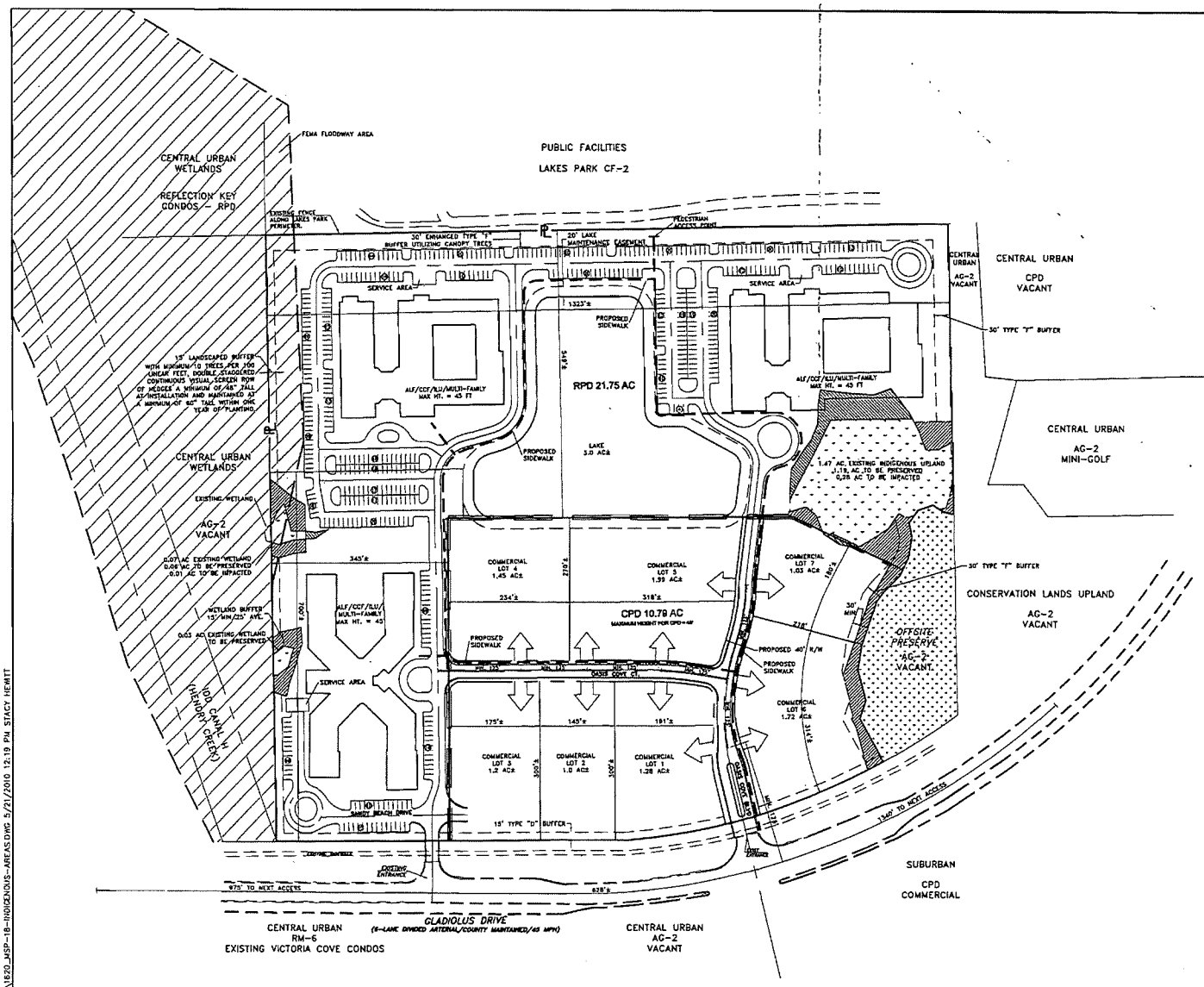
NO.	DATE	REVISION DESCRIPTION	BY
5	05/07/10	ZONING RESOLUTION	MCP
4	03/10/10	REVIEW INTERPRETER	MJK
3	01/18/10	SR 5 RD COMMENTS	MJK
2	12/15/09	2ND SUFFICIENCY SUBMITTAL	MJK
1	10/16/09	1ST SUFFICIENCY SUBMITTAL	MCP

Banks Engineering
Professional Engineers, Planners, & Land Surveyors
FORT MYERS ◆ PORT CHARLOTTE ◆ SARASOTA
10511 SIX MILE CYPRESS Parkway – SUITE 10
FORT MYERS, FLORIDA 33912
PHONE: (239) 939-5490 FAX: (239) 939-2523
LC26BC2706 LC0TYPE 2 CA 6445
SURVEY LICENSE # LB 6985
www.BANKSENGR.COM

MASTER CONCEPT PLAN
OASIS COVE A.K.A. GLADIOLUS RPD
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF
11/25/08	1620	MCP	DRU	MJK	DRU	1" = 200'	1	1

S:\JOBS\16XX\1620\ZONING\1620_MCP-RESO.DWG 6/8/2010 10:54 AM STACY HEWITT



N

0 200' 400'

GRAPHIC SCALE 1"= 200'

EXHIBIT D

LEGEND:

1.28 AC INDIGENOUS VEGETATION PROVIDED

1.19 AC UPLAND AREA x 1.25 CREDIT FOR MORE THAN 1 AC [LDC 10.415(b)(3)(b)] = 10% CREDIT FOR COMBINING WITH OFFSITE PUBLIC PRESERVE [LDC 40-415 (b)(3)(b.2.)] (1.19 x 1.33) = 1.60 AC
WETLAND = 0.09 AC
TOTAL INDIGENOUS = 1.69 AC

0.28 AC INDIGENOUS AREAS TO BE IMPACTED (0.28 UPLAND)

0.67 AC INDIGENOUS CREATION / RESTORATION *

INDIGENOUS CREATION / RESTORATION

* THESE AREAS ARE CURRENTLY DOMINATED BY EXOTICS WITH VERY WIDELY SCATTERED NATIVE SPECIES. ALL WOODY EXOTIC VEGETATION WITHIN THE RESTORATION AREAS WILL BE CUT BY HAND JUST ABOVE NATURAL GRADE AND THE STUMP TREATED WITH AN APPROPRIATE HERBICIDE CONTAINING AN INDICATOR DYE. TREATMENT WILL OCCUR IMMEDIATELY FOLLOWING CUTTING TO ENSURE MAXIMAL UPTAKE OF THE HERBICIDE. THE RESULTING VEGETATIVE MATERIAL WILL BE REMOVED FROM THE PRESERVE AND DISPOSED OF AT AN UPLAND LOCATION IN ACCORDANCE WITH ALL APPLICABLE LOCAL REGULATIONS. CARE WILL BE TAKEN TO MINIMIZE IMPACTS TO NATIVE VEGETATION WITHIN THE AREAS TO THE DEGREE PRACTICABLE. ONCE THE EXOTICS ARE REMOVED, NATIVE PLANTS WILL BE INSTALLED. THIS WILL CONSIST OF SIX FEET TALL TREES (CABBAGE PALM, SLASH PINE, AND LAUREL OAK) 12± FEET ON CENTER, ONE GALLON SHRUBS (SUCH AS MYRSINE, WAX-MYRTLE, WHITE STOPPER, COCO PLUM, AND WHITE INDIGO BERRY) FIVE FEET CENTER, AND ONE GALLON GROUND COVER (SUCH AS RUSHY BLUESTEM, LOVEGRASS SAW PALMETTO, AND SAND CORDGRASS) THREE FEET CENTER. CABBAGE PALMS INSTALLED IN THESE AREAS MAY INCLUDE CABBAGE PALMS RELOCATED FROM ON-SITE DEVELOPMENT AREAS. VIABLE EXISTING NATIVE PLANTS LOCATED WITHIN THE RESTORATION AREAS AFTER THE EXOTICS HAVE BEEN REMOVED WILL COUNT TOWARDS THE PLANTING REQUIREMENT. PLANTINGS WITHIN THE RESTORATION AREAS ADJACENT TO COMMERCIAL LOTS 6 AND 7 WILL BE UPSIZED TO MEET THE THE LEE COUNTY LAND DEVELOPMENT CODE REQUIREMENTS FOR THE TYPE "F" BUFFER.

RECEIVED
JUN 0 8 2010
COMMUNITY DEVELOPMENT

Approved as Exhibit D
MCP Page 2 of 2
Resolution #Z-10-009

DCI 2009-00005

PREPARED FOR:
BECK GROUP
OF FT MYERS LLC
436 BAYFRONT PL
NAPLES, FL 34102
PHONE: (239) 649-6700
FAX: (239) 434-6225

NO.	DATE	REVISION DESCRIPTION	BY
4	05/10/10	REVISE PARKING ISLANDS FOR CONSISTENCY WITH MCP	RJH
3	02/22/10	REVISE LANDLINE TO MATCH MCP	RJH
2	01/11/10	DCI COMMENTS	RJH
1	12/15/09	2ND SUFFICIENCY SUBMITTAL	RJH

Banks Engineering
Professional Engineers, Planners, & Land Surveyors
FORT MYERS ◆ PORT CHARLOTTE ◆ SARASOTA
10511 SW GILE CYPRESS PARKWAY – SUITE 101
FORT MYERS, FLORIDA 33913
PHONE: (239) 939-1490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6990
WWW.BANKSENG.COM

INDIGENOUS RESTORATION PLAN (EXHIBIT D-7-Y)
OASIS COVE A.K.A. GLADIOLUS RPD
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF
10/16/09	1620	MCP	DRU	SDJ	DRU	1" = 200'	1	1

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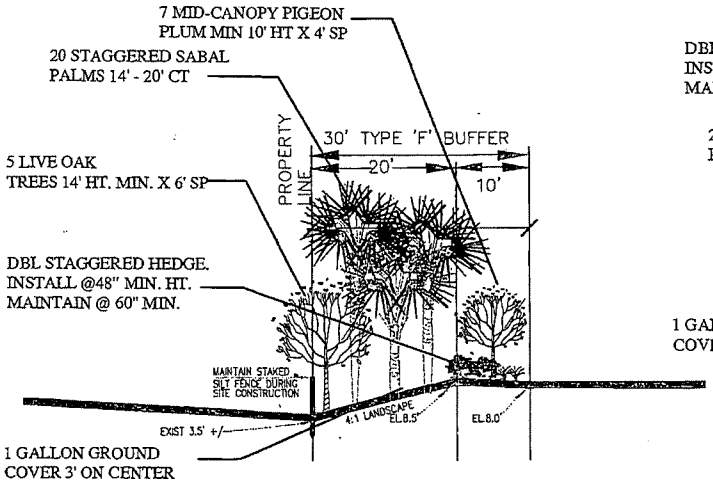
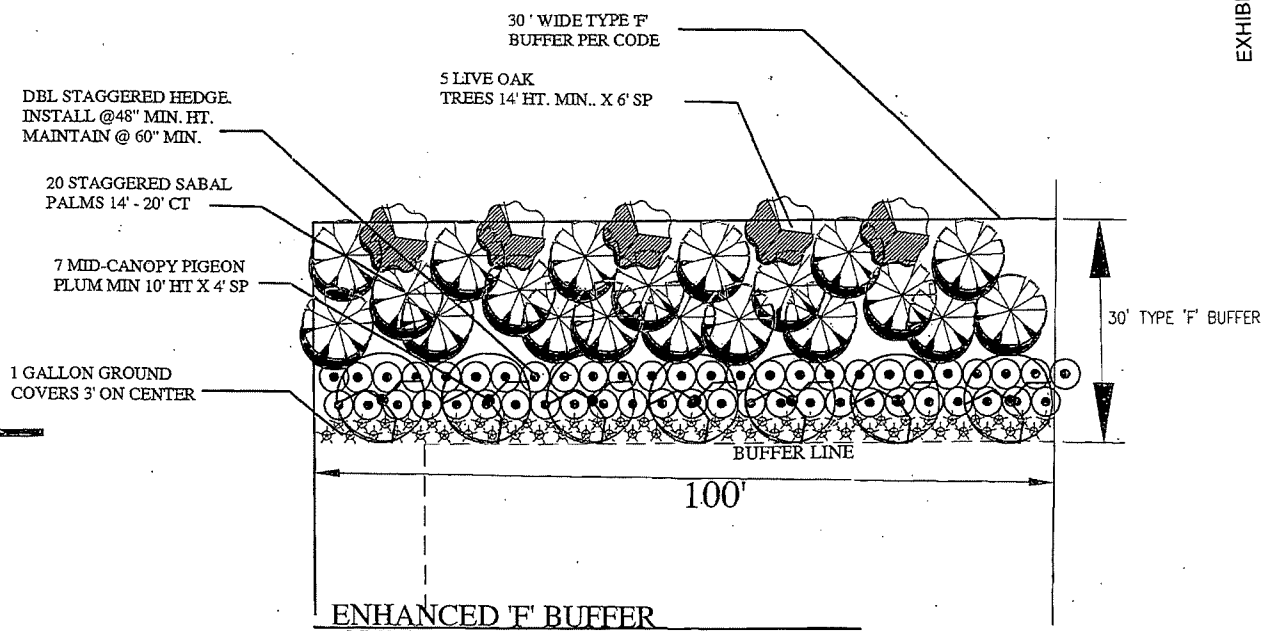
EXHIBIT E



SECTION 1 - ENHANCED 'F' BUFFER



ENHANCED 'F' BUFFER
N.T.S.

TYPICAL 100'
5 CANOPY TREES PER 100 L.F.- 14' MIN.. HT X 6' SP.
7 MID-CANOPY TREES PER 100 L.F.-10' MIN HT X 4' SP
20 SABAL PALMS PER 100 L.F. - 14' - 20' CT,
50-10 GAL SHRUBS PER 100 L.F.. - 48" MIN. AT PLANTING, MAINTAIN @ 60" MIN.
67 1 GALLON GROUND COVERS 3' ON CENTER

PAUL J. KLENS, R.L.A.
REG. # LA-0001619
MARCH 9, 2010

PAUL KLENS LANDSCAPE ARCHITECTURE HEREBY RESERVES ITS COMMON LAW COPYRIGHT. THE IDEAS, DESIGNS AND PLANS CONTAINED HEREIN ARE NOT TO BE REPRODUCED OR USED WITHOUT THE EXPRESS WRITTEN CONSENT OF PAUL KLENS LANDSCAPE ARCHITECTURE.

727 GLENDALE AVE NAPLES, FLORIDA 34110
239 / 514-7209 239 / 594-8846 FAX

title:

BANKS ENGINEERING
10511 Six Mile Cypress Pkwy
Fort Myers, Fl 33966
(239) 939-5490

title:

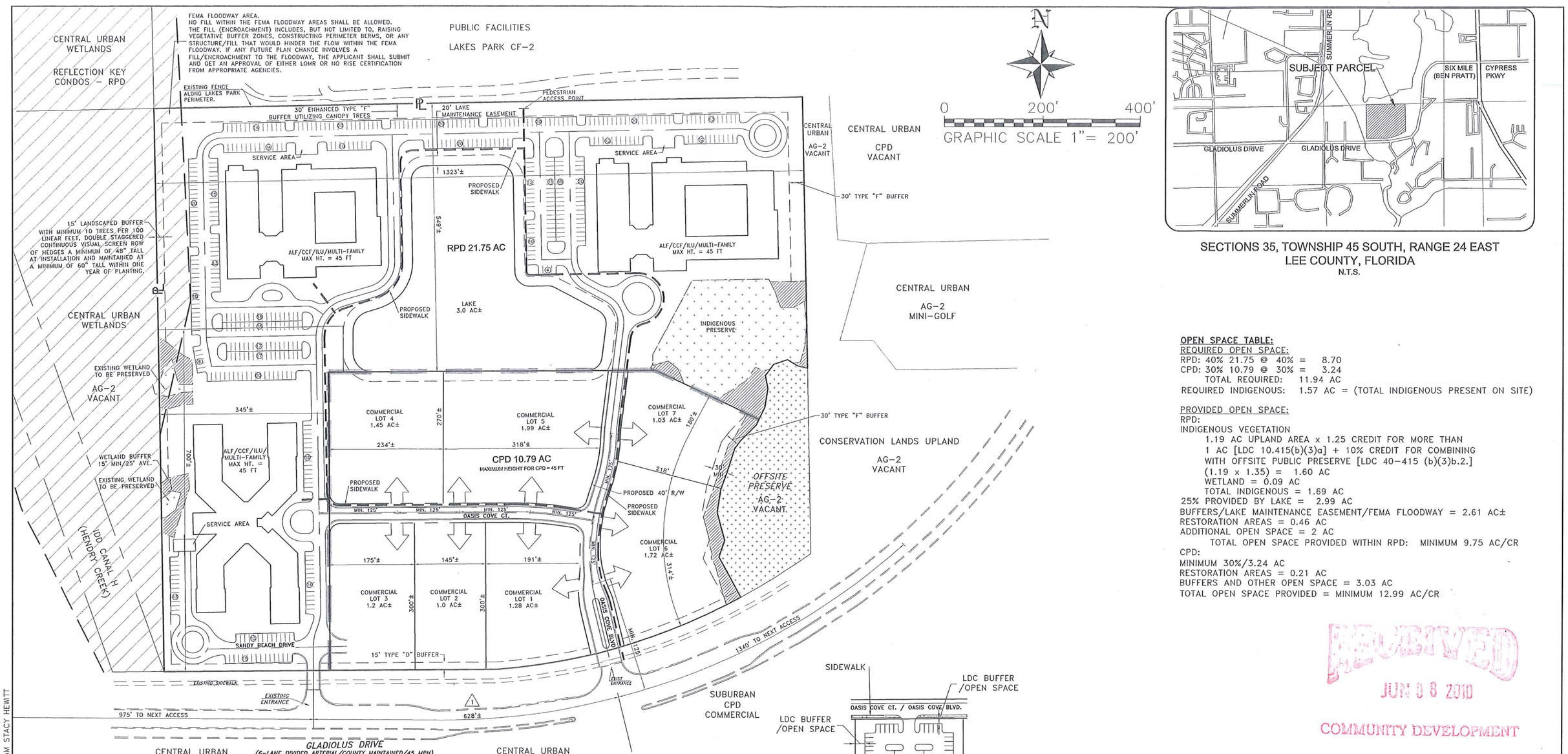
project location: LEE COUNTY, FLORIDA

designer: PJK
project manager: PAUL J. KLENS, RLA
checked – date / by: DATE
approved for: DISCUSSION

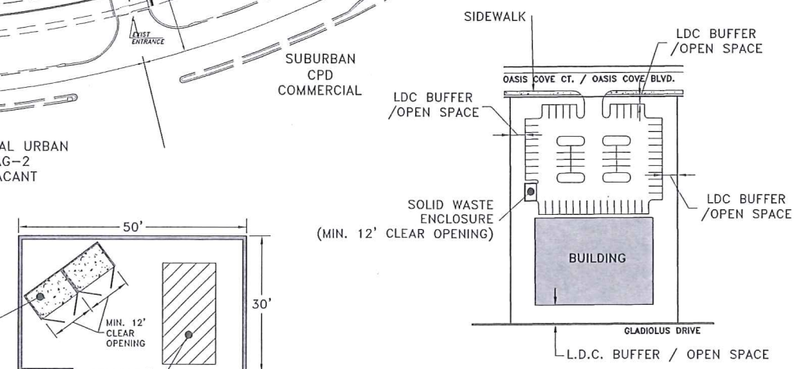
acad #:
project #: 09012
scale: AS NOTED
view: LIMITS

date:
revisions:

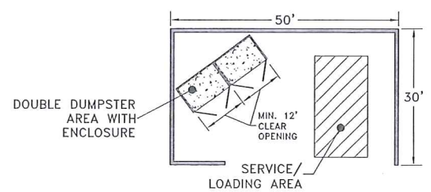
sheet no: 1/1



SECTIONS 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
N.T.S.



TYPICAL COMMERCIAL BUILDINGS
N.T.S.



SERVICE AREA DETAIL
N.T.S.

OPEN SPACE TABLE:

REQUIRED OPEN SPACE:
RPD: 40% 21.75 @ 40% = 8.70
CPD: 30% 10.79 @ 30% = 3.24
TOTAL REQUIRED: 11.94 AC
REQUIRED INDIGENOUS: 1.57 AC = (TOTAL INDIGENOUS PRESENT ON SITE)

PROVIDED OPEN SPACE:
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INDIGENOUS VEGETATION
1.19 AC UPLAND AREA x 1.25 CREDIT FOR MORE THAN 1 AC [LDC 10.415(b)(3)a] + 10% CREDIT FOR COMBINING WITH OFFSITE PUBLIC PRESERVE [LDC 40-415 (b)(3)b.2.] (1.19 x 1.35) = 1.60 AC
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TOTAL INDIGENOUS = 1.69 AC
25% PROVIDED BY LAKE = 2.99 AC
BUFFERS/LAKE MAINTENANCE EASEMENT/FEMA FLOODWAY = 2.61 AC±
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ADDITIONAL OPEN SPACE = 2 AC
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MINIMUM 30%/3.24 AC
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TOTAL OPEN SPACE PROVIDED = MINIMUM 12.99 AC/CR

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JUN 0 8 2010
COMMUNITY DEVELOPMENT

LEGEND:

- = PROPOSED SIDEWALK
- = INDIGENOUS PRESERVE
- = RESTORATION AREAS
- X = SPECIAL CONDITION/DEVIATION

Approved as Exhibit
MCP Page 1 of 2
Resolution # Z-10-009

DCI 2009-00005
EXHIBIT H-3.C

PREPARED FOR:
BECK GROUP
OF FT MYERS LLC
436 BAYFRONT PL
NAPLES, FL 34102
PHONE: (239) 649-8700
FAX: (239) 434-6225

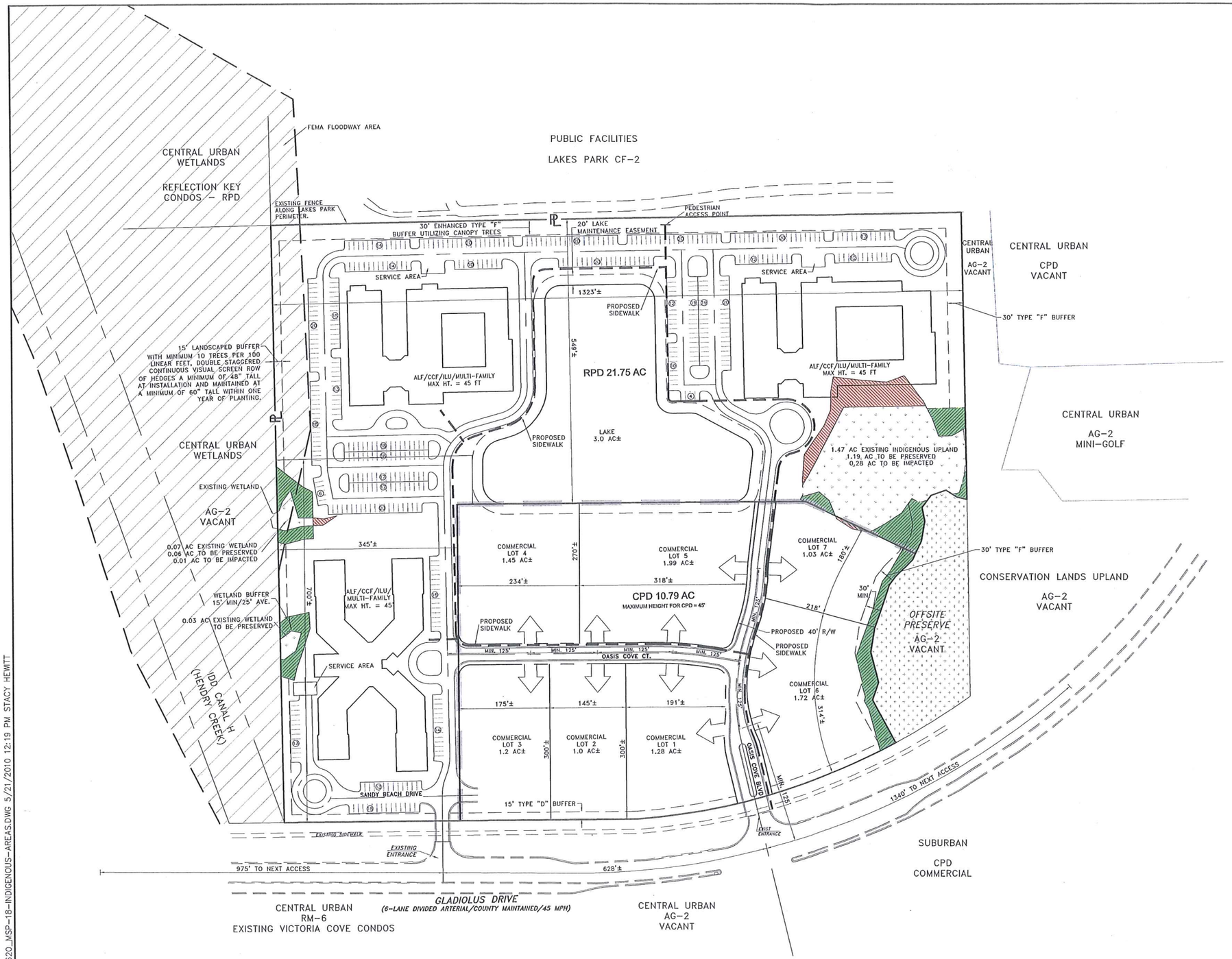
NO.	DATE	REVISION DESCRIPTION	BY
5	06/07/10	ZONING RESOLUTION	SEH
4	02/12/10	REVISE INTENSITIES	SEH
3	01/13/10	NR & ES COMENTS	SEH
2	12/15/09	2ND SUFFICIENCY SUBMITTAL	SEH
1	10/18/09	1ST SUFFICIENCY SUBMITTAL	SEH

Banks Engineering
Professional Engineers, Planners, & Land Surveyors
FORT MYERS ◆ PORT CHARLOTTE ◆ SARASOTA
10511 SIX MILE CYPRESS PARKWAY – SUITE 101
FORT MYERS, FLORIDA 33912
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

MASTER CONCEPT PLAN
OASIS COVE A.K.A. GLADIOLUS RPD
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF
11/25/08	1620	MCP	DRU	MJK	DRU	1" = 200'	1	1

S:\JOBS\16XX\1620\ZONING\1620_MCP-RESO.DWG 6/8/2010 10:54 AM STACY HEWITT



N

0 200' 400'

GRAPHIC SCALE 1"= 200'

LEGEND:

1.28 AC INDIGENOUS VEGETATION PROVIDED

1.19 AC UPLAND AREA x 1.25 CREDIT FOR MORE THAN 1 AC [LDC 10.415(b)(3)a] + 10% CREDIT FOR COMBINING WITH OFFSITE PUBLIC PRESERVE [LDC 40-415 (b)(3)b.2.] (1.19 x 1.35) = 1.60 AC
WETLAND = 0.09 AC
TOTAL INDIGENOUS = 1.69 AC

0.29 AC INDIGENOUS AREAS TO BE IMPACTED (0.28 UPLAND)

0.67 AC INDIGENOUS CREATION / RESTORATION *

INDIGENOUS CREATION / RESTORATION

* THESE AREAS ARE CURRENTLY DOMINATED BY EXOTICS WITH VERY WIDELY SCATTERED NATIVE SPECIES. ALL WOODY EXOTIC VEGETATION WITHIN THE RESTORATION AREAS WILL BE CUT BY HAND JUST ABOVE NATURAL GRADE AND THE STUMP TREATED WITH AN APPROPRIATE HERBICIDE CONTAINING AN INDICATOR DYE. TREATMENT WILL OCCUR IMMEDIATELY FOLLOWING CUTTING TO ENSURE MAXIMAL UPTAKE OF THE HERBICIDE. THE RESULTING VEGETATIVE MATERIAL WILL BE REMOVED FROM THE PRESERVE AND DISPOSED OF AT AN UPLAND LOCATION IN ACCORDANCE WITH ALL APPLICABLE LOCAL REGULATIONS. CARE WILL BE TAKEN TO MINIMIZE IMPACTS TO NATIVE VEGETATION WITHIN THE AREAS TO THE DEGREE PRACTICABLE. ONCE THE EXOTICS ARE REMOVED, NATIVE PLANTS WILL BE INSTALLED. THIS WILL CONSIST OF SIX FEET TALL TREES (CABBAGE PALM, SLASH PINE, AND LAUREL OAK) 12± FEET ON CENTER, ONE GALLON SHRUBS (SUCH AS MYRSINE, WAX-MYRTLE, WHITE STOPPER, COCO PLUM, AND WHITE INDIGO BERRY) FIVE FEET CENTER, AND ONE GALLON GROUND COVER (SUCH AS BUSHY BLUESTEM, LOVEGRASS SAW PALMETTO, AND SAND CORDGRASS) THREE FEET CENTER. CABBAGE PALMS INSTALLED IN THESE AREAS MAY INCLUDE CABBAGE PALMS RELOCATED FROM ON-SITE DEVELOPMENT AREAS. VIABLE EXISTING NATIVE PLANTS LOCATED WITHIN THE RESTORATION AREAS AFTER THE EXOTICS HAVE BEEN REMOVED WILL COUNT TOWARDS THE PLANTING REQUIREMENT.
PLANTINGS WITHIN THE RESTORATION AREAS ADJACENT TO COMMERCIAL LOTS 6 AND 7 WILL BE UPSIZED TO MEET THE THE LEE COUNTY LAND DEVELOPMENT CODE REQUIREMENTS FOR THE TYPE "F" BUFFER.

RECEIVED
JUN 0 8 2010
COMMUNITY DEVELOPMENT

Approved as Exhibit
MCP Page 2 of 2
Resolution # Z-10-009
DCI 2009-00005

S:\JOBS\16XX\1620\ZONING\1620_MSP-18-INDIGENOUS-AREAS.DWG 5/21/2010 12:19 PM STACY HEWITT

PREPARED FOR:
BECK GROUP
OF FT MYERS LLC
436 BAYFRONT PL
NAPLES, FL 34102
PHONE: (239) 649-8700
FAX: (239) 434-6225

NO.	DATE	REVISION DESCRIPTION	BY
4	05/18/10	REVISE PARKING ISLANDS FOR CONSISTENCY WITH MCP	SEH
3	02/12/10	REVISE LABELING TO MATCH MCP	SEH
2	01/11/10	ES COMMENTS	SEH
1	12/15/09	2ND SUFFICIENCY SUBMITTAL	SEH

Banks Engineering
Professional Engineers, Planners, & Land Surveyors
FORT MYERS ◆ PORT CHARLOTTE ◆ SARASOTA
10511 SIX MILE CYPRESS PARKWAY – SUITE 101
FORT MYERS, FLORIDA 33912
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

INDIGENOUS RESTORATION PLAN (EXHIBIT D-7-Y)

OASIS COVE A.K.A. GLADIOLUS RPD

LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF
10/16/09	1620	MCP	DRU	SDJ	DRU	1" = 200'	1	1

24 hr. Ltr.

Henderson|Franklin
ATTORNEYS AT LAW

1715 Monroe Street • Fort Myers, FL 33901
Post Office Box 280 • Fort Myers, FL 33902
Tel: 239.344.1100 • Fax: 239.344.1200 • www.henlaw.com

Bonita Springs • Sanibel

Reply to
Charles J. Basinait
Direct Fax Number 239.344.1580
Direct Dial Number 239.344.1204
E-Mail: charles.basinait@henlaw.com

March 16, 2010

VIA US MAIL AND E-MAIL

Diana Parker
Lee County Hearing Examiner Office
P.O. Box 398
Fort Myers, FL 33902-0398

Re: Oasis Cove RPD/CPD
DCI2009-00005

Dear Ms. Parker:

Please be advised this firm represents the applicant in the above referenced matter. This case is scheduled for hearing in front of a Lee County Hearing Examiner on Thursday, March 18 at 9:00 A.M..

We have reviewed the staff report and do not object to the conditions of approval with one exception. We are requesting some minor modifications to Condition 24 as follows:

24. LAKES PARK/WILDLIFE PROTECTION

Prior to local development order approval, development order plans must depict:

- Lighting of pedestrian and parking areas for any permitted use must be directed internally to the site. Parking lot areas must be illuminated with enough intensity to create secure areas consistent with the LDC; and

- Except as provided herein, parking lot lamps on all parcels must be hooded or globed and must not exceed 20 feet in height. Parking lot lamps must not exceed 16 feet in height within the RPD parcel if located between residential buildings structures and north property line abutting Lakes Park and within CPD lots 6 and 7 if located between commercial buildings and the east property line abutting the off-site county owned preserve; and

- Mercury vapor lamps/lights are prohibited.

Prior to local development order approval, development plans for buildings within the PRD/CPD must be reviewed by ES staff for the utilization of window and/or architectural treatments to reduce or break up window panel reflection in order to decrease the potential of bird strikes. Examples of acceptable window and/or architectural treatments may include the use of non-reflective tinting, ultraviolet reflective decals, exterior sun shades, smaller windows, window awnings or similar treatments. This condition is applicable to the window and/or door panels on the northern building facades facing Lakes Park within the RPD parcel and on the eastern building facades facing the offsite county owned preserve within the CPD parcel lots 6 and 7.

Further, we are in agreement with the staff recommendation of approval regarding our requested deviation.

Sincerely,

Charles J. Basinait

CJB/sbm

cc: Tony Palermo (Via E-mail)
Susie Derheimer (Via E-mail)
Michael Jacob, Esq. (Via E-mail)
Mike Pavese (Via E-mail)
Stacy Hewitt (Via E-mail)
David Underhill (Via E-mail)
Craig Smith (Via E-mail)

Hunter - Galvan, Suzanne

From: Jacob, Michael
Sent: Tuesday, March 16, 2010 1:35 PM
To: Shelly Matzick; Hunter - Galvan, Suzanne
Cc: Charles Basinait; Palermo, Anthony; Derheimer, Suzanne; Pavese, Michael; shewitt@bankseng.com; DUnderhill@BanksEng.com; csmith@dexbender.com
Subject: RE: Oasis Cove RPD/CPD (DCI2009-00005)

Shelly,

Donna Marie will be handling this case for our office. I forwarded a copy of Chuck's email and correspondence to her.

Thanks,

Michael D. Jacob
Assistant County Attorney
Lee County Attorney's Office
(239) 533-2236 (telephone)
(239) 485-2106 (facsimile)
mjacob@leegov.com

Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure. Under Florida law, e-mail addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

From: Shelly Matzick [mailto:Shelly.Matzick@henlaw.com]
Sent: Tuesday, March 16, 2010 1:24 PM
To: Hunter - Galvan, Suzanne
Cc: Charles Basinait; Palermo, Anthony; Derheimer, Suzanne; Jacob, Michael; Pavese, Michael; shewitt@bankseng.com; DUnderhill@BanksEng.com; csmith@dexbender.com
Subject: Oasis Cove RPD/CPD (DCI2009-00005)

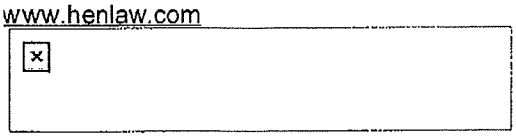
Dear Ms. Hunter-Galvan,

Attached please find a letter to Ms. Parker in reference to the above matter from Attorney Basinait. If you have any questions, please contact Attorney Basinait at 239-344-1204 or Charles.Basinait@henlaw.com.

Sincerely,

Shelly Matzick
Legal Secretary to Charles J. Basinait and Amanda L. Brock
Henderson, Franklin, Starnes & Holt, P.A.
1715 Monroe Street
P.O. Box 280
Fort Myers, FL 33902
Direct Dial: 239.344.1208
Fax: 239.344.1200
shelly.matzick@henlaw.com

www.henlaw.com



CONFIDENTIALITY STATEMENT

Henderson, Franklin, Starnes & Holt, P.A.

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To reply to our e-mail administrator directly, please send an e-mail to administrator@henlaw.com

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Princing, Jamie

From: Palermo, Anthony
Sent: Tuesday, March 16, 2010 1:26 PM
To: Princing, Jamie
Subject: FW: Oasis Cove RPD/CPD (DCI2009-00005)
Attachments: Oasis Cove Ltr to HEX 03-16-10.pdf

This is the 24-hour letter from the applicant. Can it go in the zoning file for safe keeping? Thank you!

Tony Palermo, Senior Planner, AICP
Lee County Department of Community Development
P.O. Box 398
Fort Myers, FL 33902
Ph. 239-533-8325
F. 239-485-8300
apalermo@leegov.com

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Sent: Tuesday, March 16, 2010 1:24 PM
To: Hunter - Galvan, Suzanne
Cc: Charles Basinait; Palermo, Anthony; Derheimer, Suzanne; Jacob, Michael; Pavese, Michael; shewitt@bankseng.com; DUnderhill@BanksEng.com; csmith@dexbender.com
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P.O. Box 280
Fort Myers, FL 33902
Direct Dial: 239.344.1208
Fax: 239.344.1200
shelly.matzick@henlaw.com
www.henlaw.com

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To reply to our e-mail administrator directly, please send an e-mail to administrator@henlaw.com

IRS CIRCULAR 230 NOTICE: Pursuant to Treasury Department Circular 230, this is to advise you unless we otherwise expressly state in writing, e-mail communications, including all attachments, from this firm are not intended or written to be used, and cannot be used, for the purpose of avoiding tax-related penalties. If you wish to engage this firm to provide formal written advice as to federal or state tax issues, please contact the sender.

Henderson|Franklin
ATTORNEYS AT LAW

1715 Monroe Street • Fort Myers, FL 33901
Post Office Box 280 • Fort Myers, FL 33902
Tel: 239.344.1100 • Fax: 239.344.1200 • www.henlaw.com

Bonita Springs • Sanibel

Reply to
Charles J. Basinait
Direct Fax Number 239.344.1580
Direct Dial Number 239.344.1204
E-Mail: charles.basinait@henlaw.com

March 16, 2010

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CJB/sbm

cc: Tony Palermo (Via E-mail)
Susie Derheimer (Via E-mail)
Michael Jacob, Esq. (Via E-mail)
Mike Pavese (Via E-mail)
Stacy Hewitt (Via E-mail)
David Underhill (Via E-mail)
Craig Smith (Via E-mail)

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

RECEIVED
MAY 04 2010
ZONING

REZONING:	**DCI2009-00005**
APPLICANT:	**BECK GROUP OF FORT MYERS, LLC, in reference to OASIS COVE RPD/CPD**
HEARING DATE:	**MARCH 18, 2010**
WRITTEN SUBMISSION:	**MARCH 18, 2010 (NO ORDER ISSUED)**

I. APPLICATION:

This matter came before the Lee County Hearing Examiner as an Application for a Rezoning to a Residential Planned Development (RPD)/Commercial Planned Development (CPD) pursuant to Lee County Land Development Code (LDC).

Filed by BECK GROUP OF FORT MYERS, LLC., c/o KEVIN STONEBURNER and CHRIS CIOFFI, 436 Bayfront Place, Naples, Florida 34102 (Applicant/Owner); BANKS ENGINEERING, c/o STACY ELLIS HEWITT, DIRECTOR OF PLANNING, 10511 Six Mile Cypress Parkway, Suite 101, Fort Myers, Florida 33966; TR TRANSPORTATION CONSULTANTS, INC., c/o TED TREESH, 13881 Plantation Road, Suite 11, Fort Myers, Florida 33912; W. DEXTER BENDER & ASSOCIATES, INC., c/o TYLER KING, 4470 Camino Real Way, Suite 101, Fort Myers, Florida 33966 (Agents).

Request is to Rezone 32.54± acres from Residential Planned Development (RPD) to Residential Planned Development/Commercial Planned Development (RPD/CPD) for Assisted Living Facilities (ALF), Continuing Care Facilities (CCF), Independent Living Units (ILU), multi-family development and commercial uses. The maximum density proposed is 190 multi-family dwelling units, or an equivalent number of units in ALFs, CCFs, and ILUs and Commercial, Office, and Retail development, maximum 100,000 square feet including a maximum 25,000 square feet Retail. Maximum height 45 feet for both Residential and Commercial. No development blasting is requested. The development will connect to public potable water and sanitary sewer service.

The subject property is located at 7650 Gladiolus Drive and 7210 Congdon Road, South Fort Myers Planning Community, Section 35, Township 45 South, Range 24 East, Lee County, Florida (District #5).

II. STAFF REPORT AND RECOMMENDATION: APPROVE WITH CONDITIONS

The Department of Community Development Staff Report was prepared by Tony Palermo. The Staff Report is incorporated herein by this reference.

III. RECOMMENDATION OF HEARING EXAMINER:

The undersigned Lee County Hearing Examiner recommends that the Lee County Board of County Commissioners **APPROVE** the Applicant's request for a rezoning to Residential Planned Development (RPD)/Commercial Planned Development (CPD) for the real estate described in Section IX. Legal Description WITH THE FOLLOWING CONDITIONS AND DEVIATIONS:

A. CONDITIONS:

1. The development of this project must be consistent with the one-page Master Concept Plan (MCP) entitled "Oasis Cove A.K.A. Gladiolus RPD" stamped Received February 16, 2010, **Exhibit B** attached hereto, except as modified by the conditions below.

This development must comply with all requirements of the Lee County Land Development Code (LDC) at time of the local Development Order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

The RPD is limited to a maximum of 190 multi-family dwelling units; OR a maximum of 160 units of ALF/CCF units, PLUS a maximum of 300 ILUs or any combination of ALF, CCF, and/or ILU so long as the density does not exceed 190 standard dwelling units on +/- 21.75 acres of land.

The CPD is limited to a maximum of 100,000 square feet of gross floor area, including a maximum of 25,000 square feet of Commercial Retail.

Zoning Resolution #Z-75-145, Zoning Resolution #Z-04-034 and Administrative Amendment #ADD2006-00184 are null and void as a result of approval of this zoning action, and are all superceded by this zoning resolution.

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

A. Schedule of Uses

Commercial Planned Development

Accessory Uses and Structures
Administrative Offices
Animals - Clinic or Kennel - no outdoor runs, completely enclosed facilities.
ATM - Automatic Teller Machine
Auto Parts Store - no installation service
Bait and Tackle Shop - no outdoor storage or display.
Banks and Financial Establishments, Groups I and II.
Boats - limited to Boat Part Sales, no outdoor storage or display, no rental, storage, repair or service.
Broadcast Studio, Commercial Radio and Television - does not include freestanding wireless communication facilities, Wall-mounted and building-mounted antennae may be approved per Lee County Land Development Code Sec. 34-1441 et. Seq.
Business Services Groups I and II - Excluding bail bonding.
Cleaning and Maintenance Services.
Clothing Stores, General
Clubs: Commercial, Fraternal, Membership Organization, Private - Does not include consumption on premises indoors or outdoors.
Consumption on Premises - See Condition #13.

Contractors and Builders, Group I only (offices and indoor storage facilities, excludes any fabrication work or outdoor storage, other than parking of cars).
Cultural Facilities.
Day Care, Child, Adult.
Department Store
Drive Through Facility for Any Permitted Use.
Drugstore, Pharmacy.
Entrance Gates and Gatehouse.
EMS, Fire or Sheriff's Station.
Essential Services.
Essential Services Facilities, Group I.
Excavation - Water Retention and Detention - not to include the removal of excavated material from site, no blasting.
Fences and Walls.
Food and Beverage Service, Limited.
Food Stores, Group I - Not including Group II (freezer and locker meat provisioner).
Funeral Home and Mortuary - Without Crematory.
Gift and Souvenir Shop.
Heath Care Facilities, Group III.
Hobby, Toy and Game Shops - No outdoor storage or display.
Hospice, Limited to lots 5 and 6. Limited to 50 beds.
Household and Office Furnishings, Groups I and II. Excluding Group III (hot tub and spas, swimming pools, prefabricated). No outdoor storage or display.
Insurance Companies
Lawn and Garden Supply Stores - No outdoor display or storage.
Library
Maintenance Facility, Government
Medical Office
Motion Picture Production Studio
Nonstore Retailers, All Groups.
Casino-style games are prohibited.
Paint, Glass and Wallpaper - No outdoor display or storage.
Parking Lot, Accessory, Commercial, Garage, Public Parking, Temporary.
Personal Services, Groups I, II, III, IV - excluding Massage Parlors, Steam or Turkish Baths, Escort Services, Palm Readers, Fortunetellers or Card Readers, Tattoo Parlors.
Pet Services - no outdoor runs, completely enclosed facilities.
Pet Shop - no outdoor runs, completely enclosed facilities.
Place of Worship
Plant Nursery
Post Office
Printing and Publishing
Real Estate Sales Office
Recreation, Facilities, Commercial. Group I, Group III , Group IV - Casino-style games are prohibited.
Recreation Facilities, Personal, Private On Site, Private Off Site.
Religious Facilities

Rental or Leasing Establishments, Groups I, II and III. Excluding Recreation Vehicles and Utility Trailers.
Repair Shops, Groups I and II.
Research and Development Laboratories, Groups II and IV.
Restaurant, Fast Food - No stand alone fast food. No drive through for this use. Fast food permitted within a multi-occupancy building only.
Restaurants, Groups I, II, III, IV
Retail and Wholesale Sales, when clearly incidental and subordinate to a permitted principal use only.
Schools: Commercial, Noncommercial
Signs per Chapter 30 Lee County Land Development Code
Social Services, Groups I and II
Specialty Retail Shops, All Groups. Excluding Ammunition, Firearms, Hunters Equipment.
Studios
Temporary uses - limited to construction trailers, real estate sales offices.
Transportation Services, Group II (Automobile). No Group III (Bus).
Used Merchandise Stores, Groups I and II only. - excluding pawnshops.
No Group III (Automotive) and No Group IV (Building Materials)
Warehouse, Miniwarehouse, Private, Public - limited to 10,000 square feet of floor area for the entire CPD.
Wholesale Establishments, Groups I and III. Indoor establishments only. No open storage, display or Group IV wholesale establishments.

Resident Planned Development

Accessory Uses and Structures.
Administrative Office
Assisted Living Facility (see Condition 1 for density)
ATM *
Banks and Financial Establishments, Group I *
Consumption on Premises - See Condition 13. *
Continuing Care Facility (see Condition 1 for density)
Dwelling Unit - Townhouse, Multifamily (see condition 1 for density)
Entrance Gates and Gatehouses
Essential Services.
Essential Services Facilities, Group I.
Excavation - Water Retention and Detention - not to include the removal of excavated material from site, no blasting.
Fences and Walls
Food and Beverage Service, limited *
Food Stores, Group I *
Health Care Facilities, Groups I and II only. *
Home Occupation
Independent Living Units (see Condition 1 for density)
Laundry or Dry Cleaning, Group I *
Medical Office *

Models: Model Unit (see condition 7)
Nonstore Retailers, Group II *
Parking Lot, Accessory, Temporary
Personal Services, Group I *
Pharmacy *
Recreation Facilities, Private, On Site. *
Residential Accessory Uses
Restaurants, Groups I and II *
Signs per Chapter 30 Lee County Land Development Code
Temporary uses - limited to construction trailers, real estate sales offices.

** Commercial uses listed above are accessory to the assisted living (ALF, CCF, and/or ILU) use only.*

Site Development Regulations

Resident Planned Development:
Assisted Living Facility (ALF)/Continuing Care Facility(CCF)/Independent Living Unit (ILU)

Lot Size

Minimum Lot Area:	10,000 square feet
Minimum Lot Depth:	100 feet
Minimum Lot Width:	100 feet

Setbacks

Street (public)	25 feet
Street (private)	20 feet
Side	10 feet
Rear	20 feet
Water body	20 feet

Lakes Park Setback (north boundary line)

Building: 75 feet (for maximum 45 feet in building height)
50 feet (for maximum 35 feet in building height)
40 feet (for maximum 25 feet in building height)

Minimum 30-foot building perimeter setback on the east, west and south boundaries of the subject property.

Accessory uses and setbacks must comply with the Land Development Code (LDC) Sec. 34-1174 et. seq. and Lee County Land Development Code Sec. 34-2194.

Minimum building separation: One half the sum of height of both buildings, or 20 feet, whichever is greater. Buildings exceeding 35 feet in height must maintain additional building separation and setbacks as regulated by Land Development Code (LDC) Sec. 34-2174(a) and Sec. 34-935(e)(4)

Maximum Lot Coverage 60 percent

Maximum Height 45 feet

Residential Planned Development:
Multi-Family, Clubhouse, Recreational Facility

Lot Size
Minimum Lot Area: 10,000 square feet
Minimum Lot Depth: 100 feet
Minimum Lot Width: 100 feet

Setbacks
Street (public) 25 feet
Street (private) 20 feet
Side 10 feet
Rear 20 feet
Water body 20 feet

Lakes Park Setback (north boundary line)

Building: 75 feet (for maximum 45 feet in building height)
50 feet (for maximum 35 feet in building height)
40 feet (for maximum 25 feet in building height)

Common Parking Areas may not be located closer than 100 feet to Lake Park's property line. (Not applicable when residential units are placed between Lakes Park property and the common parking areas for the RPD.)

Minimum 30-foot building perimeter setback on the east, west and south boundaries of the subject property.

Accessory uses and setbacks must comply with the Land Development Code (LDC) Sec. 34-1174 et. seq. and Lee County Land Development Code Sec. 34-2194.

Minimum building separation: One half the sum of height of both buildings, or 20 feet, whichever is greater. Buildings exceeding 35 feet in height must maintain additional building separation and setbacks as regulated by Land Development Code (LDC) Sec. 34-2174(a) and Sec. 34-935(e)(4)

Maximum Lot Coverage 60 percent

Maximum Height 45 feet

Residential Planned Development :
Townhouse

Lot Size

Minimum Lot Area:	2,000 square feet
Minimum Lot Depth:	100 feet
Minimum Lot Width:	20 feet

Setbacks

Street (public)	25 feet
Street (private)	20 feet
Side	5/0 feet
Rear	15 feet
Water body	20 feet

Lakes Park Setback (north boundary line)

Building: 75 feet (for maximum 45 feet in building height)
50 feet (for maximum 35 feet in building height)
40 feet (for maximum 25 feet in building height)

Common Parking Areas may not be located closer than 100 feet to Lake Park's property line. (Not applicable when residential units are placed between Lakes Park property and the common parking areas for the RPD.)

Minimum 30-foot building perimeter setback on the east, west and south boundaries of the subject property.

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Maximum Lot Coverage 60 percent

Maximum Height 45 feet

Commercial Planned Development :
Commercial uses

Lot Size

Minimum Lot Area:	10,000 square feet
Minimum Lot Depth:	100 feet
Minimum Lot Width:	100 feet

Setbacks

Street (public)	25 feet
Street (private)	20 feet

Side	10 feet
Rear	15 feet
Water body	20 feet

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Maximum Lot Coverage	60 percent
Maximum Height	45 feet

3. **CONCURRENCY**

Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in Lee County Land Development Code Chapter 2 and the Lee County Comprehensive Plan. The developer is required to demonstrate compliance with all concurrency requirements, including traffic concurrency, prior to issuance of a local Development Order.

4. **TRAFFIC**

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 Lee County Land Development Code may be required to obtain a local Development Order.

5. **LEE COUNTY COMPREHENSIVE PLAN**

Approval of this rezoning does not guarantee local Development Order approval. Future Development Order approvals must satisfy the requirements of the Lee County Comprehensive 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 (for commercial uses), as well as all other Lee County Comprehensive Plan provisions.

6. **NO BLASTING**

No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.

7. **MODEL UNITS**

A. Model units are limited to a maximum of eight.

B. Models cannot be of the same floor plan and each must be a different design.

C. Real estate sales are limited to administrative offices, within model units and within the CPD

D. Real estate sales within the residential area will be limited to the sale of lots or units within the development only. Real estate sales in the CPD area are not limited.

E. Hours of operation for model homes and real estate sales in the residential area are limited to Monday through Sunday 8:00 a.m. to 8:00 p.m. Real estate sales in the commercial area (CPD) are not limited.

F. No dry models are permitted.

8. **WATER AND SEWER**

Development of this project must connect to both public water and public sewer. At time of local Development Order, the developer must also demonstrate there is adequate water and sewer capacity to handle level of development as proposed in the Development Order submittal.

9. **ACCESSORY USES**

Accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.

10. **SIDEWALKS**

Development must include internal sidewalks, as a site-related improvement. Such facilities must be included in local Development Orders as part of construction of the project's infrastructure.

11. **SOLID WASTE/RECYCLING**

As part of any local Development Order approval for vertical development, the developer must include facilities in compliance with Lee County Land Development Code Section 10-261 and Solid Waste Ordinance # 08-10 for the pick-up/disposal of solid waste and recyclables. The minimum area required for, and specific locations of, these facilities will be reviewed at the time of local Development Order application.

12. **CASINO-STYLE GAMES**

Casino-style games are prohibited in both the RPD and the CPD.

13. **CONSUMPTION ON PREMISES**

A. Consumption on Premises is limited to indoor seating in conjunction with a Groups II or III Restaurant with a 4-COP-SRX and/or 2-COP beverage license.

B. The hours of operation for indoor consumption on premises is limited to between 11:00 a.m. to 11:00 p.m. daily.

C. No sale, service or consumption of alcoholic beverages will be permitted without the sale or availability of food and non-alcoholic beverages on the same premises.

D. Outdoor consumption on premises within the CPD and/or RPD may be approved by a special exception or an amendment to the Planned Development. A public hearing will be required. The Applicant must provide adequate detail of the outdoor seating area (square footage, number of seats, proposed hours, distance to Lakes Park, outdoor entertainment, etcetera) consistent with the requirements of the Land Development Code.

14. **HURRICANE SHELTER**

An on-site hurricane shelter must be provided as part of any ALF, CCF, and/or ILU development on the subject property to house all residents during storm events. On-site shelters and all required equipment and supplies for these facilities must comply with the following standards, as well as other standards required by the Lee County Land Development Code:

A. Elevation to the anticipated storm surge from a land falling Category "5" storm.

B. Construction to withstand winds of 200 miles per hour in accordance with the Florida Building Code.

C. Construction with minimum exterior glass with all glazed openings provided with impact protection in accordance with the Florida Building Code.

D. Equipped with emergency power and potable water supplies to last up to five days.

E. Protected with adequate ventilation, sanitary facilities, and first aid medical equipment.

15. HURRICANE PLAN

A. The developer, his successors or assigns, will provide an educational program on an annual basis, in conjunction with the staff of the Lee County Emergency Management Department, which will provide literature, brochures, and speakers for Hurricane Awareness/Preparedness seminars describing the risks of natural hazards.

B. The developer, his successors or assigns, will formulate an emergency hurricane notification and evacuation plan for the development, which will be subject to review and approval by the Lee County Department of Emergency Management.

C. The developer will coordinate with the Division of Public Safety of the Lee County Emergency Management Department in determining and participating in a means to lessen its adverse impacts on the County's hurricane preparedness process and public safety and it will comply with the Hurricane Shelter Ordinance.

16. FEMA FLOODWAY AREA

No fill within the FEMA floodway areas will be allowed. The fill (encroachment) included, but not limited to raising vegetative buffer zones, constructing perimeter berms, or any structure/fill that would hinder flow within the FEMA floodway. If any future plan change involves a fill/encroachment to the floodway, the Applicant must submit and get approval of either a Letter of Map Revision (LOMR) or No-Rise Certification from appropriate agencies.

17. ACCESS TO LAKES PARK

The design and construction of the pedestrian access from the development to Lakes Park is subject to approval by the Lee County Department of Public Works during the local Development Order review process. The developer is responsible for all costs associated with the design and construction of this access. The access will be gated and locked by the property owner daily from dusk to 7:00 a.m.

18. OPEN SPACE

Prior to local Development Order approval, the Development Order plans must delineate a minimum 12.99 acres of open space in compliance with the approved MCP Open Space Table.

19. INDIGENOUS PRESERVATION

Prior to local Development Order approval, Development Order plans must depict preservation in substantial compliance with the approved MCP to include:

- a minimum 1.19 acres existing pine-mesic oak upland (minimum 1.6 acres with credits taken); and
- a minimum 0.09 acre existing marsh wetland; and
- a minimum 0.67 acre indigenous creation/restoration area to provide minimum 15-foot, average 25-foot-wide upland buffers to the on-site wetland preserves and off-site conservation lands.

Prior to local Development Order approval, landscape plans must depict the indigenous creation/restoration areas to be planted per the approved Indigenous Restoration Plan

Prior to local Development Order approval, an Indigenous Management Plan for the indigenous preservation and creation/restoration areas meeting the requirements of Lee County Land Development Code Section 10- 415(b)(4) must be submitted for of Environmental Sciences Staff review.

Prior to local Development Order approval, Development Order plans must depict a minimum 20-foot building and accessory structure setback to indigenous preservation and creation/restoration areas.

20. PROTECTED SPECIES

Prior to local Development Order approval, American alligator and listed wading bird species management plans meeting the requirements of Lee County Land Development Code Section 10-474 must be submitted for review and approval by the Division of Environmental Sciences Staff. The management plans must include information for residents on the importance of the littoral areas and adjacent preserves for providing nesting and forging habitat. In addition, the Development Order plans must depict the appropriate locations and details of signage that identify alligators may be present and inform it is dangerous and illegal to feed or harass alligators.

21. INDIGENOUS RESTORATION PLAN

Prior to final adoption of a zoning resolution the Indigenous Restoration Plan (**Exhibit C hereto)** be revised for consistency with the approved MCP.

22. DELETED AT THE PUBLIC HEARING

23. BUFFER CONDITIONS

Prior to local Development Order approval, landscape plans must depict buffers provided in substantial compliance with the approved Master Concept Plan and Landscape Exhibit (**Exhibit D hereto**) and to also provide:

- One gallon, installed three-foot on center groundcover plantings along the interior side of the 30-foot-wide Type F buffer within the RPD; and
- If parking areas are proposed adjacent to the RPD north property line then each required 18-foot-wide island abutting the 30-foot Type F buffer must be planted with one native canopy tree, minimum 10 feet in height and native grasses, one-gallon container size installed two-foot on centers; and
- Required Type F buffer vegetation to be measured from the final grade of the on-site adjacent parking lot and/or roadway, if the buffer is abutting proposed parking area and/or roadway; and
- Required Type F buffer trees installed in a configuration to provide a continuous visual canopy screen within one year after time of planting. If a continuous visual canopy screen is not obtained within one year after time of planting than additional trees may be required; and
- Required Type F buffer trees and palms must not be pruned to reduce height or canopy spread.

24. **LAKES PARK/WILDLIFE PROTECTION**

Prior to local Development Order approval, Development Order plans must depict:

- Lighting of pedestrian and parking areas for any permitted use must be directed internally to the site. Parking lot areas must be illuminated with enough intensity to create secure areas consistent with the Lee County Land Development Code; and

- Except as provided herein, parking lot lamps on all parcels must be hooded or globed and must not exceed 20 feet in height. Parking lot lamps must not exceed 16 feet in height within the RPD parcel if located between residential buildings structures and north property line abutting Lakes Park and within CPD lots 6 and 7 if located between commercial buildings and the east property line abutting the off-site County owned preserve; and

- Mercury vapor lamps/lights are prohibited.

Prior to local Development Order approval, development plans for buildings within the RPD/CPD must be reviewed by ES staff for the utilization of window and/or architectural treatments to reduce or break up window panel reflection in order to decrease the potential of bird strikes. Examples of acceptable window and/or architectural treatments may include the use of non-reflective tinting, ultraviolet reflective decals, exterior sun shades, smaller windows, window awnings or similar treatments. This condition is applicable to the window and/or door panels on the northern building facades facing Lakes Park within the RPD parcel and on the eastern building facades facing the offsite County owned preserve within the CPD parcel lots 6 and 7.

B. DEVIATION:

Deviation 1* requests relief from Lee County Land Development Code (LDC) Section 10-285(a) Table 1, which requires a 660-foot connection separation on an arterial road, to allow 628 feet of separation on Gladiolus Drive. This Hearing Examiner recommend **APPROVAL** of this request.

*This deviation and with the same access point was previously approved in the Gladiolus RPD, in Lee County Board of County Commissioners' Resolution Z-04-43. In an abundance of caution, the Hearing Examiner recommends its approval as part of this rezoning request.

IV. HEARING EXAMINER DISCUSSION:

This is a request to rezone a 32.54-acre parcel, currently zoned as a Residential Planned Development (RPD), to a Residential Planned Development and Commercial Planned Development (RPD/CPD). The property is on the north side of Gladiolus Drive, between

Summerlin Road and Six Mile Cypress Parkway. This site is in the Urban Future Land Use Category[1] and the South Fort Myers Planning Community.[2]

North of the property is Lakes Park, a regional park. That 279-acre Park is a former rock quarry, with lakes that cover158 acres of the park property. Northwest of the Applicant's property are the Reflection Key Condominiums, a multi-family housing and commercial complex in Residential Planned Development/Commercial Planned Development Zoning Districts (RPD/CPD). Access to that project is from Summerlin Boulevard.

East of the subject property is preservation land, owned by Lee County, the Fenway Fun Center, a miniature golf course, (approved by special permit), and vacant Commercial Planned Development (CPD). The Fenway Family Fun Center at Lakes Park CPD includes recreational facilities, restaurant and other uses. It is next to the entrance to Lakes Park on Gladiolus Drive.

South of the Applicant's property is Gladiolus Drive, a six-lane arterial road, across from that right-of-way are several parcels containing the Victoria Cove Condominiums, a vacant parcel (AG-2) and a Commercial Planned Development (CPD) containing medical offices. Also south of Gladiolus, is the Phoenix 90 CPD which was approved for low-intensity uses, such as commercial offices.

Finally, west of the subject site is vacant agriculturally zoned land, then Hendry Creek, and further west residential single-family uses on large lots.

The Applicant's Master Concept Plan is a 1-page document, stamped "Received, February 16, 2010, Community Development," and is attached as **Exhibit B**. The Plan depicts access

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[1] **Lee County Comprehensive Plan Policy 1.1.3:**

The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre).

[2] **Lee County Comprehensive Plan Vision Statement:**

South Fort Myers - This Community is located in the center of Lee County. South of the City of Fort Myers, east of the Caloosahatchee River, west of the Six Mile Cypress Slough, and north of Gladiolus Drive. This community primarily has the higher intensity land use categories such as Intensive Development, Central Urban, Urban Community, Industrial Development, and Suburban. This community contains one of the county's major hospitals, a baseball spring training facility, and the local community college. This community will be nearly built out by the year 2020. The South Fort Myers Community will continue to be a core area of the county providing office area for professional services in areas such as financial and medical. There will also be an increased amount of commercial activity along the US 41 corridor and light industrial uses will continue to expand along the Metro Avenue corridor north of Daniels Parkway. The amounts of commercial and industrial uses in this community are expected to double and most of the suitable land for these uses will be developed by 2030.

The residential areas of this community will also continue to develop through the year 2030 however the popularity of the residential opportunities to the south in the San Carlos/Estero and Bonita communities will continue to dominate this segment of the market.

from two points on Gladiolus Drive, the location of commercial development, and conceptual building areas for the residential development. It also reflects the buffers, lake, parking, internal roads, and wetland and indigenous preserve areas. On the north is a pedestrian access point to Lakes Park. There is a 10.79-acre commercial development, on the south of the property. Building details are shown as "Typicals," as are service area details. The 21.75 acre residential portion has conceptual locations for three buildings, which could either be assisted living or other multi-family products. Development regulations depicted on the Master Concept Plan, further dictate setbacks, buffers, and other elements to address substantive issues with the development.

The proposed Residential Planned Development is for multi-family complex, on 21.75 acres, with either assisted living or multi-family housing. The maximum number of multi-family dwelling units proposed is 190, resulting in a density of 8.73 units per acre. Alternatively, the Applicant proposes a maximum of 300 independent living units (ILU), plus a maximum of 160 assisted living facility/continuing care facility units (ALF/CCF), this is the equivalent of 190 standard dwelling units, pursuant to the Lee County Land Development Code (LDC). Assisted Living Facility/Continuing Care Facility units are calculated at a 4:1 equivalency ratio, while Independent Living Units are calculated at a 2:1 equivalency ratio.

Additionally, the Applicant also proposes a Commercial Planned Development (CPD), on the remaining 10.79 acre tract. This will contain a maximum of 100,000 square feet of commercial floor area, of which 25,000 square feet may be commercial retail. The maximum building height, for any use, is 45 feet.

This site is in the Coastal High Hazard Zone. It is also within a "Tropical Storm" storm surge area. The Lee County Land Development Code, at Section 2-485(b)(5), requires assisted living and continuing care facilities to provide a hurricane shelter for the residents their facilities. Staff and this Hearing Examiner have recommended conditions, for such a shelter, consistent with this requirement and consistent with protecting public safety.

The property is served by Lee County Utilities for both potable water and sanitary sewer service, and the Applicant will be required to connect to such services. The site is served by the South Trail Fire District, and of course, the Lee County Sheriff's Department..

The property was rezoned to a Commercial Planned Development and the Gladiolus Residential Planned Development in 2004. This permitted 275 multi-family dwelling units on 32.54+/- acres of land, or a density of 8.45 units per acre. The maximum building height approved was 3 stories/45 feet. A later Administrative Amendment was approved in 2007, to change the configuration of the buildings, limited height for some buildings, and provided for back-out parking. The prior commercial and residential planned developments will become null and void, with the approval of this application..

Issues with development of this property include compatibility with Lakes Park, buffering, the commercial schedule of uses, environmentally-sensitive lands, public safety issues with assisted living in the Coastal High Hazard Zone, and potential traffic issues on Gladiolus Drive. Staff recommends approval, with conditions which adequately address the issues identified.

The County Staff raised concerns regarding the potential impact of commercial uses near Lake Park. The Land Development Code requires a 15-foot Type "B" buffer for residential uses adjacent to an active park. The Applicant proposes a 30-foot Type "F" buffer with

enhancements. Staff is satisfied that the buffer and enhancements help address compatibility issues between uses and reduce the impacts of development on this property.

Staff and the Applicant agree that an assisted living facility will have a minimal impact on the park, and is a compatible use with Lakes Park. Multi-family is also a compatible use, but will have more impact on the park. The property currently has zoning for multi-family uses, and a condition is provided to address pedestrian access. Uses such as parks and residential development should have pedestrian interconnections.

The commercial portion of the property is approximately 500 feet from the park and 1,500 feet from the main entrance, to the east. Staff is supportive of office, business and retail uses which improve the mix of uses on Gladiolus Drive. The Applicant and Staff took a cautious approach in agreeing to the commercial uses, contained in the conditions hereto. They actively consulted with the Department of Parks and Recreation and the Department of Public Works staff for input on the schedule of uses, as well as other conditions. The proposed height (45 feet) is consistent with surrounding zoning and current zoning of the property. The proposed setbacks (75 feet for buildings of 45 feet in height and 100 feet for parking areas for multi-family uses) provide an additional measure of protection and physical separation from the park. Concerns with compatibility with Lakes Park have been adequately addressed. As conditioned, the proposed development is compatible with surrounding uses and zoning.

The Division of Development Services reviewed the Applicant's request and analyzed the Applicant's Traffic Impact Statement. They determined the proposed rezoning would generate a total of 517 new trips ,in the PM peak hour (204 entering/313 exiting). This correlates to approximately 6,076 new trips over the course of a 24-hour period. The result is that Gladiolus Drive will operate at Level of Service "C" in 2014 (year of buildout) whether or not the project traffic is added to the roadways.

The Division of Environmental Sciences Staff also reviewed the application. They recommend conditions to address open space requirements, indigenous preservation, protected species, including alligators and wading birds, and buffers. They also included recommendations, provided by Lee County Parks and Recreation, to address concerns to environmental resources found in Lakes Park. All of those conditions have been incorporated by the Hearing Examiner in this recommendation.

Tony Palermo, Senior Planner, with the Department of Community Development evaluated this development based on 10 commonly accepted principles of Smart Growth, as follows:

> *Mix land uses.* The proposed development of both commercial and residential uses is not true mixed use, but does add to the richness and variety of uses in the neighborhood and supporting the regional park. As is, only residential development is allowed. This requests adds an assisted living option, as well as a mix of retail and office uses - with interconnections and pedestrian access. This request furthers and promotes this principle.
>
> *Take advantage of compact building design.* The design of this development provides for an efficient use of land. The multi-story development makes sense to develop vertically rather than horizontally. Enhanced buffers and preserve areas, above and beyond the Lee County Land Development Code

requirements, require an efficient use of land. This request furthers and promotes this principle.

Create a range of housing opportunities and choices. The request does not provide for affordable housing. It does, however, add to the mix of housing choices by adding an assisted living option. This request furthers and promotes this principle.

Create walkable neighborhoods. The property provides an excellent opportunity to interconnect with a regional park, and utilizes existing sidewalks on Gladiolus Drive. Internal sidewalks will also provide for more walkability. This request furthers and promotes this principle.

Foster distinctive, attractive communities with a strong sense of place. Development of an assisted living facility, multi-family or commercial development will be per the Lee County Land Development Code and the conditions of this zoning resolution. Attractive landscaping and preserves are provided. The schedule of uses, as conditioned, is appropriate for this location and keeps in mind its location next to a regional park. This request furthers and promotes this principle.

Preserve open space, farmland, natural beauty, and critical environmental areas. Open space and environmental areas, such as wetlands and flow ways, are addressed by this development and protected. The nearby park is also protected by buffering, adequate setbacks and other conditions. This request furthers and promotes this principle.

Strengthen and direct development towards existing communities. This is infill development on an arterial road in proximity to a mix of commercial and residential land uses. As such, this request furthers and promotes this principle.

Provide a variety of transportation choices. Pedestrians and bike riders have access to the property via sidewalks on Gladiolus Drive. Lee Tran routes do not serve this road frontage, but are nearby on Route 50, 140, and 130. There are internal sidewalks proposed between uses and a pedestrian interconnection with the regional park. This request furthers and promotes this principle.

Make development decisions predictable, fair, and cost effective. Staff recommends approval with conditions, consistent with prior approvals for commercial and residential development nearby. The property currently has zoning for residential uses. Staff has identified issues and shared their concerns with the applicant consistently throughout the process. As such, this request promotes this principle.

Encourage community and stakeholder collaboration in development decisions. This development is within the South Fort Myers Planning Community. There are no Lee County Comprehensive Plan or Land Development Code requirements to meet with the community, although such meetings are encouraged with staff. Notice will be provided to

surrounding property owners, per Lee County Land Development Code requirements. The applicant has reached out to the Parks and Recreation and Public Works Department to try to address issues regarding Lakes Park and the development's potential impacts. This request furthers and promotes this principle.

The community in which the property is located is heavily settled, with access to all urban services. The density requested is under the maximum allowed, without bonus density, in the Central Urban Future Land Use Category. No bonus density is proposed. This rezoning request is consistent with Lee County Comprehensive Plan Policy 1.1.3. See Footnote 1.

The proposed development tries to incorporate preservation of existing wetlands to the maximum extent possible. One wetland is proposed to be impacted. Conditions are recommended to address wetland issues, as well as FEMA floodway issues. The proposed rezoning is consistent with Policy 1.5.1 of the Lee County Comprehensive Plan.[3]

The property is currently a Residential Planned Development (RPD) and in-fact an infill development, where development and infrastructure already exist. The site has access to water and sewer service, EMS, fire, police protection and other public facilities. It is compatible with surrounding uses, including a regional park and residential uses. This proposed rezoning is consistent with Objective 2.1 and Objective 2.2, Policies.,2.2.1, of the Lee County Comprehensive Plan.[4]

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[3] **Lee County Comprehensive Plan Policy 1.5.1:**

Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 114 of this plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII of this plan.

[4] **Lee County Comprehensive Plan Objective 2.1:**

DEVELOPMENT LOCATION. Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.

Lee County Comprehensive Plan Objective 2.2:

DEVELOPMENT TIMING. Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in FS 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrence Management Ordinance.

Lee County Comprehensive Plan Policy 2.2.1:

Rezonings and development-of-regional-impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare.

Lee County Comprehensive Plan Policy 4.1.1:

Development designs will be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements.

The proposed development is in close proximity to retail, office, parks and schools. It is adjacent to a regional park. It is close to bus routes. There are sidewalks on Gladiolus Drive, and interconnection to the park. The site is next to a preserve area, flow way, and regional park. Intensive office, retail, and residential uses are relatively nearby the property. The master concept plan includes adequate buffering, with conditions, to address nearby uses. The rezoning request is consistent with Lee County Comprehensive Plan Policies 5.1.2, 5.1.3, 5.1.5, 5.1.6 and 5.1.7.[5]

Staff has evaluated access issues traffic issues, and the applicant's Traffic Impact Statement. Staff has also evaluated the applicant's master concept plan and proposed buffering. As conditioned, traffic impacts are addressed adequately. As conditioned, buffering is adequate to protect surrounding uses, including Lakes Park. The property is in proximity to residential uses as well. Staff has some concerns about some of the more intensive commercial uses proposed and their impact on the surrounding area. As conditioned, there will be no deleterious impacts on surrounding uses (also see

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Lee County Comprehensive Plan Policy 4.1.2:

Development designs will be evaluated to ensure that the internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive effect on the activities and functions contained within or adjacent to the development.

[5] **Lee County Comprehensive Plan Policy 5.1.2:**

Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.

Lee County Comprehensive Plan Policy 5.1.3:

During the rezoning process, direct high-density residential developments to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities.

Lee County Comprehensive Plan Policy 5.1.5:

Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments.

Lee County Comprehensive Plan Policy 5.1.6:

Maintain development regulations that require high-density, multi-family, cluster, and mixed-use developments to have open space, buffering, landscaping, and recreation areas appropriate to their density and design.

Lee County Comprehensive Plan Policy 5.1.7:

Maintain development regulations that require that community facilities (such as park, recreational, and open space areas) in residential developments are functionally related to all dwelling units and easily accessible via pedestrian and bicycle pathways. These pathways must be interconnected with adjoining developments and public pathways whenever possible. Townhouses, condominiums, apartments, and other types of multi-family residential development must have directly accessible common open space.

compatibility analysis below). The rezoning is consistent with Lee County Comprehensive Plan Policies 6.1.1, 6.1.2, 6.1.3, 6.1.4, 6.1.6 and 6.1.7 as conditioned.[6]

The property has access to potable water and sanitary sewer service, and the utility has the capacity to serve the proposed uses. This rezoning is consistent with Standards 11.1 and 11.2 of the Lee County Comprehensive Plan.[7]

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[6] **Lee County Comprehensive Plan Policy 6.1.1**:

All applications for commercial development will be reviewed and evaluated as to: Traffic and access impacts (rezoning and development orders); Landscaping and detailed site planning (development orders); Screening and buffering (planned development rezoning and development orders) Availability and adequacy of services and facilities (rezoning and development orders); Impact on adjacent land uses and surrounding neighborhoods (rezoning); Proximity to other similar centers (rezoning); and Environmental considerations (rezoning and development orders).

Lee County Comprehensive Plan Policy 6.1.2:

All commercial development must be consistent with the location criteria in this policy, except where specifically excepted by this policy or by Policy 6.1.7, or in Lehigh Acres by Policies 1.8.1 through 1.8.3.

Lee County Comprehensive Plan Policy 6.1.3:

Commercial developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as commercial planned developments designed to arrange uses in an integrated and cohesive unit in order to: provide visual harmony and screening; reduce dependence on the automobile; promote pedestrian movement within the development; utilize joint parking, access and loading facilities; avoid negative impacts on surrounding land uses and traffic circulation; protect natural resources; and provide necessary services and facilities where they are inadequate to serve the proposed use.

Lee County Comprehensive Plan Policy 6.1.4:

Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities.

Lee County Comprehensive Plan Policy 6.1.6:

The land development regulations will require that commercial development provide adequate and appropriate landscaping, open space, and buffering. Such development is encouraged to be architecturally designed so as to enhance the appearance of structures and parking areas and blend with the character of existing or planned surrounding land uses.

Lee County Comprehensive Plan Policy 6.1.7:

Prohibit commercial developments from locating in such a way as to open new areas to premature, scattered, or strip development; but permit commercial development to infill on small parcels in areas where existing commercial development would make a residential use clearly unreasonable.

[7] **Lee County Comprehensive Plan Standard 11.1:**

WATER. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross loadable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Chapter 17-22, FAC.).

Lee County Comprehensive Plan Standard 11.2:

SEWER. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.

The commercial portion of the project is at the entrance to Gladiolus Drive and the residential units are internal to the development. The development is designed to have traffic travel from higher intensity to lower intensity. This is consistent with Lee County Comprehensive Plan Policy 39.1.4.[8]

This Hearing Examiner also find that the Applicant's request is consistent with Goals 77,107, 94, 105, 107, 110; and 114 Objectives 77.3, 105.1, 107.4, and 114.1; and Policies 77.3.4, 84.1.1, 107.2, 2, 107.1.4, 107.2.8, 107.2.10, 107.3.1, 107.4.3, 107.4.4, 105.1.5, 110.1.4,.114.1.1, 114,1.2,135.9.5 and 135.9.6 of the Lee County Comprehensive Plan.[9]

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[8] **Lee County Comprehensive Plan Policy 39.1.4:**

Main access points from new development will not be established where traffic is required to travel through areas with significantly lower densities or intensities (e.g. multifamily access through single-family areas, or commercial access through residential areas) except where adequate mitigation can be provided.

[9] **Lee County Comprehensive Plan Goal 77:**

DEVELOPMENT DESIGN REQUIREMENTS. To require new development to provide adequate open space for improved aesthetic appearance, visual relief, environmental quality, preservation of existing native trees and plant communities, and the planting of required vegetation.

Lee County Comprehensive Plan Goal 84:

REGIONAL PARKS. To preserve a portion of the county's natural environment to augment that which is set aside by the state of Florida and the federal government, in order to preserve natural habitats, protect the water supply, and preserve the natural heritage; and to make these natural resources available to the general public for resource-based recreational activities, enjoyment of nature, and educational enrichment.

Lee County Comprehensive Plan Goal 105:

PROTECTION OF LIFE AND PROPERTY IN COASTAL HIGH HAZARD AREAS. To protect human life and developed property from natural disasters. (See also Goal 110.)

Lee County Comprehensive Plan Goal 107:

RESOURCE PROTECTION. To manage the county's wetland and upland ecosystems so as to maintain and enhance native habitats, floral and faunal species diversity, water quality, and natural surface water characteristics.

Lee County Comprehensive Plan Goal 110:

HAZARD MITIGATION. To provide through county plans, programs, and regulations means to minimize future property losses from natural disasters such as flooding, tropical storms and hurricanes. (See also Goal 105.)

Lee County Comprehensive Plan Goal 114:

Wetlands. To maintain and enforce a regulatory program for development in wetlands that is cost-effective, complements federal and state permitting processes, and protects the fragile ecological characteristics of wetland systems.

Lee County Comprehensive Plan Objective 77.3:

New developments must use innovative open space design to preserve existing native vegetation, provide visual relief, and buffer adjacent uses and proposed and/or existing rights-of-way. This objective and subsequent policies are to be implemented through the zoning process.

Lee County Comprehensive Plan Objective 105.1:

DEVELOPMENT IN COASTAL HIGH HAZARD AREAS. Development seaward of the 1991 Coastal Construction Control Line will require applicable State of Florida approval; new development on barrier islands will be limited to densities that

meet required evacuation standards; new development requiring seawalls for protection from coastal erosion will not be permitted; and allowable densities for undeveloped areas within coastal high hazard areas will be considered for reduction.

Lee County Comprehensive Plan Objective 107.4:

ENDANGERED AND THREATENED SPECIES IN GENERAL. Lee County will continue to protect habitats of endangered and threatened species and species of special concern in order to maintain or enhance existing population numbers and distributions of listed species.

Lee County Comprehensive Plan Objective 114.1:

The natural functions of wetlands and wetland systems will be protected and conserved through the enforcement of the county's wetland protection regulations and the goals, objectives, and policies in this plan. "Wetlands" include all of those lands, whether shown on the Future Land Use Map or not, that are identified as wetlands in accordance with F.S. 373.019(17) through the use of the unified state delineation methodology described in FAC Chapter 17-340, as ratified and amended by F.S. 373.4211.

Lee County Comprehensive Plan Policy 77.3.4:

The county encourages new developments to incorporate large, contiguous open space areas in the development design.

Lee County Comprehensive Plan Policy 84.1.1:

Regional parks will be resource-based facilities which preserve natural amenities. Lee County will avoid locating incompatible uses in regional parks

Lee County Comprehensive Plan Policy 107.2.2:

Continue to provide regulations and incentives to prevent incompatible development in and around environmentally sensitive lands (as defined in Policy 107.1.1.4.b.).

Lee County Comprehensive Plan Policy 107.1.1.4.b.

Environmentally sensitive lands will include wetlands (as defined in Objective 114.1) important plant communities (as identified by Objective 107.2); critical habitat for listed wildlife species (see also Objective 107.8 and Policies 107.4.1, 107.4.2, 107.10.4, and107.11.2); environmentally sensitive coastal planning areas (as defined in Policy 113.1.5); natural waterways; important water resources (as defined in Policy 117.1.1); storm and flood hazard areas; and Rare and Unique uplands (as defined in Objective 104.1).

Lee County Comprehensive Plan Policy 107.2.8:

Promote the long-term maintenance of natural systems through such instruments as conservation easements, transfer of development rights, restrictive zoning, and public acquisition.

Lee County Comprehensive Plan Policy 107.2.10:

Development adjacent to aquatic and other nature preserves, wildlife refuges, and recreation areas must protect the natural character and public benefit of these areas including, but not limited to, scenic values for the benefit of future generations.

Lee County Comprehensive Plan Policy 107.3.1:

Encourage upland preservation in and around preserved wetlands to provide habitat diversity, enhance edge effect, and promote wildlife conservation.

Lee County Comprehensive Plan Policy 107.4.3:

Require detailed inventories and assessments of the impacts of development where it threatens habitat of endangered and threatened species and species of special concern.

The Planning Community Year 2030 Allocations authorize 3,140 acres in the Central Urban Future Land Use Category for residential uses, and 2,781 acres have been assigned. Therefore,359 remaining for residential uses in that future land use category. *The Planning Community Year 2030 Allocations* also indicate that 2,100 acres for South Fort Myers have been allocated for commercial uses. Currently,1,462 acres of commercial uses have been

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Lee County Comprehensive Plan Policy 107.4.4:

Restrict the use of protected plant and wildlife species habitat to that which is compatible with the requirements of endangered and threatened species and species of special concern. New developments must protect remnants of viable habitats when listed vegetative and wildlife species inhabit a tract slated for development, except where equivalent mitigation is provided.

Lee County Comprehensive Plan Policy 105.1.5:

Zoning requests located in the coastal high hazard area will be considered for reduced or minimum density assignments, in accordance with their future land use category density range. This evaluation should be done in concert with an evaluation of other individual characteristics such as compatibility with existing uses, desired urban form, and availability of urban services.

Lee County Comprehensive Plan Policy 110.1.4:

All new residential development of more than l00 units will be required to formulate an emergency hurricane preparedness plan; this plan is subject to the approval of the Lee County Division of Public Safety.

Lee County Comprehensive Plan Policy 114.1.1:

Development in wetlands is limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions. The maximum density in the Wetlands category is one unit per 20 acres, except that one single family residence will be permitted on lots meeting the standards in Chapter XIII of this plan, and except that owners of wetlands adjacent to Intensive Development, Central Urban, Urban Community, Suburban, and Outlying Suburban areas may transfer densities to developable contiguous uplands under common ownership in accordance with Footnotes 8(b) and 8(c) of Table 1(a), Summary of Residential Densities.

Lee County Comprehensive Plan Policy 114.1.2:

The county's wetlands protection regulations will be consistent with the following: 1. In accordance with F.S.163.3184(6)(c), the county will not undertake an independent review of the impacts to wetlands resulting from development in wetlands that is specifically authorized by a DEP or SFWMD dredge and fill permit or exemption. 2. No development in wetlands regulated by the State of Florida will be permitted by Lee County without the appropriate state agency permit or authorization. 3. Lee County will incorporate the terms and conditions of state permits into county permits and will prosecute violations of state regulations and permit conditions through its code enforcement procedures. 4. Every reasonable effort will be required to avoid or minimize adverse impacts on wetlands through the clustering of development and other site planning techniques. On- or off-sitemitigation will only be permitted in accordance with applicable state standards. 5. Mitigation banks and the issuance and use of mitigation bank credits will be permitted to the extent authorized by applicable state agencies.

Lee County Comprehensive Plan Policy 135.9.5:

New development adjacent to areas of established residential neighborhoods must be compatible with or improve the area's existing character.

Lee County Comprehensive Plan Policy 135.9.6:

Lee County will administer the planning, zoning, and development review process in such a manner that proposed land uses acceptably minimize adverse drainage, environmental, spatial, traffic, noise, and glare impacts, as specified in county development regulations, upon adjacent residential properties, while maximizing aesthetic qualities.

assigned in this community, leaving 638 acres as available. The request is therefore consistent with Policy 1.7.6 of the Lee County Comprehensive Plan.[10]

The undersigned Hearing Examiner finds that the requested rezoning, and deviation, meets the criteria necessary for approval, including consistency with the Lee County Comprehensive Plan and Lee County Land Development Code. The new zoning district is compatible with neighboring properties. Consequently, this Hearing Examiner recommends approval of rezoning the subject parcel to a Residential Planned Development/Commercial Planned Development (RPD/CPD), subject to the conditions and deviations set forth herein. In compliance with Section 3.1 of Lee County Administrative Code AC-2-6, the undersigned Hearing Examiner conducted a site visit to the subject real property prior to issuing this recommendation.

V. FINDINGS AND CONCLUSIONS:

Based upon the Staff Report, the testimony and exhibits presented in connection with this matter, the undersigned Hearing Examiner makes the following findings and conclusions:

A. As conditioned, the applicant has proven entitlement to the Rezoning to RPD/CPD by demonstrating compliance with the Lee County Comprehensive Plan, the Lee County Land Development Code, and other applicable codes and regulations.

B. The requested zoning, as conditioned:

1) meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;

2) is consistent with the densities, intensities and general uses set forth in the Lee County Comprehensive Plan.

3) is compatible with existing or planned uses in the surrounding area; and

4) will not adversely affect environmentally critical areas or natural resources.

C. As conditioned, approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.

D. Urban services, as defined in the Lee Comprehensive Plan, are, available and adequate to serve the proposed land use, as conditioned.

E. The proposed mix of uses is appropriate at the subject location, as conditioned.

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[10] **Lee County Comprehensive Plan Policy 1.7.6:**

The Planning Communities Map and Acreage Allocation Table (see Map 16 and Table 1(b) and Policies 1.1.1 and 2.2.2) depicts the proposed distribution, extent, and location of generalized land uses for the year 2020. Acreage totals are provided for land in each Planning Community in unincorporated Lee County. No final development orders or extensions to final development orders will be issued or approved by Lee County which would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded.

F. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.

G. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

H. The deviation requested, as conditioned:

1. enhances the planned development; and

2. preserves and promotes the general intent of the Lee County Land Development Code to protect the public health, safety and welfare.

VI. LIST OF EXHIBITS:

STAFF'S EXHIBITS

1 Aerial Photograph, depicting the subject property and surrounding area, with overlay, dated 2008, prepared by Lee County DCD, mapped February 2010 (color) [22" x 35"]

2 Two Aerial Photographs, depicting the subject property and surrounding area, with overlay, dated 2008, prepared by Lee County DCD, Printed January 2010 {one page} (color) [8.5" x 11"] {Composite}

3 Three photographs, depicting the subject property and Lakes Park, dated January 7, 2010 {three pages} (color) [8.5" x 11"] {Composite}

4 Trip Generation Comparison (Approved DCI vs. Proposed DCI) {one page} [8.5" x 11"]

Résumés of Lee County Staff are on file with the Hearing Examiner's Office and are incorporated herein.

APPLICANT'S EXHIBITS

1 Power Point Presentation - CD; and hard copy {74 pages} (color) [8.5" x 11"] [Composite]

2 Revised Condition 24, regarding Lakes Park/ Wildlife Protection (one page) [8.5" x 11"]

3 Letter of Transmittal (one page) [8.5" x 11"]; and landscape exhibit - replacement page for Attachment "D" to the Staff Report/same as page 71 of PowerPoint Exhibit, prepared by Banks Engineering, Project Manger: Paul J. Klens, RLA, dated March 9, 2010 {one page} (color) [11" x 17"] [post hearing submittal] (Composite)

Résumés of Applicant's consultants are on file with the Hearing Examiner's Office and are incorporated herein.

VII. PRESENTATION SUMMARY:

The Hearing Examiner introduced the case for the record. As there were no members of the public present, no comments were made by the Chief Assistant County Attorney at that time.

The Hearing Examiner asked those with cell phones or pagers to turn them off so that the proceedings would not be interrupted.

He explained that since Florida law required that everything said in the hearing must be under oath, he would be placing them under oath en masse, which he did at that time. Then he asked them to please state their names, addresses, and indicate whether or not they had taken an oath when they came forward to testify.

Next, Charles Basinait, with Henderson Franklin Starnes & Holt, P.A., introduced himself for the record. He represented the Applicant, Beck Group of Fort Myers, LLC. He pointed out that Stacy Hewitt, a planner with Banks Engineering, David Underhill, an engineer with Banks Engineering, Ted Treesh, of TR Transportation Consultants, Craig Smith, with W. Dexter Bender and Associates, Inc., and Paul Klens, a landscape architect, were present along with him.

He planned to have Stacy Hewitt, Craig Smith, and Paul Klens testify. He explained that David Underhill and Ted Treesh were also available to answer specific questions if they arose. The presentation would be via PowerPoint presentation, with a hard copy and disc copy provided for the Hearing Examiner and the Court Reporter. It was noted that Staff was provided with only a hard copy. He offered the PowerPoint hard copy and disc copy as Applicant's Exhibit 1. After hearing no objection, it was accepted as such.

Mr. Basinait explained that their request was to rezone the subject property from Residential Planned Development to a combination Residential Planned Development/ Commercial Planned Development (RPD/CPD). The subject property was 32.54 acres in size.

They were requesting authorization to construct a maximum of 190 Multi-Family dwelling units on 21.75 acres of the site. He explained that it may be a combination of Multi-Family units, Adult Living Facility (ALF) units, a Continuing Care Facility (CCF), or Independent Living Units (ILU), so long as the equivalent of 190 Multi-Family dwelling units was not exceeded.

He pointed out that it should be noted that the equivalency factor for density purposes for an ALF was equal to four units per each single Multi-Family unit and two ILUs or CCF units, for each single Multi-Family unit.

They were also requesting up to a maximum of 100,000 square feet of Commercial use, of which up to 25,000 square feet, on the remaining 10.79 acres, may be Retail/Commercial.

The Commercial was located and fronted on Gladiolus Drive, while the Residential portion of it fronted on Lakes Park and certain portions of the east and west side of the site. Mr. Basinait indicated the property was located on the north side of Gladiolus Drive, west of

U.S. 41, and south of Lakes Regional Park. They had the opportunity to review the Staff Report and recommendation, with conditions.

He explained that they obviously agreed with Staff's recommendation of approval and they did not object to any of the conditions. However, they were requesting a modification to Condition 24, consistent with the 24-Hour letter furnished to the Hearing Examiner's Office on Tuesday of that week. At that point, he submitted a copy of that revised Condition 24 and asked that it be accepted as Applicant's Exhibit 2. After hearing no objection, it was accepted as such. Mr. Basinait asked that the record reflect that he had given a copy to the Court Reporter and to the County Staff.

After speaking with Tony Palermo, the zoning person for Lee County, it was Mr. Basinait's understanding that the County had reviewed Condition 24. Suzanne Derheimer had also reviewed it, and the County did not have any objections to the revisions as the Hearing Examiner would note, in Applicant's Exhibit 2.

He also requested that Condition 22 be deleted. He explained that there was an email from Ms. Derheimer to Ms.Hewitt, dated, March 16, 2010, which indicated Condition 22 could be deleted. He had a copy of that email to submit for the record if the Hearing Examiner wanted him to submit it. However, he suspected Ms. Derheimer would confirm his request without the necessity of submitting that email, because of an illustration they had submitted. He indicated that during the course of the hearing he would offer that illustration, which depicted the buffer area for the record.

The illustration included the species and sizes of the vegetation that were going to be used. It showed everything one would need to see in order to figure out what that buffer was going to look like. To their knowledge, there were no other issues with respect to conditions in this matter. He reiterated that they had reviewed the conditions and they didn't object to them. They obviously agreed with Staff's recommendation of approval.

Next, Mr. Basinait referred to the one deviation in the case. The deviation was previously accepted under the old zoning on the case. They were asking for it to be renewed. Staff was recommending approval of that particular deviation.

He indicated Ms. Hewitt would be going into it in more detail. There was an RPD that was approved previously on this particular piece of property for 275 Multi-Family units. According to Mr. Basinait that RPD was currently in existence, but the site was never developed as such.

Mr. Basinait explained that he would be calling upon Stacy Hewitt, a land use planner with Banks Engineering, to describe the request in more detail. Then he would be calling upon Craig Smith, an environmental expert with W. Dexter Bender and Associates, Inc., to speak. He would also be calling upon Paul Klens, a landscape architect, to talk particularly about the buffer line and the north side of the site that separated this project from Lakes Park. They were available to answer questions for the Hearing Examiner.

At that point, Mr. Basinait asked Ms. Hewitt to state her name, address, and occupation for the record. Stacy Hewitt, gave her address with Banks Engineering, which was 10511 Six Mile Cypress Parkway, Fort Myers, Florida 33966. She was the Director of Planning at Banks Engineering. Mr. Basinait asked if she had testified previously in this forum. She

answered that she had. He asked if she had been accepted as an expert in land use planning. She answered that she had.

At that point, Mr. Basinait offered Stacy Hewitt as an expert in land use planning for the purposes of this matter. After hearing no objection, she was declared to be an expert in land use planning. The Hearing Examiner asked if she had taken an oath. Ms. Hewitt indicated she was under oath.

Ms. Hewitt referred to the Location Map in the PowerPoint presentation. The site was located south of Lakes Park, west of U.S. 41, and east of Summerlin Road. The aerial photograph of the subject property showed its location relative to Lakes Park and the adjacent facilities.

The future land use in the area immediately on the site was Central Urban, as were the surrounding properties. To the west of the site there were Central Urban and Wetland land use designations. On the east was the Conservation Uplands designation, with Public Facilities to the north, and Central Urban and Suburban, south of Gladiolus Drive.

She referred to a larger view that showed Intensive Development close to the site and Suburban Community. The subject property was currently zoned RPD. To the north was zoned Community Facilities (CF-2). To the East, property was zoned Agricultural (AG-2), and CPD for the Fenway Family Fun CPD [sic - Fenway Family Fun Center at Lakes Park CPD]. She also pointed out AG-2 zoning, with an existing Castle Mini-golf facility. The County property was also zoned AG-2. To the west there were AG-2 zoned properties. To the south there were Residential Multi-Family (RM-6), AG-2, and also CPD zoning categories.

Next, she referred to the current entitlements on the subject property. It had RPD zoning for 275 Multi-Family dwelling units, which was approved by the Board of County Commissioners (BOCC) on August 30, 2004, in Zoning Resolution Z-04-043. In 2006, there was an Administrative Amendment to that zoning, which reconfigured some of the pods and also allowed for some carports for the multi-family dwelling units.

There was an existing South Florida Water Management District Environmental Resource Permit. A local Development Order was approved on May 4, 2007, and a Concurrency Certificate in conjunction with that Development Order, was also approved May 4, 2007.

Next, Ms. Hewitt referred to the Master Concept Plan (MCP), which was originally approved by the BOCC. On that MCP, there was no native preservation required. There was no wetland preservation required. The Federal Emergency Management Agency (FEMA) Flow way, which could be seen on the current proposed MCP was not in existence at that time.

She referred to the Administrative Amendment MCP that was approved and showed the reconfiguration of the pods. She explained that at that point, there was no native preservation required and there was limited wetland preservation of a minor wetland that was shown in a certain location. There was no restoration proposed, but there was an avoidance of impact in that wetland. There was no FEMA Flow way on the site at that time.

The existing South Florida Water Management District (SFWMD) Permit was permitted to impact all of the on-site wetlands. The current Development Order on the property was approved for 270 Multi-Family dwelling units. However, the zoning did allow for 275. There

was no indigenous preservation and there was also no enhanced buffer to Lakes Park, to the north.

Next, she referred to the Development Order site plan, which showed the wetland that was being impacted and the wetland that was being avoided. There was no native preservation that was required on the site, no FEMA Flow way, and limited wetland preservation.

She explained that the RPD portion of the request was for 21.75 acres, for a maximum of 190 dwelling units, which could be multi-family units, ALF equivalent, CCF equivalent, or ILU equivalent, or any combination of these uses, as long as it did not exceed the equivalent of 190 dwelling units.

The CPD portion of the request was for 10.79 acres, with a maximum height of 45 feet. The Commercial would include up to 25,000 square feet of retail, with an overall total for Commercial of 100,000 square feet. Medical Office and General Office uses were also included in the request.

Continuing, Ms. Hewitt explained that the original request that was submitted was for 125,000 square feet of Commercial, with a maximum of 60,000 square feet allowed for Retail. Mr. Basinait wanted clarification of what she meant when she said "original." She confirmed that she was referring to the original request for this particular case and not to the original zoning.

Ms. Hewitt explained that they had since revised the request and reduced it to a maximum of 100,000 square feet of Commercial, of which, a maximum of 25,000 can be Retail. Next, she referred to the proposed MCP shown in the PowerPoint presentation. She pointed out the accesses, which were off of Gladiolus Parkway [sic - Gladiolus Drive], noting they were actually currently constructed.

The CPD area was the portion to the south. The RPD ran in an "L-shape" on the property to the north and to the west. There were two wetlands that were being preserved and there was some upland buffering being proposed around those, as well as an indigenous preservation area, and some restoration areas. The environmentalists would be going into more detail about those.

To the north there was a proposed enhanced 30-foot buffer that the landscape architect would describe in more detail. She pointed out that the MCP currently showed the layout with the parking behind it. They had worked diligently with Staff to come up with some setback requirements in the conditions. They had come up with a required setback of 75 feet for buildings if they were a maximum of 45 feet in height, 50 feet for buildings if they were a maximum of 35 feet in height, and 40 feet for buildings if they were a maximum of 25 feet in height.

Another concern they had discussed with Staff and addressed with a condition, was that if the Multi-family units were developed on the site, there would be a concern with the parking areas being located adjacent to Lakes Park. They had also added another condition in the property development regulations that any common parking area may not be located closer than 100 feet to the property line for Lakes Park. She explained that condition would not apply if there were Residential units between the common parking lot and Lakes Park. Those were additional conditions that the Applicant had agreed to.

Mr. Basinait queried whether the parking lot setback only applied if multi-family units were constructed. She indicated that was correct. He also wanted her to indicate where the Flow way was located on that proposed MCP. Ms. Hewitt indicated it was located in the northwest corner of the site. The Applicant agreed not to put any fill into the Flow way area. There was a condition as such, in the Staff Report.

Mr. Basinait noted that for review, the differences between the proposed MCP and the original (current) MCP, which was approved previously, is that there was a Flow way in the proposed MCP and an indigenous area with buffer areas around the indigenous. Ms. Hewitt confirmed that was the case.

Next he wanted to know about the buffer area next to the preserve. She explained it was the County's off-site upland preserve. The Applicant was proposing to do some restoration and also extend that buffer along the property line. Within that buffer there was also indigenous restoration proposed. He wanted to know if one of the two wetland areas on the west side of the site was new in the proposed MCP. She indicated that the northern wetland was proposed to be impacted before and now it was going to be preserved to the maximum extent possible. Mr. Basinait noted there were buffer areas around those two preserves also. She confirmed that.

Next, Ms. Hewitt referred to the Lee County Comprehensive Plan Considerations and Policy 1.1.3 regarding the Central Urban areas. She explained that the proposed project was in compliance, as the proposed density was consistent with the standard density range. It included Commercial square footage, but they had also substantially reduced the Residential, compared to the current approvals. The proposed uses were consistent with Policy 1.1.3.

She referred to Objective 2.1 regarding compact and contiguous growth patterns, Objective 2.2, directing new growth to those portions of the Future Urban areas where adequate public facilities exist, and Policy 2.2.1, which indicated rezonings would be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities; and compatibility with the surrounding land uses.

She explained that it was particularly important in this area, because it was infill development, as Staff agreed in their Staff Report on page 23. It was close to the existing services and existing communities. There were adequate public facilities existing in the area. It had direct access to an arterial roadway that connected to U.S. 41 and Summerlin Road, which were also arterials.

Ms. Hewitt noted that it did promote compact and contiguous growth patterns with the existing development in the area.

Policy 4.1.1, regarded the natural features of the site and minimizing expansion and construction of street and utility improvements. The project was in compliance, as it was functionally related to the natural features on the proposed MCP maintaining the FEMA Flow way, the wetland preservation, and the indigenous preservation they had added to the request. It minimized the expansion and construction of improvements, because the adequate facilities currently existed.

Policy 5.1.2 addressed the hazards in the area. They were in compliance with that Policy, as they were reducing the density that was currently approved by a minimum of 85 dwelling

units. The ALF, CCF, and ILUs, required on-site hurricane shelter. They were on the edge of the Coastal High Hazard Area (CHHA) and they were located on Gladiolus Drive, which was on the evacuation route. They had adequate roadway capacity and the FEMA Flow way was being maintained.

Policy 5.1.3 addressed the density near employment and shopping centers, parks and schools, and mass transit and bicycle facilities. It was in compliance, as it was near employment. There were Retail, Medical Office, and Office uses in the area. It was directly adjacent to Lakes Park, a regional park, with a proposed connection point. It was close to schools (public, private, and Christian).

In regards to transit, it was in relative proximity to Lee Tran Routes 50, 130, and 140. It was also on the 2020 Financially Feasible Transit Network Map. There were existing bicycle facilities on Gladiolus Drive. Those sidewalks on Gladiolus Drive also connected to bicycle facilities mapped for U.S. 41 and Summerlin Road. The site was also proposing internal sidewalks that would bring a connection to Lakes Park.

Next, Ms. Hewitt referred to Policy 6.1.2, Commercial Site Location Standards, and noted they were located on an arterial and Oasis Cove Boulevard. The proposed access point to the east was proposed to be constructed to Lee County Standards for a Local Road. With that construction, there was qualification for Minor Commercial at each corner of that intersection, which was where they arrived at the original request for this application for 60,000 square feet of Retail. They had since reduced that to 25,000 square feet.

In accordance with Policy 6.1.6, they were providing adequate and appropriate landscaping, open space, and buffering. There would be an enhanced buffer along Lakes Park, which the landscape architect would describe in greater detail. There would also be additional indigenous preservation, the additional wetland preservation, and the FEMA Flow way.

She referred to Standard 11.1, regarding water and noted that Lee County Utilities had indicated in the submitted Letter of Availability that there was sufficient capacity for the proposed development. They also had a Letter of Availability showing sufficient capacity for what was proposed in regard to Standard 11.2, regarding sewer.

Next, she referred to Standard 11.3 - Traffic. She explained that Gladiolus Drive would operate at a Level of Service (LOS) "C," with or without the project in 2014. There were several roadway projects around the area that had also increased the flow of traffic in the area. That consisted of the Summerlin Road Fly-over, Summerlin Road six-laning, and the widening of Gladiolus Drive (six-laning west of Summerlin Road), which they were currently working on.

In reference to Objective 77.3, regarding preserving existing vegetation, they had enhanced buffering along Lakes Park, additional indigenous preserve, additional wetland preserve, and a FEMA Flow way, which showed consistency with that Policy.

Ms. Hewitt noted that Mr. Basinait had referred to a previously approved deviation in regard to the connection separation on the arterial road, which allowed a 628-foot separation. Those access points were currently constructed.

Next, she referenced compatibility. Lakes Park was located to the north. The request placed Residential uses adjacent to a regional park and it proposed an interconnect. The

enhanced buffering and setback provisions also improved compatibility with Lakes Park.

The proposed Commercial area was a minimum of 550 feet from the park. To the northwest was Reflection Key Condominiums. It was an RPD/CPD with access off Summerlin Road. Seven units per acre were approved. Higher density on the subject property that was previously deemed compatible with the area, remained compatible. The Residential density was relatively the same as was currently approved.

To the west there was vacant land, Hendry Creek, and a large lot - Single-Family Residential area. The proposal maintained the FEMA Flow way area, preserved more wetlands also along that area, and created indigenous uplands to buffer the wetlands. The buffering provided on the west side also exceeded the Lee County Land Development Code minimum requirements. To the south was Gladiolus Drive, which was a six-laned arterial roadway with sidewalks. They were proposing a Type "D" buffer, which was consistent with Planned Developments in the area.

Victoria Cove Condominiums were located South of Gladiolus Drive. There was also, some vacant land, and some Commercial uses. The internal sidewalks connected Gladiolus Drive to provide further connectivity for the community. To the east was County Preservation Land and some Commercial property. The request provided indigenous restoration in the Type "F" buffer adjacent to the County Preserve, as well as the additional upland preservation on-site for the indigenous area that was also abutting the County Preserve. The requested uses were consistent with Commercial uses already permitted within the area.

Ms. Hewitt pointed out that the request was consistent with Goal 105, regarding the CHHA. Staff agreed that the requested density was appropriate for the subject property. It was less than the maximum density that was allowed in the Central Urban land use category. She further explained that 10 units per acre were allowed with a maximum of 15 units per acre, if Bonus Density was requested in that land use category.

The request reduced the currently permitted Residential units from 275 dwelling units that could be constructed to 190 dwelling units. It was located on an evacuation route that had sufficient capacity. It was compatible with the existing uses in the area. Urban services were available. Several requests had been approved in the CHHA for higher densities and bonus densities.

The ALF and CCF Hurricane Mitigation had been recently adopted into the Code as a requirement and was included in a condition in the Staff Report. It required an on-site shelter that reduced the evacuation and shelter impacts by the proposed development. It exceeded the protection provided by County shelters that were in existence today. It would be required to be elevated to a storm surge from a Category "5" storm.

It would be constructed to withstand 200 mile-per-hour winds and it would have minimum exterior glass. Any glass would have impact protected glazed openings. It would be required to have emergency power and water supplies for up to five days, first aid medical equipment, and adequate ventilation, and sanitary facilities.

Mr. Basinait wanted to know if it was fair to say that while the subject property was located in the CHHA, it was located on the eastern extreme of the CHHA. She indicated that was correct. She also pointed out that when she mentioned that others had been approved in

the area, the CHHA was also reviewed with the availability of public services and the availability of roads. This site exceeded requirements in that area.

Lee County LDC Section 34-411 contained the design standards for planned developments. They were consistent with the provisions of the Lee County Comprehensive Plan. It would be designed and constructed in accordance with all applicable County Codes together with the approved deviation. It was compatible with existing uses. It was intended for the proposed listed uses and it was adequate size to accommodate structures and exceed open space requirements.

At that point, she wanted to mention a couple of things about the Schedule of Uses. They had worked very diligently with Staff to review them with Parks and Recreation and with Zoning Staff, to come up with a list of uses that they had all been in agreement with. There had been some conditions added to the Schedule of Uses, which helped Staff feel more comfortable, as it was adjacent to Lakes Park.

There were restaurants allowed on the site in the proposed Schedule of Uses and Consumption on Premises was limited to just restaurants and only indoors. If any outdoor seating was proposed, it would have to come through the public hearing process again, as either a Special Exception or an Amendment to this planned development.

There was access to Gladiolus Drive, a six-laned arterial, with sufficient capacity. The proposal would not create hazards to persons or property. There was a slight portion of the property in Archeological Sensitivity Zone 2, to the south of the property, but there were no known sites on the property.

Open space and preserve areas were utilized to produce an architecturally integrated human environment, and it was compatible with the adjacent uses. It would not have negative impact on the surrounding land and land uses as they had demonstrated with the proposed buffering and preservation areas. It was compatible with the surrounding development. It would be separate and mutually protected by the lakes, the roadways, and the preservation areas proposed on site, and the buffering from the different land uses.

The design promoted pedestrian activity and community interaction, as there were proposed sidewalks within the development that linked the RPD to the CPD and also to Lakes Park. There were no conflicting uses within the development and the concentration of intensity was varied throughout the site. Sufficient parking would be provided. Joint parking was not proposed and internal consistency would be encouraged.

Next, Ms. Hewitt referred to Lee County Land Development Code 34-145(c)(2)a. and e. and 34-145(d)3, the guidelines for decision making. The changing conditions in the area were the road improvements that they had discussed earlier and also the increasing demand for the ALF, CCF, and ILU uses.

It was consistent with the goals, objectives, policies, and intent of the Lee County Comprehensive Plan. They had proven entitlement to the rezoning, as it was compliant with the Lee County Comprehensive Plan and the Lee County Land Development Code. Performance and locational standards set forth for the uses would be met or exceeded. It was consistent with the densities, intensities, and general uses in the Lee County Comprehensive Plan. It was compatible with the existing and planned uses in the surrounding area. It would not place an undue burden upon existing transportation or

planned infrastructure facilities, as indicated in the LOS "C" and "B" and there were adequate facilities from Lee County Utilities.

It would preserve indigenous on-site. The proposed list of uses was appropriate at this location. The recommended conditions provided sufficient safeguards to the public interest and those recommended conditions were reasonably related to the impacts on the public's interest.

The deviation that was previously approved and was requested to be carried over, enhanced the achievement of the objectives of the planned development and preserved and promoted the general intent of the Lee County Land Development Code to protect public health, safety, and welfare. Urban services were available and adequate to serve the uses, as previously discussed.

Ms. Hewitt indicated she wanted to address some of the Smart Growth principles that were incorporated with the site. She referred to the mix of land uses and noted that currently only Multi-family uses were approved on the site. This request furthered the mix of uses by allowing opportunity for the ALF, CCF, and ILUs, as well as the Commercial component, which added to the Mixed Use nature of the community. The compact building design was demonstrated by the preservation on site of the existing indigenous areas and also using vertical versus horizontal development with multiple stories being proposed.

It created a range of housing opportunities and choices by furthering senior housing available on the site. It created a walkable neighborhood, as the internal sidewalks connected to the sidewalks on Gladiolus Drive and went throughout the development, connecting the RPD and the CPD. They also proposed an interconnect with Lakes Park to the north.

The enhanced landscaping and the preservation areas were provided and all development must comply with the design standards already contained in the Lee County Land Development Code. The Flow way was being maintained. The indigenous wetland and upland preserves were not required by the current approval, but it showed consistency with the Smart Growth Policy.

To strengthen and direct development toward existing communities, the development was urban infill and the request expanded the opportunities for development in the area to take place with existing development and services already in place. It provided a variety of transportation choices. Gladiolus Drive Sidewalks were located on the Bicycle Facilities map. It connected to U.S. 41 and Summerlin Road and also added a new connection to Lakes Park.

It was on the 2020 Financially Feasible Transit Network map and near routes 50, 140, and 130. In regard to making development decisions predictable, fair, and cost effective, the Staff and the Applicant had diligently worked together regarding any concerns that arose.

Ms. Hewitt referred to the next point: "Encourage community and stakeholder collaboration in development decisions." She explained that although they were not located in a planning community that required the public informational sessions, they had worked diligently with Parks and Recreation and the Public Works Department, and the Notice of the Public Hearing had been provided to the surrounding area.

At that point, Mr. Basinait asked Ms. Hewitt to go to slide number 68 in the PowerPoint presentation. He wanted to talk about the building heights and setbacks along the north side, which bordered Lakes Park. He wanted to know if it was accurate to say that in each instance, regardless of the heights of the buildings, there would be a 30-foot-wide landscape buffer. She indicated that was correct. So whether the buildings were 25, 35, or 45 feet tall, there would always be a minimum 30-foot-wide landscape buffer. She indicated that was correct.

He wanted to know in the case of a 25-foot-tall building, what the total building setback would be on the north side. She indicated it would be 40 feet. He noted that was made up of a 30-foot-wide buffer and a 10-foot additional setback. She indicated that was correct. He wanted to know if the building was 35 feet tall in that area, what the setback would be. She indicated it would be 50 feet, which included the 30-foot buffer, plus an additional 20 feet, to come up with the 50-foot building setback.

He wanted to know if the building was 45 feet tall what the setback would be. She indicated it would be 75 feet, which would include a 30-foot buffer and a 45-foot additional setback from that buffer.

Next, he asked her to refer to slide 65. He noted that she had previously mentioned that this was infill development. Based on her review of the aerial photograph, he wanted to know if it was fair to say that not only was there a large degree of development around Lakes Park, but the area they were talking about in general on the south side of Lakes Park, was primarily developed or being developed. She indicated that was correct.

Next, he asked her to go back to slide 64. Then he indicated that he had nothing further to address with this witness. There were no questions for Ms. Hewitt at that point.

Mr. Basinait called Craig Smith to the podium. He asked Mr. Smith to give his name, address, and occupation. Craig Smith introduced himself for the record. He worked as an ecologist for W. Dexter Bender and Associates, Inc., located at 4470 Camino Real Way, Suite 101, Fort Myers, Florida 33966. Mr. Basinait asked if he had testified previously before the Hearing Examiner as an ecological expert regarding Lee County regulations. He indicated he had. At that point Mr. Basinait tendered Mr. Smith as an expert in this field for purposes of this matter. After hearing no objection, he was declared to be an expert in the field indicated.

Mr. Basinait asked Mr. Smith if he was familiar with the project before him. He indicated he was. Then Mr. Basinait asked him to describe his involvement in this project. Mr. Smith explained that W. Dexter Bender and Associates, Inc., prepared the vegetation mapping, the List of Species Survey, and had worked with Banks Engineering and County Staff to come up with the Indigenous Management Plan for the site. Mr. Basinait asked him to go through his slides.

Mr. Smith indicated the aerial photograph was taken in 2008 and showed the location of the subject property just north of Gladiolus Drive and just south of Lakes Park. He pointed out that Lakes Park was bounded on most of its perimeter by fairly intensive existing development as well as major roadways. The southern and southeastern portions of Lakes Park were fairly intensely developed with recreational facilities, some of which could be seen on a panoramic photograph, which he referred to. He pointed out the approximate location that photograph was taken from while facing north.

He explained that Lakes Park had been an old limestone mine, which was donated to the County back in 1978. The majority of the 279-acre park was either open lake, which was the old pit that consisted of approximately 150 acres. Approximately 50 acres of fairly intense development was located along the south side.

Features of the park included pavilions, walking trails, boat rentals, concession stands, and a mini-train that provided rides. They held a number of events throughout the year, including summer camps and Halloween activities. They also had Christmas lights during that season.

Mr. Smith explained that given the uses on the park and the surrounding land uses, it would be fair to characterize Lakes Park as an active recreational park in an urban setting that was well utilized by the citizens of Lee County. The subject project shown on the 2008 aerial was dominated primarily by exotics, mostly Australian Pine and Melaleuca. There was approximately 1.6 acres of native vegetation, which consisted of two small freshwater marshes. He pointed out their locations. There was also a pine/oak area on the east property line. He also pointed out the location of a small borrow pit.

Mr. Smith explained that they had conducted a Listed Species Survey in July 2005. They didn't find any evidence of state or federally listed species using the site, which was not surprising, given the fact that it was a very poor habitat for wildlife in general and listed species in particular. However, with the presence of wetlands and borrow pits, there was always the chance for an opportunistic use of those areas by wading birds and alligators.

He noted that Ms. Hewitt had already gone through all of the previous approvals for the project, so he did not plan to go through that again. He pointed out that the 2004 zoning did not require any native vegetation preservation on site. The project evolved to the current proposal, which provided almost two acres of either preserves or restored native habitat.

The slide showed the locations of those features. The preserved indigenous was designated by light green hatch for a total of .09 acres of fresh water marsh and another area for a total of 1.9 acres [sic - 1.19 acres] of pine-mesic oak. As summarized in the Environmental Sciences (ES) memorandum, dated March 1, 2010, page 2 of 10, the site was required to provide 1.57 acres of indigenous preservation.

He explained that with the preservation of those three areas he had shown, and in taking into account the credits assigned for the width of the preserve and proximity to the County Preserve, they had actually provided 1.69 acres with those credits taken. Therefore, they met the indigenous requirements just with the preserves. However, they had added some additional upland restoration around the two wetlands, where they would be restoring native upland habitat.

In those areas they would be removing the exotics and planting the area with a mixture of Cabbage Palms, Slash Pines, and oaks, 12-foot on center; native shrubs five-foot on center; and native ground-cover species approximately three-foot on center. This would result in a total of 1.95 acres of either preserve or restored native habitats on site when the project was completed. That concluded his presentation. There were no questions for Mr. Smith.

Next, Mr. Basinait called upon Paul Klens. He asked him to give his name, address, and occupation. Mr. Klens introduced himself for the record. He was a Florida Registered Landscape Architect. His address was 727 Glendale Avenue, Naples, Florida 34110. Mr. Basinait asked if he had testified previously in this forum and as a landscape architect. He indicated he had. At that point, Mr. Basinait offered Mr. Klens as an expert in the field of landscape architecture for this matter. After hearing no objection, he was accepted as an expert in the field of landscape architecture.

Mr. Basinait wanted Mr. Klens to go through his slides and explain his involvement with the project. Mr. Klens began by pointing out the currently approved Type "F" buffer along the north property line that they had been referring to. It consisted of 10 canopy trees per 100 linear feet and 50 - 10-gallon shrubs installed at 48 inches and maintained at 60 inches.

He explained that in the currently approved buffer, only 10 feet of that 30-foot, Type "F" buffer, consisted of plantings. They were proposing to plant the entire 30 feet with a mix of canopy trees, palms, shrubs, and ground covers. He pointed out that they planned a row of hardwood canopy trees with staggered height palms in the middle and then they would plant another canopy species - Pigeon Plum. Pigeon Plum had been suggested by Staff. It was a very dense and relatively quick growing tree that was also relatively long-lived. He thought that it was a very good suggestion by Staff.

Under that there would be a double-staggered row of shrubs, set at the highest point in the buffer, and adjacent to that on the inside, as a further deterrent to foot traffic to the buffer, they were using native grasses in this exhibit, for this case, for ground cover. He pointed out the locations for the native grasses, the row of shrubs, the Pigeon Plum, the staggered palms, and the canopy trees. He explained there would be five canopy trees per 100 linear feet installed at 14 feet in height and a six-foot spread.

Mr. Klens indicated there would be seven mid-canopy trees (Pigeon Plums) per 100 linear feet installed at heights of 10 feet in height and a four-foot spread. There would be 20 Sabal palms per 100 linear feet that would range in height from 14 feet of clear trunk to 20 feet of clear trunk. There would be 50 - 10-gallon shrubs per 100 linear feet, to be installed at a minimum of 48 inches high. They chose a species to reach 60 inches (five feet) within a year. There would be 67 ground covers on the inside of the buffer.

He explained they would use 100 percent Florida native species (native to Lee County and Southwest Florida). They would all be water wise species, which meant that once the species were established, the irrigation could be pulled way back. They would all be pest resistant species, with relatively minor nutritional requirements. They were providing a variety of growth rates and screening in canopy, mid-story, and ground level, which far exceeded Code requirements.

He noted that the 14 to 20-foot clear trunk cabbage palms would provide them with immediate height. The height was varied to maximize vertical screening. He explained that the heads of those palms should break out in a year or less and provide them with screening at the high level. The double hedge to be installed at 48-inch minimum height, would be five feet tall and completely opaque within one year. They would be using the fast-growing Pigeon Plums installed at 10 feet initial height that would fill in the midstory and provide full opacity in three to five years.

There would be live oaks along Lakes Park on the very north side of that buffer, with 14-inch initial height. They would provide long term buffer height and dense screening. He described them as very long lived plants.

Next, he referred to the way the screening would work. He pointed out the example showing a six-foot-tall individual located 50 feet inside Lakes Park, with the canopy of the Sabal palms in the middle obscuring that individual's vision. He also pointed out the sight line on the exhibit, which in the depiction was going over the top of a 45-foot-high building with a 45-foot setback. The example showed that not much could be seen there either.

Mr. Basinait noted he referred to a 45-foot setback. He wanted to know if it was correct to say that it was a 45-foot setback plus the 30-foot-wide buffer area. Mr. Klens confirmed that was correct. It was 45 feet from the buffer, plus the 30 feet, for a total setback of 75 feet. Mr. Basinait wanted to know if 45 feet was the highest structure that could be built on the site. Mr. Klens confirmed that.

Mr. Klens pointed out that in all of the three examples shown with different building types, the buffer remained the same. He described a scenario with the building setback 20 feet from the buffer and the 30 feet, for a total setback of 50 feet. He pointed out it was the same visual situation. Mr. Basinait asked how tall the building was in one of the examples. Mr. Klens indicated it was 35 feet tall. Mr. Basinait asked what the total setback in that situation would be. Mr. Klens indicated it would be 50 feet.

The last example depicted a total setback of 40 feet. There would be a 30-foot Type "F" buffer and a 10-foot building setback from the buffer. He reiterated that the buffer situation remained unchanged. They were doing the same density with the same number of plantings. The depictions showed that for the "six-foot-observer" located 50 feet inside the park and that the sight line went well over the structure. Mr. Basinait wanted to know how tall the structure was in that particular scenario. Mr. Klens indicated the building was 25 feet in height. That concluded Mr. Klens presentation. There were no questions for Mr. Klens at that time.

Mr. Basinait referred to slide 71 of the PowerPoint exhibit and indicated that it replaced the current Exhibit D. Although, they did not have copies available at that time, they could offer them to the Hearing Examiner and to County Staff before the end of business that day. For clarification, Mr. Basinait confirmed for Ms. Collins that it would replace the current Exhibit D.

Ms. Collins wanted know which condition that was referenced in. Ms. Hewitt and Mr. Basinait indicated it was referenced in Condition 22. However, it was Ms. Collins understanding that Condition 22 would be deleted. Ms. Hewitt and Mr. Basinait indicated that it would be deleted.

Mr. Basinait thought that perhaps Condition 22 should be replaced with new language, which said that "the landscape buffer on the north side of the property will be consistent with the attached landscape exhibit Attachment 'D'." Ms. Collins wanted to know if he would be submitting that to the Hearing Examiner post hearing. He indicated they could do that.

Mr. Basinait believed Suzanne Derheimer had something to add at that point. Ms. Derheimer explained that Condition 23 actually referenced the landscape exhibit. Mr. Basinait explained that they should incorporate either "Exhibit D" or "Attachment D" in there.

Ms. Derheimer indicated it was listed in the overall Staff Report in Section V., Attachments, D., Landscape Exhibit, on page 32 of 32 of the Staff Report.

Mr. Basinait suggested that in Condition 23 of the Staff Report in the third line after the word "Exhibit," the following should be added in parentheses: "(Attachment D)." At that point, Ms. Collins confirmed that the replacement Exhibit D would be provided to the Hearing Examiner post hearing. Mr. Basinait indicated that was correct. It would be provided by the end of business that day. The Hearing Examiner noted that it would be page 71 of the PowerPoint exhibit.

Mr. Basinait indicated they had completed their presentation. He had closing remarks to make at the appropriate time, relative to some past zonings that had been approved in the CHHA and a few other matters. He indicated he could wait until after the County made its presentation.

Tony Palermo introduced himself for the record at that time. He was a Senior Planner with the Department of Community Development. He wished to be recognized as an expert in planning, zoning, and land use. After hearing no objection, he was declared to be an expert in planning, zoning, and land use.

Mr. Palermo indicated Ms. Hewitt had done an excellent job presenting the facts and analysis of the case. He planned to put his own analysis of the case on the record to show Staff's point of view.

He explained that it was an application to rezone an RPD to an RPD/CPD. Staff had received very few phone calls regarding the case. The number of letters of interest for the case was also very low. He noted interest by the Department of Parks and Recreation regarding Lakes Park, which he planned to discuss further.

Staff recommended approval of the rezoning with conditions. He noted that the Hearing Examiner had received the 24-hour letter from the Applicant. Mr. Palermo indicated it was accurate to describe that they were in agreement with all of the conditions and the suggested modification of one of the conditions. They supported the changes that were just talked about, in terms of the landscape buffering. He believed it turned out to be an easy case.

He wanted to personally thank Ms. Hewitt, Mr. Basinait, and Mr. Underhill, who worked diligently with Staff on this particular project. He added that although it was not an easy piece of property or an easy case, it had turned out to be an easy case.

He also wanted to thank Mike Pavese with the Department of Public Works, and Barbara Manzo, with Parks and Recreation. They had also put in a lot of time and effort on this case. Although there were some relevant issues and other issues, he thought they had worked them all out.

He mentioned that there were three steps to his presentation. The first step was the introduction of a few exhibits. The next step was addressing the facts and analysis of Staff's point of view, the consistency with the Lee County Comprehensive Plan compatibility with the surrounding land uses, and the concurrency issues as well as their Smart Growth criteria. The last step would be to place his concluding thoughts on the record.

First, he addressed the exhibits, which consisted of two packages. The first exhibit was a large and small aerial photograph, and the second exhibit was three photographs taken by him when he conducted his site visit. The first photograph was the site as seen from Gladiolus Drive. The second photograph was taken when he entered the property and discovered a bicycle in the middle of the woods. The third photograph was of Lakes Park, which they were very interested in protecting, and they believe that the Applicant has done an excellent job in terms of protecting the valuable resource.

The Hearing Examiner wanted to know if anyone had any objections to the introduction of these items into evidence. Hearing none, he entered the large aerial photograph into the record as Staff's Exhibit 1, the two aerial photographs contained on one 8.5" x 11" sheet of paper as Staff's Composite Exhibit 2, and the three photographs as Staff's Composite Exhibit 3.

Mr. Palermo mentioned that Staff received the subject application on February 9, 2009, and found it sufficient on January 22, 2010. This application was currently the Gladiolus Residential Planned Development as previously mentioned by the Applicant, and that was zoning resolution Z-04-043. It was indeed in the Central Urban future land use category although there was a small portion of the property that was in the Wetlands future land use category.

The current land use was vacant. There was no land use on the property. It was located on Gladiolus Drive, which was a six-lane arterial road. The property was served by Lee County Utilities for the water and sewer services. It was in the South Fort Myers Planning Community and north of the property was Lakes Park.

The Applicant was now proposing a new mix of uses, which include office and commercial uses and a mix of residential uses, which may be Assisted Living Facilities (ALF) product or Multi-Family product. The Applicant was proposing 8.7 units per acre on the residential portion of the project. This was consistent with the current zoning, which was 8.45 units per acre.

The Applicant was correct when mentioning that the commercial element has been significantly reduced throughout the process of reviewing this application, and they were now requesting 100,000 square feet of commercial uses and 25,000 square feet of retail uses. The proposed height was 45 feet, which was consistent with the current zoning regulations. It was in the Coastal High Hazard Zone, and it was also in the Tropical Storm Surge Zone, as was the case with the existing Residential Planned Development.

There were four issues, but he believes that the Applicant has done an excellent job in addressing them. The first issue was the compatibility to Lakes Park in terms of the buffers, the uses, and the pedestrian access. The second issue was the safety and security of the residents in the assisted living facility due to the property being in the high hazard area. The third issue was the traffic on Gladiolus Drive, and the fourth issue was the protection of the natural environment because of the existing wetlands on the site. There was also a conservation piece of property next to the subject property.

He wanted to address the conditions. He began with Condition 2 and noted that this condition limits the schedule of commercial uses in particular. Condition 12 prohibits casinos and gambling type uses, which was consistent with the zoning regulations. Condition 13 limits the consumption on premises in terms of where it may take place, for

example, in an indoor restaurant setting. If consumption on premises is desired outdoors, the Applicant would have to obtain approval through the public hearing process.

Next, he mentioned that Conditions 14 and 15 were also relevant because these conditions address the coastal high hazard issue. For example, Condition 14 addresses the hurricane shelter, and Condition 15 addresses the hurricane plans. He then wanted to inform the Hearing Examiner where these conditions came from because they were similar in nature to what was in the current, new portion of the Land Development Code.

He explained that these conditions were consistent with the Winkler 10 Residential Planned Development that was also in the Coastal High Hazard area. Some of these conditions were very similar to this previously approved case, and when these conditions were not part of the Land Development Code during that case, Staff worked closely with John Wilson of the Public Safety Division. Mr. Wilson has seen these conditions and had no objections in terms of meeting these conditions and being consistent with the Land Development Code, when it comes to aloft facilities in the Coastal High Hazard area. Therefore, these conditions are entirely acceptable to Staff.

Mr. Palermo wanted to distribute a copy of the Land Development Code, Section 2-485 that included the conditions regarding public safety. These conditions were relevant to this case and the proposed development would have to adhere to when obtaining their Development Order. At this point, the Hearing Examiner took judicial notice of Section 2-485 of the Lee County Land Development Code for the record.

Mr. Palermo noted that Condition 17 addresses the pedestrian access to the park, which the Applicant has included in their plans. He also noted that having a pedestrian access to the park was an asset. The Parks and Recreation Department agrees with the access and have included a condition that was satisfactory to Staff.

At this time, the Hearing Examiner wanted to know if it was the Applicant's obligation to lock the access gate as required in Condition 17. It was. Mr. Palermo continued his presentation by saying that Staff agrees with the Applicant in terms of consistency with the Lee County Comprehensive Plan and as indicated in their analysis on page of the Staff Report. The subject property was in the Central Urban future land use category.

The request was consistent with Policy 6.12 regarding the commercial site location standards, as the Applicant was proposing less than 30,000 square feet of minor commercial development. It was also consistent with Goal 84 in terms of protecting the regional part to the north, and Goal 105 regarding the Coastal High Hazard area. For that reason, Staff has included some conditions that include a shelter and a plan consistent with the Winkler Residential Plan Development.

Continuing, he stated that the request was also consistent with Goal 107 regarding the protection of the wetlands, therefore, an Environmental Staff person was present today to provide the Hearing Examiner with information regarding the subject case. Staff also agrees with the Applicant in terms of compatibility, and again, their analysis was on page 27. However, the major issue with compatibility was Staff's concern with Lakes Park. The Applicant has done a good job with the proposed enhanced buffer, and the height of the buildings was consistent with zoning and the surrounding uses.

Staff also agrees with the Applicant in terms of the Smart Growth Analysis, which may be found in page 30 of the Staff Report. He then wanted to note several points. The first point he wanted to express was that this request does indeed improve the mix of uses. The second point was that this project was an infill development. The third point was that this project provides more housing choice by providing the assisting living option. The fourth point was that the project encourages walking accessibility particularly to the Lakes Regional Park, and the fifth point was that the Applicant did include the Department of Parks and Recreation since their property was located in close proximity to the subject property and it would have an impact on this great county resource.

He mentioned that there were no concurrency issues. Lee County Utilities would be providing water and sewer to the proposed project, and a condition has been included to reflect this requirement. There are also no concurrency issues regarding traffic, and Mr. Rob Price, with Community Development, would address any issues regarding the Traffic Impact Study and the level of traffic on Gladiolus Drive.

Mr. Palermo wanted to conclude his presentation by saying that Staff was recommending approval. The proposed project was consistent with the Lee County Comprehensive Plan, as conditioned, and it was compatible with the park and other uses. Again, he mentioned that there were no concurrency issues. The project furthers smart growth and the zoning district of CPD and RPD. In conclusion, the proposed project was appropriate in its context. The Hearing Examiner wanted to know if Staff agrees that Condition 22 should be omitted, and if Staff agrees with the new Condition 24.. Mr. Palermo said yes.

Next, Suzanne Derheimer, with Environmental Science Division, introduced herself for the record. Her resume has been filed with the Hearing Examiner's office and wishes to be tendered as an expert witness in environmental planning for today's hearing. After hearing no objections from the Applicant's representative, she was accepted as such by the Hearing Examiner.

She began her presentation by saying she wanted to clarify what was presented by the Applicant in terms of Staff's considerations. In regard to Condition 22, she reviewed Slide 71 and it was consistent with what they agreed to prior to the hearing. Therefore, since it was consistent, Staff would agree to include Slide 71 and remove Condition 22.

She referred to the Applicant's 24 hour letter and the requested language change to Condition 24. Staff was in agreement with the language change to Condition 24, as submitted by the Applicant as Applicant's Exhibit 2.

Rob Price, with the Department of Community Development, introduced himself for the record. He wishes to be tendered as an expert witness in transportation, planning and traffic engineering for today's hearing. After hearing no objections from the Applicant's representative, he was accepted as such by the Hearing Examiner.

He began his presentation by saying that they have made a request to compare the current zoning on the site to what was being proposed from a traffic standpoint. He then referred to one of his exhibits and noted that there was an increase in traffic based on the proposed rezoning request, however, he wanted to point out that with the reduction from what was previously proposed, they feel comfortable that the abutting shrubs would have sufficient capacity, and there would not be any driveway issues.

The Hearing Examiner asked if anyone had any objections to the admission of the document entitled "Trip Generation Comparison." There were none, so the Hearing Examiner admitted the exhibit into the record as Staff's Exhibit 4. He then asked if anyone had any additional comments to make for the record.

Mr. Basinait reintroduced himself for the record and noted that it was his understanding that the level of service on Gladiolus Drive was a level of service C, both before and after the project. Mr. Price agreed. He then mentioned that it was also his understanding that there were no negative impacts or reduction in the level of service by virtue of this proposed project. Again, Mr. Price agreed.

Mr. Basinait noted that he was presuming that the level of service C would be a perfectly acceptable level of service in Lee County. Mr. Price also agreed with this statement. At this point, Mr. Palermo mentioned that Mr. Pavese, with the Department of Public Works, was in attendance.

Mike Pavese, with the Lee County Department of Public Works, introduced himself for the record and noted that he did not have anything to add, but he wanted to reiterate what Mr. Palermo previously stated in regards to Staff working with the Applicant on this request. He mentioned that they were comfortable with the conditions regarding the north property line as it relates to Lakes Park.

The Hearing Examiner asked if the Applicant's representative had any closing statements he may want to place into the record.

Mr. Basinait reintroduced himself for the record and stated that he wanted to reiterate the current versus the proposed rezoning request. He mentioned that there was a reduction in the number of units in the proposed request, although there was certainly an addition of the commercial square footage. There were also wetlands, buffer enhancements, and preservation areas that were being proposed under the current proposal versus the current approval.

Additionally, there were an indigenous area and buffers that were being preserved that were not in existence. There was also a Flow way area that was being preserved. A very enhanced buffer was being considered at Lakes Park because of the differences in the setbacks and the heights of the Buildings. The level of service was C before and after the project, and the property was located in the Coastal High Hazard area.

For the Hearing Examiner's identification, there have been a number of rezonings that have been granted for both maximum density, and in some cases, the bonus density has been granted in areas that were located in the Coastal High Hazard area. At this time, he wanted to go through some of these approved cases. He would also be submitted copies of resolutions and agreements for the record.

The first case was Club at Pine Ridge, which was located on Pine Ridge Road. This was a completed project in the RM-2 zoning designation. It was approved for high density under their Development Order plus bonus units. Ms. Collins was familiar with this project because they went through a couple of amendments to the bonus density contract, and it was sufficed to say that at the end of the day, there were still bonus density units allowed. He has a copy of the RM-2 zoning resolution and the two amendments to the bonus density contract.

The second case was zoning resolution Z-01-037, the Majestic Fountains RPD. This case was approved in November of 2001 to allow 430 units on 43.3 acres. This would represent 10 units per acres, and it was located in the Central Urban land use category. The third case was the Harbor Ridge RPD located on Pine Ridge Road. This project was approved in December of 2001 to allow 386 units on 38.6 acres. This would represent 10 units per acre in the Central Urban land use category.

The forth case was Reflection Shores RPD located on Summerlin and Gladiolus, and it was approved to allow 296 units on 49.25, in the Suburban land use category. This represents six units per acre, which was a maximum density. The fifth case was the Heritage Isles RPD located on Pineridge Road. He believes that this case was approved in 2007 to allow 440 units on 44.24 acres. Again, this represented 10 units per acre and it was located in the Central Urban land use category.

The final case was Sunset Falls RPD located east of Pineridge and north of Summerlin. This case was approved to allow 608 units on 101.36 acres, and it was located in the Urban Community. All of these cases were within the Coastal High Hazard area in Lee County. He then recited the resolution numbers for all of these cases. He began with the Harbor Ridge case, which was resolution number Z-01-042, Reflection Shores was Z-01-050A, Heritage Isle RPD was Z-06-094, and the Sunset Falls RPD was Z-07-018.

At this time, he submitted the copies of the resolutions to the Hearing Examiner and asked for them to be entered into the record as Applicant's Exhibit 4. The Hearing Examiner believed it would be more appropriate if he took judicial notice of these documents numerated by the Applicant's attorney.

He concluded by saying that he did not have any further closing statement, but wanted to thank Staff and the County Attorney's Office for all of their assistance with this request. This was an interesting case and it was certainly a challenging one, but he believes that they have all worked very well together and has resulted in a positive result. The Hearing Examiner left the record open until close of business today or by 5:00 p.m., to allow the Applicant to submit a revised Attachment D, which was known as page 71 of the Applicant's power point presentation. However, he did not issue a written Order for this item, as it was submitted on the same date of this hearing. The hearing was then closed.

VIII. OTHER PARTICIPANTS AND SUBMITTALS:

ADDITIONAL APPLICANT'S REPRESENTATIVES:

1. Paul Klens, Landscape Architect, 727 Glendale Avenue, Naples, Florida 34110

2. Craig Smith, c/o W. Dexter Bender & Associates, Inc., 4470 Camino Real Way, Suite 101, Fort Myers, Florida 33916

3. David R. Underhill, Jr. PE, c/o Banks Engineering, 10511 Six Mile Cypress Parkway, Suite 101, Fort Myers, Florida 33966

ADDITIONAL COUNTY STAFF:

1. Donna Marie Collins, Chief Assistant County Attorney, P. O. Box 398, Fort Myers, Florida 33902

2. Suzanne Derheimer, Environmental Planner, Lee County Department of Community Development, Division of Environmental Sciences, P.O. Box 398, Fort Myers, Florida 33902

3. Michael P. Pavese, Principal Planner, Lee County Public Works Administration, P.O. Box 398, Fort Myers, Florida 33902

4. Robert Price, Senior Engineer, Lee County Department of Community Development, P.O. Box 398, Fort Myers, Florida 33902

PUBLIC PARTICIPATION:

A. THE FOLLOWING PERSONS TESTIFIED OR SUBMITTED EVIDENCE FOR THE RECORD AT THE HEARING (SEE SECTION VII.):

For: NONE

Against: NONE

B. THE FOLLOWING PERSONS SUBMITTED A LETTER/COMMENT CARD, OR OTHERWISE REQUESTED A COPY OF THE HEARING EXAMINER RECOMMENDATION:

For: NONE

Against: NONE

IX. LEGAL DESCRIPTION:

See Exhibit A (scanned legal description).

X. UNAUTHORIZED COMMUNICATIONS:

Unauthorized communications shall include any direct or indirect communication in any form, whether written, verbal or graphic, with the Hearing Examiner, or the Hearing Examiner's staff, any individual County Commissioner or their executive assistant, by any person outside of a public hearing and not on the record concerning substantive issues in any proposed or pending matter relating to appeals, variances, rezonings, special exceptions, or any other matter assigned by statute, ordinance or administrative code to the Hearing Examiner for decision or recommendation. . . . [Lee County Administrative Code AC-2-5]

No person shall knowingly have or attempt to initiate an unauthorized communication with the Hearing Examiner or any county commissioner [or their staff]. . . . [Lee County Land Development Code Section 34-52(a)(1), emphasis added]

Any person who knowingly makes or attempts to initiate an unauthorized communication . . . [may] be subject to civil or criminal penalties which may include: [Section 34-52(b)(1), emphasis added]

Revocation, suspension or amendment of any permit variance, special exception or rezoning granted as a result of the Hearing Examiner action which is the subject of the

unauthorized communication. [Lee County Land Development Code Section 34-52(b)(1)b.2.]; OR

A fine not exceeding $500.00 per offense, by imprisonment in the county jail for a term not exceeding 60 days, or by both such fine and imprisonment. [Lee County Land Development Code Section 1-5(c)]

XI. HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS:

A. This recommendation is made this 4TH day of May, 2010. Notice or copies will be forwarded to the offices of the Lee County Board of County Commissioners.

B. The original file and documents used at the hearing will remain in the care and custody of the Department of Community Development. The documents are available for examination and copying by all interested parties during normal business hours.

C. The Board of County Commissioners will hold a hearing at which they will consider the record made before the Hearing Examiner. The Department of Community Development will send written notice to all hearing participants of the date of this hearing before the Board of County Commissioners. Only participants, or their representatives, will be allowed to address the Board. The content of all statements by persons addressing the Board shall be strictly limited to the correctness of Findings of Fact or Conclusions of Law contained in the recommendation, or to allege the discovery of relevant new evidence which was not known by the speaker at the time of the earlier hearing before the Hearing Examiner and not otherwise disclosed in the record.

D. The original file containing the original documents used in the hearing before the Hearing Examiner will be brought by the Staff to the hearing before the Board of County Commissioners. Any or all of the documents in the file are available on request at any time to any County Commissioner.

XII. COPIES OF TESTIMONY AND TRANSCRIPTS:

A verbatim transcript of the testimony presented at the hearing can be purchased from the court reporting service under contract to the Hearing Examiner's Office. The original documents and file in connection with this matter are located at the Lee County Department of Community Development, 1500 Monroe Street, Fort Myers, Florida.

RICHARD A. GESCHEIDT
LEE COUNTY HEARING EXAMINER
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, Florida 33902-0398
Telephone: 239/533-8100
Facsimile: 239/485-8406

Banks Engineering
Professional Engineers, Planners & Land Surveyors
10511 Six Mile Cypress Parkway - Suite 101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

RECEIVED
DEC 18 2009
COMMUNITY DEVELOPMENT

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

(CPD PARCEL)

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST, AND BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER (NW¼) OF SAID SECTION 35; THENCE S.01°11'00"E. ALONG THE EAST LINE OF SAID FRACTION FOR 554.86 FEET; THENCE N.77°09'08"W. FOR 20.52 FEET; THENCE N.57°54'34"W. FOR 24.44 FEET; THENCE S.70°39'04"W. FOR 29.95 FEET; THENCE S.35°51'19"W. FOR 28.90 FEET; THENCE S.10°52'34"E. FOR 27.03 FEET; THENCE S.09°24'39"W. FOR 38.83 FEET; THENCE S.25°14'18"W. FOR 27.38 FEET TO THE **POINT OF BEGINNING**; THENCE S.25°14'18"W. FOR 12.93 FEET; THENCE S.45°28'41"W. FOR 45.15 FEET; THENCE S.37°41'02"W. FOR 20.60 FEET; THENCE S.18°12'50"W. FOR 49.13 FEET; THENCE S.18°49'48"W. FOR 39.67 FEET; THENCE S.09°03'50"W. FOR 46.83 FEET; THENCE S.14°50'17"E. FOR 59.82 FEET; THENCE S.18°42'13"W. FOR 35.83 FEET; THENCE S.28°15'16"E. FOR 30.66 FEET; THENCE S.29°10'50"E. FOR 60.46 FEET; THENCE S.56°06'08"E. FOR 3.06 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (a/k/a COUNTY ROAD 865) AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1,307.39 FEET AND TO WHICH POINT OF CURVE A RADIAL LINE BEARS S.28°25'21"E.; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'42" FOR 315.16 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1,312.39 FEET AND TO WHICH POINT OF CURVE A RADIAL LINE BEARS S.13°40'12"E.; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 09°06'31" FOR 208.64 FEET; THENCE S.89°37'57"W. ALONG SAID RIGHT-OF-WAY LINE FOR 341.72 FEET; THENCE N.00°22'03"W. FOR 609.97 FEET; THENCE N.89°37'57"E. FOR 666.53 FEET; THENCE S.64°45'42"E. FOR 235.31 FEET TO THE **POINT OF BEGINNING.**

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 10.79 ACRES, MORE OR LESS.

DESCRIPTION PREPARED DECEMBER 16, 2009.

Applicant's Legal Checked
BY BG 12-22-09

Richard M. Ritz

RICHARD M. RITZ,
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

S:\Jobs\16xx\1620\SURVEY\Descriptions\1620_CPD_DESC.doc

Sarasota Office
1144 Tallevast Road Suite #115
Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

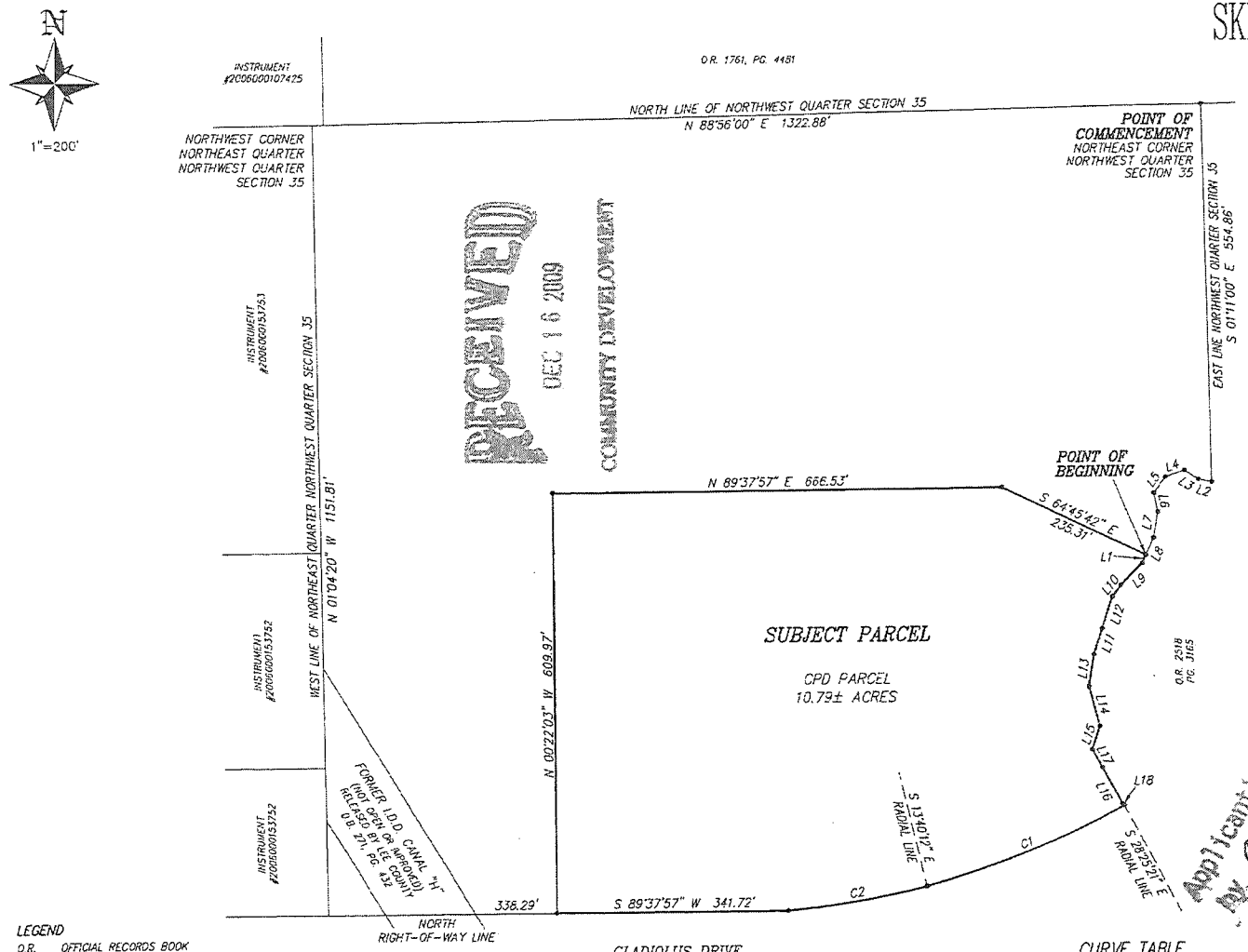
Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

EXHIBIT A

DCI 2009-00005

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



NOTES:
BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST AS BEARING N.01°10'59"W.

PARCEL CONTAINS 10.79 ACRES, MORE OR LESS.

SEE SHEET 1 OF 2 FOR COMPLETE METES & BOUNDS DESCRIPTION.

LINE TABLE

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S 25°14'18" W	12.93'	L12	S 18°12'50" W	49.13'
L2	N 77°09'08" W	20.52'	L13	S 09°03'50" W	46.83'
L3	N 57°54'34" W	24.44'	L14	S 14°50'17" E	59.82'
L4	S 70°39'04" W	29.95'	L15	S 18°42'13" W	35.83'
L5	S 35°51'19" W	28.90'	L16	S 29°10'50" E	60.46'
L6	S 10°52'34" E	27.03'	L17	S 28°15'16" E	30.66'
L7	S 09°24'39" W	38.83'	L18	S 56°06'08" E	3.06'
L8	S 25°14'18" W	27.38'			
L9	S 45°28'41" W	45.15'			
L10	S 37°41'02" W	20.60'			
L11	S 18°39'48" W	39.67'			

Applicant's Legal Checked
By CSD 12-22-09

THIS IS NOT A SURVEY

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

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

—PREPARED DECEMBER 16, 2009.

PREPARED BY:

Banks Engineering
ENGINEERING, SURVEYING & LAND PLANNING
10511 SIX MILE CYPRESS PARKWAY – SUITE 101
FORT MYERS, FLORIDA 33966
(239) 939-5490
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

LEGEND

O.R.	OFFICIAL RECORDS BOOK
D.B.	DEED BOOK
PG.	PAGE
C1	CURVE 1 OF THE CURVE TABLE
L1	LINE 1 OF THE LINE TABLE

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1307.39'	13°48'42"	315.16'	314.40'	S 58°29'00" W
C2	1312.39'	09°06'31"	208.64'	208.42'	S 80°53'03" W

DCI 2009-00005

Banks Engineering

Professional Engineers, Planners & Land Surveyors
10511 Six Mile Cypress Parkway - Suite 101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

RECEIVED
DEC 18 2009
COMMUNITY DEVELOPMENT

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

(RPD PARCEL)

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST, AND BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER (NW¼) OF SAID SECTION 35; THENCE S.01°11'00"E. ALONG THE EAST LINE OF SAID FRACTION FOR 554.86 FEET; THENCE N.77°09'08"W. FOR 20.52 FEET; THENCE N.57°54'34"W. FOR 24.44 FEET; THENCE S.70°39'04"W. FOR 29.95 FEET; THENCE S.35°51'19"W. FOR 28.90 FEET; THENCE S.10°52'34"E. FOR 27.03 FEET; THENCE S.09°24'39"W. FOR 38.83 FEET; THENCE S.25°14'18"W. FOR 27.38 FEET; THENCE N.64°45'42" W FOR 235.31 FEET; THENCE S.89°37'57"W. FOR 666.53 FEET; THENCE S.00°22'03"E. FOR 609.97 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (a/k/a COUNTY ROAD 865); THENCE S.89°37'57"W. ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 338.29 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE NORTHEAST ONE-QUARTER (NE¼) OF THE NORTHWEST ONE-QUARTER (NW¼) OF SAID SECTION 35; THENCE N.01°04'20"W. ALONG SAID WEST LINE FOR 1,151.81 FEET TO THE NORTHWEST CORNER OF SAID FRACTION; THENCE N.88°56'00"E. ALONG THE NORTH LINE OF THE NORTHWEST ONE-QUARTER (NW¼) FOR 1,322.88 FEET TO THE **POINT OF BEGINNING.**

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 21.75 ACRES, MORE OR LESS.

DESCRIPTION PREPARED DECEMBER 16, 2009.

Applicant's Legal Checked
MV 12-22-09

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

S:\Jobs\16xx\1620\SURVEY\Descriptions\1620_RPD_DESC.doc

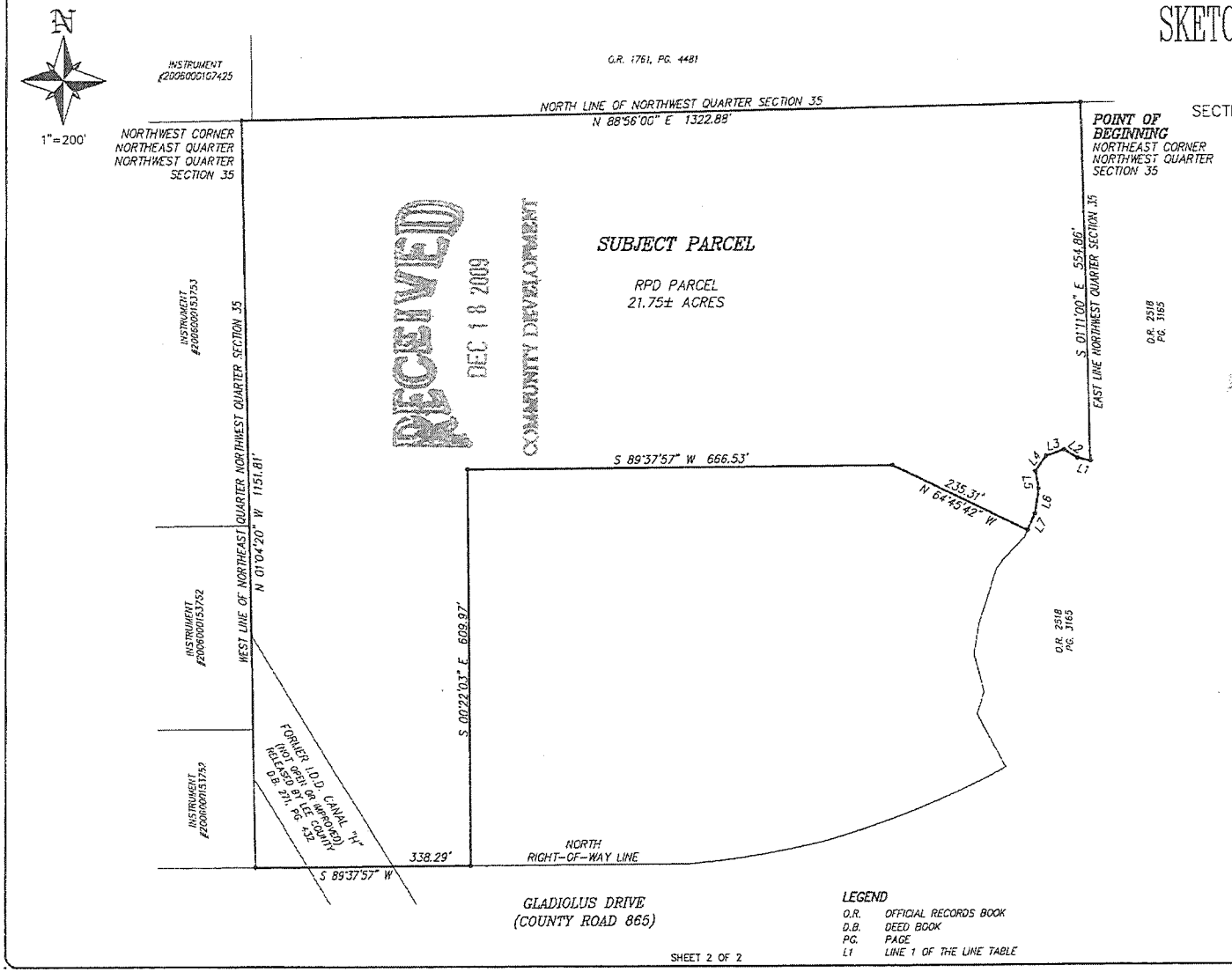
Sarasota Office
1144 Tallevast Road Suite #115
Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

DCI 2009-00005

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



RECEIVED
DEC 18 2009
COMMUNITY DEVELOPMENT

NOTES:

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST AS BEARING N.01°10'59"W.

PARCEL CONTAINS 21.75 ACRES, MORE OR LESS.

SEE SHEET 1 OF 2 FOR COMPLETE METES & BOUNDS DESCRIPTION.

Applicant's Legal Checklist
By CQ 12-22-09

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 77°09'08" W	20.52'
L2	N 57°54'34" W	24.44'
L3	S 70°39'04" W	29.95'
L4	S 35°51'19" W	28.90'
L5	S 10°52'34" E	27.03'
L6	S 09°24'39" W	38.83'
L7	S 25°14'18" W	27.38'

DCI 2009-00005

THIS IS NOT A SURVEY

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

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

—PREPARED DECEMBER 15, 2009.

PREPARED BY:

Banks Engineering
ENGINEERING, SURVEYING & LAND PLANNING
10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33966
(239) 936-5490
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6590

LEGEND

O.R.	OFFICIAL RECORDS BOOK
D.B.	DEED BOOK
PG.	PAGE
L1	LINE 1 OF THE LINE TABLE

Banks Engineering

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA ♦ PORT CHARLOTTE

RECEIVED
FEB 09 2009
COMMUNITY DEVELOPMENT

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE S.88°56'00"W. ALONG THE NORTH LINE OF SAID FRACTION FOR 1322.88 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE S.01°04'20"E. ALONG THE WEST LINE OF SAID FRACTION FOR 1151.81 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (COUNTY ROAD 865 - 199.02 FEET WIDE); THENCE N.89°37'57"E. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 680.01 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 1312.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.04°33'41"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9°06'31" FOR 208.64 FEET TO AN INTERSECTION WITH A CURVE HAVING A RADIUS OF 1307.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.14°36'39"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'42" FOR 315.16 FEET; THENCE N. 56°06'08"W. FOR 3.06 FEET; THENCE N.29°10'50"W. FOR 60.46 FEET; THENCE N.28°15'16"W. FOR 30.66 FEET; THENCE N.18°42'13"E. FOR 35.83 FEET; THENCE N.14°50'17"W. FOR 59.82 FEET; THENCE N.09°03'50"E. FOR 46.83 FEET; THENCE N.18°49'48"E. FOR 39.67 FEET; THENCE N.18°12'50"E. FOR 49.13 FEET; THENCE N.37°41'02"E. FOR 20.60 FEET; THENCE N.45°28'41"E. FOR 45.15 FEET; THENCE N.25°14'18"E. FOR 40.31 FEET; THENCE N.09°24'39"E. FOR 38.83 FEET; THENCE N.10°52'34"W. FOR 27.03 FEET; THENCE N.35°51'19"E. FOR 28.90 FEET; THENCE N.70°39'04"E. FOR 29.95 FEET; THENCE S.57°54'34"E. FOR 24.44 FEET; THENCE S.77°09'08"E. FOR 20.52 FEET TO THE EAST LINE OF SAID FRACTION; THENCE N.01°10'59"W. ALONG SAID EAST LINE FOR 554.86 FEET TO THE **POINT OF BEGINNING.**

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.

DCI 2009-00005

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

Applicant's Legal Checked
by CSL 2-12-09

S:\Jobs\16xx\1620\SURVEY\Descriptions\1620_DESC_RMR.doc
2515 Northbrooke Plaza Drive, Suite 200, Naples, Florida 34119 • (239) 597-2061 • Fax (239) 597-3082

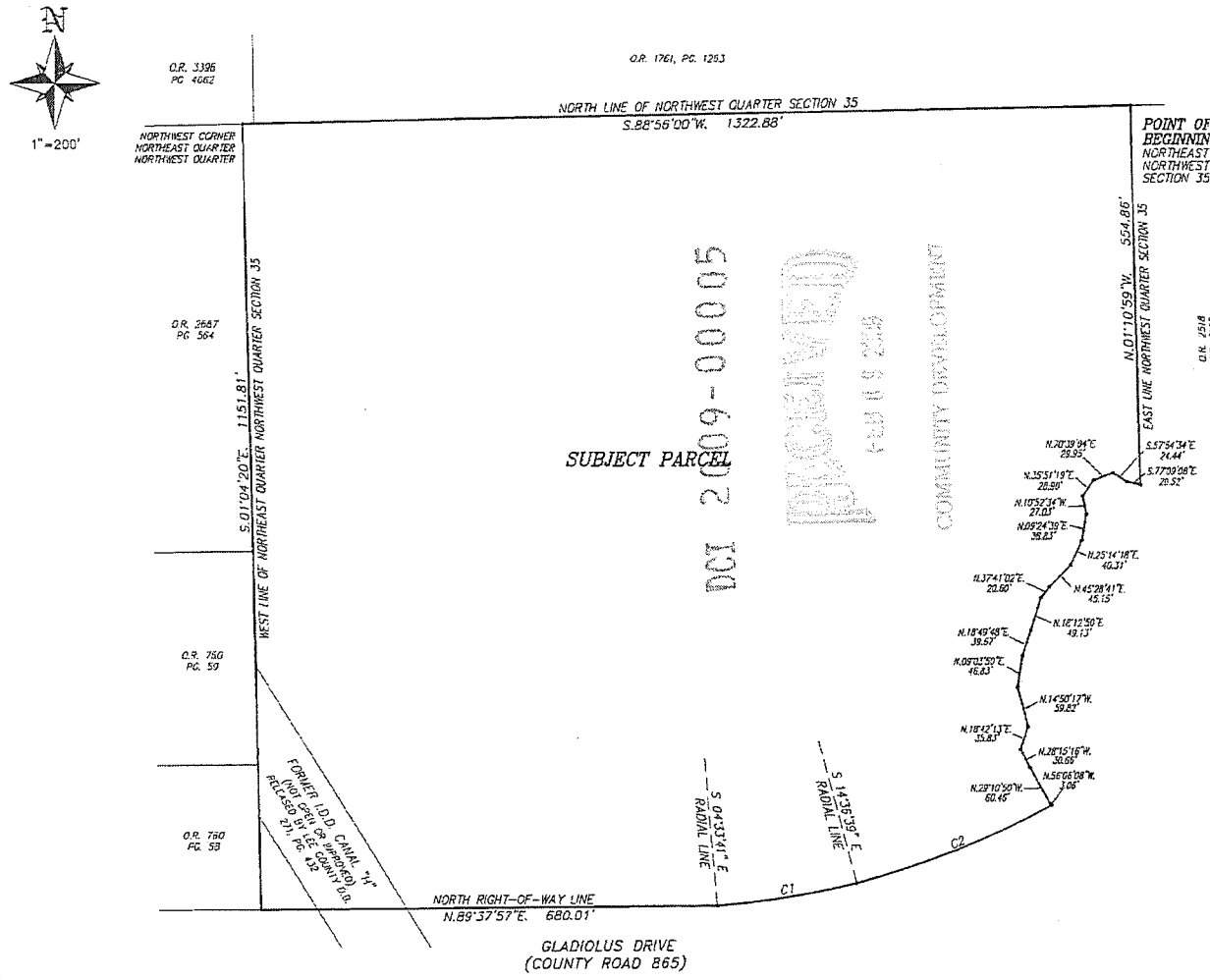
SKETCH TO ACCOMPANY DESCRIPTION

OF A

PARCEL OF LAND

LYING IN

SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



NOTES:

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST AS BEARING N.01°10'59"W.

PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.

SEE SHEET 1 OF 2 FOR COMPLETE METES & BOUNDS DESCRIPTION.

Applicant's Legal Checked by CSJ 2-18-09

LEGEND

O.R.	OFFICIAL RECORDS BOOK
PG.	PAGE
C1	CURVE DATA NUMBER

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1312.39'	09°06'31"	208.64'	208.42'	S 80°53'03" W
C2	1307.39'	13°48'42"	315.16'	314.40'	S 68°29'00" W
C3	1307.39'	07°21'30"	167.90'	167.79'	S 57°53'54" W

THIS IS NOT A SURVEY

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

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

—PREPARED JANUARY 14, 2009.

PREPARED BY:

Banks Engineering

ENGINEERING, SURVEYING & LAND PLANNING

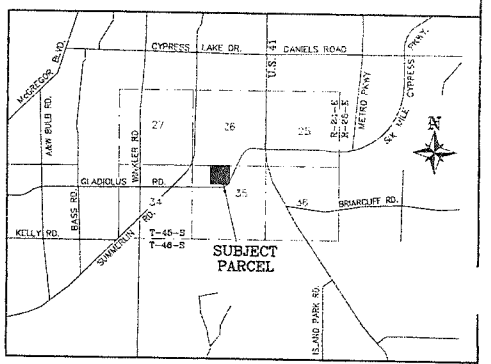
2515 NORTHBROOKE PLAZA DRIVE - SUITE 200
NAPLES, FLORIDA 34119
(239) 597-2061

FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

SURVEY PLAT

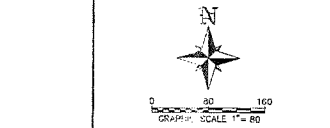
OF

A TRACT OR PARCEL OF LAND LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA.



VICINITY MAP

(NOT TO SCALE)

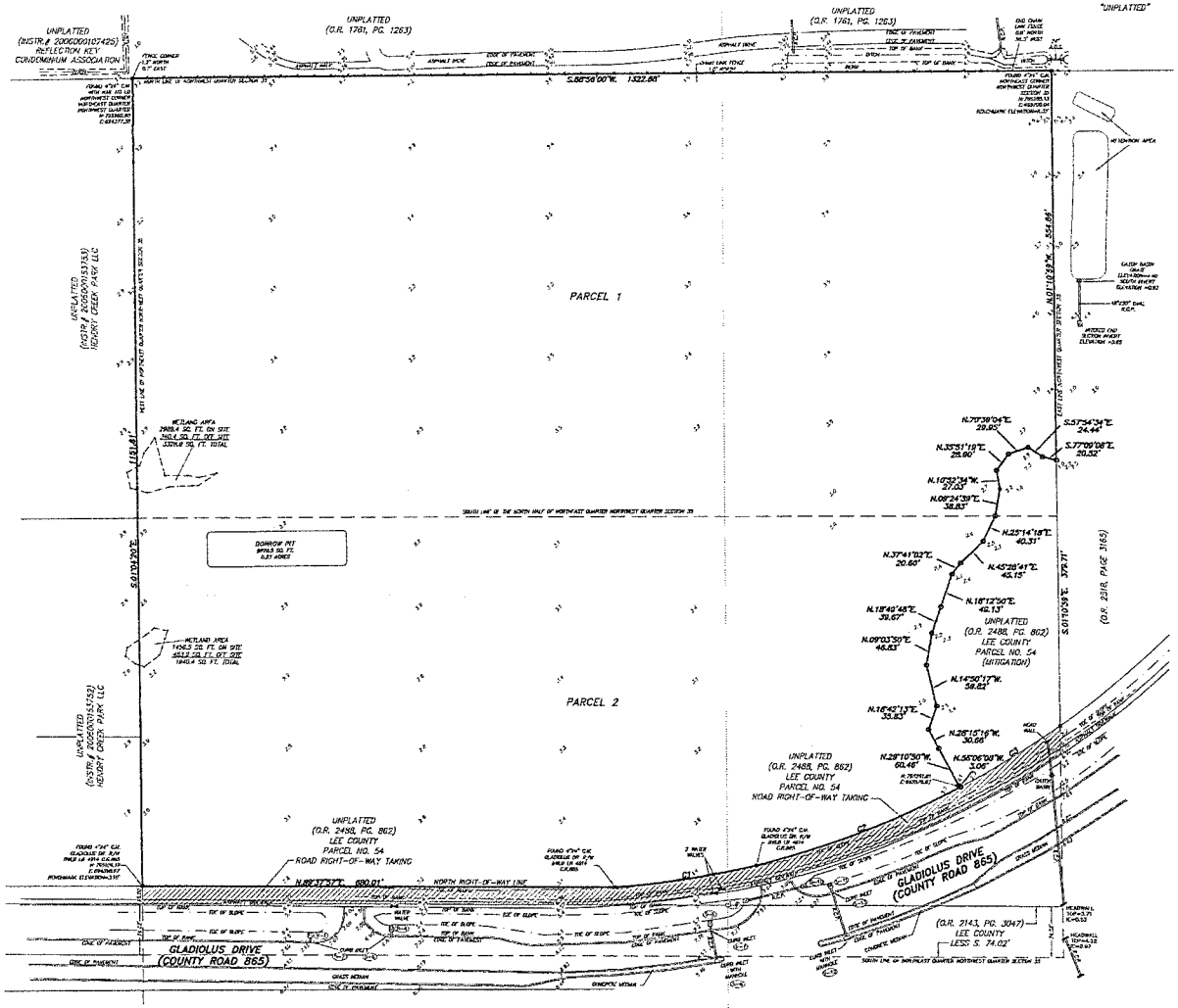


LEGEND

●	SET 5/8" IRON ROD AND CAP L.B. #3870
○	FOUND 5/8" IRON ROD (NO IDENTIFICATION)
F.P.K.	FOUND PK NAIL AND DISK
N.G.V.D.	NATIONAL GEODETIC VERTICAL DATUM
R.L.S.	REGISTERED LAND SURVEYOR
R.C.P.	REINFORCED CONCRETE PIPE
A.D.S.	ADVANCED DRAINAGE SYSTEMS (PLASTIC) PIPE
PCP	PERMANENT CONTROL POINT
P.U.E.	PUBLIC UTILITY EASEMENT
N.W.L.	NORTH WATER ELEVATION
S.W.L.	SOUTH WATER ELEVATION
E.W.L.	EAST WATER ELEVATION
W.W.L.	WEST WATER ELEVATION
S.P.K.	SET PK NAIL OR KALON NAIL
O.R.	OFFICIAL RECORDS BOOK
C.M.	CONCRETE MONUMENT
C1	CURVE IDENTIFICATION NUMBER
S-1	STRUCTURE NUMBER
L.B.	LICENSED BUSINESS
23.50	EXISTING ELEVATION
R/W	RIGHT-OF-WAY
INSTR.	INSTRUMENT
CONC.	CONCRETE
INV.	INVERT
DR.	DRIVE
PG.	PAGE
N 000,000 E 000,000	FLORIDA ZONE, WEST STATE PLANE COORDINATE

STRUCTURE TABLE

STR.	RIM	S.INV.	E.INV.	W.INV.
S-1	5.25			
S-2	7.00			
S-3				
S-4	3.74			
S-5	3.71			
S-6	4.14			
S-7	3.93			
S-8	3.97			
S-9				3.07
S-10			3.98	
S-11			3.77	
S-12	4.83	4.33		
S-13	3.46	3.34		



SURVEYOR'S NOTES:

THIS PLAT IS PREPARED AS A BOUNDARY & TOPOGRAPHIC SURVEY AND IS NOT INTENDED TO DELINEATE THE JURISDICTION OR JURISDICTIONAL AREAS OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY, BOARD, COMMISSION OR OTHER ENTITY.

THE BOUNDARY SURVEY IS BASED ON THE TITLE CERTIFICATION PROVIDED BY KEVIN A. GENTI, P.A., DATED MARCH 19, 2009, AND EXISTING FIELD MONUMENTATION.

THE TITLE CERTIFICATION PROVIDED BY KEVIN A. GENTI, P.A. WAS BASED ON CHICAGO TITLE INSURANCE CO. COMMITMENT FOR TITLE INSURANCE NO. 2400006962.

ASSUMED NORTH IS BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST AS BEARING N.01°10'59"W.

COORDINATES ARE BASED ON "THE STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST NAD 83 (CORS). THE STATION IS THE ANTENNA REFERENCE POINT OF THE GPS ANTENNA BASED AT PAGE FIELD. THE STATION IS A GPS CONTINUOUSLY OPERATING REFERENCE STATION DESIGNATION-FORT MYERS CORS ARP. HORIZONTAL VALUES WERE ESTABLISHED BY GPS OBSERVATIONS AND ADJUSTED BY THE NATIONAL GEODETIC SURVEY IN MARCH 2004.

THE SUBJECT PARCEL AS SHOWN HEREON IS LOCATED IN A SPECIAL FLOOD HAZARD AREA ON THE NATIONAL FLOOD INSURANCE PROGRAM'S FLOOD INSURANCE RATE MAPS, PER FLOOD MAP 125124 0419 F, EFFECTIVE 8-28-08, REVISED THE SUBJECT PARCEL LIES IN FLOOD ZONE AE, WITH A BASE FLOOD ELEVATION OF 9.0'. THE BASE FLOOD ELEVATION IS BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988.

WETLAND AREAS WERE LOCATED BASED ON FLAGGING PROVIDED BY DEXTER BENDER & ASSOCIATES.

ELEVATIONS SHOWN ARE BASED ON THE NATIONAL GEODETIC VERTICAL DATUM OF 1929.

ABOVEGROUND AND UNDERGROUND IMPROVEMENTS WERE NOT LOCATED UNLESS OTHERWISE SHOWN.

PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.

DATE OF LAST FIELD WORK: 2-10-09.

RECEIVED
DEC 19 2009
COMMUNITY DEVELOPMENT

DCI 2009-00005

LEGAL DESCRIPTION (PREPARED BY BANKS ENGINEERING)

A PARCEL OF TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 45 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE S.88°56'00"W. ALONG THE NORTH LINE OF SAID FRACTION FOR 1,322.88 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE S.01°04'20"E. ALONG THE WEST LINE OF SAID FRACTION FOR 1151.81 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (COUNTY ROAD 865 – 199.02 FEET WIDE); THENCE N.89°03'57"E. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 680.01 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 1312.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.04°13'41"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9°06'31" FOR 208.64 FEET TO AN INTERSECTION WITH A CURVE HAVING A RADIUS OF 1307.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.14°16'39"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'42" FOR 315.16 FEET; THENCE N.56°08'08"W. FOR 3.06 FEET; THENCE N.29°10'50"W. FOR 60.46 FEET; THENCE N.28°15'19"E. FOR 30.66 FEET; THENCE N.14°50'17"E. FOR 58.02 FEET; THENCE N.09°03'50"E. FOR 46.83 FEET; THENCE N.18°49'48"E. FOR 39.67 FEET; THENCE N.18°12'50"E. FOR 42.13 FEET; THENCE N.37°41'02"E. FOR 20.60 FEET; THENCE N.45°28'41"E. FOR 43.15 FEET; THENCE N.25°14'18"E. FOR 40.31 FEET; THENCE N.08°24'39"E. FOR 38.83 FEET; THENCE N.10°53'34"W. FOR 27.03 FEET; THENCE N.33°51'19"E. FOR 28.90 FEET; THENCE N.70°39'04"E. FOR 29.95 FEET; THENCE S.57°54'34"E. FOR 24.44 FEET; THENCE S.77°09'08"E. FOR 20.52 FEET TO THE EAST LINE OF SAID FRACTION; THENCE N.01°10'59"W. ALONG SAID EAST LINE FOR 554.86 FEET TO THE POINT OF BEGINNING.

CURVE TABLE

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	1312.39'	09°06'31"	208.64'	208.42'	S 80°53'03" W
C2	1307.39'	13°48'42"	315.16'	314.40'	S 86°20'00" W
C3	1307.39'	07°21'39"	167.80'	167.79'	S 57°53'54" W

3	12-22-09	REVISED PER SURVEYOR COMMENTS & LEGAL DESCRIPTION	JLC
2	11-17-09	ADDED PER SURVEYOR COMMENTS	RJH
1	10-26-09	ADDED PER SURVEYOR COMMENTS & LEGAL DESCRIPTION	RJH
NO.	DATE	REVISIONS	BY

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, THAT THIS PLAT OF THE HEREIN DESCRIBED PROPERTY IS A TRUE REPRESENTATION OF A FIELD SURVEY MADE UNDER MY DIRECTION AND COMPLETED ON MARCH 19, 2009 AND THAT SAID SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

RICHARD M. HITZ, R.L.S.
FLORIDA CERTIFICATION NO. 4029
DATE SIGNED: 11-17-2009

- THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED HEREON.
- THIS SURVEY HAS BEEN PREPARED WITH THE BENEFIT OF THAT CERTAIN ATTACHED TITLE CERTIFICATION ISSUED BY KEVIN A. GENTI, P.A., DATED MARCH 19, 2009.
- ALL ENTRIES OF TITLE SHOULD BE REFERRED TO AN ATTORNEY AT LAW.

By BG 12-22-09

Banks Engineering
Professional Engineers, Planners & Land Surveyors
10511 Six Mile Cypress Parkway – Suite 101
Fort Myers, Florida 33966
Phone: (239) 936-1302 Fax: (239) 936-2023

BOUNDARY & TOPOGRAPHIC SURVEY

BECK GROUP OF FT. MYERS, LLC

LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	CLOSURE	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NAME (8-1-10)
1-14-09	1020	20NC-08.DWG	DLS	DLS	RJH	1"=80'	1	1	35-45S-24E

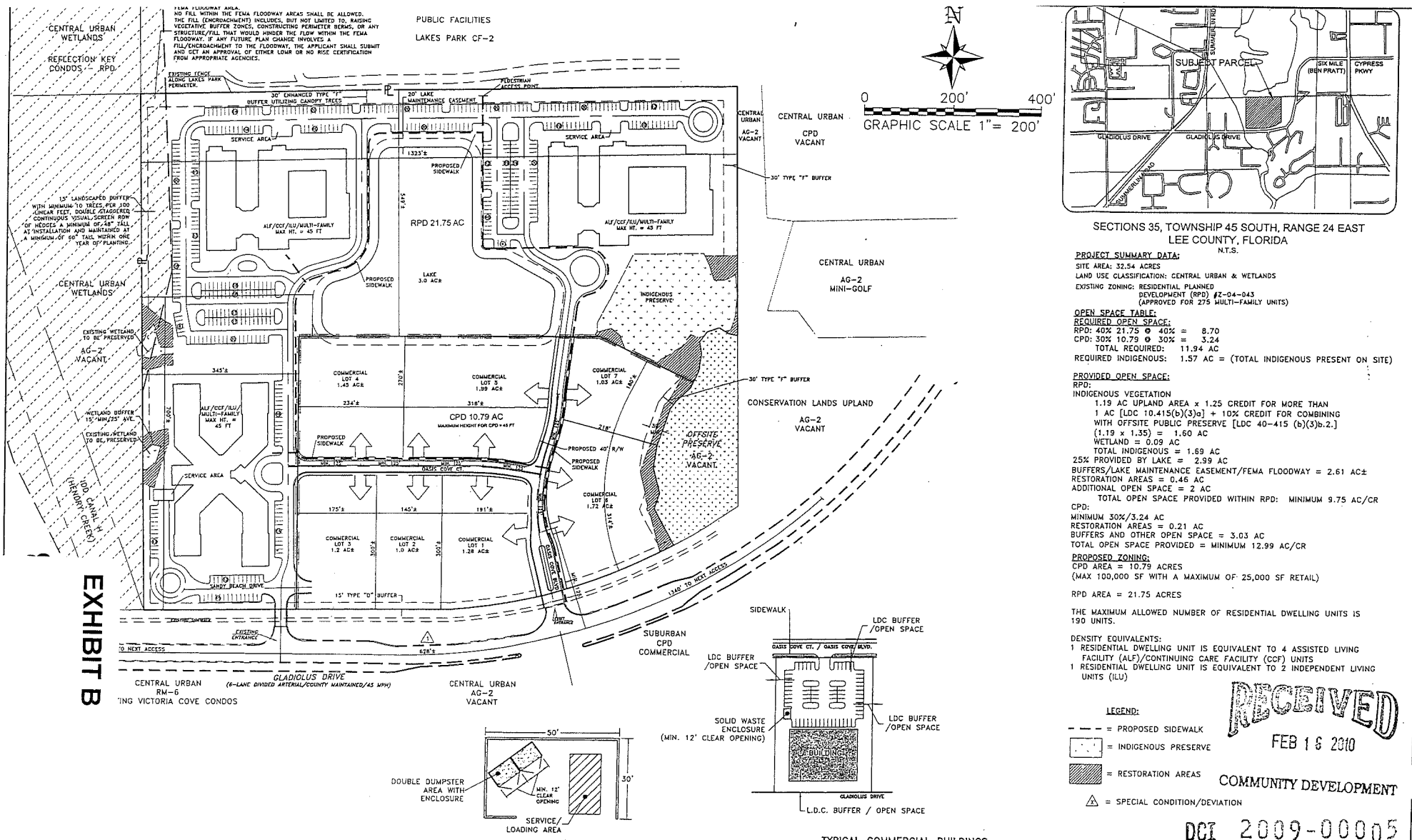


EXHIBIT B

SECTIONS 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
N.T.S.

PROJECT SUMMARY DATA:
SITE AREA: 32.54 ACRES
LAND USE CLASSIFICATION: CENTRAL URBAN & WETLANDS
EXISTING ZONING: RESIDENTIAL PLANNED DEVELOPMENT (RPD) #Z-04-043 (APPROVED FOR 275 MULTI-FAMILY UNITS)

OPEN SPACE TABLE:
REQUIRED OPEN SPACE:
RPD: 40% 21.75 @ 40% = 8.70
CPD: 30% 10.79 @ 30% = 3.24
TOTAL REQUIRED: 11.94 AC
REQUIRED INDIGENOUS: 1.57 AC = (TOTAL INDIGENOUS PRESENT ON SITE)

PROVIDED OPEN SPACE:
RPD:
INDIGENOUS VEGETATION
1.19 AC UPLAND AREA x 1.25 CREDIT FOR MORE THAN 1 AC [LDC 10.415(b)(3)a] + 10% CREDIT FOR COMBINING WITH OFFSITE PUBLIC PRESERVE [LDC 40-415 (b)(3)b.2.]
(1.19 x 1.35) = 1.60 AC
WETLAND = 0.09 AC
TOTAL INDIGENOUS = 1.69 AC
25% PROVIDED BY LAKE = 2.99 AC
BUFFERS/LAKE MAINTENANCE EASEMENT/FEMA FLOODWAY = 2.61 AC±
RESTORATION AREAS = 0.46 AC
ADDITIONAL OPEN SPACE = 2 AC
TOTAL OPEN SPACE PROVIDED WITHIN RPD: MINIMUM 9.75 AC/CR
CPD:
MINIMUM 30%/3.24 AC
RESTORATION AREAS = 0.21 AC
BUFFERS AND OTHER OPEN SPACE = 3.03 AC
TOTAL OPEN SPACE PROVIDED = MINIMUM 12.99 AC/CR

PROPOSED ZONING:
CPD AREA = 10.79 ACRES
(MAX 100,000 SF WITH A MAXIMUM OF 25,000 SF RETAIL)

RPD AREA = 21.75 ACRES

THE MAXIMUM ALLOWED NUMBER OF RESIDENTIAL DWELLING UNITS IS 190 UNITS.

DENSITY EQUIVALENTS:
1 RESIDENTIAL DWELLING UNIT IS EQUIVALENT TO 4 ASSISTED LIVING FACILITY (ALF)/CONTINUING CARE FACILITY (CCF) UNITS
1 RESIDENTIAL DWELLING UNIT IS EQUIVALENT TO 2 INDEPENDENT LIVING UNITS (ILU)

LEGEND:
= PROPOSED SIDEWALK
= INDIGENOUS PRESERVE
= RESTORATION AREAS
⚠ = SPECIAL CONDITION/DEVIATION

SERVICE AREA DETAIL
N.T.S.

TYPICAL COMMERCIAL BUILDINGS
N.T.S.

RECEIVED
FEB 16 2010
COMMUNITY DEVELOPMENT

DCI 2009-00005

EXHIBIT H-3.C

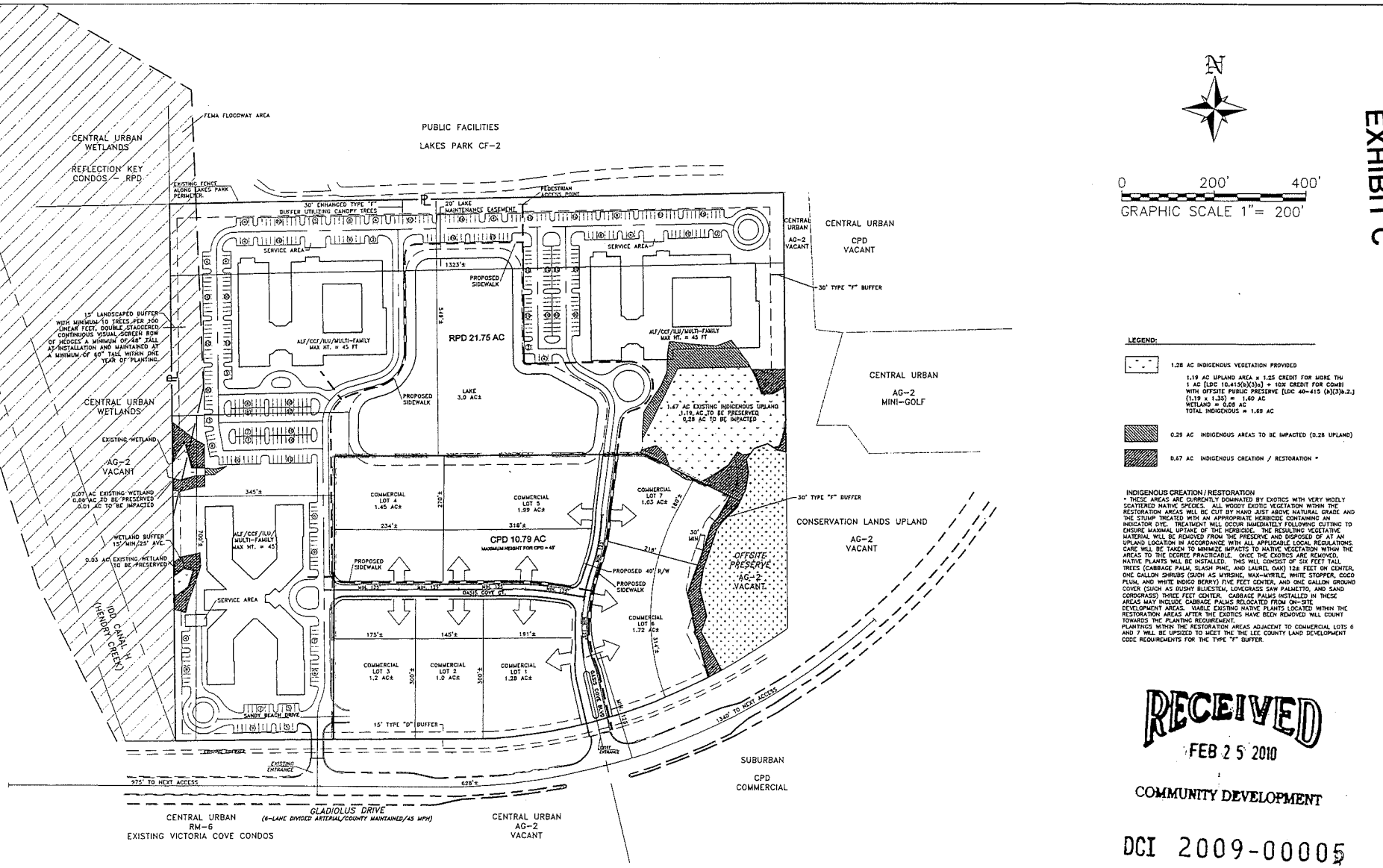
PREPARED FOR:
BECK GROUP OF FT MYERS LLC
438 BAYFRONT PL
NAPLES, FL 34102
PHONE: (239) 649-8700
FAX: (239) 434-6225

NO.	DATE	REVISION DESCRIPTION	BY
4	02/22/10	REVISE INTENSITIES	SEN
3	01/13/10	RM 5.15 COMMENTS	SEN
2	12/15/09	2ND SUFFICIENCY SUBMITTAL	SEN
1	10/16/09	1ST SUFFICIENCY SUBMITTAL	SEN

Banks Engineering
Professional Engineers, Planners, & Land Surveyors
FORT MYERS ◆ PORT CHARLOTTE ◆ SARASOTA
12301 SIX MILE CYPRESS PARKWAY – SUITE 101
FORT MYERS, FLORIDA 33912
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

MASTER CONCEPT PLAN
OASIS COVE A.K.A. GLADIOLUS RPD
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF
11/25/08	1620	MCP	DRU	MJK	DRU	1" = 200'	1	1



N

0 200' 400'

GRAPHIC SCALE 1"= 200'

EXHIBIT C

LEGEND:

1.28 AC INDIGENOUS VEGETATION PROVIDED

1.19 AC UPLAND AREA x 1.25 CREDIT FOR MORE THAN 1 AC [LDC 10.415(b)(3)a] + 10% CREDIT FOR COMBINATION WITH OFFSITE PUBLIC PRESERVE (LDC 40-415 (b)(3)b.2.) (1.19 x 1.35) = 1.60 AC
WETLAND = 0.08 AC
TOTAL INDIGENOUS = 1.68 AC

0.29 AC INDIGENOUS AREAS TO BE IMPACTED (0.28 UPLAND)

0.67 AC INDIGENOUS CREATION / RESTORATION *

INDIGENOUS CREATION / RESTORATION

* THESE AREAS ARE CURRENTLY DOMINATED BY EXOTICS WITH VERY WIDELY SCATTERED NATIVE SPECIES. ALL WOODY EXOTIC VEGETATION WITHIN THE RESTORATION AREAS WILL BE CUT BY HAND JUST ABOVE NATURAL GRADE AND THE STUMP TREATED WITH AN APPROPRIATE HERBICIDE CONTAINING AN INDICATOR DYE. TREATMENT WILL OCCUR IMMEDIATELY FOLLOWING CUTTING TO ENSURE MAXIMAL UPTAKE OF THE HERBICIDE. THE RESULTING VEGETATIVE MATERIAL WILL BE REMOVED FROM THE PRESERVE AND DISPOSED OF AT AN UPLAND LOCATION IN ACCORDANCE WITH ALL APPLICABLE LOCAL REGULATIONS. CARE WILL BE TAKEN TO MINIMIZE IMPACTS TO NATIVE VEGETATION WITHIN THE AREAS TO THE DEGREE PRACTICABLE. ONCE THE EXOTICS ARE REMOVED, NATIVE PLANTS WILL BE INSTALLED. THIS WILL CONSIST OF SIX FEET TALL TREES (CABBAGE PALM, SLASH PINE, AND LAUREL OAK) 12± FEET ON CENTER, ONE GALLON SHRUBS (SUCH AS MYRSINE, WAX-MYRTLE, WHITE STOPPER, COCO PLUM, AND WHITE INDIGO BERRY) FIVE FEET CENTER, AND ONE GALLON GROUND COVER (SUCH AS BUSHY BLUESTEM, LOWCRASS SAW PALMETTO, AND SAND CORDGRASS) THREE FEET CENTER. CABBAGE PALMS INSTALLED IN THESE AREAS MAY INCLUDE CABBAGE PALMS RELOCATED FROM ON-SITE DEVELOPMENT AREAS. VIABLE EXISTING NATIVE PLANTS LOCATED WITHIN THE RESTORATION AREAS AFTER THE EXOTICS HAVE BEEN REMOVED WILL COUNT TOWARDS THE PLANTING REQUIREMENT.
PLANTINGS WITHIN THE RESTORATION AREAS ADJACENT TO COMMERCIAL LOTS 6 AND 7 WILL BE UPSIZED TO MEET THE THE LEE COUNTY LAND DEVELOPMENT CODE REQUIREMENTS FOR THE TYPE "F" BUFFER.

RECEIVED
FEB 25 2010
COMMUNITY DEVELOPMENT

DCI 2009-00005

PREPARED FOR:
BECK GROUP
OF FT MYERS LLC
436 BAYFRONT PL
NAPLES, FL 34102
PHONE: (239) 649-8700
FAX: (239) 434-6225

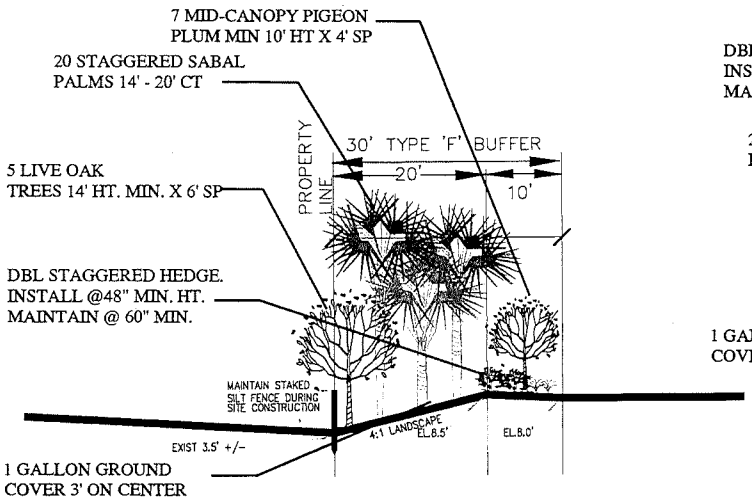
NO.	DATE	REVISION DESCRIPTION	BY
3	02/12/10	REVISE LABELING TO MATCH MCP	BEH
2	01/11/10	LEE COMMENTS	BEH
1	12/15/09	2ND SUFFICIENCY SUBMITTAL	BEH

Banks Engineering
Professional Engineers, Planners, & Land Surveyors
FORT MYERS ◆ PORT CHARLOTTE ◆ SARASOTA
10511 SIX MILE CYPRESS PARKWAY – SUITE 101
FORT MYERS, FLORIDA 33912
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 8489
SURVEY LICENSE # LB 6450
WWW.BANKSENG.COM

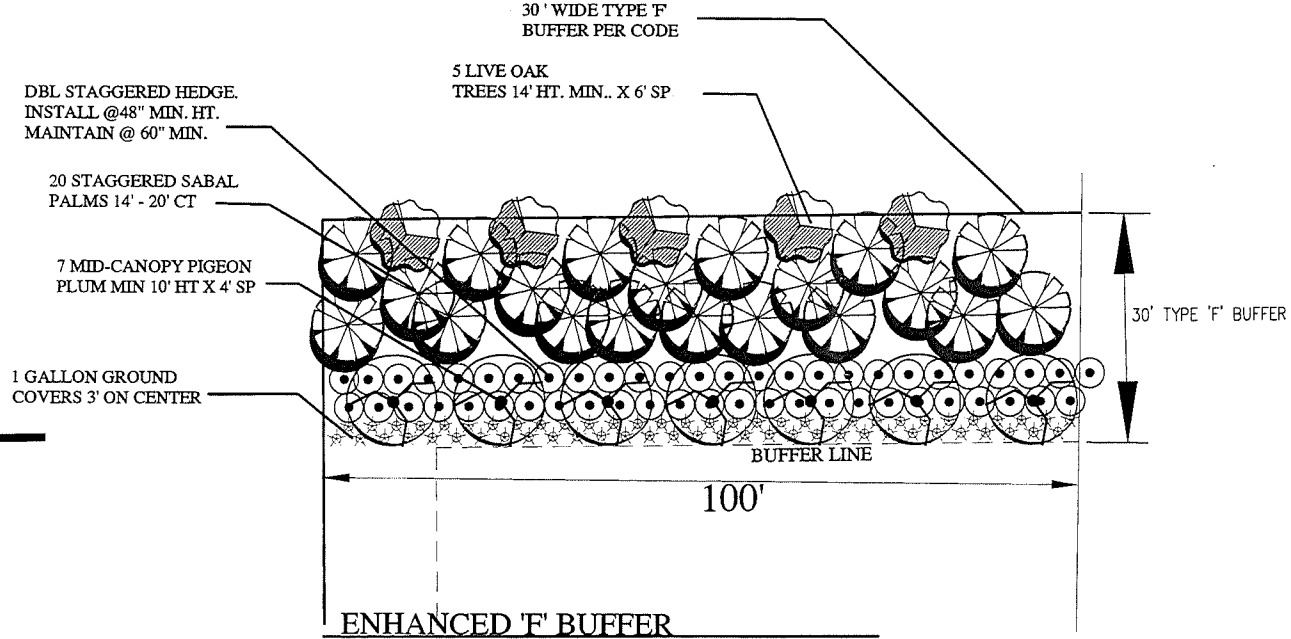
INDIGENOUS RESTORATION PLAN (EXHIBIT D-7-Y)
OASIS COVE A.K.A. GLADIOLUS RPD
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF
10/16/09	1620	MCP	DRU	SDJ	DRU	1" = 200'	1	1

S:\JOBS\16XX\1620\ZONING\1620_MSP-17A-INDIGENOUS-AREAS.DWG 2/25/2010 11:18 AM STACY HEWITT



SECTION 1 - ENHANCED 'F' BUFFER



ENHANCED 'F' BUFFER
N.T.S.

TYPICAL 100'
5 CANOPY TREES PER 100 L.F.- 14' MIN.. HT X 6' SP.
7 MID-CANOPY TREES PER 100 L.F.-10' MIN HT X 4' SP
20 SABAL PALMS PER 100 L.F. - 14' - 20' CT,
50-10 GAL SHRUBS PER 100 L.F.. - 48" MIN. AT PLANTING, MAINTAIN @ 60" MIN.
67 1 GALLON GROUND COVERS 3' ON CENTER

PAUL J. KLENS, R.L.A.
REG. # LA-0001619
MARCH 9, 2010

PAUL KLENS LANDSCAPE ARCHITECTURE HEREBY RESERVES ITS COMMON LAW COPYRIGHT. THE IDEAS, DESIGNS AND PLANS CONTAINED HEREIN ARE NOT TO BE REPRODUCED OR USED WITHOUT THE EXPRESS WRITTEN CONSENT OF PAUL KLENS LANDSCAPE ARCHITECTURE.

727 GLENDALE AVE NAPLES, FLORIDA 34110
239 / 514-7209 239 / 594-8846 FAX

title:

BANKS ENGINEERING
10511 Six Mile Cypress Pkwy
Fort Myers, Fl 33966
(239) 939-5490

title:

project location: LEE COUNTY, FLORIDA

designer: PJK
project manager: PAUL J. KLENS, RLA
checked – date / by: DATE
approved for: DISCUSSION

acad #:
project #: 09012
scale: AS NOTED
view: LIMITS

date:
revisions:

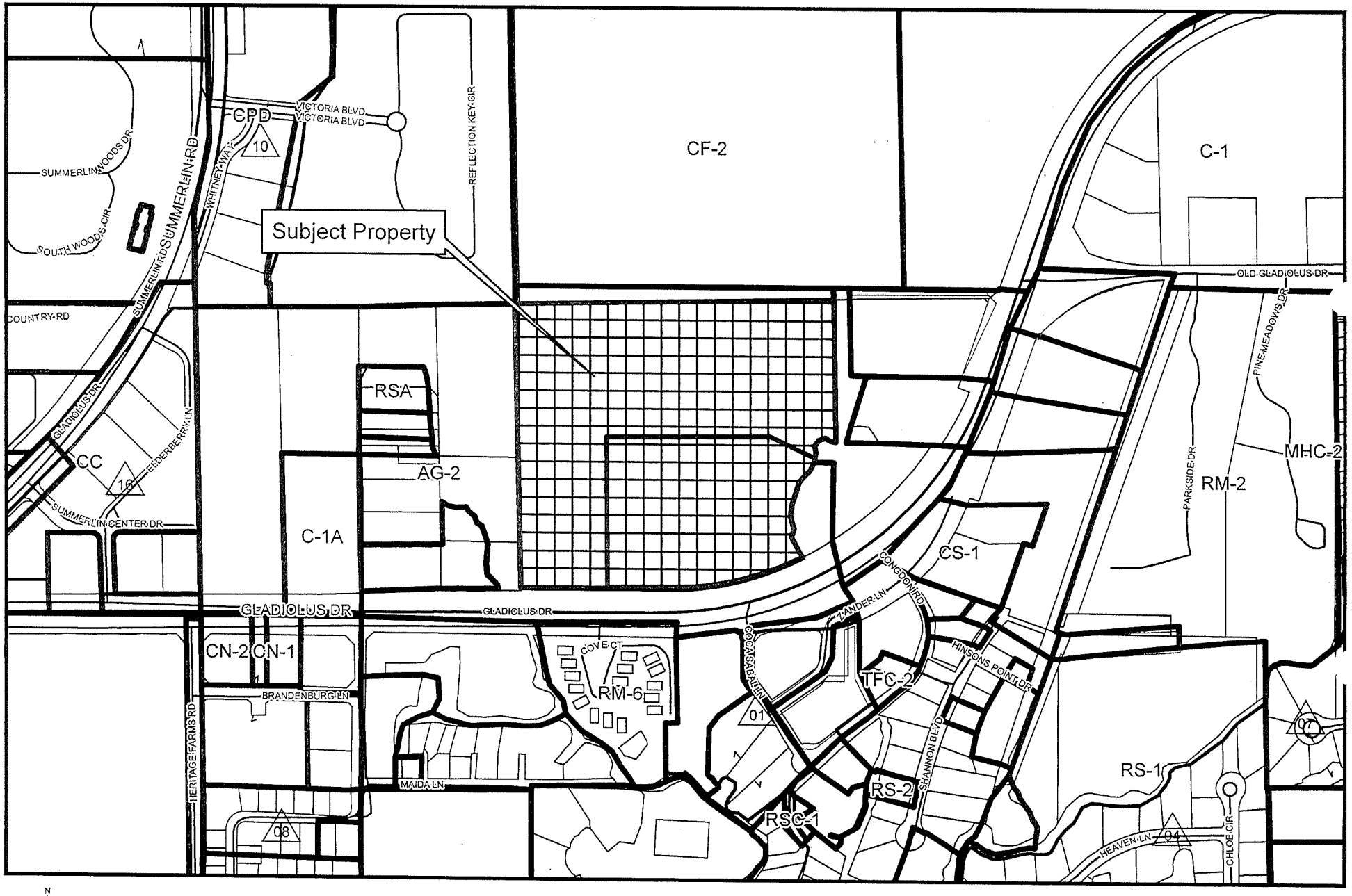
sheet no: 1/1

EXHIBIT D

Attachment "A"
Zoning Map

DCI2009-00005

1/26/2010



LEE COUNTY, FLORIDA

ZONING DIVISION

STAFF REPORT

TYPE OF CASE: **PLANNED DEVELOPMENT/DCI**

CASE NUMBER: **DCI2009-00005**

HEARING EXAMINER DATE: **MARCH 18, 2010**

I. APPLICATION SUMMARY:

A. Applicant: Beck Group of Ft. Myers, LLC in ref. to Oasis Cove RPD/CPD

B. Request: Rezone 32.54 ± acres from Residential Planned Development (RPD) to Residential Planned Development/Commercial Planned Development (RPD/CPD) for assisted living facilities (ALF), continuing care facilities (CCF), independent living units (ILU), multi-family development and commercial uses. The maximum density proposed is 190 multi-family dwelling units, or an equivalent number of units in assisted living facilities, continuing care facilities and independent living units and commercial office and retail development, maximum 100,000 square feet including a maximum 25,000 square feet retail. Maximum height 45 feet for both residential and commercial. No development blasting is requested. The development will connect to public potable water and sanitary sewer service.

C. Location: The subject property is located at 7650 Gladiolus Drive and 7210 Congdon Road, South Fort Myers Planning Community, Lee County, FL. (District #5)

D. Future Land Use Plan Designation, Current Zoning and Use of Subject Property, Road Classification, Planning Community:

Future Land Use:	Central Urban/Wetlands
Current Zoning:	Gladiolus Residential Planned Development (RPD). Zoning Resolution #Z-04-043. Amended by #ADD2006-00184.
Land Use:	Vacant.
Road Classification:	Gladiolus Drive. 6-lane arterial road.

	Utilities:	Lee County Utilities (potable public water & sanitary sewer service.
	Planning Community:	South Fort Myers.

E. Surrounding Land Use:

Existing Zoning & Land Use	Future Land Use Map
North: Community Facilities (CF-2) Lakes Park.	Public Facilities.
Residential Planned Development (RPD) Reflection Key Condominiums.	Central Urban/Wetlands.
East: Vacant CPD; Agricultural (AG-2) Mini Golf; Vacant.	Conservation Lands, Upland Central Urban.
South: Gladiolus Drive (6 lane arterial) then Residential Multifamily (RM-6); Wetland; Agricultural (AG-2); Commercial Planned Development (CPD: Victoria Cove Condominiums; Vacant; Medical offices.	Central Urban; Suburban.
West: Agricultural (AG-2); Vacant.	Wetland; Central Urban

F. Size of Property: 32.54± acres

II. RECOMMENDATION:

Staff recommends **APPROVAL** of the Applicant's request for rezoning from Residential Planned Development (RPD) to Residential Planned Development and Commercial Planned Development (RPD/CPD) with the following conditions and deviation.

A. Conditions

1. The development of this project must be consistent with the 1-page Master Concept Plan entitled "Oasis Cove A.K.A. Gladiolus RPD" stamped Received **FEB. 16, 2010** except as modified by the conditions below.

   This development must comply with all requirements of the Lee County Land Development Code (LDC) at time of the 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.

The Residential Planned Development (RPD) is limited to a maximum of 190 multi-family dwelling units; OR a maximum of 160 units of Assisted Living Facility (ALF)/Continuing Care Facility (CCF) units, PLUS a maximum of 300 Independent Living Units (ILU) or any combination of ALF, CCF, and/or ILU so long as the density does not exceed 190 standard dwelling units on +/- 21.75 acres of land.

The Commercial Planned Development (CPD) is limited to a maximum of 100,000 square feet of gross floor area, including a maximum of 25,000 square feet of commercial retail.

Zoning Res. #Z-75-145, Zoning Res. #Z-04-034 and Administrative Amendment #ADD2006-00184 are null and void as a result of approval of this zoning action, and are all superceded by this zoning resolution.

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

A. Schedule of Uses

CPD

Accessory Uses and Structures
Administrative Offices
Animals - Clinic or Kennel - no outdoor runs, completely enclosed facilities.
ATM - Automatic Teller Machine
Auto Parts Store - no installation service
Bait and Tackle Shop - no outdoor storage or display.
Banks and Financial Establishments, Groups I and II.
Boats - limited to Boat Part Sales, no outdoor storage or display, no rental, storage, repair or service.
Broadcast Studio, Commercial Radio and Television - does not include freestanding wireless communication facilities, Wall-mounted and building-mounted antennae may be approved per LDC Sec. 34-1441 et. Seq.
~~Building Materials Sales~~
Business Services Group I and II - Excluding bail bonding.
~~Bus Station/Depot~~
Cleaning and Maintenance Services.
Clothing Stores, General
Clubs: Commercial, Fraternal, Membership Organization, Private - Does not include consumption on premises indoors or outdoors.
Consumption on Premises - See Condition #13.
Contractors and Builders, Group I only (offices and indoor storage facilities, excludes any fabrication work or outdoor storage, other than parking of cars).
Cultural Facilities.
Day Care, Child, Adult.
Department Store
Drive Through Facility for Any Permitted Use.
Drugstore, Pharmacy.

Entrance Gates and Gatehouse.
~~Emergency Operations Center~~.
EMS, Fire or Sheriff's Station.
Essential Services.
Essential Services Facilities, Group I.
Excavation - Water Retention and Detention - not to include the removal of excavated material from site, no blasting.
Fences and Walls.
Food and Beverage Service, Limited.
Food Stores, Group I - Not including Group II (freezer and locker meat provisioner).
Funeral Home and Mortuary - Without Crematory.
Gift and Souvenir Shop.
~~Hardware Store~~
Heath Care Facilities, Group III.
Hobby, Toy and Game Shops - No outdoor storage or display.
Hospice, Limited to lots 5 and 6. Limited to 50 beds.
Household and Office Furnishings, Group I and II. Excluding Group III (hot tub and spas, swimming pools, prefabricated). No outdoor storage or display.
Insurance Companies
Lawn and Garden Supply Stores - No outdoor display or storage.
Library
Maintenance Facility, Government
Medical Office
Motion Picture Production Studio
Nonstore Retailers, All Groups.
Casino-style games are prohibited.
Paint, Glass and Wallpaper - No outdoor display or storage.
Parking Lot, Accessory, Commercial, Garage, Public Parking, Temporary.
Personal Services, Group I, II, III, IV - excluding Massage Parlors, Steam or Turkish Baths, Escort Services, Palm Readers, Fortunetellers or Card Readers, Tattoo Parlors.
Pet Services - no outdoor runs, completely enclosed facilities.
Pet Shop - no outdoor runs, completely enclosed facilities.
Place of Worship
Plant Nursery
Post Office
Printing and Publishing
Real Estate Sales Office
Recreation, Facilities, Commercial. Group I, Group III , Group IV - Casino-style games are prohibited.
Recreation Facilities, Personal, Private On Site, Private Off Site.
Religious Facilities
Rental or Leasing Establishments, Group I, II and III. Excluding Recreation Vehicles and Utility Trailers.
Repair Shops, Group I and II.
Research and Development Laboratories, Groups II and IV.
Restaurant, Fast Food - No stand alone fast food. No drive through for this

use. Fast food permitted within a multi-occupancy building only.
Restaurants, Group I, II, III, IV
Retail and Wholesale Sales, when clearly incidental and subordinate to a permitted principal use only.
Schools: Commercial, Noncommercial
Signs per Chapter 30 LDC
Social Services, Group I and II
Specialty Retail Shops, All Groups. Excluding Ammunition, Firearms, Hunters Equipment.
Studios
Temporary uses - limited to construction trailers, real estate sales offices.
Transportation Services, Group II (Automobile). No Group III (Bus).
Used Merchandise Stores, Group I and II only. - excluding pawnshops. No Group III (Automotive) and No Group IV (Building Materials)
Warehouse, Miniwarehouse, Private, Public - limited to 10,000 square feet of floor area for the entire CPD.
Wholesale Establishments, Group I and III. Indoor establishments only. No open storage, display or Group IV wholesale establishments.

RPD

Accessory Uses and Structures.
Administrative Office
Assisted Living Facility (see condition 1 for density)
ATM *
Banks and Financial Establishments, Group I *
Consumption on Premises - See Condition 13. *
Continuing Care Facility (see condition 1 for density)
Dwelling Unit - Townhouse, Multifamily (see condition 1 for density)
Entrance Gates and Gatehouses
Essential Services.
Essential Services Facilities, Group I.
Excavation - Water Retention and Detention - not to include the removal of excavated material from site, no blasting.
Fences and Walls
Food and Beverage Service, limited *
Food Stores, Group I *
Health Care Facilities, Group I and II only. *
Home Occupation
Independent Living Units (see condition 1 for density)
Laundry or Dry Cleaning, Group I *
Medical Office *
Models: Model Unit (see condition 7)
Nonstore Retailers, Group II *
Parking Lot, Accessory, Temporary
Personal Services, Group I *
Pharmacy *
Recreation Facilities, Private, On Site. *
Residential Accessory Uses

Restaurants, Group I and II *
Signs per Chapter 30 LDC
Temporary uses - limited to construction trailers, real estate sales offices.

** Commercial uses listed above are accessory to the assisted living (ALF, CCF, and/or ILU) use only.*

Site Development Regulations

RPD
Assisted Living Facility (ALF)/Continuing Care Facility(CCF)/Independent Living Unit (ILU)

Lot Size

Minimum Lot Area:	10,000 square feet
Minimum Lot Depth:	100 feet
Minimum Lot Width:	100 feet

Setbacks

Street (public)	25 feet
Street (private)	20 feet
Side	10 feet
Rear	20 feet
Water body	20 feet

Lakes Park Setback (north boundary line)

Building: 75 feet (for maximum 45 feet in building height)
50 feet (for maximum 35 feet in building height)
40 feet (for maximum 25 feet in building height)

Minimum 30-foot building perimeter setback on the east, west and south boundaries of the subject property.

Accessory uses and setbacks must comply with the Land Development Code (LDC) Sec. 34-1174 et. seq. and LDC Sec. 34-2194.

Minimum building separation:	One half the sum of height of both buildings, or 20 feet, whichever is greater. Buildings exceeding 35 feet in height must maintain additional building separation and setbacks as regulated by Land Development Code (LDC) Sec. 34-2174(a) and Sec. 34-935(e)(4)
Maximum Lot Coverage	60%
Maximum Height	45 feet

RPD
Multi-Family, Clubhouse, Recreational Facility

Lot Size

Minimum Lot Area:	10,000 square feet
Minimum Lot Depth:	100 feet
Minimum Lot Width:	100 feet

Setbacks

Street (public)	25 feet
Street (private)	20 feet
Side	10 feet
Rear	20 feet
Water body	20 feet

Lakes Park Setback (north boundary line)

Building: 75 feet (for maximum 45 feet in building height)
50 feet (for maximum 35 feet in building height)
40 feet (for maximum 25 feet in building height)

Common Parking Areas may not be located closer than 100 feet to Lake Park's property line. (Not applicable when residential units are placed between Lakes Park property and the common parking areas for the RPD.)

Minimum 30-foot building perimeter setback on the east, west and south boundaries of the subject property.

Accessory uses and setbacks must comply with the Land Development Code (LDC) Sec. 34-1174 et. seq. and LDC Sec. 34-2194.

Minimum building separation: One half the sum of height of both buildings, or 20 feet, whichever is greater. Buildings exceeding 35 feet in height must maintain additional building separation and setbacks as regulated by Land Development Code (LDC) Sec. 34-2174(a) and Sec. 34-935(e)(4)

Maximum Lot Coverage 60%

Maximum Height 45 feet

RPD
Townhouse

Lot Size

Minimum Lot Area:	2,000 square feet
Minimum Lot Depth:	100 feet
Minimum Lot Width:	20 feet

Setbacks

Street (public)	25 feet
Street (private)	20 feet
Side	5/0 feet
Rear	15 feet
Water body	20 feet

Lakes Park Setback (north boundary line)

Building: 75 feet (for maximum 45 feet in building height)
50 feet (for maximum 35 feet in building height)
40 feet (for maximum 25 feet in building height)

Common Parking Areas may not be located closer than 100 feet to Lake Park's property line. (Not applicable when residential units are placed between Lakes Park property and the common parking areas for the RPD.)

Minimum 30-foot building perimeter setback on the east, west and south boundaries of the subject property.

Accessory uses and setbacks must comply with the Land Development Code (LDC) Sec. 34-1174 et. seq. and LDC Sec. 34-2194.

Minimum building separation: One half the sum of height of both buildings, or 20 feet, whichever is greater. Buildings exceeding 35 feet in height must maintain additional building separation and setbacks as regulated by Land Development Code (LDC) Sec. 34-2174(a) and Sec. 34-935(e)(4)

Maximum Lot Coverage 60%

Maximum Height 45 feet

CPD
Commercial uses

Lot Size	
Minimum Lot Area:	10,000 square feet
Minimum Lot Depth:	100 feet
Minimum Lot Width:	100 feet
Setbacks	
Street (public)	25 feet
Street (private)	20 feet
Side	10 feet
Rear	15 feet
Water body	20 feet

Accessory uses and setbacks must comply with the Land Development Code (LDC) Sec. 34-1174 et. seq. and LDC Sec. 34-2194.

Minimum building separation:	One half the sum of height of both buildings, or 20 feet, whichever is greater. Buildings exceeding 35 feet in height must maintain additional building separation and setbacks as regulated by Land Development Code (LDC) Sec. 34-2174(a) and Sec. 34-935(e)(4)
Maximum Lot Coverage	60%
Maximum Height	45 feet

3. **CONCURRENCY**

Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements, including traffic concurrency, prior to issuance of a local development order.

4. **TRAFFIC**

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.

5. **LEE PLAN**

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 (for commercial uses), as well as all other Lee Plan provisions.

6. **NO BLASTING**

No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.

7. **MODEL UNITS**

A. Model units are limited to a maximum of 8.

B. Models cannot be of the same floor plan and each must be a different design.

C. Real estate sales are limited to administrative offices, within model units and within the Commercial Planned Development (CPD)

D. Real estate sales within the residential area will be limited to the sale of lots or units within the development only. Real estate sales in the CPD area are not limited.

E. Hours of operation for model homes and real estate sales in the residential area are limited to Monday through Sunday 8 a.m. to 8 p.m. Real estate sales in the commercial area (CPD) are not limited.

F. No dry models are permitted.

8. **WATER AND SEWER**

Development of this project must connect to both public water and public sewer. At time of local development order, the developer must also demonstrate there is adequate water and sewer capacity to handle level of development as proposed in the development order submital.

9. **ACCESSORY USES**

Accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.

10. **SIDEWALKS**

Development must include internal sidewalks, as a site-related improvement. Such facilities must be included in local development orders as part of construction of the project's infrastructure.

11. **SOLID WASTE/RECYCLING**

As part of any local Development Order approval for vertical development, the developer must include facilities in compliance with LDC Section 10-261 and Solid Waste Ordinance # 08-10 for the pick-up/disposal of solid waste and recyclables. The minimum area required for, and specific locations of, these facilities will be reviewed at the time of local Development Order application.

12. **CASINO-STYLE GAMES**

Casino-style games are prohibited in both the RPD and the CPD.

13. **CONSUMPTION ON PREMISES**

A. Consumption on premises is limited to indoor seating in conjunction with a Group II or III Restaurant with a 4-COP-SRX and/or 2-COP beverage license.

B. The hours of operation for indoor consumption on premises is limited to between 11:00 am to 11:00 pm daily.

C. No sale, service or consumption of alcoholic beverages will be permitted without the sale or availability of food and non-alcoholic beverages on the same premises.

D. Outdoor consumption on premises within the CPD and/or RPD may be approved by a special exception or an amendment to the Planned Development. A public hearing will be required. The applicant must provide adequate detail of the outdoor seating area (square footage, number of seats, proposed hours, distance to Lakes Park, outdoor entertainment, etc.) consistent with the requirements of the Land Development Code.

14. **HURRICANE SHELTER**

An on-site hurricane shelter must be provided as part of any ALF, CCF and/or ILU development on the subject property to house all residents during storm events. On-site shelters and all required equipment and supplies for these facilities must comply with the following standards, as well as other standards required by the LDC:

A. Elevation to the anticipated storm surge from a land falling Category 5 storm.

B. Construction to withstand winds of 200 mph in accordance with the Florida Building Code.

C. Construction with minimum exterior glass with all glazed openings provided with impact protection in accordance with the Florida Building Code.

D. Equipped with emergency power and potable water supplies to last up to five days.

E. Protected with adequate ventilation, sanitary facilities, and first aid medical equipment.

15. **HURRICANE PLAN**

A. The developer, his successors or assigns, will provide an educational program on an annual basis, in conjunction with the staff of the Lee County Emergency Management Department, which will provide literature, brochures, and speakers for Hurricane Awareness/Preparedness seminars describing the risks of natural hazards.

B. The developer, his successors or assigns, will formulate an emergency hurricane notification and evacuation plan for the development, which will be subject to review and approval by the Lee County Department of Emergency Management.

C. The developer will coordinate with the Division of Public Safety of the Lee County Emergency Management Department in determining and participating in a means to lessen its adverse impacts on the County's hurricane preparedness process and public safety and it will comply with the Hurricane Shelter Ordinance.

16. **FEMA FLOODWAY AREA**

No fill within the FEMA floodway areas will be allowed. The fill (encroachment) included, but not limited to raising vegetative buffer zones, constructing perimeter berms, or any structure/fill that would hinder flow within the FEMA floodway. If any future plan change involves a fill/encroachment to the floodway, the applicant must submit and get approval of either LOMR or No Rise Certification from appropriate agencies.

17. **ACCESS TO LAKES PARK**

The design and construction of the pedestrian access from the development to Lakes Park is subject to approval by the Lee County Department of Public Works during the local development order review process. The developer is responsible for all costs associated with the design and construction of this access. The access will be gated and locked daily from dusk to 7 a.m.

18. **OPEN SPACE**

Prior to local development order approval, the development order plans must delineate a minimum 12.99 acres of open space in compliance with the approved Master Concept Plan Open Space Table.

19. INDIGENOUS PRESERVATION

Prior to local development order approval, development order plans must depict preservation in substantial compliance with the approved MCP to include:

- a minimum 1.19 acres existing pine-mesic oak upland (minimum 1.6 acres with credits taken); and
- a minimum 0.09 acre existing marsh wetland; and
- a minimum 0.67 acre indigenous creation/restoration area to provide minimum 15 foot, average 25 foot wide upland buffers to the on-site wetland preserves and off-site conservation lands.

Prior to local development order approval, landscape plans must depict the indigenous creation/restoration areas to be planted per the approved Indigenous Restoration Plan

Prior to local development order approval, an Indigenous Management Plan for the indigenous preservation and creation/restoration areas meeting the requirements of LDC Section 10- 415(b)(4) must be submitted for of Environmental Sciences staff review.

Prior to local development order approval, development order plans must depict a minimum 20 foot building and accessory structure setback to indigenous preservation and creation/restoration areas.

20. PROTECTED SPECIES

Prior to local development order approval, American alligator and listed wading bird species management plans meeting the requirements of Land Development Code Section 10-474 must be submitted for review and approval by the Division of Environmental Sciences staff. The management plans must include information for residents on the importance of the littoral areas and adjacent preserves for providing nesting and forging habitat. In addition, the development order plans must depict the appropriate locations and details of signage that identify alligators may be present and inform it is dangerous and illegal to feed or harass alligators.

21. INDIGENOUS RESTORATION PLAN

Prior to final adoption of a zoning resolution the Indigenous Restoration Plan (ATTACHMENT C) be revised for consistency with the approved MCP.

22. LANDSCAPE BUFFER EXHIBIT

Prior to final adoption of a zoning resolution the Landscape Exhibit (ATTACHMENT D) be revised as follows:

- Landscape Buffer Exhibit revised to depict a minimum 5 canopy live oak

(Quercus virginiana) trees per 100 linear feet, installed at minimum 14 foot heights with minimum 6 foot crown spread along the exterior side of the buffer and a minimum 7 midcanopy pigeon plum (Coccoloba diversifolia) per 100 linear feet, installed at minimum 10 foot heights with minimum 3-4 foot crown spread along the interior side of the buffer. Not OA (on averages).

- Landscape Buffer Exhibit revised to depict 20 sabal palms per 100 linear feet, staggered row of 14'- 20'CT, remove "salvaged from site".

23. BUFFER CONDITIONS

Prior to local development order approval, landscape plans must depict buffers provided in substantial compliance with the approved Master Concept Plan and Landscape Exhibit and to also provide:

- One gallon, installed 3 foot on center groundcover plantings along the interior side of the 30 foot wide Type F buffer within the RPD; and

- If parking areas are proposed adjacent to the RPD north property line then each required 18 foot wide island abutting the 30 foot Type F buffer must be planted with one native canopy tree, minimum 10 feet in height and native grasses, 1 gallon container size installed 2 foot on centers; and

- Required Type F buffer vegetation to be measured from the final grade of the on-site adjacent parking lot and/or roadway, if the buffer is abutting proposed parking area and/or roadway; and

- Required Type F buffer trees installed in a configuration to provide a continuous visual canopy screen within one year after time of planting. If a continuous visual canopy screen is not obtained within one year after time of planting than additional trees may be required; and

- Required Type F buffer trees and palms must not be pruned to reduce height or canopy spread.

24. LAKES PARK/WILDLIFE PROTECTION

Prior to local development order approval, development order plans must depict:

- Lighting of pedestrian and parking areas for any permitted use must be directed internally to the site. Parking lot areas must be illuminated with enough intensity to create secure areas consistent with the LDC; and

- Except as provided herein, parking lot lamps on all parcels must be hooded or globed and must not exceed 20 feet in height. Parking lot lamps must not exceed 16 feet in height within the RPD parcel if located between residential buildings structures and north property line abutting Lakes Park and within CPD lots 6 and 7 if located between commercial buildings and the east property line abutting the off-site county owned preserve; and

- Mercury vapor lamps/lights are prohibited.

Prior to local development order approval, development plans for buildings within the RPD/CPD must be reviewed by ES staff for the utilization of window treatment to reduce or break up window panel reflection in order to decrease the potential of bird strikes. Examples of acceptable window treatment may include the use of non-reflective tinting, ultraviolet reflective decals, exterior sun shades or similar treatments. This condition is applicable to the window and/or door panels on the northern building facades facing Lakes Park within the RPD parcel and on the eastern building facades facing the offsite county owned preserve within the CPD parcel lots 6 and 7.

B. Deviation

Deviation #1 requests relief from Sec. 10-285(a) Table 1 requirement for 660-foot connection separation on an arterial road to allow 628 feet of separation on Gladiolus Drive.

This same deviation and same access point were approved for the Gladiolus RPD per Zoning Resolution #Z-04-43. This was a development for 275 dwelling units. The access is similar in configuration on this application (2 access points). The applicant wishes to maintain this access arrangement and a deviation is still needed. Lee County Department of Transportation (LCDOT) staff reviewed the request, and had no objections to the access points as proposed. Staff recommends **APPROVAL** of the request.

C. Findings and Conclusions:

Based upon an analysis of the application and the standards for approval of planned development rezonings, staff makes the following findings and conclusions:

1. As conditioned, the applicant has proven entitlement to the Rezoning to RPD/CPD by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.

2. The requested zoning, as conditioned:

   a) meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;

   b) is consistent with the densities, intensities and general uses set forth in the Lee Plan specifically Policy 1.1.3, Policy 1.5.1, Policy 1.7.6, Objective 2.1, Objective 2.2, Policy 2.1.2, Policy 4.1.1, Policy 4.1.2, Policy 5.1.2, Policy 5.1.3, Policy 5.1.5, Policy 5.1.6, Policy 5.1.7,, Policy 6.1.1., Policy 6.1.2, Policy 6.1.3, Policy 6.1.6, Policy 6.1.7, Standard 11.1 Standard 11.2, Policy 39.1.4, Goal 77, Objective 77.3, Policy 77.3.4, Goal 84, Policy 84.1.1, Goal 105, Objective 105.1, Policy 105.1.5, Goal 107, Policy 107.2.2, Policy 107.2.8, Policy 107.2.10, Policy 107.3.1, Objective 107.4, Policy 107.4.3, Policy 107.4.4, Goal 110, Policy 110.1.4, Goal 114, Objective 114.1, Policy 114.1.1, Policy 114.1.2,, Policy 135.9.5 & Policy 135.9.6.

c) is compatible with existing or planned uses in the surrounding area; and

d) will not adversely affect environmentally critical areas or natural resources.

3. As conditioned, approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.

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

5. The proposed mix of uses is appropriate at the subject location, as conditioned.

6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.

7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

8. The deviation requested, as conditioned:

   A. enhances the planned development; and

   B. preserves and promotes the general intent of the LDC to protect the public health, safety and welfare.

III. BACKGROUND INFORMATION AND ANALYSIS:

This is a request to rezone a Residential Planned Development (RPD) to a Residential Planned Development and Commercial Planned Development (RPD/CPD). The whole property is +/- 32.54 acres.

The proposed RPD zoning is for multi-family - with either assisted living or multi-family housing - on +/- 21.75 acres of land. The maximum number of multi-family dwelling units proposed is 190, or 8.73 units per acre. The applicant proposes a maximum of 300 independent living units (ILU) plus a maximum of 160 assisted living facility/continuing care facility units (ALF/CCF), equivalent to 190 standard dwelling units per the Lee County Land Development Code (LDC). Assisted Living Facility/Continuing Care Facility (ALF/CCF) units are calculated at a 4:1 equivalency ratio, while Independent Living Units (ILU) are calculated at a 2:1 equivalency ratio, per the Lee County LDC.

The applicant also proposes a commercial planned development (CPD) on +/- 10.79 acres, with a maximum of 100,000 square feet of commercial floor area, of which 25,000 square feet may be commercial retail.

The maximum building height, for any use, is 45 feet.

The application was received by staff February 9, 2009 and found sufficient for hearing January 22, 2010.

The property is in the Coastal High Hazard Zone. It is also within a "Tropical Storm" storm surge area. Land Development Code (LDC) Section 2-485(b)(5) requires assisted living and continuing care facilities to provide a hurricane shelter for the residents of such facilities. Staff recommends conditions consistent with this requirement and consistent with protecting public safety per the Lee Plan.

The property is served by Lee County Utilities for both potable water and sanitary sewer service. It is served by the South Trail Fire District and is in proximity to Lakes Park, a regional park.

Issues with development of this property include compatibility with Lakes Park, buffering, the commercial schedule of uses, environmentally-sensitive lands, public safety issues with assisted living in the Coastal High Hazard Zone, and potential traffic issues on Gladiolus Drive. Staff recommends approval, with conditions which adequately address the issues identified.

Master Concept Plan

The master concept plan is a 1-page document showing access points on Gladiolus Drive, the location of commercial development, and conceptual buildings and development areas for the residential development. The master concept plan shows two access points on Gladiolus Drive, buffers, lake, parking, internal roads, and wetland and indigenous preserve areas. To the north a pedestrian access point is shown in relation to Lakes Park. There is a 10.79-acre commercial development on the south of the property. Building details are shown in "Typicals", as are service area details. The residential portion, 21.75 acres, has conceptual locations for three buildings - which could be assisted living or other multi-family products. Development regulations above further dictate setbacks, buffers, and other elements to address substantive issues with the development.

Zoning History

A special permit in a GU zone (now called the AG zone) for the storage of motor homes, boat trailers, boats, and travel trailers was approved July 14, 1975. This was prior to Lakes Park's construction. The AG-2 property was rezoned to CPD per Zoning Resolution #Z-04-043, Gladiolus RPD, approved August 30, 2004. This permitted 275 multi-family dwelling units on +/- 32.54 acres of land, about 8.45 units per acre. The maximum building height approved was 3 stories/45 feet. Administrative Amendment #ADD2006-00184 was approved April 4, 2007. This amendment changed the configuration of the buildings, limited height for some buildings, and provided for back-out parking. The request is a rezoning, not an amendment, of the zoning of this property. The prior zoning will become null and void, should the rezoning request be approved with conditions.

Lee Plan Acreage Allocation

POLICY 1.7.6: *The Planning Communities Map and Acreage Allocation Table (see Map 16 and Table 1(b) and Policies 1.1.1 and 2.2.2) depicts the proposed distribution, extent, and location of generalized land uses for the year 2020. Acreage totals are provided for land in each Planning Community in unincorporated Lee County. No final development orders or extensions to final development orders will be issued or approved by Lee County which would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded.*

The subject property is located in the South Fort Myers Planning Community. The Planning Community Year 2030 Allocations indicate that 3,140 acres in the Central Urban Future Land Use category for this community have been allocated for residential uses, and 2,781 acres have been inventoried by the Planning Division staff. This leaves 359 remaining to be allocated for residential uses in this Future Land Use category.

The Planning Community Year 2030 Allocations also indicate that 2,100 acres for South Fort Myers have been allocated for commercial uses. Lee County Planning staff have inventoried 1,462 acres of commercial uses in this community, leaving 638 acres remaining.

See Lee Plan Table 1B, Year 2030 Allocations. Staff finds the request **CONSISTENT** with the allocations for the Planning Community of South Fort Myers. This finding is not a guarantee that there will be sufficient allocation for residential or commercial development in the future. Such a determination will be made at time of local development order.

Lee Plan Considerations

POLICY 1.1.3: *The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre). (Amended by Ordinance No. 94-30, 02-02)*

This is proposed residential and commercial development in an urban future land use category, within the urban core of the county. As is described above, the property is heavily settled, and has access to all urban services. The density requested (over 8 units per acre) is under the maximum allowed (10 units per acre) without bonus density. No bonus density is proposed. The existing RPD allowed almost the same residential density as is proposed here, without an assisted living facility option. The request also includes commercial development, including a mix of office, business services, and retail uses, also appropriate for land within the Central Urban Future Land Use category. The rezoning is **CONSISTENT** with **Policy 1.1.3** as conditioned.

POLICY 1.5.1: *Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 114 of this plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII of this plan. (Amended by Ordinance No. 94-30)*

The proposed development tries to incorporate preservation of existing wetlands to the maximum extent possible. One wetland is proposed to be impacted. Conditions are recommended to address wetland issues, as well as FEMA floodway issues (on the western boundary). Also see Environmental Sciences' analysis. The rezoning is **CONSISTENT** with **Policy 1.5.1** as conditioned.

OBJECTIVE 2.1: DEVELOPMENT LOCATION. *Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities. (Amended by Ordinance No. 94-30, 00-22)*

OBJECTIVE 2.2: DEVELOPMENT TIMING. *Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in FS 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrence Management Ordinance. (Amended by Ordinance No. 94-30, 00-22)*

The property has Residential Planned Development (RPD) zoning and is still infill development where development and infrastructure already exist. This proposed rezoning is **CONSISTENT** with **Objective 2.1** and **Objective 2.2.** of the Lee Plan.

POLICY 2.2.1: *Rezonings and development-of-regional-impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare. (Amended by Ordinance No. 94-30, 00-22)*

The property has access on an arterial road (Gladiolus Drive) and is in proximity to other arterial roads such as US 41 and Summerlin Road. The property has access to water and sewer service, EMS, fire, police protection and other public facilities. As conditioned, it is compatible with surrounding uses, including a regional park and residential uses. The property is in the Coastal High Hazard Area. As such, conditions are proposed by staff to address public health, safety and welfare issues. The rezoning is **CONSISTENT** with **Policy 2.2.1** as conditioned.

POLICY 4.1.1: *Development designs will be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements.*

(Amended by Ordinance No. 91-19, 00-22)

POLICY 4.1.2: *Development designs will be evaluated to ensure that the internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive effect on the activities and functions contained within or adjacent to the development. (Amended by Ordinance 91-19, 00-22)*

The proposed master concept plan provides for a commercial and residential development, with two access points on Gladiolus Drive. These access points are similar to those approved under its current zoning. The design incorporates environmentally sensitive areas to the east and west, as well as buffering to the north for Lake Park. The plan was reviewed by both environmental and traffic staff. As conditioned, the development is properly designed and will not have an adverse impact on traffic or surrounding land uses. The rezoning is **CONSISTENT** with **Policy 4.1.1.** and **4.1.2** as conditioned.

POLICY 5.1.2: *Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.*

Under current zoning, 275 multi-family dwelling units can be built. The applicant proposes 190 dwelling units, with an assisted living facility option. The residential density proposed, about 8.7 units per acre, is close to the density presently allowed - 8.45 units per acre. Since the property is within a Coastal High Hazard Area and in a Tropical Storm surge area, the maximum density is not appropriate. Staff can recommend conditions, consistent with Lee Plan and LDC requirements, for assisted living within high hazard areas. Staff has also included conditions - similar to those approved with the current zoning - to address hurricane preparedness. The rezoning is **CONSISTENT** with **Policy 5.1.2** as conditioned.

POLICY 5.1.3: *During the rezoning process, direct high-density residential developments to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities. (Amended by Ordinance No. 94-30)*

The proposed development, with over 8 dwelling units per acre, is in close proximity to retail, office, parks and schools in South Fort Myers. It is adjacent to a regional park. It is in relative proximity to Lee Tran Routes 50, 130 and 140. There are sidewalks on Gladiolus Drive, and staff recommends conditions regarding internal sidewalks and interconnection to the park. The rezoning is **CONSISTENT** with **Policy 5.1.3** as conditioned.

POLICY 5.1.5: *Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the*

application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments. (Amended by Ordinance No. 94-30, 99-15, 00-22)

The property is next to a preserve area to the east, flow way to the west, and regional park to the north. Intensive office, retail, and residential uses are relatively nearby the property. The master concept plan includes adequate buffering, with conditions, to address nearby uses. The schedule of uses is generally appropriate, with conditions and some limitations. Some of the uses proposed could have negative impacts on the regional park and residential uses nearby. Also see compatibility analysis below. The rezoning is **CONSISTENT** with **Policy 5.1.5** as conditioned.

POLICY 5.1.6: *Maintain development regulations that require high-density, multi-family, cluster, and mixed-use developments to have open space, buffering, landscaping, and recreation areas appropriate to their density and design. (Amended by Ordinance No. 94-30)*

This proposed development includes an option for multi-family development or an assisted living facility within the RPD. Adequate open space and buffering are provided, as conditioned. The rezoning is **CONSISTENT** with **Policy 5.1.6** as conditioned.

POLICY 5.1.7: *Maintain development regulations that require that community facilities (such as park, recreational, and open space areas) in residential developments are functionally related to all dwelling units and easily accessible via pedestrian and bicycle pathways. These pathways must be interconnected with adjoining developments and public pathways whenever possible. Townhouses, condominiums, apartments, and other types of multi-family residential development must have directly accessible common open space. (Amended by Ordinance No. 94-30, 00-22)*

The master concept plan does not specifically address community facilities within the RPD. Such facilities could be incorporated into the design at the development order stage of development. Staff recommends conditions addressing pedestrian interconnection to Lakes Park and internal sidewalks to connect uses. Staff also recommends open space conditions in the RPD, consistent with the Land Development Code requirements. The rezoning is **CONSISTENT** with **Policy 5.1.7** as conditioned.

POLICY 6.1.1*: All applications for commercial development will be reviewed and evaluated as to: Traffic and access impacts (rezoning and development orders); Landscaping and detailed site planning (development orders); Screening and buffering (planned development rezoning and development orders) Availability and adequacy of services and facilities (rezoning and development orders); Impact on adjacent land uses and surrounding neighborhoods (rezoning); Proximity to other similar centers (rezoning); and Environmental considerations (rezoning and development orders). (Amended by Ordinance No. 00-22)*

Staff has evaluated access issues traffic issues, and the applicant's Traffic Impact Statement. Staff has also evaluated the applicant's master concept plan and proposed buffering. As conditioned, traffic impacts are addressed adequately. As conditioned, buffering is adequate to protect surrounding uses, including Lakes Park. The property is in proximity to residential uses as well. Staff has some concerns about some of the more

intensive commercial uses proposed and their impact on the surrounding area. As conditioned, there will be no deleterious impacts on surrounding uses (also see compatibility analysis below). The rezoning is **CONSISTENT** with **Policy 6.1.1** as conditioned.

POLICY 6.1.2: *All commercial development must be consistent with the location criteria in this policy, except where specifically excepted by this policy or by Policy 6.1.7, or in Lehigh Acres by Policies 1.8.1 through 1.8.3.*

This application includes a commercial component with a maximum of 25,000 square feet of commercial retail development. Commercial retail development must meet site location standards, per this policy, including access to more than one road. The property has access on Gladiolus Drive, an arterial road. The property has no direct access to other roads. Oasis Cove Boulevard, an internal road shown on the master concept plan, would need to be constructed to local road standards in order to meet commercial site location standards for a "Minor Commercial" development. Oasis Cove Boulevard provides one of two access points for the residential component. The road serves a total of seven commercial parcels, per the MCP. Oasis Cove Court is also shown on the master concept plan, interior to the development. If these roads are built to local road standards, per the LDC, then the commercial development would qualify for "Minor Commercial" centers. Minor Commercial centers may have a maximum of 30,000 square feet of retail floor space, for the sale of convenience goods and services. Minor Commercial centers can be two acres or less in size. The CPD is in excess of 10 acres. The lots to the west of Oasis Cove Boulevard and lots west of Oasis Cove Boulevard have enough acreage to qualify for "Minor" commercial developments. The Planning Division reviewed the application and had no comments. As such, the rezoning is **CONSISTENT** with **Policy 6.1.2** as conditioned.

POLICY 6.1.3: *Commercial developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as commercial planned developments designed to arrange uses in an integrated and cohesive unit in order to: provide visual harmony and screening; reduce dependence on the automobile; promote pedestrian movement within the development; utilize joint parking, access and loading facilities; avoid negative impacts on surrounding land uses and traffic circulation; protect natural resources; and provide necessary services and facilities where they are inadequate to serve the proposed use. (Amended by Ordinance No. 94-30, 00-22)*

The proposed development includes a commercial planned development. The site plan is done in a logical manner with commercial uses on Gladiolus on a number of parcels. Buffers are adequate, as conditioned, to provide screening and visual harmony. Access is adequate and pedestrian movement to and from uses (and connecting parcels) is possible. Natural resources are adequately protected, including wetlands and flow ways. The rezoning is **CONSISTENT** with **Policy 6.1.3** as conditioned.

POLICY 6.1.4: *Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities.*

As conditioned, the proposed development is compatible with the mix of uses including the regional park, residential development and commercial uses on Gladiolus Drive. There are

already public facilities, such as road and utilities, serving this urban part of the county. The rezoning is **CONSISTENT** with **Policy 6.1.4** as conditioned.

POLICY 6.1.6: *The land development regulations will require that commercial development provide adequate and appropriate landscaping, open space, and buffering. Such development is encouraged to be architecturally designed so as to enhance the appearance of structures and parking areas and blend with the character of existing or planned surrounding land uses.*

The proposed development provides adequate landscaping, buffering, and open space, as conditioned. Commercial development must be consistent with architectural standards per Chapter 10 of the Land Development Code. As conditioned, the development will blend in and enhance the character of the neighborhood, which includes Lakes Park. Also see Environmental Sciences' comments. As conditioned, this request is **CONSISTENT** with **Policy 6.1.6** of the Lee Plan.

POLICY 6.1.7: *Prohibit commercial developments from locating in such a way as to open new areas to premature, scattered, or strip development; but permit commercial development to infill on small parcels in areas where existing commercial development would make a residential use clearly unreasonable.*

The application places commercial uses on an infill area on an arterial road. The design does not promote a typical strip development, and buffers are adequate to make the commercial development attractive. The rezoning is **CONSISTENT** with **Policy 6.1.7** as conditioned.

STANDARD 11.1: WATER. *Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross loadable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Chapter 17-22, FAC.).*

STANDARD 11.2: SEWER. *Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.*

The applicant provided documentation from Lee County Utilities that the property has access to potable water and sanitary sewer service and has the capacity to serve the proposed uses. This rezoning is **CONSISTENT** with water and sewer standards of the Lee Plan.

POLICY 39.1.4*: Main access points from new development will not be established where traffic is required to travel through areas with significantly lower densities or intensities (e.g. multifamily access through single-family areas, or commercial access through residential areas) except where adequate mitigation can be provided. (Amended and Relocated by Ordinance No. 99-15)*

The CPD portion is at the entrance to Gladiolus Drive and the residential units are internal to the development. The development is designed to have traffic travel from higher intensity

to lower intensity. The rezoning is **CONSISTENT** with **Policy 39.1.4** as conditioned.

GOAL 77: DEVELOPMENT DESIGN REQUIREMENTS. *To require new development to provide adequate open space for improved aesthetic appearance, visual relief, environmental quality, preservation of existing native trees and plant communities, and the planting of required vegetation. (Amended by Ordinance No. 94-30, 02-02)*

OBJECTIVE 77.3: *New developments must use innovative open space design to preserve existing native vegetation, provide visual relief, and buffer adjacent uses and proposed and/or existing rights-of-way. This objective and subsequent policies are to be implemented through the zoning process. (Added by Ordinance No. 02-02)*

POLICY 77.3.4: *The county encourages new developments to incorporate large, contiguous open space areas in the development design. (Added by Ordinance No. 02-02)*

This development will provide large areas of open space, as conditioned. Also see Environmental Sciences' report. This request is **CONSISTENT** with **Goal 77** and associated objectives and policies, as conditioned.

GOAL 84: REGIONAL PARKS*. To preserve a portion of the county's natural environment to augment that which is set aside by the state of Florida and the federal government, in order to preserve natural habitats, protect the water supply, and preserve the natural heritage; and to make these natural resources available to the general public for resource-based recreational activities, enjoyment of nature, and educational enrichment.*

POLICY 84.1.1: *Regional parks will be resource-based facilities which preserve natural amenities. Lee County will avoid locating incompatible uses in regional parks. (Amended by Ordinance No. 94-30, 00-22)*

Lakes Park, a regional facility, is directly north of the subject property (See compatibility analysis below). The applicant has proposed residential uses which are compatible with the park, as conditioned. Most of the commercial office and retail uses are compatible with the regional park. Conditions are recommended by staff to address compatibility with the regional park. The rezoning is **CONSISTENT** with **Goal 86** and **Policy 84.1.1** as conditioned.

GOAL 105: PROTECTION OF LIFE AND PROPERTY IN COASTAL HIGH HAZARD AREAS. *To protect human life and developed property from natural disasters. (See also Goal 110.) (Amended by Ordinance No. 94-30)*

OBJECTIVE 105.1: DEVELOPMENT IN COASTAL HIGH HAZARD AREAS*. Development seaward of the 1991 Coastal Construction Control Line will require applicable State of Florida approval; new development on barrier islands will be limited to densities that meet required evacuation standards; new development requiring seawalls for protection from coastal erosion will not be permitted; and allowable densities for undeveloped areas within coastal high hazard areas will be considered for reduction. (Amended by Ordinance No. 92-35, 93-25, 94-30, 00-22)*

POLICY 105.1.5: *Zoning requests located in the coastal high hazard area will be*

considered for reduced or minimum density assignments, in accordance with their future land use category density range. This evaluation should be done in concert with an evaluation of other individual characteristics such as compatibility with existing uses, desired urban form, and availability of urban services. (Added by Ordinance No. 05-19)

The property is located entirely within the Coastal High Hazard Area per the Lee Plan. To the east is Hendry Creek. The applicant is proposing relatively high density, over 8 units per acres. This is consistent with its current zoning, though it does reduce the overall number of units from 275 to 190. The applicant also proposed an assisted living option. Staff can only recommend approval with assurance that on-site sheltering and hurricane preparedness are addressed per the LDC. The current zoning has provisions for hurricane preparedness, which should remain. The addition of an on-site shelter - for the assisted living - is consistent with conditions required for the Winkler Acre 10 RPD (DCI2007-00069) which also proposed assisted living in the high hazard zone. The rezoning is **CONSISTENT** with **Goal 105, Objective 105.1** and **Policy 105.1.5** as conditioned.

***GOAL 107: RESOURCE PROTECTION**. To manage the county's wetland and upland ecosystems so as to maintain and enhance native habitats, floral and faunal species diversity, water quality, and natural surface water characteristics.*

***POLICY 107.2.2**: Continue to provide regulations and incentives to prevent incompatible development in and around environmentally sensitive lands (as defined in Policy 107.1.1.4.b.). (Amended by Ordinance No. 94-30)*

Policy 107.1.1.4.*b. Environmentally sensitive lands will include wetlands (as defined in Objective 114.1) important plant communities (as identified by Objective 107.2); critical habitat for listed wildlife species (see also Objective 107.8 and Policies 107.4.1, 107.4.2, 107.10.4, and107.11.2); environmentally sensitive coastal planning areas (as defined in Policy 113.1.5); natural waterways; important water resources (as defined in Policy 117.1.1); storm and flood hazard areas; and Rare and Unique uplands (as defined in Objective 104.1).*

***POLICY 107.2.8:** Promote the long-term maintenance of natural systems through such instruments as conservation easements, transfer of development rights, restrictive zoning, and public acquisition. (Amended by Ordinance No. 94-30)*

***POLICY 107.2.10**: Development adjacent to aquatic and other nature preserves, wildlife refuges, and recreation areas must protect the natural character and public benefit of these areas including, but not limited to, scenic values for the benefit of future generations. (Amended by Ordinance No. 00-22)*

***POLICY 107.3.1:** Encourage upland preservation in and around preserved wetlands to provide habitat diversity, enhance edge effect, and promote wildlife conservation.*

***OBJECTIVE 107.4: ENDANGERED AND THREATENED SPECIES IN GENERAL.** Lee County will continue to protect habitats of endangered and threatened species and species of special concern in order to maintain or enhance existing population numbers and distributions of listed species.*

***POLICY 107.4.3**: Require detailed inventories and assessments of the impacts of development where it threatens habitat of endangered and threatened species and species of special concern.*

***POLICY 107.4.4**: Restrict the use of protected plant and wildlife species habitat to that which is compatible with the requirements of endangered and threatened species and species of special concern. New developments must protect remnants of viable habitats when listed vegetative and wildlife species inhabit a tract slated for development, except where equivalent mitigation is provided. (Amended by Ordinance No. 94-30, 00-22)*

The proposed development incorporates existing wetlands to the maximum extent possible. Wetland preserves, and the county's adjacent off-site wetlands to the southeast, are proposed to be buffered by either existing or created upland habitat. Protected species, including alligators and wading birds, are also addressed as conditioned. Also see Environmental Sciences' comments and conditions. The rezoning is **CONSISTENT** with **Goal 107** and associated objectives and policies as conditioned.

***GOAL 110: HAZARD MITIGATION**. To provide through county plans, programs, and regulations means to minimize future property losses from natural disasters such as flooding, tropical storms and hurricanes. (See also Goal 105.) (Amended by Ordinance No. 94-30)*

***POLICY 110.1.4:** All new residential development of more than l00 units will be required to formulate an emergency hurricane preparedness plan; this plan is subject to the approval of the Lee County Division of Public Safety. (Amended by Ordinance No. 94-30, 00-22, 07-12)*

The application includes a residential development in a high hazard zone. See the discussion per Goal 105. Staff has included a condition consistent with this goal and policy. The rezoning is **CONSISTENT** with **Goal 110** and **Policy 110.1.4** as conditioned.

***GOAL 114: WETLANDS.** To maintain and enforce a regulatory program for development in wetlands that is cost-effective, complements federal and state permitting processes, and protects the fragile ecological characteristics of wetland systems. (Amended by Ordinance No. 94-30)*

***OBJECTIVE 114.1:** The natural functions of wetlands and wetland systems will be protected and conserved through the enforcement of the county's wetland protection regulations and the goals, objectives, and policies in this plan. "Wetlands" include all of those lands, whether shown on the Future Land Use Map or not, that are identified as wetlands in accordance with F.S. 373.019(17) through the use of the unified state delineation methodology described in FAC Chapter 17-340, as ratified and amended by F.S. 373.4211. (Amended by Ordinance No. 94-30, 00-22)*

***POLICY 114.1.1:** Development in wetlands is limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions. The maximum density in the Wetlands category is one unit per 20 acres, except that one single family residence will be permitted on lots meeting the standards in Chapter XIII of this plan, and except that owners of wetlands adjacent to Intensive*

Development, Central Urban, Urban Community, Suburban, and Outlying Suburban areas may transfer densities to developable contiguous uplands under common ownership in accordance with Footnotes 8(b) and 8(c) of Table 1(a), Summary of Residential Densities. (Amended by Ordinance No. 94-30, 00-22)

POLICY 114.1.2: *The county's wetlands protection regulations will be consistent with the following: 1. In accordance with F.S. 163.3184(6)(c), the county will not undertake an independent review of the impacts to wetlands resulting from development in wetlands that is specifically authorized by a DEP or SFWMD dredge and fill permit or exemption. 2. No development in wetlands regulated by the State of Florida will be permitted by Lee County without the appropriate state agency permit or authorization. 3. Lee County will incorporate the terms and conditions of state permits into county permits and will prosecute violations of state regulations and permit conditions through its code enforcement procedures. 4. Every reasonable effort will be required to avoid or minimize adverse impacts on wetlands through the clustering of development and other site planning techniques. On- or off-site mitigation will only be permitted in accordance with applicable state standards. 5. Mitigation banks and the issuance and use of mitigation bank credits will be permitted to the extent authorized by applicable state agencies. (Amended by Ordinance No. 94-30, 00-22, 07-12)*

The proposed development incorporates natural features, such as existing wetlands, to the maximum extent possible. Also see discussion under Goal 107 and the Environmental Sciences' report. The rezoning is **CONSISTENT** with **Goal 114, Objective 114.1, Policy 114.1.1** and **Policy 114.1.2.**

POLICY 135.9.5: *New development adjacent to areas of established residential neighborhoods must be compatible with or improve the area's existing character.*

POLICY 135.9.6: *Lee County will administer the planning, zoning, and development review process in such a manner that proposed land uses acceptably minimize adverse drainage, environmental, spatial, traffic, noise, and glare impacts, as specified in county development regulations, upon adjacent residential properties, while maximizing aesthetic qualities.*

There are residential uses to the northwest, and south of Gladiolus from this development. Residential uses can be found throughout Gladiolus, Winkler Road and the surrounding road network. The proposed development is in the urban core, and commercial and residential development is consistent with this pattern. Staff has attempted to address some of the more intensive uses which may create compatibility problems with the regional park and surrounding residential uses. Conditions are also proposed to address drainage, noise, and maximize aesthetic qualities. The rezoning is **CONSISTENT** with **Policy 139.95** and **139.96** as conditioned.

Compatibility Analysis

The South Fort Myers Planning Community is described in the Lee Plan as follows:

South Fort Myers *- This Community is located in the center of Lee County. South of the City of Fort Myers, east of the Caloosahatchee River, west of the Six Mile Cypress Slough, and north of Gladiolus Drive. This community primarily has the higher intensity land use*

categories such as Intensive Development, Central Urban, Urban Community, Industrial Development, and Suburban. This community contains one of the county's major hospitals, a baseball spring training facility, and the local community college. This community will be nearly built out by the year 2020. The South Fort Myers Community will continue to be a core area of the county providing office area for professional services in areas such as financial and medical. There will also be an increased amount of commercial activity along the US 41 corridor and light industrial uses will continue to expand along the Metro Avenue corridor north of Daniels Parkway. The amounts of commercial and industrial uses in this community are expected to double and most of the suitable land for these uses will be developed by 2030.

The residential areas of this community will also continue to develop through the year 2030 however the popularity of the residential opportunities to the south in the San Carlos/Estero and Bonita communities will continue to dominate this segment of the market. (Added by Ordinance No. 99-15, Amended by Ordinance No. 07-12)

NORTH of the subject property is Lakes Park, a regional park. Lakes Park began as a man-made area where rock was quarried during the 1960's. These lakes cover 158 acres of the 279-acre facility.

Lakes Park is an active park with picnic facilities, trails, boat and bike rentals, a miniature railroad, playgrounds, and other amenities for the general public to enjoy. In 1982 ground was broken for the park. The park opened to the public in 1984. The northern boundary of the subject property borders a maintenance building for the park, boat launch, playgrounds, and picnic areas. The park's entrance on Gladiolus is about 1,500 feet from the subject property. The park features much native habitat and many varieties of birds. Events - large and small - include fitness classes, summer camps, nature walks, a farmers' market, Baby Boot Camp, Bird Patrol, the Medieval Faire, Bird Fest, and the Lakeside Country Bash Concert. Many event are geared towards children and families. The park's hours are 7 a.m. to dusk. It is open 7 days a week. No alcohol, pets or electric/motorized vehicles are permitted.

To the north west is Reflection Key Condominiums, multi-family housing. The zoning for the property is RPD/CPD (Zoning Res. #Z-99-062). Accessed off Summerlin, the residential portion is limited to 7 units per acre (181 dwelling units maximum). Height is limited to 4 stories/50 feet - with buildings on Lakes Park's border limited to 35 feet. Hurricane mitigation conditions are included and similar to those proposed for this rezoning case.

The CPD has a variety of office and retail uses, also with access on Summerlin Road - not Gladiolus. Consumption on Premises is limited to an accessory use for a Club (fraternal, membership, private).

At issue are buffering the proposed residential uses, directly abutting the park, and the potential impact of commercial uses near the park itself and the park's entrance. The Land Development Code requires a 15-foot Type "B" buffer for residential uses adjacent to an active park. The applicant proposes a 30-foot Type "F" buffer with enhancements. As conditioned, the buffer and enhancements help address compatibility issues between uses and reduce the impacts of development on this property.

Assisted living will have minimal impact on the park, and is a compatible use with Lakes Park. Multi-family is also a compatible use, but will have more impact on the park. The property currently has zoning for multi-family uses, and a condition addressing pedestrian access. The current proposal has provisions for pedestrian access, which is encouraged by staff. Uses such as parks and residential development should have pedestrian interconnections. Staff recommends adjustments to the current pedestrian access condition to address concerns about the impact of residents having access to the park, especially after dark.

The second issue are commercial uses on the CPD portion of the property, about 500 feet from the park's property line and 1,500 feet from the main entrance to the east. Staff is generally supportive of office, business services and retail uses which improve the mix of uses on Gladiolus Drive. Staff supports uses which do not interfere with operations or the park. And staff supports uses which do not detract from the natural beauty of the park or spoil the drive-by experience to this popular destination. Staff has compatibility concerns with some of the requested uses, including stand-alone fast food with drive-through, boat sales, bus depot, consumption on premises, warehouses, and mini-warehouses - as well as some other proposed uses. Some uses, such as consumption on premises and "casino-style" games, would conflict with the park's family atmosphere. Some uses, such as mini-warehouses, would damage the drive-by experience to and from the park and are not supported in detail by the master concept plan. Some uses, such as stand-alone fast food with drive through, would result in more litter at the park. Staff recommends a cautious approach to commercial uses, and Department of Community Development staff have actively consulted with the Department of Parks and Recreation and the Department of Public Works staff for input on the schedule of uses, as well as other conditions. Staff recommends limitations in scale and square footage of some uses, such as mini-storage. Staff also recommends approval of consumption on premises be limited, within the context of a restaurant with indoor seating.

Also of concern to staff are height and setbacks adjacent to the park. The proposed height (45 feet) is consistent with surrounding zoning and current zoning of the property. The proposed setbacks (75 feet for buildings of 45 feet in height and 100 feet for parking areas for multi-family uses) provide an additional measure of protection and physical separation from the park. As conditioned, concerns with compatibility with Lakes Park are adequately addressed.

SOUTH of the subject property is Gladiolus Drive, a six-lane arterial road with a divided median and sidewalks. A Type "D" buffer is proposed to the south of the CPD of the subject property. South of this is Victoria Cove condominiums, vacant property, and medical offices. South of Gladiolus, Phoenix 90 CPD was approved with low-intensity uses such as commercial offices.

EAST of the subject property is preservation land owned by the county, which the proposed MCP places 30 feet of Type "F" buffer and its indigenous preserve area. Also east of the property is a miniature golf course (approved by special permit) and vacant property with Commercial Planned Development (CPD) zoning. The Fenway Family Fun Center at Lakes Park CPD (#Z-04-011) includes recreational facilities, restaurant and other uses. It is located next to the entrance to Lakes Park on Gladiolus Drive. Casino-style games are prohibited. There is also a prohibition on alcoholic beverages. Staff recommends conditions

generally consistent with this zoning resolution, due to its location in proximity to Lakes Park and its main entrance.

WEST of the subject property is vacant land, Hendry Creek, and residential single-family uses on large lots. The proposed master concept plan shows small preserve areas, with buffers, and a 15-foot landscape buffer adjacent to the creek, which is appropriate.

As conditioned, the proposed development is compatible with surrounding uses and zoning.

Smart Growth Analysis

Lee County has taken initiatives to incorporate the principles of "Smart Growth" into its planning processes and planning strategies. Smart Growth strikes a balance between no growth, and unfettered growth without limitation. Smart Growth is an approach to development meant to create and maintain great neighborhoods. In short, promoting the right growth, in the right place, at the right time. Staff has briefly evaluated this development based on 10 commonly accepted principles of Smart Growth.

Mix land uses. The proposed development of both commercial and residential uses is not true mixed use, but does add to the richness and variety of uses in the neighborhood and supporting the regional park. As is, only residential development is allowed. This requests adds an assisted living option, as well as a mix of retail and office uses - with interconnections and pedestrian access. This request furthers and promotes this principle.

Take advantage of compact building design. The design of this development provides for an efficient use of land. The multi-story development makes sense to develop vertically rather than horizontally. Enhanced buffers and preserve areas, above and beyond the LDC requirements, require an efficient use of land. This request furthers and promotes this principle.

Create a range of housing opportunities and choices. The request does not provide for affordable housing. It does, however, add to the mix of housing choices by adding an assisted living option. This request furthers and promotes this principle.

Create walkable neighborhoods. The property provides an excellent opportunity to interconnect with a regional park, and utilizes existing sidewalks on Gladiolus Drive. Internal sidewalks will also provide for more walkability. This request furthers and promotes this principle.

Foster distinctive, attractive communities with a strong sense of place. Development of an assisted living facility, multi-family or commercial development will be per the LDC and the conditions of this zoning resolution. Attractive landscaping and preserves are provided. The schedule of uses, as conditioned, is appropriate for this location and keeps in mind its location next to a regional park. This request furthers and promotes this principle.

Preserve open space, farmland, natural beauty, and critical environmental areas. Open space and environmental areas, such as wetlands and flow ways, are addressed by this development and protected. The nearby park is also protected by buffering, adequate setbacks and other conditions. This request furthers and promotes this principle.

Strengthen and direct development towards existing communities. This is infill development on an arterial road in proximity to a mix of commercial and residential land uses. As such, this request furthers and promotes this principle.

Provide a variety of transportation choices. Pedestrians and bike riders have access to the property via sidewalks on Gladiolus Drive. Lee Tran routes do not serve this road frontage, but are nearby on Route 50, 140, and 130. There are internal sidewalks proposed between uses and a pedestrian interconnection with the regional park. This request furthers and promotes this principle.

Make development decisions predictable, fair, and cost effective. Staff recommends approval with conditions, consistent with prior approvals for commercial and residential development nearby. The property currently has zoning for residential uses. Staff has identified issues and shared their concerns with the applicant consistently throughout the process. As such, this request promotes this principle.

Encourage community and stakeholder collaboration in development decisions. This development is within the South Fort Myers Planning Community. There are no Lee Plan or Land Development Code requirements to meet with the community, although such meetings are encouraged with staff. Notice will be provided to surrounding property owners, per LDC requirements. The applicant has reached out to the Parks and Recreation and Public Works Department to try to address issues regarding Lakes Park and the development's potential impacts. This request furthers and promotes this principle.

Transportation Issues

The Division of Development Services provided substantive comments, per Attachment "S". The report summarized the location of the development, access, and analysis of the applicant's traffic impact statement. During review the level of intensity of the project was significantly reduced to address a potential level of service issue with the main access on Gladiolus Drive.

Development Services staff determined the proposed rezoning on the site would generate a total of 517 new trips in the PM peak hour (204 entering/313 exiting). This correlates to approximately 6,076 new trips over the course of the entire day.

Per staff analysis, Gladiolus Drive is shown to operate at Level of Service "C" in 2014 whether or not the project traffic is added to the roadways.

Environmental Issues

The Division of Environmental Sciences staff reviewed the proposed RPD/CPD and provided substantive comments, per Attachment "T". The report describes the site, wetlands, uplands, and indigenous vegetation. The site is also east of Hendry Creek. Conditions are provided to address open space requirements, indigenous preservation, protected species including alligators and wading birds, and buffers. The report also includes recommendations to address concerns expressed by staff for Lee County Parks and Recreation in relation to environmental resources found in Lakes Park to the north.

Conclusions

Staff recommends approval of the rezoning request with conditions. The request is consistent with the Lee Plan, as conditioned. As conditioned, the request is compatible with surrounding uses, including a regional park. As conditioned, staff can find environmental and natural resources are adequately protected. The mix of commercial and residential uses, as conditioned, is appropriate. Urban services, such as sewer, water and roads are available. This is infill development on urban property proximate to an arterial road. Finally, the RPD/CPD is an appropriate zoning category for this property, as conditioned.

IV. SUBJECT PROPERTY:

A. STRAP: The applicant indicates the STRAP numbers are:35-45-24-00-00015.0000 and 35-45-24-00-00014.0000

V. ATTACHMENTS:

A. Map of surrounding zoning
B. Master Concept Plan, February 16, 2010
C. Indigenous Restoration Plan
D. Landscape Exhibit
E. Zoning Resolution #Z-75-145, Special Permit for Storage
F. Zoning Resolution #Z04-043 Gladiolus RPD
G. Administrative Amendment ADD2006-00184 Oasis Cove.
H. Applicant's Traffic Impact Statement
I. March 26, 2009 Supplement to the TIS
J. December 10, 2009 Supplement to the TIS
K. Site in Relation to Public Transit Routes
L. Lee County Utilities letter, January 29, 2009
M. Zoning Resolution #Z-99-062 14900 Summerlin (RPD/CPD)
N. Zoning Resolution #Z-04-011 Fenway Family Fun Center CPD
O. Zoning Resolution #ZAB-85-68 Mini Golf Course
P. Zoning Resolution #Z-02-058 Phoenix 90 CPD
Q. Zoning Resolution #Z-09-021 Winkler 10 Acres RPD
R. Public Works Comments, Solid Waste
S. Development Services Traffic Comments
T. Environmental Sciences Comments

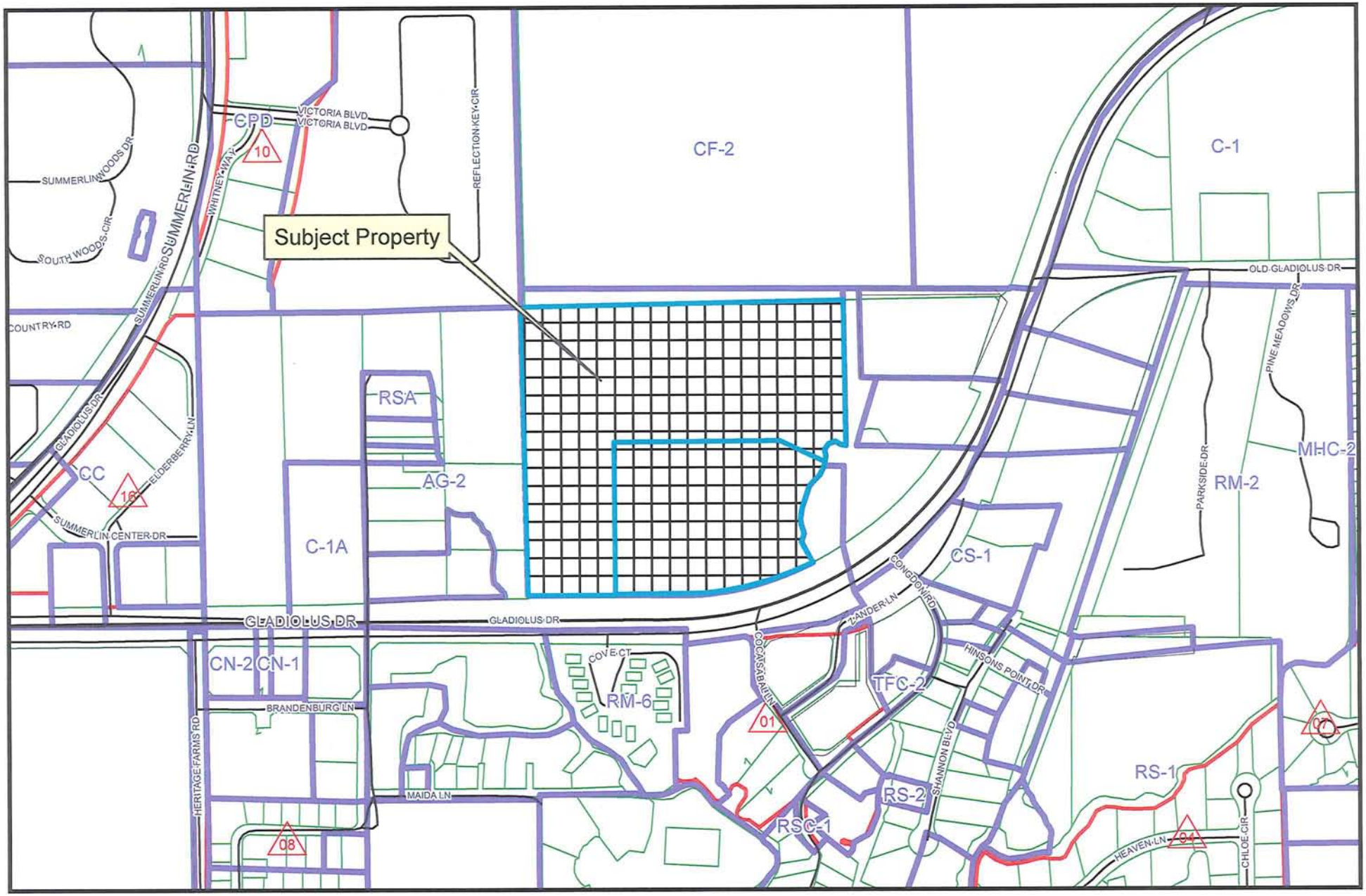
B. LEGAL DESCRIPTION: See Exhibit A

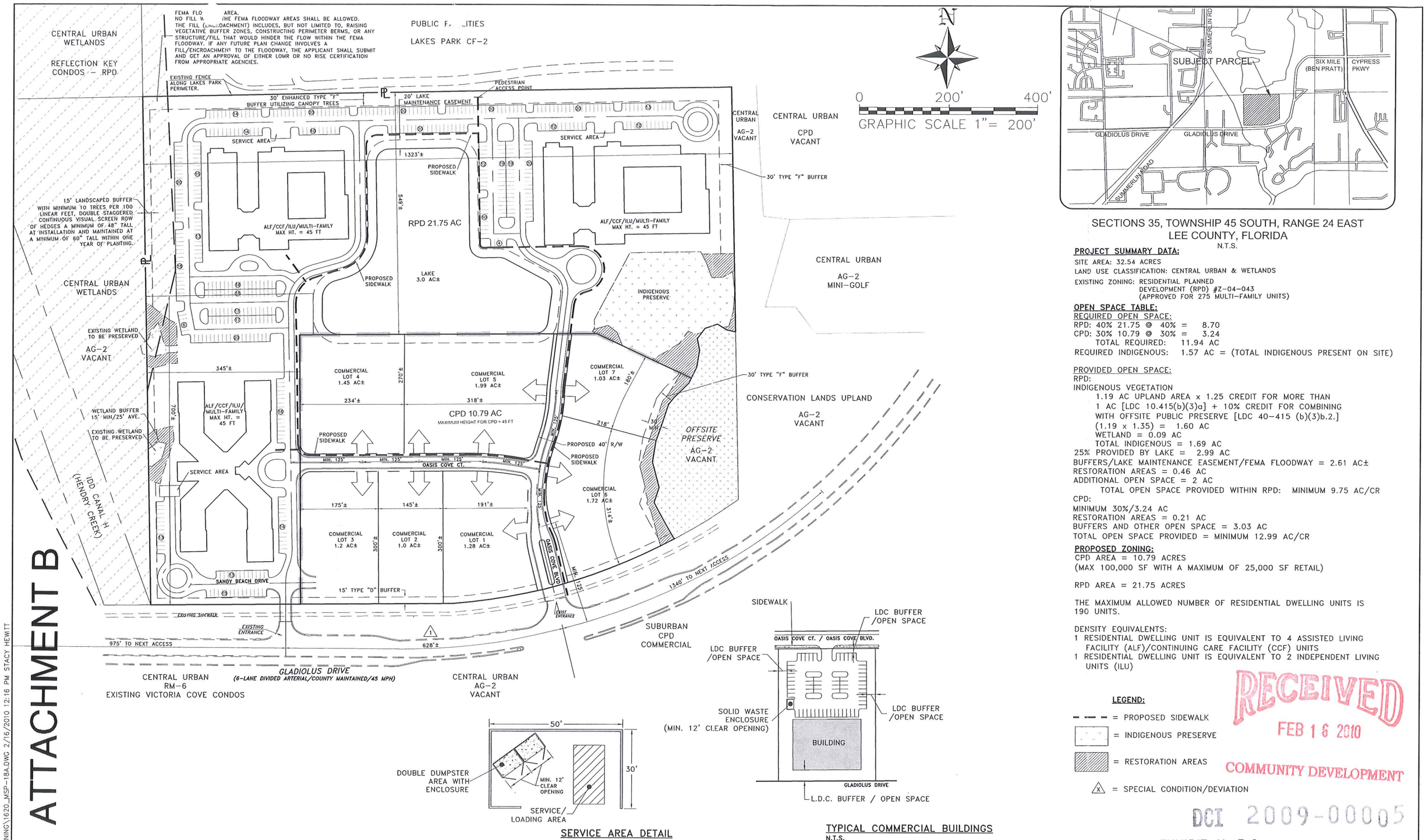
cc: Applicant
County Attorney
Zoning File
Mike Pavese, Department of Public Works

Attachment "A"
Zoning Map

DCI2009-00005

1/26/2010





SECTIONS 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
N.T.S.

PROJECT SUMMARY DATA:

SITE AREA: 32.54 ACRES

LAND USE CLASSIFICATION: CENTRAL URBAN & WETLANDS

EXISTING ZONING: RESIDENTIAL PLANNED DEVELOPMENT (RPD) #Z-04-043 (APPROVED FOR 275 MULTI-FAMILY UNITS)

OPEN SPACE TABLE:

REQUIRED OPEN SPACE:
RPD: 40% 21.75 @ 40% = 8.70
CPD: 30% 10.79 @ 30% = 3.24
TOTAL REQUIRED: 11.94 AC
REQUIRED INDIGENOUS: 1.57 AC = (TOTAL INDIGENOUS PRESENT ON SITE)

PROVIDED OPEN SPACE:
RPD:
INDIGENOUS VEGETATION
1.19 AC UPLAND AREA x 1.25 CREDIT FOR MORE THAN 1 AC [LDC 10.415(b)(3)a] + 10% CREDIT FOR COMBINING WITH OFFSITE PUBLIC PRESERVE [LDC 40-415 (b)(3)b.2.] (1.19 x 1.35) = 1.60 AC
WETLAND = 0.09 AC
TOTAL INDIGENOUS = 1.69 AC
25% PROVIDED BY LAKE = 2.99 AC
BUFFERS/LAKE MAINTENANCE EASEMENT/FEMA FLOODWAY = 2.61 AC±
RESTORATION AREAS = 0.46 AC
ADDITIONAL OPEN SPACE = 2 AC
TOTAL OPEN SPACE PROVIDED WITHIN RPD: MINIMUM 9.75 AC/CR
CPD:
MINIMUM 30%/3.24 AC
RESTORATION AREAS = 0.21 AC
BUFFERS AND OTHER OPEN SPACE = 3.03 AC
TOTAL OPEN SPACE PROVIDED = MINIMUM 12.99 AC/CR

PROPOSED ZONING:

CPD AREA = 10.79 ACRES
(MAX 100,000 SF WITH A MAXIMUM OF 25,000 SF RETAIL)

RPD AREA = 21.75 ACRES

THE MAXIMUM ALLOWED NUMBER OF RESIDENTIAL DWELLING UNITS IS 190 UNITS.

DENSITY EQUIVALENTS:
1 RESIDENTIAL DWELLING UNIT IS EQUIVALENT TO 4 ASSISTED LIVING FACILITY (ALF)/CONTINUING CARE FACILITY (CCF) UNITS
1 RESIDENTIAL DWELLING UNIT IS EQUIVALENT TO 2 INDEPENDENT LIVING UNITS (ILU)

LEGEND:

- – – – = PROPOSED SIDEWALK
- = INDIGENOUS PRESERVE
- = RESTORATION AREAS
- (X) = SPECIAL CONDITION/DEVIATION

TYPICAL COMMERCIAL BUILDINGS
N.T.S.

SERVICE AREA DETAIL
N.T.S.

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FEB 16 2010
COMMUNITY DEVELOPMENT

DCI 2009-00005

EXHIBIT H-3.C

ATTACHMENT B

PREPARED FOR:
BECK GROUP
OF FT MYERS LLC
436 BAYFRONT PL
NAPLES, FL 34102
PHONE: (239) 649-8700
FAX: (239) 434-6225

NO.	DATE	REVISION DESCRIPTION	BY
4	02/12/10	REVISE INTENSITIES	SEH
3	01/13/10	NR & ES COMMENTS	SEH
2	12/15/09	2ND SUFFICIENCY SUBMITTAL	SEH
1	10/16/09	1ST SUFFICIENCY SUBMITTAL	SEH

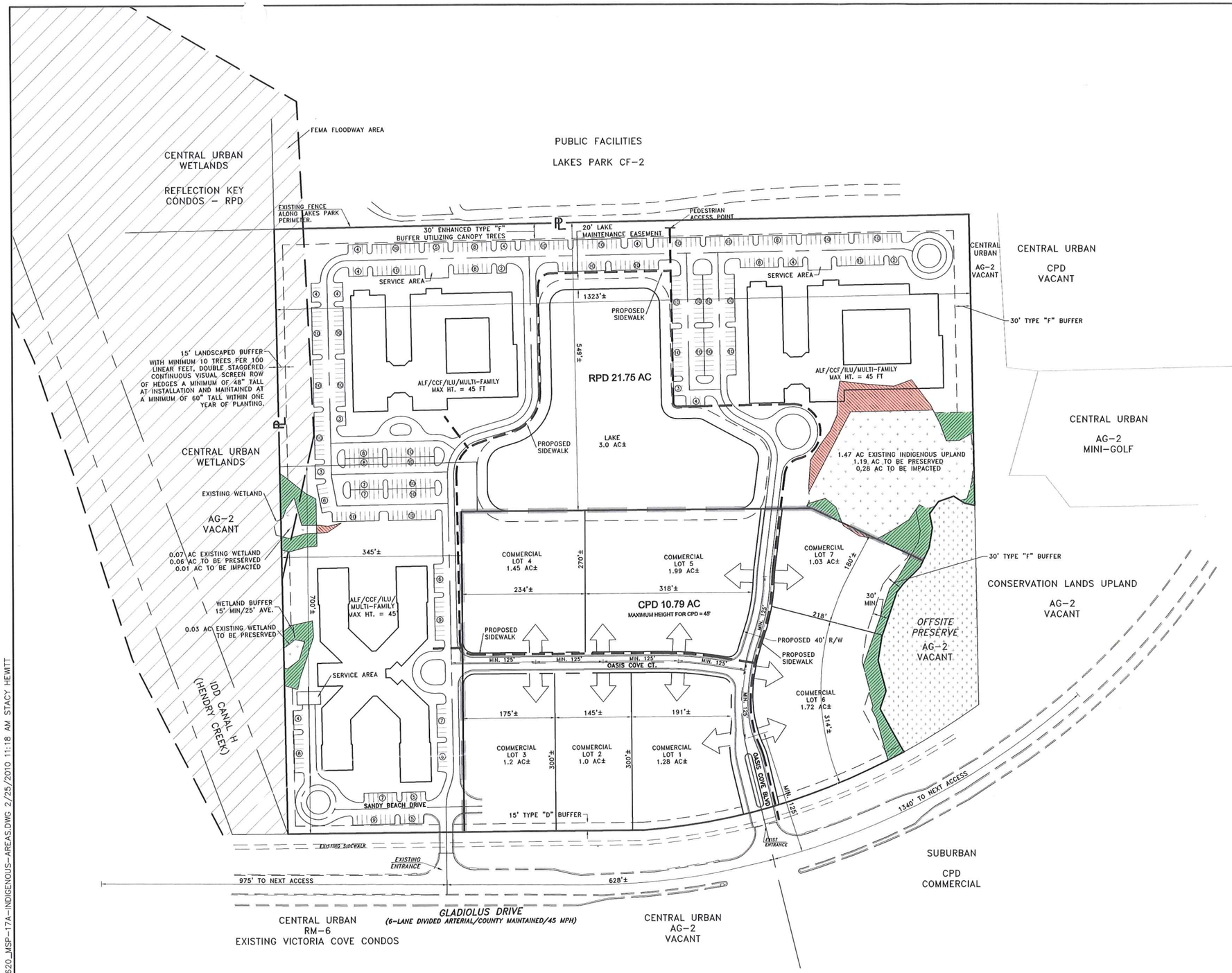
Banks Engineering
Professional Engineers, Planners, & Land Surveyors
FORT MYERS ◆ PORT CHARLOTTE ◆ SARASOTA
10511 SIX MILE CYPRESS PARKWAY – SUITE 101
FORT MYERS, FLORIDA 33912
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

MASTER CONCEPT PLAN
OASIS COVE A.K.A. GLADIOLUS RPD
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF
11/25/08	1620	MCP	DRU	MJK	DRU	1" = 200'	1	1

S:\JOBS\16XX\1620\ZONING\1620_MSP-18A.DWG 2/16/2010 12:16 PM STACY HEWITT

ATTACHMENT C



N

0 200' 400'

GRAPHIC SCALE 1"= 200'

LEGEND:

1.28 AC INDIGENOUS VEGETATION PROVIDED

1.19 AC UPLAND AREA x 1.25 CREDIT FOR MORE THAN 1 AC [LDC 10.415(b)(3)a] + 10% CREDIT FOR COMBINING WITH OFFSITE PUBLIC PRESERVE [LDC 40-415 (b)(3)b.2.] (1.19 x 1.35) = 1.60 AC
WETLAND = 0.09 AC
TOTAL INDIGENOUS = 1.69 AC

0.29 AC INDIGENOUS AREAS TO BE IMPACTED (0.28 UPLAND)

0.67 AC INDIGENOUS CREATION / RESTORATION *

INDIGENOUS CREATION / RESTORATION

* THESE AREAS ARE CURRENTLY DOMINATED BY EXOTICS WITH VERY WIDELY SCATTERED NATIVE SPECIES. ALL WOODY EXOTIC VEGETATION WITHIN THE RESTORATION AREAS WILL BE CUT BY HAND JUST ABOVE NATURAL GRADE AND THE STUMP TREATED WITH AN APPROPRIATE HERBICIDE CONTAINING AN INDICATOR DYE. TREATMENT WILL OCCUR IMMEDIATELY FOLLOWING CUTTING TO ENSURE MAXIMAL UPTAKE OF THE HERBICIDE. THE RESULTING VEGETATIVE MATERIAL WILL BE REMOVED FROM THE PRESERVE AND DISPOSED OF AT AN UPLAND LOCATION IN ACCORDANCE WITH ALL APPLICABLE LOCAL REGULATIONS. CARE WILL BE TAKEN TO MINIMIZE IMPACTS TO NATIVE VEGETATION WITHIN THE AREAS TO THE DEGREE PRACTICABLE. ONCE THE EXOTICS ARE REMOVED, NATIVE PLANTS WILL BE INSTALLED. THIS WILL CONSIST OF SIX FEET TALL TREES (CABBAGE PALM, SLASH PINE, AND LAUREL OAK) 12± FEET ON CENTER, ONE GALLON SHRUBS (SUCH AS MYRSINE, WAX-MYRTLE, WHITE STOPPER, COCO PLUM, AND WHITE INDIGO BERRY) FIVE FEET CENTER, AND ONE GALLON GROUND COVER (SUCH AS BUSHY BLUESTEM, LOVEGRASS SAW PALMETTO, AND SAND CORDGRASS) THREE FEET CENTER. CABBAGE PALMS INSTALLED IN THESE AREAS MAY INCLUDE CABBAGE PALMS RELOCATED FROM ON-SITE DEVELOPMENT AREAS. VIABLE EXISTING NATIVE PLANTS LOCATED WITHIN THE RESTORATION AREAS AFTER THE EXOTICS HAVE BEEN REMOVED WILL COUNT TOWARDS THE PLANTING REQUIREMENT.
PLANTINGS WITHIN THE RESTORATION AREAS ADJACENT TO COMMERCIAL LOTS 6 AND 7 WILL BE UPSIZED TO MEET THE THE LEE COUNTY LAND DEVELOPMENT CODE REQUIREMENTS FOR THE TYPE "F" BUFFER.

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S:\JOBS\16XX\1620\ZONING\1620_MSP-17A-INDIGENOUS-AREAS.DWG 2/25/2010 11:18 AM STACY HEWITT

PREPARED FOR:
BECK GROUP OF FT MYERS LLC
436 BAYFRONT PL
NAPLES, FL 34102
PHONE: (239) 649-8700
FAX: (239) 434-6225

NO.	DATE	REVISION DESCRIPTION	BY
3	02/12/10	REVISE LABELING TO MATCH MCP	SEH
2	01/11/10	ES COMMENTS	SEH
1	12/15/09	2ND SUFFICIENCY SUBMITTAL	SEH

Banks Engineering
Professional Engineers, Planners, & Land Surveyors
FORT MYERS ◆ PORT CHARLOTTE ◆ SARASOTA
10511 SIX MILE CYPRESS PARKWAY – SUITE 101
FORT MYERS, FLORIDA 33912
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

INDIGENOUS RESTORATION PLAN (EXHIBIT D-7-Y)

OASIS COVE A.K.A. GLADIOLUS RPD

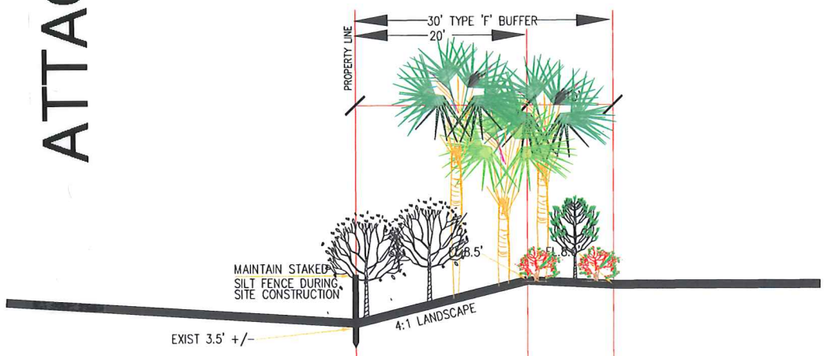
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF
10/16/09	1620	MCP	DRU	SDJ	DRU	1" = 200'	1	1

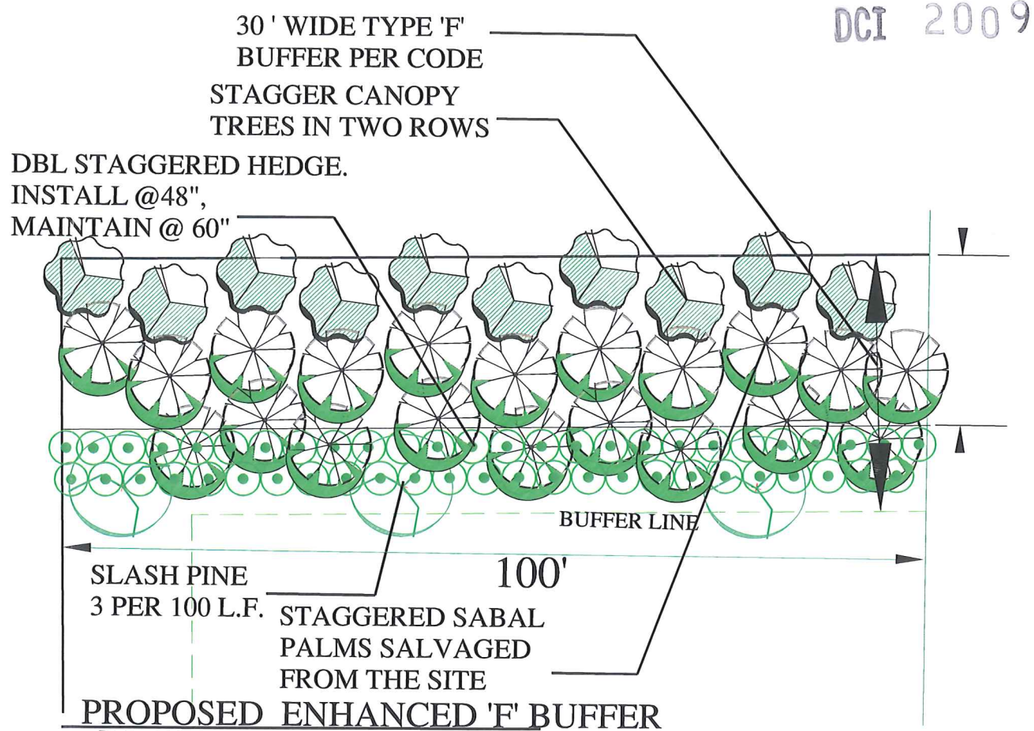
ATTACHMENT D

RECEIVED
FEB 2 2 2010
COMMUNITY DEVELOPMENT

DCI 2009-00005



SECTION 1 - ENHANCED 'F' BUFFER



PROPOSED ENHANCED 'F' BUFFER
N.T.S.
TYPICAL 100'
10 CANOPY TREES PER 100 L.F.- 14' O.A. HT
20 SABAL PALMS PER 100 L.F. - 16' - 20' CT, SALVAGED FROM SITE
3 SLASH PINE PER 100 L.F. - 12' O.A. HT.
50-10 GAL SHRUBS PER 100 L.F.. - 48" AT PLANTING, MAINTAIN @ 60"

PAUL J. KLENS, R.L.A.
REG. # LA-0001619
FEBRUARY 18, 2010

PAUL KLENS LANDSCAPE ARCHITECTURE HEREBY RESERVES ITS COMMON LAW COPYRIGHT. THE IDEAS, DESIGNS AND PLANS CONTAINED HEREIN ARE NOT TO BE REPRODUCED OR USED WITHOUT THE EXPRESS WRITTEN CONSENT OF PAUL KLENS LANDSCAPE ARCHITECTURE.

PAUL KLENS
LANDSCAPE ARCHITECTURE
727 GLENDALE AVE NAPLES, FLORIDA 34110
239 / 514-7209 239 / 594-8846 FAX

title: OASIS COVE

BANKS ENGINEERING
10511 Six Mile Cypress Pkwy
Fort Myers, Fl 33966
(239) 939-5490

title: LANDSCAPE EXHIBIT
SECTION & TYPICAL PLAN

project location: LEE COUNTY, FLORIDA

designer: PJK
project manager: PAUL J. KLENS, RLA
checked – date / by: DATE
approved for: DISCUSSION

acad #:
project #: 09012
scale: AS NOTED
view: LIMITS

date: 2/18/10
revisions:

sheet no: 1/1

RESOLUTION Z-75-145

The following resolution was offered by Commissioner Whan and seconded by Commissioner Goldtrap, and upon poll of the members present the vote was as follows:

George Goldtrap	AYE
James Sweeney	AYE
Richard Sayers	AYE
Bob Whan	AYE
Betty Bowen	ABSENT

WHEREAS, Jack Amar has requested a special permit in a GU zone for the storage of motor homes, boat trailers, boats, travel trailers (unoccupied)

SUBJECT PROPERTY:

SEE ATTACHED LEGAL DESCRIPTION

ATTACHMENT E

WHEREAS, a public hearing of the Lee County Zoning Board was advertised and held, as requested by law, and after hearing all interested parties and considering adjacent areas, the Zoning Board recommended that the petition be approved for a special permit in a GU zone for the storage of motor homes, boat trailers, boats, travel trailers (unoccupied) with the stipulation that no permanent improvements be made to the property and further specifying that a buffer zone on 50' of the perimeter of the rectangular 20 acres (as outlined on the aerial) be left undisturbed; special permit not to run with the land but to be renewed annually.

WHEREAS, this Board after reviewing the records and recommendations of the Zoning Board and having given an opportunity to all interested persons to be heard after being duly sworn according to law, and upon due and proper consideration having been given to this matter, this Board took action as hereinafter described.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Lee County, Florida, that the decision of the Zoning Board recommending approval for a special permit in a GU zone for the storage of motor homes, boat trailers, boats, travel trailers (unoccupied), and with the stipulation that no permanent improvements be made to the property and further specifying that a buffer zone on 50' of the perimeter of the rectangular 20 acres (as outlined on the aerial) be left undisturbed; special permit not to run with the land but to be renewed annually be upheld.

PASSED AND ADOPTED THIS 14 DAY OF July, 1975

Heard June 23, 1975

Approved As To Form.

By _____ County Attorney

75-6-8

Florida Title
REC. 3[illegible]

FINANCIAL-LEGAL PUB. CO.
Coral Gables, Fla.

This Mortgage Deed

Executed this 1st *day of* April *, A. D.* 1973

By JACK AMAR and BARBARA AMAR, husband and wife,

hereinafter called the Mortgagor(s),

To ABRAHAM PECKMAN

hereinafter called the Mortgagee(s),

Witnesseth, *That for divers good and valuable considerations, and also in consideration of the aggregate sum named in the promissory note of even date herewith, hereinafter described, the said Mortgagor(s),* do *grant, bargain, sell, alien, remise, release, convey and confirm unto the said Mortgagee(s), the following described land, situate, lying and being in the County of* Lee *, State of Florida, to wit:*

The North half (N1/2) of the Northeast quarter (NE1/4) of the Northwest quarter (NW1/4), Section 35, Township 45 South, Range 24 East.
ALSO:
That part of the Northwest quarter (NW1/4) of the Northeast quarter (NE1/4), lying West and North of Gladiolus Drive Section 35, Township 45 South, Range 24 East, LESS the following described lands: All that part of the North half (N1/2) of the Northwest quarter (NW1/4) of the Northwest quarter (NW1/4) of the Northeast quarter (NE1/4) of Section 35 Township 45 South, Range 24 East, lying West and North of right-of-way of County Road known as Gladiolus Drive and all that part of the North half (N1/2) of the Northeast quarter (NE1/4) of the Northwest quarter (NW1/4) of the Northeast quarter (NE1/4) of Section 35, lying North of right-of-way of County Road known as Gladiolus Drive.

Received $238.00 in payment of Taxes due on Class C Intangible Personal Property, pursuant to Chapter 71-134 Laws of Florida, Act of 1971.
SAL GERACI 320897
CLERK CIRCUIT COURT
LEE COUNTY, FLORIDA

ATTACHMENT E

75-6-8

THIS IS A PURCHASE MONEY MORTGAGE

Together *with all the tenements, hereditaments and appurtenances, with every privilege, right, title, interest and estate, reversion, remainder and easement thereto belonging or in anywise appertaining:*

To Have and to Hold *the same in fee simple forever.*
And said Mortgagor(s) covenant(s) that they are *indefeasibly seized of said land in fee simple; that* they have *full power and lawful right to convey said land in fee simple as aforesaid; that it shall be lawful for said Mortgagee(s) at all times peaceably and quietly to enter upon, hold, occupy and enjoy said land; that said land is free from all incumbrances; that* they *will make such further assurances to perfect the fee simple title to said land in said Mortgagee(s), as may reasonably be required; and* they *hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever.*

ATTACHMENT F

RESOLUTION NUMBER Z-04-043

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

WHEREAS, an application was filed by the property owners, Jack and Barbara Amar, to rezone a 32.54-acre parcel from Agricultural (AG-2) to Residential Planned Development (RPD) in reference to Gladiolus RPD; and

WHEREAS, a public hearing was advertised and held on June 23, 2004, before the Lee County Zoning Hearing Examiner. Written submissions were requested by the Hearing Examiner at the close of the hearing with a due date of June 28, 2004. The Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2003-00059; and

WHEREAS, a second public hearing was advertised and held on August 30, 2004, 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 32.54-acre parcel from AG-2 to RPD, to allow a maximum of 296 multi-family dwelling units with a maximum building height of 45 feet. Blasting was not proposed for the site. The property is located in the Central Urban and Wetlands Land Use Categories and is legally described in attached Exhibit A. The request is approved for **275** multi-family dwelling units with a maximum height of 45 feet 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. Development of this project must be consistent with the one-page Master Concept Plan entitled "Master Concept Plan, Gladiolus RPD, Lee County, Florida," stamped received September 9, 2004, dated February 26, 2004, except as modified by the conditions below. Development must comply with all requirements of the Lee County 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 MCP are subsequently pursued, appropriate approvals will be necessary.

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

   a. Schedule of Uses

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COPY
DCI 2009-00005

Accessory Uses and Structures
Clubs, Private (maximum of 6,000 square feet) (No Consumption on Premises)
Accessory Uses to include Administrative Offices for the Home Owner's Association and other directly related Club functions
Dwelling Unit:
Multi-Family
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I
Excavation: Water Retention
Fences, Walls
Home Occupation, with no outside help
Models: Model Units (Consistent with Condition 5)
Parking Lot: Accessory
Recreational Facilities: Private, On-Site
Signs in Accordance with LDC Chapter 30
Temporary Real Estate Sales Office (Consistent with Condition 5)

b. Site Development Regulations

	Public Street Setback	Private Street Setback	Side Set-back	Rear Set-back	Water Set-back	Bldg. Sep.	Max. Bldg. Ht.	Lot Width	Lot Depth	Lot Area
Multi-family/ Club-house/ Rec. Facility	25' min.	20' min.	10' min.*	15' min.*	20' min.	per LDC**	45' (3 stories) ***	100' min.	100' min.	10,000 sq. ft. min., 2,500 sq. ft. per unit min.

* Minimum 30-foot building perimeter setback on the boundaries of the subject property.

** Land Development Code Chapter 34-935(e)(4).

*** Maximum building height of 35 feet for the two (2) buildings in the northeast corner of the project

No structures may be placed within any required buffers.

Accessory uses and structures will be set back in accordance with Land Development Code § 34-1174. Also, no accessory structures may be placed within any required buffers.

c. A maximum total of 275 dwelling units.

3. Approval of this rezoning 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.

4. 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.

5. Model Units and a Real Estate Sales Office are permitted uses, but must be consistent with the following conditions:

   a. A maximum of eight (8) Model Units are permitted.

   b. All Model Units and the Temporary Real Estate Sales Office must be located within the areas depicted on the MCP as areas for Model Units.

   c. A maximum of one (1) Temporary Real Estate Sales Office is permitted.

   d. Hours of operation for the Model Units and Temporary Real Estate Sales Office are restricted to Sunday through Saturday, 8:00 a.m. through 6:00 p.m.

   e. Each Model Unit must be a unique example. Multiple examples of the same unit are not permitted.

   f. Temporary Real Estate Sales Office is limited to sales of lots, homes, or units within the development, and is valid for a period of time not to exceed three (3) years from the date the Certificate of Occupancy is issued for the sales office. The director may grant one two-year extension. Additional time will require a Special Exception approval.

6. Blasting is prohibited.

7. A 30-foot-wide Type "F" buffer, utilizing canopy trees, must be provided along the entire northern property boundary of the subject site. Fifteen (15) feet of this buffer may be utilized for the required 20-foot-wide lake maintenance easement.

8. A 20-foot-wide lake maintenance easement must be placed around the entire perimeter of the proposed lake.

9. Prior to local development order approval, the landscape plans must delineate 40 percent common open space.

10. The MCP must be modified prior to the execution of this resolution to reflect the approval of no more than 275 dwelling units.

11. A 15-foot-wide buffer must be provided along the eastern and western property boundaries. This buffer must consist of a minimum of 10 trees per 100 linear feet, a double staggered continuous visual screen row of hedges which must be a minimum of 48 inches tall at installation and must be maintained at a minimum of 60 inches tall within one year of planting. Seven and one-half feet of this buffer may be utilized for the required 20-foot-wide lake maintenance easement on the western side of the proposed site.

12. Prior to any resolution of approval being signed, the MCP must be revised to remove notes 1, 3, and 4, and to relocate the access road along the southwest portion of the subject property outside of the required 15-foot-wide Type "D" buffer along the right-of-way on Gladiolus Drive, and to properly label the full extent of this required buffer.

13. The pedestrian access from the development to Lakes Park is subject to approval by the Lee County Department of Public Works during the local development order review process. The developer is responsible for all costs associated with the design and construction of this access.

14. Proposed conditions regarding hurricane mitigation:

    a. The developer, his successors or assigns, will provide an educational program on an annual basis, in conjunction with the Staff of the Lee County Emergency Management Department, which will provide literature, brochures, and speakers for Hurricane Awareness/Preparedness seminars describing the risks of natural hazards.

    b. The developer, his successors or assigns, will formulate an emergency hurricane notification and evacuation plan for the development, which will be subject to review and approval by the Lee County Department of Emergency Management.

    c. The developer will coordinate with the Division of Public Safety of the Lee County Emergency Management Department in determining and participating in a means to lessen its adverse impacts on the County's hurricane preparedness process and public safety and it will comply with the Hurricane Shelter Ordinance.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC § 10-239(d)(1)a.3. requirement to provide a setback for excavation from a private property line of 50 feet; to allow for a setback of 27.5 feet along the western property boundary and a setback 35 feet along the northern property boundary. Seven and one-half (7.5) feet of the buffer may be utilized for the required 20-foot-wide lake maintenance easement along the western property boundary. Fifteen (15) feet of the buffer may be utilized for the required 20-foot lake maintenance easement along the northern property boundary so long as adequate protection for wayward vehicles is provided. This DEVIATION IS APPROVED.

2. Deviation (2) - WITHDRAWN

3. Deviation (3) seek relief from the LDC § 10-285(a), Table 1, requirement to provide a 660-foot access spacing on an arterial roadway; to allow a 628-foot spacing on Gladiolus Drive to utilize the two existing access points that were previously constructed by Lee County on Gladiolus Drive along the project frontage. This DEVIATION IS APPROVED.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

Exhibit A: Legal description of the property
Exhibit B: Zoning Map (subject parcel identified with shading)
Exhibit C: Master Concept Plan stamped received September 9, 2004 and dated February 26, 2004

The applicant has indicated that the STRAP numbers for the property are: 35-45-24-00-00015.0000 and 35-45-24-00-00014.0000.

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the RPD rezoning limited to 275 dwelling units by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes and regulations.

2. The RPD rezoning, as conditioned:

   a. meets or exceeds the 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 the site 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 approval of this rezoning request 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 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.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Coy, seconded by Commissioner 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 30th day of August 2004.

ATTEST:
CHARLIE GREEN, CLERK

BY: Michele B Cooper
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Chairman

BOARD OF COUNTY COMMISSIONERS SEAL LEE COUNTY, FLORIDA

Approved as to form by:

Donna Marie Collins
County Attorney's Office

ATTACHMENT F

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MINUTES OFFICE

2004 SEP 22 PM 2:59

EXHIBIT "A"

LEGAL DESCRIPTION
Property located in Lee County, Florida

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA ♦ ANNA MARIA ISLAND

DESCRIPTION OF A PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 45 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE S.88°56'00"W. ALONG THE NORTH LINE OF SAID FRACTION FOR 1322.88 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE S.01°04'20"E. ALONG THE WEST LINE OF SAID FRACTION FOR 1151.81 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (COUNTY ROAD 865 - 199.02 FEET WIDE); THENCE N.89°37'57"E. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 680.01 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 1312.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.04°33'41"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9°06'31" FOR 208.64 FEET TO AN INTERSECTION WITH A CURVE HAVING A RADIUS OF 1307.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.14°36'39"E.; THENCE; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'42" FOR 315.16 FEET; THENCE N. 56°06'08"W. FOR 3.06 FEET; THENCE N.29°10'50"W. FOR 60.46 FEET; THENCE N.28°15'16"W. FOR 30.66 FEET; THENCE N.18°42'13"E. FOR 35.83 FEET; THENCE N.14°50'17"W. FOR 59.82 FEET; THENCE N.09°03'50"E. FOR 46.83 FEET; THENCE N.18°49'48"E. FOR 39.67 FEET; THENCE N.18°12'50"E. FOR 49.13 FEET; THENCE N.37°41'02"E. FOR 20.60 FEET; THENCE N.45°28'41"E. FOR 45.15 FEET; THENCE N.25°14'18"E. FOR 40.31 FEET; THENCE N.09°24'39"E. FOR 38.83 FEET; THENCE N.10°52'34"W. FOR 27.03 FEET; THENCE N.35°51'19"E. FOR 28.90 FEET; THENCE N.70°39'04"E. FOR 29.95 FEET; THENCE S.57°54'34"E. FOR 24.44 FEET; THENCE S.77°09'08"E. FOR 20.52 FEET TO THE EAST LINE OF SAID FRACTION; THENCE N.01°10'59"W. ALONG SAID EAST LINE FOR 554.86 FEET TO THE **POINT OF BEGINNING.**

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.

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

Applicant's Legal Checked
by

DCI 2003-00059

THOMAS C. SHAW
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 4672

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NOV 21 2003
ZONING COUNTER

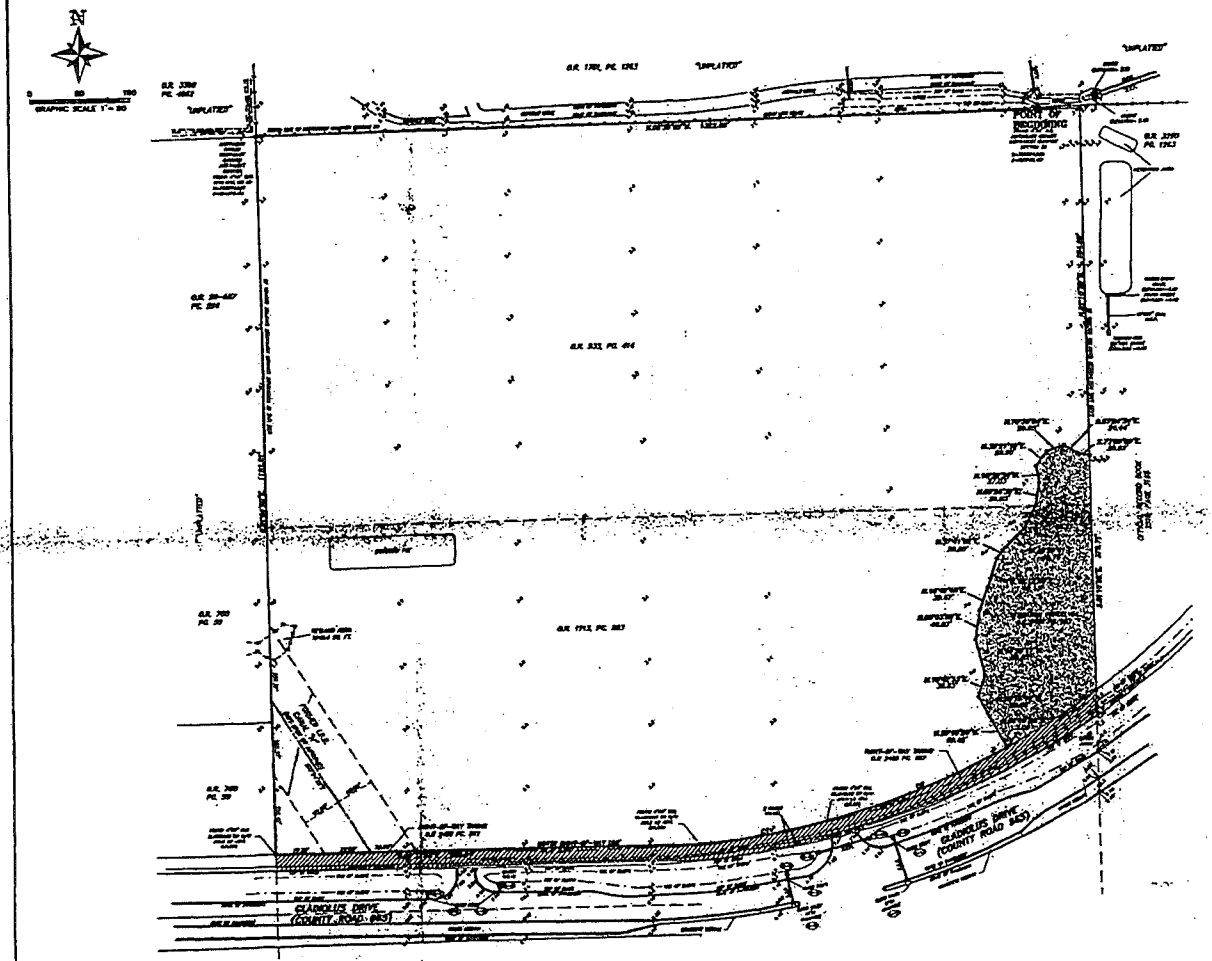
6640 Willow Park Drive, Suite B, Naples, Florida 34109 • (239) 597-2061 • Fax (239) 597-3082

SURVEY PLAT

OF

A TRACT OR PARCEL OF LAND LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 35 LYING NORTH OF GLADIOLUS DRIVE (COUNTY ROAD 883) LESS MITIGATION PARCEL 84 AS DESCRIBED IN OFFICIAL RECORDS BOOK 2488, PAGE 862 OF THE PUBLIC RECORDS OF SAID LEE COUNTY.



DESCRIPTION

A PARCEL OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE S.89°39'50"E. ALONG THE NORTH LINE OF SAID FRACTION FOR 1320.86 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE S.00°34'29"E. ALONG THE WEST LINE OF SAID FRACTION FOR PUBLIC RECORDS FOR 1320.86 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (COUNTY ROAD 883 — 100.00 FEET WIDE); THENCE N.89°37'53"E. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 530.01 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 1302.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.04°33'47"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9°39'37" FOR 308.64 FEET TO AN INTERSECTION WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 1307.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.14°13'24"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 27°46'16" FOR 353.18 FEET; THENCE N. 86°59'08"E. FOR 3.98 FEET; THENCE N.03°00'52"W. FOR 66.46 FEET; THENCE N.28°59'41"E. FOR 39.48 FEET; THENCE N.61°00'19"E. FOR 45.63 FEET; THENCE N.14°59'21"E. FOR 88.83 FEET; THENCE N.08°00'39"E. FOR 44.63 FEET; THENCE N.18°59'48"E. FOR 39.87 FEET; THENCE N.19°53'39"E. FOR 48.13 FEET; THENCE N.23°59'56"E. FOR 39.80 FEET; THENCE N.19°59'48"E. FOR 45.15 FEET; THENCE N.28°14'54"E. FOR 48.18 FEET; THENCE N.08°09'28"E. FOR 39.83 FEET; THENCE N.19°59'48"E. FOR 57.83 FEET; THENCE N.39°39'11"E. FOR 38.46 FEET; THENCE N.19°59'48"E. FOR 39.91 FEET; THENCE S.73°04'34"E. FOR 34.44 FEET; THENCE S.77°09'48"E. FOR 39.83 FEET TO THE EAST LINE OF SAID FRACTION; THENCE S.00°19'28"E. ALONG SAID EAST LINE FOR 1014.88 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEING S.00°19'28"E.

PARCEL CONTAINS 39.34 ACRES, MORE OR LESS.

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

LEGEND

F.I.R.	FOUND IRON ROD
F.I.P.	FOUND IRON PIPE
S.I.R.	SET 5/8" IRON ROD AND CAP "LEE SURVEY"
S.I.P.	FOUND PERMANENT REFERENCE MONUMENT
S.N.D.	SET NAIL AND DISK
C.M.	CALCULATED POINT
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
P.U.E.	PUBLIC UTILITY EASEMENT
B.O.S.	BASIS OF BEARINGS
U.P.	UTILITY PEDESTAL (WIRE)
P.O.L.	POLE
O.H.W.	OVERHEAD POWER LINES
CONC.	CONCRETE
ASPH.	ASPHALTIC
E.O.P.	EDGE OF PAVEMENT
C.O.P.	CENTER OF PAVEMENT
M.F.F.E.	MINIMUM FINISH FLOOR ELEVATION
M.R.E.	MINIMUM ROAD ELEVATION
C.R.E.	CROWN OF ROAD ELEVATION
E.B.E.	EAST BASIN ELEVATION
W.B.E.	WEST BASIN ELEVATION
R.C.P.	REINFORCED CONCRETE PIPE

STRUCTURE TABLE

STR.	TYPE	GRATE	RIM ELEV.	INVERT ELEV.

CURVE TABLE

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD DIRECTION	CHORD DISTANCE
C1	1302.39'	09°39'37"	308.64'	S.09°23'41"E.	308.00'
C2	1307.39'	27°46'16"	353.18'	S.00°06'00"E.	352.10'

SURVEYOR'S NOTES:

SURVEYOR'S CERTIFICATION:

Applicant's Legal Checked by

DCI 2003-00059

RECEIVED
NOV 21 2003
ZONING COUNTER

Banks Engineering, Inc.
Professional Engineers, Planners & Land Surveyors

BOUNDARY AND TOPOGRAPHIC SURVEY
FOCUS DEVELOPMENT GROUP
LEE COUNTY, FLORIDA

ZONING MAP

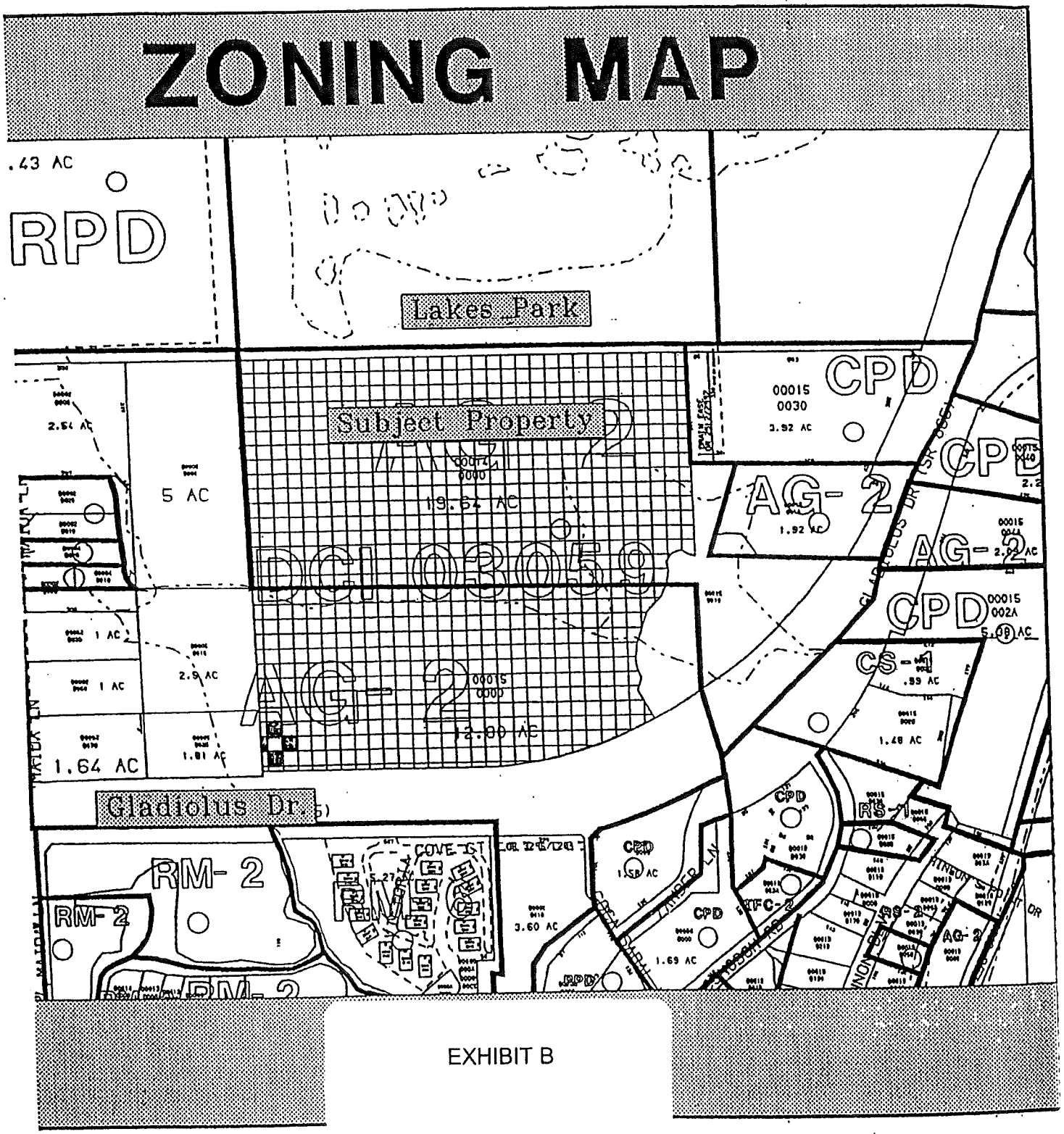


EXHIBIT B

ATTACHMENT F

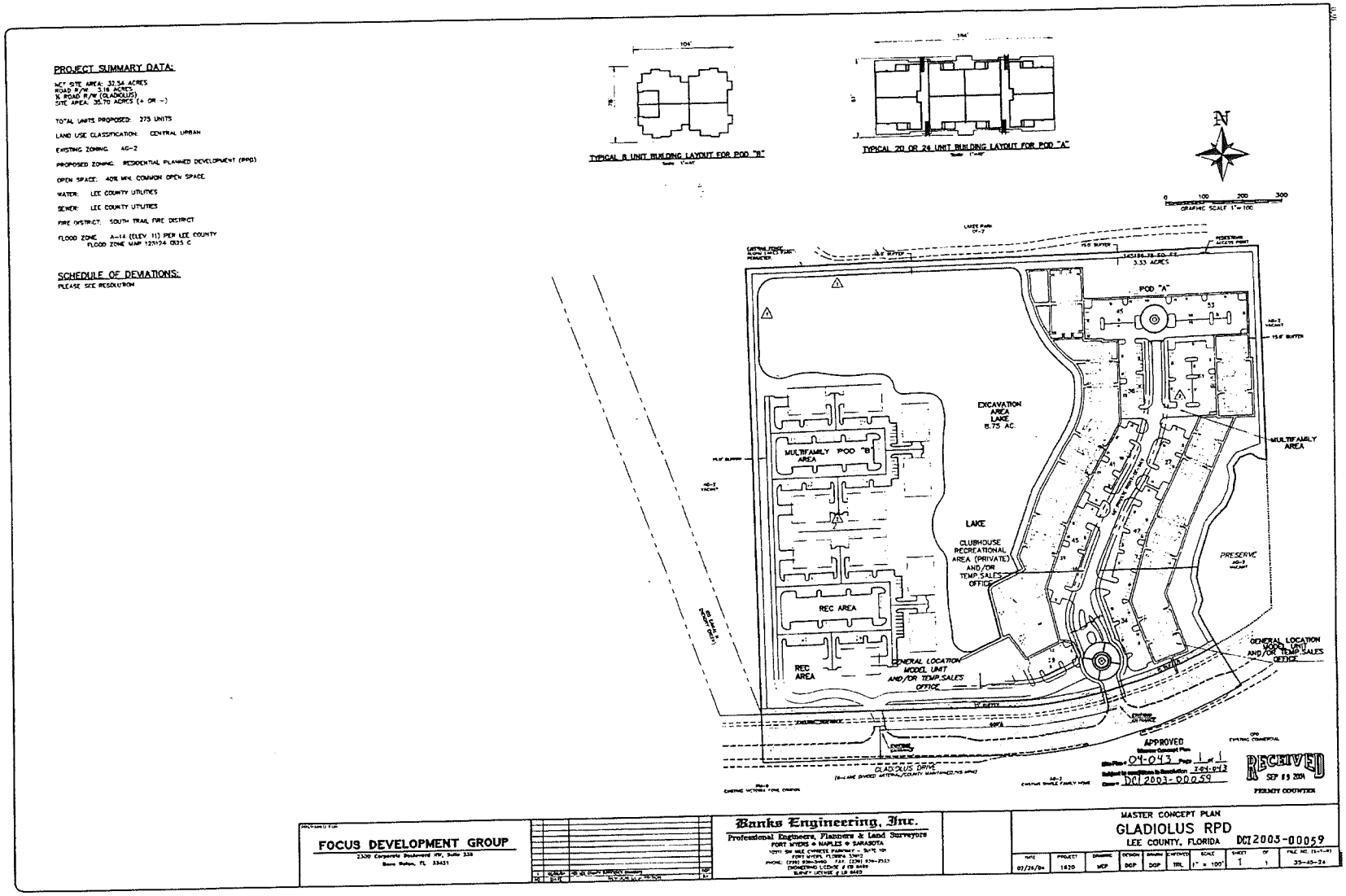


Exhibit C

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Tousa Homes, Inc. filed an application for administrative approval to a Residential Planned Development on a project known as Oasis Cove (formerly Gladiolus RPD) to allow the current developer to change the multi-family building types and add single story detached garages along with an administrative deviation to allow a street setback of 10 feet on property located at 7650 Gladiolus Dr., described more particularly as:

LEGAL DESCRIPTION: In Section 35, Township 45 South, Range 24 East, Lee County, Florida:

See Exhibit A

ATTACHMENT G

WHEREAS, the property was originally rezoned in case number DCI2003-00059 by Resolution Z-04-043; and

WHEREAS, the subject property is located in the Central Urban and Wetlands Future Land Use Category as designated by the Lee County Comprehensive 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 approved Master Concept Plan by Resolution Z-04-043 was for a multi-family development with two (2) development areas identified as Pod A and B, with a maximum total of 275 dwelling units; and

WHEREAS, the Master Concept Plan shows Pod A to have buildings that are clustered in groups of three (3) buildings with 20 or 24 dwelling units per building and Pod "B" shows ten (10) buildings that each contain 8 dwelling units. The maximum building height is 45 feet (3 stories) high with the exception of the buildings located in the northeast corner of the project that are approved with a maximum building height of 35 feet; and

WHEREAS, the applicant has requested the amendment to allow the multi-family building types to be changed to one (1) building with18 units in each building with a maximum building height of 45 feet with the exception of buildings 7, 8, and 9 located in the northeast corner; and add single story detached garages; and

WHEREAS, the addition of the detached garages requires an administrative deviation from the street setback of 20 feet to allow a 10 foot setback from the internal private access easement; and

WHEREAS, Development Services reviewed the addition of the detached garages and support the amendment with condition #4; and

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FEB 0 9 2009
COMMUNITY DEVELOPMENT

DCI 2009-00005

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 allow a change to the multi-family building types and add single story detached garages is **APPROVED.**

Approval is subject to the following conditions:

1. **The Development must be in compliance with the amended Master Concept Plan, dated stamped received January 5, 2007 and last revised on January 2, 2007. Master Concept Plan for ADD2006-00184 is hereby APPROVED and adopted. A reduced copy is attached hereto.**

2. **The terms and conditions of the original zoning resolutions remain in full force and effect.**

3. **Buildings # 7, 8, and 9 are limited to a maximum height of 35 feet, all other buildings are limited to a maximum height of 45 feet per Resolution Z-04-043.**

4. **All garages must be constructed no less than ten (10) feet from any proposed building within the development. All proposed enclosed garages shall provide an eight (8) foot wide back-out apron in addition to the required twenty-four (24) foot wide parking lot aisle. Open carports without solid walls must not be required to provide any additional back-out area beyond the required twenty-four(24) foot wide parking lot aisle.**

DULY SIGNED this 4th day of April, A.D., 2007.

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

ATTACHMENT G

Banks Engineering
Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA ♦ PORT CHARLOTTE

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE S.88°56'00"W. ALONG THE NORTH LINE OF SAID FRACTION FOR 1322.88 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE S.01°04'20"E. ALONG THE WEST LINE OF SAID FRACTION FOR 1151.81 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (COUNTY ROAD 865 - 199.02 FEET WIDE); THENCE N.89°37'57"E. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 680.01 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 1312.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.04°33'41"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9°06'31" FOR 208.64 FEET TO AN INTERSECTION WITH A CURVE HAVING A RADIUS OF 1307.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.14°36'39"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'42" FOR 315.16 FEET; THENCE N. 56°06'08"W. FOR 3.06 FEET; THENCE N.29°10'50"W. FOR 60.46 FEET; THENCE N.28°15'16"W. FOR 30.66 FEET; THENCE N.18°42'13"E. FOR 35.83 FEET; THENCE N.14°50'17"W. FOR 59.82 FEET; THENCE N.09°03'50"E. FOR 46.83 FEET; THENCE N.18°49'48"E. FOR 39.67 FEET; THENCE N.18°12'50"E. FOR 49.13 FEET; THENCE N.37°41'02"E. FOR 20.60 FEET; THENCE N.45°28'41"E. FOR 45.15 FEET; THENCE N.25°14'18"E. FOR 40.31 FEET; THENCE N.09°24'39"E. FOR 38.83 FEET; THENCE N.10°52'34"W. FOR 27.03 FEET; THENCE N.35°51'19"E. FOR 28.90 FEET; THENCE N.70°39'04"E. FOR 29.95 FEET; THENCE S.57°54'34"E. FOR 24.44 FEET; THENCE S.77°09'08"E. FOR 20.52 FEET TO THE EAST LINE OF SAID FRACTION; THENCE N.01°10'59"W. ALONG SAID EAST LINE FOR 554.86 FEET TO THE **POINT OF BEGINNING.**

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.

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

Applicant's Legal Checked
By 04OCT06

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

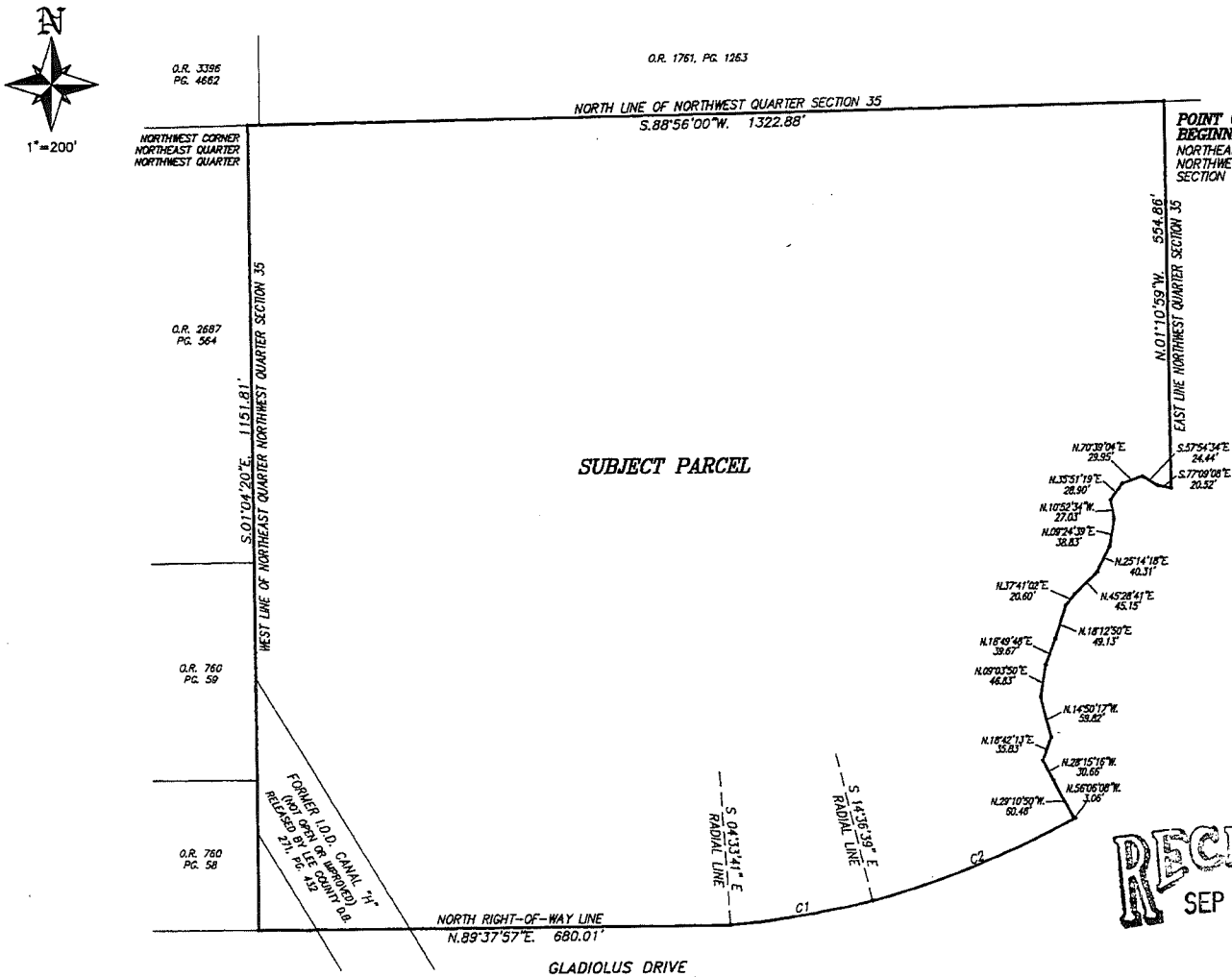
RECEIVED
SEP 25 2006

ADD 2006-00184

2515 Northbrooke Plaza Drive, Suite 200, Naples, Florida 34119 • (239) 597-2061 • Fax (239) 597-3082

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



NOTES:

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST AS BEARING N.01°10'59"W.

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

PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.

SEE SHEET 1 OF 2 FOR COMPLETE METES & BOUNDS DESCRIPTION.

LEGEND

O.R.	OFFICIAL RECORDS BOOK
PG.	PAGE
C1	CURVE DATA NUMBER

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1312.39'	09°06'31"	208.64'	208.42'	S 80°53'03" W
C2	1307.39'	13°48'42"	315.16'	314.40'	S 68°29'00" W
C3	1307.39'	07°21'30"	167.90'	167.79'	S 57°53'54" W

THIS IS NOT A SURVEY

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

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

—PREPARED SEPTEMBER 20, 2006.

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SEP 25 2006

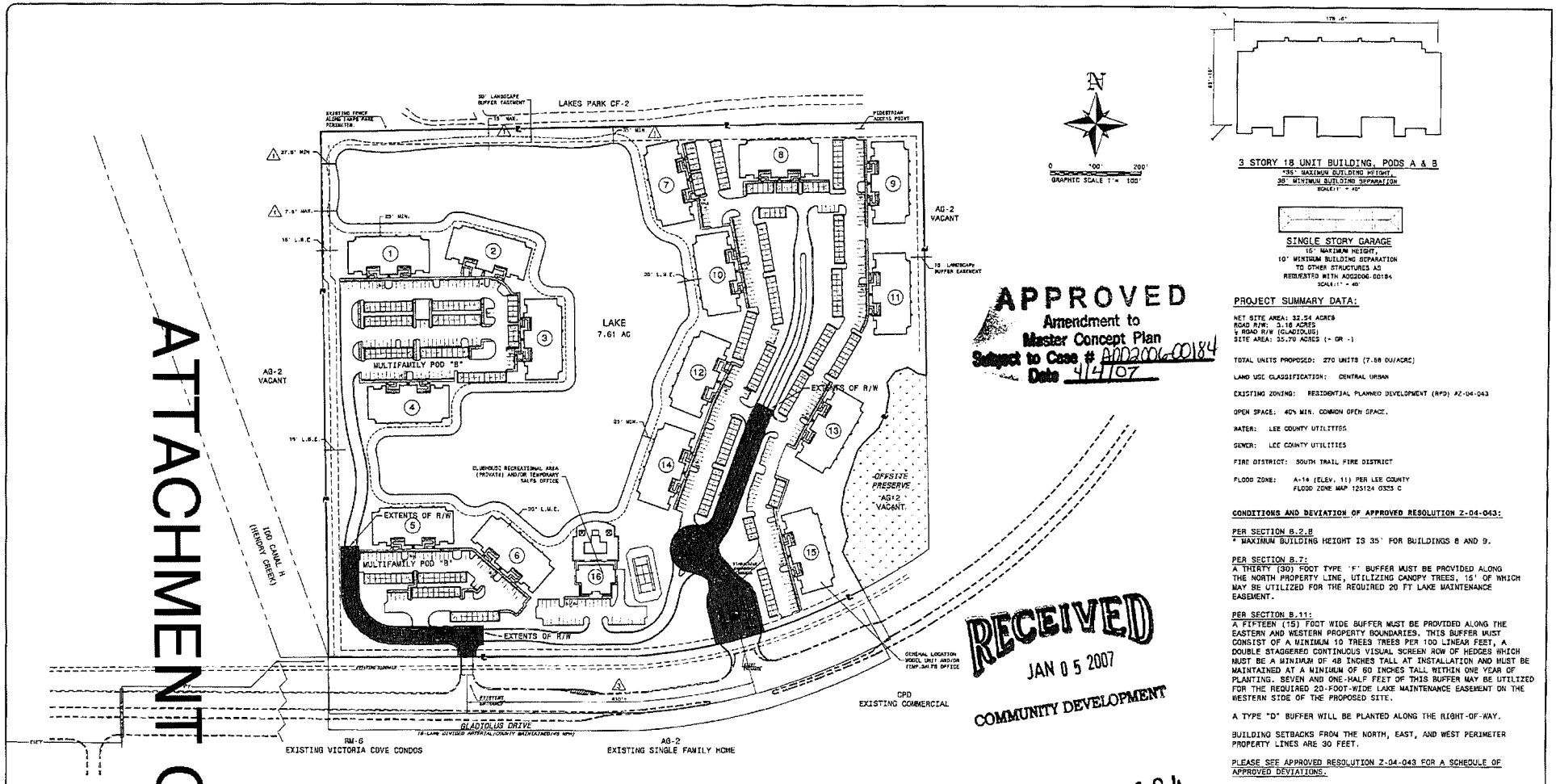
ADD 2006-00184

PREPARED BY:

Banks Engineering
ENGINEERING, SURVEYING & LAND PLANNING
2515 NORTHBROOKE PLAZA DRIVE - SUITE 200
NAPLES, FLORIDA 34119
(239) 597-2061
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

I:\Jobs\16xx\1620\SURVEY\Descriptions\16220_SK_RMR.dwg, 9/20/2006 3:28:36 PM, Dave Sheppard

ATTACHMENT G



N

0 100' 200'
GRAPHIC SCALE 1" = 100'

APPROVED
Amendment to
Master Concept Plan
Subject to Case # ADD2006-00184
Date 4/4/07

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JAN 05 2007
COMMUNITY DEVELOPMENT

ADD 2006-00184

3 STORY 18 UNIT BUILDING, PODS A & B
"35' MAXIMUM BUILDING HEIGHT
35' MINIMUM BUILDING SEPARATION
SCALE: 1" = 40'

SINGLE STORY GARAGE
16' MAXIMUM HEIGHT,
10' MINIMUM BUILDING SEPARATION
TO OTHER STRUCTURES AS
REQUESTED WITH ADD2006-00184
SCALE: 1" = 40'

PROJECT SUMMARY DATA:

NET SITE AREA: 32.54 ACRES
ROAD R/W: 3.16 ACRES
½ ROAD R/W (GLADIOLUS)
SITE AREA: 35.70 ACRES (+ OR -)

TOTAL UNITS PROPOSED: 270 UNITS (7.58 DU/ACRE)

LAND USE CLASSIFICATION: CENTRAL URBAN

EXISTING ZONING: RESIDENTIAL PLANNED DEVELOPMENT (RPD) AZ-04-043

OPEN SPACE: 40% MIN. COMMON OPEN SPACE.

WATER: LEE COUNTY UTILITIES

SEWER: LEE COUNTY UTILITIES

FIRE DISTRICT: SOUTH TRAIL FIRE DISTRICT

FLOOD ZONE: A-16 (ELEV. 11) PER LEE COUNTY FLOOD ZONE MAP 125124 0353 C

CONDITIONS AND DEVIATION OF APPROVED RESOLUTION Z-04-043:

PER SECTION B.2.B
* MAXIMUM BUILDING HEIGHT IS 35' FOR BUILDINGS 8 AND 9.

PER SECTION B.7:
A THIRTY (30) FOOT TYPE 'F' BUFFER MUST BE PROVIDED ALONG THE NORTH PROPERTY LINE, UTILIZING CANOPY TREES. 15' OF WHICH MAY BE UTILIZED FOR THE REQUIRED 20 FT LAKE MAINTENANCE EASEMENT.

PER SECTION B.11:
A FIFTEEN (15) FOOT WIDE BUFFER MUST BE PROVIDED ALONG THE EASTERN AND WESTERN PROPERTY BOUNDARIES. THIS BUFFER MUST CONSIST OF A MINIMUM 10 TREES TREES PER 100 LINEAR FEET, A DOUBLE STAGGERED CONTINUOUS VISUAL SCREEN ROW OF HEDGES WHICH MUST BE A MINIMUM OF 48 INCHES TALL AT INSTALLATION AND MUST BE MAINTAINED AT A MINIMUM OF 60 INCHES TALL WITHIN ONE YEAR OF PLANTING. SEVEN AND ONE-HALF FEET OF THIS BUFFER MAY BE UTILIZED FOR THE REQUIRED 20-FOOT-WIDE LAKE MAINTENANCE EASEMENT ON THE WESTERN SIDE OF THE PROPOSED SITE.

A TYPE "D" BUFFER WILL BE PLANTED ALONG THE RIGHT-OF-WAY.

BUILDING SETBACKS FROM THE NORTH, EAST, AND WEST PERIMETER PROPERTY LINES ARE 30 FEET.

PLEASE SEE APPROVED RESOLUTION Z-04-043 FOR A SCHEDULE OF APPROVED DEVIATIONS.

⚠ = APPROVED DEVIATION PER RESOLUTION

BUILDING LOCATIONS ARE APPROXIMATE.

PARKING:

REQUIRED:
2 PER UNIT WITH 10% GUEST
15 BLDGS x 18 UNITS = 270
270 x 2 = 540 + (270 x 0.1) = 567

PROVIDED:

OPEN PARKING	352
COVERED PARKING	271
TOTAL PARKING PROVIDED	623

EXHIBIT H-3.C

PREPARED FOR:
TOUSA HOMES, DBA
ENGLE HOMES SOUTHWEST FLORIDA
12800 NEW BRITTANY BOULEVARD
SUITE 101
FORT MYERS, FLORIDA 33907
(239) 590-8152 FAX: (239) 590-8632

NO	DATE	REVISION DESCRIPTION	BY
1	8/30/07	REVISED PER COUNTY COMMENTS DATED 7/26/06	MCP

Banks Engineering, Inc.
Professional Engineers, Planners & Land Surveyors
FORT MYERS ⊕ NAPLES ⊕SARASOTA
10481 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33912
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 5469
SURVEY LICENSE # LB 6530

MASTER CONCEPT PLAN
OASIS COVE A.K.A. GLADIOLUS RPD
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (R-T-R)
02/28/04	1620	MCP	DRJ	DCP	DRJ	1" = 100'	1	1	35-45-24

TR TRANSPORTATION CONSULTANTS, INC.

TRAFFIC IMPACT STATEMENT

FOR

OASIS COVE

ATTACHMENT H

(PROJECT NO. 0901.01)

RECEIVED
FEB 0 9 2009
COMMUNITY DEVELOPMENT

DCI 2009-00005

PREPARED BY:
TR Transportation Consultants, Inc.
13881 Plantation Road, Suite 11
Fort Myers, Florida 33912
239-278-3090

January 28, 2009

TRANSPORTATION CONSULTANTS, INC.

CONTENTS

I. INTRODUCTION

II. EXISTING CONDITIONS

III. PROPOSED DEVELOPMENT

IV. TRIP GENERATION

V. TRIP DISTRIBUTION

VI. FUTURE TRAFFIC CONDITIONS

VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

VIII. CONCLUSION

ATTACHMENT H

TR TRANSPORTATION CONSULTANTS, INC.

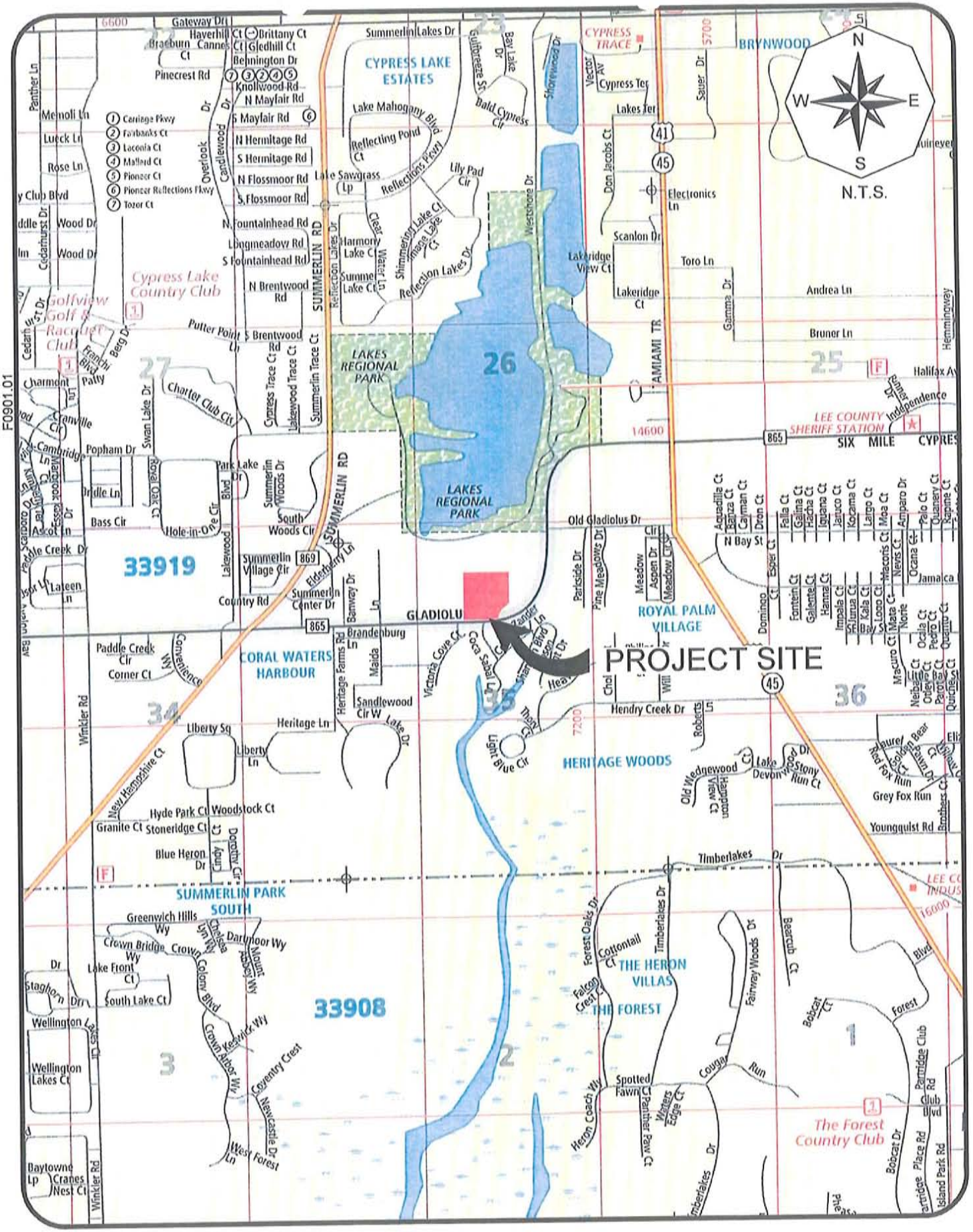
I. INTRODUCTION

TR Transportation Consultants, Inc. has conducted a traffic impact statement to fulfill requirements set forth by the Lee County Department of Community Development for projects seeking zoning approval. The site is located on the north side of Gladiolus Drive approximately one half of a mile east of its intersection with Summerlin Road in Lee County, Florida. The site location is illustrated on **Figure 1**.

Upon approval, Oasis Cove will be developed with approximately 125,000 square feet of commercial uses (a maximum of 60,000 square feet of retail space and 65,000 square feet of general office space), 300 Independent Care Units, and a 160 bed Assisted Living Facility. The Developer would like the option to include traditional multi-family residential units in exchange for the Independent Care and Assisted Living Units. Based on the size of the project, if all of the Independent Care Units and Assisted Living Units were converted to traditional multi-family residential units, a total of 190 multi-family units could be provided. Therefore, the traffic analysis examined the impact of both of these development scenarios and utilized the "worst case" in terms of peak hour trip generation to complete the analysis.

The proposed development will have an eastern entrance, Oasis Cove Boulevard, which will have full access to Gladiolus Drive. Sandy Beach Drive, which is west of Oasis Cove Boulevard, will have partial access to Gladiolus Drive. Based on the site plans, it is anticipated that the majority of residential and commercial traffic will utilize Oasis Cove Boulevard.

This report examines the impact of the development on the surrounding roadways and intersections. Trip generation and assignments to the various site access drives will be completed and analysis conducted to determine the impacts of the development on the surrounding streets and intersections.



TRANSPORTATION CONSULTANTS, INC.

PROJECT LOCATION MAP
OASIS COVE

Figure 1

II. EXISTING CONDITIONS

The subject site is currently vacant. Gladiolus Drive borders the site to the south. To the west of the site are existing residential developments as well as vacant land zoned for residential uses. To the north of the site is Lakes Regional Park, owned by Lee County, and to the east of the site is vacant land owned by Lee County.

Gladiolus Drive is a six-lane arterial roadway that borders the subject site to the south. Access to the subject site was constructed as part of the widening of Gladiolus Drive. An existing right-in/right-out access drive is located near the west end of the site and a full access is located to the east, opposite Coco Sabal Lane. Gladiolus Drive has a posted speed limit of 45 mph and is under the jurisdiction of the Lee County Department of Transportation.

III. PROPOSED DEVELOPMENT

Upon approval, the Master Concept Plan (MCP) for the development of Oasis Cove will include a maximum of 125,000 square feet of commercial floor area. Up to 60,000 square feet of that commercial floor area could be retail uses with the balance being general office uses. In addition, the MCP indicates the development of up to 300 Independent Care Units and a 160 bed Assisted Living Facility. **Table 1** summarizes the land uses utilized for trip generation purposes for the subject development.

Table 1
Oasis Cove
Land Uses

Land Use	Size
General Office Space (LUC 710)	65,000 Square Feet
Shopping Center (LUC 820)	60,000 Square Feet
Congregate Care Facility (LUC 253)	300 units
Assisted Living Facility (LUC 254)	160 beds

As previously indicated, the Developer would like the option to exchange the Congregate Care units and Assisted Living Units with traditional multi-family residential units. Should multi-family residential units be developed entirely in place of the Congregate Care and Assisted Living Units, the site plan could accommodate a maximum of 190 multi-family residential units. Therefore, in order to ensure the "worst case" was analyzed in terms of traffic impacts, the trips were generated for the site based on 190 multi-family residential units in place of the 460 combined units of Congregate Care and Assisted Living Units.

The proposed development will have access to Gladiolus Drive via two connections, a right-in/right-out and a full access, both of which currently exist.

IV. TRIP GENERATION

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled ***Trip Generation***, 8th Edition. Land Use Code 710 (General Office), 820 (Shopping Center), 230 (Residential Condominium/Townhouse), 253 (Congregate Care Facility), and 254 (Assisted Living Facility) were utilized for the proposed development. For the Master Concept Plan option where multi-family residential units are included, Land Use Code 230 (Residential Condominium/Townhouse) was utilized.

The equations for these land uses are contained in the Appendix of this report for reference. **Table 2** outlines the anticipated weekday AM and PM peak hour trip generation for Oasis Cove as currently proposed for the Master Concept Plan. The daily trip generation is also indicated in this table. Table 3 identifies the trip generation should the residential component of the site be developed entirely with traditional multi-family units.

Table 2
Trip Generation for Scenario 1
Oasis Cove
Commercial/Congregate Care/Assisted Living

Land Use	A.M. Peak Hour			P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Office (65,000 s.f.)	117	16	133	26	126	152	957
Shopping Center (60,000 s.f.)	70	44	114	221	231	452	4866
Congregate Care Facility (300 units)	11	7	18	28	23	51	606
Assisted Living Facility (160 beds)	14	8	22	15	20	35	369
Total Trips	212	75	287	290	400	690	6,798

Table 3
Trip Generation for Scenario 2
Oasis Cove
Commercial/Traditional Multi-Family Units

Land Use	A.M. Peak Hour			P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Office (65,000 s.f.)	117	16	133	26	126	152	957
Shopping Center (60,000 s.f.)	70	44	114	221	231	452	4866
Multi-Family (190 dwelling units)	15	71	86	68	34	102	1124
Total Trips	202	131	333	315	391	706	6,947

Based on the anticipated trip generation shown in the above tables, the option where the traditional multi-family units are developed in place of the Congregate Care and Assisted Living Units generate a larger amount of total trips for both AM and PM peak hours. Thus, Table 3 outlines the "worst case" weekday AM and PM peak hour trip generation for Oasis Cove as currently proposed and will be the basis of the analysis for the remainder of this report.

The trips shown in Table 3 will not all be new trips to the adjacent roadway system. Vehicles already traveling the adjoining roadway system, called "pass-by" traffic, reduce the development's overall impact on the surrounding roadway system but does not

decrease the actual driveway volumes. Lee County permits a maximum reduction in trips due to "pass-by" traffic for retail uses of thirty percent (30%). Therefore, a thirty percent (30%) pass-by reduction was utilized for retail uses. For this analysis, the "pass-by" traffic was accounted for to determine the number of "new" trips the development would add to the adjacent roadway.

Also, some of the trips will travel to/from the land uses located within the proposed Oasis Cove development. Therefore, an internal capture rate of fifteen percent (15%) was calculated between the various proposed land uses within the Oasis Cove site by utilizing methodologies presented in the ITE Trip Generation Handbook June 2004, which calculates the internal capture rates of multi-use developments. The summary sheet utilized to calculate this internal capture rate is included in the Appendix of this report for reference. **Table 4** summarizes the internal capture and pass-by percentages utilized for trip generation purposes. **Table 5** summarizes the development traffic and the breakdown between the internal capture trips, the new trips the development is anticipated to generate, and the "pass-by" trips the development is anticipated to attract. It should be noted that the driveway volumes are not reduced as a result of the "pass-by" reduction, but they are reduced as a result of the internal capture reduction. As such, the internal capture reduction was applied first, then the pass-by reduction was applied to only the external retail traffic generated by the proposed development.

Table 4
Pass-by Trip Reduction Factors
Oasis Cove

Type of Reduction	Use	Percentage Trip Reduction
Internal Capture	Entire Development	15%
Pass-by	Shopping Center (after internal capture)	30%

Table 5
Trip Generation – New Trips
Oasis Cove

Land Use	Weekday AM Peak Hour			Weekday PM Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Total Trips	202	131	333	315	391	706	6947
Less Internal Capture	-30	-20	-50	-47	-59	-106	-1042
External Trips	172	111	283	268	332	600	5905
External Retail Trips (less 15% Internal Capture)	59	37	97	188	196	384	4136
Less 30% Pass-by	-18	-11	-29	-56	-59	-115	-1241
New, External Trips	154	100	254	212	273	485	4664

V. TRIP DISTRIBUTION

The trips shown in Table 5 were then assigned to the surrounding roadway system based on the anticipated routes the drivers will utilize to approach the site. Based on current and projected population in the area and other existing or planned competing/ complementary uses in the area, a distribution of the site traffic was formulated. **Figure 2** reflects the traffic distribution and site traffic assignment of the proposed Oasis Cove development. Based on the distributions indicated within Figure 2, the external project traffic was assigned to the site access driveways.

In order to determine which roadway segments surrounding the site will be significantly impacted as outlined in the Lee County Traffic Impact Statement Guidelines **Table 1A**, contained in the Appendix, was created. This table indicates which roadway links in the vicinity of the subject site will accommodate greater than 10% of the Peak Hour – Peak Direction Level of Service "C" volumes, as defined by the Lee County Link Specific Level of Service Tables provided by the Lee County Department of Transportation.

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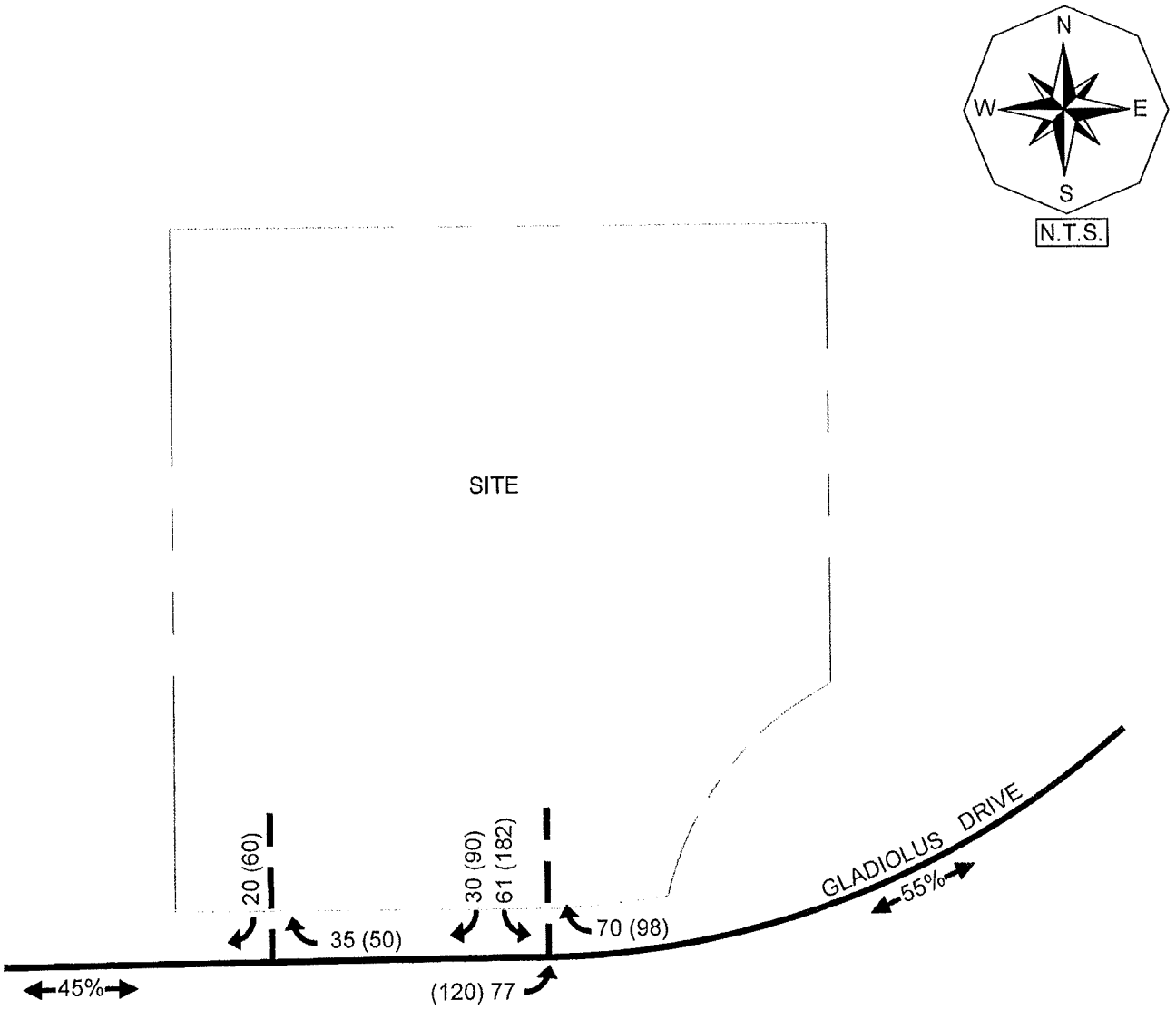

LEGEND

←20%→ PERCENT DISTRIBUTION
← 000 WEEKDAY AM PEAK HOUR TRAFFIC
← (000) WEEKDAY PM PEAK HOUR TRAFFIC
\- INDICATES LESS THAN 5 TRIPS

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PROJECT TRAFFIC DISTRIBUTION & ASSIGNMENT
OASIS COVE

Figure 2

VI. FUTURE TRAFFIC CONDITIONS

It was assumed that the project would be completed by the year 2012. Based on this projected build-out, the surrounding roadway network was analyzed under 2013 traffic conditions. A growth rate was applied to the existing traffic conditions for all roadway links and intersections that could be significantly impacted by this development. The growth rates were obtained through comparisons of annual traffic data obtained from the 2007 Lee County Traffic Count Report.

Based on the project distribution illustrated on Figure 2, the link data was analyzed for the existing conditions, year 2013 without the development and year 2013 with the development. **Table 2A** in the Appendix of the report indicates the methodology utilized to obtain the year 2013 build-out traffic volumes as well as the growth rate utilized for each roadway segment. The base year traffic volumes were obtained from the 2007/2008-2008/2009 Lee County Concurrency Management Inventory and Projections Report, dated October 2008.

Figure 3 indicates the year 2013 peak hour – peak direction traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 3 is the peak hour – peak direction volume and Level of Service of each link should no development occur on the subject site and the peak hour – peak direction volume and Level of Service for the weekday AM and PM peak hours with the development traffic added to the roadways. These figures are derived from Table 2A contained in the Appendix.

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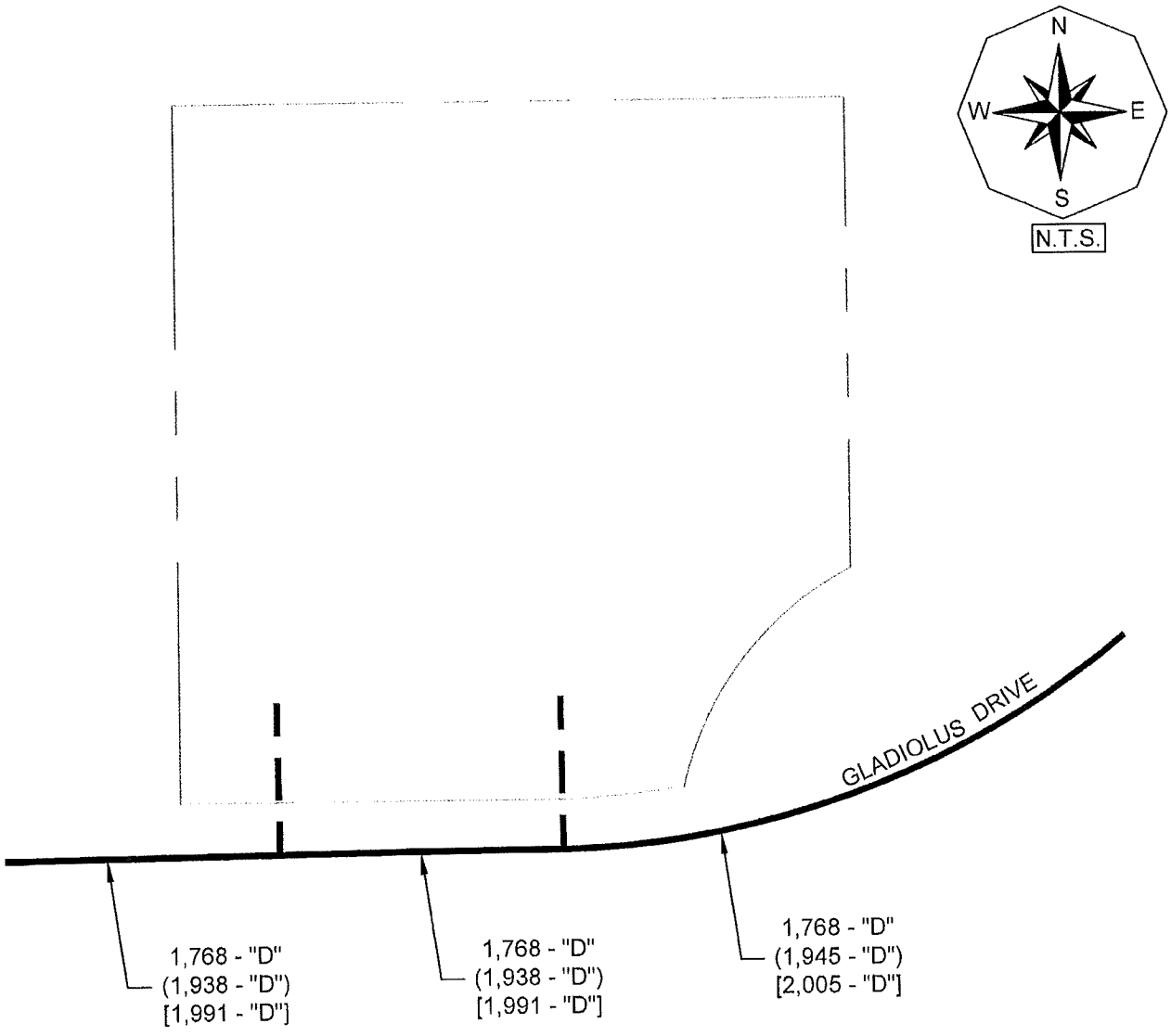


LEGEND

XXX - "C" 2013 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

(XXX -"C") 2013 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND
TRAFFIC PLUS AM PROJECT TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

[XXX -"C"] 2013 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND
TRAFFIC PLUS PM PROJECT TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

TR TRANSPORTATION CONSULTANTS, INC.

2013 BUILDOUT TRAFFIC CONDITIONS
OASIS COVE

Figure 3

VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

Figure 3 details the Levels of Service for all links inside the project's area of influence based on this analysis. The Lee County Link Specific Level of Service Volumes were utilized to determine the Level of Service Thresholds for all roadway links analyzed. Table 2A in the Appendix details the calculated volumes used to determine the Level of Service on the analyzed links. The 2013 background traffic volumes utilized for the link Level of Service analysis are illustrated on Figure 3.

In comparing the links' functional classification and calculated 2013 traffic volumes to the Service Volume Tables, it was determined that none of the roadways inside the project's area of influence would be adversely impacted by the proposed development. Adverse impacts are defined as a degradation of the Level of Service beyond the adopted Level of Service Thresholds for those links as indicated in Table 1A. In other words, all roadways analyzed as a result of the proposed development will maintain an acceptable Level of Service when the development traffic is added to the surrounding roadway network. Thus, the existing roadway network can accommodate the additional new vehicle trips the development of Oasis Cove is anticipated to generate.

Turn lane analysis was performed at both site access locations on Gladiolus Drive based on the requirements in the Lee County Turn Lane Policy, AC 11-4. Based on the results of the analysis, at the eastern site access intersection on Gladiolus Drive, an eastbound left turn lane 275 feet in overall length and a westbound right turn lane 240 feet in overall length are warranted. However, an eastbound left turn lane approximately 285 feet in overall length and a westbound right turn lane approximately 260 feet in overall length currently exist. In addition, a westbound right turn lane approximately 215 feet in overall length currently exists at the western site access intersection. Therefore, no additional turn lane improvements beyond those that already exist are warranted as a result of this analysis. A further analysis of the turn lanes will be conducted at the time of Local Development Order application.

VIII. CONCLUSION

The proposed Oasis Cove development located on the north side of Gladiolus Drive approximately one half of a mile east of its intersection with Summerlin Road in Lee County, Florida will not have a detrimental impact on the surrounding roadway system. The existing roadway network can accommodate the additional new vehicle trips the development is anticipated to generate.

Turn lane analysis was performed at both site access locations on Gladiolus Drive based on the requirements in the Lee County Turn Lane Policy, AC 11-4. Based on the results of the analysis, at the eastern site access intersection on Gladiolus Drive an eastbound left turn lane 275 feet in overall length and a westbound right turn lane 240 feet in overall length are warranted. However, an eastbound left turn lane approximately 285 feet in overall length and a westbound right turn lane approximately 260 feet in overall length currently exist. In addition, a westbound right turn lane approximately 215 feet in overall length currently exists at the western site access intersection. Therefore, no turn lane improvements are warranted as a result of this analysis.

Intersection analysis was performed at both of the site access intersections on Gladiolus Drive. Based on the results of the intersection analysis, the only approach shown to operate below acceptable Level of Service conditions is the southbound approach to the eastern site access intersection. However, this failing Level of Service condition will only affect the site traffic. Therefore, no roadway improvements are warranted as a result of the traffic added by the Oasis Cove residential development.

APPENDIX

TABLES 1A & 2A

TABLE 1A
OASIS COVE
PEAK DIRECTION PROJECT TRAFFIC VS. LOS C LINK VOLUMES

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 254 VPH IN= 154 OUT= 100

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 485 VPH IN= 212 OUT= 273

ROADWAY	SEGMENT	ROADWAY CLASS	LOS A VOLUME	LOS B VOLUME	LOS C VOLUME	LOS D VOLUME	LOS E VOLUME	PROJECT TRAFFIC DISTRIBUTION	NEW PROJ TRAFFIC AM PEAK	NEW PROJ TRAFFIC PM PEAK	PROJ/ LOS C
Gladiolus Drive	W. of US 41	6LD	0	0	1170	2760	3020	55%	85	150	12.83%
	W. of W Site Access	6LD	0	0	1170	2760	3020	45%	69	123	10.50%
	W. of E Site Access	6LD	0	0	1170	2760	3020	45%	69	123	10.50%

* Lee County Link Specific Level of Service Thresholds utilized

[1] Project traffic distribution for Gladiolus Drive west of the eastern site access drive was calculated from the site traffic assignment illustrated on Figure 2

TABLE 2A
OASIS COVE
BUILD-OUT TRAFFIC VOLUMES AND 100TH HIGHEST HOUR LEVEL OF SERVICE ANALYSIS

TOTAL AM PEAK HOUR PROJECT TRAFFIC: 254 VPH IN= 154 OUT= 100

TOTAL PM PEAK HOUR PROJECT TRAFFIC: 485 VPH IN= 212 OUT= 273

ROADWAY	SEGMENT	SITE/PCS	BASE YR ADT	2007 ADT[2]	YRS OF GROWTH	ANNUAL RATE[2]	2007 PK HR PK SEASON PEAK DIR.[1]	2013 PK HR PK SEASON PEAK DIR.	PROJECT TRAFFIC DISTRIBUTION	AM PROJ TRAFFIC	PM PROJ TRAFFIC	2013 BCKGRND + AM PROJ TRAFFIC	2013 BCKGRND + PM PROJ TRAFFIC
Gladiolus Drive	W. of US 41	46	32400	35200	9	0.93%	1768	1868	50%	77	137	1945	2005
	W. of W Site Access	46	32400	35200	9	0.93%	1768	1868	45%	69	123	1938	1991
	W. of E Site Access	46	32400	35200	9	0.93%	1768	1868	45%	69	123	1938	1991

[1] Project traffic distribution for Gladiolus Drive west of the eastern site access drive was calculated from the site traffic assignment illustrated on Figure 2

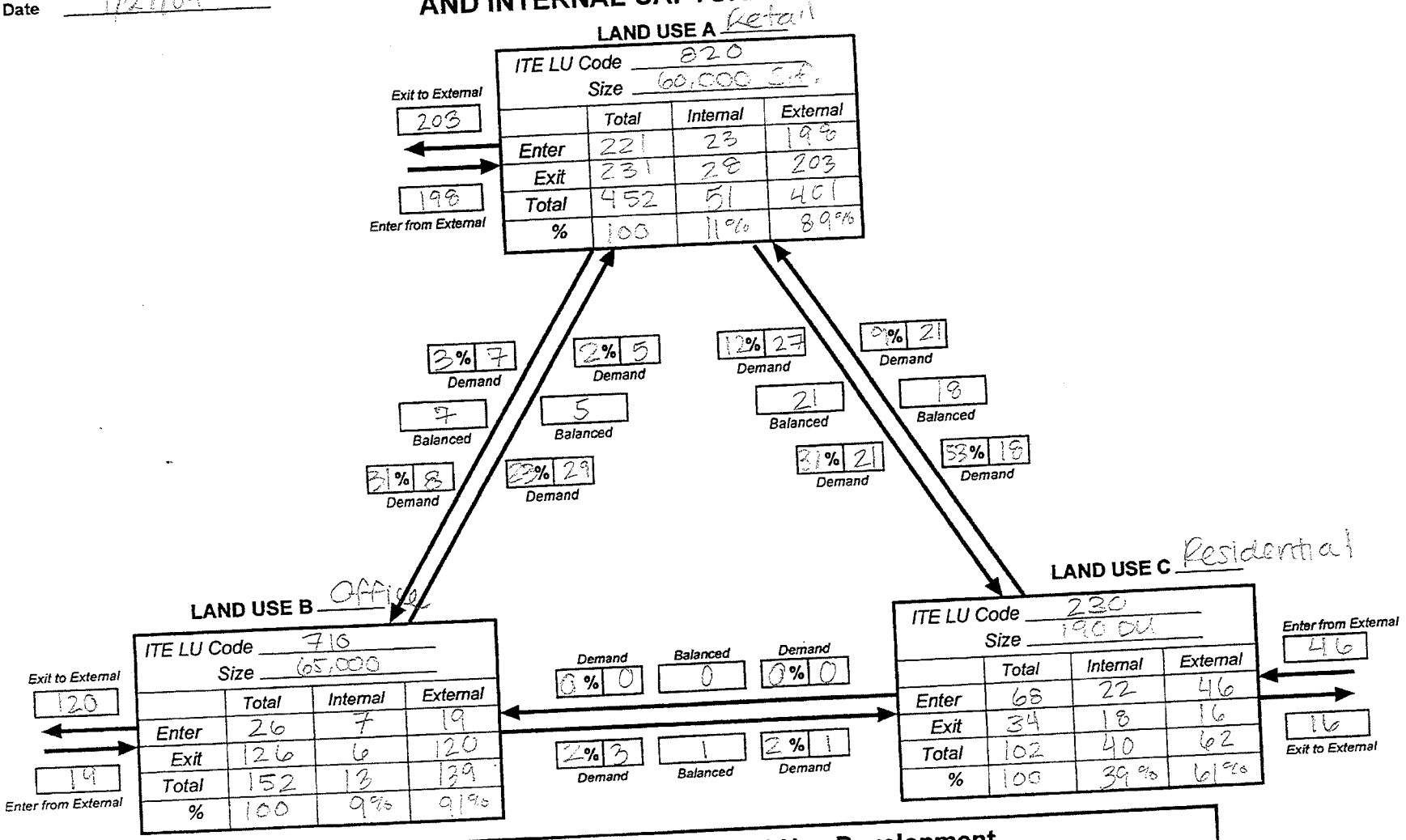
	2013 BCKGRND TRAFFIC LOS	2013 BCKGRND + AM PROJ LOS	2013 BCKGRND + PM PROJ LOS
Gladiolus Drive W. of US 41	D	D	D
W. of W Site Access	D	D	D
W. of E Site Access	D	D	D

ITE INTERNAL CAPTURE
CALCULATION SUMMARY SHEET

Analyst Adrienne Aracanto
Date 1/27/09

Name of Dvlpt Oasis Cove
Time Period PM Peak

MULTI-USE DEVELOPMENT TRIP GENERATION AND INTERNAL CAPTURE SUMMARY



LAND USE A	Total	Internal	External
Enter	221	23	198
Exit	231	28	203
Total	452	51	401
%	100	11%	89%

LAND USE B	Total	Internal	External
Enter	26	7	19
Exit	126	6	120
Total	152	13	139
%	100	9%	91%

LAND USE C	Total	Internal	External
Enter	68	22	46
Exit	34	18	16
Total	102	40	62
%	100	39%	61%

Net External Trips for Multi-Use Development

	LAND USE A	LAND USE B	LAND USE C	TOTAL
Enter	198	19	46	263
Exit	203	120	16	339
Total	401	139	62	602
Single-Use Trip Gen. Est.	452	152	102	706

INTERNAL CAPTURE 15%

Source: Kaku Associates, Inc.

TRIP GENERATION EQUATIONS

ATTACHMENT H

TRIP GENERATION EQUATIONS
OASIS COVE
ITE TRIP GENERATION REPORT, 8th EDITION

Land Use	Weekday AM Peak Hour	Weekday PM Peak Hour	Daily (2-way)
General Office Building (LUC 710)	Ln (T)= 0.80 Ln (X) + 1.55 (88% In/12% Out)	T = 1.12 (X) +78.81 (17% In/83% Out)	Ln (T)=0.77 Ln (X) + 3.65
T = Number of Trips, X = 1,000's of square feet of Gross Floor Area (GFA)			
Shopping Center (LUC 820)	Ln (T)=0.59 Ln (X) + 2.32 (61% In/39% Out)	Ln (T)=0.67 Ln (X) +3.37 (49% In/51% Out)	Ln (T)=0.65 Ln (X) +5.83
T = Number of Trips, X = 1,000's of square feet of Gross Floor Area (GFA)			
Residential Condominium/ Town Homes (LUC 230)	Ln (T)=0.80 (X) + 0.26 (17% In/83% Out)	Ln (T)=0.82 Ln (X) + 0.32 (67% In/33% Out)	Ln (T)=0.87 Ln (X) + 2.46
T = Number of Trips, X = 1,000's of square feet of Gross Floor Area (GFA)			
Congregate Care Facility (LUC 253)	T=0.06 (X) (59% In/41% Out)	T=0.17 (X) (55% In/45% Out)	T=2.02 (X)
T = Number of Trips, X = 1,000's of square feet of Gross Floor Area (GFA)			
Assisted Living Facility (LUC 254)	T= 0.14 (X) (65% In/35% Out)	T= 0.22 (X) (44% In/56% Out)	Ln (T)=0.56 Ln (X) +3.07
T = Number of Trips, X = 1,000's of square feet of Gross Floor Area (GFA)			

ATTACHMENT H

TR TRANSPORTATION CONSULTANTS, INC.

March 26, 2009

Ms. Stacey Hewitt
Banks Engineering
10511 Six Mile Cypress Pkwy
Suite 101
Fort Myers, FL 33966

RE: Oasis Cove RPD/CPD
DCI2009-00005

Dear Ms. Stacey Hewitt:

TR Transportation Consultants, Inc. has reviewed the comments issued by the Lee County Department of Transportation for the Oasis Cove project. The comments and TR Transportation's response to those comments are listed below for reference.

LC D.O.T. Development Review PD Application Sufficiency Checklist (Ord. 07-24)

1a) Based on the schedule of uses, it appears that the site would function more similarly to the Continuing Care Retirement Community (CCRC) land use in ITE (LUC 255). The MCP indicates a maximum of 120,000 square feet of commercial uses within the CPD, but the TIS reflects a total of 125,000 square feet. As revision to the trip generation is required based on other comments, please update the square footage of the commercial uses.

Although not intended to be, the site could be developed as an integrated Continuing Care Retirement Community (CCRC) land use. Trip generation for the original land use (160 Assisted Living Units and 300 Independent Care Units) was compared to that of a 460 unit CCRC in order to determine which generated the highest amount of trips. Thus, the CCRC land use was utilized throughout the report since it produced the highest trip generation. Due to the comments issued, a revised Traffic Impact Statement was prepared. The revised TIS, with a Revision date of March 26, 2009, is attached to this response.

The MCP has been revised to indicate a maximum of 125,000 S.F. of commercial uses, as indicated in the original TIS.

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2a) The schedule of uses for the CPD portion of the site includes Medical Office uses. Please revise the trip generation of the office portion of the development to account for the possibility that it could develop as Medical Office as it typically generates more traffic than General Office uses.

Original trip generation of the office portion was based off of the MCP which included 65,000 S.F. of General Office use. As the developer has decided to have the option to utilize this space for Medical Office use as well, the MCP has been revised. Thus, in order to account for the possibility of all of the 65,000 S.F. of office use being developed as Medical Office, it was utilized in trip generation calculations throughout the revised TIS.

6a) Please indicate the Area of Influence within the TIS.

Analysis of the Level of Service for all links within the area of influence has been updated on Table 1A in the Appendix of the revised report. Table 1A determines the area in which project traffic is 10% of the maximum service volumes at LOS "C" on influenced roadway links at project build-out. Links which met or exceeded the 10% maximum service volumes at LOS "C" were then analyzed in Table 2A to determine build-out traffic volumes and a 100th highest hour Level of Service analysis.

7) The Level of Service thresholds utilized in the TIS are not approved by the Board of County Commissioners at this time. Please use the Link Specific Table dated September, 2005. As a result, it appears that Gladiolus Drive would not sustain a significant impact.

Acknowledged; the Level of Service thresholds have been revised to reflect those of the Link Specific Table dated September, 2005.

7a) No analysis of the site access intersections has been included. Please provide an analysis of these intersections.

Analysis of these intersections utilizing SYNCHRO software has been provided in the Appendix of the revised report.

If you have any additional questions, please do not hesitate to contact me.

Sincerely,

ATTACHMENT I

Ted B. Treesh
President

TR TRANSPORTATION CONSULTANTS, INC.

TRAFFIC IMPACT STATEMENT

FOR

OASIS COVE

ATTACHMENT I

(PROJECT NO. 0901.01)

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PREPARED BY:
TR Transportation Consultants, Inc.
13881 Plantation Road, Suite 11
Fort Myers, Florida 33912
239-278-3090

Revised
March 26, 2009

TRANSPORTATION CONSULTANTS, INC.

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I. INTRODUCTION

II. EXISTING CONDITIONS

III. PROPOSED DEVELOPMENT

IV. TRIP GENERATION

V. TRIP DISTRIBUTION

VI. FUTURE TRAFFIC CONDITIONS

VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

VIII. CONCLUSION

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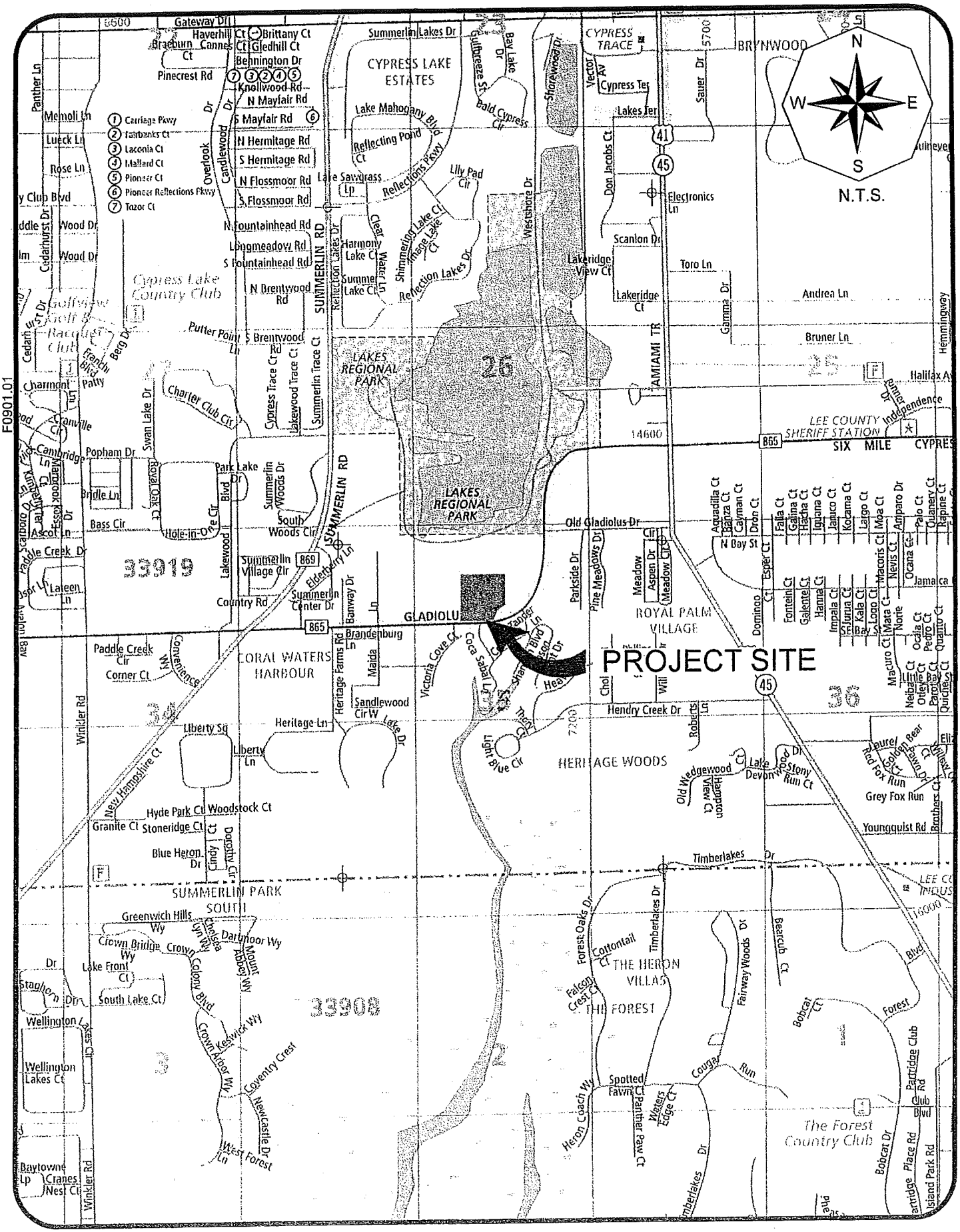
I. INTRODUCTION

TR Transportation Consultants, Inc. has conducted a traffic impact statement to fulfill requirements set forth by the Lee County Department of Community Development for projects seeking zoning approval. The site is located on the north side of Gladiolus Drive approximately one half of a mile east of its intersection with Summerlin Road in Lee County, Florida. The site location is illustrated on **Figure 1.**

Upon approval, Oasis Cove will be developed with approximately 125,000 square feet of commercial uses (a maximum of 60,000 square feet of retail space and 65,000 square feet of office space), 300 Independent Care Units, and a 160 bed Assisted Living Facility. The Developer would like the option to include traditional multi-family residential units in exchange for the Independent Care and Assisted Living Units. Based on the size of the project, if all of the Independent Care Units and Assisted Living Units were converted to traditional multi-family residential units, a total of 190 multi-family units could be provided. Therefore, the traffic analysis examined the impact of both of these development scenarios and utilized the "worst case" in terms of peak hour trip generation to complete the analysis.

The proposed development will have an eastern entrance, Oasis Cove Boulevard, which will have full access to Gladiolus Drive. Sandy Beach Drive, which is west of Oasis Cove Boulevard, will have partial access to Gladiolus Drive. Based on the site plans, it is anticipated that the majority of residential and commercial traffic will utilize Oasis Cove Boulevard.

This report examines the impact of the development on the surrounding roadways and intersections. Trip generation and assignments to the various site access drives will be completed and analysis conducted to determine the impacts of the development on the surrounding streets and intersections.



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PROJECT LOCATION MAP
OASIS COVE

Figure 1

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II. EXISTING CONDITIONS

The subject site is currently vacant. Gladiolus Drive borders the site to the south. To the west of the site are existing residential developments as well as vacant land zoned for residential uses. To the north of the site is Lakes Regional Park, owned by Lee County, and to the east of the site is vacant land owned by Lee County.

Gladiolus Drive is a six-lane arterial roadway that borders the subject site to the south. Access to the subject site was constructed as part of the widening of Gladiolus Drive. An existing right-in/right-out access drive is located near the west end of the site and a full access is located to the east, opposite Coco Sabal Lane. Gladiolus Drive has a posted speed limit of 45 mph and is under the jurisdiction of the Lee County Department of Transportation.

III. PROPOSED DEVELOPMENT

Upon approval, the Master Concept Plan (MCP) for the development of Oasis Cove will include a maximum of 125,000 square feet of commercial floor area. Up to 60,000 square feet of that commercial floor area could be retail uses with the balance being office uses. Since Medical Office use typically generates more traffic then General Office use, it was utilized in this trip generation for the proposed office use portion. In addition, the MCP indicates the development of up to 300 Independent Care Units and a 160 bed Assisted Living Facility. Although not intended to be, the site could develop as an integrated Continuing Care Retirement Community (CCRC) land use. Comparing the trips generated by 160 Assisted Living Units and 300 Independent Care Units to a 460 unit CCRC, the CCRC produces the highest trip generation and thus was utilized throughout trip generation calculations. **Table 1** summarizes the land uses utilized for trip generation purposes for the subject development.

Table 1
Oasis Cove
Land Uses

Land Use	Size
Medical Office (LUC 720)	65,000 Square Feet
Shopping Center (LUC 820)	60,000 Square Feet
Continuing Care Retirement Community (CCRC) (LUC 255)	460 units

As previously indicated, the Developer would like the option to exchange the Independent Care Units and Assisted Living Units with traditional multi-family residential units. Should multi-family residential units be developed entirely in place of the Independent Care Units and Assisted Living Units, the site plan could accommodate a maximum of 190 multi-family residential units. Therefore, in order to ensure the "worst case" was analyzed in terms of traffic impacts, the trips were generated for the site based on 190 multi-family residential units in place of the 460 unit Continuing Care Retirement Community.

The proposed development will have access to Gladiolus Drive via two connections, a right-in/right-out and a full access, both of which currently exist.

IV. TRIP GENERATION

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled ***Trip Generation***, 8th Edition. Land Use Code 720 (Medical Office), 820 (Shopping Center), and 255 (Continuing Care Retirement Community), were utilized for the proposed development. For the Master Concept Plan option where multi-family residential units are included, Land Use Code 230 (Residential Condominium/Townhouse) was utilized.

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The equations for these land uses are contained in the Appendix of this report for reference. **Table 2** outlines the anticipated weekday AM and PM peak hour trip generation for Oasis Cove as currently proposed for the Master Concept Plan. The daily trip generation is also indicated in this table. **Table 3** identifies the trip generation should the residential component of the site be developed entirely with traditional multi-family units.

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Table 2
Trip Generation for Scenario 2
Oasis Cove
Commercial/Continuing Care Retirement Community

Land Use	A.M. Peak Hour			P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Medical Office (65,000 s.f.)	119	31	150	61	164	225	2,443
Shopping Center (60,000 s.f.)	70	44	114	221	231	452	4,866
CCRC (460 dwelling units)	53	30	83	64	69	133	1,293
Total Trips	242	105	347	346	464	810	8,602

Table 3
Trip Generation for Scenario 3
Oasis Cove
Commercial/ Traditional Multi-Family Units

Land Use	A.M. Peak Hour			P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Medical Office (65,000 s.f.)	119	31	150	61	164	225	2,443
Shopping Center (60,000 s.f.)	70	44	114	221	231	452	4,866
Multi-Family (190 dwelling units)	15	71	86	68	34	102	1,124
Total Trips	204	146	350	350	429	779	8,433

Based on the anticipated trip generation shown in the above tables, the option where the Continuing Care Retirement Community is developed as opposed to the traditional multi-family units generates a similar amount of total trips for AM peak hours and a larger

amount of total trips for PM peak hours. Thus, Table 2 outlines the "worst case" weekday PM peak hour trip generation for Oasis Cove as currently proposed and will be the basis of the analysis for the remainder of this report.

The trips shown in Table 2 will not all be new trips to the adjacent roadway system. Vehicles already traveling the adjoining roadway system, called "pass-by" traffic, reduce the development's overall impact on the surrounding roadway system but does not decrease the actual driveway volumes. Lee County permits a maximum reduction in trips due to "pass-by" traffic for retail uses of thirty percent (30%). Therefore, a thirty percent (30%) pass-by reduction was utilized for retail uses. For this analysis, the "pass-by" traffic was accounted for to determine the number of "new" trips the development would add to the adjacent roadway.

Also, some of the trips will travel to/from the land uses located within the proposed Oasis Cove development. Therefore, an internal capture rate of thirteen percent (13%) was calculated between the various proposed land uses within the Oasis Cove site by utilizing methodologies presented in the ITE Trip Generation Handbook June 2004, which calculates the internal capture rates of multi-use developments. The summary sheet utilized to calculate this internal capture rate is included in the Appendix of this report for reference. **Table 4** summarizes the internal capture and pass-by percentages utilized for trip generation purposes. **Table 5** summarizes the development traffic and the breakdown between the internal capture trips, the new trips the development is anticipated to generate, and the "pass-by" trips the development is anticipated to attract. It should be noted that the driveway volumes are not reduced as a result of the "pass-by" reduction, but they are reduced as a result of the internal capture reduction. As such, the internal capture reduction was applied first, then the pass-by reduction was applied to only the external retail traffic generated by the proposed development.

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Table 4
Pass-by Trip Reduction Factors
Oasis Cove

Type of Reduction	Use	Percentage Trip Reduction
Internal Capture	Entire Development	13%
Pass-by	Shopping Center (after internal capture)	30%

Table 5
Trip Generation – New Trips
Oasis Cove

Land Use	Weekday AM Peak Hour			Weekday PM Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Total Trips	242	105	347	346	464	810	8,602
Less Internal Capture	-31	-14	-45	-45	-60	-105	-1,118
External Trips	211	91	302	301	404	705	7,484
External Retail Trips (less 13% Internal Capture)	61	38	99	192	201	393	4,233
Less 30% Pass-by	-18	-11	-30	-58	-60	-118	-1,270
New, External Trips	193	80	272	243	344	587	6,214

V. TRIP DISTRIBUTION

The trips shown in Table 5 were then assigned to the surrounding roadway system based on the anticipated routes the drivers will utilize to approach the site. Based on current and projected population in the area and other existing or planned competing/ complementary uses in the area, a distribution of the site traffic was formulated. **Figure 2** reflects the traffic distribution of the proposed Oasis Cove development. Based on the distributions indicated within Figure 2, the external project traffic was assigned to the site access driveways, shown on **Figure 3**. The projected 2013 background plus project traffic, illustrated on **Figure 4**, was then calculated by adding the projected 2013 background volumes to the site traffic assignment for the proposed Oasis Cove development.

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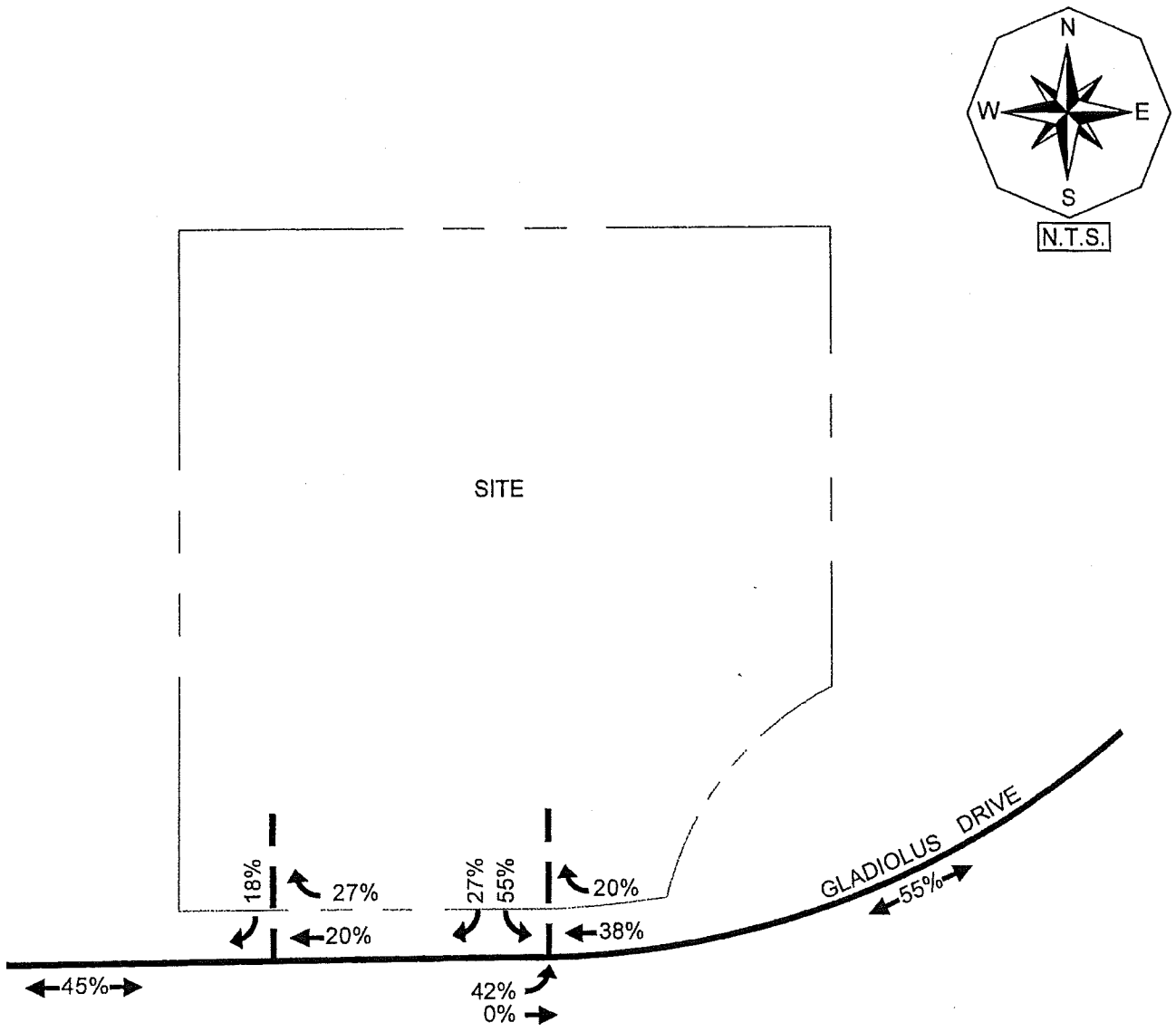

LEGEND

←20%→ PERCENT DISTRIBUTION

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PROJECT TRAFFIC DISTRIBUTION
OASIS COVE

Figure 2

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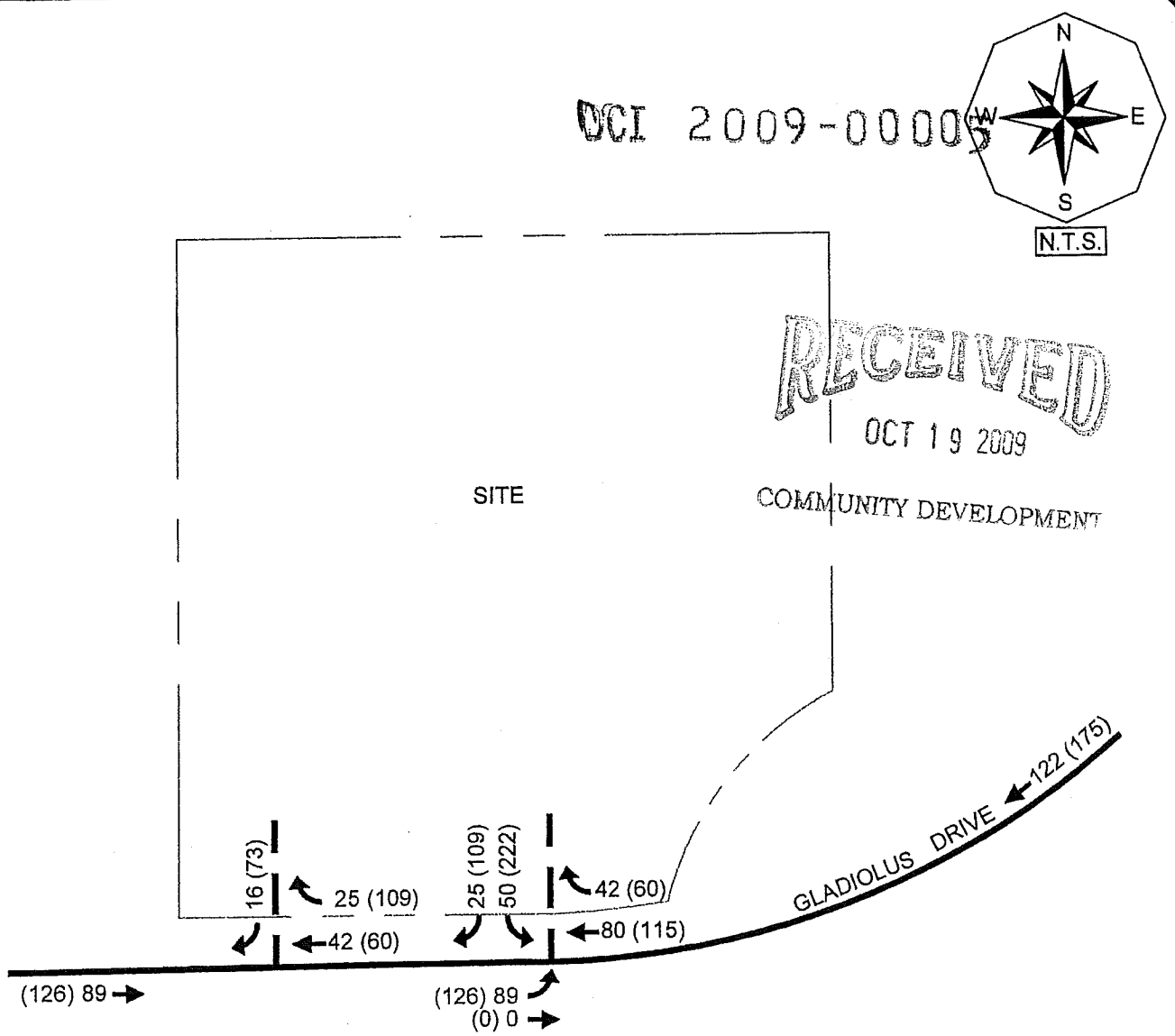

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LEGEND

← 000 WEEKDAY AM PEAK HOUR TRAFFIC
← (000) WEEKDAY PM PEAK HOUR TRAFFIC
\- INDICATES LESS THAN 5 TRIPS

TR TRANSPORTATION CONSULTANTS, INC.

PROJECT TRAFFIC ASSIGNMENT
OASIS COVE

Figure 3

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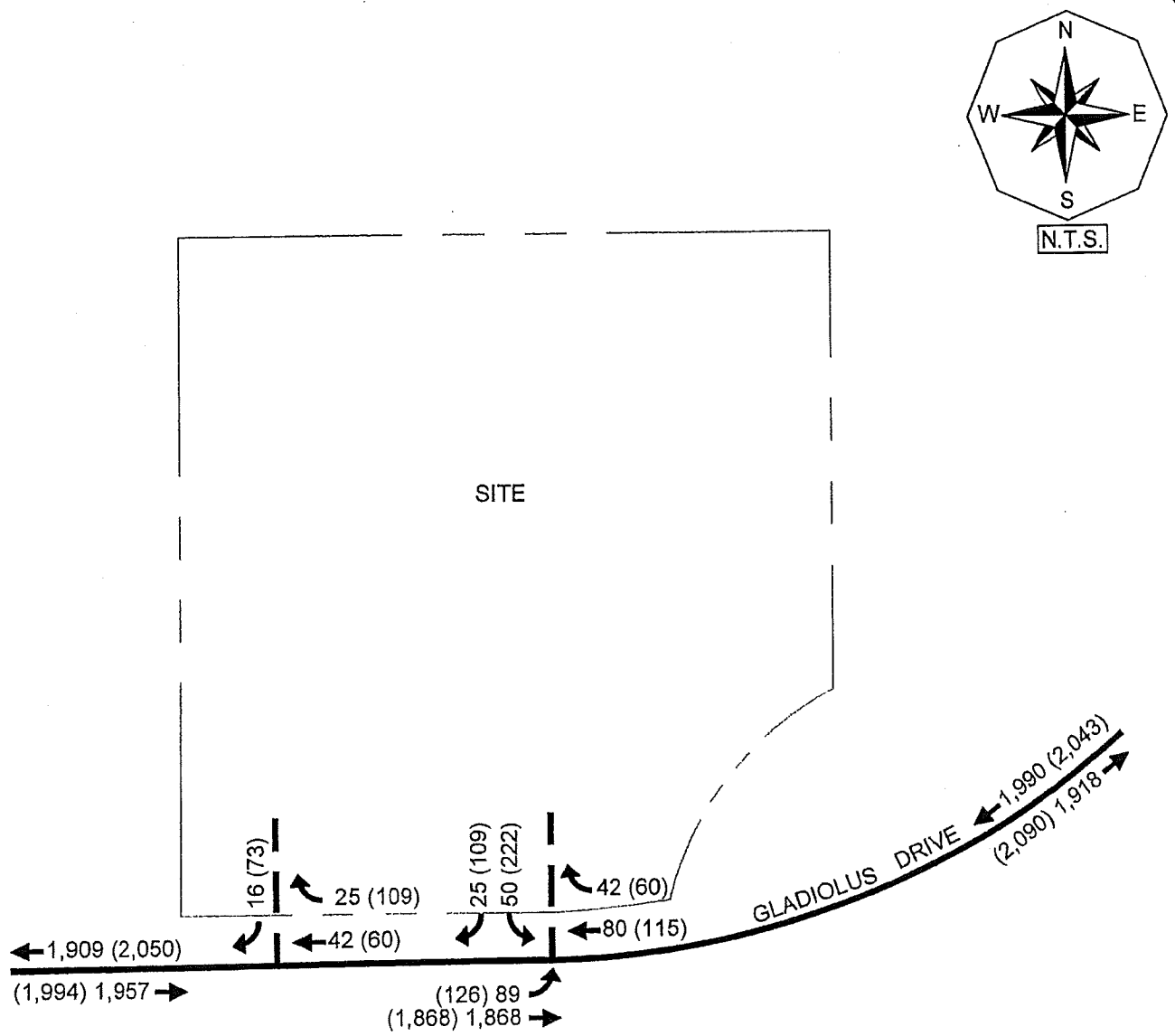

LEGEND

000 WEEKDAY AM PEAK HOUR TRAFFIC
(000) WEEKDAY PM PEAK HOUR TRAFFIC
\- INDICATES LESS THAN 5 TRIPS

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PROJECTED 2013 BACKGROUND & PROJECT TRAFFIC
OASIS COVE

Figure 4

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In order to determine which roadway segments surrounding the site will be significantly impacted as outlined in the Lee County Traffic Impact Statement Guidelines **Table 1A**, contained in the Appendix, was created. This table indicates which roadway links in the vicinity of the subject site will accommodate greater than 10% of the Peak Hour – Peak Direction Level of Service "C" volumes, as defined by the Lee County Link Specific Level of Service Tables dated September 2005 as provided by the Lee County Department of Transportation.

VI. FUTURE TRAFFIC CONDITIONS

It was assumed that the project would be completed by the year 2012. Based on this projected build-out, the surrounding roadway network was analyzed under 2013 traffic conditions. A growth rate was applied to the existing traffic conditions for all roadway links and intersections that could be significantly impacted by this development. The growth rates were obtained through comparisons of annual traffic data from the 2007 Lee County Traffic Count Report.

Based on the project distribution illustrated on Figure 2, the link data was analyzed for the existing conditions, year 2013 without the development and year 2013 with the development. **Table 2A** in the Appendix of the report indicates the methodology utilized to obtain the year 2013 build-out traffic volumes as well as the growth rate utilized for each roadway segment. The base year traffic volumes were obtained from the 2007/2008-2008/2009 Lee County Concurrency Management Inventory and Projections Report, dated October 2008.

Figure 5 indicates the year 2013 peak hour – peak direction traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 5 is the peak hour – peak direction volume and Level of Service of each link should no development occur on the subject site and the peak hour – peak direction volume and Level of Service for the weekday AM and PM peak hours with the development traffic

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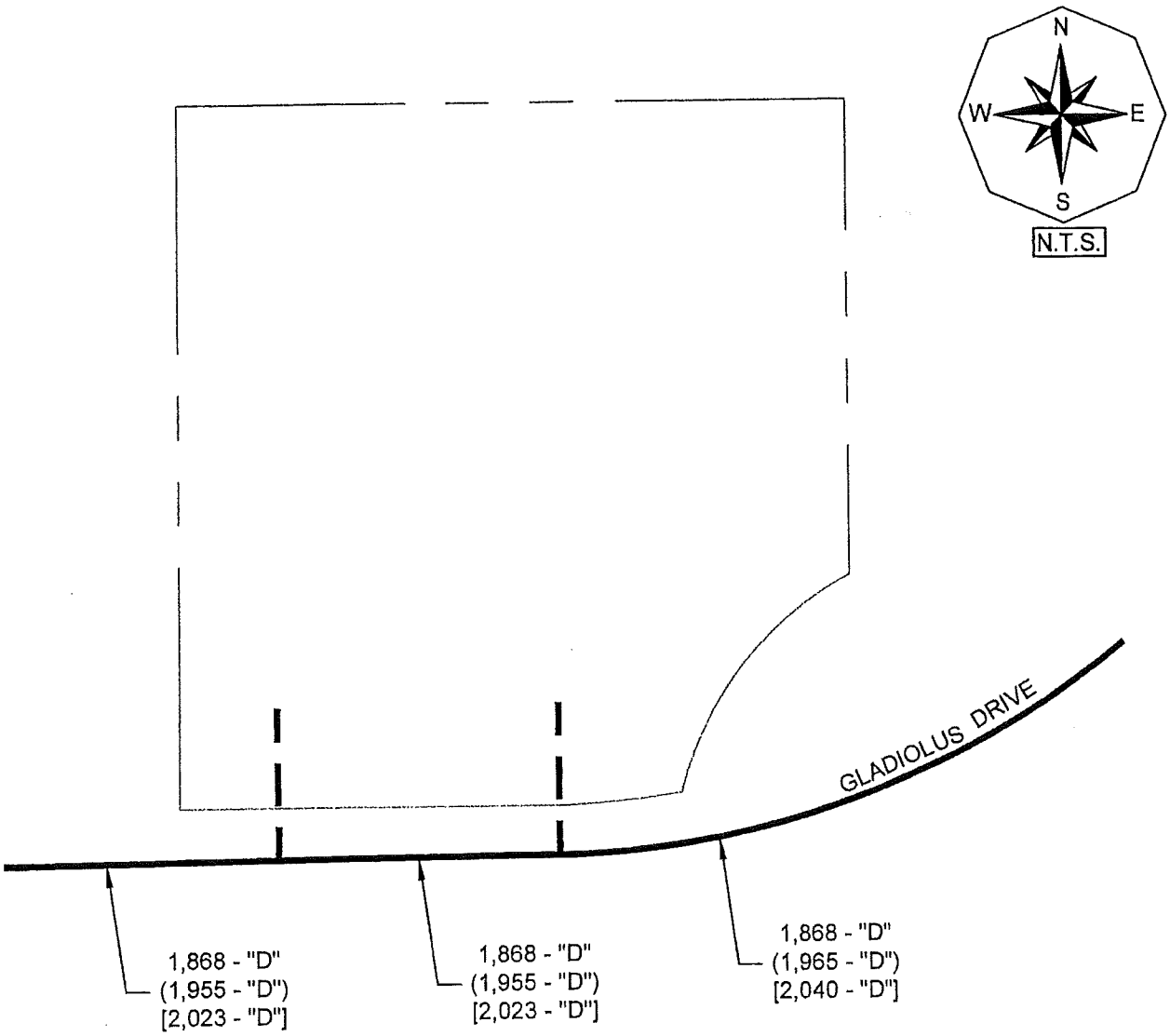

LEGEND

XXX - "C" 2013 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

(XXX -"C") 2013 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND
TRAFFIC PLUS AM PROJECT TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

[XXX -"C"] 2013 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND
TRAFFIC PLUS PM PROJECT TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

TRANSPORTATION CONSULTANTS, INC.

2013 BUILDOUT TRAFFIC CONDITIONS
OASIS COVE

Figure 5

added to the roadways. These figures are derived from Table 2A contained in the Appendix.

VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

Figure 5 details the Levels of Service for all links inside the project's area of influence based on this analysis. The area of influence for this analysis includes the segment of Gladiolus Drive west of U.S. 41 to the eastern site access. The Lee County Link Specific Level of Service Volumes were utilized to determine the Level of Service Thresholds for all roadway links analyzed. Table 2A in the Appendix details the calculated volumes used to determine the Level of Service on the analyzed links. The 2013 background traffic volumes utilized for the link Level of Service analysis are illustrated on Figure 5.

In comparing the links' functional classification and calculated 2013 traffic volumes to the Service Volume Tables, it was determined that none of the roadways inside the project's area of influence would be adversely impacted by the proposed development. Adverse impacts are defined as a degradation of the Level of Service beyond the adopted Level of Service Thresholds for those links as indicated in Table 1A. In other words, all roadways analyzed as a result of the proposed development will maintain an acceptable Level of Service when the development traffic is added to the surrounding roadway network. Thus, the existing roadway network can accommodate the additional new vehicle trips the development of Oasis Cove is anticipated to generate.

Turn lane analysis was performed at both site access locations on Gladiolus Drive based on the requirements in the Lee County Turn Lane Policy, AC 11-4. Based on the results of the analysis, at the eastern site access intersection on Gladiolus Drive, an eastbound left turn lane and a westbound right turn lane are warranted. These turn lanes should be constructed to include 290 feet of taper/deceleration length according to the Florida Department of Transportation Standard Index #301 (Index #301) based upon a 50 mph design speed. Since the westbound right turn lanes will operate under free flow conditions, storage is not required. However, a westbound right turn lane approximately

260 feet in overall length at the eastern site access and an additional westbound right turn lane approximately 215 feet in overall length at the western site access intersection currently exist. In order to meet the taper/deceleration requirements, the eastern access right turn lane must be extended to include an additional 30 feet of taper/deceleration and the western right turn lane must be extended to include and additional 75 feet of taper/deceleration.

The required storage length for the eastbound left turn lane was based on an average arrival pattern over a two (2) minute period during the peak hour. Therefore the required storage length was calculated as follows:

Eastbound Left Turn Lane

$$Q = \frac{(2.0)(DHV)(25)}{N}$$

Q = design length for left turn storage in ft.
DHV = left turn volume during design peak hour, in VPH
N = number of cycles per hour for peak hour, use N=30 as default

$$Q = \frac{(2.0)*(126\ veh)*(25)}{30}$$

= 210 ft of storage

Based on the results of this analysis the warranted eastbound left turn lane should be constructed to include approximately 500 feet in overall length. However, an eastbound left turn lane approximately 285 feet in overall length currently exists. Thus, the length of this existing eastbound left turn lane will need to be extended a total of 215 feet to accommodate the additional required storage and taper/deceleration. Further analysis of the turn lanes will be conducted at the time of Local Development Order application.

Intersection analysis was performed at both of the site access intersections on Gladiolus Drive using Synchro 6, Traffic Coordination Software, results of which can be found in the Appendix of this report. The 2013 build-out traffic volumes illustrated on Figure 4 were utilized in the analysis. Based on the results of the intersection analysis, the only

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approach shown to operate below acceptable Level of Service conditions is the southbound approach to the eastern site access intersection. However, this failing Level of Service condition will only affect the site traffic, not the existing roadway segment. Therefore, no roadway improvements are warranted as a result of the traffic added by the Oasis Cove residential development. If it were the developer's desire to improve the southbound approach Level of Service, the intersection would need to be signalized. A summary of the proposed signalized intersection is included in the Appendix.

VIII. CONCLUSION

The proposed Oasis Cove development located on the north side of Gladiolus Drive approximately one half of a mile east of its intersection with Summerlin Road in Lee County, Florida will not have a detrimental impact on the surrounding roadway system. The existing roadway network can accommodate the additional new vehicle trips the development is anticipated to generate.

Turn lane analysis was performed at both site access locations on Gladiolus Drive based on the requirements in the Lee County Turn Lane Policy, AC 11-4. Based on the results of the analysis, at the eastern site access intersection on Gladiolus Drive, an eastbound left turn lane and a westbound right turn lane are warranted. These turn lanes should be constructed to include 290 feet of taper/deceleration length according to the Florida Department of Transportation Standard Index #301 (Index #301) based upon a 50 mph design speed. In order to meet the taper/deceleration requirements, the existing eastern access right turn lane must be extended to include an additional 30 feet of taper/deceleration and the existing western access right turn lane must be extended to include an additional 75 feet of taper/deceleration.

Based on the results of the turn lane analysis, the warranted eastbound left turn lane should be constructed to include approximately 500 feet in overall length. However, an eastbound left turn lane approximately 285 feet in overall length currently exists. Thus, the length of this existing eastbound left turn lane will need to be extended a total of 215

feet in order to meet the required additional storage and taper/deceleration length. Further analysis of the turn lanes will be conducted at the time of Local Development Order application.

Intersection analysis was performed at both of the site access intersections on Gladiolus Drive using Synchro 6, Traffic Coordination Software, results of which can be found in the Appendix of this report. Based on the results of the intersection analysis, the only approach shown to operate below acceptable Level of Service conditions is the southbound approach to the eastern site access intersection. However, this failing Level of Service condition will only affect the site traffic, not the existing roadway segment. Therefore, no roadway improvements are warranted as a result of the traffic added by the Oasis Cove residential development.

In order to improve the Level of Service conditions for the southbound approach to the eastern site access intersection, a signal could be utilized. Results for the improved Level of Service for the signalized eastern site intersection can be found in the Appendix. However, this signal is not warranted since only the site traffic is negatively impacted.

APPENDIX

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TABLES 1A & 2A

TABLE 1A
OASIS COVE
PEAK DIRECTION PROJECT TRAFFIC VS. LOS C LINK VOLUMES

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 272 VPH IN= 193 OUT= 80

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 587 VPH IN= 243 OUT= 344

ROADWAY	SEGMENT	ROADWAY CLASS	LOS A VOLUME	LOS B VOLUME	LOS C VOLUME	LOS D VOLUME	LOS E VOLUME	PROJECT TRAFFIC DISTRIBUTION	NEW PROJ TRAFFIC AM PEAK	NEW PROJ TRAFFIC PM PEAK	PROJ/LOS C
Gladiolus Drive/Six Mile Cypress	E. of US 41	4LD	460	1680	1960	2020	2020	20%	39	69	3.51%
	W. of US 41	6LD	0	0	1650	2800	2980	55%	106	189	11.47%
	W. of W Site Access	6LD	0	0	1650	2800	2980	45%	87	155	9.38%
	W. of E Site Access	6LD	0	0	1650	2800	2980	45%	87	155	9.38%
S. 41	N. of Gladiolus	6LD	0	0	0	1120	2690	15%	29	52	4.61%
	S. of Gladiolus	6LD	1130	2840	3110	3170	3170	20%	39	69	2.21%

* Lee County Link Specific Level of Service Thresholds, September 2005, utilized

[1] Project traffic distribution for Gladiolus Drive west of the eastern site access drive was calculated from the site traffic assignment illustrated on Figure 2

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TABLE 2A
OASIS COVE
BUILD-OUT TRAFFIC VOLUMES AND 100TH HIGHEST HOUR LEVEL OF SERVICE ANALYSIS

TOTAL AM PEAK HOUR PROJECT TRAFFIC: 272 VPH IN= 193 OUT= 80

TOTAL PM PEAK HOUR PROJECT TRAFFIC: 587 VPH IN= 243 OUT= 344

ROADWAY	SEGMENT	SITE/PCS	BASE YR ADT	2007 ADT[2]	YRS OF GROWTH	ANNUAL RATE[2]	2007 PK HR PK SEASON PEAK DIR.[1]	2013 PK HR PK SEASON PEAK DIR.	PROJECT TRAFFIC DISTRIBUTION	AM PROJ TRAFFIC	PM PROJ TRAFFIC	2013 BCKGRND + AM PROJ TRAFFIC	2013 BCKGRND + PM PROJ TRAFFIC
Gladiolus Drive	W. of US 41	46	32400	35200	9	0.93%	1768	1868	50%	97	172	1965	2040
	W. of W Site Access	46	32400	35200	9	0.93%	1768	1868	45%	87	155	1955	2023
	W. of E Site Access	46	32400	35200	9	0.93%	1768	1868	45%	87	155	1955	2023

[1] Project traffic distribution for Gladiolus Drive west of the eastern site access drive was calculated from the site traffic assignment illustrated on Figure 2

	2013 BCKGRND TRAFFIC LOS	2013 BCKGRND + AM PROJ LOS	2013 BCKGRND + PM PROJ LOS
Gladiolus Drive W. of US 41	D	D	D
W. of W Site Access	D	D	D
W. of E Site Access	D	D	D

TRIP GENERATION EQUATIONS

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TRIP GENERATION EQUATIONS
OASIS COVE
ITE TRIP GENERATION REPORT, 8th EDITION

Land Use	Weekday AM Peak Hour	Weekday PM Peak Hour	Daily (2-way)
Medical Office Building (LUC 720)	T= 2.30 (X) (79% In/21% Out)	T = 3.46 (X) (27% In/73% Out)	T= 40.89 (X) – 214.97
T = Number of Trips, X = 1,000's of square feet of Gross Floor Area (GFA)			
Shopping Center (LUC 820)	Ln (T)=0.59 Ln (X) + 2.32 (61% In/39% Out)	Ln (T)=0.67 Ln (X) +3.37 (49% In/51% Out)	Ln (T)=0.65 Ln (X) +5.83
T = Number of Trips, X = 1,000's of square feet of Gross Floor Area (GFA)			
Residential Condominium/ Town Homes (LUC 230)	Ln (T)=0.80 (X) + 0.26 (17% In/83% Out)	Ln (T)=0.82 Ln (X) + 0.32 (67% In/33% Out)	Ln (T)=0.87 Ln (X) + 2.46
T = Number of Trips, X = 1,000's of square feet of Gross Floor Area (GFA)			
Continuing Care Retirement Community (LUC 255)	T=0.018 (X) (64% In/36% Out)	T=0.29 (X) (48% In/52% Out)	T=2.81 (X)
T = Number of Trips, X = number of dwelling units			

ITE INTERNAL CAPTURE
CALCULATION SUMMARY SHEET

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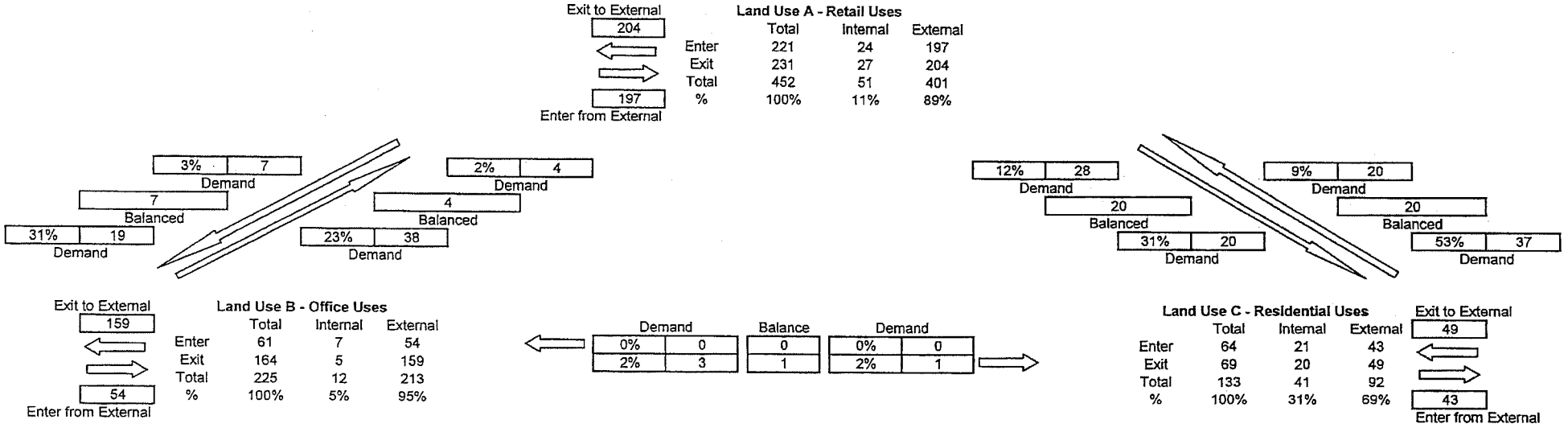
Internal Capture Calculation Summary Sheet



Net External Trips for Multi-Use Development

	Land Use A	Land Use B	Land Use C	Total
Enter	197	54	43	294
Exit	204	159	49	412
Total	401	213	92	706
Single-Use Trip Gen. Est.	452	225	133	810

Internal Capture Rate

13%

FDOT STANDARD INDEX #301

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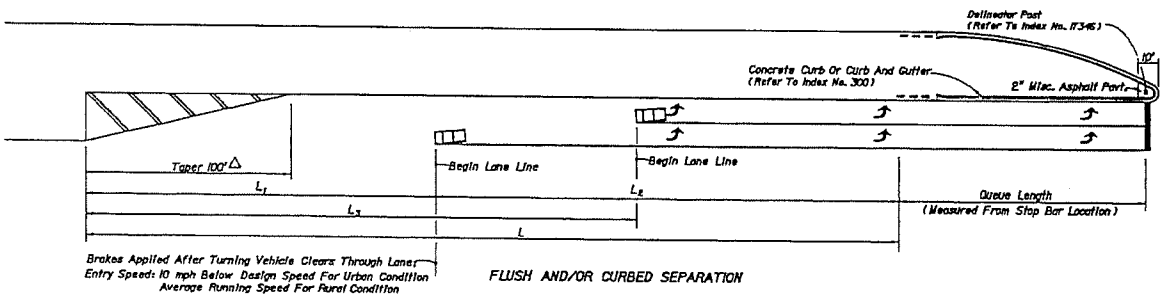
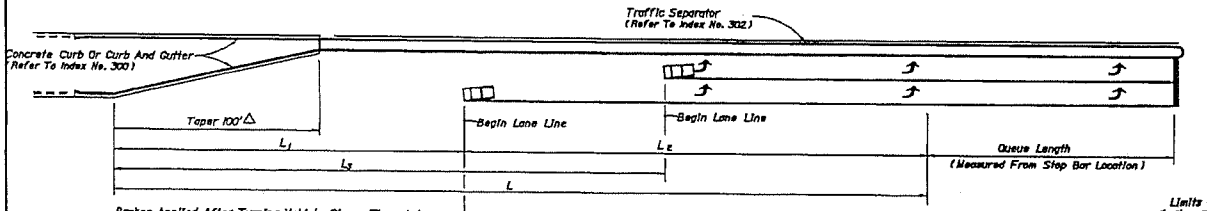
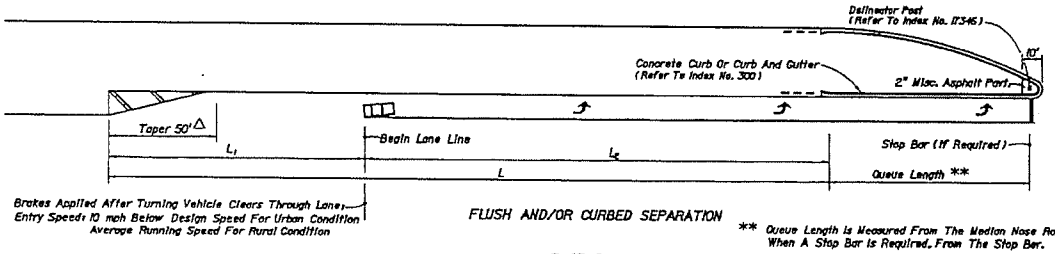


FLUSH AND/OR CURBED SEPARATION



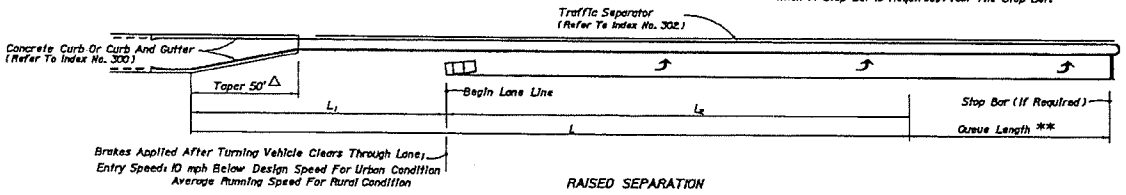
RAISED SEPARATION

DOUBLE LEFT TURNS



FLUSH AND/OR CURBED SEPARATION

** Queue Length Is Measured From The Median Nose Radial Point Or, When A Stop Bar Is Required, From The Stop Bar.



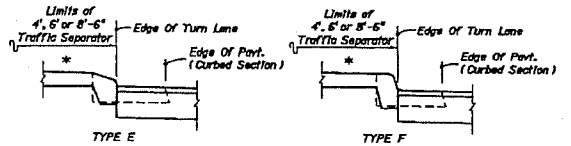
RAISED SEPARATION

SINGLE LEFT TURNS

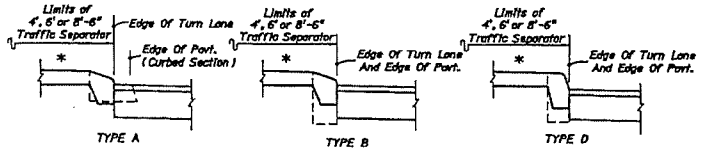
△ The length of taper may be increased to L_1 for single left turns and L_2 for double left turns when:
a. Left turn queue vehicles are adequately provided for within the design queue length.
b. Through vehicle queues will not block access to left turn lane.
c. Approved by District Design Engineer.

TURN LANES - CURBED AND UNCURBED MEDIANS

Design Speed (mph)	Entry Speed (mph)	Clearance Distance L_1	URBAN CONDITIONS: Brake To Stop Distance L_2	URBAN CONDITIONS: Total Decel. Distance L	URBAN CONDITIONS: Clearance Distance L_3	RURAL CONDITIONS: Brake To Stop Distance L_2	RURAL CONDITIONS: Total Decel. Distance L	RURAL CONDITIONS: Clearance Distance L_3
35	25	70'	75'	145'	110'	----	----	----
40	30	80'	75'	155'	120'	----	----	----
45	35	85'	100'	185'	135'	----	----	----
50	40/44	105'	135'	240'	160'	185'	290'	160'
55	48	125'	----	----	----	225'	350'	195'
60	52	145'	----	----	----	260'	405'	230'
65	55	170'	----	----	----	290'	460'	270'



CURB AND GUTTER



CURB

For Curb And Curb & Gutter Types, See Index No. 300
* Option I Separators Shown (Refer To Index No. 302)

MEDIAN CURB AND TRAFFIC SEPARATOR JUNCTURE DETAILS

GENERAL NOTES

1. The plan views shown are for turn lane taper shapes and dimensional purposes only, they do not prescribe the use of curb, curb and gutter, shoulders nor separators specifically to either rural or urban conditions.
2. Total deceleration distances must not be reduced except where lesser values are imposed by unrelocatable control points.
3. Right turn lane tapers and distances identical to left turn lanes under stop control conditions. Right turn lane tapers and/or distances are site specific under free flow or yield conditions.
4. These left turn configurations apply to continuous left turn lanes only where specifically called for in the plans.
5. For pavement markings see Index No. 17346.

DESIGN NOTES

1. Basis for turn lane configurations:
   - Informed Driver.
   - Stop condition (With Or Without Stop Control).
   - Wet Pavement.
   - Reaction proceeding entry point.
   - Minimum braking distance for urban conditions.
   - 75' min. for L_2.
   - Comfortable deceleration rates for rural conditions (AASHTO 2001 threshold rate of 11.2 ft./s²).

	2006 FDOT Design Standards	Last Revision 07/01/05	Sheet No. 1 of 1
	TURN LANES		Index No. 301

SYNCHRO RESULTS

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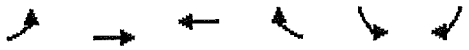

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↑↑↑	↑↑↑	↱		↱
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Volume (veh/h)	0	1868	1893	42	0	16
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	0	2030	2058	46	0	17
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type					Raised	
Median storage veh)					0	
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	2103				2734	686
vC1, stage 1 conf vol					2058	
vC2, stage 2 conf vol					677	
vCu, unblocked vol	2103				2734	686
tC, single (s)	4.1				6.8	6.9
tC, 2 stage (s)					5.8	
tF (s)	2.2				3.5	3.3
p0 queue free %	100				100	96
cM capacity (veh/h)	258				51	390

Direction, Lane #	EB 1	EB 2	EB 3	WB 1	WB 2	WB 3	WB 4	SB 1
Volume Total	677	677	677	686	686	686	46	17
Volume Left	0	0	0	0	0	0	0	0
Volume Right	0	0	0	0	0	0	46	17
cSH	1700	1700	1700	1700	1700	1700	1700	390
Volume to Capacity	0.40	0.40	0.40	0.40	0.40	0.40	0.03	0.04
Queue Length 95th (ft)	0	0	0	0	0	0	0	3
Control Delay (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	14.7
Lane LOS								B
Approach Delay (s)	0.0			0.0				14.7
Approach LOS								B

Intersection Summary			
Average Delay	0.1		
Intersection Capacity Utilization	46.6%	ICU Level of Service	A
Analysis Period (min)	15		

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↑↑↑	↑↑↑	↱		↱
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Volume (veh/h)	0	1868	1977	60	0	73
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	0	2030	2149	65	0	79
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type					Raised	
Median storage veh)					0	
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	2214				2826	716
vC1, stage 1 conf vol					2149	
vC2, stage 2 conf vol					677	
vCu, unblocked vol	2214				2826	716
tC, single (s)	4.1				6.8	6.9
tC, 2 stage (s)					5.8	
tF (s)	2.2				3.5	3.3
p0 queue free %	100				100	79
cM capacity (veh/h)	233				46	372

Direction, Lane #	EB 1	EB 2	EB 3	WB 1	WB 2	WB 3	WB 4	SB 1
Volume Total	677	677	677	716	716	716	65	79
Volume Left	0	0	0	0	0	0	0	0
Volume Right	0	0	0	0	0	0	65	79
cSH	1700	1700	1700	1700	1700	1700	1700	372
Volume to Capacity	0.40	0.40	0.40	0.42	0.42	0.42	0.04	0.21
Queue Length 95th (ft)	0	0	0	0	0	0	0	20
Control Delay (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	17.3
Lane LOS								C
Approach Delay (s)	0.0			0.0				17.3
Approach LOS								C

Intersection Summary			
Average Delay	0.3		
Intersection Capacity Utilization	49.4%	ICU Level of Service	A
Analysis Period (min)	15		

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Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↑↑↑	↑↑↑			
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Volume (veh/h)	89	1868	1910	80	50	25
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	97	2030	2076	87	54	27
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type					Raised	
Median storage veh)					0	
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	2163				2946	692
vC1, stage 1 conf vol					2076	
vC2, stage 2 conf vol					870	
vCu, unblocked vol	2163				2946	692
tC, single (s)	4.1				6.8	6.9
tC, 2 stage (s)					5.8	
tF (s)	2.2				3.5	3.3
p0 queue free %	60				0	93
cM capacity (veh/h)	244				43	386

Direction, Lane #	EB 1	EB 2	EB 3	EB 4	WB 1	WB 2	WB 3	WB 4	SB 1	SB 2
Volume Total	97	677	677	677	692	692	692	87	54	27
Volume Left	97	0	0	0	0	0	0	0	54	0
Volume Right	0	0	0	0	0	0	0	87	0	27
cSH	244	1700	1700	1700	1700	1700	1700	1700	43	386
Volume to Capacity	0.40	0.40	0.40	0.40	0.41	0.41	0.41	0.05	1.27	0.07
Queue Length 95th (ft)	45	0	0	0	0	0	0	0	132	6
Control Delay (s)	29.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	377.8	15.0
Lane LOS	D								F	C
Approach Delay (s)	1.3				0.0				256.9	
Approach LOS									F	

Intersection Summary			
Average Delay	5.4		
Intersection Capacity Utilization	55.2%	ICU Level of Service	B
Analysis Period (min)	15		

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Volume (veh/h)	126	1868	1928	115	222	109
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	137	2030	2096	125	241	118
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type					Raised	
Median storage veh)					1	
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	2221				3046	699
vC1, stage 1 conf vol					2096	
vC2, stage 2 conf vol					951	
vCu, unblocked vol	2221				3046	699
tC, single (s)	4.1				6.8	6.9
tC, 2 stage (s)					5.8	
tF (s)	2.2				3.5	3.3
p0 queue free %	41				0	69
cM capacity (veh/h)	232				48	383

Direction, Lane #	EB 1	EB 2	EB 3	EB 4	WB 1	WB 2	WB 3	WB 4	SB 1	SB 2
Volume Total	137	677	677	677	699	699	699	125	241	118
Volume Left	137	0	0	0	0	0	0	0	241	0
Volume Right	0	0	0	0	0	0	0	125	0	118
cSH	232	1700	1700	1700	1700	1700	1700	1700	48	383
Volume to Capacity	0.59	0.40	0.40	0.40	0.41	0.41	0.41	0.07	5.03	0.31
Queue Length 95th (ft)	84	0	0	0	0	0	0	0	Err	32
Control Delay (s)	40.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	Err	18.6
Lane LOS	E								F	C
Approach Delay (s)	2.6				0.0				6712.4	
Approach LOS									F	

Intersection Summary			
Average Delay	509.8		
Intersection Capacity Utilization	66.5%	ICU Level of Service	C
Analysis Period (min)	15		

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Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	4.0	4.0	4.0	4.0	4.0
Lane Util. Factor	1.00	0.91	0.91	1.00	1.00	1.00
Frt	1.00	1.00	1.00	0.85	1.00	0.85
Flt Protected	0.95	1.00	1.00	1.00	0.95	1.00
Satd. Flow (prot)	1770	5085	5085	1583	1770	1583
Flt Permitted	0.95	1.00	1.00	1.00	0.95	1.00
Satd. Flow (perm)	1770	5085	5085	1583	1770	1583
Volume (vph)	89	1868	1910	80	50	25
Peak-hour factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	97	2030	2076	87	54	27
RTOR Reduction (vph)	0	0	0	41	0	20
Lane Group Flow (vph)	97	2030	2076	46	54	7
Turn Type	Prot			Perm		Perm
Protected Phases	7	4	8		6	
Permitted Phases				8		6
Actuated Green, G (s)	8.7	62.9	50.2	50.2	23.4	23.4
Effective Green, g (s)	8.7	62.9	50.2	50.2	23.4	23.4
Actuated g/C Ratio	0.09	0.67	0.53	0.53	0.25	0.25
Clearance Time (s)	4.0	4.0	4.0	4.0	4.0	4.0
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0
Lane Grp Cap (vph)	163	3392	2707	843	439	393
v/s Ratio Prot	0.05	c0.40	c0.41		c0.03	
v/s Ratio Perm				0.03		0.00
v/c Ratio	0.60	0.60	0.77	0.05	0.12	0.02
Uniform Delay, d1	41.1	8.7	17.4	10.6	27.5	26.8
Progression Factor	1.00	1.00	1.00	1.00	1.00	1.00
Incremental Delay, d2	5.7	0.3	1.3	0.0	0.6	0.1
Delay (s)	46.8	9.0	18.8	10.6	28.1	26.8
Level of Service	D	A	B	B	C	C
Approach Delay (s)		10.7	18.4		27.7	
Approach LOS		B	B		C	

Intersection Summary			
HCM Average Control Delay	14.9	HCM Level of Service	B
HCM Volume to Capacity ratio	0.58		
Actuated Cycle Length (s)	94.3	Sum of lost time (s)	12.0
Intersection Capacity Utilization	55.2%	ICU Level of Service	B
Analysis Period (min)	15		

c Critical Lane Group

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	4.0	4.0	4.0	4.0	4.0
Lane Util. Factor	1.00	0.91	0.91	1.00	1.00	1.00
Frt	1.00	1.00	1.00	0.85	1.00	0.85
Flt Protected	0.95	1.00	1.00	1.00	0.95	1.00
Satd. Flow (prot)	1770	5085	5085	1583	1770	1583
Flt Permitted	0.95	1.00	1.00	1.00	0.95	1.00
Satd. Flow (perm)	1770	5085	5085	1583	1770	1583
Volume (vph)	126	1868	1928	115	222	109
Peak-hour factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	137	2030	2096	125	241	118
RTOR Reduction (vph)	0	0	0	52	0	89
Lane Group Flow (vph)	137	2030	2096	73	241	29
Turn Type	Prot			Perm		Perm
Protected Phases	7	4	8		6	
Permitted Phases				8		6
Actuated Green, G (s)	13.0	68.7	51.7	51.7	25.3	25.3
Effective Green, g (s)	13.0	68.7	51.7	51.7	25.3	25.3
Actuated g/C Ratio	0.13	0.67	0.51	0.51	0.25	0.25
Clearance Time (s)	4.0	4.0	4.0	4.0	4.0	4.0
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0
Lane Grp Cap (vph)	226	3425	2577	802	439	393
v/s Ratio Prot	0.08	c0.40	c0.41		c0.14	
v/s Ratio Perm				0.05		0.02
v/c Ratio	0.61	0.59	0.81	0.09	0.55	0.07
Uniform Delay, d1	42.1	9.0	21.1	13.0	33.4	29.4
Progression Factor	1.00	1.00	1.00	1.00	1.00	1.00
Incremental Delay, d2	4.5	0.3	2.1	0.0	4.9	0.4
Delay (s)	46.6	9.3	23.2	13.0	38.3	29.7
Level of Service	D	A	C	B	D	C
Approach Delay (s)		11.7	22.6		35.5	
Approach LOS		B	C		D	

Intersection Summary			
HCM Average Control Delay	18.6	HCM Level of Service	B
HCM Volume to Capacity ratio	0.72		
Actuated Cycle Length (s)	102.0	Sum of lost time (s)	12.0
Intersection Capacity Utilization	66.5%	ICU Level of Service	C
Analysis Period (min)	15		

c Critical Lane Group

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December 10, 2009

Ms. Stacey Hewitt
Banks Engineering
10511 Six Mile Cypress Pkwy
Suite 101
Fort Myers, FL 33966

ATTACHMENT J

RE: Oasis Cove RPD/CPD
DCI2009-00005

Dear Ms. Stacey Hewitt:

TR Transportation Consultants, Inc. has reviewed the comments issued by the Lee County Department of Transportation (dated November 6, 2009) for the Oasis Cove project. The comments and TR Transportation's response to those comments are listed below for reference.

LC ZTIS PD Application Sufficiency Checklist

2a) There is an error in the trip generation for the Medical Office use and the CCRC use in the PM peak hour. Please revise.

The trip generation shown in the last report (dated March 26, 2009) inadvertently utilized the average trip rate rather than the trip generation equation as noted in the ITE Trip Generation Report, 8th Edition. Utilizing the trip rate (as was utilized in the TIS) results in a higher weekday P.M. peak hour trip generation for both the Medical Office use and the CCRC use, therefore, the analysis as contained in the previous TIS still represents a "worst case" scenario. A comparison of the trip generation as contained in the previous TIS and the trips utilizing the trip generation equations for the two uses identified above are attached to this response for reference. No further analysis was warranted as a result of this comment.

3) The MCP should be updated to list the distance between the project entrances and all driveways within 660 feet of the project entrances.

The distances are now reflected on the MCP.

4) Lee County recognizes a minimum growth rate of 1.0%. Please revise the analysis to reflect a minimum 1.0% growth rate. Additionally, please review the footnotes in Table 2A as they are confusing.

Table 2A was revised to change the growth rate from 0.93% per year to 1.0% per year. No changes in the Level of Service resulted from this insignificant change.

DCI 2009-00005

5) *The entering distribution in the TIS does not add up to 100%. As a result, the subsequent graphics are all incorrect. Please revise.*

The distribution in Figure 3 was revised. The subsequent graphics (Figures 3 and 4) were also then revised and are attached for reference.

7a) There is a southern leg at the intersection of the eastern site access, but this leg of the intersection has not been addressed. Please address.

The southern leg appears to serve a minimal amount of residential use and one medical office building. The peak hour turn volumes associated with these uses are minimal and don't impact the overall analysis conducted as part of this report. A complete intersection analysis will be conducted at the Development Order stage in order to property evaluate the turn lanes and necessary improvements.

If you have any additional questions, please do not hesitate to contact me.

Sincerely,

Ted B. Treesh
President

Attachments

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Table 2 **(Utilized in TIS)**
Trip Generation for Scenario 2
Utilizing **Trip Rates** for PM Peak Hour for Medical Office & CCRC Uses
Oasis Cove
Commercial/Continuing Care Retirement Community

Land Use	A.M. Peak Hour			P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Medical Office (65,000 s.f.)	119	31	150	61	164	225	2,443
Shopping Center (60,000 s.f.)	70	44	114	221	231	452	4,866
CCRC (460 dwelling units)	53	30	83	64	69	133	1,293
Total Trips	242	105	347	346	464	810	8,602

Table 2
Trip Generation for Scenario 2
Utilizing **Trip Generation Equations** for PM Peak Hour for Medical Office & CCRC Uses
Oasis Cove
Commercial/Continuing Care Retirement Community

Land Use	A.M. Peak Hour			P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Medical Office (65,000 s.f.)	119	31	150	52	141	193	2,443
Shopping Center (60,000 s.f.)	70	44	114	221	231	452	4,866
CCRC (460 dwelling units)	53	30	83	59	63	122	1,293
Total Trips	242	105	347	332	435	767	8,602

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TABLE 2A
OASIS COVE
BUILD-OUT TRAFFIC VOLUMES AND 100TH HIGHEST HOUR LEVEL OF SERVICE ANALYSIS

Revised 12/8/09

TOTAL AM PEAK HOUR PROJECT TRAFFIC: 272 VPH IN= 193 OUT= 80

TOTAL PM PEAK HOUR PROJECT TRAFFIC: 587 VPH IN= 243 OUT= 344

ROADWAY	SEGMENT	SITE/PCS	BASE YR ADT	2007 ADT[2]	YRS OF GROWTH	ANNUAL RATE[2]	2007 PK HR PK SEASON PEAK DIR.	2013 PK HR PK SEASON PEAK DIR.	PROJECT TRAFFIC DISTRIBUTION	AM PROJ TRAFFIC	PM PROJ TRAFFIC	2013 BCKGRND + AM PROJ TRAFFIC	2013 BCKGRND + PM PROJ TRAFFIC
Gladiolus Drive	W. of US 41	46	32400	35200	9	1.00%	1768	1877	50%	97	172	1973	2049
	W. of E Site Access	46	32400	35200	9	1.00%	1768	1877	See Note	113	281	1990	2158
	W. of W Site Access	46	32400	35200	9	1.00%	1768	1877	45%	87	155	1964	2032

Note: Project traffic distribution for Gladiolus Drive between the two site access drives (W. of E. Site Access) was deteremined from the site traffic assignment illustrated on Figure 3

	2013 BCKGRND TRAFFIC LOS	2013 BCKGRND + AM PROJ LOS	2013 BCKGRND + PM PROJ LOS
Gladiolus Drive W. of US 41	D	D	D
W. of E Site Access	D	D	D
W. of W Site Access	D	D	D

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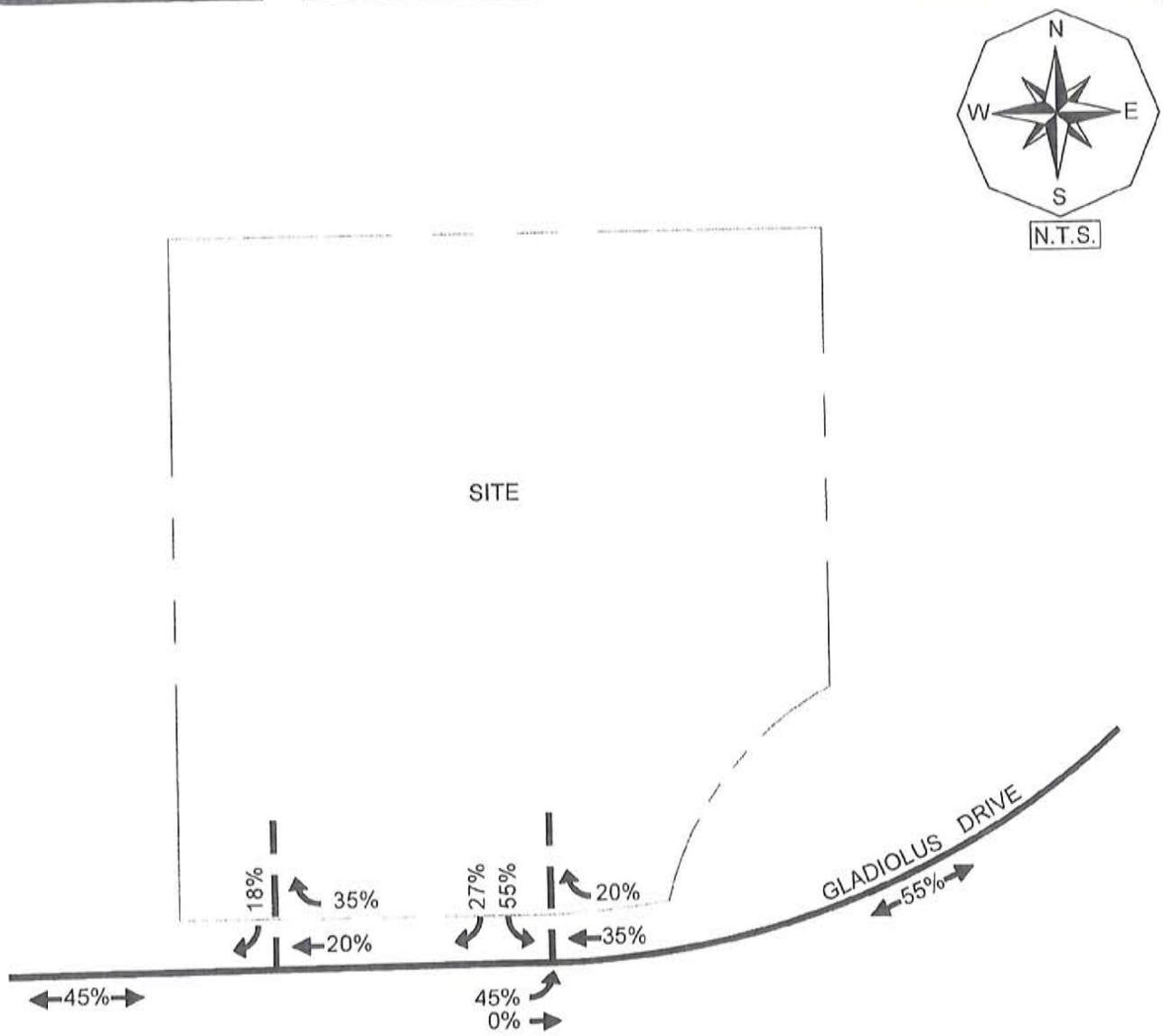
F0901.01



LEGEND

←20%→ PERCENT DISTRIBUTION

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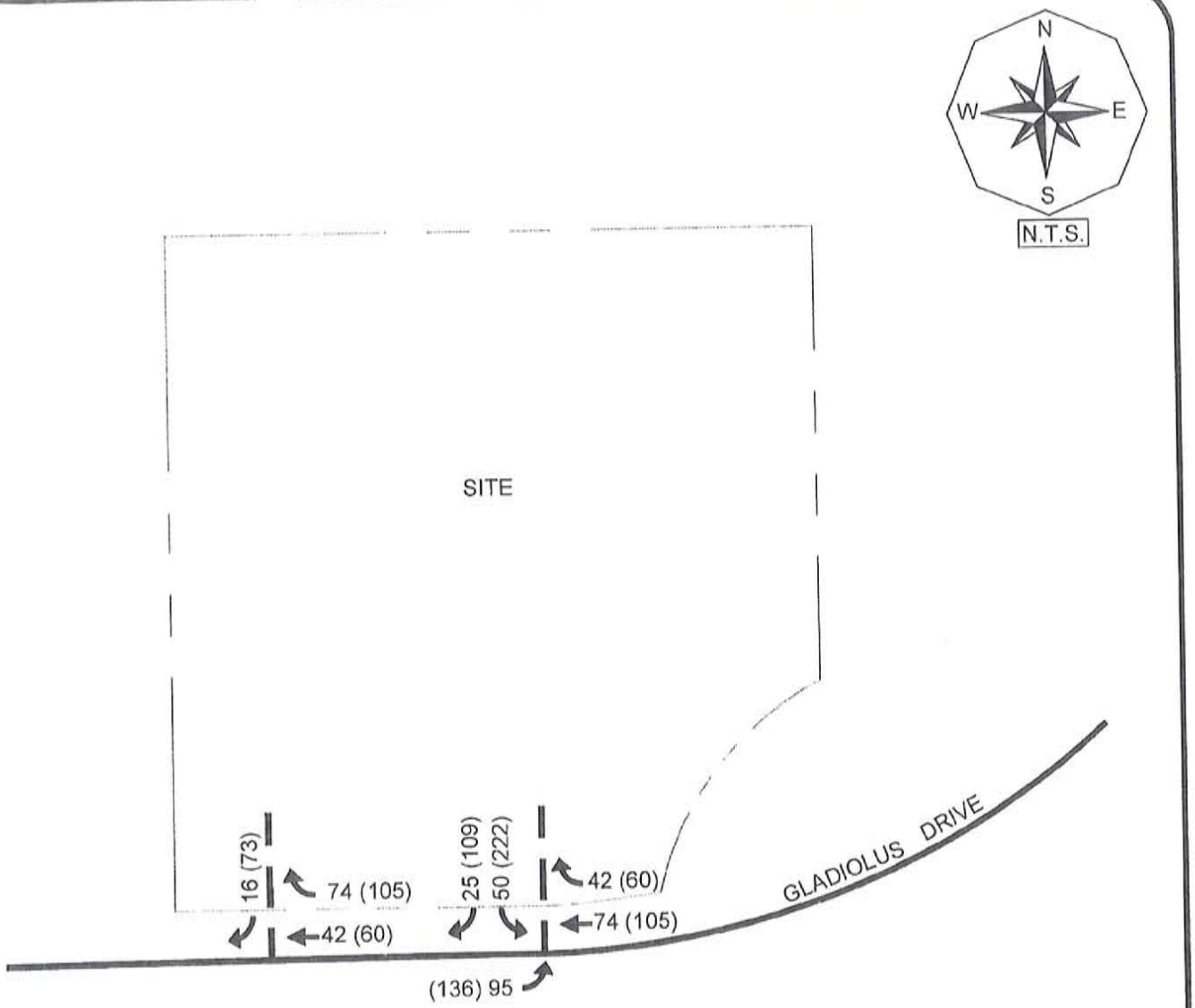
PROJECT TRAFFIC DISTRIBUTION
OASIS COVE

Figure 2
REVISED 12/8/09

DCI 2009-00005

F0901.01



LEGEND

← 000 WEEKDAY AM PEAK HOUR TRAFFIC
← (000) WEEKDAY PM PEAK HOUR TRAFFIC
- INDICATES LESS THAN 5 TRIPS

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PROJECT TRAFFIC ASSIGNMENT
OASIS COVE

Figure 3
REVISED 12/8/09

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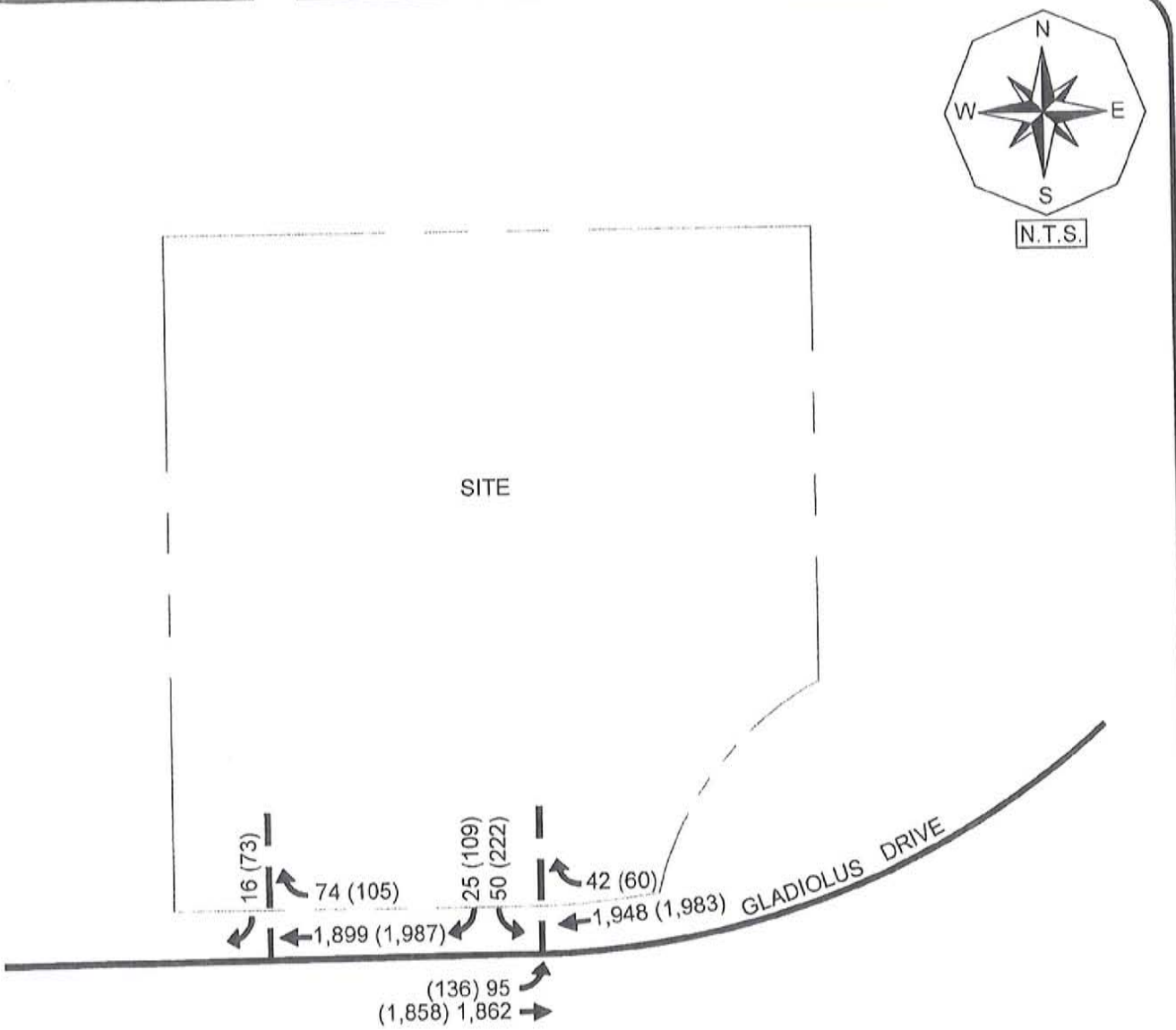
F0901.01



LEGEND

← 000 WEEKDAY AM PEAK HOUR TRAFFIC
← (000) WEEKDAY PM PEAK HOUR TRAFFIC
\- INDICATES LESS THAN 5 TRIPS

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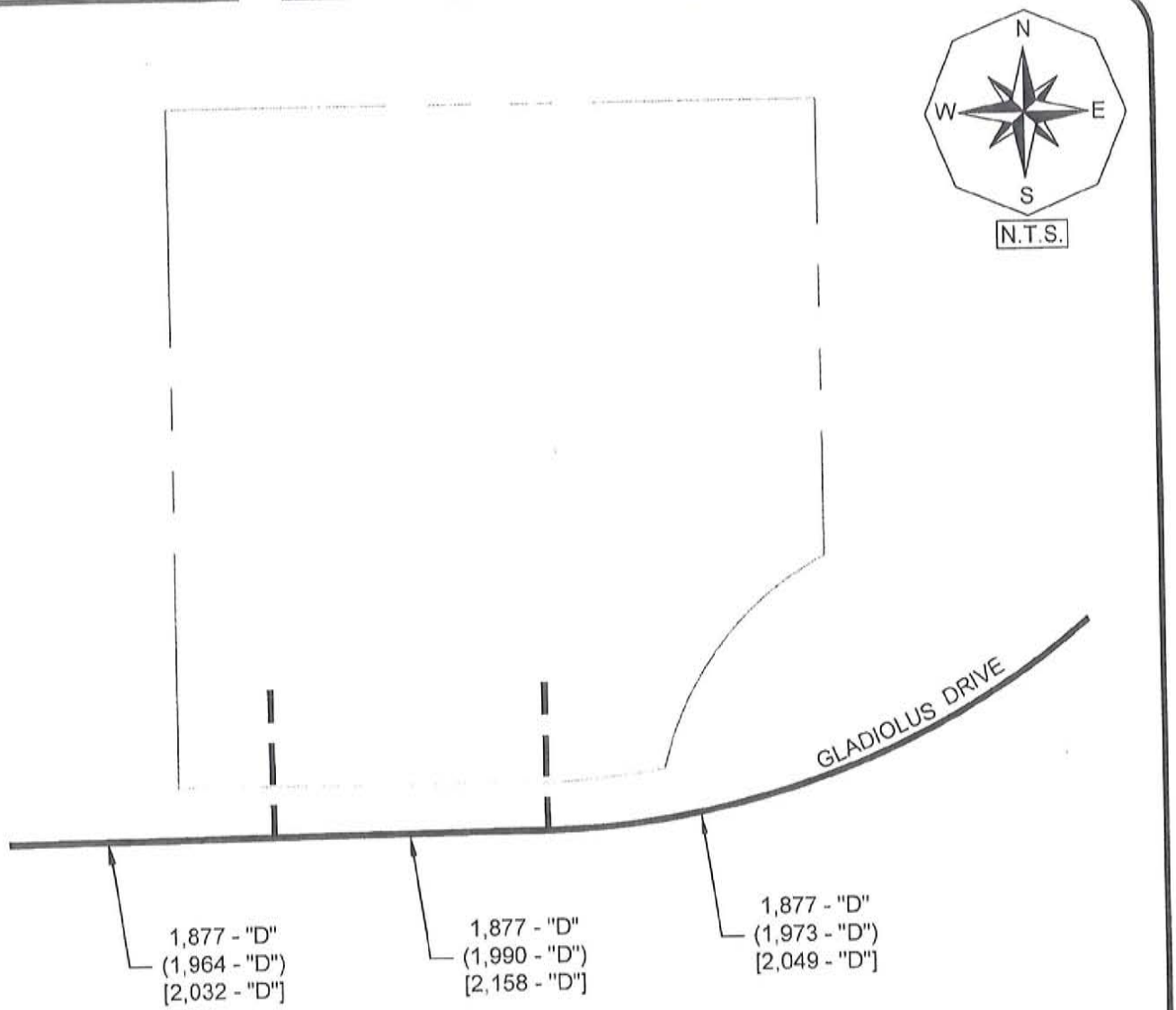
PROJECTED 2013 BACKGROUND
& PROJECT TRAFFIC
PROJECT NAME

Figure 4
REVISED 12/8/09

DCI 2009-00005



F0901.01

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LEGEND

XXX - "C" 2013 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

(XXX -"C") 2013 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND
TRAFFIC PLUS AM PROJECT TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

[XXX -"C"] 2013 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND
TRAFFIC PLUS PM PROJECT TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

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TR TRANSPORTATION CONSULTANTS, INC.

2013 BUILDOUT TRAFFIC CONDITIONS
OASIS COVE

Figure 5
REVISED 12/8/09

DCI 2009-00005

Banks Engineering

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA ♦ PORT CHARLOTTE

SITE IN RELATION TO PUBLIC TRANSIT ROUTES

EXHIBIT D-1-C

10511 Six Mile Cypress Parkway, Fort Myers, Florida 33966 • (239)939-5490 • Fax (239)939-2523

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 533-8525

Bob Janes
District One

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

January 29, 2009

ATTACHMENT L

Jennifer Sheppard
Banks Engineering
2515 Northbrooke Plaza Dr # 200
Naples, Fl 34119

RE: POTABLE Water and Wastewater AVAILABILITY
Oasis Cove
STRAP #: 35-45-24-00-00015.0000; 00014.0000

Dear Ms. Sheppard:

Potable water lines and wastewater lines are in operation in the vicinity of the proposed project mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of 7 commercial units with an estimated flow demand of approximately 92,900 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

Prior to beginning design work on this project, a meeting should be scheduled with Thom Osterhout to determine the best point of connection and discuss requirements for construction.

Availability of potable water and sanitary sewer service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our Green Meadows Water Treatment Plant.

Sanitary sewer service will be provided by our Fiesta Village Wastewater Treatment Plant. The Lee County Utilities' Operations Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

Further, This Letter Of Availability Of Water and Wastewater Service Is To Be Utilized For Re-Zoning For This Project Only. Individual Letters Of Availability Will Be Required For The Purpose Of Obtaining Building Permits.

Sincerely,

LEE COUNTY UTILITIES

Melissa Bibeau

Melissa Bibeau
Engineering Tech., I
UTILITIES ENGINEERING
VIA FACSIMILE
Original Mailed

ZONING - 09AAA MASTER

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DCI 2009-00005

Acco

RESOLUTION NUMBER Z-99-062

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

WHEREAS, David M. Jones, Jr. filed an application on behalf of Vincent M. Wolanin, with the consent of David W. Swor, Trustee, the owner of the property, to rezone a 37.43± acre parcel from Agricultural (AG-2) to Residential Planned Development (RPD) and Commercial Planned Development (CPD), in reference to 14900 Summerlin; and

WHEREAS, a public hearing was advertised and held on September 15, 1999 before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #98-01-050.03Z 01.01;and

WHEREAS, a second public hearing was advertised and held on November 15, 1999 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 37.43± acre parcel from AG-2 to RPD and CPD to allow a maximum of 60,000 square feet of commercial floor area, 280 hotel units, and 260 residential units or 324 residential units if the developer utilizes the Affordable Housing Density Bonus Program; with all structures not to exceed 135 feet in height. Pursuant to Administrative Code 11-10, POLICY/PROCEDURE, 3. A., the applicant also requested a new access point along Summerlin Road, The property is located in the Central Urban/Wetlands Land Use Category and is 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 (MCP) entitled "14900 Summerlin," dated January 6, 1998, and last revised September 10, 1999, 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 MCP are subsequently pursued, appropriate approvals will be necessary.

ATTACHMENT M

11/15/99

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

a. Schedule of Uses

RPD

Accessory Uses and Structures
Assisted Living Facilities: subject to the density equivalents as permitted by LDC §34-1494 and limited to the maximum density allowed for this project.
Accessory uses to include:
Administrative Offices
Caretakers Residence
Daycare Center, Adult Only
Clubs, Private: Accessory uses to include:
Administrative Offices
Consumption on Premises
Food and Beverage Service, Limited (as defined in §34-2, LDC)
Dwelling Units:
Duplex,
Two-family attached,
Townhouse,
Multiple family
Zero Lot Line
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention
Fences, Walls
Home Care Facility
Model Homes
Model Units
Recreational Facilities, Personal, Private
Residential Accessory Units
Signs, in accordance with LDC Chapter 30
Temporary Real Estate Sales Office

CPD

Accessory Uses and Structures
Administrative Offices
ATM
Banks and Financial Institutions, Groups I and II
Broadcast Studio, Commercial Radio and Television
Business Services, Group I
Cleaning and Maintenance Services
Clubs, Fraternal, Membership Organization, Private
Communication Towers, limited to less than 100 feet in height
Consumption on Premises, limited to an accessory use for Club

Contractors and Builders, Group I
Day Care Center Adult, Child
Drive-Through Facility for any permitted use
Drug Store, Pharmacy
Entrance Gates, gatehouse
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention
Fences, Walls
Food and Beverage Service, Limited
Food Stores, Group I, excluding supermarkets
Gift and Souvenir Shop
Hardware Store
Health Care Facilities, Group III
Helistop
Insurance Companies
Laundry and Dry Cleaning, Group I
Lawn and Garden Supply Store
Medical Office
Motion Picture Production Studio
Nonstore retailers, all groups
Personal Services, Groups I and II (excluding massage parlors)
Pet Services
Photo finishing Laboratory
Place of Worship
Real Estate Sales Office
Recreation Facilities, Commercial, Group I
Recreational Facilities, Private
Religious Facilities
Rental or leasing establishments, Groups I, II and III, excluding recreational vehicles
Repair Shop, Groups I and II
Restaurants, Groups I, II and III
Signs, in accordance with LDC Chapter 30
Specialty Retail Shops, All Groups
Storage, indoor only
Temporary uses, excluding flea markets (LDC §34-3041)

Hotel
Hotel, limited to 280 rooms
Accessory Uses, when located entirely within the principal structure and limited to:
Administrative Offices
ATM
Bar or cocktail lounge
Banks & Financial Institutions, Group I
Banquet Hall

Broadcast Studio, Commercial Radio & Television
Consumption on Premises
Daycare Center, Child & Adult
Gift and Souvenir Shop
Meeting rooms
Nightclub
Package store
Rental or leasing establishment, Group III, limited to passenger cars
Restaurants, Groups I, II, and III
Specialty Retail Shops, Groups I and II
Communication Towers, maximum 20 feet in height - restricted to the hotel roof
Entrance Gates, gatehouse
Essential Services
Essential Services Facilities, Group I
Excavation, Water Retention
Fences, Walls
Recreational Facilities, personal
Signs, in accordance with LDC Chapter 30

b. Site Development Regulations

RPD:

Duplex

Minimum lot size:	7,500 square feet
Minimum lot depth:	100 feet
Minimum lot width:	75 feet
Maximum height:	2 stories, 35 feet
Maximum lot coverage:	40 percent
Minimum setbacks:	
Front:	In accordance with LDC §34-2192
Side:	7.5 feet; 25 feet if on Development Perimeter
Rear:	20 feet
Waterbody:	25 feet

Two-family attached

Minimum lot size:	12,000 square feet
Minimum lot width:	120 feet (60 feet per unit)
Minimum lot depth:	100 feet
Maximum height:	2 stories, 35 feet
Maximum lot coverage:	45 percent
Minimum setbacks:	
Front:	In accordance with LDC §34-2192

Side:	10 feet; 25 feet if on Development Perimeter
Rear:	20 feet
Waterbody:	25 feet

Townhouse

Minimum lot size:	7,500 square feet
Lot area per unit (sq. ft.):	3,700 square feet
Minimum lot width per unit:	37.5 feet
Minimum lot depth:	100 feet
Maximum height:	2 stories, 35 feet
Maximum lot coverage:	45 percent
Minimum building separation:	20 feet
Minimum setbacks:	
Front:	In accordance with LDC §34-2192
Side:	7 feet; 25 feet if on Development Perimeter
Rear:	20 feet
Waterbody:	25 feet

Zero lot line

Minimum lot size:	4,000 square feet
Minimum lot depth:	80 feet
Minimum lot width:	35 feet
Maximum height:	2 stories, 35 feet
Maximum lot coverage:	50 percent
Minimum building separation:	10 feet
Minimum Setbacks:	
Front:	In accordance with LDC §34-2192
1st Side:	0 feet
2nd Side:	12 feet, side entry; 25 feet if on Development Perimeter
Rear:	10 feet; 25 feet if on Development Perimeter
Waterbody:	25 feet

Multiple family

Minimum lot size:	10,000 square feet
Lot area per unit:	3,000 square feet
Minimum lot width:	100 feet
Minimum lot depth:	100 feet
Maximum height:	4 stories, 50 feet; except all buildings exceeding two stories /35 feet must be located internally on the RPD portion of the site to reduce visual impacts to Lakes Park. Only 35-foot-high, or shorter, buildings may

	be located along the east and northeast lines (abutting Lakes Park).
Maximum lot coverage:	45 percent
Minimum building separation:	20 feet
Minimum Setbacks:	
Front:	25 feet or ½ foot for every foot of height, whichever is greater; 30 feet if on Development Perimeter
Side:	20 feet or ½ foot for every foot of height, whichever is greater; 30 feet if on Development Perimeter
Rear:	20 feet or ½ foot for every foot of height, whichever is greater; 30 feet if on Development Perimeter
Waterbody:	25 feet or ½ foot for every foot of height whichever is greater

Assisted Living Facility

Minimum lot size:	22,500 square feet
Minimum lot depth:	150 feet
Minimum lot width:	150 feet
Maximum height:	4 stories, 50 feet; except all buildings exceeding two stories/35 feet must be located internally on the RPD portion of the site to reduce visual impacts to Lakes Park. Only 35-foot-high, or shorter, buildings may be located along the east and northeast property lines (abutting Lakes Park).
Maximum lot coverage:	50 percent
Minimum building separation:	20 feet
Minimum Setbacks:	
Front:	25 feet or ½ foot for every foot of height, whichever is greater
Side:	20 feet or ½ foot for every foot of height, whichever is greater; 30 feet if on Development Perimeter
Rear:	20 feet or ½ foot for every foot of height, whichever is greater; 30 feet if on Development Perimeter
Waterbody:	25 feet

CPD:

Minimum lot size:	20,000 square feet
Minimum lot depth:	100 feet
Minimum lot width:	100 feet
Maximum height:	3 stories, 35 feet
Maximum lot coverage:	45 percent
Minimum building separation:	10 feet
Minimum setbacks:	
Front:	In accordance with LDC §34-2192
Side:	15 feet
Rear:	25 feet
Waterbody:	25 feet

Hotel Site:

Minimum lot size:	20,000 square feet
Minimum lot depth:	100 feet
Minimum lot width:	100 feet
Maximum height:	8 stories, 80 feet
Maximum lot coverage:	45 percent
Minimum setbacks:	
Front:	25 feet or ½ foot for every foot of height, whichever is greater
Side:	20 feet or ½ foot for every foot of height, whichever is greater; 30 feet if on Development Perimeter
Rear:	25 feet or ½ foot for every foot of height, whichever is greater
Waterbody:	25 feet or ½ foot for every foot of height, whichever is greater

3. The development is limited to a maximum density of 181 dwelling units, which is equivalent to seven dwelling units per residential acre. The requested bonus density is denied for this site, given the environmental conditions, storm surge designation and flooding potential, and its location adjacent to Lakes Park.

4. The conversion of dwelling units to ALF beds must be consistent with LDC §34-1494. Units converted in accordance with this section will reduce the maximum units permitted in Condition 3 above.

5. The access road from Summerlin into the proposed RPD/CPD area must be constructed to local road standards. Retail use may not exceed 30,000 square feet of total floor area unless the development also obtains access to Gladiolus Drive via a connection to Elderberry Lane located south of the subject property as shown on the MCP. If the required connection is made, the CPD may be developed with a maximum total of 60,000 square feet of retail uses. In no case will commercial floor area exceed 60,000 square feet.

6. Transportation conditions:

   a. Prior to local development order approval, the Applicant and his traffic engineer must work with the Lee County Department of Transportation (LCDOT) personnel to develop a performance standard for the Summerlin Road access which would allow the LCDOT to modify the access, if necessary in the future to ensure the safety of the traveling public.

   b. The connection to Elderberry Lane must be made prior to the issuance of a certificate of compliance for any retail square footage over 30,000 square feet. Additionally, approval of this rezoning is neither a commitment to condemn, nor a reflection of the County's intent to condemn, all or a portion of the right-of-way that may be necessary to establish a connection to, or for, Elderberry Lane.

7. Prior to local development order approval, a protected species survey per LDC §10-473 must be conducted specifically for fox squirrels. If squirrel nests or "day beds" are observed, the survey must determine if these structures are being utilized by fox squirrels. Should fox squirrel use be verified, a management plan meeting the requirements of LDC §10-474 is required.

8. Residential lot lines are prohibited within the designated preserves.

9. Prior to local development order approval, indigenous open space must be delineated on the development order plans per the MCP titled "14900 Summerlin," dated 1/6/98, last revised 9/10/99. An additional 2.09 acres of existing indigenous open space must be delineated on the development order plans.

10. Prior to local development order approval for any phase of the residential development, a restoration plan for the 0.22-acre restored wetland must be provided to the Division of Planning, Environmental Sciences for review and approval. This plan must include restoration and monitoring details meeting the general intent of LDC §14-384.

11. If any of the former Iona drainage district canals (Canal H and Canal H-2) located on the subject site are vacated and relocated, then a new easement must be granted prior to application for a South Florida Water Management District (SFWMD) permit. The new location and maintenance path for each easement must be approved by the Lee County Division of Natural Resources Management.

12. Hurricane Mitigation:

   a. The Developer must initiate the establishment of a homeowner's or resident's association for purposes of hurricane preparedness and evacuation training. In accordance with Lee Plan Policy 71.1.2, the organization must provide an educational program on an annual basis, in conjunction with the staff of Emergency Management, which will provide literature, brochures and technical assistance for Hurricane Awareness/Preparedness Seminars, describing the risks of natural

hazards. The intent of this recommendation is to provide a mechanism to educate residents concerning the actions they should take to mitigate the dangers inherent in these hazards.

b. Until such time as the County has instituted a county-wide hurricane impact mitigation policy, the Developer must cooperate with the Division of Public Safety/Emergency Management in determining and participating in a means to lessen those impacts on the County's hurricane preparedness process and public safety. These "means" may include the provision of equipment, monies in lieu of equipment, individual shelter areas (i.e., safe rooms in residences), or such other goods, materials or actions deemed appropriate by Emergency Management that results in the provision of additional shelters, or improvement of roads for use as additional evacuation routes, so long as the means required adequately mitigates the adverse impacts. If the "means" required by Emergency Management is unacceptable to the Developer, then the Developer will have a right of appeal of the Emergency Management decision to the Hearing Examiner as an administrative appeal as set forth in LDC 34-145 (a).

13. The Developer must formulate an emergency hurricane notification and evacuation plan for the development, which must be subject to review and approval by the Lee County Office of Emergency Management (OEM).

14. If access to this development is through a security gate or similar device, which is not manned twenty-four hours a day, it must be equipped with an override switch installed in a glass-covered box to be used by drivers of emergency vehicles to gain entry.

15. The purchaser/end user of each parcel, which will be used to store, manufacture or use hazardous materials, must contact the OEM, Hazardous Materials representative, to discuss the proposed development in relation to the potential type, use, and storage of hazardous materials, which will be located on the premises.

If required by federal, state and/or local regulations:

a. The purchaser/end user must prepare or have available material safety data sheets (MSDS) and submit either copies of MSDS or a list of MSDS chemicals to the appropriate fire district and to the Lee County Division of Public Safety.

b. The Applicant must establish an emergency notification system to be used in the event of a hazardous material release.

16. 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.

17. Approval of this rezoning does not give the Developer an undeniable right to receive local development order approval. Future development order approvals must satisfy the

requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b).

18. 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.

19. The location of the proposed hotel sign within the northwest preserve must be field staked for Division of Planning, Environmental Sciences verification and approval prior to the issuance of a vegetation removal permit for the 4.76-acre hotel lot. The hotel sign must be located to avoid impact to the health of the indigenous vegetation community. No native trees may be removed to place the sign within the preserve.

20. To help camouflage the 80-foot-high hotel building, Applicant must preserve, maintain, or replace, at a ratio of 1:1, as many as possible of the native trees along the hotel site's north, west, and southwest boundaries, with any tree type permitted in the LDC and which are between 40 and 60 feet in height, or Applicant must install trees of varying heights between 40 and 60 feet and a Type "F" buffer in landscaped areas abutting the north, west and south sides of the hotel prior to the issuance of a certificate of compliance for the hotel. Any sparsely treed areas in the north and west buffers must be supplemented with additional trees and shrubs to hide or camouflage the height and size of this building.

SECTION C. DEVIATIONS:

1. Deviation (1) - WITHDRAWN.

2. Deviation (2), seeks relief from the LDC §10-329(e)(1)(a)(3) requirement that an excavation for water retention be set back a minimum of 50 feet from private property lines under separate ownership, to allow a setback of 25 feet from the north property line. This deviation is APPROVED.

3. Deviation (3) - WITHDRAWN.

4. Deviation (4) - WITHDRAWN.

5. Deviation (5) - WITHDRAWN.

6. Deviation (6), seeks relief from the LDC §10-416(d)(3) requirement to provide a solid wall, berm, or wall and berm combination that is no less than eight feet in height when a proposed commercial use abuts an existing or proposed residential use, to eliminate the required wall and/or berm. This deviation is APPROVED, except that the service areas of the hotel, when located adjacent to the RPD, must be screened by a wall, berm or vegetative buffer at least 10 feet wide with Type "B" plantings, or other alternative landscape plan acceptable to County Staff, in accordance with the requirements of the LDC.

7. Deviation (7) - WITHDRAWN.

8. Deviation (8), seeks relief from the LDC §10-413(c) requirement that at least 50 percent of the required open space be designed to preserve the existing indigenous vegetation, to allow preservation of indigenous vegetation as shown on the MCP, including credit for restored wetlands. This deviation is APPROVED SUBJECT TO compliance with Conditions 10 and 11.

9. Deviation (9) - WITHDRAWN.

10. Deviation (10) - WITHDRAWN.

11. Deviation (11), seeks relief from the LDC §10-285(h) requirement limiting access points on controlled access roads to those that are designated on the access plan resolution adopted by the Board of County Commissioners, to allow a new access point and new median opening as depicted on the MCP in accordance with Lee County Administrative Code AC-11-10. This deviation is APPROVED SUBJECT TO Condition 6.a. Approval of this deviation is based entirely upon the unique traffic conditions and circumstances of this case and is expressly not intended to act as a precedent for future cases.

SECTION D. 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 shading)
Exhibit C: The Master Concept Plan

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, 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.

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.

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

Ray Judah	Nay
John E. Albion	Aye
John E. Manning	Absent
Douglas R. St. Cerny	Aye
Andrew Coy	Aye

DULY PASSED AND ADOPTED this 15th day of November, 1999.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Chairman

Approved as to form by:

_____ 12/1/99
County Attorney's Office

MINUTES OFFICE

FILED DEC 0 2 1999

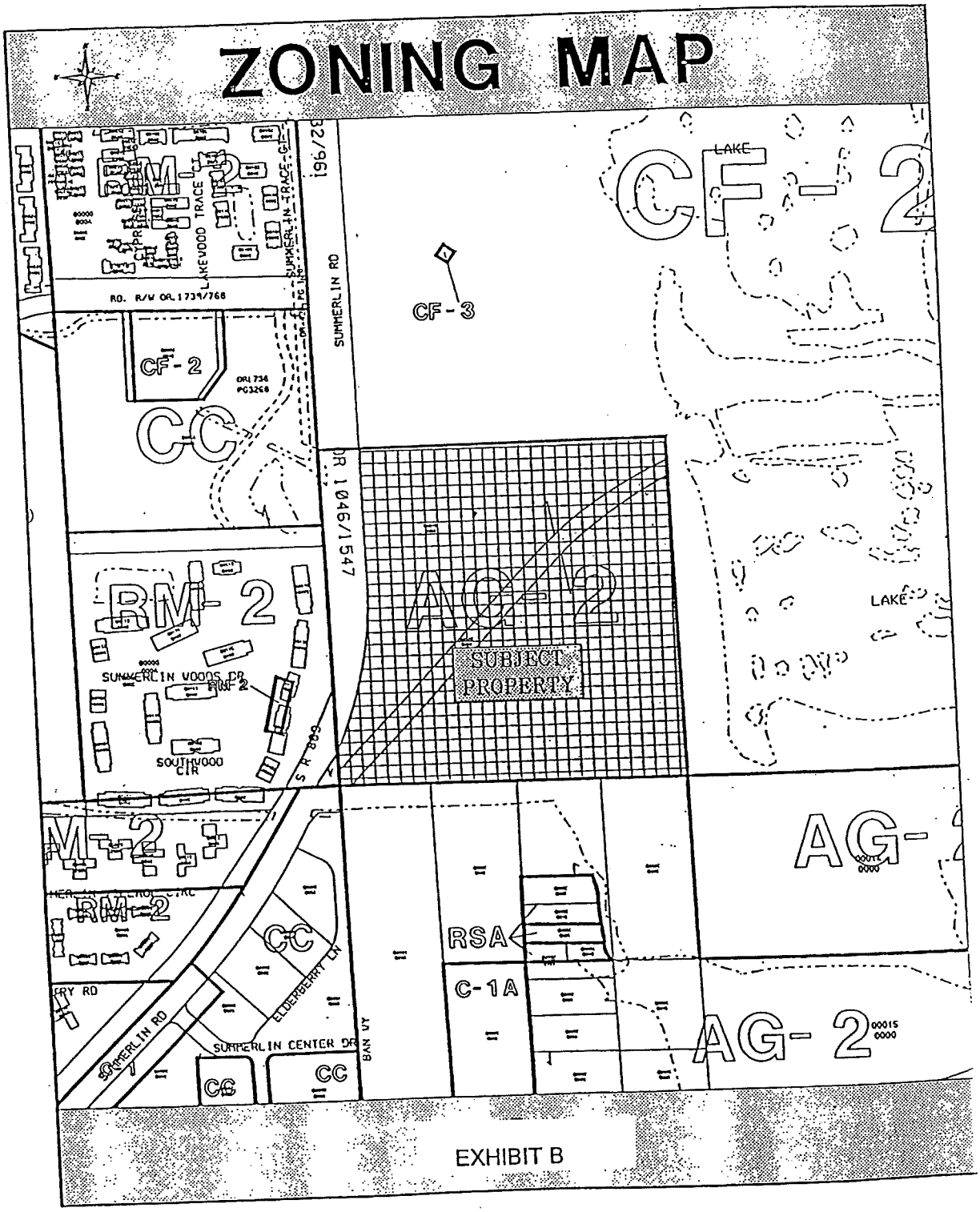
CASE NO:98-01-050.03Z 01.01

EXHIBIT "A"

LEGAL DESCRIPTION

The Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of Section 26, Township 45 South, Range 24 East, Lee County, Florida, less and excepting that portion thereof conveyed to Lee County, a political subdivision of the State of Florida, by virtue of that deed recorded in Official Record Book 1046, Pages 1527 and 1528, of the Public Records of Lee County, Florida.

The applicant has indicated that the STRAP number for the subject property is: 26-45-24-00-00019.0000 & 26-45-24-00-00020.0000


ZONING MAP
RM-2
CF-2
CF-3
CC
SUMMERLIN RD
LAKEWOOD TRACE CT
SUMMERLIN TRACE CT
RD. R/W OR 1739/768
ORI 736 PG3268
OR 1046/1547
SUBJECT PROPERTY
SUMMERLIN WOODS DR
SOUTHWOOD CIR
S R 869
RSA
C-1A
AG-2
SUMMERLIN CENTER DR
ELDERBERRY LN
LAKE
EXHIBIT B

ATTACHMENT M

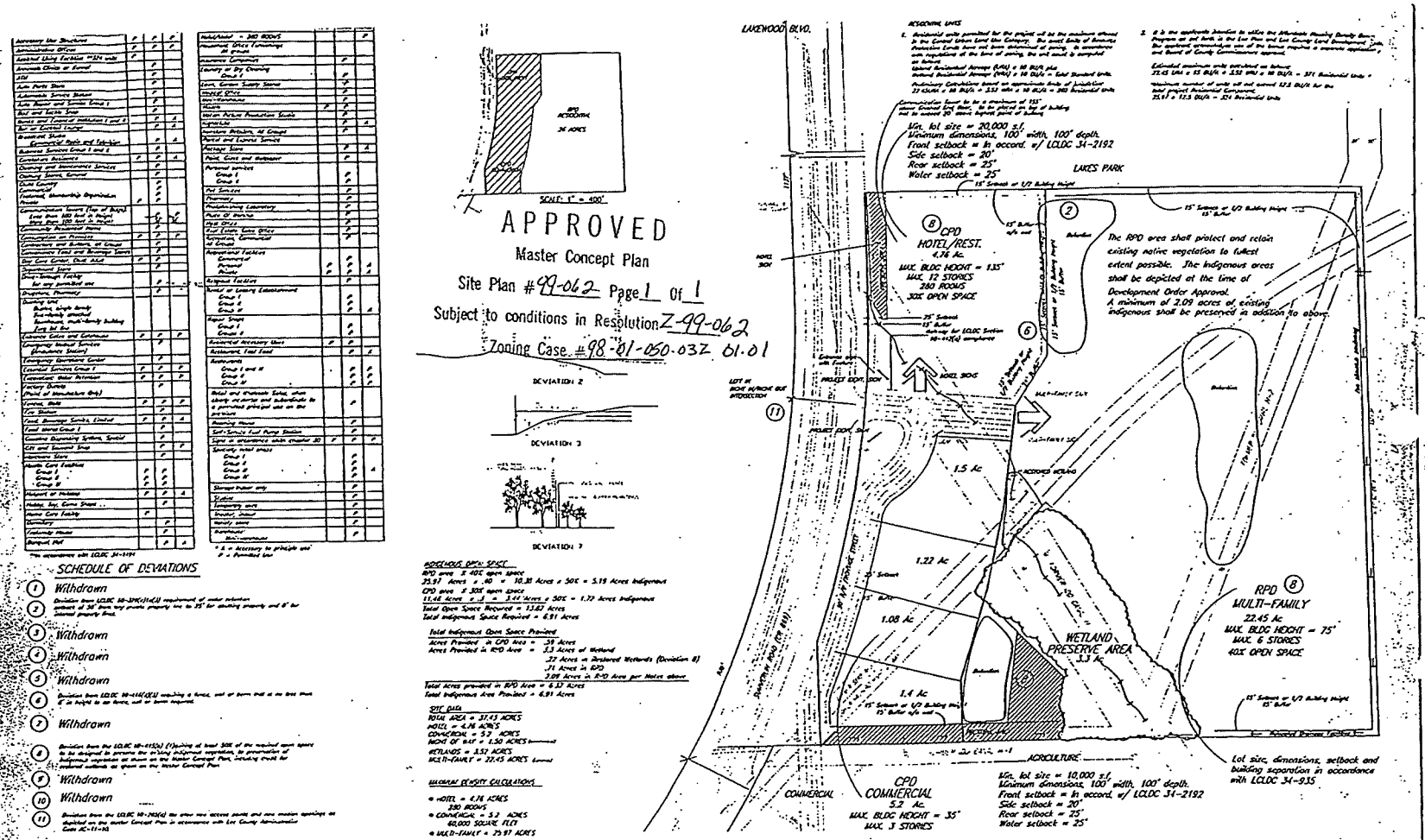


EXHIBIT C

RESOLUTION NUMBER Z-04-011

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

WHEREAS, Tracy N. Bean, AICP, and Ahmad R. Kareh, P.E., M.S.C.E., filed and application on behalf of the applicant, Bushwood Entertainment, LLC, and the property owner, Mobil Oil Corporation, to amend the Commercial Planned Development (CPD) zoning approval and Master Concept Plan (MCP) of a 3.92-acre parcel in reference to a project to be known as Fenway Family Fun Center at Lakes Park CPD; and

WHEREAS, a public hearing was advertised and held on February 11, 2004, before the Lee County Zoning Hearing Examiner. Written submissions were requested by the Hearing Examiner at the close of the hearing with a due date of February 27, 2004. The Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2003-00062; and

WHEREAS, a second public hearing was advertised and held on March 29, 2004, 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 amend the CPD zoning approval and MCP of a 3.92-acre parcel to allow for development of up to 12,500 square feet of building area with a maximum building height of 35 feet. The batting cage supports, wall, and net were proposed with a maximum height of 135 feet. Uses proposed include coin-operated amusement establishments, go-cart track, bumper boats, batting cages, and limited food and beverage service. Blasting is not a proposed development activity for this project. The property is located in the Central Urban Future Land Use Category and is 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. Development must be consistent with the one-page MCP entitled "Fenway Family Fun Center," stamped received Apr 08 2004, last revised 04/07/04, except as modified by the conditions below. Development must comply with all requirements of the Lee County 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 MCP are subsequently pursued, appropriate approvals will be necessary.

ATTACHMENT N

The maximum building square footage permitted in this development is 12,500 square feet.

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

   a. Schedule of Uses

   ACCESSORY USES AND STRUCTURES (LDC §§34-1171 *et seq.*, 34-2441 *et seq.*, 34-1863, 34-2141 *et seq.*, and 34-3108)
   ADMINISTRATIVE OFFICES
   CARETAKER'S RESIDENCE
   ESSENTIAL SERVICES (LDC §§ 34-1611 *et seq.*, and 34-1741 *et seq.*)
   ESSENTIAL SERVICE FACILITIES (LDC § 34-622(c)(13)):Group I (LDC §§ 34-1611 *et seq.*, 34-1741 *et seq.*, and 34-2141 *et seq.*)
   PARKING LOT: Accessory
   RACETRACKS (limited to go-cart track only)
   RECREATIONAL FACILITIES:
   Commercial (LDC § 34-622(c)(38)): **Group I** (limited to coin-operated amusement establishments that primarily provide coin-operated amusement devices; coin-operated includes coins, tokens, or other similar devices) and **Group III** (limited to the applicant's proposed bumper boats, kiddie merry-go-round, and batting cages)
   RESTAURANTS (LDC § 34-622(c)(43)): Group II only
   SIGNS, in accordance with LDC Chapter 30
   STORAGE: Indoor only, (LDC § 34-3001 *et seq.*)

   b. Site Development Regulations

   Setbacks must be in conformity with the Commercial Tourist (CT) zoning district and with Deviation 1.

3. The buffer along Gladiolus Drive must include a five-foot-high berm integrated into the go-cart track design. The berm will taper to two feet high at the south property line. A 15-foot-wide buffer along the eastern property line will include a double staggered row hedge along the top of the berm, in addition to five trees per 100 linear feet, as required in a Type D buffer. The berm and buffer will provide a partial sound and visual barrier toward the east (Gladiolus Drive).

4. Casino-style games are prohibited.

5. The operation may open daily at 10:00 a.m. The operation must close at 10:00 p.m. Sunday through Thursday, and at 11:00 p.m. on Friday and Saturday. If, however, it is determined that the decibel level of the go-cart operation (carts and/or loudspeakers) exceeds the permissible decibel levels in Lee County Ordinance 93-15, the go-cart track must be closed until the developer or fun center operator perfects a means of assuring compliance with Ordinance 93-15.

6. The maximum permitted height of the poles and netting for the batting cage facility is 40 feet. The netting must be a dark green or black color.

7. Water management facilities serving this CPD must not adversely impact the existing water management facilities serving Lakes Park or preclude the development of the enhanced buffer required along the Lakes Park entrance road.

8. The developer must provide a minimum 20-foot-wide buffer containing five (5) trees (Florida #1 Standard) per 100 linear feet and a double staggered hedge row (100% native species) along the property line contiguous to the Lakes Park entrance road. The required trees must be a minimum of 14 feet tall from grade overall and have a six to eight-foot-wide spread at the time of planting. The number of trees may be reduced at the time of local development order for this project, if Lee County Parks and Recreation determines that improvements planned along the entrance road to Lakes Park negate the need for the trees to buffer the park from this development.

9. The developer must provide reasonable facilities to accommodate the safe access of pedestrians from Lakes Regional Park to the proposed amusement facility as determined by the Director of the Development Services Division and at the time of local development order application. The developer may also provide accommodations for pedestrian access to the miniature golf development contiguous to the south of the subject property.

10. Prior to issuance of a sign permit, the proposed project signage may be reviewed and commented upon by Lee County Department of Public Works. Otherwise, review and approval of the signage for this project will be governed by the sign regulations set out in LDC Chapter 30.

11. Approval of this amendment to the CPD zoning approvals 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.

12. Approval of this amendment to the CPD zoning approvals 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.

13. Alcoholic beverages may not be served or sold on the property. No alcoholic beverages may be brought onto the property by patrons.

14. Outdoor speakers are allowed only under the go-cart loading canopy, and must be directed into the loading area. The volume of those speakers must be no louder than is necessary to be heard in the loading area. No other outdoor speakers are allowed on the property.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §34-2474(b)(1) requirement that commercial sports/amusement parks, amusement devices, and water slides may not be located less than 50 feet or a distance equal to the height of the structure of the device, wherever is greater, from any property under separate ownership, provided that such setback must be

100 feet from adjacent property zoned RS, TF, TFC, RM, MH, or RPD or any existing residential uses, to allow setbacks ranging from 10 feet to 40 feet as depicted on the MCP

.

This deviation is APPROVED SUBJECT TO the following:

a. a 10-foot setback from the south property line; and

b. a 25-foot setback from the Lakes Park entrance road (north property line), as conditioned in Conditions 3 and 8; and

c. a 25-foot setback along Gladiolus Drive (east property line), as conditioned in Condition 3; and

d. a 40-foot setback along the west property line, with the limitation depicted for the batting cage area.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

Exhibit A: Legal description of the property
Exhibit B: Zoning Map (subject parcel identified with shading)
Exhibit C: Master Concept Plan dated 04/07/04

The applicant has indicated that the STRAP number for the property is: 35-45-24-00-00015.0030.

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the amendment to the CPD zoning approval and MCP by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes and regulations.

2. The amendment to the CPD, as conditioned:

   a. meets or exceeds the 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 the site 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 approval 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, will be available and adequate to serve the proposed land use.

5. The approved deviation, as conditioned, enhances the achievement of the planned development objectives, and preserves and promotes the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Judah, seconded by Commissioner Coy, 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 29th day of March 2004.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Chairman

Approved as to form by:

_____
Donna Marie Collins
County Attorney's Office

BOARD OF COUNTY COMMISSIONERS SEAL LEE COUNTY, FLORIDA

2004 APR 21 AM 10:57

RECEIVED
MINUTES OFFICE

Bean, Whitaker, Lutz & Kareh, Inc.
13041 McGregor Boulevard
Fort Myers, Florida 33919-5910
email – fmoffice@bwlk.net
(Ph) 239-481-1331 (Fax) 239-481-1073

Description of a Parcel of Land
Lying in
Section 35, Township 45 South, Range 24 East
Lee County, Florida
(Remaining Parcel Boundary)

A parcel of land situated in the State of Florida, County of Lee, Section 35, Township 45 South, Range 24 East, being a part of a parcel of land recorded in Official Record Book 1635 at Page 1728, Public Records, and further described as follows:

Starting at the northwest corner of the Northeast One Quarter (NE 1/4) of said Section 35; thence N89°08'58"E along the north line of said fraction for 65.00 feet to the Point of Beginning of the following described parcel; thence continue N89°08'58"E along the north line of said fraction for 552.56 feet to a concrete monument (stamped LB 4919) marking the current right-of-way line of Gladiolus Drive (C.R. 865); thence S43°13'35"E along said right-of-way line for 31.17 feet to a concrete monument (stamped LB 4919); thence S19°17'57"W along said right-of-way line for 325.43 feet to a concrete monument (stamped LB 4919) on the south line of the North One Half (N 1/2) of the Northwest One Quarter (NW 1/4) of the Northwest One Quarter (NW 1/4) of the Northeast One Quarter (NE 1/4) of said Section 35; thence S89°13'33"W along said fractional line for 459.56 feet to the east line of Parcel 60b as described in that certain Order of Taking recorded in Official Record Book 2512 at Pages 2992 through 3012, inclusive; thence N01°10'59"W along the easterly line of said Parcel 60b for 327.93 feet to the Point of Beginning.

Containing 3.92 acres, more or less.

Bearings are based on the right-of-way maps for Gladiolus Drive with the north line of the Northeast One Quarter (NE 1/4) of Section 35 as bearing N89°08'58"E.

Subject to a drainage easement over and across the westerly 30.00 feet thereof.

Subject to easements, restrictions, reservations and rights-of-way (recorded and unrecorded, written and unwritten).

RECEIVED
SEP 18 2003

34186DESC1 8/1/03 PERMIT COUNTER

DCI2003-00062

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)

Scott C. Whitaker, P.S.M. 4324

Applicant's Legal Checked
by

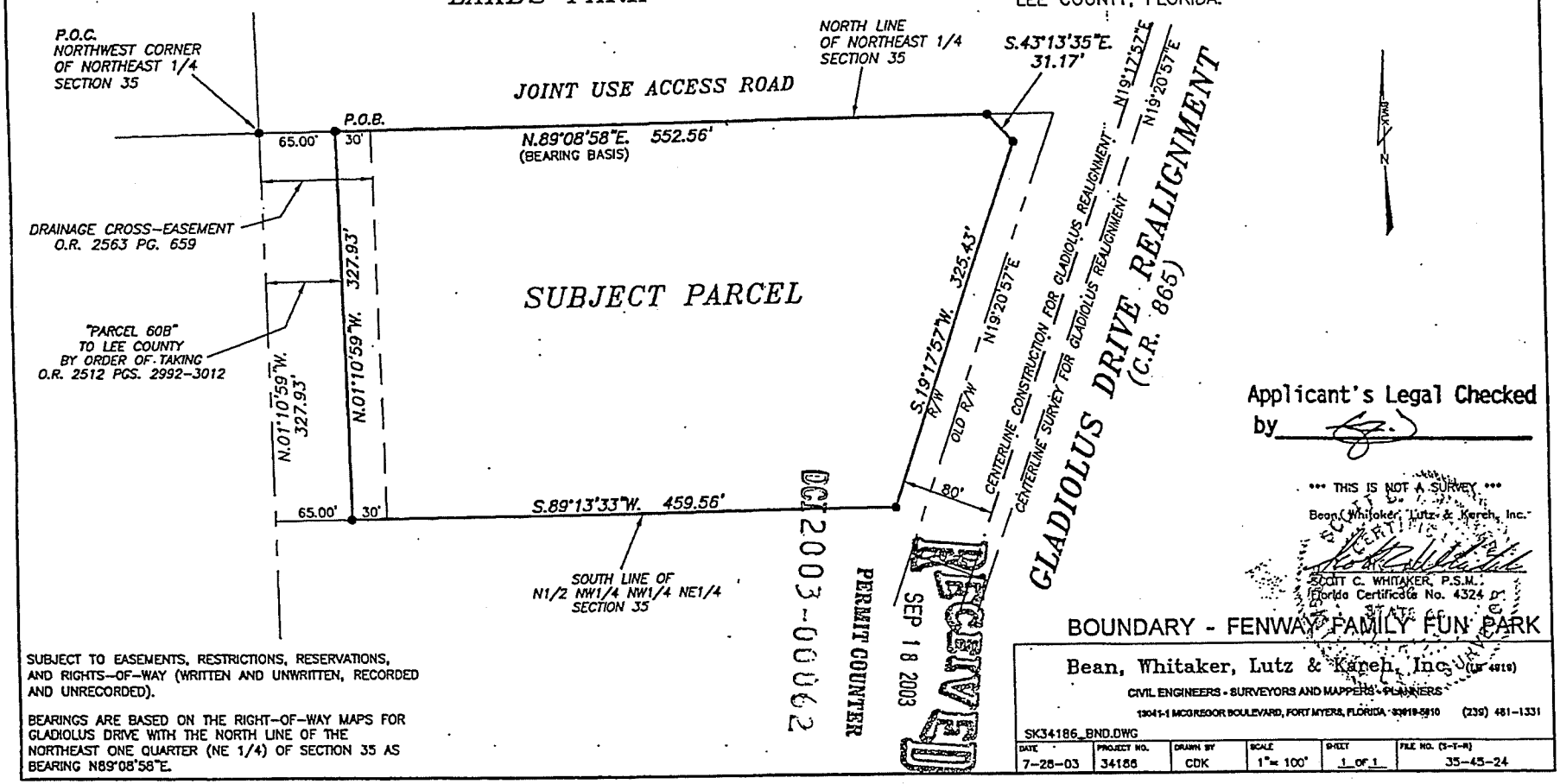
PRINCIPALS
WILLIAM E. BEAN, PSM, CHAIRMAN
SCOTT C. WHITAKER, PSM, PRESIDENT
JOSEPH L. LUTZ, PSM
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS

ASSOCIATES
TRACY N. BEAN, AICP
CHARLES D. KNIGHT, PSM
W. BRITT POMEROY, JR., PSM
STEPHEN H. SKORUPSKI, PSM
JAMES A. HESSLER, PSM
JEFFREY P. GAGNON, PSM
RUDOLF A. NORMAN, PE

SKETCH TO ACCOMPANY DESCRIPTION

OF A PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA.



Applicant's Legal Checked
by _____

*** THIS IS NOT A SURVEY ***

Bean, Whitaker, Lutz & Kareh, Inc.

SCOTT C. WHITAKER, P.S.M.
Florida Certificate No. 4324

BOUNDARY - FENWAY FAMILY FUN PARK

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS-OF-WAY (WRITTEN AND UNWRITTEN, RECORDED AND UNRECORDED).

BEARINGS ARE BASED ON THE RIGHT-OF-WAY MAPS FOR GLADIOLUS DRIVE WITH THE NORTH LINE OF THE NORTHEAST ONE QUARTER (NE 1/4) OF SECTION 35 AS BEARING N89°08'58"E.

DCI2003-00062

SEP 18 2003

PERMIT COUNTER

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4918)
CIVIL ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS
13041-1 McGREGOR BOULEVARD, FORT MYERS, FLORIDA 33919-5910 (239) 481-1331

SK34186_BND.DWG

DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO. (S-T-R)
7-28-03	34186	CDK	1"= 100'	1 OF 1	35-45-24

EXHIBIT A
Page 2 of 2

ZONING MAP

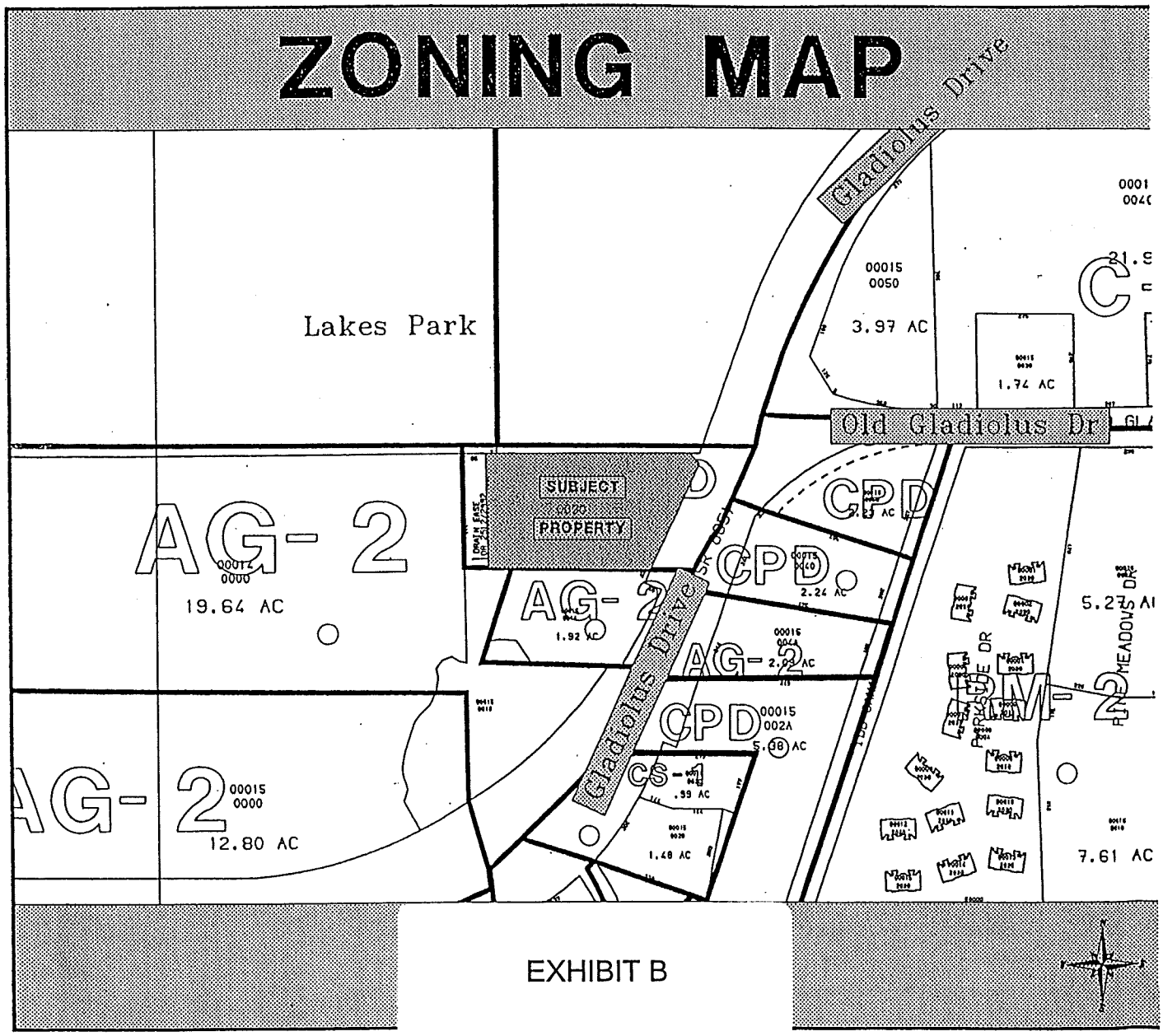


EXHIBIT B

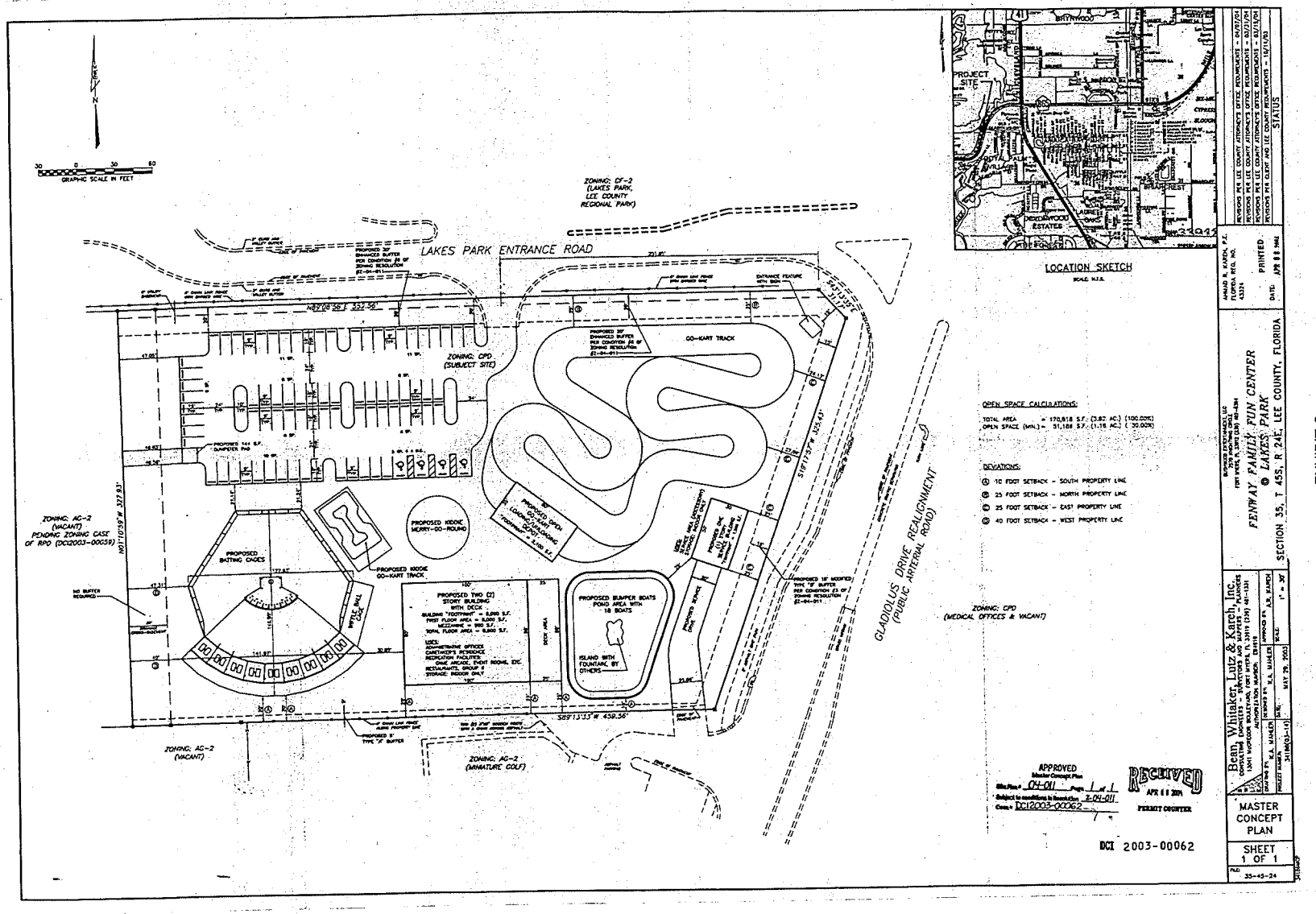


EXHIBIT C

ATTACHMENT N

9.00 BILLED

2055825

RESOLUTION NUMBER ZAB-85-68

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY: H. FERNSTROM, D.C.

OFF REC 1830PG0343

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS

OF LEE COUNTY, FLORIDA

WHEREAS, Jack Amar, has properly filed an application for: Unusual use in the AG district for a miniature golf course (Sec. 500.10) on a piece of property located on the northwest side of Gladiolus Drive, approximately 500 feet in a south/southwesterly direction from the Lakes Regional Park entrance, described more particularly as;

LEGAL DESCRIPTION: Section 35, Township 45S, Range 24E, Lee County, Florida.

> From a stake on west side of Gladiolus Drive, 500 feet SSW of Lakes Park Entrance on Gladiolus and in the northeast corner of S35-T45S-R24E-00-00015.0010, subject property proceeds 260 feet SSW along Gladiolus, 390 feet straight west, 260 feet NNE and 390 feet straight east to stake of origin.

WHEREAS, proper authorization has been given to Leland Thompson, by Jack Amar, the owner of the subject parcel, to act as agent(s) to pursue this zoning application;

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Zoning Board, with full consideration of all the evidence available to the Zoning Board; and

WHEREAS, the Lee County Zoning Board fully reviewed the matter and recommended approval of an unusual use in the AG district for a miniature golf course (Sec. 500.10) based on the findings of the LPA that the request is consistent with the Comprehensive Plan, and the testimony presented at the hearing; and

WHEREAS, an appeal was timely filed by the Division of Community Development; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and

WHEREAS, in the legislative process the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the Staff, the Local Planning Agency, the Zoning Board, the documents on file with the County, and the testimony of all interested persons:

ATTACHMENT O

LEGISLATIVE HISTORY:

The Local Planning Agency found this request consistent with the Comprehensive Plan. Although staff recommended denial due to the project possibly causing traffic safety problems due to its location on Gladiolus Drive near dangerous curves and its conflicts with the Comprehensive Plan Policy III.D.8. The applicant stated FDOT's Engineer commented to him he could see no problems with this request.

OFF REC 1830PG0344

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS AS THE ZONING APPEALS BOARD, that the Zoning Appeals Board does hereby grant the unusual use in the AG district for a miniature golf course (Sec. 500.10) with the following conditions: 1) No fertilizers or pesticides shall be used which contain DDT, and 2) The applicant shall work to provide a common entrance between the project to the north and Lakes Park, and 3) The property owner shall pay their appropriate share for the signalization of that entrance with Gladiolus Drive.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Wallace, and seconded by Commissioner Fussell and, upon being put to a vote, was as follows:

Porter J. Goss	Aye
Roland Eastwood	Absent
Mary Ann Wallace	Aye
Bill Fussell	Aye
Donald D. Slisher	Aye

FEB 19 10 42 AM '86
RECORDED IN OFFICIAL RECORDS
LEE COUNTY, FLORIDA
RECORD VERIFIED
CHARLIE GREEN
CLERK OF CIRCUIT COURT

DULY PASSED AND ADOPTED this 13th day of May, A.D., 1985.

ATTEST:
CHARLIE GREEN, CLERK

BY: Mary Armentrout
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Chairman

Approved as to form by:

_____
County Attorney's Office

RESOLUTION NUMBER ZAB-85-68 HEARING NUMBER 85-3-25

(0788Z)

ATTACHMENT O

LEE COUNTY
RECEIVED
FEB 12 AM 11:45
DEV
CNTR.

RESOLUTION NUMBER Z-02-058

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

WHEREAS, an application was filed by the property owner, William Keith, to rezone 3.27 acres from Commercial Planned Development (CPD) and Residential Planned Development (RPD) to Commercial Planned Development (CPD), for this project Gut Associates, in reference to Phoenix 90 CPD; and,

WHEREAS, a public hearing was advertised and held on October 9, 2002, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2002-00008; and

WHEREAS, a second public hearing was advertised and held on January 6, 2003, 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 3.27 acres parcel from CPD and RPD to CPD, to enlarge the existing office building to 15,000 square feet and allow for the development of an employee parking lot in place of the originally approved residential dwelling units. Maximum building height will not exceed 35 feet. The property is located within the Suburban future Land Use Category and is 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 (MCP) entitled "Master Concept Plan, Phoenix 90 CPD," dated 01/03 and stamped "RECEIVED Jan 16 2003 Zoning Counter," except as modified by the conditions below. This development must comply with all requirements of the Lee County 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.

   Parcel A is permitted a maximum gross floor area of 15,000 square feet. No building area has been approved within Parcel B.

01/06/2003

ATTACHMENT P

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

a. Schedule of Uses

Parcel A

ACCESSORY USES AND STRUCTURES (LDC §§ 34-1171 *et seq.*, 34-2441 *et seq.*, 34-1863, 34-2141 *et seq.*, and 34-3106)
ADMINISTRATIVE OFFICES (subject to Note (1) of LDC § 34-934)
BUSINESS SERVICES (LDC § 34-622(c)(5)): Group I
ESSENTIAL SERVICES (LDC §§ 34-1611 *et seq.*, and 34-1741 *et seq.*)
FENCES, WALLS (LDC § 34-1741)
MEDICAL OFFICE
PARKING LOT: Accessory
SIGNS in accordance with Chapter 30

Parcel B

FENCES, WALLS (LDC § 34-1741)
PARKING LOT: Accessory
SIGNS in accordance with Chapter 30

b. Site Development Regulations

Parcel A is permitted a maximum gross floor area of 15,000 square feet. No building area has been approved within Parcel B.

The approved development regulations may be found in Resolution No. Z-98-017. (A copy of this Resolution is attached as Exhibit D.)

3. Parcel B shown on the approved Master Concept Plan may only be used for the uses allowed in Condition 2 above. Any change to the approved uses or general design of the development of this Parcel must be done through the public hearing process.

4. Open space areas must be designed to incorporate as many of the large native trees and sabal palms as possible. Any sabal palms with a minimum eight-foot clear truck must be preserved in place or relocated onsite. Sabal palms being relocated must be moved in a horticulturally correct manner per Lee County Extension Services brochure Lee 8/2000A (attached as Exhibit E). Prior to local development order approval, the preserved trees and any relocated palms must be delineated on the plans. Preserved trees and relocated sabal palms will receive protected tree credits per LDC § 10-420(h).

5. a. Parking lot areas must be illuminated with enough intensity to create secure areas, yet without creating an overly intense, commercial image. Parking lot lamps must be hooded or globed to eliminate the glare on the adjoining residential areas and the lamp posts must not exceed 10 feet in height. Mercury vapor lamps/lights are prohibited.

b. Individual building lighting must be of a low intensity and appropriately scaled fixtures, either directly fixed to the building or on a post lamp standard not to exceed 10 feet in height. Incandescent lamps are encouraged, mercury vapor lamps/lights are prohibited.

6. The applicant must use the existing non-exotic vegetation found along the southern and western perimeters of the site as part of the buffers proposed in these areas.

7. Prior to local development order approval, the Applicant must provide a detailed plan for pedestrian crosswalks for connecting Parcel A to Parcel B , and for lighting, and signage that is acceptable to Lee County.

8. Except as may be provided in this approval, all other conditions of Resolution Z-98-017 will apply as part of this planned development.

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 Allocations Table, Map 16 and Table 1(b).

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC § 34-2015(1) which requires that all parking spaces must be located on the same premises and within the same or similar type of zoning district as the use they serve; to allow a portion of the required parking to be located on an adjacent parcel (Parcel B), which is separated by a 60-foot right-of-way. This deviation is APPROVED, SUBJECT TO the condition that all employees must park in Parcel B. Customer parking in Parcel B must be limited to overflow parking.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

Exhibit A: The legal description of the property
Exhibit B: Zoning Map (with the subject parcel indicated)
Exhibit C: The Master Concept Plan
Exhibit D: Zoning Resolution No. Z-98-017.
Exhibit E: Lee County Extension Service brochure Lee 8/2000A.

The applicant has indicated that the STRAP number for the subject property is:
35-45-24-01-00001.0000, 35-45-24-01-00006.0000

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.

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.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner John E. Albion, seconded by Commissioner Douglas R. St. Cerny 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	Absent
John E. Albion	Aye

DULY PASSED AND ADOPTED this 6th day of January 2003.

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
MINUTES OFFICE
2003 FEB 11 PM 2:39

EXHIBIT "A"

LEGAL DESCRIPTION

Property located in Lee County, Florida

GULF SHORE SURVEYING, INC.

TIM J. PUFAHL, P.L.S.
30930 OIL WELL RD., PUNTA GORDA, FL. 33955
(941) 639-7800 • FAX: (941) 639-7800

NICK POULOS, P.L.S.
2112 SE. 11TH ST., CAPE CORAL, FL. 33990
(941) 458-2388 • FAX: (941) 574-3719

RECEIVED
FEB 26 2002
ZONING COUNTER

FEBRUARY 19, 2002
JOB NO. 0214
FILE: 0214L002

DESCRIPTION

A PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AND FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST ONE QUARTER (SE 1/4) OF THE NORTHWEST ONE QUARTER (NW 1/4) OF SAID SECTION 35; THENCE S.01°03'41"E. ALONG THE WEST LINE OF SAID FRACTION FOR 49.13 FEET TO THE SOUTH RIGHT OF WAY LINE OF GLADIOLUS DRIVE (C.R. 865 - COUNTY PROJECT NO. 4752); THENCE N.89°37'57"E. ALONG SAID SOUTHERLY LINE AND THE FORMER RIGHT OF WAY LINE FOR 1054.39 FEET TO THE BEGINNING OF A CURVE ON SAID FORMER SOUTHERLY RIGHT OF WAY LINE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 766.20 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 18°36'21" FOR 248.81 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE ALONG SAID CURVE HAVING A RADIUS OF 766.20 FEET THROUGH A CENTRAL ANGLE OF 03°46'11" FOR 50.41 FEET; THENCE S.01°06'19"E. FOR 208.61 FEET; THENCE S.27°28'56"E. FOR 130.12 FEET TO THE NORTHWESTERLY LINE OF CONGDON ROAD (60 FEET WIDE) AS RECORDED IN OFFICIAL RECORD BOOK 213 AT PAGE 644 OF THE PUBLIC RECORDS; THENCE S.50°53'44"W. ALONG SAID NORTHWESTERLY LINE FOR 274.93 FEET TO A POINT OF CURVATURE IN A CUL-DE-SAC AT THE END OF CONGDON ROAD CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 60.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 50°28'44" FOR 52.86 FEET TO A POINT OF REVERSE CURVATURE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 50.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 23°25'08" FOR 20.44 FEET TO THE NORTHEASTERLY LINE OF A COUNTY ROAD (40 FEET WIDE) CONVEYED TO THE COUNTY IN MISCELLANEOUS BOOK 13 AT PAGE 476 AND MISCELLANEOUS BOOK 14 AT PAGE 216 OF THE PUBLIC RECORDS; THENCE N.35°37'21"W. ALONG SAID NORTHEASTERLY LINE FOR 169.93 FEET ; THENCE N.54°24'53"E. FOR 196.12 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 148.11 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°41'51" FOR 40.58 FEET; THENCE N.90°00'00"E., NON-TANGENTIALLY, FOR 82.24 FEET; THENCE N.00°00'00"E. FOR 211.84 FEET TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF SAID GLADIOLUS DRIVE (FRONTAGE ROAD "B") AND THE POINT OF BEGINNING.

CONTAINING 1.69 ACRES MORE OR LESS.

(CONTINUED)

BEARINGS MENTIONED HEREIN ARE BASED ON THE SOUTH RIGHT OF WAY LINE OF GLADIOLUS DRIVE BEING N.89°37'57"E. AS SHOWN ON THE RIGHT OF WAY MAPS FOR GLADIOLUS DRIVE (LEE COUNTY PROJECT NO. 4527)

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

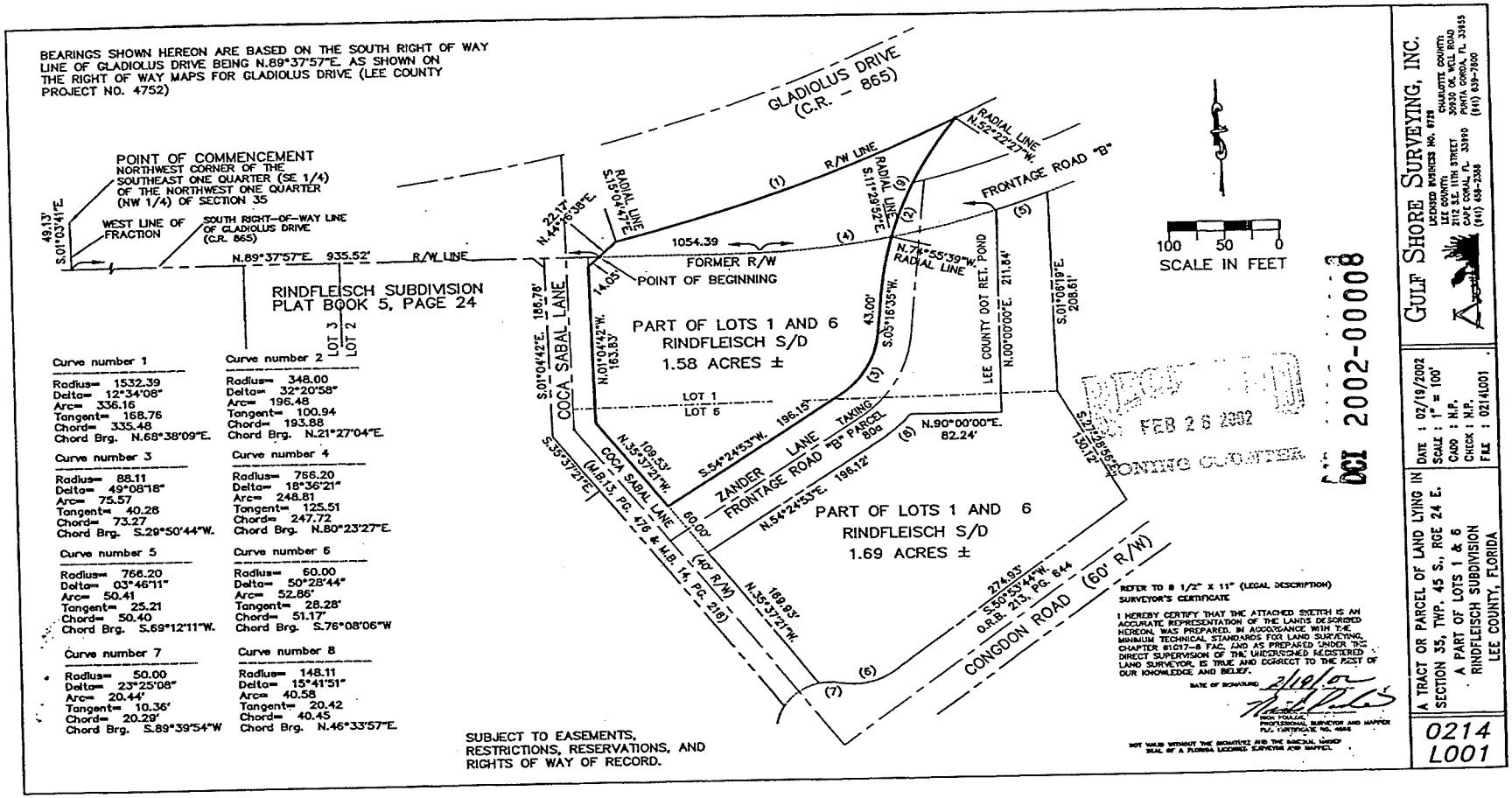
REFER TO 8 1/2" X 11" SKETCH
GULF SHORE SURVEYING, INC.

2/19/02

NICK POULOS
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 4568

Applicant's Legal Checked
by 9/20/02

DCI 2002-00008



Curve number 1	Curve number 2
Radius= 1532.39	Radius= 348.00
Delta= 12°34'08"	Delta= 32°20'58"
Arc= 336.16	Arc= 196.48
Tangent= 168.76	Tangent= 100.94
Chord= 335.48	Chord= 193.88
Chord Brg. N.68°38'09"E.	Chord Brg. N.21°27'04"E.
Curve number 3	**Curve number 4**
Radius= 88.11	Radius= 766.20
Delta= 49°08'18"	Delta= 18°36'21"
Arc= 75.57	Arc= 248.81
Tangent= 40.28	Tangent= 125.51
Chord= 73.27	Chord= 247.72
Chord Brg. S.29°50'44"W.	Chord Brg. N.80°23'27"E.
Curve number 5	**Curve number 6**
Radius= 766.20	Radius= 60.00
Delta= 03°46'11"	Delta= 50°28'44"
Arc= 50.41	Arc= 52.86'
Tangent= 25.21	Tangent= 28.28'
Chord= 50.40	Chord= 51.17'
Chord Brg. S.69°12'11"W.	Chord Brg. S.76°08'06"W
Curve number 7	**Curve number 8**
Radius= 50.00	Radius= 148.11
Delta= 23°25'08"	Delta= 15°41'51"
Arc= 20.44'	Arc= 40.58
Tangent= 10.36'	Tangent= 20.42
Chord= 20.29'	Chord= 40.45
Chord Brg. S.89°39'54"W	Chord Brg. N.46°33'57"E.

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

REFER TO 8 1/2" X 11" (LEGAL DESCRIPTION) SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE ATTACHED SKETCH IS AN ACCURATE REPRESENTATION OF THE LANDS DESCRIBED HEREON, WAS PREPARED IN ACCORDANCE WITH THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING, CHAPTER 61G17-6 F.A.C. AND AS PREPARED UNDER THE DIRECT SUPERVISION OF THE UNDERSIGNED REGISTERED LAND SURVEYOR, IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

DATE OF SIGNATURE 2/19/02

NICK POLLAK
PROFESSIONAL SURVEYOR AND MAPPER
FLA. CERTIFICATE NO. 4646

NOT VALID WITHOUT THE SIGNATURE AND THE RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

GULF SHORE SURVEYING, INC.
LICENSED BUSINESS NO. 6729
CHARLOTTE COUNTY: 30930 OIL WELL ROAD, PUNTA GORDA, FL 33955, (941) 639-7800
LEE COUNTY: 2112 S.E. 11TH STREET, CAPE CORAL, FL 33990, (941) 458-2388

A TRACT OR PARCEL OF LAND LYING IN SECTION 35, TWP. 45 S., RGE 24 E.
A PART OF LOTS 1 & 6
RINDFLEISCH SUBDIVISION
LEE COUNTY, FLORIDA

DATE : 02/19/2002
SCALE : 1" = 100'
CADD : N.P.
CHECK : N.P.
FILE : 0214L001

0214
L001

ZONING MAP

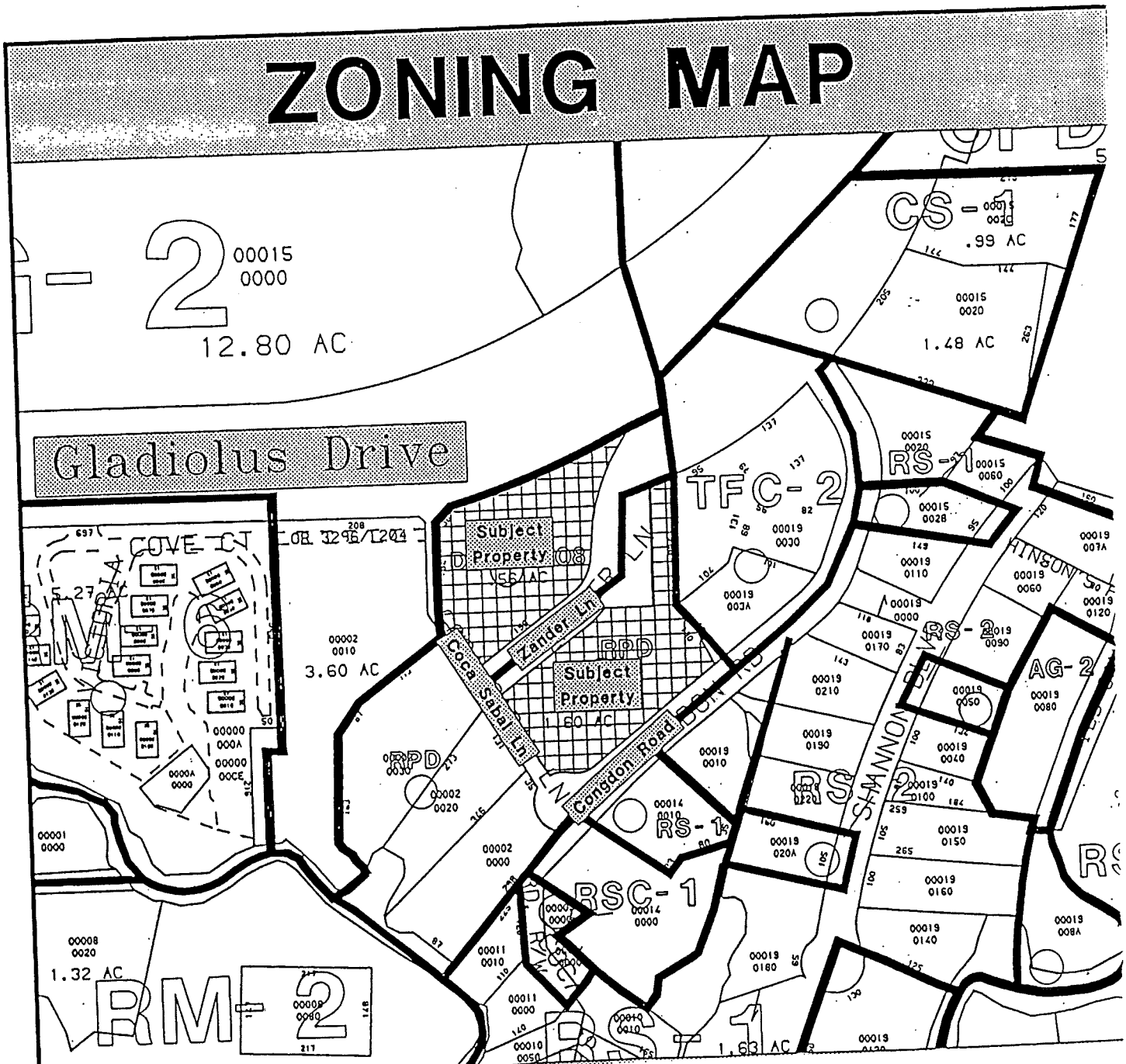
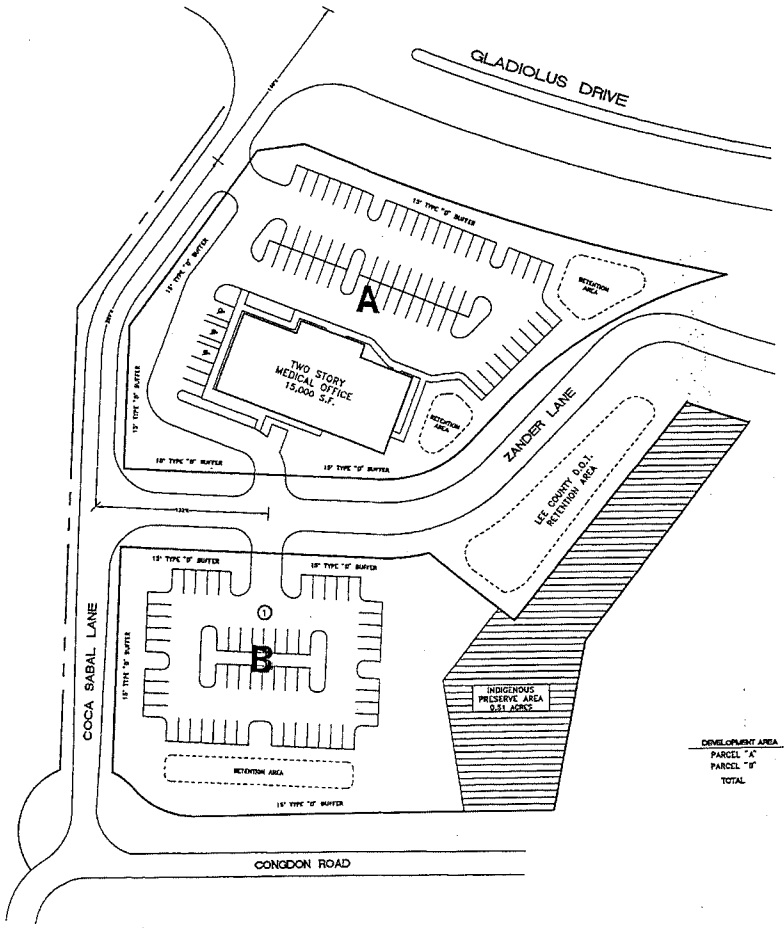


EXHIBIT "B"



N

1" = 40'

SITE DATA
TOTAL PROJECT AREA: 3.27 ACRES
WETLAND PRESERVE AREA: 0.51 ACRES
MAXIMUM BUILDING AREA: 15,000 S.F.
MAXIMUM BUILDING HEIGHT: 35 FEET
MINIMUM OPEN SPACE AREA: 45 PERCENT

PROPOSED SCHEDULE OF USES

PARCEL "A"
ACCESSORY BUILDINGS AND STRUCTURES
ADMINISTRATIVE OFFICES
BUSINESS SERVICES - GROUP I
ESSENTIAL SERVICES
FENCES, WALLS
MEDICAL OFFICES
SIGNS IN ACCORDANCE WITH CHAPTER 30

PARCEL "B"
FENCES, WALLS
PARKING LOT, ACCESSORY
SIGNS IN ACCORDANCE WITH CHAPTER 30

PROPOSED SCHEDULE OF DEVIATIONS
① APPROVED DEVIATION #1 PER ZONING RESOLUTION Z-02-058

NOTES
1) PARCEL "A" HAS BEEN PREVIOUSLY DEVELOPED WITH A 9,000 SQUARE FOOT MEDICAL OFFICE AND 68 PARKING SPACES.
2) BUFFERING, OPEN SPACE AND LANDSCAPING WILL MEET OR EXCEED ALL APPLICABLE PROVISIONS OF LDC SECTION 10-415 AND LDC SECTION 10-416.
3) THE JURISDICTIONAL WETLAND AREA WILL BE UTILIZED TO MEET THE ON-SITE INDIGENOUS VEGETATION REQUIREMENT.
4) PARKING WILL BE PROVIDED IN COMPLIANCE WITH ALL APPLICABLE PROVISIONS OF LDC SECTIONS 34-2013 THROUGH 34-2020 UNLESS OTHERWISE NOTED ON THIS PLAN.
5) EXACT LIMITS OF THE PROPOSED STORMWATER RETENTION AREAS MAY VARY SUBJECT TO SOUTH FLORIDA WATER MANAGEMENT DISTRICT REQUIREMENTS.
6) PUBLIC TRANSIT IS PRESENTLY AVAILABLE ALONG GLADIOLUS DRIVE, HOWEVER, THE PROPOSED DEVELOPMENT WILL NOT BE REQUIRED TO TO PROVIDE ANY TRANSIT AMENITIES PURSUANT TO LDC SECTION 10-442.

INDIGENOUS VEGETATION CALCULATIONS[1]
3.27 ACRES x 20% x 50%
REQUIRED: 0.33 ACRES
PROVIDED: 0.51 ACRES
[1]SEE NOTE #3

PROPERTY DEVELOPMENT REGULATIONS

STREET SETBACK (PUBLIC):	25 FEET
STREET SETBACK (PRIVATE):	20 FEET
SIDE YARD SETBACK:	20 FEET
REAR YARD SETBACK:	20 FEET
MAXIMUM LOT COVERAGE:	25 PERCENT

DEVELOPMENT AREA	ACREAGE	BUILDING AREA	OPEN SPACE	BUILDING HEIGHT
PARCEL "A"	1.58 ACRES	15,000 S.F.	30 PERCENT	35 FEET/2 STORIES
PARCEL "B"	1.69 ACRES	N/A	60 PERCENT	N/A
TOTAL	3.27 ACRES	15,000 S.F.	45 PERCENT	

APPROVED
Master Concept Plan
Site Plan # Z-02-058 Page 1 of 1
Subject to conditions in Resolution Z-02-058
Case # DCI2002-00008

RECEIVED
JAN 16 2003
ZONING COUNTER
DCI 2002-00008

EXHIBIT IV-A-1

FILE # 9717MCP
DATE 01/03
SCALE NOTED
DESIGN GFM
DRAWN GFM
CHECK GFM

GARY F. MULLER, AICP
1482 JOYCE DRIVE • FT. MYERS, FLORIDA 33919 • (941) 337-0111

MASTER CONCEPT PLAN
PHOENIX 90 CPD

SEC 05, TWP 46S, RGE 24E.
LEE COUNTY, FLORIDA

DWG. NO.
9717

RESOLUTION NUMBER Z-98-017

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

WHEREAS, James E. Kinsey, Jr., Trustee, filed an application to rezone a 5.27-acre parcel from Agricultural (AG-2) to Residential Planned Development (RPD)(consisting of 3.69 acres) and Commercial Planned Development (CPD)(consisting of 1.58 acres) on behalf of the owners of the property, James E. Kinsey, Jr., Trustee, in reference to Phoenix 90 Land Trust; and

WHEREAS, a public hearing was scheduled for March 4, 1998, which was continued to March 24, 1998, which in turn was continued again to allow time for staff to review a newly submitted Master Concept Plan, and the case was subsequently heard on April 7, 1998, by the Lee County Zoning Hearing Examiner who gave full consideration to the evidence in the record (Case #97-09-315.02Z 01.01); and

WHEREAS, a second public hearing was advertised and held on June 1, 1998 before the Lee County Board of County Commissioners who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on 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 rezone a 5.27-acre parcel from AG-2 to RPD and CPD in the Central Urban and Suburban Land Use Categories. The legal description of the subject property is set forth in Exhibit A attached to this resolution. The request is hereby APPROVED pursuant to the conditions and deviations set forth in Sections B and C below.

SECTION B - CONDITIONS:

1. The development and use of the subject property must be in substantial compliance with the approved Master Concept Plan (MCP) for James E. Kinsey, Jr., Trustee (last revised 3/23/98, stamped received March 23, 1998), as prepared by Keene Engineering, Inc., except as modified herein. Unless specifically approved as part of this rezoning, development must comply with all applicable local development regulations.

2. A maximum of 10 dwelling units will be allowed within the residential planned development. A maximum of 9,000 square feet of gross floor area is allowed within the commercial planned development.

3. The following are the only permitted uses within this planned development:

RPD

ACCESSORY APARTMENT (Section 34-1174)
DWELLING UNIT:
Single Family
Two-Family Attached

6/1/98

ATTACHMENT P

Zero-Lot-Line
ESSENTIAL SERVICES (Section 34-1611, *et seq.* and 34-1741 *et seq.*)
EXCAVATION: Water Retention (Section 34-1651)
FENCES AND WALLS (Section 34-1741 *et seq.*)
HOME OCCUPATION (Section 34-1771 *et seq.*)
MODEL HOME (Section 34-1951 *et seq.*)
RESIDENTIAL ACCESSORY USE [Section 34-622(c)(42)]

CPD

ACCESSORY USES AND STRUCTURES (LDC Sections 34-1171 *et. seq.*, 34-2441 *et seq.*, 34-1863, and 34-2141 *et seq.*)
ADMINISTRATIVE OFFICES
BANKS AND FINANCIAL ESTABLISHMENTS [LDC Sections 34-622(c)(3)]: Groups I and II (excluding ATM's, commercial banks, mutual savings banks, credit unions, and savings and loan associations)
BUSINESS SERVICES [LDC Section 34-622 (c)(5)]: Group I only
ESSENTIAL SERVICE FACILITIES (LDC 34-1611 *et seq.*, 34-1741 *et seq.*, and 34-2141 *et seq.*)
EXCAVATION: Water Retention (Section 34-1651)
FENCES AND WALLS (LDC Section 34-1741 *et seq.*)
INSURANCE COMPANIES [LDC Section 34-622(c)(23)]
MEDICAL OFFICE
PERSONAL SERVICES [LDC Section 34-622 (c)(33)]: Group I (excluding ATMs, coin-operated laundries, Laundromats, and laundry agents)
SIGNS, in accordance with Chapter 30
SOCIAL SERVICES [LDC Section 34-622(c)(46)]: Group I
STUDIOS [LDC Section 34-622(c)(49)]

4. Development of the RPD will comply with the Property Development Regulations consistent with the approved Master Concept Plan. The maximum building height within this planned development is 35 feet. In addition, Accessory Use and Structure setbacks must comply with LDC Sections 34-1171 *et seq.*, and 34-2194.

5. The residential Parcels (B and C, as depicted on the MCP) must provide a minimum of 40 percent open space unless the development area consists solely of conventional single-family dwelling units on lots of no less than 6,500 square feet.

6. Prior to Development Order approval for the residential area, a Shoreline Restoration Plan must be submitted for Division of Planning, Environmental Sciences approval that is designed to create a vegetation planting shelf along the existing Hendry Creek shoreline. At a minimum, this plan must include two rows of aquatic herbaceous 1-gallon size plants, installed every three feet per row with staggered installation to the parallel row.

7. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic requirements. Additional conditions may be required to obtain a local development order, consistent with local development regulations.

8. This rezoning approval does not give the Developer an undeniable right to receive local development order approval that exceeds the Year 2010 Overlay use allocation, if such allocation exists, for the applicable district.

9. No administrative amendments may be allowed within this planned development to add uses to the approved Schedule of Uses. Additional uses may only be allowed by amending this planned development through the public hearing process in LDC Chapter 34.

SECTION C - DEVIATIONS:

Deviations (1) and (2) were withdrawn by Applicant.

SECTION D - EXHIBITS:

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

Exhibit A. The legal description and STRAP number(s) of the subject property.
Exhibit B. The Phoenix 90 Master Concept Plan
Exhibit C. A map depicting the subject parcel (shaded in) in relation to the surrounding area.

SECTION E - FINDINGS AND CONCLUSIONS:

The following findings and conclusions were made in conjunction with the approval of the requested rezoning:

1. The Applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and any other applicable code or regulation.

2. The request, as conditioned:

   a. will meet or exceed all performance and locational standards set forth for the potential uses allowed by the request;

   b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;

   c. is compatible with existing or planned uses in the surrounding area; and

   d. will not adversely affect environmentally critical areas and natural resources.

3. The proposed use or mix of uses is appropriate at the subject location.

4. The development will not place an undue burden upon existing transportation or planned infrastructure facilities and it will be served by streets with the capacity to carry traffic generated by the development.

5. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest, and the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

6. 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 County Commissioners upon a motion by Commissioner Andrew W. Coy, and seconded by Commissioner Ray Judah and, upon being put to a vote, the result was as follows:

John E. Manning	Absent
Douglas R. St. Cerny	Absent
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 1st day of June, 1998.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Vice-Chairman

Approved as to form by:

_____
County Attorney's Office

MINUTES DEPARTMENT
FILED JUN 08 1998

Exhibit A

LEGAL DESCRIPTION

CPD

A parcel of land situated in the State of Florida, County of Lee, lying in Section 35, Township 45 South, Range 24 East, Lee County, Florida, including a vacated portion of Old Gladiolus Drive as recorded in Official Record Book 2709, Pages 2179-2182, and further described as follows:
Commencing at the Northwest corner of the Southeast Quarter (SE¼) of the Northwest Quarter (NW¼) of said Section 35;
THENCE S01°03'41"E along the West line of said fraction for 49.13 feet to the South right-of-way line of Gladiolus Drive (C.R. 865 - County Project No. 4752);
THENCE N89°37'57"E along said Southerly line for 935.52 feet to the POINT OF BEGINNING;
THENCE N44°16'38"E for 22.17 feet to a point on a curve concave to the Northwest, having a radius of 1,532 feet and to which point a radial line bears S15°04'47"E;
THENCE Northeasterly along said curve through a central angle of 12°34'08" for 336.16 feet to a point of cusp with a curve concave to the Southeast having a radius of 348.00 feet and to which point a radial line bears N52°22'27"W;
THENCE Southwesterly along said curve through a central angle of 32°20'58" for 196.48 feet to a Point of Tangency;
THENCE S05°16'35"W for 43.00 feet to the beginning of a curve concave to the Northwest, having a radius of 88.11 feet;
THENCE Southwesterly along said curve through a central angle of 49°08'18 for 75.57 feet to a Point of Tangency;
THENCE S54°24'53"W for 196.15 feet to the Northeasterly line of a County road (40 feet wide) conveyed to the County in Miscellaneous Book 13 at Page 476 and Miscellaneous Book 14 at Page 216, Public Records;
THENCE N35°37'21"W along the Easterly line of said county road for 109.53 feet;
THENCE N01°04'42"W along the Easterly line of said county road for 163.83 feet;
THENCE N44°16'38"E for 14.05 feet to the POINT OF BEGINNING.
Subject to easements, restrictions, reservations and rights-of-way (recorded and unrecorded, written and unwritten).
Containing 1.58 acres, more or less.

RPD

A parcel of land situated in the State of Florida, County of Lee, lying in Section 35, Township 45 South, Range 24 East, Lee County, Florida, and further described as follows:
Commencing at the Northwest corner of the Southeast Quarter (SE¼) of the Northwest Quarter (NW¼) of said Section 35;
THENCE S01°03'41"E along the West line of said fraction for 49.13 feet to the South right-of-way line of Gladiolus Drive (C.R. 865 - County Project No. 4752);
THENCE N89°37'57"E along said Southerly line for 1,054.39 feet to the beginning of a curve on said Southerly right-of-way line concave to the Northwest having a radius of 766.20 feet;
THENCE Northeasterly along the arc of said curve through a central angle of 18°36'21" for 248.81 feet to the POINT OF BEGINNING;
THENCE continue along said Southerly right-of-way line and said curve having a radius of 766.20 feet, through a central angle of 03°46'11" for 50.41 feet;

THENCE S01°06'19"E for 208.61 feet;
THENCE S27°28'56"E for 130.12 feet to the Northwesterly line of Congdon Road (60 feet wide) as recorded in Official Record Book 213 at Page 644 of the Public Records;
THENCE N50°53'44"W along said Northwesterly line for 274.93 feet to a Point of Curvature in a cul-de-sac at the end of Congdon Road, concave to the Northeast having a radius of 60.00 feet;
THENCE Southwesterly along the arc of said curve through a central angle of 50°28'44" for 52.86 feet to a Point of Reverse Curvature concave to the Southwest, having a radius of 50.00 feet;
THENCE Southwesterly along the arc of said curve through a central angle of 23°25'08" for 20.44 feet to the Northeasterly line of a County road (40 feet wide) conveyed to the County in Miscellaneous Book 13 at Page 476 and Miscellaneous Book 14 at Page 216 of the Public Records;
THENCE N35°37'21"W along said Northeasterly line for 169.93 feet;
THENCE N54°24'53"E for 196.12 feet to the beginning of a curve concave to the Northwest having a radius of 148.11 feet;
THENCE Northeasterly along the arc of said curve through a central angle of 15°41'51" for 40.58 feet;
THENCE N90°00'00"E, non-tangentially for 82.24 feet;
THENCE N00°00'00"E for 211.84 feet to the Southeasterly right-of-way line of said Gladiolus Drive and the POINT OF BEGINNING.

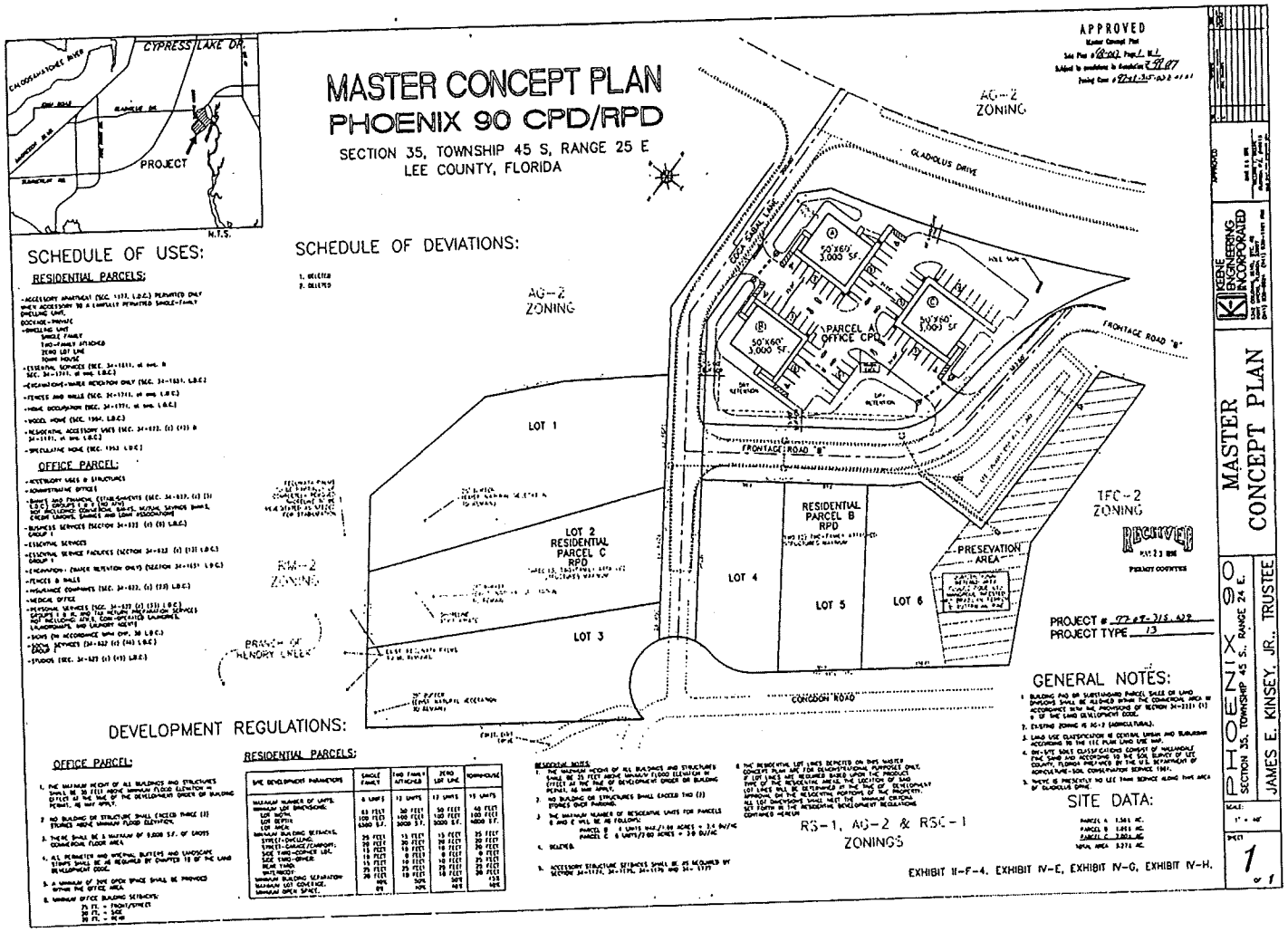
RPD
A parcel of land situated in the State of Florida, County of Lee, lying in Section 35, Township 45 South, Range 24 East, Lee County, Florida, and further described as follows:
Commencing at the Northwest corner of the Southeast Quarter (SE¼) of the Northwest Quarter (NW¼) of said Section 35;
THENCE S01°03'41"E along the West line of said fraction for 49.13 feet to the South right-of-way line of Gladiolus Drive (C.R. 865 - County Project No. 4752);
THENCE N89°37'57"E along said Southerly line for 865.52 feet to the Westerly line of a County road (40 feet wide) conveyed to the County in Miscellaneous Book 13 at Page 476 and Miscellaneous Book 14 at Page 216, Public Records;
THENCE S01°04'42"E along said Westerly line of said County road (40 feet wide) for 186.76 feet;
THENCE S35°37'21"E along said Westerly line of said County road (40 feet wide) for 71.42 feet to a concrete monument marking the Easterly most corner of land described in Official Record Book 1702 at Page 1076 of the Public Records and the POINT OF BEGINNING;
THENCE S49°10'51"W along the Southerly line of said parcel for 113.00 feet to a concrete monument;
THENCE S41°40'59"W along the Southerly line of said parcel for 87.04 feet to a concrete monument;
THENCE S12°09'38"W along said Southerly line of said parcel for 163.00 feet more or less, to the center of a bridge and the centerline of a bayou or arm of Hendry Creek;
THENCE Southeasterly, Easterly, Southeasterly, Southwesterly, Southerly and Southeasterly along the waters of said Hendry Creek for 375.00 feet, more or less, to an intersection with the centerline of a former 30 foot right-of-way as shown on the plat of RINDFLEISH SUBDIVISION and vacated by Lee County Commissioners as recorded in County Commissioner Minutes Book 9 at Page 17 in the Public Records of Lee County;

THENCE S50°53'44"E along said centerline for 301.00 feet, more or less, to a point on a curve at the end of Congdon Road (60 foot right-of-way) concave to the Northeast having a radius of 50.00 feet and to which point a radial line bears S06°28'07"W; THENCE Northwesterly, Northerly and Northeasterly along the arc of said curve through a central angle of 114°19'50" for 99.77 feet to the Southwesterly line of said County road (40 feet wide) conveyed to the County in Miscellaneous Book 13 at Page 476 and Miscellaneous Book 14 at Page 216 in the Public Records of Lee County; THENCE N35°37'21"W along said Southwesterly line for 280.46 feet to the POINT OF BEGINNING.

STRAP NUMBER

The applicant has indicated the subject property's STRAP #'s are 35-45-24-01-00001.0000 and 35-45-24-01-00002.0000.

ATTACHMENT P



ATTACHMENT P

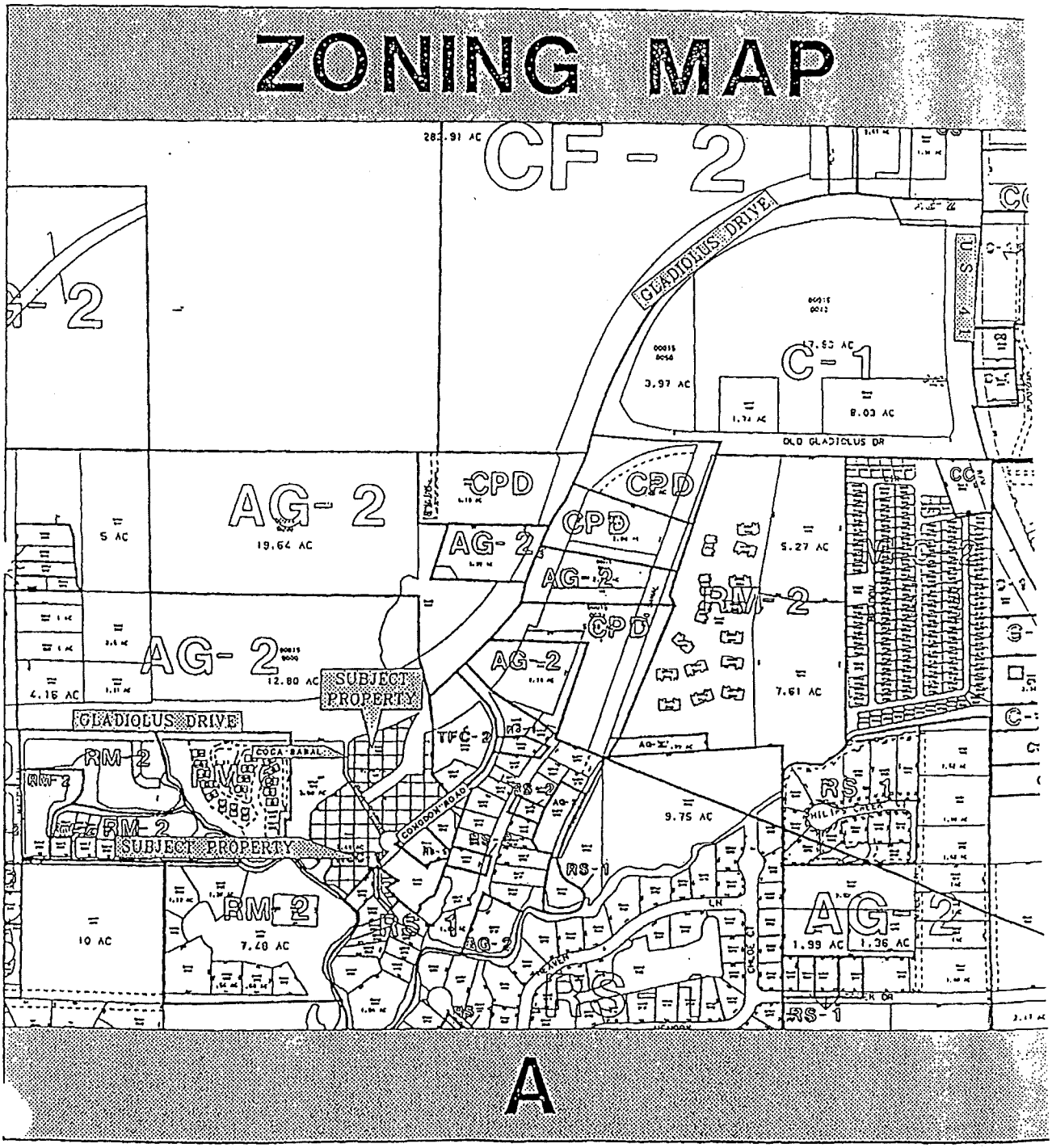

ZONING MAP
CF - 2
GLADIOLUS DRIVE
C - 1
OLD GLADIOLUS DR
AG- 2
19.64 AC
CPD
AG- 2
12.80 AC
SUBJECT PROPERTY
GLADIOLUS DRIVE
RM-2
COCA-BABAL
SUBJECT PROPERTY
RM-2
7.48 AC
10 AC
RS-1
AG-2
9.75 AC
7.61 AC
5.27 AC
AG-2
1.99 AC
1.36 AC
A

EXHIBIT C

-EXCAVATION- (WATER RETENTION ONLY) (SECTION 34-1651. L.D.C.)

-FENCES & WALLS

-INSURANCE COMPANIES (SEC. 34-622. (c) (23) L.D.C.)

-MEDICAL OFFICE

-PERSONAL SERVICES (SEC. 34-622 (c) (33) L.D.C.)
GROUPS I & III, AND TAX RETURN PREPARATION SERVICES
NOT INCLUDING: ATM,S, COIN-OPERATED LAUNDRIES,
LAUNDROMATS, AND LAUNDRY AGENTS

-SIGNS (IN ACCORDANCE WITH CHP. 30 L.D.C.)

-SOCIAL SERVICES (34-622 (c) (46) L.D.C.)
GROUP I

-STUDIOS (SEC. 34-622 (c) (49) L.D.C.)

F

Z(

BRANCH
HENDRY (

ATTACHMENT P

DEVELOPMENT REGUL

OFFICE PARCEL:

1. THE MAXIMUM HEIGHT OF ALL BUILDINGS AND STRUCTURES SHALL BE 35 FEET ABOVE MINIMUM FLOOD ELEVATION IN EFFECT AT THE TIME OF THE DEVELOPMENT ORDER OR BUILDING PERMIT, AS MAY APPLY.

2. NO BUILDING OR STRUCTURE SHALL EXCEED THREE (3) STORIES ABOVE MINIMUM FLOOD ELEVATION.

3. THERE SHALL BE A MAXIMUM OF 9,000 S.F. OF GROSS COMMERCIAL FLOOR AREA.

4. ALL PERIMETER AND INTERNAL BUFFERS AND LANDSCAPE STRIPS SHALL BE AS REQUIRED BY CHAPTER 10 OF THE LAND DEVELOPMENT CODE.

5. A MINIMUM OF 20% OPEN SPACE SHALL BE PROVIDED WITHIN THE OFFICE AREA.

6. MINIMUM OFFICE BUILDING SETBACKS:
   25 FT. - FRONT/STREET
   20 FT. - SIDE
   20 FT. - REAR

RESIDEN

SITE DEVELO
MAXIMUM NU
MINIMUM LOT
LOT WIDTH
LOT DEPTH
LOT AREA:
MINIMUM BUI
STREET-D'
STREET-G.
SIDE YARD
SIDE YARD
REAR YARI
WATERBOD
MINIMUM BUI
MAXIMUM LO'
MINIMUM OPE

UNIVERSITY OF FLORIDA

Horticulture

LEE COUNTY EXTENSION SERVICE

TRANSPLANTING SABAL PALMS
Step-by-Step Instructions

Lee 8/2000A

Stephen H. Brown
Lee County Horticulture Agent

Rick Joyce
Deputy Director, Lee County Planning Division

Introduction

The native cabbage or sabal palm (*Sabal palmetto)* is the official state tree of Florida and is a prominent feature in Florida's landscape. The palm is highly adaptive, tough, tolerant of a wide range of soils, and is hurricane resistant. When planted six to ten feet on center, sabal palms provide desirable shade. Sabal palms, including large-sized palms, can be transplanted with high success if a few simple precautions are taken. This fact sheet provides specific proven techniques to increase the success of sabal palm transplanting.

Step-by-Step Transplant Instructions

1. Use gasoline powered tree spade or heavy steel shanked digging spade with a clean well-honed cutting edge to dig the largest possible root ball. Usually to 18 inches from the edge of the trunk.

2. Remove the palm from ground. Take care not to damage the hidden bud located within the center of the canopy.

3. Using clean sharp hand spades, trim the root ball into circular shape 13 to 16 inches from the outer edge of the trunk.

4. Two methods of pruning fronds for landscape transplant (select one):
   a. Remove oldest (brown) fronds. Tie the remaining fronds tightly together with a biodegradable twine. Do not disturb the bud.
   b. Remove all fronds otherwise known as "hurricane" or "cigar cut." This recommended pruning technique gives the highest rate of establishment but must be carefully done.

5. Secure the palm on a flat bed truck and transport it to the planting site. Make sure the center of the bud is well protected.

6. Keep the root ball moist between removal and installation.

7. Prepare planting hole 1-2 times the diameter of the trunk but at the same depth as the root ball.

8. Back-fill the planting hole with the same soil that had been removed. There is no need to amend the planting hole, but if it is amended, use a fill similar to that of the planting hole. The amendment should not exceed 25 percent by volume of the soil removed from the hole.

9. Carefully set the palm into the planting hole. Make sure it is planted the same depth as it was in the field. Planting too deeply will cause root suffocation and lead to nutritional deficiencies, root rot, and frequently the death of the palm.

10. Secure and stake the palm as illustrated in the diagram. DO NOT DRIVE NAILS DIRECTLY INTO THE PALM.

(Continued on the back.)

The Extension Service is part of a publicly funded statewide educational network that provides information and scientific knowledge to area residents, businesses and government leaders. The University of Florida, Extension Service offers the latest research and technology in more than 200 subjects related to horticulture, energy/conservation, agriculture, youth development and family and consumer sciences. Last year, the Lee County Extension Service provided assistance to more than 70,000 people and provided 463 classes and workshops on everything from family financial planning to pesticide training.

The Lee County Extension Service is an Equal Employment Opportunity - Affirmative Action Employer that provides research, educational information and other services without regard to race, color, sex, age, handicap or national origin.

11. Establish a water-retaining ring around the palm three feet from the trunk. The ring should slope gently toward the trunk.

12. Fill the ring with mulch to a depth of three inches. Keep the mulch at least three inches away from the trunk.

13. Irrigation:
    a. Palms with fronds remaining: Fill the ring with 50 gallons of water three times weekly.
    b. Palms with hurricane cut: Fill the ring with 20 to 25 gallons of water three times weekly.

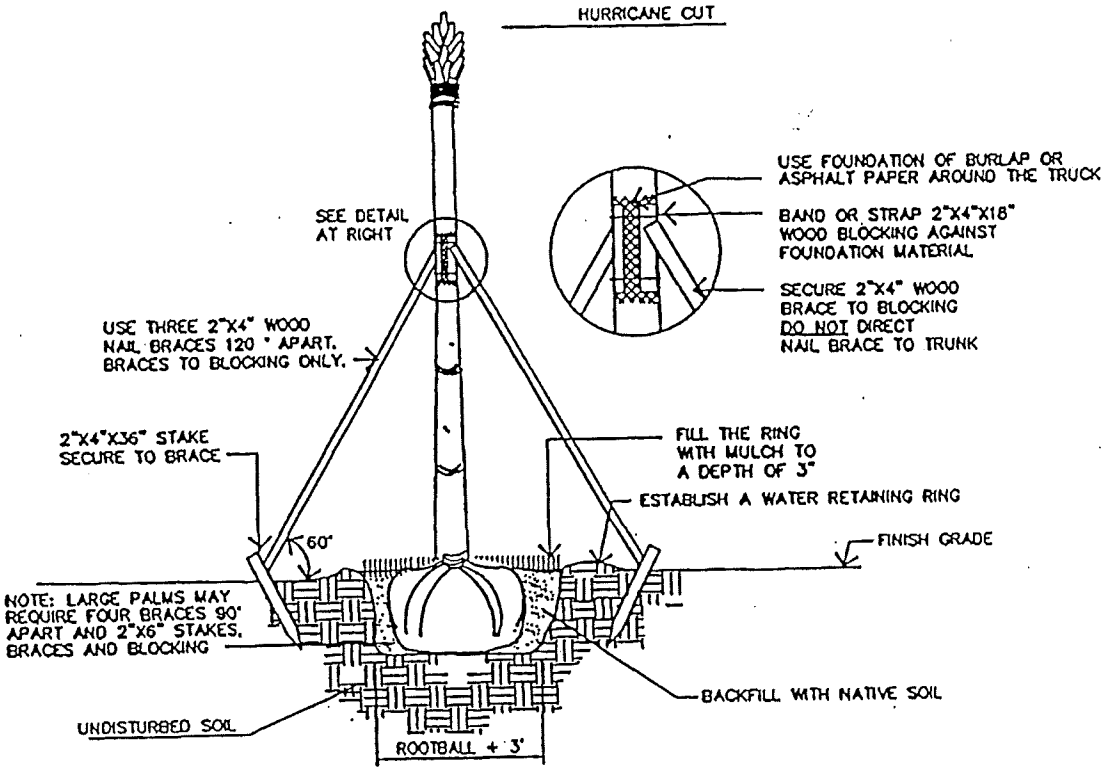
14. In both cases, after four weeks, reduce irrigation to twice weekly. Water twice weekly for four weeks, and then reduce irrigation to once weekly for an additional four weeks. Twelve weeks after planting, cease irrigation if the palm appears healthy. However, during drought, water once a week for up to two years. For each inch of rain, skip one scheduled irrigation treatment.

15. As soon as new growth begins to appear, loosen tied fronds. This will happen between 3-6 months after transplanting, depending on the time of year and the health of the palm.

16. Begin fertilization after new growth begins. Fertilize three to four times per year with a 2-1-3-ratio fertilizer at a rate of one to two pounds per 100 square feet. For best results use a slow release formulation.

17. Remove staking and burlap or asphalt paper rap after successful palm establishment. Removal usually occurs approximately one year after palm installation.

ATTACHMENT P



PLANTING AND STAKING SABAL PALM

NOT TO SCALE

RESOLUTION NUMBER Z-09-021

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

WHEREAS, an application was filed by the property owner, Winkler Estates, LLC, to rezone 9.6± acres from Agricultural (AG-2) to Residential Planned Development (RPD), in reference to Winkler 10 Acres RPD; and,

WHEREAS, a public hearing was advertised and held on June 3, 2009, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2007-00069; and

WHEREAS, a second public hearing was advertised and held on August 3, 2009, 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 9.6± acres from AG-2 to RPD to permit an Assisted Living Facility/Continuous Care Facility containing up to 115 beds. Building height not to exceed 55 feet. The development will connect to potable water and sanitary sewer. No development blasting is requested.

The property is located in the Outlying Suburban Land Use Category and is 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. Master Concept Plan/Development Parameters

The development of this project must be consistent with the 1-page Master Concept Plan (MCP) entitled "Winkler 10 Acres RPD," dated June 1, 2009, last revised August 24, 2009, and date-stamped "Received Aug 26 2009 Community Development," and attached hereto as Exhibit "C," 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 MCP are subsequently pursued, appropriate approvals will be necessary.

ATTACHMENT Q

08-03-09 Z

This development allows 108 Assisted Living Facility (ALF) or Continuous Care Facility (CCF) beds for a maximum density of 2.81 units per acre.

2. Uses and Site Development Regulations

The following Limits apply to the project and uses:

a. Schedule of Uses

Administrative offices
Accessory Uses and Structures - to serve the ALF or CCF
Assisted Living Facility (ALF) or Continuing Care Facility (CCF)
Limited to a maximum total of 108 beds
Decks, gazebos, patios and screen enclosures
Emergency Medical Service (Ambulance Station) - ancillary and subordinate to ALF or CCF uses
Entrance Gates and Gatehouses - LDC §34-1741 *et seq.*
Essential services facilities, Group I only
Excavation, no blasting
Fences and walls - LDC §34-1741 *et seq.*
Healthcare facilities, Groups I & II - limited to ALF and CCF uses
Medical Office - ancillary and subordinate to ALF and CCF uses
Model units, limited to 4 units
Parking lot, Accessory, Temporary (during construction)
Personal Services, Private, on-site use for ALF or CCF uses, limited to:
Group I - Barbershops or beauty shops
Group II - Beauty Spas, Health clubs or spas, and Massage parlors (LDC Chapter 34, Article VI, Division 1)
Recreational facilities, Private - limited to a private garden and replanting area (not to exceed 0.44 acres west of and immediately adjacent to the main structure)
Signs, in accordance with LDC Chapter 30
Temporary uses - limited to construction office/trailer/storage and similar uses during construction.

ATTACHMENT Q

b. Site Development Regulations

	ALF/CCF	Accessory Structures	Amenity Facility
Min. Lot Width	100 ft.	N/A	N/A
Min. Lot Depth	90 ft.	N/A	N/A
Min. Lot Area	9,000 Sq. Ft.	N/A	N/A
Max Lot Coverage	60%	N/A	45%
Max. Bldg Height	** *See Note*	35 ft.	35 ft.
Min. Bldg Separation	10 ft.	N/A	N/A
MINIMUM BUILDING SETBACKS			
Front (ROW)	20 ft.	20 ft.	20 ft.
Side	10 ft.	5 ft.	10 ft.
Rear	15 ft.	5 ft.	20 ft.
Water	25 ft.	25 ft.	0 ft.
Development Perimeter	25 ft.	25 ft.	25 ft.

*** 45 feet when 507 feet or more from bald eagle nest, and 35 feet between 410 feet and 507 feet from the bald eagle nest, as shown on MCP.*

3. Environmental Conditions

A. The project must be constructed in substantial conformity with the plan of development depicted on the MCP, including the following:

1. Building height may not exceed 35 feet in the area between 410 and 507 feet east of the eagle nest tree, and 45 feet beyond 507 feet from the eagle nest tree; and

2. All parking must be located on the east side of the building (away from the bald eagle nest tree); and

3. The stormwater management area must be setback a minimum of 210 feet from the nest tree; and

4. Minor exterior construction can occur within 660 feet on the east side of the eagle nest tree once the walls on the south and west sides of the building are complete; and

5. Any exterior construction during the eagle nesting season must comply with Section IV.B of the "*January 2009 - Winkler 10 Acre RPD Bald Eagle Nest LE-040 Management Plan*" (**Eagle Management Plan**), attached hereto as Exhibit D and written notice must be provided to the Lee County Division of Environmental Sciences' staff (DES) prior to commencement of that outdoor activity. ***NOTE:*** *Tables 1 and 2 in the Eagle Management Plan have been superceded and may now be found in attached Exhibit "A."*

B. Prior to local development order approval the development order plans must depict a lighting plan to minimize light pollution to include:

1. Utilizing fully shielded, full cut-off luminaries; down-style canisters with interior baffles on the balconies; pole lights that are less than 15 feet in height; bollard type fixtures with louvers; and other appropriate techniques; and

2. No up-lighting can occur on the property. Mercury vapor and metal halide lamps are also prohibited; and

3. Any glass windows or doors shall be treated to achieve an industry-approved, inside-to-outside light transmittance value of 45 percent or less.

C. Prior to local development order approval the development order plans must depict enhancement and restoration as described in the attached Eagle Management Plan and the "*January 2009 - Winkler 10 Acre RPD Lee County Preservation Plan*" (**Preservation Plan**), prepared by W. Dexter Bender & Associates, attached hereto as Exhibit E. ***(NOTE:*** *Tables 1 and 2 in the Preservation Plan have been superceded and may now be found in attached Exhibit "A.")*

D. Prior to local development order approval, the development order plans must delineate a minimum of 5.75 acres as common open space in substantial compliance with the approved MCP.

E. Tables 1 and 2 in both the attached Eagle Management Plan and Preservation Plan are superceded by the two tables contained in attached Exhibit "F."

F. Prior to local development order approval, the landscape plan must depict:

1. The storm water management areas planted to include herbaceous vegetation planted in clusters predominately along the eastern portion of the storm water management lake adjacent to the eagle's nest; and

2. 14 wetland trees, 10 feet in height, planted (5 trees per 100 linear feet) along the east edge of the shoreline; and

3. The wetland trees must include at least 2 native species from the following: cypress (Taxodium sp.), red maple (Acer ruburm) or laurel oak (Quercus laurifolia); and

4. The required plantings must be planted to not adversely affect the functions and future maintenance of the water management facilities.

G. Prior to local development order approval, the development order plans must depict a 15-foot-wide buffer with Type "F" plantings between the Estero Bay Buffer Preserve (EBBP) on the south side of the project site and the stormwater lake. This 15-foot-wide buffer must be outside the lake maintenance easement.

H. Prior to local development order approval, the attached Preservation Plan must submitted with at a minimum the following revisions:

1. A long term maintenance plan consistent with LDC §10-415(b)4; and

2. Multiple phases to allow for acclimation of the bald eagle to the development to include three phases. The first to occur with the start of construction, the second five years later, with the third five years after the second phase or when the trees from phase one reach a height of 25-feet, which ever occurs first. Each phase will remove the exotics, with replantings as conditioned from the preserve area.

3. Tables 1 and 2 in the Preservation Plan are replaced with the two tables contained in attached Exhibit F.

4. Financial assurances, in the form of a bond or letter of credit at 110%. The bond or letter of credit must include the costs to remove exotics, replanting of native vegetation and yearly monitoring reports of the eagle preserve; and

5. The Australian Pine which contains the bald eagle nest may not be removed or killed in place unless the territory is "abandoned" as defined in LDC §14-112.

4. Vehicular/Pedestrian Impacts

Approval of this zoning request does not address mitigation of the project's vehicular of pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

5. Lee Plan Consistency

Approval of this zoning request 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), as well as all other Lee Plan provisions.

6. Concurrency

Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

7. Solid waste

As part of any local development order application for vertical development, the development order plans must include facilities in compliance with LDC §10-261 and Lee County Solid Waste Ordinance #08-10 for the pick-up/disposal of solid waste and recyclables. The minimum area required for, and specific locations of, these facilities will be reviewed at the time of local development order application.

8. On-site Hurricane Shelter

An on-site hurricane shelter must be provided as part of any ALF or CCF development on the subject property to house all residents during storm events. On-site shelters and all required equipment and supplies for these facilities must comply with the following standards:

A. Elevation to the anticipated storm surge from a land-falling Category 5 storm.

B. Construction to withstand winds of 200 mph in accordance with the Florida Building Code.

C. Construction with minimum exterior glass with all glazed openings provided with impact protection in accordance with the Florida Building Code.

D. Equipped with emergency power and potable water supplies to last up to five days.

E. Protected with adequate ventilation, sanitary facilities and first aid medical equipment.

9. Tall structures permit

The parcel is located in the Airspace Notification Zone. The proposed development will be subject to the provisions of LDC §34-1008, "Permit for Tall structures." Depending on the height and location of the proposed structures, an application may need to be submitted for review and approval to the Federal Aviation Administration (FAA) and the Lee County Port Authority to determine airspace impacts of the proposed permanent buildings and any temporary construction equipment (cranes) within the site at time of local development order.

11. Mandatory Connection to Public Potable Water and Sanitary Sewer

As part of any development activity, this site must connect to central water and sanitary sewer services.

12. Model units

Model units are permitted uses, but, must be consistent with the following conditions:

A. A maximum of 4 model units are permitted; and

B. Hours of operation for the model units are restricted to Sunday through Saturday, 8:00 a.m. through 6:00 p.m.; and

C. Each model unit must be a unique example. Multiple examples of the same model are not permitted.

SECTION C. DEVIATIONS:

1. Waterbody Setback: Deviation (1) seeks relief from the LDC §10-329(5)(d)(1)3 requirement to provide a waterbody setback of a minimum of 50 feet from a private property line; to allow for a minimum of 25 feet. This deviation is APPROVED.

2. Single Means of Ingress and Egress: Deviation (2) seeks relief from the LDC §10-291(3) requirement to provide residential development of more than 5 acres to provide more than one means of ingress and egress for the development; to allow for only one means of ingress/egress. This deviation is APPROVED.

3. Phased Removal of Invasive Exotic Plants: Deviation (3) seeks relief from the LDC §10-420(h) requirement to remove invasive exotic plants from the development area; to allow for the phased removal of invasive exotics over a 10-year period. This deviation is APPROVED, SUBJECT TO Environmental Condition 3.H.

4. Intersection Separation: Deviation (4) seeks relief from the LDC §10-285(a) requirement to provide a minimum 330-foot connection separation for collector roads, to allow a minimum 147-foot connection separation. This deviation is APPROVED.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

Exhibit A: Legal description of the property
Exhibit B: Zoning Map (with the subject parcel indicated)
Exhibit C: The Master Concept Plan
Exhibit D: *January 2009 - Winkler 10 Acre RPD Bald Eagle Nest LE-040 Management Plan* (Eagle Management Plan)
Exhibit E: *Preservation Plan January 2009 - Winkler 10 Acre RPD - Lee County Preservation Plan* (Preservation Plan)
Exhibit F: Revised Tables1 and 2
Table 1 - Upland Planting Material
Table 2 - Wetland Planting Material

The applicant has indicated that the STRAP number for the subject property is: 10-46-24-01-00049.0000.

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;

   b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;

   c. is compatible with existing or planned uses in the surrounding area;

   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;

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.

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.

Commissioner Tammara Hall made a motion to adopt the foregoing resolution, seconded by Commissioner Frank Mann. The vote was as follows:

Robert P. Janes	Aye
Brian Bigelow	Nay
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 3rd day of August 2009.

ATTEST:
CHARLIE GREEN, CLERK

BY: Marcia Wilson
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Ray Judah
Ray Judah, Chair

BOARD OF COUNTY COMMISSIONERS SEAL LEE COUNTY, FLORIDA

Approved as to form by:

John J. Fredyma
Assistant County Attorney
County Attorney's Office

RECEIVED
MINUTES OFFICE
MW
2009 SEP -8 PM 2:24

SKETCH OF DESCRIPTION
NOT A SURVEY

DESCRIPTION:

A PARCEL OF LAND, LYING IN SECTION 10, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA KNOWN AS LOT 49, SEMINOLE GARDENS, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGE 65, LESS THE LAND DESCRIBED IN OFFICIAL RECORDS BOOK 260, PAGE 432, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
AND BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
COMMENCE AT THE SOUTHEAST CORNER OF SEMINOLE GARDENS, RECORDED IN PLAT BOOK 4 PAGE 65 PUBLIC RECORDS LEE COUNTY, FLORIDA, AS THE POINT OF BEGINNING AND RUN N01°10'14"W, ALONG THE WEST RIGHT-OF-WAY LINE OF WINKLER ROAD A DISTANCE OF 330.00 FEET TO THE NORTHEAST CORNER OF LOT 49 OF SAID PLAT; THENCE S88°47'17"W A DISTANCE OF 1270.00 FEET TO THE WEST LINE OF SAID SECTION 10 AND THE NORTHWEST CORNER OF SAID LOT 49; THENCE S01°33'03"E, ALONG THE WEST LINE OF SAID SECTION 10, A DISTANCE OF 330.28 FEET TO THE SOUTHWEST CORNER OF SAID LOT 49; THENCE N88°46'32"E A DISTANCE OF 1267.81 FEET TO THE POINT OF BEGINNING.

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NOV 04 2008
COMMUNITY DEVELOPMENT

DCI 2007-00069

Applicant's Legal Checked
by CSJ 11-6-08

NOTES:

1. THIS SKETCH OF DESCRIPTION IS BASED ON OFFICIAL RECORDS BOOK 260 PAGE 432, INSTRUMENT NUMBER 2007000156203, PLAT BOOK 4 PAGE 65 PUBLIC RECORDS LEE COUNTY, FLORIDA AND FOUND MONUMENTATION.

2. THE BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF SECTION 10, BEARING S01°33'03"E.

3. DISTANCES ARE MEASURED IN FEET AND DECIMALS THEREOF.

THIS SKETCH OF DESCRIPTION WAS PREPARED FOR:
ENSITE
WINKLER ESTATES, LLC

SHEET 1 OF 2
NOT VALID WOTHOUT SHEET 2 OF 2

REVISIONS:

PROJECT NO: 07-122
SCALE: NOT TO SCALE
DRAWN BY: MAT
CHECKED BY: MAT
DATE DRAWN: 08-17-08
FIELD BOOK/PAGE: NA

community engineering services, inc.
civil engineering surveying project management
EB-0008613 LB-0572
8991 Daniels Center Drive, Suite 103
Fort Myers, Florida 33912
Telephone (239) 936-0777 Fax (239) 936-0664

THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER.

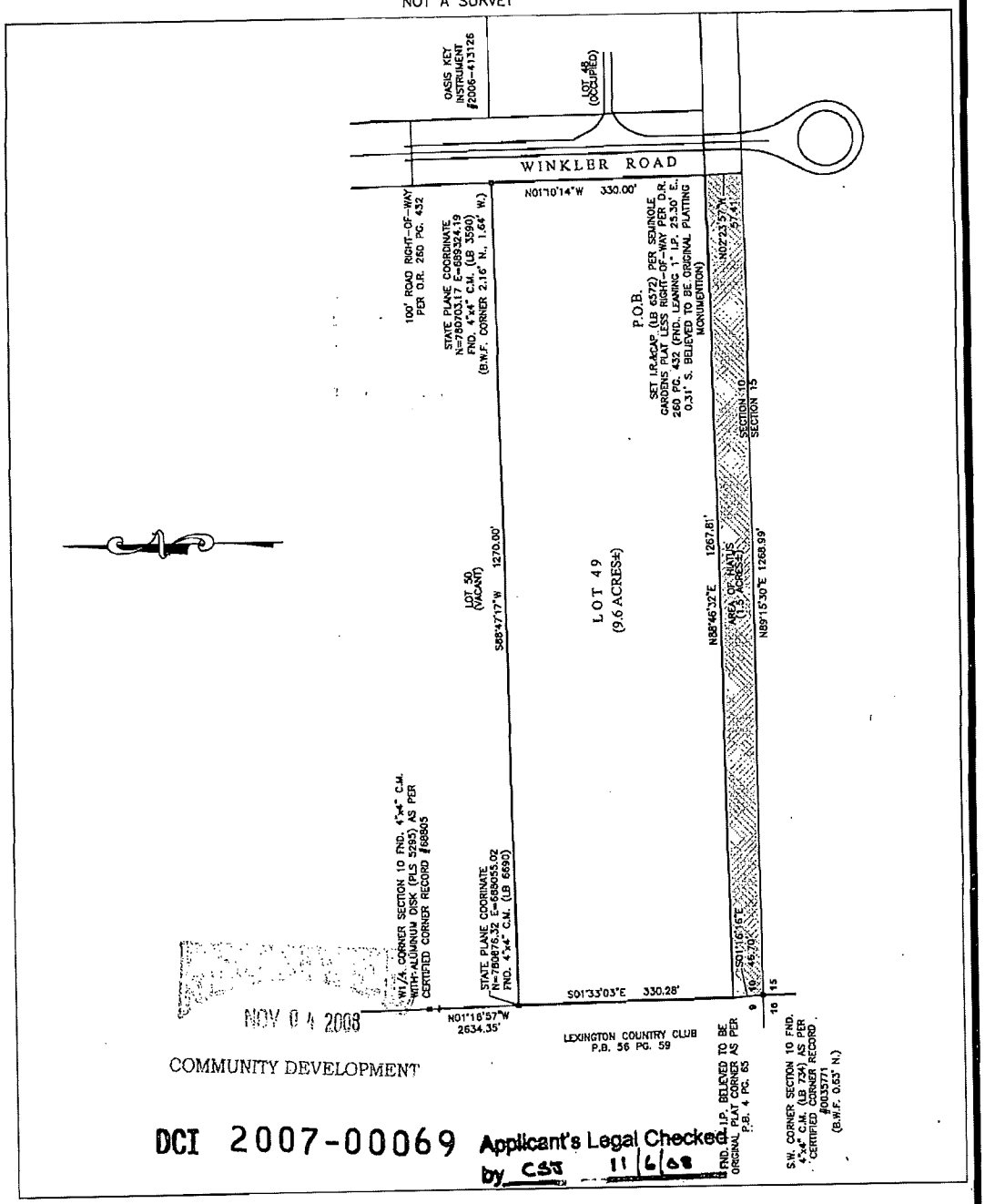
MARK A. TEXTER
FLORIDA REGISTRATION NO. 6392
DATE SIGNED: 11-3-08

T:\SURVEY\07-122 Lot 49 Seminole Gardens\07-122 BND SKETCH DESC.dwg

EXHIBIT "A"
(Page 1 of 2)

SKETCH OF DESCRIPTION

NOT A SURVEY



NOV 0 4 2008

COMMUNITY DEVELOPMENT

DCI 2007-00069 Applicant's Legal Checked by CSJ 11/6/08

NOTES:

1. THIS SKETCH OF DESCRIPTION IS BASED ON OFFICIAL RECORDS BOOK 260 PAGE 432, INSTRUMENT NUMBER 2007000156203, PLAT BOOK 4 PAGE 65 PUBLIC RECORDS LEE COUNTY, FLORIDA AND FOUND MONUMENTATION.

2. THE BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF SECTION 10, BEARING S01°33'03"E.

3. DISTANCES ARE MEASURED IN FEET AND DECIMALS THEREOF.

THIS SKETCH OF DESCRIPTION WAS PREPARED FOR:
ENSITE
WINKLER ESTATES, LLC

SHEET 2 OF 2
NOT VALID WITHOUT SHEET 1 OF 2

REVISIONS:

PROJECT NO: 07-122
SCALE: NOT TO SCALE
DRAWN BY: MAT
CHECKED BY: MAT
DATE DRAWN: 06-17-08
FIELD BOOK/PAGE: NA

community engineering services, inc.
civil engineering surveying project management
EB-0006613 LB-6572
8891 Daniels Center Drive, Suite 103
Fort Myers, Florida 33912
Telephone (239) 936-9777 Fax (239) 936-0064

THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER.

MARK A. TEXTER
FLORIDA REGISTRATION NO. 6392
DATE SIGNED: 11-3-08

T:\SURVEY\07-122 Lot 49 Seminole Gardens\07-122 BND SKETCH DESC.dwg

EXHIBIT "A"
(Page 2 of 2)

DCI2007-00069

Zoning Map

4/30/2009

ATTACHMENT Q

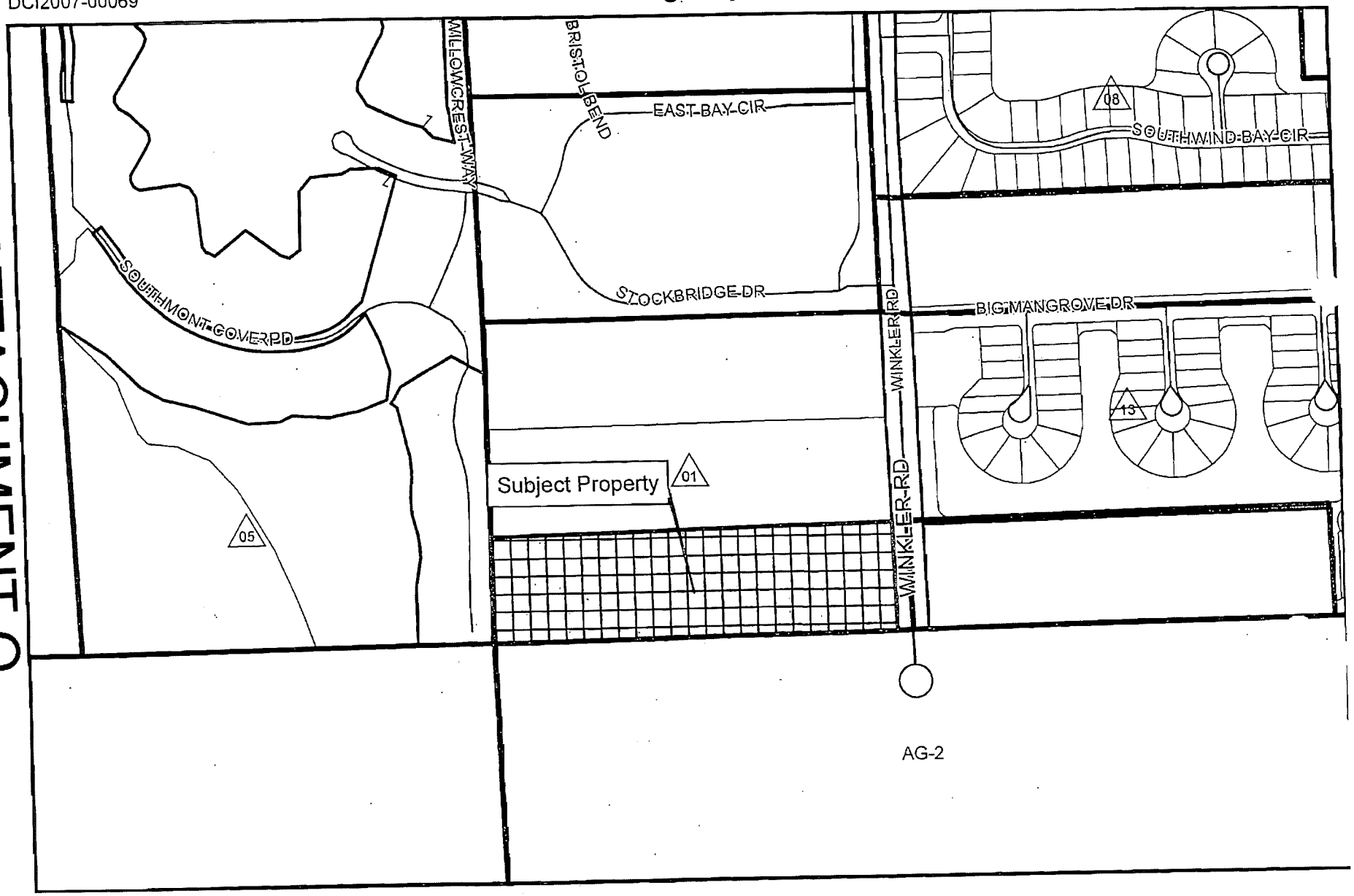
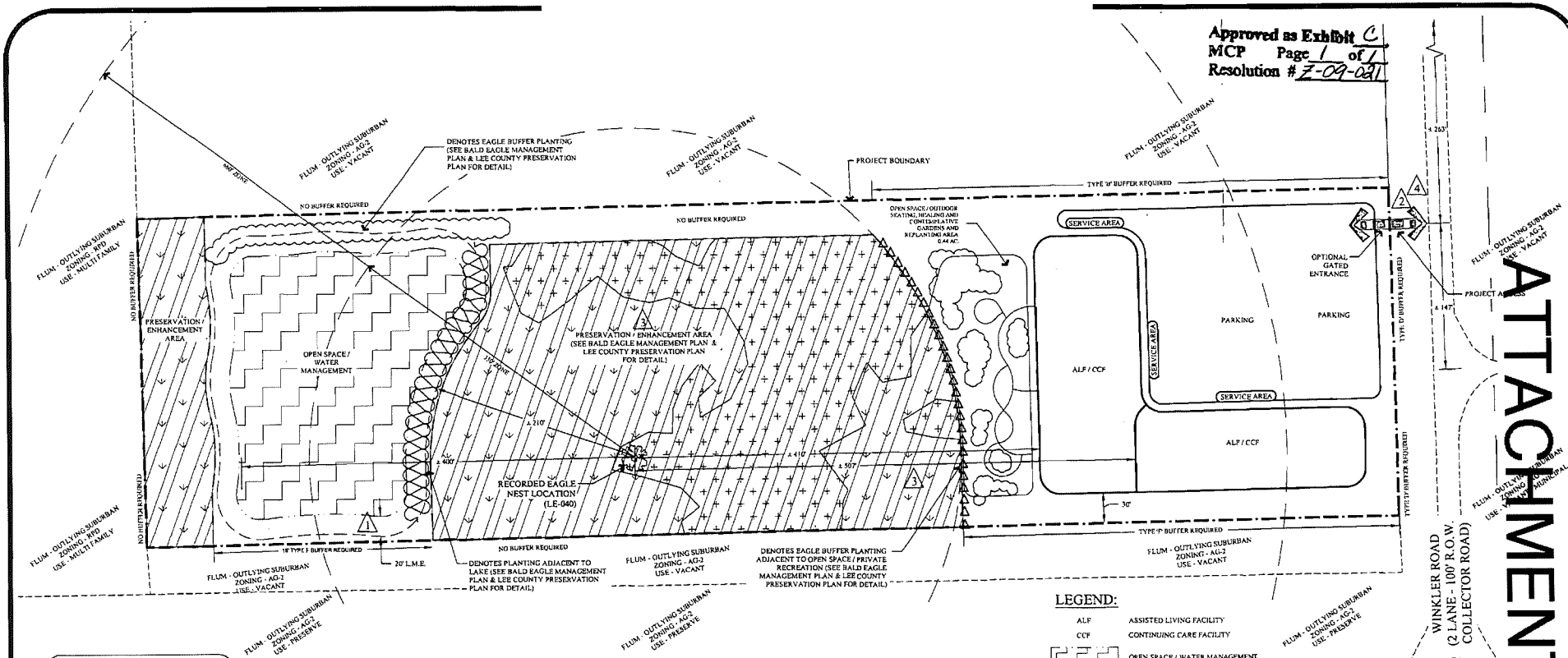


EXHIBIT "B"

670 335 0 670

Approved as Exhibit C
MCP Page 1 of 1
Resolution # Z-09-021



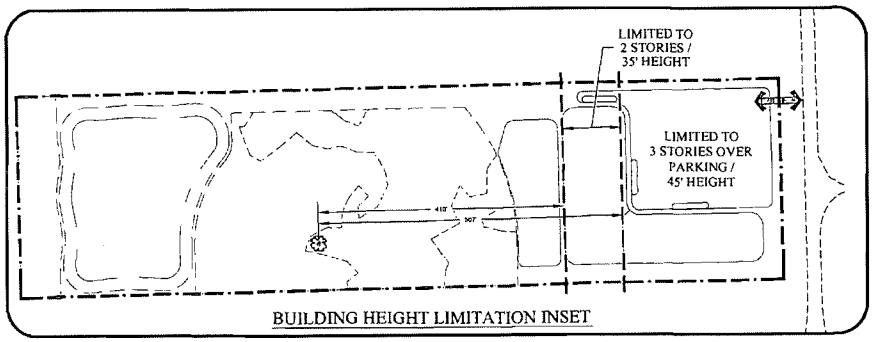
OPEN SPACE / INDIGENOUS:

TOTAL PROJECT AREA	± 9.62 AC.
OPEN SPACE:	
REQUIRED: (40% OF TOTAL)	± 3.85 AC.
MIN. PROVIDED:	
LAKE (22% OF TOTAL)	± 0.96 AC.
PRESERVE / ENHANCE.	± 3.85 AC.
OTHER:	± 0.79 AC.
TOTAL:	± 5.75 AC.
*INDIGENOUS PRESERVE:	
REQUIRED:	0 AC.
PROVIDED:	0 AC.

* THERE IS NO EXISTING INDIGENOUS VEGETATION ON SITE.

NON-INDIGENOUS:

NON-INDIGENOUS UPLAND AREA	± 7.01 AC.
NON-INDIGENOUS WETLAND AREA	± 7.61 AC.
TOTAL PROJECT AREA	± 9.62 AC.



BUILDING HEIGHT LIMITATION INSET

LEGEND:

ALF	ASSISTED LIVING FACILITY
CCF	CONTINUING CARE FACILITY
	OPEN SPACE / WATER MANAGEMENT
	PRESERVATION / ENHANCEMENT AREA - TO BE PLACED UNDER A CONSERVATION EASEMENT
	NON-INDIGENOUS UPLAND
	NON-INDIGENOUS WETLAND
	PROPERTY BOUNDARY LINE
	DENOTES REPLANTED TREES WITHIN THE OPEN SPACE / GARDEN AREA (SPECIFIC DETAIL TO BE DETERMINED AT DEVELOPMENT ORDER PHASE)
	DENOTES PASSIVE RECREATION PATH THROUGH OPEN SPACE / GARDEN AREA
	DENOTES EAGLE BUFFER
	DENOTES EAGLE BUFFER ADJACENT TO OPEN SPACE / GARDEN AREA
	DENOTES PLANTING ADJACENT TO LAKE
SERVICE AREA	DENOTES OPTIONAL LOCATIONS FOR SERVICE AREA
#	DENOTES LOCATION OF REQUESTED DEVIATION

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AUG 26 2009
COMMUNITY DEVELOPMENT

DCI 2007-00069

ATTACHMENT Q

ensite
2053 WEST FIRST STREET • FORT MYERS, FLORIDA 33901
PH: (239)-226-0024 FX: (239)-226-0094
WWW.EN-SITE.COM

PROJECT:
WINKLER 10 ACRES RPD
TITLE:
MASTER CONCEPT PLAN

OWNER/CLIENT:
WINKLER ESTATES, L.L.C.
15930 Knight's Bridge Court
Fort Myers, FL 33908
PH: (239) 470-5398 FAX: (239) 267-7193

N W E S
0 25 50 100
24" x 36" = 1:50 11" x 17" = 1:100

Exhibit D-7-M.2
1 of 1

Project Number: 1083-01
Cad File: 1083-01-MCP01
Date: 06-01-09
Revised: 08-26-09 PER BOCC ACTION

Palermo, Anthony

From: Pavese, Michael
Sent: Tuesday, February 09, 2010 12:14 PM
To: Palermo, Anthony
Subject: DCI 2009-00005 Oasis Cove

Tony, please include the following substantive condition with your recommendation in this case:

As part of any local Development Order approval for vertical development, the development order plans must include facilities in compliance with LDC Section 10-261 and Solid Waste Ordinance # 08-10 for the pick-up/disposal of solid waste and recyclables. The minimum area required for, and specific locations of these facilities will be reviewed at the time of local Development Order application.

Should you have any questions you may call me. **Please confirm your receipt of these comments**. Thank you.

Mike

Michael P. Pavese
Principal Planner
Public Works Administration
Phone: 239-533-8360
Fax: 239-485-8307
pavesemp@leegov.com

Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure. Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

ATTACHMENT R

MEMORANDUM
FROM THE
DEPARTMENT OF COMMUNITY DEVELOPMENT
DEVELOPMENT SERVICES DIVISION

DATE: February 17, 2010

TO: Tony Palermo, AICP
Senior Planner

FROM: Robert L. Price, P.E.
Senior Engineer

RE: **Oasis Cove RPD/CPD**
Case No. DCI2009-00005

The proposed development is located on the north side of Gladiolus Drive between its intersections with Maida Lane and the Lakes Park Driveway/Old Gladiolus Drive. Access to the site is shown to Gladiolus Drive via two (2) locations, a right-in/right-out only and a full access driveway located at an existing full median opening. The Applicant's TIS indicated a Level of Service concern on the site access drive approach to the full median opening based on the amount of traffic being generated by the site in addition to the heavy through volumes on Gladiolus Drive. In an effort to alleviate this Level of Service concern, the Applicant has reduced the allowable retail intensity on the site in addition to reducing the total commercial floor area by 25,000 square feet. In addition, the Applicant is proposing to signalize the full median opening intersection at the Development Order stage should the warrants be met. The Applicant will be required to perform the necessary analysis in accordance with Administrative Code 11-3 at the Development Order stage in order to determine the configuration of the easternmost site access upon buildout of the Oasis Cove RPD/CPD.

The proposed rezoning would approve the subject site for the development of a maximum of 100,000 square feet of mixed commercial uses in addition to a residential component that would consist of a maximum 190 multi-family units or 460 assisted living facility/continuing care facility units. The commercial uses were restricted to a maximum of 25,000 square feet of retail floor area. The trip generation of the proposed development was determined based on the combination of uses that will generate the most traffic. Trip Generation calculations were performed based on the guidelines set forth in the ITE Report titled ***Trip Generation***, *8th Edition*. As a result, the proposed rezoning on the site would generate a total of 517 new trips in the PM peak hour (204 entering/313 exiting). This correlates to approximately 6,076 new trips over the course of the entire day.

Gladiolus Drive is the nearest arterial roadway to the subject site. As a result, Gladiolus Drive has been analyzed based on existing traffic conditions in addition to 2014 traffic conditions both with and without the proposed development. Resources utilized include the 2009 Lee County Traffic Count Report, the 2009 Lee County Concurrency Report, and the Lee County Link Specific Level of Service Volumes. Based on the results of the Level of Service analysis, Gladiolus Drive is shown to operate at Level of Service "C" in 2014 whether or not the project traffic is added to the roadways.

ATTACHMENT S

STAFF REPORT
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ENVIRONMENTAL SCIENCES

Date: **March 1, 2010**

To: **Tony Palermo, Senior Planner**

From: **Susie Derheimer, Environmental Planner**
Phone: (239) 533-8158
E-mail:SDerheimer@leegov.com

Project: **Oasis Cove RPD/CPD**
Case: **DCI2009-00005**
STRAP: **35-45-24-00-00015.0000 & 35-45-24-00-00014.0000**

The Division of Environmental Sciences (ES) staff have reviewed the proposed Oasis Cove RPD (Residential Planned Development)/CPD (Commercial Planned Development) and offer the following analysis and recommendations:

VEGETATION:
A Florida Land Use Code Classification Systems (FLUCCS) map was submitted. The FLUCCS map was field verified by ES staff (Susie Derheimer) March 5 and May 15, 2009. The 32.5 acre site contains 32.27 acres uplands, 0.1 acre jurisdictional wetlands and 0.2 acre borrow area.

The uplands include 1.47 acres of indigenous pine-mesic oak with 5-9% exotic coverage (FLUCCS 414E), 13.2 acres non-indigenous melaleuca (FLUCCS 424) and 17.6 acres non-indigenous Australian pine. The wetlands include 0.1 acre jurisdictional indigenous marshes dominated by leather fern (*Acrostichum sp.*) with scattered white mangrove (*Lagunculria racemosa*) connecting to Hendry Creek off-site to the west. The site also contains a 0.2 acre open water burrow pit.

OPEN SPACE:
Land Development Code (LDC) Section 10-415(a) requires large commercial developments to provide 30% of the total commercial area of the project as open space (10.79 acres x 0.3 = 3.24 acres) and large residential developments to provide 40% of the total residential area as open space (21.75 acres x 0.4 = 8.7 acres). Therefore, the proposed 32.5 acre project is required to provide a minimum 11.94 acres (3.24 + 8.7) as open space. LDC Section 10-415(a) also requires Planned Development Zonings must provide open space as required chapter 34 and per the approved master concept plan (MCP) and resolution.

ATTACHMENT T

The proposed MCP Open Space Table documents a minimum 12.99 acres of open space to be provided through 2.36 acres preservation and restoration areas (with credits taken), maximum 2.99 acres lake and 7.64 acres buffers and other open space which exceeds the minimum LDC requirements.

ES staff recommend the following condition to ensure the open space, as committed to on the MCP, is met:

Prior to local development order approval, the development order plans must delineate a minimum 12.99 acres of open space in compliance with the approved Master Concept Plan Open Space Table.

INDIGENOUS PRESERVATION:
LDC Section 10-415(b)(1)(a.) requires large developments, with existing indigenous native vegetation communities provide 50 percent of their open space percentage through the onsite preservation of existing native vegetative communities or (b.) if the development area does not contain existing indigenous native vegetation communities, but does contain existing indigenous native trees, then 50 percent of their open space percentage requirement must be meet through the onsite preservation of existing native trees clusters preservation/relocation area for a total of 5.97 acres (11.94 acres open space x 0.5).

The ±32.5 acre site only contains 0.1 acre indigenous marsh wetlands (FLUCCS 641) and 1.47 acre indigenous pine-mesic oak with 5-9% exotic coverage (FLUCCS 414E); therefore, the project is required to meet the indigenous requirement through the preservation of the 1.57 acres of existing indigenous vegetation communities.

The MCP depicts the preservation of 1.19 acres indigenous pine-mesic oak with a 1.25 credit taken for more than 1 acre of contiguous uplands with a minimum width of 75 feet (LDC Section 10-415b3a.) and an additional 10% credit taken given its location adjacent to an off-site county owned preserve (LDC Section 10-415b3b.2.) and preservation of 0.09 acres indigenous wetland marsh for a total 1.69 acre indigenous preserve with credits taken which exceeds the indigenous open space requirement. In addition, the MCP depicts 0.67 acres of non-indigenous areas to be restored to provide minimum 15 foot, average 25 foot wide upland buffers to the on and off-site wetland preservation areas for a total of 1.95 acres of actual enhanced/restored indigenous preserve area to be provided.

Goal 77: Development Design Requirements. To require new development to provide adequate open space for improved aesthetic appearance, visual relief, environmental quality, preservation of existing native trees and plant communities, and the planting of required vegetation.
Objective 77.3 requires new developments must use innovative open space design to preserve existing native vegetation, provide visual relief, and buffer adjacent uses and proposed/existing right-of-ways. This objective and subsequent policies are to be implemented through the zoning process

Policy 77.3.4 encourages new developments to incorporate large, contiguous open space areas in the development design.
Policy 107.2.10 requires developments adjacent to aquatic preserves and other nature preserves, wildlife refuges, and recreation areas must protect the natural character and public benefit of these areas including, but not limited to, scenic values for the benefit of future generations.

The MCP depicts (1) preservation of marsh wetlands containing leather fern and white mangrove preserved within a restored minimum 15 foot, average 25 foot wide restored upland buffer connected to Henry Creek, (2) preservation of pine-mesic oak habitat containing slash pine, laurel oak, live oak, cabbage palm, white indigo berry, myrsine, wax myrtle, and saw palmetto abutting county owned conservation lands to the east, and (3) creation/restoration of additional preserve area and minimum 15 foot- average 25 foot upland buffer area adjacent to the county owned wetlands to the east. The Indigenous Restoration Plan, stamped received Jan 15, 2010, provided by the applicant proposes on-site exotic removal and restoration plantings to include canopy trees (i.e. slash pine, laural oaks) and sabal palms a minimum six feet in height, maximum twelve foot on centers; understory (i.e. myrsine, wax myrtle, white stopper, coco plum, white indigo berry) minimum one gallon container size, maximum five feet on centers; and groundcover (i.e. bushy bluestem, lovegrass, saw palmetto, sand cordgrass) minimum one gallon container size, maximum three foot on centers. The indigenous preservation/creation/restoration, as proposed, **is consistent with Goal 77, Objective 77.3 and Policy 77.3.4.**

LDC Section 10-415(b)(1)(c.) Requires a minimum preserve setback of 20 feet from buildings for fire protection. The MCP depicts the residential building in the southwest corner within 10 feet of the proposed restored upland buffer to the wetland preserve. ES staff recommend minimum building and accessory structure setback of 20 feet to the restored preserve area for compliance with LDC requirements.

Goal 114: Wetlands. To maintain and enforce a regulatory program for development in wetlands that is cost-effective, compliments federal and state permitting processes, and protects the use of ecological characteristics of wetland systems.
Objective 114.1 requires the natural functions of wetlands and wetland systems to be protected and conserved through the enforcement of the county's wetland protection regulations and goals, objectives, and policies in the Lee Plan. "Wetlands" include all those lands, whether shown on the Future Land Use Map or not, that are identified as wetlands in accordance with F.S. 373.019(17) through the use of the unified state delineation methodology described in FAC Chapter 17-340, as ratified and amended by F.S. 373.4211.
Policy 114.1.2: 4. requiring every reasonable effort will be required to avoid or minimize adverse impacts on wetlands through the clustering of development and other site planning techniques and on- or off-site mitigation will only be permitted accordance with applicable state permits.

The project site, as previously approved for the RPD (Z-04-043, as amended) delineates 0.1 acre of state and federal jurisdictional wetlands on the project site and allows for their impact through South Florida Water Management District (SFWMD) Environmental Resource Permit (ERP) 36-05787-P

and U.S. Army Corps of Engineers (USACOE) Nationwide Permit (NWP)#2005-02376. The permit approvals require the purchase of 0.04 acres of saltwater herbaceous mitigation credits from Pine Island Mitigation Bank.

An ES staff site inspection and review for the current RPD/CPD planned development application revealed that the 0.1 acre jurisdictional wetlands, located along the west property line and connected to off-site wetlands and Henry Creek, contain indigenous vegetation (i.e. leather fern and white mangroves). Further review revealed these onsite wetlands have a Wetland Future Land Use, are within the Henry Creek Watershed and are within and/or adjacent to designated FEMA floodway area.

LDC Section 34-411(g) requires every effort shall be made in the planning design and execution of a planned development to protect, preserve or to not unnecessarily destroy or alter natural, historic or archaeological features or the site. Alteration of the vegetation or topography that unnecessarily disrupts the surface water or groundwater hydrology, increases erosion of the land or destroys significant wildlife habitat is prohibited; and **34-411(h)** requires a fundamental principle of planned development design is the creative use of the open space requirement to produce an architecturally integrated human environment to be coordinated with the achievement of other goals e.g. the preservation or conservation of environmentally sensitive lands and waters.

The current proposed MCP depicts the preservation of 0.09 acres of the jurisdictional marsh wetlands protected within a restored minimum 15 foot-average 25 foot wide upland buffer in order **to ensure consistency with Goal 114, Objective 114.1, Policy 114.1.2:4 and illustrate compliance with LDC Section 34-411 design standards and Section 10-415(b) preservation requirements.** Therefore, ES staff recommend the following conditions to ensure preservation and supplemental plantings, as committed to on the MCP and Indigenous Restoration Plan, are met:

Prior to local development order approval, development order plans must depict preservation in substantial compliance with the approved MCP to include:

- ***a minimum 1.19 acres existing pine-mesic oak upland (minimum 1.6 acres with credits taken); and***
- ***a minimum 0.09 acre existing marsh wetland; and***
- ***a minimum 0.67 acre indigenous creation/restoration area to provide minimum 15 foot, average 25 foot wide upland buffers to the on-site wetland preserves and off-site conservation lands.***

Prior to local development order approval, landscape plans must depict the indigenous creation/restoration areas to be planted per the approved Indigenous Restoration Plan.
Prior to local development order approval, an Indigenous Management Plan for the indigenous preservation and creation/restoration areas meeting the requirements of LDC Section 10-415(b)(4) must be submitted for of Environmental Sciences staff review.

Prior to local development order approval, development order plans must depict a minimum 20 foot building and accessory structure setback to indigenous preservation and creation/restoration areas.

PROTECTED SPECIES:
A protected species survey (PSS) for Lee County listed species meeting the requirements of LDC Section 10-473 was prepared by W. Dexter Bender July 2005. The PSS survey only identified the 0.1 acre wetland marshes as indigenous but a survey transect map depicting 80% coverage of all habitats, indigenous and non-indigenous, was provided for the entire 32.5 acre project site. The results of the survey identify the potential for the American alligator and listed wading bird species to utilize the site given the presence of the wetland marsh but documents no species, listed by either the Florida Fish and Wildlife Conservation Commission (FWC) or the US. Fish and Wildlife Service, were observed on the site during the protected species survey or during other site visit. In addition, the PSS states "given the predominance of invasive exotic species throughout the entire site, the potential habitat value to listed species is minimal".

ES staff field verified the protected species survey on March 5, 2009 and May 15, 2009. During the site inspections ES staff observed 1.47 acres indigenous pine-mesic oak with 5-9% exotic coverage (FLUCCS 414E) habitat not identified in the PSS survey results. Given the survey performed transects through the indigenous pine-mesic oak, ES staff can concur that there may not have been active listed species utilization during the protected species survey or during other site visits but, due to the amount and location of indigenous habitat observed by staff during the field inspection (See indigenous section), ES staff can not concur the potential habitat value to listed species is minimal.

Lee Plan Objective 107.4: Endangered and Threatened Species In General. Lee County will continue to protect habitats of endangered and threatened species and species of special concern in order to maintain or enhance existing population numbers and distributions of listed species.
Policy 107.4.3 requires detailed inventories and assessments of the impacts of development where it threatens habitat of endangered and threatened species and species of special concern.
Policy 107.4.4 restricts the use of protected plant and wildlife species habitat to that which is compatible with the requirements of endangered and threatened species and species of special concern. New developments must protect remnants of viable habitats when listed vegetative and wildlife species inhabit a tract slated for development, except where equivalent mitigation is provided.

The development proposes to impact 0.1 acre wetland marsh habitat connected to Henry Creek, 0.2 acre borrow area located adjacent to on-site wetlands, and 0.28 acre pine-mesic oak habitat abutting the county owned wetland preservation lands which may provide foraging and/or nesting habitat to the American alligator and listed wading bird species.

The development also proposes to enhance wetlands and the upland preserve, create upland buffers to the on and adjacent off-site wetlands and create lakes areas to meet the design standard

requirements for surface water management systems per LDC Section 10-418. The design standards require littoral areas and sinuous shorelines which in conjunction with the abutting preserve areas will provide nesting and foraging habitat for listed wading bird species. Thus, it will be beneficial to provide protection measures for construction activities and to provide a brochure to residents of the development on the importance of these natural systems and how to live with alligators and wading birds.

ES staff recommend the following condition to ensure the protection of residence and patrons in addition to the American alligators and listed wading bird species within and adjacent to the project site **to ensure consistency with Lee Plan Objective 107.4, Policy 107.4.3 and Policy 107.4.4**:

Prior to local development order approval, American alligator and listed wading bird species management plans meeting the requirements of Land Development Code Section 10-474 must be submitted for review and approval by the Division of Environmental Sciences staff. The management plans must include information for residents on the importance of the littoral areas and adjacent preserves for providing nesting and forging habitat. In addition, the development order plans must depict the appropriate locations and details of signage that identify alligators may be present and inform it is dangerous and illegal to feed or harass alligators.

BUFFERS:

The project proposes residential use to abut county owned public recreational park (Lakes Park) along the north property line and residential and commercial to abut county owned public lands for conservation and passive recreation along the east property line. LDC Section 10-416(d)(3) requires a Type B buffer when proposed residential abuts a public active recreational park and a Type F buffer when residential and commercial abuts public preserve lands for conservation and/or passive recreation. The MCP and a landscape exhibit provided depicts an enhanced 30 foot wide Type F buffer proposed along the north property line abutting Lakes Park which exceeds the LDC Section10-416(d) Type B buffer requirement. The proposed buffer includes 10 canopy trees per 100 linear feet, installed at 14 foot heights; 20 sabal palms per 100 linear feet, install at 16-20 foot clear trunk and salvaged from the site; 3 slash pine per 100 linear feet, installed at 12 foot heights; and 50 ten gallon shrubs per 100 linear foot, installed at 48 inch height and maintained at 60 inch height. The MCP depicts a LDC Type F buffer proposed along the east property line abutting the public lands for conservation and passive recreation except where the enhanced/restored preserve will provide the buffer. The Indigenous Restoration Plan provided by the applicant includes a note stating that "Plantings within the restoration area adjacent to commercial Lots 6 and 7 will be up-sized to meet the Lee County Land Development Code requirements for the Type 'F' buffer" which meets LDC Section10-416(d) requirements. ES staff have a concern with the site plan provided on the Indigenous Restoration Plan. The current MCP was revised to depict LDC required 18 foot wide parking islands along the north property line. The Indigenous Restoration site plan was not revised to reflect the changes to the parking islands.

ES staff recommends prior to final adoption of a zoning resolution the Indigenous Restoration Plan be revised for consistency with the approved MCP.

The project proposes residential use to abut vacant agricultural zoned lands with a central urban and wetlands future land use along the west property line. LDC Section 10-416(d)(3) requires a Type B buffer when proposed multi-family residential use abuts vacant agriculture where single family is a permitted use. The MCP depicts the project to provide a minimum15 foot wide buffer with minimum 10 trees per 100 linear feet, and a double staggered hedge row installed at 48 inch height and maintained at 60 inch height, except where the preserved wetlands are to provide the buffer. The proposed buffer exceeds minimum LDC Section 10-416(d) requirements.

In addition to LDC Section 10-416(d), ES staff reviewed the proposed buffers for compliance with LDC Chapter 34-411 Planned Development design standards and consistency with the following Lee Plan Policies:

Policy 5.1.6 Maintain development regulations that require high-density, multi-family, cluster, and mixed use development to have open space, buffering, landscaping, and recreation areas appropriate to their density and design.
Policy 6.1.3 Commercial developments requiring rezoning and meeting DCI thresholds must be developed as commercial planned developments designed to arrange uses in an integrated and cohesive unit in order to: provide visual harmony and screening and protect natural resources.
Policy 6.1.6 The land development regulations will require that commercial development provide adequate and appropriate landscaping, open space, and buffering. Such development is encouraged to be architecturally designed so as to enhance the appearance of structures and parking areas and blend with the character of existing or planned surrounding land uses.
Policy 107.2.10 Developments adjacent to aquatic preserves and other nature preserves, wildlife refuges, and recreation areas must protect the natural character and public benefit of these areas including, but not limited to, scenic values for the benefit of future generations.
LDC Section 34-411(i) requires site planning and design shall minimize any negative impacts of the planned development on these surrounding land uses.

During the application review process county parks and recreation (PR) staff expressed concern for light, noise, and after hours pedestrian trespass of the proposed uses adjacent onto Lakes Park and the associated conservation lands. In order to address PR staffs concerns, ES staff reviewed the proposed type, amount and heights of buffer vegetation proposed within the 30 foot wide buffer and its ability to provide a continuous visual screen. ES staff have the following concerns with enhanced Type F buffer vegetation proposed along the north property line (1) 10 canopy trees per 100 linear feet in the width provided on the landscape exhibit promotes the installation of smaller type trees with less height and less canopy, (2) 3 slash pine per 100 linear feet provide little to no visual screening, (3) 14 foot in height canopy trees and sabal palms at 16-20 foot CT may leave a vertical gap in the buffer, and (4) palms are limited as "salvaged from site", the exhibit should not limit because if there are not enough palm from the site to meet buffer requirements.

ES staff recommend prior to final adoption of a zoning resolution the Landscape Buffer Exhibit __ revised as follows:

- **Landscape Buffer Exhibit revised to depict a minimum 5 canopy live oak (*Quercus virginiana*) trees per 100 linear feet, installed at minimum 14 foot heights with minimum 6 foot crown spread along the exterior side of the buffer and a minimum 7 midcanopy pigeon plum (*Coccoloba diversifolia*) per 100 linear feet, installed at minimum 10 foot heights with minimum 3-4 foot crown spread along the interior side of the buffer. Not OA (on averages).**

- **Landscape Buffer Exhibit revised to depict 20 sabal palms per 100 linear feet, staggered row of 14'- 20'CT, remove "salvaged from site".**

ES staff also identifies the opportunity to further enhance the type F buffer adjacent to Lakes Park and the associated conservation lands to deter light, noise and after hours pedestrian trespass through (1) the addition of 1 gallon, 3 foot on center groundcover plantings along the interior side of the proposed 30 foot wide buffer to discourage foot traffic through the buffer vegetation; (2) if parking areas are proposed along the north property line then each required 18 foot wide island should be planted with one native canopy tree, minimum10 feet in height and native grasses, 1 gallon container size, installed 2 foot on centers; and (3) Type F buffer required vegetation must be measured from the final grade of the on-site adjacent parking lot and/or roadway, installed in a configuration to provide a continuous visual canopy screen and must not be pruned to reduce height or canopy spread.

During the application review process PR staff also expressed the following concerns with the project's affect on wildlife that utilizes Lakes Park and the associated conservation lands.

(1) Staff is concerned that the direct/indirect glow of light poles lamps may be visible to wildlife utilizing the adjacent tree canopy of Lakes Park and alter their normal nesting and foraging behaviors. The lamps of 25 foot poles (as allowed by the LDC) within parking areas and/or roadways may be visible to wildlife in the adjacent canopy of Lakes Park and associated conservation lands. Staff finds that decreasing light pole height and limiting types of lighting provides greater potential to be screened by the height of the proposed building and buffer vegetation canopy. Therefore, Staff recommend that the project utilize light poles less than the allowed 25 feet, at heights that will be screened by proposed buildings and buffer vegetation.

(2) Staff is concerned with the potential for bird strikes given the proposed height of buildings adjacent to Lakes Park and the associated conservation lands. Staff recommends buildings facades facing Lakes Park and the associated conservation lands must utilize window treatment to reduce or break up window panel reflection in order to decrease the potential of bird strikes.

Staff recommend the following conditions to ensure buffers and site design minimizes any negative impact of the proposed development on wildlife utilizing Lakes Park and the associated conservation lands **for compliance with LDC 34-411(i) and consistency with Lee Plan Policy 5.1.6, Policy 6.1.3, Policy 6.1.6, and Policy 107.2.10:**

Prior to local development order approval, landscape plans must depict buffers provided in substantial compliance with the approved Master Concept Plan and Landscape Exhibit and to also provide:

- *one gallon, installed 3 foot on center groundcover plantings along the interior side of the 30 foot wide Type F buffer within the RPD; and*

- *If parking areas are proposed adjacent to the RPD north property line then each required 18 foot wide island abutting the 30 foot Type F buffer must be planted with one native canopy tree, minimum 10 feet in height and native grasses, 1 gallon container size installed 2 foot on centers; and*

- *required Type F buffer vegetation to be measured from the final grade of the on-site adjacent parking lot and/or roadway, if the buffer is abutting proposed parking area and/or roadway; and*

- *required Type F buffer trees installed in a configuration to provide a continuous visual canopy screen within one year after time of planting. If a continuous visual canopy screen is not obtained within one year after time of planting than additional trees may be required; and*

- *required Type F buffer trees and palms must not be pruned to reduce height or canopy spread.*

Prior to local development order approval, development order plans must depict:

- *Lighting of pedestrian and parking areas for any permitted use must be directed internally to the site. Parking lot areas must be illuminated with enough intensity to create secure areas consistent with the LDC; and*

- *Except as provided herein, parking lot lamps on all parcels must be hooded or globed and must not exceed 20 feet in height. Parking lot lamps must not exceed 16 feet in height within the RPD parcel if located between residential buildings structures and north property line abutting Lakes Park and within CPD lots 6 and 7 if located between commercial buildings and the east property line abutting the off-site county owned preserve; and*

- *Mercury vapor lamps/lights are prohibited.*

Prior to local development order approval, development plans for buildings within the RPD/CPD must be reviewed by ES staff for the utilization of window treatment to reduce or break up window panel reflection in order to decrease the potential of bird strikes. Examples of acceptable window treatment may include the use of non-reflective tinting, ultraviolet reflective decals, exterior sun shades or similar treatments. This condition is applicable to the window and/or door panels on

ATTACHMENT T

the northern building facades facing Lakes Park within the RPD parcel and on the eastern building facades facing the offsite county owned preserve within the CPD parcel lots 6 and 7.

ATTACHMENT T

INSTRUCTIONS
(Section C.1.c., Lee County Administrative Code AC 2-8)

A zoning sign must be posted on the parcel subject to any zoning application for a minimum of fifteen CALENDAR (15) days in advance of the Hearing Examiner's Public Hearing and maintained through the Board of County Commissioners Hearing, if any. This sign will be provided by the Zoning Division in the following manner:

a. Signs for case #DCI2009-00005 must be posted by **Tuesday, March 2, 2010**.
b. The sign must be erected in full view of the public, not more than five (5) feet from the nearest street right-of-way or easement.
c. The sign must be securely affixed by nails, staples or other means to a wood frame or to a wood panel and then fastened securely to a post, or other structure. The sign may not be affixed to a tree or other foliage.
d. The applicant must make a good faith effort to maintain the sign in place, and readable condition until the requested action has been heard and a final decision rendered.
e. If the sign is destroyed, lost, or rendered unreadable, the applicant must report the condition to the Zoning Division, and obtain duplicate copies of the sign from the Zoning Division.

The Division may require the applicant to erect additional signs where large parcels are involved with street frontages extending over considerable distances. If required, such additional signs must be placed not more than three hundred (300) feet apart.

When a parcel abuts more than one (1) street, the applicant must post signs along each street. When a subject parcel does not front a public road, the applicant must post the sign at a point on a public road which leads to the property, and the sign must include a notation which generally indicates the distance and direction to the parcel boundaries and the dimensions of the parcel.

NOTE: AFTER THE SIGN HAS BEEN POSTED, THE AFFIDAVIT OF POSTING NOTICE, BELOW, SHOULD BE RETURNED NO LATER THAN THREE (3) WORKING DAYS BEFORE THE INITIAL HEARING DATE TO LEE COUNTY ZONING DIVISION, 1500 MONROE ST., FT. MYERS, FL 33901.

(Return the completed Affidavit below to the Zoning Division as indicated in previous paragraph.)

AFFIDAVIT OF POSTING NOTICE

STATE OF FLORIDA
COUNTY OF LEE

BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED Stacy Ellis Hewitt
WHO ON OATH SAYS THAT HE/SHE HAS POSTED PROPER NOTICE AS REQUIRED BY SECTION 34-236(b) OF THE LEE COUNTY LAND DEVELOPMENT CODE ON THE PARCEL COVERED IN THE ZONING APPLICATION REFERENCED BELOW:

JENNIFER M. SHEPPARD
MY COMMISSION # DD 908267
EXPIRES: November 16, 2013
Bonded Thru Notary Public Underwriters

SIGNATURE OF APPLICANT OR AGENT

STACY ELLIS HEWITT, Banks Engineering
NAME (TYPED OR PRINTED)

10511 Six Mile Cypress Pkwy. Suite 101
ST. OR PO BOX

Fort Myers, FL 33966
CITY, STATE & ZIP

#DCI2009-00005/OASIS COVE RPD/CPD /03/18/2010/JLP

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to and subscribed before me this 1 day of March, 2010, by Stacy Ellis Hewitt, personally known to me or who produced _____ as identification and who did/did not take an oath.

Jennifer M. Sheppard
Signature of Notary Public

Jennifer M. Sheppard
Printed Name of Notary Public

My Commission Expires:
(Stamp with serial number)

RECEIVED
MAR 0 2 2010
COMMUNITY DEVELOPMENT

LEE COUNTY
SOUTHWEST FLORIDA

APPLICATION FOR PUBLIC HEARING FOR ZONING ACTION UNINCORPORATED AREAS ONLY

Applicant's Name: Beck Group of Ft. Myers, LLC

Project Name: Oasis Cove RPD/CPD

STRAP Number(s): 35-45-24-00-00015.0000 & 35-45-24-00-00014.0000

TYPE OF APPLICATION

____	Special Exception **(attach Supplement A)**
____	Variance **(attach Supplement B)**
____	Conventional Zoning **(attach Supplement C)**
X	Planned Development (not PRFPD) **(attach Supplement D)**
____	Amendment to built Planned Development **(Supplement D may be required)**
____	Private Recreational Facilities Planned Development **(attach Supplement D)**
____	Extension of a Master Concept Plan **(attach Supplement E)**
____	Reinstatement of a Master Concept Plan **(attach Supplement F)**
____	Limited Amendment to An Existing Mine Special Exception or (non MEPD) Planned Development for either dewatering or an extension of the mine duration under LCLDC Section 12-121(j) **(attach Supplement G)**
N/A	DRI - with rezoning **(submit completed DRI Application Form *{do not use this form}* and Supplement D**
N/A	DRI - without rezoning **(submit completed DRI Application Form *{do not use this form}*)**

Is this project located in the Estero Planning Community, or the Captiva Planning Community, or in the Caloosahatchee Shores Planning Community?

❒ YES* X NO *If YES, please note PARTS 4G, 4.H, and 4.I below for meeting summary document requirements.

****

STAFF USE ONLY

Case Number: DCI 2009-00005 Commission District: 5

Current Zoning: RPD Fee Amount: 10,820

Land Use Classification: Central Urban Intake by: Owen

Planning Community: South Ft. Myers

****

LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (239) 533-8585

RECEIVED
FEB 09 2009
4:35pm
COMMUNITY DEVELOPMENT
DCI 2009-00005

PART 1
APPLICANT\AGENT INFORMATION

A. Name of applicant: Beck Group of Ft. Myers, LLC

Address: Street : 436 Bayfront Place

City: Naples State: FL Zip: 34102

Phone: Area Code: 239 Number: 649-8700 Ext:

Fax: Area Code: 239 Number: 434-6225

E-mail address: klsbayfront@aol.com & ccioffi1@aol.com

B. Relationship of Applicant to owner (check one):

X Applicant (including an individual or husband & wife) is the sole owner of the property. **[34-201(a)(1)a.1.]**

X **Notarized Affidavit of Authorization form is attached as Exhibit PH-1.B.2.** (See Part 1 Exhibit Form A1 attached hereto for suggested Affidavit Form for an individual.) **[34-202(b)(1)c.]**

_____ Applicant has been authorized by the owner(s) to represent them for this action.

_____ **Notarized Affidavit of Authorization form is attached as Exhibit PH-1.B.2.** (Please select the appropriate Affidavit Form from the suggested forms in Part 1 Exhibits attached hereto.) **[34-202(b)(1)c.]**

_____ Applicant is a contract purchaser/vendee. [34-202(b)(1)d.]

_____ **Notarized Affidavit of Authorization form is attached as Exhibit PH-1.B.2. [34-202(b)(1)c.]** (Please select the appropriate Affidavit Form from the suggested forms in Part 1 Exhibits attached hereto.)

_____ **Application is County initiated. BOCC authorization is attached as Exhibit PH-1.B.3**

C. **Authorized Agent: Name of the person who is to receive all County-initiated correspondence regarding this application.** [34-202(b)(1)c.]

C.1. Company Name: Banks Engineering

Contact Person: Stacy Ellis Hewitt, Director of Planning

Address: Street : 10511 Six Mile Cypress Pkwy., Suite 101

City: Fort Myers State: FL Zip: 33966

Phone: Area Code: 239 Number: 939-5490 Ext:

Fax: Area Code: 239 Number: 939-2523

E-mail address: shewitt@bankseng.com

C.2. X **Additional Agent(s): The names of other agents that the County may contact concerning this application are attached as Exhibit PH-1.C.2. [34-202(b)(1)c.]**

PART 2
PROPERTY OWNERSHIP

A. Property Ownership: Single owner (individual or husband & wife only) [34-201(a)(1)a.1.]

A.1. Name: Same as Applicant

Mailing Address: Street: _____

City: _____ State: _____ Zip: _____

Phone: Area Code: _____ Number: _____ Ext: _____

Fax: Area Code: _____ Number: _____

E-mail: _____

B. Property Ownership: Multiple owners (Corporation, partnership, trust, association) [34-201(a)(1)].

B.1. X Disclosure of (Ownership) Interests Form is attached as Exhibit PH-2.B.1. [34-201(b)2]

C. Multiple parcels

C.1. X Property owners list is attached as Exhibit PH-2.C.1. [34-202(a)(5)]

C.2. X Property owners map is attached as Exhibit PH-2.C.2. [34-202(a)(5)]

D. Date property was acquired by present owner(s): June 30, 2004

PART 3
PROPERTY INFORMATION

A. STRAP Number(s): 35-45-24-00-00015.0000

35-45-24-00-00014.0000

B. Street Address of Property: 7650 Gladiolus Drive & 7210 Congdon Road, Fort Myers, FL 33908

C. Legal Description

X Legal description (on 8 1/2" by 11" paper) is attached as Exhibit PH-3.C.1. [34-202(a)(1)]

X Sealed sketch of the legal description is attached as Exhibit PH-3.C.2. [34-202(a)(1)]

D. Boundary Survey

X A Boundary survey, tied to the state plane coordinate system, is attached as **Exhibit PH-3.D.1.** [34-202(a)(2)]

N/A This is not a Planned Development Application and the property consists of one or more undivided platted lots in a subdivision recorded in the Official County Plat Books. A copy of the applicable plat book page is attached as **Exhibit PH-3.D.2.** [34-202(a)(2)] The Plat Book Number and the Page Number (or the instrument Number) are provided as well as the Block Number and Lot Number (if applicable) [34-202(a)(2)]

E. Planning Community: South Fort Myers

F. General Location of Property:

F.1. X Area location map (for all applications other than Planned Developments) is attached as **Exhibit PH-3.F.** [34-202(a)(4)] {NOTE: For Planned Development Applications see Supplement D [34-373(a)(4)b.]}

F.2. Directions to property:

Take U.S. 41 (S. Tamiami Trail) to Gladiolus Drive. Subject property is located on the north side of Gladiolus Drive approximately 1,750 feet west of Old Gladiolus Drive in Fort Myers.

G. Surrounding property owners:

G.1. X **List of surrounding property owners is attached as Exhibit PH-3.G.1.** [34-202(a)(6)]

G.2. X **Map of surrounding property owners is attached as Exhibit PH-3.G.2.** [34-202(a)(7)]

G.3 X **2 sets of mailing labels are attached as Exhibit PH-3.G.3.** [34-202(a)(6)]

H. Current Zoning of Property: **RPD**

H.1. X **Copies of all Zoning Resolutions and Zoning Approvals applicable to the subject property are attached as Exhibit PH-3.H.1.** [34-202(a)(8)]

I. Current use of property:

I.1. X **Current use(s) of the property are:**

Vacant Land

I.2. n/a If buildings or structures exist on the property, an affidavit is required stating whether the buildings & structures will be removed or retained and specific details regarding any structures proposed to be retained. Attach as **Exhibit PH-3.I.2.** and entitle **"Structure Affidavit".** [34-202(b)(3)]

I.3. n/a If the property owner intends to continue an existing agricultural use on the property subsequent to the zoning approval an Existing Agricultural Use Affidavit must be provided. Attach as **Exhibit PH-3.I.3.** and entitled **"Existing Agricultural Uses at Time of Zoning Application".** [34-202(b)(7)]

J. Land Use Classification:

Central Urban	**32.54±**	Acres	**100**	% of total
		Acres		% of total
		Acres		% of total
		Acres		% of total

K. Flood Hazard (write NA if not applicable) [34-202(a)(8)]

X The property is within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s.

X The minimum elevation required for the first habitable floor is **10-11'** NGVD (MSL)

L. Deed Restrictions [34-202(b)(2)]

L.1. X There are no deed restrictions or other covenants on this property that affect this request. [34-202(b)(2)]

L.2. n/a Deed restrictions\covenants that may affect this request are attached as **Exhibit PH-3.L .2.** [34-202(b)(2)]

L.3. n/a A narrative explanation as to how the deed restrictions or covenants may affect this request. is attached as **Exhibit PH-3.L.3** [34-202(b)(2)]

M. Property Dimensions [34-202(a)(8)]

1.	Width (average if irregular parcel):	**2448.29±**	Feet		
2.	Depth (average if irregular parcel):	**2170.84±**	Feet		
3.	Total area:	**32.54± AC**	Acres or square feet		
4.	Frontage on road or street:	**1134.76±**	Feet on	**Gladiolus Drive**	Street
	2nd Frontage on road or street:		Feet on		Street

PART 4
ACTION REQUESTED

A. Action Requested: [check applicable action(s)]

___ Special Exception for _____ **Attached is Supplement A**

___ Variance for _____ **Attached is Supplement B**

___ Conventional Rezoning from: _____ to _____ **Attached is Supplement C**

X Planned Development Rezoning from **RPD** to **RPD/CPD**

- X DCI - Major: **Attached is Supplement D**
- ___ DCI - Minor: **Attached is Supplement D**
- ___ Request is for PRFPD zoning in the Private Recreational Facilities Overlay Area. **Attached is Supplement D**

___ **Planned Development Amendment. Attached is Supplement D**

___ **Extension of Master Concept Plan Attached is Supplement E**

___ **Reinstatement of Master Concept Plan. Attached is Supplement F**

___ **Limited Amendment to an Existing Mine Special Exception or (non MEPD) Planned Development for either dewatering or an extension of the mine duration pursuant to 12-121(j). Attached is Supplement G**

B. Blasting:

X No blasting will be used in the excavation of lakes or other site elements.

n/a If blasting is proposed, Information Regarding Proposed Blasting (including soil borings, a map indicating the general location of the proposed blasting, and other required information) is attached as **Exhibit PH-4.B** [34-202(b)(6)]

C. **Bonus Density:** (put NA if not applicable)

n/a Bonus density will be used. Attached is a copy of the Bonus Density application showing calculations labeled as **Exhibit PH-4.C** showing calculations. [34-202(b)(5)]

D. **Hazardous materials:** (put NA if not applicable)

n/a A Hazardous materials emergency plan is attached as **Exhibit PH-4.D** [34-202(b)(4)]

E. **Mobile Home Park**: (put NA if not applicable)

n/a Request includes rezoning of a Mobile Home Park. **Attached is Exhibit PH-4.E** [34-203(d)]

F. **Aviation Hazard:** (put NA if not applicable)

n/a Property is subject to Airport Hazard District regulations. **Attached is Exhibit PH-4.F** [34-1001 et seq]

n/a A tall structures permit will be required.

n/a Property is located within Noise zone:

G. **Estero Planning Community** (put NA if not applicable)

n/a A meeting summary document for the required public informational session. Attached is **Exhibit PH-4.G** [34-373(a)(10); 33-54(a) & (b); Lee Plan Policy 19.5.3]

H. **Captiva Planning Community** (put NA if not applicable)

n/a A meeting summary document for the required public informational session. Attached is **Exhibit PH-4.H** [Lee Plan Policy 13.1.7]

I. **Caloosahatchee Shores Community Plan** (put NA if not applicable)

n/a A meeting summary document for the required public informational session. Attached is **Exhibit PH-4.I** [Lee Plan Policy 21.6.3]

J. **Waivers from Application Submission Requirements**: The following waivers, approved by the Director of Zoning Services, are attached as **Exhibit PH-4.J** [Section 34-202(a)]

Section Number	**Name of item**

K. **Potable Water & Central Sewer.** Will the project be connected to potable water and central sewer as part of any development of the property? **X** YES _____ NO.

If the answer is YES, please provide a letter from the appropriate Utility to which the connection(s) are proposed confirming availability of service. Label letter as Exhibit PH 4-K. [34-202(b)(8)]

If the answer is NO, please provide a narrative explaining why the connection to potable water and/or center sewer is not planned. Label explanation as **Exhibit PH 4-K.** [BOCC POLICY]

PART 6
SUBMITTAL REQUIREMENTS

THE NUMBER OF COPIES REQUIRED FOR EACH EXHIBIT IS BASED ON THE ACTION REQUESTED AS INDICATED BELOW. TO BE SUBMITTED FOR EACH OF THE FOLLOWING EXHIBITS IS AS FOLLOWS:

Number of Copies*			Exhibit Number	SUBMITTAL ITEMS
Var. or Spe. Exc.	**Conv. Rez.**	**PDs**		
1	3	15		Completed application for Public Hearing [34-201(b)]
1	1	1		Filing Fee - [34-202(a)(9)]
Var. or Spe. Exc..	**Conv. Rez.**	**PDs**	**SUP**	**SUPPLEMENTAL FORMS** (select applicable request/form)
1	0	0	SUP A	Special Exception request
1	0	0	SUP B	Variance request
0	3	0	SUP C	Conventional Rezoning request
0	0	15	SUP D	Planned Development Rezoning request
0	0	15	SUP D	Planned Development Amendment request
0	0	15	SUP D	PRFPD in in Overlay Area Rezoning request
0	0	8	SUP E	Master Concept Plan Extension request
0	0	8	SUP F	Master Concept Plan Reinstatement request
0	0	15	SUP G	Limited Amendment to Special Exception or Planned Development
Var. or Spe. Exc.	**Conv. Rez.**	**PDs**	**Exhibit Number**	**SUBMITTAL ITEMS**
1	3	3	PH-1.B.2	Notarized Affidavit of Authorization Form [34-202(b)(1)c]
1	3	1	PH-1.B,3	BOCC authorization (if applicable)
1	3	15	PH-1.C.2	Additional Agents [34-202(b)(1)c.]
1	3	3	PH-2.B.1	Disclosure of Interest Form [34-201(b)(2)a]
1	3	3	PH-2.C.1	Subject property owners list (if applicable) [34-202(a)(5)]
1	3	3	PH-2.C.2	Subject Property Owners map (if applicable) [34-202(a)(5)]
1	3	15	PH-3.A.1	List of STRAP Numbers (if additional sheet is required) [34-202(a)(1)]
2	2	5	PH-3.C.1	Legal Description **(2 originals required)** [34-202(a)(1)]
2	2	5	PH-3.C.2	Sealed Sketch of the Legal Description **(2 originals required)** [34-202(a)(1)]
1	2	5	PH-3.D.1	Boundary Survey (tied to State Plane Coordinate System) **(2 originals required)** [34-202(a)(2)] {NOTE: This is a required submittal for all Planned Development Applications (see Supplement D for that requirement)} [34-373(a)(4)a.]}
1	3	N/A	PH-3.D.2	Copy of Plat Book Page (if applicable) [34-202(a)(1)]
1	3	0	PH-3.F	Area Location Map on 8" by 11" paper pursuant to LCLDC Section 34-202(a)(4). (Non Planned Developments) [34-202(a)(4)]
0	0	15		Area Location Map for Planned Developments - see Supplement D [34-373(a)(4)b.]

Var. or Spe. Exc.	Conv. Rez.	PDs	Exhibit Number	SUBMITTAL ITEMS
1	1	3	PH-3.G.1	List of Surrounding Property Owners [34-202(a)(6)]
1	1	3	PH-3.G.2	Map of Surrounding Property Owners [34-202(a)(7)]
2	2	2	PH-3.G.3	Mailing labels [34-202(a)(6)]
1	1	3	PH-3.H.1	Zoning Resolutions and Zoning Approvals [34-202(a)(8)]
			PH-3.G.3	Structure Affidavit (if applicable) [34-202(b)(3)]
1	3	3	PH-3.I.3.	Affidavit entitled "Existing Agricultural Uses at Time of Zoning Application" (if applicable) [34-202(b)(7)]
1	3	3	PH-3.L.2	Deed Restrictions\Covenants (if applicable) [34-202(b)(2)]
1	3	3	PH-3.L.3	Narrative addressing effect of Deed Restrictions (if applicable) [34-202(b)(2)]
1	3	15	PH-4.B	Information Regarding Proposed Blasting (if applicable). [34-202(b)(6)]
0	0	4	PH-4.C	Bonus Density units (if applicable) [34-202(b)(5)]
1	3	4	PH-4.D	Hazardous materials emergency plan (if applicable) [34-202(b)(4)]
0	3	4	PH-4.E	Mobile Home Park Information (if applicable) [34-203(d)]
1	3	4	PH-4.F	Aviation Hazard (if applicable) [34-1001 et seq.]
0	0	4	PH-4.G	Summary of Public Informational Session for Planned Development Applications, Special Exceptions and Variance Requests and Conventional Rezoning Actions located within Estero Planning Community [34-373-(a)(10); 33-54(a) & (b); Lee Plan Policy 19.5.3]
1	3	4	PH-4.H	Summary of Public Informational Session for Rezoning Actions, Special Exception and Variance Applications located within Captiva Planning Community (if applicable) [Lee Plan Policy 13.1.7)
0	0	4	PH-4.I	Summary of Public Informational Session for Planned Development Applications located within Caloosahatchee Shores Planning Community [Lee Plan Policy 21.6.3]
1	3	15	PH-4.J	Approved Waivers.(if applicable) [34-202(a)]
0	0	4	PH-4.K	Potable Water & Central Sewer. If the answer to Item 4.K was YES, provide a letter from the appropriate utility entity confirming availability of service. If the answer to Item 4.K was NO, an explanation must be attached providing the reason(s) why connection to potable water and central sewer system is not proposed as part of any development of the parcel subject to the rezoning request. [34-202(b)(8)]

* At least one copy must be an original.

PART 1 AFFIDAVIT A2
(EXHIBIT PH-1.B.2)

AFFIDAVIT FOR PUBLIC HEARING
APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, * Kevin L. Stoneburner as Manager of Beck Group of Ft. Myers, LLC, swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I am hereby authorizing the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Beck Group of Ft. Myers, LLC
*Name of Entity (corporation, partnership, LLP, LC, etc)

Signature

Kevin L. Stoneburner
(Type or printed name)

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Manager
(title of signatory)

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was sworn to (or affirmed) and subscribed before me this JAN. 16, 2009 (date) by KEVIN L. STONEBURNER (name of person providing oath or affirmation) who is personally known to me or who has produced _____ (type of identification) as identification.

LuAnn Ruse
Signature of person taking oath or affirmation

LUANN RUSE
Name typed, printed or stamped

NOTARY PUBLIC
Title or rank

DD585055
Serial number, if any

NOTARY PUBLIC-STATE OF FLORIDA
LUANN RUSE
Commission #DD585055
Expires: SEP. 26, 2010
BONDED THRU ATLANTIC BONDING CO., INC.

Notes:
- *If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.*
- *If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.)., then the documents should typically be signed by the Company's "Managing Member."*
- *If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.*
- *If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.*
- *If the applicant is a trustee, then they must include their title of "trustee."*
- *In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.*

DCI 2009-00005

EXHIBIT PH-2.B.1
DISCLOSURE OF INTEREST FORM FOR:

STRAP NO. 35-45-24-00-00015.0000 & 00014.0000 **CASE NO.** _____

1. If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address	Percentage of Ownership

2. If the property is owned by a ~~CORPORATION~~, list the officers and stockholders and the percentage of stock owned by each. LIMITED LIABILITY CORPORATION

Name and Address	Percentage of Stock
Kevin Stoneburner	50 %
Chris Cioffi	50 %
436 Bayfront Place	
Naples, FL 34102	

3. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address	Percentage of Interest

4. If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address	Percentage of Ownership

5. If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name and Address	Percentage of Stock

Date of Contract: _____

6. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name and Address	

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

Signature: _____
(Applicant)

Kevin L. Stoneburner, Manager of Beck Group of Ft. Myers, LLC
(Printed or typed name of applicant)

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowledged before me this 16th day of JAN. 2009
by KEVIN L. STONEBURNER who is personally known to me or who has produced
_____ as identification. .

_____
Signature of Notary Public

LUANN RUSE
Printed Name of Notary Public

(SEAL)
NOTARY PUBLIC-STATE OF FLORIDA
LUANN RUSE
Commission #DD585055
Expires: SEP. 26, 2010
BONDED THRU ATLANTIC BONDING CO., INC.

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EXHIBIT PH-1.C.2
ADDITIONAL AGENTS

Company Name:	TR Transportation Consultants, Inc.						
Contact Person:	Ted Treesh						
Address:	Street :	13881 Plantation Road, Suite 11					
	City:	Fort Myers	State:	FL	Zip:	33912	
Phone: Area Code:	239	Number:	278-3090	Ext:			
Fax: Area Code:	239	Number:	278-1906				
E-mail address:	tbt@trtrans.net						

Company Name:	W. Dexter Bender & Associates, Inc.						
Contact Person:	Tyler King						
Address:	Street :	2052 Virginia Avenue					
	City:	Fort Myers	State:	FL	Zip:	33901	
Phone: Area Code:	239	Number:	334-3680	Ext:			
Fax: Area Code:	239	Number:	334-8714				
E-mail address:	tking@dexbender.com						

Company Name:							
Contact Person:							
Address:	Street :						
	City:		State:		Zip:		
Phone: Area Code:		Number:		Ext:			
Fax: Area Code:		Number:					
E-mail address:							

Company Name:							
Contact Person:							
Address:	Street :						
	City:		State:		Zip:		
Phone: Area Code:		Number:		Ext:			
Fax: Area Code:		Number:					
E-mail address:							

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LEE COUNTY
SOUTHWEST FLORIDA

PUBLIC HEARING SUPPLEMENT D

ADDITIONAL REQUIRED INFORMATION FOR A PLANNED DEVELOPMENT APPLICATION UNINCORPORATED LEE COUNTY

Case Number:

Project Name: **Oasis Cove RPD/CPD**

Applicant's Name: **Beck Group of Ft. Myers, LLC**

STRAP Number(s): **35-45-24-00-00015.0000**

35-45-24-00-00014.0000

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Select one application type only

_____ DRI (rezoning required)
__X__ DCI-Major
_____ DCI-Minor
_____ DCI-Minor - Existing Development (1)
_____ DCI-Minor - Amendment to approved Master Concept Plan (2)
_____ Amendment to built Planned Development meeting DCI threshold (3)
_____ PRFPD in Private Recreational Facilities Overlay Area [(34-341(a)(2)]

Notes:

(1) Existing development. A development that has already been developed but does not conform to the regulations for a conventional district and is requesting a rezoning to a Planned Development classification. It will be reviewed in the same manner as a minor Planned Development except that a Traffic Impact Statement will not be required. [34-341(b)(2)d.1.]

(2) Amendments to approved Master Concept Plan. Application to amend an approved Major or Minor Master Concept Plan or its attendant documentation, or for the extension of a vacated Master Concept Plan originally approved prior to December 2, 1991 will be treated procedurally as Minor Planned Developments (see exception below). These applications will require only as much information, as deemed necessary by the Director, needed to describe the changes requested, to specify the incremental change in impacts expected from the amendment, and to detail the changes in development, environment and background (surrounding land use, traffic volumes, water, wastewater and other service availability, etc.), that have occurred since the original application. [34-341(b)(2)d.2.]

If a proposed amendment to an approved Planned Development would, if taken by itself, constitute a Major Planned Development {Development of County Impact - see LCLDC Section 34-341(b)(1)} then the application to amend must proceed as a new and separate Major Planned Development. [34-380(c)]

(3) Amendments to built Planned Developments (PD). Any part or all of a Planned Development which is built may be the subject of an application for a variance or other approval covered by this chapter wherein the subject property is the only part of the original Planned Development that will be affected by the requested approval. The application may include a legal description and sketch of the portion of the overall Planned Development that will be directly affected by the rezoning request. The application must include a legal description and sketch of the entire Planned Development boundary.

If the subject property meets the threshold for a Development of County Impact, it will be reviewed in accordance with the provisions in this chapter that apply to Developments of County Impact. If the subject property is not a Development of County Impact, it will be reviewed in accordance with the provisions in this chapter that apply to conventional zoning districts. In either case, the applicant will be the owner of the subject property and the consent of the owners of the remainder of the original Planned Development will be unnecessary. However, these owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property.

For purposes of this subsection, the term "built" means that all of the roads, utilities, buffering, open space, surface water management features and structures, common space, common amenities, common landscaping, gatehouses, entrance signs, entrance ways and other similar items identified as part of the final approved Master Concept Plan have been constructed and acknowledged by the County as complete. In the case of Residential Planned Developments or Mixed Developments that include residential structures, the term "built" does not mean that all residential structures must have been constructed on individual platted lots. [34-373(c)]

(4) Applications for Rezoning in the Greater Pine Island Planning Community/Greater Pine Island Concurrency and Traffic-Based Growth Limitations. Concurrency compliance and traffic-based growth limitations for property located in Greater Pine Island, as identified on the future land use map and described in Section 33-1002, will be determined in accordance with the level of service and restrictions set forth in Lee Plan policies 14.2.1 and 14.2.2 to the extent the polices provide additional restrictions that supplement other provisions of this code. These policies require the following:

(a) The minimum acceptable level of service standard for Pine Island Road between Burnt Store Road and Stringfellow Boulevard is level of service D on an annual average peak-hour basis and level of service E on a peak-season peak-hour basis using methodologies from the 1985 Highway Capacity Manual Special Report 209. This standard will be measured at the County's permanent count station #3 on Little Pine Island at the western edge of Matlacha and will apply to all of Greater Pine Island.

(b) In addition, when traffic on Pine Island Road at the western edge of Matlacha reached 810 peak-hour annual average two-way trips, rezonings in Greater Pine Island that increase traffic on Pine Island Road may not be granted. During the rezoning process only, three types of exceptions to this rule may be considered:

(1) Minor rezonings on infill properties surrounded by development at similar densities or intensities. A minor rezoning under this exception may not rezone more than five acres of land or have a net effect of allowing more than 15 additional dwelling units.

(2) Rezonings that would have insignificant or trivial effects on traffic flows at the western edge of Matlacha during peak periods in the peak (busier) direction, or would have positive effects by reducing trips during those peak flow periods.

(3) Rezonings to accommodate small enterprises that promote the natural features or cultural heritage of Greater Pine Island. Small enterprises are those that operate with five or fewer full-time employees. [33-1011(a) & (b)]

****

LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (239) 533-8585

PART 1
GENERAL INFORMATION

A. Comprehensive Plan Amendments (check one):

X There are **NO** LEE Plan Amendments pending that could affect the future use of this property.

N/A The following LEE Plan Amendments **ARE** pending and could affect the future use of this property. (List uses and brief explanation of their effect on this application):

_____

_____

_____

B. Archaeological/Historical (check one):

X There are **NO** known or recorded historical or archaeological sites on the property and no part of the property is located within a level 1 or level 2 zone of archaeological sensitivity pursuant to LCLDC Chapter 22 [22-106]. **[34-373(a)(4)h.]**

_____ There are known or recorded historical or archaeological sites on the property or part of the property is located within a level 1 or level 2 zone of archaeological sensitivity pursuant to LCLDC Chapter 22 [22-106]. Attached as **Exhibit D-1-B** is a map indicating the nature and location of known or recorded historical or archaeological or areas of the property located within level 1 or level 2 zones of archaeological sensitivity including the outline of historic buildings and approximate extent of archaeological sites. **[34-373(a)(4)h.]**

C. Public Transit (check one):

X Property is **NOT** within the Lee Tran public transit service area.

_____ Property is within the Lee Tran public transit service area. A map or other depiction of the property in relation to existing and proposed public transit routes, as well as to bus stops must be provided. Label as **Exhibit D-1-C.**

D. Density

There are no residential dwelling units proposed for this development.

X The property is located within one or more Future Land Use categories. Density has been calculated in **Part 3** of this application and is summarized below:

Intensive Development	_____	Proposed dwelling units
Central Urban	**190***	Proposed dwelling units
Urban Community	_____	Proposed dwelling units
Suburban	_____	Proposed dwelling units
Outlying Suburban	_____	Proposed dwelling units
University Community	_____	Proposed dwelling units
Rural	_____	Proposed dwelling units
Outer Islands	_____	Proposed dwelling units
Rural Community Preserve	_____	Proposed dwelling units
Open Lands	_____	Proposed dwelling units
DR/GR	_____	Proposed dwelling units
Coastal Rural	_____	Proposed dwelling units
Wetlands	_____	Proposed dwelling units
New Community	_____	Proposed dwelling units
TOTAL	**190***	Proposed dwelling units

160 bed Assisted Living Facility (equivalent to 40 D.U.) and 300 Independent Care units (equivalent to 150 D.U.).

PART 2
TYPES OF LAND AREA ON PROPERTY

A.	**Gross Acres (total area within described parcel)**		**N/A**	**32.54**	**Acres**
	1.	Submerged land subject to tidal influence:	**0** Acres		
	2.	Other non-freshwater Wetlands:	**0** Acres		
	3.	R-O-W providing access to non-residential uses:	**0** Acres		
	4.	Non-residential use areas (1)	**10.79** Acres		
B.	**Total area not eligible as gross residential acreage. Items A.1. + A.2 + A.3. + A.4.**			**10.79**	**Acres**
C.	**Gross residential acres. (A minus B)** (2)			**21.75**	**Acres**
D.	**Gross residential acres by Land Use Category**				
1.	a.	Intensive development - upland	_____ Acres		
	b.	Intensive development - freshwater wetland	_____ Acres		
2.	a.	Central Urban - upland	**21.75** Acres		
	b.	Central Urban - freshwater wetland	_____ Acres		
3.	a.	Urban Community or Suburban - upland	_____ Acres		
	b.	Urban Community or Suburban freshwater wetland	_____ Acres		
4.	a.	Outlying Suburban - upland	_____ Acres		
	b.	Outlying Suburban - freshwater wetland	_____ Acres		
5.	a.	Rural, Outer Island, Rural Community Preserve - upland	_____ Acres		
	b.	Rural, Outer Island, Rural Community Preserve - freshwater wetland	_____ Acres		
6.	a.	Open Lands - upland	_____ Acres		
	b.	Open Lands - freshwater wetland	_____ Acres		
7.	a.	DR/GR - upland	_____ Acres		
	b.	DR/GR - freshwater wetland	_____ Acres		
8.	a.	Wetlands - freshwater	_____ Acres		
	b.	Wetlands - not freshwater	_____ Acres		
9.	a.	New Community - Upland	_____ Acres		
	b.	New Community - freshwater wetland	_____ Acres		
10.	a.	University Community - upland	_____ Acres		
	b.	University Community - freshwater wetland	_____ Acres		
11.	a.	Coastal Rural - upland	_____ Acres		
	b.	Coastal Rural - freshwater wetland	_____ Acres		
		TOTAL (should equal "C" above)	**21.75** Acres		

Notes:

(1) Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included.

(2) Lands to be used for residential uses including land within the development proposed to be used for streets and street rights-of-way, utility rights-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made waterbodies.

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PART 3
RESIDENTIAL DEVELOPMENTS
PRELIMINARY DENSITY CALCULATIONS*

* Note: i. Complete only if living units are proposed in a Future Land Use Category.
ii. If more than one classification, calculations for each classification must be submitted.
iii. If wetlands are located on the property, density calculations are considered preliminary pending a wetlands jurisdictional determination.

A. Intensive Development Category

1.	**Preliminary Standard Units**	**Maximum standard density**		**Units**
	a. Total upland Acres (from Part 2, D.1.a.)	_____	times 14 equals	_____
	b. Total freshwater wetland Acres (from Part 2, D.1.b.)		times 14 equals	_____
	c Preliminary Total Standard units (a. plus b.) (1)			_____
2.	**Maximum Permitted Units**	**Maximum permitted**		**Units**
	a. Total upland Acres (from Part 2, D.1.a.)		times 18 equals	
3.	**Total allowed standard units (A.1.c. or A.2.a., whichever is less)**			_____
4.	**Bonus Units** (2)			
	a. Low-moderate housing density:			_____
	b. TDR units:			_____
	c. Sub-total (A.4.a. plus A.4.b.)			_____
5.	**Total Permitted Units (A.3. plus A.4.c.):** (1)			_____

B. Central Urban Category

1.	**Preliminary Standard Units**	**Maximum standard density**		**Units**
	a. Total upland Acres (from Part 2, D.2.a.)	**21.75**	times 10 equals	**217**
	b. Total freshwater wetland Acres (from Part 2, D.2.b.)	_____	times 10 equals	_____
	c. Preliminary Total Standard units (a. plus b.) (1)			_____
2.	**Maximum Permitted Units**	**Maximum permitted**		**Units**
	a. Total upland Acres (from Part 2, D.2.a.)	**21.75**	times 12.5 equals	**271**
3.	**Total allowed standard units (B.1.c. or B.2.a., whichever is less)**			_____
4.	**Bonus Units** (2)			
	a. Low-moderate housing density:			_____
	b. TDR units:			_____
	c. Sub-total (B.4.a. plus B.4.b.)			_____
5.	**Total Permitted Units (B.3. plus B.4.c.):** (1)			**217**

Notes:
(1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.
(2) If low-moderate housing density credits or Transfer of Development Rights (TDRs) credits are included, attach the calculations and approvals hereto.

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C. Urban Community Category

1.	**Preliminary Standard Units**	**Maximum standard density**	**Units**
	a. Total upland Acres (from Part 2, D.3.a.)	_____ times 6 equals	_____
	b. Total freshwater wetland Acres (from Part 2, D.3.b.)	_____ times 6 equals	_____
	c. Preliminary Total Standard units (a. plus b.) (1)		
2.	**Maximum Permitted Units**	**Maximum permitted**	**Units**
	a. Total upland Acres (from Part 2, D.3.a.)	times 8 equals	
3.	**Total allowed standard units (C.1.c. or C.2.a, whichever is less)**		_____
4.	**Bonus Units** (2)		
	a. Low-moderate housing density:		_____
	b. TDR units:		_____
	c. Sub-total (D.4.a. plus D.4.b.)		_____
5.	**Total Permitted Units (C.3. plus C.4.c.):** (1)		_____

Notes:
(1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.
(2) If Low-moderate housing density credits or Transfer of Development Rights (TDRs) credits are included, attach the calculations and approvals hereto.

D. Suburban Category

1.	**Preliminary Standard Units**	**Maximum standard density**	**Units**
	a. Total upland Acres (from Part 2, D.3.a.)	_____ times 6 equals	_____
	b. Total freshwater wetland Acres (from Part 2, D.3.b.)	_____ times 6 equals	_____
	c. Preliminary Total Standard units (a. plus b.) (1)		_____
2.	**Maximum Permitted Units**	**Maximum permitted**	**Units**
	a. Total upland Acres (from Part 2, D.3.a.)	_____ times 8 equals	
3.	**Total allowed standard units (D.1.c. or D.2.a., whichever is less)**		_____

E. Outlying Suburban Category

1.	**Preliminary Standard Units**	**Maximum standard density**	**Units**
	a. Total upland Acres (from Part 2, D.4.a.)	_____ times 3 equals	_____
	b. Total freshwater wetland Acres (from Part 2, D.4.b.)	_____ times 3 equals	_____
	c. Preliminary Total Standard units (a. plus b.) (1)		
2.	**Maximum Permitted Units**	**Maximum permitted**	**Units**
	a. Total upland Acres (from Part 2, D.4.a.)	_____ times 4 equals (1)	_____
3.	**Total allowed standard units (E.1.c. or E.2.a., whichever is less)**		_____

Notes:
(1) Outlying Suburban land located north of the Caloosahatchee River and east of Interstate-75, north of Pondella Road and south of Pine Island Road (SR 78), and in the Buckingham area (see Goal 19 of the LEE Plan): the maximum upland density is two (2) units per acre plus one (1) for a total of three (3) units per acre.

PART 4
COMMERCIAL, INDUSTRIAL, MINING, ASSISTED LIVING FACILITIES, HOTELS & MOTELS
PRELIMINARY INTENSITY CALCULATIONS

A.	**Commercial**	**Habitable Stories**	**Height**	**Total Floor Area**	
A.1.	Medical				Sq. Ft.
A.2.	General Office	3	45'	+/- 65,000	Sq. Ft.
A.3.	Retail	3	45'	+/- 60,000	Sq. Ft.
A.4.	Other				Sq. Ft.
A.5.	**TOTAL FLOOR AREA**			125,000 s.f. with a max. 60,000 s.f. retail	Sq. Ft.

B.	**Industrial**	**Habitable Stories**	**Height**	**Total Floor Area**	
B.1.	Under Roof				Sq. Ft.
B.2.	Not under Roof				Sq. Ft.
B.3.	**TOTAL FLOOR AREA**				Sq. Ft.

C.	**Mining**		**Depth**	**Total Acres**	
C1.	Area to be excavated				Acres

D.	**Assisted Living Facilities**	**Habitable Stories**	**Height**	**Total Number of Beds/Units**	
D.1.	Dependent Living Units	3	45'	160 beds/ 40 e.r.d.u.*	Beds/Units
D.2.	Independent Living Units	3	45'	300 units/150 e.r.d.u.*	Beds/Units
D.3.	**TOTAL BEDS/UNITS**			160 ALF beds/40 erdu 300 ILF units/150 erdu	Beds/Units

E.	**Hotels/Motels** **Room Size**	**Habitable Stories**	**Height**	**Number of Rental Units**	
E.1.	< 425 sq. ft.				Units
E.2.	426-725 sq. ft.				Units
E.3.	725 < sq. ft.				Units
E.4.	**TOTAL UNITS**				Units

***Proposed are 160 Assisted Living Facility beds which equate to 40 dwelling units and 300 Independent Living Units which equate to 150 dwelling units.**

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PART 5
ENVIRONMENTAL ISSUES

A. **Topography:** Describe the range of surface elevations of the property:

See attached Boundary and Topographic Survey

B. **Sensitive Lands:** Identify any environmentally sensitive lands, including, but not limited to, wetlands (as defined in the LEE Plan Section XII), flowways, creek beds, sand dunes, other unique land forms [see LEE Plan Policy 77.1.1 (2)] or listed species occupied habitat [see LCLDC Section 10-473].

See attached Report by W. Dexter Bender and Associates, Inc.

continued

C. **Preservation/Conservation of Natural Features**: Describe how the lands listed in PART 4.B. above will be protected by the completed project:

See attached Report by W. Dexter Bender & Associates, Inc.

D. **Shoreline Stabilization:** If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:

N/A

PART 6
SANITARY SEWER & POTABLE WATER FACILITIES

A. **Special Effluent**: If the discharge of any special effluent is anticipated, please specify what it is and what strategies will be used to deal with its' special characteristics:

N/A

B. **Private On-Site Facilities:** If a private on-site wastewater treatment and disposal facility is proposed, please provide a detailed description of the system including:

1. Method and degree of treatment:

   N/A

2. Quality of the effluent:

   N/A

3. Expected life of the facility:

   N/A

4. Who will operate and maintain the internal collection and treatment facilities:

   N/A

5. Receiving bodies or other means of effluent disposal:

   N/A

continued

C. **Spray Irrigation:** If spray irrigation will be used, specify:

1. The location and approximate area of the spray fields:

N/A

2. Current water table conditions:

N/A

3. Proposed rate of application:

N/A

4. Back-up system capacity:

N/A

PART 7 - SUBMITTAL REQUIREMENTS

Copies* Required	Exhibits	Item
		PUBLIC HEARING APPLICATION FORM
15		**Public Hearing Application Form (Application for Public Hearing for Zoning Action Form, OR, if a DRI with Rezoning, submit Application for Public Hearing for a DRI Form). [34-373(a)(1)]**
1		**Application Fee. [34-373(a)(2)]**
		DESCRIPTION OF EXISTING CONDITIONS
4	D-1-B	**Historical or Archaeological sites:** The nature and location of any known or recorded historical or archaeological sites as listed on the Florida Master Site File or the Lee County Historical Site Survey, and the location of any part of the property that is located within level 1 or level 2 zones of archaeological sensitivity pursuant to LCLDC Chapter 22 [22-106]. The plan must show the outline of historic buildings and approximate extent of archaeological sites. A description of proposed improvements that may impact archaeological or historical resources must also be provided. **[34-373(a)(4)h.]**
15	D-1-C	**Public Transit.** A map or other depiction of the property in relation to existing and proposed public transit routes, as well as to bus stops, if located within the Lee Tran public transit service area. **[34-373(a)(4)g.]**
5	D-7-A	**A Boundary Survey**, prepared and sealed by a professional surveyor, that meets the minimum technical standards set forth in chapter 61G-17-6, F.A.C. The boundary survey must identify and depict all easements effecting the subject property, whether recorded or unrecorded, and all other physical encumbrances readily identified by a field inspection. **(2 originals required) [34-373(a)(4)a.]**
15	D-7-B	**Area Location Map** (on 8.5" x 11" paper). A map marked to show the location of the property to be developed in relation to arterial and collector streets as well as the location of existing easements and rights-of-way on or abutting the property. **[34-373(a)(4)b.]**
15	D-7-C	**Existing Zoning and Current Land Uses**. A map or other depiction of the existing zoning and current land uses (i.e. single family residence, multiple-family building, retail commercial, office building, etc.) surrounding the tract or parcel to a distance of 500 feet. **[34-373(a)(4)c.]**
15	D-7-D	**Aerial Photograph** with the site clearly delineated. **[34-373(a)(4)d.] Originals only - photocopies are not acceptable.**
4	D-7-E	**Soils Map.** Maps drawn at the same scale as the Master Concept Plan marked or overprinted to show the soils classified in accordance with the USDA/SCS System. **[34-373(a)(4)e.i.]**
4	D-7-F	**FLUCCS Map.** A Florida Land Use, Cover and Classification System (FLUCCS) map, at the same scale as the Master Concept Plan, prepared by an environmental consultant. The FLUCCS map must clearly delineate any Federal and State jurisdictional wetlands and other surface waters, including the total acreage of Federal and State wetlands. **[34-373(a)(4)e.ii.]**
4	D-7-G	**Rare & Unique Upland Habitat Map.** Maps drawn at the same scale as the Master Concept Plan marked or overprinted to show significant areas of rare and unique upland habitat as defined in the LEE Plan Section XII. **[34-373(a)(4)e.iii.]**
4	D-7-H	**Topographic Map.** A County topographic map (if available) or a USGS quadrangle map showing the subject property. **[34-373(a)(4)e.iv.]**
4	D-7-I	**Existing and Historic Flow-Ways Map**. Map(s) drawn at the same scale as the master concept plan marked or overprinted to show existing and historic flow-ways. **[34-373(a)(4)e.v.]**

		NARRATIVE COMPLIANCE STATEMENTS
15	D-7-J	**LEE Plan Compliance.** A narrative explanation as to how the proposed development complies with the LEE Plan. **[34-373(a)(5)]**
3	D-7-K	**Design Standards Compliance.** A narrative explanation as to how the proposed development complies with the Design Standards set forth in LCLDC Section 34-411. **[34-373(a)(5)]**
3	D-7-L	**Decision-Making Compliance.** A narrative explanation as to how the proposed development complies with the guidelines for decision-making embodied in LCLDC Sections 34-145(c)(2)a & e. and 34-145(d)(3). **[34-373(a)(5)]**
		MASTER CONCEPT PLAN
2 & 15	D-7-M.1 (24X 36) & D-7-M.2 (11 X 17)	**Master Concept Plan, Non-PRFPD** . A graphic illustration (Master Concept Plan) of the proposed development, showing and identifying the information required by LCLDC Section 34-373(a)(6)a - i. Copies of the Master Concept Plan must be provided in two sizes, 24" x 36" (2 copies), and 11" x 17" (15 copies - **2 originals required**) in size and must clearly legible and drawn at a scale sufficient to adequately show and identify the required information. {See Instructions, Part 7, below.} **[34-373(a)(6)]**
2 & 15	D-7-N.1 (24X 36) & D-7-N.2 (11 X 17)	**Master Concept Plan, PRFPD :** A clearly legible and properly scaled drawing (Master Concept Plan) showing and identifying the information required by LCLDC Section 34-941(g)(1). Copies of the Master Concept Plan must be provided in two sizes, 24" x 36" (2 copies), and 11" x 17" (15 copies - **2 originals required**) in size and must clearly legible and drawn at a scale sufficient to adequately show and identify the information. {See Instructions, Part 7, below.} **[34-941(g)]**
5	D-7-O	**Traffic Impact Statement.** A traffic impact statement in a format and to the degree of detail required by the County and in conformance with the adopted Lee County Administrative Code. **[34-373(a)(7)]** TIS is not required for an existing development. **[34-341(b)(2)d.1.]**
15	D-7-P	**Schedule of Uses.** A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property including the information required by LCLDC Section 34-373(a)(8)]. **[34-373(a)(8)]**
15	D-7-Q	**Schedule of Deviations and Written Justification.** A schedule of deviations and a written justification for each deviation requested as part of the Master Concept Plan. The location of each requested deviation must be located/shown on the Master Concept Plan. Deviation documentation and detail drawings including sample detail drawings must be provided illustrating how each deviation will operate to the benefit, or at least not to the detriment, of the public interest. **[34-373(a)(9); 34-412(a)]**
		ADDITIONAL REQUIREMENTS FOR MAJOR PDs
4	D-7-R	**Surface Water Management Plan** A written description of the surface water management plan as required by LCLDC Section 34-373(b)(1)a. - e. **[34-373(b)(1)]**
15	D-7-S	**Phasing program.** If the development is to be constructed in phases or if the Traffic Impact Statement utilized phasing, then a description of the phasing program must be submitted. **[34-373(b)(3)]**
		ADDITIONAL REQUIREMENTS FOR LARGE PROJECTS
4	D-7-T	**Protected species survey.** A protected species survey is required for large developments (as defined in LCLDC Section 10-1) as specified in LCLDC Section 10-473. **[34-373(b)(2)]**
		ADDITIONAL REQUIREMENTS FOR AMENDMENTS TO BUILT PLANNED DEVELOPMENTS
4	D-7-U	**Proof of Notice to Other Property Owners.** The consent of the owners of the remainder of the original planned development is not required, but these owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property. **[34-373(c)]**

		ADDITIONAL REQUIREMENTS FOR DRIs
15	D-7-V	**Binding letter of interpretation from DCA or a complete and sufficient ADA (See also Application for Public Hearing for DRI Form) [34-373(d)(2)]**
		ADDITIONAL EXHIBITS - PRFPDs
4	D-7-W	**Conceptual Surface Water Management Plan.** A Conceptual Surface Water Management Plan must be submitted. The plan must be viable and take into consideration any natural flowway corridors, cypress heads, natural lakes, and the restoration of impacted natural flowway corridors. **[34-941(d)(3)b.i.1)]**
15	D-7-X	**Well Drawdown Information**. If within an area identified as an anticipated drawdown area for existing or future well development, demonstration of compliance with LCLDC Section 34-941(d)(3)d.i & ii. must be provided. **[34-941(d)(3)d.]**
15	D-7-Y	**Preliminary Indigenous Restoration Plan.** A Preliminary Indigenous Restoration Plan must be provided if on-site indigenous restoration is being used to meet the indigenous native plant community preservation requirement. **[34-941(e)(5)f.iii.]**
15	D-7-Z	**Environmental Assessment**. An Environmental Assessment must be provided which includes, at a minimum, an analysis of the environment, historical and natural resources. **[34-941(g)(2)]**
15+	D-7-AA	**Demonstration of Compatibility.** Written statements concerning how the applicant will assure the compatibility of the proposed development with nearby land uses (by addressing such things as noise, odor, lighting and visual impacts), and the adequate provision of drainage, fire and safety, transportation, sewage disposal and solid waste disposal must be provided. **[34-941(g)(4)]**

*** At least one copy must be an original.**

TR TRANSPORTATION CONSULTANTS, INC.

March 26, 2009

Ms. Stacey Hewitt
Banks Engineering
10511 Six Mile Cypress Pkwy
Suite 101
Fort Myers, FL 33966

RE: Oasis Cove RPD/CPD
DCI2009-00005

Dear Ms. Stacey Hewitt:

TR Transportation Consultants, Inc. has reviewed the comments issued by the Lee County Department of Transportation for the Oasis Cove project. The comments and TR Transportation's response to those comments are listed below for reference.

LC D.O.T. Development Review PD Application Sufficiency Checklist (Ord. 07-24)

1a) Based on the schedule of uses, it appears that the site would function more similarly to the Continuing Care Retirement Community (CCRC) land use in ITE (LUC 255). The MCP indicates a maximum of 120,000 square feet of commercial uses within the CPD, but the TIS reflects a total of 125,000 square feet. As revision to the trip generation is required based on other comments, please update the square footage of the commercial uses.

Although not intended to be, the site could be developed as an integrated Continuing Care Retirement Community (CCRC) land use. Trip generation for the original land use (160 Assisted Living Units and 300 Independent Care Units) was compared to that of a 460 unit CCRC in order to determine which generated the highest amount of trips. Thus, the CCRC land use was utilized throughout the report since it produced the highest trip generation. Due to the comments issued, a revised Traffic Impact Statement was prepared. The revised TIS, with a Revision date of March 26, 2009, is attached to this response.

The MCP has been revised to indicate a maximum of 125,000 S.F. of commercial uses, as indicated in the original TIS.

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2a) The schedule of uses for the CPD portion of the site includes Medical Office uses. Please revise the trip generation of the office portion of the development to account for the possibility that it could develop as Medical Office as it typically generates more traffic than General Office uses.

Original trip generation of the office portion was based off of the MCP which included 65,000 S.F. of General Office use. As the developer has decided to have the option to utilize this space for Medical Office use as well, the MCP has been revised. Thus, in order to account for the possibility of all of the 65,000 S.F. of office use being developed as Medical Office, it was utilized in trip generation calculations throughout the revised TIS.

6a) Please indicate the Area of Influence within the TIS.

Analysis of the Level of Service for all links within the area of influence has been updated on Table 1A in the Appendix of the revised report. Table 1A determines the area in which project traffic is 10% of the maximum service volumes at LOS "C" on influenced roadway links at project build-out. Links which met or exceeded the 10% maximum service volumes at LOS "C" were then analyzed in Table 2A to determine build-out traffic volumes and a 100th highest hour Level of Service analysis.

7) The Level of Service thresholds utilized in the TIS are not approved by the Board of County Commissioners at this time. Please use the Link Specific Table dated September, 2005. As a result, it appears that Gladiolus Drive would not sustain a significant impact.

Acknowledged; the Level of Service thresholds have been revised to reflect those of the Link Specific Table dated September, 2005.

7a) No analysis of the site access intersections has been included. Please provide an analysis of these intersections.

Analysis of these intersections utilizing SYNCHRO software has been provided in the Appendix of the revised report.

If you have any additional questions, please do not hesitate to contact me.

Sincerely,

Ted B. Treesh
President

TR TRANSPORTATION CONSULTANTS, INC.

TRAFFIC IMPACT STATEMENT

FOR

OASIS COVE

(PROJECT NO. 0901.01)

DCI 2009-00005

PREPARED BY:
TR Transportation Consultants, Inc.
13881 Plantation Road, Suite 11
Fort Myers, Florida 33912
239-278-3090

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Revised
March 26, 2009

TRANSPORTATION CONSULTANTS, INC.

CONTENTS

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II. EXISTING CONDITIONS

III. PROPOSED DEVELOPMENT

IV. TRIP GENERATION

V. TRIP DISTRIBUTION

VI. FUTURE TRAFFIC CONDITIONS

VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

VIII. CONCLUSION

TR TRANSPORTATION CONSULTANTS, INC.

I. INTRODUCTION

TR Transportation Consultants, Inc. has conducted a traffic impact statement to fulfill requirements set forth by the Lee County Department of Community Development for projects seeking zoning approval. The site is located on the north side of Gladiolus Drive approximately one half of a mile east of its intersection with Summerlin Road in Lee County, Florida. The site location is illustrated on **Figure 1**.

Upon approval, Oasis Cove will be developed with approximately 125,000 square feet of commercial uses (a maximum of 60,000 square feet of retail space and 65,000 square feet of office space), 300 Independent Care Units, and a 160 bed Assisted Living Facility. The Developer would like the option to include traditional multi-family residential units in exchange for the Independent Care and Assisted Living Units. Based on the size of the project, if all of the Independent Care Units and Assisted Living Units were converted to traditional multi-family residential units, a total of 190 multi-family units could be provided. Therefore, the traffic analysis examined the impact of both of these development scenarios and utilized the "worst case" in terms of peak hour trip generation to complete the analysis.

The proposed development will have an eastern entrance, Oasis Cove Boulevard, which will have full access to Gladiolus Drive. Sandy Beach Drive, which is west of Oasis Cove Boulevard, will have partial access to Gladiolus Drive. Based on the site plans, it is anticipated that the majority of residential and commercial traffic will utilize Oasis Cove Boulevard.

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This report examines the impact of the development on the surrounding roadways and intersections. Trip generation and assignments to the various site access drives will be completed and analysis conducted to determine the impacts of the development on the surrounding streets and intersections.

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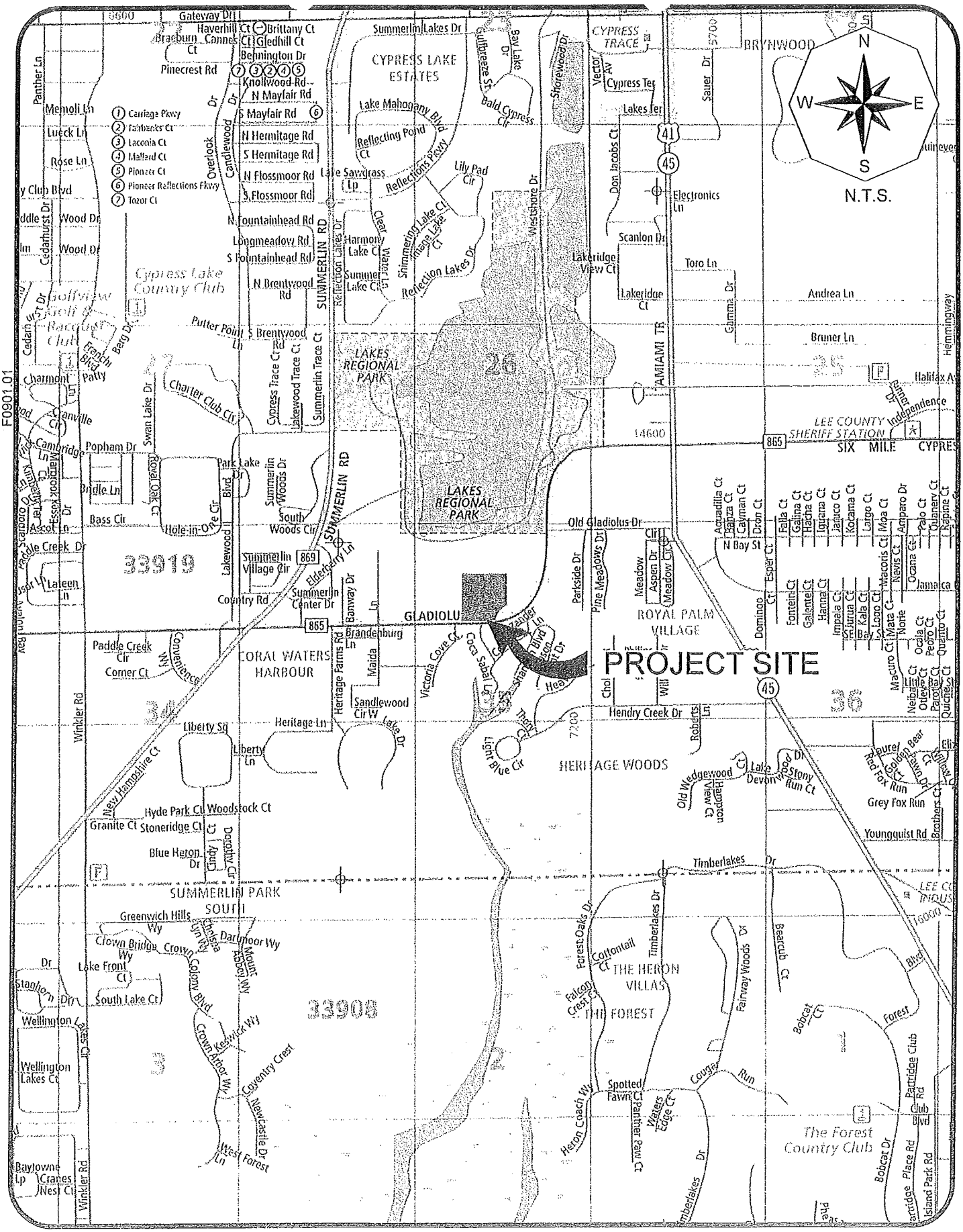
PROJECT SITE
CYPRESS LAKE ESTATES
CYPRESS TRACE
BRYNWOOD
LAKES REGIONAL PARK
CORAL WATERS HARBOUR
ROYAL PALM VILLAGE
HERITAGE WOODS
SUMMERLIN PARK SOUTH
THE HERON VILLAS
THE FOREST
The Forest Country Club
Cypress Lake Country Club
LEE COUNTY SHERIFF STATION
SIX MILE CYPRESS
SUMMERLIN RD
GLADIOLUS
Gateway Dr
Pinecrest Rd
Lake Mahogany Blvd
Reflecting Pond Ct
Reflections Pkwy
Lake Sawgrass Ln
Lily Pad Cir
Summerlin Lakes Dr
Bay Lake Dr
Bald Cypress Cir
Shorewood Dr
Westshore Dr
Lakes Ter
Cypress Ter
Vector Av
Sauer Dr
Don Jacobs Ct
Electronics Ln
Scanlon Dr
Lakeridge View Ct
Lakeridge Ct
Toro Ln
Gamma Dr
Andrea Ln
Bruner Ln
Hemmingway
Halifax A
Independence
Old Gladiolus Dr
Parkside Dr
Pine Meadows Dr
Meadow Aspen Dr
Meadow Cir
N Bay St
Esperi Ct
Dominga Ct
Fontein Ct
Galente Ct
Hanna Ct
Impala Ct
St Jurua Ct
Kala Ct
St Lopo Ct
Ocana Ct
Nevis Ct
Amparo Dr
Palo Ct
Quinary Ct
Rapine Ct
Jamaica
Norie
Ocala Ct
Peoria Ct
Quanto Ct
Neiba Ct
Otelyn Ct
Parora Ct
Quiche Ct
Little Bay Ct
Mazuro Ct
Maria Ct
Ocana Ct
Aquadilla Ct
Banza Ct
Calyman Ct
Dron Ct
Falla Ct
Galina Ct
Hacha Ct
Iquana Ct
Jauco Ct
Kotama Ct
Largo Ct
Moa Ct
Macaris Ct
Amparo Dr
Palo Ct
Quinary Ct
Rapine Ct
Jamaica
Norie
Ocala Ct
Peoria Ct
Quanto Ct
Neiba Ct
Otelyn Ct
Parora Ct
Quiche Ct
Little Bay Ct
Mazuro Ct
Maria Ct
Nevis Ct
Ocana Ct
Hendry Creek Dr
Roberts Ln
Timberlakes Dr
Timberlakes Ct
Forest Oaks Dr
Cottontail Ct
Falcon Crest Ct
Fairway Woods Dr
Bobcat Ct
Forest
Cougar Run
Spotted Fawn Ct
Panther Paw Ct
Waters Edge Ct
Heron Coach Wy
Partridge Club Blvd
Partridge Club Rd
Island Park Rd
Bobcat Dr
Place Rd
Golden Bear Ct
Laurel Ct
Red Fox Run
Grey Fox Run
Youngquist Rd
Brothers Ct
Lake Devon Dr
Stony Run Ct
Old Wedgewood View Ct
Hopkinton Ct
Blue Heron Dr
Granite Ct
Stoneridge Ct
Woodstock Ct
Hyde Park Ct
New Hampshire Ct
Winkler Rd
Liberty Sq
Liberty Ln
Heritage Ln
Sandlewood Cir W
Lake Dr
Heritage Farms Rd
Brandenburg Ln
Maida
Victoria Cove Ct
Coca Beach Ln
Light Blue Cir
Paddle Creek Cir
Corner Ct
Convenience Wy
Country Rd
Summerlin Center Dr
Banway Dr
Elderberry Ln
Summerlin Village Cir
Lakewood Ct
Summerlin Woods Dr
South Woods Cir
Park Lake Dr
Hole-in-One Cir
Bass Cir
Bridle Ln
Paddle Creek Dr
Ascot Ln
Laleen Ln
Popham Dr
Swan Lake Dr
Charter Club Cir
Cypress Trace Ct
Lakewood Trace Ct
Summerlin Trace Ct
Putter Point Ln
S Brentwood Rd
N Brentwood Rd
Longmeadow Rd
S Fountainhead Rd
N Fountainhead Rd
S Flossmoor Rd
N Flossmoor Rd
S Hermitage Rd
N Hermitage Rd
S Mayfair Rd
N Mayfair Rd
Knollwood Rd
Bennington Dr
Gledhill Ct
Brittany Ct
Haverhill Ct
Braeburn Ct
Cannes Ct
Memoli Ln
Lueck Ln
Rose Ln
Panther Ln
Cedarhurst Dr
Wood Dr
Overlook Dr
Cardlewood Dr
Harmony Lake Ct
Summerlin Lake Ct
Shimmering Lake Ct
Imana Lake Ct
Reflection Lakes Dr
Reflection Lakes Ct
Water Lily Ct
Cherry Ln
Reflection Lakes Dr
Cedarhurst Dr
Golfview Golf & Racquet Club
Franch Berg Dr
Patty Berg Dr
Charmont Ln
Cambridge Ln
Kingsmill Ln
Scarlboro Dr
Essex Dr
Woodcock Ln
Royal Oak Ct
Cedarhurst Dr
Wood Dr
Lim
Club Blvd
Panther Ln
Memoli Ln
Lueck Ln
Rose

II. EXISTING CONDITIONS

The subject site is currently vacant. Gladiolus Drive borders the site to the south. To the west of the site are existing residential developments as well as vacant land zoned for residential uses. To the north of the site is Lakes Regional Park, owned by Lee County, and to the east of the site is vacant land owned by Lee County.

Gladiolus Drive is a six-lane arterial roadway that borders the subject site to the south. Access to the subject site was constructed as part of the widening of Gladiolus Drive. An existing right-in/right-out access drive is located near the west end of the site and a full access is located to the east, opposite Coco Sabal Lane. Gladiolus Drive has a posted speed limit of 45 mph and is under the jurisdiction of the Lee County Department of Transportation.

III. PROPOSED DEVELOPMENT

Upon approval, the Master Concept Plan (MCP) for the development of Oasis Cove will include a maximum of 125,000 square feet of commercial floor area. Up to 60,000 square feet of that commercial floor area could be retail uses with the balance being office uses. Since Medical Office use typically generates more traffic then General Office use, it was utilized in this trip generation for the proposed office use portion. In addition, the MCP indicates the development of up to 300 Independent Care Units and a 160 bed Assisted Living Facility. Although not intended to be, the site could develop as an integrated Continuing Care Retirement Community (CCRC) land use. Comparing the trips generated by 160 Assisted Living Units and 300 Independent Care Units to a 460 unit CCRC, the CCRC produces the highest trip generation and thus was utilized throughout trip generation calculations. **Table 1** summarizes the land uses utilized for trip generation purposes for the subject development.

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Table 1
Oasis Cove
Land Uses

Land Use	Size
Medical Office (LUC 720)	65,000 Square Feet
Shopping Center (LUC 820)	60,000 Square Feet
Continuing Care Retirement Community (CCRC) (LUC 255)	460 units

As previously indicated, the Developer would like the option to exchange the Independent Care Units and Assisted Living Units with traditional multi-family residential units. Should multi-family residential units be developed entirely in place of the Independent Care Units and Assisted Living Units, the site plan could accommodate a maximum of 190 multi-family residential units. Therefore, in order to ensure the "worst case" was analyzed in terms of traffic impacts, the trips were generated for the site based on 190 multi-family residential units in place of the 460 unit Continuing Care Retirement Community.

The proposed development will have access to Gladiolus Drive via two connections, a right-in/right-out and a full access, both of which currently exist.

IV. TRIP GENERATION

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled ***Trip Generation***, 8th Edition. Land Use Code 720 (Medical Office), 820 (Shopping Center), and 255 (Continuing Care Retirement Community), were utilized for the proposed development. For the Master Concept Plan option where multi-family residential units are included, Land Use Code 230 (Residential Condominium/Townhouse) was utilized.

The equations for these land uses are contained in the Appendix of this report for reference. **Table 2** outlines the anticipated weekday AM and PM peak hour trip generation for Oasis Cove as currently proposed for the Master Concept Plan. The daily trip generation is also indicated in this table. **Table 3** identifies the trip generation should the residential component of the site be developed entirely with traditional multi-family units.

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Table 2
Trip Generation for Scenario 2
Oasis Cove
Commercial/Continuing Care Retirement Community

Land Use	A.M. Peak Hour			P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Medical Office (65,000 s.f.)	119	31	150	61	164	225	2,443
Shopping Center (60,000 s.f.)	70	44	114	221	231	452	4,866
CCRC (460 dwelling units)	53	30	83	64	69	133	1,293
Total Trips	242	105	347	346	464	810	8,602

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Table 3
Trip Generation for Scenario 3
Oasis Cove
Commercial/ Traditional Multi-Family Units

Land Use	A.M. Peak Hour			P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Medical Office (65,000 s.f.)	119	31	150	61	164	225	2,443
Shopping Center (60,000 s.f.)	70	44	114	221	231	452	4,866
Multi-Family (190 dwelling units)	15	71	86	68	34	102	1,124
Total Trips	204	146	350	350	429	779	8,433

Based on the anticipated trip generation shown in the above tables, the option where the Continuing Care Retirement Community is developed as opposed to the traditional multi-family units generates a similar amount of total trips for AM peak hours and a larger

amount of total trips for PM peak hours. Thus, Table 2 outlines the "worst case" weekday PM peak hour trip generation for Oasis Cove as currently proposed and will be the basis of the analysis for the remainder of this report.

The trips shown in Table 2 will not all be new trips to the adjacent roadway system. Vehicles already traveling the adjoining roadway system, called "pass-by" traffic, reduce the development's overall impact on the surrounding roadway system but does not decrease the actual driveway volumes. Lee County permits a maximum reduction in trips due to "pass-by" traffic for retail uses of thirty percent (30%). Therefore, a thirty percent (30%) pass-by reduction was utilized for retail uses. For this analysis, the "pass-by" traffic was accounted for to determine the number of "new" trips the development would add to the adjacent roadway.

Also, some of the trips will travel to/from the land uses located within the proposed Oasis Cove development. Therefore, an internal capture rate of thirteen percent (13%) was calculated between the various proposed land uses within the Oasis Cove site by utilizing methodologies presented in the ITE Trip Generation Handbook June 2004, which calculates the internal capture rates of multi-use developments. The summary sheet utilized to calculate this internal capture rate is included in the Appendix of this report for reference. **Table 4** summarizes the internal capture and pass-by percentages utilized for trip generation purposes. **Table 5** summarizes the development traffic and the breakdown between the internal capture trips, the new trips the development is anticipated to generate, and the "pass-by" trips the development is anticipated to attract. It should be noted that the driveway volumes are not reduced as a result of the "pass-by" reduction, but they are reduced as a result of the internal capture reduction. As such, the internal capture reduction was applied first, then the pass-by reduction was applied to only the external retail traffic generated by the proposed development.

Table 4
Pass-by Trip Reduction Factors
Oasis Cove

Type of Reduction	Use	Percentage Trip Reduction
Internal Capture	Entire Development	13%
Pass-by	Shopping Center (after internal capture)	30%

Table 5
Trip Generation – New Trips
Oasis Cove

Land Use	Weekday AM Peak Hour			Weekday PM Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Total Trips	242	105	347	346	464	810	8,602
Less Internal Capture	-31	-14	-45	-45	-60	-105	-1,118
External Trips	211	91	302	301	404	705	7,484
External Retail Trips (less 13% Internal Capture)	61	38	99	192	201	393	4,233
Less 30% Pass-by	-18	-11	-30	-58	-60	-118	-1,270
New, External Trips	193	80	272	243	344	587	6,214

V. TRIP DISTRIBUTION

The trips shown in Table 5 were then assigned to the surrounding roadway system based on the anticipated routes the drivers will utilize to approach the site. Based on current and projected population in the area and other existing or planned competing/ complementary uses in the area, a distribution of the site traffic was formulated. **Figure 2** reflects the traffic distribution of the proposed Oasis Cove development. Based on the distributions indicated within Figure 2, the external project traffic was assigned to the site access driveways, shown on **Figure 3**. The projected 2013 background plus project traffic, illustrated on **Figure 4**, was then calculated by adding the projected 2013 background volumes to the site traffic assignment for the proposed Oasis Cove development.

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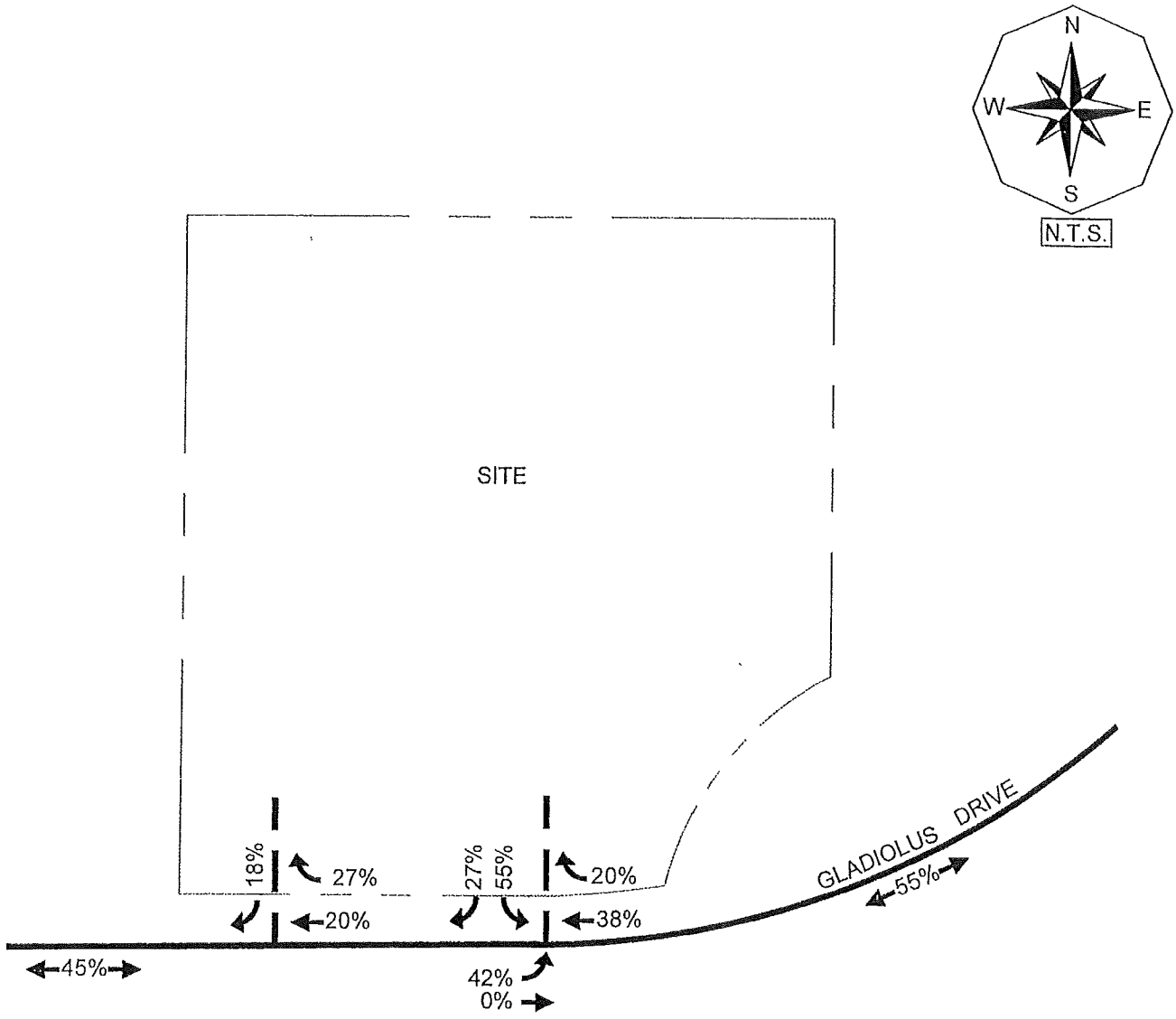

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←20%→ PERCENT DISTRIBUTION

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PROJECT TRAFFIC DISTRIBUTION
OASIS COVE

Figure 2

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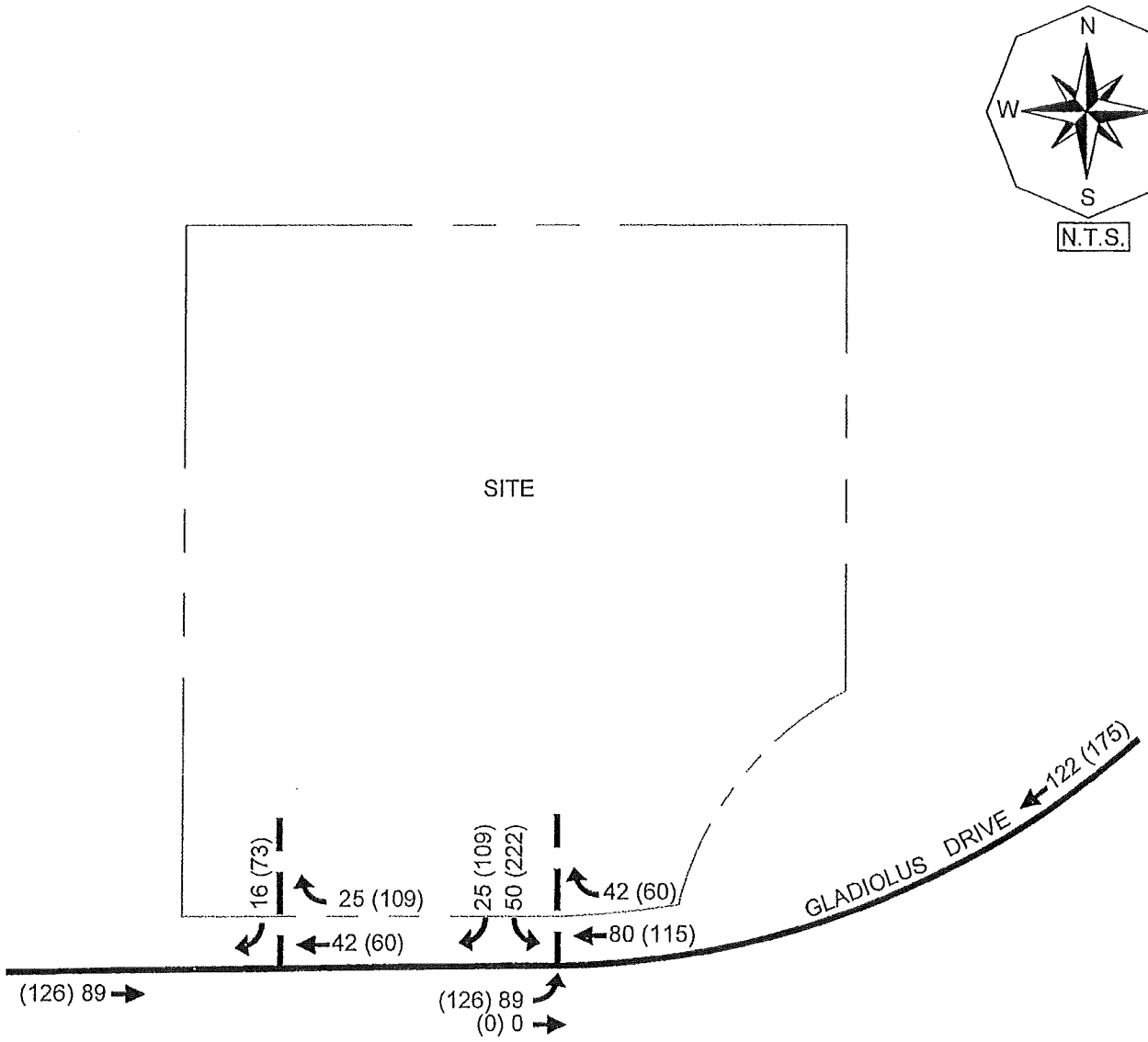

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← 000 WEEKDAY AM PEAK HOUR TRAFFIC
← (000) WEEKDAY PM PEAK HOUR TRAFFIC
\- INDICATES LESS THAN 5 TRIPS

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TRANSPORTATION CONSULTANTS, INC.

PROJECT TRAFFIC ASSIGNMENT
OASIS COVE

Figure 3

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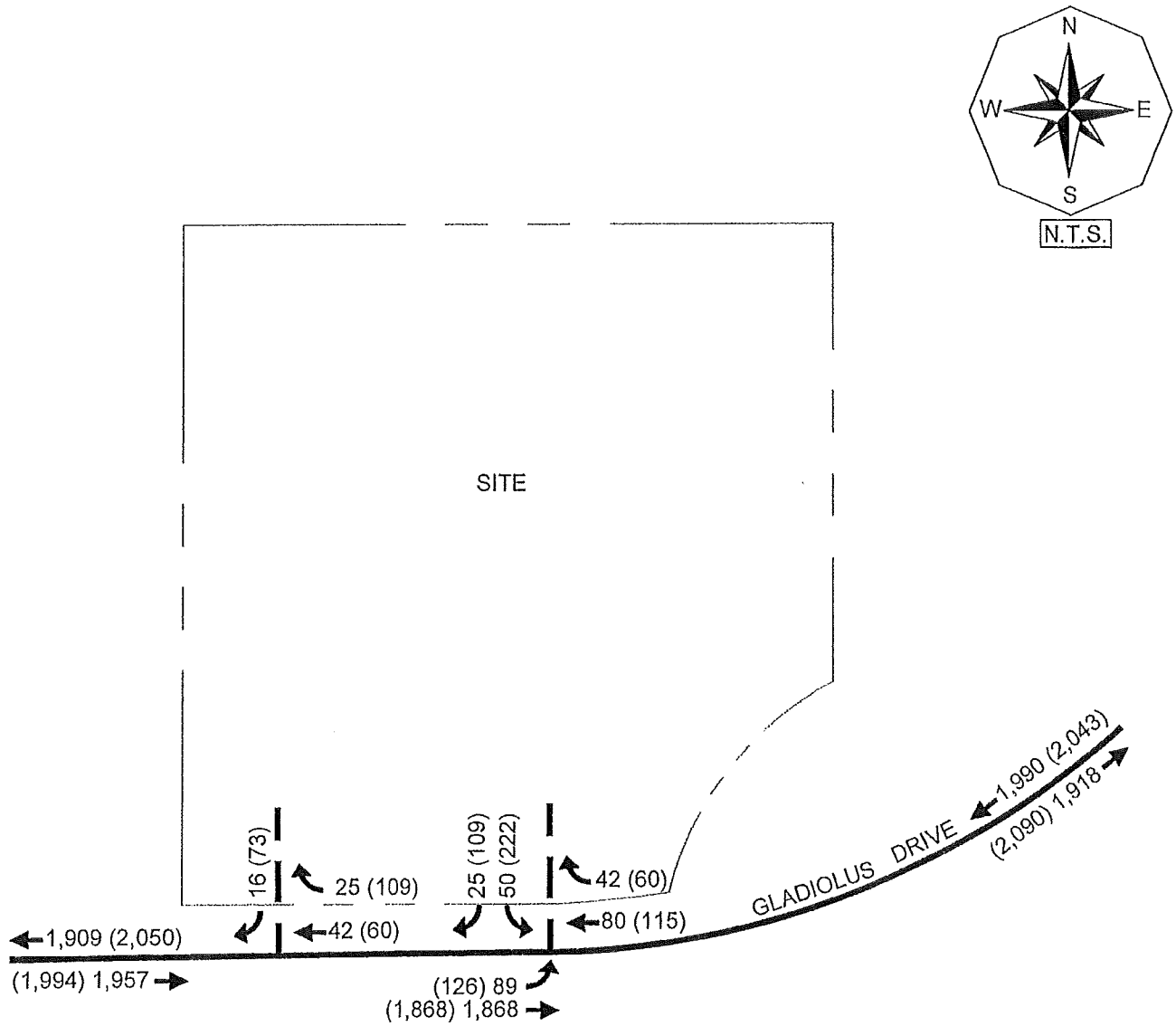

LEGEND

000 WEEKDAY AM PEAK HOUR TRAFFIC
(000) WEEKDAY PM PEAK HOUR TRAFFIC
\- INDICATES LESS THAN 5 TRIPS

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PROJECTED 2013 BACKGROUND & PROJECT TRAFFIC
OASIS COVE

Figure 4

In order to determine which roadway segments surrounding the site will be significantly impacted as outlined in the Lee County Traffic Impact Statement Guidelines **Table 1A**, contained in the Appendix, was created. This table indicates which roadway links in the vicinity of the subject site will accommodate greater than 10% of the Peak Hour – Peak Direction Level of Service "C" volumes, as defined by the Lee County Link Specific Level of Service Tables dated September 2005 as provided by the Lee County Department of Transportation.

VI. FUTURE TRAFFIC CONDITIONS

It was assumed that the project would be completed by the year 2012. Based on this projected build-out, the surrounding roadway network was analyzed under 2013 traffic conditions. A growth rate was applied to the existing traffic conditions for all roadway links and intersections that could be significantly impacted by this development. The growth rates were obtained through comparisons of annual traffic data from the 2007 Lee County Traffic Count Report.

Based on the project distribution illustrated on Figure 2, the link data was analyzed for the existing conditions, year 2013 without the development and year 2013 with the development. **Table 2A** in the Appendix of the report indicates the methodology utilized to obtain the year 2013 build-out traffic volumes as well as the growth rate utilized for each roadway segment. The base year traffic volumes were obtained from the 2007/2008-2008/2009 Lee County Concurrency Management Inventory and Projections Report, dated October 2008.

Figure 5 indicates the year 2013 peak hour – peak direction traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 5 is the peak hour – peak direction volume and Level of Service of each link should no development occur on the subject site and the peak hour – peak direction volume and Level of Service for the weekday AM and PM peak hours with the development traffic

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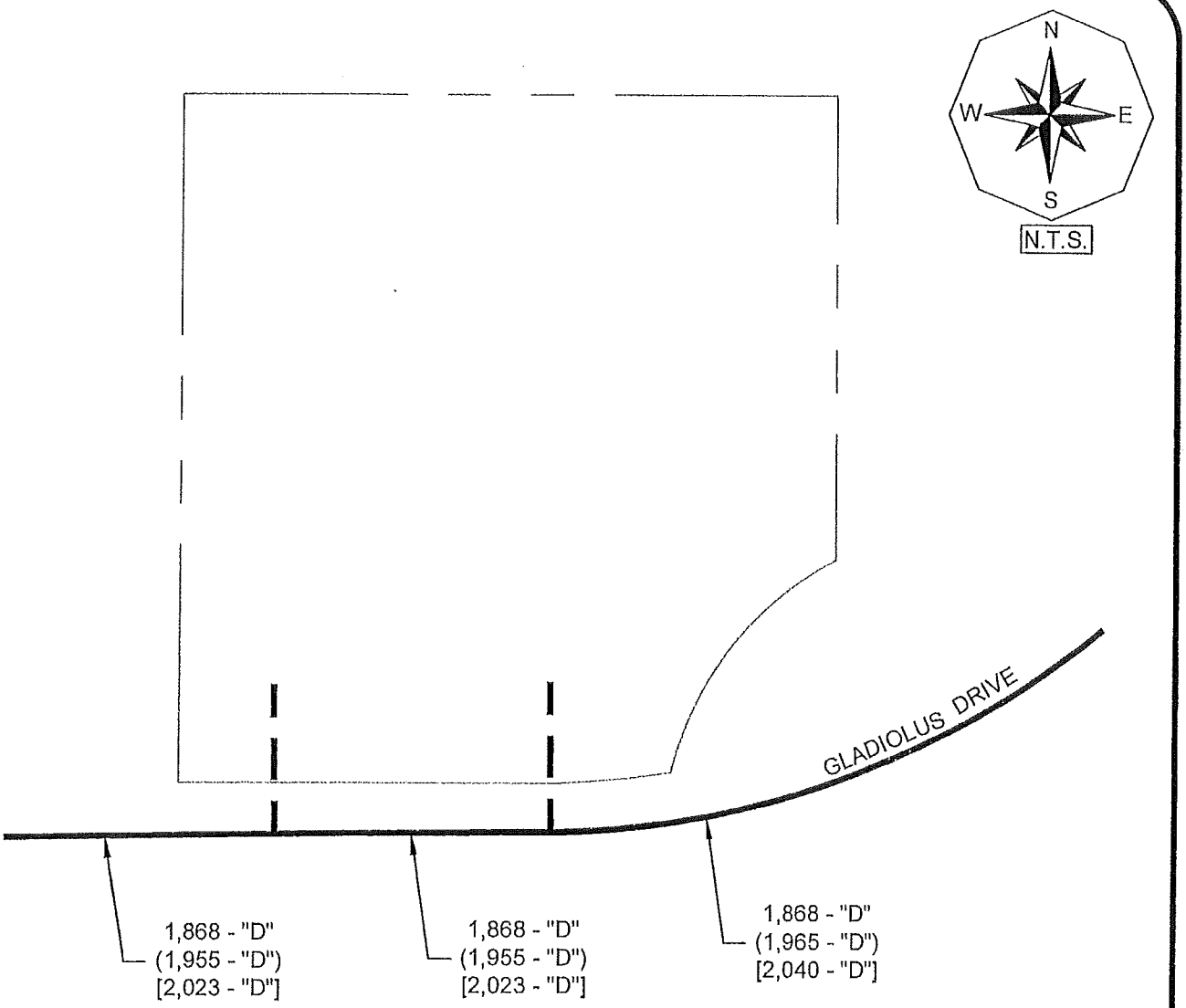

LEGEND

XXX - "C" 2013 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

(XXX -"C") 2013 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND
TRAFFIC PLUS AM PROJECT TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

[XXX -"C"] 2013 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND
TRAFFIC PLUS PM PROJECT TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

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2013 BUILDOUT TRAFFIC CONDITIONS
OASIS COVE

Figure 5

added to the roadways. These figures are derived from Table 2A contained in the Appendix.

VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

Figure 5 details the Levels of Service for all links inside the project's area of influence based on this analysis. The area of influence for this analysis includes the segment of Gladiolus Drive west of U.S. 41 to the eastern site access. The Lee County Link Specific Level of Service Volumes were utilized to determine the Level of Service Thresholds for all roadway links analyzed. Table 2A in the Appendix details the calculated volumes used to determine the Level of Service on the analyzed links. The 2013 background traffic volumes utilized for the link Level of Service analysis are illustrated on Figure 5.

In comparing the links' functional classification and calculated 2013 traffic volumes to the Service Volume Tables, it was determined that none of the roadways inside the project's area of influence would be adversely impacted by the proposed development. Adverse impacts are defined as a degradation of the Level of Service beyond the adopted Level of Service Thresholds for those links as indicated in Table 1A. In other words, all roadways analyzed as a result of the proposed development will maintain an acceptable Level of Service when the development traffic is added to the surrounding roadway network. Thus, the existing roadway network can accommodate the additional new vehicle trips the development of Oasis Cove is anticipated to generate.

Turn lane analysis was performed at both site access locations on Gladiolus Drive based on the requirements in the Lee County Turn Lane Policy, AC 11-4. Based on the results of the analysis, at the eastern site access intersection on Gladiolus Drive, an eastbound left turn lane and a westbound right turn lane are warranted. These turn lanes should be constructed to include 290 feet of taper/deceleration length according to the Florida Department of Transportation Standard Index #301 (Index #301) based upon a 50 mph design speed. Since the westbound right turn lanes will operate under free flow conditions, storage is not required. However, a westbound right turn lane approximately

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260 feet in overall length at the eastern site access and an additional westbound right turn lane approximately 215 feet in overall length at the western site access intersection currently exist. In order to meet the taper/deceleration requirements, the eastern access right turn lane must be extended to include an additional 30 feet of taper/deceleration and the western right turn lane must be extended to include and additional 75 feet of taper/deceleration.

The required storage length for the eastbound left turn lane was based on an average arrival pattern over a two (2) minute period during the peak hour. Therefore the required storage length was calculated as follows:

Eastbound Left Turn Lane

$$Q = \frac{(2.0)(DHV)(25)}{N}$$

Q = design length for left turn storage in ft.
DHV = left turn volume during design peak hour, in VPH
N = number of cycles per hour for peak hour, use N=30 as default

$$Q = \frac{(2.0)*(126\ veh)*(25)}{30}$$

= 210 ft of storage

Based on the results of this analysis the warranted eastbound left turn lane should be constructed to include approximately 500 feet in overall length. However, an eastbound left turn lane approximately 285 feet in overall length currently exists. Thus, the length of this existing eastbound left turn lane will need to be extended a total of 215 feet to accommodate the additional required storage and taper/deceleration. Further analysis of the turn lanes will be conducted at the time of Local Development Order application.

Intersection analysis was performed at both of the site access intersections on Gladiolus Drive using Synchro 6, Traffic Coordination Software, results of which can be found in the Appendix of this report. The 2013 build-out traffic volumes illustrated on Figure 4 were utilized in the analysis. Based on the results of the intersection analysis, the only

approach shown to operate below acceptable Level of Service conditions is the southbound approach to the eastern site access intersection. However, this failing Level of Service condition will only affect the site traffic, not the existing roadway segment. Therefore, no roadway improvements are warranted as a result of the traffic added by the Oasis Cove residential development. If it were the developer's desire to improve the southbound approach Level of Service, the intersection would need to be signalized. A summary of the proposed signalized intersection is included in the Appendix.

VIII. CONCLUSION

The proposed Oasis Cove development located on the north side of Gladiolus Drive approximately one half of a mile east of its intersection with Summerlin Road in Lee County, Florida will not have a detrimental impact on the surrounding roadway system. The existing roadway network can accommodate the additional new vehicle trips the development is anticipated to generate.

Turn lane analysis was performed at both site access locations on Gladiolus Drive based on the requirements in the Lee County Turn Lane Policy, AC 11-4. Based on the results of the analysis, at the eastern site access intersection on Gladiolus Drive, an eastbound left turn lane and a westbound right turn lane are warranted. These turn lanes should be constructed to include 290 feet of taper/deceleration length according to the Florida Department of Transportation Standard Index #301 (Index #301) based upon a 50 mph design speed. In order to meet the taper/deceleration requirements, the existing eastern access right turn lane must be extended to include an additional 30 feet of taper/deceleration and the existing western access right turn lane must be extended to include an additional 75 feet of taper/deceleration.

Based on the results of the turn lane analysis, the warranted eastbound left turn lane should be constructed to include approximately 500 feet in overall length. However, an eastbound left turn lane approximately 285 feet in overall length currently exists. Thus, the length of this existing eastbound left turn lane will need to be extended a total of 215

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feet in order to meet the required additional storage and taper/deceleration length. Further analysis of the turn lanes will be conducted at the time of Local Development Order application.

Intersection analysis was performed at both of the site access intersections on Gladiolus Drive using Synchro 6, Traffic Coordination Software, results of which can be found in the Appendix of this report. Based on the results of the intersection analysis, the only approach shown to operate below acceptable Level of Service conditions is the southbound approach to the eastern site access intersection. However, this failing Level of Service condition will only affect the site traffic, not the existing roadway segment. Therefore, no roadway improvements are warranted as a result of the traffic added by the Oasis Cove residential development.

In order to improve the Level of Service conditions for the southbound approach to the eastern site access intersection, a signal could be utilized. Results for the improved Level of Service for the signalized eastern site intersection can be found in the Appendix. However, this signal is not warranted since only the site traffic is negatively impacted.

APPENDIX

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TABLES 1A & 2A

TABLE 1A
OASIS COVE
PEAK DIRECTION PROJECT TRAFFIC VS. LOS C LINK VOLUMES

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 272 VPH IN= 193 OUT= 80

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 587 VPH IN= 243 OUT= 344

ROADWAY	SEGMENT	ROADWAY CLASS	LOS A VOLUME	LOS B VOLUME	LOS C VOLUME	LOS D VOLUME	LOS E VOLUME	PROJECT TRAFFIC DISTRIBUTION	NEW PROJ TRAFFIC AM PEAK	NEW PROJ TRAFFIC PM PEAK	PROJ/LOS C
Gladiolus Drive/Six Mile Cypress	E. of US 41	4LD	460	1680	1960	2020	2020	20%	39	69	3.51%
	W. of US 41	6LD	0	0	1650	2800	2980	55%	106	189	11.47%
	W. of W Site Access	6LD	0	0	1650	2800	2980	45%	87	155	9.38%
	W. of E Site Access	6LD	0	0	1650	2800	2980	45%	87	155	9.38%
U.S. 41	N. of Gladiolus	6LD	0	0	0	1120	2690	15%	29	52	4.61%
	S. of Gladiolus	6LD	1130	2840	3110	3170	3170	20%	39	69	2.21%

* Lee County Link Specific Level of Service Thresholds, September 2005, utilized

[1] Project traffic distribution for Gladiolus Drive west of the eastern site access drive was calculated from the site traffic assignment illustrated on Figure 2

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TABLE 2A
OASIS COVE
BUILD-OUT TRAFFIC VOLUMES AND 100TH HIGHEST HOUR LEVEL OF SERVICE ANALYSIS

TOTAL AM PEAK HOUR PROJECT TRAFFIC: 272 VPH IN= 193 OUT= 80

TOTAL PM PEAK HOUR PROJECT TRAFFIC: 587 VPH IN= 243 OUT= 344

ROADWAY	SEGMENT	SITE/PCS	BASE YR ADT	2007 ADT[2]	YRS OF GROWTH	ANNUAL RATE[2]	2007 PK HR PK SEASON PEAK DIR.[1]	2013 PK HR PK SEASON PEAK DIR.	PROJECT TRAFFIC DISTRIBUTION	AM PROJ TRAFFIC	PM PROJ TRAFFIC	2013 BCKGRND + AM PROJ TRAFFIC	2013 BCKGRND + PM PROJ TRAFFIC
Gladiolus Drive	W. of US 41	46	32400	35200	9	0.93%	1768	1868	50%	97	172	1965	2040
	W. of W Site Access	46	32400	35200	9	0.93%	1768	1868	45%	87	155	1955	2023
	W. of E Site Access	46	32400	35200	9	0.93%	1768	1868	45%	87	155	1955	2023

[1] Project traffic distribution for Gladiolus Drive west of the eastern site access drive was calculated from the site traffic assignment illustrated on Figure 2

	2013 BCKGRND TRAFFIC LOS	2013 BCKGRND + AM PROJ LOS	2013 BCKGRND + PM PROJ LOS
Gladiolus Drive W. of US 41	D	D	D
W. of W Site Access	D	D	D
W. of E Site Access	D	D	D

TRIP GENERATION EQUATIONS

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TRIP GENERATION EQUATIONS
OASIS COVE
ITE TRIP GENERATION REPORT, 8th EDITION

Land Use	Weekday AM Peak Hour	Weekday PM Peak Hour	Daily (2-way)
Medical Office Building (LUC 720)	T= 2.30 (X) (79% In/21% Out)	T = 3.46 (X) (27% In/73% Out)	T= 40.89 (X) – 214.97
T = Number of Trips, X = 1,000's of square feet of Gross Floor Area (GFA)			
Shopping Center (LUC 820)	Ln (T)=0.59 Ln (X) + 2.32 (61% In/39% Out)	Ln (T)=0.67 Ln (X) +3.37 (49% In/51% Out)	Ln (T)=0.65 Ln (X) +5.83
T = Number of Trips, X = 1,000's of square feet of Gross Floor Area (GFA)			
Residential Condominium/ Town Homes (LUC 230)	Ln (T)=0.80 (X) + 0.26 (17% In/83% Out)	Ln (T)=0.82 Ln (X) + 0.32 (67% In/33% Out)	Ln (T)=0.87 Ln (X) + 2.46
T = Number of Trips, X = 1,000's of square feet of Gross Floor Area (GFA)			
Continuing Care Retirement Community (LUC 255)	T=0.018 (X) (64% In/36% Out)	T=0.29 (X) (48% In/52% Out)	T=2.81 (X)
T = Number of Trips, X = number of dwelling units			

ITE INTERNAL CAPTURE
CALCULATION SUMMARY SHEET

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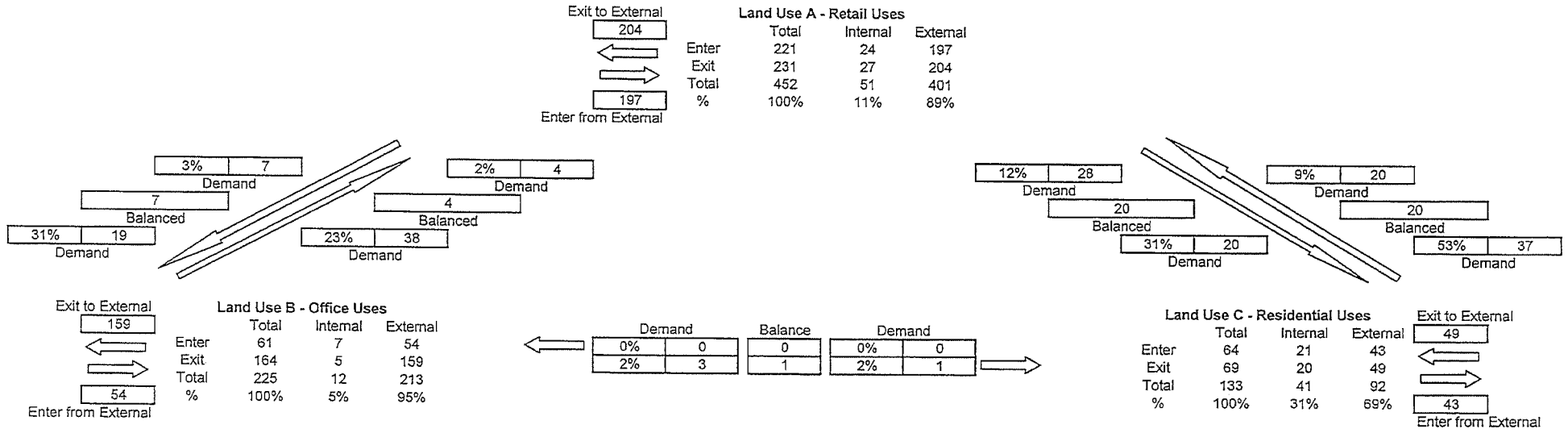
Internal Capture Calculation Summary Sheet



Net External Trips for Multi-Use Development

	Land Use A	Land Use B	Land Use C	Total
Enter	197	54	43	294
Exit	204	159	49	412
Total	401	213	92	706
Single-Use Trip Gen. Est.	452	225	133	810

Internal Capture Rate

13%

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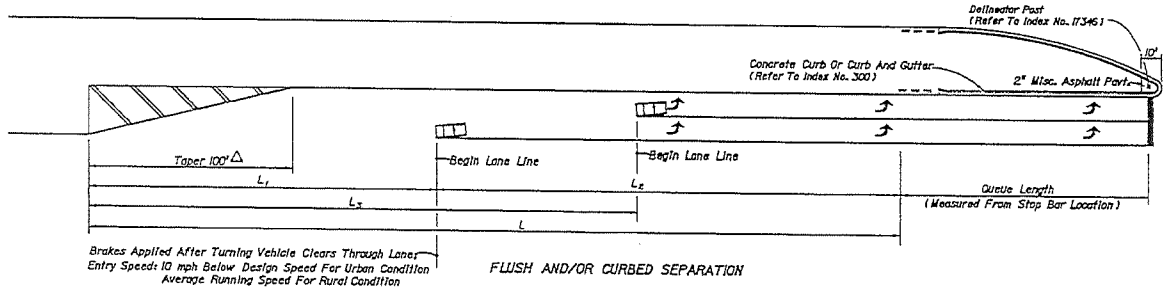

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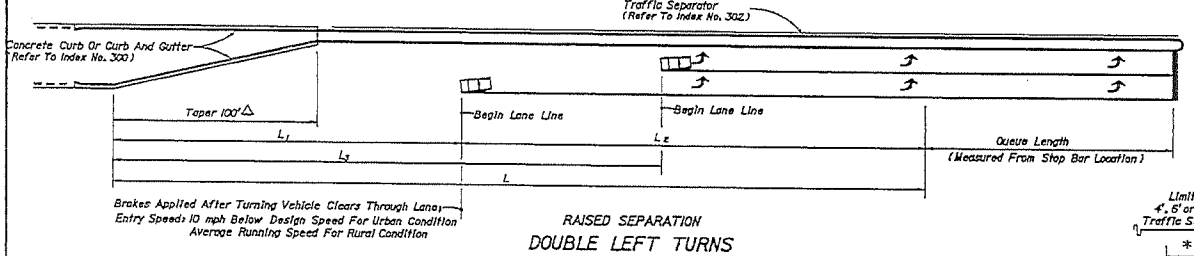
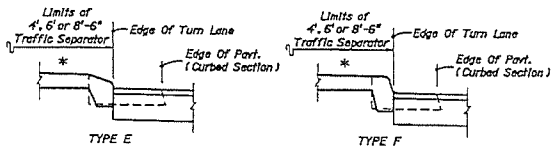


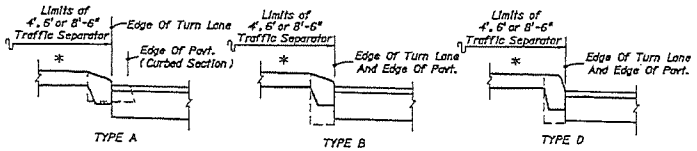
RAISED SEPARATION

DOUBLE LEFT TURNS

TURN LANES • CURBED AND UNCURBED MEDIANS								
			URBAN CONDITIONS			RURAL CONDITIONS		
Design Speed (mph)	Entry Speed (mph)	Clearance Distance L_1	Brake To Stop Distance L_2	Total Decel. Distance L	Clearance Distance L_3	Brake To Stop Distance L_2	Total Decel. Distance L	Clearance Distance L_3
35	25	70'	75'	145'	110'	----	----	----
40	30	80'	75'	155'	120'	----	----	----
45	35	85'	100'	185'	135'	----	----	----
50	40/44	105'	135'	240'	160'	185'	290'	160'
55	48	125'	----	----	----	225'	350'	195'
60	52	145'	----	----	----	250'	405'	230'
65	55	170'	----	----	----	290'	460'	270'



CURB AND GUTTER



CURB

For Curb And Curb & Gutter Types, See Index No. 300

* Option I Separators Shown (Refer To Index No. 302)

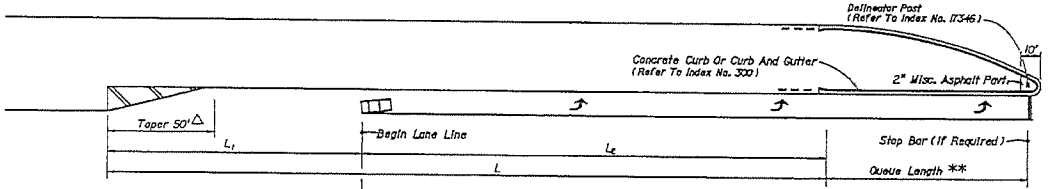
MEDIAN CURB AND TRAFFIC SEPARATOR JUNCTURE DETAILS

GENERAL NOTES

1. The plan views shown are for turn lane taper shapes and dimensional purposes only, they do not prescribe the use of curb, curb and gutter, shoulders nor separators specifically to either rural or urban conditions.
2. Total deceleration distances must not be reduced except where lesser values are imposed by unrelocatable control points.
3. Right turn lane tapers and distances identical to left turn lanes under stop control conditions. Right turn lane tapers and/or distances are site specific under free flow or yield conditions.
4. These left turn configurations apply to continuous left turn lanes only where specifically called for in the plans.
5. For pavement markings see Index No. 17346.

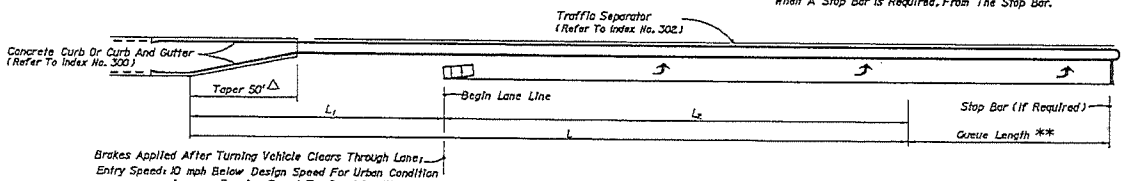
DESIGN NOTES

1. Basis for turn lane configurations:
   - Informed Driver.
   - Stop condition (With Or Without Stop Control).
   - Wet Pavement.
   - Reaction preceeding entry point.
   - Minimum braking distance for urban conditions.
   - 75' min. for L_2.
   - Comfortable deceleration rates for rural conditions (AASHTO 2001 threshold rate of 11.2 ft./s²).



FLUSH AND/OR CURBED SEPARATION

** Queue Length Is Measured From The Median Nose Radial Point Or, When A Stop Bar Is Required, From The Stop Bar.



RAISED SEPARATION

SINGLE LEFT TURNS

△ The length of taper may be increased to L_1 for single left turns and L_3 for double left turns when:
a. Left turn queue vehicles are adequately provided for within the design queue length.
b. Through vehicle queues will not block access to left turn lane.
c. Approved by District Design Engineer.

2008 FDOT Design Standards	Last Revision 07/01/05	Sheet No. 1 of 1
TURN LANES		Index No. 301

SYNCHRO RESULTS

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Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↑↑↑	↑↑↑	↱		↱
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Volume (veh/h)	0	1868	1893	42	0	16
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	0	2030	2058	46	0	17
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type					Raised	
Median storage veh)					0	
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	2103				2734	686
vC1, stage 1 conf vol					2058	
vC2, stage 2 conf vol					677	
vCu, unblocked vol	2103				2734	686
tC, single (s)	4.1				6.8	6.9
tC, 2 stage (s)					5.8	
tF (s)	2.2				3.5	3.3
p0 queue free %	100				100	96
cM capacity (veh/h)	258				51	390

Direction, Lane #	EB 1	EB 2	EB 3	WB 1	WB 2	WB 3	WB 4	SB 1
Volume Total	677	677	677	686	686	686	46	17
Volume Left	0	0	0	0	0	0	0	0
Volume Right	0	0	0	0	0	0	46	17
cSH	1700	1700	1700	1700	1700	1700	1700	390
Volume to Capacity	0.40	0.40	0.40	0.40	0.40	0.40	0.03	0.04
Queue Length 95th (ft)	0	0	0	0	0	0	0	3
Control Delay (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	14.7
Lane LOS								B
Approach Delay (s)	0.0			0.0				14.7
Approach LOS								B

Intersection Summary			
Average Delay	0.1		
Intersection Capacity Utilization	46.6%	ICU Level of Service	A
Analysis Period (min)	15		

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↑↑↑	↑↑↑	↱		↱
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Volume (veh/h)	0	1868	1977	60	0	73
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	0	2030	2149	65	0	79
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type					Raised	
Median storage veh)					0	
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	2214				2826	716
vC1, stage 1 conf vol					2149	
vC2, stage 2 conf vol					677	
vCu, unblocked vol	2214				2826	716
tC, single (s)	4.1				6.8	6.9
tC, 2 stage (s)					5.8	
tF (s)	2.2				3.5	3.3
p0 queue free %	100				100	79
cM capacity (veh/h)	233				46	372

Direction, Lane #	EB 1	EB 2	EB 3	WB 1	WB 2	WB 3	WB 4	SB 1
Volume Total	677	677	677	716	716	716	65	79
Volume Left	0	0	0	0	0	0	0	0
Volume Right	0	0	0	0	0	0	65	79
cSH	1700	1700	1700	1700	1700	1700	1700	372
Volume to Capacity	0.40	0.40	0.40	0.42	0.42	0.42	0.04	0.21
Queue Length 95th (ft)	0	0	0	0	0	0	0	20
Control Delay (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	17.3
Lane LOS								C
Approach Delay (s)	0.0			0.0				17.3
Approach LOS								C

Intersection Summary			
Average Delay	0.3		
Intersection Capacity Utilization	49.4%	ICU Level of Service	A
Analysis Period (min)	15		

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Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↑↑↑	↑↑↑			
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Volume (veh/h)	89	1868	1910	80	50	25
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	97	2030	2076	87	54	27
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type					Raised	
Median storage veh)					0	
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	2163				2946	692
vC1, stage 1 conf vol					2076	
vC2, stage 2 conf vol					870	
vCu, unblocked vol	2163				2946	692
tC, single (s)	4.1				6.8	6.9
tC, 2 stage (s)					5.8	
tF (s)	2.2				3.5	3.3
p0 queue free %	60				0	93
cM capacity (veh/h)	244				43	386

Direction, Lane #	EB 1	EB 2	EB 3	EB 4	WB 1	WB 2	WB 3	WB 4	SB 1	SB 2
Volume Total	97	677	677	677	692	692	692	87	54	27
Volume Left	97	0	0	0	0	0	0	0	54	0
Volume Right	0	0	0	0	0	0	0	87	0	27
cSH	244	1700	1700	1700	1700	1700	1700	1700	43	386
Volume to Capacity	0.40	0.40	0.40	0.40	0.41	0.41	0.41	0.05	1.27	0.07
Queue Length 95th (ft)	45	0	0	0	0	0	0	0	132	6
Control Delay (s)	29.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	377.8	15.0
Lane LOS	D								F	C
Approach Delay (s)	1.3				0.0				256.9	
Approach LOS									F	

Intersection Summary			
Average Delay	5.4		
Intersection Capacity Utilization	55.2%	ICU Level of Service	B
Analysis Period (min)	15		

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Volume (veh/h)	126	1868	1928	115	222	109
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	137	2030	2096	125	241	118
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type					Raised	
Median storage veh)					1	
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	2221				3046	699
vC1, stage 1 conf vol					2096	
vC2, stage 2 conf vol					951	
vCu, unblocked vol	2221				3046	699
tC, single (s)	4.1				6.8	6.9
tC, 2 stage (s)					5.8	
tF (s)	2.2				3.5	3.3
p0 queue free %	41				0	69
cM capacity (veh/h)	232				48	383

Direction, Lane #	EB 1	EB 2	EB 3	EB 4	WB 1	WB 2	WB 3	WB 4	SB 1	SB 2
Volume Total	137	677	677	677	699	699	699	125	241	118
Volume Left	137	0	0	0	0	0	0	0	241	0
Volume Right	0	0	0	0	0	0	0	125	0	118
cSH	232	1700	1700	1700	1700	1700	1700	1700	48	383
Volume to Capacity	0.59	0.40	0.40	0.40	0.41	0.41	0.41	0.07	5.03	0.31
Queue Length 95th (ft)	84	0	0	0	0	0	0	0	Err	32
Control Delay (s)	40.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	Err	18.6
Lane LOS	E								F	C
Approach Delay (s)	2.6				0.0				6712.4	
Approach LOS									F	

Intersection Summary			
Average Delay	509.8		
Intersection Capacity Utilization	66.5%	ICU Level of Service	C
Analysis Period (min)	15		

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Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	4.0	4.0	4.0	4.0	4.0
Lane Util. Factor	1.00	0.91	0.91	1.00	1.00	1.00
Frt	1.00	1.00	1.00	0.85	1.00	0.85
Flt Protected	0.95	1.00	1.00	1.00	0.95	1.00
Satd. Flow (prot)	1770	5085	5085	1583	1770	1583
Flt Permitted	0.95	1.00	1.00	1.00	0.95	1.00
Satd. Flow (perm)	1770	5085	5085	1583	1770	1583
Volume (vph)	89	1868	1910	80	50	25
Peak-hour factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	97	2030	2076	87	54	27
RTOR Reduction (vph)	0	0	0	41	0	20
Lane Group Flow (vph)	97	2030	2076	46	54	7
Turn Type	Prot			Perm		Perm
Protected Phases	7	4	8		6	
Permitted Phases				8		6
Actuated Green, G (s)	8.7	62.9	50.2	50.2	23.4	23.4
Effective Green, g (s)	8.7	62.9	50.2	50.2	23.4	23.4
Actuated g/C Ratio	0.09	0.67	0.53	0.53	0.25	0.25
Clearance Time (s)	4.0	4.0	4.0	4.0	4.0	4.0
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0
Lane Grp Cap (vph)	163	3392	2707	843	439	393
v/s Ratio Prot	0.05	c0.40	c0.41		c0.03	
v/s Ratio Perm				0.03		0.00
v/c Ratio	0.60	0.60	0.77	0.05	0.12	0.02
Uniform Delay, d1	41.1	8.7	17.4	10.6	27.5	26.8
Progression Factor	1.00	1.00	1.00	1.00	1.00	1.00
Incremental Delay, d2	5.7	0.3	1.3	0.0	0.6	0.1
Delay (s)	46.8	9.0	18.8	10.6	28.1	26.8
Level of Service	D	A	B	B	C	C
Approach Delay (s)		10.7	18.4		27.7	
Approach LOS		B	B		C	

Intersection Summary

HCM Average Control Delay	14.9	HCM Level of Service	B
HCM Volume to Capacity ratio	0.58		
Actuated Cycle Length (s)	94.3	Sum of lost time (s)	12.0
Intersection Capacity Utilization	55.2%	ICU Level of Service	B
Analysis Period (min)	15		

c Critical Lane Group

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations	↰	↑↑↑	↑↑↑	↱	↰	↱
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	4.0	4.0	4.0	4.0	4.0
Lane Util. Factor	1.00	0.91	0.91	1.00	1.00	1.00
Frt	1.00	1.00	1.00	0.85	1.00	0.85
Flt Protected	0.95	1.00	1.00	1.00	0.95	1.00
Satd. Flow (prot)	1770	5085	5085	1583	1770	1583
Flt Permitted	0.95	1.00	1.00	1.00	0.95	1.00
Satd. Flow (perm)	1770	5085	5085	1583	1770	1583
Volume (vph)	126	1868	1928	115	222	109
Peak-hour factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	137	2030	2096	125	241	118
RTOR Reduction (vph)	0	0	0	52	0	89
Lane Group Flow (vph)	137	2030	2096	73	241	29
Turn Type	Prot			Perm		Perm
Protected Phases	7	4	8		6	
Permitted Phases				8		6
Actuated Green, G (s)	13.0	68.7	51.7	51.7	25.3	25.3
Effective Green, g (s)	13.0	68.7	51.7	51.7	25.3	25.3
Actuated g/C Ratio	0.13	0.67	0.51	0.51	0.25	0.25
Clearance Time (s)	4.0	4.0	4.0	4.0	4.0	4.0
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0
Lane Grp Cap (vph)	226	3425	2577	802	439	393
v/s Ratio Prot	0.08	c0.40	c0.41		c0.14	
v/s Ratio Perm				0.05		0.02
v/c Ratio	0.61	0.59	0.81	0.09	0.55	0.07
Uniform Delay, d1	42.1	9.0	21.1	13.0	33.4	29.4
Progression Factor	1.00	1.00	1.00	1.00	1.00	1.00
Incremental Delay, d2	4.5	0.3	2.1	0.0	4.9	0.4
Delay (s)	46.6	9.3	23.2	13.0	38.3	29.7
Level of Service	D	A	C	B	D	C
Approach Delay (s)		11.7	22.6		35.5	
Approach LOS		B	C		D	

Intersection Summary

HCM Average Control Delay	18.6	HCM Level of Service	B
HCM Volume to Capacity ratio	0.72		
Actuated Cycle Length (s)	102.0	Sum of lost time (s)	12.0
Intersection Capacity Utilization	66.5%	ICU Level of Service	C
Analysis Period (min)	15		

c Critical Lane Group

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December 10, 2009

Ms. Stacey Hewitt
Banks Engineering
10511 Six Mile Cypress Pkwy
Suite 101
Fort Myers, FL 33966

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RE: Oasis Cove RPD/CPD
DCI2009-00005

Dear Ms. Stacey Hewitt:

TR Transportation Consultants, Inc. has reviewed the comments issued by the Lee County Department of Transportation (dated November 6, 2009) for the Oasis Cove project. The comments and TR Transportation's response to those comments are listed below for reference.

LC ZTIS PD Application Sufficiency Checklist

2a) There is an error in the trip generation for the Medical Office use and the CCRC use in the PM peak hour. Please revise.

The trip generation shown in the last report (dated March 26, 2009) inadvertently utilized the average trip rate rather than the trip generation equation as noted in the ITE Trip Generation Report, 8th Edition. Utilizing the trip rate (as was utilized in the TIS) results in a higher weekday P.M. peak hour trip generation for both the Medical Office use and the CCRC use, therefore, the analysis as contained in the previous TIS still represents a "worst case" scenario. A comparison of the trip generation as contained in the previous TIS and the trips utilizing the trip generation equations for the two uses identified above are attached to this response for reference. No further analysis was warranted as a result of this comment.

3) The MCP should be updated to list the distance between the project entrances and all driveways within 660 feet of the project entrances.

The distances are now reflected on the MCP.

4) Lee County recognizes a minimum growth rate of 1.0%. Please revise the analysis to reflect a minimum 1.0% growth rate. Additionally, please review the footnotes in Table 2A as they are confusing.

Table 2A was revised to change the growth rate from 0.93% per year to 1.0% per year. No changes in the Level of Service resulted from this insignificant change.

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5) The entering distribution in the TIS does not add up to 100%. As a result, the subsequent graphics are all incorrect. Please revise.

The distribution in Figure 3 was revised. The subsequent graphics (Figures 3 and 4) were also then revised and are attached for reference.

7a) There is a southern leg at the intersection of the eastern site access, but this leg of the intersection has not been addressed. Please address.

The southern leg appears to serve a minimal amount of residential use and one medical office building. The peak hour turn volumes associated with these uses are minimal and don't impact the overall analysis conducted as part of this report. A complete intersection analysis will be conducted at the Development Order stage in order to property evaluate the turn lanes and necessary improvements.

If you have any additional questions, please do not hesitate to contact me.

Sincerely,

Ted B. Treesh
President

Attachments

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Table 2 **(Utilized in TIS)**
Trip Generation for Scenario 2
Utilizing **Trip Rates** for PM Peak Hour for Medical Office & CCRC Uses
Oasis Cove
Commercial/Continuing Care Retirement Community

Land Use	A.M. Peak Hour			P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Medical Office (65,000 s.f.)	119	31	150	61	164	225	2,443
Shopping Center (60,000 s.f.)	70	44	114	221	231	452	4,866
CCRC (460 dwelling units)	53	30	83	64	69	133	1,293
Total Trips	242	105	347	346	464	810	8,602

Table 2
Trip Generation for Scenario 2
Utilizing **Trip Generation Equations** for PM Peak Hour for Medical Office & CCRC Uses
Oasis Cove
Commercial/Continuing Care Retirement Community

Land Use	A.M. Peak Hour			P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Medical Office (65,000 s.f.)	119	31	150	52	141	193	2,443
Shopping Center (60,000 s.f.)	70	44	114	221	231	452	4,866
CCRC (460 dwelling units)	53	30	83	59	63	122	1,293
Total Trips	242	105	347	332	435	767	8,602

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TABLE 2A
OASIS COVE
BUILD-OUT TRAFFIC VOLUMES AND 100TH HIGHEST HOUR LEVEL OF SERVICE ANALYSIS

Revised 12/8/09

TOTAL AM PEAK HOUR PROJECT TRAFFIC: 272 VPH IN= 193 OUT= 80

TOTAL PM PEAK HOUR PROJECT TRAFFIC: 587 VPH IN= 243 OUT= 344

ROADWAY	SEGMENT	SITE/PCS	BASE YR ADT	2007 ADT[2]	YRS OF GROWTH	ANNUAL RATE[2]	2007 PK HR PK SEASON PEAK DIR.	2013 PK HR PK SEASON PEAK DIR.	PROJECT TRAFFIC DISTRIBUTION	AM PROJ TRAFFIC	PM PROJ TRAFFIC	2013 BCKGRND + AM PROJ TRAFFIC	2013 BCKGRND + PM PROJ TRAFFIC
Gladiolus Drive	W. of US 41	46	32400	35200	9	1.00%	1768	1877	50%	97	172	1973	2049
	W. of E Site Access	46	32400	35200	9	1.00%	1768	1877	See Note	113	281	1990	2158
	W. of W Site Access	46	32400	35200	9	1.00%	1768	1877	45%	87	155	1964	2032

Note: Project traffic distribution for Gladiolus Drive between the two site access drives (W. of E. Site Access) was deteremined from the site traffic assignment illustrated on Figure 3

	2013 BCKGRND TRAFFIC LOS	2013 BCKGRND + AM PROJ LOS	2013 BCKGRND + PM PROJ LOS
Gladiolus Drive W. of US 41	D	D	D
W. of E Site Access	D	D	D
W. of W Site Access	D	D	D

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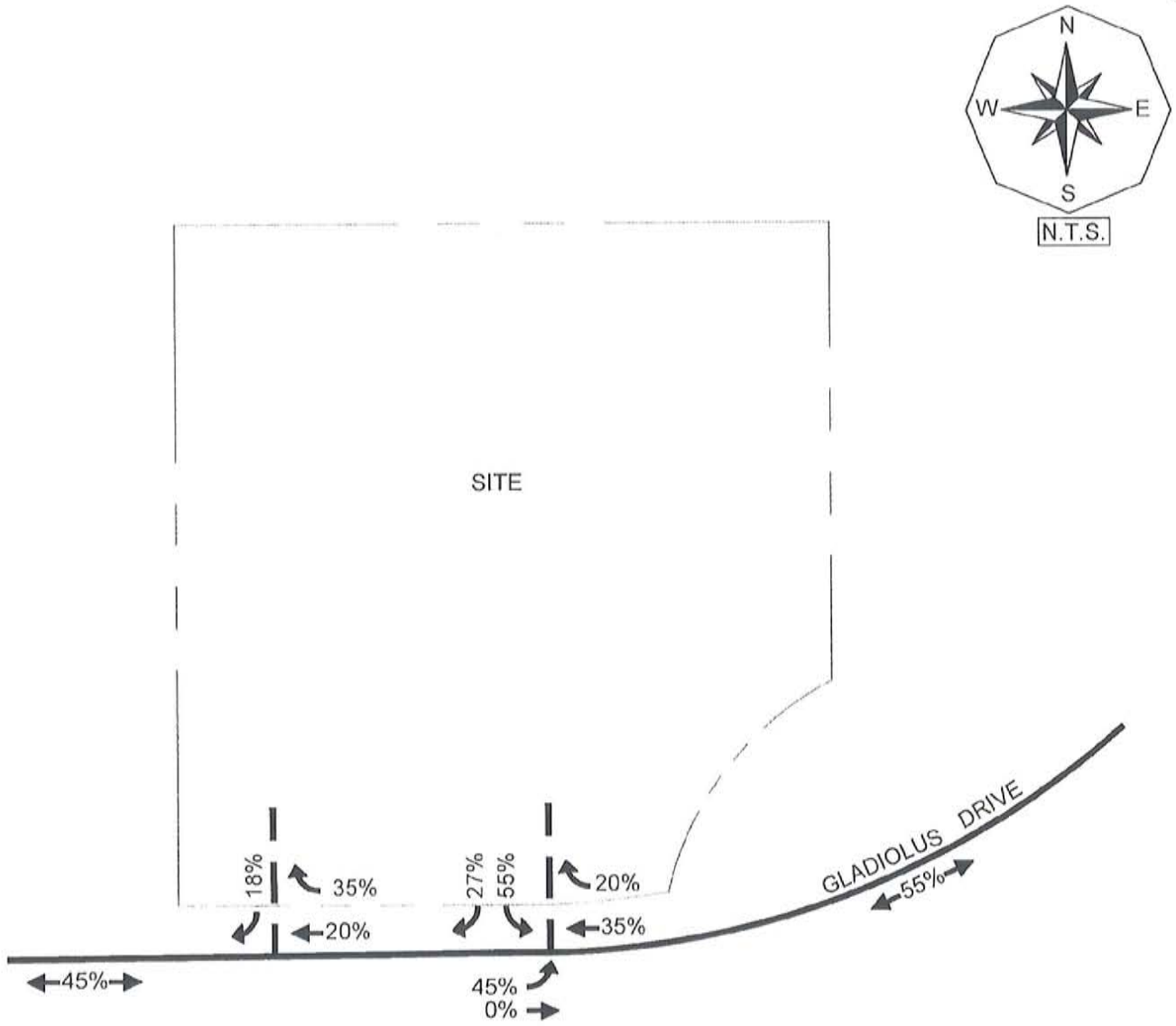

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←20%→ PERCENT DISTRIBUTION

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PROJECT TRAFFIC DISTRIBUTION
OASIS COVE

Figure 2
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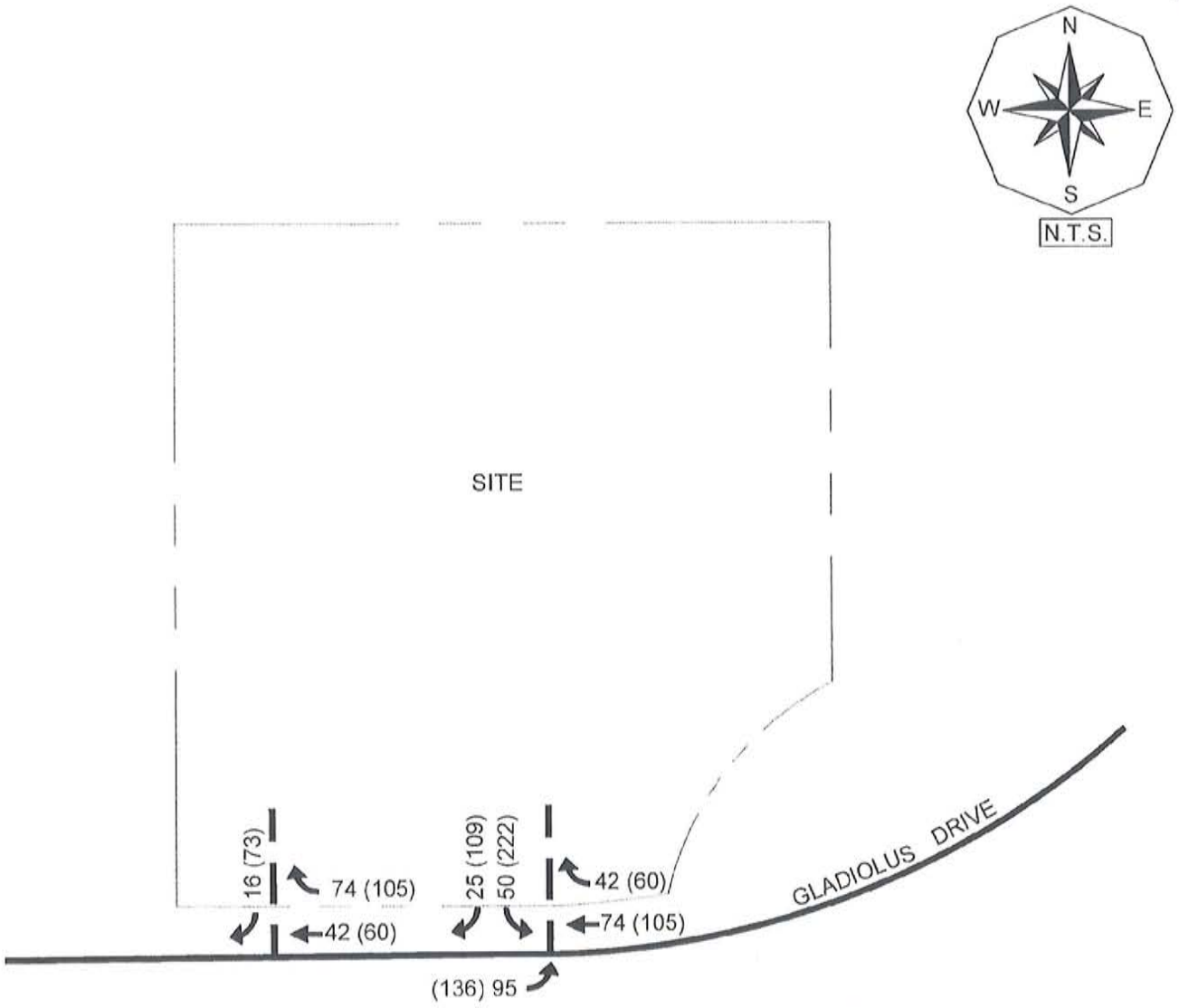

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← 000 WEEKDAY AM PEAK HOUR TRAFFIC
← (000) WEEKDAY PM PEAK HOUR TRAFFIC
\- INDICATES LESS THAN 5 TRIPS

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PROJECT TRAFFIC ASSIGNMENT
OASIS COVE

Figure 3
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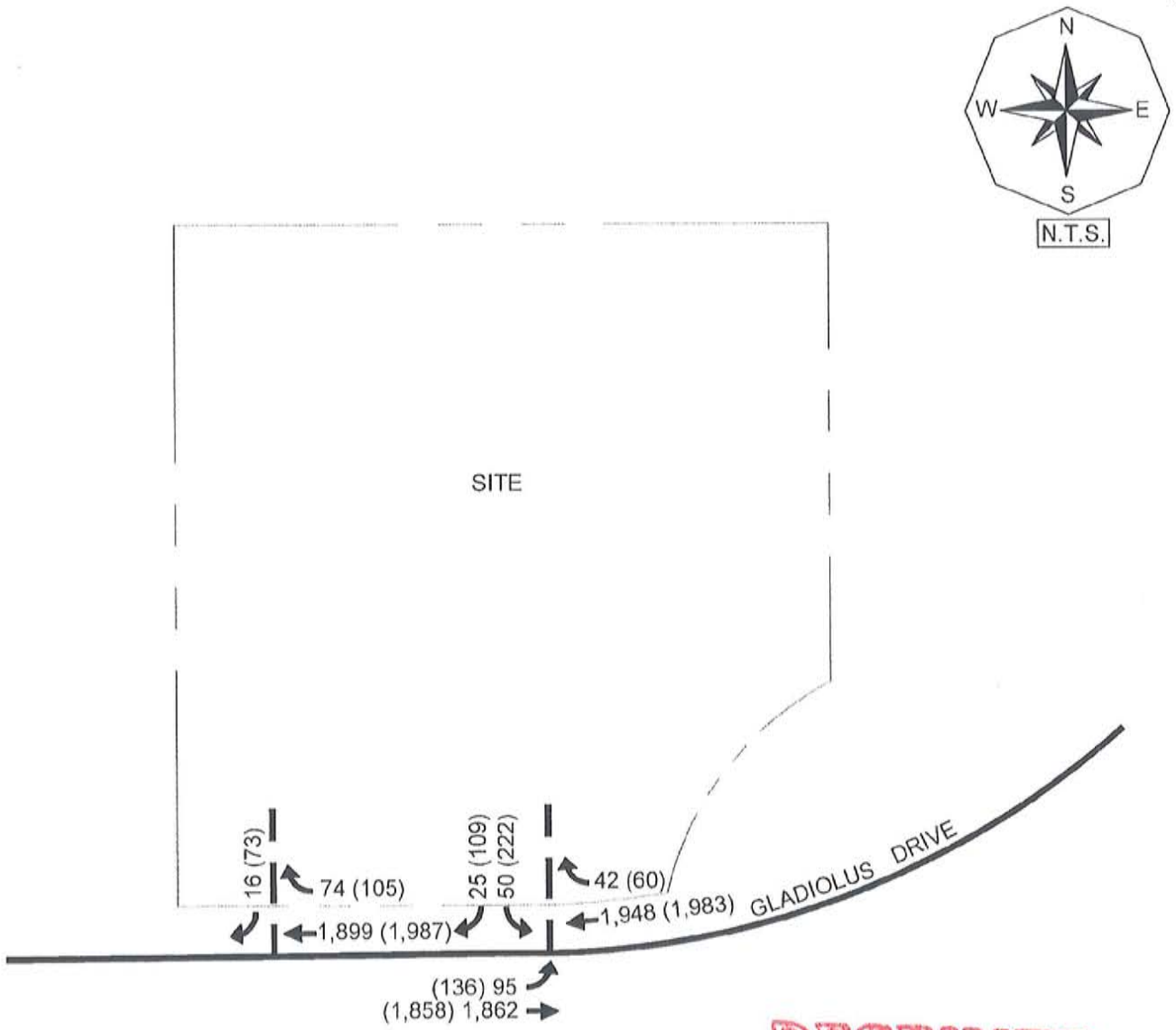

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← 000 WEEKDAY AM PEAK HOUR TRAFFIC
← (000) WEEKDAY PM PEAK HOUR TRAFFIC
\- INDICATES LESS THAN 5 TRIPS

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PROJECTED 2013 BACKGROUND & PROJECT TRAFFIC
PROJECT NAME

Figure 4
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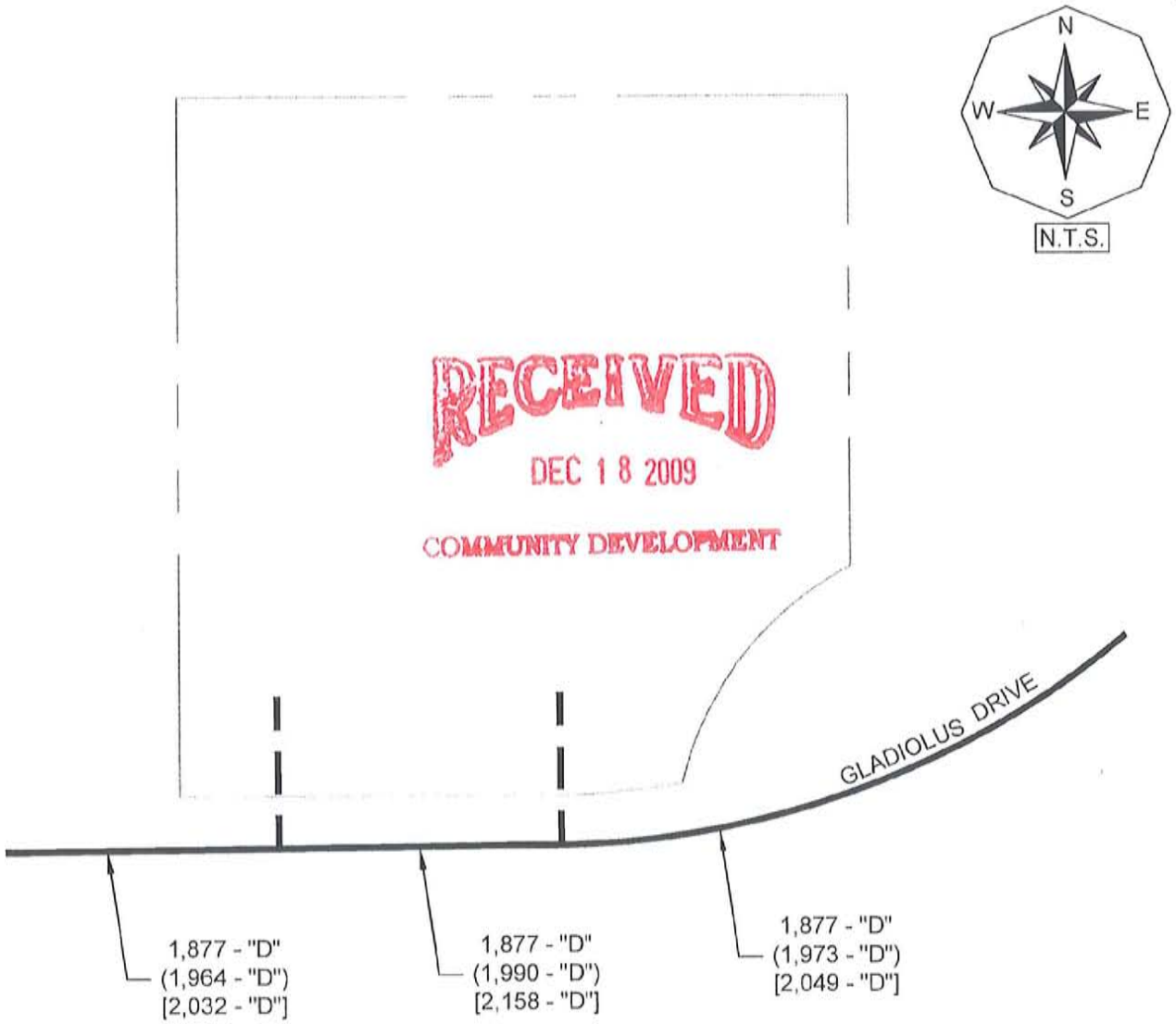

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F0901.01

LEGEND

XXX - "C" 2013 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

(XXX -"C") 2013 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND
TRAFFIC PLUS AM PROJECT TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

[XXX -"C"] 2013 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND
TRAFFIC PLUS PM PROJECT TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

TR TRANSPORTATION CONSULTANTS, INC.

2013 BUILDOUT TRAFFIC CONDITIONS
OASIS COVE

Figure 5
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TR TRANSPORTATION CONSULTANTS, INC.

TRAFFIC IMPACT STATEMENT

FOR

OASIS COVE

(PROJECT NO. 0901.01)

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PREPARED BY:
TR Transportation Consultants, Inc.
13881 Plantation Road, Suite 11
Fort Myers, Florida 33912
239-278-3090

January 28, 2009

TRANSPORTATION CONSULTANTS, INC.

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I. INTRODUCTION

II. EXISTING CONDITIONS

III. PROPOSED DEVELOPMENT

IV. TRIP GENERATION

V. TRIP DISTRIBUTION

VI. FUTURE TRAFFIC CONDITIONS

VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

VIII. CONCLUSION

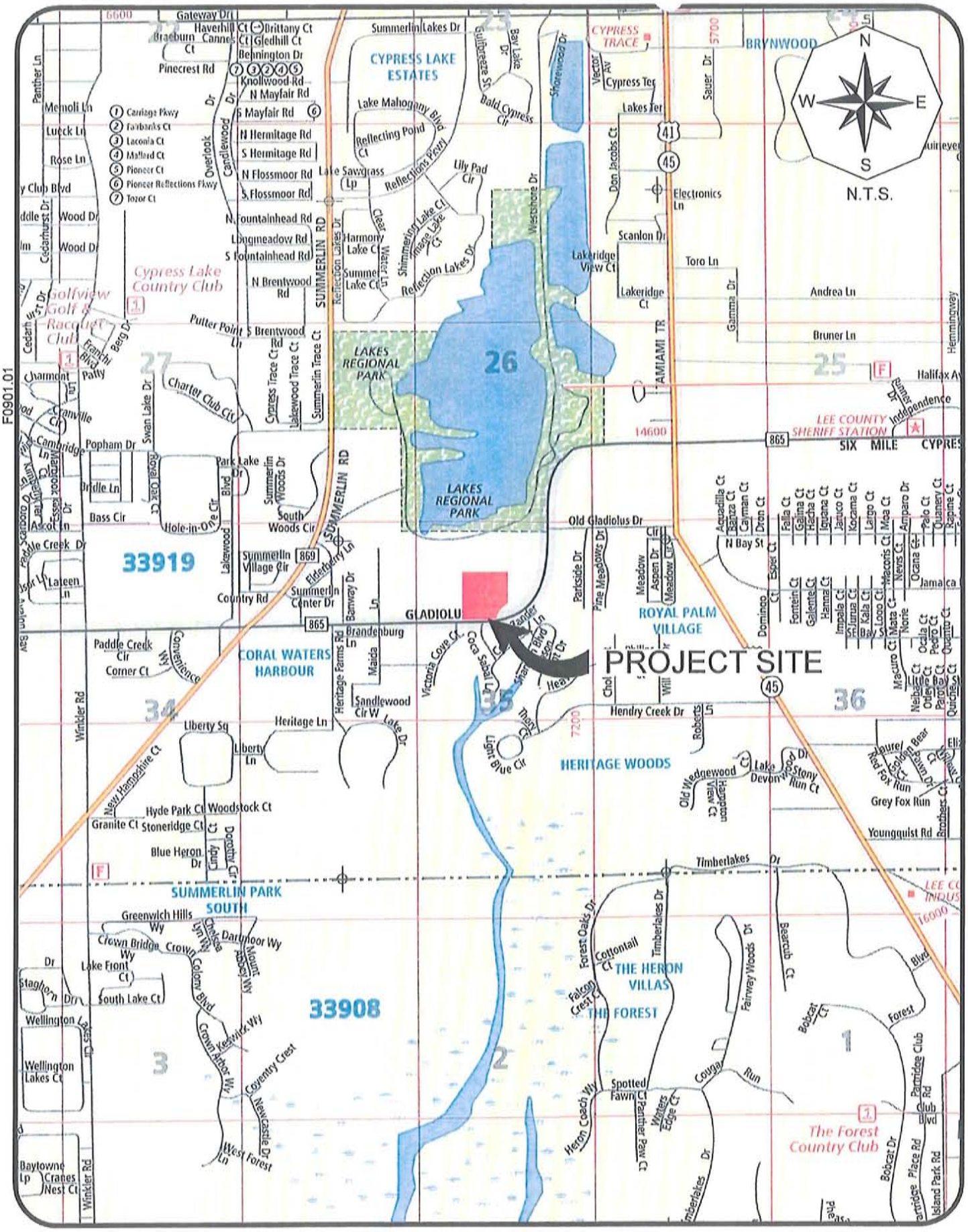
I. INTRODUCTION

TR Transportation Consultants, Inc. has conducted a traffic impact statement to fulfill requirements set forth by the Lee County Department of Community Development for projects seeking zoning approval. The site is located on the north side of Gladiolus Drive approximately one half of a mile east of its intersection with Summerlin Road in Lee County, Florida. The site location is illustrated on **Figure 1**.

Upon approval, Oasis Cove will be developed with approximately 125,000 square feet of commercial uses (a maximum of 60,000 square feet of retail space and 65,000 square feet of general office space), 300 Independent Care Units, and a 160 bed Assisted Living Facility. The Developer would like the option to include traditional multi-family residential units in exchange for the Independent Care and Assisted Living Units. Based on the size of the project, if all of the Independent Care Units and Assisted Living Units were converted to traditional multi-family residential units, a total of 190 multi-family units could be provided. Therefore, the traffic analysis examined the impact of both of these development scenarios and utilized the "worst case" in terms of peak hour trip generation to complete the analysis.

The proposed development will have an eastern entrance, Oasis Cove Boulevard, which will have full access to Gladiolus Drive. Sandy Beach Drive, which is west of Oasis Cove Boulevard, will have partial access to Gladiolus Drive. Based on the site plans, it is anticipated that the majority of residential and commercial traffic will utilize Oasis Cove Boulevard.

This report examines the impact of the development on the surrounding roadways and intersections. Trip generation and assignments to the various site access drives will be completed and analysis conducted to determine the impacts of the development on the surrounding streets and intersections.



TRANSPORTATION CONSULTANTS, INC.

PROJECT LOCATION MAP
OASIS COVE

Figure 1

II. EXISTING CONDITIONS

The subject site is currently vacant. Gladiolus Drive borders the site to the south. To the west of the site are existing residential developments as well as vacant land zoned for residential uses. To the north of the site is Lakes Regional Park, owned by Lee County, and to the east of the site is vacant land owned by Lee County.

Gladiolus Drive is a six-lane arterial roadway that borders the subject site to the south. Access to the subject site was constructed as part of the widening of Gladiolus Drive. An existing right-in/right-out access drive is located near the west end of the site and a full access is located to the east, opposite Coco Sabal Lane. Gladiolus Drive has a posted speed limit of 45 mph and is under the jurisdiction of the Lee County Department of Transportation.

III. PROPOSED DEVELOPMENT

Upon approval, the Master Concept Plan (MCP) for the development of Oasis Cove will include a maximum of 125,000 square feet of commercial floor area. Up to 60,000 square feet of that commercial floor area could be retail uses with the balance being general office uses. In addition, the MCP indicates the development of up to 300 Independent Care Units and a 160 bed Assisted Living Facility. **Table 1** summarizes the land uses utilized for trip generation purposes for the subject development.

Table 1
Oasis Cove
Land Uses

Land Use	Size
General Office Space (LUC 710)	65,000 Square Feet
Shopping Center (LUC 820)	60,000 Square Feet
Congregate Care Facility (LUC 253)	300 units
Assisted Living Facility (LUC 254)	160 beds

As previously indicated, the Developer would like the option to exchange the Congregate Care units and Assisted Living Units with traditional multi-family residential units. Should multi-family residential units be developed entirely in place of the Congregate Care and Assisted Living Units, the site plan could accommodate a maximum of 190 multi-family residential units. Therefore, in order to ensure the "worst case" was analyzed in terms of traffic impacts, the trips were generated for the site based on 190 multi-family residential units in place of the 460 combined units of Congregate Care and Assisted Living Units.

The proposed development will have access to Gladiolus Drive via two connections, a right-in/right-out and a full access, both of which currently exist.

IV. TRIP GENERATION

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled ***Trip Generation***, 8th Edition. Land Use Code 710 (General Office), 820 (Shopping Center), 230 (Residential Condominium/Townhouse), 253 (Congregate Care Facility), and 254 (Assisted Living Facility) were utilized for the proposed development. For the Master Concept Plan option where multi-family residential units are included, Land Use Code 230 (Residential Condominium/Townhouse) was utilized.

The equations for these land uses are contained in the Appendix of this report for reference. **Table 2** outlines the anticipated weekday AM and PM peak hour trip generation for Oasis Cove as currently proposed for the Master Concept Plan. The daily trip generation is also indicated in this table. Table 3 identifies the trip generation should the residential component of the site be developed entirely with traditional multi-family units.

Table 2
Trip Generation for Scenario 1
Oasis Cove
Commercial/Congregate Care/Assisted Living

Land Use	A.M. Peak Hour			P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Office (65,000 s.f.)	117	16	133	26	126	152	957
Shopping Center (60,000 s.f.)	70	44	114	221	231	452	4866
Congregate Care Facility (300 units)	11	7	18	28	23	51	606
Assisted Living Facility (160 beds)	14	8	22	15	20	35	369
Total Trips	212	75	287	290	400	690	6,798

Table 3
Trip Generation for Scenario 2
Oasis Cove
Commercial/Traditional Multi-Family Units

Land Use	A.M. Peak Hour			P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Office (65,000 s.f.)	117	16	133	26	126	152	957
Shopping Center (60,000 s.f.)	70	44	114	221	231	452	4866
Multi-Family (190 dwelling units)	15	71	86	68	34	102	1124
Total Trips	202	131	333	315	391	706	6,947

Based on the anticipated trip generation shown in the above tables, the option where the traditional multi-family units are developed in place of the Congregate Care and Assisted Living Units generate a larger amount of total trips for both AM and PM peak hours. Thus, Table 3 outlines the "worst case" weekday AM and PM peak hour trip generation for Oasis Cove as currently proposed and will be the basis of the analysis for the remainder of this report.

The trips shown in Table 3 will not all be new trips to the adjacent roadway system. Vehicles already traveling the adjoining roadway system, called "pass-by" traffic, reduce the development's overall impact on the surrounding roadway system but does not

decrease the actual driveway volumes. Lee County permits a maximum reduction in trips due to "pass-by" traffic for retail uses of thirty percent (30%). Therefore, a thirty percent (30%) pass-by reduction was utilized for retail uses. For this analysis, the "pass-by" traffic was accounted for to determine the number of "new" trips the development would add to the adjacent roadway.

Also, some of the trips will travel to/from the land uses located within the proposed Oasis Cove development. Therefore, an internal capture rate of fifteen percent (15%) was calculated between the various proposed land uses within the Oasis Cove site by utilizing methodologies presented in the ITE Trip Generation Handbook June 2004, which calculates the internal capture rates of multi-use developments. The summary sheet utilized to calculate this internal capture rate is included in the Appendix of this report for reference. **Table 4** summarizes the internal capture and pass-by percentages utilized for trip generation purposes. **Table 5** summarizes the development traffic and the breakdown between the internal capture trips, the new trips the development is anticipated to generate, and the "pass-by" trips the development is anticipated to attract. It should be noted that the driveway volumes are not reduced as a result of the "pass-by" reduction, but they are reduced as a result of the internal capture reduction. As such, the internal capture reduction was applied first, then the pass-by reduction was applied to only the external retail traffic generated by the proposed development.

Table 4
Pass-by Trip Reduction Factors
Oasis Cove

Type of Reduction	Use	Percentage Trip Reduction
Internal Capture	Entire Development	15%
Pass-by	Shopping Center (after internal capture)	30%

Table 5
Trip Generation – New Trips
Oasis Cove

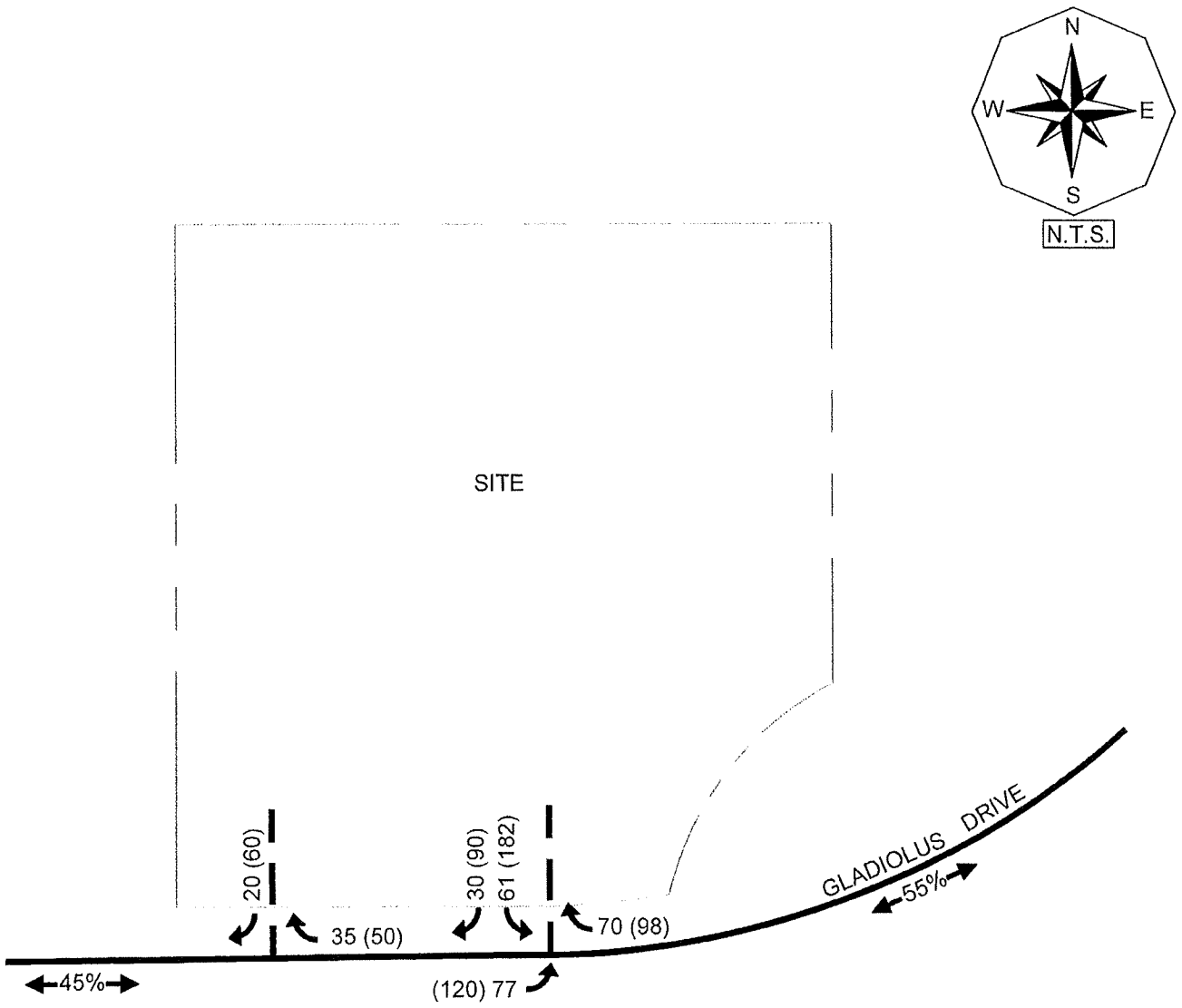
Land Use	Weekday AM Peak Hour			Weekday PM Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Total Trips	202	131	333	315	391	706	6947
Less Internal Capture	-30	-20	-50	-47	-59	-106	-1042
External Trips	172	111	283	268	332	600	5905
External Retail Trips (less 15% Internal Capture)	59	37	97	188	196	384	4136
Less 30% Pass-by	-18	-11	-29	-56	-59	-115	-1241
New, External Trips	154	100	254	212	273	485	4664

V. TRIP DISTRIBUTION

The trips shown in Table 5 were then assigned to the surrounding roadway system based on the anticipated routes the drivers will utilize to approach the site. Based on current and projected population in the area and other existing or planned competing/ complementary uses in the area, a distribution of the site traffic was formulated. **Figure 2** reflects the traffic distribution and site traffic assignment of the proposed Oasis Cove development. Based on the distributions indicated within Figure 2, the external project traffic was assigned to the site access driveways.

In order to determine which roadway segments surrounding the site will be significantly impacted as outlined in the Lee County Traffic Impact Statement Guidelines **Table 1A**, contained in the Appendix, was created. This table indicates which roadway links in the vicinity of the subject site will accommodate greater than 10% of the Peak Hour – Peak Direction Level of Service "C" volumes, as defined by the Lee County Link Specific Level of Service Tables provided by the Lee County Department of Transportation.

F0901.01



LEGEND

←20%→ PERCENT DISTRIBUTION
← 000 WEEKDAY AM PEAK HOUR TRAFFIC
← (000) WEEKDAY PM PEAK HOUR TRAFFIC
\- INDICATES LESS THAN 5 TRIPS

TR TRANSPORTATION CONSULTANTS, INC.

PROJECT TRAFFIC DISTRIBUTION & ASSIGNMENT
OASIS COVE

Figure 2

VI. FUTURE TRAFFIC CONDITIONS

It was assumed that the project would be completed by the year 2012. Based on this projected build-out, the surrounding roadway network was analyzed under 2013 traffic conditions. A growth rate was applied to the existing traffic conditions for all roadway links and intersections that could be significantly impacted by this development. The growth rates were obtained through comparisons of annual traffic data obtained from the 2007 Lee County Traffic Count Report.

Based on the project distribution illustrated on Figure 2, the link data was analyzed for the existing conditions, year 2013 without the development and year 2013 with the development. **Table 2A** in the Appendix of the report indicates the methodology utilized to obtain the year 2013 build-out traffic volumes as well as the growth rate utilized for each roadway segment. The base year traffic volumes were obtained from the 2007/2008-2008/2009 Lee County Concurrency Management Inventory and Projections Report, dated October 2008.

Figure 3 indicates the year 2013 peak hour – peak direction traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 3 is the peak hour – peak direction volume and Level of Service of each link should no development occur on the subject site and the peak hour – peak direction volume and Level of Service for the weekday AM and PM peak hours with the development traffic added to the roadways. These figures are derived from Table 2A contained in the Appendix.

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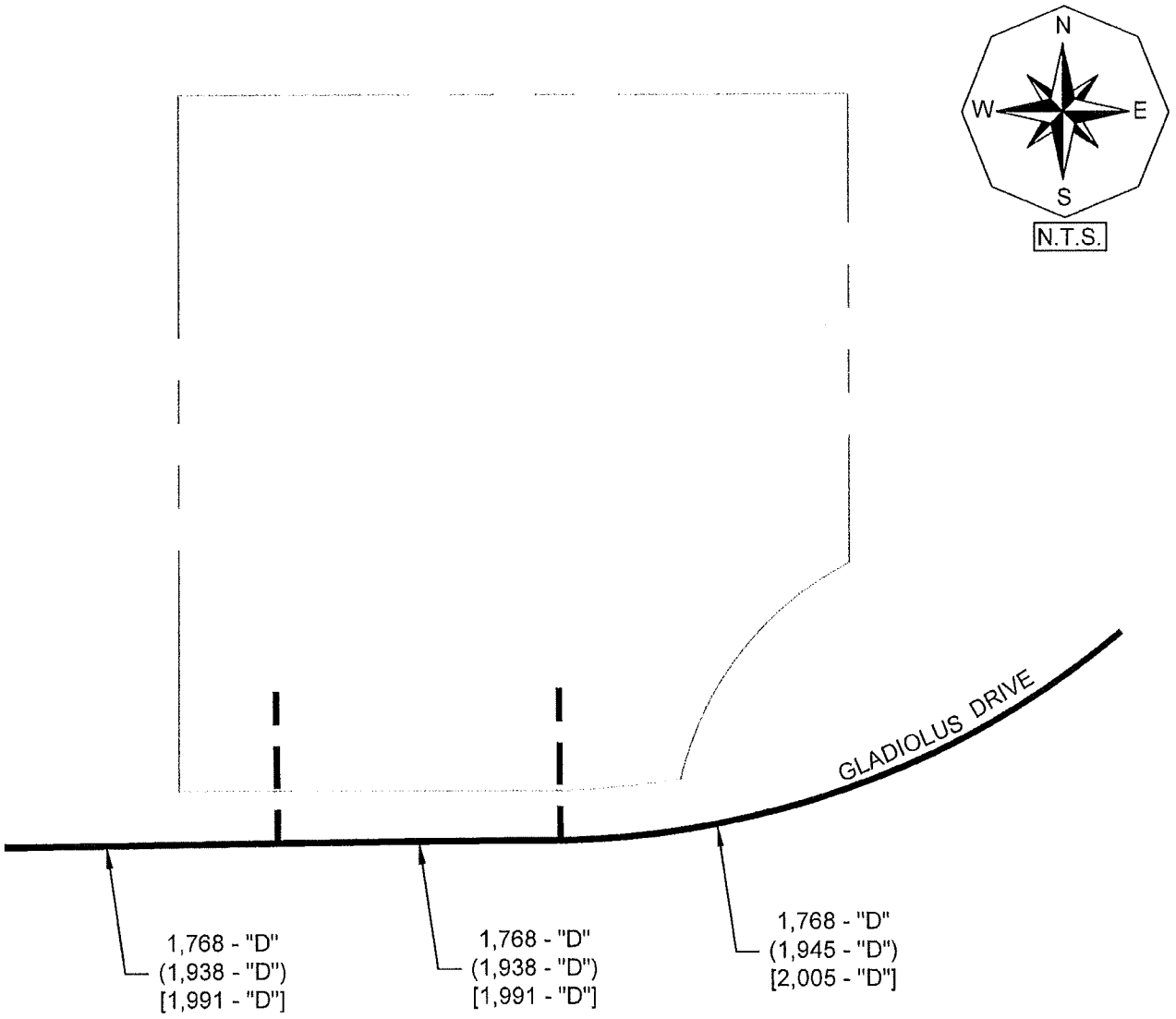


LEGEND

XXX - "C" 2013 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

(XXX -"C") 2013 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND
TRAFFIC PLUS AM PROJECT TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

[XXX -"C"] 2013 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND
TRAFFIC PLUS PM PROJECT TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

TR TRANSPORTATION CONSULTANTS, INC.

2013 BUILDOUT TRAFFIC CONDITIONS
OASIS COVE

Figure 3

VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

Figure 3 details the Levels of Service for all links inside the project's area of influence based on this analysis. The Lee County Link Specific Level of Service Volumes were utilized to determine the Level of Service Thresholds for all roadway links analyzed. Table 2A in the Appendix details the calculated volumes used to determine the Level of Service on the analyzed links. The 2013 background traffic volumes utilized for the link Level of Service analysis are illustrated on Figure 3.

In comparing the links' functional classification and calculated 2013 traffic volumes to the Service Volume Tables, it was determined that none of the roadways inside the project's area of influence would be adversely impacted by the proposed development. Adverse impacts are defined as a degradation of the Level of Service beyond the adopted Level of Service Thresholds for those links as indicated in Table 1A. In other words, all roadways analyzed as a result of the proposed development will maintain an acceptable Level of Service when the development traffic is added to the surrounding roadway network. Thus, the existing roadway network can accommodate the additional new vehicle trips the development of Oasis Cove is anticipated to generate.

Turn lane analysis was performed at both site access locations on Gladiolus Drive based on the requirements in the Lee County Turn Lane Policy, AC 11-4. Based on the results of the analysis, at the eastern site access intersection on Gladiolus Drive, an eastbound left turn lane 275 feet in overall length and a westbound right turn lane 240 feet in overall length are warranted. However, an eastbound left turn lane approximately 285 feet in overall length and a westbound right turn lane approximately 260 feet in overall length currently exist. In addition, a westbound right turn lane approximately 215 feet in overall length currently exists at the western site access intersection. Therefore, no additional turn lane improvements beyond those that already exist are warranted as a result of this analysis. A further analysis of the turn lanes will be conducted at the time of Local Development Order application.

VIII. CONCLUSION

The proposed Oasis Cove development located on the north side of Gladiolus Drive approximately one half of a mile east of its intersection with Summerlin Road in Lee County, Florida will not have a detrimental impact on the surrounding roadway system. The existing roadway network can accommodate the additional new vehicle trips the development is anticipated to generate.

Turn lane analysis was performed at both site access locations on Gladiolus Drive based on the requirements in the Lee County Turn Lane Policy, AC 11-4. Based on the results of the analysis, at the eastern site access intersection on Gladiolus Drive an eastbound left turn lane 275 feet in overall length and a westbound right turn lane 240 feet in overall length are warranted. However, an eastbound left turn lane approximately 285 feet in overall length and a westbound right turn lane approximately 260 feet in overall length currently exist. In addition, a westbound right turn lane approximately 215 feet in overall length currently exists at the western site access intersection. Therefore, no turn lane improvements are warranted as a result of this analysis.

Intersection analysis was performed at both of the site access intersections on Gladiolus Drive. Based on the results of the intersection analysis, the only approach shown to operate below acceptable Level of Service conditions is the southbound approach to the eastern site access intersection. However, this failing Level of Service condition will only affect the site traffic. Therefore, no roadway improvements are warranted as a result of the traffic added by the Oasis Cove residential development.

APPENDIX

TABLES 1A & 2A

TABLE 1A
OASIS COVE
PEAK DIRECTION PROJECT TRAFFIC VS. LOS C LINK VOLUMES

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 254 VPH IN= 154 OUT= 100

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 485 VPH IN= 212 OUT= 273

ROADWAY	SEGMENT	ROADWAY CLASS	LOS A VOLUME	LOS B VOLUME	LOS C VOLUME	LOS D VOLUME	LOS E VOLUME	PROJECT TRAFFIC DISTRIBUTION	NEW PROJ TRAFFIC AM PEAK	NEW PROJ TRAFFIC PM PEAK	PROJ/ LOS C
Gladiolus Drive	W. of US 41	6LD	0	0	1170	2760	3020	55%	85	150	12.83%
	W. of W Site Access	6LD	0	0	1170	2760	3020	45%	69	123	10.50%
	W. of E Site Access	6LD	0	0	1170	2760	3020	45%	69	123	10.50%

* Lee County Link Specific Level of Service Thresholds utilized

[1] Project traffic distribution for Gladiolus Drive west of the eastern site access drive was calculated from the site traffic assignment illustrated on Figure 2

TABLE 2A
OASIS COVE
BUILD-OUT TRAFFIC VOLUMES AND 100TH HIGHEST HOUR LEVEL OF SERVICE ANALYSIS

TOTAL AM PEAK HOUR PROJECT TRAFFIC: 254 VPH IN= 154 OUT= 100

TOTAL PM PEAK HOUR PROJECT TRAFFIC: 485 VPH IN= 212 OUT= 273

ROADWAY	SEGMENT	SITE/PCS	BASE YR ADT	2007 ADT[2]	YRS OF GROWTH	ANNUAL RATE[2]	2007 PK HR PK SEASON PEAK DIR.[1]	2013 PK HR PK SEASON PEAK DIR.	PROJECT TRAFFIC DISTRIBUTION	AM PROJ TRAFFIC	PM PROJ TRAFFIC	2013 BCKGRND + AM PROJ TRAFFIC	2013 BCKGRND + PM PROJ TRAFFIC
Gladiolus Drive	W. of US 41	46	32400	35200	9	0.93%	1768	1868	50%	77	137	1945	2005
	W. of W Site Access	46	32400	35200	9	0.93%	1768	1868	45%	69	123	1938	1991
	W. of E Site Access	46	32400	35200	9	0.93%	1768	1868	45%	69	123	1938	1991

[1] Project traffic distribution for Gladiolus Drive west of the eastern site access drive was calculated from the site traffic assignment illustrated on Figure 2

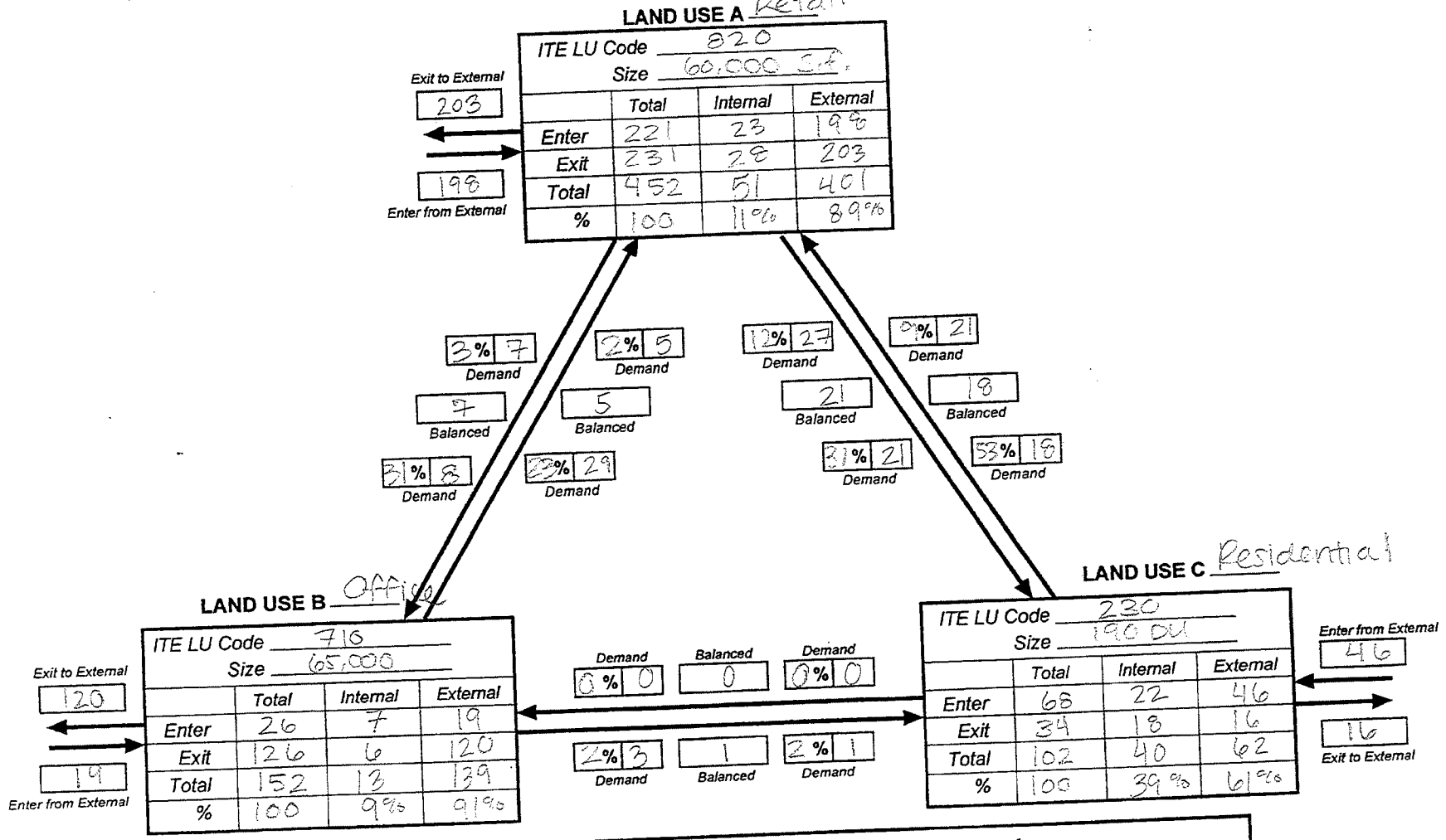
	2013 BCKGRND TRAFFIC LOS	2013 BCKGRND + AM PROJ LOS	2013 BCKGRND + PM PROJ LOS
Gladiolus Drive W. of US 41	D	D	D
W. of W Site Access	D	D	D
W. of E Site Access	D	D	D

ITE INTERNAL CAPTURE
CALCULATION SUMMARY SHEET

Analyst Adrienne Argento
Date 1/27/09

MULTI-USE DEVELOPMENT TRIP GENERATION AND INTERNAL CAPTURE SUMMARY

Name of Dvlpt Oasis Cove
Time Period PM Peak



	Total	Internal	External
Enter	221	23	198
Exit	231	28	203
Total	452	51	401
%	100	11%	89%

	Total	Internal	External
Enter	26	7	19
Exit	126	6	120
Total	152	13	139
%	100	9%	91%

	Total	Internal	External
Enter	68	22	46
Exit	34	18	16
Total	102	40	62
%	100	39%	61%

Net External Trips for Multi-Use Development

	LAND USE A	LAND USE B	LAND USE C	TOTAL
Enter	198	19	46	263
Exit	203	120	16	339
Total	401	139	62	602
Single-Use Trip Gen. Est.	452	152	102	706

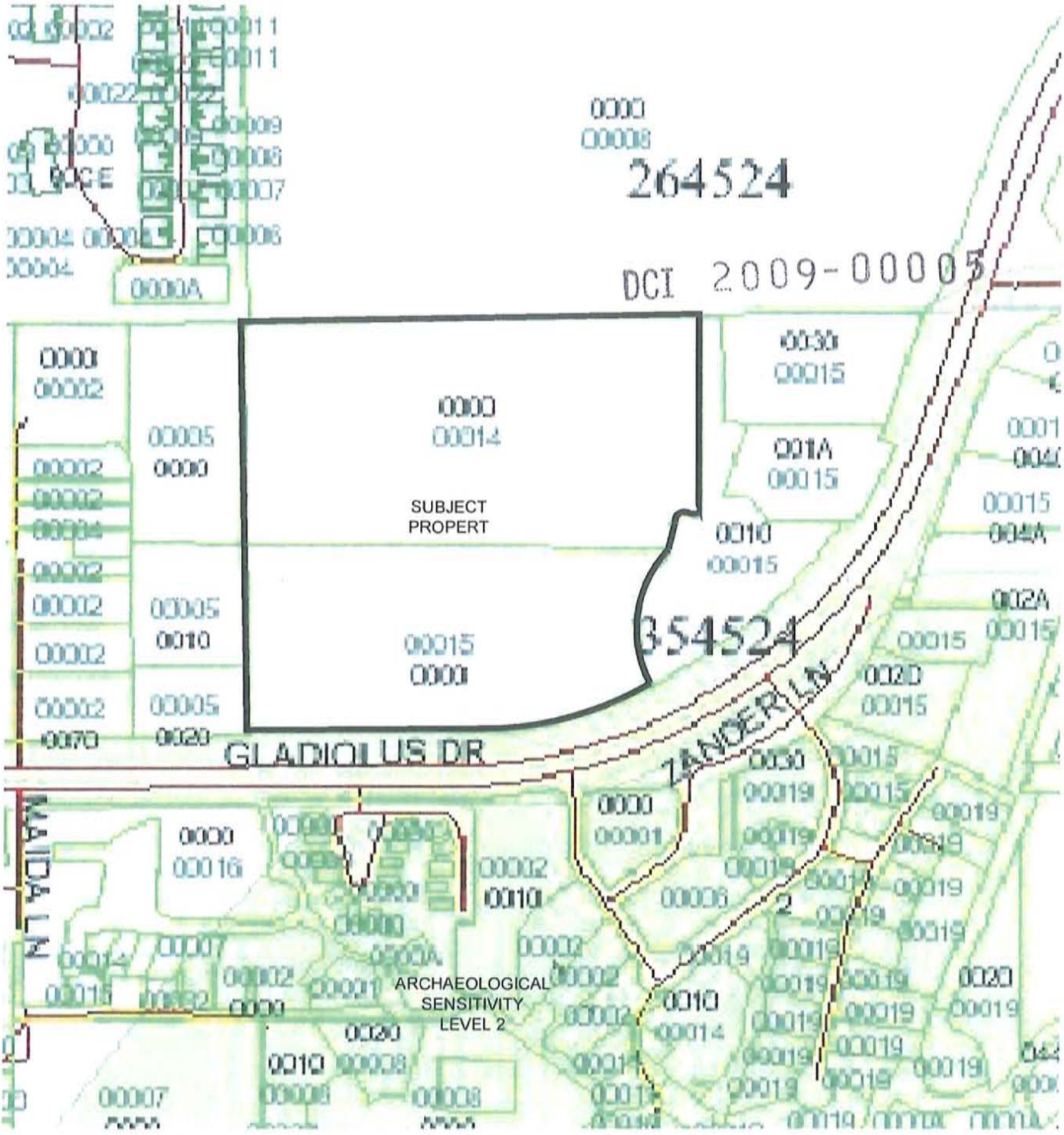
Source: Kaku Associates, Inc.

INTERNAL CAPTURE 15%

TRIP GENERATION EQUATIONS

TRIP GENERATION EQUATIONS
OASIS COVE
ITE TRIP GENERATION REPORT, 8th EDITION

Land Use	Weekday AM Peak Hour	Weekday PM Peak Hour	Daily (2-way)
General Office Building (LUC 710)	Ln (T)= 0.80 Ln (X) + 1.55 (88% In/12% Out)	T = 1.12 (X) +78.81 (17% In/83% Out)	Ln (T)=0.77 Ln (X) + 3.65
T = Number of Trips, X = 1,000's of square feet of Gross Floor Area (GFA)			
Shopping Center (LUC 820)	Ln (T)=0.59 Ln (X) + 2.32 (61% In/39% Out)	Ln (T)=0.67 Ln (X) +3.37 (49% In/51% Out)	Ln (T)=0.65 Ln (X) +5.83
T = Number of Trips, X = 1,000's of square feet of Gross Floor Area (GFA)			
Residential Condominium/ Town Homes (LUC 230)	Ln (T)=0.80 (X) + 0.26 (17% In/83% Out)	Ln (T)=0.82 Ln (X) + 0.32 (67% In/33% Out)	Ln (T)=0.87 Ln (X) + 2.46
T = Number of Trips, X = 1,000's of square feet of Gross Floor Area (GFA)			
Congregate Care Facility (LUC 253)	T=0.06 (X) (59% In/41% Out)	T=0.17 (X) (55% In/45% Out)	T=2.02 (X)
T = Number of Trips, X = 1,000's of square feet of Gross Floor Area (GFA)			
Assisted Living Facility (LUC 254)	T= 0.14 (X) (65% In/35% Out)	T= 0.22 (X) (44% In/56% Out)	Ln (T)=0.56 Ln (X) +3.07
T = Number of Trips, X = 1,000's of square feet of Gross Floor Area (GFA)			



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Banks Engineering

Professional Engineers, Planners & Land Surveyors

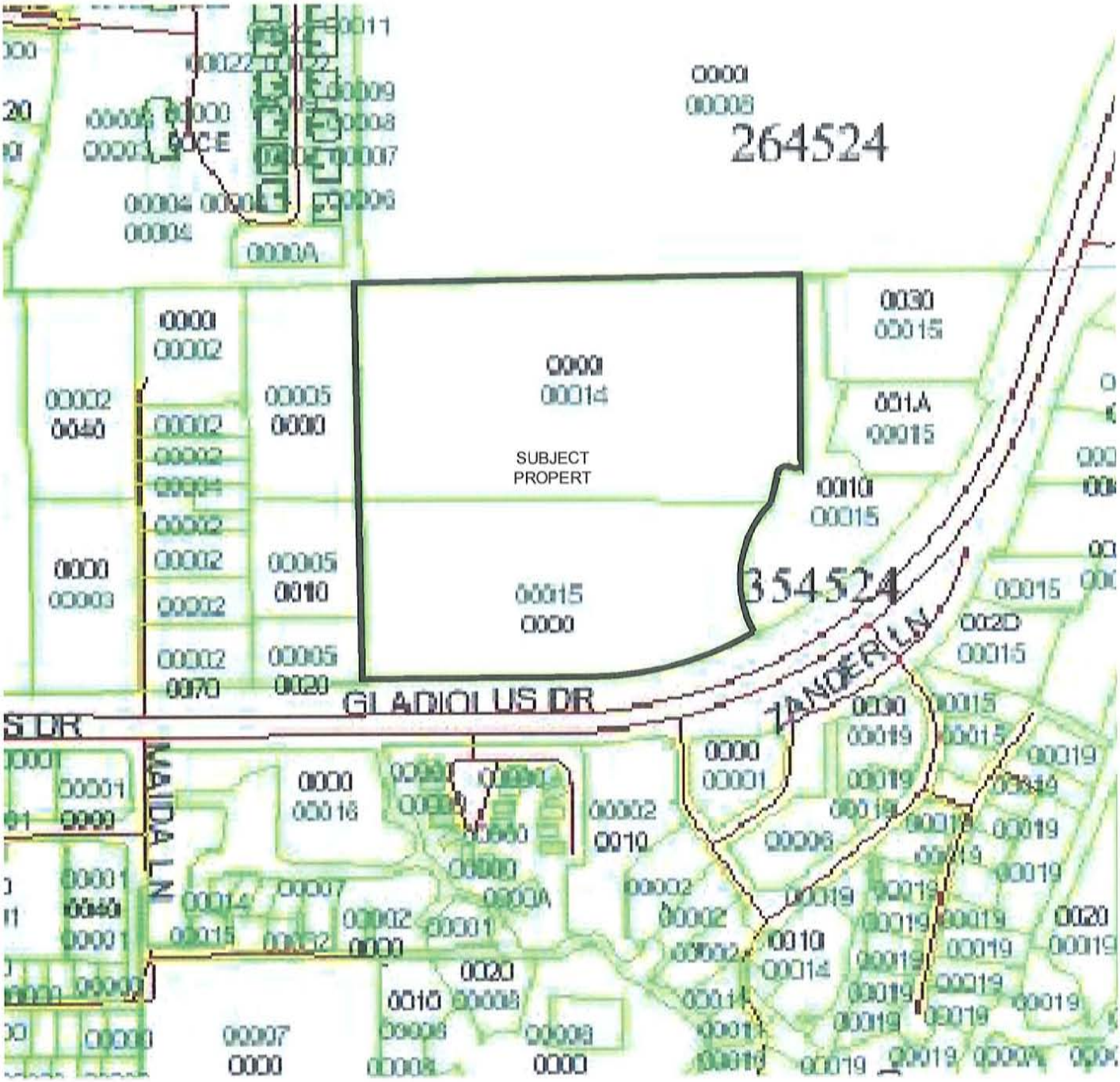
10511 SIX MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33966
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690

EXHIBIT D-1-B ARCHAEOLOGICAL SITES

OASIS COVE

LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
07/25/2008	1620	_ARCH	SDJ	SDJ	SEH	NTS	1	1	(30-45-24)



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ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690

EXHIBIT D-7-B AREA LOCATION MAP

OASIS COVE

LEE COUNTY, FLORIDA

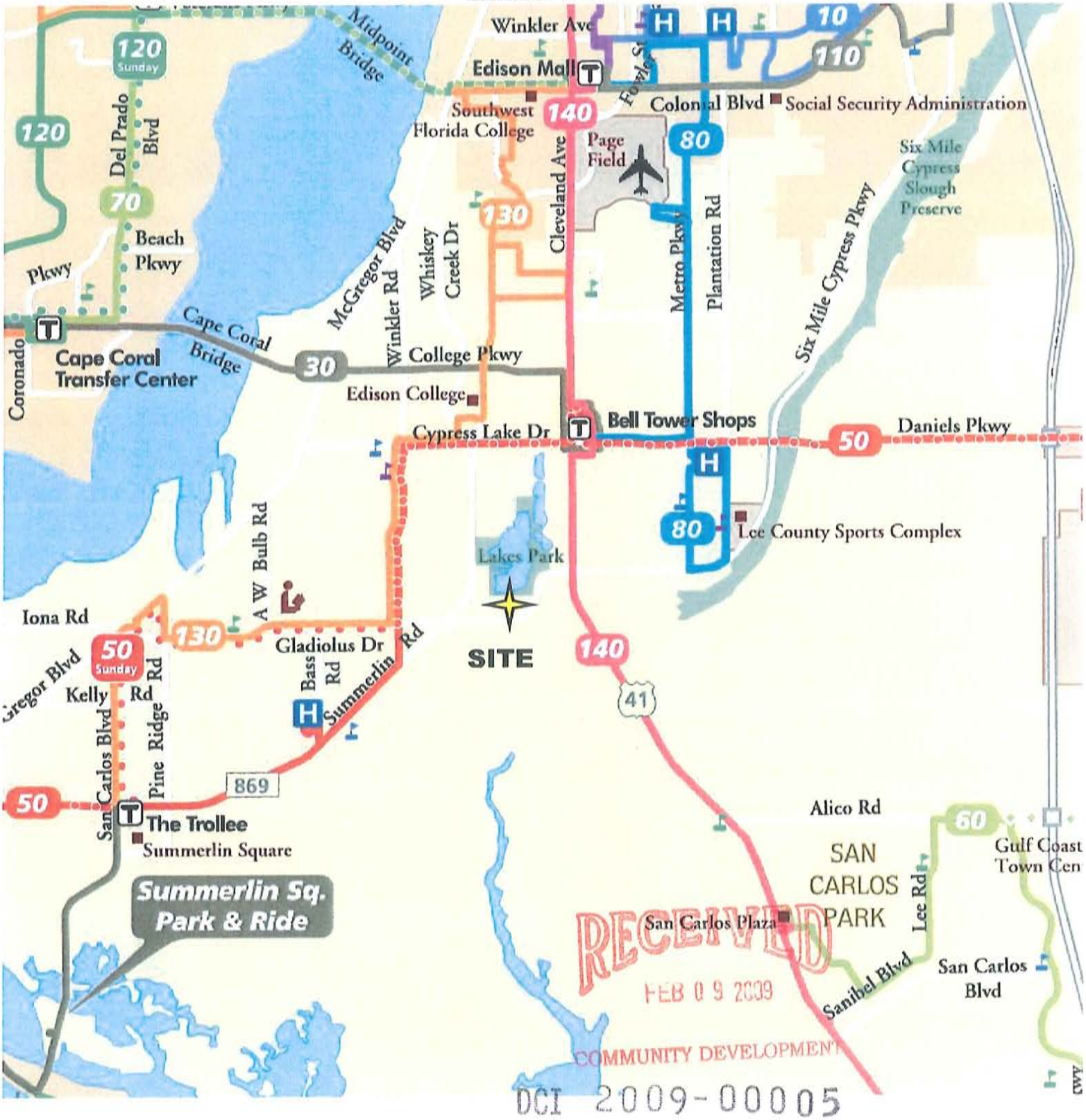
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
07/25/2008	1620	_LOC	SDJ	SDJ	SEH	NTS	1	1	(30-45-24)

Banks Engineering

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA ♦ PORT CHARLOTTE

SITE IN RELATION TO PUBLIC TRANSIT ROUTES

EXHIBIT D-1-C



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FORT MYERS, FLORIDA 33966
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690

COMMUNITY DEVELOPMENT
DCI 2009-00001

EXHIBIT D-7-D AERIAL PHOTOGRAPH

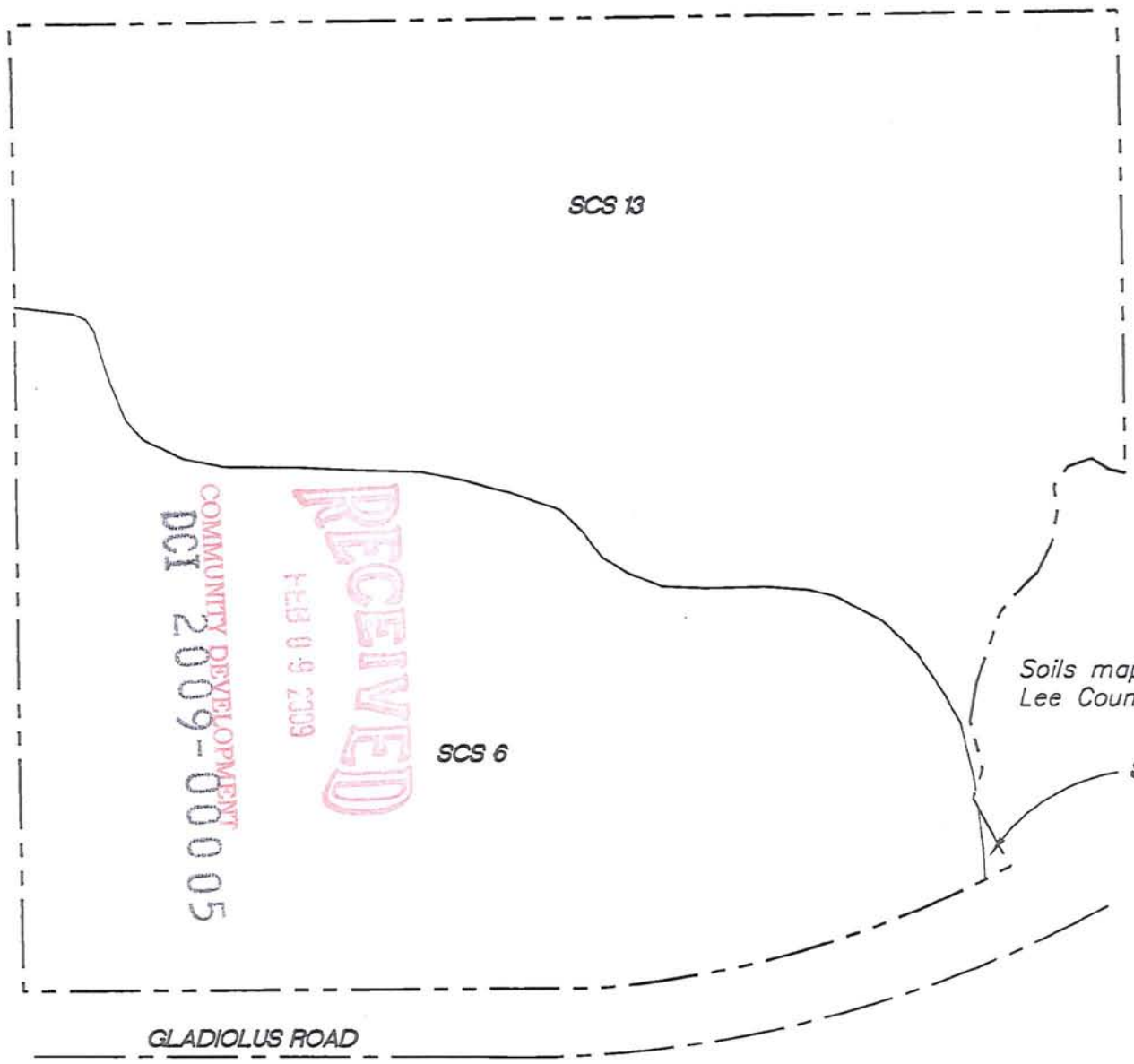
OASIS COVE

LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
07/25/08	1620	_AER	SDJ	SDJ	SEH	1"=250'	1	1	(30-45-24)

EXHIBIT I.A

SOIL MAP



0 100 200
SCALE FEET

Soil Legend
SCS 06 – Hallandale fine sand
SCS 13 – Boca fine sand

Soils mapping reproduced form Soil Survey of Lee County, Florida.

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DCI 2009-00005

PERMIT USE ONLY,
NOT FOR CONSTRUCTION

July 08, 2005 10:52:42 a.m.
Drawing: EHSF7SOIL.8.5X11.DWG (SAJ)

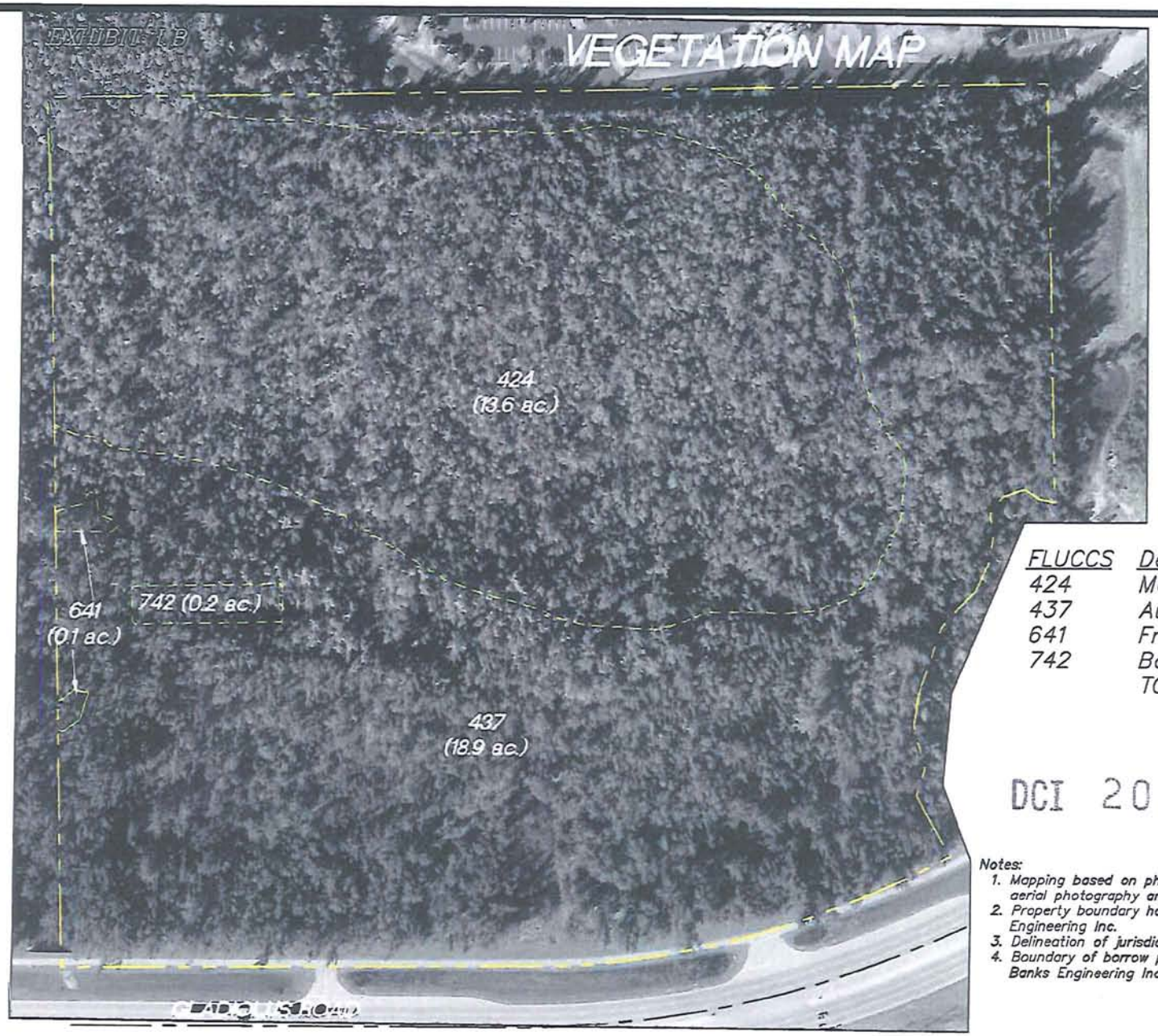
W. DEXTER BENDER
AND ASSOCIATES
ENVIRONMENTAL & MARINE CONSULTING
FORT MYERS 239/334-3680
PORT CHARLOTTE 941/255-1462

OASIS
COVE

SHEET

EXHIBIT 1B

VEGETATION MAP



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COMMUNITY DEVELOPMENT

FLUCCS	Description	Acreage
424	Melaleuca	13.6 ac.
437	Australian Pines	18.9 ac.
641	Freshwater Marshes	0.1 ac.
742	Borrow Areas	0.2 ac.
	TOTAL	32.8 ac.

DCI 2009-00005

Notes:
1. Mapping based on photointerpretation of 1" = 200' scale 1998 aerial photography and ground truthing in August 2003.
2. Property boundary has been obtained from Banks Engineering Inc.
3. Delineation of jurisdictional wetlands approved by SFWMD.
4. Boundary of borrow pit and surveyed wetland location provided by Banks Engineering Inc.

PERMIT USE ONLY, NOT FOR CONSTRUCTION

July 08, 2005 11:06:27 a.m.
Drawing: EHSF7VEGA.8.5X11.DWG (SAJ)

W. DEXTER BENDER AND ASSOCIATES
ENVIRONMENTAL & MARINE CONSULTING
FORT MYERS 239/334-3680
PORT CHARLOTTE 941/255-1462

OASIS COVE

SHEET

Exhibit II.A

OASIS COVE

Section 35, Township 45 South, Range 24 East
Lee County, Florida

Protected Species Assessment

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FEB 0 9 2009
DCI 2009-00005
COMMUNITY DEVELOPMENT

July 2005

Prepared for:

Engle Homes of SW Florida
12550 New Brittany Boulevard
Fort Myers, FL 33907

Prepared by:

W. Dexter Bender and Associates, Inc.
2052 Virginia Avenue
Fort Myers, FL 33901
(239) 334-3680

Introduction

The 32.8± acre parcel is located north of Gladiolus Drive and south of Lakes Park within a portion of Section 35, Township 45 South, Range 24 East, Lee County, Florida. The property is bordered to the north by Lakes Park, to the east by a miniature golf course, to the south by Gladiolus Drive, and to the west by undeveloped lands.

Site Conditions

The entire this site has been significantly disturbed. Invasive exotic plant species dominate the site. In many areas the ground is uneven, apparently due to previous clearing activities.

Vegetative Classifications

The predominant upland and wetland vegetation associations were mapped in the field on 1998 digital 1" = 200' scale aerial photography. Four vegetation associations were identified using the Florida Land Use, Cover and Forms Classification System (FLUCCS). The attached map depicts the approximate location and configuration of these vegetation associations and the acreages are summarized by FLUCCS code on the Table 1. A brief description of each FLUCCS association is also provided below.

Table 1. FLUCCS Acreage Summary

FLUCCS CODE	DESCRIPTION	ACREAGE
424	Melaleuca	13.6
437	Australian Pines	18.9
641	Freshwater Marshes	0.1
742	Borrow Areas	0.2
Total		32.8

FLUCCS 424, Melaleuca

This disturbed upland habitat is dominated by the invasive exotic melaleuca (*Melaleuca quinquenervia*). Scattered slash pine (*Pinus elliottii)*, Australian pine (*Casuarina* sp.), Brazilian pepper (*Schinus terebinthifolius*), wax myrtle (*Myrica cerifera*), and cabbage palm (*Sabal palmetto*) are also present. Ground cover consists primarily of bare ground / leaf litter. Scattered clumps of saw palmetto (*Serenoa repens*) are also present.

FLUCCS 422, Australian Pines

The invasive exotic Australian pine dominates the southern and northern portions of the property. Widely scattered Melaleuca, earleaf acacia (*Acacia auriculiformis*), slash pine, myrsine (*Myrsine guianensis*), and white indigo berry (*Randia aculeata*) are also present. Ground cover consists primarily of a thick matt of Australian pine needle duff and scattered clumps of saw palmetto.

FLUCCS 641, Freshwater Marshes

Two very small freshwater marshes are present along the western edge of the site. Both of these wetlands are dominated by leather fern (*Acrostichum* sp.) with scattered

white mangrove (*Laguncularia racemosa*) and appear to connect to Hendry Creek off-site to the west.

FLUCCS 742, Borrow Areas

A small borrow area was excavated in the western portion of the site at some time prior to 1966. The area consists of open water with very steep banks. There is no vegetated littoral fringe surrounding the borrow area.

Survey Method

Lee County Protected Species Ordinance No. 89-34 lists several protected species of plants and animals that could potentially occur on-site based on the general vegetative associations found on the subject parcel. There is also a limited possibility for protected wading birds or American alligators to utilize the borrow area and for Big Cypress fox squirrels to utilize the melaleuca. Each habitat type was surveyed for the occurrence of these and any other listed species likely to occur in the specific habitat types occurring on-site using meandering belt pedestrian transects. This survey methodology is based on the Lee County Listed Species Survey Method found in Lee County Protected Species Ordinance No. 89-34. In order to provide at least 80% visual coverage of habitat types listed in Ordinance No. 89-34, the transects were spaced approximately 100 feet apart across the site. Observations were made at several points along the edge of the borrow area. The approximate location of direct sighting or sign (such as tracks, nests, and droppings) of a listed species, when observed, was denoted on the aerial photography. The attached 1" = 200' scale aerial Protected Species Assessment map depicts the approximate location of the survey transects and the results of the survey. The listed species survey was conducted during the mid-day hours of August 19, 2003.

Species listed as endangered, threatened, or species of special concern by the Florida Fish and Wildlife Conservation Commission (FWC) or the United States Fish and Wildlife Service (FWS) that could potentially occur on the subject parcel according to the Lee County Protected Species Ordinance are shown on Table 2. This list from the Lee County Protected Species Ordinance is general in nature, does not necessarily reflect existing conditions within or adjacent to the 32.8± acre property, and is provided for general informational purposes only.

Prior to conducting the protected species survey, a search of the FWC species database (updated in September 2002) was conducted to determine the known occurrence of listed species in the project area. This search revealed no known protected species occurring on or immediately adjacent to the site.

Table 2. Listed Species That Could Potentially Occur On-site

FLUCCS CODE	Percent Survey Coverage	Species Name	Present	Absent
424	80	None		
437	80	None		
641	80	American Alligator (*Alligator mississippiensis*)		√
		Florida Sandhill Crane (*Grus canadensis pratensis*)		√
		Limpkin (*Aramus guarauna*)		√
		Little Blue Heron (*Egretta caerulea*)		√
		Reddish Egret (*Egretta rufescens*)		√
		Snail Kite (*Rostrhamus sociabilis*)		√
		Snowy Egret (*Egretta thula*)		√
		Tricolored Heron (*Egretta tricolor*)		√
		Wood Stork (*Mycteria americana*)		√
		Everglades Mink (*Mustela vison evergladensis*)		√
742	80	None		

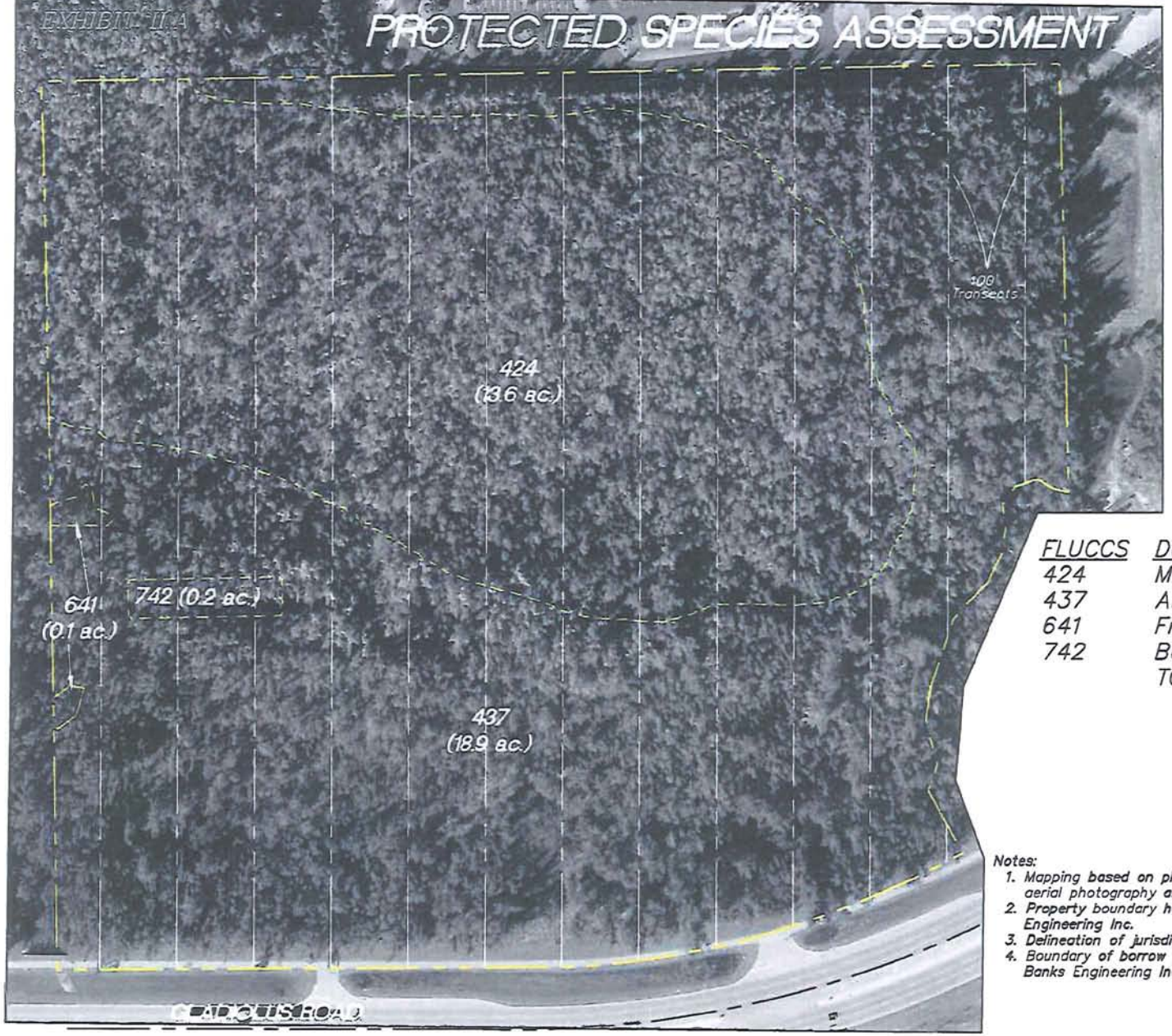
Survey Results

No species listed by either the FWC or the FWS was observed on the site during the protected species survey or during other site visits. In addition to the site inspections, a search of the FWC species database (updated in September 2002) revealed no known protected species within or immediately adjacent to the project limits. Bald eagle nest LE-044, which was active in the 2002 nesting season, is located approximately one mile to the southeast of the property. This nest should not have any effect on the future development of this site.

Given the predominance of invasive exotic species throughout the entire site, the potential habitat value to listed species is minimal.

EXHIBIT II.A

PROTECTED SPECIES ASSESSMENT



0 100 200
SCALE FEET

FLUCCS	Description	Acreage
424	Melaleuca	13.6 ac.
437	Australian Pines	18.9 ac.
641	Freshwater Marshes	0.1 ac.
742	Borrow Areas	0.2 ac.
	TOTAL	32.8 ac.

Notes:
1. Mapping based on photointerpretation of 1" = 200' scale 1998 aerial photography and ground truthing in August 2003.
2. Property boundary has been obtained from Banks Engineering Inc.
3. Delineation of jurisdictional wetlands approved by SFWMD.
4. Boundary of borrow pit and surveyed wetland location provided by Banks Engineering Inc.

PERMIT USE ONLY,
NOT FOR CONSTRUCTION

July 11, 2005 3:57:36 p.m.
Drawing: EHSF7PSA.8.5X11.DWG (SAJ)

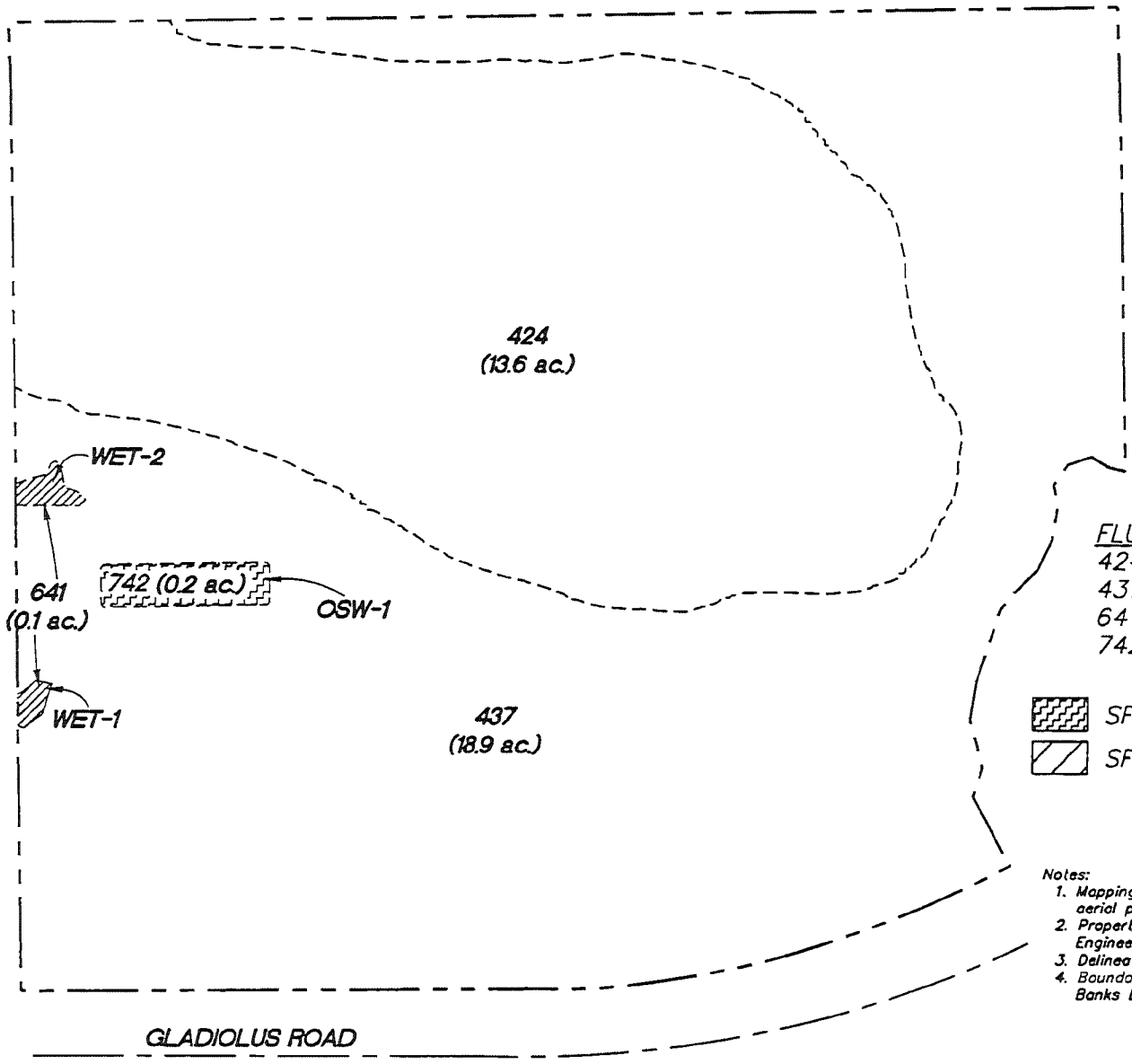
W. DEXTER BENDER AND ASSOCIATES
ENVIRONMENTAL & MARINE CONSULTING
FORT MYERS 239/334-3680
PORT CHARLOTTE 941/255-1462

OASIS COVE

SHEET

EXHIBIT III.B

VEGETATION MAP



0 100 200
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742	Borrow Areas	0.2 ac.
	TOTAL	32.8 ac.

SFWMD Jurisdictional OSW (0.1 ac.)

SFWMD Jurisdictional Wetland (0.1 ac.)

Notes:
1. Mapping based on photointerpretation of 1" = 200' scale 1998 aerial photography and ground truthing in August 2003.
2. Property boundary has been obtained from Banks Engineering Inc.
3. Delineation of jurisdictional wetlands approved by SFWMD.
4. Boundary of borrow pit and surveyed wetland location provided by Banks Engineering Inc.

PERMIT USE ONLY,
NOT FOR CONSTRUCTION

July 08, 2005 1:06:27 p.m.
Drawing: EHSF7VEG.8.5X11.DWG (SAJ)

W. DEXTER BENDER
AND ASSOCIATES
ENVIRONMENTAL & MARINE CONSULTING
FORT MYERS 239/334-3680
PORT CHARLOTTE 941/255-1462

OASIS
COVE

SHEET

Banks Engineering
Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA ♦ PORT CHARLOTTE

EXHIBIT D-7-G
RARE AND UNIQUE UPLAND HABITAT MAP

The property does not contain any rare or unique upland habitat.

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Banks Engineering

Professional Engineers, Planners & Land Surveyors
10511 Six Mile Cypress Parkway
Fort Myers, Florida 33966
Phone: (239) 939-5490
Fax: (239) 939-2523

Please Reply To:
FORT MYERS OFFICE

December 16, 2009

Mr. Tony Palermo, AICP
Lee County Development Services
1500 Monroe Street
Fort Myers, Florida 33901

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Reference: **OASIS COVE RPD/CPD**
DCI2009-00005

Dear Mr. Palermo:

This letter is written in response to your review comments dated November 6, 2009. With this letter we are submitting the additional information you requested along with revised exhibits for your review. Presented below are responses to each review comment. Additionally, please note that the last submittal package revised the RPD and CPD areas due to the new existing indigenous area. Attached please find the revised legal descriptions and sketches for the two districts which correspond to these revisions to update the file.

LC DEVELOPMENT REVIEW PD

Comment 4: A subdivision plat meeting the requirements of the Florida Status Chapter 177 will be required for the commercial subdivision.

All commercial components of the CPD must meet the LDC, Section 10-600 at time of local development order.

A backbone water management system must encompass the entire planned development.

Response: ***We acknowledge that a subdivision plat will be required for the project, that the backbone water management system must encompass the entire project, and that the commercial components of the project must meet LDC criteria, including Section 10-600.***

Naples Office	Sarasota Office	Port Charlotte Office
2515 Northbrooke Plaza Drive	1144 Tallevast Road	12653 SW CR 769
Suite 200	Suite 105	Suite B
Naples, Florida	Sarasota, Florida	Lake Suzy, Florida
34119	34243	34269
(239) 597-2061	(941) 360-1618	(941) 625-1165
Fax (239) 597-3082	Fax (941) 360-6918	Fax (941) 625-1149

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LC ZTIS APPLICATION SUFFICIENCY

Comment 2a: There is an error in the trip generation for the Medical Office use and the CCRC use in the PM peak hour. Please revise.

Response: ***Please see attached response from TR Transportation Consultants, Inc., dated December 10, 2009.***

Comment 3: MCP should be updated to list the distance between the project entrances and all driveways within 660 feet of the project entrances.

Response: ***The separation distances between the project driveways and to the nearest offsite driveways are shown on the MCP. Please see attached response from TR Transportation Consultants, Inc., dated December 10, 2009.***

Comment 4: Lee County recognizes a minimum annual growth rate of 1.0%. Please revise the analysis to reflect a minimum 1.0% growth rate. Additionally, please review the footnotes in Table 2A as they are confusing.

Response: ***Please see attached response from TR Transportation Consultants, Inc., dated December 10, 2009.***

Comment 5: The entering distribution in the TIS does not add up to 100%. As a result, the subsequent graphics are all incorrect. Please revise.

Response: ***Please see attached response from TR Transportation Consultants, Inc., dated December 10, 2009.***

Comment 7A: There is a southern leg at the intersection of the eastern site access, but this leg of the intersection has not been addressed. Please address.

Response: ***Please see attached response from TR Transportation Consultants, Inc., dated December 10, 2009.***

ZONING ACTION LEGAL

Comment 10a: The title certificate received does not meet the requirements of LDC Section 34-202(a)(3) as stated below:

Title Certificate/Opinion, no greater than 90 days old at the time of initial zoning application be submittal, to establish the following information concerning title to the subject property: (a) the owner of owners of the fee title: (b) all easements encumbering the property; (c) the legal description of the property. The title certification submittal must be either an opinion of title meeting the Florida Bar

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Standards prepared by a licensed Florida attorney or a certification of title/title certification prepared by a title abstractor or company. The certification must be unequivocal. A title binder/commitment or title insurance policy is not acceptable to meet this requirement. Per LDC Section 34-202(a)(2).

Please obtain a title certificate/opinion meeting the above criteria, submit to surveyor to correct the survey and submit a copy of both the survey and new title opinion/certificate to this office.

Please submit a copy to the surveyor as the survey must be tied to it and a copy of the title opinion/title certificate to this office as required by LDC Section 34-202(a)(3).

Response: ***A revised title opinion is enclosed. This document was submitted to Michael Jacob for a courtesy review and deemed sufficient. A revised boundary survey is also enclosed.***

ENVIRONMENTAL SCIENCES

Comment 12h: ES staff recommends the applicant take advantage of the credits offered by LDC Section 10-415(b)(3) for the existing preserved large tract indigenous rare and unique upland habitat adjacent to offsite public preserve areas. If the applicant can exceed the 1.55 acre existing indigenous vegetation preservation requirement than a deviation will not be necessary. ES staff recommends that even if a deviation is not required the applicant continue to provide restoration as proposed to enhance upland buffers to the onsite and offsite wetlands and meet Type F buffer requirements.

The legend on the indigenous restoration plans provided depicts 1.19 acre indigenous vegetation preserve. The applicant response to ES staff comment 12h proposes 1.26 acre of indigenous vegetation preserved (0.07 acres freshwater marsh + 1.19 acres pine-mesic oak). Please revise for clarification.

Please provide survey documents as mentioned in applicant's response to verify existing indigenous acreages. Please revise the indigenous restoration plan to label the proposed acreage of each area preserve and restoration to support acreages in the legend. And please revise Indigenous Restoration Plan to illustrate how the indigenous requirement is being met show credit calculations and/or 2:1 mitigation if necessary.

LDC Section 10-415(c)(3) requires projects over 10 acres to provide indigenous areas to have a minimum average width of 40 feet. Please revise the minimum 15-30 foot wide area adjacent to the offsite preserve for compliance with the LDC. OR if this area is not needed to meet indigenous acreage requirements as discussed above. ES staff recommend that vegetation proposed within this 15-30 foot wide planted area proposed at heights and sizes to meet Type F buffer visual screening requirements for compliance with LDC Section 10-416(d)(4).

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The building in the southwest corner is within 10 feet of the proposed wetland upland buffer. LDC Section 10-415(1)(c) requires a minimum 20 foot structure setback to preserve for fire safety. Please be aware development order final site design will require the setback be met.

Response: ***A total of 1.57 acres of indigenous vegetation is present on the site (1.47 acres of uplands and 0.10 acre of wetlands). A total of 1.69 acres of indigenous preservation is provided (with the applicable credits). Therefore, we agree with your determination that a deviation for the indigenous vegetation is not necessary. Attached please find the revised Schedule of Deviations and Justifications. We have maintained the commitment to provide the restored vegetation areas as previously planned, but have not included these areas as part of the indigenous open space area.***

The open space calculations have been revised and clarified as requested on both the MCP and the Indigenous Restoration Plan. The areas of each preserve have been shown on the Indigenous Restoration Plan. Attached please find a point map for your file.

Since the restoration areas are not considered "indigenous open space", these areas are not subject to the width requirements for indigenous. The MCP has been revised to reflect a Type "F" buffer along the offsite preserve. Groundcover will be also provided in the restoration areas in accordance with the SFWMD approval..

We acknowledge that the 20' structure setback to preserves will be required at the time of DO for the project.

Comment 12i: Please revise MCP Open Space table to illustrate compliance with LDC Section 10-415(b) as discussed in Comment 12h.

Response: ***Revised open space calculations are provided on the MCP as requested.***

Comment 12i1: The request for a minimum 20% open space within each lot/tract - is this for commercial lots only or both the commercial and residential? Does this minimum 20% include the buffers, LME, FEMA floodway and preserve areas?

Response: ***The open space calculations have been revised to clarify that the 20% request in applicable only to the commercial tracts and does not include the buffer/lake/indigenous areas. Most of the large open spaces are provided on the residential area, and work toward meeting the common open space requirement for the residential area.***

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COUNTY ATTORNEY

Comment 1: The Title Certification provided by Kevin Denti does not identify whether any easements exist on the property. The Title Certification needs to indicate whether easements exist on the property.

Response: ***A revised title opinion is enclosed which addressed the easement question. This document was submitted to Michael Jacob for a courtesy review and deemed sufficient.***

PUBLIC WORKS

Comment 1: Please provide some clarification regarding the service area detail referenced on the Master Concept Plan. Will the double dumpster facility be within a 30' x 50' wall/enclosure? Will each opening/gate for the double dumpster facility be provided with an unobstructed 12 foot wide opening for access by the waste hauler? Please indicate the typical dimensions of the double dumpster facility.

Response: ***We have added notes to indicate that a minimum 12' clear opening will be provided at the dumpster enclosures.***

LEE COUNTY NATURAL RESOURCES

Comment 1: Application is deemed sufficient with the following note:

The applicant has responded to the two questions by revising the design that eliminates the fill within the FEMA floodway areas. That should include, but not limited to, raising vegetative buffering zones, water management 100-year perimeter berms and/or any fill that would hinder the flow within the FEMA floodway boundary. If this fill should occur then the applicant will be required either one of the previous mention measures (LOMR or No Rise Certification).

Response: ***We acknowledge that no fill can be placed in the flowway.***

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Should you have any questions or require further information, please do not hesitate to contact me at (239) 939-5490.

Sincerely,

BANKS ENGINEERING

Stacy Ellis Hewitt, AICP
Director of Planning

Attachments:

Revised Legal Descriptions & Sketches for RPD & CPD (5 copies)
TR Transportation Consultants, Inc. Response dated December 10, 2009 (5 copies)
Revised Title Certification (5 copies)
Revised Boundary Survey (5 copies)
Revised Schedule of Deviations and Justifications (15 copies)
Indigenous Point Map (5 copies)
Revised Master Concept Plan (2-24"x36" – 15-11"x17")
Revised Indigenous Restoration Plan (2-24"x36" – 15-11"x17")

cc: Charles J. Basinait, Esq.

SEH:jms

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Banks Engineering

Professional Engineers, Planners & Land Surveyors
10511 Six Mile Cypress Parkway
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523
Engineering License No. EB 6469
Surveying License No. LB 6690

October 16, 2009

Mr. Tony Palermo, AICP
Lee County Development Services
1500 Monroe Street
Fort Myers, Florida 33901

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Reference: **OASIS COVE RPD/CPD**
DCI2009-00005

Dear Mr. Palermo:

This letter is written in response to your review comments dated February 27, 2009. With this letter we are submitting the additional information you requested along with revised exhibits for your review. Presented below are responses to each review comment.

ZONING

Comment 1: Please confirm the request.

Rezone +/- 32.54 acres from Residential Planned Development (RPD) to Residential Planned Development/Commercial Planned Development (RPD/CPD) for assisted living facilities (maximum 160 ALF beds 300 independent living facility beds) and commercial office and retail development (maximum 125,000 s/f including a maximum 60,000 s/f retail). Maximum height 3 stories/45 feet (residential) and 3 stories/45 feet commercial. No development blasting is requested. The development will connect to public potable water and sanitary sewer service.

Response: ***This wording is correct.***

Comment 2: MCP - please include the residential development to the northwest (RPD) in your surrounding land uses, FLU and zoning.

Response: ***The RPD northwest of the project has been added to the MCP.***

Comment 3: MCP - the commercial parcels show none of the detail required by the LDC. Please provide detail.

Response: ***A typical commercial lot plan has been added that shows compliance with the general LDC requirements.***

Comment 4: SUBSTANTIVE ISSUE - The buffer on Gladiolus for the intensive commercial uses you are requesting is not adequate.

Response: ***We have researched recent approvals along Gladiolus and Summerlin, pursuant to your request during meetings and discussions since the issuance of the sufficiency comments,***

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and have not identified any enhanced buffering requirements along these road frontages. Since the only buffering requirements we have found are the standard Type "D" right-of-way buffer requirements, the MCP is still reflecting this buffer. Please note the schedule of uses has been revised to remove some of the uses previously requested. The applicant requests that if there are specific uses of concern remaining, that a separate condition for enhanced buffering to be tied to development of those more intense uses be included in place of requiring the enhanced buffer along Gladiolus.

Comment 5: SUBSTANTIVE ISSUE - the buffer adjacent to Lakes Park is not adequate. A greater setback is desirable.

Response: ***The applicant proposes an enhanced 30 foot buffer with dense plantings. In addition an increased building setback of 75' is proposed along the north property boundary. Line of sight exhibits are provided for reference. A comparison exhibit is also provided demonstrating what is approved for construction today vs. the subject request. The line of sight exhibits show that the proposed buildings, even with the height increased to 45' from 35', will be less noticeable than the current approved development.***

Comment 6: How does the pedestrian access point to the north work? There appears to be a fence blocking it off.

Response: ***The MCP has been revised to show a proposed relocation of the potential pedestrian access point. This is a potential pedestrian access point for future connection if desired by both parties.***

Comment 7: Please demonstrate, discuss, and show pedestrian access to the commercial parcels.

Response: ***The MCP now includes sidewalks on one side of the street in the commercial areas. The sidewalks have also been extended to the Continuing Care facilities to link these uses to the commercial areas.***

Comment 8: The ALF parking seems excessive, and seems to utilize some "back out spaces". Is a deviation needed?

Response: ***We have revised the MCP to eliminate and reconfigure some of the parking to provide better circulation within the parking areas. With these changes we don't believe a deviation for back out parking will be necessary.***

Comment 9: The MCP does not support some commercial uses including bar, car wash, convenience store, outdoor COP, package store, fast food, car dealers, etc. SUBSTANTIVE ISSUE.

Response: ***Please see attached revised Schedule of Uses.***

Comment 10: The Lee Plan narrative needs to demonstrate compliance with site location standards. Also, is there a need for heavy retail uses? Can this intersection support such uses? Are they compatible with Lakes Park?

Response: ***Please see attached revised Lee Plan narrative which addresses compliance with site location standards.***

Comment 11: Could some of this development be multi-family and some ALF? As long as the density does not exceed 190? Correct?

Response: ***Correct.***

Comment 12: Is Oasis Cove Blvd. going to be built to county standards for a local road?

Response: ***Yes.***

Comment 13: SUBSTANTIVE ISSUE The height of buildings may be an issue with Lakes Park.

Response: ***Please consider that much of the previous approval included 3 story buildings directly abutting the park boundary. Lake was provided in the old MCP adjacent to the western portion of the park boundary. Please consider that the County has constructed a vehicle maintenance area in the southwest corner of the park that includes a buffer wall, and the park includes a roadway and parking areas abutting the shared boundary with the Oasis Cove project.***

We have revised the previously approved 30' buffer to provide enhanced plantings to provide dense coverage as demonstrated in the attached landscape exhibits which include line of sight comparisons of the existing approval vs. the proposed request. In addition an increased building setback of 75' is proposed along the north property boundary. We believe the proposed plan is more compatible since it provides buffered vehicular areas adjacent to the park (vehicular area), and provides greater separation to the buildings. The proposed uses adjacent to the park are low intensity and have lower traffic.

Comment 14: It is understood the commercial uses in the RPD are to support the ALF uses and are not marketed to the traveling public. Is this correct?

Response: ***Correct.***

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Comment 15: How many model units?

Response: ***Eight.***

Comment 16: How is Hospice incorporated in the schedule of uses? Is a building or area identified?

Response: ***The Schedule of Uses has been modified to restrict this use to lots 5 and 6. This use could be an appropriate addition to the site.***

Comment 17: What are manufacturing uses doing in the CPD? Some of the commercial uses seem too intense and not supported by the MCP.

Response: ***The manufacturing uses have been removed from the schedule of uses.***

Comment 18: Please make sure the application is consistent for height and square footage. Some parts say 120,000 sf and some say 125,000 sf. And the height is shown as 2/35 and 3/45 in different parts of the application and MCP.

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Response: ***The application has been revised for consistency.***

Comment 19: Thank you for the Lee County Utilities letter.

Response: ***Acknowledged.***

DEVELOPMENT REVIEW

Comment 4a: A subdivision plat meeting the requirements of the Florida Status Chapter 177 will be required for the commercial subdivision.

Response: ***Acknowledged.***

Comment 4b: All commercial components of the CPD must meet the LDC, Section 10-600 at time of local development order.

Response: ***Acknowledged.***

Comment 4c: A backbone water management system must encompass the entire planned development.

Response: ***Acknowledged. There is an existing permit which will be modified to reflect the proposed development plans.***

Comment 1a: Based on the schedule of uses, it appears that the site would function more similarly to the Continuing Care Retirement Community (CCRC) land use in ITE (LUC 255).

The MCP indicates a maximum of 120,000 square feet of commercial uses within the CPD, but the TIS reflects a total of 125,000 square feet. As revision to the trip generation is required based on other comments (see below), please update the square footage of the commercial uses.

Response: ***There was a typographical error on the master concept plan that has been revised. The proposed intensities are 125,000 square feet of commercial uses including a maximum of 60,000 square feet of retail. Attached please find a response from TR Transportation Consultants, Inc. dated March 26, 2009.***

Comment 2a: Please revise the trip generation to compare the Assisted Living/Congregate Care Facility trip generation to that of a CCRC, and use whichever produces the highest trip generation. It appears that a 460-unit CCRC would generate more peak hour traffic than the 190-unit Townhouse scenario.

Also, the schedule of uses for the CPD portion of the site includes Medical Office uses. Please revise the trip generation of the office portion of the development to account for the possibility that it could develop as Medical Office as it typically generates more traffic than General Office uses.

Response: ***Attached please find a response from TR Transportation Consultants, Inc. dated March 26, 2009.***

Comment 3: MCP should be updated to list the distance between the project entrances and all driveways within 660 feet of the project entrances.

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Response: ***Please see attached revised MCP which now shows driveway spacing and all existing driveways within 660' of the projects' entrances.***

Comment 6a: Please indicate the Area of Influence within the TIS. See comment 7 below.

Response: ***Attached please find a response from TR Transportation Consultants, Inc. dated March 26, 2009.***

Comment 7: The Level of Service thresholds utilized in the TIS are not approved by the Board of County Commissioners at this time. Please use the Link Specific Table dated September 2005. As a result, it appears that Gladiolus Drive would not sustain a significant impact.

Response: ***Attached please find a response from TR Transportation Consultants, Inc. dated March 26, 2009.***

Comment 7a: No analysis of the site access intersections has been included. Please provide an analysis of these intersections.

Response: ***Attached please find a response from TR Transportation Consultants, Inc. dated March 26, 2009.***

ZONING ACTION LEGAL

Comment 10: Please replace the legal description on the boundary survey to match the overall metes and bounds provided for the CPD/RPD area. In addition, please remove the note under the legal description on the survey which states "Schedule A of Attorneys Title Insurance Fund in Commitment Number…".

Response: ***Please see attached revised boundary survey which includes the revised legal description. The note regarding title has been updated for the new title certification from Kevin A. Denti, P.A.***

Comment 10a: The boundary survey references it was based on a Title Commitment (in three places). Lee County does not accept Title Commitments, please obtain a Title Opinion or Title Certificate and submit to surveyor for corrections to survey and removal of these three notes.

Response: ***Please see attached revised boundary survey which has been updated based on the new title certification from Kevin A. Denti, P.A.***

LC DOT

Comment 1: The information of intersection LOS analysis for the project's entrances shall be provided for review.

Response: ***Attached please find a response from TR Transportation Consultants, Inc. dated March 26, 2009.***

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ENVIRONMENTAL SCIENCES

Comment 10b: The FLUCCS map provided depict there are 0.1 acre of freshwater wetlands on the project site. The habitat assessment provided states the wetlands are dominated by giant leather ferns and scattered white mangroves and are connected to Hendry Creek offsite to the west. The proposed commercial in the southeast corner directly abuts the adjacent Lee County Lakes Park wetland.

Response: ***We have provided an updated FLUCCS map that also shows the indigenous area north of the offsite County wetland preserve. A minimum 30' enhanced buffer area is provided adjacent to the Lakes Park wetland.***

Comment 10b2: Please describe how these wetlands will be protected by the completed project (please see Comment 12h).

The MCP depicts an offsite preserve abutting the east. These lands are owned by Lee County (please see Comment 12j). Please address how the preserve lands will be protected by the completed project. The referenced W. Dexter Bender report does not address how they will be protected.

Response: ***Based on our meetings held with staff, we have revised the MCP to preserve a majority of the onsite indigenous vegetation. This includes most of the wetland areas and most of the indigenous vegetation area that is north of the offsite County wetland preserve. We are requesting a deviation (number 4) to allow some small areas of the indigenous vegetation to be mitigated, and in association with the deviation are replanting adjacent areas to create native areas at a 2.3:1 ratio.***

Two small wetlands, totaling 0.08± acres in size are found along the west property line (see attached Indigenous Restoration Plan - Exhibit D-7-Y for the locations of these preserves). The southern wetland will be preserved in its entirety. The eastern tip of the northern wetland is proposed to be impacted. This wetland impact area is 0.01± acres in size. The preserved portions of both wetlands will be protected by a 25 feet wide average, 15 feet wide minimum restored upland buffer. The buffer area is currently dominated by exotics. All woody exotic vegetation within the preserved wetlands and adjacent buffers will be cut by hand just above natural grade and the stump treated with an appropriate herbicide containing an indicator dye. Treatment will occur immediately following cutting to ensure maximal uptake of the herbicide. The resulting vegetative material will be removed from the preserve and disposed of at an upland location in accordance with all applicable local regulations. Once the exotics are removed, native plants will be installed. This will consist of six feet tall trees (cabbage palm, slash pine, and laurel oak) 12± feet on center, one gallon shrubs (such as myrsine, wax-myrtle, white stopper, coco plum, and white indigo berry) five feet center, and one gallon ground cover (such as bushy bluestem, lovegrass saw palmetto, and sand cordgrass) three feet center.

The off-site County wetland preserve east of the project will be protected by a 30 feet wide buffer. The majority of this buffer will be at existing grade and planted with the same species as described for the buffers along the preserved wetlands on the western property line. The remainder of the buffer will consist of a vegetated slope that is part of the surface water management system.

Comment 11g1: The Stormwater Management Plan provided in the application states SFWMD and ACOE permits have been approved. Please revise FLUCCS to include federal verified wetland lines and acreages. Please provide a copy of the approved ACOE permit.

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Response: ***The attached Vegetation Map depicts the two U.S. Army Corps of Engineers (COE) jurisdictional wetlands on-site. The COE issued Nationwide Permit 39 number 2005-2376 on June 27, 2005 (copy attached). That permit authorized both wetlands to be completely impacted. Mitigation was provided via the purchase of Little Pine Island Mitigation Bank credits. The credits were purchased and the COE permit subsequently expired in March 2007. The revised site plan preserves the vast majority of the wetlands on-site. The appropriate COE permit will be obtained for the currently proposed 0.01± acres of impact prior to project construction.***

Comment 12h: The FLUCCS map provided depict there are 0.1 acre of freshwater wetlands on the project site. The habitat assessment provided indicates the wetlands are dominated by indigenous giant leather ferns and scattered white mangroves. The SFWMD ERP 36-05787-P identifies the 0.1 acre wetlands as smaller portions of two larger offsite saltwater marshes and that the saltwater marshes extend into the site. The permit also requires an upland buffer restored along the abutting wetland preserve to the southeast and Lee County requires 30 foot wide 100% native buffers adjacent to public preserve lands.

The habitat assessment provided also identifies the Australian pine and melaleuca habitats contain scattered slash pine and cabbage palms. The site contains indigenous vegetation communities and native trees and required restored upland buffers. Please address how the project is proposing to meet the LDC Section 10-415(b)(1)(a) & (b) indigenous requirement given existing and restored indigenous onsite. Also see Comment 18b2 below.

Response: ***The 32.6 acre property currently contains 1.55 acres of habitat that qualify as indigenous native vegetation communities consisting of 0.08 acres of freshwater marsh and 1.47 acres of pine - mesic oak. The project is therefore required to provide 1.55 acres of the open space requirement as indigenous native vegetation communities. The project will comply with LDC Section 10-415(b)(1)(a) and (b) via the preservation and enhancement of 0.07 acres of freshwater marsh and 1.19 acres of pine - mesic oak and the restoration of 0.67 acres of additional pine - mesic oak habitat for a total of 1.93 acres of indigenous habitat post development.***

Approximately 0.67 acres of indigenous habitat will be restored adjacent to the two preserved wetlands along the west property line and the pine - mesic oak preserve along the east property line. These areas are currently dominated by exotics with very widely scattered native species. All woody exotic vegetation within the restoration areas will be cut by hand just above natural grade and the stump treated with an appropriate herbicide containing an indicator dye. Treatment will occur immediately following cutting to ensure maximal uptake of the herbicide. The resulting vegetative material will be removed from the preserve and disposed of at an upland location in accordance with all applicable local regulations. Care will be taken to minimize impacts to native vegetation within the areas to the degree practicable. Once the exotics are removed, native plants will be installed. This will consist of six feet tall trees (cabbage palm, slash pine, and laurel oak) 12± feet on center, one gallon shrubs (such as myrsine, wax-myrtle, white stopper, coco plum, and white indigo berry) five feet center, and one gallon ground cover (such as bushy bluestem, lovegrass saw palmetto, and sand cordgrass) three feet center. Cabbage palms installed in these areas may include cabbage palms relocated from on-site development areas. Viable existing native plants occurring within the restoration areas after the exotics have been removed will count towards the planting requirement.

Comment 12j: The MCP depicts RPD and CPD abutting public owned preserve to the east. Please revise the MCP to depict the correct LDC Section 10-416(d) Type "F" buffer required along the entire east property line.

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Response: ***A minimum of 30' type F buffer is provided along the east property line. Adjacent to the offsite Lakes Park wetland, the buffer area will be replanted with native vegetation in accordance with the Indigenous Restoration Plan.***

Comment 12k: ES staff recommends that the lake be utilized in the open space design to create a distance buffer between the development and Lakes Park to the north as done in the previously approved MCP.

Response: ***The applicant proposes an enhanced 30 foot buffer with dense plantings. In addition an increased building setbacks of 75' is proposed along the north property boundary. Line of sight exhibits are provided for reference. A comparison exhibit is also provided demonstrating what is approved for construction today vs. the subject request. The line of sight exhibits show that the proposed buildings, even with the height increased to 45' from 35', will be less noticeable than the current approved development.***

Please consider that much of the previous approval included 3 story buildings directly abutting the park boundary. Lake was provided in the old MCP adjacent to the western portion of the park boundary. Please consider that the County has constructed a vehicle maintenance area in the southwest corner of the park that includes a buffer wall, and the park includes a roadway abutting the shared boundary with the Oasis Cove project.

Comment 18b1: Please address Lee Plan Objective 60.5, Policy 60.5.1, Policy 60.5.2, Policy 60.5.3, Goal 77. Objective 77.3, Policy 77.3.1, Policy 77.3.5, Goal 104, Policy 104.1.1, Policy 107.2.10, Policy 107.3.1, Policy 114.1.2(4).

Response: ***We believe that with the preservation of most of the onsite wetlands and other indigenous vegetation areas, and with the planned restoration, the project complies with the listed Lee Plan policies. Please see revised Exhibit D-7-J, Lee Plan Compliance.***

Comment 18b2: Section 34.411(g) states every effort must be made in the planning, design and execution of a planned development to protect, preserve or to not unnecessarily destroy or alter natural features of the site, particularly mature native trees. Alteration of the vegetation or topography that unnecessarily disrupts the surface water or groundwater hydrology, increases erosion of the land or destroys significant wild life habitat is prohibited.

Section 34-411(h) states a fundamental principle of planned development design is the creative uses of open space requirement to produce an architecturally integrated human environment. This shall be coordinated with the achievement of other goals, e.g. the preservation or conservation of environmentally sensitive land and waters. Section 34-1571 defines and identifies environmentally sensitive areas as (1) coastal zone (b) Estuarine: forested and non-forested saltwater wetlands and (2)(a) Wetlands as defined in Section 14-292. Please address how the proposed impact to the existing wetlands complies with 34-411(g) and (h).

Response: ***We believe that with the preservation of most of the onsite wetlands and other indigenous vegetation areas, and with the planned restoration, the project complies with the listed LDC requirements. The site plan has been designed to minimize impacts to wetlands to the maximum extent practicable. Approximately 0.01 acres of the freshwater marsh will be impacted. Given the configuration of this wetland and site specific constraints the site plan was not able to preserve the eastern tip of this wetland.***

May 18, 2009 email comment from Suzanne Derheimer

During a recent meeting with Park and Rec staff it was brought to the attention of ES staff that the project site contains a small area of oaks, palms, and pines with native understory located along the east property line at the northwest corner of the county preserve. ES staff conducted another site on 5/15/09 which revealed this area contains indigenous habitat which is inconsistent with the 437-Austrailian pine as depicted on the FLUCCS map provided.

During the meeting with Parks and Rec staff it was also brought to the attention of ES staff that the currently cleared county owned land abutting the projects northeast property line is proposed to be a public path/boardwalk to the mangrove preserve.

Based on this new information, ES staff does not recommend the buffer requirement be reduced along any portion of the east property and will require a revised FLUCCS map be provided to depict the area of indigenous habitat located along the east property line at the northwest corner of the county preserve. ES staff also recommends that all the existing indigenous habitat be preserved to meet LDC 10-415(b)(1)(a) and 10-416(d)(3) preserve buffer requirements.

Response: ***The limits of the indigenous habitat have been flagged by W. Dexter Bender & Associates, Inc. and survey located by Banks Engineering. The area is labeled as FLUCCS Code 414E (Pine - Mesic Oak invaded by Exotics (5 - 9 percent)) on the attached revised Vegetation Map. The site plan has been modified to incorporate the preservation of this area to the maximum extent practicable. However, due to site plan requirements and conflicts with the shape of the indigenous vegetation area, preservation of the entire indigenous area is not possible. The acreage of proposed impact to indigenous vegetation areas (0.29 acres) will be mitigated pursuant to LDC Section 10-415(b)(5)a by the restoration of 0.67 acres indigenous habitat as described in response to item 12h above. Please see the attached Indigenous Restoration Plan for the locations of the proposed indigenous vegetation preserve and restoration areas.***

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PUBLIC HEARING

Comment 1: The Survey is insufficient since it references title work based on either a title insurance binder or commitment. We do not accept the use of a title binder or commitment.

Response: ***Please see attached revised boundary survey which has been updated based on the new title certification from Kevin A. Denti, P.A.***

Comment 2: If the applicant is considering multiple-family, townhouse as a use, please indicate the maximum number of dwelling units proposed.

Response: ***The maximum number of multi family units is 190.***

NATURAL RESOURCES

Comment 1: Please be advised the most recent FEMA FIRM Maps (2008) shows floodway boundaries on subject parcel, encroachments within the floodway are prohibited unless one of the following two conditions is met:

a. The applicant shall apply for and get an approval of an appropriate map revision or map amendment (e.g., LOMA, LOMR, CLOMR, etc.) from FEMA.

OR;

b. The applicant shall provide a non-rise certification with supporting technical data, made by a Florida State registered professional engineer demonstrating that encroachments (including fill, new constructions and other developments) shall not result in any increase in flood levels during occurrence of the base flood discharge. Lee County Land Development Code (Chapter 6, Article IV, Section 6-472).

Response: ***Acknowledged. The MCP has been revised to eliminate any filling within the FEMA floodway area.***

Comment 2: In addition to the floodway encroachment issue mentioned above, the existing hydraulic conveyance capacity of the natural flowway (i.e., IDD Canal H (Hendry Creek)) should be preserved to avoid any adverse impacts on drainage and flooding both at on- and off-sites. Please demonstrate that the proposed development will cause no reduction of drainage capacity and will pose no flood risk for all design storms (5-yr, 25-yr, and 100-yr).

Response: ***We believe that the plan changes that eliminate filling within the FEMA floodway eliminate any need for hydraulic modeling.***

PUBLIC WORKS

Comment: The Master Concept Plan should be revised to incorporate required facilities for solid waste/recycling storage and pick-up in compliance with LDC Section 10-261 and Solid Waste Ordinance 08-10. If the areas designated as "service area" on the MCP are intended for solid waste/recycling storage, please provide a "typical detail" illustration, including dimensions. Further, the proposed locations of these facilities may need to be relocated and/or redesigned to facilitate adequate access for the waste hauler.

Response: ***Please see revised MCP.***

If you have any questions or I may be of further assistance, please feel free to contact me at our Fort Myers office.

Sincerely,
BANKS ENGINEERING

Stacy Ellis Hewitt, AICP
Director of Planning

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SEH:jms

Attachments:
Revised Master Concept Plan (2 - 24"x36" & 15 - 11"x17")
Landscape Exhibits (2 - 24"x36" & 15 - 11"x17")
Revised Deviations and Justifications (15 copies)
Revised Schedule of Uses (15 copies)
Revised Lee Plan Compliance Narrative (15 copies)
Revised Supplement D (15 copies)
Response from TR Transportation Consultants, Inc. (15 copies)
Revised Boundary Survey (5 copies)
ACOE Permit (15 copies)
Title Certification (15 copies)
FLUCCS Plan (15 copies)
Indigenous Restoration Plan - Exhibit D-7-Y (15 copies)

Banks Engineering
Professional Engineers, Planners & Land Surveyors
10511 Six Mile Cypress Parkway
Fort Myers, Florida 33966
Phone: (239) 939-5490
Fax: (239) 939-2523

Please Reply To:
FORT MYERS OFFICE

EXHIBIT D-7-Q
Schedule of Deviations and Written Justification
Revised December 15, 2009

1. Existing deviation approved by zoning resolution Z-04-043 from LDC Section 10-239(d)(1)a.3. This deviation is no longer necessary with the proposed master concept plan and is therefore proposed to be WITHDRAWN.

2. WITHDRAWN by zoning resolution Z-04-043.

3. Existing deviation approved by zoning resolution Z-04-043 from LDC Section 10-285(a), Table 1, requirement to provide a 660-foot access spacing on an arterial roadway; to allow a 628-foot spacing on Gladiolus Drive to utilize the two existing access points that were previously constructed by Lee County on Gladiolus Drive along the project frontage. The applicant wishes to maintain this deviation approval.

Proposed Deviations

4. WITHDRAWN

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Naples Office
2515 Northbrooke Plaza Drive, Suite 200
Naples, Florida 34119
(239) 597-2061
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EXHIBIT D-7-J
LEE PLAN COMPLIANCE
1st Sufficiency Submittal

The proposed development complies with the LEE Plan as follows:

The subject property is located within the Central Urban Future Land Use category which is described as follows in the Lee Plan:

POLICY 1.1.3: The Central Urban areas can best be characterized as the "urban core" of the county. These consists mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service-water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre).

> *The applicant is requesting approval to rezone a 32.54+/- acre parcel within the Central Urban Land Use category on Gladiolus Drive from Residential Planned Development (RPD) to Residential Planned Development / Commercial Planned Development (RPD/CPD) to permit the development of a maximum of a 160-bed Assisted Living Facility (equivalent to 40 d.u.), 300 Independent Care units (equivalent to 150 d.u.), and 125,000 s.f. commercial uses including a maximum of 60,000 s.f. retail with a maximum height of 3 stories/45 feet. The requested density is at 8.74 dwelling units per acre of the RPD and is within the allowable density for the Central Urban land use designation. The commercial land use is not greater than a neighborhood center and is consistent with the allowable uses in the Central Urban area.*

SOUTH FORT MYERS COMMUNITY: This community is located in the center of Lee County, South of the City of Fort Myers, east of the Caloosahatchee River, west of the Six Mile Cypress Slough, and north of Gladiolus Drive. This community primarily has the higher intensity land use categories such as Intensive Development, Central Urban, Urban Community, Industrial Development, and Suburban. This community contains one of the county's major hospitals, a baseball spring training facility, and the local community college. This community will be nearly built out by the year 2020. The South Fort Myers Community will continue to be a core area of the county providing office area for professional services in areas such as financial and medical. There

will also be an increased amount of commercial activity along the US 41 corridor and light industrial uses will continue to expand along the Metro Avenue corridor north of Daniels Parkway. The amounts of commercial and industrial uses in this area are expected to double and most of the suitable land for these uses will be development by 2030.

The residential areas of this community will also continue to develop through the year 2030 however the popularity of the residential opportunities to the south in the San Carlos/Estero and Bonita communities will continue to dominate this segment of the market.

Approval of the requested RPD/CPD rezoning will bring the development into a zoning category more consistent with the Lee Plan and meet the goals, objectives, policies and intent of the Lee Plan. The proposed rezoning will bring additional assisted living, continuing care/independent living units to the area. Census data from 2000 showed that over 50% of the population for the subject property's census tract were 55 or older.

OBJECTIVE 1.7: SPECIAL TREATMENT AREAS. Designate on the Future Land Use Map, as overlays, special treatment areas that contain special restrictions or allowances in addition to all of the requirements of their underlying categories.

POLICY 1.7.6: The Planning Communities Map and Acreage Allocation Table (see Map 16 and Table 1(b) and Policies 1.1.1 and 2.2.2) depicts the proposed distribution, extent, and location of generalized land uses for the year 2030. Acreage totals are provided for land in each Planning Community in unincorporated Lee County. No final development orders or extension to final development orders will be issued or approved by Lee County which would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded.

The South Fort Myers Community Year 2030 allocations indicate that 2,100 acres in the Planning Community have been allocated for commercial use. Of that acreage 1,462 acres comprise existing commercial uses; thus, 638 acres are currently available to support zoning approval for commercial use. The requested rezoning of the 10.79± acre portion of the parcel to CPD will not exceed the total acreage allocated for commercial use within the South Fort Myers Planning Community. The 2030 allocation for residential land uses indicate that 3,140 acres in the Central Urban Future Land Use Category within the South Fort Myers Planning Community have been allocated for residential use. Of that acreage, 2,781 acres comprise of existing residential uses; thus, 359 acres are currently available to support zoning approval for residential use. The requested rezoning of the 21.75± acre portion of the parcel to RPD and will not exceed the total acreage allocated for residential use within the Central Urban Future Land Use Category within the South Fort Myers Planning Community.

GOAL 2: GROWTH MANAGEMENT. To provide for an economically feasible plan which coordinates the location and timing of new development with the provision of infrastructure by government agencies, private utilities, and other sources.

OBJECTIVE 2.1: DEVELOPMENT LOCATION. Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities. (Amended by Ordinance No. 94-30, 00-22)

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The subject property promotes contiguous and compact growth patterns and does not by-pass larger tracts of land in favor of development more distant from services and existing communities. The proposed project is in close proximity to CPD and RPD developments along Gladiolus Drive. As demonstrated above, the proposed project is consistent with the permissible uses in the Central Urban category which is a Future Urban Area.

OBJECTIVE 2.2: DEVELOPMENT TIMING. Direct new growth to those portions of the Future Urban areas where adequate public facilities exist and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance. (Amended by Ordinance No. 94-30, 00-22)

POLICY 2.2.1: Rezonings and development-of-regional impact proposals shall be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare. (Amended by Ordinance No. 94-30, 00-22)

The proposed RPD/CPD is on the north side of Gladiolus Drive approximately 1,750 feet south of its intersection with Old Gladiolus Drive in the South Fort Myers Planning Community. The development is tied into the roadway system of an existing six-lane County maintained arterial right-of-way (Gladiolus Drive). The development will connect to existing water and sewer services provided by Lee County Utilities. Health, safety and welfare facilities are available through Health Park, Gulf Coast Hospital, South Trail Fire Department, EMS Services and Lee County Sheriff's office.

The proposed development will be compatible with the existing and proposed land uses in the surrounding areas. The subject property is within the Central Urban Land Use category. The north side of the subject property is within the Public Facilities Land Use category, is zoned CF-2 and consists of existing Lakes Park. The property to the east of the subject property is within the Central Urban Land Use category, is zoned AG-2 and Wetlands and consists of vacant County land. The subject property fronts Gladiolus Drive, an existing six-lane divided County maintained arterial right-of-way. Properties along the south side of Gladiolus are within the Suburban and Central Urban Land Use categories, are zoned CPD, AG-2 and RM-6 and consist of existing commercial uses, vacant land and Victoria Cove Condominiums. The property to the west of the subject property is within the Central Urban & Wetland Land Use categories, is zoned AG-2 and consists of vacant land. The proposed development will not have a negative impact to the public health, safety, and welfare.

GOAL 4: SUSTAINABLE DEVELOPMENT DESIGN. To pursue or maintain land development regulations which encourage creative site designs and mixed use developments. Using an overlay, locate appropriate areas for Mixed Use, Traditional Neighborhood Development and Transit Oriental Development. (Amended by Ordinance No. 94-30, 07-15)

POLICY 4.1.1: Development designs will be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion

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and construction of street and utility improvements. (Amended by Ordinance No. 91-19, 00-22)
POLICY 4.1.2: Development designs will be evaluated to ensure that the internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive effect on the activities and functions contained within or adjacent to the development. (Amended by Ordinance 91-19, 00-22)

The proposed project is a RPD/CPD development that will meet or exceed the design criteria established for planned developments in the Lee County Land Development Code. The proposed design incorporates preservation of a portion of the natural features of the site. The site design will minimize the construction of both street and utility improvements. On-site retention/detention areas will be utilized for the stormwater management. The internal street system is functional and designed for the efficient and safe flow of vehicles without having a disruptive effect on pedestrian activity.

GOAL 5: RESIDENTIAL LAND USES. To provide sufficient land in appropriate locations on the Future Land Use Map to accommodate the projected population of Lee County in the year 2030 in attractive and safe neighborhoods with a variety of price ranges and housing types. (Amended by Ordinance No. 94-30, 07-12)

POLICY 5.1.1: Residential developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as planned residential developments. (Amended by Ordinance No. 00-22)

POLICY 5.1.2: Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.

POLICY 5.1.3: During the rezoning process, direct high-density residential developments to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities. (Amended by Ordinance No. 94-30)

The request as proposed will provide for an Assisted Living Facility and Independent Care units. The requested density is within the allowable range for the land use category. The proposed project is adjacent to the south of Lakes Park, is accessible by facilities that are noted on the 2020 Financially Feasible Transit Network Map and is accessible by existing bicycle facilities.

POLICY 5.1.5: Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in Chapter 10 of the Land Development Code area not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments. (Amended by Ordinance No. 94-30, 99-15, 00-22)

The proposed CPD area is adjacent to an offsite preserve area to the east to minimize any

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potential impacts. Sufficient buffers and open space areas are proposed.

GOAL 6: COMMERCIAL LAND USES. To permit orderly and well-planned commercial development at appropriate locations within the county. (Amended by Ordinance No. 94-30)

OBJECTIVE 6.1: All development approvals for commercial land uses must be consistent with the following policies, the general standards under Goal 11 and other provisions of this plan. (Amended by Ordinance No. 94-30)

POLICY 6.1.1: All applications for commercial development will be reviewed and evaluated as to:

a. Traffic and access impacts (rezoning and development orders);
b. Landscaping and detailed site planning (development orders);
c. Screening and buffering (planned development rezoning and development orders);
d. Availability and adequacy of services and facilities (rezoning and development orders);
e. Impact on adjacent land uses and surrounding neighborhoods (rezoning);
f. Proximity to other similar centers (rezoning); and
g. Environmental considerations (rezoning and development orders).

(Amended by Ordinance No. 00-22)

POLICY 6.1.6: The land development regulations will require that commercial development provide adequate and appropriate landscaping, open space, and buffering. Such development is encouraged to be architecturally designed so as to enhance the appearance of structures and parking areas and blend with the character of existing or planned surrounding land uses.

The proposed RPD/CPD will have access to a six-lane County maintained arterial (Gladiolus Drive) right-of-way to the south. The right-of-way has sufficient capacity to handle the traffic generated by the proposed land use. The development has been designed to provide adequate landscaping, open space, and buffering as required by the Land Development Code together with previously approved deviations. The development will connect to existing public water and sanitary sewer systems provided by Lee County Utilities. The proposed development is compatible with surrounding land uses and is consistent with the Residential and Commercial Land Use goals and policies as well as the general standards under Goal 11.

GOAL 11: WATER, SEWER, TRAFFIC, AND ENVIRONMENTAL REVIEW STANDARDS. To insure that appropriate water, sewer, traffic, and environmental review standards are considered in reviewing rezoning applications and are met prior to issuance of a county development order.

STANDARD 11.1: WATER.

1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as defined by Chapter 17-22, F.A.C.
2. If the proposed development lies within the boundaries of a water utility's certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 6), then the development must be connected to that utility.
3. The developer must provide proof that the prior commitments of the water utility, plus the projected need of the developer, do not exceed the supply and facility capacity of the utility.

The proposed Residential Planned Development/Commercial Planned Development will

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connect to existing water facilities provided by Lee County Utilities.

STANDARD 11.2: SEWER.

1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.
2. If the proposed development exceeds the thresholds listed above and lies within the boundaries of a sewer utility's certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 7), and that utility has sufficient capacity to provide minimum service to the development, then the development must connect to that sewer utility if there is existing infrastructure adequate to accept the effluents of the development within ¼ mile from any part of the development.

The proposed Residential Planned Development/Commercial Planned Development will connect to existing sanitary sewer facilities provided by Lee County Utilities.

STANDARD 11.3: TRAFFIC.

1. A traffic impact statement must be submitted to and accepted by the county DOT for the following developments:
   - Developments of Regional Impact (D.R.I.'s):
   - Planned Developments (as specified in the Zoning Regulations); and
   - Developments requiring a county development order, as specified in the Land Development Code.

A Traffic Impact Analysis was prepared by TR Transportation Consultants, Inc. to fulfill requirements set forth by the Lee County Department of Community Development for projects seeking re-zoning approval. Based on the results of the analysis, TR Transportation concluded that the proposed development will not have a detrimental impact on the surrounding roadway system. The existing roadway network can accommodate the additional new vehicle trips the development is anticipated to generate.

STANDARD 11.4: ENVIRONMENTAL REVIEW FACTORS. In any case where there exists or there is the probability of environmentally sensitive areas (as identified by Lee County, the Corps of Engineers, Department of Environmental Protection, South Florida Water Management District, or other applicable regulatory agency), the development/applicant must prepare an environmental assessment that examines the existing conditions, addresses the environmental problems, and proposes means and mechanisms to protect, conserve, or preserve the environmental and natural resources. (Amended by Ordinance No. 94-30, 00-22)

An Environmental Assessment and Protected Species Survey was prepared by Dexter Bender & Associates, Inc. and is attached.

GOAL 39: DEVELOPMENT REGULATIONS. Maintain clear, concise, and enforceable development regulations that fully address on-site and off-site development impacts and protect and preserve public transportation facilities. (Amended by Ordinance No. 98-09 99-15)

POLICY 39.1.4: Main access points from new development will not be established where traffic is required to travel through areas with significantly lower densities or intensities (e.g. multifamily access through single-family areas, or commercial access through residential areas) except where adequate mitigation can be provided. (Amended and Relocated by Ordinance No. 99-15)

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The CPD portion is at the entrance and the Assisted Living Facility and Independent Living Units are internal to the development. The development has been designed to have traffic travel from higher intensities to lower, consistent with this policy. The proposed CPD will provide sufficient on-site parking for the proposed uses. The development will have access to Gladiolus Drive an existing six-lane County maintained arterial right-of-way.

OBJECTIVE 60.5: INCORPORATION OF GREEN INFRASTRUCTURE INTO THE SURFACE WATER MANAGEMENT SYSTEM. The long-term benefits of incorporating green infrastructure as part of the surface water management system include improved water quality, improved air quality, improved water recharge/infiltration, water storage, wildlife habitat, recreational opportunities, and visual relief within the urban environment. (Added by Ordinance No. 03-06).

POLICY 60.5.1: The County encourages new developments to design their surface water management systems to incorporate best management practices including, but not limited to, filtration marshes, grassed swales planted with native vegetation, retention/detention lakes with enlarged littoral zones, preserved or restored wetlands, and meandering flow-ways. (Added by Ordinance No. 03-06)

POLICY 60.5.2: The County encourages new developments to design their surface water management system to incorporate existing wetland systems. (Added by Ordinance No. 03-06)

POLICY 60.5.3: The County encourages the preservation of existing natural flow-ways and the restoration of historic natural flow-ways. (Added by Ordinance No. 03-06)

The proposed master concept plan incorporates the existing wetlands to the maximum extent possible, although the applicant has existing permits to impact one of the existing wetlands. These existing wetland preserves, as well as the county's adjacent off-site wetland to the southeast of the property, are proposed to be buffered by either preserved or created indigenous upland habitat. The proposed master concept plan also proposes no filling within the northwest corner of the site that is within the FEMA floodway.

GOAL 61: PROTECTION OF WATER RESOURCES. To protect the county's water resources through the application of innovative and sound methods of surface water management and by ensuring that the public and private construction, operation, and maintenance of surface water management systems are consistent with the need to protect receiving waters.

OBJECTIVE 61.3: GENERAL SURFACE WATER MGMT. STANDARDS. Lee County will continue to provide sufficient performance and/or design standards for development protection of the function of natural drainage systems.

POLICY 61.3.1: Provide sufficient performance and design standards to require post-development runoff to approximate and total characteristics of the natural flow prior to development.

POLICY 61.3.6: Developments must have and maintain an adequate surface water management system, provisions for acceptable programs for operation and maintenance, and post-development runoff conditions which reflect the natural surface water flow in terms of rate, direction, quality, hydroperiod, and drainage basin. Detailed regulations will continue to be integrated with other

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county development regulations.

The developments' surface water management system will be developed in accordance with South Florida Water Management District (District) and Lee County Development regulations.

POLICY 61.3.11: Runoff must be routed through retention or detention areas and vegetated swales in order to reduce flow velocity, allow for percolation, and trap and remove suspended solids and pollutants.

Stormwater management for the proposed development will be accomplished by on-site retention/detention areas. The stormwater management system for the proposed development will be designed to match pre-development drainage patterns as closely as possible, without adversely affecting surrounding properties.

POLICY 61.3.12: The design of shorelines of retention or detention areas and other excavations must be sinuous rather than straight.

The stormwater management system will be designed in accordance with South Florida Water Management District (SFWMD) requirements to provide for attenuation/retention of stormwater runoff from the site. Issuance of a SFWMD permit shall be deemed to be in compliance with Chapter 10 of the LDC and review of the project shall be limited to external impacts and wet season water table elevation. For purposes of stormwater management calculations, the assumed water table will be established by an engineer in accordance with sound engineering practice. The stormwater management system will be reviewed for compliance with Chapter 10 of the LDC through the development order process.

POLICY 61.3.13: Installation of erosion control devices for development activities adjacent to water bodies, watercourses and wetlands shall be required. Such control devices shall be maintained to ensure operational effectiveness.

Erosion control devices will be installed in accordance with local and state regulations.

GOAL 77: DEVELOPMENT DESIGN REQUIREMENTS. To require new development to provide adequate open space for improved aesthetic appearance, visual relief, environmental quality, preservation of existing native trees and plant communities, and the planting of required vegetation. (Amended by Ordinance No. 94-30, 02-02)

OBJECTIVE 77.3: New developments must use innovative open space design to preserve existing native vegetation, provide visual relief, and buffer adjacent uses and proposed and/or existing rights-of- way. This objective and subsequent policies are to be implemented through the zoning process. (Added by Ordinance No. 02-02)

POLICY 77.3.1: Any new development with existing indigenous vegetation is encouraged to provide half of the required open space as existing native plant communities. Any new development with existing native trees without associated native groundcover or understory is encouraged to provide half of the required open space with areas containing existing native trees. The planting of native shrub species within native tree protection areas is encouraged. (Added by Ordinance No. 02-02)

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POLICY 77.3.5: Proposed planned developments must submit an open space design plan with an assessment of the existing native plant communities and native trees. The open space design plan must delineate the indigenous preserves and/or native tree preservation areas. (Added by Ordinance No. 02-02)

The proposed master concept plan uses innovative open space design by preserving the existing wetlands to the maximum extent possible, although the applicant has existing permits to impact one of the existing wetlands. These existing wetland preserves, as well as the county's adjacent off-site wetland to the southeast of the property, are proposed to be buffered by either preserved or created indigenous upland habitat. Additional indigenous preservation areas are proposed to be preserved and/or created to provide sufficient indigenous vegetation preserve, given the high exotic content of the site. The preservation of individual existing native trees outside of the wetland and indigenous preserve areas is not possible due to the fill requirements for the site. Enhanced buffering is proposed adjacent to the Lakes Park boundary, above and beyond code requirements, providing a dense curtain of cabbage trees which will provide initial height and screening above and beyond the LDC buffer as demonstrated by the landscape exhibit submitted herewith The buffering along Gladiolus is consistent with the Land Development Code as well as recent approvals along Gladiolus and Summerlin.

GOAL 104: COASTAL RESOURCE PROTECTION. To protect the natural resources of the coastal planning area from damage caused by inappropriate development. (See also Goal 113.) (Amended by Ordinance No. 94-30)

POLICY 104.1.1: Development will be limited in Rare and Unique upland habitats and strictly controlled in wetlands in the coastal planning area. (See Policy 107.1.1(2) and Goal 114.) (Amended by Ordinance No. 94-30, 00-22)

The site contains no Rare and Unique upland habitats and is highly infested with exotics. The proposed master concept plan incorporates the existing wetlands to the maximum extent possible, although the applicant has existing permits to impact one of the existing wetlands. These existing wetland preserves, as well as the county's adjacent off-site wetland to the southeast of the property, are proposed to be buffered by either preserved or restored indigenous upland habitat. Additional indigenous preservation areas are proposed to be preserved and/or restored to provide sufficient indigenous vegetation preserve, given the high exotic content of the site. The proposed master concept plan also proposes no filling within the northwest corner of the site that is within the FEMA floodway.

OBJECTIVE 107.2: PLANT COMMUNITIES. Lee County will maintain and routinely update an inventory of natural plant communities and will protect at various suitable locations remnant tracts of all important and representative natural plant communities occurring within Lee County. (Amended by Ordinance No. 94-30)

The proposed master concept plan incorporates the existing wetlands to the maximum extent possible, although the applicant has existing permits to impact one of the existing wetlands. These existing wetland preserves, as well as the county's adjacent off-site wetland to the southeast of the property, are proposed to be buffered by either preserved or created indigenous upland habitat. Additional indigenous preservation areas are proposed to be

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preserved and/or created to provide sufficient indigenous vegetation preserve, given the high exotic content of the site.

POLICY 107.2.10: Development adjacent to aquatic and other nature preserves, wildlife refuges, and recreation areas must protect the natural character and public benefit of these areas including, but not limited to, scenic values for the benefit of future generations. (Amended by Ordinance No. 00-22)

It should be noted that much of the previous approval included 3 story buildings directly abutting the park boundary. Lee County has constructed a vehicle maintenance area in the southwest corner of the park that includes a buffer wall, and the park includes a roadway and parking areas abutting the shared boundary with the Oasis Cove project.

The proposed master concept plan provides enhancements to the proposed 30' buffer adjacent to Lakes Park and proposes enhanced plantings to provide dense coverage as demonstrated in the attached landscape exhibits which include line of sight comparisons of the existing approval vs. the proposed request. We believe the proposed plan is more compatible since it provides vehicular areas adjacent to the park (vehicular area), and provides greater separation to the buildings. The proposed uses adjacent to the park are low intensity and have lower traffic. Scenic values for the benefit of future generations will be preserved and the infestation of exotic vegetation of Australian pines will be removed.

POLICY 107.3.1: Encourage upland preservation in and around preserved wetlands to provide habitat diversity, enhance edge effect, and promote wildlife conservation.

The proposed master concept plan incorporates the existing wetlands to the maximum extent possible, although the applicant has existing permits to impact one of the existing wetlands. These existing wetland preserves, as well as the county's adjacent off-site wetland to the southeast of the property, are proposed to be buffered by either preserved or created indigenous upland habitat. Additional indigenous preservation areas are proposed to be preserved and/or created to provide sufficient indigenous vegetation preserve, given the high exotic content of the site. The proposed master concept plan also proposes no filling within the northwest corner of the site that is within the FEMA floodway.

OBJECTIVE 114.1: The natural functions of wetlands and wetland systems will be protected and conserved through the enforcement of the county's wetland protection regulations and the goals, objectives, and policies in this plan. "Wetlands" include all of those lands, whether shown on the Future Land Use Map or not, that are identified as wetlands in accordance with F.S. 373.019(17) through the use of the unified state delineation methodology described in FAC Chapter 17-340, as ratified and amended by F.S. 373.4211. (Amended by Ordinance No. 94-30, 00-22)

POLICY 114.1.1: Development in wetlands is limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions. The maximum density in the Wetlands category is one unit per 20 acres, except that one single family residence will be permitted on lots meeting the standards in Chapter XIII of this plan, and except that owners of wetlands adjacent to Intensive Development, Central Urban, Urban Community, Suburban, and Outlying Suburban areas may transfer densities to developable contiguous uplands under common ownership in accordance with Footnotes 9b and 9c of Table 1(a), Summary of Residential Densities. (Amended by Ordinance No. 94-30, 00-22)

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POLICY 114.1.2: The county's wetlands protection regulations will be consistent with the following:
1. In accordance with F.S. 163.3184(6)(c), the county will not undertake an independent review of the impacts to wetlands resulting from development in wetlands that is specifically authorized by a DEP or SFWMD dredge and fill permit or exemption.
2. No development in wetlands regulated by the State of Florida will be permitted by Lee County without the appropriate state agency permit or authorization.
3. Lee County will incorporate the terms and conditions of state permits into county permits and will prosecute violations of state regulations and permit conditions through its code enforcement procedures.
4. Every reasonable effort will be required to avoid or minimize adverse impacts on wetlands through the clustering of development and other site planning techniques. On- or off-site mitigation will only be permitted in accordance with applicable state standards.
5. Mitigation banks and the issuance and use of mitigation bank credits will be permitted to the extent authorized by applicable state agencies. (Amended by Ordinance No. 94-30, 00-22, 07-12)

The proposed master concept plan incorporates the existing wetlands to the maximum extent possible, although the applicant has existing state and county permits to impact one of the existing wetlands. These existing wetland preserves, as well as the county's adjacent off-site wetland to the southeast of the property, are proposed to be buffered by either preserved or created indigenous upland habitat. Additional indigenous preservation areas are proposed to be preserved and/or created to provide sufficient indigenous vegetation preserve, given the high exotic content of the site. The proposed master concept plan also proposes no filling within the northwest corner of the site that is within the FEMA floodway.

Smart Growth Principles

Lee County has taken initiatives to incorporate the principles of "Smart Growth" into its planning processes and planning strategies. Smart Growth strikes a balance between no growth, and unfettered growth without limitation. Smart Growth is an approach to development meant to create and maintain great neighborhoods. In short, promoting the right growth, in the right place, at the right time. The applicant has briefly evaluated the proposed development based on 10 commonly accepted principles of Smart Growth.

- Mix land uses.

Approval of this request will further this smart growth principle. The current zoning allows only multi-family dwelling units and the proposed zoning expands the schedule of uses to not only incorporate the existing permitted multi-family use as one of the allowable uses on the site, but adds commercial uses and additional residential uses in the form of the assisted living facility and continuing care facilities. The site is infill with internal sidewalks connecting to existing sidewalks along the adjacent arterial roadway, promoting alternatives to driving, such as walking or biking. Locating the commercial uses in close proximity to residential areas, on-site and off-site, is desirable and often reflected in higher property

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values, and therefore help raise local tax receipts.

- Take advantage of compact building design.

  This development will further this smart growth principle. The proposed development utilizes multiple-story buildings, providing vertical development rather than horizontal and proposes preservation enhancements making more efficient use of land and resources. The proposed project also provides preservation of more indigenous vegetation compared to the current approvals. Indigenous upland preserves combined with county preservation areas provide a large diverse habitat and incorporates restored natural buffer areas.

- Create a range of housing opportunities and choices.

  This request offers additional uses in the form of a senior housing campus and ancillary commercial uses. These uses are appropriate for the property and are compatible with the medical uses and hospital which has developed along the Gladiolus/Summerlin corridor. This will not only provide housing for the increasing numbers of seniors in an area close to existing medical services, but also provide jobs for the existing residential areas. The site is located on existing arterial roadway with access to existing services. As such, this proposed development will ultimately further this smart growth principle.

- Create walkable neighborhoods.

  The proposed development will connect to existing bicycle and pedestrian facilities on Gladiolus Drive by the construction of internal sidewalks that connect the proposed commercial parcels with the proposed senior housing parcels and Lakes Park. The proposed development will further this smart growth principle.

- Foster distinctive, attractive communities with a strong sense of place.

  The project proposes a senior housing campus with a range of levels of care and uses including ancillary commercial and hospice. The request must comply with the design guidelines set forth in the Lee County Land Development Code. The site design proposes enhancements along the adjacent existing natural features and public amenities by providing enhanced buffers and preserved and created indigenous areas that blend the proposed development into the fabric of the existing community, creating an interesting, unique community. The proposed lake is centrally located so that the majority of the proposed community receives the aesthetic benefits and the proposed internal sidewalks that ultimately connect Gladiolus to Lakes Park meander by the proposed indigenous area and proposed lake so that pedestrians and bicyclists can enjoy the beauty of the community. This development will further this smart growth principle.

- Preserve open space, farmland, natural beauty, and critical environmental areas.

  The proposed development provides enhanced preservation areas and enhances the edges of the adjacent existing natural features and public amenities. The FEMA Floodway will be preserved and the existing wetlands along the west property line will be preserved to the maximum extent possible, with created indigenous buffers around the wetlands. On the north property line, enhanced plantings are provided to enhance the edge of Lakes Park. Along the

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eastern property line, upland indigenous preservation/restoration is proposed adjacent to the off-site wetland preserve. The proposed project also provides preservation of more indigenous vegetation compared to the current approvals. Indigenous upland preserves combined with county preservation areas provide a large diverse habitat and incorporates restored natural buffer areas. The proposed development will further this smart growth principle.

- Strengthen and direct development towards existing communities.

  This development is urban infill and the request expands the opportunities for development to take place. The surrounding region is medical in nature and the hospital is within close proximity to the site making it a desirable location for the proposed senior housing campus. The surrounding area consists of existing development and existing communities with existing services. This development does further this smart growth principle.

- Provide a variety of transportation choices.

  The proposed project is adjacent to the south of Lakes Park, is accessible by facilities that are noted on the 2020 Financially Feasible Transit Network Map and is accessible by existing bicycle facilities and pedestrian facilities in the form of existing sidewalks along Gladiolus Drive. Internal sidewalks are proposed to connect the existing sidewalks along Gladiolus Drive throughout the development and to Lakes Park. The proposed development furthers this smart growth principle.

- Make development decisions predictable, fair, and cost effective.

  The applicant will work diligently with staff to accommodate the request. Like all projects in Lee County, the project is subject to Lee County and State of Florida Codes and Regulations.

- Encourage community and stakeholder collaboration in development decisions.

  The applicant is seeking a public hearing amendment to the zoning of the subject property which will include notice to the surrounding property owners within 500 feet. The subject property is not located within any known areas under community planning efforts. This development furthers this smart growth principle.

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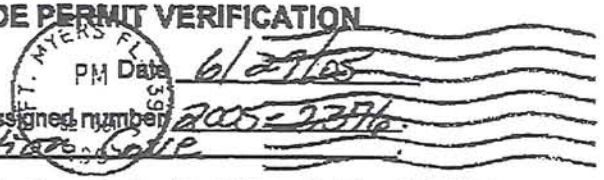
DEPARTMENT OF THE ARMY NATIONWIDE PERMIT VERIFICATION



Dear Applicant:

Your application for a Department of the Army (DA) permit has been assigned number 2005-2376. The proposed work is identified in our database as Reflections Cove.

A review of the information and drawings provided shows that your project is authorized by Nationwide Permit (NWP) number 39. This NWP verification is valid until 3/18/07, or as otherwise noted at http://www.saj.usace.army.mil/permit/permitting/nwp/nw_nca/NW-Table.html. The internet address shown is case sensitive and must be entered exactly as shown.

In order to comply with the terms and conditions of the NWP authorization you are required to access the noted web page to view the conditions associated with the use of this verification. The Self-Certification process identified in the General Conditions must be accomplished to maintain compliance with the issued verification. If you are unable to access the internet site provided, you must notify the assigned project manager, MS. Ellis, by telephone at 334-1975 x:22 to obtain a copy of any conditions, limitations, or expiration date information for the authorization provided by this correspondence.

A separate DA permit is not required providing the work is done in accordance with the drawings and information as provided in your request, received by the U.S. Army Corps of Engineers on 3/7/05, and the terms and conditions listed at the website address identified above. If you do not complete construction of your project within the appropriate time limit, a separate application or re-verification will be required.

Sincerely,

for Monday Ley
Lawrence C. Evans
Chief, Regulatory Division

NOTE: In Florida, projects qualifying for this NWP must be authorized under Part IV of Chapter 373 by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., and receive Water Quality Certification (WQC) and Coastal Zone Consistency Concurrence (CZCC) or waiver thereto, as well as any authorizations required for the use of sovereignty submerged lands that must be obtained as part of the associated WQC or CZCC.

Edition Date: 1 August 2002

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PAGE 02/02

KEVIN A. DENTI, P.A.

Orion Bank Centre
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Naples, Florida 34110
239-260-8111 (Telephone)
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kdenti@dentilaw.com
www.dentilaw.com

TITLE CERTIFICATION

OASIS COVE

This Title Certification is being rendered to the Board of County Commissioners of Lee County, Florida for the sole and specific purpose of complying with Section 10-154-(2) of the Lee County, Florida Land Development Code, and is based solely upon Chicago Title Insurance Company's Commitment for Title Insurance under Title No. 240900682, with an effective date of March 19, 2009 at 5:00 P.M., covering the real property described on the attached Exhibit "A".

I am of the opinion that, as of March 19, 2009, fee simple title to the real estate is vested in Beck Group of Ft. Myers, LLC, a Florida limited liability company. Busey Bank, an Illinois banking corporation, holds a mortgage on said property, which mortgage is recorded in Official Records Book 4560, Page 1127, of the Public Records of Lee County, Florida, as subsequently modified from time to time.

KEVIN A. DENTI, P.A.

By: _____
Kevin A. Denti, Esquire
Florida Bar Number: 0817392

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S:\Clients\Beck Group\Title Certification

Banks Engineering

Professional Engineers, Planners & Land Surveyors
FORT MYERS • NAPLES • SARASOTA • PORT CHARLOTTE

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE S.88°56'00"W. ALONG THE NORTH LINE OF SAID FRACTION FOR 1322.88 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE S.01°04'20"E. ALONG THE WEST LINE OF SAID FRACTION FOR 1151.81 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (COUNTY ROAD 865 - 199.02 FEET WIDE); THENCE N.89°37'57"E. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 680.01 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 1312.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.04°33'41"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9°06'31" FOR 208.64 FEET TO AN INTERSECTION WITH A CURVE HAVING A RADIUS OF 1307.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.14°36'39"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'42" FOR 315.16 FEET; THENCE N. 56°06'08"W. FOR 3.06 FEET; THENCE N.29°10'50"W. FOR 60.46 FEET; THENCE N.28°15'16"W. FOR 30.66 FEET; THENCE N.18°42'13"E. FOR 35.83 FEET; THENCE N.14°50'17"W. FOR 59.82 FEET; THENCE N.09°03'50"E. FOR 46.83 FEET; THENCE N.18°49'48"E. FOR 39.67 FEET; THENCE N.18°12'50"E. FOR 49.13 FEET; THENCE N.37°41'02"E. FOR 20.60 FEET; THENCE N.45°28'41"E. FOR 45.15 FEET; THENCE N.25°14'18"E. FOR 40.31 FEET; THENCE N.09°24'39"E. FOR 38.83 FEET; THENCE N.10°52'34"W. FOR 27.03 FEET; THENCE N.35°51'19"E. FOR 28.90 FEET; THENCE N.70°39'04"E. FOR 29.95 FEET; THENCE S.57°54'34"E. FOR 24.44 FEET; THENCE S.77°09'08"E. FOR 20.52 FEET TO THE EAST LINE OF SAID FRACTION; THENCE N.01°10'59"W. ALONG SAID EAST LINE FOR 554.86 FEET TO THE **POINT OF BEGINNING.**

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

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2515 Northbrooke Plaza Drive, Suite 200, Naples, Florida 34119 • (239) 597-2061 • Fax (239) 597-3082

Banks Engineering
Professional Engineers, Planners & Land Surveyors
10511 Six Mile Cypress Parkway
Fort Myers, Florida 33966
Phone: (239) 939-5490
Fax: (239) 939-2523

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Please Reply To:
FORT MYERS OFFICE

EXHIBIT D-7-Q
Schedule of Deviations and Written Justification

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1. Existing deviation approved by zoning resolution Z-04-043 from LDC Section 10-239(d)(1)a.3. This deviation is no longer necessary with the proposed master concept plan and is therefore proposed to be WITHDRAWN.

2. WITHDRAWN by zoning resolution Z-04-043.

3. Existing deviation approved by zoning resolution Z-04-043 from LDC Section 10-285(a), Table 1, requirement to provide a 660-foot access spacing on an arterial roadway; to allow a 628-foot spacing on Gladiolus Drive to utilize the two existing access points that were previously constructed by Lee County on Gladiolus Drive along the project frontage. The applicant wishes to maintain this deviation approval.

Proposed Deviations

4. We are requesting a deviation from Section 10-415(b)(1)a. which requires that large developments, with existing indigenous native vegetation communities must provide 50 percent of their open space percentage requirement through the on-site preservation of existing native vegetation communities to allow a combination of onsite preservation and restoration, pursuant to the criteria contained within LDC Section 10-415(b)(5)a.

Justification: LDC Section 10-415(b)(5) outlines acceptable mitigation measures for administrative deviations from LDC Section 10-415 (b)(1)a. and includes onsite ecological creation/restoration, with long-term management at a minimum 2:1 ratio of creation/restoration area to indigenous area to be mitigated. The project has three areas that are considered indigenous native vegetation which consists of two small wetland areas along the western property boundary and one larger upland area along the eastern property boundary. The three areas total 1.55 acres of existing indigenous vegetation onsite. We propose to impact 0.29 acre and preserve 1.26 acres of the existing indigenous vegetation. To offset this reduction, proposed is the creation/restoration of 0.67 acres of native indigenous area. The creation/restoration areas are provided at a ratio of 2.3:1 for the indigenous

areas to be mitigated, which exceeds the LDC minimum requirement. The proposed plans result in a total of 1.93 acres of native indigenous vegetation, increasing the net preservation areas of the project above what would be provided by meeting the LDC requirements. The restored areas will be planted with native vegetation species and are located adjacent to preserved indigenous vegetation areas. The restored areas will provide a public benefit by providing natural buffers between the indigenous vegetation and the development and increase the overall size of the native vegetation areas provided.

All woody exotic vegetation within the preserved wetlands and adjacent buffers will be cut by hand just above natural grade and the stump treated with an appropriate herbicide containing an indicator dye. Treatment will occur immediately following cutting to ensure maximal uptake of the herbicide. The resulting vegetative material will be removed from the preserve and disposed of at an upland location in accordance with all applicable local regulations. Once the exotics are removed, native plants will be installed. This will consist of six feet tall trees (cabbage palm, slash pine, and laurel oak) 12± feet on center, one gallon shrubs (such as myrsine, wax-myrtle, white stopper, coco plum, and white indigo berry) five feet center, and one gallon ground cover (such as bushy bluestem, lovegrass saw palmetto, and sand cordgrass) three feet center.

The planned development will be enhanced by the deviation and the intent of such regulations to protect health, safety and welfare will be served.

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Banks Engineering

Professional Engineers, Planners & Land Surveyors
10511 Six Mile Cypress Parkway
Fort Myers, Florida 33966
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Fax (239) 939-2523

Please Reply To:
FORT MYERS OFFICE

EXHIBIT D-7-P
SCHEDULE OF USES
COMMERCIAL PLANNED DEVELOPMENT
1st Sufficiency Submittal

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Accessory Uses and Structures
Administrative Offices
~~**Amusement park**~~
Animals:
    Clinic or kennel
ATM - Automatic Teller Machine
Auto Parts Store
~~**Automobile Repair and Service, all groups**~~
~~**Automobile service station**~~
Bait and Tackle Shop
Banks and Financial Establishments, Groups I and II
~~**Bar or cocktail lounge**~~
Boats:
    Boat parts store
    ~~**Boat repair and service**~~
    Boat sales
Broadcast Studio, Commercial Radio and Television
Building Material Sales,
Business services, Groups I and II
Bus station/depot
~~**Caretaker's residence**~~
~~**Car wash**~~
Cleaning and Maintenance Services
Clothing Stores, General
Clubs: Commercial, Fraternal, Membership Organization, Private
Consumption on Premises, Indoor and Outdoor **Outdoor limited to Group III or IV restaurant**
Contractors and Builders, ~~**all groups**~~ Group I and II
~~**Convenience food and beverage store with 6 fuel pumps**~~
Cultural Facilities
Day Care Center - Child, Adult
Department Store
Drive-through Facility for Any Permitted Use
Drugstore, Pharmacy
Entrance gates and gatehouse

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Sarasota Office
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Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769, Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

Emergency Operations Center
EMS, fire or sheriff's station
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention
~~**Factory outlets (point of manufacture only)**~~
Fences, Walls
~~**Fish house, wholesale**~~
~~**Flea market:**~~
~~**Open**~~
~~**Indoor**~~
Food and Beverage Service, Limited
Food Stores, Groups I and II
~~**Forestry Tower**~~
~~**Freight and cargo handling establishments**~~
~~**Full-service fuel pump**~~
Funeral home and mortuary (with or without a crematory)
~~**Gasoline dispensing system, special**~~
Gift and souvenir shop
Hardware Store
Health Care Facilities:
Group III
~~**Heliport or helistop**~~
Hobby, Toy and Game Shops
Hospice – **limited to lots 5 and 6**
Household and Office Furnishings, All Groups
Insurance Companies
~~**Laundry or Dry Cleaning, Group I**~~
Lawn and Garden Supply Stores
Library
Maintenance facility (Government)
~~**Manufacturing of:**~~
~~**Apparel Products**~~
~~**Electrical Machinery and Equipment**~~
~~**Fabricated metal products, Group III**~~
~~**Food and Kindred Products, Group III**~~
~~**Leather Products, Group II**~~
~~**Lumber and wood products, Group II**~~
~~**Measuring, Analyzing and Controlling Instruments**~~
~~**Novelties, Jewelry, Toys and Signs, All Groups**~~
~~**Rubber and plastic products, Group II**~~
Medical Office
~~**Mobile home dealers**~~
~~**Models:**~~
~~**Display Center**~~
Motion picture production studio
Nonstore Retailers, All Groups
~~**Package Store**~~

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Paint, Glass and Wallpaper
Parking Lot:
- Accessory
- Commercial
- Garage, public parking
- Temporary

Personal Services:
- Group I
- Group II (excluding Massage parlors and Steam or Turkish baths)
- Group III
- Group IV (excluding Escort services, Palm readers, fortunetellers or card readers and Tattoo parlors)

Pet Services
Pet Shop
Pharmacy
Place of Worship
Plant nursery
Post Office
Printing and Publishing
~~**Processing and warehousing**~~
~~**Racetracks:**~~
- ~~**Group I (limited to Go-cart tracks)**~~

Real Estate Sales Office
Recreation Facilities, Commercial:
- Group I
- Group III
- Group IV

Recreation Facilities, Personal
Recreation Facilities, Private-On-site
Recreation Facilities, Private-Off-site
~~**Recycling facility**~~
Religious facilities
Rental or Leasing Establishment:
- Group I
- Group II
- Group III

Repair Shops:
- Group I
- Group II
- ~~**Group III**~~
- ~~**Group IV**~~

Research and Development Laboratories, Groups II and IV
Restaurant, Fast Food
Restaurants, Groups I, II, III, IV
Retail and Wholesale Sales, when clearly incidental and subordinate to a permitted principal use on the same premises
Schools:
- Commercial

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Noncommercial
~~**Self-service fuel pumps**~~
Signs in accordance with Chapter 30
Social Services:
Group I
Group II
Specialty Retail Shops - All Groups
~~**Stable:**~~
~~**Commercial**~~
~~**Storage: Indoor and Open**~~
Studios
Temporary Uses
~~**Theater, Indoor or outdoor (drive-in)**~~
Transportation services:
Group II
Group III
Used Merchandise Stores, All Groups
Variety Store
~~**Vehicle and equipment dealers:**~~
~~**Group I, II and III**~~
Warehouse:
Mini-warehouse
Private
Public
Wholesale establishments:
Group I, III and IV
~~**Group II**~~

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Banks Engineering

Professional Engineers, Planners & Land Surveyors
10511 Six Mile Cypress Parkway
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

Please Reply To:
FORT MYERS OFFICE

EXHIBIT D-7-P
SCHEDULE OF USES
RESIDENTIAL PLANNED DEVELOPMENT
1st Sufficiency Submittal

Accessory Uses and Structures
Administrative Offices
Assisted Living Facility (160 Beds)
ATM (Automatic Teller Machine)
Banks and financial establishments: Group I
Clubs: Membership organization, Private
Continuing Care Facilities (300 Independent Living Units)
Drugstore, pharmacy
Dwelling Unit:
    Townhouse, multiple-family building
Entrance Gates and Gatehouse
Emergency operations center
EMS, fire or sheriff's station
Essential Services
Essential Service Facilities: Group I
Excavation: Water Retention
Fences and Walls
Food and beverage service, limited
Food stores Group I
~~**Gasoline dispensing system, special**~~
Health Care Facilities:
    Group I
    Group II
    Group III
    Group IV
Home Occupation
~~**Hospice**~~
Independent Living Units (300 Independent Living Units)
Laundry or dry cleaning, Group I
Medical Office
Models: Model Unit
Nonstore retailers
    Group II

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Naples Office
2515 Northbrooke Plaza Drive, Suite 200
Naples, Florida 34119
(239) 597-2061
Fax (239) 597-3082

Sarasota Office
1144 Tallevast Road, Suite 115
Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769, Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

Parking Lot, Accessory, Commercial, Temporary
Personal Services:
Group I
Pharmacy
Recreation Facilities: Private, On-site
Residential Accessory Uses
Restaurants, Groups I and II
Signs in Accordance with Chapter 30
Temporary Uses, Temporary Real Estate Sales Office

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KEVIN A. DENTI, P.A.

Orion Bank Centre
2180 Immokalee Road - Suite #316
Naples, Florida 34110
239-260-8111 (Telephone)
239-260-8112 (Facsimile)
kdenti@dentilaw.com
www.dentilaw.com

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DEC 18 2009
COMMUNITY DEVELOPMENT

REVISED TITLE CERTIFICATION

OASIS COVE

This Title Certification is being rendered to the Board of County Commissioners of Lee County, Florida for the sole and specific purpose of complying with Section 10-154-(2) of the Lee County, Florida Land Development Code, and is based solely upon Chicago Title Insurance Company's Commitment for Title Insurance under Title No. 240900682, with an effective date of March 19, 2009 at 5:00 P.M., covering the real property described on the attached Exhibit "A".

I am of the opinion that, as of March 19, 2009, fee simple title to the subject real estate is vested in Beck Group of Ft. Myers, LLC, a Florida limited liability company. Busey Bank, an Illinois banking corporation, holds a Mortgage and Security Agreement on said property, which Mortgage and Security Agreement is recorded in Official Records Book 4560, Page 1127, of the Public Records of Lee County, Florida, as subsequently modified from time to time, along with an Assignment of Rents and Leases and several Uniform Commercial Code Financing Statements. In addition, the real property is subject to a Mortgage in favor of Cris A. Stoneburner and Diana K. Stoneburner, which Mortgage is recorded as Instrument Number 2008000317127, of the Public Records of Lee County, Florida. Finally, a Notice of Development Order affecting title to the subject real property is recorded as Instrument Number 2008000259013, of the Public Records of Lee County, Florida. There are no easements which encumber the subject property.

This Revised Title Certification is rendered as of March 19, 2009.

KEVIN A. DENTI, P.A.

By: _____
Kevin A. Denti, Esquire
Florida Bar Number: 0817392

S:\Clients\Beck Group\Revised Title Certification

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Banks Engineering
Professional Engineers, Planners & Land Surveyors
FORT MYERS • NAPLES • SARASOTA • PORT CHARLOTTE

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE S.88°56'00"W. ALONG THE NORTH LINE OF SAID FRACTION FOR 1322.88 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE S.01°04'20"E. ALONG THE WEST LINE OF SAID FRACTION FOR 1151.81 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (COUNTY ROAD 865 - 199.02 FEET WIDE); THENCE N.89°37'57"E. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 680.01 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 1312.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.04°33'41"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9°06'31" FOR 208.64 FEET TO AN INTERSECTION WITH A CURVE HAVING A RADIUS OF 1307.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.14°36'39"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'42" FOR 315.16 FEET; THENCE N. 56°06'08"W. FOR 3.06 FEET; THENCE N.29°10'50"W. FOR 60.46 FEET; THENCE N.28°15'16"W. FOR 30.66 FEET; THENCE N.18°42'13"E. FOR 35.83 FEET; THENCE N.14°50'17"W. FOR 59.82 FEET; THENCE N.09°03'50"E. FOR 46.83 FEET; THENCE N.18°49'48"E. FOR 39.67 FEET; THENCE N.18°12'50"E. FOR 49.13 FEET; THENCE N.37°41'02"E. FOR 20.60 FEET; THENCE N.45°28'41"E. FOR 45.15 FEET; THENCE N.25°14'18"E. FOR 40.31 FEET; THENCE N.09°24'39"E. FOR 38.83 FEET; THENCE N.10°52'34"W. FOR 27.03 FEET; THENCE N.35°51'19"E. FOR 28.90 FEET; THENCE N.70°39'04"E. FOR 29.95 FEET; THENCE S.57°54'34"E. FOR 24.44 FEET; THENCE S.77°09'08"E. FOR 20.52 FEET TO THE EAST LINE OF SAID FRACTION; THENCE N.01°10'59"W. ALONG SAID EAST LINE FOR 554.86 FEET TO THE **POINT OF BEGINNING.**

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

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2515 Northbrooke Plaza Drive, Suite 200, Naples, Florida 34119 • (239) 597-2061 • Fax (239) 597-3082

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SKETCH TO ACCOMPANY DESCRIPTION

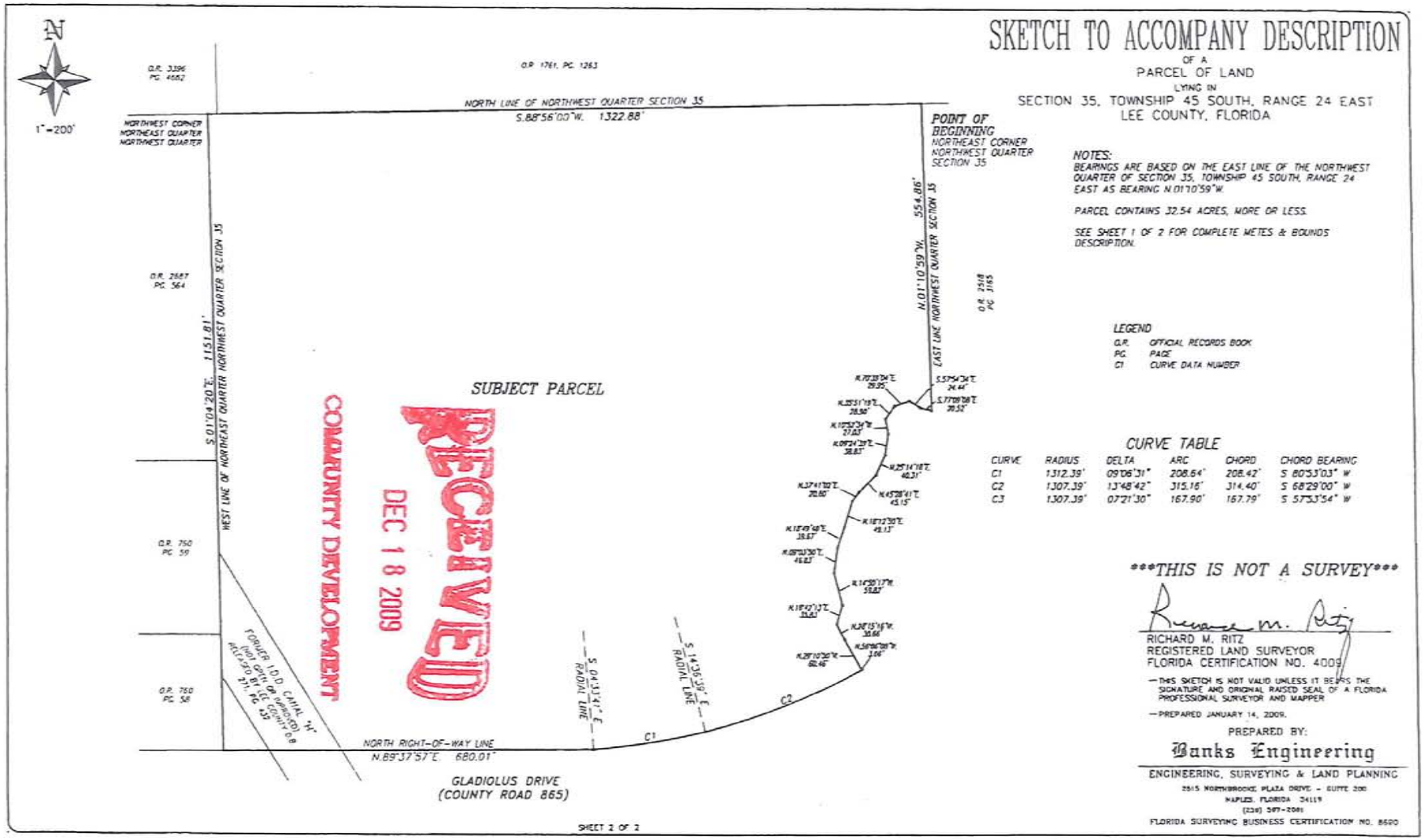
OF A

PARCEL OF LAND

LYING IN

SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST

LEE COUNTY, FLORIDA



NOTES:

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST AS BEARING N.01°10'59"W.

PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.

SEE SHEET 1 OF 2 FOR COMPLETE METES & BOUNDS DESCRIPTION.

LEGEND

O.R.	OFFICIAL RECORDS BOOK
PG.	PAGE
C1	CURVE DATA NUMBER

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1312.39'	09°06'31"	208.64'	208.42'	S 80°53'03" W
C2	1307.39'	13°48'42"	315.16'	314.40'	S 68°29'00" W
C3	1307.39'	07°21'30"	167.90'	167.79'	S 57°53'54" W

THIS IS NOT A SURVEY

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

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

—PREPARED JANUARY 14, 2009.

PREPARED BY:

Banks Engineering

ENGINEERING, SURVEYING & LAND PLANNING

2515 NORTHBROOKS PLAZA DRIVE - SUITE 200
NAPLES, FLORIDA 34119
(239) 597-2061

FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 8620

SHEET 2 OF 2

DCI 2009-00005

EXHIBITS "PH-2.C.1" & "PH-2.C.2"
PROPERTY OWNERS LIST & MAP

1. Strap # 35-45-24-00-00015.0000
   Owner: Beck Group of Ft. Myers, LLC, 436 Bayfront Place, Naples, FL 34102
   Site Address: 7650 Gladiolus Drive, Fort Myers, FL 33908

2. Strap #35-45-24-00-00014.0000
   Owner: Beck Group of Ft. Myers, LLC, 436 Bayfront Place, Naples, FL 34102
   Site Address: 7210 Congdon Road, Fort Myers, FL 33907

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LETTER OF AUTHORIZATION

The undersigned hereby acknowledges to be the owner or the authorized representative of the owner(s) of the real property described below and further authorizes BANKS ENGINEERING to act as agent in obtaining information and permits for this real property.

Beck Group of Ft. Myers, LLC
Company

Kevin L. Stoneburner, Manager
Printed Name, Title

By: _____ Date: 1/16/09
Signature

Property Description

STRAP #'s: 35-45-24-00-00015.0000 & 35-45-24-00-00014.0000

Address: 7650 Gladiolus Drive, Fort Myers, FL 33908 and
7210 Congdon Road, Fort Myers, FL 33907

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FEB
COMMUNITY DEVELOPMENT

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was sworn (or affirmed) and subscribed before me this 16th day of JAN., 2009
by KEVIN L. STONEBURNER as MANAGER
of BECK GROUP OF FORT MYERS, LLC,
on behalf of the corporation. He/ she is personally known to me or has produced _____
as identification.

Luann Ruse
Notary Signature

NOTARY PUBLIC-STATE OF FLORIDA
LUANN RUSE
Commission #DD585055
Expires: SEP. 26, 2010
BONDED THRU ATLANTIC BONDING CO., INC.

DCI 2009-00005

Banks Engineering

Professional Engineers, Planners & Land Surveyors
10511 Six Mile Cypress Parkway
Fort Myers, Florida 33966
Phone: (239) 939-5490
Fax: (239) 939-2523

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Please Reply To:
FORT MYERS OFFICE

EXHIBIT D-7-J
LEE PLAN COMPLIANCE

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The proposed development complies with the LEE Plan as follows:

The subject property is located within the Central Urban Future Land Use category which is described as follows in the Lee Plan:

POLICY 1.1.3: The Central Urban areas can best be characterized as the "urban core" of the county. These consists mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service-water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre).

> *The applicant is requesting approval to rezone a 32.54+/- acre parcel within the Central Urban Land Use category on Gladiolus Drive from Residential Planned Development (RPD) to Residential Planned Development / Commercial Planned Development (RPD/CPD) to permit the development of a maximum of a 160-bed Assisted Living Facility (equivalent to 40 d.u.), 300 Independent Care units (equivalent to 150 d.u.), and 125,000 s.f. commercial uses including a maximum of 60,000 s.f. retail with a maximum height of 3 stories/45 feet. The requested density is at 5.8 dwelling units per acre and is within the allowable density for the Central Urban land use designation. The commercial land use is not greater than a neighborhood center and is consistent with the allowable uses in the Central Urban area.*

SOUTH FORT MYERS COMMUNITY: This community is located in the center of Lee County, South of the City of Fort Myers, east of the Caloosahatchee River, west of the Six Mile Cypress Slough, and north of Gladiolus Drive. This community primarily has the higher

intensity land use categories such as Intensive Development, Central Urban, Urban Community, Industrial Development, and Suburban. This community contains one of the county's major hospitals, a baseball spring training facility, and the local community college. This community will be nearly built out by the year 2020. The South Fort Myers Community will continue to be a core area of the county providing office area for professional services in areas such as financial and medical. There will also be an increased amount of commercial activity along the US 41 corridor and light industrial uses will continue to expand along the Metro Avenue corridor north of Daniels Parkway. The amounts of commercial and industrial uses in this area are expected to double and most of the suitable land for these uses will be development by 2030.

The residential areas of this community will also continue to develop through the year 2030 however the popularity of the residential opportunities to the south in the San Carlos/Estero and Bonita communities will continue to dominate this segment of the market.

Approval of the requested RPD/CPD rezoning will bring the development into a zoning category more consistent with the Lee Plan and meet the goals, objectives, policies and intent of the Lee Plan. The proposed rezoning will bring additional assisted living, continuing care/independent living units to the area. Census data from 2000 showed that over 50% of the population for the subject property's census tract were 55 or older.

OBJECTIVE 1.7: SPECIAL TREATMENT AREAS. Designate on the Future Land Use Map, as overlays, special treatment areas that contain special restrictions or allowances in addition to all of the requirements of their underlying categories.

POLICY 1.7.6: The Planning Communities Map and Acreage Allocation Table (see Map 16 and Table 1(b) and Policies 1.1.1 and 2.2.2) depicts the proposed distribution, extent, and location of generalized land uses for the year 2030. Acreage totals are provided for land in each Planning Community in unincorporated Lee County. No final development orders or extension to final development orders will be issued or approved by Lee County which would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded.

The South Fort Myers Community Year 2030 allocations indicate that 2,100 acres in the Planning Community have been allocated for commercial use. Of that acreage 1,462 acres comprise existing commercial uses; thus, 638 acres are currently available to support zoning approval for commercial use. The requested rezoning of the 11.21± acre portion of the parcel to CPD will not exceed the total acreage allocated for commercial use within the South Fort Myers Planning Community. The 2030 allocation for residential land uses indicate that 3,140 acres in the Central Urban Future Land Use Category within the South Fort Myers Planning Community have been allocated for residential use. Of that acreage, 2,781 acres comprise of existing residential uses; thus, 359 acres are currently available to support zoning approval for residential use. The requested rezoning of the 21.33± acre portion of the parcel to RPD and will not exceed the total acreage allocated for residential use within the Central Urban Future Land Use Category within the South Fort Myers Planning Community.

GOAL 2: GROWTH MANAGEMENT. To provide for an economically feasible plan which coordinates the location and timing of new development with the provision of infrastructure by government agencies, private utilities, and other sources.

OBJECTIVE 2.1: DEVELOPMENT LOCATION. Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities. (Amended by Ordinance No. 94-30, 00-22)

The subject property promotes contiguous and compact growth patterns and does not by-pass larger tracts of land in favor of development more distant from services and existing communities. The proposed project is in close proximity to CPD and RPD developments along Gladiolus Drive. As demonstrated above, the proposed project is consistent with the permissible uses in the Central Urban category which is a Future Urban Area.

OBJECTIVE 2.2: DEVELOPMENT TIMING. Direct new growth to those portions of the Future Urban areas where adequate public facilities exist and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance. (Amended by Ordinance No. 94-30, 00-22)

POLICY 2.2.1: Rezonings and development-of-regional impact proposals shall be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare. (Amended by Ordinance No. 94-30, 00-22)

The proposed RPD/CPD is on the north side of Gladiolus Drive approximately 1,750 feet south of its intersection with Old Gladiolus Drive in the South Fort Myers Planning Community. The development is tied into the roadway system of an existing six-lane County maintained arterial right-of-way (Gladiolus Drive). The development will connect to existing water and sewer services provided by Lee County Utilities. Health, safety and welfare facilities are available through HealthPark, Gulf Coast Hospital, South Trail Fire Department, EMS Services and Lee County Sheriff's office.

The proposed development will be compatible with the existing and proposed land uses in the surrounding areas. The subject property is within the Central Urban Land Use category. The north side of the subject property is within the Public Facilities Land Use category, is zoned CF-2 and consists of existing Lakes Park. The property to the east of the subject property is within the Central Urban Land Use category, is zoned AG-2 and Wetlands and consists of vacant County land. The subject property fronts Gladiolus Drive, an existing six-lane divided County maintained arterial right-of-way. Properties along the south side of Gladiolus are within the Suburban and Central Urban Land Use categories, are zoned CPD, AG-2 and RM-6 and consist of existing commercial uses, vacant land and Victoria Cove Condominiums. The property to the west of the subject

property is within the Central Urban & Wetland Land Use categories, is zoned AG-2 and consists of vacant land. The proposed development will not have a negative impact to the public health, safety, and welfare.

GOAL 4: SUSTAINABLE DEVELOPMENT DESIGN. To pursue or maintain land development regulations which encourage creative site designs and mixed use developments. Using an overlay, locate appropriate areas for Mixed Use, Traditional Neighborhood Development and Transit Oriental Development. (Amended by Ordinance No. 94-30, 07-15)

POLICY 4.1.1: Development designs will be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements. (Amended by Ordinance No. 91-19, 00-22)

POLICY 4.1.2: Development designs will be evaluated to ensure that the internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive effect on the activities and functions contained within or adjacent to the development. (Amended by Ordinance 91-19, 00-22)

The proposed project is a RPD/CPD development that will meet or exceed the design criteria established for planned developments in the Lee County Land Development Code. The proposed design incorporates preservation of a portion of the natural features of the site. The site design will minimize the construction of both street and utility improvements. On-site retention/detention areas will be utilized for the stormwater management. The internal street system is functional and designed for the efficient and safe flow of vehicles without having a disruptive effect on pedestrian activity.

GOAL 5: RESIDENTIAL LAND USES. To provide sufficient land in appropriate locations on the Future Land Use Map to accommodate the projected population of Lee County in the year 2030 in attractive and safe neighborhoods with a variety of price ranges and housing types. (Amended by Ordinance No. 94-30, 07-12)

POLICY 5.1.1: Residential developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as planned residential developments. (Amended by Ordinance No. 00-22)

POLICY 5.1.2: Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.

POLICY 5.1.3: During the rezoning process, direct high-density residential developments to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities. (Amended by Ordinance No. 94-30)

The request as proposed will provide for an Assisted Living Facility and Independent Care units. The requested density is within the allowable range for the land use category. The proposed project is adjacent to the south of Lakes Park, is accessible by facilities that are noted on the 2020 Financially Feasible Transit Network Map and is accessible by existing bicycle facilities.

POLICY 5.1.5: Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in Chapter 10 of the Land Development Code area not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments. (Amended by Ordinance No. 94-30, 99-15, 00-22)

The proposed CPD area is adjacent to an offsite preserve area to the east to minimize any potential impacts. Sufficient buffers and open space areas are proposed.

GOAL 6: COMMERCIAL LAND USES. To permit orderly and well-planned commercial development at appropriate locations within the county. (Amended by Ordinance No. 94-30)

OBJECTIVE 6.1: All development approvals for commercial land uses must be consistent with the following policies, the general standards under Goal 11 and other provisions of this plan. (Amended by Ordinance No. 94-30)

POLICY 6.1.1: All applications for commercial development will be reviewed and evaluated as to:

a. Traffic and access impacts (rezoning and development orders);
b. Landscaping and detailed site planning (development orders);
c. Screening and buffering (planned development rezoning and development orders);
d. Availability and adequacy of services and facilities (rezoning and development orders);
e. Impact on adjacent land uses and surrounding neighborhoods (rezoning);
f. Proximity to other similar centers (rezoning); and
g. Environmental considerations (rezoning and development orders).

(Amended by Ordinance No. 00-22)

POLICY 6.1.6: The land development regulations will require that commercial development provide adequate and appropriate landscaping, open space, and buffering. Such development is encouraged to be architecturally designed so as to enhance the appearance of structures and parking areas and blend with the character of existing or planned surrounding land uses.

The proposed RPD/CPD will have access to a six-lane County maintained arterial (Gladiolus Drive) right-of-way to the south. The right-of-way has sufficient capacity to handle the traffic generated by the proposed land use. The development has been designed to provide adequate landscaping, open space, and buffering as required by the Land

Development Code together with previously approved deviations. The development will connect to existing public water and sanitary sewer systems provided by Lee County Utilities. The proposed development is compatible with surrounding land uses and is consistent with the Residential and Commercial Land Use goals and policies as well as the general standards under Goal 11.

GOAL 11: WATER, SEWER, TRAFFIC, AND ENVIRONMENTAL REVIEW STANDARDS. To insure that appropriate water, sewer, traffic, and environmental review standards are considered in reviewing rezoning applications and are met prior to issuance of a county development order.

STANDARD 11.1: WATER.

1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as defined by Chapter 17-22, F.A.C.
2. If the proposed development lies within the boundaries of a water utility's certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 6), then the development must be connected to that utility.
3. The developer must provide proof that the prior commitments of the water utility, plus the projected need of the developer, do not exceed the supply and facility capacity of the utility.

The proposed Residential Planned Development/Commercial Planned Development will connect to existing water facilities provided by Lee County Utilities.

STANDARD 11.2: SEWER.

1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.
2. If the proposed development exceeds the thresholds listed above and lies within the boundaries of a sewer utility's certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 7), and that utility has sufficient capacity to provide minimum service to the development, then the development must connect to that sewer utility if there is existing infrastructure adequate to accept the effluents of the development within ¼ mile from any part of the development.

The proposed Residential Planned Development/Commercial Planned Development will connect to existing sanitary sewer facilities provided by Lee County Utilities.

STANDARD 11.3: TRAFFIC.

1. A traffic impact statement must be submitted to and accepted by the county DOT for the following developments:
    - Developments of Regional Impact (D.R.I.'s):
    - Planned Developments (as specified in the Zoning Regulations); and
    - Developments requiring a county development order, as specified in the Land

Development Code.

A Traffic Impact Analysis was prepared by TR Transportation Consultants, Inc. to fulfill requirements set forth by the Lee County Department of Community Development for projects seeking re-zoning approval. Based on the results of the analysis, TR Transportation concluded that the proposed development will not have a detrimental impact on the surrounding roadway system. The existing roadway network can accommodate the additional new vehicle trips the development is anticipated to generate.

STANDARD 11.4: ENVIRONMENTAL REVIEW FACTORS. In any case where there exists or there is the probability of environmentally sensitive areas (as identified by Lee County, the Corps of Engineers, Department of Environmental Protection, South Florida Water Management District, or other applicable regulatory agency), the development/applicant must prepare an environmental assessment that examines the existing conditions, addresses the environmental problems, and proposes means and mechanisms to protect, conserve, or preserve the environmental and natural resources. (Amended by Ordinance No. 94-30, 00-22)

An Environmental Assessment and Protected Species Survey was prepared by Dexter Bender & Associates, Inc. and is attached.

GOAL 39: DEVELOPMENT REGULATIONS. Maintain clear, concise, and enforceable development regulations that fully address on-site and off-site development impacts and protect and preserve public transportation facilities. (Amended by Ordinance No. 98-09 99-15)

POLICY 39.1.4: Main access points from new development will not be established where traffic is required to travel through areas with significantly lower densities or intensities (e.g. multifamily access through single-family areas, or commercial access through residential areas) except where adequate mitigation can be provided. (Amended and Relocated by Ordinance No. 99-15)

The CPD portion is at the entrance and the Assisted Living Facility and Independent Living Units are internal to the development. The development has been designed to have traffic travel from higher intensities to lower, consistent with this policy. The proposed CPD will provide sufficient on-site parking for the proposed uses. The development will have access to Gladiolus Drive an existing six-lane County maintained arterial right-of-way.

GOAL 61: PROTECTION OF WATER RESOURCES. To protect the county's water resources through the application of innovative and sound methods of surface water management and by ensuring that the public and private construction, operation, and maintenance of surface water management systems are consistent with the need to protect receiving waters.

OBJECTIVE 61.3: GENERAL SURFACE WATER MGMT. STANDARDS. Lee County will continue to provide sufficient performance and/or design standards for development protection of the function of natural drainage systems.

POLICY 61.3.1: Provide sufficient performance and design standards to require post-

development runoff to approximate and total characteristics of the natural flow prior to development.

POLICY 61.3.6: Developments must have and maintain an adequate surface water management system, provisions for acceptable programs for operation and maintenance, and post-development runoff conditions which reflect the natural surface water flow in terms of rate, direction, quality, hydroperiod, and drainage basin. Detailed regulations will continue to be integrated with other county development regulations.

The developments' surface water management system will be developed in accordance with South Florida Water Management District (District) and Lee County Development regulations.

POLICY 61.3.11: Runoff must be routed through retention or detention areas and vegetated swales in order to reduce flow velocity, allow for percolation, and trap and remove suspended solids and pollutants.

Stormwater management for the proposed development will be accomplished by on-site retention/detention areas. The stormwater management system for the proposed development will be designed to match pre-development drainage patterns as closely as possible, without adversely affecting surrounding properties.

POLICY 61.3.12: The design of shorelines of retention or detention areas and other excavations must be sinuous rather than straight.

The stormwater management system will be designed in accordance with South Florida Water Management District (SFWMD) requirements to provide for attenuation/retention of stormwater runoff from the site. Issuance of a SFWMD permit shall be deemed to be in compliance with Chapter 10 of the LDC and review of the project shall be limited to external impacts and wet season water table elevation. For purposes of stormwater management calculations, the assumed water table will be established by an engineer in accordance with sound engineering practice. The stormwater management system will be reviewed for compliance with Chapter 10 of the LDC through the development order process.

POLICY 61.3.13: Installation of erosion control devices for development activities adjacent to water bodies, watercourses and wetlands shall be required. Such control devices shall be maintained to ensure operational effectiveness.

Erosion control devices will be installed in accordance with local and state regulations.

Smart Growth Principles

Lee County has taken initiatives to incorporate the principles of "Smart Growth" into its planning processes and planning strategies. Smart Growth strikes a balance between no growth, and unfettered growth without limitation. Smart Growth is an approach to development meant to create and maintain great neighborhoods. In short, promoting the right growth, in the right place,

at the right time. The applicant has briefly evaluated the proposed development based on 10 commonly accepted principles of Smart Growth.

- Mix land uses.

Approval of this request will further this smart growth principle. The current zoning allows only multi-family dwelling units and the proposed zoning expands the schedule of uses to not only incorporate the existing use as one of the allowable uses on the site, but adds commercial uses and additional residential uses in the form of the assisted living facility and continuing care

- Take advantage of compact building design.

This development will further this smart growth principle by allowing the compact building design on the site to be utilized for an expanded list of uses.

- Create a range of housing opportunities and choices.

This request offers additional uses that could house the elderly, as well as a provision to incorporate the existing multiple-family use as a permitted use. As such, this proposed development will ultimately further this smart growth principle.

- Create walkable neighborhoods.

The proposed development will connect to existing bicycle and pedestrian facilities in the form of existing sidewalks on Gladiolus Drive. The proposed development will further this smart growth principle.

- Foster distinctive, attractive communities with a strong sense of place.

The request must comply with the design guidelines set forth in the Lee County Land Development Code. This development will further this smart growth principle.

- Preserve open space, farmland, natural beauty, and critical environmental areas.

The majority of the site is Melaleuca and Australian pines with two very small freshwater marshes as described in the submitted report by W. Dexter Bender and Associates, Inc. Open space will be provided in accordance with the Lee County Land Development Code. The proposed development will further this smart growth principle.

- Strengthen and direct development towards existing communities.

This development is urban infill and the request expands the opportunities for development to take place. This development does further this smart growth principle.

- Provide a variety of transportation choices.

The proposed project is adjacent to the south of Lakes Park, is accessible by facilities

that are noted on the 2020 Financially Feasible Transit Network Map and is accessible by existing bicycle facilities and pedestrian facilities in the form of existing sidewalks along Gladiolus Drive. The proposed development furthers this smart growth principle.

- Make development decisions predictable, fair, and cost effective.

The applicant will work diligently with staff to accommodate the request.

- Encourage community and stakeholder collaboration in development decisions.

The applicant is seeking a public hearing amendment to the zoning of the subject property which will include notice to the surrounding property owners. The subject property is not located within any known areas under community planning efforts. This development furthers this smart growth principle.

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EXHIBIT D-7-K
DESIGN STANDARDS COMPLIANCE

DCI 2009-00005

The proposed development will comply with the General Design Standards set forth in Section 34-411 of the Lee County Land Development code as follows:

a) The requested planned development is consistent with the provisions of the Lee Plan (see Exhibit D-7-J).

b) The requested planned development will be designed and constructed in accordance with all applicable County development regulations together with approved deviations.

c) The requested planned development is compatible with adjacent uses and therefore will not negatively impact surrounding properties and the general public interest. The property is intended for the proposed list of uses, in accordance with the Central Urban land use designation. The subject property is of adequate size to accommodate the proposed structures and all required open space.

d) The requested planned development will have access to Gladiolus Drive, a six-lane County maintained arterial. This right-of-way has sufficient capacity to handle the traffic generated by the proposed land use. No site related industrial traffic will be moved through residential areas.

e) The development is not within the Lee Tran public transit service area.

f) The requested planned development will not create hazards to persons or property, whether on or off the site, by increasing the probability or degree of flood, erosion or any other danger, nor shall it impose a nuisance on surrounding land uses or the public's interest generally through emissions of noise, glare, dust, odor, air or water pollution.

g) The subject property does not contain any known historic or archaeological features, however a very slight portion of the subject property lies within Archaeological

Sensitivity Level 2 (please refer to exhibit D-1-B). A certificate to dig might be required at the time of development order.

h) The requested planned development will utilize open space and preserve areas to produce an architecturally integrated human environment.

i) The design of the requested planned development is compatible with adjacent uses and will not negatively impact surrounding land and land uses.

j) The requested planned development will be compatible with the surrounding development.

k) The proposed planned development will be separate and mutually protected by the lakes, roadways and buffers from the different land uses.

l) The design of the development will promote pedestrian activity and community interaction.

m) There will be no conflicting uses within the planned development.

n) The proposed development has been designed to vary the concentration of intensity throughout the planned development.

o) Sufficient parking will be provided in compliance with Land Development Code Section 34-2020.

p) Joint parking will not be necessary in this development.

q) Internal consistency within the requested planned development will be encouraged.

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EXHIBIT D-7-L
DECISION-MAKING COMPLIANCE

The proposed development complies with the guidelines for decision-making embodied in Lee County Land Development Code Section 34-145(c)(2)a & e and 34-145(d)(3) as follows:

Section 34-145(c)(2)a

The rezoning to RPD/CPD will bring the development into a zoning category more consistent with the Lee Plan. The changing conditions of Gladiolus Drive, with the fly-over at the intersection of Summerlin Road, and the fact that the uses of Assisted Living Facilities, Continuing Care Facilities, and Independent Living Units are increasing in demand make approval of the request appropriate. The increasing demand for these uses can be demonstrated by the attached Census Bureau News released Thursday, August 14, 2008 that shows increasing numbers of individuals 65 and older. This fact is further demonstrated in the attached Census Bureau State Interim Population Projections by Age and Sex: 2004 – 2030, Table 3: Interim Projections: Ranking of States by Projected Percent of Population Age 65 and Older: 2000, 2010, and 2030 which ranks Florida number 1 in all projections; Table 4: Interim Projections: Change in Total Population and Population 65 and Older, by State: 2000 to 2030 which indicates a change in the age 65 and older percent for Florida to be 176.7%; and Table 5: Interim Projections: Population Under Age 18 and 65 and Older: 2000, 2010, and 2030 which indicates percent of total population in Florida that is 65 and older as: 2000-17.6%, 2010-17.8% and 2030-27.1%. There are existing commercial and residential planned developments in close proximity to the subject property. Rezoning the subject property to RPD/CPD will promote contiguous and compact growth patterns in the area.

Section 34-145(c)(2)e

The list of Lee Plan consistencies provided in Exhibit D-7-J demonstrate that the applicant is entitled to the rezoning.

Section 34-145(d)(3)

a. The list of Lee Plan consistencies (see Exhibit D-7-J) demonstrate that the applicant is entitled to the rezoning.
b. The request will meet or exceed all performance and location standards set forth for the potential uses allowed by the request.
c. The request is consistent with the densities, intensities and general uses set forth in the Lee Plan.

d. The request is compatible with existing and planned uses in the surrounding area.
e. Approval of the request 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 proposed development.
f. The request will not adversely affect environmental critical areas and natural resources.
g. The proposed use is appropriate at the subject location.
h. Urban services, as defined in the Lee Plan, are available and adequate to serve the proposed land use.

Section 34-377(a)(2)

The proposed schedule of uses is consistent with the Central Urban land use designation and is compatible with the surrounding land and land uses.

Section 34-377(a)(4)

The proposed deviations enhance the achievement of the objectives of the planned development; and preserve and promote the general intent to protect the public health, safety and welfare.

U.S. Census Bureau News
U.S. Department of Commerce · Washington, D.C. 20233

RELEASED: THURSDAY, AUG. 14, 2008

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CB08-123
Broadcast release [PDF]
Detailed tables
Tables and Charts
State contacts

An Older and More Diverse Nation by Midcentury

The nation will be more racially and ethnically diverse, as well as much older, by midcentury, according to projections released today by the U.S. Census Bureau.

Minorities, now roughly one-third of the U.S. population, are expected to become the majority in 2042, with the nation projected to be 54 percent minority in 2050. By 2023, minorities will comprise more than half of all children.

In 2030, when all of the baby boomers will be 65 and older, nearly one in five U.S. residents is expected to be 65 and older. This age group is projected to increase to 88.5 million in 2050, more than doubling the number in 2008 (38.7 million).

Similarly, the 85 and older population is expected to more than triple, from 5.4 million to 19 million between 2008 and 2050.

By 2050, the minority population — everyone except for non-Hispanic, single-race whites — is projected to be 235.7 million out of a total U.S. population of 439 million. The nation is projected to reach the 400 million population milestone in 2039.

The non-Hispanic, single-race white population is projected to be only slightly larger in 2050 (203.3 million) than in 2008 (199.8 million). In fact, this group is projected to lose population in the 2030s and 2040s and comprise 46 percent of the total population in 2050, down from 66 percent in 2008.

Meanwhile, the Hispanic population is projected to nearly triple, from 46.7 million to 132.8

million during the 2008-2050 period. Its share of the nation's total population is projected to double, from 15 percent to 30 percent. Thus, nearly one in three U.S. residents would be Hispanic.

The black population is projected to increase from 41.1 million, or 14 percent of the population in 2008, to 65.7 million, or 15 percent in 2050.

The Asian population is projected to climb from 15.5 million to 40.6 million. Its share of the nation's population is expected to rise from 5.1 percent to 9.2 percent.

Among the remaining race groups, American Indians and Alaska Natives are projected to rise from 4.9 million to 8.6 million (or from 1.6 to 2 percent of the total population). The Native Hawaiian and Other Pacific Islander population is expected to more than double, from 1.1 million to 2.6 million. The number of people who identify themselves as being of two or more races is projected to more than triple, from 5.2 million to 16.2 million.

Other highlights:

- In 2050, the nation's population of children is expected to be 62 percent minority, up from 44 percent today. Thirty-nine percent are projected to be Hispanic (up from 22 percent in 2008), and 38 percent are projected to be single-race, non-Hispanic white (down from 56 percent in 2008).
- The percentage of the population in the "working ages" of 18 to 64 is projected to decline from 63 percent in 2008 to 57 percent in 2050.
- The working-age population is projected to become more than 50 percent minority in 2039 and be 55 percent minority in 2050 (up from 34 percent in 2008). Also in 2050, it is projected to be more than 30 percent Hispanic (up from 15 percent in 2008), 15 percent black (up from 13 percent in 2008) and 9.6 percent Asian (up from 5.3 percent in 2008).

-X-

Unless otherwise specified, the data refer to the population who reported a race alone or in combination with one or more races. The detailed tables show data for both this group and those who reported a single race only. Censuses and surveys permit respondents to select more than one race; consequently, people may be one race or a combination of races. Hispanics may be of any race.

The federal government treats Hispanic origin and race as separate and distinct concepts. In surveys and censuses, separate questions are asked on Hispanic origin and race. The question on Hispanic origin asks respondents if they are Spanish, Hispanic or Latino. Starting with Census 2000, the question on race asked respondents to report the race or races they consider themselves to be. Thus, Hispanics may be of any race. (See *U.S. Census Bureau Guidance on the Presentation and Comparison of Race and Hispanic Origin Data.*)

The original race data from Census 2000 are modified to eliminate the "some other race" category. This modification is used for all Census Bureau projections products and is explained in the document titled "Modified Race Data Summary File Technical Documentation and ASCII Layout" that can be found on the Census Bureau Web site

at <http://www.census.gov/popest/archives/files/MRSF-01-US1.html>

The projections for the resident population of the United States are available by single year of age, sex, race and Hispanic origin. They are based on Census 2000 results and assumptions about future childbearing, mortality and net international migration.

Table 3: Interim Projections: Ranking of States by Projected Percent of Population Age 65 and Older: 2000, 2010, and 2030

2000 State	2000 Percent	2000 Rank	2010 State	2010 Percent	2010 Rank	2030 State	2030 Percent	2030 Rank
United States	12.4	(X)	**United States**	13.0	(X)	**United States**	19.7	(X)
Florida	17.6	1	Florida	17.8	1	Florida	27.1	1
Pennsylvania	15.6	2	West Virginia	16.0	2	Maine	26.5	2
West Virginia	15.3	3	Maine	15.6	3	Wyoming	26.5	3
Iowa	14.9	4	Pennsylvania	15.5	4	New Mexico	26.4	4
North Dakota	14.7	5	North Dakota	15.3	5	Montana	25.8	5
Rhode Island	14.5	6	Montana	15.0	6	North Dakota	25.1	6
Maine	14.4	7	Iowa	14.9	7	West Virginia	24.8	7
South Dakota	14.3	8	South Dakota	14.6	8	Vermont	24.4	8
Arkansas	14.0	9	Connecticut	14.4	9	Delaware	23.5	9
Connecticut	13.8	10	Arkansas	14.3	10	South Dakota	23.1	10
Nebraska	13.6	11	Vermont	14.3	11	Pennsylvania	22.6	11
Massachusetts	13.5	12	Hawaii	14.3	12	Iowa	22.4	12
Missouri	13.5	13	Delaware	14.1	13	Hawaii	22.3	13
Montana	13.4	14	Alabama	14.1	14	Arizona	22.1	14
Ohio	13.3	15	Rhode Island	14.1	15	South Carolina	22.0	15
Hawaii	13.3	16	New Mexico	14.1	16	Connecticut	21.5	16
Kansas	13.3	17	Wyoming	14.0	17	New Hampshire	21.4	17
New Jersey	13.2	18	Arizona	13.9	18	Rhode Island	21.4	18
Oklahoma	13.2	19	Missouri	13.9	19	Wisconsin	21.3	19
Wisconsin	13.1	20	Oklahoma	13.8	20	Alabama	21.3	20
Alabama	13.0	21	Nebraska	13.8	21	Massachusetts	20.9	21
Arizona	13.0	22	Ohio	13.7	22	Nebraska	20.6	22
Delaware	13.0	23	Massachusetts	13.7	23	Mississippi	20.5	23
New York	12.9	24	New Jersey	13.7	24	Ohio	20.4	24
Oregon	12.8	25	New York	13.6	25	Arkansas	20.3	25
Vermont	12.7	26	South Carolina	13.6	26	Missouri	20.2	26
Kentucky	12.5	27	Wisconsin	13.5	27	Kansas	20.2	27
Indiana	12.4	28	Kansas	13.4	28	New York	20.1	28
Tennessee	12.4	29	Tennessee	13.3	29	New Jersey	20.0	29
Michigan	12.3	30	Kentucky	13.1	30	Kentucky	19.8	30
District of Columbi	12.2	31	Oregon	13.0	31	Louisiana	19.7	31
South Carolina	12.1	32	Michigan	12.8	32	Michigan	19.5	32
Minnesota	12.1	33	Mississippi	12.8	33	Oklahoma	19.4	33
Illinois	12.1	34	Indiana	12.7	34	Tennessee	19.2	34
Mississippi	12.1	35	Louisiana	12.6	35	Minnesota	18.9	35
North Carolina	12.0	36	New Hampshire	12.6	36	Virginia	18.8	36
New Hampshire	12.0	37	North Carolina	12.4	37	Nevada	18.6	37
Wyoming	11.7	38	Virginia	12.4	38	Idaho	18.3	38
New Mexico	11.7	39	Illinois	12.4	39	Oregon	18.2	39
Louisiana	11.6	40	Minnesota	12.4	40	Washington	18.1	40
Maryland	11.3	41	Nevada	12.3	41	Indiana	18.1	41
Idaho	11.3	42	Washington	12.2	42	Illinois	18.0	42
Washington	11.2	43	Maryland	12.2	43	California	17.8	43
Virginia	11.2	44	Idaho	12.0	44	North Carolina	17.8	44
Nevada	11.0	45	California	11.5	45	Maryland	17.6	45
California	10.6	46	District of Columbia	11.5	46	Colorado	16.5	46
Texas	9.9	47	Colorado	10.7	47	Georgia	15.9	47
Colorado	9.7	48	Texas	10.5	48	Texas	15.6	48
Georgia	9.6	49	Georgia	10.2	49	Alaska	14.7	49
Utah	8.5	50	Utah	9.0	50	District of Columbi	13.4	50
Alaska	5.7	51	Alaska	8.1	51	Utah	13.2	51

U.S. Census Bureau, Population Division, Interim State Population Projections, 2005.
Internet Release Date: April 21, 2005

Table 4: Interim Projections: Change in Total Population and Population 65 and Older, by State: 2000 to 2030

State	Change in total population Number	Change in total population Percent	Change in Age 65 and older Number	Change in Age 65 and older Percent
United States	**82,162,529**	29.2	**36,461,718**	**104.2**
Alabama	427,143	9.6	459,362	79.2
Alaska	240,742	38.4	91,503	256.3
Arizona	5,581,765	108.8	1,703,515	255.1
Arkansas	566,808	21.2	282,387	75.5
California	12,573,213	37.1	4,692,583	130.5
Colorado	1,491,096	34.7	540,205	129.8
Connecticut	283,065	8.3	324,222	69.0
Delaware	229,058	29.2	136,097	133.8
District of Columbia	-138,645	-24.2	-11,660	-16.7
Florida	12,703,391	79.5	4,961,855	176.7
Georgia	3,831,385	46.8	1,122,562	143.0
Hawaii	254,509	21.0	166,356	103.6
Idaho	675,671	52.2	215,117	147.4
Illinois	1,013,599	8.2	912,152	60.8
Indiana	729,623	12.0	479,042	63.6
Iowa	28,848	1.0	226,973	52.0
Kansas	251,666	9.4	236,862	66.5
Kentucky	513,229	12.7	398,657	79.0
Louisiana	333,657	7.5	427,283	82.7
Maine	136,174	10.7	190,615	103.9
Maryland	1,725,765	32.6	636,388	106.2
Massachusetts	662,912	10.4	602,948	70.1
Michigan	755,728	7.6	861,707	70.7
Minnesota	1,386,651	28.2	598,858	100.8
Mississippi	247,752	8.7	290,544	84.6
Missouri	834,962	14.9	546,335	72.3
Montana	142,703	15.8	148,609	122.9
Nebraska	108,984	6.4	143,616	61.9
Nevada	2,283,845	114.3	578,250	264.1
New Hampshire	410,685	33.2	204,816	138.4
New Jersey	1,388,090	16.5	846,409	76.0
New Mexico	280,662	15.4	342,959	161.6
New York	500,972	2.6	1,468,539	60.0
North Carolina	4,178,426	51.9	1,204,125	124.3
North Dakota	-35,634	-5.5	57,880	61.3
Ohio	197,388	1.7	849,265	56.3
Oklahoma	462,597	13.4	301,603	66.1
Oregon	1,412,519	41.3	443,780	101.3
Pennsylvania	487,130	4.0	970,903	50.6
Rhode Island	104,622	10.0	94,105	61.7
South Carolina	1,136,557	28.3	649,126	133.7
South Dakota	45,618	6.0	76,933	71.1
Tennessee	1,691,351	29.7	714,397	101.6
Texas	12,465,924	59.8	3,113,653	150.2
Utah	1,252,198	56.1	270,331	142.1
Vermont	103,040	16.9	96,430	124.4
Virginia	2,746,504	38.8	1,051,655	132.7
Washington	2,730,680	46.3	901,753	136.2
West Virginia	-88,385	-4.9	149,548	54.0
Wisconsin	787,089	14.7	609,672	86.8
Wyoming	29,197	5.9	80,893	140.2

U.S. Census Bureau, Population Division, Interim State Population Projections, 2005.
Internet Release Date: April 21, 2005

Table 5: Interim Projections: Population Under Age 18 and 65 and Older: 2000, 2010, and 2030

State	2000 Under 18 Number	2000 Under 18 Percent of total population	2000 65 and older Number	2000 65 and older Percent of total population	2010 Under 18 Number	2010 Under 18 Percent of total population	2010 65 and older Number	2010 65 and older Percent of total population	2030 Under 18 Number	2030 Under 18 Percent of total population	2030 65 and older Number	2030 65 and older Percent of total population
United States	72,293,812	25.7	34,991,753	12.4	74,431,511	24.1	40,243,713	13.0	85,707,297	23.6	71,453,471	19.7
Alabama	1,123,422	25.3	579,798	13.0	1,092,184	23.8	648,889	14.1	1,112,264	22.8	1,039,160	21.3
Alaska	190,717	30.4	35,699	5.7	183,983	26.5	56,548	8.1	249,293	28.7	127,202	14.7
Arizona	1,366,947	26.6	667,839	13.0	1,688,464	25.4	922,010	13.9	2,607,152	24.3	2,371,354	22.1
Arkansas	680,369	25.4	374,019	14.0	702,656	24.4	412,152	14.3	783,223	24.2	656,406	20.3
California	9,249,829	27.3	3,595,658	10.6	9,496,978	24.9	4,392,708	11.5	11,046,140	23.8	8,288,241	17.8
Colorado	1,100,795	25.6	416,073	9.7	1,188,583	24.6	517,419	10.7	1,464,836	25.3	956,278	16.5
Connecticut	841,688	24.7	470,183	13.8	814,008	22.8	515,621	14.4	823,436	22.3	794,405	21.5
Delaware	194,587	24.8	101,726	13.0	202,208	22.9	124,972	14.1	218,760	21.6	237,823	23.5
District of Columbia	114,992	20.1	69,898	12.2	114,064	21.5	61,036	11.5	100,589	23.2	58,238	13.4
Florida	3,646,340	22.8	2,807,597	17.6	4,086,123	21.2	3,418,697	17.8	5,770,082	20.1	7,769,452	27.1
Georgia	2,169,234	26.5	785,275	9.6	2,502,386	26.1	980,824	10.2	3,146,624	26.2	1,907,837	15.9
Hawaii	295,767	24.4	160,601	13.3	316,263	23.6	191,065	14.3	325,503	22.2	326,957	22.3
Idaho	369,030	28.5	145,916	11.3	400,237	26.4	181,416	12.0	486,088	24.7	361,033	18.3
Illinois	3,245,451	26.1	1,500,025	12.1	3,196,906	24.7	1,600,863	12.4	3,259,113	24.3	2,412,177	18.0
Indiana	1,574,396	25.9	752,831	12.4	1,596,185	25.0	811,290	12.7	1,701,424	25.0	1,231,873	18.1
Iowa	733,638	25.1	436,213	14.9	711,056	23.6	449,887	14.9	663,301	22.4	663,186	22.4
Kansas	712,993	26.5	356,229	13.3	698,996	24.9	375,315	13.4	708,946	24.1	593,091	20.2
Kentucky	994,818	24.6	504,793	12.5	1,002,307	23.5	557,471	13.1	1,027,976	22.6	903,450	19.8
Louisiana	1,219,799	27.3	516,929	11.6	1,171,502	25.4	582,340	12.6	1,149,939	23.9	944,212	19.7
Maine	301,238	23.6	183,402	14.4	269,232	19.8	212,278	15.6	255,393	18.1	374,017	26.5
Maryland	1,356,172	25.6	599,307	11.3	1,406,294	23.8	717,987	12.2	1,718,368	24.5	1,235,695	17.6
Massachusetts	1,500,064	23.6	860,162	13.5	1,483,853	22.3	908,565	13.7	1,545,614	22.0	1,463,110	20.9
Michigan	2,595,767	26.1	1,219,018	12.3	2,487,058	23.8	1,334,491	12.8	2,433,329	22.8	2,080,725	19.5
Minnesota	1,286,894	26.2	594,266	12.1	1,289,963	23.8	670,429	12.4	1,505,527	23.9	1,193,124	18.9
Mississippi	775,187	27.3	343,523	12.1	759,450	25.6	379,025	12.8	712,022	23.0	634,067	20.5
Missouri	1,427,692	25.5	755,379	13.5	1,411,394	23.8	821,645	13.9	1,497,099	23.3	1,301,714	20.2
Montana	230,062	25.5	120,949	13.4	212,312	21.9	144,961	15.0	210,342	20.1	269,558	25.8
Nebraska	450,242	26.3	232,195	13.6	446,256	25.2	243,313	13.8	456,338	25.1	375,811	20.6
Nevada	511,799	25.6	218,929	11.0	665,085	24.7	329,621	12.3	1,075,633	25.1	797,179	18.6
New Hampshire	309,562	25.0	147,970	12.0	304,164	22.0	178,823	12.9	355,531	21.6	352,786	21.4
New Jersey	2,087,558	24.8	1,113,136	13.2	2,088,224	23.2	1,231,585	13.7	2,175,752	22.2	1,959,545	20.0
New Mexico	508,574	28.0	212,225	11.7	479,405	24.2	278,967	14.1	455,808	21.7	555,184	26.4
New York	4,690,107	24.7	2,448,352	12.9	4,420,876	22.7	2,651,655	13.6	4,325,477	22.2	3,916,891	20.1
North Carolina	1,964,047	24.4	969,048	12.0	2,268,838	24.3	1,161,164	12.4	3,080,611	25.2	2,173,173	17.8
North Dakota	160,849	25.0	94,478	14.7	141,964	22.3	97,108	15.3	128,313	21.2	152,358	25.1
Ohio	2,888,339	25.4	1,507,757	13.3	2,744,431	23.7	1,586,981	13.7	2,640,671	22.9	2,357,022	20.4
Oklahoma	892,360	25.9	455,950	13.2	895,073	24.9	494,966	13.8	977,929	25.0	757,553	19.4
Oregon	846,526	24.7	438,177	12.8	863,166	22.8	494,328	13.0	1,118,070	23.1	881,957	18.2
Pennsylvania	2,922,221	23.8	1,919,165	15.6	2,747,595	21.8	1,956,235	15.5	2,746,199	21.5	2,890,068	22.6
Rhode Island	247,822	23.6	152,402	14.5	249,273	22.3	157,358	14.1	252,731	21.9	246,507	21.4
South Carolina	1,009,641	25.2	485,333	12.1	1,036,349	23.3	605,660	13.6	1,143,807	22.2	1,134,459	22.0
South Dakota	202,649	26.8	108,131	14.3	194,152	24.7	114,459	14.6	195,896	24.5	185,064	23.1
Tennessee	1,398,521	24.6	703,311	12.4	1,478,915	23.7	829,023	13.3	1,791,281	24.3	1,417,708	19.2
Texas	5,886,759	28.2	2,072,532	9.9	6,785,408	27.5	2,587,383	10.5	8,990,095	27.0	5,186,185	15.6
Utah	718,698	32.2	190,222	8.5	818,985	31.6	234,798	9.0	1,060,166	30.4	460,553	13.2
Vermont	147,523	24.2	77,510	12.7	132,372	20.3	93,442	14.3	138,959	19.5	173,940	24.4
Virginia	1,738,262	24.6	792,333	11.2	1,880,184	23.5	994,359	12.4	2,320,190	23.6	1,843,988	18.8
Washington	1,513,843	25.7	662,148	11.2	1,488,423	22.8	795,528	12.2	1,964,633	22.8	1,563,901	18.1
West Virginia	402,393	22.3	276,895	15.3	382,311	20.9	292,402	16.0	325,351	18.9	426,443	24.8
Wisconsin	1,368,756	25.5	702,553	13.1	1,319,144	23.0	771,993	13.5	1,365,476	22.2	1,312,225	21.3
Wyoming	128,873	26.1	57,693	11.7	116,273	22.4	72,658	14.0	99,997	19.1	138,586	26.5

U.S. Census Bureau, Population Division, Interim State Population Projections, 2005.
Internet Release Date: April 21, 2005

Banks Engineering

Professional Engineers, Planners & Land Surveyors
10511 Six Mile Cypress Parkway
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

Please Reply To:
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EXHIBIT D-7-P
SCHEDULE OF USES
RESIDENTIAL PLANNED DEVELOPMENT

Accessory Uses and Structures
Administrative Offices
Assisted Living Facility (160 Beds)
ATM (Automatic Teller Machine)
Banks and financial establishments: Group I
Clubs: Membership organization, Private
Continuing Care Facilities (300 Independent Living Units)
Drugstore, pharmacy
Dwelling Unit:
    Townhouse, multiple-family building
Entrance Gates and Gatehouse
Emergency operations center
EMS, fire or sheriff's station
Essential Services
Essential Service Facilities: Group I
Excavation: Water Retention
Fences and Walls
Food and beverage service, limited
Food stores Group I
Gasoline dispensing system, special
Health Care Facilities:
    Group I
    Group II
    Group III
    Group IV
Home Occupation
Hospice
Independent Living Units
Laundry or dry cleaning, Group I
Medical Office
Models: Model Unit
Nonstore retailers
    Group II
Parking Lot, Accessory, Commercial, Temporary

Naples Office
2515 Northbrooke Plaza Drive, Suite 200
Naples, Florida 34119
(239) 597-2061
Fax (239) 597-3082

Sarasota Office
1144 Tallevast Road, Suite 115
Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769, Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

Personal Services:
    Group I
Pharmacy
Recreation Facilities: Private, On-site
Residential Accessory Uses
Restaurants, Groups I and II
Signs in Accordance with Chapter 30
Temporary Uses, Temporary Real Estate Sales Office

Banks Engineering

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Fort Myers, Florida 33966
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EXHIBIT D-7-P
SCHEDULE OF USES
COMMERCIAL PLANNED DEVELOPMENT

Accessory Uses and Structures
Administrative Offices
Amusement park
Animals:
    Clinic or kennel
ATM - Automatic Teller Machine
Auto Parts Store
Automobile Repair and Service, all groups
Automobile service station
Bait and Tackle Shop
Banks and Financial Establishments, Groups I and II
Bar or cocktail lounge
Boats:
    Boat parts store
    Boat repair and service
    Boat sales
Broadcast Studio, Commercial Radio and Television
Building Material Sales
Business services, Groups I and II
Bus station/depot
Caretaker's residence
Car wash
Cleaning and Maintenance Services
Clothing Stores, General
Clubs: Commercial, Fraternal, Membership Organization, Private
Consumption on Premises, Indoor and Outdoor
Contractors and Builders, all groups Group I and II
Convenience food and beverage store with 6 fuel pumps
Cultural Facilities
Day Care Center - Child, Adult
Department Store
Drive-through Facility for Any Permitted Use
Drugstore, Pharmacy
Entrance gates and gatehouse

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Naples Office
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(239) 597-2061
Fax (239) 597-3082

Sarasota Office
1144 Tallevast Road, Suite 115
Sarasota, Florida 34243
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Port Charlotte Office
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Emergency Operations Center
EMS, fire or sheriff's station
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention
Factory outlets (point of manufacture only)
Fences, Walls
Fish house, wholesale
Flea market:
    Open
    Indoor
Food and Beverage Service, Limited
Food Stores, Groups I and II
Forestry Tower
Freight and cargo handling establishments
Full-service fuel pump
Funeral home and mortuary (with or without a crematory)
Gasoline dispensing system, special
Gift and souvenir shop
Hardware Store
Health Care Facilities:
    Group III
Heliport or helistop
Hobby, Toy and Game Shops
Hospice
Household and Office Furnishings, All Groups
Insurance Companies
Laundry or Dry Cleaning, Group I
Lawn and Garden Supply Stores
Library
Maintenance facility (Government)
Manufacturing of:
    Apparel Products
    Electrical Machinery and Equipment
    Fabricated metal products, Group III
    Food and Kindred Products, Group III
    Leather Products, Group II
    Lumber and wood products, Group II
    Measuring, Analyzing and Controlling Instruments
    Novelties, Jewelry, Toys and Signs, All Groups
    Rubber and plastic products, Group II
Medical Office
Mobile home dealers
Models:
    Display Center
Motion picture production studio
Nonstore Retailers, All Groups
Package Store
Paint, Glass and Wallpaper

Parking Lot:
- Accessory
- Commercial
- Garage, public parking
- Temporary

Personal Services:
- Group I
- Group II (excluding Massage parlors and Steam or Turkish baths)
- Group III
- Group IV (excluding Escort services, Palm readers, fortunetellers or card readers and Tattoo parlors)

Pet Services
Pet Shop
Pharmacy
Place of Worship
Plant nursery
Post Office
Printing and Publishing
Processing and warehousing
Racetracks:
- Group I (limited to Go-cart tracks)

Real Estate Sales Office
Recreation Facilities, Commercial:
- Group I
- Group III
- Group IV

Recreation Facilities, Personal
Recreation Facilities, Private-On-site
Recreation Facilities, Private-Off-site
Recycling facility
Religious facilities
Rental or Leasing Establishment:
- Group I
- Group II
- Group III

Repair Shops:
- Group I
- Group II
- Group III
- Group IV

Research and Development Laboratories, Groups II and IV
Restaurant, Fast Food
Restaurants, Groups I, II, III, IV
Retail and Wholesale Sales, when clearly incidental and subordinate to a permitted principal use on the same premises
Schools:
- Commercial
- Noncommercial

Self-service fuel pumps

Signs in accordance with Chapter 30
Social Services:
    Group I
    Group II
Specialty Retail Shops - All Groups
Stable:
    Commercial
Storage: Indoor and Open
Studios
Temporary Uses
Theater, Indoor or outdoor (drive-in)
Transportation services:
    Group II
    Group III
Used Merchandise Stores, All Groups
Variety Store
Vehicle and equipment dealers:
    Group I, II and III
Warehouse:
    Mini-warehouse
    Private
    Public
Wholesale establishments:
    Group I, III and IV
    Group II

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Professional Engineers, Planners & Land Surveyors
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Please Reply To:
FORT MYERS OFFICE

EXHIBIT D-7-Q
Schedule of Deviations and Written Justification

1. Existing deviation approved by zoning resolution Z-04-043 from LDC Section 10-239(d)(1)a.3. This deviation is no longer necessary with the proposed master concept plan and is therefore proposed to be WITHDRAWN.

2. WITHDRAWN by zoning resolution Z-04-043.

3. Existing deviation approved by zoning resolution Z-04-043 from LDC Section 10-285(a), Table 1, requirement to provide a 660-foot access spacing on an arterial roadway; to allow a 628-foot spacing on Gladiolus Drive to utilize the two existing access points that were previously constructed by Lee County on Gladiolus Drive along the project frontage. The applicant wishes to maintain this deviation approval.

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Banks Engineering
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Engineering License No. EB 6469
Surveying License No. LB 6690

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EXHIBIT D-7-R
SURFACE WATER MANAGEMENT PLAN

(1) A written description of the surface water management plan that includes:

a. The runoff characteristics of the property in its existing state;

The project consists of densely overgrown Australian pine with little native vegetation. The drainage pattern for the property has been interrupted by the adjacent development of Lakes Park and Gladiolus Drive. The current drainage pattern is generally from northeast to southwest to Hendry Creek which runs just to the west of the project.

b. In general terms, the drainage concept proposed, including the outfall to canals or natural water bodies including how drainage flow from adjacent properties will be maintained;

The proposed drainage concept will be to collect and treat all stormwater runoff from the project in the onsite lake. Runoff will be routed to the lake by surface drainage features (swales and gutters) and by drainage pipes. The lake will provide the necessary storage and treatment of stormwater runoff in accordance with SFWMD requirements. The system will limit offsite discharge to pre-development quantities. The stormwater management system will discharge to Hendry Creek via overland flow. No offsite properties drain through or across the property.

c. The retention features (including existing natural features) that will be incorporated into the drainage system and the legal mechanism which will guarantee their maintenance;

Few natural features exist on the property that are suitable for incorporation in the stormwater management system. Two small isolated wetlands exist along the west property boundary. One small wetland will be filled and one will be preserved. The outfall for the project will discharge to the preserved wetland and then to Hendry Creek via overland flow. This drainage concept was previously approved by SFWMD, ACOE and Lee County for the project for the residential site plan that has valid development permits.

It is likely the project will be subdivided and include a property owners association that will be responsible for the maintenance of the surface water management system.

d. How existing natural features will be preserved. Include an estimate of the ranges of existing and post development water table elevations, where appropriate;

The existing elevation of the property is approximately 3.5'. Given the elevation of the property and proximity to Hendry Creek, which is tidally influenced south of Gladiolus Drive, very little fluctuation of water level is expected in the pre or post development condition. The onsite water level will rise following extreme storm events.

e. If the property is subject to seasonal inundation or subject to inundation by a stream swollen by the rains of a 100-year storm event, indicate the measures that will be taken to mitigate the effects of expectable flooding.

The Hendry creek watershed was recently remapped for 100 yr floodplain as part of the county wide remapping by FEMA in 2007/2008. The floodway location was appealed and reduced in size on the adopted map for the project vicinity. Based on the current FEMA maps a small portion of floodway is present in the northwest corner of the property. This floodway will either not be filled or if filling the floodway is necessary, then a FEMA LOMA will be obtained prior to Development Order approval.

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Tousa Homes, Inc. filed an application for administrative approval to a Residential Planned Development on a project known as Oasis Cove (formerly Gladiolus RPD) to allow the current developer to change the multi-family building types and add single story detached garages along with an administrative deviation to allow a street setback of 10 feet on property located at 7650 Gladiolus Dr., described more particularly as:

LEGAL DESCRIPTION: In Section 35, Township 45 South, Range 24 East, Lee County, Florida:

See Exhibit A

WHEREAS, the property was originally rezoned in case number DCI2003-00059 by Resolution Z-04-043; and

WHEREAS, the subject property is located in the Central Urban and Wetlands Future Land Use Category as designated by the Lee County Comprehensive 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 approved Master Concept Plan by Resolution Z-04-043 was for a multi-family development with two (2) development areas identified as Pod A and B, with a maximum total of 275 dwelling units; and

WHEREAS, the Master Concept Plan shows Pod A to have buildings that are clustered in groups of three (3) buildings with 20 or 24 dwelling units per building and Pod "B" shows ten (10) buildings that each contain 8 dwelling units. The maximum building height is 45 feet (3 stories) high with the exception of the buildings located in the northeast corner of the project that are approved with a maximum building height of 35 feet; and

WHEREAS, the applicant has requested the amendment to allow the multi-family building types to be changed to one (1) building with18 units in each building with a maximum building height of 45 feet with the exception of buildings 7, 8, and 9 located in the northeast corner; and add single story detached garages; and

WHEREAS, the addition of the detached garages requires an administrative deviation from the street setback of 20 feet to allow a 10 foot setback from the internal private access easement; and

WHEREAS, Development Services reviewed the addition of the detached garages and support the amendment with condition #4; and

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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 allow a change to the multi-family building types and add single story detached garages is **APPROVED.**

Approval is subject to the following conditions:

1. **The Development must be in compliance with the amended Master Concept Plan, dated stamped received January 5, 2007 and last revised on January 2, 2007. Master Concept Plan for ADD2006-00184 is hereby APPROVED and adopted. A reduced copy is attached hereto.**

2. **The terms and conditions of the original zoning resolutions remain in full force and effect.**

3. **Buildings # 7, 8, and 9 are limited to a maximum height of 35 feet, all other buildings are limited to a maximum height of 45 feet per Resolution Z-04-043.**

4. **All garages must be constructed no less than ten (10) feet from any proposed building within the development. All proposed enclosed garages shall provide an eight (8) foot wide back-out apron in addition to the required twenty-four (24) foot wide parking lot aisle. Open carports without solid walls must not be required to provide any additional back-out area beyond the required twenty-four(24) foot wide parking lot aisle.**

DULY SIGNED this 4th day of April, A.D., 2007.

BY: Pam Houck

Pam Houck, Director
Division of Zoning
Department of Community Development

Banks Engineering
Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA ♦ PORT CHARLOTTE

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE S.88°56'00"W. ALONG THE NORTH LINE OF SAID FRACTION FOR 1322.88 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE S.01°04'20"E. ALONG THE WEST LINE OF SAID FRACTION FOR 1151.81 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (COUNTY ROAD 865 - 199.02 FEET WIDE); THENCE N.89°37'57"E. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 680.01 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 1312.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.04°33'41"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9°06'31" FOR 208.64 FEET TO AN INTERSECTION WITH A CURVE HAVING A RADIUS OF 1307.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.14°36'39"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'42" FOR 315.16 FEET; THENCE N. 56°06'08"W. FOR 3.06 FEET; THENCE N.29°10'50"W. FOR 60.46 FEET; THENCE N.28°15'16"W. FOR 30.66 FEET; THENCE N.18°42'13"E. FOR 35.83 FEET; THENCE N.14°50'17"W. FOR 59.82 FEET; THENCE N.09°03'50"E. FOR 46.83 FEET; THENCE N.18°49'48"E. FOR 39.67 FEET; THENCE N.18°12'50"E. FOR 49.13 FEET; THENCE N.37°41'02"E. FOR 20.60 FEET; THENCE N.45°28'41"E. FOR 45.15 FEET; THENCE N.25°14'18"E. FOR 40.31 FEET; THENCE N.09°24'39"E. FOR 38.83 FEET; THENCE N.10°52'34"W. FOR 27.03 FEET; THENCE N.35°51'19"E. FOR 28.90 FEET; THENCE N.70°39'04"E. FOR 29.95 FEET; THENCE S.57°54'34"E. FOR 24.44 FEET; THENCE S.77°09'08"E. FOR 20.52 FEET TO THE EAST LINE OF SAID FRACTION; THENCE N.01°10'59"W. ALONG SAID EAST LINE FOR 554.86 FEET TO THE **POINT OF BEGINNING.**

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.

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

Applicant's Legal Checked
By Amy 040CT06

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

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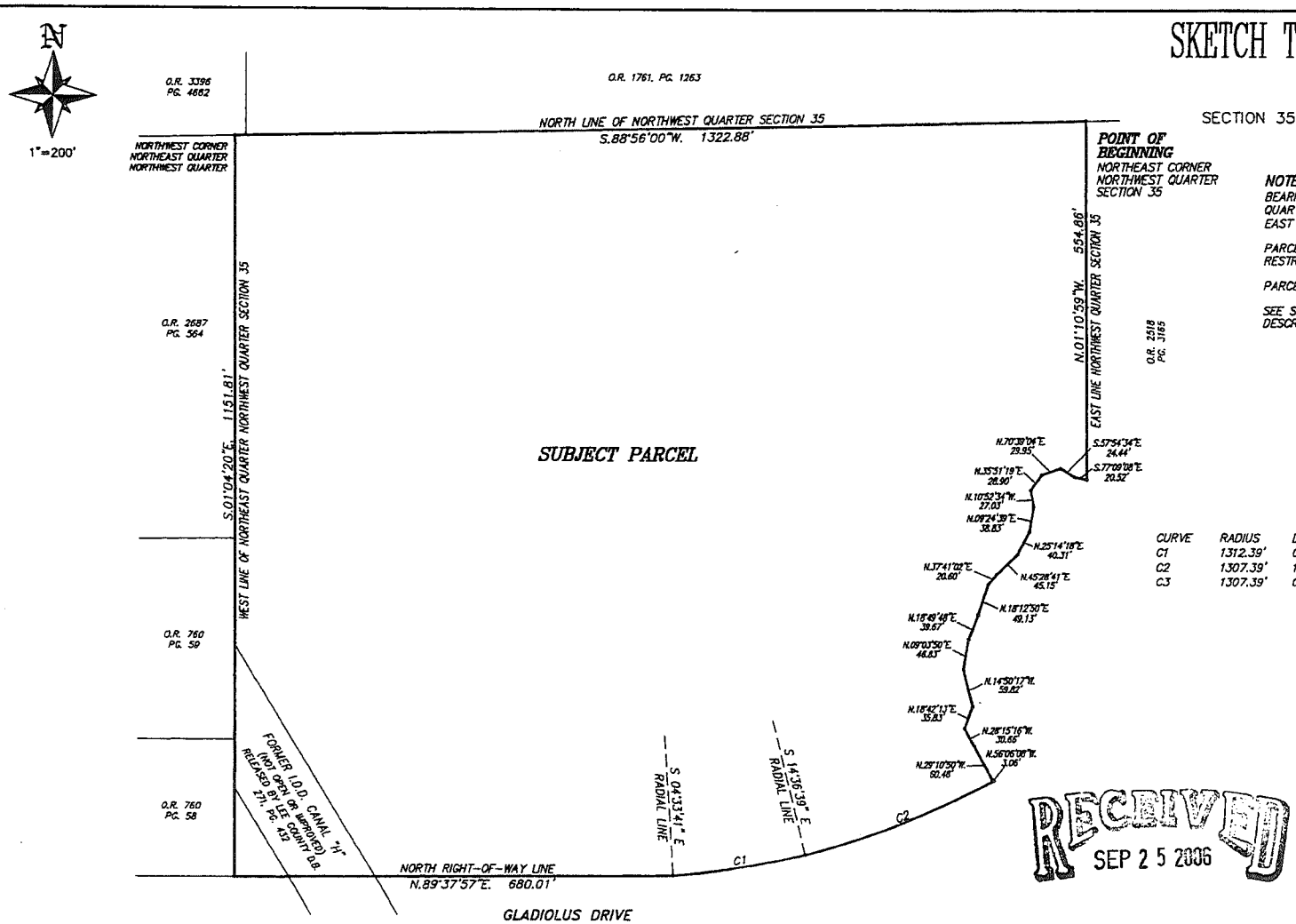
SEP 25 2006

ADD 2006-00184

2515 Northbrooke Plaza Drive, Suite 200, Naples, Florida 34119 • (239) 597-2061 • Fax (239) 597-3082

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



NOTES:

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST AS BEARING N.01°10'59"W.

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

PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.

SEE SHEET 1 OF 2 FOR COMPLETE METES & BOUNDS DESCRIPTION.

LEGEND

O.R.	OFFICIAL RECORDS BOOK
PG.	PAGE
C1	CURVE DATA NUMBER

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1312.39'	09°06'31"	208.64'	208.42'	S 80°53'03" W
C2	1307.39'	13°48'42"	315.16'	314.40'	S 68°29'00" W
C3	1307.39'	07°21'30"	167.90'	167.79'	S 57°53'54" W

THIS IS NOT A SURVEY

RECEIVED
SEP 25 2006

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

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

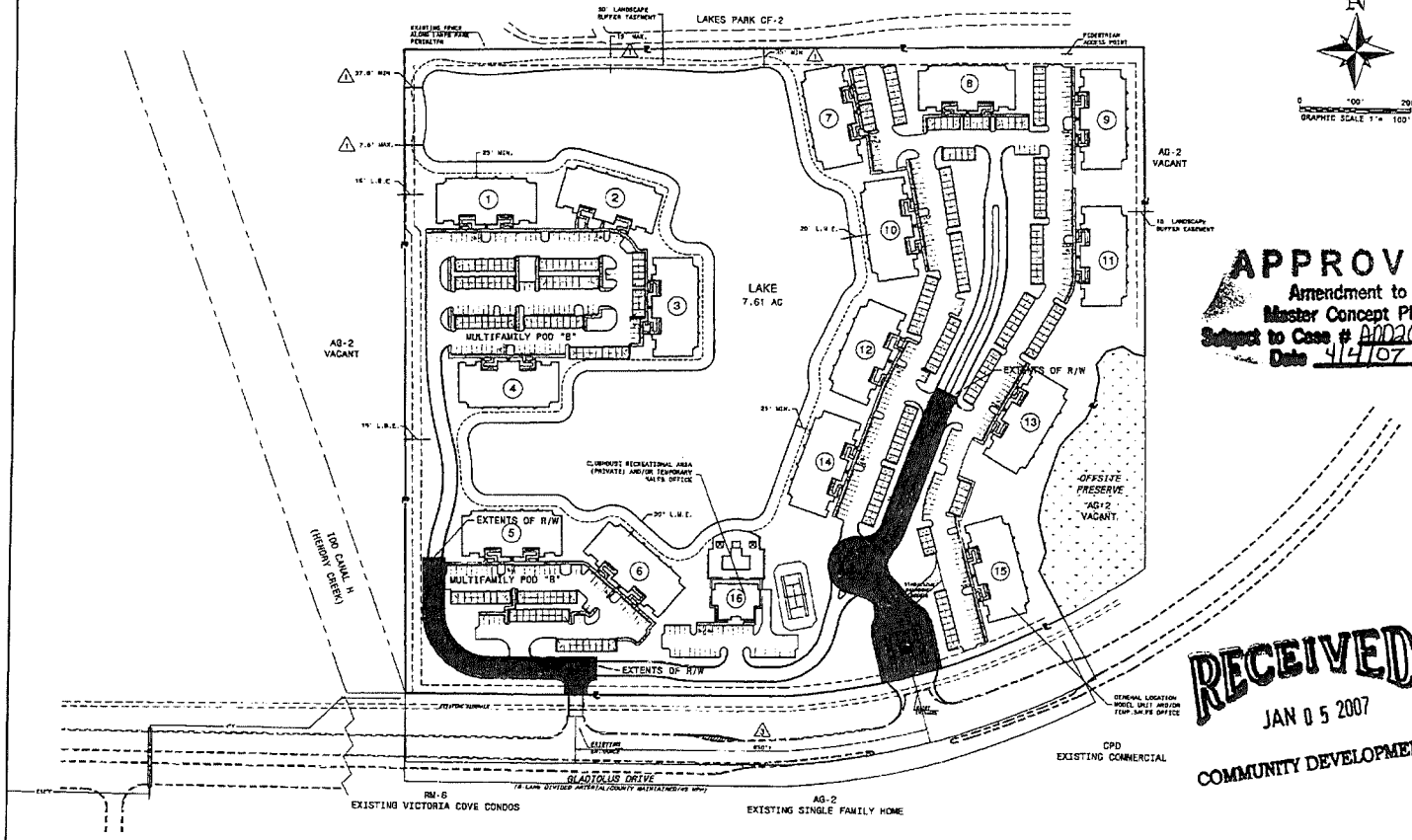
—PREPARED SEPTEMBER 20, 2006.

PREPARED BY:

Banks Engineering
ENGINEERING, SURVEYING & LAND PLANNING
2515 NORTHBROOKE PLAZA DRIVE – SUITE 200
NAPLES, FLORIDA 34119
(239) 597-2061
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

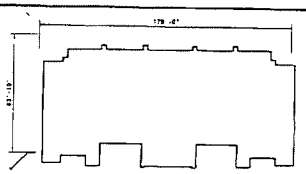
ADD 2006-00184

J:\Jobs\16xx\1620\SURVEY\Descriptions\11620_SK_RMR.dwg, 9/20/2006 3:28:36 PM, Dave Sheppard



N

0 100' 200'
GRAPHIC SCALE 1" = 100'



3 STORY 18 UNIT BUILDING, PODS A & B
*35' MAXIMUM BUILDING HEIGHT,
30' MINIMUM BUILDING SEPARATION
SCALE: 1" = 40'

SINGLE STORY GARAGE
16' MAXIMUM HEIGHT,
10' MINIMUM BUILDING SEPARATION TO OTHER STRUCTURES AS REQUESTED WITH ADD2006-00184
SCALE: 1" = 40'

APPROVED
Amendment to Master Concept Plan
Subject to Case # ADD2006-00184
Date 9/4/07

RECEIVED
JAN 05 2007
COMMUNITY DEVELOPMENT

ADD 2006-00184

PROJECT SUMMARY DATA:

NET SITE AREA: 32.54 ACRES
ROAD R/W: 3.16 ACRES
½ ROAD R/W (GLADIOLUS)
SITE AREA: 35.70 ACRES (+ OR -)

TOTAL UNITS PROPOSED: 270 UNITS (7.58 DU/ACRE)

LAND USE CLASSIFICATION: CENTRAL URBAN

EXISTING ZONING: RESIDENTIAL PLANNED DEVELOPMENT (RPD) #Z-04-043

OPEN SPACE: 40% MIN. COMMON OPEN SPACE.

WATER: LEE COUNTY UTILITIES

SEWER: LEE COUNTY UTILITIES

FIRE DISTRICT: SOUTH TRAIL FIRE DISTRICT

FLOOD ZONE: A-14 (ELEV. 11) PER LEE COUNTY FLOOD ZONE MAP 125124 0325 C

CONDITIONS AND DEVIATION OF APPROVED RESOLUTION Z-04-043:

PER SECTION B.2.B
* MAXIMUM BUILDING HEIGHT IS 35' FOR BUILDINGS 8 AND 9.

PER SECTION B.7:
A THIRTY (30) FOOT TYPE 'F' BUFFER MUST BE PROVIDED ALONG THE NORTH PROPERTY LINE, UTILIZING CANOPY TREES, 15' OF WHICH MAY BE UTILIZED FOR THE REQUIRED 20 FT LAKE MAINTENANCE EASEMENT.

PER SECTION B.11:
A FIFTEEN (15) FOOT WIDE BUFFER MUST BE PROVIDED ALONG THE EASTERN AND WESTERN PROPERTY BOUNDARIES. THIS BUFFER MUST CONSIST OF A MINIMUM 10 TREES TREES PER 100 LINEAR FEET, A DOUBLE STAGGERED CONTINUOUS VISUAL SCREEN ROW OF HEDGES WHICH MUST BE A MINIMUM OF 48 INCHES TALL AT INSTALLATION AND MUST BE MAINTAINED AT A MINIMUM OF 60 INCHES TALL WITHIN ONE YEAR OF PLANTING. SEVEN AND ONE-HALF FEET OF THIS BUFFER MAY BE UTILIZED FOR THE REQUIRED 20-FOOT-WIDE LAKE MAINTENANCE EASEMENT ON THE WESTERN SIDE OF THE PROPOSED SITE.

A TYPE "D" BUFFER WILL BE PLANTED ALONG THE RIGHT-OF-WAY.

BUILDING SETBACKS FROM THE NORTH, EAST, AND WEST PERIMETER PROPERTY LINES ARE 30 FEET.

PLEASE SEE APPROVED RESOLUTION Z-04-043 FOR A SCHEDULE OF APPROVED DEVIATIONS.

⚠ = APPROVED DEVIATION PER RESOLUTION

BUILDING LOCATIONS ARE APPROXIMATE.

PARKING:

REQUIRED:
2 PER UNIT WITH 10% GUEST
15 BLDGS x 18 UNITS = 270
270 x 2 = 540 + (270 x 0.1) = 567

PROVIDED:

OPEN PARKING	352
COVERED PARKING	271
TOTAL PARKING PROVIDED	623

EXHIBIT H-3.C

PREPARED FOR:
TOUSA HOMES, DBA
ENGLE HOMES SOUTHWEST FLORIDA
12600 NEW BRITAINY BOULEVARD
SUITE 101
FORT MYERS, FLORIDA 33907
(239) 590-8132 FAX: (239) 590-0632

NO.	DATE	REVISION DESCRIPTION	BY
1	01/31/07	REVISED PER CASE#2006-00184	DRU

Banks Engineering, Inc.
Professional Engineers, Planners & Land Surveyors
FORT MYERS ◆ NAPLES ◆SARASOTA
10511 BIG YELE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33912
PHONE: (239) 939-3490 FAX: (239) 939-3493
ENGINEERING LICENSE # 28 8485
SURVEY LICENSE # LB 6990

MASTER CONCEPT PLAN
OASIS COVE A.K.A. GLADIOLUS RPD
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
02/28/04	1620	MCP	DRU	DGP	DRU	1" = 100'	1	1	35-45-24

RESOLUTION NUMBER Z-04-043

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

WHEREAS, an application was filed by the property owners, Jack and Barbara Amar, to rezone a 32.54-acre parcel from Agricultural (AG-2) to Residential Planned Development (RPD) in reference to Gladiolus RPD; and

WHEREAS, a public hearing was advertised and held on June 23, 2004, before the Lee County Zoning Hearing Examiner. Written submissions were requested by the Hearing Examiner at the close of the hearing with a due date of June 28, 2004. The Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2003-00059; and

WHEREAS, a second public hearing was advertised and held on August 30, 2004, 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 32.54-acre parcel from AG-2 to RPD, to allow a maximum of 296 multi-family dwelling units with a maximum building height of 45 feet. Blasting was not proposed for the site. The property is located in the Central Urban and Wetlands Land Use Categories and is legally described in attached Exhibit A. The request is approved for **275** multi-family dwelling units with a maximum height of 45 feet 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. Development of this project must be consistent with the one-page Master Concept Plan entitled "Master Concept Plan, Gladiolus RPD, Lee County, Florida," stamped received September 9, 2004, dated February 26, 2004, except as modified by the conditions below. Development must comply with all requirements of the Lee County 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 MCP are subsequently pursued, appropriate approvals will be necessary.

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

   a. Schedule of Uses

COPY
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COMMUNITY DEVELOPMENT

Accessory Uses and Structures
Clubs, Private (maximum of 6,000 square feet) (No Consumption on Premises)
Accessory Uses to include Administrative Offices for the Home Owner's Association and other directly related Club functions
Dwelling Unit:
Multi-Family
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I
Excavation: Water Retention
Fences, Walls
Home Occupation, with no outside help
Models: Model Units (Consistent with Condition 5)
Parking Lot: Accessory
Recreational Facilities: Private, On-Site
Signs in Accordance with LDC Chapter 30
Temporary Real Estate Sales Office (Consistent with Condition 5)

b. Site Development Regulations

	Public Street Setback	Private Street Setback	Side Set-back	Rear Set-back	Water Set-back	Bldg. Sep.	Max. Bldg. Ht.	Lot Width	Lot Depth	Lot Area
Multi-family/ Club-house/ Rec. Facility	25' min.	20' min.	10' min.*	15' min.*	20' min.	per LDC**	45' (3 stories) ***	100' min.	100' min.	10,000 sq. ft. min., 2,500 sq. ft. per unit min.

* Minimum 30-foot building perimeter setback on the boundaries of the subject property.

** Land Development Code Chapter 34-935(e)(4).

*** Maximum building height of 35 feet for the two (2) buildings in the northeast corner of the project

No structures may be placed within any required buffers.

Accessory uses and structures will be set back in accordance with Land Development Code § 34-1174. Also, no accessory structures may be placed within any required buffers.

c. A maximum total of 275 dwelling units.

3. Approval of this rezoning 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.

4. 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.

5. Model Units and a Real Estate Sales Office are permitted uses, but must be consistent with the following conditions:

   a. A maximum of eight (8) Model Units are permitted.

   b. All Model Units and the Temporary Real Estate Sales Office must be located within the areas depicted on the MCP as areas for Model Units.

   c. A maximum of one (1) Temporary Real Estate Sales Office is permitted.

   d. Hours of operation for the Model Units and Temporary Real Estate Sales Office are restricted to Sunday through Saturday, 8:00 a.m. through 6:00 p.m.

   e. Each Model Unit must be a unique example. Multiple examples of the same unit are not permitted.

   f. Temporary Real Estate Sales Office is limited to sales of lots, homes, or units within the development, and is valid for a period of time not to exceed three (3) years from the date the Certificate of Occupancy is issued for the sales office. The director may grant one two-year extension. Additional time will require a Special Exception approval.

6. Blasting is prohibited.

7. A 30-foot-wide Type "F" buffer, utilizing canopy trees, must be provided along the entire northern property boundary of the subject site. Fifteen (15) feet of this buffer may be utilized for the required 20-foot-wide lake maintenance easement.

8. A 20-foot-wide lake maintenance easement must be placed around the entire perimeter of the proposed lake.

9. Prior to local development order approval, the landscape plans must delineate 40 percent common open space.

10. The MCP must be modified prior to the execution of this resolution to reflect the approval of no more than 275 dwelling units.

11. A 15-foot-wide buffer must be provided along the eastern and western property boundaries. This buffer must consist of a minimum of 10 trees per 100 linear feet, a double staggered continuous visual screen row of hedges which must be a minimum of 48 inches tall at installation and must be maintained at a minimum of 60 inches tall within one year of planting. Seven and one-half feet of this buffer may be utilized for the required 20-foot-wide lake maintenance easement on the western side of the proposed site.

12. Prior to any resolution of approval being signed, the MCP must be revised to remove notes 1, 3, and 4, and to relocate the access road along the southwest portion of the subject property outside of the required 15-foot-wide Type "D" buffer along the right-of-way on Gladiolus Drive, and to properly label the full extent of this required buffer.

13. The pedestrian access from the development to Lakes Park is subject to approval by the Lee County Department of Public Works during the local development order review process. The developer is responsible for all costs associated with the design and construction of this access.

14. Proposed conditions regarding hurricane mitigation:

    a. The developer, his successors or assigns, will provide an educational program on an annual basis, in conjunction with the Staff of the Lee County Emergency Management Department, which will provide literature, brochures, and speakers for Hurricane Awareness/Preparedness seminars describing the risks of natural hazards.

    b. The developer, his successors or assigns, will formulate an emergency hurricane notification and evacuation plan for the development, which will be subject to review and approval by the Lee County Department of Emergency Management.

    c. The developer will coordinate with the Division of Public Safety of the Lee County Emergency Management Department in determining and participating in a means to lessen its adverse impacts on the County's hurricane preparedness process and public safety and it will comply with the Hurricane Shelter Ordinance.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC § 10-239(d)(1)a.3. requirement to provide a setback for excavation from a private property line of 50 feet; to allow for a setback of 27.5 feet along the western property boundary and a setback 35 feet along the northern property boundary. Seven and one-half (7.5) feet of the buffer may be utilized for the required 20-foot-wide lake maintenance easement along the western property boundary. Fifteen (15) feet of the buffer may be utilized for the required 20-foot lake maintenance easement along the northern property boundary so long as adequate protection for wayward vehicles is provided. This DEVIATION IS APPROVED.

2. Deviation (2) - WITHDRAWN

3. Deviation (3) seek relief from the LDC § 10-285(a), Table 1, requirement to provide a 660-foot access spacing on an arterial roadway; to allow a 628-foot spacing on Gladiolus Drive to utilize the two existing access points that were previously constructed by Lee County on Gladiolus Drive along the project frontage. This DEVIATION IS APPROVED.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

Exhibit A: Legal description of the property
Exhibit B: Zoning Map (subject parcel identified with shading)
Exhibit C: Master Concept Plan stamped received September 9, 2004 and dated February 26, 2004

The applicant has indicated that the STRAP numbers for the property are: 35-45-24-00-00015.0000 and 35-45-24-00-00014.0000.

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the RPD rezoning limited to 275 dwelling units by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes and regulations.

2. The RPD rezoning, as conditioned:

   a. meets or exceeds the 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 the site 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 approval of this rezoning request 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 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.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Coy, seconded by Commissioner 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 30th day of August 2004.

ATTEST:
CHARLIE GREEN, CLERK

BY: Michelle B Cooper
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Chairman

BOARD OF COUNTY COMMISSIONERS SEAL LEE COUNTY, FLORIDA

Approved as to form by:

_____
Donna Marie Collins
County Attorney's Office

RECEIVED
MINUTES OFFICE

2004 SEP 22 PM 2:59

EXHIBIT "A"

LEGAL DESCRIPTION
Property located in Lee County, Florida

Banks Engineering, Inc.
Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA ♦ ANNA MARIA ISLAND

DESCRIPTION OF A PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 45 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE S.88°56'00"W. ALONG THE NORTH LINE OF SAID FRACTION FOR 1322.88 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE S.01°04'20"E. ALONG THE WEST LINE OF SAID FRACTION FOR 1151.81 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (COUNTY ROAD 865 - 199.02 FEET WIDE); THENCE N.89°37'57"E. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 680.01 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 1312.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.04°33'41"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9°06'31" FOR 208.64 FEET TO AN INTERSECTION WITH A CURVE HAVING A RADIUS OF 1307.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.14°36'39"E.; THENCE; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'42" FOR 315.16 FEET; THENCE N. 56°06'08"W. FOR 3.06 FEET; THENCE N.29°10'50"W. FOR 60.46 FEET; THENCE N.28°15'16"W. FOR 30.66 FEET; THENCE N.18°42'13"E. FOR 35.83 FEET; THENCE N.14°50'17"W. FOR 59.82 FEET; THENCE N.09°03'50"E. FOR 46.83 FEET; THENCE N.18°49'48"E. FOR 39.67 FEET; THENCE N.18°12'50"E. FOR 49.13 FEET; THENCE N.37°41'02"E. FOR 20.60 FEET; THENCE N.45°28'41"E. FOR 45.15 FEET; THENCE N.25°14'18"E. FOR 40.31 FEET; THENCE N.09°24'39"E. FOR 38.83 FEET; THENCE N.10°52'34"W. FOR 27.03 FEET; THENCE N.35°51'19"E. FOR 28.90 FEET; THENCE N.70°39'04"E. FOR 29.95 FEET; THENCE S.57°54'34"E. FOR 24.44 FEET; THENCE S.77°09'08"E. FOR 20.52 FEET TO THE EAST LINE OF SAID FRACTION; THENCE N.01°10'59"W. ALONG SAID EAST LINE FOR 554.86 FEET TO THE **POINT OF BEGINNING.**

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.

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

Applicant's Legal Checked
by

DCI 2003-00059

THOMAS C. SHAW
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 4672

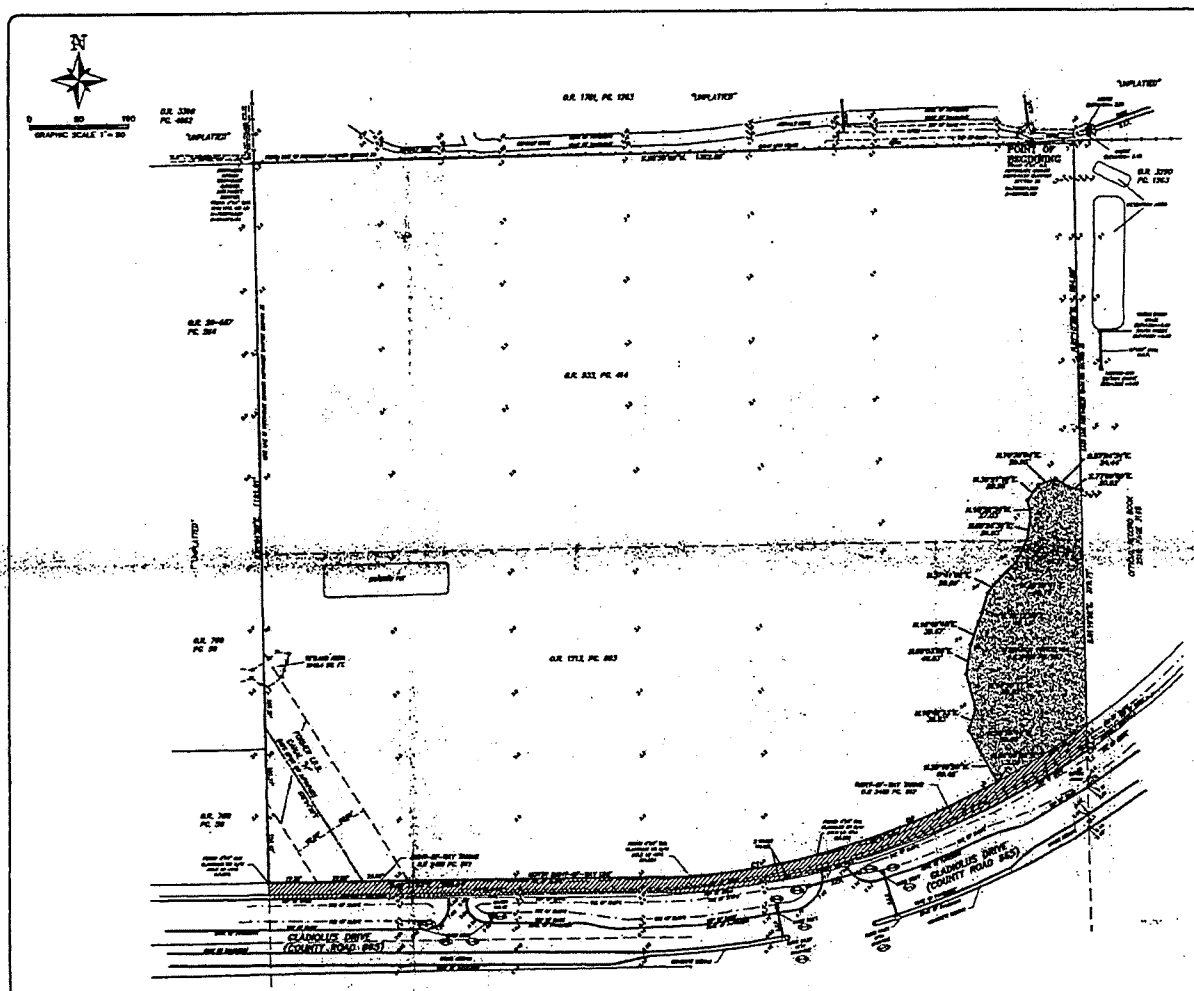
RECEIVED
NOV 21 2003
ZONING COUNTER

SURVEY PLAT

OF

A TRACT OR PARCEL OF LAND LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 35 LYING NORTH OF GLADIOLUS DRIVE (COUNTY ROAD #83) LESS MITIGATION PARCEL 'B4' AS DESCRIBED IN OFFICIAL RECORDS BOOK 2488, PAGE 862 OF THE PUBLIC RECORDS OF SAID LEE COUNTY.



DESCRIPTION

A PARCEL OF TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 45 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE S.89°39'09"W. ALONG THE NORTH LINE OF SAID FRACTION FOR 1303.88 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE S.00°04'26"E. ALONG THE WEST LINE OF SAID FRACTION FOR 1168.59 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (COUNTY ROAD 883 – VARIABLE WIDTH WIDE); THENCE N.68°37'51"E. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 688.01 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 1392.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.24°57'47"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 17°41'27" FOR 358.44 FEET TO AN INTERSECTION WITH A CURVE HAVING A RADIUS OF 1307.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.07°26'20"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 15°46'16" FOR 359.96 FEET; THENCE N. 89°59'56"E. FOR 3.98 FEET; THENCE N.39°59'39"E. FOR 66.66 FEET; THENCE N.38°53'54"E. FOR 38.66 FEET; THENCE N.43°41'17"E. FOR 38.83 FEET; THENCE N.47°59'17"E. FOR 38.83 FEET; THENCE N.52°06'57"E. FOR 48.83 FEET; THENCE N.56°46'49"E. FOR 38.67 FEET; THENCE N.59°37'42"E. FOR 49.12 FEET; THENCE N.63°19'18"E. FOR 38.89 FEET; THENCE N.67°59'47"E. FOR 68.58 FEET; THENCE N.72°47'48"E. FOR 48.39 FEET; THENCE N.76°59'39"E. FOR 38.83 FEET; THENCE N.79°53'34"E. FOR 37.66 FEET; THENCE N.83°39'31"E. FOR 38.83 FEET; THENCE N.87°59'04"E. FOR 38.83 FEET; THENCE S.89°04'34"E. FOR 34.44 FEET; THENCE S.77°59'04"E. FOR 20.53 FEET TO THE EAST LINE OF SAID FRACTION; THENCE N.01°19'26"E. ALONG SAID EAST LINE FOR 1014.86 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°19'26"E.

PARCEL CONTAINS 33.54 ACRES, MORE OR LESS.

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

LEGEND

F.D.H.	FOUND BENCHMARK
●	SET 1/2" IRON ROD AND CAP L.B. 2990
F.N.C.	FOUND CHISELED SQUARE CROSS
S.N.C.	SET PK NAIL
M.E.M.M.	MEASURED / BEARING TO NATIONAL DATUM
L.B.	LICENSED BUSINESS
P.M.	PERMANENT CONTROL POINT
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
P.U.E.	PUBLIC UTILITY EASEMENT
R	RADIUS
R.B.	RADIAL BEARING POINT
P.R.	PARK
D.E.	DRAINAGE EASEMENT
C.B.S.	CONCRETE
℄	CENTERLINE
T.B.M.	TEMPORARY BENCH MARK
E.L.E.V.	ELEVATION
S.T.	STRUCTURE NUMBER
W.M.E.	WATER METER ELEVATION
M.H.E.	MANHOLE INVERT ELEVATION
E.M.E.	EAST MANHOLE ELEVATION
W.M.E.	WEST MANHOLE ELEVATION
R.C.P.	REINFORCED CONCRETE PIPE

STRUCTURE TABLE

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CURVE TABLE

CURVE	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING
C1	1307.39'	1392.39'	1258.46'	S 30°53'51" W
C2	1307.39'	1392.39'	1258.46'	S 30°53'51" W

Applicant's Legal Checked by

DCI 2003-00059

RECEIVED
NOV 21 2003
ZONING COUNTER

SURVEYOR'S CERTIFICATION

Banks Engineering, Inc.
Professional Engineers, Planners & Land Surveyors

BOUNDARY AND TOPOGRAPHIC SURVEY
FOCUS DEVELOPMENT GROUP
LEE COUNTY, FLORIDA

ZONING MAP

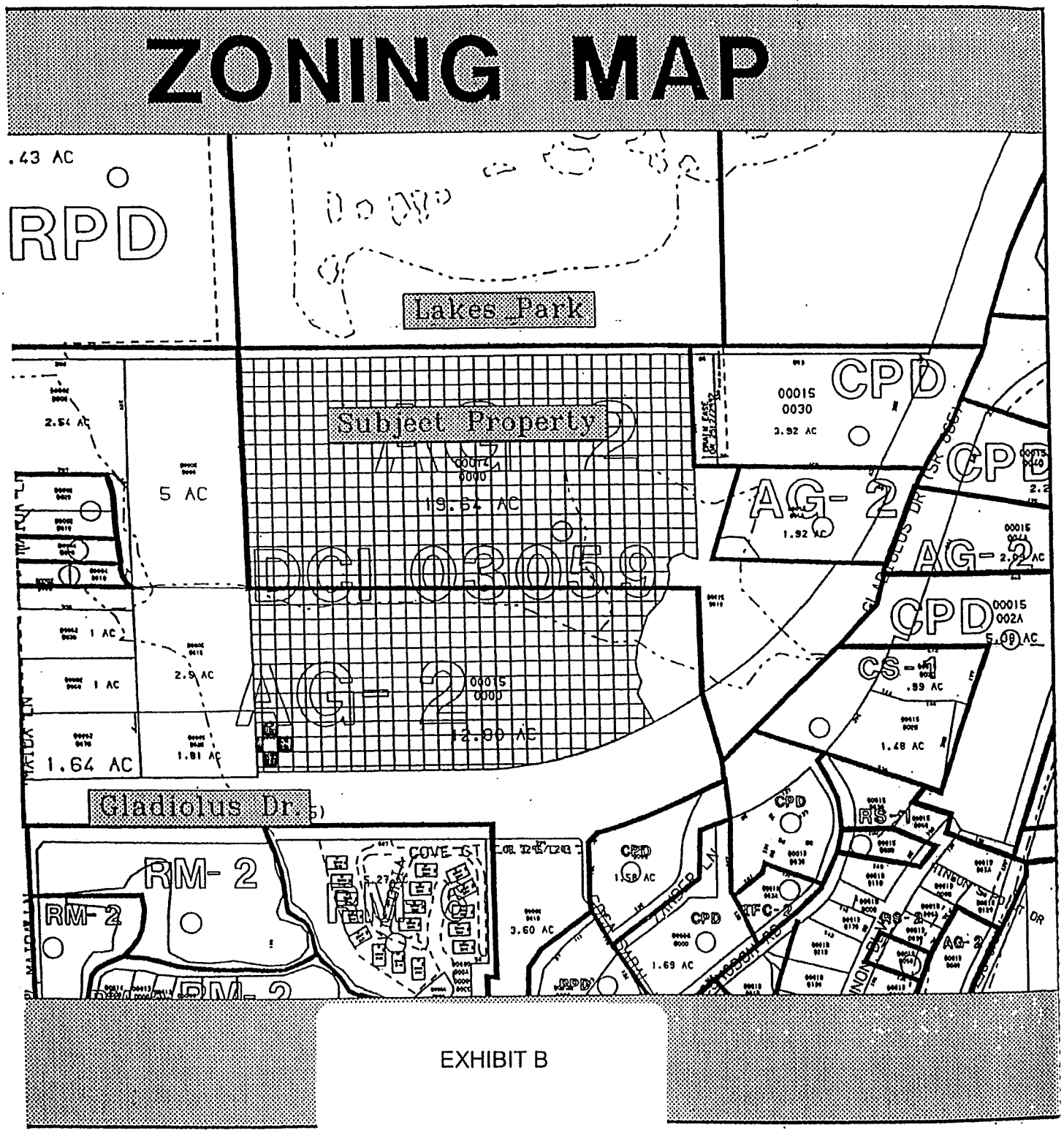


EXHIBIT B

PROJECT SUMMARY DATA:

NET SITE AREA: 32.54 ACRES
ROAD R/W 3.16 ACRES
½ ROAD R/W (GLADIOLUS)
SITE AREA: 35.70 ACRES (+ OR -)

TOTAL UNITS PROPOSED: 275 UNITS

LAND USE CLASSIFICATION: CENTRAL URBAN

EXISTING ZONING: AG-2

PROPOSED ZONING: RESIDENTIAL PLANNED DEVELOPMENT (RPD)

OPEN SPACE: 40% MIN. COMMON OPEN SPACE

WATER: LEE COUNTY UTILITIES

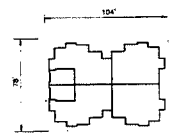
SEWER: LEE COUNTY UTILITIES

FIRE DISTRICT: SOUTH TRAIL FIRE DISTRICT

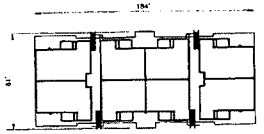
FLOOD ZONE: A-14 (ELEV. 11) PER LEE COUNTY FLOOD ZONE MAP 125124 0525 C

SCHEDULE OF DEVIATIONS:

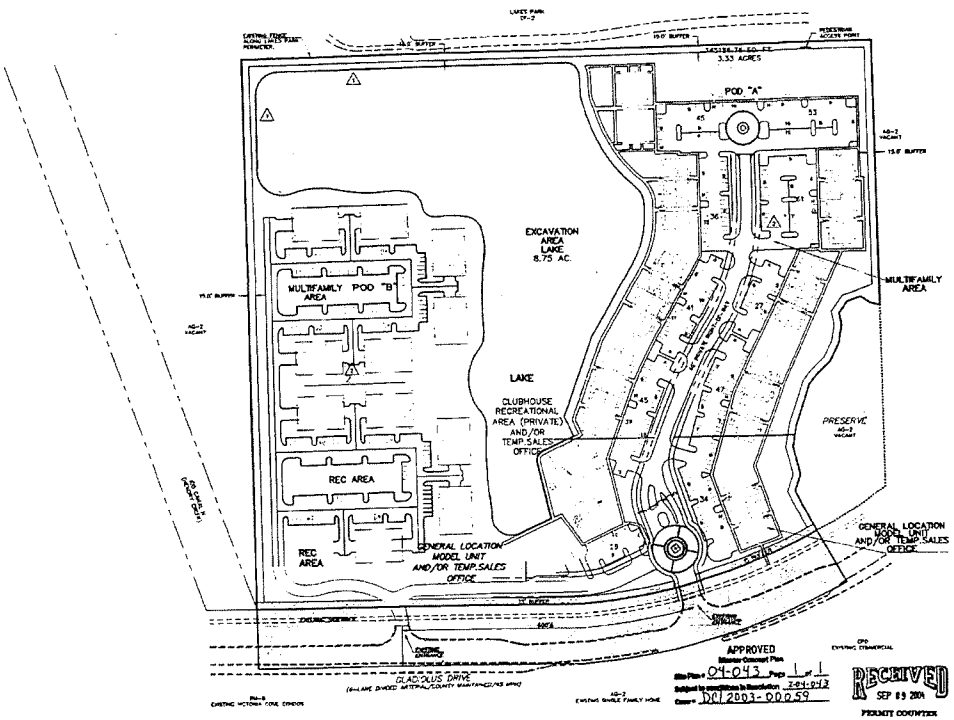
PLEASE SEE RESOLUTION



TYPICAL 8 UNIT BUILDING LAYOUT FOR POD "B"



TYPICAL 20 OR 24 UNIT BUILDING LAYOUT FOR POD "A"



APPROVED
Master Concept Plan
Site Plan 04-043 Page 1 of 1
Subject to conditions in Resolution Z-04-012
Case DCI 2003-00059

RECEIVED
SEP 09 2004
PERMIT COUNTER

PREPARED FOR:
FOCUS DEVELOPMENT GROUP
2300 Corporate Boulevard NW, Suite 334
Boca Raton, FL 33431

NO.	DATE	REVISION	BY
1	08/06/04	PER LEE COUNTY SUFFICIENCY COMMENTS	DGP
2	09/08/04	PER LEE COUNTY SUFFICIENCY COMMENTS	DGP

Banks Engineering, Inc.
Professional Engineers, Planners & Land Surveyors
FORT MYERS ◆ NAPLES ◆ SARASOTA
10511 SIX MILE CYPRESS PARKWAY – SUITE 101
FORT MYERS, FLORIDA 33912
PHONE: (239) 936-1302 FAX: (239) 936-2513
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6469

MASTER CONCEPT PLAN
GLADIOLUS RPD
LEE COUNTY, FLORIDA DCI2003-00059

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (L-U-F)
07/29/04	1820	MCP	DGP	DGP	TRL	1" = 100'	1	1	33-45-24

Exhibit C

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

Writer's Direct Dial Number: (239) 533-8525

January 29, 2009

Jennifer Sheppard
Banks Engineering
2515 Northbrooke Plaza Dr # 200
Naples, Fl 34119

RE: POTABLE Water and Wastewater AVAILABILITY
Oasis Cove
STRAP #: 35-45-24-00-00015.0000; 00014.0000

Dear Ms. Sheppard:

Potable water lines and wastewater lines are in operation in the vicinity of the proposed project mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of 7 commercial units with an estimated flow demand of approximately 92,900 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

Prior to beginning design work on this project, a meeting should be scheduled with Thom Osterhout to determine the best point of connection and discuss requirements for construction.

Availability of potable water and sanitary sewer service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our Green Meadows Water Treatment Plant.

Sanitary sewer service will be provided by our Fiesta Village Wastewater Treatment Plant. The Lee County Utilities' Operations Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

Further, This Letter Of Availability Of Water and Wastewater Service Is To Be Utilized For Re-Zoning For This Project Only. Individual Letters Of Availability Will Be Required For The Purpose Of Obtaining Building Permits.

Sincerely,

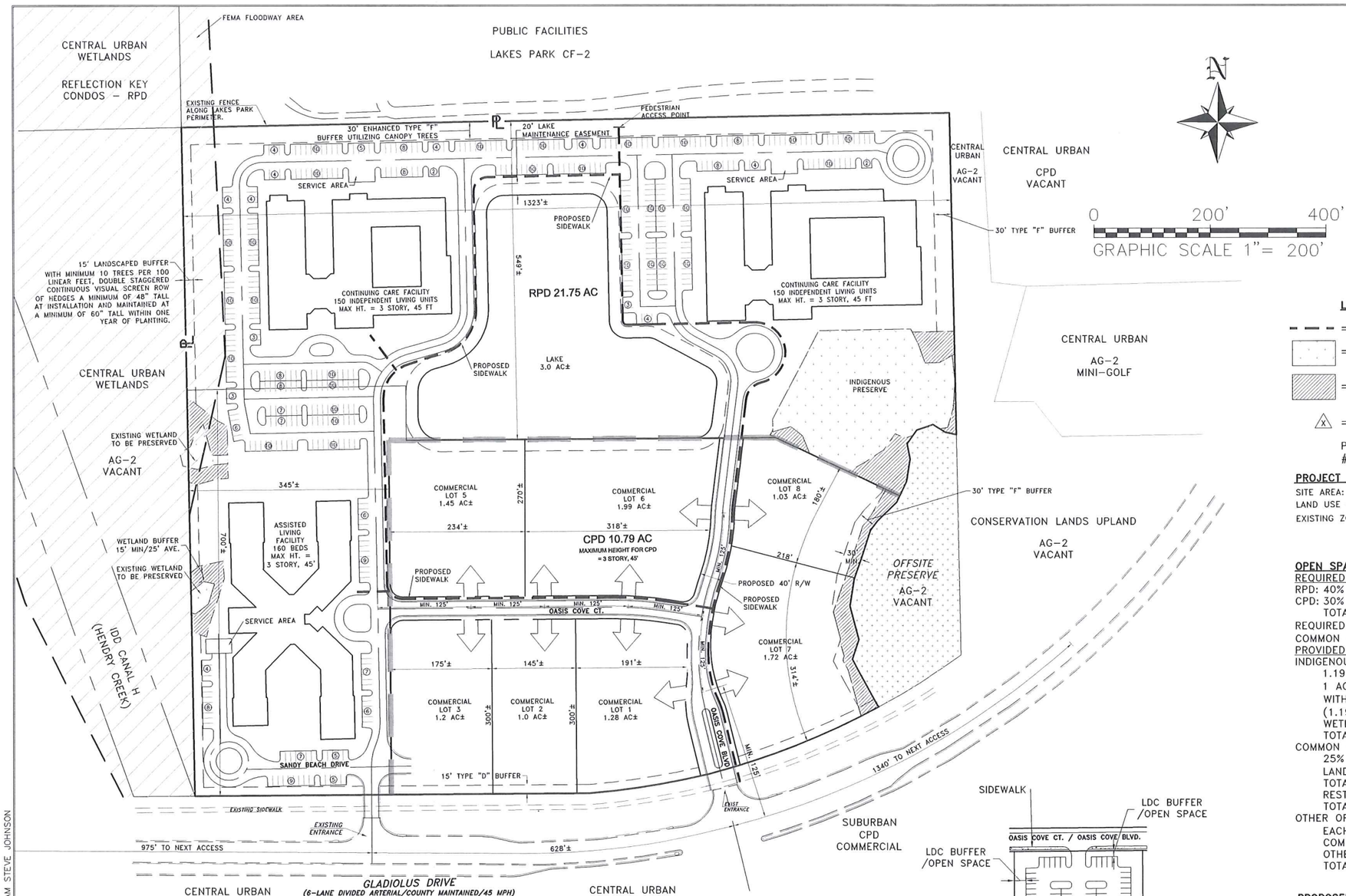
LEE COUNTY UTILITIES

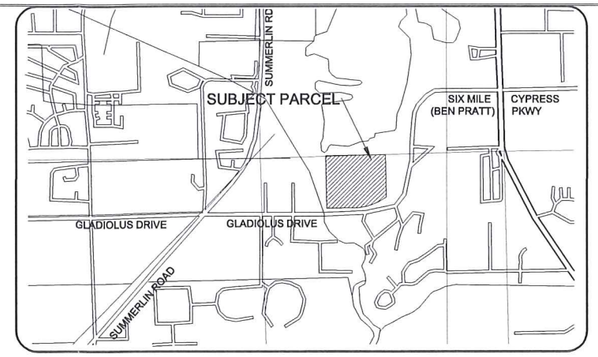
Melissa Bibeau

Melissa Bibeau
Engineering Tech., I
UTILITIES ENGINEERING
VIA FACSIMILE
Original Mailed

RECEIVED
FEB 09 2009
COMMUNITY DEVELOPMENT
DCI 2009-00005

ZONING - 00AAA MASTER





SECTIONS 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
N.T.S.

LEGEND:

= PROPOSED SIDEWALK

= INDIGENOUS PRESERVE

= RESTORATION AREAS

(X) = SPECIAL CONDITION/DEVIATION

PLEASE NOTE DEVIATIONS #1 AND #2 WITHDRAWN
#3 APPROVED RESOLUTION #Z-04-043

RECEIVED
DEC 18 2009
COMMUNITY DEVELOPMENT

PROJECT SUMMARY DATA:

SITE AREA: 32.54 ACRES
LAND USE CLASSIFICATION: CENTRAL URBAN & WETLANDS
EXISTING ZONING: RESIDENTIAL PLANNED DEVELOPMENT (RPD) #Z-04-043 (APPROVED FOR 270 MULTI-FAMILY UNITS)

OPEN SPACE TABLE:

REQUIRED:
RPD: 40% 21.75 @ 40% = 8.70
CPD: 30% 10.79 @ 30% = 3.24
TOTAL REQUIRED: 11.94 AC
REQUIRED INDIGENOUS: 1.57 AC = (TOTAL INDIGENOUS PRESENT ON SITE)
COMMON OPEN SPACE REQUIRED (30% OF RESIDENTIAL AREA) .3 x 21.75 = 6.53 AC
PROVIDED:
INDIGENOUS VEGETATION
1.19 AC UPLAND AREA x 1.25 CREDIT FOR MORE THAN 1 AC [LDC 10.415(b)(3)a] + 10% CREDIT FOR COMBINING WITH OFFSITE PUBLIC PRESERVE [LDC 40-415 (b)(3)b.2.] (1.19 x 1.35) = 1.60 AC
WETLAND = 0.09 AC
TOTAL INDIGENOUS = 1.69 AC
COMMON OPEN SPACE
25% PROVIDED BY LAKE = 2.99 AC
LANDSCAPE BUFFERS/LME/FEMA FLOODWAY = 3.18 AC
TOTAL INDIGENOUS PROVIDED 1.69 AC
RESTORATION AREAS 0.67 AC
TOTAL COMMON OPEN SPACE: 8.53 AC
OTHER OPEN SPACE
EACH COMMERCIAL LOT/TRACT SHALL PROVIDE A MINIMUM OF 20% OF SPACE.
COMMERCIAL LOTS 9.67 AC x 0.2 = 1.93 AC OPEN SPACE TO BE PROVIDED IN CPD AREA
OTHER OPEN SPACE PROVIDED WITHIN RESIDENTIAL: MINIMUM 1.48 AC
TOTAL OPEN SPACE PROVIDED = 11.94 AC

DCI 2009-00005

PROPOSED ZONING:

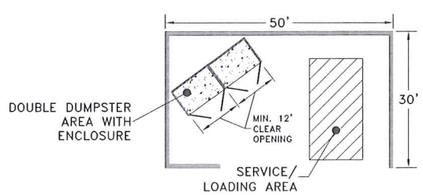
CPD AREA = 10.79 ACRES
(MAX 125,000 SF WITH A MAXIMUM OF 60,000 SF RETAIL)

RPD AREA = 21.75 ACRES
ASSISTED LIVING FACILITY = (ALF) 160 BEDS
CONTINUING CARE FACILITY INDEPENDENT LIVING UNITS (CCF) = 300 UNITS

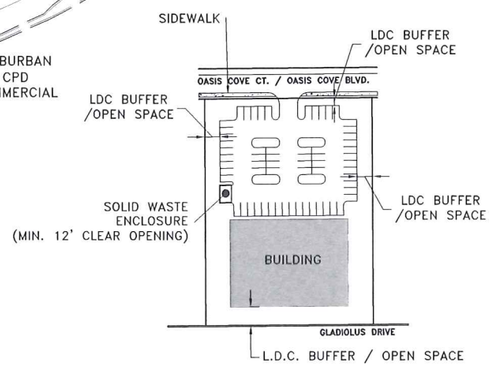
NOTE: MULTI FAMILY UNITS ARE AN ALLOWED USE.

ALF BEDS CAN BE CONVERTED TO MULTI-FAMILY UNITS AT A RATE OF 4 BEDS EQUAL TO 1 UNIT (4 BEDS = 1 UNIT).

CCF UNITS CAN BE CONVERTED TO MULTI-FAMILY UNITS AT A RATE OF 2 CCF UNITS TO 1 MULTI-FAMILY UNIT. THE MAXIMUM ALLOWED MULTI-FAMILY UNITS IS 190 UNITS.



SERVICE AREA DETAIL
N.T.S.



TYPICAL COMMERCIAL BUILDINGS
N.T.S.

EXHIBIT H-3.C

PREPARED FOR:
BECK GROUP OF FT MYERS LLC
436 BAYFRONT PL
NAPLES, FL 34102
PHONE: (239) 649-8700
FAX: (239) 434-6225

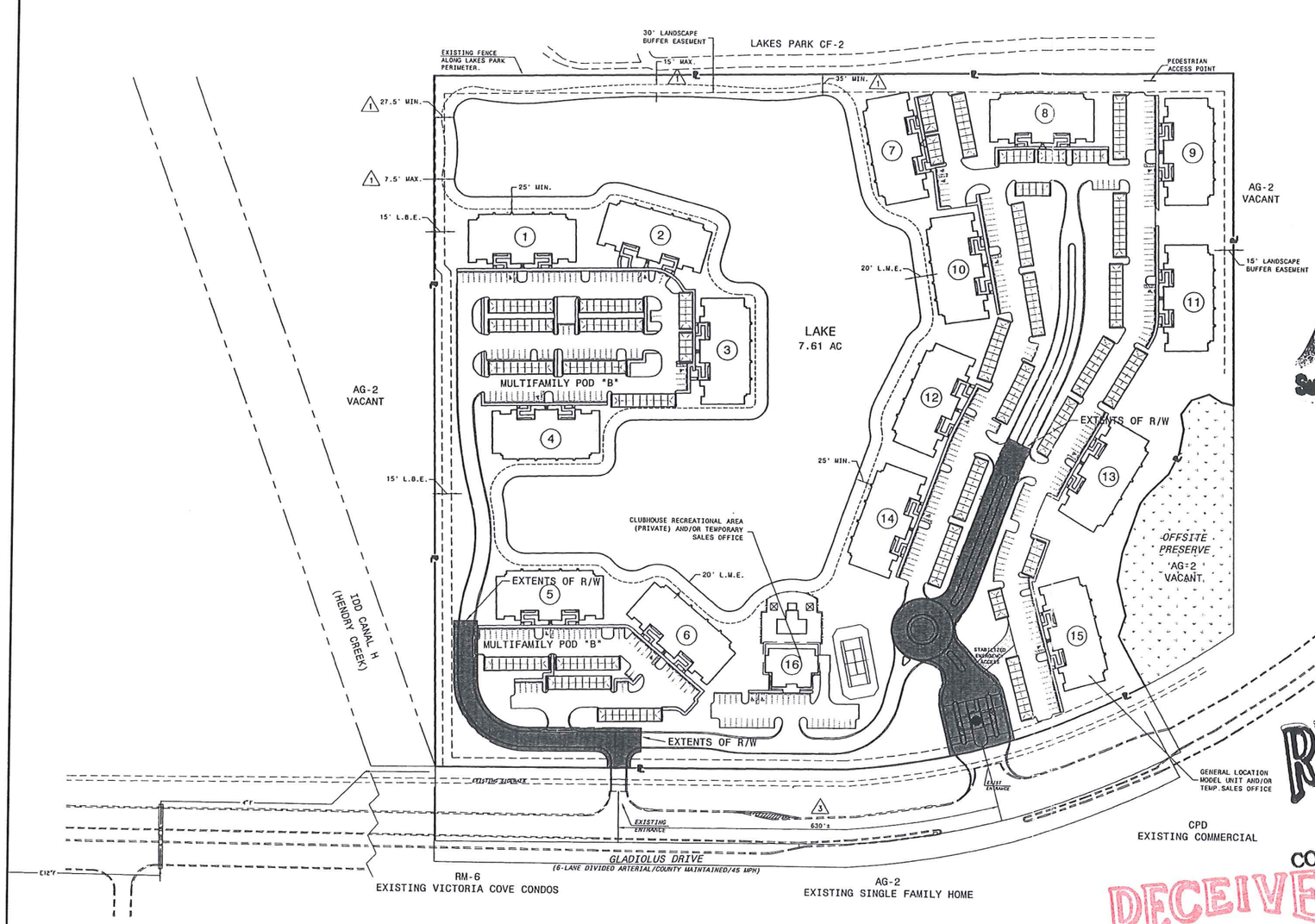
NO.	DATE	REVISION DESCRIPTION	BY
2	12/15/09	2ND SUFFICIENCY SUBMITTAL	SEH
1	10/16/09	1ST SUFFICIENCY SUBMITTAL	SEH

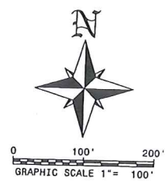
Banks Engineering
Professional Engineers, Planners, & Land Surveyors
FORT MYERS ◆ PORT CHARLOTTE ◆ SARASOTA
10511 SIX MILE CYPRESS PARKWAY – SUITE 101
FORT MYERS, FLORIDA 33912
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

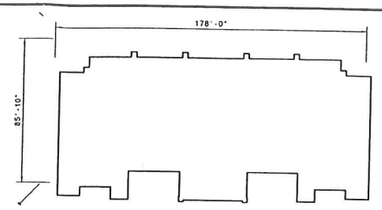
MASTER CONCEPT PLAN
OASIS COVE A.K.A. GLADIOLUS RPD
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF
11/25/08	1620	MCP	DRU	MJK	DRU	1" = 200'	1	1

S:\JOBS\16XX\1620\ZONING\1620_MSP-17A.DWG 12/17/2009 9:47 AM STEVE JOHNSON







3 STORY 18 UNIT BUILDING, PODS A & B
*35' MAXIMUM BUILDING HEIGHT,
35' MINIMUM BUILDING SEPARATION
SCALE:1" = 40'

SINGLE STORY GARAGE
15' MAXIMUM HEIGHT,
10' MINIMUM BUILDING SEPARATION TO OTHER STRUCTURES AS REQUESTED WITH ADD2006-00184
SCALE:1" = 40'

APPROVED
Amendment to Master Concept Plan
Subject to Case # ADD2006-00184
Date 4/4/07

RECEIVED
JAN 05 2007
COMMUNITY DEVELOPMENT

RECEIVED
FEB 09 2009
COMMUNITY DEVELOPMENT
ADD 2006-00184

DCI 2009-00005

PROJECT SUMMARY DATA:

NET SITE AREA: 32.54 ACRES
ROAD R/W: 3.16 ACRES
¼ ROAD R/W (GLADIOLUS)
SITE AREA: 35.70 ACRES (+ OR -)

TOTAL UNITS PROPOSED: 270 UNITS (7.56 DU/ACRE)

LAND USE CLASSIFICATION: CENTRAL URBAN

EXISTING ZONING: RESIDENTIAL PLANNED DEVELOPMENT (RPD) #Z-04-043

OPEN SPACE: 40% MIN. COMMON OPEN SPACE.

WATER: LEE COUNTY UTILITIES

SEWER: LEE COUNTY UTILITIES

FIRE DISTRICT: SOUTH TRAIL FIRE DISTRICT

FLOOD ZONE: A-14 (ELEV. 11) PER LEE COUNTY FLOOD ZONE MAP 125124 0325 C

CONDITIONS AND DEVIATION OF APPROVED RESOLUTION Z-04-043:

PER SECTION B.2.B
* MAXIMUM BUILDING HEIGHT IS 35' FOR BUILDINGS 8 AND 9.

PER SECTION B.7:
A THIRTY (30) FOOT TYPE 'F' BUFFER MUST BE PROVIDED ALONG THE NORTH PROPERTY LINE, UTILIZING CANOPY TREES, 15' OF WHICH MAY BE UTILIZED FOR THE REQUIRED 20 FT LAKE MAINTENANCE EASEMENT.

PER SECTION B.11:
A FIFTEEN (15) FOOT WIDE BUFFER MUST BE PROVIDED ALONG THE EASTERN AND WESTERN PROPERTY BOUNDARIES. THIS BUFFER MUST CONSIST OF A MINIMUM 10 TREES TREES PER 100 LINEAR FEET, A DOUBLE STAGGERED CONTINUOUS VISUAL SCREEN ROW OF HEDGES WHICH MUST BE A MINIMUM OF 48 INCHES TALL AT INSTALLATION AND MUST BE MAINTAINED AT A MINIMUM OF 60 INCHES TALL WITHIN ONE YEAR OF PLANTING. SEVEN AND ONE-HALF FEET OF THIS BUFFER MAY BE UTILIZED FOR THE REQUIRED 20-FOOT-WIDE LAKE MAINTENANCE EASEMENT ON THE WESTERN SIDE OF THE PROPOSED SITE.

A TYPE "D" BUFFER WILL BE PLANTED ALONG THE RIGHT-OF-WAY.

BUILDING SETBACKS FROM THE NORTH, EAST, AND WEST PERIMETER PROPERTY LINES ARE 30 FEET.

PLEASE SEE APPROVED RESOLUTION Z-04-043 FOR A SCHEDULE OF APPROVED DEVIATIONS.

1 = APPROVED DEVIATION PER RESOLUTION

BUILDING LOCATIONS ARE APPROXIMATE.

PARKING:

REQUIRED:
2 PER UNIT WITH 10% GUEST
15 BLDGS x 18 UNITS = 270
270 x 2 = 540 + (270 x 0.1) = 567

PROVIDED:

OPEN PARKING	352
COVERED PARKING	271
TOTAL PARKING PROVIDED	623

EXHIBIT H-3.C

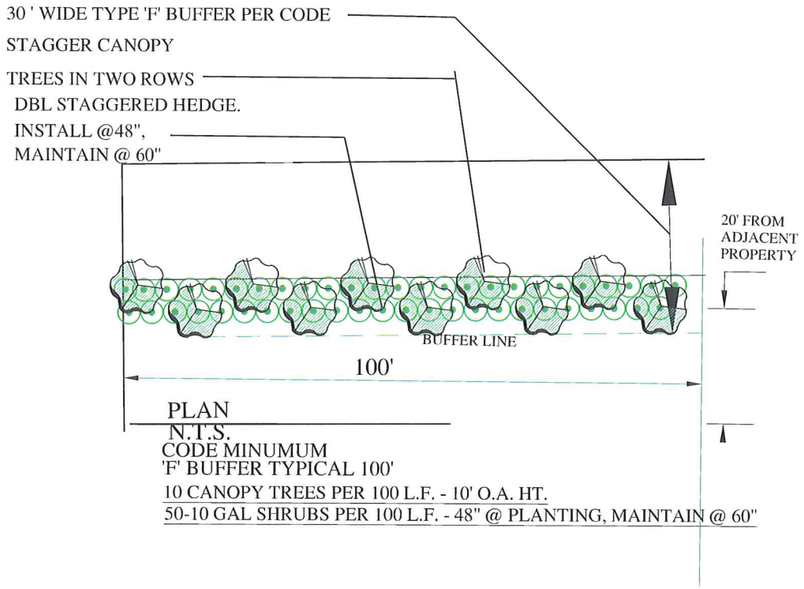
PREPARED FOR:
TOUSA HOMES, DBA
ENGLE HOMES SOUTHWEST FLORIDA
12550 NEW BRITANNY BOULEVARD
SUITE 101
FORT MYERS, FLORIDA 33907
(239) 590-6152 FAX: (239) 590-0632

NO.	DATE	REVISION DESCRIPTION	BY
1	01-02-07	REVISED PER COUNTY COMMENTS DATED 12-08-06	DR

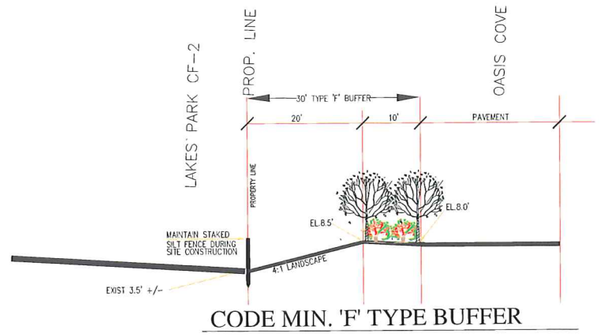
Banks Engineering, Inc.
Professional Engineers, Planners & Land Surveyors
FORT MYERS ◆ NAPLES ◆SARASOTA
10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33912
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690

MASTER CONCEPT PLAN
OASIS COVE A.K.A. GLADIOLUS RPD
LEE COUNTY, FLORIDA

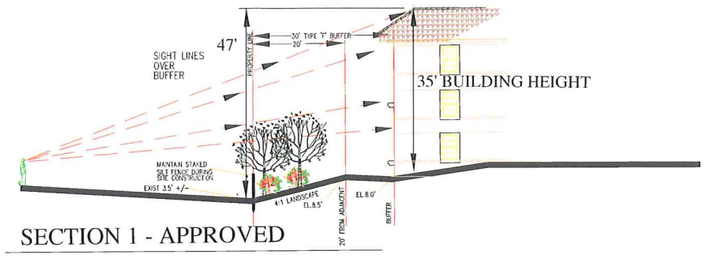
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
02/26/04	1620	MCP	DRU	DGP	DRU	1" = 100'	1	1	35-45-24



PLAN
N.T.S.
CODE MINUMUM
'F' BUFFER TYPICAL 100'
10 CANOPY TREES PER 100 L.F. - 10' O.A. HT.
50-10 GAL SHRUBS PER 100 L.F. - 48" @ PLANTING, MAINTAIN @ 60"

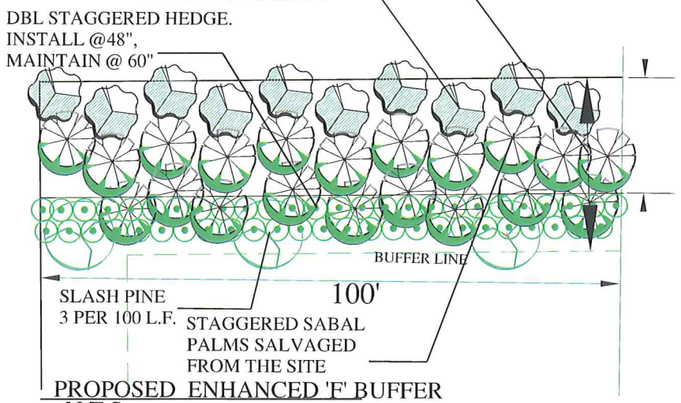


CODE MIN. 'F' TYPE BUFFER

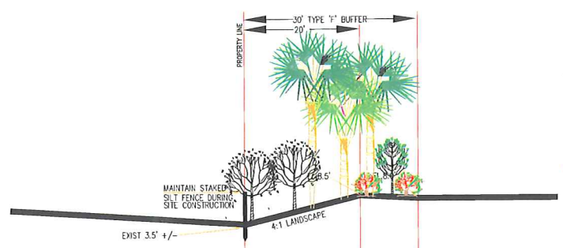


SECTION 1 - APPROVED

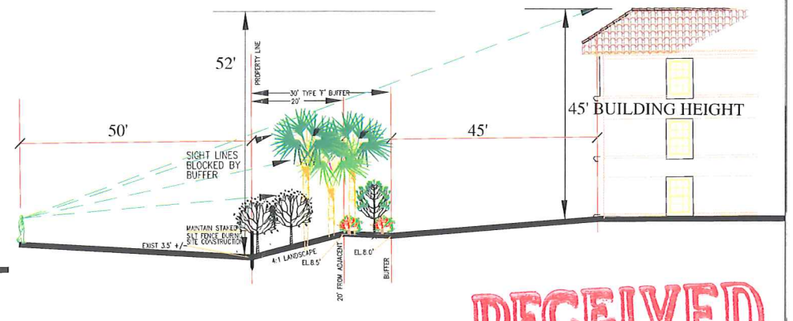
DCI 2009-00005



PROPOSED ENHANCED 'F' BUFFER
N.T.S.
TYPICAL 100'
10 CANOPY TREES PER 100 L.F.- 14' O.A. HT
20 SABAL PALMS PER 100 L.F. - 16' - 20' CT, SALVAGED FROM SITE
3 SLASH PINE PER 100 L.F. - 12' O.A. HT.
50-10 GAL SHRUBS PER 100 L.F.. - 48" AT PLANTING, MAINTAIN @ 60"



SECTION 1 - ENHANCED 'F' BUFFER



SECTION 2 - PROPOSED

RECEIVED
OCT 19 2009
COMMUNITY DEVELOPMENT

PAUL J. KLENS, R.L.A.
REG. # LA-0001619
OCTOBER 19, 2009

PAUL KLENS LANDSCAPE ARCHITECTURE HEREBY RESERVES ITS COMMON LAW COPYRIGHT. THE IDEAS, DESIGNS AND PLANS CONTAINED HEREIN ARE NOT TO BE REPRODUCED OR USED WITHOUT THE EXPRESS WRITTEN CONSENT OF PAUL KLENS LANDSCAPE ARCHITECTURE.

PAUL KLENS
LANDSCAPE ARCHITECTURE
727 GLENDALE AVE NAPLES, FLORIDA 34110
239 / 514-7209 239 / 594-8846 FAX

title: OASIS COVE

BANKS ENGINEERING
10511 Six Mile Cypress Pkwy
Fort Myers, Fl 33966
(239) 939-5490

title: LANDSCAPE EXHIBIT
SECTIONS, ELEVATIONS & TYPICAL PLNS

project location: LEE COUNTY, FLORIDA

designer: PJK	acad #:	date: 10/19/09	sheet no: 1/X
project manager: PAUL J. KLENS, RLA	project # 09012	revisions:	
checked - date / by: DATE	scale: AS NOTED		
approved for: DISCUSSION	view: LIMITS		

Banks Engineering
Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA ♦ PORT CHARLOTTE

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE S.88°56'00"W. ALONG THE NORTH LINE OF SAID FRACTION FOR 1322.88 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE S.01°04'20"E. ALONG THE WEST LINE OF SAID FRACTION FOR 1151.81 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (COUNTY ROAD 865 - 199.02 FEET WIDE); THENCE N.89°37'57"E. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 680.01 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 1312.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.04°33'41"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9°06'31" FOR 208.64 FEET TO AN INTERSECTION WITH A CURVE HAVING A RADIUS OF 1307.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.14°36'39"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'42" FOR 315.16 FEET; THENCE N. 56°06'08"W. FOR 3.06 FEET; THENCE N.29°10'50"W. FOR 60.46 FEET; THENCE N.28°15'16"W. FOR 30.66 FEET; THENCE N.18°42'13"E. FOR 35.83 FEET; THENCE N.14°50'17"W. FOR 59.82 FEET; THENCE N.09°03'50"E. FOR 46.83 FEET; THENCE N.18°49'48"E. FOR 39.67 FEET; THENCE N.18°12'50"E. FOR 49.13 FEET; THENCE N.37°41'02"E. FOR 20.60 FEET; THENCE N.45°28'41"E. FOR 45.15 FEET; THENCE N.25°14'18"E. FOR 40.31 FEET; THENCE N.09°24'39"E. FOR 38.83 FEET; THENCE N.10°52'34"W. FOR 27.03 FEET; THENCE N.35°51'19"E. FOR 28.90 FEET; THENCE N.70°39'04"E. FOR 29.95 FEET; THENCE S.57°54'34"E. FOR 24.44 FEET; THENCE S.77°09'08"E. FOR 20.52 FEET TO THE EAST LINE OF SAID FRACTION; THENCE N.01°10'59"W. ALONG SAID EAST LINE FOR 554.86 FEET TO THE **POINT OF BEGINNING.**

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

RECEIVED
FEB 09 2009
COMMUNITY DEVELOPMENT
DCI 2009-00005

2515 Northbrooke Plaza Drive, Suite 200, Naples, Florida 34119 • (239) 597-2061 • Fax (239) 597-3082

SKETCH TO ACCOMPANY DESCRIPTION

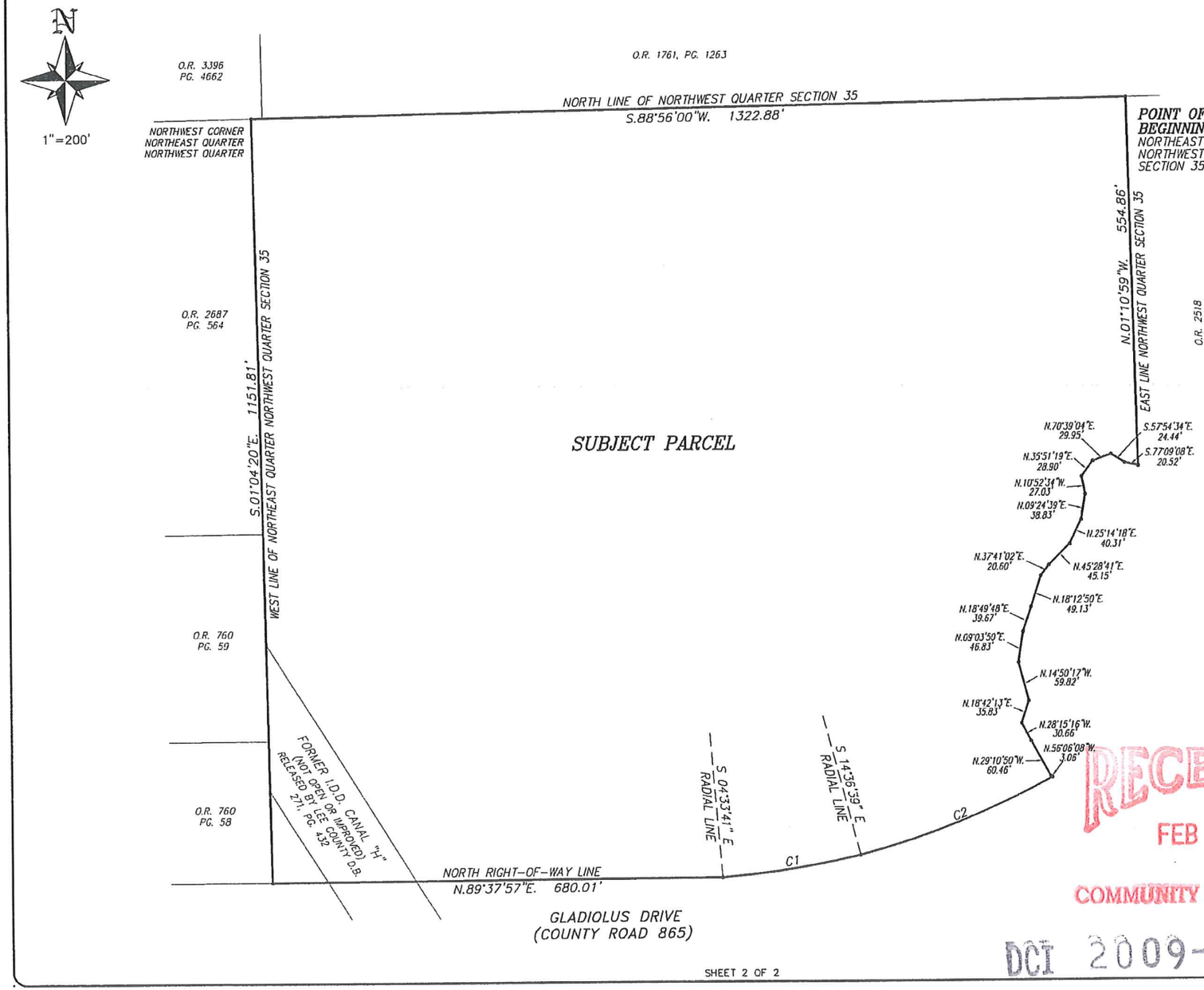
OF A

PARCEL OF LAND

LYING IN

SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST

LEE COUNTY, FLORIDA



NOTES:

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST AS BEARING N.01°10'59"W.

PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.

SEE SHEET 1 OF 2 FOR COMPLETE METES & BOUNDS DESCRIPTION.

LEGEND

O.R.	OFFICIAL RECORDS BOOK
PG.	PAGE
C1	CURVE DATA NUMBER

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1312.39'	09°06'31"	208.64'	208.42'	S 80°53'03" W
C2	1307.39'	13°48'42"	315.16'	314.40'	S 68°29'00" W
C3	1307.39'	07°21'30"	167.90'	167.79'	S 57°53'54" W

THIS IS NOT A SURVEY

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

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

—PREPARED JANUARY 14, 2009.

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FEB 09 2009
COMMUNITY DEVELOPMENT
DCI 2009-00005

PREPARED BY:
Banks Engineering
ENGINEERING, SURVEYING & LAND PLANNING
2515 NORTHBROOKE PLAZA DRIVE - SUITE 200
NAPLES, FLORIDA 34119
(239) 597-2061
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

Banks Engineering

Professional Engineers, Planners & Land Surveyors
2515 Northbrooke Plaza Drive - Suite 200
Naples, Florida 34119
(239) 597-2061
Fax (239) 597-3082

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

(RPD PARCEL)

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST, AND BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER (NW¼) OF SAID SECTION 35; THENCE S.01°11'00"E. ALONG THE EAST LINE OF SAID FRACTION FOR 499.71 FEET; THENCE S.89°37'57"W. FOR 208.17 FEET; THENCE N.39°36'13"W. FOR 80.00 FEET; THENCE S.50°23'47"W. FOR 151.04 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 124.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 15°37'06" FOR 33.80 FEET; THENCE S.89°37'57"W. FOR 548.73 FEET; THENCE S.00°22'03"E. FOR 609.97 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (a/k/a COUNTY ROAD 865); THENCE S.89°37'57"W. ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 368.29 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE NORTHEAST ONE-QUARTER (NE¼) OF THE NORTHWEST ONE-QUARTER (NW¼) OF SAID SECTION 35; THENCE N.01°04'20"W. ALONG SAID WEST LINE FOR 1,151.81 FEET TO THE NORTHWEST CORNER OF SAID FRACTION; THENCE N.88°56'00"E. ALONG THE NORTH LINE OF THE NORTHWEST ONE-QUARTER (NW¼) FOR 1,322.88 FEET TO THE **POINT OF BEGINNING**.

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 21.33 ACRES, MORE OR LESS.

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

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DCI 2009-00005

S:\Jobs\16xx\1620\SURVEY\Descriptions\1620_RPD_DESC.doc

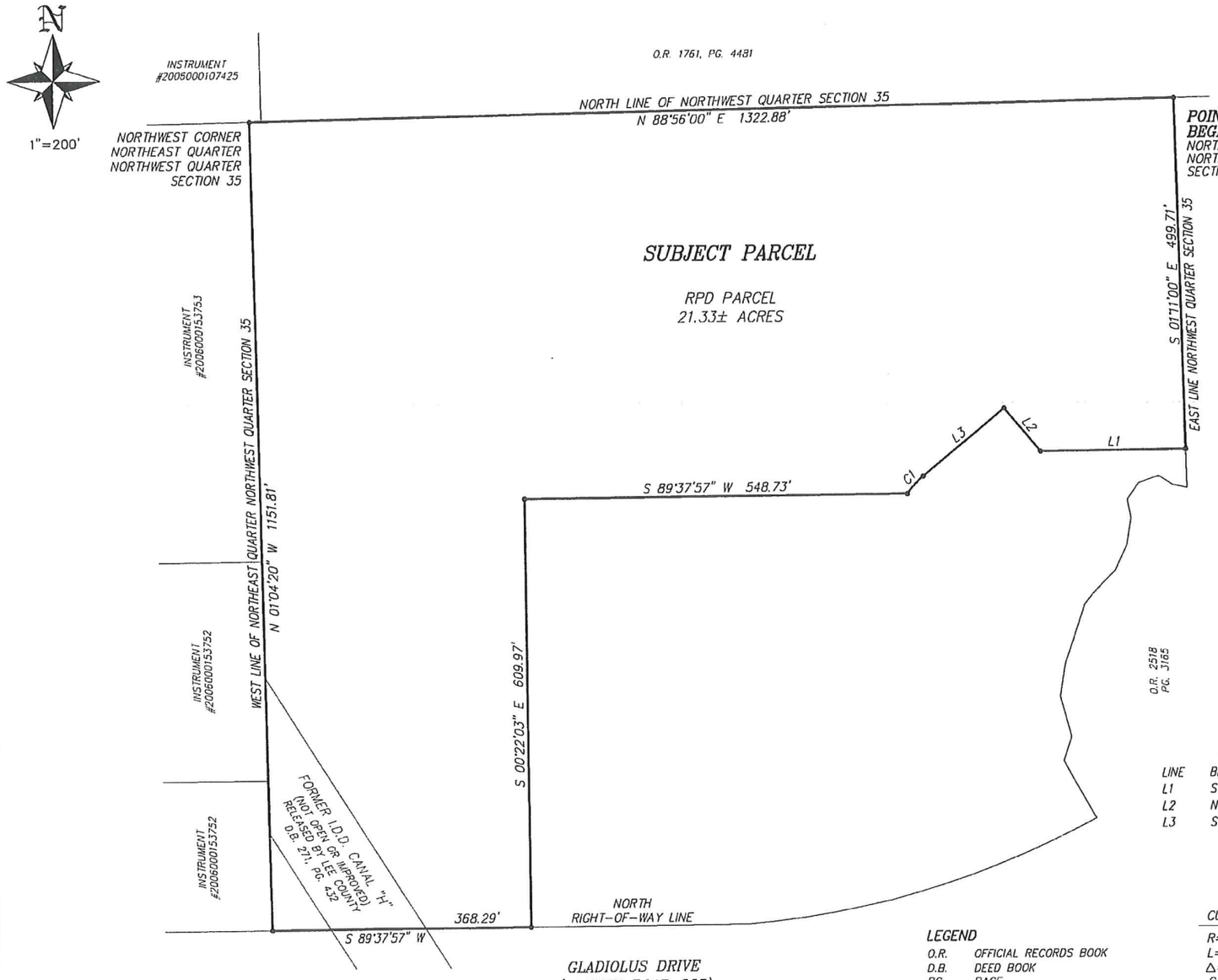
Fort Myers Office
10511 Six Mile Cypress Pkwy., Suite #101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

Sarasota Office
1144 Tallevast Road Suite #115
Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



NOTES:

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST AS BEARING N.01°10'59"W.

PARCEL CONTAINS 15.33 ACRES, MORE OR LESS.

SEE SHEET 1 OF 2 FOR COMPLETE METES & BOUNDS DESCRIPTION.

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FEB 09 2009
COMMUNITY DEVELOPMENT
2009-00005
DOT

THIS IS NOT A SURVEY

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 89°37'57" W	208.17'
L2	N 39°36'13" W	80.00'
L3	S 50°23'47" W	151.04'

LEGEND

O.R.	OFFICIAL RECORDS BOOK
D.B.	DEED BOOK
PG.	PAGE
C1	CURVE 1 OF THE DATA SETS
L1	LINE 1 OF THE LINE TABLE

CURVE #1

R=124.00'
L=33.80'
Δ=15°37'06"
C LEN=33.70'
BRG=N 42°35'14" E

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

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

—PREPARED JANUARY 14, 2009.

PREPARED BY:
Banks Engineering
ENGINEERING, SURVEYING & LAND PLANNING
2515 NORTHBROOKE PLAZA DRIVE - SUITE 200
NAPLES, FLORIDA 34119
(239) 597-2061
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

Banks Engineering

Professional Engineers, Planners & Land Surveyors
2515 Northbrooke Plaza Drive - Suite 200
Naples, Florida 34119
(239) 597-2061
Fax (239) 597-3082

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

(CPD PARCEL)

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST, AND BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER (NW¼) OF SAID SECTION 35; THENCE S.01°11'00"E. ALONG THE EAST LINE OF SAID FRACTION FOR 499.71 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.01°11'00"E. ALONG SAID EAST LINE FOR 55.15 FEET; THENCE N.77°09'08"W. FOR 20.52 FEET; THENCE N.57°54'34"W. FOR 24.44 FEET; THENCE S.70°39'04"W. FOR 29.95 FEET; THENCE S.35°51'19"W. FOR 28.90 FEET; THENCE S.10°52'34"E. FOR 27.03 FEET; THENCE S.09°24'39"W. FOR 38.83 FEET; THENCE S.25°14'18"W. FOR 40.31 FEET; THENCE S.45°28'41"W. FOR 45.15 FEET; THENCE S.37°41'02"W. FOR 20.60 FEET; THENCE S.18°12'50"W. FOR 49.13 FEET; THENCE S.18°49'48"W. FOR 39.67 FEET; THENCE S.09°03'50"W. FOR 46.83 FEET; THENCE S.14°50'17"E. FOR 59.82 FEET; THENCE S.18°42'13"W. FOR 35.83 FEET; THENCE S.28°15'16"E. FOR 30.66 FEET; THENCE S.29°10'50"E. FOR 60.46 FEET; THENCE S.56°06'08"E. FOR 3.06 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (a/k/a COUNTY ROAD 865) AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1,307.39 FEET AND TO WHICH POINT OF CURVE A RADIAL LINE BEARS S.28°25'21"E.; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'42" FOR 315.16 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1,312.39 FEET AND TO WHICH POINT OF CURVE A RADIAL LINE BEARS S.13°40'12"E.; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 09°06'31" FOR 208.64 FEET; THENCE S.89°37'57"W. ALONG SAID RIGHT-OF-WAY LINE FOR 311.72 FEET; THENCE N.00°22'03"W. FOR 609.97 FEET; THENCE N.89°37'57"E. FOR 548.73 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 124.00 FEET AND TO WHICH POINT OF CURVE A RADIAL LINE BEARS N.55°13'19"W.; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 15°37'06" FOR 33.80 FEET; THENCE N.50°23'47"E. FOR 151.04 FEET; THENCE S.39°36'13"E. FOR 80.00 FEET; THENCE N.89°37'57"E. FOR 208.17 FEET TO THE **POINT OF BEGINNING**.

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 11.21 ACRES, MORE OR LESS.

RECEIVED
FEB 0 9 2009
COMMUNITY DEVELOPMENT

Richard M. Ritz
RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

DCI 2009-00005

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Sarasota Office
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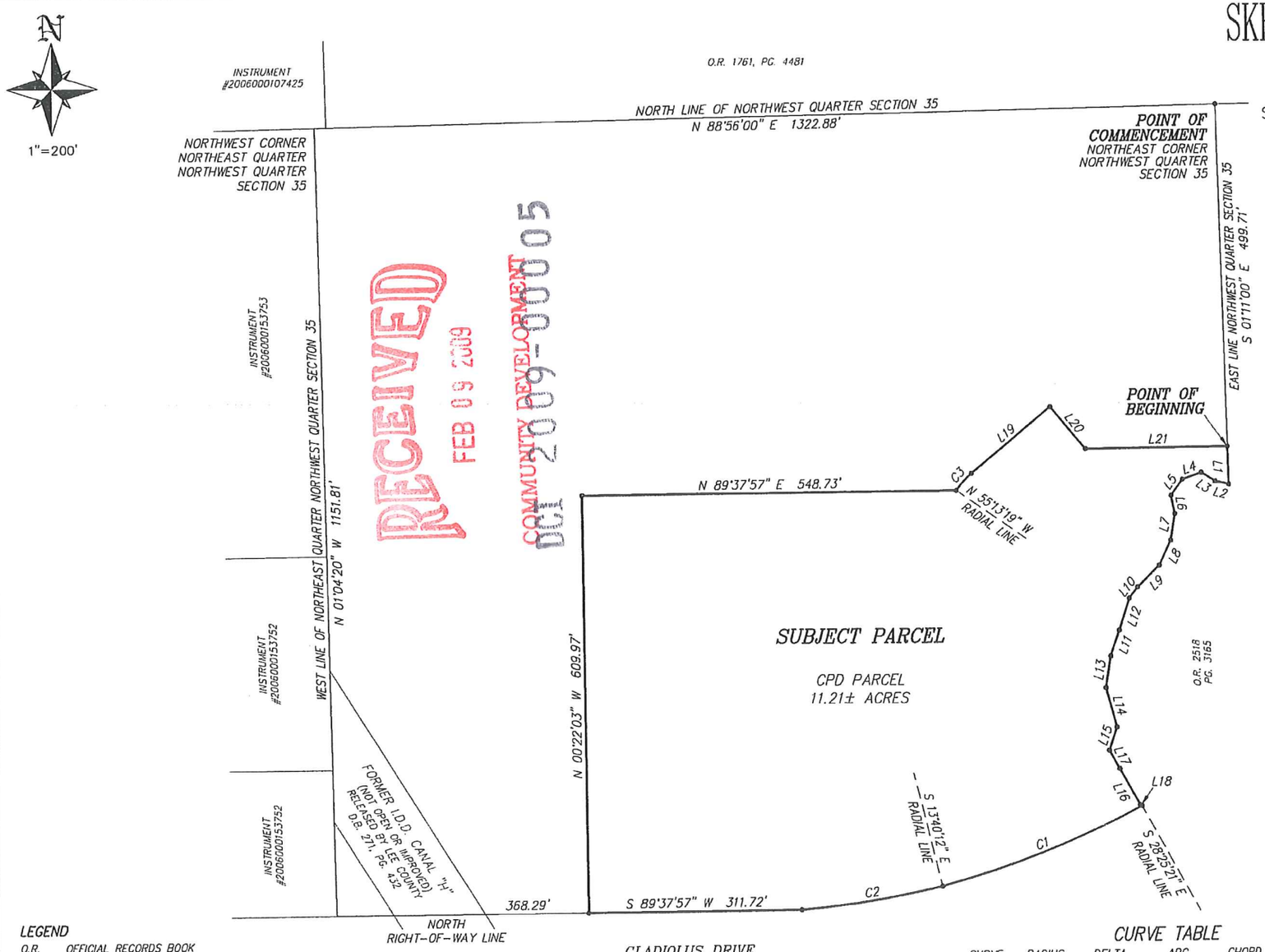
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



NOTES:

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST AS BEARING N.01°10'59"W.

PARCEL CONTAINS 15.33 ACRES, MORE OR LESS.

SEE SHEET 1 OF 2 FOR COMPLETE METES & BOUNDS DESCRIPTION.

LINE TABLE

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S 01°11'00" E	55.15'	L12	S 18°12'50" W	49.13'
L2	N 77°09'08" W	20.52'	L13	S 09°03'50" W	46.83'
L3	N 57°54'34" W	24.44'	L14	S 14°50'17" E	59.82'
L4	S 70°39'04" W	29.95'	L15	S 18°42'13" W	35.83'
L5	S 35°51'19" W	28.90'	L16	S 29°10'50" E	60.46'
L6	S 10°52'34" E	27.03'	L17	S 28°15'16" E	30.66'
L7	S 09°24'39" W	38.83'	L18	S 56°06'08" E	3.06'
L8	S 25°14'18" W	40.31'	L19	N 50°23'47" E	151.04'
L9	S 45°28'41" W	45.15'	L20	S 39°36'13" E	80.00'
L10	S 37°41'02" W	20.60'	L21	N 89°37'57" E	208.17'
L11	S 18°49'48" W	39.67'			

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1307.39'	13°48'42"	315.16'	314.40'	S 68°29'00" W
C2	1312.39'	09°06'31"	208.64'	208.42'	S 80°53'03" W
C3	124.00'	15°37'06"	33.80'	33.70'	N 42°35'14" E

THIS IS NOT A SURVEY

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

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

—PREPARED JANUARY 14, 2009.

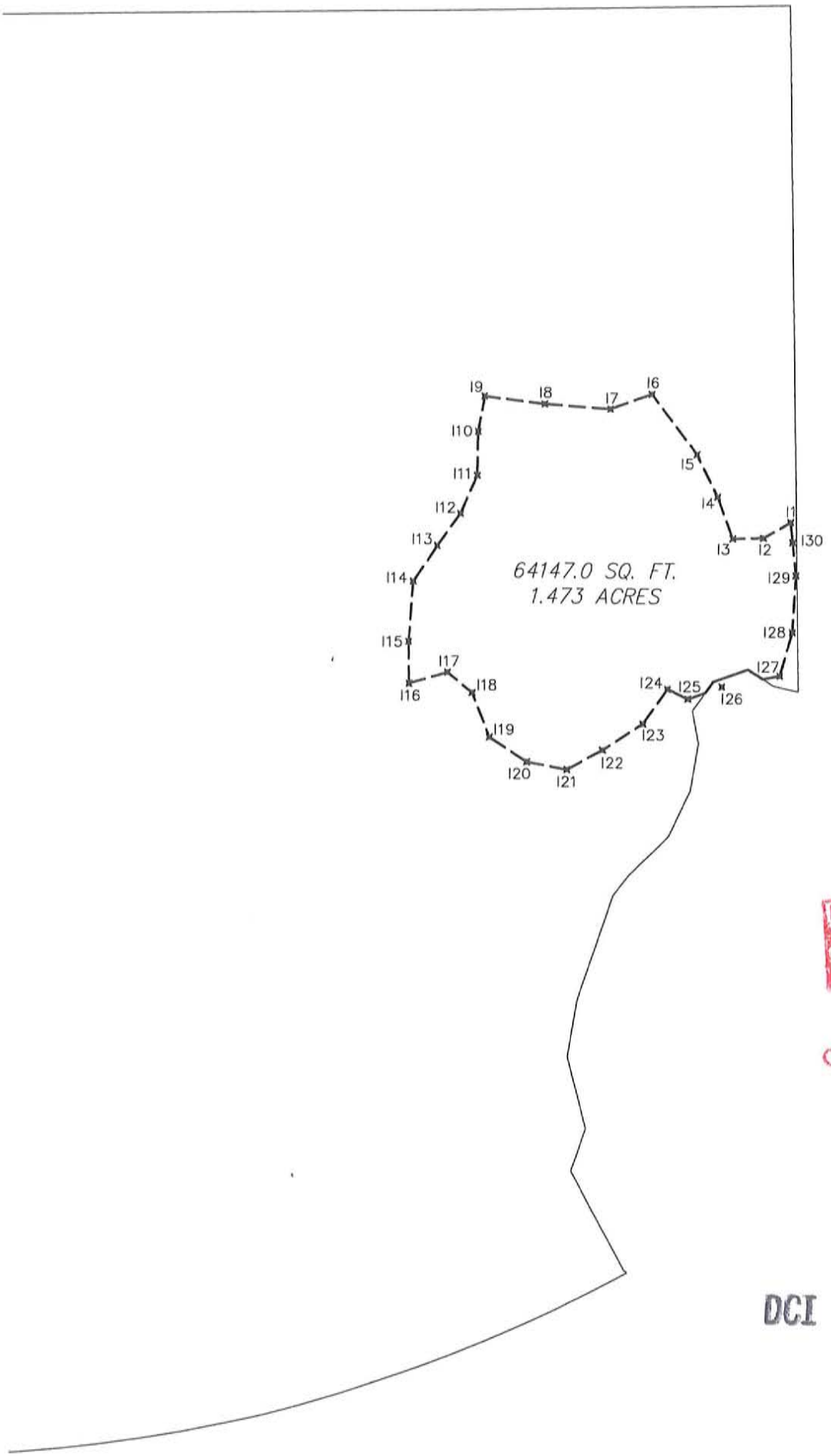
PREPARED BY:

Banks Engineering

ENGINEERING, SURVEYING & LAND PLANNING
2515 NORTHBROOKE PLAZA DRIVE – SUITE 200
NAPLES, FLORIDA 34119
(239) 597-2061
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

LEGEND

O.R.	OFFICIAL RECORDS BOOK
D.B.	DEED BOOK
PG.	PAGE
C1	CURVE 1 OF THE DATA SETS
L1	LINE 1 OF THE LINE TABLE



RECEIVED
DEC 18 2009
COMMUNITY DEVELOPMENT

DCI 2009-00005

POINT MAP

MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
ZONING DIVISION

DATE: May 25, 2010

TO: DCI2009-00005 **FROM:** Jamie Princing

RE: Notice of Public Hearing - June 7, 2010
Lee County Board of County Commissioners Meeting

There were NO participants according to the recommendation, therefore a NOTICE TO PARTICIPANT will not be necessary to create and mail.

LEE COUNTY
SOUTHWEST FLORIDA

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David Owen
County Attorney

Diana M. Parker
County Hearing Examiner

May 19, 2010

533-8585

MS. STACY HEWITT
BANKS ENGINEERING
10511 SIX MILE CYPRESS PKWY
FORT MYERS, FL 33966

RE: **Agenda Schedule for OASIS COVE RPD/CPD**
Case No. DCI2009-00005

Dear MS. STACY HEWITT :

Your zoning request has been scheduled before the Board of County Commissioners to take final action after reviewing the Hearing Examiner's recommendation.

DATE & TIME: Monday, June 7, 2010. Meeting commences at 9:30 a.m.

LOCATION: Commissioners' Meeting Room
2120 Main Street
Ft. Myers, Florida

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Jamie Princing
Administrative Assistant

cc: BECK GROUP OF FT MYERS
BECK GROUP OF FT MYERS LLC
MR. TED TREESH, TR TRANSPORTATION CONSULTANTS
MR. TYLER KING, W. DEXTER BENDER & ASSOCIATES
Tony Palermo, AICP, Senior Planner
Zoning File

MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
ZONING DIVISION

DATE: March 2, 2010

TO: File - DCI2009-00005

FROM: Jamie Princing
Secretary, Internal Services

RE: Notice of Public Hearing -**March 18, 2010**

I, Jamie Princing, Secretary, Internal Services, Development Services Division, do hereby certify that I have mailed notices to the adjacent property owners on the above referenced date, in the attached style, pursuant to the list marked and attached hereto and made a part of this certification.

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

CASE NUMBER:	DCI2009-00005
CASE NAME:	OASIS COVE RPD/CPD
REQUEST:	Rezone 32.54 ± acres from Residential Planned Development (RPD) to Residential Planned Development/Commercial Planned Development (RPD/CPD) for assisted living facilities (ALF), continuing care facilities (CCF), independent living units (ILU) , multi-family development and commercial uses. The maximum density proposed is 190 multi-family dwelling units, or an equivalent number of units in assisted living facilities, continuing care facilities and independent living units and commercial office and retail development, maximum 100,000 square feet including a maximum 25,000 square feet retail. Maximum height 45 feet for both residential and commercial. No development blasting is requested. The development will connect to public potable water and sanitary sewer service.
LOCATION:	The subject property is located at 7650 Gladiolous Dr. and 7210 Congdon Rd., South Fort Myers Planning Community, Lee County, FL.
SIZE OF PROPERTY:	32.54 Acres ±
STAFF REPORT:	Direct inquiries to Tony Palermo, AICP, Senior Planner, at 239-533-8325, at the Department of Community Development, 1500 Monroe St., Ft. Myers, FL 33901.
PROPERTY OWNER'S REPRESENTATIVE:	MS. STACY HEWITT BANKS ENGINEERING 239-939-5490

Notice is hereby given that the Lee County Hearing Examiner will hold a public hearing at 9:00 AM on 03/18/2010 on the above case. The public hearing will be held in the Hearing Examiner's Meeting Room, 1500 Monroe St., Ft. Myers, FL 33901.

You must appear in person, or through counsel, or an authorized agent and provide testimony, legal argument or other evidence at the hearing to become a participant with the right to address the Board of County Commissioners.

After the Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the Board of County Commissioners who will review the recommendation and make a final decision.

If you do not appear before the Hearing Examiner, by law, you will not be allowed to appear before the Board of County Commissioners at the final hearing in this case.

Copies of the staff report will be available two weeks prior to the hearing. The file may be reviewed at the Development Services Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/533-8585 for additional information.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Jamie Princing at 239/533-8585.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

26-45-24-00-00008.0000
LEE COUNTY
PO BOX 398
FORT MYERS, FL 33902

35-45-24-00-00002.0000
ONEILL JAMES D + PATRICIA A
7076 MAIDA LN
FORT MYERS, FL 33907

35-45-24-00-00002.0020
BISATO MARIA M
7046 MAIDA LN
FORT MYERS, FL 33907

35-45-24-00-00002.0050
HENDRY CREEK PARK LLC
13379 MCGREGOR BLVD STE #1
FORT MYERS, FL 33919

35-45-24-00-00002.0070
HENDRY CREEK PARK LLC
13379 MCGREGOR BLVD STE 1
FORT MYERS, FL 33919

35-45-24-00-00004.0020
ONEILL JAMES SEAN
7076 MAIDA LN
FORT MYERS, FL 33907

35-45-24-00-00005.0010
HENDRY CREEK PARK LLC
13379 MCGREGOR BLVD STE 1
FORT MYERS, FL 33919

35-45-24-00-00015.0010
LEE COUNTY
PO BOX 398
FORT MYERS, FL 33902

35-45-24-00-00015.0020
CCSC INC
7142 SHANNON BLVD
FORT MYERS, FL 33908

35-45-24-00-00015.0030
LJK GROUP LLC
6981 LAKE DEVONWOOD DR
FORT MYERS, FL 33908

26-45-24-09-00000.00CE
REFLECTION KEY CONDO ASSN INC
FAMILY PROPERTY SERVICES INC
1330 RAIL HEAD BLVD STE 4
NAPLES, FL 34110

35-45-24-00-00002.0010
ONEILL JAMES D + PATRICIA A
7076 MAIDA LN
FORT MYERS, FL 33907

35-45-24-00-00002.0030
SMITH IRA + DELORES
7096 MAIDA LN
FORT MYERS, FL 33907

35-45-24-00-00002.0060
SMITH LEWIS A
7086 MAIDA LN
FORT MYERS, FL 33907

35-45-24-00-00004.0010
ONEILL MARY C
7045 MAIDA LN
FORT MYERS, FL 33907

35-45-24-00-00005.0000
HENDRY CREEK PARK LLC
13379 MCGREGOR BLVD STE 1
FORT MYERS, FL 33919

35-45-24-00-00005.0020
HENDRY CREEK PARK LLC
13379 MCGREGOR BLVD STE 1
FORT MYERS, FL 33919

35-45-24-00-00015.001A
THOMPSON LAWRENCE G
7400 GLADIOLUS DR
FORT MYERS, FL 33908

35-45-24-00-00015.002D
CIU GLADIOLUS LAND GROUP LLC
7451 GLADIOLUS DR
FORT MYERS, FL 33908

35-45-24-00-00019.0030
CENTRAL BANK SW FL
1601 JACKSON ST
FORT MYERS, FL 33901

All data is current at time of printing and subject to change without notice.

35-45-24-01-00001.0000
GUT ASSOCIATES
7152 COCA SABAL LN
FORT MYERS, FL 33908

35-45-24-01-00002.0010
LUCAS DONALD R
13379 MCGREGOR BLVD STE 1
FORT MYERS, FL 33919

35-45-24-01-00002.0030
KELLY BLANE + BARBARA
16301 COCO HAMMOCK WAY APT 201
FORT MYERS, FL 33908

35-45-24-01-00006.0000
GUT ASSOCIATES
7152 COCA SABAL LN
FORT MYERS, FL 33908

35-45-24-03-00016.0000
CISAN FAMILY LLC
7775 GLADIOLUS DR
FORT MYERS, FL 33908

35-45-24-10-00000.0010
STROHM JOHN J +
7671 VICTORIA COVE CT
FORT MYERS, FL 33908

35-45-24-10-00000.0020
HAMRICK GERALD S + CONNIE C
7675 VICTORIA COVE CT
FORT MYERS, FL 33908

35-45-24-10-00000.0030
STROHM FREDERICK G
750 W BRISTOL RD
WARMINSTER, PA 18974

35-45-24-10-00000.0040
RALPH MARTIN + CAROLYN
7683 VICTORIA COVE CT
FORT MYERS, FL 33908

35-45-24-10-00000.0050
JUMAN ROSHAN DEEN + YASMIN
7164 CONGDON RD
FORT MYERS, FL 33908

35-45-24-10-00000.0060
VICTORIA COVE DEVELOPMENT CORP
649 5TH AVE S STE 211
NAPLES, FL 34102

35-45-24-10-00000.0070
VANDERSON RYAN M
7705 VICTORIA COVE CT
FORT MYERS, FL 33908

35-45-24-10-00000.0080
BENNINGHAUS DAVID C +
7709 VICTORIA COVE CT
FORT MYERS, FL 33908

35-45-24-10-00000.0090
VICTORIA COVE DEVELOPMENT CORP
649 5TH AVE S STE 211
NAPLES, FL 34102

35-45-24-10-00000.00CE
VICTORIA COVE HOMEOWNERS ASSOC
7705 VICTORIA COVE CT
FORT MYERS, FL 33908

35-45-24-10-00000.0120
TRUST GREGORY +
11545 PLANTATION PRESERVE
FORT MYERS, FL 33966

35-45-24-10-00000.0130
SCHUTT DAVID P + PAMELA S
7745 VICTORIA COVE CT
FORT MYERS, FL 33908

35-45-24-10-00000.0140
BENNINGHAUS MICHAEL R +
7749 VICTORIA COVE CT
FORT MYERS, FL 33908

35-45-24-10-00000.0150
VICTORIA COVE DEVELOPMENT CORP
649 5TH AVE S STE 211
NAPLES, FL 34102

35-45-24-10-00000.0160
VICTORIA COVE DEVELOPMENT CORP
649 5TH AVE S STE 211
NAPLES, FL 34102

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35-45-24-10-00000.0170
VICTORIA COVE DEVELOPMENT CORP
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NAPLES, FL 34102

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W. DEXTER BENDER & ASSOCIATES
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SUITE 101
FORT MYERS FL 33966

MS. STACY HEWITT
BANKS ENGINEERING
10511 SIX MILE CYPRESS PKWY
FORT MYERS FL 33966

BARBARA MANZO, PARKS

BECK GROUP OF FT MYERS LLC
436 BAYFRONT PL
NAPLES FL 34102

BECK GROUP OF FT MYERS
436 BAYFRONT PLACE
NAPLES FL 34102

MR. TED TREESH
TR TRANSPORTATION CONSULTANTS
13881 PLANTATION RD.
SUITE 11
FORT MYERS FL 33912

MR. TONY PALERMO

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Sean O'Connell
Page Park Community Association
110 Danley Drive
Fort Myers, FL 33907

William B. Horner
Lee County Port Authority
11000 Terminal Access Rd. Ste. 8671
Ft. Myers, FL 33913-8899

Seymour Roche, President
Page Park Community Association
507 Center Road
Fort Myers, FL 33907

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Diana M. Parker
County Hearing Examiner

February 11, 2010

533-8585

MS. STACY HEWITT
BANKS ENGINEERING
10511 SIX MILE CYPRESS PKWY
FORT MYERS, FL 33966

RE: Agenda Schedule for OASIS COVE RPD/CPD
Case No. DCI2009-00005

Dear MS. STACY HEWITT :

Your zoning request has been scheduled before the Hearing Examiner on Thursday, March 18, 2010, at 9:00 AM. The hearing will be conducted in the Hearing Examiner Meeting Room, 1500 Monroe St., Ft. Myers, FL.

Be advised all exhibits presented to Hearing Examiner will be retained for the records. The Hearing Examiner accepts exhibits on boards for demonstrative purposes and for use in her/his decision making; however, an official exhibit entered into the record must be either a foldable copy of the exhibit or an 11 x 17 duplicate of the board exhibit (clipping the exhibit to the board rather than gluing it is an acceptable form since it can be removed from the board and folded to be put in the file.

Your zoning sign will be ready for pickup any time after Monday, February 15, 2010, at the second floor reception desk at 1500 Monroe St., Ft. Myers, FL. If you would like to pick them up at the drive-thru window, please call 533-8585 to make the appropriate arrangements. This sign must be posted in accordance with Department procedures no later than Tuesday, March 2, 2010, and is to remain posted until final decision is rendered.
Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Jamie Princing
Administrative Assistant

cc: BECK GROUP OF FT MYERS
BECK GROUP OF FT MYERS LLC
MR. TYLER KING, W. DEXTER BENDER & ASSOCIATES
MR. TED TREESH, TR TRANSPORTATION CONSULTANTS
Tony Palermo, AICP, Senior Planner
Zoning File

BANKS ENGINEERING

Professional Engineers, Planners & Land Surveyors

May 17, 2010

Donna Marie Collins, Assistant County Attorney
Lee County Board of County Commissioners
P.O. Box 398
Fort Myers, FL 33902-0398

RE: Oasis Cove RPD/CPD
Zoning Case #DC12009-00005
Resolution No. Z-10-009

Dear Ms. Collins:

Please be advised that we have reviewed the legal description attached to the draft zoning resolution and have confirmed that it accurately describes all of the property intended to be rezoned.

Should you have any questions or require additional information, please do not hesitate to contact me at 939-5490.

Sincerely,

BANKS ENGINEERING

Stacy Ellis Hewitt, AICP
Director of Planning

cc via e-mail only: Tony Palermo, AICP
Ann Polito
Charles J. Basinait, Esq.

10511 Six Mile Cypress Parkway • Suite 101 • Fort Myers, Florida 33966
Phone 239-939-5490 • www.bankseng.com • Fax 239-939-2523
Engineering License No. EB 6469 • Surveying License No. LB 6690

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution
Donna Marie Collins, Asst County Attorney
DS Reviewer - Becky Penfield
Rob Price, TIS Reviewer
Paul O'Connor, Planning
Becky Sweigert, Environmental Sciences
Susie Derheimer, Environmental Sciences
Lili Wu, LCDOT
Dawn Gordon, Lee County School District
Sam Lee, Natural Resources
Chick Jakacki, Zoning
Mike Pavese, Public Works
Barbara Manzo, Parks

FROM: Tony Palermo, AICP

DATE: 01/22/2010

PROJECT NAME: OASIS COVE RPD/CPD

CASE #: DCI2009-00005

INFORMATION SUMMARY:

To update your file
_X_ Review and forward substantive comments **ASAP**.

FINAL STAFF REPORT Comments due to Tony by 02/08/2010

Additional Comments:

SUFFICIENCY LETTER DISTRIBUTION

cc: DCI planner/working file
DCI Zone File

Distributed by: Jamie Princing

Date: 01/22/2010

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County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing Examiner

Writer's Direct Dial Number: 239-533-8325

January 22, 2010

MS. STACY HEWITT
BANKS ENGINEERING
10511 SIX MILE CYPRESS PKWY
FORT MYERS, FL 33966

Re: OASIS COVE RPD/CPD
DCI2009-00005 - PDL Application (Major PD)

Dear MS. STACY HEWITT :

The Zoning Division has reviewed the information provided and supplemented for the rezoning request referenced above. The application is now sufficient and the formal request has been drafted from your application as follows:

> Rezone 32.54 acres from Residential Planned Development (RPD) to Residential Planned Development/Commercial Planned Development (RPD/CPD) for assisted living facilities or multi-family development, maximum 160 assisted living facilities (ALF) continuing care facility (CCF) units, or a maximum 300 independent living units, or a maximum of 190 multi-family units; and commercial office and retail development, maximum 125,000 s/f including a maximum 60,000 s/f retail. Maximum height 3 stories/45 feet (residential) and 2 stories/35 feet commercial. No development blasting is requested. The development will connect to public potable water and sanitary sewer service.
>
> NOTE: If approved, the Master Concept Plan (available for inspection at 1500 Monroe St., in Ft. Myers) may deviate from certain Land Development Code (LDC) standards.

Please review this language carefully, and notify me in writing by February 5, 2010 whether or not this wording is satisfactory. Staff's substantive comments, along with the staff report, are being prepared. This request has been tentatively scheduled for public hearing before the Lee County Hearing Examiner on March 18, 2010. However, please note that this is a tentative date that is subject to change and that Lee County will be held harmless for any potential delay in effectuating compliance with the tentative hearing date.

You may schedule or waive a formal pre-hearing conference to discuss substantive issues. Contact me if you have any questions or if you would like to meet informally prior to the public hearings.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Tony Palermo, AICP
Senior Planner

cc.

MIKE PAVESE, PUBLIC WORKS

copy w/o attachments
Donna Marie Collins, Assistant County Attorney
DS Reviewer - Becky Penfield
Pamela Houck, Division Director
Paul O'Connor, Planning
Susie Derheimer, Environmental Sciences
Sam Lee, Natural Resources
Robert Price, TIS Reviewer
Dawn Gordon, Lee County School District
Jamie Princing, DCD Administration

BARBARA MANZO, PARKS
DCI Zoning File
DCI Working File

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Karen B. Hawes
County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing Examiner

Writer's Direct Dial Number: 239-533-8325

November 6, 2009

MS. STACY HEWITT
BANKS ENGINEERING
10511 SIX MILE CYPRESS PKWY
FORT MYERS, FL 33966

Re: OASIS COVE RPD/CPD
DCI2009-00005 - PDL Application (Major PD)

Dear MS. STACY HEWITT :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Tony Palermo, AICP
Senior Planner

cc.

MIKE PAVESE, PUBLIC WORKS

ZONING COMMENTS.

1. SUBMIT THE TITLE CERTIFICATION OVER THE COUNTER. THAT WILL TAKE CARE OF THAT ISSUE.

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
Susie Derheimer, Environmental Sciences
Sam Lee, Natural Resources
Robert Price, TIS Reviewer
Jamie Princing, DCD Administration
Michael D Jacob, Assistant County Attorney
Becky Penfield, Development Review
BARBARA MANZO, PARKS
DCI Zoning File
DCI Working File

LC Development Review PD Application Sufficiency Checklist (Ord 07-24)

4) Miscellaneous items.

> A subdivision plat meeting the requirements of the Florida Status Chapter 177 will be required for the commercial subdivision.

> All commercial componets of the CPD must meet the LDC, Section 10-600 at time of local development order.

> A backbone water management system must encompass the entire planned development.

>

LC ZTIS PD Application Sufficiency Checklist (Ord 07-24)

2a) Trip generation must be based on the combination of uses shown in the Schedule of Uses on the Master Concept Plan which generates the highest total number of trips during the A.M. and P.M. peak hour of the generator(s). [AC-13-17]

There is an error in the trip generation for the Medical Office use and the CCRC use in the PM peak hour. Please revise.

3) Site Plan. The TIS must contain a drawing showing the proposed project access point(s) & location of all other access points on both sides of all streets being accessed within 660 feet for project entrances on arterial streets, within 330 feet for project entrances on collector streets & within 125 feet for project entrances on local streets. [AC-13-17]

MCP should be updated to list the distance between the project entrances and all driveways within 660-feet of the project entrances.

4) Background Traffic. The TIS must contain 100th highest hour traffic for the current year and for the year following the year in which the project is expected to be completed. [AC-13-17]

Lee County recognizes a minimum annual growth rate of 1.0%. Please revise the analysis to reflect a minimum 1.0% growth rate. Additionally, please review the footnotes in Table 2A as they are confusing.

5) Directional Splits. The TIS must contain a drawing showing the percentage, number of trips, and the direction of travel for trips entering and exiting the project at each proposed access point. [AC-13-17]

The entering distribution in the TIS does not add up to 100%. As a result, the subsequent graphics are all incorrect. Please revise.

7a) The TIS must contain an analysis of the Level of Service for each of the projects access points and all intersections within one-quarter mile of the project. The analysis must follow the methods established in the most current edition of the HIGHWAY CAPACITY MANUAL for either signalized or unsignalized intersections. [AC-13-17]

There is a southern leg at the intersection of the eastern site access, but this leg of the intersection has not been addressed. Please address.

11) Contact. The Staff reviewer may be contacted with any questions relative to this LC ZTIS PD Application Sufficiency Checklist.

Please contact Rob Price @ (239) 533-8355 or RPrice@leegov.com with any questions regarding these review comments.

LC Zoning Action Legal Requirements Checklist (Ord 07-24)

10) Boundary Survey. A boundary survey of the subject property must be submitted unless the application is a non planned development request and the property consists of one or more undivided lots within a subdivision platted in accordance with Florida Statutes, Chapter 177 {see LC Public Hearing Application Form, Part 3.D.}. [34-202(a)(2)]

See notes below.

10a) The boundary survey must identify and depict all easements effecting the subject property, whether recorded or unrecorded, and all other physical encumbrances readily identified by a field inspection. [34-202(a)(2)]

The title certificate received does not meet the requirements of LDC Sec 34-202(a)(3) as stated below:

Title Certificate/Opinion, no greater than 90 days old at the time of initial zoning application be submittal, to establish the following information concerning title to the subject property: (a) the owner of owners of the fee title: (b) all easements encumbering the property; (c) the legal description of the property. The title certification submittal must be either an opinion of title meeting the Florida Bar Standards prepared by a licensed Florida attorney or a certification of title/title certification prepared by a title abstractor or company. The certification must be unequivocal. A title binder/commitment or title insurance policy is not acceptable to meet this requirement. Per LDC Sec 34-202(a)(2).
Please obtain a title certificate/opinion meeting the above critera, submit to surveyor to correct the survey and submitted a copy of both the survey and new title opinion/certificate to this office.

Please submit a copy to the surveyor as the survey must be tied to it and a copy of the title opinion/title certificate to this office as required by LDC SEC 34-202(a)(3).

11) Miscellaneous items.

12) Contact. The reviewer may be contacted regarding any questions on the LC Zoning Action Legal Requirements Checklist.

Please contact Chick Jakacki for questions concerning the legal description, sketch of description or boundary survey by phone at 239-533-8578

LC Environmental Sciences PD Application Sufficiency Checklist (Ord 07-24)

12h) Open Space Design Plan. Open space design plan delineating the indigenous preserves and/or native tree preservation areas as required per LCLDC Section 10-415(b) must be shown on the Master Concept Plan. [34-373(a)(6)g.]

ES staff recommends the applicant take advantage of the credits offered by LDC Section 10-415(b)(3) for the existing preserved large tract indigenous rare and unique upland habitat adjacent to off-site public preserve areas. If the applicant can exceed the 1.55 acre existing indigenous vegetation preservation requirement than a deviation will not be necessary. ES staff recommends that even if a deviation is not required the applicant continue provide restoration as proposed to enhance upland buffers to the on-site and off-site wetlands and meet Type F buffer requirements.

The legend on the indigenous restoration plans provided depicts 1.19 acre indigenous vegetation preserve. The applicant response to ES staff comment 12h proposes 1.26 acre of indigenous vegetation preserved (0.07 acres freshwater marsh + 1.19 acres pine-mesic oak). Please revise for clarification

Please provide survey documents as mentioned in applicant's response to verify existing indigenous acreages. Please revise the indigenous restoration plan to label the proposed acreage of each area preserve and restoration to support acreages in the legend. AND Please revise Indigenous Restoration Plan to illustrate how the indigenous requirement is being met show credit calculations and/or 2:1 mitigation-if necessary.

LDC Section 10-415(c)(3) requires projects over 10 acres to provide indigenous areas to have a minimum average width of 40 feet. Please revise the minimum 15-30 foot wide area adjacent to the off-site preserve for compliance with the LDC. OR if this area is not needed to meet indigenous acreage requirements as discussed above, ES staff recommend that vegetation proposed within this 15-30 wide planted area proposed at heights and sizes to meet Type F buffer visual screening requirements for compliance with LDC Section 10-416(d)(4).

The building in the southwest corner is within 10 feet of the proposed wetland upland buffer. LDC Section 10-415(1)(c) requires a minimum 20 foot structure setback to preserves for fire safety. Please be aware development order final site design will require the setback be met.

12i) Open Space Percentage. The percentage of open space must be shown on the Master Concept Plan unless the proposed development consists solely of conventional single-family dwelling units on lots of no less than 6,500 square feet. [34-373(a)(6)h.]

Please revise MCP Open Space table to illustrate compliance with LDC Section 10-415(b) as discussed in Comment 12 h

12i1) Open Space-Commercial & Industrial. For commercial and industrial developments, the percentage of open space within each lot or outparcel must be as set forth in LCLDC Section 34-414(c). [34-373(a)(6)h.]

The request for a minimum 20% open space within each Lot/Tract- Is this for commercial lots only or both the commercial and residential? Does this minimum 20% include the buffers, LME, Fema floodway and preserve areas?

20) Contact. The Environmental Planner may be contacted regarding any questions on the LC Environmental Sciences Planned Development Application Sufficiency Checklist.

Susie Derheimer, Environmental Planner
239-533-8158
sderheimer@leegov.com

1) Miscellaneous Items.

Palermo, Anthony

From: Jacob, Michael
Sent: Thursday, October 22, 2009 11:47 AM
To: Palermo, Anthony
Subject: DCI2009-00005 (Oasis Cove)

Tony,

I have reviewed the resubmittal documents date stamped 10/19/2009 for the above referenced case. I have one request. The Title Certification provided by Kevin Denti does not identify whether any easements exist on the property. The Title Certification needs to indicate whether easements exist on the property.

That is the only issue I found with the documentation submitted with this resubmittal. If there are any questions, please let me know.

Thanks,

Michael D. Jacob
Assistant County Attorney
Lee County Attorney's Office
(239) 533-2236 (telephone)
(239) 485-2106 (facsimile)
mjacob@leegov.com

Please note: Florida has a very broad public records law. Most written communications to or from County Employees and Officials regarding County business are public records available to the public and media upon request. Your e-mail communication may be subject to public disclosure.

Palermo, Anthony

From: Pavese, Michael
Sent: Friday, October 30, 2009 9:55 AM
To: Palermo, Anthony
Subject: Oasis Cove DCI2009-00005

Please have the applicant provide some clarification regarding the service area detail referenced on the Master Concept Plan. Will the double dumpster facility be within a 30' x 50' wall/enclosure? Will each opening/gate for the double dumpster facility be provided with an unobstructed 12 foot wide opening for access by the waste hauler? Please indicate the typical dimensions of the double dumpster facility. Thank you.

Michael P. Pavese
Principal Planner
Public Works Administration
Phone: 239-533-8360
Fax: 239-485-8307

Palermo, Anthony

From: Lee, Samuel
Sent: Friday, October 30, 2009 3:57 PM
To: Palermo, Anthony
Cc: Copeland, Tildon; Karuna-Muni, Anura
Subject: FW: DCI2009-00005 OASIS COVE RPD/CPD

Tony,

This application now deems sufficient with following note:

The applicant has responded to the two questions by revising the design that eliminates the fill within the FEMA floodway areas. That should include, but not limited to, raising vegetative buffering zones, water management 100yr perimeter berms and/or any fill that would hinder the flow within the FEMA floodway boundary. If this fill should occur then the applicant will be required either one of the previous mention measures (LOMR or No Rise Certification).

Sam Lee, P.E.
Engineering Manager
Lee County Natural Resources Division
1500 Monroe Street
Fort Myers, FL 33901

Ph. 239/533-8132
Fax 239/485-8408
E-mail: slee@leegov.com

From: Copeland, Tildon
Sent: Friday, October 30, 2009 1:25 PM
To: Lee, Samuel
Subject: DCI2009-00005 OASIS COVE RPD/CPD

The applicant has responded to questions one and two by revising the design that eliminates the fill within the FEMA floodway areas. That should include but not limited to raised vegetative buffering zones, water management 100yr perimeter berms or any fill that would prohibitive the surface area flow within the FEMA boundary. If this should occur then the applicant will be remain to require the previous mention hydraulic data.

Tildon Copeland
Lee County Division of Natural Resources
1500 Monroe Street
Fort Myers, Florida 33901
Phone: 239 533-8139
Fax: 239 485-8408
email: copelatl@leegov.com

LEE COUNTY
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September 01, 2009

MS. STACEY HEWITT
BANKS ENGINEERING
10511 SIX MILE CYPRESS PKWY
SUITE 101
FORT MYERS, FL 33966

RE: OASIS COVE RPD/CPD
DCI2009-00005 - PDL Application (Major PD)

Dear MS. STACEY HEWITT :

The Zoning Division has reviewed your request for an extension of the response time allowed by the Lee County Land Development Code for the above referenced project. Staff recognizes that you are actively pursuing additional information necessary for the resubmittal of the request and will allow a 60 day extension expiring on October 31, 2009. This project could be deemed withdrawn after the extension date if you do not respond prior to this date.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Tony Palermo, AICP
Senior Planner

cc: Pam Houck, Director Zoning Division
Michael Jacob, CAO
Tina Boone, Legal Administrative Secretary
Robert Price, TIS Reviewer
Becky Penfield, Development Services
Paul O'Connor, Planning Division
Susie Derheimer, Environmental Sciences
Sam Lee, Natural Resources
Jamie Princing, DCD Admin
Billie Jacoby
Zoning File

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Examiner

June 29, 2009

MS. STACEY HEWITT
BANKS ENGINEERING
10511 SIX MILE CYPRESS PKWY
SUITE 101
FORT MYERS, FL 33966

RE: OASIS COVE RPD/CPD
DCI2009-00005 - PDL Application (Major PD)

Dear MS. STACEY HEWITT :

The Zoning Division has reviewed your request for an extension of the response time allowed by the Lee County Land Development Code for the above referenced project. Staff recognizes that you are actively pursuing additional information necessary for the resubmittal of the request and will allow a 60 day extension expiring on September 02, 2009. This project could be deemed withdrawn after the extension date if you do not respond prior to this date.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Tony Palermo, AICP
Senior Planner

cc: Pam Houck, Director Zoning Division
John Fredyma, CAO
Tina Boone, Legal Administrative Secretary
Robert Price, TIS Reviewer
Becky Penfield, Development Services
Paul O'Connor, Planning Division
Susie Derheimer, Environmental Sciences
Sam Lee, Natural Resources
Jamie Princing, DCD Admin
Billie Jacoby
Zoning File

Palermo, Anthony

From: Stacy Hewitt [SHewitt@BanksEng.com]
Sent: Friday, June 26, 2009 3:57 PM
To: Palermo, Anthony
Subject: FW: Oasis Cove RPD/CPD (DCI2009-00005)

Good afternoon Tony.

Pursuant to our discussion, please accept this email as a request for a 60-day extension for the resubmittal of the sufficiency responses for the Oasis Cove RPD/CPD (DCI2009-00005). We are still working on the sufficiency responses in light of the additional information that has been requested by environmental sciences. We will resubmit as soon as possible.

Your assistance in this regard is greatly appreciated. Should you have any questions or require further information, please do not hesitate to contact me.

Thank you.

Stacy
Stacy Ellis Hewitt, AICP
Director of Planning
Banks Engineering
10511 Six Mile Cypress Parkway - Suite 101
Fort Myers, FL 33966
Email: shewitt@bankseng.com
Phone: 239-939-5490
Cell: 239-770-2527
Fax: 239-939-2523

LEE COUNTY
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County Attorney

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County Hearing
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April 23, 2009

MS. STACEY HEWITT
BANKS ENGINEERING
10511 SIX MILE CYPRESS PKWY
SUITE 101
FORT MYERS, FL 33966

RE: OASIS COVE RPD/CPD
DCI2009-00005 - PDL Application (Major PD)

Dear MS. STACEY HEWITT :

The Zoning Division has reviewed your request for an extension of the response time allowed by the Lee County Land Development Code for the above referenced project. Staff recognizes that you are actively pursuing additional information necessary for the resubmittal of the request and will allow a 60 day extension expiring on June 29, 2009. This project could be deemed withdrawn after the extension date if you do not respond prior to this date.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Tony Palermo, AICP
Senior Planner

cc: Pam Houck, Director Zoning Division
John Fredyma, CAO
Tina Boone, Legal Administrative Secretary
Robert Price, TIS Reviewer
Becky Penfield, Development Services
Paul O'Connor, Planning Division
Susie Derheimer, Environmental Sciences
Sam Lee, Natural Resources
Jamie Princing, DCD Admin
Billie Jacoby
Zoning File

Palermo, Anthony

From: Stacy Hewitt [SHewitt@BanksEng.com]
Sent: Thursday, April 23, 2009 12:37 PM
To: Palermo, Anthony
Subject: Oasis Cove RPD/CPD (DCI2009-00005)

Good afternoon Tony.

Pursuant to our discussions, please accept this email as a request for a 60-day extension for the resubmittal of the sufficiency responses for the Oasis Cove RPD/CPD (DCI2009-00005). We are still working on finalizing the title work and survey, so I don't believe we will be able to get the submittal in before the deadline. We will resubmit as soon as possible.

Your assistance in this regard is greatly appreciated. Should you have any questions or require further information, please do not hesitate to contact me.

Thank you.

Stacy
Stacy Ellis Hewitt, AICP
Director of Planning
Banks Engineering
10511 Six Mile Cypress Parkway - Suite 101
Fort Myers, FL 33966
Email: shewitt@bankseng.com
Phone: 239-939-5490
Cell: 239-770-2527
Fax: 239-939-2523

LEE COUNTY
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February 27, 2009

MS. STACEY HEWITT
BANKS ENGINEERING
10511 SIX MILE CYPRESS PKWY
SUITE 101
FORT MYERS, FL 33966

Re: OASIS COVE RPD/CPD
DCI2009-00005 - PDL Application (Major PD)

Dear MS. STACEY HEWITT :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Tony Palermo, AICP
Senior Planner

cc.

MIKE PAVESE, PUBLIC WORKS

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
Susie Derheimer, Environmental Sciences
Sam Lee, Natural Resources
Lili Wu, LCDOT
Jamie Princing, DCD Administration
John Fredyma, Assistant County Attorney
Becky Penfield, Development Review
BARBARA MANZO, PARKS
DCI Zoning File
DCI Working File

LC Development Review PD Application Sufficiency Checklist (Ord 07-24)

4) Miscellaneous items.

> A subdivision plat meeting the requirements of the Florida Status Chapter 177 will be required for the commercial subdivision.

> All commercial componets of the CPD must meet the LDC, Section 10-600 at time of local development order.

> A backbone water management system must encompass the entire planned development.

>

1a) The Land Use Codes must be complete and appropriate for each proposed use. [AC-13-17]

Based on the schedule of uses, it appears that the site would function more similarly to the Continuing Care Retirement Community (CCRC) land use in ITE (LUC 255).

The MCP indicates a maximum of 120,000 square feet of commercial uses within the CPD, but the TIS reflects a total of 125,000 square feet. As revision to the trip generation is required based on other comments (see below), please update the square footage of the commercial uses.

2a) Trip generation must be based on the combination of uses shown in the Schedule of Uses on the Master Concept Plan which generates the highest total number of trips during the A.M. and P.M. peak hour of the generator(s). [AC-13-17]

Please revise the trip generation to compare the Assisted Living/Congregate Care Facility trip generation to that of a CCRC, and use whichever produces the highest trip generation. It appears that a 460-unit CCRC would generate more peak hour traffic than the 190-unit Townhouse scenario.

Also, the schedule of uses for the CPD portion of the site includes Medical Office uses. Please revise the trip generation of the office portion of the development to account for the possibility that it could develop as Medical Office as it typically generates more traffic than General Office uses.

3) Site Plan. The TIS must contain a drawing showing the proposed project access point(s) & location of all other access points on both sides of all streets being accessed within 660 feet for project entrances on arterial streets, within 330 feet for project entrances on collector streets & within 125 feet for project entrances on local streets. [AC-13-17]

MCP should be updated to list the distance between the project entrances and all driveways within 660-feet of the project entrances.

6) Area of Influence. The TIS for projects generating more than 100 trips during the A.M. or P.M. peak hour of the adjacent street must contain a drawing showing the area of influence of the project . [AC-13-17]

6a) Area of influence is defined as the area in which project traffic is 10% or more of the maximum service volume at LOS "C" on roadway links and 10% or more of the total approach volumes at intersections at project buildout. [AC-13-17]

Please indicate the Area of Influence within the TIS. See comment 7 below.

7) Level of Service Analysis. The TIS for projects generating more than 100 net new trips during the A.M. or P.M. peak hour of the adjacent street must contain an analysis of the Level of Service for all links within the area of influence. [AC-13-17]

The Level of Service thresholds utilized in the TIS are not approved by the Board of County Commissioners at this time. Please use the Link Specific Table dated September, 2005. As a result, it appears that Gladiolus Drive would not sustain a significant impact.

7a) The TIS must contain an analysis of the Level of Service for each of the projects access points and all intersections within one-quarter mile of the project. The analysis must follow the methods established in the most current edition of the HIGHWAY CAPACITY MANUAL for either signalized or unsignalized intersections. [AC-13-17]

No analysis of the site access intersections has been included. Please provide an analysis of these intersections.

11) Contact. The Staff reviewer may be contacted with any questions relative to this LC ZTIS PD Application Sufficiency Checklist.

Robert L. Price, PE - (239) 533-8355

LC Zoning Action Legal Requirements Checklist (Ord 07-24)

10) Boundary Survey. A boundary survey of the subject property must be submitted unless the application is a non planned development request and the property consists of one or more undivided lots within a subdivision platted in accordance with Florida Statutes, Chapter 177 {see LC Public Hearing Application Form, Part 3.D.}. [34-202(a)(2)]

Please replace the legal description on the boundary survey to match the overall metes and bounds provided for the CPD/RPD area. In additioon please remove the note under the legal description on the survey which states "Schedule A of Attorneys Title insurance fund in. commitment Number..."

10a) The boundary survey must identify and depict all easements effecting the subject property, whether recorded or unrecorded, and all other physical encumbrances readily identified by a field inspection. [34-202(a)(2)]

The boundary survey references it was based on a Title Commitment (in three places). Lee County does not accept Title Commitments, please obtain a Title Opinion or Title Certificate and submit to surveyor for corrections to survey and removal of these three notes.

11) Miscellaneous items.

12) Contact. The reviewer may be contacted regarding any questions on the LC Zoning Action Legal Requirements Checklist.

Please contact Chick Jakacki for questions concerning the legal description, sketch of description or boundary survey by phone at 239-533-8578

1) Sufficiency Comments.

1. The information of intersection LOS analysis for the project's entrances shall be provided for review.

2) The LCDOT reviewer may be contacted regarding any questions on the LCDOT Checklist.

Lili Wu 533-8580 ext 48134

LC Environmental Sciences PD Application Sufficiency Checklist (Ord 07-24)

10b) Sensitive Lands. Any environmentally sensitive lands, including, but not limited to, wetlands (as defined in the LEE Plan Section XII), flowways, creek beds, sand dunes, other unique land forms [see LEE Plan Policy 99.1.1 (2)] or listed species occupied habitat [see LCLDC Section 10-493] must be identified (see Supplement D Form, Part 5.B.).

The FLUCCs map provided depict there are 0.1 acre of freshwater wetlands on the project site. The habitat assessment provided states the wetlands are dominated by giant leather ferns and scattered white mangroves and are connected to Henry Creek off-site to the west. The proposed commercial in the southeast corner directly abutts the adjacent Lee County Lakes Park wetland.

10b2) Preservation/Conservation of Natural Features. A description how the Sensitive Lands listed in Item #9b and Item #9c, above, will be protected by the completed project must be provided (see Supplement D Form, Part 5.C.).

Please described how these wetlands will be protected by the completed project. (Please see Comment 12h.)
The MCP depicts an off-site preserve abutting the east. These lands are owned by Lee County. (Please see Comment 12j.) Please address how the preserve lands will be protected by the completed project.
The referenced W. Dexter Bender report does not address how they will be protected.

11g1) The FLUCCS map must clearly delineate any Federal and State jurisdictional wetlands and other surface waters, including the total acreage of Federal and State wetlands. [34-373(a)(4)e.ii.]

The Stormwater Management Plan provided in the application states SFWMD and ACOE permits have been approved. Please revise FLUCCS to include federal verified wetland lines and acreages. Please provide a copy of the approved ACOE permit.

12h) Open Space Design Plan. Open space design plan delineating the indigenous preserves and/or native tree preservation areas as required per LCLDC Section 10-415(b) must be shown on the Master Concept Plan. [34-373(a)(6)g.]

The FLUCCs map provided depict there are 0.1 acre of freshwater wetlands on the project site. The habitat assessment provided indicates the wetlands are dominated by indigenous giant leather ferns and scattered white mangroves. The SFWMD ERP 36-05787-P identify the 0.1 acre wetlands as smaller portions of two larger offsite saltwater marshes and that the saltwater marshes extend into the site. The permit also requires an upland buffer restored along the abutting wetland preserve to the southeast and Lee County requires 30 foot wide 100% native buffers adjacent to public preserve lands.
The habitat assessment provided also identifies the Australian pine and melaleuca habitats contain scattered slash pine and cabbage palms.
The site contains indigenous vegetation communities and native trees and required restored upland buffers. Please address how the project is proposing to meet the LDC Section 10-415(b)(1)(a.) & (b.) indigenous requirement given existing and restored indigenous onsite. Also see comment 18b2 below.

12j) Buffers. The minimum width and composition of all proposed buffers along the perimeter of the subject property, as well as between the individual uses if the types of proposed uses require buffer separations, must be shown on the Master Concept Plan. [34-373(a)(6)i.]

The MCP depicts RPD and CPD abutting public owned preserve to the east. Please revise the MCP to depict the correct LDC Section 10-416(d) Type F buffer required along the entire east property line.

12k) Excavations for Wet Retention. The general location of excavations for on-site fill and wet retention must be shown on the Master Concept Plan. [34-373(a)(6)k.]

ES staff recommends that the lake be utilized in the open space design to create a distance buffer between the development and Lakes Park to the north as done in the previously approved MCP

18b1) LEE Plan Compliance. A narrative explanation as to how the proposed development complies with the LEE Plan must be submitted. [34-941(g)(3)]

Please address Lee Plan Objective 60.5, Policy 60.5.1, Policy 60.5.2, Policy 60.5.3, Goal 77, Objective 77.3, Policy 77.3.1, Policy 77.3.5, Goal 104, Policy 104.1.1, Policy 107.2.10, Policy 107.3.1, Policy 114.1.2(4.)

18b2) Design Standards Compliance. A narrative explanation as to how the proposed development complies with the Design Standards set forth in LCLDC Section 34-411 must be submitted. [34-3941(g)(3)]

Section 34-411(g) states every effort must be made in the planning, design and execution of a planned development to protect, preserve or to not unnecessarily destroy or alter natural features of the site, particularly mature native trees. Alteration of the vegetation or topography that unnecessarily disrupts the surface water or groundwater hydrology, increases erosion of the land or destroys significant wild life habitat is prohibited.
Section 34-411(h) states a fundamental principle of planned development design is the creative use of open space requirement to produce an architecturally integrated human environment. This shall be coordinated with the achievement of other goals, e.g. the preservation or conservation of environmentally sensitive land and waters. Section 34-1571 defines and identifies environmentally sensitive areas as (1) coastal zone (b.) Estuarine: forested and non-forested saltwater wetlands and (2)(a.) Wetlands as defined in Section14-292.
Please address how the proposed impact to the existing wetlands complies with 34-411(g) and (h).

20) Contact. The Environmental Planner may be contacted regarding any questions on the LC Environmental Sciences Planned Development Application Sufficiency Checklist.

Susie Derheimer, Environmental Planner
239-533-8158
sderheimer@leegov.com

LC Public Hearing for Zoning Action Checklist (Ord. 07-24)

Palermo, Anthony

From: Lee, Samuel
Sent: Monday, February 23, 2009 11:28 AM
To: Palermo, Anthony
Cc: Copeland, Tildon; Karuna-Muni, Anura
Subject: FW: DCI2009-00005 Oasis Cove A.K.A. Gladiolus

From: Copeland, Tildon
Sent: Monday, February 23, 2009 11:16 AM
To: Lee, Samuel
Subject: Oasis Cove A.K.A. Gladiolus

Please see Natural Resources Insufficiency Comments below.

1. Please be advised the most recent FEMA FIRM Maps (2008) shows floodway boundaries on subject parcel, encroachments within the floodway are prohibited unless one of the following two conditions is met:
   A. The applicant shall apply for and get an approval of an appropriate map revision or map amendment (e.g., LOMA, LOMR, CLOMR, etc.) from FEMA.
   Or,
   B. The applicant shall provide a no-rise certification with supporting technical data, made by a Florida State registered professional engineer demonstrating that encroachments (including fill, new construction and other developments) shall not result in any increase in flood levels during occurrence of the base flood discharge. Lee County Land Development Code (Chapter 6, Article IV, Section 6-472).
2. In addition to the floodway encroachment issue mentioned above, the existing hydraulic conveyance capacity of the natural flowway (i.e., IDD Canal H (Hendry Creek)) should be preserved to avoid any adverse impact on drainage and flooding both at on- and off-sites. Please demonstrate that the proposed development will cause no reduction of drainage capacity and will pose no flood risk for all design storms (5-yr, 25-yr, and 100-yr).

Tildon Copeland
Lee County Division of Natural Resources
1500 Monroe Street
Fort Myers, Florida 33901
Phone: 239 533-8139
Fax: 239 485-8408
email: copelatl@leegov.com

Palermo, Anthony

From: Fredyma, John
Sent: Thursday, February 19, 2009 4:40 PM
To: Palermo, Anthony
Cc: Houck, Pamela
Subject: Oasis Cove RPD/CPD DCI2009-00005

Tony,

Please consider the following with regard the above-referenced zoning application:

1. The Survey is insufficient since it references title work based on either a title insurance binder or commitment. We do not accept the use of a title insurance binder or commitment.

2. If the applicant is considering multiple-family, townhouse as a use, please indicate the maximum number of dwelling units proposed.

Please let me know if you have any questions.

Thanks.

John

John J. Fredyma
Assistant County Attorney
Lee County Attorney's Office
P.O. Box 398
Fort Myers, Florida 33902
(2115 Second Street - 33901)
Tel. 239/533-2236
Fax 239/485-2106
E-mail: fredymjj@leegov.com [Note: There is no "a" in the e-mail spelling of Fredyma.]

Please note: Florida has a very broad public records law. Most written communications to or from County employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

Princing, Jamie

From: Polito, Ann
Sent: Tuesday, April 20, 2010 11:05 AM
To: Princing, Jamie
Cc: Boone, Tina
Subject: Legal Description for Oak Pointe - DCI2009-00005

Attached is the legal description from Mr. Israelson, owner of the property. Ann

Ann Polito
Legal Administrative Assistant
Lee County Attorney's Office
Phone: (239) 533-2236
FAX: (239) 485-2106
politoam@leegov.com

From: Warren Israelson [mailto:warren@kjwalk.com]
Sent: Monday, April 19, 2010 1:35 PM
To: Polito, Ann
Subject:

Ann, the legal description prepared by Metron Surveying and Mapping, LLC for the proposed Oak Pointe golf course in Lehigh Acres correctly describes the property to be rezoned.
Warren Israelson

Princing, Jamie

From: Palermo, Anthony
Sent: Thursday, April 09, 2009 12:24 PM
To: Princing, Jamie
Subject: FW: oasis cove

Can we put this in the case file? DCI2009-00005

Tony Palermo, Senior Planner, AICP
Lee County Department of Community Development
P.O. Box 398
Fort Myers, FL 33902
Ph. 239-533-8325
F. 239-485-8300
apalermo@leegov.com

From: Pavese, Michael
Sent: Thursday, April 09, 2009 11:40 AM
To: Palermo, Anthony
Subject: RE: oasis cove

Here it is Tony. Thank you.

The Master Concept Plan should be revised to incorporate required facilities for solid waste/recycling storage and pick-up in compliance with LDC Section 10-261 and Solid Waste Ordinance #08-10. If the areas designated as "service area" on the MCP are intended for solid waste/recycling storage, please provide a "typical detail" illustration, including dimensions. Further, the proposed locations of these facilities may need to be relocated and/or redesigned to facilitate adequate access for the waste hauler.

Michael P. Pavese
Principal Planner
Department of Public Works Administration
pavesemp@leegov.com
Phone: (239) 533-8360
Fax: (239) 485-8307

From: Palermo, Anthony
Sent: Thursday, April 09, 2009 11:24 AM
To: Pavese, Michael
Subject: oasis cove

Got your call. You didn't give me comments. You can email them to me to give to the applicant.

Tony Palermo, Senior Planner, AICP
Lee County Department of Community Development
P.O. Box 398
Fort Myers, FL 33902
Ph. 239-533-8325
F. 239-485-8300
apalermo@leegov.com

Stacy Hewitt

From: Palermo, Anthony [APalermo@leegov.com]

Sent: Thursday, February 25, 2010 10:28 AM

To: Stacy Hewitt

Subject: dci2009-00005 oasis cove.

Stacy

Please provide 11 copies of the indigenous restoration plan as we discussed today. Full size and 11X17. Bring this email with you. Thank you.

Tony Palermo, Senior Planner, AICP
Lee County Department of Community Development
P.O. Box 398
Fort Myers, FL 33902
Ph. 239-533-8325
F. 239-485-8300
apalermo@leegov.com

Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure. Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

RECEIVED
FEB 25 2010
COMMUNITY DEVELOPMENT

Jennifer Sheppard

From: Stacy Hewitt
Sent: Monday, February 22, 2010 1:00 PM
To: Jennifer Sheppard
Subject: FW: Oasis Cove - DCI2009-00005

From: Palermo, Anthony [mailto:APalermo@leegov.com]
Sent: Fri 2/19/2010 3:42 PM
To: Stacy Hewitt
Subject: RE: Oasis Cove - DCI2009-00005

Susie is not here to comment. I'd go ahead and submit 11 copies, full and 11X17. Then Susie can use it for her conditions. Thank you.

Bring this email when you submit to the 1st Floor Zoning Counter.

Tony Palermo, Senior Planner, AICP
Lee County Department of Community Development
P.O. Box 398
Fort Myers, FL 33902
Ph. 239-533-8325
F. 239-485-8300
apalermo@leegov.com

Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure. Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

From: Stacy Hewitt [mailto:SHewitt@BanksEng.com]
Sent: Friday, February 19, 2010 3:39 PM
To: Palermo, Anthony
Cc: Derheimer, Suzanne
Subject: Oasis Cove - DCI2009-00005

Tony,

Attached please find the revised landscape exhibit we discussed for your use.

Please give me a call when you have a moment to touch base.

Thank you and have a great weekend if I don't talk to you before then.

Stacy

Stacy Ellis Hewitt, AICP
Director of Planning
Banks Engineering
10511 Six Mile Cypress Parkway - Suite 101
Fort Myers, FL 33966
Email: shewitt@bankseng.com
Phone: 239-939-5490
Cell: 239-770-2527
Fax: 239-939-2523

DCI 2009-00005

RECEIVED
FEB 22 2010
COMMUNITY DEVELOPMENT

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution
Donna Marie Collins, Asst County Attorney
DS Reviewer - Becky Penfield
Rob Price, TIS Reviewer
Paul O'Connor, Planning
Susie Derheimer, Environmental Sciences
Lili Wu, LCDOT
Sam Lee, Natural Resources
Mike Pavese, Public Works
Barbara Manzo, Parks

FROM: Tony Palermo, AICP

DATE: 06/08/2010

PROJECT NAME: OASIS COVE RPD/CPD

CASE #: DCI2009-00005

INFORMATION SUMMARY:

To update your file
_X_ Review and forward substantive comments **ASAP**.

Comments due to Tony Palermo, AICP by 06/22/2010

Additional Comments:
Please review the attached plan to determine if it accurately reflects the approval by the BoCC on June 7, 2010 in accordance with LDC 34-377(b)(6)

cc: DCI planner/working file
DCI Zone File

Distributed by: Jamie Princing

Date: 06/09/2010

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution
Donna Marie Collins, Asst County Attorney
DS Reviewer - Becky Penfield
Rob Price, TIS Reviewer
Paul O'Connor, Planning
Susie Derheimer, Environmental Sciences
Sam Lee, Natural Resources
Mike Pavese, Public Works
Barbara Manzo, Parks

FROM: Tony Palermo, AICP

DATE: 02/25/2010

BARBARA MANZO, PARKS

PROJECT NAME: OASIS COVE RPD/CPD

CASE #: DCI2009-00005

INFORMATION SUMMARY:

To update your file
_X_ Review and forward substantive comments **ASAP**.

Comments due to Tony Palermo, AICP by 03/11/2010

Additional Comments:

cc: DCI planner/working file
DCI Zone File

Distributed by: Jamie Princing

Date: 02/26/2010

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution
Donna Marie Collins, Asst County Attorney
DS Reviewer - Becky Penfield
Rob Price, TIS Reviewer
Paul O'Connor, Planning
Susie Derheimer, Environmental Sciences
Sam Lee, Natural Resources
Mike Pavese, Public Works
Barbara Manzo, Parks

FROM: Tony Palermo, AICP

DATE: 02/22/2010

PROJECT NAME: OASIS COVE RPD/CPD

CASE #: DCI2009-00005

INFORMATION SUMMARY:

To update your file
_X_ Review and forward substantive comments **ASAP**.

Comments due to Tony Palermo, AICP by 03/08/2010

Additional Comments:

cc: DCI planner/working file
DCI Zone File

Distributed by: Jamie Princing

Date: 02/23/2010

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution
Donna Marie Collins, Asst County Attorney
DS Reviewer - Becky Penfield
Rob Price, TIS Reviewer
Paul O'Connor, Planning
Susie Derheimer, Environmental Sciences
Lili Wu, LCDOT
Sam Lee, Natural Resources
Mike Pavese, Public Works
Barbara Manzo, Parks

FROM: Tony Palermo, AICP

DATE: 02/16/2010

PROJECT NAME: OASIS COVE RPD/CPD

CASE #: DCI2009-00005

INFORMATION SUMMARY:

To update your file
_X_ Review and forward substantive comments **ASAP**.

Comments due to Tony Palermo, AICP by 03/02/2010

Additional Comments:

cc: DCI planner/working file
DCI Zone File

Distributed by: Jamie Princing

Date: 02/17/2010

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
Micheal Jacob, Asst County Attorney
DS Reviewer - Becky Penfield
Rob Price, TIS Reviewer
Paul O'Connor, Planning
Susie Derheimer, Environmental Sciences
Lili Wu, LCDOT
Dawn Gordon, Lee County School District
Sam Lee, Natural Resources
Chick Jakacki, Zoning
Mike Pavese, Public Works
Barbara Manzo, Parks

FROM: Tony Palermo, AICP

DATE: 10/19/2009

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: OASIS COVE RPD/CPD

CASE #: DCI2009-00005

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
_X_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 11/02/2009

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Jamie Princing

Date: 10/20/2009

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
John Fredyma, Asst County Attorney
DS Reviewer - Becky Penfield
Rob Price, TIS Reviewer
Paul O'Connor, Planning
Susie Derheimer, Environmental Sciences
Lili Wu, LCDOT
Dawn Gordon, Lee County School District
Sam Lee, Natural Resources
Chick Jakacki, Zoning
Mike Pavese, Public Works

FROM: Tony Palermo, AICP

DATE: 02/09/2009

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: OASIS COVE RPD/CPD

CASE #: DCI2009-00005

INFORMATION SUMMARY:

NEW SUBMITTAL

To update your file
_X_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 02/23/2009

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Jamie Princing

Date: 02/11/2009

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
John Fredyma, Asst County Attorney
Susie Derheimer, Environmental Sciences
Chick Jakacki, Zoning

FROM: Tony Palermo, AICP

DATE: 02/12/2009

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: OASIS COVE RPD/CPD

CASE #: DCI2009-00005

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
_X_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 02/26/2009

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements
in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Catherine A Keller

Date: 02/13/2009

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

FROM: Tony Palermo, AICP DATE: 12/18/2009

TO: Distribution
Michael D Jacob, Asst County Attorney
DS Reviewer - Becky Penfield
Rob Price, TIS Reviewer
Paul O'Connor, Planning
Susie Derheimer, Environmental Sciences
Lili Wu, LCDOT
Dawn Gordon, Lee County School District
Sam Lee, Natural Resources
Chick Jakacki, Zoning
Mike Pavese, Public Works
BARBARA MANZO, PARKS

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: OASIS COVE RPD/CPD CASE #: DCI2009-00005

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
_X_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 01/01/2010

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Jamie Princing Date: 12/21/2009

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
Michael D Jacob, Asst County Attorney
DS Reviewer - Becky Penfield
Rob Price, TIS Reviewer
Paul O'Connor, Planning
Susie Derheimer, Environmental Sciences
Lili Wu, LCDOT
Dawn Gordon, Lee County School District
Sam Lee, Natural Resources
Chick Jakacki, Zoning
Mike Pavese, Public Works
Barbara Manzo, Parks

FROM: Tony Palermo, AICP

DATE: 01/15/2010

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: OASIS COVE RPD/CPD

CASE #: DCI2009-00005

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
_X_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 01/29/2010

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Jamie Princing

Date: 01/20/2010

BANKS ENGINEERING

Professional Engineers, Planners & Land Surveyors

RECEIVED
JUN 8 8 2010
COMMUNITY DEVELOPMENT

LETTER OF TRANSMITTAL

DATE: June 8, 2010

TO: Mr. Tony Palermo, AICP
Lee County Development Services

PHONE:
FAX:

REFERENCE: Oasis Cove RPD/CPD – DCI2009-00005 JOB NO. 1620B

COPIES	DESCRIPTION
2 / 15	Revised Master Concept Plan (2 – 24"x36" & 15 – 11"x17")
2 / 15	Revised Indigenous Restoration Plan (2 – 24"x36" & 15 – 11"x17")

REASON:
- ☐ Your Comments
- ☐ Your Approval
- ☐ Your Information
- ☐ As Per Your Request
- ☒ Your Review

VIA:
- ☐ Fax: _____ Pages Total
- ☐ Regular Mail
- ☒ Courier
- ☐ Overnight Express
- ☐ Pick-up

REMARKS: The attached have been revised for attachment to the zoning resolution. Please do not Hesitate to contact me if you have any questions or require further information. Thank you.

Stacy Ellis Hewitt, AICP
Director of Planning

DCI 2009-00005

cc: _____

SERVING THE STATE OF FLORIDA

10511 Six Mile Cypress Parkway, Suite 101, Ft. Myers, FL • (239) 939-5490 • Fax (239) 939-2523
www.bankseng.com

Banks Engineering

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA ♦ PORT CHARLOTTE

LETTER OF TRANSMITTAL

RECEIVED
MAR 18 2010
COMMUNITY DEVELOPMENT

DATE: March 18, 2010

TO: Mr. Richard A. Gescheidt
Deputy Hearing Examiner
Lee County Hearing Examiner

PHONE:
FAX:

REFERENCE: OASIS COVE RPD/CPD – DCI2009-00005 JOB NO. 1620
Hearing Date: 03/18/2010

COPIES	DESCRIPTION
1	Replacement page for Attachment "D" to staff report – Landscape Exhibit

REASON:
- ☐ Your Comments
- ☐ Your Approval
- ☐ Your Information
- ☒ As Per Your Request
- ☐ Your Review

VIA:
- ☐ Fax: ____ page total
- ☐ Regular Mail
- ☒ Courier
- ☐ Overnight Express
- ☐ Pick-up

COMMENTS: Please do not hesitate to contact me if you have any questions or require further information. Thank you.

Stacy Ellis Hewitt, AICP
Director of Planning

cc: Tony Palermo, AICP; Susie Derheimer; Charles Basinait, Esq.

Banks Engineering

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA ♦ PORT CHARLOTTE

LETTER OF TRANSMITTAL

DATE: March 2, 2010

TO: Mr. Tony Palermo, AICP
Lee County Development Services

PHONE:
FAX:

REFERENCE: OASIS COVE RPD/CPD – DCI2009-00005 JOB NO. 1620

COPIES	DESCRIPTION
1	Affidavit of Posting Notice

REASON:
- ☐ Your Comments
- ☐ Your Approval
- ☐ Your Information
- ☒ As Per Your Request
- ☐ Your Review

VIA:
- ☐ Fax: ___ page total
- ☐ Regular Mail
- ☒ Courier
- ☐ Overnight Express
- ☐ Pick-up

COMMENTS: Please do not hesitate to contact me if you have any questions or require further information. Thank you.

Stacy Ellis Hewitt, AICP
Director of Planning

cc: Charles Basinait, Esq.

Banks Engineering

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA ♦ PORT CHARLOTTE

LETTER OF TRANSMITTAL

DATE: February 25, 2010

TO: Mr. Tony Palermo, AICP
Lee County Development Services

PHONE:
FAX:

REFERENCE: OASIS COVE RPD/CPD – DCI2009-00005 JOB NO. 1620

COPIES	DESCRIPTION
11 ea.	Revised Indigenous Restoration Plan
1	Copy of email dated February 25, 2010

REASON:
- ☐ Your Comments
- ☐ Your Approval
- ☐ Your Information
- ☒ As Per Your Request
- ☐ Your Review

VIA:
- ☐ Fax: ____ page total
- ☐ Regular Mail
- ☒ Courier
- ☐ Overnight Express
- ☐ Pick-up

COMMENTS: Please do not hesitate to contact me if you have any questions or require further information. Thank you.

RECEIVED
FEB 25
COMMUNITY DEVELOPMENT

Stacy Ellis Hewitt, AICP
Director of Planning

cc: Charles Basinait, Esq.

Banks Engineering

10511 SIX MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33966
PHONE (239) 939-5490
FAX (239) 939-2523

LETTER OF TRANSMITTAL

DATE: 2/22/2010	JOB NO.: 1620B
ATTENTION:	
RE:	
Oasis Cove	
DCI2009-00005	

Tony Palermo - Senior Planner
Lee County Community Dev.

WE ARE SENDING ✓ Attached ___ By Fax ___ Under separate cover _____ the following items:

_____ Sheets to follow

COPIES	DATE	DESCRIPTION
11ea		Revised Landscape Exhibit - 24x36 & 11x17

THESE ARE TRANSMITTED as checked below:

_____ For approval ✓ For your use _____ As requested

_____ For review and comment _____

_____ For Bids Due _____

RECEIVED
FEB 22 2010
COMMUNITY DEVELOPMENT

REMARKS:

DCI 2009-00005

Copy to: _____

Signed: Jennifer M. Sheppard
Jennifer M. Sheppard
Permitting Coordinator

IF ENCLOSURES ARE NOT AS NOTED, PLEASE NOTIFY US AT ONCE.

Banks Engineering

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA ♦ PORT CHARLOTTE

LETTER OF TRANSMITTAL

RECEIVED
FEB 16 2010
COMMUNITY DEVELOPMENT

DATE: February 16, 2010

TO: Mr. Tony Palermo, AICP
Lee County Development Services

PHONE:
FAX:

REFERENCE: OASIS COVE RPD/CPD – DCI2009-00005 JOB NO. 1620

COPIES	DESCRIPTION
2/15	Revised Master Concept Plan

REASON:
- ☐ Your Comments
- ☐ Your Approval
- ☐ Your Information
- ☒ As Per Your Request
- ☐ Your Review

VIA:
- ☐ Fax: ___ page total
- ☐ Regular Mail
- ☒ Courier
- ☐ Overnight Express
- ☐ Pick-up

COMMENTS: Please do not hesitate to contact me if you have any questions or require further information. Thank you.

Stacy Ellis Hewitt, AICP
Director of Planning

cc: Charles Basinait, Esq.

10511 Six Mile Cypress Parkway, Fort Myers, Florida 33966 • (239) 939-5490 • Fax (239) 939-2523

Banks Engineering
10511 SIX MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33966
PHONE (239) 939-5490
FAX (239) 939-2523

LETTER OF TRANSMITTAL

DATE: 1/27/10	JOB NO.: 1620
ATTENTION:	
RE:	
Oasis Cove RPD/CPD	
DCI2009-00005	

Tony Palermo
Lee County Comm. Dev.

WE ARE SENDING YOU ✓ Attached ___ By Fax ___ Under separate cover ___ the following items:

___ Sheets to follow

COPIES	DATE	DESCRIPTION
1		New Variance Report & Labels

THESE ARE TRANSMITTED as checked below:

___ For approval ✓ For your use ✓ As requested

___ For review and comment ___

___ For Bids Due ___

REMARKS:

DCI 2009-00005

RECEIVED
JAN 27 2010
COMMUNITY DEVELOPMENT

Copy to: ___

Signed: Jennifer M Sheppard
Jennifer M. Sheppard
Permitting Coordinator

IF ENCLOSURES ARE NOT AS NOTED, PLEASE NOTIFY US AT ONCE.

S:\Admin\Employee Files\Jennifer Sheppard\JennFax.doc

Banks Engineering

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA ♦ PORT CHARLOTTE

RECEIVED
JAN 15 2010
COMMUNITY DEVELOPMENT

LETTER OF TRANSMITTAL

DATE: January 15, 2010

TO: Mr. Tony Palermo, AICP
Lee County Development Services

PHONE:
FAX:

REFERENCE: OASIS COVE RPD/CPD – DCI2009-00005 JOB NO. 1620

COPIES	DESCRIPTION
2/15	Revised Master Concept Plan
2/15	Revised Indigenous Restoration Plan

REASON:
- ☐ Your Comments
- ☐ Your Approval
- ☐ Your Information
- ☒ As Per Your Request
- ☐ Your Review

VIA:
- ☐ Fax: ___ page total
- ☐ Regular Mail
- ☒ Courier
- ☐ Overnight Express
- ☐ Pick-up

COMMENTS: Please do not hesitate to contact me if you have any questions or require further information. Thank you.

Stacy Ellis Hewitt, AICP
Director of Planning

DCI 2009-00005

cc: Charles Basinait, Esq.

10511 Six Mile Cypress Parkway, Fort Myers, Florida 33966 • (239) 939-5490 • Fax (239) 939-2523

Banks Engineering
10511-101 SIX MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33966
PHONE (239) 939-5490
FAX (239) 939-2523

LETTER OF TRANSMITTAL

DATE: 2/12/09	JOB NO.: 1620
ATTENTION:	
RE:	
Oasis Cove RPD/CPD	
DCI 2009-00005	

Tony Palermo
Lee County Dev. Services

WE ARE SENDING YOU ✓ Attached ____ By Fax ____ Under separate cover via _____ the following items:

_____ Sheets to follow

COPIES	DATE	DESCRIPTION
5		Revised Boundary Survey

RECEIVED
FEB 12 2009
COMMUNITY DEVELOPMENT

THESE ARE TRANSMITTED as checked below:

_____ For approval _____ For your use _____ As requested
_____ For review and comment DCI 2009-00005
_____ For Bids Due _____

REMARKS:

Please replace the previously submitted Boundary Survey with the attached. The previously submitted survey inadvertently omitted the State Plane Coordinates.

Please do not hesitate to contact us if you have any questions or require additional information.

Thank You

Copy to: BEI-1620-Zoning

Signed: Jennifer M. Sheppard
Jennifer M. Sheppard
Permitting

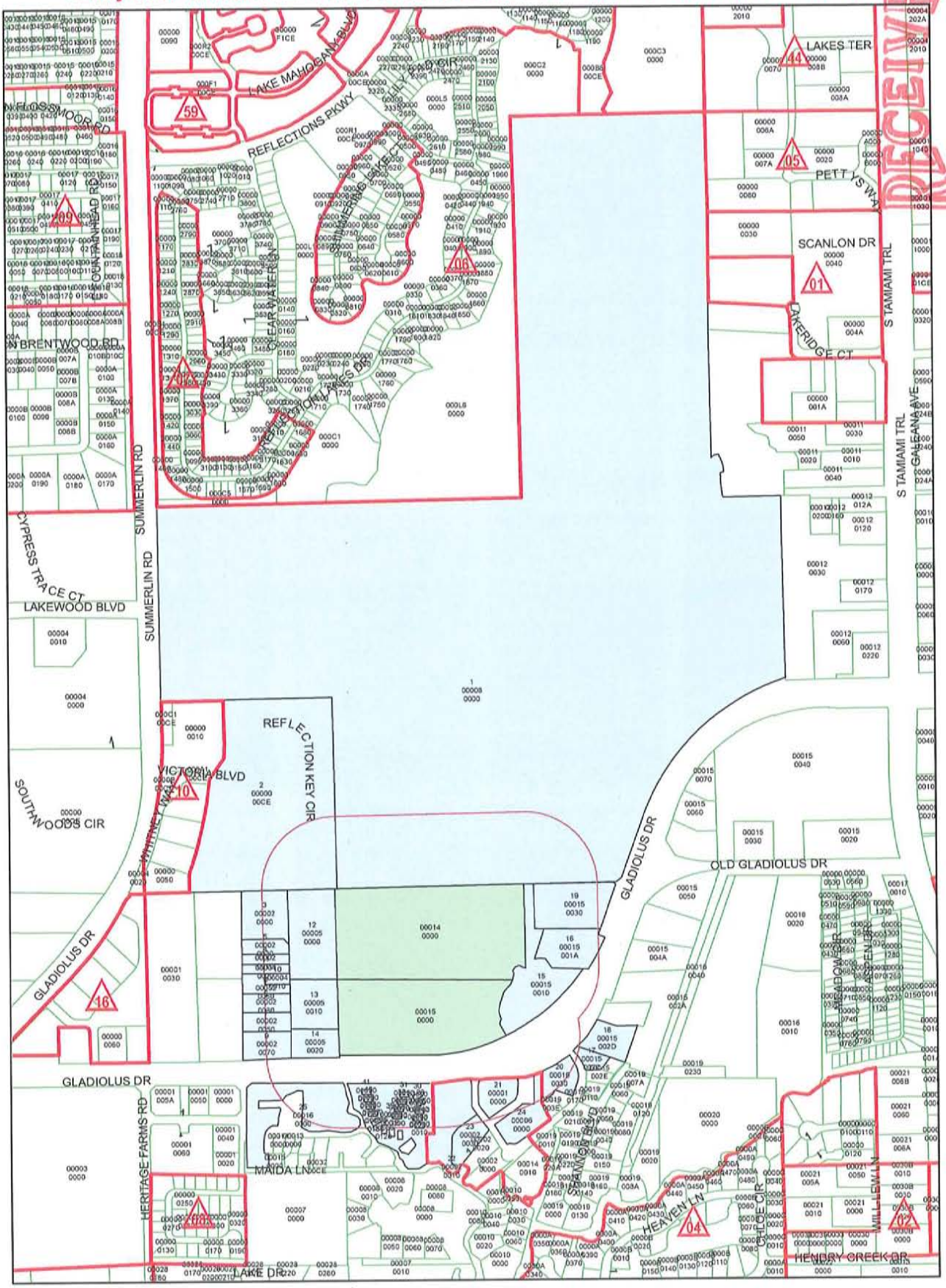
IF ENCLOSURES ARE NOT AS NOTED, PLEASE NOTIFY US AT ONCE.

S:\Admin\Standard Forms\BEI Blank Forms\JennFax.doc

VARIANCE REPORT

1/26/2010

Subject Parcels : 2 Affected Parcels : 41 Buffer Distance : 500 ft



RECEIVED
JAN 27 2010
COMMUNITY DEVELOPMENT
DCI 2009-00005

N W E S

910 455 0 910 Feet

35-45-24-00-00015.0000 et al.

DCI 2009-00005

Lee County Property Appraiser

Kenneth M. Wilkinson, C.F.A.

GIS Department / Map Room

Phone: (239) 533-6159 • Fax: (239) 533-6139 • eMail: MapRoom@LeePA.org

VARIANCE REPORT

RECEIVED
JAN 27 2010
COMMUNITY DEVELOPMENT

Date of Report: January 26, 2010
Buffer Distance: 500 ft
Parcels Affected: 41
Subject Parcel: 35-45-24-00-00015.0000, 35-45-24-00-00014.0000

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	**26-45-24-00-00008.0000** 7330 GLADIOLUS DR FORT MYERS FL 33908	W1/2 OF NE1/4 + PT DESC OR 1761 PG 4481 + SW1/4 LESS SW1/4 +R/W+ OR 1307 PG 680	1
REFLECTION KEY CONDO ASSN INC FAMILY PROPERTY SERVICES INC 1330 RAIL HEAD BLVD STE 4 NAPLES FL 34110	**26-45-24-09-00000.00CE** COMMON ELEMENT REFLECTION KEY CONDO FL	REFLECTION KEY DESC IN INST# 2006-107425 COMMON ELEMENTS	2
ONEILL JAMES D + PATRICIA A 7076 MAIDA LN FORT MYERS FL 33907	**35-45-24-00-00002.0000** 7012 MAIDA LN FORT MYERS FL 33907	PARL IN NW 1/4 OF NW 1/4 AS DESC IN OR 3402 PG 2367	3
ONEILL JAMES D + PATRICIA A 7076 MAIDA LN FORT MYERS FL 33907	**35-45-24-00-00002.0010** 7058 MAIDA LN FORT MYERS FL 33907	BEG 781 FT N OF SW COR OF W 1/2 OF E 1/2 OF NW 1/4 OF NW 1/4 TH N 70 FT TH E	4
BISATO MARIA M 7046 MAIDA LN FORT MYERS FL 33907	**35-45-24-00-00002.0020** 7046 MAIDA LN FORT MYERS FL 33907	BEG 866 FT N OF SW COR OF W 1/2 OF E 1/2 OF NW 1/4 OF NW 1/4 TH N 100 FT E TO	5
SMITH IRA + DELORES 7096 MAIDA LN FORT MYERS FL 33907	**35-45-24-00-00002.0030** 7096 MAIDA LN FORT MYERS FL 33907	PARL IN W 1/2 OF SE 1/4 OF NW 1/4 OF NW 1/4 DESC IN OR 1627 PG 1345	6
HENDRY CREEK PARK LLC 13379 MCGREGOR BLVD STE #1 FORT MYERS FL 33919	**35-45-24-00-00002.0050** 7106 MAIDA LN FORT MYERS FL 33907	S 132 FT OF N 324 FT OF W 1/2 OF SE 1/4 OF NW 1/4 OF NW 1/4	7
SMITH LEWIS A 7086 MAIDA LN FORT MYERS FL 33907	**35-45-24-00-00002.0060** 7086 MAIDA LN FORT MYERS FL 33908	PAR IN NW1/4 DESC OR 193 PG 33 LES 4.001+ 4.002 + OR2261/521	8
HENDRY CREEK PARK LLC 13379 MCGREGOR BLVD STE 1 FORT MYERS FL 33919	**35-45-24-00-00002.0070** ACCESS UNDETERMINED FORT MYERS FL 33908	PARL IN NW 1/4 OF NW 1/4 LESS PARLS 2.0000 THRU 2.0060 + LESS PARLS 4.0000 + 4.0010 + LESS ROW OR 2544/2096	9
ONEILL MARY C 7045 MAIDA LN FORT MYERS FL 33907	**35-45-24-00-00004.0010** 7080 MAIDA LN FORT MYERS FL 33907	PARL IN N W 1/4 AS DESC IN OR 1369 PG 1940	10
ONEILL JAMES SEAN 7076 MAIDA LN FORT MYERS FL 33907	**35-45-24-00-00004.0020** 7076 MAIDA LN FORT MYERS FL 33907	PARL IN N W 1/4 AS DESC IN OR 1365 PG 1593	11
HENDRY CREEK PARK LLC 13379 MCGREGOR BLVD STE 1 FORT MYERS FL 33919	**35-45-24-00-00005.0000** ACCESS UNDETERMINED FORT MYERS FL 33907	E 1/2 OF NE 1/4 OF NW 1/4 OF NW 1/4	12
HENDRY CREEK PARK LLC 13379 MCGREGOR BLVD STE 1 FORT MYERS FL 33919	**35-45-24-00-00005.0010** ACCESS UNDETERMINED FORT MYERS FL 33907	NE 1/4 OF SE 1/4 OF NW 1/4 OF NW 1/4	13
HENDRY CREEK PARK LLC 13379 MCGREGOR BLVD STE 1 FORT MYERS FL 33919	**35-45-24-00-00005.0020** 7800 GLADIOLUS DR FORT MYERS FL 33908	SE 1/4 OF SE 1/4 OF NW 1/4 OF NW 1/4 LES R/W OR 2512/3041	14

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	**35-45-24-00-00015.0010** 7410 GLADIOLUS DR FORT MYERS FL 33908	PARL IN NW 1/4 OF NE 1/4 + PAR DESC ORS 2518/3165 + 2488/862 LESS OR 1807/4278 OR 1948/380 + OR 2143/3047	15
THOMPSON LAWRENCE G 7400 GLADIOLUS DR FORT MYERS FL 33908	**35-45-24-00-00015.001A** 7400 GLADIOLUS DR FORT MYERS FL 33908	PAR IN NW1/4 OF NE1/4 W OF GLADIOLUS DR OR1948/380 LES R/W OR 2518/3165	16
CCSC INC 7142 SHANNON BLVD FORT MYERS FL 33908	**35-45-24-00-00015.0020** 7122 CONGDON RD FORT MYERS FL 33908	PAR IN S1/2 OF NW1/4 OF NE1/4 W OF IONA DRAINAGE E OF GLADIOLUS DR	17
CIU GLADIOLUS LAND GROUP LLC 7451 GLADIOLUS DR FORT MYERS FL 33908	**35-45-24-00-00015.002D** 7451 GLADIOLUS DR FORT MYERS FL 33908	PARL IN NW 1/4 OF NE 1/4 AS DESC IN OR 3401 PG 3544	18
LJK GROUP LLC 6981 LAKE DEVONWOOD DR FORT MYERS FL 33908	**35-45-24-00-00015.0030** 7350 GLADIOLUS DR FORT MYERS FL 33908	PAR IN N1/2 OF NW1/4 OF NE 1/4 OR 3169 PG 1 LES R/W OR 2481/3120	19
CENTRAL BANK SW FL 1601 JACKSON ST FORT MYERS FL 33901	**35-45-24-00-00019.0030** 7117 CONGDON RD FORT MYERS FL 33908	PARL IN W 1/2 OF NE 1/4 DESC IN OR 3044 PG 736	20
GUT ASSOCIATES 7152 COCA SABAL LN FORT MYERS FL 33908	**35-45-24-01-00001.0000** 7152 COCA SABAL LN FORT MYERS FL 33908	RINDFLEISCH SUBD PB5/24 LTS 1 + VAC R/W OR 2709/ 2179 LES R/W OR 2519/2404	21
LUCAS DONALD R 13379 MCGREGOR BLVD STE 1 FORT MYERS FL 33919	**35-45-24-01-00002.0010** 7601 GLADIOLUS DR FORT MYERS FL 33908	FR NE COR LT 1 RINDFLEISCH SUBD PB5/24 RUN W ALG N LI SD SUBD LESS R/W	22
KELLY BLANE + BARBARA 16301 COCO HAMMOCK WAY APT 201 FORT MYERS FL 33908	**35-45-24-01-00002.0030** 7161 COCA SABAL LN FORT MYERS FL 33908	RINDFLEISCH SUBD PB 5 PG 24 PT LT 5 DESC OR 3571/2232	23
GUT ASSOCIATES 7152 COCA SABAL LN FORT MYERS FL 33908	**35-45-24-01-00006.0000** CORNER LOT FORT MYERS FL 33908	RINDFLEISCH SUBD PT OF LOT 6 LESS R/W 2519/2404 PB 5 PG 24	24
CISAN FAMILY LLC 7775 GLADIOLUS DR FORT MYERS FL 33908	**35-45-24-03-00016.0000** 7771-7851 GLADIOLUS DR FORT MYERS FL 33908	CORAL WATERS UNREC OR 520/713 LOTS 16-31 + PT OF R/W LESS R/W OR 2519/2414	25
STROHM JOHN J + 7671 VICTORIA COVE CT FORT MYERS FL 33908	**35-45-24-10-00000.0010** 7671 VICTORIA COVE CT FORT MYERS FL 33908	VICTORIA COVE LAND CONDO DESC OR2758 PG2872 UNIT 1 + BOAT SLIP A	26
HAMRICK GERALD S + CONNIE C 7675 VICTORIA COVE CT FORT MYERS FL 33908	**35-45-24-10-00000.0020** 7675 VICTORIA COVE CT FORT MYERS FL 33908	VICTORIA COVE LAND CONDO DESC OR2758 PG2872 UNIT 2 + BOAT SLIP C	27
STROHM FREDERICK G 750 W BRISTOL RD WARMINSTER PA 18974	**35-45-24-10-00000.0030** 7679 VICTORIA COVE CT FORT MYERS FL 33908	VICTORIA COVE LAND CONDO DESC OR2758 PG2872 UNIT 3 + BOAT DOCK B	28
RALPH MARTIN + CAROLYN 7683 VICTORIA COVE CT FORT MYERS FL 33908	**35-45-24-10-00000.0040** 7683 VICTORIA COVE CT FORT MYERS FL 33908	VICTORIA COVE LAND CONDO DESC OR2758 PG2872 UNIT 4	29
JUMAN ROSHAN DEEN + YASMIN 7164 CONGDON RD FORT MYERS FL 33908	**35-45-24-10-00000.0050** 7687 VICTORIA COVE CT FORT MYERS FL 33908	VICTORIA COVE LAND CONDO DESC OR2758 PG2872 UNIT 5	30
VICTORIA COVE DEVELOPMENT CORP 649 5TH AVE S STE 211 NAPLES FL 34102	**35-45-24-10-00000.0060** 7701 VICTORIA COVE CT FORT MYERS FL 33908	VICTORIA COVE LAND CONDO DESC OR2758 PG2872 UNIT 6	31
VANDERSON RYAN M 7705 VICTORIA COVE CT FORT MYERS FL 33908	**35-45-24-10-00000.0070** 7705 VICTORIA COVE CT FORT MYERS FL 33908	VICTORIA COVE LAND CONDO DESC OR2758 PG2872 UNIT 7	32
BENNINGHAUS DAVID C + 7709 VICTORIA COVE CT FORT MYERS FL 33908	**35-45-24-10-00000.0080** 7709 VICTORIA COVE CT FORT MYERS FL 33908	VICTORIA COVE LAND CONDO DESC OR2758 PG2872 UNIT 8 + BOAT DOCK D	33

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
VICTORIA COVE DEVELOPMENT CORP 649 5TH AVE S STE 211 NAPLES FL 34102	**35-45-24-10-00000.0090** 7713 VICTORIA COVE CT FORT MYERS FL 33908	VICTORIA COVE LAND CONDO DESC OR2758 PG2872 UNIT 9	34
VICTORIA COVE HOMEOWNERS ASSOC 7705 VICTORIA COVE CT FORT MYERS FL 33908	**35-45-24-10-00000.00CE** 7665 VICTORIA COVE CT FORT MYERS FL 33908	VICTORIA COVE LAND CONDO DESC OR2758 PG2872 COMMON ELEMENTS	35
TRUST GREGORY + 11545 PLANTATION PRESERVE FORT MYERS FL 33966	**35-45-24-10-00000.0120** 7741 VICTORIA COVE CT FORT MYERS FL 33908	VICTORIA COVE LAND CONDO DESC OR2758 PG2872 UNIT 12	36
SCHUTT DAVID P + PAMELA S 7745 VICTORIA COVE CT FORT MYERS FL 33908	**35-45-24-10-00000.0130** 7745 VICTORIA COVE CT FORT MYERS FL 33908	VICTORIA COVE LAND CONDO DESC OR2758 PG2872 UNIT 13 + RIGHT TO USE BOAT SLIP F	37
BENNINGHAUS MICHAEL R + 7749 VICTORIA COVE CT FORT MYERS FL 33908	**35-45-24-10-00000.0140** 7749 VICTORIA COVE CT FORT MYERS FL 33908	VICTORIA COVE LAND CONDO DESC OR2758 PG2872 UNIT 14	38
VICTORIA COVE DEVELOPMENT CORP 649 5TH AVE S STE 211 NAPLES FL 34102	**35-45-24-10-00000.0150** 7753 VICTORIA COVE CT FORT MYERS FL 33908	VICTORIA COVE LAND CONDO DESC OR2758 PG2872 UNIT 15	39
VICTORIA COVE DEVELOPMENT CORP 649 5TH AVE S STE 211 NAPLES FL 34102	**35-45-24-10-00000.0160** 7757 VICTORIA COVE CT FORT MYERS FL 33908	VICTORIA COVE LAND CONDO DESC OR2758 PG2872 UNIT 16	40
VICTORIA COVE DEVELOPMENT CORP 649 5TH AVE S STE 211 NAPLES FL 34102	**35-45-24-10-00000.0170** 7761 VICTORIA COVE CT FORT MYERS FL 33908	VICTORIA COVE LAND CONDO DESC OR2758 PG2872 UNIT 17	41

41 RECORDS PRINTED

LEE COUNTY
SOUTHWEST FLORIDA

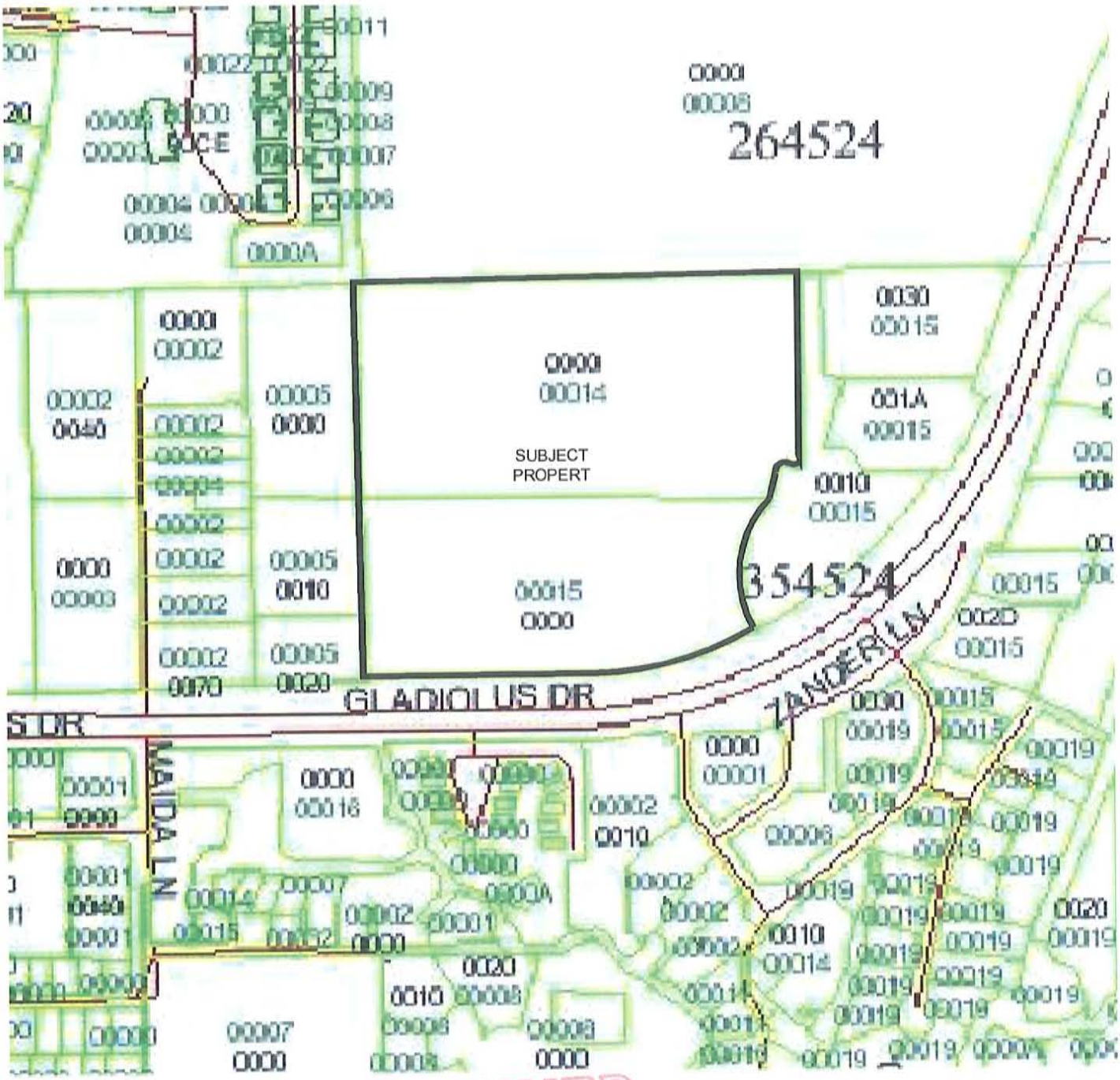
COURTESY NOTICE TO ADJACENT PROPERTY OWNERS OF RECEIPT OF ZONING APPLICATION

Date:	February 19, 2009
Case Number:	DCI2009-00005
Case Name:	OASIS COVE RPD/CPD
Request:	Rezone 32.54 acres from Residential Planned Development (RPD) to Residential Planned Development/Commercial Planned Development (RPD/CPD) for assisted living facilities and commercial office and retail development.
Location:	7650 Gladiolous Dr. and 7210 Congdon Rd., South Fort Myers Planning Community, Lee County, FL.
Location Map:	SEE REVERSE
PROPERTY OWNER'S REPRESENTATIVE:	MS. STACEY HEWITT BANKS ENGINEERING 239-939-5490
Lee County Planner:	Tony Palermo, AICP 239-533-8325

The file may be reviewed Monday through Friday between the hours of 7:30 a.m. and 4:30 p.m. at the Lee County Development Services Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/533-8585 for additional information.

This is a courtesy notice. A public hearing date has not yet been set. You will receive another notice once the hearing date and time have been established.

JLP



RECEIVED
FEB 0 9 2009
COMMUNITY DEVELOPMENT
DCI 2009-00005

Banks Engineering
Professional Engineers, Planners & Land Surveyors
10511 SIX MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33966
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690

EXHIBIT D-7-B AREA LOCATION MAP

OASIS COVE

LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
07/25/2008	1620	_LOC	SDJ	SDJ	SEH	NTS	1	1	(30-45-24)

26-45-24-00-00008.0000
LEE COUNTY
PO BOX 398
FORT MYERS, FL 33902

26-45-24-09-00000.00CE
REFLECTION KEY CONDO ASSN INC
FAMILY PROPERTY SERVICES INC
1330 RAIL HEAD BLVD STE 4
NAPLES, FL 34110

26-45-24-09-00004.0411
REFLECTION KEY CIRCLE LLC
PAUL LARUE
39 GREENWAY GABLES
MINNEAPOLIS, MN 55403

26-45-24-09-00004.0412
CAREY ROBERT J + MAUREEN A
943 SHEFFIELD FOREST CT
WILDWOOD, MO 63021

26-45-24-09-00004.0413
CEGELSKI ROBERT L TR +
14961 REFLECTION KEY CIR # 413
FORT MYERS, FL 33907

26-45-24-09-00004.0414
TARG JEFF + KATHLEEN
296 LONG POND DR
DRACUT, MA 01826

26-45-24-09-00004.0415
STATHERS KAREN CAPPELLI + MARK
7400 IRVINE ST
PITTSBURGH, PA 15218

26-45-24-09-00004.0416
INZITARI LINDA A TR
303 MILLINGTON CT
BLOOMFIELD, MI 48304

26-45-24-09-00004.0421
COLALILLO ANTONIO + LISE
92 SHAMROCK CRESCENT
WOODBRIDGE, ON L4H 1A3
CANADA

26-45-24-09-00004.0422
DEFREITAS FRANK + SUE
2918 TUTT STREET
KELOWNA, BC V1Y 8Z5
CANADA

26-45-24-09-00004.0423
GERRARD LINDSAY
8658 UPLAND LN N
MAPLE GROVE, MN 55311

26-45-24-09-00004.0424
MEYERL JESSICA
14961 REFLECTION KEY CIR #424
FORT MYERS, FL 33907

26-45-24-09-00004.0425
BADALI JOSEPH A + CATHERINE
92 CITATION DR
TORONTO, ON M2K 1T1
CANADA

26-45-24-09-00004.0426
REFKEY 512 LLC
15120 HARBOUR ISLE DR # 802
FORT MYERS, FL 33908

26-45-24-09-00004.0431
GALLO ANGELO + LILLIAN
101 ABBRUZZE CT
WOODBRIDGE, ON L4L 8Z1
CANADA

26-45-24-09-00004.0432
SOUSA JULIE +
523 GULF CLUB RD
HANNON, ON L0R 1P0
CANADA

26-45-24-09-00004.0433
WAREING DONALD V + ALICE A
17509 BOAT CLUB DR
FORT MYERS, FL 33908

26-45-24-09-00004.0434
OSULLIVAN SCOTT P + MILISA +
620 ROLLINS RD
INGLESIDE, IL 60041

26-45-24-09-00004.0435
PAVLAK RICHARD B TR
7540 CLOVERBROOK PARK DR
CENTERVILLE, OH 45459

26-45-24-09-00004.0436
GILBERT HARVEY B + MYRTLE A
901 SW 54TH LN
CAPE CORAL, FL 33914

26-45-24-09-00005.0511
JACKMAN JAMES D
14951 REFLECTION KEY CIR #511
FORT MYERS, FL 33907

26-45-24-09-00005.0512
MOSELEY HILDA A
PO BOX 281
POMFRET CENTER, CT 06259

26-45-24-09-00005.0513
USHER BARBARA W + JOSEPH D
557 TWISTING PINE CT
LONGWOOD, FL 32779

26-45-24-09-00005.0514
ORMSBY ROBERT + PATRICIA
3732 BLUE HERON DR
FORT MYERS, FL 33908

26-45-24-09-00005.0515
DDG PROPERTIES LLC
15140 HARBOUR ISLE DR UNIT 601
FORT MYERS, FL 33908

26-45-24-09-00005.0516
INZITARI MICHAEL J JR TR
303 MILLINGTON CT
BLOOMFIELD HILLS, MI 48304

26-45-24-09-00005.0521
SCALISE ANTHONY JOHN TR +
5474 N MONITOR
CHICAGO, IL 60630

26-45-24-09-00005.0522
MEDEIROS SUSAN + VICTOR
636 WESTBROOK
SMITHVILLE, ON L0R 2A0
CANADA

26-45-24-09-00005.0523
BESSKO CSABA Z TR +
166 HUNGARIA DR
ROCKWOOD, PA 15557

26-45-24-09-00005.0525
PERKINS GARY L + JANIE L
14259 REFLECTION LAKES DR
FORT MYERS, FL 33907

26-45-24-09-00005.0526
KRILIVSKY PETER A TR +
55 DAM SITE RD
CENTER BARNSTEAD, NH 03225

26-45-24-09-00005.0531
MCCLELLAND JOHN G + BEVERLY A
PMB 235
15880 SUMMERLIN RD STE 300
FORT MYERS, FL 33908

26-45-24-09-00005.0532
LIUZZI GIUSEPPE +
14 LANTERNA CRES
WOODBRIDGE, ON L4H 1B8
CANADA

26-45-24-09-00005.0533
MONACO MARINO A JR + MICHELLE
145 LIBERTY LN
BUFFALO, NY 14224

26-45-24-09-00005.0534
FLYNN JENNIFER LYNN TR
RR 2
SIMCOE, ON N3Y 4K1
CANADA

26-45-24-09-00005.0535
HOLMES SCOTT PAUL TR
RR 2
SIMCOE, ON N3Y 4K1
CANADA

26-45-24-09-00005.0536
HALL MICHAEL
14951 REFLECTION KEY CIR #536
FORT MYERS, FL 33907

26-45-24-09-00006.0611
KTL INVESTMENT LLC
28 NOBLE ST
NEWTON, MA 02465

26-45-24-09-00006.0612
KURBANOV ERKIN
14941 REFLECTION KEY CIR #612
FORT MYERS, FL 33907

26-45-24-09-00006.0621
DOSSIER CARL + LORRAINE A
5612 E LAKE RD
HONEOYE, NY 14471

26-45-24-09-00006.0622
LEACH TODD E
14941 REFLECTION KEY CIR #622
FORT MYERS, FL 33907

26-45-24-09-00007.0711
FREDERIC TIMOTHY O + KATIE
14931 REFLECTION KEY CIR #711
FORT MYERS, FL 33907

26-45-24-09-00007.0712
MOORE DONALD S JR + SUSAN D
417 YODER RD
HARLEYSVILLE, PA 19438

26-45-24-09-00007.0721
SABIN THOMAS E + JO-ANNE D
7 WESTRIDGE DR
SIMSBURY, CT 06070

26-45-24-09-00007.0722
BOROS DEBORAH
14931 REFLECTION KEY CIR #722
FORT MYERS, FL 33907

26-45-24-09-00008.0811
DEMARTINI GEORGE W +MARY ELLEN
14921 REFLECTION KEY CIR # 811
FORT MYERS, FL 33907

26-45-24-09-00008.0812
WOOD DIANA M
2230 TAHOE PKWY
ALGONQUIN, IL 60102

26-45-24-09-00008.0821
MOORE DONALD S JR + SUSAN D
417 YODER RD
HARLEYSVILLE, PA 19438

26-45-24-09-00008.0822
GOLOVKO GREGORY S
APT 822
14921 REFLECTION KEY CIR
FORT MYERS, FL 33907

26-45-24-09-00024.2411
ROSSI MARIO F + ANGELARITA
22 SPLIT ROCK RD
TRUMBULL, CT 06611

26-45-24-09-00024.2412
MORZANIGA GIL
8981 CROWN BRIDGE WAY
FORT MYERS, FL 33908

26-45-24-09-00024.2421
LORENZO CARMEN + SOL
APT 2421
14920 REFLECTION KEY CIR
FORT MYERS, FL 33907

26-45-24-09-00024.2422
MCCARTNEY LISA
14920 REFLECTION KEY CIR #2422
FORT MYERS, FL 33907

26-45-24-09-00025.2511
KEARNEY ELLEN A
14930 REFLECTION KEY CIR #2511
FORT MYERS, FL 33907

26-45-24-09-00025.2512
GRANT ROBERT J + RITA A
895 N 300 W
GREENFIELD, IN 46140

26-45-24-09-00025.2521
BILLINGS JOEL L
PO BOX 11
LEVANT, ME 04456

26-45-24-09-00025.2522
SETA GIORGIO DELLA +
VIA FLAMINIA NUOVA 290
VILLINO 6
00191 ROMA,
ITALY

26-45-24-09-00026.2611
ROSENWASSER DANIEL + ANN +
6 BUD CT
EAST SETAUKET, NY 11733

26-45-24-09-00026.2612
LIND-NORR LLC
255 COCOHATCHEE DR
NAPLES, FL 34110

26-45-24-09-00026.2621
CROWTHER MICHAEL J + KARLY
14940 REFLECTION KEY CIR #2621
FORT MYERS, FL 33907

26-45-24-09-00026.2622
DRONAWAT SUNDEEP + HARSHA
APT 2622
14940 REFLECTION KEY CIR
FORT MYERS, FL 33907

35-45-24-00-00002.0000
ONEILL JAMES D + PATRICIA A
7076 MAIDA LN
FORT MYERS, FL 33907

35-45-24-00-00002.0010
ONEILL JAMES D + PATRICIA A
7076 MAIDA LN
FORT MYERS, FL 33907

35-45-24-00-00002.0020
BISATO MARIA M
7046 MAIDA LN
FORT MYERS, FL 33907

35-45-24-00-00002.0030
SMITH IRA + DELORES
7096 MAIDA LN
FORT MYERS, FL 33907

35-45-24-00-00002.0050
HENDRY CREEK PARK LLC
13379 MCGREGOR BLVD STE #1
FORT MYERS, FL 33919

35-45-24-00-00002.0060
SMITH LEWIS A
7086 MAIDA LN
FORT MYERS, FL 33907

35-45-24-00-00002.0070
HENDRY CREEK PARK LLC
13379 MCGREGOR BLVD STE 1
FORT MYERS, FL 33919

35-45-24-00-00004.0010
ONEILL MARY C
7045 MAIDA LN
FORT MYERS, FL 33907

35-45-24-00-00004.0020
ONEILL JAMES SEAN
7076 MAIDA LN
FORT MYERS, FL 33907

35-45-24-00-00005.0000
HENDRY CREEK PARK LLC
13379 MCGREGOR BLVD STE 1
FORT MYERS, FL 33919

35-45-24-00-00005.0010
HENDRY CREEK PARK LLC
13379 MCGREGOR BLVD STE 1
FORT MYERS, FL 33919

35-45-24-00-00005.0020
HENDRY CREEK PARK LLC
13379 MCGREGOR BLVD STE 1
FORT MYERS, FL 33919

35-45-24-00-00015.0010
LEE COUNTY
PO BOX 398
FORT MYERS, FL 33902

35-45-24-00-00015.001A
THOMPSON LAWRENCE G
7400 GLADIOLUS DR
FORT MYERS, FL 33908

35-45-24-00-00015.0020
CCSC INC
7142 SHANNON BLVD
FORT MYERS, FL 33908

35-45-24-00-00015.002D
CIU GLADIOLUS LAND GROUP LLC
7451 GLADIOLUS DR
FORT MYERS, FL 33908

35-45-24-00-00015.0030
LJK GROUP LLC
6981 LAKE DEVONWOOD DR
FORT MYERS, FL 33908

35-45-24-00-00019.0030
CONGDON LLC
7117 CONGDON RD
FORT MYERS, FL 33908

35-45-24-01-00001.0000
GUT ASSOCIATES
7152 COCA SABAL LN
FORT MYERS, FL 33908

All data is current at time of printing and subject to change without notice.

35-45-24-01-00002.0010
LUCAS DONALD R
13379 MCGREGOR BLVD STE 1
FORT MYERS, FL 33919

35-45-24-01-00002.0030
KELLY BLANE + BARBARA
16301 COCO HAMMOCK WAY APT 201
FORT MYERS, FL 33908

35-45-24-01-00006.0000
GUT ASSOCIATES
7152 COCA SABAL LN
FORT MYERS, FL 33908

35-45-24-03-00016.0000
CISAN FAMILY LLC
7775 GLADIOLUS DR
FORT MYERS, FL 33908

35-45-24-10-00000.0010
STROHM JOHN J +
7671 VICTORIA COVE CT
FORT MYERS, FL 33908

35-45-24-10-00000.0020
HAMRICK GERALD S + CONNIE C
7675 VICTORIA COVE CT
FORT MYERS, FL 33908

35-45-24-10-00000.0030
STROHM FREDERICK G
750 W BRISTOL RD
WARMINSTER, PA 18974

35-45-24-10-00000.0040
RALPH MARTIN + CAROLYN
7683 VICTORIA COVE CT
FORT MYERS, FL 33908

35-45-24-10-00000.0050
JUMAN ROSHAN DEEN + YASMIN
7164 CONGDON RD
FORT MYERS, FL 33908

35-45-24-10-00000.0060
VICTORIA COVE DEVELOPMENT CORP
649 5TH AVE S STE 211
NAPLES, FL 34102

35-45-24-10-00000.0070
VANDERSON RYAN M
7705 VICTORIA COVE CT
FORT MYERS, FL 33908

35-45-24-10-00000.0080
BENNINGHAUS DAVID C +
7709 VICTORIA COVE CT
FORT MYERS, FL 33908

35-45-24-10-00000.0090
VICTORIA COVE DEVELOPMENT CORP
649 5TH AVE S STE 211
NAPLES, FL 34102

35-45-24-10-00000.00CE
VICTORIA COVE HOMEOWNERS ASSOC
7705 VICTORIA COVE CT
FORT MYERS, FL 33908

35-45-24-10-00000.0120
TRUST GREGORY +
11545 PLANTATION PRESERVE
FORT MYERS, FL 33966

35-45-24-10-00000.0130
SCHUTT DAVID P + PAMELA S
7745 VICTORIA COVE CT
FORT MYERS, FL 33908

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Seymour Roche, President
Page Park Community Association
507 Center Road
Fort Myers, FL 33907

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MR. TONY PALERMO

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2010-05-27 Notice of Public Hearing

NOTICE OF
PUBLIC HEARING
Notice is hereby given that at 9:30 a.m. on Monday, 7 June, 2010, the Lee County Board of County Commissioners will hold public hearings in the Commissioners' Meeting Room, 2120 Main St., Ft. Myers, FL, to review the written recommendations made by the Hearing Examiner and make a final decision on the cases below.
If you did not appear before the Hearing Examiner or otherwise become a participant for that case in which you wish to testify, the law does not permit you to address the Board of County Commissioners.
If a participant decides to appeal a decision made by the Board of County Commissioners with respect to any matter considered at this hearing, that person will need a record of the proceedings. For such purpose, that person may need to ensure that a verbatim record of the proceeding is made that includes the testimony and evidence upon which the appeal is to be based.
Statements before the Board of County Commissioners will be strictly limited to the findings of fact or conclusions of law contained in the record, or to allege the discovery of relevant new evidence which was not known by the speaker at the time of the hearing before the Hearing Examiners and not otherwise disclosed in the record.
Copies of the Hearing Examiner's recommendation may be obtained or the file reviewed at the Zoning Division, 1500 Monroe St., Ft. Myers, FL. Telephone 533-8585 for additional information.
In accordance with the Americans with Disabilities Act and F.S. s. 286.26, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Jamie Princing at 533-8585.
The following cases will be heard: DCI2009-00005. Oasis Cove RPD/CPD. Rezone 32.54 +/- acres from Residential Planned Development (RPD) to Residential Planned Development/Commercial Planned Development (RPD/CPD) for assisted living facilities (ALF), continuing care facilities (CCF), independent living units (ILU), multi-family development and commercial uses. The maximum density proposed is 190 multi-family dwelling units, or an equivalent number of units in assisted living facilities, continuing care facilities and independent living units and commercial office and retail development, maximum 100,000 square feet including a maximum 25,000 square feet retail. Maximum height 45 feet for both residential and commercial. No development blasting is requested. The development will connect to public potable water and sanitary sewer service.Property located at 7650 Gladiolous Dr. and 7210 Congdon Rd., S. Ft. Myers Planning Community, Lee County, FL.Project Representative: Stacy Hewitt, Banks Engineering 239-939-5490.
DCI2008-00003. Cypress Villages CPD.Rezone 8.99 +/-acres from Agricultural (AG-2) to Commercial Planned Development (CPD) to permit 92,000 SF of medical and general office with a maximum building height of 35 feet, or alternatively, an assisted and independent living facility (ALF) with a maximum of 359 beds and a maximum building height of 45 feet. No development blasting is requested. Central water and sanitary sewer services will be provided by Lee County Utilities.Property located at 12270 & 12330 J.V Parker Ln., S. Ft. Myers Planning Community, Lee County, FL. Project Representative: Fred Drovdlic, Quattrone & Assoc. 239-936-5222.
DCI2007-00061 (Continued from the May 17, 2010 BCC). 5th Street Commercial. Request to rezone 1.9+/- acres from Residential Single-Family (RS-1) to Commercial Planned Development (CPD) to permit a maximum of 12,000 square feet of commercial uses. Water and sanitary sewer services will be provided by Florida Governmental Utility Authority. No development blasting is proposed. Property located at 2719-2713 6th St. West, Lehigh Acres Planning Community, Lee County, FL.Project Representative: Bill Yamak, Speath Engineering 239-275-1899.
May 27 No. 1399792

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2010-03-04 Notice of Public Hearing

NOTICE OF
PUBLIC HEARING
Notice is hereby given that on Thursday, March 18, 2010 , the Hearing Examiner of Lee County will hold public hearings in the Hearing Examiner Meeting Room, 1500 Monroe St., Ft. Myers, FL, on the case below.
You must appear in person, through counsel, or an authorized agent and provide testimony, legal argument or other evidence at the hearing to become a participant with the right to address the Board of County Commissioners.
After the Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the Board of County Commissioners who will review the recommendation and make a final decision.
If you did not appear before the Hearing Examiner, by law, you will not be allowed to appear before the Board of County Commissioners at the final hearing in these cases.
Copies of staff report(s) are available one week prior to the hearing except for DCI (Development of Community Impact), DRI (Development of Regional Impact) and REZ (Rezoning) cases which are available two weeks prior to the hearing. The file can be reviewed at the Zoning Division, 1500 Monroe St., Fort Myers, FL. Call 533-8585 for additional information.
In accordance with the Americans with Disabilities Act and F.S. s. 286.26, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Jamie Princing at 533-8585.
The following case will be heard: DCI2009-00005.Oasis Cove RPD/CPD.9:00am.Rezone 32.54 +/- acres from Residential Planned Development (RPD) to Residential Planned Development/Commercial Planned Development (RPD/CPD) for assisted living facilities (ALF), continuing care facilities (CCF), independent living units (ILU), multi-family development and commercial uses.The maximum density proposed is 190 multi-family dwelling units, or an equivalent number of units in assisted living facilities, continuing care facilities and independent living units and commercial office and retail development, maximum 100,000 square feet including a maximum 25,000 square feet retail. Maximum height 45 feet for both residential and commercial. No development blasting is requested. The development will connect to public potable water and sanitary sewer service. Property located at 7650 Gladiolous Dr. and 7210 Congdon Rd., South Ft. Myers Planning Community, Lee County, FL.Direct inquiries to Tony Palermo, AICP, Senior Planner 239-533-8325 in Zoning.Project Representative: Stacy Hewitt, Banks Engineering 239-939-5490
Mar 4 No. 1389443

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