LOCATION OF OLGA MALL

CPA2010-00022
Caloosahatchee Shores Community Plan Clarification

Olga Community

LEGEND

Olga Mall

LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

N
W E
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0 400 800 1,200 1,600
Feet

Attachment 12

Map Generated: March 2011

RESOLUTION NUMBER Z-05-009

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

WHEREAS, Commercial Properties Southwest, Inc., filed an application on behalf of the property owner, Margaret D. Lange, to rezone a 91.71±-acre parcel from Agricultural (AG-2) to Residential Planned Development (RPD), in reference to a project known as Caloosahatchee Estates RPD; and,

WHEREAS, a public hearing was advertised and held on January 13, 2005, before the Lee County Zoning Hearing Examiner, Diana M. Parker, who gave full consideration to the evidence in the record for Case #DCI2004-00023; and,

WHEREAS, a second public hearing was advertised and held on April 4, 2005, 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 91.71±-acre parcel from AG-2 to RPD, to allow a residential development of up to 325 dwelling units consisting of single-family detached dwelling units with a maximum building height of 35 feet (two stories). The applicant later revised the request to 275 dwelling units at the start of the hearing before the Hearing Examiner. The property is located in the Suburban Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED to allow a residential development at a density not to exceed one dwelling unit per acre, 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 two-page Master Concept Plan (MCP) entitled "Caloosahatchee Estates RPD," stamped received April 14, 2005, last revised September 17, 2004, except as modified by the conditions below. Development must comply with 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.

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

ATTACHMENT 13

a. The project is limited to a maximum of 180 single-family detached dwelling units.

b. Schedule of Uses

Residential "R"

ACCESSORY USES AND STRUCTURES (LDC §§ 34-1171 *et seq.*, 34-2441 *et seq.*, 34-1863, 34-2141 *et seq.*, and 34-3108)
ADMINISTRATIVE OFFICES
BOATS: Boat ramp and dockage (not to exceed 9 slips) (a marina is not a permitted use)
CLUBS: Private (LDC § 34-2111)
DWELLING UNIT: Single-family
ENTRANCE GATES AND GATEHOUSE (LDC § 34-1741 *et seq.*)
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.*)
EXCAVATION: Water retention (LDC § 34-1651)
FENCES, WALLS (LDC § 34-1741)
HOME OCCUPATION (LDC § 34-1771 *et seq.*)
MODELS: Model Home (LDC § 34-1951 *et seq.*)
REAL ESTATE SALES OFFICE, (LDC §§ 34-1951 *et seq.*, and 34-3021)
RECREATIONAL FACILITIES:
Personal
Private, On-Site
SIGNS in accordance with LDC Chapter 30
TEMPORARY USES (LDC § 34-3041 *et seq.*) - limited solely to a temporary contractor's office and storage shed

Preserve "P"

ACCESSORY USES AND STRUCTURES (LDC §§34-1171 *et seq.*, 34-2441 *et seq.*, 34-1863, 34-2141 *et seq.*, and 34-3108) including:
- Hiking and Nature Study (pedestrian boardwalks, hiking trails)
- Outdoor Education
- Picnic Area/Gazebo
- Recreational activities to include boardwalks, paths and passive recreation and that active recreation requiring little or no facilities.

ESSENTIAL SERVICES (LDC §§ 34-1611 *et seq.*, and 34-1741 *et seq.*)
SIGNS in accordance with LDC Chapter 30

c. Site Development Regulations

Development tracts along Linwood Avenue, Old Olga Road, South Olga Drive, and along the northern perimeter of the eastern development tract must comply with the one-half acre lot area requirement set forth below:

Minimum Lot Area and Dimensions:
Area: one-half acre
Width: 150 feet

Depth: 130 feet

Minimum Setbacks:
Street: variable according to the functional classification of the street or road (§ 34-2191 *et seq.*)
Side: 12 feet
Rear: 20 feet
Water Body: 20 feet

All other lots:

Minimum Lot Area and Dimensions:
Area: 14,400 square feet
Width: 90 feet
Depth: 130 feet

Minimum Setbacks:
Street: variable according to the functional classification of the street or road (§ 34-2191 *et seq.*)
Side: 5 feet (no structures are permitted in this setback, including air conditioners, etc.)
Rear: 20 feet
Water Body: 20 feet

Accessory Use and Structure setbacks must comply with LDC §§ 34-1171 *et seq.* and 34-2194.

Maximum Lot Coverage: 50 percent

Maximum Building Height: 35 Feet

All residential units must comply with local building code requirements at the time of permitting.

3. Deleted.

4. Existing bona fide agricultural uses, in the form of grazing and orange groves, are allowed to remain only in strict compliance with the following:

   a. Grazing activity and the existing orange groves on the property described in the affidavit attached hereto in Exhibit B may continue until approval of a local development order for the area of the project containing those uses.

   b. Additional clearing or grading of existing agricultural areas is prohibited. This prohibition is not intended to preclude County approved requests for the removal of invasive exotic vegetation.

   c. The property owner must terminate the agricultural tax exemption for any portion of the property that receives a local development order. The exemption termination must be filed with the Property Appraiser's Office by December 31st of the calendar

year in which the local development order is issued. A copy of the exemption termination must be provided to the Office of the County Attorney.

5. The development order approval governing the project must indicate that all existing native trees located in buffers and open space areas will be preserved in place. The development order must also identify the existing heritage oaks that will be impacted by development and specify that these trees will be replaced in open space areas at a ratio of one 20-foot tall tree of the same species for each heritage oak impacted.

6. The development order approval governing the project must indicate that all cabbage palms with at least eight feet of clear trunk will be relocated in a horticulturally correct manner and in coordination with Lee County Division of Environmental Sciences staff into common open space areas. Also, prior to issuance of any Vegetation Removal Permit, the palms to be relocated must be flagged in the field for Environmental Sciences staff inspection.

7. Prior to local development order approval, the developer must submit a Flowway Restoration and Planting Plan to Lee County Division of Environmental Sciences staff for review and approval. The plan must indicate that invasive exotic vegetation removal within the flowways and associated buffers will be limited to hand-removal only.

8. The development order approval governing the project must delineate a total of 14.3 acres of Open Space, of which 8.3 acres must be designated as tree preservation and restoration areas in significant compliance with the MCP.

9. Approval of this zoning request does not guarantee the approval of dock construction, number of slips, or boat ramp facilities. The developer must obtain a Dock and Shoreline Permit from the Lee County Division of Environmental Sciences prior to the construction of docks or boat ramp facilities.

10. The developer must provide the following buffer along the rights-of-way of Linwood, Avenue, Old Olga Road, and South Olga Drive:

Minimum width:	30 feet
Minimum number of trees:	5 per 100 linear feet
Minimum tree size:	Trees must be no less than four (4) inches in diameter at 12 inches above the ground and no less than 16 feet in height at the time of planting.
Hedge:	Shrubs must be a minimum ten-gallon container size; planted in double staggered rows; at least 48 inches in height; and spaced 36 inches on center. Shrubs must be at least 60 inches in height within 12 months of time of planting and maintained in perpetuity at a height of no less than 60 inches above the adjacent pavement to be buffered, screened, or both. Exceptions are permitted to provide for visibility at intersections and in areas of pedestrian access.

At least 75 percent of the trees and 50 percent of the shrubs used to fulfill these requirements must be native Florida species.

No wall is required for this buffer.

11. The developer must provide for review and written approval by Lee County Natural Resources Division, the HEC-RAS models (existing and proposed conditions) for the conveyances of off-site drainage from all culverts under Old Olga Road from South Olga Road to Linwood Avenue that flow through or around the development prior to issuance of the first development order (or any early work, clearing, filling permits). The limits of these models must extend from the Caloosahatchee to the upstream side of the Old Olga Road culverts. The modeling must utilize a minimum Mannings' "n" value of 0.05 for constructed ditches or channels and 0.07 for natural flowways. The design flows for the HEC-RAS models above are those produced by considering a one-half (1/2) foot of differential head under a submerged outlet condition (downstream water surface just at/above the top of box/culvert elevation) for the culverts under Old Olga Road and that produced from the contributing portions of the development for a 25-year/3-day storm event. The modeling results must demonstrate that the water surface elevations at the upstream face of each culvert under Old Olga Road are at or below the top of box/culvert elevation plus one-half foot and that all flows remain within the channel along all portions of the conveyances. The installation of new culverts or other crossings within the development must be accounted for within the HEC-RAS models.

12. The open channel conveyances for off-site flow must have a 15-foot (minimum) access way along the top of bank(s); that is, in general, parallel to and transversable by light rubber tired equipment. The access way is envisioned to meander in order to avoid existing trees. The access way is also to be shown on the plans and typical section(s).

13. Prior to issuance of the first development order (or any early work, clearing, filling permits), the developer must submit the following information for review and written approval by Lee County Natural Resources Division: Plan and profile drawings (vertical scale: 1" = 2 feet) for each conveyance to show the existing and proposed invert profile; the water surface profile; and the lowest natural overbank elevation profile. The developer must also provide scaled and dimensioned cross sections (vertical scale: 1" = 2 feet) showing existing conditions (and as improved) with property lines and maintenance access locations shown. This requirement applies to the entire length of each conveyance associated with the off-site flows.

14. The developer must provide certified "as-built" plans of the constructed conveyance(s) prior to issuance of the first Certificate of Compliance for each phase that is adjacent to or includes any portion of the ditch or flowway

15. The developer must dedicate a drainage easement to Lee County for all conveyances of offsite drainage around or through the development from top-of-bank to top-of-bank and must include the maintenance accesses prior to the issuance of the Certificate of Compliance for each phase that is adjacent to or includes any portion of the ditch or flowway. No vegetative planting, other than short grasses, is allowed within the easement areas. The developer is responsible for monthly maintenance/mowing and to keep all exotic/emergent plants to less than one-foot of height within the easement area in perpetuity. The easement must be filed prior to, and not be subordinate to, any conservation easements recorded on the same property. This language must be approved by the Division of Natural Resources and included in the Homeowners' Association

documents (e.g., HOA, etc.). The developer must provide the Division of Natural Resources with a certified copy of the filed and recorded documents.

16. All fences or walls developed on lots adjoining Linwood Avenue, Old Olga Road, and South Olga Drive must be of consistent design and developed with like materials, color, and height.

17. Approval of this RPD 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.

18. Approval of this RPD 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).

19. Blasting was not requested nor is it authorized by this zoning approval.

SECTION C. DEVIATIONS:

1. Deviation (1) - WITHDRAWN AT HEARING

2. Deviation (2) - WITHDRAWN BY APPLICANT

3. Deviation (3) - WITHDRAWN BY APPLICANT

4. Deviation (4) seeks relief from the LDC §10-285 requirement to provide a minimum 125-foot spacing between driveway access to a local road; to allow two connections for local streets accessways and short cul-de-sacs (eyebrows at a spacing of less than 125 feet). This deviation is APPROVED, SUBJECT TO the depiction on Exhibit C.

5. Deviation (5) seeks relief from the LDC §10-285 requirement to provide a connection separation along collector roads of 330 feet; to allow a connection of 290 feet from the project's access on Old Olga Road to a driveway east of the subject property. 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: Agricultural Uses Affidavit
Exhibit C: Illustration of Roadway Detail
Exhibit D: Zoning Map (subject parcel identified with shading)
Exhibit E: Master Concept Plan date stamped received April 14, 2005, last revised September 17, 2004

The applicant has indicated that the STRAP numbers for the property are:
22-43-26-00-00003.0000 and 22-43-26-00-00008.0000.

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to RPD rezoning 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 RPD rezoning request, as conditioned, 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 Judah, seconded by Commissioner Hall, and, upon being put to a vote, the result was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Tammy Hall	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 4th day of April 2004.

ATTEST:
CHARLIE GREEN, CLERK

BY: Michele L Cooper
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

RECEIVED
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mgc
2005 MAY 13 AM 10:40

Exhibit A
Legal Description
Property located in Lee County,
Florida

LEGAL DESCRIPTIONS'

A PORTION OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 8, WATERWAY SHORES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 14 AT PAGE 59 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 88°52'40" EAST, ALONG THE SOUTHERLY BOUNDARY OF LOT 8, A DISTANCE OF 100.00 FEET TO THE SOUTHWEST CORNER OF LOT 9, UNIT 2 WATERWAY SHORES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 24 AT PAGE 59 OF THE PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA; THENCE RUN THE FOLLOWING EIGHT (8) COURSES ALONG THE BOUNDARY OF SAID UNIT 2 WATERWAY SHORES; COURSE NO. 1: NORTH 88°52'40" E, 710.00 FEET; COURSE NO. 2: NORTH 17°07'00" WEST, 82.05 FEET; COURSE NO. 3: NORTH 43°07'00" WEST, 33.00 FEET; COURSE NO. 4: NORTH 01°37'00" WEST, 33.00 FEET; COURSE NO. 5: NORTH 38°25'00" EAST, 152.02 FEET; COURSE NO. 6: NORTH 22°03'00" WEST, 210.85 FEET; COURSE NO. 7: NORTH 11°21'00" WEST, 181.22 FEET; COURSE NO. 8: NORTH 28°29'00" WEST, 157.31 FEET TO THE MOST NORTHEASTERLY CORNER OF LOT 28, SAID UNIT 2 WATERWAY SHORES PLAT; THENCE CONTINUE NORTH 28°29'00" WEST, 111.00 FEET TO A POINT ON THE APPROXIMATE MEAN HIGH WATER LINE OF THE CALOOSAHATCHEE RIVER; THENCE RUN THE FOLLOWING TWENTY FOUR (24) COURSES ALONG SAID APPROXIMATE MEAN HIGH WATER LINE; COURSE NO. 1: NORTH 54°30'20" EAST, 7.98 FEET; COURSE NO. 2: SOUTH 84°43'56" EAST, 10.45 FEET; COURSE NO. 3: SOUTH 38°14'54" EAST, 10.48 FEET; COURSE NO. 4: SOUTH 84°48'31" EAST, 7.82 FEET; COURSE NO. 5: NORTH 57°17'54" EAST, 31.74 FEET; COURSE NO. 6: SOUTH 50°28'42" EAST, 7.56 FEET; COURSE NO. 7: SOUTH 18°12'34" EAST, 4.99 FEET; COURSE NO. 8: SOUTH 46°32'56" EAST, 26.11 FEET; COURSE NO. 9: NORTH 64°39'06" EAST, 7.96 FEET; COURSE NO. 10: NORTH 11°32'27" EAST, 6.61 FEET; COURSE NO. 11: NORTH 53°39'09" EAST, 14.20 FEET; COURSE NO. 12: NORTH 86°17'59" EAST, 14.25 FEET; COURSE NO. 13: SOUTH 77°07'38" EAST, 22.93 FEET; COURSE NO. 14: SOUTH 72°08'15" EAST, 9.32 FEET; COURSE NO. 15: SOUTH 82°22'04" EAST, 90.10 FEET; COURSE NO. 16: SOUTH 78°03'55" EAST, 87.04 FEET; COURSE NO. 17: SOUTH 77°01'24" EAST, 90.13 FEET; COURSE NO. 18: SOUTH 77°35'46" EAST, 63.70 FEET; COURSE NO. 19: SOUTH 76°23'47" EAST, 77.89 FEET; COURSE NO. 20: SOUTH 76°53'06" EAST, 78.77 FEET; COURSE NO. 21: SOUTH 75°54'49" EAST, 91.77 FEET; COURSE NO. 22: SOUTH 77°59'41" EAST, 51.43 FEET; COURSE NO. 23: SOUTH 74°47'24" EAST, 75.58 FEET; COURSE NO. 24: SOUTH 85°11'37" EAST, 139.25 FEET TO A POINT ON THE BOUNDARY OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 2125 AT PAGE 2297 OF THE PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA; THENCE THE THE FOLLOWING TWO (2) COURSES ALONG THE BOUNDARY OF LAST SAID LANDS; COURSE NO. 1: SOUTH 00°41'51" EAST, 679.14 FEET; COURSE NO. 2: NORTH 88°52'40" EAST, A DISTANCE OF 1,001.57 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 22; THENCE SOUTH 00°40'58" EAST, A DISTANCE OF 1,290.54 FEET; THENCE SOUTH 88°52'26" WEST, A DISTANCE OF 1,018.33 FEET; THENCE SOUTH 88°52'26" WEST, A DISTANCE OF 1,581.42 FEET; THENCE NORTH 00°45'19" WEST, A DISTANCE OF 1,290.75 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,995,803 SQUARE FEET OR 91.731 ACRES, MORE OR LESS.

Applicant's Legal Checked
by _____ Sept 10, 2004.

SURVEYORS NOTES

1. I CERTIFY THAT, WHEN COMBINED, THE PARCELS CONVEYED BY THAT CERTAIN DEED TO COMMERCIAL PROPERTIES SOUTHWEST, INC., RECORDED IN OFFICIAL RECORDS BOOK 4146, PAGE 4365, LEE COUNTY RECORDS, ARE OTHERWISE DECRIBED AS THE INSURED PREMISES AND SHOWN IN THE LEGAL ON THIS SURVEY.

2. I CERTIFY THAT ALL LANDS LYING WITHIN THE INSURED PREMISES THAT WERE SUBJECTED TO THE EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 71, PAGE 47 WERE RELEASED BY THE QUIT CLAIM DEED RECORDED IN OFFICIAL RECORDS BOOK 1155, PAGE 1201, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS SHOWN ON THIS SURVEY.

RECEIVED
AUG 30 2004

DCI 2004-00023

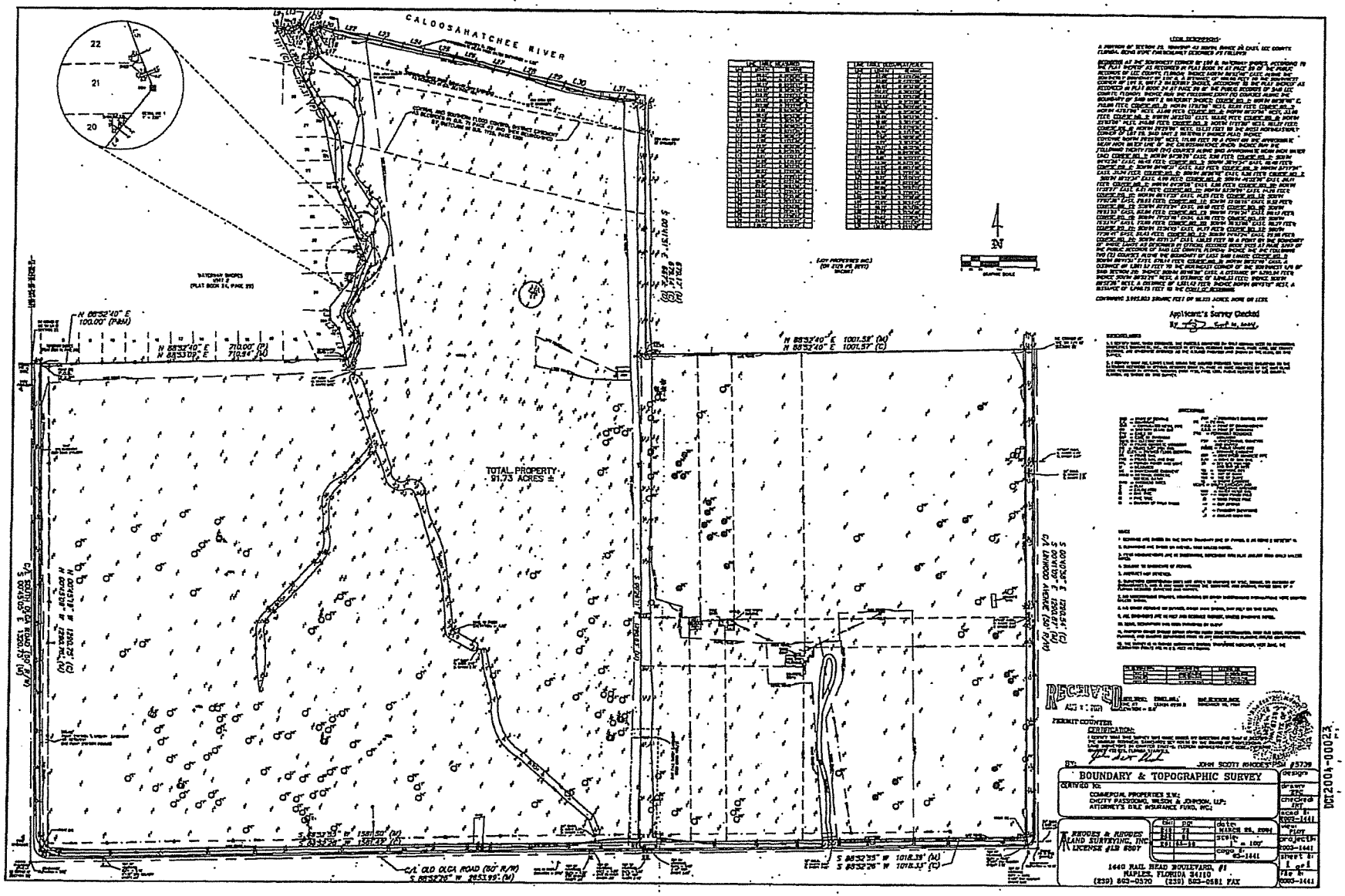


EXHIBIT A
Page 2 of 2

AGRICULTURAL USE AT THE TIME OF ZONING AFFIDAVIT

STATE OF FL

COUNTY OF Collier

BEFORE ME this day appeared Joseph Ryan, authorized agent for Commercial Properties Southwest, Inc. who, being first duly sworn, deposes and says:

1. He is the authorized agent for Commercial Properties Southwest, Inc., the owner of the property that is identified by Strap Number(s): 22-43-26-00-00003.0000 and 22-43-26-00-00008.0000
2. A copy of the boundary sketch of the property to be rezoned is attached as Exhibit "A". The parcel consists of 91.7+/- acres.
3. ~~The parcel described in Exhibit "A" is being used for grazing purposes and orange groves.~~
4. Commercial Properties Southwest, Inc. or successors in interested, intend to continue this use upon the approval of the rezoning until approval of a Local Development Order for the area of the project, upon which the cattle grazing use exists.

EXECUTED this 27 day of August, 2004.

Joseph Ryan, Authorized Agent for
Commercial Properties Southwest, Inc.

SWORN TO AND SUBSCRIBED before me this 27th day of August, 2004, by Joseph Ryan, who is personally know to me or who has produced Driver License as identification.

My Commission Expired:

MICHELLE BUCKLEY
MY COMMISSION # DD 059566
EXPIRES: November 6, 2005
1-800-NOTARY FL Notary Service & Bonding, Inc.

Notary Public

MICHELLE BUCKLEY
Print/Type Name of Notary

EXHIBIT B

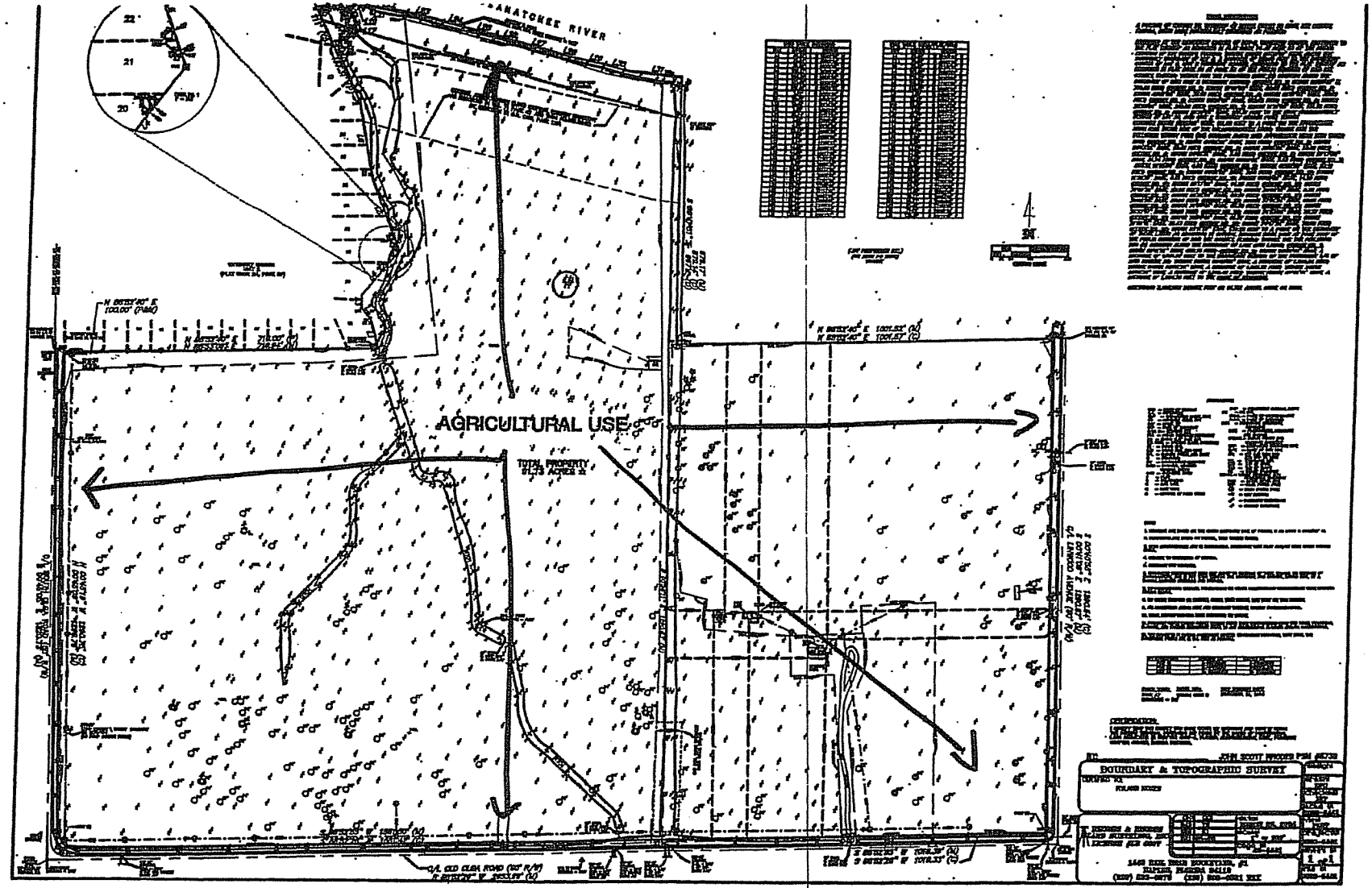


EXHIBIT A

AGRICULTURAL USE AT THE TIME OF ZONING

COMMERCIAL PROPERTIES SOUTHWEST, INC.

8825 TAMIAMI TRAIL EAST, NAPLES, FLORIDA 34113

November 17, 2003

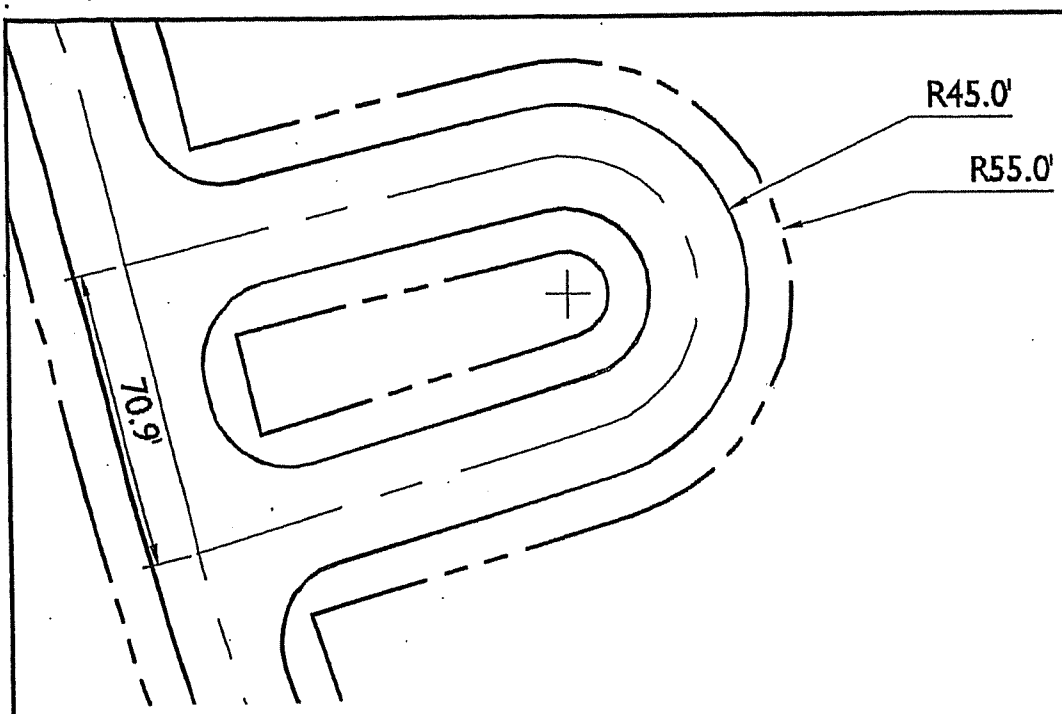
To whom it may concern:

Commercial Properties S.W., Inc. hereby authorizes Bahama Bay, LLC and Joseph Ryan to act as manager for the Caloosahatchee Estates Project and to enter into contractual agreements for the project.

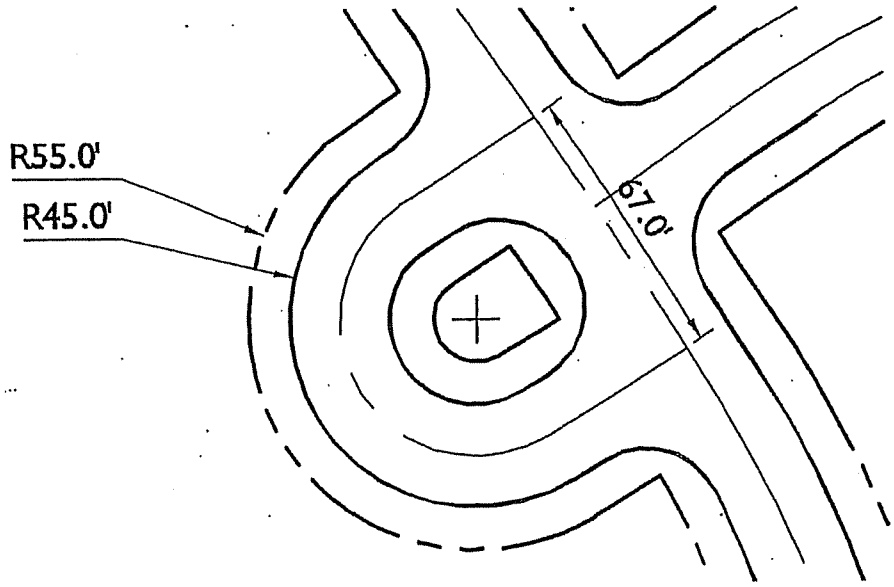
Commercial Properties, S.W., Inc.

Margriet de Lange
President

EXHIBIT C



ROADWAY DETAIL NO. 1



ROADWAY DETAIL NO. 2

PROJECT: CALOOSAHATCHEE ESTATES

CLIENT:

WilsonMiller

Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants

WilsonMiller, Inc.

Naples • Fort Myers • Sarasota • Bradenton • Tampa • Tallahassee • Panama City Beach

8200 Bailey Lane, Suite 200 • Naples, Florida 34105-8507 • Phone 239-643-4040 • Fax 239-643-5716 • Web-Site www.wilsonmiller.com

SCALE: 1" = 40'	DATE: 12/23/04
SEC: TWP: RGE:	REV NO:
PROJECT NO. 03896-001-000	INDEX NO:
DRWN BY/EMP NO. KAC/1213	SHEET NO: 1 of 1

APPLICANT C

APPLICANT'S EXHIBIT # 7
DC1200[illegible]0023

ZONING INTAKE MAP

12/9/2004

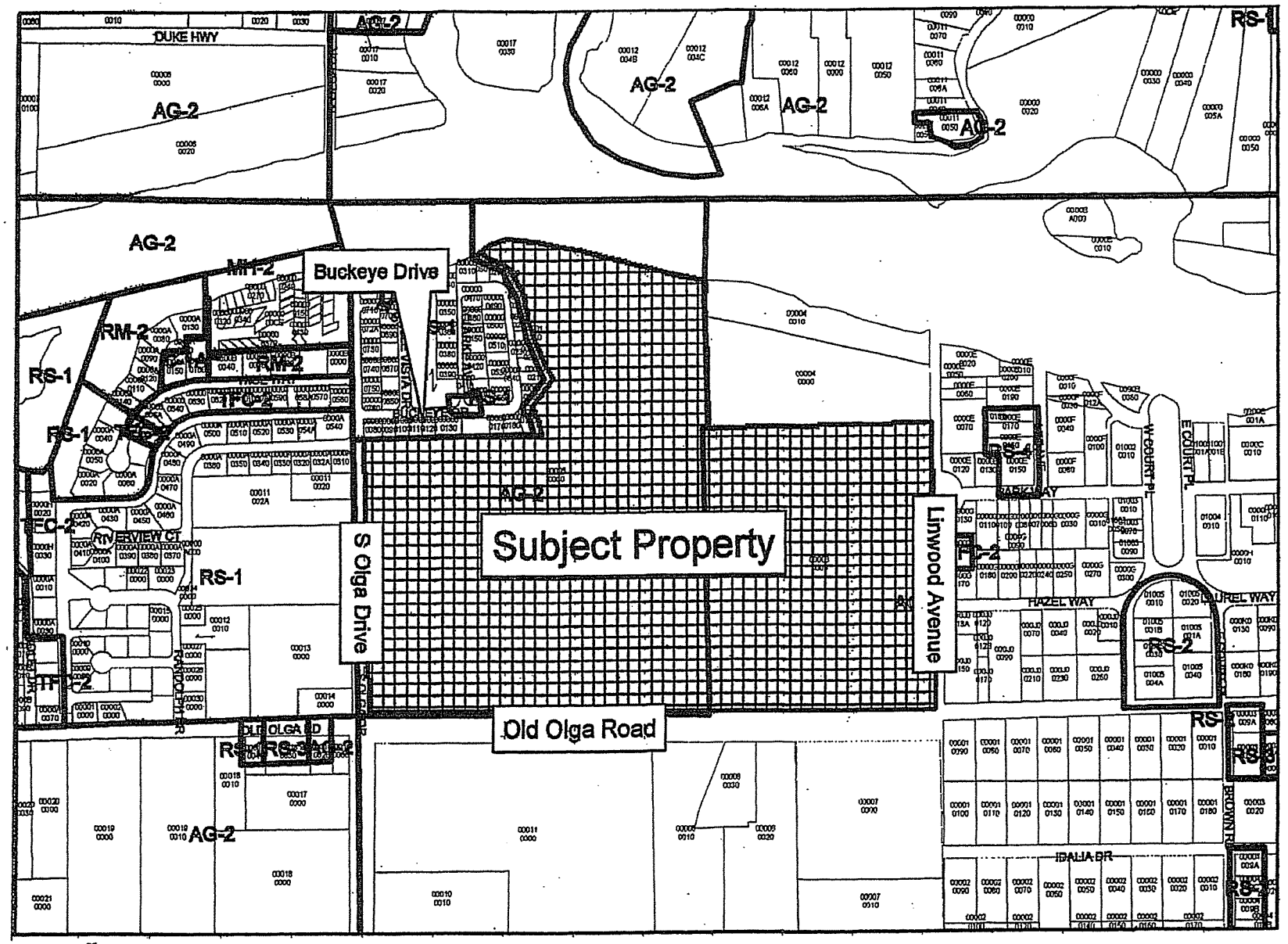
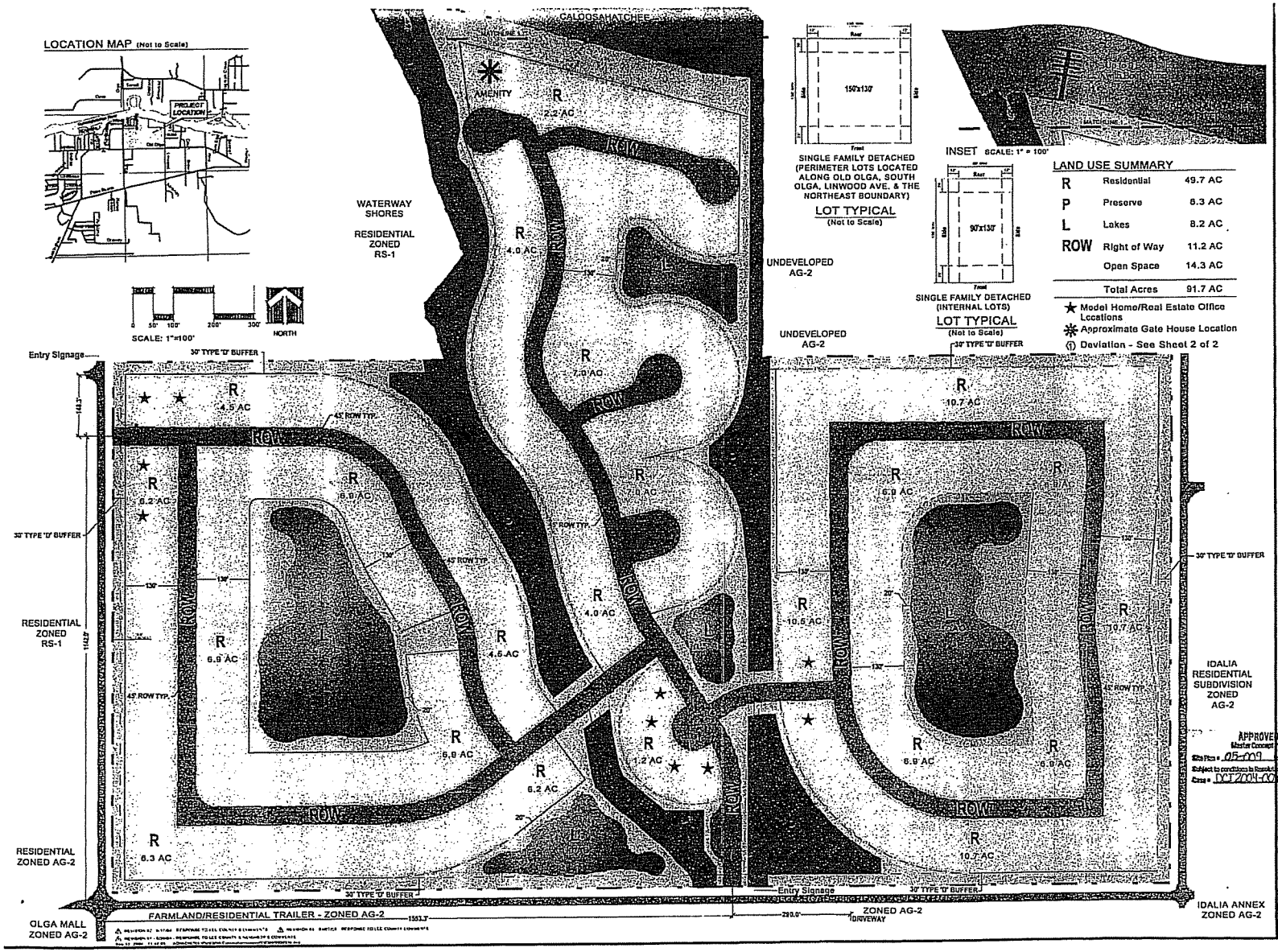


EXHIBIT D



CALOOSAHATCHEE ESTATES RPD
MASTER CONCEPT PLAN

PREPARED FOR: Commercial Properties Southwest, Inc.

WilsonMiller

APPROVED
Master Concept Plan
Zone Plan # 05-009 Page 1 of 2
Subject to conditions in Resolution Z-05-009
Case # DCI2004-00123

SEC 22 TWP 43 RGE 27
Designed by:
Drawn by: KC
Checked by:
Approved by: SJO
Date: 4/12/04
Scale: 1" = 100'
PIN: 03690-001-000 PZMSP
File # 03690-003
Sheet 1 of 2

EXHIBIT E
Page 1 of 2

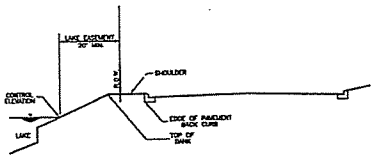
DEVIATIONS

1. Deviation from LDC Section 10-329(e)(1)(a), to allow lake setbacks from rights-of-way as follows:
   a) Setbacks for excavations will be measured from right of way or property line to edge of water control elevation.
   b) Where adequate elements for the protection of wayward vehicles are provided, a 20-foot setback from internal rights of way will be provided.

2. Withdrawn.

3. Withdrawn.

4. Deviation from LDC Section 10-285 which requires a minimum of 125 foot spacing between accesses to a local road to allow two connections for local streets, accessways and short cul-de-sacs (eyebrows) at a spacing less than 125 feet.



DEVIATIONS 1A & 1B
N.T.S.

APPROVED
Master Concept Plan
Zoning Plan # 05-009 Prog. 2 of 2
Subject to conditions in Resolution Z-05-009
Case # DCI2004-00025

WilsonMiller

Planners • Engineers • Economists • Surveyors
Landscape Architects • Transportation Consultants

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2031 Main Street, Suite 200 • Sarasota, Florida 34237
Phone 941-364-2630 • Fax 941-364-2636
E-mail: mail@wilsonmiller.com • Web Site: www.wilsonmiller.com

CALOOSAHATCHEE ESTATES RPD
MASTER CONCEPT PLAN

PREPARED FOR: Commercial Properties Southwest, Inc.

DCI 2004-00025

APR 14 2005

SEC 22 TWP 43	RGE 27
Designed by:	
Drawn by:	KC
Checked by:	
Approved by:	SJO
Date:	4/12/04
Scale:	1" = 100'
PRN 03896-001-000 PZHSP	
File #:	D-03896-003

Sheet 2 of 2

EXHIBIT E
Page 2 of 2

△ REVISION #3 – 04/07/05 – RESPONSE TO LEE COUNTY COMMENTS
△ REVISION #2 – 9/17/04 – RESPONSE TO LEE COUNTY COMMENTS
△ REVISION #1 – 8/26/04 – RESPONSE TO LEE COUNTY & RESIDENTS COMMENTS

RESOLUTION NUMBER Z-05-009A

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

WHEREAS, Commercial Properties Southwest, Inc., filed an application on behalf of the property owner, Margaret D. Lange, to rezone a 91.71±-acre parcel from Agricultural (AG-2) to Residential Planned Development (RPD), in reference to a project known as Caloosahatchee Estates RPD; and,

WHEREAS, a public hearing was advertised and held on January 13, 2005, before the Lee County Zoning Hearing Examiner, Diana M. Parker, who gave full consideration to the evidence in the record for Case #DCI2004-00023; and,

WHEREAS, a second public hearing was advertised and held on April 4, 2005, 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; and,

WHEREAS, the Board of County Commissioners approved the request to rezone the property with modifications pursuant to Resolution Z-05-009; and.

WHEREAS, it was necessary to prepare an amended resolution to correct a scrivener's error regarding the number of units permitted.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 91.71±-acre parcel from AG-2 to RPD, to allow a residential development of up to 325 dwelling units consisting of single-family detached dwelling units with a maximum building height of 35 feet (two stories). The applicant later revised the request to 275 dwelling units at the start of the hearing before the Hearing Examiner. The property is located in the Suburban Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED to allow a residential development at a density not to exceed one dwelling unit per acre, 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 two-page Master Concept Plan (MCP) entitled "Caloosahatchee Estates RPD," stamped received April 14, 2005, last revised September 17, 2004, except as modified by the conditions below. Development must comply with the

COPY

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. The project is limited to a maximum of 90 single-family detached dwelling units.

b. Schedule of Uses

Residential "R"

ACCESSORY USES AND STRUCTURES (LDC §§ 34-1171 *et seq.*, 34-2441 *et seq.*, 34-1863, 34-2141 *et seq.*, and 34-3108)
ADMINISTRATIVE OFFICES
BOATS: Boat ramp and dockage (not to exceed 9 slips) (a marina is not a permitted use)
CLUBS: Private (LDC § 34-2111)
DWELLING UNIT: Single-family
ENTRANCE GATES AND GATEHOUSE (LDC § 34-1741 *et seq.*)
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.*)
EXCAVATION: Water retention (LDC § 34-1651)
FENCES, WALLS (LDC § 34-1741)
HOME OCCUPATION (LDC § 34-1771 *et seq.*)
MODELS: Model Home (LDC § 34-1951 *et seq.*)
REAL ESTATE SALES OFFICE, (LDC §§ 34-1951 *et seq.*, and 34-3021)
RECREATIONAL FACILITIES:
Personal
Private, On-Site
SIGNS in accordance with LDC Chapter 30
TEMPORARY USES (LDC § 34-3041 *et seq.*) - limited solely to a temporary contractor's office and storage shed

Preserve "P"

ACCESSORY USES AND STRUCTURES (LDC §§34-1171 *et seq.*, 34-2441 *et seq.*, 34-1863, 34-2141 *et seq.*, and 34-3108) including:
- Hiking and Nature Study (pedestrian boardwalks, hiking trails)
- Outdoor Education
- Picnic Area/Gazebo
- Recreational activities to include boardwalks, paths and passive recreation and that active recreation requiring little or no facilities.

ESSENTIAL SERVICES (LDC §§ 34-1611 *et seq.*, and 34-1741 *et seq.*)
SIGNS in accordance with LDC Chapter 30

c. Site Development Regulations

Development tracts along Linwood Avenue, Old Olga Road, South Olga Drive, and along the northern perimeter of the eastern development tract must comply with the one-half acre lot area requirement set forth below:

Minimum Lot Area and Dimensions:
Area: one-half acre
Width: 150 feet
Depth: 130 feet

Minimum Setbacks:
Street: variable according to the functional classification of the street or road (§ 34-2191 *et seq.*)
Side: 12 feet
Rear: 20 feet
Water Body: 20 feet

All other lots:

Minimum Lot Area and Dimensions:
Area: 14,400 square feet
Width: 90 feet
Depth: 130 feet

Minimum Setbacks:
Street: variable according to the functional classification of the street or road (§ 34-2191 *et seq.*)
Side: 5 feet (no structures are permitted in this setback, including air conditioners, etc.)
Rear: 20 feet
Water Body: 20 feet

Accessory Use and Structure setbacks must comply with LDC §§ 34-1171 *et seq.* and 34-2194.

Maximum Lot Coverage: 50 percent

Maximum Building Height: 35 Feet

All residential units must comply with local building code requirements at the time of permitting.

3. Deleted.

4. Existing bona fide agricultural uses, in the form of grazing and orange groves, are allowed to remain only in strict compliance with the following:

a. Grazing activity and the existing orange groves on the property described in the affidavit attached hereto in Exhibit B may continue until approval of a local development order for the area of the project containing those uses.

b. Additional clearing or grading of existing agricultural areas is prohibited. This prohibition is not intended to preclude County approved requests for the removal of invasive exotic vegetation.

c. The property owner must terminate the agricultural tax exemption for any portion of the property that receives a local development order. The exemption termination must be filed with the Property Appraiser's Office by December 31st of the calendar year in which the local development order is issued. A copy of the exemption termination must be provided to the Office of the County Attorney.

5. The development order approval governing the project must indicate that all existing native trees located in buffers and open space areas will be preserved in place. The development order must also identify the existing heritage oaks that will be impacted by development and specify that these trees will be replaced in open space areas at a ratio of one 20-foot tall tree of the same species for each heritage oak impacted.

6. The development order approval governing the project must indicate that all cabbage palms with at least eight feet of clear trunk will be relocated in a horticulturally correct manner and in coordination with Lee County Division of Environmental Sciences staff into common open space areas. Also, prior to issuance of any Vegetation Removal Permit, the palms to be relocated must be flagged in the field for Environmental Sciences staff inspection.

7. Prior to local development order approval, the developer must submit a Flowway Restoration and Planting Plan to Lee County Division of Environmental Sciences staff for review and approval. The plan must indicate that invasive exotic vegetation removal within the flowways and associated buffers will be limited to hand-removal only.

8. The development order approval governing the project must delineate a total of 14.3 acres of Open Space, of which 8.3 acres must be designated as tree preservation and restoration areas in significant compliance with the MCP.

9. Approval of this zoning request does not guarantee the approval of dock construction, number of slips, or boat ramp facilities. The developer must obtain a Dock and Shoreline Permit from the Lee County Division of Environmental Sciences prior to the construction of docks or boat ramp facilities.

10. The developer must provide the following buffer along the rights-of-way of Linwood, Avenue, Old Olga Road, and South Olga Drive:

Minimum width:	30 feet
Minimum number of trees:	5 per 100 linear feet
Minimum tree size:	Trees must be no less than four (4) inches in diameter at 12 inches above the ground and no less than 16 feet in height at the time of planting.

Hedge: Shrubs must be a minimum ten-gallon container size; planted in double staggered rows; at least 48 inches in height; and spaced 36 inches on center. Shrubs must be at least 60 inches in height within 12 months of time of planting and maintained in perpetuity at a height of no less than 60 inches above the adjacent pavement to be buffered, screened, or both. Exceptions are permitted to provide for visibility at intersections and in areas of pedestrian access.

At least 75 percent of the trees and 50 percent of the shrubs used to fulfill these requirements must be native Florida species.

No wall is required for this buffer.

11. The developer must provide for review and written approval by Lee County Natural Resources Division, the HEC-RAS models (existing and proposed conditions) for the conveyances of off-site drainage from all culverts under Old Olga Road from South Olga Road to Linwood Avenue that flow through or around the development prior to issuance of the first development order (or any early work, clearing, filling permits). The limits of these models must extend from the Caloosahatchee to the upstream side of the Old Olga Road culverts. The modeling must utilize a minimum Mannings' "n" value of 0.05 for constructed ditches or channels and 0.07 for natural flowways. The design flows for the HEC-RAS models above are those produced by considering a one-half (1/2) foot of differential head under a submerged outlet condition (downstream water surface just at/above the top of box/culvert elevation) for the culverts under Old Olga Road and that produced from the contributing portions of the development for a 25-year/3-day storm event. The modeling results must demonstrate that the water surface elevations at the upstream face of each culvert under Old Olga Road are at or below the top of box/culvert elevation plus one-half foot and that all flows remain within the channel along all portions of the conveyances. The installation of new culverts or other crossings within the development must be accounted for within the HEC-RAS models.

12. The open channel conveyances for off-site flow must have a 15-foot (minimum) access way along the top of bank(s); that is, in general, parallel to and transversable by light rubber tired equipment. The access way is envisioned to meander in order to avoid existing trees. The access way is also to be shown on the plans and typical section(s).

13. Prior to issuance of the first development order (or any early work, clearing, filling permits), the developer must submit the following information for review and written approval by Lee County Natural Resources Division: Plan and profile drawings (vertical scale: 1" = 2 feet) for each conveyance to show the existing and proposed invert profile; the water surface profile; and the lowest natural overbank elevation profile. The developer must also provide scaled and dimensioned cross sections (vertical scale: 1" = 2 feet) showing existing conditions (and as improved) with property lines and maintenance access locations shown. This requirement applies to the entire length of each conveyance associated with the off-site flows.

14. The developer must provide certified "as-built" plans of the constructed conveyance(s) prior to issuance of the first Certificate of Compliance for each phase that is adjacent to or includes any portion of the ditch or flowway

15. The developer must dedicate a drainage easement to Lee County for all conveyances of offsite drainage around or through the development from top-of-bank to top-of-bank and must include the maintenance accesses prior to the issuance of the Certificate of Compliance for each phase that is adjacent to or includes any portion of the ditch or flowway. No vegetative planting, other than short grasses, is allowed within the easement areas. The developer is responsible for monthly maintenance/mowing and to keep all exotic/emergent plants to less than one-foot of height within the easement area in perpetuity. The easement must be filed prior to, and not be subordinate to, any conservation easements recorded on the same property. This language must be approved by the Division of Natural Resources and included in the Homeowners' Association documents (e.g., HOA, etc.). The developer must provide the Division of Natural Resources with a certified copy of the filed and recorded documents.

16. All fences or walls developed on lots adjoining Linwood Avenue, Old Olga Road, and South Olga Drive must be of consistent design and developed with like materials, color, and height.

17. Approval of this RPD 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.

18. Approval of this RPD 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).

19. Blasting was not requested nor is it authorized by this zoning approval.

SECTION C. DEVIATIONS:

1. Deviation (1) - WITHDRAWN AT HEARING

2. Deviation (2) - WITHDRAWN BY APPLICANT

3. Deviation (3) - WITHDRAWN BY APPLICANT

4. Deviation (4) seeks relief from the LDC §10-285 requirement to provide a minimum 125-foot spacing between driveway access to a local road; to allow two connections for local streets accessways and short cul-de-sacs (eyebrows at a spacing of less than 125 feet). This deviation is APPROVED, SUBJECT TO the depiction on Exhibit C.

5. Deviation (5) seeks relief from the LDC §10-285 requirement to provide a connection separation along collector roads of 330 feet; to allow a connection of 290 feet from the project's access on Old Olga Road to a driveway east of the subject property. 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: Agricultural Uses Affidavit
Exhibit C: Illustration of Roadway Detail
Exhibit D: Zoning Map (subject parcel identified with shading)
Exhibit E: Master Concept Plan date stamped received April 14, 2005, last revised September 17, 2004

The applicant has indicated that the STRAP numbers for the property are:
22-43-26-00-00003.0000 and 22-43-26-00-00008.0000.

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to RPD rezoning 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 RPD rezoning request, as conditioned, 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 Judah, seconded by Commissioner Hall, and, upon being put to a vote, the result was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Tammy Hall	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 4th day of April 2005.

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

RECEIVED
MINUTES OFFICE
2005 JUN -1 PM 1:48

Legal Description
Property located in Lee County,
Florida

LEGAL DESCRIPTIONS:

A PORTION OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 8, WATERWAY SHORES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 14 AT PAGE 59 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 88°52'40" EAST, ALONG THE SOUTHERLY BOUNDARY OF LOT 8, A DISTANCE OF 100.00 FEET TO THE SOUTHWEST CORNER OF LOT 9, UNIT 2 WATERWAY SHORES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 24 AT PAGE 59 OF THE PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA; THENCE RUN THE FOLLOWING EIGHT (8) COURSES ALONG THE BOUNDARY OF SAID UNIT 2 WATERWAY SHORES; COURSE NO. 1: NORTH 88°52'40" E, 710.00 FEET; COURSE NO. 2: NORTH 17°07'00" WEST, 82.05 FEET; COURSE NO. 3: NORTH 43°07'00" WEST, 33.00 FEET; COURSE NO. 4: NORTH 01°37'00" WEST, 33.00 FEET; COURSE NO. 5: NORTH 38°25'00" EAST, 152.02 FEET; COURSE NO. 6: NORTH 22°03'00" WEST, 210.85 FEET; COURSE NO. 7: NORTH 11°21'00" WEST, 181.22 FEET; COURSE NO. 8: NORTH 28°29'00" WEST, 157.31 FEET TO THE MOST NORTHEASTERLY CORNER OF LOT 28, SAID UNIT 2 WATERWAY SHORES PLAT; THENCE CONTINUE NORTH 28°29'00" WEST, 111.00 FEET TO A POINT ON THE APPROXIMATE MEAN HIGH WATER LINE OF THE CALOOSAHATCHEE RIVER; THENCE RUN THE FOLLOWING TWENTY FOUR (24) COURSES ALONG SAID APPROXIMATE MEAN HIGH WATER LINE; COURSE NO. 1: NORTH 54°30'20" EAST, 7.98 FEET; COURSE NO. 2: SOUTH 84°43'56" EAST, 10.45 FEET; COURSE NO. 3: SOUTH 38°14'54" EAST, 10.48 FEET; COURSE NO. 4: SOUTH 84°48'31" EAST, 7.82 FEET; COURSE NO. 5: NORTH 57°17'54" EAST, 31.74 FEET; COURSE NO. 6: SOUTH 50°28'42" EAST, 7.56 FEET; COURSE NO. 7: SOUTH 18°12'34" EAST, 4.99 FEET; COURSE NO. 8: SOUTH 46°32'56" EAST, 26.11 FEET; COURSE NO. 9: NORTH 64°39'06" EAST, 7.96 FEET; COURSE NO. 10: NORTH 11°32'27" EAST, 6.61 FEET; COURSE NO. 11: NORTH 53°39'09" EAST, 14.20 FEET; COURSE NO. 12: NORTH 86°17'59" EAST, 14.25 FEET; COURSE NO. 13: SOUTH 77°07'38" EAST, 22.93 FEET; COURSE NO. 14: SOUTH 72°08'15" EAST, 9.32 FEET; COURSE NO. 15: SOUTH 82°22'04" EAST, 90.10 FEET; COURSE NO. 16: SOUTH 78°03'55" EAST, 87.04 FEET; COURSE NO. 17: SOUTH 77°01'24" EAST, 90.13 FEET; COURSE NO. 18: SOUTH 77°35'46" EAST, 63.70 FEET; COURSE NO. 19: SOUTH 76°23'47" EAST, 77.89 FEET; COURSE NO. 20: SOUTH 76°53'06" EAST, 78.77 FEET; COURSE NO. 21: SOUTH 75°54'49" EAST, 91.77 FEET; COURSE NO. 22: SOUTH 77°59'41" EAST, 51.43 FEET; COURSE NO. 23: SOUTH 74°47'24" EAST, 75.58 FEET; COURSE NO. 24: SOUTH 85°11'37" EAST, 139.25 FEET TO A POINT ON THE BOUNDARY OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 2125 AT PAGE 2297 OF THE PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA; THENCE THE THE FOLLOWING TWO (2) COURSES ALONG THE BOUNDARY OF LAST SAID LANDS: COURSE NO. 1: SOUTH 00°41'51" EAST, 679.14 FEET; COURSE NO. 2: NORTH 88°52'40" EAST, A DISTANCE OF 1,001.57 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 22; THENCE SOUTH 00°40'58" EAST, A DISTANCE OF 1,290.54 FEET; THENCE SOUTH 88°52'26" WEST, A DISTANCE OF 1,018.33 FEET; THENCE SOUTH 88°52'26" WEST, A DISTANCE OF 1,581.42 FEET; THENCE NORTH 00°45'19" WEST, A DISTANCE OF 1,290.75 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,995,803 SQUARE FEET OR 91.731 ACRES, MORE OR LESS.

Applicant's Legal Checked
by Sept 10, 2004

SURVEYORS NOTES

1. I CERTIFY THAT, WHEN COMBINED, THE PARCELS CONVEYED BY THAT CERTAIN DEED TO COMMERCIAL PROPERTIES SOUTHWEST, INC., RECORDED IN OFFICIAL RECORDS BOOK 4146, PAGE 4365, LEE COUNTY RECORDS, ARE OTHERWISE DECRIBED AS THE INSURED PREMISES AND SHOWN IN THE LEGAL ON THIS SURVEY.

2. I CERTIFY THAT ALL LANDS LYING WITHIN THE INSURED PREMISES THAT WERE SUBJECTED TO THE EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 71, PAGE 47 WERE RELEASED BY THE QUIT CLAIM DEED RECORDED IN OFFICIAL RECORDS BOOK 1155, PAGE 1201, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS SHOWN ON THIS SURVEY.

RECEIVED
AUG 30 2004
ZONING

DCI 2004-00023

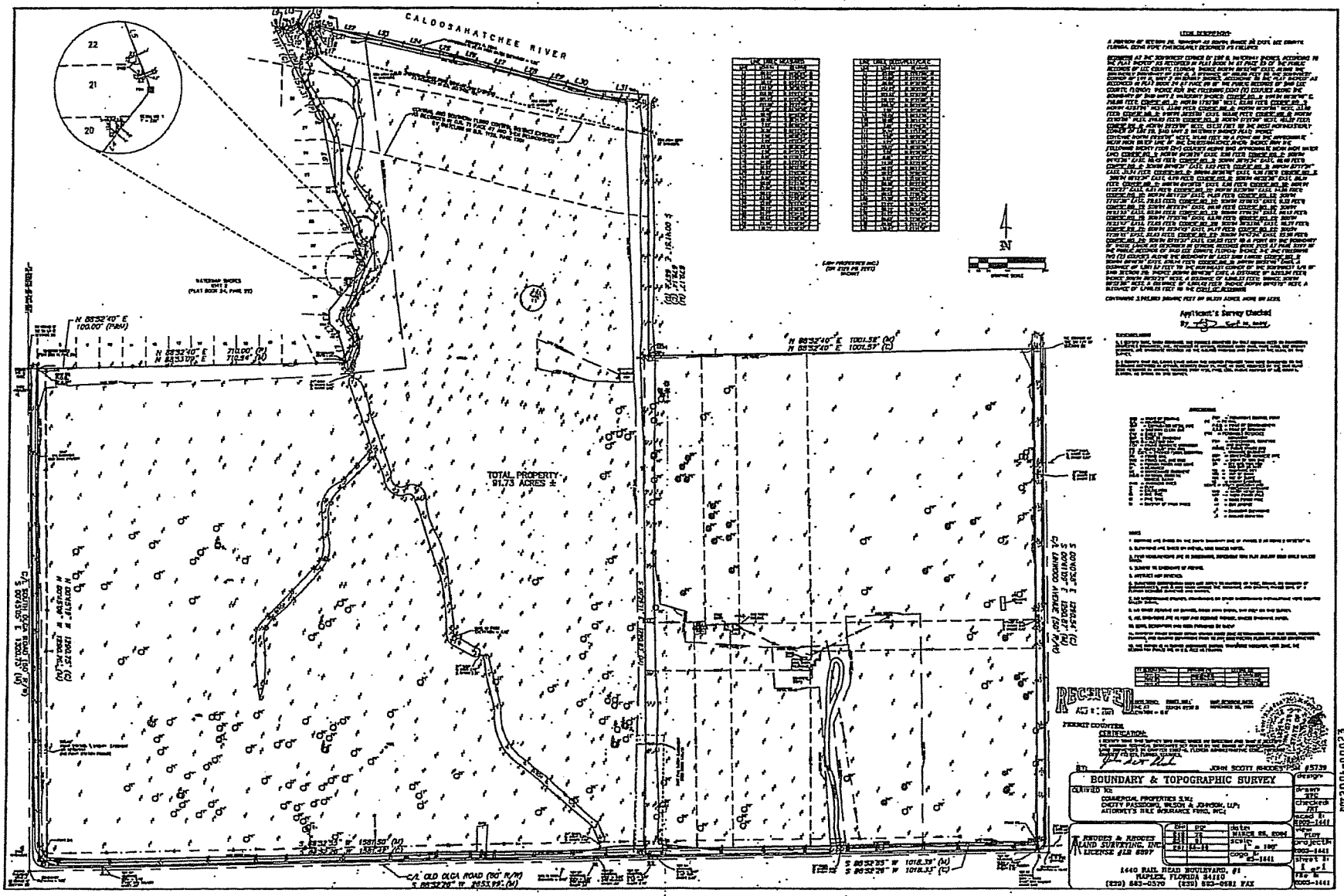


EXHIBIT A
Page 2 of 2

DB2200-0023

AGRICULTURAL USE AT THE TIME OF ZONING AFFIDAVIT

STATE OF FL

COUNTY OF Collier

BEFORE ME this day appeared Joseph Ryan, authorized agent for Commercial Properties Southwest, Inc. who, being first duly sworn, deposes and says:

1. He is the authorized agent for Commercial Properties Southwest, Inc., the owner of the property that is identified by Strap Number(s): 22-43-26-00-00003.0000 and 22-43-26-00-00008.0000
2. A copy of the boundary sketch of the property to be rezoned is attached as Exhibit "A". The parcel consists of 91.7+/- acres.
3. The parcel described in Exhibit "A" is being used for grazing purposes and orange groves.
4. Commercial Properties Southwest, Inc. or successors in interested, intend to continue this use upon the approval of the rezoning until approval of a Local Development Order for the area of the project, upon which the cattle grazing use exists.

EXECUTED this 27 day of August, 2004.

Joseph Ryan, Authorized Agent for
Commercial Properties Southwest, Inc.

SWORN TO AND SUBSCRIBED before me this 27th day of August, 2004, by Joseph Ryan, who is personally know to me or who has produced Driver License as identification.

My Commission Expired:

MICHELLE BUCKLEY
MY COMMISSION # DD 059566
EXPIRES: November 6, 2005
1-800-NOTARY FL Notary Service & Bonding, Inc.

Notary Public

MICHELLE BUCKLEY
Print/Type Name of Notary

EXHIBIT B

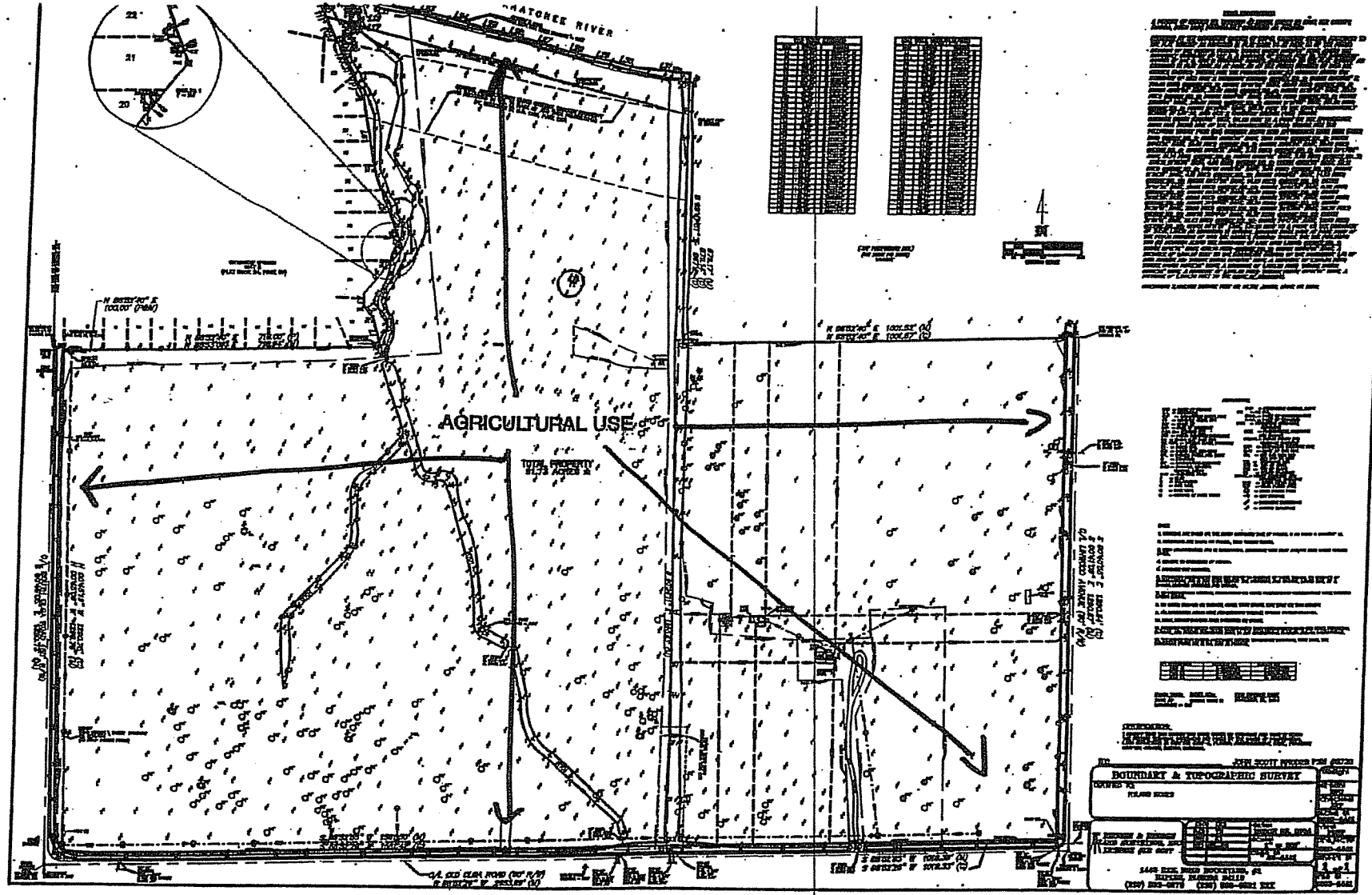


EXHIBIT A

AGRICULTURAL USE AT THE TIME OF ZONING

COMMERCIAL PROPERTIES SOUTHWEST, INC.

8825 TAMIAMI TRAIL EAST, NAPLES, FLORIDA 34113

November 17, 2003

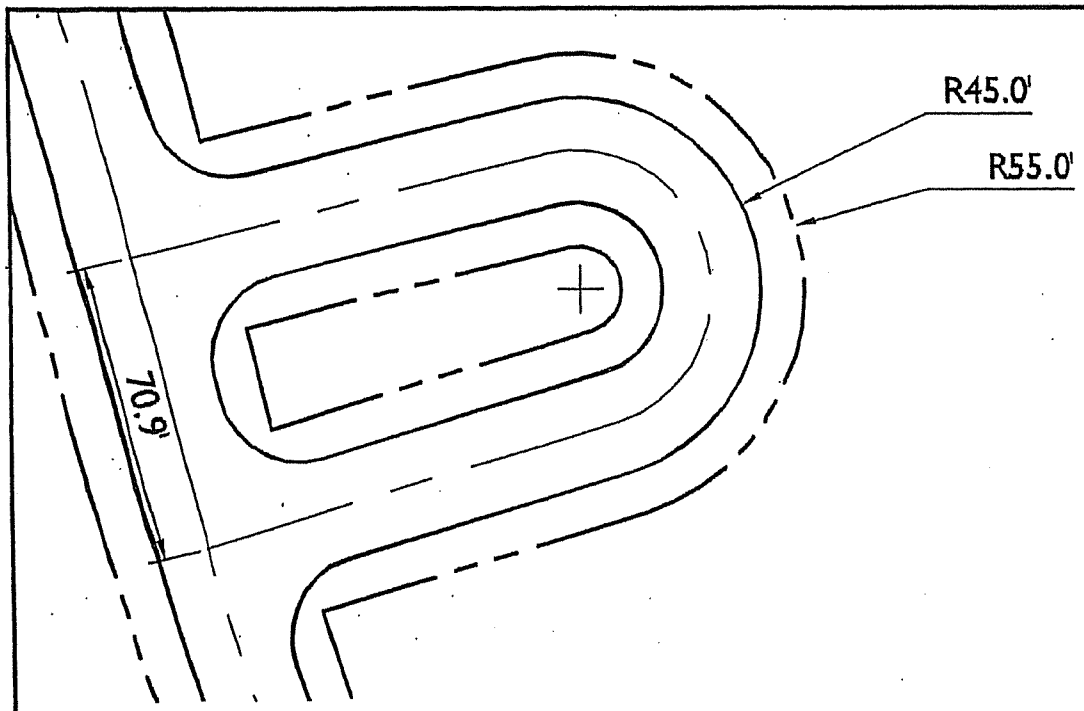
To whom it may concern:

Commercial Properties S.W., Inc. hereby authorizes Bahama Bay, LLC and Joseph Ryan to act as manager for the Caloosahatchee Estates Project and to enter into contractual agreements for the project.

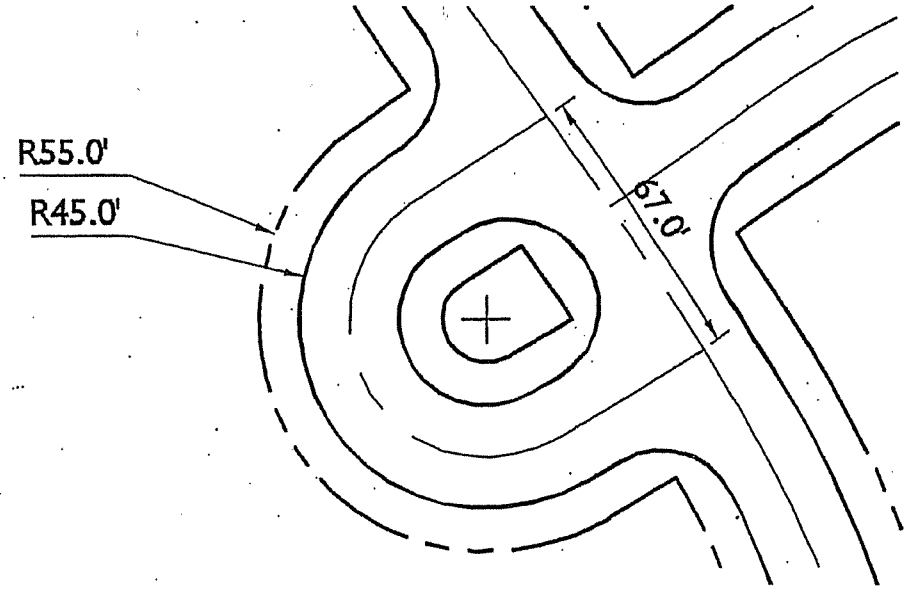
Commercial Properties, S.W., Inc.

Margriet de Lange
President

EXHIBIT C



ROADWAY DETAIL NO. 1



ROADWAY DETAIL NO. 2

PROJECT: CALOOSAHATCHEE ESTATES

CLIENT:

WilsonMiller

Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants

WilsonMiller, Inc.

Naples • Fort Myers • Sarasota • Bradenton • Tampa • Tallahassee • Panama City Beach

3200 Bailey Lane, Suite 100 • Naples, Florida 34105-8507 • Phone 239-649-4040 • Fax 239-643-5716 • Web-Site www.wilsonmiller.com

SCALE: 1" = 40'	DATE: 12/23/04
SEC: TWP: RGE:	REV NO:
PROJECT NO. 03896-001-000	INDEX NO:
DRWN BY/EMP NO. KAC/1213	SHEET NO: 1 of 1

APPLICANT C

APPLICANT'S EXHIBIT
7
DC1200[illegible]0023

ZONING INTAKE MAP

12/9/2004

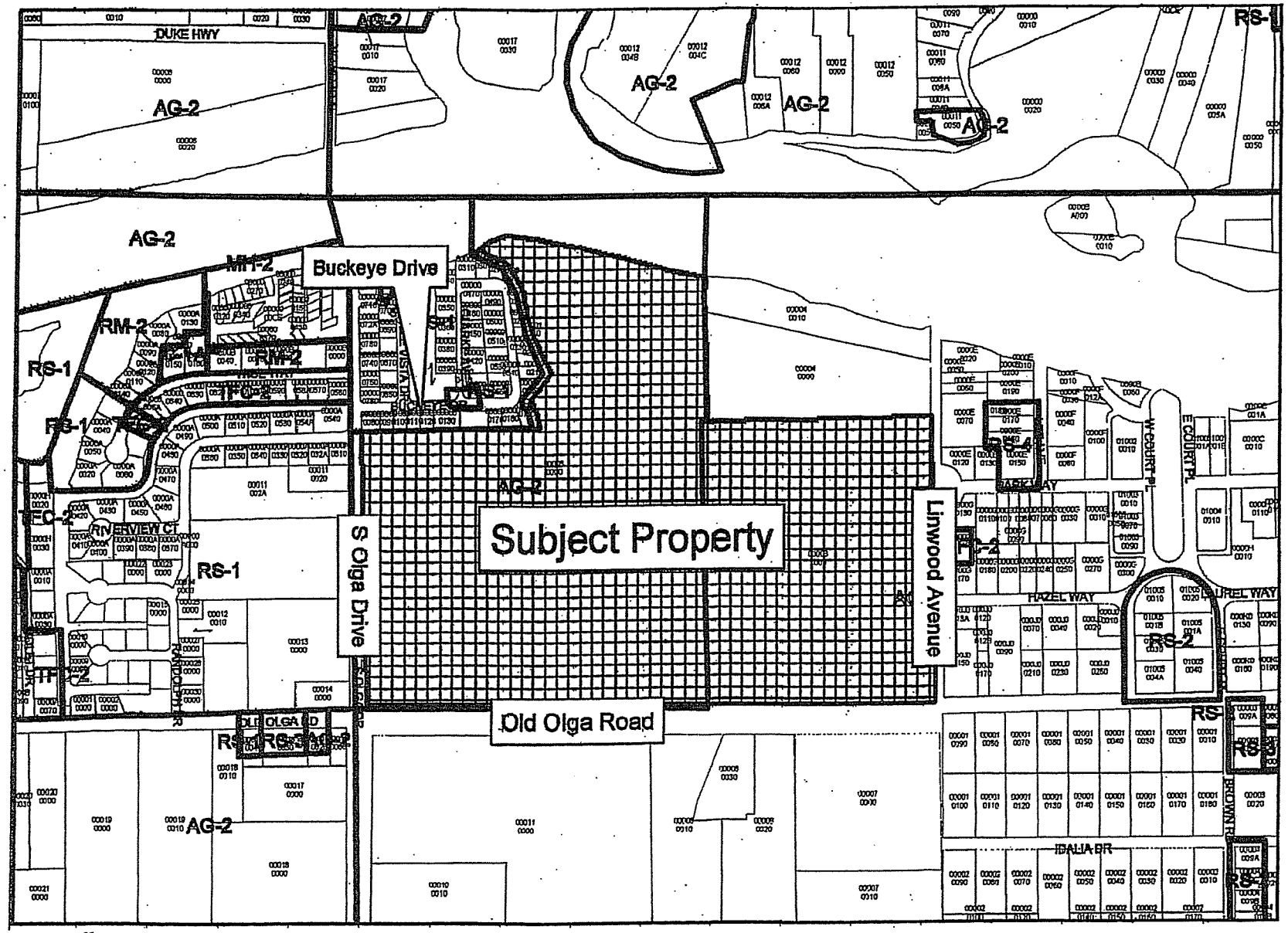
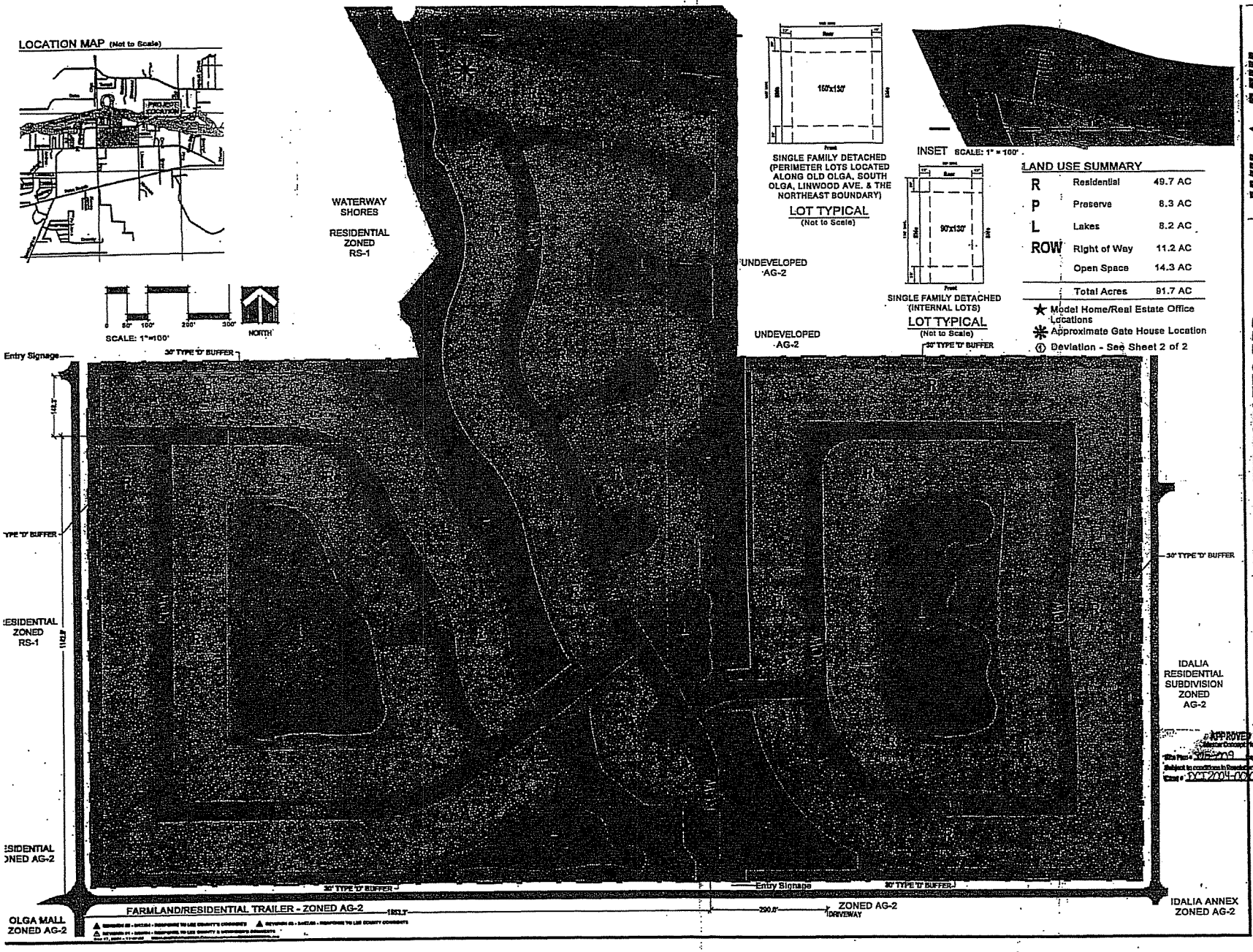


EXHIBIT D

700 350 0 700 Feet



CALOOSAHATCHEE ESTATES RPD
MASTER CONCEPT PLAN

PREPARED FOR: Commercial Properties Southwest, Inc.

WilsonMiller

DCI 2004-00023

APPROVED
Master Concept Plan
Site Plan # 20050709 Lot 2
Subject to conditions in Resolution Z-05-079
Case # DCI2004-00023

RECEIVED
APR 14 2005
ZONING COUNTER

SEC 22 TWP 43	RGE 27
Designed by:	
Drawn by:	KG
Checked by:	
Approved by:	BJD
Date:	4/12/04
Scale:	1" = 100'
PRC 03606-001-000 PZMBP	
File #:	D-03606-003
Sheet	1 of 2

EXHIBIT E
Page 1 of 2

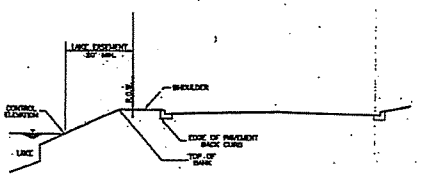
DEVIATIONS

1. Deviation from LDC Section 10-329(e)(1)(a), to allow lake setbacks from rights-of-way as follows:
   a) Setbacks for excavations will be measured from right of way or property line to edge of water control elevation.
   b) Where adequate elements for the protection of wayward vehicles are provided, a 20-foot setback from internal rights of way will be provided.

2. Withdrawn.

3. Withdrawn.

4. Deviation from LDC Section 10-285 which requires a minimum of 125 foot spacing between accesses to a local road to allow two connections for local streets, accessways and short cul-de-sacs (eyebrows) at a spacing less than 125 feet.



DEVIATIONS 1A & 1B
N.T.S.

⚠ REVISION #3 – 04/07/04 – RESPONSE TO LEE COUNTY COMMENTS
⚠ REVISION #2 – 9/17/04 – RESPONSE TO LEE COUNTY COMMENTS
⚠ REVISION #1 – 8/26/04 – RESPONSE TO LEE COUNTY & RESIDENTS COMMENTS

APPROVED
Master Concept Plan
Site Plan # 05-009 Page 2 of 2
Subject to conditions in Resolution Z-05-004
Case # DCI 2004-00023

Wilson Miller
Planners • Engineers • Ecologists • Surveyors
Landscape Architects • Transportation Consultants
Wilson Miller, Inc.
Naples • Fort Myers • Sarasota • Miami • Tampa • Melbourne • Panama City Beach
3200 Bailey Lane, Suite 200N, Naples, FL 34105-8317
Phone 239-649-4040 • Fax 239-649-8718
E-mail: info@wilsonmiller.com • Web site: www.wilsonmiller.com

CALOOSAHATCHEE ESTATES RPD
MASTER CONCEPT PLAN

PREPARED FOR: Commercial Properties Southwest, Inc.

DCI 2004-00023

RECEIVED
APR 14 2005
ZONING DIVISION

SEC 22 TWP 43 RGE 27
Designed by:
Drawn by: KC
Checked by:
Approved by: SJO
Date: 4/12/04
Scale: 1" = 100'
PIN:03895-001-000 PZUSP
File #: D-03895-003
Sheet 2 of 2

EXHIBIT E
Page 2 of 2

RESOLUTION NUMBER Z-05-009B

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

WHEREAS, Commercial Properties Southwest, Inc., filed an application on behalf of the property owner, Margaret D. Lange, to rezone a 91.71±-acre parcel from Agricultural (AG-2) to Residential Planned Development (RPD), in reference to a project known as Caloosahatchee Estates RPD; and,

WHEREAS, a public hearing was advertised and held on January 13, 2005, before the Lee County Zoning Hearing Examiner, Diana M. Parker, who gave full consideration to the evidence in the record for Case #DCI2004-00023; and,

WHEREAS, a second public hearing was advertised and held on April 4, 2005, 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; and,

WHEREAS, the Board of County Commissioners approved the request to rezone the property with modifications pursuant to Resolution Z-05-009; and.

WHEREAS, it was necessary to prepare an amended resolution to correct a scrivener's error regarding the number of units permitted.

WHEREAS, the amending resolution must be revised to permit the applicant to benefit from acreage attributable to surrounding roads rights-of-way in calculating the permissible number of units in accordance with Lee County development regulations.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 91.71±-acre parcel from AG-2 to RPD, to allow a residential development of up to 325 dwelling units consisting of single-family detached dwelling units with a maximum building height of 35 feet (two stories). The applicant later revised the request to 275 dwelling units at the start of the hearing before the Hearing Examiner. The property is located in the Suburban Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED to allow a residential development at a density not to exceed one dwelling unit per acre, 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).

COPY

1. Development must be consistent with the two-page Master Concept Plan (MCP) entitled "Caloosahatchee Estates RPD," stamped received April 14, 2005, last revised September 17, 2004, except as modified by the conditions below. Development must comply with 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.

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

   a. The project is limited to a maximum of 95 single-family detached dwelling units.

   b. Schedule of Uses

      Residential "R"

      ACCESSORY USES AND STRUCTURES (LDC §§ 34-1171 *et seq.*, 34-2441 *et seq.*, 34-1863, 34-2141 *et seq.*, and 34-3108)
      ADMINISTRATIVE OFFICES
      BOATS: Boat ramp and dockage (not to exceed 9 slips) (a marina is not a permitted use)
      CLUBS: Private (LDC § 34-2111)
      DWELLING UNIT: Single-family
      ENTRANCE GATES AND GATEHOUSE (LDC § 34-1741 *et seq.*)
      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.*)
      EXCAVATION: Water retention (LDC § 34-1651)
      FENCES, WALLS (LDC § 34-1741)
      HOME OCCUPATION (LDC § 34-1771 *et seq.*)
      MODELS: Model Home (LDC § 34-1951 *et seq.*)
      REAL ESTATE SALES OFFICE, (LDC §§ 34-1951 *et seq.*, and 34-3021)
      RECREATIONAL FACILITIES:
          Personal
          Private, On-Site
      SIGNS in accordance with LDC Chapter 30
      TEMPORARY USES (LDC § 34-3041 *et seq.*) - limited solely to a temporary contractor's office and storage shed

      Preserve "P"

      ACCESSORY USES AND STRUCTURES (LDC §§34-1171 *et seq.*, 34-2441 *et seq.*, 34-1863, 34-2141 *et seq.*, and 34-3108) including:
      - Hiking and Nature Study (pedestrian boardwalks, hiking trails)
      - Outdoor Education
      - Picnic Area/Gazebo
      - Recreational activities to include boardwalks, paths and passive recreation and that active recreation requiring little or no facilities.

ESSENTIAL SERVICES (LDC §§ 34-1611 *et seq.*, and 34-1741 *et seq.*)
SIGNS in accordance with LDC Chapter 30

c. Site Development Regulations

Development tracts along Linwood Avenue, Old Olga Road, South Olga Drive, and along the northern perimeter of the eastern development tract must comply with the one-half acre lot area requirement set forth below:

Minimum Lot Area and Dimensions:
Area: one-half acre
Width: 150 feet
Depth: 130 feet

Minimum Setbacks:
Street: variable according to the functional classification of the street or road (§ 34-2191 *et seq.*)
Side: 12 feet
Rear: 20 feet
Water Body: 20 feet

All other lots:

Minimum Lot Area and Dimensions:
Area: 14,400 square feet
Width: 90 feet
Depth: 130 feet

Minimum Setbacks:
Street: variable according to the functional classification of the street or road (§ 34-2191 *et seq.*)
Side: 5 feet (no structures are permitted in this setback, including air conditioners, etc.)
Rear: 20 feet
Water Body: 20 feet

Accessory Use and Structure setbacks must comply with LDC §§ 34-1171 *et seq.* and 34-2194.

Maximum Lot Coverage: 50 percent

Maximum Building Height: 35 Feet

All residential units must comply with local building code requirements at the time of permitting.

3. Deleted.

4. Existing bona fide agricultural uses, in the form of grazing and orange groves, are allowed to remain only in strict compliance with the following:

   a. Grazing activity and the existing orange groves on the property described in the affidavit attached hereto in Exhibit B may continue until approval of a local development order for the area of the project containing those uses.

   b. Additional clearing or grading of existing agricultural areas is prohibited. This prohibition is not intended to preclude County approved requests for the removal of invasive exotic vegetation.

   c. The property owner must terminate the agricultural tax exemption for any portion of the property that receives a local development order. The exemption termination must be filed with the Property Appraiser's Office by December 31st of the calendar year in which the local development order is issued. A copy of the exemption termination must be provided to the Office of the County Attorney.

5. The development order approval governing the project must indicate that all existing native trees located in buffers and open space areas will be preserved in place. The development order must also identify the existing heritage oaks that will be impacted by development and specify that these trees will be replaced in open space areas at a ratio of one 20-foot tall tree of the same species for each heritage oak impacted.

6. The development order approval governing the project must indicate that all cabbage palms with at least eight feet of clear trunk will be relocated in a horticulturally correct manner and in coordination with Lee County Division of Environmental Sciences staff into common open space areas. Also, prior to issuance of any Vegetation Removal Permit, the palms to be relocated must be flagged in the field for Environmental Sciences staff inspection.

7. Prior to local development order approval, the developer must submit a Flowway Restoration and Planting Plan to Lee County Division of Environmental Sciences staff for review and approval. The plan must indicate that invasive exotic vegetation removal within the flowways and associated buffers will be limited to hand-removal only.

8. The development order approval governing the project must delineate a total of 14.3 acres of Open Space, of which 8.3 acres must be designated as tree preservation and restoration areas in significant compliance with the MCP.

9. Approval of this zoning request does not guarantee the approval of dock construction, number of slips, or boat ramp facilities. The developer must obtain a Dock and Shoreline Permit from the Lee County Division of Environmental Sciences prior to the construction of docks or boat ramp facilities.

10. The developer must provide the following buffer along the rights-of-way of Linwood, Avenue, Old Olga Road, and South Olga Drive:

Minimum width:	30 feet
Minimum number of trees:	5 per 100 linear feet
Minimum tree size:	Trees must be no less than four (4) inches in diameter at 12 inches above the ground and no less than 16 feet in height at the time of planting.
Hedge:	Shrubs must be a minimum ten-gallon container size; planted in double staggered rows; at least 48 inches in height; and spaced 36 inches on center. Shrubs must be at least 60 inches in height within 12 months of time of planting and maintained in perpetuity at a height of no less than 60 inches above the adjacent pavement to be buffered, screened, or both. Exceptions are permitted to provide for visibility at intersections and in areas of pedestrian access.

At least 75 percent of the trees and 50 percent of the shrubs used to fulfill these requirements must be native Florida species.

No wall is required for this buffer.

11. The developer must provide for review and written approval by Lee County Natural Resources Division, the HEC-RAS models (existing and proposed conditions) for the conveyances of off-site drainage from all culverts under Old Olga Road from South Olga Road to Linwood Avenue that flow through or around the development prior to issuance of the first development order (or any early work, clearing, filling permits). The limits of these models must extend from the Caloosahatchee to the upstream side of the Old Olga Road culverts. The modeling must utilize a minimum Mannings' "n" value of 0.05 for constructed ditches or channels and 0.07 for natural flowways. The design flows for the HEC-RAS models above are those produced by considering a one-half (1/2) foot of differential head under a submerged outlet condition (downstream water surface just at/above the top of box/culvert elevation) for the culverts under Old Olga Road and that produced from the contributing portions of the development for a 25-year/3-day storm event. The modeling results must demonstrate that the water surface elevations at the upstream face of each culvert under Old Olga Road are at or below the top of box/culvert elevation plus one-half foot and that all flows remain within the channel along all portions of the conveyances. The installation of new culverts or other crossings within the development must be accounted for within the HEC-RAS models.

12. The open channel conveyances for off-site flow must have a 15-foot (minimum) access way along the top of bank(s); that is, in general, parallel to and transversable by light rubber tired equipment. The access way is envisioned to meander in order to avoid existing trees. The access way is also to be shown on the plans and typical section(s).

13. Prior to issuance of the first development order (or any early work, clearing, filling permits), the developer must submit the following information for review and written approval by Lee County Natural Resources Division: Plan and profile drawings (vertical scale: 1" = 2 feet) for each conveyance to show the existing and proposed invert profile; the water surface profile; and the lowest natural overbank elevation profile. The developer must also provide scaled and dimensioned cross sections (vertical scale: 1" = 2 feet) showing existing

conditions (and as improved) with property lines and maintenance access locations shown. This requirement applies to the entire length of each conveyance associated with the off-site flows.

14. The developer must provide certified "as-built" plans of the constructed conveyance(s) prior to issuance of the first Certificate of Compliance for each phase that is adjacent to or includes any portion of the ditch or flowway

15. The developer must dedicate a drainage easement to Lee County for all conveyances of offsite drainage around or through the development from top-of-bank to top-of-bank and must include the maintenance accesses prior to the issuance of the Certificate of Compliance for each phase that is adjacent to or includes any portion of the ditch or flowway. No vegetative planting, other than short grasses, is allowed within the easement areas. The developer is responsible for monthly maintenance/mowing and to keep all exotic/emergent plants to less than one-foot of height within the easement area in perpetuity. The easement must be filed prior to, and not be subordinate to, any conservation easements recorded on the same property. This language must be approved by the Division of Natural Resources and included in the Homeowners' Association documents (e.g., HOA, etc.). The developer must provide the Division of Natural Resources with a certified copy of the filed and recorded documents.

16. All fences or walls developed on lots adjoining Linwood Avenue, Old Olga Road, and South Olga Drive must be of consistent design and developed with like materials, color, and height.

17. Approval of this RPD 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.

18. Approval of this RPD 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).

19. Blasting was not requested nor is it authorized by this zoning approval.

SECTION C. DEVIATIONS:

1. Deviation (1) - WITHDRAWN AT HEARING

2. Deviation (2) - WITHDRAWN BY APPLICANT

3. Deviation (3) - WITHDRAWN BY APPLICANT

4. Deviation (4) seeks relief from the LDC §10-285 requirement to provide a minimum 125-foot spacing between driveway access to a local road; to allow two connections for local streets accessways and short cul-de-sacs (eyebrows at a spacing of less than 125 feet). This deviation is APPROVED, SUBJECT TO the depiction on Exhibit C.

5. Deviation (5) seeks relief from the LDC §10-285 requirement to provide a connection separation along collector roads of 330 feet; to allow a connection of 290 feet from the project's access on Old Olga Road to a driveway east of the subject property. 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: Agricultural Uses Affidavit
Exhibit C: Illustration of Roadway Detail
Exhibit D: Zoning Map (subject parcel identified with shading)
Exhibit E: Master Concept Plan date stamped received April 14, 2005, last revised September 17, 2004

The applicant has indicated that the STRAP numbers for the property are: 22-43-26-00-00003.0000 and 22-43-26-00-00008.0000.

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to RPD rezoning 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 RPD rezoning request, as conditioned, 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 Judah, seconded by Commissioner Hall, and, upon being put to a vote, the result was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Tammy Hall	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 4th day of April 2005.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

SEAL

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Chairman

Approved as to form by:

_____
Donna Marie Collins
County Attorney's Office

LEGAL DESCRIPTIONS:

A PORTION OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 8, WATERWAY SHORES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 14 AT PAGE 59 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 88°52'40" EAST, ALONG THE SOUTHERLY BOUNDARY OF LOT 8, A DISTANCE OF 100.00 FEET TO THE SOUTHWEST CORNER OF LOT 9, UNIT 2 WATERWAY SHORES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 24 AT PAGE 59 OF THE PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA; THENCE RUN THE FOLLOWING EIGHT (8) COURSES ALONG THE BOUNDARY OF SAID UNIT 2 WATERWAY SHORES; COURSE NO. 1: NORTH 88°52'40" E. 710.00 FEET; COURSE NO. 2: NORTH 17°07'00" WEST, 82.05 FEET; COURSE NO. 3: NORTH 43°07'00" WEST, 33.00 FEET; COURSE NO. 4: NORTH 01°37'00" WEST, 33.00 FEET; COURSE NO. 5: NORTH 38°25'00" EAST, 162.02 FEET; COURSE NO. 6: NORTH 22°03'00" WEST, 210.85 FEET; COURSE NO. 7: NORTH 11°21'00" WEST, 181.22 FEET; COURSE NO. 8: NORTH 28°29'00" WEST, 157.31 FEET TO THE MOST NORTHEASTERLY CORNER OF LOT 28, SAID UNIT 2 WATERWAY SHORES PLAT; THENCE CONTINUE NORTH 28°29'00" WEST, 111.00 FEET TO A POINT ON THE APPROXIMATE MEAN HIGH WATER LINE OF THE CALOOSAHATCHEE RIVER; THENCE RUN THE FOLLOWING TWENTY FOUR (24) COURSES ALONG SAID APPROXIMATE MEAN HIGH WATER LINE; COURSE NO. 1: NORTH 54°30'20" EAST, 7.98 FEET; COURSE NO. 2: SOUTH 84°43'56" EAST, 10.45 FEET; COURSE NO. 3: SOUTH 38°14'54" EAST, 10.48 FEET; COURSE NO. 4: SOUTH 84°48'31" EAST, 7.82 FEET; COURSE NO. 5: NORTH 57°17'54" EAST, 31.74 FEET; COURSE NO. 6: SOUTH 50°28'42" EAST, 7.56 FEET; COURSE NO. 7: SOUTH 18°12'34" EAST, 4.99 FEET; COURSE NO. 8: SOUTH 46°32'56" EAST, 26.11 FEET; COURSE NO. 9: NORTH 64°39'06" EAST, 7.96 FEET; COURSE NO. 10: NORTH 11°32'27" EAST, 6.61 FEET; COURSE NO. 11: NORTH 53°39'09" EAST, 14.20 FEET; COURSE NO. 12: NORTH 86°17'59" EAST, 14.25 FEET; COURSE NO. 13: SOUTH 77°07'38" EAST, 22.93 FEET; COURSE NO. 14: SOUTH 72°08'15" EAST, 9.32 FEET; COURSE NO. 15: SOUTH 82°22'04" EAST, 90.10 FEET; COURSE NO. 16: SOUTH 78°03'55" EAST, 87.04 FEET; COURSE NO. 17: SOUTH 77°01'24" EAST, 90.13 FEET; COURSE NO. 18: SOUTH 77°35'46" EAST, 63.70 FEET; COURSE NO. 19: SOUTH 76°23'47" EAST, 77.89 FEET; COURSE NO. 20: SOUTH 76°53'06" EAST, 78.77 FEET; COURSE NO. 21: SOUTH 75°54'49" EAST, 91.77 FEET; COURSE NO. 22: SOUTH 77°59'41" EAST, 51.43 FEET; COURSE NO. 23: SOUTH 74°47'24" EAST, 75.58 FEET; COURSE NO. 24: SOUTH 85°11'37" EAST, 139.25 FEET TO A POINT ON THE BOUNDARY OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 2125 AT PAGE 2297 OF THE PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA; THENCE THE THE FOLLOWING TWO (2) COURSES ALONG THE BOUNDARY OF LAST SAID LANDS; COURSE NO. 1: SOUTH 00°41'51" EAST, 679.14 FEET; COURSE NO. 2: NORTH 88°52'40" EAST, A DISTANCE OF 1,001.57 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 22; THENCE SOUTH 00°40'58" EAST, A DISTANCE OF 1,290.54 FEET; THENCE SOUTH 88°52'26" WEST, A DISTANCE OF 1,018.33 FEET; THENCE SOUTH 88°52'26" WEST, A DISTANCE OF 1,581.42 FEET; THENCE NORTH 00°45'19" WEST, A DISTANCE OF 1,290.75 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,995,803 SQUARE FEET OR 91.731 ACRES, MORE OR LESS.

Applicant's Legal Checked
by _____ Sept 10, 2004.

SURVEYORS NOTES

1. I CERTIFY THAT, WHEN COMBINED, THE PARCELS CONVEYED BY THAT CERTAIN DEED TO COMMERCIAL PROPERTIES SOUTHWEST, INC., RECORDED IN OFFICIAL RECORDS BOOK 4146, PAGE 4365, LEE COUNTY RECORDS, ARE OTHERWISE DECRIBED AS THE INSURED PREMISES AND SHOWN IN THE LEGAL ON THIS SURVEY.

2. I CERTIFY THAT ALL LANDS LYING WITHIN THE INSURED PREMISES THAT WERE SUBJECTED TO THE EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 71, PAGE 47 WERE RELEASED BY THE QUIT CLAIM DEED RECORDED IN OFFICIAL RECORDS BOOK 1155, PAGE 1201, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS SHOWN ON THIS SURVEY.

RECEIVED
AUG 30 2004
ZONING

DCI 2004-00023

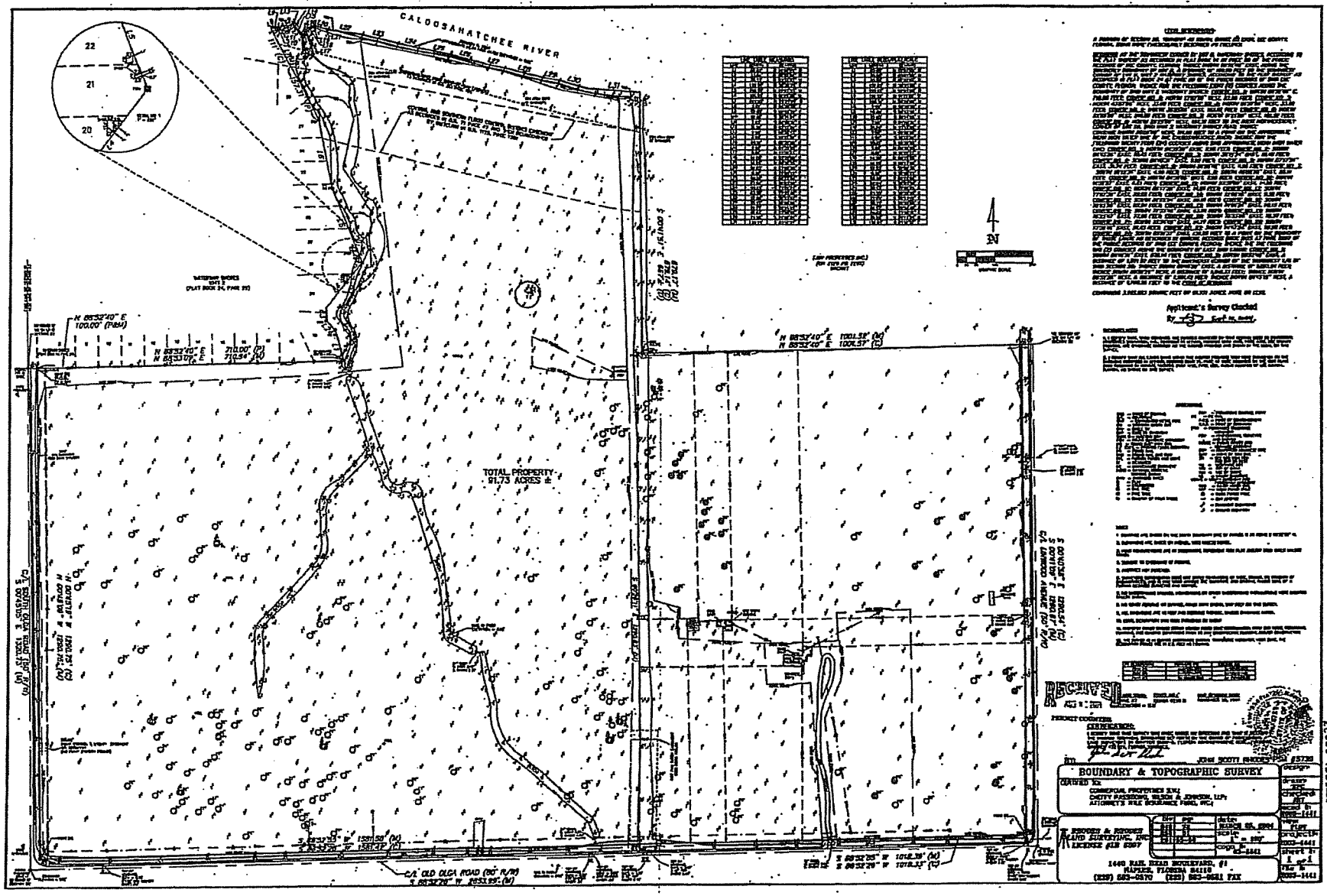


EXHIBIT A
Page 2 of 2

AGRICULTURAL USE AT THE TIME OF ZONING AFFIDAVIT

STATE OF FL

COUNTY OF Collier

BEFORE ME this day appeared Joseph Ryan, authorized agent for Commercial Properties Southwest, Inc. who, being first duly sworn, deposes and says:

1. He is the authorized agent for Commercial Properties Southwest, Inc., the owner of the property that is identified by Strap Number(s): 22-43-26-00-00003.0000 and 22-43-26-00-00008.0000
2. A copy of the boundary sketch of the property to be rezoned is attached as Exhibit "A". The parcel consists of 91.7+/- acres.
3. The parcel described in Exhibit "A" is being used for grazing purposes and orange groves.
4. Commercial Properties Southwest, Inc. or successors in interested, intend to continue this use upon the approval of the rezoning until approval of a Local Development Order for the area of the project, upon which the cattle grazing use exists.

EXECUTED this 27 day of August, 2004.

Joseph Ryan, Authorized Agent for
Commercial Properties Southwest, Inc.

SWORN TO AND SUBSCRIBED before me this 27th day of August, 2004, by Joseph Ryan, who is personally know to me or who has produced Driver License as identification.

My Commission Expired:

Notary Public

MICHELLE BUCKLEY

Print/Type Name of Notary

MICHELLE BUCKLEY
MY COMMISSION # DD 059666
EXPIRES: November 6, 2005
1-800-3-NOTARY FL Notary Service & Bonding, Inc.

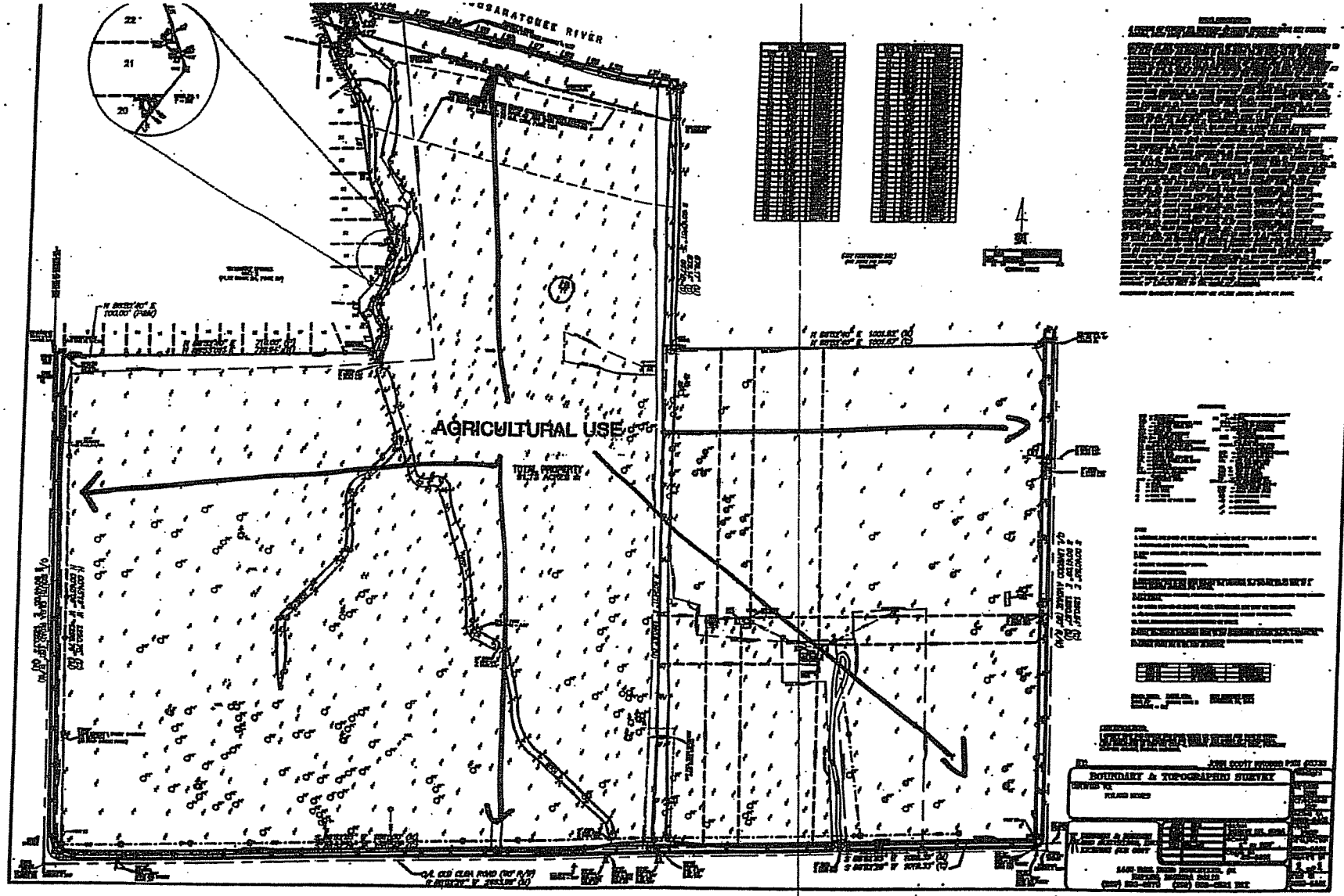


EXHIBIT A

AGRICULTURAL USE AT THE TIME OF ZONING

COMMERCIAL PROPERTIES SOUTHWEST, INC.

8825 TAMIAMI TRAIL EAST, NAPLES, FLORIDA 34113

November 17, 2003

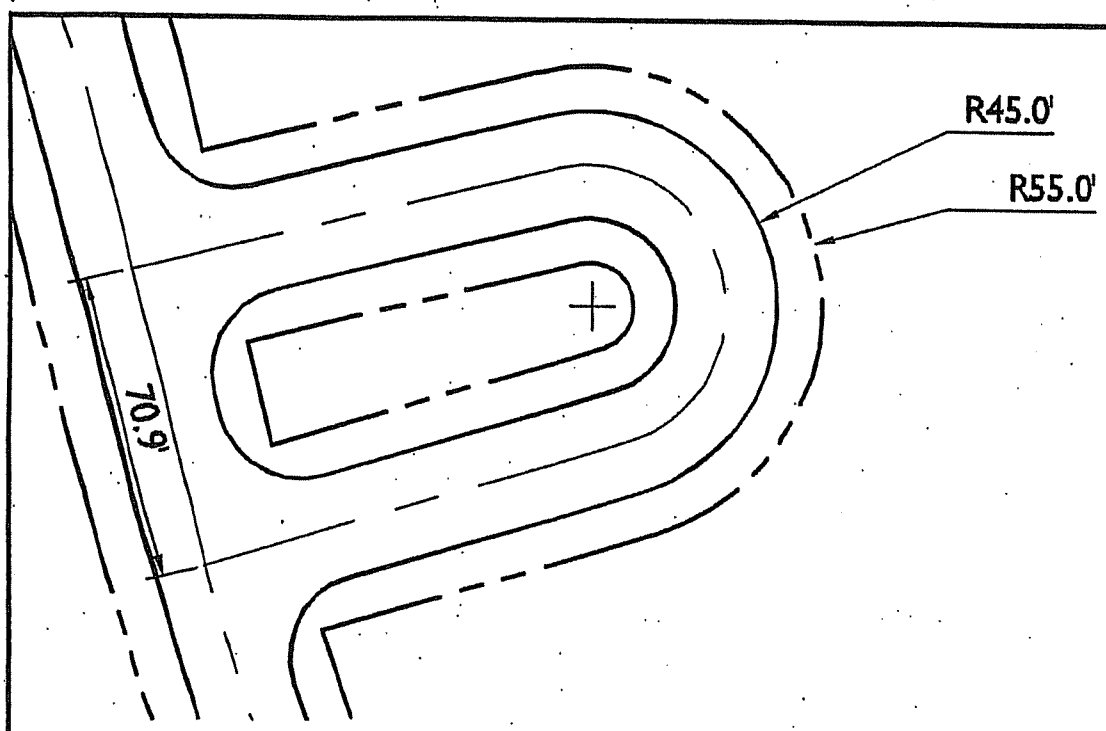
To whom it may concern:

Commercial Properties S.W., Inc. hereby authorizes Bahama Bay, LLC and Joseph Ryan to act as manager for the Caloosahatchee Estates Project and to enter into contractual agreements for the project.

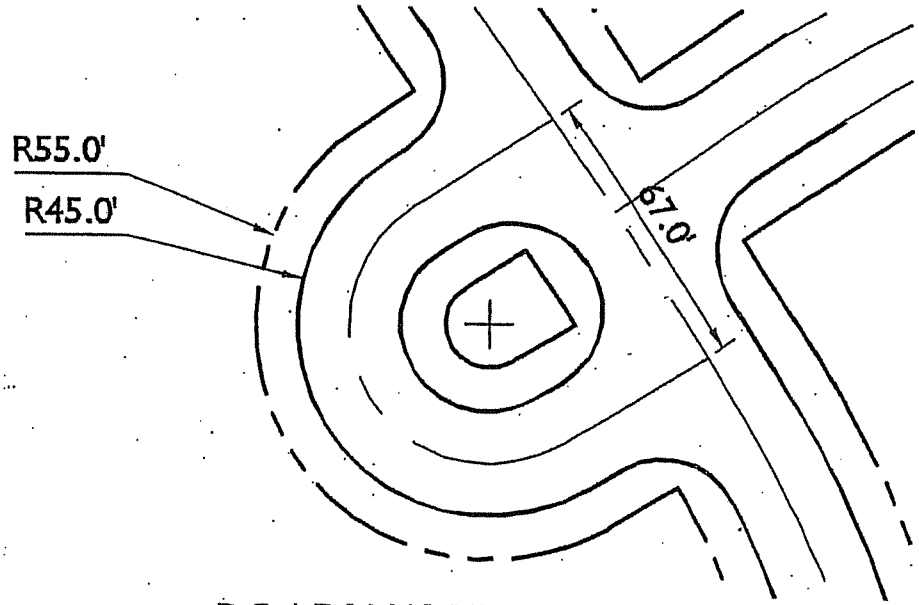
Commercial Properties, S.W., Inc.

Margriet de Lange
President

EXHIBIT C



ROADWAY DETAIL NO. 1



ROADWAY DETAIL NO. 2

PROJECT: CALOOSAHATCHEE ESTATES

CLIENT:

WilsonMiller

Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants

WilsonMiller, Inc.

Naples • Fort Myers • Sarasota • Bradenton • Tampa • Tallahassee • Panama City Beach

3200 Bailey Lane, Suite 200 • Naples, Florida 34105-8507 • Phone 239-649-4040 • Fax 239-643-5716 • Web-Site www.wilsonmiller.com

SCALE: 1" = 40'	DATE: 12/23/04
SEC: TWP: RGE:	REV NO:
PROJECT NO. 03896-001-000	INDEX NO:
DRWN BY/EMP NO. KAC/1213	SHEET NO: 1 of 1

APPLICANT C

APPLICANT'S EXHIBIT # 7

DC1200[illegible]0023

ZONING INTAKE MAP

12/9/2004

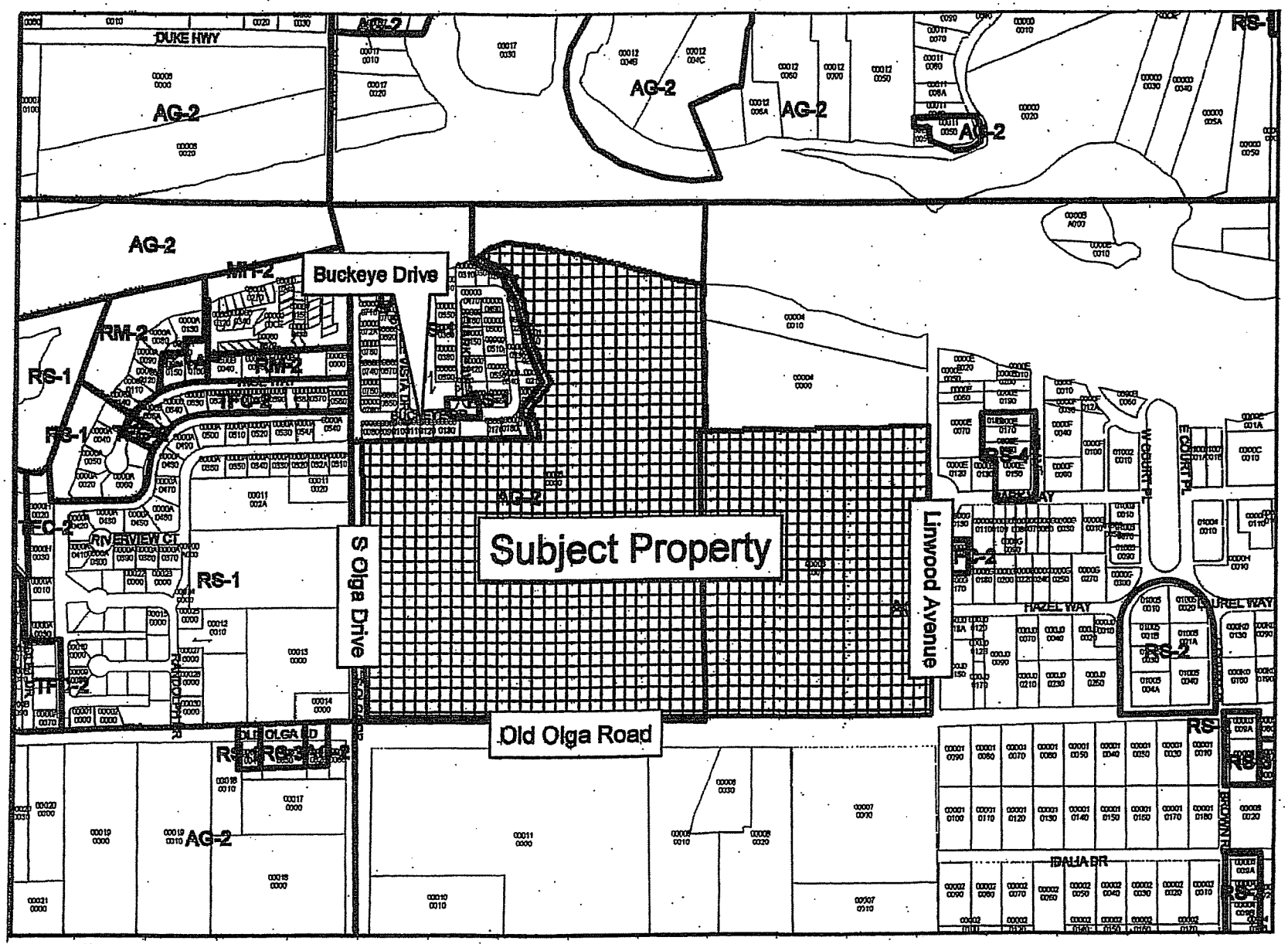


EXHIBIT D

WilsonMiller

Planners • Engineers • Scientists • Surveyors
Landscape Architects • Transportation Consultants

Wilson Miller, Inc.
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CALOOSAHATCHEE ESTATES RPD

MASTER CONCEPT PLAN

PREPARED FOR: Commercial Properties Southwest, Inc.

DCI 2004-00023

APPROVED
Master Concept Plan
Site Plan = 30/5/2009
Subject to conditions in Resolution Z-05-078
Case # DCI2004-00023

RECEIVED
APR 14 2005
ZONING COUNTER

DCI 22 TWP 43 RGE 27	
Designed by:	
Drawn by:	KC
Checked by:	
Approved by:	BJO
Date:	4/12/04

EXHIBIT E
Page 1 of 2

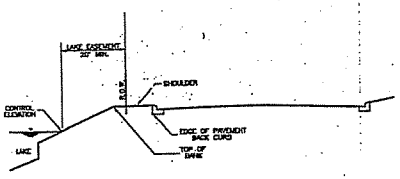
DEVIATIONS

1. Deviation from LDC Section 10-329(e)(1)(a), to allow lake setbacks from rights-of-way as follows:
   a) Setbacks for excavations will be measured from right of way or property line to edge of water control elevation.
   b) Where adequate elements for the protection of wayward vehicles are provided, a 20-foot setback from internal rights of way will be provided.

2. Withdrawn.

3. Withdrawn.

4. Deviation from LDC Section 10-285 which requires a minimum of 125 foot spacing between accesses to a local road to allow two connections for local streets, accessways and short cul-de-sacs (eyebrows) at a spacing less than 125 feet.



DEVIATIONS 1A & 1B
N.T.S.

APPROVED
Master Concept Plan
Zap Plan # 05-009 Page 2 of 2
Subject to conditions in Resolution Z-05-009
Case # DCI2004-00023

WilsonMiller
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CALOOSAHATCHEE ESTATES RPD
MASTER CONCEPT PLAN
PREPARED FOR: Commercial Properties Southwest, Inc.

DCI 2004-00023

RECEIVED
APR 14 2005
ZONING DIVISION

SEC 22 TWP 43 RGE 27
Designed by:
Drawn by: KC
Checked by:
Approved by: SJO
Date: 4/12/04

EXHIBIT E
Page 2 of 2