ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Midtowne Estero, LLC filed an application for administrative approval to a Residential Planned Development on a project known as Midtowne Estero Village to amend the schedule of uses to include Two-family attached and townhouse dwellings and propose an alternate Master Concept Plan to accommodate the proposed unit types on property located at east side of Three Oaks Parkway, described more particularly as:

LEGAL DESCRIPTION: In Section 35, Township 46 South, Range 25 East, Lee County, Florida:

See Exhibit "A"

WHEREAS, the property was originally rezoned in case number DCI2005-00076 (with subsequent amendments in case numbers ADD2007-00052, DCI2009-00043, DCI2012-00001, DCI2012-00006); and

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

WHEREAS, the applicant requested to include Two-family attached and townhouse dwellings in the schedule of uses and is proposing an alternate Master Concept Plan to accommodate the proposed unit types; and

WHEREAS, this request will reduce the maximum number of residential units from 201 residential multiple-family dwelling units to 110 two-family dwelling units for the proposed alternate MCP; and

WHEREAS, this request will not increase the daily traffic generated by this development; and

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

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

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the

This amendment has been rescinded and replaced by ADD2012-00027(A) dated 5-8-12

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 is **APPROVED subject to the following conditions:**

1. **The Development of this site with two-family attached and townhouse dwelling units must be in compliance with the alternate Master Concept Plan dated APRIL 18, 2012. Alternate Master Concept Plan for ADD2012-00027 is hereby APPROVED and adopted. A reduced copy is attached hereto and labeled as Exhibit "B".**

2. **The number of Two-family attached and/or townhouses is limited to 110 dwelling units.**

3. **Condition 3.a. of Resolution Z-06-079 shall be amended to read:**

   3.a. **Prior to local development order approval, the landscape plans must delineate 17 acres of open space including ~~8.56~~ 8.74 acres of wetland/surface water preserve, ~~1.2~~ 3.09 acres of upland preserve, and 0.99 acres of waterway buffer.**

4. **Prior to local development order approval for a pedestrian pathway within the preserve area, development plans must depict:**

   - **the location of the pathway to meander to avoid existing native trees with a 4-inch or greater caliper and existing native shrubs (if any native shrubs or trees are removed they must be replaced within the same vicinity with like species and sizes to be determined by the Division of Environmental Sciences staff); and**
   - **a maximum width for the pathway is 5-feet; and**
   - **if mulch is proposed, only organic mulch (no cypress mulch) shall be used for pathway construction.**

5. **Prior to clearing permit approvals for a pedestrian pathway within the preserve area, the location of the proposed pedestrian pathway must be flagged for the Division of Environmental Sciences staff field verification and possible adjustment.**

6. **Prior to local development order approval for any pedestrian structure crossing over the Estero River tributary, the construction plans must be**

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reviewed and approved by Lee County Division of Natural Resources and Division of Environmental Sciences (LCDES) staff.

7. **Prior to construction of any pedestrian structure crossing over the Estero River tributary, a Dock and Shoreline Permit must be obtained from LCDES.**

8. **Condition #12 of Resolution Z-06-079 is hereby repealed.**

9. **A minimum distance of 260 feet must be observed from the southernmost residence unit wall of this development to the northernmost rear residential unit wall of residences in The Shadow Woods neighborhood located immediately to the south of the subject property.**

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

DULY SIGNED this 1st day of May, A.D., 2012.

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

This amendment has been rescinded and replaced by ADD2012-00027(A) dated 5-8-12

EXHIBIT A

Banks Engineering

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

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE STARNES AND ASSOCIATES 4" X 4" CONCRETE MONUMENT MARKING THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 35; THENCE S 00°43'23" E ALONG THE EAST LINE OF SAID FRACTION FOR 1,317.70 FEET (PASSING THROUGH A 3" X 3" CONCRETE MONUMENT, PLS 2654, AT 658.85 FEET) TO A 3" X 3" CONCRETE MONUMENT, PLS 2654; THENCE S 89°55'57" W ALONG THE SOUTH LINE OF SAID FRACTION FOR 1,117.48 FEET (PASSING THROUGH A 3" X 3" CONCRETE MONUMENT, PLS 2654, AT 658.74 FEET) TO A 5/8" IRON ROD, LB 6690; THENCE N 00°36'51" W ALONG THE EAST RIGHT-OF-WAY LINE OF THREE OAKS PARKWAY FOR 1,129.50 FEET, MORE OR LESS, TO THE APPROXIMATE CENTERLINE OF THE ESTERO RIVER; THENCE N 84°04'24" W ALONG SAID CENTERLINE FOR 50.33 FEET, MORE OR LESS TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF SAID THREE OAKS PARKWAY; THENCE N 00°36'51" W ALONG SAID RIGHT-OF-WAY LINE FOR 185.00 FEET, MORE OR LESS, (PASSING THROUGH A 5/8" IRON ROD, WITNESS LB 6690, AT 50.33 FEET) TO A 4" X 4" CONCRETE MONUMENT, LB 6753, THENCE S 89°57'54" E ALONG THE NORTH LINE OF SAID FRACTION FOR 1,164.99 FEET (PASSING THROUGH A 4" X 4" CONCRETE MONUMENT, STARNES AND ASSOCIATES, AT 507.49 FEET) TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 34.01 ACRES, MORE OR LESS.

BEARINGS AND DISTANCES ARE BASED ON THE "STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST NAD 83 (CORS) WHEREIN THE NORTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST BEARS S 89°57'54" E.

This amendment has been rescinded and replaced by ADD2012-00027(A) dated 5-8-12

ADD 2012-00027

RICHARD M. RITZ, R.L.S.
FLORIDA CERTIFICATION NO. 4009
DATE SIGNED: 03-26-2012

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COMMUNITY DEVELOPMENT

4-10-12
APPROVED
LEGAL

10511 Six Mile Cypress Pkwy, Suite 101, Ft Myers, Florida 33966 • (239) 939-5490 • Fax (239) 939-2923

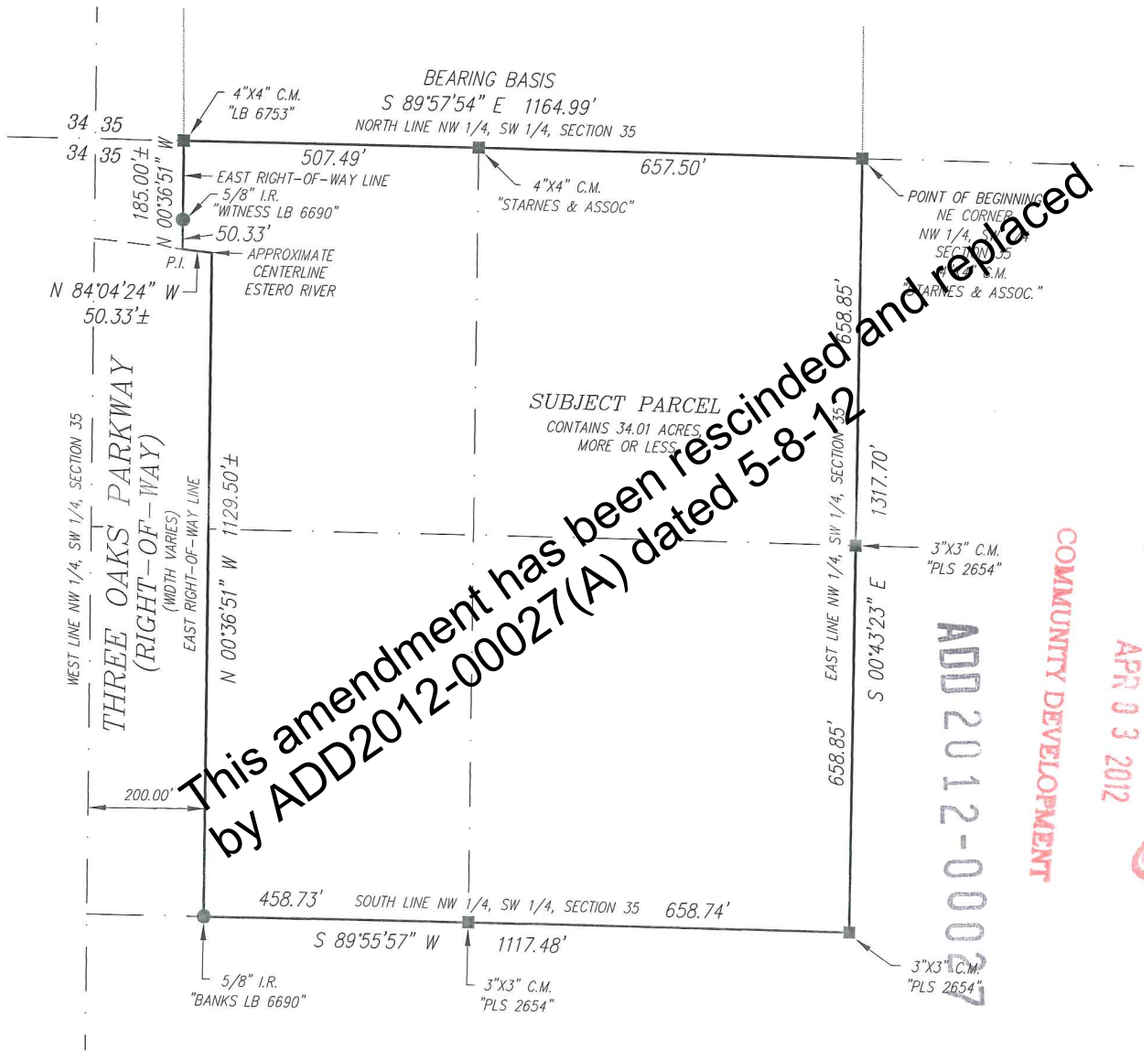
Banks Engineering

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
FLORIDA BUSINESS CERTIFICATION NUMBER LB 6690
10511 SIX MILE CYPRESS PARKWAY – SUITE 101
FORT MYERS, FLORIDA 33966
(239) 939-5490

SKETCH OF DESCRIPTION

OF

A PARCEL OF LAND LYING IN
SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA



N

1" = 300'

NOTES:

1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

2.) BEARINGS AND DISTANCES UNLESS OTHERWISE SHOWN ARE BASED ON THE "STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST NAD 83 (CORS). WHEREIN THE NORTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST BEARS S 89°57'54" E.

This amendment has been rescinded and replaced by ADD2012-00027(A) dated 5-8-12

4-10-12
APPROVED
LEGAL

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COMMUNITY DEVELOPMENT

ADD2012-00027

LEGEND:

I.R.	INDICATES IRON ROD
LB	INDICATES LICENSED BUSINESS
C.M.	INDICATES CONCRETE MONUMENT
P.I.	INDICATES POINT OF INTERSECTION
RLS	INDICATES REGISTERED LAND SURVEYOR
PLS	INDICATES PROFESSIONAL LAND SURVEYOR

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PREPARED 3-14-2012
SHEET 2 OF 2

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

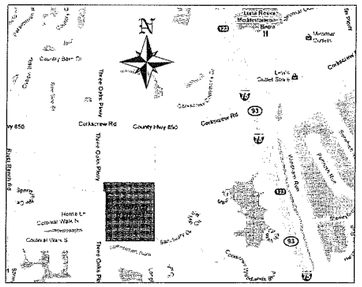
THIS SKETCH OF DESCRIPTION IS NOT A BOUNDARY SURVEY

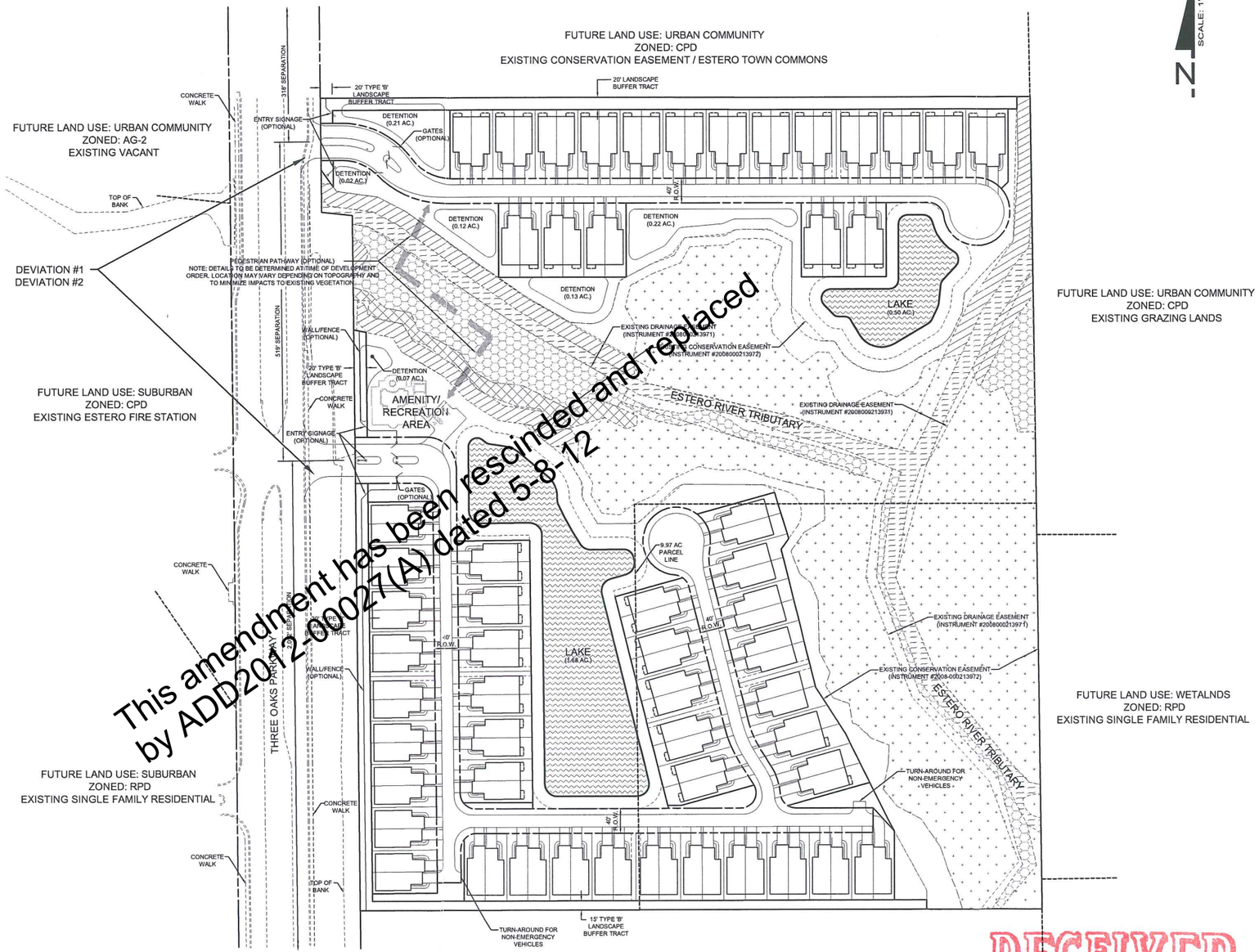
RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009
– DATE SIGNED: 3-26-2012
– THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SURVEY PLAT

OF

A PARCEL OF LAND LYING IN
SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA


Gator Rock Middle School
Cutlass Run
Cutlass Rd
County Hwy 850
Three Oaks Pkwy
Three Oaks Pky
Estero River
Corkscrew Rd
Corkscrew Woodlands
Corkscrew Palms
Corkscrew Shores
Hickory Run
Colonial Walk N
Colonial Walk S
Country Barn Ct
Lucy's Salad Store
Memorial Church
Cypress Run
Cypress Run Ct
Cypress Run Dr
Cypress Run Pl
Cypress Run Ln
Cypress Run Cir
Cypress Run Ter
Cypress Run Way
Cypress Run Trl
Cypress Run Blvd
Cypress Run Pkwy
Cypress Run Sq



This amendment has been rescinded and replaced by ADD2012-00027(A) dated 5-8-12

OPEN SPACE CALCULATIONS	
REQUIRED OPEN SPACE: 34.02 X 0.40 = 13.61 AC. REQUIRED NATIVE INDIGENOUS: 13.61 X 0.50 = 6.80 AC.	
CATEGORY	ACREAGE
LAKE	2.18 ±
25' WATERWAY BUFFER	0.99 ±
OTHER SURFACE WATER PRESERVE	1.15 ±
SURFACE WATER PRESERVE	0.28 ±
WETLAND PRESERVE	7.31 ±
UPLAND PRESERVE	1.60 ±
UPLAND PRESERVE BUFFER	1.49 ±
DETENTION	0.77 ±
COMMON	1.29 ±
TOTAL AREA	17.06 ±

LEGEND

- 25' WATERWAY BUFFER
- OTHER SURFACE WATER PRESERVE
- SURFACE WATER PRESERVE
- WETLAND PRESERVE
- UPLAND PRESERVE
- UPLAND PRESERVE BUFFER

APPROVED
Amendment to
Master Concept Plan
Subject to Case #ADD2012-00027
Date 5-1-2012

EXHIBIT B

RECEIVED
APR 18 2012
COMMUNITY DEVELOPMENT

ADD 2012-00027

WALDROP ENGINEERING
CIVIL ENGINEERING & LAND DEVELOPMENT CONSULTANTS
25100 BONITA GRANDE DRIVE - SUITE 305 BONITA SPRINGS, FL 34135
P: 239-405-7777 F: 239-405-7899 EMAIL: info@waldropengineering.com

MIDTOWNE ESTERO VILLAGE

CLIENT: MIDTOWNE ESTERO, LLC

MASTER CONCEPT PLAN

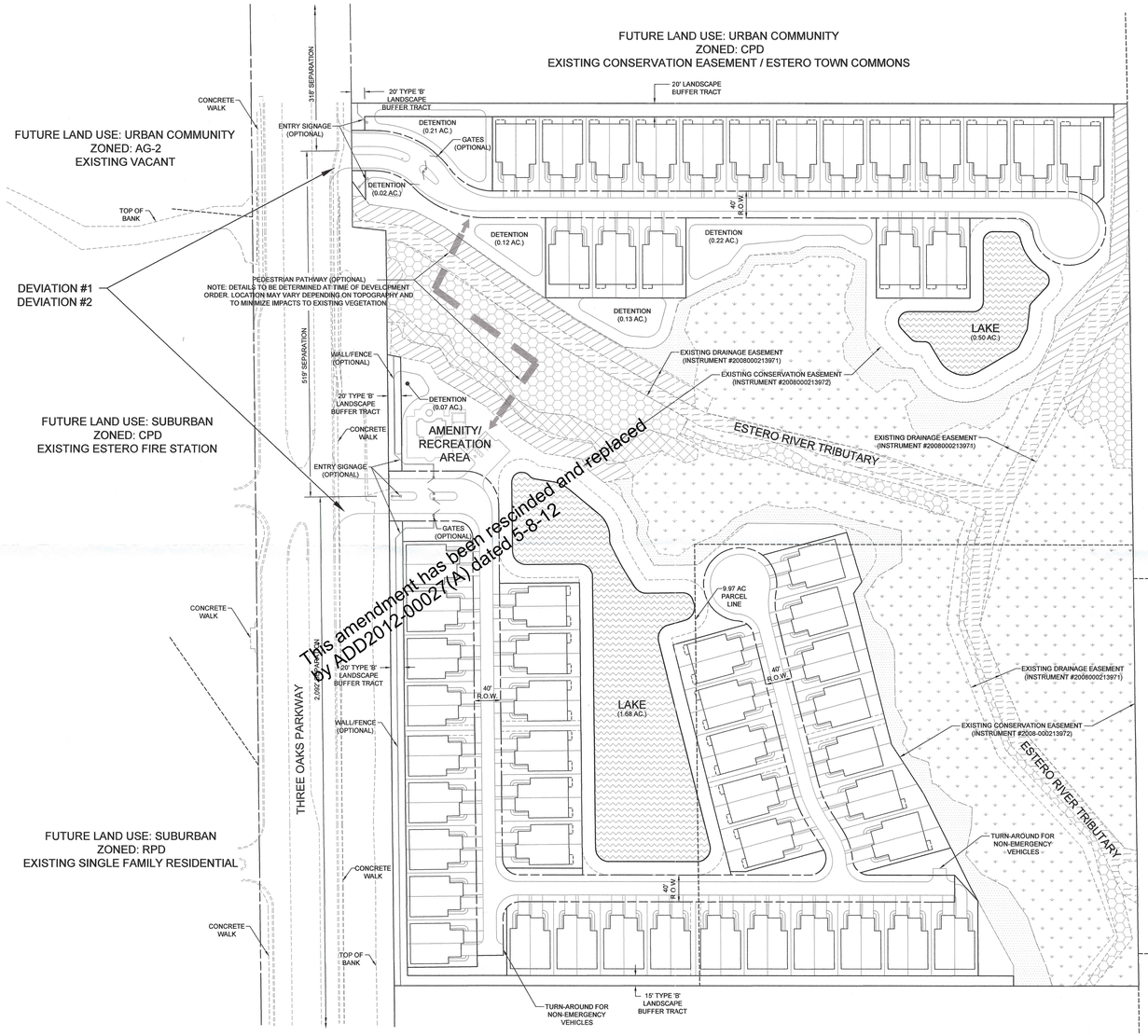
PLAN REVISIONS

FLORIDA CERTIFICATE OF AUTHORIZATION #6636

SET NUMBER: 278-01-01

SHEET : 1

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OPEN SPACE CALCULATIONS

REQUIRED OPEN SPACE: 34.02 X 0.40 = 13.61 AC.
REQUIRED NATIVE INDIGENOUS: 13.61 X 0.50 = 6.80 AC.

CATEGORY	ACREAGE
LAKE	2.18 ±
25' WATERWAY BUFFER	0.99 ±
OTHER SURFACE WATER PRESERVE	1.15 ±
SURFACE WATER PRESERVE	0.28 ±
WETLAND PRESERVE	7.31 ±
UPLAND PRESERVE	1.60 ±
UPLAND PRESERVE BUFFER	1.49 ±
DETENTION	0.77 ±
COMMON	1.29 ±
TOTAL AREA	17.06 ±

LEGEND

- 25' WATERWAY BUFFER
- OTHER SURFACE WATER PRESERVE
- SURFACE WATER PRESERVE
- WETLAND PRESERVE
- UPLAND PRESERVE
- UPLAND PRESERVE BUFFER

APPROVED
Amendment to
Master Concept Plan
Subject to Case #ADD2012-00027
Date 5/1/2012

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WALDROP ENGINEERING
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25100 BONITA GRANDE DRIVE - SUITE 305 BONITA SPRINGS, FL 34135
P: 239-405-7777 F: 239-405-7599 EMAIL: info@waldropengineering.com

MIDTOWNE ESTERO VILLAGE

CLIENT: MIDTOWNE ESTERO, LLC

MASTER CONCEPT PLAN

PLAN REVISIONS

FLORIDA CERTIFICATE OF AUTHORIZATION #8636

SET NUMBER: 278-01-01

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