



EXHIBITS

from HEX hearing

CASE #: DC12005-00007

CASE NAME: Whispering Lakes

Attach a copy of this form to the top of packet of the exhibits & place exhibits in case file.

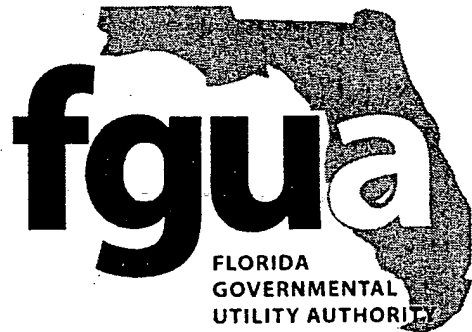
ARE THERE ANY BOARD EXHIBITS? YES X NO

LOCATION OF BOARDS:

If there are any board exhibits, attach another copy of this form to boards for identification purposes.

September 23, 2005

Ms. Andrea Campbell
Barraco & Associates
2271 McGregor Boulevard
Fort Myers, FL 33901



RE: Availability of Service for **Whispering Lakes Phase II, a 298 single family home community, FGUA project # 4097** /
Lehigh Water & Wastewater treatment facilities located in
Lee County, Florida

Dear: Ms. Campbell

This letter confirms that the referenced property lies within the Florida Governmental Utility Authority (FGUA) service area and, the FGUA will be the Water, Wastewater and reclaimed utility provider for the site.

Plan review is required for all commercial projects or those projects involving a main extension. Construction shall meet FGUA's Standards and Specifications. The design, permitting, construction and expense of the extension are the responsibility of the developer/contractor.

When you are ready to proceed, submit **four sets** of signed/sealed engineering plans for review. Provide one copy of the FDEP.HRS permit applications (if applicable) via email or fax. FGUA will "red-line" the Operating Utility information, and return, for you to incorporate onto the Applications. You should then provide the number of completed, signed/sealed original applications you require, plus one for our files

Fees are to be paid prior to plan approval and will be based on the following:

Plan review fee: \$300.00, plus \$25.00 per sheet for plans over 9 sheets.

Inspection fee: 1.5% of the construction costs for the new facility based on Engineers Opinion of Probable Construction Costs (EOPCC). The EOPCC MUST be provided at the time of your submittal.

Capacity fee:

Water - \$1,885.43.00 per ERC

Wastewater - \$2,495.89.00 per ERC

The FGUA stands ready to serve upon the acceptance of a signed Request for Service and Executed Service Agreement (if

LEA ANN THOMAS, CHAIR
Polk County

RICHARD W. WESCH
Citrus County

ROBERT NANNI
Osceola County

APPLICANT'S EXHIBIT # 5
9/23/05
10:11:00 AM
C:\Program Files\Microsoft Office\Office\100051.doc

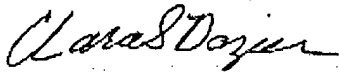
FGUA OPERATIONS OFFICE

Government Services Group, Inc.
Protegrity Plaza, Suite 203
280 Wekiva Springs Road
Longwood FL 32779

877/552-3482 Toll Free
407/629/6900 Tel
407/629-6963 Fax

applicable), payment of appropriate fees and charges, and the approval of all State and Local Regulatory Agencies, as required.

Sincerely,

A handwritten signature in cursive script, appearing to read "Clara S. Dozier".

Clara S. Dozier
Developer Specialist

C: project file

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

WHEREAS, Southwest Florida Land Seven, LLC, filed an application on behalf of the property owner, Randy E. Thibaut, to rezone a 37.6 +/- acre parcel from Agricultural (AG-2) zoning district to the Residential Planned Development (RPD) zoning district in reference to Sunrise Lake; and

WHEREAS, a public hearing was advertised and held on May 4, 2005, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2004-00052; and

WHEREAS, a second public hearing was advertised and held on June 20, 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 37.6 +/- acre parcel from AG-2 to RPD, to allow a maximum of 140 single-family residential units. The property is located in the Central Urban Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. The development of this project must be consistent with the Master Concept Plan entitled "Sunrise Lake RPD," stamped RECEIVED AUG 02 2005, last revised July 19, 2005, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.
2. The following limits apply to the project and uses:
 - a. Schedule of Uses
Accessory Uses and Structures
Single-Family Dwelling Units: limited to 140 Units
Entrance Gates and Gatehouse

APPLICANTS EXHIBIT # 12
7/28/05
DCI 2005-00007

Excavation (water retention)
Fences and Walls
Home Occupation
Model Home (see Condition 5)
Recreational Facilities, Private, On-site
Signs in accordance with Chapter 30
Temporary Uses (LDC §34-3042, 34-3043)

b. Site Development Regulations

SINGLE-FAMILY RESIDENTIAL AREA:

Minimum Lot Area and Dimensions:

Area	6,500 square feet
Width	50 feet
Depth	130 feet

Minimum Building Setbacks:

Street/Front (Garage or Carport)	20 feet
Side	5 feet
Rear	10 feet
Rear (2.7-acre Preserve)	20 feet
Water	20 feet

Accessory Structures (Rear and Side)	5 feet
Accessory Structures (Preserve)	10 feet
Accessory Structures (Water)	20 feet
Separation	10 feet
Maximum Building Height	35 feet
Maximum Lot Coverage	45 percent

AMENITY AREA DEVELOPMENT STANDARDS:

Minimum Lot Area and Dimensions:

Area	20,000 square feet
Width	100 feet
Depth	100 feet

Minimum Building Setbacks:

Street/Front	20 feet
Side	10 feet
Rear	15 feet
Rear (Preserve)	20 feet

Water	20 feet
Separation	10 feet
Maximum Building Height	35 feet
Maximum Lot Coverage	45 percent

3. Environmental Conditions

Landscaping

All general landscape requirements must be 100 percent native species.

Gopher Tortoise

- a. Prior to local development order approval, the development order plans must delineate the 2.7-acre gopher tortoise preserve shown on the Master Concept Plan as "Preserve Area."
- b. Prior to moving gopher tortoises and any commensal species to the gopher tortoise preserve:
 1. Any man-made debris and invasive exotic vegetation must be hand removed from the gopher tortoise preserve; and
 2. A copy of an appropriate gopher tortoise permit and any associated receipts of payment from the Florida Fish and Wildlife Conservation Commission must be submitted to the Division of Environmental Sciences; and
 3. A minor clearing Vegetation Removal Permit must be obtained prior to installing the gopher tortoise fence and moving gopher tortoises onsite.
- c. Prior to the issuance of a Certificate of Compliance, a permanent gopher tortoise fence must be installed along the sides of the gopher tortoise preserve abutting roadways or lots. Except where necessary to avoid adverse impacts to existing native trees, the fence must be buried to an 18-inch depth, and the above ground height must be a minimum of three feet. If a fence is installed along any other portions of the preserve, then the fence must be designed to allow gopher tortoises to cross beneath the fence at existing grade.

4. Blasting activities are not permitted.

5. Model homes:

- a. The number of model homes is limited to no more than three within the development.

- b. Models cannot be of the same floor plan and each must be a separate different design.
- 6. Recreational Facilities must be developed within the 0.6-acre "Amenity Area" as depicted on the attached MCP.
- 7. The MCP includes a 5-acre parcel (STRAP# 04-45-27-00-00009.0000) that is part of the Shadow Lakes RPD (Z-03-053). A pending administrative amendment (ADD2005-00025) removes this parcel from the Shadow Lakes RPD and incorporates it into the Sunrise Lake RPD. Release of the parcel under the administrative amendment is contingent upon the approval of this resolution.
- 8. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
- 9. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.
- 10. The Master Concept Plan must provide for a second access point for the project through the Shadow Lakes RPD. This is to be accomplished by constructing a two-lane roadway, built to County specifications, connecting the subject project's internal loop road (in the northeast position of the subject property) with the internal roadway for Shadow Lakes.

SECTION C. DEVIATIONS:

- 1. Deviation (1) seeks relief from the LDC §10-291(3) requirement to provide for one entrance to the project from Sunrise Boulevard. This deviation is DENIED. (To be replaced by Condition 10 above.)
- 2. Deviation (2) seeks relief from the LDC §34-2194(c)(3)b requirement to provide a 10-foot setback for non-seawalled artificial bodies of water, to allow recreational/amenity structures to be placed at the lake's control elevation. This deviation is APPROVED SUBJECT TO the conditions that:
 - a. The only structures allowed to be built at the control elevation of the lake without a retaining wall are a dock or observation piers. If a pool or pool deck is proposed, it must be constructed behind a retaining wall to prevent the overflow of lake water into the pool.
 - b. Prior to local development order approval, the development order plans must find the bulkhead and placement of the proposed recreational/amenity structure to be safe and substantially consistent with attached Exhibit "D" ("Typical Bulkhead Detail").

3. Deviation (3) seeks relief from LDC §34-935(4) which requires minimum building separation to be one-half of the sum of the building height, or 20 feet, whichever is greater, to allow a reduced minimum 10-foot building separation. This deviation is APPROVED, SUBJECT TO the condition that:

If Staff determines, at the time of the Development Order, that there is insufficient drainage on the subject property, then this deviation may not be utilized.

4. Deviation (4) seeks relief from the LDC §10-329(4) requirement to provide for construction of a bulkhead along less than 10 percent of the proposed shoreline edge. This deviation is APPROVED, SUBJECT TO the condition that it is limited to the "Amenity Area" depicted on the Master Concept Plan, and provided that the bulkhead includes compensatory plantings at or in excess of the requirements of LDC §10-418.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan
- Exhibit D: Typical Bulkhead Detail

The applicant has indicated that the STRAP number for the subject property is:
04-45-27-00-00008.0000

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
 - e. will not adversely affect environmentally critical areas or natural resources.

3. The rezoning satisfies the following criteria:
- a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Hall, seconded by Commissioner Albion and, upon being put to a vote, the result was as follows:

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

DULY PASSED AND ADOPTED this 20th day of June 2005.

ATTEST:
CHARLIE GREEN, CLERK

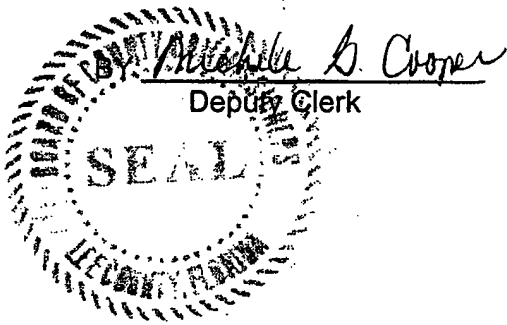
BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____

Chairman

Approved as to form by:

County Attorney's Office



DESCRIPTION

A tract or parcel of land lying in Section 4, Township 45 South, Range 27 East, Lee County, Florida. Said tract or parcel being more particularly described as follows:

Beginning at a East Quarter corner of said Section 4 and the **POINT OF BEGINNING** run $S00^{\circ}12'24''E$ along the West line of a 150.00 foot wide canal for Lehigh Acres Unit 7 as recorded in Plat Book 15, page 213, Lee County Records for 1,135.55 feet to an intersection with the centerline of a proposed 100 foot wide Right-of-Way for Sunrise Boulevard; thence run $S89^{\circ}04'20''W$ along said centerline for proposed Right-of-Way for 44.57 feet to a point on a point of curvature; thence run westerly along an arc of curve to the left of radius 1,000.00 feet (delta $29^{\circ}40'31''$) (chord bearing $S74^{\circ}31'23''W$) (chord 512.16 feet) for 517.93 feet to a point of reverse curvature; thence run westerly along an arc of curve to the right of radius 1,000.00 feet (delta $28^{\circ}00'38''$) (chord bearing $S73^{\circ}41'26''W$) (chord 484.02 feet) for 488.88 feet; thence run $S87^{\circ}41'45''W$ for 278.60 feet to an intersection with the West line of the Southeast Quarter ($SE1/4$) of the Southeast Quarter ($SE1/4$) of said Section 4; thence run $N00^{\circ}49'16''W$ along said West line for 50.02 feet to the Southeast corner of Willow Lakes as recorded in Plat Book 28, Page 79, Lee County Records; thence run $N00^{\circ}50'07''W$ for 1,317.62 feet to a Northeast corner of said plat; thence run $N87^{\circ}40'43''E$ along the south line of a 100.00 foot wide canal for Lehigh Acres Unit 6 as recorded in Plat Book 18, Page 161 for 1,297.97 feet to the **POINT OF BEGINNING**.

Containing 1,638,307 square feet or 37.61 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (NAD 1983/99 adjustment) and are based on the East line of said Southeast Quarter ($SE1/4$) of said Section 4 to bear $S00^{\circ}12'24''E$.

John Robert Avery 12-22-04
John Robert Avery (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5298

21983s02.desc.doc

RECEIVED
JAN 28 2005

DCI 2004-00052

PERMIT COUNTER

Post Office Drawer 2800 • Fort Myers, FL 33902
Phone (239) 461-3170 • Fax (239) 461-3169

EXHIBIT A

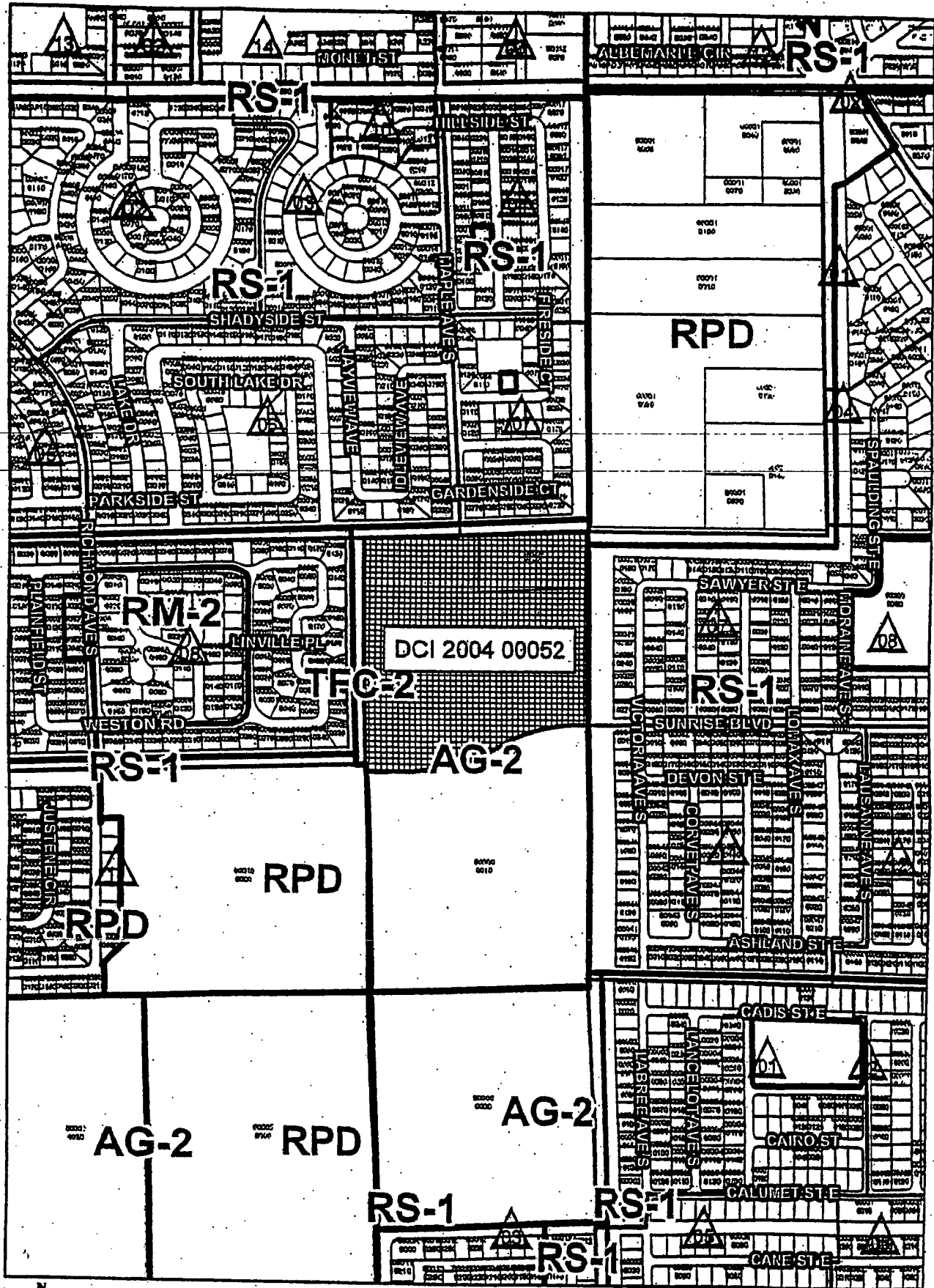
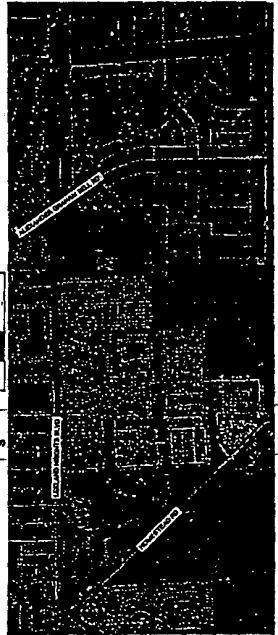
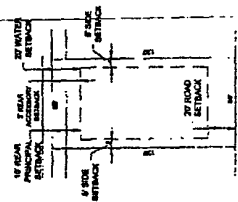


EXHIBIT B

950 475 0 950 Feet



USE AREA DESCRIPTION	DENSITY	APPROXIMATE ACADAGE	REQUIRED SPACE (ACRES)	REQUIRED PRESSURE
RESIDENTIAL	N/A	N/A	N/A	N/A
LAKES	3.7 DU/AC	3.0	.75	.30
PRESERVE	N/A	2.7	1.1	0.5
OPEN SPACE	N/A	5.7	2.3	1.2
RIGHT-OF-WAY	N/A	0.2	5.1	0.1
HERITAGE AREA	N/A	0.8	0.2	0.1
TOTAL	N/A	12.2	4.8	2.4

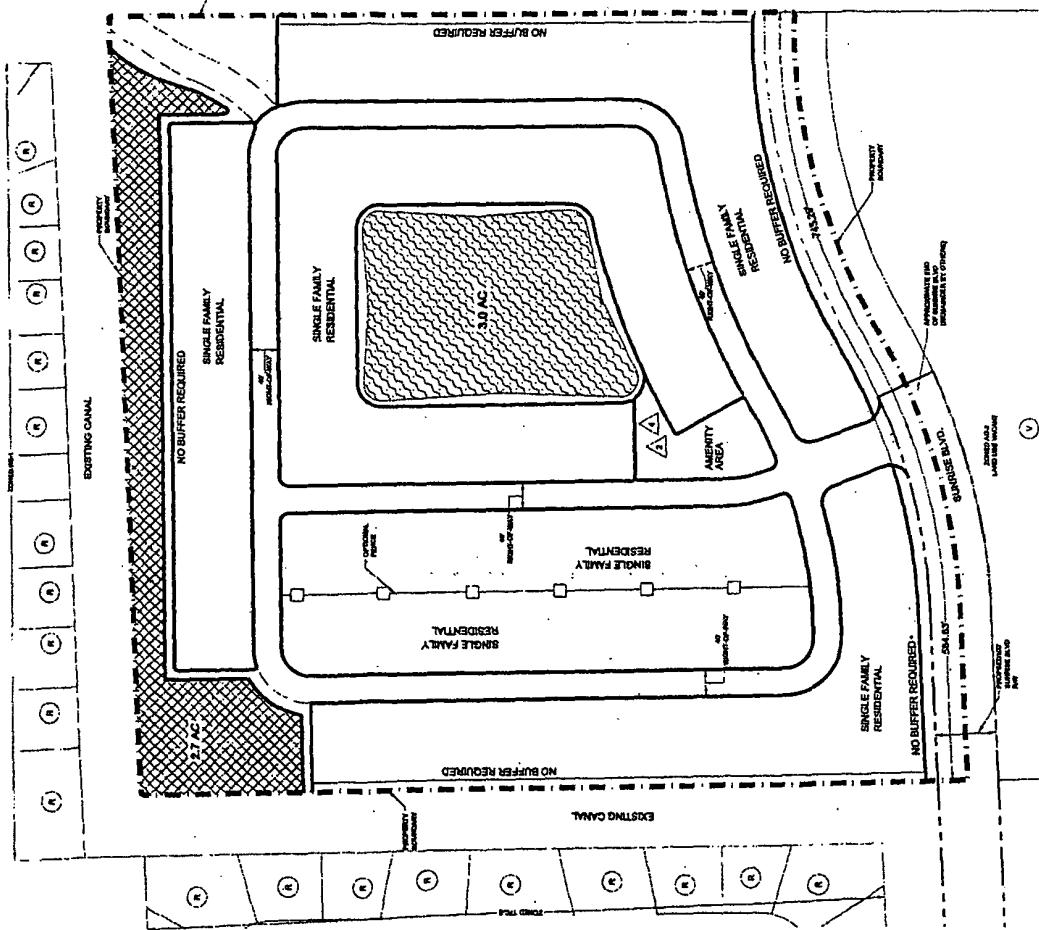


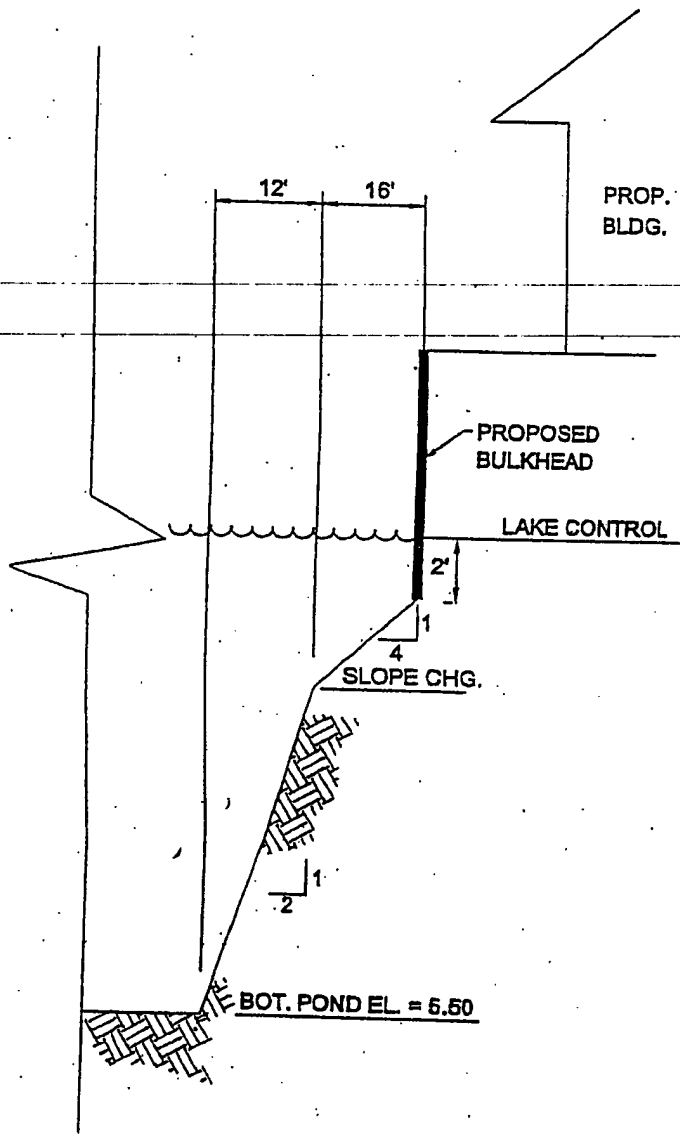
SURROUNDING ZONING & LAND USES

North	Zone 2	Existing Land Use
North	RS-1	Single Family Residential
South	AO-2	Vacant Land
East	RS-1	Single Family Residential
West	TPC-3	Two Family Conservation

APPROVED

Site Plan - 05-040 Page 1 of 1
Subject to conditions in Resolution 05-040
Case - DC1204-0005





DEVIATION #2

N.T.S.

EXHIBIT D

Barraco
and Associates, Inc.

CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING - LANDSCAPE DESIGN

www.barraco.net

2271 MCGREGOR BOULEVARD
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 481-3170
FAX (239) 481-3189

FLORIDA CERTIFICATE OF AUTHORIZATION
ENGINEERING 7985 - SURVEYING LB-6940

PREPARED FOR

Land Solutions inc.

6150 DIAMOND CENTER COURT
BUILDING 1300
FORT MYERS, FLORIDA 33912

PHONE (239) 480-4066
FAX (239) 481-8477

WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

**SUNRISE
LAKES RPD**

PART OF SECTIONS 4 & 9
TOWNSHIP 43 SOUTH
RANGE 27 EAST
LEHIGH ACRES
LEE COUNTY, FLORIDA

THIS PLAN IS PRELIMINARY AND
INTENDED FOR CONCEPTUAL
PLANNING PURPOSES ONLY. SITE
LAYOUT AND LAND USE INTENSITIES
OR DENSITIES MAY CHANGE
SIGNIFICANTLY BASED UPON SURVEY
ENVIRONMENTAL, ENGINEERING AND
REGULATORY CONSTRAINTS
AND / OR OPPORTUNITIES.
* NOT FOR CONSTRUCTION *

NOT VALID WITHOUT ENGINEER SEAL, SIGNATURE AND DATE
© COPYRIGHT 2004, BARRACO AND ASSOCIATES, INC.
REPRODUCTIONS, CHANGES OR ALTERATIONS ARE PROHIBITED

FILE NAME	210002.DWG
LAYOUT	LAYOUT1
LOCATION	210002.DWG
PLOT DATE	WED. 12-28-2004 - 11:00 AM
PLOT BY	SHARLE JOHNSON
DRAWN BY	LORENZO LACROIX
REVISION	
REVISION	
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REVISION	
REVISION	

PLAN REVISIONS

PLAN STATUS

EXHIBIT D

**TYPICAL
BULKHEAD
DETAIL**

PROJECT / FILE NO. SHEET NUMBER

1

SHANE JOHNSON

Ecologist, Passarella and Associates, Inc.

Provides ecological services for private and public development and road projects. Services include state, federal, and local wetland jurisdictional determinations; environmental construction inspections; environmental impact assessments; ecological assessments; listed species surveys; and wetland monitoring.

Education

Bachelor of Science in Zoology, 1999

Minor: Chemistry

Southern Illinois University Carbondale

Experience

Environmental Technician, Passarella and Associates, Inc., Fort Myers, Florida, March 2004 - December 2004

Assist with field work and permitting. Prepare maps and equipment for field work. Document nesting behavior of bald eagles in Lee and Collier Counties per U.S. Fish and Wildlife Service monitoring guidelines.

Shorebird Technician, Sanibel-Captiva Conservation Foundation/U.S. Fish and Wildlife Service, Fort Myers, Florida, February 2003 – July 2003.

Coordinate the monitoring and conservation efforts for Sanibel snowy plover and least tern breeding populations. Write protocols for data collection/analysis; exotic plant control and removal. Perform herpetofauna surveys and assist with prescribed burns.

Research Assistant, Cooperative Wildlife Research Laboratory, Carbondale, Illinois, June 1996– July 1996.

Assist with meadow vole diet composition study; conduct plant collection; assist with food preparation.

Continuing Education

- Richard Chinn's Wetland Delineation, Tampa, Florida, September 21-23, 2004
- 9th Annual Exotic Species Workshop, 2004
- Wetland Delineation (FDEP), Fort Myers, Florida, March, 2005
- Gopher Tortoise Relocation, Fort Myers, Florida, May, 2005
- Environmental Permitting Short Course, Marco Island, Florida, 2005

Professional Associations

Florida Association of Environmental Professionals (2004)
Calusa Herpetological Society (2004)

APPLICANT'S EXHIBIT #3
4/29/2005
PCT 2005-0007

EXHIBITS DCI2005-00007

APPLICANT

- #1 Aerial Photo
- #2 Master Concept Plan ^{Rec'd} 9/15/2005
- #3 Resume of Shane Johnson
- #4 FLV OFCS + Wetland Map
- #5 FOIA letter dated 9/23/2005
- #6 Resolution Z-05-040
- #7 _____
- #8 _____
- #9 _____
- #10 _____

STAFF

- #1 _____
- #2 _____
- #3 _____
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- #7 _____
- #8 _____
- #9 _____
- #10 _____

OTHER EXHIBITS

NAME

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NAME

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