GIS Tracking Sheet

kwiktag® 026 621 908

Case No.: DCI2005-00055

Intake Date: JUNE 3, 2005

Project Name: Diplomat Property RPD/CPD

STRAP Number(s): 34-43-24-00-00001.3030

Planner Name: Tony Palermo Ext. 8325

LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING

Date: 12/22/2005 ArcGIS **INTAKE:** DC105055

LEGAL SUFFICIENT ☑ YES ☐ NO Initials: LGM

If not, give brief explanation:

MAP UPDATE following FINAL ACTION

Date: Checked 10-24-2007

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

☐ Administrative Approval ☐ Blue Sheet

Zoning Notes: Z-06-004, DCI2005-00055, 03APRIL06, DIPLOMAT PROPERTY, REZONE 65 ACRES FROM AG-2 TO RPD/CPD TO ALLOW A MAXIMUM OF ~~468~~ 457 DWELLING UNITS, 200,000 SQ FT OF COMMERCIAL FLOOR AREA AND A MAX OF 120 HOTEL ROOMS; CONDS.

MAP UPDATED ☑ YES ☐ NO Initials: CD

If not, give brief explanation:
ZONE: RPD 501387

ZONE: CPD: 561365

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



COORDINATE TABLE

POINT	NORTHING	EASTING
NE#1	856527.93	688334.48
NE#2	856329.35	686692.19
NE#3	856228.53	688316.53
NE#4	856231.52	687602.01
NE#5	856231.43	687562.01
NE#6	856230.51	687178.94
NE#7	856329.16	686612.19
NE#8	856578.55	686354.11

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°55'31"	94.14'	94.14'(D) 94.23'(M)	S 03°47'10" W(D) S 03°50'44" W(M)
C2	2150.00'	03°32'51"	133.12'	133.10'	S 88°21'47" E
C3	17.00'	90°00'01"	26.70'	24.04'	S 48°26'24" W
C4	80.00'	86°25'24"	120.67'	109.55'	N 43°20'54" W
C5	2050.00'	03°32'51"	126.93'	126.91'	S 88°21'47" E

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 03°25'50" W	199.95'
L2	N 86°35'21" W	12.52'
L3	N 28°32'51" W	6.70'
L4	S 03°25'50" W	53.49'
L5	S 03°25'50" W	100.00'
L6	N 86°34'10" W	72.00'
L7	N 03°25'50" E	65.00'
L8	N 86°33'36" W	39.68'
L9	S 03°26'24" W	8.00'
L10	S 86°35'21" E	12.49'
L11	S 89°51'48" W	40.00'
L12	S 00°08'12" E	186.04'
L13	N 59°04'35" E	185.65'
L14	S 76°11'27" E	125.61'
L15	S 41°41'10" E	153.30'
L16	N 00°08'12" W	236.02'
L17	S 89°51'48" W	80.00'

LITTLETON ROAD (50' WIDE)
SOUTHERLY RIGHT-OF-WAY LINE

POINT OF COMMENCEMENT

C1

S 03°25'50" W 2338.37'(D) 2337.35'(M)
WESTERLY RIGHT-OF-WAY LINE

U.S. 41
(a/k/a S.R 45, a/k/a TAMIAMI TRAIL)(200' WIDE)

PROPOSED
NORTH RPD
ZONING PARCEL

35.18± AC.

PROPOSED
ADDITIONAL NORTH
CPD ZONING PARCEL

1.48± AC.

257.48'
N 89°51'48" E

NE#8

W 96.02.00 N
244.12'

250.00'
S 00°08'12" E

253.42'
S 89°51'48" W

L17

P.O.B.
ADDITIONAL SOUTH CPD
ZONNING PARCEL
NE#7

L3

N 89°51'48" E 1145.24'

L4

S 89°54'50" E 500.85'

P.O.B.
NORTH CPD
ZONING PARCEL
NE#1

NE#2
CPD ZONNING PARCEL
ADDITIONAL NORTH
P.O.C.
POINT "B"

N 00°08'12" W
250.00'

PROPOSED
NORTH CPD ZONING PARCEL

8.78± AC.

S 89°51'48" W 1484.79'

NORTHERLY RIGHT-OF-WAY

L1

L2

C2

POINT "A"
P.O.C.
SOUTH CPD
ZONING PARCEL

(O.R. 2833, PG. 4156)

P.O.B.
ADDITIONAL SOUTH CPD ZONING PARCEL

L11

DIPLOMAT PARKWAY (100' WIDE)

C5

L5

SOUTHERLY RIGHT-OF-WAY

NE#6

S 89°51'48" W 383.07'

NE#5

N 89°51'48" E 575.20'

L10

P.O.B.
SOUTH CPD
ZONING PARCEL
NE#3

L12

L13

L14

L15

L16

N 00°08'12" W
274.66'

POINT "C"
P.O.C.
ADDITIONAL SOUTH
CPD ZONNING
PARCEL
NE#4

PROPOSED
SOUTH CPD ZONING
PARCEL

6.00± AC.

429.00'
S 03°25'50" W

PROPOSED
ADDITIONAL SOUTH
CPD
ZONING PARCEL

1.22± AC.

C4

N 86°33'36" W 487.82'
(O.R. 2833, PG. 4156)

L9

L8

C3

L7

L6

PROPOSED
SOUTH RPD
ZONING PARCEL

12.47± AC.

N.E. CORNER
(O.R. 2113, PG. 1590)
&
MERCHANTS CROSSING
(P.B. 52, PG. 37-47)

DCI 2005-00055

THIS IS NOT A SURVEY

NOTES:
1. SEE ACCOMPANYING SHEETS FOR COMPLETE METES AND BOUNDS DESCRIPTION.

2. STATE PLANE COORDINATES (FLORIDA ZONE WEST) SHOWN HEREON ARE BASED ON NAD83, AND ARE FOR GIS PURPOSES ONLY.

3. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS S.03°25'50"W.

LEGEND:
P.O.C. INDICATES POINT OF COMMENCEMENT
P.O.B. INDICATES POINT OF BEGINNING
O.R. INDICATES OFFICIAL RECORDS BOOK OF LEE COUNTY
PG. INDICATES PAGE NUMBER
P.B. INDICATES PLAT BOOK
C1 INDICATES CURVE 1 OF THE CURVE TABLE
L1 INDICATES LINE 1 OF THE LINE TABLE
NE#1 INDICATES COORDINATE #1 OF THE COORDINATE TABLE

Sketch
Approved
By CSJ 11/6/06

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

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

—PREPARED NOVEMBER 2, 2006.

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

S:\Jobs\20xx\2028\SURVEY\DescriptionsZoning\2028_ZONING_CPD_REV_SK.dwg, 11/2/2006 4:24:53 PM, David Blehschmidt

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



1"=300'

LINE TABLE

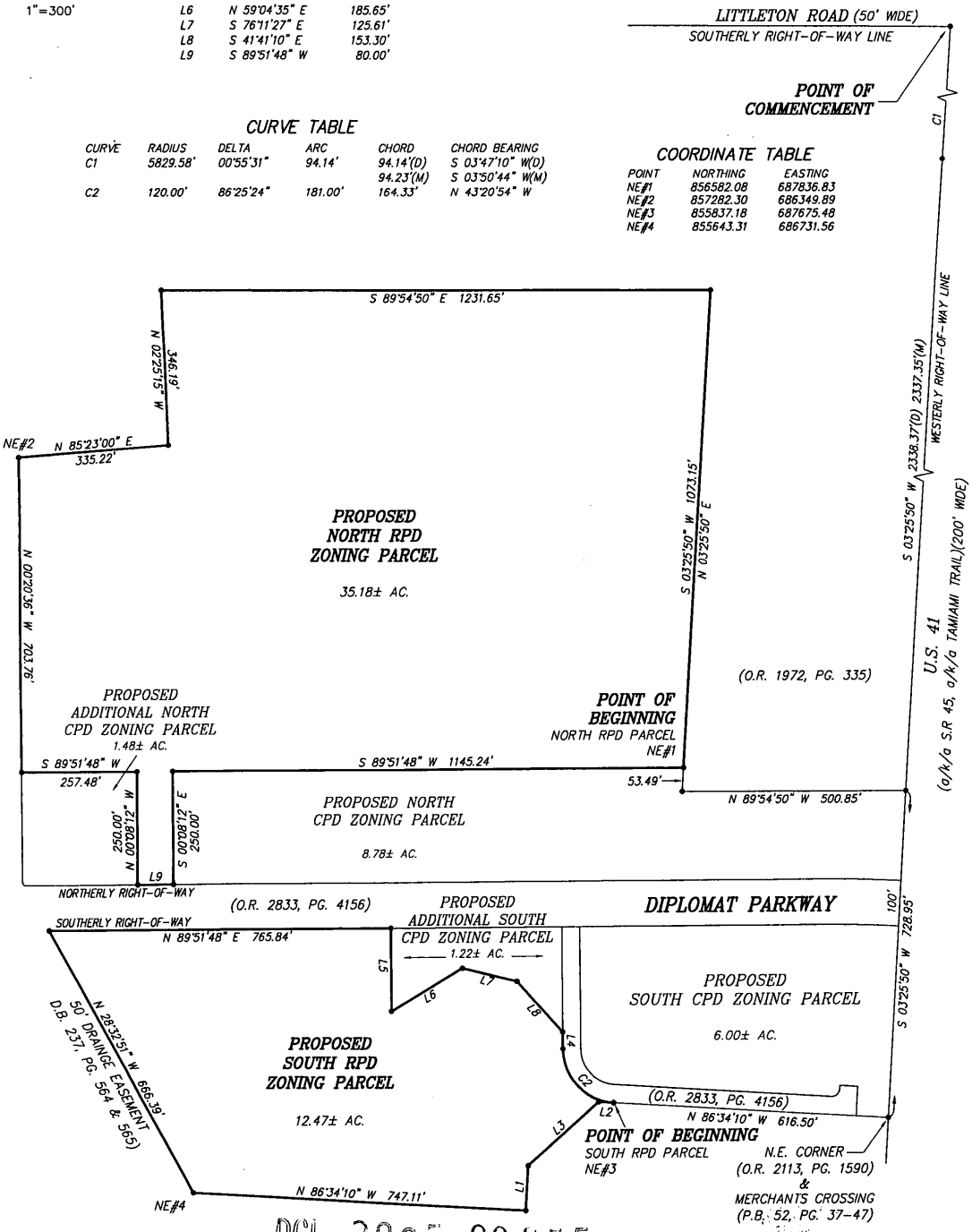
LINE	BEARING	DISTANCE
L1	S 03°25'50" W	100.00'
L2	N 86°34'10" W	33.50'
L3	S 48°25'48" W	212.13'
L4	S 00°08'12" E	38.64'
L5	S 00°08'12" E	186.04'
L6	N 59°04'35" E	185.65'
L7	S 76°11'27" E	125.61'
L8	S 41°41'10" E	153.30'
L9	S 89°51'48" W	80.00'

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°55'31"	94.14'	94.14'(D)	S 03°47'10" W(D)
				94.23'(M)	S 03°50'44" W(M)
C2	120.00'	86°25'24"	181.00'	164.33'	N 43°20'54" W

COORDINATE TABLE

POINT	NORTHING	EASTING
NE#1	856582.08	687836.83
NE#2	857282.30	686349.89
NE#3	855837.18	687675.48
NE#4	855643.31	686731.56



DCI 2005-00055

NOTES:

1. SEE ACCOMPANYING SHEETS FOR COMPLETE METES AND BOUNDS DESCRIPTION.
2. STATE PLANE COORDINATES (FLORIDA ZONE WEST) SHOWN HEREON ARE BASED ON NAD83, AND ARE FOR GIS PURPOSES ONLY.
3. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS S.03°25'50"W.

LEGEND:

O.R.	INDICATES OFFICIAL RECORDS BOOK OF LEE COUNTY
PG.	INDICATES PAGE NUMBER
C1	INDICATES CURVE 1 OF THE CURVE TABLE
L1	INDICATES LINE 1 OF THE LINE TABLE
NE#1	INDICATES COORDINATE #1 OF THE COORDINATE TABLE
P.B.	INDICATES PLAT BOOK
D.B.	INDICATES DEED BOOK
(D)	INDICATES DEED
(M)	INDICATES MEASURED

THIS IS NOT A SURVEY

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4809

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

PREPARED NOVEMBER 2, 2006

SKETCH

Applicant's Legal Checked
by CSJ 11/17/06

DCI 2005-00055

PREPARED BY:

Banks Engineering

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FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

S:\Jobs\20xx\2028\SURVEY\Descriptions\Zoning\2028_ZONING_RPD_REV_SK.dwg, 11/2/2006 4:25:50 PM, David Blehschmidt

Banks Engineering

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DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(CPD ZONING DESCRIPTION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

NORTH CPD ZONNING PARCEL
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF LITTLETON ROAD (50 FEET WIDE); THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 199.95 FEET TO **POINT "A"** AND TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE); THENCE N.86°35'21"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 12.52 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2150.00 FEET; THENCE WESTERLY ALONG SAID CURVE AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 133.12 FEET; THENCE S.89°51'48"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 1484.79 FEET TO **POINT "B"**; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE N.89°51'48"E. FOR 1145.24 FEET; THENCE S.03°25'50"W. FOR 53.49 FEET; THENCE S.89°54'50"E. FOR 500.85 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 8.78 ACRES, MORE OR LESS.

TOGETHER WITH: ADDITIONAL NORTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "B" ; THENCE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) FOR 80.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 253.42 FEET; THENCE N.28°32'51"W. FOR 6.70 FEET; THENCE N.00°20'36"W. FOR 244.12 FEET; THENCE N.89°51'48"E. FOR 257.48 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 1.48 ACRES, MORE OR LESS.

DCI 2005-00055

TOGETHER WITH: SOUTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "A"; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) FOR 100.00 FEET TO THE **POINT OF BEGINNING**;

Fort Myers Office	Sarasota Office	Port Charlotte Office
10511 Six Mile Cypress Pkwy, Suite #101	1144 Tallevast Road Suite #115	12653 SW CR 769 Suite B
Fort Myers, Florida 33966	Sarasota, Florida 34243	Lake Suzy, Florida 34269
(239) 939-5490	(941) 360-1618	(941) 625-1165
Fax (239) 939-2523	Fax (941) 360-6918	Fax (941) 625-1149

THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 429.00 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 72.00 FEET TO THE SOUTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.03°25'50"E. ALONG THE EASTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 65.00 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 39.68 FEET; THENCE S.03°26'24"W. ALONG THE WESTERLY LINE OF SAID PARCEL FOR 8.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 17.00 FEET; THENCE SOUTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'01" FOR 26.70 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 487.82 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 80.00 FEET; THENCE NORTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 120.67 FEET; THENCE N.00°08'12"W. ALONG THE EASTERLY LINE OF SAID PARCEL FOR 274.66 FEET TO **POINT "C"** AND TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY FOR 575.20 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2050.00 FEET; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY AND SAID CURVE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 126.93 FEET; THENCE S.86°35'21"E. ALONG SAID RIGHT-OF-WAY FOR 12.49 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 6.00 ACRES, MORE OR LESS.

TOGETHER WITH: ADDITIONAL SOUTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "C"; THENCE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) FOR 40.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 383.07 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF THE AFORESAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.00°08'12"W. ALONG THE WESTERLY LINE FOR 236.02 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 1.22 ACRES.

NET AREA AS DESCRIBED CONTAINS 17.48 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

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

DESCRIPTION PREPARED NOVEMBER 2, 2006.

DCI 2005-00055

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4006

Applicant's Legal Checked
by 11/08/06 csj

Banks Engineering

Professional Engineers, Planners & Land Surveyors
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Naples, Florida 34119
(239) 597-2061
Fax (239) 597-3082

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(RPD ZONING DESCRIPTION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

NORTH RPD PARCEL:
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET; THENCE N.89°54'50"W. FOR 500.85 FEET; THENCE N.03°25'50"E. FOR 53.49 FEET TO THE **POINT OF BEGINNING**; THENCE S.89°51'48"W. FOR 1145.24 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.89°51'48"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 80.00 FEET; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE S.89°51'48"W. FOR 257.48 FEET; THENCE N.00°20'36"W. FOR 703.76 FEET; THENCE N.85°23'00"E. FOR 335.22 FEET; THENCE N.02°25'15"W. FOR 346.19 FEET; THENCE S.89°54'50"E. FOR 1231.65 FEET; THENCE S.03°25'50"W. FOR 1073.15 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 35.18 ACRES, MORE OR LESS.

AND;
SOUTH RPD PARCEL:
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG THE WESTERLY RIGHT-OF-WAY AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE SOUTHEASTERLY CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 728.95 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 616.50 FEET TO THE **POINT OF**

Fort Myers Office	Sarasota Office	Port Charlotte Office
10511 Six Mile Cypress Pkwy, Suite #101	1144 Tallevast Road Suite #115	12653 SW CR 769 Suite B
Fort Myers, Florida 33966	Sarasota, Florida 34243	Lake Suzy, Florida 34269
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Fax (239) 939-2523	Fax (941) 360-6918	Fax (941) 625-1149

DCI 2005-00055

BEGINNING; THENCE CONTINUE N.86°34'10"W. ALONG SAID NORTHERLY LINE FOR 33.50 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE S.48°25'48"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 212.13 FEET; THENCE S.03°25'50"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 100.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL AND TO THE SOUTH LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE SOUTH LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 AND THE NORTHERLY LINE OF SAID SUBDIVISION FOR 747.11 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY LINE OF A DRAINAGE EASEMENT (50 FEET WIDE) DESCRIBED IN DEED BOOK 237 AT PAGES 564 AND 565 OF SAID PUBLIC RECORDS; THENCE N.28°32'51"W. ALONG THE NORTHEASTERLY LINE OF SAID DRAINAGE EASEMENT FOR 666.39 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 765.84 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE S.00°08'12"E. ALONG THE WESTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 38.64 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 120.00 FEET; THENCE SOUTHEASTERLY ALONG SAID WESTERLY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 181.00 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 12.47 ACRES, MORE OR LESS.

NET ACREAGE IS 47.65 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

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

DESCRIPTION PREPARED NOVEMBER 2, 2006.

Richard M. Ritz

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

Applicant's Legal Checked
by CSJ 11/6/06

DCI 2005-00055

RESOLUTION NUMBER Z-06-004

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

WHEREAS, Athyrio Development Associates, LLC, filed an application on behalf of the property owner, Richard K. Bennett, Successor Trustee of the North Trail Land Trust, to rezone 65± acres of land from the Agricultural (AG-2) zoning district to the Residential Planned Development/Commercial Planned Development (RPD/CPD) zoning district, in reference to Diplomat Property RPD/CPD; and,

WHEREAS, a public hearing was advertised and held on January 12, 2006, and January 13, 2006, before the Lee County Zoning Hearing Examiner Diana Parker, who gave full consideration to the evidence in the record for Case #DCI2005-00055; and,

WHEREAS, a second public hearing was advertised and held on April 3, 2006, 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 65 acres of land from AG-2 to RPD/CPD to allow a maximum of 468 dwelling units, 200,000 square feet of commercial floor area, and a maximum of 120 hotel rooms. Maximum proposed building height is three (3) stories/50 feet commercial and two (2) stories/ 35 feet residential. No development blasting is requested. 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. Development must be consistent with the one-page Master Concept Plan entitled "CONCEPTUAL SITE PLAN: DIPLOMAT PARCEL," Sheet 1 of 1, date stamped "Received November 3, 2006," and prepared by Banks Engineering, Inc. (attached hereto as Exhibit C), except as modified by the conditions below.

   Development must comply with 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 (MCP) are subsequently pursued, appropriate approvals will be necessary.

Maximum Number of Dwelling Units (RPD): 381 dwelling units. An additional 76 units may be constructed if they are marketed at a price point that is affordable to moderate income households at the time of building permit application. Further, the additional 75 units may only be sold to buyers who qualify as a moderate income household at the time of purchase. Moderate income households means 120 percent of the yearly median income based on yearly income levels developed for the SHIP Program by the Housing Section of the Planning Division.

Eight (8.0) dwelling units per acre maximum, for the 47.65 acres of RPD. An additional 1.6 units per acre may be constructed subject to affordability requirements above.

Maximum Commercial Floor Area (CPD): 200,000 square feet of commercial uses. A maximum of 100,000 s/f of which may be retail.

Retail development is limited to Parcel 4 (which meets Commercial Site Location standards). Retail development is not permitted on Commercial Parcels 1, 2 or 3 (which do not meet Site Location standards).

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

a. **Schedule of Uses: RPD**

Accessory Uses and Structures
Administrative Office
Clubs, Private - As shown on the approved MCP.
Dwelling Units, single-family, duplex, two-family attached, multifamily, townhomes - 381 (up to 457 pursuant to Condition 1)
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Home Occupation, No outside help.
Home Care Facility
Model Home, Model Display Center, Model Unit - ALSO SEE MODEL HOME/ REAL ESTATE SALES CONDITIONS.
Parking Lot, Accessory
Real Estate Sales - limited to sales of lots, homes or units within the development. Model home and club locations only. ALSO SEE MODEL HOME/ REAL ESTATE SALES CONDITIONS.
Recreational Facilities - Private, On-site only. LIMITED TO THOSE SHOWN ON THE APPROVED MCP
Residential Accessory Uses
Signs, in compliance with LDC Chapter 30
Temporary Uses, Temporary Real Estate Sales Office

Schedule of Uses: CPD

Administrative Office
Animals: Clinic, Kennel, Control Center (including Humane Society) - indoors, no outdoor runs.
Automatic Teller Machine
Auto Parts Store - No installation service.
Auto Repair and Service, Group I
Bait and Tackle Shop
Banks and Financial Establishments, Group I and II
Boat Part Stores
Building Material Sales (indoor only, no outdoor display)
Business Services, Group I and II (no impound yards or armored car services)
Cleaning and Maintenance Services
Clothing Stores, General
Communication facilities, wireless (in accordance with LDC 34 Division 11)

A wireless communication facility may be administratively approved, provided it is co-located on a building and the height of the tower does not exceed 50 feet from existing grade.

Consumption on Premises - Indoors. In conjunction with Group III restaurants only. Outdoor Consumption on Premises will require special exception approval (public hearing).

Contractors and Builders, Group I and II (Not Group III)
Cultural Facilities
Day Care, Adult, Child
Department Store
Drive-through facility for any permitted use. No fast food drive-through.
Drugstore, Pharmacy (limited to 1 on Parcel 4 or 3)
Entrance Gate and Gatehouse
Emergency Operations Center
EMS, Fire or Sheriff's Station
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Flea Market, Indoor Only
Food and Beverage Services, Limited
Food Stores, Group I and II
Funeral Home or Mortuary, with or without cremation
Gasoline Dispensing System, Special
Hardware Store
Health Care Facility, Group I, II, III (no Group IV).
Hobby, Toy and Game Store
Hotel/Motel - Limited to 120 rooms maximum.

Household and Office Furnishings - (indoor only, no outdoor display)
Insurance Companies
Lawn and Garden Supply Stores - (indoor only, no outdoor display)
Library
Medical Office
Nonstore Retailer
Paint, Glass and Wallpaper - (indoor only, no outdoor display)
Parking Lot, Accessory, Commercial, Garage, Public Parking, Temporary
Personal Services, Group I, II, III, IV. Excluding Laundromats, Laundry Agents, Massage Establishments, Massage Parlors, Steam or Turkish Baths, Dating Services, Escort Services, Palm Readers, Fortune Tellers, Card Readers, Tattoo Parlors.
Pet Services, Pet Shops - Indoor only, no outdoor display. No outdoor runs.
Place of Worship
Plant Nursery
Post Office
Printing and Publishing
Processing and Warehousing
Real Estate Sales Office
Religious Facilities
Rental or Leasing Establishments, Group II (excluding tools and equipment primarily for home use). Indoor only. No outdoor display.
Repair Shop, Group I, II, III
Research and Development Laboratories, Group I, II, III, IV.
Restaurants, Group I, II, III, IV.
Restaurant, Fast Food, No stand-alone or drive-through. Within a multi-occupancy building only.
Schools, Commercial and Non-Commercial
Signs in Accordance with Chapter 30
Social Services Group I
Specialty Retail, Group I, II, III, IV
Storage, Indoor Only
Studios
Supermarkets
Temporary Uses
Used Merchandise, Group I, II, Indoor only. No outdoor display.
Variety Store

b. **Site Development Regulations - RPD**

SINGLE-FAMILY

Minimum Lot Areas and Dimensions

Lot Size:	7,500 square feet
Lot Width:	75 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	5 feet
Rear	30 feet - all lots containing enhanced buffer. See Condition 13. 20 feet - all other lots
Water body	25 feet

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.
Minimum Perimeter Setbacks: 25 feet
30 feet - all lots containing enhanced buffer. See Condition 13.

Minimum Building Separation: 10 feet.

Building Height: 35 feet/ 2 stories

Maximum Lot Coverage: 45 percent

DUPLEX, TWO-FAMILY ATTACHED, TOWNHOUSE

Minimum Lot Areas and Dimensions

Lot Size:	7,500 square feet
Lot Width:	75 feet (37.5 per unit)
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	5 feet (0 feet for common wall unit)
Rear	30 feet - all lots containing enhanced buffer. See Condition 13. 20 feet - all other lots
Water body	25 feet

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.
Minimum Perimeter Setbacks: 25 feet
30 feet - all lots containing enhanced buffer, See Condition 13.

Minimum Building Separation: 10 feet.

Building Height: 35 feet/ 2 stories

Maximum Lot Coverage: 45 percent

MULTI-FAMILY

Minimum Lot Areas and Dimensions

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

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	10 feet
Rear	30 feet - all lots containing enhanced buffer. See Condition 13.
	20 feet - all other lots
Water body	25 feet

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.
Minimum Perimeter Setbacks: 25 feet
30 feet - all lots containing enhanced buffer. See Condition 13.

Minimum Building Separation: 20 feet.

Building Height: 35 feet/ 2 stories

Maximum Lot Coverage: 45 percent

RECREATIONAL AREA/FACILITIES

Minimum Lot Areas and Dimensions

Lot Size:	9,000 square feet
Lot Width:	50 feet
Lot Depth:	120 feet

Minimum Setbacks (Also see Deviation 5):

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

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.
Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 10 feet.

Building Height: 35 feet/ 2 stories

Maximum Lot Coverage: 45 percent

Site Development Regulations - CPD

Minimum Lot Areas and Dimensions

COMMERCIAL

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

Minimum Setbacks

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

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.
Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 20 feet.

Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC §34-2174(a).

Building Height: 50 feet/ 3 stories
35 feet/ 2 stories - adjacent to west boundary

Maximum Lot Coverage: 60 percent

3. Concurrency.

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

4. Model Home and Real Estate Sales.

Model units and homes (and real estate sales) are permitted in compliance with the following conditions:

a. Each model must be a unique example. Multiple examples of the same unit are not permitted.

b. All model sites must be designated on the development order plans.

c. Prior to model home construction, the lots upon which model homes will be constructed must be shown on a preliminary plat (not the final). The preliminary plat must be filed concurrently with the local development order application. The model homes must comply with the setbacks set forth in the property development regulations for this project.

d. Dry models are prohibited.

e. The number of model homes or model units will be limited to no more than 10 within the development at one time.

f. Any model homes or units must be developed within the areas identified as "models" on the approved MCP.

g. Real Estate sales within the Residential Planned Development (RPD) are limited to the sale of lots or units within the development only. Real Estate sales are a permitted use within the Commercial Planned Development (CPD)

h. Real Estate sales within the RPD are limited to within model homes or clubhouse only.

i. Hours of operation for both models and real estate sales (within the RPD) are limited to Monday through Sunday 8:00 a.m. to 8:00 p.m.

j. Model homes and real estate sales within the RPD will be valid for a period of ~~up to~~ 5 years from the date of issuance of a certificate of occupancy of a model home per LDC § 34-1954(d)(1).

5. Agricultural Uses. No agricultural uses are existing on site, and none are approved by virtue of this rezoning.

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

7. All required buffers must utilize 100 percent all native vegetation.

8. Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC §34-2174(a).

9. 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.

10. 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.

11. The developer must contribute its proportionate share of the costs of intersection improvements at the time a traffic control device is warranted at the intersection of U.S. 41 and Diplomat Road.

12. Wireless Communication Facilities.

    a. Freestanding wireless communication facilities (towers, including stealth type) are not permitted. Approval of freestanding wireless communication facilities will require an amendment to the planned development (public hearing).

    b. Wireless Communication Facilities (including wall-mounted and roof-mounted antennas) may be approved in accordance with LDC Sec. 34-1441, et. seq. (Commercial parcels only).

13. Buffers. The 15-foot-wide Type B buffer to the west (adjacent to Six Lakes Country Club), to the east (adjacent to horse boarding), and to the north (adjacent to the existing Serendipity Mobile Home Park) must be enhanced to 30 feet, 10 trees per 100 linear feet, and canopy-type trees (no palms) with a minimum 4-inch caliper. The Type "B" buffer shown adjacent to the "Existing Lake and Amenities for Serendipity" also requires enhancement as described in this condition. See Condition 17 for enhanced buffer along north side of Diplomat Parkway where parking areas are adjacent to the Parkway.

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

15. Open Space. Prior to local development order approval, the landscape plans must demonstrate that each commercial parcel is providing a minimum of 30 percent open space within the common area on the MCP, and a minimum of 40 percent common open space is provided within the residential tracts.

16. Environmental. Prior to local development order approval:

a. The developer must submit a detailed indigenous preservation management plan for the Division of Environmental Sciences Staff review and approval that includes methods of maintaining the western 3.0 acres of the preserve as gopher tortoise habitat; and,

b. The landscape plans must include a permanent gopher tortoise fence along Diplomat Parkway where the 3-acre gopher tortoise preserve abuts this roadway and a double staggered native hedge (minimum 3-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted on the roadside of the fence; and,

c. The landscape plans must delineate a double staggered native hedge (minimum 3-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted along the interface of the indigenous preserve with the residential tract.

Prior to issuance of a Vegetation Removal Permit, all invasive exotic vegetation and manmade debris must be hand removed from the indigenous preserve.

17. Commercial Parcels North of Diplomat Parkway. Commercial buildings located within Commercial Parcels 1, 2 and the westernmost 2.3 acres of Parcel 3 are limited to a maximum of 10,000 square feet per building, and must not exceed 2 stories/35 feet in height. The building locations must alternate (be staggered) between the front and rear of the commercial parcels to provide a more campus-like setting. A parking plan must be devised to keep the amount of parking spaces along Diplomat Parkway at an absolute minimum. These parking areas and commercial buildings must be buffered, from Diplomat Parkway, by, at a minimum, a 2-foot-high berm with 10 trees and a staggered 36-inch- high hedge per 100 linear feet. Applicant is to be strongly encouraged to utilize the commercial building site locational criteria established for the Estero community.

The commercial buildings on Commercial Parcels 1, 2 and 3 must be of the same or similar architectural design and coloring as the residential buildings, to identify the them as a unified project. All project identification signs (commercial and residential) must also be of the same or similar architectural design and coloring.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §10-285(a) requirement to provide a minimum access connection separation of 660 feet on an arterial road, to permit an access separation of 364 feet between the project's proposed main access and the proposed exit-only access for the residential portion of the southern parcel. This deviation is APPROVED.

2. Deviation (2) seeks relief from the LDC §10-296(k)(1) requirement that dead-end streets be closed at one end by a circular turn-around, to allow two dead-end streets as shown on the MCP. This deviation is APPROVED.

3. Deviation (3) seeks relief from the LDC §10-415(b)(1)(a) requirement that large developments with indigenous vegetation communities provide 50 percent of their open space percentage requirements through onsite preservation of existing native vegetative communities, to permit 0.45 acres of right-of-way to be vacated, enhanced, and preserved

to count toward the preservation requirement. This deviation is APPROVED, SUBJECT TO the following condition:

a. Prior to local development order approval for Commercial Parcel 4, the existing roadway easement depicted within the indigenous preserve must be vacated.

4. Deviation (4) seeks relief from the LDC §10-415(b)(1)a. requirement that large developments with existing indigenous native vegetation communities provide 50 percent of their open space requirement through on-site preservation of indigenous native vegetation, to allow portions of the preservation area to be disturbed and restored in order to install a stormwater management system. This deviation is APPROVED, SUBJECT TO the following conditions:

a. Prior to local development order, the development orders plans must delineate the general location of the surface water management outfall through the indigenous preserve to the canal. The outfall must be designed as an open system that can be planted with native vegetation.

b. Prior to issuance of a Vegetation Removal Permit, the location of the surface water management outfall through the indigenous preserve must be field staked, to avoid impacting any large native trees or gopher tortoise burrows, for the Division of Environmental Sciences' Staff review and approval.

5. Deviation (5) seeks relief from the LDC §34-2474(b)(6) requirement that recreation halls and ancillary facilities and private clubs be located at least 40 feet from any residential dwelling unit, to allow a 20-foot minimum separation for any recreation building from a residential dwelling unit. This deviation is APPROVED, SUBJECT TO the following condition:

a. Development of a recreational facility and clubhouse must be generally consistent with the location and size as shown on the approved MCP.

6. a. Deviation (6.a.) seeks relief from the LDC §10-291(3) requirement (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the north of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions:

1) Access to the residential component north of Diplomat Parkway must be generally consistent with the approved MCP; and

2) The approved MCP and local development order must depict a minimum 70-foot-wide divided entrance on the north side of Diplomat Parkway that includes a median with two lanes on both sides of the median for ingress and egress; and

3) Prior to issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency

vehicles. The development order must also include the plans for the secondary/emergency access required in the following paragraph.

4) Prior to build-out of the north residential development, applicant must install a secondary/emergency access from the residential tract to commercial Parcel 3, as shown on the MCP. Any emergency access gate must comply with all applicable regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or the operator of the gate;

6. b. Deviation (6.b.) seeks relief from the LDC §10-291(3) (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the south of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway with an emergency access also onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions:

1) Access to the residential component South of Diplomat Parkway must be generally consistent with the approved MCP; and

2) Any emergency access gate must comply with all applicable regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or the operator of the gate; and

3) Prior to the issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

Exhibit A: Legal description
Exhibit B: Zoning Map (subject parcel identified with shading)
Exhibit C: Master Concept Plan -Diplomat Parcel, Stamped Received November 3, 2006

The applicant has indicated that the STRAP number for the subject property is: 34-43-24-00-00001.3030.

SECTION E. FINDINGS AND CONCLUSIONS:

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

2. The RPD/CPD rezoning, as approved:

   a. meets or exceeds the performance and locational standards set forth for the potential uses allowed by the request; and,

   b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,

   c. is compatible with existing or planned uses in the surrounding area; and,

   d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,

   e. will not adversely affect environmentally critical areas or natural resources.

3. The RPD/CPD rezoning satisfies the following criteria:

   a. the proposed use or mix of uses is appropriate at the subject location; and

   b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

   c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

4. No agricultural uses currently exist on the property.

5. Urban services, as defined in the Lee Plan, will be available and adequate to serve the proposed land use.

6. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

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

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

DULY PASSED AND ADOPTED this 3rd day of April 2006.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Tammara Hall, Chairwoman

Approved as to form by:

_____
Donna Marie Collins
County Attorney's Office

MAILED
OFFICE
2005 NOV 27 PM 3:20

Banks Engineering
Professional Engineers, Planners & Land Surveyors
2515 Northbrooke Plaza Drive - Suite 200
Naples, Florida 34119
(239) 597-2061
Fax (239) 597-3082

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(CPD ZONING DESCRIPTION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

NORTH CPD ZONNING PARCEL
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF LITTLETON ROAD (50 FEET WIDE); THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 199.95 FEET TO **POINT "A"** AND TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE); THENCE N.86°35'21"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 12.52 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2150.00 FEET; THENCE WESTERLY ALONG SAID CURVE AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 133.12 FEET; THENCE S.89°51'48"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 1484.79 FEET TO **POINT "B"**; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE N.89°51'48"E. FOR 1145.24 FEET; THENCE S.03°25'50"W. FOR 53.49 FEET; THENCE S.89°54'50"E. FOR 500.85 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 8.78 ACRES, MORE OR LESS.

TOGETHER WITH: ADDITIONAL NORTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "B" ; THENCE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) FOR 80.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 253.42 FEET; THENCE N.28°32'51"W. FOR 6.70 FEET; THENCE N.00°20'36"W. FOR 244.12 FEET; THENCE N.89°51'48"E. FOR 257.48 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 1.48 ACRES, MORE OR LESS.

DCI 2005-00055

TOGETHER WITH: SOUTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "A"; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) FOR 100.00 FEET TO THE **POINT OF BEGINNING**;

Fort Myers Office
10511 Six Mile Cypress Pkwy, Suite #101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

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

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

THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 429.00 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 72.00 FEET TO THE SOUTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.03°25'50"E. ALONG THE EASTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 65.00 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 39.68 FEET; THENCE S.03°26'24"W. ALONG THE WESTERLY LINE OF SAID PARCEL FOR 8.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 17.00 FEET; THENCE SOUTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'01" FOR 26.70 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 487.82 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 80.00 FEET; THENCE NORTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 120.67 FEET; THENCE N.00°08'12"W. ALONG THE EASTERLY LINE OF SAID PARCEL FOR 274.66 FEET TO **POINT "C"** AND TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY FOR 575.20 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2050.00 FEET; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY AND SAID CURVE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 126.93 FEET; THENCE S.86°35'21"E. ALONG SAID RIGHT-OF-WAY FOR 12.49 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 6.00 ACRES, MORE OR LESS.

TOGETHER WITH: ADDITIONAL SOUTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "C"; THENCE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) FOR 40.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 383.07 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF THE AFORESAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.00°08'12"W. ALONG THE WESTERLY LINE FOR 236.02 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 1.22 ACRES.

NET AREA AS DESCRIBED CONTAINS 17.48 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

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

DESCRIPTION PREPARED NOVEMBER 2, 2006.

DCI 2005-00055

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4000

Applicant's Legal Checked
by 11/08/06 csl

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

1"=300'

COORDINATE TABLE

POINT	NORTHING	EASTING
NE#1	856527.93	688334.48
NE#2	856329.35	686692.19
NE#3	856228.53	688316.53
NE#4	856231.52	687602.01
NE#5	856231.43	687562.01
NE#6	856230.51	687178.94
NE#7	856329.16	686612.19
NE#8	856578.55	686354.11

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°55'31"	94.14'	94.14'(D)	S 03°47'10" W(D)
				94.23'(M)	S 03°50'44" W(M)
C2	2150.00'	03°32'51"	133.12'	133.10'	S 88°21'47" E
C3	17.00'	90°00'01"	26.70'	24.04'	S 48°26'24" W
C4	80.00'	86°25'24"	120.67'	109.55'	N 43°20'34" W
C5	2050.00'	03°32'51"	126.93'	126.91'	S 88°21'47" E

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 03°25'50" W	199.95'
L2	N 86°35'21" W	12.52'
L3	N 28°32'51" W	6.70'
L4	S 03°25'50" W	53.49'
L5	S 03°25'50" W	100.00'
L6	N 86°34'10" W	72.00'
L7	N 03°25'50" E	65.00'
L8	N 86°33'36" W	39.68'
L9	S 03°26'24" W	8.00'
L10	S 86°35'21" E	12.49'
L11	S 89°51'48" W	40.00'
L12	S 00°08'12" E	186.04'
L13	N 59°04'35" E	185.65'
L14	S 76°11'27" E	125.61'
L15	S 41°41'10" E	153.30'
L16	N 00°08'12" W	236.02'
L17	S 89°51'48" W	80.00'

LITTLETON ROAD (50' WIDE)
SOUTHERLY RIGHT-OF-WAY LINE

POINT OF COMMENCEMENT

C1

S 03°25'50" W 2338.37'(D) 2337.35'(M)
WESTERLY RIGHT-OF-WAY LINE

U.S. 41
(a/k/a S.R 45, a/k/a TAMIAMI TRAIL)(200' WIDE)

PROPOSED
NORTH RPD
ZONING PARCEL
35.18± AC.

PROPOSED
ADDITIONAL NORTH
CPD ZONING PARCEL
1.48± AC.

257.48'
N 89°51'48" E

N 89°51'48" E 1145.24'

P.O.B.
NORTH CPD
ZONING PARCEL
NE#1

S 89°54'50" E 500.85'

NE#8

N 00°08'36" W 244.12'

S 00°08'12" E 250.00'

253.42'
S 89°51'48" W

NE#2
CPD ZONNING PARCEL
ADDITIONAL NORTH
P.O.C.
POINT "B"

N 00°08'12" W 250.00'

PROPOSED
NORTH CPD ZONING PARCEL
8.78± AC.

S 89°51'48" W 1484.79'

NORTHERLY RIGHT-OF-WAY

POINT "A"
P.O.C.
SOUTH CPD
ZONING PARCEL

P.O.B.
ADDITIONAL SOUTH CPD
ZONNING PARCEL
NE#7

SOUTHERLY RIGHT-OF-WAY

(O.R. 2833, PG. 4156)
P.O.B.
ADDITIONAL SOUTH CPD ZONING PARCEL

DIPLOMAT PARKWAY (100' WIDE)

N 89°51'48" E 575.20'

NE#6

S 89°51'48" W 383.07'

NE#5

PROPOSED
ADDITIONAL SOUTH
CPD
ZONING PARCEL
1.22± AC.

POINT "C"
P.O.C.
ADDITIONAL SOUTH
CPD ZONNING
PARCEL
NE#4

PROPOSED
SOUTH CPD ZONING
PARCEL
6.00± AC.

N 00°08'12" W 274.86'

S 03°25'50" W 429.00'

P.O.B.
SOUTH CPD
ZONING PARCEL
NE#3

N 86°33'36" W 487.82'
(O.R. 2833, PG. 4156)

PROPOSED
SOUTH RPD
ZONING PARCEL
12.47± AC.

N.E. CORNER
(O.R. 2113, PG. 1590)
&
MERCHANTS CROSSING
(P.B. 52, PG. 37-47)

DCI 2005-00055

NOTES:
1. SEE ACCOMPANYING SHEETS FOR COMPLETE METES AND BOUNDS DESCRIPTION.

2. STATE PLANE COORDINATES (FLORIDA ZONE WEST) SHOWN HEREON ARE BASED ON NAD83, AND ARE FOR GIS PURPOSES ONLY.

3. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS S 03°25'50"W.

LEGEND:
P.O.C. INDICATES POINT OF COMMENCEMENT
P.O.B. INDICATES POINT OF BEGINNING
O.R. INDICATES OFFICIAL RECORDS BOOK OF LEE COUNTY
PG. INDICATES PAGE NUMBER
P.B. INDICATES PLAT BOOK
C1 INDICATES CURVE 1 OF THE CURVE TABLE
L1 INDICATES LINE 1 OF THE LINE TABLE
NE#1 INDICATES COORDINATE #1 OF THE COORDINATE TABLE

THIS IS NOT A SURVEY

SKETCH

Richard M. Ritz

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

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

—PREPARED NOVEMBER 2, 2006.

CSJ 11/6/06

PREPARED BY:

Banks Engineering
ENGINEERING, SURVEYING & LAND PLANNING
2515 NORTHBROOKE PLAZA DRIVE - SUITE 200
NAPLES, FLORIDA 34119
(239) 597-2081
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

S:\Jobs\20xx\2028\SURVEY\Descriptions\Zoning\2028_ZONING_CPD_REV_SK.dwg, 11/2/2006 4:24:53 PM, David Blehschmidt

Banks Engineering
Professional Engineers, Planners & Land Surveyors
2515 Northbrooke Plaza Drive-Suite 200
Naples, Florida 34119
(239) 597-2061
Fax (239) 597-3082

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(RPD ZONING DESCRIPTION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

NORTH RPD PARCEL:
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET; THENCE N.89°54'50"W. FOR 500.85 FEET; THENCE N.03°25'50"E. FOR 53.49 FEET TO THE **POINT OF BEGINNING**; THENCE S.89°51'48"W. FOR 1145.24 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.89°51'48"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 80.00 FEET; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE S.89°51'48"W. FOR 257.48 FEET; THENCE N.00°20'36"W. FOR 703.76 FEET; THENCE N.85°23'00"E. FOR 335.22 FEET; THENCE N.02°25'15"W. FOR 346.19 FEET; THENCE S.89°54'50"E. FOR 1231.65 FEET; THENCE S.03°25'50"W. FOR 1073.15 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 35.18 ACRES, MORE OR LESS.

AND;
SOUTH RPD PARCEL:
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG THE WESTERLY RIGHT-OF-WAY AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE SOUTHEASTERLY CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 728.95 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 616.50 FEET TO THE **POINT OF**

Fort Myers Office
10511 Six Mile Cypress Pkwy, Suite #101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

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

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

DCI 2005-00055

BEGINNING; THENCE CONTINUE N.86°34'10"W. ALONG SAID NORTHERLY LINE FOR 33.50 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE S.48°25'48"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 212.13 FEET; THENCE S.03°25'50"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 100.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL AND TO THE SOUTH LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE SOUTH LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 AND THE NORTHERLY LINE OF SAID SUBDIVISION FOR 747.11 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY LINE OF A DRAINAGE EASEMENT (50 FEET WIDE) DESCRIBED IN DEED BOOK 237 AT PAGES 564 AND 565 OF SAID PUBLIC RECORDS; THENCE N.28°32'51"W. ALONG THE NORTHEASTERLY LINE OF SAID DRAINAGE EASEMENT FOR 666.39 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 765.84 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE S.00°08'12"E. ALONG THE WESTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 38.64 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 120.00 FEET; THENCE SOUTHEASTERLY ALONG SAID WESTERLY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 181.00 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 12.47 ACRES, MORE OR LESS.

NET ACREAGE IS 47.65 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

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

DESCRIPTION PREPARED NOVEMBER 2, 2006.

Richard M. Ritz

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

Applicant's Legal Checked
by CSJ 11/6/06

DCI 2005-00055

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



LINE TABLE

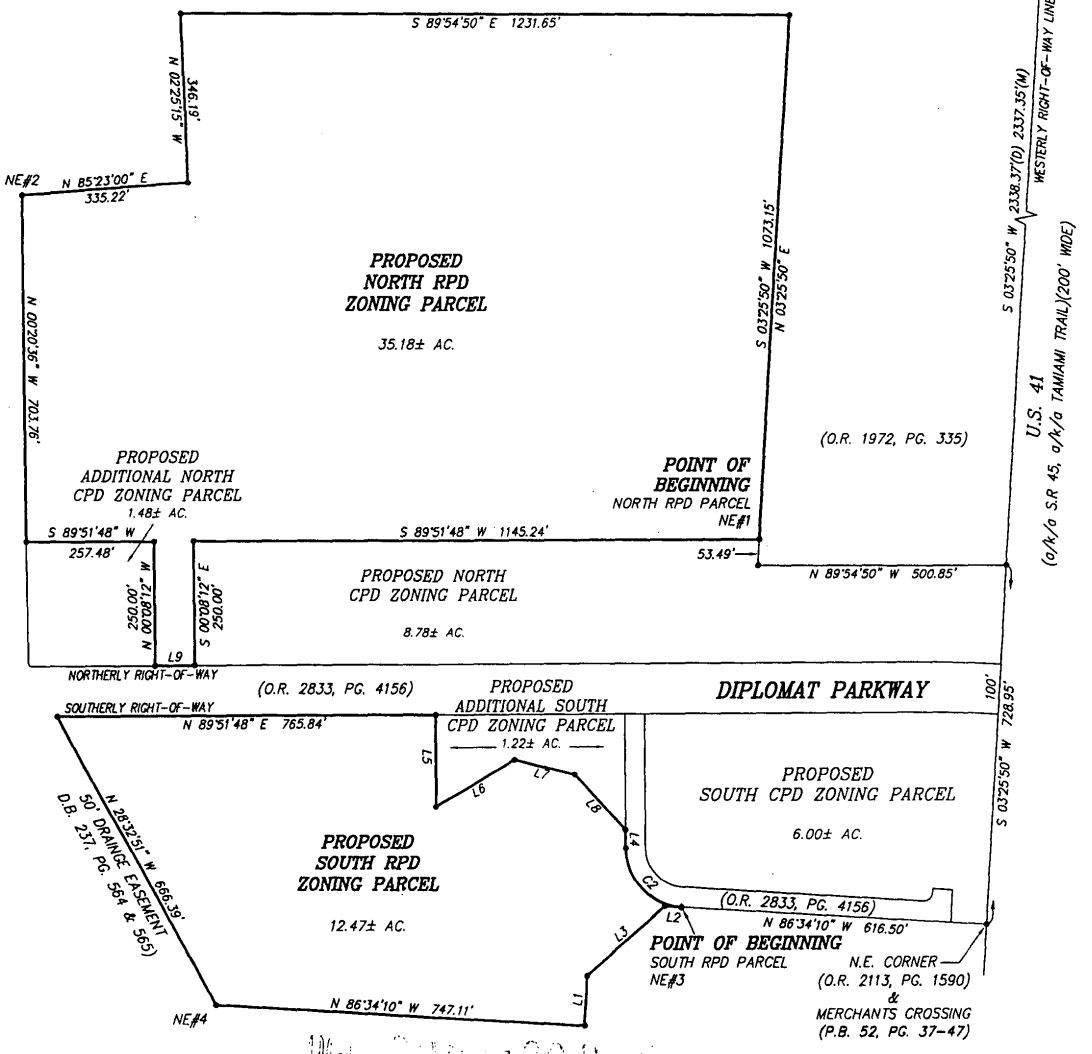
LINE	BEARING	DISTANCE
L1	S 03°25'50" W	100.00'
L2	N 86°34'10" W	33.50'
L3	S 48°25'48" W	212.13'
L4	S 00°08'12" E	38.64'
L5	S 00°08'12" E	186.04'
L6	N 59°04'35" E	185.65'
L7	S 76°11'27" E	125.61'
L8	S 41°41'10" E	153.30'
L9	S 89°51'48" W	80.00'

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°55'31"	94.14'	94.14'(D)	S 03°47'10" W(D)
				94.23'(M)	S 03°50'44" W(M)
C2	120.00'	86°25'24"	181.00'	164.33'	N 43°20'54" W

COORDINATE TABLE

POINT	NORTHING	EASTING
NE#1	856582.08	687836.83
NE#2	857282.30	686349.89
NE#3	855837.18	687675.48
NE#4	855643.31	686731.56



NOTES:

1. SEE ACCOMPANYING SHEETS FOR COMPLETE METES AND BOUNDS DESCRIPTION.
2. STATE PLANE COORDINATES (FLORIDA ZONE WEST) SHOWN HEREON ARE BASED ON NAD83, AND ARE FOR GIS PURPOSES ONLY.
3. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS S.03°25'50"W.

LEGEND:

O.R.	INDICATES OFFICIAL RECORDS BOOK OF LEE COUNTY
PG.	INDICATES PAGE NUMBER
C1	INDICATES CURVE 1 OF THE CURVE TABLE
L1	INDICATES LINE 1 OF THE LINE TABLE
NE#1	INDICATES COORDINATE #1 OF THE COORDINATE TABLE
P.B.	INDICATES PLAT BOOK
D.B.	INDICATES DEED BOOK
(D)	INDICATES DEED
(M)	INDICATES MEASURED

THIS IS NOT A SURVEY

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4609

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

—PREPARED NOVEMBER 2, 2006

SKETCH

Amendment Request 3.3
by CSJ 11/6/06

DCI 2005-00055

PREPARED BY:

Banks Engineering

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

S:\Jobs\20xx\2028\SURVEY\Descriptions\Zoning\2028_ZONING_RPD_REV_SK.dwg, 11/2/2006 4:25:50 PM, David Blehschmidt

PROPOSED ZONING MAP

12/7/2005

Attachment B

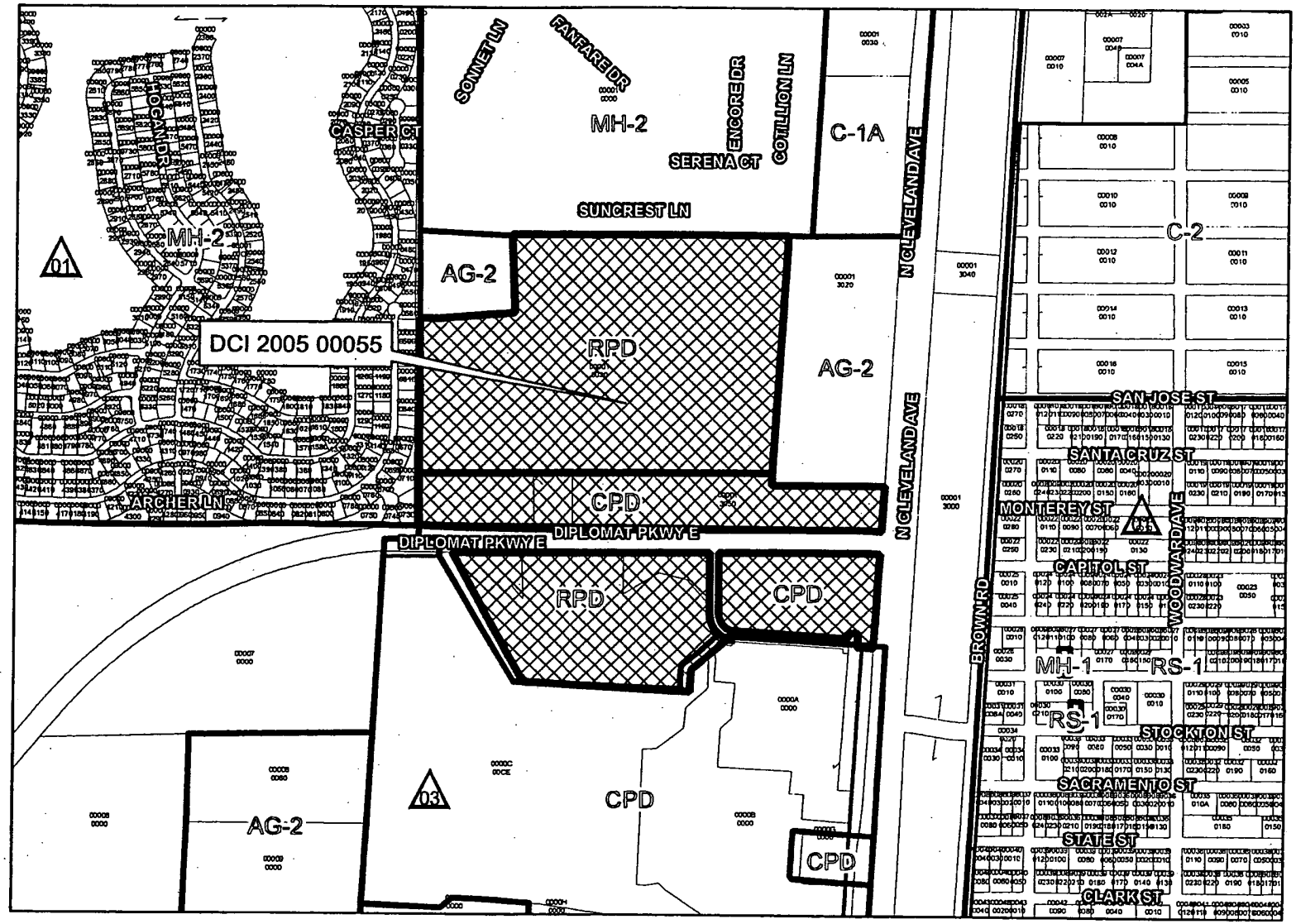
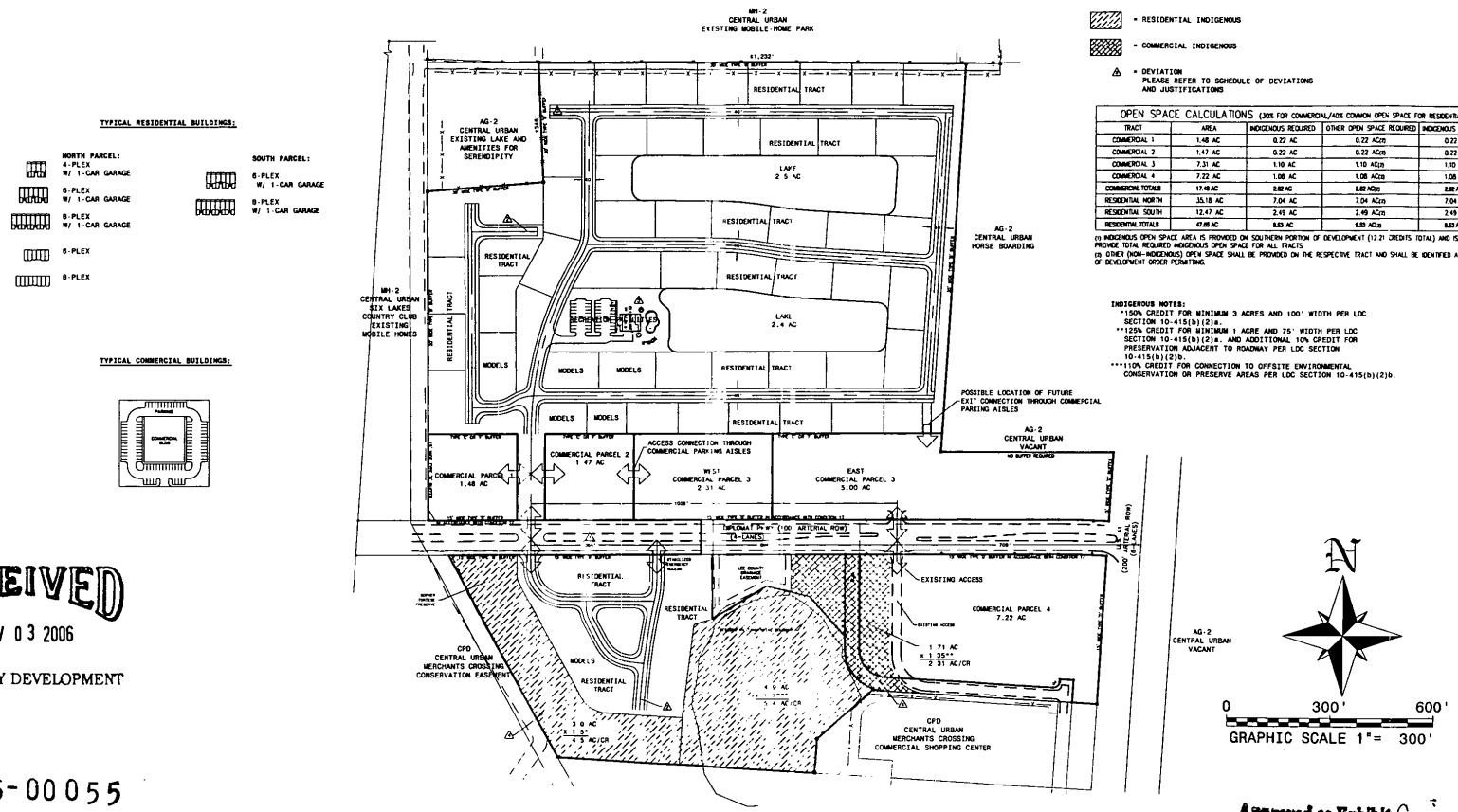


EXHIBIT "B"

Zoning Map



TYPICAL RESIDENTIAL BUILDINGS:

NORTH PARCEL:
- 4-PLEX W/ 1-CAR GARAGE
- 6-PLEX W/ 1-CAR GARAGE
- 8-PLEX W/ 1-CAR GARAGE
- 6-PLEX
- 8-PLEX

SOUTH PARCEL:
- 6-PLEX W/ 1-CAR GARAGE
- 8-PLEX W/ 1-CAR GARAGE

TYPICAL COMMERCIAL BUILDINGS:

= RESIDENTIAL INDIGENOUS

= COMMERCIAL INDIGENOUS

△ = DEVIATION
PLEASE REFER TO SCHEDULE OF DEVIATIONS AND JUSTIFICATIONS

OPEN SPACE CALCULATIONS (30% FOR COMMERCIAL/40% COMMON OPEN SPACE FOR RESIDENTIAL)

TRACT	AREA	INDIGENOUS REQUIRED	OTHER OPEN SPACE REQUIRED	INDIGENOUS PROVIDED
COMMERCIAL 1	1.48 AC	0.22 AC	0.22 AC(2)	0.22 AC(1)
COMMERCIAL 2	1.47 AC	0.22 AC	0.22 AC(2)	0.22 AC(1)
COMMERCIAL 3	7.31 AC	1.10 AC	1.10 AC(2)	1.10 AC(1)
COMMERCIAL 4	7.22 AC	1.08 AC	1.08 AC(2)	1.08 AC(1)
COMMERCIAL TOTALS	17.48 AC	2.62 AC	2.62 AC(2)	2.62 AC(1)
RESIDENTIAL NORTH	35.18 AC	7.04 AC	7.04 AC(2)	7.04 AC(1)
RESIDENTIAL SOUTH	12.47 AC	2.49 AC	2.49 AC(2)	2.49 AC(1)
RESIDENTIAL TOTALS	47.65 AC	9.53 AC	9.53 AC(2)	9.53 AC(1)

(1) INDIGENOUS OPEN SPACE AREA IS PROVIDED ON SOUTHERN PORTION OF DEVELOPMENT (12.21 CREDITS TOTAL) AND IS TO PROVIDE TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS.
(2) OTHER (NON-INDIGENOUS) OPEN SPACE SHALL BE PROVIDED ON THE RESPECTIVE TRACT AND SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.

INDIGENOUS NOTES:
*150% CREDIT FOR MINIMUM 3 ACRES AND 100' WIDTH PER LDC SECTION 10-415(b)(2)a.
**125% CREDIT FOR MINIMUM 1 ACRE AND 75' WIDTH PER LDC SECTION 10-415(b)(2)a. AND ADDITIONAL 10% CREDIT FOR PRESERVATION ADJACENT TO ROADWAY PER LDC SECTION 10-415(b)(2)b.
***110% CREDIT FOR CONNECTION TO OFFSITE ENVIRONMENTAL CONSERVATION OR PRESERVE AREAS PER LDC SECTION 10-415(b)(2)b.

EXHIBIT C

RECEIVED
NOV 03 2006
COMMUNITY DEVELOPMENT

DCI 2005-00055

Approved as Exhibit C
MCP Page 1 of 1
Resolution # Z-06-004

PREPARED FOR:
N.B.D. DEVELOPMENT, INC
301 YAMATO ROAD, SUITE 3191
BOCA RATON, FLORIDA 33431
PH: (561) 994-8572
FAX: (561) 394-7136

NO.	DATE	REVISION DESCRIPTION	BY
2	11/06/06	ZONING RESOLUTION	JCH
1	9/26/06	ADD SCHOOL AND OPEN SPACE TABLE	JCH

Banks Engineering, Inc.
Professional Engineers Planners & Land Surveyors
FORT MYERS ◆ NAPLES ◆ SARASOTA
6640 WILLOW PARK DRIVE, SUITE B
NAPLES, FLORIDA 34109
PHONE: (239) 597-3061 FAX: (239) 597-3062
ENGINEERING LICENSE # LB 5486
SURVEY LICENSE # LB 6690

MASTER CONCEPT PLAN
DIPLOMAT PARCEL
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
FEB 2005	2026	021705	JCH	SDJ	JCH	1"=300'	1	1	34-43-24

MEMORANDUM
FROM
THE OFFICE OF THE
LEE COUNTY HEARING EXAMINER

RECEIVED
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DATE: March 9, 2006

TO: THE FILE

FROM: Diana M. Parker
Chief County Hearing Examiner

RE: Case DCI2005-00055 - ATHYRIO DEVELOPMENT ASSOCIATES, LLC, in reference to DIPLOMAT PARKWAY RPD/CPD
Error/Omission in Hearing Examiner Recommendation

The Hearing Examiner's Recommendation contains an error or an omission. The following deletions ("strike-thrus") and additions ("underlines") will correct the Recommendation:

In **Section IV. HEARING EXAMINER DISCUSSION** [page 16 & 17]:

> Staff also recommended that convenience food and beverage stores, car washes, auto service stations, self-service fuel pumps be eliminated from the Schedule of Uses. They noted that the BOCC has taken the position that rezonings are not to over-saturate areas with those types of uses. Staff reviewed the existing convenience food and beverage store, gas stations and self-service fuel pumps within a 3-mile radius of the subject property, as has been the custom for the past several years. They found:
>
> - 10 convenience food and beverage stores/gas stations (118 fueling positions);
> - 8 stand-alonge fast food restaurants;
> - 2 car washes;
> - 4 drug stores;
> - 2 package stores; and
> - 1 large communications tower.

In **Section IV. HEARING EXAMINER DISCUSSION** [page 17]:

> The Hearing Examiner concurs with Staff's recommendation of a maximum density of 8.0 units per acre for both the north and south residential components of this project. Given the lack of residential development around the south parcel, and the fact that the south residential component is surrounded by preserve areas, the Hearing Examiner has no objection to the increased number of dwelling units on that parcel. At a density of 8.0 units per acre, Applicant would be allowed a total of ~~398~~ 389 units - approximately a 17 percent reduction from the number of units requested.

The Hearing Examiner regrets any inconvenience this error may have caused.

cc: Tim Jones, County Attorney's Office
Jamie Princing, Development Services Division
Tony Palermo, Planner, Development Services Division
Donna Marie Collins, County Attorney's Office
Applicant/Applicant's Representatives
Hearing Participants

JAMIE PRINCING
COMMUNITY DEVELOPMENT

MEMORANDUM
FROM
THE OFFICE OF THE
LEE COUNTY HEARING EXAMINER

DATE: **February 24, 2006**

TO: **Board of County Commissioners**

FROM: **Diana M. Parker**
Chief Hearing Examiner

RE: **Hearing Examiner Recommendation**

Enclosed you will find the following Hearing Examiner Recommendation:

HEARING DATE: **JANUARY 12, 2006**
JANUARY 13, 2006

DCI2005-00055 **ATHYRIO DEVELOPMENT ASSOCIATES, LLC, in reference to DIPLOMAT PROPERTY RPD/CPD**

The above referenced Hearing Examiner Recommendation has been rendered as of this date. The Development Services Division has advised that the BOCC Zoning Hearing is tentatively scheduled for **Monday, March 20, 2006**. Development Services will forward a copy of the Recommendation to the Board prior to that time in the pink zoning notebooks.

Official transcripts were obtained as the record in the hearing before the Hearing Examiner (in lieu of the usual summary presentation). Copies of those transcripts (along with an advance copy of the Recommendation) are being forwarded to you at this time. **Please retain these copies since additional copies of the transcripts will not be contained in your zoning notebook.**

If you have any questions concerning this or any other procedure, or need additional information, please let our office know.

cc: Tim Jones / CAO
Jamie Princing / Community Development
Andy Getch / LCDOT
Matt Noble / Planning
Sue Noe / Economic Development
DCI2005-00055
Donna Marie Collins/ CAO
Tony Palermo /Comm. Dev.
Pam Houck / Division of Zoning
Kim Trebatoski /Env. Sciences

JAMIE PRINCING
COMMUNITY DEVELOPMENT

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING:	**DCI2005-00055**
APPLICANT:	**ATHYRIO DEVELOPMENT ASSOCIATES, LLC, in reference to DIPLOMAT PROPERTY RPD/CPD**
HEARING DATE:	**JANUARY 12, 2006**
CONT'D. HRG. DATE:	**JANUARY 13, 2006**
WRITTEN SUBMISSIONS:	**JANUARY 27, 2006**
	FEBRUARY 3, 2006

I. APPLICATION:

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

Filed by ATHYRIO DEVELOPMENT ASSOCIATES, LLC, 301 Yamato Road, Boca Raton, Florida 33431 (Applicant); RICHARD K. BENNETT, SUCCESSOR TRUSTEE OF THE NORTH TRAIL LAND TRUST, NUMBER 10-F010-00-2, DATED OCTOBER 11, 1998, 3319 Boca Ciega Drive, Naples, Florida 33957 (Owners); JON HAGAN, c/o BANKS ENGINEERING, INC., 10511 Six Mile Cypress Parkway, Suite 101, Fort Myers, Florida 33912 (Agent).

Request is to Rezone 65 acres of land from the Agricultural (AG-2) zoning district to the Residential Planned Development/Commercial Planned Development (RPD/CPD) zoning district to permit a maximum of 468 dwelling units, 200,000 square feet of commercial floor area, and a maximum of 120 hotel rooms. Maximum proposed building height is three (3) stories/50 feet commercial and three (3) stories/ 35 feet residential. No development blasting is requested.

The subject property is located at 15301 North Cleveland Ave, North Fort Myers, Florida (U.S. 41 North, go over Caloosahatchee Bridge, left on Diplomat Parkway. Property is on the north side of the road), in Section 34, Township 43 South, Range 24 East, Lee County, Florida (District #04).

II. STAFF REPORT AND RECOMMENDATION: APPROVAL WITH CONDITIONS

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

III. RECOMMENDATION OF HEARING EXAMINER:

The undersigned Lee County Hearing Examiner recommends that the Lee County Board of County Commissioners **APPROVE** the Applicant's request for a rezoning from AG-2 to RPD/CPD for the real estate described in Section IX. Legal Description WITH THE FOLLOWING CONDITIONS AND DEVIATIONS:

A. CONDITIONS:

1. The development of this project must be consistent with the 1-page Master Concept Plan entitled "CONCEPTUAL SITE PLAN: DIPLOMAT PARCEL," Sheet 1 of 1, date stamped "Received JANUARY 27, 2006," last revised January 25, 2006, and prepared by Banks Engineering, Inc. (attached hereto as **Exhibit B**), 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.

Maximum Number of Dwelling Units (RPD): ~~432~~ ~~468~~ **389** dwelling units.

Eight (8.0) dwelling units per acre maximum, for the ~~Including~~ 48.86 acres of RPD.~~, and the conversion of Commercial Parcel 1 and 2 (3 acres) and a portion of Commercial Parcel 3 (2.0 acres) to residential. Total residential acreage: 54.0+/- acres.~~

Maximum Commercial Floor Area (CPD): 200,000 square feet of commercial uses. A maximum of 100,000 s/f of which may be retail. ~~Commercial development is limited to a portion of Parcel 3 (5.0 acres) and all of Parcel 4.~~

Retail development is limited to Parcel 4 (which meets Commercial Site Location standards). Retail development is not permitted on Commercial Parcels 1,2 or 3 (which do not meet Site Location standards).

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

a. **Schedule of Uses: RPD ~~- including conversion of Commercial Parcel 1 and 2 and a 2-acre portion of Parcel 3 to Residential.~~**

Accessory Uses and Structures
Administrative Office
Clubs, Private - As shown on the approved Master Concept Plan.
Dwelling Units, single-family, duplex, two-family attached, multifamily, townhomes - ~~432~~ ~~468~~ **389** maximum. (8.0 units per acre)
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Home Occupation, No outside help.
Home Care Facility
Model Home, Model Display Center, Model Unit - ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Parking Lot, Accessory
Real Estate Sales - limited to sales of lots, homes or units within the development. Model home and club locations only. ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.

Recreational Facilities - Private, On-site only. LIMITED TO THOSE SHOWN ON THE APPROVED MASTER CONCEPT PLAN
Residential Accessory Uses
Signs, in compliance with LDC Chapter 30
Temporary Uses, Temporary Real Estate Sales Office

Schedule of Uses: CPD ~~(Limited to all of Commercial Parcel 4 and a 5-acre portion of Parcel 3).~~

Administrative Office
Animals: Clinic, Kennel, Control Center (including Humane Society) - indoors, no outdoor runs.
Automatic Teller Machine
Auto Parts Store - No installation service.
~~Automobile Service Station~~
Auto Repair and Service, Group I ~~and II~~
Bait and Tackle Shop
Banks and Financial Establishments, Group I and II
Boat Part Stores
~~Boat Sales~~
Building Material Sales (indoor only, no outdoor display)
Business Services, Group I and II (no impound yards or armored car services)
~~Car Wash~~
Cleaning and Maintenance Services
Clothing Stores, General
Communication facilities, wireless (in accordance with LDC 34 Division 11)

A wireless communication facility may be administratively approved, provided it is co-located on a building and the height of the tower does not exceed 50 feet from existing grade.

Consumption on Premises - Indoors. In conjunction with Group III restaurants only. Outdoor Consumption on Premises will require special exception approval (public hearing).

Contractors and Builders, Group I and II (Not Group III)
~~Convenience Food & Beverage Stores~~
Cultural Facilities
Day Care, Adult, Child
Department Store
Drive-through facility for any permitted use. No fast food drive-through.
Drugstore, Pharmacy (limited to 1 on Parcel 4 or 3)
Entrance Gate and Gatehouse
Emergency Operations Center
EMS, Fire or Sheriff's Station
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.

Fences and Walls.
Flea Market, Indoor Only
Food and Beverage Services, Limited
Food Stores, Group I and II
Funeral Home or Mortuary, with or without cremation
Gasoline Dispensing System, Special
Hardware Store
Health Care Facility, Group I, II, III (no Group IV).
Hobby, Toy and Game Store
~~Home Care Facility~~
Hotel/Motel - Limited to 120 rooms maximum.
Household and Office Furnishings - (indoor only, no outdoor display)
Insurance Companies
Lawn and Garden Supply Stores - (indoor only, no outdoor display)
Library
Medical Office
~~Nightclub~~
Nonstore Retailer
~~Package Store~~
Paint, Glass and Wallpaper - (indoor only, no outdoor display)
Parking Lot, Accessory, Commercial, Garage, Public Parking, Temporary
Personal Services, Group I, II, III, IV. Excluding Laundromats, Laundry Agents, Massage Establishments, Massage Parlors, Steam or Turkish Baths, Dating Services, Escort Services, Palm Readers, Fortune Tellers, Card Readers, Tattoo Parlors.
Pet Services, Pet Shops - Indoor only, no outdoor display. No outdoor runs.
Place of Worship
Plant Nursery
Post Office
Printing and Publishing
Processing and Warehousing
Real Estate Sales Office
~~Recycling Facility~~
Religious Facilities
Rental or Leasing Establishments, Group II (excluding tools and equipment primarily for home use). Indoor only. No outdoor display.
Repair Shop, Group I, II, III
Research and Development Laboratories, Group I, II, III, IV.
Restaurants, Group I, II, III, IV.
Restaurant, Fast Food, No stand-alone or drive-through. Within a multi-occupancy building only.
Schools, Commercial and Non-Commercial
~~Self Service Fuel Pumps~~
Signs in Accordance with Chapter 30
Social Services Group I
Specialty Retail, Group I, II, III, IV
Storage, Indoor Only
Studios

Supermarkets
Temporary Uses
Used Merchandise, Group I, II, ~~III, IV~~ Indoor only. No outdoor display.
Variety Store
~~Warehouse: Mini Warehouse, Private, Public~~
~~Wholesale Establishment~~

b. **Site Development Regulations - RPD**

Single-Family

Minimum Lot Areas and Dimensions

Lot Size:	7,500 square feet
Lot Width:	75 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	5 feet
Rear	30 feet - all lots containing enhanced buffer 20 feet - all other lots
Water body	25 feet

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.
Minimum Perimeter Setbacks: 25 feet
30 feet - all lots containing enhanced buffer
Minimum Building Separation: 10 feet.

Building Height: 35 feet/ 3 stories

Maximum Lot Coverage: 45 percent

Duplex, Two-Family Attached, Townhouse

Minimum Lot Areas and Dimensions

Lot Size:	7,500 square feet
Lot Width:	75 feet (37.5 per unit)
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	5 feet (0 feet for common wall unit)
Rear	30 feet - all lots containing enhanced buffer 20 feet - all other lots
Water body	25 feet

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.
Minimum Perimeter Setbacks: 25 feet
30 feet - all lots containing enhanced buffer

Minimum Building Separation: 10 feet.

Building Height: 35 feet/ 3 stories

Maximum Lot Coverage: 45 percent

Multifamily

Minimum Lot Areas and Dimensions

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

Minimum Area Per Unit: 3,000 square feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	10 feet
Rear	30 feet - all lots containing enhanced buffer 20 feet - all other lots
Water body	25 feet

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.
Minimum Perimeter Setbacks: 25 feet
30 feet - all lots containing enhanced buffer

Minimum Building Separation: 20 feet.

Building Height: 35 feet/ 3 stories

Maximum Lot Coverage: 45 percent

Recreational Area/Facilities

Minimum Lot Areas and Dimensions

Lot Size:	9,000 square feet
Lot Width:	50 feet
Lot Depth:	120 feet

Minimum Setbacks (Also see Deviation 5):

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

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.
Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 10 feet.

Building Height: 35 feet/ 3 stories

Maximum Lot Coverage: 45 percent

Site Development Regulations - CPD

Minimum Lot Areas and Dimensions

Commercial

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

Minimum Setbacks

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

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.
Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 20 feet.

Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC Section 34-2174(a).

Building Height: 50 feet/ 3 stories
35 feet/ 2 stories - adjacent to west boundary

Maximum Lot Coverage: 60 percent

3. **CONCURRENCY CONDITION**

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

4. **MODEL HOME AND REAL ESTATE SALES**

Model units and homes (and real estate sales) are permitted in compliance with the following conditions:

a. Each model must be a unique example. Multiple examples of the same unit are not permitted.

b. All model sites must be designated on the development order plans.

c. Prior to model home construction, the lots upon which model homes will be constructed must be shown on a preliminary plat (not the final). The preliminary plat must be filed concurrently with the local development order application. The model homes must comply with the setbacks set forth in the property development regulations for this project.

d. Dry models are prohibited.

e. The number of model homes or model units will be limited to no more than 10 within the development at one time.

f. Any model homes or units must be developed within the areas identified as "models" on the approved Master Concept Plan.

g. Real Estate sales within the Residential Planned Development (RPD) are limited to the sale of lots or units within the development only. Real Estate sales are a permitted use within the Commercial Planned Development (CDP)

h. Real Estate sales within the RPD are limited to within model homes or clubhouse only.

i. Hours of operation for both models and real estate sales (within the RPD) are limited to Monday through Sunday 8:00 a.m. to 8:00 p.m.

j. Model homes and real estate sales within the RPD will be valid for a period of ~~up to~~ 5 years from the date of issuance of a certificate of occupancy of a model home per LDC § 34-1954(d)(1).

5. **AGRICULTURAL USES**: No agricultural uses are existing on site, and none are approved by virtue of this rezoning.

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

7. All required buffers must utilize 100 percent all native vegetation.

8. Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC Section 34-2174(a).

9. 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.

10. 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.

11. The Developer must contribute its proportionate share of the costs of intersection improvements at the time a traffic control device is warranted at the intersection of U.S. 41 and Diplomat Road.

12. **WIRELESS COMMUNICATION FACILITIES**

A. Freestanding wireless communication facilities (towers, including stealth type) are not permitted. Approval of freestanding wireless communication facilities will require an amendment to the planned development (public hearing).

B. Wireless Communication Facilities (including wall-mounted and roof-mounted antennas) may be approved in accordance with LDC Sec. 34-1441, et. seq. (Commercial parcels only).

13. ~~The following changes must be made to the Master Concept Plan (Also See Condition 1):~~

~~A. Elimination of Commercial Parcel 1 and 2. These parcels may be utilized for residential development, additional open space, preserve or as an entrance feature for the residential development to the north. A type C or F buffer will not be required north of these Parcels.~~

~~B. The reduction of the western portion of the Commercial Parcel 3 from 7.3 acres to 5.0 acres. This western portion of Parcel 3 may be utilized for residential development, additional open space, preserve or as an entrance feature for the residential development to the north. A Type "C" or "F" buffer will not be required north of this area.~~

~~C. The Residential Planned Development be increased in size from 48.86 acres as proposed, to +/- 54 acres.~~

~~D. The Commercial Planned Development be reduced in size from 16.27 acres as proposed to +/- 11.27 acres.~~

~~E~~ A. The 15-foot-wide Type B buffer to the west (adjacent to Six Lakes Country Club), to the east (adjacent to horse boarding), and to the north (adjacent to the existing Serendipity Mobile Home Park) be enhanced to 30 feet, 10 trees per linear feet, and canopy-type trees (no palms) with a minimum 4-inch caliper. The Type "B" buffer shown adjacent to the "Existing Lake and Amenities for Serendipity" also requires enhancement as described in this condition.

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

15. Prior to local development order approval, the landscape plans must demonstrate that each commercial parcel is providing a minimum of 30 percent open space within the common area on the MCP, and a minimum of 40 percent common open space is provided within the residential tracts.

16. Prior to local development order approval: (1) a detailed indigenous preservation management plan must be submitted for the Division of Environmental Sciences Staff review and approval that includes methods of maintaining the western 3.0 acres of the preserve as gopher tortoise habitat; and (2) the landscape plans must include a permanent gopher tortoise fence along Diplomat Parkway where the 3-acre gopher tortoise preserve abuts this roadway and a double staggered native hedge (minimum 3-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted on the roadside of the fence; and (3) the landscape plans must delineate a double staggered native hedge (minimum 3-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted along the interface of the indigenous preserve with the residential tract.

Prior to issuance of a Vegetation Removal Permit, all invasive exotic vegetation and manmade debris must be hand removed from the indigenous preserve.

17. ~~Commercial Parcels 1 and 2, and the western 2.3 acres of Commercial Parcel 3 are limited single free-standing buildings with a maximum square footage of 10,000 square feet for each building and will be architecturally consistent and compatible with the residential development. The buildings in Commercial Parcel's 1 and 2 and the western 2.3 acres of Commercial Parcel 3 will not exceed two stories or 35 feet.~~

Commercial buildings located within Commercial Parcels 1, 2 and the westernmost 2.3 acres of Parcel 3 are limited to a maximum of 10,000 square feet per building, and must not exceed 2 stories/35 feet in height. The building locations must alternate (be staggered) between the front and rear of the commercial parcels to provide a more campus-like setting. A parking plan must be devised to keep the amount of parking spaces along Diplomat Parkway at an absolute minimum. These parking areas and commercial buildings must be buffered, from Diplomat Parkway, by, at a minimum, a 2-foot-high berm with 10 trees and a staggered 36-inch- high hedge per 100 linear feet. Applicant is to be strongly encouraged to utilize the commercial building site locational criteria established for the Estero community.

The commercial buildings on Commercial Parcels 1, 2 and 3 must be of the same or similar architectural design and coloring as the residential buildings, to identify the them as a unified project. All project identification signs (commercial and residential) must also be of the same or similar architectural design and coloring.

B. DEVIATIONS:

Deviation 1 requests relief from LDC Section 10-285(a), which requires a minimum access connection separation of 660 feet on an arterial road, to permit an access separation of 364 feet between the project's proposed main access and the proposed exit-only access for the residential portion of the southern parcel. The Hearing Examiner recommends **APPROVAL** of this deviation.

Deviation 2 requests relief from LDC Section 10-296(k)(1), which requires dead-end streets to be closed at one end by a circular turn-around, to allow two dead-end streets as shown on the Master Concept Plan. The Hearing Examiner recommends **APPROVAL** of this deviation.

Deviation 3 requests relief from LDC Section 10-415(b)(1)(a), which requires large developments with indigenous vegetation communities to provide 50 percent of their open space percentage requirements through onsite preservation of existing native vegetative communities, to permit 0.45 acres of right-of-way to be vacated, enhanced and preserved to count toward the preservation requirement. The Hearing Examiner recommends **APPROVAL** of this deviation with the following condition:

> Prior to local development order approval, the existing roadway easement depicted within the indigenous preserve must be vacated.

Deviation 4 requests relief from LDC Section 10-415(b)(1)a., which requires large developments with existing indigenous native vegetation communities to provide 50 percent of their open space requirement through on-site preservation of indigenous native vegetation, to allow portions of the preservation area to be disturbed and restored in order to install a stormwater management system. The Hearing Examiner recommends **APPROVAL** of this deviation with the following conditions:

1) Prior to local development order, the development orders plans must delineate the general location of the surface water management outfall through the indigenous preserve to the canal. The outfall must be designed as an open system that can be planted with native vegetation.

2) Prior to issuance of a Vegetation Removal Permit, the location of the surface water management outfall through the indigenous preserve must be field staked, to avoid impacting any large native trees or gopher tortoise burrows, for the Division of Environmental Sciences' Staff review and approval.

Deviation 5 requests relief from LDC Section 34-2474(b)(6), which requires recreation halls and ancillary facilities and private clubs be located at least 40 feet from any residential dwelling unit, to allow a 20-foot minimum separation for any recreation building from a residential dwelling unit. The Hearing Examiner recommends **APPROVAL** of this deviation with the following condition:

> Development of a recreational facility and clubhouse must be generally consistent with the location and size as shown on the approved Master Concept Plan.

Deviation 6.A. requests relief from LDC Section 10-291(3), which requires (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the north of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway. The Hearing Examiner recommends **APPROVAL** of this deviation with the following conditions:

> 1. Access to the residential component north of Diplomat Parkway must be generally consistent with the approved Master Concept Plan; and
>
> 2. The approved Master Concept Plan and local development order must depict a minimum 70-foot-wide divided entrance on the north side of Diplomat Parkway that includes a median with two lanes on both sides of the median for ingress and egress; and
>
> 3. Prior to issuance of a development order, the Developer must provide written documentation from the North Fort Myers Dire District indicating that these access points are acceptable and provide adequate access for emergency vehicles. The development order must also include the plans for the secondary/emergency access required in the following paragraph.
>
> 4. Prior to build-out of the north residential development, Applicant must install a secondary/emergency access from the residential tract to commercial Parcel 3, as shown on the Master Concept Plan (MCP). Any emergency access gate must comply with all applicable regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or the operator of the gate;

Deviation 6.B. requests relief from LDC Section 10-291(3), which requires (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the south of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway with an emergency access also onto Diplomat Parkway. The Hearing Examiner recommends **APPROVAL** of this deviation with the following conditions:

1. Access to the residential component South of Diplomat Parkway must be generally consistent with the approved Master Concept Plan; and

2. Any emergency access gate must comply with all applicable regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or the operator of the gate; and

3. Prior to the issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles.

IV. HEARING EXAMINER DISCUSSION:

This is a request to rezone two parcels, totaling 65.13 acres, located on the north and south sides of Diplomat Parkway in North Fort Myers, from AG-2 to RPD/CPD, for development of a mixed commercial and residential project. The subject property is abutted on the north and west by "over-55" mobile home parks, by AG-2 zoning and pasture on the east, and by Diplomat Parkway and then the Merchant's Crossing CPD to the south. It is designated Central Urban in the Lee Plan.

Issues

Three issues remained unresolved at the time of the public hearing. The first issue was Staff's elimination of the commercial uses on commercial parcels #1, #2 and a portion of #3, and changing the plan of development to residential uses on those commercial parcels. The second issue related to Staff's reduction in the number of dwelling units - from 468 to 432, which, with the additional acreage from the commercial parcels, resulted in a reduction in the density from Applicant's 9.5+ units per acre to about 8.0 units per acre. The last issue related to Staff's deletion of the auto service station, car wash and the convenience food and beverage store, with fuel pumps.

Background

This case is rather unusual as the subject property is divided by Diplomat Parkway, an east/west arterial roadway, connecting into U.S. 41. Approximately two-thirds of the subject property is located on the north side of Diplomat Parkway, with about 1,960 feet of frontage on Diplomat Parkway, and 210 feet of frontage on U.S. 41. Applicant's Master Revised Concept Plan (MCP), dated January 27, 2006, divides the north property into three narrow (250-foot-deep) commercial parcels fronting on Diplomat Parkway, and a large, squarish multi-family residential tract north of the commercial parcels. Two access points are depicted to Diplomat Parkway, but none of the commercial parcels will have direct access to Diplomat Parkway. The only access to the residential parcel is located at the southwest corner of that squarish parcel, and aligns with the westernmost access point through the commercial parcels to Diplomat Parkway. A possible future access point is indicated in the southeast corner of the residential parcel, but the location must be approved by the owner of the commercial parcel (#3) through which the residential traffic will travel. No access point is

shown onto U.S. 41 because of the narrow frontage, and the property's location right in the Diplomat Parkway/ U.S. 41 intersection.

The balance of the property lies on the south side of Diplomat Parkway, with about 420 feet of frontage on U.S. 41, and 1,900 feet of frontage on Diplomat Parkway. Because it contains over nine acres of wetland/preserve areas, the MCP for the south property depicts only one commercial parcel (#4) fronting on both Diplomat Parkway and U.S. 41 (the east end of the site), and a multi-family residential parcel on the west end. The MCP depicts one access point into the commercial parcel, which interconnects with the frontage road in the Merchant's Crossing shopping center to the south. The residential parcel will have one main access and a stabilized emergency access onto Diplomat Parkway. No access point is depicted onto U.S. 41 for commercial parcel #4.

Applicant proposes to develop the two parcels with 200,000 square feet of commercial uses, 120 hotel rooms, and 468 dwelling units. The commercial will be divided between the four commercial parcels, with the uses required to meet site location standards being located at the east end - at the intersection of U.S. 41 and Diplomat Parkway. The large north residential parcel is designed to contain 418 multi-family units in 4-, 6-, and 8-plex structures with open parking areas. The south residential parcel will contain 50 multi-family dwelling units in 6- and 8-plex structures, with attached garages.

Applicant was quite disturbed by Staff's recommendation that only five acres of commercial parcel #3 (north property) be allowed to be developed with commercial uses, and that the remaining 2.3 acres and commercial parcels 1 and 2 be developed with residential uses. They understood that Lee Plan commercial site location standards would restrict the location of retail uses to the east end of commercial parcel #3. They stated that they had no problems with that restriction, as they were intending to construct commercial uses that were not required to meet site location standards, i.e., offices, on the rest of those commercial parcels. They understood Staff's objections to a "strip mall" situation, and offered to construct multiple buildings, with lots of buffering, to eliminate the strip mall perception.

They also argued that residential uses were inappropriate on those 250-foot-deep commercial parcels, because of the arterial nature of Diplomat Parkway. They conceded they were putting residential uses along on the south side of Diplomat Parkway, but did not believe that the traffic-related impacts would be as severe on the south side, because traffic would be slowing down to stop at the intersection. On the north side, the traffic would be accelerating away from the intersection, which would cause more noise.

The Central Urban land use category allows a maximum density of 10 units per acre. The overall density proposed by Applicant exceeds 9.5 units per acre, which is at the high end of the density range. Applicant asserted that the higher density was appropriate on this property because of its location at the intersection of two arterial roadways, and because it is an infill parcel, which is typically considered for higher densities. They also argued that their proposed density is consistent with that of the two mobile home parks (to the north and west of the north property). Those mobile home parks have densities over five and six units to the acre, which Applicant felt was fairly dense for mobile home parks being built in the 1970's.

Applicant was also requesting higher intensity commercial retail uses, including auto service stations, convenience food and beverage stores, with fuel pumps. They noted that those uses were especially appropriate in this location for a couple of reasons. First, the property

was located at the intersection of two arterials, and they believed there was a lack of such uses along Diplomat Parkway and U.S. 41 in the vicinity of the subject property. They also stressed that, just because the uses were included in their list of uses, did not mean that the uses would be developed. The ultimate uses on the subject property would be determined by the "market;" if there was no market for the use, then it would not be constructed. They stressed that they were willing to limit the convenience food and beverage store and self-service fuels pumps to commercial parcel #4 (south property), and the number of fuel pumps to eight (16 fueling stations).

Six Deviations were requested as part of the RPD/CPD request. These dealt with:

- minimum access separation requirements;
- use of dead-end streets without a circular turn-around: restoration and use of vacated right-of-way toward indigenous preserve requirements;
- disturbance and restoration of the preservation area for installation of surface water management system;
- a 20-foot separation between the recreation and residential buildings on the north property; and
- single ingress/egress connections for both residential parcels, instead of the two connections required for residential projects of more than five acres in size.

Staff recommended approval, with conditions, of the RPD/CPD rezoning request, finding that the request, as conditioned, was consistent with the Lee Plan and the Land Development Code, and was appropriate at this location at the intersection of two arterial roadways. They also found that the restricted commercial and residential uses, as conditioned, would be compatible with the surrounding mixture of agricultural, residential and commercial uses, and would not be detrimental or injurious to the persons or properties in the area.

Both Lee County Transportation Staff and Applicant's consultant determined that the proposed development, at buildout, would not have any detrimental impacts to either U.S. 41 or Diplomat Parkway. They found there was adequate capacity and level of service on both roads to accommodate the traffic generated by this project.

Environmental Staff, however, raised some concerns about the proposed buffer along the perimeters of the north property, and the relatively narrow setback for the multi-family buildings from those boundary lines. Applicant was proposing to have the 428 multi-family units in multiple 3-story, 35-foot-high buildings, with perimeter setbacks of only 25 to 30 feet deep. A 15-foot-wide Type "B" buffer would be contained with that perimeter setback. [1] As Environmental Staff did not believe that such a buffer would meet the intent of the buffering provisions and would not ameliorate the visual impact of the multiple 35-foot-highbuildings, they recommended that the buffer along the north, east and west perimeters, including the outparcel, in the northwest corner, owned by the Serendipity mobile home park, be enhanced to 30 feet wide, with 10 canopy-type trees per 100 linear feet, in addition to the hedge.

[1] Per the Land Development Code Section 10-416, a Type "B" buffer consists of a 15-foot-wide buffer area, with a minimum of five trees and a double staggered hedge per 100 linear feet. The hedge must be maintained at 36 inches high.

Staff recognized that there was a 50-foot-wide canal/drainage ditch along the west boundary that would provide additional distance between the 3-story buildings and the 1-story mobile homes. Nevertheless, they did not believe that was sufficient to allow Applicant to install only the minimum Type "B" buffer, as the existing vegetation along that canal/ditch could be removed at any time, and the multi-family structures would be easily visible to the residents of the mobile home park.

Staff also expressed concerns about developing the entire north frontage (1,900+ feet) for commercial uses. They asserted that, given the narrow depth (250 feet) of that strip, development of the 200,000 square feet of commercial uses would have to be done in a "strip" center fashion. They were dead set against allowing a strip center in this location, finding that it was against Lee Plan Policy 6.1.7. [2] They also argued that this was the first rezoning on that roadway, and that such an approval would establish a precedent for that development style in future rezoning requests for that roadway corridor. They did not want to see this "new roadway" become like south U.S. 41, which they found to be very unattractive and contrary to good planning principles. For those reasons, they recommended that Applicant only be allowed to develop the easternmost five acres of commercial parcel #3 with commercial uses, and that the remaining 2.3 acres of parcel #3 and all of parcels #1 and #2 be included in the multi-family residential development.

They also found that Applicant's proposed density of 9.5+ units per acre was much too high for this area, particularly in light of the close proximity of the buildings to the abutting properties and the existing density (5+ and 6+ units per acre) in the mobile home parks to the west and north of the north property. They determined that a density of 8.0 units per acre was more reasonable and more in keeping with the existing densities, particularly with the inclusion of the 5.3 acres from the commercial parcels #1, #2 and #3. They stressed that no property owner is entitled to the maximum density allowed in the Lee Plan land use category, if it is not consistent and compatible with the existing development.

Staff agreed with Applicant's statements that this is an infill development, but disagreed that, by virtue of the infill designation, Applicant was entitled to almost the maximum density allowed by the land use designation. They pointed out that the Board of County Commissioners (BOCC) has already established the policy that there is no guarantee of the maximum or much higher density for an infill parcel. Any density granted must be consistent and compatible with the established densities and uses in the area. Staff found that the proposed 9.578 units per acre was not consistent nor compatible with the lower densities surrounding the north property, and should not be approved.

Staff also recommended that convenience food and beverage stores, car washes, auto service stations, self-service fuel pumps be eliminated from the Schedule of Uses. They noted that the BOCC has taken the position that rezonings are not to over-saturate areas with those types of uses. Staff reviewed the existing convenience food and beverage store, gas stations and self-service fuel pumps within a 3-mile radius of the subject property, as has been the custom for the past several years. They found:

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[2] **Policy 6.1.7** reads: "Prohibit commercial developments from locating in such a way as to open new areas to premature, scattered, or strip development; but permit commercial development to infill on small parcels in areas where existing commercial development would make a residential use clearly unreasonable. "

- 10 convenience food and beverage stores/gas stations (118 fueling positions);
- 8 stand-along fast food restaurants;
- 2 car washes;
- 4 drug stores;
- 2 package stores; and
- 1 large communications tower.

Having made those observations, Staff recommended that convenience food and beverage stores, gas stations, self-service fuel pumps, car washes, and package stores be deleted from the Schedule of Uses. They also struck out several other uses that they believed were inappropriate for this location, and did not have enough locational data to determine the appropriateness and compatibility of the use.

Staff also recommended approval of the six Deviations, with conditions, finding that the Deviations, as conditioned, would enhance the objectives of the planned development, and, would preserve and promote the public health, safety and welfare.

Public

Several residents of the adjacent mobile home parks, and the property owner to the east, attended the public hearing to obtain additional information and express their opinions on the requested rezoning and uses. None of the speakers were opposed to the rezoning, but were concerned about the visual and potential noise impacts on their properties. They all agreed with Staff's recommendation of an enhanced buffer between their properties, with the mobile home park residents expressing the desire for an 8-foot-high wall, with the plantings.

Hearing Examiner Discussion

The undersigned Hearing Examiner concurs with Staff's analysis, findings and recommendation of approval, with conditions, finding that the request, as conditioned herein, meets the criteria for approval set out in LDC Section 34-145, and is consistent with the intent of the Lee Plan and the Land Development Code. She finds that the request, as conditioned, is consistent with the intent of the Lee Plan and the Land Development Code, and will be compatible with the existing and future uses in the area.

The Hearing Examiner concurs with Staff's recommendation of a maximum density of 8.0 units per acre for both the north and south residential components of this project. Given the lack of residential development around the south parcel, and the fact that the south residential component is surrounded by preserve areas, the Hearing Examiner has no objection to the increased number of dwelling units on that parcel. At a density of 8.0 units per acre, Applicant would be allowed a total of 398 units - approximately a 17 percent reduction from the number of units requested.

The Hearing Examiner notes that some concerns were raised, in the public hearing, about the single entry into the large multi-family residential development in the north property. Staff submitted, and recommended approval of, Deviations 6.A. and 6.B., which would allow only one means of access to both the residential components of this project. She notes that the residential area on the south side of Diplomat Parkway also has a stabilized emergency access point. Applicant responded to those access concerns by indicating a potential future access point in the southeast corner of the north residential site when they revised the MCP after the public hearing.

Staff is recommending approval of Deviation 6A, but is also recommending that Applicant be required to install the second access point indicated on the revised MCP. Initially, the Hearing Examiner was concerned about the "bottleneck" of a single entrance and potential injuries to the residents during emergency evacuations and in the early morning and afternoon peak hours when the residents will be trying to get to work or home through that one entrance point. The two internal roads intersecting with the main spine road, just north of the residential access point, could create serious problems with drivers waiting to exit the residential site, if this was a 2-laned entrance. However, Applicant is proposing to construct a 70-foot-wide, 4-laned entrance to address and alleviate any potential problems with ingress/egress for this site. A 4-laned entrance has been deemed acceptable in other residential projects, as it will still allow vehicles to enter and leave the site, even if one side is closed off.

However, the Hearing Examiner is still concerned about the residents having to compete with the commercial traffic for access to Diplomat Parkway, particularly during an emergency evacuation situation. For that reason, the Hearing Examiner is recommending that the BOCC approve Deviation 6A, but, with the condition that Applicant provide a secondary/emergency access point at the location depicted on the revised MCP before the north residential component is built out.

Applicant also submitted a proposed condition regarding the commercial development of parcels #1, #2, and part of #3, restricting the buildings to a maximum of 10,000 square feet and a height of 2 stories/35 feet. Staff is still concerned that, without more detail on the MCP, this could still result in a "strip center" visual and impact effect. However, the Hearing Examiner believes that Applicant could provide something like a "campus setting" for these buildings, with heavy vegetative buffering that would help eliminate the "strip" perception. For this reason, the Hearing Examiner recommends approval of Applicant's Condition 17, as modified in this Recommendation.

The Hearing Examiner recommends approval of the remaining Deviations, with conditions, finding that these Deviations, as conditioned, will enhance the objectives of the planned development, and will promote and protect the public health, safety and welfare.

It is the opinion of the Hearing Examiner that the conditions imposed herein are reasonably related to the impacts anticipated from the proposed development, and, with other regulations and codes, will safeguard the public's interests.

V. FINDINGS AND CONCLUSIONS:

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

A. That the Applicant has proved entitlement to this request, as conditioned, by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes or regulations.

B. That the RPD/CPD, as conditioned, will meet or exceed all performance and locational standards set forth for the potential uses allowed by the request.

C. That the planned development, as conditioned, is consistent with the densities, intensities and general uses set forth in the Lee Plan.

D. That the planned development, as conditioned, is compatible with existing or planned uses in the surrounding area.

E. That approval of this RPD/CPD, as conditioned, will not place an undue burden upon existing transportation or planned infrastructure facilities, and the development will be served by streets with the capacity to carry traffic it generates.

F. That the planned development, as conditioned, will not adversely affect environmentally critical areas and natural resources.

G. That the proposed mix of uses, as conditioned, are appropriate at the subject location.

H. That the recommended conditions to the Master Concept Plan are reasonably related to the impacts anticipated from the proposed development, and, with other regulations, will provide sufficient safeguard to the public interest.

I. That the approved Deviations, as conditioned, will enhance the objective of the proposed development, and will promote the protection of the public health, safety and welfare.

J. That urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

VI. LIST OF EXHIBITS:

STAFF'S EXHIBITS

1 Aerial photograph labeled Diplomat RPD/CPD, dated January 2005 (24" x 36")(color)

2 Photograph (copy) of bobcat (8 ½" x 11")(color)

3 Description and Photographs of Panthers from Florida's Fabulous Mammals, by Dr. Jerry Lee Ginerich, published 1996 (8 ½" x 11")(four pages)

4 Toth's presentation notes, dated January 4, 2006 (8 ½" x 11")(2-page document)

5 New Deviation 6.A. and Deviation 6.B. request and condition language (8 ½" x 11")

6 Composite exhibit consisting of 10 color photographs of subject property (8 ½" x 11")

7 Article and Photographs on Commercial Strip Development (4-page document)

8 Zoning Resolution #Z-01-014

9 Commercial uses on U.S. 41 / East side (south of Diplomat) presentation (8 ½" x 11")(5-page document)

10 Memorandum from Robert Rentz, dated January 6, 2006, re: Traffic Trip Generation for Diplomat Property RPD/CPD

11 Memorandum from Tony Palerm to Hearing Examiner, dated February 2, 2006, re: Applicant's revised MCP and suggested language for Condition 17 [post hearing submittal]

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

APPLICANT'S EXHIBITS

1 Master Concept Plan for Diplomat Par cel, Sheet 1 of 1, prepared by Banks Engineering, Inc., dated stamped "Received September 21, 2005 Permit Counter" [superceded by MCP date stamped "Received January 27, 2006 and labeled Applicant's Exhibit 6]

2 Lee County Zoning Map, printed January 10, 2006 (24" x 36")(color)

3 Florida Land Use Map (FLUM), printed January 10, 2006 (24" x 36")(color)

4 Aerial photograph for Diplomat RPD/CPD with subject property depicted, prepared by Banks Engineering, dated January 10, 2006

5 Definition of "Strip Development" from MoneyGlossary.com (8 ½" x 11")

6 Master Concept Plan entitled Conceptual Site Plan for Diplomat Parcel, Sheet 1 of 1, prepared by Banks Engineering, Inc., date stamped "Received January 27, 2006 Permit Counter," last revised January 25, 2006 (11" x 17" and 24" x 36"); and suggested language for Condition 17 [post hearing submittal]

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

VII. PRESENTATION SUMMARY:

See Official Court Reporter Transcripts

VIII. OTHER PARTICIPANTS AND SUBMITTALS:

ADDITIONAL APPLICANT'S REPRESENTATIVES:

1. Paul Ezzo, Environmental Planner, EW Consultants, Inc., 2081 SE Ocean Boulevard, Suite 2B, Stuart, Florida 34996

2. Jim Kinsey, Athyrio Development, P. O. Box 1662, Fort Myers, Florida 33902

3. John Kinsey, Athyrio Development, P. O. Box 1662, Fort Myers, Florida 33902

4. Neale Montgomery, c/o Pavese Law Firm, 1833 Hendry Street, Fort Myers, Florida 33901

5. Ted Treesh, c/o Metro Transportation Group, 12651 McGregor Boulevard, Fort Myers, Florida 33908

6. Dave Underhill, c/o Banks Engineering, Inc., 10511 Six Mile Cypress Parkway, Fort Myers, Florida 33908

ADDITIONAL COUNTY STAFF:

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

2. Kim Trebatoski, c/o Environmental Sciences, P. O. Box 398, Fort Myers, Florida 33902

PUBLIC PARTICIPATION:

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

For: NONE

Against: NONE

General:

1. Anthony DeRico, 16 Nicklaus Boulevard, Six Lakes Country Club, N. Ft. Myers, Florida 33903

2. Eric Hallin, 5040 Mimosa Road, Venice, Florida 34293

3. Ronald L. Jenkins, 363 Middlecoff Court, N. Ft. Myers, Florida 33903

4. Jim Toth, 203 Nicklaus Boulevard, Six Lakes Country Club, Inc., N. Ft. Myers, Florida 33903

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

For: NONE

Against: NONE

General:

1. Michael & Lorraine Dessart, 58 Snead Drive, N. Ft. Myers, Florida 33903

2. Herbert V. Gartner, 128 Nicklaus, N. Ft. Myers, Florida 33903

3. Terry Overs, 252 Palmer Boulevard, N. Ft. Myers, Florida 33903

IX. LEGAL DESCRIPTION:

See Exhibit A (scanned legal description).

X. UNAUTHORIZED COMMUNICATIONS:

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

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

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

Revocation, suspension or amendment of any permit variance, special exception or rezoning granted as a result of the Hearing Examiner action which is the subject of the unauthorized communication. [LDC Section 34-52(b)(1)b.2.]; OR

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

XI. HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS:

A. This recommendation is made this 24th day of February, 2006. Notice or copies will be forwarded to the offices of the Lee County Board of County Commissioners.

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

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

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

XII. COPIES OF TESTIMONY AND TRANSCRIPTS:

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

DIANA M. PARKER
LEE COUNTY HEARING EXAMINER
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, Florida 33902-0398
Telephone: 239/479-8100
Facsimile: 239/479-8106

Banks Engineering

Professional Engineers, Planners & Land Surveyors
6640 Willow Park Drive - Suite B
Naples, Florida 34109
(239) 597-2061
Fax (239) 597-3082

RECEIVED
DEC 2 2 2005
PERMIT COUNTER

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(OVERALL ZONING DESCRIPTION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

NORTH ZONING PARCEL:
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 199.95 FEET TO POINT "A" AND AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE); THENCE N.86°35'21"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 12.52 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2150.00 FEET; THENCE WESTERLY ALONG SAID CURVE AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 133.12 FEET; THENCE S.89°51'48"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 1818.21 FEET; THENCE N.28°32'51"W. FOR 6.70 FEET; THENCE N.00°20'36"W. FOR 947.88 FEET; THENCE N.85°23'00"E. FOR 335.22 FEET; THENCE N.02°25'15"W. FOR 346.19 FEET; THENCE S.89°54'50"E. FOR 1231.65 FEET; THENCE S.03°25'50"W. FOR 1126.64 FEET; THENCE S.89°54'50"E. FOR 500.85 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 45.44 ACRES, MORE OR LESS.

DCI 2005-00055

AND;
SOUTH ZONING PARCEL:
COMMENCING AT SAID POINT "A"; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE U.S. 41 (STATE ROAD 45) (200 FEET WIDE) FOR 100.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 429.00 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 72.00 FEET TO THE SOUTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.03°25'50"E. ALONG THE EASTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 65.00 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 39.68 FEET;

Fort Myers Office	Sarasota Office	Port Charlotte Office
10511 Six Mile Cypress Pkwy, Suite #101	1144 Tallevast Road Suite #115	12653 SW CR 769 Suite B
Fort Myers, Florida 33912	Sarasota, Florida 34243	Lake Suzy, Florida 34269
(239) 939-5490	(941) 360-1618	(941) 625-1165
Fax (239) 939-2523	Fax (941) 360-6918	Fax (941) 625-1149

EXHIBIT A

THENCE S.03°26'24"W. ALONG THE WESTERLY LINE OF SAID PARCEL FOR 8.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 17.00 FEET; THENCE SOUTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'01" FOR 26.70 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 487.82 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 80.00 FEET; THENCE NORTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 120.67 FEET; THENCE N.00°08'12"W. ALONG THE EASTERLY LINE OF SAID PARCEL FOR 274.66 FEET TO **POINT "B"** AND TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY FOR 575.20 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2050.00 FEET; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY AND SAID CURVE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 126.93 FEET; THENCE S.86°35'21"E. ALONG SAID RIGHT-OF-WAY FOR 12.49 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 6.00 ACRES, MORE OR LESS.

AND;
ADDITIONAL SOUTH ZONING PARCEL:
COMMENCING AT SAID POINT "B"; THENCE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) FOR 40.00 FEET TO THE **POINT OF BEGINNING**; THENCE S.00°08'12"E. FOR 274.66 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 120.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 181.00 FEET; THENCE N.86°34'10"W. FOR 33.50 FEET; THENCE S.48°25'48"W. FOR 212.13 FEET; THENCE S.03°25'50"W. FOR 100.00 FEET; THENCE N.86°34'10"W. FOR 747.11 FEET; THENCE N.28°32'51"W. FOR 666.39 FEET TO A POINT ON SAID SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE); THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 1148.92 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 13.69 ACRES, MORE OR LESS.

NET ACREAGE IS 65.13 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

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

DESCRIPTION PREPARED DECEMBER 19, 2005.

DCI 2005-00055

Thomas C. Shaw 12-20-05

THOMAS C. SHAW
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 4672

RECEIVED
DEC 22 2005
PERMIT COUNTER

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



LINE TABLE

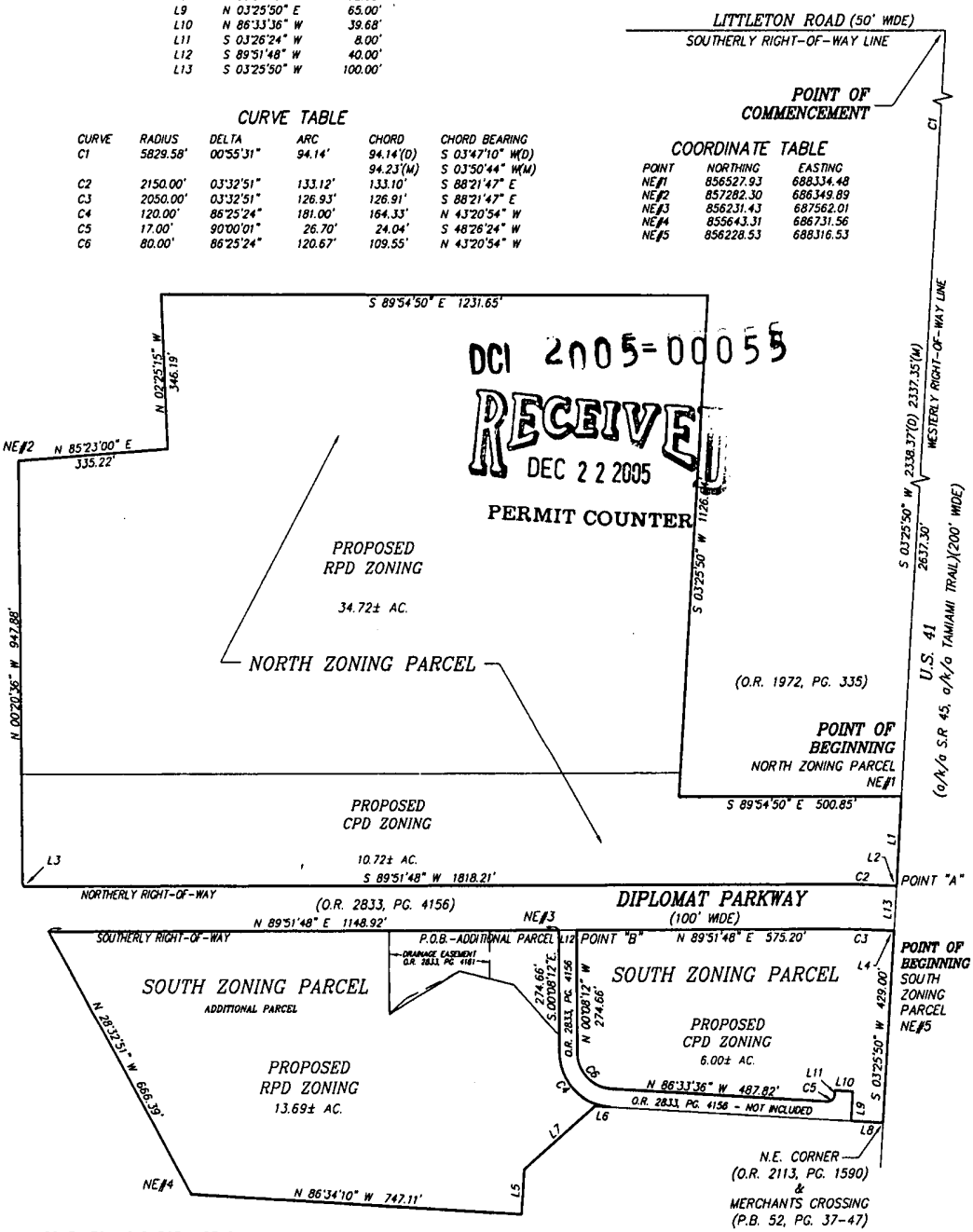
LINE	BEARING	DISTANCE
L1	S 03°25'50" W	199.95'
L2	N 86°35'21" W	12.52'
L3	N 28°32'51" W	6.70'
L4	N 86°35'21" W	12.49'
L5	S 03°25'50" W	100.00'
L6	N 86°34'10" W	33.50'
L7	S 48°25'48" W	212.13'
L8	N 86°34'10" W	72.00'
L9	N 03°25'50" E	65.00'
L10	N 86°33'36" W	39.68'
L11	S 03°26'24" W	8.00'
L12	S 89°51'48" W	40.00'
L13	S 03°25'50" W	100.00'

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°55'31"	94.14'	94.14'(D)	S 03°47'10" W(D)
				94.23'(M)	S 03°50'44" W(M)
C2	2150.00'	03°32'51"	133.12'	133.10'	S 88°21'47" E
C3	2050.00'	03°32'51"	126.93'	126.91'	S 88°21'47" E
C4	120.00'	86°25'24"	181.00'	164.33'	N 43°20'54" W
C5	17.00'	90°00'01"	26.70'	24.04'	S 48°26'24" W
C6	80.00'	86°25'24"	120.67'	109.55'	N 43°20'54" W

COORDINATE TABLE

POINT	NORTHING	EASTING
NE#1	856527.93	688334.48
NE#2	857282.30	686349.89
NE#3	856231.43	687562.01
NE#4	855643.31	686731.56
NE#5	856228.53	688316.53



SOUTH ZONING PARCEL AREAS

TOTAL AREA	19.70 ACRES
PROPOSED RPD PARCEL	12.48 ACRES
PROPOSED CPD PARCEL	7.22 ACRES

THIS IS NOT A SURVEY

12-20-05

THOMAS C. SHAW
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 4672

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

—PREPARED DECEMBER 19, 2005

PREPARED BY:

Banks Engineering
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FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

NOTES:
1. SEE ACCOMPANYING SHEETS FOR COMPLETE METES AND BOUNDS DESCRIPTION

2. STATE PLANE COORDINATES (FLORIDA ZONE WEST) SHOWN HEREON ARE BASED ON NAD83, AND ARE FOR GIS PURPOSES ONLY.

3. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS S.03°25'50"W.

LEGEND:

O.R.	INDICATES OFFICIAL RECORDS BOOK OF LEE COUNTY
PG.	INDICATES PAGE NUMBER
C1	INDICATES CURVE 1 OF THE CURVE TABLE
L1	INDICATES LINE 1 OF THE LINE TABLE
NE#1	INDICATES COORDINATE #1 OF THE COORDINATE TABLE

S:\Jobs\20xx\2028\SURVEY\Descriptions\Zoning\2028_ZONING_OVERALL_SK.dwg, 12/19/2005 1:20:23 PM, David Blehschmidt

Banks Engineering

Professional Engineers, Planners & Land Surveyors
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RECEIVED
DEC 2 2 2005
PERMIT COUNTER

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(RPD ZONING DESCRIPTION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

NORTH RPD PARCEL:
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET; THENCE N.89°54'50"W. FOR 500.85 FEET; THENCE N.03°25'50"E. FOR 53.49 FEET TO THE **POINT OF BEGINNING**; THENCE S.89°51'48"W. FOR 1482.72 FEET; THENCE N.00°20'36"W. FOR 703.76 FEET; THENCE N.85°23'00"E. FOR 335.22 FEET; THENCE N.02°25'15"W. FOR 346.19 FEET; THENCE S.89°54'50"E. FOR 1231.65 FEET; THENCE S.03°25'50"W. FOR 1073.15 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 34.72 ACRES, MORE OR LESS.

DCI 2005-00055

AND;
SOUTH RPD PARCEL:
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG THE WESTERLY RIGHT-OF-WAY AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE SOUTHEASTERLY CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 728.95 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 616.50 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE N.86°34'10"W. ALONG SAID NORTHERLY LINE FOR 33.50 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE S.48°25'48"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 212.13 FEET; THENCE S.03°25'50"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 100.00 FEET TO THE

Fort Myers Office
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Fax (239) 939-2523

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

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

SOUTHWESTERLY CORNER OF SAID PARCEL AND TO THE SOUTH LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE SOUTH LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 AND THE NORTHERLY LINE OF SAID SUBDIVISION FOR 747.11 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY LINE OF A DRAINAGE EASEMENT (50 FEET WIDE) DESCRIBED IN DEED BOOK 237 AT PAGES 564 AND 565 OF SAID PUBLIC RECORDS; THENCE N.28°32'51"W. ALONG THE NORTHEASTERLY LINE OF SAID DRAINAGE EASEMENT FOR 666.39 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 765.84 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE S.00°08'12"E. ALONG THE WESTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 38.64 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 120.00 FEET; THENCE SOUTHEASTERLY ALONG SAID WESTERLY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 181.00 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 12.47 ACRES, MORE OR LESS.

NET ACREAGE IS 47.19 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

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

DESCRIPTION PREPARED DECEMBER 15, 2005.

Thomas C. Shaw 12-20-05

THOMAS C. SHAW
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 4672

DCI 2005-00055

RECEIVED
DEC 22 2005
PERMIT COUNTER

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

N

1"=300'

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 03°25'50" W	100.00'
L2	N 86°34'10" W	33.50'
L3	S 48°25'48" W	212.13'
L4	S 00°08'12" E	38.64'
L5	S 00°08'12" E	186.04'
L6	N 59°04'35" E	185.65'
L7	S 76°11'27" E	125.61'
L8	S 41°41'10" E	153.30'

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°55'31"	94.14'	94.14'(D)	S 03°47'10" W(D)
				94.23'(M)	S 03°50'44" W(M)
C2	120.00'	86°25'24"	181.00'	164.33'	N 43°20'54" W

COORDINATE TABLE

POINT	NORTHING	EASTING
NE#1	856582.08	687836.83
NE#2	857282.30	686349.89
NE#3	855837.18	687675.48
NE#4	855643.31	686731.56

LITTLETON ROAD (50' WIDE)
SOUTHERLY RIGHT-OF-WAY LINE

POINT OF COMMENCEMENT

C1

S 89°54'50" E 1231.65'

346.19'
N 02°25'15" W

DCI 2005-00055

NE#2 N 85°23'00" E 335.22'

PROPOSED
NORTH RPD
ZONING PARCEL

N 00°20'36" W 703.78'

S 03°25'50" W 1073.15'
N 03°25'50" E

S 03°25'50" W 2338.37'(D) 2337.35'(M)
WESTERLY RIGHT-OF-WAY LINE

U.S. 41
(a/k/a S.R. 45, a/k/a TAMIAMI TRAIL)(200' WIDE)

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(O.R. 1972, PG. 335)

POINT OF BEGINNING
NORTH RPD PARCEL
NE#1

S 89°51'48" W 1482.72'

53.49'

N 89°54'50" W 500.85'

PROPOSED
CPD ZONING
10.72± AC.

NORTHERLY RIGHT-OF-WAY
(O.R. 2833, PG. 4156)
SOUTHERLY RIGHT-OF-WAY

PROPOSED
ADDITIONAL SOUTH
CPD ZONING PARCEL
1.22± AC.

DIPLOMAT PARKWAY

100'

S 03°25'50" W 728.95'

N 89°51'48" E 765.84'

L5 L6 L7 L8 L4

PROPOSED
SOUTH CPD ZONING PARCEL
6.00± AC.

50' DRAINAGE EASEMENT
O.B. 237, PG. 564 & 565)
N 28°32'51" W 686.39'

PROPOSED
SOUTH RPD
ZONING PARCEL
12.47± AC.

C2

(O.R. 2833, PG. 4156)
N 86°34'10" W 616.50'

L2

L3

POINT OF BEGINNING
SOUTH RPD PARCEL
NE#3

N.E. CORNER
(O.R. 2113, PG. 1590)
&
MERCHANTS CROSSING
(P.B. 52, PG. 37-47)

L1

N 86°34'10" W 747.11'

NE#4

NOTES:
1. SEE ACCOMPANYING SHEETS FOR COMPLETE METES AND BOUNDS DESCRIPTION

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3. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS S.03°25'50"W.

LEGEND:

O.R.	INDICATES OFFICIAL RECORDS BOOK OF LEE COUNTY
PG.	INDICATES PAGE NUMBER
C1	INDICATES CURVE 1 OF THE CURVE TABLE
L1	INDICATES LINE 1 OF THE LINE TABLE
NE#1	INDICATES COORDINATE #1 OF THE COORDINATE TABLE
P.B.	INDICATES PLAT BOOK
O.B.	INDICATES DEED BOOK
(D)	INDICATES DEED
(M)	INDICATES MEASURED

THIS IS NOT A SURVEY

12-20-05

THOMAS C. SHAW
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 4672

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

—PREPARED DECEMBER 15, 2005

PREPARED BY:
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FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

S:\Jobs\20xx\2028\SURVEY\Descriptions\Zoning\2028_ZONING_RPD_SK.dwg, 12/19/2005 11:38:06 AM, David Bierschmidt

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Fax (239) 597-3082

RECEIVED
DEC 22 2005
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DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(CPD ZONING DESCRIPTION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

NORTH CPD ZONNING PARCEL DCI 2005-00055
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 199.95 FEET TO **POINT "A"** AND TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE); THENCE N.86°35'21"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 12.52 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2150.00 FEET; THENCE WESTERLY ALONG SAID CURVE AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 133.12 FEET; THENCE S.89°51'48"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 1818.21 FEET; THENCE N.28°32'51"W. FOR 6.70 FEET; THENCE N.00°20'36"W. FOR 244.12 FEET; THENCE N.89°51'48"E. FOR 1482.72 FEET; THENCE S.03°25'50"W. FOR 53.49 FEET; THENCE S.89°54'50"E. FOR 500.85 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 10.72 ACRES, MORE OR LESS.

TOGETHER WITH: SOUTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "A"; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) FOR 100.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 429.00 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 72.00 FEET TO THE SOUTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.03°25'50"E. ALONG THE EASTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 65.00 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 39.68 FEET; THENCE S.03°26'24"W. ALONG THE WESTERLY LINE OF SAID PARCEL FOR 8.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 17.00 FEET; THENCE

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Fort Myers, Florida 33912	Sarasota, Florida 34243	Lake Suzy, Florida 34269
(239) 939-5490	(941) 360-1618	(941) 625-1165
Fax (239) 939-2523	Fax (941) 360-6918	Fax (941) 625-1149

SOUTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'01" FOR 26.70 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 487.82 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 80.00 FEET; THENCE NORTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 120.67 FEET; THENCE N.00°08'12"W. ALONG THE EASTERLY LINE OF SAID PARCEL FOR 274.66 FEET TO **POINT "B"** AND TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY FOR 575.20 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2050.00 FEET; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY AND SAID CURVE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 126.93 FEET; THENCE S.86°35'21"E. ALONG SAID RIGHT-OF-WAY FOR 12.49 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 6.00 ACRES, MORE OR LESS.

TOGETHER WITH: ADDITIONAL SOUTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "B"; THENCE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) FOR 40.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 383.07 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF THE AFORESAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.00°08'12"W. ALONG THE WESTERLY LINE FOR 236.02 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 1.22 ACRES.

NET AREA AS DESCRIBED CONTAINS 17.94 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

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

DESCRIPTION PREPARED DECEMBER 15, 2005.

Thomas Clyde Shaw 12-20-05
THOMAS C. SHAW
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 4672

DCI 2005-00055

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SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



COORDINATE TABLE

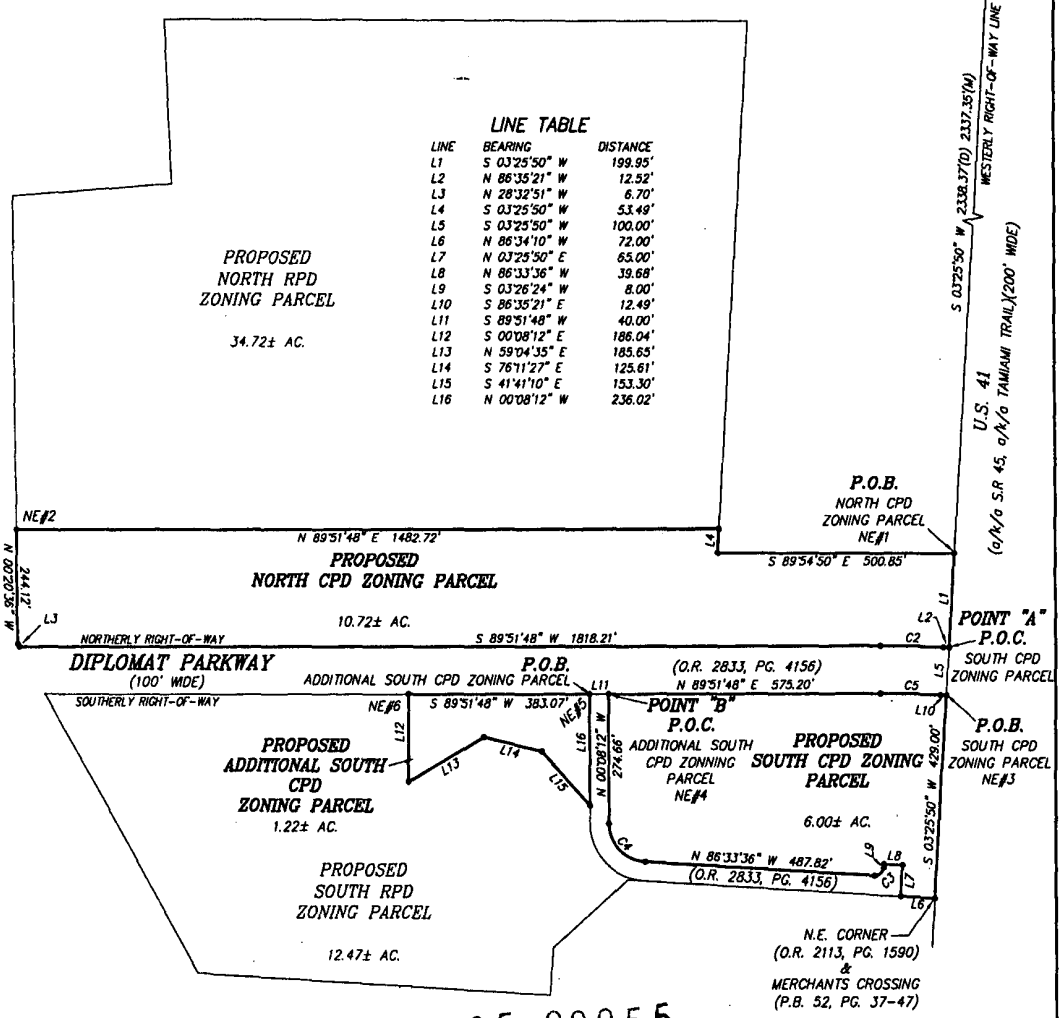
POINT	NORTHING	EASTING
NE#1	856527.93	688334.48
NE#2	856578.55	686354.11
NE#3	856228.53	688316.53
NE#4	856231.52	687602.01
NE#5	856231.43	687562.01
NE#6	856230.51	687178.94

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°55'31"	94.14'	94.14'(D) 94.23'(M)	S 03°47'10" W(D) S 03°50'44" W(M)
C2	2150.00'	03°32'51"	133.12'	133.10'	S 88°21'47" E
C3	17.00'	90°00'01"	26.70'	24.04'	S 48°26'24" W
C4	80.00'	86°25'24"	120.67'	109.55'	N 43°20'54" W
C5	2050.00'	03°32'51"	126.93'	126.91'	S 88°21'47" E

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 03°25'50" W	199.95'
L2	N 86°35'21" W	12.52'
L3	N 28°32'51" W	6.70'
L4	S 03°25'50" W	53.49'
L5	S 03°25'50" W	100.00'
L6	N 86°34'10" W	72.00'
L7	N 03°25'50" E	65.00'
L8	N 86°33'36" W	39.68'
L9	S 03°26'24" W	8.00'
L10	S 86°35'21" E	12.49'
L11	S 89°51'48" W	40.00'
L12	S 00°08'12" E	186.04'
L13	N 59°04'35" E	185.65'
L14	S 76°11'27" E	125.61'
L15	S 41°41'10" E	153.30'
L16	N 00°08'12" W	236.02'



DCI 2005-00055

NOTES:

1. SEE ACCOMPANYING SHEETS FOR COMPLETE METES AND BOUNDS DESCRIPTION
2. STATE PLANE COORDINATES (FLORIDA ZONE WEST) SHOWN HEREON ARE BASED ON NAD83, AND ARE FOR GIS PURPOSES ONLY.
3. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS S.03°25'50"W.

THIS IS NOT A SURVEY

LEGEND:

P.O.C.	INDICATES POINT OF COMMENCEMENT
P.O.B.	INDICATES POINT OF BEGINNING
O.R.	INDICATES OFFICIAL RECORDS BOOK OF LEE COUNTY
PG.	INDICATES PAGE NUMBER
P.B.	INDICATES PLAT BOOK
C1	INDICATES CURVE 1 OF THE CURVE TABLE
L1	INDICATES LINE 1 OF THE LINE TABLE
NE#1	INDICATES COORDINATE #1 OF THE COORDINATE TABLE

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DEC 22 2005
PERMIT COUNTER

12-20-05

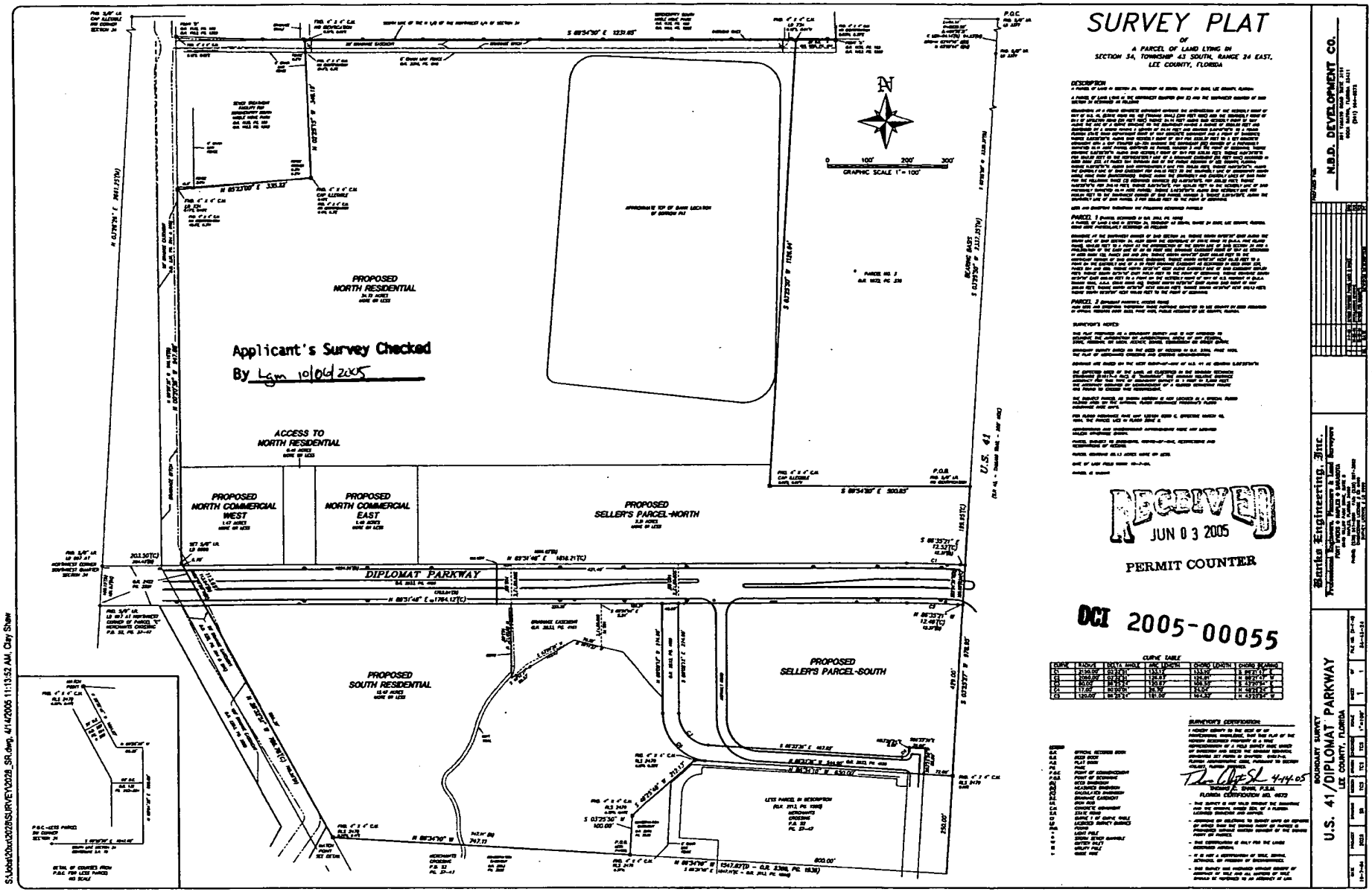
THOMAS C. SHAW
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 4672

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

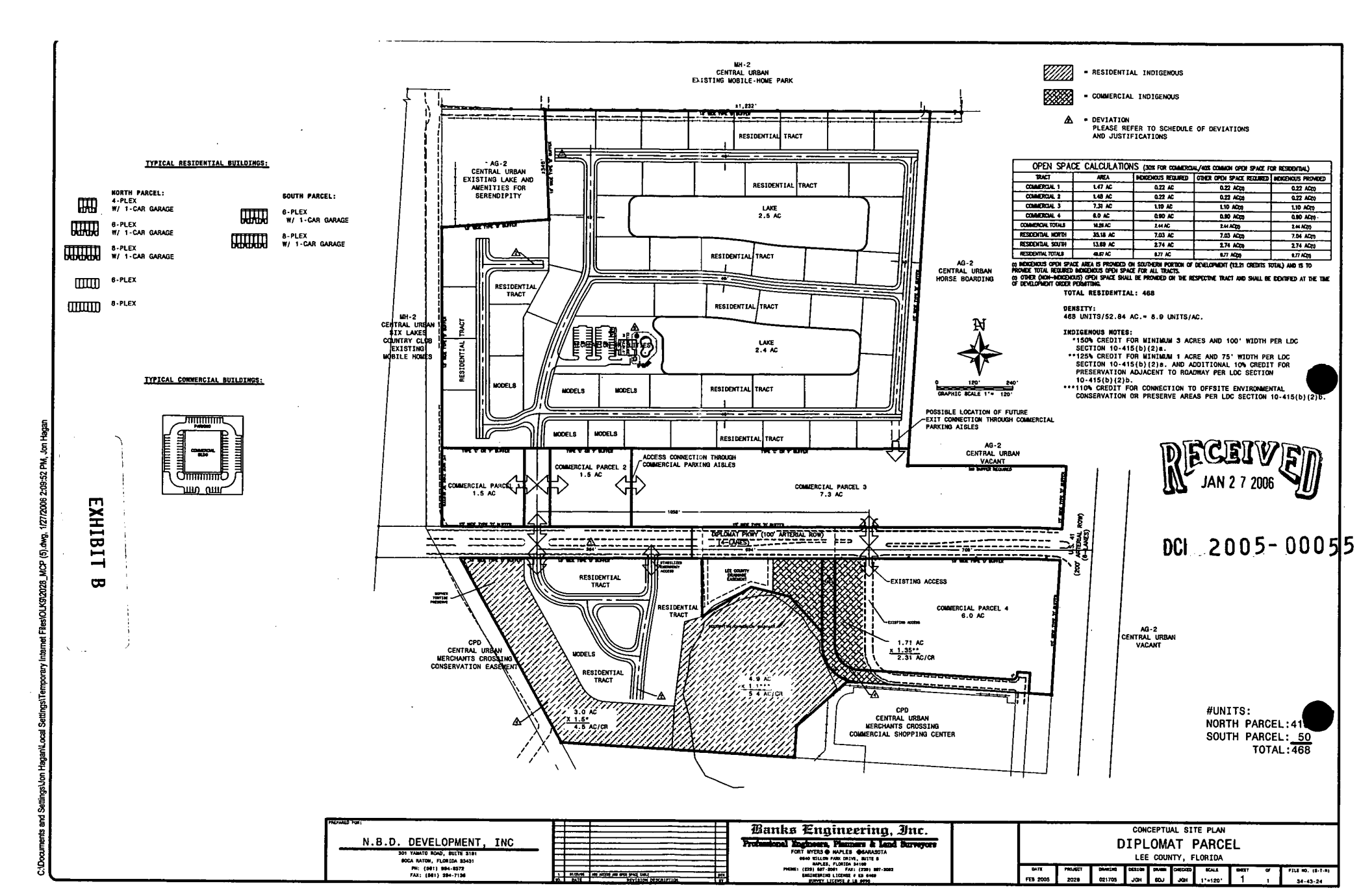
REVISED DECEMBER 15, 2005

PREPARED BY:
Banks Engineering
ENGINEERING, SURVEYING & LAND PLANNING
6640 WILLOW PARK DRIVE - SUITE "B"
NAPLES, FLORIDA 34109
(239) 597-2061
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

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OPEN SPACE CALCULATIONS (30% FOR COMMERCIAL/40% COMMON OPEN SPACE FOR RESIDENTIAL)

TRACT	AREA	INDIGENOUS REQUIRED	OTHER OPEN SPACE REQUIRED	INDIGENOUS PROVIDED
COMMERCIAL 1	1.47 AC	0.22 AC	0.22 AC(2)	0.22 AC(1)
COMMERCIAL 2	1.48 AC	0.22 AC	0.22 AC(2)	0.22 AC(1)
COMMERCIAL 3	7.33 AC	1.10 AC	1.10 AC(2)	1.10 AC(1)
COMMERCIAL 4	6.0 AC	0.90 AC	0.90 AC(2)	0.90 AC(1)
COMMERCIAL TOTALS	16.28 AC	2.44 AC	2.44 AC(2)	2.44 AC(1)
RESIDENTIAL NORTH	35.18 AC	7.03 AC	7.03 AC(2)	7.04 AC(1)
RESIDENTIAL SOUTH	13.69 AC	2.74 AC	2.74 AC(2)	2.74 AC(1)
RESIDENTIAL TOTALS	48.87 AC	9.77 AC	9.77 AC(2)	9.77 AC(1)

(1) INDIGENOUS OPEN SPACE AREA IS PROVIDED ON SOUTHERN PORTION OF DEVELOPMENT (12.21 CREDITS TOTAL) AND IS TO PROVIDE TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS.
(2) OTHER (NON-INDIGENOUS) OPEN SPACE SHALL BE PROVIDED ON THE RESPECTIVE TRACT AND SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.

TOTAL RESIDENTIAL: 468

DENSITY:
468 UNITS/52.84 AC.= 8.9 UNITS/AC.

INDIGENOUS NOTES:
*150% CREDIT FOR MINIMUM 3 ACRES AND 100' WIDTH PER LDC SECTION 10-415(b)(2)a.
**125% CREDIT FOR MINIMUM 1 ACRE AND 75' WIDTH PER LDC SECTION 10-415(b)(2)a. AND ADDITIONAL 10% CREDIT FOR PRESERVATION ADJACENT TO ROADWAY PER LDC SECTION 10-415(b)(2)b.
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RECEIVED
JAN 27 2006

DCI 2005-00055

#UNITS:
NORTH PARCEL: 418
SOUTH PARCEL: 50
TOTAL: 468

EXHIBIT B

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PREPARED FOR:
N.B.D. DEVELOPMENT, INC
301 YAMATO ROAD, SUITE 3181
BOCA RATON, FLORIDA 33431
PH: (561) 994-8572
FAX: (561) 394-7136

NO.	DATE	REVISION DESCRIPTION	BY
1	01/25/06	ADD ACCESS AND OPEN SPACE TABLE	JGH

Banks Engineering, Inc.
Professional Engineers, Planners & Land Surveyors
FORT MYERS ● NAPLES ● SARASOTA
9040 WILLOW PARK DRIVE, SUITE B
NAPLES, FLORIDA 34109
PHONE: (239) 597-3061 FAX: (239) 597-3062
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6770

CONCEPTUAL SITE PLAN
DIPLOMAT PARCEL
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
FEB 2005	2028	021705	JGH	GDJ	JGH	1"=120'	1	1	34-43-24

file

MEMORANDUM

FROM THE

DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ZONING

DATE: February 2, 2006

TO: Lee County Hearing Examiner

FROM: Tony Palermo, Senior Planner, Zoning

RE: DCI2005-00055 DIPLOMAT RPD/CPD

Thank you for the opportunity to comment on the January 27, 2006 submittal by the applicant.

There are a few comments I'll make regarding the submission and staff's recommendations. Staff still has concerns about the four issues raised in the December 23, 2005 staff report: Commercial Strip Development, Commercial Uses, Enhanced Buffers and Density.

First, the applicant's new Master Concept Plan has some more detail to it, including directional arrows. There are not details such as building footprints or specific development areas, service areas, etc.

Second, staff recommends including Deviations 6A and 6B with the conditions provided by staff with minor changes. You will notice the notation, "Possible location of future exit connection through commercial parking aisles." The wording "Possible" implies this 2nd access is discretionary and not mandatory.

Staff agrees with the Hearing Examiner that a second means of access for the residential tracts to the north must somehow be provided. As such, under Deviation 6A, staff proposes the following additional wording:

Condition The local development order must include the second access from the residential tract to commercial Parcel 3 as shown on the approved MCP.

The word "Possible" be eliminated from the notation.

Third, proposed Condition 17 provides some positives for the development. First, each building is limited to 10,000 s/f. Second, each building is required to be architecturally consistent and compatible with the residential development. This is a subjective condition which may be difficult to enforce at the development order stage, but it is a positive idea nonetheless. The lower height (50 feet/3 stories to 35 feet/2 stories) adjacent to the

residential Six Lakes Country Club is supported by staff also.

The "whichever is less" note at the end of Condition 17 does not make sense and should be eliminated. The building should be limited to both 2 stories and 35 feet, not whichever is less.

However, even with the inclusion of a Condition 17 or a similar condition, staff stands by its recommendation in the December 23, 2005 staff report. There would still be some 1,900 linear feet of parking, commercial buildings, and loading and service areas built in a manner contrary to Policy 6.1.7 of the Lee Plan. The MCP still does not have the detail, proposed elevations, enhanced buffering or other conditions to assure staff that strip development either does not occur or is encouraged to further proliferate.

Lastly, the revised Master Concept Plan and proposed Condition 17 received January 27, 2006 do not change Environmental Sciences' staff recommendations. Those recommended conditions are unchanged.

I am at 479-8325 if you have questions or concerns.

cc. Donna Marie Collins, County Attorney

Kim Trebatoski, Environmental Sciences

Neale Montgomery, For the Applicant

Jon Hagan, For the Applicant

Jim Toth
Six Lakes Country Club
203 Nicholas Blvd.
North Fort Myers, FL 33903

Persides Zambrano
City of Cape Coral
Public Works and Transportation
PO Box 150027
Cape Coral, Fl 33915-0027

Banks Engineering
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10511 Six Mile Cypress Parkway
Fort Myers, Florida 33912
(239) 939-5490
Fax (239) 939-2523

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JAN 27 2006

Please Reply To:
FORT MYERS OFFICE

Condition 17:

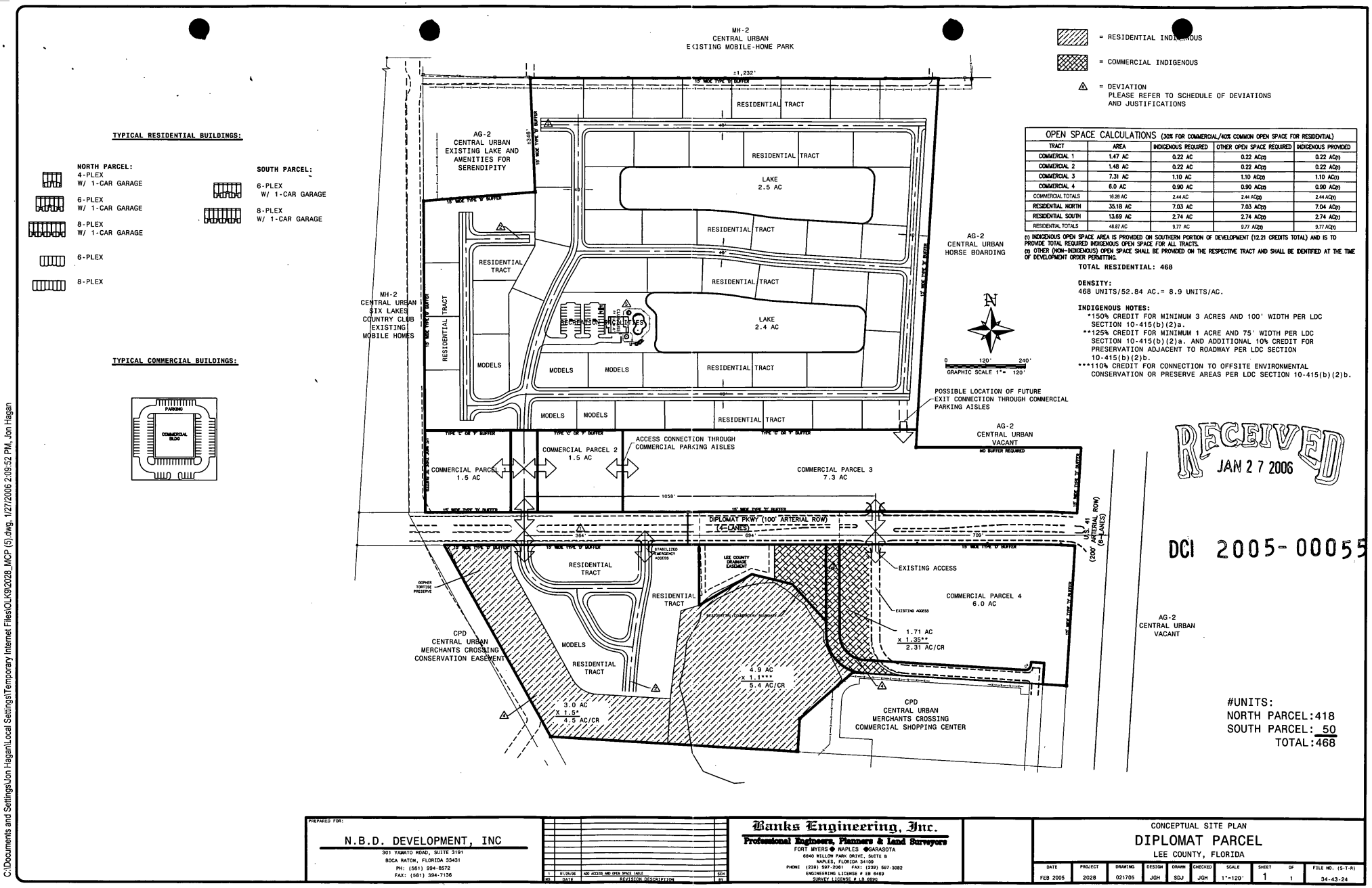
Commercial Parcel's 1 and 2 and the western 2.3 acres of Commercial Parcel 3 are limited single free-standing buildings with a maximum square footage of 10,000 square feet for each building and will be architecturally consistent and compatible with the residential development. The buildings in Commercial Parcel's 1 and 2 and the western 2.3 acres of Commercial Parcel 3 will not exceed 2 stories or 35 feet, whichever is less.

DCI 2005-00055

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Fax (239) 597-3082

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

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



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DCI 2005-00055

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TOTAL:468

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CONCEPTUAL SITE PLAN
DIPLOMAT PARCEL
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
FEB 2005	2028	021705	JGH	SDJ	JGH	1"=120'	1	1	34-43-24

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LEE COUNTY, FLORIDA
ZONING DIVISION
STAFF REPORT

TYPE OF CASE: PLANNED DEVELOPMENT/DCI

CASE NUMBER: DCI2005-00055

HEARING EXAMINER DATE: JANUARY 12, 2006

I. APPLICATION SUMMARY:

A. Applicant: Athyrio Development Associates, LLC in ref. to Diplomat Property RPD/CPD

B. Request: Rezone 65+/- acres of land from Agricultural (AG-2) to Residential Planned Development/Commercial Planned Development (RPD/CPD) to permit a maximum of 468 dwelling units, 200,000 square feet of commercial floor area and a maximum of 120 hotel rooms. Maximum building height proposed is 3 stories/50 feet commercial and 3 stories/ 35 feet residential. No development blasting is requested.

C. Location: The subject property is located at 15301 North Cleveland Ave, North Fort Myers, FL (US 41 North, go over Caloosahatchee Bridge, left on Diplomat Pkwy., Property is on the north side of road), in S34-T43S-24E, Lee County, FL. (District #04)

D. Future Land Use Plan Designation, Current Zoning and Use of Subject Property:

Future Land Use: Central Urban (10 units per acre maximum).
Zoning: Agricultural (AG-2).
Land Use: No buildings. No agricultural uses or exemptions. The south parcel is mostly wooded, with a dry retention area and paved roads. The north parcel is vacant with woods.

E. Surrounding Land Use:

	Existing Zoning & Land Use	Future Land Use Map
North:	Serendipity Mobile Home community (over 55 community), Mobile Home (MH-2) zoning. (+/- 122 acres/594 dwelling units - 4.9 units per acre.)	Central Urban

East: Horses and pastures, then US 41 (6 lanes). Agricultural (AG-2) zoning on the pasture. — Central Urban

South: Merchant's Crossing Shopping Center, Commercial Planned Development (CPD). — Central Urban

West: Six Lakes Country Club (over 55 community), Mobile Homes with Mobile Home (MH-2) zoning. (+/- 55 acres/338 dwelling units - 6.1 units per acre) — Central Urban

F. Size of Property: 65.13± Acres

II. RECOMMENDATION:

Staff recommends **APPROVAL** of the Applicant's request for rezoning from Agriculture (AG-2) to Commercial Planned Development/Residential Planned Development (CDP/RPD) with the following conditions and deviations:

A. Conditions

1. The development of this project must be consistent with the 1-page Master Concept Plan entitled "CONCEPTUAL SITE PLAN: DIPLOMAT PARCEL" stamped received SEPTEMBER 21, 2005 AND the "TYPICAL CROSS-SECTIONS: DIPLOMAT PARCEL" stamp received NOV. 3, 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.

   Maximum Number of Dwelling Units (RPD): 432 dwelling units.

   8.0 dwelling units per acre maximum. Including 48.86 acres of RPD, and the conversion of Commercial Parcel 1 and 2 (3 acres) and a portion of Commercial Parcel 3 (2 acres) to residential. Total residential acreage: +/- 54.00 acres.

   Maximum Commercial Floor Area (CPD): 200,000 square feet of commercial uses. A maximum of 100,000 s/f of which may be retail. Commercial development is limited to a portion of Parcel 3 (5.0 acres) and all of parcel 4.

   Retail development is limited to Parcel 4 (which meets Commercial Site Location standards). Retail development is not permitted on Commercial Parcels 1,2 or 3 (which do not meet Site Location standards).

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

a. Schedule of Uses RPD - including conversion of Commercial Parcel 1 and 2 and a 2-acre portion of Parcel 3 to Residential.

Accessory Uses and Structures
Administrative Office
Clubs, Private - As shown on the approved Master Concept Plan.
Dwelling Units, single-family, duplex, two-family attached, multifamily, townhomes - 432 maximum. (8.0 units per acre)
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Home Occupation, No outside help.
Home Care Facility
Model Home, Model Display Center, Model Unit - ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Parking Lot, Accessory
Real Estate Sales - limited to sales of lots, homes or units within the development. Model home and club locations only. ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Recreational Facilities - Private, On-site only. LIMITED TO THOSE SHOWN ON THE APPROVED MASTER CONCEPT PLAN
Residential Accessory Uses
Signs, in compliance with LDC Chapter 30
Temporary Uses, Temporary Real Estate Sales Office

Schedule of Uses CPD (Limited to all of Commercial Parcel 4 and a 5-acre portion of Parcel 3.)

Administrative Office
Animals: Clinic, Kennel, Control Center (including Humane Society) - indoors, no outdoor runs.
Automatic Teller Machine
Auto Parts Store - No installation service.
~~Automobile Service Station~~
Auto Repair and Service, Group I ~~and II~~
Bait and Tackle Shop
Banks and Financial Establishments, Group I and II
Boat Part Stores
~~Boat Sales~~
Building Material Sales (indoor only, no outdoor display)
Business Services, Group I and II (no impound yards or armored car services)
~~Car Wash~~
Cleaning and Maintenance Services
Clothing Stores, General

Communication facilities, wireless (in accordance with LDC 34 Division 11)

A wireless communication facility may be administratively approved, provided it is co-located on a building and the height of the tower does not exceed 50 feet from existing grade.

Consumption on Premises - Indoors. In conjunction with Group III restaurants only. Outdoor Consumption on Premises will require special exception approval (public hearing).

Contractors and Builders, Group I and II (Not Group III)
~~Convenience Food & Beverage Stores~~
Cultural Facilities
Day Care, Adult, Child
Department Store
Drive-through facility for any permitted use. No fast food drive-through.
Drugstore, Pharmacy (limited to 1 on Parcel 4 or 3)
Entrance Gate and Gatehouse
Emergency Operations Center
EMS, Fire or Sheriff's Station
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Flea Market, Indoor Only
Food and Beverage Services, Limited
Food Stores, Group I and II
Funeral Home or Mortuary, with or without cremation
Gasoline Dispensing System, Special
Hardware Store
Health Care Facility, Group I, II, III (no Group IV).
Hobby, Toy and Game Store
~~Home Care Facility~~
Hotel/Motel - Limited to 120 rooms maximum.
Household and Office Furnishings - (indoor only, no outdoor display)
Insurance Companies
Lawn and Garden Supply Stores - (indoor only, no outdoor display)
Library
Medical Office
~~Nightclub~~
Nonstore Retailer
~~Package Store~~
Paint, Glass and Wallpaper - (indoor only, no outdoor display)
Parking Lot, Accessory, Commercial, Garage, Public Parking, Temporary
Personal Services, Group I, II, III, IV. Excluding Laundromats, Laundry Agents, Massage Establishments, Massage Parlors, Steam or Turkish Baths, Dating Services, Escort Services, Palm Readers, Fortune

Tellers, Card Readers, Tattoo Parlors.
Pet Services, Pet Shops - Indoor only, no outdoor display. No outdoor runs.
Place of Worship
Plant Nursery
Post Office
Printing and Publishing
Processing and Warehousing
Real Estate Sales Office
~~Recycling Facility~~
Religious Facilities
Rental or Leasing Establishments, Group II (excluding tools and equipment primarily for home use). Indoor only. No outdoor display.
Repair Shop, Group I, II, III
Research and Development Laboratories, Group I, II, III, IV.
Restaurants, Group I, II, III, IV.
Restaurant, Fast Food, No stand-alone or drive-through. Within a multi-occupancy building only.
Schools, Commercial and Non-Commercial
~~Self Service Fuel Pumps~~
Signs in Accordance with Chapter 30
Social Services Group I
Specialty Retail, Group I, II, III, IV
Storage, Indoor Only
Studios
Supermarkets
Temporary Uses
Used Merchandise, Group I, II, ~~III, IV~~ Indoor only. No outdoor display.
Variety Store
~~Warehouse: Mini Warehouse, Private, Public~~
~~Wholesale Establishment~~

b. **Site Development Regulations - Residential Planned Development (RPD)**

Single-Family

Minimum Lot Areas and Dimensions

Lot Size:	7,500 square feet
Lot Width:	75 feet
Lot Depth:	100 feet

Minimum Setbacks

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

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.
Minimum Perimeter Setbacks: 25 feet
Minimum Building Separation: 10 feet.

Building Height: 35 feet/ 3 stories

Maximum Lot Coverage: 45%

Duplex, Two-Family Attached, Townhouse

Minimum Lot Areas and Dimensions

Lot Size:	7,500 square feet
Lot Width:	75 feet (37.5 per unit)
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	5 feet (0 feet for common wall unit)
Rear	20 feet
Water body	25 feet

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.
Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 10 feet.

Building Height: 35 feet/ 3 stories

Maximum Lot Coverage: 45%

Multifamily

Minimum Lot Areas and Dimensions

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

Minimum Area Per Unit: 3,000 square feet

Minimum Setbacks

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

Side	10 feet
Rear	20 feet
Water body	25 feet

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.
Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 20 feet.

Building Height: 35 feet/ 3 stories

Maximum Lot Coverage: 45%

Recreational Area/Facilities

Minimum Lot Areas and Dimensions

Lot Size:	9,000 square feet
Lot Width:	50 feet
Lot Depth:	120 feet

Minimum Setbacks - Also see Deviation 5

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

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.
Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 10 feet.

Building Height: 35 feet/ 3 stories

Maximum Lot Coverage: 45%

Site Development Regulations - Commercial Planned Development (CPD)

Minimum Lot Areas and Dimensions

Commercial

Lot Size:	10,000 square feet
Lot Width:	100 feet

Lot Depth: 100 feet

Minimum Setbacks

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

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.
Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 20 feet.

Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC Section 34-2174(a).

Building Height: 50 feet/ 3 stories

Maximum Lot Coverage: 60%

3. **CONCURRENCY CONDITION**

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

4. **MODEL HOME AND REAL ESTATE SALES**

Model units and homes (and real estate sales) are permitted in compliance with the following conditions:

a. Each model must be a unique example. Multiple examples of the same unit are not permitted.

b. All model sites must be designated on the development order plans.

c. Prior to model home construction, the lots upon which model homes will be constructed must be shown on a preliminary plat (not the final). The preliminary plat must be filed concurrently with the local development order application. The model homes must comply with the setbacks set forth in the property development regulations for this project.

d. Dry models are prohibited.

e. The number of model homes or model units will be limited to no more than

10 within the development at one time.

f. Any model homes or units must be developed within the areas identified as "models" on the approved Master Concept Plan.

g. Real estate sales within the Residential Planned Development (RPD) are limited to the sale of lots or units within the development only. Real Estate sales are a permitted use within the Commercial Planned Development (CDP)

h. Real estate sales within the RPD are limited to within model homes or clubhouse only.

i. Hours of operation for both models and real estate sales (within the RPD) are limited to Monday through Sunday 8 a.m. to 8 p.m.

j. Model homes and real estate sales within the RPD will be valid for a period of up to 5 years from the date of issuance of a certificate of occupancy of a model home per LDC § 34-1954(d)(1).

5. **AGRICULTURAL USES**: The existing agricultural uses must cease upon passage of this zoning resolution. No agricultural uses are permitted on site.

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

7. All required buffers must utilize 100% all native vegetation.

8. Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC Section 34-2174(a).

9. 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.

10. 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.

11. The developer must contribute its proportionate share of the costs of intersection improvements at the time a traffic control device is warranted at the intersection of US 41 and Diplomat Road.

12. **WIRELESS COMMUNICATION FACILITIES**

A. Freestanding wireless communication facilities (towers, including

stealth type) are not permitted. Approval of freestanding wireless communication facilities will require an amendment to the planned development (public hearing).

B. Wireless Communication Facilities (including wall-mounted and roof-mounted antennas) may be approved in accordance with LDC Sec. 34-1441, et. seq. (Commercial parcels only).

13. The following changes must be made to the Master Concept Plan (Also See Condition 1):

A. Elimination of Commercial Parcel 1 and 2. These parcels may be utilized for residential development, additional open space, preserve or as an entrance feature for the residential development to the north. A type C or F buffer will not be required north of these Parcels.

B. The reduction of the western portion of the Commercial Parcel 3 from 7.3 acres to 5.0 acres. This western portion of Parcel 3 may be utilized for residential development, additional open space, preserve or as an entrance feature for the residential development to the north. A type C or F buffer will not be required north of this area.

C. The Residential Planned Development be increased in size from 48.86 acres as proposed, to +/- 54 acres.

D. The Commercial Planned Development be reduced in size from 16.27 acres as proposed to +/- 11.27 acres.

E. The 15-foot Type B buffer to the west (adjacent to Six Lakes Country Club), to the east (adjacent to horse boarding), and to the north (adjacent to the existing Serendipity Mobile Home Park) be enhanced to 30 feet, 10 trees per linear feet, and canopy-type trees (no palms) with a minimum 4-inch caliper. The Type B buffer shown adjacent to the "Existing Lake and Amenities for Serendipity" also requires enhancement as described in this condition.

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

15. Prior to local development order approval, the landscape plans must demonstrate that each commercial parcel is providing a minimum of 30% open space, and a minimum of 40% common open space is provided within the residential tract.

16. Prior to local development order approval: (1) a detailed indigenous preservation management plan must be submitted for the Division of Environmental Sciences staff review and approval that includes methods of maintaining the western 3.0 acres of the preserve as gopher tortoise habitat; and (2) the landscape plans must

include a permanent gopher tortoise fence along Diplomat Parkway where the 3.0 acre gopher tortoise preserve abuts this roadway and a double staggered native hedge (minimum 3-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted on the roadside of the fence; and (3) the landscape plans must delineate a double staggered native hedge (minimum 3-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted along the interface of the indigenous preserve with the residential tract.

Prior to issuance of a Vegetation Removal Permit, all invasive exotic vegetation and manmade debris must be hand removed from the indigenous preserve.

B. Deviations

Deviation 1 requests relief from LDC Sec. 10-285(a) which requires a minimum access connection separation of 660 feet on an arterial road to permit an access separation of 364 feet between the project's proposed main access and the proposed exit-only access for the residential portion of the southern parcel.

The applicant states the location of the access points on the southern parcel (Residential Tract) is consistent with the preserve areas. Comments from Environmental Sciences are attached. The proposed separation does not raise any health, safety or welfare issues. Staff recommends **APPROVAL** of the request.

Deviation 2 requests relief from LDC Sec. 10-296(k)(1) which requires dead-end streets must be closed at one end by a circular turn-around, to allow two dead-end streets as shown on the Master Concept Plan.

The Master Concept Plan shows 2 locations where instead of a cul-de-sac there is a hammerhead turnaround. These proposed turnarounds are internal to the project, do not involve an excessive amount of traffic, and appear to be well-designed. There are no health, safety or welfare issues raised by the request. Staff recommends **APPROVAL** of the request.

Deviation 3 requests relief from LDC Sec. 10-415(b)(1)(a) which requires large developments with indigenous vegetation communities to provide 50% of their open space percentage requirements through onsite preservation of existing native vegetative communities, to permit 0.45 acres of right of way to be vacated, enhanced and preserved to count toward the preservation requirement.

The applicant is requesting a deviation from LDC Section 10-415(b)(1)(a) to allow an existing roadway easement that is to be vacated to be allowed as part of the indigenous preserve. The existing roadway was built to the east of the recorded roadway easement. There is existing pine flatwoods and sabal palm/oak hammock within the recorded roadway easement. This area contains existing native plant communities, therefore, it is appropriate preservation area once the recorded easement is vacated. Therefore, staff recommend **APPROVAL** with the following one condition.

1. Prior to local development order approval, the existing roadway easement depicted

within the indigenous preserve must be vacated.

Deviation 4 requests relief from LDC Sec. 10-415(b)(1)a. requiring that large developments with existing indigenous native vegetation communities to provide 50% of their open space requirement through on-site preservation of indigenous native vegetation to allow portions of the preservation area to be disturbed and restored in order to install a stormwater management system.

The applicant is requesting a deviation from LDC Section 10-415(b)(1)(a) to allow a stormwater management outfall pipe to be installed through the preserve, and then restore the plant community after the installation of the pipe. Environmental Sciences staff have had a similar request previously, and determined the intent of the LDC is better met through a well designed swale for the outfall instead of a piped system. This allows for less disturbance to the preserve both during construction and any subsequent maintenance required. Therefore, staff recommends the following CONDITION of APPROVAL.

1. Prior to local development order, the development orders plans must delineate the general location of the surface water management outfall through the indigenous preserve to the canal. The outfall must be designed as an open system that can be planted with native vegetation.

   Prior to issuance of a Vegetation Removal Permit, the location of the surface water management outfall through the indigenous preserve must be field staked to avoid impacting any large native trees or gopher tortoise burrows for the Division of Environmental Sciences staff review and approval.

Deviation 5 requests relief from LDC Sec. 34-2474(b)(6) which requires recreation halls and ancillary facilities and private clubs be located at least 40 feet from any residential dwelling unit to allow a 20-foot minimum separation for any recreation building from a residential dwelling unit.

The Master Concept Plan shows a recreation building internal to the development, north of Diplomat Parkway. The only residential structures the club and recreation facilities will be near are models and residential units internal to the project. As proposed, a 20-foot separation rather than a 40-foot separation does not raise any health, safety, or welfare issues or compatibility issues. Staff recommends **APPROVAL** of the request with one condition.

1. Development of a recreational facility and clubhouse must be generally consistent with the location and size as shown on the approved Master Concept Plan.

C. Findings and Conclusions:

Based upon an analysis of the application and the standards for approval of planned development rezonings, staff makes the following findings and conclusions:

1. The applicant has proven entitlement to the Rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable

codes and regulations.

2. The requested zoning, as conditioned:

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

   b) is consistent with the densities, intensities and general uses set forth in the Lee Plan;

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

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

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

4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

5. As conditioned, the proposed use or mix of uses is appropriate at the subject location.

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

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

8. The deviations granted:

   a) enhance the objectives of the planned development; and

   b) preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

III. BACKGROUND INFORMATION AND ANALYSIS:

Introduction/Synopsis

This request is for a rezoning from Agriculture (AG-2) to a Residential and Commercial Planned Development (RPD/CPD), on 65 acres property on Diplomat Parkway and U.S. 41 - north of Merchant's Crossing in North Fort Myers.

There is property on the north side of Diplomat Parkway and the south side of Diplomat Parkway. The LDC permits staff to consider this development (divided by a public right-of-way) as one unified application and not 2 separate applications. In this case, one unified

application for CPD/RPD was deemed appropriate.

There are no agricultural uses on the property, nor exemptions. Blasting is not proposed.

Development is proposed on both north and south of Diplomat Parkway (a four-lane arterial). There is frontage on US 41 (a six-lane arterial).

Of note, the property is near the boundaries of the City of Cape Coral, to the west. Lee County staff provided staff for the City of Cape Coral notice of this application, notice of this hearing and copies of the Master Concept Plan, staff reports and other documents related to this application. City of Cape Coral comments are attached.

Also adjacent to the property are two mobile home communities built in the 1970s - Six Lakes Country Club to the west and Serendipity to the north.

The developer proposes 468 dwelling units, which are anticipated to be multi-family products (with a height limit of 35 feet/3 stories.) The developer also proposes an intensive schedule of uses with a maximum 200,000 s/f of commercial uses (100,000 of which may be commercial retail uses.)

Staff can recommend approval of commercial and residential development, but has a number of objections to the intensity and density proposed. There are four key issues.

1. Commercial Strip Development - POLICY 6.1.7 of the Lee Plan prohibits commercial developments "from locating in such a way as to open new areas to premature, scattered, or strip development." If you look at the north side of Diplomat Parkway, the applicant proposes over 1,900 feet of commercial frontage (Parcel 1, 2 and 3) on a narrow strip. It is appropriate to have commercial frontage on U.S. 41 and some commercial frontage on Diplomat Parkway. However, staff recommends the amount of commercial frontage be reduced, leaving the commercial element to a portion of Parcel 3 (north side) and all of Commercial Parcel 4 (south side). Otherwise, the development will take on the appearance of commercial strip development - especially on the north side of Diplomat Parkway. Staff prefers some of this frontage be used for residential purposes (such an entrance). Part of the south side of Diplomat Parkway shows a residential development, which is appropriate. A long commercial strip development on either side of Diplomat Parkway is clearly not appropriate and is explicitly discouraged by the Lee Plan.

2. Communication Towers and other Commercial Uses - Staff recommends limits on intensive commercial uses for three reasons. First, the applicant does not supply the necessary detail on the Master Concept Plan to support many of the uses proposed (gas stations, car washes, stand alone fast food, mini-warehouse, etc.). The applicant also does not supply any detail about communication towers (height, location, or analysis of potential co-location opportunities). As such, staff cannot support those uses. Second, there is a concern about the compatibility of some intensive commercial uses with the two neighboring mobile home parks (Serendipity and Six Lakes Country Club). Third, staff is concerned about the potential for saturation of certain intensive and noxious uses. More analysis of these uses - particularly on US 41 in North Fort Myers - is included in this staff report.

Of note, Commercial Parcel 4 meets commercial site location standards for retail development by virtue of having access to two arterial roads (indirectly to US 41 and directly to Diplomat Parkway). Commercial Parcel 3 (and Commercial Parcel 1 and 2) has access to Diplomat Parkway, but no access to US 41.

3. Enhanced Buffering - The applicant proposes a standard Type "B" buffer on portions of the residential development adjacent to agricultural uses to the east and mobile home developments north and west. There are no residential multi-family uses in this neighborhood. As such, staff recommends some sensible buffering to soften the effects of this multi-family development in the middle of two long-established (over-55) residential mobile home communities (See More analysis under Neighborhood Compatibility).

4. Density - The Central Urban Future Land Use category allows a maximum of 10 dwelling units per acre. However, this is not the density that currently exists in the immediate neighborhood. Staff takes issue with the applicant's Lee Plan analysis showing a requested density of 8.7 units per acre (6.6 gross density). The total property is 65.13 acres (both commercial and residential elements). The applicant's open space table shows 48.86 acres is residential. The commercial element is 16.27 acres. The request therefore is for 468 units on 48.86 acres, about **9.578** units per acre. This is the upper range of density. Staff must consider the compatibility of this request with surrounding development. Six Lakes Country Club is less than 5 units per acre. Serendipity Mobile Home Park is just over 6 units per acre. It is difficult to argue that nearly 10 units per acre - of three-story multi-family products - is compatible with single-story mobile homes built in the 1970s. Further analysis is provided below under "Neighborhood Compatibility."

Staff proposes a maximum of **8.0** units per acre in the residential portion of this planned development - which equates to 391 units on 48.86 acres. Staff supports less strip commercial development and a reduction in the commercial element of this plan located on the north side of Diplomat Parkway. With +/- 54.0 acres of residential development (as recommended by staff) - a maximum of 432 units would be permitted.

Master Concept Plan

The Master Concept Plan is 1-page showing the residential, commercial tracts in relation to U.S. 41, Diplomat Parkway and surrounding developments. Buffers are provided, access points, lakes, a Lee County drainage easement, and preserve areas are also shown. There is some detail regarding the recreation facilities on the MCP. The MCP does not show development detail for residential or commercial uses, but does show "Typical" development. There are 4 commercial parcels on Diplomat Parkway and a Residential Tract (multi-family uses) to the south of Diplomat. To the north of Diplomat and to the north of the proposed commercial tracts are residential tracts, where multi-family development is also proposed. Staff has recommended some significant changes to the MCP - in regards to buffering, and commercial strip development. Those changes are also noted on the proposed MCP as recommended by staff (See Attachment C).

Lee Plan Considerations

POLICY 1.1.3: *The Central Urban areas can best be characterized as the "urban core" of*

the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre). (Amended by Ordinance No. 94-30, 02-02)

***DENSITY** - The number of residential dwelling or housing units per gross acre (du/acre). Densities specified in this plan are gross residential densities. For the purpose of calculating gross residential density, the total acreage of a development includes those lands to be used for residential uses, and includes land within the development proposed to be used for streets and street rights of way, utility rights-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made waterbodies contained within the residential development. Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included. (Amended by Ordinance No. 98-09, 00-22)*

The applicant is proposing residential and commercial development utilizing a property entirely in the Central Urban land use category. The property is in proximity to nature preserves, existing mobile home communities, a horse farm and commercial development on U.S. 41. This property is also in proximity to the City of Cape Coral and has access to urban services. The request is for the upper end of residential density (9.6 units per acre). When compared to the surrounding neighborhood, this represents an increase in intensity including dense residential development and the introduction of some intensive commercial uses. Residential and commercial uses are consistent with Central Urban, as conditioned. This request, as conditioned, is **CONSISTENT** with the **POLICY 1.1.3** of the Lee Plan.

***OBJECTIVE 2.1: DEVELOPMENT LOCATION.** Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities. (Amended by Ordinance No. 94-30, 00-22)*

The subject property is located in an area and surrounded by commercial and residential development. This rezoning to Planned Development promotes a contiguous growth pattern and is **CONSISTENT** with **Objectives 2.1** and **2.2**.

***POLICY 2.2.1:** Rezonings and development-of-regional-impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare. (Amended by Ordinance No. 94-30, 00-22)*

This area of Lee County has experienced commercial and residential growth. The subject property is located in close proximity to existing residential developments, parks, schools, and commercial shopping. It has the necessary characteristics of urban infill. The proposed development is in an area where urban services already exist and are serving commercial development and residential neighborhoods nearby.

The proposed project, as conditioned, is **CONSISTENT** with **POLICY 2.2.1** of the Lee Plan.

POLICY 4.1.1: *Development designs will be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements. (Amended by Ordinance No. 91-19, 00-22)*

Staff recommends alteration of the MCP to avoid the creation of strip commercial development on Diplomat Parkway. This proposed development, as conditioned, is **CONSISTENT** with **Policy 4.1.1.** of the Lee Plan.

POLICY 5.1.2: *Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.*

The applicant proposes residential development near the top of the intensity allowed in Central Urban. There are no obvious physical constraints that require density reductions, however there are concerns about compatibility with surrounding neighborhood. This proposed development, as conditioned, is **CONSISTENT** with **Policy 5.1.2** of the Lee Plan.

POLICY 5.1.4: *During the rezoning process, direct high-density residential developments to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities. (Amended by Ordinance No. 94-30)*

This proposed high-density development is near shopping, public parks, and in proximity to schools and social services. As conditioned, this proposed development is **CONSISTENT** with **Policy 5.1.4** of the Lee Plan.

POLICY 5.1.5: *Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments. (Amended by Ordinance No. 94-30, 99-15, 00-22)*

This is a commercial and residential multi-family development in proximity to existing mobile home communities. As conditioned with enhanced buffering and a reduction in density, it does not present a compatibility issue with nearby residential uses. Limits in commercial uses - as conditioned by staff - are also appropriate. As conditioned, this proposed development is **CONSISTENT** with **POLICY 5.1.5** of the Lee Plan.

POLICY 139.9.5: *New development adjacent to areas of established residential neighborhoods must be compatible with or improve the area's existing character.*

The design of this site does take into consideration existing development patterns and makes an effort to protect the residential integrity of the neighborhood. Staff has proposed conditions to help make this development more compatible with the area's existing character, including enhanced buffers, less intensive commercial uses, and a reduction in the total number of units. The request - as conditioned - is **CONSISTENT** with **POLICY 139.9.5.** of the Lee Plan.

STANDARD 11.1: WATER. *Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross loadable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Chapter 17-22, FAC.).*

STANDARD 11.2: SEWER. *Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.*

The development is more than 2.5 units per acre, and will have to connect to public water and sewer. As conditioned, this proposed development is **CONSISTENT** with water and sewer standards of the Lee Plan.

POLICY 6.1.2: *All commercial development must be consistent with the location criteria in this policy, except where specifically excepted by this policy or by Policy 6.1.7, or in Lehigh Acres by Policies 1.8.1 through 1.8.3.*

Commercial Parcel 4 of the subject property is on the intersection of two arterial roads (U.S. 41 and Diplomat Parkway). Access to U.S. 41 is via a connection to Merchant's Crossing commercial center. A commercial retail element of 100,000 s/f is proposed (plus 100,000 s/f of office space). The proposed development on Commercial Parcel 4 meets the site location standards for a "Community Commercial" development (over 100,000 s/f of retail).

Commercial Parcels 1, 2 and 3 do not meet commercial site location standards. Their sole access is on Diplomat Parkway. They do not have any access to U.S. 41, nor is any proposed on the MCP. As such, retail development is not permitted on these parcels.

Therefore, staff finds that the proposed development, as conditioned, **CONSISTENT** with **Policy 6.1.2** of the Lee Plan.

POLICY 6.1.3: *Commercial developments requiring rezoning and meeting Development of*

County Impact (DCI) thresholds must be developed as commercial planned developments designed to arrange uses in an integrated and cohesive unit in order to: provide visual harmony and screening; reduce dependence on the automobile; promote pedestrian movement within the development; utilize joint parking, access and loading facilities; avoid negative impacts on surrounding land uses and traffic circulation; protect natural resources; and provide necessary services and facilities where they are inadequate to serve the proposed use. (Amended by Ordinance No. 94-30, 00-22)

The proposed development of this site provides for open space, adequate buffering on U.S. 41 and Diplomat Parkway to reduce negative impacts on surrounding land uses. Staff has proposed a change in the Master Concept Plan to discourage commercial strip development along the north side of Diplomat Parkway. Strip development is not attractive and bad for traffic circulation. The MCP also does not show the necessary detail to support intensive uses, nor does it provide any assurances that strip development will not occur on the north side of Diplomat Parkway. As conditioned, this proposed development is **CONSISTENT** with **POLICY 6.1.3** of the Lee Plan.

POLICY 6.1.4: *Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities.*

This proposed development, as conditioned and with a refined schedule of uses, is compatible with the neighborhood and existing public services. As conditioned, this proposed development is **CONSISTENT** with **POLICY 6.1.4** of the Lee Plan.

POLICY 6.1.5: *The land development regulations will require that commercial development be designed to protect the traffic-carrying capacity of roads and streets. Methods to achieve this include, but are not limited to: frontage roads; clustering of activities; limiting access; sharing access; setbacks from existing rights-of-way; acceleration, deceleration and right-turn-only lanes; and signalization and intersection improvements*

Signalization improvements on U.S. 41 and Diplomat Parkway - if needed - will need to be addressed by FDOT. Diplomat Parkway is also the City of Cape Coral's responsibility. There is a condition, as recommended by the City of Cape Coral, to address a traffic signal - should it be needed. As conditioned, this proposed development is **CONSISTENT** with **POLICY 6.1.5** of the Lee Plan.

POLICY 6.1.6: *The land development regulations will require that commercial development provide adequate and appropriate landscaping, open space, and buffering. Such development is encouraged to be architecturally designed so as to enhance the appearance of structures and parking areas and blend with the character of existing or planned surrounding land uses.*

Staff has provided buffering conditions and limitations in uses addressing this policy. As conditioned, this proposed development is **CONSISTENT** with **POLICY 6.1.6** of the Lee Plan.

POLICY 6.1.7: *Prohibit commercial developments from locating in such a way as to open new areas to premature, scattered, or strip development; but permit commercial development*

to infill on small parcels in areas where existing commercial development would make a residential use clearly unreasonable.

The proposed MCP includes over 1,900 feet of frontage on the north side of Diplomat Parkway. The applicant proposes all of this frontage be utilized for commercial development. Staff recommends this frontage be reduced significantly, by eliminating all of Parcel 1, 2 and a part of Parcel 3 and converting it all to residential uses. This would cut the size of the commercial strip roughly in half. The depth of this frontage on the north side of Diplomat Parkway ranges from 200 feet to 240 feet. A commercial strip of 1,900 by 240 feet will likely have the look and feel of commercial strip development. It would seem that some of this frontage may be utilized as residential, open space, or as a residential entry feature. A portion of the south side of Diplomat Parkway is utilized for residential development. The same is appropriate for the north side. As conditioned, this proposed development is **CONSISTENT** with **POLICY 6.1.7** of the Lee Plan. Otherwise, this development is not consistent with this policy and promotes commercial strip development.

Analysis of Commercial Uses on U.S. 41 & Diplomat Parkway

Staff is reluctant to approve many of the more intensive commercial uses proposed, due to potential compatibility problems with existing residential uses, the lack of detail in the Master Concept Plan, and an overall desire to prevent the saturation of intensive commercial uses on major roads such as U.S. 41. Uses which cause concern for staff in this case include warehouses, wholesalers, used merchandise (including tires, bricks and lumber), package stores, stand-alone fast food, recycling centers, hospitals, night clubs, service stations, auto repair and body shops, boat sales, communication towers, heavy construction equipment, convenience food and beverage stores and self-service fuel pumps.

U.S. 41 in North Fort Myers, north of the Caloosahatchee Bridge, has its fair share of intensive commercial uses. Starting from this point, three miles south of the subject property, staff analyzed the commercial uses. Staff found (on the east side of U.S. 41) an Arby's, KFC, Taco Bell, a Drive-Through Ice Cream Shop (abandoned), an ABC Liquor Store, a Wendy's, a BP with 4 pumps, a Hess with 6 pumps, mini-storage (under construction), several car lots, a Citgo with 2 pumps, and a CVS, Walmart and a car wash. Also on the east side of 41 north of Diplomat Parkway are a Walgreens, A-1 Self Storage, the Shell Factory, a Publix Plaza (with a package store), and then limited commercial development to the Charlotte County line (about 5 miles north of the subject property.)

Looking at the west side of U.S. 41 (the same side as the proposed development), from the north there is a Circle K with 3 pumps, a Hess with 8 fuel pumps, boat sales, RV sales, a Citgo-7-11 with 8 pumps, and a BP with 2 pumps (which is less than 0.5 miles from the subject property).

Staying on the west side of U.S. 41 going south of the subject property you will find Merchant's Crossing, a Mobile Station with 10 pumps, a Sunoco with 4 pumps, Duncan Donuts, Long John Silvers, CVS Drug Store, McDonalds, Burger King, and Walgreens.

Traveling west on Diplomat Parkway from the subject property, there is a dearth of commercial (or any) uses. After passing Six Lakes Country Club there is mostly vacant

property to the west and then a Hope Hospice Facility. About 3 miles from the subject property on Diplomat there is a Citgo with 12 pumps and a car wash.

Staff's analysis shows there is a saturation of some intensive uses on U.S. 41, and the potential for more of these uses should this development be approved as submitted by the applicant.

Staff observed a large communication tower in plain site looking to the north from Diplomat Parkway. Staff found a car wash 0.5 miles from the subject property on U.S. 41 and another 3 miles away on Diplomat Parkway. Staff found 9 gas stations with convenience stores on U.S. 41 with a total of 47 pumps (with at least 94 individual fueling stations.) There was also another gas station on Diplomat Parkway with 12 pumps and 24 fueling stations. Staff found one stand-along package store, and another within a plaza on U.S. 41. Staff found a total of 8 stand-alone fast food restaurants on U.S. 41. Staff observed 4 drug stores on U.S. 41, 2 mini-storage businesses and 5+ car/boat/RV sales lots all on U.S. 41 in proximity to the subject property.

Based on these observations, staff has refined the commercial schedule of uses to exclude those which may contribute to a saturation of deleterious uses, those which may not be compatible with nearby residential uses, and those which are not supported by the Master Concept Plan.

Neighborhood Compatibility

The subject property is located in the North Fort Myers Planning Community. This community is described in the Lee Plan as follows:

North Fort Myers *- This Community is located north of the Caloosahatchee River between the Alva Planning Community and the City of Cape Coral. This community includes a wide mix of Future Land Use designations from Intensive Development to Density Reduction/Groundwater Resource. The area between the two US 41 routes near the river will remain the core of this community. The old US 41 corridor will be redeveloped with new commercial uses and waterfront development taking advantage of this areas close proximity to downtown Fort Myers and its riverfront location. The US 41 corridor from Pondella Road north will continue to attract new commercial development that will serve the North Fort Myers community and other surrounding communities. Total commercial, service, and industrial uses will have doubled from the amount existing in 1996. These areas are surrounded by residential uses. Most of the North Fort Myers community will develop at residential densities less than what is allowed by the Lee Plan Future Land Use Map. Furthermore, much of this community is designated for low density development of less than one unit per acre. This community will not be one of the fastest growing areas, residentially, in Lee County. This area will add fewer than 3,000 new residents by the year 2020. However, with a total permanent population of over 50,000 residents and nearly 65,000 residents in season, the North Fort Myers community will be the fourth largest community, in population, in the year 2020. As stated in the Alva community, the Bayshore area does have characteristics differing from both the Alva and North Fort Myers community. The split in the Bayshore area between Alva and North Fort Myers was done to include properties which were most closely related to those respective communities. (Added by Ordinance No.*

99-15)

North North of the subject property is the Serendipity Mobile Home Park. The park's entrance is on Littleton Road. Built in 1974, the development is an over-55 community with 338 single-story mobile home units on about 55 acres of land (**6.145 units per acre**). The park is zoned Mobile Home (MH-2), which permits 35-foot structures. The development is separated from the subject property by a drainage ditch. The applicant proposes multi-family uses with 3-story, 35-foot buildings adjacent to the park. The applicant proposes a standard Type "B" buffer to the north (15 feet, 5 trees per linear 100 feet, no wall, and a hedge). Staff recommends enhanced buffering, due to the visual effects of multifamily development, the high density proposed, and legitimate concerns about the proposed multi-story buildings adjacent to single-story residential uses. Staff recommends 30 feet of buffering with more trees and the use of native canopy trees (not palms). Of note, there is a small AG-zoned property to the northwest, with water retention, parking and vehicle storage. Enhanced buffering (above and beyond a Type "B" buffer) will help visually screen this area from the subject property.

South South of the subject property is the Merchant's Crossing Commercial Planned Development on U.S. 41 and Pine Island Road. This is a large retail development with a movie theater, big-box retailers, restaurants, and other commercial uses. Merchant's Crossing was approved in 1990 by the Lee County Commission as a Development of Regional Impact and amended several times (#Z-90-34, Amended #Z-01-014 and administratively amended ADD2005-00114). Merchant's Crossing DRI includes 555,000 s/f of retail commercial space on 104.66 acres of land. Merchant's Crossing allows heights up to 50 feet for retail buildings, and a maximum of 135 feet in height for a hotel/office campus. The applicant shows a road connection from Diplomat Parkway to Merchant's Crossing through Commercial Parcel 4 (See Existing Access note). The applicant also shows a conservation area bordering Merchant's Crossing's conservation area. No additional buffering is needed to the south.

Of note, there is a large communication tower visible to the south from Diplomat Parkway. Staff is not recommending communication towers on this site, but will allow for wireless communication facilities co-located on buildings. Approval of communication towers (wireless facilities) would require more detail in regards to location, height, co-location analysis, etc. as required under LDC Sec. 34-1441.

East To the east is Agricultural (AG-2) property with horse boarding. East of this is U.S. 41 (6 lanes). The applicant proposes a Type "B" buffer here also. Staff recommends the same enhanced buffering to the east, as it recommends to the north (30 feet, more trees, canopy trees, no palms). The MCP shows an internal road directly adjacent to the AG property. Staff recommends the enhancement to better visually screen this road and the multi-family development proposed.

West .West of the subject property is the Six Lakes Country Club with mobile homes and a golf course. This is a 122-acre development (60 acres of common open area) with 594 dwelling units. The zoning is also Mobile Home (MH-2). Residential

structures are single-story mobile homes. The density is about 4.868 units per acre. This development was also constructed in the 1970s. The applicant proposes a standard Type "B" buffer to the west. There is also a drainage ditch to the west. Parts of Six Lakes is buffered by a concrete wall, including its Diplomat Parkway frontage.

Staff has recommended enhancements in buffers - 30-feet, additional trees, canopy trees, no palms - in deference to this existing residential neighborhood.

West of Six Lakes is the City of Cape Coral. Cape Coral staff indicate the vacant property west of Six Lakes has a Future Land Use of Industrial, Commercial (C-3) zoning and is part of a previously-approved Development of Regional Impact. *Staff has provided copies of the MCP for this development to the City of Cape Coral. Comments from the City are attached.*

In regards to height, staff can recommend 35 feet in height, 3-stories for the residential portions of the proposed development, as long as there is enhanced buffering. Staff can also recommend 50 feet in height, 3-stories, for the commercial elements, which is consistent with what was approved for Merchant's Crossings. Of note, the Central Urban Future Land Use category - buildings may be 12 stories, 135 feet in planned developments, per LDC Sec. 34-935(f).

With conditions, staff finds this is a compatible development with the surrounding neighborhood.

Environmental Issues

The Division of Environmental Sciences staff have reviewed the proposed Diplomat Residential Planned Development (RPD)/Commercial Planned Development (CPD), and conducted field inspections of the property. The property contains 37.82 acres of indigenous plant communities and 12.84 acres of previously disturbed lands. Fourteen gopher tortoise burrows were located onsite of which five burrows were active, five burrows were inactive and four burrows were abandoned. Environmental Sciences report is included, as are conditions, and recommendations for deviations 3 and 4, with conditions. (See Attachment M).

Traffic Issues

The proposed development is located on the intersection of two arterial roads. Comments from Lee County Department of Transportation (LCDOT) correctly point out that Diplomat Parkway (a 4-lane arterial) is a City of Cape Coral maintained road. LCDOT also commented that U.S. 41 (a 6-lane arterial) is Florida Department of Transportation's responsibility and has jurisdiction over issues such as traffic signals.

The development shows no access points on U.S. 41, but does show access points to the south on Diplomat - one for a Commercial Parcel 4 and two for "Residential Tracts" south on Diplomat (one of which is an emergency access point). A deviation is requested on one of the proposed access points on the south side of Diplomat (staff recommends approval.) On the north side of Diplomat, there is an access point for Commercial Parcel 3 and a second access for the residential development north of Diplomat. Of note, there are no access points, or cross-access points shown for Commercial Parcel 1 and 2.

Pending Development Services traffic report (LOS Comments).

Conclusions

This request, as conditioned, is consistent with the Lee Plan and the Land Development Code. As conditioned (limited in density and with enhanced buffering), the request is compatible with the surrounding area (including residential mobile home neighborhoods), and will not adversely affect environmentally critical areas or natural resources. Approval of the request - as conditioned - will not place an undue burden upon the existing or planned transportation network. Urban services are available. The proposed mix of uses is appropriate, as conditioned.

IV. ATTACHMENTS:

A. Map of surrounding existing zoning

B. Map of surrounding proposed zoning

C. Master Concept Plan (SEPT. 21, 2005) - with notes by staff

D. Typical Cross Sections (NOV. 3, 2005)

E. Applicant's Schedule of Uses, Property Development Regulations

F. Schedule of Deviations and Justifications

G. Applicant's Lee Plan Narrative

H. Applicant's Protected Species and Heritage Tree Survey Report

I. Applicant's Traffic Impact Statement

J. City of Cape Coral Comments

K. LCDOT Comments

L. Public Comments

M. Environmental Sciences Comments Pending

N. Development Services Traffic Comments Pending

cc: Applicant

County Attorney

Zoning/DCI File

Persides Zambrano, City of Cape Coral, Public Works and Transportation, PO Box 150027, Cape Coral, Fl 33915-0027

SURROUNDING ZONING MAP

12/7/2005

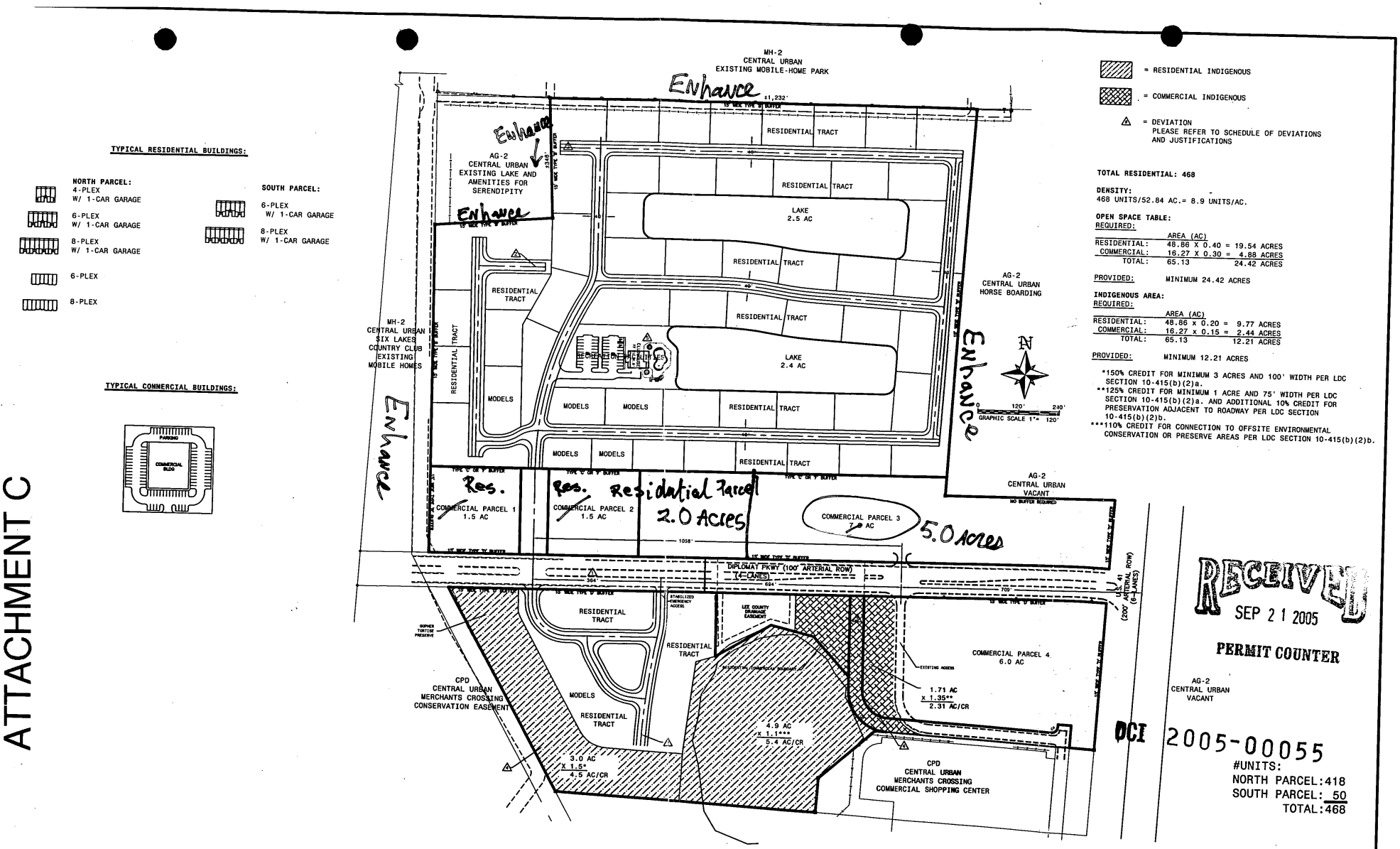


PROPOSED ZONING MAP

12/7/2005



ATTACHMENT C



TOTAL RESIDENTIAL: 468

DENSITY:
468 UNITS/52.84 AC.= 8.9 UNITS/AC.

OPEN SPACE TABLE:
REQUIRED:

	AREA (AC)	
RESIDENTIAL:	48.86 X 0.40 =	19.54 ACRES
COMMERCIAL:	16.27 X 0.30 =	4.88 ACRES
TOTAL:	65.13	24.42 ACRES

PROVIDED: MINIMUM 24.42 ACRES

INDIGENOUS AREA:
REQUIRED:

	AREA (AC)	
RESIDENTIAL:	48.86 x 0.20 =	9.77 ACRES
COMMERCIAL:	16.27 x 0.15 =	2.44 ACRES
TOTAL:	65.13	12.21 ACRES

PROVIDED: MINIMUM 12.21 ACRES

*150% CREDIT FOR MINIMUM 3 ACRES AND 100' WIDTH PER LDC SECTION 10-415(b)(2)a.
**125% CREDIT FOR MINIMUM 1 ACRE AND 75' WIDTH PER LDC SECTION 10-415(b)(2)a. AND ADDITIONAL 10% CREDIT FOR PRESERVATION ADJACENT TO ROADWAY PER LDC SECTION 10-415(b)(2)b.
***110% CREDIT FOR CONNECTION TO OFFSITE ENVIRONMENTAL CONSERVATION OR PRESERVE AREAS PER LDC SECTION 10-415(b)(2)b.

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#UNITS:
NORTH PARCEL: 418
SOUTH PARCEL: 50
TOTAL: 468

PREPARED FOR:
N.B.D. DEVELOPMENT, INC
301 YAMATO ROAD, SUITE 3191
BOCA RATON, FLORIDA 33431
PH: (561) 994-8572
FAX: (561) 394-7136

NO. DATE REVISION DESCRIPTION BY

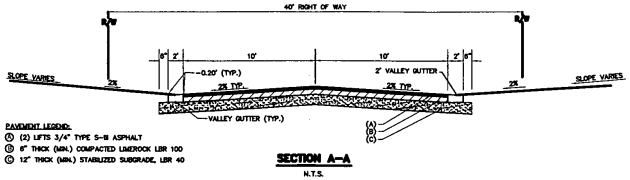
Banks Engineering, Inc.
Professional Engineers, Planners & Land Surveyors
FORT MYERS ◆ NAPLES ◆SARASOTA
6640 WILLOW PARK DRIVE, SUITE B
NAPLES, FLORIDA 34109
PHONE: (239) 597-2061 FAX: (239) 597-3062
ENGINEERING LICENSE # EB 6469

CONCEPTUAL SITE PLAN
DIPLOMAT PARCEL
LEE COUNTY, FLORIDA

DATE PROJECT DRAWING DESIGN DRAWN CHECKED SCALE SHEET

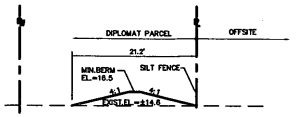
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ATTACHMENT D

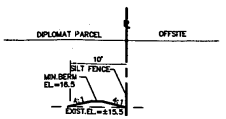


PAVEMENT LEGEND:
(A) (2) LIFTS 3/4" TYPE S-III ASPHALT
(B) 8" THICK (MIN.) COMPACTED LIMEROCK LBR 100
(C) 12" THICK (MIN.) STABILIZED SUBGRADE, LBR 40

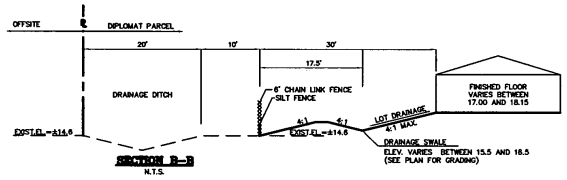
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N.T.S.



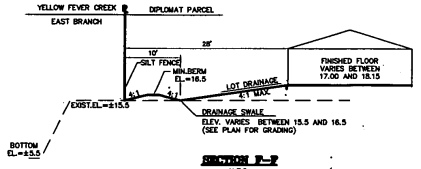
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SECTION E-E
N.T.S.

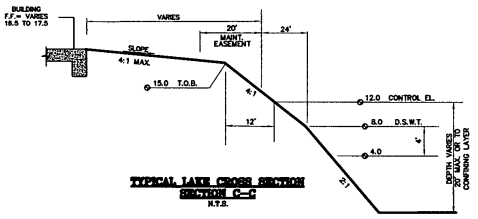


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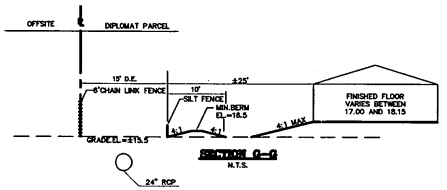


SECTION F-F
N.T.S.

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TYPICAL LAKE CROSS SECTION
SECTION C-C
N.T.S.



SECTION G-G
N.T.S.

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PREPARED FOR:
N.B.D. DEVELOPMENT, INC
301 YAMATO ROAD, SUITE 3191
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NO.	DATE	REVISION DESCRIPTION	BY

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8640 WILLOW PARK DRIVE, SUITE B
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PHONE: (239) 597-2091 FAX: (239) 597-3062
ENGINEERING LICENSE # EB 8489
SURVEY LICENSE # LB 6690
DAVID R. UNDERHILL, JR. P.E. #42028

TYPICAL CROSS-SECTIONS
DIPLOMAT PARCEL
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
OCT 2005	2028	_XS1	DRU	MJK	DRU	N.T.S.	5	9	34-43-24

SET NO.: 01

DIPLOMAT PARCEL - SFWMD PLANS 2028

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Banks Engineering, Inc.

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Fax (239) 939-2523

ATTACHMENT E

Please Reply To:
FORT MYERS OFFICE

Exhibit 6-M
Schedule of Uses

Accessory apartment
Administrative offices
Animals:
- Clinic
- Kennel (Indoor only)
- Control center (including Humane Society)

ATM (automatic teller machine)
Auto parts store:
- No installation service

Automobile service station
Auto repair and service
- Group I
- Group II

Bait and tackle shop
Banks and financial establishments
- Group I
- Group II

Boats:
- Boat parts store
- Boat sales

Building materials sales
Business services
- Group I
- Group II

Car wash
Cleaning and maintenance services
Clothing stores, general
Communication facility, wireless
Consumption on premises
Contractors and builders
- Group I
- Group II
- Group III

Convenience food and beverage store
Cultural facilities
Day care center, adult, child
Department store
Drive-through facility for any permitted use
Drugstore, pharmacy

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Entrance gates and gatehouse
Emergency operations center
EMS, fire or sheriff's station
Essential services
Essential service facilities
    Group I
    Group II
Excavation:
    Water retention
Flea market:
    Indoor
Food and beverage service, limited
Food stores
    Group I
    Group II
Funeral home or mortuary:
    No cremation
    With cremation
Gasoline dispensing system, special
Government maintenance facility
Hardware store
Health care facility
    Group I
    Group II
    Group III
    Group IV
Hobby, toy, game shops
Home care facility
Hotel/motel
Household and office furnishings
    Group I
    Group II
    Group III
Insurance companies
Lawn and garden supply store
Library
Medical office
Nightclubs
Nonstore retailers (34-622(c)(30)), all groups
Package store
Paint, glass and wallpaper
Parking lot:
    Accessory
    Commercial
    Garage, public parking
    Temporary
Personal services
    Group I (excluding Laundromats and Laundry agents)
    Group II (excluding Massage establishments, Massage Parlors, and Steam or Turkish baths)
    Group III
    Group IV (excluding Dating services, Escort services, Palm readers, Fortunetellers, or card readers, and Tattoo parlors)
Pet services
Pet shop
Pharmacy

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DLI 2005-00055

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Place of worship
Plant nursery
Post office
Printing and publishing
Processing and warehousing
Real Estate Sales Office
Recycling facility
Religious facilities
Rental or leasing establishments
    Group II (excluding Tools and equipment primarily for home use)
Repair shops
    Group I
    Group II
    Group III
Research and development laboratories
    Group I
    Group II
    Group III
    Group IV
Restaurant, fast food (Limited to Commercial Parcels 3 & 4)
Restaurants
    Group I
    Group II
    Group III
    Group IV
Schools:
    Commercial
    Non-commercial
Self-service fuel pumps
Signs in accordance with chapter 30
Social services
    Group I
Specialty retail shop
    Group I
    Group II
    Group III
    Group IV
Storage:
    Indoor only
Studios
Supermarket
Temporary uses
Used merchandise stores
    Group I
    Group II
    Group III
    Group IV
Variety store
Warehouse:
    Mini-warehouse
    Private Public
Wholesale establishment
    Group II

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Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
10511-101 Six Mile Cypress Parkway
Fort Myers, Florida 33912
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Fax (239) 939-2523

Please Reply To:
FORT MYERS OFFICE

Exhibit 6-M
Schedule of Uses
Residential Planned Development

Accessory Uses and Structures
Administrative Offices
Clubs – Private
Dwelling Unit:
- Two-family attached
- Townhome
- Multiple-family

Entrance Gate and Gatehouses
Essential Services
Essential Service Facilities – Group I and Group II
Excavation – Water Retention
Fences, Walls
Home Occupation, with no outside help
Models:
- Model Home
- Display Center
- Model Unit

Parking Lot – Accessory
Real Estate Sales Office (Temporary)
Recreation Facilities – Private on-site
Signs in accordance with Chapter 30
Temporary Uses

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Naples Office
6640 Willow Park Dr.
Suite B
Naples, Florida
34109
(239) 597-2061
Fax (239) 597-3082

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

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

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
10511-101 Six Mile Cypress Parkway
Fort Myers, Florida 33912
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Fax (239) 939-2523

Please Reply To:
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Property Development Regulations RPD

Maximum Building Height	35 feet or 3 stories
Maximum Lot Coverage	45 percent

Minimum Setbacks:

ATTACHMENT E

Private Street	20 feet
Public Street	25 feet
Side	5 feet (0 feet for common wall unit)
Rear	20 feet (5 feet for accessory structure)
Waterbody	20 feet (10 feet for accessory structure)
Preserve	25 feet (10 feet for accessory structure)

Duplex, Two-family attached, Townhouse

Minimum lot size	7,500 square feet
Minimum area per unit	3,750 square feet
Minimum lot width	37.5 feet
Minimum lot depth	100 feet

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Multiple-family:

Minimum lot size	10,000 square feet
Minimum area per unit	3,000 square feet
Minimum lot width	100 feet
Minimum lot depth	100 feet

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Recreational Area

Minimum lot size	9,000 square feet
Minimum lot width	50 feet
Minimum lot depth	120 feet

Banks Engineering, Inc.

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10511-101 Six Mile Cypress Parkway
Fort Myers, Florida 33912
(239) 939-5490
Fax (239) 939-2523

Please Reply To:
FORT MYERS OFFICE

Property Development Regulations CPD

Maximum Building Height	50 feet or 3 stories
Maximum Lot Coverage	60 percent

Minimum Setbacks:

Private Street	20 feet
Public Street	25 feet
Side	5 feet
Rear	20 feet
Waterbody	20 feet
Preserve	20 feet

Minimum lot size	10,000 square feet
Minimum lot width	100 feet
Minimum lot depth	100 feet

ATTACHMENT E

Naples Office
6640 Willow Park Dr.
Suite B
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Fax (239) 597-3082

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

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

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

Exhibit 6-N
Schedule of Deviations and Justifications

DEVIATION NO. 1: A request to deviate from the Lee County Land Development Code Section 10-285(a) which requires a minimum access connection separation of 660 feet for arterial roads to allow a minimum access connection on Diplomat Parkway of 364± feet between the project's proposed main access and the proposed exit-only access for the residential portion of the southern parcel.

JUSTIFICATION: The nature of this request is based upon the project's existing native vegetation and proposed indigenous vegetation preserve. The preserve severs the residential portion of the development from the existing access road. There is not enough frontage in the subject location to meet all separation requirements so that the deviation request is inevitable. The westerly access will be right-in, right-out only and will be the main access for the southern residential tract. The proposed middle access will be exit-only. Hence, reflecting the internal nature of the project's request, the deviation will not present any deleterious effects to the general public.

DEVIATION NO. 2: A request to deviate from the Lee County Land Development Code Section 10-296(k)(1) which requires that dead-end streets must be closed at one end by a circular turnaround, to allow two dead-end streets as shown on the master concept plan.

JUSTIFICATION: The nature of this request is based upon the project's existing native vegetation and proposed indigenous vegetation preserve. The preserve severs the residential portion of the development from the existing access road. Although deviations from the roadway requirements are requested, this access easement actually functions as a joint driveway for the units at the end of the accessway and should not be held to the dimensional requirements for a roadway. The NFPA allows dead-end roads up to 150 feet in length without requiring a cul-de-sac. This joint driveway is short and typically serves only a few units. The necessity for this layout is evident in the north parcel where the dead end street is in essence a hammerhead turnaround. Hence, reflecting the internal nature of the project's request, the deviation will not present any deleterious effects to the general public.

DEVIATION NO. 3: A request to deviate from the Lee County Land Development Code Section 10-415(b)(1)(a) which requires that large developments, with existing indigenous native vegetation communities must provide 50 percent of their open space percentage requirement through the onsite preservation of existing native vegetation communities, to allow the inclusion of 0.45± acre of right-of-way that is to be vacated, enhanced and preserved to count towards preservation requirement.

JUSTIFICATION: The nature of this request is based upon the project's existing native vegetation and proposed indigenous vegetation preserve. The preserve severs the residential portion of the development from the existing access road that was constructed approximately 128.5 feet east of its platted location due to a scrivener's error. The applicant proposes to vacate this unused platted access and incorporate it within the preservation on either side of the platted access. The enhancement of the preservation areas will allow the development to provide desirable upland habitat adjacent to the wetland area. Hence, reflecting the internal nature of the project's request, the deviation will not present any deleterious effects to the general public.

ATTACHMENT F

DEVIATION NO 4: A deviation from Land Development Code Section 10-415(b)(1)a. which requires that large developments with existing indigenous native vegetation communities to provide 50 percent of their open space requirement through the onsite preservation of existing native vegetation communities to allow portions of the preservation area to be disturbed and restored in order to install the stormwater management system.

JUSTIFICATION: A portion of the native vegetation preserve on the parcel south of Lake Diplomat Parkway will have to be disturbed in order to install pipes for the stormwater management system. This is necessary to provide for a proper outfall as required by the Lee County Land Development Code and South Florida Water Management District practices for engineering design. The portion of the native vegetation preserve that is disturbed will be restored to its natural state after the stormwater management system is installed. Prior to approval of the local development order we will coordinate with the Division of Environmental Sciences staff the location of the crossings and field locate where the pipe crossings.

DEVIATION NO 5: A deviation from Land Development Code Section 34-2474(b)(6) which requires that recreation halls and ancillary facilities and private clubs shall be located at least 40 feet from any residential dwelling to allow a 20 foot minimum building separation for any recreation building.

JUSTIFICATION: This deviation will provide the developer flexibility for the placement of the recreation building and providing the required parking for the recreation area. The buildings will be constructed to meet the state building codes for fire protection and therefore will not endanger the health, safety or welfare of the residents living in this subdivision or the general public. This deviation will only apply to residential dwelling units that are part of this development. The recreation area will meet the required setbacks for any residential dwelling units adjacent to the developments perimeters.

DCI 2005-00055

ATTACHMENT F

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
10511-101 Six Mile Cypress Parkway
Fort Myers, Florida 33912
(239) 939-5490
Fax (239) 939-2523

ATTACHMENT G

Please Reply To:
FORT MYERS OFFICE

EXHIBIT'S 6-G and 6-I

The proposed rezoning is consistent with the Lee County Land Development Code Section 34-145(d)(3) as follows:

A. The list of Lee Plan consistencies (see below) demonstrate that the applicant is entitled to the rezoning.
B. The request will meet or exceed all performance and location standards set forth for the potential uses allowed by the request.
C. The request is consistent with the densities, intensities and general uses set forth in the Lee Plan (see below).
D. The request is compatible with existing and planned uses in the surrounding area.
E. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the proposed development.
F. The request will not adversely affect environmental critical areas and natural resources.
G. The proposed use is appropriate at the subject location.
H. Urban services, as defined in the Lee Plan, are available and adequate to serve the proposed land use.

POLICY 1.1.3: The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre). (Amended by Ordinance No. 94-30, 02-02)

Proposed is a residential and commercial development in North Fort Myers at the corner of Diplomat Parkway and US 41. This development will connect into existing water and sewer systems and the road system is adequate to handle the

development. The residential development will be setback off of Diplomat Parkway with the commercial component adjacent to Diplomat Parkway The requested density at 8.7 dwelling units per acre (6.6 gross density) is within the allowable density range and is appropriate for this location as this development will be an infill development.

GOAL 2: GROWTH MANAGEMENT. To provide for an economically feasible plan which coordinates the location and timing of new development with the provision of infrastructure by government agencies, private utilities, and other sources.

The proposed development will have access from Diplomat Parkway (existing arterial right-of-way) and will be connected to water through Lee County Utilities and sewer through North Fort Myers Utilities.

OBJECTIVE 2.1: DEVELOPMENT LOCATION. Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 2.2: DEVELOPMENT TIMING. Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance. (Amended by Ordinance No. 94-30, 00-22)

This area of the county has been and continues to be developed with residential and commercial development and is ideal for the proposed development due to the fact that it is adjacent to an arterial right-of-way with easy access to US 41. This development will continue the trend of residential and commercial development in this area of the county and will be close to existing utility services and existing residential and commercial developments. There are adequate public facilities to support this development. This development is along Diplomat Parkway with a small portion of the commercial property fronting on US 41 and therefore is not promoting urban sprawl. To the contrary this development will provide services to an existing established area of Lee County and is considered infill development.

POLICY 2.2.1: Rezonings and development-of-regional-impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare. (Amended by Ordinance No. 94-30, 00-22)

ATTACHMENT G

This development is located along an arterial right-of-way which is connected into established arterial rights-of-way. Water will be provided by Lee County Utilities and sewer will be provided by North Fort Myers Utilities and protection will be provided by the Lee County Sheriff's office and North Fort Myers fire district. This development will not have a negative impact to the public health, safety, and welfare. With the proposed buffering to the surrounding properties, this development will be compatible with the surrounding land uses.

GOAL 4: DEVELOPMENT DESIGN - GENERAL. To maintain innovative land development regulations which encourage creative site designs and mixed use developments. (Amended by Ordinance No. 94-30)

OBJECTIVE 4.1: Maintain the current planned development rezoning process which combines site planning flexibility with rigorous review. By the end of 1995, take specific steps to further promote the creation of mixed-use developments to reduce the impact on collector and arterial roads. (Amended by Ordinance No. 91-19, 94-30)

POLICY 4.1.1: Development designs will be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements. (Amended by Ordinance No. 91-19, 00-22)

POLICY 4.1.2: Development designs will be evaluated to ensure that the internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive effect on the activities and functions contained within or adjacent to the development. (Amended by Ordinance 91-19, 00-22)

We are requesting a rezoning to Residential Planned Development and Commercial Planned Development allowing the development to have creative site designs and flexibility. The layout of the development has been designed to enhance the development and provide open space and buffers. The design of the development is also well integrated and functional. The internal accessways are designed to provide efficient and safe flow of vehicles and pedestrians within the development. This development has access to only Diplomat Parkway and not U. S. 41, thereby reducing the impact on collector and arterial roads. The street intersections meet the connection separation requirements, with the exception of the proposed exit-only access on the south parcel. The accessways provide ample sight visibility triangles at all of the intersections. The development will have sidewalks to provide safe walkways for pedestrians within the development.

GOAL 6: COMMERCIAL LAND USES. To permit orderly and well-planned commercial development at appropriate locations within the county. (Amended by Ordinance No. 94-30)

OBJECTIVE 6.1: All development approvals for commercial land uses must be consistent with the following policies, the general standards under Goal 11 and other provisions of this plan. (Amended by Ordinance No. 94-30)

2. Neighborhood Commercial

a.	Major function	Provide for the sale of convenience goods and personal services such as food, drugs, sundries, and hardware items.
b.	Typical leading tenants	Supermarket and drug store tenants
c.	Location	Must be located as follows (except where this plan provides specific exceptions): At the intersection of an arterial and a collector or two arterials so that direct access is provided to both intersecting roads. Such direct access may be provided via an internal access road to either intersecting road. On Lee County's islands where there is no intersecting network of collectors and arterials, neighborhood commercial centers may be located using the standards for minor commercial centers.
d.	Site Area	2 to 10 acres
e.	Range of Gross Floor Area	30,000 to 100,000 square feet

The commercial property located on the south side of Diplomat Parkway is 6 ± acres and we are requesting 70,000 square feet of commercial and office uses. The schedule of uses allows a broad range of uses including several retail uses. This commercial piece is located at the intersection of Diplomat Parkway and U.S. 41 which are both arterial rights-of-way. Therefore, the development will be in compliance with the site location standards for neighborhood commercial.

3. Community Commercial

a.	Major function	Some functions of neighborhood commercial, in addition to providing for the sale of retail goods such as clothing, variety items, appliances, and furniture.

b.	Typical leading tenants	Supermarket, drug store, minor department store, variety store, or discount center.
c.	Location	Must be located as follows (except where this plan provides specific exceptions): At the intersection of two arterials so that direct access is provided to both intersecting roads. Such direct access may be provided by an internal access road to either intersecting road.
d.	Site Area	10 to 35 acres
e.	Range of Gross Floor Area	100,000 to 400,000 square feet

The commercial property located on the north side of Diplomat Parkway is 10.72 ± acres and we are requesting 130,000 square feet of commercial and office uses. The schedule of uses allows a broad range of uses including several retail uses. This commercial piece is located at the intersection of Diplomat Parkway and U.S. 41 which are both arterial rights-of-way. Therefore, the development will be in compliance with the site location standards for community commercial.

GOAL 11: WATER, SEWER, TRAFFIC, AND ENVIRONMENTAL REVIEW STANDARDS. To insure that appropriate water, sewer, traffic, and environmental review standards are considered in reviewing rezoning applications and are met prior to issuance of a county development order.

STANDARD 11.1: WATER.

The development shall connect to an existing public water system provided by Lee County Utilities.

STANDARD 11.2: SEWER.

The development shall connect to an existing sanitary sewer system provided by North Fort Myers Utilities.

STANDARD 11.3: TRAFFIC.

This development will not have a detrimental impact on the surrounding roadway system. The existing roadway system can accommodate the additional new vehicle trips the development is anticipated to generate. All roadway links are shown to operate at acceptable Level of Service conditions when the development traffic is added to the surrounding roadway network. Therefore, no roadway

improvements are required off-site as a result of the proposed development. However, if any site-specific improvements will be required on Diplomat Parkway they will be addressed at time of local development order.

STANDARD 11.4: ENVIRONMENTAL REVIEW FACTORS.

An Environmental Assessment and Habitat and Protected Species Survey Report was prepared by Calusa Coast Ecologists, Inc. This report determined that 4.27 ± acres of the site was wetland, which will be enhanced and preserved. This report also determined that 11.59± acres include other surface waters which typically include water bodies and ditches that have been excavated from historic uplands. On the subject site, these other surface waters include a drainage ditch and borrow pit on the northern portion and a Department of Transportation detention area on the southern portion. The proposed project will involve unavoidable impacts of approximately 7.83 acres of the borrow pit. The proposed enhancement and preservation areas will compensate for any impacts to the existing isolated borrow pit.The report did observe five active, five inactive, and four abandoned gopher tortoise burrows. This will be addressed by the relocation of the tortoises to the proposed upland preserve areas.

GOAL 24: DEVELOPMENT REGULATIONS. Maintain clear, concise, and enforceable development regulations that fully address on-site and off-site development impacts and protect and preserve public transportation facilities. (Amended by Ordinance No. 98-09, 99-15)

The planned development process is being used in order to address on-site and off-site impacts. The proposed property development regulations will also mitigate and impacts to surrounding properties.

OBJECTIVE 24.1: DEVELOPMENT IMPACTS. The county will maintain and enforce development regulations to ensure that impacts of development approvals occur concurrently with adequate roads, and to achieve maximum safety, efficiency, and cost effectiveness. (Amended by Ordinance No. 99-15)

POLICY 24.1.1: New development must:

- Have adequate on-site parking.

- Have access to the existing or planned public road system except where other public policy would prevent such access.

The proposed development will establish on-site parking for the residential and commercial uses in accordance with the Lee County Land Development Code. This development has access points onto Diplomat Parkway which is an arterial

right-of-way that connects into a well established road network.

OBJECTIVE 41.3: GENERAL SURFACE WATER MANAGEMENT STANDARDS. Lee County will continue to provide sufficient performance and/or design standards for development protective of the function of natural drainage systems. (Amended by Ordinance No. 94-30, 00-22)

POLICY 41.3.1: Provide sufficient performance and design standards to require post development runoff to approximate the total characteristics of the natural flow prior to development.

The stormwater system will be designed to be in accordance with SFWMD requirements. A stormwater management system will be provided for the adequate control of stormwater runoff that originates within the development. The stormwater management system will be designed in accordance with South Florida Water Management District (SFWMD) requirements and will provide for the attenuation/retention of stormwater from the site. Issuance of a SFWMD permit shall be deemed to be in compliance with Chapter 10 of the LDC and review of the project shall be limited to external impacts and wet season water table elevation. For purposes of stormwater management calculations, the assumed water table will be established by an engineer in accordance with sound engineering practice. The stormwater management system will be reviewed for compliance with Chapter 10 of the LDC through the development order process.

GOAL 52: DEVELOPMENT REQUIREMENTS. To require new development to provide adequate open space for their future residents.

OBJECTIVE 52.1: Development regulations shall continue to require that new developments provide sufficient open space to meet the needs of their residents.

The residential component of this development will have a minimum open space of 40 percent and the commercial component will have a minimum open space of 30 percent. The open space provided complies with the open space requirements of the Land Development Code that best meets the open space requirements of this development.

ATTACHMENT G

Calusa Coast Ecologists, Inc.

HABITAT, PROTECTED SPECIES, & HERITAGE TREE SURVEY REPORT

BENNETT TRUST - DIPLOMAT PKWY
14.9 ± ACRE PARCELS

Section 34, Township 43 South, Range 24 East
Lee County, Florida

RECEIVED
JUN 03 2005
PERMIT COUNTER

April 6, 2005

Provided For:
Richard K. Bennett Trust (3319 Boca Ciega Drive, Naples, FL 34112)
C/o John Kinsey
P.O. Box 811987
Boca Raton, FL 33481-1987

Prepared By:
Calusa Coast Ecologists, Inc.

BCI 2005-00055

To be Submitted To:
LEE COUNTY COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902

ATTACHMENT H

Environmental Resource Permitting • Due Diligence • Habitat Mapping • Wetland Delineations
Dock and Shoreline Permitting • Protected Species Survey & Planning • Mitigation & Monitoring

4666 Siesta Circle • Fort Myers, Florida 33901 • Telephone (239) 939-7427 • Facsimile: (239) 274-3020

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Protected Species Survey Map

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1.0 INTRODUCTION

This document serves to provide a summary of the vegetation communities and the protected species survey conducted on the Richard K. Bennett Trust property.

The 14.92± acre project site is located at 15501 North Cleveland Avenue, North Fort Myers, FL 33903, within Parcel STRAP No. 34-43-24-00-00001.3030. The entire parcel is approximately 65.58 acres in area, and includes an additional 50.66± acres to be developed by an independent contract purchaser as Diplomat Lakes mixed-use development. The parcel is bound by North Cleveland Avenue and active pasture to the east, Serendipity mobile home park to the north, a north-south drainage ditch and Six Lakes Country Club mobile home park to the west, and Merchants Crossing commercial center to the south. Diplomat Parkway bisects the parcel from east to west.

2.0 METHODOLOGY

In October and December of 2004, Calusa Coast Ecologists, Inc. conducted surveys of vegetation communities, potential jurisdictional wetlands, and signs of wildlife usage on the subject parcel. A total of 20 man-hours of field observations were conducted.

In accordance with the methodologies outlined in the *Florida Administrative Code (F.A.C.) Rule 62-340: Delineation of the Landward Extent of Wetlands and Surface Waters* and the *U.S. Army Corps of Engineers Wetland Delineation Manual* (1987), the site's vegetation, soils, and hydrologic indicators were examined. Numerous meandering transects were walked throughout the parcel. Dominant vegetation species in each stratum (canopy, mid-story, ground cover, and vines) for each ecological unit were noted, as well as less abundant plant species observed. Signs of hydrologic indicators were noted within each ecological unit. Photo-interpretation of habitat types was done using color rectified aerial photograph (scale = 1" to 100'). The USDA Soil Survey of Lee County was reviewed for soil types on the subject parcel.

The landforms and vegetation communities of the project site were classified in accordance with the "Florida Land Use, Cover and Forms Classification System" (FLUCCS) manual (FDOT, 1999), to Level III. AutoCAD 2000 software was utilized for mapping and acreage calculations of each FLUCCS Code unit.

A protected species survey was conducted on the subject property using a field methodology that met Florida Fish and Wildlife Conservation Commission (FFWCC) and Lee County standards. Biologists surveyed areas for listed species based on their potential habitat listed in the Lee County Code Appendix H. The survey included an in-depth gopher tortoise burrow survey, red cockaded woodpecker cavity tree survey, and Big Cypress fox squirrel survey. The survey also included potential heritage trees, and all pines and live oaks that met the heritage tree criteria were flagged and marked on aerial maps to be located via professional land survey. Field observers were equipped with compass, aerial, binoculars, wildlife identification books, and field notebooks. Numerous meandering transects were walked in the various habitats of the 14.92± acre project site, as well as along all property boundaries. The survey resulted in visual

coverage of representative areas of the major habitat types, totaling approximately 80% of the site, in accordance with the Lee County Land Development Code. During survey transects, the biologists periodically stopped, looked for protected plants and wildlife, signs of wildlife, and listened for wildlife vocalizations. The approximate locations of observed protected wildlife species or their signs (burrows, nests, cavities, tracks, scat, calls) were recorded in field notebooks. In the same fashion, sightings of non-protected wildlife species were recorded. The survey methodologies described above are generally consistent with those prescribed by the FFWCC in the document entitled, *"Wildlife Methodology Guidelines for Section 18.D of the Application for Development Approval"* (FFWCC 1988), except that no small mammal sampling or herpetofaunal surveys were conducted.

A search of the Florida Fish & Wildlife Conservation Commission (FFWCC) database was conducted to determine if any active bald eagle nests have been recorded on or within one mile of the subject parcel from 1997 through 2002. The FFWCC and Lee County Natural Resources Dept. were also contacted to determine if any new nests have been recorded within the area during the 2003 and 2004 nesting seasons.

Table 1. Protected Species and Biological Survey Details

Ecologist[1]	Date	Time		Field Hours[2]
IB, AA	10/1/04	2:00 pm – 4:00 pm		4.0
IB, AA	10/2/04	2:00 pm - 4:00 pm		4.0
IB, AA	12/8/04	9:00 am – 11:00 am		4.0
IB, AA	12/13/04	12:00 pm – 4:00 pm		8.0
Total Hours				**20.0**

NOTES:
1. IB = Ilene Barnett, M.S.
   AA = Arden Arrington
2. Includes total staff field hours.

3.0 GENERAL SITE CONDITIONS AND LANDSCAPE SETTING

The proposed project is located in North Fort Myers, just east of the Cape Coral city limits. Diplomat Parkway East, a four-lane divided roadway, bisects the property from east to west, dividing it into north and south portions. The northern portion of the site consists of 7.31± acres, and the southern portion of the site consists of 7.61± acres.

The subject parcel is primarily characterized as pine and palmetto habitat. There are no wetlands or other surface waters on the site, with the exception of a drainage easement (OSW) along the south side of Diplomat Parkway. Signs of homeless camping activity, trash

such as beverage cans and bottles, shopping carts, mattresses, miscellaneous litter, etc., are found throughout the site.

The proposed project is located in North Fort Myers, just east of the Cape Coral city limits. The proposed Diplomat Lakes sub-parcels exist to the north and west, and commercial property (Merchants Crossing) to the south. East of U.S. 41 (North Cleveland Avenue), the parcel's east boundary, land uses include vacant commercial, single-family residential, and future planned mixed-use development. Diplomat Parkway East, a four-lane divided roadway, bisects the property from east to west, dividing it into north and south portions.

4.0 VEGETATION COMMUNITIES AND LAND USES

The approximate locations of vegetation communities and land uses on the project site and surrounding properties are provided on the attached **FLUCCS Map.** Please note that these are approximations based on ground-truthing and aerial photographic interpretation. The major land forms/vegetation communities were identified on the site and are summarized in **Table 2**, below, with descriptions following. **Appendix I** attached provides a detailed list of plants observed on the site, including scientific names, wetland status, and nativity status.

Table 1. Summary of Vegetation Communities

FLUCCS Code	Description	Approx. Area (acres)	Approx. % of site	Potential wetland / OSW status
321	Palmetto prairie (<10% exotics)	4.17	28%	Non-wetland
411	Pine flatwoods (<10% exotics)	8.98	60%	Non-wetland
742 S	Borrow area – south (drainage easement)	0.37	2%	OSW
743	Spoil areas (berms)	0.18	1%	Non-wetland
814	Roads & Highways	0.35	2%	Non-wetland
8147	Maintained road right-of-way	0.87	6%	Non-wetland
TOTAL		14.92	±100%	

Palmetto prairie, <10% exotics (FLUCCS Code 321): This habitat type is found scattered throughout the project site and comprises 4.17 acres. The ground cover and mid-story strata are dominated by saw palmetto. Occasional slash pine, live oak, laurel oak, and Melaleuca are sparsely scattered in the canopy. Other mid-story species include wax myrtle, winged sumac, rusty lyonia, gallberry, tarflower, Brazilian pepper, small slash pines, oaks, and Melaleuca. Other

ground cover species include chalky bluestem, wiregrass, pennyroyal, narrowleaf silkgrass, grapevine, chocolate weed, partridge pea, blackroot, and four-petal St. John's wort. These areas appear very xeric, with no signs of hydrology. Soil mapping units incorporated into these palmetto prairies include Malabar Fine Sand (weakly hydric), Oldsmar Fine Sand, Limestone Substratum (non-hydric), Isles Fine Sand, Depressional (hydric), and Pompano Fine Sand, Depressional (hydric). It is very likely that the historic construction of U.S. 41, Diplomat Parkway, other surrounding development, and the major drainage system to Yellow Fever Creek have sufficiently drained these areas such that they no longer support hydric conditions.

Pine Flatwoods, < 10% exotics (FLUCCS Code 411): Along with palmetto prairie, this is the dominant habitat type on the subject parcel, and covers approximately 8.98 acres. Dominant canopy vegetation is slash pine with scattered cabbage palms, live oak, laurel oak, and Melaleuca. Occasional earleaf acacia and carrotwood were also observed. The dominant mid-story and groundcover is saw palmetto. Other mid-story species include small slash pines, oaks, and cabbage palm, wax myrtle, winged sumac, rusty lyonia, gallberry, Braziilian pepper, American beauty berry, and juvenile Melaleuca. Other ground cover species include grapevine, chalky bluestem, wiregrass, lovegrass, bahia grass, pennyroyal, narrowleaf silkgrass, partridge pea, Caesar weed, Spanish needles, poison ivy, ragweed, dogfennel, chocolate weed, blackroot, Carolina redroot, bluestems, four-petal St. John's wort, greenbriar vine, crowfoot grass, finger grass, scorpions tail, shortleaf rose gentian, and a variety of other herbaceous species. No signs of hydrology were observed. Soils are mapped as Malabar Fine Sand (weakly hydric), Oldsmar Fine Sand, Limestone Substratum (non-hydric), Isles Fine Sand, Depressional (hydric), and Pompano Fine Sand, Depressional (hydric). As described for the palmetto prairie habitats above, it is very likely that historic construction and drainage projects have sufficiently drained these areas such that they no longer support hydric conditions. Therefore, these areas should be considered as non-wetlands, based on a predominance of non-wetland vegetation, and lack of hydrologic and hydric soil indicators observed in the field.

FLUCCS Code 742 S: The southern "borrow area" is a 0.37 acre stormwater detention area for Diplomat Parkway, and is part of the drainage easement for the FDOT. It is surrounded by a narrow grassy berm, and connected to the Diplomat Parkway stormwater system via culverts and catch-basins. There is a DOT drainage easement over this area. It is densely vegetated with a variety of wetland grasses and other herbaceous species, with a "V" shaped swale in its center that connects with the Diplomat Parkway drainage system. Dominant species include torpedo grass, with clumps of Carolina willow. Other groundcover species include beakrushes, sedges, Melaleuca seedlings, primrose willow, rosy camphorweed, St. John's wort, climbing hempvine, and wax myrtle seedlings. Soils were saturated during the wet season field investigations, with algal mats evident. The ground was relatively dry during the dry season site visits. The V-shaped swale is lined with riprap. This detention area is apparently hydrologically connected to the major drainage ditch located along the western property boundary.

Spoil Areas – berms (FLUCCS Code 743): There is a maintained spoil berm around the perimeter of the detention area located just south of Diplomat Parkway, comprising 0.18 acres. This berm is vegetated primarily with bahia grass and other upland grasses. This berm appears to be within the drainage easement. The spoil berms located along the northern borrow pit and the two drainage ditches are not maintained, and support growth of mid-story and canopy

species. As such, they have been assigned other FLUCCS Codes based on their respective vegetation assemblages.

Roads & Highways (FLUCCS Code 814): A paved two-lane interior roadway exists within the southern portion of the property, which provides a service entrance to the Merchants Crossing commercial center. Approximately 0.35 acres of this roadway is within the project boundaries.

Maintained road right-of-way (FLUCCS Code 8147): Maintained road right-of-ways, comprising approximately 0.72 acres within the parcel boundaries are vegetated with bahia and other grasses.

5.0 SOILS

According to the Lee County Soil Survey prepared by the Natural Resources Conservation Service (NRCS), four soil map units are present on the project site. These units include the following: (27) Pompano Fine Sand, Depressional; (34) Malabar Fine Sand; (39) Isles Fine Sand, Depressional; and (50) Oldsmar Fine Sand, Limestone Substratum. (Please refer to the attached **Soils Map** provided by Banks Engineering).

Oldsmar Fine Sand, Limestone Substratum, making up the majority of the project site, is listed as non-hydric in the Hydric Soils of Florida Handbook. The following soils are listed as hydric in the Hydric Soils of Florida Handbook: Malabar Fine Sand, Pompano Fine Sand, Depressional, and Isles Fine Sand, Depressional. Of these soils listed as hydric, none of the areas appear to contain the field indicators for wetland jurisdiction. All areas within these map units are clearly non-jurisdictional for wetlands. This is evidenced by both an absence of hydrologic indicators and a predominance of non-wetland vegetation. This discrepancy is generally caused by expected margin of error during the soil mapping efforts, by changes in hydrology from construction and development within the vicinity of the project site, or by normal circumstances (Malabar Fine Sand is a weakly hydric soil, meeting only the saturation criterion, and not the ponding or flooding criteria). The creation of the major drainage ditch which runs along the western property boundary of the parcel, has likely caused a draw-down effect in these areas, converting them to more xeric habitat types.

The other two hydric soils, Pompano Fine Sand, Depressional and Isles Fine Sand, Depressional, are more strongly hydric soils (meet criteria for both saturation and ponding, but not for flooding). However, the portions of these map units that are within the subject project's boundaries, do not meet the wetland jurisdiction criteria for soils, hydrology, or vegetation. They may have been wetlands at one time; however, the construction of Diplomat Parkway, the interior access driveway, and various drainage and other construction projects in the vicinity would be likely causes of conversion of these areas to more xeric habitat types.

6.0 PROTECTED SPECIES & HERITAGE TREE SURVEY RESULTS

Preliminary protected species survey transect lines covered approximately 80% of the site. Approximately 20 man-hours were spent conducting the survey. The only protected species signs observed during the field investigations were gopher tortoise burrows (2 active, 0 inactive, and 1 abandoned), within the pine flatwoods and palmetto prairie areas. No other listed species or their signs (burrows, scat, tracks, cavity trees, etc.) were observed on the project site. Protected species transects and approximate gopher tortoise burrow locations are shown in the attached **Protected Species Survey Map**.

Based on Appendix H of the Lee County LDC, **Table 3** lists all potential listed species that might occur on the site based on the FLUCCS Codes represented on the site, species presence, and likelihood of their occurrence. Included below is a discussion regarding each species that may be of concern at the project site.

American bald eagle: The American bald eagle (*Haliaeetus leucocephalus*), is listed as threatened by both the FFWCC and USFWS. Federal protection guidelines place restrictions on activities such as development, within a 1,500' radius of an active bald eagle nest. No bald eagle nests have been recorded on or within one mile of the project site, according to the FFWCC GIS database. (1997 to 2002). Updated information for 2003 and 2004 bald eagle nesting season has been requested of the FFWCC and Lee County. The Lee County Natural Resources Department indicates that no new nests have been discovered in this vicinity through the 2003/2004 nesting season (personal communication: Rebecca Sweigert). No bald eagles were observed on or flying over the project site.

Audubon's crested caracara: The crested caracara (*Caracara cheriway)* is listed as threatened by both the FFWCC and USFWS. This species prefers open grassland habitats and improved rangelands. It is unlikely that any caracara utilizes this project site. According to the Florida Breeding Bird Atlas, no known breeding areas or occurrences are present within the general vicinity of the project site. Most probable occurrences are located in the extreme eastern portions of Lee County. No caracara were observed during the field surveys.

Big Cypress Fox Squirrel: The big cypress fox squirrel (*Sciurus niger avicennia*) is listed as threatened by the FFWCC, and not listed by the USFWS. Appropriate habitat appears to be present on the site, specifically, in some small areas within the pine flatwoods habitats where there is a relatively open ground cover (most of the pine flatwoods have dense palmetto understory). No squirrels or their nests were observed during the protected species surveys.

Burrowing Owl: The burrowing owl (*Speotyto cunicularia*) is listed as a species of special concern (SSC) by the FFWCC, and not listed by the USFWS. Burrowing owls prefer dry open prairie and disturbed weedy sites for nesting. Shrubby areas, including those with a heavy cover of large saw palmettos, are not appropriate habitat for burrowing owls. The road berms were thoroughly inspected in October and December of 2004, appropriate timing for observing signs of nesting. No signs of burrowing owls or their burrows were observed. Examination of the FFWCC GIS database indicates that no occurrences of burrowing owl nesting activities have been recorded in the vicinity of the project site.

Eastern Indigo Snake: The eastern indigo snake (*Drymarchon corais couperi*) is listed as threatened by the FFWCC and USFWS. It is typically associated with gopher tortoise burrows and favor pine flatwoods, palmetto prairies, and scrub habitats. Due to the presence of gopher tortoise burrows on the site, there is a potential that eastern indigo snakes may be present on the property. No indigo snakes were observed during the field surveys.

Florida Black Bear: The Florida black bear (*Ursus americanus floridanus*) is listed as threatened by the FFWCC. It is a broad-ranging species that travels great distances. There is an extremely low potential that individuals would roam into the site, due to its adjacency to major roadways (U.S. 41, Diplomat Parkway) and residential and commercial development, as well as its setting within an urban area. No signs of black bear were noted during the species surveys.

Florida Panther: The Florida panther (*Felis concolor coryi*) is listed as endangered by both the FFWCC and USFWS. The project site is not located within primary or secondary panther habitat, or within the federal panther consultation area. Radio-telemetry data indicate that no panthers have been tracked within several miles of the project site. The level of commercial and residential development in the vicinity is a likely deterrent to panther use of the subject parcel. No signs of panther were noted during the species surveys.

Florida Sandhill Crane: The Florida sandhill crane (*Grus canadensis pratensis*) is listed as threatened by the FFWCC. It is almost identical in appearance to the Eastern greater sandhill crane (*Grus canadensis tabida*), which is found in Florida from October through February, and is a non-listed subspecies. The preferred nesting habitat of the sandhill crane is hydric pine flatwoods, wet prairies, and freshwater marshes, as well as pasture lands and open fields. No known sandhill crane nesting areas are present in the general vicinity of the project site. The project site is dominated by dense palmetto understory, not favorable habitat for sandhill cranes. No sandhill cranes were noted during the species surveys.

Gopher frog: The gopher frog (Rana areolata) is listed as a SSC by the FFWCC. It is a commensal species of the gopher tortoise, sharing its burrow. The presence of gopher tortoise burrows provides a potential that gopher frogs are present on the subject parcel. No gopher frogs were noted during the species surveys.

Gopher tortoise: The gopher tortoise (*Gopherus polyphemus*) is listed as a SSC by the FFWCC. A total of 14.2 acres of appropriate habitat for gopher tortoises are found on site, including FLUCCS codes 321, 411, 743, and 8147. A total of 3 gopher tortoise burrows (2 active, 0 inactive, and 1 abandoned) were observed during the surveys. **Appendix 2** provides the detailed Lee County density calculation for gopher tortoises on the site. Based on the density calculation, 2 gopher tortoises are estimated to exist on the site. The County allows preserve densities of 3 gopher tortoises per acre; therefore, 0.66 acres of gopher tortoise preserve would be required.

Red Cockaded Woodpecker: The Red cockaded woodpecker (*Picoides borealis*) is listed as threatened for the FFWCC, and as endangered for the USFWS. No red cockaded woodpeckers (RCWs) or their cavity nests were observed during the surveys. It is unlikely that red cockaded woodpeckers use the site, since they require old-growth pine habitat with relatively open understory. The site does have a few large pines scattered throughout the site; however, the predominant habitat consists of small caliper pines with dense palmetto understory. No known occurrences of RCW colonies exist in the general vicinity.

Southeastern American Kestrel: The southeastern American kestrel (*Falco spaverius paulus*) is listed as threatened by FFWCC and not listed by USFWS. There were no observances of this species during the field surveys. No known nesting sites for this species are recorded within the general vicinity. According to the FNAI, suitable nest sites include tall dead trees or utility poles with unobstructed views. Sandhill habitats are preferred, and if in pine flatwoods, open patches of grass or bare ground is needed since thick palmetto prevent detection of prey (FNAI, 2004). Since most of the site is characterized by a heavy palmetto understory, nesting is not likely.

Listed plant species: Listed plant species that might occur on the site, based on FLUCCS codes, include Beautiful pawpaw, Curtis milkweed, Fakahatchee burmannia, Florida coontie, and satinleaf. No listed plant species were observed during the protected species survey. Beautiful pawpaw prefers open pine flatwoods with wiregrass and dwarf live oak understories (FNAI, 2004). Curtis milkweed prefers scrubs and sandhills, i.e., leached white sand scrub, which is not present on the site (Taylor, 1998)

No critical habitat for federally or state listed endangered species exist on the site.

Non-listed species observed include blue jay, mourning dove, black vulture, cardinal, flickers, Carolina wren, downy woodpecker, and other song birds. Other non-listed species signs include raccoon (scat) and armadillo (burrows).

Heritage Trees: In accordance with Section 10-415(b)(1)(b) of the Lee Co. LDC, the diameter at breast height (dbh) of all potential heritage trees on the site were measured. No trees were found to have 20" or greater DBH within the parcel boundaries.

7.0 SUMMARY and CONCLUSIONS

The listed species that are known or likely to be currently utilizing the site, include gopher tortoises and their commensals. No other listed species are likely to be utilizing the site.

Prior to development of the site, a Gopher Tortoise Special Relocation Permit for 5 or less Gopher Tortoises will be obtained from the FFWCC and gopher tortoises and their commensal species will be relocated to an approved gopher tortoise preserve area located on the project site. The plan will address protection of commensal species, which includes the eastern indigo snake and the gopher frog. The preserve area will have an associated gopher tortoise habitat management plan, a draft of which will be attached to the Development Order for this parcel.

Table 3. Listed Species by FLUCCS Codes (Appendix H of Lee Co. LDC)

Species	FLUCCS indicator	Observed individuals or signs	Potential for site utilization
Listed wildlife:			
American bald eagle	(nest within 1,500' radius)	None	Nests: Moderate
Audobon's crested caracara	321	None	Nests: Very Low
Big Cypress fox squirrel	411	None	Nests: Moderate
Burrowing Owl	310, 8147	None	Burrows: Low
Eastern Indigo Snake	320 series, 411	None	GT burrows: High
Florida black bear	321, 411	None	Dens: Very Low
Florida panther	411	None	Dens: Very Low
Florida sandhill crane	321	None	Nests: Very Low
Gopher frog	320 series, 411	None	GT burrows: Moderate
Gopher tortoise	320 series, 411, 8147	1 active burrow	High
Red Cockaded woodpecker	411	None	Nests: Low
Southeastern American kestrel	321, 411	None	Nests: Low
Listed plants:			
Beautiful pawpaw	321, 411	None	Low
Curtis milkweed	320 series	None	Low
Fakahatchee burmannia	320 series, 411	None	Low
Florida coontie	320 series, 411	None	Low
Satinleaf	411	None	Low

8.0 REFERENCES

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Florida Fish and Wildlife Conservation Commission; "Wildlife Methodology Guidelines"; Tallahassee, Florida; 1988.

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APPENDIX 1. Vegetation List – Bennett Trust Diplomat Parkway parcels

Common Name	*Scientific Name*	Wetland status (SFWMD)	Wetland status (Corps)	Exotic status
American beauty berry	*Callicarpa americana*	UP	FACU-	Native
Bahia grass	*Paspalum notatum*	UP	FACU+	Not native
Blackroot	*Pterocaulon pycnostachyum*	UP	UP	Native
Bluestems	*Andropogon spp.*	UP to FACW	UP to FACW	Native
Brazilian pepper	*Schinus terebinthifolius*	FAC	FAC	EPPC I
Bushy bluestem	*Andropogon glomeratus*	FACW	FACW+	Native
Cabbage palm	*Sabal palmetto*	FAC	FAC	Native
Caesar weed	*Urena lobata*	UP	FACU	EPPC II
Capeweed	*Phyla nodiflora*	FAC	FACW	Native
Carolina redroot	*Lachnanthes caroliana*	FAC	UP	Native
Carrotwood	*Cupaniopsis anacardioides*	FAC	UP	EPPC I
Chalky bluestem	*Andropogon virginicus var. glaucus*	FAC	FACU	Native
Chocolate weed	*Melochia corchorifolia*	FAC	FAC	Not native
Crowfoot grass	*Dactyloctenium aegyptium*	UP	UP	Not native
Dog fennel	*Eupatorium capillifolium*	FAC	FACU	Native
Earleaf Acacia	*Acacia auriculiformis*	FAC	UP	EPPC I
Finger grass	*Eustachys petraea*	FAC	FACU-	Native
Foxtail grass	*Eustachys petraea*	FAC	FACU-	Native
Fourpetal St. Johns wort	*Hypericum tetrapetalum*	FAC	FACW	Native
Gallberry	*Ilex glabra*	UP	FACW.	Native
Grapevine	*Vitis rotundifolia*	UP	FAC	Native
Greenbriar vine	*Smilax spp.*	UP	FACU to FACW	Native
Laurel oak (upland var.)	*Quercus laurifolia var. hemispherica*	UP	UP	Native
Live oak	*Quercus virginiana*	UP	FACU+	Native
Love grass	*Eragrostis sp.*	FAC	FAC	Native
Melaleuca	*Melaleuca quinquenervia*	FAC	FAC	EPPC I
Narrowleaf silkgrass	*Pityopsis graminifolia*	UP	FAC	Native
Partridge pea	*Chamaecrista fasciculata*	UP	FACU	Native
Pennyroyal	*Piloblephis rigida*	UP	UP	Native
Peppervine	*Ampelopsis arborea*	UP	FAC+	Native
Poison ivy	*Toxicodendron radicans*	UP	FAC	Native
Ragweed	*Ambrosia artemisiifolia*	UP	FACU	Native
Rusty lyonia	*Lyonia ferruginea*	UP	FAC-	Native

Common Name	*Scientific Name*	Wetland status (SFWMD)	Wetland status (Corps)	Exotic status
Saw palmetto	*Serenoa repens*	UP	FACU	Native
Scorpions tail	*Heliotropium angiospermum*	UP	FACU	Native
Shortleaf Rose gentian	*Sabatia brevifolia*	FACW	FACW	Native
Southern slash pines	*Pinus elliottii*	UP	FACW	Native
Spanish needles	*Bidens pilosa*	FAC	FACW	Native
St. John's wort	*Hypericum spp.*	UP to OBL	UP to OBL	Native
Tarflower	*Bejaria racemosa*	UP	FAC-	Native
Wax myrtle	*Myrica cerifera*	FAC	FAC+	Native
Winged sumac	*Rhus copallinum*	UP	UP	Native
Wiregrass	*Aristida stricta*	FAC	FAC-	Native

APPENDIX 2

GOPHER TORTOISE DENSITY CALCULATIONS

Gopher Tortoise (*Gopherus polyphemus*) Density Calculation

Gopher Tortoise Density $=\{n/[L(W_1+W_2)]\}(43{,}560\ ft^2/acre)(C)$

Or: $=\{n/ (A \times \%A \text{ visually surveyed}\} (C)$

Where:
n= number of active plus inactive gopher tortoise burrows
A = acres of appropriate gopher tortoise habitat
C= Florida Fish and Wildlife Conservation Commission (FFWCC) gopher tortoise conversion factor

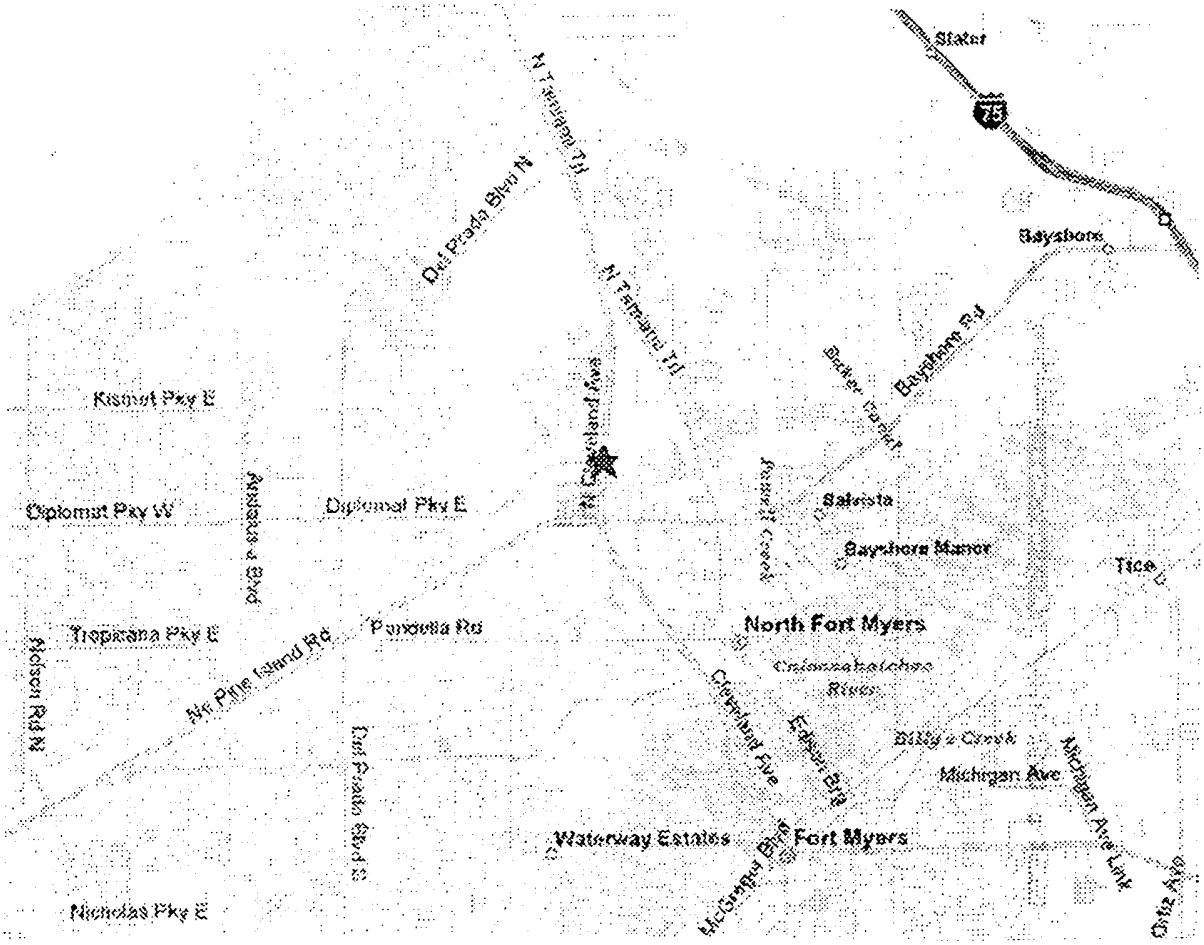
Potential gopher tortoise habitat includes FLUCCS Codes 321, 411, 743, and 8147, and totals 14.2 acres.

= (2 / (14.2 x 0.8) (0.614)
= (2 / 11.36) (0.614)
= (0.18) (0.614)
= 0.11 gopher tortoises/acre

= (0.11 gopher tortoises/acre) (14.2 acres) = 1.5 or 2 **gopher tortoises**

Preserve Area Required per FFWCC and Lee County allow 3 tortoises/acre:

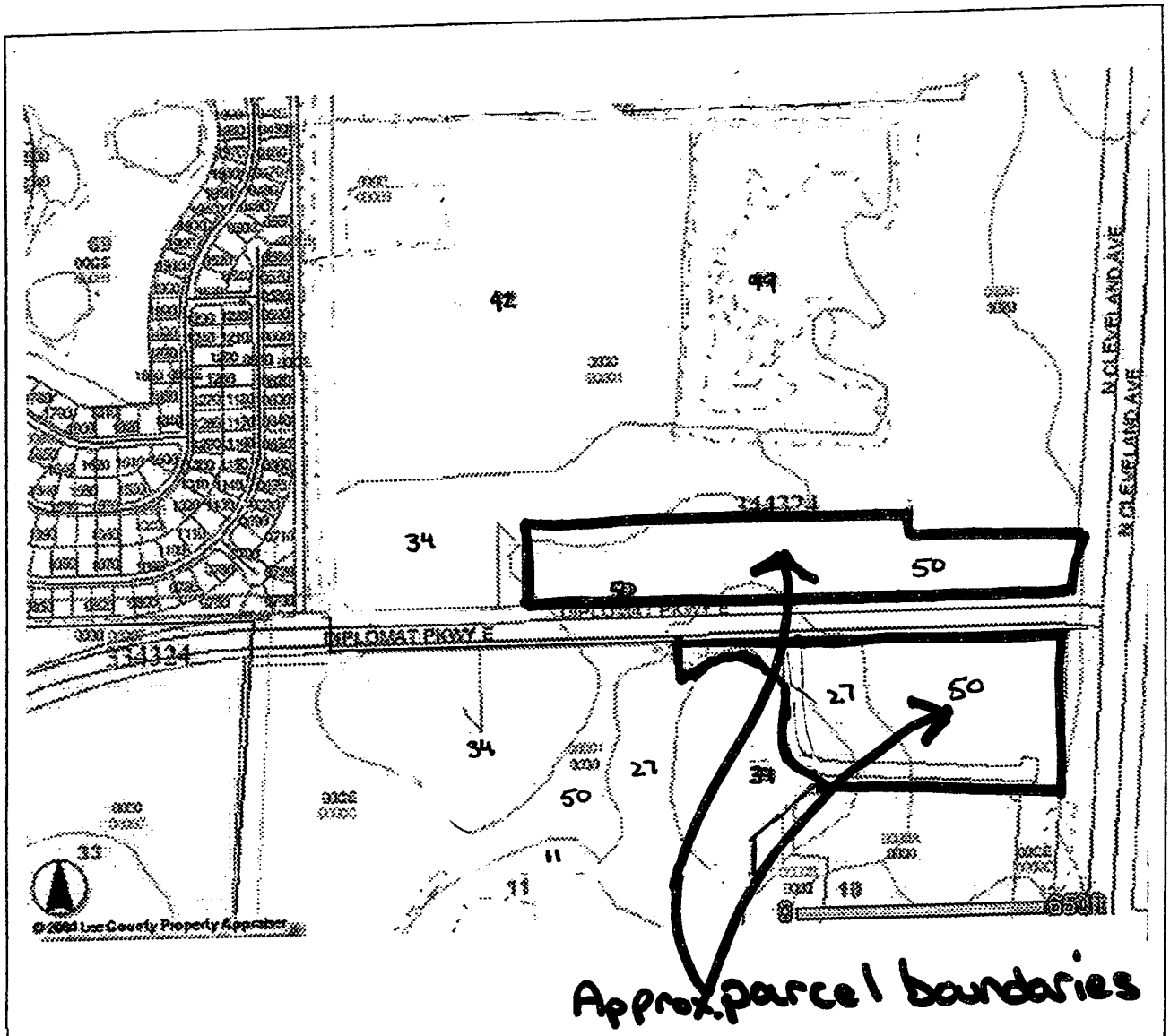
2 gopher tortoise / (3 gopher tortoises/acre) = **0.66 acres of gopher tortoise preserve area**



Bennett Trust 14.9± ac. Site Location Map

Calusa Coast Ecologists, Inc.

4666 Siesta Circle • Fort Myers FL 33901
Tel: (239) 939-7427 • Fax: (239) 274-3020

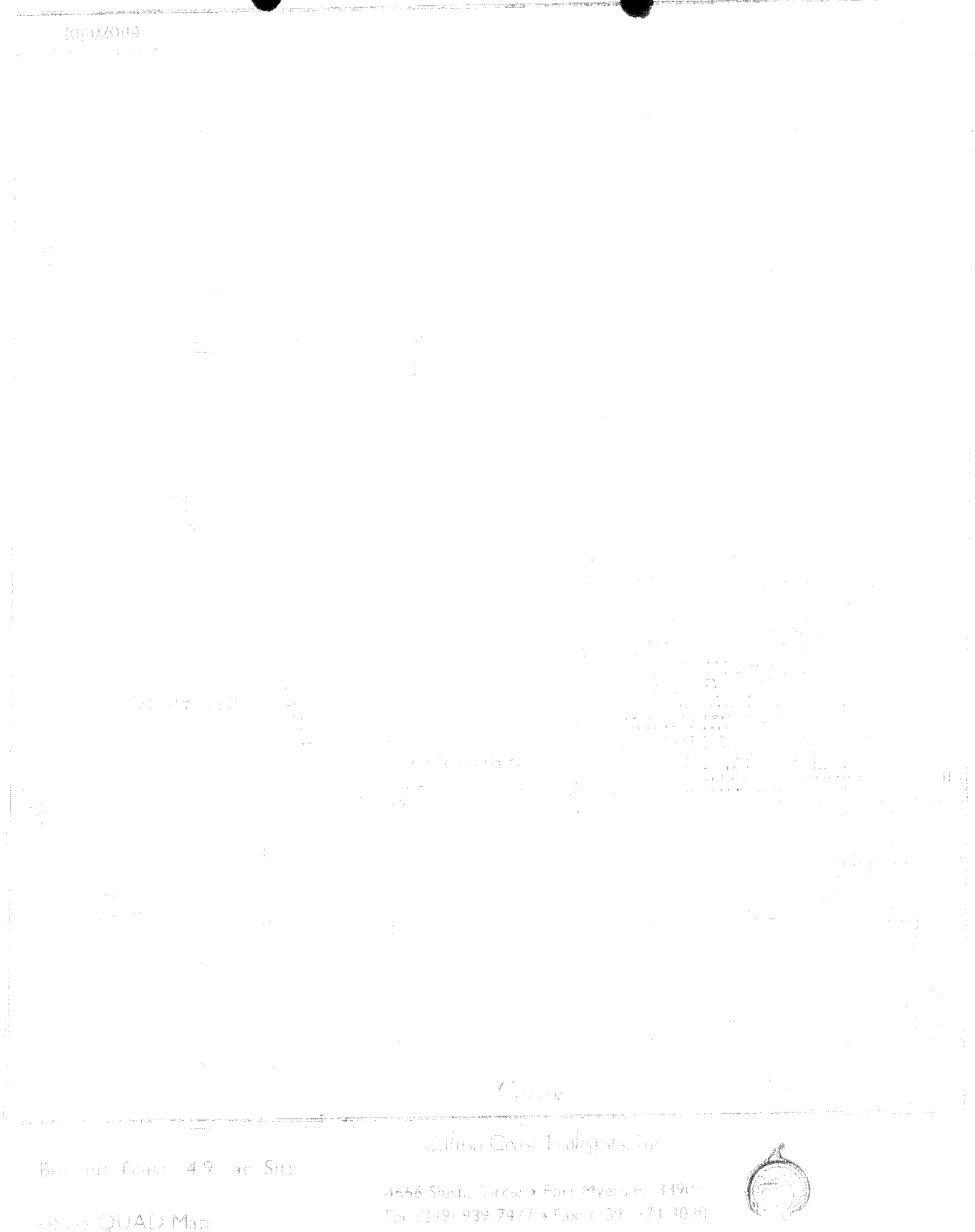


Soil types:
27- Pompano Fine Sand – Depressional (hydric)
34- Malabar Fine Sand (hydric)
39- Isles Fine Sand – Depressional (hydric)
50- Olsmar Fine Sand, Limestone Substratum (non-hydric)

Bennett Trust 14.9± ac. Site
Soils Map

Calusa Coast Ecologists, Inc.

4666 Siesta Circle • Fort Myers FL 33901
Tel: (239) 939-7427 • Fax: (239) 274-3020



Bonita Grande 49 ac Site

USGS QUAD Map

Gibson Grant Bollinger Inc.
4556 Shoals Circle • Fort Myers FL 33905
Tel: (239) 939-7475 • Fax: (239) 939-7604

ATTACHMENT H

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PERMIT COUNTER

TRAFFIC IMPACT STATEMENT

FOR

KINSEY DIPLOMAT PROPERTY

(PROJECT NO. 050519)

2005-00055

ATTACHMENT I

PREPARED BY:
Metro Transportation Group, Inc.
12651 McGregor Boulevard, Suite 4-403
Fort Myers, Florida 33919-4489
239-278-3090

June 3, 2005



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I. INTRODUCTION

II. EXISTING CONDITIONS

III. PROPOSED DEVELOPMENT

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V. TRIP DISTRIBUTION

VI. FUTURE TRAFFIC CONDITIONS

VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

VIII. CONCLUSION

I. INTRODUCTION

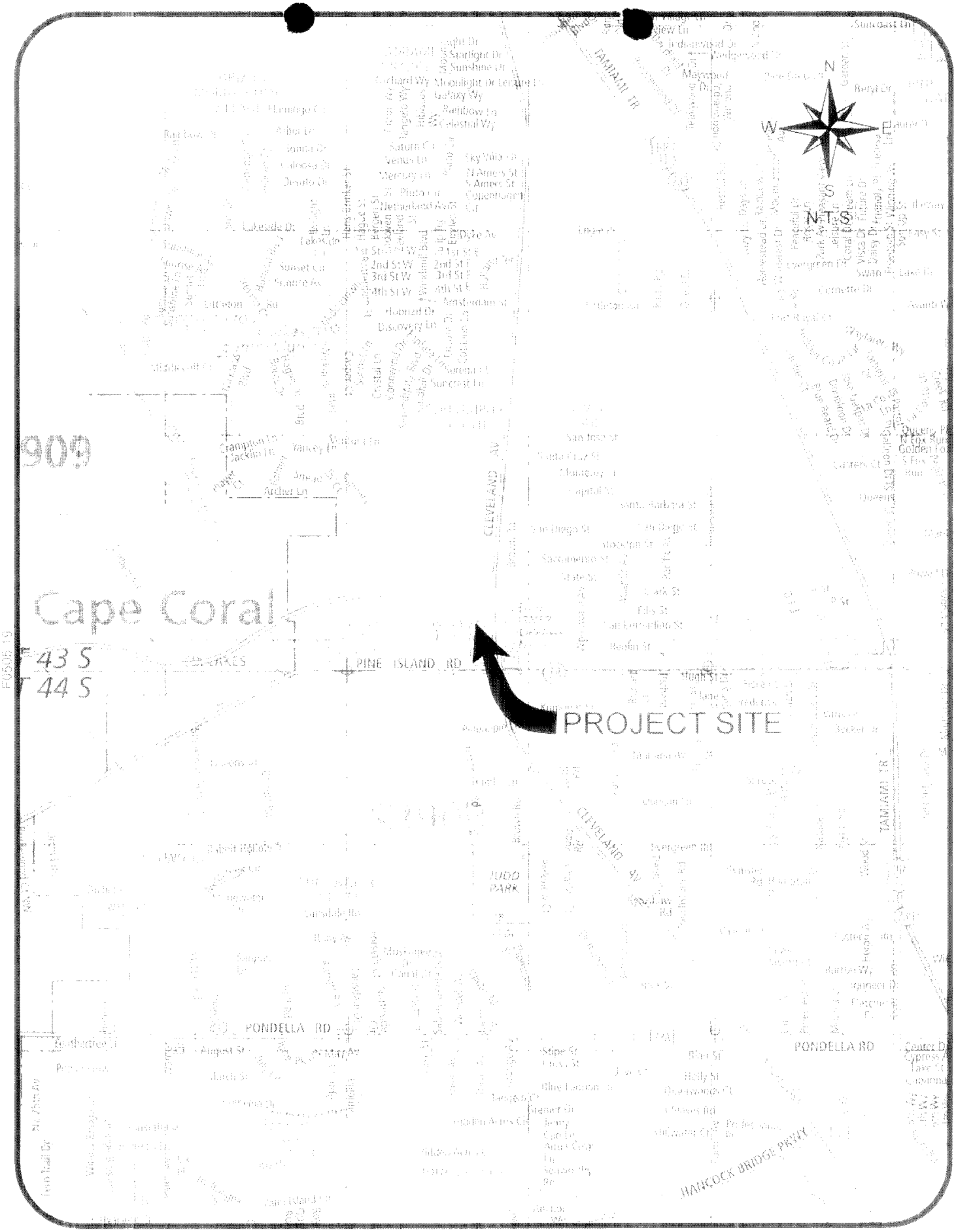
Metro Transportation Group, Inc. (Metro) has conducted a traffic impact statement to fulfill requirements set forth by the Lee County Department of Community Development for projects seeking Zoning approval. This report has been completed in compliance with the requirements established in the Lee County Traffic Impact Statement Guidelines. The site is located on the west side of US 41 both north and south of Diplomat Parkway in the North Fort Myers area of Lee County, Florida. The site location is illustrated on **Figure 1**.

Upon approval, the development on the site will consist of both residential and commercial uses. Access to the portion of the development north of Diplomat Parkway will be provided via a right in/right out access drive and a full access drive from Diplomat Parkway. Access to the portion of the development south of Diplomat Parkway will be provided via a right in/right out access drive, a right out only access drive, and a full access drive from Diplomat Parkway.

This report examines the impact of the development on the surrounding roadways and intersections. Trip generation and assignments to the various site access drives will be completed and analysis conducted to determine the impacts of the development on the surrounding streets and intersections.

II. EXISTING CONDITIONS

The subject site is currently vacant. To the north and west of the proposed development are existing residential developments. To the south of the subject site is an existing commercial development and vacant land. To the east of the subject site is vacant land and US 41.



METRO

PROJECT LOCATION MAP
KINSEY DIPLOMAT PROPERTY

Figure 1

Diplomat Parkway is a four-lane arterial roadway in the vicinity of the subject site. Diplomat Parkway operates under unsignalized traffic conditions at its intersection with US 41. Diplomat Parkway has a posted speed limit of 45 mph and is under the jurisdiction of the City of Cape Coral.

US 41 is a four-lane arterial roadway in the vicinity of the subject site. US 41 has a posted speed limit of 55 mph and is under the jurisdiction of the Florida Department of Transportation.

III. PROPOSED DEVELOPMENT

Kinsey Diplomat Property is a proposed residential and commercial development located in the North Fort Myers area of Lee County, Florida. Upon approval, the subject site will be zoned for the development of up to 462 multi-family dwelling units and up to approximately 200,000 square feet of retail uses. **Table 1** summarizes the land use utilized for trip generation purposes for the subject development.

Table 1
Land Uses
Kinsey Diplomat Property

Land Use	Size
Multi-Family (LUC 230)	462 dwelling units
Shopping Center (LUC 820)	200,000 square feet

Access to the portion of the development north of Diplomat Parkway will be provided via a right in/right out access drive and a full access drive. Access to the portion of the development south of Diplomat Parkway will be provided via a right in/right out access drive, a right out only access drive, and a full access drive.

IV. TRIP GENERATION

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled ***Trip Generation***, 7th Edition.

Land Use Code 230 (Residential Condominium/Townhouse) was utilized for the trip generation purposes of the multi-family housing uses on the site. Land Use Code 820 (Shopping Center) was utilized for the trip generation purposes of the retail portion of the proposed development. The equations for these land uses are contained in the Appendix of this report for reference. **Table 2** outlines the anticipated weekday AM and PM peak hour trip generation of the Kinsey Diplomat Property as currently proposed. The daily trip generation is also indicated in the table.

Table 2
Trip Generation
Kinsey Diplomat Property

Land Use	Weekday AM Peak Hour			Weekday PM Peak Hour			Daily
	In	Out	Total	In	Out	Total	2-way
Multi-Family Housing (462 dwelling units)	30	145	175	140	70	210	2,355
Retail (200,000 square feet)	145	90	235	475	515	990	10,655
Total Trips	**175**	**235**	**410**	**615**	**585**	**1,200**	**13,010**

However, not all of the trips shown in Table 2 will utilize the public roadway system. Some of the trips will travel to/from the land uses located within the proposed Kinsey Diplomat Property. Therefore, an internal capture rate of thirteen percent (13%) was calculated for this development by utilizing the methodologies presented in the ITE Trip Generation, 7th Edition for calculating the trip generation of multi-use developments. The summary sheet utilized to calculate this internal capture rate is included in the Appendix of this report for reference. **Table 3** indicates the number of trips added to the public roadway network by the proposed Kinsey Diplomat Property.

Table 3
Total Trips to the Public Roadway Network
Kinsey Diplomat Property

Land Use	Weekday AM Peak Hour			Weekday PM Peak Hour			Daily
	In	Out	Total	In	Out	Total	2-way
Total Trips	175	235	410	615	585	1,200	13,010
Less 13% Internal Capture	-25	-30	-55	-80	-75	-155	-1,690
Total Trips (Utilizing the Public Roadway Network)	**150**	**205**	**355**	**535**	**510**	**1,045**	**11,320**

The trips shown in Table 3 will not all be new trips to the adjacent roadway system. ITE estimates that a retail center of comparable size may attract as much as 10 to 90 percent of its traffic from vehicles already traveling the adjoining roadway system. This traffic, called "pass-by" traffic, reduces the development's overall impact on the surrounding roadway system but does not decrease the actual driveway volumes. From the ITE Trip Generation report, the relationship between the percent pass-by and the size of the development for Land Use Code 820 is:

$$\text{Ln}(T) = -0.291 \text{ Ln}(X) + 5.001$$

T = Percent pass-by traffic
X = 1,000's of square feet GLA of the retail portion of the development

Therefore, the percent pass-by for this development was calculated as follows:

$$\text{Ln}(T) = -0.291 \text{ Ln}(200) + 5.001$$
$$T = 32\%$$

However, Lee County only permits a maximum reduction in trips due to "pass-by" traffic for shopping centers of thirty percent (30%). Therefore, 30% pass-by reduction was utilized for Land Use Code 820 (Shopping Center).

For this analysis, the "pass-by" traffic was accounted for to determine the number of "new" trips the development will add to the surrounding roadways. **Table 4** summarizes the pass-by percentage for each use. **Table 5** summarizes the development traffic and the breakdown between the new trips the development is anticipated to generate and the "pass-by" trips the development is anticipated to attract. It should be noted that the driveway volumes are not reduced as a result of the "pass-by" reduction, only the traffic added to the surrounding streets and intersections.

Table 4
Pass-by Trip Reduction Factors
Kinsey Diplomat Property

Land Use	Percentage Trip Reduction
Retail	30%

Table 5
Trip Generation – New Trips
Kinsey Diplomat Property

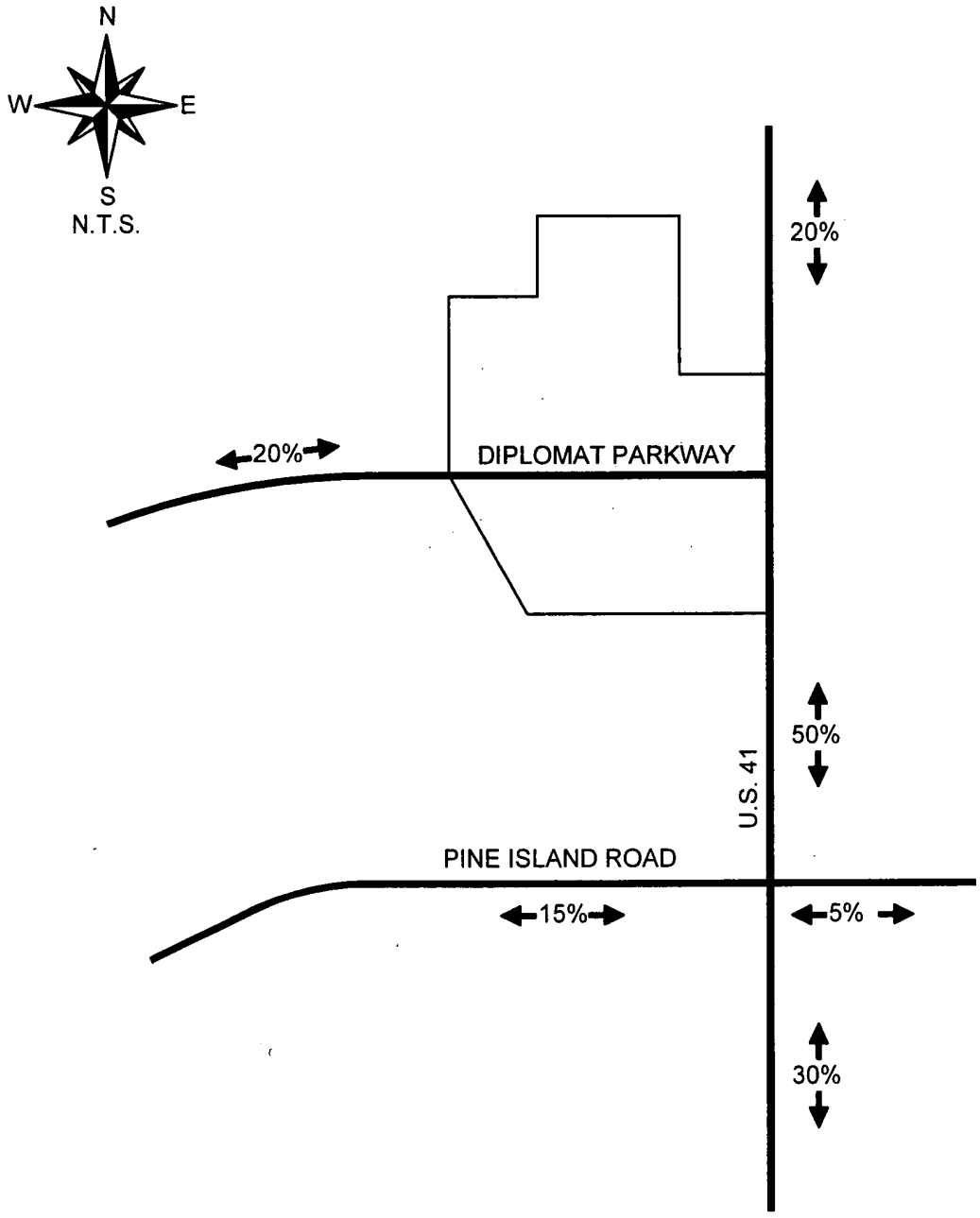
Land Use	Weekday AM Peak Hour			Weekday PM Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Total Development Trips (To the public roadway network)	150	205	355	535	510	1,045	11,320
Total Retail Trips (To the public roadway network)	125	80	205	415	450	865	9,270
Less Retail Pass-by	-35	-25	-60	-125	-135	-260	-2,780
New Trips (Public Roadway Trips - Retail Pass-by)	**115**	**180**	**295**	**410**	**375**	**785**	**8,540**

V. TRIP DISTRIBUTION

The trips shown in **Table 2** were then assigned to the surrounding roadway system based on the anticipated routes the drivers will utilize to approach the site. Based on current and projected population in the area and other existing or planned competing/complementary uses in the area, a distribution of the site traffic was formulated. The anticipated trip distribution of the development traffic is illustrated on **Figure 2**. **Figure 3** illustrates the site traffic assignment to the various site access drives for the proposed development.

In order to determine which roadway segments surrounding the site will be significantly impacted as outlined in the Lee County Traffic Impact Statement Guidelines, **Table 1A**, contained in the Appendix, was created. This table indicates which roadway links will accommodate greater than 10% of the Peak Hour – Peak Direction Level of Service "C" volumes. The Lee County Generalized Level of Service Volumes were utilized to determine the Level of Service Thresholds US 41 and Pine Island Road. The FDOT Generalized Peak Hour Directional Volumes for Florida's Areas Transitioning into Urbanized Areas, Table 4-8, was utilized for the Level of Service Thresholds on Diplomat Parkway.

From Table 1A, Diplomat Parkway from the site to US 41 and US 41 from Diplomat Parkway to Pine Island Road will be significantly impacted as a result of the development traffic anticipated to be generated by the proposed Kinsey Diplomat Property.

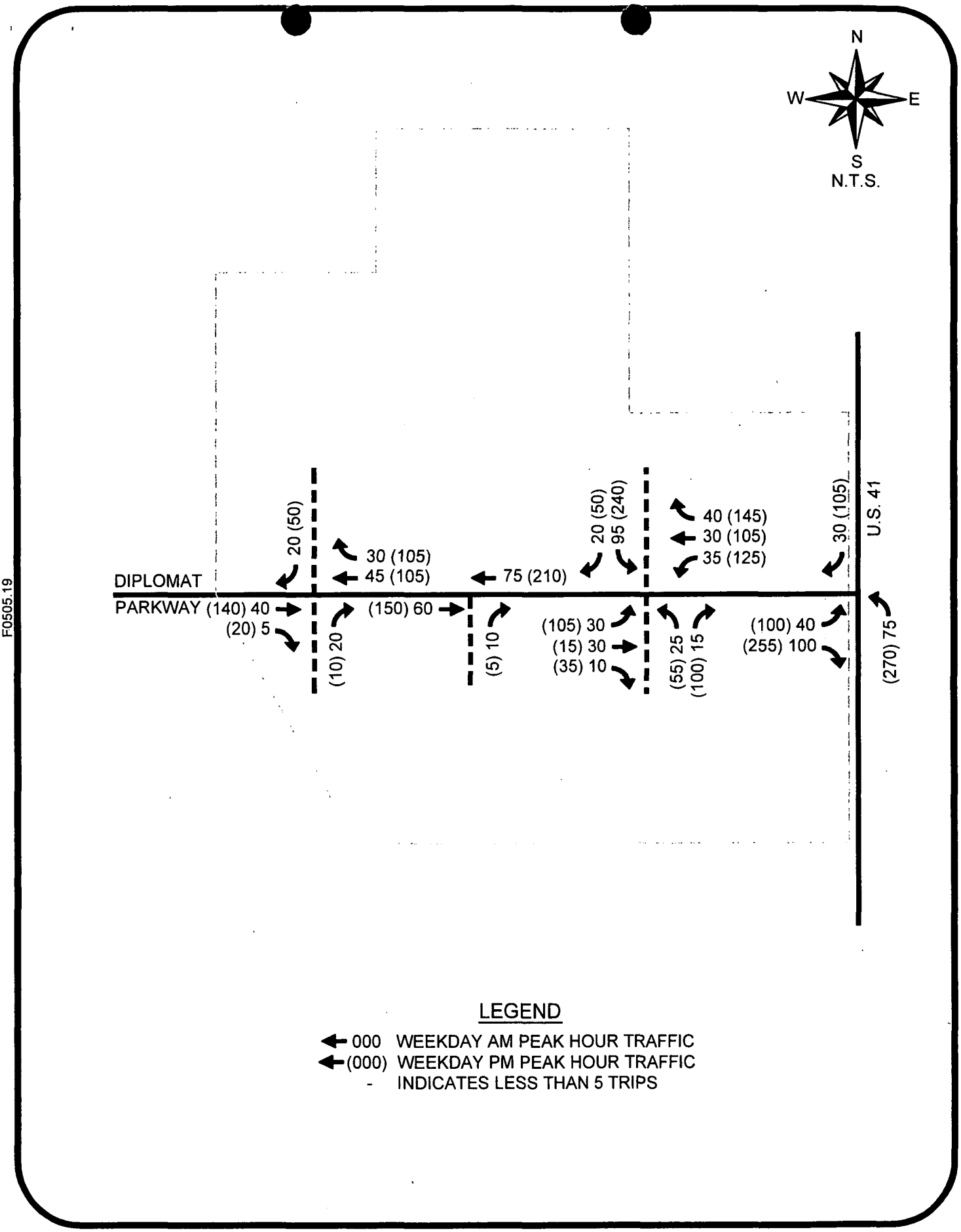


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METRO

PROJECT TRAFFIC DISTRIBUTION
KINSEY DIPLOMAT PROPERTY

Figure 2



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METRO

SITE TRAFFIC ASSIGNMENT
KINSEY DIPLOMAT PROPERTY

Figure 3

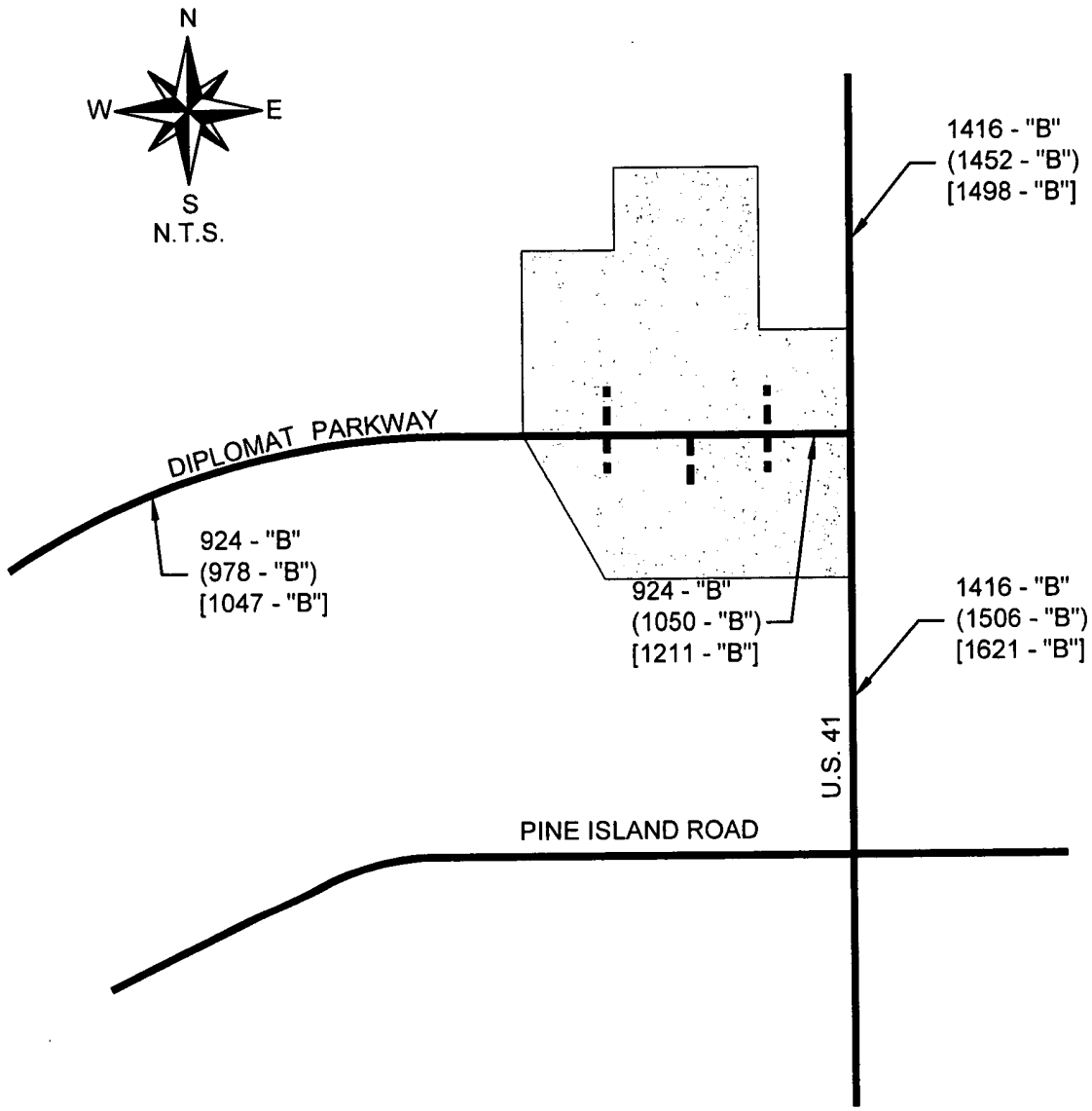
However all roadway segments analyzed were shown to operate at acceptable Level of Service conditions at the build-out of the proposed development.

VI. FUTURE TRAFFIC CONDITIONS

It was assumed that the project would be completed by the year 2009. Therefore, the surrounding roadway network was analyzed under 2010 projected traffic conditions. Based on this projected build-out, a growth rate was applied to the existing traffic conditions for all roadway links and intersections that could be significantly impacted by this development. The growth rates utilized for US 41 were calculated from historical traffic count data as contained in the 2004 Lee County Traffic Count Report. The growth rate for Diplomat Parkway was assumed to be four percent (4%), which is consistent with the City of Cape Coral guidelines for City roadways. The growth rates are indicated on **Table 2A** in the Appendix of the report.

The existing 2004 roadway link traffic data for US 41 was obtained from the 2003/2004–2004/2005 Lee County Concurrency Management Inventory and Projections Report, dated September 2004. The existing 2005 roadway link traffic data for Diplomat Parkway was obtained from traffic counts performed by the City of Cape Coral. Based on the project distribution shown in Figure 2, the link data was analyzed for the existing conditions, year 2010 without the development and year 2010 with the development.

Figure 4 indicates the year 2010 peak hour – peak direction traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 4 is the peak hour – peak direction volume and Level of Service of each link should no development occur on the subject site and the peak hour – peak direction volume and Level of Service for the weekday AM and PM peak hours with the development traffic added to the roadways. These figures are derived from Table 2A contained in the Appendix.



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LEGEND

XXX - "C" 2010 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

(XXX -"C") 2010 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND
TRAFFIC PLUS AM PROJECT TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

[XXX -"C"] 2010 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND
TRAFFIC PLUS PM PROJECT TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

METRO

2010 BUILDOUT TRAFFIC CONDITIONS
KINSEY DIPLOMAT PROPERTY

Figure 4

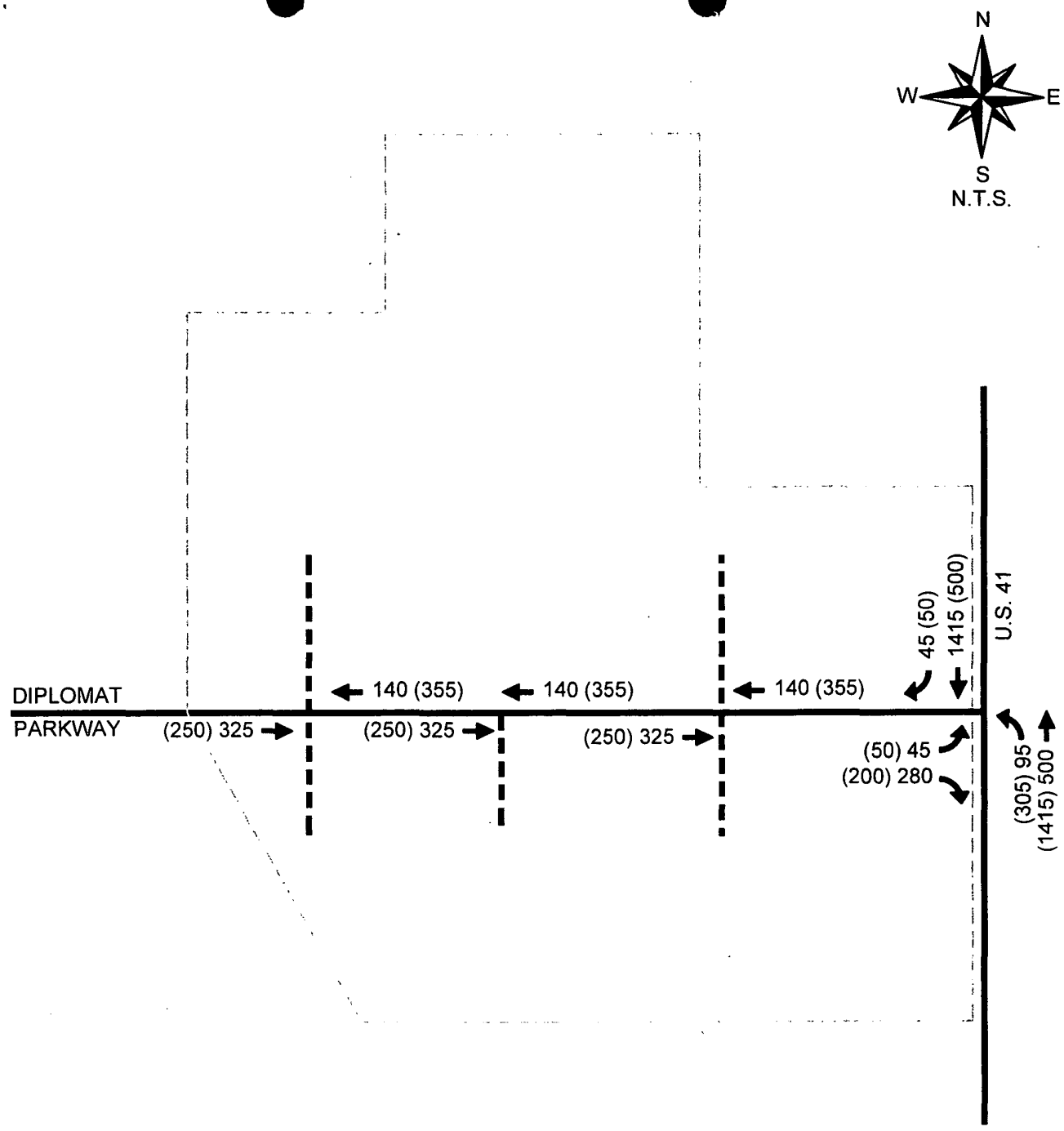
VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

Figure 4 details the Levels of Service for all links inside the project's area of influence based on the this analysis. The Lee County Generalized Level of Service Volumes were utilized to determine the Level of Service Thresholds US 41 and Pine Island Road. The FDOT Generalized Peak Hour Directional Volumes for Florida's Areas Transitioning into Urbanized Areas, Table 4-8, was utilized for the Level of Service Thresholds on Diplomat Parkway. Table 2A in the Appendix details the calculated volumes used to determine the Level of Service on the analyzed links.

In comparing the links' functional classification and calculated 2010 traffic volumes to the Service Volume Tables, it was determined that none of the roadways inside the project's area of influence would be adversely impacted by the proposed development. Adverse impacts are defined as a degradation of the Level of Service beyond the adopted Level of Service Thresholds for those links as indicated in Table 1A. In other words, all roadways analyzed as a result of the proposed development will maintain an acceptable Level of Service when the development traffic is added to the surrounding roadway network.

The 2005 background traffic volumes for the intersection of US 41 and Diplomat Parkway were obtained traffic counts provided by the City of Cape Coral. A copy of the traffic counts is included in the Appendix of this report for reference. The 2010 background traffic volumes illustrated on **Figure 5** were obtained by growing the 2005 background traffic volumes for five (5) years utilizing the growth rates indicated in Table 2A. The 2010 background traffic volumes illustrated on Figure 5 and the site traffic volumes illustrated on Figure 3 were then added together. The resulting 2010 build-out traffic volumes illustrated on **Figure 6** were utilized for the intersection and turn lane analysis.

Turn lane analysis was performed at the intersection of US 41 at Diplomat Parkway as well as at all three site access drives based on the turn lane warrants as contained within the Lee County Turn Lane Policy, Administrative Code 11-4 (AC-11-4). Based on the



F0505.19

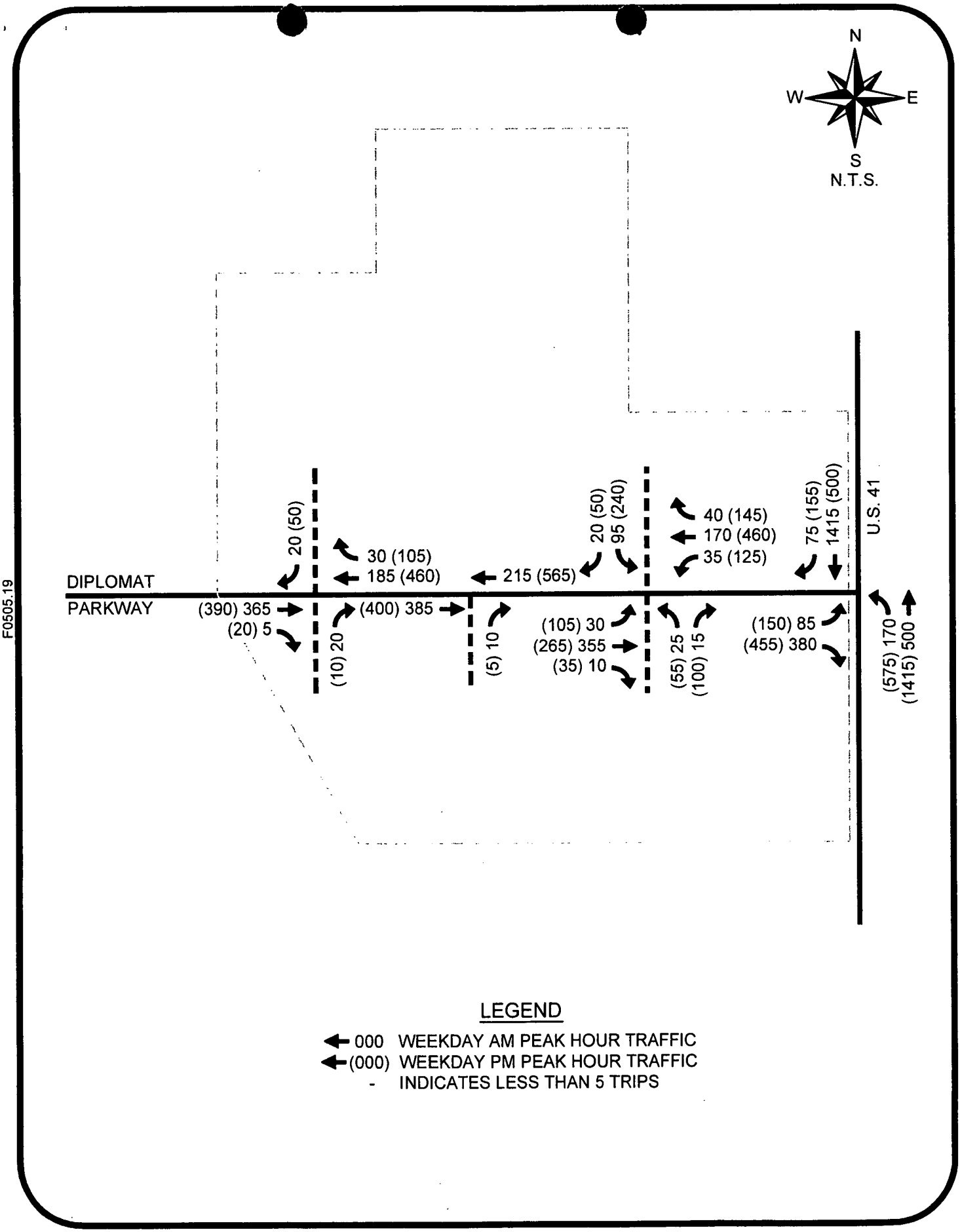
LEGEND

← 000 WEEKDAY AM PEAK HOUR TRAFFIC
←(000) WEEKDAY PM PEAK HOUR TRAFFIC
\- INDICATES LESS THAN 5 TRIPS

METRO

2010 BACKGROUND TRAFFIC VOLUMES
KINSEY DIPLOMAT PROPERTY

Figure 5



METRO

2010 BUILD-OUT TRAFFIC VOLUMES
KINSEY DIPLOMAT PROPERTY

Figure 6

results of the analysis, turn lanes will be warranted at the intersection of US 41 and Diplomat Parkway as well as at two of the site access intersections.

At the intersection of US 41 and Diplomat Parkway a northbound left turn lane and a southbound right turn lane will be warranted. Both the southbound right turn lane and the northbound left turn lane should be constructed to include 405 feet of taper and deceleration length according to the Florida Department of Transportation Standard Index #301 (Index #301) based on a 60 mph design speed. No storage length is warranted for the southbound right turn lane due to the free-flow condition that exists. The required storage length for the northbound left turn lane was based on an average arrival pattern over a two (2) minute period during the peak hour. Therefore the required storage length was calculated as follows:

Storage = (1hour/60 minutes)*(2 minutes)*(575 veh)*25 ft/veh
= (19.1 turning veh)*25 ft/veh
= 480 ft of storage

Therefore, at the intersection of US 41 and Diplomat Parkway, the southbound right turn lane should be constructed to include 405 feet of overall length and the northbound left turn lane should be constructed to include 885 feet of overall length.

However, a southbound right turn lane approximately 540 feet in overall length and a northbound left turn lane approximately 655 feet in overall length currently exist at the intersection of US 41 and Diplomat Parkway. Although the northbound left turn lane does not meet the 885 feet of overall length warranted by this analysis, it is not possible to extend the turn lane past its existing 655 feet of overall length due to the proximity of the intersection of US 41 and the Merchants Crossing Shopping Center. Therefore, no turn lane improvements will be warranted at the intersection of US 41 and Diplomat Parkway.

At the easternmost site access drive on Diplomat Parkway an eastbound left turn lane, an eastbound right turn lane, a westbound left turn lane, and a westbound right turn lane will be warranted. A two-lane approach will also be warranted at the southbound and

northbound approaches. All of the turn lanes should be constructed to include 240 feet of taper and deceleration length according to Index #301 based on a 50 mph design speed and an urban cross section. No storage length will be warranted for the eastbound and westbound right turn lanes due to the free-flow condition that will exist. The required storage length for the eastbound and westbound left turn lanes was based on an average arrival pattern over a two (2) minute period during the peak hour. Therefore the required storage length was calculated as follows:

Westbound Left Turn Lane
Storage = (1hour/60 minutes)*(2 minutes)*(125 veh)*25 ft/veh
= (4.2 turning veh)*25 ft/veh
= 105 ft of storage

Eastbound Left Turn Lane
Storage = (1hour/60 minutes)*(2 minutes)*(105 veh)*25 ft/veh
= (3.5 turning veh)*25 ft/veh
= 90 ft of storage

Therefore, at the easternmost site access intersection on Diplomat Parkway, the westbound left turn lane should be constructed to include 345 feet of overall length and the eastbound left turn lane should be constructed to include 330 feet of overall length.

At the westernmost site access drive on Diplomat Parkway a westbound right turn lane will be warranted. The turn lane should be constructed to include 240 feet of taper and deceleration length according to Index #301 based on a 50 mph design speed and an urban cross section. No storage length will be warranted for the westbound right turn lane due to the free-flow condition that will exist. No additional turn lane improvements are warranted as a result of this analysis.

Intersection analysis was performed at the intersection of US 41 and Diplomat Parkway as well as at all three site access drives based on the 2010 build-out traffic conditions for the proposed development. The latest version of the Highway Capacity Software, HCS 2000, was utilized in the intersection analysis. From the analysis, the intersection of US 41 at Diplomat Parkway and the easternmost site access intersection are shown to operate below acceptable Level of Service conditions under the 2010 build-out traffic conditions.

The eastbound approach to the intersection of US 41 at Diplomat Parkway is shown to operate at a Level of Service "F". The intersection of US 41 and Diplomat Parkway may need to be signalized in the future upon approval from the Florida Department of Transportation if and when warrants are met. At the easternmost site access intersection on Diplomat Parkway the southbound left turning movement is shown to operate at a Level of Service "F" under the 2010 PM peak hour build-out traffic conditions. However, this Level of Service deficiency will only affect the site traffic. Therefore, other than the turn lane improvements described previously, no roadway improvements will be warranted as a result of this analysis.

VIII. CONCLUSION

The proposed Kinsey Diplomat Property located located on the west side of US 41 both north and south of Diplomat Parkway in the North Fort Myers area of Lee County, Florida will not have a detrimental impact on the surrounding roadway system. The existing roadway network can accommodate the additional new vehicle trips the development is anticipated to generate.

Turn lane analysis was performed based on 2010 build-out of the Kinsey Diplomat Property. Based on the entire development, turn lane improvements will be required based on the warrants contained within the Lee County Turn Lane Policy, AC 11-4. At the easternmost site access drive on Diplomat Parkway a westbound left turn lane 345 feet in overall length, a westbound right turn lane 240 feet in overall length, an eastbound left turn lane 330 feet in overall length, an eastbound right turn lane 240 feet in overall length, a two-lane southbound approach, and a two-lane northbound approach will be warranted. At the westernmost site access drive on Diplomat Parkway a westbound right turn lane 240 feet in overall length will be warranted. No additional turn lane improvements will be required as a result of the traffic generated by the entire Kinsey Diplomat Property.

Intersection analysis was performed at the intersection of US 41 and Diplomat Parkway as well as at all three site access drives. From the analysis, the intersection of US 41 at Diplomat Parkway and the easternmost site access intersection are shown to operate below acceptable Level of Service conditions under the 2010 build-out traffic conditions. The eastbound approach to the intersection of US 41 at Diplomat Parkway is shown to operate at a Level of Service "F". Future signalization of this intersection may be warranted and if the signal is approved by the Florida Department of Transportation, the Developer would be required to pay a proportionate share of the cost associated with the signalization. At the easternmost site access intersection on Diplomat Parkway the southbound left turning movement is shown to operate at a Level of Service "F" under the 2010 PM peak hour build-out traffic conditions. However, this Level of Service deficiency will only affect the site traffic. Therefore, other than the turn lane improvements described previously, no roadway improvements will be warranted as a result of this analysis.

TABLE 1A
PEAK DIRECTION
PROJECT TRAFFIC VS. LOS C LINK VOLUMES
KINSEY DIPLOMAT PROPERTY

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 295 VPH IN= 115 OUT= 180

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 785 VPH IN= 410 OUT= 375

ROADWAY	SEGMENT	ROADWAY CLASS	LOS A VOLUME	LOS B VOLUME	LOS C VOLUME	LOS D VOLUME	LOS E VOLUME	PERCENT PROJECT TRAFFIC	PROJECT TRAFFIC	PROJ/ LOS C
Diplomat Parkway	W. of US 41	4LD	240	1470	1730	1810	1810	70%	287	16.6%
	W. of Site	4LD	240	1470	1730	1810	1810	30%	123	7.1%
US 41	N. of Diplomat Pkwy	4LD	450	1630	1900	1950	1950	20%	82	4.3%
	S. of Diplomat Pkwy	4LD	450	1630	1900	1950	1950	50%	205	10.8%
	S. of Pine Island Rd	4LD	450	1630	1900	1950	1950	30%	123	6.5%
Pine Island Rd	W. of US 41	4LD	450	1630	1900	1950	1950	15%	62	3.2%
	E. of US 41	4LD	450	1630	1900	1950	1950	5%	21	1.1%

- Indicates significantly impacted links

* Lee County Generalized Level of Service Thresholds utilized for US 41 and Pine Island Road

** FDOT Table 4-8 Generalzied Level of Service Volumes for Florida's Areas Transitioning Into Urbanized Areas utilized for Diplomat Parkway

TABLE 2A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS
KINSEY DIPLOMAT PROPERTY

TOTAL PROJECT TRAFFIC AM = 295 VPH IN = 115 OUT= 180

TOTAL PROJECT TRAFFIC PM = 785 VPH IN= 410 OUT= 375

ROADWAY	SEGMENT	P.C.S.	BASE YR ADT	2004 ADT	YRS OF GROWTH	ANNUAL RATE[3]	2004 PK HR PK SEASON PEAK DIR.[1,2]	2010 PK HR PK SEASON PEAK DIR.	PERCENT PROJECT TRAFFIC	AM PROJ TRAFFIC	PM PROJ TRAFFIC	2010 BCKGRND + AM PROJ TRAFFIC	2010 BCKGRND + PM PROJ TRAFFIC
Diplomat Parkway	W. of US 41	-	-	-	-	4.00%	730	924	70%	126	287	1050	1211
	W. of Site	-	-	-	-	4.00%	730	924	30%	54	123	978	1047
US 41	N. of Diplomat Pkwy	1	20000	24700	9	2.37%	1230	1416	20%	36	82	1452	1498
	S. of Diplomat Pkwy	1	20000	24700	9	2.37%	1230	1416	50%	90	205	1506	1621

[1] 2004 peak hour peak season peak direction traffic volumes obtained from the 2003/2004-2004/2005 Lee County Concurrency Management Inventory and Projections Report, dated September 2004

[2] 2004 peak hour peak season peak direction traffic volumes on Diplomat Parkway were obtained from traffic counts performed by the City of Cape Coral and represent 2005 volumes

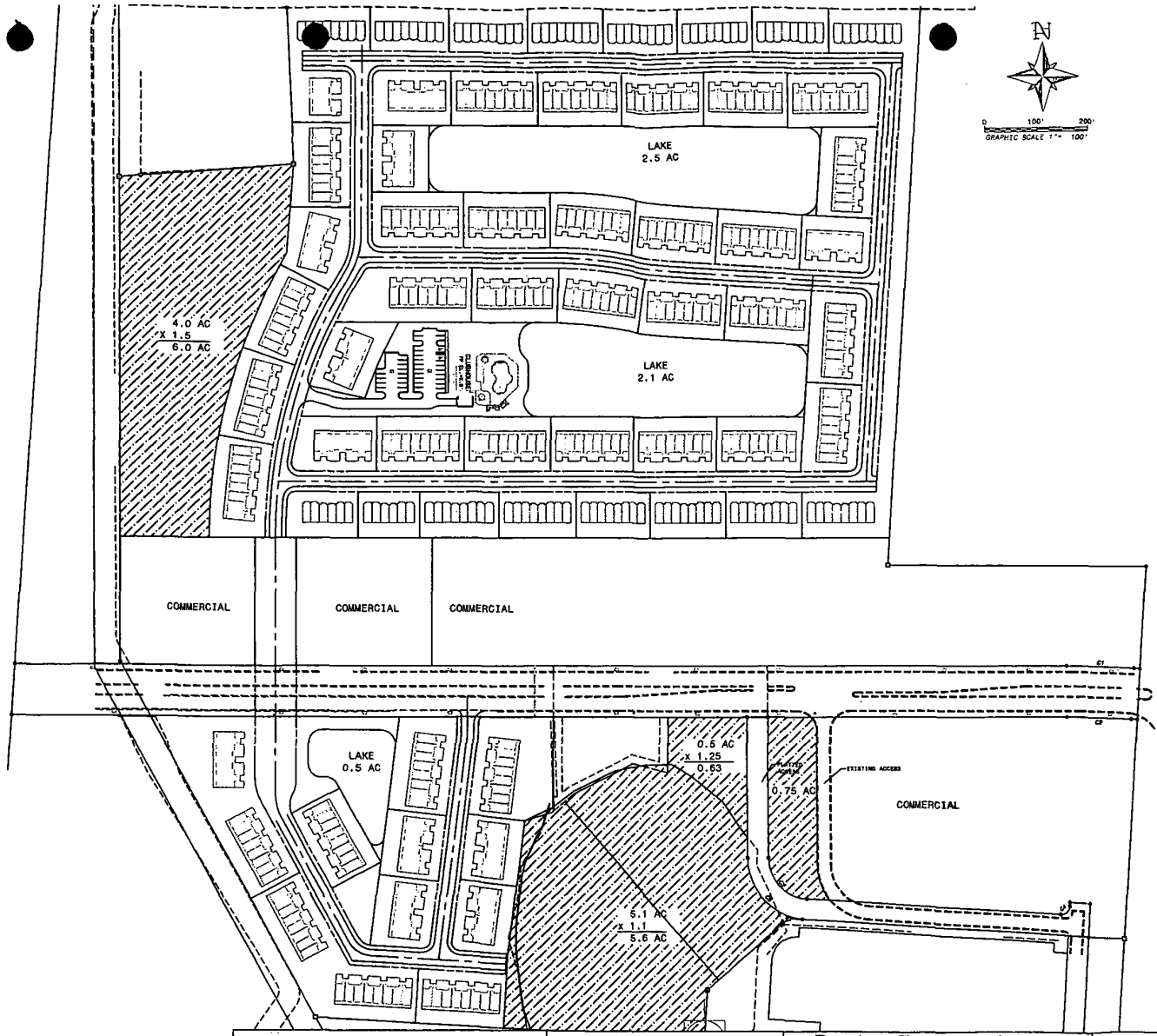
[3] Growth Rate on Diplomat Parkway was assumed to be 4%, which is consistent with the City of Cape Coral TIS Guidelines

100th Highest Hour LOS Analysis

		2010 BCKGRND TRAFFIC LOS	2010 BCKGRND + AM PROJ LOS	2010 BCKGRND + PM PROJ LOS
Diplomat Parkway	W. of US 41	B	B	B
	W. of Site	B	B	B
US 41	N. of Diplomat Pkwy	B	B	B
	S. of Diplomat Pkwy	B	B	B

SITE PLAN FOR THE PROPOSED KINSEY DIPLOMAT PROPERTY

ATTACHMENT I



NORTH PARCEL:

(1)4-PLEX (18') W/ 1-CAR GARAGE	= 4
(5)6-PLEX (18') W/ 1-CAR GARAGE	= 30
(28)8-PLEX (18') W/ 1-CAR GARAGE	= 224
SUBTOTAL:	= 258
(2)6-PLEX (16') W/ OFFSTREET PARKING	= 12
(14)8-PLEX (16') W/ OFFSTREET PARKING	= 112
SUBTOTAL:	= 124
TOTAL:	= 382

SOUTH PARCEL:

(5)6-PLEX (18') W/ 1-CAR GARAGE	= 30
(7)8-PLEX (18') W/ 1-CAR GARAGE	= 56
SUBTOTAL:	= 86

TOTAL RESIDENTIAL: 468

DENSITY:
468 UNITS/47 AC.= 10.0 UNITS/A

INDIGENOUS AREA:

REQUIRED (KINSEY):

	AREA (AC)
RESIDENTIAL:	47.2 x 0.20 =
COMMERCIAL:	3.0 x 0.15 =
TOTAL:	50.2

PROVIDED: 11.6

REQUIRED (OWNER):

	AREA (AC)
COMMERCIAL:	13.8 x 0.15 = 2

PROVIDED:
COMMERCIAL: 1.38

N.B.D. DEVELOPMENT, INC
301 YAMATO ROAD, SUITE 3191
BOCA RATON, FLORIDA 33431
PH: (561) 994-8572
FAX: (561) 394-7136

Banks Engineering, Inc.
Professional Engineers, Planners & Land Surveyors
FORT MYERS • NAPLES • SARASOTA
9440 KILLOW PARK DRIVE, SUITE 9
NAPLES, FLORIDA 34109
PHONE: (239) 597-3061 FAX: (239) 597-3062
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6600

CONCEPTUAL SITE PLAN
DIPLOMAT PARCEL
LEE COUNTY, FLORIDA

LEE CO.	2028	DATE					

INTERSECTION CAPACITY ANALYSIS

TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	*DLW*	Intersection	*US 41 & Diplomat*
Agency/Co.	*Metro Transportation Group*	Jurisdiction	*Lee County*
Date Performed	*6/1/2005*	Analysis Year	*2010 background & AM project*
Analysis Time Period	*AM peak hour*		
Project Description	*F0505.19 - Kinsey Diplomat Property*		
East/West Street:	*Diplomat Parkway*	North/South Street:	*US 41*
Intersection Orientation:	*North-South*	Study Period (hrs):	*0.25*

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume	*170*	*500*	*0*	*0*	*1415*	*75*
Peak-Hour Factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate, HFR	*178*	*526*	*0*	*0*	*1489*	*78*
Percent Heavy Vehicles	*7*	--	--	*0*	--	--
Median Type	*Raised curb*					
RT Channelized			*0*			*0*
Lanes	*1*	*2*	*0*	*0*	*2*	*1*
Configuration	*L*	*T*			*T*	*R*
Upstream Signal		*0*			*0*	

Minor Street	Westbound			Eastbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume	*0*	*0*	*0*	*85*	*0*	*380*
Peak-Hour Factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate, HFR	*0*	*0*	*0*	*89*	*0*	*400*
Percent Heavy Vehicles	*0*	*0*	*0*	*7*	*0*	*7*
Percent Grade (%)		*0*			*0*	
Flared Approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized			*0*			*0*
Lanes	*0*	*0*	*0*	*1*	*0*	*1*
Configuration				*L*		*R*

Delay, Queue Length, and Level of Service

Approach	NB	SB	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	*L*					*L*		*R*
v (vph)	*178*					*89*		*400*
C (m) (vph)	*394*					*102*		*346*
v/c	*0.45*					*0.87*		*1.16*
95% queue length	*2.28*					*5.02*		*16.08*
Control Delay	*21.4*					*132.8*		*132.0*
LOS	*C*					*F*		*F*
Approach Delay	--	--				*132.2*		
Approach LOS	--	--				*F*		

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TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	*DLW*	Intersection	*US 41 & Diplomat*
Agency/Co.	*Metro Transportation Group*	Jurisdiction	*Lee County*
Date Performed	*6/1/2005*	Analysis Year	*2010 background & PM project*
Analysis Time Period	*PM peak hour*		

Project Description	*F0505.19 - Kinsey Diplomat Property*
East/West Street: *Diplomat Parkway*	North/South Street: *US 41*
Intersection Orientation: *North-South*	Study Period (hrs): *0.25*

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume	*575*	*1415*	*0*	*0*	*500*	*155*
Peak-Hour Factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate, HFR	*605*	*1489*	*0*	*0*	*526*	*163*
Percent Heavy Vehicles	*7*	--	--	*0*	--	--
Median Type	*Raised curb*					
RT Channelized			*0*			*0*
Lanes	*1*	*2*	*0*	*0*	*2*	*1*
Configuration	*L*	*T*			*T*	*R*
Upstream Signal		*0*			*0*	

Minor Street	Westbound			Eastbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume	*0*	*0*	*0*	*150*	*0*	*455*
Peak-Hour Factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate, HFR	*0*	*0*	*0*	*157*	*0*	*478*
Percent Heavy Vehicles	*0*	*0*	*0*	*7*	*0*	*7*
Percent Grade (%)		*0*			*0*	
Flared Approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized			*0*			*0*
Lanes	*0*	*0*	*0*	*1*	*0*	*1*
Configuration				*L*		*R*

Delay, Queue Length, and Level of Service

Approach	NB	SB	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	*L*					*L*		*R*
v (vph)	*605*					*157*		*478*
C (m) (vph)	*869*					*25*		*721*
v/c	*0.70*					*6.28*		*0.66*
95% queue length	*5.84*					*19.52*		*5.06*
Control Delay	*18.1*					*2685*		*19.2*
LOS	*C*					*F*		*C*
Approach Delay	--	--				*678.4*		
Approach LOS	--	--				*F*		

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EASTERNMOST SITE ACCESS DRIVE

(FULL ACCESS)

TWO-WAY STOP CONTROL SUMMARY

General Information

Analyst	DLW
Agency/Co.	Metro Transportation Group
Date Performed	6/1/2005
Analysis Time Period	AM peak hour

Site Information

Intersection	Full Access Intersection
Jurisdiction	City of Cape Coral
Analysis Year	2010 background & AM project

Project Description: F0505.19 - Kinsey Diplomat Property

East/West Street: Diplomat Parkway | North/South Street: Easternmost Site Access

Intersection Orientation: East-West | Study Period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	30	355	10	35	170	40
Peak-hour factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95
Hourly Flow Rate (veh/h)	31	373	10	36	178	42
Proportion of heavy vehicles, P_{HV}	3	--	--	3	--	--
Median type	Raised curb					
RT Channelized?			0			0
Lanes	1	2	1	1	2	1
Configuration	L	T	R	L	T	R
Upstream Signal		0			0	

Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	25	0	15	95	0	20
Peak-hour factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95
Hourly Flow Rate (veh/h)	26	0	15	100	0	21
Proportion of heavy vehicles, P_{HV}	3	0	3	3	0	3
Percent grade (%)		0			0	
Flared approach		N			N	
Storage		0			0	
RT Channelized?			0			0
Lanes	1	0	1	1	0	1
Configuration	L		R	L		R

Control Delay, Queue Length, Level of Service

Approach	EB	WB	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	L	L	L		R	L		R
Volume, v (vph)	31	36	26		15	100		21
Capacity, c_m (vph)	1339	1165	447		821	507		948
v/c ratio	0.02	0.03	0.06		0.02	0.20		0.02
Queue length (95%)	0.07	0.10	0.18		0.06	0.73		0.07
Control Delay (s/veh)	7.8	8.2	13.6		9.5	13.8		8.9
LOS	A	A	B		A	B		A
Approach delay (s/veh)	--	--	12.1			13.0		
Approach LOS	--	--	B			B		

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TWO-WAY STOP CONTROL SUMMARY

General Information

Analyst	*DLW*
Agency/Co.	*Metro Transportation Group*
Date Performed	*6/1/2005*
Analysis Time Period	*PM peak hour*

Site Information

Intersection	*Full Access Intersection*
Jurisdiction	*City of Cape Coral*
Analysis Year	*2010 background & PM project*

Project Description *F0505.19 - Kinsey Diplomat Property*

East/West Street: *Diplomat Parkway* | North/South Street: *Easternmost Site Access*

Intersection Orientation: *East-West* | Study Period (hrs): *0.25*

Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	*105*	*265*	*35*	*125*	*460*	*145*
Peak-hour factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate (veh/h)	*110*	*278*	*36*	*131*	*484*	*152*
Proportion of heavy vehicles, P_{HV}	*3*	--	--	*3*	--	--
Median type	*Raised curb*					
RT Channelized?			*0*			*0*
Lanes	*1*	*2*	*1*	*1*	*2*	*1*
Configuration	*L*	*T*	*R*	*L*	*T*	*R*
Upstream Signal		*0*			*0*	

Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	*55*	*0*	*100*	*240*	*0*	*50*
Peak-hour factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate (veh/h)	*57*	*0*	*105*	*252*	*0*	*52*
Proportion of heavy vehicles, P_{HV}	*3*	*0*	*3*	*3*	*0*	*3*
Percent grade (%)	*0*			*0*		
Flared approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized?			*0*			*0*
Lanes	*1*	*0*	*1*	*1*	*0*	*1*
Configuration	*L*		*R*	*L*		*R*

Control Delay, Queue Length, Level of Service

Approach	EB	WB	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	*L*	*L*	*L*		*R*	*L*		*R*
Volume, v (vph)	*110*	*131*	*57*		*105*	*252*		*52*
Capacity, c_m (vph)	*937*	*1236*	*238*		*881*	*212*		*756*
v/c ratio	*0.12*	*0.11*	*0.24*		*0.12*	*1.19*		*0.07*
Queue length (95%)	*0.40*	*0.35*	*0.91*		*0.40*	*12.54*		*0.22*
Control Delay (s/veh)	*9.4*	*8.3*	*24.8*		*9.6*	*168.8*		*10.1*
LOS	*A*	*A*	*C*		*A*	*F*		*B*
Approach delay (s/veh)	--	--	*15.0*			*141.6*		
Approach LOS	--	--	*B*			*F*		

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MIDDLE SITE ACCESS DRIVE

(RIGHT OUT ONLY ACCESS)

TWO-WAY STOP CONTROL SUMMARY

General Information

Analyst	*DLW*
Agency/Co.	*Metro Transportation Group*
Date Performed	*6/1/2005*
Analysis Time Period	*AM peak hour*

Site Information

Intersection	*Right Out Access*
Jurisdiction	*City of Cape Coral*
Analysis Year	*2010 background & AM project*

Project Description *F0505.19 - Kinsey Diplomat Property*

East/West Street: *Diplomat Parkway* | North/South Street: *Middle Site Access*

Intersection Orientation: *East-West* | Study Period (hrs): *0.25*

Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	*0*	*385*	*0*	*0*	*215*	*0*
Peak-hour factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate (veh/h)	*0*	*405*	*0*	*0*	*226*	*0*
Proportion of heavy vehicles, P_{HV}	*0*	--	--	*0*	--	--
Median type	*Raised curb*					
RT Channelized?			*0*			*0*
Lanes	*0*	*2*	*0*	*0*	*2*	*0*
Configuration		*T*			*T*	
Upstream Signal		*0*			*0*	

Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	*0*	*0*	*10*	*0*	*0*	*0*
Peak-hour factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate (veh/h)	*0*	*0*	*10*	*0*	*0*	*0*
Proportion of heavy vehicles, P_{HV}	*0*	*0*	*0*	*0*	*0*	*0*
Percent grade (%)	*0*			*0*		
Flared approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized?			*0*			*0*
Lanes	*0*	*0*	*1*	*0*	*0*	*0*
Configuration			*R*			

Control Delay, Queue Length, Level of Service

Approach	EB	WB	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration					*R*			
Volume, v (vph)					*10*			
Capacity, c_m (vph)					*811*			
v/c ratio					*0.01*			
Queue length (95%)					*0.04*			
Control Delay (s/veh)					*9.5*			
LOS					*A*			
Approach delay (s/veh)	--	--	*9.5*					
Approach LOS	--	--	*A*					

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TWO-WAY STOP CONTROL SUMMA

General Information

Analyst	*DLW*
Agency/Co.	*Metro Transportation Group*
Date Performed	*6/1/2005*
Analysis Time Period	*PM peak hour*

Site Information

Intersection	*Right Out Access*
Jurisdiction	*City of Cape Coral*
Analysis Year	*2010 background & PM project*

Project Description *F0505.19 - Kinsey Diplomat Property*

East/West Street: *Diplomat Parkway* | North/South Street: *Middle Site Access*

Intersection Orientation: *East-West* | Study Period (hrs): *0.25*

Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	*0*	*400*	*0*	*0*	*565*	*0*
Peak-hour factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate (veh/h)	*0*	*421*	*0*	*0*	*594*	*0*
Proportion of heavy vehicles, P_{HV}	*0*	--	--	*0*	--	--
Median type	*Raised curb*					
RT Channelized?			*0*			*0*
Lanes	*0*	*2*	*0*	*0*	*2*	*0*
Configuration		*T*			*T*	
Upstream Signal		*0*			*0*	

Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	*0*	*0*	*5*	*0*	*0*	*0*
Peak-hour factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate (veh/h)	*0*	*0*	*5*	*0*	*0*	*0*
Proportion of heavy vehicles, P_{HV}	*0*	*0*	*0*	*0*	*0*	*0*
Percent grade (%)		*0*			*0*	
Flared approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized?			*0*			*0*
Lanes	*0*	*0*	*1*	*0*	*0*	*0*
Configuration			*R*			

Control Delay, Queue Length, Level of Service

Approach	EB	WB	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration					*R*			
Volume, v (vph)					*5*			
Capacity, c_m (vph)					*802*			
v/c ratio					*0.01*			
Queue length (95%)					*0.02*			
Control Delay (s/veh)					*9.5*			
LOS					*A*			
Approach delay (s/veh)	--	--	*9.5*					
Approach LOS	--	--	*A*					

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WESTERNMOST SITE ACCESS DRIVE

(RIGHT IN/RIGHT OUT ACCESS)

TWO-WAY STOP CONTROL SUMMARY

General Information

Analyst	*DLW*
Agency/Co.	*Metro Transportation Group*
Date Performed	*6/1/2005*
Analysis Time Period	*AM peak hour*

Site Information

Intersection	*Right In/Right Out Access*
Jurisdiction	*City of Cape Coral*
Analysis Year	*2010 background & AM project*

Project Description *F0505.19 - Kinsey Diplomat Parkway*

East/West Street: *Diplomat Parkway* | North/South Street: *Westernmost Site Access*

Intersection Orientation: *East-West* | Study Period (hrs): *0.25*

Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	*0*	*365*	*5*	*0*	*185*	*30*
Peak-hour factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate (veh/h)	*0*	*384*	*5*	*0*	*194*	*31*
Proportion of heavy vehicles, P_{HV}	*0*	--	--	*0*	--	--
Median type	*Raised curb*					
RT Channelized?			*0*			*0*
Lanes	*0*	*2*	*1*	*0*	*2*	*1*
Configuration		*T*	*R*		*T*	*R*
Upstream Signal		*0*			*0*	

Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	*0*	*0*	*20*	*0*	*0*	*20*
Peak-hour factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate (veh/h)	*0*	*0*	*21*	*0*	*0*	*21*
Proportion of heavy vehicles, P_{HV}	*0*	*0*	*3*	*0*	*0*	*3*
Percent grade (%)		*0*			*0*	
Flared approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized?			*0*			*0*
Lanes	*0*	*0*	*1*	*0*	*0*	*1*
Configuration			*R*			*R*

Control Delay, Queue Length, Level of Service

Approach	EB	WB	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration					*R*			*R*
Volume, v (vph)					*21*			*21*
Capacity, c_m (vph)					*814*			*937*
v/c ratio					*0.03*			*0.02*
Queue length (95%)					*0.08*			*0.07*
Control Delay (s/veh)					*9.5*			*8.9*
LOS					*A*			*A*
Approach delay (s/veh)	--	--	*9.5*			*8.9*		
Approach LOS	--	--	*A*			*A*		

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TWO-WAY STOP CONTROL SUMMA

General Information

Analyst	*DLW*
Agency/Co.	*Metro Transportation Group*
Date Performed	*6/1/2005*
Analysis Time Period	*PM peak hour*

Site Information

Intersection	*Right In/Right Out Access*
Jurisdiction	*City of Cape Coral*
Analysis Year	*2010 background & PM project*

Project Description *F0505.19 - Kinsey Diplomat Parkway*

East/West Street: *Diplomat Parkway* | North/South Street: *Westernmost Site Access*

Intersection Orientation: *East-West* | Study Period (hrs): *0.25*

Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	*0*	*390*	*20*	*0*	*460*	*105*
Peak-hour factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate (veh/h)	*0*	*410*	*21*	*0*	*484*	*110*
Proportion of heavy vehicles, P_{HV}	*0*	--	--	*0*	--	--
Median type	*Raised curb*					
RT Channelized?			*0*			*0*
Lanes	*0*	*2*	*1*	*0*	*2*	*1*
Configuration		*T*	*R*		*T*	*R*
Upstream Signal		*0*			*0*	

Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	*0*	*0*	*10*	*0*	*0*	*50*
Peak-hour factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate (veh/h)	*0*	*0*	*10*	*0*	*0*	*52*
Proportion of heavy vehicles, P_{HV}	*0*	*0*	*3*	*0*	*0*	*3*
Percent grade (%)		*0*			*0*	
Flared approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized?			*0*			*0*
Lanes	*0*	*0*	*1*	*0*	*0*	*1*
Configuration			*R*			*R*

Control Delay, Queue Length, Level of Service

Approach	EB	WB	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration					*R*			*R*
Volume, v (vph)					*10*			*52*
Capacity, c_m (vph)					*798*			*756*
v/c ratio					*0.01*			*0.07*
Queue length (95%)					*0.04*			*0.22*
Control Delay (s/veh)					*9.6*			*10.1*
LOS					*A*			*B*
Approach delay (s/veh)	--	--	*9.6*			*10.1*		
Approach LOS	--	--	*A*			*B*		

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ITE INTERNAL CAPTURE

SUMMARY SHEET

Analyst DLW
Date 5/31/05

MULTI-USE DEVELOPMENT TRIP GENERATION AND INTERNAL CAPTURE SUMMARY

Name of Dvlpt Kinsey Diplomat Property
Time Period

LAND USE A Retail

ITE LU Code 820
Size 200,000 Sq. Ft.

	Total	Internal	External
Enter	475	37	438
Exit	515	43	472
Total	990	80	910
%	100%	8%	92%

Exit to External: 472
Enter from External: 438

LAND USE B —

ITE LU Code —
Size —

	Total	Internal	External
Enter			
Exit			
Total			
%			

Exit to External:
Enter from External:

LAND USE C Residential

ITE LU Code 230
Size 462 d.u.

	Total	Internal	External
Enter	140	43	97
Exit	70	37	33
Total	210	80	130
%	100%	38%	62%

Enter from External: 97
Exit to External: 33

Demand / Balanced / Demand: % | | %

A → C: 12% 62 Demand; 43 Balanced
C → A: 9% 43 Demand; 37 Balanced
A → B: % Demand; Balanced
B → A: % Demand; Balanced
B → C: % Demand; Balanced
C → B: 31% 43 Demand; 53% 37 Demand

Net External Trips for Multi-Use Development

	LAND USE A	LAND USE B	LAND USE C	TOTAL
Enter	438	—	97	535
Exit	472	—	33	505
Total	910	—	130	1,040
Single-Use Trip Gen. Est.	990	—	210	1,200

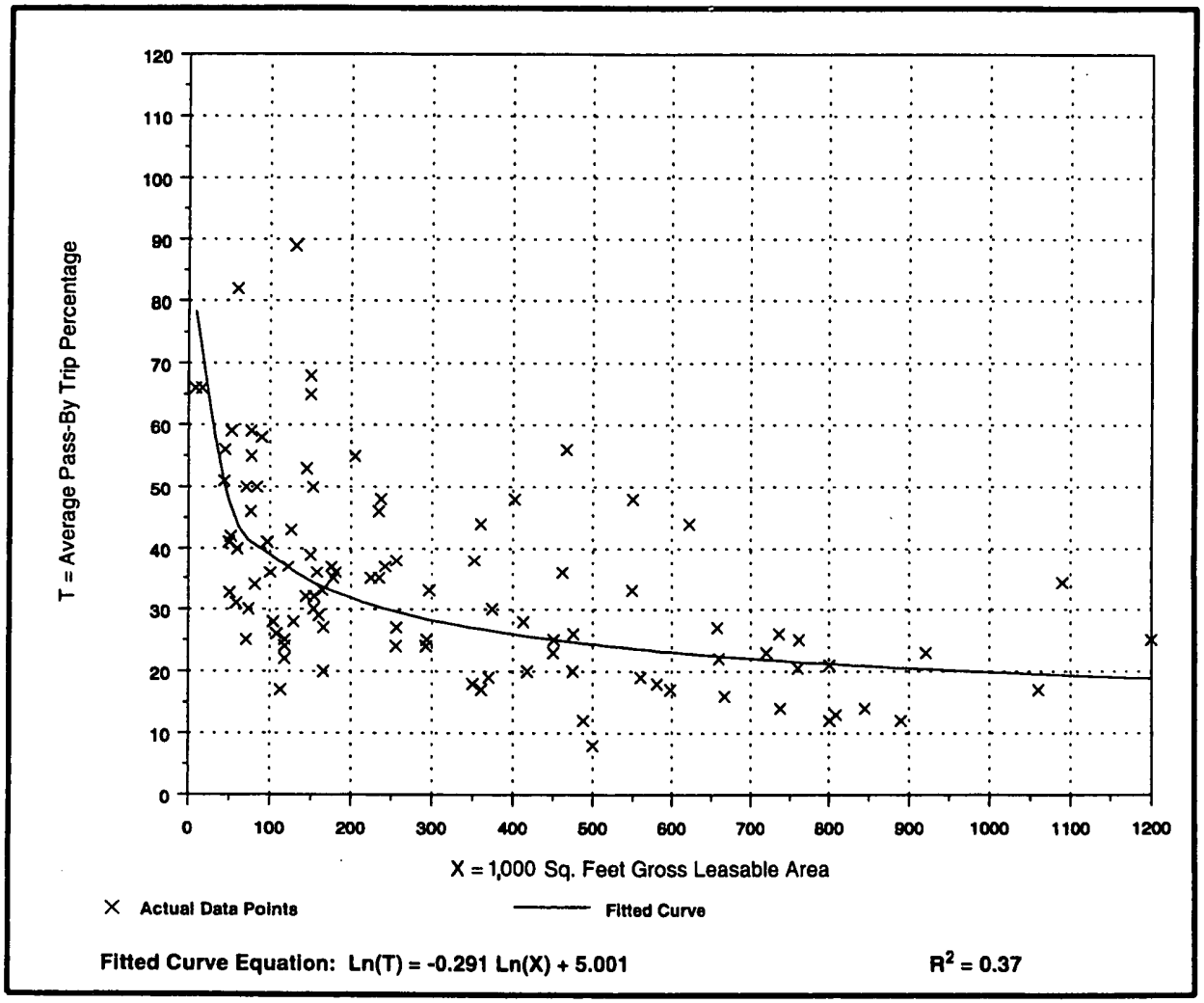
Source: Kaku Associates, Inc.

INTERNAL CAPTURE: 13%

Figure 5.5 Shopping Center (820)

Average Pass-By Trip Percentage vs: **1,000 Sq. Feet Gross Leasable Area**
On a: **Weekday, P.M. Peak Period**
Number of Studies: 100
Average 1,000 Sq. Feet GLA: 329

Data Plot



Fitted Curve Equation: Ln(T) = -0.291 Ln(X) + 5.001 **R^2 = 0.37**

FDOT TABLE 4-8

GENERALIZED PEAK HOUR DIRECTIONAL VOLUMES FOR FLORIDA'S AREAS TRANSITIONING INTO URBANIZED AREAS

TABLE 4 – 8
GENERALIZED **PEAK HOUR DIRECTIONAL** VOLUMES FOR FLORIDA'S **AREAS TRANSITIONING INTO URBANIZED AREAS** OR **AREAS OVER 5,000 NOT IN URBANIZED AREAS***

UNINTERRUPTED FLOW HIGHWAYS

Lanes	Divided	Level of Service A	B	C	D	E
1	Undivided	100	330	620	870	1,200
2	Divided	980	1,590	2,300	2,980	3,390
3	Divided	1,470	2,390	3,460	4,470	5,080

STATE TWO-WAY ARTERIALS

Class I (>0.00 to 1.99 signalized intersections per mile)

Lanes	Divided	Level of Service A	B	C	D	E
1	Undivided	**	210	690	820	860
2	Divided	240	1,470	1,730	1,810	***
3	Divided	370	2,280	2,660	2,710	***

Class II (2.00 to 4.50 signalized intersections per mile)

Lanes	Divided	Level of Service A	B	C	D	E
1	Undivided	**	**	560	760	810
2	Divided	**	200	1,290	1,620	1,700
3	Divided	**	320	2,000	2,430	2,560

Class III (more than 4.5 signalized intersections per mile)

Lanes	Divided	Level of Service A	B	C	D	E
1	Undivided	**	**	260	620	770
2	Divided	**	**	620	1,440	1,630
3	Divided	**	**	970	2,220	2,450

NON-STATE ROADWAYS

Major City/County Roadways

Lanes	Divided	Level of Service A	B	C	D	E
1	Undivided	**	**	370	720	770
2	Divided	**	**	870	1,550	1,630
3	Divided	**	**	1,360	2,330	2,450

Other Signalized Roadways
(signalized intersection analysis)

Lanes	Divided	Level of Service A	B	C	D	E
1	Undivided	**	**	230	490	630
2	Divided	**	**	540	1,070	1,270

Source: Florida Department of Transportation 02/22/02
Systems Planning Office
605 Suwannee Street, MS 19
Tallahassee, FL 32399-0450
http://www11.myflorida.com/planning/systems/sm/los/default.htm

FREEWAYS

Lanes	Level of Service A	B	C	D	E
2	1,290	2,130	2,890	3,420	3,800
3	2,000	3,290	4,460	5,280	5,870
4	2,700	4,450	6,030	7,140	7,940
5	3,400	5,600	7,610	9,010	10,010

BICYCLE MODE

(**Note:** Level of service for the bicycle mode in this table is based on roadway geometrics at 40 mph posted speed and traffic conditions, not number of bicyclists using the facility.) (Multiply motorized vehicle volumes shown below by number of directional roadway lanes to determine maximum service volumes.)

Paved Shoulder/ Bicycle Lane Coverage	Level of Service A	B	C	D	E
0-49%	**	100	170	720	>720
50-84%	**	130	210	>210	***
85-100%	170	380	>380	***	***

PEDESTRIAN MODE

(**Note:** Level of service for the pedestrian mode in this table is based on roadway geometric at 40 mph posted speed and traffic conditions, not number of pedestrians using the facility.) (Multiply motorized vehicle volumes shown by number of directional roadway lanes to determine maximum service volumes.)

Sidewalk Coverage	Level of Service A	B	C	D	E
0-49%	**	**	**	330	810
50-84%	**	**	**	520	990
85-100%	**	120	590	>590	***

ARTERIAL/NON-STATE ROADWAY ADJUSTMENTS
DIVIDED/UNDIVIDED

Lanes	Median	Left Turn Lanes	Adjustment Factors
1	Divided	Yes	+5%
1	Undivided	No	-20%
Multi	Undivided	Yes	-5%
Multi	Undivided	No	-25%

ONE-WAY FACILITIES

Increase corresponding volume 20%.

*This table does not constitute a standard and should be used only for general planning applications. The computer models from which this table is derived should be used for more specific planning applications The table and deriving computer models should not be used for corridor or intersection design, where more refined techniques exist. Values shown are hourly two-way volumes for levels of service and are for the automobile/truck modes unless specifically stated. Level of service letter grade thresholds are probably not comparable across modes and, therefore, cross modal comparisons should be made with caution. Furthermore, combining levels of service of different modes into one overall roadway level of service is not recommended. The table's input value defaults and level of service criteria appear on the following page. Calculations are based on planning applications of the Highway Capacity Manual, Bicycle LOS Model and Pedestrian LOS Model, respectively for the automobile/truck, bicycle and pedestrian modes.
**Cannot be achieved using table input value defaults.
***Not applicable for the level of service letter grade. For automobile/truck modes, volumes greater than level of service D become F because intersection capacities have been reached. For bicycle and pedestrian modes, the level of service letter grade (including F) is not achievable, because there is no maximum vehicle volume threshold using table input value defaults.

LEE COUNTY GENERALIZED LEVEL OF SERVICE THRESHOLDS

Lee County
Generalized Peak Hour Directional Service Volumes
Urbanized Areas

d:\los02\Input1

Uninterrupted Flow Highway
Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	100	340	680	970	1,300
2	Divided	990	1,610	2,330	3,010	3,420
3	Divided	1,490	2,410	3,490	4,510	5,130

Arterials

Class I (>0.00 to 1.99 signalized intersections per mile)
Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	280	760	900	920
2	Divided	450	1,630	1,900	1,950	**
3	Divided	670	2,490	2,850	2,920	**
4	Divided	890	3,220	3,610	3,700	**

Class II (>2.00 to 4.50 signalized intersections per mile)
Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	210	660	850	900
2	Divided	*	490	1,460	1,790	1,890
3	Divided	*	760	2,240	2,700	2,830
4	Divided	*	1,000	2,970	3,490	3,670

Class III (more than 4.50 signalized intersections per mile)
Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	*	370	720	850
2	Divided	*	*	870	1,640	1,790
3	Divided	*	*	1,340	2,510	2,690
4	Divided	*	*	1,770	3,270	3,480

Controlled Access Facilities
Level of Service

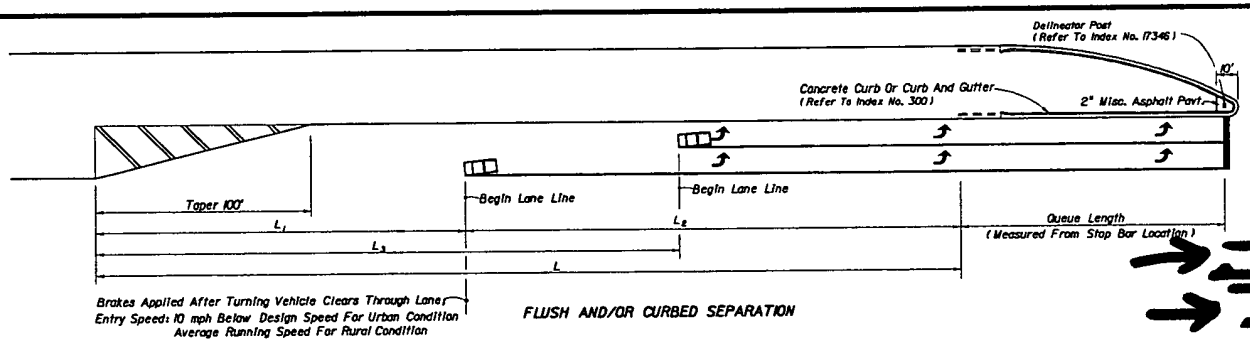
Lane	Divided	A	B	C	D	E
1	Undivided	120	740	930	960	**
2	Divided	270	1,620	1,970	2,030	**
3	Divided	410	2,490	2,960	3,040	**

Collectors
Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	*	530	800	850
1	Divided	*	*	560	840	900
2	Undivided	*	*	1,180	1,620	1,710
2	Divided	*	*	1,240	1,710	1,800

Note: the service volumes for I-75 (freeway) should be from FDOT's most current version of LOS Handbook.

INDEX #301 FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION DESIGN STANDARDS

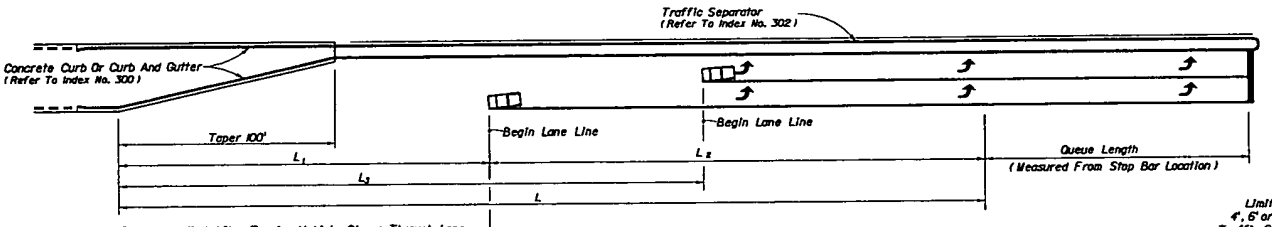


Brakes Applied After Turning Vehicle Clears Through Lane;
Entry Speed: 10 mph Below Design Speed For Urban Condition
Average Running Speed For Rural Condition

FLUSH AND/OR CURBED SEPARATION

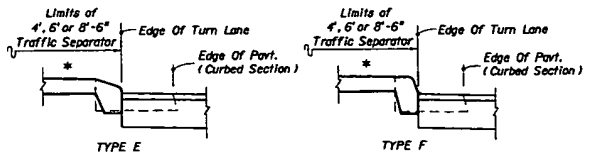
TURN LANES • CURBED AND UNCURBED MEDIANS

Design Speed (mph)	Entry Speed (mph)	Clearance Distance L_1	URBAN CONDITITONS: Brake To Stop Distance L_2	URBAN CONDITITONS: Total Decel. Distance L	URBAN CONDITITONS: Clearance Distance L_3	RURAL CONDITITONS: Brake To Stop Distance L_2	RURAL CONDITITONS: Total Decel. Distance L	RURAL CONDITITONS: Clearance Distance L_3
35	25	70'	75'	145'	110'	— —	— —	— —
40	30	80'	75'	155'	120'	— —	— —	— —
45	35	85'	100'	185'	135'	— —	— —	— —
50	40/44	105'	135'	240'	160'	185'	290'	160'
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
60	52	145'	— —	— —	— —	260'	405'	230'
65	55	170'	[illegible]	[illegible]	[illegible]	290'	[illegible]	270'

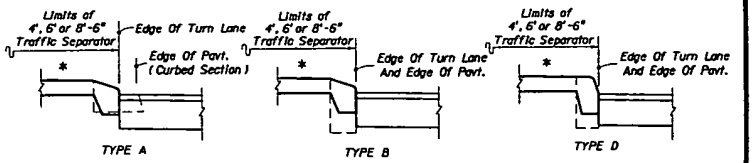


Brakes Applied After Turning Vehicle Clears Through Lane;
Entry Speed: 10 mph Below Design Speed For Urban Condition
Average Running Speed For Rural Condition

RAISED SEPARATION
DOUBLE LEFT TURNS

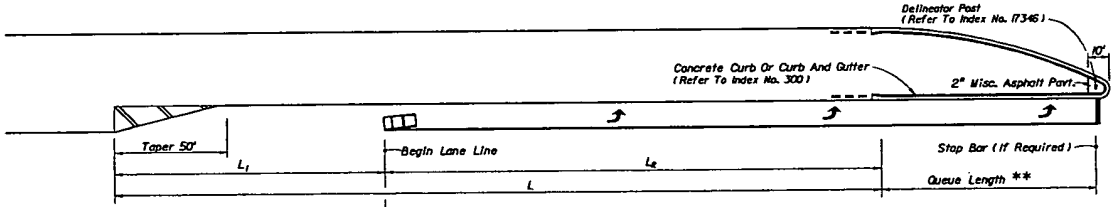


CURB AND GUTTER



CURB

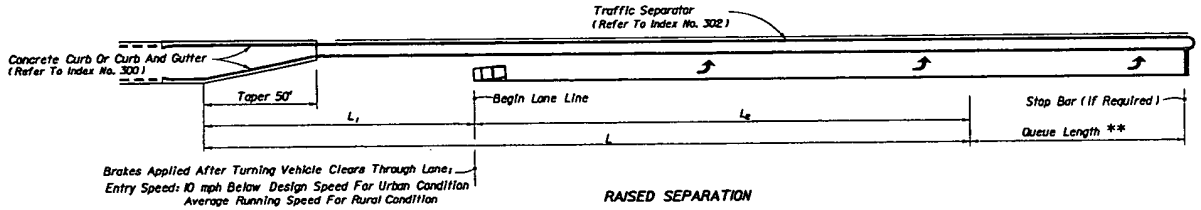
For Curb And Curb & Gutter Types, See Index No. 300
* Option I Separators Shown (Refer To Index No. 302)



Brakes Applied After Turning Vehicle Clears Through Lane;
Entry Speed: 10 mph Below Design Speed For Urban Condition
Average Running Speed For Rural Condition

FLUSH AND/OR CURBED SEPARATION

** Queue Length Is Measured From The Median Nose Radial Point Or, When A Stop Bar Is Required, From The Stop Bar.



Brakes Applied After Turning Vehicle Clears Through Lane;
Entry Speed: 10 mph Below Design Speed For Urban Condition
Average Running Speed For Rural Condition

RAISED SEPARATION
SINGLE LEFT TURNS

TURN LANES

MEDIAN CURB AND TRAFFIC SEPARATOR JUNCTURE DETAILS

GENERAL NOTES

1. The plan views shown are for turn lane taper shapes and dimensional purposes only, they do not prescribe the use of curb, curb and gutter, shoulders nor separators specifically to either rural or urban conditions.
2. Total deceleration distances must not be reduced except where lesser values are imposed by unrelocatable control points.
3. Right turn lane tapers and distances identical to left turn lanes under stop control conditions. Right turn lane tapers and/or distances are site specific under free flow or yield conditions.
4. These left turn configurations apply to continuous left turn lanes only where specifically called for in the plans.
5. For pavement markings see Index No. 17346.

DESIGN NOTES

1. Basis for turn lane configurations:
   - Informed Driver.
   - Stop condition (With Or Without Stop Control).
   - Wet Pavement.
   - Reaction preceeding entry point.
   - Minimum braking distance for urban conditions.
   - 75' min. for L_2.
   - Comfortable deceleration rates for rural conditions (AASHTO 2001 threshold rate of 11.2 ft/s^2).

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

TURN LANES

	Names	Dates
Designed By	RKR	05/91
Drawn By	RSD/RKR	05/91
Checked By	JWC/RKR	05/91

Approved By [signature]
Roadway Design Engineer

Revision	Sheet No.	Index No.
04	1 of 1	301

TRAFFIC COUNTS FOR THE INTERSECTION OF US 41 AND DIPLOMAT PARKWAY

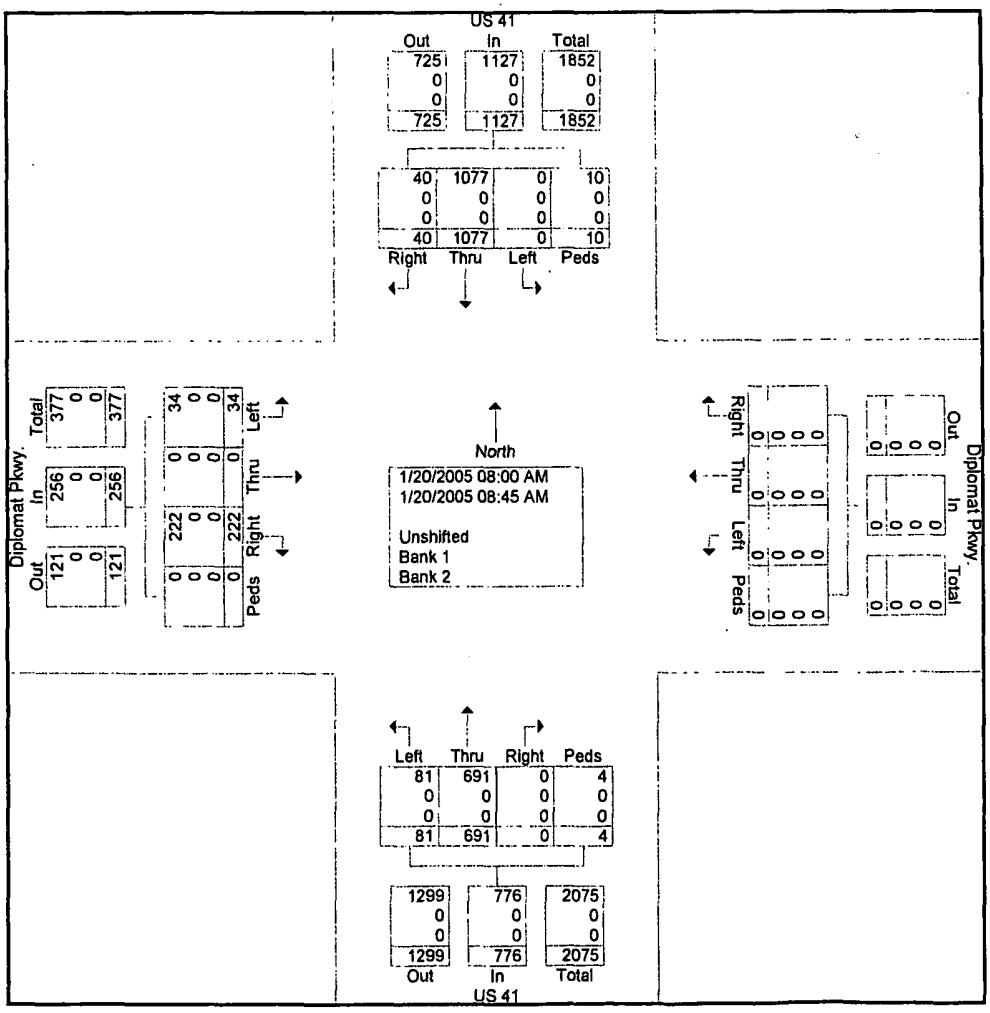
Metro Transportation Group, Inc.

12651 McGregor Boulevard, Suite 4-403
Fort Myers, Fl 33919-4489
Your Transportation Resource

File Name : US41DI~2
Site Code : 00000000
Start Date : 1/20/2005
Page No : 1

Groups Printed- Unshifted - Bank 1 - Bank 2

	US 41 From North				Diplomat Pkwy. From East				US 41 From South				Diplomat Pkwy. From West				
Start Time	Right	Thru	Left	Peds	Right	Thru	Left	Peds	Right	Thru	Left	Peds	Right	Thru	Left	Peds	Int. Total
Factor	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	
08:00 AM	11	250	0	7	0	0	0	0	0	149	17	2	72	0	11	0	519
08:15 AM	12	260	0	3	0	0	0	0	0	191	19	0	48	0	9	0	542
08:30 AM	11	259	0	0	0	0	0	0	0	171	31	2	52	0	7	0	533
08:45 AM	6	308	0	0	0	0	0	0	0	180	14	0	50	0	7	0	565
Total	40	1077	0	10	0	0	0	0	0	691	81	4	222	0	34	0	2159
Grand Total	40	1077	0	10	0	0	0	0	0	691	81	4	222	0	34	0	2159
Apprch %	3.5	95.6	0	0.9	0	0	0	0	0	89	10.4	0.5	86.7	0	13.3	0	
Total %	1.9	49.9	0	0.5	0	0	0	0	0	32	3.8	0.2	10.3	0	1.6	0	
Unshifted	40	1077	0	10	0	0	0	0	0	691	81	4	222	0	34	0	2159
% Unshifted	100	100	0	100	0	0	0	0	0	100	100	100	100	0	100	0	100
Bank 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Bank 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bank 2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Bank 2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0



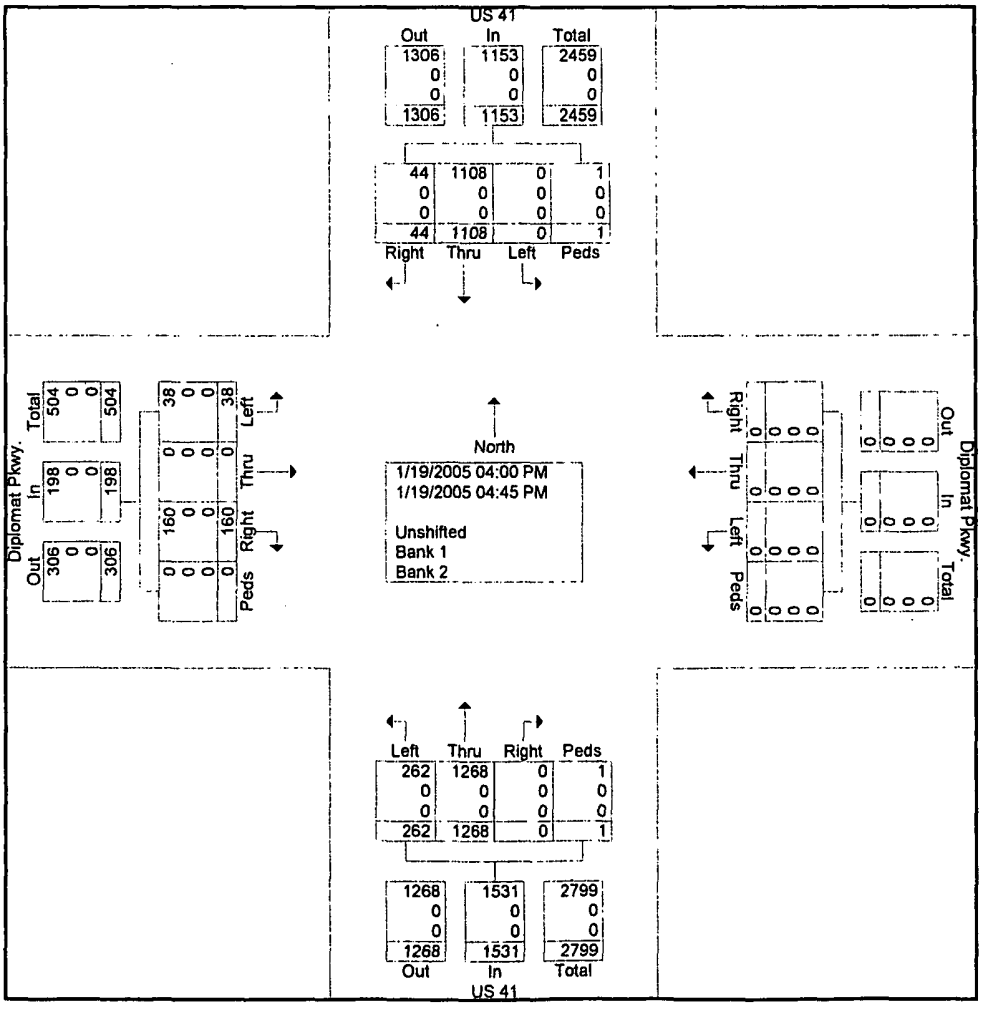
Metro Transportation Group, Inc.

12651 McGregor Boulevard, Suite 4-403
Fort Myers, Fl 33919-4489
Your Transportation Resource

File Name : US41DI~1
Site Code : 00000000
Start Date : 1/19/2005
Page No : 1

Groups Printed- Unshifted - Bank 1 - Bank 2

	US 41 From North				Diplomat Pkwy. From East				US 41 From South				Diplomat Pkwy. From West				
Start Time	Right	Thru	Left	Peds	Right	Thru	Left	Peds	Right	Thru	Left	Peds	Right	Thru	Left	Peds	Int. Total
Factor	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	
04:00 PM	10	268	0	0	0	0	0	0	0	331	63	1	37	0	12	0	722
04:15 PM	10	271	0	1	0	0	0	0	0	335	76	0	40	0	9	0	742
04:30 PM	13	280	0	0	0	0	0	0	0	315	55	0	46	0	13	0	722
04:45 PM	11	289	0	0	0	0	0	0	0	287	68	0	37	0	4	0	696
Total	44	1108	0	1	0	0	0	0	0	1268	262	1	160	0	38	0	2882
Grand Total	44	1108	0	1	0	0	0	0	0	1268	262	1	160	0	38	0	2882
Apprch %	3.8	96.1	0	0.1	0	0	0	0	0	82.8	17.1	0.1	80.8	0	19.2	0	
Total %	1.5	38.4	0	0	0	0	0	0	0	44	9.1	0	5.6	0	1.3	0	
Unshifted	44	1108	0	1	0	0	0	0	0	1268	262	1	160	0	38	0	2882
% Unshifted	100	100	0	100	0	0	0	0	0	100	100	100	100	0	100	0	100
Bank 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Bank 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bank 2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Bank 2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0



ATTACHMENT I

TRIP GENERATION EQUATIONS

TRIP GENERATION EQUATIONS
KINSEY DIPLOMAT PROPERTY
TRAFFIC IMPACT STATEMENT

Land Use	Weekday AM Peak Hour	Weekday PM Peak Hour	Weekday
Residential Condominium/Townhouse (LUC 230)	Ln (T) = 0.80 Ln (X) + 0.26 (17% In/83% Out)	Ln (T) = 0.82 Ln (X) + 0.32 (67% In/33% Out)	Ln (T) = 0.85 Ln (X) + 2.55
T = Number of Trips, X = Number of dwelling units			
Shopping Center (LUC 820)	Ln (T) = 0.60 Ln (X) + 2.29 (61% In/39% Out)	Ln (T) = 0.66 Ln (X) + 3.40 (48% In/52% Out)	Ln (T) 0.65 Ln (X) + 5.83
T = Number of Trips, X = 1,000's of square feet GLA			

ATTACHMENT I

Anthony Palermo - RE: DCI2005-00055 DIPLOMAT RPD/CPD - JAN 12 HEARING EXAMINER.

From: "Persides Zambrano" <pzambran@capecoral.net>
To: "Anthony Palermo" <APALERMO@leegov.com>
Date: 12/22/2005 9:32 AM
Subject: RE: DCI2005-00055 DIPLOMAT RPD/CPD - JAN 12 HEARING EXAMINER.
CC: "Andrew Getch" <GETCHAJ@leegov.com>, "Steve Neff" <sneff@capecoral.net>, "Persides Zambrano" <pzambran@capecoral.net>

Hi Tony,

I looked at the plan and review the agreement between the County and the City with regard to Diplomat extension. Per the agreement the County owns the row, so County standards apply with regard to driveway locations and median opening spacing. Looking at the plan, is the applicant proposing relocation of the existing driveway connection to Commercial Parcel 4 further to the west? If so, it doesn't align with the median opening at Diplomat, so is it fair to assume the applicant is proposing right in/out only at this new driveway location?

Thank you for the opportunity to provide input.

Pérsides Zambrano, AICP
Principal Planner
Public Works Department
Transportation Division
City of Cape Coral

Tel: (239) 574-0733
Fax:(239) 573-3174
E-mail: pzambran@capecoral.net

ATTACHMENT J

-----Original Message-----
From: Anthony Palermo [mailto:APALERMO@leegov.com]
Sent: Tuesday, December 20, 2005 4:09 PM
To: Andrew Getch; Robert Rentz; Kim Trebatoski
Cc: Persides Zambrano
Subject: DCI2005-00055 DIPLOMAT RPD/CPD - JAN 12 HEARING EXAMINER.

Please don't forget your substantive comments. The final staff report is due out the 28th of December 2005. Thank you.

TONY PALERMO, Senior Planner
Lee County Community Development
P.O. Box 398
Fort Myers, FL 33902-0398
Phone (239) 479-8325
Fax (239) 479-8313
Email apalermo@leegov.com

Anthony Palermo - RE: DCI2005-00055 DIPLOMAT RPD/CPD - SUFFICIENCY 1

From: "Persides Zambrano" <pzambran@capecoral.net>
To: "Andrew Getch" <GETCHAJ@leegov.com>, "Anthony Palermo" <APALERMO@leegov.com>
Date: 6/8/2005 2:16 PM
Subject: RE: DCI2005-00055 DIPLOMAT RPD/CPD - SUFFICIENCY 1
CC: "Mike Strohecker" <mstrohec@capecoral.net>, <Mark.Clark@dot.state.fl.us>, <sarah.clarke@dot.state.fl.us>, "Steve Neff" <sneff@capecoral.net>, "Rashad Hanbali" <rhanbali@capecoral.net>

Andy/Tony,

Thank you for keeping the City in the loop. FYI, as part of the Entrada development order, the developer should contribute a fair share of intersection improvements at the time a traffic control device is warranted at the intersection of US 41 and Diplomat.

Thanks again,

Pérsides Zambrano, AICP
Principal Planner
Public Works Department
Transportation Division
City of Cape Coral

Tel: (239) 574-0733
Fax:(239) 573-3174
E-mail: pzambran@capecoral.net

ATTACHMENT J

-----Original Message-----
From: Andrew Getch [mailto:GETCHAJ@leegov.com]
Sent: Wednesday, June 08, 2005 9:00 AM
To: Anthony Palermo
Cc: Mike Strohecker; Persides Zambrano; Mark.Clark@dot.state.fl.us; sarah.clarke@dot.state.fl.us
Subject: Re: DCI2005-00055 DIPLOMAT RPD/CPD - SUFFICIENCY 1

Tony,
Thanks. I received this zoning application yesterday. A quick look shows the applicant is asking for 462 DU, 200,000 SF commercial, three access points on Diplomat Parkway (our records show it is a city of Cape Coral maintained road) and in 2010 a failing eastbound approach to the unsignalized Diplomat/U.S. 41 intersection. I am copying city and FDOT staff on this reply for their information.

Andy Getch, P.E.
Senior Engineer
Lee County Department of Transportation
getchaj@leegov.com
PHONE (239) 479-8510
FAX (239) 479-8520

>>> Anthony Palermo 06/07/05 01:47PM >>>
You should be receiving a June 3 application from Jon Hagan for a RPD/CPD in North Fort Myers next to Merchant's

Anthony Palermo - RE: DCI2005-00055 DIPLOMAT CPD/RPD - January 12

From: "Persides Zambrano" <pzambran@capecoral.net>
To: "Anthony Palermo" <APALERMO@leegov.com>
Date: 12/7/2005 8:14 AM
Subject: RE: DCI2005-00055 DIPLOMAT CPD/RPD - January 12
CC: "Rick Sosnowski" <rsosnows@capecoral.net>

Tony,

Please send me the plans I haven't received anything yet. Entrada is a big development approved by Council last year. I'm attaching a plan so you can have a better idea of its location and size.

In reference the parcel identified with strap: 33-43-24-C3-00007.0000, our records show future land use: Industrial, Zoning: C-3. It is part of a DRI approved a while ago. I'm not sure about its status but I'm copying in this e-mail Rick Sosnowski from the Planning Division for more detail on recent activity on this parcel.

Hope this helps,

Pérsides Zambrano, AICP
Principal Planner
Public Works Department
Transportation Division
City of Cape Coral

Tel: (239) 574-0733
Fax:(239) 573-3174
E-mail: pzambran@capecoral.net

ATTACHMENT J

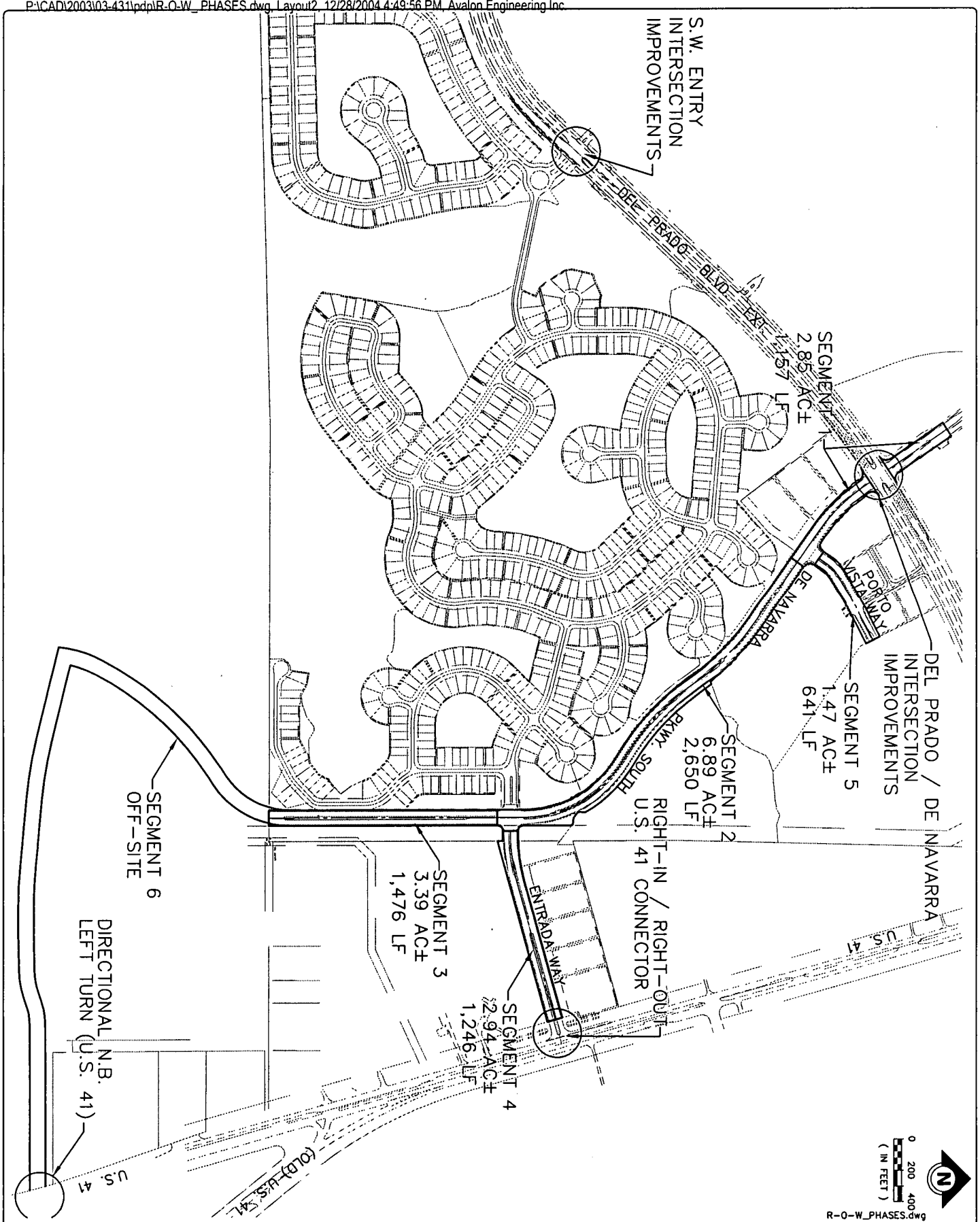
-----Original Message-----
From: Anthony Palermo [mailto:APALERMO@leegov.com]
Sent: Wednesday, December 07, 2005 7:59 AM
To: Persides Zambrano
Subject: DCI2005-00055 DIPLOMAT CPD/RPD - January 12

Persides:

First, Can you please provide any comments on the City of Cape Coral regarding this proposed planned development? 65 acres. It is on Diplomat and US 41. There are 468 multi-family and 200,000 s/f of commercial uses planned. Hopefully you have a copy of the Master Concept Plan. If not, I can get it for you.

You provided some comments a while ago about the developer needing to pay their share for a traffic light (if needed). In your comments you talked about "Entrada". What is Entrada?

P:\CAD\2003\03-431\pdp\R-O-W_PHASES.dwg, Layout2, 12/28/2004 4:49:56 PM, Avalon Engineering Inc



SHEET	EXHIBIT 'G'	Entrada	Realmark	PRIORITY DEVELOPERS, INC.	AVALON ENGINEERING, INC.	REVISION DESCRIPTION	PROJ. 03-431/PDP	DATE: 7/15/03
1 of 1		Cape Coral, Florida	Realmark Group, LLC 1800 Lagoon Lane Cape Coral, FL. 33914	P.O. BOX 371488 Tampa, FL. 33688 ATT: FRANK STRECK	2503 DEL PRADO BLVD. #200 CAPE CORAL, FLORIDA 33904 FBPE#3128 (239) 573-2077	10/31/03 CR RTRD COMMENTS; 11/10/03 CR ADDITIONAL COMMENTS; 3/9/04 CR DEVELOPMENT PLAN REVISION PER CLIENT; 7/8/04 CR PER SECOND ADMINISTRATIVE REVIEW; 6/17/04 CR REVISED RESIDENTIAL SUBDIVISION PER ACOE	CADD TECH. M.P./B.B.	PROJ. MGR. Bill Edwards, P.E. FL. REG. NUM. #38615

ATTACHMENT J

From: Andrew Getch
To: Anthony Palermo
Date: 11/28/05 2:01PM
Subject: DCI2005-00055 Diplomat Property RPD/CPD

Tony,
This project is along a state road (US 41) and a City of Cape Coral maintained road (Diplomat Pkwy). FDOT has jusrisidction over the intersection and whether a signal will be installed. Therefore, LCDOT has no substantive comments.

Andy Getch, P.E.
Senior Engineer
Lee County Department of Transportation
getchaj@leegov.com
PHONE (239) 479-8510
FAX (239) 479-8520

ATTACHMENT K

July 2, 2005

Dear Mr. Palermo:

My husband and I have been trying to educate ourselves as to the future developments that are being planned on the property behind our homes (we own 2) on 57 and 58 Snead Drive in Six Lakes Country Club. Our back yards back up to a creek that runs from Littleton Rd. to Diplomat Rd. (west of 41 (Cleveland) and behind that is a hug mass of woods, trees, and shrubbery. This is the main reason we purchased this land. It is quiet and private and we love the wildlife we see and hear from the water and the woods. There are so many kinds of birds, bald eagles, hawks, and many we are just learning about. The butterflies fly by the hundreds and look like colored cotton balls flying around the trees and bushes. The sounds of the bees, birds and fish splashing in the water is so soothing. We have also seen huge turtles, bobcats, and panthers and hundreds of rabbits running around. It has been our little paradise.
We are planning within the next few months to have another house built on one of our sights but are hesitant as we are concerned as to the future construction that is being planned behind us. We have gotten notices from your office as to the area of development but aren't sure how the property behind ALL of Snead Drive and it's cul-de-sacs, will be effected. Our community is quite concerned as these are our retirement homes and hopefully our last homes.

We certainly are not against progress. Ass we ask is that you don't take away our creek and woods. A buffer of about 30' of the trees and shrubs that are currently there would be necessary to preserve the present beauty and of course save the homes and shelters of much of our wildlife.

The building of our new home will be on 'hold' until your plans for this area have been made definite and known to us. If petitions from our neighbors are needed, we will be glad to get them and send them to you. Please let me know.

My husband, Michael, has spoken to you regarding this matter and we would appreciate your keeping us updated as this is VERY important to our future at Six Lakes. Thank you.

Sincerely

Lorraine E. Dessart
58 Snead Dr., N.Ft.Myers, Fl. 33903
239-995-2047

ATTACHMENT L

September 2, 2005

RECEIVED
SEP 06 2005
COMMUNITY DEVELOPMENT

Mr. Tony Palermo, Senior Planner
Lee County Community Development
Zoning Division
1500 Monroe St.
Fort Myers, FL 33901

Re: **Diplomat Property RPD/CPD**
DC12005-00055

Dear Sir:

I am a resident and director at Six Lakes Country Club in North Fort Myers. I am writing you with regard to the above, specifically the **Protected Species Survey**.

Enclosed you will find pictures taken through our fence of the property by the canal separating Six Lakes from the Diplomat property in question. There are at least two animals which appear to be Florida Panthers that roam around the property freely. We were lucky to get these pictures just before sunset as they do most of the roaming at night. I feel this issue must also be addressed.

Thank you for your consideration.

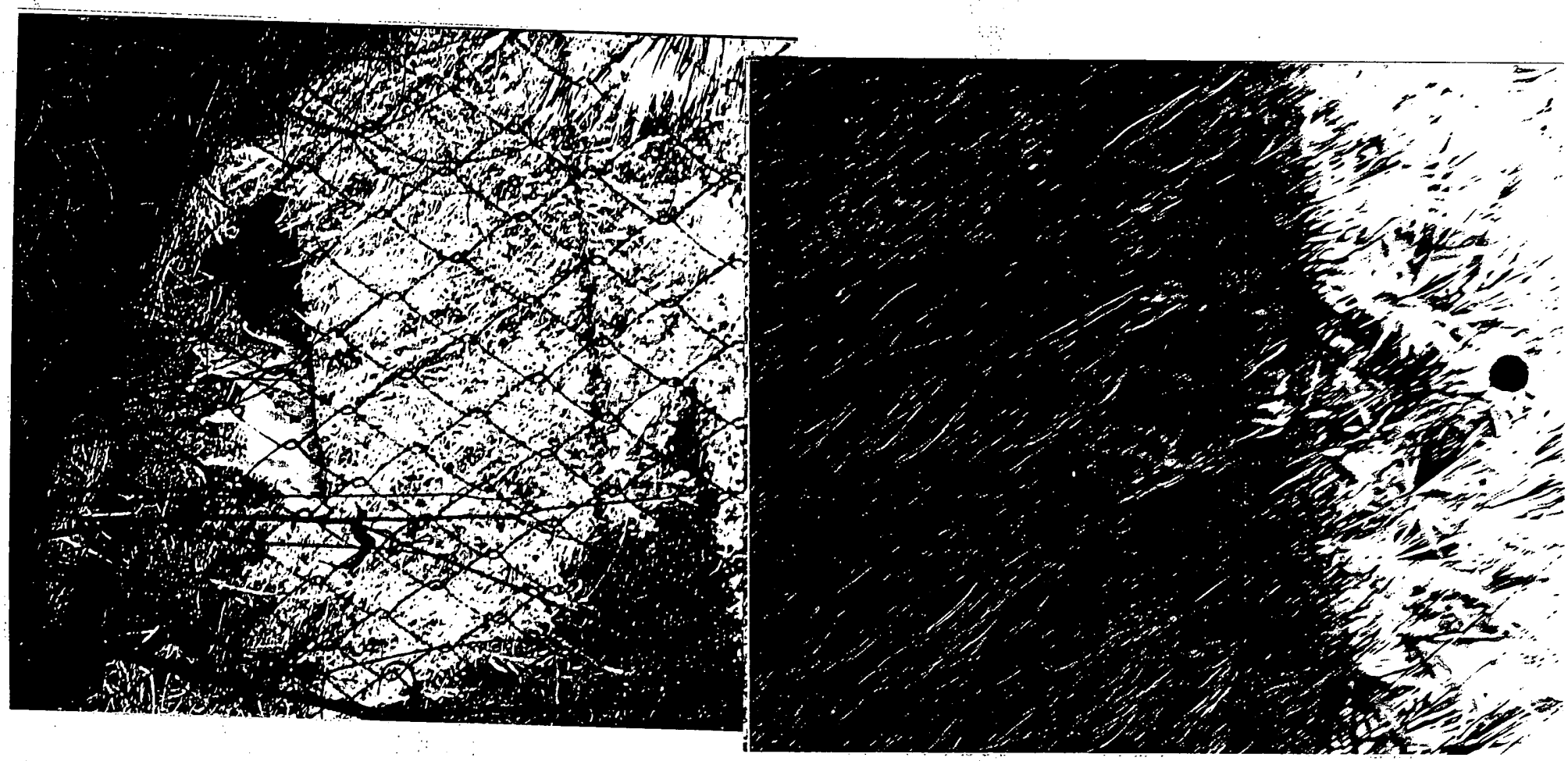
Sincerely,

Robert St. Joseph
63 Snead Dr.
N. Fort Myers, FL 33903
239-995-2928
Encl. 2 pictures

Cc: Marc Woods, General Manager
Six Lakes Country Club

ATTACHMENT L

ATTACHMENT L



STAFF REPORT
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ENVIRONMENTAL SCIENCES

Date: **December 22, 2005**

To: **Tony Palermo, Senior Planner**
From: **Kim Trebatoski, Principal Environmental Planner**
Phone: (239) 479-8183
E-mail: trebatkm@leegov.com

Project: **Diplomat RPD/CPD**
Case: **DCI2005-00055**
STRAP: **34-43-24-00-00001.3030**

The Division of Environmental Sciences (ES) staff have reviewed the proposed Diplomat Residential Planned Development (RPD)/Commercial Planned Development (CPD), and conducted field inspections of the property.

Vegetation:
The property contains 37.82 acres of indigenous plant communities and 12.84 acres of previously disturbed lands.

Protected Species:
Fourteen gopher tortoise burrows were located onsite of which five burrows were active, five burrows were inactive and four burrows were abandoned.

Open Space:
The commercial portion of the project requires 30% or 4.88 acres of open space, and the residential portion of the project requires 40% or 19.54 acres open space. The open space table does not allocate the open space to particular parcels, therefore, each parcel will need to provide the minimum open space. ES staff recommend the following condition to confirm the open space requirement:

Prior to local development order approval, the landscape plans must demonstrate that each commercial parcel is providing a minimum of 30% open space, and a minimum of 40% common open space is provided within the residential tract.

Indigenous Preservation:
Fifty percent or 12.21 acres of the required open space must be provided as indigenous plant community preservation. The applicant has proposed a contiguous preserve that includes both upland and wetland habitats. The proposed preserve is abuts the preserve and water management areas of the commercial project to the south. The design of the preserve provides a larger contiguous

ATTACHMENT M

habitat area than if placed elsewhere on the property. The size and location of the preserve allows for preservation credits to be taken as shown on the Master Concept Plan.

Gopher Tortoise Management Plan:
The indigenous preservation area was designed to incorporate gopher tortoise habitat along the western portion of the preserve. A detailed indigenous preservation management plan will need to be submitted for review and approval through the development order process. This plan will need to include how the preserve will be maintained as gopher tortoise habitat. ES staff recommend the following condition to confirm the gopher tortoise management plan requirements:

Prior to local development order approval: (1) a detailed indigenous preservation management plan must be submitted for the Division of Environmental Sciences staff review and approval that includes methods of maintaining the western 3.0 acres of the preserve as gopher tortoise habitat; and (2) the landscape plans must include a permanent gopher tortoise fence along Diplomat Parkway where the 3.0 acre gopher tortoise preserve abuts this roadway and a double staggered native hedge (minimum 3-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted on the roadside of the fence; and (3) the landscape plans must delineate a double staggered native hedge (minimum 3-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted along the interface of the indigenous preserve with the residential tract.

Prior to issuance of a Vegetation Removal Permit, all invasive exotic vegetation and manmade debris must be hand removed from the indigenous preserve.

Deviation 3:
The applicant is requesting a deviation from LDC Section 10-415(b)(1)(a) to allow an existing roadway easement that is to be vacated to be allowed as part of the indigenous preserve. The existing roadway was built to the east of the recorded roadway easement. There is existing pine flatwoods and sabal palm/oak hammock within the recorded roadway easement. This area contains existing native plant communities, therefore, it is appropriate preservation area once the recorded easement is vacated. Therefore, ES staff recommend APPROVAL with the following CONDITION:

Prior to local development order approval, the existing roadway easement depicted within the indigenous preserve must be vacated.

Deviation 4:
The applicant is requesting a deviation from LDC Section 10-415(b)(1)(a) to allow a stormwater management outfall pipe to be installed through the preserve, and then restore the plant community after the installation of the pipe. ES staff have had a similar request previously, and determined the intent of the LDC is better met through a well designed swale for the outfall instead of a piped system. This allows for less disturbance to the preserve both during construction and any subsequent maintenance required. Therefore, ES staff recommends the following CONDITION of APPROVAL:

ATTACHMENT M

Prior to local development order, the development orders plans must delineate the general location of the surface water management outfall through the indigenous preserve to the canal. The outfall must be designed as an open system that can be planted with native vegetation.

Prior to issuance of a Vegetation Removal Permit, the location of the surface water management outfall through the indigenous preserve must be field staked to avoid impacting any large native trees or gopher tortoise burrows for the Division of Environmental Sciences staff review and approval.

Property Development Regulations:
The LDC was revised in August 2005 to establish minimum building setbacks from preserve areas. The proposed 25-foot building setback from preserves meets the intent of the adopted regulations. However, the proposed 10-foot setback for accessory structures does not meet the intent of the new regulations. ***ES staff recommends the preserve setback be 25-feet for buildings and accessory structures.***

ATTACHMENT M

INSTRUCTIONS
(Section C.1.c., Lee County Administrative Code AC 2-8)

A zoning sign must be posted on the parcel subject to any zoning application for a minimum of fifteen CALENDAR (15) days in advance of the Hearing Examiner's Public Hearing and maintained through the Board of County Commissioners Hearing, if any. This sign will be provided by the Zoning Division in the following manner:

a. Signs for case #DCI2005-00055 must be posted by **Tuesday, December 27, 2005**.
b. The sign must be erected in full view of the public, not more than five (5) feet from the nearest street right-of-way or easement.
c. The sign must be securely affixed by nails, staples or other means to a wood frame or to a wood panel and then fastened securely to a post, or other structure. The sign may not be affixed to a tree or other foliage.
d. The applicant must make a good faith effort to maintain the sign in place, and readable condition until the requested action has been heard and a final decision rendered.
e. If the sign is destroyed, lost, or rendered unreadable, the applicant must report the condition to the Zoning Division, and obtain duplicate copies of the sign from the Zoning Division.

The Division may require the applicant to erect additional signs where large parcels are involved with street frontages extending over considerable distances. If required, such additional signs must be placed not more than three hundred (300) feet apart.

When a parcel abuts more than one (1) street, the applicant must post signs along each street. When a subject parcel does not front a public road, the applicant must post the sign at a point on a public read which leads to the property, and the sign must include a notation which generally indicates the distance and direction to the parcel boundaries and the dimensions of the parcel.

NOTE: AFTER THE SIGN HAS BEEN POSTED, THE AFFIDAVIT OF POSTING NOTICE, BELOW, SHOULD BE RETURNED NO LATER THAN THREE (3) WORKING DAYS BEFORE THE INITIAL HEARING DATE TO LEE COUNTY ZONING DIVISION, 1500 MONROE ST., FT. MYERS, FL 33901.

(Return the completed Affidavit below to the Zoning Division as indicated in previous paragraph.)

AFFIDAVIT OF POSTING NOTICE

STATE OF FLORIDA
COUNTY OF LEE

BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED Jonathan Hagan
WHO ON OATH SAYS THAT HE/SHE HAS POSTED PROPER NOTICE AS REQUIRED BY SECTION 34-236(b) OF THE LEE COUNTY LAND DEVELOPMENT CODE ON THE PARCEL COVERED IN THE ZONING APPLICATION REFERENCE BELOW:

RECEIVED
DEC 29 2005
Cwm 1:40pm
COMMUNITY DEVELOPMENT

SIGNATURE OF APPLICANT OR AGENT
Jonathan Hagan, Banks Engineering
NAME (TYPED OR PRINTED)
10511 Six Mile Cypress Pkwy
ST. OR PO BOX
Fort Myers, FL 33912
CITY, STATE & ZIP

#DCI2005-00055/DIPLOMAT PROPERTY RPD/CPD/01/12/2006/JSS

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to and subscribed before me this 23rd day of December, 2005 by Jonathan Hagan, personally known to me or who produced _____ as identification and who did/did not take an oath.

Mary C Gagnon
My Commission DD087084
Expires January 27, 2008

Mary C. Gagnon
Signature of Notary Public
Mary C. Gagnon
Printed Name of Notary Public

My Commission Expires:
(Stamp with serial number)

LEE COUNTY
SOUTHWEST FLORIDA

RECEIVED
JUN 03 2005
PERMIT COUNTER

APPLICATION FOR PUBLIC HEARING FOR UNINCORPORATED AREAS ONLY

Applicant's Name: Athyrio Development Associates, LLC

Project Name: Diplomat Property RPD/CPD

STRAP Number(s): 34-43-24-00-00001.3030

TYPE OF APPLICATION

Special Exception **(attach Supplement A)**

___ Variance **(attach Supplement B)**

___ Conventional Zoning **(attach Supplement C)**

✓ Planned Development (not PRFPD) **(attach Supplement D)**

___ Amendment to built Planned Development **(Supplement D may be required)**

___ Private Recreational Facilities Planned Development **(attach Supplement D)**

___ DRI - with rezoning **(attach Supplement D and completed DRI Application)**

___ DRI - without rezoning **(attach copy of ADA)**

___

IS THIS PROJECT LOCATED IN THE ESTERO OR CAPTIVA PLANNING COMMUNITY?
☐ Yes* ☒ No
*If yes, please provide the meeting summary document and label accordingly.

****

STAFF USE ONLY

Case Number: DCI2005-00055 Commission District: 4

Current Zoning: AG-2 Fee Amount: $12,140.00

Land Use Classification: CENTRAL URBAN Intake by: RW

Planning Community: North Ft Myers

****

LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (239) 479-8585

PART 1
APPLICANT\AGENT INFORMATION

A. Name of applicant: Athyrio Development Associates, Inc.

Address: Street: 301 Yamato Road, Suite 3191

City: Boca Raton State: Florida Zip: 33431

Phone: Area Code: (561) Number: 994-8572 Ext:

Fax: Area Code: (561) Number: 394-7136

E-mail address:

B. Relationship of Applicant to owner (check one):

Applicant (individual or husband & wife) is the sole owner of the property. [34-201(a)(1)a.1.]

Applicant has been authorized by the owner(s) to represent them for this action.

Notarized Affidavit of Authorization form is attached as **Exhibit PH-1.B.2.** [34-202(b)(1)c.]

✓ Applicant is a contract purchaser/vendee. [34-202(b)(1)d.]

✓ **Notarized Affidavit of Authorization form** is attached as **Exhibit PH-1.B.2.** [34-202(b)(1)c.]

Application is County initiated. BOCC authorization is attached as **Exhibit PH-1.B.3**

C. Authorized Agent: Name of the person who is to receive all county-initiated correspondence regarding this application. [34-202(b)(1)c.]

C.1. Company Name: Banks Engineering, Inc.

Contact Person: Jon Hagan

Address: Street : 10511 Six Mile Cypress Parkway Suite 101

City: Fort Myers State: Florida Zip: 33912

Phone: Area Code: (239) Number: 939-5490 Ext:

Fax: Area Code: (239) Number: 939-2523

E-mail address: jhagan@bankseng.com

C.2. ✓ **Additional Agent(s): The names of other agents that the county may contact concerning this application are attached as Exhibit PH-1.C.2.** [34-202(b)(1)c.]

PART 2
PROPERTY OWNERSHIP

A. **Property Ownership: Single owner** (individual or husband & wife only) [34-201(a)(1)a.1.]

A.1. **Name:** Richard K. Bennett, Successor Trustee of the North Trail Land Trust, Number 10-F010-00-2 dated October 11, 1988

Mailing Address: Street: 3319 Boca Ciega Dr.

City: Naples State: FL Zip: 33903

Phone: Area Code: Number: Ext:

Fax: Area Code: Number:

E-mail:

B. **Property Ownership: Multiple owners** (Corporation, partnership, trust, association) [34-201(a)(1)].

B.1. ✓ **Disclosure Form** is attached as **Exhibit PH-2.B.1.** [34-201(b)2]

C. **Multiple parcels**

C.1. **N/A** **Property owners list** is attached as **Exhibit PH-2.C.1.** [34-202(a)(5)]

C.2. **N/A** **Property owners map** is attached as **Exhibit PH-2.C.2.** [34-202(a)(5)]

D. **Date property was acquired by present owner(s):** **03/31/93**

PART 3
PROPERTY INFORMATION

A. **STRAP Number(s):** 34-43-24-00-00001.3030

B. **Street Address of Property:** 15501 North Cleveland Avenue

C. **Legal Description**

✓ **Legal description** (on 8 1/2" by 11" paper) is attached as **Exhibit PH-3.C.1.** [34-202(a)(1)]

Electronic version of the legal description is attached as **Exhibit PH-3.C.2.**

D. **Boundary Survey or certified sketch of description:** (check appropriate response)

The property consists of one or more undivided platted lots in a subdivision recorded in the Official County Plat Books. A copy of the applicable plat book page is attached as **Exhibit PH-3.D.1.** [34-202(a)(2)]

The request is for a conventional rezoning, special exception, or variance on a parcel less than ten acres in area. Attached is a (check one) Certified sketch of description attached as **Exhibit PH-3.D.2.** or a Boundary survey attached as **Exhibit PH-3.D.2** [34-202(a)(2)]

✓ The request is for a Planned Development or consists of ten or more acres. A Boundary survey, tied to the state plane coordinate system, is attached as **Exhibit PH-3.D.3.** [34-202(a)(2)]

E. **Planning Community:** North Fort Myers

F. **General Location of Property**:

F.1. ✓ **Area location map** is attached as **Exhibit PH-3.F. [34-202(a)(4)]**

F.2. **Directions to property:** US 41 North, go over Caloosa Bridge, left on Diplomat Parkway, property is on North side of road.

G. **Surrounding property owners:**

G.1. ✓ **List of surrounding property owners** is attached as **Exhibit PH.3.G.1.** [34-202(a)(6)]

G.2. ✓ **Map of surrounding property owners** is attached as **Exhibit PH.3.G.2.** [34-202(a)(7)]

G.3 ✓ **2 sets of mailing labels** are attached as **Exhibit PH.3.G.3.** [34-202(a)(6)]

H. **Current Zoning of Property:** AG-2

I. **Current use of property**:

✓ **Current Non-agricultural uses of the property are:** Vacant

N/A **Current Agricultural uses on the property** are shown in **Exhibit PH-3.I.** [34-202(b)(7)]

J. **Land Use Classification:**

Central Urban	65.13	Acres	100	**% of total**
		Acres		**% of total**
		Acres		**% of total**
		Acres		**% of total**

K. **Flood Hazard** (write NA if not applicable) [34-202(a)(8)]

N/A The property is within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s.

N/A The minimum elevation required for the first habitable floor is _____ NGVD (MSL)

L. Deed Restrictions

L.1. ✓ There are no deed restrictions or other covenants on this property that affect this request.

L.2. N/A Deed restrictions\ covenants that may affect this request are attached as **Exhibit PH-3.L .2.**

L.3. N/A A narrative explanation as to how the deed restrictions or covenants may affect this request. is attached as **Exhibit PH-3.L.3** [34-202(b)(2)]

M. Property Dimensions [34-202(a)(8)]

1.	Width (average if irregular parcel):	1,615 (average)	Feet		
2.	Depth (average if irregular parcel):	960 (average)	Feet		
3.	Total area:	65.13	Acres or square feet		
4.	Frontage on road or street:	1,960	Feet on	Diplomat	Parkway
	2nd Frontage on road or street:	N/A	Feet on		Street

PART 4
ACTION REQUESTED

A. Action Requested: [check applicable action(s)]

____ **Special Exception** for _____ **Attached is Supplement A**

____ **Variance** for _____ **Attached is Supplement B**

____ **Conventional Rezoning from:** _____ **to** _____ **Attached is Sup. C**

✓ **Planned Development rezoning** from AG-2 **to** RPD/CPD

✓ DCI – Major: **Attached is Supplement D**

____ DCI – Minor: **Attached is Supplement D**

Request is for PRFPD zoning in the Private Recreational Facilities Overlay Area.

____ **Attached is Supplement D**

____ **Planned Development Amendment. Attached is the Supplement D**

____ **Public Hearing for DRI**

____ No rezoning is required.

____ Rezoning is required. **Attached is the Supplement D**

B. Excavations:

✓ No blasting will be used in the excavation of lakes or other site elements.

N/A A map indicating the general location of the proposed blasting locations is attached as **Exhibit PH-4.B** [34-202(b)(6)]

C. Bonus Density (put NA if not applicable)

N/A Bonus density will be used. Attached is **Exhibit PH-4.C** showing calculations. [34-202(b)(5)]

D. Hazardous materials (put NA if not applicable)

N/A A Hazardous materials emergency plan is attached as **Exhibit PH-4.D** [34-202(b)(4)]

E. Mobile Home Park (put NA if not applicable)

N/A Request includes rezoning of a Mobile Home Park. **Attached is Exhibit PH-4.E** [34-203(d)]

F. Aviation Hazard (put NA if not applicable)

N/A Property is subject to Airport Hazard District regulations. **Attached is Exhibit PH-4.F** [34-1001 et seq]

N/A A tall structures permit will be required.

N/A Property is located within Noise zone: _____

G. Estero Planning Community (put NA if not applicable)

N/A A summary of public informational session. **Attached is Exhibit PH-4.G** [34-373(a)(10)]

H. Captiva Planning Community (put NA if not applicable)

N/A A summary of public informational session. **Attached is Exhibit PH-4.H** [Lee Plan Policy 21.7]

I. Waivers from Application Submission Requirements: The following waivers have been approved by the Director of Zoning Services and are attached as **Exhibit PH-4.I** [Section 34-202(a)]

Section Number	**Name of item**

PART 6
SUBMITTAL REQUIREMENTS

THE NUMBER OF COPIES REQUIRED FOR EACH EXHIBIT IS BASED ON THE ACTION REQUESTED AS INDICATED BELOW. TO BE SUBMITTED FOR EACH OF THE FOLLOWING EXHIBITS IS AS FOLLOWS:

			Exhibits	SUBMITTAL ITEMS
Var.	Conv. Rez. or Spe. Exc.	PDs & DRIs		
1	1	12		Completed application for Public Hearing [34-201(b)]
1	1	1		Filing Fee - [34-202(a)(9)]
				SUPPLEMENTAL FORMS (select applicable form)
0	1	0	SUP A	Special Exception supplement
1	0	0	SUP B	Variance supplement
0	1	0	SUP C	Conventional rezoning
0	0	12	SUP D	Planned Development Rezoning or DRI with PD Rezoning requested
0	0	12	SUP-D	Planned Development Amendment
0	0	12	SUP D	PRFPD in in Overlay Area Rezoning supplement
0	0	12	ADA	DRI no rezoning requested
				EXHIBITS
1	1	3	PH-1.B.2	Notarized Affidavit of Authorization Form [34-202(b)(1)c]
1	1	1	PH-1.B.3	BOCC authorization (if applicable)
1	1	12	PH-1.C.2	Additional agents
1	1	3	PH-2.B.1.	Disclosure Form [34-201(b)(2)a]
1	1	3	PH-2.C.1	Subject property owners list (if applicable) [34-202(a)(5)]
1	1	3	PH-2.C.2	Subject Property Owners map (if applicable) [34-202(a)(5)]
2	2	3	PH-3.C.1	Legal Description [34-202(a)(1)]
1	1	1	PH-3.C.2	Electronic version of legal description (if available)
1	1	4	PH-3.D.1	Copy of Plat Book Page (if applicable) [34-202(a)(1)]
1	1	4	PH-3.D.2	Certified sketch of description (less than ten acres) [34-202(a)(2)]
1	1	4	PH-3.D.3	Boundary survey (all PDs and anything ten acres or more) [34-202(a)(2) & [34-373(a)(4)a.]
1	1	0	PH-3.F	Area Location Map on 8 by 11 paper pursuant to sec. 34-202(a)(4). (Non Planned Developments)
0	0	0		Area Location Map for Planned Developments - see Supplement D
1	1	3	PH-3.G.1	List of Surrounding Property Owners [34-202(a)(6)]
1	1	3	PH-3.G.2	Map of Surrounding Property Owners [34-202(a)(7)]
2	2	2	PH-3.G.3	Mailing labels [34-202(a)(6)]
0	1	12	PH-3.I	Agricultural uses at time of zoning application. [34-202(b)(7)]
1	1	3	PH-3.L.2	Deed Restrictions\Covenants [34-202(b)(2)]

1	1	3	PH-3.L.3	Narrative addressing effect of Deed Restrictions [34-202(b)(2)]
1	1	12	PH-4.B	Location of proposed blasting (if applicable). [34-202(b)(6)]
0	0	4	PH-4.C	Bonus Density units (if applicable) [34-202(b)(5)]
1	1	4	PH-4.D	Hazardous materials emergency plan (if applicable) [34-202(b)(4)]
0	1	4	PH-4.E	Mobile Home Park Information (if applicable) [34-203(d)]
1	1	4	PH-4.F	Aviation Hazard (if applicable) [34-1001 et seq.]
1	1	4	PH-4.G	Developments located within Estero Planning District [34-373-(a)(10]
1	1	4	PH-4.H	Developments located within Captiva Planning District [Lee Plan Policy 21.7)
1	1	12	PH-4.I	Approved Waivers [34-202(a)]
				ADDITIONAL REQUIREMENTS FOR DRIs NOT INVOLVING A REZONING
0	0	12		Notice of proposed change Substantial Deviations Form RPM-BSP-Proposed Change - 1 pursuant to Section 380.06(19) F.S.
0	0	12		DRI, AMDA, FQD Form RPM-BSP-ADA - 1. Application for Development Approval pursuant to Section 380.06 F.S.
0	0	12		Abandonment Form RPM-BSP-Abandonment-DRI-1. Application for abandonment of a DRI.

EXHIBIT PH-1.C.2
ADDITIONAL AGENTS

Company Name: **Calusa Coast Ecologists, Inc.**
Contact Person: **Ilene**

Address: Street: **4666 Siesta Circle**
City: **Fort Myers** State: **FL** Zip: **33901**
Phone: Area Code: **(239)** Number: **939-7427** Ext:
Fax: Area Code: **(239)** Number: **274-3020**
E-mail address:

Company Name: **Metro Transportation Group, Inc.**
Contact Person: **Ted Treesh**

Address: Street: **12651 McGregor Boulevard, Suite 4-403**
City: **Fort Myers** State: **FL** Zip: **33919**
Phone: Area Code: **(239)** Number: **278-3090** Ext:
Fax: Area Code: **(239)** Number: **278-1906**
E-mail address: **tbt@metrotransportation.com**

Company Name:
Contact Person:

Address: Street:
City: State: Zip:
Phone: Area Code: Number: Ext:
Fax: Area Code: Number:
E-mail address:

Company Name:
Contact Person:

Address: Street:
City: State: Zip:
Phone: Area Code: Number: Ext:
Fax: Area Code: Number:
E-mail address:

PART V AFFIDAVIT A2 DCI2005-00055

AFFIDAVIT

APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, *John T. Kinsey as Manager of Athyrio Development Associates, LLC, swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I am hereby authorizing the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Athyrio Development Associates, LLC
*Name of Entity (corporation, partnership, LLP, LC, etc)

Signature

John T. Kinsey
(Typed or Printed name)

Manager
(Title of signatory)

RECEIVED
JUN 03 2005
PERMIT COUNTER

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 5/31/05 (date) by John T. Kinsey (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

Signature of person taking oath or affirmation

EXECUTIVE ASSISTANT/NOTARY
Title or Rank

Name typed, printed, or stamped

Jennifer C. Grugan
NOTARY PUBLIC STATE OF FLORIDA
Commission # DD348775
Expires: AUG. 22, 2008
Bonded Thru Atlantic Bonding Co., Inc.

Serial number, if any

Notes:
- *If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.*
- *If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.)., then the documents should typically be signed by the Company's "Managing Member".*
- *If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.*
- *If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.*
- *If the applicant is a trustee, then the they must include their title of "trustee".*
- *In each instance, first determine the applicant=s status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.*

EXHIBIT PH-2.B.1
DISCLOSURE OF INTEREST FORM FOR:

STRAP NO. 34-43-24-00-00001.3030 **CASE NO.** _____

1. If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address	Percentage of Ownership

2. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name and Address	Percentage of Stock

3. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address	Percentage of Interest

4. If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address	Percentage of Ownership

5. If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name and Address		Percentage of Stock
Athyrio Development Associates, LLC P.O. Box 811987 Boca Raton, FL 33481	Contract Purchaser	
Kinsey Family Holdings, L.P. P.O. Box 811987 Boca Raton, FL 33481	Member of Contract Purchaser	50%
James E. Kinsey 9101 West College Pointe Drive Suite 1 Ft. Myers, FL 33919	Member of Contract Purchaser	50%

Date of Contract: 6-18-04

6. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name and Address	

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

Athyrio Development Associates, LLC

By: John T. Kinsey, Manager

Applicant

Printed or typed name of applicant

DCI2005-00055

RECEIVED
JUN 03 2005
PERMIT COUNTER

STATE OF FLORIDA
COUNTY OF ~~LEE~~ PALM BEACH

The Forgoing instrument was acknowledged before me this 31 day of May 2005 by John T. Kinsey who is personally known to me or has produced _____ as identification.

Signature of Notary Public

Jennifer C. Grugan
Printed name of Notary Public

(seal)

Jennifer C. Grugan
Commission # DD348775
Expires: AUG. 22, 2008
Bonded Thru
Atlantic Bonding Co., Inc.

DCI2005-00055

RECEIVED
JUN 03 2005
PERMIT COUNTER

EXHIBIT PH-2.B.1
DISCLOSURE OF INTEREST FORM FOR:

STRAP NO. 34-43-24-00-00001.3030 **CASE NO.** _____

1. If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address	Percentage of Ownership

2. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name and Address	Percentage of Stock

3. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address	Percentage of Interest
Richard K. Bennett, Successor Trustee	

4. If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address	Percentage of Ownership

5. If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name and Address	Percentage of Stock

RECEIVED
JUN 03 2005
PERMIT COUNTER

Date of Contract: _____

6. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name and Address	

DCI2005-00055

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

Richard K. Bennett

Applicant

Richard K. Bennett, Successor Trustee of the North Trail Land Trust, Number 10-F010-00-2 dated October 11, 1988

Printed or typed name of applicant

STATE OF FLORIDA
COUNTY OF ~~LEE~~ Collier

The Forgoing instrument was acknowledged before me this 15th day of March 2005 by Richard K Bennett who is personally known to me or has produced _____ as identification.

Barbara A Thompson

Signature of Notary Public

_____

Printed name of Notary Public

(SEAL) BARBARA A. THOMPSON
MY COMMISSION # DD 303668
EXPIRES: March 26, 2008
Bonded Thru Notary Public Underwriters

LEE COUNTY
SOUTHWEST FLORIDA

RECEIVED
JUN 03 2005
PERMIT COUNTER

SUPPLEMENT D

ADDITIONAL REQUIRED INFORMATION FOR A PLANNED DEVELOPMENT APPLICATION UNINCORPORATED LEE COUNTY

Case Number: DCI2005-00055

Project Name: Diplomat Property RPD/CPD

Authorized agent: Banks Engineering, Inc.

STRAP Number(s): 34-43-24-00-00001.3030

Select one only

	DRI (rezoning required)		DCI-Minor - Amend. to approved master concept plan [2]
✓	DCI-Major		Amend. to built planned development meeting DCI threshold. [3]
	DCI-Minor		
	DCI-Minor - Existing Dev. [1]	___	PRFPD in Private Recreational Facilities Overlay Area [(34-341(a)(2)]

Notes:

(1) Existing development. A development that has already been developed but does not conform to the regulations for a conventional district and is requesting a rezoning to a planned development classification. It will be reviewed in the same manner as a minor planned development except that a traffic impact statement will not be required. [34-341(b)(2)d.1.]

(2) Amendments to application. Application to amend an approved major or minor master concept plan or its attendant documentation, or for the extension of a vacated master concept plan originally approved prior to December 2, 1991. It will be treated procedurally as minor planned developments. These applications will require only as much information, as deemed necessary by the director, needed to describe the changes requested, to specify the incremental change in impacts expected from the amendment, and to detail the changes in development, environment and background (surrounding land use, traffic volumes, water, wastewater and other service availability, etc.), that have occurred since the original application. [34-341(b)(2)d.2.]

(3) Amendments to built planned developments (PD). An application for a variance or other approval covered by this chapter wherein the subject property is the only part of the original planned development for which the approval is sought. Application meets the threshold for a development of county impact and will be reviewed in accordance with the provisions for reviewing developments of county impact. Applicant must be the owner of the subject property and the consent of the owners of the remainder of the original planned development will be unnecessary. However, these owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property.

For purposes of this subsection, the term "built" means that all of the roads, utilities, buffering, open space, surface water management features and structures, common space, common amenities, common landscaping, gatehouses, entrance signs, entrance ways and other similar items identified as part of the final approved master concept plan have been constructed and acknowledged by the county as complete. In the case of residential planned developments or mixed developments which include residential structures, the term "built" does not mean that all residential structures must have been constructed on individual platted lots.

PART 1
GENERAL INFORMATION

A. Comprehensive Plan Amendments (check one):

✓ There are **NO** Lee Plan Amendments pending that could affect the future use of this property.

N/A The following Lee Plan Amendments **ARE** pending and could affect the future use of this property. (List uses and brief explanation of their effect on this application):

B. Archaeological/Historical (check one):

✓ There are **NO** known or recorded historical or archaeological sites on the property and no part of the property is located within a level 1 or level 2 zone of archaeological sensitivity pursuant to chapter 22. **[34-373(a)(4)f.]**

N/A There are known or recorded historical or archaeological sites on the property or part of the property is located within a level 1 or level 2 zone of archaeological sensitivity pursuant to chapter 22. Attached as **Exhibit 1-B** is a map indicating the nature and location of known or recorded historical or archaeological or areas of the property located within level 1 or level 2 zones of archaeological sensitivity including the outline of historic buildings and approximate extent of archaeological sites. **[34-373(a)(4)f.]**

C. Public Transit (check one):

N/A Property is **NOT** within the Lee Tran public transit service area.

✓ Property is within the Lee Tran public transit service area. **Exhibit 1-C** shows the property in relation to existing and proposed public transit routes,

D. Density

N/A There are no residential dwelling units proposed for this development.

✓ The property is located within one or more Future Land Use categories. Density has been calculated in **Part 3** of this application and is summarized below:

Intensive Development	_____	Proposed dwelling units
Central Urban	462	Proposed dwelling units
Urban Community	_____	Proposed dwelling units
Suburban	_____	Proposed dwelling units
Outlying Suburban	_____	Proposed dwelling units
TOTAL	462	Proposed dwelling units

PART 2
TYPES OF LAND AREA ON PROPERTY

A.	**Gross Acres (total area within described parcel)**			65.13+ 4.44 ROW= **69.57**	**Acres**
	1.	Submerged land subject to tidal influence:	Ø Acres		
	2.	Other non-freshwater Wetlands:	Ø Acres		
	3.	R-O-W providing access to non-residential uses:	Ø Acres		
	4.	Non-residential use areas (1)	16.73 Acres		
B.	**Total area not eligible as gross residential acreage. Items A.1. + A.2 + A.3. + A.4.**			16.73	**Acres**
C.	**Gross residential acres. (A minus B)** (2)			52.84	**Acres**
D.	**Gross residential acres by Land Use Category**				
	1. a.	Intensive development - Upland	_____ Acres		
	b.	Intensive development - freshwater wetland	_____ Acres		
	2. a.	Central Urban - Upland	44.81 Acres		
	b.	Central Urban - freshwater wetland	8.03 Acres		
	3. a.	Urban Community or Suburban - Upland	_____ Acres		
	b.	Urban Community or Suburban freshwater wetland	_____ Acres		
	4. a.	Outlying Suburban - Upland	_____ Acres		
	b.	Outlying Suburban - freshwater wetland	_____ Acres		
	5. a.	Rural, Outer Island, Rural Community Preserve - Upland	_____ Acres		
	b.	Rural, Outer Island, Rural Community Preserve - freshwater wetland	_____ Acres		
	6. a.	Open Lands - Upland	_____ Acres		
	b.	Open Lands - freshwater wetland	_____ Acres		
	7. a.	DR/GR - Upland	_____ Acres		
	b.	DR/GR - freshwater wetland	_____ Acres		
	8. a.	Wetlands - freshwater	_____ Acres		
	b.	Wetlands - not - freshwater	_____ Acres		
	9. a.	New Community - Upland	_____ Acres		
	b.	New Community - freshwater wetland	_____ Acres		
	10. a.	University Community - Upland	_____ Acres		
	b.	University Community - freshwater wetland	_____ Acres		
	11.	**TOTAL** (should equal AC@ above)	52.84 Acres		

NOTES:

(1) Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included.

(2) Lands to be used for residential uses including land within the development proposed to be used for streets and street rights of way, utility rights-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made waterbodies.

PART 3
RESIDENTIAL DEVELOPMENTS
PRELIMINARY DENSITY CALCULATIONS*

* Notes: 1. Complete only if living units are proposed in a Future Land Use Category.
2. If more than one classification, calculations for each classification must be submitted.
3. If wetlands are located on the property, density calculations are considered preliminary pending a wetlands jurisdictional determination.

A. Intensive Development Category N/A

1.	**Preliminary Standard Units**	**Maximum standard density**		**Units**
	a. Total upland Acres (from Part 2, D.1.a.)	_____	times 14 equals	_____
	b. Total freshwater wetland Acres (from Part 2, D.1.b.)		times 14 equals	_____
	c Preliminary Total Standard units (a. plus b.) (1)			_____
2.	**Maximum Permitted Units**	**Maximum permitted**		**Units**
	a. Total upland Acres (from Part 2, D.1.a.)	_____	times 18 equals	_____
3.	**Total allowed standard units (A.1.c. or A.2.a., whichever is less)**			
4.	**Bonus Units** (2)			
	a. Low-moderate housing density:			_____
	b. TDR units:			_____
	c. Sub-total (A.4.a. plus A.4.b.)			_____
5.	**Total Permitted Units (A.3. plus A.4.c.):** (1)			_____

B. Central Urban Category

1.	**Preliminary Standard Units**	**Maximum standard density**		**Units**
	a. Total upland Acres (from Part 2, D.2.a.)	45.27	times 10 equals	452
	b. Total freshwater wetland Acres (from Part 2, D.2.b.)	8.03	times 10 equals	80
	c. Preliminary Total Standard units (a. plus b.) (1)			532
2.	**Maximum Permitted Units**	**Maximum permitted**		**Units**
	a. Total upland Acres (from Part 2, D.2.a.)	45.27	times 12.5 equals	565
3.	**Total allowed standard units (B.1.c. or B.2.a., whichever is less)**			532
4.	**Bonus Units** (2)			
	a. Low-moderate housing density:			_____
	b. TDR units:			_____
	c. Sub-total (B.4.a. plus B.4.b.)			
5.	**Total Permitted Units (B.3. plus B.4.c.):** (1)			532

Notes:
(1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.
(2) If low-moderate housing density credits or Transfer of Development Rights (TDRs) credits are included, attach the calculations and approvals hereto.

C. Urban Community Category N/A

1.	**Preliminary Standard Units**	**Maximum standard density**	**Units**
	a. Total upland Acres (from Part 2, D.3.a.)	_____ times 6 equals	_____
	b. Total freshwater wetland Acres (from Part 2, D.3.b.)	times 6 equals	
	c. Preliminary Total Standard units (a. plus b.) (1)		
2.	**Maximum Permitted Units**	**Maximum permitted**	**Units**
	a. Total upland Acres (from Part 2, D.3.a.)	_____ times 8 equals	_____
3.	**Total allowed standard units (C.1.c. or C.2.a, whichever is less)**		
4.	**Bonus Units** (2)		
	a. Low-moderate housing density:		_____
	b. TDR units:		_____
	c. Sub-total (D.4.a. plus D.4.b.)		
5.	**Total Permitted Units (C.3. plus C.4.c.):** (1)		_____

Notes:
(1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.
(2) If Low-moderate housing density credits or Transfer of Development Rights (TDRs) credits are included, attach the calculations and approvals hereto.

D. Suburban Category N/A

1.	**Preliminary Standard Units**	**Maximum standard density**	**Units**
	a. Total upland Acres (from Part 2, D.3.a.)	_____ times 6 equals	_____
	b. Total freshwater wetland Acres (from Part 2, D.3.b.)	times 6 equals	
	c. Preliminary Total Standard units (a. plus b.) (1)		
2.	**Maximum Permitted Units**	**Maximum permitted**	**Units**
	a. Total upland Acres (from Part 2, D.3.a.)	_____ times 8 equals	_____
3.	**Total allowed standard units (D.1.c. or D.2.a., whichever is less)**		_____

E. Outlying Suburban Category N/A

1.	**Preliminary Standard Units**	**Maximum standard density**	**Units**
	a. Total upland Acres (from Part 2, D.4.a.)	_____ times 3 equals	_____
	b. Total freshwater wetland Acres (from Part 2, D.4.b.)	times 3 equals	
	c. Preliminary Total Standard units (a. plus b.) (1)		
2.	**Maximum Permitted Units**	**Maximum permitted**	**Units**
	a. Total upland Acres (from Part 2, D.4.a.)	_____ times 4 equals (1)	_____
3.	**Total allowed standard units (E.1.c. or E.2.a., whichever is less)**		_____

Notes:
(1) Outlying suburban land located north of the Caloosahatchee River and east of Interstate-75, north of Pondella Road and south of Pine Island Road (SR 78), and in the Buckingham area (see Goal 19 of the Lee Plan), the maximum upland density is two (2) units per acre plus one (1) for a total of three (3) units per acre.

PART 3A

COMMERCIAL, INDUSTRIAL, MINING, ASSISTED LIVING FACILITIES, HOTELS & MOTELS PRELIMINARY DENSITY CALCULATIONS

A.	**Commercial**	**Habitable Stories**	**Height**	**Total Floor Area**	
A.1.	Medical				Sq. Ft.
A.2.	General Office				Sq. Ft.
A.3.	Retail				Sq. Ft.
A.4.	Other				Sq. Ft.
A.5.	**TOTAL FLOOR AREA**	3-stories	50'	200,000	Sq. Ft.

B.	**Industrial N/A**	**Habitable Stories**	**Height**	**Total Floor Area**	
B.1.	Under Roof				Sq. Ft.
B.2.	Not under Roof	NA			Sq. Ft.
B.3.	**TOTAL FLOOR AREA**				Sq. Ft.

C.	**Mining**		**Depth**	**Total Acres**	
C1.	Area to be excavated	NA			Acres

D.	**Assisted Living Facilities**	**Habitable Stories**	**Height**	**Total Number of Beds/Units**	
D.1.	Dependent Living Units				Beds/Units
D.2.	Independent Living Units				Beds/Units
D.3.	**TOTAL BEDS/UNITS**				Beds/Units

E.	**Hotels/Motels** **Room Size**	**Habitable Stories**	**Height**	**Number of Rental Units**	
E.1.	< 425 sq. ft.				Units
E.2.	426-725 sq. ft.				Units
E.3.	725 < sq. ft.				Units
E.4.	**TOTAL UNITS**				Units

PART 4

ENVIRONMENTAL ISSUES

A. **Topography:** Describe the range of surface elevations of the property:

Please see survey.

B. **Sensitive Lands:** Identify any environmentally sensitive lands, including, but not limited to, wetlands (as defined in the Lee Plan), flowways, creek beds, sand dunes, other unique land forms [see Lee Plan Policy 77.1.1 (2)] or listed species occupied habitat (see Sec. 10-4730 of the Land Development Code.

See the attached report from Calusa Coast Ecologists, Inc.

C. **Preservation/Conservation of Natural Features**: Describe how the lands listed in B. above will be protected by the completed project:

See the attached report from Calusa Coast Ecologists, Inc.

D. **Shoreline Stabilization:** If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:

N/A

PART 5
SANITARY SEWER FACILITIES (34-415)

A. **Special Effluent**: If special effluent is anticipated, please specify what it is and what strategies will be used to deal with its' special characteristics:

N/A

B. **Private On-site Facilities:** If a private on-site wastewater treatment and disposal facility is proposed, please provide a detailed description of the system including:

1. Method and degree of treatment:

N/A

2. Quality of the effluent:

N/A

3. Expected life of the facility:

N/A

4. Who will operate and maintain the internal collection and treatment facilities:

N/A

5. Receiving bodies or other means of effluent disposal:

N/A

C. **Spray Irrigation:** If spray irrigation will be used, specify:

1. The location and approximate area of the spray fields:

N/A

2. Current water table conditions:

N/A

3. Proposed rate of application:

N/A

4. Back-up system capacity:

N/A

PART 6 - SUBMITTAL REQUIREMENTS

Copies*		Exhibits	Item
Sub.	Req.		
12	12		Public Hearing Application form **[34-373(a)(1)]**
1	1		Application Fee **[34-373(a)(2)]**
			DESCRIPTION OF EXISTING CONDITIONS
N/A	4	**1-B**	**Historical or Archaeological sites:** The nature and location of any known or recorded historical or archaeological sites as listed on the Florida Master Site File or the Lee County Historical Site Survey, and the location of any part of the property that is located within level 1 or level 2 zones of archaeological sensitivity pursuant to chapter 22. The plan must show the outline of historic buildings and approximate extent of archaeological sites. A description of proposed improvements that may impact archaeological or historical resources must also be provided. **[34-373(a)(4)h.]**
12	12	**1-C**	**Public Transit.** A map or other depiction of the property in relation to existing and proposed public transit routes, as well as to bus stops, if located within the Lee Tran public transit service area. **[34-373(a)(4)g.]**
4	4	**6-A**	**A Boundary Survey,** prepared by a professional surveyor, that meets the minimum technical standards as set out in chapter 61G17-6, F.A.C., and which survey has been signed and sealed within one year of the application date, and which shows existing conditions on the property to full survey accuracy. **[34-373(a)(4)a.]**
12	12	**6-B**	**Area Location Map** on 8.5" by 11" paper. A map marked to show the location of the property to be developed in relation to arterial and collector streets as well as the location of existing easements and rights-of-way on or abutting the property. **[34-373(a)(4)b.]**
12	12	**6-C**	**Existing zoning and current land uses** A map or other depiction of the existing zoning and current land uses (i.e. single family residence, multiple-family building, retail commercial, office building, etc.) surrounding the tract or parcel to a distance of 500 feet. **[34-373(a)(4)c.]**
12	12	**6-D**	**Aerial photograph** with the site clearly delineated. **[34-373(a)(4)d.] Originals only - photocopies not acceptable.**
4	4	**6-E**	**Soils, vegetation, rare & unique uplands, topography.** Maps drawn at the same scale as the master concept plan marked or overprinted to show the information required by section 34-373(a)(4)e.] **[34-373(a)(4)e.]**
4	4	**6-F**	**FLUCCS Map.** A Florida Land Use, Cover and Classification System (FLUCCS) map at the same scale as the Master Concept Plan, prepared by an environmental consultant. The FLUCCS map must clearly delineate any federal and state jurisdictional wetlands and other surface waters, including the total acreage of federal and state wetlands. **[34-373(a)(4)f.]**
			NARRATIVE COMPLIANCE STATEMENTS
12	12	**6-G**	**Lee Plan Compliance.** A narrative explanation as to how the proposed development complies with the Lee Plan. **[34-373(a)(5)]**
12	3	**6-H**	**Design Standards Compliance.** A narrative explanation as to how the proposed development complies with the Design Standards set forth in Section 34-411. **[34-373(a)(5)]**
12	3	**6-I**	**Decision-making compliance.** A narrative explanation as to how the proposed development complies with the guidelines for decision-making embodied in sections 34-145(c)(2)a and e. and 34-145(d)(3). **[34-373(a)(5)]**
			MASTER CONCEPT PLAN

Copies*		Exhibits	Item
12	12	6-J	**Master Concept Plan, Non-PRFPD** . A graphic illustration (master concept plan) of the proposed development, showing and identifying the information required by Section 34-373(a)(6). Copies of the master concept plan must be provided in two sizes, 24 inches by 36 inches, and 11 inches by 17 inches in size and must clearly legible and drawn at a scale sufficient to adequately show and identify the required information. **[34-373(a)(6)]**
N/A	12	6-K	**Master Concept Plan, PRFPD :** A clearly legible drawing, no less than 24 inches by 36 inches in size and drawn at a scale sufficient to adequately show and identify the information required by Section 34-941(g). **[34-941(g)]**
5	5	6-L	**Traffic Impact Statement.** A traffic impact statement in a format and to the degree of detail required by the county and in conformance with the adopted county administrative code. **[34-373(a)(7)]** TIS is not required for an existing development. **[34-341(b)(2)d.1.]**
12	12	6-M	**Schedule of Uses.** A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property including the information required by section 34-373(a)(8)]. **[34-373(a)(8)]**
12	12	6-N	**Schedule of deviations and a written justification.** A schedule of deviations and a written justification for each deviation requested as part of the master concept plan. The location of each requested deviation must be located on the master concept plan. **[34-373(a)(9)]**
			ADDITIONAL REQUIREMENTS FOR MAJOR PDs
12	4	6-O	**Surface water management plan** A written description of the surface water management plan as required by Section 34-373(b)(1). **[34-373(b)(1)]**
N/A	12	6-P	**Phasing program.** If the development is to be constructed in phases or if the traffic impact statement utilized phasing, then a description of the phasing program must be submitted. **[34-373(b)(3)]**
			ADDITIONAL REQUIREMENTS FOR LARGE PROJECTS
4	4	6-Q	**Protected species survey.** Required for large developments (defined in Chapter 10-1), a protected species survey as required by section 10-473. **[34-373(b)(2)]**
			AMENDMENTS TO BUILT PLANNED DEVELOPMENTS
N/A	4	6-R	**Proof of notice to other property owners.** Although the consent of the owners of the remainder of the original planned development is not required, the owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property. **[34-373(c)]**
			REQUIREMENTS FOR DRIs
N/A	12	6-S	**Binding letter of interpretation from DCA or a complete and sufficient ADA. [34-373(d)(2)]**
			ADDITIONAL EXHIBITS – PRFPDs
N/A	4	6-T	Conceptual surface water management **[34-941(d)(3)b.i.1)]**
N/A	12	6-U	If within an area identified as an anticipated draw down area, demonstration of compliance with section 34-941(d)(3)d. **[34-941(d)(3)d.]**
N/A	12	6-V	Preliminary indigenous restoration plan (if applicable). **[34-941(e)(5)f]**
N/A	12	6-W	Environmental Assessment **[34-941(g)(2)]**
N/A	12	6-X	Demonstration of compatibility **[34-941(g)(4)]**

*** includes 1 original**

239-403-0699

NORTH TRAIL LAND TRUST

%	Beneficiaries
17.500	Donald W. Anderson
7.500	Edgar E. Davis
7.500	Kenneth C. Schlegel, Ttee
5.000	Jeanne Furst
5.000	Indian Trails, Inc.
5.000	Louise Kawamoto, Ttee
5.000	Robert H. Kelley, Jr., Ttee
4.375	Daniel R. Harper
4.375	Ronald E. Inge, Ttee
3.750	Erwin L. Gifford
2.500	James E. Doane
2.500	Investment Associates, Inc.
2.500	Constantine Konstans, Ptr.
2.500	Edsel C. Laing, Ttee
2.500	Andre L. Laz, Pension Plan
2.500	Andre L. Laz, Profit Sharing
2.500	Isabel Mattison
2.500	Kathrin A. O'Connell, Trustee
2.500	Ribek Corporation
2.500	Arthur K. White
2.500	Terrell E. Thomas, Ttee
2.500	Harris D. Osborn
2.500	Richard A.VanDeVelde
1.250	Lewis J. Hoover, Ttee
1.250	Frances E. Hoover, Ttee

Leslie Aaron

Banks Engineering, Inc.
Professional Engineers, Planners & Land Surveyors
10511-101 Six Mile Cypress Parkway
Fort Myers, Florida 33912
(239) 939-5490
Fax (239) 939-2523

Please Reply To:
FORT MYERS OFFICE

Property Development Regulations CPD

Maximum Building Height	50 feet or 3 stories
Maximum Lot Coverage	60 percent

Minimum Setbacks:

Private Street	20 feet
Public Street	25 feet
Side	5 feet
Rear	20 feet
Waterbody	20 feet
Preserve	20 feet

Minimum lot size	10,000 square feet
Minimum lot width	100 feet
Minimum lot depth	100 feet

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
10511-101 Six Mile Cypress Parkway
Fort Myers, Florida 33912
(239) 939-5490
Fax (239) 939-2523

Please Reply To:
FORT MYERS OFFICE

Property Development Regulations RPD

Maximum Building Height	50 feet or 3 stories
Maximum Lot Coverage	60 percent

Minimum Setbacks:

Private Street	20 feet
Public Street	25 feet
Side	5 feet (0 feet for common wall unit)
Rear	20 feet (5 feet for accessory structure)
Waterbody	20 feet (10 feet for accessory structure)
Preserve	20 feet (10 feet for accessory structure)

Single-Family

Minimum lot size	6,000 square feet
Minimum lot width	50 feet
Minimum lot depth	120 feet

Duplex, Two-family attached, Townhouse

Minimum lot size	1,600 square feet
Minimum area per unit	640 square feet
Minimum lot width	16 feet
Minimum lot depth	100 feet

Multiple-family:

Minimum lot size	10,000 square feet
Minimum area per unit	3,000 square feet
Minimum lot width	100 feet
Minimum lot depth	100 feet

Recreational Area

Minimum lot size	9,000 square feet
Minimum lot width	50 feet
Minimum lot depth	120 feet

Banks Engineering, Inc.

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Fort Myers, Florida 33912
(239) 939-5490
Fax (239) 939-2523

Please Reply To:
FORT MYERS OFFICE

Request:

This request is for a rezoning from Agricultural (AG-2) to Residential Planned Development (RPD) and Commercial Planned Development (CPD) to allow a residential and commercial development on property located on Diplomat Parkway E. just north of Merchants Crossing. The development will consist of multi-family buildings with a commercial component along Diplomat Parkway with the necessary infrastructure to develop the project.

EXHIBIT PH-3.I

There are no agricultural uses on the subject property at this time.

EXHIBIT'S PH-3.L.2 & PH-3.L.3

There are no deed restrictions/covenants on the subject property at this time and therefore have no effect on the property.

EXHIBIT PH-4.B

Blasting is not proposed on the site and is not listed in the schedule of uses.

DCI 2005-00055

RECEIVED
JUN 03 2005
PERMIT COUNTER

Naples Office	Sarasota Office	Port Charlotte Office
6640 Willow Park Dr.	1144 Tallevast Road	12653 SW CR 769
Suite B	Suite # 115	Suite B
Naples, Florida	Sarasota, Florida	Lake Suzy, Florida
34109	34243	34269
(239) 597-2061	(941) 360-1618	(941) 625-1165
Fax (239) 597-3082	Fax (941) 360-6918	Fax (941) 625-1149

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

RECEIVED
JUN 03 2005
PERMIT COUNTER

Exhibit 6-N
Schedule of Deviations and Justifications

DEVIATION NO. 1: A request to deviate from the Lee County Land Development Code Section 10-285(a) which requires a minimum access connection separation of 660 feet for arterial roads to allow a minimum access connection on Diplomat Parkway of 364± feet between the project's proposed main access and the proposed exit-only access for the residential portion of the southern parcel.

JUSTIFICATION: The nature of this request is based upon the project's existing native vegetation and proposed indigenous vegetation preserve. The preserve severs the residential portion of the development from the existing access road. There is not enough frontage in the subject location to meet all separation requirements so that the deviation request is inevitable. The westerly access will be right-in, right-out only and will be the main access for the southern residential tract. The proposed middle access will be exit-only. Hence, reflecting the internal nature of the project's request, the deviation will not present any deleterious effects to the general public.

DEVIATION NO. 2: A request to deviate from the Lee County Land Development Code Section 10-296(k)(1) which requires that dead-end streets must be closed at one end by a circular turnaround, to allow two dead-end streets as shown on the master concept plan.

JUSTIFICATION: The nature of this request is based upon the project's existing native vegetation and proposed indigenous vegetation preserve. The preserve severs the residential portion of the development from the existing access road. Although deviations from the roadway requirements are requested, this access easement actually functions as a joint driveway for the units at the end of the accessway and should not be held to the dimensional requirements for a roadway. The NFPA allows dead-end roads up to 150 feet in length without requiring a cul-de-sac. This joint driveway is short and typically serves only a few units. The necessity for this layout is evident in the north parcel where the dead end street is in essence a hammerhead turnaround. Hence, reflecting the internal nature of the project's request, the deviation will not present any deleterious effects to the general public.

DEVIATION NO. 3: A request to deviate from the Lee County Land Development Code Section 10-415(b)(1)(a) which requires that large developments, with existing indigenous native vegetation communities must provide 50 percent of their open space percentage requirement through the onsite preservation of existing native vegetation communities, to allow the inclusion of 0.45± acre of right-of-way that is to be vacated, enhanced and preserved to count towards preservation requirement.

JUSTIFICATION: The nature of this request is based upon the project's existing native vegetation and proposed indigenous vegetation preserve. The preserve severs the residential portion of the development from the existing access road that was constructed approximately 128.5 feet east of its platted location due to a scrivener's error. The applicant proposes to vacate this unused platted access and incorporate it within the preservation on either side of the platted access. The enhancement of the preservation areas will allow the development to provide desirable upland habitat adjacent to the wetland area. Hence, reflecting the internal nature of the project's request, the deviation will not present any deleterious effects to the general public.

DCI2005-00055

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

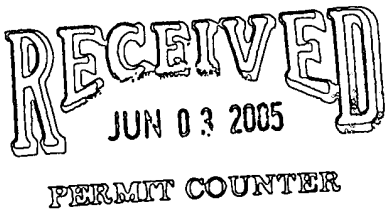
EXHIBIT 6-O

Surface water management plan

The storm water system will be designed to be in accordance with SFWMD requirements. A storm water management system will be provided for the adequate control of storm water runoff that originates within the development. The storm water management system will be designed in accordance with South Florida Water Management District (SFWMD) requirements and will provide for the attenuation/retention of storm water from the site. Issuance of a SFWMD permit shall be deemed to be in compliance with Chapter 10 of the LDC and review of the project shall be limited to external impacts and wet season water table elevation. For purposes of storm water management calculations, the assumed water table will be established by an engineer in accordance with sound engineering practice. The storm water management system will be reviewed for compliance with Chapter 10 of the LDC through the development order process.

The storm water management system will be maintained through a covenant which runs with the land in the form of, but not limited to, deed restrictions, a homeowners' or condominium association, or such other legal mechanisms that will assure the beneficiaries of the storm water management system that the drainage will be continually maintained. Regardless of the method chosen to provide for the continual maintenance of the storm water management system, the beneficiaries shall be provided with a legal right to enforce the assurance that the drainage will be continually maintained. The legal documents which provide for the continual maintenance of the storm water management system shall be accepted only after they are received and approved by the county attorney's office for compliance with the Land Development Code which will be handled through the development order process.

DCI2005-00055



Banks Engineering, Inc.
Professional Engineers, Planners & Land Surveyors
10511-101 Six Mile Cypress Parkway
Fort Myers, Florida 33912
(239) 939-5490
Fax (239) 939-2523

DCI 2005-00055

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EXHIBIT 6-H

Compliance with the Land Development Code:

The proposed development will comply with the General Design Standards set forth in Section 34-411 of the Lee County Land Development code as follows:

a) The requested planned development is consistent with the provisions of the Lee Plan (see EXHIBIT 6-G).

b) The requested planned development will be designed and constructed in accordance with all applicable County development regulations together with approved deviations.

c) The requested planned development is compatible with adjacent uses and therefore will not negatively impact surrounding properties and the general public interest. The subject property is of adequate size to accommodate the proposed structures and all required open space.

d) The requested planned development will have access to an arterial right-of-way (Diplomat Pkwy.) which is a county maintained right-of-way. These roadways have sufficient capacity to handle the traffic generated by the proposed land use as well as the traffic generated by existing land uses. No site related industrial traffic will be moved through residential areas.

e) The development is within the Lee Tran public transit service area and will be designed to facilitate the use of the public transit system.

f) The requested planned development will not create hazards to persons or property, whether on or off the site, by increasing the probability or degree of flood, erosion or any other danger, nor shall it impose a nuisance on surrounding land uses or the public's interest generally through emissions of noise, glare, dust, odor, air or water pollution.

g) The subject property does not contain any known archaeological features.

h) The requested planned development will utilize the onsite lake system and open space areas to produce an architecturally integrated human environment.

i) The site plan and design along with the lakes, open space, and native vegetation preserve will minimize any negative impact of the planned development on surrounding land and land uses.

j) This development will be integrated with the surrounding development because it will contain multi-family dwelling units and commercial uses and is surrounded by commercial and residential uses.

k) The requested planned development will be compatible with the surrounding development. The project will be separate and mutually protected by the lakes, roadways and buffers from the different land uses.

l) The design of the development will promote pedestrian activity and community interaction.

m) There will not be any conflicting uses within the planned development.

n) This development will consist of multi-family dwelling units and commercial uses and will be compatible with the surrounding uses.

o) Sufficient parking will be provided in compliance with Land Development Code Section 34-2020(1)a.

p) Joint parking will not be necessary in this development.

q) Internal consistency within the requested planned development will be encouraged.

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Exhibit 6-M
Schedule of Uses
Residential Planned Development

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Accessory Uses and Structures
Administrative Offices
Clubs – Private
Dwelling Unit:
- Single-family
- Two-family attached
- Townhome
- Multiple-family

Entrance Gate and Gatehouses
Essential Services
Essential Service Facilities – Group I and Group II
Excavation – Water Retention
Fences, Walls
Home Occupation, with no outside help
Models:
- Model Home
- Display Center
- Model Unit

Parking Lot – Accessory
Real Estate Sales Office (Temporary)
Recreation Facilities – Private on-site
Signs in accordance with Chapter 30
Temporary Uses

Naples Office
6640 Willow Park Dr.
Suite B
Naples, Florida
34109
(239) 597-2061
Fax (239) 597-3082

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

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

Banks Engineering, Inc.
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Fax (239) 939-2523

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Exhibit 6-M
Schedule of Uses
Commercial Planned Development

DCI 2005-00055



Accessory apartment
Administrative offices
Animals:
- Clinic
- Kennel
- Control center (including Humane Society)

ATM (automatic teller machine)
Auto parts store:
- No installation service
- With installation service

Automobile service station
Auto repair and service
- Group I
- Group II

Bait and tackle shop
Banks and financial establishments
- Group I
- Group II

Bar or cocktail lounge
Boats:
- Boat parts store
- Boat sales

Broadcast studio, commercial radio and television
Building materials sales
Business services
- Group I
- Group II

Car wash
Cleaning and maintenance services
Clothing stores, general
Cold storage warehouse and processing plant (including precooling)
Communication facility, wireless
Consumption on premises

Contractors and builders
- Group I
- Group II
- Group III

Convenience food and beverage store
Cultural facilities
Day care center, adult, child
Department store
Drive-through facility for any permitted use
Drive-in theater
Drugstore, pharmacy
Dwelling unit:
- Multiple-family building

Entrance gates and gatehouse
Emergency operations center
EMS, fire or sheriff's station
Essential services
Essential service facilities
- Group I
- Group II

Excavation:
- Water retention

Farm equipment, sales, storage, rental, service
Feed or fertilizer, mixing and sales
Fish house, wholesale
Flea market:
- Open
- Indoor

Food and beverage service, limited
Food stores
- Group I
- Group II

Freight and cargo handling establishments
Funeral home or mortuary:
- No cremation
- With cremation

Gasoline dispensing system, special
Government maintenance facility
Hardware store
Health care facility
- Group I
- Group II
- Group III
- Group IV

Hobby, toy, game shops
Home care facility
Hotel/motel
Household and office furnishings
- Group I
- Group II
- Group III

Impound yard
Insurance companies
Laundromat
Laundry or dry cleaning
    Group I
    Group II
Lawn and garden supply store
Library
Manufacturing of:
    Apparel products
    Dairy products
    Electrical machinery and equipment
    Fabricated metal products
    Food and kindred products
    Leather products
    Lumber and wood products
    Measuring, analyzing and controlling instruments
    Novelties, jewelry, toys and signs
    Rubber and plastic products
Mass transit depot or maintenance facility (government-operated)
Medical office
Mobile home dealers
Nightclubs
Nonstore retailers (34-622(c)(30)), all groups
Package store
Paint, glass and wallpaper
Parking lot:
    Accessory
    Commercial
    Garage, public parking
    Temporary
Personal services
    Group I
    Group II
    Group III
    Group IV
Pet services
Pet shop
Pharmacy
Place of worship
Plant nursery
Post office
Printing and publishing
Processing and warehousing
Racetracks (34-622(c)(37)):
    Groups I and II

Recreation, facilities:
- Commercial
- Group I
- Group II
- Group III
- Group IV
- Personal Private: On-site

Recycling facility

Religious facilities
Rental or leasing establishments
- Group I
- Group II
- Group III
- Group IV

Repair shops
- Group I
- Group II
- Group III
- Group IV
- Group V

Research and development laboratories
- Group I
- Group II
- Group III
- Group IV

Restaurant, fast food
Restaurants
- Group I
- Group II
- Group III
- Group IV

Schools:
- Commercial
- Non-commercial

Self-service fuel pumps
Signs in accordance with chapter 30
Social services
- Group I
- Group II
- Group III
- Group IV

Specialty retail shop
- Group I
- Group II
- Group III
- Group IV

Storage:
- Indoor only
- Storage, open

Studios

Supermarket
Temporary uses

Theater:
- Indoor
- Drive-in

Transportation services
- Group I
- Group II
- Group III
- Group IV

Used merchandise stores
- Group I
- Group II
- Group III
- Group IV

Variety store

Vehicle and equipment dealers
- Group I
- Group II
- Group III
- Group IV
- Group V

Warehouse:
- Mini-warehouse
- Private Public

Wholesale establishment
- Group I
- Group II
- Group III
- Group IV

Banks Engineering, Inc.

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10511-101 Six Mile Cypress Parkway
Fort Myers, Florida 33912
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Please Reply To:
FORT MYERS OFFICE

June 2, 2005



Ms. Pam Houck
Lee County Development Services
1500 Monroe Street
Fort Myers, FL 33901

Re: Diplomat Property RPD/CPD Rezoning DCI2005-00055

Dear Ms. Houck:

Attached please find the required documents and plans for a rezoning application for the above referenced project. The project is currently zoned AG-2 and we are requesting a zoning of RPD/CPD.

Should you have any questions or require any additional information for the above referenced project, please feel free to contact me at 939-5490.

Sincerely,
Banks Engineering, Inc.

Jon Hagan/mlm
Jon Hagan
Director of Planning

Naples Office	Sarasota Office	Port Charlotte Office
6640 Willow Park Dr.	1144 Tallevast Road	12653 SW CR 769
Suite B	Suite # 115	Suite B
Naples, Florida	Sarasota, Florida	Lake Suzy, Florida
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(239) 597-2061	(941) 360-1618	(941) 625-1165
Fax (239) 597-3082	Fax (941) 360-6918	Fax (941) 625-1149

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

Exhibit 6-N
Schedule of Deviations and Justifications

DEVIATION NO. 1: A request to deviate from the Lee County Land Development Code Section 10-285(a) which requires a minimum access connection separation of 660 feet for arterial roads to allow a minimum access connection on Diplomat Parkway of 364± feet between the project's proposed main access and the proposed stabilized emergency access for the residential portion of the southern parcel.

JUSTIFICATION: The nature of this request is based upon the project's existing native vegetation and proposed indigenous vegetation preserve. The preserve severs the residential portion of the development from the existing access road. There is not enough frontage in the subject location to meet all separation requirements so that the deviation request is inevitable. The westerly access will be right-in, right-out only and will be the main access for the southern residential tract. The proposed middle access will be exit-only. Hence, reflecting the internal nature of the project's request, the deviation will not present any deleterious effects to the general public.

DEVIATION NO. 2: A request to deviate from the Lee County Land Development Code Section 10-296(k)(1) which requires that dead-end streets must be closed at one end by a circular turnaround, to allow two dead-end streets as shown on the master concept plan.

JUSTIFICATION: The nature of this request is based upon the project's existing native vegetation and proposed indigenous vegetation preserve. The preserve severs the residential portion of the development from the existing access road. Although deviations from the roadway requirements are requested, this access easement actually functions as a joint driveway for the units at the end of the accessway and should not be held to the dimensional requirements for a roadway. The NFPA allows dead-end roads up to 150 feet in length without requiring a cul-de-sac. This joint driveway is short and typically serves only a few units. The necessity for this layout is evident in the north parcel where the dead end street is in essence a hammerhead turnaround. Hence, reflecting the internal nature of the project's request, the deviation will not present any deleterious effects to the general public.

DEVIATION NO. 3: A request to deviate from the Lee County Land Development Code Section 10-415(b)(1)(a) which requires that large developments, with existing indigenous native vegetation communities must provide 50 percent of their open space percentage requirement through the onsite preservation of existing native vegetation communities, to allow the inclusion of 0.45± acre of right-of-way that is to be vacated, enhanced and preserved to count towards preservation requirement.

JUSTIFICATION: The nature of this request is based upon the project's existing native vegetation and proposed indigenous vegetation preserve. The preserve severs the residential portion of the development from the existing access road that was constructed approximately 128.5 feet east of its platted location due to a scrivener's error. The applicant proposes to vacate this unused platted access and incorporate it within the preservation on either side of the platted access. The enhancement of the preservation areas will allow the development to provide desirable upland habitat adjacent to the wetland area. Hence, reflecting the internal nature of the project's request, the deviation will not present any deleterious effects to the general public.

DEVIATION NO 4: A deviation from Land Development Code Section 10-415(b)(1)a. which requires that large developments with existing indigenous native vegetation communities to provide 50 percent of their open space requirement through the onsite preservation of existing native vegetation communities to allow portions of the preservation area to be disturbed and restored in order to install the stormwater management system.

JUSTIFICATION: A portion of the native vegetation preserve on the parcel south of Lake Diplomat Parkway will have to be disturbed in order to install pipes for the stormwater management system. This is necessary to provide for a proper outfall as required by the Lee County Land Development Code and South Florida Water Management District practices for engineering design. The portion of the native vegetation preserve that is disturbed will be restored to its natural state after the stormwater management system is installed. Prior to approval of the local development order we will coordinate with the Division of Environmental Sciences staff the location of the crossings and field locate where the pipe crossings.

DEVIATION NO 5: A deviation from Land Development Code Section 34-2474(b)(6) which requires that recreation halls and ancillary facilities and private clubs shall be located at least 40 feet from any residential dwelling to allow a 20 foot minimum building separation for any recreation building.

JUSTIFICATION: This deviation will provide the developer flexibility for the placement of the recreation building and providing the required parking for the recreation area. The buildings will be constructed to meet the state building codes for fire protection and therefore will not endanger the health, safety or welfare of the residents living in this subdivision or the general public. This deviation will only apply to residential dwelling units that are part of this development. The recreation area will meet the required setbacks for any residential dwelling units adjacent to the developments perimeters.

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Banks Engineering, Inc.

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Exhibit 6-M
Schedule of Uses

DCI 2005-00055

Accessory apartment
Administrative offices
Animals:
- Clinic
- Kennel (Indoor only)
- Control center (including Humane Society)

ATM (automatic teller machine)
Auto parts store:
- No installation service

Automobile service station
Auto repair and service
- Group I
- Group II

Bait and tackle shop
Banks and financial establishments
- Group I
- Group II

Boats:
- Boat parts store
- Boat sales

Building materials sales
Business services
- Group I
- Group II

Car wash
Cleaning and maintenance services
Clothing stores, general
Communication facility, wireless
Consumption on premises
Contractors and builders
- Group I
- Group II
- Group III

Convenience food and beverage store
Cultural facilities
Day care center, adult, child
Department store
Drive-through facility for any permitted use
Drugstore, pharmacy

Entrance gates and gatehouse
Emergency operations center
EMS, fire or sheriff's station
Essential services
Essential service facilities
    Group I
    Group II
Excavation:
    Water retention
Flea market:
    Indoor
Food and beverage service, limited
Food stores
    Group I
    Group II
Funeral home or mortuary:
    No cremation
    With cremation
Gasoline dispensing system, special
Government maintenance facility
Hardware store
Health care facility
    Group I
    Group II
    Group III
    Group IV
Hobby, toy, game shops
Home care facility
Hotel/motel
Household and office furnishings
    Group I
    Group II
    Group III
Insurance companies
Lawn and garden supply store
Library
Medical office
Nightclubs
Nonstore retailers (34-622(c)(30)), all groups
Package store
Paint, glass and wallpaper
Parking lot:
    Accessory
    Commercial
    Garage, public parking
    Temporary
Personal services
    Group I (excluding Laundromats and Laundry agents)
    Group II (excluding Massage establishments, Massage Parlors, and Steam or Turkish baths)
    Group III
    Group IV (excluding Dating services, Escort services, Palm readers, Fortunetellers, or card readers, and Tattoo parlors)
Pet services
Pet shop
Pharmacy

DCI 2005-00055

Place of worship
Plant nursery
Post office
Printing and publishing
Processing and warehousing
Real Estate Sales Office
Recycling facility
Religious facilities
Rental or leasing establishments
    Group II (excluding Tools and equipment primarily for home use)
Repair shops
    Group I
    Group II
    Group III
Research and development laboratories
    Group I
    Group II
    Group III
    Group IV
Restaurant, fast food (Limited to Commercial Parcels 3 & 4)
Restaurants
    Group I
    Group II
    Group III
    Group IV
Schools:
    Commercial
    Non-commercial
Self-service fuel pumps
Signs in accordance with chapter 30
Social services
    Group I
Specialty retail shop
    Group I
    Group II
    Group III
    Group IV
Storage:
    Indoor only
Studios
Supermarket
Temporary uses
Used merchandise stores
    Group I
    Group II
    Group III
    Group IV
Variety store
Warehouse:
    Mini-warehouse
    Private Public
Wholesale establishment
    Group II

DCI 2005-00055

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Fort Myers, Florida 33912
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Exhibit 6-M
Schedule of Uses

Accessory apartment
Administrative offices
Animals:
- Clinic
- Kennel (Indoor only)
- Control center (including Humane Society)

ATM (automatic teller machine)
Auto parts store:
- No installation service

Automobile service station
Auto repair and service
- Group I
- Group II

Bait and tackle shop
Banks and financial establishments
- Group I
- Group II

Boats:
- Boat parts store
- Boat sales

Building materials sales
Business services
- Group I
- Group II

DCI 2005-00055

Car wash
Cleaning and maintenance services
Clothing stores, general
Communication facility, wireless (limited to Parcel's 2, 3, and 4)
Consumption on premises (Must obtain administrative amendment or special exception prior to the use being permitted)
Contractors and builders
- Group I
- Group II
- Group III

Convenience food and beverage store (limited to Parcel's 2, 3, and 4)
Cultural facilities
Day care center, adult, child
Department store
Drive-through facility for any permitted use

Drugstore, pharmacy
Entrance gates and gatehouse
Emergency operations center
EMS, fire or sheriff's station
Essential services
Essential service facilities
    Group I
    Group II
Excavation:
    Water retention
Flea market:
    Indoor
Food and beverage service, limited
Food stores
    Group I
    Group II
Funeral home or mortuary:
    No cremation
    With cremation
Gasoline dispensing system, special
Government maintenance facility
Hardware store
Health care facility
    Group I
    Group II
    Group III
    Group IV
Hobby, toy, game shops
Home care facility
Hotel/motel
Household and office furnishings
    Group I
    Group II
    Group III
Insurance companies
Lawn and garden supply store
Library
Medical office
Nightclubs
Nonstore retailers (34-622(c)(30)), all groups
Package store
Paint, glass and wallpaper
Parking lot:
    Accessory
    Commercial
    Garage, public parking
    Temporary
Personal services
    Group I (excluding Laundromats and Laundry agents)
    Group II (excluding Massage establishments, Massage Parlors, and Steam or Turkish baths)
    Group III
    Group IV (excluding Dating services, Escort services, Palm readers, Fortunetellers, or card readers, and Tattoo parlors)
Pet services
Pet shop

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Pharmacy
Place of worship
Plant nursery
Post office
Printing and publishing
Processing and warehousing
Real Estate Sales Office
Recycling facility
Religious facilities
Rental or leasing establishments
    Group II (excluding Tools and equipment primarily for home use)
Repair shops
    Group I
    Group II
    Group III
Research and development laboratories
    Group I
    Group II
    Group III
    Group IV
Restaurant, fast food (Limited to Commercial Parcels 3 & 4)
Restaurants
    Group I
    Group II
    Group III
    Group IV
Schools:
    Commercial
    Non-commercial
Self-service fuel pumps (limited to Parcel's 2, 3, and 4 and no more that 8 pumps with 16 fueling stations)
Signs in accordance with chapter 30
Social services
    Group I
Specialty retail shop
    Group I
    Group II
    Group III
    Group IV
Storage:
    Indoor only
Studios
Supermarket
Temporary uses
Used merchandise stores
    Group I
    Group II
    Group III
    Group IV
Variety store
Warehouse:
    Mini-warehouse
    Private Public
Wholesale establishment
    Group II

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Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
10511-101 Six Mile Cypress Parkway
Fort Myers, Florida 33912
(239) 939-5490
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Exhibit 6-M
Schedule of Uses

Accessory apartment
Administrative offices
Animals:
- Clinic
- Kennel (Indoor only)
- Control center (including Humane Society)

ATM (automatic teller machine)
Auto parts store:
- No installation service

Automobile service station
Auto repair and service
- Group I
- Group II

Bait and tackle shop
Banks and financial establishments
- Group I
- Group II

Boats:
- Boat parts store
- Boat sales

Building materials sales
Business services
- Group I
- Group II

Car wash
Cleaning and maintenance services
Clothing stores, general
Communication facility, wireless
Consumption on premises
Contractors and builders
- Group I
- Group II
- Group III

Convenience food and beverage store
Cultural facilities
Day care center, adult, child
Department store
Drive-through facility for any permitted use
Drugstore, pharmacy

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Naples Office
6640 Willow Park Dr.
Suite B
Naples, Florida
34109
(239) 597-2061
Fax (239) 597-3082

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

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

Entrance gates and gatehouse
Emergency operations center
EMS, fire or sheriff's station
Essential services
Essential service facilities
    Group I
    Group II
Excavation:
    Water retention
Flea market:
    Indoor
Food and beverage service, limited
Food stores
    Group I
    Group II
Funeral home or mortuary:
    No cremation
    With cremation
Gasoline dispensing system, special
Government maintenance facility
Hardware store
Health care facility
    Group I
    Group II
    Group III
    Group IV
Hobby, toy, game shops
Home care facility
Hotel/motel
Household and office furnishings
    Group I
    Group II
    Group III
Insurance companies
Lawn and garden supply store
Library
Medical office
Nightclubs
Nonstore retailers (34-622(c)(30)), all groups
Package store
Paint, glass and wallpaper
Parking lot:
    Accessory
    Commercial
    Garage, public parking
    Temporary
Personal services
    Group I (excluding Laundromats and Laundry agents)
    Group II (excluding Massage establishments, Massage Parlors, and Steam or Turkish baths)
    Group III
    Group IV (excluding Dating services, Escort services, Palm readers, Fortunetellers, or card readers, and Tattoo parlors)
Pet services
Pet shop
Pharmacy

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Place of worship
Plant nursery
Post office
Printing and publishing
Processing and warehousing
Real Estate Sales Office
Recycling facility
Religious facilities
Rental or leasing establishments
    Group II (excluding Tools and equipment primarily for home use)
Repair shops
    Group I
    Group II
    Group III
Research and development laboratories
    Group I
    Group II
    Group III
    Group IV
Restaurant, fast food (Limited to Commercial Parcels 3 & 4)
Restaurants
    Group I
    Group II
    Group III
    Group IV
Schools:
    Commercial
    Non-commercial
Self-service fuel pumps
Signs in accordance with chapter 30
Social services
    Group I
Specialty retail shop
    Group I
    Group II
    Group III
    Group IV
Storage:
    Indoor only
Studios
Supermarket
Temporary uses
Used merchandise stores
    Group I
    Group II
    Group III
    Group IV
Variety store
Warehouse:
    Mini-warehouse
    Private Public
Wholesale establishment
    Group II

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10511-101 Six Mile Cypress Parkway
Fort Myers, Florida 33912
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Please Reply To:
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Exhibit 6-M
Schedule of Uses
Residential Planned Development

Accessory Uses and Structures
Administrative Offices
Clubs – Private
Dwelling Unit:
- Two-family attached
- Townhome
- Multiple-family

Entrance Gate and Gatehouses
Essential Services
Essential Service Facilities – Group I and Group II
Excavation – Water Retention
Fences, Walls
Home Occupation, with no outside help
Models:
- Model Home
- Display Center
- Model Unit

Parking Lot – Accessory
Real Estate Sales Office (Temporary)
Recreation Facilities – Private on-site
Signs in accordance with Chapter 30
Temporary Uses

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Banks Engineering, Inc.

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Fort Myers, Florida 33912
(239) 939-5490
Fax (239) 939-2523

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Property Development Regulations RPD

Maximum Building Height	35 feet or 3 stories
Maximum Lot Coverage	45 percent

Minimum Setbacks:

Private Street	20 feet
Public Street	25 feet
Side	5 feet (0 feet for common wall unit)
Rear	20 feet (5 feet for accessory structure)
Waterbody	20 feet (10 feet for accessory structure)
Preserve	25 feet (10 feet for accessory structure)

Duplex, Two-family attached, Townhouse

Minimum lot size	7,500 square feet
Minimum area per unit	3,750 square feet
Minimum lot width	37.5 feet
Minimum lot depth	100 feet

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Multiple-family:

Minimum lot size	10,000 square feet
Minimum area per unit	3,000 square feet
Minimum lot width	100 feet
Minimum lot depth	100 feet

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Recreational Area

Minimum lot size	9,000 square feet
Minimum lot width	50 feet
Minimum lot depth	120 feet

Naples Office
6640 Willow Park Dr.
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34109
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Fax (239) 597-3082

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

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

PART V AFFIDAVIT A2

AFFIDAVIT

APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, * Tom Flood as V.P of

, swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I am hereby authorizing the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Cooper Street Property, Inc.
*Name of Entity (corporation, partnership, LLP, LC, etc)

Signature

Tom Flood
(Typed or Printed name)

V.P.
(Title of signatory)

STATE OF Florida
COUNTY OF Lee

The foregoing instrument was sworn to (or affirmed) and subscribed before me this Sept. 20, 2005 (date) by Tom Flood (name of person providing oath or affirmation), who is personally known to me or who has produced Driver's License (type of identification) as identification.

Mary C Gagnon
My Commission DD087084
Expires January 27, 2006

Mary C. Gagnon
Signature of person taking oath or affirmation

Name typed, printed, or stamped

Secretary/Receptionist
Title or Rank

Serial number, if any

Notes:
- *If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.*
- *If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.)., then the documents should typically be signed by the Company's "Managing Member".*
- *If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.*
- *If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.*
- *If the applicant is a trustee, then the they must include their title of "trustee".*
- *In each instance, first determine the applicant=s status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.*

RECEIVED
SEP 21 2005
PERMIT COUNTER

DCI 2005-00055

LETTER OF AUTHORIZATION

The undersigned hereby acknowledges to be the owner of the real property described below and further authorizes **BANKS ENGINEERING, INC.** to act as agent in obtaining information and permits for this real property.

Cooper STREET PROPERTY, INC.
Company

Tom Flood V.P
Printed Name, Title

By: _____ Date September 20, 2005
Signature

Property Description

S.T.R.A.P. #'s: 34-43-24-00-00001.3050

Address: Diplomat Parkway, N. Ft. Myers, FL 33903

State of Florida
County of Lee

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 20th day of September, 2005, by Tom Flood, V.P., of
(name of officer and title)
Cooper Street Property, Inc. Florida corporation, on behalf of the corporation.

He is personally known to me or who has produced drivers license as identification.

(SEAL)

Mary C Gagnon
My Commission DD087084
Expires January 27, 2008

Mary C. Gagnon
Signature of notary public

Mary C. Gagnon
Printed name of notary public

RECEIVED
SEP 21 2005
PERMIT COUNTER

DCI 2005-00055

DCI2005-00055

RECEIVED
JUN 03 2005
PERMIT COUNTER

TRAFFIC IMPACT STATEMENT

FOR

KINSEY DIPLOMAT PROPERTY

(PROJECT NO. 050519)

PREPARED BY:
Metro Transportation Group, Inc.
12651 McGregor Boulevard, Suite 4-403
Fort Myers, Florida 33919-4489
239-278-3090

June 3, 2005

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III. PROPOSED DEVELOPMENT

IV. TRIP GENERATION

V. TRIP DISTRIBUTION

VI. FUTURE TRAFFIC CONDITIONS

VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

VIII. CONCLUSION

I. INTRODUCTION

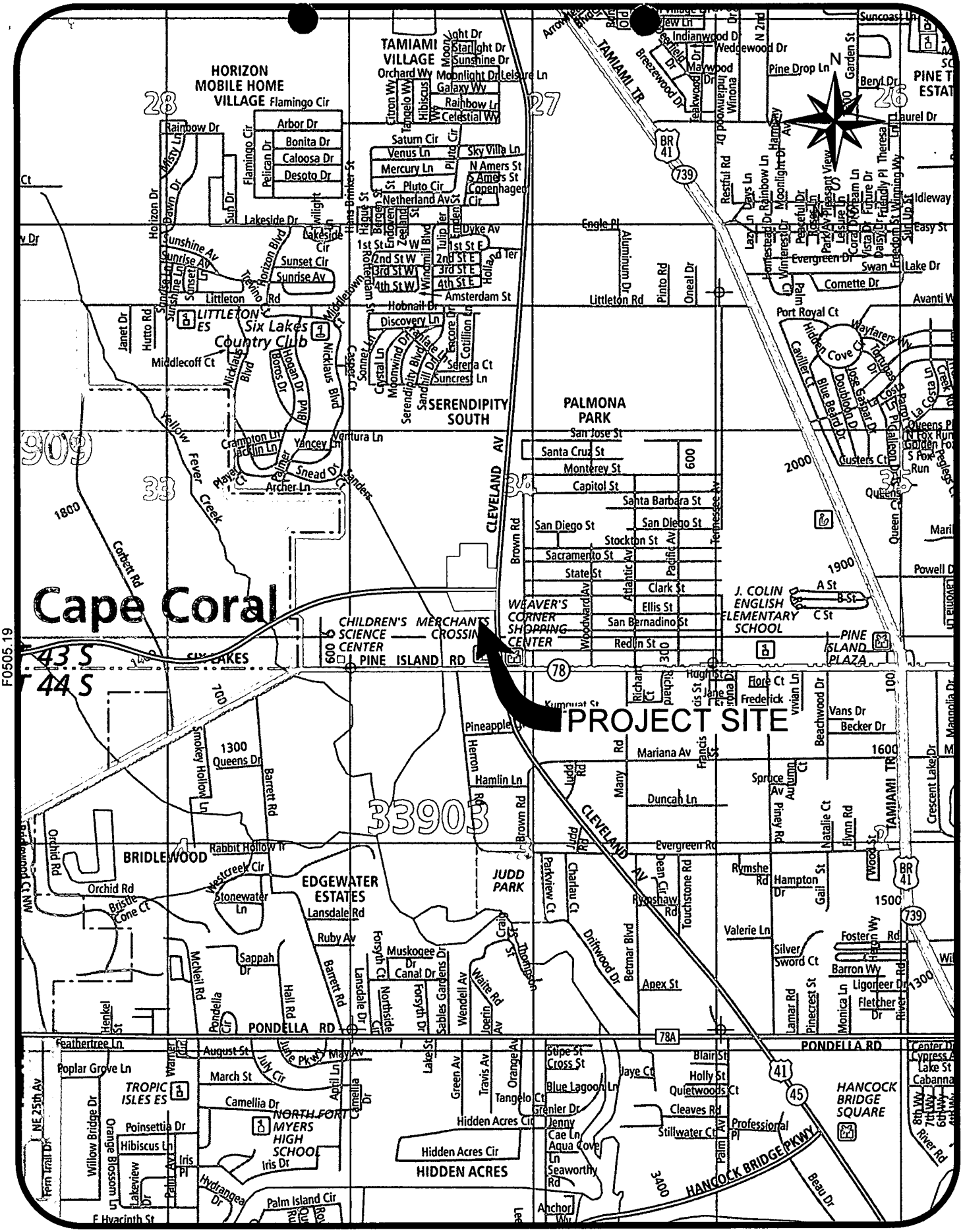
Metro Transportation Group, Inc. (Metro) has conducted a traffic impact statement to fulfill requirements set forth by the Lee County Department of Community Development for projects seeking Zoning approval. This report has been completed in compliance with the requirements established in the Lee County Traffic Impact Statement Guidelines. The site is located on the west side of US 41 both north and south of Diplomat Parkway in the North Fort Myers area of Lee County, Florida. The site location is illustrated on **Figure 1**.

Upon approval, the development on the site will consist of both residential and commercial uses. Access to the portion of the development north of Diplomat Parkway will be provided via a right in/right out access drive and a full access drive from Diplomat Parkway. Access to the portion of the development south of Diplomat Parkway will be provided via a right in/right out access drive, a right out only access drive, and a full access drive from Diplomat Parkway.

This report examines the impact of the development on the surrounding roadways and intersections. Trip generation and assignments to the various site access drives will be completed and analysis conducted to determine the impacts of the development on the surrounding streets and intersections.

II. EXISTING CONDITIONS

The subject site is currently vacant. To the north and west of the proposed development are existing residential developments. To the south of the subject site is an existing commercial development and vacant land. To the east of the subject site is vacant land and US 41.



METRO

PROJECT LOCATION MAP
KINSEY DIPLOMAT PROPERTY

Figure 1

Diplomat Parkway is a four-lane arterial roadway in the vicinity of the subject site. Diplomat Parkway operates under unsignalized traffic conditions at its intersection with US 41. Diplomat Parkway has a posted speed limit of 45 mph and is under the jurisdiction of the City of Cape Coral.

US 41 is a four-lane arterial roadway in the vicinity of the subject site. US 41 has a posted speed limit of 55 mph and is under the jurisdiction of the Florida Department of Transportation.

III. PROPOSED DEVELOPMENT

Kinsey Diplomat Property is a proposed residential and commercial development located in the North Fort Myers area of Lee County, Florida. Upon approval, the subject site will be zoned for the development of up to 462 multi-family dwelling units and up to approximately 200,000 square feet of retail uses. **Table 1** summarizes the land use utilized for trip generation purposes for the subject development.

Table 1
Land Uses
Kinsey Diplomat Property

Land Use	Size
Multi-Family (LUC 230)	462 dwelling units
Shopping Center (LUC 820)	200,000 square feet

Access to the portion of the development north of Diplomat Parkway will be provided via a right in/right out access drive and a full access drive. Access to the portion of the development south of Diplomat Parkway will be provided via a right in/right out access drive, a right out only access drive, and a full access drive.

IV. TRIP GENERATION

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled ***Trip Generation***, 7th Edition.

Land Use Code 230 (Residential Condominium/Townhouse) was utilized for the trip generation purposes of the multi-family housing uses on the site. Land Use Code 820 (Shopping Center) was utilized for the trip generation purposes of the retail portion of the proposed development. The equations for these land uses are contained in the Appendix of this report for reference. **Table 2** outlines the anticipated weekday AM and PM peak hour trip generation of the Kinsey Diplomat Property as currently proposed. The daily trip generation is also indicated in the table.

Table 2
Trip Generation
Kinsey Diplomat Property

Land Use	Weekday AM Peak Hour			Weekday PM Peak Hour			Daily
	In	Out	Total	In	Out	Total	2-way
Multi-Family Housing (462 dwelling units)	30	145	175	140	70	210	2,355
Retail (200,000 square feet)	145	90	235	475	515	990	10,655
Total Trips	**175**	**235**	**410**	**615**	**585**	**1,200**	**13,010**

However, not all of the trips shown in Table 2 will utilize the public roadway system. Some of the trips will travel to/from the land uses located within the proposed Kinsey Diplomat Property. Therefore, an internal capture rate of thirteen percent (13%) was calculated for this development by utilizing the methodologies presented in the ITE Trip Generation, 7th Edition for calculating the trip generation of multi-use developments. The summary sheet utilized to calculate this internal capture rate is included in the Appendix of this report for reference. **Table 3** indicates the number of trips added to the public roadway network by the proposed Kinsey Diplomat Property.

Table 3
Total Trips to the Public Roadway Network
Kinsey Diplomat Property

Land Use	Weekday AM Peak Hour			Weekday PM Peak Hour			Daily
	In	Out	Total	In	Out	Total	2-way
Total Trips	175	235	410	615	585	1,200	13,010
Less 13% Internal Capture	-25	-30	-55	-80	-75	-155	-1,690
Total Trips (Utilizing the Public Roadway Network)	**150**	**205**	**355**	**535**	**510**	**1,045**	**11,320**

The trips shown in Table 3 will not all be new trips to the adjacent roadway system. ITE estimates that a retail center of comparable size may attract as much as 10 to 90 percent of its traffic from vehicles already traveling the adjoining roadway system. This traffic, called "pass-by" traffic, reduces the development's overall impact on the surrounding roadway system but does not decrease the actual driveway volumes. From the ITE Trip Generation report, the relationship between the percent pass-by and the size of the development for Land Use Code 820 is:

$$\text{Ln}(T) = -0.291 \text{ Ln}(X) + 5.001$$

T = Percent pass-by traffic
X = 1,000's of square feet GLA of the retail portion of the development

Therefore, the percent pass-by for this development was calculated as follows:

$$\text{Ln}(T) = -0.291 \text{ Ln}(200) + 5.001$$
$$T = 32\%$$

However, Lee County only permits a maximum reduction in trips due to "pass-by" traffic for shopping centers of thirty percent (30%). Therefore, 30% pass-by reduction was utilized for Land Use Code 820 (Shopping Center).

For this analysis, the "pass-by" traffic was accounted for to determine the number of "new" trips the development will add to the surrounding roadways. **Table 4** summarizes the pass-by percentage for each use. **Table 5** summarizes the development traffic and the breakdown between the new trips the development is anticipated to generate and the "pass-by" trips the development is anticipated to attract. It should be noted that the driveway volumes are not reduced as a result of the "pass-by" reduction, only the traffic added to the surrounding streets and intersections.

Table 4
Pass-by Trip Reduction Factors
Kinsey Diplomat Property

Land Use	Percentage Trip Reduction
Retail	30%

Table 5
Trip Generation – New Trips
Kinsey Diplomat Property

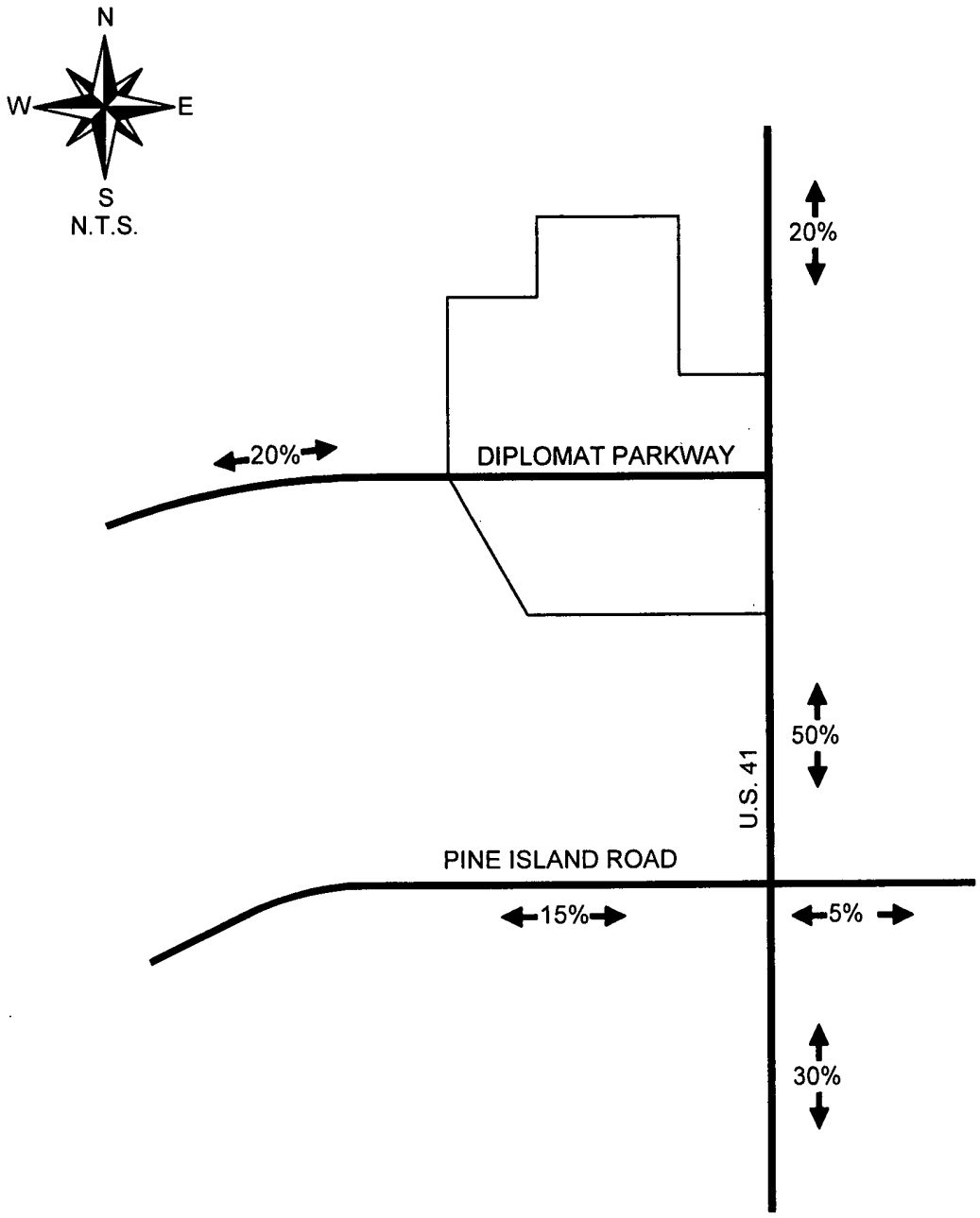
Land Use	Weekday AM Peak Hour			Weekday PM Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Total Development Trips (To the public roadway network)	150	205	355	535	510	1,045	11,320
Total Retail Trips (To the public roadway network)	125	80	205	415	450	865	9,270
Less Retail Pass-by	-35	-25	-60	-125	-135	-260	-2,780
New Trips (Public Roadway Trips - Retail Pass-by)	**115**	**180**	**295**	**410**	**375**	**785**	**8,540**

V. TRIP DISTRIBUTION

The trips shown in **Table 2** were then assigned to the surrounding roadway system based on the anticipated routes the drivers will utilize to approach the site. Based on current and projected population in the area and other existing or planned competing/complementary uses in the area, a distribution of the site traffic was formulated. The anticipated trip distribution of the development traffic is illustrated on **Figure 2**. **Figure 3** illustrates the site traffic assignment to the various site access drives for the proposed development.

In order to determine which roadway segments surrounding the site will be significantly impacted as outlined in the Lee County Traffic Impact Statement Guidelines, **Table 1A**, contained in the Appendix, was created. This table indicates which roadway links will accommodate greater than 10% of the Peak Hour – Peak Direction Level of Service "C" volumes. The Lee County Generalized Level of Service Volumes were utilized to determine the Level of Service Thresholds US 41 and Pine Island Road. The FDOT Generalized Peak Hour Directional Volumes for Florida's Areas Transitioning into Urbanized Areas, Table 4-8, was utilized for the Level of Service Thresholds on Diplomat Parkway.

From Table 1A, Diplomat Parkway from the site to US 41 and US 41 from Diplomat Parkway to Pine Island Road will be significantly impacted as a result of the development traffic anticipated to be generated by the proposed Kinsey Diplomat Property.



LEGEND

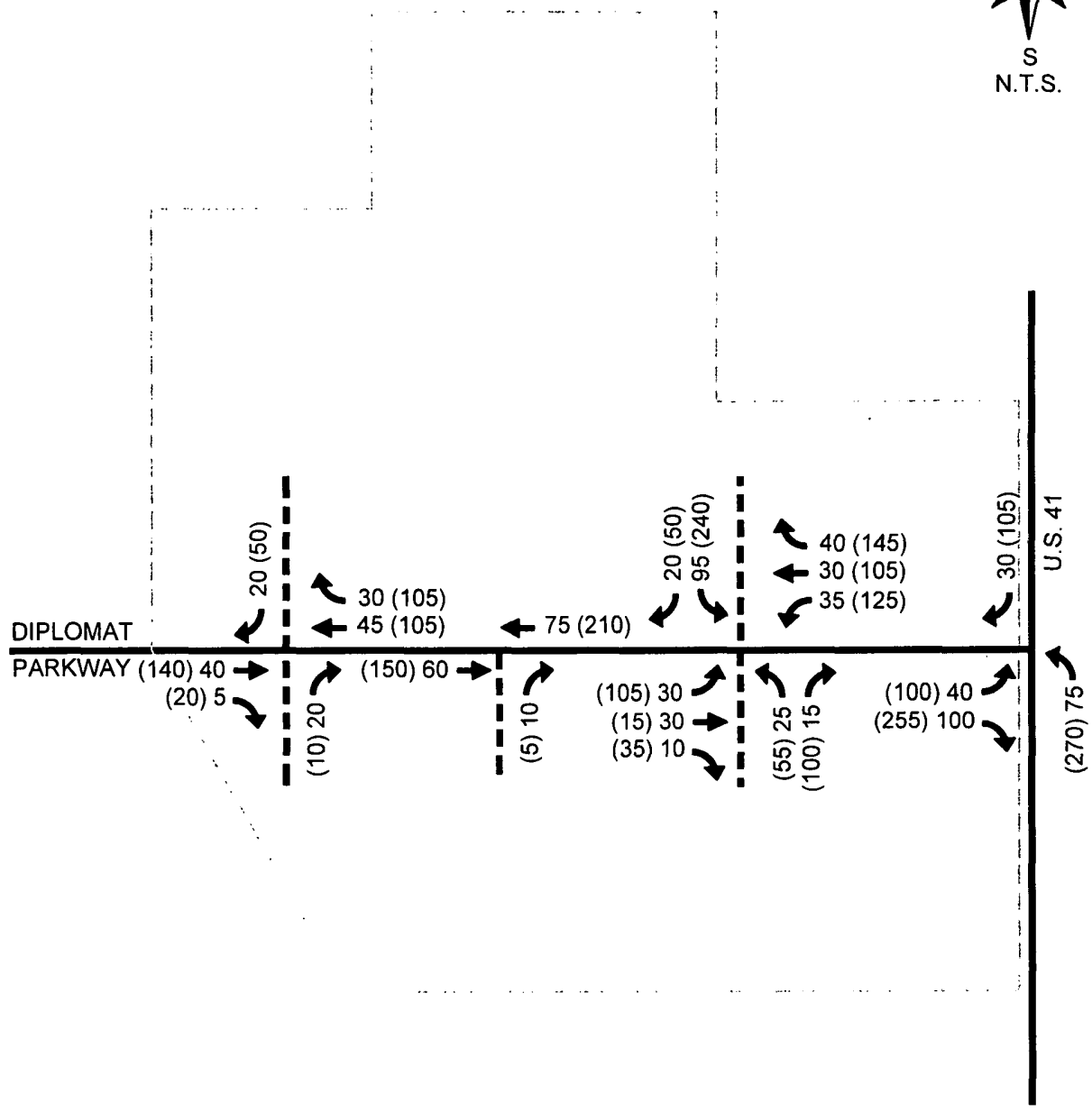
←20%→ PERCENT DISTRIBUTION

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METRO

PROJECT TRAFFIC DISTRIBUTION
KINSEY DIPLOMAT PROPERTY

Figure 2



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LEGEND

000 WEEKDAY AM PEAK HOUR TRAFFIC
(000) WEEKDAY PM PEAK HOUR TRAFFIC
\- INDICATES LESS THAN 5 TRIPS

METRO

SITE TRAFFIC ASSIGNMENT
KINSEY DIPLOMAT PROPERTY

Figure 3

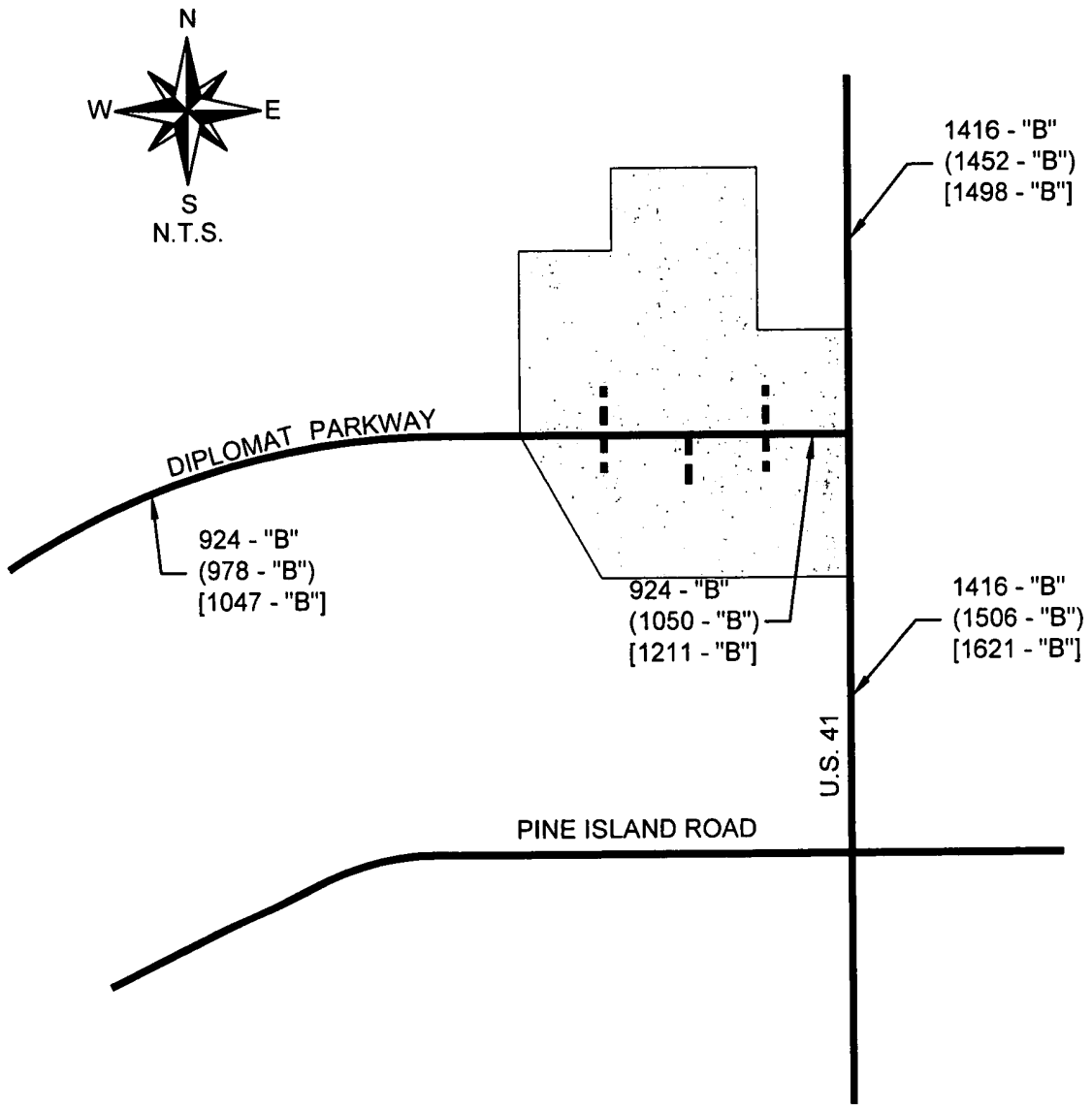
However all roadway segments analyzed were shown to operate at acceptable Level of Service conditions at the build-out of the proposed development.

VI. FUTURE TRAFFIC CONDITIONS

It was assumed that the project would be completed by the year 2009. Therefore, the surrounding roadway network was analyzed under 2010 projected traffic conditions. Based on this projected build-out, a growth rate was applied to the existing traffic conditions for all roadway links and intersections that could be significantly impacted by this development. The growth rates utilized for US 41 were calculated from historical traffic count data as contained in the 2004 Lee County Traffic Count Report. The growth rate for Diplomat Parkway was assumed to be four percent (4%), which is consistent with the City of Cape Coral guidelines for City roadways. The growth rates are indicated on **Table 2A** in the Appendix of the report.

The existing 2004 roadway link traffic data for US 41 was obtained from the 2003/2004–2004/2005 Lee County Concurrency Management Inventory and Projections Report, dated September 2004. The existing 2005 roadway link traffic data for Diplomat Parkway was obtained from traffic counts performed by the City of Cape Coral. Based on the project distribution shown in Figure 2, the link data was analyzed for the existing conditions, year 2010 without the development and year 2010 with the development.

Figure 4 indicates the year 2010 peak hour – peak direction traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 4 is the peak hour – peak direction volume and Level of Service of each link should no development occur on the subject site and the peak hour – peak direction volume and Level of Service for the weekday AM and PM peak hours with the development traffic added to the roadways. These figures are derived from Table 2A contained in the Appendix.



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LEGEND

XXX - "C" 2010 PEAK SEASON PEAK HOUR PEAK DIRECTION BACKGROUND TRAFFIC AND LEVEL OF SERVICE DESIGNATION

(XXX -"C") 2010 PEAK SEASON PEAK HOUR PEAK DIRECTION BACKGROUND TRAFFIC PLUS AM PROJECT TRAFFIC AND LEVEL OF SERVICE DESIGNATION

[XXX -"C"] 2010 PEAK SEASON PEAK HOUR PEAK DIRECTION BACKGROUND TRAFFIC PLUS PM PROJECT TRAFFIC AND LEVEL OF SERVICE DESIGNATION

METRO

2010 BUILDOUT TRAFFIC CONDITIONS KINSEY DIPLOMAT PROPERTY

Figure 4

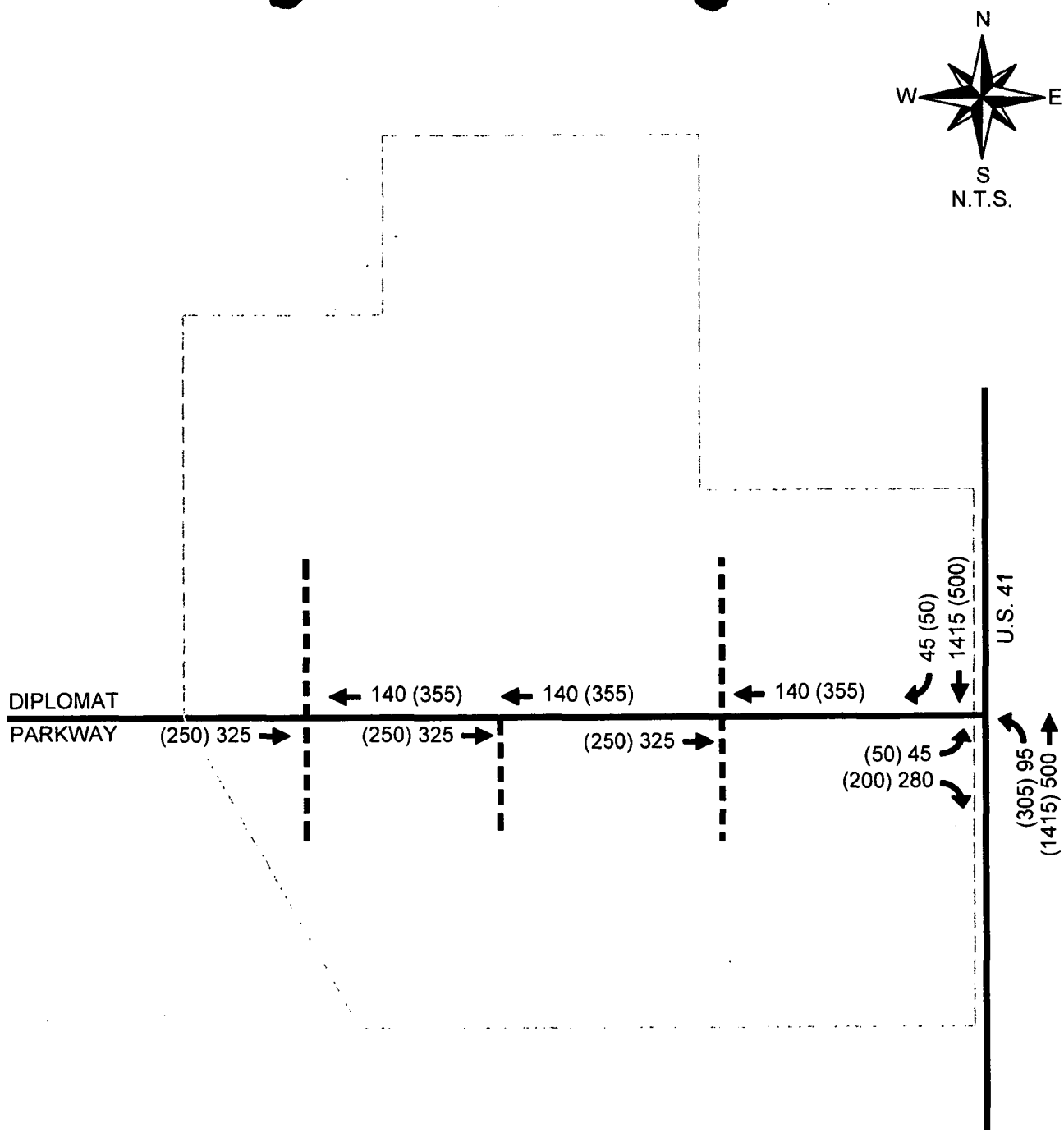
VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

Figure 4 details the Levels of Service for all links inside the project's area of influence based on the this analysis. The Lee County Generalized Level of Service Volumes were utilized to determine the Level of Service Thresholds US 41 and Pine Island Road. The FDOT Generalized Peak Hour Directional Volumes for Florida's Areas Transitioning into Urbanized Areas, Table 4-8, was utilized for the Level of Service Thresholds on Diplomat Parkway. Table 2A in the Appendix details the calculated volumes used to determine the Level of Service on the analyzed links.

In comparing the links' functional classification and calculated 2010 traffic volumes to the Service Volume Tables, it was determined that none of the roadways inside the project's area of influence would be adversely impacted by the proposed development. Adverse impacts are defined as a degradation of the Level of Service beyond the adopted Level of Service Thresholds for those links as indicated in Table 1A. In other words, all roadways analyzed as a result of the proposed development will maintain an acceptable Level of Service when the development traffic is added to the surrounding roadway network.

The 2005 background traffic volumes for the intersection of US 41 and Diplomat Parkway were obtained traffic counts provided by the City of Cape Coral. A copy of the traffic counts is included in the Appendix of this report for reference. The 2010 background traffic volumes illustrated on **Figure 5** were obtained by growing the 2005 background traffic volumes for five (5) years utilizing the growth rates indicated in Table 2A. The 2010 background traffic volumes illustrated on Figure 5 and the site traffic volumes illustrated on Figure 3 were then added together. The resulting 2010 build-out traffic volumes illustrated on **Figure 6** were utilized for the intersection and turn lane analysis.

Turn lane analysis was performed at the intersection of US 41 at Diplomat Parkway as well as at all three site access drives based on the turn lane warrants as contained within the Lee County Turn Lane Policy, Administrative Code 11-4 (AC-11-4). Based on the



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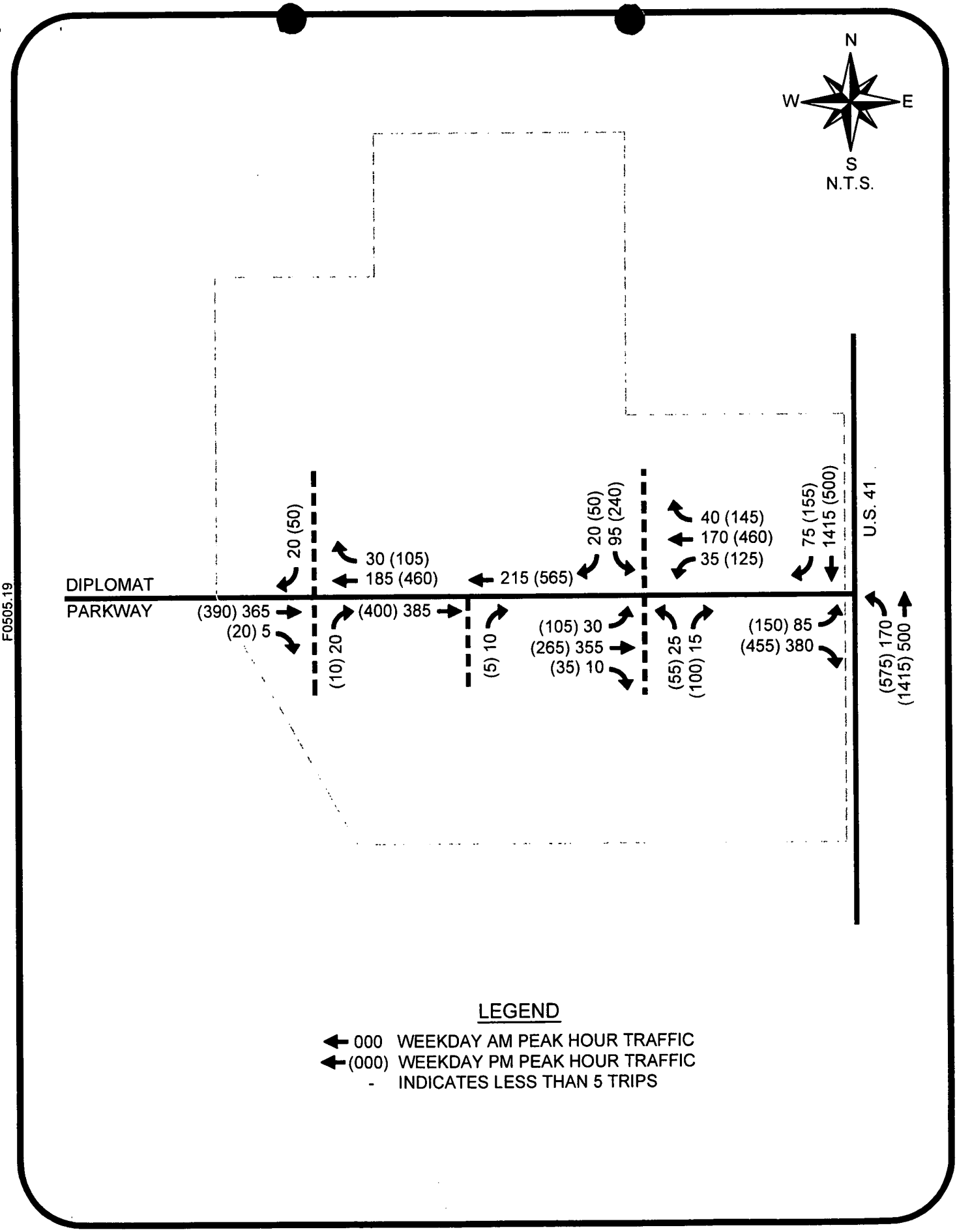
LEGEND

← 000 WEEKDAY AM PEAK HOUR TRAFFIC
←(000) WEEKDAY PM PEAK HOUR TRAFFIC
\- INDICATES LESS THAN 5 TRIPS

METRO

2010 BACKGROUND TRAFFIC VOLUMES
KINSEY DIPLOMAT PROPERTY

Figure 5



METRO

2010 BUILD-OUT TRAFFIC VOLUMES
KINSEY DIPLOMAT PROPERTY

Figure 6



results of the analysis, turn lanes will be warranted at the intersection of US 41 and Diplomat Parkway as well as at two of the site access intersections.

At the intersection of US 41 and Diplomat Parkway a northbound left turn lane and a southbound right turn lane will be warranted. Both the southbound right turn lane and the northbound left turn lane should be constructed to include 405 feet of taper and deceleration length according to the Florida Department of Transportation Standard Index #301 (Index #301) based on a 60 mph design speed. No storage length is warranted for the southbound right turn lane due to the free-flow condition that exists. The required storage length for the northbound left turn lane was based on an average arrival pattern over a two (2) minute period during the peak hour. Therefore the required storage length was calculated as follows:

Storage = (1hour/60 minutes)*(2 minutes)*(575 veh)*25 ft/veh
= (19.1 turning veh)*25 ft/veh
= 480 ft of storage

Therefore, at the intersection of US 41 and Diplomat Parkway, the southbound right turn lane should be constructed to include 405 feet of overall length and the northbound left turn lane should be constructed to include 885 feet of overall length.

However, a southbound right turn lane approximately 540 feet in overall length and a northbound left turn lane approximately 655 feet in overall length currently exist at the intersection of US 41 and Diplomat Parkway. Although the northbound left turn lane does not meet the 885 feet of overall length warranted by this analysis, it is not possible to extend the turn lane past its existing 655 feet of overall length due to the proximity of the intersection of US 41 and the Merchants Crossing Shopping Center. Therefore, no turn lane improvements will be warranted at the intersection of US 41 and Diplomat Parkway.

At the easternmost site access drive on Diplomat Parkway an eastbound left turn lane, an eastbound right turn lane, a westbound left turn lane, and a westbound right turn lane will be warranted. A two-lane approach will also be warranted at the southbound and

northbound approaches. All of the turn lanes should be constructed to include 240 feet of taper and deceleration length according to Index #301 based on a 50 mph design speed and an urban cross section. No storage length will be warranted for the eastbound and westbound right turn lanes due to the free-flow condition that will exist. The required storage length for the eastbound and westbound left turn lanes was based on an average arrival pattern over a two (2) minute period during the peak hour. Therefore the required storage length was calculated as follows:

Westbound Left Turn Lane
Storage = (1hour/60 minutes)*(2 minutes)*(125 veh)*25 ft/veh
= (4.2 turning veh)*25 ft/veh
= 105 ft of storage

Eastbound Left Turn Lane
Storage = (1hour/60 minutes)*(2 minutes)*(105 veh)*25 ft/veh
= (3.5 turning veh)*25 ft/veh
= 90 ft of storage

Therefore, at the easternmost site access intersection on Diplomat Parkway, the westbound left turn lane should be constructed to include 345 feet of overall length and the eastbound left turn lane should be constructed to include 330 feet of overall length.

At the westernmost site access drive on Diplomat Parkway a westbound right turn lane will be warranted. The turn lane should be constructed to include 240 feet of taper and deceleration length according to Index #301 based on a 50 mph design speed and an urban cross section. No storage length will be warranted for the westbound right turn lane due to the free-flow condition that will exist. No additional turn lane improvements are warranted as a result of this analysis.

Intersection analysis was performed at the intersection of US 41 and Diplomat Parkway as well as at all three site access drives based on the 2010 build-out traffic conditions for the proposed development. The latest version of the Highway Capacity Software, HCS 2000, was utilized in the intersection analysis. From the analysis, the intersection of US 41 at Diplomat Parkway and the easternmost site access intersection are shown to operate below acceptable Level of Service conditions under the 2010 build-out traffic conditions.

The eastbound approach to the intersection of US 41 at Diplomat Parkway is shown to operate at a Level of Service "F". The intersection of US 41 and Diplomat Parkway may need to be signalized in the future upon approval from the Florida Department of Transportation if and when warrants are met. At the easternmost site access intersection on Diplomat Parkway the southbound left turning movement is shown to operate at a Level of Service "F" under the 2010 PM peak hour build-out traffic conditions. However, this Level of Service deficiency will only affect the site traffic. Therefore, other than the turn lane improvements described previously, no roadway improvements will be warranted as a result of this analysis.

VIII. CONCLUSION

The proposed Kinsey Diplomat Property located located on the west side of US 41 both north and south of Diplomat Parkway in the North Fort Myers area of Lee County, Florida will not have a detrimental impact on the surrounding roadway system. The existing roadway network can accommodate the additional new vehicle trips the development is anticipated to generate.

Turn lane analysis was performed based on 2010 build-out of the Kinsey Diplomat Property. Based on the entire development, turn lane improvements will be required based on the warrants contained within the Lee County Turn Lane Policy, AC 11-4. At the easternmost site access drive on Diplomat Parkway a westbound left turn lane 345 feet in overall length, a westbound right turn lane 240 feet in overall length, an eastbound left turn lane 330 feet in overall length, an eastbound right turn lane 240 feet in overall length, a two-lane southbound approach, and a two-lane northbound approach will be warranted. At the westernmost site access drive on Diplomat Parkway a westbound right turn lane 240 feet in overall length will be warranted. No additional turn lane improvements will be required as a result of the traffic generated by the entire Kinsey Diplomat Property.

Intersection analysis was performed at the intersection of US 41 and Diplomat Parkway as well as at all three site access drives. From the analysis, the intersection of US 41 at Diplomat Parkway and the easternmost site access intersection are shown to operate below acceptable Level of Service conditions under the 2010 build-out traffic conditions. The eastbound approach to the intersection of US 41 at Diplomat Parkway is shown to operate at a Level of Service "F". Future signalization of this intersection may be warranted and if the signal is approved by the Florida Department of Transportation, the Developer would be required to pay a proportionate share of the cost associated with the signalization. At the easternmost site access intersection on Diplomat Parkway the southbound left turning movement is shown to operate at a Level of Service "F" under the 2010 PM peak hour build-out traffic conditions. However, this Level of Service deficiency will only affect the site traffic. Therefore, other than the turn lane improvements described previously, no roadway improvements will be warranted as a result of this analysis.

TABLE 1A
PEAK DIRECTION
PROJECT TRAFFIC VS. LOS C LINK VOLUMES
KINSEY DIPLOMAT PROPERTY

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 295 VPH IN= 115 OUT= 180

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 785 VPH IN= 410 OUT= 375

ROADWAY	SEGMENT	ROADWAY CLASS	LOS A VOLUME	LOS B VOLUME	LOS C VOLUME	LOS D VOLUME	LOS E VOLUME	PERCENT PROJECT TRAFFIC	PROJECT TRAFFIC	PROJ/ LOS C
Diplomat Parkway	W. of US 41	4LD	240	1470	1730	1810	1810	70%	287	16.6%
	W. of Site	4LD	240	1470	1730	1810	1810	30%	123	7.1%
US 41	N. of Diplomat Pkwy	4LD	450	1630	1900	1950	1950	20%	82	4.3%
	S. of Diplomat Pkwy	4LD	450	1630	1900	1950	1950	50%	205	10.8%
	S. of Pine Island Rd	4LD	450	1630	1900	1950	1950	30%	123	6.5%
Pine Island Rd	W. of US 41	4LD	450	1630	1900	1950	1950	15%	62	3.2%
	E. of US 41	4LD	450	1630	1900	1950	1950	5%	21	1.1%

- Indicates significantly impacted links

* Lee County Generalized Level of Service Thresholds utilized for US 41 and Pine Island Road

** FDOT Table 4-8 Generalzied Level of Service Volumes for Florida's Areas Transitioning Into Urbanized Areas utilized for Diplomat Parkway

TABLE 2A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS
KINSEY DIPLOMAT PROPERTY

TOTAL PROJECT TRAFFIC AM = 295 VPH IN = 115 OUT= 180

TOTAL PROJECT TRAFFIC PM = 785 VPH IN= 410 OUT= 375

ROADWAY	SEGMENT	P.C.S.	BASE YR ADT	2004 ADT	YRS OF GROWTH	ANNUAL RATE[3]	2004 PK HR PK SEASON PEAK DIR.[1,2]	2010 PK HR PK SEASON PEAK DIR.	PERCENT PROJECT TRAFFIC	AM PROJ TRAFFIC	PM PROJ TRAFFIC	2010 BCKGRND + AM PROJ TRAFFIC	2010 BCKGRND + PM PROJ TRAFFIC
Diplomat Parkway	W. of US 41	-	-	-	-	4.00%	730	924	70%	126	287	1050	1211
	W. of Site	-	-	-	-	4.00%	730	924	30%	54	123	978	1047
US 41	N. of Diplomat Pkwy	1	20000	24700	9	2.37%	1230	1416	20%	36	82	1452	1498
	S. of Diplomat Pkwy	1	20000	24700	9	2.37%	1230	1416	50%	90	205	1506	1621

[1] 2004 peak hour peak season peak direction traffic volumes obtained from the 2003/2004-2004/2005 Lee County Concurrency Management Inventory and Projections Report, dated September 2004

[2] 2004 peak hour peak season peak direction traffic volumes on Diplomat Parkway were obtained from traffic counts performed by the City of Cape Coral and represent 2005 volumes

[3] Growth Rate on Diplomat Parkway was assumed to be 4%, which is consistent with the City of Cape Coral TIS Guidelines

100th Highest Hour LOS Analysis

		2010 BCKGRND TRAFFIC LOS	2010 BCKGRND + AM PROJ LOS	2010 BCKGRND + PM PROJ LOS
Diplomat Parkway	W. of US 41	B	B	B
	W. of Site	B	B	B
US 41	N. of Diplomat Pkwy	B	B	B
	S. of Diplomat Pkwy	B	B	B

SITE PLAN FOR THE PROPOSED KINSEY DIPLOMAT PROPERTY

INTERSECTION CAPACITY ANALYSIS

TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	*DLW*	Intersection	*US 41 & Diplomat*
Agency/Co.	*Metro Transportation Group*	Jurisdiction	*Lee County*
Date Performed	*6/1/2005*	Analysis Year	*2010 background & AM project*
Analysis Time Period	*AM peak hour*		
Project Description	*F0505.19 - Kinsey Diplomat Property*		
East/West Street:	*Diplomat Parkway*	North/South Street:	*US 41*
Intersection Orientation:	*North-South*	Study Period (hrs):	*0.25*

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume	*170*	*500*	*0*	*0*	*1415*	*75*
Peak-Hour Factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate, HFR	*178*	*526*	*0*	*0*	*1489*	*78*
Percent Heavy Vehicles	*7*	--	--	*0*	--	--
Median Type	*Raised curb*					
RT Channelized			*0*			*0*
Lanes	*1*	*2*	*0*	*0*	*2*	*1*
Configuration	*L*	*T*			*T*	*R*
Upstream Signal		*0*			*0*	

Minor Street	Westbound			Eastbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume	*0*	*0*	*0*	*85*	*0*	*380*
Peak-Hour Factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate, HFR	*0*	*0*	*0*	*89*	*0*	*400*
Percent Heavy Vehicles	*0*	*0*	*0*	*7*	*0*	*7*
Percent Grade (%)		*0*			*0*	
Flared Approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized			*0*			*0*
Lanes	*0*	*0*	*0*	*1*	*0*	*1*
Configuration				*L*		*R*

Delay, Queue Length, and Level of Service

Approach	NB	SB	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	*L*					*L*		*R*
v (vph)	*178*					*89*		*400*
C (m) (vph)	*394*					*102*		*346*
v/c	*0.45*					*0.87*		*1.16*
95% queue length	*2.28*					*5.02*		*16.08*
Control Delay	*21.4*					*132.8*		*132.0*
LOS	*C*					*F*		*F*
Approach Delay	--	--				*132.2*		
Approach LOS	--	--				*F*		

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TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	*DLW*	Intersection	*US 41 & Diplomat*
Agency/Co.	*Metro Transportation Group*	Jurisdiction	*Lee County*
Date Performed	*6/1/2005*	Analysis Year	*2010 background & PM project*
Analysis Time Period	*PM peak hour*		

Project Description	*F0505.19 - Kinsey Diplomat Property*
East/West Street: *Diplomat Parkway*	North/South Street: *US 41*
Intersection Orientation: *North-South*	Study Period (hrs): *0.25*

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume	*575*	*1415*	*0*	*0*	*500*	*155*
Peak-Hour Factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate, HFR	*605*	*1489*	*0*	*0*	*526*	*163*
Percent Heavy Vehicles	*7*	--	--	*0*	--	--
Median Type	*Raised curb*					
RT Channelized			*0*			*0*
Lanes	*1*	*2*	*0*	*0*	*2*	*1*
Configuration	*L*	*T*			*T*	*R*
Upstream Signal		*0*			*0*	

Minor Street	Westbound			Eastbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume	*0*	*0*	*0*	*150*	*0*	*455*
Peak-Hour Factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate, HFR	*0*	*0*	*0*	*157*	*0*	*478*
Percent Heavy Vehicles	*0*	*0*	*0*	*7*	*0*	*7*
Percent Grade (%)		*0*			*0*	
Flared Approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized			*0*			*0*
Lanes	*0*	*0*	*0*	*1*	*0*	*1*
Configuration				*L*		*R*

Delay, Queue Length, and Level of Service

Approach	NB	SB	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	*L*					*L*		*R*
v (vph)	*605*					*157*		*478*
C (m) (vph)	*869*					*25*		*721*
v/c	*0.70*					*6.28*		*0.66*
95% queue length	*5.84*					*19.52*		*5.06*
Control Delay	*18.1*					*2685*		*19.2*
LOS	*C*					*F*		*C*
Approach Delay	--	--				*678.4*		
Approach LOS	--	--				*F*		

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EASTERNMOST SITE ACCESS DRIVE

(FULL ACCESS)

TWO-WAY STOP CONTROL SUMMARY

General Information

Analyst	*DLW*
Agency/Co.	*Metro Transportation Group*
Date Performed	*6/1/2005*
Analysis Time Period	*AM peak hour*

Site Information

Intersection	*Full Access Intersection*
Jurisdiction	*City of Cape Coral*
Analysis Year	*2010 background & AM project*

Project Description *F0505.19 - Kinsey Diplomat Property*

East/West Street: *Diplomat Parkway* | North/South Street: *Easternmost Site Access*

Intersection Orientation: *East-West* | Study Period (hrs): *0.25*

Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	*30*	*355*	*10*	*35*	*170*	*40*
Peak-hour factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate (veh/h)	*31*	*373*	*10*	*36*	*178*	*42*
Proportion of heavy vehicles, P_{HV}	*3*	--	--	*3*	--	--
Median type	*Raised curb*					
RT Channelized?			*0*			*0*
Lanes	*1*	*2*	*1*	*1*	*2*	*1*
Configuration	*L*	*T*	*R*	*L*	*T*	*R*
Upstream Signal		*0*			*0*	

Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	*25*	*0*	*15*	*95*	*0*	*20*
Peak-hour factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate (veh/h)	*26*	*0*	*15*	*100*	*0*	*21*
Proportion of heavy vehicles, P_{HV}	*3*	*0*	*3*	*3*	*0*	*3*
Percent grade (%)		*0*			*0*	
Flared approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized?			*0*			*0*
Lanes	*1*	*0*	*1*	*1*	*0*	*1*
Configuration	*L*		*R*	*L*		*R*

Control Delay, Queue Length, Level of Service

Approach	EB	WB	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	*L*	*L*	*L*		*R*	*L*		*R*
Volume, v (vph)	*31*	*36*	*26*		*15*	*100*		*21*
Capacity, c_m (vph)	*1339*	*1165*	*447*		*821*	*507*		*948*
v/c ratio	*0.02*	*0.03*	*0.06*		*0.02*	*0.20*		*0.02*
Queue length (95%)	*0.07*	*0.10*	*0.18*		*0.06*	*0.73*		*0.07*
Control Delay (s/veh)	*7.8*	*8.2*	*13.6*		*9.5*	*13.8*		*8.9*
LOS	*A*	*A*	*B*		*A*	*B*		*A*
Approach delay (s/veh)	--	--	*12.1*			*13.0*		
Approach LOS	--	--	*B*			*B*		

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TWO-WAY STOP CONTROL SUMMARY

General Information

Analyst	*DLW*
Agency/Co.	*Metro Transportation Group*
Date Performed	*6/1/2005*
Analysis Time Period	*PM peak hour*

Site Information

Intersection	*Full Access Intersection*
Jurisdiction	*City of Cape Coral*
Analysis Year	*2010 background & PM project*

Project Description *F0505.19 - Kinsey Diplomat Property*

East/West Street: *Diplomat Parkway* | North/South Street: *Easternmost Site Access*

Intersection Orientation: *East-West* | Study Period (hrs): *0.25*

Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	*105*	*265*	*35*	*125*	*460*	*145*
Peak-hour factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate (veh/h)	*110*	*278*	*36*	*131*	*484*	*152*
Proportion of heavy vehicles, P_{HV}	*3*	--	--	*3*	--	--
Median type	*Raised curb*					
RT Channelized?			*0*			*0*
Lanes	*1*	*2*	*1*	*1*	*2*	*1*
Configuration	*L*	*T*	*R*	*L*	*T*	*R*
Upstream Signal		*0*			*0*	

Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	*55*	*0*	*100*	*240*	*0*	*50*
Peak-hour factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate (veh/h)	*57*	*0*	*105*	*252*	*0*	*52*
Proportion of heavy vehicles, P_{HV}	*3*	*0*	*3*	*3*	*0*	*3*
Percent grade (%)		*0*			*0*	
Flared approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized?			*0*			*0*
Lanes	*1*	*0*	*1*	*1*	*0*	*1*
Configuration	*L*		*R*	*L*		*R*

Control Delay, Queue Length, Level of Service

Approach	EB	WB	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	*L*	*L*	*L*		*R*	*L*		*R*
Volume, v (vph)	*110*	*131*	*57*		*105*	*252*		*52*
Capacity, c_m (vph)	*937*	*1236*	*238*		*881*	*212*		*756*
v/c ratio	*0.12*	*0.11*	*0.24*		*0.12*	*1.19*		*0.07*
Queue length (95%)	*0.40*	*0.35*	*0.91*		*0.40*	*12.54*		*0.22*
Control Delay (s/veh)	*9.4*	*8.3*	*24.8*		*9.6*	*168.8*		*10.1*
LOS	*A*	*A*	*C*		*A*	*F*		*B*
Approach delay (s/veh)	--	--	*15.0*			*141.6*		
Approach LOS	--	--	*B*			*F*		

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MIDDLE SITE ACCESS DRIVE

(RIGHT OUT ONLY ACCESS)

TWO-WAY STOP CONTROL SUMMARY

General Information

Analyst	*DLW*
Agency/Co.	*Metro Transportation Group*
Date Performed	*6/1/2005*
Analysis Time Period	*AM peak hour*

Site Information

Intersection	*Right Out Access*
Jurisdiction	*City of Cape Coral*
Analysis Year	*2010 background & AM project*

Project Description *F0505.19 - Kinsey Diplomat Property*

East/West Street: *Diplomat Parkway* | North/South Street: *Middle Site Access*

Intersection Orientation: *East-West* | Study Period (hrs): *0.25*

Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	*0*	*385*	*0*	*0*	*215*	*0*
Peak-hour factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate (veh/h)	*0*	*405*	*0*	*0*	*226*	*0*
Proportion of heavy vehicles, P_{HV}	*0*	--	--	*0*	--	--
Median type	*Raised curb*					
RT Channelized?			*0*			*0*
Lanes	*0*	*2*	*0*	*0*	*2*	*0*
Configuration		*T*			*T*	
Upstream Signal		*0*			*0*	

Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	*0*	*0*	*10*	*0*	*0*	*0*
Peak-hour factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate (veh/h)	*0*	*0*	*10*	*0*	*0*	*0*
Proportion of heavy vehicles, P_{HV}	*0*	*0*	*0*	*0*	*0*	*0*
Percent grade (%)		*0*			*0*	
Flared approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized?			*0*			*0*
Lanes	*0*	*0*	*1*	*0*	*0*	*0*
Configuration			*R*			

Control Delay, Queue Length, Level of Service

Approach	EB	WB	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration					*R*			
Volume, v (vph)					*10*			
Capacity, c_m (vph)					*811*			
v/c ratio					*0.01*			
Queue length (95%)					*0.04*			
Control Delay (s/veh)					*9.5*			
LOS					*A*			
Approach delay (s/veh)	--	--	*9.5*					
Approach LOS	--	--	*A*					

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TWO-WAY STOP CONTROL SUMMARY

General Information

Analyst	*DLW*
Agency/Co.	*Metro Transportation Group*
Date Performed	*6/1/2005*
Analysis Time Period	*PM peak hour*

Site Information

Intersection	*Right Out Access*
Jurisdiction	*City of Cape Coral*
Analysis Year	*2010 background & PM project*

Project Description *F0505.19 - Kinsey Diplomat Property*

East/West Street: *Diplomat Parkway* | North/South Street: *Middle Site Access*

Intersection Orientation: *East-West* | Study Period (hrs): *0.25*

Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	*0*	*400*	*0*	*0*	*565*	*0*
Peak-hour factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate (veh/h)	*0*	*421*	*0*	*0*	*594*	*0*
Proportion of heavy vehicles, P_{HV}	*0*	--	--	*0*	--	--
Median type	*Raised curb*					
RT Channelized?			*0*			*0*
Lanes	*0*	*2*	*0*	*0*	*2*	*0*
Configuration		*T*			*T*	
Upstream Signal		*0*			*0*	

Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	*0*	*0*	*5*	*0*	*0*	*0*
Peak-hour factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate (veh/h)	*0*	*0*	*5*	*0*	*0*	*0*
Proportion of heavy vehicles, P_{HV}	*0*	*0*	*0*	*0*	*0*	*0*
Percent grade (%)	*0*			*0*		
Flared approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized?			*0*			*0*
Lanes	*0*	*0*	*1*	*0*	*0*	*0*
Configuration			*R*			

Control Delay, Queue Length, Level of Service

Approach	EB	WB	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration					*R*			
Volume, v (vph)					*5*			
Capacity, c_m (vph)					*802*			
v/c ratio					*0.01*			
Queue length (95%)					*0.02*			
Control Delay (s/veh)					*9.5*			
LOS					*A*			
Approach delay (s/veh)	--	--	*9.5*					
Approach LOS	--	--	*A*					

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WESTERNMOST SITE ACCESS DRIVE

(RIGHT IN/RIGHT OUT ACCESS)

TWO-WAY STOP CONTROL SUMMARY

General Information

Analyst	*DLW*
Agency/Co.	*Metro Transportation Group*
Date Performed	*6/1/2005*
Analysis Time Period	*AM peak hour*

Site Information

Intersection	*Right In/Right Out Access*
Jurisdiction	*City of Cape Coral*
Analysis Year	*2010 background & AM project*

Project Description *F0505.19 - Kinsey Diplomat Parkway*

East/West Street: *Diplomat Parkway* | North/South Street: *Westernmost Site Access*

Intersection Orientation: *East-West* | Study Period (hrs): *0.25*

Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	*0*	*365*	*5*	*0*	*185*	*30*
Peak-hour factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate (veh/h)	*0*	*384*	*5*	*0*	*194*	*31*
Proportion of heavy vehicles, P_{HV}	*0*	--	--	*0*	--	--
Median type	*Raised curb*					
RT Channelized?			*0*			*0*
Lanes	*0*	*2*	*1*	*0*	*2*	*1*
Configuration		*T*	*R*		*T*	*R*
Upstream Signal		*0*			*0*	

Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	*0*	*0*	*20*	*0*	*0*	*20*
Peak-hour factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate (veh/h)	*0*	*0*	*21*	*0*	*0*	*21*
Proportion of heavy vehicles, P_{HV}	*0*	*0*	*3*	*0*	*0*	*3*
Percent grade (%)		*0*			*0*	
Flared approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized?			*0*			*0*
Lanes	*0*	*0*	*1*	*0*	*0*	*1*
Configuration			*R*			*R*

Control Delay, Queue Length, Level of Service

Approach	EB	WB	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration					*R*			*R*
Volume, v (vph)					*21*			*21*
Capacity, c_m (vph)					*814*			*937*
v/c ratio					*0.03*			*0.02*
Queue length (95%)					*0.08*			*0.07*
Control Delay (s/veh)					*9.5*			*8.9*
LOS					*A*			*A*
Approach delay (s/veh)	--	--	*9.5*			*8.9*		
Approach LOS	--	--	*A*			*A*		

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TWO-WAY STOP CONTROL SUMMARY

General Information

Analyst	*DLW*
Agency/Co.	*Metro Transportation Group*
Date Performed	*6/1/2005*
Analysis Time Period	*PM peak hour*

Site Information

Intersection	*Right In/Right Out Access*
Jurisdiction	*City of Cape Coral*
Analysis Year	*2010 background & PM project*

Project Description *F0505.19 - Kinsey Diplomat Parkway*

East/West Street: *Diplomat Parkway* | North/South Street: *Westernmost Site Access*

Intersection Orientation: *East-West* | Study Period (hrs): *0.25*

Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	*0*	*390*	*20*	*0*	*460*	*105*
Peak-hour factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate (veh/h)	*0*	*410*	*21*	*0*	*484*	*110*
Proportion of heavy vehicles, P_{HV}	*0*	--	--	*0*	--	--
Median type	*Raised curb*					
RT Channelized?			*0*			*0*
Lanes	*0*	*2*	*1*	*0*	*2*	*1*
Configuration		*T*	*R*		*T*	*R*
Upstream Signal		*0*			*0*	

Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	*0*	*0*	*10*	*0*	*0*	*50*
Peak-hour factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate (veh/h)	*0*	*0*	*10*	*0*	*0*	*52*
Proportion of heavy vehicles, P_{HV}	*0*	*0*	*3*	*0*	*0*	*3*
Percent grade (%)		*0*			*0*	
Flared approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized?			*0*			*0*
Lanes	*0*	*0*	*1*	*0*	*0*	*1*
Configuration			*R*			*R*

Control Delay, Queue Length, Level of Service

Approach	EB	WB	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration					*R*			*R*
Volume, v (vph)					*10*			*52*
Capacity, c_m (vph)					*798*			*756*
v/c ratio					*0.01*			*0.07*
Queue length (95%)					*0.04*			*0.22*
Control Delay (s/veh)					*9.6*			*10.1*
LOS					*A*			*B*
Approach delay (s/veh)	--	--	*9.6*			*10.1*		
Approach LOS	--	--	*A*			*B*		

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ITE INTERNAL CAPTURE

SUMMARY SHEET

Analyst DLW
Date 5/31/05

MULTI-USE DEVELOPMENT TRIP GENERATION AND INTERNAL CAPTURE SUMMARY

Name of Dvlpt Kinsey Diplomat Property
Time Period

LAND USE A Retail

ITE LU Code 820
Size 200,000 sq. ft.

	Total	Internal	External
Enter	475	37	438
Exit	515	43	472
Total	990	80	910
%	100%	8%	92%

Exit to External: 472
Enter from External: 438

% Demand | % Demand | Balanced | Balanced | % Demand | % Demand

12% 62 Demand | 9% 43 Demand | 43 Balanced | 37 Balanced | 31% 43 Demand | 53% 37 Demand

LAND USE B —

ITE LU Code —
Size —

	Total	Internal	External
Enter			
Exit			
Total			
%			

Exit to External
Enter from External

Demand % | Balanced | Demand %

% Demand | Balanced | % Demand

LAND USE C Residential

ITE LU Code 230
Size 462 d.u.

	Total	Internal	External
Enter	140	43	97
Exit	70	37	33
Total	210	80	130
%	100%	38%	62%

Enter from External: 97
Exit to External: 33

Net External Trips for Multi-Use Development

	LAND USE A	LAND USE B	LAND USE C	TOTAL
Enter	438	—	97	535
Exit	472	—	33	505
Total	910	—	130	1,040
Single-Use Trip Gen. Est.	990	—	210	1,200

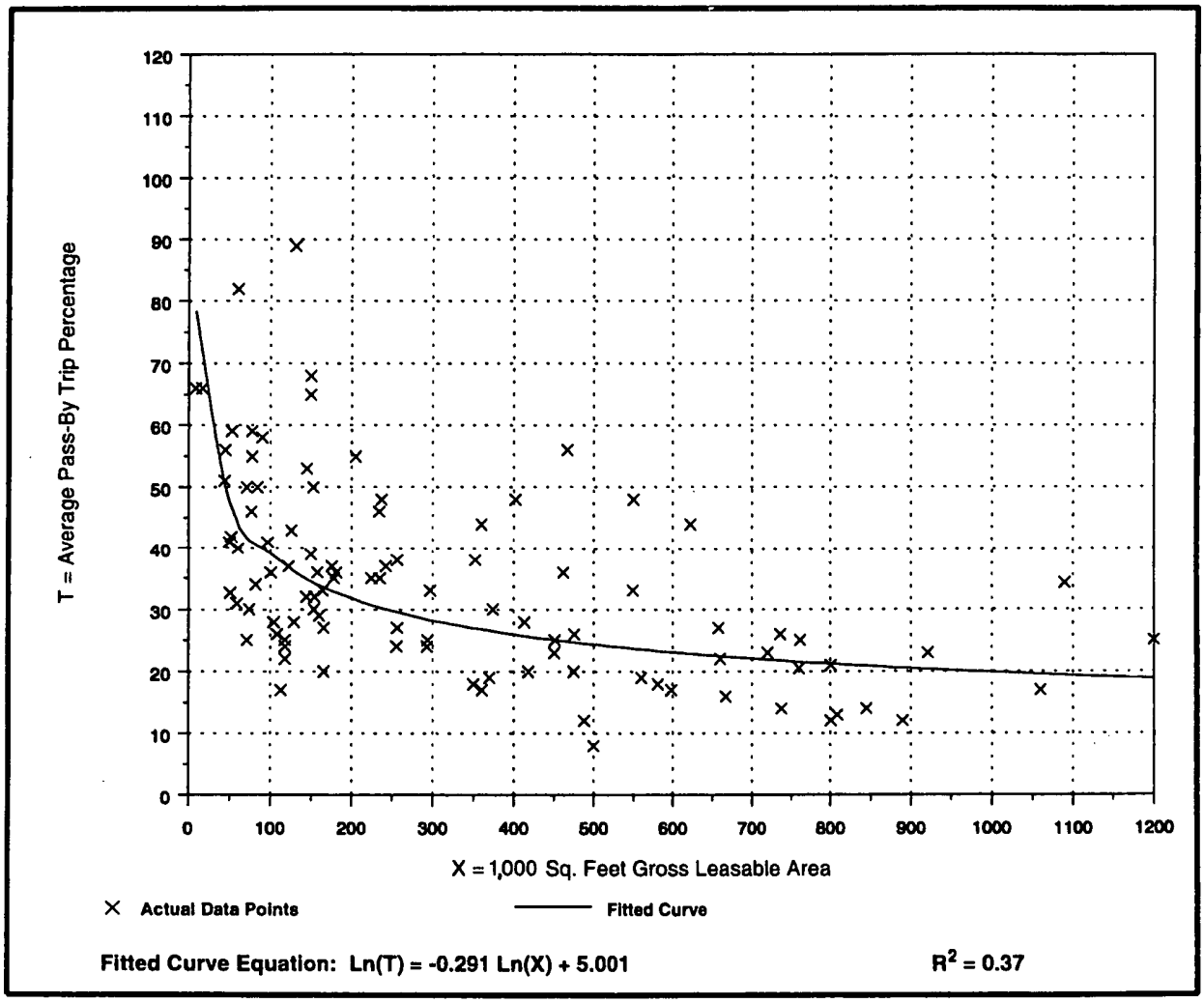
Source: Kaku Associates, Inc.

INTERNAL CAPTURE: 13%

Figure 5.5 Shopping Center (820)

Average Pass-By Trip Percentage vs: **1,000 Sq. Feet Gross Leasable Area**
On a: **Weekday, P.M. Peak Period**
Number of Studies: 100
Average 1,000 Sq. Feet GLA: 329

Data Plot



FDOT TABLE 4-8

GENERALIZED PEAK HOUR DIRECTIONAL VOLUMES FOR FLORIDA'S AREAS TRANSITIONING INTO URBANIZED AREAS

TABLE 4 - 8

GENERALIZED **PEAK HOUR DIRECTIONAL** VOLUMES FOR FLORIDA'S **AREAS TRANSITIONING INTO URBANIZED AREAS** OR **AREAS OVER 5,000 NOT IN URBANIZED AREAS***

UNINTERRUPTED FLOW HIGHWAYS

Lanes	Divided	Level of Service A	B	C	D	E
1	Undivided	100	330	620	870	1,200
2	Divided	980	1,590	2,300	2,980	3,390
3	Divided	1,470	2,390	3,460	4,470	5,080

STATE TWO-WAY ARTERIALS

Class I (>0.00 to 1.99 signalized intersections per mile)

Lanes	Divided	Level of Service A	B	C	D	E
1	Undivided	**	210	690	820	860
2	Divided	240	1,470	1,730	1,810	***
3	Divided	370	2,280	2,660	2,710	***

Class II (2.00 to 4.50 signalized intersections per mile)

Lanes	Divided	Level of Service A	B	C	D	E
1	Undivided	**	**	560	760	810
2	Divided	**	200	1,290	1,620	1,700
3	Divided	**	320	2,000	2,430	2,560

Class III (more than 4.5 signalized intersections per mile)

Lanes	Divided	Level of Service A	B	C	D	E
1	Undivided	**	**	260	620	770
2	Divided	**	**	620	1,440	1,630
3	Divided	**	**	970	2,220	2,450

NON-STATE ROADWAYS

Major City/County Roadways

Lanes	Divided	Level of Service A	B	C	D	E
1	Undivided	**	**	370	720	770
2	Divided	**	**	870	1,550	1,630
3	Divided	**	**	1,360	2,330	2,450

Other Signalized Roadways
(signalized intersection analysis)

Lanes	Divided	Level of Service A	B	C	D	E
1	Undivided	**	**	230	490	630
2	Divided	**	**	540	1,070	1,270

Source: Florida Department of Transportation 02/22/02
Systems Planning Office
605 Suwannee Street, MS 19
Tallahassee, FL 32399-0450
http://www11.myflorida.com/planning/systems/sm/los/default.htm

FREEWAYS

Lanes	Level of Service A	B	C	D	E
2	1,290	2,130	2,890	3,420	3,800
3	2,000	3,290	4,460	5,280	5,870
4	2,700	4,450	6,030	7,140	7,940
5	3,400	5,600	7,610	9,010	10,010

BICYCLE MODE

(**Note:** Level of service for the bicycle mode in this table is based on roadway geometrics at 40 mph posted speed and traffic conditions, not number of bicyclists using the facility.) (Multiply motorized vehicle volumes shown below by number of directional roadway lanes to determine maximum service volumes.)

Paved Shoulder/ Bicycle Lane Coverage	Level of Service A	B	C	D	E
0-49%	**	100	170	720	>720
50-84%	**	130	210	>210	***
85-100%	170	380	>380	***	***

PEDESTRIAN MODE

(**Note:** Level of service for the pedestrian mode in this table is based on roadway geometric at 40 mph posted speed and traffic conditions, not number of pedestrians using the facility.) (Multiply motorized vehicle volumes shown by number of directional roadway lanes to determine maximum service volumes.)

Sidewalk Coverage	Level of Service A	B	C	D	E
0-49%	**	**	**	330	810
50-84%	**	**	**	520	990
85-100%	**	120	590	>590	***

ARTERIAL/NON-STATE ROADWAY ADJUSTMENTS

DIVIDED/UNDIVIDED

Lanes	Median	Left Turn Lanes	Adjustment Factors
1	Divided	Yes	+5%
1	Undivided	No	-20%
Multi	Undivided	Yes	-5%
Multi	Undivided	No	-25%

ONE-WAY FACILITIES

Increase corresponding volume 20%.

*This table does not constitute a standard and should be used only for general planning applications. The computer models from which this table is derived should be used for more specific planning applications The table and deriving computer models should not be used for corridor or intersection design, where more refined techniques exist. Values shown are hourly two-way volumes for levels of service and are for the automobile/truck modes unless specifically stated. Level of service letter grade thresholds are probably not comparable across modes and, therefore, cross modal comparisons should be made with caution. Furthermore, combining levels of service of different modes into one overall roadway level of service is not recommended. The table's input value defaults and level of service criteria appear on the following page. Calculations are based on planning applications of the Highway Capacity Manual, Bicycle LOS Model and Pedestrian LOS Model, respectively for the automobile/truck, bicycle and pedestrian modes.

**Cannot be achieved using table input value defaults.

***Not applicable for the level of service letter grade. For automobile/truck modes, volumes greater than level of service D become F because intersection capacities have been reached. For bicycle and pedestrian modes, the level of service letter grade (including F) is not achievable, because there is no maximum vehicle volume threshold using table input value defaults.

LEE COUNTY GENERALIZED LEVEL OF SERVICE THRESHOLDS

Lee County
Generalized Peak Hour Directional Service Volumes
Urbanized Areas

d:\los02\Input1

Uninterrupted Flow Highway Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	100	340	680	970	1,300
2	Divided	990	1,610	2,330	3,010	3,420
3	Divided	1,490	2,410	3,490	4,510	5,130

Arterials

Class I (>0.00 to 1.99 signalized intersections per mile)
Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	280	760	900	920
2	Divided	450	1,630	1,900	1,950	**
3	Divided	670	2,490	2,850	2,920	**
4	Divided	890	3,220	3,610	3,700	**

Class II (>2.00 to 4.50 signalized intersections per mile)
Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	210	660	850	900
2	Divided	*	490	1,460	1,790	1,890
3	Divided	*	760	2,240	2,700	2,830
4	Divided	*	1,000	2,970	3,490	3,670

Class III (more than 4.50 signalized intersections per mile)
Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	*	370	720	850
2	Divided	*	*	870	1,640	1,790
3	Divided	*	*	1,340	2,510	2,690
4	Divided	*	*	1,770	3,270	3,480

Controlled Access Facilities
Level of Service

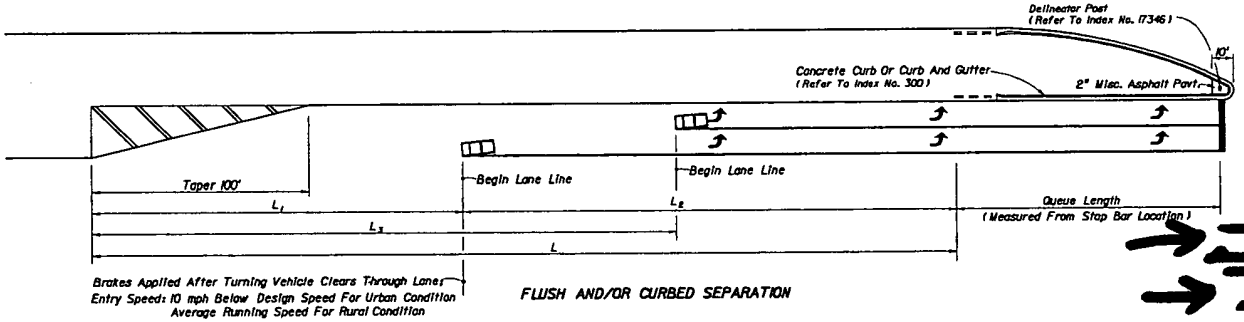
Lane	Divided	A	B	C	D	E
1	Undivided	120	740	930	960	**
2	Divided	270	1,620	1,970	2,030	**
3	Divided	410	2,490	2,960	3,040	**

Collectors
Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	*	530	800	850
1	Divided	*	*	560	840	900
2	Undivided	*	*	1,180	1,620	1,710
2	Divided	*	*	1,240	1,710	1,800

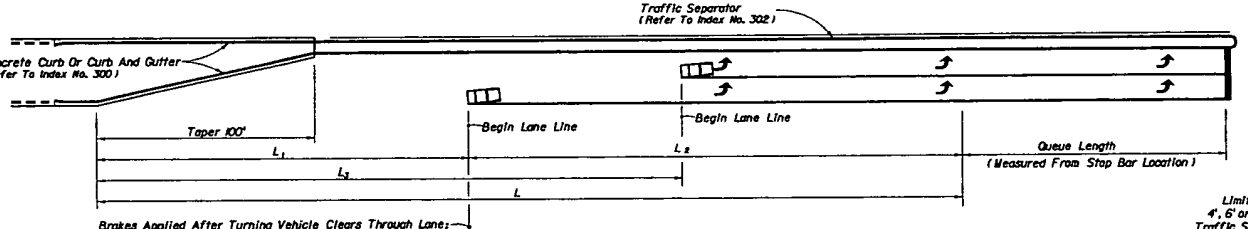
Note: the service volumes for I-75 (freeway) should be from FDOT's most current version of LOS Handbook.

INDEX #301 FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION DESIGN STANDARDS



Brakes Applied After Turning Vehicle Clears Through Lane;
Entry Speed: 10 mph Below Design Speed For Urban Condition
Average Running Speed For Rural Condition

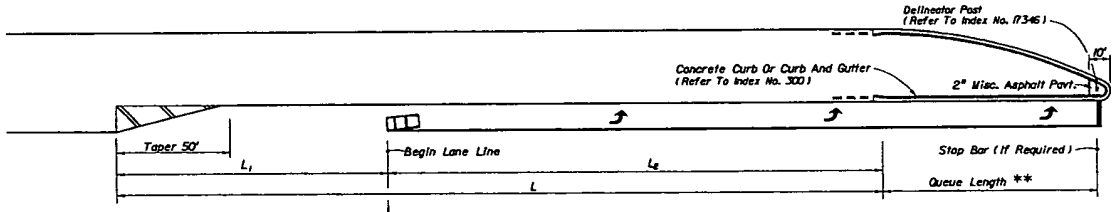
FLUSH AND/OR CURBED SEPARATION



Brakes Applied After Turning Vehicle Clears Through Lane;
Entry Speed: 10 mph Below Design Speed For Urban Condition
Average Running Speed For Rural Condition

RAISED SEPARATION

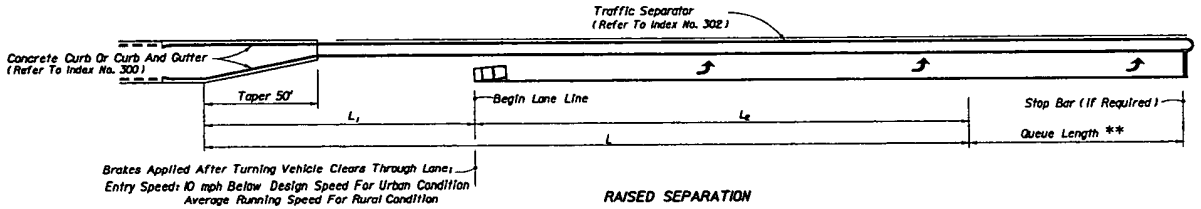
DOUBLE LEFT TURNS



Brakes Applied After Turning Vehicle Clears Through Lane;
Entry Speed: 10 mph Below Design Speed For Urban Condition
Average Running Speed For Rural Condition

FLUSH AND/OR CURBED SEPARATION

** Queue Length Is Measured From The Median Nose Radial Point Or, When A Stop Bar Is Required, From The Stop Bar.



Brakes Applied After Turning Vehicle Clears Through Lane;
Entry Speed: 10 mph Below Design Speed For Urban Condition
Average Running Speed For Rural Condition

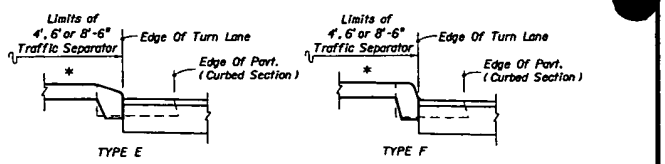
RAISED SEPARATION

SINGLE LEFT TURNS

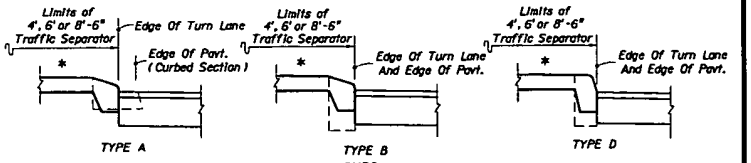
TURN LANES

TURN LANES • CURBED AND UNCURBED MEDIANS

Design Speed (mph)	Entry Speed (mph)	Clearance Distance L_1	URBAN CONDITITONS			RURAL CONDITITONS		
			Brake To Stop Distance L_2	Total Decel. Distance L	Clearance Distance L_3	Brake To Stop Distance L_2	Total Decel. Distance L	Clearance Distance L_3
35	25	70'	75'	145'	110'	— —	— —	— —
40	30	80'	75'	155'	120'	— —	— —	— —
45	35	85'	100'	185'	135'	— —	— —	— —
50	40/44	105'	135'	240'	160'	185'	290'	160'
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	225'	[illegible]	195'
60	52	145'	— —	— —	— —	260'	405'	230'
65	55	170	[illegible]	[illegible]	[illegible]	290	[illegible]	270



CURB AND GUTTER



CURB

For Curb And Curb & Gutter Types, See Index No. 300
* Option I Separators Shown (Refer To Index No. 302)

MEDIAN CURB AND TRAFFIC SEPARATOR JUNCTURE DETAILS

GENERAL NOTES

1. The plan views shown are for turn lane taper shapes and dimensional purposes only, they do not prescribe the use of curb, curb and gutter, shoulders nor separators specifically to either rural or urban conditions.
2. Total deceleration distances must not be reduced except where lesser values are imposed by unrelocatable control points.
3. Right turn lane tapers and distances identical to left turn lanes under stop control conditions. Right turn lane tapers and/or distances are site specific under free flow or yield conditions.
4. These left turn configurations apply to continuous left turn lanes only where specifically called for in the plans.
5. For pavement markings see Index No. 17346.

DESIGN NOTES

1. Basis for turn lane configurations:
   - Informed Driver.
   - Stop condition (With Or Without Stop Control).
   - Wet Pavement.
   - Reaction preceeding entry point.
   - Minimum braking distance for urban conditions.
   - 75' min. for L_2.
   - Comfortable deceleration rates for rural conditions (AASHTO 2001 threshold rate of 11.2 ft/s^2).

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

TURN LANES

	Names	Dates
Designed By	RCR	05/91
Drawn By	RSH/RCR	05/91
Checked By	JWC/RCR	05/91

Approved By [signature]
Roadway Design Engineer

Revision	Sheet No.	Index No.
04	1 of 1	301

TRAFFIC COUNTS FOR THE INTERSECTION OF US 41 AND DIPLOMAT PARKWAY

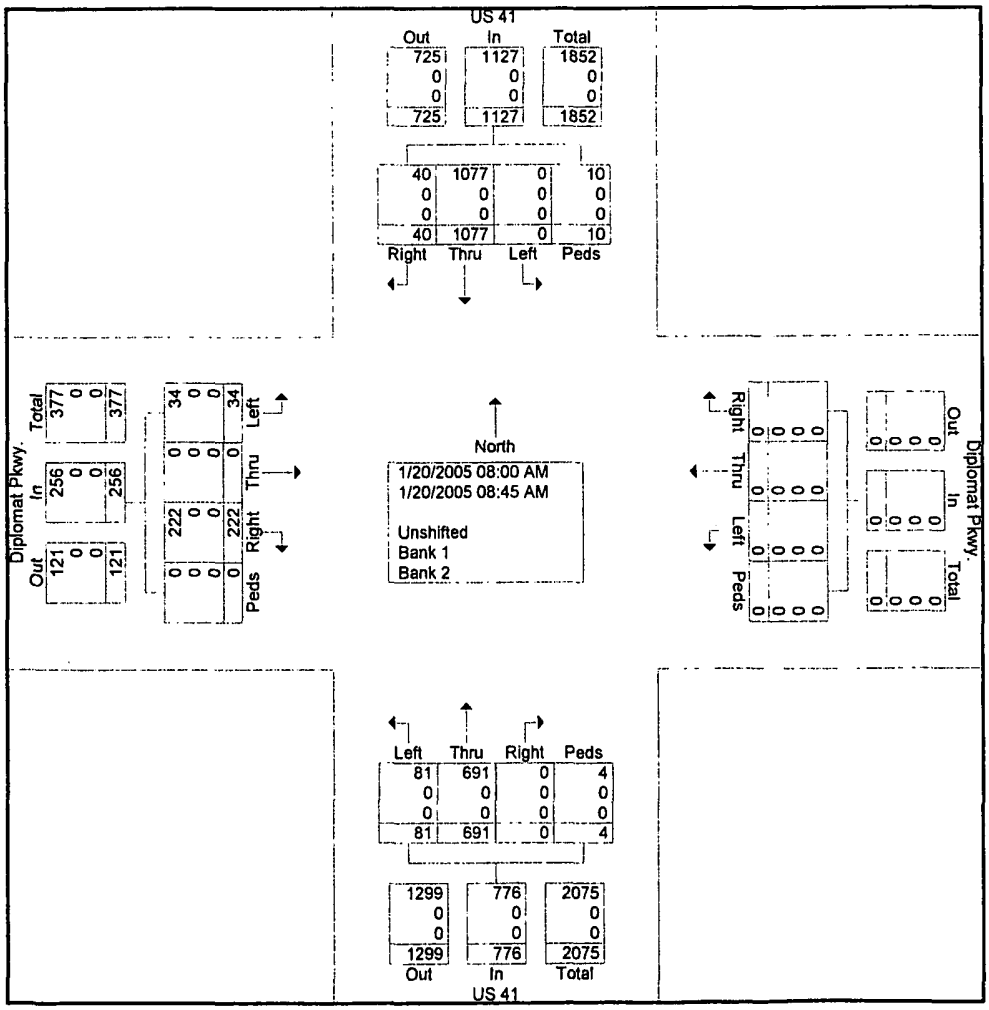
Metro Transportation Group, Inc.

12651 McGregor Boulevard, Suite 4-403
Fort Myers, Fl 33919-4489
Your Transportation Resource

File Name : US41DI~2
Site Code : 00000000
Start Date : 1/20/2005
Page No : 1

Groups Printed- Unshifted - Bank 1 - Bank 2

	US 41 From North				Diplomat Pkwy. From East				US 41 From South				Diplomat Pkwy. From West				
Start Time	Right	Thru	Left	Peds	Right	Thru	Left	Peds	Right	Thru	Left	Peds	Right	Thru	Left	Peds	Int. Total
Factor	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	
08:00 AM	11	250	0	7	0	0	0	0	0	149	17	2	72	0	11	0	519
08:15 AM	12	260	0	3	0	0	0	0	0	191	19	0	48	0	9	0	542
08:30 AM	11	259	0	0	0	0	0	0	0	171	31	2	52	0	7	0	533
08:45 AM	6	308	0	0	0	0	0	0	0	180	14	0	50	0	7	0	565
Total	40	1077	0	10	0	0	0	0	0	691	81	4	222	0	34	0	2159
Grand Total	40	1077	0	10	0	0	0	0	0	691	81	4	222	0	34	0	2159
Apprch %	3.5	95.6	0	0.9	0	0	0	0	0	89	10.4	0.5	86.7	0	13.3	0	
Total %	1.9	49.9	0	0.5	0	0	0	0	0	32	3.8	0.2	10.3	0	1.6	0	
Unshifted	40	1077	0	10	0	0	0	0	0	691	81	4	222	0	34	0	2159
% Unshifted	100	100	0	100	0	0	0	0	0	100	100	100	100	0	100	0	100
Bank 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Bank 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bank 2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Bank 2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0



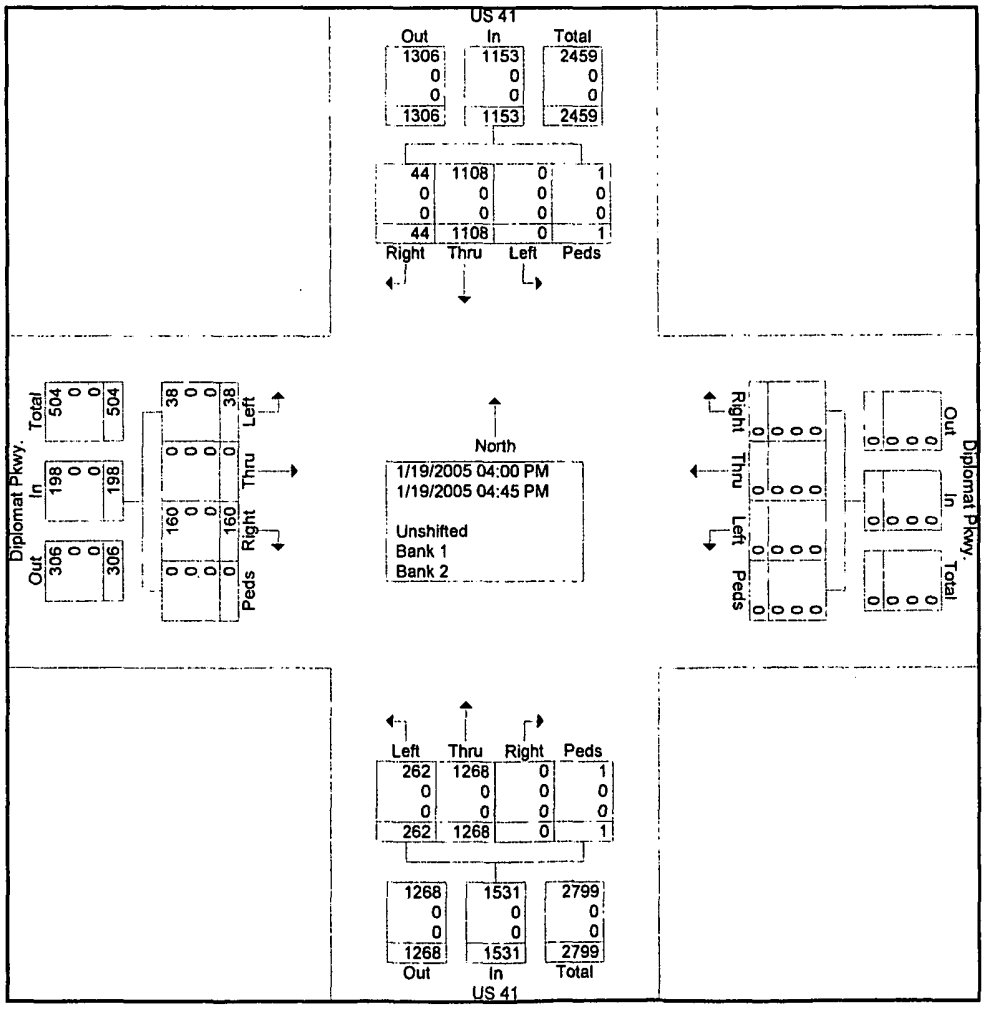
Metro Transportation Group, Inc.

12651 McGregor Boulevard, Suite 4-403
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Your Transportation Resource

File Name : US41DI~1
Site Code : 00000000
Start Date : 1/19/2005
Page No : 1

Groups Printed- Unshifted - Bank 1 - Bank 2

	US 41 From North				Diplomat Pkwy. From East				US 41 From South				Diplomat Pkwy. From West				
Start Time	Right	Thru	Left	Peds	Right	Thru	Left	Peds	Right	Thru	Left	Peds	Right	Thru	Left	Peds	Int. Total
Factor	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	
04:00 PM	10	268	0	0	0	0	0	0	0	331	63	1	37	0	12	0	722
04:15 PM	10	271	0	1	0	0	0	0	0	335	76	0	40	0	9	0	742
04:30 PM	13	280	0	0	0	0	0	0	0	315	55	0	46	0	13	0	722
04:45 PM	11	289	0	0	0	0	0	0	0	287	68	0	37	0	4	0	696
Total	44	1108	0	1	0	0	0	0	0	1268	262	1	160	0	38	0	2882
Grand Total	44	1108	0	1	0	0	0	0	0	1268	262	1	160	0	38	0	2882
Apprch %	3.8	96.1	0	0.1	0	0	0	0	0	82.8	17.1	0.1	80.8	0	19.2	0	
Total %	1.5	38.4	0	0	0	0	0	0	0	44	9.1	0	5.6	0	1.3	0	
Unshifted	44	1108	0	1	0	0	0	0	0	1268	262	1	160	0	38	0	2882
% Unshifted	100	100	0	100	0	0	0	0	0	100	100	100	100	0	100	0	100
Bank 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Bank 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bank 2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Bank 2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0



TRIP GENERATION EQUATIONS

TRIP GENERATION EQUATIONS
KINSEY DIPLOMAT PROPERTY
TRAFFIC IMPACT STATEMENT

Land Use	Weekday AM Peak Hour	Weekday PM Peak Hour	Weekday
Residential Condominium/Townhouse (LUC 230)	Ln (T) = 0.80 Ln (X) + 0.26 (17% In/83% Out)	Ln (T) = 0.82 Ln (X) + 0.32 (67% In/33% Out)	Ln (T) = 0.85 Ln (X) + 2.55
T = Number of Trips, X = Number of dwelling units			
Shopping Center (LUC 820)	Ln (T) = 0.60 Ln (X) + 2.29 (61% In/39% Out)	Ln (T) = 0.66 Ln (X) + 3.40 (48% In/52% Out)	Ln (T) 0.65 Ln (X) + 5.83
T = Number of Trips, X = 1,000's of square feet GLA			

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
10511-101 Six Mile Cypress Parkway
Fort Myers, Florida 33912
(239) 939-5490
Fax (239) 939-2523

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FORT MYERS OFFICE

Please Reply To:

EXHIBIT'S 6-G and 6-I

DCI2005-00055

The proposed rezoning is consistent with the Lee County Land Development Code Section 34-145(d)(3) as follows:

A. The list of Lee Plan consistencies (see below) demonstrate that the applicant is entitled to the rezoning.
B. The request will meet or exceed all performance and location standards set forth for the potential uses allowed by the request.
C. The request is consistent with the densities, intensities and general uses set forth in the Lee Plan (see below).
D. The request is compatible with existing and planned uses in the surrounding area.
E. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the proposed development.
F. The request will not adversely affect environmental critical areas and natural resources.
G. The proposed use is appropriate at the subject location.
H. Urban services, as defined in the Lee Plan, are available and adequate to serve the proposed land use.

POLICY 1.1.3: The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre). (Amended by Ordinance No. 94-30, 02-02)

Proposed is a residential and commercial development in North Fort Myers at the corner of Diplomat Parkway and US 41. This development will connect into existing water and sewer systems and the road system is adequate to handle the

development. The residential development will be setback off of Diplomat Parkway with the commercial component adjacent to Diplomat Parkway The requested density at 8.7 dwelling units per acre (6.6 gross density) is within the allowable density range and is appropriate for this location as this development will be an infill development.

GOAL 2: GROWTH MANAGEMENT. To provide for an economically feasible plan which coordinates the location and timing of new development with the provision of infrastructure by government agencies, private utilities, and other sources.

The proposed development will have access from Diplomat Parkway (existing arterial right-of-way) and will be connected to water through Lee County Utilities and sewer through North Fort Myers Utilities.

OBJECTIVE 2.1: DEVELOPMENT LOCATION. Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 2.2: DEVELOPMENT TIMING. Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance. (Amended by Ordinance No. 94-30, 00-22)

This area of the county has been and continues to be developed with residential and commercial development and is ideal for the proposed development due to the fact that it is adjacent to an arterial right-of-way with easy access to US 41. This development will continue the trend of residential and commercial development in this area of the county and will be close to existing utility services and existing residential and commercial developments. There are adequate public facilities to support this development. This development is along Diplomat Parkway with a small portion of the commercial property fronting on US 41 and therefore is not promoting urban sprawl. To the contrary this development will provide services to an existing established area of Lee County and is considered infill development.

POLICY 2.2.1: Rezonings and development-of-regional-impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare. (Amended by Ordinance No. 94-30, 00-22)

This development is located along an arterial right-of-way which is connected into established arterial rights-of-way. Water will be provided by Lee County Utilities and sewer will be provided by North Fort Myers Utilities and protection will be provided by the Lee County Sheriff's office and North Fort Myers fire district. This development will not have a negative impact to the public health, safety, and welfare. With the proposed buffering to the surrounding properties, this development will be compatible with the surrounding land uses.

GOAL 4: DEVELOPMENT DESIGN - GENERAL. To maintain innovative land development regulations which encourage creative site designs and mixed use developments. (Amended by Ordinance No. 94-30)

OBJECTIVE 4.1: Maintain the current planned development rezoning process which combines site planning flexibility with rigorous review. By the end of 1995, take specific steps to further promote the creation of mixed-use developments to reduce the impact on collector and arterial roads. (Amended by Ordinance No. 91-19, 94-30)

POLICY 4.1.1: Development designs will be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements. (Amended by Ordinance No. 91-19, 00-22)

POLICY 4.1.2: Development designs will be evaluated to ensure that the internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive effect on the activities and functions contained within or adjacent to the development. (Amended by Ordinance 91-19, 00-22)

We are requesting a rezoning to Residential Planned Development and Commercial Planned Development allowing the development to have creative site designs and flexibility. The layout of the development has been designed to enhance the development and provide open space and buffers. The design of the development is also well integrated and functional. The internal accessways are designed to provide efficient and safe flow of vehicles and pedestrians within the development. This development has access to only Diplomat Parkway and not U. S. 41, thereby reducing the impact on collector and arterial roads. The street intersections meet the connection separation requirements, with the exception of the proposed exit-only access on the south parcel. The accessways provide ample sight visibility triangles at all of the intersections. The development will have sidewalks to provide safe walkways for pedestrians within the development.

GOAL 6: COMMERCIAL LAND USES. To permit orderly and well-planned commercial development at appropriate locations within the county. (Amended by Ordinance No. 94-30)

OBJECTIVE 6.1: All development approvals for commercial land uses must be consistent with the following policies, the general standards under Goal 11 and other provisions of this plan. (Amended by Ordinance No. 94-30)

2. Neighborhood Commercial

a.	Major function	Provide for the sale of convenience goods and personal services such as food, drugs, sundries, and hardware items.
b.	Typical leading tenants	Supermarket and drug store tenants
c.	Location	Must be located as follows (except where this plan provides specific exceptions): At the intersection of an arterial and a collector or two arterials so that direct access is provided to both intersecting roads. Such direct access may be provided via an internal access road to either intersecting road. On Lee County's islands where there is no intersecting network of collectors and arterials, neighborhood commercial centers may be located using the standards for minor commercial centers.
d.	Site Area	2 to 10 acres
e.	Range of Gross Floor Area	30,000 to 100,000 square feet

The commercial property located on the south side of Diplomat Parkway is 6 $\pm$ acres and we are requesting 70,000 square feet of commercial and office uses. The schedule of uses allows a broad range of uses including several retail uses. This commercial piece is located at the intersection of Diplomat Parkway and U.S. 41 which are both arterial rights-of-way. Therefore, the development will be in compliance with the site location standards for neighborhood commercial.

3. Community Commercial

a.	Major function	Some functions of neighborhood commercial, in addition to providing for the sale of retail goods such as clothing, variety items, appliances, and furniture.

b.	Typical leading tenants	Supermarket, drug store, minor department store, variety store, or discount center.
c.	Location	Must be located as follows (except where this plan provides specific exceptions): At the intersection of two arterials so that direct access is provided to both intersecting roads. Such direct access may be provided by an internal access road to either intersecting road.
d.	Site Area	10 to 35 acres
e.	Range of Gross Floor Area	100,000 to 400,000 square feet

The commercial property located on the north side of Diplomat Parkway is 10.72 ± acres and we are requesting 130,000 square feet of commercial and office uses. The schedule of uses allows a broad range of uses including several retail uses. This commercial piece is located at the intersection of Diplomat Parkway and U.S. 41 which are both arterial rights-of-way. Therefore, the development will be in compliance with the site location standards for community commercial.

GOAL 11: WATER, SEWER, TRAFFIC, AND ENVIRONMENTAL REVIEW STANDARDS. To insure that appropriate water, sewer, traffic, and environmental review standards are considered in reviewing rezoning applications and are met prior to issuance of a county development order.

STANDARD 11.1: WATER.

The development shall connect to an existing public water system provided by Lee County Utilities.

STANDARD 11.2: SEWER.

The development shall connect to an existing sanitary sewer system provided by North Fort Myers Utilities.

STANDARD 11.3: TRAFFIC.

This development will not have a detrimental impact on the surrounding roadway system. The existing roadway system can accommodate the additional new vehicle trips the development is anticipated to generate. All roadway links are shown to operate at acceptable Level of Service conditions when the development traffic is added to the surrounding roadway network. Therefore, no roadway

improvements are required off-site as a result of the proposed development. However, if any site-specific improvements will be required on Diplomat Parkway they will be addressed at time of local development order.

STANDARD 11.4: ENVIRONMENTAL REVIEW FACTORS.

An Environmental Assessment and Habitat and Protected Species Survey Report was prepared by Calusa Coast Ecologists, Inc. This report determined that 4.27 ± acres of the site was wetland, which will be enhanced and preserved. This report also determined that 11.59± acres include other surface waters which typically include water bodies and ditches that have been excavated from historic uplands. On the subject site, these other surface waters include a drainage ditch and borrow pit on the northern portion and a Department of Transportation detention area on the southern portion. The proposed project will involve unavoidable impacts of approximately 7.83 acres of the borrow pit. The proposed enhancement and preservation areas will compensate for any impacts to the existing isolated borrow pit.The report did observe five active, five inactive, and four abandoned gopher tortoise burrows. This will be addressed by the relocation of the tortoises to the proposed upland preserve areas.

GOAL 24: DEVELOPMENT REGULATIONS. Maintain clear, concise, and enforceable development regulations that fully address on-site and off-site development impacts and protect and preserve public transportation facilities. (Amended by Ordinance No. 98-09, 99-15)

The planned development process is being used in order to address on-site and off-site impacts. The proposed property development regulations will also mitigate and impacts to surrounding properties.

OBJECTIVE 24.1: DEVELOPMENT IMPACTS. The county will maintain and enforce development regulations to ensure that impacts of development approvals occur concurrently with adequate roads, and to achieve maximum safety, efficiency, and cost effectiveness. (Amended by Ordinance No. 99-15)

POLICY 24.1.1: New development must:

- Have adequate on-site parking.

- Have access to the existing or planned public road system except where other public policy would prevent such access.

The proposed development will establish on-site parking for the residential and commercial uses in accordance with the Lee County Land Development Code. This development has access points onto Diplomat Parkway which is an arterial

right-of-way that connects into a well established road network.

OBJECTIVE 41.3: GENERAL SURFACE WATER MANAGEMENT STANDARDS. Lee County will continue to provide sufficient performance and/or design standards for development protective of the function of natural drainage systems. (Amended by Ordinance No. 94-30, 00-22)

POLICY 41.3.1: Provide sufficient performance and design standards to require post development runoff to approximate the total characteristics of the natural flow prior to development.

The stormwater system will be designed to be in accordance with SFWMD requirements. A stormwater management system will be provided for the adequate control of stormwater runoff that originates within the development. The stormwater management system will be designed in accordance with South Florida Water Management District (SFWMD) requirements and will provide for the attenuation/retention of stormwater from the site. Issuance of a SFWMD permit shall be deemed to be in compliance with Chapter 10 of the LDC and review of the project shall be limited to external impacts and wet season water table elevation. For purposes of stormwater management calculations, the assumed water table will be established by an engineer in accordance with sound engineering practice. The stormwater management system will be reviewed for compliance with Chapter 10 of the LDC through the development order process.

GOAL 52: DEVELOPMENT REQUIREMENTS. To require new development to provide adequate open space for their future residents.

OBJECTIVE 52.1: Development regulations shall continue to require that new developments provide sufficient open space to meet the needs of their residents.

The residential component of this development will have a minimum open space of 40 percent and the commercial component will have a minimum open space of 30 percent. The open space provided complies with the open space requirements of the Land Development Code that best meets the open space requirements of this development.

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
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Naples, Florida 34109
(239) 597-2061
Fax (239) 597-3082

DESCRIPTION OF A PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

(NORTH RESIDENTIAL)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG THE WESTERLY RIGHT-OF-WAY AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE SOUTHEASTERLY CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 199.95 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.86°35'21"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 12.52 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2150.00 FEET; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 133.12 FEET; THENCE S.89°51'48"W. ALONG SAID RIGHT-OF-WAY LINE FOR 1818.21 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY LINE OF A DRAINAGE EASEMENT (50 FEET WIDE) DESCRIBED IN DEED BOOK 237 AT PAGES 564 AND 565 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N.28°32'51"W. ALONG SAID NORTHEASTERLY LINE FOR 6.70 FEET; THENCE N.00°20'36"W. ALONG THE EASTERLY LINE OF SAID EASEMENT FOR 244.12 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE N.00°20'36"W. ALONG SAID EASTERLY LINE FOR 703.76 FEET TO THE SOUTHERLY LINE OF SERENEDIPITY SOUTH MOBILE HOME PARK (UNRECORDED); THENCE ALONG THE SOUTHERLY AND EASTERLY LINES OF SAID PARK FOR THE FOLLOWING THREE (3) DESCRIBED COURSES: N.85°23'00"E. FOR 335.22 FEET; THENCE N.02°25'15"W. FOR 346.19 FEET; THENCE S.89°54'50"E. FOR 1231.65 FEET TO THE WESTERLY LINE OF THE AFORESAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335; THENCE S.03°25'50"W. ALONG THE WESTERLY LINE OF SAID PARCEL FOR 1073.15 FEET; THENCE S.89°51'48"W. FOR 1482.72 FEET TO THE **POINT OF BEGINNING.**

DCI 2005-00055

PARCEL CONTAINS 34.72 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

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

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JUN 03 2005
PERMIT COUNTER

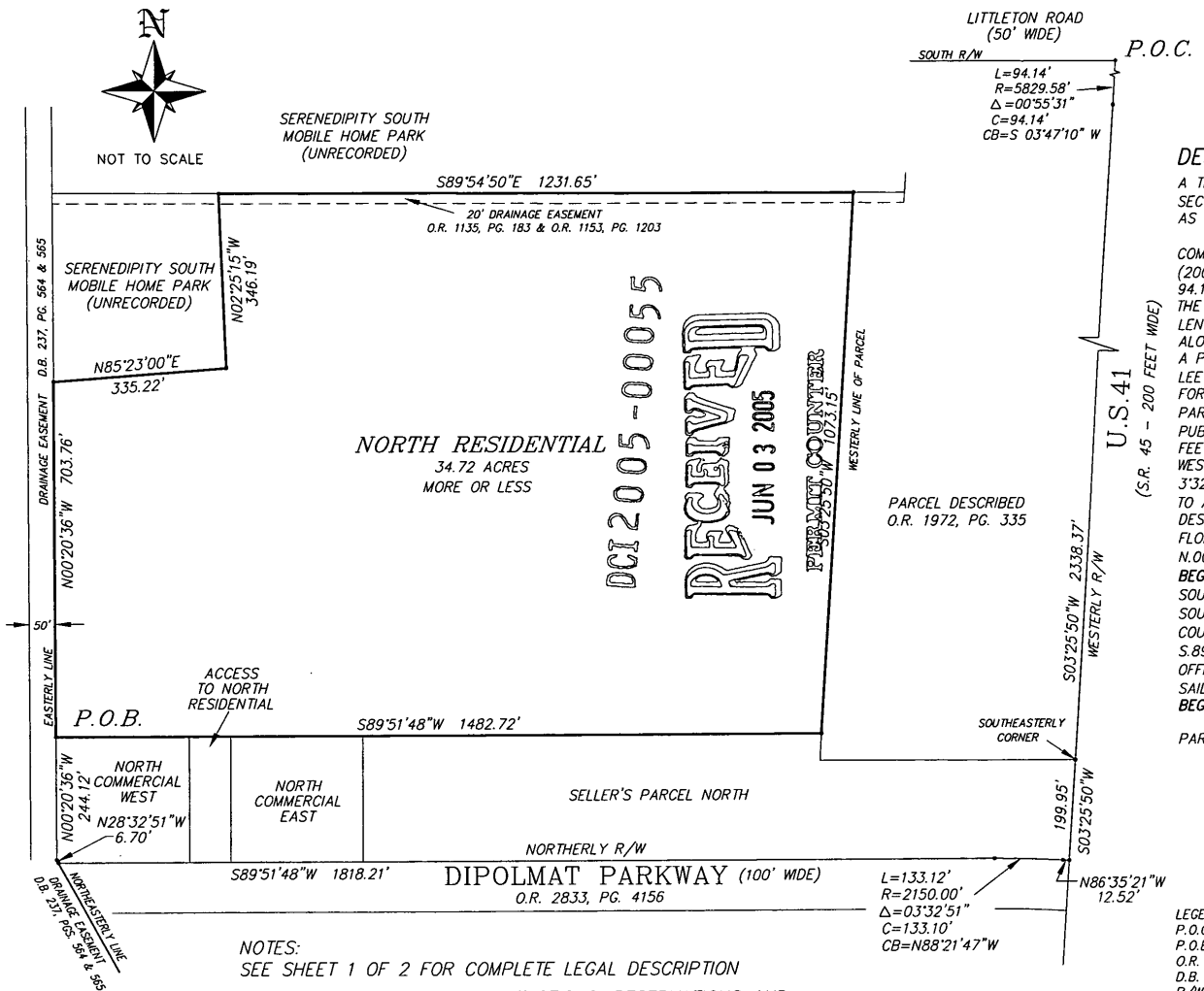
4-14-05
THOMAS C. SHAW
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 4672

S:\Jobs\20xx\2028\SURVEY\Descriptions\2028_N-RES_DESC.doc

Fort Myers Office	Sarasota Office	Holmes Beach Office	Port Charlotte Office
10511 Six Mile Cypress Pkwy, Suite #101	1144 Tallevast Road Suite #115	5350 Gulf Drive	12653 SW CR 769 Suite B
Fort Myers, Florida 33912	Sarasota, Florida 34243	Holmes Beach, Florida 34217	Lake Suzy, Florida 34269
(239) 939-5490	(941) 360-1618	(941) 778-6503	(941) 625-1165
Fax (239) 939-2523	Fax (941) 360-6918	Fax (941) 778-8497	Fax (941) 625-1149

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



DESCRIPTION

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG THE WESTERLY RIGHT-OF-WAY AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE SOUTHEASTERLY CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 199.95 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.86°35'21"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 12.52 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2150.00 FEET; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 133.12 FEET; THENCE S.89°51'48"W. ALONG SAID RIGHT-OF-WAY LINE FOR 1818.21 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY LINE OF A DRAINAGE EASEMENT (50 FEET WIDE) DESCRIBED IN DEED BOOK 237 AT PAGES 564 AND 565 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N.28°32'51"W. ALONG SAID NORTHEASTERLY LINE FOR 6.70 FEET; THENCE N.00°20'36"W. ALONG THE EASTERLY LINE OF SAID EASEMENT FOR 244.12 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE N.00°20'36"W. ALONG SAID EASTERLY LINE FOR 703.76 FEET TO THE SOUTHERLY LINE OF SERENEDIPITY SOUTH MOBILE HOME PARK (UNRECORDED); THENCE ALONG THE SOUTHERLY AND EASTERLY LINES OF SAID PARK FOR THE FOLLOWING THREE (3) DESCRIBED COURSES: N.85°23'00"E. FOR 335.22 FEET; THENCE N.02°25'15"W. FOR 346.19 FEET; THENCE S.89°54'50"E. FOR 1231.65 FEET TO THE WESTERLY LINE OF THE AFORESAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335; THENCE S.03°25'50"W. ALONG THE WESTERLY LINE OF SAID PARCEL FOR 1073.15 FEET; THENCE S.89°51'48"W. FOR 1482.72 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 34.72 ACRES, MORE OR LESS.

THIS IS NOT A SURVEY

NOTES:
SEE SHEET 1 OF 2 FOR COMPLETE LEGAL DESCRIPTION
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS BEARING S03°25'50"W.

LEGEND

P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
O.R.	OFFICIAL RECORDS BOOK
D.B.	DEED BOOK
R/W	RIGHT-OF-WAY
S.R.	STATE ROAD
L	ARC LENGTH
R	RADIUS
C	CHORD LENGTH
CB	CHORD BEARING
Δ	CENTRAL ANGLE

4-14-05

THOMAS C. SHAW
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 4672

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

—PREPARED APRIL 1, 2005

PREPARED BY:

Banks Engineering, Inc.
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6640 WILLOW PARK DRIVE - SUITE "B"
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FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

S:\Jobs\20xx\2028\SURVEY\Descriptions\2028_N-RES_SK.dwg 4/14/2005 11:38:16 AM, Clay Shaw

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RECEIVED
JUN 03 2005
PERMIT COUNTER

DESCRIPTION OF A PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

(SELLER'S PARCEL NORTH) DCI2005-00055

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

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PARCEL CONTAINS 7.31 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

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

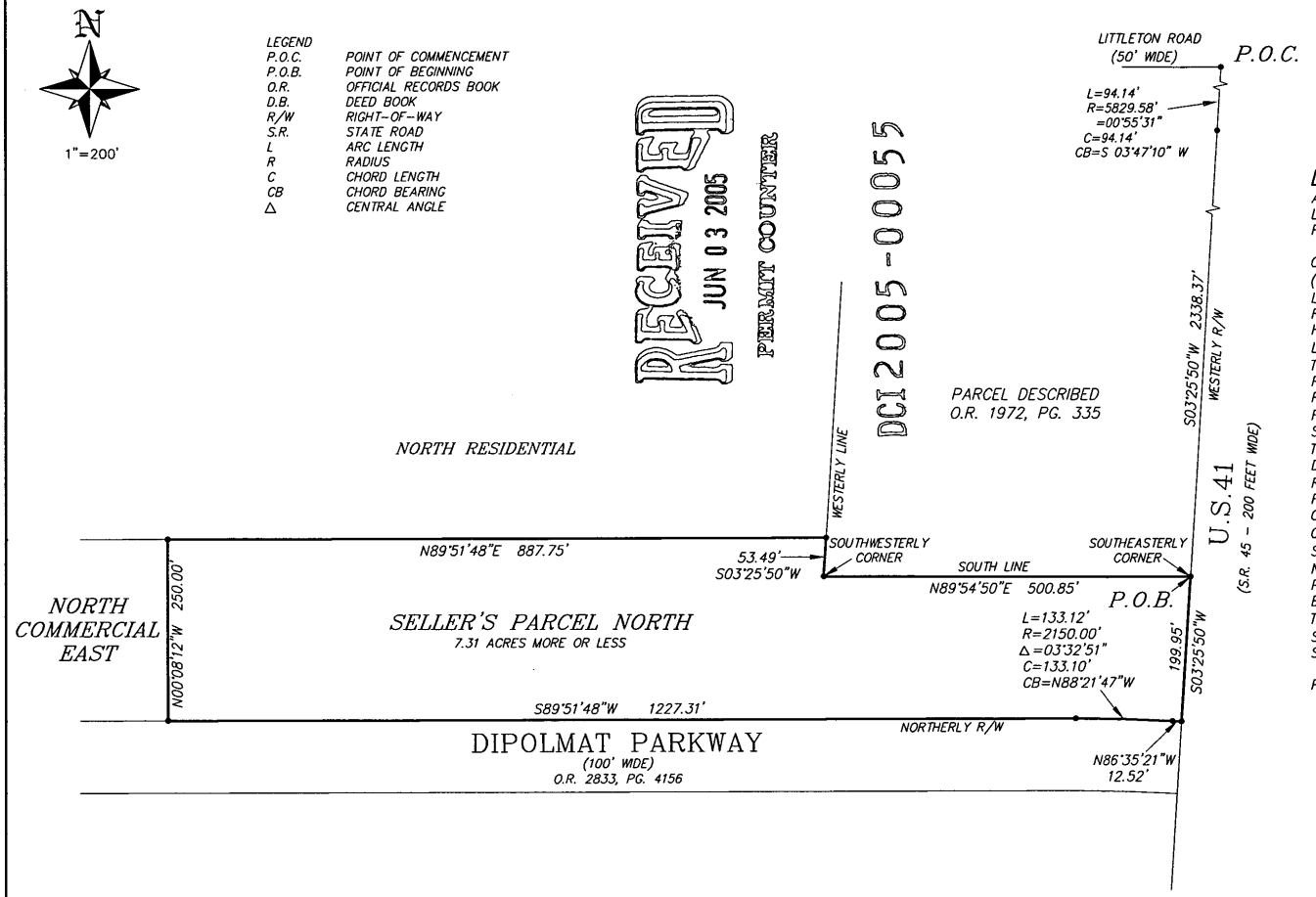
T Thomas Colyton Shaw 4-14-05
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SKETCH TO ACCOMPANY DESCRIPTION

OF A

PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
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DESCRIPTION:

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PARCEL CONTAINS 7.31 ACRES, MORE OR LESS.

NOTES:
SEE SHEET 1 OF 2 FOR COMPLETE LEGAL DESCRIPTION

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

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS BEARING S03°25'50"W.

THIS IS NOT A SURVEY

Thomas C. Shaw 4-14-05

THOMAS C. SHAW
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 4672

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

—PREPARED APRIL 1, 2005

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(239) 597-2061
Fax (239) 597-3082

DESCRIPTION OF A PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

(ACCESS TO NORTH RESIDENTIAL)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG THE WESTERLY RIGHT-OF-WAY AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE SOUTHEASTERLY CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 199.95 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.86°35'21"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 12.52 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2150.00 FEET; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 133.12 FEET; THENCE S.89°51'48"W. ALONG SAID RIGHT-OF-WAY LINE FOR 1484.79 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.89°51'48"W. ALONG SAID RIGHT-OF-WAY LINE FOR 80.00 FEET; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE N.89°51'48"E. FOR 80.00 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 0.46 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

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

DCI2005-00055

4-14-05
THOMAS C. SHAW
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 4672

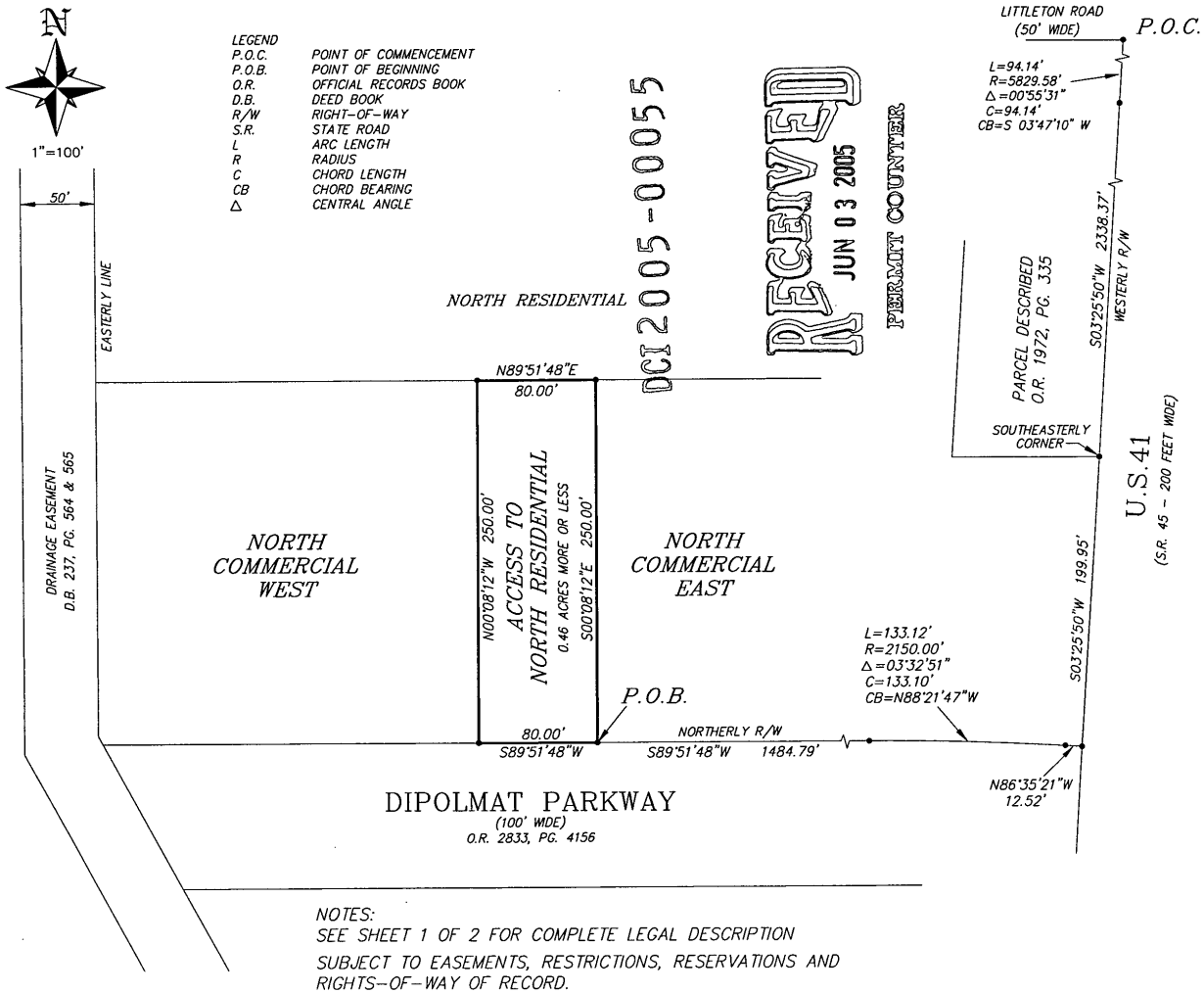
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SKETCH TO ACCOMPANY DESCRIPTION

OF A

PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



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DESCRIPTION

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PARCEL CONTAINS 0.46 ACRES, MORE OR LESS.

NOTES:
SEE SHEET 1 OF 2 FOR COMPLETE LEGAL DESCRIPTION

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

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS BEARING S03°25'50"W.

*****THIS IS NOT A SURVEY*****

4-14-05

THOMAS C. SHAW
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 4672

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

— PREPARED APRIL 1, 2005

PREPARED BY:

Banks Engineering, Inc.

ENGINEERING, SURVEYING & LAND PLANNING
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(239) 597-2061
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

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DESCRIPTION OF A PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

(NORTH COMMERCIAL EAST)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

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PARCEL CONTAINS 1.48 ACRES, MORE OR LESS.

DCI2005-00055

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

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

Thomas C. Shaw 4-14-05
THOMAS C. SHAW
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 4672

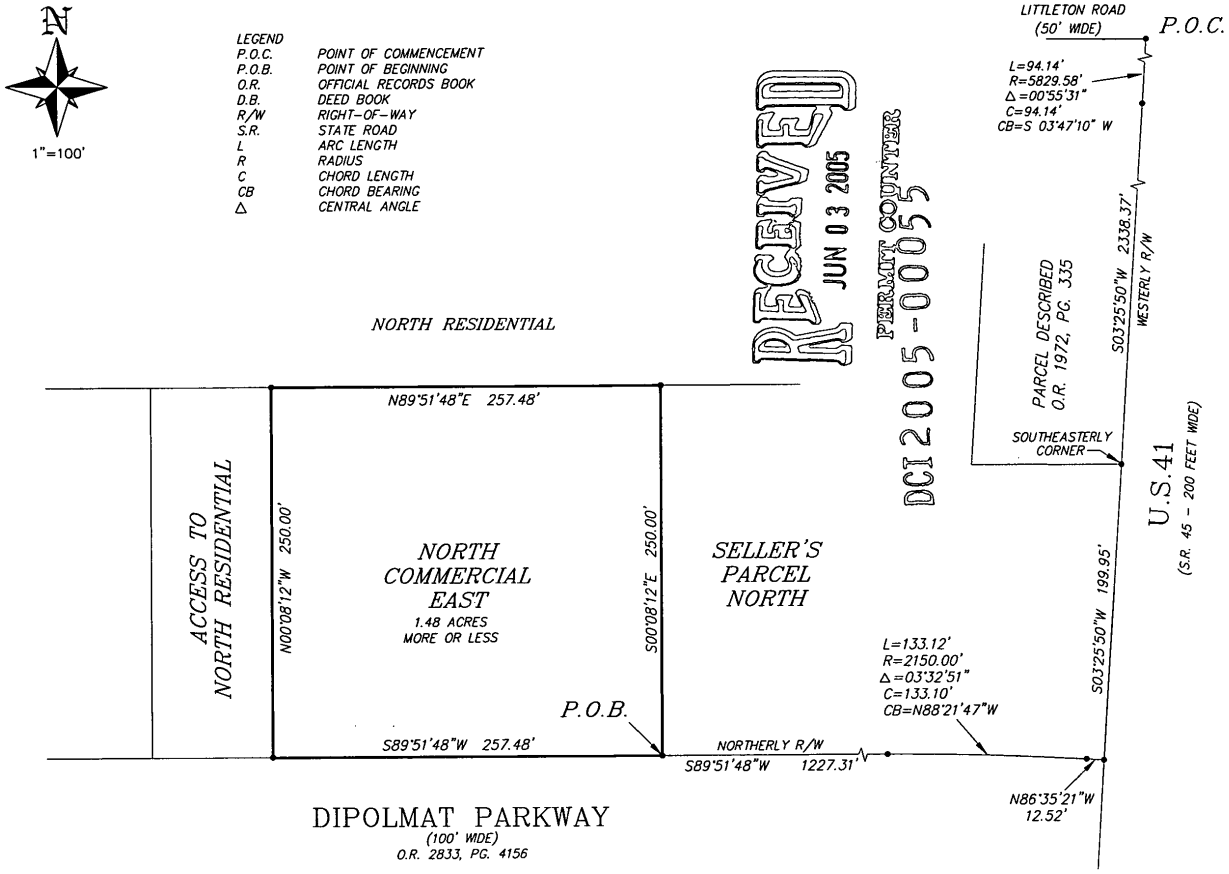
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SKETCH TO ACCOMPANY DESCRIPTION

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PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



DESCRIPTION

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PARCEL CONTAINS 1.48 ACRES, MORE OR LESS.

*****THIS IS NOT A SURVEY*****

T. Shaw Calvert Shaw 4-14-05

THOMAS C. SHAW
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 4672

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

— PREPARED APRIL 1, 2005

NOTES:
SEE SHEET 1 OF 2 FOR COMPLETE LEGAL DESCRIPTION

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

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS BEARING S03°25'50"W.

PREPARED BY:

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DESCRIPTION OF A PARCEL OF LAND
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LEE COUNTY, FLORIDA

(NORTH COMMERCIAL WEST)

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PARCEL CONTAINS 1.47 ACRES, MORE OR LESS. DCI2005-00055

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

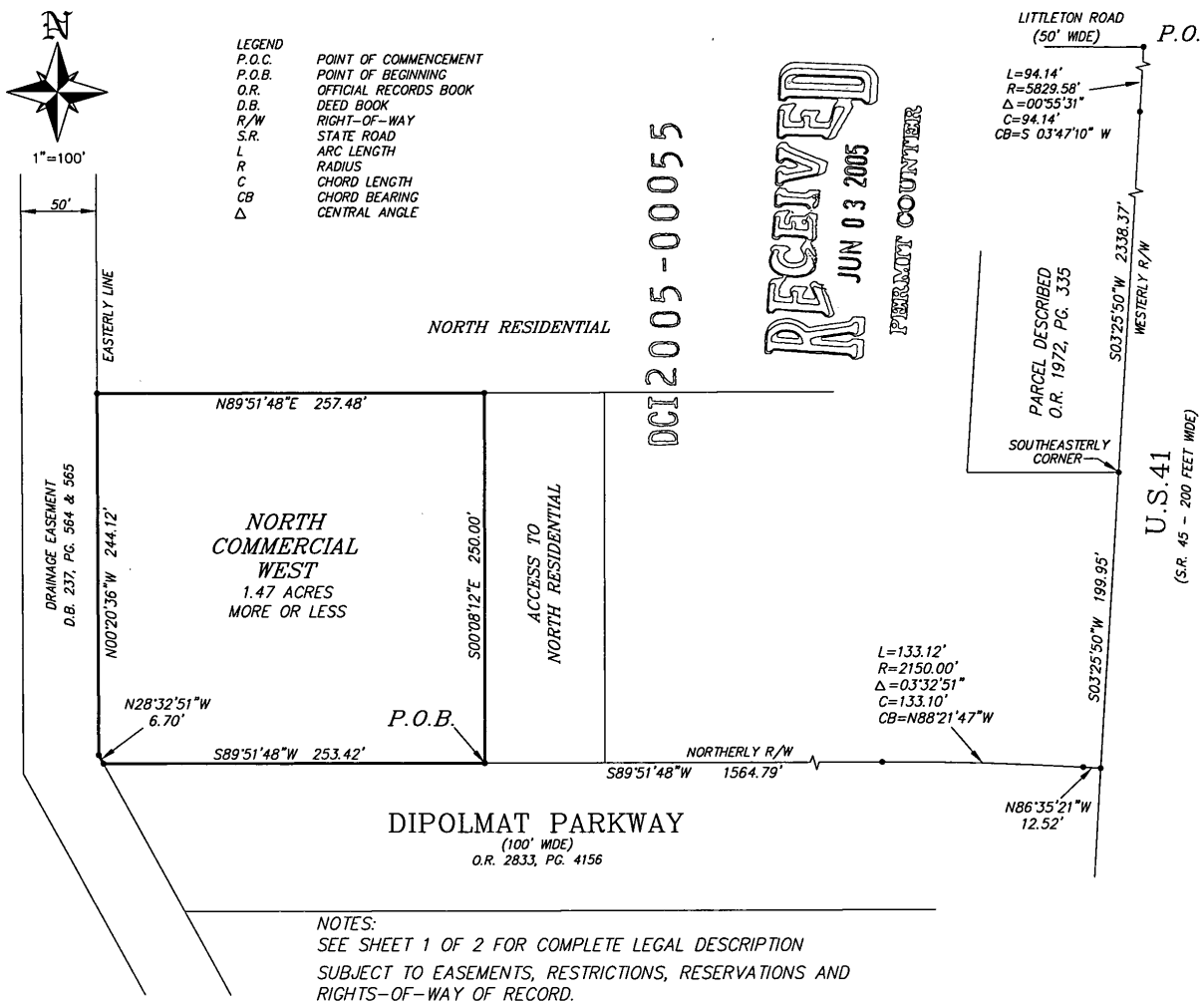
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LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



DCI2005-00055

RECEIVED
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PARCEL CONTAINS 1.47 ACRES, MORE OR LESS.

*****THIS IS NOT A SURVEY*****

4-17-05

THOMAS C. SHAW
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—PREPARED APRIL 1, 2005

NOTES:
SEE SHEET 1 OF 2 FOR COMPLETE LEGAL DESCRIPTION

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

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS BEARING S03°25'50"W.

PREPARED BY:
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DESCRIPTION OF A PARCEL OF LAND
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LEE COUNTY, FLORIDA
(SELLER RETAINED PARCEL – SOUTH)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG WESTERLY RIGHT-OF-WAY ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY FOR 2338.37 FEET TO THE SOUTHEASTERLY CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 299.95 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 429.00 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 72.00 FEET TO THE SOUTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.03°25'50"E. ALONG THE EASTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 65.00 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 39.68 FEET; THENCE S.03°26'24"W. ALONG THE WESTERLY LINE OF SAID PARCEL FOR 8.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 17.00 FEET; THENCE SOUTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'01" FOR 26.70 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 487.82 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 80.00 FEET; THENCE NORTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 120.67 FEET; THENCE N.00°08'12"W. ALONG THE EASTERLY LINE OF SAID PARCEL FOR 274.66 FEET TO POINT "A" AND TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL

DCI 2005-00055

S:\Jobs\20xx\2028\SURVEY\Descriptions\2028_SELLER_SOUTH-R_DESC.doc

Fort Myers Office	Sarasota Office	Holmes Beach Office	Port Charlotte Office
10511 Six Mile Cypress Pkwy, Suite #101	1144 Tallevast Road Suite #115	5350 Gulf Drive	12653 SW CR 769 Suite B
Fort Myers, Florida 33912	Sarasota, Florida 34243	Holmes Beach, Florida 34217	Lake Suzy, Florida 34269
(239) 939-5490	(941) 360-1618	(941) 778-6503	(941) 625-1165
Fax (239) 939-2523	Fax (941) 360-6918	Fax (941) 778-8497	Fax (941) 625-1149

RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY FOR 575.20 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2050.00 FEET; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY AND SAID CURVE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 126.93 FEET; THENCE S.86°35'21"E. ALONG SAID RIGHT-OF-WAY FOR 12.49 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 6.00 ACRES, MORE OR LESS.

TOGETHER WITH:
COMMENCING AT SAID POINT "A"; THENCE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 40.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 383.07 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF THE AFORESAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.00°08'12"W. ALONG THE WESTERLY LINE FOR 236.02 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 1.22 ACRES.

NET AREA AS DESCRIBED CONTAINS 7.22 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

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

Thos Clyde Shaw 4-14-05
THOMAS C. SHAW
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 4672

RECEIVED
JUN 03 2005
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DCI2005-00055

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

N

NOT TO SCALE

LEGEND

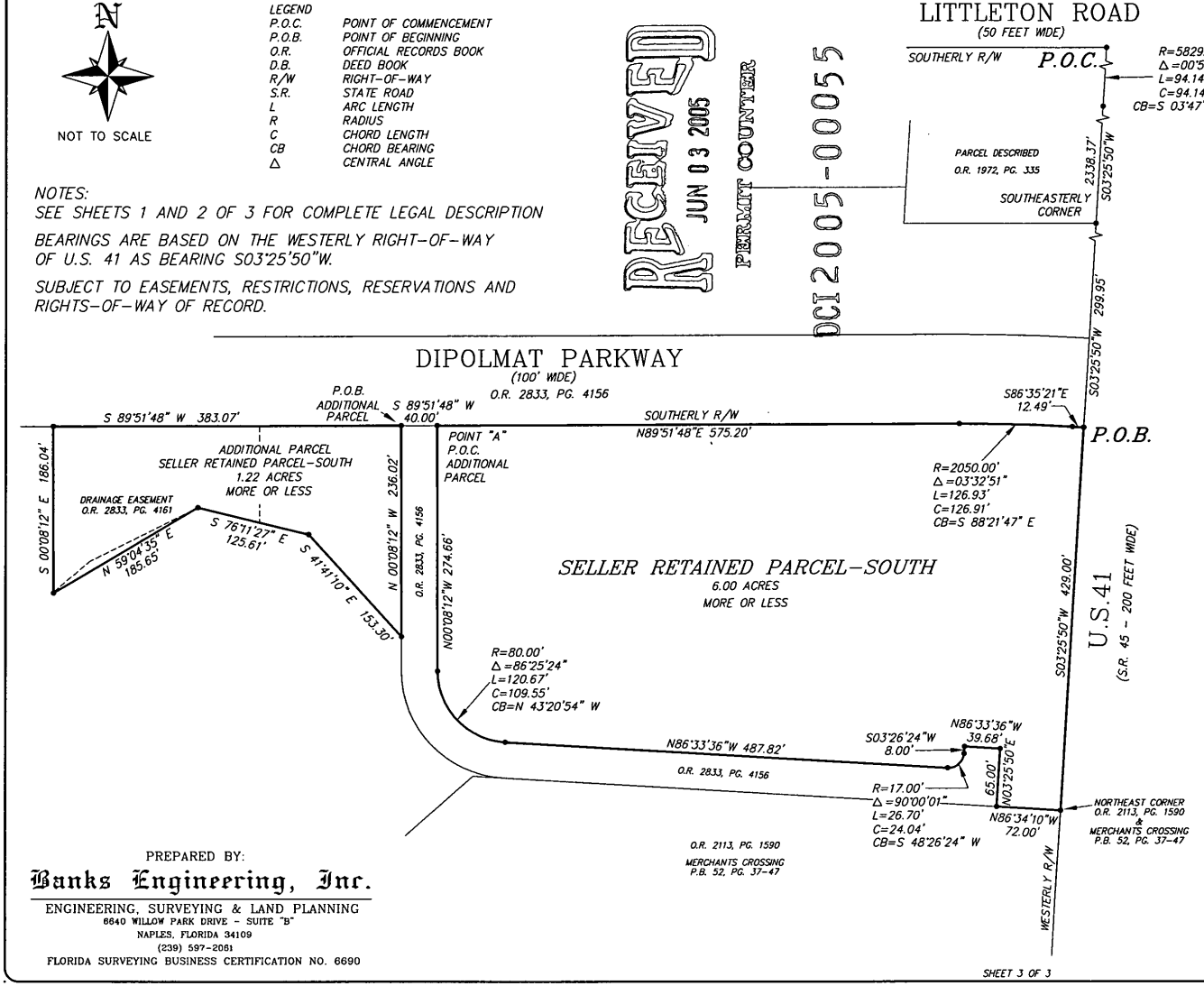
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
O.R.	OFFICIAL RECORDS BOOK
D.B.	DEED BOOK
R/W	RIGHT-OF-WAY
S.R.	STATE ROAD
L	ARC LENGTH
R	RADIUS
C	CHORD LENGTH
CB	CHORD BEARING
Δ	CENTRAL ANGLE

NOTES:
SEE SHEETS 1 AND 2 OF 3 FOR COMPLETE LEGAL DESCRIPTION

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS BEARING S03°25'50"W.

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

RECEIVED
JUN 03 2005
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DCI2005-00055



DESCRIPTION
A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG WESTERLY RIGHT-OF-WAY ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY FOR 2338.37 FEET TO THE SOUTHEASTERLY CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 299.95 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 429.00 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 72.00 FEET TO THE SOUTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.03°25'50"E. ALONG THE EASTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 65.00 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 39.68 FEET; THENCE S.03°26'24"W. ALONG THE WESTERLY LINE OF SAID PARCEL FOR 8.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 17.00 FEET; THENCE SOUTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'01" FOR 26.70 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 487.82 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 80.00 FEET; THENCE NORTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 120.67 FEET; THENCE N.00°08'12"W. ALONG THE EASTERLY LINE OF SAID PARCEL FOR 274.66 FEET TO POINT "A" AND TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY FOR 575.20 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2050.00 FEET; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY AND SAID CURVE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 126.93 FEET; THENCE S.86°35'21"E. ALONG SAID RIGHT-OF-WAY FOR 12.49 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 6.00 ACRES, MORE OR LESS.

TOGETHER WITH:
COMMENCING AT SAID POINT "A"; THENCE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 40.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 383.07 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF THE AFORESAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.00°08'12"W. ALONG THE WESTERLY LINE FOR 236.02 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 1.22 ACRES.

NET AREA AS DESCRIBED CONTAINS 7.22 ACRES, MORE OR LESS.

THIS IS NOT A SURVEY

4-14-05

THOMAS C. SHAW
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 4672

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

— PREPARED APRIL 1, 2005.

PREPARED BY:
Banks Engineering, Inc.
ENGINEERING, SURVEYING & LAND PLANNING
6640 WILLOW PARK DRIVE - SUITE "B"
NAPLES, FLORIDA 34109
(239) 597-2061
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
6640 Willow Park Drive - Suite B
Naples, Florida 34109
(239) 597-2061
Fax (239) 597-3082

DESCRIPTION OF A PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

RECEIVED
JUN 03 2005
PERMIT COUNTER

(SOUTH RESIDENTIAL)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG THE WESTERLY RIGHT-OF-WAY AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE SOUTHEASTERLY CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 728.95 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 616.50 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE N.86°34'10"W. ALONG SAID NORTHERLY LINE FOR 33.50 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE S.48°25'48"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 212.13 FEET; THENCE S.03°25'50"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 100.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL AND TO THE SOUTH LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE SOUTH LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 AND THE NORTHERLY LINE OF SAID SUBDIVISION FOR 747.11 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY LINE OF A DRAINAGE EASEMENT (50 FEET WIDE) DESCRIBED IN DEED BOOK 237 AT PAGES 564 AND 565 OF SAID PUBLIC RECORDS; THENCE N.28°32'51"W. ALONG THE NORTHEASTERLY LINE OF SAID DRAINAGE EASEMENT FOR 666.39 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT

DCI2005-00055

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Fort Myers Office	Sarasota Office	Holmes Beach Office	Port Charlotte Office
10511 Six Mile Cypress Pkwy, Suite #101	1144 Tallevast Road Suite #115	5350 Gulf Drive	12653 SW CR 769 Suite B
Fort Myers, Florida 33912	Sarasota, Florida 34243	Holmes Beach, Florida 34217	Lake Suzy, Florida 34269
(239) 939-5490	(941) 360-1618	(941) 778-6503	(941) 625-1165
Fax (239) 939-2523	Fax (941) 360-6918	Fax (941) 778-8497	Fax (941) 625-1149

PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 765.84 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE S.00°08'12"E. ALONG THE WESTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 38.64 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 120.00 FEET; THENCE SOUTHEASTERLY ALONG SAID WESTERLY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 181.00 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 12.47 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

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

4-14-05

THOMAS C. SHAW
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 4672

RECEIVED
JUN 03 2005
PERMIT COUNTER

DCI2005-00055

SKETCH TO ACCOMPANY DESCRIPTION

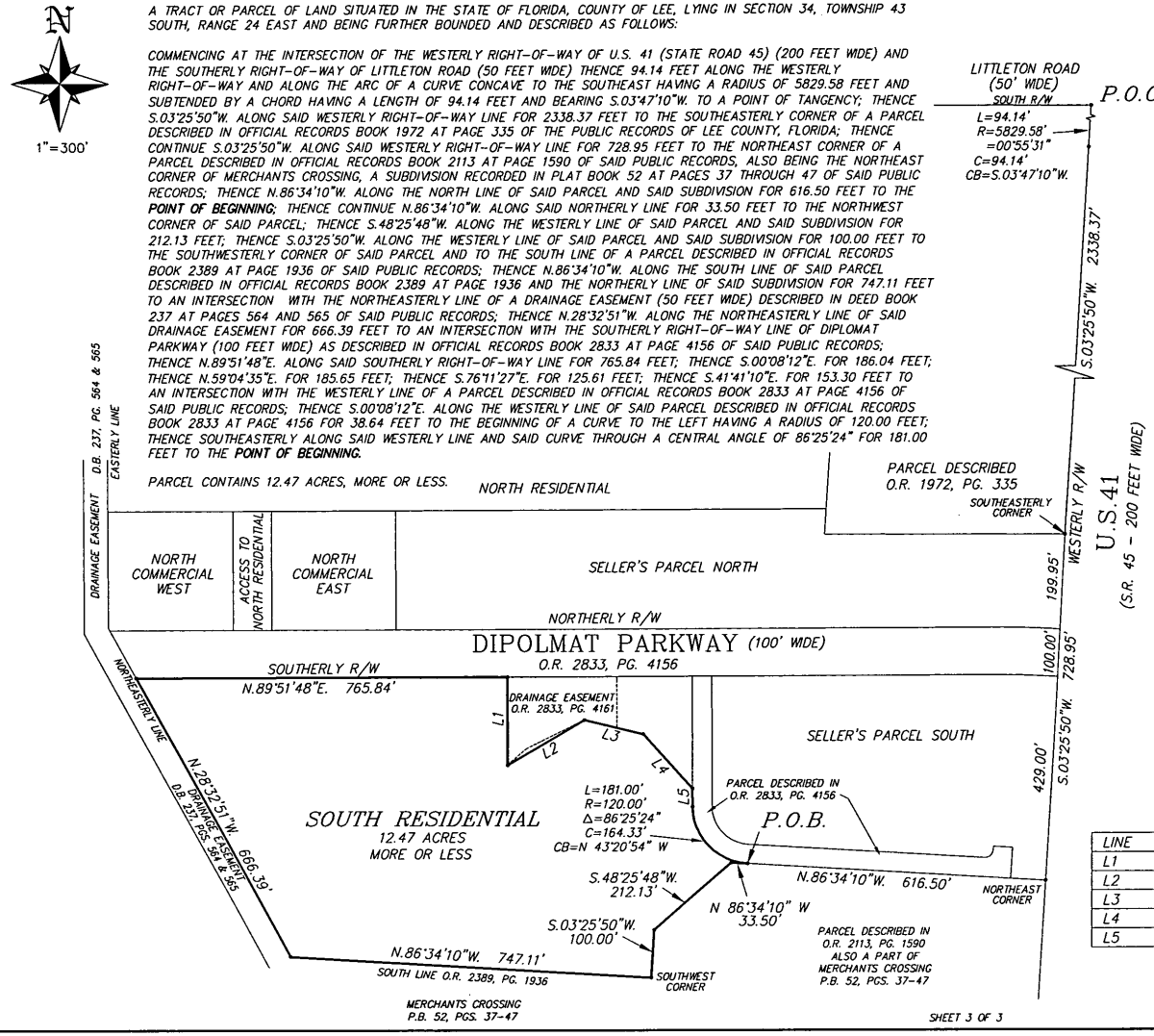
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

DESCRIPTION

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG THE WESTERLY RIGHT-OF-WAY AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE SOUTHEASTERLY CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 728.95 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 616.50 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE N.86°34'10"W. ALONG SAID NORTHERLY LINE FOR 33.50 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE S.48°25'48"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 212.13 FEET; THENCE S.03°25'50"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 100.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL AND TO THE SOUTH LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE SOUTH LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 AND THE NORTHERLY LINE OF SAID SUBDIVISION FOR 747.11 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY LINE OF A DRAINAGE EASEMENT (50 FEET WIDE) DESCRIBED IN DEED BOOK 237 AT PAGES 564 AND 565 OF SAID PUBLIC RECORDS; THENCE N.28°32'51"W. ALONG THE NORTHEASTERLY LINE OF SAID DRAINAGE EASEMENT FOR 666.39 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 765.84 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE S.00°08'12"E. ALONG THE WESTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 38.64 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 120.00 FEET; THENCE SOUTHEASTERLY ALONG SAID WESTERLY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 181.00 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 12.47 ACRES, MORE OR LESS.



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LEGEND	
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
O.R.	OFFICIAL RECORDS BOOK
L1	LINE 1 OF LINE TABLE
D.B.	DEED BOOK
P.B.	PLAT BOOK
R/W	RIGHT-OF-WAY
S.R.	STATE ROAD
L	ARC LENGTH
R	RADIUS
C	CHORD LENGTH
CB	CHORD BEARING
Δ	CENTRAL ANGLE

NOTES:
SEE SHEET 1 OF 2 FOR COMPLETE LEGAL DESCRIPTION
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS BEARING S03°25'50"W.

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 00°08'12" E	186.04'
L2	N 59°04'35" E	185.65'
L3	S 76°11'27" E	125.61'
L4	S 41°41'10" E	153.30'
L5	S 00°08'12" E	38.64'

THIS IS NOT A SURVEY

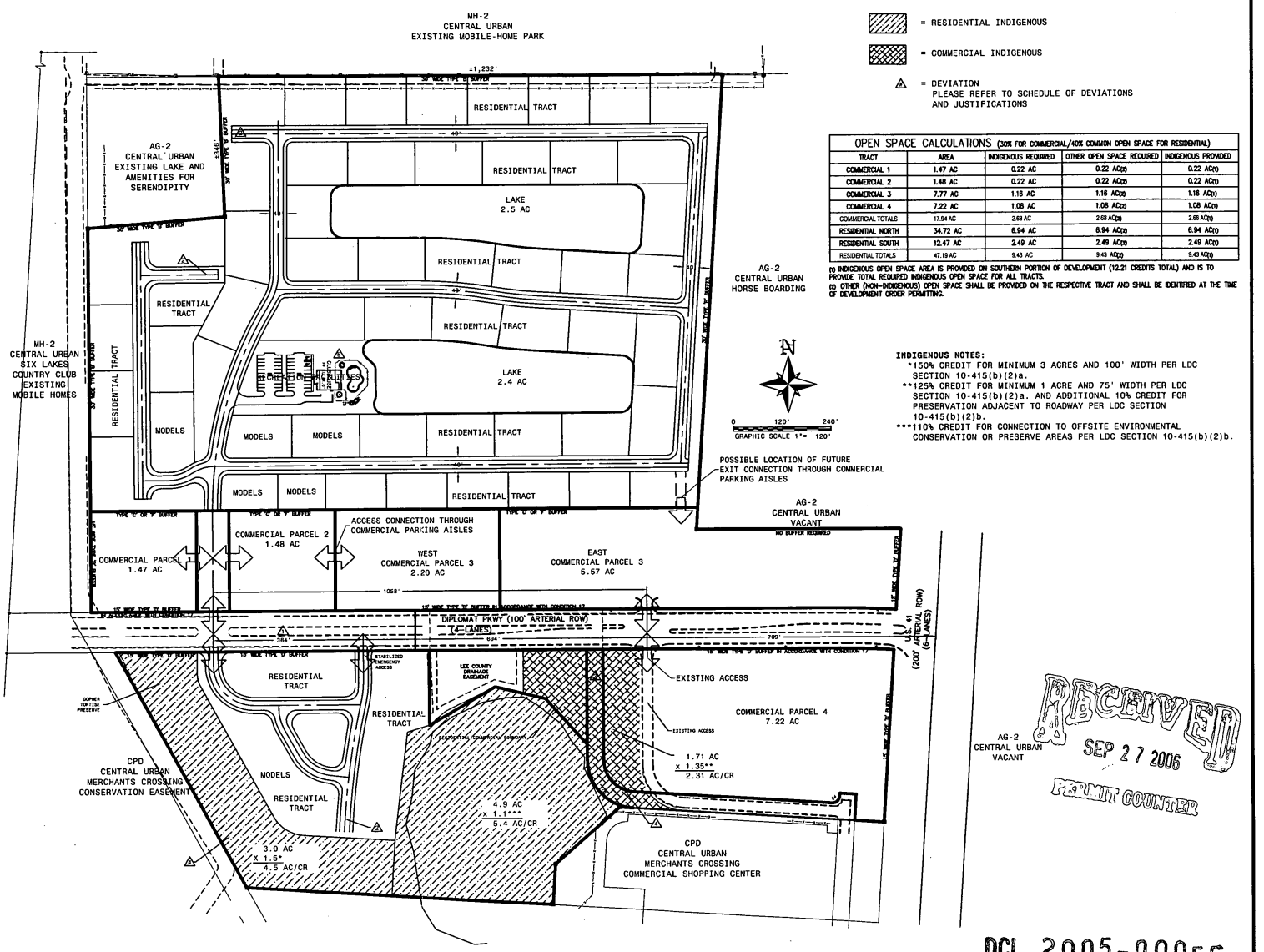
4-14-05

THOMAS C. SHAW
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—PREPARED APRIL 1, 2005

PREPARED BY:
Banks Engineering, Inc.
ENGINEERING, SURVEYING & LAND PLANNING
6640 WILLOW PARK DRIVE - SUITE "B"
NAPLES, FLORIDA 34109
(239) 597-2061
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

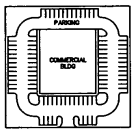


TYPICAL RESIDENTIAL BUILDINGS:

NORTH PARCEL:
- 4-PLEX W/ 1-CAR GARAGE
- 6-PLEX W/ 1-CAR GARAGE
- 8-PLEX W/ 1-CAR GARAGE
- 6-PLEX
- 8-PLEX

SOUTH PARCEL:
- 6-PLEX W/ 1-CAR GARAGE
- 8-PLEX W/ 1-CAR GARAGE

TYPICAL COMMERCIAL BUILDINGS:



OPEN SPACE CALCULATIONS (30% FOR COMMERCIAL/40% COMMON OPEN SPACE FOR RESIDENTIAL)				
TRACT	AREA	INDIGENOUS REQUIRED	OTHER OPEN SPACE REQUIRED	INDIGENOUS PROVIDED
COMMERCIAL 1	1.47 AC	0.22 AC	0.22 AC(2)	0.22 AC(1)
COMMERCIAL 2	1.48 AC	0.22 AC	0.22 AC(2)	0.22 AC(1)
COMMERCIAL 3	7.77 AC	1.16 AC	1.16 AC(2)	1.16 AC(1)
COMMERCIAL 4	7.22 AC	1.08 AC	1.08 AC(2)	1.08 AC(1)
COMMERCIAL TOTALS	17.94 AC	2.68 AC	2.68 AC(2)	2.68 AC(1)
RESIDENTIAL NORTH	34.72 AC	6.94 AC	6.94 AC(2)	6.94 AC(1)
RESIDENTIAL SOUTH	12.47 AC	2.49 AC	2.49 AC(2)	2.49 AC(1)
RESIDENTIAL TOTALS	47.19 AC	9.43 AC	9.43 AC(2)	9.43 AC(1)

(1) INDIGENOUS OPEN SPACE AREA IS PROVIDED ON SOUTHERN PORTION OF DEVELOPMENT (12.21 CREDITS TOTAL) AND IS TO PROVIDE TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS.
(2) OTHER (NON-INDIGENOUS) OPEN SPACE SHALL BE PROVIDED ON THE RESPECTIVE TRACT AND SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.

INDIGENOUS NOTES:
*150% CREDIT FOR MINIMUM 3 ACRES AND 100' WIDTH PER LDC SECTION 10-415(b)(2)a.
**125% CREDIT FOR MINIMUM 1 ACRE AND 75' WIDTH PER LDC SECTION 10-415(b)(2)a. AND ADDITIONAL 10% CREDIT FOR PRESERVATION ADJACENT TO ROADWAY PER LDC SECTION 10-415(b)(2)b.
***110% CREDIT FOR CONNECTION TO OFFSITE ENVIRONMENTAL CONSERVATION OR PRESERVE AREAS PER LDC SECTION 10-415(b)(2)b.

RECEIVED
SEP 27 2006
PERMIT COUNTER

DCI 2005-00055

PREPARED FOR:
N.B.D. DEVELOPMENT, INC
301 YAMATO ROAD, SUITE 3191
BOCA RATON, FLORIDA 33431
PH: (561) 994-8572
FAX: (561) 394-7136

NO.	DATE	REVISION DESCRIPTION	BY
1	01/25/06	ADD ACCESS AND OPEN SPACE TABLE	BSH

Banks Engineering, Inc.
Professional Engineers, Planners & Land Surveyors
FORT MYERS ◆ NAPLES ◆ SARASOTA
6640 WILLOW PARK DRIVE, SUITE B
NAPLES, FLORIDA 34109
PHONE: (239) 597-2061 FAX: (239) 597-3082
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6880

MASTER CONCEPT PLAN
DIPLOMAT PARCEL
LEE COUNTY, FLORIDA

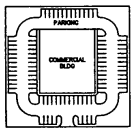
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
FEB 2005	2028	021705	JGH	SDJ	JGH	1"=120'	1	1	34-43-24

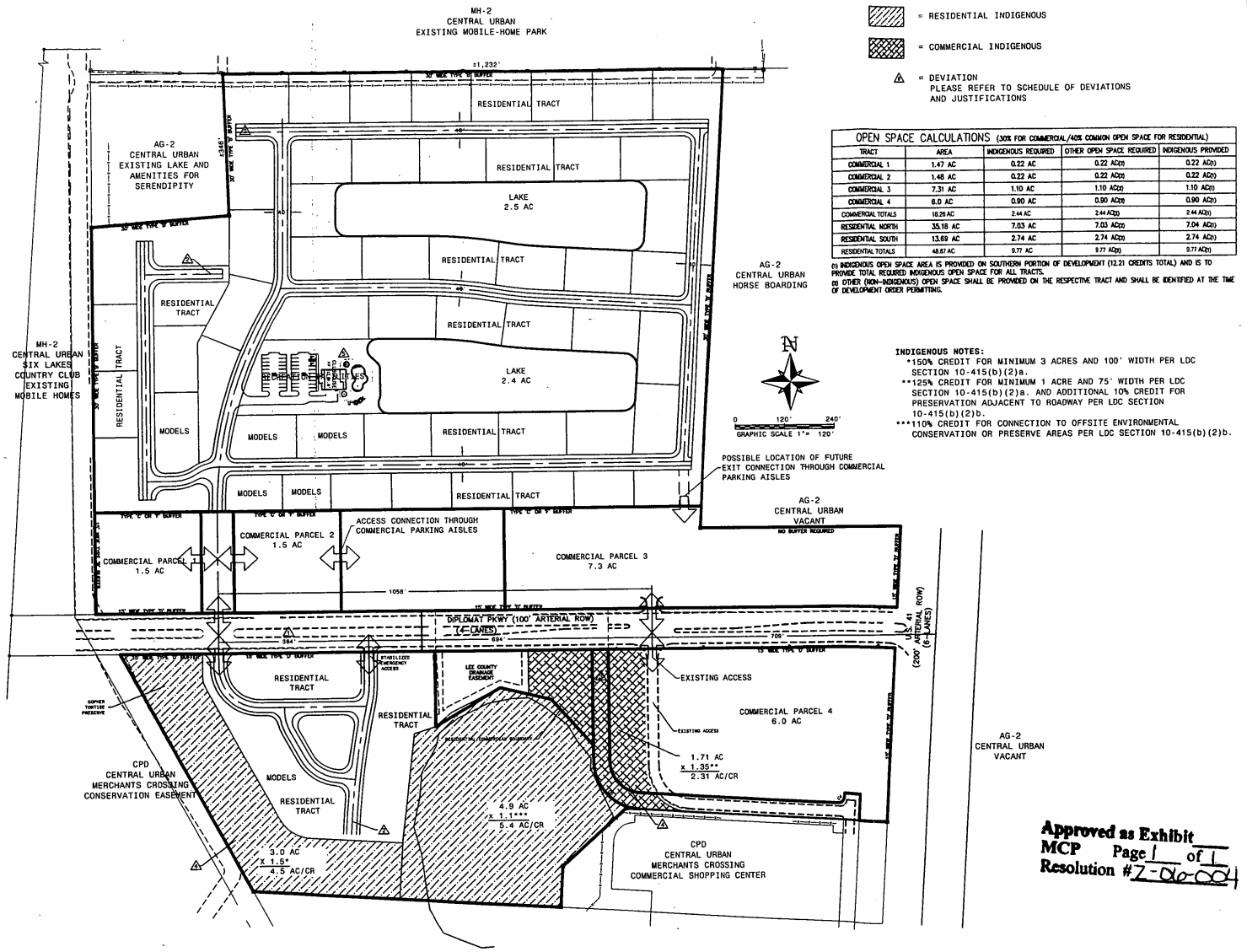
TYPICAL RESIDENTIAL BUILDINGS:

NORTH PARCEL:
- 4-PLEX W/ 1-CAR GARAGE
- 6-PLEX W/ 1-CAR GARAGE
- 8-PLEX W/ 1-CAR GARAGE
- 6-PLEX
- 8-PLEX

SOUTH PARCEL:
- 6-PLEX W/ 1-CAR GARAGE
- 8-PLEX W/ 1-CAR GARAGE

TYPICAL COMMERCIAL BUILDINGS:





= RESIDENTIAL INDIGENOUS

= COMMERCIAL INDIGENOUS

⚠ = DEVIATION
PLEASE REFER TO SCHEDULE OF DEVIATIONS AND JUSTIFICATIONS

OPEN SPACE CALCULATIONS (30% FOR COMMERCIAL/40% COMMON OPEN SPACE FOR RESIDENTIAL)

TRACT	AREA	INDIGENOUS REQUIRED	OTHER OPEN SPACE REQUIRED	INDIGENOUS PROVIDED
COMMERCIAL 1	1.47 AC	0.22 AC	0.22 AC(2)	0.22 AC(1)
COMMERCIAL 2	1.48 AC	0.22 AC	0.22 AC(2)	0.22 AC(1)
COMMERCIAL 3	7.31 AC	1.10 AC	1.10 AC(2)	1.10 AC(1)
COMMERCIAL 4	6.0 AC	0.90 AC	0.90 AC(2)	0.90 AC(1)
COMMERCIAL TOTALS	16.26 AC	2.44 AC	2.44 AC(2)	2.44 AC(1)
RESIDENTIAL NORTH	35.18 AC	7.03 AC	7.03 AC(2)	7.04 AC(1)
RESIDENTIAL SOUTH	13.69 AC	2.74 AC	2.74 AC(2)	2.74 AC(1)
RESIDENTIAL TOTALS	48.87 AC	9.77 AC	9.77 AC(2)	9.77 AC(1)

(1) INDIGENOUS OPEN SPACE AREA IS PROVIDED ON SOUTHERN PORTION OF DEVELOPMENT (12.21 CREDITS TOTAL) AND IS TO PROVIDE TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS.
(2) OTHER (NON-INDIGENOUS) OPEN SPACE SHALL BE PROVIDED ON THE RESPECTIVE TRACT AND SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.

INDIGENOUS NOTES:
*150% CREDIT FOR MINIMUM 3 ACRES AND 100' WIDTH PER LDC SECTION 10-415(b)(2)a.
**125% CREDIT FOR MINIMUM 1 ACRE AND 75' WIDTH PER LDC SECTION 10-415(b)(2)a. AND ADDITIONAL 10% CREDIT FOR PRESERVATION ADJACENT TO ROADWAY PER LDC SECTION 10-415(b)(2)b.
***110% CREDIT FOR CONNECTION TO OFFSITE ENVIRONMENTAL CONSERVATION OR PRESERVE AREAS PER LDC SECTION 10-415(b)(2)b.

RECEIVED
JUN 12 2006
COMMUNITY DEVELOPMENT

DCI 2005-00055

Approved as Exhibit
MCP Page 1 of 1
Resolution #Z-06-004

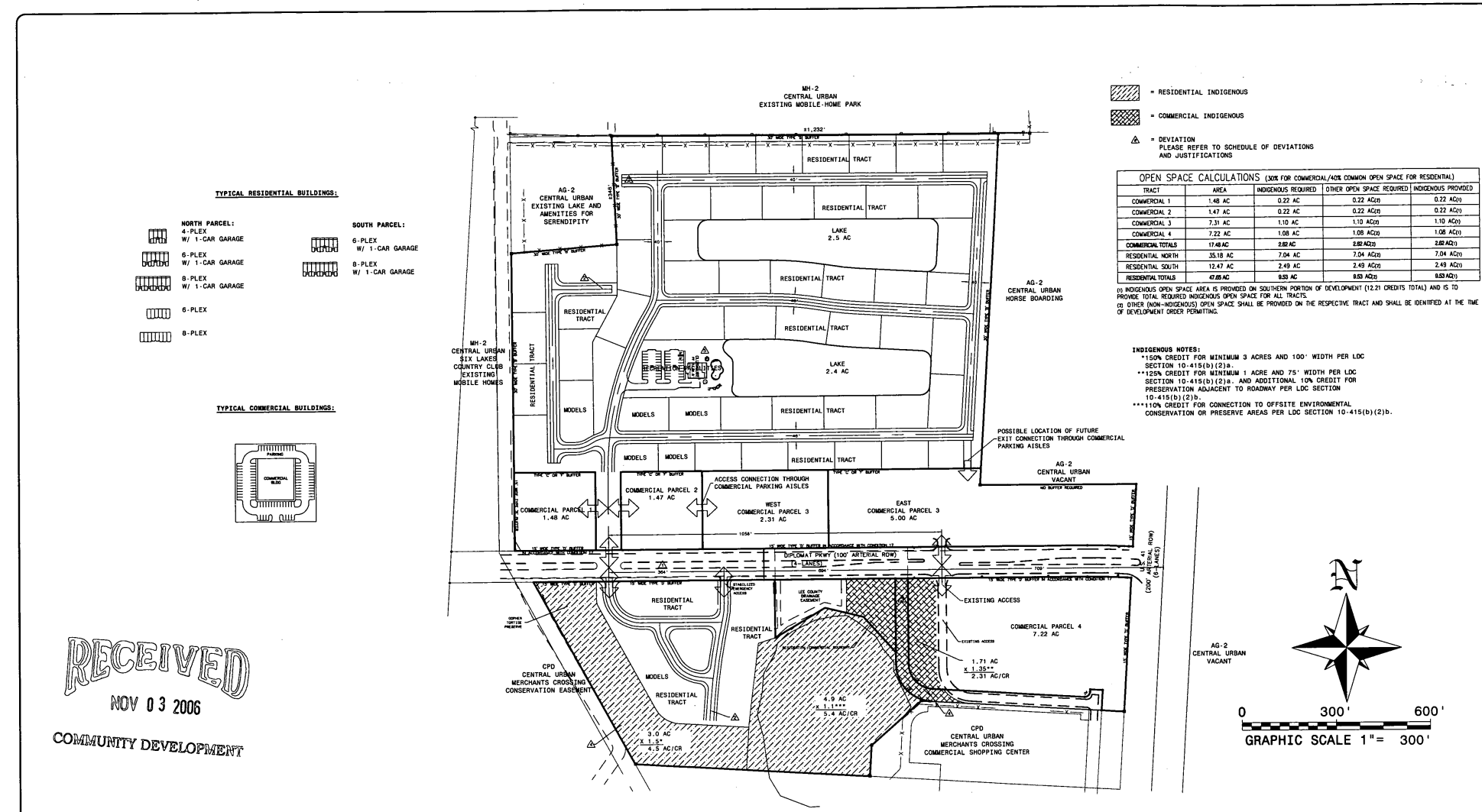
PREPARED FOR:
N.B.D. DEVELOPMENT, INC
301 YAMATO ROAD, SUITE 3191
BOCA RATON, FLORIDA 33431
PH: (561) 994-8572
FAX: (561) 394-7136

NO.	DATE	REVISION DESCRIPTION	BY
1	9/25/06	ADD ACCESS AND OPEN SPACE TABLE	BEH

Banks Engineering, Inc.
Professional Engineers, Planners & Land Surveyors
FORT MYERS ● NAPLES ●SARASOTA
9640 WILLOW PARK DRIVE, SUITE B
NAPLES, FLORIDA 34109
PHONE: (239) 597-3061 FAX: (239) 597-3062
ENGINEERING LICENSE # EB 0469
SURVEY LICENSE # LB 6230

MASTER CONCEPT PLAN
DIPLOMAT PARCEL
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
FEB 2005	2028	021705	JGH	SDJ	JGH	1"=120'	1	1	34-43-24



OPEN SPACE CALCULATIONS (30% FOR COMMERCIAL/40% COMMON OPEN SPACE FOR RESIDENTIAL)

TRACT	AREA	INDIGENOUS REQUIRED	OTHER OPEN SPACE REQUIRED	INDIGENOUS PROVIDED
COMMERCIAL 1	1.48 AC	0.22 AC	0.22 AC(2)	0.22 AC(1)
COMMERCIAL 2	1.47 AC	0.22 AC	0.22 AC(2)	0.22 AC(1)
COMMERCIAL 3	7.31 AC	1.10 AC	1.10 AC(2)	1.10 AC(1)
COMMERCIAL 4	7.22 AC	1.08 AC	1.08 AC(2)	1.08 AC(1)
COMMERCIAL TOTALS	17.48 AC	2.62 AC	2.62 AC(2)	2.62 AC(1)
RESIDENTIAL NORTH	35.18 AC	7.04 AC	7.04 AC(2)	7.04 AC(1)
RESIDENTIAL SOUTH	12.47 AC	2.49 AC	2.49 AC(2)	2.49 AC(1)
RESIDENTIAL TOTALS	47.65 AC	9.53 AC	9.53 AC(2)	9.53 AC(1)

(1) INDIGENOUS OPEN SPACE AREA IS PROVIDED ON SOUTHERN PORTION OF DEVELOPMENT (12.21 CREDITS TOTAL) AND IS TO PROVIDE TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS.
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***110% CREDIT FOR CONNECTION TO OFFSITE ENVIRONMENTAL CONSERVATION OR PRESERVE AREAS PER LDC SECTION 10-415(b)(2)b.

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NOV 03 2006
COMMUNITY DEVELOPMENT

DCI 2005-00055

PREPARED FOR:
N.B.D. DEVELOPMENT, INC
301 YAMATO ROAD, SUITE 3191
BOCA RATON, FLORIDA 33431
PH: (561) 994-8572
FAX: (561) 394-7136

NO.	DATE	REVISION DESCRIPTION	BY
2	11/20/06	ZONING RESOLUTION	SEH
1	01/20/06	ADD ACCESS AND OPEN SPACE TABLE	SEH

Banks Engineering, Inc.
Professional Engineers, Planners & Land Surveyors
FORT MYERS ◆ NAPLES ◆ SARASOTA
6640 WILLOW PARK DRIVE, SUITE 8
NAPLES, FLORIDA 34109
PHONE: (239) 597-3061 FAX: (239) 597-3062
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690

MASTER CONCEPT PLAN
DIPLOMAT PARCEL
LEE COUNTY, FLORIDA

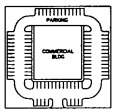
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
FEB 2005	2028	021705	JGH	SDJ	JGH	1"=300'	1	1	34-43-24

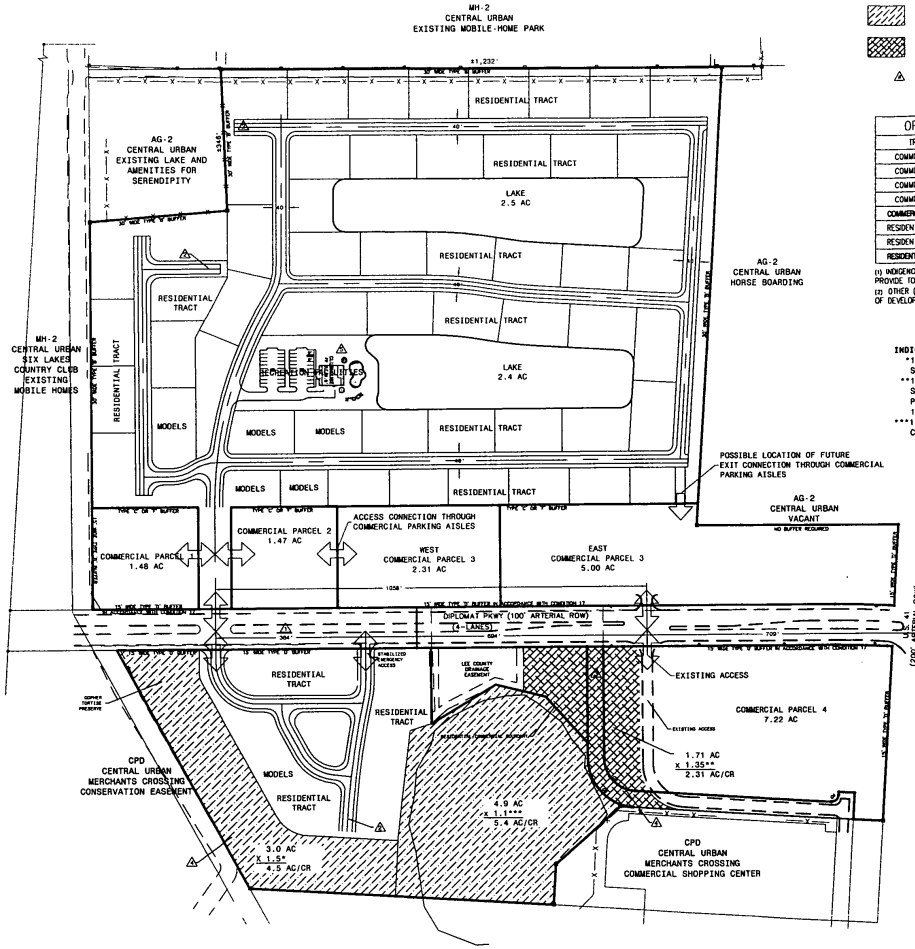
TYPICAL RESIDENTIAL BUILDINGS:

NORTH PARCEL:
- 4-PLEX W/ 1-CAR GARAGE
- 6-PLEX W/ 1-CAR GARAGE
- 8-PLEX W/ 1-CAR GARAGE
- 6-PLEX
- 8-PLEX

SOUTH PARCEL:
- 6-PLEX W/ 1-CAR GARAGE
- 8-PLEX W/ 1-CAR GARAGE

TYPICAL COMMERCIAL BUILDINGS:





= RESIDENTIAL INDIGENOUS

= COMMERCIAL INDIGENOUS

△ = DEVIATION
PLEASE REFER TO SCHEDULE OF DEVIATIONS AND JUSTIFICATIONS

OPEN SPACE CALCULATIONS (30% FOR COMMERCIAL/40% COMMON OPEN SPACE FOR RESIDENTIAL)

TRACT	AREA	INDIGENOUS REQUIRED	OTHER OPEN SPACE REQUIRED	INDIGENOUS PROVIDED
COMMERCIAL 1	1.48 AC	0.22 AC	0.22 AC(2)	0.22 AC(1)
COMMERCIAL 2	1.47 AC	0.22 AC	0.22 AC(2)	0.22 AC(1)
COMMERCIAL 3	7.31 AC	1.10 AC	1.10 AC(2)	1.10 AC(1)
COMMERCIAL 4	7.22 AC	1.08 AC	1.08 AC(2)	1.08 AC(1)
COMMERCIAL TOTALS	17.48 AC	2.62 AC	2.62 AC(2)	2.62 AC(1)
RESIDENTIAL NORTH	35.18 AC	7.04 AC	7.04 AC(2)	7.04 AC(1)
RESIDENTIAL SOUTH	12.47 AC	2.49 AC	2.49 AC(2)	2.49 AC(1)
RESIDENTIAL TOTALS	47.65 AC	9.53 AC	9.53 AC(2)	9.53 AC(1)

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**125% CREDIT FOR MINIMUM 1 ACRE AND 75' WIDTH PER LDC SECTION 10-415(b)(2)a. AND ADDITIONAL 10% CREDIT FOR PRESERVATION ADJACENT TO ROADWAY PER LDC SECTION 10-415(b)(2)b.
***110% CREDIT FOR CONNECTION TO OFFSITE ENVIRONMENTAL CONSERVATION OR PRESERVE AREAS PER LDC SECTION 10-415(b)(2)b.

RECEIVED
NOV 03 2006
COMMUNITY DEVELOPMENT

DCI 2005-00055

Approved as Exhibit
MCP Page 1 of 1
Resolution # Z-06-004

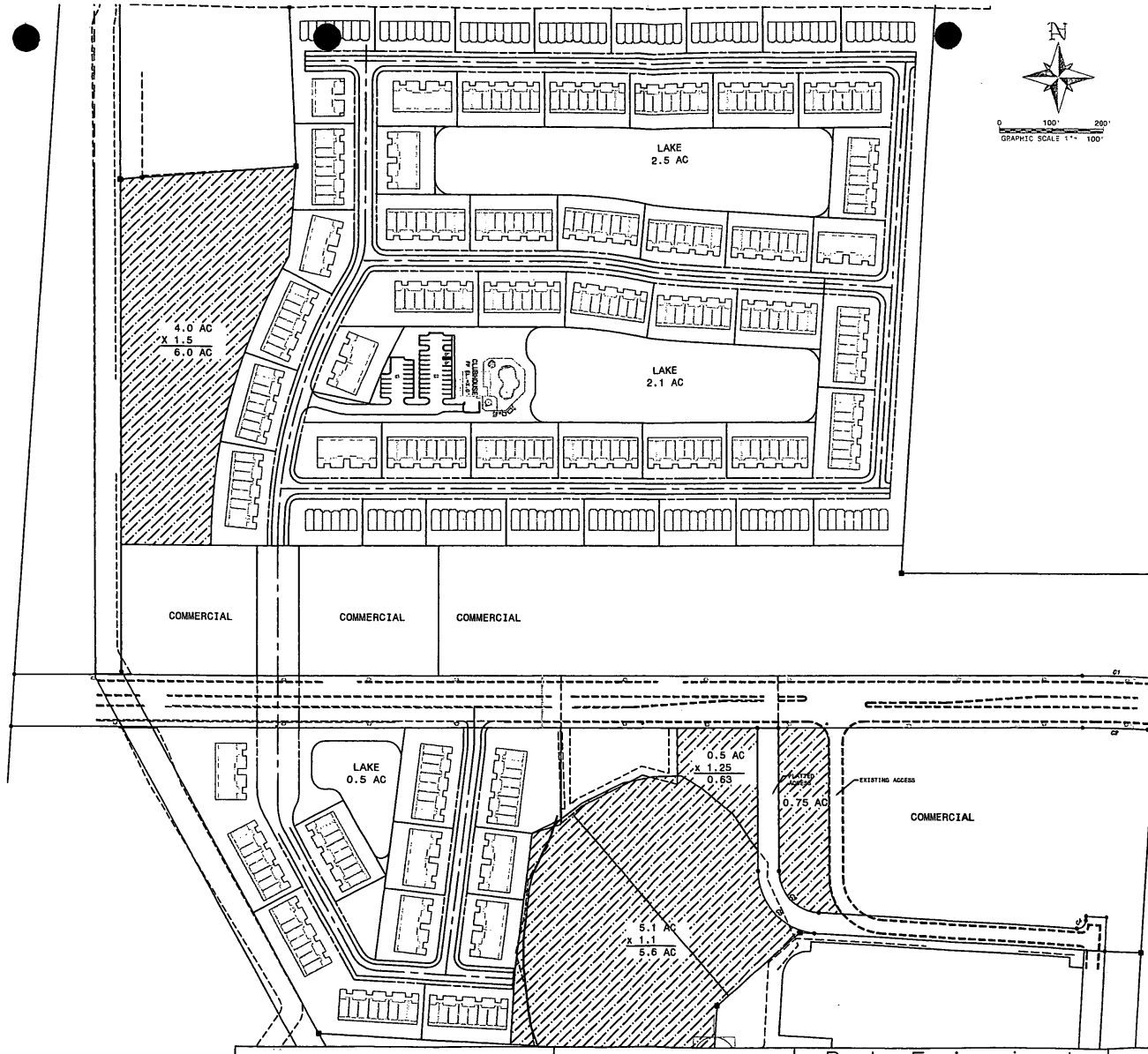
PREPARED FOR:
N.B.D. DEVELOPMENT, INC
301 YAMATO ROAD, SUITE 3191
BOCA RATON, FLORIDA 33431
PH: (561) 994-8572
FAX: (561) 394-7136

NO.	DATE	REVISION DESCRIPTION	BY
2	11/07/06	ZONING RESUBMITTAL	SDJ
1	01/25/06	ADD ACCESS AND OPEN SPACE TABLE	SDJ

Banks Engineering, Inc.
Professional Engineers, Planners & Land Surveyors
FORT MYERS ◆ NAPLES ◆ SARASOTA
6940 WILLOW PARK DRIVE, SUITE 8
NAPLES, FLORIDA 34109
PHONE: (239) 597-3061 FAX: (239) 597-3062
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690

MASTER CONCEPT PLAN
DIPLOMAT PARCEL
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
FEB 2005	2028	021705	JGH	SDJ	JGH	1"=300'	1	1	34-43-24



NORTH PARCEL:

(1)4-PLEX (18') W/ 1-CAR GARAGE	= 4
(5)6-PLEX (18') W/ 1-CAR GARAGE	= 30
(28)8-PLEX (18') W/ 1-CAR GARAGE	= 224
SUBTOTAL:	= 258
(2)6-PLEX (16') W/ OFFSTREET PARKING	= 12
(14)8-PLEX (16') W/ OFFSTREET PARKING	= 112
SUBTOTAL:	= 124
TOTAL:	= 382

SOUTH PARCEL:

(5)6-PLEX (18') W/ 1-CAR GARAGE	= 30
(7)8-PLEX (18') W/ 1-CAR GARAGE	= 56
SUBTOTAL:	= 86

TOTAL RESIDENTIAL: 468

DENSITY:
468 UNITS/47 AC.= 10.0 UNITS/A

INDIGENOUS AREA:

REQUIRED (KINSEY):

	AREA (AC)
RESIDENTIAL:	47.2 x 0.20 =
COMMERCIAL:	3.0 x 0.15 =
TOTAL:	50.2

PROVIDED: 11.6

REQUIRED (OWNER):

	AREA (AC)
COMMERCIAL:	13.8 x 0.15 = 2

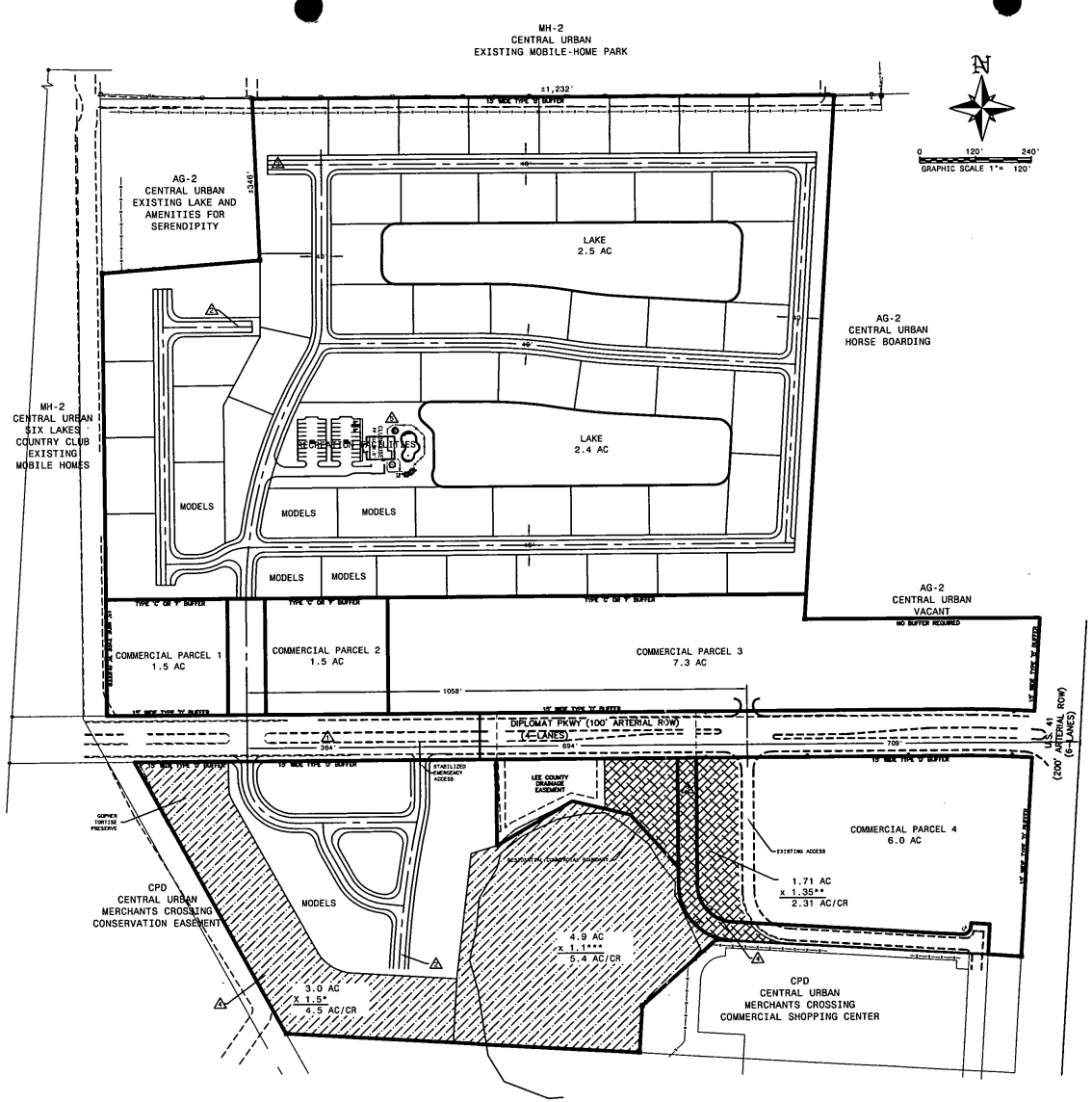
PROVIDED:
COMMERCIAL: 1.38

N.B.D. DEVELOPMENT, INC
301 YAMATO ROAD, SUITE 3191
BOCA RATON, FLORIDA 33431
PH: (561) 994-8572
FAX: (561) 394-7136

Banks Engineering, Inc.
Professional Engineers, Planners & Land Surveyors
FORT MYERS ◆ NAPLES ◆ SARASOTA
6440 WILLOW PARK DRIVE, SUITE B
NAPLES, FLORIDA 34109
PHONE: (239) 597-2051 FAX: (239) 597-3062
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6800

CONCEPTUAL SITE PLAN
DIPLOMAT PARCEL
LEE COUNTY, FLORIDA

FEB 2008 | 2028 | 02/08



= RESIDENTIAL INDIGENOUS

= COMMERCIAL INDIGENOUS

△ = DEVIATION
PLEASE REFER TO SCHEDULE OF DEVIATIONS AND JUSTIFICATIONS

TOTAL RESIDENTIAL: 468

DENSITY:
468 UNITS/52.84 AC.= 8.9 UNITS/AC.

OPEN SPACE TABLE:
REQUIRED:

	AREA (AC)	
RESIDENTIAL:	48.86 X 0.40 =	19.54 ACRES
COMMERCIAL:	16.27 X 0.30 =	4.88 ACRES
TOTAL:	65.13	24.42 ACRES

PROVIDED: MINIMUM 24.42 ACRES

INDIGENOUS AREA:
REQUIRED:

	AREA (AC)	
RESIDENTIAL:	48.86 x 0.20 =	9.77 ACRES
COMMERCIAL:	16.27 x 0.15 =	2.44 ACRES
TOTAL:	65.13	12.21 ACRES

PROVIDED: MINIMUM 12.21 ACRES

*150% CREDIT FOR MINIMUM 3 ACRES AND 100' WIDTH PER LDC SECTION 10-415(b)(2)a.
**125% CREDIT FOR MINIMUM 1 ACRE AND 75' WIDTH PER LDC SECTION 10-415(b)(2)a. AND ADDITIONAL 10% CREDIT FOR PRESERVATION ADJACENT TO ROADWAY PER LDC SECTION 10-415(b)(2)b.
***110% CREDIT FOR CONNECTION TO OFFSITE ENVIRONMENTAL CONSERVATION OR PRESERVE AREAS PER LDC SECTION 10-415(b)(2)b.

DCI 2005-00055

#UNITS:
NORTH PARCEL:418
SOUTH PARCEL: 50
TOTAL:468

PREPARED FOR:
N.B.D. DEVELOPMENT, INC
301 YAMATO ROAD, SUITE 3191
BOCA RATON, FLORIDA 33431
PH: (561) 994-8572
FAX: (561) 394-7136

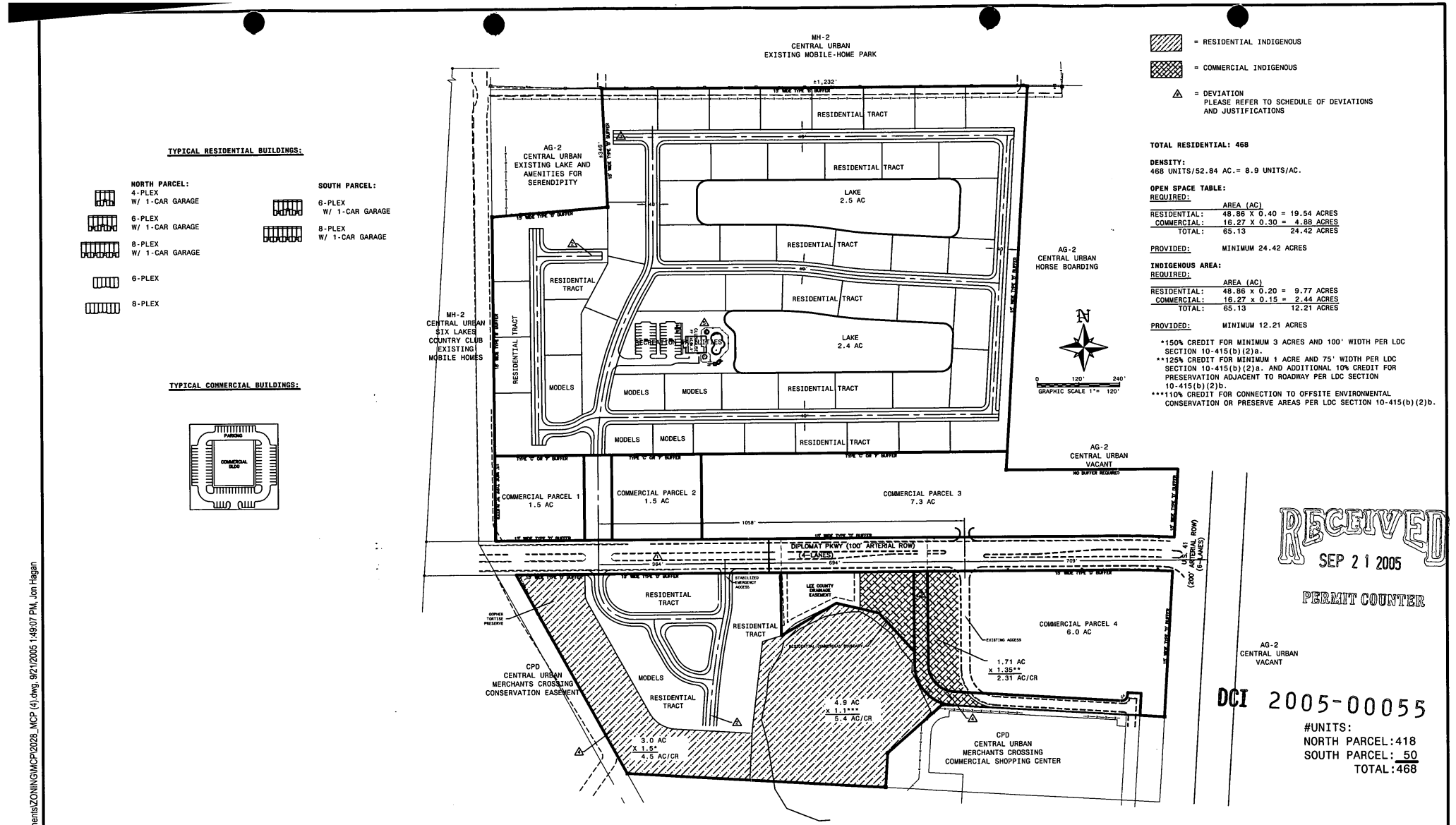
NO	DATE	REVISION DESCRIPTION	BY

Banks Engineering, Inc.
Professional Engineers, Planners & Land Surveyors
FORT MYERS ◆ NAPLES ◆SARASOTA
6640 WILLOW PARK DRIVE, SUITE 8
NAPLES, FLORIDA 34109
PHONE: (239) 597-2081 FAX: (239) 597-3062
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6990

CONCEPTUAL SITE PLAN
DIPLOMAT PARCEL
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
FEB 2005	2028	021705	JGH	SDJ	JGH	1"=120'	1	1	34-43-24

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= RESIDENTIAL INDIGENOUS

= COMMERCIAL INDIGENOUS

△ = DEVIATION
PLEASE REFER TO SCHEDULE OF DEVIATIONS AND JUSTIFICATIONS

TOTAL RESIDENTIAL: 468

DENSITY:
468 UNITS/52.84 AC.= 8.9 UNITS/AC.

OPEN SPACE TABLE:

REQUIRED:

	AREA (AC)	
RESIDENTIAL:	48.86 X 0.40 =	19.54 ACRES
COMMERCIAL:	16.27 X 0.30 =	4.88 ACRES
TOTAL:	65.13	24.42 ACRES

PROVIDED: MINIMUM 24.42 ACRES

INDIGENOUS AREA:

REQUIRED:

	AREA (AC)	
RESIDENTIAL:	48.86 x 0.20 =	9.77 ACRES
COMMERCIAL:	16.27 x 0.15 =	2.44 ACRES
TOTAL:	65.13	12.21 ACRES

PROVIDED: MINIMUM 12.21 ACRES

*150% CREDIT FOR MINIMUM 3 ACRES AND 100' WIDTH PER LDC SECTION 10-415(b)(2)a.
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***110% CREDIT FOR CONNECTION TO OFFSITE ENVIRONMENTAL CONSERVATION OR PRESERVE AREAS PER LDC SECTION 10-415(b)(2)b.

TYPICAL RESIDENTIAL BUILDINGS:

NORTH PARCEL:
- 4-PLEX W/ 1-CAR GARAGE
- 6-PLEX W/ 1-CAR GARAGE
- 8-PLEX W/ 1-CAR GARAGE
- 6-PLEX
- 8-PLEX

SOUTH PARCEL:
- 6-PLEX W/ 1-CAR GARAGE
- 8-PLEX W/ 1-CAR GARAGE

TYPICAL COMMERCIAL BUILDINGS:

RECEIVED
SEP 21 2005
PERMIT COUNTER

DCI 2005-00055

#UNITS:
NORTH PARCEL:418
SOUTH PARCEL: 50
TOTAL:468

PREPARED FOR:
N.B.D. DEVELOPMENT, INC
301 YAMATO ROAD, SUITE 3191
BOCA RATON, FLORIDA 33431
PH: (561) 994-8572
FAX: (561) 394-7136

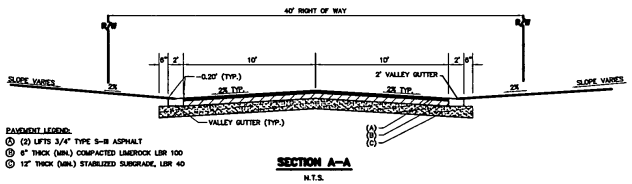
NO	DATE	REVISION DESCRIPTION	BY

Banks Engineering, Inc.
Professional Engineers, Planners & Land Surveyors
FORT MYERS ◆ NAPLES ◆SARASOTA
6640 WILLOW PARK DRIVE, SUITE B
NAPLES, FLORIDA 34109
PHONE: (239) 597-2061 FAX: (239) 597-3062
ENGINEERING LICENSE # EB 0469
SURVEY LICENSE # LB 6690

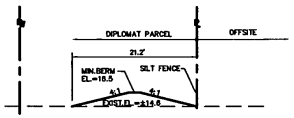
CONCEPTUAL SITE PLAN
DIPLOMAT PARCEL
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
FEB 2005	2028	021705	JGH	SDJ	JGH	1"=120'	1	1	34-43-24

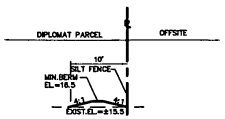
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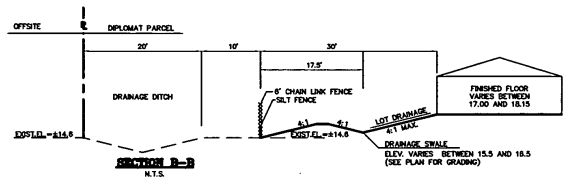
SECTION A-A
N.T.S.



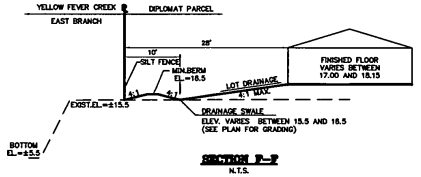
SECTION D-D
N.T.S.



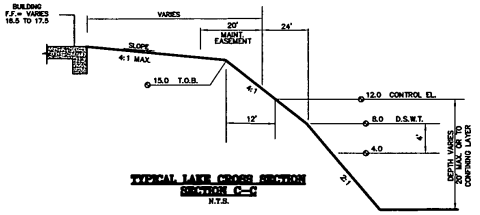
SECTION E-E
N.T.S.



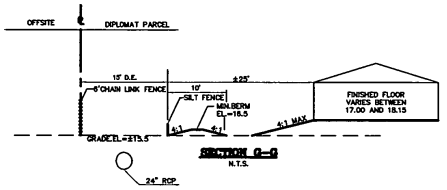
SECTION B-B
N.T.S.



SECTION F-F
N.T.S.



TYPICAL LAKE CROSS SECTION
SECTION C-C
N.T.S.



SECTION G-G
N.T.S.

DCI 2005-00055

PREPARED FOR:
N.B.D. DEVELOPMENT, INC
301 YAMATO ROAD, SUITE 3191
BOCA RATON, FLORIDA 33431
PH: (561) 994-8572
FAX: (561) 394-7136

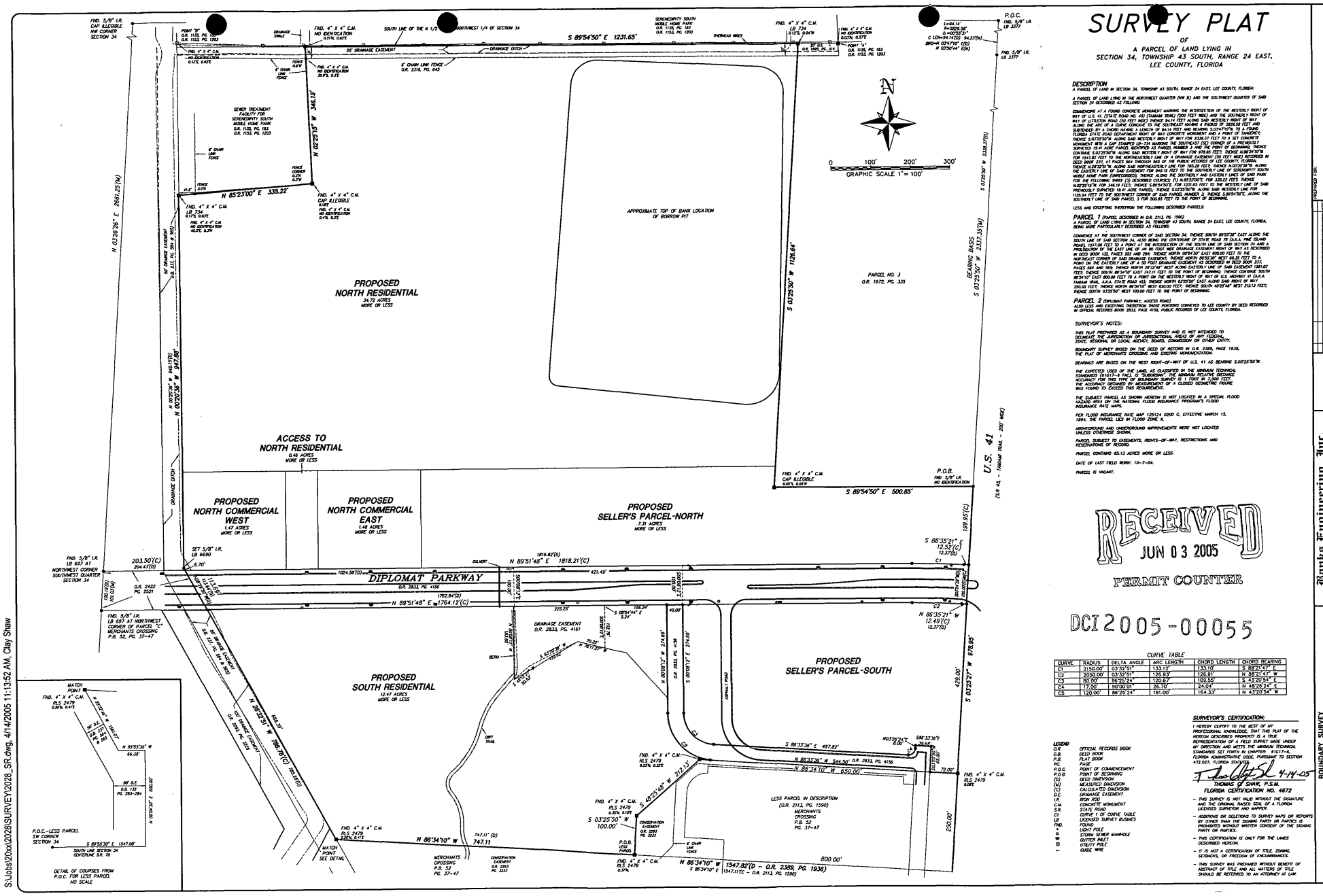
NO.	DATE	REVISION DESCRIPTION	BY

Banks Engineering, Inc.
Professional Engineers, Planners & Land Surveyors
FORT MYERS ◆ NAPLES ◆ SARASOTA
6640 WILLOW PARK DRIVE, SUITE B
NAPLES, FLORIDA 34109
PHONE: (239) 597-2001 FAX: (239) 597-3062
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
DAVID R. UNDERHILL, JR. P.E. #47029

TYPICAL CROSS-SECTIONS
DIPLOMAT PARCEL
LEE COUNTY, FLORIDA

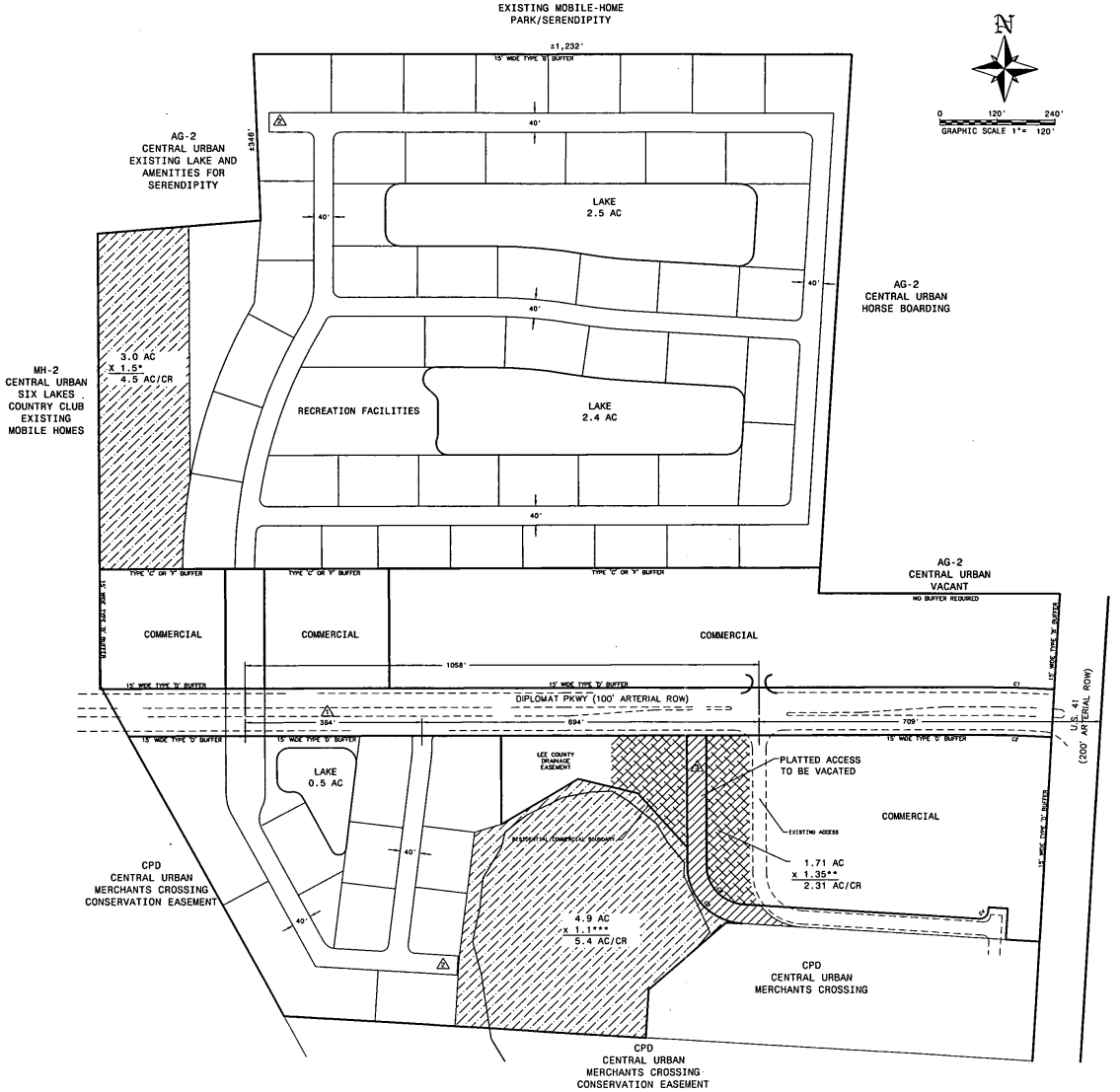
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
OCT 2005	2028	_XS1	DRU	MJK	DRU	N.T.S.	5	9	34-43-24

C:\Documents and Settings\Jon Hagan\Desktop\NORTH\2028_XS1.dwg, 11/3/2005 10:16:03 AM, Jon Hagan
DIPLOMAT PARCEL - SFWMD PLANS 2028
SET NO. 01


SURVEY PLAT
OF
A PARCEL OF LAND LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA
DESCRIPTION
A PARCEL OF LAND IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA:
A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER (NW ¼) AND THE SOUTHWEST QUARTER OF SAID SECTION 34 DESCRIBED AS FOLLOWS:
COMMENCING AT A FOUND CONCRETE MONUMENT MARKING THE INTERSECTION OF THE WESTERLY RIGHT OF WAY OF U.S. 41, (STATE ROAD NO. 45) (TAMIAMI TRAIL) (200 FEET WIDE) AND THE SOUTHERLY RIGHT OF WAY OF LITTLETON ROAD (50 FEET WIDE); THENCE S.41°E FEET ALONG SAID WESTERLY RIGHT OF WAY ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5029.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.63°47'07"E TO A FOUND FLORIDA STATE ROAD DEPARTMENT RIGHT OF WAY CONCRETE MONUMENT AND A POINT OF TANGENCY; THENCE S.61°35'50"E ALONG SAID WESTERLY RIGHT OF WAY FOR 2338.77 FEET TO A SET CONCRETE MONUMENT WITH A CAP STAMPED LB-734 MARKING THE SOUTHEAST (SE) CORNER OF A PREVIOUSLY SURVEYED 15.41 ACRE PARCEL IDENTIFIED AS PARCEL NUMBER 3 AND THE POINT OF BEGINNING; THENCE CONTINUE S.61°35'50"E ALONG SAID WESTERLY RIGHT OF WAY FOR 978.85 FEET; THENCE S.43°20'54"E FOR 1,543.82 FEET TO THE NORTHEASTERLY LINE OF A DRAINAGE EASEMENT (50 FEET WIDE) RECORDED IN DEED BOOK 237, AT PAGES 384 THROUGH 385 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N.62°39'06"W ALONG SAID NORTHEASTERLY LINE FOR 795.58 FEET; THENCE N.60°26'36"W ALONG THE EASTERLY LINE OF A 30 FOOT EASEMENT FOR INGRESS AND EGRESS FOR 1,115 FEET TO THE SOUTHERLY LINE OF SERENDIPITY SOUTH MOBILE HOME PARK (PARCEL RECORDED); THENCE ALONG THE SOUTHERLY AND EASTERLY LINES OF SAID PARK FOR THE FOLLOWING THREE (3) COURSES COUNTED: 1) N.85°23'00"E, FOR 335.22 FEET; THENCE N.02°25'15"W FOR 346.19 FEET; THENCE S.89°54'50"E, FOR 1231.65 FEET TO THE WESTERLY LINE OF SAID PREVIOUSLY SURVEYED 100 FOOT WIDE PARCEL; THENCE S.61°35'50"E ALONG SAID WESTERLY LINE FOR 1126.64 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL NUMBER 3; THENCE S.89°54'50"E, ALONG THE SOUTHERLY LINE OF SAID PARCEL FOR 500.85 TO THE POINT OF BEGINNING.
LESS AND EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCELS:
PARCEL 1 (PARCEL DESCRIBED IN O.R. 2113, PG. 1590)
A PARCEL OF LAND LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 34; THENCE SOUTH 89°53'36" EAST ALONG THE SOUTH LINE OF SAID SECTION 34, ALSO BEING THE CENTERLINE OF STATE ROAD 78 (A.K.A. PINE ISLAND ROAD), 1547.08 FEET TO A POINT AT THE INTERSECTION OF THE SOUTH LINE OF SAID SECTION 34 AND A PROLOGATION OF THE EAST LINE OF AN 80 FOOT WIDE DRAINAGE EASEMENT RIGHT OF WAY AS DESCRIBED IN DEED BOOK 132, PAGES 283 AND 284; THENCE NORTH 00°04'30" EAST 800.00 FEET TO THE NORTHEAST CORNER OF SAID DRAINAGE EASEMENT; THENCE NORTH 89°53'30" WEST 66.00 FEET TO A POINT ON THE EASTERLY LINE OF A 50 FOOT DRAINAGE EASEMENT AS DESCRIBED IN DEED BOOK 237, PAGES 384 AND 385; THENCE NORTH 28°32'46" WEST ALONG EASTERLY LINE OF SAID EASEMENT 1581.07 FEET; THENCE SOUTH 89°54'14" EAST 747.11 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 86°34'10" EAST 800.00 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY OF U.S. HIGHWAY 41 (A.K.A. TAMIAMI TRAIL, A.K.A. STATE ROAD 45); THENCE NORTH 03°25'50" EAST ALONG SAID RIGHT OF WAY 250.00 FEET; THENCE NORTH 86°34'10" WEST 650.00 FEET; THENCE SOUTH 48°25'48" WEST 312.13 FEET; THENCE SOUTH 03°25'50" WEST 100.00 FEET TO THE POINT OF BEGINNING.
PARCEL 2 (DIPLOMAT PARKWAY, ACCESS ROAD)
ALSO LESS AND EXCEPTING THEREFROM THOSE PORTIONS CONVEYED TO LEE COUNTY BY DEED RECORDED IN OFFICIAL RECORDS BOOK 2833, PAGE 4156, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
SURVEYOR'S NOTES:
THIS PLAT PREPARED AS A BOUNDARY SURVEY AND IS NOT INTENDED TO DELINEATE THE JURISDICTION OR JURISDICTIONAL AREAS OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY, BOARD, COMMISSION OR OTHER ENTITY.
BOUNDARY SURVEY BASED ON THE DEED OF RECORD IN O.R. 2389, PAGE 1936, THE PLAT OF MERCHANTS CROSSING AND EXISTING MONUMENTATION.
BEARINGS ARE BASED ON THE WEST RIGHT-OF-WAY OF U.S. 41 AS BEARING S.03°25'50"W.
THE EXPECTED USES OF THE LAND, AS CLASSIFIED IN THE MINIMUM TECHNICAL STANDARDS (61G17-6 FAC), IS "SUBURBAN"; THE MINIMUM RELATIVE DISTANCE ACCURACY FOR THIS TYPE OF BOUNDARY SURVEY IS 1 FOOT IN 7,500 FEET. THE ACCURACY OBTAINED BY MEASUREMENT OF A CLOSED GEOMETRIC FIGURE WAS FOUND TO EXCEED THIS REQUIREMENT.
THE SUBJECT PARCEL AS SHOWN HEREON IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA ON THE NATIONAL FLOOD INSURANCE PROGRAM'S FLOOD INSURANCE RATE MAPS.
PER FLOOD INSURANCE RATE MAP 125124 0200 C, EFFECTIVE MARCH 15, 1994, THE PARCEL LIES IN FLOOD ZONE X.
ABOVEGROUND AND UNDERGROUND IMPROVEMENTS WERE NOT LOCATED UNLESS OTHERWISE SHOWN.
PARCEL SUBJECT TO EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS AND RESERVATIONS OF RECORD.
PARCEL CONTAINS 65.13 ACRES MORE OR LESS.
DATE OF LAST FIELD WORK: 10-7-04.
PARCEL IS VACANT.
RECEIVED
JUN 03 2005
PERMIT COUNTER
DCI2005-00055
SURVEYOR'S CERTIFICATION:
I HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, THAT THIS PLAT OF THE HEREON DESCRIBED PROPERTY IS A TRUE REPRESENTATION OF A FIELD SURVEY MADE UNDER MY DIRECTION AND MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
4-14-05
THOMAS J. SHAW, P.S.M.
FLORIDA CERTIFICATION NO. 4672
- THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED HEREON.
- IT IS NOT A CERTIFICATION OF TITLE, ZONING, SETBACKS, OR FREEDOM OF ENCUMBRANCES.
- THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF ABSTRACT OF TITLE AND ALL MATTERS OF TITLE SHOULD BE REFERRED TO AN ATTORNEY AT LAW.
CURVE TABLE
CURVE | RADIUS | DELTA ANGLE | ARC LENGTH | CHORD LENGTH | CHORD BEARING
C1 | 2150.00' | 03°32'51" | 133.12' | 133.10' | S 88°21'47" E
C2 | 2050.00' | 03°32'51" | 126.91' | 126.93' | N 88°21'47" W
C3 | 80.00' | 86°25'24" | 120.67' | 109.55' | S 43°20'54" E
C4 | 17.00' | 90°00'01" | 26.70' | 24.04' | N 48°26'24" E
C5 | 120.00' | 86°25'24" | 181.00' | 164.33' | N 43°20'54" W
LEGEND
O.R. OFFICIAL RECORDS BOOK
D.B. DEED BOOK
P.B. PLAT BOOK
PG. PAGE
P.O.C. POINT OF COMMENCEMENT
P.O.B. POINT OF BEGINNING
(D) DEED DIMENSION
(M) MEASURED DIMENSION
(C) CALCULATED DIMENSION
D.E. DRAINAGE EASEMENT
I.R. IRON ROD
C.M. CONCRETE MONUMENT
S.R. STATE ROAD
C1 CURVE 1 OF CURVE TABLE
LS LICENSED SURVEY BUSINES
FND. FOUND
LP LIGHT POLE
SSMH STORM SEWER MANHOLE
CI CUTTER INLET
UP UTILITY POLE
GW GUIDE WIRE
PROPOSED NORTH RESIDENTIAL
34.72 ACRES
MORE OR LESS
ACCESS TO
NORTH RESIDENTIAL
0.48 ACRES
MORE OR LESS
PROPOSED
NORTH COMMERCIAL
WEST
1.47 ACRES
MORE OR LESS
PROPOSED
NORTH COMMERCIAL
EAST
1.48 ACRES
MORE OR LESS
PROPOSED
SELLER'S PARCEL-NORTH
7.31 ACRES
MORE OR LESS
PROPOSED
SELLER'S PARCEL-SOUTH
PROPOSED
SOUTH RESIDENTIAL
12.47 ACRES
MORE OR LESS
DIPLOMAT PARKWAY
O.R. 2833, PG. 4156
APPROXIMATE TOP OF BANK LOCATION OF BORROW PIT
PARCEL NO. 3
O.R. 1972, PG. 335
SERENDIPITY SOUTH MOBILE HOME PARK O.R. 1153, PG. 1203
SEWER TREATMENT FACILITY FOR SERENDIPITY SOUTH MOBILE HOME PARK O.R. 1153, PG. 1203
MERCHANTS CROSSING P.B. 52, PG. 37-47
CONSERVATION EASEMENT O.R. 2283 PG. 3333
DRAINAGE EASEMENT O.R. 2833, PG. 4161
LESS PARCEL IN DESCRIPTION (O.R. 2113, PG. 1590) MERCHANTS CROSSING P.B. 52 PG. 37-47
U.S. 41 (SR 45 - TAMIAMI TRAIL - 200' WIDE)
BEARING BASIS
S 03°25'50" W 2137.35'(M)
S 03°25'50" W 2338.77(D)
N 89°54'50" E 1231.65'
S 89°54'50" E 500.85'
N 85°23'00" E 335.22'
N 02°25'15" W 346.19'
N 00°26'36" E 2661.25'(M)
N 00°26'36" W 947.88'
S 03°25'50" W 1126.64'
S 48°25'48" W 312.13'
N 86°34'10" W 650.00'
S 86°34'10" E 800.00'
N 86°34'10" W 747.11'
N 86°34'10" W 1547.82'(D - O.R. 2389, PG. 1936)
S 86°34'10" E 1547.11'(C - O.R. 2113, PG. 1590)
P.O.C. FND. 5/8" I.R. LB 3377
P.O.B. FND. 5/8" I.R. NO IDENTIFICATION
FND. 5/8" I.R. LB 697 AT NORTHWEST CORNER OF SOUTHWEST QUARTER SECTION 34
FND. 5/8" I.R. LB 697 AT NORTHWEST CORNER OF PARCEL "L" MERCHANTS CROSSING P.B. 52, PG. 37-47
SET 5/8" I.R. LB 6690
FND. 4" X 4" C.M. LB 734
FND. 4" X 4" C.M. CAP ILLEGIBLE
FND. 4" X 4" C.M. RLS 2479
FND. 4" X 4" C.M. NO IDENTIFICATION
FND. 4" X 4" C.M. NO IDENTIFICATION
FND. 4" X 4" C.M. LB 734
FND. 4" X 4" C.M. NO IDENTIFICATION
FND. 4" X 4" C.M. NO IDENTIFICATION
FND. 4" X 4" C.M. NO IDENTIFICATION
FND. 4" X 4" C.M. NO IDENTIFICATION
FND. 4" X 4" C.M. LB 734
FND. 4" X 4" C.M. RLS 2479
FND. 4" X 4" C.M. RLS 2479
FND. 4" X 4" C.M. RLS 2479

DCI 2005-00055

RECEIVED
JUN 03 2005
PERMIT COUNTER



= RESIDENTIAL INDIGENOUS

= COMMERCIAL INDIGENOUS

= PLATTED ACCESS EASEMENT TO BE VACATED TO ATTAIN REQUIRED COMMERCIAL INDIGENOUS AREA

⚠ = DEVIATION
PLEASE REFER TO SCHEDULE OF DEVIATIONS AND JUSTIFICATIONS

TOTAL RESIDENTIAL: 462

DENSITY:
462 UNITS/52.84 AC.= 8.7 UNITS/AC.

OPEN SPACE TABLE:
REQUIRED:

	AREA (AC)	
RESIDENTIAL:	48.86 X 0.40 =	19.54 ACRES
COMMERCIAL:	16.27 X 0.30 =	4.88 ACRES
TOTAL:	65.13	24.42 ACRES

PROVIDED: MINIMUM 24.42 ACRES

INDIGENOUS AREA:
REQUIRED:

	AREA (AC)	
RESIDENTIAL:	48.86 x 0.20 =	9.77 ACRES
COMMERCIAL:	16.27 x 0.15 =	2.44 ACRES
TOTAL:	65.13	12.21 ACRES

PROVIDED: MINIMUM 12.21 ACRES

*150% CREDIT FOR MINIMUM 3 ACRES AND 100' WIDTH PER LDC SECTION 10-415(b)(2)a.
**125% CREDIT FOR MINIMUM 1 ACRE AND 75' WIDTH PER LDC SECTION 10-415(b)(2)a. AND ADDITIONAL 10% CREDIT FOR PRESERVATION ADJACENT TO ROADWAY PER LDC SECTION 10-415(b)(2)b.
***110% CREDIT FOR CONNECTION TO OFFSITE ENVIRONMENTAL CONSERVATION OR PRESERVE AREAS PER LDC SECTION 10-415(b)(2)b.

GENERAL NOTES AND GENERAL CONDITIONS:

1) STRAP NO. 34-43-24-00-00001.3030
2) LAND USE AREAS:
SITE AREA: 65.13 ACRES
DIPLOMAT PARKWAY ROW: 4.44 ACRES
COMMERCIAL TRACTS: 16.27 ACRES
3) PARCEL ADDRESS: 15501 N. CLEVELAND AVE.
4) CURRENT ZONING: AG-2
5) PROPOSED ZONING: RPD/CPD
6) FUTURE LAND USE: CENTRAL URBAN
7) THE MASTER CONCEPT PLAN DEPICTS THE PROJECT'S GENERAL CONFIGURATION AND AS SUCH, IS FOR CONCEPTUAL REVIEW AND ZONING PURPOSES ONLY. THE PLAN'S FINAL LAND USES, SURFACE WATER MANAGEMENT SYSTEM AND OTHER FUNCTIONAL ELEMENTS WILL BE DETERMINED AT THE TIME OF FINAL DEVELOPMENT ORDER PERMITTING.
8) PARKING WILL BE PROVIDED IN ACCORDANCE WITH L.D.C. SECTION 34-2013 THROUGH 34-2022 OR CURRENT DEVELOPMENT CODE RULE AT THE TIME OF FINAL DEVELOPMENT ORDER PERMITTING.
9) INTERNAL PARKING LOT LANDSCAPING WILL BE CONSISTENT WITH L.D.C. 10-415(B), 10-416, & 10-417, OR CURRENT DEVELOPMENT CODE RULE AT THE TIME OF FINAL DEVELOPMENT ORDER PERMITTING.
10) FINAL BUILDING AND PARKING CONFIGURATION TO BE DETERMINED AT THE TIME OF FINAL DEVELOPMENT ORDER.
11) ALL LANDSCAPING, OPEN SPACE, AND BUFFERING TO BE IN COMPLIANCE WITH L.D.C. REQUIREMENTS.
12) THIS PROPERTY IS LOCATED ON LEE TRAN ROUTE 90.
13) THE PROJECT SIGN LOCATION TO BE DETERMINED AT THE TIME OF DEVELOPMENT ORDER.
14) THE SURFACE WATER MANAGEMENT SYSTEM WILL BE PERMITTED IN ACCORDANCE WITH S.F.W.M.D. REGULATIONS.
15) THERE ARE NO AGRICULTURAL USES ON THE PROPERTY.

AG-2
CENTRAL URBAN
VACANT

PREPARED FOR:
N.B.D. DEVELOPMENT, INC
301 YAMATO ROAD, SUITE 3191
BOCA RATON, FLORIDA 33431
PH: (561) 994-8572
FAX: (561) 394-7138

NO.	DATE	REVISION DESCRIPTION	BY

Banks Engineering, Inc.
Professional Engineers, Planners & Land Surveyors
FORT MYERS ● NAPLES ● SARASOTA
6640 WILLOW PARK DRIVE, SUITE B
NAPLES, FLORIDA 34109
PHONE: (239) 597-2081 FAX: (239) 597-3082
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690

MASTER CONCEPT PLAN
DIPLOMAT PARCEL
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
05/30/05	2028	021705	BEJ	SDJ/SEH	JGH	1"-120'	1	1	34-43-24

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LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yeager
County Attorney

Diana M. Parker
County Hearing
Examiner

March 17, 2006

479-8585

MR. JON G. HAGAN
BANKS ENGINEERING INC.
10511 SIX MILE CYPRESS PKWY
FT MYERS, FL 33912

RE: **Agenda Schedule for DIPLOMAT PROPERTY RPD/CPD**
Case No. DCI2005-00055

Dear JON G. HAGAN :

Your zoning request has been scheduled before the Board of County Commissioners to take final action after reviewing the Hearing Examiner's recommendation.

DATE & TIME: Monday, April 3, 2006. Meeting commences at 9:30 a.m.

LOCATION: Commissioners' Meeting Room
2120 Main Street
Ft. Myers, Florida

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Luisa V Villa
Administrative Assistant

cc: ATHYRIO DEV. ASSOC. INC.
BENNETT RICHARD K TR
CALUSA COAST ECOLOGISTS, INC., C/O ILENE
MR. TED TREESH, METRO TRANSPORTATION GROUP
Tony Palermo, Senior Planner
Zoning File

MEMORANDUM

From The

Department Of

Community Development

Development Services Division

Date: March 21, 2006

To: DCI2005-00055 From: Luisa Villa

RE: Notice of Public Hearing - April 3, 2006
Lee County Board of County Commissioners Meeting

I, Luisa Villa, Internal Services Secretary, Development Services Division, do hereby certify that I have mailed **notices to the participants** in regard to the above referenced meeting, in the attached style, pursuant to the list marked and attached hereto and made a part of the certification.

NOTICE TO PARTICIPANT

CASE NUMBER:	DCI2005-00055
NAME:	DIPLOMAT PROPERTY RPD/CPD
REQUEST:	Rezone 65+/- acres of land from Agricultural (AG-2) to Residential Planned Development/Commercial Planned Development (RPD/CPD) to permit a maximum of 468 dwelling units, 200,000 square feet of commercial floor area and a maximum of 120 hotel rooms. Maximum building height proposed is 3 stories/50 feet commercial and 3 stories/ 35 feet residential. No development blasting is requested.
LOCATION:	15301 North Cleveland Ave, North Fort Myers, FL (US 41 North, go over Caloosa Bridge, left on Diplomat Pkwy., Property is on the north side of road), in S34-T43S-24E, Lee County, FL. (District #04)
PROPERTY OWNER'S REPRESENTATIVE:	MR. JON G HAGAN 239-939-5490

Notice is hereby given that the Lee County Board of Commissioners will hold a public hearing at 9:30 am on Monday, April 3, 2006, to review the written recommendation made by the Hearing Examiner and make a final decision in the above-referenced case. This hearing will be held in the Commissioners' Meeting Room, 2120 Main St., Ft. Myers FL.

The law states that, as a participant, you have the right to appear and address the Board on this case. However, the law strictly limits all testimony before the Board to statements challenging the correctness of findings and conclusions contained in the record, or statements alleging the discovery of relevant new evidence which was not known by the speaker at the time of the Hearing Examiner's hearing and not otherwise disclosed in the record. Statements will be limited to five (5) minutes or as the Board may otherwise allow.

Additional copies of the Hearing Examiner's recommendation may be obtained or the file reviewed at the Zoning Division, 1500 Monroe St., Ft. Myers, FL. Call 479-8585 for additional

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Luisa V Villa at 479-8585.

DEPARTMENT OF COMMUNITY
DEVELOPMENT

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CASE NUMBER DCI2005-00055

NAME OF CASE Diplomat Property
RPC/CPD

Mr. Jon Hagan
Banks Engineering Inc.
10511 Six Mile Cypress Pkwy
Fort Myers, FL 33912

Anthony DeRico
16 Nicklaus Boulevard
Six Lakes Country Club
N. Ft. Myers, Florida 33903

Eric Hallin
5040 Mimosa Road
Venice, Florida 34293

Ronald L. Jenkins
363 Middlecoff Court
N. Ft. Myers, Florida 33903

Jim Toth
203 Nicklaus Boulevard
Six Lakes Country Club, Inc.
N. Ft. Myers, Florida 33903

Mr. Richard Bennett
3319 Boca Ciega Drive
Naples, FL 34112

Athyrio Development Assoc. Inc.
301 Yamato RoaSuite 3191
Boca Raton, FL 33431

MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
ZONING DIVISION

DATE: December 28, 2005

TO: File - DCI2005-00055

FROM: Jessica Smith
Secretary, Internal Services

RE: Notice of Public Hearing - **January 12, 2006 HEX**

I, Jessica Smith, Secretary, Internal Services, Development Services Division, do hereby certify that I have mailed notices to the adjacent property owners on the above referenced date, in the attached style, pursuant to the list marked and attached hereto and made a part of this certification.

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

CASE NUMBER: DCI2005-00055

CASE NAME: DIPLOMAT PROPERTY RPD/CPD

REQUEST: Rezone 65+/- acres of land from Agricultural (AG-2) to Residential Planned Development/Commercial Planned Development (RPD/CPD) to permit a maximum of 468 dwelling units, 200,000 square feet of commercial floor area and a maximum of 120 hotel rooms. Maximum building height proposed is 3 stories/50 feet commercial and 3 stories/ 35 feet residential. No development blasting is requested.

LOCATION: The subject property is located at 15301 North Cleveland Ave, North Fort Myers, FL (US 41 North, go over Caloosa Bridge, left on Diplomat Pkwy., Property is on the north side of road), in S34-T43S-24E, Lee County, FL. (District #04)

SIZE OF PROPERTY: 65.13 Acres ±

STAFF REPORT: Direct inquiries to Tony Palermo, Senior Planner, at (239) 479-8325, at the Department of Community Development, 1500 Monroe St., Ft. Myers, FL 33901.

PROPERTY OWNER'S REPRESENTATIVE: JON G HAGAN
BANKS ENGINEERING INC.
239-939-5490

CALUSA COAST ECOLOGISTS, INC.
C/O ILENE

Notice is hereby given that the Lee County Hearing Examiner will hold a public hearing at 1:30PM PM on 01/12/2006 on the above case. The public hearing will be held in the Hearing Examiner's Meeting Room, 1500 Monroe St., Ft. Myers, FL 33901.

You must appear in person, or through counsel, or an authorized agent and provide testimony, legal argument or other evidence at the hearing to become a participant with the right to address the Board of County Commissioners.

After the Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the Board of County Commissioners who will review the recommendation and make a final decision.

If you do not appear before the Hearing Examiner, by law, you will not be allowed to appear before the Board of County Commissioners at the final hearing in this case.

Copies of the staff report will be available two weeks prior to the hearing. The file may be reviewed at the Development Services Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/479-8585 for additional information.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Jessica M Smith at 239/479-8585.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

33-43-24-00-00008.0060
STATE OF FL DOT
PO BOX 1249
BARTOW, FL 33830

33-43-24-01-00000.0280
SIX LAKES COUNTRY CLUB INC
ALICE J CLARK ETAL J/T
28 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0290
SIX LAKES COUNTRY CLUB INC
EDWARD W + GLORIA K KUREK
29 CASPER CT
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0300
SIX LAKES COUNTRY CLUB INC
LEON ROBERTS +JOAN
339 MALLETTS BAY AV
COLCHESTER, VT 05446

33-43-24-01-00000.0310
SIX LAKES COUNTRY CLUB INC
PAUL L ERPELDING + THERESA
31 CASPER CT
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0320
SIX LAKES COUNTRY CLUB INC
LELAND LOMAN + L CLEVENGER T/C
32 CASPER CT
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0330
SIX LAKES COUNTRY CLUB INC
RAYMOND + AGNES LARIVEE
33 CASPER CT
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0340
SIX LAKES COUNTRY CLUB INC
GEORGE SULLIVAN + LORRAINE S
34 CASPER CT
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0350
SIX LAKES COUNTRY CLUB INC
ARTHUR T JR DICKSON +
35 CASPER CT
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0360
SIX LAKES COUNTRY CLUB INC
BERNITA G BOSLEY +
256 PALMER BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0370
SIX LAKES COUNTRY CLUB INC
MERRIT W GUERNE LIVING TR
GUERNE LAVON + MERRIT W
37 NICKLAUS BLVD
N FT MYERS, FL 33903

33-43-24-01-00000.0380
SIX LAKES COUNTRY CLUB INC
JOHN J + SUSANNE C NESWADI
38 NICKLAUS BLVD
N FT MYERS, FL 33903

33-43-24-01-00000.0390
SIX LAKES COUNTRY CLUB INC
RUSSELL + JERILYN FAWCETT TR
39 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0400
SIX LAKES COUNTRY CLUB INC
JANE L SKINNER
40 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0410
SIX LAKES COUNTRY CLUB INC
VALLIE G MCCOLLEY ETAL J/T
5104 CAMPAU DR
MIDLAND, MI 48640

33-43-24-01-00000.0420
SIX LAKES COUNTRY CLUB INC
JAMES ALFRED BAIRD TR
2525 E 1ST ST APT 515
FORT MYERS, FL 33901

33-43-24-01-00000.0430
SIX LAKES COUNTRY CLUB INC
BETTY L ESSELBURN L/E
43 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0440
SIX LAKES COUNTRY CLUB INC
CHARLES P + GENEVIEE MACINTIRE
403 SNEAD DR
NORTH FT MYERS, FL 33903

33-43-24-01-00000.0450
SIX LAKES COUNTRY CLUB INC
KENNETH FROEHLICH
45 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0460
SIX LAKES COUNTRY CLUB INC
OVERS PETER + TERESA
1722 SLOCUM ST
HEWLETT, NY 11557

All data is current at time of printing and subject to change without notice.

33-43-24-01-00000.0470
SIX LAKES COUNTRY CLUB INC
IRENE DEARIE ETAL
47 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0480
SIX LAKES COUNTRY CLUB INC
DONALD C FROEHLICH SR TR
19 BLACK OAK DR
SAINT LOUIS, MO 63127

33-43-24-01-00000.0490
SIX LAKES COUNTRY CLUB INC
GERALD + JEANNETTE K SMITH
49 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0500
SIX LAKES COUNTRY CLUB INC
SHERMAN M MOORE + JUDITH G
50 NICKLAUS BLVD
N FT MYERS, FL 33903

33-43-24-01-00000.0510
SIX LAKES COUNTRY CLUB INC
JEROME + PATRICIA HALL
51 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0520
SIX LAKES COUNTRY CLUB INC
W T SCHEUER + KATHLEEN
3425 ARROYO RD
BROOKFIELD, WI 53045

33-43-24-01-00000.0530
SIX LAKES COUNTRY CLUB INC
LEOTA LOVEBURY
53 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0540
SIX LAKES COUNTRY CLUB INC
WILLIAM J REESE + GAIL F
54 VENTURI LANE
N FT MYERS, FL 33903

33-43-24-01-00000.0550
SIX LAKES COUNTRY CLUB INC
B J ST JEAN
55 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0560
SIX LAKES COUNTRY CLUB INC
CECIL D + PEGGY J WOOD
56 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0570
SIX LAKES COUNTRY CLUB INC
MICHAEL R + LORRAINE E DESSART
57 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0580
SIX LAKES COUNTRY CLUB INC
MICHAEL + LORRAINE DESSART
58 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0590
SIX LAKES COUNTRY CLUB INC
WALTER W + BETTY PHILBRICK
4999 PORTSMOUTH BLVD
PORTSMOUTH, VA 23701

33-43-24-01-00000.0600
SIX LAKES COUNTRY CLUB INC
A + K DERICO TR
60 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0610
SIX LAKES COUNTRY CLUB INC
DIANA PETTERSEN + B COLLEY J/T
61 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0620
SIX LAKES COUNTRY CLUB INC
GEORGE STEFANCO
62 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0630
SIX LAKES COUNTRY CLUB INC
ROBERT + JOAN ST JOSEPH TR
63 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0640
SIX LAKES COUNTRY CLUB INC
W A + BARBARA J SABANOSH
57 ROMAN DR
SHREWSBURY, MA 01545

33-43-24-01-00000.0650
SIX LAKES COUNTRY CLUB INC
ROBERT + MARY CAISE
65 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0660
SIX LAKES COUNTRY CLUB INC
JOAN Z BATES
66 SNEAD DR
NORTH FORT MYERS, FL 33903

All data is current at time of printing and subject to change without notice.

33-43-24-01-00000.0670
SIX LAKES COUNTRY CLUB INC
DOUGLAS L + JEANNETTE RUDD
67 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0680
SIX LAKES COUNTRY CLUB INC
LESTER + ADA SEGGERMAN T/C
68 SNEAD DR
N FT MYERS, FL 33903

33-43-24-01-00000.0690
SIX LAKES COUNTRY CLUB INC
ESTELLE K RICI TR
69 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0700
SIX LAKES COUNTRY CLUB INC
STUART R + JOYCE E HILL
70 SNEAD DR
N FT MYERS, FL 33903

33-43-24-01-00000.0710
SIX LAKES COUNTRY CLUB INC
SHIRLEY A WOODS
71 SANDERS CT
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0720
SIX LAKES COUNTRY CLUB INC
RICHARD + BARBARA ANDERSON
72 SANDERS CT
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0730
SIX LAKES COUNTRY CLUB INC
KENNETH V + BETTY SCOBIE
SUNTRUST BANK ATTN K ROMANO
PO BOX 2018 MAILCODE 3043
SARASOTA, FL 34230

33-43-24-01-00000.0740
SIX LAKES COUNTRY CLUB INC
DOUGLAS + ARLENE CLARK
74 SANDERS CT
N FT MYERS, FL 33903

33-43-24-01-00000.0750
SIX LAKES COUNTRY CLUB INC
9151 LITTLETON RD
N FT MYERS, FL 33903

33-43-24-01-00000.0760
SIX LAKES COUNTRY CLUB INC
R M ECELLIGOTT + D KRUZMAN J/T
76 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0770
SIX LAKES COUNTRY CLUB INC
W J HOFFMAN + M PATRICIA
77 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0780
SIX LAKES COUNTRY CLUB INC
GEORGE TUSON + C CREGER J/T
78 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0790
SIX LAKES COUNTRY CLUB INC
RALPH + EMILY FOLEY TR
79 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0800
SIX LAKES COUNTRY CLUB INC
ANDREW M BANSE TR
80 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0810
SIX LAKES COUNTRY CLUB INC
FLOYD + ELEANOR FREDERICK
81 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0820
SIX LAKES COUNTRY CLUB INC
BABCOCK LOUIS R + LAURA R
82 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0830
SIX LAKES COUNTRY CLUB INC
RICK NORDLUND
83 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0840
SIX LAKES COUNTRY CLUB INC
PAUL + NATALIE WHITAKER
84 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0850
SIX LAKES COUNTRY CLUB INC
JOAN WALSH-BEHM
85 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0860
SIX LAKES COUNTRY CLUB INC
MARY L WALTER
86 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0940
SIX LAKES COUNTRY CLUB INC
JO F HULLSIEK
94 ARCHER LN
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1030
SIX LAKES COUNTRY CLUB INC
WILLIAM L + CONNIE L BRADLEY
6835 S 700 E
LADOGA, IN 47954

33-43-24-01-00000.1050
SIX LAKES COUNTRY CLUB INC
NORMAN + DRUCILLA MEIDLE TR
105 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1070
SIX LAKES COUNTRY CLUB INC
PHYLLIS ANN BRADLEY
PO BOX 210
SPRING LAKE, MI 49456

33-43-24-01-00000.1090
SIX LAKES COUNTRY CLUB INC
MICHAEL ZENK + ELLA ZENK
109 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1110
SIX LAKES COUNTRY CLUB INC
D JACK + JEAN CAVALIER
9046 E LAKE RD
CLARKSTON, MI 48348

33-43-24-01-00000.1130
SIX LAKES COUNTRY CLUB INC
CHARLES + ELAINE ADAMS TR
113 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1150
SIX LAKES COUNTRY CLUB INC
HAROLD H + BETTY C BOLTON
115 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1170
SIX LAKES COUNTRY CLUB INC
EDITH M COUGHLIN
117 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1190
SIX LAKES COUNTRY CLUB INC
JAMES R SHARP + J M SHARP
119 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1020
SIX LAKES COUNTRY CLUB INC
RALPH + MARILYN KNECHTEL
102 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1040
SIX LAKES COUNTRY CLUB INC
ARTHUR + MARY GRAEBER
104 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1060
SIX LAKES COUNTRY CLUB INC
CHARLES + PATRICIA M SOPER
106 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1080
SIX LAKES COUNTRY CLUB INC
W A + INES W GASSMAN
108 SNEAD DR
N FT MYERS, FL 33903

33-43-24-01-00000.1100
SIX LAKES COUNTRY CLUB INC
VALMORE + EVELYN TRAVERS
110 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1120
SIX LAKES COUNTRY CLUB INC
RAYMOND E + SARA E BEATTIE
112 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1140
SIX LAKES COUNTRY CLUB INC
DOROTHY M SHARPE TR
114 SNEAD DR
N FT MYERS, FL 33903

33-43-24-01-00000.1160
SIX LAKES COUNTRY CLUB INC
FRANK C + BETTY A FAURIE
116 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1180
SIX LAKES COUNTRY CLUB INC
JOANN LANGEVIN
118 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1200
SIX LAKES COUNTRY CLUB INC
JOHN + EMMA VAN HOUTEN
50 THIRD AVENUE
EAST ROCKAWAY, NY 11518

33-43-24-01-00000.1210
SIX LAKES COUNTRY CLUB INC
JAMES F HINKEL
121 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1220
SIX LAKES COUNTRY CLUB INC
L WALLACE+K WALLACE+N PHILLIPS
122 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1230
SIX LAKES COUNTRY CLUB INC
HELEN L THOMAS L/E
123 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1240
SIX LAKES COUNTRY CLUB INC
FORREST J KEELER ETALS
12344 WOOD RD
DEWITT, MI 48820

33-43-24-01-00000.1250
SIX LAKES COUNTRY CLUB INC
JACOBY ROBERT + CAROLE L TR
125 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1260
SIX LAKES COUNTRY CLUB INC
GEORGE B MARNES
126 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1270
SIX LAKES COUNTRY CLUB INC
FELIX A +PRISCILLA CARLINO
127 NICKALUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1280
SIX LAKES COUNTRY CLUB INC
ROBERT V + MILDRED J GARTNER
128 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1290
SIX LAKES COUNTRY CLUB INC
GEORGE + JEAN A REID
129 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1300
SIX LAKES COUNTRY CLUB INC
JEANNETTE SMITH L/E
130 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1310
SIX LAKES COUNTRY CLUB INC
ORIS M + DIANNA R BOLIN
131 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1320
SIX LAKES COUNTRY CLUB INC
WALTER W FLOYD
132 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1330
SIX LAKES COUNTRY CLUB INC
RAY S + ROSE ANN PASTEWKA
2510 E 43RD ST
ERIE, PA 16510

33-43-24-01-00000.1340
SIX LAKES COUNTRY CLUB INC
ROBERT J MILLER +
134 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1350
SIX LAKES COUNTRY CLUB INC
DOROTHY KOWALCZYK
135 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1360
SIX LAKES COUNTRY CLUB INC
CARL E + ROSE MARIE BOWERS
136 NICKLAUS BLVD
N FT MYERS, FL 33903

33-43-24-01-00000.1370
SIX LAKES COUNTRY CLUB INC
FRANKLIN D + BARBARA L JOHNSON
137 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1380
SIX LAKES COUNTRY CLUB INC
D ELLIOT + D IVOSIC T/C
138 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1390
SIX LAKES COUNTRY CLUB INC
ERNEST J + JEANNE L HOGG
139 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1400
SIX LAKES COUNTRY CLUB INC
JOHN R + ELIZABETH A HAYES
140 NICKLAUS BLVD NW
NORTH FORT MYERS, FL 33903

All data is current at time of printing and subject to change without notice.

33-43-24-01-00000.1410
SIX LAKES COUNTRY CLUB INC
GERALDINE M CONNORS TR
141 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1520
SIX LAKES COUNTRY CLUB INC
WILLIAM W + EDITH M TAYLOR
152 NICKLAUS BLVD
N FT MYERS, FL 33903

33-43-24-01-00000.1530
SIX LAKES COUNTRY CLUB INC
EDWARD SCHUBERT TR +
153 NICKLAUS BLVD
FORT MYERS, FL 33903

33-43-24-01-00000.1540
SIX LAKES COUNTRY CLUB INC
WILLIAM + PATRICIA BECKMAN
154 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1550
SIX LAKES COUNTRY CLUB INC
MARGARET M BERDINE
155 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1560
SIX LAKES COUNTRY CLUB INC
RAYMOND J ZERNIA
156 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1570
SIX LAKES COUNTRY CLUB INC
FROEHLICH INVESTMENT GROUP LLC
19 BLACK OAK DR
ST LOUIS, MO 63127

33-43-24-01-00000.1580
SIX LAKES COUNTRY CLUB INC
OLIVE G CONNOLLY
158 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1590
SIX LAKES COUNTRY CLUB INC
LEUCHTMANN MARILYN
159 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1600
SIX LAKES COUNTRY CLUB INC
9151 LITTLETON RD
N FT MYERS, FL 33903

33-43-24-01-00000.1610
SIX LAKES COUNTRY CLUB INC
R L JR + JANE L CONNOR TR
161 YANCEY LN
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1620
SIX LAKES COUNTRY CLUB INC
JEAN E IVERSON
162 YANCEY LN
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1630
SIX LAKES COUNTRY CLUB INC
RICHARD J + THERESE FOSHER
163 YANCEY LN
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1640
SIX LAKES COUNTRY CLUB INC
DALE + FRANCES EBERSBACHER
164 YANCEY LN
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1650
SIX LAKES COUNTRY CLUB INC
CHARLES A DAVIS
165 YANCEY LN
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1660
SIX LAKES COUNTRY CLUB INC
STANLEY + AMELIA KOWALCZYK
166 YANCEY LN
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1670
SIX LAKES COUNTRY CLUB INC
TIMOTHY COOK +
167 YANCEY LN
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1760
SIX LAKES COUNTRY CLUB INC
FRANK J BOEHMER JR
176 YANCEY LN
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1770
SIX LAKES COUNTRY CLUB INC
MALLOY + MARIE E DIXON
177 YANCEY LN
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1780
SIX LAKES COUNTRY CLUB INC
ROBERT M + PATRICIA CRIST
3342 COUNTY ROUTE 57
OSWEBO, NY 13126

33-43-24-01-00000.1790
SIX LAKES COUNTRY CLUB INC
STANLEY BROOKS + G BROOKS J/T
179 YANCEY LN
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1800
SIX LAKES COUNTRY CLUB INC
RUTH M HEALEY TR +
180 YANCEY LN
N FT MYERS, FL 33903

33-43-24-01-00000.1810
SIX LAKES COUNTRY CLUB INC
JULIUS G + ELIZABETH G PANKAU
181 YANCEY LN
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1820
SIX LAKES COUNTRY CLUB INC
CARYL A SIMPKINS
182 YANCEY LN
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1830
SIX LAKES COUNTRY CLUB INC
OLIVER E + JOAN O COFFIN
183 YANCEY LN
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1840
SIX LAKES COUNTRY CLUB INC
CAROLYN ANN STRAILE
184 YANCEY LN
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1850
SIX LAKES COUNTRY CLUB INC
EDWIN + ALYCE OBERHAUS TR
15-595 ROAD T RFD 1
NAPOLEON, OH 43545

33-43-24-01-00000.1860
SIX LAKES COUNTRY CLUB INC
CHARLES E + CAROLYN S PEEK
186 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1870
SIX LAKES COUNTRY CLUB INC
THOMAS + DEBORAH GERBERS
540 LANE 150 HAMILTON LAKE
HAMILTON, IN 46742

33-43-24-01-00000.1880
SIX LAKES COUNTRY CLUB INC
KENNETH L + DOROTHY LUCIER
188 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1890
SIX LAKES COUNTRY CLUB INC
EDWARD L WHELAN + CAROL J
5 BUTTERNUT LANE
HINGHAM, MA 02043

33-43-24-01-00000.1900
SIX LAKES COUNTRY CLUB INC
WILLIS + VIRGINIA GREENEISEN
190 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1910
SIX LAKES COUNTRY CLUB INC
HERBERT M + PHYLLIS COFFIN TR
191 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1920
SIX LAKES COUNTRY CLUB INC
BETTY KILLOREN L/E
192 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1930
SIX LAKES COUNTRY CLUB INC
M MONTORE + P MONTORE +
193 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1940
SIX LAKES COUNTRY CLUB INC
NEIL RIVERS + PHYLLIS RIVERS +
194 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1950
SIX LAKES COUNTRY CLUB INC
GERALDINE R KIMES
195 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1960
SIX LAKES COUNTRY CLUB INC
ELMER R + LYNNE J VOIGHT
196 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1970
SIX LAKES COUNTRY CLUB INC
E SEHLMEYER + D ARMEY J/T
197 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1980
SIX LAKES COUNTRY CLUB INC
MARSHALL + ROSALIE KRAKOW TR
198 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

All data is current at time of printing and subject to change without notice.

33-43-24-01-00000.1990
SIX LAKES COUNTRY CLUB INC
ELLIS E + LOUISE MYERS TR
199 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.2000
SIX LAKES COUNTRY CLUB INC
9151 LITTLETON RD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.2010
SIX LAKES COUNTRY CLUB INC
FLORENCE BROOKS
201 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.2020
SIX LAKES COUNTRY CLUB INC
MOPE + EVELYN PLAGER
202 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.2030
SIX LAKES COUNTRY CLUB INC
JAMES + DELORES TOTH
203 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.2040
SIX LAKES COUNTRY CLUB INC
HOWARD II + CATHERINE NEWKIRK
204 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.2530
SIX LAKES COUNTRY CLUB INC
ROBERT CONNOR
253 PALMER BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.2540
SIX LAKES COUNTRY CLUB INC
MARILYN A FARISH
33 NORTH CHASE AV
COLUMBUS, OH 43204

33-43-24-01-00000.2550
SIX LAKES COUNTRY CLUB INC
THOMAS D LEWIS
1201 SMOKE BURR
WESTERVILLE, OH 43081

33-43-24-01-00000.2560
SIX LAKES COUNTRY CLUB INC
JIMMIE + BERNITA BOSLEY
256 PALMER BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.2570
SIX LAKES COUNTRY CLUB INC
RICHARD E + MARY R GRAVES
257 PALMER BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00001.00CE
SIX LAKES COUNTRY CLUB INC
4066 LITTLETON RD
N FT MYERS, FL 33903

33-43-24-C3-00007.0000
EAGLE GREGORY W TR
EAGLE REALTY
3818 DEL PRADO BLVD
CAPE CORAL, FL 33904

34-43-24-00-00001.0000
AIOP SERENDIPITY LLC
AMERICAN LAND LEASE
PO BOX 16059
CLEARWATER, FL 33766

34-43-24-00-00001.0030
ROOD EDWARD B TR
200 N PIERCE ST
TAMPA, FL 33602

34-43-24-00-00001.3000
HALLIN JOHN G TR
7298 VILLA D'ESTE DR
SARASOTA, FL 34238

34-43-24-00-00001.3020
HALLIN JOHN G TR
7298 VILLA D'ESTE DR
SARASOTA, FL 34238

34-43-24-00-00001.3040
PARK 41 COMMONS INC
18100 UPPER BAY RD STE A
HOUSTON, TX 77058

34-43-24-00-00001.3050
COOPER STREET PROPERTY INC
1100 5TH AVE S STE 201
NAPLES, FL 34102

34-43-24-03-0000A.0000
HART CENTERS VII LTD
NOBLE MANAGEMENT CO
5821 LAKE WORTH DR
GREENACRES, FL 33463

All data is current at time of printing and subject to change without notice.

All data is current at time of printing and subject to change without notice.

162 LABELS PRINTED

Nina Paight
Nomining Civic Assn.
20150 Keola Lane
N. Ft. Myers, FL 33917

Richard Bennett Trust *owner
3319 Boca Ciega Dr.
Naples, FL 34112

Athyrio Dev. Assoc. Inc. *Applicant
301 Yamato Road Suite 3191
Boca Raton, FL 33431

Mr. Jonathan Hagan *agent
Banks Engineering Inc.
10511 Six Mile Cypress Pkwy
Fort Myers, FL 33912

Calusa Coast Ecologist Inc. *agent
c/o Ilene
4666 Siesta Circle
Fort Myers, FL 33901

Mr. Ted Treesh *agent
Metro Transportation Group
12651 McGregor Blvd. Suite 4-403
Fort Myers, FL 33919

34-43-24-03-0000B.0000
HART CENTERS VII LTD
NOBLE MANAGEMENT CO
5821 LAKE WORTH DR
GREENACRES, FL 33463

34-43-24-03-0000C.00CE
HART CENTERS VII LTD
MERCHANTS CROSSING OWNERS ASSN
5821 LAKE WORTH DR
GREENACRES, FL 33463

11/22/2005 9:11:03 AM

EXHIBIT II - D

LETTER OF AUTHORIZATION

The undersigned do hereby swear or affirm that they are the fee simple title-holders and owners of record of property commonly known as **15501 North Cleveland Avenue** and legally described in exhibit "A" attached hereto.

STRAP #'s: 34-43-24-00-00001.3030

The property described herein is the subject of an application for zoning or development. We hereby designate **N.B.D. DEVELOPMENT, INC.** as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

Company: **North Trail Land Trust, Number 10-F010-00-2 dated October 11, 1988**

By: **Richard K. Bennett, Successor Trustee**

Signature Richard K Bennett

STATE OF FLORIDA

COUNTY OF Collier

The foregoing instrument was sworn (or affirmed) and subscribed before me this 15th day of March, 2005

by RICHARD K BENNETT as Successor Trustee

of _____,

on behalf of the corporation. He / she is personally known to me or has produced _____

as identification.

Barbara A Thompson

Notary Signature

BARBARA A. THOMPSON
MY COMMISSION # DD 303668
EXPIRES: March 26, 2008
Bonded Thru Notary Public Underwriters

DCI 2005-00055

ZONING DIVISION
LEE COUNTY

PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution
Donna Marie Collins, Asst County Attorney
Kim Trebatoski, Environmental Sciences
Lili Wu, LCDOT

FROM: Tony Palermo

DATE: 11/03/2006

PROJECT NAME: DIPLOMAT PROPERTY RPD/CPD

CASE #: DCI2005-00055

INFORMATION SUMMARY:

To update your file
_X_ Review and forward substantive comments **ASAP**.

RESPONSE REQUIRED BY: 11/13/2006

Additional Comments:

Please review the attached plan to determine if it accurately reflects the approval by the Bocc on April 3, 2006 in accordance with LDC 34-377(b)(6).

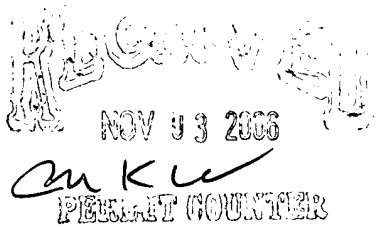
cc: DCI planner/working file
DCI Zone File

Distributed by: Luisa V Villa

Date: 11/06/2006

Banks Engineering

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



LETTER OF TRANSMITTAL

DATE: November 3, 2006

TO: Tony Palermo, Senior Planner
Division of Zoning
1500 Monroe Street
Fort Myers, FL 33901

PHONE:
FAX:

REFERENCE: Diplomat Property RPD/CPD (DCI2005-00055) JOB NO. 2028

COPIES	DESCRIPTION
2	Revised MCP (24"x36")
15	Revised MCP (11"x17")
5	Revised RPD Zoning Description & Sketch
5	Revised CPD Zoning Description & Sketch

REASON:
- ☐ Your Comments
- ☐ Your Approval
- ☐ Your Information
- ☒ As Per Your Request
- ☐ Your Review

VIA:
- ☐ Fax: __ Pages Total
- ☐ Regular Mail
- ☒ Courier
- ☐ Overnight Express
- ☐ Pick-up

COMMENTS: Should you have any questions or require further information, please do not hesitate to contact me.

Thank You

Stacy Ellis Hewitt
Director of Planning

10511 Six Mile Cypress Parkway, Suite 101, Fort Myers, Florida 33912 • (239) 939-5490 • Fax (239) 939-2523

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution
Donna Marie Collins, Asst County Attorney
DS Reviewer - Susan L Hollingsworth
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Ellen Lindblad, Lee County School District
Brad Vance, Natural Resources
Chick Jackaki, Planning
Mike Pavese, Public Works

FROM: Tony Palermo

DATE: 09/28/2006

PROJECT NAME: DIPLOMAT PROPERTY RPD/CPD

CASE #: DCI2005-00055

INFORMATION SUMMARY:

To update your file
_X_ Review and forward substantive comments **ASAP**.

RESPONSE REQUIRED BY: 10/08/2006

Additional Comments:

Please review the attached plan to determine if it accurately reflects the approval by the Bocc on April 3, 2006 in accordance with LDC 34-377(b)(6).

cc: DCI planner/working file
DCI Zone File

Distributed by: Luisa V Villa

Date: 09/28/2006

Banks Engineering

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

RECEIVED
SEP 27 2006
COMMUNITY DEVELOPMENT

LETTER OF TRANSMITTAL

DATE: September 27, 2006

TO: Tony Palermo, Senior Planner
Division of Zoning
1500 Monroe Street
Fort Myers, FL 33901

PHONE:
FAX:

REFERENCE: Diplomat Property RPD/CPD (DCI2005-00055) JOB NO. 2028

COPIES	DESCRIPTION
14 ea.	Revised MCP (24"x36" & 11"x17)

REASON:
- ☐ Your Comments
- ☐ Your Approval
- ☐ Your Information
- ☒ As Per Your Request
- ☐ Your Review

VIA:
- ☐ Fax: __ Pages Total
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- ☐ Overnight Express
- ☐ Pick-up

COMMENTS:

Thank You

Jon G. Hagan
Director of Planning

10511 Six Mile Cypress Parkway, Suite 101, Fort Myers, Florida 33912 • (239) 939-5490 • Fax (239) 939-2523

LEE COUNTY
SOUTHWEST FLORIDA

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John E. Albion
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

Writer's Direct Dial Number: (941) 335-2236

Facsimile (941) 335-2606

Billie Jacoby

September 1, 2006

RECEIVED
SEP 05 2006
COMMUNITY DEVELOPMENT

Neale Montgomery, Esquire
Pavese Law Firm
P. O. Drawer 1507
Fort Myers, FL 33902

Re: Diplomat Parkway RPD/CPD
Zoning Case No. DCI2005-00055
Resolution No. Z-06-004

Dear Neale:

Thank you for providing a revised Master Concept Plan (MCP) on the Diplomat Parkway RPD/CPD on August 29, 2006. I have reviewed the plan and have noted the following deficiencies which have been marked in ink on the enclosed plan.

The first is that the MCP should reflect a reference to Condition 17 along the northern edge of Diplomat Parkway. Condition 17 requires a two-foot berm and enhanced plantings when commercial parking areas located adjacent to Diplomat Parkway. Secondly, there is a bold black line in the middle of commercial Parcel 3 which creates confusion as to the amount of acreage that has been assigned to the unlabeled tract created by the bold line. Please remove the line or assign an acreage amount to the parcel created. This will necessitate a reduction in the 7.77 acres assigned to commercial Parcel 3 if the line is to remain in place.

Comparing the legal descriptions provided in connection with the zoning application with the MCP, I have found a discrepancy of 1.22 acres which appears to have been assigned to the residential tract for the purposes of the "overall zoning description." The MCP assigns the 1.22 acres to the commercial tract south of Diplomat Parkway. This discrepancy does not appear in the legal description that describes the property by tracts designated RPD and CPD. Therefore, I am proposing that the legal description for the "overall" parcel be removed from the resolution to avoid confusion. The acreage of the RPD as described in the legal description is 47.19 acres. The MCP reflects 47.19 acres assigned to residential uses as well. The zoning resolution must be revised to conform to this acreage total. Based on the acreage assigned to residential on the MCP and legal description, the maximum

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Re: Diplomat Parkway RPD/CPD
Zoning Case No. DCI2005-00055
Resolution No. Z-06-004

number of dwelling units is 377. An additional 75 units may be constructed under the conditions set forth by the Board. These numbers reflect the eight dwelling units per acre maximum that was approved for the RPD. An additional 1.6 units per acre may be constructed subject to the affordable requirements set forth in the resolution. As noted above, this comes to 75 units based on the residential use acreage of 47.19 acres (reflected in both the legal description and the MCP provided by the applicant's representatives).

I have enclosed a copy of the revised zoning resolution with exhibits. Once the revised MCP has been prepared, please deliver the revised plan, including 11 required copies (in both full sized and reduced 11" x 17" sheets), to the County staff at the first floor zoning counter at the Department of Community Development. After the revised MCP has been received, it will be reviewed for conformity with the Board's approval and, if correct, will be attached to the zoning resolution and directed to the Chairwoman for execution. Please be kind enough to note all requested changes in the attached marked up draft.

If necessary, I would be happy to schedule a meeting to discuss the required changes to the MCP and zoning resolution to conform to the Board's action.

Kind regards,

Donna Marie Collins

Donna Marie Collins
Assistant County Attorney

DMC/amp
Enclosure

cc: Tony Palermo, Senior Planner, Zoning Division
Billie Jacoby, Administrative Specialist, Zoning Division
Jon G. Hagen, Director of Planning, Banks Engineering, Inc.

ZONING DIVISION
LEE COUNTY

PLANNED DEVELOPMENT SUBSTANTIVE REVIEW TRANSMITTAL SHEET

TO: Distribution
Donna Marie Collins, Asst County Attorney
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT

FROM: Tony Palermo

DATE:08/29/2006

PROJECT NAME: DIPLOMAT PROPERTY RPD/CPD

CASE #: DCI2005-00055

INFORMATION SUMMARY:

To update your file
_X_ Review and forward substantive comments **ASAP**.

RESPONSE REQUIRED BY: 09/08/2006

Additional Comments:

Please review the attached plan to determine if it accurately reflects the approval by the Bocc on April 3, 2006 in accordance with LDC 34-377(b)(6).

cc: DCI planner/working file

DCI Zone File

Distributed by: Luisa V Villa

Date: 08/30/2006

Banks Engineering

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

RECEIVED
AUG 29 2006
12:05
COMMUNITY DEVELOPMENT

LETTER OF TRANSMITTAL

DATE: October 24, 2006

TO: Tony Palermo
Division of Zoning
1500 Monroe Street
Fort Myers, FL 33901

PHONE:
FAX:

REFERENCE: DCI2005-00055 – Diplomat RPD/CPD JOB NO. 2028

COPIES	DESCRIPTION
13	24 x 36 MCP
13	11 x 17 MCP

REASON:
- ☐ Your Comments
- ☐ Your Approval
- ☐ Your Information
- ☐ As Per Your Request
- ☐ Your Review

VIA:
- ☐ Fax: __ Pages Total
- ☐ Regular Mail
- X Courier
- ☐ Overnight Express
- ☐ Pick-up

DCI 2005-00055

COMMENTS:

Thank You

Jon G. Hagan
Director of Planning

10511 Six Mile Cypress Parkway, Suite 101, Fort Myers, Florida 33912 • (239) 939-5490 • Fax (239) 939-2523

LEE COUNTY
SOUTHWEST FLORIDA

RECEIVED
AUG 2 9 2006
COMMUNITY DEVELOPMENT

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District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

Writer's Direct Dial Number: (239) 335-2236
Facsimile: (239) 335-2606

August 28, 2006

Jon G. Hagan, Director of Planning
Banks Engineering, Inc., Suite 101
10511 Six Mile Cypress Parkway
Fort Myers, FL 33912

Neale Montgomery, Esq.
Pavese Law Firm
P. O. Box 1507
Fort Myers, F

Re: Diplomat Property RPD/CPD
Zoning Case #DCI2005-00055
Resolution No. Z-06-004

Dear Mr. Hagan and Ms. Montgomery:

Please accept this correspondence as a reminder that the County has not yet received a revised Master Concept Plan reflecting the Board's action in this case. A revised MCP is necessary to finalize the resolution for the Chairman's signature.

You may recall that in previous correspondence, a copy of the Master Concept Plan was marked with notations of items that were in need of change. The Master Concept Plan should include a reference to the 30-foot buffers, the additional access from the residential to commercial areas, the conditions pertaining to density and depict the berm to be constructed along the north side of Diplomat Parkway. In addition, acreage discrepancies between the legal description and Master Concept Plan must be resolved so that it is clear how many residential units are permissible.

Once the revised Master Concept Plan has been prepared, please deliver the revised plan, including 11 required copies (in both full sized and reduced 11" x 17" sheets) to the County staff at the first floor zoning counter at the Department of Community Development. After the revised Master Concept Plan has been received, it will be reviewed for conformity with the Board's approval and, if correct, will be attached to the zoning resolution and directed to the Chairman for execution.

If necessary, our office is happy to schedule a meeting that includes appropriate County staff to discuss the required changes to the Master Concept Plan and resolution to conform to the Board's action.

Kind regards,

Donna Marie Collins
Assistant County Attorney

DMC/mme

cc: Tony Palermo, Senior Planner, Zoning Division
Billie Jacoby, Zoning Division

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 335-2111
Internet address http://www.lee-county.com

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ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution
Donna Marie Collins, Asst County Attorney
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT

FROM: Tony Palermo

DATE: 06/12/2006

PROJECT NAME: DIPLOMAT PROPERTY RPD/CPD

CASE #: DCI2005-00055

INFORMATION SUMMARY:

To update your file
_X_ Review and forward substantive comments **ASAP**.

RESPONSE REQUIRED BY: 06/22/2006

Additional Comments:

Please review the attached plan to determine if it accurately reflects the approval by the Bocc on April 3, 2006 in accordance with LDC 34-377(b)(6).

cc: DCI planner/working fileDCI Zone File

Distributed by: Jamie Princing

Date: 06/13/2006

Banks Engineering

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

RECEIVED
JUN 12 2006
COMMUNITY DEVELOPMENT

LETTER OF TRANSMITTAL

DATE: June 12, 2006

TO: Mr. Tony Palermo
Division of Zoning
1500 Monroe Street
Fort Myers, FL 33901

PHONE:
FAX:

REFERENCE: DCI2005-00055 – Diplomat RPD/CPD JOB NO. 2028

COPIES	DESCRIPTION
13	Revised MCP
13	Revised MCP

REASON:
- ☐ Your Comments
- ☐ Your Approval
- ☐ Your Information
- ☐ As Per Your Request
- ☐ Your Review

VIA:
- ☐ Fax: __ Pages Total
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- ☐ Pick-up

COMMENTS:

DCI 2005-00055

Thank You

Jon G. Hagan
Director of Planning

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 335-2236
Facsimile: (239) 335-2606

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District Two

Ray Judah
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David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

May 4, 2006

RECEIVED
MAY 05 2006
COMMUNITY DEVELOPMENT

Jon G. Hagan
Director of Planning
Banks Engineering, Inc.
Suite 101
10511 Six Mile Cypress Parkway
Fort Myers, FL 33912

Re: Diplomat Property RPD/CPD
Zoning Case #DCI2005-00055
Resolution No. Z-06-004

Dear Mr. Hagan:

Please accept this correspondence as a reminder that the County will need a revised Master Concept Plan prior to finalizing the resolution for the Chairman's signature.

You may recall that in previous correspondence, a copy of the Master Concept Plan was marked with notations of items that were in need of change. The Master Concept Plan should include a reference to the 30-foot buffers, the additional access from the residential to commercial areas, the conditions pertaining to density and depict the berm to be constructed along the north side of Diplomat Parkway

Once the revised Master Concept Plan has been prepared, please deliver the revised plan, including 11 required copies (in both full sized and reduced 11" x 17" sheets) to the County staff at the first floor zoning counter at the Department of Community Development. After the revised Master Concept Plan has been received, it will be reviewed for conformity with the Board's approval and, if correct, will be attached to the zoning resolution and directed to the Chairman for execution.

If necessary, our office is happy to schedule a meeting that includes appropriate County staff to discuss the required changes to the Master Concept Plan and resolution to conform to the Board's action.

Kind regards,

Donna Marie Collins/mme

Donna Marie Collins
Assistant County Attorney

DMC/mme

cc: Neale Montgomery, Esq., Pavese Law Firm
Tony Palermo, Senior Planner, Zoning Division
Billie Jacoby, Zoning Division

S:\LU\Zoning-2006\06-004 Diplomat Property\Agent Letter - 2nd reminder - Hagan.wpd

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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District Three

Tammy Hall
District Four

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District Five

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County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

Writer's Direct Dial Number: (239) 335-2236
Facsimile 239-335-2606

April 5, 2006

RECEIVED
APR 06 2006
COMMUNITY DEVELOPMENT

Jon G. Hagan, Director of Planning
Banks Engineering, Inc.
10511 Six Mile Cypress Parkway, Suite 101
Fort Myers, FL 33912

Re: Diplomat Property RPD/CPD
Zoning Case #DCI2005-00055
Resolution No. Z-06-004

Dear Mr. Hagan:

On April 3, 2006, the Board approved a request for a rezoning for a project known as Diplomat Property RPD/CPD. The enclosed draft resolution reflects the Board's approval. However, before this document may be sent to the Chairman for execution, the applicant must prepare a revised Master Concept Plan (MCP).

The MCP currently in my files does not accurately reflect the Board's action. Please submit a revised MCP to the Department of Community Development for review, approval, and transmittal to our office for attachment to the resolution. A marked copies of the available MCP is attached to assist in compliance with this request.

Once prepared, please deliver the revised MCP, including the required 11 copies (in both full-sized and reduced 11" by 17" sheets) to County Staff at the first floor zoning counter at the Department of Community Development (1500 Monroe Street). After the revised MCP has been received, it will be reviewed for conformity with the Board's approval and, if correct, will be attached to the zoning resolution and directed to the Chairman for execution.

At your request, our office will be happy to schedule a meeting that includes appropriate County staff to discuss the required changes to the MCP and resolution to conform to the Board's action.

Kind regards,

Donna Marie Collins
Assistant County Attorney

DMC/amp
Enclosure

cc: Dawn Perry-Lehnert, Assistant County Attorney
Pam Houck, Director, Zoning Division
Tony Palermo, Senior Planner, Zoning Division
Kim Trebatoski, Environmental Sciences
Billie Jacoby, Zoning Division
Neale Montgomery, Esq., Pavese Law Firm

S:\LU\Zoning-2006\06-004 Diplomat Property\Agent Letter - change after BOCC - Hagan.wpd

MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY

RECEIVED
MAR 3 1 2006
COMMUNITY DEVELOPMENT

DATE: March 30, 2006

TO: Jamie Princing
Development Services

FROM: Ann Polito
Ann Polito
Legal Administrative Secretary

RE: **Diplomat Property RPD/CPD**
Case #DCI2005-00055
Resolution #Z-06-004

Attached is the legal verification correspondence pertaining to the above-referenced zoning case. Please place this information in the appropriate zoning case file.

If you have any questions, do not hesitate to contact me.

/amp
Attachment

cc: w/attachment
Dawn Perry-Lehnert, Assistant County Attorney
Billie Jacoby, Zoning Division

Banks Engineering

Professional Engineers, Planners & Land Surveyors
10511-101 Six Mile Cypress Parkway
Fort Myers, Florida 33912
(239) 939-5490
Fax (239) 939-2523

Please Reply To:
FORT MYERS OFFICE

March 30, 2006

Mrs. Donna Marie Collins
Assistant County Attorney
P.O. Box 398
Fort Myers, FL 33902-0398

RE: DCI2005-00055
Diplomat Property RPD/CPD
Resolution No. Z-06-004

Dear Mrs. Collins:

This letter is in response to your March 8, 2006 letter regarding the legal description and sketch for the above case. After a review of the legal description sketch that was attached to the draft zoning resolution that you provided, it has been determined that the legal description and sketch are correct. Therefore, this legal description and sketch does accurately represent the property intended to be rezoned. Please feel free to contact me if you have any questions.

Sincerely,

BANKS ENGINEERING

Jon G. Hagan
Director of Planning

cc: Mr. Neale Montgomery, Esq., Pavese Law Firm
Mr. Tony Palermo, Senior Planner, Lee County Division of Zoning

Naples Office	Sarasota Office	Port Charlotte Office
6640 Willow Park Dr.	1144 Tallevast Road	12653 SW CR 769
Suite B	Suite # 115	Suite B
Naples, Florida	Sarasota, Florida	Lake Suzy, Florida
34109	34243	34691
(239) 597-2061	(941) 360-1618	(941) 625-1165
Fax (239) 597-3082	Fax (941) 360-6918	Fax (941) 625-1149

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution
Donna Marie Collins, Asst County Attorney
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT

FROM: Tony Palermo

DATE: 01/27/2006

PROJECT NAME: DIPLOMAT PROPERTY RPD/CPD

CASE #: DCI2005-00055

INFORMATION SUMMARY:

To update your file

_X_ Review and forward substantive comments **ASAP**.

RESPONSE REQUIRED BY: 02/03/2006

Additional Comments:

For the HEX Jan. 12th

cc: DCI planner/working fileDCI Zone File

Distributed by: Jamie Princing

Date: 01/30/2006

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

RECEIVED
JAN 27 2006
COMMUNITY DEVELOPMENT

LETTER OF TRANSMITTAL

DATE: January 27, 2006

TO: Tony Palermo
Division of Zoning
1500 Monroe Street
Fort Myers, FL 33901

PHONE:
FAX:

REFERENCE: DCI2005-00055 – Diplomat RPD/CPD JOB NO. 2028

COPIES	DESCRIPTION
13	11 x 17 Revised MCP
13	24 x 36 Revised MCP
13	Condition Regarding Commercial Parcel's 1, 2, and 3

REASON:
- ☐ Your Comments
- ☐ Your Approval
- ☐ Your Information
- ☐ As Per Your Request
- ☐ Your Review

VIA:
- ☐ Fax: __ Pages Total
- ☐ Regular Mail
- X Courier
- ☐ Overnight Express
- ☐ Pick-up

COMMENTS:

Thank You

Jon G. Hagan
Director of Planning

DCI 2005-00055

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution
Donna Marie Collins, Asst County Attorney
Luis Machado, Zoning

FROM: Tony Palermo

DATE: 12/22/2005

PROJECT NAME: DIPLOMAT PROPERTY RPD/CPD

CASE #: DCI2005-00055

INFORMATION SUMMARY:

_X_ To update your file

Review and forward substantive comments **ASAP**.

RESPONSE REQUIRED BY:

Additional Comments:

January 12, 2006 HEX

cc: DCI planner/working fileDCI Zone File

Distributed by: Jessica M Smith

Date: 12/22/2005

Banks Engineering

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

RECEIVED
DEC 22 2005
COMMUNITY DEVELOPMENT

LETTER OF TRANSMITTAL

DATE: December 21, 2005

TO: Luis Machado
Division of Zoning
1500 Monroe Street
Fort Myers, FL 33901

PHONE:
FAX:

REFERENCE: DCI2005-00055 – Diplomat RPD/CPD JOB NO. 2028

COPIES	DESCRIPTION
5	Revised Legal Description and Sketch

REASON:
- ☐ Your Comments
- ☐ Your Approval
- ☐ Your Information
- ☐ As Per Your Request
- ☐ Your Review

VIA:
- ☐ Fax: __ Pages Total
- ☐ Regular Mail
- X Courier
- ☐ Overnight Express
- ☐ Pick-up

COMMENTS:

Thank You

Jon G. Hagan
Director of Planning

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
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Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yeager
County Attorney

Diana M. Parker
County Hearing
Examiner

December 12, 2005 479-8585

JON G. HAGAN
BANKS ENGINEERING INC.
10511 SIX MILE CYPRESS PKWY
FT MYERS, FL 33912

RE: Agenda Schedule for DIPLOMAT PROPERTY RPD/CPD
Case No. DCI2005-00055

Dear JON G. HAGAN :

Your zoning request has been scheduled before the Hearing Examiner on Thursday, January 12, 2006, at 1:30 PM. The hearing will be conducted in the Hearing Examiner Meeting Room, 1500 Monroe St., Ft. Myers, FL.

Be advised all exhibits presented to Hearing Examiner will be retained for the records. The Hearing Examiner accepts exhibits on boards for demonstrative purposes and for use in her/his decision making; however, an official exhibit entered into the record must be either a foldable copy of the exhibit or an 11 x 17 duplicate of the board exhibit (clipping the exhibit to the board rather than gluing it is an acceptable form since it can be removed from the board and folded to be put in the file.

Your zoning sign will be ready for pickup any time after Wednesday, December 14, 2005, at the second floor reception desk at 1500 Monroe St., Ft. Myers, FL. If you would like to pick them up at the drive-thru window, please call 479-8585 to make the appropriate arrangements. This sign must be posted in accordance with Department procedures no later than Tuesday, December 27, 2005, and is to remain posted until final decision is rendered.
Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Jessica M Smith
Administrative Assistant

cc: ATHYRIO DEV. ASSOC. INC.
BENNETT RICHARD K TR
CALUSA COAST ECOLOGISTS, INC., C/O ILENE
MR. TED TREESH, METRO TRANSPORTATION GROUP
Tony Palermo, Senior Planner
Zoning File

Banks Engineering, Inc.

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

RECEIVED
NOV 23 2005
COMMUNITY DEVELOPMENT

LETTER OF TRANSMITTAL

DATE: November 22, 2005

TO: Jessica Smith
Zoning Division
CC: 1500 Monroe Street

PHONE:
FAX:

REFERENCE: DCI2005-00055 Diplomat Property JOB NO. 2028

COPIES	DESCRIPTION
3	Variance report [List of Surrounding Property Owners & Map]
2	Mailing Labels

REASON:
- ☐ Your Comments
- ☐ Your Approval
- ☐ Your Information
- ☒ As Per Your Request
- ☐ Your Review

VIA:
- ☐ Fax: __ Pages Total
- ☐ Regular Mail
- ☒ Courier
- ☐ Overnight Express
- ☐ Pick-up

COMMENTS:

Jon Hagan
Director of Planning

10511 Six Mile Cypress Parkway, Suite 101, Fort Myers, Florida 33912 • (239) 939-5490 • Fax (239) 939-2523

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution
Dawn Lehnert, Asst County Attorney
DS Reviewer - Susan Hollingsworth
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Ellen Lindblad, Lee County School District
Brad Vance, Natural Resources
Luis Machado, Zoning

FROM: Tony Palermo

DATE: 11/18/2005

PROJECT NAME: DIPLOMAT PROPERTY RPD/CPD

CASE #: DCI2005-00055

INFORMATION SUMMARY:

To update your file
_X_ Review and forward substantive comments **ASAP**.

RESPONSE REQUIRED BY: 11/28/2005

Additional Comments:

cc: DCI planner/working file
DCI Zone File

Distributed by: Jodi M Payne

Date: 11/18/2005

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

Writer's Direct Dial Number: (239) 479-8325

November 18, 2005

JON G. HAGAN
BANKS ENGINEERING INC.
10511 SIX MILE CYPRESS PKWY
FT MYERS, FL 33912

Re: DIPLOMAT PROPERTY RPD/CPD
DCI2005-00055 - PDL Application (Major PD)

Dear JON G. HAGAN :

The Zoning Division has reviewed the information provided and supplemented for the rezoning request referenced above. The application is now sufficient and the formal request has been drafted from your application as follows:

> Request to rezone +/- 65 acres of land from Agricultural (AG-2) to Residential Planned Development/Commercial Planned Development (RPD/CPD) to permit a maximum of 468 dwelling units and 200,000 s/f of commercial floor area. Maximum heights proposed 3 stories/50 feet. No development blasting is requested.
>
> NOTE: If approved, the Master Concept Plan (available for inspection at 1500 Monroe St., in Ft. Myers) may deviate from certain Land Development Code (LDC) standards.

Please review this language carefully, and notify me in writing by December 2, 2005 whether or not this wording is satisfactory. Staff's substantive comments, along with the staff report, are being prepared. This request has been tentatively scheduled for public hearing before the Lee County Hearing Examiner on January 12, 2006. However, please note that this is a tentative date that is subject to change and that Lee County will be held harmless for any potential delay in effectuating compliance with the tentative hearing date.

You may schedule or waive a formal pre-hearing conference to discuss substantive issues. Contact me if you have any questions or if you would like to meet informally prior to the public hearings.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Tony Palermo
Senior Planner

cc. Bill Horner, Lee County Port Authority
cc. City of Cape Coral, Department of Community Development, P.O. Box 150027, Cape Coral, FL 33915-0027

JON,
YOU'VE ADDRESSED ALL THE SUFFICIENCY ISSUES. COMMUNICATION TOWERS WILL BE A SUBSTANTIVE ISSUE. STAFF WILL NEED MORE INFORMATION TO SUPPORT A COMMUNICATION TOWER AT THIS LOCATION IN THE SCHEDULE OF USES. HOWEVER, IT WOULD BE BEST TO ADDRESS THIS AS A SUBSTANTIVE ISSUE. THANK YOU.
- TONY PALERMO
copy w/o attachments

Dawn Lehnert, Assistant County Attorney
DS Reviewer - Susan Hollingsworth
Pamela Houck, Division Director
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Brad Vance, Natural Resources
Andy Getch, LCDOT
Ellen Lindblad, Lee County School District
Jamie Princing, DCD Administration
DCI Zoning File
DCI Working File

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
Dawn Lehnert, Asst County Attorney
DS Reviewer - Susan Hollingsworth
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Tina Silcox, Lee County School District
Brad Vance, Natural Resources
Luis Machado, Zoning
City of Cape Coral, Dept. of Comm. Development

FROM: Tony Palermo

DATE: 11/03/2005

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: DIPLOMAT PROPERTY RPD/CPD

CASE #: DCI2005-00055

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
_X_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 11/17/2005

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness
No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working fileDCI Zone File

Distributed by: Jamie Princing

Date: 11/04/2005

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

November 3, 2005

Mr. Tony Palermo, Senior Planner
Lee County Community Development
Zoning Division
1500 Monroe Street
Fort Myers, FL 33901

RE: Diplomat Property RPD/CPD
DC12005-00055
Sufficiency Submittal No. 3

Dear Mr. Palermo:

The following comments and supporting documents are in response to the sufficiency checklists dated September 9, 2005:

Natural Resources

2) Provide a typical section on the MCP for the offsite drainage along the northly boundary indicating the special dimensions for the ditch and buffering

Response: Please find attached a typical cross-section.

Lee County Checklist:

21. Miscellaneous Items: County Attorney Comments

1. The Part V affidavit was executed by the contract purchaser as opposed to the property owner. Consequently, it does not appear that the property owner has provided the requisite authority to pursue the rezoning.

Response: Please find attached a letter of authorization from the property owner allowing the contract purchaser to legally bind all owners of the property in the course of seeking the necessary approvals.

3. Remove the use or show the necessary detail. The only other alternative is to include a condition that requires approval of towers to go through the public hearing process

Response: A condition would be appropriate regarding the tower.

DCI 2005-00055

Miscellaneous Items: Zoning Comments

1. Please check the following request wording: Request to rezone +/-65 acres of land from Agricultural (AG-2) to Residential Planned Development/Commercial Planned Development (RPD/CPD) to permit a maximum of 468 dwelling units and a maximum of 100,000 s.f. of office uses, 100,000 s.f. of retail uses and 120 hotel/motel units. Maximum heights proposed are 3 stories/50 feet. No development blasting is requested.

   Response: The wording is sufficient.

2. 8 pumps with 16 fueling stations or 16 pumps with 32 fueling stations?

   Response: Eight pumps with sixteen fueling stations.

3. Natural Resources has sufficiency comments

   Response: Please find attached a typical cross-section.

4. Please submit a schedule of uses that reflects the statements in your September 21st cover letter regarding uses (pumps, certain uses limited to certain parcels, towers and outdoor COP will nee special exception of administrative amendment

   Response: Please find attached a revised schedule of uses.

5. Any comments on the letter from the public regarding panthers? Are there any comments from your environmental consultants on this?

   Response: Per the previous sufficiency letter, we will address this during substantive review.

6. Substantive comment: Please propose limits of auto service stations, auto repair, boat sales, convenience food and beverage, recycling facility, fast food, self service fuel pumps.

   Response: Acknowledged.

Please continue your review of our responses to the sufficiency checklists. Should you have any questions or require additional information, please do not hesitate to contact me at 939-5490.

Sincerely,

BANKS ENGINEERING, INC.

Jon Hagan
Director of Planning

Attachments:
Authorization
Revised CPD and RPD Schedule of Uses (13 copies)
Cross-sections

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 479-8325

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

October 6, 2005

JON G. HAGAN
BANKS ENGINEERING INC.
10511 SIX MILE CYPRESS PKWY
FT MYERS, FL 33912

Re: DIPLOMAT PROPERTY RPD/CPD
DCI2005-00055 - PDL Application (Major PD)

Dear JON G. HAGAN :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Tony Palermo
Senior Planner

cc.

City of Cape Coral
Department of Community Development
P.O. Box 150027
Cape Coral, FL 33915-0027

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Brad Vance, Natural Resources
Andy Getch, LCDOT
Jamie Princing, DCD Admin
Dawn Lehnert, Assistant County Attorney
Susan Hollingsworth, Development Review
DCI Zoning File
DCI Working File

Natural Resources Sufficiency Checklist

1) Sufficiency Comments.

2) Miscellaneous Items.

Provide a typical section on the MCP for the offsite drainage along the northerly boundary indicating the spacial dimensions for the ditch and buffering.

Lee County Sufficiency Checklist for Planned Developments, Amendments, and Existing Developments Requesting Planned Development Zoning

21) Miscellaneous Items.

County Attorney Comments Revised:

Comment 1 remains unsatisfied. We haven't received the information promised. (under separate cover)

Comment 2 was addressed. (CPD vs. RPD area shown). Thank you.

Comment 3 remains an issue. Remove the use or show the necessary detail. The only other alterative is to include a condition that requires approval of towers to go through the public hearing process.

Zoning Comments Revised:

1. Please confirm - Rezone +/- 65 acres of land from Agricultual (AG-2) to Residential Planned Development/Commercial Planned Development (RPD/CPD) to permit a maximum of 468 dwelling units and a maximum of 100,000 s/f of office uses, 100,000 s/f of retail uses and 120 hotel/motel units. Maximum heights proposed are 3 stories/50 feet. No development blasting is requested.

2. 8 pumps with 16 fueling stations or 16 pumps with 32 fueling stations?

3. Natural Resources has sufficiency comments.

4. Please submit a schedule of uses that reflects the statements in your Sept. 21 cover letter regarding uses (pumps, certain uses limited to certain parcels, towers and outdoor COP will need special exception or administrative amendment)

5. Any comments on the letter from the public regarding panthers? Are there any comments from your environmental consultants on this?

6. Substantive comment: Please propose limits of auto service stations, auto repair, boat sales, convenience food & beverage, recycling facility, fast food, self service fuel pumps. Thank you.

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
Dawn Lehnert, Asst County Attorney
DS Reviewer - Susan Hollingsworth
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Tina Silcox, Lee County School District
Brad Vance, Natural Resources
Luis Machado, Zoning

FROM: Tony Palermo

DATE: 09/21/2005

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: DIPLOMAT PROPERTY RPD/CPD

CASE #: DCI2005-00055

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
_X_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 10/05/2005

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

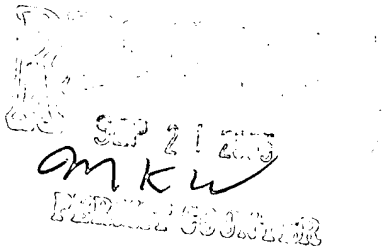
Distributed by: Jessica M Smith

Date: 09/23/2005

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

September 21, 2005

Mr. Tony Palermo, Senior Planner
Lee County Community Development
Zoning Division
1500 Monroe Street
Fort Myers, FL 33901



RE: Diplomat Property RPD/CPD
DC12005-00055
Sufficiency Submittal No. 2

DCI 2005-00055

Dear Mr. Palermo:

The following comments and supporting documents are in response to the sufficiency checklists dated September 9, 2005:

Legal Requirements Checklist

6a3) Please provide an OVERALL metes & bounds legal description on an 8.5"by 11" sheet that specifically describe the PERIMETER Boundary of the TOTAL Property without "together with or less and except language". Accompany with a certified sketch of description.

Response: Please find attached Legal Description and Sketch of the overall parcel, the CPD parcel, and the RPD parcel tied to the state plane coordinates.

6c3) As per the above-referenced LDC requirement, please tie and display at least (2) coordinates on two opposing corners on Survey. "The county prefers that at least one of the coordinates be for the point of beginning."

Response: Please find attached Legal Description and Sketch of the overall parcel, the CPD parcel, and the RPD parcel tied to the state plane coordinates.

Lee County Checklist:

21. Miscellaneous Items: County Attorney Comments

1. The Part V affidavit was executed by the contract purchaser as opposed to the property owner. Consequently, it does not appear that the property owner has provided the requisite authority to pursue the rezoning.

Response: Please find attached a revised Affidavit and Letter of Authorization.

2. The 7 legal descriptions provided with the package are not sufficient. Please provide the following legals and sketches to comply with the LDC: a) one legal description for the entire property to be rezoned. "Piercing" together the legals is not sufficient for this purpose; b) one legal description for the CPD area; c) one legal description of the RPD area.

   Response: Please find attached Legal Description and Sketch of the overall parcel, the CPD parcel, and the RPD parcel tied to the state plane coordinates.

3. The MCP does not clearly delineate the RPD area and the CPD areas. This should be corrected.

   Response: The MCP has been revised with the residential and commercial tracts labeled and typical layouts have also been provided.

4. Without information as to size, location, height, type, etc. approval of the communication tower use is not appropriate. This especially true given the recent statutory changes effecting communication towers.

   Response: Only one wireless communication facility is being requested and would be located on Commercial Parcel 4 which is on the south side of Diplomat Pkwy. The height is not known at this time; however, we acknowledge that additional regulations regarding towers are in the land development code. We also acknowledge that depending on the height and type (stealth, monopole, etc.) of the communication tower regulate the final approval process for the tower. Having the use in the schedule of uses will prevent the developer of having to do an amendment to the CPD and allow them to exercise the right to go through the administrative approval process or special exception process prior to final approval and construction of a communication tower.

Miscellaneous Items: Zoning Comments

1. Please check the following request wording: Request to rezone +/-65 acres of land from Agricultural (AG-2) to Residential Planned Development/Commercial Planned Development (RPD/CPD) to permit a maximum of 468 dwelling units and a maximum of 100,000 s.f. of office uses, 100,000 s.f. of retail uses and 120 hotel/motel units. Maximum heights proposed are 3 stories/50 feet. No development blasting is requested.

   Response: The wording is sufficient.

2. The commercial elements are bubble plans and need to show detail such as building, parking, service areas, etc. – a typical detail is needed on the MCP if you cannot show these elements on the MCP. You may also show labels showing generally where these elements can go.

   We also need typicals for residential and multifamily development.

RECEIVED
SEP 21 2005
PERMIT COUNTER
DCI 2005-00055

DCI 2005-00055

RECEIVED
SEP 21 2005
PERMIT COUNTER

Response: Please see the revised MCP showing typical commercial and residential layouts.

3. Outdoor consumption on premises will only be approved with detail on the MCP and information such as distance from residential uses, etc.

   Response: It is not known at this time where an outdoor consumption on premises will be located in the commercial parcel. Having the use in the schedule of uses will prevent the developer of having to do an amendment to the CPD and allow them to exercise the right to go through the administrative approval process or special exception process prior to final approval of the outdoor consumption on premises.

4. How many wireless communication facilities? Which locations? Commercial only? On which side of 41? How tall?

   Response: Only one wireless communication facility is being requested and would be located on Commercial Parcel 4 which is on the south side of Diplomat Pkwy. The height is not known at this time; however, we acknowledge that additional regulations regarding towers are in the land development code. We also acknowledge that depending on the height and type (stealth, monopole, etc.) of the communication tower regulate the final approval process for the tower. Having the use in the schedule of uses will prevent the developer of having to do an amendment to the CPD and allow them to exercise the right to go through the administrative approval process or special exception process prior to final approval and construction of a communication tower.

5. Please address saturation on convenience food and beverage stores, fast food, and self service fuel pumps. How many self service fuel pumps total?

   Response: The above mentioned uses are driven by the market demand in certain areas. We feel that these uses are appropriate in the schedule of uses because the future market may determine that these uses are appropriate at this location. These uses would be limited to Commercial Parcel's 2, 3, and 4. We are requesting a maximum of 16 self service fuel pumps.

6. Are boat sales appropriate? Or package stores?

   Response: We feel that boat sates and package stores are appropriate and acknowledge that additional regulations are applicable if these uses are permitted.

7. Can you please separate your schedule of uses into Residential and Commercial? I would also recommend the intensive uses be limited to parcel 2, 3, and 4. You August 23 submittal only included commercial uses.

   Response: Please find attached the schedule of uses for residential and commercial and agree that the intensive uses be limited to Commercial Parcel's 2, 3, and 4.

8. Are multifamily uses requested for any residential area? If so, this may require buffering consistent with the LDC. Or are some areas for single-family only? Your

MCP needs to specify where single and multi-family uses go, and if there are multi-family uses, provide the appropriate buffer or deviation.

Response: The residential tracts have been labeled on the MCP and typical residential building layouts have been added to the MCP. The appropriate buffers have also been added to the MCP. Additionally, single-family dwelling units have been eliminated from the RPD Schedule of Uses.

9. US 41 should have a Type D buffer. Not a Type B.

   Response: The MCP has been revised to show a Type D buffer along US 41.

10. See MCP attached with notes.

    Response: The MCP has been revised addressing the notes.

11. See the letter and photos from a member of the public regarding panther. Perhaps you can address it as a substantive matter.

    Response: Our environmental consultant is addressing the letter regarding panther and this will be addressed during substantial review.

12. Is there a location for hotel/motel uses? Is the request for hotel spaces in addition to the request for commercial square footage?

    Response: The hotel/motel uses would be limited to Commercial Parcel's 2, 3, and 4. The hotel space would reduce the commercial square footage if one was built. However, the square footage is not known at this time because it would depend on the number of rooms in the hotel and if one would even be built.

13. Environmental, Natural Resources, LCDOT, TIS, and Development Services – All found sufficient.

    Response: Acknowledged.

Please continue your review of our responses to the sufficiency checklists. Should you have any questions or require additional information, please do not hesitate to contact me at 939-5490.

Sincerely,

BANKS ENGINEERING, INC.

Jon Hagan
Director of Planning

RECEIVED
SEP 21 2005
PERMIT COUNTER

DCI 2005-00055

Attachments:

Legal Description and Sketch
Authorizations
Revised RPD Property Development Regulations
Revised CPD and RPD Schedule of Uses (13 copies)
Revised Master Concept Plan (13 copies)

RECEIVED
SEP 21 2005
PERMIT COUNTER

DCI 2005-00055

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 479-8325

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

September 9, 2005

JON G. HAGAN
BANKS ENGINEERING INC.
10511 SIX MILE CYPRESS PKWY
FT MYERS, FL 33912

Re: DIPLOMAT PROPERTY RPD/CPD
DCI2005-00055 - PDL Application (Major PD)

Dear JON G. HAGAN :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Tony Palermo
Senior Planner

cc.

City of Cape Coral
Department of Community Development
P.O. Box 150027
Cape Coral, FL 33915-0027

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Brad Vance, Natural Resources
Andy Getch, LCDOT
Jamie Princing, DCD Admin
Dawn Lehnert, Assistant County Attorney
Susan Hollingsworth, Development Review
DCI Zoning File
DCI Working File

Legal Requirements Sufficiency Checklist

6a3) If the application includes multiple abutting parcels or consists of other than one or more undivided platted lots, the legal description must specifically describe the perimeter of the total property, by metes & bounds with accurate bearings and distances for every line, but need not describe each individual parcel. [34-202(a)(1)]

Per applicant's sufficiency response letter dated August 23, 2005 - an overall legal description and sketch along with legal/sketch sets for each PD area will be provided under separate cover.

6c3) If the property encompasses 10 or more acres the survey must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment). [34-202(a)(2)]

Per applicant's sufficiency response letter dated August 23, 2005 - a revised survey tied to the State Plane Coordinate System will be provided under separate cover.

8) Contact. The Planner may be contacted regarding any questions on this Checklist.

Please contact Luis G. Machado, Planning / Zoning Technician at (239) 479-8485 or e-mail: lmachado@leegov.com

Lee County Sufficiency Checklist for Planned Developments, Amendments, and Existing Developments Requesting Planned Development Zoning

21) Miscellaneous Items.

County Attorney Revised Comments:

Based upon a cursory review of the August 23 resubmittal, I offer the following for your consideration.

1. The CAO previous comments have not been addressed (the resubmittal does say these items will arrive under separate cover).

2. The MCP does not clearly delineate the RPD area and the CPD area. This should be corrected.

3. Without information as to size, location, height, type etc, approval of the communication tower use is not appropriate. This is especially true given the recent statutory changes effecting communication towers.

Zoning Comments Revised:

1. NEW WORDING - Rezone +/- 65 acres of land from Agricultual (AG-2) to Residential Planned Development/Commercial Planned Development (RPD/CPD) to permit a maximum of 468 dwelling units and a maximum of 100,000 s/f of office uses, 100,000 s/f of retail uses and 120 hotel/motel units. Maximum heights proposed are 3 stories/50 feet. No development blasting is requested.

2. The commercial elements are bubble plans and need to show detail such as building, parking, service areas, etc. - a tpyical detail is needed on the MCP if you cannot show these elements on the MCP. You may also show labels showing generally where these elements can go.

We also need typicals for residential and multifamily development. (The residential areas are bubble plans also)

3. Outdoor consumption on premises will only be approved with detail on the MCP and information such as distance from residential uses, etc.

4. How many wireless communication facilities? Which locations? Commercial only? On which side of 41? How tall?

5. Please address saturation on convenience food & beverage stores, fast food, and self service fuel pumps. How many self service fuel pumps total?

6. Are boat sales appropriate? Or package stores?

7. Can you please separate your schedule of uses into Residential and Commercial? I would also recommend the intensive uses be limited to parcel 2,3 and 4. Your Aug. 23 submittal only included commercial uses.

8. Are multifamily uses requested for any residential area? If so, this may require buffering consistent with the LDC. Or are some areas for single-family only? You MCP needs to specify where single- and multi-family uses go, and

if there are multi-family uses, provide the appropriate buffer or deviation.

9. US 41 should have a type D buffer. Not type B.

10. See MCP attached with notes.

11. See the letter and photos from a member of the public regarding panther. Perhaps you can address it as a substantive matter.

12. Is there a location for hotel/motel uses? Is the request for hotel spaces in addition to the request for commercial square footage?

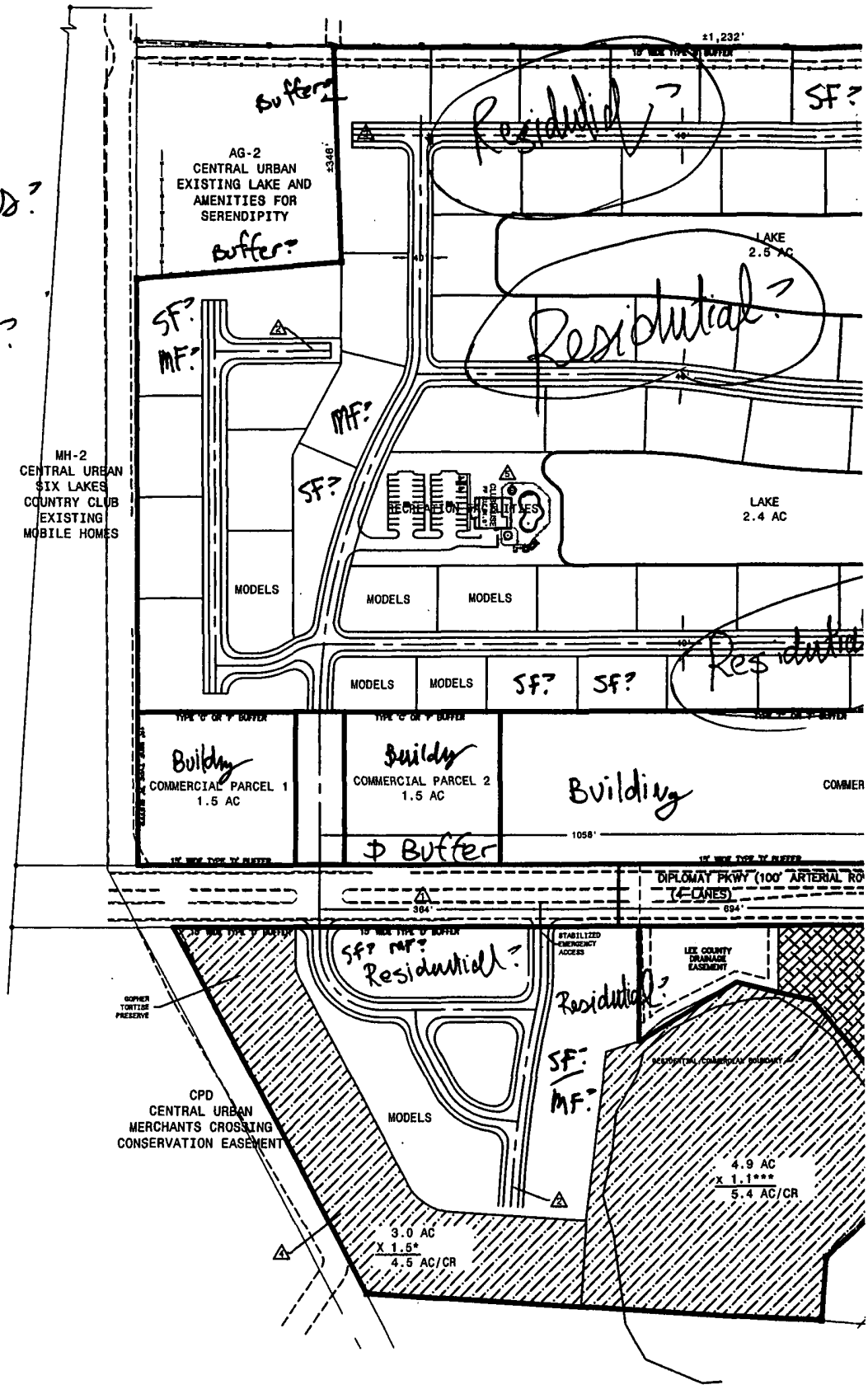
13. Environmental, Natural Resources, LCDOT, TIS, and Development Services - All found sufficient.

Commercial Typicals?

Residential Typicals?

(SF)

(MF)



PREPARED FOR:

N.B.D. DEVELOPMENT, INC

301 YAMATO ROAD, SUITE 3191
BOCA RATON, FLORIDA 33431
PH: (561) 994-8572
FAX: (561) 394-7138

NO.	DATE	REVISION DESCRIPTION

S:\Jobs\20XX\2028\Documents\ZONING\MCP\2028_MCP (4).dwg, 8/23/2005 1:28:48 PM, Jon Hagan

September 2, 2005

RECEIVED
SEP 0 6 2005
COMMUNITY DEVELOPMENT

Mr. Tony Palermo, Senior Planner
Lee County Community Development
Zoning Division
1500 Monroe St.
Fort Myers, FL 33901

Re: **Diplomat Property RPD/CPD**
DC12005-00055

Dear Sir:

I am a resident and director at Six Lakes Country Club in North Fort Myers. I am writing you with regard to the above, specifically the **Protected Species Survey**.

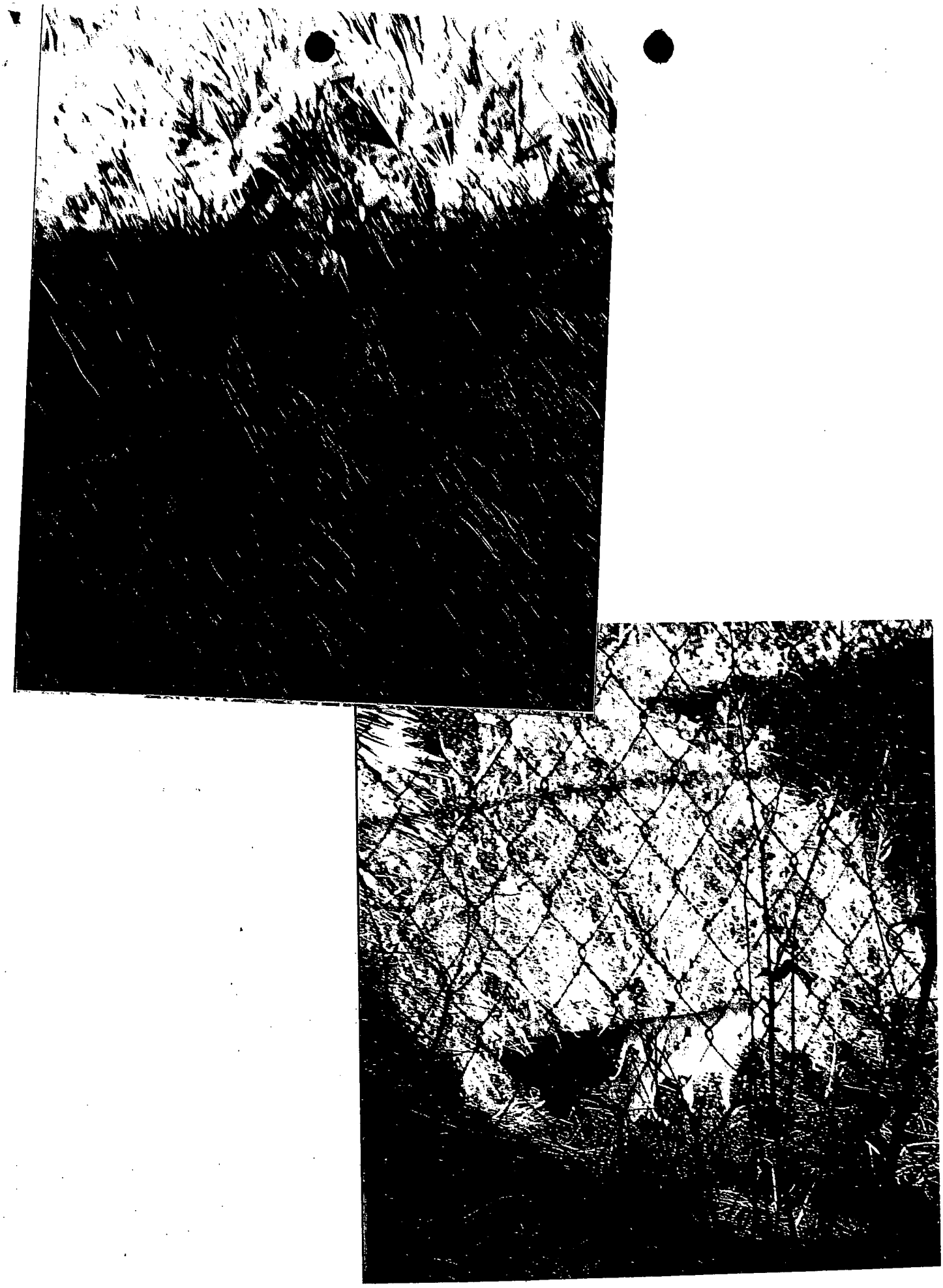
Enclosed you will find pictures taken through our fence of the property by the canal separating Six Lakes from the Diplomat property in question. There are at least two animals which appear to be Florida Panthers that roam around the property freely. We were lucky to get these pictures just before sunset as they do most of the roaming at night. I feel this issue must also be addressed.

Thank you for your consideration.

Sincerely,

Robert St. Joseph
63 Snead Dr.
N. Fort Myers, FL 33903
239-995-2928
Encl. 2 pictures

Cc: Marc Woods, General Manager
Six Lakes Country Club



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

Writer's Direct Dial Number: (239) 479-8325

August 23, 2005

Mr. Jon Hagan
Banks Engineering
10511 Six Mile Cypress, Suite 101
Fort Myers, FL 33912

RE: DCI2005-00055 DIPLOMAT RPD/CPD

Dear Mr. Hagan:

The Zoning Division has reviewed your August 23, 2005 email requesting additional time to submit a sufficiency response and a revised Master Concept Plan.

Staff recognizes you are actively pursuing additional information needed to review this request and will allow for an extension until September 30, 2005. This project could be deemed withdrawn after the extension date if you do not respond prior to this date.

Please contact me at #239-479-8325 if you have questions or concerns regarding this matter.

Sincerely,

TONY PALERMO
Senior Planner
Department of Community Development

cc. FILE : DCI2005-00055
Pam Houck, Zoning Director
Dawn Lehnert, County Attorney
Tina Boone, County Attorney
Andy Getch, LCDOT
Kim Trebatoski, Environmental Sciences Division

U:\200508\DCI20050.005\5\DIPLOMAT EXTEND LETTER1.WPD

Anthony Palermo - DCI2005-00055 - Diplomat RPD/CPD

From: "Jon Hagan" <JHagan@BanksEng.com>
To: "Anthony Palermo" <APALERMO@leegov.com>
Date: 8/22/2005 2:00 PM
Subject: DCI2005-00055 - Diplomat RPD/CPD

Tony,

I would like to request a 30 day submittal extension for the above project. We are wrapping everything up and will most likely submit this week but I would like to request another 30 days just to be on the safe side. Thanks.

Jon G. Hagan
Director of Planning
Banks Engineering, Inc.
10511 Six Mile Cypress Pkwy. - Suite 101
Fort Myers, FL 33901
Email: jhagan@bankseng.com
Phone: 239-939-5490
Fax: 239-939-2523

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
Dawn Lehnert, Asst County Attorney
DS Reviewer - Susan Hollingsworth
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Tina Silcox, Lee County School District
Brad Vance, Natural Resources
Luis Machado, Zoning

FROM: Tony Palermo

DATE: 08/23/2005

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: DIPLOMAT PROPERTY RPD/CPD

CASE #: DCI2005-00055

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
_X_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 09/06/2005

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Jessica M Smith

Date: 08/24/2005

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

August 23, 2005

DCI 2005-00055

Mr. Tony Palermo, Senior Planner
Lee County Community Development
Zoning Division
1500 Monroe Street
Fort Myers, FL 33901

RE: Diplomat Property RPD/CPD
DC12005-00055
Sufficiency Submittal No. 1

Dear Mr. Palermo:

The following comments and supporting documents are in response to the sufficiency checklists dated June 23, 2005:

Environmental Sciences Checklist:

2) Protected Species Survey: Pending ES staff field verification

Response: Acknowledged

7) Preservation and Conservation Easements: Please label the proposed gopher tortoise preserve.

Response: The proposed gopher tortoise preserve has been labeled on the MCP.

8) Design Standards: Environmentally Sensitive Areas.

1. Since appropriate indigenous native vegetation exists onsite, creation/restoration of non-indigenous areas will not meet the preservation requirement.

Response: The MCP has been revised to show that the required natural indigenous preservation will be met.

2. Wetlands are not eligible for additional credits per LDC Section 10-415(b)(2). Only uplands qualify for these credits. Please revise the calculations and provide the additional preservation.

Response: Acknowledged

3. The upland preserve area located within the commercial portion of the project does not qualify for the 125% additional credit since it is currently bisected by a constructed roadway. Please revise the calculations and provide the additional preservation.

Response: Per our meeting, the road does not bisect the preserve.

11) Schedule of Deviations: Please be advised that ES staff cannot support this deviation when indigenous native vegetation exists elsewhere on the site. Please note that indigenous preservation of the commercial portion of the project does not have to be located within the commercial boundaries of the site.

Response: The MCP has been revised to show that the required native indigenous preservation will be met.

Legal Requirements Checklist DCI 2005-00055

6a3) Please provide an OVERALL metes & bounds legal description on an 8.5"by 11" sheet that specifically describe the PERIMETER Boundary of the TOTAL Property without "together with or less and except language". Accompany with a certified sketch of description.

Response: A Legal Description and Sketch to Accompany Description of the overall boundary will be submitted under separate cover.

6c3) As per the above-referenced LDC requirement, please tie and display at least (2) coordinates on two opposing corners on Survey. "The county prefers that at least one of the coordinates be for the point of beginning."

Response: A revised Boundary Survey is attached showing state plane coordinates will be submitted under separate cover.

7) Please revise the MCP to LABEL with specific OR Book and Page reference all existing easements.

Response: All existing easements have been labeled on the revised MCP.

Lee County Checklist:

21) Miscellaneous Items: County Attorney Comments

1. The Part V affidavit was executed by the contract purchaser as opposed to the property owner. Consequently, it does not appear that the property owner has provided the requisite authority to pursue the rezoning.

Response: A revised Affidavit and Letter of Authorization will be submitted under separate cover.

2. The 7 legal descriptions provided with the package are not sufficient. Please provide the following legals and sketches to comply with the LDC: a) one legal description for the entire property to be rezoned. "Piercing" together the legals is not sufficient for this

purpose; b) one legal description for the CPD area; c) one legal description of the RPD area.

Response: Revised legal descriptions will be submitted under separate cover.

Miscellaneous Items: Zoning Comments

1. TIS was deemed sufficient. LCDOT deemed sufficient.

Response: Acknowledged.

2. Please check the following request wording: Request to rezone +/-65 acres of land from Agricultural (AG-2) to Residential Planned Development/Commercial Planned Development (RPD/CPD) to permit a maximum of 462 dwelling units and 200,000 s.f. of commercial floor area. Maximum heights proposed 3 stories/50 feet. No development blasting is requested.

Response: The wording is sufficient other than we are requesting 468 dwelling units.

3. Why not submit this as a mixed-use planned development?

Response: We prefer to submit for a RPD/CPD.

4. Environmental Sciences comments ARE INCLUDED. Natural Resources deemed sufficient.

Response: Acknowledged.

DCI 2005-00055

5. Development Services comments. Deemed sufficient.

Response: Acknowledged.

6. The MCP needs to show the future land use for surrounding properties, including those across 41.

Response: Future land uses for surrounding properties including those across U.S. 41 are shown on the revised MCP

7. Please show the number of lanes on the MCP. Thank you for including the classification and road names and widths.

Response: The number of lanes are shown on the revised MCP.

8. Please provide a clear boundary for the subject property (a dark thick line). The MCP is a little confusing. (What's on and what's off site is unclear).

Response: The boundary of the subject property has been delineated with a darker line.

DCI 2005 00055

9. It is also unclear where exactly the residential portions are. North of the Commercial parcel on Diplomat looks like large lots. Are the lots 1 unit, or several? Those are residential, correct? To the south and west is a 0.5 acre lake. Is it surrounded by Residential lots?

Response: The commercial portions of the development have been labeled on the MCP.

10. The commercial elements are bubble plans and need to show detail such as building, parking, service areas, etc. We cannot accept bubble plans. The same with recreation facilities (in relative proximity to existing residential development). How large a clubhouse, recreation area (what kind of uses are likely there?

Response: We have provided future development areas that will contain buildings, parking lots, etc. that are part of a typical development. We have also shown the approximately locations of the detention area of this tract. Until an end user is found it is difficult to provide building footprints, parking lot layouts, service areas, etc. The property development regulations and the requirements of the Land Development Code will be met for any development on this tract.

11. Please put the general notes and conditions off the MCP and on a separate attachment.

Response: The general notes and conditions have been removed from the MCP.

12. Please explain on the MCP what Serendipity is (what kind of development). Also specify that Merchant's Crossing is a commercial shopping center on the MCP. Also, are there residential uses at the horse boarding location? If so, please put on the MCP.

Response: The MCP has been revised to remove Serendipity, an existing Mobile Home Park and to specify that Merchant's Crossing is a commercial shopping center. There are no residential uses at the dairy across the street.

13. Verify no blasting.

Response: No development blasting is requested.

14. How many model units? Please place their approximate locations on the MCP. How many temp real estate offices (residential uses).

Response: The approximate location of the model units and temporary real estate offices are shown on the revised MCP. There will be a maximum of 10 model units at any one time.

15. Animals – including outdoor runs?

Response: Please see the revised schedule of uses.

16. Auto parts stores, with or without installation. You said both.

Response: Please see the revised schedule of uses.

DCI 2005-00055

17. The following uses sometimes raise compatibility issues. You may want to eliminate, limit, or provide specific locations, elevation, square footage or other detail to address (such as limit outdoor storage and display).
    - Auto Parts Store with installation
    - Auto Service Station
    - Auto Repair, group I and II
    - Bar
    - Boat sales
    - Convenience food & beverage (# gas pumps?)
    - Farm equipment sales storage rental (square feet of storage?)
    - Feed or fertilizer mixing and sales
    - Fish house
    - Open Flea market
    - Freight and cargo handling
    - Gasoline dispensing system (# of pumps)
    - Manufacturing (does this mean there is an IPD portion also? (square footage)
    - Mass transit depot
    - Mobile home dealer
    - Nightclub
    - Package store
    - Certain personal services such as tattoo parlor
    - Pet services (outdoor runs)
    - Racetrack
    - Recycling facility (what kind?)
    - Rental of cars and trucks
    - Fast food
    - Self service fuel pumps (#)
    - Open storage (sq. feet)
    - Used merchandise
    - Vehicle and equipment dealers
    - Warehouse, mini-warehouse (sq. feet)

Response: Please see the revised schedule of uses.

18. Is outdoor consumption on premises a use you are seeking? If so, please provide detail such as size, outdoor sealing area, number of seats/tables, location, distance from residential uses, churches, parks, school, etc. Please also provide limits (only with a bar or restaurant).

Response: Since the commercial parcels do not have end users at this time, the location of the outdoor consumption on premises is not known.

19. What are the proposed locations for the wireless communication towers? How tall? How many?

Response: The location of the proposed wireless communication facility is not known at this time. However, prior to the construction of a wireless communication facility the developer

DCI 2005-00055

will have to be in compliance with Land Development Code Section 34-1441 thru 34-1453 which regulates the approval process for wireless communication facilities.

20. How many multi-family units in the Commercial parcels? Is this part of the total Multifamily? (See the proposed wording above) Proposed height for this use?

Response: There are no multi-family units proposed in the Commercial parcels (see the revised schedule of uses).

21. The hashmarks for indigenous and platted easement are pretty hard to read. Please find an alternative way to show these features, or different hashmarks.

Response: The hashmarks for indigenous and platted easements have been changed for clarity as requested.

22. Is the Lee County drainage easement part of the subject property?

Response: The drainage easement has been conveyed to Lee County (O.R. 4662/3216) and is not part of the subject property.

23. Hotel – motel – how many units? Proposed height?

Response: We are requesting a maximum of 120 hotel/motel units (see revised Supplement D) with a maximum height of 50 feet.

24. Perimeter setbacks should be included, for commercial, industrial.

Response: The property development regulations have the perimeter setbacks for the commercial portion of the development. There will not be an industrial portion to the development.

25. Please address the 50-foot height, compatibility with surrounding development (including residential).

Response: The 50' height is limited to the commercial portions of the development. They are located along Diplomat Parkway and U.S. 41 which are major arterial rights-of-way. The commercial portions of this development will be adjacent to the residential portions of this development and additional setbacks will be provided in accordance with LDC 34-2174.

26. Please see the input (attached) received from the City of Cape Coral.

Response: Acknowledged.

27. Please confirm, no Ag uses, no Ag exemptions.

Response: There are no agricultural uses and no agricultural exemptions on the subject property.

28. How much retail and how much office. Community Commercial? Please provide an exhibit as you did with the Galleria cases.

Response: We are requesting 100,000 s.f. of retail uses and 100,000 s.f. of office uses (see revised Supplement D).

29. Please also address compatibility with surrounding residential uses.

Response: This development will be compatible with surrounding residential uses because we are proposing townhome and multi-family buildings in the residential portions of the development. The majority of residential uses surrounding the development will be adjacent to the residential portions of this development. Appropriate buffers and setbacks will be provided and the requested height is typical of surrounding developments.

30. If industrial uses are requested, you need to address that also in the Lee Plan narrative.

Response: Industrial uses are not being requested.

Please continue your review of our responses to the sufficiency checklists. Should you have any questions or require additional information, please do not hesitate to contact me at 939-5490.

Sincerely,

BANKS ENGINEERING, INC.

Jon Hagan
Director of Planning

Attachments:
Revised Schedule of Deviations and Justifications: (13 copies)
Revised Supplement D (13 copies)
Revised CPD Schedule of Uses (13 copies)
Revised Master Concept Plan (13 copies)

DCI 2005-00055

LEE COUNTY
SOUTHWEST FLORIDA

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Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yeager
County Attorney

Diana M. Parker
County Hearing
Examiner

Writer's Direct Dial Number: (239) 479-8325

June 23, 2005

JON G. HAGAN
BANKS ENGINEERING INC.
10511 SIX MILE CYPRESS PKWY
FT MYERS, FL 33912

Re: DIPLOMAT PROPERTY RPD/CPD
DCI2005-00055 - PDL Application (Major PD)

Dear JON G. HAGAN :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Tony Palermo
Senior Planner

ENVIRONMENTAL SCIENCES COMMENTS INCLUDED
cc.
City of Cape Coral
Department of Community Development
P.O. Box 150027
Cape Coral, FL 33915-0027

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Brad Vance, Natural Resources
Andy Getch, LCDOT
Jamie Princing, DCD Admin
Dawn Lehnert, Assistant County Attorney
Susan Hollingsworth, Development Review
DCI Zoning File
DCI Working File

Environmental Sciences Planned Development Sufficiency Checklist

2) Protected Species Survey. A Protected Species Survey as required by LDC Section 10-473 must be provided for large projects (as defined in LDC Chapter 10) and Major Planned Developments . [34-373(b)(2)]

Pending ES staff field verification.

7) Preservation and Conservation Easements. All preservation areas and/or conservation easements must be delineated on the plan and labeled as such. [34-373(a)(6)a.], [34-414(d)], [34-932(b)]

Please label the proposed gopher tortoise preserve.

8) Design Standards: Environmentally Sensitive Areas. Every effort shall be made in the planning, design and execution of a planned development to protect, preserve or to not unnecessarily destroy or alter natural features of the site, particularly mature native trees and threatened or endangered native vegetation. [34-411(g)]

1. Since appropriate indigenous native vegetation exists onsite, creation/restoration of non-indigenous areas will not meet the preservation requirement.

2. Wetlands are not eligible for additional credits per LDC Section 10-415(b)(2). Only uplands qualify for these credits. Please revise the calculations and provide the additional preservation.

3. The upland preserve area located within the commercial portion of the project does not qualify for the 125% additional credit since it is currently bisected by a constructed roadway. Please revise the calculations and provide the additonal preservation.

11) Schedule of Deviations. A schedule of deviations and a written justification for each deviation requested as part of the Master Concept Plan must be submitted. [34-373(a)(9).]

Please be advised that ES staff cannot support this deviation when indigeneous native vegetation exists elsewhere on the site. Please note that indigenous preservation for the commercial portion of the project does not have to be located within the commercial boundaries of the site.

13) Contact. The Environmental Planner may be contacted regarding any question on the Environmental Sciences Sufficiency Checklist.

Alaina Ray, 239-479-8323, aray@leegov.com

Legal Requirements Sufficiency Checklist

6a3) If the application includes multiple abutting parcels or consists of other than one or more undivided platted lots, the legal description must specifically describe the perimeter of the total property, by metes & bounds with accurate bearings and distances for every line, but need not describe each individual parcel. [34-202(a)(1)]

Please provide an OVERALL metes & bounds legal description on an 8.5" by 11" sheet that specifically describe the PERIMETER Boundary of the TOTAL Property without "together with or less and except language". Accompany with a certified sketch of description.

6c3) If the property encompasses 10 or more acres the survey must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment). [34-202(a)(2)]

As per the above-referenced LDC requirement, please tie and display at least (2) coordinates on two opposing corners on Survey. "The county prefers that at least one of the coordinates be for the point of beginning". Thanks.

7) Miscellaneous Items.

Please revise the MCP to LABEL with specific OR Book and Page reference all existing easements.

Note: "Sufficiency or non-applicability of Legal Requirements subject to change upon review of subsequent resubmittals."

8) Contact. The Planner may be contacted regarding any questions on this Checklist.

Please contact Luis G. Machado, Planning / Zoning Technician at (239) 479-8485 or e-mail: lmachado@leegov.com

Lee County Sufficiency Checklist for Planned Developments, Amendments, and Existing Developments Requesting Planned Development Zoning

21) Miscellaneous Items.

County Attorney Comments:

1. The Part V affidavit was executed by the contract purchaser as opposed to the property owner. Consequently, it does not appear that the property owner has provided the requisite authority to pursue the rezoning.

2. The 7 legal descriptions provided with the package are not sufficient. Please provide the following legals and sketches to comply with the LDC:

a. one legal description for the entire property to be rezoned. "Piecing" together the legals is not sufficient for this purpose.
b. one legal description for the CPD area.
c. one legal description of the RPD area.

Zoning Comments:

1. TIS was deemed sufficient. LCDOT deemed sufficient.

2. Please check the following request wording: Request to rezone +/- 65 acres of land from Agricultural (AG-2) to Residential Planned Development/Commercial Planned Development (RPD/CPD) to permit a maximum of 462 dwelling units and 200,000 s/f of commercial floor area. Maximum heights proposed 3 stories/50 feet. No development blasting is requested.

3. Why not submit this as a mixed-use planned development?

4. Environmental Sciences comments ARE INCLUDED. Natural Resources deemed sufficient.

5. Development Services comments. Deemed sufficient.

6. The MCP needs to show the future land use for surrounding properties, including those accross 41.

7. Please show the number of lanes on the MCP. Thank you for including the classification and road names and widths.

8. Please provide a clear boundary for the subject property (a dark thick line). The MCP is a little confusing. (What's on and what's off site in unclear).

9. It is also unclear where exactly the residential portions are. North of the Commercial parcel on Diplomat looks like large lots. Are the lots 1 unit, or several? Those are residential, correct? To the south and west is a 0.5 acre lake. Is it surrounded by Residential lots?

10. The commercial elements are bubble plans and need to show detail such as building, parking, service areas, etc. We cannot accept bubble plans. The same with recreation facilities (in relative proximity to existing residential development). How large a clubhouse,recreation area (what kind of uses are

likely there)

11. Please put the general notes and conditions off the MCP and on a separate attachment.

12. Please explain on the MCP what Serendipity is (what kind of development). Also specify that Mercant's Crossing is a commercial shopping center on the MCP. Also, are there residential uses at the the horse boarding location? If so, please put on the MCP.

13. Verify no blasting.

14. How many model units? Please place their approximate locations on the MCP. How many temp real estate offices (residential uses).

15. Animals - including outdoor runs?

16. Auto parts stores, with or without installation. You said both.

17. The following uses sometimes raise compatibility issues. You may want to eliminate, limit, or provide specific locations, elevation, square footage or other detail to address (such as limit outdoor strorage and display).

- Auto Parts Store with installation
- Auto Service Station
- Auto Repair, group I and II
- Bar
- Boat sales
- Convenience food & beverage (# gas pumps?)
- Farm equipment sales storage rental (square feet of storage?)
- Feed or fertilizer mixing and sales
- Fish house
- Open Flea market
- Freight and cargo handling
- Gasoline dispensing system (# of pumps)
- Manufacturing (does this mean there is an IPD portion also?) (square footage)
- Mass transit depot
- Mobile home dealer
- Nightclub
- Package store
- Certain personal services such as tattoo parlor
- Pet services (outdoor runs)
- Racetrack
- Recycling facility (what kind?)
- Rental of cars and trucks
- Fast food
- Self service fuel pumps (#)
- Open storage (squ. feet)
- Used merchandise

- Vehicle and equipment dealers
- Warehouse, miniwarehouse (Sq. feet)

18. Is outdoor consumption on premises a use you are seeking? If so, please provide detail such as size, outdoor seating area, number of seats/tables, location, distance from residential uses, churches, parks, school, etc. Please also provide limits (only with a bar or restaurant).

19. What are the proposed locations for the wireless communication towers? How tall? How many?

20. How many multi-family units in the Commercial parcels? Is this part of the total Multifamily? (See the proposed wording above) Proposed height for this use?

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29. Please also address compatibility with surrounding residential uses.

30. If industrial uses are requested, you need to address that also in the Lee Plan narrative.

Anthony Palermo - RE: DCI2005-00055 DIPLOMAT RPD/CPD - SUFFICIENCY 1

From: "Persides Zambrano" <pzambran@capecoral.net>
To: "Andrew Getch" <GETCHAJ@leegov.com>, "Anthony Palermo" <APALERMO@leegov.com>
Date: 6/8/2005 2:16 PM
Subject: RE: DCI2005-00055 DIPLOMAT RPD/CPD - SUFFICIENCY 1
CC: "Mike Strohecker" <mstrohec@capecoral.net>, <Mark.Clark@dot.state.fl.us>, <sarah.clarke@dot.state.fl.us>, "Steve Neff" <sneff@capecoral.net>, "Rashad Hanbali" <rhanbali@capecoral.net>

Andy/Tony,

Thank you for keeping the City in the loop. FYI, as part of the Entrada development order, the developer should contribute a fair share of intersection improvements at the time a traffic control device is warranted at the intersection of US 41 and Diplomat.

Thanks again,

Pérsides Zambrano, AICP
Principal Planner
Public Works Department
Transportation Division
City of Cape Coral

Tel: (239) 574-0733
Fax:(239) 573-3174
E-mail: pzambran@capecoral.net

-----Original Message-----
From: Andrew Getch [mailto:GETCHAJ@leegov.com]
Sent: Wednesday, June 08, 2005 9:00 AM
To: Anthony Palermo
Cc: Mike Strohecker; Persides Zambrano; Mark.Clark@dot.state.fl.us; sarah.clarke@dot.state.fl.us
Subject: Re: DCI2005-00055 DIPLOMAT RPD/CPD - SUFFICIENCY 1

Tony,
Thanks. I received this zoning application yesterday. A quick look shows the applicant is asking for 462 DU, 200,000 SF commercial, three access points on Diplomat Parkway (our records show it is a city of Cape Coral maintained road) and in 2010 a failing eastbound approach to the unsignalized Diplomat/U.S. 41 intersection. I am copying city and FDOT staff on this reply for their information.

Andy Getch, P.E.
Senior Engineer
Lee County Department of Transportation
getchaj@leegov.com
PHONE (239) 479-8510
FAX (239) 479-8520

>>> Anthony Palermo 06/07/05 01:47PM >>>

You should be receiving a June 3 application from Jon Hagan for a RPD/CPD in North Fort Myers next to Merchant's

Crossing. Please take a look, and let me and tidemark have sufficiency comments around June 17 (Friday). Thank you.

TONY PALERMO, Senior Planner
Lee County Community Development
P.O. Box 398
Fort Myers, FL 33902-0398
Phone (239) 479-8325
Fax (239) 479-8313
Email apalermo@leegov.com

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yeager
County Attorney

Diana M. Parker
County Hearing
Examiner

Writer's Direct Dial Number: (239) 479-8325

June 22, 2005

JON G. HAGAN
BANKS ENGINEERING INC.
10511 SIX MILE CYPRESS PKWY
FT MYERS, FL 33912

Re: DIPLOMAT PROPERTY RPD/CPD
DCI2005-00055 - PDL Application (Major PD)

Dear JON G. HAGAN :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Tony Palermo
Senior Planner

cc.

City of Cape Coral
Department of Community Development
P.O. Box 150027
Cape Coral, FL 33915-0027

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Brad Vance, Natural Resources
Andy Getch, LCDOT
Jamie Princing, DCD Admin
Dawn Lehnert, Assistant County Attorney
Susan Hollingsworth, Development Review
DCI Zoning File
DCI Working File

Legal Requirements Sufficiency Checklist

6a3) If the application includes multiple abutting parcels or consists of other than one or more undivided platted lots, the legal description must specifically describe the perimeter of the total property, by metes & bounds with accurate bearings and distances for every line, but need not describe each individual parcel. [34-202(a)(1)]

Please provide an OVERALL metes & bounds legal description on an 8.5" by 11" sheet that specifically describe the PERIMETER Boundary of the TOTAL Property without "together with or less and except language". Accompany with a certified sketch of description.

6c3) If the property encompasses 10 or more acres the survey must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment). [34-202(a)(2)]

As per the above-referenced LDC requirement, please tie and display at least (2) coordinates on two opposing corners on Survey. "The county prefers that at least one of the coordinates be for the point of beginning". Thanks.

7) Miscellaneous Items.

Please revise the MCP to LABEL with specific OR Book and Page reference all existing easements.

Note: "Sufficiency or non-applicability of Legal Requirements subject to change upon review of subsequent resubmittals."

8) Contact. The Planner may be contacted regarding any questions on this Checklist.

Please contact Luis G. Machado, Planning / Zoning Technician at (239) 479-8485 or e-mail: lmachado@leegov.com

Lee County Sufficiency Checklist for Planned Developments, Amendments, and Existing Developments Requesting Planned Development Zoning

21) Miscellaneous Items.

County Attorney Comments:

1. The Part V affidavit was executed by the contract purchaser as opposed to the property owner. Consequently, it does not appear that the property owner has provided the requisite authority to pursue the rezoning.

2. The 7 legal descriptions provided with the package are not sufficient. Please provide the following legals and sketches to comply with the LDC:

a. one legal description for the entire property to be rezoned. "Piecing" together the legals is not sufficient for this purpose.
b. one legal description for the CPD area.
c. one legal description of the RPD area.

Zoning Comments:

1. TIS was deemed sufficient. LCDOT deemed sufficient.

2. Please check the following request wording: Request to rezone +/- 65 acres of land from Agricultural (AG-2) to Residential Planned Development/Commercial Planned Development (RPD/CPD) to permit a maximum of 462 dwelling units and 200,000 s/f of commercial floor area. Maximum heights proposed 3 stories/50 feet. No development blasting is requested.

3. Why not submit this as a mixed-use planned development?

4. Environmental comments pending. Natural Resources deemed sufficient.

5. Development Services comments. Deemed sufficient.

6. The MCP needs to show the future land use for surrounding properties, including those accross 41.

7. Please show the number of lanes on the MCP. Thank you for including the classification and road names and widths.

8. Please provide a clear boundary for the subject property (a dark thick line). The MCP is a little confusing. (What's on and what's off site in unclear).

9. It is also unclear where exactly the residential portions are. North of the Commercial parcel on Diplomat looks like large lots. Are the lots 1 unit, or several? Those are residential, correct? To the south and west is a 0.5 acre lake. Is it surrounded by Residential lots?

10. The commercial elements are bubble plans and need to show detail such as building, parking, service areas, etc. We cannot accept bubble plans. The same with recreation facilities (in relative proximity to existing residential development). How large a clubhouse,recreation area (what kind of uses are

likely there)

11. Please put the general notes and conditions off the MCP and on a separate attachment.

12. Please explain on the MCP what Serendipity is (what kind of development). Also specify that Mercant's Crossing is a commercial shopping center on the MCP. Also, are there residential uses at the the horse boarding location? If so, please put on the MCP.

13. Verify no blasting.

14. How many model units? Please place their approximate locations on the MCP. How many temp real estate offices (residential uses).

15. Animals - including outdoor runs?

16. Auto parts stores, with or without installation. You said both.

17. The following uses sometimes raise compatibility issues. You may want to eliminate, limit, or provide specific locations, elevation, square footage or other detail to address (such as limit outdoor strorage and display).

- Auto Parts Store with installation
- Auto Service Station
- Auto Repair, group I and II
- Bar
- Boat sales
- Convenience food & beverage (# gas pumps?)
- Farm equipment sales storage rental (square feet of storage?)
- Feed or fertilizer mixing and sales
- Fish house
- Open Flea market
- Freight and cargo handling
- Gasoline dispensing system (# of pumps)
- Manufacturing (does this mean there is an IPD portion also?) (square footage)
- Mass transit depot
- Mobile home dealer
- Nightclub
- Package store
- Certain personal services such as tattoo parlor
- Pet services (outdoor runs)
- Racetrack
- Recycling facility (what kind?)
- Rental of cars and trucks
- Fast food
- Self service fuel pumps (#)
- Open storage (squ. feet)
- Used merchandise

- Vehicle and equipment dealers
- Warehouse, miniwarehouse (Sq. feet)

18. Is outdoor consumption on premises a use you are seeking? If so, please provide detail such as size, outdoor seating area, number of seats/tables, location, distance from residential uses, churches, parks, school, etc. Please also provide limits (only with a bar or restaurant).

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ZONING DIVISION

LEE COUNTY

PLANNED DEVELOPMENT SUFFICIENCY REVIEW

TRANSMITTAL SHEET

TO: Distribution
Dawn Lehnert, Asst County Attorney
DS Reviewer - Susan Hollingsworth
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Tina Silcox, Lee County School District
Brad Vance, Natural Resources
Luis Machado, Zoning

FROM: Tony Palermo

DATE: 06/03/2005

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: DIPLOMAT PROPERTY RPD/CPD

CASE #: DCI2005-00055

INFORMATION SUMMARY:

NEW SUBMITTAL

To update your file
_X_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 06/17/2005

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

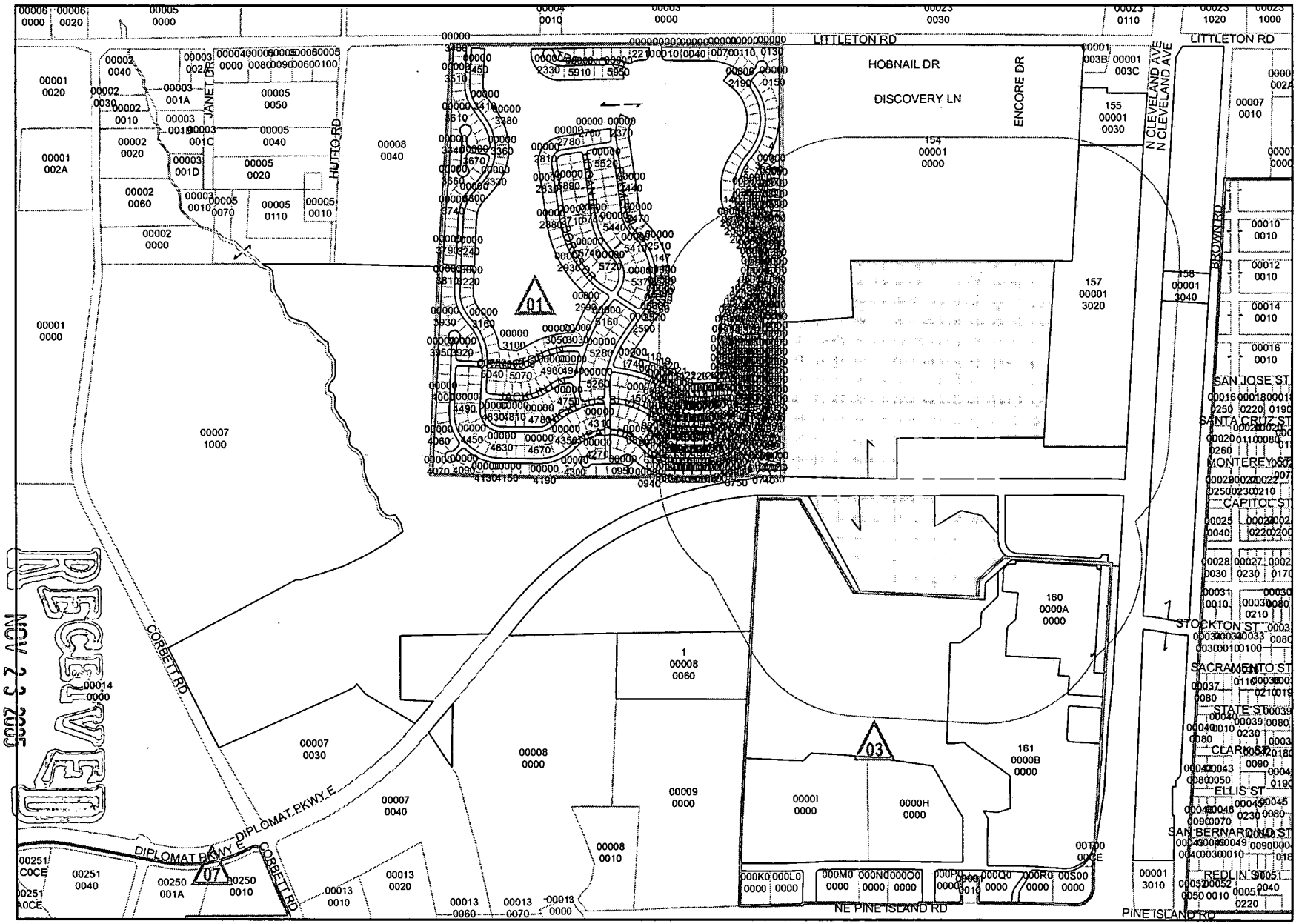
Distributed by: Jessica M Smith

Date: 06/07/2005

VARIANCE REPORT

11/22/2005

Subject Parcels : 1 Affected Parcels : 162 Buffer Distance : 750 ft



N

W E

S

34-43-24-00-00001.3030

850 425 0 850 Feet

OCT 2005-00055

PERMIT COUNTER

NOV 23 2005

Lee County Property Appraiser

Kenneth M. Wilkinson, C.F.A.

GIS Department / Map Room

Phone: (239) 339-6159 • Fax: (239) 339-6139 • eMail: MapRoom@LeePA.org

VARIANCE REPORT

RECEIVED
NOV 23 2005
PERMIT COUNTER

Date of Report: November 22, 2005
Buffer Distance: 750 ft
Parcels Affected: 162
Subject Parcel: 34-43-24-00-00001.3030

DCI 2005-00055

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
STATE OF FL DOT PO BOX 1249 BARTOW FL 33830	**33-43-24-00-00008.0060** GOVT LOT NORTH FORT MYERS FL 33903	PARL IN N E 1/4 OF S E 1/4 AS DESC IN OR 1354 PG 1731	1
SIX LAKES COUNTRY CLUB INC ALICE J CLARK ETAL J/T 28 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.0280** 28 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 28	2
SIX LAKES COUNTRY CLUB INC EDWARD W + GLORIA K KUREK 29 CASPER CT NORTH FORT MYERS FL 33903	**33-43-24-01-00000.0290** 29 CASPER CT NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 29	3
SIX LAKES COUNTRY CLUB INC LEON ROBERTS +JOAN 339 MALLETTS BAY AV COLCHESTER VT 05446	**33-43-24-01-00000.0300** 30 CASPER CT NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 30	4
SIX LAKES COUNTRY CLUB INC PAUL L ERPELDING + THERESA 31 CASPER CT NORTH FORT MYERS FL 33903	**33-43-24-01-00000.0310** 31 CASPER CT NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 31	5
SIX LAKES COUNTRY CLUB INC LELAND LOMAN + L CLEVENGER T/C 32 CASPER CT NORTH FORT MYERS FL 33903	**33-43-24-01-00000.0320** 32 CASPER CT NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 32	6
SIX LAKES COUNTRY CLUB INC RAYMOND + AGNES LARIVEE 33 CASPER CT NORTH FORT MYERS FL 33903	**33-43-24-01-00000.0330** 33 CASPER CT NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 33	7
SIX LAKES COUNTRY CLUB INC GEORGE SULLIVAN + LORRAINE S 34 CASPER CT NORTH FORT MYERS FL 33903	**33-43-24-01-00000.0340** 34 CASPER CT NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 34	8
SIX LAKES COUNTRY CLUB INC ARTHUR T JR DICKSON + 35 CASPER CT NORTH FORT MYERS FL 33903	**33-43-24-01-00000.0350** 35 CASPER CT NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 35	9
SIX LAKES COUNTRY CLUB INC BERNITA G BOSLEY + 256 PALMER BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.0360** 36 CASPER CT NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 36	10
SIX LAKES COUNTRY CLUB INC MERRIT W GUERNE LIVING TR GUERNE LAVON + MERRIT W 37 NICKLAUS BLVD N FT MYERS FL 33903	**33-43-24-01-00000.0370** 37 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 37	11

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
SIX LAKES COUNTRY CLUB INC JOHN J + SUSANNE C NESWADI 38 NICKLAUS BLVD N FT MYERS FL 33903	**33-43-24-01-00000.0380** 38 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 38	12
SIX LAKES COUNTRY CLUB INC RUSSELL + JERILYN FAWCETT TR 39 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.0390** 39 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 39	13
SIX LAKES COUNTRY CLUB INC JANE L SKINNER 40 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.0400** 40 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 40	14
SIX LAKES COUNTRY CLUB INC VALLIE G MCCOLLEY ETAL J/T 5104 CAMPAU DR MIDLAND MI 48640	**33-43-24-01-00000.0410** 41 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 41	15
SIX LAKES COUNTRY CLUB INC JAMES ALFRED BAIRD TR 2525 E 1ST ST APT 515 FORT MYERS FL 33901	**33-43-24-01-00000.0420** 42 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 42	16
SIX LAKES COUNTRY CLUB INC BETTY L ESSELBURN L/E 43 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.0430** 43 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 43	17
SIX LAKES COUNTRY CLUB INC CHARLES P + GENEVIEE MACINTIRE 403 SNEAD DR NORTH FT MYERS FL 33903	**33-43-24-01-00000.0440** 44 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 44	18
SIX LAKES COUNTRY CLUB INC KENNETH FROEHLICH 45 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.0450** 45 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 45	19
SIX LAKES COUNTRY CLUB INC OVERS PETER + TERESA 1722 SLOCUM ST HEWLETT NY 11557	**33-43-24-01-00000.0460** 46 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 46	20
SIX LAKES COUNTRY CLUB INC IRENE DEARIE ETAL 47 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.0470** 47 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 47	21
SIX LAKES COUNTRY CLUB INC DONALD C FROEHLICH SR TR 19 BLACK OAK DR SAINT LOUIS MO 63127	**33-43-24-01-00000.0480** 48 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 48	22
SIX LAKES COUNTRY CLUB INC GERALD + JEANNETTE K SMITH 49 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.0490** 49 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 49	23
SIX LAKES COUNTRY CLUB INC SHERMAN M MOORE + JUDITH G 50 NICKLAUS BLVD N FT MYERS FL 33903	**33-43-24-01-00000.0500** 50 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 50	24
SIX LAKES COUNTRY CLUB INC JEROME + PATRICIA HALL 51 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.0510** 51 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 51	25
SIX LAKES COUNTRY CLUB INC W T SCHEUER + KATHLEEN 3425 ARROYO RD BROOKFIELD WI 53045	**33-43-24-01-00000.0520** 52 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 52	26

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
SIX LAKES COUNTRY CLUB INC LEOTA LOVEBURY 53 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.0530** 53 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 53	27
SIX LAKES COUNTRY CLUB INC WILLIAM J REESE + GAIL F 54 VENTURI LANE N FT MYERS FL 33903	**33-43-24-01-00000.0540** 54 VENTURI LN NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 54	28
SIX LAKES COUNTRY CLUB INC B J ST JEAN 55 SNEAD DR NORTH FORT MYERS FL 33903	**33-43-24-01-00000.0550** 55 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 55	29
SIX LAKES COUNTRY CLUB INC CECIL D + PEGGY J WOOD 56 SNEAD DR NORTH FORT MYERS FL 33903	**33-43-24-01-00000.0560** 56 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 56	30
SIX LAKES COUNTRY CLUB INC MICHAEL R + LORRAINE E DESSART 57 SNEAD DR NORTH FORT MYERS FL 33903	**33-43-24-01-00000.0570** 57 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 57	31
SIX LAKES COUNTRY CLUB INC MICHAEL + LORRAINE DESSART 58 SNEAD DR NORTH FORT MYERS FL 33903	**33-43-24-01-00000.0580** 58 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 58	32
SIX LAKES COUNTRY CLUB INC WALTER W + BETTY PHILBRICK 4999 PORTSMOUTH BLVD PORTSMOUTH VA 23701	**33-43-24-01-00000.0590** 59 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 59	33
SIX LAKES COUNTRY CLUB INC A + K DERICO TR 60 SNEAD DR NORTH FORT MYERS FL 33903	**33-43-24-01-00000.0600** 60 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 60	34
SIX LAKES COUNTRY CLUB INC DIANA PETTERSEN + B COLLEY J/T 61 SNEAD DR NORTH FORT MYERS FL 33903	**33-43-24-01-00000.0610** 61 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 61	35
SIX LAKES COUNTRY CLUB INC GEORGE STEFANCO 62 SNEAD DR NORTH FORT MYERS FL 33903	**33-43-24-01-00000.0620** 62 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 62	36
SIX LAKES COUNTRY CLUB INC ROBERT + JOAN ST JOSEPH TR 63 SNEAD DR NORTH FORT MYERS FL 33903	**33-43-24-01-00000.0630** 63 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 63	37
SIX LAKES COUNTRY CLUB INC W A + BARBARA J SABANOSH 57 ROMAN DR SHREWSBURY MA 01545	**33-43-24-01-00000.0640** 64 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 64	38
SIX LAKES COUNTRY CLUB INC ROBERT + MARY CAISE 65 SNEAD DR NORTH FORT MYERS FL 33903	**33-43-24-01-00000.0650** 65 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 65	39
SIX LAKES COUNTRY CLUB INC JOAN Z BATES 66 SNEAD DR NORTH FORT MYERS FL 33903	**33-43-24-01-00000.0660** 66 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 66	40
SIX LAKES COUNTRY CLUB INC DOUGLAS L + JEANNETTE RUDD 67 SNEAD DR NORTH FORT MYERS FL 33903	**33-43-24-01-00000.0670** 67 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 67	41

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SIX LAKES COUNTRY CLUB INC LESTER + ADA SEGGERMAN T/C 68 SNEAD DR N FT MYERS FL 33903	**33-43-24-01-00000.0680** 68 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 68	42
SIX LAKES COUNTRY CLUB INC ESTELLE K RICI TR 69 SNEAD DR NORTH FORT MYERS FL 33903	**33-43-24-01-00000.0690** 69 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 69	43
SIX LAKES COUNTRY CLUB INC STUART R + JOYCE E HILL 70 SNEAD DR N FT MYERS FL 33903	**33-43-24-01-00000.0700** 70 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 70	44
SIX LAKES COUNTRY CLUB INC SHIRLEY A WOODS 71 SANDERS CT NORTH FORT MYERS FL 33903	**33-43-24-01-00000.0710** 71 SANDERS CT NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 71	45
SIX LAKES COUNTRY CLUB INC RICHARD + BARBARA ANDERSON 72 SANDERS CT NORTH FORT MYERS FL 33903	**33-43-24-01-00000.0720** 72 SANDERS CT NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 72	46
SIX LAKES COUNTRY CLUB INC KENNETH V + BETTY SCOBIE SUNTRUST BANK ATTN K ROMANO PO BOX 2018 MAILCODE 3043 SARASOTA FL 34230	**33-43-24-01-00000.0730** 73 SANDERS CT NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 73	47
SIX LAKES COUNTRY CLUB INC DOUGLAS + ARLENE CLARK 74 SANDERS CT N FT MYERS FL 33903	**33-43-24-01-00000.0740** 74 SANDERS CT NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 74	48
SIX LAKES COUNTRY CLUB INC 9151 LITTLETON RD N FT MYERS FL 33903	**33-43-24-01-00000.0750** 75 SANDERS CT NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 75	49
SIX LAKES COUNTRY CLUB INC R M ECELLIGOTT + D KRUZMAN J/T 76 SNEAD DR NORTH FORT MYERS FL 33903	**33-43-24-01-00000.0760** 76 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 76	50
SIX LAKES COUNTRY CLUB INC W J HOFFMAN + M PATRICIA 77 SNEAD DR NORTH FORT MYERS FL 33903	**33-43-24-01-00000.0770** 77 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 77	51
SIX LAKES COUNTRY CLUB INC GEORGE TUSON + C CREGER J/T 78 SNEAD DR NORTH FORT MYERS FL 33903	**33-43-24-01-00000.0780** 78 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 78	52
SIX LAKES COUNTRY CLUB INC RALPH + EMILY FOLEY TR 79 SNEAD DR NORTH FORT MYERS FL 33903	**33-43-24-01-00000.0790** 79 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 79	53
SIX LAKES COUNTRY CLUB INC ANDREW M BANSE TR 80 SNEAD DR NORTH FORT MYERS FL 33903	**33-43-24-01-00000.0800** 80 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 80	54
SIX LAKES COUNTRY CLUB INC FLOYD + ELEANOR FREDERICK 81 SNEAD DR NORTH FORT MYERS FL 33903	**33-43-24-01-00000.0810** 81 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 81	55
SIX LAKES COUNTRY CLUB INC BABCOCK LOUIS R + LAURA R 82 SNEAD DR NORTH FORT MYERS FL 33903	**33-43-24-01-00000.0820** 82 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 82	56

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SIX LAKES COUNTRY CLUB INC RICK NORDLUND 83 SNEAD DR NORTH FORT MYERS FL 33903	**33-43-24-01-00000.0830** 83 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 83	57
SIX LAKES COUNTRY CLUB INC PAUL + NATALIE WHITAKER 84 SNEAD DR NORTH FORT MYERS FL 33903	**33-43-24-01-00000.0840** 84 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 84	58
SIX LAKES COUNTRY CLUB INC JOAN WALSH-BEHM 85 SNEAD DR NORTH FORT MYERS FL 33903	**33-43-24-01-00000.0850** 85 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 85	59
SIX LAKES COUNTRY CLUB INC MARY L WALTER 86 SNEAD DR NORTH FORT MYERS FL 33903	**33-43-24-01-00000.0860** 86 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 86	60
SIX LAKES COUNTRY CLUB INC JO F HULLSIEK 94 ARCHER LN NORTH FORT MYERS FL 33903	**33-43-24-01-00000.0940** 94 ARCHER LN N FT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 94	61
SIX LAKES COUNTRY CLUB INC RALPH + MARILYN KNECHTEL 102 SNEAD DR NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1020** 102 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 102	62
SIX LAKES COUNTRY CLUB INC WILLIAM L + CONNIE L BRADLEY 6835 S 700 E LADOGA IN 47954	**33-43-24-01-00000.1030** 103 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 103	63
SIX LAKES COUNTRY CLUB INC ARTHUR + MARY GRAEBER 104 SNEAD DR NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1040** 104 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 104	64
SIX LAKES COUNTRY CLUB INC NORMAN + DRUCILLA MEIDLE TR 105 SNEAD DR NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1050** 105 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 105	65
SIX LAKES COUNTRY CLUB INC CHARLES + PATRICIA M SOPER 106 SNEAD DR NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1060** 106 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 106	66
SIX LAKES COUNTRY CLUB INC PHYLLIS ANN BRADLEY PO BOX 210 SPRING LAKE MI 49456	**33-43-24-01-00000.1070** 107 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 107	67
SIX LAKES COUNTRY CLUB INC W A + INES W GASSMAN 108 SNEAD DR N FT MYERS FL 33903	**33-43-24-01-00000.1080** 108 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 108	68
SIX LAKES COUNTRY CLUB INC MICHAEL ZENK + ELLA ZENK 109 SNEAD DR NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1090** 109 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 109	69
SIX LAKES COUNTRY CLUB INC VALMORE + EVELYN TRAVERS 110 SNEAD DR NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1100** 110 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 110	70
SIX LAKES COUNTRY CLUB INC D JACK + JEAN CAVALIER 9046 E LAKE RD CLARKSTON MI 48348	**33-43-24-01-00000.1110** 111 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 111	71

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SIX LAKES COUNTRY CLUB INC RAYMOND E + SARA E BEATTIE 112 SNEAD DR NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1120** 112 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 112	72
SIX LAKES COUNTRY CLUB INC CHARLES + ELAINE ADAMS TR 113 SNEAD DR NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1130** 113 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 113	73
SIX LAKES COUNTRY CLUB INC DOROTHY M SHARPE TR 114 SNEAD DR N FT MYERS FL 33903	**33-43-24-01-00000.1140** 114 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 114	74
SIX LAKES COUNTRY CLUB INC HAROLD H + BETTY C BOLTON 115 SNEAD DR NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1150** 115 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 115	75
SIX LAKES COUNTRY CLUB INC FRANK C + BETTY A FAURIE 116 SNEAD DR NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1160** 116 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 116	76
SIX LAKES COUNTRY CLUB INC EDITH M COUGHLIN 117 SNEAD DR NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1170** 117 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 117	77
SIX LAKES COUNTRY CLUB INC JOANN LANGEVIN 118 SNEAD DR NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1180** 118 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 118	78
SIX LAKES COUNTRY CLUB INC JAMES R SHARP + J M SHARP 119 SNEAD DR NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1190** 119 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 119	79
SIX LAKES COUNTRY CLUB INC JOHN + EMMA VAN HOUTEN 50 THIRD AVENUE EAST ROCKAWAY NY 11518	**33-43-24-01-00000.1200** 120 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 120	80
SIX LAKES COUNTRY CLUB INC JAMES F HINKEL 121 SNEAD DR NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1210** 121 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 121	81
SIX LAKES COUNTRY CLUB INC L WALLACE+K WALLACE+N PHILLIPS 122 SNEAD DR NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1220** 122 SNEAD DR NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 122	82
SIX LAKES COUNTRY CLUB INC HELEN L THOMAS L/E 123 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1230** 123 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 123	83
SIX LAKES COUNTRY CLUB INC FORREST J KEELER ETALS 12344 WOOD RD DEWITT MI 48820	**33-43-24-01-00000.1240** 124 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 124	84
SIX LAKES COUNTRY CLUB INC JACOBY ROBERT + CAROLE L TR 125 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1250** 125 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 125	85
SIX LAKES COUNTRY CLUB INC GEORGE B MARNES 126 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1260** 126 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 126	86

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SIX LAKES COUNTRY CLUB INC FELIX A +PRISCILLA CARLINO 127 NICKALUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1270** 127 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 127	87
SIX LAKES COUNTRY CLUB INC ROBERT V + MILDRED J GARTNER 128 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1280** 128 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 128	88
SIX LAKES COUNTRY CLUB INC GEORGE + JEAN A REID 129 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1290** 129 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 129	89
SIX LAKES COUNTRY CLUB INC JEANNETTE SMITH L/E 130 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1300** 130 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 130	90
SIX LAKES COUNTRY CLUB INC ORIS M + DIANNA R BOLIN 131 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1310** 131 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 131	91
SIX LAKES COUNTRY CLUB INC WALTER W FLOYD 132 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1320** 132 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 132	92
SIX LAKES COUNTRY CLUB INC RAY S + ROSE ANN PASTEWKA 2510 E 43RD ST ERIE PA 16510	**33-43-24-01-00000.1330** 133 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 133	93
SIX LAKES COUNTRY CLUB INC ROBERT J MILLER + 134 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1340** 134 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 134	94
SIX LAKES COUNTRY CLUB INC DOROTHY KOWALCZYK 135 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1350** 135 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 135	95
SIX LAKES COUNTRY CLUB INC CARL E + ROSE MARIE BOWERS 136 NICKLAUS BLVD N FT MYERS FL 33903	**33-43-24-01-00000.1360** 136 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 136	96
SIX LAKES COUNTRY CLUB INC FRANKLIN D + BARBARA L JOHNSON 137 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1370** 137 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 137	97
SIX LAKES COUNTRY CLUB INC D ELLIOT + D IVOSIC T/C 138 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1380** 138 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 138	98
SIX LAKES COUNTRY CLUB INC ERNEST J + JEANNE L HOGG 139 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1390** 139 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 139	99
SIX LAKES COUNTRY CLUB INC JOHN R + ELIZABETH A HAYES 140 NICKLAUS BLVD NW NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1400** 140 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 140	100
SIX LAKES COUNTRY CLUB INC GERALDINE M CONNORS TR 141 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1410** 141 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 141	101

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SIX LAKES COUNTRY CLUB INC WILLIAM W + EDITH M TAYLOR 152 NICKLAUS BLVD N FT MYERS FL 33903	**33-43-24-01-00000.1520** 152 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 152	102
SIX LAKES COUNTRY CLUB INC EDWARD SCHUBERT TR + 153 NICKLAUS BLVD FORT MYERS FL 33903	**33-43-24-01-00000.1530** 153 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 153	103
SIX LAKES COUNTRY CLUB INC WILLIAM + PATRICIA BECKMAN 154 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1540** 154 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 154	104
SIX LAKES COUNTRY CLUB INC MARGARET M BERDINE 155 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1550** 155 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 155	105
SIX LAKES COUNTRY CLUB INC RAYMOND J ZERNIA 156 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1560** 156 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 156	106
SIX LAKES COUNTRY CLUB INC FROEHLICH INVESTMENT GROUP LLC 19 BLACK OAK DR ST LOUIS MO 63127	**33-43-24-01-00000.1570** 157 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 157	107
SIX LAKES COUNTRY CLUB INC OLIVE G CONNOLLY 158 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1580** 158 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 158	108
SIX LAKES COUNTRY CLUB INC LEUCHTMANN MARILYN 159 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1590** 159 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 159	109
SIX LAKES COUNTRY CLUB INC 9151 LITTLETON RD N FT MYERS FL 33903	**33-43-24-01-00000.1600** 160 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 160	110
SIX LAKES COUNTRY CLUB INC R L JR + JANE L CONNOR TR 161 YANCEY LN NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1610** 161 YANCEY LN NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 161	111
SIX LAKES COUNTRY CLUB INC JEAN E IVERSON 162 YANCEY LN NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1620** 162 YANCEY LN NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 162	112
SIX LAKES COUNTRY CLUB INC RICHARD J + THERESE FOSHER 163 YANCEY LN NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1630** 163 YANCEY LN NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 163	113
SIX LAKES COUNTRY CLUB INC DALE + FRANCES EBERSBACHER 164 YANCEY LN NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1640** 164 YANCEY LN NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 164	114
SIX LAKES COUNTRY CLUB INC CHARLES A DAVIS 165 YANCEY LN NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1650** 165 YANCEY LN NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 165	115
SIX LAKES COUNTRY CLUB INC STANLEY + AMELIA KOWALCZYK 166 YANCEY LN NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1660** 166 YANCEY LN NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 166	116

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SIX LAKES COUNTRY CLUB INC TIMOTHY COOK + 167 YANCEY LN NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1670** 167 YANCEY LN NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 167	117
SIX LAKES COUNTRY CLUB INC FRANK J BOEHMER JR 176 YANCEY LN NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1760** 176 YANCEY LN NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 176	118
SIX LAKES COUNTRY CLUB INC MALLOY + MARIE E DIXON 177 YANCEY LN NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1770** 177 YANCEY LN NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 177	119
SIX LAKES COUNTRY CLUB INC ROBERT M + PATRICIA CRIST 3342 COUNTY ROUTE 57 OSWEBO NY 13126	**33-43-24-01-00000.1780** 178 YANCEY LN NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 178	120
SIX LAKES COUNTRY CLUB INC STANLEY BROOKS + G BROOKS J/T 179 YANCEY LN NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1790** 179 YANCEY LN NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 179	121
SIX LAKES COUNTRY CLUB INC RUTH M HEALEY TR + 180 YANCEY LN N FT MYERS FL 33903	**33-43-24-01-00000.1800** 180 YANCEY LN NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 180	122
SIX LAKES COUNTRY CLUB INC JULIUS G + ELIZABETH G PANKAU 181 YANCEY LN NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1810** 181 YANCEY LN NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 181	123
SIX LAKES COUNTRY CLUB INC CARYL A SIMPKINS 182 YANCEY LN NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1820** 182 YANCEY LN NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 182	124
SIX LAKES COUNTRY CLUB INC OLIVER E + JOAN O COFFIN 183 YANCEY LN NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1830** 183 YANCEY LN NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 183	125
SIX LAKES COUNTRY CLUB INC CAROLYN ANN STRAILE 184 YANCEY LN NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1840** 184 YANCEY LN NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 184	126
SIX LAKES COUNTRY CLUB INC EDWIN + ALYCE OBERHAUS TR 15-595 ROAD T RFD 1 NAPOLEON OH 43545	**33-43-24-01-00000.1850** 185 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 185	127
SIX LAKES COUNTRY CLUB INC CHARLES E + CAROLYN S PEEK 186 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1860** 186 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 186	128
SIX LAKES COUNTRY CLUB INC THOMAS + DEBORAH GERBERS 540 LANE 150 HAMILTON LAKE HAMILTON IN 46742	**33-43-24-01-00000.1870** 187 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 187	129
SIX LAKES COUNTRY CLUB INC KENNETH L + DOROTHY LUCIER 188 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1880** 188 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 188	130
SIX LAKES COUNTRY CLUB INC EDWARD L WHELAN + CAROL J 5 BUTTERNUT LANE HINGHAM MA 02043	**33-43-24-01-00000.1890** 189 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 189	131

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
SIX LAKES COUNTRY CLUB INC WILLIS + VIRGINIA GREENEISEN 190 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1900** 190 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 190	132
SIX LAKES COUNTRY CLUB INC HERBERT M + PHYLLIS COFFIN TR 191 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1910** 191 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 191	133
SIX LAKES COUNTRY CLUB INC BETTY KILLOREN L/E 192 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1920** 192 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 192	134
SIX LAKES COUNTRY CLUB INC M MONTORE + P MONTORE + 193 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1930** 193 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 193	135
SIX LAKES COUNTRY CLUB INC NEIL RIVERS + PHYLLIS RIVERS + 194 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1940** 194 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 194	136
SIX LAKES COUNTRY CLUB INC GERALDINE R KIMES 195 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1950** 195 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 195	137
SIX LAKES COUNTRY CLUB INC ELMER R + LYNNE J VOIGHT 196 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1960** 196 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 196	138
SIX LAKES COUNTRY CLUB INC E SEHLMEYER + D ARMEY J/T 197 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1970** 197 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 197	139
SIX LAKES COUNTRY CLUB INC MARSHALL + ROSALIE KRAKOW TR 198 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1980** 198 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 198	140
SIX LAKES COUNTRY CLUB INC ELLIS E + LOUISE MYERS TR 199 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.1990** 199 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 199	141
SIX LAKES COUNTRY CLUB INC 9151 LITTLETON RD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.2000** 200 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 200	142
SIX LAKES COUNTRY CLUB INC FLORENCE BROOKS 201 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.2010** 201 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 201	143
SIX LAKES COUNTRY CLUB INC MOPE + EVELYN PLAGER 202 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.2020** 202 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 202	144
SIX LAKES COUNTRY CLUB INC JAMES + DELORES TOTH 203 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.2030** 203 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 203	145
SIX LAKES COUNTRY CLUB INC HOWARD II + CATHERINE NEWKIRK 204 NICKLAUS BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.2040** 204 NICKLAUS BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 204	146

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
SIX LAKES COUNTRY CLUB INC ROBERT CONNOR 253 PALMER BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.2530** 253 PALMER BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 253	147
SIX LAKES COUNTRY CLUB INC MARILYN A FARISH 33 NORTH CHASE AV COLUMBUS OH 43204	**33-43-24-01-00000.2540** 254 PALMER BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 254	148
SIX LAKES COUNTRY CLUB INC THOMAS D LEWIS 1201 SMOKE BURR WESTERVILLE OH 43081	**33-43-24-01-00000.2550** 255 PALMER BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 255	149
SIX LAKES COUNTRY CLUB INC JIMMIE + BERNITA BOSLEY 256 PALMER BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.2560** 256 PALMER BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 256	150
SIX LAKES COUNTRY CLUB INC RICHARD E + MARY R GRAVES 257 PALMER BLVD NORTH FORT MYERS FL 33903	**33-43-24-01-00000.2570** 257 PALMER BLVD NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB M/H PK OR 1775 PG 4634 LOT 257	151
SIX LAKES COUNTRY CLUB INC 4066 LITTLETON RD N FT MYERS FL 33903	**33-43-24-01-00001.00CE** COMMON ELEMENTS NORTH FORT MYERS FL 33903	SIX LAKES COUNTRY CLUB C/E CLUB HSE +TENNIS +POOL SHUFFLEBOARD + GOLF COURSE	152
EAGLE GREGORY W TR EAGLE REALTY 3818 DEL PRADO BLVD CAPE CORAL FL 33904	**33-43-24-C3-00007.0000** CORBETT RD CAPE CORAL FL 33909	PARL DESC OR 1985 PG 4580 + OR 4085 PG 3688 LESS OR 2087 PG 3197 LESS OR 2268 PG 4260 + LESS OR 4085 PG 3692 LESS ROW OR 2833 PG 4141	153
AIOP SERENDIPITY LLC AMERICAN LAND LEASE PO BOX 16059 CLEARWATER FL 33766	**34-43-24-00-00001.0000** 8791 LITTLETON RD NORTH FORT MYERS FL 33903	PARL IN N W 1/4 DESC IN OR 1153 PG 1203	154
ROOD EDWARD B TR 200 N PIERCE ST TAMPA FL 33602	**34-43-24-00-00001.0030** 15991 N CLEVELAND AVE NORTH FORT MYERS FL 33903	PARL W OF US 41 DESC OR 421/486 LESS SPLITS + LESS PARCELS 1.003B + 1.003C	155
HALLIN JOHN G TR 7298 VILLA D'ESTE DR SARASOTA FL 34238	**34-43-24-00-00001.3000** 15500 N CLEVELAND AVE NORTH FORT MYERS FL 33903	PARL-W1/2 DESC OR1917/461 LESSOR1722/3914+LESSROWS OR2629/1367-OR2674/2506 LESS PARL 1.3010 + LESS OR 4181 PG 2619	156
HALLIN JOHN G TR 7298 VILLA D'ESTE DR SARASOTA FL 34238	**34-43-24-00-00001.3020** 15781 N CLEVELAND AVE NORTH FORT MYERS FL 33903	PARL IN W 1/2 AS DESC IN OR 1972 PG 335 PARCEL 2	157
PARK 41 COMMONS INC 18100 UPPER BAY RD STE A HOUSTON TX 77058	**34-43-24-00-00001.3040** ACCESS UNDETERMINED N FT MYERS FL 33903	PARCEL IN WEST 1/2 OF SEC AS DESC IN OR 4181 PG 2619	158
COOPER STREET PROPERTY INC 1100 5TH AVE S STE 201 NAPLES FL 34102	**34-43-24-00-00001.3050** ACCESS UNDETERMINED N FT MYERS FL 33903	PAR W OF US 41 DESC IN OR 4729 PG 762	159
HART CENTERS VII LTD NOBLE MANAGEMENT CO 5821 LAKE WORTH DR GREENACRES FL 33463	**34-43-24-03-0000A.0000** 15201 N CLEVELAND AVE NORTH FORT MYERS FL 33903	MERCHANTS CROSSING PB 52 PGS 37-47 PARCEL A	160
HART CENTERS VII LTD NOBLE MANAGEMENT CO 5821 LAKE WORTH DR GREENACRES FL 33463	**34-43-24-03-0000B.0000** 15201 N CLEVELAND AVE NORTH FORT MYERS FL 33903	MERCHANTS CROSSING PB 52 PGS 37-47 PARCEL B	161
HART CENTERS VII LTD MERCHANTS CROSSING OWNERS ASSN 5821 LAKE WORTH DR GREENACRES FL 33463	**34-43-24-03-0000C.00CE** RESERVED N FT MYERS FL 33903	MERCHANTS CROSSING PB 52 PGS 37-47 TRACTS C D E F + J	162

162 RECORDS PRINTED

LEE COUNTY
SOUTHWEST FLORIDA

COURTESY NOTICE TO ADJACENT PROPERTY OWNERS OF RECEIPT OF ZONING APPLICATION

Date:	June 8, 2005
Case Number:	DCI2005-00055
Case Name:	DIPLOMAT PROPERTY RPD/CPD
Request:	Request to rezone +/- 65 acres of land from Agricultural (AG-2) to Residential Planned Development/Commercial Planned Development (RPD/CPD) to permit a maximum of 462 dwelling units and 200,000 s/f of commercial floor area. Maximum heights proposed 3 stories/50 feet.
Location:	15301 North Cleveland Ave, North Fort Myers, FL (US 41 North, go over Caloosa Bridge, left on Diplomat Pkwy., Property is on the north side of road)
Location Map:	SEE REVERSE
PROPERTY OWNER'S REPRESENTATIVE:	JON G HAGAN BANKS ENGINEERING INC. 239-939-5490
	CALUSA COAST ECOLOGISTS, INC. C/O ILENE
Lee County Planner:	Tony Palermo (239) 479-8325

The file may be reviewed Monday through Friday between the hours of 7:30 a.m. and 4:30 p.m. at the Lee County Development Services Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/479-8585 for additional information.

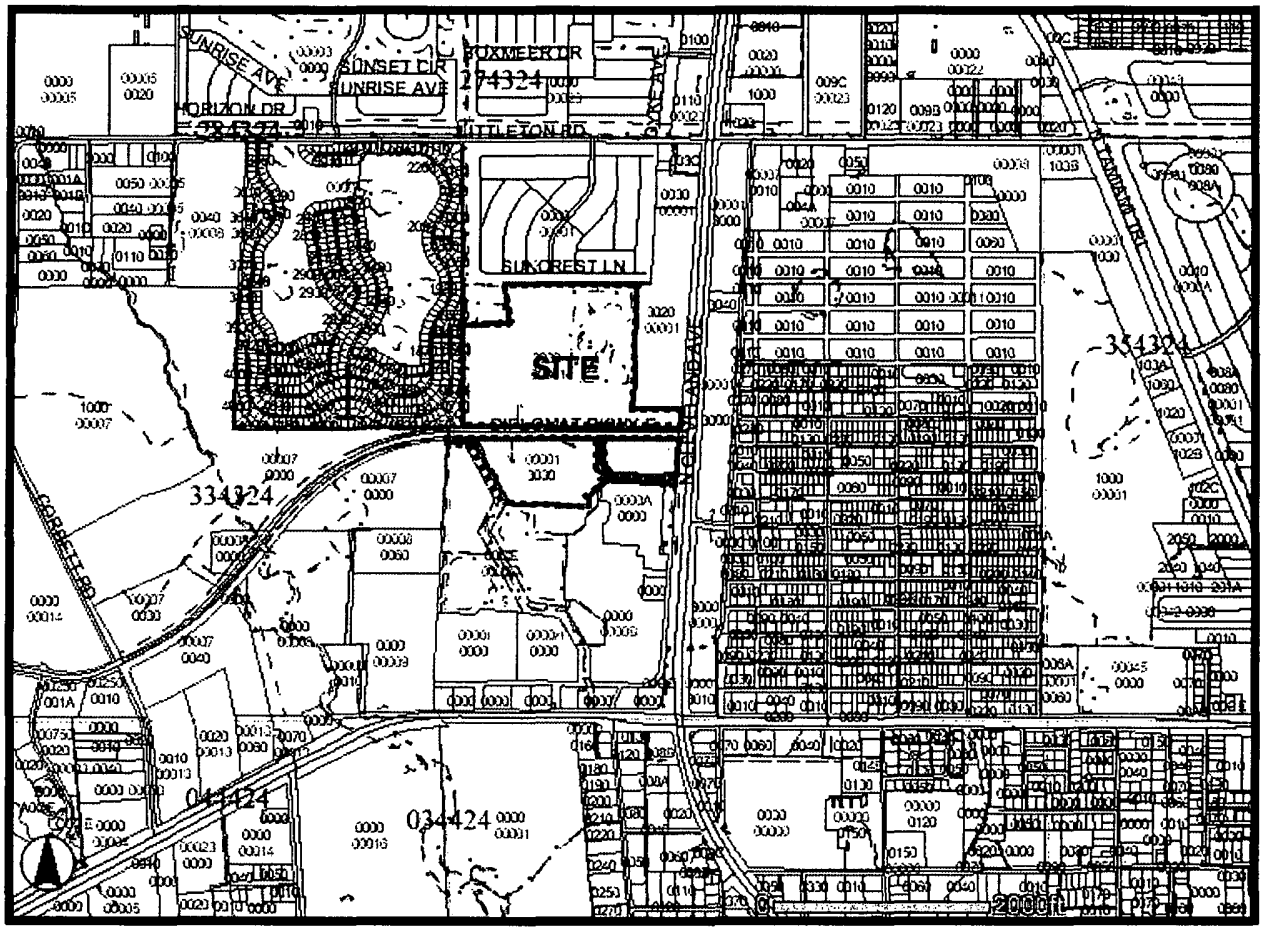
This is a courtesy notice. A public hearing date has not yet been set. You will receive another notice once the hearing date and time have been established.

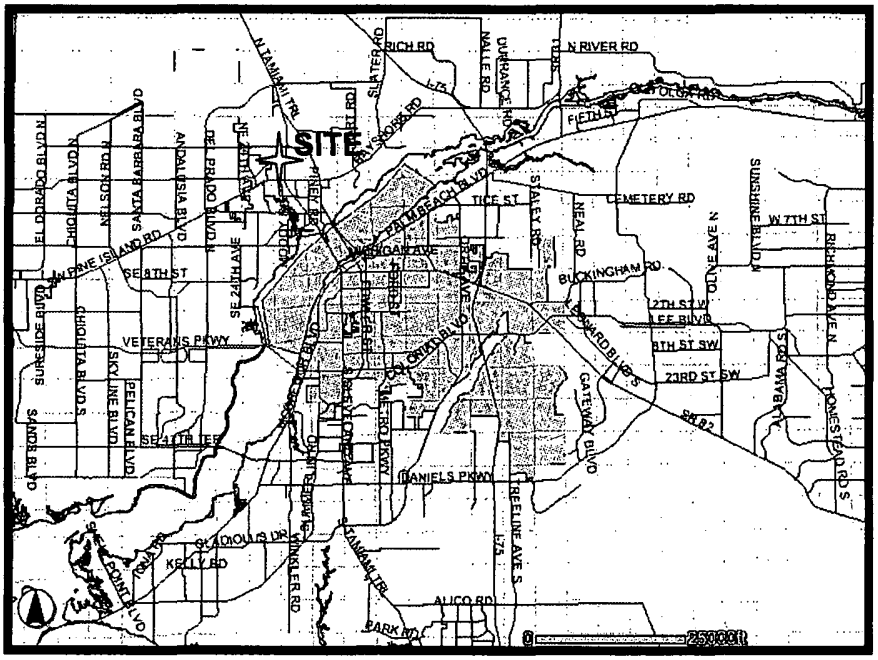
JSS

Banks Engineering, Inc.

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

Area Location Map – Diplomat Property





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PERMIT COUNTER

Vicinity Map

DCI2005-00055

10511 Six Mile Cypress Parkway, Suite 101, Fort Myers, Florida 33912 • (239) 939-5490 • Fax (239) 939-2523

33-43-24-00-00008.0060
STATE OF FLORIDA DOT
PO BOX 1249
BARTOW, FL 33830

33-43-24-01-00000.0280
SIX LAKES COUNTRY CLUB INC
ALICE J CLARK ETAL J/T
28 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0290
SIX LAKES COUNTRY CLUB INC
EDWARD W + GLORIA K KUREK
29 CASPER CT
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0300
SIX LAKES COUNTRY CLUB INC
LEON ROBERTS +JOAN
339 MALLETTS BAY AV
COLCHESTER, VT 05446

33-43-24-01-00000.0310
SIX LAKES COUNTRY CLUB INC
PAUL L ERPELDING + THERESA
31 CASPER CT
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0320
SIX LAKES COUNTRY CLUB INC
LELAND LOMAN + L CLEVENGER T/C
32 CASPER CT
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0330
SIX LAKES COUNTRY CLUB INC
RAYMOND + AGNES LARIVEE
33 CASPER CT
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0340
SIX LAKES COUNTRY CLUB INC
GWEN + MICHAEL OHEARN ETAL J/T
299 MOUNT HEBRON RD
LANCASTER, KY 40444

33-43-24-01-00000.0350
SIX LAKES COUNTRY CLUB INC
ARTHUR + FRANCES DICKSON
35 CASPER CT
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0360
SIX LAKES COUNTRY CLUB INC
BERNITA G BOSLEY +
256 PALMER BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0370
SIX LAKES COUNTRY CLUB INC
MERRIT W GUERNE LIVING TR
GUERNE LAVON + MERRIT W
37 NICKLAUS BLVD
N FT MYERS, FL 33903

33-43-24-01-00000.0380
SIX LAKES COUNTRY CLUB INC
MARTHA A STOOPS
38 NICKLAUS BLVD
N FT MYERS, FL 33903

33-43-24-01-00000.0390
SIX LAKES COUNTRY CLUB INC
RUSSELL + JERILYN FAWCETT TR
39 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0400
SIX LAKES COUNTRY CLUB INC
JANE L SKINNER
40 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0410
SIX LAKES COUNTRY CLUB INC
VALLIE G MCCOLLEY ETAL J/T
5104 CAMPAU DR
MIDLAND, MI 48640

33-43-24-01-00000.0420
SIX LAKES COUNTRY CLUB INC
JAMES ALFRED BAIRD TR
42 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0430
SIX LAKES COUNTRY CLUB INC
BETTY L ESSELBURN L/E
43 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0440
SIX LAKES COUNTRY CLUB INC
C F + GENEVIEVE MACINTIRE
403 SNEAD DR
NORTH FT MYERS, FL 33903

33-43-24-01-00000.0450
SIX LAKES COUNTRY CLUB INC
KENNETH FROEHLICH
45 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0460
SIX LAKES COUNTRY CLUB INC
OVERS PETER + TERESA
46 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

All data is current at time of printing and subject to change without notice.

33-43-24-01-00000.0470
SIX LAKES COUNTRY CLUB INC
IRENE DEARIE ETAL
47 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0480
SIX LAKES COUNTRY CLUB INC
FROEHLICH DONALD C SR TR
48 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0490
SIX LAKES COUNTRY CLUB INC
GERALD + JEANNETTE K SMITH
49 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0500
SIX LAKES COUNTRY CLUB INC
SHERMAN M MOORE + JUDITH G
50 NICKLAUS BLVD
N FT MYERS, FL 33903

33-43-24-01-00000.0510
SIX LAKES COUNTRY CLUB INC
JEROME + PATRICIA HALL
51 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0520
SIX LAKES COUNTRY CLUB INC
W T SCHEUER + KATHLEEN
3425 ARROYO RD
BROOKFIELD, WI 53045

33-43-24-01-00000.0530
SIX LAKES COUNTRY CLUB INC
LEOTA LOVEBURY
53 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0540
SIX LAKES COUNTRY CLUB INC
WILLIAM J REESE + GAIL F
54 VENTURI LANE
N FT MYERS, FL 33903

33-43-24-01-00000.0550
SIX LAKES COUNTRY CLUB INC
B J ST JEAN
55 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0560
SIX LAKES COUNTRY CLUB INC
CECIL D + PEGGY J WOOD
56 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0570
SIX LAKES COUNTRY CLUB INC
LOUISE C BISHOP TR
57 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0580
SIX LAKES COUNTRY CLUB INC
MICHAEL + LORRAINE DESSART
58 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0590
SIX LAKES COUNTRY CLUB INC
WALTER W + BETTY PHILBRICK
4999 PORTSMOUTH BLVD
PORTSMOUTH, VA 23701

33-43-24-01-00000.0600
SIX LAKES COUNTRY CLUB INC
A + K DERICO TR
60 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0610
SIX LAKES COUNTRY CLUB INC
DIANA PETTERSEN + B COLLEY J/T
61 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0620
SIX LAKES COUNTRY CLUB INC
GEORGE STEFANCO
62 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0630
SIX LAKES COUNTRY CLUB INC
ROBERT + JOAN ST JOSEPH TR
63 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0640
SIX LAKES COUNTRY CLUB INC
W A + BARBARA J SABANOSH
57 ROMAN DR
SHREWSBURY, MA 01545

33-43-24-01-00000.0650
SIX LAKES COUNTRY CLUB INC
ROBERT + MARY CAISE
65 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0660
SIX LAKES COUNTRY CLUB INC
JOAN Z BATES
66 SNEAD DR
NORTH FORT MYERS, FL 33903

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33-43-24-01-00000.0670
SIX LAKES COUNTRY CLUB INC
BENNETT JOAN M EST
67 SNEAD DR
N FT MYERS, FL 33903

33-43-24-01-00000.0680
SIX LAKES COUNTRY CLUB INC
LESTER + ADA SEGGERMAN T/C
68 SNEAD DR
N FT MYERS, FL 33903

33-43-24-01-00000.0690
SIX LAKES COUNTRY CLUB INC
ESTELLE K RICI TR
69 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0700
SIX LAKES COUNTRY CLUB INC
STUART R + JOYCE E HILL
70 SNEAD DR
N FT MYERS, FL 33903

33-43-24-01-00000.0710
SIX LAKES COUNTRY CLUB INC
SHIRLEY A WOODS
71 SANDERS CT
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0720
SIX LAKES COUNTRY CLUB INC
DUANE + MARY LEA CUMPSTON
72 SANDERS CT
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0730
SIX LAKES COUNTRY CLUB INC
KENNETH V + BETTY SCOBIE
SUNTRUST BANK ATTN K ROMANO
PO BOX 2018 MAILCODE 3043
SARASOTA, FL 34230

33-43-24-01-00000.0740
SIX LAKES COUNTRY CLUB INC
DOUGLAS + ARLENE CLARK
74 SANDERS CT
N FT MYERS, FL 33903

33-43-24-01-00000.0750
SIX LAKES COUNTRY CLUB INC
9151 LITTLETON RD
N FT MYERS, FL 33903

33-43-24-01-00000.0760
SIX LAKES COUNTRY CLUB INC
R M ECELLIGOTT + D KRUZMAN J/T
76 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0770
SIX LAKES COUNTRY CLUB INC
W J HOFFMAN + M PATRICIA
77 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0780
SIX LAKES COUNTRY CLUB INC
GEORGE TUSON + C CREGER J/T
78 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0790
SIX LAKES COUNTRY CLUB INC
RALPH + EMILY FOLEY TR
79 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0800
SIX LAKES COUNTRY CLUB INC
ANDREW M BANSE TR
80 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0810
SIX LAKES COUNTRY CLUB INC
FLOYD + ELEANOR FREDERICK
81 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0820
SIX LAKES COUNTRY CLUB INC
BABCOCK LOUIS R + LAURA R
82 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0830
SIX LAKES COUNTRY CLUB INC
RICK NORDLUND
83 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0840
SIX LAKES COUNTRY CLUB INC
PAUL + NATALIE WHITAKER
84 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0850
SIX LAKES COUNTRY CLUB INC
JOAN WALSH-BEHM
85 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0860
SIX LAKES COUNTRY CLUB INC
MARY L WALTER
86 SNEAD DR
NORTH FORT MYERS, FL 33903

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33-43-24-01-00000.0870
SIX LAKES COUNTRY CLUB INC
WILLIAM S + DORA THORNE TR
87 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0880
SIX LAKES COUNTRY CLUB INC
ROBERT M + RITA A AKERLEY
88 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0890
SIX LAKES COUNTRY CLUB INC
ROBERT W + MARY L KURON
89 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0940
SIX LAKES COUNTRY CLUB INC
GEORGE R + JO F HULLSIEK
94 ARCHER LN
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1010
SIX LAKES COUNTRY CLUB INC
JACOB J + JUNE E HAAS J/T
76 SAND CREEK RD
ALBANY, NY 12205

33-43-24-01-00000.1020
SIX LAKES COUNTRY CLUB INC
RALPH OR MARILYN KNECHTEL
102 SNEAD DR
N FT MYERS, FL 33903

33-43-24-01-00000.1030
SIX LAKES COUNTRY CLUB INC
WILLIAM L + CONNIE L BRADLEY
6835 S 700 E
LADOGA, IN 47954

33-43-24-01-00000.1040
SIX LAKES COUNTRY CLUB INC
ARTHUR + MARY GRAEBER
104 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1050
SIX LAKES COUNTRY CLUB INC
NORMAN + DRUCILLA MEIDLE TR
105 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1060
SIX LAKES COUNTRY CLUB INC
CHARLES + PATRICIA M SOPER
106 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1070
SIX LAKES COUNTRY CLUB INC
PHYLLIS ANN BRADLEY
107 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1080
SIX LAKES COUNTRY CLUB INC
W A GASSMAN + INES W
108 SNEAD DR
N FT MYERS, FL 33903

33-43-24-01-00000.1090
SIX LAKES COUNTRY CLUB INC
AUDREY PRETZELL
109 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1100
SIX LAKES COUNTRY CLUB INC
VALMORE + EVELYN TRAVERS
110 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1110
SIX LAKES COUNTRY CLUB INC
D JACK + JEAN CAVALIER
9046 E LAKE RD
CLARKSTON, MI 48348

33-43-24-01-00000.1120
SIX LAKES COUNTRY CLUB INC
RAYMOND E + SARA E BEATTIE
112 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1130
SIX LAKES COUNTRY CLUB INC
CHARLES + ELAINE ADAMS TR
113 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1140
SIX LAKES COUNTRY CLUB INC
DOROTHY M SHARPE TR
114 SNEAD DR
N FT MYERS, FL 33903

33-43-24-01-00000.1150
SIX LAKES COUNTRY CLUB INC
HAROLD H + BETTY C BOLTON
115 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1160
SIX LAKES COUNTRY CLUB INC
FRANK C + BETTY A FAURIE
116 SNEAD DR
NORTH FORT MYERS, FL 33903

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33-43-24-01-00000.1170
SIX LAKES COUNTRY CLUB INC
EDITH M COUGHLIN
117 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1180
SIX LAKES COUNTRY CLUB INC
JOANN LANGEVIN
118 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1190
SIX LAKES COUNTRY CLUB INC
JAMES R SHARP + J M SHARP
119 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1200
SIX LAKES COUNTRY CLUB INC
JOHN + EMMA VAN HOUTEN
50 THIRD AVENUE
EAST ROCKAWAY, NY 11518

33-43-24-01-00000.1210
SIX LAKES COUNTRY CLUB INC
JAMES F HINKEL
121 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1220
SIX LAKES COUNTRY CLUB INC
L WALLACE+K WALLACE+N PHILLIPS
122 SNEAD DR
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1230
SIX LAKES COUNTRY CLUB INC
HELEN L THOMAS L/E
123 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1240
SIX LAKES COUNTRY CLUB INC
FORREST J KEELER ETALS
12344 WOOD RD
DEWITT, MI 48820

33-43-24-01-00000.1250
SIX LAKES COUNTRY CLUB INC
JACOBY ROBERT + CAROLE L TR
9151 LITTLETON RD
N FT MYERS, FL 33903

33-43-24-01-00000.1260
SIX LAKES COUNTRY CLUB INC
GEORGE B MARNES
126 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1270
SIX LAKES COUNTRY CLUB INC
FELIX A +PRISCILLA CARLINO
127 NICKALUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1280
SIX LAKES COUNTRY CLUB INC
ROBERT V + MILDRED J GARTNER
128 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1290
SIX LAKES COUNTRY CLUB INC
GEORGE + JEAN A REID
129 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1300
SIX LAKES COUNTRY CLUB INC
JEANNETTE SMITH L/E
130 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1310
SIX LAKES COUNTRY CLUB INC
ORIS M + DIANNA R BOLIN
131 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1320
SIX LAKES COUNTRY CLUB INC
WALTER W FLOYD
132 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1330
SIX LAKES COUNTRY CLUB INC
RAY S + ROSE ANN PASTEWKA
2510 E 43RD ST
ERIE, PA 16510

33-43-24-01-00000.1340
SIX LAKES COUNTRY CLUB INC
ROBERT J MILLER +
134 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1350
SIX LAKES COUNTRY CLUB INC
DOROTHY KOWALCZYK
135 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1360
SIX LAKES COUNTRY CLUB INC
CARL E + ROSE MARIE BOWERS
136 NICKLAUS BLVD
N FT MYERS, FL 33903

All data is current at time of printing and subject to change without notice.

33-43-24-01-00000.1370
SIX LAKES COUNTRY CLUB INC
FRANKLIN D + BARBARA L JOHNSON
137 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1380
SIX LAKES COUNTRY CLUB INC
D ELLIOT + D IVOSIC T/C
138 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1390
SIX LAKES COUNTRY CLUB INC
ERNEST J + JEANNE L HOGG
139 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1400
SIX LAKES COUNTRY CLUB INC
JOHN R + ELIZABETH A HAYES
140 NICKLAUS BLVD NW
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1410
SIX LAKES COUNTRY CLUB INC
GERALDINE M CONNORS TR
141 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1520
SIX LAKES COUNTRY CLUB INC
WILLIAM W + EDITH M TAYLOR
152 NICKLAUS BLVD
N FT MYERS, FL 33903

33-43-24-01-00000.1530
SIX LAKES COUNTRY CLUB INC
EDWARD SCHUBERT TR +
153 NICKLAUS BLVD
FORT MYERS, FL 33903

33-43-24-01-00000.1540
SIX LAKES COUNTRY CLUB INC
WILLIAM + PATRICIA BECKMAN
154 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1550
SIX LAKES COUNTRY CLUB INC
MARGARET M BERDINE
155 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1560
SIX LAKES COUNTRY CLUB INC
RAYMOND J ZERNIA
156 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1570
SIX LAKES COUNTRY CLUB INC
FROEHLICH INVESTMENT GROUP LLC
% DON FROEHLICH
19 BLACK OAK DR
ST LOUIS, MO 63127

33-43-24-01-00000.1580
SIX LAKES COUNTRY CLUB INC
OLIVE G CONNOLLY
158 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1590
SIX LAKES COUNTRY CLUB INC
LEUCHTMANN MARILYN
159 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1600
SIX LAKES COUNTRY CLUB INC
9151 LITTLETON RD
N FT MYERS, FL 33903

33-43-24-01-00000.1610
SIX LAKES COUNTRY CLUB INC
R L JR + JANE L CONNOR TR
161 YANCEY LN
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1620
SIX LAKES COUNTRY CLUB INC
VERNON J + JEAN E IVERSON
162 YANCEY LN
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1630
SIX LAKES COUNTRY CLUB INC
RICHARD J + THERESE FOSHER
163 YANCEY LN
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1640
SIX LAKES COUNTRY CLUB INC
DALE + FRANCES EBERSBACHER
164 YANCEY LN
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1650
SIX LAKES COUNTRY CLUB INC
CHARLES A DAVIS
165 YANCEY LN
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1660
SIX LAKES COUNTRY CLUB INC
STANLEY + AMELIA KOWALCZYK
166 YANCEY LN
NORTH FORT MYERS, FL 33903

All data is current at time of printing and subject to change without notice.

33-43-24-01-00000.1670
SIX LAKES COUNTRY CLUB INC
TIMOTHY COOK +
167 YANCEY LN
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1760
SIX LAKES COUNTRY CLUB INC
FRANK J BOEHMER JR
176 YANCEY LN
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1770
SIX LAKES COUNTRY CLUB INC
MALLOY + MARIE E DIXON
177 YANCEY LN
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1780
SIX LAKES COUNTRY CLUB INC
ROBERT M + PATRICIA CRIST
3342 COUNTY ROUTE 57
OSWEBO, NY 13126

33-43-24-01-00000.1790
SIX LAKES COUNTRY CLUB INC
STANLEY BROOKS + G BROOKS J/T
179 YANCEY LN
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1800
SIX LAKES COUNTRY CLUB INC
RUTH M HEALEY TR +
180 YANCEY LN
N FT MYERS, FL 33903

33-43-24-01-00000.1810
SIX LAKES COUNTRY CLUB INC
JULIUS G + ELIZABETH G PANKAU
181 YANCEY LN
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1820
SIX LAKES COUNTRY CLUB INC
CARYL A SIMPKINS
182 YANCEY LN
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1830
SIX LAKES COUNTRY CLUB INC
OLIVER E + JOAN O COFFIN
183 YANCEY LN
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1840
SIX LAKES COUNTRY CLUB INC
CAROLYN ANN STRAILE
184 YANCEY LN
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1850
SIX LAKES COUNTRY CLUB INC
EDWIN + ALYCE OBERHAUS TR
15-595 ROAD T RFD 1
NAPOLEON, OH 43545

33-43-24-01-00000.1860
SIX LAKES COUNTRY CLUB INC
CHARLES E + CAROLYN S PEEK
186 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1870
SIX LAKES COUNTRY CLUB INC
THOMAS + DEBORAH GERBERS
540 LANE 150 HAMILTON LAKE
HAMILTON, IN 46742

33-43-24-01-00000.1880
SIX LAKES COUNTRY CLUB INC
KENNETH L + DOROTHY LUCIER
188 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1890
SIX LAKES COUNTRY CLUB INC
EDWARD L WHELAN + CAROL J
5 BUTTERNUT LANE
HINGHAM, MA 02043

33-43-24-01-00000.1900
SIX LAKES COUNTRY CLUB INC
WILLIS + VIRGINIA GREENEISEN
190 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1910
SIX LAKES COUNTRY CLUB INC
HERBERT M + PHYLLIS COFFIN TR
191 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1920
SIX LAKES COUNTRY CLUB INC
BETTY KILLOREN L/E
192 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1930
SIX LAKES COUNTRY CLUB INC
M MONTORE + P MONTORE +
193 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1940
SIX LAKES COUNTRY CLUB INC
NEIL RIVERS + PHYLLIS RIVERS +
194 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

All data is current at time of printing and subject to change without notice.

33-43-24-01-00000.1950
SIX LAKES COUNTRY CLUB INC
GERALDINE R KIMES
195 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1960
SIX LAKES COUNTRY CLUB INC
ELMER R + LYNNE J VOIGHT
196 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1970
SIX LAKES COUNTRY CLUB INC
E SEHLMEYER + D ARMEY J/T
197 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1980
SIX LAKES COUNTRY CLUB INC
MARSHALL + ROSALIE KRAKOW TR
198 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1990
SIX LAKES COUNTRY CLUB INC
ELLIS E + LOUISE MYERS TR
199 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.2000
SIX LAKES COUNTRY CLUB INC
9151 LITTLETON RD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.2010
SIX LAKES COUNTRY CLUB INC
FLORENCE BROOKS
201 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.2020
SIX LAKES COUNTRY CLUB INC
MOPE + EVELYN PLAGER
202 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.2030
SIX LAKES COUNTRY CLUB INC
JAMES + DELORES TOTH
203 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.2040
SIX LAKES COUNTRY CLUB INC
HOWARD II + CATHERINE NEWKIRK
204 NICKLAUS BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.2050
SIX LAKES COUNTRY CLUB INC
MAVA M NELSON TR
205 NICKLAUS BLVD
N FT MYERS, FL 33903

33-43-24-01-00000.2530
SIX LAKES COUNTRY CLUB INC
ROBERT CONNOR
253 PALMER BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.2540
SIX LAKES COUNTRY CLUB INC
MARILYN A FARISH
33 NORTH CHASE AV
COLUMBUS, OH 43204

33-43-24-01-00000.2550
SIX LAKES COUNTRY CLUB INC
THOMAS D LEWIS
1201 SMOKE BURR
WESTERVILLE, OH 43081

33-43-24-01-00000.2560
SIX LAKES COUNTRY CLUB INC
JIMMIE + BERNITA BOSLEY
256 PALMER BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.2570
SIX LAKES COUNTRY CLUB INC
RICHARD E + MARY R GRAVES
257 PALMER BLVD
NORTH FORT MYERS, FL 33903

33-43-24-01-00001.00CE
SIX LAKES COUNTRY CLUB INC
4066 LITTLETON RD
N FT MYERS, FL 33903

33-43-24-C3-00007.0000
EAGLE GREGORY W TR
EAGLE REALTY
3818 DEL PRADO BLVD
CAPE CORAL, FL 33904

34-43-24-00-00001.0000
AIOP SERENDIPITY LLC
AMERICAN LAND LEASE
PO BOX 16059
CLEARWATER, FL 33766

34-43-24-00-00001.0030
ROOD EDWARD B TR
200 N PIERCE ST
TAMPA, FL 33602

All data is current at time of printing and subject to change without notice.

34-43-24-00-00001.3000
HALLIN JOHN G TR
7298 VILLA D'ESTE DR
SARASOTA, FL 34238

34-43-24-00-00001.3020
HALLIN JOHN G TR
7298 VILLA D'ESTE DR
SARASOTA, FL 34238

34-43-24-00-00001.3040
PARK 41 COMMONS INC
18100 UPPER BAY RD STE A
HOUSTON, TX 77058

34-43-24-01-00016.0010
PARK 41 COMMONS INC
ABBEY MANAGEMENT INC
18100 UPPER BAY RD STE A
HOUSTON, TX 77058

34-43-24-01-00018.0220
INTERNATL BLDG MANAGEMENT INC
16050 S TAMIAMI TRL #105
FT MYERS, FL 33908

34-43-24-01-00018.0250
INTERNATL BLDG MANAGEMENT INC
16050 S TAMIAMI TRL #105
FT MYERS, FL 33908

34-43-24-01-00018.0270
INTERNATL BLDG MANAGEMENT INC
16050 S TAMIAMI TRL #105
FT MYERS, FL 33908

34-43-24-01-00020.0110
LOVELY JAMES R + JANE
13 WINTER ST
MERRIMAC, MA 01860

34-43-24-01-00020.0240
DONNELLY JUDY
510 CAPITAL ST
NORTH FORT MYERS, FL 33903

34-43-24-01-00020.0260
KRUGER DORA J L/E
566 MONTEREY ST
NORTH FORT MYERS, FL 33903

34-43-24-01-00020.0270
DONNELLY JUDY C
510 CAPITOL ST
NORTH FORT MYERS, FL 33903

34-43-24-01-00022.0110
DONNELLY THOMAS E + JANICE M
3127 12TH ST E
MILAN, IL 61264

34-43-24-01-00022.0230
GOMEZ ISMAEL +
7529 SUN COAST DR
NORTH FORT MYERS, FL 33917

34-43-24-01-00022.0250
COX MAUNEL U SR + BRENDA G
1860 RIVERSIDE AV
NORTH FORT MYERS, FL 33903

34-43-24-01-00022.0280
ROMANSKI STEVEN A + PAMELA
565 MONTEREY ST
NORTH FORT MYERS, FL 33903

34-43-24-01-00025.0010
COX MANUEL U SR + BRENDA G
1860 RIVERSIDE AV
NORTH FORT MYERS, FL 33903

34-43-24-01-00025.0040
WHEELER DOUGLAS J
1850 RIVERSIDE AVE
NORTH FORT MYERS, FL 33903

34-43-24-01-00028.0010
EVANS WIRT T + DOROTHY H
PO BOX 2478
FORT MYERS BEACH, FL 33932

34-43-24-01-00028.0030
EVANS WIRT T + DOROTHY H
PO BOX 2478
FORT MYERS BEACH, FL 33932

34-43-24-01-00031.0010
AVILA IRIS N +
395 HOWARD AVE
NEW HAVEN, CT 06519

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34-43-24-01-00031.0040
AVILA IRIS N +
242 DEL RAY AVE
FORT MYERS, FL 33905

34-43-24-01-00031.006A
SEIN MOISES +
44 JOHNSON LN
MADISON, CT 06443

34-43-24-01-00034.0020
DUNBAR JAMES L
567 STOCKTON ST
N FT MYERS, FL 33903

34-43-24-01-00034.0030
COMBS ELZA + MARILYN
569 STOCKTON ST
NORTH FORT MYERS, FL 33903

34-43-24-03-0000A.0000
HART CENTERS VII LTD
NOBLE MANAGEMENT CO
5821 LAKE WORTH DR
GREENACRES, FL 33463

34-43-24-03-0000B.0000
HART CENTERS VII LTD
NOBLE MANAGEMENT CO
5821 LAKE WORTH DR
GREENACRES, FL 33463

34-43-24-03-0000C.00CE
HART CENTERS VII LTD
MERCHANTS CROSSING OWNERS ASSN
5821 LAKE WORTH DR
GREENACRES, FL 33463

Nina Paight
Nomining Civic Assn.
20150 Keola Lane
N. Ft. Myers, FL 33917

34-43-24-03-0000C.00CE
HART CENTERS VII LTD
MERCHANTS CROSSING OWNERS ASSN
5821 LAKE WORTH DR
GREENACRES, FL 33463

34-43-24-03-0000A.0000
HART CENTERS VII LTD
NOBLE MANAGEMENT CO
5821 LAKE WORTH DR
GREENACRES, FL 33463

34-43-24-03-0000B.0000
HART CENTERS VII LTD
NOBLE MANAGEMENT CO
5821 LAKE WORTH DR
GREENACRES, FL 33463

34-43-24-01-00031.006A
SEIN MOISES +
44 JOHNSON LN
MADISON, CT 06443

34-43-24-01-00034.0030
COMBS ELZA + MARILYN
569 STOCKTON ST
NORTH FORT MYERS, FL 33903

34-43-24-01-00034.0020
DUNBAR JAMES L
567 STOCKTON ST
N FT MYERS, FL 33903

34-43-24-01-00031.0040
AVILA IRIS N +
242 DEL RAY AVE
FORT MYERS, FL 33905

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

ORDER FOR CONTINUANCE

CASE NUMBER: **DCI2005-00055**
APPLICANT: **ATHYRIO DEVELOPMENT ASSOCIATES, LLC, in reference to DIPLOMAT PROPERTY RPD/CPD**
RESPONSE DATES: **JANUARY 27, 2006 and FEBRUARY 3, 2006**

The hearing on the above-styled case began as scheduled on January 12, 2006 and was continued to January 13, 2006. At the conclusion of the presentations of Staff and Applicant and, following the comments and presentations of other interested parties present, the matter was continued to the date and time set forth below to allow the Staff and the Applicant to submit additional materials, only as requested by the Hearing Examiner, which are responsive to questions, issues and concerns which arose during the course of the proceedings.

Written submissions shall be in the form of:

1) Applicant's submittal of a revised Master Concept Plan (MCP), as discussed in the public hearing, to Staff by **JANUARY 27, 2006** at 5:00 p.m.;

2) Applicant's submittal of Condition language for Commercial Parcels 1, 2 & 3 to Staff by **JANUARY 27, 2006** at 5:00 p.m.; and

3) Staff's submittal of the above referenced items 1) and 2), with their response thereto, to the Hearing Examiner's Office by **FEBRUARY 3, 2006** at 5:00 p.m.

This matter is continued to FRIDAY, JANUARY 27, 2006 and FEBRUARY 3, 2006 by 5:00 P.M., FOR SUBMISSION OF MATERIALS AS REQUESTED BY THE HEARING EXAMINER. At, or before this time, the requested materials will be submitted to the Hearing Examiner, *and other responding parties,* and the Hearing Examiner will determine if these submissions are sufficient. **NO HEARING WILL BE HELD AND NO TESTIMONY WILL BE HEARD.** If the Hearing Examiner determines that these submissions are insufficient, a subsequent hearing will be set to discuss this matter further and notices will be sent to all parties involved.

Accordingly, written submittals will be delivered to the Office of the Hearing Examiner, 1500 Monroe Street, Suite 218, Fort Myers, Florida, on or before these dates. Copies of this order will be furnished to the Staff, the Applicant, and all hearing participants.

DONE AND ORDERED this 13TH day of January, 2006.

DIANA M. PARKER
LEE COUNTY HEARING EXAMINER
P. O. Box 398 (1500 Monroe Street, Suite 218)
Fort Myers, Florida 33902-0398
Telephone: 239/479-8100 Fax: 239/479-8106

January 17, 2006

CERTIFICATE OF SERVICE

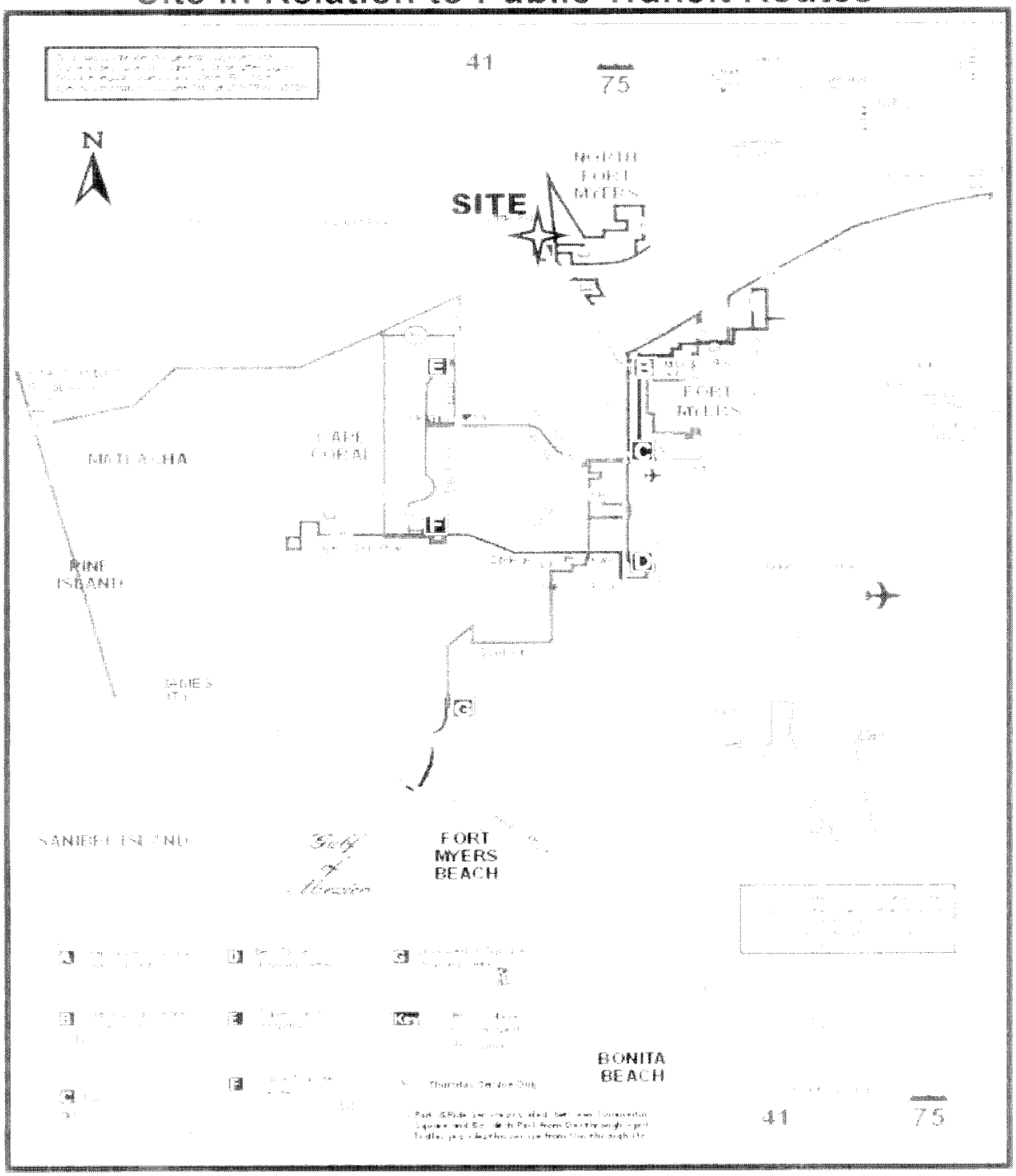
I HEREBY CERTIFY that a copy of the aforesaid Order was sent to all hearing participants, officially established as of the above Order date, either by U.S. Mail, Inter-County Mail, or Facsimile Transfer on the 17TH day of January, 2006.

Suzanne Hunter-Galvan
Office Manager

January 17, 2006

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

Exhibit 1-C
Diplomat Property – Route 90
Site in Relation to Public Transit Routes



Fare Information

Adult Fare	$1.00
Discount Fare	$ .50
(available with Medicare card, or as a Disabled Citizen, Senior Citizen {65 or older} or under 18 Citizen with valid LeeTran ID)	
Pre-School Children (under 42 in.)	Free
Transfers	$ .15
(Must be purchased when boarding)	

Passes

All Day Pass	$ 3.00
Adult Monthly Pass	$30.00
Student Monthly Pass	$25.00
Senior/Disabled Monthly Pass	$18.00
Adult Twelve Trip	$10.00
Student Twelve Trip	$ 7.50
Senior Twelve Trip	$ 5.00

Exact Fare Needed
Se require cambio exacto

Tarifas para Adultos	$ 1.00
Tarifas para Ancianos e Impedidos 65 años	$ .50
De edad o mayor (con tarjeta de Medicare)	
Pre-escolar niños (menos de 42 pulgadas)	No Pagan
Boleto de transbordo	$ .15

Pases

Pase Para de Dia	$ 3.00
Pase Mensual para Adultos	$30.00
Pase Mensual para Estudiantes	$25.00
Pase para Ancianos e Impedidos	$18.00
Pase de Doce Viajes para Adultos	$10.00
Pase de Doce Viajes para Ancianos	$ 5.00
Pase de Doce Viajes para Estudiantes	$ 7.50

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So. Fort Myers	Edison Community College Student Services Building
Cape Coral	City Hall 1015 Cultural Parkway

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- **Lee Tran provided over 2.3 million passenger trips and 100,000 para-transit trips last year.**
- **Ridership has increased over 70% since 1996.**
- **Riding on public transit is 170 times safer than driving.**
- **Lee Tran was the first transit agency in Florida to install bike racks on its entire fleet of buses.**

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- VIP Center
- Merchants Crossing
- Slater Road
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- Shell Factory
- Crossings Apts

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North Shore Shopping Center	70, 140

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NORTHBOUND

	1 North Shore Shops	2 Pondella & Bus 41	3 Merchants Crossing	4 Coon & Slater Rd	5 Tucker & Ebson	3 Merchants Crossing	6 Crossings Apts.	3 Merchants Crossing
1	6:10	6:12	6:20	6:32	6:43	6:58	7:03	7:10
2	7:10	7:12	7:20	7:32	7:43	7:58	8:03	8:10
1	8:10	8:12	8:20	8:32	8:43	8:58	9:03	9:10
2	9:10	9:12	9:20	9:32	9:43	9:58	10:03	10:10
1	10:10	10:12	10:20	10:32	10:43	10:58	11:03	11:10
2	11:10	11:12	11:20	11:32	11:43	11:58	**12:03**	**12:10**
1	**12:10**	**12:12**	**12:20**	**12:32**	**12:43**	**12:58**	**1:03**	**1:10**
2	**1:10**	**1:12**	**1:20**	**1:32**	**1:43**	**1:58**	**2:03**	**2:10**
1	**2:10**	**2:12**	**2:20**	**2:32**	**2:43**	**2:58**	**3:03**	**3:10**
2	**3:10**	**3:12**	**3:20**	**3:32**	**3:43**	**3:58**	**4:03**	**4:10**
1	**4:10**	**4:12**	**4:20**	**4:32**	**4:43**	**4:58**	**5:03**	**5:10**
2	**5:10**	**5:12**	**5:20**	**5:32**	**5:43**	**5:58**	**6:03**	**6:10**
1	**6:10**	**6:12**	**6:20**	**6:32**	**6:43**	**6:58**	**7:03**	**7:10**
2	**7:10**	**7:12**	**7:20**	**7:32**	**7:43**	**7:58**	**8:03**	**8:10**
1	**8:10**	**8:12**	**8:20**	**8:32**	**8:43**	**8:58**	**9:03**	**9:10**

PM times in **BOLD**

SOUTHBOUND

	3 Merchants Crossing	5 Tucker & Ebson	4 Coon & Slater Rd	3 Merchants Crossing	2 Pondella & Bus 41	1 North Shore Shops
2	5:10	5:23	--	5:40*	--	--
2	6:15	6:30	6:42	6:53	7:00	7:05
1	7:15	7:30	7:42	7:53	8:00	8:05
2	8:15	8:30	8:42	8:53	9:00	9:05
1	9:15	9:30	9:42	9:53	10:00	10:05
2	10:15	10:30	10:42	10:53	11:00	11:05
1	11:15	11:30	11:42	11:53	**12:00**	**12:05**
2	**12:15**	**12:30**	**12:42**	**12:53**	**1:00**	**1:05**
1	**1:15**	**1:30**	**1:42**	**1:53**	**2:00**	**2:05**
2	**2:15**	**2:30**	**2:42**	**2:53**	**3:00**	**3:05**
1	**3:15**	**3:30**	**3:42**	**3:53**	**4:00**	**4:05**
2	**4:15**	**4:30**	**4:42**	**4:53**	**5:00**	**5:05**
1	**5:15**	**5:30**	**5:42**	**5:53**	**6:00**	**6:05**
2	**6:15**	**6:30**	**6:42**	**6:53**	**7:00**	**7:05**
1	**7:15**	**7:30**	**7:42**	**7:53**	**8:00**	**8:05**
2	**8:15**	**8:30**	**8:42**	**8:53**	**9:00**	**9:05**
1	**9:15**	**9:30**	**9:42**	--	--	--

PM times in **BOLD**

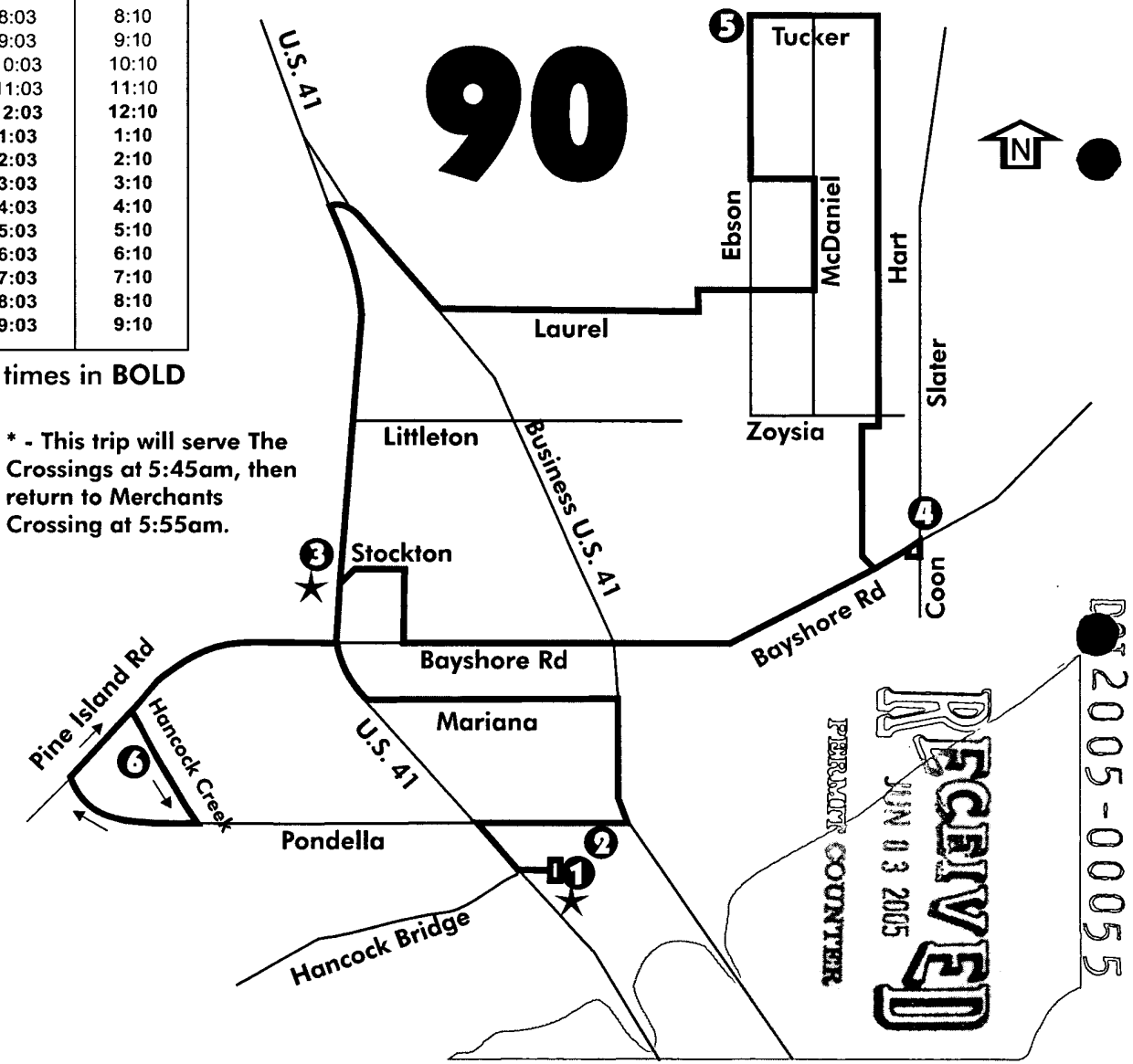
All times are approximate

*** - This trip will serve The Crossings at 5:45am, then return to Merchants Crossing at 5:55am.**

Route 90 Landmarks

1. North Shore Shop Ctr
2. Human Services
3. Merchants Crossing
4. Coon & Slater Rd
5. Tucker Ln & Ebson
6. Crossings Apts.

★ Transfer Locations



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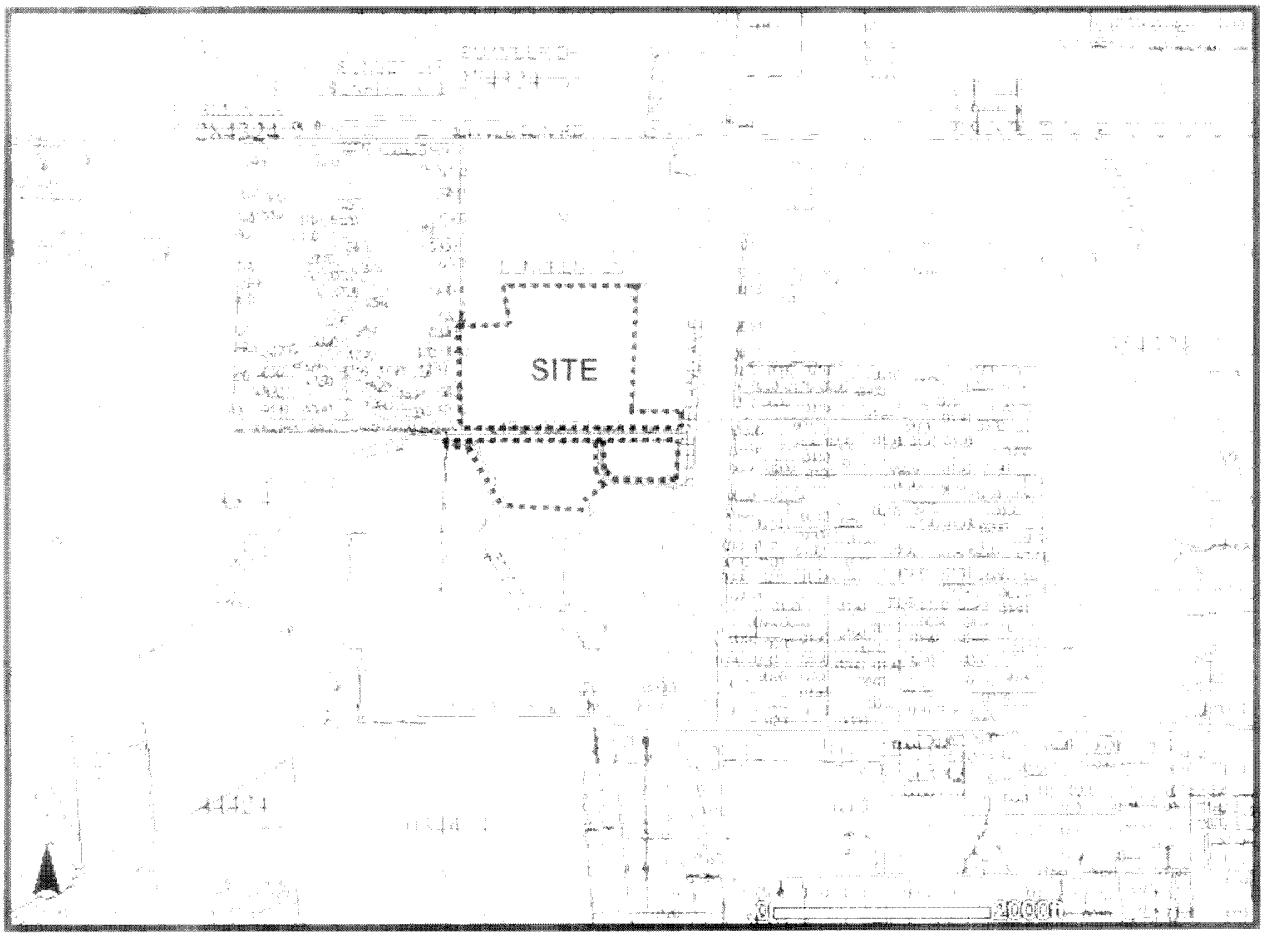
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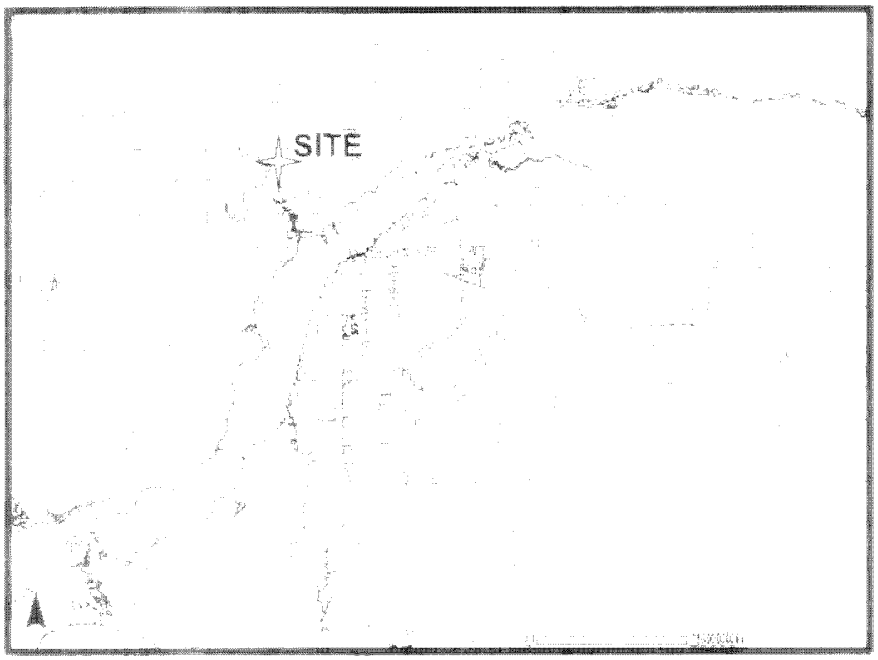
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Area Location Map – Diplomat Property





Vicinity Map



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AERIAL PHOTOGRAPH

DIPLOMAT PROPERTY RPD/CPD

LEE COUNTY, FLORIDA

Calusa Coast Ecologists, Inc.

HABITAT, PROTECTED SPECIES, & HERITAGE TREE SURVEY REPORT

DIPLOMAT LAKES DEVELOPMENT - DIPLOMAT PKWY
51 ± ACRE PARCELS

Section 34, Township 43 South, Range 24 East
Lee County, Florida

DCI2005-00055

April 6, 2005

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Provided For:
Mr. John Kinsey
P.O. Box 811987
Boca Raton, FL 33481-1987

Prepared By:
Calusa Coast Ecologists, Inc.

To be Submitted To:
LEE COUNTY COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902

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Location Map
Soils Map
USGS Quad Map
FLUCCS Map
Protected Species Survey Map

1.0 INTRODUCTION

This document serves to provide a summary of the vegetation communities and the protected species survey conducted on the Diplomat Lakes property.

The 50.66± acre project site is located at 15501 North Cleveland Avenue, North Fort Myers, FL 33903, within Parcel STRAP No. 34-43-24-00-00001.3030. The entire parcel is approximately 65.58 acres in area, and includes an additional 14.92± acres to be retained by the Bennett Trust for proposed commercial development. The parcel is bound by North Cleveland Avenue and active pasture to the east, Serendipity mobile home park to the north, a north-south drainage ditch and Six Lakes Country Club mobile home park to the west, and Merchants Crossing commercial center to the south. Diplomat Parkway bisects the parcel from east to west.

2.0 METHODOLOGY

In August, October, and December of 2004 and January 2005, Calusa Coast Ecologists, Inc. conducted surveys of vegetation communities, potential jurisdictional wetlands, and signs of wildlife usage on the subject parcel. A total of 59 man-hours of field observations were conducted.

In accordance with the methodologies outlined in the *Florida Administrative Code (F.A.C.) Rule 62-340: Delineation of the Landward Extent of Wetlands and Surface Waters* and the *U.S. Army Corps of Engineers Wetland Delineation Manual* (1987), the site's vegetation, soils, and hydrologic indicators were examined. Numerous meandering transects were walked throughout the parcel. Dominant vegetation species in each stratum (canopy, mid-story, ground cover, and vines) for each ecological unit were noted, as well as less abundant plant species observed. Signs of hydrologic indicators were noted within each ecological unit. Photo-interpretation of habitat types was done using color rectified aerial photograph (scale = 1" to 100'). The USDA Soil Survey of Lee County was reviewed for soil types on the subject parcel.

The landforms and vegetation communities of the project site were classified in accordance with the "Florida Land Use, Cover and Forms Classification System" (FLUCCS) manual (FDOT, 1999), to Level III. AutoCAD 2000 software was utilized for mapping and acreage calculations of each FLUCCS Code unit.

A protected species survey was conducted on the subject property using a field methodology that met Florida Fish and Wildlife Conservation Commission (FFWCC) and Lee County standards. Biologists surveyed areas for listed species based on their potential habitat listed in the Lee County Code Appendix H. The survey included an in-depth gopher tortoise burrow survey, red cockaded woodpecker cavity tree survey, and Big Cypress fox squirrel survey. The survey also included potential heritage trees, and all pines and live oaks that met the heritage tree criteria were flagged and marked on aerial maps for maps to be located via professional land survey. Field observers were equipped with compass, aerial, binoculars, wildlife identification

books, and field notebooks. Numerous meandering transects were walked in the various habitats of the 50.66± acre project site, as well as along all property boundaries. The survey resulted in visual coverage of representative areas of the major habitat types, totaling approximately 80% of the site, in accordance with the Lee County Land Development Code. During survey transects, the biologists periodically stopped, looked for protected plants and wildlife, signs of wildlife, and listened for wildlife vocalizations. The approximate locations of observed protected wildlife species or their signs (burrows, nests, cavities, tracks, scat, calls) were recorded in field notebooks. In the same fashion, sightings of non-protected wildlife species were recorded. The survey methodologies described above are generally consistent with those prescribed by the FFWCC in the document entitled, *"Wildlife Methodology Guidelines for Section 18.D of the Application for Development Approval"* (FFWCC 1988), except that no small mammal sampling or herpetofaunal surveys were conducted.

A search of the Florida Fish & Wildlife Conservation Commission (FFWCC) database was conducted to determine if any active bald eagle nests have been recorded on or within one mile of the subject parcel from 1997 through 2002. The FFWCC and Lee County Natural Resources Dept. were also contacted to determine if any new nests have been recorded within the area during the 2003 and 2004 nesting seasons.

Table 1. Protected Species and Biological Survey Details

Ecologist[1]	Date	Time		Field Hours[2]
IB, AA	8/5/04	9:00 am – 12:00 pm		6.0
IB, AA	10/1/04	10:00 am – 2:00 pm		8.0
IB, AA	10/2/04	8:00 am – 2:00 pm		12.0
IB, AA	12/8/04	11:00 am – 3:00 pm		8.0
IB, AA	12/9/04	10:00 am – 3:00 pm		10.0
IB, AA	12/28/04	8:30 am – 12:00 pm		7.0
IB, AA	1/11/05	10:00 am – 2:00 pm		8.0
Total Hours				**59.0**

NOTES:
1. IB = Ilene Barnett, M.S.
   AA = Arden Arrington
2. Includes total staff field hours.

3.0 GENERAL SITE CONDITIONS AND LANDSCAPE SETTING

The proposed project is located in North Fort Myers, just east of the Cape Coral city limits. Diplomat Parkway East, a four-lane divided roadway, bisects the property from east to west,

dividing it into north and south portions. The northern portion of the site consists of 37.64± acres, and the southern portion of the site consists of 13.02± acres.

The subject parcel is primarily characterized as pine and palmetto habitat, with a wetland in the southern portion, and a large borrow pit in the northern portion of the site. Signs of homeless camping activity, trash such as beverage cans and bottles, shopping carts, mattresses, miscellaneous litter, etc., are found throughout the site. An active homeless camp exists around the borrow pit.

The project site is essentially surrounded by development and within an urban setting. Mobile home parks exist to the north and west (Serendipity and Six Lakes Country Club, respectively), and commercial property (Merchants Crossing) to the south. Active agricultural land, undeveloped commercial property, and U.S. 41, are located to the east of the subject site. East of U.S. 41 (North Cleveland Avenue), land uses include vacant commercial, single-family residential, and future planned mixed-use development.

A minor drainage ditch is located along the property's north boundary, which drains stormwater from the Serendipity mobile home park to the north, westward into the major drainage ditch located along the subject parcel's west boundary. This major drainage ditch flows southward along the property's west boundary, then through Merchants Crossing, draining eventually into Yellow Fever Creek and the Caloosahatchee River. The headwaters of this branch of Yellow Fever Creek is approximately 0.5 miles south of the subject parcel's southwest property corner, and the Caloosahatchee River is approximately 2 miles further to the south.

4.0 VEGETATION COMMUNITIES AND LAND USES

The approximate locations of vegetation communities and land uses on the project site and surrounding properties are provided on the attached **FLUCCS Map.** Please note that these are approximations based on ground-truthing and aerial photographic interpretation. The major land forms/vegetation communities were identified on the site and are summarized in **Table 2**, below, with descriptions following. **Appendix 1** attached provides a detailed list of plants observed on the site, including scientific names, wetland status, and nativity status.

Herbaceous dry prairie, <10% exotics (FLUCCS Code 310): There are two upland herbaceous areas within the south portion of the site, which comprise 1.45 acres. These are characterized by a predominance of upland and facultative ground cover vegetation, with sparse mid-story and canopy (<10% aerial coverage). The western herbaceous area is dominated with wiregrass, love grass, chalky bluestem, and other grass species. Saw palmetto, grapevine, narrowleaf silkgrass, blackroot, scrubby wax myrtles, and juvenile slash pines are also present. The eastern herbaceous area is dominated by lovegrass, bahia grass, and chalky bluestem. Other grasses, including finger grass and foxtail grass, partridge pea, chocolate weed, and other typical groundcovers are also present. Saw palmetto, juvenile cabbage palm, juvenile Melaleuca, and numerous juvenile slash pines, are also present. Primitive trails run through these habitats. No signs of hydrology were observed during the field observations, taken towards the end of the

wet season. The majority of the western prairie area is within the Malabar Fine Sand mapping unit, a weakly hydric soil (meets criteria for saturation only). The majority of the eastern prairie area is within the Oldsmar Fine Sand, Limestone substratum (non-hydric) soil mapping unit, with small portions within the Myakka Fine Sand (non-hydric) and Pompano Fine Sand, Depressional (hydric) soil mapping units. A soil pit was dug in the prairie area within the Pompano Fine Sand, Depressional soil mapping unit. The soil pit was dry to below 16", towards the end of the wet season. Weak signs of stripping were found, but did not meet the criteria outlined in the Hydric Soils of Florida handbook. Therefore, these areas should be considered as non-wetlands, based on a predominance of non-wetland vegetation, and lack of hydrologic and hydric soil indicators observed in the field.

Palmetto prairie, <10% exotics (FLUCCS Code 321): This habitat type is found scattered throughout the site, and comprises 13.25 acres. The ground cover and mid-story strata are dominated by saw palmetto. Many of these areas are characterized by extremely robust palmetto 6' in height or taller, with no signs of pedestrian or game trails. Occasional slash pine, live oak, laurel oak, and Melaleuca are sparsely scattered in the canopy. Other mid-story species include wax myrtle, winged sumac, rusty lyonia, gallberry, tar flower, Brazilian pepper, small slash pines, oaks, and Melaleuca. Other ground cover species include chalky bluestem, wiregrass, pennyroyal, narrowleaf silkgrass, grapevine, chocolate weed, partridge pea, blackroot, and four-petal St. John's wort. Grapevine and greenbriar vine are also abundant. These areas appear very xeric, with no signs of hydrology. Soil mapping units incorporated into these palmetto prairies include Malabar Fine Sand (weakly hydric), Wabasso Sand, Limestone Substratum (non-hydric), Oldsmar Fine Sand, Limestone Substratum (non-hydric), Myakka Fine Sand (non-hydric), and Pompano Fine Sand, Depressional (hydric). It is very likely that the historic construction of U.S. 41, Diplomat Parkway, other surrounding development, and the major drainage system to Yellow Fever Creek have sufficiently drained these areas such that they no longer support hydric conditions.

Pine Flatwoods, < 10% exotics (FLUCCS Code 411): Along with palmetto prairie, this is the dominant habitat type on the subject parcel, and covers approximately 15.64 acres. Dominant canopy vegetation is slash pine with scattered cabbage palms, live oak, laurel oak, and Melaleuca. Occasional earleaf acacia and carrotwood were also observed. The dominant mid-story and groundcover is saw palmetto. As described for the palmetto prairie habitat, many of these areas have extremely robust palmetto 6' in height or taller, with no signs of pedestrian or game trails. Other mid-story species include small slash pines, oaks, and cabbage palm, wax myrtle, winged sumac, rusty lyonia, gallberry, tarflower, Braziilian pepper, American beauty berry, and juvenile Melaleuca. Other ground cover species include grapevine, chalky bluestem, wiregrass, lovegrass, bahia grass, pennyroyal, narrowleaf silkgrass, partridge pea, Caesar weed, Spanish needles, poison ivy, ragweed, dogfennel, chocolate weed, blackroot, Carolina redroot, bluestems, four-petal St. John's wort, greenbriar vine, crowfoot grass, finger grass, scorpions tail, shortleaf rose gentian, and a variety of other herbaceous species. No signs of hydrology were observed. Soils are mapped as Malabar Fine Sand (weakly hydric), Wabasso Sand and Oldsmar Fine Sand, Limestone Substratum (non-hydric), and Pompano Fine Sand, Depressional (hydric). As described for the palmetto prairie habitats above, it is very likely that historic construction and drainage projects have sufficiently drained these areas such that they no longer support hydric conditions. Therefore, these areas should be considered as non-wetlands, based on a

predominance of non-wetland vegetation, and lack of hydrologic and hydric soil indicators observed in the field.

Table 2. Summary of Vegetation Communities

FLUCCS Code	Description	Approx. Area (acres)	Approx. % of site	Potential wetland / OSW status
310	Herbaceous dry prairie (<10% exotics)	1.45	3%	Non-wetland
321	Palmetto prairie (<10% exotics)	13.25	26%	Non-wetland
411	Pine flatwoods (<10% exotics)	15.64	31%	Non-wetland
411 E3	Pine flatwoods (50% - 75% exotics)	0.64	1%	Non-wetland
414	Pine – Oak (<10% exotics)	1.03	2%	Non-wetland
414 E3	Pine – Oak (50% - 75% exotics)	1.54	3%	Non-wetland
422	Brazilian pepper	0.90	2%	Non-wetland
5101	Drainage Ditches	0.57	1%	OSW
618 E1	Willow (10% - 25% exotics)	3.27	6%	Wetland
630	Wetland forested mix (<10% exotics)	0.11	<1%	Wetland
630 E2	Wetland forested mix (25%- 49% exotics)	0.37	1%	Wetland
630 E3	Wetland forested mix (50% - 74% exotics)	0.14	<1%	Wetland
641	Freshwater marsh (<10% exotics)	0.38	1%	Wetland
742 N	Borrow pit - North	10.65	21%	OSW
8146	Primitive trails	0.38	1%	Non-wetland
8147	Maintained road right-of-way	0.34	1%	Non-wetland
TOTAL		50.66	±100%	

Pine Flatwoods, 50% to 75% exotics (FLUCCS Code 411 E3): This 0.64 acre area is located along the northeast perimeter of the northern borrow pit. It is dominated by slash pines, along with Melaleuca and Brazilian pepper. The dominant native mid-story and groundcover is saw palmetto. This area is a vegetated berm, having been previously cleared and filled during the creation of the borrow pit. Olsmar Fine Sand is the mapped soil unit here, which is listed as non-hydric. This area is a non-wetland, based on soils, hydrology, and vegetation.

Pine – Oak, <10% exotics (FLUCCS Code 414): One area in the southern portion of the site is dominated by both pines and oaks (mostly laurel oaks, occasional live oak), with cabbage palm also being a dominant canopy species. It is approximately 1.03 acres in area, and similar in vegetation assemblage to the pine flatwoods habitat described above, but has a greater concentration of laurel and cabbage palm. Occasional Melaleuca and lead tree were also observed in the canopy stratum. The mid-story is dominated by smaller pines, oaks, and cabbage palms, as well as saw palmetto. Saw palmetto and grapevine dominate the ground cover, with some portions within this area having sparse ground cover and high concentrations of pine straw. Air potato was observed climbing on canopy species, especially at the north end of the habitat area. No signs of hydrology were observed. Soils are mapped as Oldsmar Fine Sand, Limestone Substratum (non-hydric), Myakka Fine Sand (non-hydric), and Pompano Fine Sand, Depressional (hydric). These areas should be considered as non-wetlands based on vegetation, and lack of hydrologic and hydric soil indicators observed in the field.

Pine – Oak, 50% - 75% exotics (FLUCCS Code 414 E3): This habitat type exists along the west property boundary of the northern portion of the site, adjacent to the major drainage ditch, and comprises 1.54 acres. The westernmost portions appear to be part of the spoil berm created when the ditch was originally excavated. Slash pines, laurel oaks, live oaks, and cabbage palm dominate the canopy. The mid-story consists of dense Brazilian pepper, with saw palmetto in both the mid-story and ground cover. No signs of hydrology were noted. Soils are mapped as Malabar Fine Sand, a weakly hydric soil. This area is a non-wetland, based on soils, hydrology, and vegetation.

Brazilian pepper (FLUCCS Code 422): This habitat type is present around most of the perimeter of the large borrow pit. These areas, comprising 0.90 acres of the site, are dominated by dense Brazilian pepper, with occasional pine, oak, Melaleuca, wax myrtle, and palmetto. Ground cover is sparse, consisting of ragweed, grapevine, crowfoot grass, and other opportunistic weedy species. Air potato is also present as a vine. No signs of hydrology were noted. Soils are mapped as Wabasso Sand, Limestone substratum (non-hydric). This area is a non-wetland, based on soils, hydrology, and vegetation.

Wetland Forested – Mix, <10% exotics (FLUCCS Code 630): This habitat type is represented within a relatively narrow strip of land comprising 0.11 acres, surrounding the western boundary of a willow marsh, on the southern portion of the property. It is dominated by laurel oaks, with slash pine, cabbage palm, and Melaleuca in the canopy and mid-story. Wax myrtle, Brazilian pepper and winged sumac are also present in the mid-story. Ground cover is relatively sparse, due to the shading effect of the canopy, and includes occasional saw palmetto, pepper vine, wild coffee, small buttonbush, grapevine, and greenbriar vine. No significant signs of hydrology were noted. Soils are mapped as Isles Fine Sand and Pompano Fine Sand, Depressonal, hydric soils. A soil pit was dug in this area and found to contain hydric field indicators, including a mucky dark surface. The soil pit was found to be dry, to below 16" in depth. This area appears to be "border-line" or transitional with regard to wetland jurisdiction.

Wetland Forested – Mix, 25% - 49% exotics (FLUCCS Code 630 E2): This habitat type is similar to FLUCCS Code 630 described above, and comprised 0.37 acres of the project site. It

is located along the southeastern boundary of the willow marsh, adjacent to the rear of the Merchant's Crossing commercial property. Exotics include Melaleuca and Brazilian pepper. Hydrologic indicators include weak stain lines and adventitious rooting on the Melaleuca. Soils are mapped as Isles Fine Sand, Depressional, a hydric soil. The dominant vegetation is classified as "facultative". This area is a jurisdictional wetland based on soils and hydrologic indicators.

Wetland Forested – Mix, 50% - 74% exotics (FLUCCS Code 630 E3): This habitat type is similar to FLUCCS Code 630 described above, and comprised 0.14 acres of the project site. It is located along the northeastern boundary of the willow marsh. Exotics include Melaleuca and Brazilian pepper. Hydrologic indicators include weak stain lines and adventitious rooting on the Melaleuca. Soils are mapped as Isles Fine Sand, Depressional, a hydric soil. The dominant vegetation is classified as "facultative". This area is a jurisdictional wetland based on soils and hydrologic indicators.

Streams and Waterways – Drainage ditches (FLUCCS Code 5101): A minor drainage ditch, is located along the property's north boundary, which drains stormwater from the Serendipity mobile home park to the north, westward into the major drainage ditch located along the subject parcel's west boundary. The portion of the ditch within the parcel boundaries is approximately 0.57 acres in area. During the October field investigations, this minor ditch was not holding water; however, the soils in the ditch were moist and hydrologic indicators were evident. There is an upland berm separating the upland portion of the subject property from the ditch.

The major drainage ditch located just outside the west parcel boundary flows southward along the property's west boundary, then through Merchants Crossing, draining eventually into Yellow Fever Creek and the Caloosahatchee River. During the field investigations, this ditch contained a considerable amount of water, which was flowing southward. The connection of this ditch to the headwaters of a branch of Yellow Fever Creek was field-verified.

The headwaters of Yellow Fever Creek is approximately 0.5 miles south of the subject parcel's southwest property corner, and the Caloosahatchee River is approximately 2 miles further to the south.

Willow – 10% - 25% exotics (FLUCCS Code 618 E1): This approximately 3.27 acre area dominates the wetland located in the southern portion of the site, which extends offsite into the Merchant's Crossing preserve area. It is vegetated predominantly with Carolina willow in the mid-story. Other species in the mid-story include Brazilian pepper, buttonbush, small Melaleuca, and wax myrtle. Ground cover includes torpedo grass, maidencane, horned beakrush, pickerel weed, duck potato, musky mint, peppervine, bushy bluestem, dollar weed, sedges, and capeweed. Standing water was observed during the wet season field visits, and saturated soils were found during the dry season field visits. Soils are mapped mostly as Isles Fine Sand, Depressional, with some area along its western perimeter mapped as Pompano Fine Sand, Depressional. Both soils are considered hydric. Based on predominance of wetland vegetation, signs of hydrology, and hydric soils, this area would be considered as jurisdictional wetlands.

Freshwater Marsh - < 10% exotics (FLUCCS Code 641): Areas within the willow wetland in the southern portion of the site, consisting of 0.38 acres, are dominated by wetland and aquatic groundcover species. These areas are dominated by maidencane, pickerel weed, duck potato, torpedo grass, climbing hempvine, dollar weed, sedges, and capeweed. Scattered mid-story species include Carolina willow, wax myrtle, Brazilian pepper, and small cabbage palms, laurel oaks, and Melaleuca. Standing water was observed during the wet season field visits and saturated soils were found during the dry season field visits. This wetland area has soils mapped as Isles Fine Sand – depressional, a hydric soil. Based on predominance of wetland vegetation, signs of hydrology, and hydric soils, this area would be considered as jurisdictional.

FLUCCS Code 742 N: The northern borrow pit is approximately 10.65 acres in area. The outer areas of the pit are deep, with the central portion being shallower. The central shallower area is densely vegetated by very large and robust stands of cattails, along with areas of Carolina willow. Melaleuca, wax myrtle, Brazilian pepper, Peruvian primrose willow, and a variety of wetland groundcover species are also present. Aquatic vegetation within the deeper areas consists primarily of hydrilla. This borrow pit has been in existence for more than 20 years, being noted on the USDA Soil Survey aerial photographs from the early 1980s, and the USGS Quad maps. It is likely that the central portion of the borrow pit is relatively shallow due to the presence of cap rock close to the surface, allowing the colonization of the cattails and willow.

Primitive Trails (FLUCCS Code 8146): Several cleared trails exist within the property, and vegetated with a similar assemblage as that noted for FLUCCS Code 310. These areas comprise approximately 0.38 acres of the site.

Maintained road right-of-way (FLUCCS Code 8147): Maintained road right-of-ways within the parcel boundaries comprise 0.49 acres of the site, and are vegetated with bahia and other grasses.

5.0 SOILS

According to the Lee County Soil Survey prepared by the Natural Resources Conservation Service (NRCS), six soil map units are present on the project site. These units include the following: (11) Myakka Fine Sand; (27) Pompano Fine Sand, Depressional; (34) Malabar Fine Sand; (39) Isles Fine Sand, Depressional; (42) Wabasso Sand – Limestone Substratum; and (50) Oldsmar Fine Sand, Limestone Substratum. The majority of the northern borrow pit is mapped as (99) Water (please refer to the attached **Soils Map**).

The following soils are listed as non-hydric in the Hydric Soils of Florida Handbook: Myakka Fine Sand, Wabasso Sand – Limestone Substratum, and Oldsmar Fine Sand, Limestone Substratum. These soil map units make up the majority of the site. All areas within these map units are clearly non-jurisdictional for wetlands.

The following soils are listed as hydric in the Hydric Soils of Florida Handbook: Malabar Fine Sand, Pompano Fine Sand, Depressional, and Isles Fine Sand, Depressional. Of these soils listed

as hydric, none of the areas mapped as Malabar Fine Sand appear to contain the field indicators for wetland jurisdiction. This is evidenced by both an absence of hydrologic indicators and a predominance of non-wetland vegetation. This discrepancy is generally caused by expected margin of error during the soil mapping efforts, by changes in hydrology from construction and development within the vicinity of the project site, or by normal circumstances (Malabar Fine Sand is a weakly hydric soil, meeting only the saturation criterion, and not the ponding or flooding criteria). The creation of the major drainage ditch which runs along the western property boundary of the project site, has likely caused a draw-down effect in these areas, converting them to more xeric habitat types.

The other two hydric soils, Pompano Fine Sand, Depressional and Isles Fine Sand, Depressional, are more strongly hydric soils (meet criteria for both saturation and ponding, but not for flooding). A portion of both these areas were found to meet the hydric soil criteria described in the Handbook, and thus qualify as hydric soils pursuant to the *Florida Administrative Code (F.A.C.) Rule 62-340: Delineation of the Landward Extent of Wetlands and Surface Waters* and the *U.S. Army Corps of Engineers Wetland Delineation Manual* (1987). These areas also meet the criteria for wetland jurisdiction based on dominant vegetation and signs of hydrology. However, other portions of these map units do not meet the wetland jurisdiction criteria for soils, hydrology, or vegetation. They may have been wetlands at one time; however, the construction of Diplomat Parkway, the interior access driveway, and various drainage and other construction projects in the vicinity would be likely causes of conversion of these areas to more xeric habitat types.

6.0 PROTECTED SPECIES & HERITAGE TREE SURVEY RESULTS

Preliminary protected species survey transect lines covered approximately 80% of the site, except within the Brazilian pepper monoculture areas, where the high densities of this exotic created impenetrable thickets, and the borrow pit. Approximately 59 man-hours were spent conducting the survey. The only protected species signs observed during the field investigations were gopher tortoises. A total of 11 gopher tortoise burrows (3 active, 5 inactive, and 3 abandoned), within the pine flatwoods and palmetto prairie areas, were found. No other listed species or their signs (burrows, scat, tracks, cavity trees, etc.) were observed on the project site. Protected species transects and approximate gopher tortoise burrow locations are shown in the attached **Protected Species Survey Map**.

Based on Appendix H of the Lee County LDC, **Table 3** lists all potential listed species that might occur on the site based on the FLUCCS Codes represented on the site, species presence, and likelihood of their occurrence. Included below is a discussion regarding each species that may be of concern at the project site.

American alligator: The American Alligator (*Alligator mississippiensis)* is listed as a species of special concern by Florida Fish & Wildlife Conservation Commission (FFWCC) and as threatened (due to similarity of appearance) by the U.S. Fish & Wildlife Service (USFWS). Although no alligators were observed during the protected species surveys, it is likely that

alligators utilize the borrow pit located in the northern portion of the site. The wetland located on the southern portion of the property may also support alligator usage.

American bald eagle: The American bald eagle (*Haliaeetus leucocephalus*), is listed as threatened by both the FFWCC and USFWS. Federal protection guidelines place restrictions on activities such as development, within a 1,500' radius of an active bald eagle nest. No bald eagle nests have been recorded on or within one mile of the project site, according to the FFWCC GIS database. (1997 to 2002). Updated information for 2003 and 2004 bald eagle nesting season has been requested of the FFWCC and Lee County. The Lee County Natural Resources Department indicates that no new nests have been discovered in this vicinity through the 2003/2004 nesting season (personal communication: Rebecca Sweigert). No bald eagles were observed on or flying over the project site.

Audubon's crested caracara: The crested caracara (*Caracara cheriway)* is listed as threatened by both the FFWCC and USFWS. This species prefers open grassland habitats and improved rangelands. It is unlikely that any caracara utilizes this project site. According to the Florida Breeding Bird Atlas, no known breeding areas or occurrences are present within the general vicinity of the project site. Most probable occurrences are located in the extreme eastern portions of Lee County. No caracara were observed during the field surveys.

Big Cypress Fox Squirrel: The big cypress fox squirrel (*Sciurus niger avicennia*) is listed as threatened by the FFWCC, and not listed by the USFWS. Appropriate habitat appears to be present on the site, specifically, in some of the pine flatwoods and pine-oak-cabbage palm habitats where there is a relatively open ground cover. No squirrels or their nests were observed during the protected species surveys.

Burrowing Owl: The burrowing owl (*Speotyto cunicularia*) is listed as a species of special concern (SSC) by the FFWCC, and not listed by the USFWS. Burrowing owls prefer dry open prairie and disturbed weedy sites for nesting. Shrubby areas, including those with a heavy cover of large saw palmettos, are not appropriate habitat for burrowing owls. The herbaceous dry prairie areas and road berms were thoroughly inspected in October and December of 2004, appropriate timing for observing signs of nesting. No signs of burrowing owls or their burrows were observed. Examination of the FFWCC GIS database indicates that no occurrences of burrowing owl nesting activities have been recorded in the vicinity of the project site.

Eastern Indigo Snake: The eastern indigo snake (*Drymarchon corais couperi*) is listed as threatened by the FFWCC and USFWS. It is typically associated with gopher tortoise burrows and favor pine flatwoods, palmetto prairies, and scrub habitats. Due to the presence of gopher tortoise burrows on the site, there is a potential that eastern indigo snakes may be present on the property. No indigo snakes were observed during the field surveys.

Everglades Mink: The Everglades mink (*Mustela vison evergladensis*) is listed as threatened by the FFWCC, and not listed by the USFWS. The Everglades mink is found in streams and freshwater marshes of the Big Cypress Swamp and the Everglades. The ditches, borrow pit, and isolated willow marsh wetlands on the project site do not appear to provide appropriate habitat for this

species. In addition, the project location and its landscape setting within the urban environment are not within the expected range for this species. No mink were observed during the field surveys.

Florida Black Bear: The Florida black bear (*Ursus americanus floridanus*) is listed as threatened by the FFWCC. It is a broad-ranging species that travels great distances. There is an extremely low potential that individuals would roam into the site, due to its adjacency to major roadways (U.S. 41, Diplomat Parkway) and residential and commercial development, as well as its setting within an urban area. No signs of black bear were noted during the species surveys.

Florida Panther: The Florida panther (*Felis concolor coryi*) is listed as endangered by both the FFWCC and USFWS. The project site is not located within primary or secondary panther habitat, or within the federal panther consultation area. Radio-telemetry data indicate that no panthers have been tracked within several miles of the project site. The level of commercial and residential development in the vicinity is a likely deterrent to panther use of the subject parcel. No signs of panther were noted during the species surveys.

Florida Sandhill Crane: The Florida sandhill crane (*Grus canadensis pratensis*) is listed as threatened by the FFWCC. It is almost identical in appearance to the Eastern greater sandhill crane (*Grus canadensis tabida*), which is found in Florida from October through February, and is a non-listed subspecies. The preferred nesting habitat of the sandhill crane is hydric pine flatwoods, wet prairies, and freshwater marshes, as well as pasture lands and open fields. No known sandhill crane nesting areas are present in the general vicinity of the project site. The project site is dominated by dense palmetto understory, not favorable habitat for sandhill cranes. No sandhill cranes were noted during the species surveys.

Gopher frog: The gopher frog (Rana areolata) is listed as a SSC by the FFWCC. It is a commensal species of the gopher tortoise, sharing its burrow. The presence of gopher tortoise burrows provides a potential that gopher frogs are present on the subject parcel. No gopher frogs were noted during the species surveys.

Gopher tortoise: The gopher tortoise (*Gopherus polyphemus*) is listed as a SSC by the FFWCC. There is an estimated 34.27 acres of appropriate gopher tortoise habitat on site, including FLUCCS Codes 310, 321, 411, 411 E3, 414, 414 E3, 8146, and 8147. A total of 11 gopher tortoise burrows (3 active, 5 inactive, and 3 abandoned) were observed during the surveys. **Appendix 2** provides the detailed Lee County density calculation for gopher tortoises on the site. Based on the density calculation, six (6) gopher tortoises are estimated to exist on the site. The County allows preserve densities of 3 gopher tortoises per acre; therefore, 2.0 acres of gopher tortoise preserve would be required.

Red Cockaded Woodpecker: The Red cockaded woodpecker (*Picoides borealis*) is listed as threatened for the FFWCC, and as endangered for the USFWS. No red cockaded woodpeckers (RCWs) or their cavity nests were observed during the surveys. It is unlikely that red cockaded woodpeckers use the site, since they require old-growth pine habitat with relatively open understory. The site does have a few large pines scattered throughout the site; however, the

predominant habitat consists of small caliper pines with extremely dense and tall palmetto understory. No known occurrences of RCW colonies exist in the general vicinity.

Snail Kite: The snail kite (*Rostrhamus sociabili)* is listed as endangered by both the FFWCC and USFWS. No snail kites were observed during the field surveys. According to the FNAI, preferred foraging habitat includes large, open freshwater marshes with low emergent vegetation. The wetland on site is heavily vegetated by willows, with a small area of open marsh (<0.4 acres). The borrow pit is heavily vegetated with cattails and willow. Therefore, the snail kite's preferred habitat is not present on site. The Florida Breeding Bird Atlas indicates no known nesting sites for this species within the general vicinity.

Southeastern American Kestrel: The southeastern American kestrel (*Falco spaverius paulus*) is listed as threatened by FFWCC and not listed by USFWS. There were no observances of this species during the field surveys. No known nesting sites for this species are recorded within the general vicinity. According to the FNAI, suitable nest sites include tall dead trees or utility poles with unobstructed views. Sandhill habitats are preferred, and if in pine flatwoods, open patches of grass or bare ground is needed since thick palmetto prevent detection of prey (FNAI, 2004). Since most of the site is characterized by a heavy palmetto understory, nesting is not likely.

Wading birds: Wading birds observed on the site include great blue heron and little blue heron (flyovers in vicinity of borrow pit). The wading birds, including herons, egrets, ibis, roseate spoonbill, and wood stork, have the potential to forage in the ditches, borrow pond, and wetlands when water levels are appropriate. No nesting sites were observed, and no breeding areas for these species have been recorded in the general vicinity of the site.

Listed plant species: Listed plant species that might occur on the site, based on FLUCCS codes, include Beautiful pawpaw, Curtis milkweed, Fakahatchee burmannia, Florida coontie, satinleaf, and twisted air plant. No listed plant species were observed during the protected species survey. Beautiful pawpaw prefers open pine flatwoods with wiregrass and dwarf live oak understories (FNAI, 2004). Curtis milkweed prefers scrubs and sandhills, i.e., leached white sand scrub, which is not present on the site (Taylor, 1998)

No critical habitat for federally or state listed endangered species exist on the site.

Non-listed species observed include Southern black racer, blue jay, mourning dove, black vulture, cardinal, flickers, Carolina wren, other song birds, and gallinule (in borrow pit). Other non-listed species signs include raccoon (scat) and armadillo (burrows).

Heritage Trees: In accordance with Section 10-415(b)(1)(b) of the Lee Co. LDC, the diameter at breast height (dbh) of all potential heritage trees on the site were measured. A total of nine (9) pines and five (5) oaks were found to have 20" or greater DBHs. These trees were flagged, and their approximate locations were marked on aerial photographs. Their approximate locations are noted on the protected species survey map.

Table 3. Listed Species by FLUCCS Codes (Appendix H of Lee Co. LDC)

Species	FLUCCS indicator	Observed individuals or signs	Potential for site utilization
Listed wildlife:			
American alligator	500 series, 742, 630, 641	None	Nests: Moderate
American bald eagle	(nest within 1,500' radius)	None	Nests: Moderate
Audobon's crested caracara	321	None	Nests: Very Low
Big Cypress fox squirrel	411, 610	None	Nests: Moderate
Burrowing Owl	310, 743, 8147	None	Burrows: Low
Eastern Indigo Snake	320 series, 411, 414, 743, 8147	None	GT burrows: High
Everglades mink	500 series, 630, 641	None	Dens: Very Low
Florida black bear	321, 411, 414, 630	None	Dens: Very Low
Florida panther	411, 414, 630	None	Dens: Very Low
Florida sandhill crane	310, 321, 641	None	Nests: Very Low
Gopher frog	320 series, 411, 743, 8147, 630	None	GT burrows: Moderate
Gopher tortoise	310, 320 series, 411, 414, 743, 8146, 8147	9 (active + inactive)	High
Limpkin	500 series, 630, 742	None	Nests: Low
Little blue heron	500 series, 600 series, 742	None	Nests: Low
Red Cockaded woodpecker	411	None	Nests: Low
Reddish egret	500 series, 618, 641, 742	None	Nests: Low
Roseate spoonbill	500 series, 600 series, 742	None	Feeding: Low
Snail Kite	641	None	Feeding: Low
Snowy egret	500 series, 600 series, 742	None	Nests: Low
Southeastern American kestrel	321, 411	None	Nests: Low
Tricolored heron	500 series, 600 series, 742	None	Nests: Low
Wood stork	610, 630, 641, 742	None	Nests: Low
Listed plants:			
Beautiful pawpaw	321, 411	None	Low
Curtis milkweed	320 series	None	Low
Fakahatchee burmannia	320 series, 411	None	Low
Florida coontie	320 series, 411	None	Low
Satinleaf	411	None	Low
Twisted air plant	610	None	Low

7.0 SUMMARY and CONCLUSIONS

The listed species that are known or likely to be currently utilizing the site, include gopher tortoises and their commensals, alligators, and wading birds. No other listed species are likely to be utilizing the site.

Prior to development of the site, a Gopher Tortoise Incidental Take Permit will be obtained from the FFWCC and gopher tortoises and their commensal species will be relocated to an approved gopher tortoise preserve area located on the project site. The plan will address protection of commensal species, which includes the eastern indigo snake and the gopher frog. The preserve area will have an associated gopher tortoise habitat management plan, a draft of which is attached to this Rezone application.

The wetland on the site will be preserved in its entirety with associated upland buffers and additional upland preserve areas. This, along with the project's proposed stormwater lakes, will continue to provide potential alligator and wading bird feeding areas.

8.0 REFERENCES

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APPENDIX 1. Vegetation List –Diplomat Lakes parcels

Common Name	*Scientific Name*	Wetland status (SFWMD)	Wetland status (Corps)	Exotic status
Air potato	*Dioscorea bulbifera*	UP	UP	EPPC I
American beauty berry	*Callicarpa americana*	UP	FACU-	Native
Bahia grass	*Paspalum notatum*	UP	FACU+	Not native
Blackroot	*Pterocaulon pycnostachyum*	UP	UP	Native
Bluestems	*Andropogon spp.*	UP to FACW	UP to FACW	Native
Brazilian pepper	*Schinus terebinthifolius*	FAC	FAC	EPPC I
Bushy bluestem	*Andropogon glomeratus*	FACW	FACW+	Native
Buttonbush	*Cephalanthus occidentalis*	OBL	OBL	Native
Cabbage palm	*Sabal palmetto*	FAC	FAC	Native
Caesar weed	*Urena lobata*	UP	FACU	EPPC II
Capeweed	*Phyla nodiflora*	FAC	FACW	Native
Carolina redroot	*Lachnanthes caroliana*	FAC	UP	Native
Carolina willow	*Salix caroliniana*	OBL	OBL	Native
Carrotwood	*Cupaniopsis anacardioides*	FAC	UP	EPPC I
Cattails	*Typha domingensis*	OBL	OBL	Native
Chalky bluestem	*Andropogon virginicus var. glaucus*	FAC	FACU	Native
Chocolate weed	*Melochia corchorifolia*	FAC	FAC	Not native
Climbing hempvine	*Mikania scandens*	FACW	FACW+	Native
Crowfoot grass	*Dactyloctenium aegyptium*	UP	UP	Not native
Dog fennel	*Eupatorium capillifolium*	FAC	FACU	Native
Dollar weed	*Hydrocotyle umbellata*	FACW	OBL	Native
Earleaf Acacia	*Acacia auriculiformis*	FAC	UP	EPPC I
Finger grass	*Eustachys petraea*	FAC	FACU-	Native
Foxtail grass	*Eustachys petraea*	FAC	FACU-	Native
Fourpetal St. Johns wort	*Hypericum tetrapetalum*	FAC	FACW	Native
Gallberry	*Ilex glabra*	UP	FACW	Native
Grapevine	*Vitis rotundifolia*	UP	FAC	Native
Greenbriar vine	*Smilax spp.*	UP	FACU to FACW	Native
Horned beakrush	*Rhyncospora inundata*	OBL	OBL	Native
Hydrilla	*Hydrilla verticillata*	OBL	OBL	EPPC I
Laurel oak (upland var.)	*Quercus laurifolia var. hemispherica*	UP	UP	Native
Laurel oak (diamond oak)	*Quercus laurifolia*	FACW	FACW	Native
Live oak	*Quercus virginiana*	UP	FACU+	Native

Common Name	*Scientific Name*	Wetland status (SFWMD)	Wetland status (Corps)	Exotic status
Love grass	*Eragrostis sp.*	FAC	FAC	Native
Maidencane	*Panicum hemitomon*	OBL	OBL	Native
Melaleuca	*Melaleuca quinquenervia*	FAC	FAC	EPPC I
Musky mint	*Hyptis alata*	FACW	OBL	Native
Narrowleaf silkgrass	*Pityopsis graminifolia*	UP	FAC	Native
Partridge pea	*Chamaecrista fasciculata*	UP	FACU	Native
Pennyroyal	*Piloblephis rigida*	UP	UP	Native
Peppervine	*Ampelopsis arborea*	UP	FAC+	Native
Peruvian primrose willow	*Ludwigia peruviana*	OBL	OBL	Not native
Pickerel weed	*Pontederia cordata*	OBL	OBL	Native
Poison ivy	*Toxicodendron radicans*	UP	FAC	Native
Ragweed	*Ambrosia artemisiifolia*	UP	FACU	Native
Rosy camphorweed	*Pluchea rosea*	FACW	FACW	Native
Rusty lyonia	*Lyonia ferruginea*	UP	FAC-	Native
Saw palmetto	*Serenoa repens*	UP	FACU	Native
Scorpions tail	*Heliotropium angiospermum*	UP	FACU	Native
Sedges	*Carex spp.*	FACW to OBL	FACW to OBL	Native
Shortleaf Rose gentian	*Sabatia brevifolia*	FACW	FACW	Native
Southern slash pines	*Pinus elliottii*	UP	FACW	Native
Spanish needles	*Bidens pilosa*	FAC	FACW	Native
St. John's wort	*Hypericum spp.*	UP to OBL	UP to OBL	Native
Tar flower	*Bejaria racemosa*	UP	FAC-	Native
Torpedo grass	*Panicum repens*	FACW	FACW-	EPPC I
Wax myrtle	*Myrica cerifera*	FAC	FAC+	Native
Wild coffee	*Psychotria nervosa*	FAC	UP	Native
Winged sumac	*Rhus copallinum*	UP	UP	Native
Wiregrass	*Aristida stricta*	FAC	FAC-	Native

APPENDIX 2

GOPHER TORTOISE DENSITY CALCULATIONS

Gopher Tortoise (*Gopherus polyphemus*) Density Calculation

Gopher Tortoise Density $=\{n/[L(W_1+W_2)]\}(43{,}560\ ft^2/acre)(C)$

Or: $=\{n/ (A \times \%A \text{ visually surveyed}\} (C)$

Where:
n= number of active plus inactive gopher tortoise burrows
A = acres of appropriate gopher tortoise habitat
C= Florida Fish and Wildlife Conservation Commission (FFWCC) gopher tortoise conversion factor

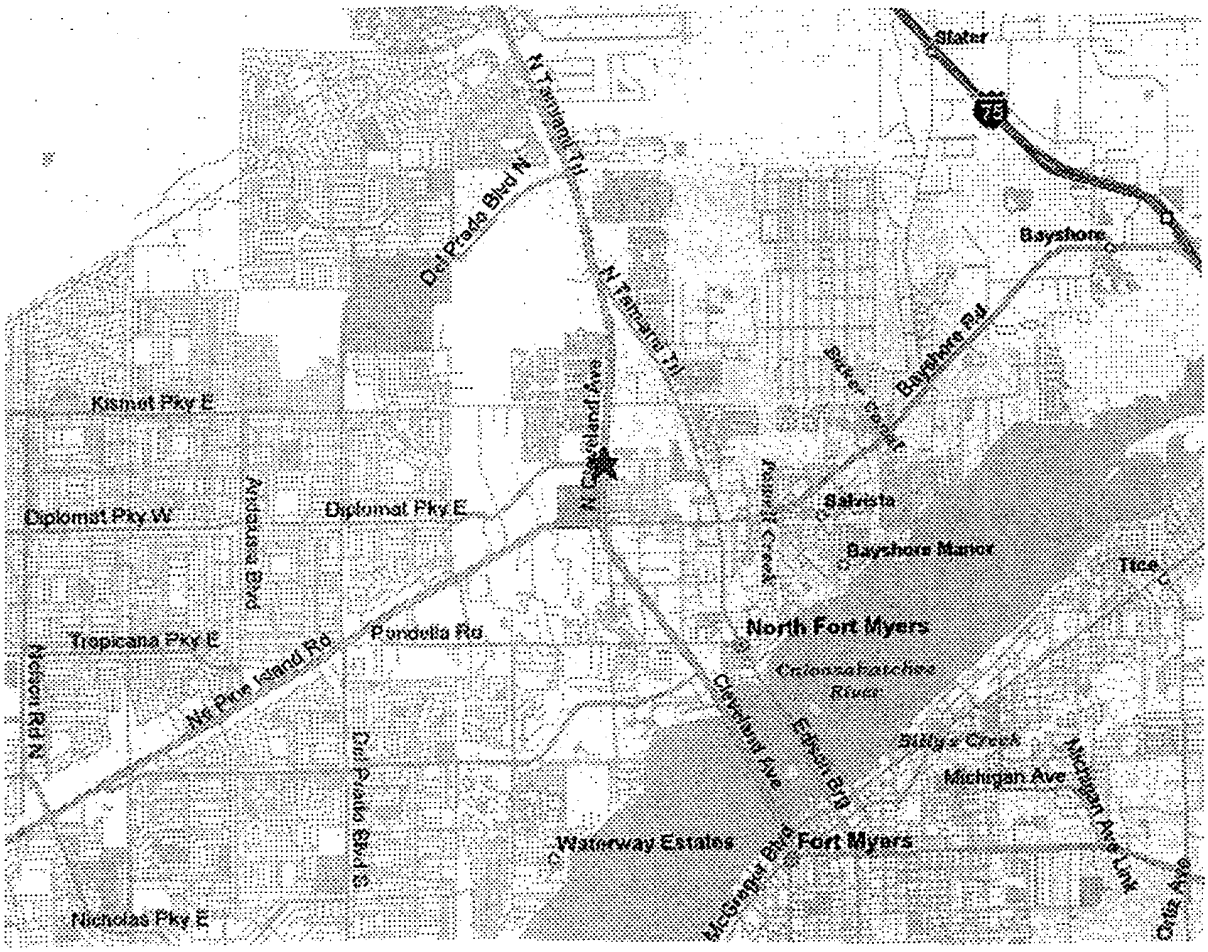
Total acreage of potential gopher tortoise habitat, including FLUCCS Codes 310, 321, 411, 411 E3, 414, 414 E3, 8146, and 8147 = 34.27 acres

= (8 / (34.27 x 0.8) (0.614)
= (8 / 27.42) (0.614)
= (0.29) (0.614)
= 0.18 gopher tortoises/acre

= (0.18 gopher tortoises/acre) (34.27 acres) = 6.14 or **6 gopher tortoises**

Preserve Area Required per FFWCC and Lee County allow 3 tortoises/acre:

6 gopher tortoises / (3 gopher tortoises/acre) = **2.0 acres of gopher tortoise preserve area**

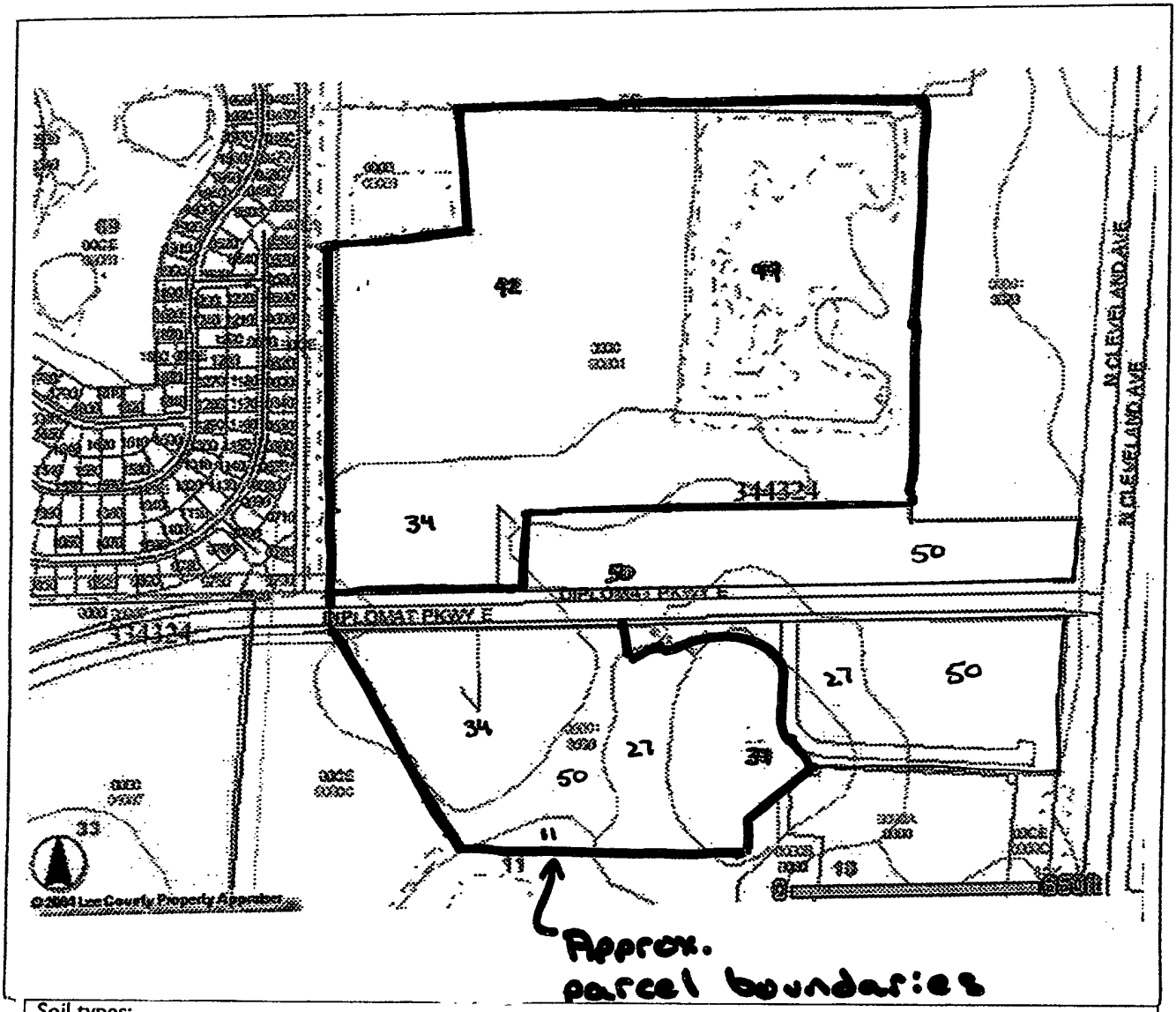


Diplomat Lakes 51± acres
Diplomat Parkway

Location Map

Calusa Coast Ecologists, Inc.

4666 Siesta Circle • Fort Myers FL 33901
Tel: (239) 939-7427 • Fax: (239) 274-3020



Soil types:

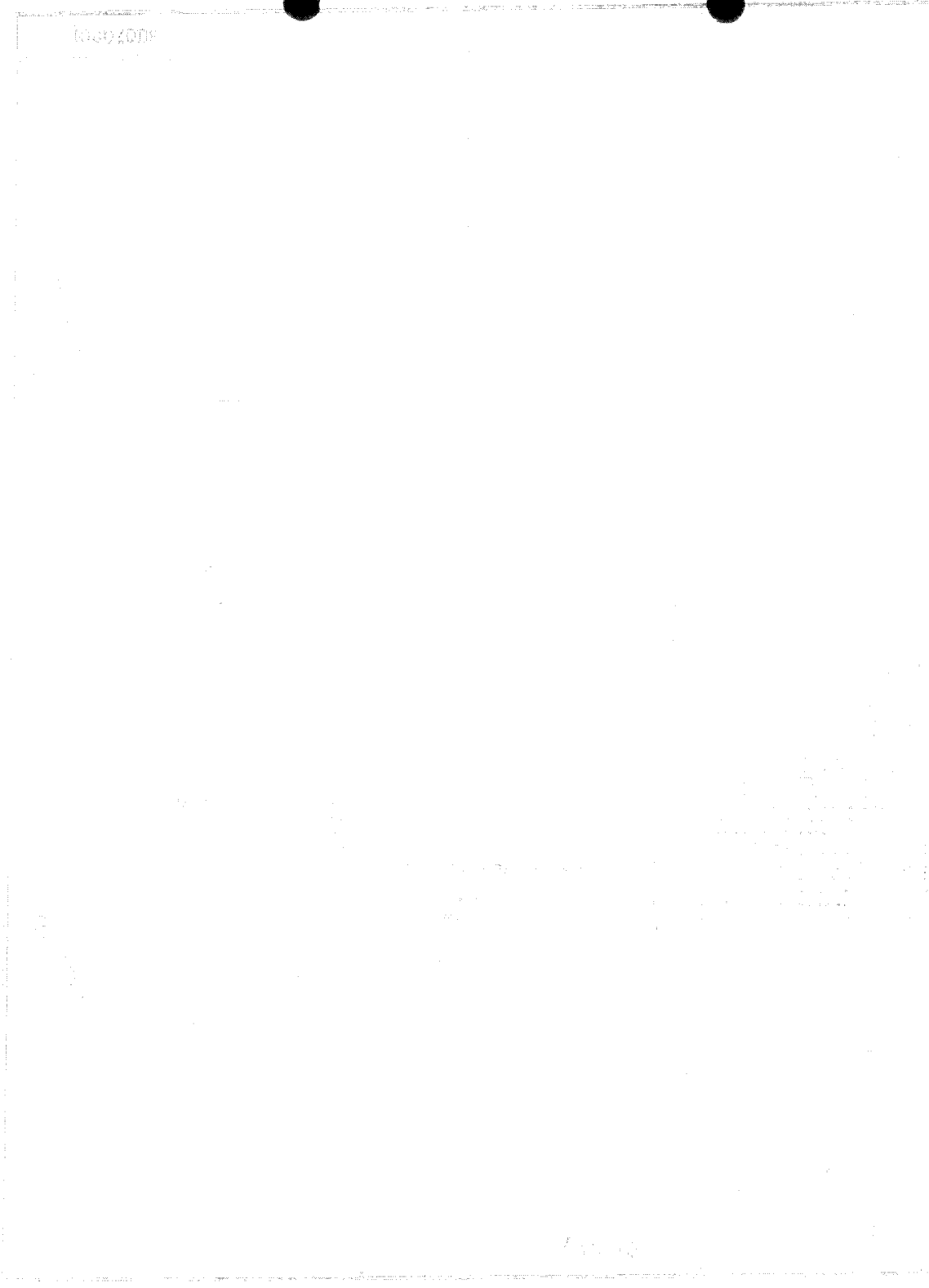
11- Myakka Fine Sand (non-hydric)
27- Pompano Fine Sand – Depressional (hydric)
34- Malabar Fine Sand (hydric)
39- Isles Fine Sand – Depressional (hydric)
42- Wabasso Sand, Limestone Substratum (non-hydric)
50- Olsmar Fine Sand, Limestone Substratum (non-hydric)
99- Water

Diplomat Lakes 51± acre Parcels

Soils Map

Calusa Coast Ecologists, Inc.

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Diplomat Lakes 5th Addition
Diplomat Parkway
USGS QUAD Map

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