



EXHIBITS

from HEX hearing

CASE #: DC12000-00070

CASE NAME: _____

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

ARE THERE ANY BOARD EXHIBITS? YES NO

LOCATION OF BOARDS:

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

EXHIBIT # **B**
 DCI 2000-00070



0 1000' 2000'
 GRAPHIC SCALE 1" = 1000'

VACANT AG-2

BONITA BEACH RD

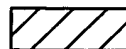
EXISTING RPD/DRI
 EXISTING USE-AGRICULTURE

SECTION 3

RURAL VACANT AG-2

VACANT

LEGAL DESCRIPTION OF EXISTING AGRICULTURAL USE:
 ALL OF SECTION 3, TOWNSHIP 48 SOUTH , RANGE 26 EAST ,
 LEE COUNTY FLORIDA ; CONTAINING 648.80 ACRES



EXISTING USE = ROW CROP

NO.	DATE	REVISION DESCRIPTION	BY
10			
9			
8			
7			
6			
5			
4			
3			
2			
1			

Banks Engineering, Inc.
 Professional Engineers, Planners & Land Surveyors
 Engineering License Number EB-0006469 - Surveying License Number LB 6690
 6640 WILLOW PARK DRIVE - SUITE "B" NAPLES, FLORIDA 34109
 PHONE: (941)597-2081 FAX: (941)597-2082
 10511 SIX MILE CYPRESS PARKWAY - SUITE 101 FORT MYERS, FLORIDA 33912
 PHONE: (941)939-5490 FAX: (941)939-2523
 1144 TALLEVAST ROAD - SUITE 115 SARASOTA, FLORIDA 34243
 PHONE: (941)360-1618 FAX: (941)360-6918

DESCRIPTION OF EXISTING AGRICULTURE USE									
CORKSCREW GROWERS PROPERTY									
LEE COUNTY, FLORIDA									
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
04-02-02	1360	1360_DESC	GAM	KIJ	DRU	1"=1000'	1	1	3-48S-26E

Staff recommends the following revision to the condition as set forth in the Staff recommendation dated March 14, 2002

Revise condition 8 as follows:

The Developer or his agent ~~shall be~~ is entitled to continue bona fide agricultural uses already existing on the property. These uses are limited to the areas identified on the attached map dated _____, prepared by _____ (Exhibit XX). Any existing agricultural uses.....

Revise condition 9 in its entirety, to read as follows:

The MCP must provide 125 feet of right-of-way along the western property boundary. This right-of-way alignment reflects the current planned extension of C.R. 951. The County agrees to accept the transfer of the title to the 125 foot right-of-way strip and will grant road impact fee credits for 100% of the land value, as valued on the day before the rezoning request is granted, provided the land transfer complies with LDC section 2-275(3)b.

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

WHEREAS, an application was filed by the property owner, Worthington Holdings, to rezone 345± acres from the Agricultural (AG-2) and Commercial Planned Development (CPD) zoning districts to Residential Planned Development (RPD), in reference to the Renaissance North RPD; and,

WHEREAS, a public hearing was advertised and held on October 3, 2001, and continued to October 10, 2001, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2000-00063; and

WHEREAS, a second public hearing was advertised and held on December 17, 2001, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 345±-acre parcel from AG-2 and CPD to RPD, to allow the development of 300 dwelling units, a golf course, and amenities including a private clubhouse all not to exceed 45 feet in height. The property is located in the Outlying Suburban and Wetlands Land Use Category and legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. The development of this project must be consistent with the one-page Master Concept Plan (MCP), entitled "Renaissance North RPD," prepared by Vanasse and Daylor, LLP, dated November 21, 2000, last revised January 25, 2002 and stamped "Received Jan 28 2002 Community Development," 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 MCP are subsequently pursued, appropriate approvals will be necessary.
2. The following limits apply to the project and uses:

STAFF'S EXHIBIT
#2
DCI2000-00070

a. Schedule of Uses - RPD

Administrative Offices
Accessory uses and structures
Dwelling Unit (Limited to 300 dwelling units and Subject to Condition 12):
 Conventional Single-Family Residence
 Duplex
 Zero Lot Line
 Townhouse
 Multiple-Family Building
Entrance Gate and Gatehouse, in compliance with LDC §34-1748
Essential Services
Essential Service Facilities, Group I
Excavation, water retention
Fences, walls
Golf Course
 Consumption on premises
Home occupation
Model Home, Model Unit
Recreation Facilities, Private on-site
 Parking lot, accessory
Recreation Facilities, Personal
Residential Accessory Uses
Signs, in compliance with LDC Chapter 30
Temporary uses (LDC §34-3041)

b. Site Development Regulations

Single Family Detached

Minimum Lot Size:

Lot Width: 50 feet
Lot Depth: 100 feet
Lot Area: 6,500 square feet

Maximum Building Height: 35 feet / 2 stories

Maximum Lot Coverage: 40 percent

Minimum Setbacks:

Front (street, private): 20 feet
Side: 5 feet
Rear: 15 feet (5 feet for an accessory structure)
Waterbody: 25 feet (10 feet for an accessory structure)

Duplex

Minimum Lot Size:

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

Maximum Building Height: 35 feet / 2 stories

Maximum Lot Coverage: 40 percent

Minimum Setbacks:

Front (street, private): 20 feet
Side: 5 feet
Rear: 15 feet (5 feet for an accessory structure)
Waterbody: 25 feet (10 feet for an accessory structure)

Two-Family Attached

Minimum Lot Size:

Lot Width Per Unit: 40 feet
Lot Depth: 100 feet
Lot Area Per Unit: 4,000 square feet

Maximum Building Height: 35 feet / 2 stories

Maximum Lot Coverage: 40 percent

Minimum Setbacks:

Front (street, private): 20 feet
Side: 10 feet
Side (interior): 0 feet
Rear: 15 feet (5 feet for an accessory structure)
Waterbody: 25 feet (10 feet for an accessory structure)

Zero Lot Line

Minimum Lot Size:

Lot Width: 50 feet
Lot Depth: 100 feet
Lot Area: 5,500 square feet

Maximum Building Height: 35 feet / 2 stories

Maximum Lot Coverage: 40 percent

Minimum Setbacks:

Front (street, private):	20 feet
Side:	10 feet
Side (interior):	0 feet
Rear:	15 feet (5 feet for an accessory structure)
Waterbody:	25 feet (20 feet for an accessory structure)

Multiple Family Building

Minimum Lot Size:

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

Maximum Lot Coverage: 40 percent

Minimum Setbacks:

Front (street):	25 feet
Side:	10 feet
Rear:	20 feet (5 feet for an accessory structure)
Water body:	25 feet (20 feet for an accessory structure)

Minimum Building Separation: one-half the sum of the building heights but not less than 20 feet

Maximum Building Height: 35 feet / 2 stories

3. At the time of development order submittal, the Applicant must provide evidence that the structural number of the proposed alternate pavement cross-section will equal or exceed the structural number of a "standard" Category A or B local road flexible pavement cross-section.
4. Bulkheads may be used as a design feature within the golf course and common areas up to 30 percent of the shoreline. Bulkheads may not be used within single-family tracts. The minimum required 4:1 excavation slope must be maintained at the intersection of the bulkhead at the surface water management control elevation. Lakes that utilize bulkheads must be designed to provide one linear foot of compensatory littoral shelf (8:1 slope) for each linear foot of bulkhead. LDC required littoral plantings must be concentrated within the compensatory littoral shelf. Prior to local development order approval, the location of bulkheads and compensatory littoral shelves must be delineated on the landscape plan, and the paving and grading plan.
5. Prior to local development order approval, the site must be surveyed specifically for Big Cypress fox squirrels. If fox squirrels are confirmed on-site, a management plan must be submitted for the Division of Environmental Sciences Staff review and approval.
6. Prior to local development order approval, a Florida black bear management plan must be submitted for the Division of Environmental Sciences Staff review and approval.

Environmental Sciences Staff will confer with the Florida Fish and Wildlife Conservation Commission (FWC) staff when reviewing the management plan.

7. The "Indigenous Preserve-Restoration Plan Renaissance," prepared by Boylan Environmental Consultants, Inc., dated April 17, 2001, revised October 1, 2001, is hereby adopted. Prior to local development order approval, (1) an exotic plant removal and native vegetation replanting schedule must be submitted for the Division of Environmental Sciences Staff review and approval; and (2) the development order plans must include the replanting plan delineating areas to be planted with the plant specifications for each area. Mechanical removal of exotic vegetation will only be permitted within areas consisting of 75 percent or greater melaleuca vegetative cover when coordinated with the Division of Environmental Sciences staff to ensure an appropriate mechanical removal method that does not disturb the natural ground contour. Native trees and preserve areas must be protected with barricading. Melaleuca trees removed from areas with 75 percent or greater melaleuca or the mulch resulting from these trees must be disposed of outside of the preserve in a manner consistent with the Land Development Code.
8. The final golf course design must preserve existing native areas. If the Applicant can demonstrate that it is not feasible to retain a minimum of seven acres of native tree areas, then a preservation and native tree transplanting plan must be submitted for the Division of Environmental Sciences staff review and approval. On-site meetings may be utilized to finalize the preservation and native tree transplanting plan. Prior to local development order approval, the landscape and paving/grading plans must delineate the native tree areas, any native tree donor locations, and any native tree recipient areas within the golf course tract.
9. Two access points must be provided to the Renaissance North RPD as depicted on the proposed MCP. One access point must connect the development to Palomino Road and the other access point must connect the Renaissance North RPD with Daniels Parkway via a roadway that extends through the property to the south of the subject parcel. Any modifications to the external vehicular access to the project as required by this condition will require an amendment to the MCP through the public hearing process. The developer agrees to hold Lee County harmless for any additional costs or similar loss that may result from construction being completed within the Renaissance North RPD prior to the connection to Daniels Parkway being accomplished or in the event the connection is never made.
10. The Renaissance North RPD and the Renaissance South RPD must each be amended through the public hearing process if the final development plan includes a combination of residential single-family and residential multiple-family dwelling units within Parcel E.
11. If the application for the Renaissance South RPD (DCI2001-00017) is not approved within one year of the date of this approval, or is approved as an RPD in a manner that the Director of the Department of Community Development determines to be inconsistent or incompatible with the Renaissance North MCP, then the Applicant shall submit modifications to the Renaissance North MCP as may be necessary to provide for consistency and compatibility with property to the south. Such changes may be approved administratively if they meet the criteria for administrative approval provided in the LDC and determined by the Director; otherwise, such changes must be approved through the public hearing process.

12. The total density for the Renaissance North RPD and the Renaissance South RPD combined may not exceed 500 dwelling units.
13. Any and all existing easements must be reflected on the proposed MCP and incorporated into the design of the proposed development unless the existing easements are vacated in accordance with adopted county procedures.
14. 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.
15. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b), 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.
16. This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.
17. A golf course maintenance facility and clubhouse are not proposed as part of this RPD and are not permitted within this RPD. The location of any golf course maintenance facility and/or clubhouse on this property must be approved as part of a public hearing amendment to the planned development.
18. Prior to local development order approval, the landscape plan must provide cross-section details of the buffers along Penzance Road, Palomino Road and I-75 to provide a minimum of 20 trees (minimum 10 feet tall with 2-inch caliper), 70 shrubs (minimum 3-gallon container, 24 inches high), and 60 ground cover plants (minimum 1-gallon container) with a minimum of five trees and 66 shrubs per 100 linear feet planted on the road side of the fence/wall. A minimum 25-foot-wide planting area must be provided. No buffer or berm is to be installed along any preserve or flow-way located adjacent to any road.
19. The developer must incorporate, as part of the development order process, setbacks and/or other design elements that are necessary to keep storm water runoff from the slopes of the berms from impacting adjacent road rights-of-way above pre-development conditions. The I-75 berm must be set back a minimum of three feet from the I-75 right-of-way.
20. In accordance with LDC §34-377, the proposed MCP must be revised to incorporate the proposed buffers along the perimeter boundaries of the subject property. The golf course layout must be revised accordingly to accommodate all required buffers.
21. Golf Course Management and Design Condition:
 - a. Fertilizers with a low leaching potential (slow release) must be used, must not be applied after active growth of the turfgrass has ceased, and must be kept to the lowest reasonable levels; and

- b. To reduce sources of pollutants, especially nutrients and pesticides associated with the golf course, the golf course manager must implement a chemicals management plan which includes an integrated pest management (IPM) program and a nutrient management program such that nutrients and pesticides are used only when absolutely necessary. The program must address prevention, diagnosis, and limited treatment with pesticides when necessary rather than blanket treatment with broad spectrum pesticides as insurance against all pest species. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified targeted species. The regular widespread application of broad spectrum pesticides is prohibited. The IPM program must minimize the use of pesticides and must include the use of the US Department of Agriculture - Natural Resources Conservation Service (USDA-NRCS) Soil Pesticide Interaction Rating guide to select pesticides for use that have a minimum potential for leaching or loss from runoff. The nutrient management program must be based upon the USDA-NRCS Nutrient Management Standard and must include the use of soil tests to determine needed applications of nutrients. Only EPA-approved chemicals may be used. No turf managed areas (including fairways, tees, and greens) are permitted within 35 feet of wetlands or preserve areas. This chemicals management plan must be submitted to and approved by Lee County Natural Resources Staff prior to the development order approval.
- c. The golf course manager must coordinate the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients.
- d. The utilization of a golf course manager licensed by the state to use restricted pesticides and experienced in the principles of IPM is required. The golf course manager is responsible for ensuring that the golf course fertilizers are selected and applied to minimize fertilizer runoff into the surface water and the leaching of those same fertilizers into the groundwater.
- e. The storage, mixing, and loading of fertilizer and pesticides must be designed to prevent/minimize the pollution of the natural environment.
- f.
 - 1) Prior to the issuance of local development order approval, the developer must demonstrate compliance with "Best Management Practices for Golf Course Maintenance Departments," prepared by the Florida Department of Environmental Protection, May 1995, as amended.
 - 2) The development order must demonstrate separate mixing and loading facilities for pesticides, and provide a separate pesticide storage area, in compliance with materials specified in the above referenced document. The development order must demonstrate separate mixing and loading facilities for fertilizer, and provide a separate fertilizer storage area, in compliance with materials specified in the above referenced document.

- 3) The development order plans must indicate the construction material for all buildings in compliance with Best Management Practices for Golf Course Maintenance Departments.
 - 4) Equipment to apply pesticides and fertilizers must be stored in an area protected from rainfall.
- g. The golf course must be planted with a turfgrass cultivated variety that is drought and pest resistant, while requiring relatively low fertilizer use;
 - h. The irrigation system must operate on an "as needed" basis through the utilization of weather forecasting and ongoing assessment of the moisture content of the soil.
 - i. All fairways, greens, and tees must be elevated above the 25-year flood level, and all greens must utilize underdrains. The effluent from these underdrains must be pre-treated prior to discharge into the balance of the project's water management system.
 - j. Stormwater run-off must be pre-treated through an acceptable recreated natural system or dry retention and/or detention and water retention and/or detention system, prior to discharging the run-off into existing lake or wetland (any aquatic) systems.
 - k. Prior to development order approval for the golf course, the developer must conduct a pre-development groundwater and surface water analysis and submit the analysis to Lee County Division of Natural Resources. This analysis is intended to establish baseline data for groundwater and surface water monitoring for the project area. The analysis must be designed to identify those nutrients and chemicals that are anticipated to be associated with the project. Prior to commencing this baseline study, the developer must submit the methodology for review, comment, and approval by Lee County.
 - l. An annual monitoring report of ground water and surface water quality is required for the golf course operation. The monitoring program must include: testing to assess whether there are any herbicide, pesticide or fertilizer pollution of the water within the area of the golf course; identifying the locations for the ground water monitoring and testing on a map(s); setting forth the testing and recording requirements. The Developer must submit the test results with the monitoring report to the Lee County Natural Resource Division. The monitoring program will be established and operated at the expense of the Developer, or other comparable legal entity charged with the legal responsibility of managing the golf course. This plan will be evaluated in accordance with the directives of Chapter 62-302, F.A.C., water quality standards. Developer, or their successor(s), and Staff will review this monitoring requirement every three years to determine if reduction or elimination of the monitoring requirement is justified, and, if so, the condition may be proposed for modification through the public hearing process.

- m. If groundwater or surface water pollution occurs, as that term is defined by the rules or regulations in effect at the time of development order, and should the pollution be caused by the application of fertilizers, herbicides or pesticides to the golf course, the application of the material(s) containing the polluting agent must cease until there is a revised management plan. If mitigation is necessary to address the pollution, a mitigation plan approved by Lee County must be implemented by the Developer.

SECTION C. DEVIATIONS:

1. Deviation 1 seeking relief from the LDC §10-2916(3), was WITHDRAWN prior to hearing.
2. Deviation 2 seeks relief from the LDC §10-296(d) Table 4(7)(c)(1) requirement that street wearing surfaces meet FDOT Standard Specifications; to allow the use of decorative pavers or similar decorative paving materials for local streets within the project's rights-of-way. This deviation is APPROVED only for privately maintained streets and subject to Condition 3.
3. Deviation 3 seeking relief from the LDC §10-329(e)(1)(a), was WITHDRAWN at the public hearing.
4. Deviation 4 seeks relief from the LDC §10-329(e)(4) requirement that excavation bank slopes be no greater than 4:1; to allow the project to conform to the South Florida Water Management District (SFWMD) permit. This deviation is APPROVED, SUBJECT TO Condition 4.
5. Deviation 5 seeks relief from the LDC §10-421(a)(5) requirement prohibiting any portion of a buffer area that consists of trees and shrubs from being located in any easements; to allow planted buffers in easements. This deviation is APPROVED, provided the required trees are planted outside of any utility easement; however, the trees may be planted within drainage easements that do not contain any underground utilities. The required shrubs may be planted within either utility or drainage easements.
6. Deviation 6 seeks relief from the LDC §§10-253 and 34-1577 requirements for properties exhibiting soils, hydrology and vegetation characteristics of freshwater inundation be subject to additional regulations; to allow impacts and mitigation of wetlands as approved by the Army Corps of Engineers (ACOE) and SFWMD. This deviation is APPROVED.
7. Deviation 7 seeking relief from the LDC §10-355, was WITHDRAWN prior to hearing.
8. Deviation 8, seeking relief from the LDC §34-2194(c)(3)b, was WITHDRAWN prior to hearing.
9. Deviation 9 seeking relief from the LDC §§10-2221 and 10-254(a), was WITHDRAWN prior to hearing.
10. Deviation 10 seeking relief from the LDC §34-2013(a), was WITHDRAWN prior to hearing.

11. Deviation 11 seeking relief from the LDC §10-416 requirement that developments provide minimum buffers when abutting an adjacent use or zoning district; to eliminate the required buffer along the south property line. This deviation is APPROVED, SUBJECT TO Condition 11.

SECTION D. EXHIBITS:

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

- Exhibit A: The legal description and STRAP number of the property.
Exhibit B: Zoning Map (with the subject parcel indicated)
Exhibit C: The Master Concept Plan

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as conditioned:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

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

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

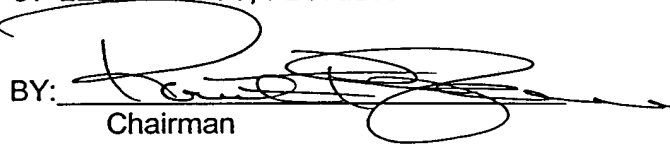
Robert P. Janes	Aye
Douglas R. St. Cerny	Absent
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 17th day of December, 2001.

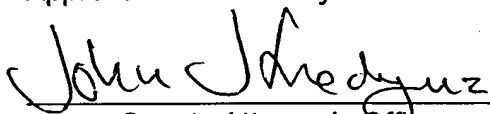
ATTEST:
CHARLIE GREEN, CLERK

BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Chairman

Approved as to form by:


County Attorney's Office

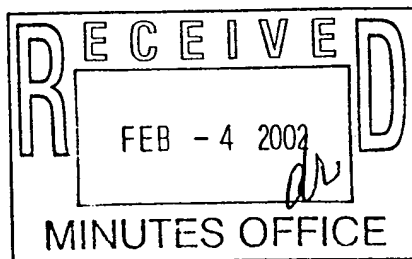
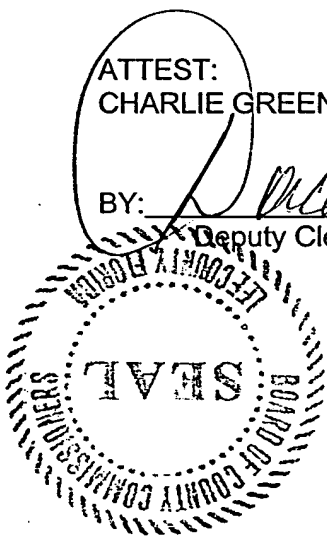


EXHIBIT "A"
LEGAL DESCRIPTION
Property located in Lee County, Florida

LEGAL DESCRIPTION FOR NORTH RENAISSANCE BOUNDARY

A PARCEL OF LAND LYING IN SECTION 15, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; SAID LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST 1/4 CORNER OF SECTION 15, TOWNSHIP 45 SOUTH, RANGE 25 EAST;
THENCE N 00°56'38" W, A DISTANCE OF 330.69' TO A POINT;
THENCE N 89°35'15" E, A DISTANCE OF 645.71' TO A POINT NEAR THE CENTERLINE OF PALOMINO ROAD AND ON THE EAST LINE OF THE WEST 1/2 OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 15;
THENCE N 00°57'24" W, A DISTANCE OF 2315.02' TO A POINT ON THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 15;
THENCE WITH SAID NORTH LINE N 89°34'12" E, A DISTANCE OF 1935.59' TO A POINT BEING THE NORTH 1/4 CORNER OF SECTION 15;
THENCE N 89°34'32" E, A DISTANCE OF 1560.79' TO A POINT ON THE WEST RIGHT OF WAY OF I-75;
THENCE WITH SAID WEST LINE THE FOLLOWING BEARINGS AND DISTANCES;
AROUND A NON-TANGENT CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 06°32'27",
AN ARC DISTANCE OF 2602.82', RADIUS OF 22800.31',
A CHORD BEARING OF S 05°04'21" W, A DISTANCE OF 2601.41' TO A POINT;
THENCE S 08°20'34" W, A DISTANCE OF 1104.33' TO A POINT;
THENCE AROUND A CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 08°01'01"
AN ARC DISTANCE OF 1619.92',
RADIUS OF 11577.25', A CHORD BEARING OF S 04°20'04" W, A DISTANCE OF 1618.60' TO A POINT;
THENCE S 89°33'10" W, A DISTANCE OF 955.04' TO A POINT BEING THE SOUTH 1/4 CORNER OF SECTION 15;
THENCE N 01°00'30" W, A DISTANCE OF 1324.08' TO A POINT;
THENCE S 89°34'58" W, A DISTANCE OF 1936.08' TO A POINT ON THE EAST LINE OF THE WEST 1/2 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 15 AND BEING NEAR THE CENTERLINE OF PALOMINO ROAD;
THENCE N 01°05'26" W, A DISTANCE OF 662.14' TO A POINT;
THENCE LEAVING SAID EAST LINE AND RUNNING S 89°35'11" W, A DISTANCE OF 645.55' TO A POINT ON THE WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 15; THENCE WITH SAID SECTION LINE N 01°06'40" W, A DISTANCE OF 662.19' TO THE POINT OF BEGINNING.

CONTAINING 344.723 ACRES MORE OR LESS.

(See attached sketch)

Surveyor and Mapper in Responsible Charge:
Roger H. Harrah, LS #5294
Professional Surveyor and Mapper
Community Engineering Services, Inc.
9200 Bonita Beach Road, Suite 213
Bonita Springs, FL 34135
LB #6572

Signed: *Roger H. Harrah*
Date: 04-10-01

Applicant's Legal Checked
by *gm 3/30/01*

Seal:

DCI 2000-00063

The applicant has indicated that the STRAP numbers for the subject property are:

15-45-25-00-00001.004A
15-45-25-00-00001.0090
15-45-25-00-00001.009A
15-45-25-00-00001.009B
15-45-25-00-00001.0150
15-45-25-00-00001.0200
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ZONING MAP

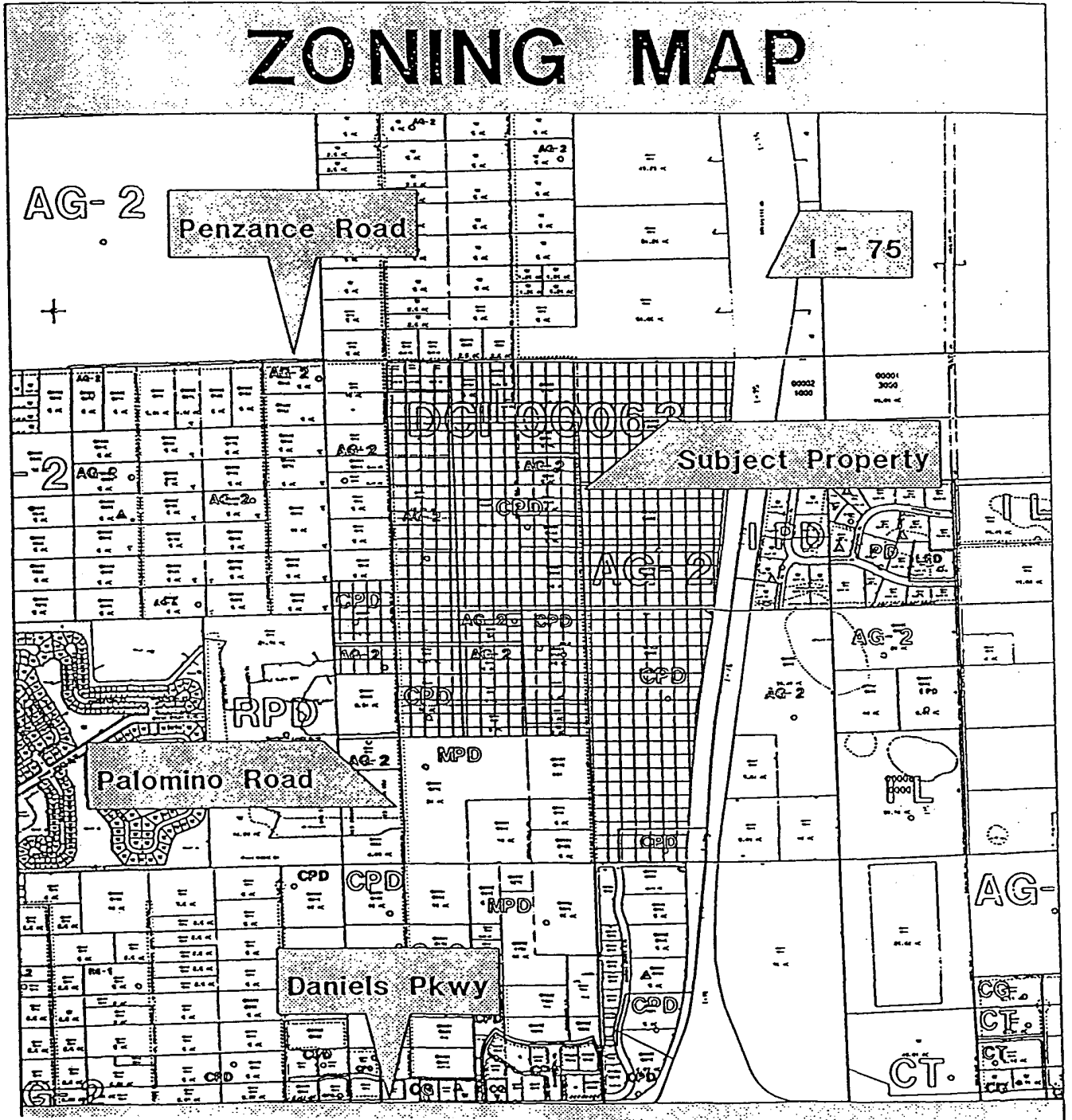


EXHIBIT "B"

PROJECT SUMMARY

Project Name: Renaissance North RPD - Master Concept Plan
 Project Location: 10100 West Bayhurst Drive, West Palm Beach, FL 33411
 Project Description: The proposed development consists of approximately 1,000 residential units, including single-family homes, townhomes, and multi-family units. The development is located in the northern portion of the Renaissance North RPD, bounded by US Highway 1 and the proposed Renaissance North RPD. The site is currently undeveloped and is zoned AG-2 (Agricultural General Use). The proposed development is consistent with the Comprehensive Land Use Ordinance (CLUO) and the Renaissance North RPD.

SCHEDULE OF USES

The proposed development is consistent with the following uses:

- Single-Family Residential
- Multi-Family Residential
- Townhomes
- Community Center
- Daycare
- Office
- Retail
- Public Use
- Open Space
- Preservation
- Indigenous Vegetation
- Water Conservation
- Energy Conservation
- Stormwater Management
- Soil Conservation
- Wildlife Conservation
- Historic Preservation
- Archaeological Resources
- Cultural Resources
- Scenic Resources
- Visual Resources
- Sound Resources
- Air Resources
- Water Resources
- Soil Resources
- Geological Resources
- Seismic Resources
- Other Resources

LAND USE SUMMARY / OPEN SPACE REQUIREMENTS

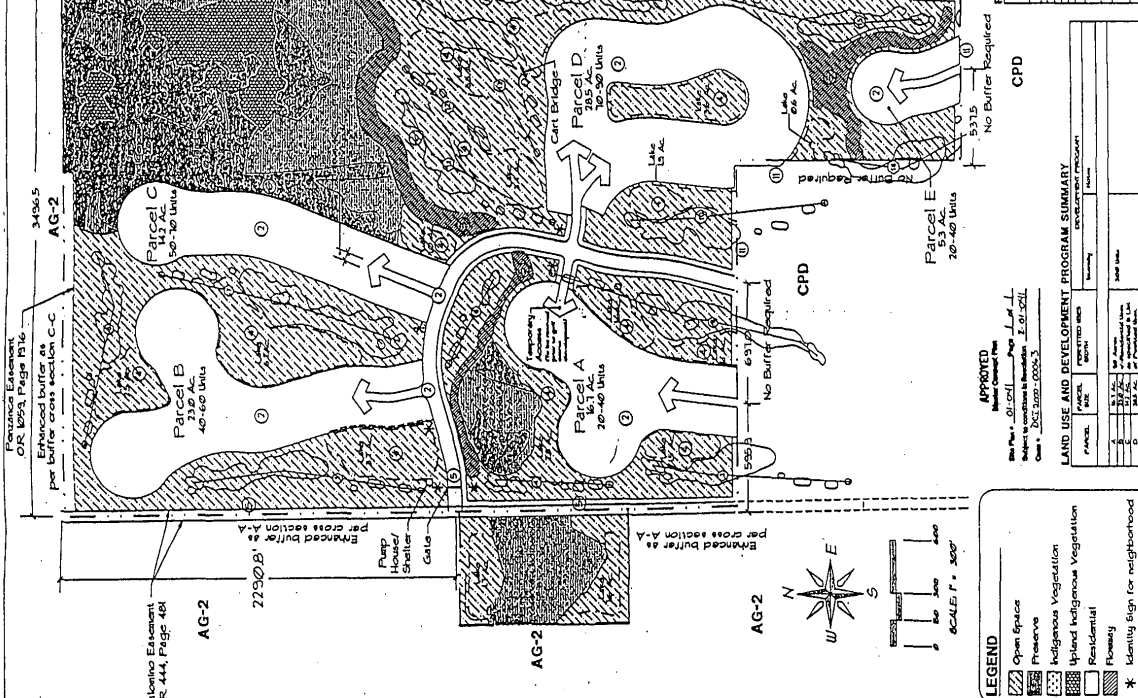
Category	Area (Acres)	Percentage
Open Space	100.0	10.0%
Preservation	100.0	10.0%
Indigenous Vegetation	100.0	10.0%
Water Conservation	100.0	10.0%
Energy Conservation	100.0	10.0%
Stormwater Management	100.0	10.0%
Soil Conservation	100.0	10.0%
Wildlife Conservation	100.0	10.0%
Historic Preservation	100.0	10.0%
Archaeological Resources	100.0	10.0%
Cultural Resources	100.0	10.0%
Scenic Resources	100.0	10.0%
Visual Resources	100.0	10.0%
Sound Resources	100.0	10.0%
Air Resources	100.0	10.0%
Water Resources	100.0	10.0%
Soil Resources	100.0	10.0%
Geological Resources	100.0	10.0%
Seismic Resources	100.0	10.0%
Other Resources	100.0	10.0%

PROPERTY DEVELOPMENT REGULATIONS

Property	Area (Acres)	Regulation	Notes
Parcel A	16.5 AC	AG-2	Enhanced buffer-A-A
Parcel B	23.2 AC	AG-2	Enhanced buffer-A-A
Parcel C	50.70 Units	AG-2	Enhanced buffer-A-A
Parcel D	78.5 AC	AG-2	Enhanced buffer-A-A
Parcel E	53 AC	AG-2	Enhanced buffer-A-A

LAND USE AND DEVELOPMENT PROGRAM SUMMARY

Parcel	Area (Acres)	Development	Notes
A	16.5	Residential	Enhanced buffer-A-A
B	23.2	Residential	Enhanced buffer-A-A
C	50.70	Residential	Enhanced buffer-A-A
D	78.5	Residential	Enhanced buffer-A-A
E	53	Residential	Enhanced buffer-A-A



LEGEND

- Open Space
- Preservation
- Indigenous Vegetation
- Water Conservation
- Energy Conservation
- Stormwater Management
- Soil Conservation
- Wildlife Conservation
- Historic Preservation
- Archaeological Resources
- Cultural Resources
- Scenic Resources
- Visual Resources
- Sound Resources
- Air Resources
- Water Resources
- Soil Resources
- Geological Resources
- Seismic Resources
- Other Resources

APPROVED

By: [Signature]
 Title: [Title]
 Date: [Date]

LAND USE AND DEVELOPMENT PROGRAM SUMMARY

Parcel	Area (Acres)	Development	Notes
A	16.5	Residential	Enhanced buffer-A-A
B	23.2	Residential	Enhanced buffer-A-A
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D	78.5	Residential	Enhanced buffer-A-A
E	53	Residential	Enhanced buffer-A-A

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

WHEREAS, Paula Davis, President of Keystone Customer Homes, Inc., filed an application on behalf of the property owner, Hermes Investment Company, Inc., to rezone a 314.6± acre parcel from Agricultural (AG-2) to Mixed Use Planned Development (MPD), in reference to Estero Golf Resort MPD; and

WHEREAS, a public hearing was advertised and held before the Lee County Hearing Examiner on March 14, 2001. The Hearing Examiner left the record open for written submissions until March 30, 2001. The Lee County Zoning Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2000-00032; and

WHEREAS, a second public hearing was advertised and held on May 7, 2001, 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 interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 314.6±-acre parcel from AG-2 to MPD to allow: 1) a maximum of 820 dwelling units consisting of a mix of unit types and including up to 100 units within an assisted living facility; 2) a golf course; 3) up to 320,000 square feet of retail uses; and 4) 20,000 square feet of office use. The application also included a request for consumption on premises and buildings not to exceed 55 feet and four stories.

The property is located in the Urban Community, Suburban and Wetlands Land Use Categories 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 (MCP) entitled "Estero Golf Resort," last revised 5/8/01, stamped "Received May 9 2001," and the conditions set forth herein. (The MCP has been revised to reflect the Board's action on May 7, 2001.) If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

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

a. **SCHEDULE OF USES**

(1) **RESIDENTIAL PORTION - TRACTS 5-12**

- Accessory Uses
- Administrative Offices
- Agricultural Uses, as limited by other conditions
- Assisted Living Facility, limited to Tracts MPD-5 only-maximum 100 units
- Club, Country including the following ancillary uses:
 - Consumption on Premises, limited to one for the clubhouse and one for the golf course only, includes outdoor seating
 - Food and Beverage Service
 - Golf Course Maintenance Facility, limited to MPD-7 only
 - Health Club and Spa
 - Restaurant, includes outdoor seating
 - Speciality Retail
- Dwelling Units - single-, two-, and multi-family units, zero lot line units, and townhouses - limited to a maximum of 820 for the entire project; and a maximum of 340 units for MPD-5
- Entrance Gates and Gatehouses
- Essential Services
- Essential Service Facilities, Group I
- Excavation, Water Retention - Not to include the removal of excavated material from the site
- Fences and Walls
- Golf Course, including Practice Greens and Driving Range - subject to further review during the development order process to determine appropriate locations and possible additional buffering or screening required for the practice greens and driving range
- Golf and Tennis Pro Shops (limited to ancillary use in clubhouse tract)
- Home Occupation, as limited by the LDC
- Model Homes, Model Units and Model Display Center
- Real Estate Sales and Rental Office - limited to sales of lots, homes or units within the development, except as may be permitted in §34-1951 *et seq.* The location of, and approval for, the real estate sales office will be valid for a period of time not exceeding five years from the date the Certificate of Occupancy for the sales office is issued. The director may grant one 2-year extension at the same location.
- Recreational Facilities, Personal and Private On-site, as defined and regulated by the LDC § 34
- Signs, in compliance with the LDC
- Storage, Open, recreational vehicles, boats and similar items for residents only, will only be permitted if administrative approval is sought showing the exact location of the use. Such uses, at a minimum, must be shielded behind a continuous visual screen at least eight feet in height when visible from any residential use, and six feet in

height when visible from any street right-of-way or street easement.
Temporary uses - limited to a sales center and a construction office, in compliance with the LDC for temporary uses

(2) COMMERCIAL PORTION - TRACTS 1-4

Accessory Uses
Administrative Offices
Agricultural Uses, as further limited by other conditions
Animal Clinic - outside kennels are prohibited
Auto Parts Store, subject to permitted Use Note B - limited also by Condition 16
Automobile Repair & Service, Group I only - subject to Permitted use Note B
Banks and Financial Establishments, all Groups
Broadcast Studio, Commercial Radio and Television - an on-site tower is prohibited
Business Services, Groups I & II, Group II - outdoor storage prohibited
Cleaning and Maintenance Services, no outdoor storage of vehicles
Clothing Stores
Computer and Data Processing
Consumption on Premises, subject to Permitted Use Note set forth in 2.a.(3)(B)C
Contractors and Builders, Group I only
Cultural Facilities, limited to Art Galleries and Museums
Daycare Center, Child and Adult
Department Store
Drive-through facility, must be located a minimum of 500 feet from any residential lot in The Vines
Drug Store, limited to Permitted Use Note B
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention - Not to include the removal of excavated material from the site
Fences and Walls
Food Stores, Groups I and II
Gift and Souvenir Shop
Hardware Store, limited to Permitted Use Note B
Health Care Facility, Groups I, II and III
Hobby, Toy and Game Shop
Hospice
Model Units and Model Display Centers - subject to conditions below
Non-store Retailers, all Groups, outdoor storage is prohibited
Offices, Medical
Package Store, limited to:
 Wine Shops, and
 Package Stores in conjunction with a Drug Store use only
Paint, Glass and Wallpaper Store

Personal Services, Group I, II - limited to Beauty Spas, Health Clubs or Spas, Reducing or Slenderizing Salons, Group III, and Group IV - limited to babysitting bureaus, debt counseling services, portrait copying, shopping services, and tax return preparation services

Pet Services
 Pet Shop
 Place of Worship
 Real Estate Sales and Rental Office
 Recreational Facilities, Personal and Private On-site only and only in conjunction with and on the same tract as any ancillary multi-family or townhouse uses
 Rental and Leasing Establishments, Group II - outside storage is prohibited
 Restaurants, Standard - Groups I, II, III & IV - subject to Permitted Use Note A
 Schools, Commercial
 Shopping Center
 Signs, in compliance with the LDC
 Social Services, Group I only
 Specialty Retail Shops, Groups I-IV
 Storage, Indoor only and only as an ancillary use
 Studios
 Temporary uses - limited to sales center and construction offices, in compliance with LDC regulations regarding temporary uses
 Variety Store
 Wholesale Establishments, Group III only

(3) ADDITIONAL USE CONDITIONS

(A) The following uses may be allowed in Wetland areas subject to review and approval by Environmental Sciences staff as part of development order review:

Interpretative centers, rain shelters gazebos
 Nature and foot paths including pedestrian boardwalks
 Wildlife management areas
 Mitigation activities
 Signs, limited to educational signs only

(B) The following Permitted Use Notes, apply to the uses referenced above (referenced in the Schedule of Uses as A, B & C):

- A. Must be located a minimum of 200 feet from any off-site property zoned for residential purposes
- B. Limited to Tracts MPD-3 and MPD-4
- C. Consumption on Premises (COP) (Four total approved)

(1) COPs are limited to a maximum of three for standard restaurants, one for the clubhouse and one for the

golf course.

- (2) COPs in Tract MPD-1 must first receive Special Exception or an Administrative Approval, whichever is deemed appropriate by the DCD Director. Since the proposed plan of development is only conceptual, this additional condition is necessary to ensure the placement of the COP use will be compatible with the surrounding land uses.

- (C) Uses in MPD Tract 1 are limited as follows:

Hours of operation for businesses open to the public are 7:00 a.m. until 10:00 p.m. Restaurants may be open until 11:00 p.m., Monday through Thursday and 12:00 midnight, Friday and Saturday

Deliveries are prohibited between the hours of 8:00 p.m. and 6:00 a.m.

Outside entertainment, speaker systems, loud speakers or public address systems are prohibited in MPD Tract 1.

b. SITE DEVELOPMENT REGULATIONS

Site Development Regulations are limited to the "Property Development Regulations," set forth in Exhibit B as revised on March 30, 2001:

- (A) General Project Square Footage Limitations:

- (1) Maximum overall commercial development is limited to 320,000 square feet of retail commercial uses, and 20,000 square feet of office uses, except as limited below; and
- (2) This project can be comprised of medical, general office, retail, or service uses (in compliance with the schedule above), or any combination of those uses, up to the maximum square footage, provided all limiting conditions, parking, open space, buffering, and water management requirements are met.
- (3) All special setback or development regulations contained in the LDC (as it may be amended) for any specific use must be met; and
- (4) The option to convert retail and office uses is approved with the limitation that no more than 21.94 acres of commercial acreage may be converted to office use; and
- (5) Retail Commercial square footage within the Suburban land

use category may not exceed 100,000 square feet. The development must provide cumulative totals for each development order submittal showing compliance with this condition.

(B) Outdoor Seating for COP uses:

- (1) Outdoor seating may not be located within 300 feet of a residential lot in The Vines; and
- (2) Outdoor seating must be located on the side of the principal structure that is opposite residentially zoned or used lot in The Vines; and
- (3) The outdoor seating must cease at 10:00 p.m., Monday through Thursday, and 11:00 p.m., Friday and Saturday;

3. Environmental Conditions: Prior to local development order approval, the developer must:

- a. Provide open space consistent with the Open Space and Indigenous Vegetation Table attached as Exhibit C. Each tract must provide a minimum of 10 percent open space.
- b. Submit development order plans that show a connection between the conservation area in the southeast corner of the MPD Tract-5 and the upland conservation area on the eastern side of the restored wetland. The wildlife connection will run under the road and include a set of two tunnels constructed of 36-inch-wide by 24-inch-high, elliptical concrete pipe. The plans will show the two elliptical wildlife connections placed under the road in a side by side position unless directed otherwise by Division of Planning/Environmental Sciences Staff. At a minimum, the bottom of the pipes will be placed no lower than the existing upland preserve grade to help prevent inundation within the pipes during the wet season.
- c. Submit a detailed wetland restoration plan to the Division of Planning/Environmental Sciences Staff for review and approval. Both the wetland restoration plan and littoral zones required by the LDC must be designed to provide foraging area for wood storks.
- d. Re-survey the potential Big Cypress fox squirrel nests on-site specifically for fox squirrel presence. The protected species survey must be prepared in accordance with LDC § 10-473 and submitted to the Division of Planning/Environmental Sciences for review and approval. If fox squirrel use of the site is verified, the developer must submit final management details in accordance with LDC § 10-474 including a phased exotic removal plan.
- e. Submit a detailed gopher tortoise management plan for review and approval by the Division of Planning/Environmental Sciences staff.
- f. Obtain a Vegetation Removal Permit to install barricades to protect preserves and conduct excavation of tortoise burrows to move the gopher tortoises within the

development tracts.

4. The Golf Driving Range is limited to operating during daylight hours.
5. Development order submittals must include a running inventory showing the overall number of units and commercial (retail and office) square footage that have been built, approved to be built, or are in the development approval process.
6. Sandy Lane Extension
 - a. As part of the first development order submittal, the developer must revise the MCP to reflect the planned extension of Sandy Lane along the eastern boundary of the site, consistent with the sketch set forth in the Lee County DOT Exhibit entitled, "Sketch and Description of Sandy Lane Extension," (Exhibit D) unless mutual agreement regarding a different alignment is reached between Lee County and the property owner(s). Lee County will compensate the property owner for the reservation of the property in accordance with the regulations set forth in Chapter 2 of the LDC; and
 - b. The minimum setback for a water retention lake from the road right-of-way must be no less than 25 feet from the western Sandy Lane right of way, consistent with LDC § 10-329(f)(1)a.2 and the sketch noted above, unless mutual agreement regarding a different alignment is reached between Lee County and the property owner(s). The developer must provide satisfactory elements for the protection of wayward vehicles. These elements may consist of fencing, berms, buffering or a combination of all three, however, the exact elements are subject to review and approval by Lee County; and
 - c. This project will be permitted one access point within the southern half of this project's frontage along the proposed Sandy Lane extension. This access point must align with the access point that is approved for the parcel on the tract on the east side of the Sandy Lane extension. (The access point onto Sandy Lane is not a required access point, except that at least one emergency access must be provided to a road other than Koreshan Boulevard as noted in Condition 11.)
7. Bona fide agricultural uses in existence at the time this resolution is finalized may continue until approval of the first local development order. However, no development activity of any kind may occur on the property, including clearing of vegetation or cutting of trees, unless that activity is reviewed and approved in accordance with the Lee County LDC regulations as if no agricultural use existed on the property. The purpose of this condition is to eliminate any exemption or other special considerations or procedures that might otherwise be available under Lee County regulations by virtue of the existing agricultural uses on the property.
8. No excess excavated material may be removed from the site unless the developer can demonstrate to the Director of the Department of Community Development that the material to be removed: 1) is unsuitable material that cannot be used on-site; and 2) the material must be excavated to meet the minimum requirements necessary to accommodate a water

management system on the site. The purpose of this condition is to prohibit the voluntary creation of excess fill material for use off-site.

9. Model units and homes are permitted in compliance with the following conditions:
 - a. Administrative approval must be obtained. Administrative Approval is subject to review and approval based upon potential negative impacts to nearby uses regarding, but not limited to, glare, noise, dust
 - b. Each model must be a unique example. Multiple examples of the same unit are not permitted; and
 - c. All model sites must be designated on the development order plans; and
 - d. Prior to model home construction, the lots upon which model homes will be constructed must be shown on a preliminary plat. 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 the project; and
 - e. Dry models are prohibited.
10. Golf Course Conditions:
 - a. The golf course developer must use fertilizers with a low leaching potential (slow release). Fertilizers must not be applied after active growth of the turfgrass has ceased, and must be kept to the lowest reasonable levels; and
 - b. To reduce sources of pollutants, especially nutrients and pesticides associated with the golf course, the golf course manager must implement a chemicals management plan that includes an integrated pest management (IPM) program and a nutrient management program such that nutrients and pesticides are used only when absolutely necessary. The program must address prevention, diagnosis, and limited treatment with pesticides when necessary rather than blanket treatment with broad spectrum pesticides as insurance against all pest species. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified targeted species. The regular widespread application of broad spectrum pesticides is prohibited. The IPM program must minimize the use of pesticides and must include the use of the U.S. Department of Agriculture - Natural Resources Conservation Service (USDA-NRCS) Soil Pesticide Interaction Rating guide to select pesticides for use that have a minimum potential for leaching or loss from runoff. The nutrient management program must be based upon the USDA-NRCS Nutrient Management Standard and must include the use of soil tests to determine needed applications of nutrients. Only EPA-approved chemicals may be used. Turf managed areas (including fairways, tees, and greens) are prohibited within 35 feet of wetlands or preserve areas. The chemical management plan must be reviewed and approved by Lee County Natural Resources Division prior to development order approval.

- c. The golf course manager must coordinate the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients.
- d. The Developer must utilize a golf course manager licensed by the state to use restricted pesticides and experienced in the principles of IPM. The golf course manager is responsible for ensuring that the golf course fertilizers are selected and applied to minimize fertilizer runoff into the surface water and the leaching of those same fertilizers into the groundwater.
- e. The storage, mixing, and loading of fertilizer and pesticides must be designed to prevent/minimize the pollution of the natural environment.
- f.
 - 1) Prior to the issuance of local development order approval, the developer must demonstrate compliance with "Best Management Practices for Golf Course Maintenance Departments," prepared by the Florida Department of Environmental Protection, May 1995, as amended.
 - 2) The development order must demonstrate separate mixing and loading facilities for pesticides, and provide a separate pesticide storage area, in compliance with materials specified in the above referenced document. The development order must demonstrate separate mixing and loading facilities for fertilizer, and provide a separate fertilizer storage area, in compliance with materials specified in the above referenced document.
 - 3) The development order plans must specify the construction material for all buildings in compliance with "Best Management Practices for Golf Course Maintenance Departments."
 - 4) Equipment to apply pesticides and fertilizers must be stored in an area protected from rainfall.
- g. The golf course must be planted with a turfgrass cultivated variety that is drought and pest resistant, while requiring relatively low fertilizer use;
- h. The irrigation system must operate on an "as needed" basis through the utilization of weather forecasting and ongoing assessment of the moisture content of the soil.
- i. All fairways, greens, and tees must be elevated above the 25-year flood level, and all greens must utilize underdrains. The effluent from underdrains must not discharge directly into a surface water management lake.
- j. Stormwater run-off must be pre-treated through an acceptable recreated natural system or dry retention and water retention system, prior to discharging the run-off into existing lake or wetland (any aquatic) systems.
- k. The operator of the golf course must submit an annual monitoring report of ground water and surface water quality. The monitoring program must include: testing to

assess whether there are any herbicide, pesticide or fertilizer pollution of the water within the area of the golf course; identifying the locations for the ground water monitoring and testing on a map(s); setting forth the testing and recording requirements. The Developer must submit the test results with the monitoring report to the Lee County Natural Resources Division. The monitoring program will be established and operated at the expense of the Developer, or other comparable legal entity charged with the legal responsibility of managing the golf course. This plan will be evaluated in accordance with the directives of Chapter 62-302, F.A.C., water quality standards.

- i. If groundwater or surface water pollution occurs, as that term is defined by the rules or regulations in effect at the time, and if the pollution is caused by the application of fertilizers, herbicides or pesticides to the golf course, the application must cease until there is a revised management plan. If mitigation is necessary to address the pollution, a mitigation plan approved by Lee County must be implemented by the Developer.
 - m. Prior to development order approval for the golf course, the developer must conduct a pre-development groundwater and surface water analysis and submit the analysis to Lee County Division of Natural Resources. This analysis is intended to establish baseline data for groundwater and surface water monitoring for the project area. The analysis must be designed to identify those nutrients and chemicals that are anticipated to be associated with the project. Prior to commencing this baseline study, the developer must submit the methodology for review, comment and approval by Lee County.
11. Prior to development order approval for any portion of the property, the developer must show an emergency access connecting to the existing Oriole Road to the north. Prior to the opening of the Sandy Lane extension that will connect to the existing Oriole Road, the developer must revise the emergency access so that it will be accessible from the future Sandy Lane extension.
 12. Buildings exceeding 35 feet in height must maintain additional building separation or additional building setbacks consistent with LDC § 34-2174(a) and LDC § 935(e)4.
 13. Lighting to serve uses within 200 feet of perimeter property allowing residential uses must be hooded, shuttered, or shielded and may not exceed 18 feet in height. Mercury vapor lamps/lights are prohibited, the lighting in this 200-foot area must be scaled so that no more than the minimum required number of light fixtures are erected. Individual building lighting must be of the lowest intensity to meet safety standards. The scale of the fixtures and the type of hooding, shuttering and shielding is subject to further review prior to the approval of a development order. The individual building fixtures must be either directly fixed to the building or placed on a post lamp standard not to exceed 10 feet in height. Incandescent lamps are encouraged. The use of mercury vapor lamps/lights is prohibited.
 14. Approval of this zoning request does not address access onto U.S. 41, since Lee County has no jurisdiction over that roadway. The developer must pursue U.S. 41 access issues with the Florida Department of Transportation (FDOT). 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. Approval of this rezoning does not give the developer an undeniable right to receive local development order approval. Future development order approvals must satisfy concurrency requirements as required by Lee Plan Objective 2.2.

15. Approval of this rezoning does not guarantee local development order approval or vest present or future development rights for Lee Plan consistency. Development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b). In addition, development order applications must also 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.
16. Installation of any auto parts, either by employees or the general public, in conjunction with the Auto Parts Store is prohibited. Signs must be posted and maintained in the parking lot for this use advising customers that "self installation" is strictly prohibited on the premises.
17. This development must comply with all the requirements of the LDC, specifically including the requirements of LDC § 10-600 *et seq.*, at the time of local development order approval, except as may be granted by deviation as part of this planned development approval or subsequent amendments thereto.
18. Structures within Tract 5 are limited to 2-story height for a distance of 200 feet back from the perimeter property line that is shared with The Vines.
19. Development of this project must not exceed any DRI thresholds, as the impacts of same were not reviewed as part of the rezoning. The developer must provide a project-wide cumulative DRI threshold analysis with each local development order submittal.
20. If the lake shown in Tract 1 is relocated further away from the boundary shared with Tract 5, structures within Tract 1 must maintain a 100-foot setback from the shared property line between the two tracts.
21. Tract MPD-7 is approved in the internal location shown in the revised MCP dated March 30, 2001. The uses permitted in MPD-7 are Residential, Golf Course, and Maintenance. Direct access to Koreshan Boulevard from this tract is prohibited.

SECTION C. DEVIATIONS:

Deviation 1 - WITHDRAWN BY APPLICANT.

Deviation 2 seeks relief from the LDC §10-329(e)(1)(a)(3) requirement to provide a 50-foot minimum setback for water retention lakes, to allow a 25-foot setback for water retention lakes. This deviation is APPROVED SUBJECT TO the condition that, prior to development order approval, the developer must provide satisfactory elements to discourage access from the adjacent properties. These elements may consist of fencing, berms, buffering or a combination of all three. **This deviation is not approved along the eastern or northern boundary in the area identified**

in the memo from LCDOT if Condition 6 requires the applicant to revise its MCP to reflect the planned extension of Sandy Lane. This deviation is approved without this condition if the applicant is not required to revise its MCP to reflect the reservation of the northerly extension of Sandy Lane.

Deviation 3 seeks relief from the LDC § 10-296(d), Table 4(7)(c) requirement to provide wearing surfaces of local and access streets for category A development be constructed of 1½-inch asphaltic concrete, to allow for cement concrete or decorative pavers. This deviation is APPROVED SUBJECT TO the condition that, prior to development order approval, the developer must demonstrate that the pavers are structural equivalent to the asphaltic pavement standard of the LDC and equivalent to 2500 psi concrete.

Deviation 4 seeks relief from the LDC § 10-256(d)(3) requirement to provide wearing surfaces of sidewalks to be constructed of 1½-inch asphaltic concrete, to allow for cement concrete decorative pavers. This deviation is APPROVED SUBJECT TO the condition that, prior to development order approval, the developer must demonstrate that the pavers are structural equivalent to the asphaltic pavement standard of the LDC and equivalent to 2500 psi concrete.

Deviation 5.a - WITHDRAWN BY APPLICANT.

Deviation 5.b - WITHDRAWN BY APPLICANT.

Deviation 6 - WITHDRAWN BY APPLICANT.

Deviation 7 - WITHDRAWN BY APPLICANT.

Deviation 8 seeks relief from the LDC § 10-292(c) requirement to provide residential developments of more than five acres or any commercial development of more than ten acres provide two or more means of ingress or egress for the development, to allow the residential portion of the project that is separated by the railway right-of-way to have one means of ingress and egress. This deviation is APPROVED SUBJECT TO COMPLIANCE WITH CONDITION 11.

Deviation 9 - WITHDRAWN BY APPLICANT.

Deviation 10 - WITHDRAWN BY APPLICANT.

Deviation 11 seeks relief from the LDC §§ 34-2015(2)c and 34-2020(1)c requirements to prohibit the stacking of vehicles in multi-family development, to allow stacking of the vehicles when all of the following requirements are met:

1. The number of units in each multi-family building will be limited to eight units or less; and
2. The first parking space is in an individual garage with an individual driveway; and
3. Each individual driveway has a minimum 1-foot physical separation from any other driveway; and
4. It can be demonstrated at the time of development order application that safe sight distance triangles are met.

This deviation is APPROVED SUBJECT TO the above stated requirements.

Deviation 12 seeks relief from the LDC § 10-415(b)(1) requirement to establish open space requirements, to allow the adoption of an Open Space Table. This deviation is APPROVED SUBJECT TO Condition 3.

Deviation 13 seeks relief from the LDC § 34-1264(b)(1)a requirement to require a 500-foot separation distance between an establishment for the sale or service of alcoholic beverages from consumption on the premises, to allow a separation distance of 300 feet. This deviation is APPROVED SUBJECT TO the Permitted Use Notes set forth in Conditions 2.a.3(B)C and 2.a.3(C), above.

SECTION D. EXHIBITS:

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

- Exhibit A: The legal description and STRAP number of the property.
- Exhibit B: Project Development Regulations
- Exhibit C: Open Space and Indigenous Vegetation Table
- Exhibit D: Sketch and Description of Sandy Lane Extension
- Exhibit E: Zoning Map (subject parcel identified with shading)
- Exhibit F: The Master Concept Plan

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and other applicable code and regulations.
2. The MPD rezoning, as conditioned:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development; and,
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The approval of this rezoning request satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations

provide sufficient safeguard to the public interest; and

- c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
- 4. Urban services, as defined in the Lee Plan will be available and adequate to serve the proposed land use.
- 5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

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

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Absent
John E. Albion	Aye

DULY PASSED AND ADOPTED this 7th day of May 2001.

ATTEST:
CHARLIE GREEN, CLERK

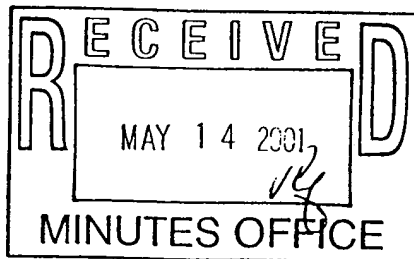
BY: *Ruth Tugman*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *[Signature]*
Chairman

Approved as to form by:

[Signature]
County Attorney's Office





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Real Estate Appraisal
Environmental Assessment

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EXHIBIT
LEGAL DESCRIPTION
PARCEL "A"
ESTERO GOLF RESORT MPD

A TRACT OR PARCEL OF LAND IN SECTION 21, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 21, THENCE ALONG THE EAST LINE OF SECTION 21, N 00°46'45" W, A DISTANCE OF 94.98 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD (AS DESCRIBED IN O.R. BOOK 2183, PAGES 3461 - 3462) TO THE POINT OF BEGINNING; THENCE CONTINUE N 00°46'45" W, ALONG SAID EAST LINE OF SECTION 21, A DISTANCE OF 2555.79 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 21; THENCE N 00°53'22" W, A DISTANCE OF 2646.37 FEET TO THE NORTHEAST CORNER OF SAID SECTION 21; THENCE N 89°29'23" W, ALONG THE NORTH LINE OF SECTION 21, A DISTANCE OF 1322.73 FEET TO THE EAST LINE OF THE VINTAGE GOLF AND COUNTRY CLUB AS RECORDED IN PLAT BOOK 37, PAGE 38 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S 00°53'13" E, ALONG SAID EAST LINE OF THE VINTAGE GOLF AND COUNTRY CLUB, A DISTANCE OF 1317.90 FEET; THENCE S 44°54'53" W, A DISTANCE OF 2370.26 FEET; THENCE CONTINUE S 32°34'51" E, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COAST LINE RAILROAD A DISTANCE OF 2513.30 FEET; THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD CONTINUE S 86°11'52" E A DISTANCE OF 1148.53 FEET TO A POINT OF CURVATURE, THENCE CONTINUE 552.84 FEET ALONG THE ARC OF SAID CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 11,425.00 FEET, A CENTRAL ANGLE OF 02°46'21", A CHORD DISTANCE OF 552.79 FEET, AND A CHORD BEARING OF S 87°35'02" E; TO SAID POINT OF BEGINNING.

PARCEL CONTAINS 240.4± ACRES OF LAND MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

AND THOSE LANDS FURTHER DESCRIBED AS FOLLOWS:

PARCEL "A-1"
ESTERO GOLF RESORT MPD

A TRACT OR PARCEL OF LAND IN SECTION 21 AND 28, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 21; THENCE ALONG THE EAST LINE OF SECTION 21, N 00°46'45" W, A DISTANCE OF 94.98 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD (AS DESCRIBED IN O.R. BOOK 2183, PAGES 3461-3462); THENCE CONTINUE ALONG THE NORTHERLY RIGHT-OF-WAY OF KORESHAN BOULEVARD 552.84 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHEAST; HAVING A RADIUS OF 11425.00 FEET, A CENTRAL ANGLE OF 02°46'21", A CHORD DISTANCE OF 552.79 FEET, AND A CHORD BEARING OF N 87°35'02" W TO A POINT OF TANGENCY; THENCE N 86°11'52" W, FOR A DISTANCE OF 1310.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 86°11'52" W A DISTANCE OF 1166.17 FEET TO A POINT OF CURVATURE; THENCE 540.77 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST; HAVING A RADIUS OF 1175.00 FEET, A CENTRAL ANGLE OF 26°22'09", A CHORD DISTANCE OF 536.01 FEET, AND A CHORD BEARING OF S 80°36'51" W TO A POINT OF COMPOUND CURVATURE, THENCE CONTINUE 358.46' ALONG THE ARC OF CURVE CONCAVE TO THE SOUTHWEST; HAVING A RADIUS OF 1292.82 FEET, A CENTRAL ANGLE OF 15°53'11", A CHORD DISTANCE OF 357.31 FEET, AND A CHORD BEARING OF S 59°29'40" W, TO A POINT OF TANGENCY; THENCE S 51°33'05" W FOR A DISTANCE OF 261.89 FEET TO A POINT OF CURVATURE; THENCE CONTINUE 79.66 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTH; HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 91°17'11", A CHORD DISTANCE OF 71.50 FEET, AND A CHORD BEARING OF N 82°48'27" W, TO A POINT OF TANGENCY; THENCE CONTINUE N 37°10'00" W A DISTANCE OF 955.60 FEET, THENCE CONTINUE N 37°45'31" W A DISTANCE OF 17.52 FEET; THENCE N 44°54'53" E FOR A DISTANCE OF 2235.13 FEET TO THE WESTERLY RIGHT-OF-WAY OF THE SEABOARD COAST LINE RAILROAD (AS RECORDED IN DEED BOOK 68, PAGE 78); THENCE CONTINUE ALONG THE WESTERLY RIGHT-OF-WAY OF THE SEABOARD COAST LINE RAILROAD S 32°34'52" E FOR A DISTANCE OF 2388.69 FEET TO POINT OF BEGINNING.

PARCEL CONTAINS 74.21 ACRES OF LAND MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

COASTAL ENGINEERING CONSULTANTS, INC.
FLORIDA ENGINEERING AUTHORIZATION NO. 92464
DANA E. WORTLEY
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5621
NOT VALID WITHOUT THE SIGNATURE AND
THE ORIGINAL RAISED SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER
CEC. REG. NO. 99509
DATE SIGNED: 07-21-01

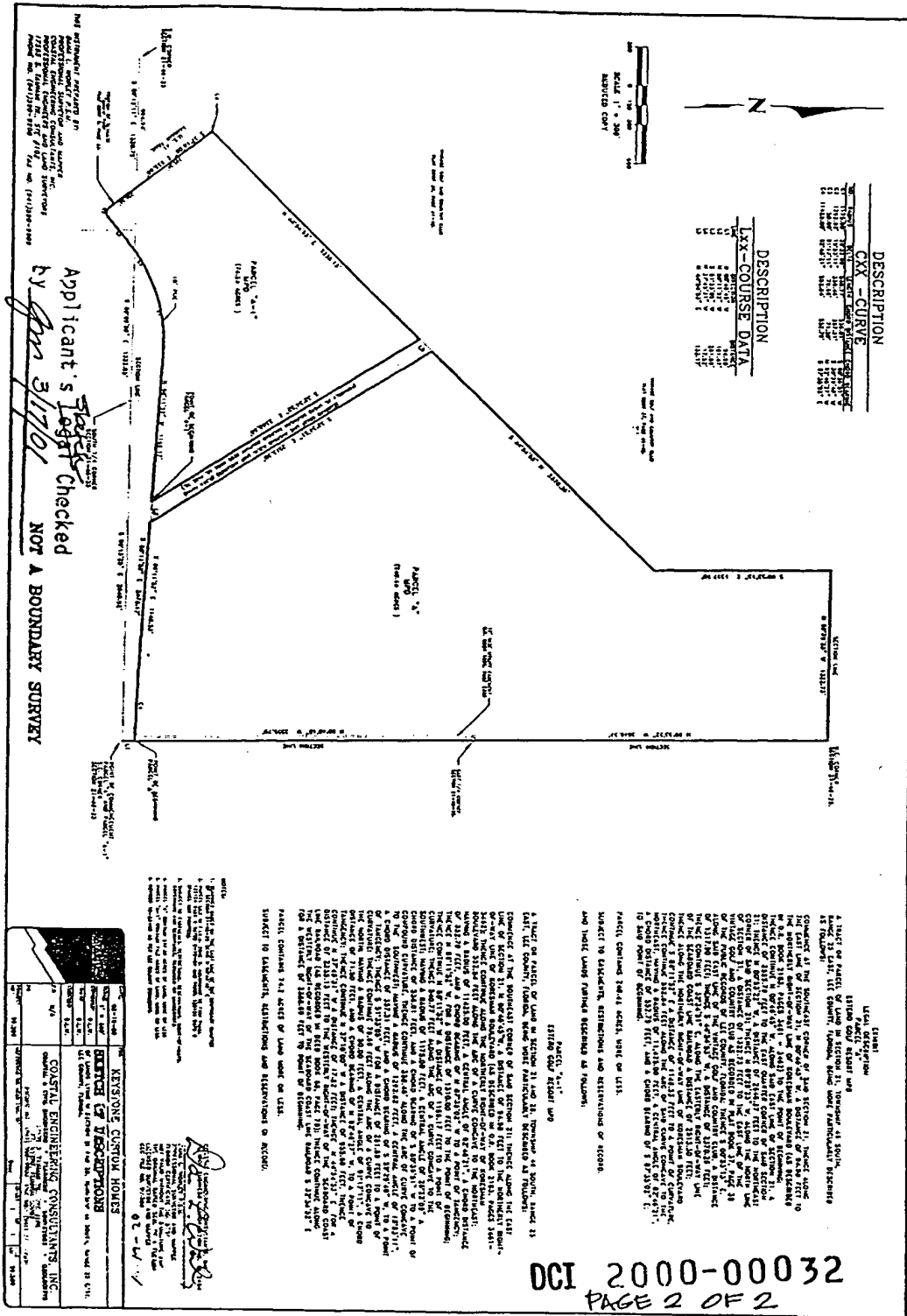
Applicant's Legal Checked

by *[Signature]* 3/17/01

DCI 2000-00032

PAGE 1 OF 2

17595 S. Tamiami Trail, Suite #102, Fort Myers, Florida 33908 • Phone (941) 590-9900 Fax (941) 590-9909 • E-Mail: englee@cecill.com



Page 2 of 2
 The applicant has indicated that the STRAP numbers for the subject property are:
 21-46-25-00-00001.0000; 21-46-25-00-00001.3000

EXHIBIT B

PROPERTY DEVELOPMENT REGULATIONS

March 29, 2001

LAND USES	Minimum Lot			Minimum Setback (ft)							Max Lot Coverage (%)		
	Area (sq ft)	Min Width (ft)	Min Depth (ft)	Side ¹ Incl. Corner Lots (ft)	Rear (ft)			Front (ft)		Water Body (ft)	Min Bldg Separation (ft) ²	East of railroad with Golf Option	East of Railroad without Golf Option
					Lots	Wetland	Golf Acc.	Front Entry Garage	Bldg or Side Entry Garage				
Single Family Detached	5,000	50	100	5	20	0	5	20	12	25	10	65	40
Zero Lot Line	5,000	50	100	0 or 7½	20	0	5	20	12	25	10	65	40
Two Family Attached	3750	37½	100	0 or 10	20	0	5	20	12	25	10	65	40
Townhouse	2,000	22	80	0 or 10	20	0	5	20	15	25	½ bldg height but not less than 20	n/a	n/a
Multi-Family	10,000	100	100	10	20	0	5	20	20	25	½ bldg height but not less than 20	70	40
Clubhouse	20,000	80	100	10	20	0	5	n/a	20	25	½ bldg height but not less than 20	55	n/a
Commercial (MPD 1-4)	20,000	80	100	0 or 15 ³	25 ⁴	n/a	5	per LDC	per LDC	25	½ bldg height but not less than 20	55	55

¹ Applies to lots of all widths and to corner lots.

² Building height is limited to 35 feet or 2 stories within 200 feet of The Vines and San Carlos Park. Buildings exceeding 35 ft in height must maintain additional building separation or additional building setbacks consistent with LDC Section 34-2174(a) and LDC Section 935(e)4.

³ Should the subject property be subdivided, a 0' setback to any internal lot lines will be required.

⁴ Structures in MPD Tract 1 must maintain a 100 ft setback from the Tract 5 property line.

DCI 2000-00032

EXHIBIT C

OPEN SPACE AND INDIGENOUS VEGETATION
ESTERO GOLF RESORT
March 21, 2001

Tracts	OPEN SPACE		INDIGENOUS		
		<u>Required</u>	<u>Provided</u>	<u>Required</u>	<u>Provided</u>
MPD 1-4	34.06± acres	10.22± acres	5.00± acres	5.11± acres	0 acres
MPD 5	40.14± acres	16.06± acres	16.06± acres	8.03± acres	13.14± acres**
			5.22± acres*		
Total	74.20± acres	26.28± acres	26.28± acres	13.14± acres	13.14± acres
MPD 6-12	242.20± acres	96.16± acres	96.16± acres	n/a	n/a

* Balance from Tracts MPD 1-4

** Including restored wetland

*** This figure would be reduced if any qualifying lots (LDC 10-415) were developed.

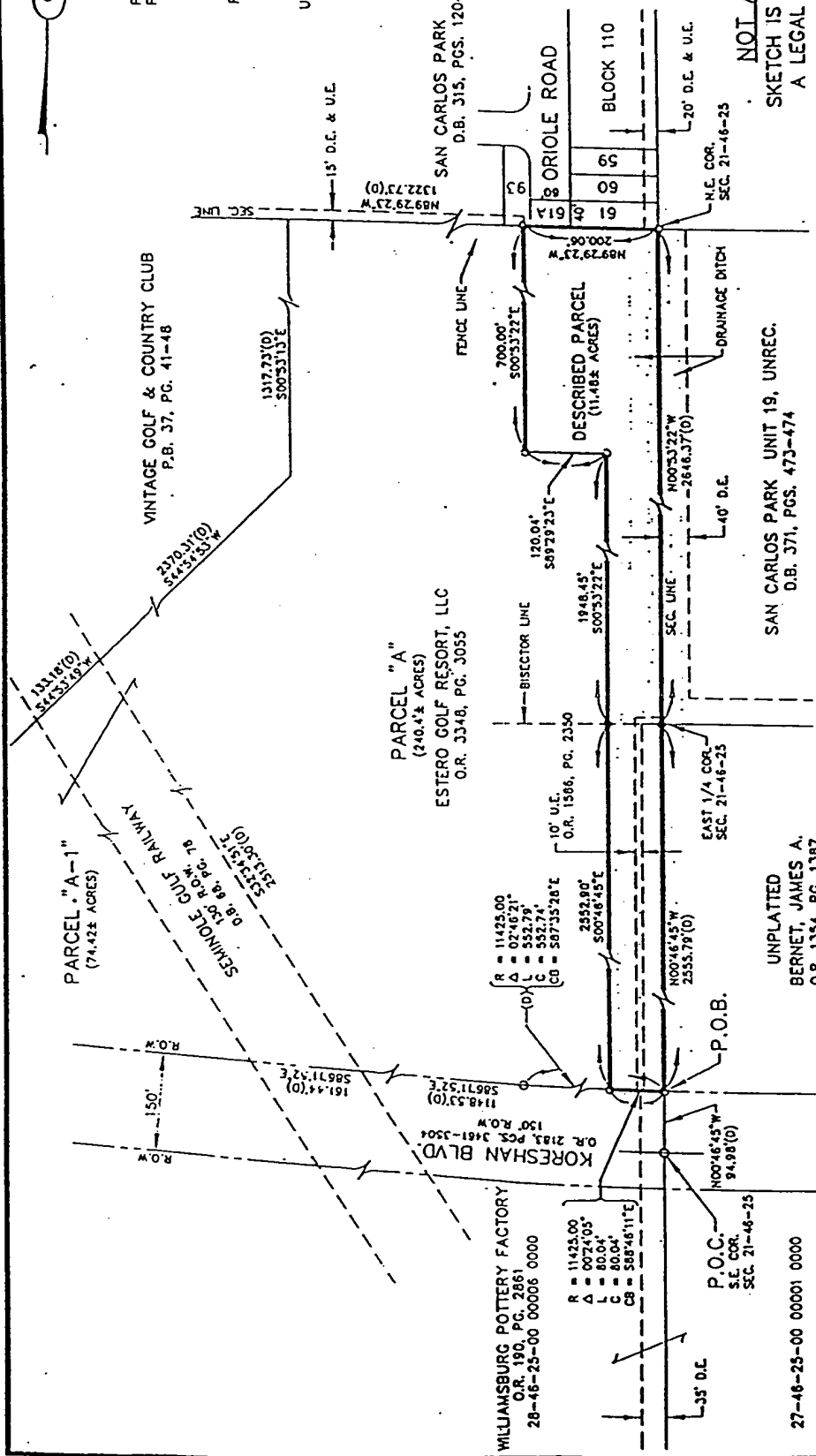
RECEIVED
MAR 21 2001

PERMIT COUNTER

OCI 20 00-0'0'03

LEGEND

- P.O.C. = POINT OF COMMEN.
- P.O.B. = POINT OF BEGINNING
- (O) = DEED DISTANCE OR BL
- D.B. = DEED BOOK
- O.R. = OFFICIAL RECORD
- P.C. = PAGE
- R.O.W. = RIGHT OF WAY
- COR. = CORNER
- D.E. = DRAINAGE EASEMENT
- U.E. = UTILITY EASEMENT
- UNREC. = UNRECORDED



NOT A SURVEY
 SKETCH IS TO ACCOMPANY
 A LEGAL DESCRIPTION
 OF

A PARCEL OR TRACT OF LAND
 LYING IN SECTION 21, TOWNSHIP 46 S.,
 RANGE 25 E., LEE COUNTY, FLORIDA

Designed by A.W.P.	Date: 02/01
Drawn by D.O.K.	Date: 02/01
CHK'd A.W.P.	Date: 02/01
Scale: 1"=200' Disk 20001	

- SURVEYOR'S NOTES**
- DESCRIPTION FOR DESCRIBED PARCEL IS BASED ON DEED.
 - TOPOGRAPHICAL FEATURES OR IMPROVEMENTS LYING WITHIN DESCRIBED PARCEL WERE NOT SURVEYED OR LOCATED.
 - NO RECORD OF OWNERSHIP HAS BEEN DETERMINED FOR PARCEL SHOWN AS LOT 61A, BLOCK 110, SAN CARLOS PARK UNIT 7.
 - UNLESS OTHERWISE NOTED, DIMENSIONS ARE CALCULATED.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THIS SKETCH AND DESCRIPTION WAS MADE IN ACCORDANCE WITH CHAPTER 81.077-8 FLORIDA ADMINISTRATIVE CODE PURSUANT TO CHAPTER 472.027 OF THE FLORIDA STATUTES.

DATE: 02/01
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER

Arthur W. Persons, County Surveyor
 Professional Surveyor & Mapper
 Florida Certificate No. LS-2887

UNPLATTED
 BERNET, JAMES A.
 O.R. 1354, PG. 1387
 22-46-25-00 00002.0000

WILLIAMSBURG POTTERY FACTORY
 O.R. 190, PG. 2861
 28-46-25-00 00006 0000

PARCEL "A"
 (240.4 ± ACRES)
 ESTERO GOLF RESORT, LLC
 O.R. 3348, PG. 3055

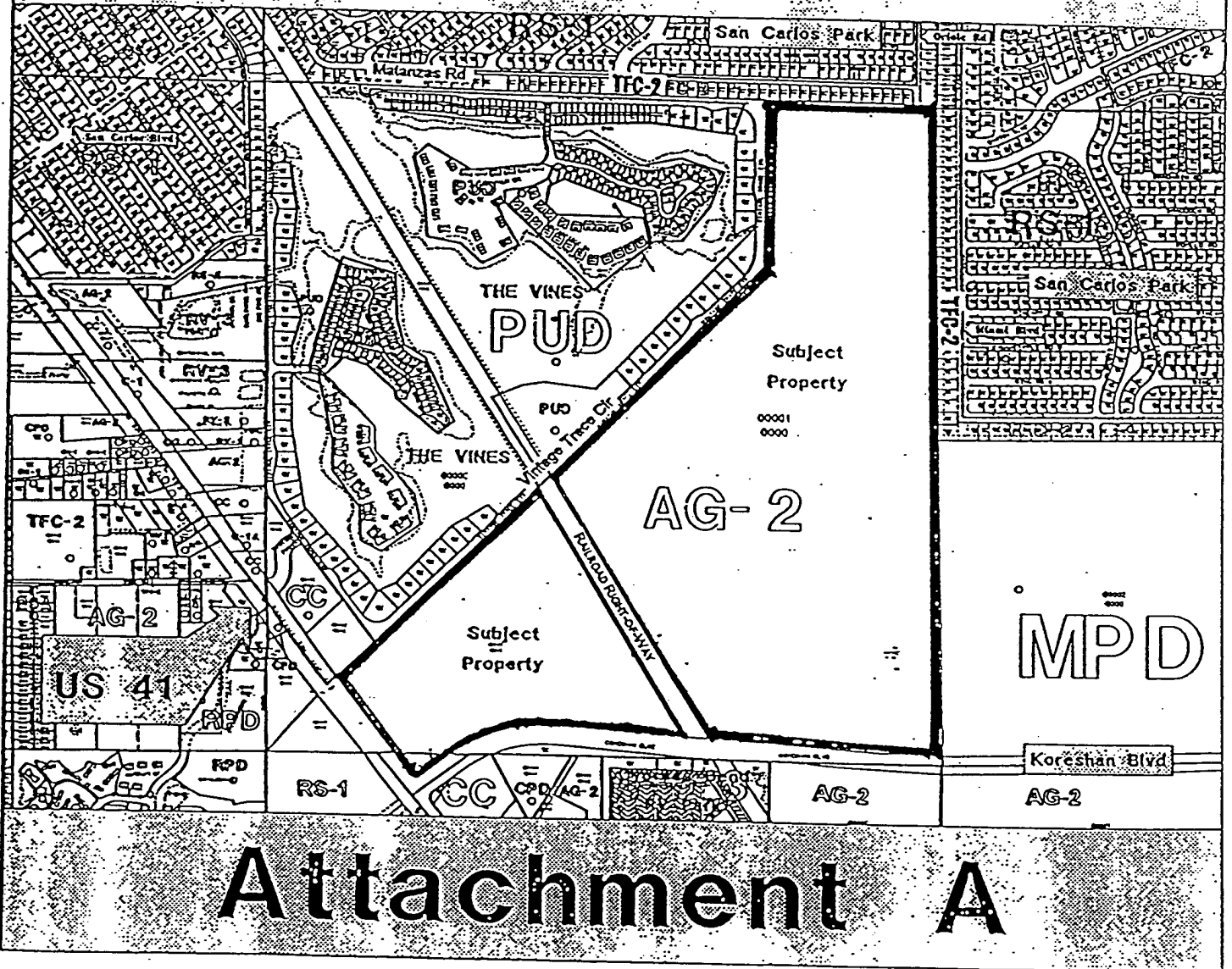
PARCEL "A-1"
 (74.422 ACRES)
 SKINNOLEE GOLF RAILWAY
 O.R. 88 PG. 78
 231.23(0) S33°43'E
 150' R.O.W.
 161.44(0) S86°17'42"E

VINTAGE GOLF & COUNTRY CLUB
 P.B. 37, PG. 41-48
 1317.723(0) S00°33'13"E
 2370.31(0) S42°5'33"W

WILLIAMSBURG POTTERY FACTORY
 O.R. 190, PG. 2861
 28-46-25-00 00006 0000

WILLIAMSBURG POTTERY FACTORY
 O.R. 190, PG. 2861
 28-46-25-00 00006 0000

Zoning Map



Attachment A

acc

RESOLUTION NUMBER Z-99-056

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

WHEREAS, Matthew D. Uhle, Esquire, filed an application on behalf of the property owner, William Schulman, Trustee, Calverton Links, to rezone a parcel from Agricultural (AG-2) to Residential Planned Development (RPD) in reference to Hawk's Haven; and

WHEREAS, a public hearing was advertised and held on August 18, 1999 before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #99-03-066.03Z 01.01; and

WHEREAS, a second public hearing was advertised and held on October 18, 1999 before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone 1,797.45± total acres of land from AG-2 to RPD to permit a maximum of 1,598 dwelling units in a mix of housing types, within a golf course community. Buildings are not to exceed 35 feet in height within a maximum of three stories. The property is located in the Rural, Suburban and Wetlands Land Use Category and described in attached Exhibit A. The request is APPROVED in accordance with the conditions and deviations specified in Sections B and C.

SECTION B. CONDITIONS:

1. The development of this project must be consistent with the one-page Master Concept Plan (MCP) entitled "Hawk's Haven," stamped received July 15, 1999, last revised 07/02/99, except as modified by the conditions below. This development must comply with all requirements of the Lee County Land Development Code (LDC) at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

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

a. Schedule of Uses

Accessory Uses and Structures
Administrative Office

10/18/99

Agricultural Uses (cattle raising in undeveloped phases prior to development and nursery operations for plantings used on-site only)

Club - country and private

Consumption on Premises - limited to one in the clubhouse area

Dwelling Units - maximum of 1,598 units to be comprised of single-family, two-family attached, townhouse, multiple-family, zero-lot-line units (densities may not be shifted between land use categories unless a new public hearing occurs and the provisions of Policy 5.1.11 of the Lee Plan are followed.

Entrance Gates and Gatehouse

Excavation, Water Retention

Fences and Walls

Golf Course

Golf and Tennis Pro Shops (limited to ancillary use in clubhouse)

Golf Driving Range

Golf Training Facility

Model Home and Model Unit - must be in compliance with LDC §34-1954 only.

Model Display Center, must be in compliance with LDC § 34-1955, limited to one which must be located in the sales center area shown on the MCP and must only serve this project

Parks, Group I

Real Estate Sales Office - limited to sales of lots, homes or units within the development, except as may be permitted in § 34-1951 *et seq.* The location of, and approval for, the real estate sales office will be valid for a period of time not exceeding ten years from the date the Certificate of Occupancy for the sales office is issued [if Deviation (2) is approved, otherwise the Real Estate Sales Office use is valid for five years from the date the Certificate of Occupancy for the sales office is issued]. The director may grant one 2-year extension at the same location.

Recreational Facilities - Private, On-site only

Residential Accessory Uses - In compliance with LDC §622(c)42 and LDC Article VII, Division 2

Signs, in compliance with LDC Chapter 30

Storage, Open, recreational vehicles, boats and similar items for residents only, limited to locations shown on the MCP and must be shielded behind a continuous visual screening at least eight feet in height when visible from any residential use, and six feet in height when visible from any street right-of-way or street easement

- b. Site Development Regulations - Limited to the standards shown in Attachment B, except that a minimum of 20 feet will be maintained for stacking in driveways.

Maximum Height: Three stories, or 45 feet, whichever is the lesser amount

c. Commercial uses are limited to the following:

If the Golf Driving Range is open after daylight hours, all lighting must comply with LDC §34-936(g), be of the lowest intensity meeting life safety codes, and shielded and directed away from any adjacent residential area.

3. The following conditions address environmental issues:

- a. The "American Alligator Management Plan" provided as part of the "Protected Species Management Plan for Schulman Parcel" counter stamped May 19, 1999 is hereby adopted. Prior to local development order approval, the location of the American alligator management plan signage must be delineated on the development order plans for Division of Planning, Environmental Sciences review and approval. The warning signs must be placed where there is potential for human/alligator interaction. These signs must discourage the feeding or harassment of alligators.
- b. The "Gopher Tortoise Management Plan" provided as part of the "Protected Species Management Plan For Schulman Parcel" counter stamped May 19, 1999 is hereby adopted. If gopher tortoises are moved out of harm's way utilizing the "bucket trapping method," all buckets must be checked for tortoises a minimum of three times a day. An alternative method of tortoise relocation may be proposed (with details) at the time of local development order submittal. Any revisions to the tortoise management plan are subject to Division of Planning, Environmental Sciences review and approval.
- c. The "Florida Burrowing Owl Management Plan" provided as part of the "Protected Species Management Plan For Schulman Parcel" counter stamped May 19, 1999 must be revised for Division of Planning, Environmental Sciences staff review and approval at the time of local development order submittal. The plan must either commit to preserving the existing burrowing owl burrows in place with a buffer per LDC Appendix H, or commit to a detailed relocation management plan. Should the Applicant demonstrate it is necessary to impact the burrows, the management proposal must provide details about where appropriate replacement habitat for the owls will be provided, how the owls will be attracted to this area, and how it will be protected during construction activities on the site.
- d. A final detailed scrub jay management plan must be provided to the Division of Planning, Environmental Sciences for review and approval at the time of local development order submittal. This plan must follow the general guidelines of the "Florida Scrub Jay Management Plan" provided as part of the "Protected Species Management Plan For Schulman Parcel" counter stamped May 19, 1999. The finalized scrub jay management plan must be approved by the Florida Fish and Wildlife Conservation Commission (FWC) prior to local development order approval.
- e. Open space must be provided per the open space table on the MCP counter

stamped July 15, 1999. The open space table provides 643.9 acres of preserve area and lakes. The golf course tract provides 531 acres of open space. All individual tracts, excluding tracts of single-family lots greater than 6,500 square feet, must provide a minimum of 10 percent open space within the tract. Individual tract open space may be met with private open space.

- f. Indigenous open space must be provided per the "Impact and Mitigation Plan" dated February 22, 1999 revised May 5, 1999. The preserves must be delineated on the local development order plans when they are within or adjacent to the development phase or tract being developed.
 - g. Every effort must be made in the final design of the golf course and residential tracts to preserve large native trees. An on-site preconstruction meeting must be held with Division of Planning/Environmental Sciences Staff prior to the issuance of a vegetation removal permit for any phase of development to confirm preservation and barricading requirements prior to the initiation of site clearing.
4. The following recommendations are presented in order to mitigate future hurricane damage and/or loss of life, as well as to ensure compliance with comprehensive plan objectives.
- a. The Applicant must establish a homeowners' or residents' association that will provide an educational program on an annual basis, in conjunction with the staff of Emergency Management, who will provide literature, brochures and speakers for Hurricane Awareness/Preparedness Seminars, describing the risks of natural hazards. The intent of this recommendation is to provide a mechanism to educate residents concerning the actions they should take to mitigate the dangers inherent in these hazards.
 - b. The Applicant must formulate an emergency hurricane notification and evacuation plan, which will be subject to review and approval by the Lee County Office of Emergency Management.
 - c. If access to this development or any portions thereof, is through a security gate or similar device, which is not manned 24 hours a day, it must be equipped with an override strip installed in a glass covered box to be used by drivers of emergency vehicles to gain entry, consistent with LDC § 34-1749.
 - d. The Developer must cooperate with the Division of Public Safety/Emergency Management in determining and participating in a means to lessen hurricane shelter impacts on the County's hurricane preparedness process and public safety. Those "means" could include the provision of equipment, monies in lieu of equipment, or such other goods, materials or actions deemed appropriate by Emergency Management that results in the provision of additional shelters, or improvement of roads for use as additional evacuation routes. The choice of "means" will rest with the Developer, so long as the choice adequately mitigates the adverse impacts.

5. The following conditions are included to address Lee Plan consistency issues:
- a. The portion of the property within the Rural future land use category must maintain densities of one dwelling unit per acre or less. No more than 1,499 dwelling units may be constructed in the Rural designated areas of the project.
 - b. Given the limited existing available Rural 2020 Planning Community Acreage Allocation at the time of rezoning, the available Rural allocation must be determined by the Planning Division, prior to any development order approval for residential use in the Rural portions of the site. No development order will be issued or approved if the acreage, when added to the acreage contained in the updated existing land use database, exceeds the limitation established by Lee Plan Table 1(b), Acreage Allocation Table (per Lee Plan Policy 1.7.6). In order to develop more Rural acreage with residential uses, the Lee Plan must be amended to change the Rural residential acreage allocation for the Fort Myers Shores planning community in Table 1(b). Adequate data and analysis to support this amendment must be submitted by the Applicant at the time of the request for the Lee Plan amendment. Development in excess of the current Table 1(b) allocations will not be permitted until Table 1(b) is amended accordingly.
6. The following conditions are included to address concerns about the golf course:
- a. Fertilizers with a low leaching potential (slow release) must be used, must not be applied after active growth of the turfgrass has ceased, and must be kept to the lowest reasonable levels; and
 - b. To reduce sources of pollutants, especially nutrients and pesticides associated with the golf course, the golf course manager must implement a chemicals management plan which includes an integrated pest management (IPM) program and a nutrient management program such that nutrients and pesticides are used only when absolutely necessary. The program must address prevention, diagnosis, and limited treatment with pesticides when necessary rather than blanket treatment with broad spectrum pesticides as insurance against all pest species. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified targeted species. The regular widespread application of broad spectrum pesticides is prohibited. The IPM program must minimize the use of pesticides and must include the use of the US Department of Agriculture - Natural Resources Conservation Service (USDA-NRCS) Soil Pesticide Interaction Rating guide to select pesticides for use that have a minimum potential for leaching or loss from runoff. The nutrient management program must be based upon the USDA-NRCS Nutrient Management Standard and must include the use of soil tests to determine needed applications of nutrients. Only EPA-approved chemicals may be used. No turf managed areas (including fairways, tees, and greens) are permitted within 35 feet of wetlands or preserve areas. This chemicals management plan must be submitted to and approved by Lee County Planning Division Staff prior to the development order approval.

- c. The golf course manager must coordinate the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients.
- d. The utilization of a golf course manager licensed by the state to use restricted pesticides and experienced in the principles of IPM is required. The golf course manager is responsible for ensuring that the golf course fertilizers are selected and applied to minimize fertilizer runoff into the surface water and the leaching of those same fertilizers into the groundwater.
- e. The storage, mixing, and loading of fertilizer and pesticides must be designed to prevent/minimize the pollution of the natural environment.
- f. The golf course must comply with the "Best Management Practices for Golf Course Maintenance Departments," prepared by the Florida Department of Environmental Protection, May 1995, as amended.
- g. The golf course must be planted with a turfgrass cultivated variety that is drought and pest resistant, while requiring relatively low fertilizer use;
- h. The irrigation system must operate on an "as needed" basis through the utilization of weather forecasting and ongoing assessment of the moisture content of the soil.
- i. All fairways, greens, and tees must be elevated above the 25-year flood level, and all greens must utilize underdrains. The effluent from these underdrains must be pre-treated prior to discharge into the balance of the project's water management system.
- j. Stormwater run-off must be pre-treated through an acceptable recreated natural system or dry retention and water retention system, prior to discharging the run-off into existing lake or wetland (any aquatic) systems.
- k. An annual monitoring report of ground water and surface water quality is required for the golf course operation. The monitoring program must include: testing to assess whether there are any herbicide, pesticide or fertilizer pollution of the water within the area of the golf course; identifying the locations for the ground water monitoring and testing on a map(s); setting forth the testing and recording requirements. The Developer must submit the test results with the monitoring report to the Lee County Planning Division. The monitoring program will be established and operated at the expense of the Developer, or other comparable legal entity charged with the legal responsibility of managing the golf course. This plan will be evaluated in accordance with the directives of Chapter 17-302, F.A.C., water quality standards.
- l. If groundwater or surface water pollution occurs, as that term is defined by the rules or regulations in effect at the time, and should the pollution be caused by the

application of fertilizers, herbicides or pesticides to the golf course, the application must cease until there is a revised management plan. If mitigation is necessary to address the pollution, a mitigation plan approved by Lee County must be implemented by the Developer.

7. Model units and homes 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; and
 - b. All model sites must be designated on the development order plans; and
 - c. Prior to constructing model homes within Hawk's Haven, the lots upon which the model homes will be constructed will have been shown on a preliminary plat filed concurrently with the required local development order for this project. Such model home(s) will comply with all setbacks set forth within the Property Development Regulations for Hawk's Haven or the LDC, whichever applies. Should setback problems arise after construction of a model home, it will be the responsibility of the owner/developer to resolve the setback problem.
 - d. Dry models are prohibited.
8. In addition to the single access from S.R. 80, the developer must submit for review and subsequent approval, a plan that demonstrates whether there is a need for an emergency access to the project prior to the approval of any development orders for dwelling units after the first 584 units have been approved. If an emergency access is deemed to be necessary, documents must be submitted with the plan that demonstrate the project's legal ability to provide emergency access. The emergency access, if deemed to be necessary, will provide a connection to Buckingham Road. Any road used for emergency access must be constructed or improved to the degree required for the use of emergency vehicles. If it is determined that no emergency access is needed, the Applicant will meet the provision of LDC §10-291(3) LDC with the single access from S.R. 80.
9. Bona fide agricultural uses that are now in existence may continue until the development commences. However, no development activity of any kind may occur on the property, including clearing of vegetation or cutting of trees, unless such activity is reviewed and approved in accordance with all applicable Lee County regulations as if no agricultural use existed on the property. The purpose of this condition is to eliminate any exemption or other special considerations or procedures that might otherwise be available under Lee County regulations by virtue of the existing agricultural uses on the property.
10. Construction traffic must enter and exit this project from S.R. 80 until 200 units have been constructed in the project. Thereafter, construction access may be permitted from Buckingham Road (if the Applicant has maintained such an access). In no event, will construction traffic be permitted on Hickey Creek Road.

11. Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC §34-2174(a).
12. Approval of this zoning request does not address access onto S.R. 80, since Lee County has no jurisdiction over that roadway. The Developer must pursue this access approval with the Florida Department of Transportation (FDOT). 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.
13. Approval of this rezoning does not give the Developer an undeniable right to receive local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b).
14. This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.
15. The applicant is required to design the project in a manner that will provide the internal "outparcels" (separate tracts encapsulated by the project property) the ability to obtain reasonable and practicable access through the subject property, unless the applicant provides a circuit court order indicating that the internal outparcels are not legally entitled to access through the subject property. However, this rezoning does not obviate the applicant/developer's responsibility to provide access to the internal "outparcels" in accordance with Florida law.
16. If the Developer constructs structures other than conventional single-family homes within 100 feet of any of the "out parcels," the Developer must provide a 25-foot-wide enhanced vegetative buffer completely around the out parcel. In addition, the enhanced vegetative buffer must utilize native vegetation, indigenous to the plant community in which it is to be planted. The vegetation must be installed prior to any vertical construction and it must be installed according to the following density and size:
 - a. Six trees per 100 linear feet - At installation, trees must be a minimum of 12 to 14 feet tall, with a 2½-inch minimum caliper and a 5-foot minimum canopy. No palm trees, or completely deciduous trees may be used to meet the requirements of this enhanced buffer.
 - b. Thirty-three shrubs per 100 linear feet - 1) At installation, all shrubs must be 18 to 24 inches in height, 3-gallon pots, and spaced 30 to 36 inches on center; and 2) all shrubs used to meet the enhanced buffer requirements must reach a mature height in excess of six feet under normal growing conditions.

If these "out parcels" come under the control of the Developer prior to construction within the 100-foot-wide area, then compliance with this condition is not required.

17. Vehicle access from the northern boundary of the subject property over and across Hickory Creek Road is prohibited.

SECTION C. DEVIATIONS:

Deviation (1) seeks relief from the LDC §10-385(d)(3)(a) requirement to provide a maximum fire hydrant spacing of 800 feet in the one- and two-dwelling unit area, to eliminate this requirement in areas along the spine road where no homes exist. This deviation is PARTIALLY APPROVED to allow the placement of a hydrant at the midpoint of each section along the "spine" road only where no homes will exist. For purposes of this Deviation, "section" is defined as the distance along the spine roadway between intersection roadways, measured along and from the roadway centerlines.

Deviation (2) seeks relief from the LDC §34-934, Note 23 requirement limiting the operation of a Real Estate Sales Office to five years, to allow the Sales Office to operate for a period of ten years to coincide with the expected buildout of the project. This deviation is APPROVED.

SECTION D. EXHIBITS:

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

- Exhibit A: The legal description and STRAP number of the property.
- Exhibit B: The Master Concept Plan
- Exhibit C: Zoning Map

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The 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 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 the traffic the development generates.

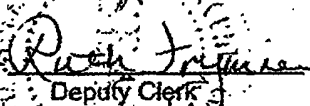
4. The proposed use or mix of uses is appropriate at the subject location.
5. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest.
6. The recommended conditions are reasonably related to the impacts on the public interest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

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner John E. Manning, seconded by Commissioner Douglas R. St. Cerny and, upon being put to a vote, the result was as follows:

Ray Judah	AYE
John E. Albion	AYE
John E. Manning	AYE
Douglas R. St. Cerny	AYE
Andrew Coy	AYE

DULY PASSED AND ADOPTED this 18th day of October, 1999.

ATTEST:
CHARLIE GREEN, CLERK

BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

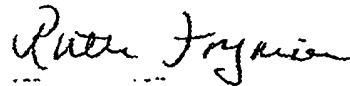
BY: 
Chairman

Approved as to form by:


County Attorney's Office

MINUTES OFFICE

CASE NO:99-03-066.03Z 01.01


FILED OCT 21 1999

Z-99-056
PAGE 10 OF 10

EXHIBIT "A"

LEGAL DESCRIPTION

ALL OF THAT LAND DESCRIBED IN OFFICIAL RECORDS BOOK 976, PAGE 551-554, LEE COUNTY PUBLIC RECORDS, LYING SOUTH OF STATE ROAD 80, ALL IN TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL NO. 1: THE NW-1/4, OF THE SW-1/4, OF THE NW-114, OF SECTION 27, SUBJECT TO AN EASEMENT TO FLORIDA POWER & LIGHT, AS DESCRIBED IN DEED BOOK 208, PAGE 67, LEE COUNTY RECORDS.

PARCEL NO. 2: THE NE-1/4, OF THE NE-1/4, OF THE SW-1/4, OF SECTION 27.

PARCEL NO. 5: THE S-1/2, OF THE S-1/2, OF THE SE-1/4, OF SECTION 25, LYING SOUTH OF THE FORMER (NOW ABANDONED) SEABOARD AIRLINE RAILROAD COMPANY RIGHT-OF-WAY, SUBJECT TO A 50' EASEMENT TO FLORIDA POWER AND LIGHT AS DESCRIBED IN DEED BOOK 234, PAGE 26, LEE COUNTY RECORDS.

PARCEL NO. 6: ALL THAT PART OF THE S-1/2, OF THE SW-1/4, OF THE SE-1/4, AND THE S-1/2, OF THE S-1/2, OF THE SW-1/4, OF SECTION 26, WHICH LIES SOUTH OF THE FORMER (NOW ABANDONED) SEABOARD ALL FLORIDA RAILROAD COMPANY RIGHT-OF-WAY, SUBJECT TO A 50' EASEMENT TO FLORIDA POWER AND LIGHT AS DESCRIBED IN DEED BOOK 234, PAGE 26, LEE COUNTY RECORDS.

PARCEL NO. 7:

- (A) ALL THAT PART OF THE S-1/2, OF THE S-1/2, OF THE SE-1/4, OF SECTION 27, WHICH LIES SOUTH OF THE FORMER (NOW ABANDONED) SEABOARD AIRLINE RAILROAD COMPANY RIGHT-OF-WAY.
- (B) THAT PART OF THE S-1/2, OF THE SW-1/4, OF THE SW-1/4, OF SECTION 27, WHICH LIES SOUTH OF THE FORMER (NOW ABANDONED) SEABOARD AIRLINE RAILROAD RIGHT-OF-WAY, IN SECTION 27.
- (C) THE SE-1/4, OF THE SE-1/4, OF THE SW-1/4, IN SECTION 27, LESS THE FORMER (NOW ABANDONED) SEABOARD ALL FLORIDA RAILROAD COMPANY RIGHT-OF-WAY, SUBJECT TO A 50' EASEMENT TO FLORIDA POWER AND LIGHT AS DESCRIBED IN DEED BOOK 234, PAGE 26, LEE COUNTY RECORDS AND SUBJECT OF A 60' ROAD EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 843, PAGE 864, LEE COUNTY RECORDS.

PARCEL NO. 8: THAT PORTION OF THE NW-1/4, OF THE NW-1/4, OF SECTION 27, LYING

SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 80.

PARCEL NO. 9: THAT PORTION OF THE W-1/2, OF THE NE-1/4, OF THE NW-1/4 OF SECTION 27, LYING SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 80, SUBJECT TO A 70' LATERAL DITCH EASEMENT LEFT OF STATION 595+20, AS DESCRIBED IN DEED BOOK 175, PAGE 445.

PARCEL NO. 10: THE N-1/2, OF THE SE-1/4, OF THE NW-1/4, OF SECTION 27, SUBJECT OF A 60' ROAD EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 843, PAGE 864, LEE COUNTY RECORDS.

PARCEL NO. 11:

- (A) THE SE-1/4, OF THE SE-1/4, OF THE NW-1/4, OF SECTION 27, LESS THAT PORTION OF SECTION 27, ALONG THE EAST LINE OF THE WEST ONE-HALF THEREOF, TO THE SOUTH LINE OF THE SE-1/4, OF THE SE-1/4, OF THE NW-1/4, THEREOF; DEDICATED AS A PUBLIC COUNTY ROAD.
- (B) THE SW-1/4, OF THE SE-1/4, OF THE NW-1/4, OF SECTION 27, SUBJECT OF A 60' ROAD EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 843, PAGE 864, LEE COUNTY RECORDS.

PARCEL NO. 12: THE S-1/2, OF THE SW-1/4, OF THE NW-1/4, OF SECTION 27.

PARCEL NO. 13: THE N-1/2, OF THE NW-1/4, OF THE SW-1/4, OF SECTION 27.

PARCEL NO. 14: THE SE-1/4, OF THE NW-1/4, OF THE SW-1/4, OF SECTION 27.

PARCEL NO. 15: THE W-1/2, OF THE NE-1/4, OF THE SW-1/4, OF SECTION 27, SUBJECT OF A 60' ROAD EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 843, PAGE 864, LEE COUNTY RECORDS.

PARCEL NO. 16: THE SE-1/4, OF THE NE-1/4, OF THE SW-1/4, OF SECTION 27, SUBJECT OF A 60' ROAD EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 843, PAGE 864, LEE COUNTY RECORDS.

PARCEL NO. 17: THE N-1/2, OF THE SE-1/4, OF THE SW-1/4, OF SECTION 27, SUBJECT OF A 60' ROAD EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 843, PAGE 864, LEE COUNTY RECORDS.

PARCEL NO. 18: THAT PORTION OF THE S-1/2, OF THE SW-1/4, OF THE SW-1/4, OF SECTION 27, NORTH OF THE SEABOARD ALL FLORIDA RAILROAD COMPANY RIGHT-OF-WAY.

PARCEL NO. 19: THE N-1/2 OF SECTION 34.

PARCEL NO. 20: THE N-1/2 AND THE SW-1/4 AND THE S-1/2, OF THE SW-1/4, OF THE SE-1/4, IN SECTION 35.

PARCEL NO. 21: ALL OF SECTION 36.

AND FROM OFFICIAL RECORDS BOOK 843, PAGES 855-861, BY THE QUIT CLAIM DEED IN OFFICIAL RECORDS BOOK 976, PAGE 549, ALL IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THE FOLLOWING DESCRIBED LAND:

PARCEL NO. 22: NORTH 50 FEET OF RAILROAD RIGHT-OF-WAY FROM WEST LINE OF SECTION 27 TO CENTER LINE OF SECTION 27.

PARCEL NO. 24: THAT PORTION OF THE ABANDONED SEABOARD AIR LINE RAILROAD COMPANY RIGHT-OF-WAY BETWEEN FORT MYERS AND ALVA, FLORIDA, LYING AND BEING IN SECTION 25, TOWNSHIP 43 SOUTH, RANGE 26 EAST; AND THE SOUTHERLY 50 FEET OF SAID RIGHT-OF-WAY LYING IN SECTIONS 26 AND 27, TOWNSHIP 43 SOUTH, RANGE 26 EAST.

CONTAINING 1,797.449 ACRES.

SUBJECT TO THE FOLLOWING:

- (a) THE PROPERTY HEREIN IS SUBJECT TO AN EASEMENT TO THE FLORIDA POWER & LIGHT COMPANY RECORDED IN DEED BOOK 280, PAGE 67, LEE COUNTY PUBLIC RECORDS, AND UTILITY EASEMENTS TO FLORIDA POWER & LIGHT COMPANY RECORDED IN DEED BOOK 234, PAGE 26, DEED BOOK 234, PAGE 28, DEED BOOK 262, PAGE 143, DEED BOOK 230, PAGE 106, AS MODIFIED BY AMENDMENT TO RIGHT-OF-WAY AGREEMENT FILED NOVEMBER 15, 1956, IN MISC. BOOK 43, PAGE 37 AND THE UNRECORDED EASEMENT DATED JANUARY 16, 1958.
- (b) OUTFALL DITCHES AS SET FORTH IN DEEDS TO THE STATE OF FLORIDA RECORDED IN DEED BOOK 175, PAGE 445, AND DEED BOOK 175, PAGE 492, LEE COUNTY PUBLIC RECORDS, WHICH AFFECT PARCEL NOS. 8, 9 AND 10 HEREIN.
- (c) RIGHT-OF-WAY FOR ROAD TWENTY (20) FEET WIDE ALONG SOUTH AND WEST SIDE OF THE TRACT DESCRIBED HEREIN, WHICH AFFECTS PARCEL NO. 11
- (d) EASEMENT RESERVATION AS SET FORTH IN DEED FROM N. H. HUNTER et al TO LEE-DADE PROPRTIED, INC., DATED NOVEMBER 15, 1956, RECORDED IN DEED BOOK 263, PAGE 186, INVOLVING A ONE SQUARE ACRE PARCEL IN THE SW CORNER OF THE N-1/2 OF SECTION 34, WHICH AFFECTS PARCEL NO. 19 HEREIN.

- (e) EASEMENT FOR INGRESS AND EGRESS THROUGH SECTION 27 FROM ROUTE 80 TO THE NORTH LINE OF SECTION 34, TOWNSHIP 43 SOUTH, RANGE 26 EAST BY MARTIN BLUM AND BEN M. BELON, AS TRUSTEES, AND EMMETT J. KELLY AND A. DOUGLAS GRACE, JR., AS TRUSTEES, RECORDED IN OFFICIAL RECORD BOOK 843, PAGE 862, LEE COUNTY PUBLIC RECORDS.
- (f) 100 FOOT EASEMENT ROAD ALONG SECTIONS 28 AND 33 BOUNDARY FROM BUCKINGHAM-OLGA ROAD TO EAST LINE OF SECTIONS 289 AND 33. (FROM DEED BOOK 263, PAGE 186, LEE COUNTY PUBLIC RECORDS)

The applicant has indicated that the STRAP numbers for the subject property are :

27-43-26-00-00003.0000, 25-43-26-00-00121.0000, 34-43-26-00-00001.0010,
35-43-26-00-00001.0000, 36-43-26-00-00001.0000 and 28-43-26-00-00011.0000

ZONING MAP

N

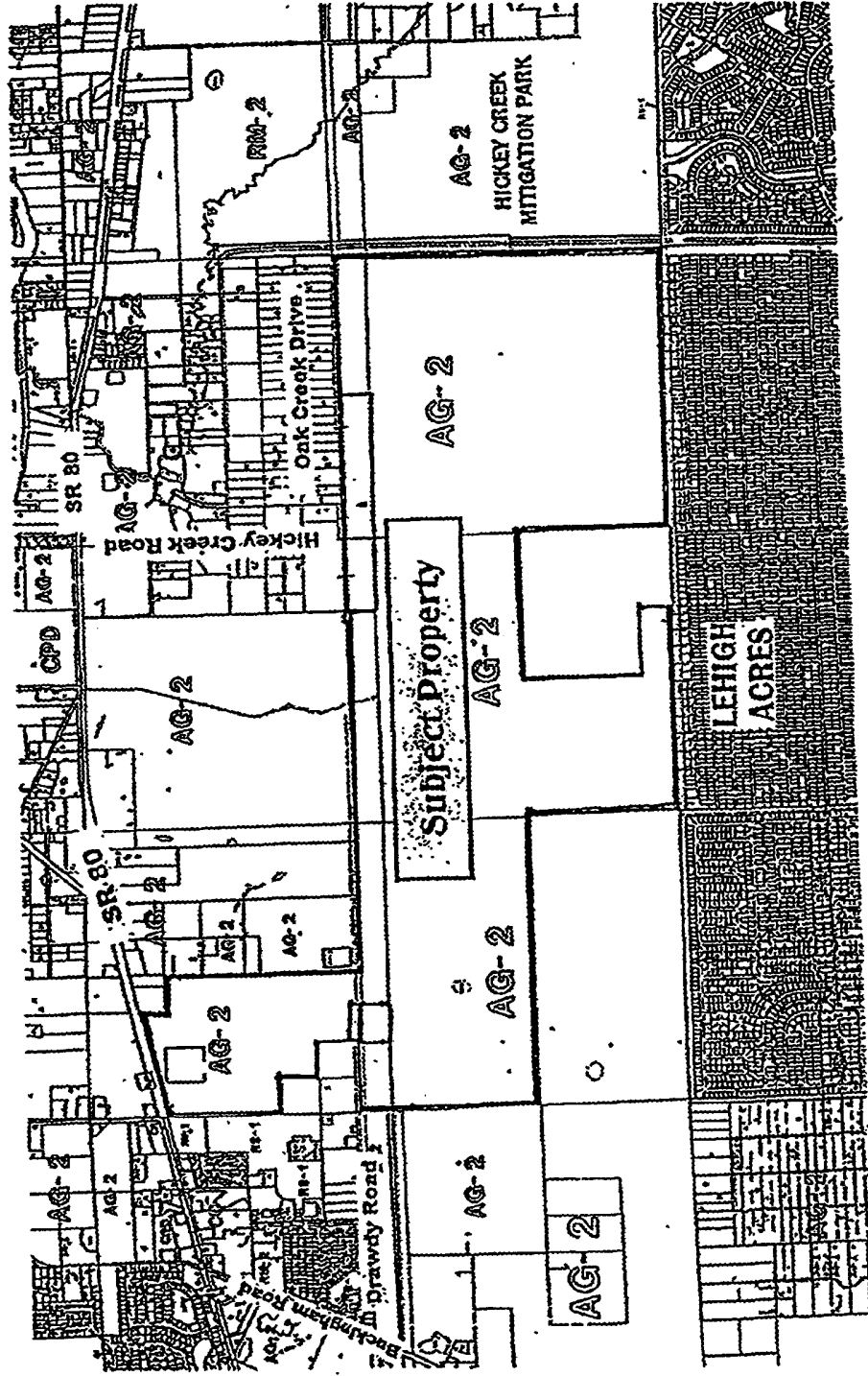


EXHIBIT C

Lee Plan Consistency Report

Through Lee Plan Objective 1.4 Non-urban Areas, special policies have been implemented for the subject property (Section Three) and Sections One and Two, Township 48 South, Range 26 East. The property is classified as a Future Rural Land Use. As such, the Section Three property is being developed in accordance to the policies and standards identified within Lee Plan Policy 1.4.1.

The proposed project presents a Residential Planned Development with a small 5-acre Commercial Planned Development located at the future intersection of Bonita Beach Road and CR 951. It is envisioned that the minor commercial center will serve the future needs of the project's residents. The 5-acre mixed commercial center is consistent with 1.4.1.1(a) that permits neighborhood serving commercial areas up to five acres in size.

The overall project design is based upon development clustering in a manner that supports large contiguous open space areas. In so doing, the project is consistent with 1.4.1.1(a). The RPD consists of clustered development areas that account for no more than 45% of the total growth area of the project. The project open space areas will consist of a minimum 40% of the property. The project will have 259 acres open space areas. Hence, the project will be consistent with Policy 1.4.1.1(a)(2). If a golf course is developed for the property, as per Policy 1.4.1.1(a)(2) the fairways will account for no more than 50% of the regulatory open space of the subject project. Non-residential project development will not exceed 15% of the projects total area and hence the project will comply with Policy 1.4.1.1(a)(3).

The entire Section Three property consists of active agriculturally farmed lands. No naturally recurring wetlands exist on site. Consequently, Policies 1.4.1.1(b) and (c) are not applicable to the project.

The projects open space is designed in a manner that will be consistent with 1.4.1.1 (d). The projects lake design and surface water management system is in accordance with Objective 41.2 and the LDC 10-418 by being designed to mimic functions of natural systems (1.4.1.1(d)(1)) and to provide interconnections within the framework of regional flow-way requirements (1.4.1.1(d)(2)). The project will comply with the Keel Canal Imperial River Basin Study prepared for the South Florida Water Management District. Portions of recreational areas will be incorporated into the projects open space system and surface water management system. All open space areas will be landscaped using a minimum of 75% trees and 50% shrubs as native (1.4.1.1(d)(4)). These planting requirements will meet Florida number one grade or better. In so doing the project is consistent with Lee Plan Policy 1.4.1.1(d)(1-7).

The project is designed in a manner that provides a buffer area along the south boundary pursuant to Policy 1.4.1.1(e)(1). The total buffer width is 150-ft and consists of two

components, one a 100-ft zone and the other a 50-ft zone. Uses and functions including vegetated plantings will be pursuant to the Lee Plan standards.

The property will be serviced with required central water and sanitary sewer utilities. The cost of providing these utilities will be at the developer expense and not the County's. Hence, the provision of utilities will be consistent with Policy 1.4.1.1 (f) & (g). This fact also demonstrates consistency with Objective 2.2 Development Timing and Policy 2.3.2 the Private Provision of Infrastructure.

The Residential Plan Development may include a private golf course as part of its recreation and open space amenities. Any golf course development with the project will comply with Policy 1.4.1.1(i) in that the facility will comply with the goals and standards of the Audubon Cooperative Sanctuary program for golf courses. This will include the use of slow release fertilizers and the implementation of fertilizer management plans. Interrogated pest management along with the coordination of pesticides and irrigation practices will also be a part of the golf course management plan. All management operational functions will be directed by a professional golf course manager. Finally the storage mixing and loading of fertilizers and pesticides will be designed to prevent or minimize the pollution of the natural environment. Typically these types of activities will be undertaken within specially designated areas set aside for these types of operations. In doing so the project will be consistent with the policies and standards set forth within Policy 1.4.1.1(i)(1-5).

The project's 5-acre Commercial Planned Development will comply with Policy 6.1.2 Minor Commercial Site Location Standards. It will be located at the northwest corner of Section Three and at the future intersection of CR 951 and Bonita Beach Road. Though these two roads are classified as arterial roadways, the applicant requests a select number of minor commercial uses. These uses are to serve the future residents needs for local goods and services. In so doing, the project will comply with Objective 4.1 Development Design in providing for a well integrated project with a safe and efficient internal circulation system (Policies 4.1.1 and 4.1.2).

Project Description

The project is located approximately two and half mile east of I-75 and along Bonita Beach Road. To the projects west on finds the Parklands DRI, a Residential Planned development located within the Outlying Suburban land use category. To the south and within Collier County the project will adjoin the proposed Mirasol residential country club community. The project's site design is based upon clustered residential development areas set within an integrated open space system. The open space system will include the project's surface water management system and passive and active recreational facilities that may include a golf course.

The project includes a small 5-acres CPD. The CPD is located within the northwest corner of the property and adjoins the future intersection of the CR951 extension and Bonita Beach Road. The 5-acre CPD will feature minor commercial goods and services that will support the project's residents. The project's internal circulation system will provide direct access to the CPD parcel. In so doing, internal vehicular trips will be captured in a manner that reduces external trips onto the public road network.

The RPD group activity center will be located within the central portion of the project. The RPD will include typical uses such as residential dwelling units, country clubs, personal, private and group recreational facilities and typical residential accessory uses. The CPD will feature minor retail uses such as and including offices, pharmacy, convenience food and beverage and restaurant. Residential uses and related accessory residential uses are included within the CPD use schedule. This will allow the CPD to be shaped according the market demand and in so doing allow for alternative uses within the context of a flexible planning framework. Located outside of the 100-year floodplain, the project will feature 644 dwelling units and 45,000sq ft of commercial business services. Residential and commercial development standards are identified on the master concept plan.

The Section Three Golf Course Management Plan

General Golf Course Management and Irrigation Practices:

1. All Section Three golf courses must comply with the "Best Management Practices for Golf Course Maintenance Departments," prepared by the Florida Department of Environmental Protection, May 1995, as amended.
2. All Section Three golf courses must be planted with a turfgrass cultivated variety that is drought and pest resistant, while requiring relatively low fertilizer use.
3. Golf course irrigation systems must operate on an "as needed" basis through the utilization of weather forecasting and ongoing assessment of the moisture content of the soil.
4. All fairways, greens, and tees must be elevated above the 25-year flood level, and all greens must utilize underdrains. The effluent from these underdrains must be pre-treated prior to discharge into the balance of the project's water management system.
5. Section Three golf course storm water run-off must be pre-treated through an acceptable recreated natural system or dry retention and water retention system, prior to discharging the run-off into lake or wetland systems.
6. An annual monitoring report of ground water and surface water quality is required for the golf course operation. The monitoring program must include: testing to assess whether there are any herbicide, pesticide or fertilizer pollution of the water within the area of the golf course; identifying the locations for the ground water monitoring and testing on a map(s); setting forth the testing and recording requirements. The Developer must submit the test results with the monitoring report to the Lee County Planning Division. The monitoring program will be established and operated at the expense of the Developer, or other comparable legal entity charged with the legal responsibility of managing the golf course. This plan will be evaluated in accordance with the directives of Chapter 17-302, F.A.C., water quality standards.
7. If groundwater or surface water pollution occurs, as that term is defined by the rules or regulations in effect at the time, and should the pollution be caused by the application of fertilizers, herbicides or pesticides to the golf course, the application must cease until there is a revised management plan. If mitigation is necessary to address the pollution, the Developer must implement a mitigation plan approved by Lee County.

Golf Course Surface Water Pollutant Control Practices:

1. All Section Three golf courses will use slow release fertilizers. Mandatory application criteria include no fertilizer applications after active growth of the turf grass has ceased, and that all fertilizers must be kept to the lowest reasonable levels.
2. All Section Three golf courses must implement a chemicals management plan. The chemical management plan must include an integrated pest management (IPM) program and a nutrient management program to assure that nutrients and pesticides are used only when absolutely necessary. These plans will serve to reduce sources of pollutants, especially nutrients and pesticides associated with the golf course(s). The chemical management plan must address prevention, diagnosis, and limited treatment with pesticides when necessary rather than blanket treatment with broad-spectrum pesticides as insurance against all pest species. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified targeted species. The regular widespread application of broad-spectrum pesticides is prohibited. The IPM program must minimize the use of pesticides and must include the use of the US Department of Agriculture - Natural Resources Conservation Service (USDA-NRCS) Soil Pesticide Interaction Rating guide to select pesticides for use that have a minimum potential for leaching or loss from runoff. The nutrient management program must be based upon the USDA-NRCS Nutrient Management Standard and must include the use of soil tests to determine needed applications of nutrients. Only EPA-approved chemicals may be used. No turf-managed areas (including fairways, tees, and greens) are permitted within 35 feet of wetlands or preserve areas. This chemicals management plan must be submitted to and approved by Lee County Planning Division Staff prior to the development order approval.
3. The Section Three golf course development must utilize a golf course manager licensed by the state to use restricted pesticides and experienced in the principles of IPM. The golf course manager is responsible for ensuring that the golf course fertilizers are selected and applied to minimize fertilizer runoff into the surface water and the leaching of those same fertilizers into the groundwater. The Section Three golf course manager must coordinate the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients.
4. The storage, mixing, and loading of fertilizer and pesticides must be designed to prevent/minimize the pollution of the natural environment.

The South Buffer Revegetation and Lake Planting Plan

The South Boundary Buffer Zone:

Pursuant to Lee Plan Policy 1.4.1(1)e., Section Three development shall provide a south boundary buffer to protect adjacent natural areas from the impacts of development. A 250-ft Buffer Zone shall be incorporated into the Master Concept Plan and associated rules and regulations covering the development of Section Three. The Buffer Zone will consist of three zones that are described as follows –

Zone 1

To be comprised of a 100-ft wide area extending completely along the projects southern boundary. The buffer will be replanted with selected native upland forest plant species as specified by type, density and location as depicted in the accompanying Planting Plan. All selected species will be drought tolerant and will not require fertilizers and pesticides to promote growth and survival. There will be no structures erected in Zone 1. However, passive recreation which require few or no onsite facilities or capital investment, and which utilize the natural environment with little or no alteration may be permitted within Zone I. Lake construction and surface water management features such as berms and ditches shall be allowed to remain in Zone I.

Zone 2

To be comprised of a minimum 50-ft wide area extending completely along the projects southern boundary and adjoining the 100-ft. wide Zone 1. Zone 2 will be free of lights and other structures such as fences, pools, sheds and other ancillary residential uses. The permanent placement of generators, pumps and other fixed motors are prohibited. Home sites may extend into Zone 2, but no portion of the residence itself may extend into Zone 2. If residential lots are incorporated into Zone 2, then those portions of “yards” shall be replanted based upon the Zone 1 Planting Plan. Passive recreation, golf courses and lakes are permitted in Zone 2, but may not incorporate lights or structures other than drainage structures and golf cart paths. Underground utilities are permitted within Zone 2.

Zone 3

To be comprised of a minimum 100-ft wide area extending completely along the projects southern boundary and adjoining the 50-ft. wide Zone 2. Zone 3 will consist of residential uses and supporting infrastructure. Exterior lighting may not project toward the adjacent buffer areas and preserve lands. Measures such as directional lighting, reduced-height light supports and other light abatement technology will be use.

Lake Littoral Planting Plan:

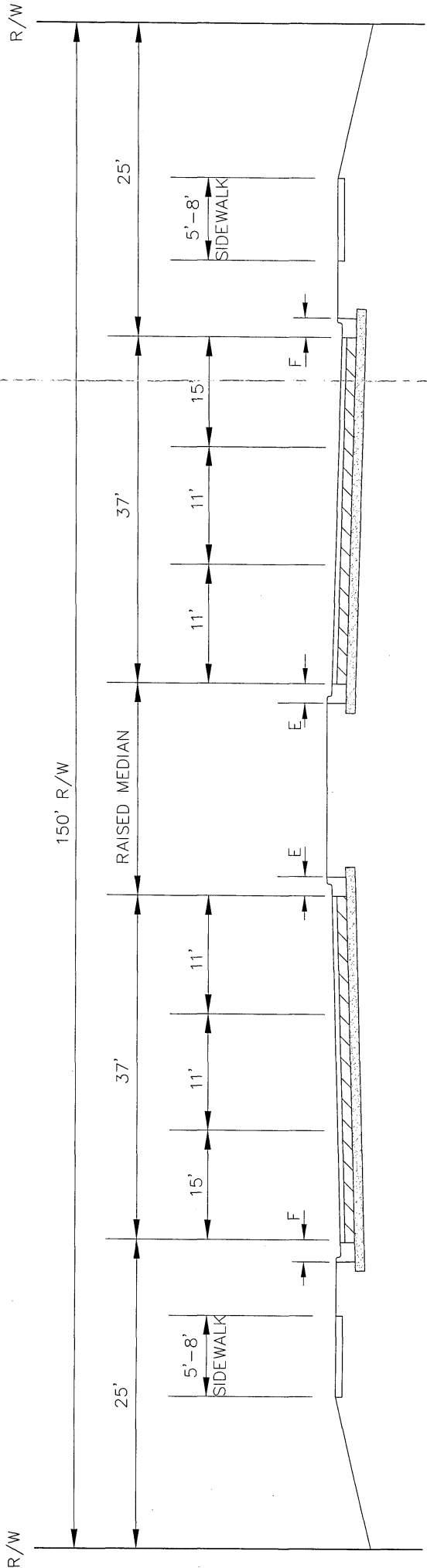
Pursuant to Lee Plan 1.4.1(1)(h) and LDC 10-418, all project lakes will be designed in a sinuous manner. All project lake littoral zones will be planted with minimal four types of native wetland herbaceous plants at one plant per linear foot of shoreline. The type, density and location of project open space plantings will be specified through the accompanying Planting Plan. Lake littoral shelves are to provide feeding areas for water dependent avian species.

Condition 4.b

Where feasible, any Any Development Tract requiring open space ~~must~~ will design the open space to abut the Open Space, Recreation and Lake Areas

APPLICANT'S EXHIBIT
#2
DCL2005-0007D

- (2) **Open Spaces.** These areas will include preserved natural areas, buffers, lakes, parks, golf courses, nature trails, retention areas, conservation areas, scenic resources, green belts, wetlands and associated areas and must account for a minimum of 40% of the Property. Golf course fairways will account for no more than fifty percent (50%) of the open space of the subject property.
 - (3) **Non-residential Development.** These areas will include vehicular and pedestrian ways, commercial and institutional areas, club houses and associated facilities, utility buildings, maintenance areas, tennis courts and associated non-residential uses and will be a maximum of 15% of the Property.
- b. All naturally occurring wetlands, which have not been significantly degraded, must be designated as preserve areas and be subject to a conservation easement similar to that set forth in Section 704.06, Florida Statutes. Limited uses in preserve areas such as nature trails, bike paths, cart paths, boardwalks and the like will be allowed when permitted by appropriate State and Federal agencies. The use of wetland areas for water management, to the extent allowed by law, will not be precluded. Wetland areas being used as water management areas on the Property may be relocated if (1) all approvals are obtained from appropriate State and Federal agencies and (2) where the affected wetland functions are replaced on the Property.
 - c. Where feasible, open space areas will be designed so as to provide connections between wetlands, preserve areas, and buffers on the Property. The design of these open space areas will seek to provide areas which will be integrated with on-site and adjacent preserve properties so as to enhance habitat for small mammals and wading birds. Golf courses, when constructed and maintained in compliance with this paragraph will be considered to be functional open space to the extent set forth above.
 - d. The design of the functional open space area must incorporate the following design features:
 - (1) A surface water management system that mimics the functions of the natural system, in accordance with Objective 41.2 of the Lee Plan:
 - (2) For those areas that drain to the Imperial River Basin, a surface water management system that is consistent with the Kehl Canal/Imperial River basin study prepared for the SFWMD, and adopted by the BOCC pursuant to Policy 40.3.2 of the Lee Plan:
 - (3) Uses including, but not limited to, picnic areas, trails, benches, boardwalks, golf courses, water management systems, biking/jogging/equestrian trails, vita courses, bird viewing blinds/tower and interpretative facilities will be permitted within functional open areas:
 - (4) The open space areas must be replanted with vegetation after construction. Seventy five percent of the total number of required trees used in buffers, and landscaping must be indigenous, and fifty percent of the shrubs must be indigenous:



6 LANE ARTERIAL ROADWAY IN 150' RIGHT OF WAY
WITH OFFSITE STORMWATER MANAGEMENT



FORM #0145
Rev. 08/95

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE PERMIT NO. 36-64096-P**

DATE ISSUED: JANUARY 10, 2002

COPY

PERMITTEE: CORKSCREW GROWERS INC
(CORKSCREW GROWERS PROPERTY)
7373 VANDERBILT BEACH RD EXT,
NAPLES, FL 34119

PROJECT DESCRIPTION: AUTHORIZATION FOR CONSTRUCTION AND OPERATION OF A SURFACE WATER MANAGEMENT SYSTEM TO SERVE A 625.12 ACRE RESIDENTIAL/GOLF COURSE DEVELOPMENT WITHIN A 648.8 ACRE SITE.

PROJECT LOCATION: LEE COUNTY, SECTION 3,4 TWP 48S RGE 26E

PERMIT DURATION: See Special Condition No:1. See attached Rule 40E-4.321, Florida Administrative Code.

This Permit is issued pursuant to Application No. 001019-8, dated September 20, 2000. Permittee agrees to hold and save the South Florida Water Management District and its successors harmless from any and all damages, claims or liabilities which may arise by reason of the construction, operation, maintenance or use of activities authorized by this Permit. This Permit is issued under the provisions of Chapter 373, Part IV Florida Statutes (F.S.), and the Operating Agreement Concerning Regulation Under Part IV, Chapter 373 F.S., between South Florida Water Management District and the Department of Environmental Protection. Issuance of this Permit constitutes certification of compliance with state water quality standards where necessary pursuant to Section 401, Public Law 92-500, 33 USC Section 1341, unless this Permit is issued pursuant to the net improvement provisions of Subsections 373.414(1)(b), F.S., or as otherwise stated herein.

This Permit may be transferred pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-1.6107(1) and (2), and 40E-4.351(1), (2), and (4), Florida Administrative Code (F.A.C.). This Permit may be revoked, suspended, or modified at any time pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-4.351(1), (2), and (4), F.A.C.

This Permit shall be subject to the General Conditions set forth in Rule 40E-4.381, F.A.C., unless waived or modified by the Governing Board. The Application, and the Environmental Resource Permit Staff Review Summary of the Application, including all conditions, and all plans and specifications incorporated by reference, are a part of this Permit. All activities authorized by this Permit shall be implemented as set forth in the plans, specifications, and performance criteria as set forth and incorporated in the Environmental Resource Permit Staff Review Summary. Within 30 days after completion of construction of the permitted activity, the Permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual, pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-4.361 and 40E-4.381, F.A.C.

In the event the property is sold or otherwise conveyed, the Permittee will remain liable for compliance with this Permit until transfer is approved by the District pursuant to Rule 40E-1.6107, F.A.C.

SPECIAL AND GENERAL CONDITIONS ARE AS FOLLOWS:

SEE PAGES 2 - 3 OF 6 (15 SPECIAL CONDITIONS).
SEE PAGES 4 - 6 OF 6 (19 GENERAL CONDITIONS).

FILED WITH THE CLERK OF THE SOUTH
FLORIDA WATER MANAGEMENT DISTRICT

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD

ON ORIGINAL SIGNED BY:
JENNIFER KRUMLAUF

ORIGINAL SIGNED BY:
PHILIP KOCHAN

BY _____
DEPUTY CLERK

By _____
ASSISTANT SECRETARY

Post-it® Fax Note	7671	Date	1-18-02	# of pages ▶
To	BRIAN F.	From	JENN	
Co./Dept.	RONTO	Co.	BEI	
Phone #		Phone #		
Fax #		Fax #		

APPLICANT'S EXHIBIT
#4
DU2000-00070

SPECIAL CONDITIONS

1. The construction phase of this permit shall expire on January, 10, 2007.
2. Minimum building floor elevation: BASIN: DEVELOPED SITE - 17.50 feet NGVD.
3. Minimum road crown elevation: Basin: DEVELOPED SITE - 16.00 feet NGVD.
4. Minimum parking lot elevation: Basin: DEVELOPED SITE - 16.00 feet NGVD.
5. Discharge facilities:

1-3.25" WIDE SHARP CRESTED weir with crest at elev. 13.5' NGVD.
50 LF of 3.5' dia. REINFORCED CONCRETE PIPE culvert.

Receiving body : Bonita Beach Road Swale

Control elev : 13.5 feet NGVD. /13.5 FEET NGVD DRY SEASON.
6. Operation of the surface water management system shall be the responsibility of the Corkscrew Growers Property Owners Association. The permittee shall submit a copy of the recorded deed restrictions (or declaration of condominium, if applicable), a copy of the filed articles of incorporation, and a copy of the certificate of incorporation for the association concurrent with the engineering certification of construction completion.
7. The permittee shall be responsible for the correction of any erosion, shoaling or water quality problems that result from the construction or operation of the surface water management system.
8. Measures shall be taken during construction to insure that sedimentation and/or turbidity problems are not created in the receiving water.
9. The District reserves the right to require that additional water quality treatment methods be incorporated into the drainage system if such measures are shown to be necessary.
10. Lake side slopes shall be no steeper than 4:1 (horizontal:vertical) to a depth of two feet below the control elevation. Side slopes shall be nurtured or planted from 2 feet below to 1 foot above control elevation to insure vegetative growth, unless shown on the plans.
11. Facilities other than those stated herein shall not be constructed without an approved modification of this permit.
12. A stable, permanent and accessible elevation reference shall be established on or within one hundred (100) feet of all permitted discharge structures no later than the submission of the certification report. The location of the elevation reference must be noted on or with the certification report.
13. The permittee shall provide routine maintenance of all of the components of the surface water management system in order to remove all trapped sediments/debris. All materials shall be properly disposed of as required by law. Failure to properly maintain the system may result in adverse flooding conditons.

14. All dewatering discharges during construction shall be contained on-site.
15. Reference is made to Exhibit Nos. 3-4, 6-13, 15-25, 28, 35-36, 39-40, 43-44, and 47-49 dated 10/1/2001, Exhibit Nos. 5, 27, 30, 32-34, 37-38, 41-42, 45-46, and 50-52 dated 10/8/2001, Exhibit Nos. 14, 26, and 31 dated 10/17/2001, and Exhibit No. 29 dated 10/25/2001. The drawings have been signed and sealed by Ramon A. Gonzalez, P.E., of Banks Engineering, Inc. and have been included in this permit by reference (please see permit file).

GENERAL CONDITIONS

1. All activities authorized by this permit shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit and Part IV, Chapter 373. F.S.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner which does not cause violations of State water quality standards. The permittee shall implement best management practices for erosion and pollution control to prevent violation of State water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. All practices shall be in accordance with the guidelines and specifications described in Chapter 6 of the Florida Land Development Manual; A Guide to Sound Land and Water Management (Department of Environmental Regulation, 1988), incorporated by reference in Rule 40E-4.091, F.A.C. unless a project-specific erosion and sediment control plan is approved as part of the permit. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
4. The permittee shall notify the District of the anticipated construction start date within 30 days of the date that this permit is issued. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District an Environmental Resource Permit Construction Commencement Notice Form Number 0960 indicating the actual start date and the expected construction completion date.
5. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing an annual status report form. Status report forms shall be submitted the following June of each year.
6. Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the supplied Environmental Resource Permit Construction Completion/Certification Form Number 0881. The statement of completion and certification shall be based on onsite observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the District that the system is ready for inspection. Additionally, if deviation from the approved drawings is discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "As-built" or "Record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor.
7. The operation phase of this permit shall not become effective: until the permittee

has complied with the requirements of condition (6) above, and submitted a request for conversion of Environmental Resource Permit from Construction Phase to Operation Phase, Form No. 0920; the District determines the system to be in compliance with the permitted plans and specifications; and the entity approved by the District in accordance with Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, accepts responsibility for operation and maintenance of the system. The permit shall not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall initiate transfer of the permit to the approved responsible operating entity if different from the permittee. Until the permit is transferred pursuant to Section 40E-1.6107, F.A.C., the permittee shall be liable for compliance with the terms of the permit.

8. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of the phase or portion of the system to a local government or other responsible entity.
9. For those systems that will be operated or maintained by an entity that will require an easement or deed restriction in order to enable that entity to operate or maintain the system in conformance with this permit, such easement or deed restriction must be recorded in the public records and submitted to the District along with any other final operation and maintenance documents required by Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit applications within the South Florida Water Management District, prior to lot or units sales or prior to the completion of the system, whichever comes first. Other documents concerning the establishment and authority of the operating entity must be filed with the Secretary of State, county or municipal entities. Final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local government entity. Failure to submit the appropriate final documents will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system and any other permit conditions.
10. Should any other regulatory agency require changes to the permitted system, the permittee shall notify the District in writing of the changes prior to implementation so that a determination can be made whether a permit modification is required.
11. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40E-4 or Chapter 40E-40, F.A.C..
12. The permittee is hereby advised that Section 253.77, F.S. states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the State, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
13. The permittee must obtain a Water Use permit prior to construction dewatering,

unless the work qualifies for a general permit pursuant to Subsection 40E-20.302(4), F.A.C., also known as the "No Notice" Rule.

14. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any system authorized by the permit.
15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding, unless a specific condition of this permit or a formal determination under Section 373.421(2), F.S., provides otherwise.
16. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of a permitted system or the real property on which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rules 40E-1.6105 and 40E-1.6107, F.A.C.. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations prior to the sale, conveyance or other transfer of the system.
17. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.
18. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the appropriate District service center.
19. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

40E-4.321 Duration of Permits

(1) Unless revoked or otherwise modified the duration of an environmental resource permit issued under this chapter or Chapter 40E-40, F.A.C. is as follows:

(a) For a conceptual approval, two years from the date of issuance or the date specified as a condition of the permit, unless within that period an application for an individual or standard general permit is filed for any portion of the project. If an application for an environmental resource permit is filed, then the conceptual approval remains valid until final action is taken on the environmental resource permit application. If the application is granted, then the conceptual approval is valid for an additional two years from the date of issuance of the permit. Conceptual approvals which have no individual or standard general environmental resource permit applications filed for a period of two years shall expire automatically at the end of the two year period.

(b) For a conceptual approval filed concurrently with a development of regional impact (DRI) application for development approval (ADA) and a local government comprehensive plan amendment, the duration of the conceptual approval shall be two years from whichever one of the following occurs at the latest date:

1. the effective date of the local government's comprehensive plan amendment.
2. the effective date of the local government development order.
3. the date on which the District issues the conceptual approval, or
4. the latest date of the resolution of any Chapter 120.57, F.A.C., administrative proceeding or other legal appeals.

(c) For an individual or standard general environmental resource permit, five years from the date of issuance or such amount of time as made a condition of the permit.

(d) For a noticed general permit issued pursuant to chapter 40E-400, F.A.C., five years from the date the notice of intent to use the permit is provided to the District.

(2)(a) Unless prescribed by special permit condition, permits expire automatically according to the timeframes indicated in this rule. If application for extension is made in writing pursuant to subsection (3), the permit shall remain in full force and effect until:

1. the Governing Board takes action on an application for extension of an individual permit,
- or
2. staff takes action on an application for extension of a standard general permit.

(b) Installation of the project outfall structure shall not constitute a vesting of the permit.

(3) The permit extension shall be issued provided that a permittee files a written request with the District showing good cause prior to the expiration of the permit. For the purpose of this rule, good cause shall mean a set of extenuating circumstances outside of the control of the permittee. Requests for extensions, which shall include documentation of the extenuating circumstances and how they have delayed this project, will not be accepted more than 180 days prior to the expiration date.

(4) Substantial modifications to Conceptual Approvals will extend the duration of the Conceptual Approval for two years from the date of issuance of the modification. For the purposes of this section, the term "substantial modification" shall mean a modification which is reasonably expected to lead to substantially different water resource or environmental impacts which require a detailed review.

(5) Substantial modifications to individual or standard general environmental resource permits issued pursuant to a permit application extend the duration of the permit for three years from the date of issuance of the modification. Individual or standard general environmental resource permit modifications do not extend the duration of a conceptual approval.

(6) Permit modifications issued pursuant to subsection 40E-4.331(2)(b), F.A.C. (letter modifications) do not extend the duration of a permit.

(7) Failure to complete construction or alteration of the surface water management system and obtain operation phase approval from the District within the permit duration shall require a new permit authorization in order to continue construction unless a permit extension is granted.



FORM #0299
Rev. 5/93

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
WATER USE PERMIT NO. RE-ISSUE 36-04134-W

(NON - ASSIGNABLE)

Date Issued: JANUARY 10, 2002 Expiration Date: SEE LIMITING CONDITION NO.

Authorizing: THE CONTINUATION OF AN EXISTING USE OF GROUNDWATER FROM THE WATER TABLE
AQUIFER AND SURFACE WATER FROM ON-SITE LAKE(S) FOR LANDSCAPE IRRIGATION
AND GOLF COURSE IRRIGATION USE WITH AN ANNUAL ALLOCATION OF 538.38
MILLION GALLONS.

Located In: Lee County, S3/T48S/R26E

Issued To: CORKSCREW GROWERS PROPERTY INC
(CORKSCREW GROWERS PROPERTY)
PO BOX 309
BONITA SPRINGS , FL 33959

This Permit is issued pursuant to Application No. 010309-14 , dated February 15, 2001, for the Use of Water as specified above and subject to the Special Conditions set forth below. Permittee agrees to hold and save the South Florida Water Management District and its successors harmless from any and all damages, claims or liabilities which may arise by reason of the construction, maintenance or use of activities authorized by this permit. Said application, including all plan and specifications attached thereto, is by reference made a part hereof.

Upon written notice to the permittee, this permit may be temporarily modified, or restricted under a Declaration of Water Shortage or a Declaration of Emergency due to Water Shortage in accordance with provisions of Chapter 373, Fla. Statutes, and applicable rules and regulations of the South Florida Water Management District.

This Permit may be permanently or temporarily revoked, in whole or in part, for the violation of the conditions of the permit or for the violation of any provision of the Water Resources Act and regulations thereunder.

This Permit does not convey to the permittee any property rights nor any privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation, or requirement affecting the rights of other bodies or agencies.

Limiting Conditions are as follows:

SEE PAGES 2 - 4 OF 4 (23 LIMITING CONDITIONS).

Filed with the Clerk of the South
Florida Water Management District

South Florida Water Management
District, by its Governing Board

On ORIGINAL SIGNED BY:
JENNIFER KRUMLAUF

By _____
Deputy Clerk

ORIGINAL SIGNED BY:
PHILIP KOCHAN

By _____
Assistant Secretary

LIMITING CONDITIONS

- 1 . This permit shall expire on June 15, 2004, or the date the District shall specify in rules adopted to implement the regional water supply plan, whichever date establishes a shorter permit duration.
- 2 . Application for a permit modification may be made at any time.
- 3 . Water use classification:
 - Landscape Irrigation
 - Golf course Irrigation
- 4 . Source classification:
 - Ground Water from:
 - Water Table Aquifer
 - Surface Water from:
 - On-site Lake(s)
- 5 . Annual allocation shall not exceed 538 MG.
 Maximum monthly allocation shall not exceed 71.4556 MG.
- 6 . In the event of a declared water shortage, water withdrawal reductions will be ordered by the District in accordance with the Water Shortage Plan, Chapter 40E-21, F.A.C. The Permittee is advised that during a water shortage, pumpage reports shall be submitted as required by Chapter 40E-21, F.A.C.
- 7 . Withdrawal Facilities:
 - Ground Water - Existing:
 - 5 - 8" X 60' X 1500 GPM Wells Cased To 40 Feet
 - Surface Water - Proposed:
 - 13 - 4" x 7.5 HP X 90 GPM submersible Pumps
 - 3 - 12" x 75 HP X 13000 GPM turbine Pumps
- 8 . Permittee shall mitigate any adverse impacts to existing legal uses as a consequence of withdrawals permitted herein. When adverse impacts occur, or is imminent, the District reserves the right to curtail withdrawal rates. Adverse impacts are:
 - A) reduction in well water levels that impairs the ability of an adjacent well, including a domestic well, lawn irrigation well, or public water supply well, to produce water by 10% or greater,
 - B) significant reduction in levels in an adjacent water body, such as a lake, pond, or a canal system, that impairs the ability to produce water by 10% or greater,
 - C) saline water intrusion or induced movement of pollutants into the water supply of an adjacent water use, resulting in a significant reduction in water quality, and
 - D) change in water quality caused by the permittee that results in significant impairment or loss of use of a well or water body.
- 9 . Permittee shall mitigate any adverse impact to existing off-site land use as a consequence of withdrawals permitted herein. If increased withdrawals cause an adverse impact on existing land use, the District reserves the

right to curtail future withdrawal rates. Adverse impacts are:

- A) significant reduction in water levels in an adjacent surface water body, including impoundments, to the extent that the designed function of the water body is impaired,
- B) land collapse or subsidence caused by reduction in water levels; and
- C) damage to crops and other types of vegetation.

10. If adverse impacts occur to natural resources as a result of the Permittee's water withdrawals, the Permittee shall mitigate for such impacts. When adverse impacts occur, or are imminent, District reserves the right to curtail withdrawal rates. Examples of adverse impacts are:

- A) reduction in ground water levels that results in significant lateral movement of the fresh water/salt water interface,
- B) reduction in water levels that adversely impact the hydroperiod of protected wetland environments,
- C) significant reduction in water levels or hydroperiod in a naturally occurring water body such as a lake or pond,
- D) induced movement or induction of pollutants into the water supply resulting in a significant reduction in water quality, and
- E) significant damage to the natural system including damage to habitat for rare or endangered species.

11. If any condition of the permit is violated, the permit shall be subject to review and possible modification, enforcement action, or revocation.

12. Authorized representatives of the District shall be permitted to enter, inspect, and observe the permitted system to determine compliance with special conditions.

13. The Permittee is advised that this permit does not relieve any person from the requirement to obtain all necessary federal, state, local and special district authorizations.

14. The permit does not convey any property right to the Permittee, nor any rights and privileges other than those specified in the Permit and Chapter 40E-2, Florida Administrative Code.

15. Permittee shall submit all data as required by the implementation schedule for each of the limiting conditions to: S.F.W.M.D., Supervising Hydrogeologist - Post-Permit Compliance, Water Use Regulation Dept. (4320), P.O. Box 24680, West Palm Beach, FL 33416-4680.

16. Prior to withdrawing water as authorized by this Permit, the Permittee shall provide the results of the calibration testing of the identified water accounting method(s) and equip all existing and proposed withdrawal facilities with approved water use accounting method(s) pursuant to Section 4.1 of the Basis of Review for Water Use Permit Applications.

17. Every two years from the date of Permit issuance, the Permittee shall submit re-calibration data on each water pumping accounting facility, for those Permittees whose accounting method(s) require re-calibration.

18. Monthly withdrawals for each withdrawal facility shall be submitted to the District quarterly. The water accounting method and means of calibration shall be stated on each report.

19. Landscape and golf course Permittees must comply with all plan requirements and the implementation schedule contained in the plan submitted pursuant to section 2.3.1 of the Basis of Review for Water Use Permit Applications within the South Florida Water Management District.

20. Landscape and golf course irrigation is prohibited between the hours of 10:00 A.M. and 4:00 P.M., except as follows:
- a) Irrigation using micro-irrigation system is allowed anytime.
 - b) Users whose average annual allocation is made up of 75% or greater volume of reclaimed water for irrigation may irrigate at anytime.
 - c) Irrigation of, or in preparation for planting, new golf courses and recreational areas is allowed at any time of day for one 30 day period provided irrigation is limited to the amount necessary for plant establishment. Irrigation of newly seeded or sprigged golf course areas is allowed any time of day for one 60 day period.
 - d) Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides when required by law, recommended by the manufacturer or constituting best management practices is allowed anytime within 24 hours of application.
 - e) Irrigation systems may be operated anytime for maintenance and repair purposes.
 - f) The use of water to protect golf course turf from heat and wind stress damage is allowed anytime.
21. The Permittee shall investigate the availability, cost, and feasibility of obtaining reclaimed water and actively participate in discussions and negotiations with potential suppliers of reclaimed water when the supplies become available.
22. If reclaimed water becomes available prior to the expiration date of this permit, the Permittee shall apply for a modification of the water use permit to reflect that portion of the allocation which is to be provided for by reclaimed water. Reclaimed water is considered available when an agreement has been executed between both parties, the transmission lines are constructed to the project site, and the necessary on-site modifications and authorizations are obtained.
23. The ratio of the number of gallons per day withdrawn from the recharge well(s) listed in Table A to the number of gallons per day withdrawn from the on-site pond pump(s) listed in Table B shall not exceed 1:1 on an average monthly basis.

APPLICANT'S EXHIBIT 5

CORKSCREW GROWERS SECTION 3 – Case No. DCI2000-00070

Proposed Changes to Golf Course Conditions – Condition 17

k. Stormwater run-off must be pre-treated through an acceptable recreated natural system or dry retention and/or detention and water retention and/or detention system, prior to discharging the run-off into existing lake or wetland (any aquatic) system.

c. add the following sentence to the end of this condition: "The developer or its successor(s) and staff will review this monitoring requirement every three years to determine if reduction or elimination of the monitoring requirement is justified; if so, the condition may be proposed for modification through the public hearing process."

d. If groundwater or surface water pollution occurs, as that term is defined by the rules or regulations in effect at the time of development order, . . . [continue with condition as proposed by staff]

HENDERSON, FRANKLIN, STARNES & HOLT, P.A. LEE COUNTY
1715 Monroe Street Post Office Box 280 HEARING EXAMINER
Fort Myers, Florida 33902-0280
Telephone 941/334-4121 Facsimile 941/334-4100 02 APR -4 PM 2:44

MEMORANDUM

April 4, 2002

TO : Diana Parker
Chief Hearing Examiner

FROM: Russell P. Schropp

RE: Horseshoe Developments, Inc. in ref. to Corkscrew Growers Section Three
RPD/CPD; Case No. DCI2000-00070

Pursuant to your Order for Continuance dated March 28, 2002, in the above-referenced case, enclosed please find a map, with legal description, of the currently existing agricultural uses on the subject property. For purposes of the condition proposed by staff at hearing, I believe the blanks in the condition should be filled in as follows:

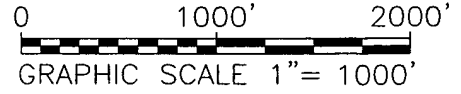
8. The Developer or his agent is entitled to continue bona fide agricultural uses already existing on the property. These uses are limited to the areas identified on the attached map dated April 2, 2002, prepared by Banks Engineering, Inc. (Exhibit XX). Any existing agricultural use must be . . .

Please contact me should you have any questions regarding the enclosed. Thank you.

/rs
enc

cc(w/enc): Dawn Lehnert, Esq.
Mike Pavese
Brian Farrar
Dave Underhill
Greg Stuart

APPLICANT'S EXHIBIT
6
DCI 2000-00070



VACANT AG-2

BONITA BEACH RD

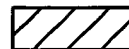
EXISTING RPD/DRI
EXISTING USE-AGRICULTURE

SECTION 3

RURAL VACANT AG-2

VACANT

LEGAL DESCRIPTION OF EXISTING AGRICULTURAL USE:
ALL OF SECTION 3, TOWNSHIP 48 SOUTH , RANGE 26 EAST ,
LEE COUNTY FLORIDA ; CONTAINING 648.80 ACRES



EXISTING USE = ROW CROP

NO	DATE	REVISION DESCRIPTION	BY

Banks Engineering, Inc.
Professional Engineers, Planners & Land Surveyors
Engineering License Number EB-0006469 - Surveying License Number LB 6690
6840 WILLOW PARK DRIVE - SUITE "B" NAPLES, FLORIDA 34109
PHONE: (941)597-2061 FAX: (941)597-3082
10511 SIX MILE CYPRESS PARKWAY - SUITE 101 FORT MYERS, FLORIDA 33912
PHONE: (941)939-5490 FAX: (941)939-2523
1144 TALLEYVAST ROAD - SUITE 115 SARASOTA, FLORIDA 34243
PHONE: (941)360-1618 FAX: (941)360-6918

DESCRIPTION OF EXISTING AGRICULTURE USE									
CORKSCREW GROWERS PROPERTY									
LEE COUNTY, FLORIDA									
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
04-02-02	1360	1360_DESC	GAM	KIJ	DRU	1"=1000'	1	1	3-48S-26E