

# GIS Tracking Sheet

Case No.: DCI 2010-00015  
 Intake Date: July 20, 2010  
 Project Name: Diplomat Property RPD/CPD  
 STRAP Number(s): 34-43-24-00-00001.3030  
 Planner Name: Tony Palermo Ext. 38325

## LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING

Date: 10/27/10 INTAKE: DCI 10015

LEGAL SUFFICIENT  YES  NO Initials: CJ

If not, give brief explanation:

SEE TIDEMARK

APPROVED

## MAP UPDATE following FINAL ACTION

Date:

- Hearing Examiner Decision  Board of County Commissioner's Resolution  
 Administrative Approval  Blue Sheet

Zoning Notes:

6/21/11

MAP UPDATED  YES  NO Initials: CA

If not, give brief explanation:

ZONE CPD 50153

# Description

RECEIVED  
JUL 20 2010  
COMMUNITY DEVELOPMENT

**SUBJECT PARCEL - (NORTH RESIDENTIAL):**

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

COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG THE WESTERLY RIGHT-OF-WAY AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE SOUTHEASTERLY CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 199.95 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.86°35'21"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 12.52 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2150.00 FEET; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 133.12 FEET; THENCE S.89°51'48"W. ALONG SAID RIGHT-OF-WAY LINE FOR 1484.79 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.89°51'48"W. ALONG SAID RIGHT-OF-WAY LINE FOR 80.00 FEET; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE S.89°51'48"W. FOR 257.48 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF A DRAINAGE EASEMENT (50 FEET WIDE) DESCRIBED IN DEED BOOK 237 AT PAGES 564 AND 565 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N.00°20'36"W. ALONG SAID EASTERLY LINE FOR 703.76 FEET TO THE SOUTHERLY LINE OF SERENEDIPITY SOUTH MOBILE HOME PARK (UNRECORDED); THENCE ALONG THE SOUTHERLY AND EASTERLY LINES OF SAID PARK FOR THE FOLLOWING THREE (3) DESCRIBED COURSES: N.85°23'00"E. FOR 335.22 FEET; THENCE N.02°25'15"W. FOR 346.19 FEET; THENCE S.89°54'50"E. FOR 1231.65 FEET TO THE WESTERLY LINE OF THE AFOREMENTIONED PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335; THENCE S.03°25'50"W. ALONG THE WESTERLY OF SAID PARCEL FOT 1073.15 FEET; THENCE S.89°51'48"W. FOR 1145.24 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 35.18 ACRES, MORE OR LESS.

APPROVED  
LEGAL *6/18/27/10*

<b>THIS IS NOT A SURVEY</b>	Sketch to Accompany Description  <b>Subject Parcel - North Residential</b> <i>A Portion of Land Lying in Section 34, township 43 South, Range 24 East</i>	
<b>Page 2 of 2</b>	 <b>D CRAMER SURVEYING, INC.</b> SURVEYING PROFESSIONALS  PROFESSIONAL SURVEYOR AND MAPPER NUMBER PSM6655 1031 Cape Coral Pkwy East, Suite 209, Cape Coral, FL 33904 Phone: (239) 540-8556 Fax: (239) 540-4750 www.cramersurveying.com	I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on July 15th, 2010 is in accordance with Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.  <p style="text-align: center;"><i>See Page 1 of 2 for Signature and Seal</i></p> <hr/> <small>DAVID KEITH CRAMER FLORIDA PROFESSIONAL SURVEYOR &amp; MAPPER NO.6655 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER</small>
JOB # 10-1062      PREPARED FOR: En-Site		
SECTION 34, TOWNSHIP 43S, RANGE 24E		

DCI 2010-00015

**Sketch:**

AIOP SERENDIPITY LLC  
34-43-24-00-00001.0000  
O.R. 2988, Page 3413

S89°54'50"E 1231.65'

CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA
C-1	94.14	5829.58	94.14	S03°47'10"W	N/A
C-2	133.12	2150.00	133.10	N88°21'46"W	3°32'51"

ATHYRIO DEVELOPMENT ASSOCIATES, LLC  
34-43-24-00-00001.3030  
Inst. No. 2005000145398  
  
North Residential  
35.18 Acres More or Less

HALLIN FAMILY LLC  
34-43-24-00-00001.3020  
O.R. 1972, Pg 335

COOPER STREET PROPERTY, INC  
34-43-24-00-00001.3030  
O.R. 4729, 0762

(Southeasterly Corner of a Parcel  
Described in O.R.1972, Pg 335)

N89°54'50"W  
500.85'

N86°35'21"W  
12.52'

Diplomat Parkway  
O.R. 2833, Page 4156  
(100' Wide)

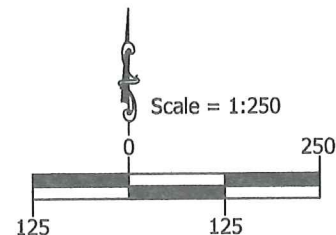
Point of Commencement  
(Point of Intersection of the Southerly R/W  
of Littleton and the Westerly R/W of U.S. 41)

Southerly  
R/W of Littleton Road  
(50' Wide)

Westerly R/W of U.S. 41 (S.R. 45) (200' Wide)  
(BEARING BASIS)  
S03°02'55"W  
2338.37'

Description to Accompany Sketch

**Subject Parcel - North Residential**  
A Portion of Land Lying in Section 34, township  
43 South, Range 24 East



**THIS IS NOT A SURVEY**

**DCRAMER SURVEYING, INC.**  
SURVEYING PROFESSIONALS

PROFESSIONAL SURVEYOR AND MAPPER NUMBER PSM6655  
1031 Cape Coral Pkwy East, Suite 209, Cape Coral, FL 33904  
Phone: (239) 540-8556 Fax: (239) 540-4750  
www.cramersurveying.com

JOB # 10-1062 | PREPARED FOR: En-Site  
SECTION 34, TOWNSHIP 43S, RANGE 24E

DATE | REVISION

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on **July 15th, 2010** is in accordance with Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

*David K. Cramer*

**DAVID KEITH CRAMER**  
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO.6655  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL  
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

**APPROVED  
LEGAL**  
*C. J. ...*

**RECEIVED**

DCI 2010-00015 JUL 20 2010

Page 1 of 2

COMMUNITY DEVELOPMENT

- SURVEY NOTES:**
1. BEARING BASIS: EASTERLY RIGHT OF WAY LINE OF McGREGOR BOULEVARD AS: N00°00'00"W
  2. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
  3. **THIS IS NOT A SURVEY**
  4. ADDITIONS TO OR DELETIONS OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. COPYRIGHT 2009, DAVID K. CRAMER, PSM, ALL RIGHTS RESERVED.
  5. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF DAVID K. CRAMER, PSM.

Easterly Line of Drainage  
Easement (50' Wide)

AIOP SERENDIPITY LLC  
34-43-24-00-00001.0000  
O.R. 2988, Page 3413

N02°25'15"W  
346.19'

N85°23'00"E  
335.22'

Southerly Line of  
Serendipity South  
Mobile Home Park

703.76'

N00°20'36"W

S89°51'48"W  
257.48'

S89°51'48"W  
257.48'

1145.24'  
887.76'

53.49' (M)

N00°08'12"W  
250.00'

S00°08'12"E  
250.00'

North  
Commercial  
East  
Inst. No.  
2005000145398

S00°08'12"E  
250.00'

80.00'  
S89°51'48"W

**Point of Beginning**  
(North Residential Parcel)  
Instr. No. 2005000145398

S89°51'48"W  
1484.79'

1227.31'  
Northerly R/W of Diplomat Parkway

R/W

# Description

RECEIVED

SEP 24 2010

COMMUNITY DEVELOPMENT


**SUBJECT PARCEL - (NORTH RPD):**

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

COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG THE WESTERLY RIGHT-OF-WAY AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE SOUTHEASTERLY CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 199.95 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.86°35'21"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 12.52 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2150.00 FEET; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 133.12 FEET; THENCE S.89°51'48"W. ALONG SAID RIGHT-OF-WAY LINE FOR 1484.79 FEET TO THE **POINT OF BEGINNING**; THENCE, FROM SAID POINT OF BEGINNING, CONTINUE S.89°51'48"W. ALONG SAID RIGHT-OF-WAY LINE FOR 80.00 FEET; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE N.89°51'48"E. FOR 10.01 FEET; THENCE N.00°08'12"W. FOR 63.94 FEET; THENCE 435.59 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 530.00 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 423.43 FEET AND BEARING N.23°24'25"E. TO A POINT OF INTERSECTION WITH A LINE THAT BEARS N.43°02'54"W.; THENCE LEAVING SAID CURVE RUN N.43°02'54"W. FOR 144.06 FEET; THENCE N.02°25'15"W. FOR 172.43 FEET TO AN INTERSECTION WITH THE SOUTHERLY AND EASTERLY LINE OF SERENEDIPITY SOUTH MOBILE HOME PARK (UNRECORDED); THENCE CONTINUE ALONG THE SOUTHERLY AND EASTERLY LINES OF SAID PARK FOR THE FOLLOWING TWO (2) DESCRIBED COURSES: N.02°25'15"W. FOR 346.19 FEET; THENCE S.89°54'50"E. FOR 1231.65 FEET TO THE WESTERLY LINE OF THE AFOREMENTIONED PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335; THENCE S.03°25'50"W. ALONG THE WESTERLY LINE OF SAID PARCEL FOR 1073.15 FEET; THENCE S.89°51'48"W. FOR 1145.24 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 29.76 ACRES, MORE OR LESS.

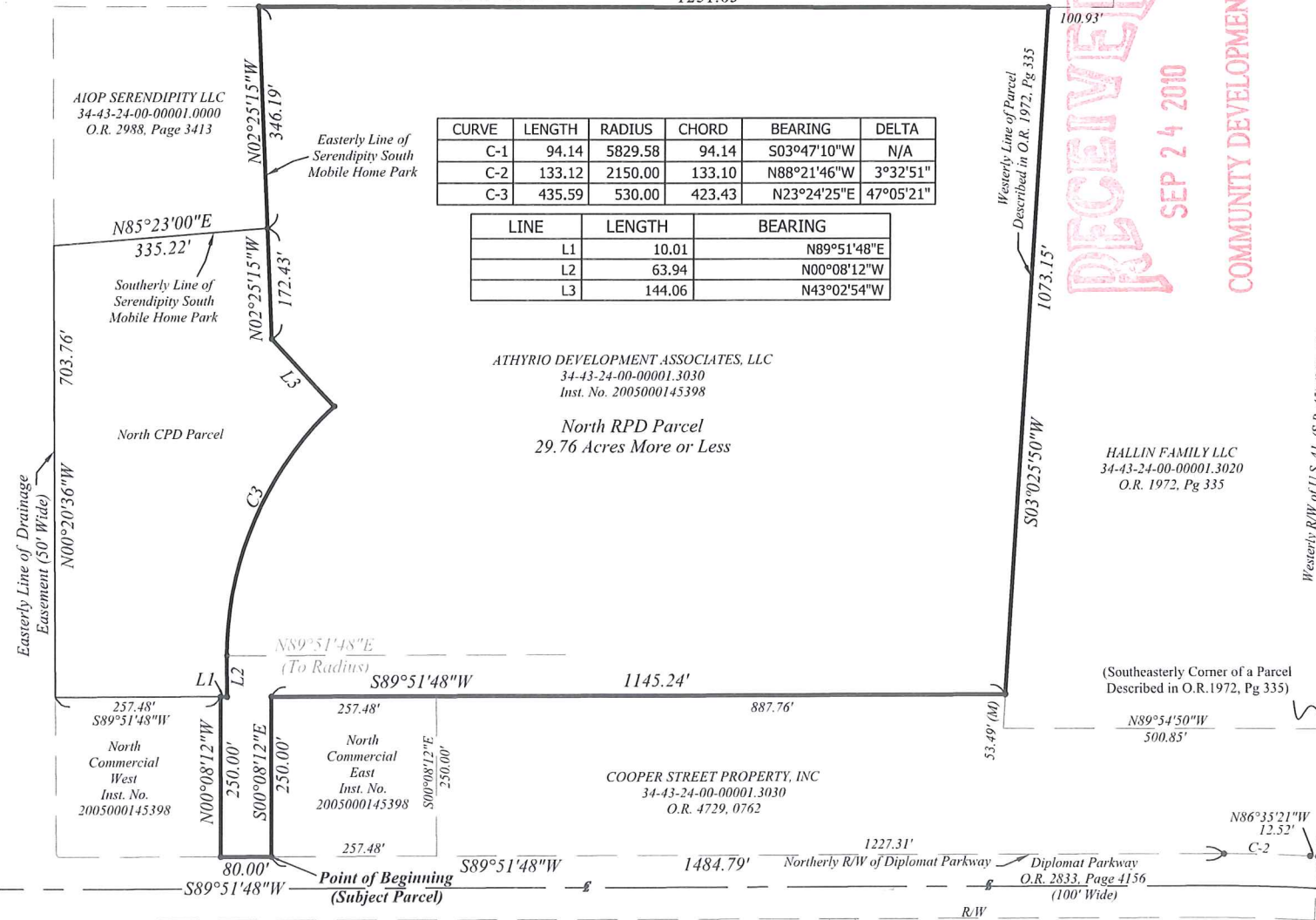
DCI 2010-00015

<p><b>THIS IS NOT A SURVEY</b></p>	<p>Sketch to Accompany Description</p> <p><b>Subject Parcel - North RPD</b></p> <p><i>A Portion of Land Lying in Section 34, township 43 South, Range 24 East</i></p>	<p><b>Exhibit No. PH-3.C.1</b></p>
<p>Page 2 of 2</p>	 <p><b>CRAMER SURVEYING, INC.</b></p> <p><b>SURVEYING PROFESSIONALS</b></p> <p>PROFESSIONAL SURVEYOR AND MAPPER NUMBER PSM6655          1031 Cape Coral Pkwy East, Suite 209, Cape Coral, FL 33904          Phone: (239) 540-8556 Fax: (239) 540-4750  <a href="http://www.cramersurveying.com">www.cramersurveying.com</a></p>	<p>I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on <b>September 16th, 2010</b> is in accordance with Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors &amp; Mappers in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.</p> <p style="text-align: center;"><i>See Page 1 of 2 for Signature and Seal</i></p> <hr/> <p><b>DAVID KEITH CRAMER</b>          FLORIDA PROFESSIONAL SURVEYOR &amp; MAPPER NO.6655          NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER</p>
<p>JOB # 10-1062      PREPARED FOR: En-Site</p> <p>SECTION 34, TOWNSHIP 43S, RANGE 24E</p>		

# Sketch:

AIOP SERENDIPITY LLC  
34-43-24-00-00001.0000  
O.R. 2988, Page 3413

S89°54'50"E 1231.65'



CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA
C-1	94.14	5829.58	94.14	S03°47'10\"W	N/A
C-2	133.12	2150.00	133.10	N88°21'46\"W	3°32'51\"
C-3	435.59	530.00	423.43	N23°24'25\"E	47°05'21\"

LINE	LENGTH	BEARING
L1	10.01	N89°51'48\"E
L2	63.94	N00°08'12\"W
L3	144.06	N43°02'54\"W

ATHYRIO DEVELOPMENT ASSOCIATES, LLC  
34-43-24-00-00001.3030  
Inst. No. 2005000145398

North RPD Parcel  
29.76 Acres More or Less

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SEP 24 2010

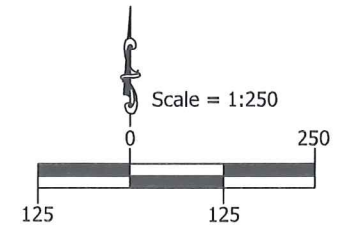
COMMUNITY DEVELOPMENT

DCI 2010-00015

Point of Commencement  
(Point of Intersection of the Southerly R/W of Littleton and the Westerly R/W of U.S. 41)

Description to Accompany Sketch

**Subject Parcel - North RPD**  
A Portion of Land Lying in Section 34,  
township 43 South, Range 24 East



**THIS IS NOT A SURVEY**

**DCRAMER SURVEYING, INC.**  
SURVEYING PROFESSIONALS

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1031 Cape Coral Pkwy East, Suite 209, Cape Coral, FL 33904  
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JOB # 10-1062 PREPARED FOR: En-Site

SECTION 34, TOWNSHIP 43S, RANGE 24E

DATE	REVISION

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FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO.6655  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL  
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

**SURVEY NOTES:**

1. BEARING BASIS: WESTERLY RIGHT OF WAY LINE OF U.S. 41 AS: S03°025'50\"W
2. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
3. **THIS IS NOT A SURVEY**
4. ADDITIONS TO OR DELETIONS OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. COPYRIGHT 2009, DAVID K. CRAMER, PSM, ALL RIGHTS RESERVED.
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Exhibit No. PH-.3.C.2

APPROVED  
LEGAL  
69 10-29-10

## Description

**SUBJECT PARCEL - (NORTH CPD):**

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PARCEL CONTAINS 5.43 ACRES, MORE OR LESS.

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SEP 24 2010

COMMUNITY DEVELOPMENT

DCI 2010-00015

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<p>JOB # 10-1062      PREPARED FOR: En-Site</p>	<p>SECTION 34, TOWNSHIP 43S, RANGE 24E</p>	

# Sketch:

AIOP SERENDIPITY LLC  
34-43-24-00-00001.0000  
O.R. 2988, Page 3413

S89°54'50"E 1231.65'

Point of Commencement  
(Point of Intersection of the Southerly R/W of Littleton and the Westerly R/W of U.S. 41)

Southerly R/W of Littleton Road (50' Wide)

Westerly R/W of U.S. 41 (S.R. 45) (200' Wide) (BEARING BASIS)

(Southeasterly Corner of a Parcel Described in O.R.1972, Pg 335)

N86°35'21"W 12.52'

Diplomat Parkway O.R. 2833, Page 4136 (100' Wide)

N89°54'50"W 500.85'

N89°51'48"W 1145.24'

S89°51'48"W 1564.79'

N00°08'12"W 250.00'

S00°08'12"E 250.00'

CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA
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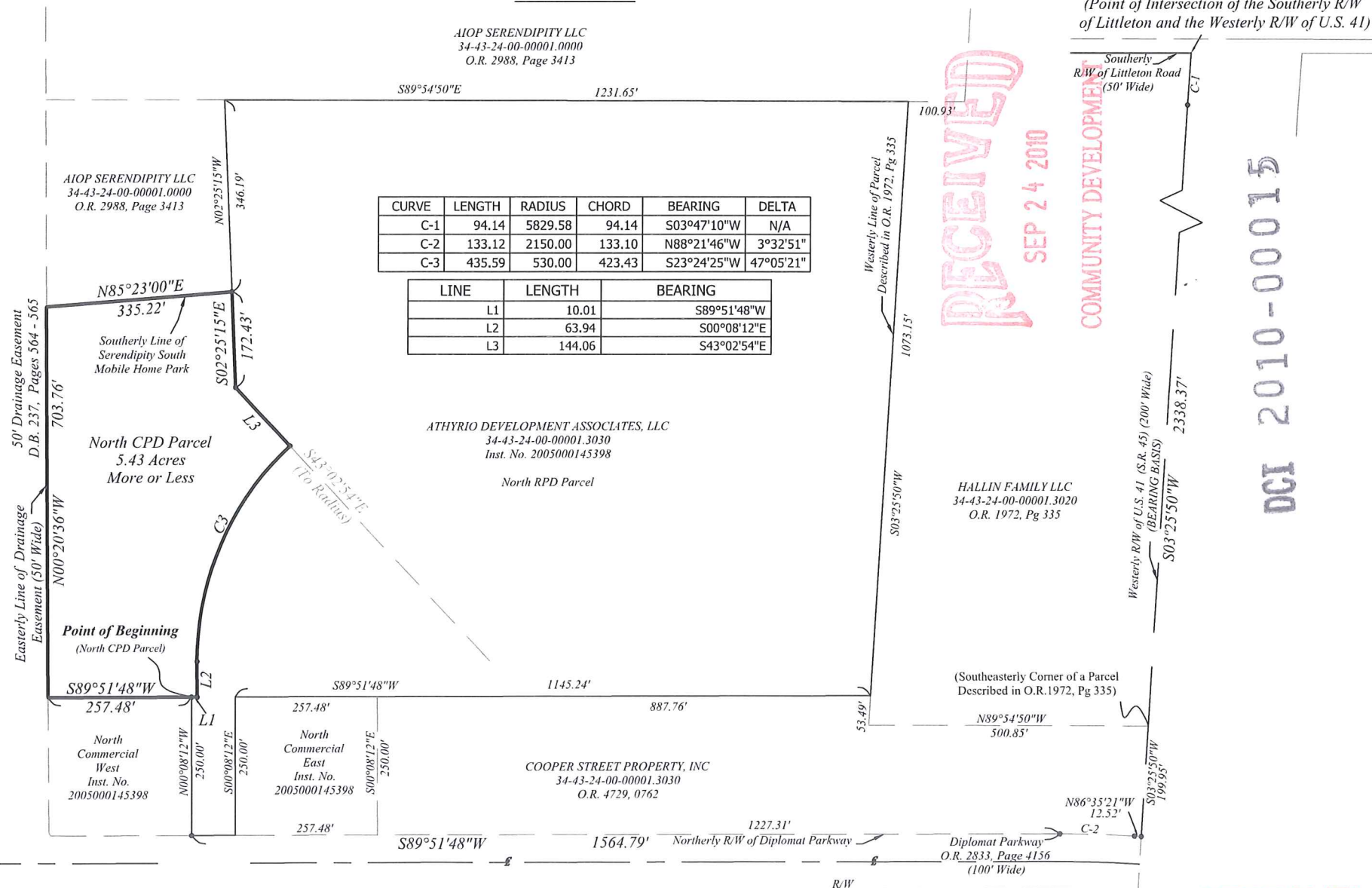
ATHYRIO DEVELOPMENT ASSOCIATES, LLC  
34-43-24-00-00001.3030  
Inst. No. 2005000145398

North RPD Parcel

HALLIN FAMILY LLC  
34-43-24-00-00001.3020  
O.R. 1972, Pg 335

(Southeasterly Corner of a Parcel Described in O.R.1972, Pg 335)

COOPER STREET PROPERTY, INC  
34-43-24-00-00001.3030  
O.R. 4729, 0762

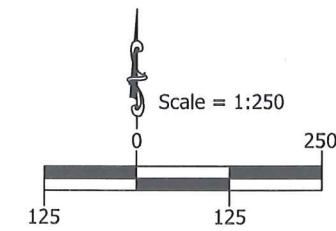


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SEP 24 2010  
COMMUNITY DEVELOPMENT

DCI 2010-00015

Description to Accompany Sketch

**Subject Parcel - North CPD**  
A Portion of Land Lying in Section 34, township 43 South, Range 24 East



THIS IS NOT A SURVEY

**DCRAMER SURVEYING, INC.**  
SURVEYING PROFESSIONALS

PROFESSIONAL SURVEYOR AND MAPPER NUMBER PSM6655  
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JOB # 10-1062 PREPARED FOR: En-Site

SECTION 34, TOWNSHIP 43S, RANGE 24E

DATE REVISION

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on **September 16th, 2010** is in accordance with Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

*David Keith Cramer*

DAVID KEITH CRAMER  
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO.6655  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL  
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

**SURVEY NOTES:**

1. BEARING BASIS: WESTERLY RIGHT OF WAY LINE OF U.S. 41 AS: S03°02'55"W
2. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
3. **THIS IS NOT A SURVEY**
4. ADDITIONS TO OR DELETIONS OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. COPYRIGHT 2009, DAVID K. CRAMER, PSM, ALL RIGHTS RESERVED.
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Exhibit No. PH-.3.C.2

APPROVED  
LEGAL  
C9 10-29

RESOLUTION NUMBER Z-11-002

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

WHEREAS, an application was filed by the property owner, Athyrio Development Associates, LLC, to amend the northerly 35.2± acres Residential Planned Development (RPD) portion of the Diplomat Property Residential Planned Development/Commercial Planned Development (RPD/CPD); and,

WHEREAS, a public hearing was advertised and held on January 6, 2011, with the record held open until January 14, 2011, for written submissions, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case DCI2010-00015; and

WHEREAS, a second public hearing was advertised and held on March 21, 2011, 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 amend the 35.2± acres RPD portion of the Diplomat Property RPD/CPD to permit a maximum of 400 assisted living facility beds, 138 standard dwelling units, a maximum of 50,000 square feet of medical office space, and to make other changes to the master concept plan (MCP) including reconfiguration of a lake, changes to the buffer to the west, and additional details including the placement commercial and residential buildings. Maximum building height requested is 50 feet. No development blasting is requested. Any development will connect to public potable water and public sanitary sewer service. The property is located in the Central Urban Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. Development must be substantially consistent with the 1-page Master Concept Plan (MCP) entitled "DIPLOMAT PROPERTY RPD/CPD (NORTH PARCEL)," dated 09-22-10, last revised 4-22-11 and date-stamped "Received APR 27 2011 Community Development" AND the 1-page MCP entitled "Master Concept Plan, DIPLOMAT PARCEL, Lee County, Florida," dated 08-27-2007, last revised 01-23-2008 and date-stamped "Received JAN 30 2008 Permit Counter," except as modified by the conditions below.

**NOTE: The portion of the project on the north side of Diplomat Parkway includes Commercial Development Parcels 1, 2 and 3 (West 3 and East 3). It also includes a 29.75 acres that may be developed either as an RPD, or and ALF/CCF, with or without a commercial component on the westerly portion of that site identified as the 5.43 acre North CPD Parcel.**

This development must comply with all requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

Maximum Number of Dwelling Units (North RPD Parcel): 138 dwelling units plus a maximum of 400 beds for assisted living facilities/continuing care facilities. Dwelling units may be converted per Table "B" of the approved MCP.

Maximum Number of Dwelling Units (South RPD parcel): 105 dwelling units. An additional 21 units may be constructed if they are marketed at a price point that is affordable to moderate income households at the time of building permit application. Further, the additional 21 units may only be sold to buyers who qualify as a moderate income household at time of purchase. Moderate income household means 120 percent of the yearly median income based on yearly income levels developed for the SHIP Program by the Housing Section of the Lee County Division of Planning.

Eight (8.0) dwelling units per acre maximum, for the 13.19 acres of RPD (South of Diplomat Parkway). An additional 1.6 units per acre may be constructed subject to the affordability requirements above.

Maximum Commercial Floor Area (North CPD Parcel): 50,000 square feet of medical office. Medical office may be converted per Table "B" of the approved MCP.

Maximum Total Commercial Floor Area (CPD Parcels 1, 2, 3 and 4): 200,000 square feet of commercial uses. A maximum of 100,000 s/f of which may be retail.

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

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

a. **SCHEDULE OF USES**

**RPD- South of Diplomat Parkway**

Accessory Uses and Structures

Administrative Office

Clubs, Private - as shown on the approved MCP.

Community Garden

Dwelling Units, single-family, duplex, two-family attached, multiple-family and townhomes - 105 (up to 126 pursuant to Condition 1)

Entrance Gates and Gatehouse

Essential Services

Essential Service Facilities, Group I only

Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.

Fences and Walls.

Home Occupation, No outside help.

Home Care Facility.

Model Home, Model Display Center, Model Unit - ALSO  
SEE MODEL HOME/REAL ESTATE SALES  
CONDITIONS.

Parking Lot, Accessory.

Real Estate Sales - limited to sales of lots, homes or units within the development. Model home and club locations only. ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.

Recreational Facilities - Private, On-site only.  
LIMITED TO THOSE SHOWN ON THE  
APPROVED MCP.

Residential Accessory Uses

Signs, in compliance with LDC Chapter 30

Temporary Uses, Temporary Real Estate Sales Office

## CPD - Parcels 1, 2, 3 & 4 - North and South of Diplomat Parkway

Administrative Office

Animals: Clinic, Kennel, Control Center (including Humane Society) - indoors, no outdoor runs.

Automatic Teller Machine

Auto Parts Store - No installation service.

Auto Repair and Service, Group I only

Bait and Tackle Shop

Banks and Financial Establishments, Groups I and II

Boat Part Stores

Building Material Sales (indoor only, no outdoor display)

Business Services, Groups I and II (no impound yards or armored car services)

Cleaning and Maintenance Services

Clothing Stores, General

Communication facilities, wireless (in accordance with LDC Chapter 34, Division 11) A wireless communication facility may be administratively approved, provided it is co-located on a building and the height of the tower does not exceed 50 feet from existing grade

Community Garden (**Note:** *This use may not be utilized until such time as the LDC is amended to permit this use in a CPD.*)

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

Contractors and Builders, Groups I and II (but not Group III)

Cultural Facilities

Day Care, Adult, Child

Department Store

Drive-through facility for any permitted use. No fast food drive-through.

Drugstore, Pharmacy (limited to 1 on Parcel 3 or 4)

Entrance Gate and Gatehouse

Emergency Operations Center

EMS, Fire or Sheriff's Station

Essential Services

Essential Service Facilities, Group I only

Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.

Fences and Walls.

Flea Market, Indoor Only

Food and Beverage Services, Limited

Food Stores, Groups I and II

Funeral Home or Mortuary, with or without cremation

Gasoline Dispensing System, Special  
Hardware Store  
Health Care Facility, Groups I, II and III (but not Group IV).  
Hobby, Toy and Game Store  
Hotel/Motel - Limited to 120 rooms maximum.  
Household and Office Furnishings - (indoor only, no outdoor display)  
Insurance Companies  
Lawn and Garden Supply Stores - (indoor only, no outdoor display)  
Library  
Medical Office  
Nonstore Retailer  
Paint, Glass and Wallpaper - (indoor only, no outdoor display)  
Parking Lot, Accessory, Commercial, Garage, Public Parking, Temporary  
Personal Services, Groups I, II, III and IV. Excluding Laundromats,  
Laundry Agents, Massage Establishments, Massage  
Parlors, Steam or Turkish Baths, Dating Services,  
Escort Services, Palm Readers, Fortune Tellers,  
Card Readers, Tattoo Parlors.  
Pet Services, Pet Shops - Indoor only, no outdoor display.  
No outdoor runs.  
Place of Worship  
Plant Nursery  
Post Office  
Printing and Publishing  
Processing and Warehousing  
Real Estate Sales Office  
Religious Facilities  
Rental or Leasing Establishments, Group II only (and excluding tools  
and equipment primarily for home use). Indoor only.  
No outdoor display.  
Repair Shop, Groups I, II and III  
Research and Development Laboratories, Groups I, II, III and IV  
Restaurants, Groups I, II, III and IV  
Restaurant, Fast Food, No stand-alone or drive-through - within  
a multiple-occupancy building only.  
Schools, Commercial and Non-Commercial  
Signs in Accordance with LDC Chapter 30  
Social Services Group I only  
Specialty Retail, Groups I, II, III and IV  
Storage, Indoor Only  
Studios  
Supermarkets

Temporary Uses  
Used Merchandise, Groups I and II, Indoor only. No outdoor display.  
Variety Store

**RPD - North of Diplomat Parkway**

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

**CPD - 5.43-Acre Parcel north of Diplomat Parkway**

Administrative Office  
Animals: Clinic, Kennel, Control Center (including Humane Society) -  
indoors, no outdoor runs  
Automatic Teller Machine  
Banks and Financial Establishments, Groups I and II

Business Services, Groups I and II (no impound yards or armored car services)

Cleaning and Maintenance Services

Communication facilities, wireless (in accordance with LDC Chapter 34, Division 11) A wireless communication facility may be administratively approved, provided it is co-located on a building and the height of the tower does not exceed 50 feet from existing grade.

Community Garden (**Note:** *This use may not be utilized until such time as the LDC is amended to permit this use in a CPD.*)

Cultural Facilities

Entrance Gate and Gatehouse

Emergency Operations Center

EMS, Fire or Sheriff's Station

Essential Services

Essential Service Facilities, Group I only

Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.

Fences and Walls.

Health Care Facility, Groups I, II and III (no Group IV)

Insurance Companies

Medical Office

Parking Lot, Accessory

Personal Services, Groups I and II

Pharmacy - accessory to medical office use only

Real Estate Sales Office

Religious Facilities

Research and Development Laboratories, Groups I, II, III and IV

Schools, Commercial and Non-Commercial

Signs in Accordance with LDC Chapter 30

Social Services Group I only

Temporary Uses

b. **SITE DEVELOPMENT REGULATIONS**

**RPD - South of Diplomat Parkway**

**SINGLE-FAMILY:**

Minimum Lot Areas and Dimensions

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

**Minimum Setbacks**

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

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet  
30 feet on all lots containing  
an enhanced buffer

Minimum Building Separation: 10 feet.

Maximum Building Height: 35 feet/ 3 stories  
Maximum Lot Coverage: 45 percent

**DUPLEX, TWO-FAMILY ATTACHED, TOWNHOUSE:**

**Minimum Lot Areas and Dimensions**

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

**Minimum Setbacks**

Street 25 feet (public)/20 feet (private)  
Side 5 feet (zero feet for common wall unit)  
Rear 30 feet on all lots containing enhanced buffer  
20 feet on all other lots

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet  
30 feet on all lots containing  
an enhanced buffer

Minimum Building Separation: 10 feet.  
Maximum Building Height: 3 5 feet/ 2 stories  
Maximum Lot Coverage: 45 percent.

**MULTIPLE-FAMILY:**

Minimum Lot Areas and Dimensions

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

Minimum Setbacks

Street 25 feet (public)/20 feet (private)  
Side 10 feet  
Rear 30 feet on all lots containing enhanced buffer  
20 feet

Water body 25 feet

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

Minimum Perimeter Setbacks: 25 feet  
30 feet on all lots containing  
an enhanced buffer

Minimum Building Separation: 20 feet.

Maximum Building Height: 35 feet/ 2 stories  
Maximum Lot Coverage: 45 percent.

**RECREATIONAL AREA/FACILITIES:**

Minimum Lot Areas and Dimensions

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

Minimum Setbacks - Also see Deviation 5

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

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 10 feet

Maximum Building Height: 35 feet/ 2 stories

Maximum Lot Coverage: 45 percent

**CPD - PARCELS 1, 2, 3 & 4:**

Minimum Lot Areas and Dimensions

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

Minimum Setbacks

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

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 20 feet, but buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC §34-2174(a).

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

Maximum Lot Coverage: 60 percent

**RPD - NORTH OF DIPLOMAT PARKWAY:**

**ASSISTED LIVING:**

Minimum Lot Areas and Dimensions

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

Minimum Setbacks

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

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet  
30 feet on all lots containing and enhanced buffer

Minimum Building Separation: ½ building height, but not less than 15 feet

Maximum Building Height: 45 feet  
Maximum Lot Coverage: 45 percent

**SINGLE-FAMILY:**

Minimum Lot Areas and Dimensions

Lot Size: 7,200 square feet  
Lot Width: 60 feet  
Lot Depth: 100 feet

Minimum Setbacks

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

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet  
30 feet on all lots containing  
an enhanced buffer

Minimum Building Separation: 10 feet

Maximum Building Height: 35 feet  
Maximum Lot Coverage: 45 percent

**DUPLEX:**

Minimum Lot Areas and Dimensions

Lot Size: 7,000 square feet  
Lot Width: 70 feet  
Lot Depth: 100 feet

Minimum Setbacks

Street 25 feet (public)  
20 feet (private)  
Side 5 feet

Rear 30 feet on all lots containing enhanced buffer  
20 feet on all other lots

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet  
30 feet on all lots containing  
an enhanced buffer

Minimum Building Separation: 10 feet.

Maximum Building Height: 35 feet  
Maximum Lot Coverage: 45 percent

**TOWNHOME:**

Minimum Lot Areas and Dimensions

Lot Size: 1,600 square feet  
Lot Width: 16 feet  
Lot Depth: 100 feet

Minimum Setbacks

Street 25 feet (public)  
20 feet (private)  
Side 10 feet  
0 feet (for a common wall)  
Rear 30 feet on all lots containing enhanced buffer  
20 feet on all other lots

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet  
30 feet on all lots containing  
an enhanced buffer

Minimum Building Separation: 20 feet  
Maximum Building Height: 35 feet  
Maximum Lot Coverage: 55 percent

**MULTIPLE-FAMILY:**

Minimum Lot Areas and Dimensions

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

Minimum Setbacks

Street 25 feet (public)  
20 feet (private)  
Side 10 feet  
Rear 30 feet on all lots containing enhanced buffer  
20 feet on all other lots

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: ½ building height, but not less than 15 feet

Maximum Building Height: 50 feet  
Maximum Lot Coverage: 45 percent

**RECREATION AREA/CLUBHOUSE:**

Minimum Lot Areas and Dimensions

Lot Size: 9,000 square feet  
Lot Width: 100 feet  
Lot Depth: 100 feet

Minimum Setbacks

Street 25 feet (public)  
20 feet (private)  
Side 10 feet  
Rear 20 feet

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet  
30 feet on all lots containing  
an enhanced buffer

Minimum Building Separation: 10 feet

Maximum Building Height: 35 feet  
Maximum Lot Coverage: 45 percent

**CPD - 5.43-acre North CPD Parcel:**

Minimum Lot Areas and Dimensions

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

Minimum Setbacks

Street 25 feet (public)  
20 feet (private)  
Side 10 feet  
Rear 20 feet  
20 feet on all other lots

Water body 25 feet

All Accessory Uses: Per the LDC

Setbacks from Preserves (All structures): 25 feet, per the LDC

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: ½ building height not less than 15 feet

Building Height: 35 feet

Maximum Lot Coverage: 60 percent

3. **CONCURRENCY**

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

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

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

- a. Each model must be a unique example. Multiple examples of the same unit are not permitted.
- b. All model sites must be designated on the development order plans.
- c. Prior to model home construction, the lots upon which model homes will be constructed must be shown on a preliminary plat (not the final). The preliminary plat must be filed concurrently with the local development order application. The model homes must comply with the setbacks set forth in the property development regulations for this project.
- d. Dry models are prohibited.
- e. The number of model homes or model units will be limited to no more than 10 within the development at one time.
- f. Any model homes or units must be developed within the areas identified as "models" on the approved MCP.
- g. Real estate sales within the RPD are limited to the sale of lots or units within the development only. Real Estate sales are a permitted use within the CPD.

- h. Real estate sales within the RPD are limited to within model homes or clubhouse only.
- i. Hours of operation for both models and real estate sales (within the RPD) are limited to Monday through Sunday 8:00 a.m. to 8:00 p.m.
- j. Model homes and real estate sales within the RPD will be valid for a period of up to five years from the date of issuance of a certificate of occupancy of a model home per LDC §34-1954(d)(1).

5. **NO AGRICULTURAL USES APPROVED**

No agricultural uses are permitted on site.

6. **BLASTING**

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

7. **NATIVE VEGETATION REQUIRED IN THE ENTIRE RPD AND CPD**

All required buffers must utilize 100 percent all native vegetation.

8. **ADDITIONAL BUILDING SEPARATION REQUIRED**

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

9. **TRAFFIC**

Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

10. **LEE PLAN**

Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.

**11. INTERSECTION IMPROVEMENTS**

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

**12. WIRELESS COMMUNICATION FACILITIES**

- a. Freestanding wireless communication facilities (towers, including stealth type) are not permitted. Approval of freestanding wireless communication facilities will require an amendment to the planned development (public hearing).
- b. Wireless Communication Facilities (including wall-mounted and roof-mounted antennas) may be approved in accordance with LDC §34-1441, *et. seq.* (Commercial parcels only).

**13. ACCESSORY USES**

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

**14. OPEN SPACE**

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

**15. ENVIRONMENTAL**

Prior to local development order approval, if the Florida Fish and Wildlife Conservation Commission (FWC) allows the relocation of tortoises within on-site indigenous preserves:

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

- b. The landscape plans must include a permanent gopher tortoise fence along Diplomat Parkway where the three-acre gopher tortoise preserve abuts this roadway and a double staggered native hedge (minimum three-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted on the roadside of the fence; and
- c. The landscape plans must delineate a double staggered native hedge (minimum three-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted along the interface of the indigenous preserve with the residential tract.
- d. Prior to issuance of a Vegetation Removal Permit, all invasive exotic vegetation and manmade debris must be hand removed from the indigenous preserve.

**16. COMMERCIAL PARCELS NORTH OF DIPLOMAT PARKWAY**

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

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

**18. SOLID WASTE/RECYCLING**

Prior to local development order approval for vertical development, the Developer must provide facilities in compliance with LDC §10-261 and Lee County Solid Waste Ordinance #08-10 for the pick up/disposal of solid waste and recyclables. The minimum area required for and specific locations of these facilities will be reviewed at the time of local development order application (Also see Deviation 7).

19. **PRIOR ZONING**

The terms and conditions of the original Zoning Resolution No. Z-06-004 and Administrative Amendment ADD2007-00169 are superceded by this zoning action and are rendered null and void by this approval. The terms and conditions herein apply to the entire planned development previously covered by Zoning Resolution No. Z-06-004.

20. **INDIGENOUS PRESERVATION/HERITAGE TREES (NORTH CPD PARCEL AND NORTH RPD PARCEL)**

- a. Prior to local development order approval, a tree survey must be submitted depicting the location, diameter at breast height, and species of all heritage trees within the development area.
- b. Prior to local development order approval, landscape plans must depict heritage trees, located within the development footprint, that are determined to be of good health as per a certified arborist. Those trees must be incorporated into the internal open space (i.e., perimeter planting, enlarged landscape areas, etc), or must be replaced with a 20-foot like species to a suitable open space area where final site design constraints (i.e., fill requirements, entrance roads, etc) do not allow preservation.

21. **PROTECTED SPECIES**

- a. Prior to development order approval, the Applicant must first seek approval for on-site preservation of the gopher tortoises through avoidance or relocation before pursuing off-site relocation options. All communication with FWC verifying on-site avoidance or relocation attempts were made must be provided to DES Staff.
- b. A copy of the appropriate gopher tortoise relocation permit issued by the FWC must be submitted to the DES Staff prior to excavation and moving of any gopher tortoises. The Applicant must first seek approval for an on-site relocation before pursuing off-site relocation options. Any gopher tortoises and commensal species found during burrow excavation must be moved to preserves containing suitable gopher tortoise habitat as approved by the FWC and DES Staff.

22. **OPEN SPACE (NORTH CPD PARCEL AND NORTH RPD PARCEL)**

Prior to local development order approval, the development order plans must delineate a minimum of 1.63 acres of open space for the CPD and 11.9 acres of open space for the RPD.

23. **BUFFERS (NORTH CPD PARCEL AND NORTH RPD PARCEL)**

- a. Prior to local development order approval, the development plans must demonstrate the preservation of native vegetation within the flood way. This vegetation may be utilized to meet the required type "F" buffer plantings. Upon removal of exotics from this area if it is found that the existing vegetation does not satisfy the buffer planting requirements, additional plants must be provided. These plants must be designed to mimic the natural area through the use of similar species and random planting throughout the area.
- b. An enhanced type "F" buffer must be provided as shown on the MCP. This buffer must be 30 feet in width and include 10 native canopy trees per 100 linear feet, and a double hedge row planted at 48" in height at time of planting.

24. **NATIVE PLANTINGS REQUIRED (NORTH CPD PARCEL AND NORTH RPD PARCEL)**

All required buffer plantings, general trees, and internal canopy trees must be 100 percent native species.

SECTION C. DEVIATIONS:

*(Deviations 1 through 7 were previously approved and remain applicable to the RPD/CPD and are recited below. Deviation 8 is new.)*

1. **Intersection Separation** - Deviation 1 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-285(a) requirement to provide a minimum access connection separation of 660 feet on an arterial road to permit an access separation of 364 feet between the project's proposed main access and the proposed exit-only access for the residential portion of the southern parcel. This deviation is APPROVED.

2. **One dead-end street permitted** - Deviation 2 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-296(k)(1) requirement that dead-end streets be closed at one end by a circular turn-around, to allow one dead-end street as shown on the approved MCP on the southern RPD. This deviation is APPROVED.
3. **Calculation for Open Space** - Deviation 3 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-415(b)(1)(a) requirement that large developments with indigenous vegetation communities to provide 50 percent of their open space percentage requirements through on-site preservation of existing native vegetative communities, to permit 0.45 acres of right of way to be vacated, enhanced and preserved to count toward the preservation requirement. This deviation is APPROVED, SUBJECT TO the following condition:

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

This deviation applies to the southern RPD and CPD.

4. **Installation of storm water management system** - Deviation 4 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-415(b)(1)a. requirement that large developments with existing indigenous native vegetation communities provide 50 percent of their open space requirement through on-site preservation of indigenous native vegetation, to allow portions of the preservation area to be disturbed and restored in order to install a storm water management system. This deviation is APPROVED, SUBJECT TO the following conditions:
  - a. Prior to local development order, the development order plans must delineate the general location of the surface water management outfall through the indigenous preserve to the canal. The outfall must be designed as an open system that can be planted with native vegetation.
  - b. Prior to issuance of a Vegetation Removal Permit, the location of the surface water management outfall through the indigenous preserve must be field staked to avoid impacting any large native trees or gopher tortoise burrows for the Division of Environmental Sciences Staff review and approval.

This deviation applies to the southern RPD and CPD.

5. **Separation from residential uses** - Deviation 5 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §34-2474(b)(6) requirement that recreation halls and ancillary facilities and private clubs be located at least 40 feet from any residential dwelling unit, to allow a 20-foot minimum separation for any recreation building from a residential dwelling unit. This deviation is APPROVED, SUBJECT TO the following condition:

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

This deviation applies to the recreation area shown on the RPD to the north.

- 6a. **Single ingress into the development** - Deviation 6a (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-291(3) requirement (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the north of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions:

- a. Access to the residential component north of Diplomat Parkway must be generally consistent with the approved MCP; and
- b. The approved MCP and local development order must depict a minimum 70-foot-wide divided entrance on the north side of Diplomat Parkway that includes a median with two lanes on both sides of the median for ingress and egress; and
- c. Prior to issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles. The development order must also include the plans for the secondary/emergency access required in the following paragraph.
- d. Prior to build-out of the north residential development, Applicant must install a secondary/emergency access from the residential tract to commercial Parcel 3, as shown on the MCP. Any emergency access gate must comply with all applicable

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

- 6b. Deviation 6b (previously contained in Resolution Z-06-004) seeks relief from the LDC §10-291(3) requirement (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the south of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions.
- a) Access to the residential component south of Diplomat Parkway must be generally consistent with the approved MCP; and
  - b) Any emergency access gate must comply with all applicable regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or the operator of the gate; and
  - c) Prior to issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles.
7. **Curbside garbage collection for townhouse units** - Deviation 7 (previously contained in ADD2007-000169) seeks relief from the LDC §10-261 requirement that all new multiple-family residential developments to provide sufficient space for the placement of garbage containers or receptacles, to allow for curbside garbage pick up at the proposed townhouse units that are planned within the project. This deviation is APPROVED.

8. **Certain internal buffers not required** - Deviation 8 seeks relief from the LDC §10-416(d)(3) requirement that a Type C/F buffer between the proposed RPD/CPD uses internal to the development, to allow no buffer between the RPD/CPD uses where the commercial uses are separated from the residential uses within the project by a private road. This deviation is APPROVED.

SECTION D. EXHIBITS:

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

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

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
  - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
  - 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;
  - 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;
  - 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.

Commissioner Tammara Hall made a motion to adopt the foregoing resolution, seconded by Commissioner John E. Manning. The vote was as follows:

John E. Manning	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 21st day of March, 2011.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: Marcia Wilson  
Deputy Clerk

BY: Frank Mann  
Frank Mann, Chair



Approved as to form by:

John J. Fredyma  
John J. Fredyma  
Assistant County Attorney  
County Attorney's Office

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mw  
2011 MAY -9 PM 2:00

# **Banks Engineering**

Professional Engineers, Planners & Land Surveyors

2515 Northbrooke Plaza Drive - Suite 200

Naples, Florida 34119

(239) 597-2061

Fax (239) 597-3082

**RECEIVED**  
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DESCRIPTION

OF A

PARCEL OF LAND

LYING IN

SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST COMMUNITY DEVELOPMENT

LEE COUNTY, FLORIDA

(CPD ZONING DESCRIPTION)

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

**NORTH CPD ZONNING PARCEL**

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

PARCEL CONTAINS 8.78 ACRES, MORE OR LESS.

**TOGETHER WITH: ADDITIONAL NORTH CPD ZONNING PARCEL**

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

PARCEL CONTAINS 1.48 ACRES, MORE OR LESS.

**TOGETHER WITH: SOUTH CPD ZONNING PARCEL**

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

SHEET 1 OF 3

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**Fort Myers Office**  
10511 Six Mile Cypress Pkwy, Suite #101  
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**Sarasota Office**  
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Sarasota, Florida 34243  
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**Port Charlotte Office**  
12653 SW CR 769 Suite B  
Lake Suzy, Florida 34269  
(941) 625-1165  
Fax (941) 625-1149

**EXHIBIT "A"**  
(Page 1 of 6)

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

PARCEL CONTAINS 6.00 ACRES, MORE OR LESS.

**TOGETHER WITH: ADDITIONAL SOUTH CPD ZONING PARCEL**

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

PARCEL CONTAINS 1.22 ACRES.

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

COMMUNITY DEVELOPMENT

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

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

DESCRIPTION PREPARED NOVEMBER 2, 2006.

*Richard M. Ritz*  
RICHARD M. RITZ  
REGISTERED LAND SURVEYOR  
FLORIDA CERTIFICATION NO. 4008

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

EXHIBIT "A"  
(Page 2 of 6)

SKETCH TO ACCOMPANY DESCRIPTION

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



COORDINATE TABLE

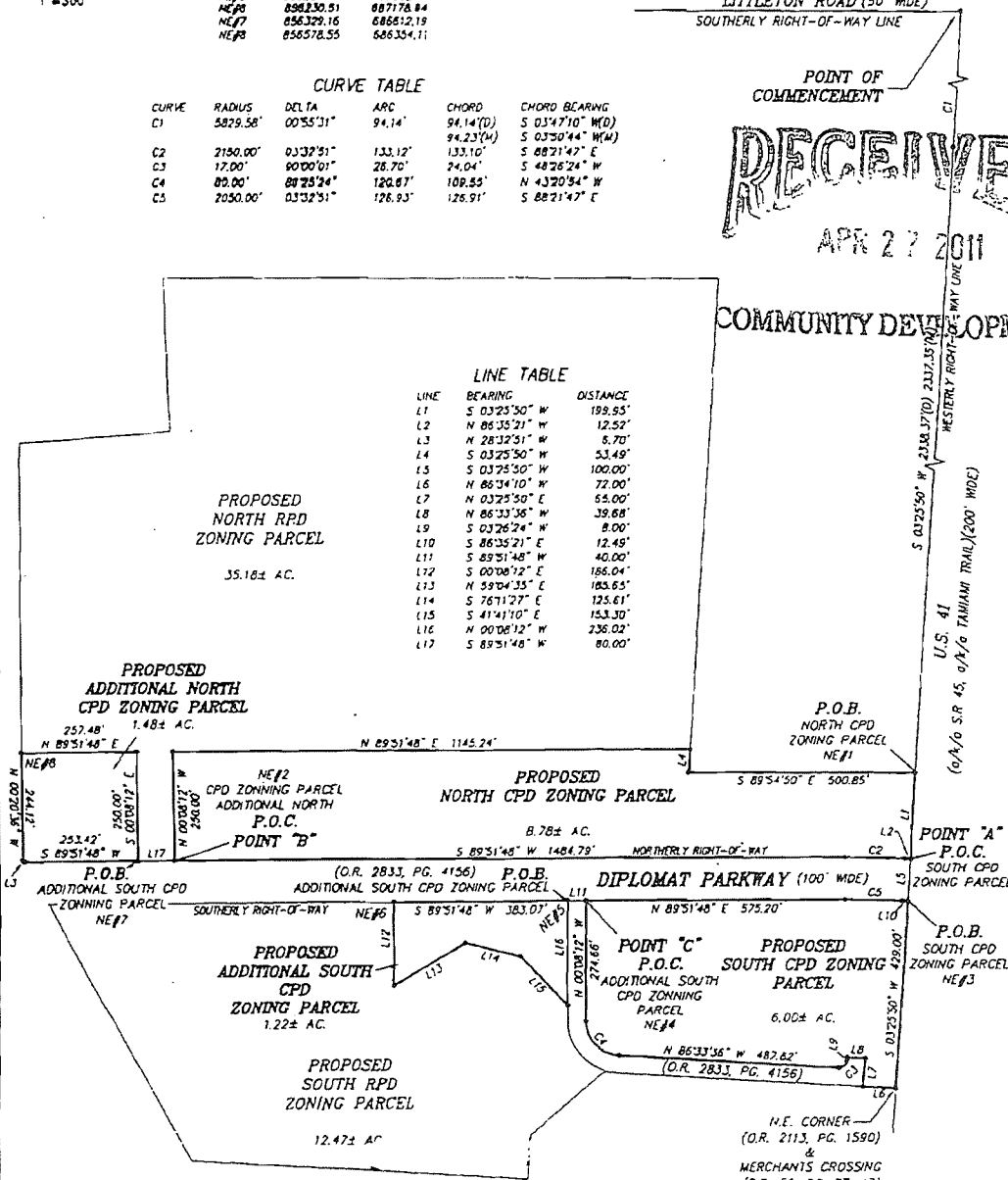
POINT	NORTHING	EASTING
NE#1	856227.83	686334.48
NE#2	856228.53	686335.18
NE#3	856228.53	686316.53
NE#4	856231.52	687602.01
NE#5	856231.43	687502.01
NE#6	856230.51	687178.84
NE#7	856329.16	686612.19
NE#8	856328.55	686304.11

CURVE TABLE

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

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 03°25'50" W	199.55'
L2	N 85°35'21" W	12.52'
L3	N 28°32'51" W	6.70'
L4	S 03°25'50" W	53.49'
L5	S 03°25'50" W	100.00'
L6	N 86°34'10" W	72.00'
L7	N 03°25'50" E	55.00'
L8	N 86°33'36" W	39.68'
L9	S 03°26'24" W	8.00'
L10	S 86°35'21" E	12.45'
L11	S 89°51'48" W	40.00'
L12	S 00°08'12" E	186.04'
L13	N 59°04'35" E	185.65'
L14	S 76°12'27" E	125.61'
L15	S 41°41'10" E	153.30'
L16	N 00°06'12" W	236.02'
L17	S 89°51'48" W	80.00'



POINT OF COMMENCEMENT

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COMMUNITY DEVELOPMENT

- NOTES:
- SEE ACCOMPANYING SHEETS FOR COMPLETE METES AND BOUNDS DESCRIPTION.
  - STATE PLANE COORDINATES (FLORIDA ZONE WEST) SHOWN HEREON ARE BASED ON NA83, AND ARE FOR GS PURPOSES ONLY.
  - BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS S 03°25'50" W.

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

\*\*\*THIS IS NOT A SURVEY\*\*\*

sketch *Richard M. Ritz*

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

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

—PREPARED NOVEMBER 2, 2006.

PREPARED BY:

**Banks Engineering**  
ENGINEERING, SURVEYING & LAND PLANNING  
2012 NORTHBROOK PLAZA DRIVE - SUITE 200  
HAWFLER, FLORIDA 32119  
(352) 687-8061  
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 8590

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**Banks Engineering**

Professional Engineers, Planners & Land Surveyors  
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 APR 27 2011

DESCRIPTION  
 OF A  
 PARCEL OF LAND  
 LYING IN

SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST  
 LEE COUNTY, FLORIDA  
 (RPD ZONING DESCRIPTION)

COMMUNITY DEVELOPMENT

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

**NORTH RPD PARCEL:**

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

PARCEL CONTAINS 35.18 ACRES, MORE OR LESS.

AND;

**SOUTH RPD PARCEL:**

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

SHEET 1 OF 3

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

**Sarasota Office**  
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 Sarasota, Florida 34243  
 (941) 360-1618  
 Fax (941) 360-6918

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

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APR 27 2011

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

PARCEL CONTAINS 12.47 ACRES, MORE OR LESS.

DCI 2010-00015

NET ACREAGE IS 47.65 ACRES, MORE OR LESS.

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

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

DESCRIPTION PREPARED NOVEMBER 2, 2006.

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

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

SKETCH TO ACCOMPANY DESCRIPTION

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



1" = 300'

LINE	BEARING	DISTANCE
L1	S 03°25'50" W	100.00'
L2	N 86°34'10" W	33.50'
L3	S 48°25'48" W	212.13'
L4	S 00°08'12" E	38.84'
L5	S 00°08'12" E	186.04'
L6	N 59°04'35" E	185.65'
L7	S 76°11'27" E	125.61'
L8	S 41°41'10" E	153.30'
L9	S 89°51'48" W	80.00'

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.50'	00°55'31"	94.14'	94.14'(D)	S 03°47'10" W(D)
C2	120.00'	88°25'24"	181.00'	94.23'(M)	S 03°30'44" W(M)

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

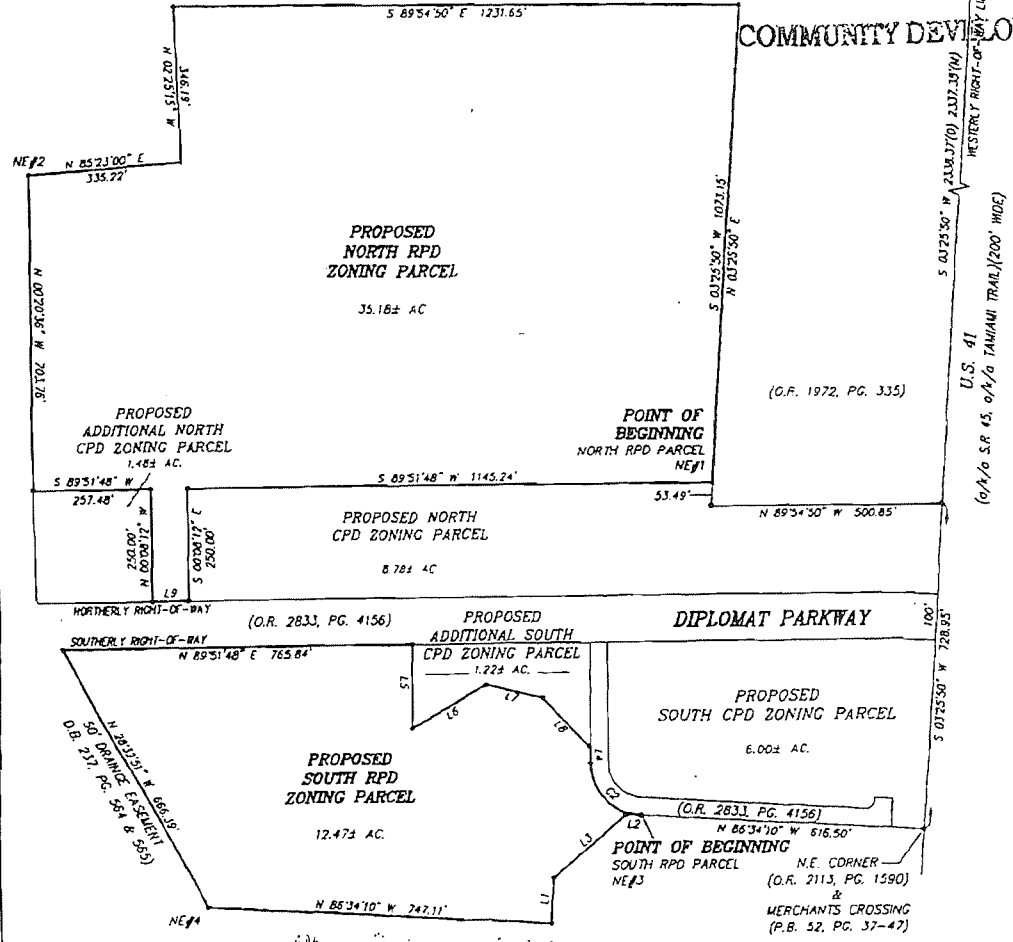
POINT OF COMMENCEMENT

COORDINATE TABLE

POINT	NORTHING	EASTING
NE#1	856562.08	687836.83
NE#2	857282.30	686349.85
NE#3	855837.12	687675.48
NE#4	855643.31	686731.56

APR 27 2011

COMMUNITY DEVELOPMENT



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

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

\*\*\*THIS IS NOT A SURVEY\*\*\*

*Richard M. Ritz*

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

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

PREPARED NOVEMBER 2, 2008

PREPARED BY:

**Banks Engineering**

ENGINEERING, SURVEYING & LAND PLANNING  
4518 WOODBRIDGE PLAZA DRIVE - SUITE 800  
MAPLES, FLORIDA 34118  
(888) 591-8051  
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6890

S:\job\2004\2008\BIS\SURVEY\Descriptions\Zoning\0208\_ZONING\_RPD\_REV\_SK.dwg, 11/2/2008 4:25:50 PM, David Blohschmidt

# Zoning Map

## DCI2010-00015



Mapped: 4/29/11

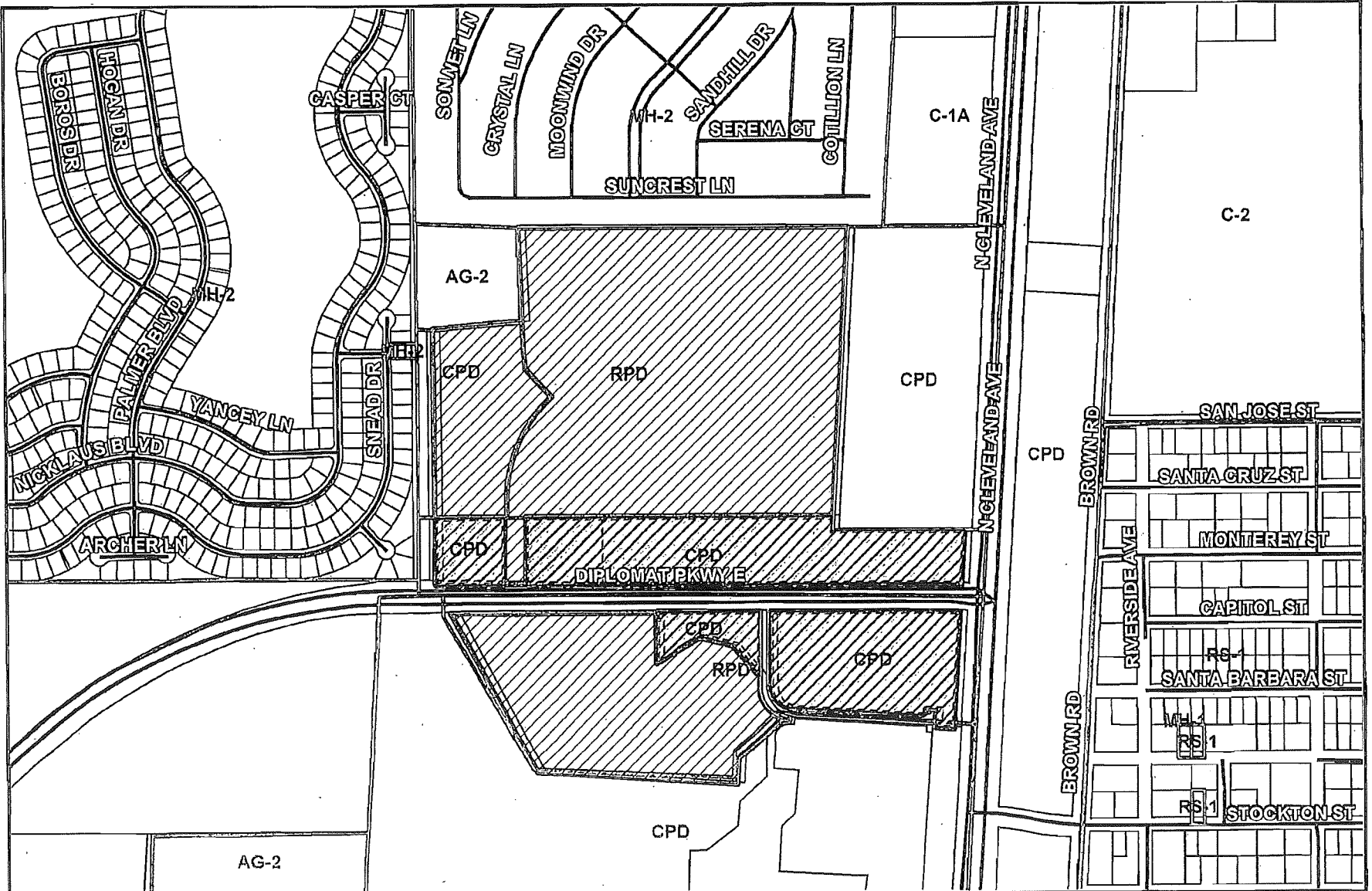
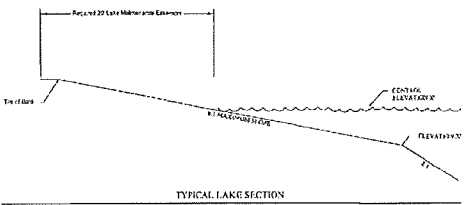
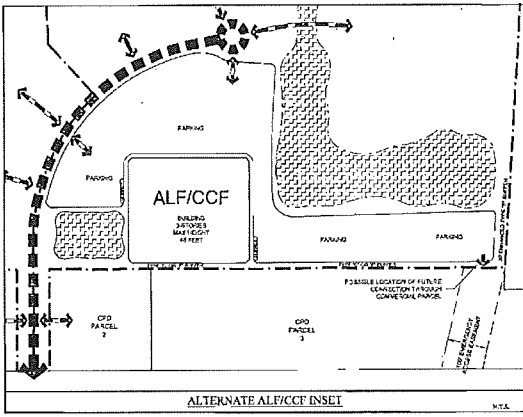
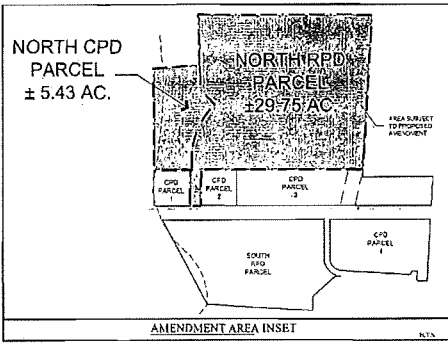
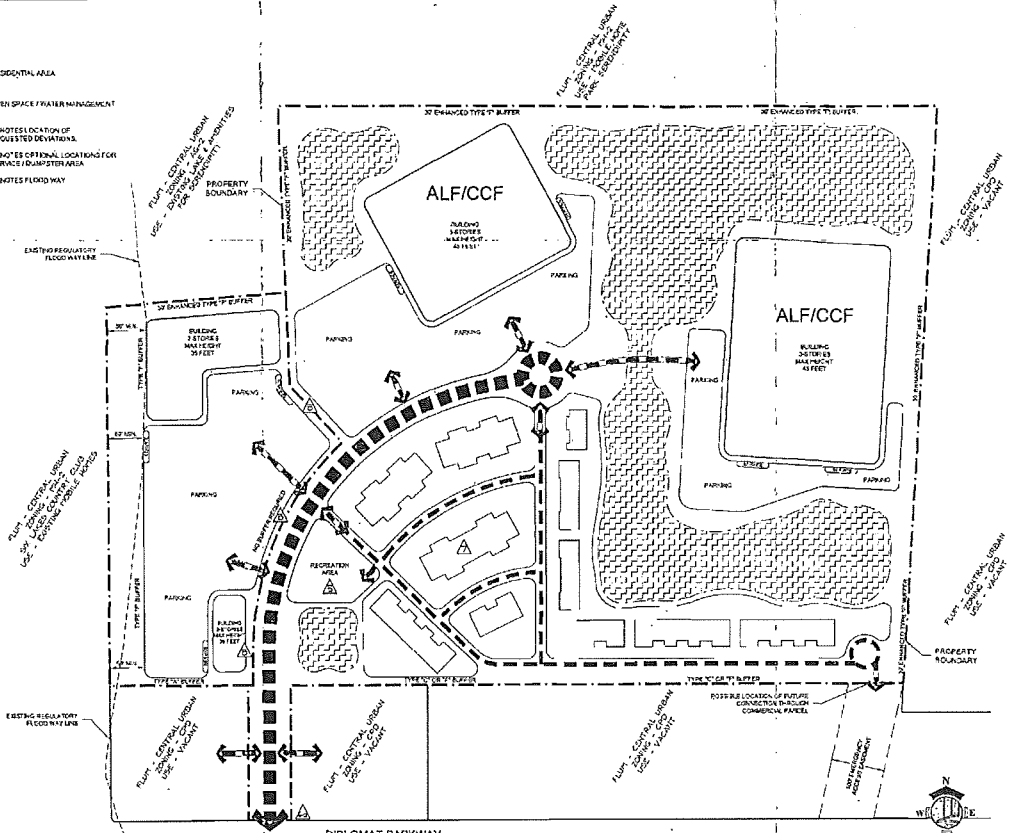


EXHIBIT "B"



**LEGEND:**

- RESIDENTIAL AREA
- OPEN SPACE WATER MANAGEMENT
- DEMOTES LOCATION OF REQUESTED DEVIATIONS
- SERVICE
- DEMOTES OPTIONAL LOCATIONS FOR SERVICE DISTRIBUTION AREA
- DEMOTES FLOODWAY



**TABLE A**

**OPEN SPACE CALCULATIONS:**

PARCEL	AREA	REQD. OPEN SPACE	ACRES
RPD	28.75 AC.	11.50 (40%)	11.50 AC.
CPD	5.43 AC.	1.53 (28%)	1.53 AC.
<b>TOTAL</b>	<b>34.18 AC.</b>		<b>13.03 AC.</b>

1) LAKES SHALL COMPRISE NO MORE THAN 25% OF THE PROPOSED OPEN SPACE.

2) PERCENTAGE PER SQUARE FOOT OF OPEN SPACE AREA IS PROVIDED ON THE BASIS OF THE POSITION OF THE DEVELOPMENT AND PROPOSED TOTAL DEVELOPMENT OPEN SPACE FOR ALL PARCELS.

3) OTHER OPEN SPACE OPEN SPACE AREAS SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT UNDER PARAGRAPH 10.

**TABLE B**

**DENSITY / INTENSITY SUMMARY:**

ALF/CCF	48,000 SF
RESIDENTIAL	18,000 SF
<b>TOTAL</b>	<b>66,000 SF</b>

**LAND USE CONVERSION:**

APPROX. AREA THAT IS CONVERTED ACCORDING TO THE FOLLOWING FACTORS:

ALF/CCF BLDG	160A
48,000 SF. MEDICAL OFFICE	1800 SQ. FT. PROFESSIONAL OFFICE

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APR 27 2011

COMMUNITY DEVELOPMENT

Approved as Exhibit C  
MCP Page 1 of 2  
Resolution # Z-11-002

DCA2010-00015

**ensite**  
P.O. Box 1662  
Fort Myers, FL 33902

Athyrio Development Associates, LLC  
P.O. Box 1662  
Fort Myers, FL 33902

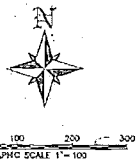
DIPLOMAT PROPERTY RPD / CPD (NORTH PARCEL)  
Project Line 3

DATE: 09-27-10  
PROJECT NO.: 1155-01  
FILE NO.: 1155-01-MCP-01-CW  
SCALE: AS SHOWN

MASTER CONCEPT PLAN  
D-7-M.1

1 of 1

**RECEIVED**  
JAN 30 2008  
PERMIT NUMBER



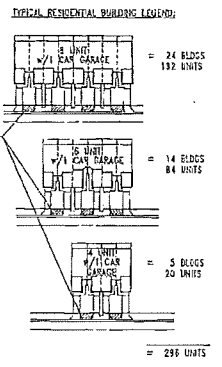
- = RESIDENTIAL UNITS
- = COMMERCIAL UNITS
- = ELEVATOR PLEASE REFER TO SCHEDULE OF ELEVATORS AND JUSTIFICATIONS

**OPEN SPACE CALCULATIONS** (SEE FOR COMMERCIAL AND OTHER OPEN SPACE FOR RESIDENTIAL)

TYPE	AREA	MINIMUM REQUIRED	OTHER OPEN SPACE PROVIDED	# RESIDENTIAL UNITS
COMMERCIAL 1	1.47 AC	870 SQ. FT.	822 SQ. FT.	512 UNITS
COMMERCIAL 2	1.41 AC	846 SQ. FT.	671 SQ. FT.	419 UNITS
COMMERCIAL 3	2.26 AC	1356 SQ. FT.	1314 SQ. FT.	815 UNITS
COMMERCIAL 4	1.22 AC	732 SQ. FT.	732 SQ. FT.	451 UNITS
RESIDENTIAL NORTH	28.85 AC	17310 SQ. FT.	734 SQ. FT.	451 UNITS
RESIDENTIAL SOUTH	13.07 AC	7842 SQ. FT.	284 SQ. FT.	174 UNITS
TOTAL	48.28 AC	29436 SQ. FT.	3163 SQ. FT.	1842 UNITS

IF PARKING SPACE PROVIDED IS PROVIDED ON SURFACE PORTION OF DEVELOPMENT (AS SHOWN HEREIN), PROVIDE AND PROVIDE THAT REQUIRED MINIMUM PARK SPACE FOR ALL UNITS IS OTHER (NON-RESIDENTIAL) PARK SPACE SHALL BE PROVIDED ON THE RESPECTIVE TRACT AND SHALL BE LOCATED AT THE END OF DEVELOPMENT DRIVEWAYS.

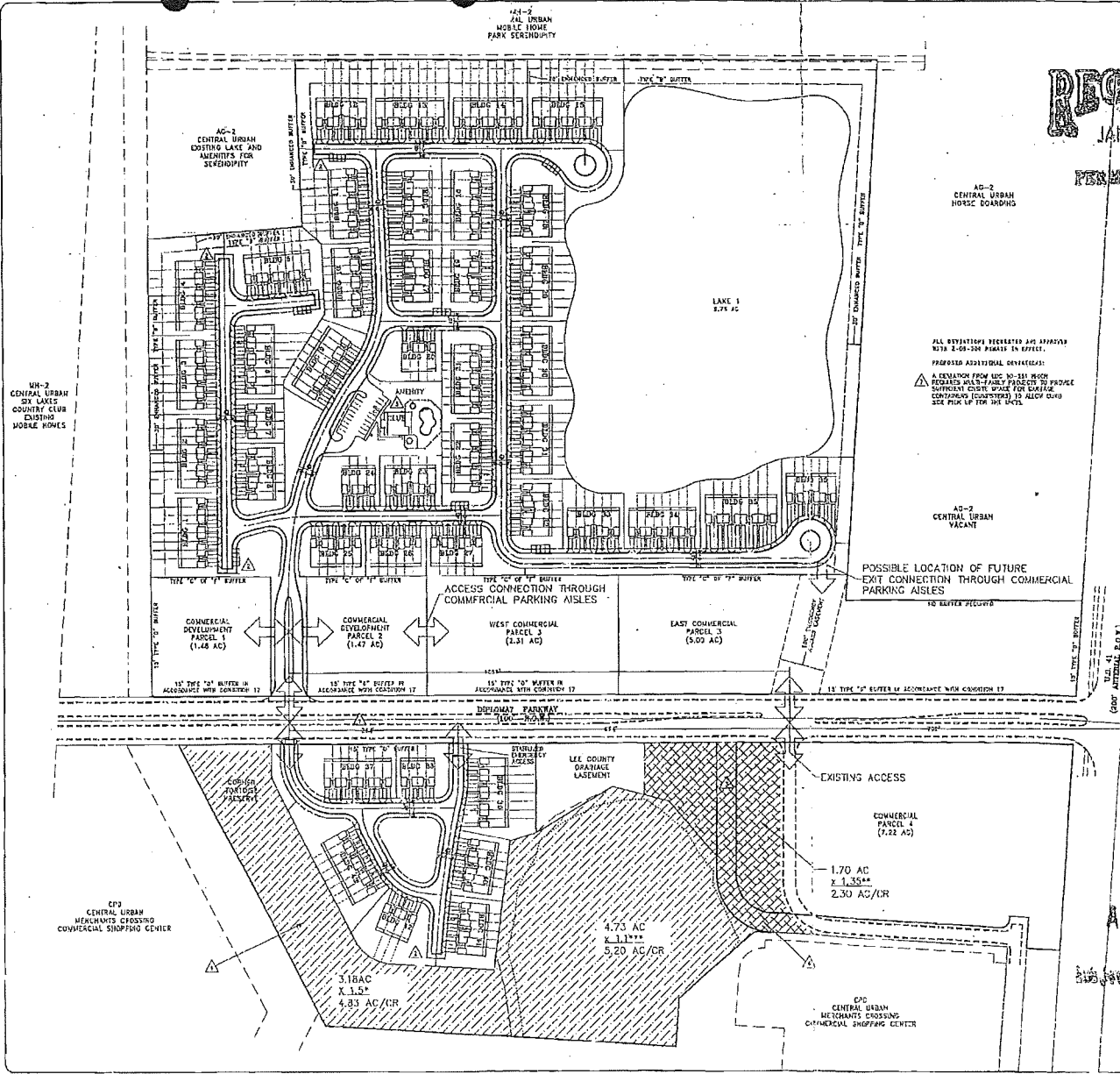
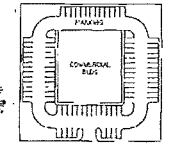
- \*\*10% CREDIT FOR SURFACED AREAS AND 10% CREDIT PER LOT SECTION 10-1150000.
- \*\*10% CREDIT FOR PARKING AREAS AND 7% MORE PER LOT SECTION 10-1150000. AFTER APPLICABLE 10% CREDIT FOR PROVISIONS AS SET FORTH IN SECTION 10-1150000.
- \*\*10% CREDIT FOR CONNECTION TO OTHER DEVELOPMENT OR PROVISION AS SET FORTH IN SECTION 10-1150000.



AG-2 CENTRAL URBAN VACANT

ADD 2007-00169  
RE: COMMERCIAL BLDGS

**APPROVED**  
Amendment to  
Master Concept Plan  
Subject to Case # 2007-00169  
Date 2/1/2008



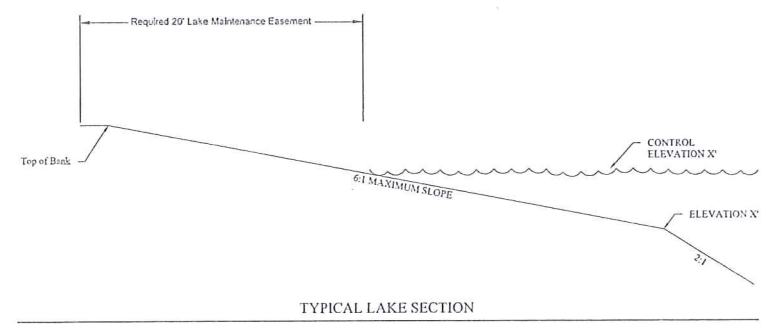
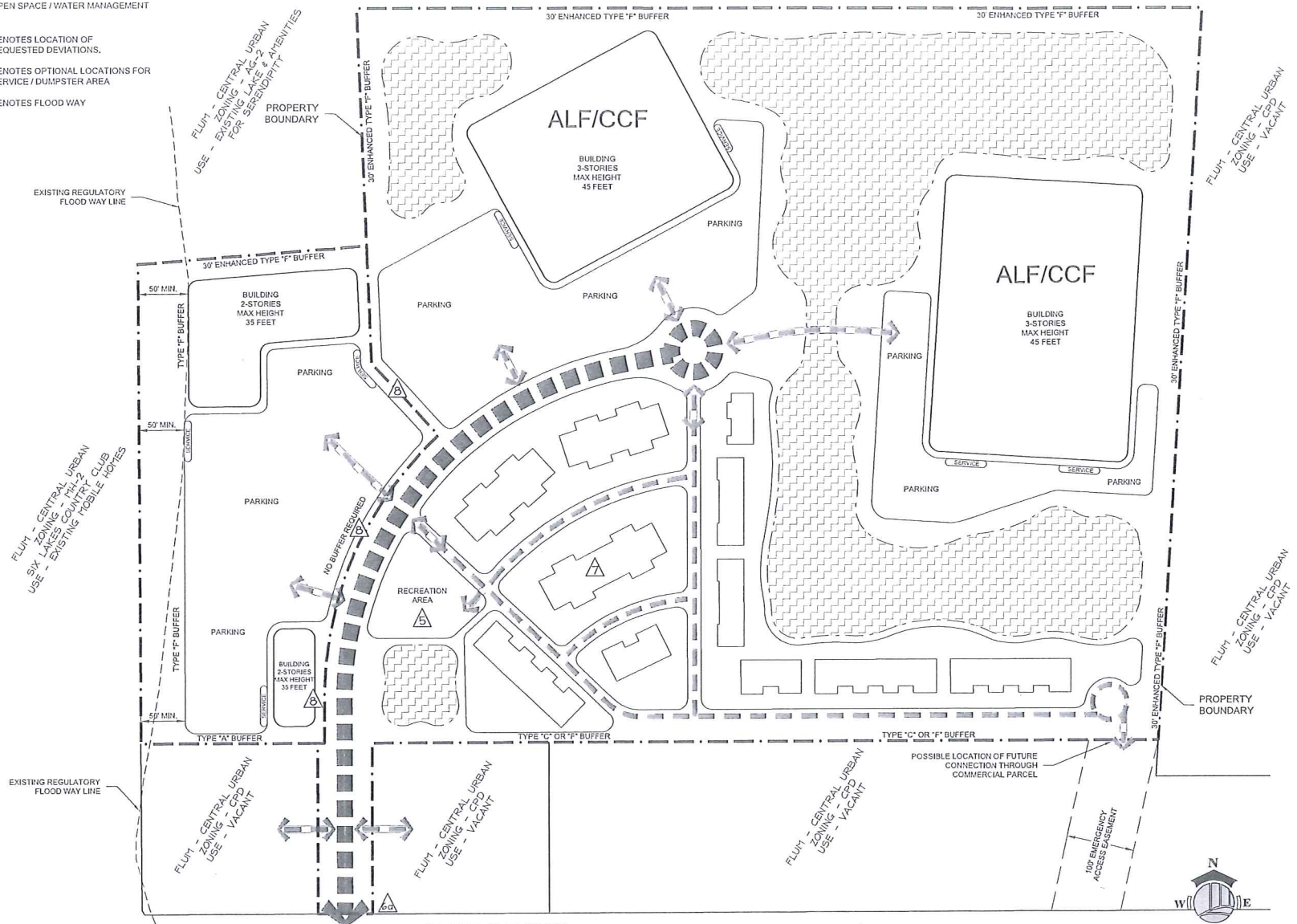
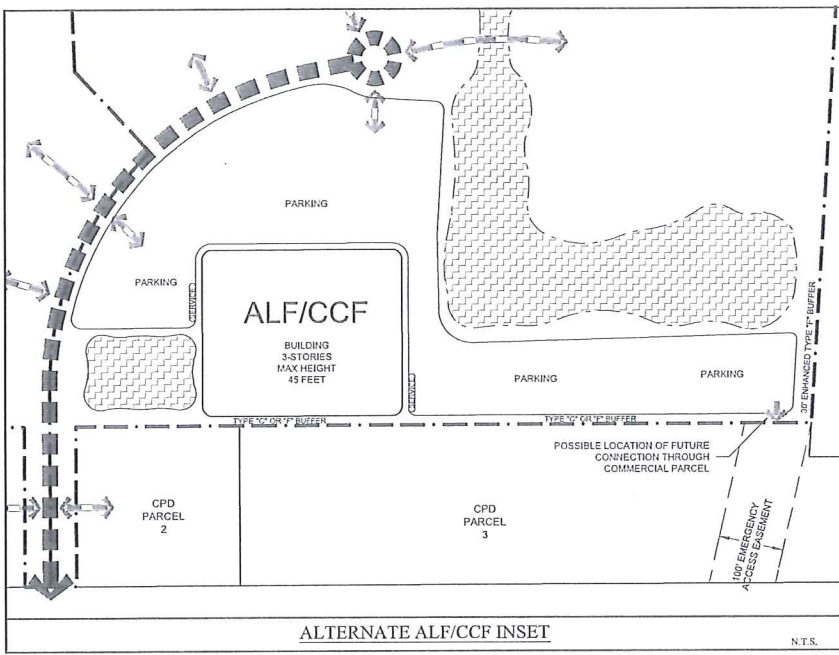
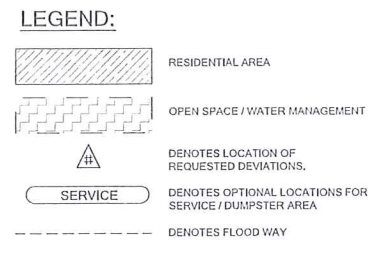
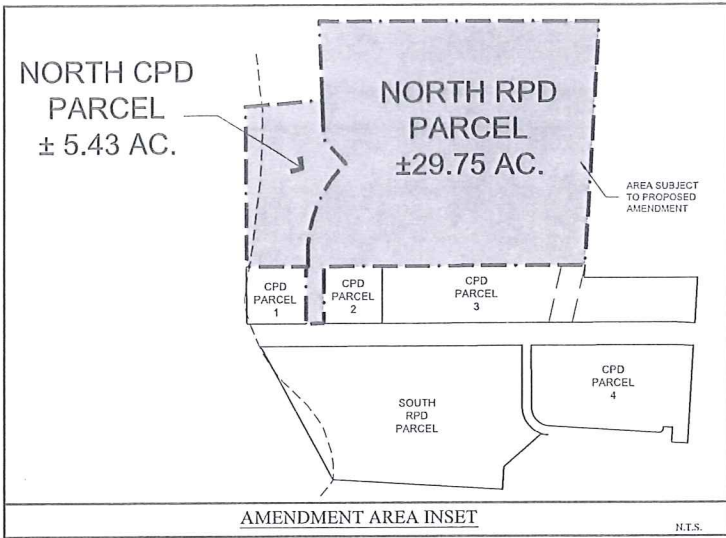
ALL ELEVATORS REQUESTED AND SHOWN WITH 2-09-204 PERMITS IN EFFECT.  
PROPOSED ADDITIONAL DEVICES:  
A ELEVATOR FROM LEC 10-151 ROOM REQUIRES MULTI-PARTY PROJECTS TO PROVIDE SUFFICIENT ELEVATOR SPACE FOR ELEVATOR COILINGS (ELEVATORS) TO ALLOW GOOD SIDE PICK UP FOR THE UNITS.

POSSIBLE LOCATION OF FUTURE EXIT CONNECTION THROUGH COMMERCIAL PARKING AISLES TO EXISTING ROADWAY

**N.B.D. DEVELOPMENT, INC.**  
2500 UNIVERSITY PARKWAY  
SUITE 100  
DUNEDIN, FLORIDA 33511  
TEL: (813) 344-1174  
FAX: (813) 344-1174

**Banker Engineering**  
Professional Engineers & Surveyors  
201 W. WASHINGTON ST. SUITE 200  
TALLAHASSEE, FLORIDA 32301  
PHONE: (904) 875-1111  
FAX: (904) 875-1111

**MASTER CONCEPT PLAN  
DIPOLMAT PARCEL**  
LEE COUNTY, FLORIDA  
PROJECT NO. 2007-00169  
DATE 2/1/2008



**TABLE A**

**OPEN SPACE CALCULATIONS:**

PARCEL	AREA	REQ'D OPEN SPACE	ACRES
RPD	29.75 AC.	11.90 (40%)	11.90 AC.
CPD	5.43 AC.	1.63 (30%)	1.63 AC.
<b>TOTAL</b>	<b>35.18 AC.</b>		<b>TOTAL 13.53 AC.</b>

1) LAKES WILL COMPRISE NO MORE THEN 25% OF THE REQUIRED OPEN SPACE.  
 2) PER Z-06-004, INDIGENOUS OPEN SPACE AREA IS PROVIDED ON THE SOUTHERN PORTION OF THE OVERALL DEVELOPMENT AND PROVIDES TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS.  
 3) OTHER NON-INDIGENOUS OPEN SPACE AREAS SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.

**TABLE B**

**DENSITY / INTENSITY SUMMARY:**

ALF / CCF	400 BEDS
RESIDENTIAL	138 D.U.
MEDICAL OFFICE	50,000 S.F.

**LAND USE CONVERSION:**  
 ABOVE USES MAY BE CONVERTED ACCORDING TO THE FOLLOWING RATIOS:  
 4 ALF / CCF BEDS = 1 D.U.  
 400 SQ. FT. MEDICAL OFFICE = 1,000 SQ. FT. PROFESSIONAL OFFICE

**RECEIVED**  
 APR 27 2011

**COMMUNITY DEVELOPMENT**

Approved as Exhibit  
 MCP Page 1 of 1  
 Resolution # 2-11-002

DCA2010-00015



Athyrio Development Associates, LLC  
 P.O. Box 1662  
 Fort Myers, FL 33902

DIPLOMAT PROPERTY RPD / CPD (NORTH PARCEL)  
 Project Line 3

**REVISIONS**

NO.	DESCRIPTION	DATE
R1	Revised per the county sufficiency comments dated 08-06-10	9-22-10
R2	Revised per the county sufficiency comments dated 10-14-10	10-22-10
R3	Revised per the county comments	12-17-10
R4	Revised per HEC contribution and conditions	1-7-11
R5	Final Adopted Plan	4-22-11
RE		

DATE: 09-22-10  
 PROJECT NO. 1155-01  
 FILE NO. 1155-01-MCP01.dwg  
 SCALE: AS SHOWN

MASTER CONCEPT PLAN  
 D-7-M.1

1 of 1

ZONING DIVISION  
LEE COUNTY  
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW  
TRANSMITTAL SHEET

TO: Distribution

John Fredyma, Asst County Attorney  
DS Reviewer - Becky Penfield  
Paul O'Connor, Planning  
Aaron Martin Environmental Sciences  
Chick Jakacki, Zoning  
Mike Pavese, Public Works

FROM: Tony Palermo, AICP

DATE: 04/27/2011

PROJECT NAME: DIPLOMAT PROPERTY RPD/CPD  
INFORMATION SUMMARY:

CASE #: DCI2010-00015

To update your file  
 Review and forward substantive comments ASAP.

## Comments due to Tony Palermo, AICP by 05/12/2011

Additional Comments:

**SCANNED**

cc: DCI planner/working file  
DCI Zone File

Distributed by: Donna M Hock

Date: 04/28/2011

**EnSite**  
 2401 First Street, Suite 201  
 Fort Myers, FL 33901  
 Phone (239) 226-0024 - Fax (239) 226-0094



# Transmittal

<b>Attention:</b> Tony Palermo	<b>From:</b> Shellie Johnson
<b>Company:</b> Lee County DCD	<b>Date:</b> April 26, 2011
<b>Address:</b> 1500 Monroe St.	<b>Project No:</b> DCI2010-00015
Fort Myers, FL 33901	<b>Project Name:</b> Diplomat RPD/CPD
	<b>cc:</b>
<b>Regarding:</b> Final Revisions per County Attorney's Office	

Sent Via:  US Mail  Pick-Up  Hand Delivery  Overnight Delivery  Other

	Copies	Description
1.	11	11" x 17" Master Concept Plan
2.	11	24" x 36" Master Concept Plan
3.	11	Legal Description of Property in its Entirety
4.		
5.		
6.		
7.		
8.		

For Your Use  As Requested  For Approval  Signature  
 For File  For Review and Comment  Other

**Memo:**

Thank you!

*\*If you do not receive all of the above mentioned items, please notify our office\**

SCANNED

**Banks Engineering**

Professional Engineers, Planners &amp; Land Surveyors

2515 Northbrooke Plaza Drive - Suite 200

Naples, Florida 34119

(239) 597-2061

Fax (239) 597-3082

**RECEIVED**  
APR 27 2011DESCRIPTION  
OF A  
PARCEL OF LAND  
LYING INSECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST COMMUNITY DEVELOPMENT  
LEE COUNTY, FLORIDA  
(CPD ZONING DESCRIPTION)

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

**NORTH CPD ZONNING PARCEL**

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

PARCEL CONTAINS 8.78 ACRES, MORE OR LESS.

**TOGETHER WITH: ADDITIONAL NORTH CPD ZONNING PARCEL**

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

PARCEL CONTAINS 1.48 ACRES, MORE OR LESS.

**TOGETHER WITH: SOUTH CPD ZONNING PARCEL**

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

SHEET 1 OF 3

S:\Jobs\20xx\2028\SURVEY\Descriptions\Zoning\2028\_ZONING CPD\_REV\_DESC.doc

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

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

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

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

PARCEL CONTAINS 6.00 ACRES, MORE OR LESS.

**TOGETHER WITH: ADDITIONAL SOUTH CPD ZONNING PARCEL**

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

PARCEL CONTAINS 1.22 ACRES.

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

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

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

DESCRIPTION PREPARED NOVEMBER 2, 2006.

*Richard M. Ritz*  
 RICHARD M. RITZ  
 REGISTERED LAND SURVEYOR  
 FLORIDA CERTIFICATION NO. 4009

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

RECEIVED  
 APR 27 2011

COMMUNITY DEVELOPMENT

# SKETCH TO ACCOMPANY DESCRIPTION

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



### COORDINATE TABLE

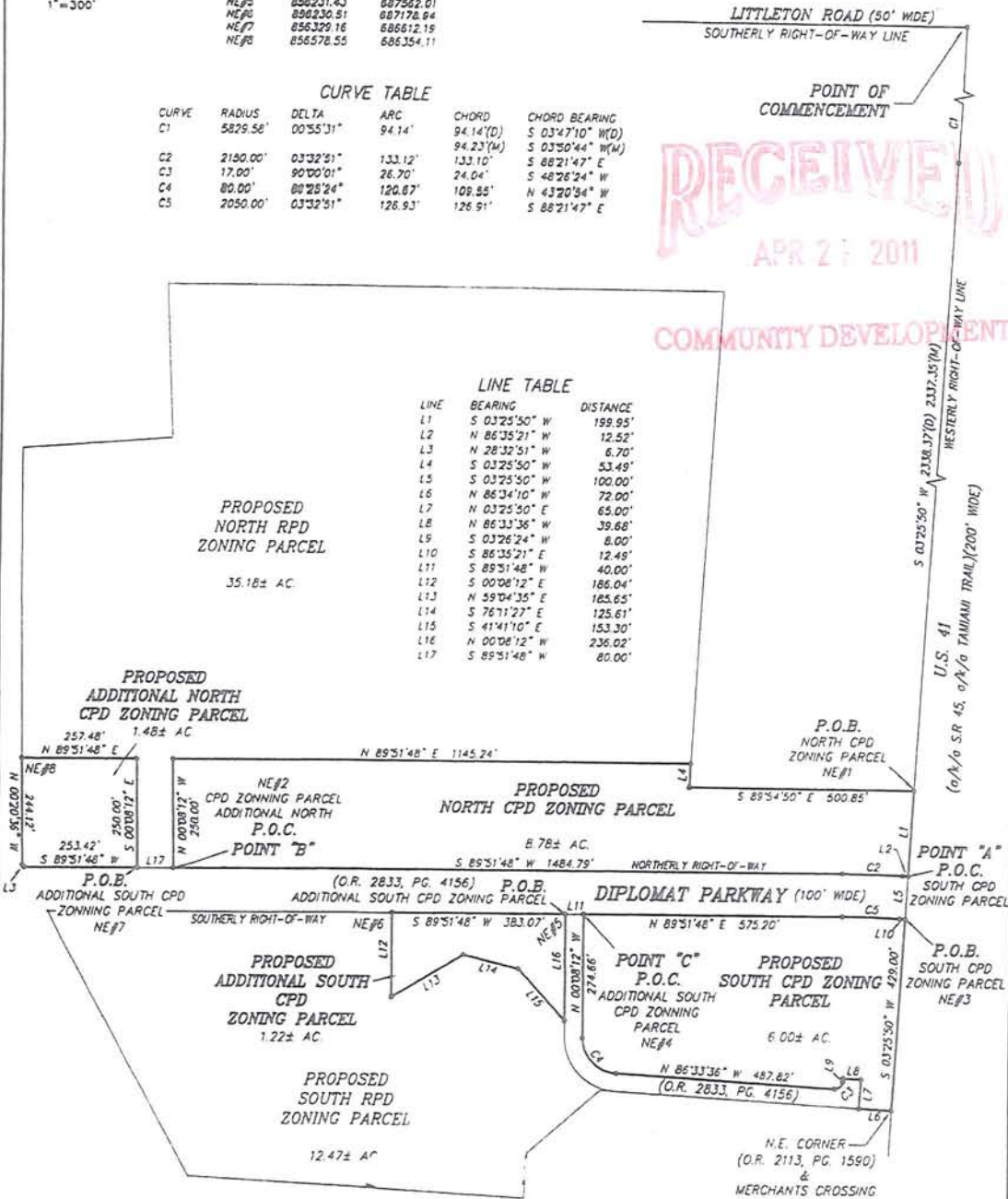
POINT	NORTHING	EASTING
NE#1	886887.83	888334.48
NE#2	886328.35	888602.18
NE#3	886228.53	888316.53
NE#4	886231.52	887602.01
NE#5	886231.43	887562.01
NE#6	886230.51	887178.94
NE#7	886329.16	886612.19
NE#8	886578.55	886354.11

### CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.56'	00°55'31"	94.14'	94.14'(D) 94.23'(M)	S 03°47'10" W(D) S 03°50'44" W(M)
C2	2180.00'	03°32'31"	133.12'	133.10'	S 88°21'47" E
C3	17.00'	90°00'01"	26.70'	24.04'	S 48°26'24" W
C4	80.00'	88°25'24"	120.87'	108.85'	N 43°20'34" W
C5	2050.00'	03°32'31"	126.93'	126.91'	S 88°21'47" E

### LINE TABLE

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



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APR 27 2011  
COMMUNITY DEVELOPMENT

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

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

\*\*\*THIS IS NOT A SURVEY\*\*\*

sketch *Richard M. Fitz*  
RICHARD M. FITZ  
REGISTERED LAND SURVEYOR  
FLORIDA CERTIFICATION NO. 4009

THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.  
— PREPARED NOVEMBER 2, 2008.

PREPARED BY:  
**Wanks Engineering**  
ENGINEERING, SURVEYING & LAND PLANNING  
2015 NORTHBROOK PLAZA DRIVE - SUITE 200  
MAPLES, FLORIDA 34419  
(889) 997-2001  
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 8890

S:\ubal\2010\2010SURVEY\Description\Zoning\2028\_ZONING\_CPD\_REV\_SK.dwg, 11/2/2008 4:24:53 PM, David Blehschmidt

**Banks Engineering**

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

**RECEIVED**  
 APR 27 2011  
 COMMUNITY DEVELOPMENT

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

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

**NORTH RPD PARCEL:**

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

PARCEL CONTAINS 35.18 ACRES, MORE OR LESS.

AND;

**SOUTH RPD PARCEL:**

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

SHEET 1 OF 3

S:\Jobs\20xx\2028\SURVEY\Descriptions\Zoning\2028 ZONING RPD REV DESC.doc

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

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

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

DCI 2010-00015

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

PARCEL CONTAINS 12.47 ACRES, MORE OR LESS.

NET ACREAGE IS 47.65 ACRES, MORE OR LESS.

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

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

DESCRIPTION PREPARED NOVEMBER 2, 2006.

RECEIVED  
APR 27 2011

COMMUNITY DEVELOPMENT

*Richard M. Ritz*  
RICHARD M. RITZ  
REGISTERED LAND SURVEYOR  
FLORIDA CERTIFICATION NO. 4009

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



LINE TABLE

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

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°35'31"	94.14'	94.14(0)	S 03°47'10" W(D)
C2	120.00'	86°25'24"	181.00'	94.23(W)	S 03°50'44" W(M) N 43°20'54" W

SKETCH TO ACCOMPANY DESCRIPTION

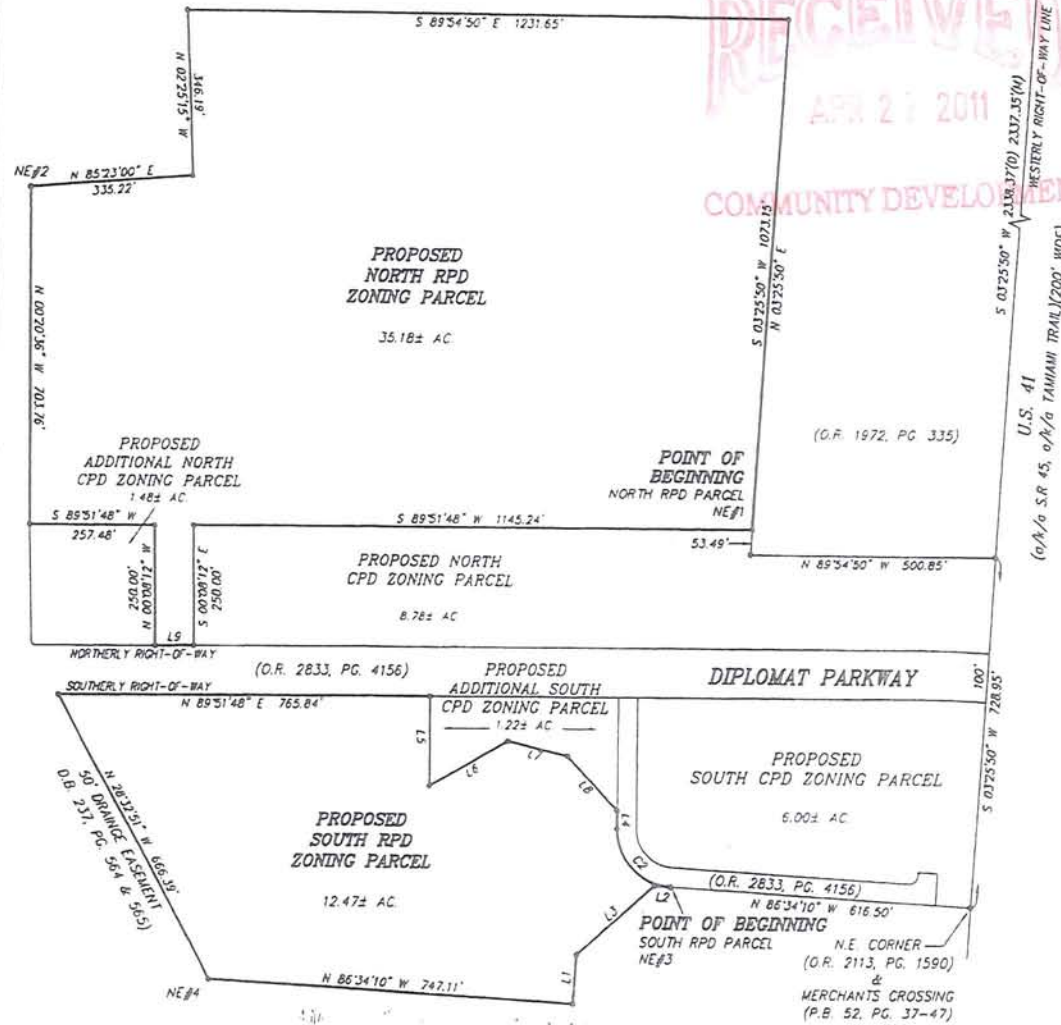
OF A  
PARCEL OF LAND  
LYING IN  
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST  
LEE COUNTY, FLORIDA

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

POINT OF COMMENCEMENT

COORDINATE TABLE

POINT	NORTHING	EASTING
NE#1	856582.08	687636.83
NE#2	857282.30	686349.89
NE#3	855837.18	687675.48
NE#4	855643.31	686731.56



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APR 21 2011  
COMMUNITY DEVELOPMENT

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

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

\*\*\*THIS IS NOT A SURVEY\*\*\*

*Richard M. Ritz*

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

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

PREPARED NOVEMBER 2, 2006.

PREPARED BY:  
**Banks Engineering**  
ENGINEERING, SURVEYING & LAND PLANNING  
2310 NORTHBROOK PLAZA DRIVE - SUITE 800  
NAPLES, FLORIDA 34118  
(239) 597-2081  
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 8860


S:\ubal\20-cv\2028\SURVEY\Descriptions\Zoning\2028\_ZONING\_RPD\_REV\_SK.dwg, 11/22/2006 4:25:50 PM, David Blehschmidt

**MEMORANDUM**  
**FROM THE**  
**DEPARTMENT OF COMMUNITY DEVELOPMENT**  
**ZONING DIVISION**

**DATE:** March 16, 2011

**TO:** Board of County Commissioners

**FROM:** Alvin Block, AICP

  
Principal Planner

**SUBJECT: DCI2010-00015, Diplomat Property RPD/CPD**

Staff would respectfully ask the Board to consider the following minor changes to the Hearing Examiner recommendation in order to help clarify the actions.

1. (Pages 3 and 6) Amend Condition 2.a. deleting "Community Garden" from the Schedule of Uses for **CPD- PARCELS 1, 2, 3, AND 4** and **CPD-5.43-ACRE PARCEL NORTH OF DIPLOMAT PARKWAY.**
2. (Page 13) Amend Condition 5, **AGRICULTURAL USES** to strike the first sentence, leaving the second sentence.
3. (Page 15) Amend title for Condition 20 to read: **INDIGENOUS PRESERVATION/HERITAGE TREES (NORTH CPD PARCEL AND NORTH RPD PARCEL)**
4. (Page 16) Add following title to Condition 24: **NATIVE PLANTINGS AND TREES (NORTH CPD PARCEL AND NORTH RPD PARCEL)**

cc: Applicant  
Zoning File

## Princing, Jamie

---

**From:** Sanchez, Maria  
**Sent:** Tuesday, March 15, 2011 4:43 PM  
**To:** Princing, Jamie  
**Subject:** FW: Diplomat Property RPD/CPD (DCI2010-00015) -- Draft Zoning Resolution No. Z-11-002

Jamie, attached is the legal verification for "Diplomat Property RPD/CPD". Please let me know if you have any questions.

### ***Maria M. Sanchez***

Legal Administrative Assistant  
Lee County Attorney's Office  
Tel. 239/533-2236  
Fax 239/485-2106

[MSanchez@leegov.com](mailto:MSanchez@leegov.com) <<mailto:MSanchez@leegov.com>>

***Please note: Florida has a very broad public records law. Most written communications to or from County Employees and Officials regarding County business are public records available to the public and media upon request. Your e-mail communication may be subject to public disclosure.***

---

**From:** Sanchez, Maria  
**Sent:** Tuesday, March 15, 2011 4:40 PM  
**To:** 'Shellie Johnson'  
**Cc:** Fredyma, John; 'brians@en-site.com'  
**Subject:** RE: Diplomat Property RPD/CPD (DCI2010-00015) -- Draft Zoning Resolution No. Z-11-002

Thank you for your prompt response. This matter is now ready to go before Board Zoning on Monday, March 21, 2011.

### ***Maria M. Sanchez***

Legal Administrative Assistant  
Lee County Attorney's Office  
Tel. 239/533-2236  
Fax 239/485-2106

[MSanchez@leegov.com](mailto:MSanchez@leegov.com) <<mailto:MSanchez@leegov.com>>

***Please note: Florida has a very broad public records law. Most written communications to or from County Employees and Officials regarding County business are public records available to the public and media upon request. Your e-mail communication may be subject to public disclosure.***

---

**From:** Shellie Johnson [<mailto:shelliej@en-site.com>]  
**Sent:** Tuesday, March 15, 2011 3:29 PM  
**To:** Sanchez, Maria; Brian Smith  
**Cc:** Fredyma, John  
**Subject:** Re: Diplomat Property RPD/CPD (DCI2010-00015) -- Draft Zoning Resolution No. Z-11-002

My apologies, Maria. I did not follow up with you.

Please accept this email as confirmation that the legal description and described property for rezoning in Case No. DCI2010-00015 are correct.

If you need any additional information, please do not hesitate to contact me.

Shellie Johnson, Principal  
EnSite, Inc.  
Agent for Applicant

On 3/15/11 3:20 PM, "Sanchez, Maria" <[MSANCHEZ@leegov.com](mailto:MSANCHEZ@leegov.com)> wrote:

The above-referenced matter is scheduled to go before the Board on Monday, March 21, 2011. We have not yet received written confirmation that (1) the legal description of the subject property is correct; and that (2) the described property is the property intended to be rezoned.

THIS CONFIRMATION IS NEEDED AS SOON AS POSSIBLE.

If you have any questions, please do not hesitate to call.

***Maria M. Sanchez***

Legal Administrative Assistant  
Lee County Attorney's Office  
Tel. 239/533-2236  
Fax 239/485-2106

[MSanchez@leegov.com](mailto:MSanchez@leegov.com) <<mailto:MSanchez@leegov.com>>

***Please note: Florida has a very broad public records law. Most written communications to or from County Employees and Officials regarding County business are public records available to the public and media upon request. Your e-mail communication may be subject to public disclosure.***

***(Please note our new address below)***

Shellie Johnson, AICP  
EnSite  
2401 First Street, Suite 201  
Fort Myers, FL 33901

CELL/TEXT: (239) 898-0125  
OFFICE: (239) 226-0024  
FAX: (239) 226-0094

[ShellieJ@en-site.com](mailto:ShellieJ@en-site.com)  
[www.en-site.com](http://www.en-site.com)



Please consider the environment before printing this e-mail.

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**News-Press.com Online Public Notice: Detail****2011-03-10 Notice of Public Hearing****NOTICE OF  
PUBLIC HEARING**

Notice is hereby given that at 9:30 a.m. on Monday, 21 March, 2011, the Lee County Board of County Commissioners will hold public hearings in the Commissioners' Meeting Room, 2120 Main St., Ft. Myers, FL, to review the written recommendations made by the Hearing Examiner and make a final decision on the case below.

If you did not appear before the Hearing Examiner or otherwise become a participant for that case in which you wish to testify, the law does not permit you to address the Board of County Commissioners.

If a participant decides to appeal a decision made by the Board of County Commissioners with respect to any matter considered at this hearing, that person will need a record of the proceedings. For such purpose, that person may need to ensure that a verbatim record of the proceeding is made that includes the testimony and evidence upon which the appeal is to be based.

Statements before the Board of County Commissioners will be strictly limited to the findings of fact or conclusions of law contained in the record, or to allege the discovery of relevant new evidence which was not known by the speaker at the time of the hearing before the Hearing Examiners and not otherwise disclosed in the record.

Copies of the Hearing Examiner's recommendation may be obtained or the file reviewed at the Zoning Division, 1500 Monroe St., Ft. Myers, FL. Telephone 533-8585 for additional information.

In accordance with the Americans with Disabilities Act and F.S. s. 286.26, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Jamie Prancing at 533-8585.

The following case will be heard: DCI2010-00015. Diplomat Property RPD/CPD. Application to amend the +/- 35.2 -acre Residential Planned Development (RPD) portion of the Diplomat Property RPD/CPD to permit a maximum of 400 assisted living facility beds, 138 standard dwelling units, a maximum of 50,000 square feet of medical office space, and to make other changes to the master concept plan including reconfiguration of a lake, changes to the buffer to the west, and additional details including the placement commercial and residential buildings. Maximum building height requested is 50 feet. No development blasting is requested. Any development will connect to public potable water and public sanitary sewer service. Property located at 15501 N. Cleveland Ave., N. Ft. Myers Planning Community, Lee County FL. Project Representative: Shellie Johnson, Ensite, Inc 239-226-0024.

Mar 10 No. 1425013

[print this notice](#) [close window](#)

**For MAC users try cmd+P**

**MEMORANDUM**  
From The  
**Department Of**  
**Community Development**  
Zoning Division

Date: March 8, 2011

To: DCI2010-00015

FROM: Jamie Prancing

RE: Notice of Public Hearing - March 21, 2011  
Lee County Board of County Commissioners Meeting

I, Jamie Prancing, Administrative Assistant, Zoning Division, do hereby certify that I have mailed **notices to the participants** in regard to the above referenced meeting, in the attached style, pursuant to the list marked and attached hereto and made a part of the certification.

## NOTICE TO PARTICIPANT

CASE NUMBER: DCI2010-00015

NAME: DIPLOMAT PROPERTY RPD/CPD

REQUEST: Application to amend the +/- 35.2 -acre Residential Planned Development (RPD) portion of the Diplomat Property RPD/CPD to permit a maximum of 400 assisted living facility beds, 138 standard dwelling units, a maximum of 50,000 square feet of medical office space, and to make other changes to the master concept plan including reconfiguration of a lake, changes to the buffer to the west, and additional details including the placement commercial and residential buildings. Maximum building height requested is 50 feet. No development blasting is requested. Any development will connect to public potable water and public sanitary sewer service.

LOCATION: 15501 N. Cleveland Ave., N. Ft. Myers Planning Community, Lee County FL.

PROPERTY OWNER'S  
REPRESENTATIVE: MS SHELLIE JOHNSON  
ENSITE  
239-226-0024

Notice is hereby given that the Lee County Board of Commissioners will hold a public hearing at 9:30 am on Monday, March 21, 2011, to review the written recommendation made by the Hearing Examiner and make a final decision in the above-referenced case. This hearing will be held in the Commissioners' Meeting Room, 2120 Main St., Ft. Myers FL.

The law states that, as a participant, you have the right to appear and address the Board on this case. However, the law strictly limits all testimony before the Board to statements challenging the correctness of findings and conclusions contained in the record, or statements alleging the discovery of relevant new evidence which was not known by the speaker at the time of the Hearing Examiner's hearing and not otherwise disclosed in the record. Statements will be limited to five (5) minutes or as the Board may otherwise allow.

Additional copies of the Hearing Examiner's recommendation may be obtained or the file reviewed at the Zoning Division, 1500 Monroe St., Ft. Myers, FL. Call 533-8585 for additional information.

**In accordance with the Americans with Disabilities Act and F.S. s. 286.26, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Jamie Prancing at 533-8585.**

DEPARTMENT OF COMMUNITY  
DEVELOPMENT  
Zoning Division

DCI2010-00015  
Diplomat Property RPD/CPD

Bonnie Allen  
3780 Downwind Lane  
North Fort Myers, Florida 33917

Anthony Derico  
16 Nicklaus Boulevard  
North Fort Myers, Florida 33903

Michael Dessart  
58 Snead Drive  
North Fort Myers, Florida 33903

Peter Overs  
252 Palmer Boulevard  
North Fort Myers, Florida 33903

Douglas Rudd  
67 Snead Drive  
North Fort Myers, Florida 33903

Ted Treesh  
TR Transportation Consultants  
2726 Oak ridge Ct., Ste 503  
Fort Myers, FL 33901

Brian Smith  
Ensite, Inc.  
1514 Broadway, Ste 201  
Fort Myers, FL 33901

Athyrio Development Assoc.  
P.O. Box 811987  
Boca Raton, FL 33481

Ms. Shellie Johnson  
Ensite, Inc.  
1514 Broadway, Ste. 201  
Fort Myers, FL 33912

John Angus  
409 Player Court  
North Fort Myers, Florida 33903

Santo Derico  
60 Snead Drive  
North Fort Myers, Florida 33903

Herbert V. Gartner  
128 Nicklaus Boulevard  
North Fort Myers, Florida 33903

Diana Pettersen  
61 Snead Drive  
North Fort Myers, Florida 33903

Jim Toth  
203 Nicklaus Boulevard  
North Fort Myers, Florida 33903

Keith Cramer  
D Cramer Surveying, Inc  
1031 Cape Coral Pkwy., Ste 209  
Cape Coral, FL 33904

Athyrio Development Assoc.  
P.O. Box 1662  
Ft. Myers, FL 33902



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

John E. Manning  
*District One*

March 02, 2011

533-8585

A. Brian Bigelow  
*District Two*

Ray Judah  
*District Three*

Tammy Hall  
*District Four*

Frank Mann  
*District Five*

Karen B. Hawes  
*County Manager*

MS SHELLIE JOHNSON  
ENSITE, INC  
1514 BROADWAY  
SUITE 201  
FORT MYERS, FL 33901

RE: **Agenda Schedule for DIPLOMAT PROPERTY RPD/CPD**  
**Case No. DCI2010-00015**

Diana M. Parker  
*County Hearing Examiner*

Dear MS SHELLIE JOHNSON :

Your zoning request has been scheduled before the Board of County Commissioners to take final action after reviewing the Hearing Examiner's recommendation.

DATE & TIME: Monday, March 21, 2011. Meeting commences at 9:30 a.m.

LOCATION: Commissioners' Meeting Room  
2120 Main Street  
Ft. Myers, Florida

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Zoning Division



Jamie Prancing  
Administrative Assistant

cc: ATHYRIO DEVELOPMENT ASSOCIATS LLC, ATHYRIO DEVELOPMENT  
ATHYRIO DEVELOPMENT ASSOCIATES  
MR BRIAN SMITH, ENSITE, INC.  
TED TREESH, TR TRANSPORTATION CONSULTANTS  
MR KEITH CRAMER, D CRAMER SURVEYING, INC  
Tony Palermo, AICP, Senior Planner  
Zoning File

**INSTRUCTIONS**

**(Section C.1.c., Lee County Administrative Code AC 2-8)**

A zoning sign must be posted on the parcel subject to any zoning application for a minimum of fifteen CALENDAR (15) days in advance of the Hearing Examiner's Public Hearing and maintained through the Board of County Commissioners Hearing, if any. This sign will be provided by the Zoning Division in the following manner:

- a. Signs for case #DCI2010-00015 must be posted by **Tuesday, December 21, 2010**.
- b. The sign must be erected in full view of the public, not more than five (5) feet from the nearest street right-of-way or easement.
- c. The sign must be securely affixed by nails, staples or other means to a wood frame or to a wood panel and then fastened securely to a post, or other structure. The sign may not be affixed to a tree or other foliage.
- d. The applicant must make a good faith effort to maintain the sign in place, and readable condition until the requested action has been heard and a final decision rendered.
- e. If the sign is destroyed, lost, or rendered unreadable, the applicant must report the condition to the Zoning Division, and obtain duplicate copies of the sign from the Zoning Division.

The Division may require the applicant to erect additional signs where large parcels are involved with street frontages extending over considerable distances. If required, such additional signs must be placed not more than three hundred (300) feet apart.

When a parcel abuts more than one (1) street, the applicant must post signs along each street. When a subject parcel does not front a public road, the applicant must post the sign at a point on a public road which leads to the property, and the sign must include a notation which generally indicates the distance and direction to the parcel boundaries and the dimensions of the parcel.

NOTE: AFTER THE SIGN HAS BEEN POSTED, THE AFFIDAVIT OF POSTING NOTICE, BELOW, SHOULD BE RETURNED NO LATER THAN THREE (3) WORKING DAYS BEFORE THE INITIAL HEARING DATE TO LEE COUNTY ZONING DIVISION, 1500 MONROE ST., FT. MYERS, FL 33901.

(Return the completed Affidavit below to the Zoning Division as indicated in previous paragraph.)

AFFIDAVIT OF POSTING NOTICE

STATE OF FLORIDA  
COUNTY OF LEE

BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED Michelle Johnson  
WHO ON OATH SAYS THAT HE/SHE HAS POSTED PROPER NOTICE AS REQUIRED BY SECTION 34-236(b) OF THE LEE COUNTY LAND DEVELOPMENT CODE ON THE PARCEL COVERED IN THE ZONING APPLICATION REFERENCED BELOW:



[Signature]  
SIGNATURE OF APPLICANT OR AGENT

Michelle Johnson  
NAME (TYPED OR PRINTED)

1514 Broadway Ste. 201  
ST. OR PO BOX

Fort Myers, FL 33901  
CITY, STATE & ZIP

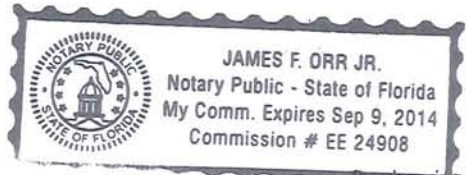
#DCI2010-00015/DIPLOMAT PROPERTY RPD/CPD /01/06/2011/JLP

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was sworn to and subscribed before me this 21st day of December, 2010, by Michelle Johnson, personally known to me or who produced Driver's License (FL) as identification and who did/did not take an oath.

James F. Orr Jr.  
Signature of Notary Public

James F. Orr Jr.  
Printed Name of Notary Public



My Commission Expires: September 9, 2014  
(Stamp with serial number)

DCI2010-00015

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

ORDER FOR CONTINUANCE

CASE NUMBER: DCI2010-00015  
APPLICANT: ATHYRIO DEVELOPMENT ASSOCIATES, LLC.,  
in reference to DIPLOMAT PROPERTY RPD/CPD  
RESPONSE DATE: JANUARY 14, 2011

The hearing on the above-styled case began as scheduled on January 6, 2011. At the conclusion of the presentations of Staff and Applicant and, following the comments and presentations of other interested parties present, the matter was continued to the date and time set forth below to allow the Staff, Assistant County Attorney, and the Applicant to submit additional materials, only as requested by the Hearing Examiner, which are responsive to questions, issues and concerns which arose during the course of the proceedings.

Written submissions shall be in the form of:

1. Staff's and Applicant's joint submission of a revised Condition 23(a) - (new Condition 24);
2. Staff's and Applicant's joint submission of a revised Condition 23(c); and
3. Staff's and Applicant's joint submission of a revised Master Concept Plan (MCP).

This matter is continued to **FRIDAY, JANUARY 14, 2011, AT 5:00 P.M., FOR SUBMISSION OF MATERIALS AS REQUESTED BY THE HEARING EXAMINER.** At, or before this time, the requested materials will be submitted to the Hearing Examiner, and other responding parties, and the Hearing Examiner will determine if these submissions are sufficient. **NO HEARING WILL BE HELD AND NO TESTIMONY WILL BE HEARD.** If the Hearing Examiner determines that these submissions are insufficient, a subsequent hearing will be set to discuss this matter further and notices will be sent to all parties involved.

Accordingly, written submittals will be delivered to the Office of the Hearing Examiner, 1500 Monroe Street, Suite 218, Fort Myers, Florida, on or before these dates. Copies of this order will be furnished to the Staff, the Applicant, and all hearing participants.

**DONE AND ORDERED this 6<sup>TH</sup> day of JANUARY, 2011.**



DIANA M. PARKER  
LEE COUNTY CHIEF HEARING EXAMINER  
P. O. Box 398 (1500 Monroe Street, Suite 218)  
Fort Myers, Florida 33902-0398  
Telephone: 239/533-8100 Fax: 239/485-8406

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the aforesaid Order was sent to all hearing participants, officially established as of the above Order date, either by U.S. Mail, Inter-County Mail, or Facsimile Transfer on the 6<sup>th</sup> day of January, 2011.



Maria D. Perez/Administrative Assistant

January 6, 2011

**News-Press.com Online Public Notice: Detail****2010-12-23 Notice of Public Hearing****NOTICE OF  
PUBLIC HEARING**

Notice is hereby given that on Thursday, January 6, 2011, the Hearing Examiner of Lee County will hold public hearings in the Hearing Examiner Meeting Room, 1500 Monroe St., Ft. Myers, FL, on the cases below.

You must appear in person, through counsel, or an authorized agent and provide testimony, legal argument or other evidence at the hearing to become a participant with the right to address the Board of County Commissioners.

After the Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the Board of County Commissioners who will review the recommendation and make a final decision.

If you did not appear before the Hearing Examiner, by law, you will not be allowed to appear before the Board of County Commissioners at the final hearing in these cases.

Copies of staff report(s) are available one week prior to the hearing except for DCI (Development of Community Impact), DRI (Development of Regional Impact) and REZ (Rezoning) cases which are available two weeks prior to the hearing. The file can be reviewed at the Zoning Division, 1500 Monroe St., Fort Myers, FL. Call 533-8585 for additional information.

In accordance with the Americans with Disabilities Act and F.S. s. 286.26, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Jamie Pringing at 533-8585.

The following case will be heard:

DCI2010-00015. Diplomat Property RPD/CPD.10:00am.Application to amend the +/- 35.2 -acre Residential Planned Development (RPD) portion of the Diplomat Property RPD/CPD to permit a maximum of 400 assisted living facility beds, 138 standard dwelling units, a maximum of 50,000 square feet of medical office space, and to make other changes to the master concept plan including reconfiguration of a lake, changes to the buffer to the west, and additional details including the placement commercial and residential buildings. Maximum building height requested is 50 feet. No development blasting is requested. Any development will connect to public potable water and public sanitary sewer service. Property located at 15501 N. Cleveland Ave., N. Ft. Myers Planning Community, Lee County FL. Direct inquiries to Tony Palermo, AICP, Senior Planner 239-533-8325 in Zoning. Project Representative: Alexis Crespo, Ensite, Inc 239-226-0024.  
Dec 23 No 1418791

[print this notice](#) [close window](#)

**For MAC users try cmd+P**

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

RECEIVED  
FEB 17 2011  
ZONING

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2010-00015  
APPLICANT: ATHYRIO DEVELOPMENT ASSOCIATES, LLC., in reference to  
DIPLOMAT PROPERTY RPD/CPD  
HEARING DATE: JANUARY 6, 2011  
WRITTEN SUBMISSION: JANUARY 14, 2011

**I. APPLICATION:**

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

Filed by ATHYRIO DEVELOPMENT ASSOCIATES, LLC., P.O. Box 1662, Fort Myers, Florida 33902 (Applicant/ Owner); ENSITE, INC., c/o ALEXIS CRESPO, AICP, LEED AP, 1514 Broadway, Suite 201, Fort Myers, Florida 33901; ENSITE INC., c/o BRIAN R. SMITH, 1514 Broadway, Suite 201, Fort Myers, Florida 33901; TR TRANSPORTATION CONSULTANTS, INC., c/o TED TREESH, 2726 Oak Ridge Court, Suite 503, Fort Myers, Florida 33901; D. CRAMER SURVEYING, INC., c/o KEITH CRAMER, P.S.M., 1031 Cape Coral Parkway East, Suite # 209, Cape Coral, Florida 33904 (Agents).

Request is for an Application to amend the +/- 35.2 -acre Residential Planned Development (RPD) portion of the Diplomat Property RPD/CPD to permit a maximum of 400 assisted living facility beds, 138 standard dwelling units, a maximum of 50,000 square feet of medical office space, and to make other changes to the Master Concept Plan including reconfiguration of a lake, changes to the buffer to the west, and additional details including the placement commercial and residential buildings. Maximum building height requested is 50 feet. No development blasting is requested. Any development will connect to public potable water and public sanitary sewer service.

The subject property is located at 15501 N. Cleveland Avenue, North Fort Myers Planning Community, Lee County, Florida (District #4).

**II. STAFF REPORT AND RECOMMENDATION: APPROVE WITH CONDITIONS**

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

**III. RECOMMENDATION OF HEARING EXAMINER:**

The undersigned Lee County Hearing Examiner recommends that the Lee County Board of County Commissioners APPROVE the Applicant's request to amend the 35.2-acre Residential Planned Development (RPD) portion of the Diplomat Property RPD/CPD for the real estate described in Section IX. Legal Description WITH THE FOLLOWING CONDITIONS AND DEVIATIONS:

**A. CONDITIONS:**

THIS RECOMMENDATION CONTAINS A COMPILATION/CODIFICATION OF ALL CONDITIONS AND DEVIATIONS APPROVED IN PREVIOUS REZONING AND ADMINISTRATIVE AMENDMENT ACTIONS FOR THIS PROPERTY. (The Hearing Examiner removed the underlining and struck through conditions contained in the Staff Report - for ease in reading. No other substantive modifications to the previously approved conditions have been made.)

1. Development must be consistent with the one-page Master Concept Plan entitled DIPLOMAT PROPERTY RPD/CPD (NORTH PARCEL), stamped received DECEMBER 20, 2010 AND the one-page Master Concept Plan entitled "MASTER CONCEPT PLAN: DIPLOMAT PARCEL" stamp dated JAN. 30, 2008, except as modified by the conditions below.

This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan (MCP) are subsequently pursued, appropriate approvals will be necessary.

Maximum Number of Dwelling Units (North RPD Parcel): 138 dwelling units plus a maximum of 400 beds for assisted living facilities/continuing care facilities. Dwelling units may be converted per Table "B" of the approved MCP.

Maximum Number of Dwelling Units (South RPD parcel): 105 dwelling units. An additional 21 units may be constructed if they are marketed at a price point that is affordable to moderate income households at the time of building permit application. Further, the additional 21 units may only be sold to buyers who qualify as a moderate income household at time of purchase. Moderate income household means 120 percent of the yearly median income based on yearly income levels developed for the SHIP Program by the Housing Section of the Planning Division.

Eight (8.0) dwelling units per acre maximum, for the 13.19 acres of RPD (South of Diplomat Parkway). An additional 1.6 units per acre may be constructed subject to the affordability requirements above.

Maximum Commercial Floor Area (North CPD Parcel): 50,000 square feet of medical office. Medical office may be converted per Table "B" of the approved MCP.

Maximum Commercial Floor Area (CPD Parcels 1, 2, 3, 4): 200,000 square feet of commercial uses. A maximum of 100,000 s/f of which may be retail.

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

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

a. **Schedule of Uses**

**RPD- SOUTH OF DIPLOMAT PARKWAY**

Accessory Uses and Structures  
Administrative Office  
Clubs, Private - As shown on the approved MCP.  
Community Garden  
Dwelling Units, single-family, duplex, two-family attached, multifamily, townhomes - 105 (up to 126 pursuant to Condition 1)  
Entrance Gates and Gatehouse  
Essential Services  
Essential Service Facilities, Group I  
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.  
Fences and Walls.  
Home Occupation, No outside help.  
Home Care Facility.  
Model Home, Model Display Center, Model Unit - ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.  
Parking Lot, Accessory.  
Real Estate Sales - limited to sales of lots, homes or units within the development. Model home and club locations only. ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.  
Recreational Facilities - Private, On-site only. LIMITED TO THOSE SHOWN ON THE APPROVED MCP.  
Residential Accessory Uses  
Signs, in compliance with LDC Chapter 30  
Temporary Uses, Temporary Real Estate Sales Office

**CPD - PARCELS 1, 2, 3 & 4** (North and South of Diplomat Parkway)

Administrative Office  
Animals: Clinic, Kennel, Control Center (including Humane Society) - indoors, no outdoor runs.  
Automatic Teller Machine  
Auto Parts Store - No installation service.  
Auto Repair and Service, Group I  
Bait and Tackle Shop  
Banks and Financial Establishments, Groups I and II  
Boat Part Stores  
Building Material Sales (indoor only, no outdoor display)  
Business Services, Groups I and II (no impound yards or armored car services)  
Cleaning and Maintenance Services  
Clothing Stores, General  
Communication facilities, wireless (in accordance with LDC 34 Division 11) A wireless communication facility may be administratively approved, provided it is co-located on a building and the height of the tower does not exceed 50 feet from existing grade.

Community Garden  
Consumption on Premises - Indoors. In conjunction with Group III restaurants only. Outdoor Consumption on Premises will require special exception approval (public hearing).  
Contractors and Builders, Groups I and II (Not Group III)  
Cultural Facilities  
Day Care, Adult, Child  
Department Store  
Drive-through facility for any permitted use. No fast food drive-through.  
Drugstore, Pharmacy (limited to 1 on Parcel 3 or 4)  
Entrance Gate and Gatehouse  
Emergency Operations Center  
EMS, Fire or Sheriff's Station  
Essential Services  
Essential Service Facilities, Group I  
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.  
Fences and Walls.  
Flea Market, Indoor Only  
Food and Beverage Services, Limited  
Food Stores, Groups I and II  
Funeral Home or Mortuary, with or without cremation  
Gasoline Dispensing System, Special  
Hardware Store  
Health Care Facility, Groups I, II, III (no Group IV).  
Hobby, Toy and Game Store  
Hotel/Motel - Limited to 120 rooms maximum.  
Household and Office Furnishings - (indoor only, no outdoor display)  
Insurance Companies  
Lawn and Garden Supply Stores - (indoor only, no outdoor display)  
Library  
Medical Office  
Nonstore Retailer  
Paint, Glass and Wallpaper - (indoor only, no outdoor display)  
Parking Lot, Accessory, Commercial, Garage, Public Parking, Temporary  
Personal Services, Groups I, II, III, IV. Excluding Laundromats, Laundry Agents, Massage Establishments, Massage Parlors, Steam or Turkish Baths, Dating Services, Escort Services, Palm Readers, Fortune Tellers, Card Readers, Tattoo Parlors.  
Pet Services, Pet Shops - Indoor only, no outdoor display. No outdoor runs.  
Place of Worship  
Plant Nursery  
Post Office  
Printing and Publishing  
Processing and Warehousing  
Real Estate Sales Office  
Religious Facilities

Rental or Leasing Establishments, Group II (excluding tools and equipment primarily for home use). Indoor only. No outdoor display.  
Repair Shop, Groups I, II, III  
Research and Development Laboratories, Groups I, II, III, IV.  
Restaurants, Groups I, II, III, IV.  
Restaurant, Fast Food, No stand-alone or drive-through. Within a multi-occupancy building only.  
Schools, Commercial and Non-Commercial  
Signs in Accordance with Chapter 30  
Social Services Group I  
Specialty Retail, Groups I, II, III, IV  
Storage, Indoor Only  
Studios  
Supermarkets  
Temporary Uses  
Used Merchandise, Groups I, II, Indoor only. No outdoor display.  
Variety Store

**RPD - NORTH OF DIPLOMAT PARKWAY**

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

**CPD - 5.43-ACRE PARCEL NORTH OF DIPLOMAT PARKWAY**

Administrative Office  
Animals: Clinic, Kennel, Control Center (including Humane Society) - indoors, no outdoor runs.  
Automatic Teller Machine  
Banks and Financial Establishments, Groups I, II  
Business Services, Groups I and II (no impound yards or armored car services)  
Cleaning and Maintenance Services  
Communication facilities, wireless (in accordance with LDC 34 Division 11) A wireless communication facility may be administratively approved, provided it is co-located on a building and the height of the tower does not exceed 50 feet from existing grade.  
Community Garden  
Cultural Facilities  
Entrance Gate and Gatehouse  
Emergency Operations Center  
EMS, Fire or Sheriff's Station  
Essential Services  
Essential Service Facilities, Group I  
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.  
Fences and Walls.  
Health Care Facility, Groups I, II, III (no Group IV).  
Insurance Companies  
Medical Office  
Parking Lot, Accessory  
Personal Services, Groups I, II  
Pharmacy - accessory to medical office use only.  
Real Estate Sales Office  
Religious Facilities  
Research and Development Laboratories, Groups I, II, III, IV.  
Schools, Commercial and Non-Commercial  
Signs in Accordance with Chapter 30  
Social Services Group I  
Temporary Uses

b. **Site Development Regulations**

**RPD - South of Diplomat Parkway**

◆ **SINGLE-FAMILY**

Minimum Lot Areas and Dimensions

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

Minimum Setbacks

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



Rear	30 feet - all lots containing enhanced buffer. See Condition 13.
	20 feet
Water body	25 feet

All Accessory Uses: Per the LDC.  
Setbacks from Preserves (All structures): 25 feet, per the LDC.  
Minimum Perimeter Setbacks: 25 feet  
30 feet - all lots containing enhanced buffer. See Condition 13.  
Minimum Building Separation: 20 feet.  
Building Height: 35 feet/ 2 stories  
Maximum Lot Coverage: 45 percent.

◆ **RECREATIONAL AREA/FACILITIES**

Minimum Lot Areas and Dimensions

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

Minimum Setbacks - Also see Deviation 5

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

All Accessory Uses: Per the LDC.  
Setbacks from Preserves (All structures): 25 feet, per the LDC.  
Minimum Perimeter Setbacks: 25 feet  
Minimum Building Separation: 10 feet.  
Building Height: 35 feet/ 2 stories  
Maximum Lot Coverage: 45 percent

**CPD - PARCELS 1, 2, 3 & 4**

Minimum Lot Areas and Dimensions

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

Minimum Setbacks

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

All Accessory Uses: Per the LDC.  
Setbacks from Preserves (All structures): 25 feet, per the LDC.  
Minimum Perimeter Setbacks: 25 feet  
Minimum Building Separation: 20 feet.

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

Building Height: 50 feet/ 3 stories  
35 feet/2 stories - adjacent to west boundary  
Maximum Lot Coverage: 60 percent.

**RPD - North of Diplomat Parkway**

◆ **ASSISTED LIVING**

Minimum Lot Areas and Dimensions

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

Minimum Setbacks

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

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet

30 feet - all lots containing enhanced  
buffer. See Condition 13.

Minimum Building Separation: ½ building height, not less than  
15 feet.

Building Height: 45 feet  
Maximum Lot Coverage: 45 percent

◆ **SINGLE-FAMILY**

Minimum Lot Areas and Dimensions

Lot Size: 7,200 square feet  
Lot Width: 60 feet  
Lot Depth: 100 feet

Minimum Setbacks

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

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet  
 30 feet - all lots containing enhanced  
 buffer. See Condition 13.  
 Minimum Building Separation: 10 feet  
 Building Height: 35 feet  
 Maximum Lot Coverage: 45 percent

◆ **DUPLEX**

Minimum Lot Areas and Dimensions

Lot Size: 7,000 square feet  
 Lot Width: 70 feet  
 Lot Depth: 100 feet

Minimum Setbacks

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

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet  
 30 feet - all lots containing  
 enhanced buffer. See Condition  
 13.

Minimum Building Separation: 10 feet.  
 Building Height: 35 feet  
 Maximum Lot Coverage: 45 percent

◆ **TOWNHOME**

Minimum Lot Areas and Dimensions

Lot Size: 1,600 square feet  
 Lot Width: 16 feet  
 Lot Depth: 100 feet

Minimum Setbacks

Street 25 feet (public)/20 feet (private)  
 Side 10/0 feet (for a common wall)  
 Rear 30 feet - all lots containing enhanced buffer.  
 See Condition 13.  
 20 feet - all other lots  
 Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet

30 feet - all lots containing enhanced buffer. See Condition 13.

Minimum Building Separation: 20 feet.

Building Height: 35 feet

Maximum Lot Coverage: 55 percent

◆ **MULTI-FAMILY**

Minimum Lot Areas and Dimensions

Lot Size: 10,000 square feet

Lot Width: 100 feet

Lot Depth: 100 feet

Minimum Setbacks

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

Side 10 feet

Rear 30 feet - all lots containing enhanced buffer.  
See Condition 13.

20 feet - all other lots

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: ½ building height, not less than 15 feet

Building Height: 50 feet

Maximum Lot Coverage: 45 percent

◆ **RECREATION AREA/CLUBHOUSE**

Minimum Lot Areas and Dimensions

Lot Size: 9,000 square feet

Lot Width: 100 feet

Lot Depth: 100 feet

Minimum Setbacks

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

Side 10 feet

Rear 20 feet

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet

30 feet - all lots containing enhanced buffer. See Condition 13.

Minimum Building Separation: 10 feet

Building Height: 35 feet

Maximum Lot Coverage: 45 percent

**CPD - (5.43-acre North CPD Parcel)**

Minimum Lot Areas and Dimensions

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

Minimum Setbacks

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

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: ½ building height not less than 15 feet

Building Height: 35 feet

Maximum Lot Coverage: 60 percent

3. **CONCURRENCY**

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

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

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

- a. Each model must be a unique example. Multiple examples of the same unit are not permitted.
- b. All model sites must be designated on the development order plans.
- c. Prior to model home construction, the lots upon which model homes will be constructed must be shown on a preliminary plat (not the final). The preliminary plat must be filed concurrently with the local development order application. The model homes must comply with the setbacks set forth in the property development regulations for this project.
- d. Dry models are prohibited.
- e. The number of model homes or model units will be limited to no more than 10 within the development at one time.

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

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

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

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

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

5. **AGRICULTURAL USES**

The existing agricultural uses must cease upon passage of this zoning resolution. No agricultural uses are permitted on site.

6. **BLASTING**

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

7. **NATIVE VEGETATION - (ENTIRE RPD AND CPD)**

All required buffers must utilize 100 percent all native vegetation.

8. **HEIGHT**

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

9. **TRAFFIC**

Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.

10. **LEE PLAN**

Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.

11. **INTERSECTION IMPROVEMENTS**

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

12. **WIRELESS COMMUNICATION FACILITIES**

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

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

13. **DELETED**

14. **ACCESSORY USES**

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

15. **OPEN SPACE**

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

16. **ENVIRONMENTAL**

Prior to local development order approval, if the Florida Fish and Wildlife Conservation Commission (FWC) allows the relocation of tortoises within on site indigenous preserves:

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

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

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

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

17. **COMMERCIAL PARCELS NORTH OF DIPLOMAT PARKWAY**

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

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

18. **SOLID WASTE/RECYCLING**

Prior to local development order approval for vertical development, the Developer must provide facilities in compliance with LDC Sec. 10-261 and Lee County Solid Waste Ordinance #08-10 for the pick up/disposal of solid waste and recyclables. The minimum area required for and specific locations of, these facilities will be reviewed at the time of local development order application (Also see Deviation 7).

19. **PRIOR ZONING**

The terms and conditions of the original zoning resolution Zoning Resolution Z-06-004 and Administrative Amendment ADD2007-00169 are superceded by this zoning action and are rendered null and void by this approval.

20. **INDIGENOUS PRESERVATION/HERITAGE TREES**

a. Prior to local development order approval, a tree survey must be submitted depicting the location, diameter at breast height, and species of all heritage trees within the development area.

b. Prior to local development order approval, landscape plans must depict heritage trees, located within the development footprint, that are determined to be of good health as per a certified arborist. Those trees must be incorporated into the internal open space (i.e., perimeter planting, enlarged landscape areas, etc...), or must be replaced with a 20-foot like species to a suitable open space area where final site design constraints (i.e., fill requirements, entrance roads, etc...) do not allow preservation.

21. **PROTECTED SPECIES**

a. Prior to development order approval, the Applicant must first seek approval for on-site preservation of the gopher tortoises through avoidance or relocation

before pursuing off-site relocation options. All communication with Florida Fish and Wildlife Conservation Commission (FWC) verifying on-site avoidance or relocation attempts were made must be provided to Division of Environmental Sciences' staff.

b. A copy of the appropriate gopher tortoise relocation permit issued by the Florida Fish and Wildlife Conservation Commission (FWC) must be submitted to the Division of Environmental Sciences' Staff prior to excavation and moving of any gopher tortoises. The Applicant must first seek approval for an on-site relocation before pursuing off-site relocation options. Any gopher tortoises and commensal species found during burrow excavation must be moved to preserves containing suitable gopher tortoise habitat as approved by the FWC and Lee County Division of Environmental Sciences' Staff.

22. **OPEN SPACE (NORTH CPD PARCEL AND NORTH RPD PARCEL)**

Prior to local development order approval, the development order plans must delineate a minimum of 1.63 acres of open space for the commercial planned development and 11.9 acres of open space for the residential planned development.

23. **BUFFERS (NORTH CPD PARCEL AND NORTH RPD PARCEL)**

a. Prior to local development order approval, the development plans must demonstrate the preservation of native vegetation within the flood way. This vegetation may be utilized to meet the required type "F" buffer plantings. Upon removal of exotics from this area if it is found that the existing vegetation does not satisfy the buffer planting requirements, additional plants must be provided. These plants must be designed to mimic the natural area through the use of similar species and random planting throughout the area.

b. An enhanced type "F" buffer must be provided as shown on the MCP. This buffer must be 30 feet in width and include 10 native canopy trees per 100 linear feet, and a double hedge row planted at 48" in height at time of planting.

24. All required buffer plantings, general trees, and internal canopy trees must be 100 percent native species.

**B. DEVIATIONS:**

DEVIATIONS 1 THROUGH 6 WERE PREVIOUSLY APPROVED AND ARE STILL APPLICABLE TO THE RPD/CPD. DEVIATIONS 7 AND 8 ARE NEW.

**Deviation 1** sought relief from Lee County Land Development Code (LDC) Section 10-285(a), which requires a minimum access connection separation of 660 feet on an arterial road to permit an access separation of 364 feet between the project's proposed main access and the proposed exit-only access for the residential portion of the southern parcel. This deviation was approved per #Z-06-004 and ADD2007-00169 and applies to the southern RPD.

**Deviation 2** sought relief from Lee County Land Development Code (LDC) Section 10-296(k)(1), which requires that dead-end streets be closed at one end by a circular turn-around, to allow one dead-end street as shown on the Master Concept Plan. This deviation was approved in Resolution #Z-06-004 and ADD2007-00169, and applies to the one dead-end street on the southern RPD.

**Deviation 3** sought relief from Lee County Land Development Code (LDC) Section 10-415(b)(1)(a), which requires that large developments with indigenous vegetation communities to provide 50 percent of their open space percentage requirements through onsite preservation of existing native vegetative communities, to permit 0.45 acres of right of way to be vacated, enhanced and preserved to count toward the preservation requirement. This deviation was approved per Resolution #Z-06-004 and ADD2007-00169, subject to the following conditioned:

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

This deviation applies to the southern RPD and CPD.

**Deviation 4** sought relief from Lee County Land Development Code (LDC) Section 10-415(b)(1)a., which requires that large developments with existing indigenous native vegetation communities provide 50 percent of their open space requirement through on-site preservation of indigenous native vegetation, to allow portions of the preservation area to be disturbed and restored in order to install a storm water management system. This deviation was approved per #Z-06-004 and ADD2007-00169, subject to the following conditions:

- a. Prior to local development order, the development order plans must delineate the general location of the surface water management outfall through the indigenous preserve to the canal. The outfall must be designed as an open system that can be planted with native vegetation.
- b. Prior to issuance of a Vegetation Removal Permit, the location of the surface water management outfall through the indigenous preserve must be field staked to avoid impacting any large native trees or gopher tortoise burrows for the Division of Environmental Sciences Staff review and approval.

This deviation applies to the southern RPD and CPD.

**Deviation 5** sought relief from Lee County Land Development Code (LDC) Section 34-2474(b)(6), which requires recreation halls and ancillary facilities and private clubs to be located at least 40 feet from any residential dwelling unit, to allow a 20-foot minimum separation for any recreation building from a residential dwelling unit. This deviation was approved per Resolution #Z-06-004 and ADD2007-00169, subject to the following condition:

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

This deviation applies to the recreation area shown on the RPD to the north.

**Deviation 6 a.** sought relief from Lee County Land Development Code (LDC) Section 10-291(3), which requires (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the north of Diplomat Parkway to be constructed with a single ingress/egress

connection onto Diplomat Parkway. This deviation was approved per Resolution#Z-06-004, subject to the following conditions:

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

**Deviation 6 b.** sought relief from Lee County Land Development Code (LDC) Section 10-291(3), which requires (when practical) residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the south of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway. This deviation was approved per Resolution #06-004, subject to the following conditions.

- a) Access to the residential component south of Diplomat Parkway must be generally consistent with the approved MCP; and
- b) Any emergency access gate must comply with all applicable regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or the operator of the gate; and
- c) Prior to issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles.

**Deviation 7** seeks relief from Lee County Land Development Code (LDC) Section 10-261, which requires all new multi-family residential developments to provide sufficient space for the placement of garbage containers or receptacles, to allow for curb side garbage pick up at the proposed townhouse units that are planned within the project.

This deviation was approved in ADD2007-000169, but needs approval in this zoning action. The Hearing Examiner recommends **APPROVAL** of the request.

**Deviation 8** seeks relief from Lee County Land Development Code (LDC) Section 10-416(d)(3), which requires a Type C/F buffer between the proposed RPD/CPD uses internal to the development.

*Justification:* The applicant makes the case this buffer is unnecessary. The CPD and RPD are proposed to be a unified and pedestrian-friendly development. Buffering between these complimentary uses would make the development less pedestrian friendly and would segregate the uses unnecessarily. The commercial uses are separated from the residential uses by a private road.

The Hearing Examiner recommends **APPROVAL** of the request.

#### IV. HEARING EXAMINER DISCUSSION:

This is a request to amend the 35.2-acre RPD portion of the 65-acre Diplomat RPD/CPD to allow a change in uses, and reconfiguration of the Master Concept Plan (MCP). The Diplomat RPD/CPD is located on the north and south sides of Diplomat Parkway, several hundred feet west of the Diplomat and U.S. 41 intersection. The amendment request pertains only to the property on the north side of Diplomat Parkway, which is surrounded on the north and west by established mobile home parks, on the south by Diplomat Parkway, the south portion of the project and then the Merchant's Crossing shopping center, and on the east by a vacant CPD zoned parcel. It is designated Central Urban in the Lee Plan and falls within the North Fort Myers Planning Community.

##### Issues

There were no outstanding issues between Staff and Applicant at the hearing. The following issues were raised by the public.

- A. Traffic - many of the public speakers were concerned about the effect this project might have on traffic in their area. They noted there is no traffic light at Diplomat and U.S. 41; the next closest traffic lights are at the Littleton intersection with U.S. 41 to the north, and the Merchant's Crossing shopping center to the south. They are concerned that anyone seeking to go north on U.S. 41 will head west on Diplomat to Corbett and then turn north to Littleton to turn east to get to the U.S. 41 intersection. Corbett is a local roadway that runs north/south from Littleton to Pine Island Road.

Corbett was described as a short cut and would provide easy access back to U.S. 41 (to the north or the south) for vehicles exiting the subject property. It was noted there is a divided median in front of the subject property, which will prevent exiting vehicles from turning left (east) to reach U.S. 41. A right turn (west) will allow that traffic to use Corbett to get back to U.S. 41 via Littleton or Pine Island Road, even though

there are median breaks that will allow westbound traffic to make a u-turn to get back to U.S. 41.

They felt there was already an abundance of traffic on Littleton Road from the existing elementary school and the multiple mobile home parks - east of Corbett. They pointed out that the large Veteran's Hospital is being constructed on the corner of Corbett and Diplomat. They feared the traffic going to the Veteran's Hospital will use Littleton, Diplomat and Corbett, which when combined with the traffic from this project - will overload that roadway.

- B. Light spillage - Some residents of the mobile home park to the west cited concerns about light spillage on their properties from parking lot lights, buildings and signs. They explained their belief that the ALF buildings will have lights on 24/7, and they will be able to see those lights from their homes. They feared the 35-foot-high office building will have adverse impacts on their lives, because of the lights in the building and parking lot, as well as potential for evening noise from the parking lot.
- C. Building heights and setbacks - They also questioned the height and setback of the proposed office building in the 5.43-acre CPD parcel, which lies between their mobile home park and the proposed residential component of this project. They stated their preference was to have residential, not office commercial, uses adjacent to their homes.

Staff and Applicant conceded there is a question about the possibility of a traffic signal at Diplomat and U.S. 41, which will affect the distribution of the traffic leaving and entering this project. However, they have not given up on FDOT approving one at this intersection, once development in the areas surrounding Diplomat really takes off. They understood the residents' concerns about the use of Corbett and Littleton, but Applicant pointed out that, based on the 2010 Concurrency Report - both roads were operating at or above a level of service "C." They had determined that both roads had available capacity and this project would not adversely impact the existing levels of service. They also pointed out that neither of the two mobile home parks abutting the west and north sides of the north parcel will be directly affected by traffic on Diplomat, as neither mobile home park has an access point on Diplomat.

With regard to the light spillage, they noted that the Land Development Code (LDC) has specific requirements that building and parking lot lights be hooded and aimed downward, and that the poles in parking lots cannot be over 15-20 feet high. Provisions also establish a maximum spillage that can occur between properties, and this development must comply with those regulations. In addition, they will not have lighted signs on the buildings closest to the mobile home parks, and the project will use ground mounted monument signs, which does not have significant lighting to be visible to the residents of the abutting mobile home parks. Lastly, the existing mature trees and the proposed trees and shrubs within the buffers will help block the visibility of any lights within the subject property.

Applicant pointed out that there would be at least 150 feet between the developed areas of the subject property and the nearest mobile homes. Included in that 150-foot-wide area would be a 50-foot setback, a 50-foot-wide buffer, which will have shrubs and trees at varying heights, and a 50-foot-wide drainage ditch. Staff and Applicant believed the proposed enhanced buffer was more than adequate to protect the adjacent residential uses from any noise and lighting impacts associated with this proposed development.

## Background

The Diplomat RPD/CPD zoning was approved in 2006 for a total of 381 dwelling units and 200,000 square feet of commercial uses, which included 120 hotel rooms and 100,000 square feet of retail uses. Residential and commercial development was approved for both the north and south tracts of the project. Three commercial tracts were depicted on the strip abutting the north side of Diplomat Parkway, and were restricted to commercial uses that do not have to meet commercial site location standards. One large commercial tract (Parcel #4) is located on the south side of Diplomat Parkway at the intersection of Diplomat and U.S. 41, and was the only tract approved for retail uses.

The request herein is to modify the planned development and the uses allowed on the northern 35+-acre RPD parcel. The requested amendment to that parcel will create a 29.75-acre RPD and a 5.43-acre CPD. Proposed uses for the new CPD parcel are medical and office; the CPD parcel is located in what had been the southwest corner of the 2006 RPD tract. Access to both the RPD and new CPD tracts will be from the approved central drive. This CPD parcel is in addition to the existing Parcels 1 through 3 that were previously approved for commercial uses.

The new RPD is located in the same general area as the previously approved RPD on this site. Two alternative plans of development are proposed - one with standard dwelling units, and one with standard dwelling units and ALF (assisted living facility) or CCF (continuing care facility) units. The density is proposed to remain the same - 8 units per acre, although that density could increase to 9.6 units per acre, if Applicant provides affordable housing. (See Condition 1 - page 1 herein above.) On the 29.75 acres - Applicant would be entitled to a total of 238 residential units. Using the conversion factor (4 ALF units to 1 dwelling unit), Applicant could convert 100 dwelling units to achieve a maximum of 400 ALF/CCF units. Such a conversion would leave a balance of 138 standard dwelling units.

With the new CPD use on the west boundary, Applicant will be providing an enhanced buffer, retaining - as much as possible - existing, mature canopy trees, along the west property line to ensure the protection of the residents of the abutting mobile home park. The mature trees will help camouflage the 35-foot building heights in this project. An enhanced buffer is also planned for the north boundary, where the RPD tract is abutted by another mobile home park; however, the buffer to the north is not as intensive as the one along the west boundary because the uses are more compatible.

Applicant explained that no other changes are being made to the north portion of the Diplomat RPD/CPD and none were being made to the MCP for the approved plan of development on the property south of Diplomat Parkway.

Applicant performed a traffic impact assessment for the new plan of development and determined that the combination of uses that would generate the highest number of trips was 400 ALF units, 138 single-family units, and 50,000 square feet of medical office uses. The existing plan of development was determined to generate a total of 266 PM peak hour trips. The new combination of uses would increase that traffic amount by about 115 new trips - for a total of 381 PM peak hour trips. They found that, with the new plan of development, both Diplomat and U.S. 41 will operate at a level of service B, at the anticipated 2015 build-out of this project.

As noted above in the *Issues* section, Staff and Applicant found the intersection of U.S. 41 and Diplomat will fail in 2015, even without the traffic from this project. It is clear that a traffic signal will be needed to correct the failure, but FDOT is currently taking the position that a signal at this intersection is unlikely. They assert that the intersection is too close to the lighted intersection at Merchant's Crossing shopping center, and they would have to remove the signal at Merchant's Crossing, in order to put a signal at this intersection. FDOT has stated they are quite reluctant to remove the signal at the shopping center.

However, both Staff and Applicant believed that FDOT will decide otherwise when the area around this intersection begins to develop and the intersection fails. Although the MCP depicts only one entrance, which is onto Diplomat, Applicant is negotiating for a cross-easement with the vacant, recently approved CPD to the east. If their negotiations are successful, their RPD and CPD traffic will be able to access U.S. 41 north of the Diplomat and U.S. 41 intersection, and will not have to cross the westbound lanes on Diplomat to get to that intersection.

Six Deviations had been approved in the 2006 rezoning and those Deviations, with conditions, are still applicable to the RPD/CPD and have been brought forward into this rezoning. Applicant also requested two additional Deviations. Deviation 7 (allowing curbside garbage collection for potential multi-family units) had been previously approved in ADD2007-00169, and Applicant is seeking BOCC approval of that Deviation. Deviation 8 would relieve Applicant from the requirement that a type C or F buffer had to be installed between the residential and commercial uses. They explained that the Deviation was being requested for the border between the CPD and the RPD components of this project. They asserted this type of buffer would prevent cross-access between these development parcels, which is against the intent of the County's regulations. Cross-access between the RPD and CPD parcels on the north side of Diplomat would definitely benefit the residents of the site.

**Staff** recommended approval of the RPD/CPD amendment, finding that the request, as conditioned herein, is consistent with the intent and provisions of the Lee Plan and the Land Development Code, and will be consistent and compatible with the mix of residential and commercial uses and zoning districts in the area. They also found that the proposed mix of uses, as conditioned, will not be detrimental nor injurious to the neighborhood or the public health, safety and welfare.

They found that the new Deviations met the criteria for approval, in that they would enhance the objective of the CPD/RPD, and would protect the public health, safety and welfare.

### Public Input

See discussion above under *Issues*.

### Hearing Examiner Analysis

The undersigned Hearing Examiner concurs with Staff's analysis, findings and recommendation of approval of the RPD/CPD amendment, finding that the request, as conditioned, meets the criteria for approval set out in LDC Section 34-145, and is consistent with the intent of the Lee Plan and the Land Development Code. She also finds that the proposed mix of uses and the plan of development are consistent with the mix of uses and zoning districts in the area, and will not be detrimental to the neighboring persons or properties, nor the public health, safety and welfare.

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

It is also the Hearing Examiner's opinion that the Deviations approved herein, as conditioned, will enhance the objective of the planned development, and, with other regulations, will safeguard the public's interests.

**V. FINDINGS AND CONCLUSIONS:**

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

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

B. That the proposed project, as conditioned, will meet or exceed all performance and locational standards set forth for the potential uses allowed by the request, and the proposed mix of uses, as conditioned, are appropriate at the subject location.

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

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

E. That the request, as conditioned, will not adversely affect environmentally critical areas and natural resources.

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

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

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

**VI. LIST OF EXHIBITS:**

**STAFF'S EXHIBITS**

1. Two 2010 aerial photograph, on one page, prepared by Lee County Department of Community Development, printed November 2010 (8.5"x11")[color]

2. Two photographs depicting the subject site, dated January 5, 2011 (8.5"x11")[color]
3. A 2010 aerial photograph prepared by Lee County DCD, mapped November 2010 (24"x36")[color]

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

#### **APPLICANT'S EXHIBITS**

- 1(a). PowerPoint presentation prepared by EnSite, dated January 6, 2011 (1- DVD)
- 1(b). PowerPoint presentation prepared by EnSite, dated January 6, 2011 (multiple pages - hard copy)
- 2(a). Memorandum from Shellie Johnson to the Hearing Examiner regarding revised Conditions & Master Concept Plan, dated January 11, 2011 (3 - 8.5"x11" & 1 - 11"x14"){post submittal}
- 2(b). Memorandum from Shellie Johnson to the Hearing Examiner regarding revised Conditions, dated January 12, 2011 (3 - 8.5"x11"){post submittal}

#### **OTHER EXHIBITS**

##### **ALLEN**

1. Lee County Property Appraiser Web Tax Map depicting the subject property and the surrounding properties (1 page - 8.5" x 11")

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

#### **VII. PRESENTATION SUMMARY:**

The Hearing Examiner introduced herself and announced the case for the record. She noted that there were members of the public present and asked the Assistant County Attorney to discuss the public hearing process for the benefit of the public. John Fredyma, Assistant County Attorney, introduced himself and explained that hearing process. He advised that anyone wishing to receive a copy of the Hearing Examiner's Recommendation, or to speak at this hearing or before the Board of County Commissioners (BOCC) had to complete the public participation form. He noted that after the Hearing Examiner issued her Recommendation, a second public hearing would be held before the BOCC. Anyone wishing to speak before the BOCC had to speak before the Hearing Examiner in this hearing.

After Mr. Fredyma concluded his remarks, the participants seated at the front table introduced themselves. The County was represented by Tony Palermo, a Senior Planner for the Lee County Department of Community Development. The Applicant was represented by Shelly Johnson, a Planner with EnSite. Then, all participants were placed under an oath by the Hearing Examiner.

At the Hearing Examiner's request, Ms. Johnson began her presentation by introducing the team members present at the hearing: Brian Smith, an expert in site planning and landscape architecture; Dave Wheeler from TR Transportation; Jim Kinsey, with Kinsey Associates; and Richard Byrd, the contract purchaser with Gulfcoast Consulting Group, Inc.

Ms. Johnson explained that the request was for a recommendation of approval to amend approximately 35.2 acres of the north portion of the Diplomat RPD. The Applicant was requesting approval of a maximum of 400 assisted living facility beds, 138 standard dwelling units and a maximum of 50,000 square feet of medical office space. The property is 35.2 acres and is the northern portion of a previously approved 65-acre RPD and CPD. It is located approximately a quarter of a mile west of the U.S. 41 and Diplomat Parkway intersection, and has direct access to Diplomat, an arterial roadway. The property is located in the Central Urban future land use category and is surrounded by existing and approved developments. Ms. Johnson indicated on the aerial photograph a yellow line, which was the City of Cape Coral boundary, and mentioned that the property was in close proximity to a municipality. She pointed out Merchants Crossing Shopping Center and Pine Island Road to the south.

At that time, the Hearing Examiner wanted to make sure that all public participants were able to see the slides of the PowerPoint presentation. It was noted by Ms Johnson that a hard copy of the slide show had been given to Mr. Palermo and the Hearing Examiner, as well as a PDF format. At this point, the Hearing Examiner entered the CD into the record as Applicant's Exhibit 1(a) and the paper copy as Applicant's Exhibit 1(b).

Ms. Johnson explained that the properties to the north and west of the subject property were existing mobile home parks. The properties to the east and immediately to the south of these properties were vacant CPD. She then referred to a slide, and indicated the commercial properties to the south, which were the other portion of the previously approved 65-acre RPD/CPD. She also noted a white line that was defining the southern portion of the previously approved RPD/CPD. All of the surrounding land properties were in the Central Urban future land use category.

The Applicant presented the proposed application, the Master Concept Plan (MCP), and the illustrative Site Plan to the North Fort Myers Design Review Panel on October 5, 2010. The Panel provided unanimous recommendation of approval, but requested that additional input and continued communication be provided as the project moves forward.

In 2006, the property known as the Diplomat RPD/CPD, was approved for 381 dwelling units, 200,000 square feet of commercial uses, of which 100,000 square feet was retail. One of the conditions was a requirement for a 30-foot enhanced buffer along the western and northern property lines of this parcel. All of the required indigenous preserve area was located in the southern portion of the development, on the opposite side of Diplomat Parkway. That preservation area meets the requirements for this amendment, as well.

In 2007, an Administrative Amendment was approved that reconfigured the MCP for more of a multi-family type development. The current request amends only the northern portion of the 65+-acre RPD/CPD. The Applicant was proposing a Mixed Use Master Plan Community, with a maximum of 400 Assisted Living Facility (ALF) beds (the equivalent to 100 dwelling units), 138 mixed dwelling units, and a centrally located amenity center. No change to the density was being requested, as the previously approved density was eight units an acre. There was also a request for a maximum of 50,000 square feet of medical office; no

retail uses were being requested. The open space would remain in compliance with the Land Development Code (LDC), and, as previously mentioned, the required indigenous preserve area would remain in the southern portion of the RPD/CPD.

The Hearing Examiner inquired about the medical office, wondering if that was in addition to what had already been approved in the CPD portion on the south side of Diplomat. It was, according to Ms. Johnson, as she referred to the MCP and indicated the two building footprint areas proposed for the ALF units. There was also a tract that was proposed for one of two things: either a third tract for ALF units or for residential development. She also indicated the building area with the associated parking, and mentioned that all of the access will come off of the spine road. The 30-foot-wide enhanced buffer to the north was going to remain, and the buffer to the west has been extended to 50 feet wide. They would be required to clean out the exotics and enhance the plantings, in order to meet the planting requirements for a Type "C" buffer.

On the north parcel (subject property), the ALF buildings will have a maximum height of 45 feet high, the residential development will have heights ranging from 35 to 50 feet, and the commercial buildings will have a maximum height of 35 feet high. These heights were determined because of compatibility concerns with the adjacent mobile home parks. The commercial development is the closest portion to the adjacent mobile home park, and is being restricted to a maximum height of 35 feet. The 50-foot height has been concentrated in an area of the north site immediately adjacent to the approved CPD portion. The Applicant was trying to minimize any impacts to the potential residential development within the project, as well as the adjacent residential properties.

Next, she referred to an illustrative plan of the proposed development, indicating the location of the west property line and the 50-foot setback. She mentioned that there were some concerns from the residents in the adjacent mobile home park to the west, noting that there was about 150 feet between their property line and the closest mobile homes in that park.

With regard to infrastructure, potable water was available to the site through Lee County Utilities, and sanitary sewer services were available through Florida Governmental Utility Authority (FGUA). Capacities were paid for. The Traffic Impact Statement (TIS) indicated an existing Level of Service "B" on Diplomat Parkway, and U.S. 41 was going to remain the same. Therefore, there were no traffic impacts. In reference to environmental resources, the required open space will be provided within the community.

With regard to compatibility, the buffers would be provided in accordance with the previously approved Resolutions, with the exception of the enlarged, enhanced buffer along the west. Further, the taller residential buildings were being concentrated near or adjacent to the CPD out-parcels that were part of the development.

Ms. Johnson explained that Deviations 1 through 6, which were approved as part of Resolution Z-06-004, were not going to change, and they were requesting two additional Deviations. The first one (Deviation 7) was seeking relief from the LDC Section 10-261, which requires all new multi-family development to provide sufficient space for the placement of garbage containers. The Applicant was asking to be allowed to have curbside garbage pick-up for the multi-family units. Deviation 8, the second new Deviation, was seeking relief from LDC Section 10-416(d)(3), which requires a Type "C" or "F" buffer between the proposed RPD and CPD, internal to the development. The Applicant was asking to eliminate that buffer, and Ms. Johnson pointed out that LDC is not good at addressing mixed-use

development, when it came to buffers. She also mentioned that Staff was in support of the eight Deviations.

With regard to the Comprehensive Plan compliance, Ms. Johnson mentioned that the request complied with Policy 1.1.3, which was the Central Urban future land use category. That category was characterized as the urban core of the County, and specifically identified the North Fort Myers area as part of that core. It was also further defined as a heavy settled area with the highest level of urban services, and a density range of four to ten units. The Applicant was requesting to remain at the previously approved density of eight units an acre. The property is located in North Fort Myers, in close proximity to heavily settled areas such as the City of Cape Coral. It was already highly developed with access to urban services. Therefore, the project is consistent with Policy 1.1.3.

Next, she referred to Objective 2.1 and Policy 2.2.1, which promote contiguous and constant growth patterns by minimizing energy cost, infrastructure cost and promoting conservation of natural resources. These provisions also mention compatibility and proximity to a road network and services. The property is surrounded by commercial and residential developments, and is in close proximity to major arterial roads. Water and sewer are available. This was essentially an urban infill project; therefore, it is consistent with these provisions.

Next, she referred to Policy 5.1.4, which directs high density residential development to locations near employment and shopping, noting that the proposed development is near these types of services. The project is near a bus route and the proposed new Veteran's Hospital. Therefore, it is consistent with Policy 5.1.4. and Policy 139.9.5, which address new development compatibility with adjacent properties. According to the Applicant, the design of the site is compatible with the adjacent residential development, as it provides extensive buffer widths and enhanced plantings. The building heights greater than 35 feet had been located such to avoid any conflicts with the adjacent properties.

Ms. Johnson stated that Policy 6.1.2, which addresses the commercial location criteria, did not apply to the commercial uses, as they were only medical and professional offices - not retail. Goal 28 and Objective 28.6 addresses North Fort Myers and its desire for public participation in the development and planning of its community. These provisions promote the concept of mixed uses to provide stability and revitalization of older neighborhoods in the community. The proposed project offers a mix of uses, the preservation of natural features and compact development. While there was no requirement to meet with the community, the Applicant had done so and agreed to continue the communicating with the community, as the project moved forward to the development stage. Therefore, the project is consistent with all of these provisions.

Ms. Johnson then referred to the Conditions, noting that most of the previous Conditions had been brought forward for a codified approval. Some of the Conditions reflected an adjustment to the dwelling unit assignments and the commercial intensity for both the north and south portions of the planned development. The north and south portions had separate schedules of uses and site development regulations. Four new Conditions had been added, because of the requested amendment. In order to inventory the heritage trees, a tree survey will be required prior to the development order stage. There was also a requirement for onsite tortoise preservation, and the specific acreages for open space and the preservation of the flood way, within the western 50-foot-wide setback area, were established.

She concluded her presentation by saying that Staff is recommending approval of the request with 23 Conditions, and the Applicant was in agreement with both the recommendation and Conditions. Staff found that the proposed project was consistent with the Lee Plan and the LDC. The project provides for integration of medical and professional offices to encourage reduction in energy consumption. It is compatible with the existing and future development surrounding the project. Adequate infrastructure is in place to service the site, and the density will not be changed in the development. Therefore, the Applicant was requesting a recommendation of approval from the Hearing Examiner.

At that point, the Hearing Examiner asked if Staff wanted to cross-examine the witness, and Mr. Palermo pointed out that Ms. Johnson had not been recognized as an expert in planning and zoning matters. Ms. Johnson requested to be accepted as an expert in land use planning and zoning, which the Hearing Examiner did, as there were no objections from Staff. Subsequently, the Hearing Examiner wanted to know if the County Attorney had any questions. There were no more questions by Staff, and the Hearing Examiner asked the Applicant to bring forward their next witness(es).

Dave Wheeler was that witness, and asked to be recognized as an expert in transportation and planning matters. He indicated he had taken an oath and his resume was on file with the Hearing Examiner's Office. Hearing no objections, the Hearing Examiner declared him an expert in the field indicated.

Mr. Wheeler stated that TR Transportation prepared a TIS report as part of the proposed zoning application. The TIS was based on the worst case scenario, in terms of trip generation, for 400 ALF beds, 138 single-family dwelling units, and 50,000 square feet of medical office. Access to the site was provided to Diplomat Parkway via full access drive. Both U.S. 41 and Diplomat Parkway were analyzed based on the projected 2015 traffic conditions. That analysis showed that both roads would operate at a Level of Service "B" in 2015, with or without the proposed amendment. Therefore, the proposed rezoning request was consistent with the goals and objectives of the Lee Plan and the LDC.

After Staff declined to cross-examine the witness, the Hearing Examiner recalled reading about a potential traffic light problem at the intersection of Diplomat and U.S. 41. The lighted intersection was going to fail even without the project. The Hearing Examiner questioned what would be required to get a traffic signal at that intersection. Mr. Wheeler advised that the request for a traffic light would have to go through the Florida Department of Transportation (FDOT) approval process. A study needed to be done and the need for a light had to meet the criteria for a warrant. Mr. Wheeler added that the approval process and the operation of that intersection will continue to be analyzed as the Applicant moves through the review and development processes.

The Hearing Examiner mentioned that, in either the Staff Report or Applicant's TIS, it was indicated that, if the intersection did get a signal, then the signal at Merchants Crossing would have to be removed. Mr. Wheeler stated that preliminary feedback from FDOT indicated that, if they were to approve the signal at Diplomat, they would want the signal at Merchants Crossing removed, because of the proximity of the two roads. The Hearing Examiner commented that the signal at Merchants Crossing was to allow traffic to get into and out of the shopping center, but she could not recall if there was a street on the east side of U.S. 41 - directly across from the entrance to Merchants Crossing. In response to a question about the distance between the two intersections, Mr. Wheeler advised that the

could not recall the exact distance, but that it was really short. The Hearing Examiner recalled that the distance was something like 790 feet.

She remembered reading that the Applicant was anticipating gaining access to U.S. 41 through the CPD on the east side of this project. She inquired if that cross-access was only for the CPD portion of the subject property. Mr. Wheeler responded that there was an access, but it was not a full access.

Ms. Johnson stated that, before the hearing started, Mr. Smith had some discussion with some of the residents to the west of the property, regarding the 50-foot setback and other concerns. At her request, Brian Smith, with EnSite, introduced himself and asked to be accepted as an expert witness for site design and landscape architecture matters. Hearing no objections from County Attorney or Staff, the Hearing Examiner declared Mr. Smith as an expert witness in the fields indicated.

Mr. Smith asked to clarify a previous statement in which the Hearing Examiner was told there was approximately 150 feet between the subject property and the mobile homes in Six Lakes mobile home park. That measurement was actually from the buildings to the homes in the mobile home park. The Hearing Examiner indicated her understanding.

Mr. Smith stated that compatibility was one of the reasons for the 50-foot-wide enhanced buffer along the west side of the site. The Federal Emergency Management Agency (FEMA) flood way was another reason for that width. They are required to preserve the flowway in perpetuity; so the Applicant cannot develop with the 50-foot-wide strip. For that reason, the existing native vegetation within the flowway will remain, but exotics will be removed in perpetuity. Once the exotics are removed, if the strip does not contain Type "C" buffer plantings, additional plantings will be added until the strip meets the requirements.

The Hearing Examiner inquired about the Type "C" buffer, noting her recollection that a wall was involved. Mr. Smith explained that the Code requires a Type "C" or "F," so they will go with the "F" plantings. Then, the Hearing Examiner wanted to corroborate that the Applicant will go with "F" plantings, because otherwise they would have to put a wall, which was confirmed by Mr. Smith. He advised that he had addressed some of the residents' concerns and was available to answer any other questions they had regarding the site planning or landscaping.

The Hearing Examiner asked for Mr. Smith to explain to the public what Type "F" plantings were. He advised that, under the LDC, a Type "F" buffer was typically 30 feet in width, and contained 10 trees, planted at a 10-foot height, per 100 linear feet, and a double hedge row planted at 48 inches high. The hedge had to be maintained at 50 or 60 inches in heights once it matured. He described it as an "intense" buffer. The Hearing Examiner questioned if a percentage of the trees had to be a canopy type tree, but he did not believe it did. However, it could be a combination of canopy types, citing for example, Sabal palms or other native trees. Canopy trees are usually used in the wider buffers.

The Hearing Examiner indicated her understanding that as the canopy tree matures, the canopy tends to visually screen the development on the site. The hedge is maintained at about five feet, and the canopy covers the rest of the structures. Mr. Smith concurred, adding that the purpose of the hedge was primarily to block vehicle headlights using the parking lots or driveways, while the taller canopy trees will block the building.

The Hearing Examiner wanted to know if the Applicant had any questions. Ms. Johnson wanted to clarify Condition 23 in the Staff Report. According to Ms. Johnson, letter (c) described the requirements for an enhanced Type "B" buffer. She then quoted the following from the Staff Report: "the buffer must be 30 feet in width and include ten native canopy trees per 100 linear feet, and a double hedge row planted at 48 inches in height at time of planting." She said that, even though the Condition stated a minimum of 30 feet in width, the required planting would also apply to the 50-foot-wide buffer that the Applicant was proposing on the west side of the property.

At the Hearing Examiner's inquiry about the Type "B" buffer plantings, Mr. Palermo explained that there was a Type "B" planting to the north of the two story commercial buildings. Mr. Martin, from Environmental Sciences, had written the Condition and Mr. Palermo felt Mr. Martin was the proper person to discuss the intent of the Condition. Mr. Palermo indicated that it looked to him like there was Condition, it looked like there was a Condition for the Type "F" buffer and a Condition for a Type "B" buffer. In order to clarify this, the Hearing Examiner wanted to know if the Type "F" was on the west property line, which it was, according to Ms. Johnson. Then, the Hearing Examiner wanted to know if there was a Type "B" buffer on the north side. Ms. Johnson stated that it was proposed and explained that the Conditions were a little confusing because they did not define where the buffers were located. It was mentioned by the Hearing Examiner that she would have Mr. Martin address Condition 23.

The Hearing Examiner then wanted to know if Staff had any questions. Mr. Fredyma noted that Condition 23(c) referred to the MCP, where it showed the 50-foot-wide buffer. Per the Hearing Examiner, Mr. Martin was going to resolve the matter during his presentation. Then, she asked Mr. Martin if he had any questions for Mr. Smith. Since there were no other questions for this witness, and this was the Applicant's last witness, the Hearing Examiner asked Staff to proceed with their presentation.

Mr. Palermo re-introduced himself, and asked to be accepted as an expert in land use planning and zoning, noting that his resume was on file with the Hearing Examiner's Office. Hearing no objections from the Applicant, Mr. Palermo was accepted as an expert witness in the fields indicated.

Mr. Palermo stated that the request was for an amendment to the Diplomat RPD/CPD. Staff has received input from the public; he had received numerous phone calls from the residents at Six Lakes Community. He thought a lot of those same residents were in attendance at the public hearing. He confirmed that the Applicant met with the Fort Myers Community, and the City of Cape Coral received copies of the application, but Lee County Staff got no comments from Cape Coral Staff. The City of Cape Coral did not have any concerns about the amendments to the development.

Mr. Palermo then offered one large and one small aerial photograph and two recent photographs of the subject property as exhibits into the record. The two recent photographs showed the existing conditions of the subject property. Those exhibits were accepted as Staff's Exhibit 1 (aerial photographs) and Staff's Exhibit 2 (two photographs). Mr. Palermo stated that Ms. Johnson had done an excellent job in describing the request. He mentioned the Hearing Examiner had the December 20, 2010 Staff Report, and advised that the Applicant had not submitted a 24-hour letter, as they had no issues with Staff's recommendation. Mr. Palermo further explained that it was the Applicant's seventh amendment to the existing RPD/CPD, and there were several Administrative Amendments

after 2006. The development was confusing because there was a lot going on and many properties involved, however, the requested amendment was really simple and straightforward.

The property is within the Central Urban future land use category, and the North Fort Myers Planning Community. There were no agricultural uses or buildings on the property. The property could be accessed from Diplomat Parkway near U.S. 41, and was served by Lee County Utilities and FGUA. This application was received on July 20, 2010, and found to be sufficient on November 12, 2010. The portion of the property to be amended is 35 acres out of the entire 65-acre property. Mr. Palermo indicated that Conditions regarding all of the development had been provided, starting on page 2 of the Staff Report. Staff has also recommended approval of all Deviations, including two new Deviations, which Mr. Palermo indicated to be Deviations 7 and 8. He pointed out that some Conditions contained strike-throughs and some were underlined to show what had been changed and what had been previously approved.

There was no change in the density being requested, and there was a new CPD to the north, which would be mostly office uses, no retail. Mr. Palermo noted that many of the details could be seen on pages six, seven and eight of the Staff Report. Moving onto Condition number 19, he pointed out that the prior zoning resolutions will be null and void upon approval of this amendment request. The new codified Amendment and zoning resolution will control. Mr. Palermo stated that he was in agreement with the Applicant in terms of providing great buffers and having an assisted living facility, while limiting the commercial uses. It was a good neighborhood and a good enhancement of the existing planned development.

The findings regarding consistency with the Lee Plan were set out on Page 26 of the Staff Report. Staff had found the request to be consistent with the Lee Plan, the Central Urban land use category and Goal 28, which was relevant to North Fort Myers. The Applicant met with the North Fort Myers Community on October 5, 2010, even though it was not required by the LDC or the Lee Plan. The Environmental Sciences' Staff Report also had Lee Plan findings, and could be found in Attachment L of the Staff Report.

Staff's compatibility analysis could be found on page 32 of the Staff Report. He believed the Applicant had done an excellent job providing buffering and protections surrounding the planned development. Staff agreed that the project, as proposed, was compatible with the surrounding uses, which included residential uses. Then, Mr. Palermo spoke about concurrency, referencing page 32 of the Staff Report and Attachment M, which contained the analysis performed by Lee County Development Services. He noted that the traffic levels of service are not an issue, adding that Mr. Price will discuss that for the Hearing Examiner.

In conclusion, Mr. Palermo mentioned that the request was consistent with the Lee Plan and the LDC, and was compatible with the surrounding area, including the residential neighborhoods. It would not create adverse impacts in environmentally critical areas or natural resources. The Amendment will not place an undue burden on roads of transportation, and the request is appropriate, as conditioned.

After ascertaining that neither the County Attorney nor the Applicant had any questions of this witness, the Hearing Examiner inquired about the Community Garden use that had been added to the Schedule of Uses. She questioned where it was going to be located, and Mr.

Palermo responded that the location would be determined during the development order process. It was a new use and Staff believed it was appropriate to add it.

The Hearing Examiner asked for an explanation or description of a Community Garden. Mr. Palermo replied that he did not have the definition with him, but it was a new use. In response to the Hearing Examiner's questions, Mr. Palermo stated that the intent of the garden was to provide the members of the community with a place to garden. It would be maintained by the homeowner's association. The Hearing Examiner surmised that it was not a typical recreational community park.

Mr. Fredyma read the following definition from the LDC into the record:

Community Garden means an area of land managed and maintained by a community or subdivision to grow and harvest food crops and non food ornamental crops such as flowers. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group. It may include common areas maintained by a group of members.

He then asked Mr. Palermo to confirm that the Community Garden would be outside the required buffers, which Mr. Palermo did.

The Hearing Examiner could understand having that use in the RPD portion, but not in the CPD, and asked for an explanation. Mr. Palermo noted that it stretches the imagination. The Hearing Examiner responded that it would act as open space if it was not being cultivated. Her initial impression of that use had been more of a passive garden for the ALF, where the residents could walk, sit down and enjoy nature.

Next, the Hearing Examiner wanted to know about the 2-story building heights in the recreational area, wondering what would require two stories. Mr. Palermo mentioned that most of the ones he had seen were one story buildings, but two stories will allow some flexibility in case the Applicant wants to build a recreational building that has stairs. Then, the Hearing Examiner noted that it was approved in the prior hearing.

She then referred to Conditions 7 and 23(a), and noted that Condition 7 included the entire RPD and CPD. It stated that all required buffers must utilize 100 percent native vegetation. Condition 23(a) addresses the buffers on the north CPD and RPD parcels, which states that "all required plantings must be 100 percent native vegetation." The Hearing Examiner wanted to know if the term "plantings" was different from the term "buffers" or if the intention in Condition 7 was different from Condition 23(a).

At this point, Mr. Palermo indicated that Mr. Martin would have to answer that question, but thought that Condition 23 applied to the north RPD/CPD, so maybe they wanted to cover the south, as well. The Hearing Examiner pointed out that Condition 7 already covers the entire 65 acres, and her inquiry was to determine if Condition 23 was a duplicate of Condition 7. Mr. Palermo understood that the Hearing Examiner was not talking about eliminating Condition 7, but instead was wondering if Condition 23(a) was needed.

The Hearing Examiner asked if the County Attorney had any questions, and Mr. Fredyma responded that it would appear that Condition 23(a) would be the only one to be deleted.

The Hearing Examiner agreed that, unless Mr. Martin could explain that there was a different intent involved, the Condition could be deleted.

Mr. Martin was the County's next witness, and he asked to be accepted as an expert in landscaping and environmental sciences, as it pertained to the LDC. Hearing no objections, the Hearing Examiner accepted him as such.

Mr. Martin stated that, in the original zoning, all the buffers along the property lines were to be enhanced Type "B" buffers. At that time, however, the project had been an RPD, and the LDC required a Type "B" buffer between multi-family and single-family uses. The lower portion of the north property was subsequently changed over to a CPD, and the LDC required either a Type "C" or "F" buffer between commercial and residential uses. That was why the buffer on the property line was modified to be a Type "F." They had two separate Conditions, but the Condition for the Type "B" buffer was really a Type "F" buffer. A Type "F" buffer is required to be 30 feet wide with 10 trees and a double hedge row planted at 48 inches high. He indicated that the buffers around all sides of the project were basically a Type "F." However, Staff did not change the buffer labels on the MCP because of what had originally been approved. The only change was to the one adjacent to the CPD.

The Hearing Examiner referenced Condition 23(c), with regard to the enhanced Type "B" buffer, asking if a width problem was the reason for them going with an enhanced Type "B" buffer instead of the Type "F." Mr. Martin stated that they were doing an enhanced "B" buffer because it had been previously approved, and had been labeled as an enhanced Type "B" buffer. The LDC required a Type "B" buffer between multi-family and single-family uses. The compatibility issue had been raised in the original zoning and the Applicant was required to enhance the "B" buffer by increasing the width from 15 to 30 feet, and increasing the number of plantings. Ultimately, they had a buffer that resembled a Type "F" buffer, but it was being called an enhanced Type "B" buffer.

The Hearing Examiner then asked if the Applicant decided to take the buffer back to 15 feet with the enhanced plantings, during the development order review that the "new" buffer would still meet the intent of Condition 23(c). Mr. Martin believed that the minimum needed was a width of 30 feet, therefore, they would not be able to decrease the width. This was very confusing to the Hearing Examiner because it was a Type "F" buffer, but it was being called an enhanced Type "B" buffer. She stated that she would be much more comfortable if the buffers were changed to a Type "F," in recognition of what was actually being installed. Mr. Martin noted that, if the Applicant agreed, they could probably work it out between now and the public hearing before the BOCC, and maybe a modification could be made to the MCP, and a revision to the Condition. At this time, the Hearing Examiner reiterated that it should be changed to a Type "F" buffer if it was going to be a Type "F" buffer.

Mr. Fredyma inquired if they would delete Condition 23, and then just change the enhanced Type "B" buffer to a Type "F" buffer on the MCP. Mr. Martin explained that he would have to review the Conditions again, but it would probably be easier to modify the MCP and delete Condition 23(c). The Hearing Examiner offered to leave the record open to allow Staff and the Applicant to modify the Condition and/or the MCP. Mr. Martin advised that he would have to modify the Condition, since the original Condition required 10 native canopy trees, per 100 linear feet, but a Type "F" buffer did not have a limitation on the number of palms that could be installed. Therefore, some sort of condition needed to be written to indicate that the native canopy trees would be kept the same as what was currently approved. The Hearing Examiner reiterated that she would leave the record open for them to make the changes.

Next, the Hearing Examiner inquired about Condition 23(a), and Mr. Martin stated there was a difference between the two Conditions, as Condition 7 requires that all required plantings be 100 percent native. That Condition did not mean just the buffer plants; it was related to any plants in any other portion of the development, e.g., the parking areas or building perimeters. When the Hearing Examiner questioned if that was a requirement for the entire 65-acre project, Mr. Martin stated that the resolutions had not been conditioned in that manner. The only condition that was originally required was 100 percent native buffers. Since there were no amendments to the southern portion of the project, Staff could not implement a condition requiring that all plants in the south, as well, be 100 percent native. The Hearing Examiner noted that Condition 23 was titled Buffers, and Mr. Martin concluded that, maybe, they needed to remove that word from the heading. It was mentioned that Condition 23(a) would be moved to become Condition 24. The Hearing Examiner explained that she had found the two Conditions to be confusing, as Condition 23 was titled "Buffers" but then it refers to "plantings." She thought there had to be some kind of difference between the Conditions.

Mr. Martin mentioned that there is quite a bit of native vegetation, including some very large canopy and oak trees, in the flood way on the west property boundary. The Applicant is being required to preserve the native vegetation, so as to keep the native canopy cover. That canopy cover could not be replaced due to the age of the oak trees at that location. Also, some of the understory exotics would be removed and 100 percent native vegetation will have to replace it.

The Hearing Examiner questioned where the double hedge row would be planted, if the entire 50-foot wide strip on the west boundary was in the flood way. She was advised that the plants could be placed within the flood way, but no fill could be placed within the flood way. He further expressed that it was the mechanism that will guarantee that the area is preserved with the vegetation. Mr. Martin said that he believed the Condition that Staff had included for that area referred to preserving plants, and any additional plants that needed to be placed at that location will be planted to mimic the natural system. They would not be planted in a staggered straight row, but placed to naturally fill in, so that it would appear like a natural area. The Hearing Examiner found it interesting that the shrubs could be placed in a flood way.

The Hearing Examiner inquired about the gopher tortoises, asking where they were found on the site. Mr. Martin mentioned that, in the original application for the project, the gopher tortoises were found in the commercial portion of the north site. That survey had been done three or four years earlier and the gopher tortoises could have moved up into the residential portion of the site. According to Mr. Martin, no tortoises were found along the property during his site inspection. He believed there were some tortoises in the area that he had indicated but that was if they had not been impacted by the activities on the site. He noted that there had been a few homeless people living on the site.

Additionally, Mr. Martin pointed out the preserve where the tortoises were going to be relocated. Since the original rezoning of the subject property, the Fish and Wildlife Commission (FWC) has produced new management guidelines for permitting. These guidelines establish a minimum sized habitat for the tortoises being relocated. Therefore, Staff modified the original Condition, which stated that tortoises had to be relocated on site. However, they may not be able to relocate them into the bottom preserve, given the size of the preserve and the number of tortoises. It will be up to FWC at that time, and Staff just modified the Condition to include an "out" clause, just in case the Applicant has such an

option. Staff prefers for the tortoises to be placed on site, if possible, but, if not, they could be relocated off site.

The Hearing Examiner mentioned that years ago, relocating the tortoises off-site was prohibited, because of the pulmonary problems that some tortoises were having. FWC did not want to mix the sick and well tortoises. Mr. Martin noted that, since that time, it has been found that upper respiratory track infection was present in all tortoises; it was a naturally occurring illness. It was brought about at certain times due to certain stress factors. Thus, keeping them on the site will not isolate the illness.

At the Hearing Examiner's question, Ms. Johnson stated that she had a concern about Condition 23(a) which will become Condition 24. She wanted Mr. Smith to explain the Applicant's concern, and asked him to come up. Mr. Smith noted their concern was about all of the required plantings being 100 percent native. With that condition, the Applicant is being prevented from using any kind of ornamentals, that might not be 100 percent native, around the buildings. Although they could still have ornamentals as additional plantings, that Condition required the Applicant to plant only native plants on the site. He had no problems with making the buffers 100 percent Florida native, but wanted to have the building perimeter plants to be what he called "Florida friendly" plants. They were not native plants, but were almost as good as native plants, as they do not require as much water and maintenance as other non-native species.

The Hearing Examiner instructed the Applicant and Staff to work out the language on that Condition, asking if Staff had any objections to what Mr. Smith had just stated. Mr. Martin replied that Staff wants to keep the 100 percent native, as it is a common condition being placed in the majority of rezoning cases. If the Applicant wanted to use some ornamentals in their building perimeter landscaping, Staff would be able to work out something requiring 100 percent native for all general trees, parking trees, and buffers, but not for the building perimeter plantings. However, in the majority of the landscaping, Staff would like to keep it 100 percent native. At that point, the Hearing Examiner instructed them to rework the Condition and renumber it to Condition 24.

Next, Rob Price, with the Lee County Development Services, introduced himself, advising that he is a Registered Professional Engineer in the State of Florida, and has been previously recognized as an expert in traffic engineering and transportation planning matters. He asked to be accepted as such for this hearing. After hearing no objections from the Applicant, the Hearing Examiner accepted him as such.

Mr. Price mentioned that he did not have a long presentation since his memo/staff report explained everything. The only concern he had from his review of the project was whether it was appropriate to intensify development around the intersection of U.S. 41 and Diplomat, since the project will impact that intersection. He noted that it was a zoning case and there was still a lot to be worked out between now and the development order stage. However, Staff was concerned since there were many properties in that area that had recently been rezoned, like the Veteran Administration (VA) clinic. They were concerned about whether the intersection was going to get a traffic signal.

The Hearing Examiner stated it was her understanding that, even if this request was denied, the intersection was still going to fail in the year 2015. Mr. Price asserted that it fails under the current conditions, and DOT recognizes the need for a traffic light at that intersection. However, FDOT has concerns about removing the traffic signal from the Merchants

Crossings Shopping Center, which is only 790 feet away. Then, the Hearing Examiner asked if they could move the Merchants Crossings traffic signal further south to one of the other entrances. Mr. Price told her that, if they do that, the light would be much closer to the Pine Island Road intersection and that was a main intersection in that area.

Theoretically, the State would have done a Court Order Management Plan to determine the appropriate location of the traffic signal. If LCDOT had their druthers, they would eliminate the signal at Merchants Crossing and move it to Diplomat Parkway, which will give them some symmetry from Pine Island Road to Diplomat Parkway, and then to Littleton Road. However, there is a legal concern with taking a signal away from the shopping center that LCDOT would have to overcome. The Hearing Examiner noted that, unless they closed the left-in entrance. Mr. Price said it was going to be a political stand-off once the VA clinic is opened. Since she was not familiar with the clinic, she asked where it was located, and he advised that it was further to the west on Diplomat Parkway - within the City of Cape Coral. Mr. Price explained that, although the facility was within the City of Cape Coral, LCDOT had to review the request because it accessed onto County roads, citing Corbett as an example. Therefore, a traffic study - from the turn lane perspective - was done and submitted by TR Transportation. Staff then reviewed the study and made sure the turn lanes were going to be long enough to serve the surrounding developments.

Mr. Fredyma inquired about the damages that may result to Merchants Crossing from the loss of that traffic signal. He stated that a change in their access may possibly be actionable, but they had a State road and a City road, but no County road. The Hearing Examiner noted that if they had to go around the block to get in, it might affect those who actually visit the shopping center. Then, Mr. Price explained that the Diplomat Center was directly to the east of the subject property and there was going to be some sort of interconnection. The plan was to have frontage roads on U.S. 41 that would travel from Diplomat Parkway to Littleton Road, dispersing the traffic as much as possible. Staff has been trying to help the intersection as much as possible, but its current configuration was problematic.

Mr. Fredyma then referred to Merchants Crossing, and noted that, since it was a DRI, there were significant impacts and concerns. The Hearing Examiner agreed, adding that they had already paid for their transportation impacts. Mr. Price clarified that the State would not relocate traffic signals just because of zoning projects; they would do it because of the traffic on the streets. Therefore, when some of these projects come to fruition, the signal may be relocated or the State may just place a new one at that location, even if it does not meet their spacing criteria.

After Mr. Price concluded his presentation, Ms. Johnson wanted to clarify that the project had a development order for 238 residential units. The Hearing Examiner stated that an ALF would typically generate fewer traffic impacts than single-family or multi-family residential units. This was corroborated by Mr. Price, who also explained that, when they looked at the conversion, it is converting four times as many ALF units to single-family or multi-family units. Therefore, it generated less traffic than a residential development, but the peak hour was when the ALF employees were coming in and out of the site. Mr. Price further explained that it was a medical office triggering the additional trips - not the ALF.

At this time, the Hearing Examiner opened the floor for public participation, and asked John Angus to proceed. John Angus introduced himself, noting that he lives on 409 Player Court in Six Lakes Country Club. The Hearing Examiner asked him if he was for or against the project and why. Mr. Angus explained that he wanted information and clarification more than

anything. He thought it was a very positive development for the community and for the area. The administration and developer had worked very well together in trying to put together a very good proposal, but, as a resident of the Six Lakes community, he had a couple of concerns.

First, he was concerned about the buffer between the medical facility and the backyards of the residents of Six Lakes. Page 13 of the slide show presentation said "50 feet of separation between medical office uses and Six Lakes Country Club property line." However, when he spoke to the developer, they had indicated that it is closer to 150 feet, in regards to the entire distance. A 50-foot-wide buffer zone of native vegetation and a 30-foot-wide setback zone was also addressed. Therefore, he needed clarification and wanted to say that he was hoping for the largest possible buffer zone, within reason.

Mr. Smith explained that the 50-foot-wide buffer itself was already 50 feet from where the buildings/development would occur to the property line, whether it was medical offices or a parking lot giving a total of 100 feet from the property line. Then, there was an additional 50-foot-wide drainage easement, and then the resident's backyards. Therefore, there was a total of 150 feet from where a building/parking lot could be placed on the subject property to the back of one of the units in the Six Lakes community.

Mr. Angus mentioned that, from preliminary discussion with the developer, he was led to believe that there was going to be a small buffer between the parking lot, just to the west of it. Mr. Smith clarified there would be a small water management berm after the 50-foot-wide strip, because every project in Lee County that went before the Southwest Florida Water Management District had to provide on-site water management. During the raining season, the water cannot run off the site without being treated first.

At the Hearing Examiner's request, Mr. Smith went to the aerial photograph and indicated where the 50-foot-wide buffer was going to be located, noting also the small water management berm just past that 50-foot-wide buffer. Then, the Hearing Examiner commented that the buffer and the berm were on the Applicant's property. Mr. Angus requested making the berm four feet high instead of the traditional two feet high for drainage. According to Mr. Angus, the four feet will prevent car lights from flashing through into the Six Lakes area during the evenings.

Another suggestion that Mr. Angus made related to the community garden; he wanted it restricted to the residents or occupants of the RPD. He mentioned that, on the west coast, particularly in Canada, it was very popular to have wineries where individual residents have a row of grapes that they look after and then harvest to make wine. It was quite a popular concept for aging communities. Mr. Angus thought it was a great idea, but wanted it kept within the buffer and limited to the residents. Mr. Fredyma noted that, by definition, that use was so restricted.

Anthony Derico was the next speaker. He advised he lived at 16 Nicklaus Boulevard in Six Lakes Community, and just wanted some general information. He was not for or against the project, he just wanted some clarification about the signage on the property. He wanted to know what kind of impact that would have and if it would be lighted signage. He affirmed that he lived in the mobile home park to the west of the site, and the Hearing Examiner asked if the Applicant could provide any information regarding their signs.

Mr. Smith explained that signage is typically addressed at the development order stage, when the County reviews the development for engineering and landscaping. Jim Kinsey, property owner and developer, introduced himself and explained that this mixed use type of development would have ground mounted monument type signs. This will be located at the entry of the project, and there would be no other signs on Diplomat Parkway.

The Hearing Examiner inquired about signs on the buildings that would flash at night. Mr. Kinsey said there would be identification signs on the buildings facing the road, but they were not having any flashing signage facing the perimeter. Mr. Fredyma added that the Applicant would be governed by Chapter 30 of the LDC, which does not allow them to have neon signs. Also, the LDC has a section with respect to light trespass, which does not allow the lighting to interfere with the adjacent residents.

Bonnie Allen was called up as the next speaker and she advised that she resides at 3780 Downwind Lane, in North Fort Myers. She is the General Manager at Six Lakes Country Club, and was at the hearing to make sure the residents' concerns were being addressed. Some of the concerns were in respect to the berm and the plantings. Recently, the canal had drainage problems and the water backed up. Her concern was that when some construction and plantings are removed, the residents may have that reoccurring. Therefore, she wanted to put on record that there was an issue with debris build up in that canal that causes them flooding problems. Another concern was that traffic from this project may use Corbett Road to get to Littleton Road to the north. Ms. Allen gave the Hearing Examiner an aerial map that showed Corbett Road, which was to the west and intersected with Littleton Road, Diplomat Parkway and Pine Island Road. She also pointed out where the VA hospital was going to be located.

Ms. Allen mentioned that she had driven down Diplomat Parkway to the proposed site area. There was an island in the middle of the road, and she assumed that customers would have to cut through it to turn left out of the project and proceed to U.S. 41. However, if they were going to turn left onto U.S. 41 from Diplomat Parkway, there was only a small access lane that people could pull into and wait until the U.S. 41 traffic clears and then merge into the northbound traffic. If traffic builds up on Diplomat and there is no signal, those people will turn right out of the project and go west to Corbett and then turn north to Littleton Road. Littleton Road already has heavy traffic.

Littleton Road is a two-lane road, with a large drainage ditch on the right side, across the street from the entrance to Six Lakes Country Club. During the last few days, Littleton Road has been getting resurfaced and the area residents have had an example of what it would be like if the traffic was backed up. The VA hospital will also add traffic to both those roads. Ms. Allen suggested that a traffic study be done to address these concerns because, eventually, anyone going north would learn about the shortcut through to Littleton Road. She added that there is an elementary school and a manufactured home community to the west of the subject property. They access Corbett Road, and there are many activities between Corbett Road and U.S. 41, which all use the traffic flow in and out, every day.

Ms. Allen's other concern related to the height of the buildings. She anticipated the upper floors of the buildings would be lighted and she did not think the trees would block those lights, which will shine down on their properties. It was her understanding that the lights in the ALF community would be on 24 hours a day.

The Hearing Examiner inquired if anyone had questions of Ms. Allen, but there were none. At that time, the Hearing Examiner asked about the height of the ALF buildings, and Ms. Johnson noted that it would be a maximum height of 45 feet, and clarified that it may be three stories.

Peter Overs was the next speaker and he lives at 252 Palmer Boulevard in Six Lakes Country Club. He was the President of the mobile home park and added that most of his questions had been asked by the previous speakers. However, he wanted to preserve his right to speak before the BOCC. Mr. Fredyma had spoken about the County's regulations relating to lighting in the parking areas, stating that the light could not spill over into their park. Mr. Overs reiterated that the lighting and the buffer were of major concerns for him and the other residents of the park. He thanked the Applicant for increasing the size of the buffer and looked forward to working with the Applicant in the future.

The next witness was Jim Toth, who lives at 203 Nicklaus Boulevard at Six Lakes Country Club. He, also, was concerned about the buffers on the west side of the development, bordering the east side of their community, particularly down toward the lower end of the buffer. He stated that what he had heard in the hearing resolved many of his concerns, but he wanted to preserve his right to speak, if there was a need to do so.

Diana Pettersen, of 61 Snead Drive in Six Lakes, was the next member of the public to speak. She advised that most of her questions had been answered, and that her main concerns were the lights and noise factors that may come from the development. She just wanted to be able to speak at another time. The Hearing Examiner asked her if she was against the project as was indicated on her Public Participation form, which Ms. Pettersen affirmed.

The Hearing Examiner called upon Michael Dessart, who stated that he lived at 58 Snead Drive in Six Lakes. Most of his questions had been answered, as well, but he was deeply concerned with this project because it was going to be right at his backyard. He was not happy with project, but felt a little better since listening to the morning's presentations. As the other participants, he wanted to preserve his right to speak in further meetings.

Ms. Lorraine Dessart declined to speak, and Herbert V. Gartner was the next witness. Mr. Gartner introduced himself and mentioned he lived at 128 Nicklaus Boulevard in the Six Lakes community. He submitted two photographs to the Hearing Examiner, noting that, in one, he was concerned about the green area and had some questions about the location of the buffer for this project. He also believed that the Applicant's print was a little deceiving, since the green area was all cleared out and there were buildings, parking lot, etc. Mr. Smith clarified that the area was currently as shown in the picture.

Mr. Gartner asserted that it has the potential of being built, and then the area's residents would have traffic from both the medical center and the added traffic from this project. He was concerned with traffic, noting that, as recently as two months ago, there were no signs on U.S. 41 that indicated where Diplomat Parkway was located. He wrote a report and sent it in to the traffic people, and he received a phone call from them. He was told that he did not need to worry about the lack of signs as this was a residential area and there were no traffic accidents there. Mr. Gartner told them to look closer at Corbertt Road, and clarified for the Hearing Examiner that he was talking about his contacts with the State of Florida.

Mr. Gartner then inquired about the maintenance of the ponds, and was advised by Mr. Smith that those items would be taken care of during the development order review stage. Mr. Smith further explained that the Applicant is required to have a maintenance easement around the lake and to remove all exotic vegetation. If the lakes are over a certain depth, which he believed was 12 feet, then an aeration system is required to help turn over the water. If the lake is deeper than 12 feet, no aeration system is required. However, they would have a maintenance plan for all stormwater on site. In conclusion, Mr. Gartner commented about planting native flowers, noting that he is a master gardener and there are many wild flowers that could be used on this property.

Douglas Rudd was called to speak and he advised that he resides at 67 Snead Drive in Six Lakes. He had a question about the hours of operation of the medical building. Ms. Johnson replied that the hours had not been established yet, but the building will be limited to medical/professional offices, which typically operate from 8 a.m. to 5 p.m. Mr. Rudd then referred to the garbage pick up for the medical office building, which he had heard was going to be curbside pickup. He wondered if it was going to be like that for all the other buildings, and Ms. Johnson explained that a final decision had not been made yet. She further explained that the LDC requires multi-family development to provide some sort of can collection. The Applicant was requesting an exception to allow for a curbside pick up. At this time, the Hearing Examiner wanted to clarify that each house would be placing their garbage can on the curb, rather than having a centrally located dumpster. That was confirmed.

Mr. Rudd wanted to know if the medical center would have a major dumpster. Ms. Johnson responded that it had not been determined yet, but she would imagine that there would be one. The Code required that dumpsters be screened from adjacent properties, and the Applicant would have to take that and the location into consideration, in reference to the access for the trucks.

In response to another statement by Mr. Rudd, Mr. Smith mentioned that, regarding lighting concerns the County's regulations have certain thresholds or certain amount of foot candles that could not be displaced onto the adjacent properties. He reiterated that a half-a-foot candle could not be displaced into adjacent property. With the additional 50 feet, any light pole that would be placed along the western property line is a minimum of 50 feet away from the park's property line, which is a minimum of 150 feet away. No foot candles are going to wash off onto the mobile home park.

At this point, the Hearing Examiner commented regarding her understanding of their concerns about the lighting on the site, noting that the light can be seen on a light pole, even if the parking lot is not visible. She questioned if the buffer would address the taller lights, asking for the typical height of a light pole and the type of shade covering the bulb necessary to block out the excess light. Mr. Smith noted that those types of details have not been taken into account at this stage, as they are usually taken care of during the development order review. However, there are certain light poles and light fixtures that have reflectors and shields to shield it from the adjacent properties. The height can vary, but the LDC has specific rules on the height for safety reasons. The Hearing Examiner indicated her understanding of that point, but added that a certain number of poles are needed to make sure that the parking lot is well lit for human safety. She realized the residents did not want to look across the canal, and see multiple light poles with bright lights.

Mr. Smith mentioned that the existing vegetation along the western property line is mature large canopy and oak trees. Those canopies help out a tremendous amount to block view of the site. Mr. Fredyma checked out the regulations in LDC Section 34-625, which is the outdoor lighting standard. Those provisions prohibit such things as mercury vapor lamps, and set out a whole series of requirements, in terms of limitation, that they have to work with. The Hearing Examiner understood his concern, which was her concern as well. Any lighting for office building's parking needed to be shielded on the west side, and directed toward the interior of the subject property, so that the light bulbs could not be seen from the nearby residential properties. Mr. Smith explained that, when they submit for their development order, if outdoor lighting is included, they will have to submit a specific engineered plan, for the County to review.

Santos Derico was called upon to speak and he noted his concern is that he could only see one entrance into the development, and that entrance is from Diplomat. He believed that two access points are needed for emergency vehicles, and wanted to know if there was an entrance from U.S. 41. The Hearing Examiner asked if the entrance to the project was a divided, "double-wide" roadway (a roadway with two lanes on each side), so that if one side is blocked, the other side could still function as a two-lane road. She questioned if that had been a previous variance granted for one entrance, and Ms. Johnson stated there is a Deviation allowing for a single entrance to the property. Then Mr. Kinsey mentioned that she had been the Hearing Examiner on the original case, and she had include a Condition regarding emergency access, which they placed on the east side of the subject property.

The Hearing Examiner then referred to the proposed plan, wanting to make sure that this plan depicted the secondary entrance, which it did. Mr. Derico reiterated that a secondary access should be in place, and Mr. Kinsey stated that they purposely designed the project to have a roadway abutting the commercial property to the east (on U.S. 41). There is a cul-de-sac there, and, after a discussion with the other property owners, there is a mutual interest in having an internal access that the County would approve. Therefore, as the project gets developed, a cross access may be in place. He then demonstrated to the Hearing Examiner the location of the internal access and how it would benefit the traveling public.

However, Mr. Kinsey wanted to make it clear that he did not have any type of documentation or permission granting the internal access; it was still being discussed. Mr. Derico just wanted to bring the matter to the Hearing Examiner's attention, because he could only see one entrance. Taking into consideration what occurs in his country club, the traffic is hectic at times, and he lives in a gated community. In response to the Hearing Examiner's inquiry, Mr. Derico mentioned that his community did not have an exit on Diplomat, but there was another gate onto Littleton within their community that they could access through. He asked about the heights of the buildings and the light poles. He was advised the buildings would be 35 feet high and the light poles could be a maximum of 25 feet high.

After determining that no other members of the public wished to speak, the Hearing Examiner asked if either party had rebuttal or response to the comments and concerns raised during the public input. Both Staff and the Applicant wanted to make a rebuttal presentation or a closing statement. Mr. Wheeler was then called to the podium because the Hearing Examiner wanted to know if Corbett would be included when the Applicant applies for a development order.

Mr. Wheeler noted that, in this case, it was excluded from the study area, because of the significant impact criteria, which is that the project must be impacting the roadway at 10 percent of the Level of Service "C." He added they would not have to do that analysis at the development order stage either. They would only analyze concurrency on the links directly accessed, which, in this case, were U.S. 41 and Diplomat.

He mentioned that, although it was outside of their study area, he used the adopted concurrency report for 2010, on both Littleton Road and Corbett Road, for the segments in question. As a result, he found that Corbett Road, between Pine Island Road and Littleton Road, was currently operating at a Level of Service "B," with approximately 835 remaining round trips, so there is no Level of Service issue there. Littleton Road, between Corbett Road and U.S.41, is currently operating at a Level of Service "C," with approximately 440 available trips. At this time, he could not comment on the intersection because he didn't have any data available to him. However, given the low volumes on the roadways, he would anticipate very low volume at the intersections, especially on Corbett Road.

The Hearing Examiner referred to the Traffic Impact Study (TIS), Figure Number 3, which indicates that the traffic distribution to the west is 30 percent of the project. Therefore, if the new total of trip generation is only 381 trips for the P.M. peak hour, 30 percent would be approximately 90 trips. Mr. Wheeler agreed, but mentioned that the 381 trips she quoted were actually the total of two-way trips. Therefore, even if 100 percent of their project traffic is added, it is only 213 trips on both roadways, which still maintains an acceptable level of service.

Finding that no one had questions of Mr. Wheeler, the Hearing Examiner asked Mr. Palermo to proceed with his closing comments. Mr. Palermo noted that the public had brought up many good points, and he appreciated their presence, but one issue he wanted to address was the access for the residential uses, which was approved in the prior zoning. Certain Deviations, i.e., Deviation 6, had been approved for the project in the prior zoning action. There was indeed a 70-foot-wide divided entrance, so there are two lanes on both sides for ingress and egress. This was much safer. Another condition had been imposed requiring that the North Fort Myers Fire District sign off on the entrance to the property. In addition, they were required to provide an emergency access for safe ingress and egress, which is important in an ALF situation with this kind of density.

Next, he mentioned that the regulations for the Community Gardens and the definition for the Community Gardens were in Chapter 34. It is a rather new use, and could be found in Section 34-1716. This section regulates the size, which is no more than two acres. It also regulates the uses and many of the specifics were addressed, including no amplified sound used, for example, in recreational sports. He believed it was important to note because it was raised at the hearing. He was trying to find out if it was allowed in CPD zoning district, but he did not find any explicit information on whether or not they are allowed in a CPD district.

In response to the Hearing Examiner's inquiry, Mr. Palermo stated that the tables have been adjusted, but it was definitely allowed in RPD zonings. At this time, the Hearing Examiner mentioned that this was her first experience with Community Garden. She had previously heard a case involving a church where people could commune with their love ones in a memorial garden, but nothing for a community garden.

Rob Price re-introduced himself, noting that the Applicant will be required to use full cut off fixtures for commercial development. That requires the lights to be shielded on all four sides, and illumination goes straight down toward the parking lot. The spill off allowed on the adjacent property is .2-foot candle when it is residential; which is little or no spill over whatsoever. Although the maximum height for the poles is 25 feet high, when the property is within 50 feet of a residential parcel, the pole height is restricted to 15 feet high. These are strict requirements within the LDC, including a required engineered document that will be stringently reviewed at the development order stage.

The Hearing Examiner was concerned with the shielding of the lights, but Mr. Price assured her that if a lighting plan is submitted without the full off fixtures, it will not be approved. At this point, Mr. Fredyma stated that Mr. Price is qualified as an expert in transportation and traffic matters, and in addition, he works with Development Services reviewing development orders. However, Mr. Price does not solely review the development orders, but he is very familiar with the requirements in Chapter 10 of the LDC, and with all of the phases of the review process.

At this time, the Hearing Examiner asked if anyone had any comments for the record. They did not. She then left the record open until Friday, January 14, 2011 for revisions to Condition 23(c) and a new Condition 24. She mentioned that she would be conducting a site visit before rendering her decision and closed the hearing.

#### **VIII. OTHER PARTICIPANTS AND SUBMITTALS:**

##### **ADDITIONAL APPLICANT'S REPRESENTATIVES:**

1. Richard E. Byrd, Jr., c/o Gulfcoast Consulting Group, Inc., 9681 Gladiolus Drive, Fort Myers, Florida 33908
2. Shellie Johnson, c/o EnSite, Inc., 1514 Broadway, Suite 201, Fort Myers, Florida 33901
3. Jim Kinsey, c/o Athyrio Development Associates, LLC., P.O. Box 1662, Fort Myers, Florida 33902
4. Dave Wheeler, c/o TR Transportation, 2726 Oak Ridge Court #503, Fort Myers, Florida 33901

##### **ADDITIONAL COUNTY STAFF:**

1. John Fredyma, Assistant County Attorney, P. O. Box 398, Fort Myers, Florida 33902
2. Aaron Martin, Environmental Sciences, P.O. Box 398, Fort Myers, Florida 33902
3. Rob Price, Department of Transportation, P.O. Box 398, Fort Myers, Florida 33902

**PUBLIC PARTICIPATION:**

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

**For:**

1. Bonnie Allen, 3780 Downwind Lane, North Fort Myers, Florida 33917

**Against:**

1. Michael Dessart, 58 Snead Drive, North Fort Myers, Florida 33903
2. Diana Pettersen, 61 Snead Drive, North Fort Myers, Florida 33903
3. Douglas Rudd, 67 Snead Drive, North Fort Myers, Florida 33903

**General:**

1. John Angus, 409 Player Court, North Fort Myers, Florida 33903
2. Anthony Derico, 16 Nicklaus Boulevard, North Fort Myers, Florida 33903
3. Santo Derico, 60 Snead Drive, North Fort Myers, Florida 33903
4. Herbert V. Gartner, 128 Nicklaus Boulevard, North Fort Myers, Florida 33903
5. Peter Overs, 252 Palmer Boulevard, North Fort Myers, Florida 33903
6. Jim Toth, 203 Nicklaus Boulevard, North Fort Myers, Florida 33903

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

**For: None**

**Against:**

1. Jeannette Rudd, 67 Snead Drive, North Fort Myers, Florida 33903

**General:**

1. Lorraine Dessart, 58 Snead Drive, North Fort Myers, Florida 33903

**IX. LEGAL DESCRIPTION:**

See Exhibit A (scanned legal description).

**X. UNAUTHORIZED COMMUNICATIONS:**

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

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

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

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

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

**XI. HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS:**

A. This recommendation is made this 17<sup>th</sup> day of February, 2011. Notice or copies will be forwarded to the offices of the Lee County Board of County Commissioners.

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

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

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

**XII. COPIES OF TESTIMONY AND TRANSCRIPTS:**

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



DIANA M. PARKER  
LEE COUNTY CHIEF HEARING EXAMINER  
1500 Monroe Street, Suite 218  
Post Office Box 398  
Fort Myers, Florida 33902-0398  
Telephone: 239/533-8100  
Facsimile: 239/485-8406

# Description

COMMUNITY DEVELOPMENT

**SUBJECT PARCEL - (NORTH RESIDENTIAL):**

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

COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG THE WESTERLY RIGHT-OF-WAY AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE SOUTHEASTERLY CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 199.95 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.86°35'21"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 12.52 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2150.00 FEET; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 133.12 FEET; THENCE S.89°51'48"W. ALONG SAID RIGHT-OF-WAY LINE FOR 1484.79 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.89°51'48"W. ALONG SAID RIGHT-OF-WAY LINE FOR 80.00 FEET; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE S.89°51'48"W. FOR 257.48 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF A DRAINAGE EASEMENT (50 FEET WIDE) DESCRIBED IN DEED BOOK 237 AT PAGES 564 AND 565 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N.00°20'36"W. ALONG SAID EASTERLY LINE FOR 703.76 FEET TO THE SOUTHERLY LINE OF SERENEDIPITY SOUTH MOBILE HOME PARK (UNRECORDED); THENCE ALONG THE SOUTHERLY AND EASTERLY LINES OF SAID HOME PARK FOR THE FOLLOWING THREE (3) DESCRIBED COURSES: N.85°23'00"E. FOR 335.22 FEET; THENCE N.02°25'15"W. FOR 346.19 FEET; THENCE S.89°54'50"E. FOR 1231.65 FEET TO THE WESTERLY LINE OF THE AFOREMENTIONED PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335; THENCE S.03°25'50"W. ALONG THE WESTERLY OF SAID PARCEL FOT 1073.15 FEET; THENCE S.89°51'48"W. FOR 1145.24 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 35.18 ACRES, MORE OR LESS.

APPROVED  
LEGAL 6/2/10

<b>THIS IS NOT A SURVEY</b>	Sketch to Accompany Description  <b>Subject Parcel - North Residential</b> <i>A Portion of Land Lying in Section 34, township 43 South, Range 24 East</i>	
Page 2 of 2	<b>D. CRAMER SURVEYING, INC.</b> SURVEYING PROFESSIONALS  PROFESSIONAL SURVEYOR AND MAPPER NUMBER PSM6655 1031 Cape Coral Pkwy East, Suite 209, Cape Coral, FL 33904 Phone: (239) 540-8556 Fax: (239) 540-4750 www.cramersurveying.com	I hereby certify that, to the best of my knowledge and belief, the sketch and description represented herein, made under my direction on <b>July 15th, 2010</b> is in accordance with Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.  See Page 1 of 2 for Signature and Seal
JOB # 10-1062	PREPARED FOR: En-Site	DAVID KEITH CRAMER FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6655 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
SECTION 34, TOWNSHIP 43S, RANGE 24E		

DRI 2010-00015

# Sketch:

AIOP SERENDIPITY LLC  
34-43-24-00-00001.0000  
O.R. 2988, Page 3413

S89°54'50"E 1231.65'

AIOP SERENDIPITY LLC  
34-43-24-00-00001.0000  
O.R. 2988, Page 3413

N02°25'15"W  
346.19'

CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA
C-1	94.14	5829.58	94.14	S03°47'10"W	N/A
C-2	133.12	2150.00	133.10	N88°21'46"W	3°32'51"

N85°23'00"E  
335.22'

Southerly Line of Serendipity South Mobile Home Park

ATHYRIO DEVELOPMENT ASSOCIATES, LLC  
34-43-24-00-00001.3030  
Inst. No. 2005060145398

North Residential  
35.16 Acres More or Less

HALLIN FAMILY LLC  
34-43-24-00-00001.3020  
O.R. 1972, Pg. 335

(Southeasterly Corner of a Parcel Described in O.R. 1972, Pg. 335)

COOPER STREET PROPERTY, INC.  
34-43-24-00-00001.3030  
O.R. 4729, 0762

**D CRAMER SURVEYING, INC.**  
SURVEYING PROFESSIONALS

PROFESSIONAL SURVEYOR AND MAPPER NUMBER PSM6655  
1031 Cape Coral Pkwy East, Suite 209, Cape Coral, FL 33904  
Phone: (239) 540-8556 Fax: (239) 540-4750  
www.cramersurveying.com

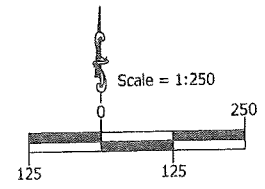
JOB # 10-1062 PREPARED FOR: En-Site  
SECTION 34, TOWNSHIP 43S, RANGE 24E

DATE	REVISION

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on July 15th, 2010 is in accordance with Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 61G17-8, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

DAVID KEITH CRAMER  
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6655  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

Description to Accompany Sketch  
**Subject Parcel - North Residential**  
A Portion of Land Lying in Section 34, township 43 South, Range 24 East



THIS IS NOT A SURVEY

APPROVED  
LEGAL  
C. D. [Signature]

- SURVEY NOTES:**
1. BEARING BASIS: EASTERLY RIGHT OF WAY LINE OF MCGREGOR BOULEVARD AS: N00°00'00"W
  2. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
  3. THIS IS NOT A SURVEY
  4. ADDITIONS TO OR DELETIONS OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. COPYRIGHT 2009, DAVID K. CRAMER, PSM. ALL RIGHTS RESERVED.
  5. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF DAVID K. CRAMER, PSM.

## Description




**SUBJECT PARCEL - (NORTH RPD):**

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

COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG THE WESTERLY RIGHT-OF-WAY AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE SOUTHEASTERLY CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 199.95 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.86°35'21"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 12.52 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2150.00 FEET; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 133.12 FEET; THENCE S.89°51'48"W. ALONG SAID RIGHT-OF-WAY LINE FOR 1484.79 FEET TO THE **POINT OF BEGINNING**; THENCE, FROM SAID POINT OF BEGINNING, CONTINUE S.89°51'48"W. ALONG SAID RIGHT-OF-WAY LINE FOR 80.00 FEET; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE N.89°51'48"E. FOR 10.01 FEET; THENCE N.00°08'12"W. FOR 63.94 FEET; THENCE 435.59 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 530.00 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 423.43 FEET AND BEARING N.23°24'25"E. TO A POINT OF INTERSECTION WITH A LINE THAT BEARS N.43°02'54"W.; THENCE LEAVING SAID CURVE RUN N.43°02'54"W. FOR 144.06 FEET; THENCE N.02°25'15"W. FOR 172.43 FEET TO AN INTERSECTION WITH THE SOUTHERLY AND EASTERLY LINE OF SERENEDIPITY SOUTH MOBILE HOME PARK (UNRECORDED); THENCE CONTINUE ALONG THE SOUTHERLY AND EASTERLY LINES OF SAID PARK FOR THE FOLLOWING TWO (2) DESCRIBED COURSES: N.02°25'15"W. FOR 346.19 FEET; THENCE S.89°54'50"E. FOR 1231.65 FEET TO THE WESTERLY LINE OF THE AFOREMENTIONED PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335; THENCE S.03°25'50"W. ALONG THE WESTERLY LINE OF SAID PARCEL FOR 1073.15 FEET; THENCE S.89°51'48"W. FOR 1145.24 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 29.76 ACRES, MORE OR LESS.

DCI 2010-00015

THIS IS NOT A SURVEY	Sketch to Accompany Description  <b>Subject Parcel - North RPD</b> <i>A Portion of Land Lying in Section 34, township 43 South, Range 24 East</i>	Exhibit No. PH-3.C.1
Page 2 of 2	 <b>CRAMER SURVEYING, INC.</b> SURVEYING PROFESSIONALS  PROFESSIONAL SURVEYOR AND MAPPER NUMBER PSM6655 1031 Cape Coral Pkwy East, Suite 209, Cape Coral, FL 33904 Phone: (239) 540-8556 Fax: (239) 540-4750 <a href="http://www.cramersurveying.com">www.cramersurveying.com</a>	I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on September 16th, 2010 is in accordance with Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.  See Page 1 of 2 for Signature and Seal
JOB # 10-1062	PREPARED FOR: En-Site	<b>DAVID KEITH CRAMER</b> FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO.6655 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
SECTION 34, TOWNSHIP 43S, RANGE 24E		

# Sketch:

AOP SERENDIPITY LLC  
 14-43-24-00-00001.0000  
 O.R. 2988, Page 3413

S89°54'50"E 1231.65'

CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA
C-1	94.14	5829.58	94.14	S03°47'10"W	N/A
C-2	133.12	2150.00	133.10	N88°21'46"W	3°32'51"
C-3	435.59	530.00	423.43	N23°24'25"E	47°05'21"

LINE	LENGTH	BEARING
L1	10.01	N89°51'48"E
L2	63.94	N00°08'12"W
L3	144.06	N43°02'54"W

A/HYRIO DEVELOPMENT ASSOCIATES, LLC  
 14-43-24-00-00001.3030  
 Inst. No. 2905000145398

North RPD Parcel  
 29.76 Acres More or Less

HALLIN FAMILY LLC  
 14-43-24-00-00001.3020  
 O.R. 1972, Pg. 335

COOPER STREET PROPERTY, INC  
 14-43-24-00-00001.3050  
 O.R. 4729, 0762

Point of Commencement  
 (Point of Intersection of the Southerly R/W  
 of Littleton and the Westerly R/W of U.S. 41)

Southerly  
 R/W of Littleton Road  
 (50' Wide)

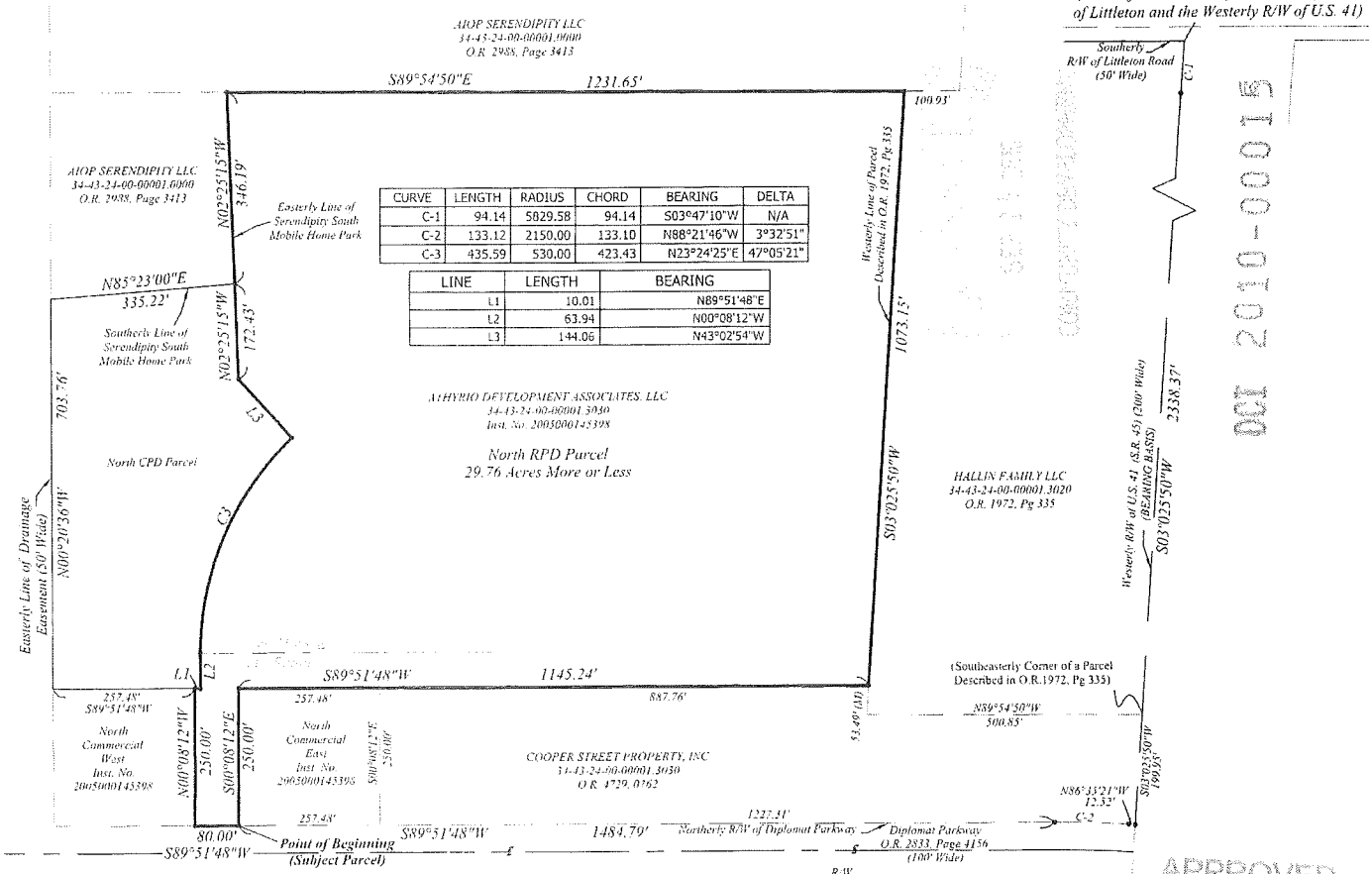
Westerly R/W of U.S. 41  
 (100' Wide)  
 (Bearing Basis)

(Southeasterly Corner of a Parcel  
 Described in O.R. 1972, Pg. 335)

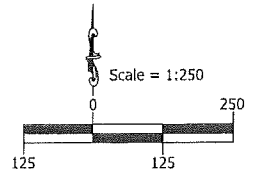
Westerly Line of Parcel  
 Described in O.R. 1972, Pg. 335

Westerly Line of Parcel  
 Described in O.R. 1972, Pg. 335

Southerly R/W of Diplomat Parkway  
 O.R. 2833, Page 4156  
 (100' Wide)



Description to Accompany Sketch  
**Subject Parcel - North RPD**  
 A Portion of Land Lying in Section 34,  
 township 43 South, Range 24 East



THIS IS NOT A SURVEY

**D CRAMER SURVEYING, INC.**  
 SURVEYING PROFESSIONALS

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 Phone: (239) 540-8556 Fax: (239) 540-4750  
 www.cramersurveying.com

JOB # 10-1062 PREPARED FOR: En-Site  
 SECTION 34, TOWNSHIP 43S, RANGE 24E

DATE	REVISION

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on **September 16th, 2010** is in accordance with Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 61G17-5, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

*David Keith Cramer*  
**DAVID KEITH CRAMER**  
 FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6655  
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL  
 RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

- SURVEY NOTES:**
1. BEARING BASIS: WESTERLY RIGHT OF WAY LINE OF U.S. 41 AS: S03°02'50"W
  2. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
  3. THIS IS NOT A SURVEY
  4. ADDITIONS TO OR DELETIONS OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. COPYRIGHT 2009, DAVID K. CRAMER, PSM. ALL RIGHTS RESERVED.
  5. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF DAVID K. CRAMER, PSM.

APPROVED  
 LEGAL  
 09 10-27-10

Exhibit No. PH-3.C.2


## Description

**SUBJECT PARCEL - (NORTH CPD):**

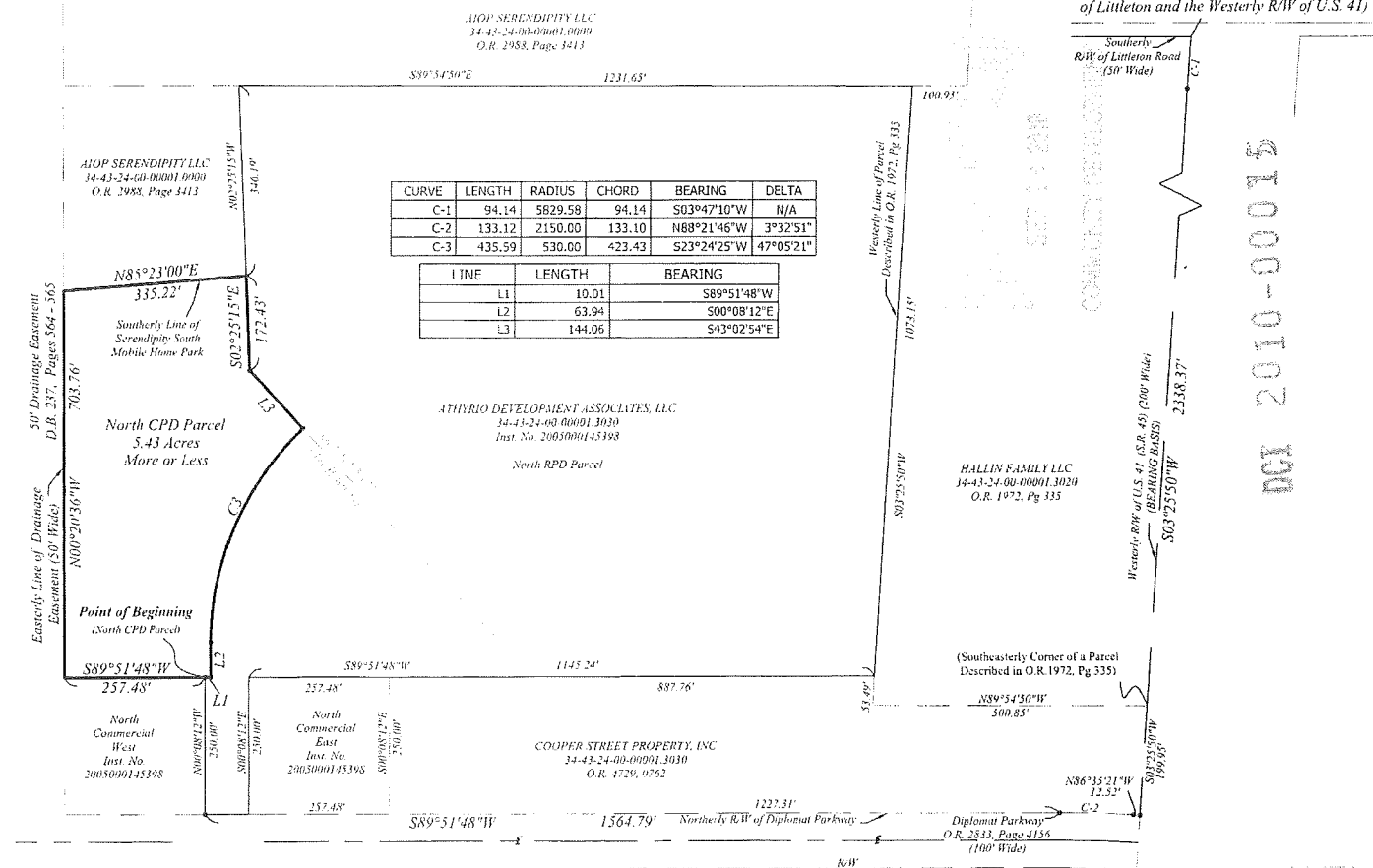
A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

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PARCEL CONTAINS 5.43 ACRES, MORE OR LESS.

<p><b>THIS IS NOT A SURVEY</b></p>	<p>Sketch to Accompany Description</p> <p><b>Subject Parcel - North CPD</b>  <i>A Portion of Land Lying in Section 34, township 43 South, Range 24 East</i></p>	<p style="font-size: 2em; opacity: 0.5;">2010-00015</p> <p><b>Exhibit No. PH-3.C.1</b></p>
<p>Page 2 of 2</p>	 <p><b>CRAMER SURVEYING, INC.</b>  <b>SURVEYING PROFESSIONALS</b></p> <p>PROFESSIONAL SURVEYOR AND MAPPER NUMBER PSM6655          1031 Cape Coral Pkwy East, Suite 209, Cape Coral, FL 33904          Phone: (239) 540-8556 Fax: (239) 540-4750  <a href="http://www.cramersurveying.com">www.cramersurveying.com</a></p>	<p style="font-size: 0.8em;">I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on <b>September 16th, 2010</b> is in accordance with Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors &amp; Mappers in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.</p> <p style="text-align: center;"><i>See Page 1 of 2 for Signature and Seal</i></p>
<p>JOB # 10-1062      PREPARED FOR: En-Site</p> <p>SECTION 34, TOWNSHIP 43S, RANGE 24E</p>	<p><b>DAVID KEITH CRAMER</b>          FLORIDA PROFESSIONAL SURVEYOR &amp; MAPPER NO: 6655          NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER</p>	

# Sketch:



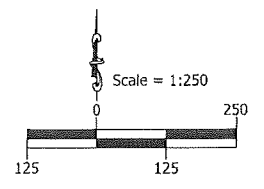
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LINE	LENGTH	BEARING
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L3	144.06	S43°02'54"E

Description to Accompany Sketch

**Subject Parcel - North CPD**  
A Portion of Land Lying in Section 34, township 43 South, Range 24 East



**THIS IS NOT A SURVEY**

**D CRAMER SURVEYING, INC.**  
SURVEYING PROFESSIONALS

PROFESSIONAL SURVEYOR AND MAPPER NUMBER PSM6655  
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Phone: (239) 540-8556 Fax: (239) 540-4750  
www.cramersurveying.com

JOB # 10-1062	PREPARED FOR: En-Site
SECTION 34, TOWNSHIP 43S, RANGE 24E	
DATE	REVISION

- SURVEY NOTES:**
1. BEARING BASIS: WESTERLY RIGHT OF WAY LINE OF U.S. 41 AS: S03°02'50"W
  2. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
  3. **THIS IS NOT A SURVEY**
  4. ADDITIONS TO OR DELETIONS OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. COPYRIGHT 2009, DAVID K. CRAMER, PSM. ALL RIGHTS RESERVED.
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Exhibit No. PH-3.C.2

APPROVED  
LEGAL  
CG 10-27-09

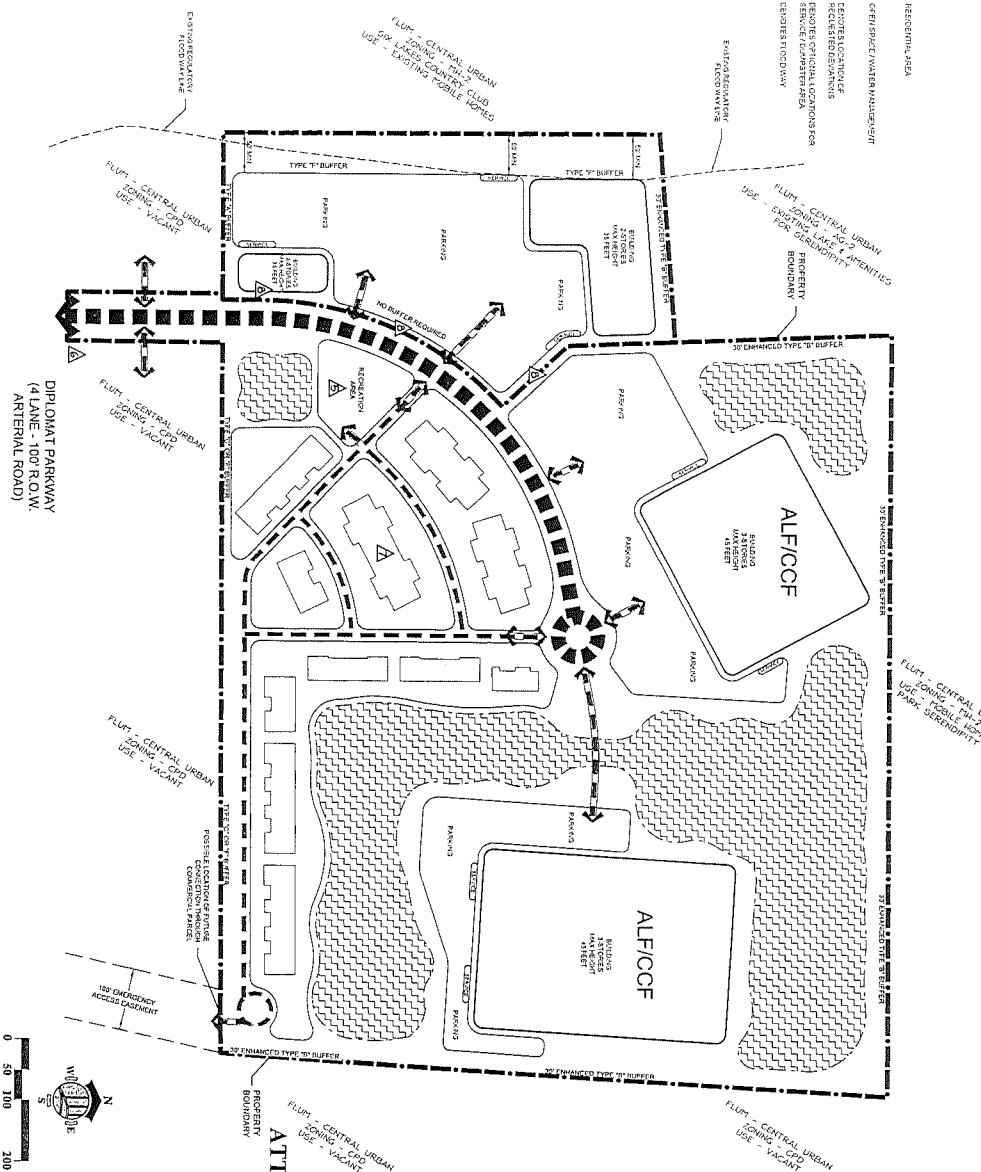
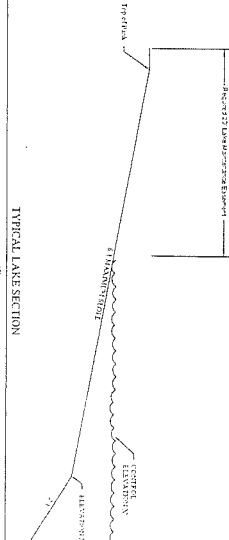
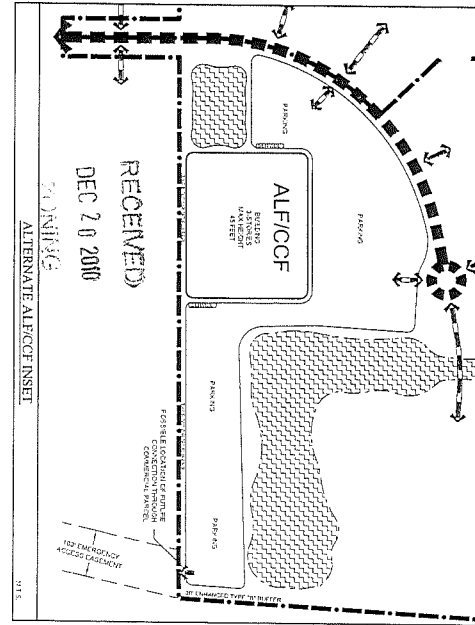
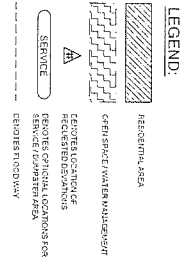
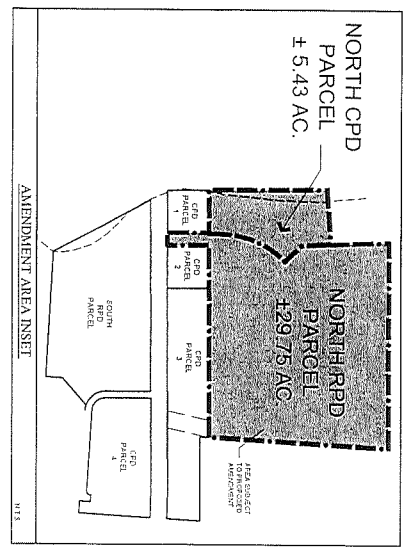
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*David K. Cramer*

**DAVID KEITH CRAMER**  
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO.6655  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER







**TABLE A**

**OPEN SPACE CALCULATIONS:**

NUMBER	AREA	PERCENT OPEN SPACE	TOTAL
1	2.43 AC	44.37%	2.43 AC
2	1.81 AC	33.42%	1.81 AC
3	1.81 AC	33.42%	1.81 AC
<b>TOTAL</b>	<b>5.43 AC</b>	<b>37.40%</b>	<b>5.43 AC</b>

**TABLE B**

**DENSITY / INTENSITY SUMMARY:**

RECORD	AREA	DENSITY	TOTAL
1	2.43 AC	40.88	2.43 AC
2	1.81 AC	33.42	1.81 AC
3	1.81 AC	33.42	1.81 AC
<b>TOTAL</b>	<b>5.43 AC</b>	<b>37.40</b>	<b>5.43 AC</b>

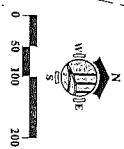
**LAND USE CONVERSION:**

ALL USES MAY BE CONVERSION ACCORDING TO THE FOLLOWING MATRICES:

FROM	TO	CONVERSION
100' EASEMENT	100' EASEMENT	100'
100' EASEMENT	100' EASEMENT	100'
100' EASEMENT	100' EASEMENT	100'

**NOTES:**

- ALL DEVELOPMENTS REQUESTED AND APPROVED WITHIN 2004 AND 2005 ARE SUBJECT TO THIS REGULATORY FRAMEWORK.
- ALL DEVELOPMENTS REQUESTED AND APPROVED WITHIN 2004 AND 2005 ARE SUBJECT TO THIS REGULATORY FRAMEWORK.
- ALL DEVELOPMENTS REQUESTED AND APPROVED WITHIN 2004 AND 2005 ARE SUBJECT TO THIS REGULATORY FRAMEWORK.
- ALL DEVELOPMENTS REQUESTED AND APPROVED WITHIN 2004 AND 2005 ARE SUBJECT TO THIS REGULATORY FRAMEWORK.
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- ALL DEVELOPMENTS REQUESTED AND APPROVED WITHIN 2004 AND 2005 ARE SUBJECT TO THIS REGULATORY FRAMEWORK.



**ATTACHMENT B**

**REVISIONS**

NO.	DESCRIPTION	DATE
R1	Revised per the County staff comments dated 08-06-10	8-22-10
R2	Revised per the County staff comments dated 10-14-10	10-22-10
R3	Revised per the County comments	12-17-10

**Athyrio Development Associates, LLC**

P.O. Box 1662  
Fort Myers, FL 33902

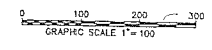
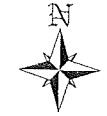
**MASTER CONCEPT PLAN D-7-M.2**

**EXHIBIT B**

11-2  
L URBAN  
L HOME  
PARK SERENDIPITY

**RECEIVED**  
JAN 30 2008

PERMIT CENTER



- = RESIDENTIAL INDIVIDUALS
- = COMMERCIAL INDIVIDUALS
- = DEVIATION  
PLEASE REFER TO SCHEDULE OF DEVIATIONS AND JUSTIFICATIONS

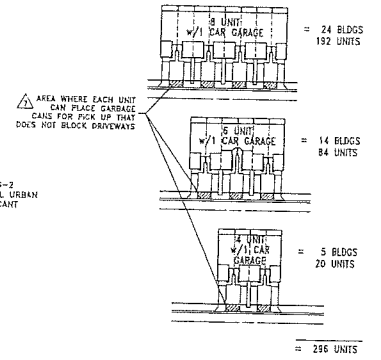
OPEN SPACE CALCULATIONS (DOK FOR COMMERCIAL/USE BEYOND OPEN SPACE FOR RESIDENTIAL)

TRACT	AREA	INDIVIDUALS REQUIRED	OTHER OPEN SPACE REQUIRED	INDIVIDUALS PROVIDED
COMMERCIAL 1	1.47 AC	0.92 AC 15%	0.52 AC	0.92 AC
COMMERCIAL 2	1.47 AC	0.92 AC 15%	0.52 AC	0.92 AC
COMMERCIAL 3	2.25 AC	1.42 AC 15%	0.83 AC	1.42 AC
COMMERCIAL 4	2.22 AC	1.41 AC 15%	0.81 AC	1.41 AC
RESIDENTIAL NORTH	35.20 AC	7.04 AC 20%	28.16 AC	28.16 AC
RESIDENTIAL SOUTH	18.19 AC	3.64 AC 20%	14.55 AC	14.55 AC
TOTAL	61.81 AC	12.63 AC	49.18 AC	49.18 AC

1) INDIVIDUALS OPEN SPACE AREA IS PROVIDED ON SOUTHERLY PORTION OF DEVELOPMENT 728 AC TOTAL (12.63 CREDITS TOTAL PROVIDED) AND IS TO PROVIDE TOTAL REQUIRED FOR OPEN SPACE FOR ALL TRACTS.  
2) OTHER (NON-INDIVIDUALS) OPEN SPACE SHALL BE PROVIDED ON THE RESPECTIVE TRACT AND SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.

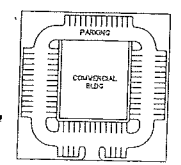
- EXISTING NOTES:
- \*15% CREDIT FOR MAXIMUM 3 ACRES AND 100' WIDTH PER LDC SECTION 10-4150(X)(2).
  - \*15% CREDIT FOR MAXIMUM 1 ACRE AND 75' WIDTH PER LDC SECTION 10-4150(X)(2), AND ADDITIONAL 5% CREDIT FOR PRESERVATION ADJACENT TO ROADWAY PER LDC SECTION 10-4150(X)(2).
  - \*10% CREDIT FOR CONNECTION TO OFFSITE ENVIRONMENTAL CONSERVATION OR PRESERVE AREAS PER LDC SECTION 10-4150(X)(2).

TYPICAL RESIDENTIAL BUILDING LEGEND:



ADD 2007-00169  
LOCAL GOVERNMENT PERMITS

**APPROVED**  
Assent to  
Master Concept Plan  
Subject to Case # Add2007-00169  
Date 2/1/2008



11-2  
CENTRAL URBAN  
SIX LAKES  
COUNTRY CLUB  
EXISTING  
TIMES

AG-2  
CENTRAL URBAN  
EXISTING LAKE AND  
AMENITIES FOR  
SERENDIPITY

AG-2  
CENTRAL URBAN  
HORSE BOARDING

ALL DEVIATIONS REQUESTED AND APPROVED WITH 2-CO-024 REVISION IN EFFECT.  
PROPOSED ADDITIONAL DEVIATIONS:  
A DEVIATION FROM LDC 10-201 WHICH REQUIRES MULTI-FAMILY PROJECTS TO PROVIDE SUFFICIENT ON-SITE SPACE FOR GARAGE CONTAINERS (COMPLETION) TO ALLOW CLUB USE, PICK-UP FOR THE UNITS.

AG-2  
CENTRAL URBAN  
VACANT

POSSIBLE LOCATION OF FUTURE  
EXIT CONNECTION THROUGH COMMERCIAL  
PARKING AISLES

AG-2  
CENTRAL URBAN  
VACANT

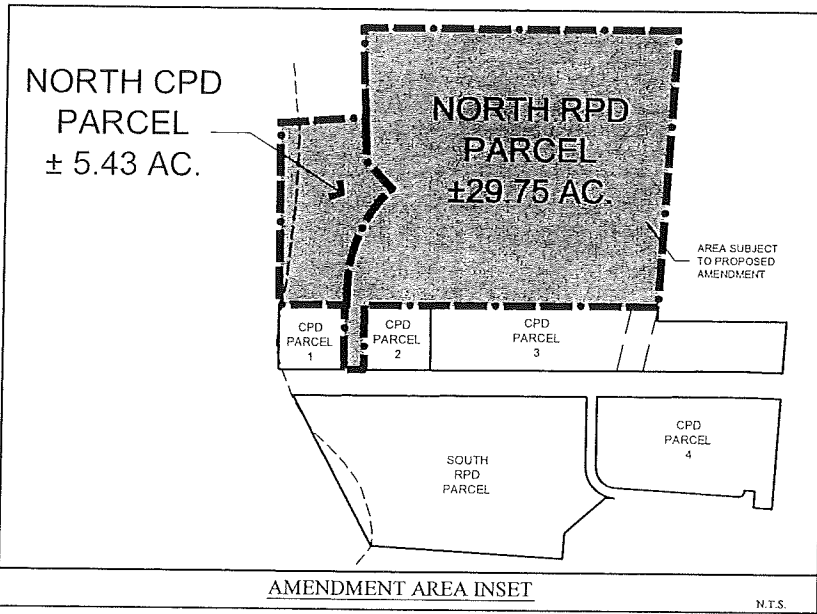
CPD  
CENTRAL URBAN  
MERCHANTS CROSSING  
COMMERCIAL SHOPPING CENTER

ATTACHMENT C

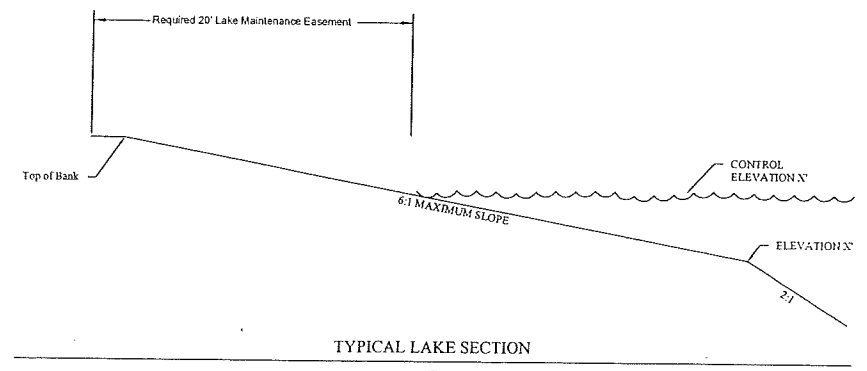
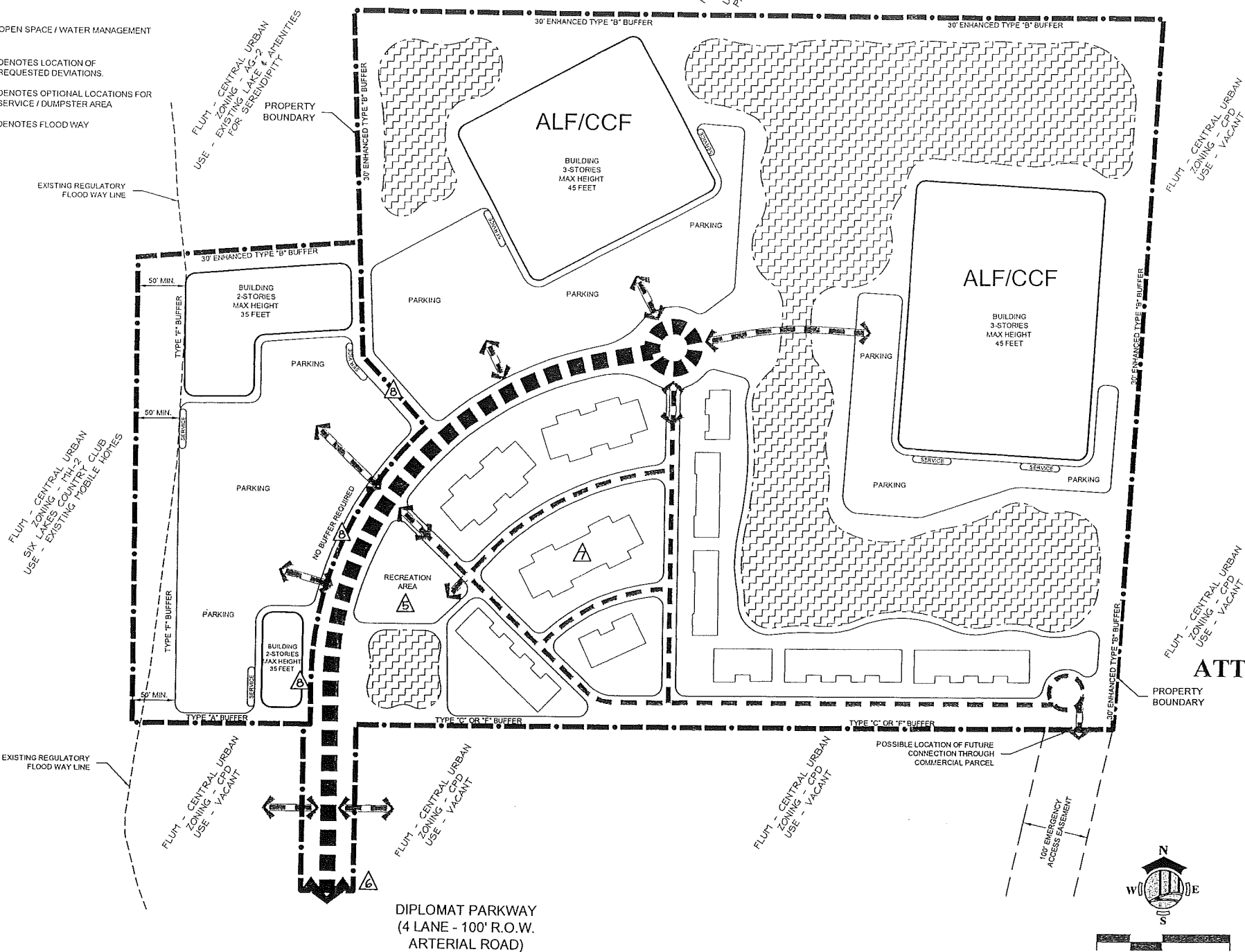
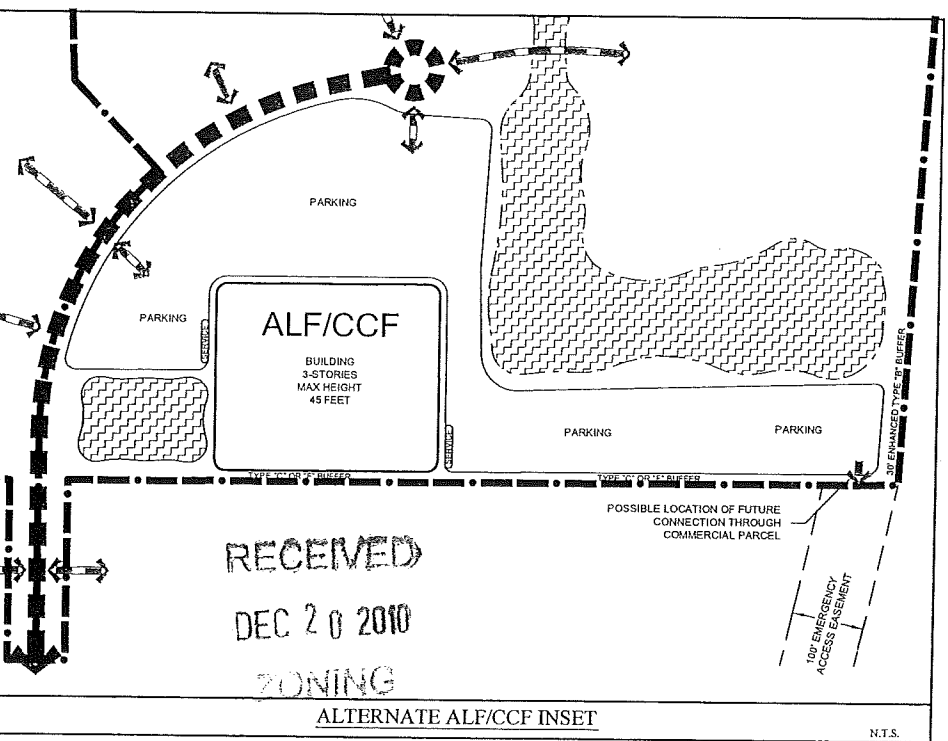
N.B.D. DEVELOPMENT, INC.  
1000 W. UNIVERSITY BLVD.  
SUITE 100  
BOCA RATON, FLORIDA 33431  
TEL: (561) 994-9115  
FAX: (561) 994-9115

Wentz Engineering  
James J. Wentz, P.E. & David S. Wentz, P.E.  
Professional Engineers  
2815 W. UNIVERSITY BLVD., SUITE 100  
BOCA RATON, FLORIDA 33431  
PHONE: (561) 994-9115  
FAX: (561) 994-9115

MASTER CONCEPT PLAN  
DIPLOMAT PARCEL  
LEE COUNTY, FLORIDA  
SCALE: 1" = 100'  
DATE: 2/1/2008  
DRAWN BY: JMW  
CHECKED BY: JMW  
DATE: 2/1/2008  
PROJECT: 2209  
SHEET: 1 OF 1



- LEGEND:**
- RESIDENTIAL AREA
  - OPEN SPACE / WATER MANAGEMENT
  - DENOTES LOCATION OF REQUESTED DEVIATIONS.
  - DENOTES OPTIONAL LOCATIONS FOR SERVICE / DUMPSTER AREA
  - DENOTES FLOOD WAY



**TABLE A**

OPEN SPACE CALCULATIONS:

PARCEL	AREA	REQ'D OPEN SPACE	ACRES
RPD	29.75 AC.	11.90 (40%)	11.90 AC.
CPD	5.43 AC.	1.63 (30%)	1.63 AC.
<b>TOTAL</b>	<b>35.18 AC.</b>		<b>TOTAL 13.53 AC.</b>

1) LAKES WILL COMPRISE NO MORE THEN 25% OF THE REQUIRED OPEN SPACE.

2) PER Z-06-004, INDIGENOUS OPEN SPACE AREA IS PROVIDED ON THE SOUTHERN PORTION OF THE OVERALL DEVELOPMENT AND PROVIDES TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS.

3) OTHER NON-INDIGENOUS OPEN SPACE AREAS SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.

**TABLE B**

DENSITY / INTENSITY SUMMARY:

ALF / CCF	400 BEDS
RESIDENTIAL	138 D.U.
MEDICAL OFFICE	50,000 S.F.

LAND USE CONVERSION:

ABOVE USES MAY BE CONVERTED ACCORDING TO THE FOLLOWING RATIOS:

4 ALF / CCF BEDS	=	1 D.U.
400 SQ. FT. MEDICAL OFFICE	=	1,000 SQ. FT. PROFESSIONAL OFFICE

- NOTES:**
- ALL DEVIATIONS REQUESTED AND APPROVED WITHIN Z-06-004 AND ADD2007-00169 REMAIN IN EFFECT.
  - DEVIATIONS 1-4 APPLY TO THE SOUTHERN RPD/CPD AREA NOT SUBJECT TO THIS AMENDMENT
  - MAXIMUM PROPOSED RPD BUILDOUT DENSITY IS 138 RESIDENTIAL UNITS AND 400 ALF/CCF BEDS AND IS SUBJECT TO THE LAND USE CONVERSION, TABLE B.
  - MAXIMUM CPD SQUARE FOOTAGE IS 50,000 S.F. AND IS SUBJECT TO THE LAND USE CONVERSION, TABLE B.
  - NO ENCROACHMENT WITHIN THE FEMA FLOODWAY SHALL BE ALLOWED. EXISTING NATIVE VEGETATION WILL BE MAINTAINED IN THE FEMA FLOODWAY.
  - INDIGENOUS PRESERVATION PROVIDED WITHIN EXISTING SOUTHERN RPD/CPD PER Z-06-004.
  - RESIDENTIAL BUILDING FOOTPRINTS ARE CONCEPTUAL IN NATURE AND MAY BE ALTERED AT THE TIME OF DEVELOPMENT ORDER.
  - PRODUCT TYPES WITHIN THE RPD MAY BE ALTERED BASED ON THE APPROVED SCHEDULE OF USES PLUS SITE DEVELOPMENT REGULATIONS AT THE TIME OF DEVELOPMENT ORDER.

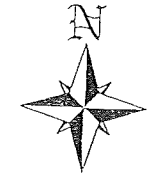
**ATTACHMENT B**

**REVISIONS**

NO.	DESCRIPTION	DATE
R1	Revised per lee county sufficiency comments dated 08-06-10	9-23-10
R2	Revised per lee county sufficiency comments dated 10-14-10	10-22-10
R3	Revised per lee county comments	12-17-10
R4		
R5		
R6		

DATE: 09-22-10  
PROJECT NO. 1155-01  
FILE NO. 1155-01-MCP01.dwg  
SCALE: AS SHOWN

**RECEIVED**  
JAN 30 2008



0 100 200 300  
GRAPHIC SCALE 1" = 100'

N.B.D. DEVELOPMENT, INC.  
301 YAMATO ROAD, SUITE 3101  
BOCA RATON, FL 33431  
PH: (561) 994-8231  
FAX: (561) 394-7136

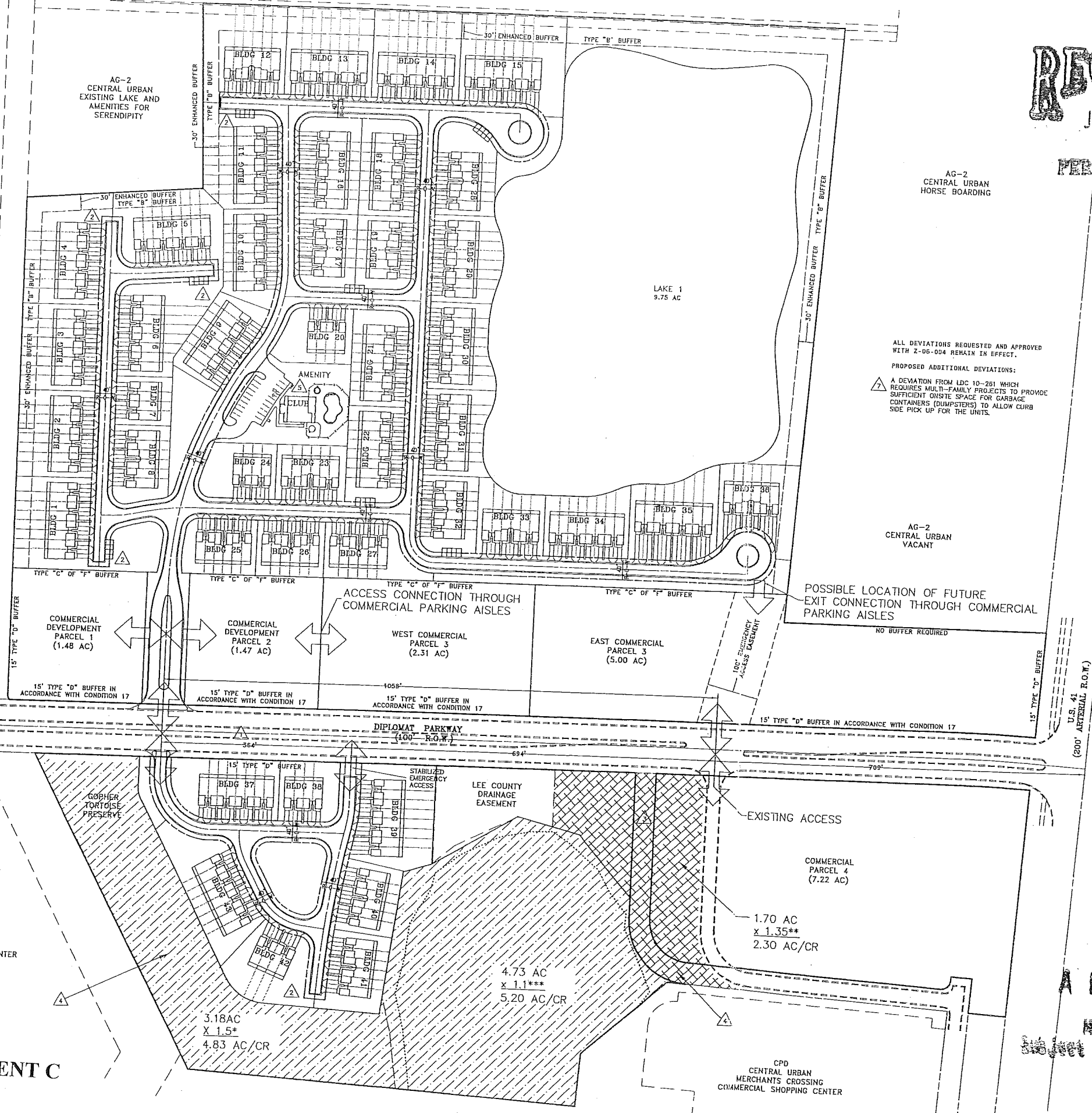
PREPARED FOR:

NO.	DATE	BY	DESCRIPTION
1	01-30-08	NBD	ISSUE FOR PERMITTING
2	01-30-08	NBD	ISSUE FOR PERMITTING
3	01-30-08	NBD	ISSUE FOR PERMITTING
4	01-30-08	NBD	ISSUE FOR PERMITTING
5	01-30-08	NBD	ISSUE FOR PERMITTING

**Banka Engineering**  
Professional Engineer, Planner & Land Surveyor  
FORT MYERS • NAPLES • SARASOTA  
2515 WINTERBROOK PLAZA, DRIVE, SUITE 200  
FORT MYERS, FL 33907  
PHONE: (813) 897-3000 FAX: (813) 897-3002  
WWW.BANKAENGINEERING.COM

MASTER CONCEPT PLAN  
DIPLOMAT PARCEL  
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	SCALE	SHEET	OF
01-27-2007	2028	MCP	CHD	1" = 100'	1	1



PERMIT CENTER

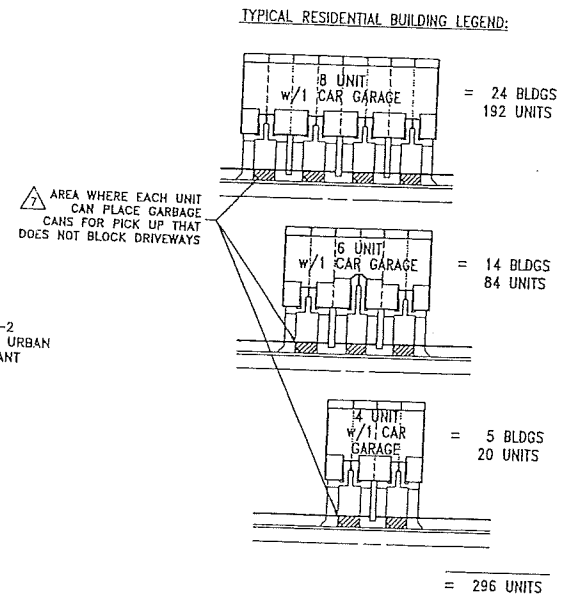
ALL DEVIATIONS REQUESTED AND APPROVED WITH Z-06-004 REMAIN IN EFFECT.  
PROPOSED ADDITIONAL DEVIATIONS:  
A DEVIATION FROM LDC 10-281 WHICH REQUIRES MULTI-FAMILY PROJECTS TO PROVIDE SUFFICIENT ON-SITE SPACE FOR GARBAGE CONTAINERS (DUMPSTERS) TO ALLOW CURB SIDE PICK UP FOR THE UNITS.

**OPEN SPACE CALCULATIONS (10X FOR COMMERCIAL/40X COMMON OPEN SPACE FOR RESIDENTIAL)**

TRACT	AREA	INDIGENOUS REQUIRED	OTHER OPEN SPACE REQUIRED	INDIGENOUS PROVIDED
COMMERCIAL 1	1.47 AC	0.22 AC 15X	0.22 AC(0)	0.22 AC(0)
COMMERCIAL 2	1.47 AC	0.22 AC 15X	0.22 AC(0)	0.22 AC(0)
COMMERCIAL 3	7.31 AC	1.10 AC 15X	1.10 AC(0)	1.10 AC(0)
COMMERCIAL 4	7.22 AC	1.08 AC 15X	1.08 AC(0)	1.11 AC(0)
RESIDENTIAL NORTH	35.20 AC	7.04 AC 20X	7.04 AC(0)	7.04 AC(0)
RESIDENTIAL SOUTH	13.19 AC	2.64 AC 20X	2.64 AC(0)	2.64 AC(0)
TOTALS	65.85 AC	12.30 AC	12.30 AC(0)	12.30 AC(0)

(0) INDIGENOUS OPEN SPACE AREA IS PROVIDED ON SOUTHERN PORTION OF DEVELOPMENT (12.33 CREDITS TOTAL PROVIDED) AND IS TO PROVIDE TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS.  
(X) OTHER (NON-INDIGENOUS) OPEN SPACE SHALL BE PROVIDED ON THE RESPECTIVE TRACT AND SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.

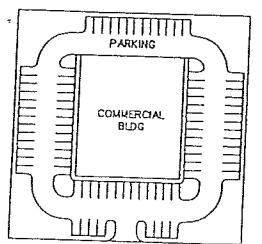
INDIGENOUS NOTES:  
\*150X CREDIT FOR MINIMUM 3 ACRES AND 100' WIDTH PER LDC SECTION 10-415(b)(2)c.  
\*125X CREDIT FOR MINIMUM 1 ACRE AND 75' WIDTH PER LDC SECTION 10-415(b)(2)c. AND ADDITIONAL 10X CREDIT FOR PRESERVATION ADJACENT TO ROADWAY PER LDC SECTION 10-415(b)(2)b.  
\*110X CREDIT FOR CONNECTION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



AG-2 CENTRAL URBAN VACANT

ADD 2007-00169  
TYPICAL COMMERCIAL BUILDING

**APPROVED**  
Amendment to  
Master Concept Plan  
Subject to Case # ADD2007-00169  
Date 2/1/2008

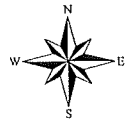
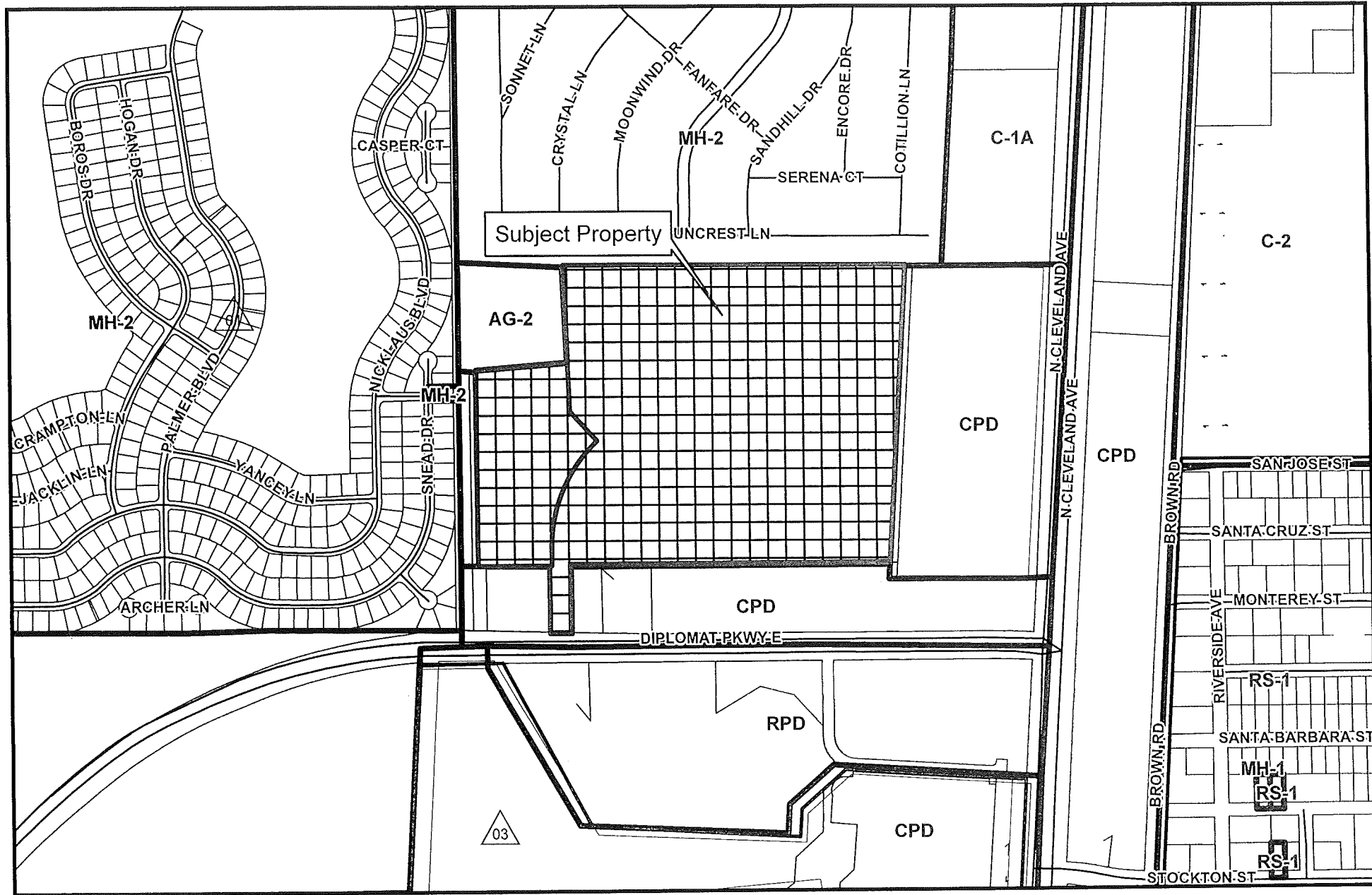


ATTACHMENT C

# Attachment "A" Zoning Map

DCI2010-00015

11/30/2010



**LEE COUNTY, FLORIDA  
ZONING DIVISION  
STAFF REPORT**

**TYPE OF CASE:** PLANNED DEVELOPMENT/DCI

**CASE NUMBER:** DCI2010-00015

**HEARING EXAMINER DATE:** JANUARY 6, 2011

**I. APPLICATION SUMMARY:**

- A. Applicant: Athyrio Development Associates, LLC in reference to Diplomat Property RPD/CPD
- B. Request: Application to amend the +/- 35.2 -acre Residential Planned Development (RPD) portion of the Diplomat Property RPD/CPD to permit a maximum of 400 assisted living facility beds, 138 standard dwelling units, a maximum of 50,000 square feet of medical office space, and to make other changes to the master concept plan including reconfiguration of a lake, changes to the buffer to the west, and additional details including the placement commercial and residential buildings. Maximum building height requested is 50 feet. No development blasting is requested. Any development will connect to public potable water and public sanitary sewer service.
- C. Location: The subject property is located at 15501 N. Cleveland Ave., North Fort Myers Planning Community, Lee County, FL. (District #4)
- D. Future Land Use Plan Designation, Current Zoning, Use of Subject Property, Road Classification, Planning Community, Utilities.

Future Land Use: Central Urban.

Current Zoning: Residential Planned Development/  
Commercial Planned Development  
(RPD/CPD) per #Z-06-004 and  
administratively amended per  
ADD2007-00169.

Land Use: No buildings. No agricultural uses or  
exemptions. The south parcel (not

**DECEMBER 20, 2010/ADP**

U:\201012\DCI20100.001\5\DCI2010-00015 DIPLOMAT PROPERTY.WPD

**Page 1 of 34**

amended) is mostly wooded, with a dry retention area and paved roads. The north parcel (the subject of the amendment) is vacant with woods and a man-made lake.

Road Classification: Diplomat Parkway, 4-lane arterial.

A portion of the CPD south of Diplomat fronts US 41, a 6-lane arterial.

Planning Community: North Fort Myers.

Utilities: Lee County Utilities, potable water.  
Florida Governmental Utility Authority, Central Sewer.

E. Surrounding Land Use (Entire RPD/CPD)

Existing Zoning & Land Use Future Land Use Map

- North: Serendipity Mobile Home community (over 55 Central Urban community), Mobile Home (MH-2) zoning.
- East: Cattle, then US 41 (6 lanes). Commercial Planned Central Urban Development (CPD).
- South: Merchant's Crossing Shopping Center, Commercial Central Urban Planned Development (CPD).
- West: Six Lakes Country Club (over 55 community), Central Urban Mobile Homes with Mobile Home (MH-2) zoning.

F. Size of Property: 35.2± Acres (RPD portion proposed to be amended).

RPD/CPD is 65.00± Acres.

II. **RECOMMENDATION:**

Staff recommends **APPROVAL** of the Applicant's request to amend the +/- 35.2 -acre Residential Planned Development (RPD) portion of the Diplomat Property RPD/CPD to permit a maximum of 400 assisted living facility beds, 138 standard dwelling units, a maximum of 50,000 square feet of medical office space, and to make other changes to the master concept plan including reconfiguration of a lake, changes to the buffer to the west, and additional details including the placement commercial and residential buildings with the following conditions and deviations:

**A. Conditions**

*Per Zoning Resolution #Z-06-004. Strike-Through Underline Format.*

1. Development must be consistent with the one-page Master Concept Plan entitled "~~CONCEPTUAL SITE PLAN: DIPLOMAT PARCEL~~", Sheet 1 of 4 "~~DIPLOMAT PROPERTY RPD/CPD (NORTH PARCEL) stamped received **DECEMBER 20, 2010** AND the one-page Master Concept Plan entitled "MASTER CONCEPT PLAN: DIPLOMAT PARCEL" stamp dated JAN. 30, 2008~~ ~~November 3, 2006~~ and prepared by ~~Banks Engineering, Inc.~~ (attached hereto as Exhibit C), except as modified by the conditions below.

This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan (MCP) are subsequently pursued, appropriate approvals will be necessary.

Maximum Number of Dwelling Units (North RPD Parcel): 138 dwelling units plus a maximum of 400 beds for assisted living facilities/continuing care facilities. Dwelling units may be converted per Table "B" of the approved master concept plan.

Maximum Number of Dwelling Units (South RPD parcel): ~~384~~ 105 dwelling units. An additional ~~76~~ 21 units may be constructed if they are marketed at a price point that is affordable to moderate income households at the time of building permit application. Further, the additional ~~75~~ 21 units may only be sold to buyers who qualify as a moderate income household at time of purchase. Moderate income household means 120 percent of the yearly median income based on yearly income levels developed for the SHIP Program by the Housing Section of the Planning Division.

Eight (8.0) dwelling units per acre maximum, for the ~~47.65~~ 13.19 acres of RPD (South of Diplomat Parkway). An additional 1.6 units per acre may be constructed subject to affordability requirements above.

Maximum Commercial Floor Area (North CPD Parcel): 50,000 square feet of medical office. Medical office may be converted per Table "B" of the approved master concept plan.

Maximum Commercial Floor Area (CPD Parcels 1, 2, 3, 4): 200,000 square feet of commercial uses. A maximum of 100,000 s/f of which may be retail.

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

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

a. **Schedule of Uses** RPD South of Diplomat Parkway.

Accessory Uses and Structures  
Administrative Office  
Clubs, Private - As shown on the approved MCP.  
Community Garden  
Dwelling Units, single-family, duplex, two-family attached, multifamily, townhomes - 105 (up to 126 pursuant to Condition 1)  
Entrance Gates and Gatehouse  
Essential Services  
Essential Service Facilities, Group I  
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.  
Fences and Walls.  
Home Occupation, No outside help.  
Home Care Facility.  
Model Home, Model Display Center, Model Unit - ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.  
Parking Lot, Accessory.  
Real Estate Sales - limited to sales of lots, homes or units within the development. Model home and club locations only. ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.  
Recreational Facilities - Private, On-site only. LIMITED TO THOSE SHOWN ON THE APPROVED MCP.  
Residential Accessory Uses  
Signs, in compliance with LDC Chapter 30  
Temporary Uses, Temporary Real Estate Sales Office

**Schedule of Uses** CPD Parcels 1,2, 3, 4

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

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

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

### Community Garden

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

Contractors and Builders, Group I and II (Not Group III)

Cultural Facilities

Day Care, Adult, Child

Department Store

Drive-through facility for any permitted use. No fast food drive-through.

Drugstore, Pharmacy (limited to 1 on Parcel 4 or 3)

Entrance Gate and Gatehouse

Emergency Operations Center

EMS, Fire or Sheriff's Station

Essential Services

Essential Service Facilities, Group I

Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.

Fences and Walls.

Flea Market, Indoor Only

Food and Beverage Services, Limited

Food Stores, Group I and II

Funeral Home or Mortuary, with or without cremation

Gasoline Dispensing System, Special

Hardware Store

Health Care Facility, Group I, II, III (no Group IV).

Hobby, Toy and Game Store

Hotel/Motel - Limited to 120 rooms maximum.

Household and Office Furnishings - (indoor only, no outdoor display)

Insurance Companies

Lawn and Garden Supply Stores - (indoor only, no outdoor display)

Library

Medical Office

Nonstore Retailer

Paint, Glass and Wallpaper - (indoor only, no outdoor display)

Parking Lot, Accessory, Commercial, Garage, Public Parking, Temporary

Personal Services, Group I, II, III, IV. Excluding Laundromats, Laundry Agents, Massage Establishments, Massage Parlors, Steam or Turkish Baths, Dating Services, Escort Services, Palm Readers, Fortune Tellers, Card Readers, Tattoo Parlors.

Pet Services, Pet Shops - Indoor only, no outdoor display. No outdoor runs.

Place of Worship

Plant Nursery

Post Office

Printing and Publishing

Processing and Warehousing

Real Estate Sales Office

Religious Facilities

Rental or Leasing Establishments, Group II (excluding tools and equipment primarily for home use). Indoor only. No outdoor display.

Repair Shop, Group I, II, III

Research and Development Laboratories, Group I, II, III, IV.

Restaurants, Group I, II, III, IV.

Restaurant, Fast Food, No stand-alone or drive-through. Within a multi-occupancy building only.

Schools, Commercial and Non-Commercial

Signs in Accordance with Chapter 30

Social Services Group I

Specialty Retail, Group I, II, III, IV

Storage, Indoor Only

Studios

Supermarkets

Temporary Uses

Used Merchandise, Group I, II, Indoor only. No outdoor display.

Variety Store

**Schedule of Uses**    **RPD**    **North of Diplomat Parkway.**

Accessory Uses and Structures

Administrative Office

Assisted Living Facilities - (pursuant to Condition 1)

Clubs, Private - As shown on the approved MCP (Recreation Areas)

Community Garden

Continuing Care Facilities

Dwelling Units, single-family, duplex, two-family attached, multifamily, townhomes - (pursuant to Condition 1)

Entrance Gates and Gatehouse

Essential Services

Essential Service Facilities, Group I

Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.  
Fences and Walls.  
Home Occupation, No outside help.  
Home Care Facility.  
Model Home, Model Display Center, Model Unit - ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.  
Parking Lot, Accessory.  
Real Estate Sales - limited to sales of lots, homes or units within the development. Model home and club locations only. ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.  
Recreational Facilities - Private, On-site only. LIMITED TO THOSE SHOWN ON THE APPROVED MCP.  
Religious Facilities  
Residential Accessory Uses  
Signs, in compliance with LDC Chapter 30  
Temporary Uses, Temporary Real Estate Sales Office

**Schedule of Uses    CPD    North of Diplomat Parkway.**

Administrative Office  
Animals: Clinic, Kennel, Control Center (including Humane Society) - indoors, no outdoor runs.  
Automatic Teller Machine  
Banks and Financial Establishments, Group I and II  
Business Services, Group I and II (no impound yards or armored car services)  
Cleaning and Maintenance Services  
Communication facilities, wireless (in accordance with LDC 34 Division 11)

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

Community Garden  
Cultural Facilities  
Entrance Gate and Gatehouse  
Emergency Operations Center  
EMS, Fire or Sheriff's Station  
Essential Services  
Essential Service Facilities, Group I  
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.  
Fences and Walls.  
Health Care Facility, Group I, II, III (no Group IV).

Insurance Companies  
Medical Office  
Parking Lot, Accessory  
Personal Services, Group I, II  
Pharmacy - accessory to medical office use only.  
Real Estate Sales Office  
Religious Facilities  
Research and Development Laboratories, Group I, II, III, IV.  
Schools, Commercial and Non-Commercial  
Signs in Accordance with Chapter 30  
Social Services Group I  
Temporary Uses

b. **Site Development Regulations** RPD **South of Diplomat Parkway**

**SINGLE-FAMILY**

Minimum Lot Areas and Dimensions

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

Minimum Setbacks

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

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

Minimum Building Separation: 10 feet.

Building Height: 35 feet/ 3 stories

Maximum Lot Coverage: 45 percent

**DUPLEX, TWO FAMILY ATTACHED, TOWNHOUSE.**

Minimum Lot Areas and Dimensions

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

Minimum Setbacks

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

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

Minimum Perimeter Setbacks: 25 feet  
30 feet - all lots containing enhanced buffer. See Condition 13.

Minimum Building Separation: 10 feet.

Building Height: 35 feet/ 2 stories

Maximum Lot Coverage: 45 percent.

**MULTI-FAMILY**

Minimum Lot Areas and Dimensions

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

Minimum Setbacks

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

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

Minimum Perimeter Setbacks: 25 feet  
30 feet - all lots containing enhanced  
buffer. See Condition 13.

Minimum Building Separation: 20 feet.

Building Height: 35 feet/ 2 stories

Maximum Lot Coverage: 45 percent.

### **RECREATIONAL AREA/FACILITIES**

Minimum Lot Areas and Dimensions

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

Minimum Setbacks - Also see Deviation 5

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

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

Minimum Building Separation: 10 feet.

Building Height: 35 feet/ 2 stories

Maximum Lot Coverage: 45 percent

### **Site Development Regulations - CPD Parcel 1, 2,3,4**

Minimum Lot Areas and Dimensions

#### **Commercial**

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

Minimum Setbacks

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

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

Minimum Building Separation: 20 feet.

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

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

Maximum Lot Coverage: 60 percent.

**Site Development Regulations RPD NORTH of Diplomat Parkway**

**ASSISTED LIVING**

Minimum Lot Areas and Dimensions

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

Minimum Setbacks

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

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet  
30 feet - all lots containing enhanced buffer. See Condition 13.

Minimum Building Separation: ½ building height, not less than 15 feet.

Building Height: 45 feet

Maximum Lot Coverage: 45 percent

### **SINGLE-FAMILY**

#### Minimum Lot Areas and Dimensions

Lot Size: 7,200 square feet

Lot Width: 60 feet

Lot Depth: 100 feet

#### Minimum Setbacks

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

Side 5 feet

Rear 30 feet - all lots containing enhanced buffer. See Condition 13.

20 feet - all other lots

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet

30 feet - all lots containing enhanced buffer. See Condition 13.

Minimum Building Separation: 10 feet.

Building Height: 35 feet

Maximum Lot Coverage: 45 percent

### **DUPLEX**

#### Minimum Lot Areas and Dimensions

Lot Size: 7,000 square feet

Lot Width: 70 feet

Lot Depth: 100 feet

Minimum Setbacks

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

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet  
   30 feet - all lots containing enhanced  
   buffer. See Condition 13.

Minimum Building Separation: 10 feet.

Building Height: 35 feet

Maximum Lot Coverage: 45 percent

**TOWNHOME**

Minimum Lot Areas and Dimensions

Lot Size:        1,600 square feet  
Lot Width:     16 feet  
Lot Depth:     100 feet

Minimum Setbacks

Street            25 feet (public)/20 feet (private)  
Side             10/0 feet (for a common wall)  
Rear             30 feet - all lots containing enhanced buffer. See  
                         Condition 13.  
                         20 feet - all other lots  
Water body    25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet  
   30 feet - all lots containing enhanced  
   buffer. See Condition 13.

Minimum Building Separation: 20 feet.

Building Height: 35 feet

Maximum Lot Coverage: 55 percent

**MULTI-FAMILY**

Minimum Lot Areas and Dimensions

Lot Size: 10,000 square feet

Lot Width: 100 feet

Lot Depth: 100 feet

Minimum Setbacks

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

Side 10 feet

Rear 30 feet - all lots containing enhanced buffer. See Condition 13.

20 feet - all other lots

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: ½ building height not less than 15 feet.

Building Height: 50 feet

Maximum Lot Coverage: 45 percent

**RECREATION AREA/CLUBHOUSE**

Minimum Lot Areas and Dimensions

Lot Size: 9,000 square feet

Lot Width: 100 feet

Lot Depth: 100 feet

Minimum Setbacks

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

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet  
30 feet - all lots containing enhanced  
buffer. See Condition 13.

Minimum Building Separation: 10 feet.

Building Height: 35 feet

Maximum Lot Coverage: 45 percent

**Commercial Office (North CPD Parcel)**

Minimum Lot Areas and Dimensions

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

Minimum Setbacks

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

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: ½ building height not less than 15 feet

Building Height: 35 feet

Maximum Lot Coverage: 60 percent

3. **CONCURRENCY**

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

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

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

- a. Each model must be a unique example. Multiple examples of the same unit are not permitted.
- b. All model sites must be designated on the development order plans.
- c. Prior to model home construction, the lots upon which model homes will be constructed must be shown on a preliminary plat (not the final). The preliminary plat must be filed concurrently with the local development order application. The model homes must comply with the setbacks set forth in the property development regulations for this project.
- d. Dry models are prohibited.
- e. The number of model homes or model units will be limited to no more than 10 within the development at one time.
- f. Any model homes or units must be developed within the areas identified as "models" on the approved Master Concept Plan.
- g. Real estate sales within the Residential Planned Development (RPD) are limited to the sale of lots or units within the development only. Real Estate sales are a permitted use within the Commercial Planned Development (CPD)
- h. Real estate sales within the RPD are limited to within model homes or clubhouse only.
- i. Hours of operation for both models and real estate sales (within the RPD) are limited to Monday through Sunday 8 a.m. to 8 p.m.
- j. Model homes and real estate sales within the RPD will be valid for a period of up to 5 years from the date of issuance of a certificate of occupancy of a model home per LDC § 34-1954(d)(1).

5. **AGRICULTURAL USES**

The existing agricultural uses must cease upon passage of this zoning resolution. No agricultural uses are permitted on site.

6. **BLASTING**

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

7. **NATIVE VEGETATION - (ENTIRE RPD AND CPD)**

All required buffers must utilize 100% all native vegetation.

8. **HEIGHT**

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

9. **TRAFFIC**

Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.

10. **LEE PLAN**

Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.

11. **INTERSECTION IMPROVEMENTS**

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

12. **WIRELESS COMMUNICATION FACILITIES**

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

development (public hearing).

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

13. **BUFFERS - DELETED CONDITION**

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

14. **ACCESSORY USES**

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

15. **OPEN SPACE**

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

16. **ENVIRONMENTAL**

Prior to local development order approval, should the Florida Fish and Wildlife Conservation Commission (FWC) permit the relocation of tortoises within on site indigenous preserves:

- a. The developer must submit a detailed indigenous preservation management plan for the Division of Environmental Sciences Staff review and approval that includes methods of maintaining the western 3.0 acres of the preserve as gopher tortoise habitat; and
- b. The landscape plans must include a permanent gopher tortoise fence along Diplomat Parkway where the 3-acre gopher tortoise preserve abuts this roadway and a double staggered native hedge (minimum 3-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted on the roadside of the fence; and

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

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

**17. COMMERCIAL PARCELS NORTH OF DIPLOMAT PARKWAY**

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

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

**18. SOLID WASTE/RECYCLING**

Prior to local development order approval for vertical development, the Developer must provide facilities in compliance with LDC Sec. 10-261 and Lee County Solid Waste Ordinance #08-10 for the pick up/disposal of solid waste and recyclables. The minimum area required for and specific locations of, these facilities will be reviewed at the time of local development order application (Also see Deviation 7).

**19. PRIOR ZONING**

The terms and conditions of the original zoning resolution Zoning Resolution# Z-06-004 and Administrative Amendment ADD2007-00169 are both null and void and are both superceded by this zoning action.

**20. INDIGENOUS PRESERVATION/HERITAGE TREES**

- A. Prior to local development order approval, a tree survey must be submitted demonstrating the location, diameter at breast height, and species of all heritage trees within the development area.
- B. Prior to local development order approval, landscape plans must depict heritage trees located within the development footprint, that are determined to be of good health as per a certified arborist, must be incorporated into the internal open space (i.e. perimeter planting, enlarged landscape areas, etc...), or must be replaced with 20 foot like species to a suitable open space area where final site design constraints (i.e. fill requirements, entrance roads, etc...) do not allow preservation.

**21. PROTECTED SPECIES**

- A. Prior to development order approval, the applicant must first seek approval for on-site preservation of the gopher tortoises through avoidance or relocation before pursuing off-site relocation options. All communication with Florida Fish and Wildlife Conservation Commission (FWC) verifying on-site avoidance or relocation attempts were made must be provided to Division of Environmental Sciences staff.
- B. A copy of the appropriate gopher tortoise relocation permit issued by the Florida Fish and Wildlife Conservation Commission (FWC) must be submitted to the Division of Environmental Sciences staff prior to excavation and moving of any gopher tortoises. The applicant must first seek approval for an on-site relocation before pursuing off-site relocation options. Any gopher tortoises and commensal species found during burrow excavation must be moved to preserves containing suitable gopher tortoise habitat as approved by the FWC and Lee County Division of Environmental Sciences staff.

**22. OPEN SPACE (NORTH CPD PARCEL AND NORTH RPD PARCEL)**

Prior to local development order approval, the development order plans must delineate a minimum of 1.63 acres of open space for the commercial planned development and 11.9 acres of open space for the residential planned development.

**23. BUFFERS (NORTH CPD PARCEL AND NORTH RPD PARCEL)**

- A. Prior to local development order approval, all required plantings must be 100% native vegetation.

- B. Prior to local development order approval, the development plans must demonstrate the preservation of native vegetation within the flood way. This vegetation may be utilized to meet the required type "F" buffer plantings. Upon removal of exotics from this area if it is found that the existing vegetation does not satisfy the buffer planting requirements additional plants must be provided. These plants must be designed to mimic the natural area through the use of similar species and random planting throughout the area.
- C. Prior to local development order approval, an enhanced type "B" buffer must be provided as shown on the MCP. This buffer must be 30' in width and include 10 native canopy trees per 100 linear feet, and a double hedge row planted at 48" in height at time of planting.

## **B. Deviations**

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

This deviation was approved per #Z-06-004 and ADD2007-00169 and applies to the southern RPD.

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

This deviation was approved per #Z-06-004 and ADD2007-00169 and applies to the one dead-end street on the southern RPD.

***Deviation 3** seeks relief from LDC Sec. 10-415(b)(1)(a) requirement that large developments with indigenous vegetation communities to provide 50% of their open space percentage requirements through onsite preservation of existing native vegetative communities, to permit 0.45 acres of right of way to be vacated, enhanced and preserved to count toward the preservation requirement. This deviation is **APPROVED SUBJECT TO** the following condition:*

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

This deviation was approved per #Z-06-004 and ADD2007-00169 and applies to the southern RPD and CPD. Also see Environmental Sciences comments, Attachment "M"

***Deviation 4** seeks relief from LDC Sec. 10-415(b)(1)a. requirement that large developments with existing indigenous native vegetation communities to provide 50% of*

*their open space requirement through on-site preservation of indigenous native vegetation to allow portions of the preservation area to be disturbed and restored in order to install a stormwater management system.* This deviation is **APPROVED SUBJECT TO** the following conditions:

- a. Prior to local development order, the development orders plans must delineate the general location of the surface water management outfall through the indigenous preserve to the canal. The outfall must be designed as an open system that can be planted with native vegetation.
- b. Prior to issuance of a Vegetation Removal Permit, the location of the surface water management outfall through the indigenous preserve must be field staked to avoid impacting any large native trees or gopher tortoise burrows for the Division of Environmental Sciences Staff review and approval.

This deviation was approved per #Z-06-004 and ADD2007-00169 and applies to the southern RPD and CPD. Also see Environmental Sciences comments, Attachment "M".

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

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

This deviation was approved per #Z-06-004 and ADD2007-00169. A recreation area is shown on the RPD to the north.

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

- 1) Access to the residential component north of Diplomat Parkway must be generally consistent with the approved MCP; and
- 2) The approved MCP and local development order must depict a minimum 70-foot-wide divided entrance on the north side of Diplomat Parkway that includes a median with two lanes on both sides of the median for ingress and egress; and
- 3) Prior to issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles. The development order must also include the plans for the secondary/emergency access required in the following paragraph.

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

This deviation was approved per #Z-06-004. No change in access is proposed.

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

- 1) Access to the residential component south of Diplomat Parkway must be generally consistent with the approved MCP; and
- 2) Any emergency access gate must comply with all applicable regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or the operator of the gate; and
- 3) Prior to issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles.

This deviation was approved per #Z-06-004. No change in access is proposed.

**Deviation 7** seeks relief from LDC Sec.10-261 which requires all new multi-family residential developments to provide sufficient space for the placement of garbage containers or receptacles, to allow for curb side garbage pick up at the proposed townhouse units that are planned within the project.

This is an additional deviation approved per ADD2007-00169, but not per #Z-06-004. Staff recommends **APPROVAL** of the request.

**Deviation 8** seeks relief from LDC Sec. 10-416(d)(3) requirement to provide a Type C/F buffer between the proposed RPD/CPD uses internal to the development.

The applicant makes the case this buffer is unnecessary. The CPD and RPD are proposed to be a unified and pedestrian-friendly development. Buffering between these complimentary uses, it is argued, would make the development less pedestrian friendly and would segregate the uses unnecessarily. The commercial uses are separated from the residential uses by a private road. Also see Environmental Sciences comments,

Attachment "M." Staff recommends **APPROVAL** of the request.

**C. Findings and Conclusions:**

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

1. The applicant has proven entitlement to the Rezoning amendment by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations, as conditioned.
2. The requested zoning amendment, 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, specifically Policy 1.1.3, Objective 2.1, Policies, 2.2.1, 4.1.1., 5.1.2, 5.1.4, 5.1.5., 6.1.2. , 6.1.3., 6.1.4, 6.1.5, 6.1.6, & 6.1.7, Standard 11.1 & 11.2, Goal 28, Objective 28.6., Goal 77, Objective 77.1, Objective 77.2, Objective 77.3, Policy 77.3.1, Policy 77.3.3, Objective 107.3, Policy 107.4.3., Policy 107.4.4., and Policy 107.8.1.
  - 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 requested rezoning amendment , as conditioned, will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use, as conditioned.
5. As conditioned, the proposed mix of uses is appropriate at the subject location.
6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.
7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

8. The deviations granted, as conditioned.
  - a) enhance the objectives of the planned development; and
  - b) preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

### III. **BACKGROUND INFORMATION AND ANALYSIS:**

#### **Introduction/Synopsis**

This request is for a rezoning amendment of the Diplomat Property Residential Planned Development/Commercial Planned Development (RPD/CPD), as approved per Zoning Resolution #Z-06-004 (DCI2005-00055) and amended per Administrative Amendment #ADD2007-00169.

The RPD/CPD is on 65 acres property on Diplomat Parkway and U.S. 41 - north of Merchant's Crossing in North Fort Myers. The RPD/CPD is on both the north and south sides of Diplomat Parkway west of U.S. 41. The current zoning permits 381 dwelling units on the RPD, with an option for 76 more units if they meet affordability standards. The current zoning permits 200,000 square feet of commercial uses, of which 100,000 may be commercial retail.

This amendment applies to the 35.2-acre RPD portion north of Diplomat Parkway. It proposes to amend the north RPD to create a 29.75 acre RPD (with an option for assisted living uses) and a 5.43-acre CPD for a commercial office/medical office complex (no retail uses).

Per LDC Sec. 34-1494(b)(2) ALF/CCF units, which don't have kitchen facilities, are calculated at a 4:1 equivalency for density. The property is not in the Coastal High Hazard Zone. The number of dwelling units for the north RPD are 400 assisted units (equivalent to 100 standard units) plus 138 standard dwelling units - for a total of 238 units. This equates to 8.00 units per acre on 29.75 acres, no change in density or intensity.

The density for the RPD to the south is unchanged, 8 units per acre, with an option of 9.6 units per acre with conditions relating to affordable housing.

The property is near the boundary of the City of Cape Coral, to the west. Lee County staff provided staff for the City of Cape Coral notice of this application, notice of this hearing, copies of the Master Concept Plan, and a copy of this staff report.

The application was received by staff July 20, 2010 and found sufficient for hearing November 12, 2010.

#### **Master Concept Plan**

The Master Concept Plan (Attachment "B") is a 1-page document showing the new

proposed CPD and RPD in relation to U.S. 41, Diplomat Parkway and surrounding developments. An inset shows the relation to the existing RPD and CPD to the south, which are unchanged. Two alternatives are proposed, one with townhomes and two ALF/CCF buildings, and an inset with ALF/CCF uses where the townhomes are shown. Conversion Table B allows for some flexibility, allowing assisted living facilities to be converted to conventional dwelling units, and medical office uses to be converted to professional office.

Attachment "C" is the MCP per ADD2007-00169. This shows the entire RPD/CPD development including Commercial Parcel 1 through 4, and the RPD to the south of Diplomat Parkway. Staff proposes this amended resolution supersede the prior approvals. Attachment "C" - will govern the approved development for Commercial Parcel 1-4 and the RPD to the south, not subject to this amendment. Attachment "B" will govern the subject of the amendment north of Diplomat Parkway.

### **Lee Plan Considerations**

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

The applicant is proposing an amendment to a residential and commercial development utilizing property entirely in the Central Urban land use category. The property is in proximity to existing mobile home communities, and commercial development on U.S. 41. This property is also in proximity to the City of Cape Coral and has access to urban services. Residential and commercial uses have been previously been found consistent with Central Urban, as conditioned per #Z-06-004. This request has the effect of maintaining the same residential intensity to the north (8 units per acre) and introducing an additional commercial office element. This requested amendment, as conditioned, is **CONSISTENT** with the **POLICY 1.1.3** of the Lee Plan.

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

The subject property is located in an area and surrounded by commercial and residential

development. This rezoning amendment continued to promotes a contiguous growth pattern and is **CONSISTENT** with **Objectives 2.1** and **2.2**.

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

This area of Lee County has experienced commercial and residential growth. The subject property is located in close proximity to existing residential developments, parks, schools, and commercial shopping. It has the necessary characteristics of urban infill. The proposed amendment is in an area where urban services already exist and are serving commercial development and residential neighborhoods nearby. The proposed project, as conditioned, is **CONSISTENT** with **POLICY 2.2.1** of the Lee Plan.

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

The amendment is similar to the residential and commercial development approved per #Z-06-004. Conditions from the prior zoning addressed natural features on the site and the avoidance of commercial strip-style development. This proposed amendment, as conditioned, is **CONSISTENT** with **Policy 4.1.1** of the Lee Plan.

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

Per findings of the prior zoning (#Z-06-004), there are no obvious physical constraints that require density reductions. Conditions from the prior zoning are carried over to address concerns about compatibility with surrounding neighborhood. This proposed development, as conditioned, is **CONSISTENT** with **Policy 5.1.2** of the Lee Plan.

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

This proposed development is near shopping, public parks, and in proximity to schools and social services. It is also in proximity to sidewalks on Diplomat and U.S. 41 and Lee Tran Route 90. As conditioned, this proposed amendment is **CONSISTENT** with **Policy 5.1.4** of the Lee Plan.

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

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

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

The design of this site does take into consideration existing development patterns and makes an effort to protect the residential integrity of the neighborhood. Prior conditions help make this development more compatible with the area's existing character, including enhanced buffers. The requested amendment - as conditioned - is **CONSISTENT** with **POLICY 139.9.5** of the Lee Plan.

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

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

The development will be required to connect to public water and sewer, which are available. As conditioned, this proposed development is **CONSISTENT** with water and sewer standards of the Lee Plan.

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

The proposed CPD to the north (with office uses) is not required to meet commercial site location standards.

Commercial Parcel 4 is on the intersection of two arterial roads (U.S. 41 and Diplomat Parkway). Access to U.S. 41 is via a connection to Merchant's Crossing commercial center. A commercial retail element of 100,000 s/f is proposed (plus 100,000 s/f of office space) was approved per #Z-06-004. . The proposed development on Commercial Parcel 4 meets the site location standards for a "Community Commercial" development (over 100,000 s/f of retail).

Commercial Parcels 1, 2 and 3 - approved by #Z-06-004 - do not meet commercial site location standards. Their sole access is on Diplomat Parkway. They do not have any access to U.S. 41, nor is any proposed on the MCP. As such, retail development is not permitted on these parcels.

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

***POLICY 6.1.3:** Commercial developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as commercial planned developments designed to arrange uses in an integrated and cohesive unit in order to: provide visual harmony and screening; reduce dependence on the automobile; promote pedestrian movement within the development; utilize joint parking, access and loading facilities; avoid negative impacts on surrounding land uses and traffic circulation; protect natural resources; and provide necessary services and facilities where they are inadequate to serve the proposed use. (Amended by Ordinance No. 94-30, 00-22)*

Conditions per #Z-06-004 provide for open space, adequate buffering on U.S. 41 and Diplomat Parkway to reduce negative impacts on surrounding land uses. Existing conditions discourage commercial strip development along the north side of Diplomat Parkway. As conditioned, this proposed amendment is **CONSISTENT** with **POLICY 6.1.3** of the Lee Plan.

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

This proposed amendment, as conditioned, is compatible with the neighborhood and existing public services. Conditions per #Z-06-004 address this Lee Plan policy. As conditioned, this proposed development is **CONSISTENT** with **POLICY 6.1.4** of the Lee Plan.

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

Signalization improvements on U.S. 41 and Diplomat Parkway - if needed - will need to be addressed by the Florida Department of Transportation. Diplomat Parkway is also the City

of Cape Coral's responsibility. There is a condition per #Z-06-004, as recommended by the City of Cape Coral, to address a traffic signal - should it be needed. As conditioned, this proposed amendment is **CONSISTENT** with **POLICY 6.1.5** of the Lee Plan.

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

Zoning Resolution #Z-06-004 provides for buffering conditions and limitations in uses addressing this policy. As conditioned, this proposed amendment is **CONSISTENT** with **POLICY 6.1.6** of the Lee Plan.

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

The whole RPD/CPD includes over 1,900 feet of frontage on the north side of Diplomat Parkway. Zoning Resolution #Z-06-004 has conditions to address this policy discouraging commercial strip development. As conditioned, this proposed amendment is **CONSISTENT** with **POLICY 6.1.7** of the Lee Plan.

**GOAL 28: NORTH FORT MYERS.** *North Fort Myers seeks to improve the community's livability and economic vitality by and promoting compact, mixed use development in the form of new town and neighborhood centers; attracting appropriate investment to revitalize older neighborhoods and commercial corridors, stabilizing and enhancing, existing neighborhoods; preserving natural resources; and providing greater opportunities for public participation in the land development approval process. This Goal and subsequent Objectives and Policies apply to the North Fort Myers Planning Community. (Added by Ordinance No. 09-11)*

**OBJECTIVE 28.6: PUBLIC PARTICIPATION.** *Beginning in 2008 the North Fort Myers community will promote with Lee County enhanced community participation in the planning of capital improvements and decisions made in the North Fort Myers Community Planned area. (Added by Ordinance No. 09-11)*

Zoning Resolution #Z-06-004 was adopted prior to the adoption of the North Fort Myers Community Plan. The development is not within a Town Center or Neighborhood Center. A portion, not within this amendment, is on U.S. 41 - a commercial corridor. The proposed amendment provides for an enhanced mix of uses, preserves natural resources, and compact development. The applicant also met with the North Fort Myers community (see Neighborhood Compatibility below). There is no Lee Plan or LDC requirement to meet with the community. This proposed amendment furthers **GOAL 28** and **OBJECTIVE 28.6** of the Lee Plan, as conditioned.

## **Neighborhood Compatibility**

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

***North Fort Myers** - Over the course of the current planning effort, a new vision for the future of North Fort Myers has emerged and come into sharper focus. The following phrases, describing a brighter future for the community, capture the essence of the vision and provide a foundation for the plan's goals, objectives, and policies.*

*Town Center developments along the Caloosahatchee River and on Bayshore Road at I-75 offer new destinations for living, shopping, working, and socializing. Designed with walkable streets and streetscapes, ground level shops and restaurants, high quality housing, and connections to nearby parks, waterfronts, and natural areas, these new Centers are becoming signposts for positive changes throughout the community.*

*New retail and mixed use development cluster in Neighborhood Centers and along revitalized commercial corridors. Unlike the auto-oriented development that used to line major roadways, North Fort Myer's new neighborhood centers and corridors are pedestrian-friendly, with attractive landscaping and quality architecture.*

*Older neighborhoods are experiencing a quiet renaissance. First-time homebuyers, recent retirees, and new investors are fixing-up older housing stock, building compatible infill housing, sprucing-up yards, and working together to ensure properties and public rights-of-way are well-maintained, safe, and attractive.*

*New buildings are designed to fit the area's early design character. Simple, sturdy building forms, high quality materials, protection from the elements, and generous native vegetation create a distinctive local vernacular.*

*Landscape gateways, extensive streetscape and landscape improvements, and new pedestrian and bicycle facilities reinforce the North Fort Myers' reputation as a great place to live, work, and visit.*

*Greenways, blueways, and trail systems offer unique recreational amenities, linking together North Fort Myers' neighborhoods with the region's parks and recreational facilities, conservation lands, and new points of access to the Caloosahatchee River and its tributaries. (Added by Ordinance No. 99-15, Amended by Ordinance No. 07-12, 09-11)*

The applicant's agents met with the North Fort Myers Design Review Panel October 5, 2010. An agenda and minutes are included with this report. The design review panel indicated it supported the proposed amendment.

**North** North of the amended RPD is the Serendipity Mobile Home Park. The park's entrance is on Littleton Road. Built in 1974, the development is an over-55 community with 338 single-story mobile home units on about 55 acres of land (6.1 units per acre). The park is zoned Mobile Home (MH-2). The development is separated from the subject property by a drainage ditch. The existing zoning includes enhanced buffering, due to the visual effects of multifamily development and concerns about multi-story buildings adjacent to single-story residential uses. Enhanced buffering (above and beyond a standard Type "B" buffer) will continue to help visually screen this

area from the subject property.

**South** South of the RPD/CPD is the Merchant's Crossing Commercial Planned Development on U.S. 41 and Pine Island Road. This is a large retail development with a movie theater, big-box retailers, restaurants, and other commercial uses.

South of the amended RPD are CPD parcels 1,2 and 3 on Diplomat Parkway. A Type C/F buffer separates the commercial uses from the residential uses, and a Type A buffer separates the commercial uses and the commercial uses internal to the RPD/CPD.

**East** To the east is CPD zoning property (approved per Z-09-025, Diplomat Center CPD). Currently, there are cattle grazing on the property. East of this is U.S. 41 (6 lanes). An enhanced 30 foot Type "B" buffer is shown and required per #Z-06-004.

**West** West of the subject property is the Six Lakes Country Club with mobile homes and a golf course. This is a 122-acre development (60 acres of common open area) with 594 dwelling units. The zoning is also Mobile Home (MH-2). Residential structures are single-story mobile homes. The density is about 4.868 units per acre.

The applicant proposes a Type "F" buffer, 50 foot minimum, which is appropriate to buffer the proposed commercial office uses.

West of Six Lakes is the City of Cape Coral. Cape Coral staff indicated the vacant property west of Six Lakes has a Future Land Use of Industrial, Commercial (C-3) zoning and is part of a previously-approved Development of Regional Impact. Staff has provided copies of the proposed amendment to staff of the City of Cape Coral for comment.

With conditions, staff finds this amendment for assisted living and limited commercial uses within the Diplomat RPD/CPD is compatible with the surrounding neighborhood.

### **Environmental Issues**

The Division of Environmental Sciences reviewed the requested zoning changes and provided substantive comments (per Attachment "L"). Environmental Sciences staff visited the site and provided comments regarding indigenous vegetation, protected species, open space, buffers, and details of the request including deviations and zoning conditions. Recommended conditions are included and incorporated into this staff report.

### **Traffic Issues**

The Division of Development Services provided the following comments relating to traffic issues:

"The proposed development is located on the north side of Diplomat Parkway to the west of its intersection of US 41. Access to the subject site is proposed via a single access to Diplomat Parkway in addition to a potential second access through an adjacent vacant CPD to the south of the parcel."

“Currently, the 35.18 acre subject parcel is zoned to consist of a maximum of 281 residential dwelling units. The proposed rezoning would amend the existing zoning on the site to add 50,000 square feet of commercial floor area while reducing the residential units. In order to perform a “worst case” trip generation for the subject rezoning, the commercial development was analyzed based on a medical office use. Additionally, the Applicant has requested the ability to convert some or all of the residential dwelling units into an Assisted Living Facility (ALF) based on the ratio of four (4) ALF beds to one (1) dwelling unit. Based on the proposed application, it appears that the highest trip generation would result from a combination of a 400 bed ALF facility, 138 single-family dwelling units, and 50,000 square feet of medical office floor area.”

“The trip generation for the subject rezoning was calculated based on the information contained within the ITE Report titled Trip Generation, 8th Edition. As a result, the current zoning on the subject site would generate a total of 266 trips in the PM peak hour (168 entering/99 exiting). This correlates to approximately 2,690 new trips over the course of the entire day. The proposed rezoning on the subject site will generate a total of 381 trips in the PM peak hour (169 entering/212 exiting). This correlates to approximately 4,292 trips over the course of the entire day. As a result, the proposed re-zoning will increase the PM peak hour traffic generated by the site by 43% (115 trips-1 entering/113 exiting), and the daily traffic generated by the site will be increased by 60% (1,602 two-way trips).”

“Diplomat Parkway and US 41 were analyzed based on existing traffic conditions in addition to 2015 traffic conditions both with and without the proposed rezoning. Resources utilized include the Lee County Traffic Count Report, the 2010 Lee County Concurrency Report, and the Lee County Generalized Level of Service Volumes. Based on the analysis provided, Diplomat Parkway and US 41 will both operate at LOS ‘B’ under background 2015 conditions and under 2015 buildout conditions. Level of Service ‘B’ is an acceptable Level of Service in accordance with the standards set forth in the Lee Plan, so no roadway link improvements are necessary as a result of the proposed development.”

“Staff does have some concern related to intensifying the development related traffic at the intersection of Diplomat Parkway and US 41. This intersection is shown to fail under 2015 background conditions even without the proposed traffic from this development. This intersection currently allows full turning movements. Discussions with the Florida Department of Transportation (FDOT) have suggested that signalization at this intersection is unlikely. Presently, there is a traffic signal at the Merchant’s Crossing Shopping Center driveway approximately 790 feet to the south of Diplomat Parkway. In order to signalize the US 41/Diplomat Parkway intersection, the FDOT indicated the existing signal at the Merchant’s Crossing Shopping Center would have to be removed, and this does not seem feasible at this time. US 41 is a State maintained roadway, and Diplomat Center is maintained by the City of Cape Coral. Staff from these agencies as well as Lee County staff will continue to monitor the situation.”

## **Conclusions**

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

## **IV. SUBJECT PROPERTY:**

- A. STRAP: The applicant indicates the STRAP number is: 34-43-24-00-00001.3030

## **V. ATTACHMENTS:**

- A. Map of surrounding zoning
- B. Master Concept Plan, North Parcel.
- C. Master Concept Plan, per ADD2007-00169.
- D. North Fort Myers Design Review Panel, October 5, 2010 Agenda
- E. Applicant's Notes, North Fort Myers Design Review Panel, October 5, 2010 meeting.
- F. November 1, 2010 letter from FGUA (wastewater and reclaim water availability)
- G. July 13, 2010 letter from Lee County Utilities (potable water availability)
- H. Lee Tran Map
- I. Applicant's Traffic Impact Statement
- J. Zoning Resolution #Z-06-004, Diplomat RPD/CPD
- K. Administrative Amendment ADD2007-00169, Diplomat RPD/CPD
- L. Environmental Sciences Report
- M. Development Services Traffic Comments

**LEGAL DESCRIPTION:** See Exhibit A

cc: Applicant  
County Attorney  
Zoning File

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

**DECEMBER 20, 2010/ADP**

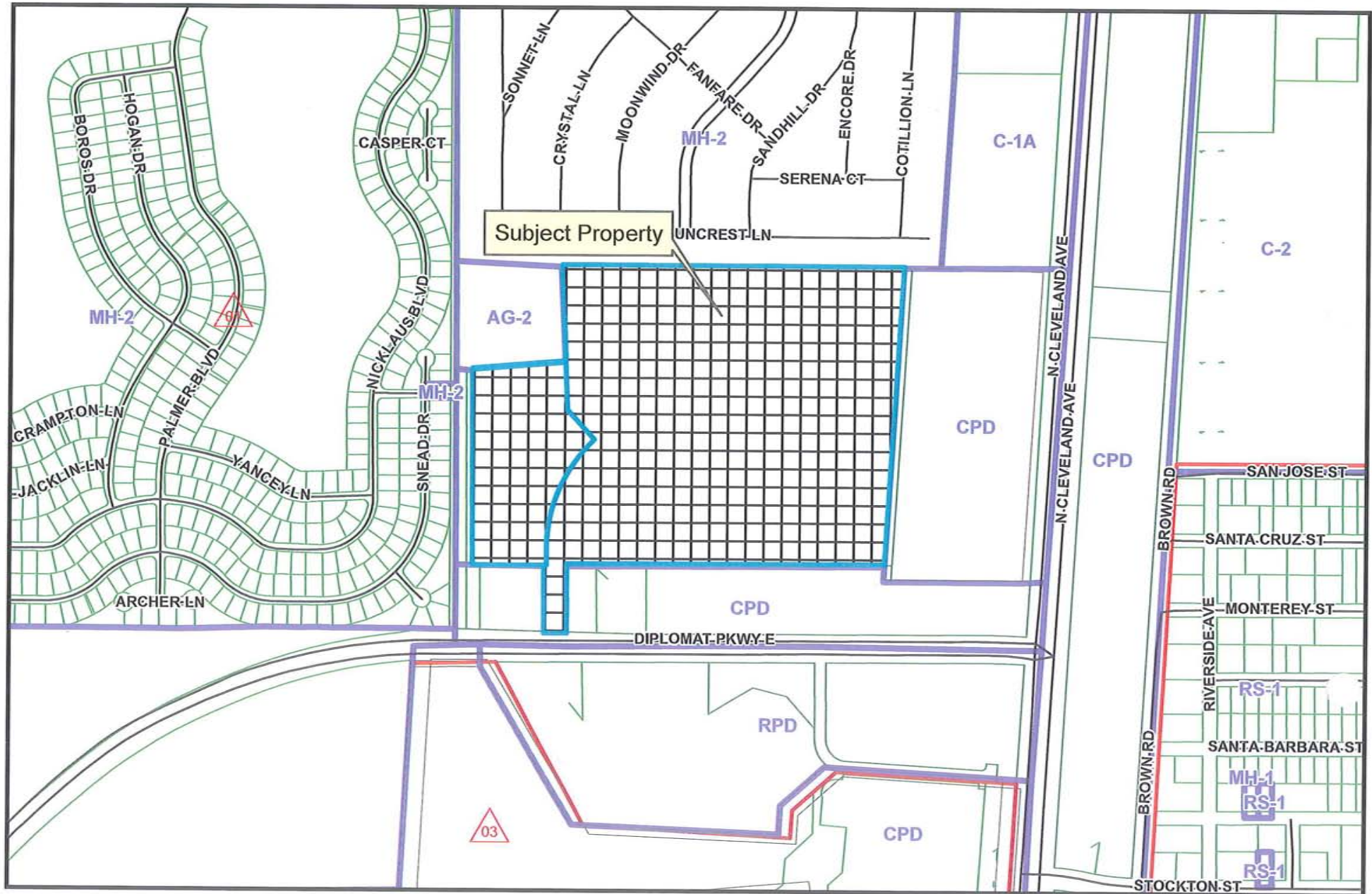
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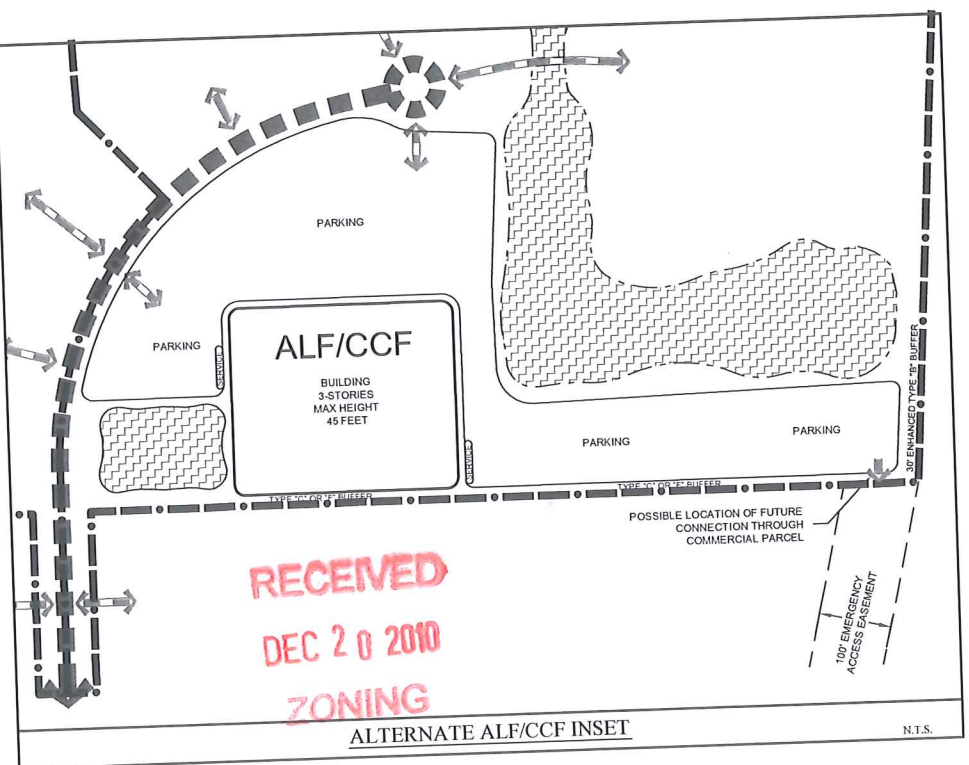
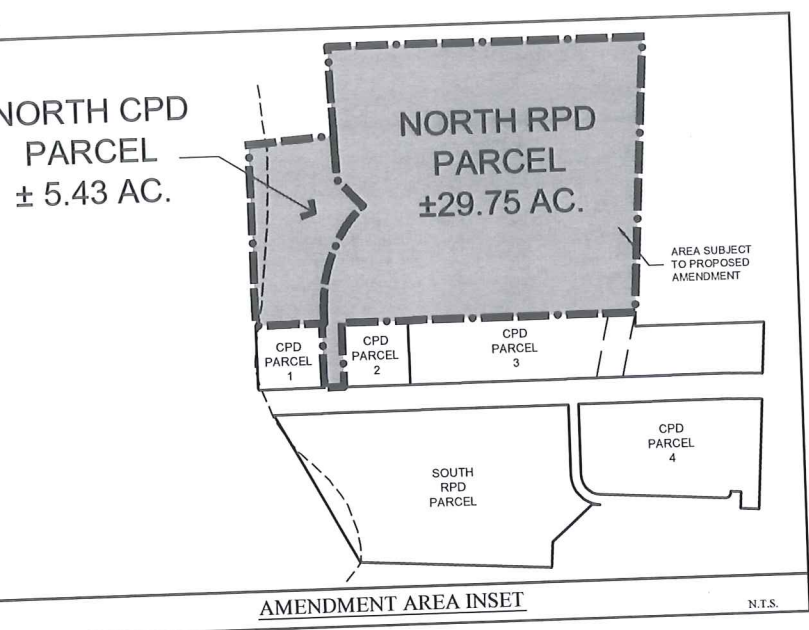
**Page 34 of 34**

# Attachment "A" Zoning Map

DCI2010-00015

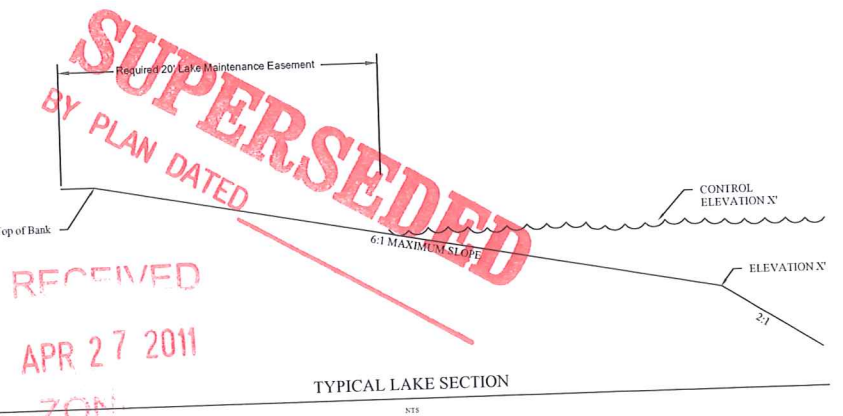
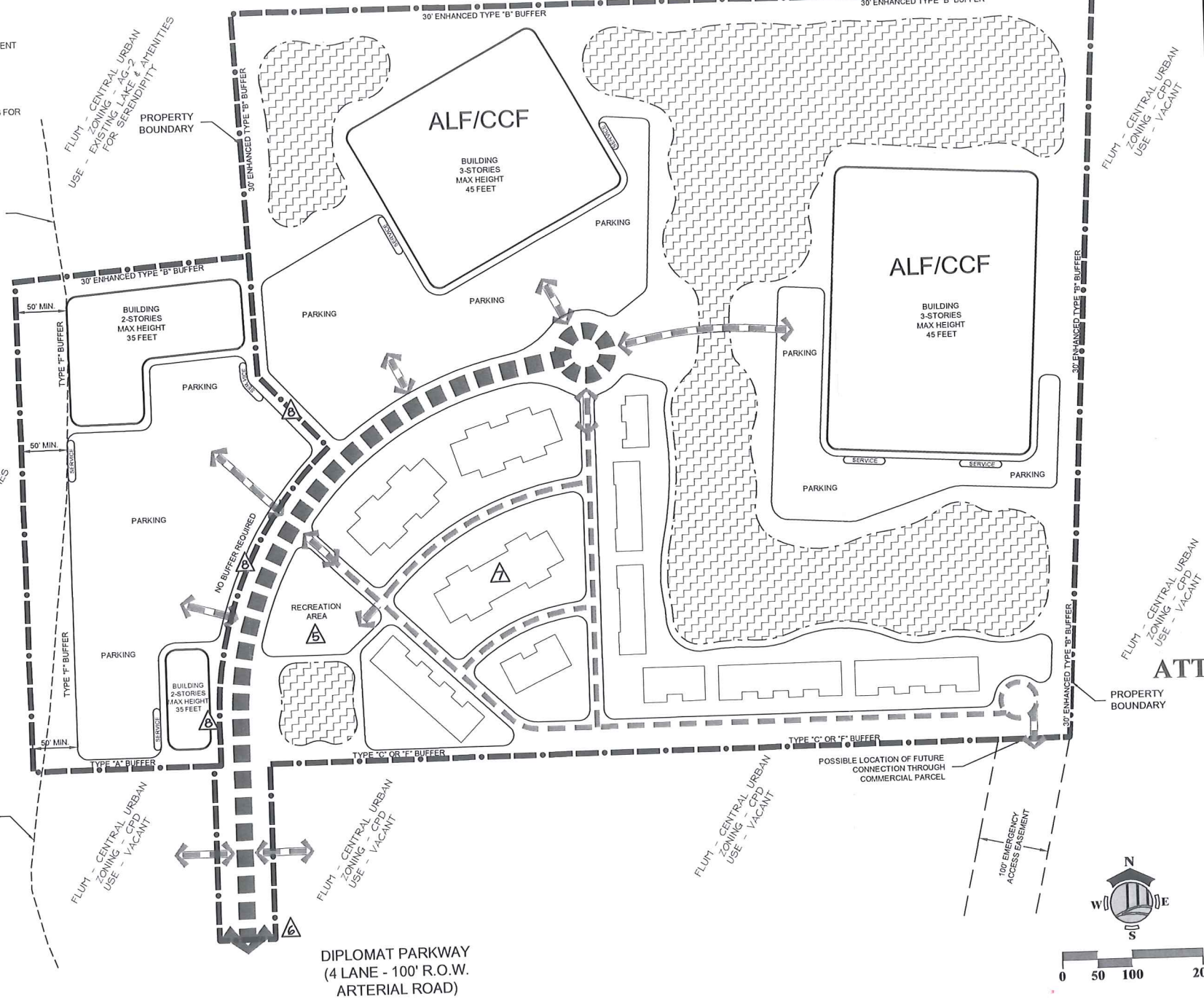
11/30/2010





**LEGEND:**

- RESIDENTIAL AREA
- OPEN SPACE / WATER MANAGEMENT
- DENOTES LOCATION OF REQUESTED DEVIATIONS.
- DENOTES OPTIONAL LOCATIONS FOR SERVICE / DUMPSTER AREA
- DENOTES FLOOD WAY



**TABLE A**

**OPEN SPACE CALCULATIONS:**

PARCEL	AREA	REQ'D OPEN SPACE	ACRES
RPD	29.75 AC.	11.90 (40%)	11.90 AC.
CPD	5.43 AC.	1.63 (30%)	1.63 AC.
<b>TOTAL</b>	<b>35.18 AC.</b>		<b>TOTAL 13.53 AC.</b>

1) LAKES WILL COMPRISE NO MORE THEN 25% OF THE REQUIRED OPEN SPACE.  
 2) PER Z-06-004, INDIGENOUS OPEN SPACE AREA IS PROVIDED ON THE SOUTHERN PORTION OF THE OVERALL DEVELOPMENT AND PROVIDES TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS.  
 3) OTHER NON-INDIGENOUS OPEN SPACE AREAS SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.

**TABLE B**

**DENSITY / INTENSITY SUMMARY:**

ALF / CCF	400 BEDS
RESIDENTIAL	138 D.U.
MEDICAL OFFICE	50,000 S.F.

**LAND USE CONVERSION:**  
 ABOVE USES MAY BE CONVERTED ACCORDING TO THE FOLLOWING RATIOS:  
 4 ALF / CCF BEDS = 1 D.U.  
 400 SQ. FT. MEDICAL OFFICE = 1,000 SQ. FT. PROFESSIONAL OFFICE

**NOTES:**

- 1) ALL DEVIATIONS REQUESTED AND APPROVED WITHIN Z-06-004 AND ADD2007-00169 REMAIN IN EFFECT.
- 2) DEVIATIONS 1-4 APPLY TO THE SOUTHERN RPD/CPD AREA NOT SUBJECT TO THIS AMENDMENT
- 3) MAXIMUM PROPOSED RPD BUILDOUT DENSITY IS 138 RESIDENTIAL UNITS AND 400 ALF/CCF BEDS AND IS SUBJECT TO THE LAND USE CONVERSION, TABLE B.
- 4) MAXIMUM CPD SQUARE FOOTAGE IS 50,000 S.F. AND IS SUBJECT TO THE LAND USE CONVERSION, TABLE B.
- 5) NO ENCROACHMENT WITHIN THE FEMA FLOODWAY SHALL BE ALLOWED. EXISTING NATIVE VEGETATION WILL BE MAINTAINED IN THE FEMA FLOODWAY.
- 6) INDIGENOUS PRESERVATION PROVIDED WITHIN EXISTING SOUTHERN RPD/CPD PER Z-06-004.
- 7) RESIDENTIAL BUILDING FOOTPRINTS ARE CONCEPTUAL IN NATURE AND MAY BE ALTERED AT THE TIME OF DEVELOPMENT ORDER.
- 8) PRODUCT TYPES WITHIN THE RPD MAY BE ALTERED BASED ON THE APPROVED SCHEDULE OF USES PLUS SITE DEVELOPMENT REGULATIONS AT THE TIME OF DEVELOPMENT ORDER.

**ensite**  
 1514 BROADWAY, SUITE 201  
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 PH: (239) 226-0024 - FX: (239) 226-0024  
 EB-26544 CALCD20030374

Athyrio Development Associates, LLC  
 P.O. Box 1662  
 Fort Myers, FL 33902

DIPLOMAT PROPERTY RPD / CPD (NORTH PARCEL)

**ATTACHMENT B**

**REVISIONS**

NO.	DESCRIPTION	DATE
R1	Revised per lee county sufficiency comments dated 09-06-10	9-22-10
R2	Revised per lee county sufficiency comments dated 10-14-10	10-22-10
R3	Revised per lee county comments	12-17-10
R4		
R5		
R6		

DATE: 09-22-10  
 PROJECT NO. 1155-01  
 FILE NO. 1155-01-MCP01.dwg  
 SCALE: AS SHOWN

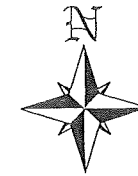
MASTER CONCEPT PLAN D-7-M.2

1 of 1

MH-2  
RAL  
MOBILE  
PARK SERENIDITY

**RECEIVED**  
JAN 30 2008

PERMIT CENTER



0 100 200 300  
GRAPHIC SCALE 1" = 100'

- = RESIDENTIAL INDIGENOUS
- = COMMERCIAL INDIGENOUS
- = DEVIATION  
PLEASE REFER TO SCHEDULE OF DEVIATIONS  
AND JUSTIFICATIONS

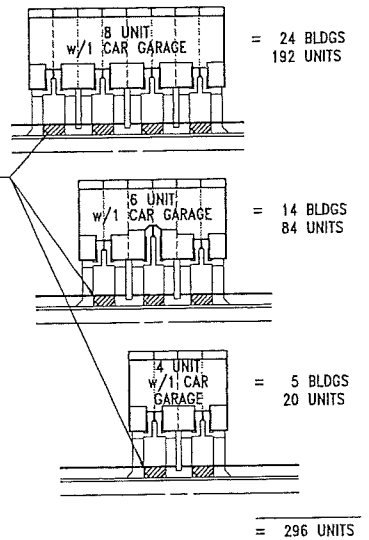
OPEN SPACE CALCULATIONS (30% FOR COMMERCIAL/40% COMMON OPEN SPACE FOR RESIDENTIAL)

TRACT	AREA	INDIGENOUS REQUIRED	OTHER OPEN SPACE REQUIRED	INDIGENOUS PROVIDED
COMMERCIAL 1	1.47 AC	0.22 AC 15%	0.22 AC(0)	0.22 AC(0)
COMMERCIAL 2	1.47 AC	0.22 AC 15%	0.22 AC(0)	0.22 AC(0)
COMMERCIAL 3	7.31 AC	1.10 AC 15%	1.10 AC(0)	1.10 AC(0)
COMMERCIAL 4	7.22 AC	1.08 AC 15%	1.08 AC(0)	1.11 AC(0)
RESIDENTIAL NORTH	35.20 AC	7.04 AC 20%	7.04 AC(0)	7.04 AC(0)
RESIDENTIAL SOUTH	13.19 AC	2.64 AC 20%	2.64 AC(0)	2.64 AC(0)
TOTALS	65.86 AC	12.30 AC	12.30 AC(0)	12.30 AC(0)

(0) INDIGENOUS OPEN SPACE AREA IS PROVIDED ON SOUTHERN PORTION OF DEVELOPMENT (12.33 CREDITS TOTAL PROVIDED) AND IS TO PROVIDE TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS.  
(1) OTHER (NON-INDIGENOUS) OPEN SPACE SHALL BE PROVIDED ON THE RESPECTIVE TRACT AND SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.

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

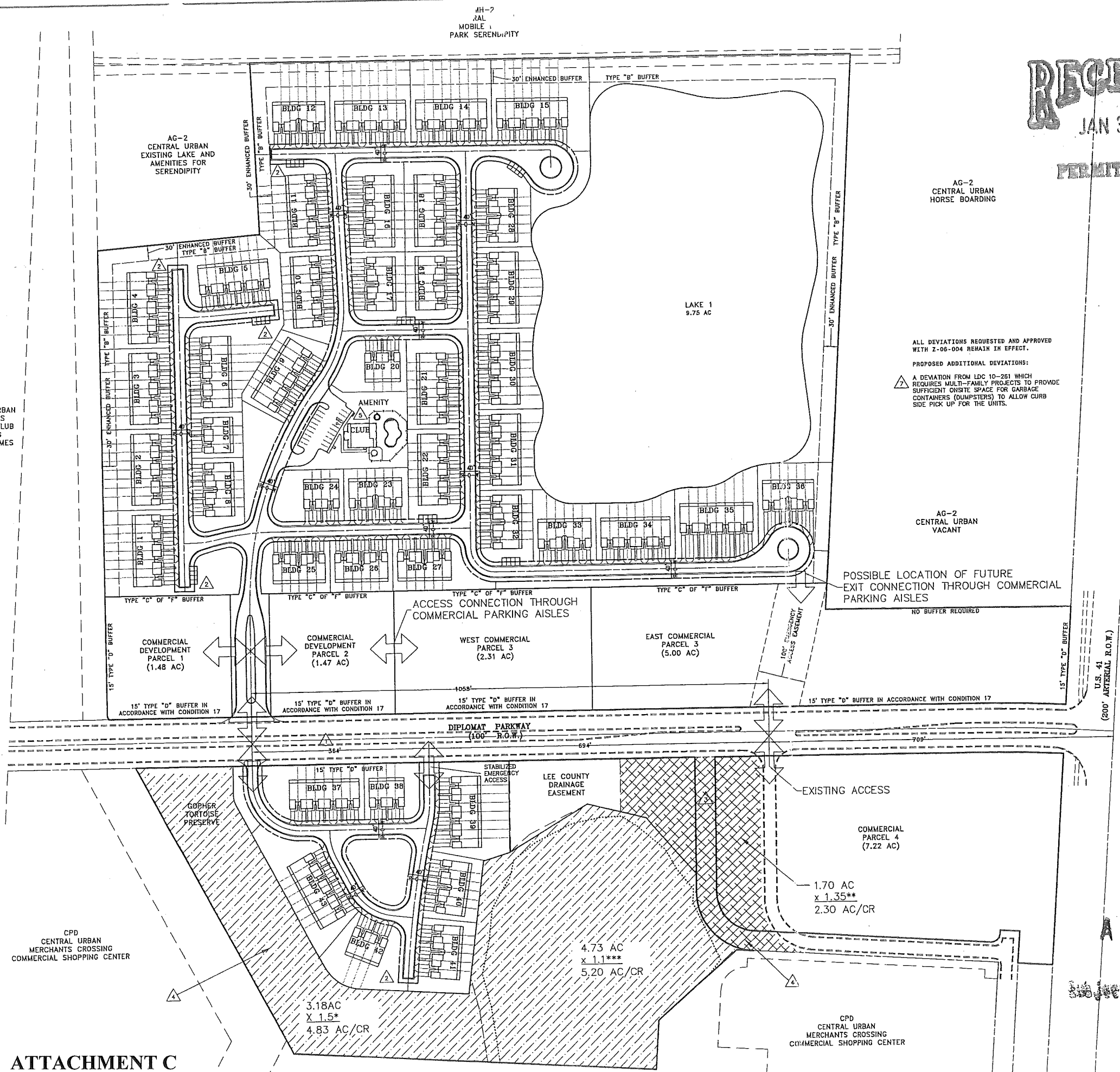
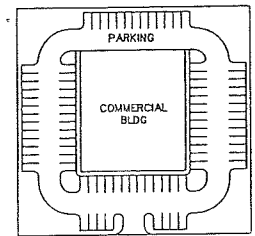
TYPICAL RESIDENTIAL BUILDING LEGEND:



ADD 2007-00169

**APPROVED**  
Amendment to  
Master Concept Plan

Subject to Case # ADD2007-00169  
Date 2/1/2008



ALL DEVIATIONS REQUESTED AND APPROVED WITH Z-06-004 REMAIN IN EFFECT.  
PROPOSED ADDITIONAL DEVIATIONS:  
A DEVIATION FROM LDC 10-261 WHICH REQUIRES MULTI-FAMILY PROJECTS TO PROVIDE SUFFICIENT ON-SITE SPACE FOR GARBAGE CONTAINERS (DUMPSTERS) TO ALLOW CURB SIDE PICK UP FOR THE UNITS.

POSSIBLE LOCATION OF FUTURE EXIT CONNECTION THROUGH COMMERCIAL PARKING AISLES  
NO BUFFER REQUIRED

ATTACHMENT C

**N.B.D. DEVELOPMENT, INC.**  
 301 TAMATO ROAD, SUITE 3191  
 BOCA RATON, FLORIDA 33431  
 FAX: (561) 394-7136

**Starks Engineering**  
 Professional Engineers, Planners & Land Surveyors  
 FORT MYERS • NAPLES • SAVANNAH  
 2515 HORN LANE, SUITE 200  
 NAPLES, FLORIDA 34109  
 PHONE: (239) 587-2881 FAX: (239) 587-3092  
 WWW: WWW.STARKSENG.COM

MASTER CONCEPT PLAN  
 DIPLOMAT PARCEL  
 LEE COUNTY, FLORIDA

DATE	PROJECT	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF
12-27-2007	2028	ACP	CND	CND	1"=100'	1	1

FILE NO. (S-1-R) 34-43-24

Agenda for Meeting of October 5, 2010

Location: Northstar Yacht Club Condominiums, Hancock Bridge Parkway

1. Call to Order and Attendance
2. Minutes of August 3rd  
Action: Approve the Minutes
3. Review: Plan Development US 41/Diplomat (30 min)  
Action: Review and comment on proposal
4. Discuss: Paradise Preserve New Concepts  
Action: Review and comment on proposal
5. Discuss: Conservation 2020 proposa;
6. Other Business
7. Set Next Meeting date  
November 2, 2010
8. Adjourn

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OCT 25 2010  
COMMUNITY DEVELOPMENT

OCI 2010-00015

ATTACHMENT D

EnSite  
1514 Broadway, Suite 201  
Fort Myers, Florida 33901  
Phone (239) 226-0024 - Fax (239) 226-0094



RECEIVED  
OCT 25 2010  
ensite  
COMMUNITY DEVELOPMENT

# Memorandum

<b>To:</b>	Tony Palermo, AICP	<b>From:</b>	Alexis V. Crespo, AICP, LEED AP
<b>Company:</b>	Lee County Zoning Division	<b>EnSite No.:</b>	1155-01
<b>Date:</b>	October 25, 2010	<b>Project :</b>	Diplomat Property RPD/CPD
<b>Regarding:</b>	North Fort Myers Design Review Panel - Meeting Minutes		

EnSite representatives, Alexis Crespo and Brian Smith, presented to the North Fort Myers Design Review Board (NFMDRB) on Tuesday, October 5<sup>th</sup> during their regular monthly meeting. The Applicant, Mr. James Kinsey, was also in attendance.

Ms. Crespo provided an overview of the project location, previous zoning approvals, and the intent of the PD amendment. Ms. Crespo introduced the proposed Master Concept Plan and an illustrative rendering of the plan, demonstrating the locations of the proposed ALF facilities, medical offices, and standard dwelling units. Mr. Smith and Mr. Kinsey provided additional details regarding the conceptual plan and ALF operations.

The NFMDRB indicated they have no issues with the proposed uses and overall they are an enhancement over the single use residential plan currently approved. Questions were asked about the proposed architectural style of the ALF and medical office buildings. EnSite representatives indicated that the Applicant will comply with any North Fort Myers LDC regulations in place regarding architectural standards. Mr. Smith acknowledged the "Old Florida" style is preferred in this community over the "Mediterranean" style seen throughout Estero.

The NFMDRB indicated the desire for cross-access between the proposed project and surrounding residential communities, particularly stabilized golf cart paths. Ms. Crespo indicated that there is a 100-foot FEMA floodway along the western property line, therefore creating a cart path could not be built due to the encroachment regulations.

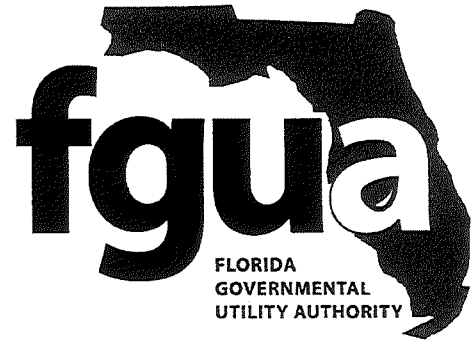
The NFMDRB asked EnSite what type of recommendation they are looking for at this early stage in the process. EnSite representatives indicated they would be happy to come back to the NFMDRB at the time of development order to discuss more specific design elements of the project, and at this time they are simply seeking conceptual approval of the ALF village concept and any direction regarding the MCP.

The NFMDRB provided unanimous conceptual approval, with the understanding that more detailed information would be provided at the time of development order.

DCI 2010-00015

November 1, 2010

Athyrio Development Associates, LLC  
c/o Jim Kinsey  
P.O. Box 1662  
Ft. Myers, FL 33902



%Alexis V. Crespo, AICP  
EnSite, Inc.  
1514 Broadway, Suite 201  
Ft. Myers, FL 33901  
alexisc@en-site.com

**RE: Wastewater and Reclaim Water Availability**  
**34-43-24-00-00001.306A & 34-43-24-00-00001.3030**  
**Diplomat Parkway East**

Dear Ms. Crespo:

Wastewater and reclaim water lines are in operation in the vicinity of the proposed project mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of 350 bed assisted living facility, 50,000 sq.ft. professional office and 80 multi-family dwellings with an estimated flow demand of 58,500 GPD. Florida Governmental Utility Authority expects the developer to receive reclaim water at one gallon of reclaim water for every gallon of raw sewage that it puts into the collection system. FGUA presently has sufficient capacity to provide sanitary sewer and reclaim water as estimated above.

Prior to beginning design work on this project, a meeting should be scheduled with Pradeep Sethi to determine the best point of connection and discuss requirements for construction. He can be reached at 407-629-6900 ext. 122 or via e-mail at [psethi@govmserv.com](mailto:psethi@govmserv.com).

Availability of sanitary sewer and reclaim water service is contingent upon final acceptance of the infrastructure to be constructed by the developer. The FGUA Utilities' Operations Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system. A site map showing the approximate

LEA ANN THOMAS, CHAIR  
Polk County

JIM LAVENDER  
Lee County

ROBERT KNIGHT  
Citrus County

SHANE PARKER  
Hendry County

MICHELE BAKER  
Pasco County

BART ARRINGTON  
DeSoto County

**FGUA OPERATIONS OFFICE**

Government Services Group, Inc.  
280 Wekiva Springs Rd., Ste 2000  
Longwood FL 32779

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

**ATTACHMENT F**

location of the utilities is included for your reference as well as list of the next steps to be taken in order to move your project forward.

This letter should not be construed as a commitment to serve, but only as a statement of the availability of service and is effective for twelve (12) months from the date hereof. Florida Governmental Utility Authority will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

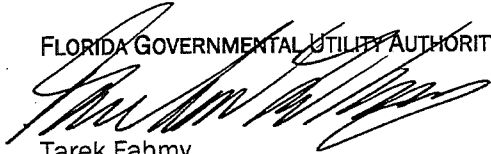
Further, this letter of availability of wastewater and reclaim water service is to be utilized for development review for this project only. Individual letters of availability will be required for the purpose of obtaining building permits.

When you are ready to move forward with your project, please submit a copy of this letter along with four (4) sets of plans for review, an engineer's opinion of probable construction cost (EOPCC) and a check to cover plan review fees in the amount of \$300 for the first nine (9) sheets (or less) and an additional \$25 for every sheet over 9 sheets.

If you should have any further questions please feel free to contact our development review team at 407-629-6900.

Sincerely,

FLORIDA GOVERNMENTAL UTILITY AUTHORITY



Tarek Fahmy  
Director of Operations

TMF/jdk

11/1/2010

STRAP #: 34-43-24-00-00001.306A

34-43-24-00-00001.3030

Project Name: Diplomat Property RPD/CPD

Property Address: Diplomat Parkway East



#### NEXT STEPS/INFORMATION

1. Four Sets of signed and sealed Construction Plans With a Plan review Check for \$ 300.00 for the first 9 sheets and additional \$ 25.00 for each additional sheet
  - a. Construction plans to show property lines clearly marked
  - b. Identify the connecting points to the FGUA mains
  - c. Locate the Water meters, fire meters (preferably) outside property limits within ROW
  - d. Identify easements to be provided to FGUA
2. Submit the EOPCC (Engineer's Opinion of Probable Cost of Construction)
3. On receipt of this information as identified at 1 & 2 above FGUA will submit the following for your prompt attention
  - a. The fee estimate which must be paid upfront
  - b. The Conveyance and Service Agreement (CSA) which must be executed by the owner or authorized person to sign contracts as legal entity.
4. This CSA has to be accepted by the FGUA board.
5. The FDEP apps for construction will be signed by FGUA after Fees is paid and the CSA is accepted by the FGUA Board.
6. The capacity fees will be charged and paid for each unit based on its actual use.

**ALL UTILITY LOCATIONS SHOWN HERE ARE APPROXIMATE AND ENGINEER'S SURVEYOR TO DETERMINE THE EXACT LOCATIONS**

**ATTACHMENT F**



**Florida Governmental Utility Authority  
(F.G.U.A.) @ [www.fgua.com](http://www.fgua.com)**

**Instructions for Plan Submission**

System:	<input type="checkbox"/> WATER	<input checked="" type="checkbox"/> WASTEWATER	<input checked="" type="checkbox"/> RECLAIM WATER
Project Name:	Diplomat Property RPD/CPD		
FGUA System Name:	North Fort Myers	County:	Lee
Engineer:	EnSite, Inc.		

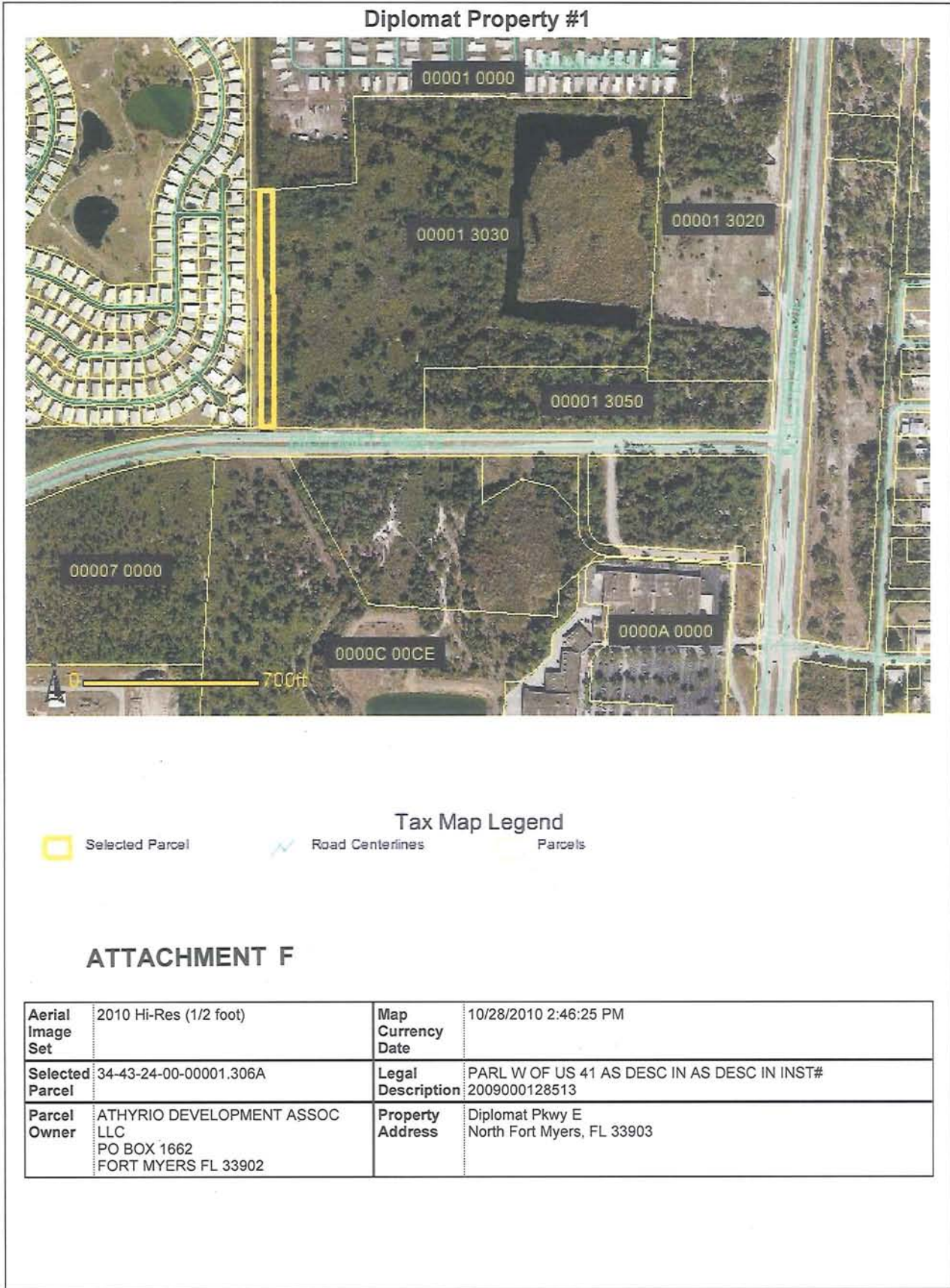
**Submit four (4) signed and sealed plans with complete details (cover sheet, standard details, etc.)**

**ADD THE FOLLOWING TO GENERAL NOTES:**

1. All construction shall meet Lee County Standards and Specifications as applicable.
2. A FGUA representative is to be present during connections to existing facilities with 72 hour notification.
3. All utilities within the property lines to be owned and maintained by the owner
4. Any utilities (pipes, valves, backflow preventors and associated hardware) to be conveyed to FGUA will be on the ROW and/or a specific utility easement will be provided to FGUA.
5. Any real property (lift stations, pump houses, wells, etc.) will not be on ROW and will be conveyed to FGUA via a specific warranty deed to FGUA.
6. Low pressure air test, and TVing are required (gravity system)
7. Install 3M Magnetic Markers at each valve. Markers to be installed beside valve box 12" min – 18" max and over all bends and every 50' over centerline of water mains and force Mains at a depth of 12" min - 18" max below final grade.
8. All water/wastewater FM crossing LCDOT rights of way to be constructed with a casing.
9. A Reduced Pressure Zone (RPZ), Backflow Prevention Assembly (BFP) is required. Acceptable models Febco 825Y, Watts 909, Wilkins 975XL, or Conbraco 400.
10. Stainless steel tapping sleeve and valve for proposed water and force main connections to be used.
11. Water tapping saddles to be brass
12. All fire flow lines will have a fire detection meter or a full sized flow meter and a Fire Line Backflow Prevention Assembly (BFP) assembly shall include a low flow BY-PASS meter w/ RPZ
13. Manhole frames & covers, and CO caps are to be water tight, if needed existing manhole tops are to be adjusted to proposed grade
14. All FM lines to be a minimum of 4-inch PVC
15. A ball check valve followed by a plug valve will be provided on force mains leaving from privately owned lift stations connecting into the utility mains
16. Connection to existing manholes and/or lift stations shall be by core bore with Kor-N-Seal connectors.

**ENSURE THAT THE DRAWINGS INCLUDE TO SHOW**

1. The utility plans to clearly delineate the proposed and/or existing side walks to all meter boxes valve pads, hydrant branch valves and assemblies, preferably by 2 feet. Meter boxes cannot be located in side walks or driveways. Please show the property line distinctly on the utility plans.
2. All fire lines (for sprinkler systems and fire hydrants) will be metered (fire rated compound meter) and will run separate from the water lines and will follow specifications as per Florida statutes and to the Fire Marshall's specifications.
3. Clearly delineate on every utility plan sheet the limits and extent of existing and/or proposed ROW(s), PUE(s) and FGUA existing or proposed Utility Easements
4. If the Project has multiple units than each unit will have a separate meter to be located within the ROW or abutting the property line. Separate lines of size min 1 inch will be laid to each business unit. Or the water line will run through a master meter to be installed at the point of entry to the property.







**LEE COUNTY**  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 533-8532

Bob Janes  
District One

July 13, 2010

A. Brian Bigelow  
District Two

Alexis Crespo  
Ensite, Inc.  
1514 Broadway, Suite 201  
Fort Myers, FL 33091

**ATTACHMENT G**

Ray Judah  
District Three

Tammy Hall  
District Four

**RE: Potable Water AVAILABILITY**  
**DIPLOMAT PROPERTY RPD/CPD, NW CORNER OF US 41 AND DIPLOMAT PKWY**  
**STRAP #:34-43-24-00-00001.3030**

Frank Mann  
District Five

Karen B. Hawes  
County Manager

Dear Ms. Crespo:

David M. Owen  
County Attorney

Potable water lines are in operation in the vicinity of the proposed project mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Diana M. Parker  
County Hearing Examiner

Your firm has indicated that this project will consist of 48 Single Family units, 32 Multi-Family units, 50,000 sq ft of Commercial Office, and 350 bed Assisted Living Facility all with an estimated flow demand of approximately 60,900 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water service as estimated above.

Availability of potable water service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our North Fort Myers R.O. Water Treatment Plant.

Prior to beginning design work on this project, a meeting should be scheduled with Thom Osterhout to determine the best point of connection and discuss requirements for construction.

This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

Further, This Letter Of Availability Of Water Service Is To Be Utilized For Re-Zoning For This Project Only. Individual Letters Of Availability Will Be Required For The Purpose Of Obtaining Building Permits.

Sincerely,

LEE COUNTY UTILITIES

Mary McCormic  
Technician Senior  
UTILITIES ENGINEERING

VIA EMAIL  
Original Mailed

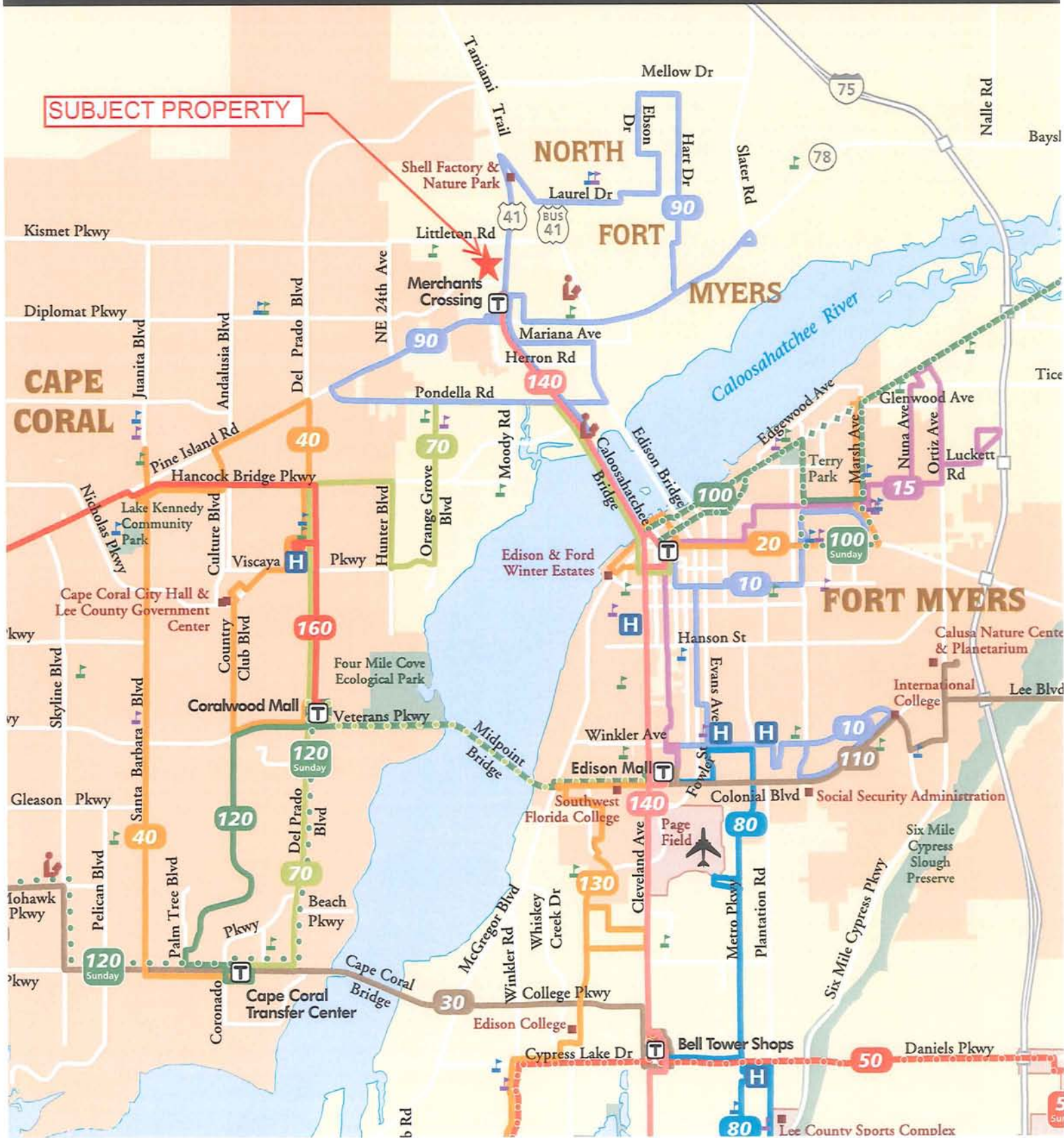
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DCI 2010-00015

ZONING - Diplomat Property RPD-CPD - Ensite.doc

EXHIBIT D-1-C



# TRAFFIC IMPACT STATEMENT

FOR

## DIPLOMAT RE-ZONING

PROJECT NO. F1006.08

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ZONING

ATTACHMENT I

PREPARED BY:  
TR Transportation Consultants, Inc.  
2726 Oak Ridge Court, Suite 503  
Fort Myers, Florida 33901-9356  
(239) 278-3090

REVISED:  
December 16, 2010

**CONTENTS**

- I. INTRODUCTION
- II. EXISTING CONDITIONS
- III. PROPOSED DEVELOPMENT
- IV. TRIP GENERATION
- V. TRIP DISTRIBUTION
- VI. FUTURE TRAFFIC CONDITIONS
- VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS
- VIII. CONCLUSION

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**ATTACHMENT I**

## **I. INTRODUCTION**

TR Transportation Consultants, Inc. has conducted a traffic impact statement to fulfill requirements set forth by the Lee County Department of Community Development for projects seeking re-zoning approval. The subject site is located on the north side of Diplomat Parkway west of its intersection with U.S. 41 in the North Fort Myers area of Lee County, Florida. The approximate location of the subject site is illustrated on **Figure 1**.

Upon approval of this application, the subject site will be zoned for the development of assisted living facilities, up to approximately 138 residential dwelling units, and up to approximately 50,000 square feet of medical office uses. Access to the subject site will be provided to Diplomat Parkway via a full site access location. In addition, future cross access will also be provided to the commercially zoned parcels located to the south and east of the subject site.

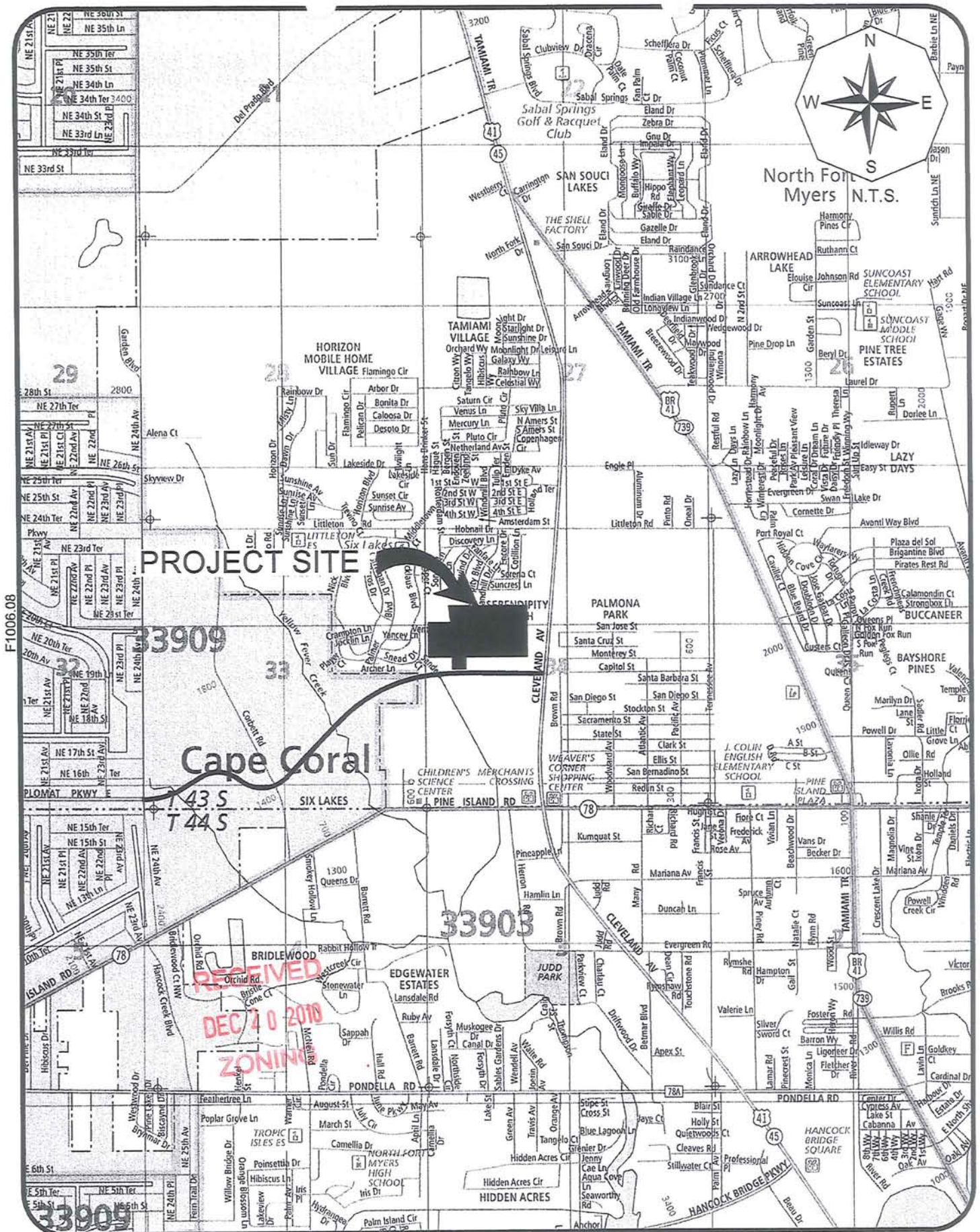
This report examines the impact of the development on the surrounding roadways and intersections. Trip generation and assignments to the site access drives will be completed and analysis conducted to determine the impacts of the development on the surrounding streets and intersections.

## **II. EXISTING CONDITIONS**

The subject site is currently vacant. To the south and east of the subject site is vacant land currently zoned for commercial uses. To the north and west of the subject site are existing residential developments.

**ATTACHMENT I**

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**Diplomat Parkway** is an east/west four-lane divided arterial roadway in the vicinity of the subject site. Diplomat Parkway currently operates under two-way stop control at its intersection with U.S. 41. Diplomat Parkway has a posted speed limit of 45 mph and is under the jurisdiction of the City of Cape Coral.

**U.S. 41** is an north/south four-lane divided arterial roadway in the vicinity of the subject site. U.S. 41 has a posted speed limit of 55 mph and is under the jurisdiction of the Florida Department of Transportation.

TR Transportation conducted manual vehicle turning movement counts at the intersection of U.S. 41 and Diplomat Parkway during the peak hours of the adjacent street traffic on July 7<sup>th</sup>, 2010. The RAW data sheets are included in the Appendix of this report for reference. The turning movement counts were then adjusted for peak season based upon data for Permanent Count Station 1 (U.S. 41 north of North Key Drive) obtained from the 2009 Lee County Traffic Count Report. The resultant 2010 peak season turning volumes at the U.S. 41/Diplomat Parkway are illustrated on **Figure 2**.

### **III. PROPOSED DEVELOPMENT**

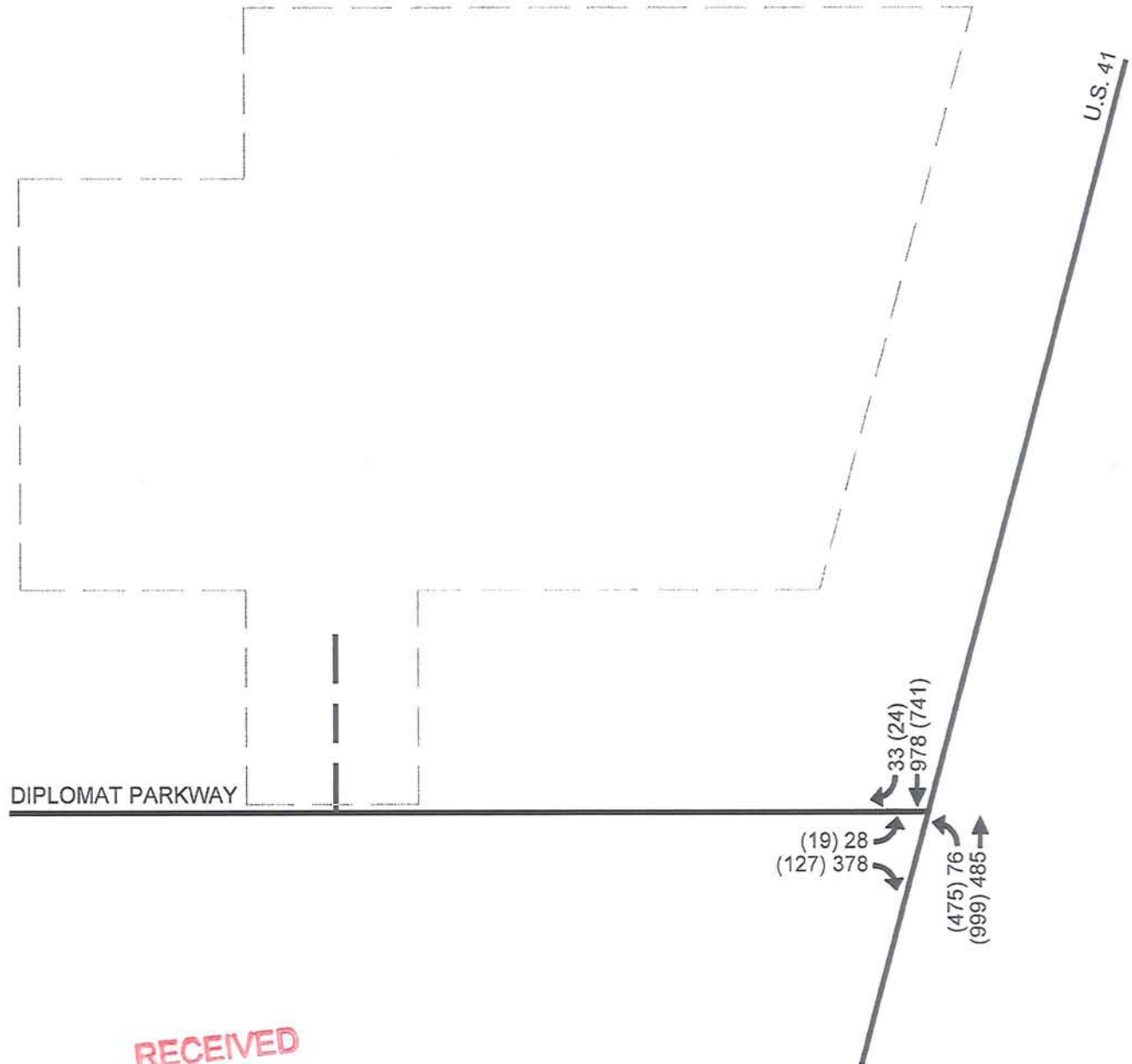
Upon approval of this application, the subject site will be zoned for the development of assisted living facilities, up to approximately 138 residential dwelling units, and up to approximately 50,000 square feet of medical office uses. As currently proposed the assisted living facilities could consist of a total of up to approximately 400 beds on the overall site. Additionally, the residential units were assumed to be developed as single-family in order to obtain a worst-case analysis in terms of trip generation. **Table 1** summarizes the land uses utilized for trip generation purposes for the subject development.

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LEGEND

- ← 000 WEEKDAY AM PEAK HOUR TRAFFIC
- ← (000) WEEKDAY PM PEAK HOUR TRAFFIC

**Table 1  
Land Uses  
Diplomat Re-Zoning**

Land Use	Size
Assisted Living Facility (LUC 254)	400 beds
Single-Family Detached Housing (LUC 210)	138 dwelling units
Medical-Dental Office Building (LUC 720)	50,000 square feet

Access to the subject site will be provided to Diplomat Parkway via a full site access location. In addition, future cross access will also be provided to the commercially zoned parcels located to the south and east of the subject site. However for the purposes of this analysis it was assumed that cross-access to the adjacent parcels was not provided due to the uncertainty of when the parcels to the south and east will be developed.

**IV. TRIP GENERATION**

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled *Trip Generation*, 8<sup>th</sup> Edition. Land Use Code 254 (Assisted Living) was utilized for the trip generation purposes of the proposed assisted living facility. Land Use Code 210 (Single-Family Detached Housing) was utilized for the trip generation purposes of the proposed residential uses. Land Use Code 720 (Medical-Dental Office Building) was utilized for the trip generation purposes of the proposed office uses. The equations for these land uses are contained in the Appendix of this report for reference. Table 2 outlines the anticipated weekday A.M. and P.M. peak hour trip generation of the Diplomat development as currently proposed. The daily trip generation is also indicated in the table.

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**ATTACHMENT I**

**Table 2  
Trip Generation  
Diplomat Re-Zoning**

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Assisted Living Facilities (400 beds)	36	20	56	39	49	88	617
Single-Family Housing (138 dwelling units)	27	79	106	88	52	140	1,398
Medical Office (50,000 square feet)	91	24	115	41	112	153	1,830
<b>Total Trip Generation</b>	<b>154</b>	<b>123</b>	<b>277</b>	<b>168</b>	<b>213</b>	<b>381</b>	<b>3,845</b>

**V. TRIP DISTRIBUTION**

The trips shown in Table 2 were then assigned to the surrounding roadway system based on the anticipated routes the drivers will utilize to approach the site. The driveway volumes shown in Table 2 were assigned to the site access drives for the proposed development. Current and projected population in the area and other existing or planned competing/complementary uses in the area were utilized to assist in determining a distribution of the site traffic. Based on this information, the anticipated trip distribution of the development traffic is illustrated on **Figure 3**. **Figure 4** illustrates the site traffic assignment to the site access location for the proposed development.

In order to determine which roadway segments surrounding the site may be significantly impacted as outlined in the Lee County Traffic Impact Statement Guidelines, **Table 1A**, in the Appendix, was created. This table indicates which roadway links will accommodate greater than 10% of the Peak Hour Level of Service "C" volumes. Based on Table 1A, none of the roadway links in the vicinity of the subject site are anticipated to be significantly impacted by the proposed development.

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ZONING**

**ATTACHMENT I**



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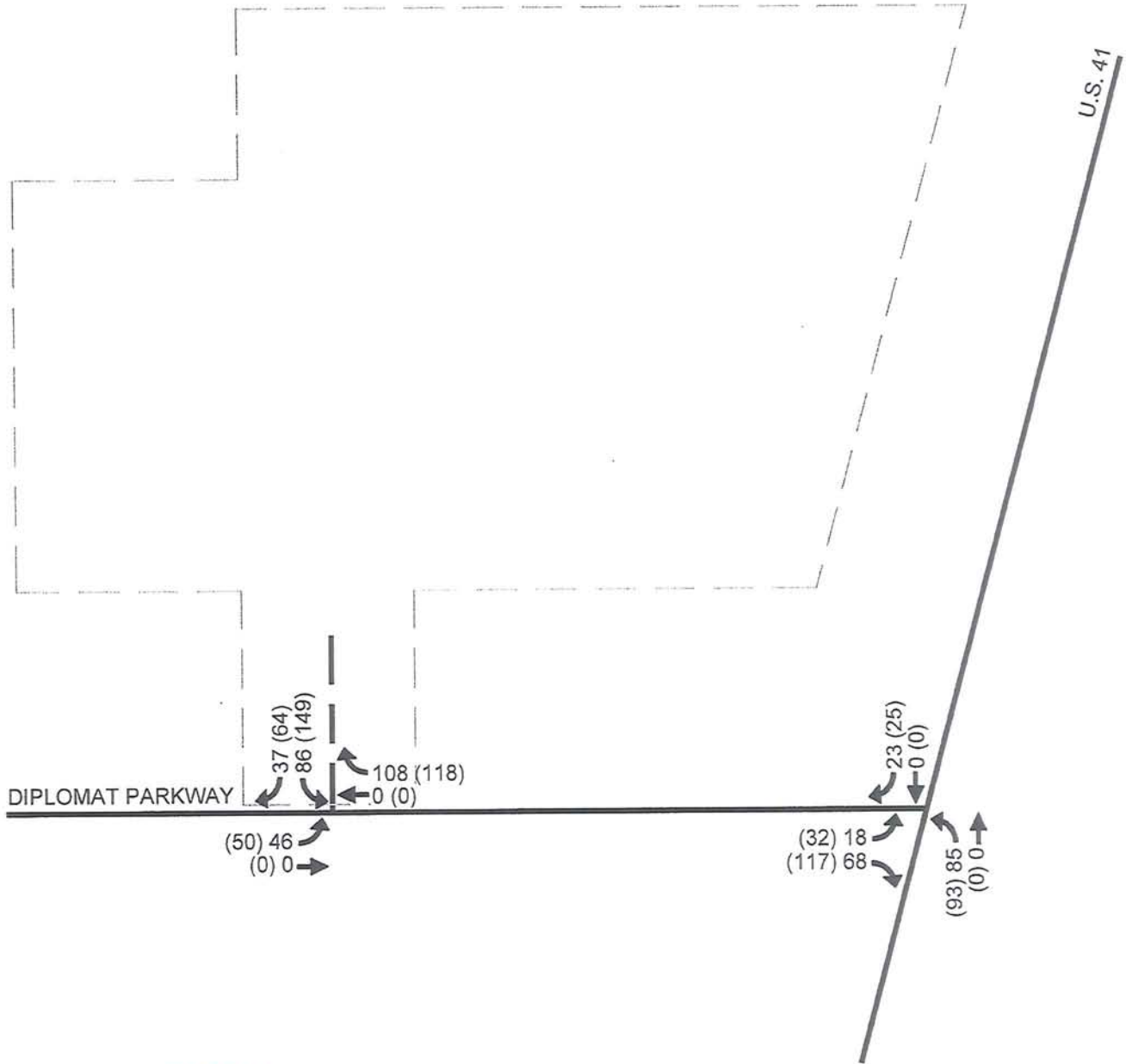
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DEC 20 2010  
ZONING

LEGEND

←20%→ PERCENT DISTRIBUTION



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DEC 20 2010  
ZONING

ATTACHMENT I

LEGEND

- ← 000 WEEKDAY AM PEAK HOUR TRAFFIC
- ←(000) WEEKDAY PM PEAK HOUR TRAFFIC

## VI. FUTURE TRAFFIC CONDITIONS

It was assumed that the project would be completed by the year 2014. Based on this projected build-out, the surrounding roadway network was analyzed under 2015 traffic conditions. A growth rate was applied to the existing traffic conditions for all roadway links and intersections that could be significantly impacted by this development. The growth rates were obtained through comparisons of annual traffic data from the 2009 Lee County Traffic Count Report and the 2010 City of Cape Coral Traffic Count Report. Based on the project distribution illustrated on Figure 3, the link data was analyzed for the existing conditions, year 2015 without the development and year 2015 with the development. **Table 2A** in the Appendix of the report indicates the methodology utilized to obtain the year 2015 build-out traffic volumes as well as the growth rate utilized for each roadway segment.

**Figure 5** indicates the year 2015 peak hour – peak direction traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 5 is the peak hour – peak direction volume and Level of Service of each link should no development occur on the subject site and the peak hour – peak direction volume and Level of Service for the weekday A.M. and P.M. peak hours with the development traffic added to the roadways. These figures are derived from Table 2A contained in the Appendix.

In comparing the links' functional classification and calculated 2015 traffic volumes to the Service Volume Tables, it was determined that none of the roadways inside the project's area of influence would be adversely impacted by the proposed development. Adverse impacts are defined as a degradation of the Level of Service beyond the adopted Level of Service Thresholds for those links as indicated in Table 1A. In other words, all roadways analyzed as a result of the proposed development will maintain an acceptable Level of Service when the development traffic is added to the surrounding roadway

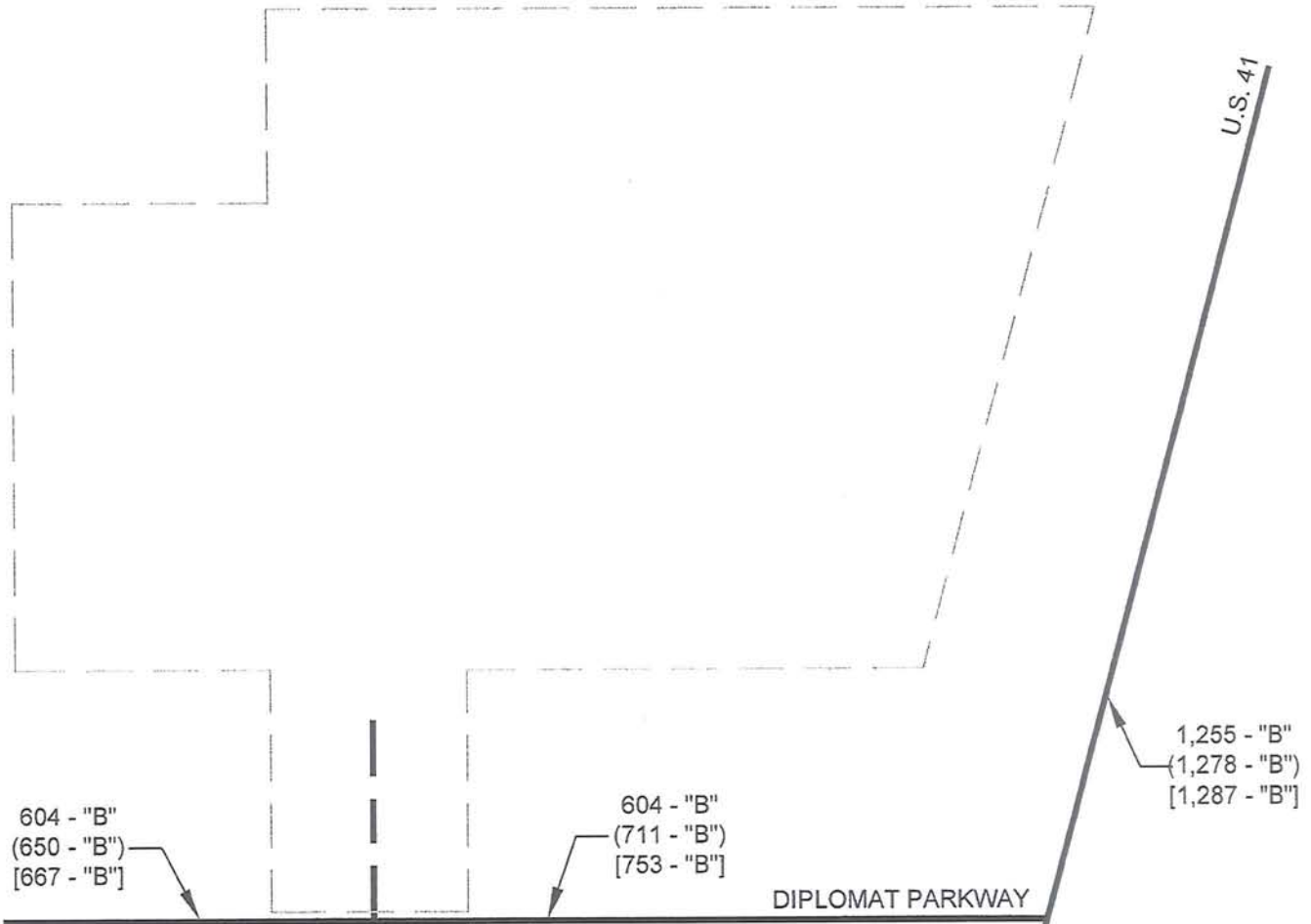
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DEC 20 2010

ZONING



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LEGEND

- XXX - "C" 2015 PEAK SEASON PEAK HOUR  
PEAK DIRECTION BACKGROUND TRAFFIC  
AND LEVEL OF SERVICE DESIGNATION
- (XXX -"C") 2015 PEAK SEASON PEAK HOUR  
PEAK DIRECTION BACKGROUND  
TRAFFIC PLUS AM PROJECT TRAFFIC  
AND LEVEL OF SERVICE DESIGNATION
- [XXX -"C"] 2015 PEAK SEASON PEAK HOUR  
PEAK DIRECTION BACKGROUND  
TRAFFIC PLUS PM PROJECT TRAFFIC  
AND LEVEL OF SERVICE DESIGNATION

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**DEC 20 2010**  
**ZONING**

network. Thus, the existing roadway network can accommodate the additional new vehicle trips the Diplomat development is anticipated to generate.

## **VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS**

**Figure 6** illustrates the projected 2015 background traffic volumes at the U.S. 41/Diplomat Parkway intersection. The projected 2015 background traffic volumes were calculated by growing the existing 2010 peak hour peak season peak direction traffic volumes by the appropriate growth rates as indicated within Table 2A. The projected 2015 build-out traffic volumes were then calculated by adding the site traffic assignment to the projected 2015 background traffic volumes. The projected 2015 build-out traffic volumes are illustrated on **Figure 7**.

Based upon a preliminary turn lane analysis conducted at the proposed site access intersection, an eastbound left turn lane and a westbound right turn lane will likely be warranted. At the U.S. 41/Diplomat Parkway intersection a northbound left turn lane approximately 660 feet in overall length, a southbound right turn lane approximately 525 feet in overall length, and a eastbound to northbound acceleration lane approximately 610 feet in overall length currently exist. The need for turn lane improvements will be further analyzed at the time of local Development Order.

Intersection analysis was performed at the intersection of U.S. 41 and Diplomat Parkway as well as at the proposed site access drive on Diplomat Parkway based upon the projected 2015 traffic volumes both with and without the proposed development. The latest version of the Highway Capacity Software, HCS+ T7F, was utilized to conduct the intersection analysis. Based upon the results of the analysis of the proposed site access location on Diplomat Parkway, all movements were shown to operate at an acceptable Level of Service in 2015 with the proposed development.

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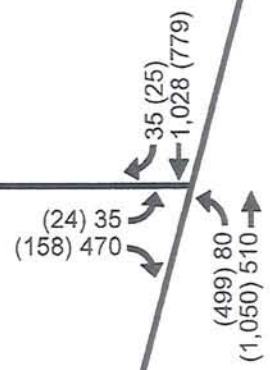


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DIPLOMAT PARKWAY

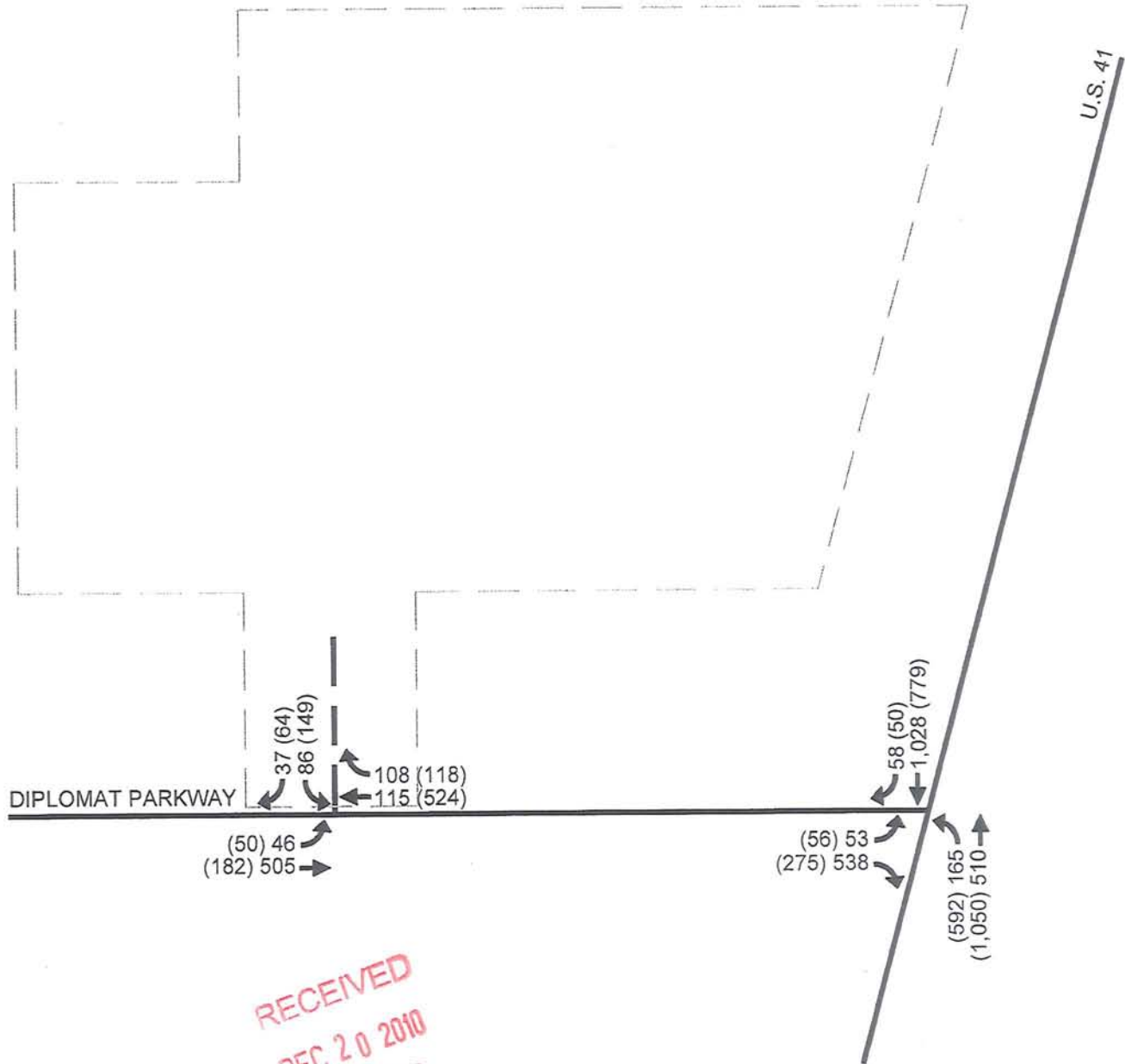
U.S. 41



LEGEND

- ← 000 WEEKDAY AM PEAK HOUR TRAFFIC
- ←(000) WEEKDAY PM PEAK HOUR TRAFFIC

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- ← 000 WEEKDAY AM PEAK HOUR TRAFFIC
- ←(000) WEEKDAY PM PEAK HOUR TRAFFIC

Based upon the results of the analysis for the U.S. 41/Diplomat Parkway intersection, the eastbound left turning movement is shown to operate below acceptable Level of Service conditions in 2015 both with and without the proposed development. Additionally the eastbound right turning movement is shown to operate below acceptable Level of Service conditions during the A.M. peak hour in 2015 with the addition of the project traffic. The intersection of U.S. 41 and Diplomat Parkway may need to be signalized in the future upon approval from the Florida Department of Transportation if and when warrants are met. Therefore, other than the turn lane improvements described previously, no roadway improvements will be warranted as a result of this analysis.

### **VIII. CONCLUSION**

The proposed Diplomat Re-Zoning located on the north side of Diplomat Parkway west of its intersection with U.S. 41 in the North Fort Myers area of Lee County, Florida will not have a detrimental impact on the surrounding roadway system. The existing roadway network can accommodate the additional new vehicle trips the development is anticipated to generate.

Based upon a preliminary turn lane analysis conducted at the proposed site access intersection, an eastbound left turn lane and a westbound right turn lane will likely be warranted. At the U.S. 41/Diplomat Parkway intersection a northbound left turn lane approximately 660 feet in overall length, a southbound right turn lane approximately 525 feet in overall length, and a eastbound to northbound acceleration lane approximately 610 feet in overall length currently exist. The need for turn lane improvements will be further analyzed at the time of local Development Order.

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Intersection analysis was performed at the intersection of U.S. 41 and Diplomat Parkway as well as at the proposed site access drive on Diplomat Parkway based upon the projected 2015 traffic volumes both with and without the proposed development. Based upon the results of the analysis of the proposed site access location on Diplomat Parkway, all movements were shown to operate at an acceptable Level of Service in 2015 with the proposed development. Based upon the results of the analysis for the U.S. 41/Diplomat Parkway intersection, both the eastbound left and right turning movements were shown to operate below acceptable Level of Service conditions in 2015. The intersection of U.S. 41 and Diplomat Parkway may need to be signalized in the future upon approval from the Florida Department of Transportation.

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# APPENDIX

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**TABLE 1A & TABLE 2A**

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**TABLE 1A**  
**PEAK DIRECTION PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES**  
**DIPLOMAT RE-ZONING**

REVISED DECEMBER 2010

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 277 VPH      IN= 154      OUT= 123  
 TOTAL PM PEAK HOUR PROJECT TRAFFIC = 381 VPH      IN= 168      OUT= 213

ROADWAY	SEGMENT	ROADWAY CLASS	LEVEL OF SERVICE THRESHOLDS					PERCENT		
			LOS A VOLUME	LOS B VOLUME	LOS C VOLUME	LOS D VOLUME	LOS E VOLUME	PROJECT TRAFFIC	PROJECT TRAFFIC	PROJ/ LOS C
Diplomat Pkwy.	W. of Site Access	4LD	260	1,570	1,900	1,970	1,970	30%	64	3.4%
	W. of U.S. 41	4LD	260	1,570	1,900	1,970	1,970	70%	149	7.8%
U.S. 41	N. of Diplomat Pkwy.	4LD	260	1,570	1,900	1,970	1,970	15%	32	1.7%
	S. of Diplomat Pkwy.	4LD	260	1,570	1,900	1,970	1,970	55%	117	6.2%

\* The Lee County Generalized Level of Service Thresholds utilized for both U.S. 41 and Diplomat Parkway

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**TABLE 2A**  
**LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS**  
**DIPLOMAT RE-ZONING**

REVISED DECEMBER 2010

TOTAL PROJECT TRAFFIC AM = 277 VPH IN = 154 OUT = 123  
 TOTAL PROJECT TRAFFIC PM = 381 VPH IN = 168 OUT = 213

ROADWAY	SEGMENT	PCS	ADT	ADT	GROWTH	RATE	CURRENT	2015		2015		2015				
							PK HR	PK HR	PK SEASON	PERCENT	BCKGRND		BCKGRND			
							PK SEASON	PEAK DIRECTION	PROJECT	AM PROJ	PM PROJ	+ AM PROJ	+ PM PROJ			
Diplomat Pkwy.	W. of Site Access	057	4,000	5,200	6	4.47%	485	604	B	30%	46	64	650	B	667	B
	W. of U.S. 41	057	4,000	5,200	6	4.47%	485	604	B	70%	108	149	711	B	753	B
U.S. 41	N. of Diplomat Pkwy.	419	20,000	21,600	9	1.00%	1,182	1,255	B	15%	23	32	1,278	B	1,287	B
	S. of Diplomat Pkwy.	419	20,000	21,600	9	1.00%	1,182	1,255	B	55%	85	117	1,339	B	1,372	B

<sup>1</sup> The current peak hour, peak season, peak direction traffic volume for Diplomat Parkway was obtained from the 2010 City of Cape Coral Traffic Count Report and represent 2010 traffic volumes.

The current peak hour, peak season, peak direction traffic volume for U.S. 41 was obtained from the 2010 Lee County Concurrency Report and represent 2009 traffic volumes.

**HCS+ ANALYSIS OF THE  
U.S. 41/DIPLOMAT PARKWAY  
INTERSECTION**

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## TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	DLW	Intersection	US 41/Diplomat
Agency/Co.	TR Transportation Consultants	Jurisdiction	FDOT
Date Performed	7/12/2010	Analysis Year	2015 background
Analysis Time Period	AM Peak Hour		
Project Description <i>F1006.08 - Diplomat Re-Zoning</i>			
East/West Street: <i>Diplomat Parkway</i>		North/South Street: <i>US 41</i>	
Intersection Orientation: <i>North-South</i>		Study Period (hrs): <i>0.25</i>	

### Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	80	510			1028	35
Peak-Hour Factor, PHF	0.95	0.95	1.00	1.00	0.95	0.95
Hourly Flow Rate, HFR (veh/h)	84	536	0	0	1082	36
Percent Heavy Vehicles	2	--	--	0	--	--
Median Type	<i>Undivided</i>					
RT Channelized			0			0
Lanes	1	2	0	0	2	1
Configuration	L	T			T	R
Upstream Signal		0			0	

Minor Street	Eastbound			Westbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	35		470			
Peak-Hour Factor, PHF	0.95	1.00	0.95	1.00	1.00	1.00
Hourly Flow Rate, HFR (veh/h)	36	0	494	0	0	0
Percent Heavy Vehicles	2	0	2	0	0	0
Percent Grade (%)		0			0	
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	1	0	1	0	0	0
Configuration	L		R			

### Delay, Queue Length, and Level of Service

Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	L					L		R
v (veh/h)	84					36		494
C (m) (veh/h)	620					95		539
v/c	0.14					0.38		0.92
95% queue length	0.47					1.52		11.09
Control Delay (s/veh)	11.7					64.4		48.6
LOS	B					F		E
Approach Delay (s/veh)	--	--				49.7		
Approach LOS	--	--				E		

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## TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	DLW	Intersection	US 41/Diplomat
Agency/Co.	TR Transportation Consultants	Jurisdiction	FDOT
Date Performed	7/12/2010	Analysis Year	2015 background
Analysis Time Period	PM Peak Hour		
Project Description <i>F1006.08 - Diplomat Re-Zoning</i>			
East/West Street: <i>Diplomat Parkway</i>		North/South Street: <i>US 41</i>	
Intersection Orientation: <i>North-South</i>		Study Period (hrs): <i>0.25</i>	

### Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	499	1050			779	25
Peak-Hour Factor, PHF	0.95	0.95	1.00	1.00	0.95	0.95
Hourly Flow Rate, HFR (veh/h)	525	1105	0	0	820	26
Percent Heavy Vehicles	2	--	--	0	--	--
Median Type	<i>Undivided</i>					
RT Channelized			0			0
Lanes	1	2	0	0	2	1
Configuration	L	T			T	R
Upstream Signal		0			0	

Minor Street	Eastbound			Westbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	24		158			
Peak-Hour Factor, PHF	0.95	1.00	0.95	1.00	1.00	1.00
Hourly Flow Rate, HFR (veh/h)	25	0	166	0	0	0
Percent Heavy Vehicles	2	0	2	0	0	0
Percent Grade (%)		0			0	
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	1	0	1	0	0	0
Configuration	L		R			

### Delay, Queue Length, and Level of Service

Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	L					L		R
v (veh/h)	525					25		166
C (m) (veh/h)	787					9		640
v/c	0.67					2.78		0.26
95% queue length	5.19					4.22		1.03
Control Delay (s/veh)	18.2					1617		12.6
LOS	C					F		B
Approach Delay (s/veh)	--	--				222.6		
Approach LOS		--				F		

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## TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	DLW	Intersection	US 41/Diplomat
Agency/Co.	TR Transportation Consultants	Jurisdiction	FDOT
Date Performed	12/16/2010	Analysis Year	2015 background + project
Analysis Time Period	AM Peak Hour		
Project Description <i>F1006.08 - Diplomat Re-Zoning</i>			
East/West Street: <i>Diplomat Parkway</i>		North/South Street: <i>US 41</i>	
Intersection Orientation: <i>North-South</i>		Study Period (hrs): <i>0.25</i>	

Vehicle Volumes and Adjustments						
Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	165	510			1028	58
Peak-Hour Factor, PHF	0.95	0.95	1.00	1.00	0.95	0.95
Hourly Flow Rate, HFR (veh/h)	173	536	0	0	1082	61
Percent Heavy Vehicles	2	--	--	0	--	--
Median Type	<i>Undivided</i>					
RT Channelized			0			0
Lanes	1	2	0	0	2	1
Configuration	L	T			T	R
Upstream Signal		0			0	

Minor Street	Eastbound			Westbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	53		538			
Peak-Hour Factor, PHF	0.95	1.00	0.95	1.00	1.00	1.00
Hourly Flow Rate, HFR (veh/h)	55	0	566	0	0	0
Percent Heavy Vehicles	2	0	2	0	0	0
Percent Grade (%)		0			0	
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	1	0	1	0	0	0
Configuration	L		R			

Delay, Queue Length, and Level of Service								
Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	L					L		R
v (veh/h)	173					55		566
C (m) (veh/h)	607					60		539
v/c	0.29					0.92		1.05
95% queue length	1.17					4.24		16.35
Control Delay (s/veh)	13.3					204.7		80.2
LOS	B					F		F
Approach Delay (s/veh)		--				91.3		
Approach LOS		--				F		

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## TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	DLW	Intersection	US 41/Diplomat
Agency/Co.	TR Transportation Consultants	Jurisdiction	FDOT
Date Performed	12/16/2010	Analysis Year	2015 background + project
Analysis Time Period	PM Peak Hour		
Project Description F1006.08 - Diplomat Re-Zoning			
East/West Street: Diplomat Parkway		North/South Street: US 41	
Intersection Orientation: North-South		Study Period (hrs): 0.25	

### Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	592	1050			779	50
Peak-Hour Factor, PHF	0.95	0.95	1.00	1.00	0.95	0.95
Hourly Flow Rate, HFR (veh/h)	623	1105	0	0	820	52
Percent Heavy Vehicles	2	--	--	0	--	--
Median Type	Undivided					
RT Channelized			0			0
Lanes	1	2	0	0	2	1
Configuration	L	T			T	R
Upstream Signal		0			0	

Minor Street	Eastbound			Westbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	56		275			
Peak-Hour Factor, PHF	0.95	1.00	0.95	1.00	1.00	1.00
Hourly Flow Rate, HFR (veh/h)	58	0	289	0	0	0
Percent Heavy Vehicles	2	0	2	0	0	0
Percent Grade (%)		0			0	
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	1	0	1	0	0	0
Configuration	L		R			

### Delay, Queue Length, and Level of Service

Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	L					L		R
v (veh/h)	623					58		289
C (m) (veh/h)	769					4		640
v/c	0.81					14.50		0.45
95% queue length	8.68					9.13		2.34
Control Delay (s/veh)	26.4					7828		15.2
LOS	D					F		C
Approach Delay (s/veh)	--	--				1321		
Approach LOS	--	--				F		

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**HCS+ ANALYSIS OF THE  
SITE ACCESS LOCATION**

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## TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	DLW	Intersection	Diplomat Access
Agency/Co.	TR Transportation Consultants	Jurisdiction	FDOT
Date Performed	12/16/2010	Analysis Year	2015 background + project
Analysis Time Period	AM Peak Hour		
Project Description F1006.08 - Diplomat Re-Zoning			
East/West Street: Diplomat Parkway		North/South Street: Site Access	
Intersection Orientation: East-West		Study Period (hrs): 0.25	

### Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	46	505			115	108
Peak-Hour Factor, PHF	0.95	0.95	1.00	1.00	0.95	0.95
Hourly Flow Rate, HFR (veh/h)	48	531	0	0	121	113
Percent Heavy Vehicles	2	--	--	0	--	--
Median Type	Raised curb					
RT Channelized			0			0
Lanes	1	2	0	0	2	1
Configuration	L	T			T	R
Upstream Signal		0			0	

Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)				86		37
Peak-Hour Factor, PHF	1.00	1.00	1.00	0.95	1.00	0.95
Hourly Flow Rate, HFR (veh/h)	0	0	0	90	0	38
Percent Heavy Vehicles	0	0	0	2	0	2
Percent Grade (%)	0			0		
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	0	0	0	1	0	1
Configuration				L		R

### Delay, Queue Length, and Level of Service

Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	L					L		R
v (veh/h)	48					90		38
C (m) (veh/h)	1331					554		1005
v/c	0.04					0.16		0.04
95% queue length	0.11					0.58		0.12
Control Delay (s/veh)	7.8					12.8		8.7
LOS	A					B		A
Approach Delay (s/veh)	--	--				11.6		
Approach LOS	--	--				B		

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## TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	DLW	Intersection	Diplomat Access
Agency/Co.	TR Transportation Consultants	Jurisdiction	FDOT
Date Performed	12/16/2010	Analysis Year	2015 background + project
Analysis Time Period	PM Peak Hour		
Project Description F1006.08 - Diplomat Re-Zoning			
East/West Street: Diplomat Parkway		North/South Street: Site Access	
Intersection Orientation: East-West		Study Period (hrs): 0.25	

### Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	50	182			524	118
Peak-Hour Factor, PHF	0.95	0.95	1.00	1.00	0.95	0.95
Hourly Flow Rate, HFR (veh/h)	52	191	0	0	551	124
Percent Heavy Vehicles	2	--	--	0	--	--
Median Type	Raised curb					
RT Channelized			0			0
Lanes	1	2	0	0	2	1
Configuration	L	T			T	R
Upstream Signal		0			0	

Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)				149		64
Peak-Hour Factor, PHF	1.00	1.00	1.00	0.95	1.00	0.95
Hourly Flow Rate, HFR (veh/h)	0	0	0	156	0	67
Percent Heavy Vehicles	0	0	0	2	0	2
Percent Grade (%)	0			0		
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	0	0	0	1	0	1
Configuration				L		R

### Delay, Queue Length, and Level of Service

Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	L					L		R
v (veh/h)	52					156		67
C (m) (veh/h)	912					430		761
v/c	0.06					0.36		0.09
95% queue length	0.18					1.63		0.29
Control Delay (s/veh)	9.2					18.1		10.2
LOS	A					C		B
Approach Delay (s/veh)	--	--				15.7		
Approach LOS	--	--				C		

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**DEVELOPMENT OF FUTURE YEAR  
TRAFFIC VOLUMES**

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## Development of Future Year Background Turning Volumes

REVISED DECEMBER 2010

Intersection  
Count Date  
Build-Out Year

ZONING  
DEC 7 2010  
REF

**U.S. 41 at Diplomat Parkway**  
July 7th, 2010  
2015

	AM Peak Hour											
	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts	69	441			889	30	25		344			
Peak Season Correction Factor	1.10	1.10			1.10	1.10	1.10		1.10			
Current Peak Season Volumes	76	485			978	33	28		378			
Growth Rate	1.00%	1.00%			1.00%	1.00%	4.47%		4.47%			
Years to Build-out	5	5			5	5	5		5			
2015 Background Turning Volumes	<b>80</b>	<b>510</b>			<b>1,028</b>	<b>35</b>	<b>35</b>		<b>470</b>			
Project Turning Volumes	85	0			0	23	18		68			
2015 Background + Project	<b>165</b>	<b>510</b>			<b>1,028</b>	<b>58</b>	<b>53</b>		<b>538</b>			
	PM Peak Hour											
	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts	432	908			674	22	17		115			
Peak Season Correction Factor	1.10	1.10			1.10	1.10	1.10		1.10			
Current Peak Season Volumes	475	999			741	24	19		127			
Growth Rate	1.00%	1.00%			1.00%	1.00%	4.47%		4.47%			
Years to Build-out	5	5			5	5	5		5			
2015 Background Turning Volumes	<b>499</b>	<b>1,050</b>			<b>779</b>	<b>25</b>	<b>24</b>		<b>158</b>			
Project Turning Volumes	93	0			0	25	32		117			
2015 Background + Project	<b>592</b>	<b>1,050</b>			<b>779</b>	<b>50</b>	<b>56</b>		<b>275</b>			

**LEE COUNTY GENERALIZED  
LEVEL OF SERVICE THRESHOLDS**

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**Lee County**  
**Generalized Peak Hour Directional Service Volumes**  
**Urbanized Areas**

Jan 2009

c:\input3

Uninterrupted Flow Highway						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	120	370	720	1,010	1,280
2	Divided	1,090	1,780	2,570	3,280	3,690
3	Divided	1,630	2,680	3,860	4,930	5,530
Arterials						
Class I (>0.00 to 1.99 signalized intersections per mile)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	210	720	880	920
2	Divided	260	1,570	1,900	1,970	1,970
3	Divided	400	2,410	2,870	2,960	2,960
4	Divided	530	3,260	3,840	3,960	3,970
Class II (>2.00 to 4.50 signalized intersections per mile)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	90	600	840	890
2	Divided	*	220	1,370	1,760	1,860
3	Divided	*	340	2,120	2,660	2,810
4	Divided	*	480	2,860	3,570	3,770
Class III (more than 4.50 signalized intersections per mile)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	260	650	810
2	Divided	*	*	620	1,480	1,700
3	Divided	*	*	980	2,310	2,570
4	Divided	*	*	1,340	3,150	3,440
Controlled Access Facilities						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	120	740	950	990	990
2	Divided	270	1,610	1,970	2,040	2,040
3	Divided	410	2,480	2,970	3,070	3,070
Collectors						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	160	670	820	860
1	Divided	*	170	700	870	910
2	Undivided	*	790	1,590	1,700	1,730
2	Divided	*	820	1,680	1,800	1,830

Note: the service volumes for I-75 (freeway) should be from FDOT's most current version of LOS Handbook.

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**TRAFFIC DATA FOR  
US 41 & DIPLOMAT PARKWAY**

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Location	Site ID	Average Annual Daily Traffic (AADT)							Peak Hour Per direction	
		2004	2005	2006	2007	2008	2009	2010	Volume	15 Min.
<b>Coronado Parkway</b>										
S/ Cape Coral Parkway	040	9,100	9,400	9,700	9,400	9,300	8,700	8,300	434	120
W/ Del Prado Boulevard	041	11,600	11,700	11,500	10,000	9,400	9,000	8,300	474	135
N/ SE 47 Terrace	042	10,800	11,900	10,100	9,200	8,900	8,500	8,000	452	164
<b>Country Club Boulevard</b>										
N/ Veterans Parkway	043	15,200	15,200	17,800		14,300	13,900	14,000	729	206
S/ Veterans Parkway	044	14,800	14,100	15,000	14,000	13,600	12,400	12,400	790	237
S/ Archer Parkway	045	13,200	13,800	13,400	12,700	11,700	10,600	10,600	657	187
S/ Wildwood Parkway	046	6,400	7,100	7,200	7,100		5,200	5,400	362	108
E/ SE 5 Avenue & Palm Tree	158	7,100	7,600	7,700	7,700	5,000	5,600	5,600	322	88
S/ Viscaya Parkway	047	15,200	16,700	17,000	17,400	14,200	13,400	12,900	805	294
N/ Nicholas Parkway	048	16,500	17,900	18,600	17,900	15,200	13,400	13,400	822	271
<b>Cultural Park Boulevard</b>										
N/ Nicholas Parkway	049	8,000	9,000	9,800	10,200	8,600	7,700	8,000	504	144
S/ Hancock Bridge Parkway	050	9,000	10,300	10,400	11,400	9,600	8,800	9,100	518	144
N/ Hancock Bridge Parkway	051	5,600	6,400	6,700	6,800	6,000	5,600	6,000	392	109
<b>Del Prado Boulevard</b>										
S/ Cape Coral Parkway	052	5,400	5,000	4,600	4,400	4,400	4,100	3,900	260	73
N/ Averill Boulevard	053					11,000	10,200	9,700	594	165
N/ Kismet Parkway	054	10,700	11,100	12,600	11,700	13,100	13,200	12,600	649	172
N/ Diplomat Parkway	055	13,000	16,600	17,000	18,100	14,700		11,600	748	222
S/ Diplomat Parkway	056	15,300		21,100	22,100	18,200				
N/ De-Navarra Parkway	----						11,600	11,800	730	202
<b>De-Navarra Parkway</b>										
N/ Del Prado Boulevard	----						1,900	2,500	274	113
<b>Diplomat Parkway</b>										
E/ 24th Avenue	057	4,000	4,800	6,300	6,300	7,000	5,800	5,200	485	135
E/ Del Prado Boulevard	058	4,400	5,400	6,400	5,500	7,000	5,500	4,300	403	117
W/ Del Prado Boulevard	059	5,400	7,700	9,000	9,700	10,300	8,200	7,700	611	191
E/ Santa Barbara Boulevard	060	4,300	6,100	8,100	8,100	7,400	6,300	5,500	452	130
W/ Santa Barbara Boulevard	061	3,400	5,400	7,200	6,300	5,700	5,000	4,600	368	98
W/ Nelson Road	062		5,200	6,400		5,100	4,600	4,700	298	84
W/ Chiquita Boulevard	063	1,800	3,400	4,100	3,400	2,800	2,500	2,300	155	42
W/ El-Dorado Boulevard	064				2,000		1,600	1,500	99	32
<b>El-Dorado Boulevard</b>										
N/ Diplomat Parkway	065	1,600	1,800	2,400	2,400		2,000	2,100	130	41
S/ Diplomat Parkway	066	1,400	1,600	2,300	2,300	2,700	2,300	2,400	158	52
S/ Tropicana Parkway	067	1,800	1,900	2,600	2,600	2,500	2,600	2,700	199	59
S/ Embers Parkway	068	700	900	1,300	1,300		1,500	1,600	116	53
<b>Embers Parkway</b>										
E/ Chiquita Boulevard	069	4,700	5,100	6,400	7,300	7,800	6,900	7,200	481	140
W/ Chiquita Boulevard	070	4,700	4,900		6,800	6,700	6,000	6,400	470	121
E/ Burnt Store Road	----						2,100	2,100	121	36
W/ Burnt Store Road	----						1,500	1,700	103	30
<b>Everest Parkway</b>										
E/ Del Prado Boulevard	071	4,400	5,000	3,000	2,800	2,600	2,400	2,300	160	50
W/ Del Prado Boulevard	072	700	900	900	900	800	800	800	105	32
<b>El-Dorado Parkway</b>										
W/ Chiquita Boulevard	073	3,000	2,700	3,200	3,100	2,800	2,600	2,500	139	49
E/ Coronado Parkway	074	4,300	4,000	3,500	3,300	3,100	3,000	3,000	186	54
W/ Pelican Boulevard	075	1,200	1,200	1,100	1,200	1,100	1,100	1,200	69	24
<b>Four Mile cove</b>										
E/ Del Prado Boulevard	159	2,900	3,300	2,900			3,000	3,100	185	50

## PERIODIC COUNT STATION DATA

STREET	LOCATION	Station #	M A P	Daily Traffic Volume (AADT)										CS	Area
				2000	2001	2002	2003	2004	2005	2006	2007	2008	2009		
US 41 (SR 45)	N OF BOY SCOUT DR	430	B	39600	39900	42000	42200	45900	44100	45700	42700	38400	36200	9	3
	N OF N AIRPORT RD	427	B	44200	43800	43900	44800	52900	45000	50500	49600	43500	38100	9	3
	N OF COLONIAL BLVD	432	B	48600	44600	51000	48200	49200	50300	52000	51600	46800	35500	9	3
	N OF WINKLER AVE	429	B	41900	43700	45300	44500	48200	38500	50600	53000	52100	42000	9	3
	N OF HANSON ST	428	B	40700	45700	43900	43800	47400	45600	46600	46400	43200	40400	9	3
	N OF NORTH KEY DR	1	C	39700	41700	43500	45600	49900	52100	51900	U/C	42600	41800		2
	N OF HANCOCK BR. PWY	421	C	28500	29500	29700	31600	31600	34400	39500	32700	29900	32700	1	2
	N OF PONDELLA RD	431	C	21000	23800	25000	25900	28900	27800	32100	26300	24900	26800	1	2
	N OF PINE ISLAND RD	419	C	20000	22500	22900	24300	24700	25700	30800	25100	26100	21600	1	2
	N OF LITTLETON RD	425	C	15600	17100	17400	18200	20000	20400	23000	18300	17700	15700	1	2
	S OF CHARLOTTE CO.	449	I	12800	14600	14800	15400	18000	18700	18400	15500	20700	13900	1	2
VANDERBILT RD	S OF BONITA BEACH RD	491	H	8500	N/A	7300	9300	9000	9600	7800	6100	5700	5100	23	6
VETERANS PKWY	S OF PINE ISLAND RD	527	I			6100	8200	10600	12100	13600	14100	12900	13300	50	1
	E OF SURFSIDE BLVD	526	I				10800	13800	16400	18500	20100	19500	18700	50	1
	E OF CHIQUITA BLVD	523	C	9100	12000	15900	19200	23900	25700	27500	29500	28200	26800	50	1
	E OF SKYLINE BLVD	522	C	15900	19200	23400	26700	32500	35300	40200	40000	36800	38400	50	1
	E OF SANTA BARBARA BLVD	50	C	31400	33800	40300	44300	48000	50700	53100	49600	47200	46900		1
	E OF COUNTRY CLUB BLVD	513	C	36800	38700	44800	45900	50800	51400	58200	57400	49800	50800	50	1
	AT TOLL PLAZA	101	C	37500	37700	41800	44500	47600	49600	50100	48100				
VIA COCONUT	S OF WILLIAMS RD	454									5100	5600	4500	61	6
WEST TERRY ST	E OF US 41	440	H	10800	11100	13300	13300	12000	11400	12200	12200	11600	11500	42	6
WESTGATE BLVD	S OF LEE BLVD	470	F					7300	6700	12000	8800	6400	6700	22	5

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ROADWAY LINK NAME	FROM	TO	ROAD TYPE	PERFORMANCE STANDARD		2009 100th HIGHEST HR		EST 2010 100th HIGHEST HR		FORECAST FUTURE VOL		NOTES*	LINK NO.
				LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	LOS	VOLUME		
WOODLAND BL	US 41	CHATHAM ST	2LU	E	860	C	262	C	262	C	262		28900
W 6th ST	WILLIAMS AVE	JOEL BL	2LU	E	860	B	140	B	140	B	140		29000
W 12th ST	GUNNERY RD	SUNSHINE BL	2LU	E	860	B	77	B	79	B	79		29100
W 12th ST	SUNSHINE BL	WILLIAMS AVE	2LU	E	860	B	77	B	77	C	166		29200
W 12th ST	WILLIAMS AVE	JOEL BL	2LU	E	860	B	77	B	78	B	78		29300
W 14th ST	SUNSHINE BL	RICHMOND AVE	2LU	E	860	B	45	B	46	B	46		29400
US 41	COLLIER COUNTY LINE	BONITA BEACH RD	6LD	E	2,760	C	1,888	C	1,888	C	1,933		29500
US 41	BONITA BEACH RD	WEST TERRY ST	6LD	E	3,100	C	2,071	C	2,071	C	2,076		29600
US 41	WEST TERRY ST	OLD 41	6LD	E	3,100	C	1,840	C	1,840	C	1,882		29700
US 41	OLD 41	CORKSCREW RD	6LD	E	3,100	C	2,122	C	2,226	C	2,549		29800
US 41	CORKSCREW RD	SANIBEL BL	6LD	E	2,940	B	1,982	B	1,982	B	2,155	6 Ln funded in 2010/11 by FDOT	29900
US 41	SANIBEL BL	ALICO RD	6LD	E	2,940	B	1,713	B	1,881	B	2,135		30000
US 41	ALICO RD	ISLAND PARK RD	6LD	E	2,940	B	2,514	C	2,580	C	2,766		30100
US 41	ISLAND PARK RD	JAMAICA BAY WEST	6LD	E	2,940	B	2,348	B	2,348	B	2,502		30200
US 41	JAMAICA BAY WEST	SIX MILE CYPRESS PKWY	6LD	E	2,940	B	2,518	B	2,518	B	2,518		30300
US 41	SIX MILE CYPRESS PKWY	DANIELS PKWY	6LD	E	2,870	D	1,633	D	1,634	D	1,855		30400
US 41	DANIELS PKWY	COLLEGE PKWY	6LD	E	2,870	E	2,341	E	2,341	E	2,353	Constrained; v/c = 0.82	30500
US 41	COLLEGE PKWY	SOUTH RD	6LD	E	2,870	E	2,447	E	2,450	E	2,474	Constrained; v/c = 0.85	30600
US 41	SOUTH DR	BOY SCOUT RD	6LD	E	2,870	D	2,135	D	2,135	D	2,137	Constrained; v/c = 0.74	30700
US 41	BOY SCOUT DR	NORTH AIRPORT RD	6LD	E	2,870	D	1,552	D	1,552	D	1,554	Constrained; v/c = 0.55	30800
US 41	NORTH AIRPORT RD	COLONIAL BL	6LD	E	2,870	D	1,633	D	1,633	D	1,633		30810
US 41	FOUNTAIN INTERCHANGE	NORTH KEY DR	4LD	E	2,270	D	2,211	D	2,211	D	2,211		30900
US 41	NORTH KEY DR	HANCOCK BRIDGE PKWY	4LD	E	2,270	F	2,449	F	2,449	F	2,461		31000
US 41	HANCOCK BRIDGE PKWY	PONDELLA RD	4LD	E	1,950	D	1,789	D	1,823	D	1,823		31100
US 41	PONDELLA RD	PINE ISLAND RD (SR 78)	4LD	E	1,950	D	1,467	D	1,467	D	1,467		31200
US 41	PINE ISLAND RD (SR 78)	LITTLETON RD	4LD	E	2,050	C	1,182	C	1,182	C	1,263		31300
US 41	LITTLETON RD	BUSINESS 41	4LD	E	2,050	B	859	B	859	C	1,168		31400
US 41	BUSINESS 41	DEL PRADO BL	4LD	E	2,050	B	859	B	859	B	881		31500
US 41	DEL PRADO BL	CHARLOTTE COUNTY LINE	4LD	E	2,050	B	761	B	766	B	868		31600
I-75	COLLIER COUNTY LINE	BONITA BEACH RD	6LF	D	5,340	C	3,975	C	3,975	C	3,975		31700
I-75	BONITA BEACH RD	CORKSCREW RD	6LF	D	5,340	C	3,567	C	3,567	C	3,567		31800
I-75	CORKSCREW RD	ALICO RD	6LF	D	5,340	C	3,618	C	3,618	C	3,618		31900
I-75	ALICO RD	DANIELS PKWY	6LF	D	5,340	C	3,389	C	3,389	C	3,389		32000
I-75	DANIELS PKWY	COLONIAL BL	6LF	D	5,340	B	3,211	B	3,211	B	3,211		32100
I-75	COLONIAL BL	DR ML KING BL (SR 82)	6LF	D	5,340	C	3,338	C	3,338	C	3,338	6 Ln construction underway by FDOT	32200
I-75	DR ML KING BL (SR 82)	LUCKETT RD	4LF	D	3,560	E	3,593	E	3,593	E	3,593	6 Ln scheduled in 2010/11 by FDOT	32300

**PERMANENT COUNT STATION 1  
US-41 (SR 45) N OF NORTH KEY DR**

2009 AADT = 41800  
K100 Factor - 0.0993

Monthly ADT as a % of Annual ADT

January	103%
February	109%
March	104%
April	98%
May	94%
June	104%
July	99%
August	94%
September	101%
October	100%
November	96%
December	98%

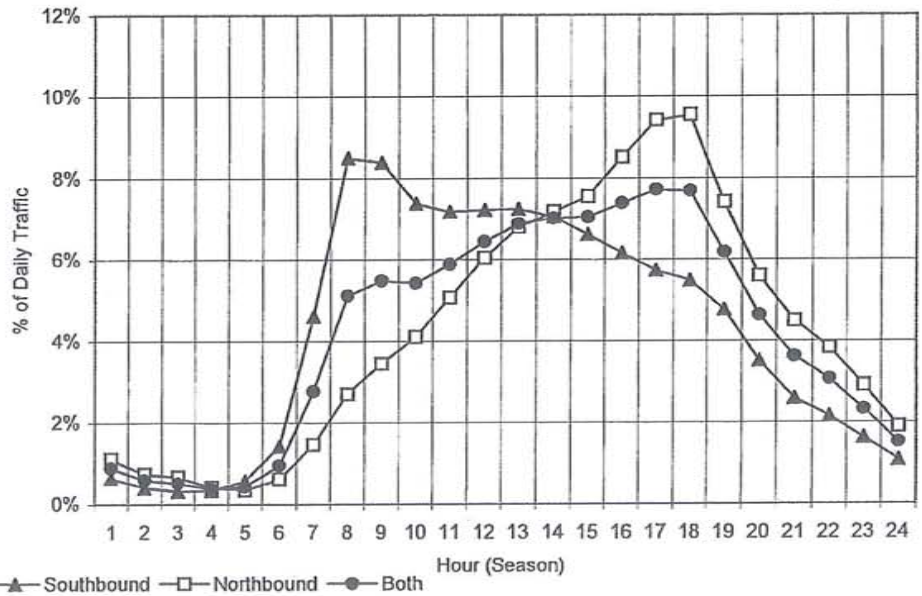
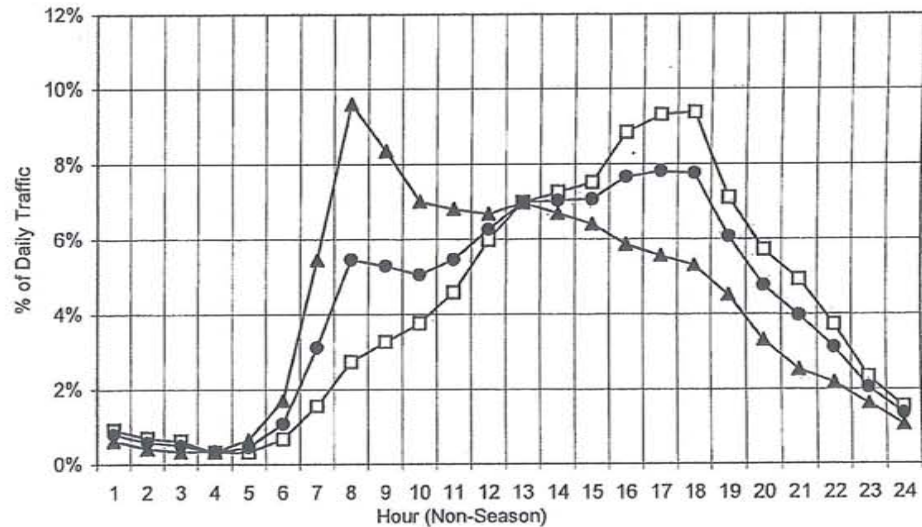
Day of Week as a % of Annual ADT

Monday	102%
Tuesday	109%
Wednesday	112%
Thursday	109%
Friday	111%
Saturday	86%
Sunday	73%

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Weekday Peak Flow Characteristics	Non-Season	Season
Peak Flow between 7 a.m. and 9 a.m.		
1) as a % of weekday traffic	5.4%	5.3%
2) directional Split (peak direction)	75%	73%
	Southbound	Southbound
Peak Flow between 4 p.m. and 6 p.m.		
1) as a % of weekday traffic	7.8%	7.7%
2) directional Split (peak direction)	63%	63%
	Northbound	Northbound

**PERMANENT COUNT STATION 1  
US-41 (SR 45) N OF NORTH KEY DR**



▲ Southbound □ Northbound ● Both

# TURNING MOVEMENT COUNT

## U.S. 41 @ DIPLOMAT PARKWAY

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**15 MINUTE SUMMARY OF INDIVIDUAL MOVEMENTS**

**US 41 & Diplomat Parkway**

15 MIN BEGIN	US 41								Diplomat Parkway								INTER- SECTION TOTAL
	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				
	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	
7:00 AM	16	89	0	105	0	148	3	151	4	0	81	85	0	0	0	0	341
7:15 AM	15	90	0	105	0	190	4	194	9	0	92	101	0	0	0	0	400
7:30 AM	21	114	0	135	0	252	7	259	7	0	96	103	0	0	0	0	497
7:45 AM	17	114	0	131	0	207	9	216	5	0	101	106	0	0	0	0	453
8:00 AM	16	98	0	114	0	222	8	230	7	0	74	81	0	0	0	0	425
8:15 AM	15	115	0	130	0	208	6	214	6	0	73	79	0	0	0	0	423
8:30 AM	20	122	0	142	0	211	8	219	4	0	67	71	0	0	0	0	432
8:45 AM	18	134	0	152	0	210	9	219	6	0	41	47	0	0	0	0	418
<b>TOTAL:</b>	<b>138</b>	<b>876</b>	<b>0</b>	<b>1,014</b>	<b>0</b>	<b>1,648</b>	<b>54</b>	<b>1,702</b>	<b>48</b>	<b>0</b>	<b>625</b>	<b>673</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3,389</b>

**HOURLY SUMMARY OF INDIVIDUAL MOVEMENTS**

**US 41 & Diplomat Parkway**

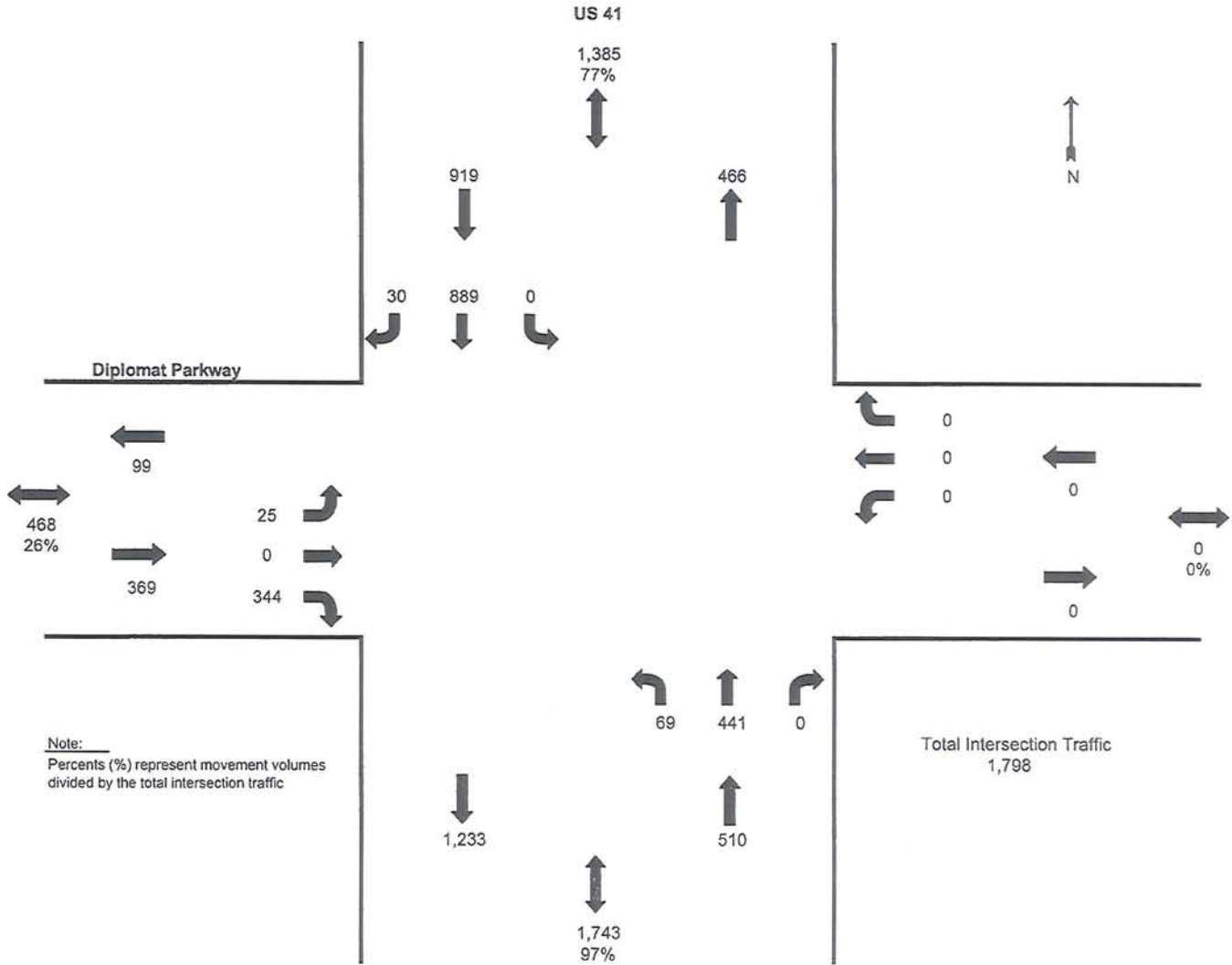
HOUR BEGIN	US 41								Diplomat Parkway								INTER- SECTION TOTAL
	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				
	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	
7:00 AM	69	407	0	476	0	797	23	820	25	0	370	395	0	0	0	0	1,691
7:15 AM	69	416	0	485	0	871	28	899	28	0	363	391	0	0	0	0	1,775
7:30 AM	69	441	0	510	0	869	30	919	25	0	344	369	0	0	0	0	1,798
7:45 AM	68	449	0	517	0	848	31	879	22	0	315	337	0	0	0	0	1,733
8:00 AM	69	469	0	538	0	851	31	882	23	0	255	278	0	0	0	0	1,698

**PEAK HOUR SUMMARY**

HOUR BEGIN	US 41								Diplomat Parkway								INTER- SECTION TOTAL
	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				
	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	
7:30 AM	69	441	0	510	0	889	30	919	25	0	344	369	0	0	0	0	1,798

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DATE: July 7, 2010  
 DAY: WEDNESDAY  
 COUNT TIME: 7:00 AM - 9:00 AM  
 PEAK HOUR: 7:30 AM - 8:30 AM  
 TRAFFIC: ALL TRIPS  
 INTERSECTION: US 41 & Diplomat Parkway



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**15 MINUTE SUMMARY OF INDIVIDUAL MOVEMENTS**

**US 41 & Diplomat Parkway**

15 MIN BEGIN	US 41								Diplomat Parkway								INTER-SECTION TOTAL
	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				
	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	
4:00 PM	42	206	0	248	0	151	5	156	5	0	45	50	0	0	0	0	454
4:15 PM	74	220	0	294	0	177	4	181	6	0	40	46	0	0	0	0	521
4:30 PM	66	194	0	260	0	165	8	173	7	0	37	44	0	0	0	0	477
4:45 PM	82	238	0	320	0	166	4	170	3	0	27	30	0	0	0	0	520
5:00 PM	107	212	0	319	0	180	7	187	5	0	23	28	0	0	0	0	534
5:15 PM	131	208	0	339	0	160	6	166	6	0	29	35	0	0	0	0	540
5:30 PM	112	250	0	362	0	168	5	173	3	0	36	39	0	0	0	0	574
5:45 PM	91	213	0	304	0	141	0	141	3	0	25	28	0	0	0	0	473
<b>TOTAL:</b>	<b>705</b>	<b>1,741</b>	<b>0</b>	<b>2,446</b>	<b>0</b>	<b>1,308</b>	<b>39</b>	<b>1,347</b>	<b>38</b>	<b>0</b>	<b>262</b>	<b>300</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4,093</b>

**HOURLY SUMMARY OF INDIVIDUAL MOVEMENTS**

**US 41 & Diplomat Parkway**

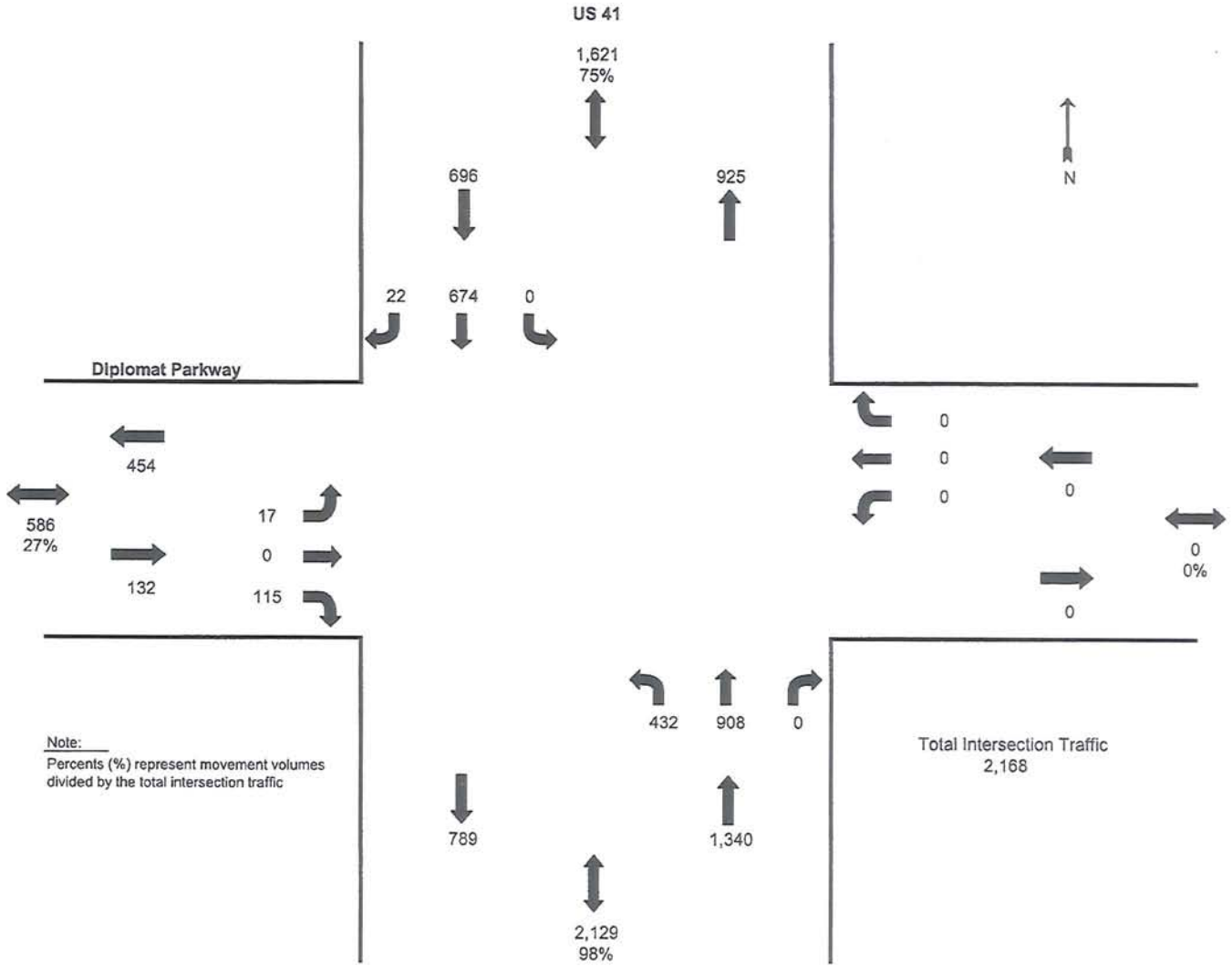
HOUR BEGIN	US 41								Diplomat Parkway								INTER-SECTION TOTAL
	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				
	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	
4:00 PM	264	858	0	1,122	0	659	21	680	21	0	149	170	0	0	0	0	1,972
4:15 PM	329	864	0	1,193	0	688	23	711	21	0	127	148	0	0	0	0	2,052
4:30 PM	386	852	0	1,238	0	671	25	696	21	0	116	137	0	0	0	0	2,071
4:45 PM	432	908	0	1,340	0	674	22	696	17	0	115	132	0	0	0	0	2,168
5:00 PM	441	883	0	1,324	0	649	18	667	17	0	113	130	0	0	0	0	2,121

**PEAK HOUR SUMMARY**

HOUR BEGIN	US 41								Diplomat Parkway								INTER-SECTION TOTAL
	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				
	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	
4:45 PM	432	908	0	1,340	0	674	22	696	17	0	115	132	0	0	0	0	2,168

RECEIVED  
 DEC 20 2010  
 ZONING

DATE: July 7, 2010  
 DAY: WEDNESDAY  
 COUNT TIME: 4:00 PM - 6:00 PM  
 PEAK HOUR: 4:45 PM - 5:45 PM  
 TRAFFIC: ALL TRIPS  
 INTERSECTION: US 41 & Diplomat Parkway



**ATTACHMENT I**

**RECEIVED  
DEC 20 2010  
ZONING**

# TRIP GENERATION EQUATIONS

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ATTACHMENT I

**TRIP GENERATION EQUATIONS  
DIPLOMAT RE-ZONING  
ITE TRIP GENERATION REPORT, 8<sup>th</sup> EDITION**

Land Use	Weekday AM Peak Hour	Weekday PM Peak Hour	Weekday
Assisted Living (LUC 254)	$T = 0.14 (X)$ (65% In/35% Out)	$T = 0.22 (X)$ (44% In/56% Out)	$\ln (T) = 0.56 \ln (X) + 3.07$
T = Number of Trips, X = Number of Beds			
Single-Family Detached Housing (LUC 210)	$T = 0.70 (X) + 9.74$ (25% In/75% Out)	$\ln (T) = 0.90 \ln (X) + 0.51$ (63% In/37% Out)	$\ln (T) = 0.92 \ln (X) + 2.71$
T = Number of Trips, X = Number of Dwelling Units			
Medical-Dental Office Building (LUC 720)	$T = 2.30 (X)$ (79% In/21% Out)	$\ln (T) = 0.88 \ln (X) + 1.59$ (27% In/73% Out)	$T = 40.89 (X) - 214.97$
T = Number of Trips, X = 1,000's of square feet of Gross Floor Area (GFA)			

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 DEC 20 2000  
 ZONING

ATTACHMENT I

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

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

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

WHEREAS, a second public hearing was advertised and held on April 3, 2006, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone 65 acres of land from AG-2 to RPD/CPD to allow a maximum of 468 dwelling units, 200,000 square feet of commercial floor area, and a maximum of 120 hotel rooms. Maximum proposed building height is three (3) stories/50 feet commercial and two (2) stories/ 35 feet residential. No development blasting is requested. The property is located in the Central Urban Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. Development must be consistent with the one-page Master Concept Plan entitled "CONCEPTUAL SITE PLAN: DIPLOMAT PARCEL," Sheet 1 of 1, date stamped "Received November 3, 2006," and prepared by Banks Engineering, Inc. (attached hereto as Exhibit C), except as modified by the conditions below.

Development must comply with the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan (MCP) are subsequently pursued, appropriate approvals will be necessary.

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

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

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

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

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

a. **Schedule of Uses: RPD**

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

**Schedule of Uses: CPD**

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

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

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

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

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

b. **Site Development Regulations - RPD**

**SINGLE-FAMILY**

Minimum Lot Areas and Dimensions

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

Minimum Setbacks

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

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet  
30 feet - all lots containing enhanced buffer. See Condition 13.

Minimum Building Separation: 10 feet.

Building Height: 35 feet/ 2 stories

Maximum Lot Coverage: 45 percent

**DUPLEX, TWO-FAMILY ATTACHED, TOWNHOUSE**

Minimum Lot Areas and Dimensions

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

Minimum Setbacks

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

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

Minimum Building Separation: 10 feet.

Building Height: 35 feet/ 2 stories

Maximum Lot Coverage: 45 percent

### **MULTI-FAMILY**

#### Minimum Lot Areas and Dimensions

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

#### Minimum Setbacks

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

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

Minimum Building Separation: 20 feet.

Building Height: 35 feet/ 2 stories

Maximum Lot Coverage: 45 percent

### **RECREATIONAL AREA/FACILITIES**

#### Minimum Lot Areas and Dimensions

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

Minimum Setbacks (Also see Deviation 5):  
Street 25 feet (public)/20 feet (private)  
Side 10 feet  
Rear 20 feet  
Water body 25 feet

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

Minimum Building Separation: 10 feet.

Building Height: 35 feet/ 2 stories

Maximum Lot Coverage: 45 percent

**Site Development Regulations - CPD**

Minimum Lot Areas and Dimensions

**COMMERCIAL**

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

Minimum Setbacks

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

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

Minimum Building Separation: 20 feet.

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

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

Maximum Lot Coverage: 60 percent

3. Concurrency.

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

4. Model Home and Real Estate Sales.

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

- a. Each model must be a unique example. Multiple examples of the same unit are not permitted.
- b. All model sites must be designated on the development order plans.
- c. Prior to model home construction, the lots upon which model homes will be constructed must be shown on a preliminary plat (not the final). The preliminary plat must be filed concurrently with the local development order application. The model homes must comply with the setbacks set forth in the property development regulations for this project.
- d. Dry models are prohibited.
- e. The number of model homes or model units will be limited to no more than 10 within the development at one time.
- f. Any model homes or units must be developed within the areas identified as "models" on the approved MCP.
- g. Real Estate sales within the Residential Planned Development (RPD) are limited to the sale of lots or units within the development only. Real Estate sales are a permitted use within the Commercial Planned Development (CPD)
- h. Real Estate sales within the RPD are limited to within model homes or clubhouse only.
- i. Hours of operation for both models and real estate sales (within the RPD) are limited to Monday through Sunday 8:00 a.m. to 8:00 p.m.
- j. Model homes and real estate sales within the RPD will be valid for a period of ~~up to~~ 5 years from the date of issuance of a certificate of occupancy of a model home per LDC § 34-1954(d)(1).

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

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

7. All required buffers must utilize 100 percent all native vegetation.
8. Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC §34-2174(a).
9. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
10. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.
11. The developer must contribute its proportionate share of the costs of intersection improvements at the time a traffic control device is warranted at the intersection of U.S. 41 and Diplomat Road.
12. Wireless Communication Facilities.
  - a. Freestanding wireless communication facilities (towers, including stealth type) are not permitted. Approval of freestanding wireless communication facilities will require an amendment to the planned development (public hearing).
  - b. Wireless Communication Facilities (including wall-mounted and roof-mounted antennas) may be approved in accordance with LDC Sec. 34-1441, et. seq. (Commercial parcels only).
13. Buffers. The 15-foot-wide Type B buffer to the west (adjacent to Six Lakes Country Club), to the east (adjacent to horse boarding), and to the north (adjacent to the existing Serendipity Mobile Home Park) must be enhanced to 30 feet, 10 trees per 100 linear feet, and canopy-type trees (no palms) with a minimum 4-inch caliper. The Type "B" buffer shown adjacent to the "Existing Lake and Amenities for Serendipity" also requires enhancement as described in this condition. See Condition 17 for enhanced buffer along north side of Diplomat Parkway where parking areas are adjacent to the Parkway.
14. Accessory Uses. Accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.
15. Open Space. Prior to local development order approval, the landscape plans must demonstrate that each commercial parcel is providing a minimum of 30 percent open space within the common area on the MCP, and a minimum of 40 percent common open space is provided within the residential tracts.
16. Environmental. Prior to local development order approval:

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

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

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

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

#### SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §10-285(a) requirement to provide a minimum access connection separation of 660 feet on an arterial road, to permit an access separation of 364 feet between the project's proposed main access and the proposed exit-only access for the residential portion of the southern parcel. This deviation is APPROVED.
2. Deviation (2) seeks relief from the LDC §10-296(k)(1) requirement that dead-end streets be closed at one end by a circular turn-around, to allow two dead-end streets as shown on the MCP. This deviation is APPROVED.
3. Deviation (3) seeks relief from the LDC §10-415(b)(1)(a) requirement that large developments with indigenous vegetation communities provide 50 percent of their open space percentage requirements through onsite preservation of existing native vegetative communities, to permit 0.45 acres of right-of-way to be vacated, enhanced, and preserved

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

- a. Prior to local development order approval for Commercial Parcel 4, the existing roadway easement depicted within the indigenous preserve must be vacated.
4. Deviation (4) seeks relief from the LDC §10-415(b)(1)a. requirement that large developments with existing indigenous native vegetation communities provide 50 percent of their open space requirement through on-site preservation of indigenous native vegetation, to allow portions of the preservation area to be disturbed and restored in order to install a stormwater management system. This deviation is APPROVED, SUBJECT TO the following conditions:
- a. Prior to local development order, the development orders plans must delineate the general location of the surface water management outfall through the indigenous preserve to the canal. The outfall must be designed as an open system that can be planted with native vegetation.
  - b. Prior to issuance of a Vegetation Removal Permit, the location of the surface water management outfall through the indigenous preserve must be field staked, to avoid impacting any large native trees or gopher tortoise burrows, for the Division of Environmental Sciences' Staff review and approval.
5. Deviation (5) seeks relief from the LDC §34-2474(b)(6) requirement that recreation halls and ancillary facilities and private clubs be located at least 40 feet from any residential dwelling unit, to allow a 20-foot minimum separation for any recreation building from a residential dwelling unit. This deviation is APPROVED, SUBJECT TO the following condition:
- a. Development of a recreational facility and clubhouse must be generally consistent with the location and size as shown on the approved MCP.
6. a. Deviation (6.a.) seeks relief from the LDC §10-291(3) requirement (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the north of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions:
- 1) Access to the residential component north of Diplomat Parkway must be generally consistent with the approved MCP; and
  - 2) The approved MCP and local development order must depict a minimum 70-foot-wide divided entrance on the north side of Diplomat Parkway that includes a median with two lanes on both sides of the median for ingress and egress; and
  - 3) Prior to issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency

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

- 4) Prior to build-out of the north residential development, applicant must install a secondary/emergency access from the residential tract to commercial Parcel 3, as shown on the MCP. Any emergency access gate must comply with all applicable regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or the operator of the gate;
6. b. Deviation (6.b.) seeks relief from the LDC §10-291(3) (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the south of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway with an emergency access also onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions:
- 1) Access to the residential component South of Diplomat Parkway must be generally consistent with the approved MCP; and
  - 2) Any emergency access gate must comply with all applicable regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or the operator of the gate; and
  - 3) Prior to the issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

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

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

SECTION E. FINDINGS AND CONCLUSIONS:

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

2. The RPD/CPD rezoning, as approved:
  - a. meets or exceeds the performance and locational standards set forth for the potential uses allowed by the request; and,
  - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
  - c. is compatible with existing or planned uses in the surrounding area; and,
  - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
  - e. will not adversely affect environmentally critical areas or natural resources.
3. The RPD/CPD rezoning satisfies the following criteria:
  - a. the proposed use or mix of uses is appropriate at the subject location; and
  - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
  - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. No agricultural uses currently exist on the property.
5. Urban services, as defined in the Lee Plan, will be available and adequate to serve the proposed land use.
6. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

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

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

DULY PASSED AND ADOPTED this 3<sup>rd</sup> day of April 2006.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: *Jusa S. Perice*  
Deputy Clerk

BY: *T. Hall*  
Tammara Hall, Chairwoman

Approved as to form by:

*Donna Marie Collins*  
Donna Marie Collins  
County Attorney's Office



REC'D  
4P  
2006 NOV 27 PM 3:20

ATTACHMENT J

# **Banks Engineering**

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

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

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

**NORTH CPD ZONNING PARCEL**

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

PARCEL CONTAINS 8.78 ACRES, MORE OR LESS.

**TOGETHER WITH: ADDITIONAL NORTH CPD ZONNING PARCEL**

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

PARCEL CONTAINS 1.48 ACRES, MORE OR LESS.

**DCI 2005-00055**

**TOGETHER WITH: SOUTH CPD ZONNING PARCEL**

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

SHEET 1 OF 3

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

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

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

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

PARCEL CONTAINS 6.00 ACRES, MORE OR LESS.

**TOGETHER WITH: ADDITIONAL SOUTH CPD ZONING PARCEL**

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

PARCEL CONTAINS 1.22 ACRES.

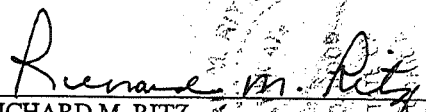
NET AREA AS DESCRIBED CONTAINS 17.48 ACRES, MORE OR LESS.

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

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

DESCRIPTION PREPARED NOVEMBER 2, 2006.

DCI 2005-00055

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

**Applicant's Legal Checked**  
by 11/08/06 CSJ

# SKETCH TO ACCOMPANY DESCRIPTION

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



### COORDINATE TABLE

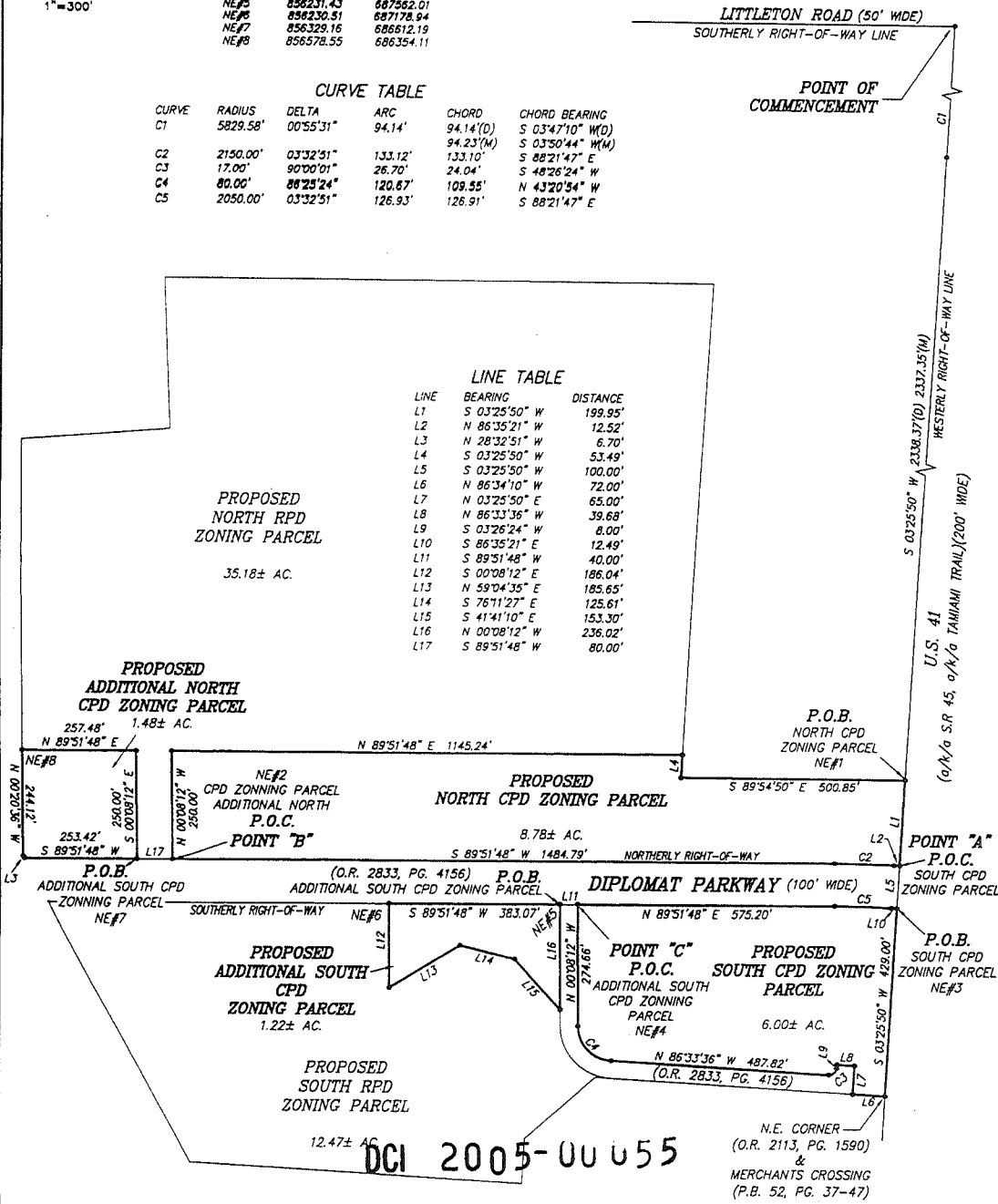
POINT	NORTHING	EASTING
NE#1	856327.83	686334.48
NE#2	856328.35	686329.19
NE#3	856228.53	688316.53
NE#4	856231.52	687802.01
NE#5	856231.43	687862.01
NE#6	856230.51	687178.94
NE#7	856329.16	686612.19
NE#8	856578.55	686354.11

### CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°55'31"	94.14'	94.14'(D)	S 03°47'10" W(D)
				94.23'(M)	S 03°50'44" W(M)
C2	2150.00'	03°32'51"	133.12'	133.10'	S 88°21'47" E
C3	17.00'	90°00'01"	26.70'	24.04'	S 48°26'24" W
C4	80.00'	88°23'24"	120.67'	109.55'	N 43°20'34" W
C5	2050.00'	03°32'51"	126.93'	126.91'	S 88°21'47" E

### LINE TABLE

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



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

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

\*\*\*THIS IS NOT A SURVEY\*\*\*

sketch *Richard M. Ritz*  
 RICHARD M. RITZ  
 REGISTERED LAND SURVEYOR  
 FLORIDA CERTIFICATION NO. 4008

— THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.  
 — PREPARED NOVEMBER 2, 2006.

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

DCI 2005-00055

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# **Banks Engineering**

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

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

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

**NORTH RPD PARCEL:**

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

PARCEL CONTAINS 35.18 ACRES, MORE OR LESS.

AND;

**SOUTH RPD PARCEL:**

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

SHEET 1 OF 3

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

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

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

DCI 2005-00055

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

PARCEL CONTAINS 12.47 ACRES, MORE OR LESS.

NET ACREAGE IS 47.65 ACRES, MORE OR LESS.

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

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

DESCRIPTION PREPARED NOVEMBER 2, 2006.

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

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

DCI 2005-00055

# SKETCH TO ACCOMPANY DESCRIPTION

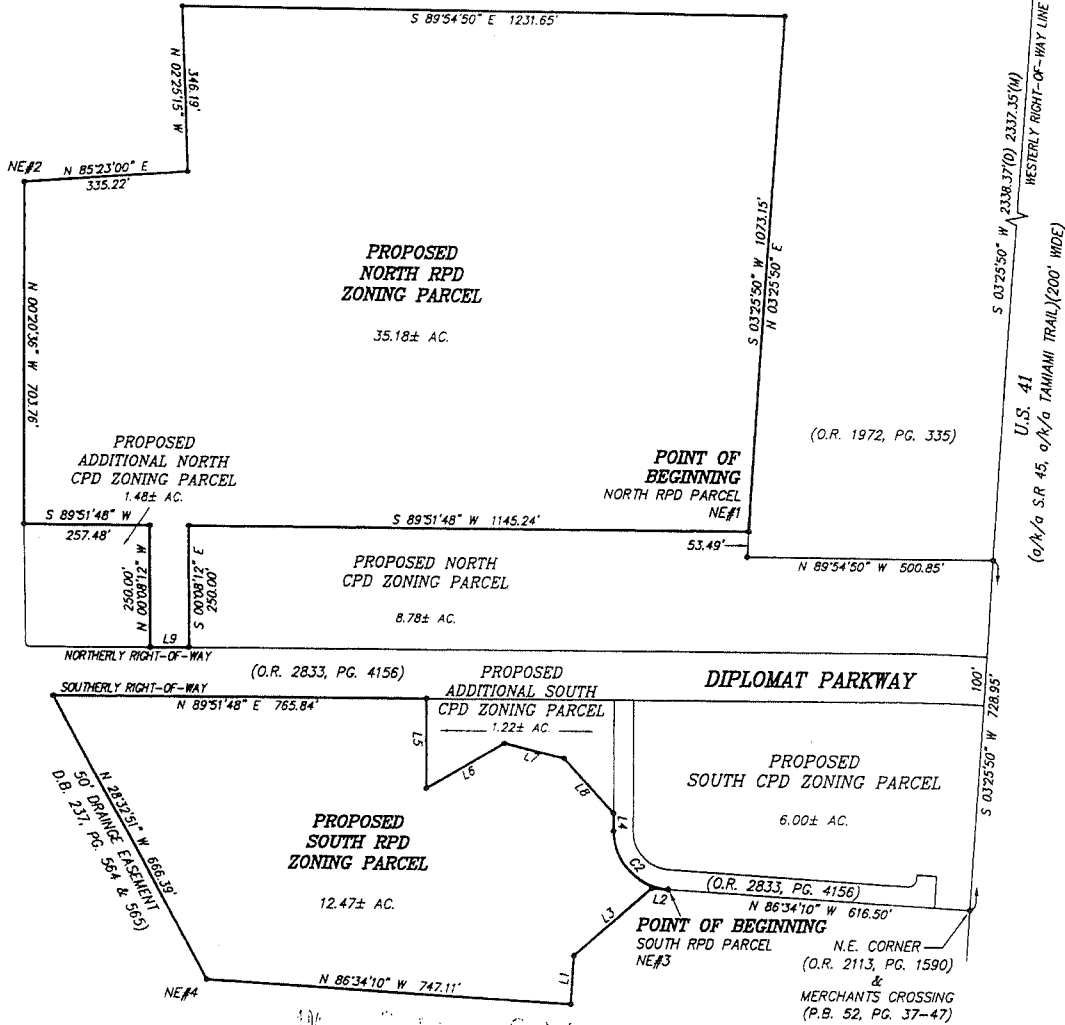
OF A  
PARCEL OF LAND  
LYING IN  
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST  
LEE COUNTY, FLORIDA



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

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°55'31"	94.14'	94.14'(D)	S 03°47'10" W(D)
C2	120.00'	86°25'24"	181.00'	94.23'(M)	S 03°50'44" W(M)
				164.33'	N 43°20'34" W

POINT	NORTHING	EASTING
NE#1	855582.08	687836.83
NE#2	857282.30	685349.89
NE#3	855837.18	687675.48
NE#4	855643.31	686731.56



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

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

\*\*\*THIS IS NOT A SURVEY\*\*\*

*Richard M. Ritz*  
RICHARD M. RITZ  
REGISTERED LAND SURVEYOR  
FLORIDA CERTIFICATION NO. 4909

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

—PREPARED NOVEMBER 2, 2006.

PREPARED BY:

**Banks Engineering**

ENGINEERING, SURVEYING & LAND PLANNING  
2510 NORTHBROOK PLAZA DRIVE - SUITE 200  
NAPLES, FLORIDA 34110  
(239) 597-2081  
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 8690

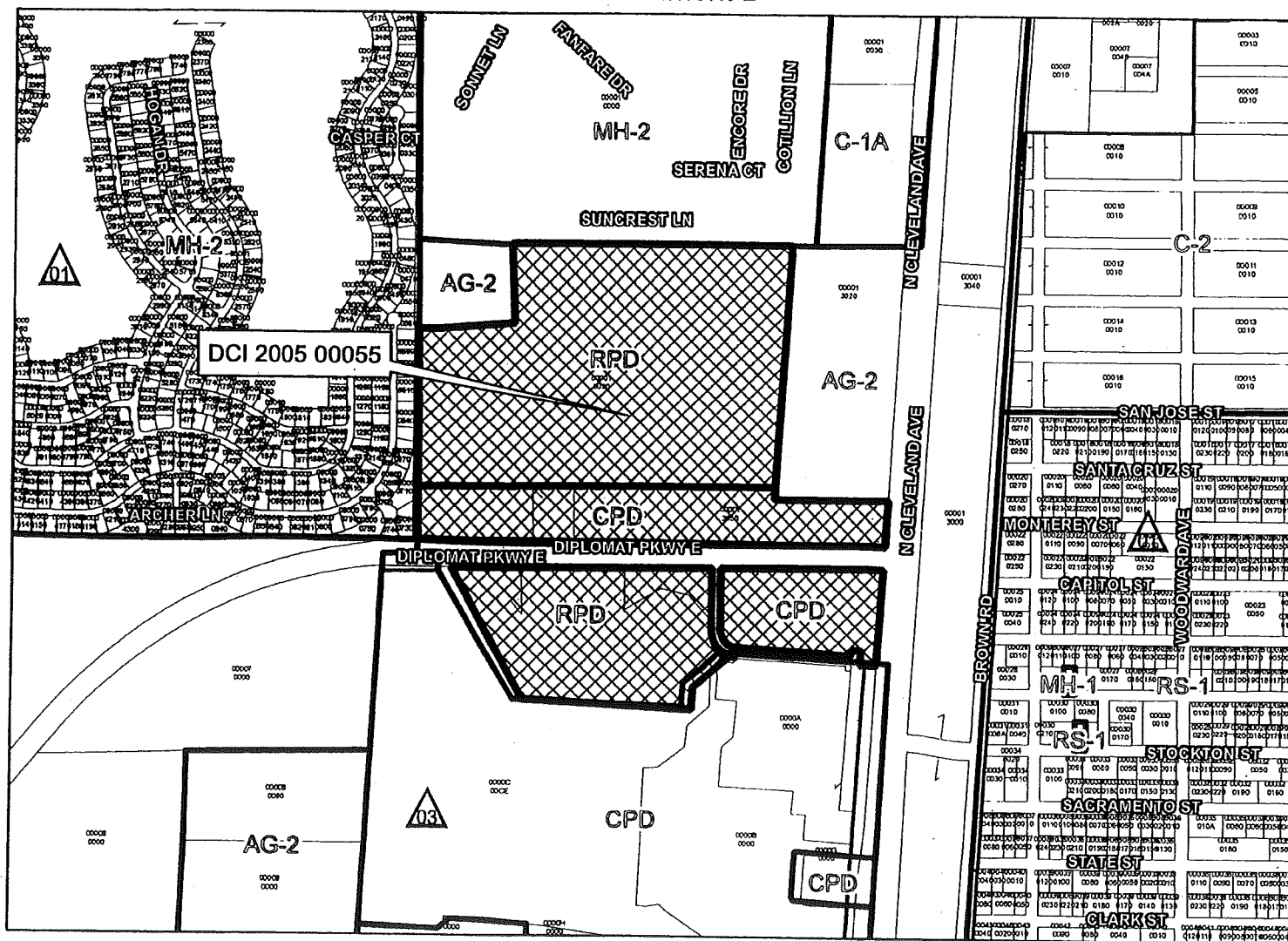
DCI 2005-00055

# PROPOSED ZONING MAP

## Attachment B

12/7/2005

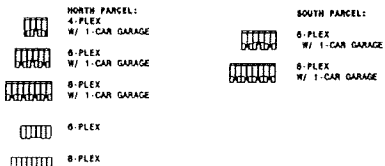
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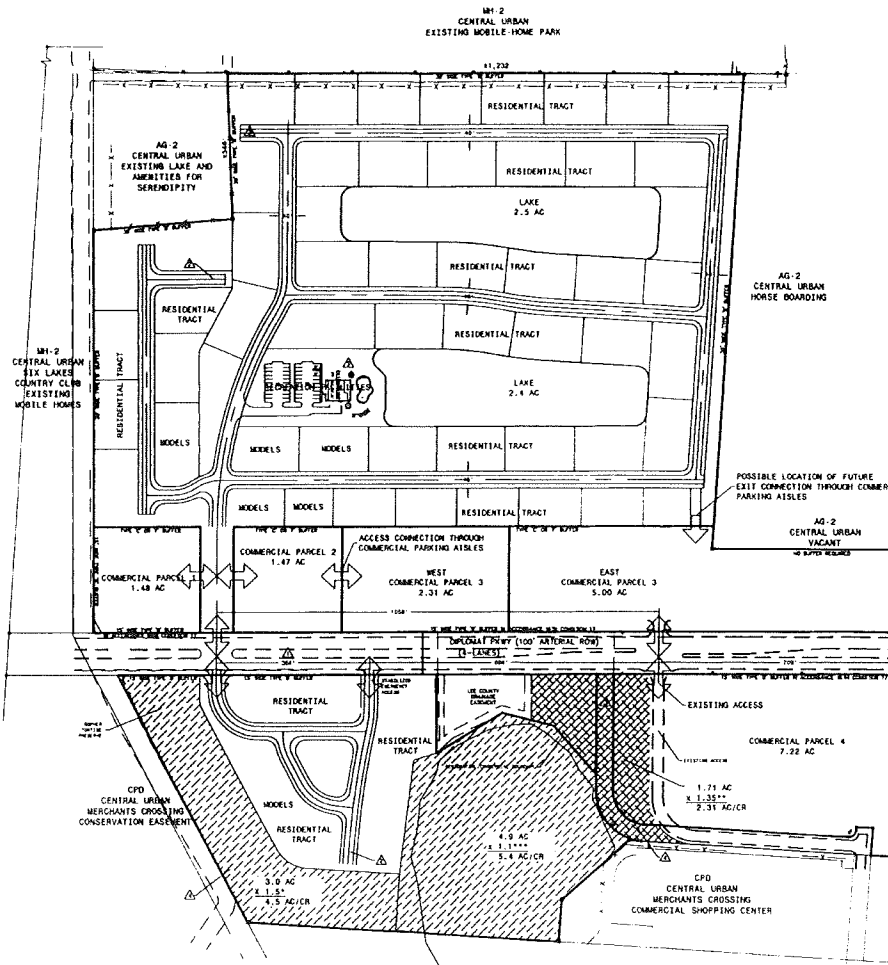
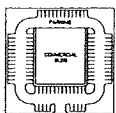
650 325 0 650 Feet

EXHIBIT "B"  
Zoning Map

TYPICAL RESIDENTIAL BUILDINGS:



TYPICAL COMMERCIAL BUILDINGS:



- RESIDENTIAL INDIGENOUS
- COMMERCIAL INDIGENOUS
- DEVIATION PLEASE REFER TO SCHEDULE OF DEVIATIONS AND JUSTIFICATIONS

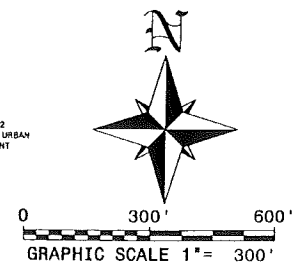
OPEN SPACE CALCULATIONS (NOT FOR COMMERCIAL/NOT COMMON OPEN SPACE FOR RESIDENTIAL)				
TRACT	AREA	INDIGENOUS REQUIRED	OTHER OPEN SPACE REQUIRED	INDIGENOUS PROVIDED
COMMERCIAL 1	1.48 AC	0.22 AC	0.22 AC(1)	0.22 AC(1)
COMMERCIAL 2	1.47 AC	0.22 AC	0.22 AC(1)	0.22 AC(1)
COMMERCIAL 3	7.31 AC	1.10 AC	1.10 AC(1)	1.10 AC(1)
COMMERCIAL 4	7.22 AC	1.08 AC	1.08 AC(1)	1.08 AC(1)
COMMERCIAL TOTALS	17.48 AC	2.68 AC	2.68 AC(1)	2.68 AC(1)
RESIDENTIAL NORTH	35.18 AC	7.04 AC	7.04 AC(1)	7.04 AC(1)
RESIDENTIAL SOUTH	12.47 AC	2.49 AC	2.49 AC(1)	2.49 AC(1)
RESIDENTIAL TOTALS	47.65 AC	9.53 AC	9.53 AC(1)	9.53 AC(1)

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

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

**RECEIVED**  
 NOV 03 2006  
 COMMUNITY DEVELOPMENT

DCI 2005-00055



Approved as Exhibit C  
 MCP Page 1 of 1  
 Resolution # 2-06-004

PREPARED FOR: <b>N.B.D. DEVELOPMENT, INC</b> 301 YAGATO ROAD, SUITE 3191 BOCA RATON, FLORIDA 33431 PH: (561) 394-8232 FAX: (561) 394-7158		<b>Banks Engineering, Inc.</b> Professional Engineers, Planners & Land Surveyors FORT MYERS • NAPLES • SARASOTA 3640 RYAN PARK DRIVE, SUITE 8 NAPLES, FLORIDA 34108 PHONE: (239) 549-0901 FAX: (239) 537-3082 ENGINEERING LICENSE # EB 8408 SURVEY LICENSE # LB 8000		MASTER CONCEPT PLAN <b>DIPLOMAT PARCEL</b> LEE COUNTY, FLORIDA					
DATE	PROJECT	DRAWING	REVISION	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (B-T-A)
FEB 2006	2028	021705	JSH	SKL	JSH	1"=300'	1	1	24-43-24

**ADMINISTRATIVE AMENDMENT (PD) ADD2007-00169**

**ADMINISTRATIVE AMENDMENT  
LEE COUNTY, FLORIDA**

WHEREAS, Athyrio Development Associates, LLC, filed an application for administrative approval to a Residential Planned Development/Commercial Planned Development (RPD/CPD) on a project known as Diplomat Parcel for reconfiguration of the master concept plan; provide for minimum lot areas and dimensions for townhouses; and approval of a deviations to the Land Development Code on property located at 15501 North Cleveland Avenue , described more particularly as:

LEGAL DESCRIPTION: In Section 34, Township 43 South, Range 24 East, Lee County, Florida:

*See Legal Description and Sketch attached hereto as "Exhibit A".*

WHEREAS, the property was originally rezoned in case number DCI2005-00055 (Z-06-004); and

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

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

WHEREAS, the Diplomat RPD/CPD was approved with a maximum of 457 dwelling units pursuant to condition #1; and

WHEREAS, the Diplomat RPD/CPD was approved with a maximum of 200,000 square feet of commercial floor area; and

WHEREAS, the approved master concept plan contemplated filling in an existing lake; and

WHEREAS, the applicant has reconfigured the master concept plan providing for more detail of the residential uses, and utilization of the existing lake; and

WHEREAS, the Diplomat RPD/CPD provided land development regulations for townhouses per Condition 2; and

WHEREAS, the applicant proposes a revised set of land development regulations for their specific townhouse products; and

WHEREAS, these revised land development regulations are substantively the same and acceptable to staff; and

WHEREAS, the applicant requests a deviation from LDC Sec. 10-261(a) which requires all new multifamily residential developments to provide sufficient space for the placement of garbage containers or receptacles, to allow for curb side garbage pick up at the proposed townhouse units that are planned within the project; and

WHEREAS, this request was reviewed and approved by the Department of Solid Waste and the Department of Public Works; and

WHEREAS; the deviation request enhances the planned development and preserves and promotes the general intent of the LDC to protect the public health, safety and welfare; and

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

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to the Diplomat Residential Planned Development/Commercial Planned Development (RPD/CPD) for reconfiguration of the master concept plan; provide for minimum lot areas and dimensions for townhouses; and approval of a deviation to the Land Development Code is **APPROVED**.

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

- 1. The Development must be in compliance with the amended Master Concept Plan, dated JAN 30, 2007, Master Concept Plan for ADD2007-00169 is hereby APPROVED and adopted. A reduced copy is attached hereto.**
- 2. Condition 2 a. of Zoning Resolution #Z-06-004 is revised with the following Site Development Regulations for Townhouses.**

**Minimum Lot Areas and Dimensions**

**Lot Size**      ~~7,500~~ **1,600** square feet  
**Lot Width**    ~~75~~ **16** feet  
**Lot Depth**    **100** feet

**Minimum Setbacks**

**Street**                      **25 feet (public)/20 feet (private)**  
**Side**                         **5 10 feet (Zero feet for common wall unit)**

# ATTACHMENT K

Rear 30 feet - All lots containing enhanced buffer. See Condition 13.  
20 feet - all other lots  
Water Body 25 feet

All Accessory Uses: Per the LDC

Setbacks from Preserves (All Structures) 25 feet per the LDC.

Minimum Perimeter Setbacks: 25 feet (30 feet - All lots containing enhanced buffer. See Condition 13.)

Minimum Building Separation ~~40~~ 20 feet

Maximum Building Height: 35 feet/2 stories

Maximum Lot Coverage: ~~45~~ 65%

3. Deviation 7 seeks relief from LDC Sec. 10-261(a) which requires all new multifamily residential developments to provide sufficient space for the placement of garbage containers or receptacles, to allow for curb side garbage pick up at the proposed townhouse units that are planned within the project. This Deviation is APPROVED.
4. The terms and conditions of the original zoning resolutions remain in full force and effect, except as amended herein.

DULY SIGNED this 1st day of February, A.D., 2008.

BY: Pam Houck

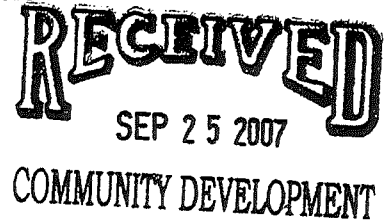
Pam Houck, Director  
Division of Zoning  
Department of Community Development

## ATTACHMENT K

EXHIBIT A

**Banks Engineering**

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



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

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

**NORTH RPD PARCEL:**

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

PARCEL CONTAINS 35.18 ACRES, MORE OR LESS.

AND;

**SOUTH RPD PARCEL:**

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

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

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

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

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

PARCEL CONTAINS 12.47 ACRES, MORE OR LESS.

NET ACREAGE IS 47.65 ACRES, MORE OR LESS.

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

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

DESCRIPTION PREPARED NOVEMBER 2, 2006.

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



**Applicant's Legal Checked**  
by 8 9/25/07

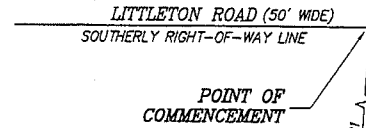


# SKETCH TO ACCOMPANY DESCRIPTION

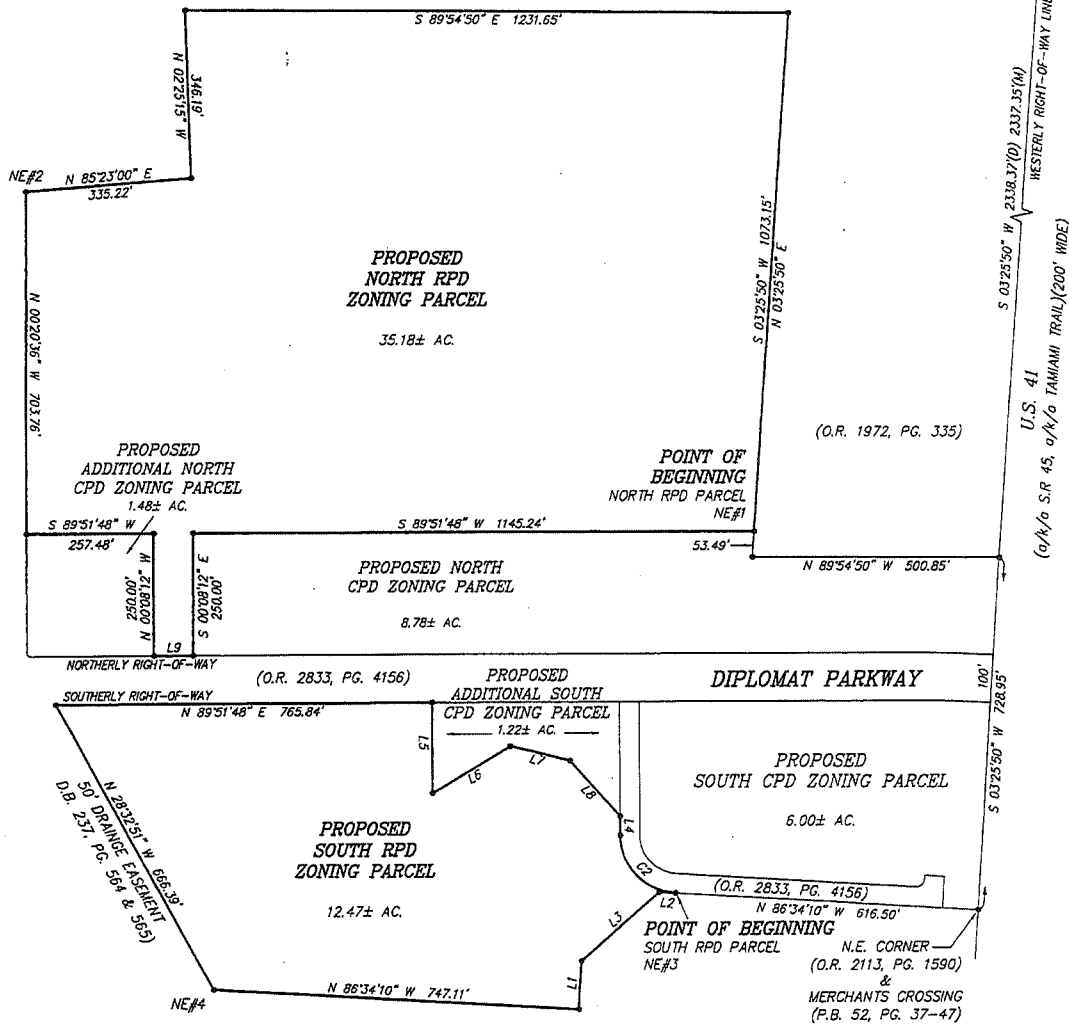
OF A  
PARCEL OF LAND  
LYING IN  
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST  
LEE COUNTY, FLORIDA

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

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



POINT	NORTHING	EASTING
NE#1	856382.08	687836.83
NE#2	857282.30	686348.89
NE#3	855837.18	687675.48
NE#4	855643.31	686731.56



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

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

Applicant's Legal Checked  
by *[Signature]* 9/25/07

\*\*\*THIS IS NOT A SURVEY\*\*\*

*[Signature]*  
RICHARD M. RITZ  
REGISTERED LAND SURVEYOR  
FLORIDA CERTIFICATION NO. 9008  
— THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR-UNDERMAPPER —  
— PREPARED NOVEMBER 12, 2006 —

PREPARED BY  
**Banks Engineering**  
ENGINEERING, SURVEYING & LAND PLANNING  
2515 NORTHBROOKS PLAZA DRIVE - SUITE 200  
NAPLES, FLORIDA 34110  
(239) 597-2061  
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 5690

# **Banks Engineering**

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

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

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

**NORTH CPD ZONNING PARCEL**

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

PARCEL CONTAINS 8.78 ACRES, MORE OR LESS.

**TOGETHER WITH: ADDITIONAL NORTH CPD ZONNING PARCEL**

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

PARCEL CONTAINS 1.48 ACRES, MORE OR LESS.

**TOGETHER WITH: SOUTH CPD ZONNING PARCEL**

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

SHEET 1 OF 3

C:\Documents and Settings\Erin Ritz\Local Settings\Temporary Internet Files\OLK3\2028\_ZONING CPD REV\_DESC.doc

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

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

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

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

PARCEL CONTAINS 6.00 ACRES, MORE OR LESS.

**TOGETHER WITH: ADDITIONAL SOUTH CPD ZONNING PARCEL**

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

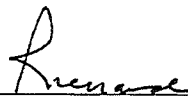
PARCEL CONTAINS 1.22 ACRES.

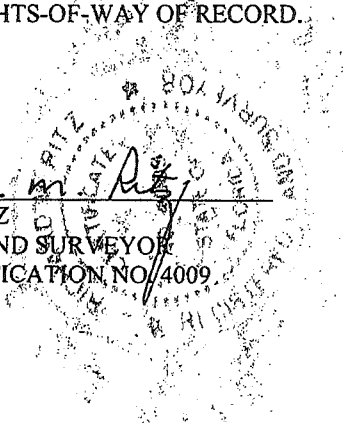
NET AREA AS DESCRIBED CONTAINS 17.48 ACRES, MORE OR LESS.

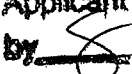
BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

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

DESCRIPTION PREPARED NOVEMBER 2, 2006.

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



Applicant's Legal Checked  
by  9/25/07

# SKETCH TO ACCOMPANY DESCRIPTION

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



### COORDINATE TABLE

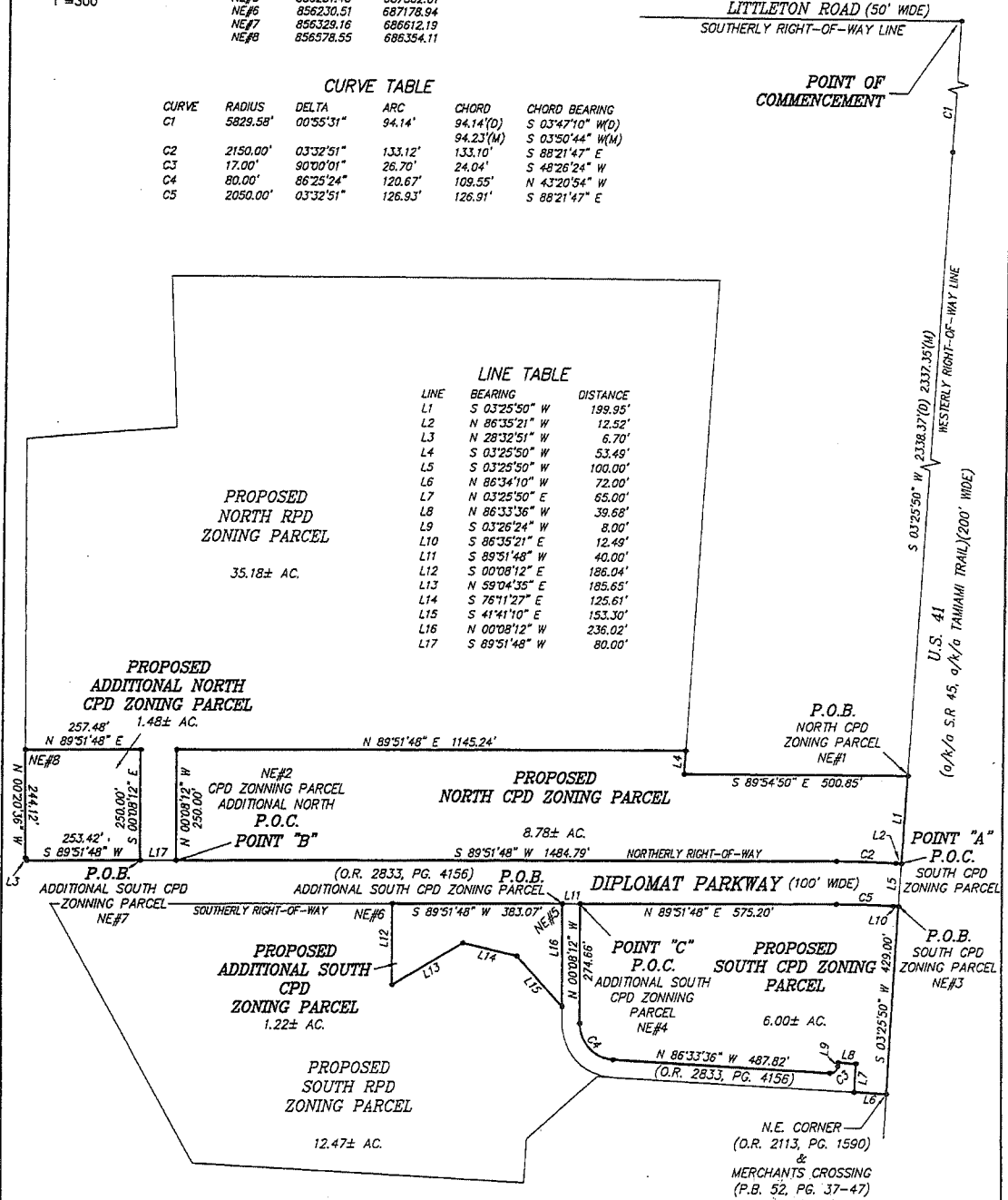
POINT	NORTHING	EASTING
NE#1	85627.93	686334.48
NE#2	856329.35	686692.19
NE#3	856228.53	686316.53
NE#4	856231.52	687602.01
NE#5	856231.43	687562.01
NE#6	856230.51	687178.94
NE#7	856329.16	686612.19
NE#8	856578.55	686354.11

### CURVE TABLE

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

### LINE TABLE

LINE	BEARING	DISTANCE
L1	S 03°25'50" W	199.95'
L2	N 86°35'21" W	12.52'
L3	N 28°32'51" W	6.70'
L4	S 03°25'50" W	53.49'
L5	S 03°25'50" W	100.00'
L6	N 86°34'10" W	72.00'
L7	N 03°25'50" E	65.00'
L8	N 86°33'36" W	39.68'
L9	S 03°26'24" W	8.00'
L10	S 86°35'21" E	12.49'
L11	S 89°51'48" W	40.00'
L12	S 00°08'12" E	186.04'
L13	N 59°04'35" E	185.65'
L14	S 78°11'27" E	125.61'
L15	S 41°41'10" E	153.30'
L16	N 00°08'12" W	236.02'
L17	S 89°51'48" W	80.00'



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

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

\*\*\*THIS IS NOT A SURVEY\*\*\*

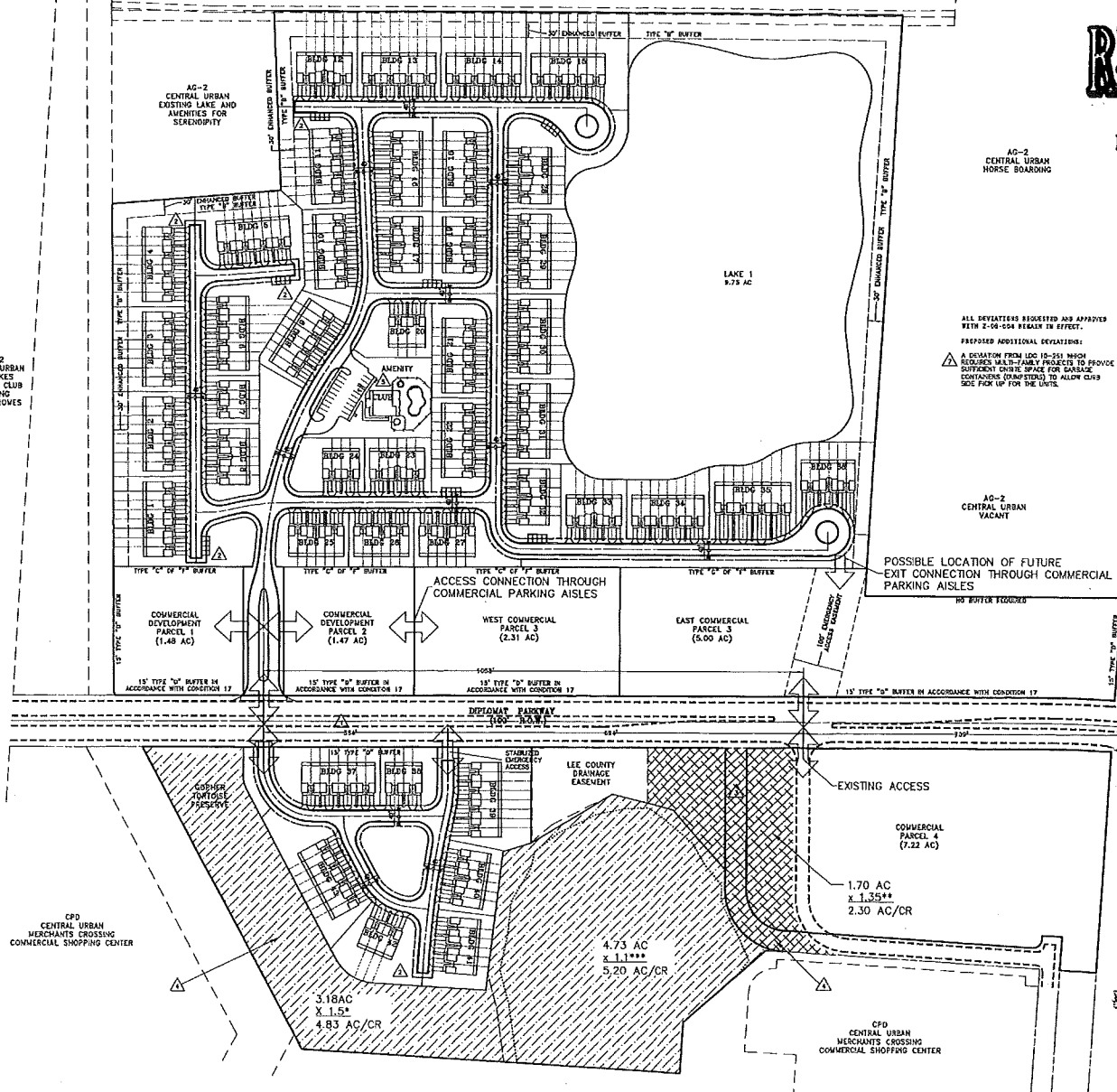
*Richard M. Ritz*  
 RICHARD M. RITZ, C.  
 REGISTERED LAND SURVEYOR  
 FLORIDA CERTIFICATION NO. 4008  
 - THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE (AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER)  
 - PREPARED NOVEMBER 2, 2006  
 PREPARED BY:

**Applicant's Legal Checked**  
 by *[Signature]*  
**banks & engineering**  
 ENGINEERING, SURVEYING & LAND PLANNING  
 2515 NORTHBROOKE PLAZA DRIVE - SUITE 200  
 NAPLES, FLORIDA 34119  
 (239) 597-2061  
 FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

ATTACHMENT K

MH-2  
CENTRAL URBAN  
MOBILE HOME  
PARK SERENITY

MH-2  
CENTRAL URBAN  
SK LAKES  
COUNTRY CLUB  
EXISTING  
MOBILE HOMES



**RECEIVED**  
JAN 30 2008

**PERMIT COUNTER**



0 100 200 300  
GRAPHIC SCALE 1" = 100'

- = RESIDENTIAL INDIGENOUS
- = COMMERCIAL INDIGENOUS
- = DEVIATION  
PLEASE REFER TO SCHEDULE OF DEVIATIONS AND JUSTIFICATIONS

**OPEN SPACE CALCULATIONS (FOOT FOR COMMERCIAL/1000 COMMON OPEN SPACE FOR RESIDENTIAL)**

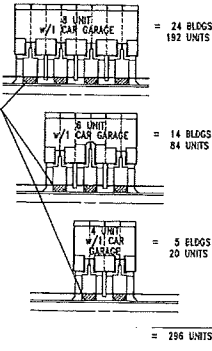
TRACT	AREA	INDIGENOUS REQUIRED	COMMON OPEN SPACE PROVIDED	INDIGENOUS PROVIDED
COMMERCIAL 1	1.47 AC	0.22 AC 15%	0.33 AC(2)	0.33 AC(2)
COMMERCIAL 2	1.47 AC	0.22 AC 15%	0.33 AC(2)	0.33 AC(2)
COMMERCIAL 3	2.28 AC	0.34 AC 15%	0.50 AC(2)	0.50 AC(2)
COMMERCIAL 4	2.23 AC	0.33 AC 15%	0.49 AC(2)	0.49 AC(2)
RESIDENTIAL NORTH	28.02 AC	4.20 AC 15%	3.84 AC(2)	3.84 AC(2)
RESIDENTIAL SOUTH	13.10 AC	1.96 AC 15%	1.81 AC(2)	1.81 AC(2)
TOTALS	50.57 AC	7.57 AC	6.80 AC(2)	6.80 AC(2)

ALL DEVIATIONS REQUESTED AND APPROVED WITH Z-08-004 REMAIN IN EFFECT.  
PROPOSED ADDITIONAL DEVIATIONS:  
A DEVIATION FROM LDC 10-251 WHICH REQUIRES MULTI-FAMILY PROJECTS TO PROVIDE SUFFICIENT ON-SITE SPACE FOR GARAGE CAPACITIES (CONVERTED) TO ALLOW CURB SIDE PICK UP FOR THE UNITS.

IF RESIDENTIAL OPEN SPACE AREA IS PROVIDED ON SOUTHERN PORTION OF DEVELOPMENT (FULL CREDIT PER LDC 10-251) AND IS TO PROVIDE TOTAL REQUIRED RESIDENTIAL OPEN SPACE FOR ALL TRACTS, IS OTHER (NON-RESIDENTIAL) OPEN SPACE SHALL BE PROVIDED ON THE RESPECTIVE TRACT AND SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT OTHER FOOTINGS.

**UNDEVELOPED NOTES:**  
 \*15% CREDIT FOR MINIMUM 3 ACRES AND 100' WIDTH PER LDC SECTION 10-400(2)(A)  
 \*\*25% CREDIT FOR MINIMUM 1 ACRE AND 75' WIDTH PER LDC SECTION 10-400(2)(A) AND ADDITIONAL 10% CREDIT FOR PRESERVATION ADJACENT TO ROADWAY PER LDC SECTION 10-400(2)(B)  
 \*\*\*10% CREDIT FOR CONNECTION TO EXISTING ENVIRONMENTAL CONSERVATION OR PRESERVE AREAS PER LDC SECTION 10-410(2)(C).

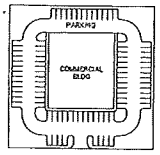
**TYPICAL RESIDENTIAL BUILDING LEGEND:**



AG-2  
CENTRAL URBAN  
VACANT

ADD 2007-00169  
(LOCAL GOVERNMENT BUSINESS)

**APPROVED**  
Amendment to  
Master Concept Plan  
Subject to Case # ADD2007-00169  
Date 2/1/2008



**N.B.D. DEVELOPMENT, INC.**  
1000 W. PALM BEACH BLVD. SUITE 100  
WEST PALM BEACH, FLORIDA 33411  
TEL: (561) 794-1774  
FAX: (561) 794-1774

**Trillix Engineering**  
Professional Engineers, Planners & Land Surveyors  
1000 W. PALM BEACH BLVD. SUITE 100  
WEST PALM BEACH, FLORIDA 33411  
TEL: (561) 794-1774  
FAX: (561) 794-1774

**MASTER CONCEPT PLAN  
DIPLOMAT PARCEL  
LEE COUNTY, FLORIDA**

DATE	PROJECT	ISSUED	REVISED	BY	CHKD	APP'D	SCALE	SHEET	TOTAL SHEETS
02-27-2007	2007-00169						1" = 100'	1	1

2008 SUPPLEMENT PARCEL

**STAFF REPORT  
FROM  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
DIVISION OF ENVIRONMENTAL SCIENCES**

**Date:** December 10, 2010

**To:** Tony Palermo, Senior Planner

**From:** Aaron Martin, Environmental Planner  
**Phone:** (239) 533-8522  
**e-mail:** amartin@leegov.com



**Project:** Diplomat Property RPD/CPD  
**Case:** DCI2010-00015  
**STRAP:** 34-43-24-00-00001.3030

The Division of Environmental Sciences (ES) staff have reviewed the proposed Diplomat Property Residential Planned Development (RPD)/Commercial Planned Development (CPD) and offer the following analysis and recommendations

**PROJECT SITE:**

The project is located on the west side of US 41, on the northwest corner of the intersection of Diplomat Pkwy and US 41. The project site is approximately ±35.2 acres in size. The site is zoned RPD with a Future Land Use Category of Central Urban. The site was originally part of a 65 acre rezoning action from AG-2 to RPD and CPD per DCI2005-00055 (Z-06-004) and amended per ADD2007-00169. This allowed for 457 dwelling units, 200,000SF of commercial uses, and a 120 room hotel. Two development orders (DOS2007-00255 & DOS2007-00267) have been issued for the overall 65 acre RPD/CPD. These development orders outlined the installation of surface water management, utilities, fill, and other common infrastructure, however, no site work has occurred to date in relation to these development orders.

**PROJECT DESCRIPTION:**

The applicant is proposing an amendment to this rezoning for a 35.2 acre portion zoned as RPD. The proposal is to add assisted living facility use and to rezone a portion of the RPD to CPD to allow medical offices. This will result in 29.75 acres of RPD and 5.43 acres of CPD.

**VEGETATION:**

As part of the amendment application the applicant request a waiver from environmental requirements including a vegetative community assessment of the ±35.2 acre property. A vegetative community assessment was completed in 2008 as part of the development order process and since no site work has occurred on site staff approved the requested waiver. The assessment was

conducted by E.W. Consultants, Inc. in May 2008 and field verified by ES Staff (Aaron Martin) on August 20, 2010. The assessment and a Florida Land Use, Cover and Classification System (FLUCCS) map was submitted by the applicant.

The site is comprised primarily of Pine Flatwoods FLUCCS 411 and Palmetto Prairies FLUCCS 321. Additional FLUCCS codes include FLUCCS 414E3 Pine-Mesic Oak with 50-75% exotic coverage, FLUCCS 422 Brazillian Pepper, FLUCCS 5101 Drainage Ditch, FLUCCS 742 Borrow Pit, and FLUCCS 8146 Trails. Within the 411 and 321 FLUCCS community the canopy vegetation is slash pine (*Pinus elliotti*), laurel oak (*Quercus laurifolia*), cabbage palm (*Sabal palmetto*), and live oak (*Quercus virginiana*) with very scattered melaleuca (*Melaleuca quinquenervia*). The midstory contains very scattered Brazilian pepper (*Schinus terebinthifolius*), Stagger bush (*Lyonia* sp.), gallberry (*Ilex glabra*), and myrtle oak (*Quercus myrtifolia*). The ground cover is dominated by saw palmetto (*Serenoa repens*), and also contains species such as wire grass (*Artistida stricta*), grapevine (*Vitis rotundifolia*), gopher apple (*Licania michauxii*), and greenbriar (*Smilax glauca*).

In the previous vegetative assessment and staff site inspection it was noted that the site does contain large native heritage trees. Per LDC 10-415(b)(1)(b)(4) efforts must be made to preserve heritage trees and if a heritage tree must be removed then it must be replaced with a 20' tall tree of a like species. The applicant has not field located these trees and has stated they will address them at time of local development order.

The following Lee County Comprehensive Plan Goals, Objectives and Policies support ES staff analysis and recommended conditions:

**Lee Plan Goal 77** To require new development to provide adequate open space for improved aesthetic appearance, visual relief, environmental quality, preservation of existing native trees and plant communities, and the planting of required vegetation.

**Policy 77.3.1** Any new development with existing indigenous vegetation is encouraged to provide half of the required open space as existing native plant communities. Any new development with existing native trees without associated native groundcover or understory is encouraged to provide half of the required open space with areas containing existing native trees. The planting of native shrubs species within native tree protection areas is encouraged.

ES staff recommends the following condition to ensure the indigenous preservation and heritage tree preservation committed to by the applicant is met:

***Prior to local development order approval, a tree survey must be submitted demonstrating the location, diameter at breast height, and species of all heritage trees within the development area.***

***Prior to local development order approval, landscape plans must depict heritage trees located within the development footprint, that are determined to be of good health as per a certified arborist, must be incorporated into the internal open space (i.e. perimeter planting, enlarged landscape areas, etc...), or must be replaced with 20 foot like species to a suitable open space area***

*where final site design constraints (i.e. fill requirements, entrance roads, etc...) do not allow preservation.*

**PROTECTED SPECIES:**

Listed species identified on site included gopher tortoise (*Gopherus polyphemus*), great blue heron (*Ardea herodias*), little blue heron (*Egretta caerulea*), snowy egret (*Egretta thula*), and american alligator (*Alligator mississippiensis*). A total of 7 gopher tortoise burrows (3 active and 4 inactive) were observed on site. As part of the original rezoning conditions were approved that required certain management activities (permanent tortoise fencing and native hedges) for the indigenous preserve to allow for the relocation of these tortoises into on site indigenous preservation areas. However in 2007, the Fish and Wildlife Commission (FWC) adopted a new management plan for gopher tortoises permitting. This management plan focuses on relocation of tortoises to off site large preserves to allow for large contiguous populations to be maintained. This may or may not allow for these tortoises to be relocated on site. As part of this application the applicant has asked to amend the previous zoning (Z-06-004 & ADD2007-00169) to allow for an option to move tortoises to an off site preserve should FWC not permit relocation on site and to allow for these management conditions to be flexible should relocation on site not be possible.

The following Lee County Comprehensive Plan Objective and Policies support ES staff analysis and recommended conditions:

**Lee Plan Objective 107.3 Wildlife** states “Maintain and enhance the fish and wildlife diversity and distribution within Lee County for the benefit of a balanced ecological system”.

**Policy 107.4.3** requires detailed inventories and assessments of the impacts of development where it threatens habitat of endangered and threatened species and species of special concern.

**Policy 107.4.4:** Restrict the use of protected plant and wildlife species habitat to that which is compatible with the requirements of endangered and threatened species and species of special concern. New developments must protect remnants of viable habitats when listed vegetative and wildlife species inhabit a tract slated for development, except where equivalent mitigation is provided.

**Policy 107.8.1** requires the county’s policy is to protect gopher tortoise burrows wherever they are found. However, if unavoidable conflicts make on-site protection infeasible, then off-site mitigation may be provided in accordance with FWC requirements.

ES staff recommends the following condition to ensure the protection of species committed to by the applicant is met. This conditions are in addition to the original conditions of Z-06-004 and ADD2007-00169

*Prior to development order approval, the applicant must first seek approval for on-site preservation of the gopher tortoises through avoidance or relocation before pursuing off-site relocation options. All communication with Florida Fish and Wildlife Conservation Commission (FWC) verifying on-site avoidance or relocation attempts were made must be provided to Division of Environmental Sciences staff.*

*A copy of the appropriate gopher tortoise relocation permit issued by the Florida Fish and Wildlife Conservation Commission (FWC) must be submitted to the Division of Environmental Sciences staff prior to excavation and moving of any gopher tortoises. The applicant must first seek approval for an on-site relocation before pursuing off-site relocation options. Any gopher tortoises and commensal species found during burrow excavation must be moved to preserves containing suitable gopher tortoise habitat as approved by the FWC and Lee County Division of Environmental Sciences staff.*

The following condition replaces condition 16(a-c) of Z-06-004:

**16. Environmental. Prior to local development order approval, should FWC permit the relocation of tortoises within on site indigenous preserves:**

- a. The developer must submit a detailed indigenous preservation management plan for the Division of Environmental Sciences Staff review and approval that includes methods of maintaining the western 3.0 acres of the preserve as gopher tortoise habitat; and,**
- b. The landscape plans must include a permanent gopher tortoise fence along Diplomat Parkway where the 3-acre gopher tortoise preserve abuts this roadway and a double staggered native hedge (minimum 3-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted on the roadside of the fence; and,**
- c. The landscape plan must delineate a double staggered native hedge (minimum 3-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted along the interface of the indigenous preserve with the residential tract.**

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

**OPEN SPACE:**

Per the LDC Section 10-415(a), large commercial planned developments are required to provide 30% of the total area of the project as open space and large residential planned developments are required to provide 40%. Therefore, the proposed 35.2 acre project is required to provide 11.9 acres of open space for the RPD ( $29.75 \times 0.40\% = 11.9$ ) and 1.63 acres of open space for the CPD ( $5.43 \times 0.30\% = 1.63$ ) for a total of 13.53 acres. Per the MCP stamped "received" October 26, 2010 the applicant is proposing to provide 13.53 acres as open space which meets the open space requirements. Given the open space the applicant is proposing, this project meets the requirements of The Lee County Comprehensive Plan and LDC.

The following Lee County Comprehensive Plan (Lee Plan) Goals, Objectives and Policies support ES staff analysis and recommended conditions:

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

**Objective 77.1** Development regulations will continue to require that new residential developments provide sufficient open space to meet the needs of their residents.

**Objective 77.2** Development regulations will continue to require that new commercial and industrial developments provide sufficient open space for the benefit of their patrons and the general public.

**Objective 77.3** New developments must use innovative open space design to preserve existing native vegetation, provide visual relief, and buffer adjacent uses and proposed/existing right-of-ways. This objective and subsequent policies are to be implemented through the zoning process.

ES staff recommends the following condition to ensure the open space committed to by the applicant is met:

***Prior to local development order approval, the development order plans must delineate a minimum of 1.63 acres of open space for the commercial planned development and 11.9 acres of open space for the residential planned development.***

#### **INDIGENOUS PRESERVATION:**

LDC Section 10-415(b) requires that large developments with existing indigenous native vegetation must provide 50% of the open space percentage requirement through the onsite preservation of existing indigenous native vegetation communities. Therefore, this 35.2 acres of the overall 65 acre planned development site must provide a minimum of 6.77 acres ( $13.53 / .5 = 6.77$ ) of indigenous preservation. Per the original zoning the applicant is providing 12.33 acres of indigenous preservation within the overall 65 acre planned development however, it should be noted that these areas are not present within the 35.2 acre area that is subject to this application. The site does contain a flood way along the west property line abutting a channelized creek. This area contains large native canopy trees and some native understory. The applicant has agreed to leave the existing native vegetation to act as the required buffer (see buffer conditions below). Given the indigenous open space the applicant is proposing, this project meets the requirements of The Lee County Comprehensive Plan and LDC.

The following Lee County Comprehensive Plan Goals, Objectives and Policies support ES staff analysis and recommended conditions:

**Lee Plan Goal 77** To require new development to provide adequate open space for improved aesthetic appearance, visual relief, environmental quality, preservation of existing native trees and plant communities, and the planting of required vegetation.

**Policy 77.3.1** Any new development with existing indigenous vegetation is encouraged to provide half of the required open space as existing native plant communities. Any new development with existing native trees without associated native groundcover or understory is encouraged to provide half of the required open space with areas containing existing native trees. The planting of native shrubs species within native tree protection areas is encouraged.

### **BUFFERS:**

The proposed project abuts commercially zoned developments along the east and south sides and single family residential developments along the north and west sides. Per LDC10-416(d)(3) residential projects abutting a commercial use require no buffer, multi family residential projects abutting a single family use require a type "B" buffer, commercial uses abutting commercial uses require a type "A" buffer, and commercial uses abutting a single family use require a type "C" or "F" buffer. However during the previous zoning approval the applicants agreed to provide enhanced buffers around the perimeter. Per the provided MCP the applicant is providing an enhanced type "B" buffer along the north and east property lines. The enhancements include an increased width from 15' to 30', an increase number of trees from 5 to 10 per 100 linear feet, and the use of 100% native canopy trees (this was originally conditioned in Z-06-004 #13). Along the west property line, which is located within a flood way, the applicant is providing the required type "F" buffer but will preserve the native vegetation within the flood way to act as the required buffer material. Upon exotic removal from this area if there is not sufficient vegetation to meet the buffer requirement this area will be augmented with additional plants. Along the south property line the applicant is providing a type "C" or "F" buffer east of the entrance road where the RPD abuts the commercial development to the south and a type "A" buffer west of the entrance road where the CPD abuts the commercial development to the south.

The applicant is requesting one new deviation. Deviation #8 is a deviation from 10-416(d)(3) which requires a type "C" or "F" buffer between an commercial use and residential use to allow for no buffer requirement along the boundary of the RPD and CPD internal to the site along the internal access road. This is to allow for a more integrated development as the medical offices located within the CPD will directly service the assisted living facilities located within the RPD. ES staff supports this deviation request. Given the buffering the applicant is proposing, this project exceeds the requirements of The Lee County Comprehensive Plan and LDC.

The following Lee County Comprehensive Plan Goals, Objectives and Policies support ES staff analysis and recommended conditions:

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

**Policy 6.1.3** Commercial developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as CPDs designed to arrange uses in an integrated and cohesive unit in order to:

- provide visual harmony and screening; and
- protect natural resources

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

**Objective 77.3** New developments must use innovative open space design to preserve existing native vegetation, provide visual relief, and buffer adjacent uses and proposed and/or existing rights-of-way. This objective and subsequent policies are to be implemented through the zoning process.

**Policy 77.3.3** The county encourages new developments to incorporate existing native plant communities and/or native trees along proposed and/or existing rights-of-way.

ES staff recommends the following condition to ensure the buffering committed to by the applicant is met:

***Prior to local development order approval, all required plantings must be 100% native vegetation.***

***Prior to local development order approval, the development plans must demonstrate the preservation of native vegetation within the flood way. This vegetation may be utilized to meet the required type "F" buffer plantings. Upon removal of exotics from this area if it is found that the existing vegetation does not satisfy the buffer planting requirements additional plants must be provided. These plants must be designed to mimic the natural area through the use of similar species and random planting throughout the area.***

***Prior to local development order approval, an enhanced type "B" buffer must be provided as shown on the MCP. This buffer must be 30' in width and include 10 native canopy trees per 100 linear feet, and a double hedge row planted at 48" in height at time of planting.***

MEMORANDUM  
FROM THE  
DEPARTMENT OF  
COMMUNITY DEVELOPMENT  
DEVELOPMENT SERVICES DIVISION

DATE: December 16, 2010

To: Tony Palermo, AICP

Senior Planner

FROM: 

Robert L. Price, P.E.  
Senior Engineer

RE: **Diplomat Property RPD/CPD**  
Case No. DCI2010-00015

The proposed development is located on the north side of Diplomat Parkway to the west of its intersection of US 41. Access to the subject site is proposed via a single access to Diplomat Parkway in addition to a potential second access through an adjacent vacant CPD to the south of the parcel.

Currently, the 35.18 acre subject parcel is zoned to consist of a maximum of 281 residential dwelling units. The proposed rezoning would amend the existing zoning on the site to add 50,000 square feet of commercial floor area while reducing the residential units. In order to perform a "worst case" trip generation for the subject rezoning, the commercial development was analyzed based on a medical office use. Additionally, the Applicant has requested the ability to convert some or all of the residential dwelling units into an Assisted Living Facility (ALF) based on the ratio of four (4) ALF beds to one (1) dwelling unit. Based on the proposed application, it appears that the highest trip generation would result from a combination of a 400 bed ALF facility, 138 single-family dwelling units, and 50,000 square feet of medical office floor area.

The trip generation for the subject rezoning was calculated based on the information contained within the ITE Report titled *Trip Generation, 8<sup>th</sup> Edition*. As a result, the current zoning on the subject site would generate a total of 266 trips in the PM peak hour (168 entering/99 exiting). This correlates to approximately 2,690 new trips over the course of the entire day. The proposed rezoning on the subject site will generate a total of 381 trips in the PM peak hour (169 entering/212 exiting). This correlates to approximately 4,292 trips over the course of the entire day. As a result, the proposed re-zoning will increase the PM peak hour traffic generated by the site by 43% (115 trips-1 entering/113 exiting), and the daily traffic generated by the site will be increased by 60% (1,602 two-way trips).

Diplomat Parkway and US 41 were analyzed based on existing traffic conditions in addition to 2015 traffic conditions both with and without the proposed rezoning. Resources utilized include the Lee County Traffic Count Report, the 2010 Lee County Concurrency Report, and the Lee County Generalized Level of Service Volumes. Based on the analysis provided, Diplomat Parkway and US 41 will both operate at LOS "B" under background 2015 conditions and under 2015 buildout conditions. Level of Service "B" is an acceptable Level of Service in accordance with the standards set forth in *THE LEE PLAN*, so no roadway link improvements are necessary as a result of the proposed development.

**ATTACHMENT M**

Staff does have some concern related to intensifying the development related traffic at the intersection of Diplomat Parkway and US 41. This intersection is shown to fail under 2015 background conditions even without the proposed traffic from this development. This intersection currently allows full turning movements. Discussions with the Florida Department of Transportation (FDOT) have suggested that signalization at this intersection is unlikely. Presently, there is a traffic signal at the Merchant's Crossing Shopping Center driveway approximately 790 feet to the south of Diplomat Parkway. In order to signalize the US 41/Diplomat Parkway intersection, the FDOT indicated the existing signal at the Merchant's Crossing Shopping Center would have to be removed, and this does not seem feasible at this time. US 41 is a State maintained roadway, and Diplomat Center is maintained by the City of Cape Coral. Staff from these agencies as well as Lee County Staff will continue to monitor the situation.

## ATTACHMENT M

# Description

JUL 20 2010  
 COMMUNITY DEVELOPMENT

**SUBJECT PARCEL - (NORTH RESIDENTIAL):**

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

COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG THE WESTERLY RIGHT-OF-WAY AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE SOUTHEASTERLY CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 199.95 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.86°35'21"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 12.52 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2150.00 FEET; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 133.12 FEET; THENCE S.89°51'48"W. ALONG SAID RIGHT-OF-WAY LINE FOR 1484.79 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.89°51'48"W. ALONG SAID RIGHT-OF-WAY LINE FOR 80.00 FEET; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE S.89°51'48"W. FOR 257.48 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF A DRAINAGE EASEMENT (50 FEET WIDE) DESCRIBED IN DEED BOOK 237 AT PAGES 564 AND 565 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N.00°20'36"W. ALONG SAID EASTERLY LINE FOR 703.76 FEET TO THE SOUTHERLY LINE OF SERENEDIPITY SOUTH MOBILE HOME PARK (UNRECORDED); THENCE ALONG THE SOUTHERLY AND EASTERLY LINES OF SAID PARK FOR THE FOLLOWING THREE (3) DESCRIBED COURSES: N.85°23'00"E. FOR 335.22 FEET; THENCE N.02°25'15"W. FOR 346.19 FEET; THENCE S.89°54'50"E. FOR 1231.65 FEET TO THE WESTERLY LINE OF THE AFOREMENTIONED PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335; THENCE S.03°25'50"W. ALONG THE WESTERLY OF SAID PARCEL FOR 1073.15 FEET; THENCE S.89°51'48"W. FOR 1145.24 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO THE POINT OF BEGINNING.

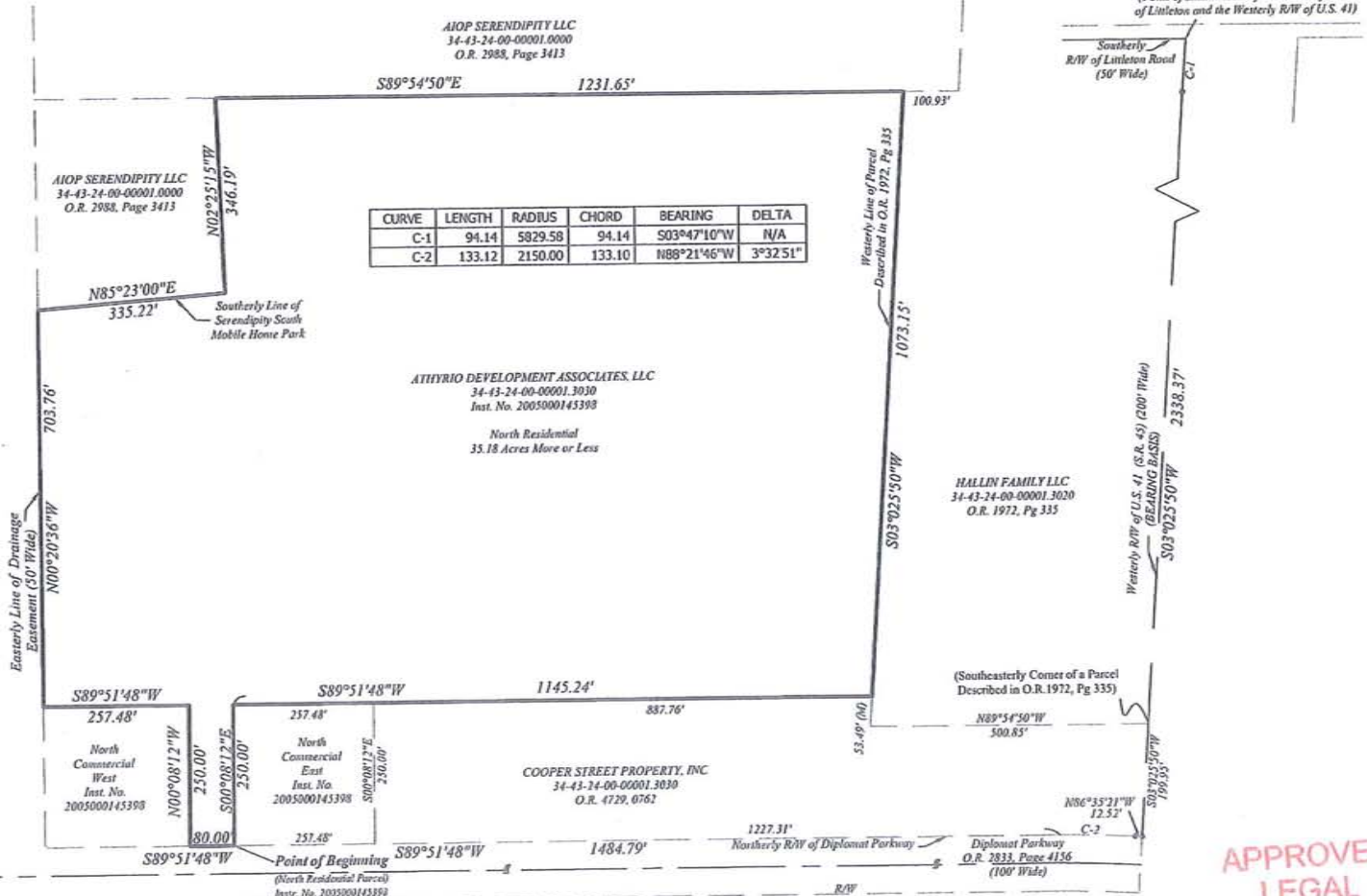
PARCEL CONTAINS 35.18 ACRES, MORE OR LESS.

APPROVED  
 LEGAL 6/27/10

<p><b>THIS IS NOT A SURVEY</b></p>	<p>Sketch to Accompany Description</p> <p><b>Subject Parcel - North Residential</b></p> <p><i>A Portion of Land Lying in Section 34, township 43 South, Range 24 East</i></p>	
<p>Page 2 of 2</p>	<p><b>CRAMER SURVEYING, INC.</b></p> <p><b>SURVEYING PROFESSIONALS</b></p> <p>PROFESSIONAL SURVEYOR AND MAPPER NUMBER PSM6655          1031 Cape Coral Pkwy East, Suite 209, Cape Coral, FL 33904          Phone: (239) 540-8556 Fax: (239) 540-4750  <a href="http://www.cramersurveying.com">www.cramersurveying.com</a></p>	<p>I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on July 15th, 2010 is in accordance with Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors &amp; Mappers in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.</p> <p style="text-align: center;"><i>See Page 1 of 2 for Signature and Seal</i></p> <p><b>DAVID KEITH CRAMER</b>          FLORIDA PROFESSIONAL SURVEYOR &amp; MAPPER NO. 6655          NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.</p>
JOB # 10-1062      PREPARED FOR: En-Site	SECTION 34, TOWNSHIP 43S, RANGE 24E	

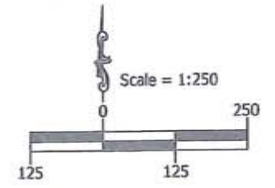
DCI 2010-00015

# Sketch:



Description to Accompany Sketch

**Subject Parcel - North Residential**  
A Portion of Land Lying in Section 34, township  
43 South, Range 24 East



**THIS IS NOT A SURVEY**

**CRAMER SURVEYING, INC.**  
SURVEYING PROFESSIONALS

PROFESSIONAL SURVEYOR AND MAPPER NUMBER PSM6655  
1031 Cape Coral Pkwy East, Suite 209, Cape Coral, FL 33904  
Phone: (239) 540-8556 Fax: (239) 540-4750  
www.cramersurveying.com

JOB # 10-1062 PREPARED FOR: En-Site  
SECTION 34, TOWNSHIP 43S, RANGE 24E

DATE REVISION

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DAVID KEITH CRAMER  
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6655  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL  
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

- SURVEY NOTES:**
1. BEARING BASIS: EASTERLY RIGHT OF WAY LINE OF MCGREGOR BOULEVARD AS: N00°00'00"W
  2. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
  3. THIS IS NOT A SURVEY
  4. ADDITIONS TO OR DELETIONS OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. COPYRIGHT 2009, DAVID K. CRAMER, PSM, ALL RIGHTS RESERVED.
  5. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF DAVID K. CRAMER, PSM.

APPROVED  
LEGAL  
C. K. Cramer

## Description


COMMUNITY DEVELOPMENT

**SUBJECT PARCEL - (NORTH RPD):**

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG THE WESTERLY RIGHT-OF-WAY AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE SOUTHEASTERLY CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 199.95 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.86°35'21"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 12.52 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2150.00 FEET; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 133.12 FEET; THENCE S.89°51'48"W. ALONG SAID RIGHT-OF-WAY LINE FOR 1484.79 FEET TO THE POINT OF BEGINNING; THENCE, FROM SAID POINT OF BEGINNING, CONTINUE S.89°51'48"W. ALONG SAID RIGHT-OF-WAY LINE FOR 80.00 FEET; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE N.89°51'48"E. FOR 10.01 FEET; THENCE N.00°08'12"W. FOR 63.94 FEET; THENCE 435.59 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 530.00 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 423.43 FEET AND BEARING N.23°24'25"E. TO A POINT OF INTERSECTION WITH A LINE THAT BEARS N.43°02'54"W.; THENCE LEAVING SAID CURVE RUN N.43°02'54"W. FOR 144.06 FEET; THENCE N.02°25'15"W. FOR 172.43 FEET TO AN INTERSECTION WITH THE SOUTHERLY AND EASTERLY LINE OF SERENEDIPITY SOUTH MOBILE HOME PARK (UNRECORDED); THENCE CONTINUE ALONG THE SOUTHERLY AND EASTERLY LINES OF SAID PARK FOR THE FOLLOWING TWO (2) DESCRIBED COURSES: N.02°25'15"W. FOR 346.19 FEET; THENCE S.89°54'50"E. FOR 1231.65 FEET TO THE WESTERLY LINE OF THE AFOREMENTIONED PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335; THENCE S.03°25'50"W. ALONG THE WESTERLY LINE OF SAID PARCEL FOR 1073.15 FEET; THENCE S.89°51'48"W. FOR 1145.24 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 29.76 ACRES, MORE OR LESS.

DCI 2010-00015

<p><b>THIS IS NOT A SURVEY</b></p>	<p>Sketch to Accompany Description</p> <p><b>Subject Parcel - North RPD</b>  <i>A Portion of Land Lying in Section 34, township 43 South, Range 24 East</i></p>	<p><b>Exhibit No. PH-3.C.1</b></p>
<p>Page 2 of 2</p>	 <p><b>CRAMER SURVEYING, INC.</b>  <b>SURVEYING PROFESSIONALS</b></p> <p>PROFESSIONAL SURVEYOR AND MAPPER NUMBER PSM6655          1031 Cape Coral Pkwy East, Suite 209, Cape Coral, FL 33904          Phone: (239) 540-8556 Fax: (239) 540-4750  <a href="http://www.cramersurveying.com">www.cramersurveying.com</a></p>	<p>I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on <b>September 16th, 2010</b> is in accordance with Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors &amp; Mappers in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.</p> <p style="text-align: center;"><i>See Page 1 of 2 for Signature and Seal</i></p>
<p>JOB # 10-1062      PREPARED FOR: En-Site</p>		<p><b>DAVID KEITH CRAMER</b>          FLORIDA PROFESSIONAL SURVEYOR &amp; MAPPER NO.6655          NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER</p>
<p>SECTION 34, TOWNSHIP 43S, RANGE 24E</p>		

# Sketch:

AIOP SERENDIPITY LLC  
34-43-24-00-00001.0000  
O.R. 2988, Page 3413

S89°54'50"E 1231.65'

CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA
C-1	94.14	5829.58	94.14	S03°47'10"W	N/A
C-2	133.12	2150.00	133.10	N89°21'46"W	3°32'51"
C-3	435.59	530.00	423.43	N23°24'25"E	47°05'21"

LINE	LENGTH	BEARING
L1	10.01	N89°51'48"E
L2	63.94	N00°08'12"W
L3	144.06	N43°02'54"W

ATHYRIO DEVELOPMENT ASSOCIATES, LLC  
34-43-24-00-00001.3030  
Inst. No. 2005000145398

North RPD Parcel  
29.76 Acres More or Less

HALLIN FAMILY LLC  
34-43-24-00-00001.3030  
O.R. 1972, Pg. 335

COOPER STREET PROPERTY, INC.  
34-43-24-00-00001.3030  
O.R. 4729, 0762

(Southeasterly Corner of a Parcel  
Described in O.R. 1972, Pg. 335)

RECEIVED  
SEP 24 2010

COMMUNITY DEVELOPMENT  
DCI 2010-00015

Point of Commencement  
(Point of Intersection of the Southerly R/W  
of Littleton and the Westerly R/W of U.S. 41)

Southerly  
R/W of Littleton Road  
(50' Wide)

Westerly R/W of U.S. 41 (S.R. 45) (200' Wide)  
(BEARING BASIS)  
S03°02'55"W

1009.93'

1073.15'

2338.37'

1009.93'

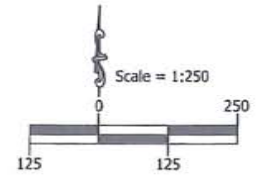
1073.15'

2338.37'

1009.93'

Description to Accompany Sketch

**Subject Parcel - North RPD**  
A Portion of Land Lying in Section 34,  
township 43 South, Range 24 East



THIS IS NOT A SURVEY

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JOB # 10-1062 PREPARED FOR: En-Site

SECTION 34, TOWNSHIP 43S, RANGE 24E

DATE REVISION

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RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

APPROVED  
LEGAL  
G9 10-29-10

Exhibit No. PH-3.C.2

Page 1 of 2

**SURVEY NOTES:**

1. BEARING BASIS: WESTERLY RIGHT OF WAY LINE OF U.S. 41 AS: S03°02'55"W
2. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
3. THIS IS NOT A SURVEY
4. ADDITIONS TO OR DELETIONS OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. COPYRIGHT 2005, DAVID K. CRAMER, PSM, ALL RIGHTS RESERVED.
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## Description


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PARCEL CONTAINS 5.43 ACRES, MORE OR LESS.

SEP 24 2010  
 COMMUNITY DEVELOPMENT

OCT 20 2010-00015

<b>THIS IS NOT A SURVEY</b>	Sketch to Accompany Description  <b>Subject Parcel - North CPD</b> <i>A Portion of Land Lying in Section 34, township 43 South, Range 24 East</i>	<b>Exhibit No. PH-3.C.1</b>
<b>Page 2 of 2</b>	 <b>CRAMER SURVEYING, INC.</b> <b>SURVEYING PROFESSIONALS</b>  PROFESSIONAL SURVEYOR AND MAPPER NUMBER PSM6655 1031 Cape Coral Pkwy East, Suite 209, Cape Coral, FL 33904 Phone: (239) 540-8556 Fax: (239) 540-4750 <a href="http://www.cramersurveying.com">www.cramersurveying.com</a>	<small>I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on <b>September 16th, 2010</b> is in accordance with Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors &amp; Mappers in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.</small>  <p style="text-align: center;"><i>See Page 1 of 2 for Signature and Seal</i></p> <hr/> <small>DAVID KEITH CRAMER          FLORIDA PROFESSIONAL SURVEYOR &amp; MAPPER NO. 6655          NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER</small>
JOB # 10-1062	PREPARED FOR: En-Site	
SECTION 34, TOWNSHIP 43S, RANGE 24E		

**Sketch:**

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34-43-24-00-00001.0000  
O.R. 2988, Page 3413

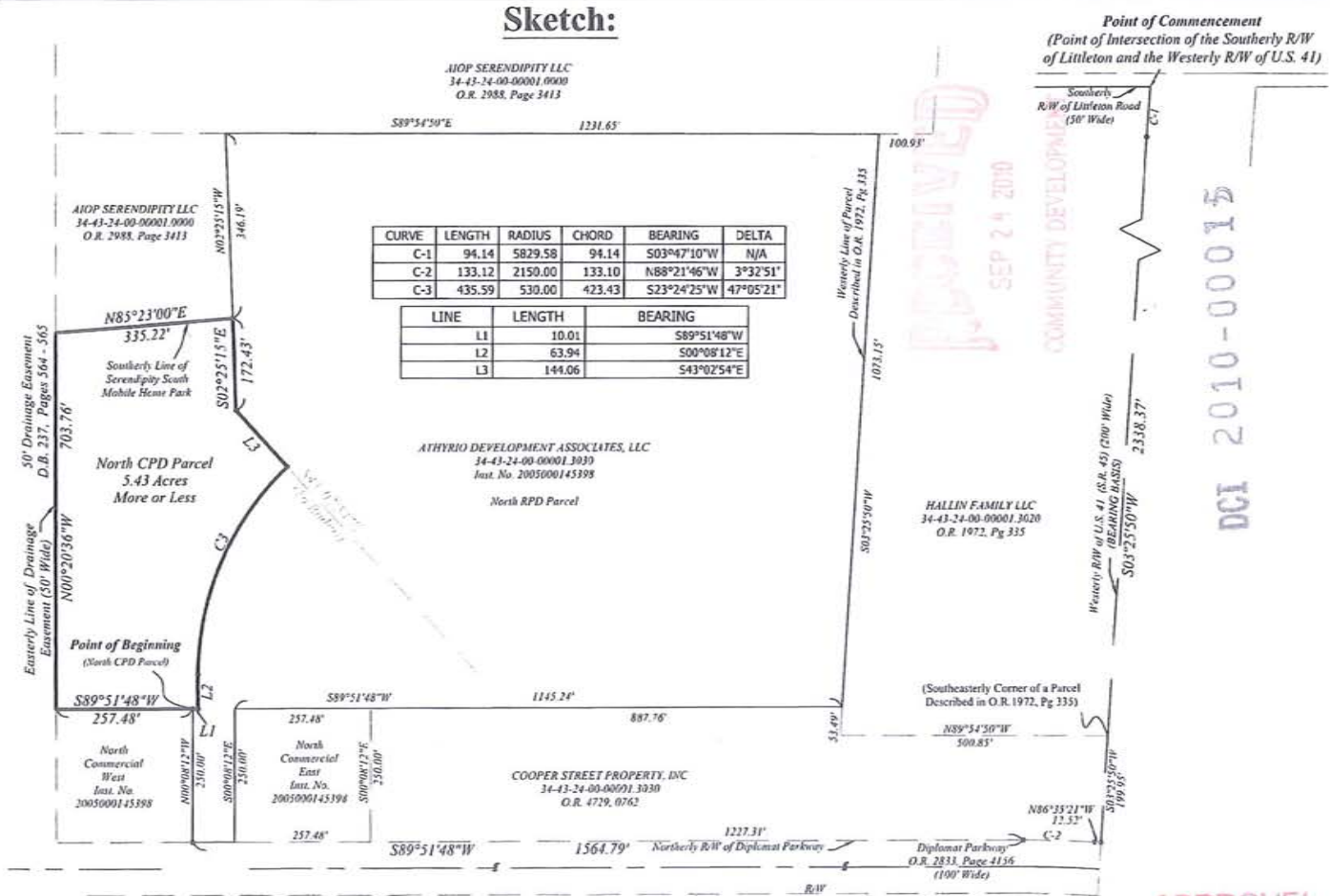
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C-2	133.12	2150.00	133.10	N88°21'46"W	3°32'51"
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34-43-24-00-00001.3030  
Inst. No. 2005000145398  
North RPD Parcel

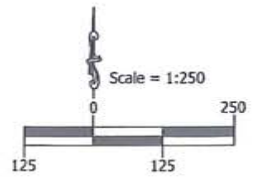
HALLIN FAMILY LLC  
34-43-24-00-00001.3020  
O.R. 1972, Pg. 335

COOPER STREET PROPERTY, INC.  
34-43-24-00-00001.3030  
O.R. 4729, 0762



Point of Commencement  
(Point of Intersection of the Southerly R/W  
of Littleton and the Westerly R/W of U.S. 41)

Description to Accompany Sketch  
**Subject Parcel - North CPD**  
A Portion of Land Lying in Section 34, township  
43 South, Range 24 East



THIS IS NOT A SURVEY

**D CRAMER SURVEYING, INC.**  
SURVEYING PROFESSIONALS

PROFESSIONAL SURVEYOR AND MAPPER NUMBER PSM6655  
1031 Cape Coral Pkwy East, Suite 209, Cape Coral, FL 33904  
Phone: (239) 540-8556 Fax: (239) 540-4750  
www.cramersurveying.com

JOB # 10-1062 PREPARED FOR: En-Site  
SECTION 34, TOWNSHIP 43S, RANGE 24E

DATE	REVISION

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**DAVID KEITH CRAMER**  
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6655  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL  
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

- SURVEY NOTES:**
1. BEARING BASIS: WESTERLY RIGHT OF WAY LINE OF U.S. 41 AS: S03°02'50"W
  2. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
  3. THIS IS NOT A SURVEY
  4. ADDITIONS TO OR DELETIONS OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. COPYRIGHT 2009, DAVID K. CRAMER, PSM. ALL RIGHTS RESERVED.
  5. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF DAVID K. CRAMER, PSM.

Exhibit No. PH-3.C.2

APPROVE!  
LEGAL  
CG 10-27-10





**MEMORANDUM  
FROM THE  
DEPARTMENT OF  
COMMUNITY DEVELOPMENT  
ZONING DIVISION**

**DATE:** December 20, 2010

**TO:** File - DCI2010-00015

**FROM:** Jamie Prancing  
Secretary, Internal Services

**RE:** Notice of Public Hearing -January 6, 2011 HEX

I, Jamie Prancing, Secretary, Internal Services, Development Services Division, do hereby certify that I have mailed notices to the adjacent property owners on the above referenced date, in the attached style, pursuant to the list marked and attached hereto and made a part of this certification.

# NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

CASE NUMBER: DCI2010-00015

CASE NAME: DIPLOMAT PROPERTY RPD/CPD

REQUEST: Application to amend the +/- 35.2 -acre Residential Planned Development (RPD) portion of the Diplomat Property RPD/CPD to permit a maximum of 400 assisted living facility beds, 138 standard dwelling units, a maximum of 50,000 square feet of medical office space, and to make other changes to the master concept plan including reconfiguration of a lake, changes to the buffer to the west, and additional details including the placement commercial and residential buildings. Maximum building height requested is 50 feet. No development blasting is requested. Any development will connect to public potable water and public sanitary sewer service.

LOCATION: The subject property is located at 15501 N. Cleveland Ave., N. Ft. Myers Planning Community, Lee County FL.

SIZE OF PROPERTY: 32.50 Acres ±

STAFF REPORT: Direct inquiries to Tony Palermo, AICP, Senior Planner, at 239-533-8325, at the Department of Community Development, 1500 Monroe St., Ft. Myers, FL 33901.

PROPERTY OWNER'S REPRESENTATIVE: MS ALEXIS CRESPO  
ENSITE, INC  
239-226-0024

Notice is hereby given that the Lee County Hearing Examiner will hold a public hearing at 10:00 AM on 01/06/2011 on the above case. The public hearing will be held in the Hearing Examiner's Meeting Room, 1500 Monroe St., Ft. Myers, FL 33901.

You must appear in person, or through counsel, or an authorized agent and provide testimony, legal argument or other evidence at the hearing to become a participant with the right to address the Board of County Commissioners.

After the Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the Board of County Commissioners who will review the recommendation and make a final decision.

**If you do not appear before the Hearing Examiner, by law, you will not be allowed to appear before the Board of County Commissioners at the final hearing in this case.**

Copies of the staff report will be available two weeks prior to the hearing. The file may be reviewed at the Development Services Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/533-8585 for additional information.

**In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Jamie Prancing at 239/533-8585.**

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Zoning Division

33-43-24-01-00000.0350  
SIX LAKES COUNTRY CLUB INC  
ARTHUR T JR DICKSON +  
35 CASPER CT  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0430  
SIX LAKES COUNTRY CLUB INC  
KENNETH + BERNADETTE BURKS TR  
43 NICKLAUS BLVD  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0450  
SIX LAKES COUNTRY CLUB INC  
FRANK + SHARON FERA  
45 NICKLAUS BLVD  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0470  
SIX LAKES COUNTRY CLUB INC  
IRENE DEARIE +  
47 NICKLAUS BLVD  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0490  
SIX LAKES COUNTRY CLUB INC  
JEANNETTE K SMITH  
49 NICKLAUS BLVD  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0510  
SIX LAKES COUNTRY CLUB INC  
JEROME + PATRICIA HALL  
51 NICKLAUS BLVD  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0530  
SIX LAKES COUNTRY CLUB INC  
CECELIA HIGGINBOTHAM  
53 NICKLAUS BLVD  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0550  
SIX LAKES COUNTRY CLUB INC  
BERNARD J STJEAN  
55 SNEAD DR  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0570  
SIX LAKES COUNTRY CLUB INC  
MICHAEL R + LORRAINE E DESSART  
57 SNEAD DR  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0590  
SIX LAKES COUNTRY CLUB INC  
WALTER W + BETTY PHILBRICK  
4999 PORTSMOUTH BLVD  
PORTSMOUTH, VA 23701

33-43-24-01-00000.0420  
SIX LAKES COUNTRY CLUB INC  
JAMES A + KATHERINE K WILSON  
974 WALKER WOODS LN  
MARYSVILLE, OH 43040

33-43-24-01-00000.0440  
SIX LAKES COUNTRY CLUB INC  
CHARLES P + GENEVIEE MACINTIRE  
403 SNEAD DR  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0460  
SIX LAKES COUNTRY CLUB INC  
RICHARD + KATHLEEN SHEARER  
1404 185TH AVE  
BALSAM LAKE, WI 54810

33-43-24-01-00000.0480  
SIX LAKES COUNTRY CLUB INC  
DONALD C FROEHLICH SR TR  
PO BOX 58639  
SAINT LOUIS, MO 63158

33-43-24-01-00000.0500  
SIX LAKES COUNTRY CLUB INC  
SHERMAN M + JUDITH G MOORE  
50 NICKLAUS BLVD  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0520  
SIX LAKES COUNTRY CLUB INC  
W T SCHEUER + KATHLEEN  
3425 ARROYO RD  
BROOKFIELD, WI 53045

33-43-24-01-00000.0540  
SIX LAKES COUNTRY CLUB INC  
JOSEPH + PATRICIA GUERRIERI TR  
54 VENTURI LN  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0560  
SIX LAKES COUNTRY CLUB INC  
HERBERT M + PHYLLIS COFFIN TR  
56 SNEAD DR  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0580  
SIX LAKES COUNTRY CLUB INC  
MICHAEL + LORRAINE DESSART  
58 SNEAD DR  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0600  
SIX LAKES COUNTRY CLUB INC  
SANTO + WANDA DERICO  
60 SNEAD DR  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0610  
SIX LAKES COUNTRY CLUB INC  
DIANA PETTERSEN + B COLLEY J/T  
61 SNEAD DR  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0630  
SIX LAKES COUNTRY CLUB INC  
JOAN ST JOSEPH TR  
63 SNEAD DR  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0650  
SIX LAKES COUNTRY CLUB INC  
ROBERT + MARY CAISE  
65 SNEAD DR  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0670  
SIX LAKES COUNTRY CLUB INC  
DOUGLAS L + JEANNETTE RUDD  
67 SNEAD DR  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0690  
SIX LAKES COUNTRY CLUB INC  
ESTELLE K RICCI TR  
69 SNEAD DR  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0710  
SIX LAKES COUNTRY CLUB INC  
RALPH W + THERESE A GIBBS  
71 SANDERS CT  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0730  
SIX LAKES COUNTRY CLUB INC  
SUNTRUST BANK PER REP  
PO BOX 2138  
SARASOTA, FL 34230

33-43-24-01-00000.0750  
SIX LAKES COUNTRY CLUB INC  
9151 LITTLETON RD  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0770  
SIX LAKES COUNTRY CLUB INC  
WILLIAM J + MARY P HOFFMAN  
77 SNEAD DR  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0790  
SIX LAKES COUNTRY CLUB INC  
RALPH + EMILY FOLEY TR  
79 SNEAD DR  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0620  
SIX LAKES COUNTRY CLUB INC  
GEORGE STEFANCO  
62 SNEAD DR  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0640  
SIX LAKES COUNTRY CLUB INC  
WILLIAM A + BARBARA J SABANOSH  
57 ROMAN DR  
SHREWSBURY, MA 01545

33-43-24-01-00000.0660  
SIX LAKES COUNTRY CLUB INC  
JOAN Z BATES  
66 SNEAD DR  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0680  
SIX LAKES COUNTRY CLUB INC  
LESTER + ADA M SEGGERMAN TRUST  
68 SNEAD DR  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0700  
SIX LAKES COUNTRY CLUB INC  
STUART R + JOYCE E HILL  
70 SNEAD DR  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0720  
SIX LAKES COUNTRY CLUB INC  
CAZEL DERREL +  
72 SANDERS CT  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0740  
SIX LAKES COUNTRY CLUB INC  
DOUGLAS + ARLENE CLARK  
74 SANDERS CT  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0760  
SIX LAKES COUNTRY CLUB INC  
GENEVIEVE H SOSNOWSKI  
76 SNEAD DR  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0780  
SIX LAKES COUNTRY CLUB INC  
CLAUDIA A TUSON +  
78 SNEAD DR  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.0800  
SIX LAKES COUNTRY CLUB INC  
ANDREW M BANSE TR  
80 SNEAD DR  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1090  
SIX LAKES COUNTRY CLUB INC  
JAMES S + GAIL F LINEBERRY  
109 SNEAD DR  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1110  
SIX LAKES COUNTRY CLUB INC  
D JACK + JEAN CAVALIER  
9046 E LAKE RD  
CLARKSTON, MI 48348

33-43-24-01-00000.1130  
SIX LAKES COUNTRY CLUB INC  
CHARLES + ELAINE ADAMS TR  
113 SNEAD DR  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1150  
SIX LAKES COUNTRY CLUB INC  
HAROLD H + BETTY C BOLTON  
115 SNEAD DR  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1170  
SIX LAKES COUNTRY CLUB INC  
IRENE J MILLAR  
117 SNEAD DR  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1190  
SIX LAKES COUNTRY CLUB INC  
JAMES R SHARP + J M SHARP  
1360 CLEARVISTA DR  
LAFAYETTE, IN 47905

33-43-24-01-00000.1210  
SIX LAKES COUNTRY CLUB INC  
JAMES F HINKEL  
2330 NEHAUL TER  
THE VILLAGES, FL 32162

33-43-24-01-00000.1230  
SIX LAKES COUNTRY CLUB INC  
JANET A CRIST  
27 TAMARACK LN  
EAST GREENBUSH, NY 12061

33-43-24-01-00000.1250  
SIX LAKES COUNTRY CLUB INC  
JACOBY ROBERT + CAROLE L TR  
177 YANCEY LN  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1270  
SIX LAKES COUNTRY CLUB INC  
FELIX A +PRISCILLA CARLINO  
127 NICKALUS BLVD  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1100  
SIX LAKES COUNTRY CLUB INC  
VALMORE + EVELYN TRAVERS  
110 SNEAD DR  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1120  
SIX LAKES COUNTRY CLUB INC  
RAYMOND E + SARA E BEATTIE  
112 SNEAD DR  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1140  
SIX LAKES COUNTRY CLUB INC  
PHILIP + PAMELA TANNER  
9609 SCHOONER CT  
SYLVANIA, OH 43560

33-43-24-01-00000.1160  
SIX LAKES COUNTRY CLUB INC  
FRANK C + BETTY A FAURIE  
116 SNEAD DR  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1180  
SIX LAKES COUNTRY CLUB INC  
JOANN LANGEVIN  
118 SNEAD DR  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1200  
SIX LAKES COUNTRY CLUB INC  
JOHN + EMMA VANHOUTEN  
50 THIRD AVE  
EAST ROCKAWAY, NY 11518

33-43-24-01-00000.1220  
SIX LAKES COUNTRY CLUB INC  
KENNETH FROEHLICH  
122 SNEAD DR  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1240  
SIX LAKES COUNTRY CLUB INC  
FORREST J KEELER +  
12344 WOOD RD  
DEWITT, MI 48820

33-43-24-01-00000.1260  
SIX LAKES COUNTRY CLUB INC  
GEORGE B MARNES  
32 PRATT ST  
ROUSES POINT, NY 12979

33-43-24-01-00000.1280  
SIX LAKES COUNTRY CLUB INC  
HERBERT GARTNER +GLORIA OLDANI  
128 NICKLAUS BLVD  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1290  
SIX LAKES COUNTRY CLUB INC  
NANCY J FICHT TR  
129 NICKLAUS BLVD  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1310  
SIX LAKES COUNTRY CLUB INC  
JAMES + BERTHA JEAN STUART  
131 NICKLAUS BLVD  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1330  
SIX LAKES COUNTRY CLUB INC  
RAY S + ROSE ANN PASTEWKA  
2510 E 43RD ST  
ERIE, PA 16510

33-43-24-01-00000.1580  
SIX LAKES COUNTRY CLUB INC  
OLIVE G CONNOLLY  
158 NICKLAUS BLVD  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1600  
SIX LAKES COUNTRY CLUB INC  
9151 LITTLETON RD  
N FT MYERS, FL 33903

33-43-24-01-00000.1830  
SIX LAKES COUNTRY CLUB INC  
OLIVER E + JOAN O COFFIN  
183 YANCEY LN  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1850  
SIX LAKES COUNTRY CLUB INC  
EDWIN + ALYCE OBERHAUS TR  
15-595 ROAD T RFD 1  
NAPOLEON, OH 43545

33-43-24-01-00000.1870  
SIX LAKES COUNTRY CLUB INC  
GERALD J + ANN M ROBERTS  
1575 LANE 280 HAMILTON LK  
HAMILTON, IN 46742

33-43-24-01-00000.1890  
SIX LAKES COUNTRY CLUB INC  
EDWARD L WHELAN + CAROL J  
5 BUTTERNUT LANE  
HINGHAM, MA 02043

33-43-24-01-00000.1910  
SIX LAKES COUNTRY CLUB INC  
THOMAS L + NANCY J WILLIAMS  
191 NICKLAUS BLVD  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1300  
SIX LAKES COUNTRY CLUB INC  
JEANNETTE SMITH L/E  
130 NICKLAUS BLVD  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1320  
SIX LAKES COUNTRY CLUB INC  
WALTER W FLOYD  
1405 CRAWFORDS CLIMB  
NELLYSFORD, VA 22958

33-43-24-01-00000.1340  
SIX LAKES COUNTRY CLUB INC  
ROBERT J MILLER +  
134 NICKLAUS BLVD  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1590  
SIX LAKES COUNTRY CLUB INC  
MARILYN BELL  
159 NICKLAUS BLVD  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1610  
SIX LAKES COUNTRY CLUB INC  
RONALD L + BRENDA D JENKENS  
161 YANCEY LN  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1840  
SIX LAKES COUNTRY CLUB INC  
CAROLYN ANN STRAILE  
184 YANCEY LN  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1860  
SIX LAKES COUNTRY CLUB INC  
CHARLES E + CAROLYN S PEEK  
321 HOMESTEAD CT  
BLUFFTON, IN 46714

33-43-24-01-00000.1880  
SIX LAKES COUNTRY CLUB INC  
LOGAN POPOFF +  
188 NICKLAUS BLVD  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1900  
SIX LAKES COUNTRY CLUB INC  
VIRGINIA GREENEISEN  
190 NICKLAUS BLVD  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1920  
SIX LAKES COUNTRY CLUB INC  
BETTY KILLOREN L/E  
192 NICKLAUS BLVD  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1930  
SIX LAKES COUNTRY CLUB INC  
JUDITH COOKSON +DONNA PARRIS +  
20 S MAIN ST  
CONCORD, NH 03301

33-43-24-01-00000.1950  
SIX LAKES COUNTRY CLUB INC  
GERALDINE R KIMES  
195 NICKLAUS BLVD  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1970  
SIX LAKES COUNTRY CLUB INC  
GARY L + FRANCES J STUTZMAN  
131 BRIARWOOD DR  
DALTON, OH 44618

33-43-24-01-00000.1990  
SIX LAKES COUNTRY CLUB INC  
ELLIS E + LOUISE MYERS TR  
199 NICKLAUS BLVD  
NORTH FORT MYERS, FL 33903

33-43-24-C3-00007.0000  
EAGLE GREGORY W TR  
EAGLE REALTY  
3818 DEL PRADO BLVD  
CAPE CORAL, FL 33904

34-43-24-00-00001.3000  
HALLIN FAMILY LLC  
7298 VILLA DESTE DR  
SARASOTA, FL 34238

34-43-24-00-00001.3060  
BENNETT RICHARD K TR  
3319 BOCA CIEGA DR  
NAPLES, FL 34112

34-43-24-00-00001.3080  
HALLIN FAMILY LLC  
7298 VILLA D ESTE DR  
SARASOTA, FL 34238

34-43-24-03-0000B.0000  
HART CENTERS VII LTD  
NOBLE MANAGEMENT CO  
5821 LAKE WORTH DR  
GREENACRES, FL 33463

33-43-24-01-00000.1940  
SIX LAKES COUNTRY CLUB INC  
MARY ELLEN RIVERS  
194 NICKLAUS BLVD  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1960  
SIX LAKES COUNTRY CLUB INC  
ELMER R + LYNNE J VOIGHT  
196 NICKLAUS BLVD  
NORTH FORT MYERS, FL 33903

33-43-24-01-00000.1980  
SIX LAKES COUNTRY CLUB INC  
LUCILLE M LEVEILLE +  
198 NICKLAUS BLVD  
NORTH FORT MYERS, FL 33903

33-43-24-01-00001.00CE  
SIX LAKES COUNTRY CLUB INC  
9151 LITTLETON RD  
NORTH FORT MYERS, FL 33903

34-43-24-00-00001.0000  
AIOP SERENDIPITY LLC  
AMERICAN LAND LEASE  
380 PARK PLACE BLVD STE 200  
CLEARWATER, FL 33759

34-43-24-00-00001.3020  
HALLIN FAMILY LLC  
7298 VILLA DESTE DR  
SARASOTA, FL 34238

34-43-24-00-00001.306A  
ATHYRIO DEVELOPMENT ASSOC LLC  
PO BOX 1662  
FORT MYERS, FL 33902

34-43-24-03-0000A.0000  
HART CENTERS VII LTD  
NOBLE MANAGEMENT CO  
5821 LAKE WORTH DR  
GREENACRES, FL 33463

34-43-24-03-0000C.00CE  
HART CENTERS VII LTD  
MERCHANTS CROSSING OWNERS ASSN  
5821 LAKE WORTH DR  
GREENACRES, FL 33463

Angel Coates  
Lee County Dept. of Human Services Neighborhood Relations  
2440 Thompson Street  
Fort Myers, FL 33901

Joyce Gillespie  
Heron's Glen Homeowners Association  
2250 Avenida Del Vera Blvd.  
North Fort Myers, FL 33917

Laura Alvarez  
Concerned Citizens of Bayshore Community  
18900 Lynn Road  
North Fort Myers, FL 33917

Linda Storma  
President Del Tura HOA  
18621 North Tamiami Trail NW  
North Fort Myers, FL 33903

Nina Paight  
Nominating Civic Assn.  
20150 Keola Lane  
N. Ft. Myers, FL 33917

Scott Brenner  
North Fort Myers Community Planning Panel  
395 Bamboo Drive  
North Fort Myers, FL 33917

Tom B. Hart  
Heron's Glen Homeowners Association  
1625 Hendry Street  
Fort Myers, FL 33901

FORT MYERS FL 33901  
SUITE 201  
1514 BROADWAY  
ENSITE, INC  
MS ALEXIS CRESPO

CAPE CORAL FL 33904  
STE. 209  
1031 CAPE CORAL PKWY. EAST  
D GRAMER SURVEYING, INC  
MR KEITH CRAMER

FORT MYERS FL 33901  
SUITE 503  
2726 OAK RIDGE CT  
TR TRANSPORTATION CONSULTANTS  
TED TRESH

FORT MYERS FL 33901  
1514 BROADWAY, STE 201  
ENSITE, INC.  
MR BRIAN SMITH

MR. TONY PALERMO

FORT MYERS FL 33902  
P O BOX 1662  
ATHYRIO DEVELOPMENT  
ATHYRIO DEVELOPMENT ASSOCIATES LLC

BOCA RATON FL 33481  
PO BOX 811987  
ATHYRIO DEVELOPMENT ASSOCIATES

 **LEE COUNTY**  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

John E. Manning  
District One

December 03, 2010

533-8585

A. Brian Bigelow  
District Two

Ray Judah  
District Three

Tammy Hall  
District Four

Frank Mann  
District Five

Karen B. Hawes  
County Manager

David Owen  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

MS ALEXIS CRESPO  
ENSITE, INC  
1514 BROADWAY  
SUITE 201  
FORT MYERS, FL 33901

RE: Agenda Schedule for DIPLOMAT PROPERTY RPD/CPD  
Case No. DCI2010-00015

Dear MS ALEXIS CRESPO :

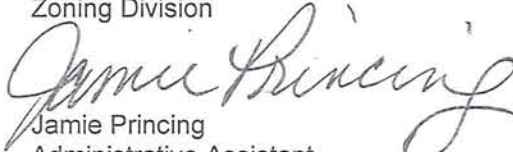
Your zoning request has been scheduled before the Hearing Examiner on Thursday, January 6, 2011, at 10:00 AM. The hearing will be conducted in the Hearing Examiner Meeting Room, 1500 Monroe St., Ft. Myers, FL.

Be advised all exhibits presented to Hearing Examiner will be retained for the records. The Hearing Examiner accepts exhibits on boards for demonstrative purposes and for use in her/his decision making; however, an official exhibit entered into the record must be either a foldable copy of the exhibit or an 11 x 17 duplicate of the board exhibit (clipping the exhibit to the board rather than gluing it is an acceptable form since it can be removed from the board and folded to be put in the file.

Your zoning sign will be ready for pickup any time after Monday, December 6, 2010, at the second floor reception desk at 1500 Monroe St., Ft. Myers, FL. If you would like to pick them up at the drive-thru window, please call 533-8585 to make the appropriate arrangements. This sign must be posted in accordance with Department procedures no later than Tuesday, December 21, 2010, and is to remain posted until final decision is rendered.

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Zoning Division

  
Jamie Prancing  
Administrative Assistant

cc: ATHYRIO DEVELOPMENT ASSOCIATS LLC, ATHYRIO DEVELOPMENT  
ATHYRIO DEVELOPMENT ASSOCIATES  
MR KEITH CRAMER, D CRAMER SURVEYING, INC  
TED TREESH, TR TRANSPORTATION CONSULTANTS  
MR BRIAN SMITH, ENSITE, INC.  
Tony Palermo, AICP, Senior Planner  
Zoning File

ZONING DIVISION  
LEE COUNTY  
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW  
TRANSMITTAL SHEET

TO: Distribution

John Fredyma, Asst County Attorney  
Rob Price, TIS Reviewer  
Lili Wu, LCDOT

FROM: Tony Palermo, AICP

DATE: 12/20/2010

PROJECT NAME: DIPLOMAT PROPERTY RPD/CPD  
INFORMATION SUMMARY:

CASE #: DCI2010-00015

To update your file  
 Review and forward substantive comments **ASAP**.

## Comments due to Tony Palermo, AICP by 01/03/2011

Additional Comments:

cc: DCI planner/working file  
DCI Zone File

Distributed by: Jamie Prancing

Date: 12/20/2010



## Alexis Crespo

---


**From:** Palermo, Anthony [APalermo@leegov.com]  
**Sent:** Wednesday, December 15, 2010 4:14 PM  
**To:** Alexis Crespo; Price, Robert  
**Cc:** Shellie Johnson; Brian Smith; Wheeler, David  
**Subject:** RE: DCI2010-00015 DIPLOMAT RPD/CPD DRAFT 2.

Good question.

1. For the file.
2. For me.
3. For Rob
4. For the attorney
5. For LCDOT

Five. Bring this email with you.

Tony Palermo, Senior Planner, AICP  
Lee County Community Development  
Zoning Division  
P.O. Box 398  
Fort Myers, FL 33902  
Ph. 239-533-8325  
F. 239-485-8344  
[apalermo@leegov.com](mailto:apalermo@leegov.com)

 Think Green & please print this e-mail only if necessary

RECEIVED  
DEC 20 2010  
COMMUNITY DEVELOPMENT

DCI 2010-00015

---

**From:** Alexis Crespo [mailto:AlexisC@en-site.com]  
**Sent:** Wednesday, December 15, 2010 4:12 PM  
**To:** Palermo, Anthony; Price, Robert  
**Cc:** Shellie Johnson; Brian Smith; Wheeler, David  
**Subject:** RE: DCI2010-00015 DIPLOMAT RPD/CPD DRAFT 2.

Tony and Rob,

We've spoken with the Applicant and Dave Wheeler and are moving forward with a revised TIS to match the updated request for 400 ALF beds and 138 standard residential units. As Rob suggested, the TIS will consider the impacts of 138 single family units to maintain maximum flexibility at the D.O. stage.

The TIS will be provided by end of the day on Friday, December 17<sup>th</sup>. Please let us know how many copies of the TIS should be submitted.

Per my last conversation with Tony this afternoon, we appreciate being able to maintain the January 6<sup>th</sup> HEX despite this change. Please let us know if you need anything else on our end.

Thanks!

Alexis Crespo, AICP, LEED AP  
**EnSite**  
Historic Kress Building  
1514 Broadway, Suite 201  
Fort Myers, FL 33901  
P: (239) 226-0024  
C: (239) 850-8525

# TRAFFIC IMPACT STATEMENT

FOR

## DIPLOMAT RE-ZONING

PROJECT NO. F1006.08

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COMMUNITY DEVELOPMENT

DCT 2010-00015

**PREPARED BY:**  
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**REVISED:**  
December 16, 2010

**CONTENTS**

- I. INTRODUCTION
- II. EXISTING CONDITIONS
- III. PROPOSED DEVELOPMENT
- IV. TRIP GENERATION
- V. TRIP DISTRIBUTION
- VI. FUTURE TRAFFIC CONDITIONS
- VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS
- VIII. CONCLUSION

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## I. INTRODUCTION

TR Transportation Consultants, Inc. has conducted a traffic impact statement to fulfill requirements set forth by the Lee County Department of Community Development for projects seeking re-zoning approval. The subject site is located on the north side of Diplomat Parkway west of its intersection with U.S. 41 in the North Fort Myers area of Lee County, Florida. The approximate location of the subject site is illustrated on **Figure 1**.

Upon approval of this application, the subject site will be zoned for the development of assisted living facilities, up to approximately 138 residential dwelling units, and up to approximately 50,000 square feet of medical office uses. Access to the subject site will be provided to Diplomat Parkway via a full site access location. In addition, future cross access will also be provided to the commercially zoned parcels located to the south and east of the subject site.

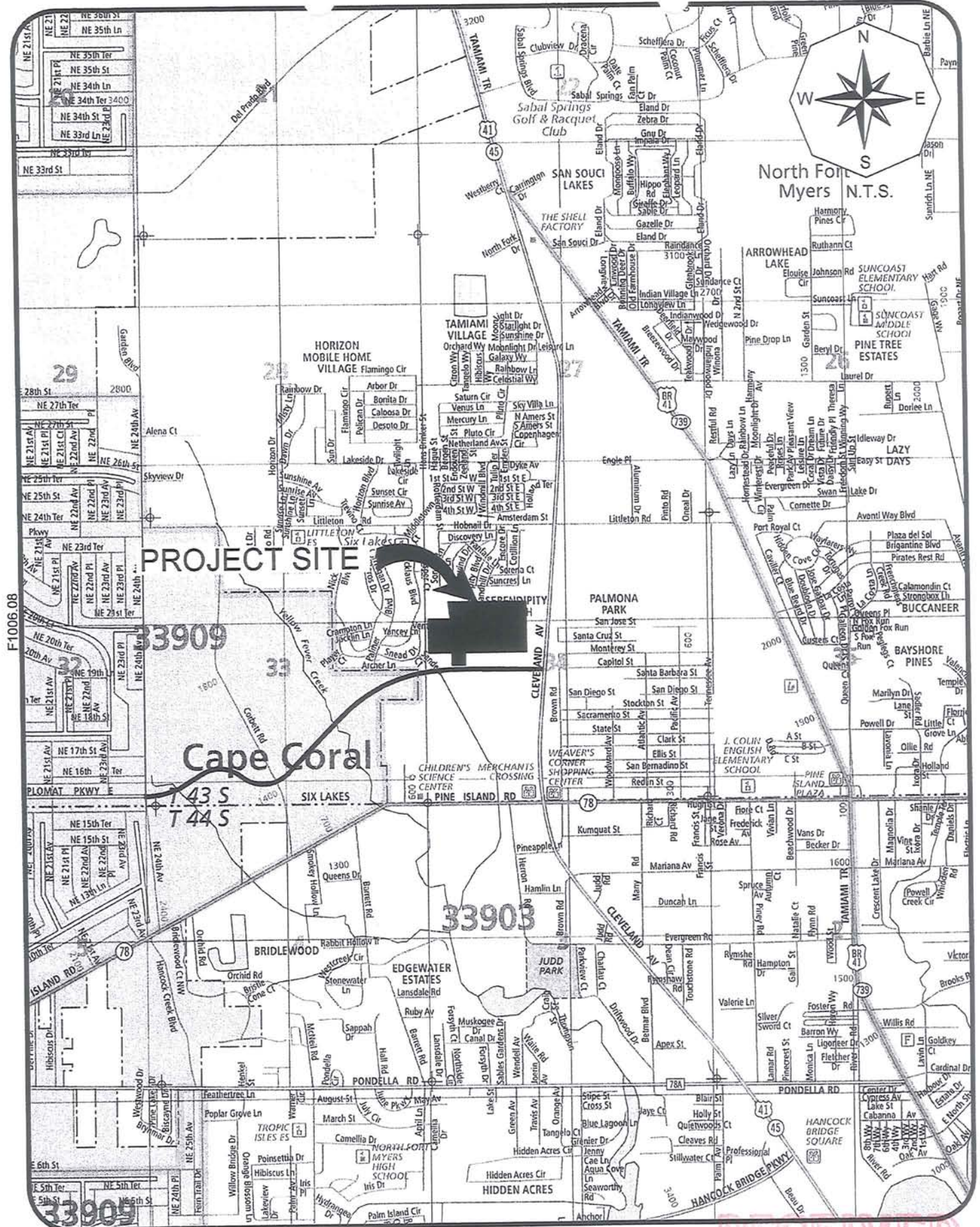
This report examines the impact of the development on the surrounding roadways and intersections. Trip generation and assignments to the site access drives will be completed and analysis conducted to determine the impacts of the development on the surrounding streets and intersections.

## II. EXISTING CONDITIONS

The subject site is currently vacant. To the south and east of the subject site is vacant land currently zoned for commercial uses. To the north and west of the subject site are existing residential developments.

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PROJECT SITE

Cape Coral

TRANSPORTATION  
CONSULTANTS, INC.

PROJECT LOCATION MAP  
DIPLOMAT RE-ZONING

Figure 1

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**Diplomat Parkway** is an east/west four-lane divided arterial roadway in the vicinity of the subject site. Diplomat Parkway currently operates under two-way stop control at its intersection with U.S. 41. Diplomat Parkway has a posted speed limit of 45 mph and is under the jurisdiction of the City of Cape Coral.

**U.S. 41** is an north/south four-lane divided arterial roadway in the vicinity of the subject site. U.S. 41 has a posted speed limit of 55 mph and is under the jurisdiction of the Florida Department of Transportation.

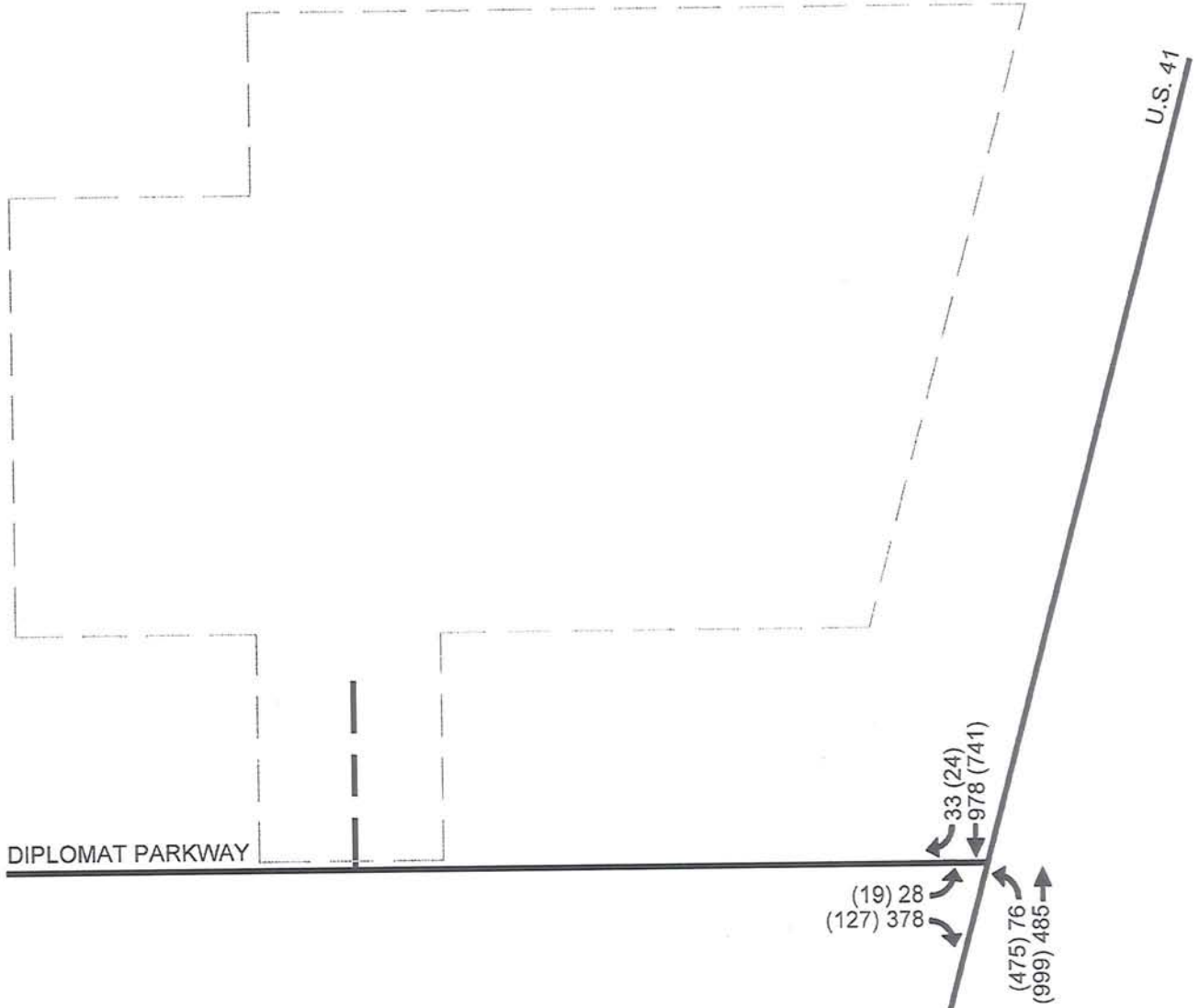
TR Transportation conducted manual vehicle turning movement counts at the intersection of U.S. 41 and Diplomat Parkway during the peak hours of the adjacent street traffic on July 7<sup>th</sup>, 2010. The RAW data sheets are included in the Appendix of this report for reference. The turning movement counts were then adjusted for peak season based upon data for Permanent Count Station 1 (U.S. 41 north of North Key Drive) obtained from the 2009 Lee County Traffic Count Report. The resultant 2010 peak season turning volumes at the U.S. 41/Diplomat Parkway are illustrated on **Figure 2**.

### **III. PROPOSED DEVELOPMENT**

Upon approval of this application, the subject site will be zoned for the development of assisted living facilities, up to approximately 138 residential dwelling units, and up to approximately 50,000 square feet of medical office uses. As currently proposed the assisted living facilities could consist of a total of up to approximately 400 beds on the overall site. Additionally, the residential units were assumed to be developed as single-family in order to obtain a worst-case analysis in terms of trip generation. **Table 1** summarizes the land uses utilized for trip generation purposes for the subject development.

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- ← 000 WEEKDAY AM PEAK HOUR TRAFFIC
- ←(000) WEEKDAY PM PEAK HOUR TRAFFIC

**Table 1  
Land Uses  
Diplomat Re-Zoning**

Land Use	Size
Assisted Living Facility (LUC 254)	400 beds
Single-Family Detached Housing (LUC 210)	138 dwelling units
Medical-Dental Office Building (LUC 720)	50,000 square feet

Access to the subject site will be provided to Diplomat Parkway via a full site access location. In addition, future cross access will also be provided to the commercially zoned parcels located to the south and east of the subject site. However for the purposes of this analysis it was assumed that cross-access to the adjacent parcels was not provided due to the uncertainty of when the parcels to the south and east will be developed.

**IV. TRIP GENERATION**

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled *Trip Generation*, 8<sup>th</sup> Edition. Land Use Code 254 (Assisted Living) was utilized for the trip generation purposes of the proposed assisted living facility. Land Use Code 210 (Single-Family Detached Housing) was utilized for the trip generation purposes of the proposed residential uses. Land Use Code 720 (Medical-Dental Office Building) was utilized for the trip generation purposes of the proposed office uses. The equations for these land uses are contained in the Appendix of this report for reference. **Table 2** outlines the anticipated weekday A.M. and P.M. peak hour trip generation of the Diplomat development as currently proposed. The daily trip generation is also indicated in the table.

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**Table 2  
Trip Generation  
Diplomat Re-Zoning**

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Assisted Living Facilities (400 beds)	36	20	56	39	49	88	617
Single-Family Housing (138 dwelling units)	27	79	106	88	52	140	1,398
Medical Office (50,000 square feet)	91	24	115	41	112	153	1,830
<b>Total Trip Generation</b>	<b>154</b>	<b>123</b>	<b>277</b>	<b>168</b>	<b>213</b>	<b>381</b>	<b>3,845</b>

**V. TRIP DISTRIBUTION**

The trips shown in Table 2 were then assigned to the surrounding roadway system based on the anticipated routes the drivers will utilize to approach the site. The driveway volumes shown in Table 2 were assigned to the site access drives for the proposed development. Current and projected population in the area and other existing or planned competing/complementary uses in the area were utilized to assist in determining a distribution of the site traffic. Based on this information, the anticipated trip distribution of the development traffic is illustrated on **Figure 3**. **Figure 4** illustrates the site traffic assignment to the site access location for the proposed development.

In order to determine which roadway segments surrounding the site may be significantly impacted as outlined in the Lee County Traffic Impact Statement Guidelines, **Table 1A**, in the Appendix, was created. This table indicates which roadway links will accommodate greater than 10% of the Peak Hour Level of Service "C" volumes. Based on Table 1A, none of the roadway links in the vicinity of the subject site are anticipated to be significantly impacted by the proposed development.

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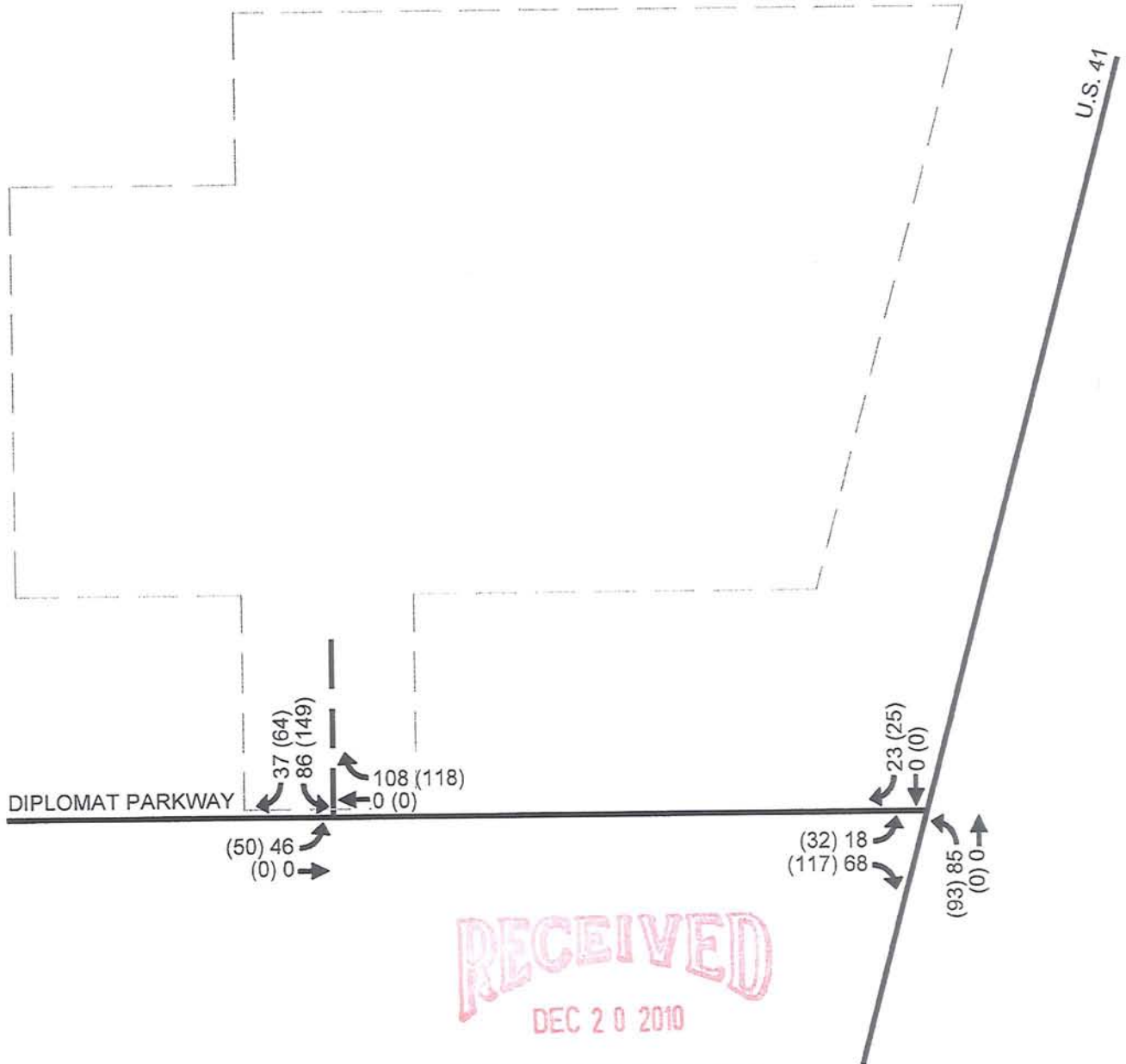
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←20%→ PERCENT DISTRIBUTION

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LEGEND

- ← 000 WEEKDAY AM PEAK HOUR TRAFFIC
- ←(000) WEEKDAY PM PEAK HOUR TRAFFIC

**VI. FUTURE TRAFFIC CONDITIONS**

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It was assumed that the project would be completed by the year 2014. Based on this projected build-out, the surrounding roadway network was analyzed under 2015 traffic conditions. A growth rate was applied to the existing traffic conditions for all roadway links and intersections that could be significantly impacted by this development. The growth rates were obtained through comparisons of annual traffic data from the 2009 Lee County Traffic Count Report and the 2010 City of Cape Coral Traffic Count Report. Based on the project distribution illustrated on Figure 3, the link data was analyzed for the existing conditions, year 2015 without the development and year 2015 with the development. **Table 2A** in the Appendix of the report indicates the methodology utilized to obtain the year 2015 build-out traffic volumes as well as the growth rate utilized for each roadway segment.

**Figure 5** indicates the year 2015 peak hour – peak direction traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 5 is the peak hour – peak direction volume and Level of Service of each link should no development occur on the subject site and the peak hour – peak direction volume and Level of Service for the weekday A.M. and P.M. peak hours with the development traffic added to the roadways. These figures are derived from Table 2A contained in the Appendix.

In comparing the links' functional classification and calculated 2015 traffic volumes to the Service Volume Tables, it was determined that none of the roadways inside the project's area of influence would be adversely impacted by the proposed development. Adverse impacts are defined as a degradation of the Level of Service beyond the adopted Level of Service Thresholds for those links as indicated in Table 1A. In other words, all roadways analyzed as a result of the proposed development will maintain an acceptable Level of Service when the development traffic is added to the surrounding roadway

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U.S. 41

604 - "B"  
(650 - "B")  
[667 - "B"]

604 - "B"  
(711 - "B")  
[753 - "B"]

DIPLOMAT PARKWAY

1,255 - "B"  
(1,278 - "B")  
[1,287 - "B"]

1,255 - "B"  
(1,339 - "B")  
[1,372 - "B"]

LEGEND

- XXX - "C" 2015 PEAK SEASON PEAK HOUR  
PEAK DIRECTION BACKGROUND TRAFFIC  
AND LEVEL OF SERVICE DESIGNATION
- (XXX - "C") 2015 PEAK SEASON PEAK HOUR  
PEAK DIRECTION BACKGROUND  
TRAFFIC PLUS AM PROJECT TRAFFIC  
AND LEVEL OF SERVICE DESIGNATION
- [XXX - "C"] 2015 PEAK SEASON PEAK HOUR  
PEAK DIRECTION BACKGROUND  
TRAFFIC PLUS PM PROJECT TRAFFIC  
AND LEVEL OF SERVICE DESIGNATION

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network. Thus, the existing roadway network can accommodate the additional new vehicle trips the Diplomat development is anticipated to generate.

## VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

Figure 6 illustrates the projected 2015 background traffic volumes at the U.S. 41/Diplomat Parkway intersection. The projected 2015 background traffic volumes were calculated by growing the existing 2010 peak hour peak season peak direction traffic volumes by the appropriate growth rates as indicated within Table 2A. The projected 2015 build-out traffic volumes were then calculated by adding the site traffic assignment to the projected 2015 background traffic volumes. The projected 2015 build-out traffic volumes are illustrated on Figure 7.

Based upon a preliminary turn lane analysis conducted at the proposed site access intersection, an eastbound left turn lane and a westbound right turn lane will likely be warranted. At the U.S. 41/Diplomat Parkway intersection a northbound left turn lane approximately 660 feet in overall length, a southbound right turn lane approximately 525 feet in overall length, and a eastbound to northbound acceleration lane approximately 610 feet in overall length currently exist. The need for turn lane improvements will be further analyzed at the time of local Development Order.

Intersection analysis was performed at the intersection of U.S. 41 and Diplomat Parkway as well as at the proposed site access drive on Diplomat Parkway based upon the projected 2015 traffic volumes both with and without the proposed development. The latest version of the Highway Capacity Software, HCS+ T7F, was utilized to conduct the intersection analysis. Based upon the results of the analysis of the proposed site access location on Diplomat Parkway, all movements were shown to operate at an acceptable Level of Service in 2015 with the proposed development.

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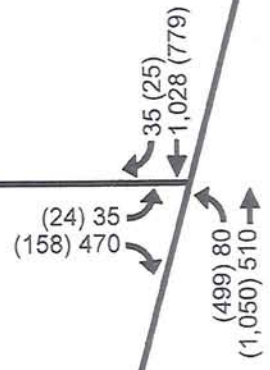


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U.S. 41

DIPLOMAT PARKWAY



LEGEND

- ← 000 WEEKDAY AM PEAK HOUR TRAFFIC
- ←(000) WEEKDAY PM PEAK HOUR TRAFFIC

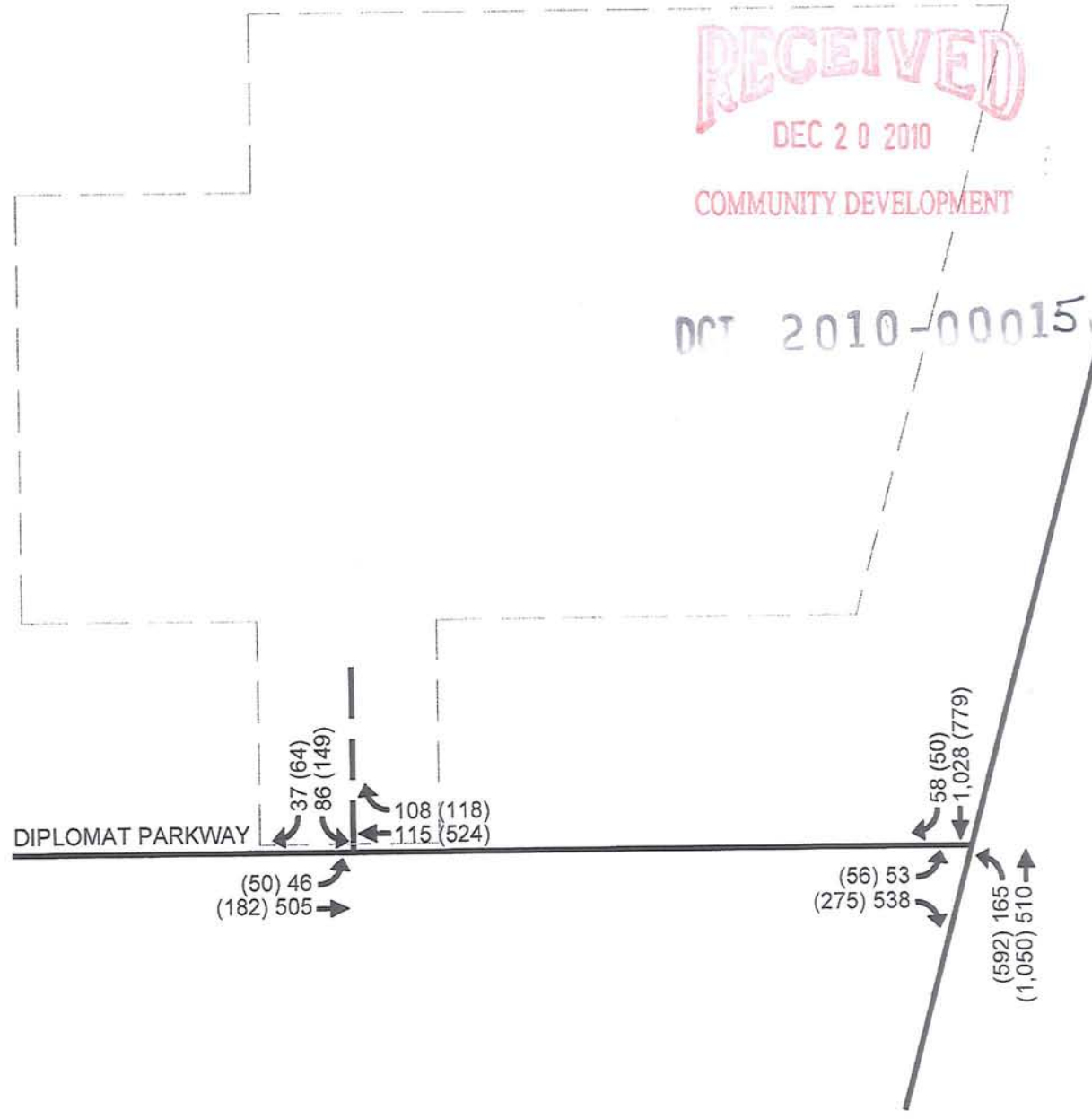
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U.S. 41



LEGEND

- ← 000 WEEKDAY AM PEAK HOUR TRAFFIC
- ←(000) WEEKDAY PM PEAK HOUR TRAFFIC

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Based upon the results of the analysis for the U.S. 41/Diplomat Parkway intersection, the eastbound left turning movement is shown to operate below acceptable Level of Service conditions in 2015 both with and without the proposed development. Additionally the eastbound right turning movement is shown to operate below acceptable Level of Service conditions during the A.M. peak hour in 2015 with the addition of the project traffic. The intersection of U.S. 41 and Diplomat Parkway may need to be signalized in the future upon approval from the Florida Department of Transportation if and when warrants are met. Therefore, other than the turn lane improvements described previously, no roadway improvements will be warranted as a result of this analysis.

### VIII. CONCLUSION

The proposed Diplomat Re-Zoning located on the north side of Diplomat Parkway west of its intersection with U.S. 41 in the North Fort Myers area of Lee County, Florida will not have a detrimental impact on the surrounding roadway system. The existing roadway network can accommodate the additional new vehicle trips the development is anticipated to generate.

Based upon a preliminary turn lane analysis conducted at the proposed site access intersection, an eastbound left turn lane and a westbound right turn lane will likely be warranted. At the U.S. 41/Diplomat Parkway intersection a northbound left turn lane approximately 660 feet in overall length, a southbound right turn lane approximately 525 feet in overall length, and a eastbound to northbound acceleration lane approximately 610 feet in overall length currently exist. The need for turn lane improvements will be further analyzed at the time of local Development Order.

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Intersection analysis was performed at the intersection of U.S. 41 and Diplomat Parkway as well as at the proposed site access drive on Diplomat Parkway based upon the projected 2015 traffic volumes both with and without the proposed development. Based upon the results of the analysis of the proposed site access location on Diplomat Parkway, all movements were shown to operate at an acceptable Level of Service in 2015 with the proposed development. Based upon the results of the analysis for the U.S. 41/Diplomat Parkway intersection, both the eastbound left and right turning movements were shown to operate below acceptable Level of Service conditions in 2015. The intersection of U.S. 41 and Diplomat Parkway may need to be signalized in the future upon approval from the Florida Department of Transportation.

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**TABLE 1A & TABLE 2A**

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**TABLE 1A  
PEAK DIRECTION PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES  
DIPLOMAT RE-ZONING**

REVISED DECEMBER 2010

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 277 VPH      IN= 154      OUT= 123  
 TOTAL PM PEAK HOUR PROJECT TRAFFIC = 381 VPH      IN= 168      OUT= 213

ROADWAY	SEGMENT	ROADWAY CLASS	LEVEL OF SERVICE THRESHOLDS					PERCENT		
			LOS A VOLUME	LOS B VOLUME	LOS C VOLUME	LOS D VOLUME	LOS E VOLUME	PROJECT TRAFFIC	PROJECT TRAFFIC	PROJ/ LOS C
Diplomat Pkwy.	W. of Site Access	4LD	260	1,570	1,900	1,970	1,970	30%	64	3.4%
	W. of U.S. 41	4LD	260	1,570	1,900	1,970	1,970	70%	149	7.8%
U.S. 41	N. of Diplomat Pkwy.	4LD	260	1,570	1,900	1,970	1,970	15%	32	1.7%
	S. of Diplomat Pkwy.	4LD	260	1,570	1,900	1,970	1,970	55%	117	6.2%

\* The Lee County Generalized Level of Service Thresholds utilized for both U.S. 41 and Diplomat Parkway

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**TABLE 2A  
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS  
DIPLOMAT RE-ZONING**

REVISED DECEMBER 2010

TOTAL PROJECT TRAFFIC AM = 277 VPH IN = 154 OUT = 123  
 TOTAL PROJECT TRAFFIC PM = 381 VPH IN = 168 OUT = 213

ROADWAY	SEGMENT	PCS	ADT	ADT	YRS OF GROWTH	ANNUAL RATE	CURRENT	2015		2015		2015				
							PK HR	PK HR	PK SEASON PERCENT	BCKGRND	BCKGRND					
							PK SEASON	PEAK DIRECTION	PROJECT	AM PROJ	PM PROJ	+ AM PROJ	+ PM PROJ			
Diplomat Pkwy.	W. of Site Access	057	4,000	5,200	6	4.47%	485	604	B	30%	46	64	650	B	667	B
	W. of U.S. 41	057	4,000	5,200	6	4.47%	485	604	B	70%	108	149	711	B	753	B
U.S. 41	N. of Diplomat Pkwy.	419	20,000	21,600	9	1.00%	1,182	1,255	B	15%	23	32	1,278	B	1,287	B
	S. of Diplomat Pkwy.	419	20,000	21,600	9	1.00%	1,182	1,255	B	55%	85	117	1,339	B	1,372	B

<sup>1</sup> The current peak hour, peak season, peak direction traffic volume for Diplomat Parkway was obtained from the 2010 City of Cape Coral Traffic Count Report and represent 2010 traffic volumes.  
 The current peak hour, peak season, peak direction traffic volume for U.S. 41 was obtained from the 2010 Lee County Concurrency Report and represent 2009 traffic volumes.

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**HCS+ ANALYSIS OF THE  
U.S. 41/DIPLOMAT PARKWAY  
INTERSECTION**

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## TWO-WAY STOP CONTROL SUMMARY

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General Information		Site Information	
Analyst	DLW	Intersection	US 41/Diplomat
Agency/Co.	TR Transportation Consultants	Jurisdiction	FDOT
Date Performed	7/12/2010	Analysis Year	2015 background
Analysis Time Period	AM Peak Hour		

Project Description: F1006.08 - Diplomat Re-Zoning	
East/West Street: Diplomat Parkway	North/South Street: US 41
Intersection Orientation: North-South	Study Period (hrs): 0.25

### Vehicle Volumes and Adjustments

Major Street Movement	Northbound			Southbound		
	1 L	2 T	3 R	4 L	5 T	6 R
Volume (veh/h)	80	510			1028	35
Peak-Hour Factor, PHF	0.95	0.95	1.00	1.00	0.95	0.95
Hourly Flow Rate, HFR (veh/h)	84	536	0	0	1082	36
Percent Heavy Vehicles	2	--	--	0	--	--
Median Type	Undivided					
RT Channelized			0			0
Lanes	1	2	0	0	2	1
Configuration	L	T			T	R
Upstream Signal		0			0	

Minor Street Movement	Eastbound			Westbound		
	7 L	8 T	9 R	10 L	11 T	12 R
Volume (veh/h)	35		470			
Peak-Hour Factor, PHF	0.95	1.00	0.95	1.00	1.00	1.00
Hourly Flow Rate, HFR (veh/h)	36	0	494	0	0	0
Percent Heavy Vehicles	2	0	2	0	0	0
Percent Grade (%)		0			0	
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	1	0	1	0	0	0
Configuration	L		R			

### Delay, Queue Length, and Level of Service

Approach	Northbound	Southbound	Westbound			Eastbound		
	1	4	7	8	9	10	11	12
Movement						L		R
Lane Configuration	L							
v (veh/h)	84					36		494
C (m) (veh/h)	620					95		539
v/c	0.14					0.38		0.92
95% queue length	0.47					1.52		11.09
Control Delay (s/veh)	11.7					64.4		48.6
LOS	B					F		E
Approach Delay (s/veh)	--	--				49.7		
Approach LOS	--	--				E		

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## TWO-WAY STOP CONTROL SUMMARY

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General Information		Site Information	
Analyst	DLW	Intersection	US 41/Diplomat
Agency/Co.	TR Transportation Consultants	Jurisdiction	FDOT
Date Performed	7/12/2010	Analysis Year	2015 background
Analysis Time Period	PM Peak Hour		
Project Description <i>F1006.08 - Diplomat Re-Zoning</i>			
East/West Street: <i>Diplomat Parkway</i>		North/South Street: <i>US 41</i>	
Intersection Orientation: <i>North-South</i>		Study Period (hrs): <i>0.25</i>	

Vehicle Volumes and Adjustments						
Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	499	1050			779	25
Peak-Hour Factor, PHF	0.95	0.95	1.00	1.00	0.95	0.95
Hourly Flow Rate, HFR (veh/h)	525	1105	0	0	820	26
Percent Heavy Vehicles	2	--	--	0	--	--
Median Type	<i>Undivided</i>					
RT Channelized			0			0
Lanes	1	2	0	0	2	1
Configuration	L	T			T	R
Upstream Signal		0			0	
Minor Street	Eastbound			Westbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	24		158			
Peak-Hour Factor, PHF	0.95	1.00	0.95	1.00	1.00	1.00
Hourly Flow Rate, HFR (veh/h)	25	0	166	0	0	0
Percent Heavy Vehicles	2	0	2	0	0	0
Percent Grade (%)		0			0	
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	1	0	1	0	0	0
Configuration	L		R			

Delay, Queue Length, and Level of Service								
Approach	Northbound	Southbound	Westbound			Eastbound		
	1	4	7	8	9	10	11	12
Movement						L		R
Lane Configuration	L							
v (veh/h)	525					25		166
C (m) (veh/h)	787					9		640
v/c	0.67					2.78		0.26
95% queue length	5.19					4.22		1.03
Control Delay (s/veh)	18.2					1617		12.6
LOS	C					F		B
Approach Delay (s/veh)	--	--				222.6		
Approach LOS	--	--				F		

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## TWO-WAY STOP CONTROL SUMMARY

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General Information		Site Information	
Analyst	DLW	Intersection	US 41/Diplomat
Agency/Co.	TR Transportation Consultants	Jurisdiction	FDOT
Date Performed	12/16/2010	Analysis Year	2015 background + project
Analysis Time Period	AM Peak Hour		
Project Description <i>F1006.08 - Diplomat Re-Zoning</i>			
East/West Street: <i>Diplomat Parkway</i>		North/South Street: <i>US 41</i>	
Intersection Orientation: <i>North-South</i>		Study Period (hrs): <i>0.25</i>	

### Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
	1	2	3	4	5	6
Movement	L	T	R	L	T	R
Volume (veh/h)	165	510			1028	58
Peak-Hour Factor, PHF	0.95	0.95	1.00	1.00	0.95	0.95
Hourly Flow Rate, HFR (veh/h)	173	536	0	0	1082	61
Percent Heavy Vehicles	2	--	--	0	--	--
Median Type	<i>Undivided</i>					
RT Channelized			0			0
Lanes	1	2	0	0	2	1
Configuration	L	T			T	R
Upstream Signal		0			0	

Minor Street	Eastbound			Westbound		
	7	8	9	10	11	12
Movement	L	T	R	L	T	R
Volume (veh/h)	53		538			
Peak-Hour Factor, PHF	0.95	1.00	0.95	1.00	1.00	1.00
Hourly Flow Rate, HFR (veh/h)	55	0	566	0	0	0
Percent Heavy Vehicles	2	0	2	0	0	0
Percent Grade (%)		0			0	
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	1	0	1	0	0	0
Configuration	L		R			

### Delay, Queue Length, and Level of Service

Approach	Northbound	Southbound	Westbound			Eastbound		
	1	4	7	8	9	10	11	12
Movement	L					L		R
Lane Configuration	L					L		R
v (veh/h)	173					55		566
C (m) (veh/h)	607					60		539
v/c	0.29					0.92		1.05
95% queue length	1.17					4.24		16.35
Control Delay (s/veh)	13.3					204.7		80.2
LOS	B					F		F
Approach Delay (s/veh)	--	--				91.3		
Approach LOS	--	--				F		

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**TWO-WAY STOP CONTROL SUMMARY**

General Information		Site Information	
Analyst	DLW	Intersection	US 41/Diplomat
Agency/Co.	TR Transportation Consultants	Jurisdiction	FDOT
Date Performed	12/16/2010	Analysis Year	2015 background + project
Analysis Time Period	PM Peak Hour		

Project Description F1006.08 - Diplomat Re-Zoning	
East/West Street: Diplomat Parkway	North/South Street: US 41
Intersection Orientation: North-South	Study Period (hrs): 0.25

**Vehicle Volumes and Adjustments**

Major Street	Northbound			Southbound		
	1	2	3	4	5	6
Movement	L	T	R	L	T	R
Volume (veh/h)	592	1050			779	50
Peak-Hour Factor, PHF	0.95	0.95	1.00	1.00	0.95	0.95
Hourly Flow Rate, HFR (veh/h)	623	1105	0	0	820	52
Percent Heavy Vehicles	2	--	--	0	--	--
Median Type	Undivided					
RT Channelized			0			0
Lanes	1	2	0	0	2	1
Configuration	L	T			T	R
Upstream Signal		0			0	

Minor Street	Eastbound			Westbound		
	7	8	9	10	11	12
Movement	L	T	R	L	T	R
Volume (veh/h)	56		275			
Peak-Hour Factor, PHF	0.95	1.00	0.95	1.00	1.00	1.00
Hourly Flow Rate, HFR (veh/h)	58	0	289	0	0	0
Percent Heavy Vehicles	2	0	2	0	0	0
Percent Grade (%)		0			0	
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	1	0	1	0	0	0
Configuration	L		R			

**Delay, Queue Length, and Level of Service**

Approach	Northbound	Southbound	Westbound			Eastbound		
	1	4	7	8	9	10	11	12
Movement	L					L		R
Lane Configuration	L					L		R
v (veh/h)	623					58		289
C (m) (veh/h)	769					4		640
v/c	0.81					14.50		0.45
95% queue length	8.68					9.13		2.34
Control Delay (s/veh)	26.4					7828		15.2
LOS	D					F		C
Approach Delay (s/veh)	--	--				1321		
Approach LOS	--	--				F		

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**HCS+ ANALYSIS OF THE  
SITE ACCESS LOCATION**

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## TWO-WAY STOP CONTROL SUMMARY

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General Information		Site Information	
Analyst	DLW	Intersection	COMMUNITY DEVELOPMENT Diplomat Access
Agency/Co.	TR Transportation Consultants	Jurisdiction	FDOT
Date Performed	12/16/2010	Analysis Year	2015 background + project
Analysis Time Period	AM Peak Hour		
Project Description <i>F1006.08 - Diplomat Re-Zoning</i>			
East/West Street: <i>Diplomat Parkway</i>		North/South Street: <i>Site Access</i>	
Intersection Orientation: <i>East-West</i>		Study Period (hrs): <i>0.25</i>	

### Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound			
	Movement	1	2	3	4	5	6
		L	T	R	L	T	R
Volume (veh/h)		46	505			115	108
Peak-Hour Factor, PHF		0.95	0.95	1.00	1.00	0.95	0.95
Hourly Flow Rate, HFR (veh/h)		48	531	0	0	121	113
Percent Heavy Vehicles		2	--	--	0	--	--
Median Type	<i>Raised curb</i>						
RT Channelized				0			0
Lanes		1	2	0	0	2	1
Configuration		L	T			T	R
Upstream Signal			0			0	

Minor Street	Northbound			Southbound			
	Movement	7	8	9	10	11	12
		L	T	R	L	T	R
Volume (veh/h)					86		37
Peak-Hour Factor, PHF		1.00	1.00	1.00	0.95	1.00	0.95
Hourly Flow Rate, HFR (veh/h)		0	0	0	90	0	38
Percent Heavy Vehicles		0	0	0	2	0	2
Percent Grade (%)		0			0		
Flared Approach		<i>N</i>			<i>N</i>		
Storage		0			0		
RT Channelized				0			0
Lanes		0	0	0	1	0	1
Configuration					L		R

### Delay, Queue Length, and Level of Service

Approach	Eastbound	Westbound	Northbound			Southbound		
			7	8	9	10	11	12
Movement	1	4						
Lane Configuration	L					L		R
v (veh/h)	48					90		38
C (m) (veh/h)	1331					554		1005
v/c	0.04					0.16		0.04
95% queue length	0.11					0.58		0.12
Control Delay (s/veh)	7.8					12.8		8.7
LOS	A					B		A
Approach Delay (s/veh)	--	--				11.6		
Approach LOS	--	--				B		

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## TWO-WAY STOP CONTROL SUMMARY

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General Information		Site Information	
Analyst	DLW	Intersection	Diplomat Access
Agency/Co.	TR Transportation Consultants	Jurisdiction	FDOT
Date Performed	12/16/2010	Analysis Year	2015 background + project
Analysis Time Period	PM Peak Hour		
Project Description <i>F1006.08 - Diplomat Re-Zoning</i>			
East/West Street: <i>Diplomat Parkway</i>		North/South Street: <i>Site Access</i>	
Intersection Orientation: <i>East-West</i>		Study Period (hrs): <i>0.25</i>	

Vehicle Volumes and Adjustments						
Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	50	182			524	118
Peak-Hour Factor, PHF	0.95	0.95	1.00	1.00	0.95	0.95
Hourly Flow Rate, HFR (veh/h)	52	191	0	0	551	124
Percent Heavy Vehicles	2	--	--	0	--	--
Median Type	<i>Raised curb</i>					
RT Channelized			0			0
Lanes	1	2	0	0	2	1
Configuration	L	T			T	R
Upstream Signal		0			0	

Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)				149		64
Peak-Hour Factor, PHF	1.00	1.00	1.00	0.95	1.00	0.95
Hourly Flow Rate, HFR (veh/h)	0	0	0	156	0	67
Percent Heavy Vehicles	0	0	0	2	0	2
Percent Grade (%)	0			0		
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	0	0	0	1	0	1
Configuration				L		R

Delay, Queue Length, and Level of Service								
Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	L					L		R
v (veh/h)	52					156		67
C (m) (veh/h)	912					430		761
v/c	0.06					0.36		0.09
95% queue length	0.18					1.63		0.29
Control Delay (s/veh)	9.2					18.1		10.2
LOS	A					C		B
Approach Delay (s/veh)	--	--				15.7		
Approach LOS	--	--				C		

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**DEVELOPMENT OF FUTURE YEAR  
TRAFFIC VOLUMES**

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## Development of Future Year Background Turning Volumes

REVISED DECEMBER 2010

Intersection  
Count Date  
Build-Out Year

**U.S. 41 at Diplomat Parkway**  
July 7th, 2010  
2015

	AM Peak Hour											
	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts	69	441			889	30	25		344			
Peak Season Correction Factor	1.10	1.10			1.10	1.10	1.10		1.10			
Current Peak Season Volumes	76	485			978	33	28		378			
Growth Rate	1.00%	1.00%			1.00%	1.00%	4.47%		4.47%			
Years to Build-out	5	5			5	5	5		5			
2015 Background Turning Volumes	<b>80</b>	<b>510</b>			<b>1,028</b>	<b>35</b>	<b>35</b>		<b>470</b>			
Project Turning Volumes	85	0			0	23	18		68			
2015 Background + Project	<b>165</b>	<b>510</b>			<b>1,028</b>	<b>58</b>	<b>53</b>		<b>538</b>			

	PM Peak Hour											
	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts	432	908			674	22	17		115			
Peak Season Correction Factor	1.10	1.10			1.10	1.10	1.10		1.10			
Current Peak Season Volumes	475	999			741	24	19		127			
Growth Rate	1.00%	1.00%			1.00%	1.00%	4.47%		4.47%			
Years to Build-out	5	5			5	5	5		5			
2015 Background Turning Volumes	<b>499</b>	<b>1,050</b>			<b>779</b>	<b>25</b>	<b>24</b>		<b>158</b>			
Project Turning Volumes	93	0			0	25	32		117			
2015 Background + Project	<b>592</b>	<b>1,050</b>			<b>779</b>	<b>50</b>	<b>56</b>		<b>275</b>			

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**LEE COUNTY GENERALIZED  
LEVEL OF SERVICE THRESHOLDS**

**Lee County**  
**Generalized Peak Hour Directional Service Volumes**  
**Urbanized Areas**

Jan 2009

c:\input3

Uninterrupted Flow Highway						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	120	370	720	1,010	1,280
2	Divided	1,090	1,780	2,570	3,280	3,690
3	Divided	1,630	2,680	3,860	4,930	5,530
Arterials						
Class I (>0.00 to 1.99 signalized intersections per mile)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	210	720	880	920
2	Divided	260	1,570	1,900	1,970	1,970
3	Divided	400	2,410	2,870	2,960	2,960
4	Divided	530	3,260	3,840	3,960	3,970
Class II (>2.00 to 4.50 signalized intersections per mile)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	90	600	840	890
2	Divided	*	220	1,370	1,760	1,860
3	Divided	*	340	2,120	2,660	2,810
4	Divided	*	480	2,860	3,570	3,770
Class III (more than 4.50 signalized intersections per mile)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	260	650	810
2	Divided	*	*	620	1,480	1,700
3	Divided	*	*	980	2,310	2,570
4	Divided	*	*	1,340	3,150	3,440
Controlled Access Facilities						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	120	740	950	990	990
2	Divided	270	1,610	1,970	2,040	2,040
3	Divided	410	2,480	2,970	3,070	3,070
Collectors						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	160	670	820	860
1	Divided	*	170	700	870	910
2	Undivided	*	790	1,590	1,700	1,730
2	Divided	*	820	1,680	1,800	1,830

Note: the service volumes for I-75 (freeway) should be from FDOT's most current version of LOS Handbook.

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**TRAFFIC DATA FOR**  
**US 41 & DIPLOMAT PARKWAY**

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Location	Site ID	Average Annual Daily Traffic (AADT)							Peak Hour Per direction	
		2004	2005	2006	2007	2008	2009	2010	Volume	15 Min.
<b>Coronado Parkway</b>										
S/ Cape Coral Parkway	040	9,100	9,400	9,700	9,400	9,300	8,700	8,300	434	120
W/ Del Prado Boulevard	041	11,600	11,700	11,500	10,000	9,400	9,000	8,300	474	135
N/ SE 47 Terrace	042	10,800	11,900	10,100	9,200	8,900	8,500	8,000	452	164
<b>Country Club Boulevard</b>										
N/ Veterans Parkway	043	15,200	15,200	17,800		14,300	13,900	14,000	729	206
S/ Veterans Parkway	044	14,800	14,100	15,000	14,000	13,600	12,400	12,400	790	237
S/ Archer Parkway	045	13,200	13,800	13,400	12,700	11,700	10,600	10,600	657	187
S/ Wildwood Parkway	046	6,400	7,100	7,200	7,100		5,200	5,400	362	108
E/ SE 5 Avenue & Palm Tree	158	7,100	7,600	7,700	7,700	5,000	5,600	5,600	322	88
S/ Viscaya Parkway	047	15,200	16,700	17,000	17,400	14,200	13,400	12,900	805	294
N/ Nicholas Parkway	048	16,500	17,900	18,600	17,900	15,200	13,400	13,400	822	271
<b>Cultural Park Boulevard</b>										
N/ Nicholas Parkway	049	8,000	9,000	9,800	10,200	8,600	7,700	8,000	504	144
S/ Hancock Bridge Parkway	050	9,000	10,300	10,400	11,400	9,600	8,800	9,100	518	144
N/ Hancock Bridge Parkway	051	5,600	6,400	6,700	6,800	6,000	5,600	6,000	392	109
<b>Del Prado Boulevard</b>										
S/ Cape Coral Parkway	052	5,400	5,000	4,600	4,400	4,400	4,100	3,900	260	73
N/ Averill Boulevard	053					11,000	10,200	9,700	594	165
N/ Kismet Parkway	054	10,700	11,100	12,600	11,700	13,100	13,200	12,600	649	172
N/ Diplomat Parkway	055	13,000	16,600	17,000	18,100	14,700		11,600	748	222
S/ Diplomat Parkway	056	15,300		21,100	22,100	18,200				
N/ De-Navarra Parkway	----						11,600	11,800	730	202
<b>De-Navarra Parkway</b>										
N/ Del Prado Boulevard	----						1,900	2,500	274	113
<b>Diplomat Parkway</b>										
E/ 24th Avenue	057	4,000	4,800	6,300	6,300	7,000	5,800	5,200	485	135
E/ Del Prado Boulevard	058	4,400	5,400	6,400	5,500	7,000	5,500	4,300	403	117
W/ Del Prado Boulevard	059	5,400	7,700	9,000	9,700	10,300	8,200	7,700	611	191
E/ Santa Barbara Boulevard	060	4,300	6,100	8,100	8,100	7,400	6,300	5,500	452	130
W/ Santa Barbara Boulevard	061	3,400	5,400	7,200	6,300	5,700	5,000	4,600	368	98
W/ Nelson Road	062		5,200	6,400		5,100	4,600	4,700	298	84
W/ Chiquita Boulevard	063	1,800	3,400	4,100	3,400	2,800	2,500	2,300	155	42
W/ El-Dorado Boulevard	064				2,000		1,600	1,500	99	32
<b>El-Dorado Boulevard</b>										
N/ Diplomat Parkway	065	1,600	1,800	2,400	2,400		2,000	2,100	130	41
S/ Diplomat Parkway	066	1,400	1,600	2,300	2,300	2,700	2,300	2,400	158	52
S/ Tropicana Parkway	067	1,800	1,900	2,600	2,600	2,500	2,600	2,700	199	59
S/ Embers Parkway	068	700	900	1,300	1,300		1,500	1,600	116	53
<b>Embers Parkway</b>										
E/ Chiquita Boulevard	069	4,700	5,100	6,400	7,300	7,800	6,900	7,200	481	140
W/ Chiquita Boulevard	070	4,700	4,900		6,800	6,700	6,000	6,400	470	121
E/ Burnt Store Road	----						2,100	2,100	121	36
W/ Burnt Store Road	----						1,500	1,700	103	30
<b>Everest Parkway</b>										
E/ Del Prado Boulevard	071	4,400	5,000	3,000	2,800	2,600	2,400	2,300	160	50
W/ Del Prado Boulevard	072	700	900	900	900	800	800	800	105	32
<b>El-Dorado Parkway</b>										
W/ Chiquita Boulevard	073	3,000	2,700	3,200	3,100	2,800	2,600	2,500	139	49
E/ Coronado Parkway	074	4,300	4,000	3,500	3,300	3,100	3,000	3,000	186	54
W/ Pelican Boulevard	075	1,200	1,200	1,100	1,200	1,100	1,100	1,200	69	24
<b>Four Mile cove</b>										
E/ Del Prado Boulevard	159	2,900	3,300	2,900			3,000	3,100	185	50

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# PERIODIC COUNT STATION DATA

STREET	LOCATION	Sta- tion #	M A P	Daily Traffic Volume (AADT)										S R	Area
				2000	2001	2002	2003	2004	2005	2006	2007	2008	2009		
US 41 (SR 45)	N OF BOY SCOUT DR	430	B	39600	39900	42000	42200	45900	44100	45700	42700	38400	36200	9	3
	N OF N AIRPORT RD	427	B	44200	43800	43900	44800	52900	45000	50500	49600	43500	38100	9	3
	N OF COLONIAL BLVD	432	B	48600	44600	51000	48200	49200	50300	52000	51600	46800	35500	9	3
	N OF WINKLER AVE	429	B	41900	43700	45300	44500	48200	38500	50600	53000	52100	42000	9	3
	N OF HANSON ST	428	B	40700	45700	43900	43800	47400	45600	46600	46400	43200	40400	9	3
	N OF NORTH KEY DR	1	C	39700	41700	43500	45600	49900	52100	51900	U/C	42600	41800		2
	N OF HANCOCK BR. PWY	421	C	28500	29500	29700	31600	31600	34400	39500	32700	29900	32700	1	2
	N OF PONDELLA RD	431	C	21000	23800	25000	25900	28900	27800	32100	26300	24900	26800	1	2
	N OF PINE ISLAND RD	419	C	20000	22500	22900	24300	24700	25700	30800	25100	26100	21600	1	2
	N OF LITTLETON RD	425	C	15600	17100	17400	18200	20000	20400	23000	18300	17700	15700	1	2
	S OF CHARLOTTE CO.	449	I	12800	14600	14800	15400	18000	18700	18400	15500	20700	13900	1	2
VANDERBILT RD	S OF BONITA BEACH RD	491	H	8500	N/A	7300	9300	9000	9600	7800	6100	5700	5100	23	6
VETERANS PKWY	S OF PINE ISLAND RD	527	I			6100	8200	10600	12100	13600	14100	12900	13300	50	1
	E OF SURFSIDE BLVD	526	I				10800	13800	16400	18500	20100	19500	18700	50	1
	E OF CHIQUITA BLVD	523	C	9100	12000	15900	19200	23900	25700	27500	29500	28200	26800	50	1
	E OF SKYLINE BLVD	522	C	15900	19200	23400	26700	32500	35300	40200	40000	36800	38400	50	1
	E OF SANTA BARBARA BLVD	50	C	31400	33800	40300	44300	48000	50700	53100	49600	47200	46900		1
	E OF COUNTRY CLUB BLVD	513	C	36800	38700	44800	45900	50800	51400	58200	57400	49800	50800	50	1
	AT TOLL PLAZA	101	C	37500	37700	41800	44500	47600	49600	50100	48100				
VIA COCONUT	S OF WILLIAMS RD	454									5100	5600	4500	61	6
WEST TERRY ST	E OF US 41	440	H	10800	11100	13300	13300	12000	11400	12200	12200	11600	11500	42	6
WESTGATE BLVD	S OF LEE BLVD	470	F					7300	6700	12000	8800	6400	6700	22	5

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ROADWAY LINK NAME	FROM	TO	ROAD TYPE	PERFORMANCE STANDARD		2009 100th HIGHEST HR		EST 2010 100th HIGHEST HR		FORECAST FUTURE VOL		NOTES*	LINK NO.
				LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	LOS	VOLUME		
WOODLAND BL	US 41	CHATHAM ST	2LU	E	860	C	262	C	262	C	262		28900
W 6th ST	WILLIAMS AVE	JOEL BL	2LU	E	860	B	140	B	140	B	140		29000
W 12th ST	GUNNERY RD	SUNSHINE BL	2LU	E	860	B	77	B	79	B	79		29100
W 12th ST	SUNSHINE BL	WILLIAMS AVE	2LU	E	860	B	77	B	77	C	166		29200
W 12th ST	WILLIAMS AVE	JOEL BL	2LU	E	860	B	77	B	78	B	78		29300
W 14th ST	SUNSHINE BL	RICHMOND AVE	2LU	E	860	B	45	B	46	B	46		29400
US 41	COLLIER COUNTY LINE	BONITA BEACH RD	6LD	E	2,760	C	1,888	C	1,888	C	1,933		29500
US 41	BONITA BEACH RD	WEST TERRY ST	6LD	E	3,100	C	2,071	C	2,071	C	2,076		29600
US 41	WEST TERRY ST	OLD 41	6LD	E	3,100	C	1,840	C	1,840	C	1,882		29700
US 41	OLD 41	CORKSCREW RD	6LD	E	3,100	C	2,122	C	2,226	C	2,549		29800
US 41	CORKSCREW RD	SANIBEL BL	6LD	E	2,940	B	1,982	B	1,982	B	2,155	6 Ln funded in 2010/11 by FDOT	29900
US 41	SANIBEL BL	ALICO RD	6LD	E	2,940	B	1,713	B	1,881	B	2,135		30000
US 41	ALICO RD	ISLAND PARK RD	6LD	E	2,940	B	2,514	C	2,580	C	2,766		30100
US 41	ISLAND PARK RD	JAMAICA BAY WEST	6LD	E	2,940	B	2,348	B	2,348	B	2,502		30200
US 41	JAMAICA BAY WEST	SIX MILE CYPRESS PKWY	6LD	E	2,940	B	2,518	B	2,518	B	2,518		30300
US 41	SIX MILE CYPRESS PKWY	DANIELS PKWY	6LD	E	2,870	D	1,633	D	1,634	D	1,855		30400
US 41	DANIELS PKWY	COLLEGE PKWY	6LD	E	2,870	E	2,341	E	2,341	E	2,353	Constrained; v/c = 0.82	30500
US 41	COLLEGE PKWY	SOUTH RD	6LD	E	2,870	E	2,447	E	2,450	E	2,474	Constrained; v/c = 0.85	30600
US 41	SOUTH DR	BOY SCOUT RD	6LD	E	2,870	D	2,135	D	2,135	D	2,137	Constrained; v/c = 0.74	30700
US 41	BOY SCOUT DR	NORTH AIRPORT RD	6LD	E	2,870	D	1,552	D	1,552	D	1,554	Constrained; v/c = 0.55	30800
US 41	NORTH AIRPORT RD	COLONIAL BL	6LD	E	2,870	D	1,633	D	1,633	D	1,633		30810
US 41	FOUNTAIN INTERCHANGE	NORTH KEY DR	4LD	E	2,270	D	2,211	D	2,211	D	2,211		30900
US 41	NORTH KEY DR	HANCOCK BRIDGE PKWY	4LD	E	2,270	F	2,449	F	2,449	F	2,461		31000
US 41	HANCOCK BRIDGE PKWY	PONDELLA RD	4LD	E	1,950	D	1,789	D	1,823	D	1,823		31100
US 41	PONDELLA RD	PINE ISLAND RD (SR 78)	4LD	E	1,950	D	1,467	D	1,467	D	1,467		31200
US 41	PINE ISLAND RD (SR 78)	LITTLETON RD	4LD	E	2,050	C	1,182	C	1,182	C	1,263		31300
US 41	LITTLETON RD	BUSINESS 41	4LD	E	2,050	B	859	B	859	C	1,168		31400
US 41	BUSINESS 41	DEL PRADO BL	4LD	E	2,050	B	859	B	859	B	881		31500
US 41	DEL PRADO BL	CHARLOTTE COUNTY LINE	4LD	E	2,050	B	761	B	766	B	868		31600
I-75	COLLIER COUNTY LINE	BONITA BEACH RD	6LF	D	5,340	C	3,975	C	3,975	C	3,975		31700
I-75	BONITA BEACH RD	CORKSCREW RD	6LF	D	5,340	C	3,567	C	3,567	C	3,567		31800
I-75	CORKSCREW RD	ALICO RD	6LF	D	5,340	C	3,618	C	3,618	C	3,618		31900
I-75	ALICO RD	DANIELS PKWY	6LF	D	5,340	C	3,389	C	3,389	C	3,389		32000
I-75	DANIELS PKWY	COLONIAL BL	6LF	D	5,340	B	3,211	B	3,211	B	3,211		32100
I-75	COLONIAL BL	DR ML KING BL (SR 82)	6LF	D	5,340	C	3,338	C	3,338	C	3,338	6 Ln construction underway by FDOT	32200
I-75	DR ML KING BL (SR 82)	LUCKETT RD	4LF	D	3,560	E	3,593	E	3,593	E	3,593	6 Ln scheduled in 2010/11 by FDOT	32300

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**PERMANENT COUNT STATION 1  
US-41 (SR 45) N OF NORTH KEY DR**

2009 AADT = 41800  
K100 Factor - 0.0993

Monthly ADT as a % of Annual ADT

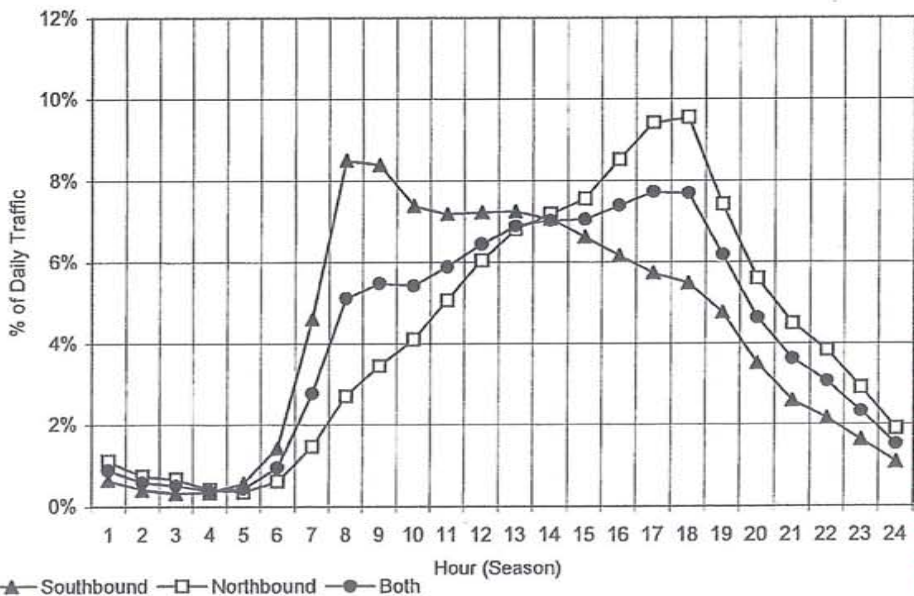
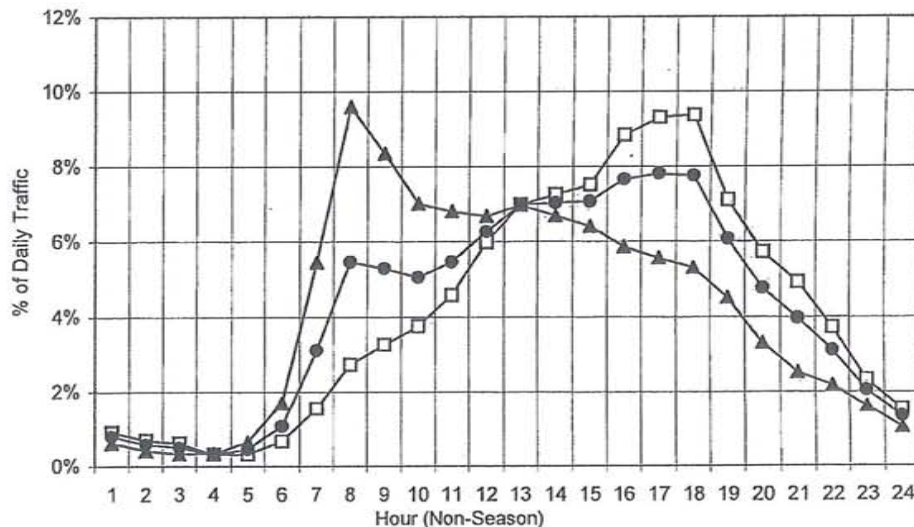
January	103%
February	109%
March	104%
April	98%
May	94%
June	104%
July	99%
August	94%
September	101%
October	100%
November	96%
December	98%

Day of Week as a % of Annual ADT

Monday	102%
Tuesday	109%
Wednesday	112%
Thursday	109%
Friday	111%
Saturday	86%
Sunday	73%

Weekday Peak Flow Characteristics	Non-Season	Season
Peak Flow between 7 a.m. and 9 a.m.		
1) as a % of weekday traffic	5.4%	5.3%
2) directional Split (peak direction)	75%	73%
	Southbound	Southbound
Peak Flow between 4 p.m. and 6 p.m.		
1) as a % of weekday traffic	7.8%	7.7%
2) directional Split (peak direction)	63%	63%
	Northbound	Northbound

**PERMANENT COUNT STATION 1  
US-41 (SR 45) N OF NORTH KEY DR**



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**TURNING MOVEMENT COUNT**

**U.S. 41 @ DIPLOMAT PARKWAY**

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**15 MINUTE SUMMARY OF INDIVIDUAL MOVEMENTS**

**US 41 & Diplomat Parkway**

15 MIN BEGIN	US 41								Diplomat Parkway								INTER-SECTION TOTAL
	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				
	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	
7:00 AM	16	89	0	105	0	148	3	151	4	0	81	85	0	0	0	0	341
7:15 AM	15	90	0	105	0	190	4	194	9	0	92	101	0	0	0	0	400
7:30 AM	21	114	0	135	0	252	7	259	7	0	96	103	0	0	0	0	497
7:45 AM	17	114	0	131	0	207	9	216	5	0	101	106	0	0	0	0	453
8:00 AM	16	98	0	114	0	222	8	230	7	0	74	81	0	0	0	0	425
8:15 AM	15	115	0	130	0	208	6	214	6	0	73	79	0	0	0	0	423
8:30 AM	20	122	0	142	0	211	8	219	4	0	67	71	0	0	0	0	432
8:45 AM	18	134	0	152	0	210	9	219	6	0	41	47	0	0	0	0	418
<b>TOTAL:</b>	<b>138</b>	<b>876</b>	<b>0</b>	<b>1,014</b>	<b>0</b>	<b>1,648</b>	<b>54</b>	<b>1,702</b>	<b>48</b>	<b>0</b>	<b>625</b>	<b>673</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3,389</b>

**HOURLY SUMMARY OF INDIVIDUAL MOVEMENTS**

**US 41 & Diplomat Parkway**

HOUR BEGIN	US 41								Diplomat Parkway								INTER-SECTION TOTAL
	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				
	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	
7:00 AM	69	407	0	476	0	797	23	820	25	0	370	395	0	0	0	0	1,691
7:15 AM	69	416	0	485	0	871	28	899	28	0	363	391	0	0	0	0	1,775
7:30 AM	69	441	0	510	0	889	30	919	25	0	344	369	0	0	0	0	1,798
7:45 AM	68	449	0	517	0	848	31	879	22	0	315	337	0	0	0	0	1,733
8:00 AM	69	469	0	538	0	851	31	882	23	0	255	278	0	0	0	0	1,698

**PEAK HOUR SUMMARY**

HOUR BEGIN	US 41								Diplomat Parkway								INTER-SECTION TOTAL
	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				
	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	
7:30 AM	69	441	0	510	0	889	30	919	25	0	344	369	0	0	0	0	1,798

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**15 MINUTE SUMMARY OF INDIVIDUAL MOVEMENTS**

**US 41 & Diplomat Parkway**

15 MIN BEGIN	US 41								Diplomat Parkway								INTER-SECTION TOTAL
	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				
	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	
4:00 PM	42	206	0	248	0	151	5	156	5	0	45	50	0	0	0	0	454
4:15 PM	74	220	0	294	0	177	4	181	6	0	40	46	0	0	0	0	521
4:30 PM	66	194	0	260	0	165	8	173	7	0	37	44	0	0	0	0	477
4:45 PM	82	238	0	320	0	166	4	170	3	0	27	30	0	0	0	0	520
5:00 PM	107	212	0	319	0	180	7	187	5	0	23	28	0	0	0	0	534
5:15 PM	131	208	0	339	0	160	6	166	6	0	29	35	0	0	0	0	540
5:30 PM	112	250	0	362	0	168	5	173	3	0	36	39	0	0	0	0	574
5:45 PM	91	213	0	304	0	141	0	141	3	0	25	28	0	0	0	0	473
<b>TOTAL:</b>	<b>705</b>	<b>1,741</b>	<b>0</b>	<b>2,446</b>	<b>0</b>	<b>1,308</b>	<b>39</b>	<b>1,347</b>	<b>38</b>	<b>0</b>	<b>262</b>	<b>300</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4,093</b>

**HOURLY SUMMARY OF INDIVIDUAL MOVEMENTS**

**US 41 & Diplomat Parkway**

HOUR BEGIN	US 41								Diplomat Parkway								INTER-SECTION TOTAL
	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				
	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	
4:00 PM	264	858	0	1,122	0	659	21	680	21	0	149	170	0	0	0	0	1,972
4:15 PM	329	864	0	1,193	0	688	23	711	21	0	127	148	0	0	0	0	2,052
4:30 PM	386	852	0	1,238	0	671	25	696	21	0	116	137	0	0	0	0	2,071
4:45 PM	432	908	0	1,340	0	674	22	696	17	0	115	132	0	0	0	0	2,168
5:00 PM	441	883	0	1,324	0	649	18	667	17	0	113	130	0	0	0	0	2,121

**PEAK HOUR SUMMARY**

HOUR BEGIN	US 41								Diplomat Parkway								INTER-SECTION TOTAL
	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				
	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	
4:45 PM	432	908	0	1,340	0	674	22	696	17	0	115	132	0	0	0	0	2,168

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# TRIP GENERATION EQUATIONS

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**TRIP GENERATION EQUATIONS  
DIPLOMAT RE-ZONING  
ITE TRIP GENERATION REPORT, 8<sup>th</sup> EDITION**

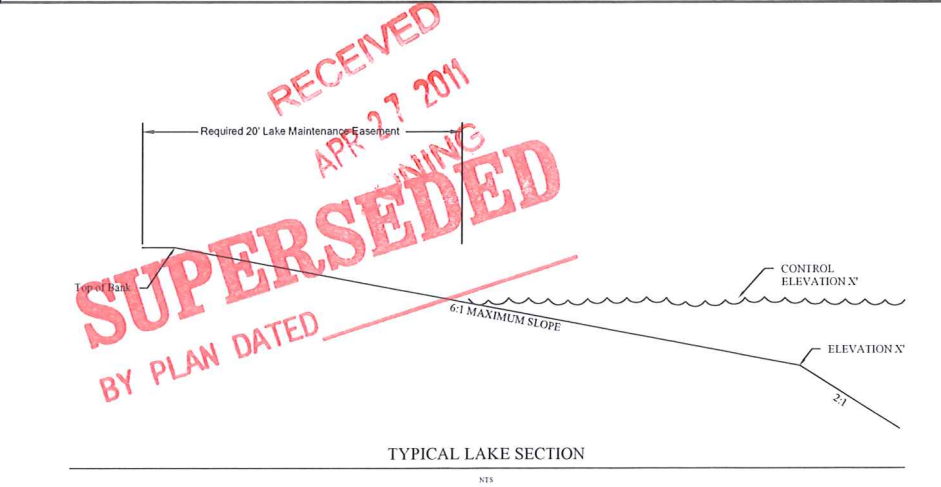
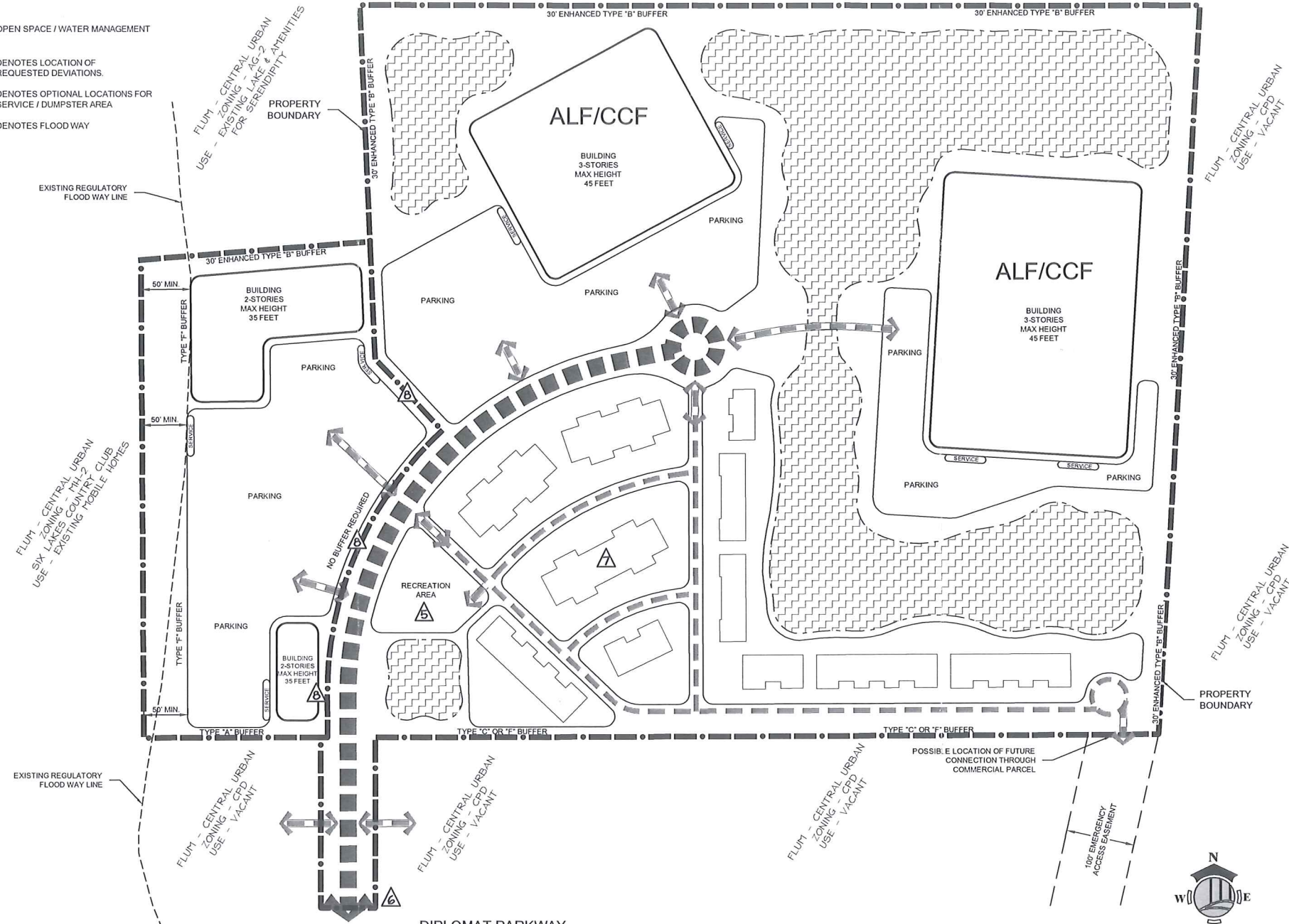
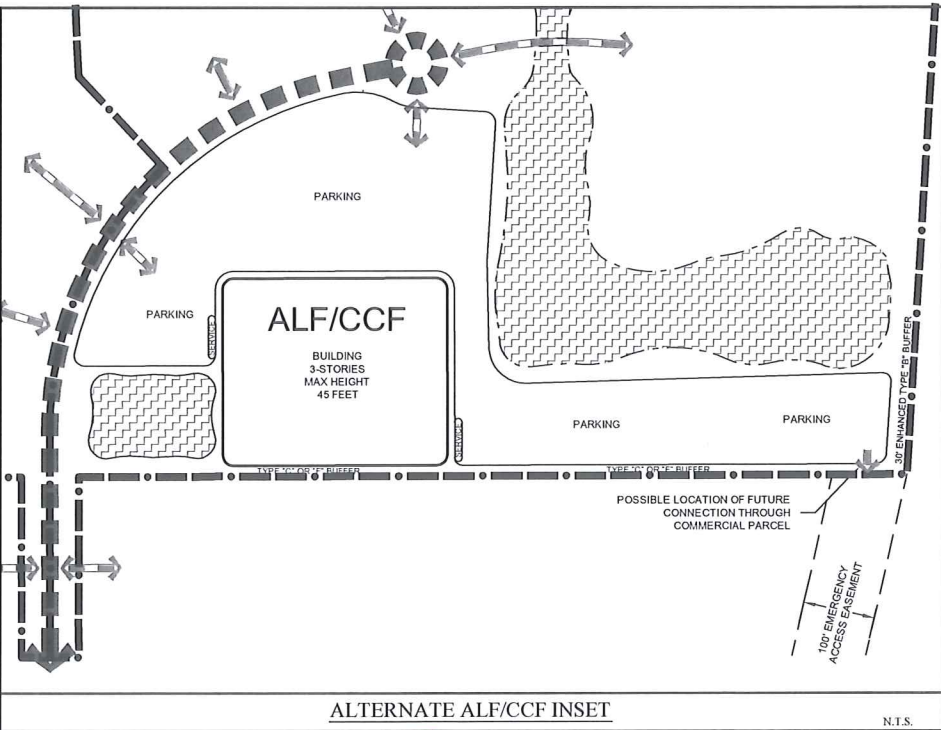
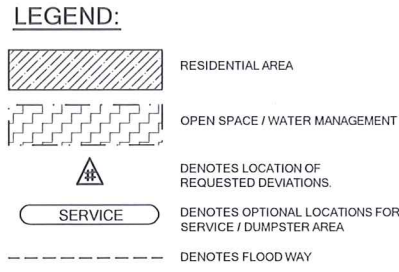
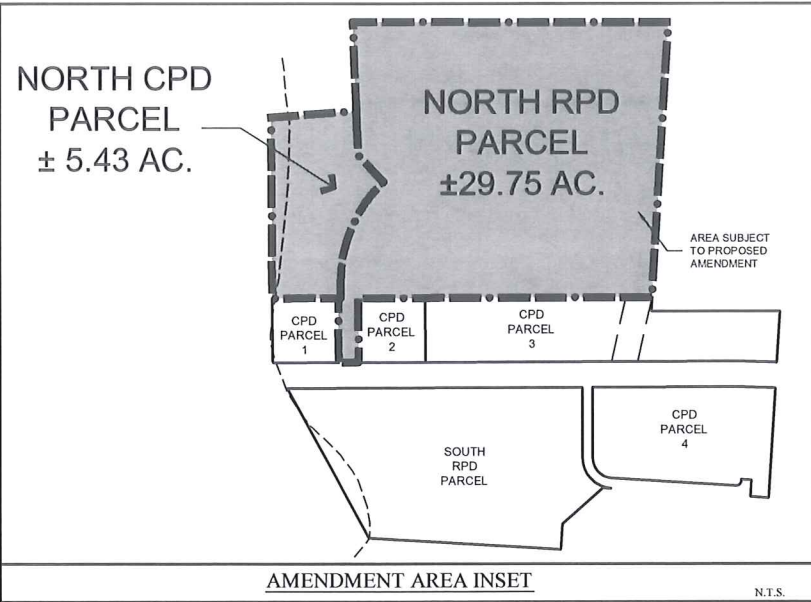
Land Use	Weekday AM Peak Hour	Weekday PM Peak Hour	Weekday
Assisted Living (LUC 254)	$T = 0.14 (X)$ (65% In/35% Out)	$T = 0.22 (X)$ (44% In/56% Out)	$\text{Ln}(T) = 0.56 \text{Ln}(X) + 3.07$
T = Number of Trips, X = Number of Beds			
Single-Family Detached Housing (LUC 210)	$T = 0.70 (X) + 9.74$ (25% In/75% Out)	$\text{Ln}(T) = 0.90 \text{Ln}(X) + 0.51$ (63% In/37% Out)	$\text{Ln}(T) = 0.92 \text{Ln}(X) + 2.71$
T = Number of Trips, X = Number of Dwelling Units			
Medical-Dental Office Building (LUC 720)	$T = 2.30 (X)$ (79% In/21% Out)	$\text{Ln}(T) = 0.88 \text{Ln}(X) + 1.59$ (27% In/73% Out)	$T = 40.89 (X) - 214.97$
T = Number of Trips, X = 1,000's of square feet of Gross Floor Area (GFA)			

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DCI 2010-00015



**TABLE A**

OPEN SPACE CALCULATIONS:

PARCEL	AREA	REQ'D OPEN SPACE	ACRES
RPD	29.75 AC.	11.90 (40%)	11.90 AC.
CPD	5.43 AC.	1.63 (30%)	1.63 AC.
<b>TOTAL</b>	<b>35.18 AC.</b>		<b>TOTAL 13.53 AC.</b>

1) LAKES WILL COMPRISE NO MORE THEN 25% OF THE REQUIRED OPEN SPACE.

2) PER Z-06-004, INDIGENOUS OPEN SPACE AREA IS PROVIDED ON THE SOUTHERN PORTION OF THE OVERALL DEVELOPMENT AND PROVIDES TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS.

3) OTHER NON-INDIGENOUS OPEN SPACE AREAS SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.

**TABLE B**

DENSITY / INTENSITY SUMMARY:

ALF / CCF	400 BEDS
RESIDENTIAL	138 D.U.
MEDICAL OFFICE	50,000 S.F.

LAND USE CONVERSION:

ABOVE USES MAY BE CONVERTED ACCORDING TO THE FOLLOWING RATIOS:

4 ALF / CCF BEDS	=	1 D.U.
400 SQ. FT. MEDICAL OFFICE	=	1,000 SQ. FT. PROFESSIONAL OFFICE

- NOTES:**
- ALL DEVIATIONS REQUESTED AND APPROVED WITHIN Z-06-004 AND ADD2007-00169 REMAIN IN EFFECT.
  - DEVIATIONS 1-4 APPLY TO THE SOUTHERN RPD/CPD AREA NOT SUBJECT TO THIS AMENDMENT
  - MAXIMUM PROPOSED RPD BUILDOUT DENSITY IS 138 RESIDENTIAL UNITS AND 400 ALF/CCF BEDS AND IS SUBJECT TO THE LAND USE CONVERSION, TABLE B.
  - MAXIMUM CPD SQUARE FOOTAGE IS 50,000 S.F. AND IS SUBJECT TO THE LAND USE CONVERSION, TABLE B.
  - NO ENCROACHMENT WITHIN THE FEMA FLOODWAY SHALL BE ALLOWED. EXISTING NATIVE VEGETATION WILL BE MAINTAINED IN THE FEMA FLOODWAY.
  - INDIGENOUS PRESERVATION PROVIDED WITHIN EXISTING SOUTHERN RPD/CPD PER Z-06-004.
  - RESIDENTIAL BUILDING FOOTPRINTS ARE CONCEPTUAL IN NATURE AND MAY BE ALTERED AT THE TIME OF DEVELOPMENT ORDER.
  - PRODUCT TYPES WITHIN THE RPD MAY BE ALTERED BASED ON THE APPROVED SCHEDULE OF USES PLUS SITE DEVELOPMENT REGULATIONS AT THE TIME OF DEVELOPMENT ORDER.

**ensite**  
 1514 BROADWAY, SUITE 201  
 FORT MYERS, FLORIDA, 33901  
 PH: (239) 226-0024 - FX: (239) 226-0094  
 EB: 26544 CAL: C26000374

Athyrio Development Associates, LLC  
 P.O. Box 1662  
 Fort Myers, FL 33902

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DIPLOMAT PROPERTY RPD / CPD (NORTH PARCEL)

**REVISIONS**

NO.	DESCRIPTION	DATE
R1	Revised per the county sufficiency comments dated 08-06-10	9-22-10
R2	Revised per the county sufficiency comments dated 10-14-10	10-22-10
R3	Revised per the county comments	12-17-10
R4		
R5		
R6		

DATE: 09-22-10  
 PROJECT NO. 1155-01  
 FILE NO. 1155-01-MCP01.dwg  
 SCALE: AS SHOWN

MASTER CONCEPT PLAN  
 D-7-M.2

DCI 2010-00015

ZONING DIVISION  
LEE COUNTY  
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW  
TRANSMITTAL SHEET

FROM: Tony Palermo, AICP

DATE: 11/12/2010

TO: Distribution

John Fredyma, Asst County Attorney  
DS Reviewer - Becky Penfield  
Rob Price, TIS Reviewer  
Paul O'Connor, Planning  
Becky Sweigert, Environmental Sciences  
Susie Derheimer, Environmental Sciences  
Lili Wu, LCDOT  
Dawn Gordon, Lee County School District  
Sam Lee, Natural Resources  
Chick Jakacki, Zoning  
Mike Pavese, Public Works

PROJECT NAME: DIPLOMAT PROPERTY RPD/CPD  
INFORMATION SUMMARY:

CASE #: DCI2010-00015

To update your file  
 Review and forward substantive comments **ASAP**.

**FINAL STAFF REPORT COMMENTS** due to Tony by 11/29/2010

Additional Comments:

Sufficiency letter distribution

cc: DCI planner/working file  
DCI Zone File

Distributed by: Jamie Prancing

Date: 11/12/2010



LEE COUNTY  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 239-533-8325

John E. Manning  
*District One*

A. Brian Bigelow  
*District Two*

Ray Judah  
*District Three*

Tammy Hall  
*District Four*

Frank Mann  
*District Five*

Karen B. Hawes  
*County Manager*

David Owen  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

November 12, 2010

MS ALEXIS CRESPO  
ENSITE, INC  
1514 BROADWAY  
SUITE 201  
FORT MYERS, FL 33901

Re: DIPLOMAT PROPERTY RPD/CPD  
DCI2010-00015 - PDA Application (PD Amendment)

Dear MS ALEXIS CRESPO :

The Zoning Division has reviewed the information provided and supplemented for the rezoning request referenced above. The application is now sufficient and the formal request has been drafted from your application as follows:

Application to amend the +/- 32.5-acre Residential Planned Development(RPD) portion of the Diplomat Property RPD/CPD to permit a maximum of 350 assisted living facility beds, 80 standard dwelling units, a maximum of 50,000 of medical office space, and to make other changes to the master concept plan. Maximum building height requested is 50 feet. No development blasting is requested. Any development will connect to public potable water and public sanitary sewer service.

NOTE: If approved, the Master Concept Plan (available for inspection at 1500 Monroe St., in Ft. Myers) may deviate from certain Land Development Code (LDC) standards.

Please review this language carefully, and notify me in writing by November 26, 2010 whether or not this wording is satisfactory. Staff's substantive comments, along with the staff report, are being prepared. This request has been tentatively scheduled for public hearing before the Lee County Hearing Examiner on January 6, 2011. However, please note that this is a tentative date that is subject to change and that Lee County will be held harmless for any potential delay in effectuating compliance with the tentative hearing date.

MS ALEXIS CRESPO  
ENSITE, INC  
RE: DIPLOMAT PROPERTY RPD/CPD  
DCI2010-00015  
November 12, 2010  
Page 2

You may schedule or waive a formal pre-hearing conference to discuss substantive issues. Contact me if you have any questions or if you would like to meet informally prior to the public hearings.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Zoning Division



Tony Palermo, AICP  
Senior Planner

cc.

MIKE PAVESE, PUBLIC WORKS

AARON MARTIN, ENVIRONMENTAL SCIENCES

copy w/o attachments

John Fredyma, Assistant County Attorney  
DS Reviewer - Becky Penfield  
Pamela Houck, Division Director  
Paul O'Connor, Planning  
Susie Derheimer, Environmental Sciences  
Sam Lee, Natural Resources  
Robert Price, TIS Reviewer  
Dawn Gordon, Lee County School District  
Jamie Prancing, DCD Administration

DCI Zoning File  
DCI Working File

ZONING DIVISION  
LEE COUNTY  
PLANNED DEVELOPMENT SUFFICIENCY REVIEW  
TRANSMITTAL SHEET

FROM: Tony Palermo, AICP

DATE: 10/25/2010

Distribution

Michael D Jacob, Asst County Attorney  
DS Reviewer - Becky Penfield  
Rob Price, TIS Reviewer  
Paul O'Connor, Planning  
Aaron Martin, Environmental Sciences  
Lili Wu, LCDOT  
Dawn Gordon, Lee County School District  
Sam Lee, Natural Resources  
Chick Jakacki, Zoning  
Mike Pavese, Public Works

**REVIEWERS - remember permit plan checklists should now be used.**

CASE #: DCI2010-00015

PROJECT NAME: DIPLOMAT PROPERTY RPD/CPD

INFORMATION SUMMARY:

**RESUBMITTAL**

To update your file  
 Review and forward sufficiency  
questions or make finding of  
sufficiency

**RESPONSE REQUIRED BY: 11/08/2010**

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).  
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file  
DCI Zone File

Distributed by: Jamie Prancing

Date: 10/27/2010

# Diplomat Property RPD/CPD

Sufficiency Response

**ORIGINAL**

October 25, 2010

Prepared for:  
Athyrio Development Associates, LLC

Submitted to:  
Lee County Zoning Division  
Department of Community Development  
1500 Monroe Street  
Fort Myers, FL 33901

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ensite

EnSite  
1514 Broadway, Suite 201  
Fort Myers, FL 33901  
P (239) 226-0024  
F (239) 226-0094

DCI 2010-00015

# Table of Contents

---

Response Letter  
Revised RPD Boundary Survey  
Revised CPD Boundary Survey  
Title Certificate  
Revised Master Concept Plan  
Site Development Regulations  
Revised Schedule of Deviations & Justifications  
North Fort Myers Design Review Panel Agenda & Meeting Minutes  
FGUA Service Availability Form  
Revised Disclosure of Interest

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**EXHIBIT PH-2.B.1  
DISCLOSURE OF INTEREST FORM FOR:**

**STRAP NO.** 34-43-24-00-00001.3030 **CASE NO.** \_\_\_\_\_

1. If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address	Percentage of Ownership
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

2. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name and Address	Percentage of Stock
James Kinsey, P.O. Box 1662, Fort Myers, FL 33902	40%
John Kinsey, 5600 NW 23 Terrace, Boca Raton, FL 33946	40%
Wen Wu, 14975 Technology Court, Fort Myers, FL 33912	20%
_____	_____
_____	_____

3. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

4. If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address	Percentage of Ownership
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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5. If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name and Address	Percentage of Stock
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of Contract: \_\_\_\_\_

6. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name and Address	Percentage of Stock
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

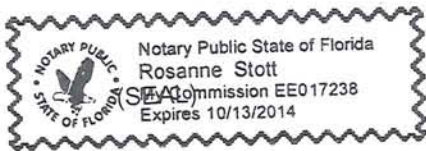
Signature: *James Kinsey* (Applicant)  
 \_\_\_\_\_  
 James Kinsey  
 (Printed or typed name of applicant)

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 OCT 25 2010

COMMUNITY DEVELOPMENT  
 DCI 2010-00015

STATE OF FLORIDA  
 COUNTY OF LEE

The foregoing instrument was acknowledged before me this Oct 20, 2010 (date) by James Kinsey who is personally known to me or who has produced \_\_\_\_\_ as identification. .



*Rosanne Stott*  
 Signature of Notary Public

Rosanne Stott  
 Printed Name of Notary Public

October 25, 2010



Mr. Tony Palermo, AICP  
Zoning Division  
Department of Community Development  
P.O. Box 398  
Fort Myers, FL 33901

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Re: Diplomat Property RPD/CPD  
DCI2010-00015 - PD Amendment

DCI 2010-00015

Dear Mr. Palermo:

This letter is in response to the sufficiency review comments dated October 14, 2010. The following responses are numbered in accordance with your letter.

**Legal Requirements Comments**

***Comment 1***

Remove Survey Note 2. "Subject to easements and restrictions..." as it is conflict with LDC 34-202 as stated above.

***Response 1***

Please refer to the attached, revised survey. Survey Note 2 has been removed as requested.

***Comment 2***

The state plan coordinates appear to be incorrect for the RPD Section at the point of beginning. Please review and correct.

***Response 2***

So noted. Please refer to the attached, revised survey. State plane coordinates have been corrected as requested.

**Environmental Sciences Comments**

***Comment 1***

Please revise the open space table to provide a note indicating the lake will comprise no more than 25% of the required open space or provide a break down in the table of the buffer areas, lake areas, and common areas to make up the open space.

Please note the open space table must be divided into tracts for the RPD. Note tract lines appear to be dividing common infrastructure (ie stormwater and roads).

1514 Broadway, Suite 201  
Fort Myers, Florida 33901  
t 239.226.0024  
f 239.226.0094  
www.en-site.com

Typically these areas are broken into common areas and called out as common open space with each individual tract providing the remainder of the open space.

**Response 1**

Please refer to attached, revised Master Concept Plan (MCP). The open space table has been updated to note lakes will comprise no more than 25% of the required on-site open space.

Additionally, all references to separate tracts within the RPD portion of the project have also been removed to facilitate review. Development phasing will be established at the time of development order, therefore these tract lines serve no purpose at the current zoning stage.

**Comment 2**

Please revise the MCP to provide the enhanced 30' type B buffer as previously approved on the MCP. This area abuts a residential use and it was originally required to address compatibility with the adjacent uses.

Please revise the lake location on the east property line to show the appropriate setback to allow for the 30' buffer. See comments under deviations.

Please revise the MCP to provide a note along the west property line (within the floodway\_ indicating existing native vegetation to remain.

**Response 2**

Please refer to the attached, revised MCP. The northwestern property lines now reflect enhanced type "B" buffers per the original zoning approval.

Deviation 8 has been removed. Therefore all buffers and lake maintenance areas will be accommodated in accordance with Chapter 10 of the LDC.

Please refer to Note 5 on the MCP regarding maintenance of existing native vegetation within the floodway.

**Comment 3**

Please note deviations can only be granted when they demonstrate a betterment to the overall site. Please revise the deviation justifications to provide the betterment.

Please note deviation 8 needs to be revised to allow for the lake maintenance easement and the buffer area. Per the code only half the buffer width may be located within an easement. Therefore this area would require 15' outside the 20' easement to allow for the buffer. This results in a minimum 35' setback from the property.

**Response 3**

Per Section 34-377, each deviation request must enhance the achievement of the objectives of the planned development; and preserve/promote the general intent of Chapter 34 to protect the public health, safety and welfare. The attached Schedule

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OCT 25 2010

DCI 2010-00015

of Deviations & Justifications provides for both of these criteria and demonstrates that design flexibility will be achieved via approval of the requested deviations. As noted above, Deviation 8 has been removed. Therefore all buffers and lake maintenance areas will be accommodated in accordance with Chapter 10 of the LDC.

Only one (1) new deviation is requested as part of the amendment application, as deviations 1-7 were approved through the previous rezoning.

**Comment 4**

As stated before: Please note the overall development contains gopher tortoises that per the original zoning were conditioned to be relocated on site. Recently the gopher tortoise permitting guidelines were amended and it may not be possible to meet this condition. Please contact FWC and discuss if this is still a viable option. If not, we may wish to amend that condition as part of this application. The applicant indicated having ACOE and SFWMD permits, but these are not the permitting agencies for gopher tortoises. FWC must be contacted.

**Response 4**

The Applicant has attempted to contact FWC Staff, but has not received concrete direction regarding the original zoning conditions for gopher tortoise mitigation.

The Applicant is amenable to amending this condition via the PD amendment process to ensure the project adheres to the current FWC permitting guidelines.

**Comment 5**

Please revise the lake cross section to show a 6:1 slope per the newly adopted LDC.

**Response 5**

Please refer to the revised MCP, updated to reflect the corrected lake cross section.

**Zoning Comments**

**Comment 1**

Please examine this draft request wording. Let me know if it is accurate.

Application to amend the +/-32.5-acre Residential Planned Development (RPD) portion of the Diplomat Property RPD/CPD to RPD/CPD to permit a maximum of 350 assisted living facility beds, 80 standard dwelling units, a maximum of 50,000 s.f. of medical office space, and to make other changes to the master concept plan. Maximum building height requested is 50 feet. No development blasting is requested. Any development will connect to public potable water and public sanitary sewer service.

**Response 1**

The draft wording request is accurate. Thank you.

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OCT 25 2010

COMMUNITY DEVELOPMENT

DCT 2010-00015

**Comment 2**  
Attached you will find county attorney comments. Updated NR comments may be pending. I observed you did not respond to the last round of NR comments.

**Response 2**  
So noted.

**Comment 3**  
Let us know how your meeting went with North Fort Myers Oct. 7, 2010. Please provide minutes from the meeting. Agendas and other documents would be helpful too.

**Response 3**  
Please see the attached NFMDRP agenda and minutes from the October 5<sup>th</sup> meeting. Please note these are not the official approved minutes prepared by NFMDRP.

**Comment 4**  
Next submittal can you provide it on single- not double-sided paper? I know you are trying to save paper, but our staff scans the submittals into the computer, and often have to re-copy parts of the application to read it and use it in a single-sided format. It would help us out an ultimately save paper.

**Response 4**  
This and all future submittals will be prepared in single-side format as requested.

**Comment 5**  
Is there a letter a letter from FGUA pending? (sewer availability letter)

**Response 5**  
The attached FGCU Service Form was submitted October 19, 2010. Response is pending and will be forwarded to Staff upon receipt.

**Comment 6**  
Please provide an updated set of property development regs for the commercial and residential tracts on the MCP, including height, setbacks, lot size, etc. - on a separate attachment.

**Response 6**  
Please refer to the attached site development regulations.

### Development Review Comments

**Comment 1**  
Sidewalks will be required along the local roads for the commercial portions of the planned development.

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OCT 25 2010

DCI 2010-00015

COMMUNITY DEVELOPMENT

**Response 1**  
So noted. It is understood that the request will be conditioned accordingly.

**County Attorney Comments**

**Response 1**  
The Disclosure of Interest form is incomplete. The Disclosure identifies three Companies as property owners. The ownership interests must be further specific as to the individuals that have an interest in those companies.

**Response 1**  
An updated Disclosure of Interest form is enclosed in this submittal with individual ownership of each company provided.

If you should have any questions or comments, please do not hesitate to contact me directly at (239) 850-8525 or [alexisc@en-site.com](mailto:alexisc@en-site.com).

Sincerely,



Alexis V. Crespo, AICP, LEED AP BD+C  
Principal Planner

Cc: Jim Kinsey w/enclosures

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DCI 2010-00015

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**TITLE CERTIFICATE**

**COMMUNITY DEVELOPMENT**

I, Jeffrey A. Deutch, a duly licensed attorney in the State of Florida, do hereby certify that I have examined a Policy of Title Insurance issued by Chicago Title Insurance Company dated December 1, 2005, covering the period of time from the beginning to December 1, 2005, and a title search provided by Chicago Title Insurance Company from December 1, 2005 at 9:56 a.m. through and including August 23, 2010 at 11:00 p.m., covering the following described property:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

**A. Record Title Holder**

I find title to be vested in:

Athyrio Development Associates, LLC, a Florida limited liability company

**B. Mortgages of Record**

I find the mortgages of record are:

1. Mortgage, Security Agreement and Assignment of Rents executed by Athyrio Development Associates, LLC in favor of Colonial Bank, N.A., recorded on December 1, 2005, in Official Records Instrument No. 2005000145399, together with UCC-1 Financing Statement recorded December 1, 2005 in Official Records Instrument No. 2005000145400.
2. Mortgage, Security Agreement and Assignment of Rents Modification Agreement recorded June 4, 2008 in Official Records Instrument No. 2008000149162.
3. Modification of Mortgage recorded April 19, 2010 in Official Records Instrument No. 2010000096792.

**C. Encumbrances of Record**

I find that title to the Property is subject to the following instruments of record:

1. Right of Way Easement granted to Lee County Electric Co-Operative, Inc. by instrument recorded in Official Records Book 960, Page 205.
2. 20' Drainage Easement as recited in Deeds recorded in Official Records Book 1135, Page 183 and 1153, Page 1203.
3. Subject property lies within the boundaries of Diplomat Parkway Municipal Service Benefit Unit as recorded in Official Records Book 3002, Page 1883, and rerecorded in Official Records Book 3698, Page 4777 and may be subject to the levying of Special Assessments thereof.
4. Agreement by and between SERENDIPITY PROPERTIES, INC. and EDWARD B. ROOD dated June 29, 1992 recorded in Official Records Book 2316, Page 0645

**OCI 2010-00015**

5. The following matters as shown on that certain Survey of the lands described on Exhibit "A" attached hereto prepared by Banks Engineering, Inc, dated August 26, 2005, under Project No. 2028 drawing SR2:

a) berm encroaching onto South Residential parcel and dirt trail running through South Residential parcel

b) Encroachment of 1' concrete headwall on North Commercial West parcel

6. Terms and Conditions set forth in Relocatable Access Easement recorded November 14, 2006 in Official Records Instrument No. 2006000428972.

7. Deed of Conservation Easement in favor of South Florida Water Management District recorded February 8, 2007 in Official Records Instrument No. 2007000044318

8. South Florida Water Management District Environmental Resource Permit Notice recorded March 28, 2008 in Official Records Instrument No. 2008000082634.

9. Notice of Development Order Approval recorded April 30, 2009 in Official Records Instrument No. 2009000115274.

10. Quit-Claim Deed from Richard K. Bennett, as Successor Trustee under a certain Trust Agreement known as Land Trust No. 10-F-010-00-2 dated October 11, 1988, also known as North Trail Land Trust Number 10-F-010-00-2 dated October 11, 1988, also known as Land Trust No. 10-F-010-00-02, as grantor, to Athyrio Development Associates, LLC, a Florida limited liability company, as grantee, dated May 5, 2009 in Official Records Instrument No. 2009000128513.

Dated this 11<sup>th</sup> day of September, 2010.

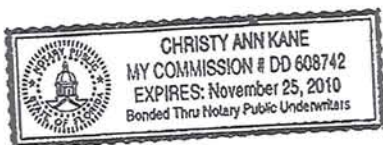
BROAD AND CASSEL

By:

Jeffrey A. Deutch  
Jeffrey A. Deutch, P.A.  
Florida Bar No 0161449

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 11<sup>th</sup> day of September, 2010, by Jeffrey A. Deutch, who  is personally known to me or  produced \_\_\_\_\_ as identification.



Notary Public  
My commission expires:

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**EXHIBIT "A"**

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

(NORTH COMMERCIAL EAST)

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

COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG THE WESTERLY RIGHT-OF-WAY AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE SOUTHEASTERLY CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 199.95 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.86°35'21"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 12.52 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2150.00 FEET; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 133.12 FEET; THENCE S.89°51'48"W. ALONG SAID RIGHT-OF-WAY LINE FOR 1227.31 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.89°51'48"W. ALONG SAID RIGHT-OF-WAY LINE FOR 257.48 FEET; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE N.89°51'48"E. FOR 257.48 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 1.48 ACRES, MORE OR LESS.

(NORTH COMMERCIAL WEST)

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

COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG THE WESTERLY RIGHT-OF-WAY AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A

DCI 2010-00015

LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE SOUTHEASTERLY CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 199.95 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.86°35'21"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 12.52 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2150.00 FEET; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 133.12 FEET; THENCE S.89°51'48"W. ALONG SAID RIGHT-OF-WAY LINE FOR 1564.79 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.89°51'48"W. ALONG SAID RIGHT-OF-WAY LINE FOR 253.42 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY LINE OF A DRAINAGE EASEMENT (50 FEET WIDE) DESCRIBED IN DEED BOOK 237 AT PAGES 564 AND 565 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N.28°32'51"W. ALONG SAID NORTHEASTERLY LINE FOR 6.70 FEET; THENCE N.00°20'36"W. ALONG THE EASTERLY LINE OF SAID EASEMENT FOR 244.12 FEET; THENCE N.89°51'48"E. FOR 257.48 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 1.47 ACRES, MORE OR LESS.

(NORTH RESIDENTIAL)

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

COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG THE WESTERLY RIGHT-OF-WAY AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE SOUTHEASTERLY CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 199.95 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.86°35'21"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 12.52 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2150.00 FEET; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 133.12 FEET; THENCE S.89°51'48"W. ALONG SAID RIGHT-OF-WAY LINE FOR 1484.79 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.89°51'48"W. ALONG SAID RIGHT-OF-WAY LINE FOR 80.00 FEET; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE S.89°51'48"W. FOR

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OCT 25 2010

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257.48 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF A DRAINAGE EASEMENT (50 FEET WIDE) DESCRIBED IN DEED BOOK 237 AT PAGES 564 AND 565 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N.00°20'36"W. ALONG SAID EASTERLY LINE FOR 703.76 FEET TO THE SOUTHERLY LINE OF SERENEDIPITY SOUTH MOBILE HOME PARK (UNRECORDED); THENCE ALONG THE SOUTHERLY AND EASTERLY LINES OF SAID PARK FOR THE FOLLOWING THREE (3) DESCRIBED COURSES: N.85°23'00"E. FOR 335.22 FEET; THENCE N.02°25'15"W. FOR 346.19 FEET; THENCE S.89°54'50"E. FOR 1231.65 FEET TO THE WESTERLY LINE OF THE AFORESAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335; THENCE S.03°25'50"W. ALONG THE WESTERLY LINE OF SAID PARCEL FOR 1073.15 FEET; THENCE S.89°51'48"W. FOR 1145.24 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 35.18 ACRES, MORE OR LESS.

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OCT 25 2010

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DCI 2010-00015

# SITE DEVELOPMENT REGULATIONS DIPLOMAT PROPERTY RPD/CPD

SITE DEVELOPMENT REGULATIONS							
PERMITTED USES	ASSISTED LIVING FACILITY	SINGLE FAMILY	DUPLEX	TOWNHOME	MULTI-FAMILY	RECREATION AREA	OFFICE
						N/A	50,000 s.f.
<b>Maximum Unit Count</b>	350	0-80	0-80	0-80	0-80		
<b>Minimum Lot Area</b>	10,000 s.f.	7,200 s.f.	7,000 s.f.	1,600 s.f.	10,000 s.f.	9,000 s.f.	10,000 s.f.
<b>Minimum Lot Width</b>	100'	60'	70'	16'	100'	100'	100'
<b>Setbacks</b>							
<b>Streets</b>	25' (Public) 20' (Private)						
<b>Preserve</b>	25'						
<b>Rear</b>	30' (Lots with Enhanced Buffer) 20' (All other lots)	30' (Lots with Enhanced Buffer) 20' (All other lots)	30' (Lots with Enhanced Buffer) 20' (All other lots)	30' (Lots with Enhanced Buffer) 20' (All other lots)	30' (Lots with Enhanced Buffer) 20' (All other lots)	20'	20'
<b>Side</b>	10'	5'	5'	10'/0'	10'	10'	10'
<b>Water Body</b>	25'						
<b>Maximum Height</b>	45'	35'	35'	35'	50'	35'	35'
<b>Maximum Building Coverage</b>	45%	45%	45%	65%	45%	45%	60%
<b>Building Separation</b>	½ Bldg. height not less than 15'	10'	10'	20'	½ Bldg. height not less than 15'	10'	½ Bldg. height not less than 15'
<b>Accessory</b>	Per LDC Sec. 34-1173						
<b>Parking Spaces/Unit</b>	Per LDC Sec. 34-2020						

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DCI 2010-00015

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**EXHIBIT D-7-Q: REVISED SCHEDULE OF DEVIATIONS  
DIPLOMAT PROPERTY RPD/CPD**

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

This deviation applies to the southern RPD portion of the overall Diplomat Property RPD/CPD and does not apply to the area subject to this amendment. The Applicant is seeking continuation of all previously approved deviations, granted per Z-06-004 and ADD2007-00169. Per previous approvals, the access will not negatively impact public health, safety or welfare.

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

This deviation applies to the southern RPD portion of the overall Diplomat Property RPD/CPD and does not apply to the area subject to this amendment. The Applicant is seeking continuation of all previously approved deviations, granted per Z-06-004 and ADD2007-00169. As determined through previous approvals, the internal circulation patterns will not negatively impact public health, safety or welfare.

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

This deviation applies to the southern RPD portion of the overall Diplomat Property RPD/CPD and does not apply to the area subject to this amendment. The Applicant is seeking continuation of all previously approved deviations, granted per Z-06-004 and ADD2007-00169. Per previous approvals the on-site indigenous preservation design meets the intent of the Land Development Code in terms of natural resource protection. Therefore, Deviation (3) will not negatively impact public health, safety or welfare.

- 4) **Deviation (4) seeks relief from the LDC Section 10-415(b)(1)(a) requirement that large developments with indigenous vegetation communities provide 50 percent of their open space percentage requirements through onsite preservation of native vegetative, to allow portions of the preservation area to be disturbed and restored in order to install a stormwater management system.**

This deviation applies to the southern RPD portion of the overall Diplomat Property RPD/CPD and does not apply to the area subject to this amendment. The Applicant is seeking continuation of all previously approved deviations, granted per Z-06-004 and

ADD2007-00169. Per previous approvals the on-site indigenous preservation design meets the intent of the Land Development Code in terms of natural resource protection. Furthermore, appropriate conditions are in place to ensure appropriate restoration of any impacted areas. Therefore, Deviation (4) will not negatively impact public health, safety or welfare.

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

This deviation applies to the southern RPD portion of the overall Diplomat Property RPD/CPD and does not apply to the area subject to this amendment. The Applicant is seeking continuation of all previously approved deviations, granted per Z-06-004 and ADD2007-00169. Per previous approvals the reduced recreation facilities setback will not negatively impact public health, safety or welfare.

- 6) Deviation (6) seeks relief from LDC Section 34-291(3) requirement that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portions to the north and south of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway.

This deviation allows for the approved access point off of Diplomat Parkway to be utilized as the single ingress/egress to the proposed development. The Applicant is seeking continuation of all previously approved deviations, granted per Z-06-004 and ADD2007-00169. With the associated conditions of approval, it has been determined that this deviation will not negatively impact public health, safety or welfare.

- 7) Deviation (7) seeks relief from LDC Section 10-261(s) which requires all new multifamily residential developments to provide sufficient space for the placement of garbage containers or receptacles, to allow for curb side garbage pick up at the proposed townhouse units that are planned within the project.

This deviation applies to the southern RPD portion of the overall Diplomat Property RPD/CPD and does not apply to the area subject to this amendment. The Applicant is seeking continuation of all previously approved deviations, granted per Z-06-004 and ADD2007-00169. With the associated conditions of approval, it has been determined that this deviation will not negatively impact public health, safety or welfare.

- ~~8) Deviation (8) seeks relief from the LDC Section 10-329(3)(d)(1) requirement to provide a 50 foot setback from any property line under separate ownership to allow for a minimum 25-foot setback.~~

~~This deviation applies to one (1) lake within the proposed development along the eastern property line. The location of the lake subject to this request is shown on the attached MCP. The lake is an existing feature on the property and therefore was a pre-existing condition, not a result of the Applicant's preferred design.~~

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OCT 25 2010

DCI 2010-00015

REVISED 10/25/10  
Exhibit D-7-Q  
Page 2 of 3

COMMUNITY DEVELOPMENT

~~The proposed deviation will not pose a threat to wayward vehicles, as the eastern property line does not abut public or private rights-of-way. Additionally, the lake abuts a property zoned for commercial uses rather than residential uses, which substantially mitigates the potential impacts to public health, safety or welfare based on the intended use of the properties. Furthermore, buffer yards and the requisite lake maintenance easements will further prevent unintended access to these lakes. Therefore, recommendation of approval for this deviation is respectfully requested.~~

- 8) Deviation (9) seeks relief from the LDC Section 10-416(d)(3) requirement to provide a Type C/F buffer between the proposed RPD/CPD uses internal to the development.

The Applicant is proposing a walkable, pedestrian-oriented development program that would facilitate non-vehicular access between the proposed CPD and RPD areas internal to the development. While all perimeter buffering is provided in accordance with the LDC and/or previous zoning approvals, the Applicant is respectfully requesting relief from internal buffers to minimize segregation between the uses and allow the community to function as a mixed-use development. The proposed development program represents betterment to the overall development in that enhanced pedestrian circulation will result from the requested flexible design standards.

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Agenda for Meeting of October 5, 2010

Location: Northstar Yacht Club Condominiums, Hancock Bridge Parkway

1. Call to Order and Attendance
2. Minutes of August 3rd  
Action: Approve the Minutes
3. Review: Plan Development US 41/Diplomat (30 min)  
Action: Review and comment on proposal
4. Discuss: Paradise Preserve New Concepts  
Action: Review and comment on proposal
5. Discuss: Conservation 2020 proposa;
6. Other Business
7. Set Next Meeting date  
November 2, 2010
8. Adjourn

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# Memorandum

<b>To:</b>	Tony Palermo, AICP	<b>From:</b>	Alexis V. Crespo, AICP, LEED AP
<b>Company:</b>	Lee County Zoning Division	<b>EnSite No.:</b>	1155-01
<b>Date:</b>	October 25, 2010	<b>Project :</b>	Diplomat Property RPD/CPD
<b>Regarding:</b>	North Fort Myers Design Review Panel - Meeting Minutes		

EnSite representatives, Alexis Crespo and Brian Smith, presented to the North Fort Myers Design Review Board (NFMDRB) on Tuesday, October 5<sup>th</sup> during their regular monthly meeting. The Applicant, Mr. James Kinsey, was also in attendance.

Ms. Crespo provided an overview of the project location, previous zoning approvals, and the intent of the PD amendment. Ms. Crespo introduced the proposed Master Concept Plan and an illustrative rendering of the plan, demonstrating the locations of the proposed ALF facilities, medical offices, and standard dwelling units. Mr. Smith and Mr. Kinsey provided additional details regarding the conceptual plan and ALF operations.

The NFMDRB indicated they have no issues with the proposed uses and overall they are an enhancement over the single use residential plan currently approved. Questions were asked about the proposed architectural style of the ALF and medical office buildings. EnSite representatives indicated that the Applicant will comply with any North Fort Myers LDC regulations in place regarding architectural standards. Mr. Smith acknowledged the "Old Florida" style is preferred in this community over the "Mediterranean" style seen throughout Estero.

The NFMDRB indicated the desire for cross-access between the proposed project and surrounding residential communities, particularly stabilized golf cart paths. Ms. Crespo indicated that there is a 100-foot FEMA floodway along the western property line, therefore creating a cart path could not be built due to the encroachment regulations.

The NFMDRB asked EnSite what type of recommendation they are looking for at this early stage in the process. EnSite representatives indicated they would be happy to come back to the NFMDRB at the time of development order to discuss more specific design elements of the project, and at this time they are simply seeking conceptual approval of the ALF village concept and any direction regarding the MCP.

The NFMDRB provided unanimous conceptual approval, with the understanding that more detailed information would be provided at the time of development order.

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### Instructions for Completing Application for Service Availability

**General Instructions:** Careful attention to providing the required application information expedites the **FLORIDA GOVERNMENTAL UTILITY AUTHORITY (FGUA)** review process and enables it to respond within a **10-working day time frame**. Furthermore, the information provided by applicants is needed to calculate and notify them of service availability charges due and to prepare applicable agreements which are necessary prior to commencing construction. Ensure that legal documents provided as part of the application are duly recorded as necessary.

**Specific Instructions:** All items must be fully answered or furnished. Answers may be described in detail on continuation sheets, if necessary, and referred to on the application.

- Item 1: Specify full legal name and address of the **property owner(s)**.
- Item 2: Mark appropriate box describing applicant. If the applicant is a legal or commercial entity, furnish a copy of the respective registration, statement of partnership authority, or respective certificate of limited partnership, status, authorization, or organization, and amendments thereto, filed with the Florida Department of State ([www.sunbiz.org](http://www.sunbiz.org)).
- Item 3: Mark appropriate boxes describing required service and specify and enhanced services (i.e., irrigation/reclaimed water, fire protection lines, etc.)
- Item 4: Specify project's name, proposed usage and planned or projected date(s), by phase.
- Item 5: This item is used in conjunction with Item 6 to ensure that adequate capacity and flow rates are available and allocated to applicant's development. Specify estimates, if available; otherwise, Utility may rely solely on Item 6 and Utility's Tariff to calculate capacity requirements.
- Item 6: Specify recorded legal description of property. If legal description is too lengthy to be described on face of application, furnish a legible description suitable for reproduction. Property address and STRAP (Property ID) No. must also be provided. This information can be obtained on the county property appraiser's website.
- Item 7: Graphic depiction or survey of property showing its location and boundaries. Plat map of property if platted.
- Item 8: Sign, date and provide contact information for the person completing the application. If this person is an agent acting on behalf of the property owner, please be sure to provide all requested contact information.

**\*INCOMPLETE APPLICATIONS MAY DELAY RESPONSE TIME\***

Upon completion, please return the application package to:  
Via email (preferred method) to Janelle Kusiolek, Contract Services Team Leader

[JKusiolek@govmserv.com](mailto:JKusiolek@govmserv.com)

OR  
FGUA Operations Office  
280 Wekiva Springs Road, Suite 2000  
Longwood, FL 32779

Phone: 407-629-6900  
Fax: 407-629-6963

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FLORIDA GOVERNMENTAL UTILITY AUTHORITY
APPLICATION FOR SERVICE AVAILABILITY

1) Name and address of PROPERTY OWNER:

a) NAME and COMPANY NAME (if applicable):

ATHYRIO DEVELOPMENT ASSOCIATES, LLC c/o Jim Kinsey

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b) MAILING ADDRESS (including City, State and Zip):

P.O. BOX 1662, FT MYERS, FL 33902

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c) PHONE NUMBER and/or EMAIL ADDRESS:

239-939-1367

jkinsey@kinseysells.com

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2) Property Owner is a(n): (Attach copy of current registration with the State of Florida - www.sunbiz.org) (SEE EXHIBIT "A")

- Individual [ ] Corporation [x] Partnership [ ] Limited partnership [ ]
Trust [ ] Political Entity [ ] Other [ ]

3) Service requested: Water [ ] Wastewater [x] Reclaim [ ] Fire Protection [ ]

4) Project name, phases, and estimated date(s) service is required:

a) PROJECT NAME: DIPLOMAT PROPERTY RPD/CPD

b) PROPOSED USAGE (i.e. medical center, office building, salon, etc.)

ASSISTED LIVING FACILITY, OFFICE BUILDING, MULTI-FAMILY DWELLINGS
350-bed ALF; 80 M.F. dwelling units;

c) SIZE (square footage): 50,000 s.f. professional office

d) PHASES (if applicable): N/A

e) ESTIMATED DATE SERVICE IS REQUIRED: 01/2010

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5) Engineer's estimate of average daily flows on an annual basis:

WATER: N/A GPD WASTEWATER: 58,500 GPD

RECLAIMED WATER: N/A GPD FIRE PROTECTION: N/A GPD

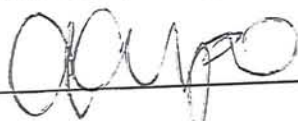
6) Legal description of property and Property ID (Strap No.): (a separate sheet may be attached)  
*\*This information is available on the county property appraiser's website\**

a) LEGAL DESCRIPTION: SEE EXHIBIT "B" ATTACHED.

b) PROPERTY ID (STRAP NO.): PORTION OF 34-43-24-00001.3030

c) PROPERTY PHYSICAL ADDRESS: ACCESS UNDETERMINED.

7) ATTACH a location/vicinity map to this application (SEE EXHIBIT "C" ATTACHED)

Signed: 

Date: 10/19/2010

Name: Alexis V. Crespo, AICP

Telephone: 239-226-0094

Title: Owner's Agent

Company Name: EnSite, Inc.

Address (including City, State and ZIP): 1514 Broadway, Suite 201, Ft. Myers, FL 33901

Email Address: alexisc@en-site.com

**Additional Comments:** Please use this area to indicate any specific information you wish to convey to FGUA.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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FLORIDA DEPARTMENT OF STATE  
DIVISION OF CORPORATIONS

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Entity Name Search

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No Name History

**Detail by Entity Name****Florida Limited Liability Company**

ATHYRIO DEVELOPMENT ASSOCIATES, LLC

**Filing Information**

Document Number L03000005219

FEI/EIN Number 020688333

Date Filed 02/12/2003

State FL

Status ACTIVE

**Principal Address**9101 W COLLEGE POINTE DR STE 1  
FORT MYERS FL 33919 US

Changed 03/17/2006

**Mailing Address**POB 1662  
FORT MYERS FL 33902

Changed 03/17/2006

**Registered Agent Name & Address**KINSEY, JAMES E JR  
1230 WESTFIELD DR  
FORT MYERS FL 33919 US

Name Changed: 03/17/2006

Address Changed: 03/17/2006

**Manager/Member Detail****Name & Address**

Title MGR

NBD DEVELOPMENT INC  
5600 NW 23 T ERR  
BOCA RATON FL 33496 US

Title MGRM

STARBOARD DEVELOPMENT CORP  
POB 1662  
FORT MYERS FL 33902-1662**Annual Reports**

Report Year Filed Date

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2008 02/27/2008  
2009 04/30/2009  
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**Note:** This is not official record. See documents if question or conflict.

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**2010 LIMITED LIABILITY COMPANY ANNUAL REPORT**

**FILED  
Mar 04, 2010  
Secretary of State**

DOCUMENT# L03000005219

Entity Name: ATHYRIO DEVELOPMENT ASSOCIATES, LLC

**Current Principal Place of Business:**

**New Principal Place of Business:**

9101 W COLLEGE POINTE DR STE 1  
FORT MYERS, FL 33919 US

**Current Mailing Address:**

**New Mailing Address:**

POB 1662  
FORT MYERS, FL 33902

FEI Number: 02-0688333

FEI Number Applied For ( )

FEI Number Not Applicable ( )

Certificate of Status Desired ( )

**Name and Address of Current Registered Agent:**

**Name and Address of New Registered Agent:**

KINSEY, JAMES E JR  
1230 WESTFIELD DR  
FORT MYERS, FL 33919 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE: \_\_\_\_\_

Electronic Signature of Registered Agent

\_\_\_\_\_ Date

**MANAGING MEMBERS/MANAGERS:**

Title: MGR  
Name: NBD DEVELOPMENT INC  
Address: 5600 NW 23 T ERR  
City-St-Zip: BOCA RATON, FL 33496 US

Title: MGRM  
Name: STARBOARD DEVELOPMENT CORP  
Address: POB 1662  
City-St-Zip: FORT MYERS, FL 339021662

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OCI 2010-00015

I hereby certify that the information indicated on this report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am a managing member or manager of the limited liability company or the receiver or trustee empowered to execute this report as required by Chapter 608, Florida Statutes.

SIGNATURE: STARBOARD DEVELOPMENT JAMES E KINSEY JR MGRM 03/04/2010

Electronic Signature of Signing Managing Member, Manager, or Authorized Representative / Date

## Description

**SUBJECT PARCEL - (NORTH RESIDENTIAL):**

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG THE WESTERLY RIGHT-OF-WAY AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE SOUTHEASTERLY CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 199.95 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.86°35'21"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 12.52 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2150.00 FEET; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 133.12 FEET; THENCE S.89°51'48"W. ALONG SAID RIGHT-OF-WAY LINE FOR 1484.79 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.89°51'48"W. ALONG SAID RIGHT-OF-WAY LINE FOR 80.00 FEET; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE S.89°51'48"W. FOR 257.48 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF A DRAINAGE EASEMENT (50 FEET WIDE) DESCRIBED IN DEED BOOK 237 AT PAGES 564 AND 565 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N.00°20'36"W. ALONG SAID EASTERLY LINE FOR 703.76 FEET TO THE SOUTHERLY LINE OF SERENEDIPITY SOUTH MOBILE HOME PARK (UNRECORDED); THENCE ALONG THE SOUTHERLY AND EASTERLY LINES OF SAID PARK FOR THE FOLLOWING THREE (3) DESCRIBED COURSES: N.85°23'00"E. FOR 335.22 FEET; THENCE N.02°25'15"W. FOR 346.19 FEET; THENCE S.89°54'50"E. FOR 1231.65 FEET TO THE WESTERLY LINE OF THE AFOREMENTIONED PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335; THENCE S.03°25'50"W. ALONG THE WESTERLY OF SAID PARCEL FOT 1073.15 FEET; THENCE S.89°51'48"W. FOR 1145.24 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 35.18 ACRES, MORE OR LESS.

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<p><b>THIS IS NOT A SURVEY</b></p>	<p>Sketch to Accompany Description</p> <p><b>Subject Parcel - North Residential</b>  <i>A Portion of Land Lying in Section 34, township                  43 South, Range 24 East</i></p>	<p style="font-size: 1.5em; font-weight: bold;">OCT 2010-00015</p>
<p><b>Page 2 of 2</b></p>	<p><b>CRAMER SURVEYING, INC.</b>                  SURVEYING PROFESSIONALS</p> <p>PROFESSIONAL SURVEYOR AND MAPPER NUMBER PSM6655                  1031 Cape Coral Pkwy East, Suite 209, Cape Coral, FL 33904                  Phone: (239) 540-8556 Fax: (239) 540-4750                  www.cramersurveying.com</p>	<p><small>I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on <b>July 15th, 2010</b> is in accordance with Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors &amp; Mappers in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.</small></p> <p style="text-align: center;"><i>See Page 1 of 2 for Signature and Seal</i></p> <p><small>DAVID KEITH CRAMER                  FLORIDA PROFESSIONAL SURVEYOR &amp; MAPPER NO.6655                  NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER</small></p>
<p>JOB # 10-1062      PREPARED FOR: En-Site</p>	<p>SECTION 34, TOWNSHIP 43S, RANGE 24E</p>	



**AERIAL PHOTOGRAPH  
EXHIBIT D-7-D**

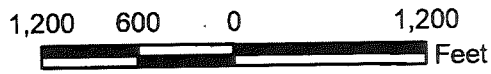
**DIPLOMAT RPD / CPD  
(NORTH PARCEL)**



Date: 07-01-10

Map Number:  
1155-01-D-7-D

Project Number:  
1155-01



DIPLOMAT RPD / CPD  
Kinsey Associates, Inc.

9101 W. College Pointe Drive  
Fort Myers, FL 33902

Sources: Lee County Property Appraisers Office

It is the end user's responsibility to verify the data contained herein. EnSite assumes no responsibility for errors or omissions contained herein.

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OCT 25 2010

**ensite**  
1514 BROADWAY, SUITE 201  
FORT MYERS, FLORIDA 33901  
PH (239) 226-0024 - FX (239) 226-0094  
EB-2654 CAL-C20000374

Athyrio Development  
Associates, LLC  
P.O. Box 1662  
Fort Myers, FL 33902

DIPLOMAT PROPERTY RPD / CPD  
(NORTH PARCEL)

**REVISIONS**

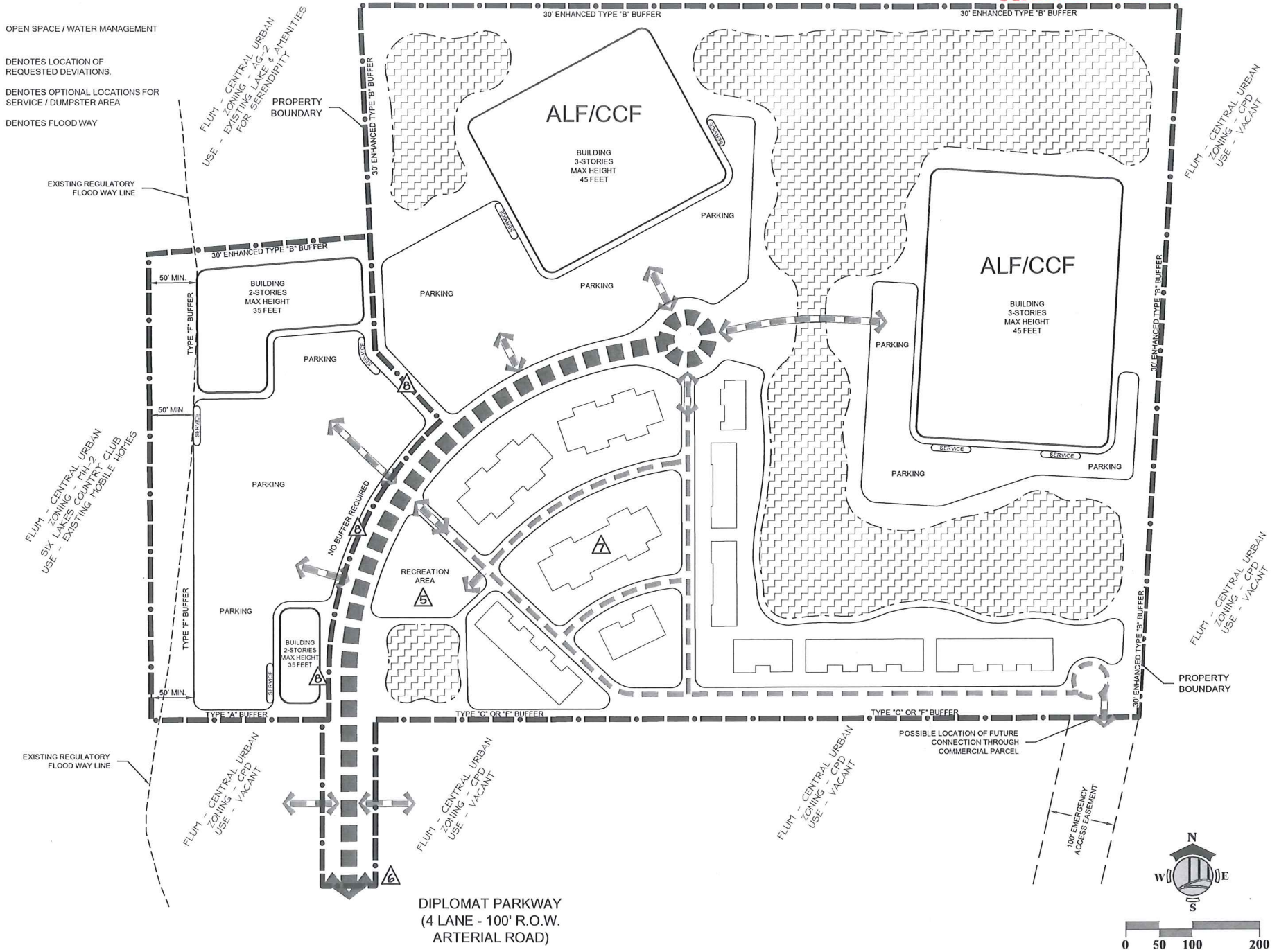
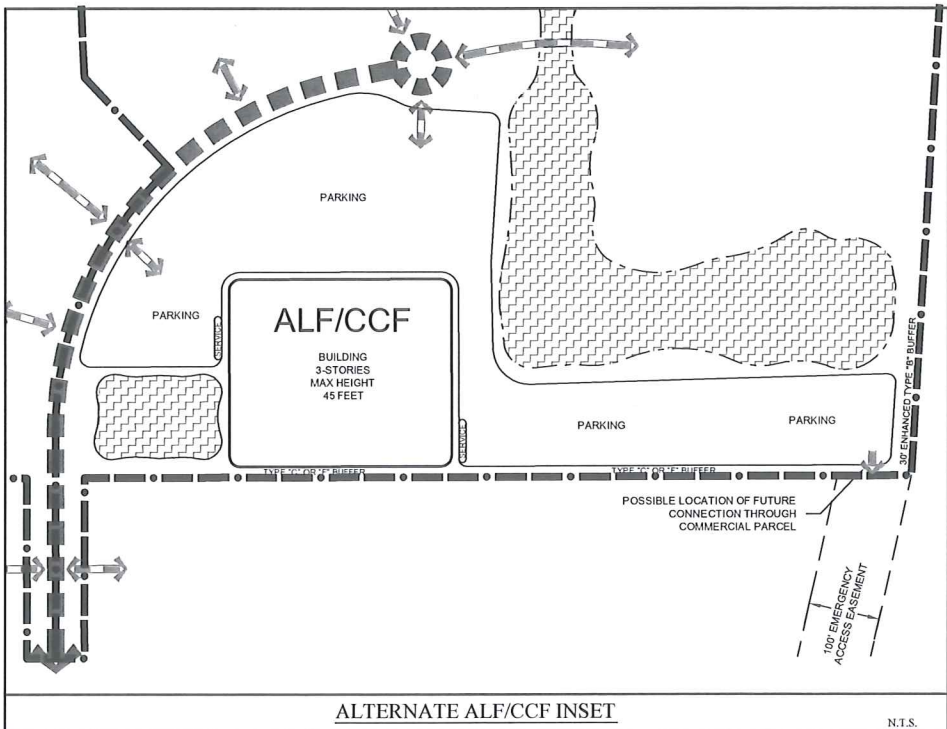
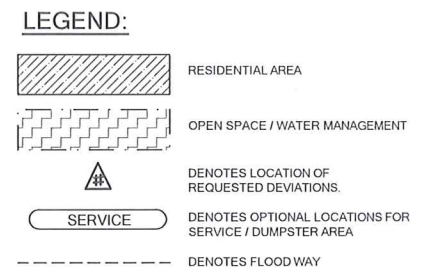
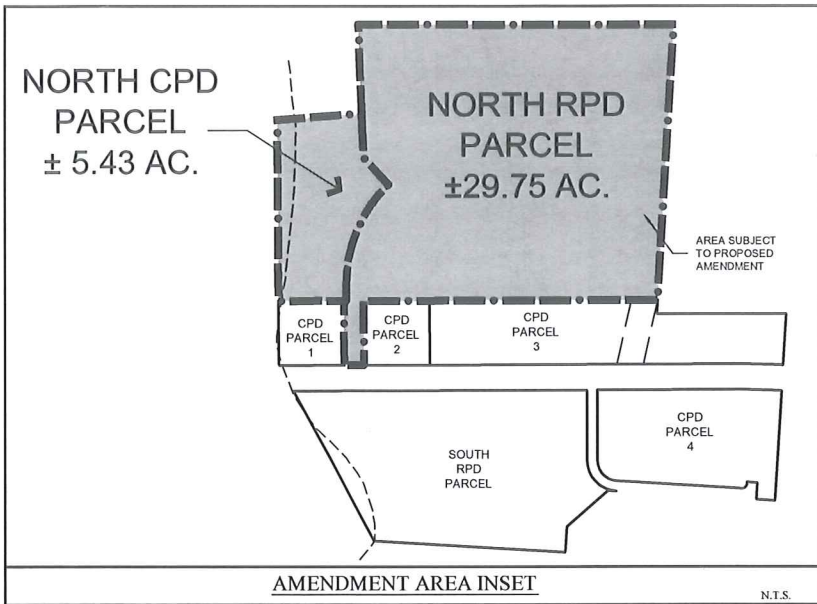
NO.	DESCRIPTION	DATE
R1	Revised per fee county sufficiency comments dated 08-06-10	9-22-10
R2	Revised per fee county sufficiency comments dated 10-14-10	10-22-10
R3		
R4		
R5		
R6		

DATE: 09-22-10  
PROJECT NO. 1155-01  
FILE NO. 1155-01-MCP01.dwg  
SCALE: AS SHOWN

MASTER CONCEPT  
PLAN  
D-7-M.2

1 of 1

**COMMUNITY DEVELOPMENT**



**TABLE A**

**OPEN SPACE CALCULATIONS:**

PARCEL	AREA	REQ'D OPEN SPACE	ACRES
RPD	29.75 AC.	11.90 (40%)	11.90 AC.
CPD	5.43 AC.	1.63 (30%)	1.63 AC.
<b>TOTAL</b>	<b>35.18 AC.</b>	<b>TOTAL</b>	<b>13.53 AC.</b>

1) LAKES WILL COMPRISE NO MORE THEN 25% OF THE REQUIRED OPEN SPACE.  
2) PER Z-06-004, INDIGENOUS OPEN SPACE AREA IS PROVIDED ON THE SOUTHERN PORTION OF THE OVERALL DEVELOPMENT AND PROVIDES TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS.  
3) OTHER NON-INDIGENOUS OPEN SPACE AREAS SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.

**TABLE B**

**DENSITY / INTENSITY SUMMARY:**

ALF / CCF	350 BEDS
RESIDENTIAL	80 D.U.
MEDICAL OFFICE	50,000 S.F.

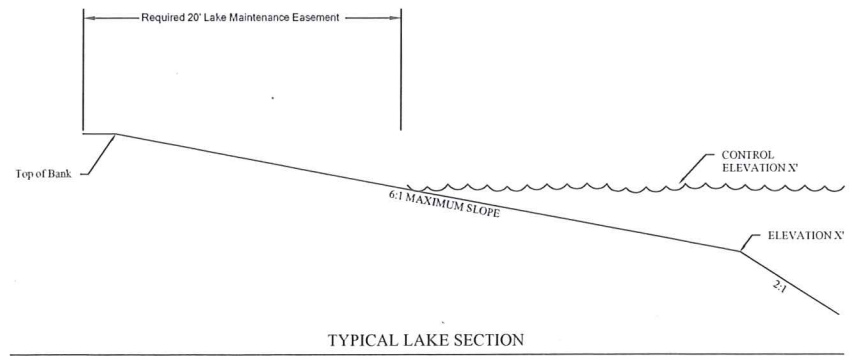
**LAND USE CONVERSION:**

ABOVE USES MAY BE CONVERTED ACCORDING TO THE FOLLOWING RATIOS:

4 ALF / CCF BEDS	=	1 D.U.
400 SQ. FT. MEDICAL OFFICE	=	1,000 SQ. FT. PROFESSIONAL OFFICE

**NOTES:**

- ALL DEVIATIONS REQUESTED AND APPROVED WITHIN Z-06-004 AND ADD2007-00169 REMAIN IN EFFECT.
- DEVIATIONS 1-4 APPLY TO THE SOUTHERN RPD/CPD AREA NOT SUBJECT TO THIS AMENDMENT
- MAXIMUM PROPOSED RPD BUILDOUT DENSITY IS 80 RESIDENTIAL UNITS AND 350 ALF/CCF BEDS AND IS SUBJECT TO THE LAND USE CONVERSION, TABLE B.
- MAXIMUM CPD SQUARE FOOTAGE IS 50,000 S.F. AND IS SUBJECT TO THE LAND USE CONVERSION, TABLE B.
- NO ENCROACHMENT WITHIN THE FEMA FLOODWAY SHALL BE ALLOWED. EXISTING NATIVE VEGETATION WILL BE MAINTAINED IN THE FEMA FLOODWAY.
- INDIGENOUS PRESERVATION PROVIDED WITHIN EXISTING SOUTHERN RPD/CPD PER Z-06-004.
- RESIDENTIAL BUILDING FOOTPRINTS ARE CONCEPTUAL IN NATURE AND MAY BE ALTERED AT THE TIME OF DEVELOPMENT ORDER.
- PRODUCT TYPES WITHIN THE RPD MAY BE ALTERED BASED ON THE APPROVED SCHEDULE OF USES PLUS SITE DEVELOPMENT REGULATIONS AT THE TIME OF DEVELOPMENT ORDER.



DEC 20 10-00015



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 239-533-8325

John E. Manning  
*District One*

A. Brian Bigelow  
*District Two*

Ray Judah  
*District Three*

Tammy Hall  
*District Four*

Frank Mann  
*District Five*

Karen B. Hawes  
*County Manager*

David Owen  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

October 14, 2010

MS ALEXIS CRESPO  
ENSITE, INC  
1514 BROADWAY  
SUITE 201  
FORT MYERS, FL 33901

Re: DIPLOMAT PROPERTY RPD/CPD  
DCI2010-00015 - PDA Application (PD Amendment)

Dear MS ALEXIS CRESPO :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Zoning Division

Tony Palermo, AICP  
Senior Planner

MS ALEXIS CRESPO  
ENSITE, INC  
RE: DIPLOMAT PROPERTY RPD/CPD  
DCI2010-00015  
October 14, 2010  
Page 2

cc.

MIKE PAVESE, PUBLIC WORKS

AARON MARTIN, ENVIRONMENTAL SCIENCES

cc: Pamela Houck, Division Director  
Paul O'Connor, Planning  
Susie Derheimer, Environmental Sciences  
Sam Lee, Natural Resources  
Robert Price, TIS Reviewer  
Jamie Princing, DCD Administration  
Michael D Jacob, Assistant County Attorney  
Becky Penfield, Development Review  
DCI Zoning File  
DCI Working File

MS ALEXIS CRESPO  
ENSITE, INC  
RE: DIPLOMAT PROPERTY RPD/CPD  
DCI2010-00015  
October 14, 2010  
Page 3

**LC Zoning Action Legal Requirements Checklist (Ord 09-23)**

*10) Boundary Survey. A boundary survey of the subject property must be submitted unless the property is a non PD application & consists of platted lots (see Item 10d below). The survey must be based upon the title certification submitted in accord with LCLDC Section 34-202(a)(3). {see LC Public Hearing Application Form, Part 3.D.}. [34-202(a)(2)]*

See notes below

*10a) The boundary survey must identify and depict all easements effecting the subject property, whether recorded or unrecorded, and all other physical encumbrances readily identified by a field inspection. [34-202(a)(2)]*

Survey Note number 2, "Subject to easements....." etc must be removed from both documents as it is conflict with LDC 34-202 as stated above.

*10c) The survey must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment) with two coordinates, one coordinate being the point of beginning (POB) and the other an opposing corner. The perimeter boundary must be clearly marked with a heavy line and must include the entire area to be developed. [34-202(a)(2)]*

The state plane coordinate appears to be incorrect for the RPD Section at the point of beginning. Please review and correct.

*12) Contact. The reviewer may be contacted regarding any questions on the LC Zoning Action Legal Requirements Checklist.*

For questions concerning the legal description, sealed sketch or boundary survey contact Chick Jakacki at 239-533-8578.

**LC Environmental Sciences PD Application Sufficiency Checklist (Ord 09-23)**

*12h) Open Space Design Plan. Open space design plan delineating the indigenous preserves and/or native tree preservation areas as required per LCLDC Section 10-415(b) must be shown on the Master Concept Plan. [34-373(a)(6)g.]*

Please revise the open space table to provide a note indicating the lake will comprise no more than 25% of the required open space or provide a break down in the table of the buffer areas, lake areas, and common areas to make up the open space.

Please note the open space table must be divided into tracts for the RPD. Note tract lines appear to be dividing common infrastructure (ie stormwater and roads). Typically these areas are broken into common areas and called out as common open space with each individual tract providing the remainder of the open space.

MS ALEXIS CRESPO  
ENSITE, INC  
RE: DIPLOMAT PROPERTY RPD/CPD  
DCI2010-00015  
October 14, 2010  
Page 4

*12j) Buffers. The minimum width and composition of all proposed buffers along the perimeter of the subject property, as well as between the individual uses if the types of proposed uses require buffer separations, must be shown on the Master Concept Plan. [34-373(a)(6)i.]*

Please revise the MCP to provide the enhanced 30' type B buffer as previously approved on the MCP. This area abuts a residential use and it was originally required to address compatibility with the adjacent uses.

Please revise the lake location on the east property line to show the appropriate setback to allow for the 30' buffer. See comments under deviations.

Please revise the MCP to provide a note along the west property line (within the floodway) indicating existing native vegetation to remain.

*14) Schedule of Deviations & Written Justification. A schedule of deviations and a written justification for each deviation requested as part of the Master Concept Plan must be submitted. [34-373(a)(9)] {see Supplement D, Part 7}*

Please note deviations can only be granted when they can demonstrate a betterment to the overall site. Please revise the deviation justifications to provide the betterment.

Please note deviation 8 needs to be revised to allow for the lake maintenance easement and the buffer area. Per the code only half the buffer width may be located within an easement. Therefore this area would require 15' outside the 20' easement to allow for the buffer. This results in a minimum 35' setback from the property

*17) Protected Species Survey. A protected species survey, as specified in LCLDC Section 10-473, is required for large developments (as defined in LCLDC Section 10-1 {more than 10 acres in size or more than 2 acres of impervious area}). [34-373(b)(2)] {see Supplement D, Part 7}*

As stated before: Please note the overall development contains gopher tortoises that per the original zoning were conditioned to be relocated on site. Recently the gopher tortoise permitting guidelines were amended and it may not be possible to meet this condition. Please contact FWC and discuss if this is still a viable option. If not we may wish to amend that condition as part of this application. The applicant indicated having ACOE and SFWMD permits but these are not the permitting agencies for gopher tortoises. FWC must be contacted.

*19) Miscellaneous items.*

Please revise the lake cross section to show a 6:1 slope per the newly adopted LDC.

MS ALEXIS CRESPO  
ENSITE, INC  
RE: DIPLOMAT PROPERTY RPD/CPD  
DCI2010-00015  
October 14, 2010  
Page 5

*20) Contact. The Environmental Planner may be contacted regarding any questions on the LC Environmental Sciences Planned Development Application Sufficiency Checklist.*

Aaron Martin, 239-533-8522, amartin@leegov.com

**LC Public Hearing for Planned Development  
Application-Supplement D Checklist (Ord 09-23)**

*24) Miscellaneous items.*

**ZONING COMMENTS, OCTOBER 2010**

1. Please examine this draft request wording. Let me know if it is accurate.

Application to amend the +/- 32.5-acre Residential Planned Development(RPD) portion of the Diplomat Property RPD/CPD to RPD/CPD to permit a maximum of 350 assisted living facility beds, 80 standard dwelling units, a maximum of 50,000 of medical office space, and to make other changes to the master concept plan. Maximum building height requested is 50 feet. No development blasting is requested. Any development will connect to public potable water and public sanitary sewer service.

2. Attached you will find county attorney. Updated NR comments may be pending. I observed you did respond to the last round of NR comments.

3. Let us know how your meeting went with North Fort Myers Oct 7, 2010. Please provide minutes from the meeting. Agendas and other documents would be helpful too.

4. The MCP still does not support single-family uses. Substantively, the residential tract lacks the detail needed.

5. Next submittal, can you provide it on single- not double-sided paper? I know you are trying to save paper, but our staff scans the submittals into the computer, and often have to re-copy parts of the application to read it and use it in a single-sided format. It would help us out and ultimately will save paper.

6. Thank you for the Lee Tran Map.

7. Thank you for the LCU letter.

8. Is there a utility letter from FGUA pending? (Sewer availability letter)

9. Please provide an updated set of property development regs for the commercial and residential tracts on the MCP, including height, setbacks, lot size, etc. - on a separate attachment.

MS ALEXIS CRESPO  
ENSITE, INC  
RE: DIPLOMAT PROPERTY RPD/CPD  
DCI2010-00015  
October 14, 2010  
Page 6

*25) Contact. The Zoning Planner may be contacted regarding any questions on the LC Public Hearing for Planned Development Application-Supplement D Checklist.*

TONY PALERMO, AICP  
23 9 533 8325

**LC Development Review PD Application Sufficiency Checklist  
(Ord 09-23)**

*4) Miscellaneous items.*

Sidewalks will be required along the local roads for the commercial portions of the planned development.

*5) Contact. The Staff reviewer may be contacted regarding any questions on the LC Development Review Planned Development Application Sufficiency Checklist.*

Becky Penfield 239-533-8587 extension 48802 or [rpenfield@leegov.com](mailto:rpenfield@leegov.com)

**Palermo, Anthony**

---

**From:** Jacob, Michael  
**Sent:** Thursday, September 30, 2010 3:40 PM  
**To:** Palermo, Anthony  
**Subject:** Diplomat Property RPD/CPD (DCI2010-00015)

Tony,

I have reviewed the resubmittal date stamped September 24, 2010 for the above referenced case.

The Disclosure of Interest form is incomplete. The Disclosure identifies three Companies as property owners. The ownership interests must be further specified as to the individuals that have an interest in those companies.

The survey remains insufficient. The survey must identify all easements of record. Note 2 must be removed.

Michael D. Jacob  
Assistant County Attorney  
Lee County Attorney's Office  
(239) 533-2236 (telephone)  
(239) 485-2106 (facsimile)  
[mjacob@leegov.com](mailto:mjacob@leegov.com)

*Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure. Under Florida law, e-mail addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.*

ZONING DIVISION  
LEE COUNTY  
PLANNED DEVELOPMENT SUFFICIENCY REVIEW  
TRANSMITTAL SHEET

TO: Distribution  
Michael D Jacob, Asst County Attorney  
DS Reviewer - Becky Penfield  
Rob Price, TIS Reviewer  
Paul O'Connor, Planning  
Susie Derheimer, Environmental Sciences  
Lili Wu, LCDOT  
Dawn Gordon, Lee County School District  
Sam Lee, Natural Resources  
Chick Jakacki, Zoning  
Mike Pavese, Public Works

FROM: Tony Palermo, AICP

DATE: 09/27/2010

**\* REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: DIPLOMAT PROPERTY RPD/CPD

CASE #: DCI2010-00015

INFORMATION SUMMARY:

**RESUBMITTAL**

To update your file  
 Review and forward sufficiency  
questions or make finding of  
sufficiency

**RESPONSE REQUIRED BY: 10/11/2010**

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).  
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file  
DCI Zone File

Distributed by: Jamie Princing

Date: 09/28/2010

## Alexis Crespo

---

**From:** Palermo, Anthony [APalermo@leegov.com]  
**Sent:** Thursday, September 02, 2010 1:09 PM  
**To:** Alexis Crespo  
**Subject:** RE: DCI2010-00015 Follow-Up

Officially, ok. \$800.00 will cover the additional district. Bring this email with you when you submit.

Tony Palermo, Senior Planner, AICP  
Lee County Department of Community Development Zoning Division  
P.O. Box 398  
Fort Myers, FL 33902  
Ph. 239-533-8325  
F. 239-485-8344  
[apalermo@leegov.com](mailto:apalermo@leegov.com)

 Think Green & please print this e-mail only if necessary

RECEIVED  
SEP 24 2010

**From:** Alexis Crespo [mailto:AlexisC@en-site.com]  
**Sent:** Thursday, September 02, 2010 11:05 AM  
**To:** Palermo, Anthony  
**Subject:** RE: DCI2010-00015 Follow-Up

COMMUNITY DEVELOPMENT

Thanks!

Alexis Crespo, AICP, LEED AP BD+C

**EnSite**  
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[AlexisC@en-site.com](mailto:AlexisC@en-site.com)


DCI 2010-00015

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**From:** Palermo, Anthony [mailto:APalermo@leegov.com]  
**Sent:** Thursday, September 02, 2010 10:55 AM  
**To:** Alexis Crespo  
**Subject:** RE: DCI2010-00015 Follow-Up

Let me run it by Pam. Yes, that is what we had in mind.

Tony Palermo, Senior Planner, AICP  
Lee County Department of Community Development Zoning Division  
P.O. Box 398  
Fort Myers, FL 33902  
Ph. 239-533-8325  
F. 239-485-8344  
[apalermo@leegov.com](mailto:apalermo@leegov.com)

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**From:** Alexis Crespo [mailto:AlexisC@en-site.com]  
**Sent:** Thursday, September 02, 2010 10:49 AM  
**To:** Palermo, Anthony  
**Subject:** RE: DCI2010-00015 Follow-Up

RECEIVED  
SEP 24 2010  
COMMUNITY DEVELOPMENT

Hi Tony,

The Applicant is on vacation so we are still figuring out the next steps on this project. I am running through options in my head and was wondering if we can re-submit the entire request in the form of a RPD/CPD application for that property, to allow for one combined application, instead of an RPD/CPD amendment and a CPD rezoning. Does that make sense? Is that workable with the \$800 application fee?

Thanks,

Alexis Crespo, AICP, LEED AP BD+C  
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F: (239) 226-0094  
[www.en-site.com](http://www.en-site.com)  
[AlexisC@en-site.com](mailto:AlexisC@en-site.com)

DCI 2010-00015

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**From:** Palermo, Anthony [mailto:APalermo@leegov.com]  
**Sent:** Thursday, August 26, 2010 8:52 AM  
**To:** Alexis Crespo  
**Cc:** Shellie Johnson  
**Subject:** RE: DCI2010-00015 Follow-Up

The fee is \$800.00 – equivalent to adding a zoning district for a minor PD amendment.

Tony Palermo, Senior Planner, AICP  
Lee County Department of Community Development Zoning Division  
P.O. Box 398  
Fort Myers, FL 33902  
Ph. 239-533-8325  
F. 239-485-8344  
[apalermo@leegov.com](mailto:apalermo@leegov.com)

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---

**From:** Alexis Crespo [mailto:AlexisC@en-site.com]  
**Sent:** Thursday, August 26, 2010 8:05 AM  
**To:** Palermo, Anthony  
**Cc:** Shellie Johnson  
**Subject:** RE: DCI2010-00015 Follow-Up

Thanks!

Alexis Crespo, AICP, LEED AP BD+C  
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And agrees to indemnify and hold harmless Ensite, for any defects or errors in this file/data.

---

**From:** Palermo, Anthony [mailto:APalermo@leegov.com]  
**Sent:** Thursday, August 26, 2010 7:43 AM  
**To:** Alexis Crespo  
**Cc:** Shellie Johnson  
**Subject:** RE: DCI2010-00015 Follow-Up

Wait for Pam's answer. I've asked her to be merciful.

Tony Palermo, Senior Planner, AICP  
Lee County Department of Community Development Zoning Division  
P.O. Box 398  
Fort Myers, FL 33902  
Ph. 239-533-8325  
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[apalermo@leegov.com](mailto:apalermo@leegov.com)

 Think Green & please print this e-mail only if necessary

RECEIVED  
SEP 24 2010  
COMMUNITY DEVELOPMENT

DCI 2010-00015

---

**From:** Alexis Crespo [mailto:AlexisC@en-site.com]  
**Sent:** Wednesday, August 25, 2010 8:37 AM  
**To:** Palermo, Anthony  
**Cc:** Shellie Johnson  
**Subject:** DCI2010-00015 Follow-Up

Good Morning Tony,

Thanks for meeting with us on Monday. As discussed, we are tentatively scheduled to present the application to the NFMDB on Tuesday, September 7<sup>th</sup>.

Also, I wanted to follow up on the possibility of a reduced CPD fee for the western 6 acres of the project. I believe the Applicant is leaning towards this option rather than reducing the office square footage to comply with Section 34-937(2). Please let me know what you find out on that when you get a chance.

Thanks!

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[AlexisC@en-site.com](mailto:AlexisC@en-site.com)

September 23, 2010



Mr. Tony Palermo, AICP  
Zoning Division  
Department of Community Development  
P.O. Box 398  
Fort Myers, FL 33901

RECEIVED  
SEP 24 2010

Re: Diplomat Property RPD/CPD  
DCI2010-00015 - PD Amendment

COMMUNITY DEVELOPMENT

DCI 2010-00015

Dear Mr. Palermo:

This letter is in response to the sufficiency review comments dated August 6, 2010. The following responses are numbered in accordance with your letter.

**Legal Requirements Comments**

***Comment 1***

The survey provided is not based on a title certification as stated above. Please obtain title certification, submit one copy to the surveyor to show all easements.

***Response 1***

Please refer to the attached, revised survey and title certification.

***Comment 2***

Remove Survey Note 2. "Subject to easements and restrictions..." as it is conflict with LDC as stated above.

***Response 2***

Please refer to the attached, revised survey.

***Comment 3***

Remove Survey Note 11. "This survey was completed without the benefit of an up to date title commitment."

***Response 3***

Please refer to the attached, revised survey.

***Comment 4***

The state plan coordinates for the Point of Beginning are not on the survey as required by LDC 34-202(a)(2).

1514 Broadway, Suite 201  
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t 239.226.0024  
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www.en-site.com

#### ***Response 4***

Please refer to the attached, revised survey.

#### **Environmental Sciences Comments**

##### ***Comment 1***

Please revise the MCP to remove notes 3 and 4 these notes may contradict the MCP since depending on the changes at time of local development an amendment may be required to the MCP.

##### ***Response 1***

Please refer to attached, revised Master Concept Plan (MCP). Notes 3 and 4 have been removed. The notes are renumbered accordingly.

##### ***Comment 2***

Please note it appears from the Property Appraiser's website that the applicant owns the RPD on the north and south side of Diplomat Parkway along with 2 commercial properties and the indigenous open space required for the RPD. However, the indigenous open space required for the 2 commercial lots is owned by another individual. ES Staff recommends incorporating the required indigenous open space for the two commercial lots on this application. This would be of benefit to the applicant as it would allow the pieces they own to stand alone and not be reliant on an outside party at the time of development. These additional areas if provided could be called out within the flood zone adjacent to Tract 4. And along the east property line south of the proposed lake (in this area the preserve could act as the buffer and would be adjacent to a preserve area designated on the CPD to the east).

##### ***Response 2***

It is understood that the area to the west for the Flood Way Line cannot be encroached upon and will remain as on-site open space. The Applicant prefers to maintain the current indigenous areas approved per Z-06-004 rather than incorporate new indigenous areas into the northern RPD/CPD area.

##### ***Comment 3***

Please note the buffers required before along the west property line were 30' enhanced Type "B" buffers. Staff cannot support the reduction or elimination of these buffers. Please revise the plans to indicate the buffers previously approved.

Please note along the west property line adjacent to the flood line the applicant has asked for a deviation to reduce to a type "B" buffer. However staff does not feel the deviation is needed since the applicant has more than enough space to provide the required 30' buffer. Note buffer plants may be placed within the flood zone. In addition, if vegetation is existing in this area it could be preserved and counted towards the required buffer and towards additional indigenous open space. Please revise the plans to remove this deviation and change the MCP to provide the buffer.

**Response 3**

Please refer to attached, revised Master Concept Plan (MCP). The above referenced deviation (Deviation 10) has been removed per the above comment.

**Comment 4**

Please clarify per table B on the MCP tract 4 is listed as having office space, what are the intended uses for this office space and are these included on the schedule of uses for the RPD?

**Response 4**

The proposed office space is intended to support the primary ALF uses, such as medical offices and Business Services, Groups I -II. All proposed uses associated with this application are listed in the attached Schedule of Uses, Exhibit D-7-P.

**Comment 5**

Please note it does not appear that deviation 9 is needed as code allows for a portion of a lake to be bulk headed as long as the bulk head does not make up more than 20% of the lake shoreline.

Please clarify why is deviation number 8 being requested? Does the existing lake along the east property line not currently meet setbacks?

Please note staff does not feel deviation 10 is needed. See comments in the buffer section.

Please revise the MCP to list any new deviations being requested.

**Response 5**

Please refer to attached, revised Master Concept Plan (MCP). Deviations 9 and 10 have been removed per Staff's comment.

Deviation 8 is requested for the large lakes along the eastern and northern property lines as the existing lake edge does not meet current setbacks.

Per the meeting with Staff on August, the Zoning Division prefers to keep deviations as a separate attachment, Exhibit D-7-Q, rather than list on the MCP.

**Comment 6**

Please note the overall development contains gopher tortoises that per the original zoning were conditioned to be relocated on site. Recently the gopher tortoise permitting guidelines were amended and it may not be possible to meet this condition. Please contact FWC and discuss if this is still a viable option. If not we may wish to amend that condition as part of this application.

**Response 6**

So noted. The Applicant has an Environmental Resource Permit and an Army Corp of Engineers Permit that addresses all on-site natural resources.

***Comment 7***

Please revise the Lee Plan narrative to address Goal 77, Objective 61.2 and 60.5, Objective 107.8.

***Response 7***

Please refer to the Lee Plan Narrative attached, revised to address the above goal and objectives.

***Comment 8***

Please provide a typical lake cross section and clarify if the lakes are proposed to be deep lakes.

Please note staff has concerns with the design of Tract 4 and the placement of parking adjacent to the residential community to the west. Could this tract be re-designed to place buildings in between the parking and the community to the west?

Please clarify the flood zone line shown on the MCP does not match the flood zone on record, has a LOMA been submitted to FEMA to change this flood zone?

Please note per the boundary survey the site contains heritage trees. Could the site be developed to incorporate and preserve these trees? If so, please revise the MCP to depict these trees and label them to be preserved.

***Response 8***

The revised MCP includes an inset demonstrating the typical lake cross section. Without preparing detailed water management calculations for the subject property and new design, it is not known if the proposed water management lakes will be deep lakes. In the event that these are proposed to be deep lakes when a development order is submitted, the design will comply with Lee County Development Code section 10-329.

The proposed parking area associated with the CPD portion of the project is 50 feet from the western property line as delineated on the MCP. Additionally, there is approximately 90 feet of separation between the subject property's western property line and the Six Lakes Country Club eastern property line. Therefore, the parking area on the western CPD portion of the project is separated from existing residential uses in Six Lakes Country Club by approximately 140 feet. When coupled with the existing vegetation that will remain due to the flood way line and proposed vegetated buffer, the Applicant respectfully submits that the MCP adequately addresses compatibility with surrounding uses.

Per the attached LOMR approval, all technical issues with FEMA have been resolved regarding the on-site Flood Way Line. The MCP reflects this approval.

The Applicant will address preservation of on-site heritage trees at the time of Development Order.

## **Zoning Comments**

### ***Comment 1***

Please examine this draft request wording. Let me know if it is accurate.

Application to rezone the +/-32.5-acre Residential Planned Development (RPD) portion of the Diplomat Property RPD/CPD to RPD/CPD to permit a maximum of 80 dwelling units, including assisted living facilities, and a maximum of 50,000 s.f. of medical office space within the RPD portion of the development, and to make other changes to the master concept plan. Maximum building height requested is 50 feet. No development blasting is requested. Any development will connect to public potable water and public sanitary sewer service.

### ***Response 1***

Revised request wording is as follows:

Application to amend the +/-32.5-acre Residential Planned Development (RPD) portion of the Diplomat Property RPD/CPD to RPD/CPD to permit a maximum of 350 assisted living facility beds, 80 standard dwelling units, a maximum of 50,000 s.f. of medical office space, and to make other changes to the master concept plan. Maximum building height requested is 50 feet. No development blasting is requested. Any development will connect to public potable water and public sanitary sewer service.

### ***Comment 2***

Attached you will find county attorney and natural resources sufficiency comments. And school district comments.

### ***Response 2***

So noted.

### ***Comment 3***

350 assisted living facility units do not equate to 80 standard units. Please elaborate on the density calculations.  $80 \times 4 = 320$  units

### ***Response 3***

The Applicant is requesting 350 assisted living facility units in addition to 80 standard units for a total maximum unit count of 168 units ( $350 \div 4 + 80$ ). The proposed density is less than the current approved maximum unit count of 244 units.

### ***Comment 4***

Please include a full sized and 11X17 of the MCP for ADD2007-00169. Since we are amending the RPD/CPD and rendering the past zoning null and void, we can use this as a page 1 of the MCP and use your MCP as a page 2 (only covering your property). The rest of the RPD/CPD will be unchanged.

### ***Response 4***

Please refer to the attached 24" X 36" and 11" X 17" approved MCP associated with ADD2007-00169.

***Comment 5***

Please explain the density that will remain for the RPD south of Diplomat. It will need to be amended.

***Response 5***

The Applicant is not requesting any changes to the RPD south of Diplomat. The Applicant is amending the North RPD Zoning Parcel to allow for ALF beds, in addition to residential dwelling units. Per Response 3 above, the proposed density is less than the current approved maximum unit count of 244 units. Therefore, the amendment will comply with the overall maximum density previously approved for the RPD/CPD per Z-06-004.

***Comment 6***

Will condition 4 need modifications, model homes? If so, what is proposed? Where are model units proposed? How many are needed?

***Response 6***

No modification to condition 4 is needed.

***Comment 7***

Your MCP does not support single family uses.

***Response 7***

Please refer to the revised MCP attached.

***Comment 8***

Please remove table B of the MCP and put on a separate attachment.

***Response 8***

So noted. Please refer to the attached Site Development Regulations Table.

***Comment 9***

Not sure if the commercial uses are buffered adequately from the residential uses to the west.

***Response 9***

The proposed parking area associated with the CPD portion of the project is 50 feet from the western property line as delineated on the MCP. Additionally, there is approximately 90 feet of separation between the subject property's western property line and the Six Lakes Country Club eastern property line. Therefore, the parking area on the western CPD portion of the project is separated from existing residential uses in Six Lakes Country Club by approximately 140 feet. When coupled with the existing vegetation that will remain due to the flood way line and proposed vegetated buffer, the Applicant respectfully submits that the MCP adequately addresses compatibility with surrounding uses.

Additionally, the MCP meets Sec. 10-416(d)(6) of the LDC, which addresses minimum separation between parking areas and existing single-family residential uses.

**Comment 10**

Are the commercial uses accessory to an ALF use? They appear not to be.

**Response 10**

Per the revised application, the Applicant is requesting an RPD/CPD to allow for the proposed 50,000 square feet of medical office square footage.

**Comment 11**

Alternate Tract 3 has no commercial option, correct?

**Response 11**

Correct, the alternate Tract 3 option would entail another ALF building and accessory uses.

**Comment 12**

Your schedule of uses should include all potential ALF uses. Below are examples of uses you may want to consider with conditions. Staff encourages commercial uses only as accessory to an ALF.

**Response 12**

Thank you for these examples. The attached Schedule of Uses has been updated per Staff's suggestions.

**Comment 13**

Substantively staff does not support an office use at the location propose. The ALF uses are supported by staff.

**Response 13**

Per discussions with Staff on August 23<sup>rd</sup>, the Applicant has re-filed the application as an RPD/CPD. Per our understanding, this resolves the substantive issues with the office uses.

**Comment 14**

LDC Sec. 34-937(2) Commercial uses in RPD and MHPD districts does not allow 50,000 s.f. of office in an RPD. Rezoning a portion to CPD may be the only way to get this use approved. No deviation from this LDC Section will be supported.

**Response 14**

Per Response 13 above , the Applicant is requesting an RPD/CPD to allow for the proposed 50,000 square feet of medical office square footage.

**Comment 15**

Tract 3-10.86 acres has no building footprint.

**Response 15**

Please refer to the revised MCP attached.

**Comment 16**

The parking area adjacent to Six Lakes is also a compatibility issue.

***Response 16***

As noted above, the Applicant has withdrawn the original request for reduced buffer widths along the western property line. Additionally, per the updated Flood Way Line, there is upwards of 140 feet of separation between the CPD uses and Six Lakes Country Club property line.

***Comment 17***

Please provide notification for all property owners within 500 feet of the entire CPD/RPD since we are amending the entire RPD/CPD (although we are not making any changes in the CPD or the RPD south of Diplomat).

***Response 17***

Please see the attached, updated variance report.

***Comment 18***

Please provide minutes from a meeting with North Fort Myers Community. Not required, but recommended by staff.

***Response 18***

The Applicant is meeting with the North Fort Myers Design Review Board (NFMDRB) on October 7<sup>th</sup> to present the project. Minutes will be provided to Staff following this meeting.

**Transportation Comments**

***Comment 1***

Based on conversations with the FDOT throughout Zoning cases on neighboring parcels, it appears highly unlikely for the intersection of Diplomat Parkway and U.S. 41 to operate under signalized conditions due to its proximity to signals to the north and south. As such, Staff has concerns with exacerbating a project/current Level of Service deficiency with increased traffic based on increasing the intensity of an existing Zoning.

***Response 1***

So noted.

**Development Review Comments**

***Comment 1***

Sidewalks will be required along the local roads for the commercial portions of the planned development.

***Response 1***

So noted.

## **Natural Resources Comments**

### ***Comment 1***

Lee County staff acknowledges that a Letter of Map Revision (LOMR) application has been submitted to FEMA and it is currently under FEMA's review - meaning the Flood Insurance Rate Map (FIRM) at the site location has not been revised yet. According to the existing FIRM, more than half of the property is within the floodway. Therefore, prior to zoning approval, the FIRM should be approved by FEMA. However, if the applicant can provide FEMA's map revision status and demonstrate that all technical issues with FEMA have been resolved at present time, then the requirement of LOMR approval can be deferred to the time of DO application.

### ***Response 1***

Per the attached LOMR approval, all technical issues with FEMA have been resolved regarding the on-site Flood Way Line. The MCP reflects this approval.

### ***Comment 2***

Please revise the Site Plan by adding the existing floodway boundary with a note saying (Existing Regulatory Floodway). Also, on the same Plan, revise the incorrect note of "Flood Way Line" as "Proposed Regulatory Floodway (subject to future FEMA approval)".

### ***Response 2***

Please refer to Response 1 above.

### ***Comment 3***

The applicant should provide three drainage patterns at the site (flow paths and arrows): historical, present, and proposed. These drainage patterns should demonstrate that the proposed project will not cause any adverse impact on the drainage condition at the neighboring properties.

### ***Response 3***

Per the approved waiver, attached in the original submittal as Exhibit PH-4.H, the Applicant obtained a waiver from the requirements to provide information regarding existing and historic flowways. A copy of this approval has been re-submitted as part of this response package for your review. Also note that this project has an existing Environmental Resource Permit (ERP) from the South Florida Water Management District (SFWMD) and it is understood that an ERP modification will be required due to the new development design.

### ***Comment 4***

Please show proposed outfall(s) at the proposed plan and demonstrate the hydraulic capacity of the receiving canal/ditch.

### ***Response 4***

Please refer to the attached Environmental Resources Permit No. 36-05906-P-02, PH-3.H.1.b.

## County Attorney Comments

### *Response 1*

I have reviewed the initial submittal for the above referenced case. I offer the following insufficiency comments:

1. A Title Certification has not been provided.
2. The Survey does not indicate that it was based on a Title Certification or Opinion meeting the requirements of Section 34-202, LDC. The Survey Note 2 provides that it is "subject to easements restrictions of record." This Note must be removed in accordance with Section 34-202, LDC.
3. The Disclosure of Interest form is incomplete. The DOI form includes reference to multiple Corporations and Companies. Further details regarding the individual ownership of these Companies will have to be provided.

### *Response 1*

Please note the survey has been updated based on Title Certification. Note 2 has been removed and a copy of the title certification attached.

An updated Disclosure of Interest form is enclosed in this submittal with individual ownership of each company provided.

If you should have any questions or comments, please do not hesitate to contact me directly at (239) 850-8525 or [alexisc@en-site.com](mailto:alexisc@en-site.com).

Sincerely,



Alexis V. Crespo, AICP, LEED AP BD+C  
Principal Planner

Cc: Jim Kinsey w/enclosures  
Dave Wheeler w/enclosures

# **Diplomat Property RPD/CPD**

---

## Planned Development Amendment Re-Submittal

**ORIGINAL**

**September 24, 2010**

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COMMUNITY DEVELOPMENT

Prepared for:  
Athyrio Development Associates, LLC

Submitted to:  
Lee County  
Department of Community Development  
1500 Monroe Street  
Fort Myers, FL 33901

DCI 2010-00015



ensite

EnSite  
1514 Broadway, Suite 201  
Fort Myers, FL 33901  
P (239) 226-0024  
F (239) 226-0094

# Table of Contents

## Public Hearing Application

## Supplement D Application

### Public Hearing Exhibits:

PH-3.C.1	Legal Description
PH-3.C.2	Sketch of Description
PH-3.D.1	Boundary Survey
PH-3.F	Area Location Map
PH-3.G.1-3	Variance Report
PH-3.H.1.a	Zoning Resolutions & Approvals
PH-3.H.1.b	Environmental Resource Permit Approval
PH-4.H	Waivers
PH-4.I	Lee County Utilities Letter of Availability

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DCI 2010-00015

### Supplement D Exhibits:

D-1-B	Archaeological Sensitivity Map
D-1-C	Public Transit Map
D-7-C (a)	Existing Zoning Map
D-7-C (b)	Current Land Use Map
D-7-J	Lee Plan Compliance Narrative
D-7-K/L	Design Standards & Design Making Compliance Narrative
D-7-M.1/2	Proposed Master Concept Plan
D-7-O	Traffic Impact Statement
D-7-P	Schedule of Uses
D-7-Q	Schedule of Deviations
D-7-R	FEMA Letter of Map Revision
D-7-S	Sufficiency Response Letter for Original Submittal (DCI2010-00015)



APPLICATION FOR PUBLIC HEARING FOR ZONING ACTION UNINCORPORATED AREAS ONLY

Applicant's Name: ATHYRIO DEVELOPMENT ASSOCIATES, LLC

Project Name: DIPLOMAT PROPERTY RPD/CPD

STRAP Number(s): PORTION OF STRAP NO. 34-43-24-00-00001.3030

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TYPE OF APPLICATION

COMMUNITY DEVELOPMENT

- Special Exception (attach Supplement A)
Variance (attach Supplement B)
Conventional Zoning (attach Supplement C)
[X] Planned Development (not PRFPD) (attach Supplement D)
Amendment to built Planned Development (Supplement D may be required)
Private Recreational Facilities Planned Development (attach Supplement D)
Extension of a Master Concept Plan (attach Supplement E)
Reinstatement of a Master Concept Plan (attach Supplement F)
Limited Amendment to An Existing Mine Special Exception or (non MEPD) Planned Development for either dewatering or an extension of the mine duration under LCLDC Section 12-121(j) (attach Supplement G)
N/A DRI - with rezoning (submit completed DRI Application Form {do not use this form} and Supplement D)
N/A DRI - without rezoning (submit completed DRI Application Form {do not use this form})

Is this project located in one of the following planning communities: Boca Grande, Caloosahatchee Shores, Captiva, North Captiva, Estero, Page Park, Palm Beach Boulevard, Buckingham, Pine Island or Lehigh Acres?

[ ] YES\* [X] NO \*If YES, please note PART 4.G below for public information meeting summary document requirements.

STAFF USE ONLY

DCI 2010-00015

Case Number: Commission District:
Current Zoning: Fee Amount:
Land Use Classification: Intake by:
Planning Community:

LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (239) 533-8585

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PART 1  
APPLICANT/AGENT INFORMATION

A. **Name of applicant:** ATHYRIO DEVELOPMENT ASSOCIATES, LLC  
Address: Street : P.O. BOX 1662  
City, State, Zip: FORT MYERS, FL 33902  
Phone Number: (239) 939-1367 Fax: (239) 939-1161  
E-mail address: jkinsey@kinseysells.com

B. **Relationship of Applicant to owner (check one):**

Applicant (including an individual or husband & wife) is the sole owner of the property.  
[34-201(a)(1)a.1.]

**Notarized Affidavit of Authorization form is attached as Exhibit PH-1.B.2.** (See Part 1 Exhibit Form A1 attached hereto for suggested Affidavit Form for an individual.) [34-202(b)(1)c.]

Applicant has been authorized by the owner(s) to represent them for this action.

**Notarized Affidavit of Authorization form is attached as Exhibit PH-1.B.2.** (Please select the appropriate Affidavit Form from the suggested forms in Part 1 Exhibits attached hereto.) [34-202(b)(1)c.]

Applicant is a contract purchaser/vendee. [34-202(b)(1)d.]

**Notarized Affidavit of Authorization form is attached as Exhibit PH-1.B.2.** [34-202(b)(1)c.] (Please select the appropriate Affidavit Form from the suggested forms in Part 1 Exhibits attached hereto.)

Application is County initiated. BOCC authorization is attached as **Exhibit PH-1.B.3**

C. **Authorized Agent: Name of the person who is to receive all County-initiated correspondence regarding this application.** [34-202(b)(1)c.]

C.1. Company Name: ENSITE, INC.  
Contact Person: ALEXIS CRESPO, AICP, LEED AP  
Address: Street : 1514 BROADWAY, SUITE 201  
City, State, Zip: FORT MYERS, FL 33901  
Phone Number: (239) 226-0024 Fax: (239) 226-0094  
E-mail address: alexisc@en-site.com

C.2.  Additional Agent(s): The names of other agents that the County may contact concerning this application are attached as **Exhibit PH-1.C.2.** [34-202(b)(1)c.]

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PART 2  
PROPERTY OWNERSHIP

- A. **Property Ownership: Single owner (individual or husband & wife only)** [34-201(a)(1)a.1.]
- A.1. Name: N/A
- Mailing Address: Street: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_
- Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_  
E-mail: \_\_\_\_\_
- B. **Property Ownership: Multiple owners (Corporation, partnership, trust, association)** [34-201(a)(1)].
- B.1.  Disclosure of (Ownership) Interests Form is attached as **Exhibit PH-2.B.1.** [34-201(b)2]
- C. **Multiple parcels**
- C.1. N/A Property owners list is attached as **Exhibit PH-2.C.1.** [34-202(a)(5)]
- C.2. N/A Property owners map is attached as **Exhibit PH-2.C.2.** [34-202(a)(5)]
- D. **Date property was acquired by present owner(s):** 10/14/2005

PART 3  
PROPERTY INFORMATION

- A. **STRAP Number(s):** PORTION OF 34-43-24-00-00001.3030 \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- B. **Street Address of Property:** 15501 N. CLEVELAND AVE., NORTH FORT MYERS, FL 33903
- C. **Legal Description**
- Legal description (on 8 1/2" by 11" paper) is attached as **Exhibit PH-3.C.1.** [34-202(a)(1)]
- Sealed sketch of the legal description is attached as **Exhibit PH-3.C.2.** [34-202(a)(1)]
- D. **Boundary Survey**
- A Boundary survey, tied to the state plane coordinate system, is attached as **Exhibit PH-3.D.1.** [34-202(a)(2)]
- \_\_\_\_\_ This is not a Planned Development Application and the property consists of one or more undivided platted lots in a subdivision recorded in the Official County Plat Books. A copy of the applicable Plat Book page(s) is attached as **Exhibit PH-3.D.2.** The Plat Book Number and the Page Number (or the Instrument Number) are provided as well as the Block Number and Lot Number (if applicable). [34-202(a)(2)]

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E. Planning Community: North Fort Myers

F. General Location of Property:

F.1. Area location map (for all applications other than Planned Developments) is attached as **Exhibit PH-3.F.** [34-202(a)(4)] {NOTE: For Planned Development Applications see Supplement D [34-  
X 373(a)(4)b.]}

F.2. Directions to property:

FROM US 41: PROCEED NORTH +/- 4 MILES; TURN LEFT ONTO DIPLOMAT PARKWAY, PROCEED +/-0.5 MILES; END AT SUBJECT PROPERTY ON THE RIGHT.

G. Surrounding property owners:

G.1. X List of surrounding property owners is attached as **Exhibit PH-3.G.1.** [34-202(a)(6)]

G.2. X Map of surrounding property owners is attached as **Exhibit PH-3.G.2.** [34-202(a)(7)]

G.3. X 2 sets of mailing labels are attached as **Exhibit PH-3.G.3.** [34-202(a)(6)]

H. Current Zoning of Property: RPD/CPD (PORTION SPECIFIC TO AMENDMENT IS ZONED RPD)

H.1. X Copies of all Zoning Resolutions and Zoning Approvals applicable to the subject property are attached as **Exhibit PH-3.H.1.** [34-202(a)(8)]

I. Current use of property:

I.1. X Current use(s) of the property are:

Vacant

I.2. If buildings or structures exist on the property, an affidavit is required stating whether the buildings & structures will be removed or retained and specific details regarding any structures proposed to be retained. Attach as **Exhibit PH-3.I.2.** and entitle "Structure Affidavit". [34-  
N/A 202(b)(3)]

I.3. If the property owner intends to continue an existing agricultural use on the property subsequent to the zoning approval an Existing Agricultural Use Affidavit must be provided. Attach as **Exhibit PH-3.I.3.** and entitled "Existing Agricultural Uses at Time of Zoning Application." [34-  
N/A 202(b)(7)]

J. Land Use Classification:

<u>CENTRAL URBAN</u>	<u>35.2</u> Acres	<u>100</u> % of total
_____	_____ Acres	_____ % of total
_____	_____ Acres	_____ % of total
_____	_____ Acres	_____ % of total

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**K. Flood Hazard (write NA if not applicable) [34-202(a)(8)]**

The property is within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s.

The minimum elevation required for the first habitable floor is 15.0' NAVD 88 NGVD (MSL)

**L. Deed Restrictions [34-202(b)(2)]**

L.1.  There are no deed restrictions or other covenants on this property that affect this request. [34-202(b)(2)]

L.2.  Deed restrictions\ covenants that may affect this request are attached as **Exhibit PH-3.L.2.** [34-202(b)(2)]

L.3.  A narrative explanation as to how the deed restrictions or covenants may affect this request. is attached as **Exhibit PH-3.L.3** [34-202(b)(2)]

**M. Property Dimensions [34-202(a)(8)]**

- 1. Width (average if irregular parcel): 1,061 Feet
- 2. Depth (average if irregular parcel): 1,045 Feet
- 3. Total area: 35.2 Acres or square feet
- 4. Frontage on road or street: 80 Feet on DIPLOMAT PK Street
- 2<sup>nd</sup> Frontage on road or street: \_\_\_\_\_ Feet on \_\_\_\_\_ Street

**PART 4  
ACTION REQUESTED**

**A. Action Requested: [check applicable action(s)]**

Special Exception for \_\_\_\_\_ **Attached is Supplement A**

Variance for \_\_\_\_\_ **Attached is Supplement B**

Conventional Rezoning from: \_\_\_\_\_ to \_\_\_\_\_ **Attached is Supplement C**

Planned Development Rezoning from \_\_\_\_\_ to \_\_\_\_\_

DCI - Major: **Attached is Supplement D**

DCI - Minor: **Attached is Supplement D**

Request is for PRFPD zoning in the Private Recreational Facilities Overlay Area. **Attached is Supplement D**

Planned Development Amendment. **Attached is Supplement D**

Extension of Master Concept Plan. **Attached is Supplement E**

Reinstatement of Master Concept Plan. **Attached is Supplement F**

Limited Amendment to an Existing Mine Special Exception or (non MEPD) Planned Development for either dewatering or an extension of the mine duration pursuant to 12-121(j). **Attached is Supplement G**

DCI 2010-00015

**B. Blasting:**

N/A No blasting will be used in the excavation of lakes or other site elements.

N/A If blasting is proposed, Information Regarding Proposed Blasting (including soil borings, a map indicating the location of the proposed blasting, and other required information) is attached as **Exhibit PH-4.B** [34-202(b)(6)]

**C. Bonus Density:** (put NA if not applicable)

N/A Bonus density will be used. Attached is a copy of the Bonus Density application showing calculations labeled as **Exhibit PH-4.C**. [34-202(b)(5)]

**D. Hazardous materials:** (put NA if not applicable)

N/A A Hazardous materials emergency plan is attached as **Exhibit PH-4.D** [34-202(b)(4)]

**E. Mobile Home Park:** (put NA if not applicable)

N/A Request includes rezoning of a Mobile Home Park. Attached is **Exhibit PH-4.E** [34-203(d)]

**F. Aviation Hazard:** (put NA if not applicable)

N/A Property is subject to Airport Hazard District regulations. Attached is **Exhibit PH-4.F** [34-1001 et seq]

N/A A tall structures permit will be required.

       Property is located within Airport Noise Zone: \_\_\_\_\_

**G. Planning Communities.** A meeting summary document for the required public informational session (put NA if not applicable).

N/A **Estero Planning Community.** Attached is **Exhibit PH-4.G.1** [34-373(a)(10); 33-54(a) & (b); Lee Plan Policy 19.5.3]

N/A **Captiva Planning Community and/or North Captiva Community Plan area.** Attached is **Exhibit PH-4.G.2** [Lee Plan Policy 13.1.7 & 25.1.1]

N/A **Boca Grande Planning Community.** Attached is **Exhibit PH-4.G.3** [Lee Plan Policy 22.1.5]

N/A **Caloosahatchee Shores Community Plan area.** Attached is **Exhibit PH-4.G.4** [Lee Plan Policy 21.6.3]

N/A **Page Park Community Plan area.** Attached is **Exhibit PH-4.G.5** [Lee Plan Policy 27.11.2]

N/A **Palm Beach Boulevard Community Plan area.** Attached is **Exhibit PH-4.G.6** [Lee Plan Policy 23.5.2]

N/A **Buckingham Planning Community.** Attached is **Exhibit PH-4.G.7** [Lee Plan Policy 17.7.2]

N/A **Pine Island Planning Community.** Attached is **Exhibit PH-4.G.8** [Lee Plan Policy 14.7.1]

N/A **Lehigh Acres Planning Community.** Attached is **Exhibit PH-4.G.9** [Lee Plan Policy 32.12.2]

DCI 2010-00015

- H. **Waivers from Application Submission Requirements:** The following waivers, approved by the Director of Zoning Services, are attached as **Exhibit PH-4.H** [34-202(a)]

Section Number	Name of item
	MULTIPLE WAIVERS APPROVED, SEE PH-4.4 ATTACHED

- I. **Potable Water & Central Sewer.** Will the project be connected to potable water and central sewer as part of any development of the property?  YES.  NO.

If the answer is YES, please provide a letter from the appropriate Utility to which the connection(s) are proposed confirming availability of service. Label letter as **Exhibit PH 4-I.** [34-202(b)(8)]

If the answer is NO, please provide a narrative explaining why the connection to potable water and/or central sewer is not planned. Label explanation as **Exhibit PH 4-I.** [BOCC Policy]

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**PART 6  
SUBMITTAL REQUIREMENTS**

THE NUMBER OF COPIES REQUIRED FOR EACH EXHIBIT IS BASED ON THE ACTION REQUESTED AS INDICATED BELOW. TO BE SUBMITTED FOR EACH OF THE FOLLOWING EXHIBITS IS AS FOLLOWS:

Number of Copies*			Exhibit Number	SUBMITTAL ITEMS
Var. or Spe. Exc.	Conv. Rez.	PDs		
1	3	15		Completed application for Public Hearing [34-201(b)]
1	1	1		Filing Fee - [34-202(a)(9)]
Var. or Spe. Exc.	Conv. Rez.	PDs	SUP	SUPPLEMENTAL FORMS (select applicable request/form)
1	0	0	SUP A	Special Exception request
1	0	0	SUP B	Variance request
0	3	0	SUP C	Conventional Rezoning request
0	0	15	SUP D	Planned Development Rezoning request
0	0	15	SUP D	Planned Development Amendment request
0	0	15	SUP D	PRFPD in in Overlay Area Rezoning request
0	0	8	SUP E	Master Concept Plan Extension request
0	0	8	SUP F	Master Concept Plan Reinstatement request
0	0	15	SUP G	Limited Amendment to Special Exception or Planned Development
Var. or Spe. Exc.	Conv. Rez.	PDs	Exhibit Number	SUBMITTAL ITEMS
1	3	3	PH-1.B.2	Notarized Affidavit of Authorization Form [34-202(b)(1)c]
1	3	1	PH-1.B.3	BOCC authorization (if applicable)
1	3	15	PH-1.C.2	Additional Agents [34-202(b)(1)c.]
1	3	3	PH-2.B.1	Disclosure of Interest Form [34-201(b)(2)a]
1	3	3	PH-2.C.1	Subject property owners list (if applicable) [34-202(a)(5)]
1	3	3	PH-2.C.2	Subject Property Owners map (if applicable) [34-202(a)(5)]
1	3	15	PH-3.A.1	List of STRAP Numbers (if additional sheet is required) [34-202(a)(1)]
2	2	5	PH-3.C.1	Legal Description <b>(2 originals required)</b> [34-202(a)(1)]
2	2	5	PH-3.C.2	Sealed Sketch of the Legal Description <b>(2 originals required)</b> [34-202(a)(1)]
1	3	5	PH-3.D.1	Boundary Survey (tied to State Plane Coordinate System) <b>(2 originals required)</b> [34-202(a)(2)] {NOTE: This is a required submittal for all Planned Development Applications (see Supplement D)} [34-373(a)(4)a.}]
1	3	N/A	PH-3.D.2	Copy of Plat Book Page (if applicable) [34-202(a)(1)]
1	3	0	PH-3.F	Area Location Map on 8" by 11" size paper pursuant to LCLDC Section 34-202(a)(4).(Non Planned Developments) [34-202(a)(4)]
0	0	15	PH-3.F	Area Location Map for Planned Developments - see Supplement D [34-373(a)(4)b.]
1	1	3	PH-3.G.1	List of Surrounding Property Owners [34-202(a)(6)]
1	1	3	PH-3.G.2	Map of Surrounding Property Owners [34-202(a)(7)]
2	2	2	PH-3.G.3	Mailing labels [34-202(a)(6)]
1	1	3	PH-3.H.1	Zoning Resolutions and Zoning Approvals [34-202(a)(8)]

Number of Copies*			Exhibit Number	SUBMITTAL ITEMS
Var. or Spe. Exc.	Conv. Rez.	PDs		
1	3	3	PH-3.I.2.	Structure Affidavit (if applicable) [34-202(b)(3)]
1	3	3	PH-3.I.3.	Affidavit entitled "Existing Agricultural Uses at Time of Zoning Application" (if applicable) [34-202(b)(7)]
1	3	3	PH-3.L.2	Deed Restrictions\Covenants (if applicable) [34-202(b)(2)]
1	3	3	PH-3.L.3	Narrative addressing effect of Deed Restrictions (if applicable) [34-202(b)(2)]
1	3	15	PH-4.B	Information Regarding Proposed Blasting (if applicable). [34-202(b)(6)]
0	0	4	PH-4.C	Bonus Density Application (if applicable) [34-202(b)(5)]
1	3	4	PH-4.D	Hazardous materials emergency plan (if applicable) [34-202(b)(4)]
0	3	4	PH-4.E	Mobile Home Park Information (if applicable) [34-203(d)]
1	3	4	PH-4.F	Aviation Hazard (if applicable) [34-1001 et seq.]
1	3	4	PH-4.G.1	Summary of Public Informational Session for Planned Development Applications, Special Exceptions and Variance Requests and Conventional Rezoning Actions located within Estero Planning Community (if applicable) [33-54; Lee Plan Policy 19.5.3]
1	3	4	PH-4.G.2	Summary of Public Informational Session for Rezoning Actions, Special Exception and Variance Applications located within Captiva Planning Community and/or North Captiva Community Plan area (if applicable) [Lee Plan Policy 13.1.7 & 25.1.1]]
1	3	0	PH-4.G.3	Summary of Public Informational Session for Rezoning Actions, Special Exception and Variance Applications located within Boca Grande Planning Community (if applicable) [Lee Plan Policy 22.1.5]
0	0	4	PH-4.G.4	Summary of Public Informational Session for Planned Development Applications located within Caloosahatchee Shores Community Plan area (if applicable) [Lee Plan Policy 21.6.3]
0	0	4	PH-4.G.5	Summary of Public Informational Session for Planned Development Applications located within Page Park Community Plan area (if applicable) [Lee Plan Policy 27.11.2]
0	0	4	PH-4.G.6	Summary of Public Informational Session for Planned Development Applications located within Palm Beach Boulevard Community Plan area (if applicable) [Lee Plan Policy 23.5.2]
0	0	4	PH-4.G.7	Summary of Public Informational Session for Planned Development Applications, Special Exceptions and Variance Requests and Conventional Rezoning Actions located within or adjacent to the Buckingham Planning Community or with access to Buckingham Road (if applicable) [Lee Plan Policy 17.7.2]
0	0	4	PH-4.G.8	Summary of Public Informational Session for Planned Development Applications, Special Exceptions and Variance Requests and Conventional Rezoning Actions located within Pine Island Planning Community(if applicable) [Lee Plan Policy 14.7.1]
0	0	4	PH-4.G.9	Summary of Public Informational Session for Planned Development Applications, Special Exceptions and Variance Requests and Conventional Rezoning Actions located within Lehigh Acres Planning Community(if applicable) [Lee Plan Policy 32.12.2]
1	3	15	PH-4.H	Approved Waivers.(if applicable) [34-202(a)]
0	0	4	PH-4.I	Potable Water & Sanitary Sewer. If the answer to Item 4.I was YES, provide a letter from the appropriate utility entity confirming availability of service. If the answer to Item 4.I was NO, an explanation must be attached providing the reason(s) why connection to potable water and sanitary sewer system is not proposed as part of any development of the parcel subject to the request along with an explanation as to the means proposed to meet the water and sewer needs for the project. [34-202(b)(8)]

\* At least one copy must be an original.

PART 1 AFFIDAVIT A2  
(EXHIBIT PH-1.B.2)

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AFFIDAVIT FOR PUBLIC HEARING  
APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED  
COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, \* James Kinsey as Managing Member  
of Athyrio Development Associates, LLC, swear or affirm under oath, that I am the owner  
or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I am hereby authorizing the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Athyrio Development Associates, LLC  
\*Name of Entity (corporation, partnership, LLP, LC, etc)

[Signature]  
Signature  
Managing Member  
(title of signatory)

James Kinsey  
(Type or printed name)

STATE OF FL  
COUNTY OF Lee

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 9/13/2010 (date) by  
James Kinsey (name of person providing oath or affirmation), who is  
personally known to me or who has produced \_\_\_\_\_ (type of identification)  
as identification.

Rosanne Stott  
Signature of person taking oath or affirmation

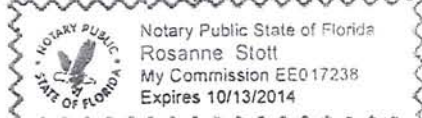
Rosanne Stott  
Name typed, printed or stamped

NOTARY FLORIDA  
Title or rank

EE017238  
Serial number, if any

\*Notes:

- If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.
- If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."
- If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
- If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.
- If the applicant is a trustee, then they must include their title of "trustee."
- In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.



DCI 2010-00015

**EXHIBIT PH-2.B.1  
DISCLOSURE OF INTEREST FORM FOR:**

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COMMUNITY DEVELOPMENT

**STRAP NO.** 34-43-24-00-00001.3030 **CASE NO.** \_\_\_\_\_

1. If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address	Percentage of Ownership
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

2. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name and Address	Percentage of Stock
STARBOARD DEVELOPMENT CORP. C/O JAMES KINSEY P.O. BOX 1662, FORT MYERS, FL 33902	40%
BRYBAR HOLDINGS LLC C/O JOHN KINSEY 5600 NW 23 TERRACE, BOCA RATON, FL 33496	40%
PACIFIC PEAK, INC. C/O WEN WU 14975 TECHNOLOGY CT, FORT MTYERS, FL 33912	20%

3. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

4. If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address	Percentage of Ownership
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

DCI 2010-00015

5. If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name and Address	Percentage of Stock
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of Contract: \_\_\_\_\_

6. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name and Address	Percentage of Stock
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

Signature: *James E. Kinsey*

(Applicant)

James Kinsey

(Printed or typed name of applicant)

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STATE OF FLORIDA  
COUNTY OF LEE

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The foregoing instrument was acknowledged before me this 8/18/2010 (date) by

James E Kinsey Jr

who is personally known to me or who has produced

\_\_\_\_\_ as identification. .

*Rosanne Stott*

Signature of Notary Public

Rosanne Stott

Printed Name of Notary Public

(SEAL)

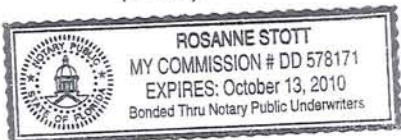


EXHIBIT PH-1.C.2  
ADDITIONAL AGENTS

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COMMUNITY DEVELOPMENT

Company Name: EnSite, Inc.

Contact Person: Brian R. Smith

Address: Street : 1514 Broadway, Suite 201

City, State, Zip: Fort Myers, FL 33901

Phone: (239) 226-0024 Fax: (239) 226-0094

E-mail: brians@en-site.com

Company Name: TR Transportation Consultants, Inc.

Contact Person: Ted Treesh

Address: Street : 2726 Oak Ridge Court, Suite 503

City, State, Zip: Fort Myers, FL 33901

Phone: (239) 278-3090 Fax: (239) 278-1906

E-mail: tbt@trtrans.net

Company Name: D. Cramer Surveying, Inc.

Contact Person: Keith Cramer, P.S.M.

Address: Street : 1031 Cape Coral Parkway East, Suite # 209

City, State, Zip: Cape Coral, FL

Phone: (239) 540-8556 Fax: (239) 540-4750

E-mail: keith@cramersurveying.com

Company Name: EnSite, Inc.

Contact Person: Jeffrey M. Roman, P.E.

Address: Street : 1514 Broadway, Suite 201

City, State, Zip: Fort Myers, FL 339014

Phone: (239) 226-0024 Fax: (239) 226-0094

E-mail: jeffr@en-site.com

DCI 2010-00015

**PUBLIC HEARING  
SUPPLEMENT D**

**ADDITIONAL REQUIRED INFORMATION FOR  
A PLANNED DEVELOPMENT APPLICATION  
UNINCORPORATED LEE COUNTY**

**Case Number:** \_\_\_\_\_  
**Project Name:** DIPLOMAT PROPERTY RPD/CPD  
**Applicant's Name:** ATHYRIO DEVELOPMENT ASSOCIATES, LLC  
**STRAP Number(s):** PORTION OF 34-43-24-00-00001.3030

**Brief Summary of Project:**

Rezone the subject property from RPD to RPD/CPD to allow for a maximum 350-bed Assisted Living Facilities (ALF), 80 dwelling units, and 50,000 s.f. of medical office uses.

**Select one application type only**

- DRI (rezoning required)
- DCI-Major
- DCI-Minor
- DCI-Minor - Existing Development <sup>(1)</sup>
- DCI-Minor - Amendment to approved Master Concept Plan <sup>(2)</sup>
- Amendment to built Planned Development meeting DCI threshold <sup>(3)</sup>
- PRFPD in Private Recreational Facilities Overlay Area [(34-341(a)(2))]

DCI 2010-00015

**Notes:**

- (1) Existing development. A development that has already been developed but does not conform to the regulations for a conventional district and is requesting a rezoning to a Planned Development classification. It will be reviewed in the same manner as a minor Planned Development except that a Traffic Impact Statement will not be required. [34-341(b)(2)d.1.]
- (2) Amendments to approved Master Concept Plan. Application to amend an approved Major or Minor Master Concept Plan or its attendant documentation, or for the extension of a vacated Master Concept Plan originally approved prior to December 2, 1991 will be treated procedurally as Minor Planned Developments (see exception below). These applications will require only as much information, as deemed necessary by the Director, needed to describe the changes requested, to specify the incremental change in impacts expected from the amendment, and to detail the changes in development, environment and background (surrounding

land use, traffic volumes, water, wastewater and other service availability, etc.), that have occurred since the original application. [34-341(b)(2)d.2.]

If a proposed amendment to an approved Planned Development would, if taken by itself, constitute a Major Planned Development {Development of County Impact - see LCLDC Section 34-341(b)(1)} then the application to amend must proceed as a new and separate Major Planned Development. [34-380(c)]

- (3) Amendments to built planned developments (PD). Any part or all of a planned development that is built may be the subject of an application for a variance or other approval covered by this chapter wherein the subject property is the only part of the original planned development that will be affected by the requested approval. The application may include a legal description and sketch of the portion of the overall planned development that will be directly affected by the rezoning request. The application must include a legal description and sketch of the entire planned development boundary.

If the subject property meets the threshold for a development of county impact, it will be reviewed in accordance with the provisions in this chapter that apply to developments of county impact. If the subject property is not a development of county impact, it will be reviewed in accordance with the provisions in this chapter that apply to conventional zoning districts. In either case, the applicant will be the owner of the subject property and the consent of the owners of the remainder of the original planned development will be unnecessary. However, these owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property.

For purposes of this subsection, the term "built" means that all of the roads, utilities, buffering, open space, surface water management features and structures, common space, common amenities, common landscaping, gatehouses, entrance signs, entrance ways and other similar items identified as part of the final approved master concept plan have been constructed and acknowledged by the county as complete. In the case of residential planned developments or mixed developments that include residential structures, the term "built" does not mean that all residential structures must have been constructed on individual platted lots. [34-373(c)]

- (4) Applications for Rezoning in the Greater Pine Island Planning Community/Greater Pine Island Concurrency and Traffic-Based Growth Limitations. Concurrency compliance and traffic-based growth limitations for property located in Greater Pine Island, as identified on the future land use map and described in section 33-1002, will be determined in accordance with the level of service and restrictions set forth in Lee Plan policies 14.2.1 and 14.2.2 to the extent the policies provide additional restrictions that supplement other provisions of this code. These policies require the following:

- (a) The minimum acceptable level of service standard for Pine Island Road between Burnt Store Road and Stringfellow Boulevard is level of service D on an annual average peak-hour basis and level of service E on a peak-season peak-hour basis using methodologies from the 1985 Highway Capacity Manual Special Report 209. This standard will be measured at the county's permanent count station #3 on Little Pine Island at the western edge of Matlacha and will apply to all of Greater Pine Island.
- (b) In addition, when traffic on Pine Island Road at the western edge of Matlacha reaches 810 peak-hour annual average two-way trips, rezonings in Greater Pine Island that increase traffic on Pine Island Road may not be granted. During the rezoning process only, three types of exceptions to this rule may be considered:
- (1) Minor rezonings on infill properties surrounded by development at similar densities or intensities. A minor rezoning under this exception may not rezone more than five acres of land or have a net effect of allowing more than 15 additional dwelling units.
  - (2) Rezoning that would have insignificant or trivial effects on traffic flows at the western edge of Matlacha during peak periods in the peak (busier) direction, or would have positive effects by reducing trips during those peak flow periods.
  - (3) Rezoning to accommodate small enterprises that promote the natural features or cultural heritage of Greater Pine Island. Small enterprises are those that operate with five or fewer full-time employees. **[33-1011(a) & (b)]**

**PART 1  
GENERAL INFORMATION**

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**COMMUNITY DEVELOPMENT**

**A. Comprehensive Plan Amendments (check one):**

- There are **NO** LEE Plan Amendments pending that could affect the future use of this property.
- The following LEE Plan Amendments **ARE** pending and could affect the future use of this property. (List uses and brief explanation of their effect on this application):

**B. Archaeological/Historical (check one):**

- There are **NO** known or recorded historical or archaeological sites on the property and no part of the property is located within a level 1 or level 2 zone of archaeological sensitivity pursuant to LCLDC Chapter 22 [22-106]. [34-373(a)(4)h.]
- There are known or recorded historical or archaeological sites on the property or part of the property is located within a level 1 or level 2 zone of archaeological sensitivity pursuant to LCLDC Chapter 22 [22-106]. Attached as **Exhibit D-1-B** is a map indicating the nature and location of known or recorded historical or archaeological or areas of the property located within level 1 or level 2 zones of archaeological sensitivity including the outline of historic buildings and approximate extent of archaeological sites. [34-373(a)(4)h.]

**C. Public Transit (check one):**

- Property is **NOT** within the Lee Tran public transit service area.
- Property is within the Lee Tran public transit service area. A map or other depiction of the property in relation to existing and proposed public transit routes, as well as to bus stops must be provided. Label as **Exhibit D-1-C**.

**D. Density**

- There are no residential dwelling units proposed for this development.
- The property is located within one or more Future Land Use categories. Density has been calculated in **Part 3** of this application and is summarized below:

Intensive Development		Proposed dwelling units	
Central Urban	<u>168</u>	Proposed dwelling units	350 ALF units/4 = 87.5
Urban Community		Proposed dwelling units	80 standard du = 80
Suburban		Proposed dwelling units	TOTAL = 168
Outlying Suburban		Proposed dwelling units	
University Community		Proposed dwelling units	
Rural		Proposed dwelling units	
Outer Islands		Proposed dwelling units	
Rural Community Preserve		Proposed dwelling units	
Open Lands		Proposed dwelling units	
DR/GR		Proposed dwelling units	
Coastal Rural		Proposed dwelling units	
Wetlands		Proposed dwelling units	
New Community		Proposed dwelling units	
<b>TOTAL</b>	<u>168</u>	Proposed dwelling units	

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PART 2  
TYPES OF LAND AREA ON PROPERTY

COMMUNITY DEVELOPMENT  
35.2 Acres

<b>A. Gross Acres (total area within described parcel)</b>	<u>35.2</u> Acres
1. Submerged land subject to tidal influence:	<u>0</u> Acres
2. Other non-freshwater Wetlands:	<u>0</u> Acres
3. R-O-W providing access to non-residential uses:	<u>1.9</u> Acres
4. Non-residential use areas <sup>(1)</sup>	<u>5.3</u> Acres
<b>B. Total area not eligible as gross residential acreage. Items A.1. + A.2 + A.3. + A.4.</b>	<u>7.2</u> Acres
<b>C. Gross residential acres. (A minus B) <sup>(2)</sup></b>	<u>28</u> Acres
<b>D. Gross residential acres by Land Use Category</b>	
1. a. Intensive development - upland	<u>          </u> Acres
b. Intensive development - freshwater wetland	<u>          </u> Acres
2. a. Central Urban - upland	<u>28</u> Acres
b. Central Urban - freshwater wetland	<u>          </u> Acres
3. a. Urban Community or Suburban - upland	<u>          </u> Acres
b. Urban Community or Suburban freshwater wetland	<u>          </u> Acres
4. a. Outlying Suburban - upland	<u>          </u> Acres
b. Outlying Suburban - freshwater wetland	<u>          </u> Acres
5. a. Rural, Outer Island, Rural Community Preserve - upland	<u>          </u> Acres
b. Rural, Outer Island, Rural Community Preserve -	<u>          </u> Acres
6. a. Open Lands - upland	<u>          </u> Acres
b. Open Lands - freshwater wetland	<u>          </u> Acres
7. a. DR/GR - upland	<u>          </u> Acres
b. DR/GR - freshwater wetland	<u>          </u> Acres
8. a. Wetlands - freshwater	<u>          </u> Acres
b. Wetlands - not freshwater	<u>          </u> Acres
9. a. New Community - Upland	<u>          </u> Acres
b. New Community - freshwater wetland	<u>          </u> Acres
10. a. University Community - upland	<u>          </u> Acres
b. University Community - freshwater wetland	<u>          </u> Acres
11. a. Coastal Rural-Upland	<u>          </u> Acres
b. Coastal Rural-freshwater wetland	<u>          </u> Acres
<b>TOTAL (should equal "C" above)</b>	<u>28</u> Acres

Notes:

- (1) Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included.
- (2) Lands to be used for residential uses including land within the development proposed to be used for streets and street rights of way, utility rights-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made waterbodies.

DCI 2010-00015

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**PART 3  
 RESIDENTIAL DEVELOPMENTS  
 PRELIMINARY DENSITY CALCULATIONS\***

- \* Note: i. Complete only if living units are proposed in a Future Land Use Category.  
 ii. If more than one classification, calculations for each classification must be submitted.  
 iii. If wetlands are located on the property, density calculations are considered preliminary pending a wetlands jurisdictional determination.

**A. Intensive Development Category**

	Maximum standard density	Units
<b>1. Preliminary Standard Units</b>		
a. Total upland Acres (from Part 2, D.1.a.)	_____ times 14 equals	_____
b. Total freshwater wetland Acres (from Part 2, D.1.b.)	_____ times 14 equals	_____
c. Preliminary Total Standard units (a. plus b.) <sup>(1)</sup>		_____
<b>2. Maximum Permitted Units</b>	<b>Maximum permitted</b>	<b>Units</b>
a. Total upland Acres (from Part 2, D.1.a.)	_____ times 18 equals	_____
<b>3. Total allowed standard units (A.1.c. or A.2.a., whichever is less)</b>		_____
<b>4. Bonus Units<sup>(2)</sup></b>		
a. Low-moderate housing density:		_____
b. TDR units:		_____
c. Sub-total (A.4.a. plus A.4.b.)		_____
<b>5. Total Permitted Units (A.3. plus A.4.c.):<sup>(1)</sup></b>		_____

**B. Central Urban Category**

	Maximum standard density	Units
<b>1. Preliminary Standard Units</b>		
a. Total upland Acres (from Part 2, D.2.a.)	28 times 10 equals	280
b. Total freshwater wetland Acres (from Part 2, D.2.b.)	_____ times 10 equals	_____
c. Preliminary Total Standard units (a. plus b.) <sup>(1)</sup>		280
<b>2. Maximum Permitted Units</b>	<b>Maximum permitted</b>	<b>Units</b>
a. Total upland Acres (from Part 2, D.2.a.)	28 times 12.5 equals	350
<b>3. Total allowed standard units (B.1.c. or B.2.a., whichever is less)</b>		280
<b>4. Bonus Units<sup>(2)</sup></b>		
a. Low-moderate housing density:		N/A
b. TDR units:		N/A
c. Sub-total (B.4.a. plus B.4.b.)		N/A
<b>5. Total Permitted Units (B.3. plus B.4.c.):<sup>(1)</sup></b>		280

**Notes:**

- (1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.  
 (2) If low-moderate housing density credits or Transfer of Development Rights (TDRs) credits are included, attach the calculations and approvals hereto.

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**C. Urban Community Category**

		COMMUNITY DEVELOPMENT	
		Maximum standard density	Units
1.	<b>Preliminary Standard Units</b>		
a.	Total upland Acres (from Part 2, D.3.a.)	_____ times 6 equals	_____
b.	Total freshwater wetland Acres (from Part 2, D.3.b.)	_____ times 6 equals	_____
c.	Preliminary Total Standard units (a. plus b.) <sup>(1)</sup>		_____
2.	<b>Maximum Permitted Units</b>	<b>Maximum permitted</b>	<b>Units</b>
a.	Total upland Acres (from Part 2, D.3.a.)	_____ times 8 equals	_____
3.	<b>Total allowed standard units (C.1.c. or C.2.a, whichever is less)</b>		_____
4.	<b>Bonus Units</b> <sup>(2)</sup>		
a.	Low-moderate housing density:		_____
b.	TDR units:		_____
c.	Sub-total (D.4.a. plus D.4.b.)		_____
5.	<b>Total Permitted Units (C.3. plus C.4.c.):</b> <sup>(1)</sup>		_____

Notes:

- (1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.
- (2) If Low-moderate housing density credits or Transfer of Development Rights (TDRs) credits are included, attach the calculations and approvals hereto.

**D. Suburban Category**

1.	<b>Preliminary Standard Units</b>	<b>Maximum standard density</b>	<b>Units</b>
a.	Total upland Acres (from Part 2, D.3.a.)	_____ times 6 equals	_____
b.	Total freshwater wetland Acres (from Part 2, D.3.b.)	_____ times 6 equals	_____
c.	Preliminary Total Standard units (a. plus b.) <sup>(1)</sup>		_____
2.	<b>Maximum Permitted Units</b>	<b>Maximum permitted</b>	<b>Units</b>
a.	Total upland Acres (from Part 2, D.3.a.)	_____ times 8 equals	_____
3.	<b>Total allowed standard units (D.1.c. or D.2.a., whichever is less)</b>		_____

**E. Outlying Suburban Category**

1.	<b>Preliminary Standard Units</b>	<b>Maximum standard density</b>	<b>Units</b>
a.	Total upland Acres (from Part 2, D.4.a.)	_____ times 3 equals	_____
b.	Total freshwater wetland Acres (from Part 2, D.4.b.)	_____ times 3 equals	_____
c.	Preliminary Total Standard units (a. plus b.) <sup>(1)</sup>		_____
2.	<b>Maximum Permitted Units</b>	<b>Maximum permitted</b>	<b>Units</b>
a.	Total upland Acres (from Part 2, D.4.a.)	_____ times 4 equals <sup>(1)</sup>	_____
3.	<b>Total allowed standard units (E.1.c. or E.2.a., whichever is less)</b>		_____

Notes:

- (1) Outlying Suburban land located north of the Caloosahatchee River and east of Interstate-75, north of Pondella Road and south of Pine Island Road (SR 78), and in the Buckingham area (see Goal 19 of the LEE Plan): the maximum upland density is two (2) units per acre plus one (1) for a total of three (3) units per acre.

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**PART 4  
COMMERCIAL, INDUSTRIAL, MINING, ASSISTED LIVING FACILITIES,  
HOTELS & MOTELS  
PRELIMINARY INTENSITY CALCULATIONS**

**COMMUNITY DEVELOPMENT**

<b>A. Commercial</b>		<b>Habitable Stories</b>	<b>Height</b>	<b>Total Floor Area</b>	
A.1.	Medical	2 stories	35'	50,000	Sq. Ft.
A.2.	General Office			0	Sq. Ft.
A.3.	Retail			0	Sq. Ft.
A.4.	Other			0	Sq. Ft.
A.5.	<b>TOTAL FLOOR AREA</b>			50,000	Sq. Ft.
<b>B. Industrial</b>		<b>Habitable Stories</b>	<b>Height</b>	<b>Total Floor Area</b>	
B.1.	Under Roof			0	Sq. Ft.
B.2.	Not under Roof	NA		0	Sq. Ft.
B.3.	<b>TOTAL FLOOR AREA</b>			0	Sq. Ft.
<b>C. Mining</b>			<b>Depth</b>	<b>Total Acres</b>	
C1.	Area to be excavated	NA			Acres
<b>D. Assisted Living Facilities</b>		<b>Habitable Stories</b>	<b>Height</b>	<b>Total Number of Beds/Units</b>	
D.1.	Dependent Living Units	3 stories	45'	350	Beds/Units
D.2.	Independent Living Units			0	Beds/Units
D.3.	<b>TOTAL BEDS/UNITS</b>			350	Beds/Units
<b>E. Hotels/Motels</b>				<b>Number of Rental Units</b>	
	<b>Room Size</b>	<b>Habitable Stories</b>	<b>Height</b>		
E.1.	< 425 sq. ft.			0	Units
E.2.	426-725 sq. ft.			0	Units
E.3.	725 < sq. ft.			0	Units
E.4.	<b>TOTAL UNITS</b>			0	Units

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**PART 5  
ENVIRONMENTAL ISSUES**

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**A. Topography:** Describe the range of surface elevations of the property:

The surface elevations of the property range from a low of -5.3 feet (existing lake) to a high of 17.7 feet.

**B. Sensitive Lands:** Identify any environmentally sensitive lands, including, but not limited to, wetlands (as defined in the LEE Plan Section XII), flowways, creek beds, sand dunes, other unique land forms [see LEE Plan Policy 77.1.1 (2)] or listed species occupied habitat [see LCLDC Section 10-473].

Please refer to approved waiver from environmental submittal requirements, attached as Exhibit PH-4.H. A protected species survey and FLUCCS map were provided as part of the original zoning application (DCI2005-00055). The indigenous and protected species preserve areas associated with the Diplomat Property RPD/CPD are approved in the southern RPD/CPD parcels, located south of Diplomat Parkway per Z-06-004.

continued

DCI 2010-00015

C. **Preservation/Conservation of Natural Features:** Describe how the lands listed in PART 4.B. above will be protected by the completed project:

Please refer to approved waiver from environmental submittal requirements, attached as Exhibit PH-4.H. The indigenous and protected species preserve areas associated with the Diplomat Property RPD/CPD are approved in the southern RPD/CPD parcels, located south of Diplomat Parkway per Z-06-004. The Applicant has also obtained an Environmental Resource Permit (ERP) through the South Florida Water Management District, in addition to required permitting through the U.S. Army Corps of Engineers (ACOE) for the entire RPD/CPD.

Per these approvals from Lee County, State, and Federal agencies, the required vegetation and protected species preservation to support the development will be provided in the southern portion of the approved RPD/CPD. Therefore, the proposed amendment will not impact the existing approvals for indigenous preservation, either by relocating or decreasing total preserve area.

D. **Shoreline Stabilization:** If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:

Not Applicable.

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COMMUNITY DEVELOPMENT

PART 6  
SANITARY SEWER & POTABLE WATER FACILITIES

- A. **Special Effluent:** If the discharge of any special effluent is anticipated, please specify what it is and what strategies will be used to deal with its' special characteristics:

Not Applicable.

- B. **Private On-Site Facilities:** If a private on-site wastewater treatment and disposal facility is proposed, please provide a detailed description of the system including:

1. Method and degree of treatment:

Not Applicable.

2. Quality of the effluent:

Not Applicable.

3. Expected life of the facility:

Not Applicable.

4. Who will operate and maintain the internal collection and treatment facilities:

Not Applicable.

5. Receiving bodies or other means of effluent disposal:

Not Applicable.

continued

DCI 2010-00015

C. **Spray Irrigation:** If spray irrigation will be used, specify:

1. The location and approximate area of the spray fields:

Not Applicable.

2. Current water table conditions:

Not Applicable.

3. Proposed rate of application:

Not Applicable.

4. Back-up system capacity:

Not Applicable.

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COMMUNITY DEVELOPMENT

DCI 2010-00015

**PART 7 - SUBMITTAL REQUIREMENTS**

Copies* Required	Exhibits	Item
<b>PUBLIC HEARING APPLICATION FORM</b>		
15		<b>Public Hearing Application Form (Application for Public Hearing for Zoning Action Form, OR, if a DRI with Rezoning, submit Application for Public Hearing for a DRI Form). [34-373(a)(1)]</b>
1		<b>Application Fee. [34-373(a)(2)]</b>
<b>DESCRIPTION OF EXISTING CONDITIONS</b>		
4	D-1-B	<b>Historical or Archaeological sites:</b> The nature and location of any known or recorded historical or archaeological sites as listed on the Florida Master Site File or the Lee County Historical Site Survey, and the location of any part of the property that is located within level 1 or level 2 zones of archaeological sensitivity pursuant to LCLDC Chapter 22 [22-106]. The plan must show the outline of historic buildings and approximate extent of archaeological sites. A description of proposed improvements that may impact archaeological or historical resources must also be provided. <b>[34-373(a)(4)h.]</b>
15	D-1-C	<b>Public Transit.</b> A map or other depiction of the property in relation to existing and proposed public transit routes, as well as to bus stops, if located within the Lee Tran public transit service area. <b>[34-373(a)(4)g.]</b>
5	D-7-A	<b>A Boundary Survey</b> , prepared and sealed by a professional surveyor, that meets the minimum technical standards set forth in chapter 61G-17-6, F.A.C. The boundary survey must identify and depict all easements effecting the subject property, whether recorded or unrecorded, and all other physical encumbrances readily identified by a field inspection. <b>(2 originals required) [34-373(a)(4)a.]</b>
15	D-7-B	<b>Area Location Map</b> (on 8.5" x 11" paper). A map marked to show the location of the property to be developed in relation to arterial and collector streets <u>as well as the location of existing easements and rights-of-way on or abutting the property.</u> <b>[34-373(a)(4)b.]</b>
15	D-7-C	<b>Existing Zoning and Current Land Uses.</b> A map or other depiction of the existing zoning and current land uses (i.e. single family residence, multiple-family building, retail commercial, office building, etc.) surrounding the tract or parcel to a distance of 500 feet. <b>[34-373(a)(4)c.]</b>
15	D-7-D	<b>Aerial Photograph</b> with the site clearly delineated. <b>[34-373(a)(4)d.] Originals only - photocopies are not acceptable.</b>
4	D-7-E	<b>Soils Map.</b> Maps drawn at the same scale as the Master Concept Plan marked or overprinted to show the soils classified in accordance with the USDA/SCS System. <b>[34-373(a)(4)e.i.]</b>
4	D-7-F	<b>FLUCCS Map.</b> A Florida Land Use, Cover and Classification System (FLUCCS) map, at the same scale as the Master Concept Plan, prepared by an environmental consultant. The FLUCCS map must clearly delineate any Federal and State jurisdictional wetlands and other surface waters, including the total acreage of Federal and State wetlands. <b>[34-373(a)(4)e.ii.]</b>
4	D-7-G	<b>Rare &amp; Unique Upland Habitat Map.</b> Maps drawn at the same scale as the Master Concept Plan marked or overprinted to show significant areas of rare and unique upland habitat as defined in the LEE Plan Section XII. <b>[34-373(a)(4)e.iii.]</b>
4	D-7-H	<b>Topographic Map.</b> A County topographic map (if available) or a USGS quadrangle map showing the subject property. <b>[34-373(a)(4)e.iv.]</b>
4	D-7-I	<b>Existing and Historic Flow-Ways Map.</b> Map(s) drawn at the same scale as the master concept plan marked or overprinted to show existing and historic flow-ways. <b>[34-373(a)(4)e.v.]</b>

Copies* Required	Exhibits	Item
<b>NARRATIVE COMPLIANCE STATEMENTS</b>		
15	D-7-J	<b>LEE Plan Compliance.</b> A narrative explanation as to how the proposed development complies with the LEE Plan. <b>[34-373(a)(5)]</b>
3	D-7-K	<b>Design Standards Compliance.</b> A narrative explanation as to how the proposed development complies with the Design Standards set forth in LCLDC Section 34-411. <b>[34-373(a)(5)]</b>
3	D-7-L	<b>Decision-Making Compliance.</b> A narrative explanation as to how the proposed development complies with the guidelines for decision-making embodied in LCLDC Sections 34-145(c)(2)a & e. and 34-145(d)(3). <b>[34-373(a)(5)]</b>
<b>MASTER CONCEPT PLAN</b>		
2 & 15	D-7-M.1 (24X 36) & D-7-M.2 (11X17)	<b>Master Concept Plan, Non-PRFPD .</b> A graphic illustration (Master Concept Plan) of the proposed development, showing and identifying the information required by LCLDC Section 34-373(a)(6)a - i. Copies of the Master Concept Plan must be provided in two sizes, 24" x 36" (2 copies), and 11" x 17" (15 copies - <b>2 originals required</b> ) in size and must clearly legible and drawn at a scale sufficient to adequately show and identify the required information. {See Instructions, Part 7, below.} <b>[34-373(a)(6)]</b>
2 & 15	D-7-N.1 (24X36) & D-7-N.2 (11X17)	<b>Master Concept Plan, PRFPD :</b> A clearly legible and properly scaled drawing (Master Concept Plan) showing and identifying the information required by LCLDC Section 34-941(g)(1). Copies of the Master Concept Plan must be provided in two sizes, 24" x 36" (2 copies), and 11" x 17" (15 copies - <b>2 originals required</b> ) in size and must clearly legible and drawn at a scale sufficient to adequately show and identify the required information. {See Instructions, Part 7, below.} <b>[34-941(g)]</b>
5	D-7-O	<b>Traffic Impact Statement.</b> A traffic impact statement in a format and to the degree of detail required by the County and in conformance with the adopted Lee County Administrative Code. <b>[34-373(a)(7)]</b> TIS is not required for an existing development. <b>[34-341(b)(2)d.1.]</b>
15	D-7-P	<b>Schedule of Uses.</b> A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property including the information required by LCLDC Section 34-373(a)(8). <b>[34-373(a)(8)]</b>
15	D-7-Q	<b>Schedule of Deviations and Written Justification.</b> A schedule of deviations and a written justification for each deviation requested as part of the Master Concept Plan. The location of each requested deviation must be located/shown on the Master Concept Plan. Deviation documentation and detail drawings including sample detail drawings must be provided illustrating how each deviation will operate to the benefit, or at least not to the detriment, of the public interest. <b>[34-373(a)(9); 34-412(a)]</b>
<b>ADDITIONAL REQUIREMENTS FOR MAJOR PDs</b>		
4	D-7-R	<b>Surface Water Management Plan</b> A written description of the surface water management plan as required by LCLDC Section 34-373(b)(1)a. - e. <b>[34-373(b)(1)]</b>
15	D-7-S	<b>Phasing Program.</b> If the development is to be constructed in phases or if the Traffic Impact Statement utilized phasing, then a description of the phasing program must be submitted. <b>[34-373(b)(3)]</b>
<b>ADDITIONAL REQUIREMENTS FOR LARGE PROJECTS</b>		
4	D-7-T	<b>Protected species survey.</b> A protected species survey is required for large developments (as defined in LCLDC Section 10-1) as specified in LCLDC Section 10-473. <b>[34-373(b)(2)]</b>
<b>ADDITIONAL REQUIREMENTS FOR AMENDMENTS TO BUILT PLANNED DEVELOPMENTS</b>		
4	D-7-U	<b>Proof of Notice to Other Property Owners.</b> The consent of the owners of the remainder of the original planned development is not required, but these owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property. <b>[34-373(c)]</b>

Copies* Required	Exhibits	Item
<b>ADDITIONAL REQUIREMENTS FOR DRIs</b>		
15	D-7-V	<b>Binding letter of interpretation from DCA or a complete and sufficient ADA (See also Application for Public Hearing for DRI Form) [34-373(d)(2)]</b>
<b>ADDITIONAL EXHIBITS - PRFPDs</b>		
4	D-7-W	<b>Conceptual Surface Water Management Plan.</b> A Conceptual Surface Water Management Plan must be submitted. The plan must be viable and take into consideration any natural flowway corridors, cypress heads, natural lakes, and the restoration of impacted natural flowway corridors. <b>[34-941(d)(3)b.i.1]</b>
15	D-7-X	<b>Well Drawdown Information.</b> If within an area identified as an anticipated drawdown area for existing or future well development, demonstration of compliance with LCLDC Section 34-941(d)(3)d.i & ii. must be provided. <b>[34-941(d)(3)d.]</b>
15	D-7-Y	<b>Preliminary Indigenous Restoration Plan.</b> A Preliminary Indigenous Restoration Plan must be provided if on-site indigenous restoration is being used to meet the indigenous native plant community preservation requirement. <b>[34-941(e)(5)f.iii.]</b>
15	D-7-Z	<b>Environmental Assessment.</b> An Environmental Assessment must be provided which includes, at a minimum, an analysis of the environment, historical and natural resources. <b>[34-941(g)(2)]</b>
15+	D-7-AA	<b>Demonstration of Compatibility.</b> Written statements concerning how the applicant will assure the compatibility of the proposed development with nearby land uses (by addressing such things as noise, odor, lighting and visual impacts), and the adequate provision of drainage, fire and safety, transportation, sewage disposal and solid waste disposal must be provided. <b>[34-941(g)(4)]</b>

\* At least one copy must be an original.