

# GIS Tracking Sheet

Case No.: DCI2007-00078

Intake Date: 12-12-07

Project Name: Cypress Woods RV Resort

STRAP Number(s): 11-44-25-00-00002, 101A / 11-44-25-00-00014, 0020

Planner Name: Chip B. Ext.

## LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING

Date:

7/14/11

INTAKE: DCI07078

LEGAL SUFFICIENT

☒ YES

☐ NO

Initials: CB

If not, give brief explanation:

- ① ~~Need legal for entire property, not just additional land~~
- ② " sketch, need bs showing easement & STATE PLANE coordinates.
- ③ ~~Need to be subject to zoning comply w/ LDC Sec 34-202(a)(2) and~~
- ~~There are easements & easements and then remove rules 3 & 4.~~

~~SURVEY NOT MAPPED~~ New Survey of Additioned.  
2.102 ac. added to title of property.

## MAP UPDATE following FINAL ACTION

Date:

☐ Hearing Examiner Decision

☒

Board of County Commissioner's Resolution

☐ Administrative Approval

☐

Blue Sheet

Zoning Notes:

Z-11-021, DCI2007-00078, 19DEC11, AMEND THE EXISTING RVPD/MHPD ZONING FOR CYPRESS WOODS R.V. RESORT TO INCLUDE AN ADDITIONAL 2.102 ACRES THAT WILL BE REZONED FROM (AG-2) to (RVPD/MHPD); CONDS.

MAP UPDATED

☒ YES

☐ NO

Initials:

If not, give brief explanation:

ZONE: RU-MH: 501183

ZONE: RU-MH: 501182

S:\WRITERS\Murphyge\gistracking.wpd

Tach w John Jensen for cred. P.D. - is plastic w/ruled. "Sung" to etc.

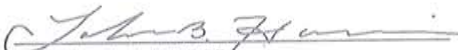
DCI 2007-00078

DESCRIPTION:

A TRACT OR PARCEL OF LAND LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (S.W.1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°15'35"W. ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER (S.W.1/4) FOR 1302.47 FEET TO THE NORTHEAST CORNER OF CYPRESS WOODS RV RESORT, UNIT THREE, AS RECORDED IN PLAT BOOK 72, PAGES 92 THROUGH 95, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.89°53'08"W. ALONG THE NORTH LINE OF CYPRESS WOODS RV RESORT, UNIT THREE FOR 1122.27 FEET; THENCE RUN N.00°17'00"E. FOR 1301.43 FEET TO A POINT ON THE NORTH LINE OF THE AFORESAID SOUTHWEST QUARTER (S.W.1/4); THENCE RUN S.89°56'19"E. ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER (S.W.1/4) FOR 11.92 FEET TO A POINT ON A ON TANGENT CURVE; THENCE RUN NORTHEASTERLY FOR 218.04 FEET ALONG THE ARC OF A CURVE CONCAVE SOUTHEASTERLY, WITH A RADIUS OF 255.00 FEET, A DELTA OF 48°59'28", A CHORD BEARING OF N.65°37'08"E. AND A CHORD DISTANCE OF 211.46 FEET TO A POINT OF TANGENCY; THENCE RUN S.89°53'08"E. FOR 917.66 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER (N.W.1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°15'35"W. ALONG SAID EAST LINE FOR 86.65 FEET TO THE POINT OF BEGINNING.

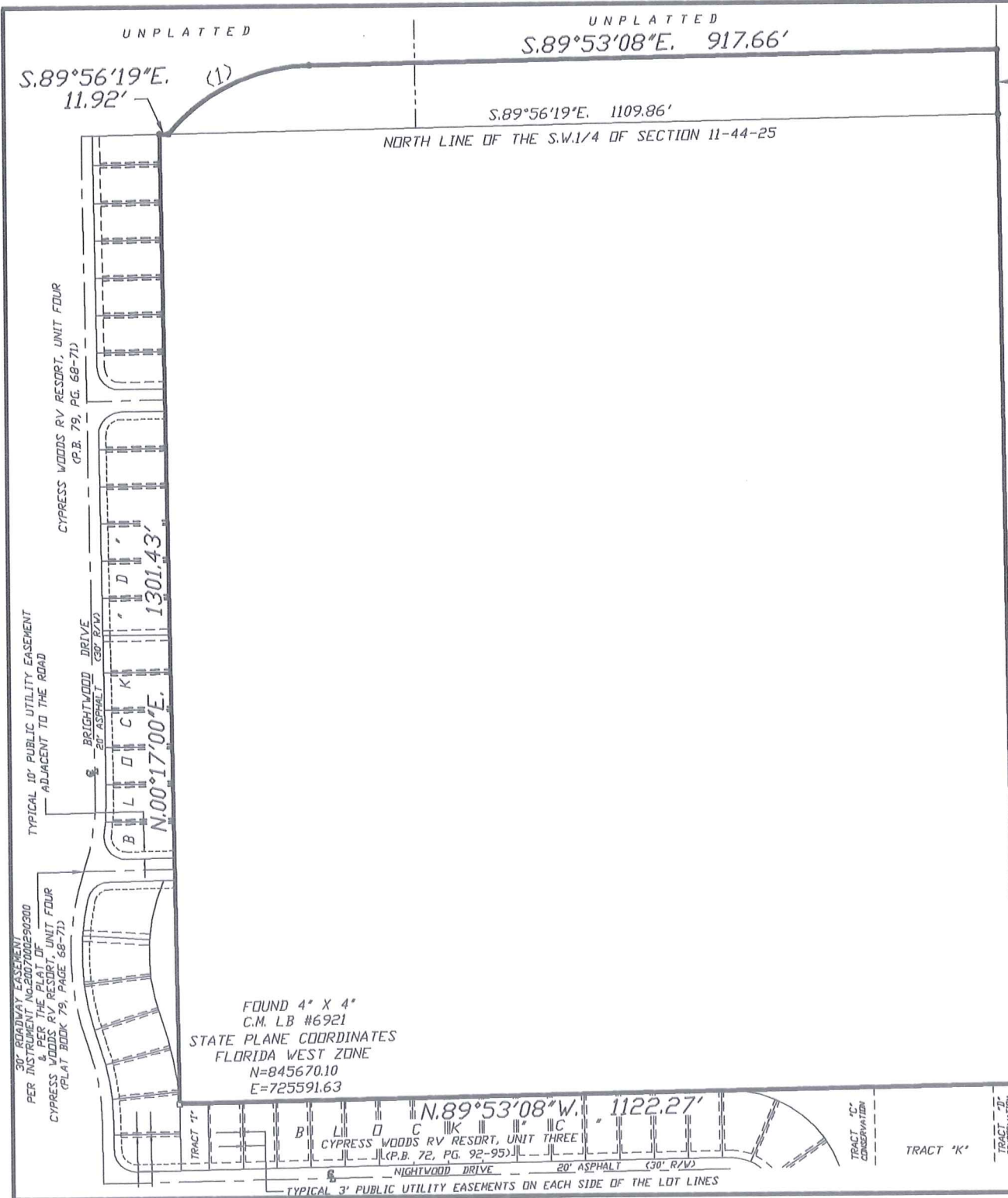
SAID TRACT CONTAINS 35.638 ACRES, MORE OR LESS.

  
JOHN B. HARRIS  
PLS #4631  
JULY 1, 2011

68  
7/14/11

APPROVED  
LEGAL





POINT OF BEGINNING  
SET 1/2" I.R. CAP PLS #4631  
AT THE N.E. CORNER OF THE  
S.W.1/4 OF SECTION 11-44-25  
&  
FOUND 3" X 3" C.M. LS #2465  
0.11' SOUTH & 1.27' WEST  
&  
FOUND 3" X 3" C.M. NO ID.  
2.2' SOUTH & 0.45' EAST  
STATE PLANE COORDINATES  
FLORIDA WEST ZONE  
N=846970.31  
E=726719.86

EAST LINE OF THE S.W.1/4  
OF SECTION 11-44-25

S.00°15'35"W. 1302.47'

82000-7002 1302

O.R. BOOK 2437, PAGE 674

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LEGAL

Curve number 1

Radius= 255.00'  
Delta= 48°59'28"  
Arc= 218.04'  
Tangent= 116.19'  
Chord= 211.46'  
Chord Brg.= N.65°37'08"E.

FOUND 4" X 4" C.M. LB #6921  
AT THE N.E. CORNER OF  
CYPRESS WOODS RV RESORT, UNIT THREE  
(P.B. 72, PG. 92-95)  
STATE PLANE COORDINATES  
FLORIDA WEST ZONE  
N=845667.86  
E=726713.90

SKETCH OF DESCRIPTION

# A PARCEL OF LAND LYING IN SECTION 11

TOWNSHIP 44 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA

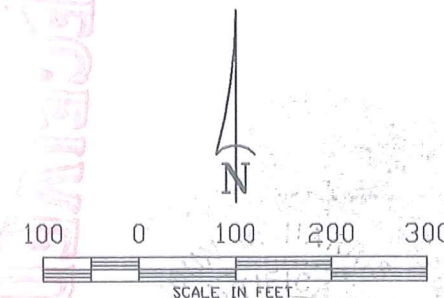
APPROVED  
LEGAL

## DESCRIPTION:

A TRACT OR PARCEL OF LAND LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (S.W.1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°15'35"W. ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER (S.W.1/4) FOR 1302.47 FEET TO THE NORTHEAST CORNER OF CYPRESS WOODS RV RESORT, UNIT THREE, AS RECORDED IN PLAT BOOK 72, PAGES 92 THROUGH 95, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.89°53'08"W. ALONG THE NORTH LINE OF CYPRESS WOODS RV RESORT, UNIT THREE FOR 1122.27 FEET; THENCE RUN N.00°17'00"E. FOR 1301.43 FEET TO A POINT ON THE NORTH LINE OF THE AFORESAID SOUTHWEST QUARTER (S.W.1/4); THENCE RUN S.89°56'19"E. ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER (S.W.1/4) FOR 11.92 FEET TO A POINT ON A ON TANGENT CURVE; THENCE RUN NORTHEASTERLY FOR 218.04 FEET ALONG THE ARC OF A CURVE CONCAVE SOUTHEASTERLY, WITH A RADIUS OF 255.00 FEET, A DELTA OF 48°59'28", A CHORD BEARING OF N.65°37'08"E. AND A CHORD DISTANCE OF 211.46 FEET TO A POINT OF TANGENCY; THENCE RUN S.89°56'19"E. FOR 917.66 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER (N.W.1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°15'35"W. ALONG SAID EAST LINE FOR 86.65 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 35.638 ACRES, MORE OR LESS.



|                                                                                                                                  |                |          |
|----------------------------------------------------------------------------------------------------------------------------------|----------------|----------|
| REVISED:                                                                                                                         | DESCRIPTION:   | BY:      |
| 7/12/07                                                                                                                          | UPDATE SURVEY: | FBH      |
| 1/10/09                                                                                                                          | REVISE SURVEY: | FBH      |
| 7/20/10                                                                                                                          | REVISE SKETCH: | FBH      |
| JOHN B. HARRIS, PSM<br>FLORIDA LAND SURVEYOR #4631                                                                               |                |          |
| DRAWN:                                                                                                                           | SCALE          | PROJ. #  |
| FBH                                                                                                                              | 1"=200'        | CW-U5    |
| SKETCH DATE                                                                                                                      | FILE NO.       | SHT. - 1 |
| 12/21/06                                                                                                                         | 44-25-11       | OF - 1   |
| HARRIS - JORGENSEN, INC.<br>2706 S.E. SANTA BARBARA PLACE<br>CAPE CORAL, FLORIDA<br>PHONE: (941) 772-9939<br>FAX: (941) 772-1315 |                |          |
| FLORIDA CERTIFICATE OF AUTHORIZATION # LB 6921                                                                                   |                |          |

**DUNCAN &  
ASSOCIATES, P.A.**

FOXWORTHY PROFESSIONAL BUILDING  
1601 JACKSON STREET, SUITE 101  
POST OFFICE BOX 249  
FORT MYERS, FLORIDA 33902-0249

TELEPHONE (239) 334-4574

FAX (239) 334-3378

EMAIL: [info@duncanassociatesfl.com](mailto:info@duncanassociatesfl.com)

GORDON R. DUNCAN

July 6, 2011

DCI 2007-00078

Board of County Commissioners, Lee County, Florida  
P.O. Box 398  
Fort Myers, FL 33902-0398

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COMMUNITY DEVELOPMENT

Re: Title Opinion Letter for Cypress Woods V, LLC

Dear Board Members:

The undersigned is counsel for Cypress Woods V, LLC, a Florida limited liability company ("Applicant") for the purpose of furnishing the following opinion, consistent with the provision of Florida Statutes, Section 177.041(2) for land as described in Exhibit 1. The opinions below apply through 8:00 a.m. as of June 17, 2011.

Wherefore, the undersigned states as follows:

1. **ATTORNEY:** That he is an attorney duly licensed by the Supreme Court of the State of Florida, License #258563 and that he is in good standing with the Florida Supreme Court and The Florida Bar as of the date of this letter opinion.
2. **TITLE:** The record title to the subject land (Exhibit 1) is in the name of Cypress Woods V, LLC, a Florida limited liability company pursuant to that certain warranty deed from Kenora Land, LLC to Cypress Woods V, LLC recorded October 10, 2007 as Instrument #2007000308405 Public Records of Lee County, Florida. The undersigned has searched Lee County records through the date set forth in the first paragraph of this letter and is of the opinion that there is no subsequent conveyance of the land described in Exhibit 1.
3. **MORTGAGE(S):** Mortgage(s) not satisfied or released of record nor otherwise terminated by law and encumbering the land described in Exhibit 1 consist only of the following mortgages and none other:



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Page 2

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A mortgage from Applicant to BAC Florida Bank whose address is 169 Miracle Mile R-10, Coral Gables, Florida 33134, recorded on June 7, 2004 in Official Records Book 4325, Page 4024 of the Public Records of Lee County, Florida as subsequently modified and amended.

A mortgage from Applicant to Peace River Investments of Wachula, LLC whose address is 1301 Shotgun Road, Weston, FL 33326 recorded on June 9, 2008 as Instrument #2008000153326 of the Public Records of Lee County, Florida.

4. **EASEMENTS:** The land described in Exhibit 1 is encumbered by the following easements:

☒ Declaration of Covenants for Cypress Woods RV Resort, OR Book 3205, Page 893, as amended

☒ Easement to Florida Power & Light at Deed Book 255, Page 492

☒ Easement to Florida Power & Light at OR Book 255, Page 496

☒ Oil, Gas & Mineral Lease to Exxon Corporation at OR Book 1053, Page 1246, as amended

☒ Conservation Easement to South Florida Water Management District at OR Book 3793, Page 2637 (Tracts "A" & "B" Unit 6 [now Phase V] and Tracts "A" & "B" Unit 4 [now Phase V])

☒ Easement from Cypress Woods RV Resort Associates (for Access) at OR Book 4315, Page 3112

☒ Agreement for Easements and Shared Use of Facilities from Cypress Woods RV Resort Associates and Cypress Woods RV Resorts Homeowners Association, Inc., at Instrument #2007000290300

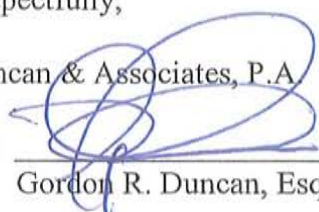
☒ Easement from Cypress Woods RV Resort Homeowners Association, Inc., to Comcast of California XIV, LLC at Instrument #2007000311232



5. **AUTHORITY:** Supporting documentation, Exhibit 2 attached hereto and made a part hereof, provides that Harp Management, LLC is the manager of Applicant and that Avi Harpaz as its president/manager is authorized to sign the instruments on behalf of the Applicant. It is the undersigned's opinion this empowerment is sufficient for the purpose intended.
6. **LEGAL DESCRIPTION:** The legal description, by metes and bounds, of the subject land is as shown on the attached Exhibit 1 and made a part hereof as if fully rewritten in this letter.

Respectfully,

Duncan & Associates, P.A.

By:   
Gordon R. Duncan, Esquire

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Parcel 1:

A tract or parcel of land lying in Section 11, Township 44 South, Range 25 East, Lee County, Florida, described as follows:

Beginning at the Northeast corner of the Southwest Quarter (SW (1/4)) of the aforesaid Section 11; thence run S 00°15'35" W along the East line of said Southwest Quarter (SW (1/4)) for 1302.47 feet to the Northeast corner of Cypress Woods RV Resort, Unit Three, as recorded in Plat Book 72, Pages 92 through 95, Public Records of Lee County, Florida; thence run N 89°53'08" W along the North line of said Cypress Woods RV Resort, Unit Three for 1122.27 feet; thence run N 00°17'00" E for 1301.43 feet to a point on the North line of the aforesaid Southwest Quarter (SW (1/4)); thence run S 89°56'19" E along the North line of said Southwest Quarter (SW (1/4)) for 11.92 feet to a point on a non-tangent curve; thence run Northeasterly for 218.04 feet along the arc of a curve concave Southeasterly, with a radius of 255.00 feet, a delta of 48°59'28", a chord bearing of N 65°37'08" E and a chord distance of 211.46 feet to a point of tangency; thence run S 89°53'08" E for 917.66 feet to a point on the East line of the Northeast Quarter (NE (1/4)) of the aforesaid Section 11; thence S 00°15'35" W along said East line for 86.65 feet to the Point of Beginning.

Parcel 2:

TOGETHER WITH: a Non-exclusive easement for ingress and egress for the benefit of Parcel 1 over the lands described on Exhibit C of that Easement Agreement between Cypress Woods RV Associates, a Florida general partnership and Kenora Land, LLC., a Florida limited liability company, filed May 27, 2004 in Official Records Book 4315, Page 3112, Public Records of Lee County, Florida.

Parcel 3:

TOGETHER WITH: that certain Agreement for Easements and Shared Use of Facilities, by and between Cypress Woods RV Resort Homeowners' Association, Inc., a Florida corporation, Cypress Woods RV Associates, a Florida general partnership and Cypress Woods V, LLC., a Florida limited liability company recorded in Official Records Instrument No. 2007000290300.





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**Detail by Entity Name****Florida Limited Liability Company**

CYPRESS WOODS V, LLC

**Filing Information**

Document Number L07000077248  
FEI/EIN Number 260596773  
Date Filed 07/26/2007  
State FL  
Status ACTIVE  
Effective Date 07/26/2007  
Last Event REINSTATEMENT  
Event Date Filed 07/21/2010  
Event Effective Date NONE

OCI 2007-00078

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JUL 1 2011

COMMUNITY DEVELOPMENT

**Principal Address**

5551 LUCKETT ROAD  
FORT MYERS FL 33905 US

**Mailing Address**

5551 LUCKETT ROAD  
FORT MYERS FL 33905 US

**Registered Agent Name & Address**

NOTTURNO, KENNETH C  
5551 LUCKETT ROAD  
FORT MYERS FL 33905 US

**Manager/Member Detail****Name & Address**

Title MGR

HARP MANAGEMENT, LLC  
5551 LUCKETT ROAD  
FORT MYERS FL 33905 US

**Annual Reports****Report Year Filed Date**

2009 07/21/2010  
2010 07/21/2010  
2011 04/29/2011



## Document Images

|                                                         |                          |
|---------------------------------------------------------|--------------------------|
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| <a href="#">07/21/2010 -- REINSTATEMENT</a>             | View image in PDF format |
| <a href="#">04/22/2008 -- ANNUAL REPORT</a>             | View image in PDF format |
| <a href="#">07/26/2007 -- Florida Limited Liability</a> | View image in PDF format |

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**Detail by Entity Name****Florida Limited Liability Company**

HARP MANAGEMENT, LLC

**Filing Information**

Document Number L06000014397  
FEI/EIN Number N/A  
Date Filed 02/08/2006  
State FL  
Status ACTIVE  
Last Event LC AMENDMENT AND NAME CHANGE  
Event Date Filed 05/22/2006  
Event Effective Date NONE

**Principal Address**

5551 LUCKETT RD.  
FT MYERS FL 33905

**Mailing Address**

5551 LUCKETT RD.  
FT MYERS FL 33905

**Registered Agent Name & Address**

NOTTURNO, KENNETH C  
5551 LUCKETT ROAD  
FORT MYERS FL 33905 US

Name Changed: 02/13/2007

Address Changed: 02/13/2007

**Manager/Member Detail****Name & Address**

Title MGR

HARPAZ, AVI PRES.  
5551 LUCKETT ROAD  
FT. MYERS FL 33905 US

Title MGR

HARPAZ, AMIR VP  
5551 LUCKETT ROAD  
FORT MYERS FL 33905 US

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COMMUNITY DEVELOPMENT



## Annual Reports

### Report Year Filed Date

|      |            |
|------|------------|
| 2009 | 01/27/2009 |
| 2010 | 05/27/2010 |
| 2011 | 04/29/2011 |

## Document Images

|                                                            |                          |
|------------------------------------------------------------|--------------------------|
| <a href="#">04/29/2011 -- ANNUAL REPORT</a>                | View image in PDF format |
| <a href="#">05/27/2010 -- ANNUAL REPORT</a>                | View image in PDF format |
| <a href="#">01/27/2009 -- ANNUAL REPORT</a>                | View image in PDF format |
| <a href="#">04/16/2008 -- ANNUAL REPORT</a>                | View image in PDF format |
| <a href="#">02/13/2007 -- ANNUAL REPORT</a>                | View image in PDF format |
| <a href="#">05/22/2006 -- LC Amendment and Name Change</a> | View image in PDF format |
| <a href="#">02/08/2006 -- Florida Limited Liability</a>    | View image in PDF format |

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DCI 2007-00078

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

WHEREAS, Cypress Woods V, LLC filed an application on behalf of the property owner, Kenora Holdings LLC, to rezone 2.102 acres (total legally described area 35.64± acres, Phase V) by amending the existing Recreational Vehicle Planned Development/Mobile Home Planned Development (RVPD/MHPD) zoning to include an additional 2.102 acres that will be rezoned from Agriculture District (AG-2) to Recreational Vehicle Planned Development/Mobile Home Planned Development (RVPD/MHPD) in reference to Cypress Woods RV Resort; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner was advertised and held on October 12, 2011; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2007-00078 and recommended approval with conditions of the Request; and

WHEREAS, a second public hearing was advertised and held on December 19, 2011 before the Lee County Board of Commissioners; and,

WHEREAS, the Lee County Board of Commissioners 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 2.102 acres (total legally described area 35.64± acres, Phase V) by amending the existing RVPD/MHPD zoning for Cypress Woods R.V. Resort to include an additional 2.102 acres that will be rezoned from AG-2 to RVPD/MHPD to allow an additional 18 lots within the resort. The property is located in the Urban Community 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 of this project must be consistent with the 3-page Master Concept Plan (MCP) entitled "Cypress Woods R.V. Resort," prepared by Barbot, Stuart & Associates, Inc., last revised 08/16/10 and date-stamped "AUG 23 2010," and attached hereto as Exhibit C, except as modified by the conditions below. 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.

The overall project is limited to a maximum total of 611 mobile home and recreational vehicle units. Development may not exceed any Development of Regional Impact threshold contained in Florida Statutes, without first obtaining approval of an Application for Development Approval.

2. Property Development Regulations

Lots within this development shall be developed in accordance with the following Property Development Regulations:

Minimum Lot Area and Dimensions:

Area: 4,140 square feet  
Width: 46 feet  
Depth: 90 feet

Minimum Setbacks:

Street: 20 feet  
Side Street: 10 feet [Deviation (4)]  
Side: 10 feet (for a recreational vehicle)  
5 feet (for mobile home)\*  
Rear: 20 feet  
Water Body: 25 feet

3. Mobile Home/Recreational Vehicle

The developer or subsequent master owner association must provide on or before December 31<sup>st</sup> of each year an accounting of the total number of lots existing within the development. The accounting must also provide the number of lots used for recreational vehicle and mobile home use. At no time may the number of lots exceed that permitted in Condition 1, nor may the number of recreational vehicles exceed 599. Lots permitted for mobile home use by Lee County, may not subsequently be used by a recreational vehicle.

4. Onsite Shelter

The on-site Hurricane Shelter provision for this development must be consistent with the commitment on the approved MCP.

5. Utilities

The development must be connected to a public or private central water system and a public or private central sewage disposal system.

6. Traffic Impacts

This zoning approval does not signify that the project's traffic impacts have been mitigated.



Additional conditions may be required at the time of issuance of a local development order per the Development Standards Ordinance or other Lee County Ordinance.

7. Allocation Table

Approval of this rezoning does not give the developer the undeniable right to receive any local development order approval that exceeds the year 2010 Overlay use allocation, if such allocation exists, for the applicable district.

8. Fox Squirrel Preserve Area & Northern Buffer

All areas shown on the MCP as fox squirrel preserve must be shown and labeled as such on any plans submitted for local development order approval, any golden polypody found on trees within development areas must be relocated to preserve areas wherever feasible.

Prior to local development order approval for Phase V, the landscape plans must depict restoration for the northern buffer in substantial compliance with the Habitat Restoration and Maintenance Guidelines (date-stamped "Received August 23, 2010" and attached as Exhibit D).

9. Solid Waste Management

This development must be consistent with LDC §10-261 and 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.

10. Open Space

The overall project must provide a minimum of 67.66 acres of open space for all phases of the project in substantial compliance with the MCP.

11. Indigenous Open Space

The project must provide a minimum of 36.64± acres of indigenous open space with credits for all phases of the project in conceptual compliance with the approved MCP.

12. Indigenous Maintenance and Management Plan

Prior to local development order approval for Phase V, the Applicant must submit a maintenance and management plan for the proposed Indigenous Preserve Areas as per the LDC §10-415(b)(4) for Division of Environmental Sciences review and approval.

13. Landscape Plans

Prior to local development order approval for Phase V, the landscape plans must be in substantial compliance with the Habitat Restoration and Maintenance Guidelines and depict:

- the planting of slash pines (*Pinus elliotti* var *densa*), dahoon holly (*Ilex cassine*), laurel oak (*Quercus laurifolia*) and live oaks (*Quercus virginiana*), planted an average 15-feet on center; and,
- 75 percent of the trees planted 10-feet in height, two-inch caliper; and,
- 25 percent of the trees planted 16-feet in height, three-four-inch caliper; and,
- shrubs consistent with the restoration plan, planted in scattered clusters one-gallon container size, three feet on center; and,
- a five-year monitoring report must be provided to ensure that the habitat restoration is successful.

#### 14. Conveyance Ditch and Easement

Prior to local development order approval for Phase V, the Development Order plans must demonstrate that the location of the conveyance ditch and associated easement are not located within the 40-foot-wide area depicted as the Big Cypress Fox Squirrel buffer/preserve area. Per the Habitat and Restoration Plan the 40-foot-wide buffer/preserve areas must be restored in its entirety.

Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b).

#### SECTION C. DEVIATIONS:<sup>1</sup>

1. Deviation (1) seeks relief from the LDC §14-298(c) requirement to provide for the development of the "TZ" area as indicated on the MCP. This deviation is APPROVED, SUBJECT TO the proposed mitigation plan, titled "Cypress Woods Monitoring and Maintenance Plan" submitted by Boylan Environmental Consultants, Inc., zoning counter stamped and dated May 18, 1995 (Exhibit E). Mitigation must follow the phasing presented in these documents and all monitoring reports must be submitted to the Lee County Division of Environmental Sciences within thirty days of the scheduled monitoring events.
2. Deviation (2) was previously DENIED.
3. Deviation (3) seeks relief from the LDC §10-714.b. requirement to provide a 90-foot turn out radius to 30 feet. This deviation is APPROVED, SUBJECT TO the developer providing a paved/stabilized surface with a minimum radius of 42 feet and, in addition, providing an unobstructed clear zone with a 48-foot radius (6 feet clear zone beyond driving range).
4. Deviation (4) seeks relief from the LDC §34-2192(a) requirement to allow a reduction in the street setback from 20 feet to 5 feet on the "side" lot line for corner lots. This deviation is APPROVED, SUBJECT TO the terms of Condition 2.

---

<sup>1</sup> Deviations 1 through 17, inclusive, were previously approved or denied by the Board of County Commissioners in prior zoning actions for the Cypress Woods R.V. Resort Recreational Vehicle Planned Development/Mobile Home Planned Development (RVPD/MHPD).

5. Deviation (5) seeks relief from the LDC §§ 10-285.a., 10-285.a., Table 1, and 10-296.j. requirement to provide 125 feet of street intersection separation, to 100 feet. This deviation APPROVES up to 100 feet of street intersection separation and also permits the location of a temporary emergency access to the west of the approved access point in this deviation, in accordance with Deviation 6.
6. Deviation (6) seeks relief from the LDC §10-291.3 requirement to allow only one entrance for a development of more than 5 acres. This deviation is APPROVED, SUBJECT TO the condition that a temporary emergency access point shall be constructed from Lockett Road, into the project site, for the use of emergency vehicles only. This temporary access point shall remain in place until such time as a permanent emergency access point is constructed, or until this development provides a permanent functioning interconnection with an adjoining property. The temporary access point shall be constructed in accordance with the LDC as administered by the Division of Development Services.
7. Deviation (7) seeks relief from the LDC §§ 10-296(b) and 10-296, Table 3, requirement of a 45-foot right-of-way for a local street with open drainage, to permit a local street with 30 feet of right-of-way and open drainage. This deviation is APPROVED, SUBJECT TO the condition that the typical lot cross section demonstrates that the drainage performs adequately by showing the slab placement at the Development Order stage.
8. Deviation (8) seeks relief from the LDC §34-939(b)(6) requirement of a 5,000-square-foot minimum lot, to provide a 4,140-square-foot minimum (46 feet x 90 feet). This deviation is APPROVED, SUBJECT TO Condition 2 herein.
9. Deviation (9) seeks relief from the LDC §34-939(b)(7)c. requirement of a side setback of 10 feet and a street (right-of-way) setback of 25 feet to permit a side setback of 5 feet and a street (right-of-way) setback of 20 feet in the non-transient section of the park. This deviation is APPROVED, provided that these setbacks are in conformance with the requirements of Condition 2 and all side setbacks apply to all portions of the structure or unit, including overhangs.

Deviation (9.a) seeks relief from the LDC §34-939(b)(3) requirement to permit an access road through the perimeter buffer to the storage area. This deviation is APPROVED, subject to Condition 8.
10. Deviation (10) seeks relief from the LDC §34-736 requirement of a 5,000-square-foot minimum lot (50 feet x 100 feet) to provide a 4,140-square-foot minimum lot (46 feet x 90 feet). This deviation is APPROVED, SUBJECT TO the requirements of Condition 2.
11. Deviation (11) seeks relief from the LDC §34-736 requirement of a side setback of 7 feet to permit a side setback of 5 feet. This deviation is APPROVED, SUBJECT TO the setbacks in Condition 2.
12. Deviation (12) seeks relief from the LDC §§ 34-2222(1) and 10-254(b) requirement to allow the corner lots to be the same size as the other lots within the development (and not have an additional 15 feet of width). This deviation is APPROVED, SUBJECT TO the requirements of Condition 2.

13. Deviation (13) seeks relief from the LDC §10-295 requirement to eliminate the requirement for street stubs to adjacent properties. This deviation is APPROVED, SUBJECT TO the following condition:

Deviation 13 is hereby approved with the condition that a temporary emergency access point shall be constructed from Luckett Road, into the project site, for the use of emergency vehicles only. This temporary access point shall remain in place until such time as an adjoining development provides a permanent functioning interconnection with their property.

14. Deviation (14) seeks relief from the LDC §34-939(b)(3) requirement to eliminate the requirement for a buffer between a recreational vehicle park and adjacent property interior to the site. This deviation is APPROVED for the interior portion of the site, only.
15. Deviation (15) seeks relief from the LDC §34-935(a)(I) requirement to eliminate the requirement that a new recreational vehicle park be not less than 20 acres in size. This deviation is APPROVED.
16. Deviation (16) seeks relief from the LDC §§ 34-2194(b) and (c) requirement of 25-foot water body setback to allow a zero-foot setback in order to permit the construction of a clubhouse, deck, pier and gazebo 90 feet into the artificial body of water. This deviation is APPROVED, SUBJECT TO substantial compliance with the proposed construction of the clubhouse and related facilities on the approved Plan entitled "Cypress Woods, R.V. Resort Clubhouse Area Dev. Order Plans; Drainage, Parking & Site Dim. Plan," dated 04-14-03, stamped received AUG 21, 2003 attached as Exhibit F; and subject to the requirement that the water body setback must not adversely impact any open space requirement, wetland vegetation plantings, or other buffering, landscaping, or preservation areas or requirements.
17. Deviation (17) seeks relief from the LDC §34-2020 requirement of a total of 135 parking spaces for the two clubhouse facilities to allow only 44 off-street parking spaces. This deviation is APPROVED, SUBJECT TO the reservation of Lots 85 and 86 (Phase "4") and Tract I (Phase "3", which lies immediately east of Lots 85 and 86, Phase "4"), for the use of overflow parking only, and may not be used as a recreational vehicle or mobile home site. Upon the sale of the last lot (site), in the last Phase of this development, if the Applicant can adequately demonstrate during the season of the highest occupancy of the development that the overflow parking areas were not needed, the two lots can then be used for recreational vehicle or mobile home sites, as provided for in this planned development. A reduced copy of a Plan entitled "Cypress Woods R.V. Resort Phases "IV," IVA, & IVB," date-stamped "Received SEP 08, 2003" depicting these parcels is attached hereto as Exhibit G.
18. Deviation (18) seeks relief from the LDC §34-935(a)(1) requirement of a minimum of 5 acres of land for expanding an existing recreational vehicle park, to allow an expansion of 2.1± acres. This deviation is APPROVED.



#### SECTION D. EXHIBITS AND STRAP NUMBER:

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

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan
- Exhibit D: Habitat Restoration and Maintenance Guidelines
- Exhibit E: Cypress Woods Monitoring and Maintenance Plan
- Exhibit F: Cypress Woods R.V. Resort Clubhouse Area Dev. Order Plans  
(Drainage, Parking & Site Dim. Plan)
- Exhibit G: Cypress Woods R.V. Resort Phases IV, IVA & IVB

The applicant has indicated that the STRAP numbers for the subject property are:  
11-44-25-00-00002.101A and 11-44-25-00-00014.0020

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

|               |        |
|---------------|--------|
| John Manning  | Absent |
| Brian Bigelow | Aye    |
| Ray Judah     | Aye    |
| Tammara Hall  | Aye    |
| Frank Mann    | Aye    |

DULY PASSED AND ADOPTED this 19<sup>th</sup> day of December, 2011.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY:

Marcia Wilson  
Deputy Clerk

BY:

John Manning  
John Manning, Chair

Approved as to form by:

Michael D. Jacob  
Michael D. Jacob  
Assistant County Attorney  
County Attorney's Office



RECEIVED  
MINUTES OFFICE

2012 JAN 17 PM 1:06

EXHIBIT A

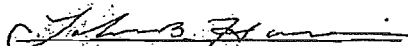
DCI 2007-00078

DESCRIPTION:

A TRACT OR PARCEL OF LAND LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (S.W.1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°15'35"W. ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER (S.W.1/4) FOR 1302.47 FEET TO THE NORTHEAST CORNER OF CYPRESS WOODS RV RESORT, UNIT THREE, AS RECORDED IN PLAT BOOK 72, PAGES 92 THROUGH 95, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.89°53'08"W. ALONG THE NORTH LINE OF CYPRESS WOODS RV RESORT, UNIT THREE FOR 1122.27 FEET; THENCE RUN N.00°17'00"E. FOR 1301.43 FEET TO A POINT ON THE NORTH LINE OF THE AFORESAID SOUTHWEST QUARTER (S.W.1/4); THENCE RUN S.89°56'19"E. ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER (S.W.1/4) FOR 11.92 FEET TO A POINT ON A ON TANGENT CURVE; THENCE RUN NORTHEASTERLY FOR 218.04 FEET ALONG THE ARC OF A CURVE CONCAVE SOUTHEASTERLY, WITH A RADIUS OF 255.00 FEET, A DELTA OF 48°59'28", A CHORD BEARING OF N.65°37'08"E. AND A CHORD DISTANCE OF 211.46 FEET TO A POINT OF TANGENCY; THENCE RUN S.89°53'08"E. FOR 917.66 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER (N.W.1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°15'35"W. ALONG SAID EAST LINE FOR 86.65 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 35.638 ACRES, MORE OR LESS.

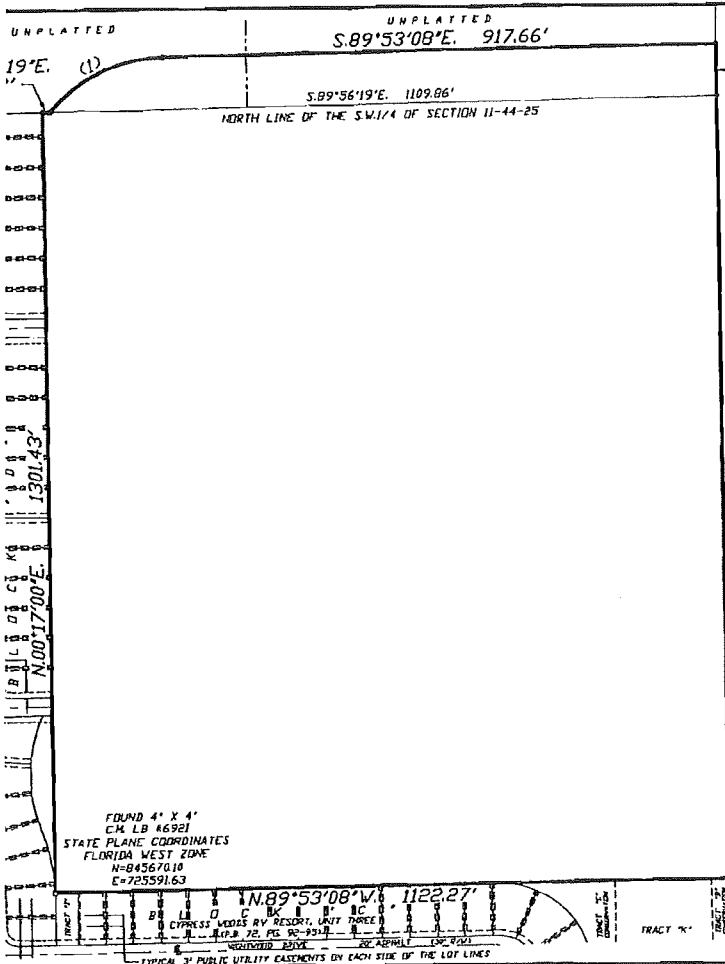
  
JOHN B. HARRIS  
PLS #4631  
JULY 1, 2011

RECEIVED  
JUL 1 2011

COMMUNITY DEVELOPMENT

68  
7/14/11

APPROVED  
LEGAL



SKETCH OF DESCRIPTION

## A PARCEL OF LAND LYING IN SECTION 11

TOWNSHIP 44 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA

APPROVED  
LEGAL

DESCRIPTION:

A TRACT OR PARCEL OF LAND LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (S.W. 1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°15'35"W. ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER (S.W. 1/4) FOR 1302.47 FEET TO THE NORTHEAST CORNER OF CYPRESS WOODS RV RESORT, UNIT THREE, AS RECORDED IN PLAT BOOK 72, PAGES 92 THROUGH 95, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.89°53'08"W. ALONG THE NORTH LINE OF CYPRESS WOODS RV RESORT, UNIT THREE FOR 1122.27 FEET; THENCE RUN N.00°17'00"E. FOR 1301.43 FEET TO A POINT ON THE NORTH LINE OF THE AFORESAID SOUTHWEST QUARTER (S.W. 1/4); THENCE RUN S.89°56'19"E. ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER (S.W. 1/4) FOR 1192 FEET TO A POINT ON A IN TANGENT CURVE; THENCE RUN NORTHEASTERLY FOR 210.04 FEET ALONG THE ARC OF A CURVE CIRCUMFERENCE SOUTHEASTERLY, WITH A RADIUS OF 255.00 FEET, A DELTA OF 48°59'28", A CHORD BEARING OF N.65°37'08"E. AND A CHORD DISTANCE OF 211.46 FEET TO A POINT OF TANGENCY; THENCE RUN S.89°56'19"E. FOR 917.66 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER (N.W. 1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°15'35"W. ALONG SAID EAST LINE FOR 86.65 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 35.638 ACRES, MORE OR LESS.

APPROVED  
LEGAL 8/14/11

Curve number 1

Radius= 255.00'

Delta= 48°59'28"

Arc= 210.04'

Tangent= 116.19'

Chord= 211.46'

Chord Brg.= N.65°37'08"E.

FOUND 4" X 4" C.M. L.B. #6921  
AT THE N.E. CORNER OF  
CYPRESS WOODS RV RESORT, UNIT THREE  
(P.B. 72, PG. 92-95)  
STATE PLANE COORDINATES  
FLORIDA WEST ZONE  
N=845667.86  
E=726713.90

TYPICAL 3" PUBLIC UTILITY EASEMENTS ON EACH SIDE OF THE LOT LINES

100 0 100 200 300

SCALE IN FEET

| REVISED | DESCRIPTION   | BY  |
|---------|---------------|-----|
| 7/12/07 | UPDATE SURVEY | FBH |
| 7/10/09 | REVISE SURVEY | FBH |
| 7/20/10 | REVISE SKETCH | FBH |

JOHN B. HARRIS, PSN  
FLORIDA LAND SURVEYOR #4631

HARRIS & JENSEN, INC.  
8706 S.E. SANTA BARBARA PLACE  
CAPE CORAL, FLORIDA  
PHONE: (941) 772-9939  
FAX: (941) 772-1015

FLORIDA CERTIFICATE OF AUTHORIZATION # LB 6921



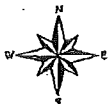
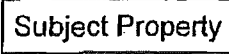


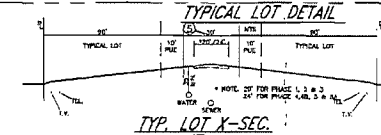
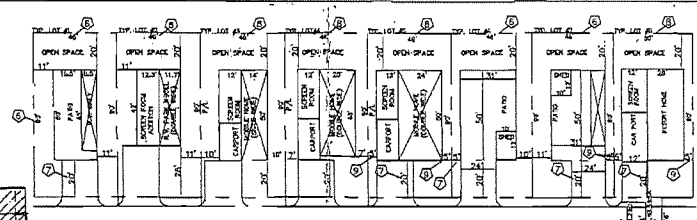
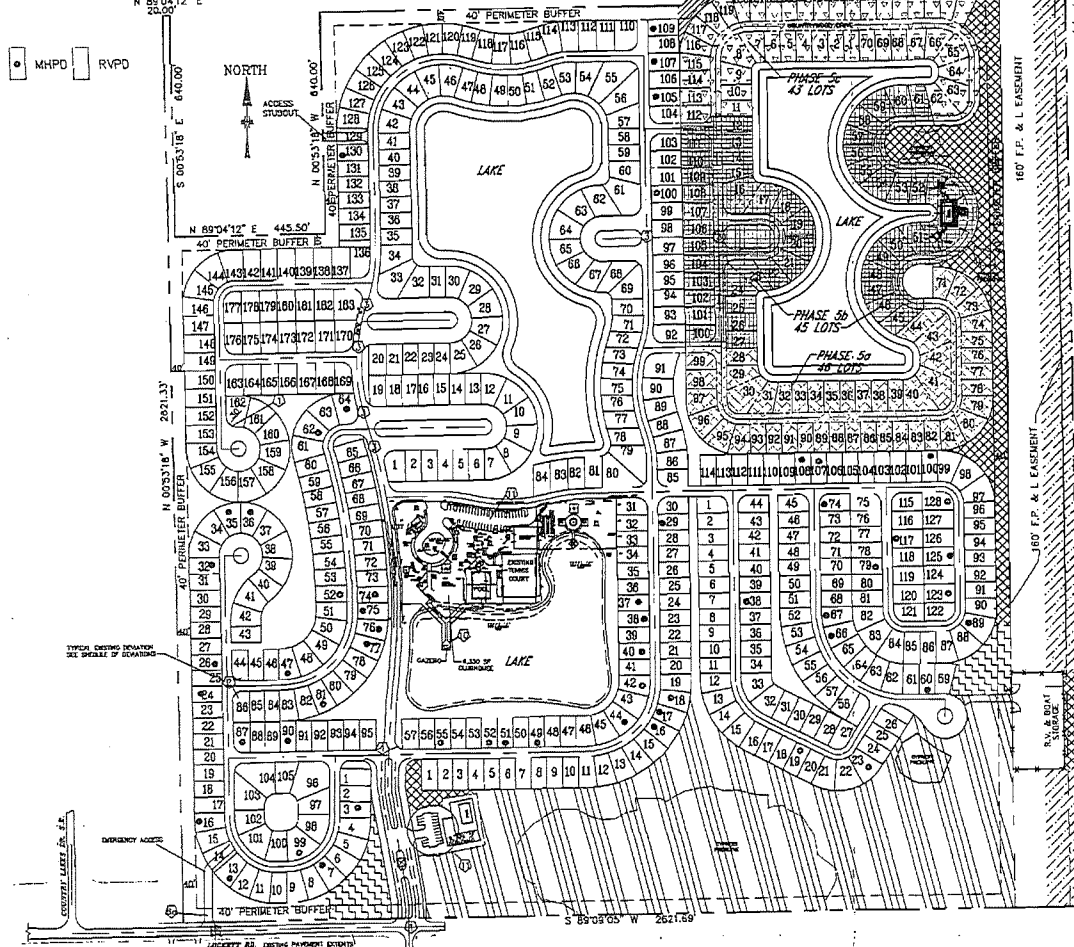
EXHIBIT 3A

# CYPRESS WOODS RESORT

TOTAL AREA = 6,688,691.34 S.F. (153.55 AC.)  
 RIGHT-OF-WAY = 792,541.57 S.F. (18.19 AC.)  
 LOT AREA = 2,850,427.44 S.F. (65.44 AC.)  
 LAKES = 726,812.66 S.F. (16.68 AC.)  
 NO. OF LOTS = 611 UNITS (563 R.V. SITES, 48 M.H. SITES)  
 GROSS DENSITY = 3.98 UNITS/AC.  
 BUILDING HEIGHT NOT TO EXCEED 35' OR 2 STORIES.

EXISTING MAN-MADE LAKE  
 RELOCATED TO MIN. 50' FROM  
 REAR LOT LINES

1.14 ACRE INDIGENOUS  
 RESTORATION AREA



## SCHEDULE OF DEVIATIONS

- A deviation from LDC Section 10-214 shall require a 50' buffer between the lot and the lake.
- A deviation from LDC Section 10-214 shall require a 50' buffer between the lot and the lake.
- A deviation from LDC Section 10-214 shall require a 50' buffer between the lot and the lake.
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- A deviation from LDC Section 10-214 shall require a 50' buffer between the lot and the lake.
- A deviation from LDC Section 10-214 shall require a 50' buffer between the lot and the lake.

Approved as Exhibit C  
 MCP Page 1 of 3  
 Resolution # 7-11-021

DCI 2007-00078

## INDIGENOUS OPEN SPACE

| TYPE           | ACTUAL      | DEVELOP     |
|----------------|-------------|-------------|
| 1000'          | 5.04 ACRES  | 5.04 ACRES  |
| 1100'          | 1.27 ACRES  | 1.29 ACRES  |
| 1250'          | 4.85 ACRES  | 6.08 ACRES  |
| 1500'          | 16.72 ACRES | 25.03 ACRES |
| TOTAL PROVIDED | 27.87 ACRES | 38.44 ACRES |
| TOTAL REQUIRED |             | 30.30 ACRES |

## OPEN SPACE

| TYPE                  | ACTUAL       | DEVELOP      |
|-----------------------|--------------|--------------|
| 40' PERIMETER BUFFER  | 107.87 ACRES | 107.87 ACRES |
| 100' PERIMETER BUFFER | 107.87 ACRES | 107.87 ACRES |
| 100' PERIMETER BUFFER | 107.87 ACRES | 107.87 ACRES |
| 100' PERIMETER BUFFER | 107.87 ACRES | 107.87 ACRES |
| 100' PERIMETER BUFFER | 107.87 ACRES | 107.87 ACRES |
| 100' PERIMETER BUFFER | 107.87 ACRES | 107.87 ACRES |
| 100' PERIMETER BUFFER | 107.87 ACRES | 107.87 ACRES |
| 100' PERIMETER BUFFER | 107.87 ACRES | 107.87 ACRES |
| 100' PERIMETER BUFFER | 107.87 ACRES | 107.87 ACRES |
| 100' PERIMETER BUFFER | 107.87 ACRES | 107.87 ACRES |

HURRICANE SHELTER  
 REQUIRED: 10,000 S.F.  
 PROVIDED: 10,000 S.F.

## HISTORICAL RUNOFF

SCALE 1" = 100'  
 CYPRESS WOODS  
 R.V. RESORT  
 ORIGINAL ZONING: 2-44-025

## MASTER CONCEPT PLAN

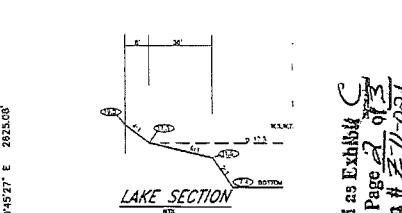
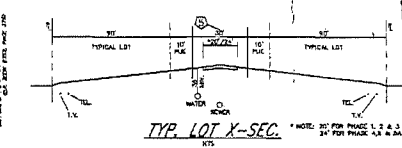
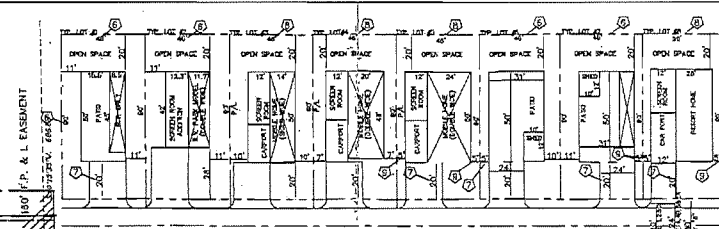
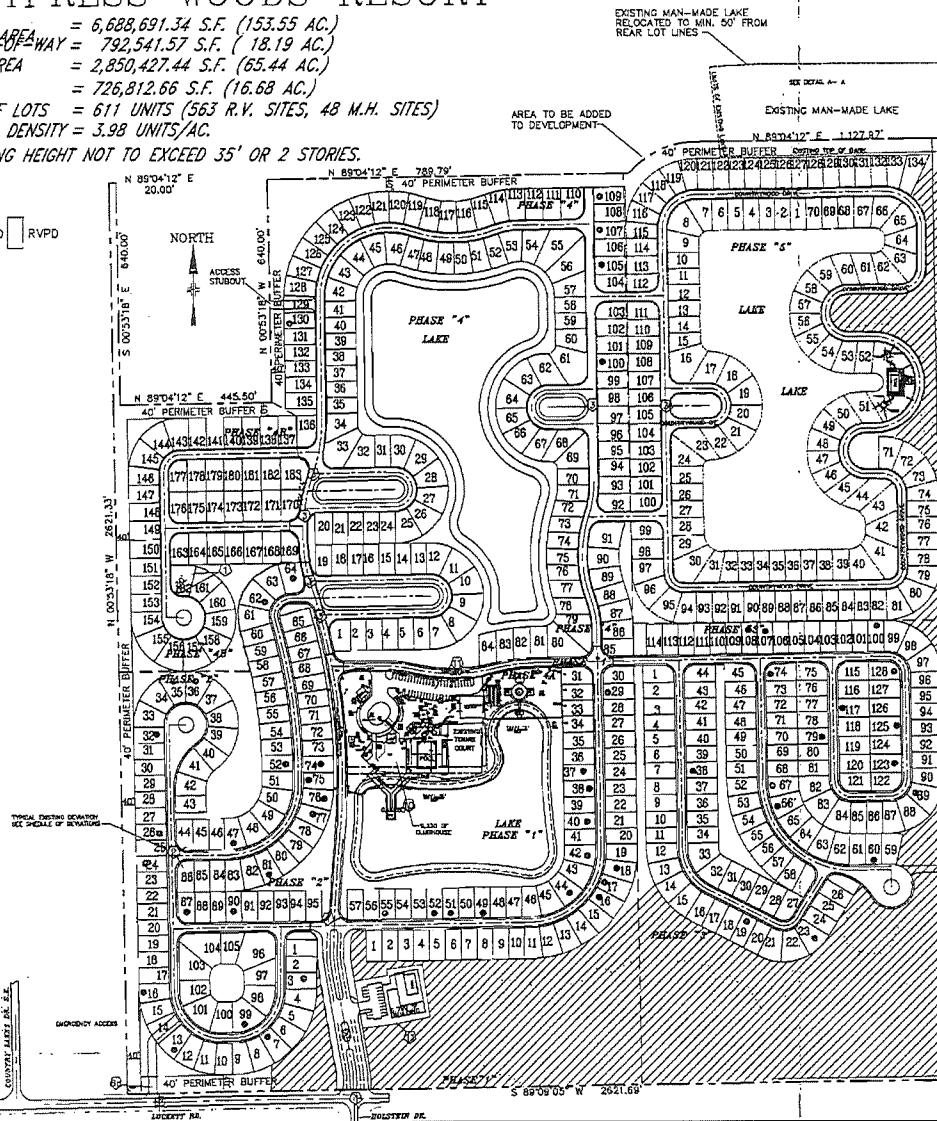
BARBOT, STEUART & ASSOCIATES, INC.  
 3228 EVANS AVENUE, FORT MYERS, FLORIDA 33901, PH: (239) 930-7233  
 DATE: 08/14/2007  
 SHEET: 1 OF 3  
 3434

"EXHIBIT 3A"

# CYPRESS WOODS RESORT

TOTAL AREA = 6,688,691.34 S.F. (153.55 AC.)  
 RIGHT-OF-WAY = 792,541.57 S.F. (18.19 AC.)  
 LOT AREA = 2,850,427.44 S.F. (65.44 AC.)  
 LAKES = 726,812.66 S.F. (16.68 AC.)  
 NO. OF LOTS = 611 UNITS (563 R.V. SITES, 48 M.H. SITES)  
 GROSS DENSITY = 3.98 UNITS/AC.  
 BUILDING HEIGHT NOT TO EXCEED 35' OR 2 STORIES.

MHPD RVPD



## EXISTING PRESERVE

- 411 - PINE FLATWOODS - 4.35 ACRES
- 621 - CYPRESS FOREST - 1.88 ACRES
- 624 - PINE - CYPRESS FOREST - 1.13 ACRES
- 625 - PINE - CYPRESS FOREST - 2.53 ACRES
- 626/640 - REGROWTH AREA - 3.89 ACRES
- 627/610 - POWER LINE EASEMENT/PERMANENT - 2.78 ACRES
- 632/643 - POWER LINE EASEMENT/PERMANENT - 3.80 ACRES

B.C. FOX SQUIRREL PRESERVE 26.62 ACRES

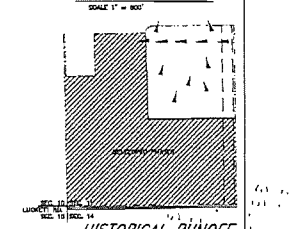
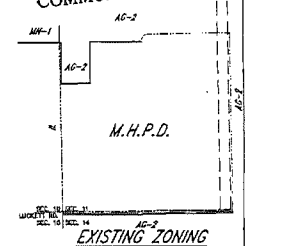
## OPEN SPACE

- COMMON AREA: 44 FOOT FRONTIER BUFFER - 117,000 S.F. (2.66 AC.)
- 15 FOOT HEDGE LINE - 12,000 S.F. (0.27 AC.)
- LAKES - 726,812.66 S.F. (16.68 AC.)
- NET P.L. EASEMENT - 12,000 S.F. (0.27 AC.)
- WETLAND EASEMENT (HEDGING) - 12,000 S.F. (0.27 AC.)
- ADDITIONAL COMMON AREA (AREA BETWEEN RECORD) - 12,000 S.F. (0.27 AC.)
- COMMON AREA TOTAL - 147,712.66 S.F. (3.34 AC.)
- % OF SITE - 0.41%

DCI 2007-00078

APR 23 2010

## COMMUNITY DEVELOPMENT



Approved as Exhibit C  
 MCP Page 2 of 3  
 Resolution # 21-051

CYPRESS WOODS  
 R.V. RESORT  
 MASTER CONCEPT PLAN  
 BIG CYPRESS FOX SQUIRREL PERSEVERE  
 BARBOT, STEUART & ASSOCIATES, INC.  
 3228 EVANS AVENUE, FORT MYERS, FLORIDA 33901, PH. (239) 938-7252

|                                               |          |                                               |            |
|-----------------------------------------------|----------|-----------------------------------------------|------------|
| DESIGNED BY                                   | DATE     | CHECKED BY                                    | DATE       |
| BY                                            | 04/27/08 | BY                                            | 05/24/2007 |
| REVIEWED FOR CIVIL/AS SUPPLEMENTARY CHECKLIST | DATE     | REVIEWED FOR CIVIL/AS SUPPLEMENTARY CHECKLIST | DATE       |
| DATE                                          | 04/27/08 | DATE                                          | 05/24/2007 |



Exhibit D

# Habitat Restoration and Maintenance Guidelines

for the

## Cypress Woods RV Resort Phase V

Sections 11, T44S, R25E, Lockett Road, Lee County, Florida

March 27, 2008  
Revised: Dec. 4, 2008  
June 9, 2009

Prepared for:

Cypress Woods RV Resort  
5551 Lockett Road.  
Fort Myers, FL 33905  
(239) 694-2191  
FAX: (239) 691-4969

**RECEIVED**

AUG 23 2010

COMMUNITY DEVELOPMENT

conducted by

DCI 2007-00078

### Southern Biomes, Inc.

1602 Woodford Ave., Fort Myers, FL 33901 - mail to: P.O. Box 50640, Fort Myers, FL 33994  
Ph.: (239) 334-6766 - Geza Wass de Czege, President - Fax: (239) 337-5028



**Southern Biomes, Inc.**

1602 Woodford Ave., Fort Myers, FL 33901 - mail to: P.O. Box 50640, Fort Myers, FL 33994

Ph: (239) 334-6766 - Geza Wass de Czege, President - Fax: (239) 337-5028

Habitat Restoration & Management Guidelines - Cypress Woods RV Resort Phase V - Lockett Road  
Section 11, T44E, R25S, Lee County, Florida Revised: June 9, 2009

**A. FOX SQUIRREL HABITAT RESTORATION GUIDELINES**

1. **RESTORATION SITE DESCRIPTION:** The subject restoration site is a forty foot wide buffer area located in the northeastern portion of the development, extending for approximately 800 feet east to the pine flatwoods buffer adjacent to the powerline easement. The previously existing forested buffer was unintentionally cleared and will be restored to meet Lee County Code, Sec. 14-384: Restoration standards, and the Sec. 10-420 Plant materials standards. The plantings will be according to Lee County's Department of Community Development, Division of Environmental Sciences indigenous habitat restoration area planting guidelines.
  
2. **HABITAT RESTORATION EXECUTIVE SUMMARY:** To help restore the habitat, slash pines and scattered live oaks will be planted an average of 15' on center, with 75% of the trees being a minimum 10' tall with two-inch caliper at 12 inches above ground, and the remaining 25% a minimum 16' tall with a 3-4 inch caliper, to provide more diversity sizes. Trees will be planted in random order so as not to appear as growing in rows. Shrubs will be limited to scattered clusters of saw palmetto, wax myrtle, beautyberry, gallberry and muhly grass, planted around selected tree clusters. Shrubs and groundcover vegetation must be in minimum one-gallon container, and clustered at an average of three feet (3') on center, to mimic pine flatwoods savanna habitat.

**RECEIVED**

AUG 23 2010

COMMUNITY DEVELOPMENT

DCI 2007-00078

**Southern Biomes, Inc.**

1602 Woodford Ave., Fort Myers, FL 33901 - mail to: P.O. Box 50640, Fort Myers, FL 33994

Ph: (239) 334-6766 - Geza Wass de Czege, President - Fax: (239) 337-5028

Habitat Restoration & Management Guidelines, Cypress Woods RV Resort Phase V, Luckett Road,  
Section 11, T44E, R25S, Lee County, Florida

Revised: June 9, 2009

**Habitat Restoration Plant List**

- One hundred ten (110) trees, of which no more than 75% are to be 10' tall, minimum 2 inch caliper trees, and at least 25% are >16' tall, minimum 3 inch caliper trees. All trees are to be planted in random order on average 15' centers:
  - 68 slash pine (*Pinus elliotii*) 10' w/min 2" dbh
  - 22 slash pine (*Pinus elliotii*) 16' w/min 3" dbh
  - 6 live oak (*Quercus virginiana*) 10' w/min 2" dbh
  - 2 live oak (*Quercus virginiana*) 16' w/min 3" dbh
  - 4 laurel oak (*Quercus laurifolia*) 10' w/min 2" dbh
  - 2 laurel oak (*Quercus laurifolia*) 16' w/min 3" dbh
  - 4 dahoon holly (*Ilex cassine*) 10' w/min 2" dbh
  - 2 dahoon holly (*Ilex cassine*) 16' w/min 3" dbh
- Three thousand four hundred sixty six (3,466) in 1 gallon containerized shrubs & herbaceous species, randomly clustered within tree clusters, on 3' center:
  - 1000 saw palmetto (*Serenoa repens*)
  - 500 wax myrtle (*Myrica sp.*)
  - 500 beautyberry (*Callicarpa americana*)
  - 466 gallberry (*Ilex glabra*)
  - 1000 muhly grass (*Muhlenbergia sp.*)

**RECEIVED**  
AUG 23 2010

COMMUNITY DEVELOPMENT

DOI 2007-00078

**Southern Biomes, Inc.**

1602 Woodford Ave., Fort Myers, FL 33901 - mail to: P.O. Box 50640, Fort Myers, FL 33994

Ph: (239) 334-6766 - Geza Wass de Czege, President - Fax: (239) 337-5028

Habitat Restoration & Management Guidelines - Cypress Woods RV Resort Phase V - Luckett Road  
Section 11, T44E, R25S, Lee County, Florida Revised: June 9, 2009

**RESTORATION AREA SITE PREPARATION, MAINTENANCE AND MONITORING  
GUIDELINES:**

1. Restoration areas are to be graded to natural elevations of adjacent pine flatwoods uplands, and harrowed to remove all ruts from the planting areas.
2. Eradicate any torpedograss, primrose willow, or any other exotic or nuisance vegetation prior to replanting, with an approved systemic herbicide, and establish an annual eradication program to maintain the area free of exotic species, and the nuisance species to less than 2% coverage.
3. Replant restoration areas with plant species and quantities as designated in the plant list provided in the Habitat Restoration Plant List (approx. 31,200 sq. ft.).
  - One hundred ten (110) trees, with no more than 75% at least 10' tall, 2 inch caliper and the remaining trees >16' tall, with minimum 3 inch caliper, planted in clusters of 3-5, on average 15' centers.
  - Three thousand four hundred sixty six (3,466) 1 gallon containerized shrubs, cluster 3' o.c.
4. Maintain a semi-annual exotic plant control the first year, and an annual control thereafter, in perpetuity, to treat the exotic vegetation resprouting with an approved herbicide, and manually remove any seedlings. Conduct activities during the winter and spring dry season.
5. Signage shall be placed at each end of the indigenous preserve area to identify and protect the preserve during and after construction. The signs shall be no closer than ten feet from adjacent property lines; be limited to a maximum height of four feet and a maximum size of two square feet, stating: "Preserve Area" (in large letters), "Please do not cut or damage any plants unless authorization by permit, or obtained in writing by Lee County Community Development" (in small letters). See example attached with these guidelines.
6. Provide Lee County with an annual monitoring report, for 5 years, including plant survival data and qualitative narrative describing the vegetative changes within the mitigation area. Include the following:
  - a. Provide three fixed point photo station panoramic photograph analyses at selected locations.
  - b. Narrative report of exotics invasion, and removal success.
  - c. Plant survival data and revegetation success data, including quantitative data, natural recruitment success, exotic invasion, general condition, and recommendations.
7. Mitigation success criteria are as follows:
  - a. The area is maintained free of exotic plants, as defined by the Florida Exotic Pest Plant Council, with no more than 2% coverage at any one time (including but not limited to melaleuca, Brazilian pepper, Australian pine, etc.), and the number of exotic plants eradicated each year has been greatly reduced.
  - b. All nuisance plant species (torpedograss, primrose willow, caesarweed, dog fennel, etc.) constitute no more than 5% of the total plant coverage.
  - c. There is an 80% survival rate of the planted vegetation and at least 80% coverage of the planted area by indigenous native vegetation at the end of the third year of monitoring.
  - d. There is a continual increase in indigenous plant species composition throughout the five year monitoring period.

DCI 2007-00078

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AUG 23 2010

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Ph: (239) 334-6766 - Geza Wass de Czege, President - Fax: (239) 337-5028

Habitat Restoration & Management Guidelines, Cypress Woods RV Resort Phase V, Luckett Road,  
Section 11, T44E, R25S, Lee County, Florida

Revised: June 9, 2009

Preserve Area Sign Sample

# Preserve Area

**No Dumping**

**No Cutting**

**No Disturbing**

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AUG 23 2010

COMMUNITY DEVELOPMENT

Please do not cut or damage any  
plants unless authorization by permit,  
or obtained in writing by Lee County  
Community Development.

**Please Help Keep it Natural!!**

NOTE: Typical sign dimensions may range from 9" x 12" to 12" x 18" (vertical or horizontal), but should not exceed 288 sq. inches.

### Cypress Woods Monitoring and Maintenance Plan

The wetland mitigation program involves several different activities. These include creation of 2.35 acres of marsh, 3.12 acres of mixed pine and cypress forest, 1.32 acres of shallow excavation, restoration of 6.02 acres of wetlands and enhancement of 9.61 acres of wetlands. Details of these specific mitigation activities, mitigation goals, monitoring programs and maintenance plans are outlined below.

#### Wetland Enhancement

Wetland enhancement includes the selective removal of exotics from existing wetlands. Baseline wetland monitoring will be conducted in the wetland enhancement areas. A transect, photo point and staff gauge will be located through the enhancement area. The location of the transect is shown on the attached Planting and Monitoring Overview Plan. Wetland enhancement will then begin which will include the selective removal of exotic vegetation. The exotic removal will consist of selective application of an approved herbicide. Small trees will be clipped and the stem painted with herbicide. Larger trees will be deeply scored and the herbicide applied to the wound. The wetland enhancement program will be done in Phase 1 of the development. Specific time frames are outlined in the attached mitigation schedule. Monitoring will be conducted for five years and will include the following parameters:

- Panoramic Photographs
- Water Level Measurements
- Description of Vegetation Composition and Percent Coverage
- Survival Rate of Planted Vegetation
- Percent Cover with Nuisance Species
- Percent Cover with Exotic Species
- Summary of Wildlife Utilization
- Summary of Wetland Maintenance Performed to Date

The goal of the enhancement is to achieve a 0% aerial coverage with exotics. Maintenance will include annual control to prevent any re invasion by exotics.

**RECEIVED**  
MAY 18 1995

ZONING COUNTER

PROJECT # 95-03-166.13A.02-04  
PROJECT TYPE 04

## Wetland Restoration

Wetland restoration includes the mechanical removal of exotics, regrading any areas disturbed by exotic removal to natural ground level, and replanting with native aquatic non nuisance species. Clearing will occur in the dry season, to minimize erosion and turbidity. Of the total restoration area (6.02 acres), 2.38 acres will be replanted with trees and shrubs and 3.64 acres will be planted with trees. Clearing will be maintained outside the drip lines of any pine or cypress trees located within this area. Specific details of the planting plan are outlined below. Plantings will occur at the end of the rainy season. The locations of the restoration and planting areas are shown on the attached Planting and Monitoring Overview Plan. Once the plantings are installed, baseline monitoring will be conducted. The specific dates for the restoration and monitoring activities are outlined in the attached mitigation schedule. Annual monitoring will be conducted thereafter for five years. The monitoring will include the following parameters:

- Panoramic Photographs
- Water Level Measurements
- Description of Vegetation Composition and Percent Coverage
- Survival Rate of Planted Vegetation
- Percent Cover with Nuisance Species
- Percent Cover with Exotic Species
- Summary of Wildlife Utilization
- Summary of Wetland Maintenance Performed to Date

The goal of the restoration effort is to achieve an 80% coverage with native, non-nuisance aquatic species, less than 10% coverage by nuisance species and 0 % coverage by exotics. Maintenance will be conducted on a semi annual basis. Exotic control will be done as necessary and supplemental plantings will be installed to maintain an 80% survival rated of planted material.

### Tree Plantings

Tree planting will be a 70% mixture of cypress and slash pine. Other plantings will include a minimum of three of the following species:

- Cabbage Palm
- Laurel Oak
- Red Maple
- Dahoon Holly
- Swamp Bay

Spacing of the trees will be on 25 foot centers. The trees will be 3 gallon size.



### Shrub Plantings

Shrub planting will be on 20 foot centers. Shrubs will be a minimum of 2 to 3 gallon size. A minimum of three of the following species will be planted:

- Wax Myrtle
- Cocoplum
- Salt Bush
- Swamp Hibiscus
- Gallberry

### Wetland Restoration / Shallow Excavation

North of the cypress wetland is an area heavily invaded by melaleuca. This area (1.32 acres), will be regraded to a depth of 3 feet in the center and then sloped to match the existing wetland grade. The center of the area will be planted with herbaceous species and the perimeter planted with trees. Clearing will be maintained outside the drip lines of any pine or cypress trees located within this area. Specific details of the planting plan are outlined below. Plantings will occur at the end of the rainy season. The location of the shallow excavation area is shown on the attached Planting and Monitoring Overview Plan. Once the plantings are installed, time zero monitoring will be conducted. The specific dates for the restoration and monitoring activities are outlined in the attached mitigation schedule. Annual monitoring will be conducted thereafter for five years. The monitoring will include the following parameters:

- Panoramic Photographs
- Water Level Measurements
- Description of Vegetation Composition and Percent Coverage
- Survival Rate of Planted Vegetation
- Percent Cover with Nuisance Species
- Percent Cover with Exotic Species
- Summary of Wildlife Utilization
- Summary of Wetland Maintenance Performed to Date

The goal of the restoration effort is to achieve an 80% coverage with native, non-nuisance aquatic species, less than 10% coverage by nuisance species and 0 % coverage by exotics. Maintenance will be conducted on a semi annual basis. Exotic control will be done as necessary and supplemental plantings will be installed to maintain an 80% survival rated of planted material.

### Tree Plantings

Tree planting will be a 70% mixture of cypress and slash pine. Other plantings will include a minimum of three of the following species:

- Cabbage Palm
- Laurel Oak
- Red Maple
- Dahoon Holly
- Swamp Bay

Spacing of the trees will be on 25 foot centers. The trees will be 3 gallon size.

### Herbaceous Plantings

Herbaceous plantings will be a minimum size of 2 inch liners. Plantings will be installed on 5 foot centers. Species will include a minimum of three of the following:

- Cordgrass
- Saw Grass
- Pickerselweed
- Arrowhead
- Water Hyssop
- Scirpus sp.
- Swamp Lily
- Spike Rush

### Marsh Creation

The plan includes the creation of two areas of marsh in the interior lakes. The southern marsh will be created in Phase 1 of the mitigation while the northern marsh will be created in Phase 2 of the mitigation plan. The area will be constructed and then revegetated with herbaceous plantings. The details of the plantings are outlined below. The locations of the marsh creation areas are shown on the attached Planting and Monitoring Overview Plan. Once the plantings are installed, time zero monitoring will be conducted. The specific dates for the creation and monitoring activities are outlined in the attached mitigation schedule. Annual monitoring will be conducted thereafter for five years. The monitoring will include the following parameters:

- Panoramic Photographs
- Water Level Measurements
- Description of Vegetation Composition and Percent Coverage
- Survival Rate of Planted Vegetation
- Percent Cover with Nuisance Species
- Percent Cover with Exotic Species
- Summary of Wildlife Utilization
- Summary of Wetland Maintenance Performed to Date

The goal of the creation effort is to achieve an 80% coverage with native, non-nuisance aquatic species, less than 10% coverage by nuisance species and 0 % coverage by exotics. Maintenance will be conducted on a semi annual basis. Exotic control will be done as necessary and supplemental plantings will be installed to maintain an 80% survival rated of planted material.

#### Herbaceous Plantings

Herbaceous plantings will be a minimum size of 2 inch liners. Plantings will be installed on 5 foot centers. Species will include a minimum of three of the following:

- Yellow Canna
- Umbrella Grass
- Cordgrass
- Blue Flag
- Beak Rush
- Spike Rush
- spider Lily
- Swamp Lily
- Saw Grass
- Water Hyssop
- White Water Lily
- Fire Flag
- Yellow Water Lily
- Floating Hearts
- Pickereelweed
- Arrowhead

### Impact Assessment

| FLUCCS                                           | % Exotics | Total AC     | Impact       | Mit. Ratio  | Mit. required |
|--------------------------------------------------|-----------|--------------|--------------|-------------|---------------|
| 411/424 Hydric pine flatwoods/ melaleuca invaded | > 95      | 19.12        | 12.99        | .5:1        | 6.50          |
| 411/424 Hydric pine flatwoods/ melaleuca invaded | 80        | 5.34         | 2.75         | .5:1        | 1.38          |
| 411/424 Hydric pine flatwoods/ melaleuca invaded | 50        | 1.46         | .88          | 1:1         | .88           |
| 621 Cypress forest                               | < 10      | 6.38         | 0            | 0           | 0             |
| 621/424 Cypress invaded by melaleuca             | 60        | 4.19         | .96          | 1:1         | .96           |
| 6446 Flag pond                                   | < 10      | .54          | 0            | 0           | 0             |
| <b>Totals</b>                                    |           | <b>37.03</b> | <b>17.58</b> | <b>.5:1</b> | <b>9.72</b>   |

### Mitigation Analysis

| FLUCCS                                                                     | % Exotics | Enhance      | Mit. Ratio | Mit. provided |
|----------------------------------------------------------------------------|-----------|--------------|------------|---------------|
| <b>Wetland Restoration</b>                                                 |           |              |            |               |
| 411/424 Hydric pine flatwoods/ melaleuca invaded*                          | > 95      | 1.25         | .5:1       | .63           |
| 411/424 Hydric pine flatwoods/ melaleuca invaded**                         | > 95      | 2.38         | .75:1      | 1.79          |
| 411/424 Hydric pine flatwoods/ melaleuca invaded*                          | 80        | 2.39         | .5:1       | 1.20          |
| <b>Wetland Enhancement</b>                                                 |           |              |            |               |
| 411/424 Hydric pine flatwoods/ melaleuca invaded                           | 50        | .50          | 0          | 0             |
| 621 Cypress forest                                                         | < 10      | 6.38         | 0          | 0             |
| 621/424 Cypress invaded by melaleuca                                       | 60        | 2.19         | 0          | 0             |
| 6446 Flag pond                                                             | < 10      | .54          | 0          | 0             |
| <b>Wetland Restoration/Shallow Excavation</b>                              |           |              |            |               |
| 411/424 Hydric pine flatwoods/ melaleuca invaded                           | 80        | .20          | .5:1       | .10           |
| 621/424 Cypress invaded by melaleuca                                       | 60        | 1.12         | .5:1       | .56           |
| <b>Wetlands within FPL Easement***</b>                                     |           |              |            |               |
| Not included in mitigation, but where mechanical exotic removal will occur |           | 2.50         |            |               |
| <b>Subtotals</b>                                                           |           | <b>19.45</b> |            |               |
| <b>Wetland Creation (5.47 AC)</b>                                          |           |              |            |               |
| From uplands-adjacent to lakes                                             |           |              | 1:1        | 2.35          |
| From uplands                                                               |           |              | 1:1        | 3.12          |
| From Uplands-lake littoral zones                                           |           |              | 0          | (+/-1.8)***   |
| <b>Totals</b>                                                              |           |              |            | <b>9.75</b>   |

\*Denotes plantings within wetland restoration area (trees) see "Planting & Monitoring Overview"

\*\*Denotes increased plantings within wetland restoration area (trees & shrubs)-see "Planting & Monitoring Overview"

\*\*\*Not included in total mitigation

Phase 1: All wetland creation areas except the marsh in the northern lake, all restoration and enhancement activities.

| TIME SCHEDULE FOR COMPLETION OF MITIGATION/MONITORING ACTIVITIES                                                                                                                                                                                                                        |                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| ACTIVITY                                                                                                                                                                                                                                                                                | COMPLETION DATE   |
| Submit baseline monitoring report (Preservation/Enhancement Areas)                                                                                                                                                                                                                      | September 1, 1995 |
| Excavation of southern lake                                                                                                                                                                                                                                                             | December 1, 1995  |
| Grading of creation/restoration areas                                                                                                                                                                                                                                                   | December 1, 1995  |
| Planting of creation/restoration areas                                                                                                                                                                                                                                                  | January 1, 1996   |
| Complete initial exotic removal in preservation/enhancement areas                                                                                                                                                                                                                       | January 1, 1996   |
| Construction of fence/structural buffer                                                                                                                                                                                                                                                 | February 1, 1996  |
| Submit time zero monitoring report                                                                                                                                                                                                                                                      | February 1, 1996  |
| Submit legal description of conservation areas                                                                                                                                                                                                                                          | September 1, 1995 |
| Submit recorded legal document(s)                                                                                                                                                                                                                                                       | September 1, 1995 |
| Submit first monitoring report                                                                                                                                                                                                                                                          | February 1, 1997  |
| Submit second monitoring report                                                                                                                                                                                                                                                         | February 1, 1998  |
| Submit third monitoring report                                                                                                                                                                                                                                                          | February 1, 1999  |
| Submit fourth monitoring report                                                                                                                                                                                                                                                         | February 1, 2000  |
| Submit fifth monitoring report                                                                                                                                                                                                                                                          | February 1, 2001  |
| A separate time schedule for completion of mitigation and monitoring activities should be submitted for each mitigation plan. The following schedule contains typical activities for most mitigation plans. Additions and/or deletions to this schedule should be noted as appropriate. |                   |

Phase 2: Marsh creation in northern lake.

| TIME SCHEDULE FOR COMPLETION OF MITIGATION/MONITORING ACTIVITIES                                                                                                                                                                                                                        |                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| ACTIVITY                                                                                                                                                                                                                                                                                | COMPLETION DATE   |
| Excavation of northern lake                                                                                                                                                                                                                                                             | December 1, 1999  |
| Grading of remaining marsh creation area                                                                                                                                                                                                                                                | December 1, 1999  |
| Planting of remaining marsh creation area                                                                                                                                                                                                                                               | January 1, 2000   |
| Submit time zero monitoring report                                                                                                                                                                                                                                                      | February 1, 2000  |
| Submit legal description of conservation areas                                                                                                                                                                                                                                          | September 1, 1999 |
| Submit recorded legal document(s)                                                                                                                                                                                                                                                       | September 1, 1999 |
| Submit first monitoring report                                                                                                                                                                                                                                                          | February 1, 2001  |
| Submit second monitoring report                                                                                                                                                                                                                                                         | February 1, 2002  |
| Submit third monitoring report                                                                                                                                                                                                                                                          | February 1, 2003  |
| Submit fourth monitoring report                                                                                                                                                                                                                                                         | February 1, 2004  |
| Submit fifth monitoring report                                                                                                                                                                                                                                                          | February 1, 2005  |
| A separate time schedule for completion of mitigation and monitoring activities should be submitted for each mitigation plan. The following schedule contains typical activities for most mitigation plans. Additions and/or deletions to this schedule should be noted as appropriate. |                   |

ENVIRONMENTAL ASSESSMENT OF EXISTING LAND USES / HABITAT TYPE

| EXISTING LAND USE / HABITAT TYPE AND PROPOSED STATUS |      |                 |         |             |                   |
|------------------------------------------------------|------|-----------------|---------|-------------|-------------------|
| CATEGORY                                             | ID # | FLUCCS CATEGORY | ACREAGE | QUALITY     | PROPOSED STATUS   |
| Abandoned Ag Lands                                   |      | 261             | 71.6    | Fair        | Impacted          |
| Pine Flatwoods                                       |      | 411             | 34.74   | 25% Exotics | Impacted          |
| Melaleuca/Pine                                       |      | 411/424         | 19.12   | 95% Exotics | Impacted/Restored |
|                                                      |      |                 | 5.34    | 80% Exotics | Impacted/Restored |
|                                                      |      |                 | 1.46    | 50% Exotics | Impacted/Enhanced |
| Melaleuca/Cypress                                    |      | 424/621         | 4.19    | 60% Exotics | Impacted/Enhanced |
| Slash Pine/Oak/Saw Palmetto                          |      | 434             | 1.12    | 60% Exotics | Impacted/Enhanced |
| Dead Slash Pine                                      |      | 435             | .86     | Poor        | Impacted          |
| Cypress                                              |      | 621             | 6.38    | Good        | Enhanced          |
| Flag Pond                                            |      | 6446            | .54     | Good        | Enhanced          |
| FPL Easement                                         |      | 832             | 6.16    | Disturbed   | Preserved         |

Submit an environmental assessment of the project site which includes information on wetlands and rare or unique upland habitat and indicate the proposed status of each area. Categories include Wetlands, Uplands, Unique Uplands, Non-Functional Wetlands. In addition to the table, a habitat communities map should be submitted which utilizes the Florida Land Use and Cover Classification System (FLUCCS).

| ENDANGERED OR THREATENED SPECIES / SPECIES OF SPECIAL CONCERN |                             |                                    |
|---------------------------------------------------------------|-----------------------------|------------------------------------|
|                                                               | FGFWFC                      | USFWS                              |
| LISTED SPECIES                                                | See attached species survey | Coordinate through COE application |
| USE TYPE (ie. nesting, foraging)                              |                             |                                    |
| CONTACT PERSON                                                |                             |                                    |
| ISSUES/RESOLUTION                                             |                             |                                    |

Provide information on any endangered or threatened species or species of special concern status on the project site. Include particular uses of the site by listed species (e.g. roosting, nesting, feeding). Document relevant communications with the Florida Game & Fresh Water Fish Commission (FGFWFC) or U.S. Fish & Wildlife Service (USFWS) regarding E/T/SSC species use of the site.



SCANNER'S MEMO  
Best Image Available

| WETLAND INVENTORY               |         |       |              |            |       |
|---------------------------------|---------|-------|--------------|------------|-------|
|                                 | CYPRESS | MARSH | TRANSITIONAL | MIX FOREST | TOTAL |
| TOTAL WETLANDS (AC)             | 6.38    | .54   | 0            | 30.11      | 37.03 |
| WETLANDS PRESERVE (AC)/ENHANCED | 6.38    | .54   | 0            | 2.69       | 9.61  |
| WETLANDS IMPACTED (AC)          | 0       | 0     | 0            | 17.99      | 17.99 |
| WETLANDS DISTURBED (AC)         | 0       | 0     | 0            | 0          | 0     |
| WETLANDS IMPROVED (AC)/RESTORED | 0       | 0     | 0            | 6.02       | 6.02  |
| WETLANDS CREATED (AC)           | 0       | 2.35  | 0            | 3.12       | 5.47  |
| OTHER UPLAND COMPENSATION: N/A  |         |       |              |            |       |

HAVE ANY OF THESE AREAS BEEN INCLUDED IN ANY PREVIOUS AUTHORIZATIONS FROM THE SFWMD? IF SO, PLEASE INDICATE APPLICATION / PERMIT NUMBERS:

Not applicable.

| A SEPARATE TABLE SHOULD BE FILLED OUT FOR ONSITE AREAS AND OFFSITE AREAS. CATEGORIES ARE DEFINED AS FOLLOWS: |                                                                                                                                                                                                                                                      |
|--------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PRESERVED                                                                                                    | NO FILL OR EXCAVATION PROPOSED; NO CLEARING OF DESIRABLE WETLAND SPECIES; NO DEWATERING OR OTHER LOWERING OF THE WATER TABLE; ADEQUATE BUFFER PROVIDED AND PRE-DEVELOPMENT HYDROLOGY MAINTAINED.                                                     |
| IMPACTED                                                                                                     | ALTERED AS PART OF THIS PROPOSAL BY FILL, EXCAVATION, CLEARING, DEWATERING OR OTHER LOWING OF THE WATER TABLE.                                                                                                                                       |
| DISTURBED                                                                                                    | TEMPORARY IMPACT TO WETLAND SUCH AS CLEARING, INSTALLATION OF PIPE OR OTHER UTILITY LINE AFTER WHICH SITE WILL BE REGRADED TO ITS PREVIOUS ELEVATION, REPLANTED IF NECESSARY AND/OR ALLOWED TO REVEGETATE. TEMPORARY DEWATERING (LESS THAN 90 DAYS). |
| IMPROVED                                                                                                     | RE-ESTABLISHMENT OF HYDROPERIOD, REPLANTING, AND/OR EXOTIC PLANT REMOVAL TO ENHANCE AN EXISTING WETLAND.                                                                                                                                             |
| CREATED                                                                                                      | ESTABLISHMENT OF A WETLAND IN AN AREA WHICH WAS PREVIOUSLY UPLAND OR LAND USE CATEGORY OTHER THAN WETLANDS. TECHNIQUES INCLUDE EXCAVATION AND PLANTING, VERTICAL RELOCATION, MULCHING, ETC.                                                          |

| STATUS OF OTHER AGENCY WETLAND RESOURCE PERMITTING |                  |                  |                     |
|----------------------------------------------------|------------------|------------------|---------------------|
|                                                    | FDER             | USACOE           | LOCAL GOVERNMENT    |
| Status                                             | Exemption Issued | Under Review     | DO Approval Pending |
| File #                                             | 36-00070-D       | 199406291(IP-AW) | 95-01-116.00D       |
| # Ac Jurisdictional                                | 0                | 37.03            |                     |
| # Ac Impacted                                      | 0                | 17.58            | 7.1                 |
| Contact Person                                     | Jamie McCormick  | Angela Walker    | George Parker       |

| STATUS OF PROJECT UNDER ESL (ENVIRONMENTALLY SENSITIVE LANDS) PROGRAM(S) |                |
|--------------------------------------------------------------------------|----------------|
| CREW                                                                     | Not applicable |
| CARL                                                                     | Not applicable |
| P2000                                                                    | Not applicable |
| SAVE OUR RIVERS                                                          | Not applicable |
| LOCAL GOVT                                                               | Not applicable |
| ONS*                                                                     | Not applicable |

\* Outstanding Natural System from Lower West Coast Water Supply Planning Program.

### MITIGATION INFORMATION

This table should be filled out for each wetland preservation / creation / restoration area and/or for each upland preservation / compensation area as appropriate:

The project impacts are outlined in the attached impact analysis. The plan calls for impacting 18.16 acres of wetlands requiring 10.21 acres of mitigation.

The mitigation plan is outlined in the mitigation analysis. The mitigation plan includes the following:

- Removal of Exotics and revegetation of 6.02 acres of preserve for a credit of 3.62 acres
- Wetland Enhancement through exotic removal through shallow excavation of 1.32 acres of wetlands for 0.66 acres of credit
- Wetland Creation of 5.47 acres for a credit of 5.47 acres
- Removal of Exotics from 9.2 acres of wetlands for 0.0 acres of credit.
- Planted Lake Littoral Zones (1.8 acres) for 0.0 acres of mitigation credit

Documentation for 80% exotics in SW corner of Cypress Woods:

1. Each plot was 30' x 30'.
2. Only individuals over 4' tall were counted.

Original Plot 30' x 30' = 75% cover

Plot #2:

| Tree type     | # observed |
|---------------|------------|
| Slash pine    | 5          |
| Wax Mytle     | 2          |
| Melaleuca     | 20         |
| Total         | 27         |
| Percent Cover | 74%        |

Plot #3:

| Tree type     | # observed |
|---------------|------------|
| Slash pine    | 2          |
| Wax Mytle     | 1          |
| Melaleuca     | 77         |
| Total         | 80         |
| Percent Cover | 96%        |

Plot #4:

| Tree type     | # observed |
|---------------|------------|
| Slash pine    | 6          |
| Wax Mytle     | 0          |
| Melaleuca     | 37         |
| Total         | 43         |
| Percent Cover | 86%        |

Average % cover =  $75 + 74 + 86 + 96 = 331 / 4 = 83 \%$

***Cypress Woods  
Management Plan for Big Cypress Fox Squirrel Habitat***

***Prepared By  
Boylan Environmental Consultants, Inc.***

The attached drawing shows the area that will be maintained and managed as habitat after development is completed. Approximately 29.9 acres of habitat will be maintained and enhanced.

Before each phase of construction, the development area will be surveyed for the presence of any fox squirrel nests. Any nests found will be marked in the field. Lee County DNR staff will be contacted to verify the activity status of nests located. Should any active nests be found all construction activities will be maintained 125' feet from the tree until the nest is deemed inactive. The limits of this buffer area will be marked in the field with red barricade fencing. Once the nest is deemed inactive the barricade will be removed and the work will be completed inside the buffer area.

The 29.9 acres of habitat to be maintained on site will consist mainly of cypress wetlands, mixed pine and cypress forest and the cleared FP&L easement. An extensive exotic removal program will be implemented in these areas. The plan will include both selective treatment of exotics with approved herbicides and mechanical clearing with extensive revegetation in the eastern most heavily invaded areas. The specific details of the exotic removal and replanting plan are included in the wetland mitigation program.

This area will be monitored for five years. It is anticipated all the exotic removal within the wetland mitigation/fox squirrel habitat will be completed during the first phase of development. A monitoring and maintenance program will then be implemented for five years. Monitoring will be done on an annual basis and will include the following parameters; percent cover with native species, survival rate of planted materials, observations of wildlife utilization and notes of any maintenance needed to be performed the following year. Panoramic photos will be taken to document the quality of the management areas. Maintenance will include any necessary supplemental planting and continued exotic treatment, as necessary.

*Cypress Woods  
Management Plan for Gopher Tortoise Habitat*

*Prepared By  
Boylan Environmental Consultants, Inc.*

The listed species survey indicated the presence of one gopher tortoise burrow on site. Approximately 30 days before construction begins on phase 1 of the development the burrow will be checked for signs of activity. Lee County DNR staff will be notified of the status of the burrow. If the burrow is found to be active, a relocation request for the tortoise will be submitted to the Florida Game and Fresh Water Fish Commission. The request will be to move the tortoise to one of the open space areas along the western property boundary. This area is depicted on the attached drawing. Approximately 0.53 acres will be maintained as habitat. The existing community contains abandoned farm lands supporting scattered laurel oaks, cabbage palms and Brazilian pepper.

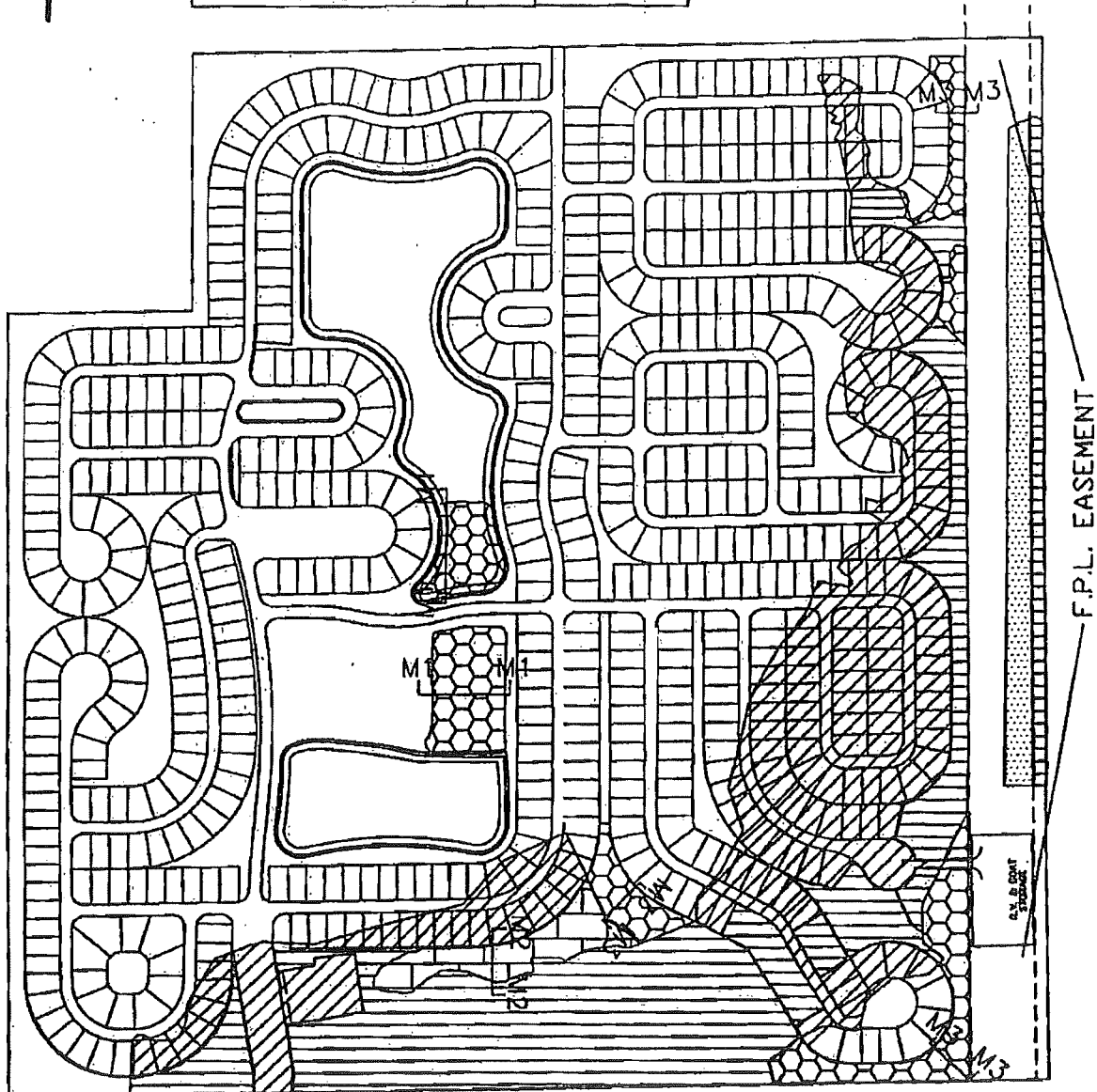
Once relocation approval is received from the FGFWFC the following activities will occur:

The area will be cleared of all exotics and then mowed. Chicken wire fencing will be erected around the perimeter of the area to contain the tortoise and a starter burrow will be excavated. The tortoise burrow will then be excavated and the tortoise relocated to the starter burrow. Construction would then begin on phase 1 of the development. The fencing would remain in place during the construction in phase 1.

A monitoring and maintenance program will be implemented in the habitat management area for 5 years. The monitoring will document the status of the burrow and the quality of the habitat. The report will summarize the quality of the vegetative community, along with the extent of any exotic or nuisance vegetation. Maintenance will include semi annual mowing and annual treatment of any exotic or nuisance species.



|                         |  |          |
|-------------------------|--|----------|
| FILL                    |  | 17.58 AC |
| SHALLOW EXC.            |  | 1.32 AC  |
| ENHANCEMENT/RESTORATION |  | 15.63 AC |
| CREATION                |  | 5.47 AC  |
| FPL WETLANDS            |  | 2.50 AC  |



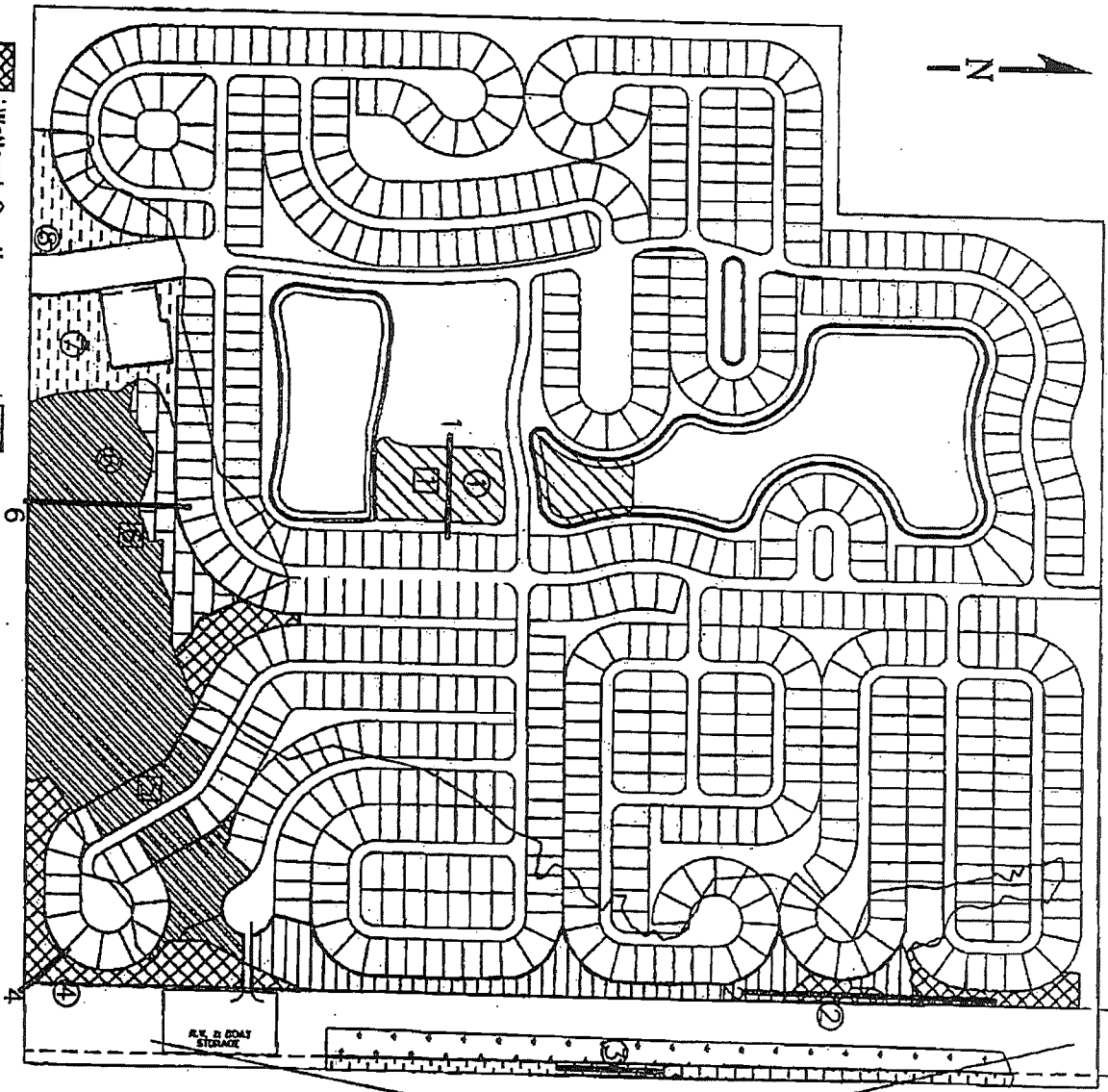
JOB NO.  
940085  
SHEET 1  
OF 11

Cypress Woods  
Wetland Overview

SCALE 1"=400'  
DATE 02/09/95  
FILE NAME Hotching  
DRAWN BY J.S.

BOYLAN ENVIRONMENTAL  
CONSULTANTS, INC.  
12665 METRO PKWY., STE. A  
FT. MYERS, FL 33912  
813-768-0800





- |                                                                                                                                                                                                                                    |                                                                                                                                                                                         |                                                                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| <p>Welland Creation<br/>Trees 3.12 AC</p> <p>Welland Enhancement<br/>Exotic Removal 9.61 AC</p> <p>Welland Restoration<br/>Trees 3.64 AC</p> <p>Uncleared wetlands within FPL easement--Not included in mitigation<br/>2.50 AC</p> | <p>Welland Restoration<br/>Trees &amp; Shrubs 2.38 AC</p> <p>Welland Restoration/Shallow Excavation<br/>Trees &amp; Herbaceous 1.32 AC</p> <p>Marsh Creation<br/>Herbaceous 2.35 AC</p> | <p>Transect location</p> <p>Photopoint Location ①</p> <p>Staff Gauge Location ②</p> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|

|                                       |                                                    |                                                                        |                                                                                                               |
|---------------------------------------|----------------------------------------------------|------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
| JOB NO.<br>940065<br>SHEET 2<br>OF 11 | Cypress Woods<br>Planting & Monitoring<br>Overview | SCALE 1"=400'<br>DATE 05/08/95<br>FILE NAME 3434001<br>CREATED BY J.S. | BOYLAN ENVIRONMENTAL<br>CONSULTANTS, INC.<br>12665 METRO PKWY., STE. A<br>FT. MYERS, FL 33912<br>813-768-0600 |
|---------------------------------------|----------------------------------------------------|------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|

### Planting Plan:

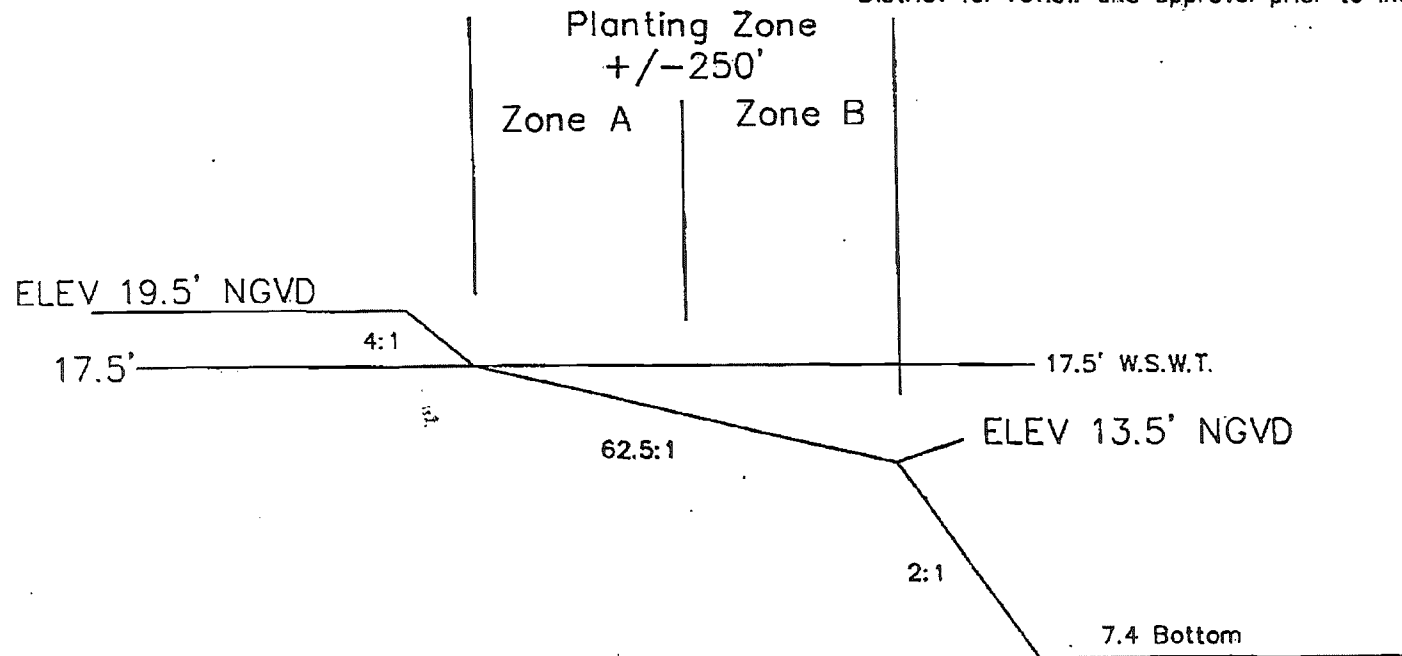
Zone A will be planted with herbaceous native aquatic species spaced on 5' centers. Species will include at least 3 (depending on availability) of the following:

|                |              |
|----------------|--------------|
| Yellow Canna   | Spike Rush   |
| Umbrella Grass | Spider Lily  |
| Cordgrass      | Swamp Lily   |
| Blue Flag      | Saw Grass    |
| Beak Rush      | Water Hyssop |

Zone B will be planted with herbaceous native aquatic species spaced on 5' centers. Species will include at least 3 (depending on availability) of the following:

|                   |                 |
|-------------------|-----------------|
| White Water Lily  | Floating Hearts |
| Fire Flag         | Pickeralweed    |
| Yellow Water Lily | Arrowhead       |

Substitutions to the above will be submitted to the District for review and approval prior to installation.



|                                       |                                                  |           |          |           |                                                                                                                 |
|---------------------------------------|--------------------------------------------------|-----------|----------|-----------|-----------------------------------------------------------------------------------------------------------------|
| JOB NO.<br>940085<br>SHEET 3<br>OF // | Cypress Woods<br>Cross Section M1<br>North Marsh | SCALE     | N.T.S.   | REVISIONS | BOYLAN ENVIRONMENTAL<br>CONSULTANTS, INC.<br>12665 METRO PKWY., STE. A<br>FT. MYERS, FL 33912<br>(813) 768-0600 |
|                                       |                                                  | DATE      | 11/18/94 | 05/11/95  |                                                                                                                 |
|                                       |                                                  | FILE NAME | 9455x01  |           |                                                                                                                 |
|                                       |                                                  | DRAWN BY  | J.S.     |           |                                                                                                                 |

### Planting Plan:

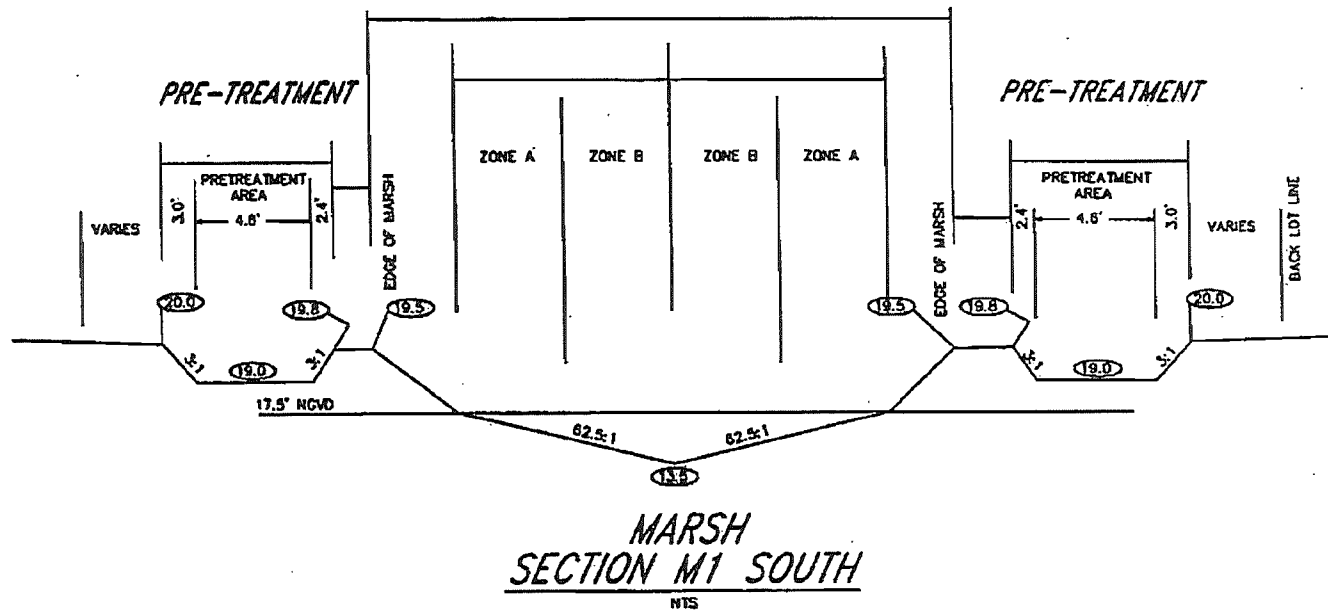
Zone A will be planted with herbaceous native aquatic species spaced on 5' centers. Species will include at least 3 (depending on availability) of the following:

|                |              |
|----------------|--------------|
| Yellow Canna   | Spike Rush   |
| Umbrella Grass | Spider Lily  |
| Cordgrass      | Swamp Lily   |
| Blue Flag      | Saw Grass    |
| Beak Rush      | Water Hyssop |

Zone B will be planted with herbaceous native aquatic species spaced on 5' centers. Species will include at least 3 (depending on availability) of the following:

|                   |                 |
|-------------------|-----------------|
| White Water Lily  | Floating Hearts |
| Fire Flag         | Pickeralweed    |
| Yellow Water Lily | Arrowhead       |

Substitutions to the above will be submitted to the District for review and approval prior to installation.



JOB NO.  
940085  
SHEET 4  
OF 11

Cypress Woods  
Cross Section M1  
South Marsh

|           |          |           |
|-----------|----------|-----------|
| SCALE     | N.T.S.   | REVISIONS |
| DATE      | 11/18/94 | 05/11/95  |
| FILE NAME | 9465xs1  |           |
| DRAWN BY  | J.S.     |           |

BOYLAN ENVIRONMENTAL  
CONSULTANTS, INC.  
12665 METRO PKWY., STE. A  
FT. MYERS, FL 33912  
(813) 768-0600

## Zone A

Zone A will be revegetated with trees planted on 25' centers. Species will include (depending on availability) at least 3 of the following:

Cabbage Palm      Bald Cypress  
Laurel Oak          Slash Pine  
Red Maple  
Popash  
Dahoon Holly

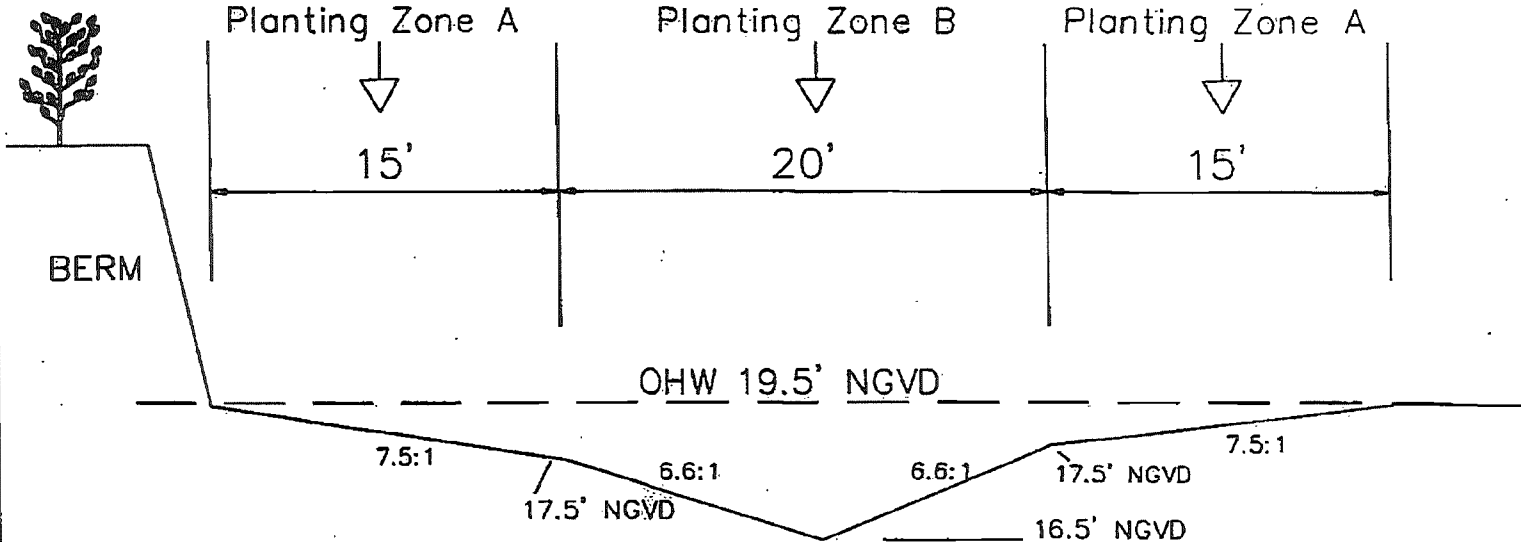
Substitutions to the above will be submitted to the District for review and approval prior to installation.

## Zone B

Zone B will be planted with herbaceous native aquatic species spaced on 5' centers. Species will include (depending on availability) at least 3 of the following:

Cordgrass  
Saw grass  
Pickerelweed  
Arrowhead  
Water Hyssop  
Swamp Lily

Hedge row\buffer



JOB NO.  
940065  
SHEET 5  
OF //

Cypress Woods  
Typical Cross Section  
M2

|          |          |           |
|----------|----------|-----------|
| SCALE    | N.T.S    | REVISIONS |
| DATE     | 11/18/94 | 02/20/95  |
| DESIGN   |          | 05/11/95  |
| DRAWN BY | J.S.     |           |

BOYLAN ENVIRONMENTAL  
CONSULTANTS, INC.  
12665 METRO PKWY., STE. A  
FT. MYERS, FL 33912  
(813) 768-0600

# Planting Plan:

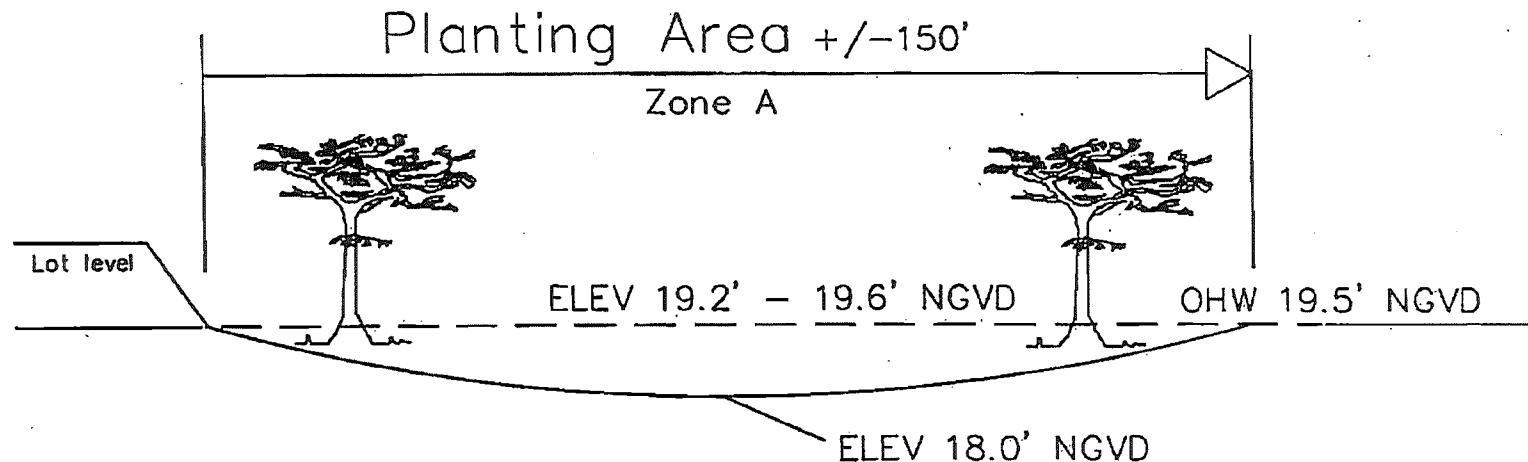
## Zone A

Zone A will be revegetated with trees planted on 25' centers.

Tree plantings will be a 70 percent mixture of slash pine and bald cypress. The remaining 30 percent will include at least 3 of the following:

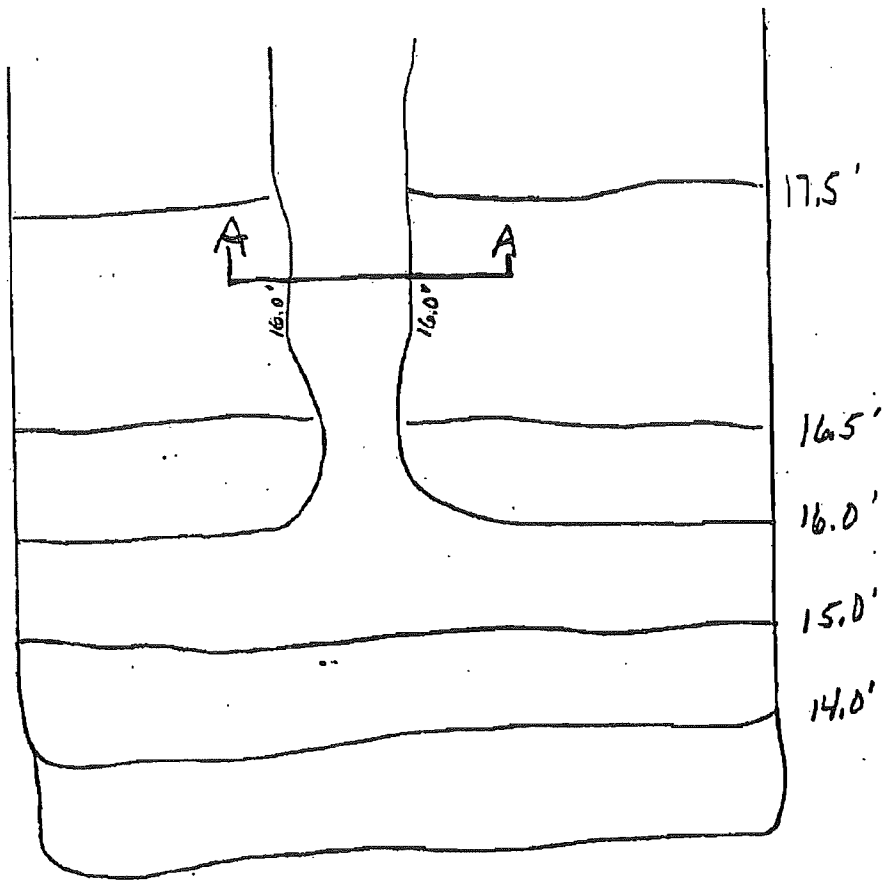
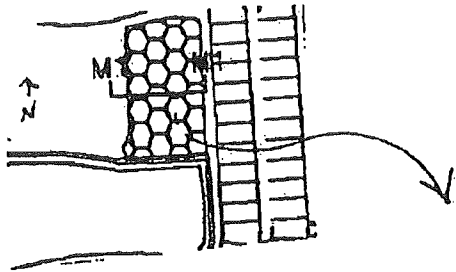
|              |              |
|--------------|--------------|
| Cabbage Palm | Swamp Bay    |
| Laurel Oak   | Popash       |
| Red Maple    | Dahoon Holly |

Substitutions to the above will be submitted to the District for review and approval prior to installation.

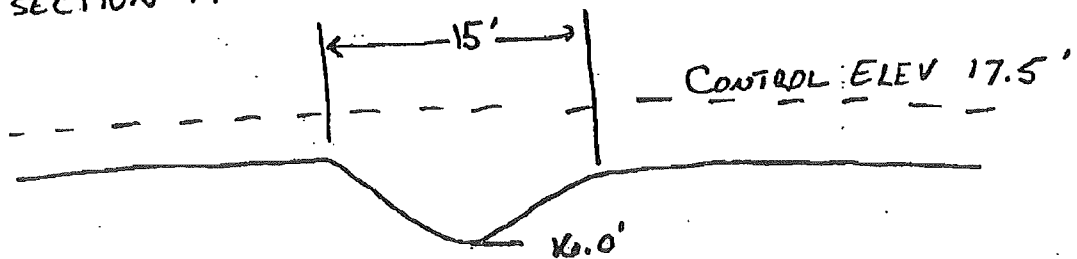


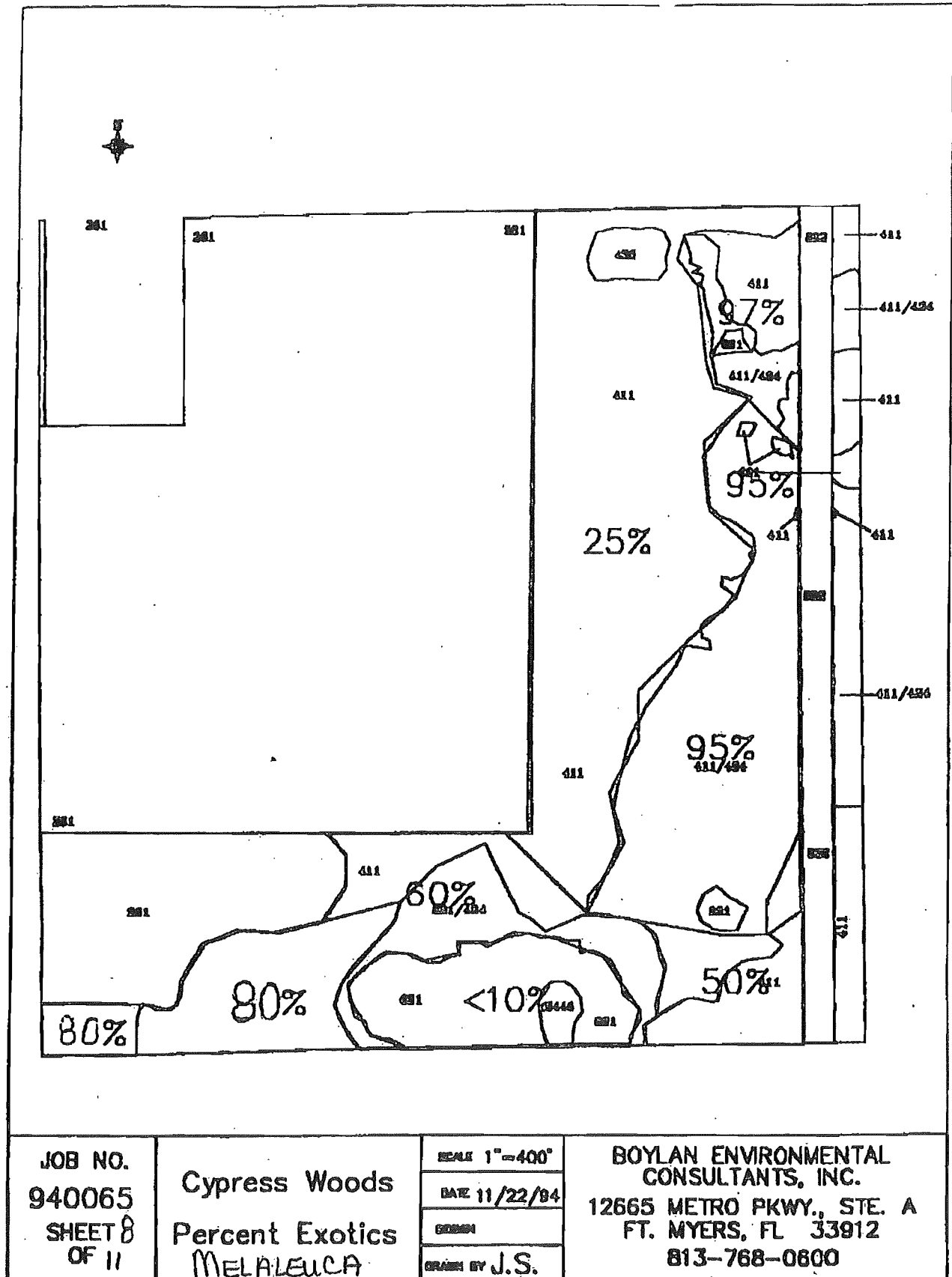
|                                       |                                              |          |          |           |                                                                                                                 |
|---------------------------------------|----------------------------------------------|----------|----------|-----------|-----------------------------------------------------------------------------------------------------------------|
| JOB NO.<br>940065<br>SHEET 6<br>OF // | Cypress Woods<br>Typical Cross Section<br>M3 | SCALE    | N.T.S.   | REVISIONS | BOYLAN ENVIRONMENTAL<br>CONSULTANTS, INC.<br>12665 METRO PKWY., STE. A<br>FT. MYERS, FL 33912<br>(813) 768-0600 |
|                                       |                                              | DATE     | 11/18/94 | 02/13/95  |                                                                                                                 |
|                                       |                                              | DESIGN   |          | 05/11/95  |                                                                                                                 |
|                                       |                                              | DRAWN BY | J.S.     |           |                                                                                                                 |

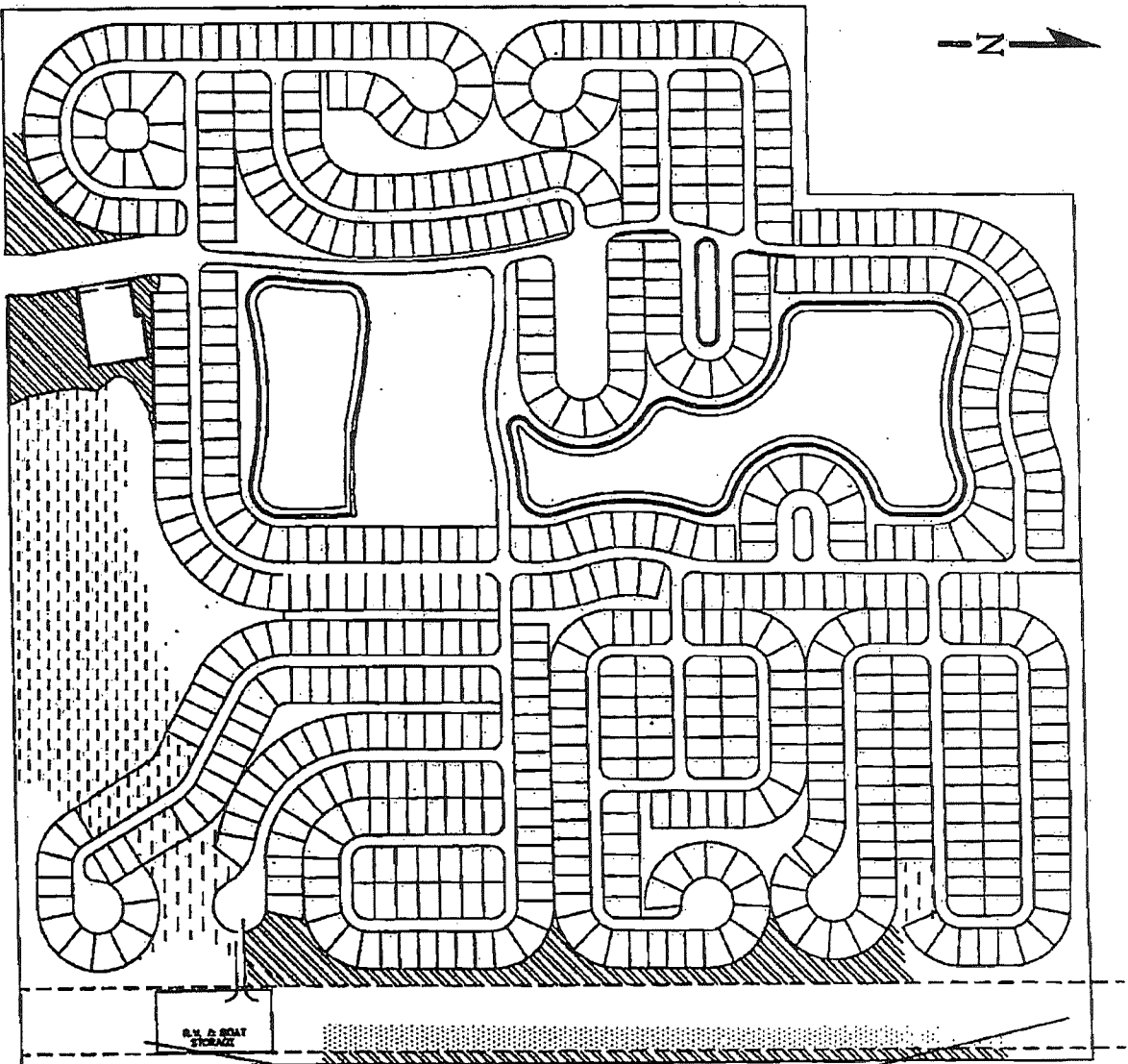
# MARSH CREATION DETAIL - SOLI 1



CROSS SECTION A







MECHANICAL EXOTIC REMOVAL  
WETLAND RESTORATION



SELECTIVE EXOTIC REMOVAL  
WETLAND ENHANCEMENT



MECHANICAL EXOTIC REMOVAL  
NOT INCLUDED IN MITIGATION

JOB NO.  
840065  
SHEET 9  
OF 11

Cypress Woods  
Exotic Removal

SCALE 1"=400'

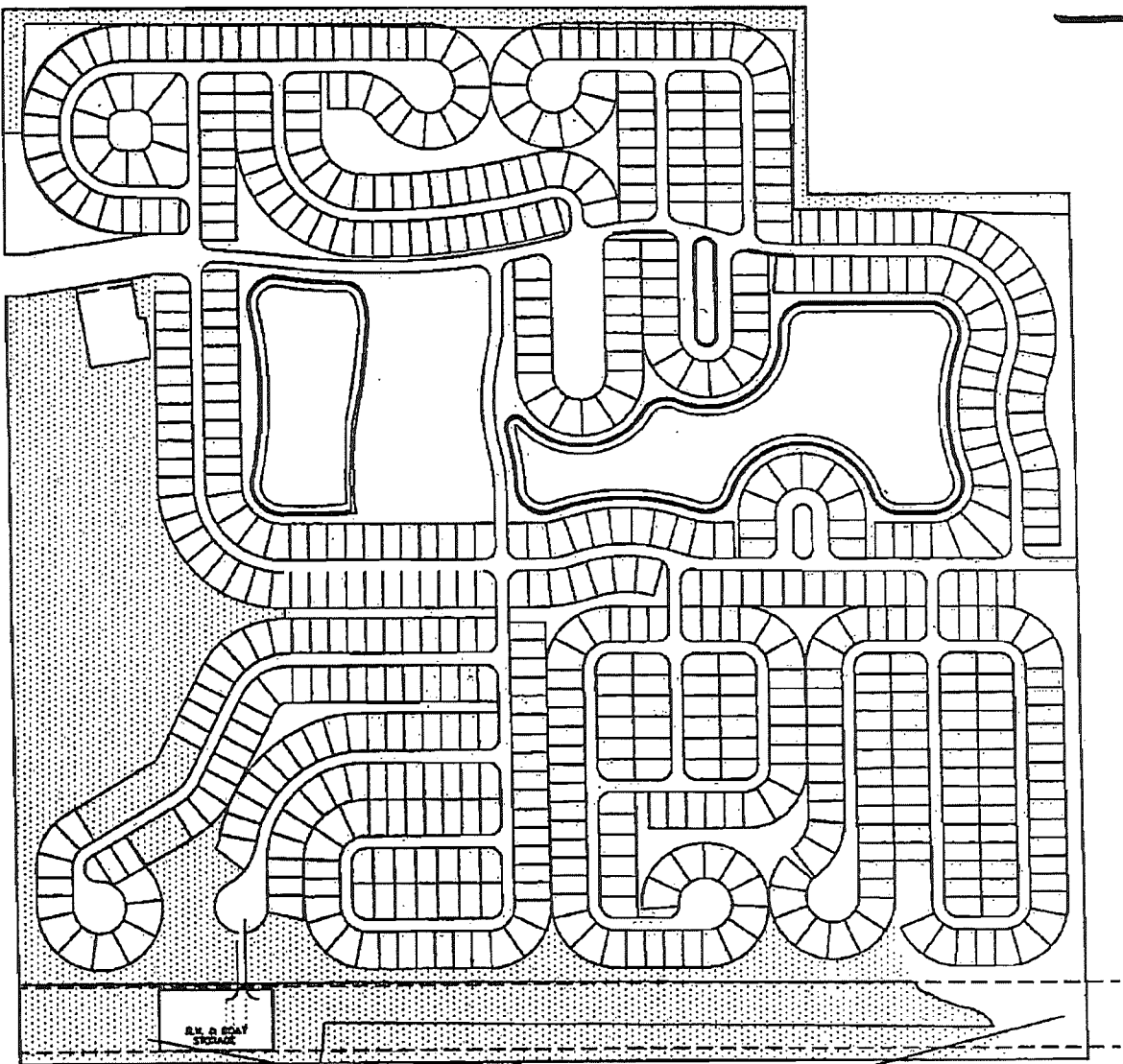
DATE 02/09/95

FILE NAME Exotic-rem

DESIGN BY J.S.

BOYLAN ENVIRONMENTAL  
CONSULTANTS, INC.  
12665 METRO PKWY., STE. A  
FT. MYERS, FL 33912  
813-768-0600





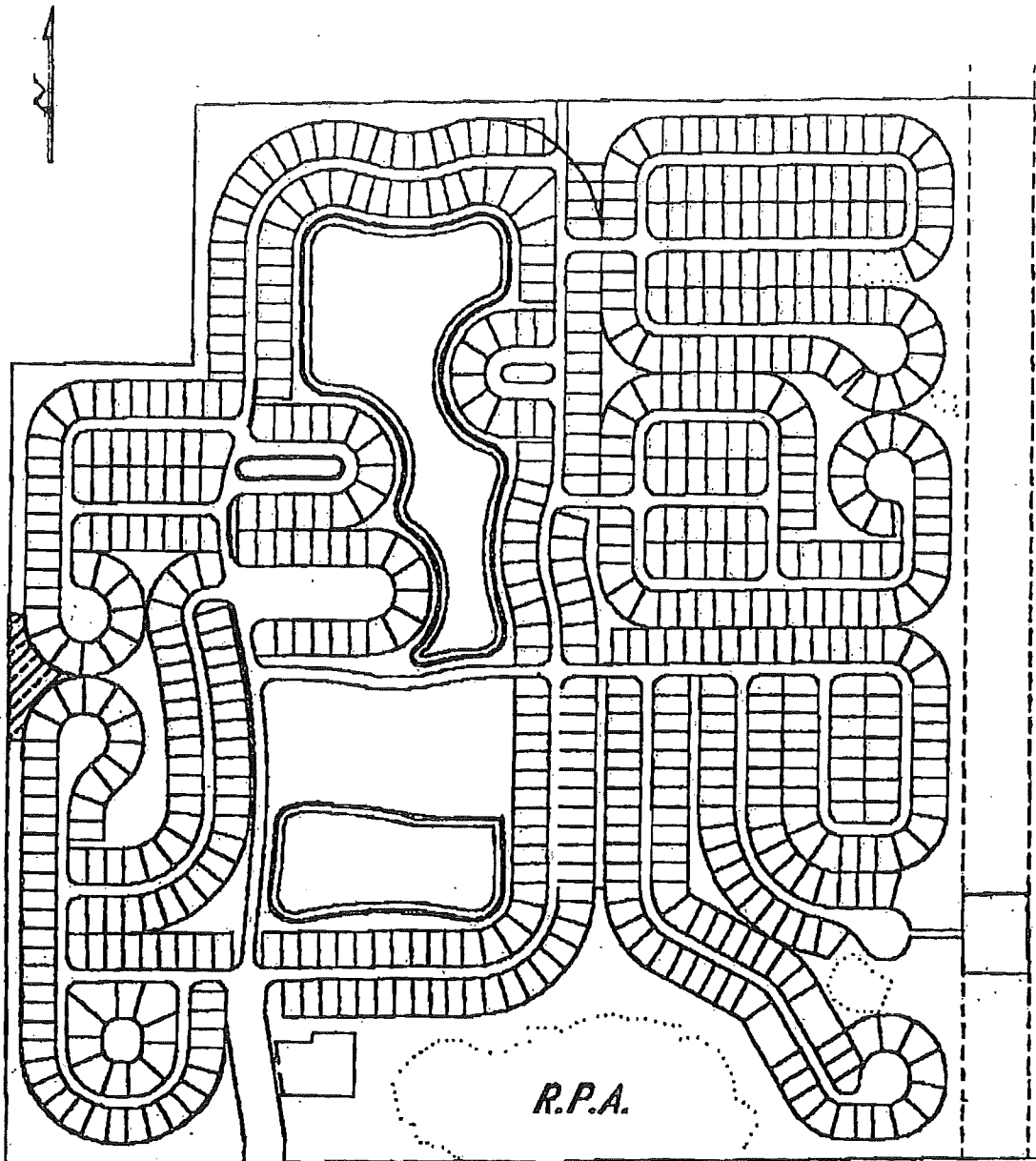
Big Cypress Fox Squirrel Preserve  
 Approx. 30.31 AC

JOB NO.  
 940065  
 SHEET 10  
 OF 11

Cypress Woods  
 Big Cypress Fox  
 Squirrel Preserve

SCALE 1"=400'  
 DATE 05/11/95  
 PLOT NAME squirrel  
 DRAWN BY J.S.

BOYLAN ENVIRONMENTAL  
 CONSULTANTS, INC.  
 12665 METRO PKWY., STE. A  
 FT. MYERS, FL 33912  
 813-768-0600



HABITAT MANAGEMENT AREA  
FOR GOPHER TORTOISE

JOB NO.  
940065  
SHEET //  
OF //

Cypress Woods  
Management Plan  
Gopher Tortoise

SCALE 1"=400'

DATE 02/16/95

DESIGN

DRAWN BY J.S.

BOYLAN ENVIRONMENTAL  
CONSULTANTS, INC.

12665 METRO PKWY., STE. A  
FT. MYERS, FL 33912  
813-768-0600



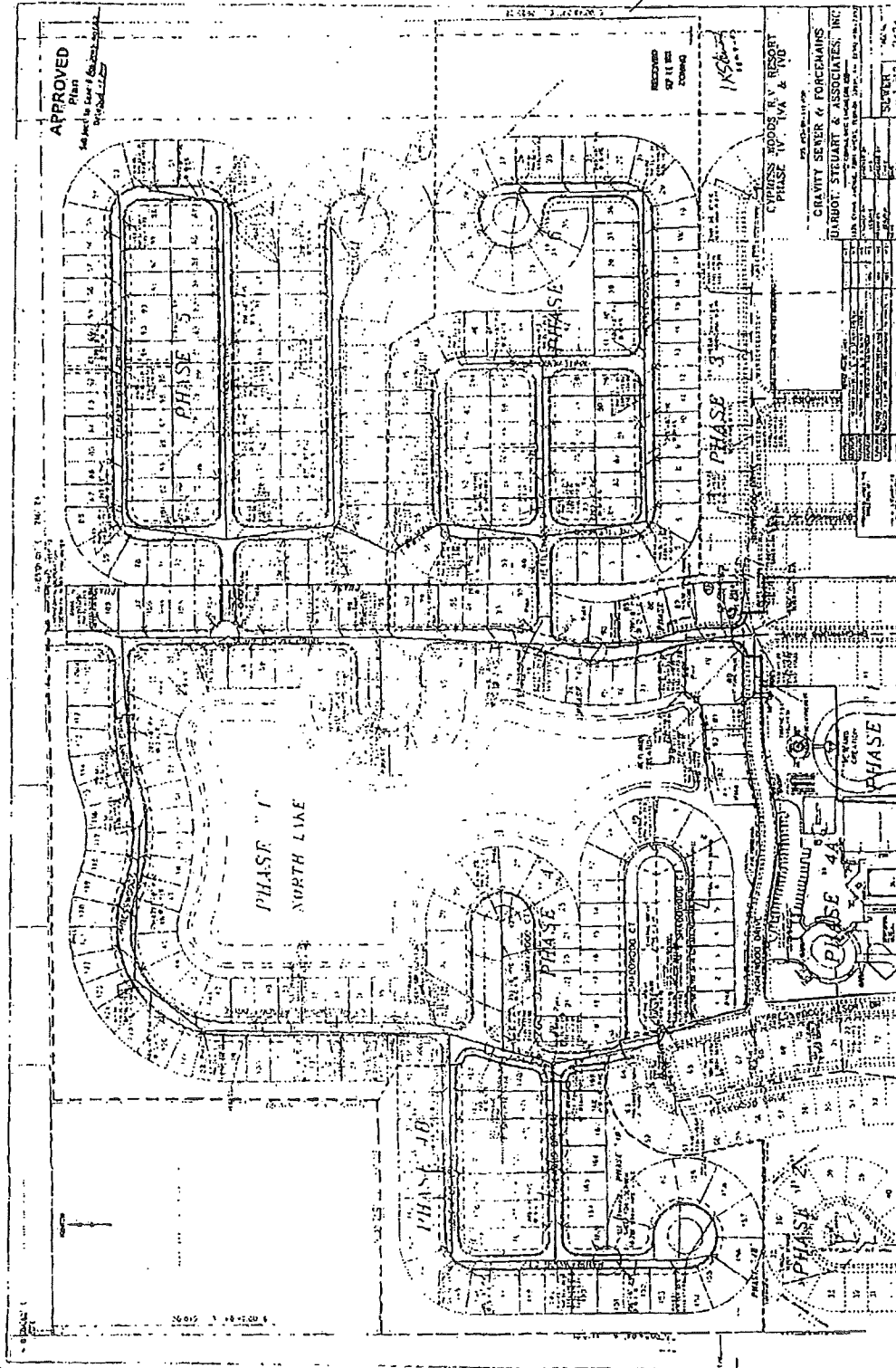


EXHIBIT G



"EXHIBIT 3A"

# CYPRESS WOODS RESORT

TOTAL AREA = 6,688,691.34 S.F. (153.55 AC.)

RIGHT-OF-WAY = 792,541.57 S.F. (18.19 AC.)

LOT AREA = 2,850,427.44 S.F. (65.44 AC.)

LAKES = 726,812.66 S.F. (16.68 AC.)

NO. OF LOTS = 611 UNITS (563 R.V. SITES, 48 M.H. SITES)

GROSS DENSITY = 3.98 UNITS/AC.

BUILDING HEIGHT NOT TO EXCEED 35' OR 2 STORIES.

N 89°04'12" E  
20.00'

MHPD RVPD



TYPICAL EXISTING DEVIATION  
SEE SCHEDULE OF DEVIATIONS

EMERGENCY ACCESS

LUCKETT RD. EXISTING PAVEMENT EXTENTS

EXISTING MAN-MADE LAKE  
RELOCATED TO MIN. 50' FROM  
REAR LOT LINES

1.14 ACRE INDIGENOUS  
RESTORATION AREA

SEE DETAIL A-A

N 89°04'12" E 1,127.97'

40' PERIMETER BUFFER

COUNTRYWOOD DRIVE

PHASE 5c  
43 LOTS

PHASE 5b  
45 LOTS

PHASE 5a  
46 LOTS

PHASE 5d  
47 LOTS

PHASE 5e  
48 LOTS

PHASE 5f  
49 LOTS

PHASE 5g  
50 LOTS

PHASE 5h  
51 LOTS

PHASE 5i  
52 LOTS

PHASE 5j  
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PHASE 5k  
54 LOTS

PHASE 5l  
55 LOTS

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65 LOTS

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68 LOTS

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71 LOTS

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PHASE 5ii  
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PHASE 5ij  
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PHASE 5ik  
287 LOTS

PHASE 5il  
288 LOTS

PHASE 5im  
289 LOTS











**News-Press.com Online Public Notice: Detail****2011-12-08 Notice of Public Hearing****NOTICE OF  
PUBLIC HEARING**

Notice is hereby given that at 9:30 a.m. on Monday, 19 December, 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 cases 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 Prining at 533-8585.

The following cases will be heard:

REZ2011-00011. Shady Acres Mobile Home Subdivision. A) Correct legal description in Resolution Z-76-153 (Case No. 76-8-7); and B) Revise zoning map to reflect RV-3 zoning on the easterly 3.54± acres of the Shady Acres Mobile Home Subdivision. The subject property is Shady Acres Mobile Home Subdivision located on San Michel St., San Eduardo St., San Susa St., and Santa Elena, in the San Carlos Planning Community, Lee County FL. Project Representative: Matthew Uhle, Knott Consoer 239-334-2722."

DCI2010-00025. Gulf Shrimp IPD. Amend the existing Gulf Shrimp IPD (Industrial Planned Development) (DCI2001-00016, Resolution # Z-01-045) to decrease the site area from 5.62+/- acres to 4.99+/- acres by removing a 0.75+/- acre area of land from the subject IPD and by adding and rezoning a 0.11+/- acre parcel of land from AG-2 to IPD. Schedule of uses will remain the same. Property located at 1100 and 1101 Shrimp Boat Ln. & 750 Oak St., Iona/McGregor Planning Community, Lee County, FL. Project Representative: Tim Keene, P.E., Keene Engineering, Inc. 239-939-0524.

DCI2010-00024. Key West Express. Amend the existing Key West Express IPD (Industrial Planned Development) (DCI2005-00087, Resolution # Z-06-047) to increase the site area from 2.64+/- acres to 3.84± acres by adding and rezoning a 0.45+/- acre parcel of land from AG-2 (Agricultural) and a 0.75+/- acre parcel of land from IPD to IPD in order to reconfigure and increase the parking lot area of the development. Schedule of uses will remain the same. Property located at 1200 Main St., Iona/McGregor Planning Community, Lee County, FL. Project Representative: Tim Keene, P.E., Keene Engineering, Inc. 239-939-0524.

DCI2007-00078. Cypress Woods RV Resort. Amend the existing RVPD/MHPD zoning for Cypress Woods R.V. Resort to include an additional 2.102 acres that will be rezoned from Agriculture District (AG-2) to Recreational Vehicle Planned Development/Mobile Home Planned Development (RVPD/MHPD) to allow an additional 18 lots within the resort. Property located at 5468 Tice St. and 5551 Lockett Rd. (Countrywood Dr.), Ft. Myers Shore Planning Community, Lee County, FL. Project Representative: Kenneth Notturmo, Harp Management LLC 239-333-3238.

DCI2009-00014. Kenora Holdings Rezoning. Request to rezone 95.7+/- acres from Agricultural (AG-2) to Recreational Vehicle Planned Development (RVPD) to permit a maximum of 499 lots with accessory uses, including but not limited to food stores, personal services, recreation facilities, and open storage. Potable water and sanitary sewer services will be provided by Lee County Utilities. No development blasting is proposed. Property located at 5468 Tice St, Ft. Myers Shores Planning Community, Lee County, FL. Project Representative: Kenneth Notturmo, Harp Management LLC 239-333-3238

Dec 8 No. 1443704

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

Date: **December 05, 2011**

To: DCI2007-00078

FROM: Jamie Princing

RE:                      Notice of Public Hearing - December 19, 2011  
Lee County Board of County Commissioners Meeting

I, Jamie Princing, 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: DCI2007-00078

NAME: CYPRESS WOODS RV RESORT

REQUEST: Amend the existing RVPD/MHPD zoning for Cypress Woods R.V. Resort to include an additional 2.102 acres that will be rezoned from Agriculture District (AG-2) to Recreational Vehicle Planned Development/Mobile Home Planned Development (RVPD/MHPD) to allow an additional 18 lots within the resort.

LOCATION: 5468 Tice St. and 5551 Luckett Rd. (Countrywood Dr.), Ft. Myers Shore Planning Community, Lee County, FL.

PROPERTY OWNER'S REPRESENTATIVE: KENNETH C NOTTURNO  
239-333-3238

Notice is hereby given that the Lee County Board of Commissioners will hold a public hearing at 9:30 am on Monday, December 19, 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 Prining at 533-8585.**

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Zoning Division

DCI2007-00078 / Cypress Woods

KENNETH C NOTTURNO  
HARP MANAGEMENT LLC  
5551 LUCKETT RD  
FT MYERS FL 33905

KENORA HOLDINGS LLC  
5551 LUCKETT RD  
FORT MYERS FL 33905

CYPRESS WOODS V, LLC  
5551 LUCKETT RD  
FT MYERS FL 33905

JOHN ALLEN  
BARBOT, STEUART & ASSOC., INC.  
13861 PLANTATION RD, STE. 105  
FORT MYERS FL 33912

NEALE MONTGOMERY  
PAVESE LAW FIRM  
1833 HENDRY STREET  
FORT MYERS FL 33901

AVI HARPAZ  
HARP MANAGEMENT LLC  
5551 LUCKETT ROAD  
FORT MYERS FL 33905

NANCY MUTCHLER  
10560 MARTHA STREET  
FORT MYERS, FL 33905

PAUL MUTCHLER  
10560 MARTHA STREET  
FORT MYERS, FL 33905



LEE COUNTY  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

John E. Manning  
District One

November 29, 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

Michael D. Hunt  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

KENNETH C. NOTTURNO  
KENNETH C NOTTURNO  
5551 LUCKETT RD  
FT MYERS, FL 33905

RE: **Agenda Schedule for CYPRESS WOODS RV RESORT**  
**Case No. DCI2007-00078**

Dear KENNETH C. NOTTURNO :

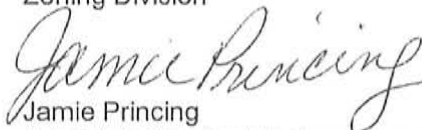
Your zoning request has been scheduled before the Board of County Commissioners to take final action after reviewing the Hearing Examiner's recommendation.

DATE & TIME: Monday, December 19, 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: CYPRESS WOODS V, LLC  
KENORA HOLDINGS LLC  
JOHN ALLEN, BARBOT, STEUART & ASSOC., INC.  
NEALE MONTGOMERY, PAVESE LAW FIRM  
AVI HARPAZ, HARP MANAGEMENT LLC  
Alvin Block, AICP, Principal Planner  
Zoning File

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

RECEIVED  
NOV 21 2011  
ZONING

REZONING: DCI2007-00078  
APPLICANT: CYPRESS WOODS V, LLC in reference to  
CYPRESS WOODS RV RESORT  
HEARING DATE: OCTOBER 12, 2011

**I. APPLICATION:**

This matter came before the Lee County Hearing Examiner as an Application for an Amendment to a Recreational Vehicle Planned Development/Mobile Home Planned Development (RVPD/MHPD) pursuant to the Lee County Land Development Code (LDC).

Filed by CYPRESS WOODS V, LLC, 5551 Lockett Road, Fort Myers, Florida 33905 (Applicant/Owner); HARP MANAGEMENT, LLC, c/o KENNETH NOTTURNO or AVI HARPAZ, 5551 Lockett Road, Fort Myers, Florida 33905; BARBOT, STEUART & ASSOCIATES, INC., c/o JOHN ALLEN or DON SLISHER, 13861 Plantation Road, Suite 105, Fort Myers, Florida 33912; PAVESE LAW FIRM, c/o NEALE MONTGOMERY, ESQUIRE or NEYSA BORKERT, ESQUIRE, 1833 Hendry Street, Fort Myers, Florida 33901 (Agents).

Request is to amend the existing Recreational Vehicle Planned Development/Mobile Home Planned Development (RVPD/MHPD) zoning for Cypress Woods R.V. Resort to include an additional 2.102 acres that will be rezoned from Agriculture District (AG-2) to Recreational Vehicle Planned Development/Mobile Home Planned Development (RVPD/MHPD) to allow an additional 18 lots within the resort.

The subject property is located at 5551 Lockett Road (Countrywood Drive), Fort Myers Shores Planning Community, Section 11, Township 44 South, Range 25 East, Lee County, Florida (District #5).

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

The Department of Community Development Staff Report was prepared by Alvin Block. 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 existing Recreational Vehicle Planned Development/Mobile Home Planned Development (RVPD/MHPD) zoning for Cypress Woods R.V. Resort for the real estate described in Section IX. Legal Description WITH THE FOLLOWING CONDITIONS AND DEVIATIONS:



**A. CONDITIONS:**

1. Master Concept Plan & Development Intensity

The development of this project must be consistent with the three-page Master Concept Plan, AUG 23, 2010, attached as **Exhibit B**, except as modified by the conditions below. This development must comply with all requirements of the Lee County Land Development Code (LDC), except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

The overall project is limited to a maximum total of 611 mobile home and recreational vehicle units. Development may not exceed any Development of Regional Impact threshold contained in Florida Statutes, without first obtaining approval of an Application for Development Approval.

2. Property Development Regulations

Lots within this development shall be developed in accordance with the following Property Development Regulations:

Minimum Lot Area and Dimensions:

Area: 4,140 square feet  
Width: 46 feet  
Depth: 90 feet

Minimum Setbacks:

Street: 20 feet  
Side Street: 10 feet [Deviation (4)]  
Side: 10 feet (for a recreational vehicle)  
5 feet (for mobile home)\*  
Rear: 20 feet  
Water Body: 25 feet

3. Mobile Home/Recreational Vehicle

The developer or subsequent master owner association must provide on or before December 31<sup>st</sup> of each year an accounting of the total number of lots existing within the development. The accounting must also provide the number of lots used for recreational vehicle and mobile home use. At no time may the number of lots exceed that permitted in Condition 1, nor may the number of recreational vehicles exceed 599. Lots permitted for mobile home use by Lee County, may not subsequently be used by a recreational vehicle.

4. Onsite Shelter

The on-site Hurricane Shelter provision for this development must be consistent with the commitment on the approved Master Concept Plan.

5. Utilities

The development must be connected to a public or private central water system and a public or private central sewage disposal system.

6. Traffic Impacts

This zoning approval does not signify that the project's traffic impacts have been mitigated. Additional conditions may be required at the time of issuance of a Local Development Order per the Development Standards Ordinance or other Lee County Ordinance.

7. Allocation Table

Approval of this rezoning does not give the developer the undeniable right to receive any Local Development Order approval that exceeds the year 2010 Overlay use allocation, if such allocation exists, for the applicable district.

8. Fox Squirrel Preserve Area & Northern Buffer

All areas shown on the Master Concept Plan as fox squirrel preserve must be shown and labeled as such on any plans submitted for Local Development Order approval, any golden polypody found on trees within development areas must be relocated to preserve areas wherever feasible.

Prior to Local Development Order approval for Phase V, the landscape plans must depict restoration for the northern buffer in substantial compliance with the Habitat Restoration and Maintenance Guidelines (Stamped Received August 23, 2010 and Attached as **Exhibit C**).

9. Solid Waste Management

This development must be consistent with Lee County Land Development Code Section 10-261 and 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.

10. Open Space

The overall project must provide a minimum of 67.66 acres of open space for all phases of the project in substantial compliance with the Master Concept Plan.

11. Indigenous Open Space

The project must provide a minimum of ±36.64 acres of indigenous open space with credits for all phases of the project in conceptual compliance with the approved Master Concept Plan.

12. Indigenous Maintenance and Management Plan

Prior to Local Development Order approval for Phase V, the Applicant must submit a maintenance and management plan for the proposed Indigenous Preserve Areas as per the Land Development Code Section 10-415(b)(4) for Division of Environmental Sciences review and approval.

13. Landscape Plans

Prior to Local Development Order approval for Phase V, the landscape plans must be in substantial compliance with the Habitat Restoration and Maintenance Guidelines and depict:

- the planting of slash pines (*Pinus elliotti* var *densa*), dahoon holly (*Ilex cassine*), laurel oak (*Quercus laurifolia*) and live oaks (*Quercus virginiana*), planted an average 15-feet on center; and,
- 75 percent of the trees planted 10-feet in height, two-inch caliper; and,
- 25 percent of the trees planted 16-feet in height, three-four-inch caliper; and,
- shrubs consistent with the restoration plan, planted in scattered clusters one-gallon container size, three feet on center; and,
- a five-year monitoring report must be provided to ensure that the habitat restoration is successful.

14. Conveyance Ditch and Easement

Prior to Local Development Order approval for Phase V, the Development Order plans must demonstrate that the location of the conveyance ditch and associated easement are not located within the 40-foot-wide area depicted as the Big Cypress Fox Squirrel buffer/preserve area. Per the Habitat and Restoration Plan the 40-foot-wide buffer/preserve areas must be restored in its entirety.

**B. DEVIATIONS:<sup>1</sup>**

**Deviation 1** seeks relief from Lee County Land Development Code Section 14-298(c)], for the development of the “TZ” area as indicated on the Master Concept Plan.

The Hearing Examiner recommends **APPROVAL**, subject to the proposed mitigation plan, titled “Cypress Woods Monitoring and Maintenance Plan” submitted by Boylan Environmental Consultants, Inc., zoning counter stamped and dated May 18, 1995 (**Exhibit D**). Mitigation must follow the phasing presented in these documents and all monitoring reports must be submitted to the Lee County Division of Environmental Sciences within thirty days of the scheduled monitoring events.

**Deviation 2** was previously denied.

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<sup>1</sup> Deviations 1 through 17, inclusive, were previously approved or denied by the Board of County Commissioners in prior zoning actions for the Cypress Woods R.V. Resort Recreational Vehicle Planned Development/Mobile Home Planned Development (RVPD/MHPD).

**Deviation 3** seeks relief from Lee County Land Development Code Section 10-714.b., which requires a 90-foot turn out radius, to 30 feet.

The Hearing Examiner recommends **APPROVAL**, subject to the developer providing a paved/stabilized surface with a minimum radius of 42 feet and, in addition, providing an unobstructed clear zone with a 48-foot radius (6 feet clear zone beyond driving range).

**Deviation 4** seeks relief from Lee County Land Development Code Section 34-2192(a), to allow a reduction in the street setback from 20 feet to 5 feet on the "side" lot line for corner lots.

The Hearing Examiner recommends **APPROVAL**, subject to the terms of Condition 2.

**Deviation 5** seeks relief from Lee County Land Development Code Sections 10-285.a., 10-285.a Table 1, and 10-296.j., which requires 125 feet of street intersection separation, to 100 feet.

The Hearing Examiner recommends **APPROVAL** of up to 100 feet of street intersection separation. Approval of this deviation shall also permit the location of a temporary emergency access to the west of the approved access point in this deviation, in accordance with Deviation 6.

**Deviation 6** seeks relief from Lee County Land Development Code Section 10-291.3, to allow only one entrance for a development of more than 5 acres.

The Hearing Examiner recommends **APPROVAL**, with the condition that a temporary emergency access point shall be constructed from Luckett Road, into the project site, for the use of emergency vehicles only. This temporary access point shall remain in place until such time as a permanent emergency access point is constructed, or until this development provides a permanent functioning interconnection with an adjoining property. The temporary access point shall be constructed in accordance with the Land Development Code as administered by the Division of Development Services.

**Deviation 7** seeks relief from Lee County Land Development Code Sections 10-296(b) and 10-296 Table 3, which requires a 45-foot right-of-way for a local street with open drainage, to permit a local street with 30 feet of right-of-way and open drainage.

The Hearing Examiner recommends **APPROVAL**, subject to the condition that the typical lot cross section demonstrates that the drainage performs adequately by showing the slab placement at the Development Order stage.

**Deviation 8** seeks relief from Lee County Land Development Code Section 34-939(b)(6), which requires a 5,000-square-foot minimum lot, to provide a 4,140- square-foot minimum (46 feet x 90 feet).

The Hearing Examiner recommends **APPROVAL**, subject to Condition 2 herein.

**Deviation 9** seeks relief from Lee County Land Development Code Section 34-939(b)(7)c., which requires a side setback of 10 feet and a street (right-of-way) setback of 25 feet, to permit a side setback of 5 feet and a street (right-of-way) setback of 20 feet in the non-transient section of the park.

The Hearing Examiner recommends **APPROVAL**, provided that these setbacks are in conformance with the requirements of Condition 2 and all side setbacks apply to all portions of the structure or unit, including overhangs.

**Deviation 9.a** seeks relief from Lee County Land Development Code Section 34-939(b)(3), to permit an access road through the perimeter buffer to the storage area.

The Hearing Examiner recommends **APPROVAL**, subject to Condition 8.

**Deviation 10** seeks relief from Lee County Land Development Code Section 34-736, which requires a 5,000-square-foot minimum lot (50 feet x 100 feet), to provide a 4,140-square-foot minimum lot (46 feet x 90 feet).

The Hearing Examiner recommends **APPROVAL**, subject to the requirements of Condition 2.

**Deviation 11** seeks relief from Lee County Land Development Code Section 34-736, which requires a side setback of 7 feet, to permit a side setback of 5 feet.

The Hearing Examiner recommends **APPROVAL**, subject to the setbacks in Condition 2.

**Deviation 12** seeks relief from Lee County Land Development Code Sections 34-2222(1) and 10-254(b), to allow the corner lots to be the same size as the other lots within the development (and not have an additional 15 feet of width).

The Hearing Examiner recommends **APPROVAL**, subject to the requirements of Condition 2.

**Deviation 13** seeks relief from Lee County Land Development Code Section 10-295, to eliminate the requirement for street stubs to adjacent properties.

The Hearing Examiner recommends **APPROVAL**, subject to the following condition:

Deviation 13 is hereby approved with the condition that a temporary emergency access point shall be constructed from Luckett Road, into the project site, for the use of emergency vehicles only. This temporary access point shall remain in place until such time as an adjoining development provides a permanent functioning interconnection with their property.

**Deviation 14** seeks relief from Lee County Land Development Code Section 34-939(b)(3), to eliminate the requirement for a buffer between a recreational vehicle park and adjacent property interior to the site.

The Hearing Examiner recommends **APPROVAL** for the interior portion of the site, only.

**Deviation 15** seeks relief from Lee County Land Development Code Section 34-935(a)(I), to eliminate the requirement that a new recreational vehicle park be not less than 20 acres in size.

The Hearing Examiner recommends **APPROVAL** of Deviation 15.



**Deviation 16** seeks relief from Lee County Land Development Code (LDC) Sections 34-2194(b) and (c), which requires a 25-foot water body setback; to allow a zero-foot setback in order to permit the construction of a clubhouse, deck, pier and gazebo 90 feet into the artificial body of water.

The Hearing Examiner recommends **APPROVAL**, subject to substantial compliance with the proposed construction of the clubhouse and related facilities on the approved Plan entitled, Cypress Woods, R.V. Resort Clubhouse Area Dev. Order Plans; Drainage, Parking & Site Dim. Plan, dated 04-14-03, stamped received AUG 21, 2003 attached as **Exhibit E**; and subject to the requirement that the water body setback must not adversely impact any open space requirement, wetland vegetation plantings, or other buffering, landscaping, or preservation areas or requirements.

**Deviation 17** seeks relief from Lee County Land Development Code (LDC) Section 34-2020, which requires a total of 135 parking spaces for the two clubhouse facilities, to allow only 44 off-street parking spaces.

The Hearing Examiner recommends **APPROVAL**, subject to the reservation of Lots 85 and 86 (Phase "4") and Tract I (Phase "3", which lies immediately east of Lots 85 and 86, Phase "4"), for the use of overflow parking only, and may not be used as a recreational vehicle or mobile home site. Upon the sale of the last lot (site), in the last Phase of this development, if the Applicant can adequately demonstrate during the season of the highest occupancy of the development that the overflow parking areas were not needed, the two lots can then be used for recreational vehicle or mobile home sites, as provided for in this planned development. A reduced copy of a Plan entitled Cypress Woods R.V. Resort Phase "IV," IVA, & IVB, stamped received SEP 08, 2003 depicting these parcels is attached hereto as **Exhibit F**.

**Deviation 18** seeks relief from Lee County Land Development Code Section 34-935(a)(1), which requires a minimum of 5 acres of land for expanding an existing recreational vehicle park, to allow an expansion of 2.1± acres.

The Hearing Examiner recommends **APPROVAL** of Deviation 18.

#### **IV. HEARING EXAMINER DISCUSSION:**

This is an application to amend the existing Cypress Woods R.V. Resort Recreational Vehicle Planned Development/Mobile Home Planned Development (RVPD/MHPD) to add an additional 2.102 acres. The additional acreage is currently in an Agricultural Zoning District. Approval of the request will add that acreage to the existing planned development, and create an additional 18 lots within the resort. Both the original site and the additional acreage are within the Fort Myers Shores Planning Community and the Urban Community Future Land Use Category.<sup>2</sup>

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<sup>2</sup> Lee County Comprehensive Plan Policy 1.1.4:

The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, South Fort Myers, Iona/McGregor, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential,

North of the property are Agricultural Zoning Districts, which are the subject of a current rezoning request DCI2009-00014 a/k/a Kenora Holdings, LLC Rezoning, heard by this Hearing Examiner on the same day as this request, that is October 12, 2011. The owners of that development are not related to the current Applicant. East of the subject site is another Agricultural Zoning District (AG-2) used as a tree farm. South and west of the site is the original Cypress Woods RV Resort. The entire site is accessed at its southern boundary on Luckett Road.

The Applicant's proposed Master Concept Plan, **Exhibit B** hereto, is the last previously approved Master Concept Plan for the complex, with the addition of the 2.102-acre parcel in the northeast portion of the community. The additional 18 new lots will bring the approved number of sites to 609 units. Access to the park/resort is not changing, the existing connection to Luckett Road remains as constructed. The Plan depicts a second existing "emergency access," on Lot 14, in the southeast corner of the development. That access also connects with Luckett Road.

Please note that Florida Statutes provides that a recreational vehicle park consisting of 500 or more units is a Development of Regional Impact. This project, however, is a multiple use development of recreational vehicle and mobile homes. Staff has provided conditions so that the project may not exceed the Development of Regional Impact thresholds, without first undergoing review and approval of an Application for Development Approval.

The project was originally approved by the Board of County Commissioners as a Recreational Vehicle Planned Development/Mobile Home Planned Development (RVPD/MHPD) in 1994 (Zoning Resolution Z-94-025). That approval has been amended five times since, beginning in 1995 (PD-95-19) when, the number of units was reduced from 684 to 671 and wetland boundaries were reconfigured.

In 2002, the number of units was again reduced to 647 (ADD2002-00111). The size of the proposed clubhouse was decreased, while the size of the existing clubhouse was increased. That amendment also increased the hurricane shelter area, and identified recreational vehicle lots and mobile home lots.

ADD2003-00122 again adjusted the Plan and added two deviations. In 2003, Zoning Resolution (Z-03-057) reduced the number lots again and the allowed the mixture of recreational vehicle units and mobile homes.

Finally, in 2004, ADD2004-00102 reduced the phases and lots and adding the current lake. The current application incorporates all of the foregoing amendments and readapts their conditions and deviations. The additional acreage will encompass Phase V of the Cypress Woods development.

A detailed discussion of the requested Deviation 13 is necessary. That deviation seeks relief from Lee County Land Development Code Section 10-295, to eliminate the requirement for

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commercial, public and quasi-public, and limited light industry (see Policy 7.1.6) with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3., where appropriate. Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). Any bonus densities approved on the properties added to the Urban Community future land use category in conjunction with CPA2010-00002 must be achieved through use of the transfer of development rights program.

street stubs to adjacent properties. Staff has asserted that the deviation was previously denied, with a condition giving the Director of the Division of Development Services discretion to grant such relief, in accordance with the Lee County Land Development Code. That made sense at those times, because there were no developed adjacent properties to connect to.

Currently, this Hearing Examiner has under consideration the Kenora Holdings, LLC. rezoning matter, DCI2009-00014. That case requests rezoning, of the property directly to the north, to a Recreational Vehicle Planned Development (RVPD), containing 499 lots with accessory uses. Deviation 1, of that application, requests relief from Lee County Land Development Code Section 10-291 (3) which requires a commercial or industrial development of more than ten acres to provide more than one means of ingress and egress for the development.

The Developer of the Kenora site is proposing only one point of ingress and egress on Tice Street. An emergency only access point will be provided, through a Florida Power and Light (FPL) Right-of-Way (ROW), to Tice Street. Staff, in that case, are recommending, as the only practical and appropriate interconnect site, a connection to Cypress Woods Resort. A stub already exists on the north boundary of the Cypress Wood's property between Lots 109 and 110. The stub is partially constructed, but does not penetrate the 40-foot perimeter buffer along the northern property line.

At the hearing on the Kenora application, there was significant opposition from the residents of Cypress Woods RV Resort to any interconnection. Some suggested that an "emergency access point," to be used only in actual and extreme emergencies, would be acceptable. The basis of their objections is the belief that the interconnection will increase traffic through Cypress Woods to get to Luckett Road. Tice Street does not directly connect to Interstate 75. Cypress Woods is a gated community and they submit that the interconnect will exacerbate security concerns.

The Hearing Examiner is recommending approval of the deviation, but with a condition that will require the emergency access/interconnection when the adjacent community is developed. This condition is not new to the zoning conditions of Cypress Woods. The condition was adopted from a similar provision in the first approval of the Recreational Vehicle Planned Development/Mobile Home Planned Development (RVPD/MHPD), specifically Zoning Resolution Z-94-025 (August 15, 1994). It has been consistently carried through in the amendments to that approval. The current condition is merely a restatement of prior conditions.

Representatives of the Lee County Department of Transportation indicated they have no objections to this application, and that there are no impacts to area roadways. The entire project is served by potable water and central sanitary sewer. The new lots will connect to the existing private system within the development.

The Environmental Sciences Staff has reviewed this request. A vegetative community assessment was performed by the Applicant, which was later field verified. The Applicant's land was previously cleared and filled, a borrow lake was created, and a lake excavated as part of the stormwater management system. The filled areas are not vegetated, but contain scattered weeds, saltbush, and beggar ticks. The eastern portion of the site contains a pine flatwoods indigenous area. The later area contains South Florida Slash Pine, Cabbage Palm, Wax Myrtle, Myrsine, and Saw Palmetto. The preserve has been placed into a

conservation easement dedicated to South Florida Water Management District (SFWMD) and has completed its five-year monitoring requirements for exotic eradication.

A Protected Species Survey was provided by the Applicant. It was field verified on February 9, 2008. Except for the preserved indigenous areas, the entire site is either developed or cleared for development. Adjacent properties have also been cleared and are in use. No listed species were found within the area of Phase V of the project. In order to ensure protection for listed species, which possibly still inhabit the remainder of the site, the Gopher Tortoise Management Plans and Fox Squirrel Preserve must be, as conditioned in prior zoning resolutions, brought forward and remain in full force and effect.

The Lee County Land Development Code requires that 40 percent of the site encompass open space. This project provides 67.66 acres of open space, with large contiguous indigenous areas, in compliance with the Code, which requires 61.42 acres. A condition is provided to ensure compliance with this provision.

The Land Development Code requires a 40-foot wide landscaped perimeter buffer to surround the site. The Applicant is requesting a deviation from this requirement at the northern portion of the new Phase V.

The original zoning and development order, provided that the buffer in the northern portion of the project was part of a Big Cypress Fox Squirrel Preserve area. In or about 2005, the Phase V portion of the site was cleared. A subsequent inspection revealed the indigenous 40-foot buffer/preserve area had been cleared. This caused Staff to commence a Code Enforcement proceeding. A Restoration Plan has been provided by the Applicant in order to abate the violation and bring the project into compliance with the Development Order. Initial installation of the restoration plantings, consistent with the Restoration Plan, will not meet the requirements of the Land Development Code. However, once established the indigenous restoration will meet those requirements. Accordingly, Staff has recommended the deviation from Lee County Land Development Code 34-939(b)(3) for the clearing and restoration of indigenous habitats along the northern boundary of Phase V.

The deviation will restore the natural features onsite and the proposed plantings will meet the intent of the required eight-foot-high opaque vegetative buffer. A condition is provided to ensure that the 40-foot indigenous buffer is in substantial compliance with the Habitat Restoration and Maintenance Guidelines.

Large developments, with existing indigenous vegetation, must provide 50 percent of their open space requirement as indigenous open space. The indigenous open space requirement previously established for this site is 30.71 acres. The Applicant will provide 36.64 acres with credits.

Alvin "Chip" Block, Principal Planner with the Department of Community Development, reviewed this project in accordance with the *Smart Growth Principles*, and commented as follows:

*Mix land uses:* The development was originally approved by the Board of County Commissioners as a mix of recreational vehicle and mobile home use. A community or recreational center is found in the south central portion of the development.

*Take advantage of compact building designs:* The development consists of lots or parcel, which are rather standard in nature. A consistent building design is found within the development. Compact building design was not a factor during the original development of the site.

*Create a range of housing opportunities and choices.* Approval does provide some range of housing types in this portion of the overall planning community. Recreational vehicle units are not a housing unit, while the allowed mobile home dwelling unit would be. The current development does provide for a range of housing opportunity within the planning community.

*Create walkable neighborhoods:* The development is compact enough that pedestrians within the development can walk from their unit to the amenity center. However, pedestrians must walk along the side of the road, or the adjacent grass area because no sidewalks exist within the development. The proposed 2.1-acre addition to the development is approximately 1,800 to 2,000 feet from the amenity center. As an alternative to walking, people within the development also opt for use of bicycles and golf carts as other means to travel to the amenity/clubhouse area.

*Foster distinctive, attractive communities with a strong sense of place.* The project is a distinctive development consisting of a mixture of mobile homes and recreational vehicle units/lots. An amenity center/clubhouse is found in the central portion of the site.

*Preserve open space, farmland, natural beauty, and critical environmental areas:* The development does preserve environmental areas by providing for habitat areas. Unfortunately, some of this area within the project was destroyed when the Big Cypress Fox Squirrel preservation and habitat area within this 2.1-acre site was cleared. As part of the conditioning of this approval, the 40-foot-wide buffer area along the north of this site will reinclude plantings to replace the area lost.

*Strengthen and direct development toward existing communities:* The proposed development is adjacent to and part of the existing community.

*Provide a variety of transportation choices:* Transportation choices within the development are varied: walking, bicycling, personal vehicle, and golf cart. Traveling outside of the development is by personal vehicle. A bicyclist would have to travel alongside of Luckett Road in the grass or in the lane of traffic west toward I-75, since no sidewalks or bike lanes exist.

*Make development decisions predictable, fair, and cost effective.* It is reasonable to expect an addition of this nature to this planned development is fair. Certain conditions regarding buffers and re-establishment of indigenous areas are needed to

*Encourage community and stakeholder collaboration in development decisions:* The Community has been given the opportunity to collaborate in this development decision. An early indication from the Community

indicates support since they have commented that the "2.01-acre addition would result in a positive enhancement to the overall project."

The subject property is located within the Urban Community Future Land Use Category. If all 611 lots are used for mobile homes, the overall density is 3.98 units per acre, and it would be consistent with the standard density range for this future land use category. However, the Lee County Comprehensive Plan does not consider recreational vehicles as a residential unit. Therefore considering the recreational vehicle uses within this development, the overall density of the project is less. This application is consistent with Policy 1.1.4 of the Lee County Comprehensive Plan. (See Footnote 1)

This development provides for contiguous and compact growth. The site is served by roads capable of handling the additional development, utility services will be extended to serve the new lots when they are developed and does not bypass other undeveloped lands in favor of development further from exiting communities. This application seeks to add the property to the contiguous development. Fire, EMS, and police services are available in the area to serve the development. A 40-foot-wide buffer is proposed on the perimeter of this site, which will serve to keep the development compatible with surrounding uses. The application is consistent with this Objectives 2.1 and 2.2, and Policies 2.1.1 and 2.2.1 of the Lee County Comprehensive Plan.<sup>3</sup>

The addition to the existing development permits for lots/units on both sides of the road, thus making the extension of the infrastructure to serve the development more economically feasible. The design maintains the safe flow of vehicles and pedestrians within the development. Staff finds, as conditioned, this application is consistent with this Policies 4.1.1 and 4.1.2 of the Lee County Comprehensive Plan.<sup>4</sup>

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<sup>3</sup>

**Lee County Comprehensive 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.

**Lee County Comprehensive Plan Objective 2.2:**

DEVELOPMENT TIMING. Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the County's Concurrency Management Ordinance.

**Lee County Comprehensive Plan Policy 2.1.1:**

Most residential, commercial, industrial, and public development is expected to occur within the designated Future Urban Areas on the Future Land Use Map through the assignment of very low densities to the non- urban categories.

**Lee County Comprehensive Plan 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.

<sup>4</sup>

**Lee County Comprehensive Plan Policy 4.1.1:**

Development designs will be evaluated to ensure that land uses and structures are well integrated, properly oriented,



The Applicant held, on September 20, 2011, a public information meeting at the Olga Community Center, with the Caloosahatchee Shores Planning Committee. Approximately a dozen people were in attendance. Their Planning Committee unanimously approved the development. This is consistent with Lee County Comprehensive Plan Policy 21.6.3.<sup>5</sup>

The property is not located on a barrier island or within a V-zone and is therefore consistent with Lee County Comprehensive Plan Policy 110.1.2.<sup>6</sup>

The property is within the Fort Myers Shores Planning Community. A recreational vehicle park is considered commercial in nature for allocation of land use by the Lee County Comprehensive Plan. The Division of Planning has allocated 400 acres for commercial use within this planning community. Currently, 236 acres are already developed as commercial, and 164 acres remain for commercial development.

The undersigned Hearing Examiner finds that the requested rezoning meets the criteria necessary for approval, as set forth in the Lee County Land Development Code (LDC). It is also consistent with the Lee County Comprehensive Plan. The rezoning request is compatible with neighboring properties. Consequently, this Hearing Examiner recommends approval the requested rezoning, and the deviations herein, amending the Cypress Woods Recreational Vehicle Planned Development/Mobile Home Planned Development (RVPD/MHPD), subject to the conditions set forth herein. In compliance with Section 3.1 of Lee County Administrative Code AC-2-6, the undersigned Hearing Examiner conducted a site visit to the subject real property prior to issuing this recommendation.

## **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:

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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.

### **Lee County Comprehensive Plan Policy 4.1.2:**

Development designs will be evaluated to ensure that the internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive effect on the activities and functions contained within or adjacent to the development.

<sup>5</sup>

### **Lee County Comprehensive Plan Policy 21.6.3:**

The owner or agent for any Planned Development request within the Caloosahatchee Shores Community must conduct one public informational session where the agent will provide a general overview of the project for any interested citizens. Lee County encourages zoning staff to participate in such public workshops. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed.

<sup>6</sup>

### **Lee County Comprehensive Plan Policy 110.1.2:**

The county will not permit new or expanded mobile home or recreational vehicle development on barrier islands or in V-Zones as defined by the Federal Emergency Management Agency.

- A. The Applicant has proved entitlement to the rezoning and amendment of the existing planned development demonstrating compliance with the Lee County Comprehensive Plan, the Lee County Land Development Code, and other applicable codes and regulations. The proposed development is consistent with the Urban Community Future Land Use Designation and Objectives 2.1 and 2.2, and Policies 1.1.4, 2.1.1, 2.2.1, 4.1.1, 4.1.2, and 110.1.2, all of the Lee County Comprehensive Plan.
- B. The requested zoning, as conditioned:
  - 1. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; as set forth in Lee County Comprehensive Plan Policy 1.1.4.
  - 2. is consistent with the densities, intensities and general uses set for the site as set forth in Lee County Comprehensive Plan Policy 1.1.4.
  - 3. is compatible with existing or planned uses in the surrounding area; as set forth in Lee County Comprehensive Plan Policies 2.1.1 and 2.2.1, and
  - 4. will not adversely affect environmentally critical areas or natural resources.
- C. Approval of the request 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, as set forth in Lee County Comprehensive Plan Policies 2.1.1 and 2.2.1.
- D. Urban services, as defined in the Lee County Comprehensive Plan, are, available and adequate to serve the proposed land use, as set forth in Lee County Comprehensive Plan Policy 2.2.1
- E. The proposed use or mix of uses is appropriate at the subject location, as set forth in Lee County Comprehensive Plan Policies 1.1.4, 2.1.2, and 2.2.1.
- F. The recommended conditions to the Master Concept Plan and other applicable regulations proved sufficient safeguards to the public interest.
- G. The recommended conditions are reasonable related to the impacts on the public's interest created by or expected from the proposed development.
- H. The deviations, as conditioned:
  - 1. enhance the achievement of the planned development; and
  - 2. preserve and promote the general intent of the Lee County Land Development Code to protect the public health, safety and welfare.

**VI. LIST OF EXHIBITS:**

**STAFF'S EXHIBITS**

1. 2010 aerial photograph, depicting the subject property and surrounding area, with overlay, prepared by Lee County Department of Community Development (DCD), mapped July 2011 (24" x 36") [color]
2. Two 2011 aerial photographs on one page, depicting the subject property and surrounding area, with overlays, prepared by Lee County DCD, printed November 2011 (8.5" x 11") [color]
3. Sheet 1 of 3, Master Concept Plan (MCP), for Cypress Woods R.V. Resort, Original Zoning #Z-94-025, prepared by Barbot, Steuart & Associates, Inc., dated September 14, 2007, last revised August 16, 2010 (24" x 36")

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

**APPLICANT'S EXHIBITS**

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

**OTHER EXHIBITS**

**MUTCHLER**

1. A two-page Letter from South Florida Water Management District (SFWMD), signed by Kenneth W. Kellum, P.E., to Mr. Paul Mutchler, dated February 7, 2011 (8.5" x 11")
2. Composite exhibit consisting of 66 photographs on 19 pages, taken by Nancy Mutchler, with notations and dates (8.5" x 11") [color]

**VII. PRESENTATION SUMMARY:**

The Hearing Examiner introduced himself, announced the case and described the subject property. Since there were public participants present, the Assistant County Attorney explained the public participation process. Michael Jacob, Assistant County Attorney, introduced himself, and stated he was representing the Board of County Commissioners (BOCC), and that he was also present to assist the Applicant and Staff in making sure that the record during this hearing is complete.

He instructed those who would like to participate in this hearing or obtain a copy of the Hearing Examiner's recommendation, to fill out one of the white forms located on the table, and leave it on the table by the Hearing Examiner when they came up to testify.

Continuing, he explained that, after the Applicant and Staff have made their presentations in this case, the Hearing Examiner would open the floor for public comment. At that time that it would be appropriate for them to come to the podium, state their name and address for the record, and share their thoughts with the Hearing Examiner. If they would like their opinions to be considered in his recommendation they must speak during the hearing. If they would like the opportunity to address the Board of County Commissioners (BOCC) at the final hearing on this matter, they must speak before the Hearing Examiner in today's hearing. At the close of this hearing, no additional facts or testimony of any kind will be permitted that is new and not already in the record.

Mr. Jacob called upon the participants who were sitting at the desk to introduce themselves. Alvin "Chip" Block, with the Department of Community Development; John Allen, with Barbot Steuart & Associates Engineering; and Kenneth Notturmo, with Harp Development LLC all introduced themselves. Then, Mr. Notturmo explained that the address of the subject site for today's hearing was incorrect, and that the correct address is 5551 Luckett Road. He mentioned that the 5468 Tice Street address was the address for the case that was going to be heard this afternoon.

At this time, the Hearing Examiner explained the hearing process and swore in all of the participants. Then he asked the Applicant to proceed. Mr. Kenneth C. Notturmo, the Vice President of Harp Development, introduced himself as the Applicant's representative, which was the Cypress Woods RV Resort Associates - Cypress Woods V LLC. He noted that the Applicant obtained their services in order to assist in getting approval of the subject application.

Then, he mentioned that John Allen, with Barbot Steuart, the Consulting Engineer for the project and Geza Wass de Czege, an Environmental Consultant with Southern Biomes were both with him today. He noted that they would not be making a presentation, but they would be available to answer any questions in their areas of expertise. He believed that both of these individuals have been previously qualified as experts before the Hearing Examiner, and their résumés have been filed with the Hearing Examiner's Office.

Continuing, he explained that the property that is the subject of this application is a 2.1-acre tract. Referring to an aerial photograph, he mentioned that the subject site was the area between the green and red, identified at the rear of a particular parcel of property. He noted that the subject parcel is known as Phase V of the Cypress Woods RV Resort Park, and it is located at 5551 Luckett Road, east of Interstate 75 (I-75), at Exit 139 - Luckett Road. He mentioned that to get to this development, you have to travel down to the dead end on Luckett Road and make a left, to the entrance to the park.

Mr. Notturmo explained that the previous phases of the park have been developed, and actually, there are five previous Phases - I, II, III or A, B, C, D, and the last Phase was IV-B. He noted that Phase IV was divided into two particular sections, and Phase V, which was the parcel indicated by Mr. Notturmo, already has an existing lake, and has been previously approved for 120 RV lots.

When that proposal was approved, as seen on the plat plan, the roadway at the northern edge of the property did not have lots on the northern side. Therefore, the decision was made to add an additional tract of 2.1 acres to this approval. He explained that the road system was going to be developed anyway and the water and sewer is going to be right there. The 2.1-acre parcel for these additional lots on the north side of the property could be added to the 120 already approved lots.

This 2.1-acre tract would accommodate 18 lots. However, the developer decided to remove four of the lots within this area at one particular location where the rear yards are fairly tight so that there would be a net of 134 lots developed at this site. Therefore, although the application says that the 2.1 acres will have 18 additional lots, the real net addition would be 14 additional lots to the proposal.

Mr. Notturmo explained that the project meets all Lee County planning considerations and Staff has outlined those within their Staff Report. He assumed that the Staff Report would be made a part of the record. The Hearing Examiner indicated that it would be and that he had read it. Continuing, Mr. Notturmo stated that therefore, he was not going to regurgitate that information and restate that information unless the Hearing Examiner desired that he do that.

He explained that there are a number of deviations that have been requested. Staff decided to restate all of the deviations from all of the prior approvals for the different phases within the park so that all of the deviations that affect Cypress Woods RV Resort would be consolidated in one decision. He believed that it was a very wise move and they agreed and cooperated with Staff in deciding that was what they wanted to do.

Therefore, some of the deviations that are referenced in the Staff Report really do not affect this particular phase but affect other phases of the project. However, for the purposes of consolidation, everyone thought it was best to have it restated here for the purposes of enforcement and for permitting purposes in the future. The Applicant agreed with all the decisions or determinations by Staff for those deviations.

He pointed out two minor corrections that they would like to make, which they had discussed with Staff. He believed that they were in agreement. The first correction was in Deviation 5. He explained that the words "yet to be located" should be removed, since that emergency access currently exists on the site.

Next he addressed Deviation 9.a, which referenced the "boat storage area." He explained that the word "boat" should be removed because the storage area was not just for boats. It was also for trailers and things like that for people who came in seasonally and brought cars and trailers with them. They didn't want that cluttering up the park. So the storage area that was located over there under the FPL easement on the property was a storage area that was available to residents for a small rental fee.

Mr. Notturmo explained that in regard to the environment, he thought that they had to discuss a couple of items currently planned in the buffer. He pointed out that RV parks all require a 40-foot buffer along the exterior portion of the property as was currently planned. There had been a Fox Squirrel Preserve in the area and that had been removed by a neighbor of theirs. They brought that to the County's attention and the County indicated that part of the plan for Phase V was that they would have to restore the Fox Squirrel habitat, which was part of the plan.

Because Phase V, would probably be developed before the area for which they were seeking approval for here, would be done, they had agreed with the County that they were going to install the Fox Squirrel habitat. Then when they went to develop these areas, they were going to move the Fox Squirrel habitat to the buffer area along the northern edge. That was all recited in one of the deviations and one of the conditions for approval. There was a report attached to the Staff Report by Environmental Sciences that contained the Rehabilitation Plan. It was modified pursuant to comments by Staff and it was now

consistent with Staff's Recommendations. That was the only environmental issue that was involved.

Next, he referred to traffic, sewer and water. In regard to traffic, this particular phase would have direct access to Cypress Woods, which was a private network of road systems with a gated area, so it was a self-contained community. The roads that would be created within this phase were already designed to interconnect with the existing system.

The sewer and water would be public sewer and water. Water would be connected to the existing system in Cypress Woods and then looped within the property. Lee County Utilities indicated that looping of the water system would not create any pressure issues whatsoever, and would maintain existing pressures for water.

There would be a pump station for sewer, which was already planned as part of the Phase V approval. It would collect by gravity flow all of the sewer from within Phase V and then that sewer from the pump station would interconnect directly into a force main that existed within Cypress Woods RV Resort that then went into a force main on Luckett Road.

There were two other pump stations within other phases of Cypress Woods RV Resort that also directly connected into the force main so that the development of this Phase would not have any impact on the remaining or existing pump stations, because it wouldn't flow through those pump stations. It would flow directly to the force main. That concluded his presentation.

The Hearing Examiner wanted to know how many total units would be in this project. Mr. Notturmo explained that there were currently 475 approved and developed sites. The Hearing Examiner wanted to know how many there would be at build-out. Mr. Notturmo explained that with the addition of Phase V, the existing approved units would be 120, and then this addition would add 14 more, so they would have a total new addition of 134 units and with the 475 existing units, they would end up with 609 units within the park.

He indicated that the zoning they are seeking is RVPD/MHPD. In explaining the reason for that, he referred to an exhibit, and pointed out the large dots on a number of the lots. He explained that this zoning was an older version of zoning that gave them the ability to convert RV lots to MH lots. Each of the large dots represented lots that were RV lots at one time but were now MH lots - MHPD. Once those lots were converted from RV to MH, they could not go back.

They had cooperated with Staff by providing an annual update of the lots that had been converted. Each December, he filed a report with Mr. Block, which identified the lots that were converted from RVPD to MHPD. The last report was filed in December of 2010 and indicated that 60 of the 475 existing lots had been converted from RVPD to MHPD lots.

They were asking for the zoning for this additional 2.1 acres to be the same so that they had the same flexibility, although there was no intention at this point of converting any of those lots from RV to MHPD. They usually put a deed restriction that prohibited any conversions for a period of time that was generally 15 years, so that the park could have the character of an RV park before any conversions occurred. They expected to do the same in this particular phase.

The Hearing Examiner referred to the deviations and wanted to know if Deviations 1 through 17 were the same deviations that were in the last approval. Mr. Notturmo couldn't



answer that question and deferred to Staff on that. Mr. Block explained that the first 17 deviations were deviations that had been previously approved within the Cypress Woods RV Park. Only Deviation 18 was a new deviation to this request. The Applicant explained that Staff added Deviation 18 and they agreed with it.

The Hearing Examiner wanted to know if this action was meant to apply to the entire development or just the currently undeveloped portion. Mr. Notturmo explained that it was their understanding that this was to be applied to just the 2.01 acres, but technically, these deviations applied to all of the undeveloped portions of Phase V. He believed the intention was that it was to apply to the entire park because it was nothing more than a restatement of prior deviations that had been granted in prior approvals.

The Hearing Examiner wanted to know if any of those Deviations 1-17 did not apply to the new portion of the property. Mr. Notturmo answered "yes." Then the Hearing Examiner wanted to know why they were in there. Mr. Notturmo explained that it was Staff's understanding and his understanding that they were trying to effectively codify the approvals within Cypress Woods RV Resort Associates. The Hearing Examiner explained that he would talk to Staff about it. There were no other questions for the Applicant and there were no other witnesses for the Applicant.

At that point the Hearing Examiner called upon Mr. Block to make his presentation. Alvin "Chip" Block, with the Department of Community Development introduced himself for the record. He was a principal planner within that department. For the record, he had taken the oath that day. He asked to be accepted as an expert witness in land use planning, zoning, the Lee County Land Development Code (LDC) and the Lee County Comprehensive Plan for this case. His resume was on file. After hearing no objection, he was declared to be an expert in the fields he indicated.

At that point, Mr. Block explained that as previously discussed in the Applicant's presentation, the Staff Report, last printed on September 21, 2001 [sic - 2011], had been presented to the Hearing Examiner approximately two weeks ago.

Doug Griffith from Environmental Sciences was also present. Mr. Griffith did not have a presentation to make. However, he was present to answer any particular questions.

Mr. Block explained that the project had also been reviewed by their transportation expert, Rob Price, who had no objections to the proposed request and was not present today, because there were really no transportation related issues.

Mr. Block introduced the aerial photograph displayed on the board and handed the Hearing Examiner and the Applicant aerial photographs, which were reduced to 8.5" by 11" and actually had two panes. The top pane showed a much broader view of Lee County in that area. The lower second pane went in closer to the subject property to show the subject property and surrounding environs.

The Hearing Examiner asked him if he wanted that admitted as a separate exhibit. Mr. Block thought it would be necessary to do that so that he could present it to the BOCC. After hearing no objection, the Hearing Examiner admitted the larger aerial photograph as Applicant's [sic - Staff's] Exhibit 1 and the two aerial photographs both contained on a single 8.5" x 11" sheet as Applicant's [sic - Staff's] Exhibit 2. He wanted to know if the site plan of the subject property was the Applicant's site plan. Mr. Block explained it was Staff's and

that it was one sheet of the three-page Master Concept Plan (MCP) to which they had referred.

He had all three sheets in full-sized form on the table with him if the Hearing Examiner wanted them. The Hearing Examiner didn't want them unless they were going to refer to them. Mr. Block explained that they would not. He added that if it was necessary, he already had the MCP as an attachment to the Staff Report and the Hearing Examiner should already have the reduced version in his files anyhow. At that point, the Hearing Examiner admitted the MCP of Cypress Woods Resort as Staff's Exhibit 3.

Mr. Block explained that the Applicant had gone through many of the same things that he planned to discuss in his presentation. Therefore, he would be summarizing most of his presentation. He explained that as the Applicant had pointed out, this was an amendment of the existing RVPD/MHPD zoning. The intent was to add 2.1 acres to this site to bring the entire piece of property into RVPD/MHPD zoning. The original zoning of this entire project, except for the two-acre site, which was currently zoned Agricultural (AG-2), occurred in 1994 by the BOCC. The BOCC established two different zoning districts on the property as a whole, allowing the opportunity for the development to have both recreational vehicles and mobile homes within the project.

The Applicant had described that in adding the two acres to the project, the intent was to allow for the opportunity to have lots on both sides of the road at the northeastern portion of this site. Staff recommended approval of the requested rezoning of the 2.1 acres to RVPD/MHPD, while also amending it. He pointed out that it was only for the Phase V portion, because of the legal description. It was to add it to that Phase V.

He pointed out that the Applicant indicated they would have 609 total units. The MCP indicated 611 units, so they looked at the most intense number of units on the site, which was 611 units and they still found the request consistent with the Lee County Comprehensive Plan and that it was compatible with the area, as conditioned in the recommended zoning.

Staff recommended approval of the addition and the rezoning to RVPD/MHPD. They had also included their analysis of the Lee County Comprehensive Plan within the report and found that the proposed zoning of the property, as conditioned, was consistent with the Lee County Comprehensive Plan.

He thought it was important to further note that the existing AG-2 zoning was a rural-type zoning and the subject property was actually in an Urban Community future land use category, which was an Urban category. Therefore, you would have an Agricultural rural use in an Urban future land use category and with that AG-2 zoning, it was not appropriate to keep it within the Urban community area. He explained that it would be better to rezone it to an Urban zoning district such as this, in order to make it consistent with the Lee County Comprehensive Plan.

In accordance with the Lee County Comprehensive Plan, a community meeting was held with members of the public in attendance. At that time, the members of the public did not have any objections to that. In fact, they took a vote of the people present, and it was found that nobody objected to this. He also indicated that it was actually supported. That community meeting was held on September 20, 2011, before the Caloosahatchee Shores Planning Community.

Mr. Block explained that Staff had attempted and tried their best to codify the conditions and deviations for this project. Since only that portion of Phase V was in the legal description, it caused them to have to make sure that some of the conditions were not included in the recommended action, because they were not part of the subject property.

Mr. Block referred to the Hearing Examiner's question about the deviations. He explained that there were probably a few deviations that may not have any appropriateness associated to this particular phase. He explained that if the Hearing Examiner wanted to take those out, he was welcome to do that. Mr. Block explained that he could go through each one of the deviations if the Hearing Examiner would like him to do that to help identify which ones.

He explained that Lee County Staff added Deviation 18 to this request, because the Lee County Land Development Code provisions for RVPDs called for a minimum of five acres whenever they enlarged or added an addition to a park. The Applicant had only asked for 2.1 acres. That was because of the current ownership. There were separate owners of properties out there and this was the only amount of land that they were able to add to this. It was a minimum amount to add to a particular project. They thought it was appropriate and proper to just add the 2.1 acres and they had recommended approval of the deviation.

Mr. Block explained that it helped the Applicant achieve their intent, which was to have lots on both sides of the road, finish off the project, and to have a buffer and indigenous preserve area to the north separating itself from future development of lands to the north. Staff thought it was appropriate and proper to do that. It would help them achieve what they wanted to do, while it was not adversely impacting the public health, safety, and welfare. Generally, those were the two reasons that you would take a look at deviations and decide whether or not they should or should not be recommended for approval.

He pointed out that the Applicant had submitted a 48-Hour Notice, in which they requested the removal of language in both Deviation 5 and Deviation 9.a. He explained why both requests were appropriate and proper. That concluded his presentation.

The Hearing Examiner did not see the need for Mr. Block to go through the deviations and cull out what was not applicable. However, his concern was that they had a deviation in there that was inconsistent with the application. Mr. Block indicated there was not. The Hearing Examiner wanted to know if he agreed that there were none. Mr. Block agreed. He explained that all of the deviations in there were appropriate and proper. There was nothing conflicting with the Applicant's request. It allowed them to achieve everything that they wanted to do.

There were no other questions for Mr. Block and there were no other witnesses for Staff. Mr. Block pointed out that Doug Griffith was present if the Hearing Examiner had environmental questions. The Hearing Examiner indicated that he did not have questions for Mr. Griffith, as he had read Mr. Griffith's report. There were no other members of Staff who were present.

At that point, the Hearing Examiner opened the hearing to members of the public. He advised them that they could come forward and ask any questions that they wanted to ask and make any statements that they wanted to make. He reiterated that the statements had to be relevant.

He also reinforced what the Assistant County Attorney said and explained that he would be preparing a recommendation in this matter, which would go to the BOCC. The BOCC would have another public hearing and they could speak at that time. However, if they had not made a presentation or spoken in this forum, then they would not be able to speak before the BOCC. If they wanted to say something to the BOCC, then they had to say something here.

He explained that they would also be required to complete the Public Participation Forms, which were located next to the door in the hearing room. That would basically give him their name, address, and email address and what their position was with respect to this request. The Hearing Examiner asked that everyone who was going to speak fill one of them out. He also asked them to fill one out if they wanted a copy of his Recommendation.

He called upon members of the public who wanted to speak to come forward. At that point, Paul Mutchler introduced himself for the record. He lived at 10560 Martha Street. He owned the adjoining property. He had taken an oath. The Hearing Examiner asked him to point out his property on the aerial photograph displayed.

Mr. Mutchler pointed out his property and the property of his neighbor, Ken Cochran, who was not able to attend. He also noted that the folks who lived up the street were not able to attend.

He explained that they were unaware of the September 20<sup>th</sup> Notice that was spoken of and therefore none of them could make it. The Hearing Examiner wanted to know if he meant the September 20<sup>th</sup> meeting of the public. Mr. Mutchler confirmed that it was the one that was going to apply to their area for the whole section. He asked everyone in the area and no one knew anything about it.

Mr. Mutchler wanted to know if the Hearing Examiner had been made aware of flooding issues that were partially caused by Cypress Woods RV Resort. The Hearing Examiner had not been made aware and asked what they were. Mr. Mutchler had some pictures and a letter from Southwest Florida Water Management [sic - the South Florida Water Management District] (SFWMD). He explained that they had ongoing issues since the last development that was performed there.

The Hearing Examiner asked him to show the pictures to the Applicant and the Assistant County Attorney. Mr. Mutchler described the photographs as he showed them. There were pictures of the flooding on his property and one of his neighbor's properties. He explained that where the power line access road was, there was a drainage canal that ran east and west and it ran under there with two large - approximately 30-inch culverts. All of the drainage and fertilizer and whatnot that came off of that property came back onto their property and subsequently flooded out through the whole community.

He explained that the proposed property adjoined the Buckingham Rural Community Preserve. The Hearing Examiner wanted to know if his property was in the preserve. He answered: "yes sir," and added they were right on the borderline. The Hearing Examiner wanted to know if he could have the photographs, because he wanted the Assistant County Attorney and Staff to look at them.

Next, Mr. Mutchler explained that Wanda Wooten with Lee County Natural Resources had been out there and done quite a bit for them, but it was not resolving the issue. He explained that the SFWMD had to threaten Cypress Woods RV Resort with legal action

with the County Attorney's Office and he was sure they were aware of that. It was because of the fact that they closed that drainage canal in with a bull dozer after they received their last permit authorization to do some expansion work over there. Subsequently, it was cleaned out with the drainage graded toward their property, increasing the water flow. They had asked to have those culvert pipes removed from the roadway and they were denied.

He thought that would solve a lot of the issue but not all of it. The Hearing Examiner wanted to know if he wanted it removed from under the roadway. Mr. Mutchler confirmed he wanted it removed from the power line access road, because that was how they were channeling the water back to their property, instead of it going all the way out to the main drainage ditch on the County's property at Luckett Road. He explained that there was standing water there now and the water traveled through there at a great speed during the heavy rains with all of the fertilizer and whatnot and it was destroying his property.

The Hearing Examiner wanted to know where the Duke Tree Farm was located. Mr. Mutchler explained that it was just to the south of his property. He explained that they were given a permit to have a retention pond and they were also permitted by the SFWMD to put in a diesel pump to remove the water from their property, which all pumped toward him.

The Assistant County Attorney, Mr. Jacob, wanted to know if when he was saying "they" if he would specify who it was. Mr. Mutchler explained that it was Duke Farms, however, it was no longer owned by them. It had changed hands recently and there were new owners. After hearing no objection, the letter from the SFWMD, dated February 7, 2011, addressed to Mr. Mutchler, was admitted into evidence as Mutchler Exhibit 1. The Hearing Examiner also wanted to know if there was any objection to the photographs. Mr. Jacob didn't have any objection to the photographs. However, he thought they needed some explanation as to what they were looking at and what directions they were looking at in these pictures.

On behalf of the Applicant, Mr. Notturmo also had an objection to the photographs, because there was no supporting evidence to indicate that the water that was being shown was coming from the Cypress Woods property. The Hearing Examiner explained that he was going to give him the opportunity to examine the witness. The Applicant wanted the Hearing Examiner to reserve judgement on admission of the photographs. Mr. Mutchler explained that he would be back at 1:00 p.m. for the next meeting [sic - hearing] and he would have more pictures of the culverts, ditches, drainage, and whatnot.

The Hearing Examiner explained that he was dealing with this property right now, so if Mr. Mutchler had any issues with regard to this property, he needed to let the Hearing Examiner hear them now. The Hearing Examiner explained that he would be presiding over the next hearing as well, but if it was relevant to this property, now was the time for Mr. Mutchler to tell him about it.

Mr. Mutchler explained that the point he was trying to get to was that the whole development did not have a drainage issue because his property was the "retention pond" for the entire development. That concluded his testimony.

Mr. Notturmo wanted to know if Mr. Mutchler was aware of the fact that SFWMD requested that they open that drainage ditch and that was done in February of 2011. Mr. Mutchler confirmed that was correct and added that it was after threats of litigation. Mr. Notturmo explained that it was after a Notice of Violation and explained that there were no threats of litigation. Mr. Mutchler noted that was not what he had been informed.

Mr. Notturmo also wanted to know if Mr. Mutchler was aware that SFWMD came out and inspected what work was done. He explained that they were satisfied that it was sufficient to resolve any issues they had with Cypress Woods and referred to what was their understanding about the water that was accumulating on Mr. Mutchler's site. At that point, the Hearing Examiner pointed out that was a statement and explained that Mr. Notturmo should ask a question. Mr. Notturmo rephrased and asked if Mr. Mutchler was aware of the fact that SFWMD came out and inspected the drainage area that was created by Cypress Woods on its property to attempt to resolve Mr. Mutchler's issues.

Mr. Mutchler explained that they did, but he felt that there was malice when it was done, because of the fact that the drainage was directed now, even worse, back toward him, because of the problems that arose with his conversations with the SFWMD and the Governor's Office, because of the lack of response he got from the SFWMD. That was why he felt there might be some sort of a conflict of interest with the local Water Management people.

He explained that they were not involved with "Melissa" who was brought in to try to resolve the issue. He pointed out she was on the letterhead. He referred to the local Water Management people, and their district and noted that "Lewis Hunter," to name one, didn't do anything to resolve the issue. All he got was "lip service," so he had to go to the Governor's Office and get Melissa involved. He explained that this had been ongoing for several years.

The Hearing Examiner wanted to know if the Applicant had any more questions. Mr. Notturmo did not have questions, but requested to reserve the right for rebuttal. The Hearing Examiner asked if Mr. Jacob had questions. At that point, Mr. Jacob asked Mr. Mutchler if he wished to introduce the pictures into evidence. Mr. Mutchler answered: "yes, sir." Mr. Jacob asked if he took those pictures. Mr. Mutchler answered that his wife did. He explained that she was here now and she had taken the oath. Mr. Jacob wanted to know if she took all of those pictures. Mr. Mutchler said that she did. Mr. Jacob indicated he might ask her when she came up.

At that point, the Hearing Examiner asked to see the pictures. Mr. Mutchler mentioned that the reflection from the water didn't go well with the camera. The Hearing Examiner wanted to know when the pictures were taken. Mr. Mutchler explained that there were several years worth of photographs and that the dates should be noted on them. The recent photographs were from 2011. He believed they went back to 2008 and explained that those were the ones that he had readily available.

The Hearing Examiner wanted to know how he established where the water flooding his property came from. Mr. Mutchler explained that he and Wanda Wooten walked back through the property and she placed a handful of dried hay or grass in the water and the water was sheet flowing from their property through those culverts onto his. The Hearing Examiner wanted to know if she watched the hay the whole time. Mr. Mutchler answered: "yes sir." He added that she had been out to his home multiple times - more times than he could remember.

The Hearing Examiner wanted to know if the water from the Applicant's property was the only water. Mr. Mutchler explained that they had some water that came in from the tree farm to the south and they didn't seem to be able to get everyone together to come up with a resolution as to what to do with the water. The permitting for SFWMD was pretty much passed on from one owner to the next. Even with his complaints, there was no hearing.



On behalf of the Applicant, Mr. Notturmo objected to the entry of the photographs into evidence. The Hearing Examiner asked him what his objection was. Mr. Notturmo didn't think they should be admitted without identification as to when the photographs were taken, because if they were taken in 2008 that would precursor a lot of the issues that were involved in the most recent situation. He also wanted to reserve the right to ask Mr. Mutchler some questions based on the Hearing Examiner's questions. The Hearing Examiner acknowledged him.

At that point, the Hearing Examiner admitted the photographs into evidence as Mutchler Composite Exhibit 2. The Hearing Examiner explained that the photographs were dated with the year and the Applicant would have the opportunity to explain why the 2008 photographs may be affected by something that they had done subsequent to that date.

Mr. Jacob indicated he had one follow-up question. The Hearing Examiner noted that he would let both of them ask questions. He let the Applicant go first. At that point, Mr. Notturmo noted that Mr. Mutchler indicated that Wanda Wooten was out there and put some hay into water that was to the west of the pipes going under the FPL easement and he wanted to know if that was correct. Mr. Mutchler indicated that was correct.

Then Mr. Notturmo wanted to know what date that was. Mr. Mutchler did not remember. Mr. Notturmo wanted to know if that was prior to, or after the time that the remediation ditch was dug on the Cypress Woods V property as a temporary solution to the problem. Mr. Mutchler indicated it was prior to that.

Mr. Notturmo wanted to know if all of the photographs Mr. Mutchler took were prior to the time of the ditch. Mr. Mutchler answered: "no sir." Mr. Notturmo wanted to know which ones were. Mr. Mutchler explained that the 2011 photographs were. He added that the Applicant's ditch maintenance to clean that ditch out to get the water to flow away from Mr. Mutchler's property was done prior to this year's wet season. Therefore, all of the 2011 photographs were after-the-fact.

Mr. Notturmo wanted to know what months these photographs were taken. Mr. Mutchler indicated they were taken in August, September, and the end of this month. Mr. Notturmo noted that he also said there was a water problem coming from the tree farm to the south. Mr. Mutchler confirmed that and added that if you looked at the scope of their property and their retention pond and whatnot, it was negligible compared to the amount of water they were getting, because there were no drainage pipes running from their water retention system at the tree farm. He pointed out that the Applicants' was just channeled into a canal that was approximately 12 feet wide and 12 feet deep that ran to the two large pipes that drained it onto his property.

He added that if those pipes were removed and that was blocked, then the power line access road would either be flooded or the water would back up into the trailer park. Mr. Notturmo wanted to know if he knew who installed those pipes. Mr. Mutchler did not know, but he had checked with FPL and the ownership of that power line access road is maintained by Cypress Woods RV Resort and it was not their property.

Mr. Notturmo wanted to know who Mr. Mutchler talked to at FPL that indicated that. Mr. Mutchler indicated it was the agricultural people. He explained that he had approached them to fence that area and to let livestock graze there to stop any need for them to mow it. They said they did not own the property. Mr. Notturmo wanted to know if they stated that they do not maintain the property. Mr. Mutchler explained that FPL does not maintain it and

they do not retain ownership of the property and that the Applicant retained ownership and allowed them to put their power lines through.

Mr. Jacob asked Mr. Mutchler to come to the aerial photograph and show the location where he was with Ms. Wooten and the direction in which the hay was traveling. Mr. Mutchler pointed out his location and the area where the water came. Mr. Jacob wanted to know what general direction the water was flowing. Mr. Mutchler indicated it was flowing to the east. He added that he spent quite a bit of money cleaning out the ditches that were there from the development when this was done back in the 1960s to clean out his share there. At one point, there was a drainage ditch that ran all the way up to Tice Street to the canal there.

He referred to another one, and noted that he did not ever know where it went. He believed there was another drainage canal back there somewhere off the map. His had been cleaned out. He thought they could see that it had been cleaned out very well if they looked closely. It almost looked like a stream. He explained that it backs up and overflows and floods them. He pointed out the area where all the pictures were from. However, he didn't have pictures of one of the properties.

Mr. Jacob noted Mr. Mutchler had indicated that water was still on the property after what Mr. Mutchler was calling "maintenance of the canal" by the Applicant. He wanted to know if Mr. Mutchler had seen water flow. Mr. Mutchler answered: "yes sir." He added that it was flowing out. Mr. Jacob wanted to know if it was the same direction that he saw with Ms. Wooten. He confirmed it was and added that the flow was actually increased. He noted that if he wanted to, he could call the young lady there. He explained that it was because there was a partial blockage of the canal - like a dump truck load of dirt put there - that she was upset about, which they didn't see from the helicopter.

He explained that she actually saw it just on the ground. When they removed that and then they cleaned out the ditch, the ditch was now tapered toward his property. He understood there were some issues getting the water to where it needed to go, but he contended that he [sic - his property] was not where it needed to go.

The Hearing Examiner wanted to know where the water needed to go. Mr. Mutchler explained that it needed to go toward Luckett Road and Tice Street. The Hearing Examiner asked him to go back to the map and point out the direction where he thought the water that drained off of their property was supposed to be going. Mr. Mutchler pointed out the drainage canal where he thought it should go. He explained that he wasn't sure where Luckett Road was shown on the aerial photograph, but there was a main drainage canal at Luckett Road that followed out and then flowed toward the river. He added that the SFWMD told him that it would be prohibitively expensive to undertake that at this time.

The Hearing Examiner wanted to know if it was his understanding that it was supposed to drain to the west. Mr. Mutchler confirmed that and explained that all of the water along Tice Street drained westward toward the exit, which was over by the school. He added that Wanda Wooten did do extensive work out there on the roads to try to bring the water from the roadway to keep the roads from flooding over, but that hasn't relieved the issue.

Mr. Notturmo asked Mr. Mutchler to verify the location of his property on the aerial photograph, which he did. Then Mr. Notturmo pointed out another property on the aerial photograph and asked Mr. Mutchler who owned the property, which was Mr. Mutchler's adjacent neighbor to the east. Mr. Mutchler indicated that the owner was his father-in-law.

Mr. Notturmo wanted to know if Mr. Mutchler's father-in-law had done any fill in the drainage areas along that area. Mr. Mutchler answered: "no" and explained that his father-in-law's drainage area had been cleaned out as well and that it ended at the adjoining property there, which was recently sold within the last three or four years. Mr. Mutchler believed he had done some fill in there and there was also some fill in along Mr. Cochran's property line along the roadway that would take it into the culverts, which he pointed out.

Mr. Notturmo wanted to know if the drainage from Mr. Mutchler's property at one time went in that direction to the east, and then when this was filled in and blocked, the water tended to back up on his property. Mr. Mutchler explained that there was nowhere for that water to go. The Notturmo wanted to know if there was a drainage ditch there. Mr. Mutchler understood there was a ditch there, but the SFWMD told him that ditch didn't go anywhere and that it was just a hole, so they said that the only other option they would have would be to clean that ditch all the way out up past I-75. They said that was not going to happen and that it would be a million-dollar project.

Mr. Mutchler explained that everyone had told him that the easiest way to remove the water would be to have the water go out to Luckett Road. Mr. Notturmo pointed out that Luckett Road was to the south. Mr. Mutchler indicated he got confused and that he meant Country Lakes.

The Hearing Examiner asked if there were any other questions and there were none. Then the Hearing Examiner asked if there were any other members of the public that wished to speak. Mr. Mutchler indicated his wife was present, however, his neighbors at this time of day were unable to leave work. The Hearing Examiner wanted to know if she wanted to speak. At that point, Nancy Mutchler came forward and introduced herself for the record. She gave her address, which was 10560 Martha Street and indicated she had taken an oath. She explained that she was the one that took the pictures over approximately the last three years.

She explained that the first time she noticed the flooding it was almost knee-high and that in 2008 it stayed on her property for months at a time. The grass was all dead and there was nothing there. The most recent photographs, dated 2011, were taken last week. The Hearing Examiner asked if it was still flooding. She answered that it was and added that it was not as bad as it was last year, but it was still bad enough. Mr. Mutchler added that they had not gotten as much rain. The Hearing Examiner advised him that he could only hear one witness at a time and asked him to please not interrupt.

The Hearing Examiner asked Mrs. Mutchler how long she had lived on the property. She had lived there since 2006. The Hearing Examiner asked if she saw flooding in 2006 and 2007. She didn't remember it flooding until 2008 when she looked out her window in disbelief that her whole pasture was under water. She explained that there was water in the birthing pen where she kept her goats. There were pictures of that as well. She couldn't keep her does in there with their babies or anything. There were no questions for Mrs. Mutchler.

There were no other members of the public who wished to speak and the Hearing Examiner closed off the public portion of the hearing and called for rebuttal. He had some questions. First, he asked Mr. Notturmo if he was an engineer. Mr. Notturmo answered that he was not, but explained that there was an engineer present. The Hearing Examiner asked him to bring the engineer forward. Mr. Notturmo asked if he could present some factual evidence about the issues that were raised. The Hearing Examiner indicated he could do that.

Mr. Notturmo explained that Cypress Woods received a notice from SFWMD - Melissa Roberts, in particular, and he responded on behalf of Cypress Woods directly to Melissa Roberts. They met out on site with a group of people from SFWMD. It was apparently determined that when the rough grading of Phase V occurred, there was a blockage of a drainage area that came across the property and just below the "green line" that goes to the western side of Phase V and then to the north. It was actually off the property of the back of Cypress Woods IV. In addition to that there was a small drainage ditch in this area that had been overgrown by shrubbery.

At Ms. Robert's request, they had a backhoe brought out. Being blunt with the Hearing Examiner, Mr. Notturmo described it as a matter of "overkill." The ditch that was created through this area, was approximately 8 feet wide and 12 feet deep. That was much more than what anyone had expected. They indicated to SFWMD that this was a temporary ditch that would be created to assist them in alleviating the drainage problems and the ditch was created in such a way to grade toward the west of the property.

He explained that SFWMD came out and inspected it and agreed that it would be satisfactory for a temporary solution until they started moving dirt on Phase V, at which time, this ditch would be either relocated or reestablished in a smaller version and then properly sodded and protected. It was their understanding that the water issues that were raised by Ms. Mertchison [sic - Mrs. Mutchler] were not caused by Cypress Woods' water, because the water did go from east to west. The pipes that were constructed under the FPL easement were large culverts that were constructed by FPL and not by the Applicant.

He thought that the ditch that was constructed was "overkill." It actually currently had standing water in it, but he thought that was because the water table had raised to that point and the ditch was actually constructed below where the current water table is. At the time, it was constructed, the water table wasn't there, but with the rains and everything, the water table had elevated. He had been out there. He explained that he had been out there with Melissa Roberts on one occasion since then, and she said that was a satisfactory, temporary resolution. They did check it to make sure that it drained from east to west.

He explained that bluntly, the problems that are being exhibited were to his understanding, created by properties other than Cypress Woods. He explained that apparently, there had been an ongoing problem with the tree farm. He added that the prior owner of this tree farm literally came onto the Cypress Woods property and actually removed the Cypress Woods Fox Squirrel habitat in that area to create a drainage ditch, because none of this was developed at that time. He explained that there had not been an existing drainage ditch there before and they apparently, came on site thinking that they had an easement to permit them to do that. They were the ones who actually destroyed the Fox Squirrel habitat in that area that the Applicant had agreed to rehabilitate.

Mr. Notturmo explained that they were not looking to place blame on anybody, but as part of the approval of this process, Staff was going to require them to have SFWMD approval, which would include creating some sort of a drainage system to their approval that would either be located just to the south of the property line in Phase V, or possibly over onto the southern portion of the adjoining property to the north, or shared between the two. That would then create a drainage system that would carry water through this area. However, it was his understanding that the current situation was not one that was created by Cypress Woods RV Resort Associates or its property.

The Hearing Examiner had a couple of questions. He could see from the aerial photograph where the tree farm was located. He wanted to know if that owner owned all of the property on their eastern boundary or just the property on the southeastern boundary. Mr. Notturmo believed it was only the southeastern boundary, but he didn't know. He thought it might go up into an area he pointed out.

He was not sure whether that field was owned by them or not. However, he did know that they did come onto the Applicant's property with equipment in approximately 2007, because the Applicant sent them a letter advising them that they were trespassing on their property. He had copies of that letter and he believed that was provided to Staff as well, as justification for the concerns they had with regard to the destruction of the Fox Squirrel habitat in that area.

Mr. Notturmo explained that they had cooperated fully with SFWMD and will continue to do so. There were no questions for him. The Hearing Examiner asked if he was going to call the engineer. Mr. Notturmo indicated that he could do that. The Hearing Examiner indicated that he did want to hear from him. So, at that point, John Allen, introduced himself for the record. He gave his address, which was 13861 Plantation Road. He worked for Barbot Steuart and Associates Engineering. He had taken an oath.

The Hearing Examiner asked if he had appeared in this forum before. Mr. Allen said that he had. Then the Hearing Examiner wanted to know if he was declared an expert witness at that time. He explained that he had not been and that he just made the presentation.

The Hearing Examiner asked him to give his professional background. Mr. Allen had been working with Barbot Steuart and Associates for 12 years. He was the CAD Manager. He handled basically all of the site designs. He worked with the two professional engineers that they had. He was an engineering student himself. The Hearing Examiner wanted to know if he was an engineer. Mr. Allen explained that he was not a professional engineer. The Hearing Examiner wanted to know if he had any academic credentials in that field. Mr. Allen explained that he was currently a student working on it. He had all of the general requirements, but he had not done any of the specific engineering courses yet.

The Hearing Examiner explained that he didn't know how much testimony he could take from this individual, considering he was not an expert. There were no questions for Mr. Allen. The Hearing Examiner thanked him, but explained that he could not take his testimony as that of an expert, based on what he told him.

The Hearing Examiner wanted to know if the Applicant had anything further by way of rebuttal. Mr. Notturmo explained that the only comment he would have was that they would be required as part of their Development Order procedure, to obtain SFWMD approval that would take care of and address the stormwater issues that were raised by the neighbor.

At that point, the Hearing Examiner called upon Mr. Block for rebuttal. Mr. Block noted that Mr. Mutchler commented that he did not receive notice about the Public Informational Meeting that was held. He explained that the Public Informational Meeting was advertised in the paper and it was also placed on Notice in this case at the Olga Community Park. The Public Informational meeting was held through the Caloosahatchee Shores Planning Council. Therefore, it was done in accordance with the provisions of the Lee County Land Development Code and the way they did things. They did not have to send out notices to adjacent property owners for that.

The Hearing Examiner thought they might want to rethink that because he thought it might be a good idea in the future. Mr. Block explained that they would have to work on that however, it was the way it was set up today. The Hearing Examiner understood that but he added that those were likely to be the people with the most interest. Mr. Block acknowledged that.

Next, Mr. Block noted that Mr. Mutchler had talked a lot about the stormwater management. He explained that as the Hearing Examiner had heard, Lee County Staff was aware of it. Natural Resources Staff was aware of the situations out there and has been working over the last few years to try to correct the problems.

He noted that Mr. Notturmo did point out that as part of this, they were going to establish an east-west ditch connection, as it exists today. However, as they redesigned and redeveloped the site, they would maintain an east-west connection, over to Country Lakes, as proposed in both this application and a future application that the Hearing Examiner would be hearing about. That was what Mr. Mutchler had been talking about that he would like to see happen as part of this, because it was such a large ditch along Country Lakes.

Mr. Block explained that Natural Resources was working on it and the SFWMD was working on it. There was an attempt to get the flooding corrected out there to the best of their abilities under the permitting processes.

Mr. Block also noted that the Hearing Examiner asked a question of the Applicant about the ownership of the property to the east. He explained that a Variance Report that was printed in August of 2011, indicated that the entire piece of property along their eastern border from south of the homesites seen off of Martha Street and another street. All of that property including the tree farm was under one ownership. It was under one Strap number and under one ownership.

He explained that what Lee County Staff heard today during the presentations of both the Applicant and the public did not change their recommendation. They stood by their current recommendation to the Hearing Examiner.

The Hearing Examiner wanted to know if given the current deviations and especially the current conditions, it was the opinion of County Staff that they were satisfied that the water management problems associated with this property will be relieved by the time of completion of development. Mr. Block noted that it was a very tough question. He answered that they believed that the conditions and recommendations of Staff contained within the Staff Report addressed the issues associated to this zoning case.

He added that there were also provisions of the Lee County Land Development Code for stormwater management that would have to be addressed as part of any Development Order process. Coupled with that the Applicant will have to demonstrate that they comply with and have received the appropriate permits and approvals through the SFWMD.

He could not say for sure whether or not that would alleviate all of the problems. He was not an engineer. The Hearing Examiner was not asking about all of the water problems of the nearby property owners. He was concerned with water that left the subject property. If they were getting flooding from some other place, it was beyond the scope of this. Mr. Block explained that the permitting process has to address the rules and regulations both in the Lee County Land Development Code and the SFWMD. He believed that since both agencies



were aware of the problems in this area, they would be addressed through the permitting process for this project.

There were no other questions for Mr. Block. The Hearing Examiner wanted to know if there was anything that anyone else wanted to say by the way of rebuttal or otherwise. No one wished to speak.

He asked if there were any other issues with regard to this case that had to come before him today. After hearing none, he concluded the hearing and thanked them all for attending. He also asked those members of the public who spoke to hand him their Public Participation Forms. He added that any other members of the public could hand to him the same form if they wanted a copy of what happened at this proceeding.

**VIII. OTHER PARTICIPANTS AND SUBMITTALS:**

**ADDITIONAL APPLICANT'S REPRESENTATIVES:**

1. Geza Wass de Czege, Southern Biomes, Inc., 1602 Woodford Avenue, Fort Myers, Florida 33901

**ADDITIONAL COUNTY STAFF:**

1. Michael Jacob, Assistant County Attorney, P. O. Box 398, Fort Myers, Florida 33902

**PUBLIC PARTICIPATION:**

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

**For: NONE**

**Against:**

1. Nancy Mutchler, 10560 Martha Street, Fort Myers, Florida 33905
2. Paul Mutchler, 10560 Martha Street, Fort Myers, Florida 33905

**General: NONE**

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

**For: NONE**

**Against: NONE**

**General:**

1. I. Kent Landry, 5551 Lockett Road, Fort Myers, Florida 33905

**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. . . . [Lee County Administrative Code Section 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]. . . . [Lee County Land Development Code 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: [Lee County Land Development Code 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. [Lee County Land Development Code 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. [Lee County Land Development Code Section 1-5(c)]

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

A. This recommendation is made this 21<sup>st</sup> day of November, 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.

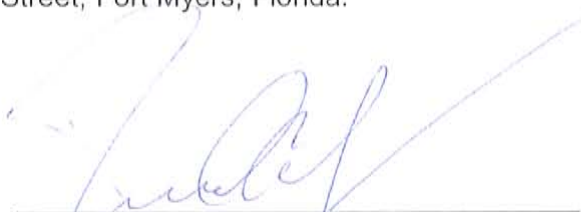
C. The Board of County Commissioners will hold a hearing at which they will consider the record made before the Hearing Examiner. The Department of Community Development will send written notice to all hearing participants of the date of this hearing before the Board of County Commissioners. Only participants, 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.



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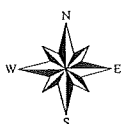
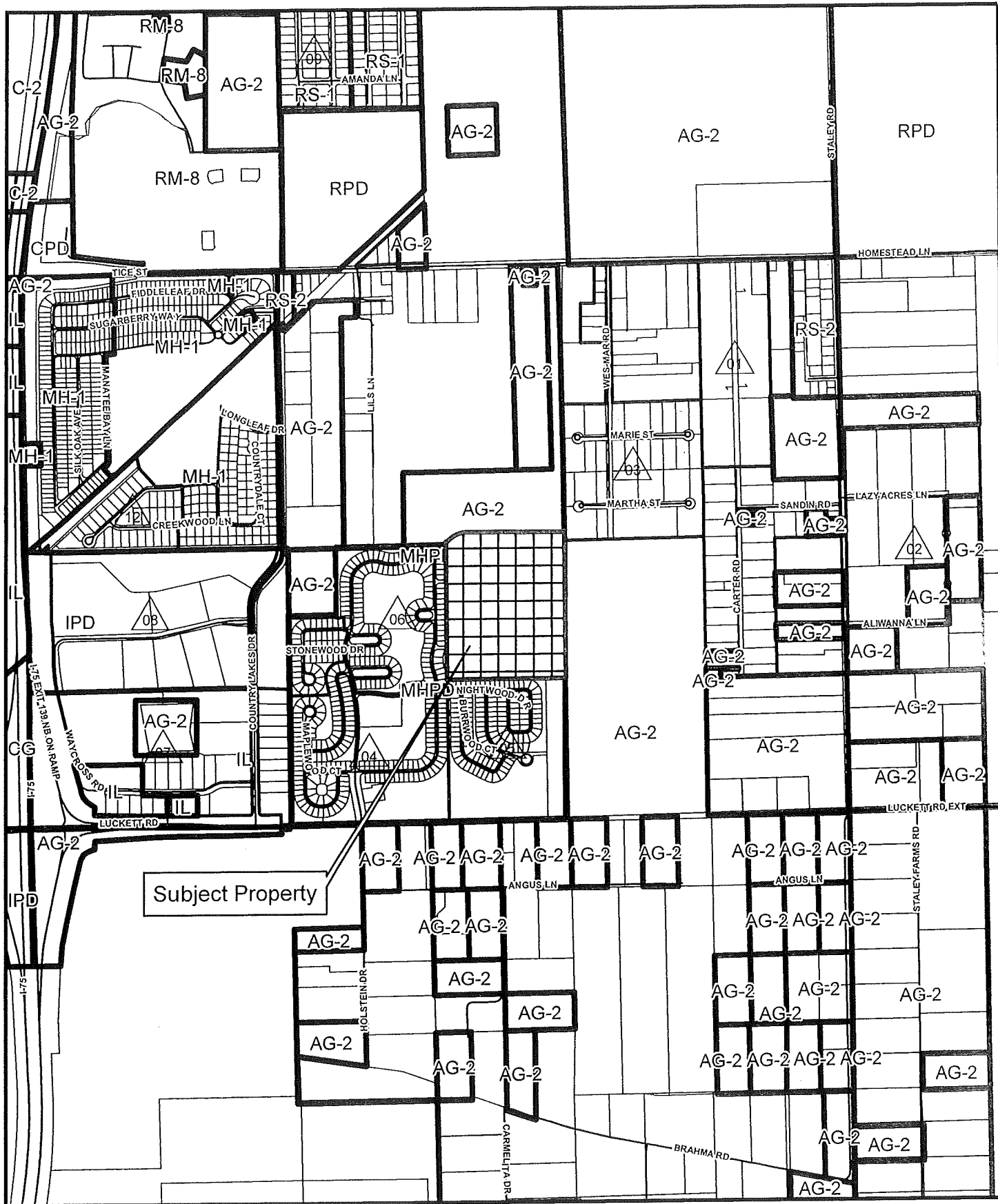
RICHARD A. GESCHEIDT  
LEE COUNTY HEARING EXAMINER  
1500 Monroe Street, Suite 218  
Post Office Box 398  
Fort Myers, Florida 33902-0398  
Telephone: 239/533-8100  
Facsimile: 239/485-8406

# Attachment "B"

## Zoning Map

DCI2007-00078

9/12/2011



A horizontal number line with arrows at both ends. It is marked with the numbers 1,500, 750, 0, 1,500, and 3,000. The distance between 1,500 and 750 is the same as between 750 and 0. The distance between 0 and 1,500 is the same as between 1,500 and 3,000. The word "Feet" is written at the right end of the line.

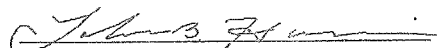
DCI 2007-00078

DESCRIPTION:

A TRACT OR PARCEL OF LAND LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (S.W.1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°15'35"W. ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER (S.W.1/4) FOR 1302.47 FEET TO THE NORTHEAST CORNER OF CYPRESS WOODS RV RESORT, UNIT THREE, AS RECORDED IN PLAT BOOK 72, PAGES 92 THROUGH 95, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.89°53'08"W. ALONG THE NORTH LINE OF CYPRESS WOODS RV RESORT, UNIT THREE FOR 1122.27 FEET; THENCE RUN N.00°17'00"E. FOR 1301.43 FEET TO A POINT ON THE NORTH LINE OF THE AFORESAID SOUTHWEST QUARTER (S.W.1/4); THENCE RUN S.89°56'19"E. ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER (S.W.1/4) FOR 11.92 FEET TO A POINT ON A ON TANGENT CURVE; THENCE RUN NORTHEASTERLY FOR 218.04 FEET ALONG THE ARC OF A CURVE CONCAVE SOUTHEASTERLY, WITH A RADIUS OF 255.00 FEET, A DELTA OF 48°59'28", A CHORD BEARING OF N.65°37'08"E. AND A CHORD DISTANCE OF 211.46 FEET TO A POINT OF TANGENCY; THENCE RUN S.89°53'08"E. FOR 917.66 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER (N.W.1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°15'35"W. ALONG SAID EAST LINE FOR 86.65 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 35.638 ACRES, MORE OR LESS.

  
JOHN B. HARRIS  
PLS #4631  
JULY 1, 2011

CO  
7/19/11

APPROVED FOR RECORDING

APPROVED  
LEGAL

CW-U5

EXHIBIT A

UNPLATTED

UNPLATTED

S.89°53'08"E. 917.66'

19°E. (1)

S.89°56'19"E. 1109.86'

NORTH LINE OF THE S.W.1/4 OF SECTION 11-44-25

S.00°15'35"W.  
86.65'POINT OF BEGINNING  
SET 1/2" I.R. CAP PLS #4631  
AT THE N.E. CORNER OF THE  
S.W.1/4 OF SECTION 11-44-25&  
FOUND 3' X 3' C.M. LS #2465  
0.11' SOUTH & 1.27' WEST&  
FOUND 3' X 3' C.M. NO ID.  
2.2' SOUTH & 0.45' EAST  
STATE PLANE COORDINATES  
FLORIDA WEST ZONE  
N=846970.31  
E=726719.86

# SKETCH OF DESCRIPTION A PARCEL OF LAND LYING IN SECTION 11

TOWNSHIP 44 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDAAPPROVED  
LEGAL

## DESCRIPTION:

A TRACT OR PARCEL OF LAND LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (S.W.1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°15'35"W. ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER (S.W.1/4) FOR 1302.47 FEET TO THE NORTHEAST CORNER OF CYPRESS WOODS RV RESORT, UNIT THREE, AS RECORDED IN PLAT BOOK 72, PAGES 92 THROUGH 95, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.89°53'08"W. ALONG THE NORTH LINE OF CYPRESS WOODS RV RESORT, UNIT THREE FOR 1122.27 FEET; THENCE RUN N.00°17'00"E. FOR 1301.43 FEET TO A POINT ON THE NORTH LINE OF THE AFORESAID SOUTHWEST QUARTER (S.W.1/4); THENCE RUN S.89°56'19"E. ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER (S.W.1/4) FOR 11.92 FEET TO A POINT ON A ON TANGENT CURVE; THENCE RUN NORTHEASTERLY FOR 218.04 FEET ALONG THE ARC OF A CURVE CONCAVE SOUTHEASTERLY, WITH A RADIUS OF 255.00 FEET, A DELTA OF 48°59'28", A CHORD BEARING OF N.65°37'08"E. AND A CHORD DISTANCE OF 211.46 FEET TO A POINT OF TANGENCY; THENCE RUN S.89°56'19"E. FOR 917.66 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER (N.W.1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°15'35"W. ALONG SAID EAST LINE FOR 86.65 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 35.638 ACRES, MORE OR LESS.

APPROVED  
LEGAL

Curve number 1

Radius= 255.00'  
Delta= 48°59'28"  
Arc= 218.04'  
Tangent= 116.19'  
Chord= 211.46'  
Chord Brg.= N.65°37'08"E.

100 0 100 200 300  
SCALE IN FEET



FOUND 4' X 4'  
C.M. LB #6921  
STATE PLANE COORDINATES  
FLORIDA WEST ZONE  
N=845670.10  
E=725591.63

FOUND 4' X 4' C.M. LB #6921  
AT THE N.E. CORNER OF  
CYPRESS WOODS RV RESORT, UNIT THREE  
(P.B. 72, PG. 92-95)  
STATE PLANE COORDINATES  
FLORIDA WEST ZONE  
N=845667.86  
E=726713.90

| REVISED                                                                                                                          | DESCRIPTION   | BY       |
|----------------------------------------------------------------------------------------------------------------------------------|---------------|----------|
| 7/12/07                                                                                                                          | UPDATE SURVEY | FBH      |
| 1/10/09                                                                                                                          | REVISE SURVEY | FBH      |
| 7/20/10                                                                                                                          | REVISE SKETCH | FBH      |
| JOHN B. HARRIS, PSM<br>FLORIDA LAND SURVEYOR #4631                                                                               |               |          |
| DATE                                                                                                                             | SCALE         | PROJ. #  |
| FBH                                                                                                                              | 1"=200'       | CV-US    |
| SKETCH DATE                                                                                                                      | FILE NO.      | SHT. - 1 |
| 12/21/06                                                                                                                         | 44-25-11      | OF - 1   |
| HARRIS & JORGENSEN, INC.<br>2706 S.E. SANTA BARBARA PLACE<br>CAPE CORAL, FLORIDA<br>PHONE: (941) 772-5939<br>FAX: (941) 772-1315 |               |          |
| FLORIDA CERTIFICATE OF AUTHORIZATION # LB 6921                                                                                   |               |          |

TYPICAL 3' PUBLIC UTILITY EASEMENTS ON EACH SIDE OF THE LOT LINES



PARCELS OF LAND LYING IN  
SECTION 11

DOI 2007-00078

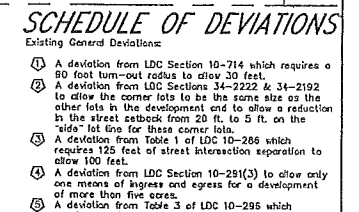
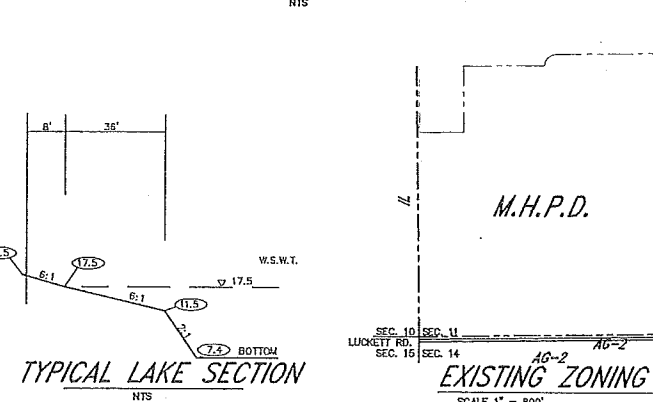
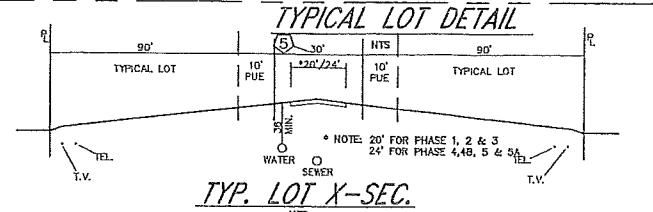
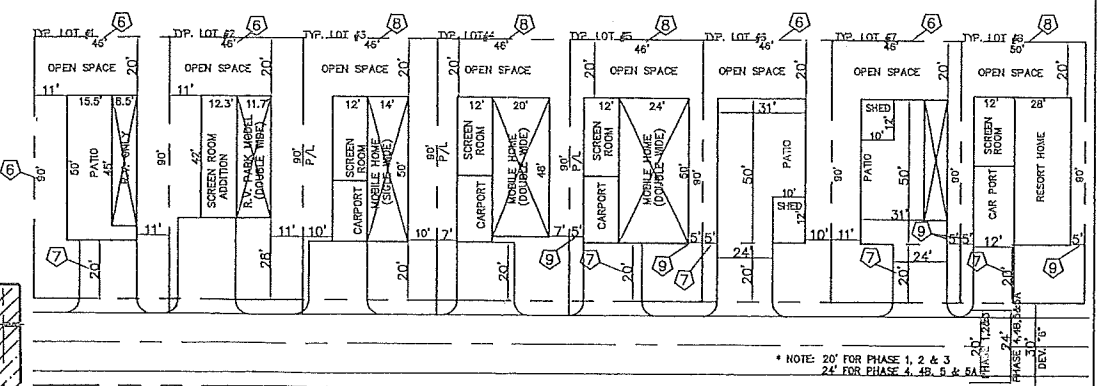
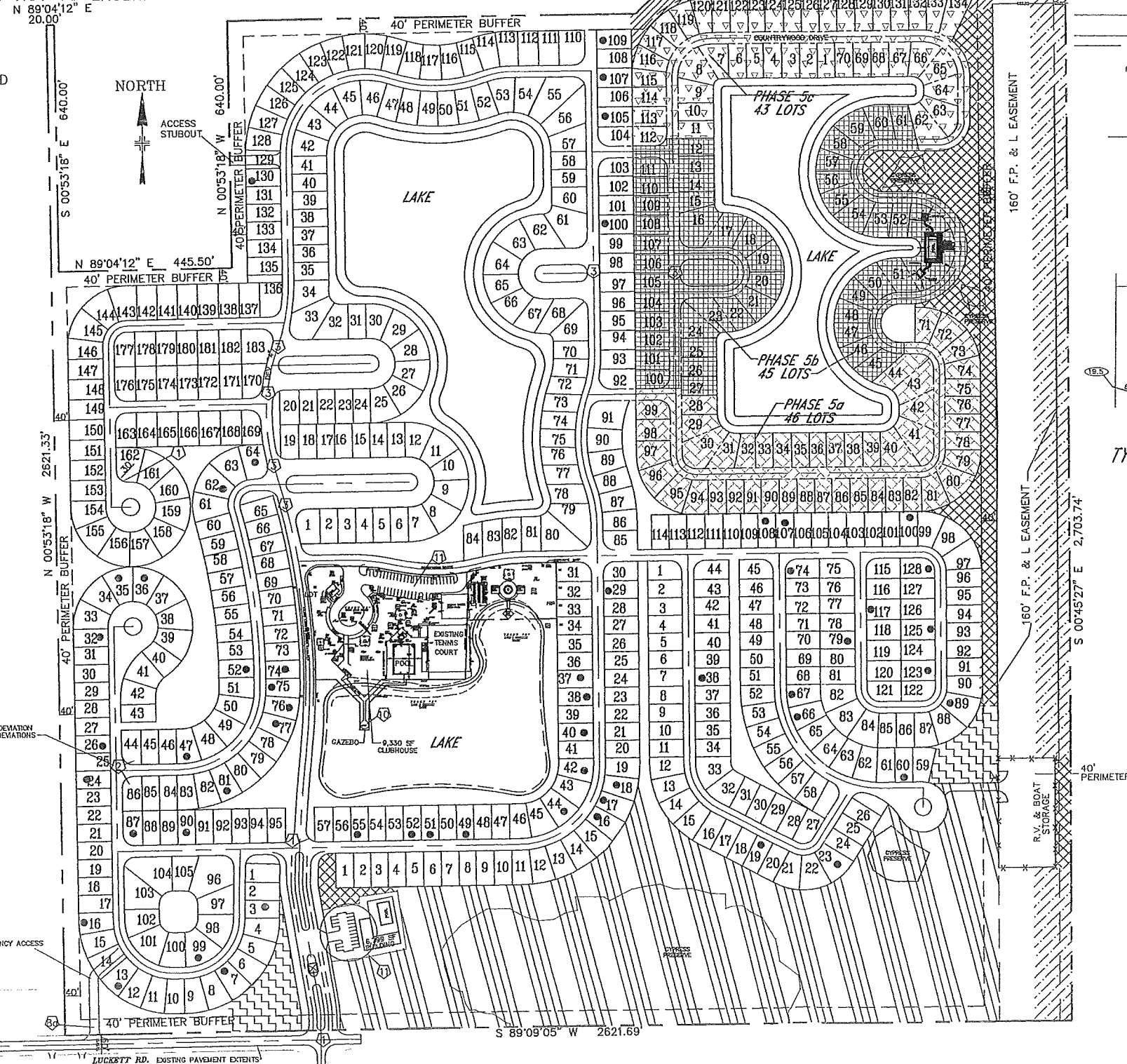
68-714

"EXHIBIT 3A"

# CYPRESS WOODS RESORT

TOTAL AREA = 6,688,691.34 S.F. (153.55 AC.)  
RIGHT-OF-WAY = 792,541.57 S.F. (18.19 AC.)  
LOT AREA = 2,850,427.44 S.F. (65.44 AC.)  
LAKES = 726,812.66 S.F. (16.68 AC.)  
NO. OF LOTS = 611 UNITS (563 R.V. SITES, 48 M.H. SITES)  
GROSS DENSITY = 3.98 UNITS/AC.  
BUILDING HEIGHT NOT TO EXCEED 35' OR 2 STORIES.

MHPD RVPD



## INDIGENOUS OPEN SPACE

| TYPES           | ACTUAL      | CREDITS     |
|-----------------|-------------|-------------|
| 100%            | 5.04 ACRES  | 5.04 ACRES  |
| 110%            | 1.27 ACRES  | 1.39 ACRES  |
| 125%            | 4.86 ACRES  | 6.08 ACRES  |
| 150%            | 16.70 ACRES | 25.05 ACRES |
| TOTAL PROVIDED: | 27.87 ACRES | 36.64 ACRES |
| TOTAL REQUIRED: |             | 30.39 ACRES |

## OPEN SPACE

### COMMON AREA:

|                                              |                               |
|----------------------------------------------|-------------------------------|
| 40 FOOT PERIMETER BUFFER                     | = 417,979.55 S.F. (9.50 AC.)  |
| 20 FOOT AROUND LAKE                          | = 174,510.73 S.F. (4.00 AC.)  |
| 180' FPL EASEMENT                            | = 732,335.74 S.F. (16.81 AC.) |
| NETLAND CREATION (EXISTING)                  | = 432,687.83 S.F. (9.93 AC.)  |
| ADDITIONAL COMMON AREA (AREA BETWEEN BLOCKS) | = 750,122.00 S.F. (17.46 AC.) |
|                                              | = 430,223.78 S.F. (9.87 AC.)  |
| COMMON AREA TOTAL                            | = 2,947,760 S.F. (67.68 AC.)  |
| % OF SITE                                    | = 44.04 %                     |

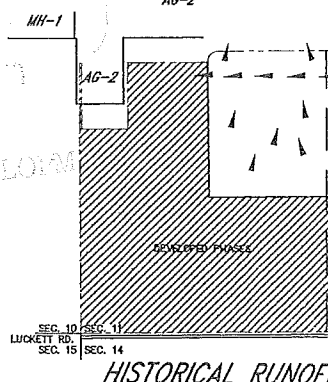
## HURRICANE SHELTER

(PER LDC SECTION 10-259)

REQUIRED HURRICANE SHELTERS = (2.25/567)(20)(452)=12,090 S.F.

PROVIDED = 16,129 S.F.

DCI 2007-00078



CYPRESS WOODS  
R.V. RESORT  
ORIGINAL ZONING # Z-94-025

MASTER CONCEPT PLAN  
BARBOT, STEUART & ASSOCIATES, INC.  
CONSULTING ENGINEERS

3228 EVANS AVENUE, FORT MYERS, FLORIDA 33901, PH. (239) 936-7353

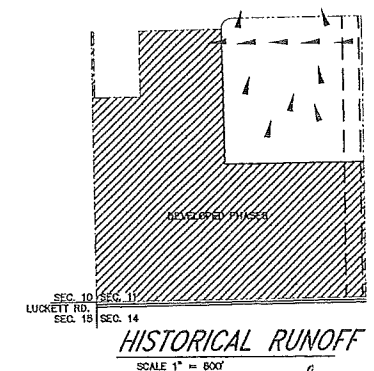
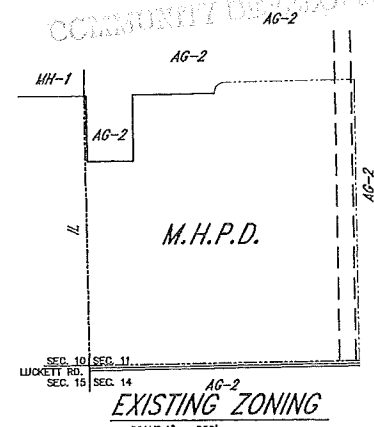
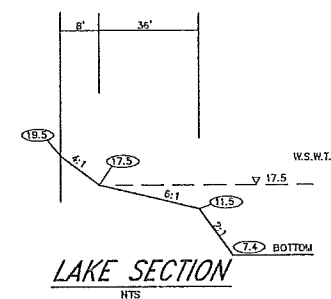
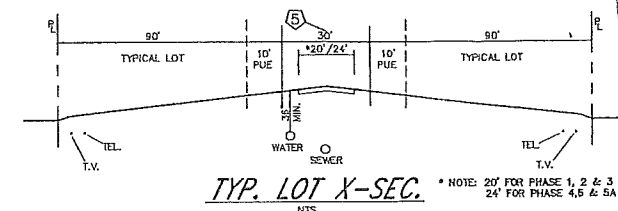
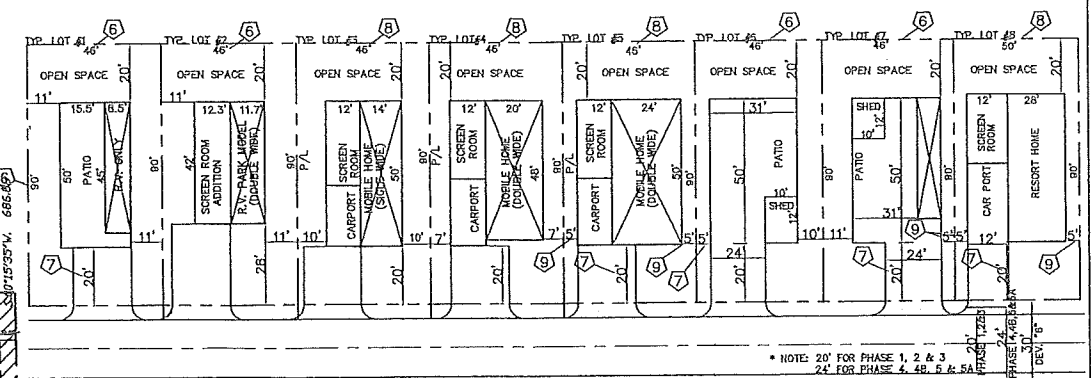
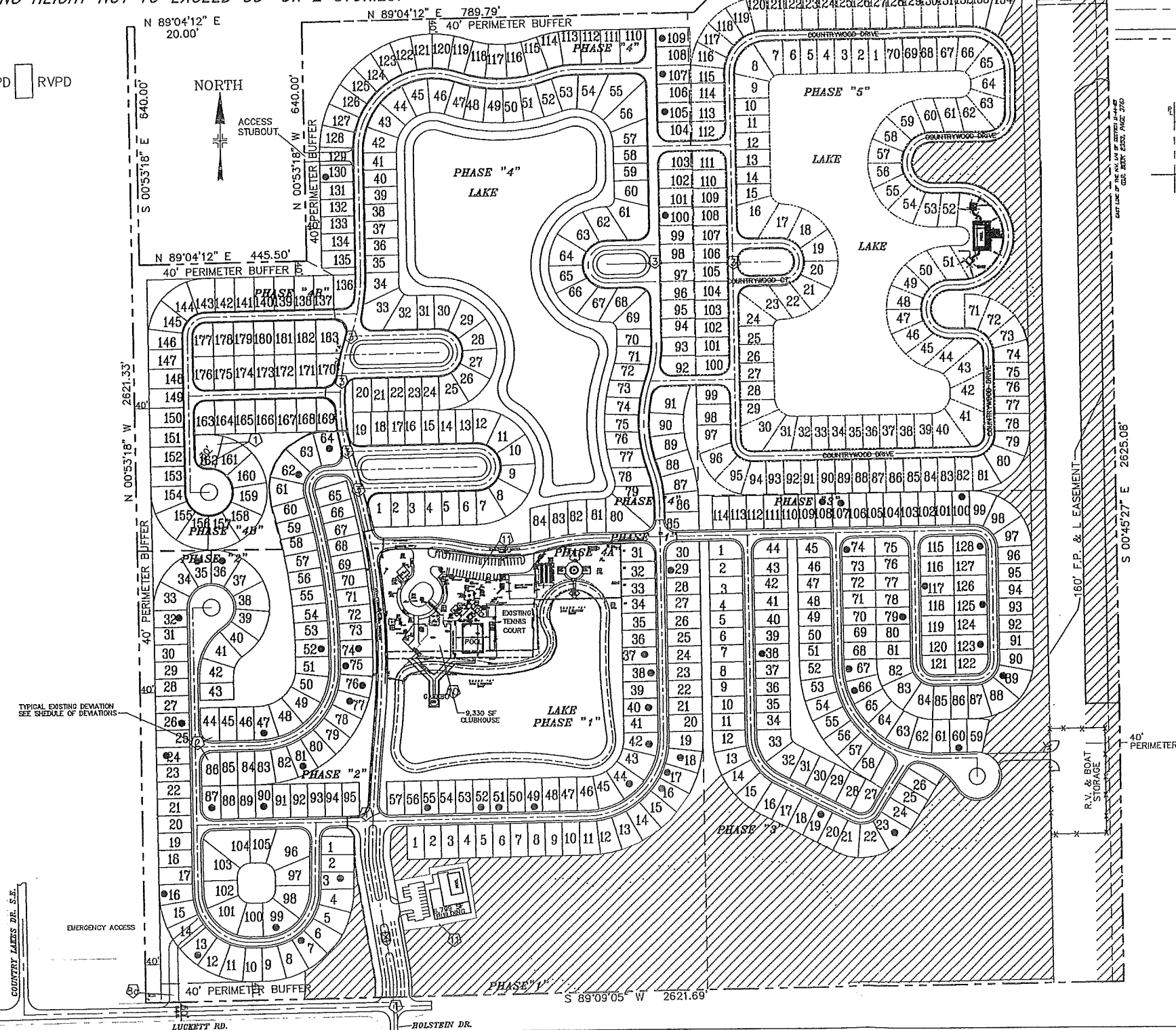
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|------------------|--------------------------------------------|------------|----------|
| DESIGNED BY:     | CHKD BY:                                   | DATE:      | FILE NO. |
| JTA              | IKS                                        | 09/14/2007 | 3434     |
| DRAWN BY:        | CHKD BY:                                   |            |          |
| JTA              | IKS                                        |            |          |
| SCALE: 1" = 150' |                                            |            |          |
| OR AS NOTED      |                                            |            |          |
| DATE:            | REVISION                                   | APPROVED   |          |
| 08/16/10         | REVISED PER 05/24/10 SUFFICIENCY CHECKLIST | JTA        | IKS      |
| 04/21/08         | REVISED PER 01/08/08 SUFFICIENCY CHECKLIST | JTA        | IKS      |

EXHIBIT B

CYPRESS WOODS RESORT

TOTAL AREA = 6,688,691.34 S.F. (153.55 AC.)  
 RIGHT-OF-WAY = 792,541.57 S.F. (18.19 AC.)  
 LOT AREA = 2,850,427.44 S.F. (65.44 AC.)  
 LAKES = 726,812.66 S.F. (16.68 AC.)  
 NO. OF LOTS = 611 UNITS (563 R.V. SITES, 48 M.H. SITES)  
 GROSS DENSITY = 3.98 UNITS/AC.  
 BUILDING HEIGHT NOT TO EXCEED 35' OR 2 STORIES.

MHPD RVPD



*EXISTING PRESERVE*

411 - PINE FLATWOODS = 4.55 ACRES  
621 - CYPRESS FOREST = 6.66 ACRES  
624 - PINE - CYPRESS FOREST = 9.13 ACRES  
625 - PINE WET PRAIRIE = 2.52 ACRES  
650/640 - RESTORATION AREA = 2.69 ACRES  
832/310 - POWER LINE EASEMENT/HERBACEOUS = 2.79 ACRES  
832/643- POWER LINE EASEMENT/WET HERBACEOUS = 3.69 ACRES

 B.C. FOX SQUIRREL  
PRESERVE  
26.62 ACRES

*OPEN SPACE*

**COMMON AREA:**

|                                                 |   |                             |
|-------------------------------------------------|---|-----------------------------|
| 40 FOOT PERIMETER BUFFER                        | = | 417,978.65 S.F. (9.60 AC.)  |
| 20 FOOT AROUND LAKE                             | = | 174,510.73 S.F. (4.00 AC.)  |
| LAKES                                           | = | 732,335.74 S.F. (16.81 AC.) |
| 160' FPL EASEMENT                               | = | 432,587.83 S.F. (9.93 AC.)  |
| WETLAND CREATION (EXISTING)                     | = | 760,122.00 S.F. (17.45 AC.) |
| ADDITIONAL COMMON AREA<br>(AREA BETWEEN BLOCKS) | = | 430,223.79 S.F. (9.87 AC.)  |

COMMON AREA TOTAL = 2,947,760 S.F. (67.66 AC.)  
% OF SITE = 44.04 %

[illegible]

|                                    |             |
|------------------------------------|-------------|
| CYPRESS WOODS<br>R.V. RESORT       | 1K5<br>08-1 |
| ORIGINAL ZONING # Z-94-025         |             |
| MASTER CONCEPT PLAN                |             |
| BIG CYPRESS FOX SQUIRREL PERSEVERE |             |

BARBOT, STEUART & ASSOCIATES, INC.  
—CONSULTING ENGINEERS—

|                                                                  |             |  |
|------------------------------------------------------------------|-------------|--|
| 3228 EVANS AVENUE, FORT MYERS, FLORIDA 33901, PH. (239) 936-7353 |             |  |
| DESIGNED BY:                                                     | CHECKED BY: |  |

|               |             |  |         |
|---------------|-------------|--|---------|
| IKS           | IKS.        |  |         |
| IKS DRAWN BY: | CHECKED BY: |  | FILE No |

|                  |                  |              |  |          |
|------------------|------------------|--------------|--|----------|
| JKS              | JTA              | JKS          |  | FILE NO. |
| SCALE: 1" = 150' | DATE: 05/29/2007 | SHEET 2 OF 3 |  | 3434     |

"EXHIBIT 3A"

# CYPRESS WOODS RESORT

TOTAL AREA = 6,688,691.34 S.F. (153.55 AC.)  
RIGHT-OF-WAY = 792,541.57 S.F. (18.19 AC.)  
LOT AREA = 2,850,427.44 S.F. (65.44 AC.)  
LAKES = 726,812.66 S.F. (16.68 AC.)  
NO. OF LOTS = 611 UNITS (563 R.V. SITES, 48 M.H. SITES)  
GROSS DENSITY = 3.98 UNITS/AC.  
BUILDING HEIGHT NOT TO EXCEED 35' OR 2 STORIES.

MHPD RVPD

## HATCH LEGEND

EXISTING DEVELOPED PHASES

TYPICAL EXISTING DEVIATION  
SEE SCHEDULE OF DEVIATIONS

EXISTING MAN-MADE LAKE  
RELOCATED TO MIN. 50' FROM  
REAR LOT LINES

SEE DETAIL A-A

N 89°04'12" E 1,127.92'

EXISTING TOP OF BANK

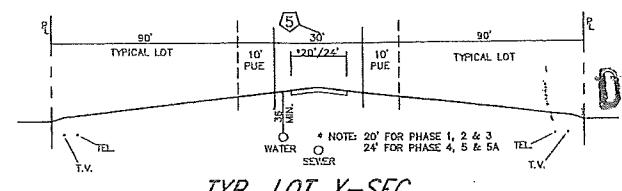
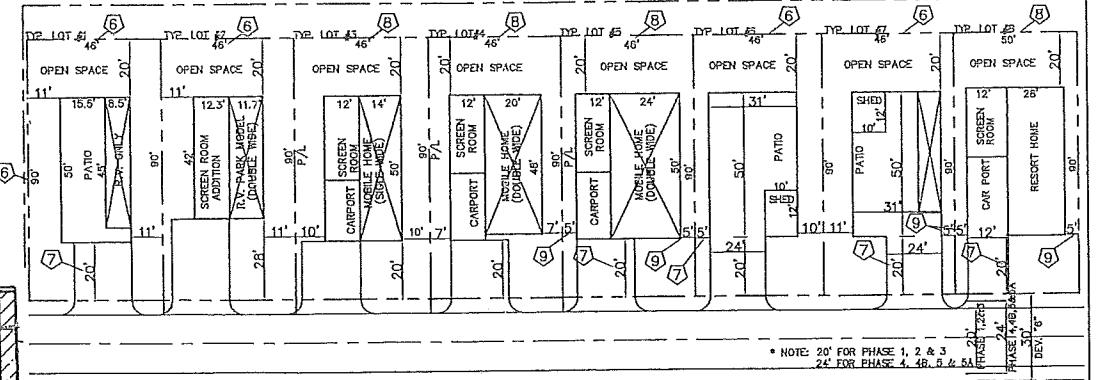
## PHASE "5"

LAKE

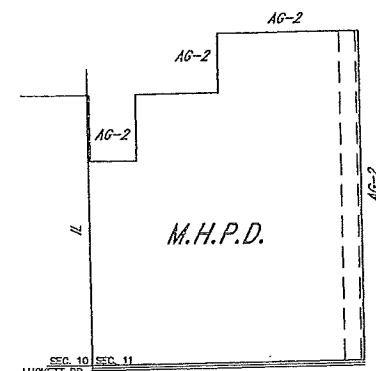
## EXISTING DEVELOPMENT

## EXISTING DEVELOPMENT

## PRESERVE AREA



## TYP. LOT X-SEC.



## EXISTING ZONING

## EXISTING CONDITIONS FOR PHASE 4 & 5

| CODE   | DESCRIPTION                           | ACRES |
|--------|---------------------------------------|-------|
| 191    | BAHIA GRASS FIELD                     | .93   |
| 193    | UNDEVELOPED RURAL AREA                | 19.43 |
| 194    | UNDEVELOPED LAND/TEMPORARY RV STORAGE | 0.81  |
| 210    | PASTURE LAND                          | 12.26 |
| 411    | PINE - SAW PALMETTO FOREST            | 13.34 |
| 411B   | MELALEUCA - PINE FOREST               | 11.99 |
| 510    | DRAINAGE DITCH                        | .60   |
| 820    | LAKE                                  | 2.54  |
| 740    | DISTURBED AREA                        | 1.30  |
| 743    | SPOILED AREA                          | 1.00  |
| TOTAL: |                                       | 64.00 |

## FLUCC'S CODE

|                                              |              |
|----------------------------------------------|--------------|
| 411 - PINE FLATWOODS                         | = 4.55 ACRES |
| 621 - CYPRESS FOREST                         | = 6.86 ACRES |
| 624 - PINE - CYPRESS FOREST                  | = 9.13 ACRES |
| 625 - PINE WET PRAIRIE                       | = 2.52 ACRES |
| 650/640 - RESTORATION AREA                   | = 2.69 ACRES |
| 832/310 - POWER LINE EASEMENT/HERBACEOUS     | = 2.78 ACRES |
| 832/843 - POWER LINE EASEMENT/WET HERBACEOUS | = 3.69 ACRES |

## OPEN SPACE

|                                              |                               |
|----------------------------------------------|-------------------------------|
| COMMON AREA:                                 |                               |
| 40 FOOT PERIMETER BUFFER                     | = 417,979.85 S.F. (9.60 AC.)  |
| 20 FOOT AROUND LAKE                          | = 174,510.73 S.F. (4.00 AC.)  |
| LAKES                                        | = 732,335.74 S.F. (16.81 AC.) |
| 160' FPL EASEMENT                            | = 432,847.83 S.F. (9.93 AC.)  |
| WETLAND CREATION (EXISTING)                  | = 760,122.00 S.F. (17.45 AC.) |
| ADDITIONAL COMMON AREA (AREA BETWEEN BLOCKS) | = 430,223.79 S.F. (9.87 AC.)  |
| COMMON AREA TOTAL                            | = 2,047,780 S.F. (46.66 AC.)  |
| % OF SITE                                    | = 44.04 %                     |

## HURRICANE SHELTER (PER LDC SECTION 10-25B)

|                             |                                    |
|-----------------------------|------------------------------------|
| REQUIRED HURRICANE SHELTERS | = (2.25)(672)(20)(450)=13,608 S.F. |
| PROVIDED                    | = 16,129 S.F.                      |

DCI 2007-00078

## SCHEDULE OF DEVIATIONS

- Existing General Deviations:
- A deviation from LDC Section 10-714 which requires a 50 foot turn-out radius to allow 35 feet.
  - A deviation from LDC Sections 34-222 & 34-2192 to allow the corner lots to be the same size as the other lots in the development and to allow a reduction in the street setback from 20 ft. to 5 ft. on the "side" lot line for these corner lots.
  - A deviation from Table 1 of LDC 10-288 which requires 125 feet of street intersection separation to allow 100 feet.
  - A deviation from LDC Section 10-291(3) to allow only one means of ingress and egress for a development of more than five acres.
  - A deviation from Table 3 of LDC 10-296 which requires a 45 foot right-of-way for a local street with open drainage to permit a local street with 30 foot right-of-way and open drainage.

- Existing RVPD Deviations:
- A deviation from LDC Section 34-939(b)(6)(b) which requires a 5,000 square foot minimum lot to allow a 4,140 square foot minimum (46 feet x 90 feet).
  - A deviation from LDC Section 34-939(b)(7)(c) which requires side setbacks of 10 feet and a street (right-of-way) setback of 25 feet to permit a side setback of 5 feet and a street (right-of-way) setback of 20 feet for a non-lot-front lot.
  - A deviation from LDC Section 34-939(d)(3) to permit an access road through the perimeter buffer.

- Existing MHPD Deviations:
- A deviation from Section 439.02 of the Lee County Zoning Ordinance (Now LDC 34-736) which requires a 5,000 square foot minimum lot (50 feet x 100 feet) to allow a 4,140 square foot minimum lot (46 feet x 90 feet).
  - A deviation from Section 439.02.B of the Lee County Zoning Ordinance (Now 34-736) which requires a side setback of 7 feet to permit a side setback of 5 feet.
  - A deviation from Section 34-2194(b)(3) of the Lee County Land Development Code to permit a water related use (i.e. clubhouse, dock, pier and gazebo) to encroach into the 25' setback and to extend 90 feet into an artificial body of water. This request is made pursuant to the exception provided in LDC 34-2194(c)(1)(e).
  - A deviation from Section 34-2020(4)(c)(2) which would require 135 spaces for the clubhouse facilities to allow 44 spaces.

CYPRESS WOODS  
R.V. RESORT  
ADMINISTRATIVE AMENDMENT  
ORIGINAL ZONING # 2-94-025

## MASTER CONCEPT PLAN EXHIBIT III-A-1

BARBOT, STEUART & ASSOCIATES, INC.  
CONSULTING ENGINEERS

3228 EVANS AVENUE, FORT MYERS, FLORIDA 33901, PH. (239) 636-7353

|              |          |             |            |
|--------------|----------|-------------|------------|
| DESIGNED BY: | IKS      | CHECKED BY: | IKS        |
| DRAWN BY:    | JTA      | CHECKED BY: | IKS        |
| DATE:        | 08/16/10 | DATE:       | 05/29/2007 |
| REVISION     |          | APPROVED    |            |
| REVISION     |          | APPROVED    |            |

SHEET 3 OF 3  
FILE NO. 3434

# Habitat Restoration and Maintenance Guidelines

for the

## Cypress Woods RV Resort Phase V

Sections 11, T44S, R25E, Luccett Road, Lee County, Florida

March 27, 2008  
Revised: Dec. 4, 2008  
June 9, 2009

Prepared for:

Cypress Woods RV Resort  
5551 Luccett Road.  
Fort Myers, FL 33905  
(239) 694-2191  
FAX: (239) 691-4969

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COMMUNITY DEVELOPMENT

conducted by

DCI 2007-00078

### **Southern Biomes, Inc.**

1602 Woodford Ave., Fort Myers, FL 33901 - mail to: P.O. Box 50640, Fort Myers, FL 33994  
Ph.: (239) 334-6766 - Geza Wass de Czege, President - Fax: (239) 337-5028

**EXHIBIT C**

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Habitat Restoration & Management Guidelines - Cypress Woods RV Resort Phase V - Lockett Road  
Section 11, T44E, R25S, Lee County, Florida Revised: June 9, 2009

**A. FOX SQUIRREL HABITAT RESTORATION GUIDELINES**

1. **RESTORATION SITE DESCRIPTION:** The subject restoration site is a forty foot wide buffer area located in the northeastern portion of the development, extending for approximately 800 feet east to the pine flatwoods buffer adjacent to the powerline easement. The previously existing forested buffer was unintentionally cleared and will be restored to meet Lee County Code, Sec. 14-384: Restoration standards, and the Sec. 10-420 Plant materials standards. The plantings will be according to Lee County's Department of Community Development, Division of Environmental Sciences indigenous habitat restoration area planting guidelines.
  
2. **HABITAT RESTORATION EXECUTIVE SUMMARY:** To help restore the habitat, slash pines and scattered live oaks will be planted an average of 15' on center, with 75% of the trees being a minimum 10' tall with two-inch caliper at 12 inches above ground, and the remaining 25% a minimum 16' tall with a 3-4 inch caliper, to provide more diversity sizes. Trees will be planted in random order so as not to appear as growing in rows. Shrubs will be limited to scattered clusters of saw palmetto, wax myrtle, beautyberry, gallberry and muhly grass, planted around selected tree clusters. Shrubs and groundcover vegetation must be in minimum one-gallon container, and clustered at an average of three feet (3') on center, to mimic pine flatwoods savanna habitat.

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Habitat Restoration & Management Guidelines, Cypress Woods RV Resort Phase V, Lockett Road,  
Section 11, T44E, R25S, Lee County, Florida

Revised: June 9, 2009

**Habitat Restoration Plant List**

- One hundred ten (110) trees, of which no more than 75% are to be 10' tall, minimum 2 inch caliper trees, and at least 25% are >16' tall, minimum 3 inch caliper trees. All trees are to be planted in random order on average 15' centers:
  - 68 slash pine (*Pinus elliottii*) 10' w/min 2" dbh
  - 22 slash pine (*Pinus elliottii*) 16' w/min 3" dbh
  - 6 live oak (*Quercus virginiana*) 10' w/min 2" dbh
  - 2 live oak (*Quercus virginiana*) 16' w/min 3" dbh
  - 4 laurel oak (*Quercus laurifolia*) 10' w/min 2" dbh
  - 2 laurel oak (*Quercus laurifolia*) 16' w/min 3" dbh
  - 4 dahoon holly (*Ilex cassine*) 10' w/min 2" dbh
  - 2 dahoon holly (*Ilex cassine*) 16' w/min 3" dbh
  
- Three thousand four hundred sixty six (3,466) in 1 gallon containerized shrubs & herbaceous species, randomly clustered within tree clusters, on 3' center:
  - 1000 saw palmetto (*Serenoa repens*)
  - 500 wax myrtle (*Myrica sp.*)
  - 500 beautyberry (*Callicarpa americana*)
  - 466 gallberry (*Ilex glabra*)
  - 1000 muhly grass (*Muhlenbergia sp.*)

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Habitat Restoration & Management Guidelines  
Section 11, T44E, R25S, Lee County, Florida

- Cypress Woods RV Resort Phase V

- Lockett Road  
Revised: June 9, 2009

**RESTORATION AREA SITE PREPARATION, MAINTENANCE AND MONITORING  
GUIDELINES:**

1. Restoration areas are to be graded to natural elevations of adjacent pine flatwoods uplands, and harrowed to remove all ruts from the planting areas.
2. Eradicate any torpedograss, primrose willow, or any other exotic or nuisance vegetation prior to replanting, with an approved systemic herbicide, and establish an annual eradication program to maintain the area free of exotic species, and the nuisance species to less than 2% coverage.
3. Replant restoration areas with plant species and quantities as designated in the plant list provided in the Habitat Restoration Plant List (approx. 31,200 sq. ft.).
  - One hundred ten (110) trees, with no more than 75% at least 10' tall, 2 inch caliper and the remaining trees >16' tall, with minimum 3 inch caliper, planted in clusters of 3-5, on average 15' centers.
  - Three thousand four hundred sixty six (3,466) 1 gallon containerized shrubs, cluster 3' o.c.
4. Maintain a semi-annual exotic plant control the first year, and an annual control thereafter, in perpetuity, to treat the exotic vegetation resprouting with an approved herbicide, and manually remove any seedlings. Conduct activities during the winter and spring dry season.
5. Signage shall be placed at each end of the indigenous preserve area to identify and protect the preserve during and after construction. The signs shall be no closer than ten feet from adjacent property lines; be limited to a maximum height of four feet and a maximum size of two square feet, stating: "Preserve Area" (in large letters), "Please do not cut or damage any plants unless authorization by permit, or obtained in writing by Lee County Community Development" (in small letters). See example attached with these guidelines.
6. Provide Lee County with an annual monitoring report, for 5 years, including plant survival data and qualitative narrative describing the vegetative changes within the mitigation area. Include the following:
  - a. Provide three fixed point photo station' panoramic photograph analyses at selected locations.
  - c. Narrative report of exotics invasion, and removal success.
  - d. Plant survival data and revegetation success data, including quantitative data, natural recruitment success, exotic invasion, general condition, and recommendations.
7. Mitigation success criteria are as follows:
  - a. The area is maintained free of exotic plants, as defined by the Florida Exotic Pest Plant Council, with no more than 2% coverage at any one time (including but not limited to melaleuca, Brazilian pepper, Australian pine, etc.), and the number of exotic plants eradicated each year has been greatly reduced.
  - b. All nuisance plant species (torpedograss, primrose willow, caesarweed, dog fennel, etc.) constitute no more than 5% of the total plant coverage.
  - c. There is an 80% survival rate of the planted vegetation and at least 80% coverage of the planted area by indigenous native vegetation at the end of the third year of monitoring.
  - d. There is a continual increase in indigenous plant species composition throughout the five year monitoring period.

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Habitat Restoration & Management Guidelines, Cypress Woods RV Resort Phase V, Lockett Road,  
Section 11, T44E, R25S, Lee County, Florida

Revised: June 9, 2009

Preserve Area Sign Sample

# Preserve Area

**No Dumping**

**No Cutting**

**No Disturbing**

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COMMUNITY DEVELOPMENT

Please do not cut or damage any  
plants unless authorization by permit,  
or obtained in writing by Lee County  
Community Development.

**Please Help Keep it Natural!!**

NOTE: Typical sign dimensions may range from 9" x 12" to 12" x 18" (vertical or horizontal), but should not exceed 288 sq. inches.

## Cypress Woods Monitoring and Maintenance Plan

The wetland mitigation program involves several different activities. These include creation of 2.35 acres of marsh, 3.12 acres of mixed pine and cypress forest, 1.32 acres of shallow excavation, restoration of 6.02 acres of wetlands and enhancement of 9.61 acres of wetlands. Details of these specific mitigation activities, mitigation goals, monitoring programs and maintenance plans are outlined below.

### Wetland Enhancement

Wetland enhancement includes the selective removal of exotics from existing wetlands. Baseline wetland monitoring will be conducted in the wetland enhancement areas. A transect, photo point and staff gauge will be located through the enhancement area. The location of the transect is shown on the attached Planting and Monitoring Overview Plan. Wetland enhancement will then begin which will include the selective removal of exotic vegetation. The exotic removal will consist of selective application of an approved herbicide. Small trees will be clipped and the stem painted with herbicide. Larger trees will be deeply scored and the herbicide applied to the wound. The wetland enhancement program will be done in Phase 1 of the development. Specific time frames are outlined in the attached mitigation schedule. Monitoring will be conducted for five years and will include the following parameters:

- Panoramic Photographs
- Water Level Measurements
- Description of Vegetation Composition and Percent Coverage
- Survival Rate of Planted Vegetation
- Percent Cover with Nuisance Species
- Percent Cover with Exotic Species
- Summary of Wildlife Utilization
- Summary of Wetland Maintenance Performed to Date

The goal of the enhancement is to achieve a 0% aerial coverage with exotics. Maintenance will include annual control to prevent any re invasion by exotics.

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PROJECT TYPE 04

ZONING COUNTER

EXHIBIT D

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## Wetland Restoration

Wetland restoration includes the mechanical removal of exotics, regrading any areas disturbed by exotic removal to natural ground level, and replanting with native aquatic non nuisance species. Clearing will occur in the dry season, to minimize erosion and turbidity. Of the total restoration area (6.02 acres), 2.38 acres will be replanted with trees and shrubs and 3.64 acres will be planted with trees. Clearing will be maintained outside the drip lines of any pine or cypress trees located within this area. Specific details of the planting plan are outlined below. Plantings will occur at the end of the rainy season. The locations of the restoration and planting areas are shown on the attached Planting and Monitoring Overview Plan. Once the plantings are installed, baseline monitoring will be conducted. The specific dates for the restoration and monitoring activities are outlined in the attached mitigation schedule. Annual monitoring will be conducted thereafter for five years. The monitoring will include the following parameters:

- Panoramic Photographs
- Water Level Measurements
- Description of Vegetation Composition and Percent Coverage
- Survival Rate of Planted Vegetation
- Percent Cover with Nuisance Species
- Percent Cover with Exotic Species
- Summary of Wildlife Utilization
- Summary of Wetland Maintenance Performed to Date

The goal of the restoration effort is to achieve an 80% coverage with native, non-nuisance aquatic species, less than 10% coverage by nuisance species and 0 % coverage by exotics. Maintenance will be conducted on a semi annual basis. Exotic control will be done as necessary and supplemental plantings will be installed to maintain an 80% survival rated of planted material.

### Tree Plantings

Tree planting will be a 70% mixture of cypress and slash pine. Other plantings will include a minimum of three of the following species:

- Cabbage Palm
- Laurel Oak
- Red Maple
- Dahoon Holly
- Swamp Bay

Spacing of the trees will be on 25 foot centers. The trees will be 3 gallon size.

## Shrub Plantings

Shrub planting will be on 20 foot centers. Shrubs will be a minimum of 2 to 3 gallon size. A minimum of three of the following species will be planted:

- Wax Myrtle
- Cocoplum
- Salt Bush
- Swamp Hibiscus
- Gallberry

## Wetland Restoration / Shallow Excavation

North of the cypress wetland is an area heavily invaded by melaleuca. This area (1.32 acres), will be regraded to a depth of 3 feet in the center and then sloped to match the existing wetland grade. The center of the area will be planted with herbaceous species and the perimeter planted with trees. Clearing will be maintained outside the drip lines of any pine or cypress trees located within this area. Specific details of the planting plan are outlined below. Plantings will occur at the end of the rainy season. The location of the shallow excavation area is shown on the attached Planting and Monitoring Overview Plan. Once the plantings are installed, time zero monitoring will be conducted. The specific dates for the restoration and monitoring activities are outlined in the attached mitigation schedule. Annual monitoring will be conducted thereafter for five years. The monitoring will include the following parameters:

- Panoramic Photographs
- Water Level Measurements
- Description of Vegetation Composition and Percent Coverage
- Survival Rate of Planted Vegetation
- Percent Cover with Nuisance Species
- Percent Cover with Exotic Species
- Summary of Wildlife Utilization
- Summary of Wetland Maintenance Performed to Date

The goal of the restoration effort is to achieve an 80% coverage with native, non-nuisance aquatic species, less than 10% coverage by nuisance species and 0 % coverage by exotics. Maintenance will be conducted on a semi annual basis. Exotic control will be done as necessary and supplemental plantings will be installed to maintain an 80% survival rated of planted material.

## Tree Plantings

Tree planting will be a 70% mixture of cypress and slash pine. Other plantings will include a minimum of three of the following species:

- Cabbage Palm
- Laurel Oak
- Red Maple
- Dahoon Holly
- Swamp Bay

Spacing of the trees will be on 25 foot centers. The trees will be 3 gallon size.

## Herbaceous Plantings

Herbaceous plantings will be a minimum size of 2 inch liners. Plantings will be installed on 5 foot centers. Species will include a minimum of three of the following:

- Cordgrass
- Saw Grass
- Pickrelweed
- Arrowhead
- Water Hyssop
- Scirpus sp.
- Swamp Lily
- Spike Rush

## Marsh Creation

The plan includes the creation of two areas of marsh in the interior lakes. The southern marsh will be created in Phase 1 of the mitigation while the northern marsh will be created in Phase 2 of the mitigation plan. The area will be constructed and then revegetated with herbaceous plantings. The details of the plantings are outlined below. The locations of the marsh creation areas are shown on the attached Planting and Monitoring Overview Plan. Once the plantings are installed, time zero monitoring will be conducted. The specific dates for the creation and monitoring activities are outlined in the attached mitigation schedule. Annual monitoring will be conducted thereafter for five years. The monitoring will include the following parameters:

- Panoramic Photographs
- Water Level Measurements
- Description of Vegetation Composition and Percent Coverage
- Survival Rate of Planted Vegetation
- Percent Cover with Nuisance Species
- Percent Cover with Exotic Species
- Summary of Wildlife Utilization
- Summary of Wetland Maintenance Performed to Date

The goal of the creation effort is to achieve an 80% coverage with native, non-nuisance aquatic species, less than 10% coverage by nuisance species and 0 % coverage by exotics. Maintenance will be conducted on a semi annual basis. Exotic control will be done as necessary and supplemental plantings will be installed to maintain an 80% survival rated of planted material.

#### Herbaceous Plantings

Herbaceous plantings will be a minimum size of 2 inch liners. Plantings will be installed on 5 foot centers. Species will include a minimum of three of the following:

- Yellow Canna
- Umbrella Grass
- Cordgrass
- Blue Flag
- Beak Rush
- Spike Rush
- spider Lily
- Swamp Lily
- Saw Grass
- Water Hyssop
- White Water Lily
- Fire Flag
- Yellow Water Lily
- Floating Hearts
- Pickernelweed
- Arrowhead



## Impact Assessment

| FLUCCS                                           | % Exotics | Total AC     | Impact       | Mit. Ratio  | Mit. required |
|--------------------------------------------------|-----------|--------------|--------------|-------------|---------------|
| 411/424 Hydric pine flatwoods/ melaleuca invaded | > 95      | 19.12        | 12.99        | .5:1        | 6.50          |
| 411/424 Hydric pine flatwoods/ melaleuca invaded | 80        | 5.34         | 2.75         | .5:1        | 1.38          |
| 411/424 Hydric pine flatwoods/ melaleuca invaded | 50        | 1.46         | .88          | 1:1         | .88           |
| 621 Cypress forest                               | < 10      | 6.38         | 0            | 0           | 0             |
| 621/424 Cypress invaded by melaleuca             | 60        | 4.19         | .96          | 1:1         | .96           |
| 6446 Flag pond                                   | < 10      | .54          | 0            | 0           | 0             |
| <b>Totals</b>                                    |           | <b>37.03</b> | <b>17.58</b> | <b>.5:1</b> | <b>9.72</b>   |

## Mitigation Analysis

| FLUCCS                                                                     | % Exotics | Enhance      | Mit. Ratio | Mit. provided |
|----------------------------------------------------------------------------|-----------|--------------|------------|---------------|
| <b>Wetland Restoration</b>                                                 |           |              |            |               |
| 411/424 Hydric pine flatwoods/ melaleuca invaded*                          | > 95      | 1.25         | .5:1       | .63           |
| 411/424 Hydric pine flatwoods/ melaleuca invaded**                         | > 95      | 2.38         | .75:1      | 1.79          |
| 411/424 Hydric pine flatwoods/ melaleuca invaded*                          | 80        | 2.39         | .5:1       | 1.20          |
| <b>Wetland Enhancement</b>                                                 |           |              |            |               |
| 411/424 Hydric pine flatwoods/ melaleuca invaded                           | 50        | .50          | 0          | 0             |
| 621 Cypress forest                                                         | < 10      | 6.38         | 0          | 0             |
| 621/424 Cypress invaded by melaleuca                                       | 60        | 2.19         | 0          | 0             |
| 6446 Flag pond                                                             | < 10      | .54          | 0          | 0             |
| <b>Wetland Restoration/Shallow Excavation</b>                              |           |              |            |               |
| 411/424 Hydric pine flatwoods/ melaleuca invaded                           | 80        | .20          | .5:1       | .10           |
| 621/424 Cypress invaded by melaleuca                                       | 60        | 1.12         | .5:1       | .56           |
| <b>Wetlands within FPL Easement***</b>                                     |           |              |            |               |
| Not included in mitigation, but where mechanical exotic removal will occur |           | 2.50         |            |               |
| <b>Subtotals</b>                                                           |           | <b>19.45</b> |            |               |
| <b>Wetland Creation (5.47 AC)</b>                                          |           |              |            |               |
| From uplands-adjacent to lakes                                             |           |              | 1:1        | 2.35          |
| From uplands                                                               |           |              | 1:1        | 3.12          |
| From Uplands-lake littoral zones                                           |           |              | 0          | (+/-1.8)***   |
| <b>Totals</b>                                                              |           |              |            | <b>9.75</b>   |

\* Denotes plantings within wetland restoration area (trees)- see "Planting & Monitoring Overview"

\*\* Denotes increased plantings within wetland restoration area (trees & shrubs)- see "Planting & Monitoring Overview"

\*\*\* Not included in total mitigation

Phase 1: All wetland creation areas except the marsh in the northern lake, all restoration and enhancement activities.

| TIME SCHEDULE FOR COMPLETION OF MITIGATION/MONITORING ACTIVITIES                                                                                                                                                                                                                        |                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| ACTIVITY                                                                                                                                                                                                                                                                                | COMPLETION DATE   |
| Submit baseline monitoring report (Preservation/Enhancement Areas)                                                                                                                                                                                                                      | September 1, 1995 |
| Excavation of southern lake                                                                                                                                                                                                                                                             | December 1, 1995  |
| Grading of creation/restoration areas                                                                                                                                                                                                                                                   | December 1, 1995  |
| Planting of creation/restoration areas                                                                                                                                                                                                                                                  | January 1, 1996   |
| Complete initial exotic removal in preservation/enhancement areas                                                                                                                                                                                                                       | January 1, 1996   |
| Construction of fence/structural buffer                                                                                                                                                                                                                                                 | February 1, 1996  |
| Submit time zero monitoring report                                                                                                                                                                                                                                                      | February 1, 1996  |
| Submit legal description of conservation areas                                                                                                                                                                                                                                          | September 1, 1995 |
| Submit recorded legal document(s)                                                                                                                                                                                                                                                       | September 1, 1995 |
| Submit first monitoring report                                                                                                                                                                                                                                                          | February 1, 1997  |
| Submit second monitoring report                                                                                                                                                                                                                                                         | February 1, 1998  |
| Submit third monitoring report                                                                                                                                                                                                                                                          | February 1, 1999  |
| Submit fourth monitoring report                                                                                                                                                                                                                                                         | February 1, 2000  |
| Submit fifth monitoring report                                                                                                                                                                                                                                                          | February 1, 2001  |
| A separate time schedule for completion of mitigation and monitoring activities should be submitted for each mitigation plan. The following schedule contains typical activities for most mitigation plans. Additions and/or deletions to this schedule should be noted as appropriate. |                   |

Phase 2: Marsh creation in northern lake.

| TIME SCHEDULE FOR COMPLETION OF MITIGATION/MONITORING ACTIVITIES                                                                                                                                                                                                                        |                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| ACTIVITY                                                                                                                                                                                                                                                                                | COMPLETION DATE   |
| Excavation of northern lake                                                                                                                                                                                                                                                             | December 1, 1999  |
| Grading of remaining marsh creation area                                                                                                                                                                                                                                                | December 1, 1999  |
| Planting of remaining marsh creation area                                                                                                                                                                                                                                               | January 1, 2000   |
| Submit time zero monitoring report                                                                                                                                                                                                                                                      | February 1, 2000  |
| Submit legal description of conservation areas                                                                                                                                                                                                                                          | September 1, 1999 |
| Submit recorded legal document(s)                                                                                                                                                                                                                                                       | September 1, 1999 |
| Submit first monitoring report                                                                                                                                                                                                                                                          | February 1, 2001  |
| Submit second monitoring report                                                                                                                                                                                                                                                         | February 1, 2002  |
| Submit third monitoring report                                                                                                                                                                                                                                                          | February 1, 2003  |
| Submit fourth monitoring report                                                                                                                                                                                                                                                         | February 1, 2004  |
| Submit fifth monitoring report                                                                                                                                                                                                                                                          | February 1, 2005  |
| A separate time schedule for completion of mitigation and monitoring activities should be submitted for each mitigation plan. The following schedule contains typical activities for most mitigation plans. Additions and/or deletions to this schedule should be noted as appropriate. |                   |

## ENVIRONMENTAL ASSESSMENT OF EXISTING LAND USES / HABITAT TYPE

| EXISTING LAND USE / HABITAT TYPE AND PROPOSED STATUS |      |                 |         |             |                   |
|------------------------------------------------------|------|-----------------|---------|-------------|-------------------|
| CATEGORY                                             | ID # | FLUCCS CATEGORY | ACREAGE | QUALITY     | PROPOSED STATUS   |
| Abandoned Ag Lands                                   |      | 261             | 71.6    | Fair        | Impacted          |
| Pine Flatwoods                                       |      | 411             | 34.74   | 25% Exotics | Impacted          |
| Melaleuca/Pine                                       |      | 411/424         | 19.12   | 95% Exotics | Impacted/Restored |
|                                                      |      |                 | 5.34    | 80% Exotics | Impacted/Restored |
|                                                      |      |                 | 1.46    | 50% Exotics | Impacted/Enhanced |
| Melaleuca/Cypress                                    |      | 424/621         | 4.19    | 60% Exotics | Impacted/Enhanced |
| Slash Pine/Oak/Saw Palmetto                          |      | 434             | 1.12    | 60% Exotics | Impacted/Enhanced |
| Dead Slash Pine                                      |      | 435             | .86     | Poor        | Impacted          |
| Cypress                                              |      | 621             | 6.38    | Good        | Enhanced          |
| Flag Pond                                            |      | 6446            | .54     | Good        | Enhanced          |
| FPL Easement                                         |      | 832             | 6.16    | Disturbed   | Preserved         |

Submit an environmental assessment of the project site which includes information on wetlands and rare or unique upland habitat and indicate the proposed status of each area. Categories include Wetlands, Uplands, Unique Uplands, Non-Functional Wetlands. In addition to the table, a habitat communities map should be submitted which utilizes the Florida Land Use and Cover Classification System (FLUCCS).

| ENDANGERED OR THREATENED SPECIES / SPECIES OF SPECIAL CONCERN |                             |                                    |
|---------------------------------------------------------------|-----------------------------|------------------------------------|
|                                                               | FGFWFC                      | USFWS                              |
| LISTED SPECIES                                                | See attached species survey | Coordinate through COE application |
| USE TYPE (ie. nesting, foraging)                              |                             |                                    |
| CONTACT PERSON                                                |                             |                                    |
| ISSUES/RESOLUTION                                             |                             |                                    |

Provide information on any endangered or threatened species or species of special concern status on the project site. Include particular uses of the site by listed species (e.g. roosting, nesting, feeding). Document relevant communications with the Florida Game & Fresh Water Fish Commission (FGFWFC) or U.S. Fish & Wildlife Service (USFWS) regarding E/T/SSC species use of the site.

| WETLAND INVENTORY               |         |       |              |            |       |
|---------------------------------|---------|-------|--------------|------------|-------|
|                                 | CYPRESS | MARSH | TRANSITIONAL | MIX FOREST | TOTAL |
| TOTAL WETLANDS (AC)             | 6.38    | .54   | 0            | 30.11      | 37.03 |
| WETLANDS PRESERVE (AC)/ENHANCED | 6.38    | .54   | 0            | 2.69       | 9.61  |
| WETLANDS IMPACTED (AC)          | 0       | 0     | 0            | 17.99      | 17.99 |
| WETLANDS DISTURBED (AC)         | 0       | 0     | 0            | 0          | 0     |
| WETLANDS IMPROVED (AC)/RESTORED | 0       | 0     | 0            | 6.02       | 6.02  |
| WETLANDS CREATED (AC)           | 0       | 2.35  | 0            | 3.12       | 5.47  |
| OTHER UPLAND COMPENSATION: N/A  |         |       |              |            |       |

HAVE ANY OF THESE AREAS BEEN INCLUDED IN ANY PREVIOUS AUTHORIZATIONS FROM THE SFWMD? IF SO, PLEASE INDICATE APPLICATION / PERMIT NUMBERS:

Not applicable.

A SEPARATE TABLE SHOULD BE FILLED OUT FOR ONSITE AREAS AND OFFSITE AREAS. CATEGORIES ARE DEFINED AS FOLLOWS:

- PRESERVED** - NO FILL OR EXCAVATION PROPOSED; NO CLEARING OF DESIRABLE WETLAND SPECIES; NO DEWATERING OR OTHER LOWERING OF THE WATER TABLE. ADEQUATE BUFFER PROVIDED AND PRE-DEVELOPMENT HYDROLOGY MAINTAINED.
- IMPACTED** - ALTERED AS PART OF THIS PROPOSAL BY FILL, EXCAVATION, CLEARING, DEWATERING OR OTHER LOWING OF THE WATER TABLE.
- DISTURBED** - TEMPORARY IMPACT TO WETLAND SUCH AS CLEARING, INSTALLATION OF PIPE OR OTHER UTILITY LINE AFTER WHICH SITE WILL BE REGRADED TO ITS PREVIOUS ELEVATION, REPLANTED IF NECESSARY AND/OR ALLOWED TO REVEGETATE. TEMPORARY DEWATERING (LESS THAN 90 DAYS).
- IMPROVED** - RE-ESTABLISHMENT OF HYDROPERIOD, REPLANTING, AND/OR EXOTIC PLANT REMOVAL TO ENHANCE AN EXISTING WETLAND.
- CREATED** - ESTABLISHMENT OF A WETLAND IN AN AREA WHICH WAS PREVIOUSLY UPLAND OR LAND USE CATEGORY OTHER THAN WETLANDS. TECHNIQUES INCLUDE EXCAVATION AND PLANTING, VERTICAL RELOCATION, MULCHING, ETC.

| STATUS OF OTHER AGENCY WETLAND RESOURCE PERMITTING |                  |                   |                     |
|----------------------------------------------------|------------------|-------------------|---------------------|
|                                                    | FDER             | USACOE            | LOCAL GOVERNMENT    |
| Status                                             | Exemption Issued | Under Review      | DO Approval Pending |
| File #                                             | 36-00070-D       | 199406291 (IP-AW) | 95-01-116.00D       |
| # Ac Jurisdictional                                | 0                | 37.03             |                     |
| # Ac Impacted                                      | 0                | 17.58             | 7.1                 |
| Contact Person                                     | Jamie McCormick  | Angela Walker     | George Parker       |

| STATUS OF PROJECT UNDER ESL (ENVIRONMENTALLY SENSITIVE LANDS) PROGRAM(S) |                |
|--------------------------------------------------------------------------|----------------|
| CREW                                                                     | Not applicable |
| CARL                                                                     | Not applicable |
| P2000                                                                    | Not applicable |
| SAVE OUR RIVERS                                                          | Not applicable |
| LOCAL GOVT                                                               | Not applicable |
| ONS*                                                                     | Not applicable |

\* Outstanding Natural System from Lower West Coast Water Supply Planning Program.

### MITIGATION INFORMATION

This table should be filled out for each wetland preservation / creation / restoration area and/or for each upland preservation / compensation area as appropriate:

The project impacts are outlined in the attached impact analysis. The plan calls for impacting 18.16 acres of wetlands requiring 10.21 acres of mitigation.

The mitigation plan is outlined in the mitigation analysis. The mitigation plan includes the following:

- Removal of Exotics and revegetation of 6.02 acres of preserve for a credit of 3.62 acres
- Wetland Enhancement through exotic removal through shallow excavation of 1.32 acres of wetlands for 0.66 acres of credit
- Wetland Creation of 5.47 acres for a credit of 5.47 acres
- Removal of Exotics from 9.2 acres of wetlands for 0.0 acres of credit.
- Planted Lake Littoral Zones (1.8 acres) for 0.0 acres of mitigation credit

Documentation for 80% exotics in SW corner of Cypress Woods:

1. Each plot was 30' x 30'.
2. Only individuals over 4' tall were counted.

Original Plot 30' x 30' = 75% cover

Plot #2:

| Tree type     | # observed |
|---------------|------------|
| Slash pine    | 5          |
| Wax Myrtle    | 2          |
| Melaleuca     | 20         |
| Total         | 27         |
| Percent Cover | 74%        |

Plot #3:

| Tree type     | # observed |
|---------------|------------|
| Slash pine    | 2          |
| Wax Myrtle    | 1          |
| Melaleuca     | 77         |
| Total         | 80         |
| Percent Cover | 96%        |

Plot #4:

| Tree type     | # observed |
|---------------|------------|
| Slash pine    | 6          |
| Wax Myrtle    | 0          |
| Melaleuca     | 37         |
| Total         | 43         |
| Percent Cover | 86%        |

Average % cover =  $75 + 74 + 86 + 96 = 331 / 4 = 83\%$



*Cypress Woods  
Management Plan for Big Cypress Fox Squirrel Habitat*

*Prepared By  
Boylan Environmental Consultants, Inc.*

The attached drawing shows the area that will be maintained and managed as habitat after development is completed. Approximately 29.9 acres of habitat will be maintained and enhanced.

Before each phase of construction, the development area will be surveyed for the presence of any fox squirrel nests. Any nests found will be marked in the field. Lee County DNR staff will be contacted to verify the activity status of nests located. Should any active nests be found all construction activities will be maintained 125' feet from the tree until the nest is deemed inactive. The limits of this buffer area will be marked in the field with red barricade fencing. Once the nest is deemed inactive the barricade will be removed and the work will be completed inside the buffer area.

The 29.9 acres of habitat to be maintained on site will consist mainly of cypress wetlands, mixed pine and cypress forest and the cleared FP&L easement. An extensive exotic removal program will be implemented in these areas. The plan will include both selective treatment of exotics with approved herbicides and mechanical clearing with extensive revegetation in the eastern most heavily invaded areas. The specific details of the exotic removal and replanting plan are included in the wetland mitigation program.

This area will be monitored for five years. It is anticipated all the exotic removal within the wetland mitigation/fox squirrel habitat will be completed during the first phase of development. A monitoring and maintenance program will then be implemented for five years. Monitoring will be done on an annual basis and will include the following parameters; percent cover with native species, survival rate of planted materials, observations of wildlife utilization and notes of any maintenance needed to be performed the following year. Panoramic photos will be taken to document the quality of the management areas. Maintenance will include any necessary supplemental planting and continued exotic treatment, as necessary.

*Cypress Woods  
Management Plan for Gopher Tortoise Habitat*

*Prepared By  
Boylan Environmental Consultants, Inc.*

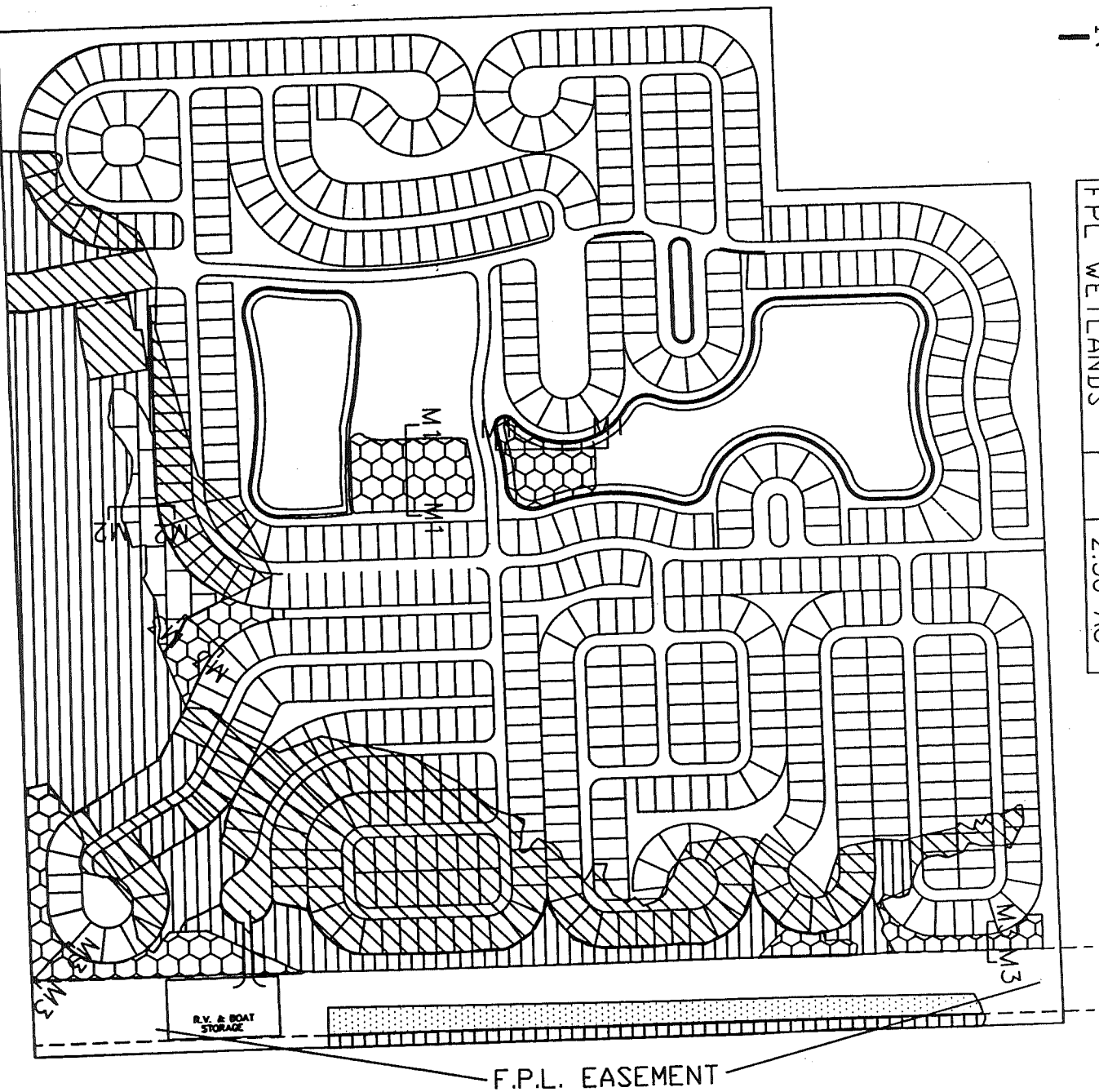
The listed species survey indicated the presence of one gopher tortoise burrow on site. Approximately 30 days before construction begins on phase 1 of the development the burrow will be checked for signs of activity. Lee County DNR staff will be notified of the status of the burrow. If the burrow is found to be active, a relocation request for the tortoise will be submitted to the Florida Game and Fresh Water Fish Commission. The request will be to move the tortoise to one of the open space areas along the western property boundary. This area is depicted on the attached drawing. Approximately 0.53 acres will be maintained as habitat. The existing community contains abandoned farm lands supporting scattered laurel oaks, cabbage palms and Brazilian pepper.

Once relocation approval is received from the FGFWFC the following activities will occur:

The area will be cleared of all exotics and then mowed. Chicken wire fencing will be erected around the perimeter of the area to contain the tortoise and a starter burrow will be excavated. The tortoise burrow will then be excavated and the tortoise relocated to the starter burrow. Construction would then begin on phase 1 of the development. The fencing would remain in place during the construction in phase 1.

A monitoring and maintenance program will be implemented in the habitat management area for 5 years. The monitoring will document the status of the burrow and the quality of the habitat. The report will summarize the quality of the vegetative community, along with the extent of any exotic or nuisance vegetation. Maintenance will include semi annual mowing and annual treatment of any exotic or nuisance species.

|                         |                                                                                     |          |
|-------------------------|-------------------------------------------------------------------------------------|----------|
| FILL                    |  | 17.58 AC |
| SHALLOW EXC.            |  | 1.32 AC  |
| ENHANCEMENT/RESTORATION |  | 15.63 AC |
| CREATION                |  | 5.47 AC  |
| FPL WETLANDS            |  | 2.50 AC  |

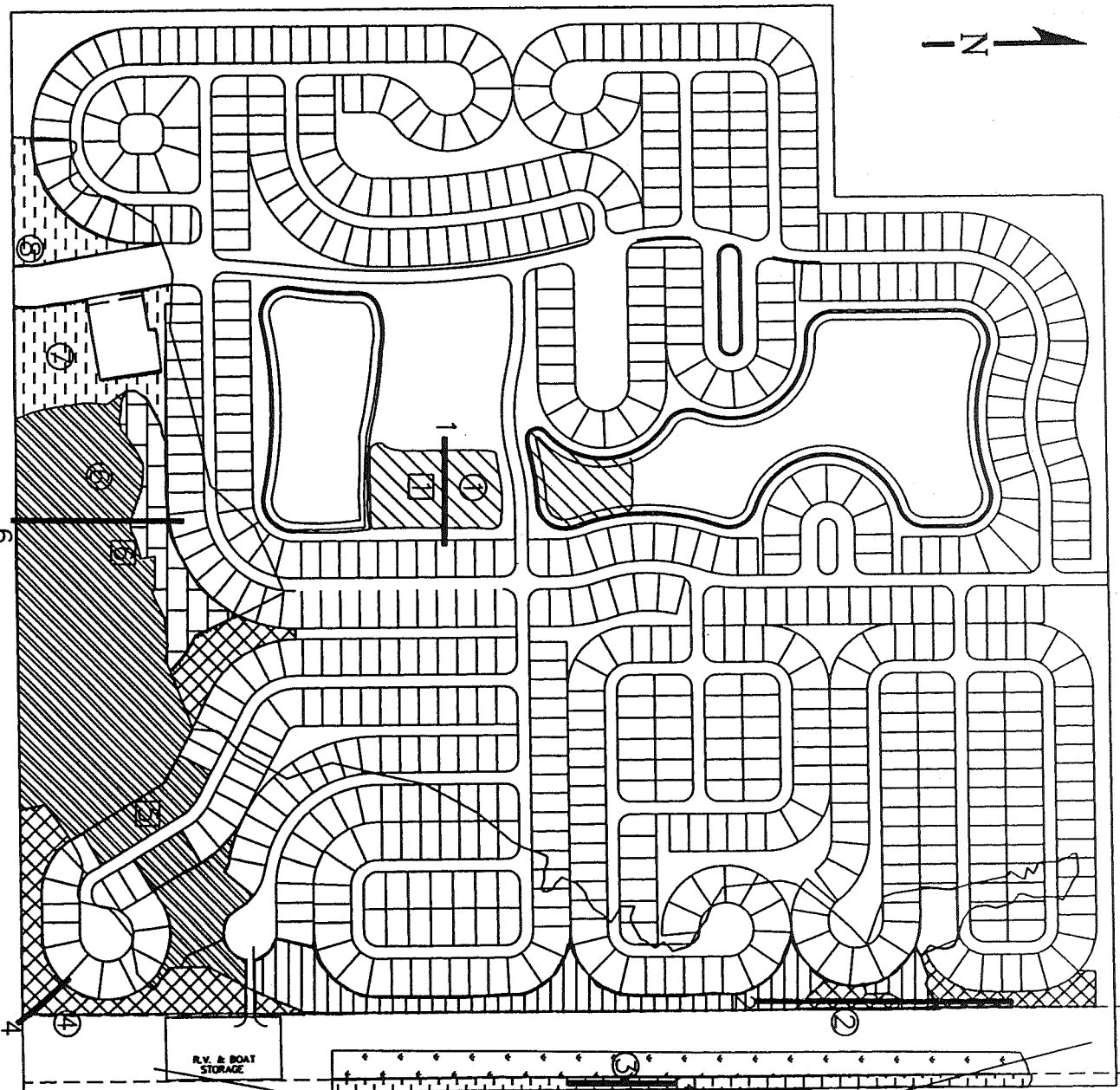


JOB NO.  
940065  
SHEET 1  
OF 11

Cypress Woods  
Wetland Overview

SCALE 1"=400'  
DATE 02/09/95  
FILE NAME Hatching  
DRAWN BY J.S.

BOYLAN ENVIRONMENTAL  
CONSULTANTS, INC.  
12665 METRO PKWY., STE. A  
FT. MYERS, FL 33912  
813-768-0600



F.P.L. EASEMENT

- |                                                                                   |                                                                               |                                                                                   |                                                                      |                                                                                     |                                                                                     |
|-----------------------------------------------------------------------------------|-------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|----------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
|  | Wetland Creation<br>Trees 3.12 AC                                             |  | Wetland Restoration<br>Trees & Shrubs 2.38 AC                        |  | Transect location                                                                   |
|  | Wetland Enhancement<br>Exotic Removal 9.61 AC                                 |  | Wetland Restoration/Shallow Excavation<br>Trees & Herbaceous 1.32 AC |                                                                                     |  |
|  | Wetland Restoration<br>Trees 3.64 AC                                          |  | Marsh Creation<br>Herbaceous 2.35 AC                                 |  | Staff Gauge Location<br>①                                                           |
|  | Uncleared wetlands within FPL easement--Not included in mitigation<br>2.50 AC |                                                                                   |                                                                      |                                                                                     |                                                                                     |

JOB NO.  
940065  
SHEET 2  
Of 11

Cypress Woods  
Planting & Monitoring  
Overview

SCALE 1"=400'  
DATE 05/08/95  
FILE NAME 3434D01  
DRAWN BY J.S.

BOYLAN ENVIRONMENTAL  
CONSULTANTS, INC.  
12665 METRO PKWY., STE. A  
FT. MYERS, FL 33912  
813-768-0600

## Planting Plan:

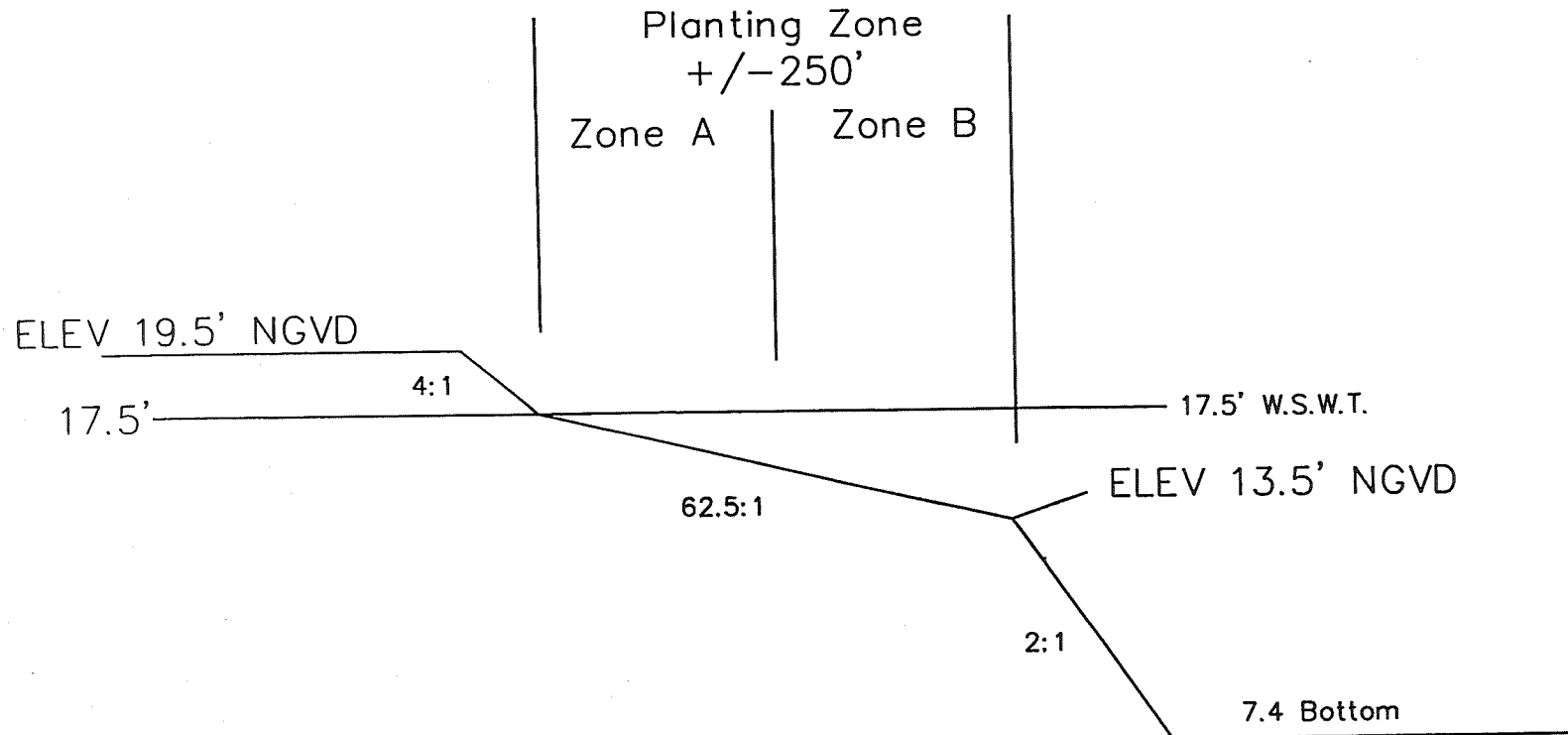
Zone A will be planted with herbaceous native aquatic species spaced on 5' centers. Species will include at least 3 (depending on availability) of the following:

|                |              |
|----------------|--------------|
| Yellow Canna   | Spike Rush   |
| Umbrella Grass | Spider Lily  |
| Cordgrass      | Swamp Lily   |
| Blue Flag      | Saw Grass    |
| Beak Rush      | Water Hyssop |

Zone B will be planted with herbaceous native aquatic species spaced on 5' centers. Species will include at least 3 (depending on availability) of the following:

|                   |                 |
|-------------------|-----------------|
| White Water Lily  | Floating Hearts |
| Fire Flag         | Pickeralweed    |
| Yellow Water Lily | Arrowhead       |

Substitutions to the above will be submitted to the District for review and approval prior to installation.



JOB NO.  
940065  
SHEET 3  
OF //

Cypress Woods  
Cross Section M1  
North Marsh

|           |          |           |
|-----------|----------|-----------|
| SCALE     | N.T.S.   | REVISIONS |
| DATE      | 11/18/94 | 05/11/95  |
| FILE NAME | 9465xs1  |           |
| DRAWN BY  | J.S.     |           |

BOYLAN ENVIRONMENTAL  
CONSULTANTS, INC.  
12665 METRO PKWY., STE. A  
FT. MYERS, FL 33912  
(813) 768-0600

## Planting Plan:

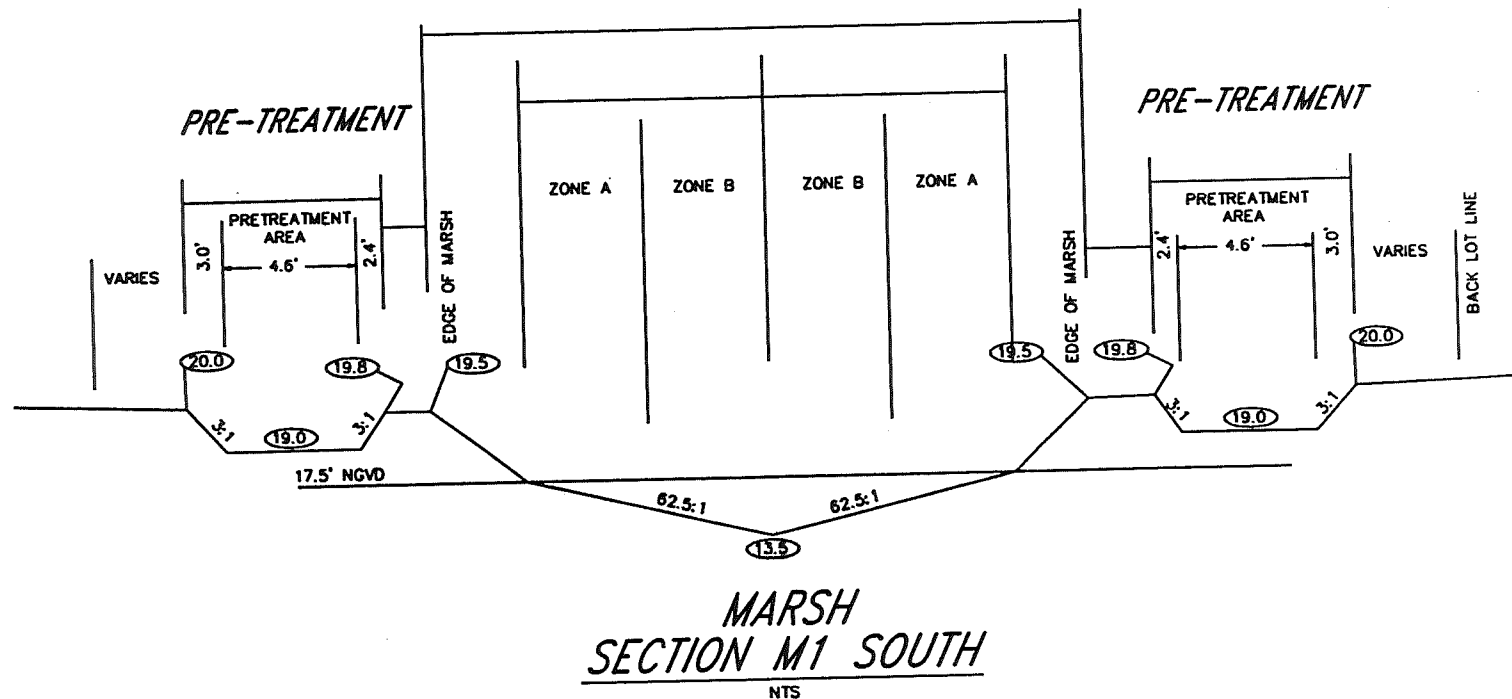
Zone A will be planted with herbaceous native aquatic species spaced on 5' centers. Species will include at least 3 (depending on availability) of the following:

|                |              |
|----------------|--------------|
| Yellow Canna   | Spike Rush   |
| Umbrella Grass | Spider Lily  |
| Cordgrass      | Swamp Lily   |
| Blue Flag      | Saw Grass    |
| Beak Rush      | Water Hyssop |

Zone B will be planted with herbaceous native aquatic species spaced on 5' centers. Species will include at least 3 (depending on availability) of the following:

|                   |                 |
|-------------------|-----------------|
| White Water Lily  | Floating Hearts |
| Fire Flag         | Pickeralweed    |
| Yellow Water Lily | Arrowhead       |

Substitutions to the above will be submitted to the District for review and approval prior to installation.



JOB NO.  
940065  
SHEET 4/  
OF 11

Cypress Woods  
Cross Section M1  
South Marsh

|           |          |           |
|-----------|----------|-----------|
| SCALE     | N.T.S.   | REVISIONS |
| DATE      | 11/18/94 | 05/11/95  |
| FILE NAME | 9465xs1  |           |
| DRAWN BY  | J.S.     |           |

BOYLAN ENVIRONMENTAL  
CONSULTANTS, INC.  
12665 METRO PKWY., STE. A  
FT. MYERS, FL 33912  
(813) 768-0600

## Zone A

Zone A will be revegetated with trees planted on 25' centers. Species will include (depending on availability) at least 3 of the following:

Cabbage Palm      Bald Cypress  
Laurel Oak          Slash Pine  
Red Maple  
Popash  
Dahoon Holly

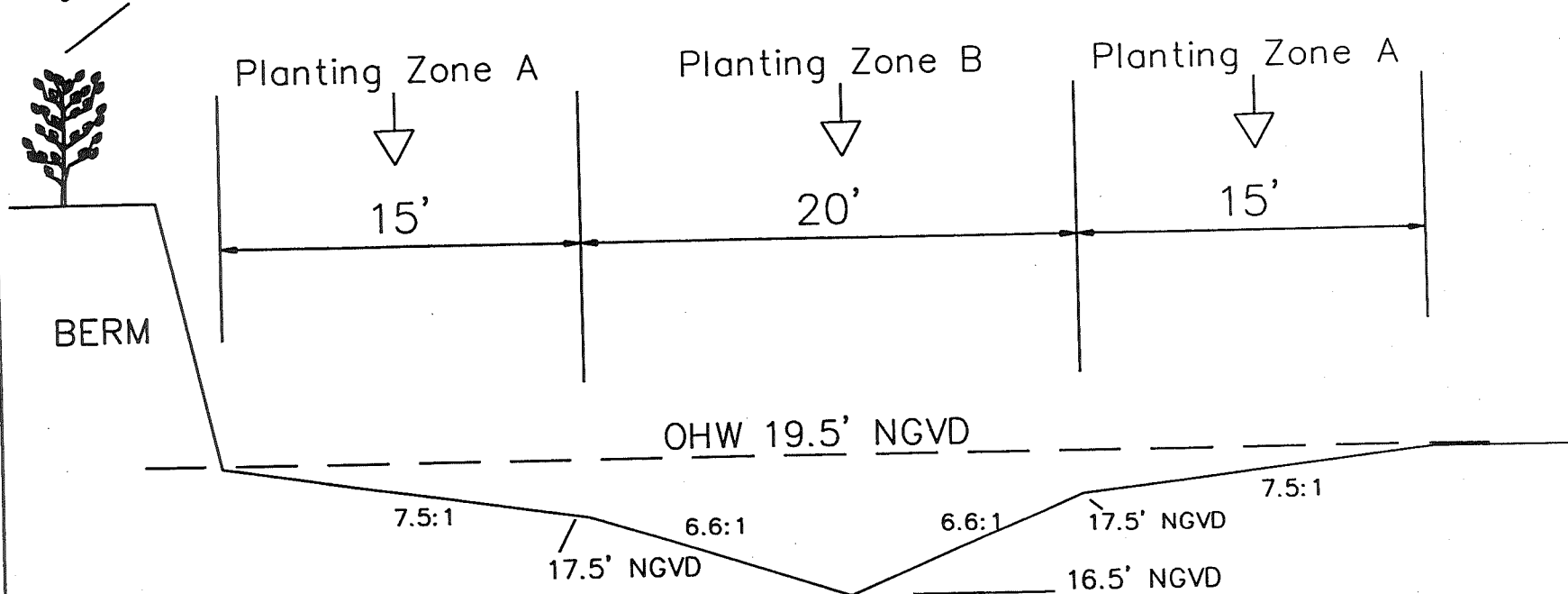
Substitutions to the above will be submitted to the District for review and approval prior to installation.

## Zone B

Zone B will be planted with herbaceous native aquatic species spaced on 5' centers. Species will include (depending on availability) at least 3 of the following:

Cordgrass  
Saw grass  
Pickerelweed  
Arrowhead  
Water Hyssop  
Swamp Lily

Hedge row\buffer



|                                                     |                                                                   |                      |                  |                                                                                                                               |
|-----------------------------------------------------|-------------------------------------------------------------------|----------------------|------------------|-------------------------------------------------------------------------------------------------------------------------------|
| <b>JOB NO.</b><br>940065<br><b>SHEET 5</b><br>OF // | <b>Cypress Woods</b><br><b>Typical Cross Section</b><br><b>M2</b> | <b>SCALE</b> N.T.S   | <b>REVISIONS</b> | <b>BOYLAN ENVIRONMENTAL</b><br><b>CONSULTANTS, INC.</b><br>12665 METRO PKWY., STE. A<br>FT. MYERS, FL 33912<br>(813) 768-0600 |
|                                                     |                                                                   | <b>DATE</b> 11/18/94 | 02/20/95         |                                                                                                                               |
|                                                     |                                                                   | <b>DESIGN</b>        | 05/11/95         |                                                                                                                               |
|                                                     |                                                                   | <b>DRAWN BY</b> J.S. |                  |                                                                                                                               |



# Planting Plan:

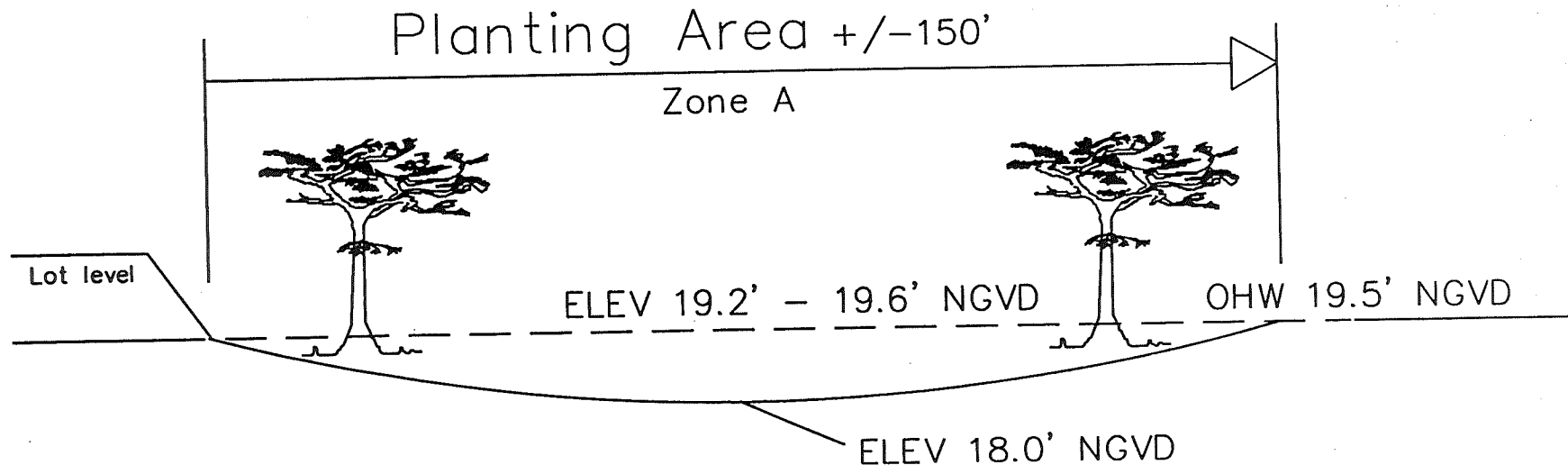
## Zone A

Zone A will be revegetated with trees planted on 25' centers.

Tree plantings will be a 70 percent mixture of slash pine and bald cypress. The remaining 30 percent will include at least 3 of the following:

|              |              |
|--------------|--------------|
| Cabbage Palm | Swamp Bay    |
| Laurel Oak   | Popash       |
| Red Maple    | Dahoon Holly |

Substitutions to the above will be submitted to the District for review and approval prior to installation.



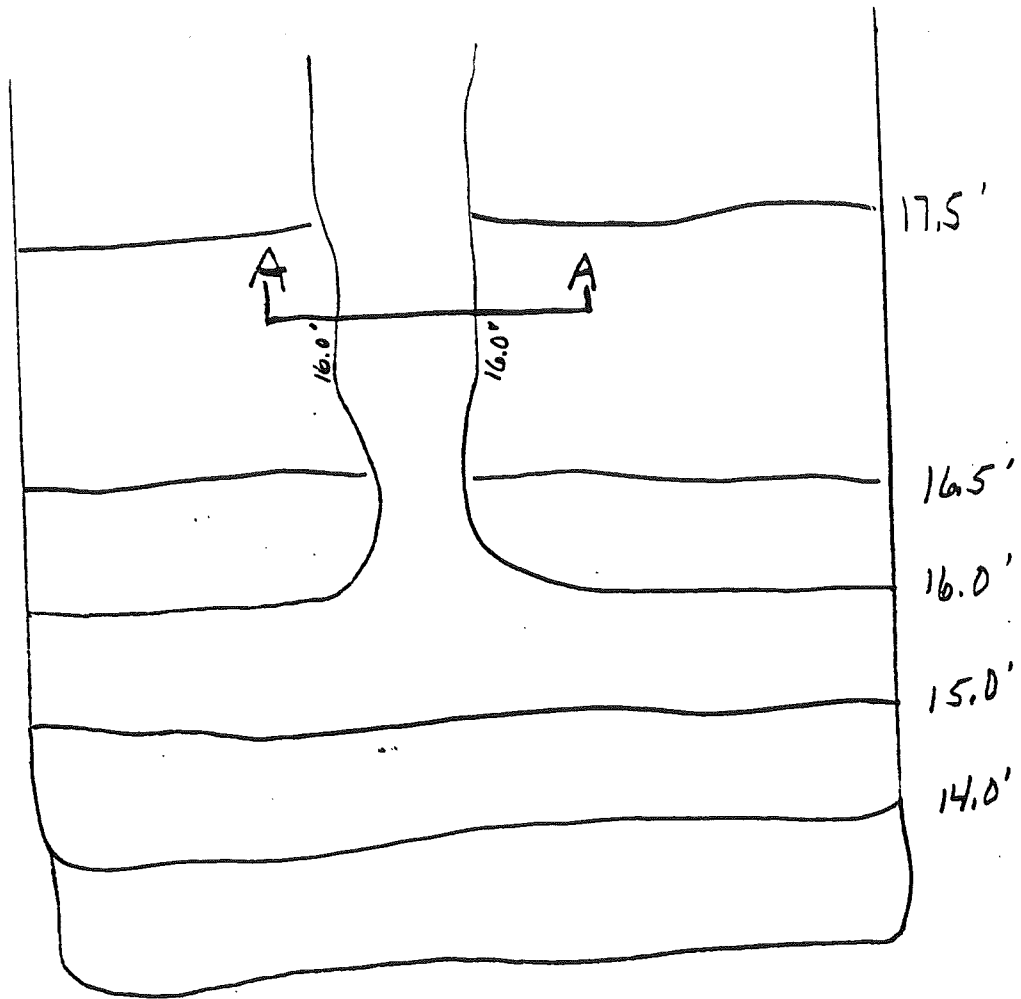
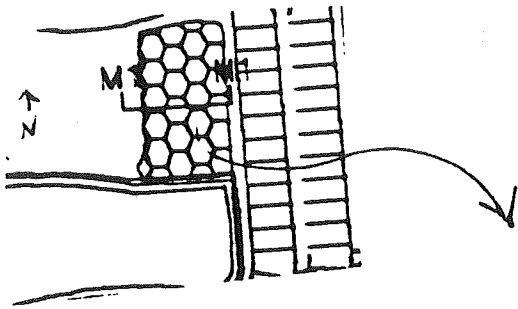
JOB NO.  
940065  
SHEET 6  
OF //

Cypress Woods  
Typical Cross Section  
M3

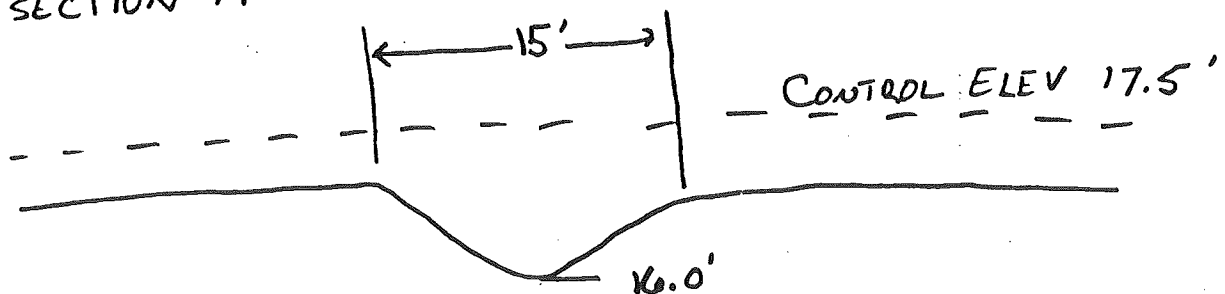
|          |          |           |
|----------|----------|-----------|
| SCALE    | N.T.S.   | REVISIONS |
| DATE     | 11/18/94 | 02/13/95  |
| DESIGN   |          | 05/11/95  |
| DRAWN BY | J.S.     |           |

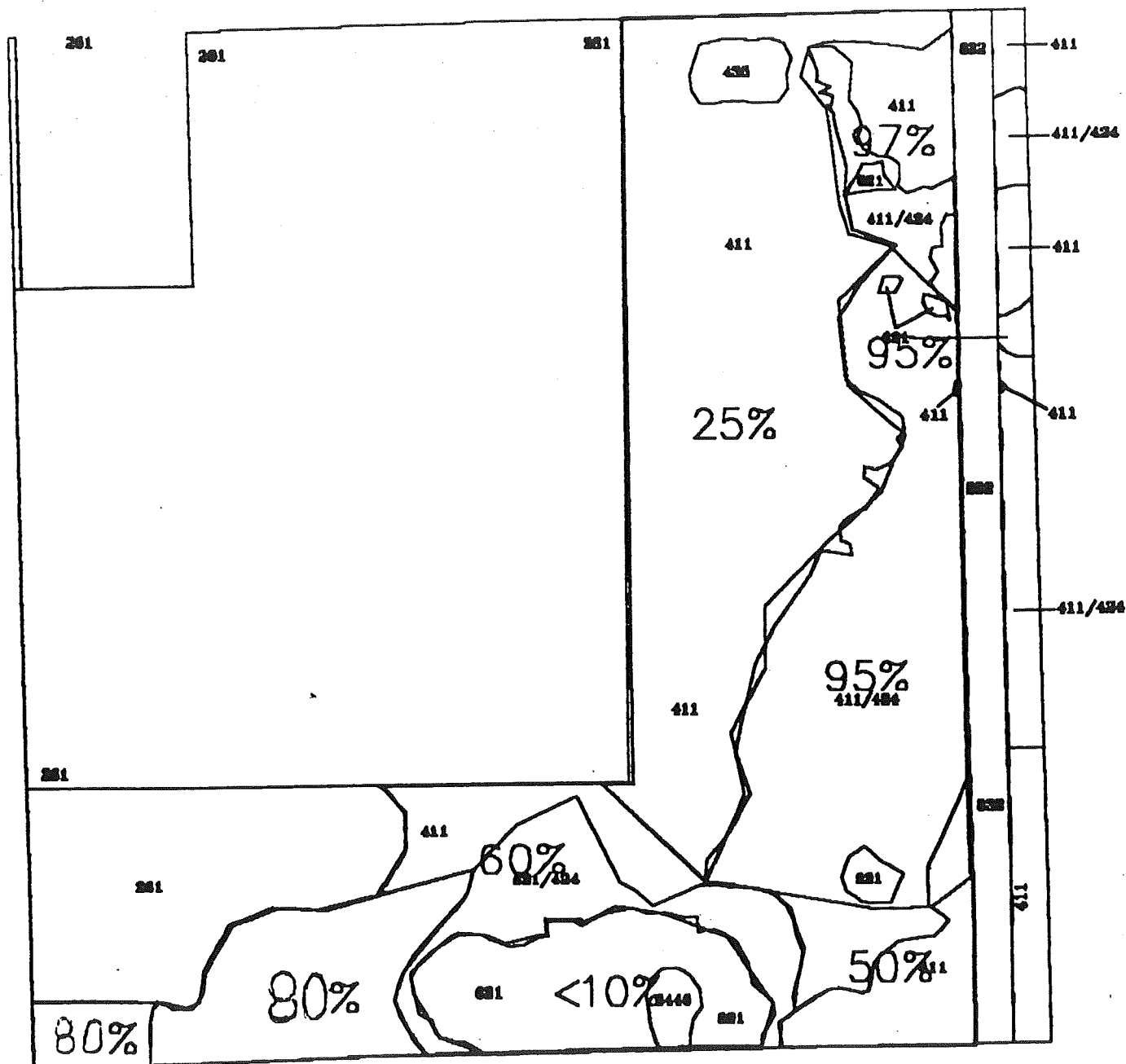
BOYLAN ENVIRONMENTAL  
CONSULTANTS, INC.  
12665 METRO PKWY., STE. A  
FT. MYERS, FL 33912  
(813) 768-0600

# MARSH CREATION DETAIL - SOLV 1

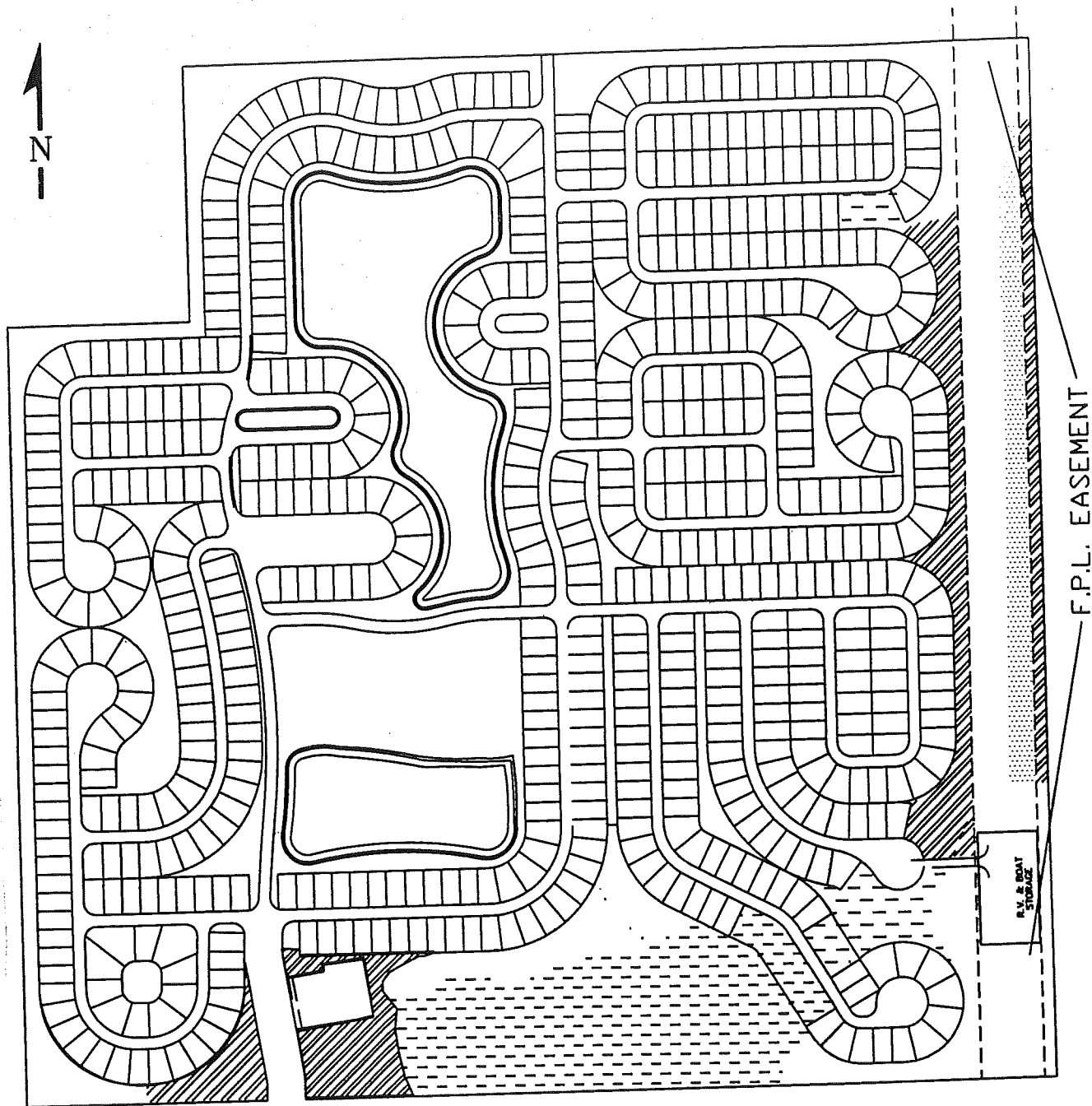


## CROSS SECTION A





|                                       |                                               |               |                                                                                                               |
|---------------------------------------|-----------------------------------------------|---------------|---------------------------------------------------------------------------------------------------------------|
| JOB NO.<br>940065<br>SHEET 8<br>OF 11 | Cypress Woods<br>Percent Exotics<br>MELALEUCA | SCALE 1"=400' | BOYLAN ENVIRONMENTAL<br>CONSULTANTS, INC.<br>12665 METRO PKWY., STE. A<br>FT. MYERS, FL 33912<br>813-768-0600 |
|                                       |                                               | DATE 11/22/94 |                                                                                                               |
|                                       |                                               | DESIGN        |                                                                                                               |
|                                       |                                               | DRAWN BY J.S. |                                                                                                               |



MECHANICAL EXOTIC REMOVAL  
WETLAND RESTORATION



SELECTIVE EXOTIC REMOVAL  
WETLAND ENHANCEMENT



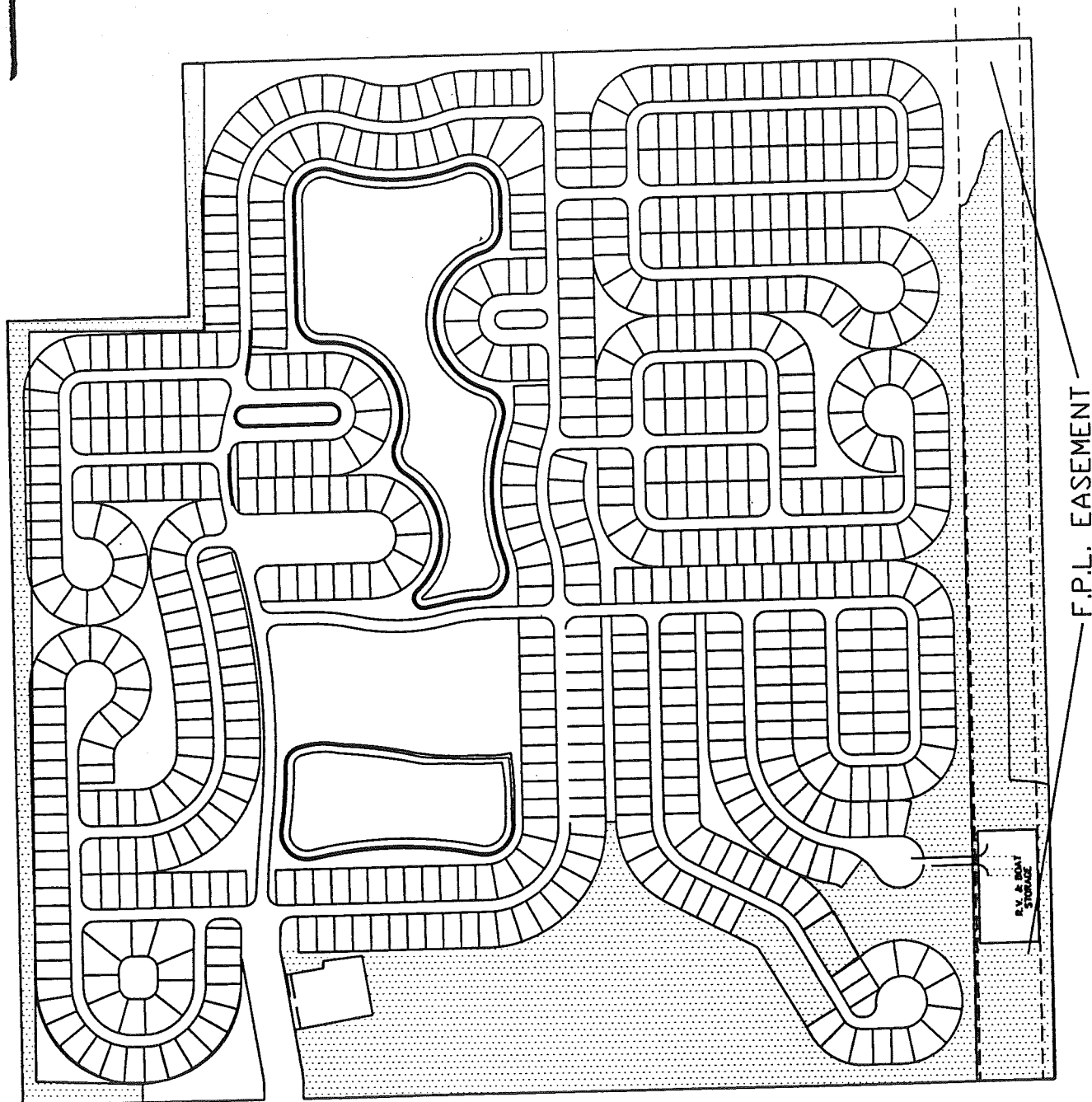
MECHANICAL EXOTIC REMOVAL  
NOT INCLUDED IN MITIGATION

JOB NO.  
940065  
SHEET 9  
OF 11

Cypress Woods  
Exotic Removal

SCALE 1" = 400'  
DATE 02/09/95  
FILE NAME Exotic-rem  
DRAWN BY J.S.

BOYLAN ENVIRONMENTAL  
CONSULTANTS, INC.  
12665 METRO PKWY., STE. A  
FT. MYERS, FL 33912  
813-768-0600




 Big Cypress Fox Squirrel Preserve  
 Approx. 30.31 AC

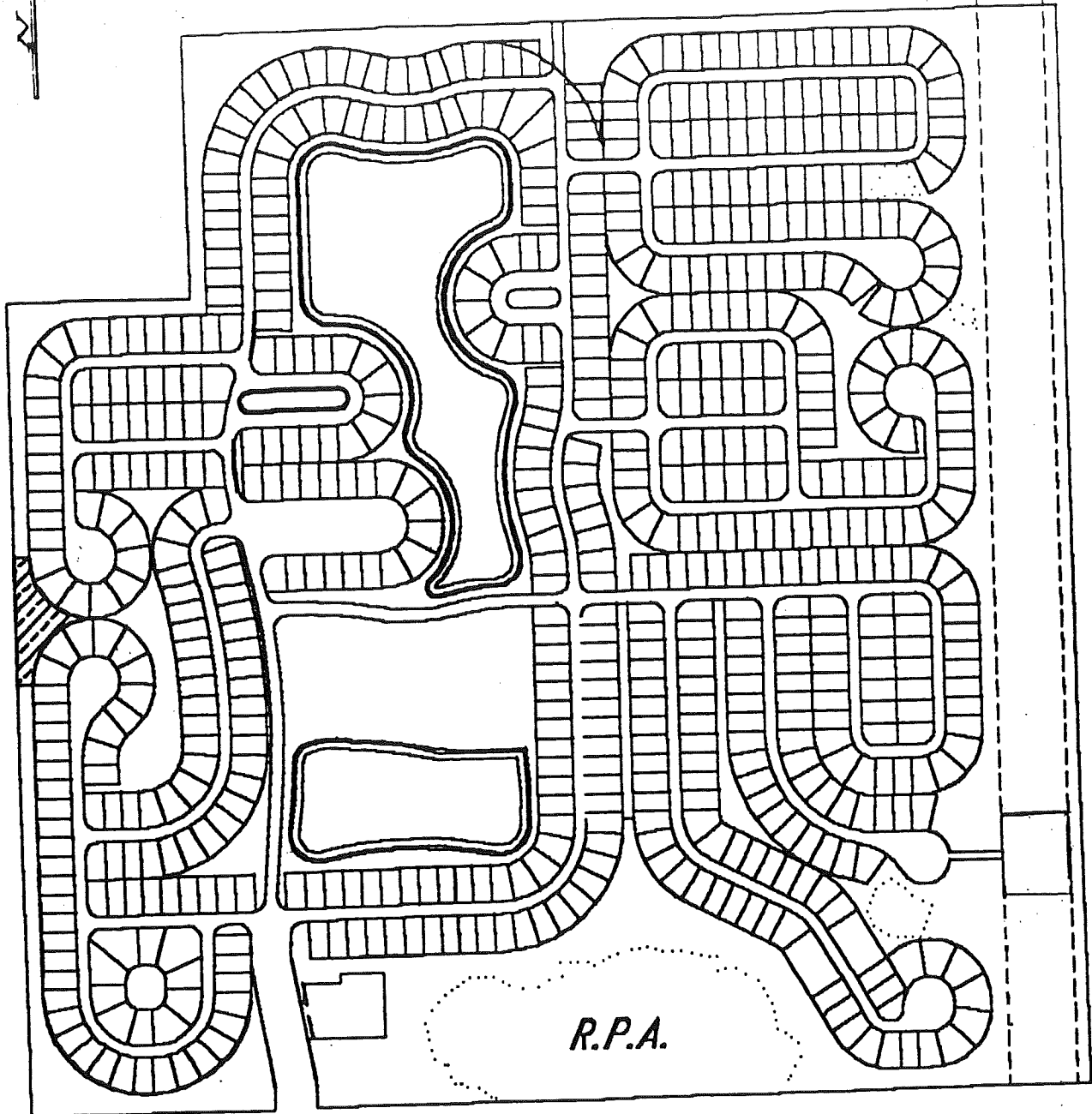
JOB NO.  
940065

SHEET 10  
OF 11

Cypress Woods  
 Big Cypress Fox  
 Squirrel Preserve

|           |           |
|-----------|-----------|
| SCALE     | 1" = 400' |
| DATE      | 05/11/95  |
| FILE NAME | squirrel  |
| DRAWN BY  | J.S.      |

BOYLAN ENVIRONMENTAL  
 CONSULTANTS, INC.  
 12665 METRO PKWY., STE. A  
 FT. MYERS, FL 33912  
 813-768-0600



HABITAT MANAGEMENT AREA  
FOR GOPHER TORTOISE

JOB NO.  
940065  
SHEET //  
OF //

Cypress Woods  
Management Plan  
Gopher Tortoise

SCALE 1"=400'

DATE 02/16/95

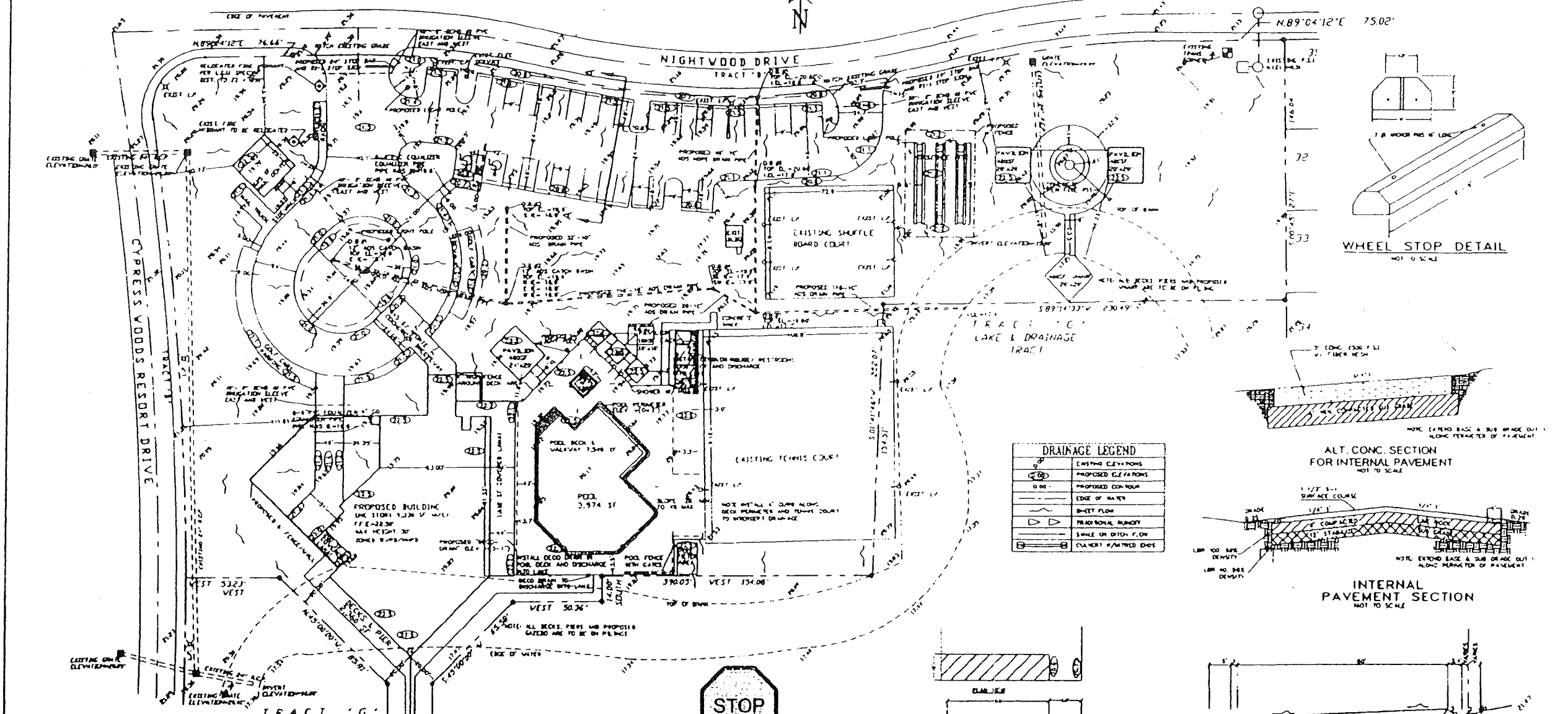
DESIGN

DRAWN BY J.S.

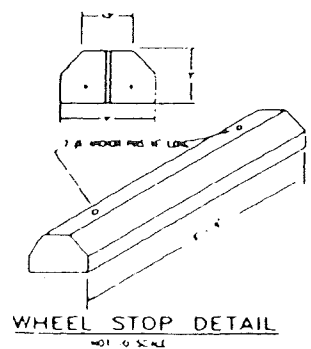
BOYLAN ENVIRONMENTAL  
CONSULTANTS, INC.  
12665 METRO PKWY., STE. A  
FT. MYERS, FL 33912  
813-768-0600

NOV 2003-00122  
RECEIVED  
DATE 11/1/03  
TELETYPE CENTER

APPROVED  
Plan  
Subject to Case # 03-1-0022  
Date 11/1/03



- GENERAL NOTES:**
1. ALL UTILITIES ARE LOCATED AT 0.25' INTERVAL.
  2. ALL ADJACENT AREAS DISTURBED DURING CONSTRUCTION MUST RECEIVE GRASS COVER SUCH AS SOG AND OR SEED AND MULCH.
  3. ALL SLOPE AREAS DRAINAGE AREAS AND ADJACENT TO BE SLOOED.
  4. THE SITE HAS A POSITIVE DRAINAGE FOR ALL DETENTION AREAS AND ALL ADJACENT AREAS TO BE SLOOED.
  5. A 1.5% DRAINAGE PERMIT IS NOT REQUIRED.
  6. ALL ELEVATIONS BASED ON M.C.V.B. (1979).
  7. THE PROPERTY LINES AT STREET INTERSECTIONS SHALL BE ROUNDED WITH A MINIMUM RADIUS OF 20' FEET (30').
  8. ALL WORK MUST BE SET BACK A MINIMUM OF 15' FROM ALL PROPERTY LINES.
  9. NO NEGATIVE IMPACT ON GROUND AND SURFACE WATER.
  10. COMPLETE REASONABLE RUNOFF FLOW, SET DIAGRAM DEPICTING THE SURFACE HYDROLOGY OF THE SITE.
  11. THE ENGINEER CERTIFIES THAT THE SITE CAN BE USED SAFELY FOR BUILDING PURPOSES WITHOUT WHOLE DANGER FROM FLOOD OR ADVERSE SOIL OR FLOODING CONDITIONS.
  12. PROJECT DOES NOT IMPACT ANY FLOODED PLANS OR FLOODING AREAS.
  13. IF THIS PROJECT IS TO ANY CONSTRUCTION, THE FORCE OF THE PLAN MUST BE FILED WITH THE CITY OF FORT MYERS AND THE DIVISION OF DEVELOPMENT SERVICES (F.D.S.).
  14. NOTE: ALL STORAGE/CONTAINERS MUST BE BY A LANDSCAPED SCREEN OF PLANTING ALONG AT LEAST 3' BACK.
  15. A MINIMUM OVERHEAD CLEARANCE OF TWENTY-TWO FEET IS REQUIRED.
  16. ALL STORAGE AREAS/CONTAINERS MUST BE SLOOED BY A LANDSCAPED SCREEN ON PERMANENT AT LEAST 3' (11) FEET IN HEIGHT ALONG ALL STREETS.
  17. ALL IF THE PARKING LOT IS TO BE USED AS A NIGHT ADJACENT LIGHTING MUST BE PROVIDED FOR THE DRIVEWAYS, WALKWAYS AND FLOODING AREAS OF ANY CONCRETE AND ROADSIDE AREAS. SUCH LIGHTING MUST BE SO ARRANGED AS TO ILLUMINATE CLARK ON ANY OTHER USE. (34-101.270)

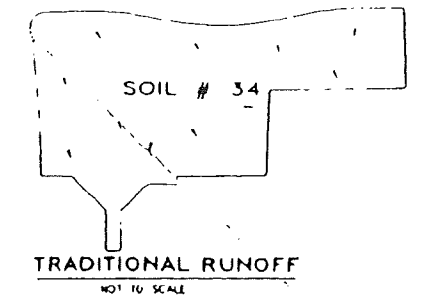
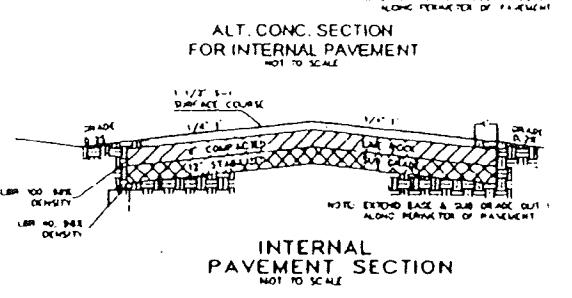


**TRAFFIC IMPACT STATEMENT:**

THIS CLUBHOUSE WILL BE A USE OF THE EXISTING USE OF THE RESIDENTS OF THE CYPRESS WOODS RESORT. THERE WILL BE NO ADDITIONAL INCREASE IN TRAFFIC TO AND FROM THE SITE DUE TO THIS ADDITION. THE LEVEL OF SERVICE REQUIRED FOR THIS PROJECT WILL BE MAINTAINED.

**DRAINAGE LEGEND**

|          |                       |
|----------|-----------------------|
| (Symbol) | EXISTING ELEVATIONS   |
| (Symbol) | PROPOSED ELEVATIONS   |
| (Symbol) | PROPOSED CONTOUR      |
| (Symbol) | EDGE OF WATER         |
| (Symbol) | WATER FLOW            |
| (Symbol) | TRADITIONAL RUNOFF    |
| (Symbol) | SHALE OR DITCH FLOW   |
| (Symbol) | CURRENT FLOWING DITCH |



DO NOT SCALE DRAWINGS.  
USE GIVEN DIMENSIONS.

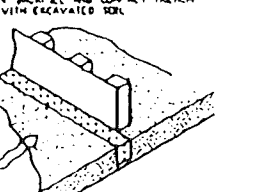
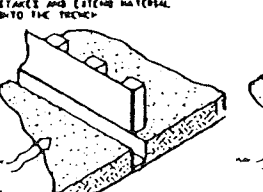
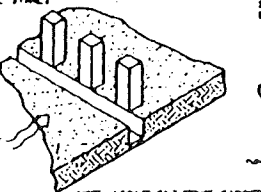
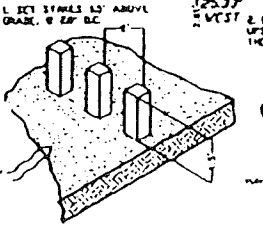
BARBOT, STEUART, & ASSOCIATES INC.

**CERTIFICATION NOTES:**

ALL MATERIALS SHALL COMPLY WITH A.S.T.M. STANDARDS FOR CONSTRUCTION AND WORKMANSHIP MUST BE IN ACCORDANCE WITH THE 2001 FLORIDA BUILDING CODE/NATIONAL ELECTRIC CODE/2001 FLORIDA PLUMBING CODE AND ANY AND ALL OTHER STATE AND LOCAL CODES AND PRACTICES.

**CONTRACTOR RESPONSIBILITIES:**

IF ANY ERRORS OR OMISSIONS EXIST IN THE DRAWINGS AND SPECIFICATIONS, THE CONTRACTOR SHALL WITHIN 10 DAYS AFTER RECEIPT OF THESE PLANS AND PRIOR TO CONSTRUCTION NOTIFY THE DESIGNER IN WRITING OF SUCH ERRORS OR OMISSIONS OR BE HELD RESPONSIBLE FOR THE RESULTS AND COST OF RECTIFYING THE SAME.



TYPICAL R1-1  
30"x30" STOP SIGN  
NOT TO SCALE

H/C ACCESS DETAIL  
NOT TO SCALE

CROSS SECTION A-A  
NOT TO SCALE

**PARKING CALCS:**  
PROPERTY ZONED UNPAVED  
1 P.S. PER 90 SF. OF CLUBHOUSE  
9,333 SF. / 90 = 104 P.S.  
TOTAL PARKING REQUIRED = 104  
TOTAL PARKING PROVIDED = 104

TYPICAL PARKING & STRIPING DETAIL  
NOT TO SCALE

**SITE DATA**

| EXISTING                 | PROPOSED             | CONCRETE             | PAVEMENT             | POOL BY A            | BLOC.                |
|--------------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| 1,171,801 SF<br>1,148 AC | 18,844 SF<br>0.43 AC | 14,708 SF<br>0.34 AC | 0.0 SF<br>0.0 AC     | 0.0 SF<br>0.0 AC     | 171 SF<br>0.004 AC   |
| PROPOSED                 | 78,000 SF<br>1.79 AC | 68,841 SF<br>1.56 AC | 28,800 SF<br>0.66 AC | 34,678 SF<br>0.79 AC | 2,780 SF<br>0.062 AC |
| B-12                     | REMOVED POOL LAYOUT  |                      |                      |                      |                      |

**CYPRESS WOODS R.V. RESORT  
CLUBHOUSE AREA DEV. ORDER PLANS**  
ADDRESS: 5531 LUCKET ROAD  
STRAPE #11-44-25-00-00014.0000

**DRAINAGE, PARKING & SITE DIM. PLAN**

PLEASE DIRECT ALL QUESTIONS TO PROJECT ENGINEER DON JUSHER  
**BARBOT, STEUART & ASSOCIATES, INC.**  
3228 EVANS AVENUE, FORT MYERS, FLORIDA 33901

|                     |                            |                       |
|---------------------|----------------------------|-----------------------|
| DESIGNED BY<br>D.S. | CHECKED BY<br>L.K. STEUART | PHONE (238) 936-7333  |
| DRAWN BY<br>A.L.A.  | CHECKED BY<br>L.K. STEUART | FAX (238) 936-5623    |
| DATE<br>04-16-03    | SCALE<br>1" = 30'          | SHEET 2 OF 3<br>3434A |





**APPLICANT'S RESPONSE TO STAFF RECOMMENDATIONS  
AND LIST OF WITNESSES AND EXHIBITS**

**TYPE OF CASE:**                    **PLANNED DEVELOPMENT/DCI**

**CASE NUMBER:**                **DCI2007-00078**

**I.        RESPONSE OF APPLICANT TO STAFF REPORT**

Applicant has reviewed the recommendations of Staff and is in general agreement with the Staff Report. It is recognized and acknowledged that Staff has attempted to "codify" all prior approvals and conditions in prior phases of Cypress Woods RV Resort and as such several of the items are obsolete, however to have all of the conditions contained in one approval is desirable from both a regulatory and development perspective.

The only changes that we would request in the Staff Report is as follows:

1. In Deviation (5) the words: "...yet to be located..." should be deleted. This emergency access is located.
2. In Deviation (9.a) the word "boat" should be deleted since the storage area is used as much for auto trailers as for boats.

We have discussed these changes with Staff and there is no opposition to the proposed changes.

**II.       LIST OF WITNESSES:**

1. Kenneth Notturmo, Harp Development, LLC, as planning consultant and affiliated with the Applicant will present and speak for the Applicant in the presentation of the Application and any information submitted to staff in response to communications between the Staff and the Applicant.
2. John Allen, Barbot, Steuart and Associates, Consulting Engineers, will be available to answer questions and discuss any technical issues with respect to the Master Concept Plan and the infrastructure to service the development.
3. Geza Wass de Czege, President, Southern Biomes, Inc., Environmental Sciences, will be available as an expert witness to discuss the Fox Squirrel Habitat Restoration Plan, his Report (last revised June 9, 2009), and to answer any other environmental issues that may arise. Geza has been previously qualified as an expert witness and his curriculum vitae is on file with the Office of the Hearing Examiner.

**III.      EXHIBITS:**

Other than the exhibits already submitted to Staff and a part of the Staff Report, the Applicant does not plan to submit any additional exhibits.

## News-Press.com Online Public Notice: Detail

## 2011-09-29 Notice of Public Hearing

NOTICE OF  
PUBLIC HEARING

Notice is hereby given that on Wednesday, October 12, 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 Prining at 533-8585.

The following cases will be heard: DCI2007-00078. Cypress Woods RV Resort. 9:00am. Amend the existing RVPD/MHPD zoning for Cypress Woods R.V. Resort to include an additional 2.102 acres that will be rezoned from Agriculture District (AG-2) to Recreational Vehicle Planned Development/Mobile Home Planned Development (RVPD/MHPD) to allow an additional 18 lots within the resort. Property located at 5468 Tice St. and 5551 Luckett Rd. (Countrywood Dr.), Ft. Myers Shore Planning Community, Lee County, FL. Direct inquiries to Alvin Block, AICP, Principal Planner 239-533-8371 in Zoning. Project Representative: Kenneth Notturmo, Harp Management LLC 239-333-3238.

DCI2009-00014. Kenora Holdings Rezoning. 1:00pm. Request to rezone 95.7+/- acres from Agricultural (AG-2) to Recreational Vehicle Planned Development (RVPD) to permit a maximum of 499 lots with accessory uses, including but not limited to food stores, personal services, recreation facilities, and open storage. Potable water and sanitary sewer services will be provided by Lee County Utilities. No development blasting is proposed. Property located at 5468 Tice St., Ft. Myers Shores Planning Community, Lee County, FL. Direct inquiries to Chahram Badamtchian, Senior Planner 239-533-8372 in Zoning. Project Representative: Neale Montgomery, Pavese Law Firm 239-336-6235.

Sept 29 No. 1438442

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

For MAC users try cmd+P



**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:

- Signs for case #DCI2007-00078 must be posted by **Tuesday, September 27, 2011**.
- 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.
- 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.
- 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.
- 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**

DCI 2007-00078  
CYPRESS WOODS V, LLC

STATE OF FLORIDA  
COUNTY OF LEE

BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED KENNETH NOTTURNO  
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 OF APPLICANT OR AGENT

KENNETH NOTTURNO

NAME (TYPED OR PRINTED)

5551 LUCKETT ROAD

ST. OR PO BOX

Fort Myers, FL 33905

CITY, STATE & ZIP

#DCI2007-00078/CYPRESS WOODS RV RESORT /10/12/2011/JLP

STATE OF FLORIDA  
COUNTY OF LEE

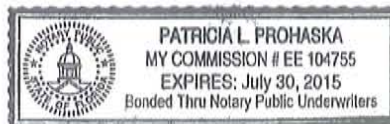
The foregoing instrument was sworn to and subscribed before me this 30<sup>th</sup> day of SEPTEMBER, 2011, by KENNETH NOTTURNO personally known to me or who produced \_\_\_\_\_ as identification and who did/did not take an oath.

Signature of Notary Public

Patricia L. Prohaska

Printed Name of Notary Public

My Commission Expires:  
(Stamp with serial number)



thexhearing.rpt

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

**DATE:** September 27, 2011

**TO:** File - DCI2007-00078

**FROM:** Jamie Prancing  
Secretary, Internal Services

**RE:** Notice of Public Hearing -October 12, 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: DCI2007-00078

CASE NAME: CYPRESS WOODS RV RESORT

REQUEST: Amend the existing RVPD/MHPD zoning for Cypress Woods R.V. Resort to include an additional 2.102 acres that will be rezoned from Agriculture District (AG-2) to Recreational Vehicle Planned Development/Mobile Home Planned Development (RVPD/MHPD) to allow an additional 18 lots within the resort.

LOCATION: The subject property is located at 5468 Tice St. and 5551 Luckett Rd. (Countrywood Dr.), Ft. Myers Shore Planning Community, Lee County, FL.

SIZE OF PROPERTY: 2.102 ac. (total 153.55± acres)

STAFF REPORT: Direct inquiries to Alvin Block, AICP, Principal Planner, at 239-533-8371, at the Department of Community Development, 1500 Monroe St., Ft. Myers, FL 33901.

PROPERTY OWNER'S REPRESENTATIVE: KENNETH C NOTTURNO  
HARP MANAGEMENT LLC  
239-333-3238

Notice is hereby given that the Lee County Hearing Examiner will hold a public hearing at 9:00 AM on 10/12/2011 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 Prining at 239/533-8585.**

DEPARTMENT OF COMMUNITY DEVELOPMENT

11-44-25-00-00002.101A  
KENORA HOLDINGS LLC  
5551 LUCKETT RD  
FORT MYERS, FL 33905

11-44-25-03-0000C.0040  
ORR BRADLEY JAMES +  
10690 MARTHA ST  
FORT MYERS, FL 33905

11-44-25-03-0000D.0020  
MUTCHLER PAUL S + NANCY F  
10560 MARTHA ST  
FORT MYERS, FL 33905

11-44-25-03-0000D.0060  
CORCORAN TIMOTHY F  
PO BOX 271  
FORT MYERS, FL 33902

11-44-25-04-0000A.0220  
JOHNSON LAWRENCE A + JANICE TR  
16920 HARDY RD  
MOUNT AIRY, MD 21771

11-44-25-04-0000A.0240  
CRANE FREDERICK G + SHIRLEY C  
17525 HENNA AVE N  
HUGO, MN 55038

11-44-25-04-0000A.0260  
MOERSCHEL MARILEE C TR  
13612 PARKWOOD DR  
BURNSVILLE, MN 55337

11-44-25-04-0000A.0280  
SANNES JEFFREY W + RACHEL J  
3525 VAN AMBERG RD  
BRIGHTON, MI 48114

11-44-25-04-0000A.0300  
SUMNER GRAHAM T + DOROTHY TR  
5551 LUCKETT RD LOT A30  
FORT MYERS, FL 33905

11-44-25-04-0000A.0320  
BEBEE REX V + LINDA  
5551 LUCKETT RD LOT A32  
FORT MYERS, FL 33905

11-44-25-00-00015.0000  
DUKE FARMS LLC  
13862 PINE VILLA LANE  
FORT MYERS, FL 33912

11-44-25-03-0000D.0010  
GOODWIN THOMAS I + ORAPHIN  
10600 MARTHA ST  
FORT MYERS, FL 33905

11-44-25-03-0000D.0050  
MUTCHLER PAUL +  
10560 MARTHA ST  
FORT MYERS, FL 33905

11-44-25-03-0000D.0080  
CORCORAN TIMOTHY  
PO BOX 271  
FORT MYERS, FL 33902

11-44-25-04-0000A.0230  
MOORE DAVID M + JUDITH J  
16249 ON PAR BLVD  
FORT MYERS, FL 33908

11-44-25-04-0000A.0250  
MEDEIROS WALTER R + LINDA L  
15 HOWARD ST  
NORTH DARTMOUTH, MA 02747

11-44-25-04-0000A.0270  
CHAPMAN RICHARD W +  
8005 NORTH HILLS DR  
BROADVIEW HEIGHTS, OH 44147

11-44-25-04-0000A.0290  
BROUGH BETTY M  
5551 LUCKETT RD LOT A29  
FORT MYERS, FL 33905

11-44-25-04-0000A.0310  
TERESI FRANK J + ARTIS F  
5551 LUCKETT RD LOT A31  
FORT MYERS, FL 33905

11-44-25-04-0000A.0330  
LANGE FRED + LINDA  
623 GLEN FORREST BLVD  
WATERLOO, ON N2L 4K1  
CANADA

DCI 2007-00078



11-44-25-04-0000A.0340  
PETERS VERLYN +  
4120 BROWN FARM DR  
HAMILTON, OH 45013

11-44-25-04-0000A.0350  
SCHATZEL JOHN P SR + MARTHA L  
771 MIDDLEBORO RD  
OREGONIA, OH 45054

11-44-25-04-0000A.0360  
WATTS BRIAN G + ROSANA H  
5538 VALKEITH DR  
HOUSTON, TX 77096

11-44-25-04-0000A.0370  
JOSEPH JANET L  
5551 LUCKETT RD LOT A37  
FORT MYERS, FL 33905

11-44-25-04-0000A.0380  
WOOLNOUGH CLAIRE F + IAIN  
111 WINGATE DR  
WILLIAMSBURG, VA 23185

11-44-25-04-0000B.00CE  
CYPRESS WOODS R V RESORT ASSN  
5551 LUCKETT RD  
FORT MYERS, FL 33905

11-44-25-04-0000G.00CE  
CYPRESS WOODS R V RESORT ASSN  
5551 LUCKETT RD  
FORT MYERS, FL 33905

11-44-25-04-0000H.00CE  
CYPRESS WOODS R V RESORT ASSN  
5551 LUCKETT RD  
FORT MYERS, FL 33905

11-44-25-05-0000A.00CE  
CYPRESS WOODS R V RESORT ASSN  
5551 LUCKETT RD  
FORT MYERS, FL 33905

11-44-25-05-0000C.0010  
VEILLEUX PAUL A + CYNTHIA S  
121 EAST ST  
WRENTHAM, MA 02093

11-44-25-05-0000C.0020  
BALLARD MATTHEW B + MARY M  
514 ROTHBURY LN  
LOUISVILLE, KY 40243

11-44-25-05-0000C.0030  
MILLER LEROY J + TAWNY I E  
5551 LUCKETT RD LOT D57  
FORT MYERS, FL 33905

11-44-25-05-0000C.0040  
OXLEY ARTHUR R + MARIE B  
5551 LUCKETT RD LOT C4  
FORT MYERS, FL 33905

11-44-25-05-0000C.0050  
MCAFEE WILLIAM E + MARY JEAN  
63 WALTER RD  
GROVE CITY, PA 16127

11-44-25-05-0000C.0060  
BECKMANN BERNARD H JR + EVA L  
8306 Salford Way  
LOUISVILLE, KY 40222

11-44-25-05-0000C.0070  
KING BLANCHE TR  
3520 JOHNSON ST  
TRENTON, MI 48183

11-44-25-05-0000C.0080  
LUTZ SUE ANN +  
301 CAMELLIA LN  
BARGERSVILLE, IN 46106

11-44-25-05-0000C.0090  
GARCIA JOSEPH D + VIRGINIA M  
5551 LUCKETT RD LOT C9  
FORT MYERS, FL 33905

11-44-25-05-0000C.00CE  
CYPRESS WOODS R V RESORT ASSN  
5551 LUCKETT RD  
FORT MYERS, FL 33905

11-44-25-05-0000C.0360  
DERICE PETER P + FRANCES  
22 VINCENT ST  
SOUTH PORTLAND, ME 04106

11-44-25-05-0000C.0370  
ASH APIARIES LTD  
PO BOX 297  
GILBERT PLAINS, MB R0L 0X0  
CANADA

11-44-25-05-0000C.0390  
KELLEY FRANCIS B + MARION D TR  
50 POST RD  
NORTH HAMPTON, NH 03862

11-44-25-05-0000C.0410  
LEPERA THOMAS J + CLAIRE L  
5551 LUCKETT RD LOT C41  
FORT MYERS, FL 33905

11-44-25-05-0000C.0430  
MCCREHIN JAY H + MARSEILLE E  
26443 SANDPIPER CT  
INDIAN LAND, SC 29707

11-44-25-05-0000C.0450  
OOSTDYK WILLIAM + ELIZABETH  
539 ROSEDALE CRESCENT  
BURLINGTON, ON L7N 2T2  
CANADA

11-44-25-05-0000C.0470  
GIBSON LARRY + BARBARA S  
6512 BRECKENRIDGE COVE  
COLUMBIA, TN 38401

11-44-25-05-0000C.0490  
WATTS WAYNE E + HARRIET D  
228 LIME BLUFF RD  
HUGHESVILLE, PA 17737

11-44-25-05-0000C.0510  
MINCEMOYER RAY H + GLORIA B  
5551 LUCKETT RD  
C51  
FORT MYERS, FL 33905

11-44-25-05-0000C.0530  
FERRIER VERNON D + MICHELINE  
16 ARBORDAL WALK  
GUELPH, ON N1G 4X7  
CANADA

11-44-25-05-0000C.0670  
APPLETON FRED R +  
5551 LUCKETT RD LOT C67  
FORT MYERS, FL 33905

11-44-25-05-0000C.0380  
SAMPSON JAMES J + ELLA E  
52 MOOSE RIDGE DR  
LAKE GEORGE, NY 12845

11-44-25-05-0000C.0400  
RUTTEN JAMES F +  
N3454 BUSINESS 141  
POUND, WI 54161

11-44-25-05-0000C.0420  
BROWN GARY C TR +  
19048 REDMAN RD  
MILAN, MI 48160

11-44-25-05-0000C.0440  
MC+J ENTERPRISES LLC  
791 LAKE DR  
COLDWATER, MI 49036

11-44-25-05-0000C.0460  
PETERS EDWARD JR +  
4565 MILLIKIN RD  
HAMILTON, OH 45011

11-44-25-05-0000C.0480  
PLACE ROBERT J + CAROL A  
1600 RIVERVIEW DR  
HURON, SD 57350

11-44-25-05-0000C.0500  
VIRILIO BERNARD + CYNTHIA  
DONALD TANNER  
23250 COCONUT SHORE DR  
BONITA SPRINGS, FL 34134

11-44-25-05-0000C.0520  
BRADEN ALFRED G + LOIS D  
400 SUMMERS ST  
STEELTON, PA 17113

11-44-25-05-0000C.0660  
YOUNG BRUCE F + JOYCE F  
5551 LUCKETT RD LOT C66  
FORT MYERS, FL 33905

11-44-25-05-0000C.0680  
APPLETON FRED R +  
5551 LUCKETT RD LOT C67  
FORT MYERS, FL 33905

11-44-25-05-0000C.0690  
WIEGAND ROYCE F +  
PO BOX 141  
CAULFIELD, MO 65626

11-44-25-05-0000C.0710  
CAMPBELL D RULE TR +  
216 BIG PINE AVE S  
FROSTPROOF, FL 33843

11-44-25-05-0000C.0730  
KNOL ANDREW W TR +  
1125 WEBSTER LN  
DES PLAINES, IL 60016

11-44-25-05-0000C.0750  
DIETER RICHARD A +  
26380 CROOKED TREE LN  
BROOKSVILLE, FL 34602

11-44-25-05-0000C.0770  
SHOLTIS MICHAEL T + CAROL G  
PO BOX 1584  
WEBSTER, FL 33597

11-44-25-05-0000C.0790  
LAURENDEAU MICHAEL + SUZANNE  
500 POMEROLE #504  
STE-MARTHE SUR LE LAC, QC J0N 1P0  
CANADA

11-44-25-05-0000C.0810  
PAPASIDERO ROBERT +  
120 VALIQUETTE  
MAGOG, QC J1X 3W5  
CANADA

11-44-25-05-0000C.0830  
SHARP GARY A + PATRICIA C  
345 INNES WAY SE  
CEDAR RAPIDS, IA 52403

11-44-25-05-0000C.0900  
JORGENSEN GARY W + EVA J  
7834 SE 166TH SMALLWOOD PL  
THE VILLAGES, FL 32162

11-44-25-05-0000C.0920  
KUBA GARY + CHERYL  
139 RAINBOW DR # 3944  
LIVINGSTON, TX 77399

11-44-25-05-0000C.0700  
CAMPBELL D RULE TR +  
216 BIG PINE AVE S  
FROSTPROOF, FL 33843

11-44-25-05-0000C.0720  
CORIELL RICHARD L  
134 RIEGAL RIDGE RD  
JACKSON, OH 45640

11-44-25-05-0000C.0740  
JILLET JOHN F TR +  
5551 LUCKETT RD LOT C74  
FORT MYERS, FL 33905

11-44-25-05-0000C.0760  
SMITH DOUGLAS D + NANCY A  
5551 LUCKETT RD LOT C76  
FORT MYERS, FL 33905

11-44-25-05-0000C.0780  
SMITH LAWRENCE L JR + CHERYL  
17834 ACACIA DR  
NORTH FORT MYERS, FL 33917

11-44-25-05-0000C.0800  
OLIGNY RENE + LISE L  
25 FRANCOIS LE BER  
LA PRAIRIE, QC J5R 5M1  
CANADA

11-44-25-05-0000C.0820  
ROGERS NOEL G  
2797 1ST ST UNIT 1706  
FORT MYERS, FL 33916

11-44-25-05-0000C.0890  
TURCOT MICHEL +  
1187 RUE DEVREUX  
BOUCHERVILLE, QC J4B 7T3  
CANADA

11-44-25-05-0000C.0910  
MORRIS DONN R + BARBARA J TR  
7820 OSCEOLA ST  
WESTMINSTER, CO 80030

11-44-25-05-0000C.0930  
HOPKINS BLAINE N + KAREN  
PO BOX 573  
GREENVILLE, ME 04441

11-44-25-05-0000C.0940  
LITCHFIELD EDWARD H +  
8970 ALDEN MEADOWS DR  
ALDEN, MI 49612

11-44-25-05-0000C.0960  
PEACOCK DON + JUDY  
PO BOX 20010  
BARRIE, ON L4M 6E9  
CANADA

11-44-25-05-0000C.0980  
TOPPING DANIEL F + ELAINE C  
PO BOX 2303  
PLAINVILLE, MA 02762

11-44-25-05-0000C.1000  
PEARSON C + JUDITH  
20065 LAKESHORE RD  
BAIRE DURFE, QC H9X 1P4  
CANADA

11-44-25-05-0000C.1020  
BELISLE RICHARD +  
5122 JARRY ST  
LEONARD, QC H1R 1Y4  
CANADA

11-44-25-05-0000C.1040  
CHARD MARVIN J + ELAINE E  
5508 N CHARD RD  
HESSEL, MI 49745

11-44-25-05-0000C.1060  
MCCLISH BILLY L + JULIE A  
5551 LUCKETT RD LOT C106  
FORT MYERS, FL 33905

11-44-25-05-0000C.1080  
WALSH MICHAEL L SR + ALICE TR  
9066 YORK RD  
NORTH ROYALTON, OH 44133

11-44-25-05-0000C.1100  
SNYDER GARY + JOSEPHINE  
2347 FRANKLIN PARK DR  
STERLING HEIGHTS, MI 48310

11-44-25-05-0000C.1120  
SLONE JOHNNY M + JUANITA K  
567 BURNING FORK RD  
PIKEVILLE, KY 41501

11-44-25-05-0000C.0950  
PEACOCK DONALD T + JUDITH J  
PO BOX 20010  
BARRIE, ON L4M 6E9  
CANADA

11-44-25-05-0000C.0970  
SEMMES RICHARD C +  
1144 STATE ROUTE 32  
ROUND POND, ME 04564

11-44-25-05-0000C.0990  
YOUNG LINDA R TR  
STE D3 PMB 235  
8201 GOLF COURSE RD NW  
ALBUQUERQUE, NM 87120

11-44-25-05-0000C.1010  
CUNNINGHAM BRUCE C +  
PO BOX 197  
ROUND POND, ME 04564

11-44-25-05-0000C.1030  
DUFFEK DAVID K + BARBARA L  
3448 ELM TREE RD  
GREEN BAY, WI 54313

11-44-25-05-0000C.1050  
DIETER RICHARD A  
26380 CROOKED TREE LN  
BROOKSVILLE, FL 34602

11-44-25-05-0000C.1070  
POLKINGHORN GEORGE E + CAROLYN  
5551 LUCKETT RD LOT C107  
FORT MYERS, FL 33905

11-44-25-05-0000C.1090  
TOBIA VINCENT M TR +  
4200 W CARRIAGE LN  
PRESCOTT, AZ 86305

11-44-25-05-0000C.1110  
STEWART DENNIS C + EILEEN D  
3552 TUSCANY RESERVE BLVD  
NEW SMYRNA BEACH, FL 32168

11-44-25-05-0000C.1130  
PLANERA CAROL K +  
488 W 15TH PL  
CHICAGO HEIGHTS, IL 60411

DCI 2007-00078

11-44-25-05-0000C.1140  
BOBO DOUGLAS G +  
1055 LANCASTER DR  
MEDINA, OH 44256

11-44-25-05-0000C.1160  
CASE MARY LOUISE TR  
1920 MT VERNON DR  
COVINGTON, KY 41011

11-44-25-05-0000C.1180  
ANEY SHARON TR  
806 WINCHESTER LN  
HOLMEN, WI 54636

11-44-25-05-0000C.1200  
COMSTOCK JOHN D TR  
201 WOODCREST DR  
BURNSVILLE, MN 55337

11-44-25-05-0000C.1220  
FOLEY PATRICK A + BARBARA J  
1617 N REES RD  
PEARL CITY, IL 61062

11-44-25-05-0000C.1240  
DUELL CHRIS L  
720 PLUM LN  
CLARKESVILLE, GA 30523

11-44-25-05-0000C.1260  
GREENE ROBERT A + DIANE L TR  
16 BEECHWOOD AVE  
YORK, ME 03909

11-44-25-05-0000C.1280  
MORRISEY LINDA C  
1216 PARK GREEN PL  
WINTER PARK, FL 32789

11-44-25-05-0000G.00CE  
CYPRESS WOODS R V RESORT ASSN  
5551 LUCKETT RD  
FORT MYERS, FL 33905

11-44-25-05-0000I.00CE  
CYPRESS WOODS R V RESORT ASSN  
5551 LUCKETT RD  
FORT MYERS, FL 33905

11-44-25-05-0000C.1150  
IRVIN DANNY W + VERA H  
5551 LUCKETT RD LOT C115  
FORT MYERS, FL 33905

11-44-25-05-0000C.1170  
MOUNT GARY + PAT  
5551 LUCKETT RD LOT C117  
FORT MYERS, FL 33905

11-44-25-05-0000C.1190  
PUTT MARSHALL P + CAROLINE J  
404 W MONTGOMERY ST  
FRANCESVILLE, IN 47946

11-44-25-05-0000C.1210  
THIELE WILFRED E + WILLA M  
16303 RAVEN CREST DR  
INDIAN LAND, SC 29707

11-44-25-05-0000C.1230  
DUELL CHRIS L  
720 PLUM LN  
CLARKESVILLE, GA 30523

11-44-25-05-0000C.1250  
GERNAT WILLIAM L TR  
PO BOX 7486  
PORT ST LUCIE, FL 34985

11-44-25-05-0000C.1270  
MEREDITH CHARLES W + WANDA  
1438 MT AYR CIR  
BOWLING GREEN, KY 42103

11-44-25-05-0000D.00CE  
CYPRESS WOODS R V RESORT ASSN  
5551 LUCKETT RD  
FORT MYERS, FL 33905

11-44-25-05-0000H.00CE  
CYPRESS WOODS R V RESORT ASSN  
5551 LUCKETT RD  
FORT MYERS, FL 33905

11-44-25-05-0000K.00CE  
CYPRESS WOODS R V RESORT ASSN  
5551 LUCKETT RD  
FORT MYERS, FL 33905

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11-44-25-06-0000A.00CE  
CYPRESS WOODS R V RESORT ASSOC  
CYPRESS WOODS RV R UT 4 ASSN  
5551 LUCKETT RD  
FORT MYERS, FL 33905

11-44-25-06-0000C.00CE  
CYPRESS WOODS R V RESORT ASSOC  
CYPRESS WOODS RV R UT 4 ASSN  
5551 LUCKETT RD  
FORT MYERS, FL 33905

11-44-25-06-0000D.0090  
BUNTON IRWIN L + SALLY L  
PO BOX 493  
MADISON, IN 47250

11-44-25-06-0000D.0110  
GETTY KENNETH LEIGH + CAROL A  
234 COUNTRY CLUB DR  
TELFORD, PA 18969

11-44-25-06-0000D.0500  
RAETSEN ADRIAN  
6 MAUE CRT  
BADEN, ON N3A 3P3  
CANADA

11-44-25-06-0000D.0520  
ALEY BARBARA ANN TR  
109 SUNNY LN  
TIFFIN, OH 44883

11-44-25-06-0000D.0540  
SMITH COLIN  
5551 LUCKETT RD # D54  
FORT MYERS, FL 33905

11-44-25-06-0000D.0560  
REGENSTEIN JOSEPH III + DONNA  
2540 S MARYLAND PKWY #381  
LAS VEGAS, NV 89109

11-44-25-06-0000D.0580  
MORRIS ROBERT K + MARGARET A  
413 WALNUT ST APT 5074  
GREEN COVE SPRINGS, FL 32043

11-44-25-06-0000D.0600  
ORRIS FRANK J + KATHY J  
5551 LUCKETT RD LOT D60  
FORT MYERS, FL 33905

11-44-25-06-0000B.00CE  
CYPRESS WOODS R V RESORT ASSOC  
CYPRESS WOODS RV R UT 4 ASSN  
5551 LUCKETT RD  
FORT MYERS, FL 33905

11-44-25-06-0000D.0080  
MCANULTY WILLIAM J + PATRICIA  
6901 CLARK RD  
ERIE, PA 16510

11-44-25-06-0000D.0100  
ELLIS JEFFREY A + FLETA B  
310 BAY DR  
NOBLESVILLE, IN 46062

11-44-25-06-0000D.0490  
CSAKY ERNOE +  
414 NW KNIGHTS AVE UNIT 431  
LAKE CITY, FL 32055

11-44-25-06-0000D.0510  
SCHAEFFER CARSON + PAMELA  
6303 LENCZKY DR  
JACKSONVILLE, FL 32277

11-44-25-06-0000D.0530  
NESSLER MARK JOSEPH TR +  
21606 LINDA DR  
TORRANCE, CA 90503

11-44-25-06-0000D.0550  
RYAN HARRY M III TR +  
9530 BURNING BRANCH RD  
BURKE, VA 22015

11-44-25-06-0000D.0570  
MILLER LEROY J + TAWNEY I E  
5551 LUCKETT RD LOT D57  
FORT MYERS, FL 33905

11-44-25-06-0000D.0590  
MAXWELL DAVID V + CAROL L  
110 E CENTER ST UNIT 1351  
MADISON, SD 57042

11-44-25-06-0000D.0610  
RICHMAN MURRAY S + NANCY L  
14504 CUTSTONE WAY  
SILVER SPRING, MD 20905

NCI 2007-00078

11-44-25-06-0000D.0620  
WALD THOMAS G + CAMILLE ANN TR  
7961 9TH STREET CT N  
SAINT PAUL, MN 55128

11-44-25-06-0000D.0630  
JOHNSTON GARY + GRACE  
1691 NEW LONDON RD  
LANDENBERG, PA 19350

11-44-25-06-0000D.0640  
WHETSTONE BRAD + JANEEN  
23251 COCONUT SHORES DR  
BONITA SPRINGS, FL 34134

11-44-25-06-0000D.0650  
SMITH DONALD K +  
PO BOX 417  
BOKEELIA, FL 33922

11-44-25-06-0000D.0660  
CASSATA ROBERT C + JOYCE M  
427 15TH ST  
HOLLY HILL, FL 32117

11-44-25-06-0000D.0670  
FERRERA FRANK J + VALERIE D  
44864 RIVERGATE DR  
CLINTON TOWNSHIP, MI 48038

11-44-25-06-0000D.0680  
HEYDON HOWARD S TR  
6971 CADET AVE  
FORT MYERS, FL 33905

11-44-25-06-0000D.0690  
MILLER HAROLD F + MARGARET J  
900 OCEAN DR UNIT 205  
CAPE MAY, NJ 08204

11-44-25-06-0000D.0700  
PLACE ROBERT J + CAROL  
1600 RIVERVIEW DR  
HURON, SD 57350

11-44-25-06-0000D.0710  
DURKEE ELAINE P  
411 WALNUT ST PMB 188  
GREEN COVE SPRINGS, FL 32043

11-44-25-06-0000D.0720  
MICHAUD ALAIN  
96 ROBERVAL  
REPENTIGNY, QC J5Y 2Z7  
CANADA

11-44-25-06-0000D.0730  
SCHAEFFER CARSON + PAMELA S  
6303 LENCZYK DR  
JACKSONVILLE, FL 32277

11-44-25-06-0000D.0740  
NEWELL RICHARD A + VIVIENNE  
14665 PLUMOSA DR  
JACKSONVILLE BEACH, FL 32250

11-44-25-06-0000D.0750  
WALKER JOHN W SR + MARY R  
1546 LOREWOOD GROVE RD  
MIDDLETOWN, DE 19709

11-44-25-06-0000D.0760  
STEINROEDER JOSEPH A  
8951 BONITA BEACH RD STE 525  
BONITA SPRINGS, FL 34135

11-44-25-06-0000D.0770  
CETRINO THERESA  
5 BOVA COVE RD  
HARWICH, MA 02645

11-44-25-06-0000D.0780  
BRYDE DENNIS D + DAWN L  
10070 OAK ISLAND DR  
LAINGSBURG, MI 48848

11-44-25-06-0000D.0790  
DOUBET CHARLES B + TRUDY  
2208 E OLIVE ST  
BLOOMINGTON, IL 61701

11-44-25-06-0000D.0800  
MESSER DALE G + MARY JANE  
26180 PANAMA AVE  
WEBSTER, MN 55088

11-44-25-06-0000D.0810  
LUDWIG HOLDINGS INC  
912 SE 46TH LN STE 204  
CAPE CORAL, FL 33904

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11-44-25-06-0000D.0820  
SEEHASE DEWEY + JOYCE  
201 SHORE DR  
SUTTONS BAY, MI 49682

11-44-25-06-0000D.0840  
MCCLAIN C LLOYD + MARGUERITE  
PO BOX 4950  
HOMOSASSA SPRINGS, FL 34447

11-44-25-06-0000D.0860  
BOLAN MICHAEL DOUGLAS  
312-1641 LONSDALE AVE  
NORTH VANCOUVER, BC V7M 2J5  
CANADA

11-44-25-06-0000D.0880  
SIWICKI SANDRA L + DAVID J  
737 S EASY ST  
SEBASTIAN, FL 32958

11-44-25-06-0000D.0900  
LUTZ RICHARD C SR + JEANNE E  
5551 LUCKETT RD LOT D90  
FORT MYERS, FL 33905

11-44-25-06-0000D.0920  
MICHAUD ALAIN  
96 ROBERVAL  
REPENTIGAY, QC J5Y 2Z7  
CANADA

11-44-25-06-0000D.0940  
TARTER BRUCE W + CAROL A  
2150 CEMETERY RD  
GOSHEN, OH 45122

11-44-25-06-0000D.0960  
SNYDER THOMAS L + CAROL E  
1991 PALO DURO BLVD  
NORTH FORT MYERS, FL 33917

11-44-25-06-0000D.0980  
DOYLE THOMAS M + MARILYN T +  
248 GLOVER RD RR3  
ELGIN, ON K0G 1E0  
CANADA

11-44-25-06-0000D.1000  
BEACHMAN JOHN R +  
245 STAMFORD DR  
POWELL, OH 43065

11-44-25-06-0000D.0830  
MCCAFFREY PATRICIA A + EAMON H  
77 MUIRFIELD CT  
POUGHKEEPSIE, NY 12603

11-44-25-06-0000D.0850  
STROUPE HELENA TR  
335 DOVER AVE  
EAST PROVIDENCE, RI 02914

11-44-25-06-0000D.0870  
WAGERS LARRY S +  
1407 OAKRIDGE DR  
LOVELAND, OH 45140

11-44-25-06-0000D.0890  
FRECHETTE PAUL + NICOLE L  
105 CHEMIN DAVIS  
LAC BROME, QC J0E 1S0  
CANADA

11-44-25-06-0000D.0910  
FRADY ALBERT DAVID + GLENDA  
3832 E 200 NORTH  
GREENFIELD, IN 46140

11-44-25-06-0000D.0930  
WAKKER JAN D + DENISE E TR  
3367 SPRUCE RIDGE CT  
DAVISON, MI 48423

11-44-25-06-0000D.0950  
CORREIA JOSEPH E III + ANN P  
8 GRINNELL ST  
SOUTH DARTMOUTH, MA 02748

11-44-25-06-0000D.0970  
FARMER DAVID F + PATRICIA M  
510 TERRAPIN LN  
NEWARK, DE 19711

11-44-25-06-0000D.0990  
LANDRY L KENT + JOANN E  
5551 LUCKETT RD LOT D99  
FORT MYERS, FL 33905

11-44-25-06-0000D.1010  
DONALD A + SUSAN J SHULER TRUST  
9950 MARDAN DR  
DIMONDALE, MI 48821

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11-44-25-06-0000D.1020  
BOESL NORBERT A TR +  
20865 CARRINGTON CT  
BROOKFIELD, WI 53045

11-44-25-06-0000D.1040  
BERRY GEORGE ROBERT + MARY LOU  
28628 LEWES GEORGETOWN HWY  
MILTON, DE 19968

11-44-25-06-0000D.1060  
KRINEK JANET + WILLIAM J  
9703 CHIPPEWA RD  
BRECKSVILLE, OH 44141

11-44-25-06-0000D.1080  
JOEREG LLC  
JOSEPH REGENSTEIN III  
2540 S MARYLAND PKWY # 381  
LAS VEGAS, NV 89109

11-44-25-06-0000D.1100  
CAMERLAIN ROBERT +  
13671 COTE DES CORBEIL  
MIRABEL, QC J7N 2G2  
CANADA

11-44-25-06-0000D.1120  
OLSEN WARREN E + CAROLYN R  
8604 COTSWOLD CT  
ALEXANDRIA, VA 22308

11-44-25-06-0000D.1140  
STEWART CAROLYN J  
3400 CROSSWATER DR  
NORTH FORT MYERS, FL 33917

11-44-25-06-0000D.1160  
CASSABAUM LINDA S PER REP  
5510 NW 78TH CT  
JOHNSTON, IA 50131

11-44-25-06-0000F.00CE  
CYPRESS WOODS R V RESORT ASSOC  
CYPRESS WOODS RV R UT 4 ASSN  
5551 LUCKETT RD  
FORT MYERS, FL 33905

11-44-25-06-0000H.0000  
CYPRESS WOODS R V RESORT ASSOC  
5551 LUCKETT RD  
FORT MYERS, FL 33905

11-44-25-06-0000D.1030  
CUSTER GERALD W + HOLLE R  
686 LITTLE SUGAR CREEK RD  
WARSAW, KY 41095

11-44-25-06-0000D.1050  
BOUCHARD JEAN +  
9 DUMAS ST  
CANDIAC, QC J5R 6H8  
CANADA

11-44-25-06-0000D.1070  
KRAEMER LEE + KAREN  
5551 LUCKETT RD LOT D107  
FORT MYERS, FL 33905

11-44-25-06-0000D.1090  
KUIECK RICHARD D + LINDA J  
5551 LUCKETT RD LOT D109  
FORT MYERS, FL 33905

11-44-25-06-0000D.1110  
LUBBERS RICHARD A + RUTH E TR  
430 QUINCY ST  
GRANDVILLE, MI 49418

11-44-25-06-0000D.1130  
MORGAN JOHN M + NANCY E  
8911 DANIELS PKWY STE 6  
FORT MYERS, FL 33912

11-44-25-06-0000D.1150  
SCHAEFFER CARSON + PAMELA SUE  
6303 LENCZYK DR  
JACKSONVILLE, FL 32277

11-44-25-06-0000D.1170  
BELMAS DALE E + KATHLEEN  
6416 HERITAGE HL  
FENTON, MI 48430

11-44-25-06-0000G.0000  
CYPRESS WOODS R V RESORT ASSOC  
5551 LUCKETT RD  
FORT MYERS, FL 33905

11-44-25-06-0000I.00CE  
CYPRESS WOODS R V RESORT ASSOC  
CYPRESS WOODS RV R UT 4 ASSN  
5551 LUCKETT RD  
FORT MYERS, FL 33905

KENORA HOLDINGS LLC  
5551 LUCKETT RD  
FORT MYERS FL 33905

MR ALVIN H BLOCK

NEALE MONTGOMERY  
PAVESE LAW FIRM  
1833 HENDRY STREET  
FORT MYERS FL 33901

KENNETH C NOTTURNO  
HARP MANAGEMENT LLC  
5551 LUCKETT RD  
FT MYERS FL 33905

CYPRESS WOODS V, LLC  
5551 LUCKETT RD  
FT MYERS FL 33905

JOHN ALLEN  
BARBOT, STEUART & ASSOC., INC.  
13861 PLANTATION RD  
STE. 105  
FORT MYERS FL 33912

AVI HARPAZ  
HARP MANAGEMENT LLC  
5551 LUCKETT ROAD  
FORT MYERS FL 33905

Jim Mathisen  
East Lee County Council  
1670 Werner Drive  
Alva, FL 33920

Clarence Bowman  
Morse Shores Civic Association  
260 Alameda Ave  
Fort Myers, FL 33905

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**LEE COUNTY, FLORIDA  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
ZONING DIVISION  
STAFF REPORT**

**TYPE OF CASE:** PLANNED DEVELOPMENT/DCI

**CASE NUMBER:** DCI2007-00078

**HEARING EXAMINER DATE:** OCTOBER 12, 2011

**I. APPLICATION SUMMARY**

- A. Applicant: Cypress Woods V, LLC in reference to Cypress Woods RV Resort
- B. Request: Amend the existing RVPD/MHPD zoning for Cypress Woods R.V. Resort to include an additional 2.102 acres that will be rezoned from Agriculture District (AG-2) to Recreational Vehicle Planned Development/Mobile Home Planned Development (RVPD/MHPD) to allow an additional 18 lots within the resort.
- C. Location: The subject property is located at 5468 Tice Street and 5551 Luckett Road (Countrywood Drive),, Fort Myers Shores Planning Community, Lee County, FL (District #5)
- D. Future Land Use Plan Designation, Current Zoning and Use of Subject Property and Road Classification:

Land Use Designation: Urban Community  
Current Zoning: 2.1 acres is AG-2, remaining acreage is RVPD/MHPD  
Current Use: vacant  
Road Classification: Luckett Road is a major collector.

E. Surrounding Land Use:

Existing Zoning & Land Use

Future Land Use Map

North: AG-2, vacant (subject of a rezoning in DCI2009-00014)

Urban Community

East: AG-2, tree farm and single family residential

Rural Community Preserve

South: Luckett Road; then AG-2 residential

Urban Community

West: AG-2, vacant and IL, industrial, then Country Lakes Drive

Urban Community and Industrial Interchange

F. Size of Property: 2.102 Acres (Total legally described area 35.64± acres, Phase V)

## II. **RECOMMENDATION:**

Staff recommends APPROVAL of Recreational Vehicle Planned Development and Mobile Home Planned Development (RVPD/MHPD) with the following conditions and deviations. The following conditions and deviations are a codification of the existing zoning actions and additional conditions related to this application.

### A. CONDITIONS

#### Master Concept Plan & Development Intensity

1. The development of this project must be consistent with the three-page Master Concept Plan, AUG 23, 2010, except as modified by the conditions below. This development must comply with all requirements of the Lee County Land Development Code (LDC), except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

The overall project is limited to a maximum total of 611 mobile home and recreational vehicle units. Development may not exceed any Development of Regional Impact threshold contained in Florida Statutes, without first obtaining approval of an Application for Development Approval.

#### Property Development Regulations

2. Lots within this development shall be developed in accordance with the following Property Development Regulations:

##### Minimum Lot Area and Dimensions:

Area: 4,140 square feet  
Width: 46 feet  
Depth: 90 feet

##### Minimum Setbacks:

Street: 20 feet  
Side Street: 10 feet [Deviation (4)]  
Side: 10 feet (for a recreational vehicle)  
5 feet (for a mobile home)\*  
Rear: 20 feet  
Water Body: 25 feet

#### Mobile Home/Recreational Vehicle

3. The developer or subsequent master owner association must provide on or before December 31<sup>st</sup> of each year an accounting of the total number of lots existing within the development. The accounting must also provide the number of lots used for recreational vehicle and mobile home use. At no time may the number of lots exceed that permitted in Condition 1, nor may the number of recreational vehicles exceed 599. Lots permitted for mobile home use by Lee County, may not subsequently be used by a recreational vehicle.

#### Onsite Shelter

4. The on-site Hurricane Shelter provision for this development must be consistent with the commitment on the approved Master Concept Plan.

#### Utilities

5. The development must be connected to a public or private central water system and a public or private central sewage disposal system.

#### Traffic Impacts

6. This zoning approval does not signify that the project's traffic impacts have been mitigated. Additional conditions may be required at the time of issuance of a local Development Order per the Development Standards Ordinance or other Lee County Ordinance.

#### Allocation Table

7. Approval of this rezoning does not give the developer the undeniable right to receive any local Development Order approval that exceeds the Year 2010 Overlay use allocation, if such allocation exists, for the applicable district.

#### Fox Squirrel Preserve Area & Northern Buffer

8. All areas shown on the Master Concept Plan as fox squirrel preserve must be shown and labeled as such on any plans submitted for local Development Order approval, any golden polypody found on trees within development areas must be relocated to preserve areas wherever feasible.

Prior to local development order approval for Phase V, the landscape plans must depict restoration for the northern buffer in substantial compliance with the Habitat Restoration and Maintenance Guidelines (Stamped Received August 23, 2010 and Attached as ES Staff Exhibit I).

#### Solid Waste Management

9. This development must be consistent with LDC Section 10-261 and 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.

#### Open Space

10. The overall project must provide a minimum of 67.66 acres of open space for all phases of the project in substantial compliance with the Master Concept Plan.

#### Indigenous Open Space

11. The project must provide a minimum of ±36.64 acres of indigenous open space with credits for all phases of the project in conceptual compliance with the approved Master Concept Plan.

#### Indigenous Maintenance and Management Plan

12. Prior to local development order approval for Phase V, the applicant must submit a maintenance and management plan for the proposed Indigenous Preserve Areas as per the Land Development Code Section 10-415(b)(4) for Division of Environmental Sciences review and approval.

### Landscape Plans

13. Prior to local development order approval for Phase V, the landscape plans must be in substantial compliance with the Habitat Restoration and Maintenance Guidelines (Stamped Received August 23, 2010 and Attached as ES Staff Exhibit I) and depict:

- the planting of slash pines (*Pinus elliotti* var *densa*), dahoon holly (*Ilex cassine*), laurel oak (*Quercus laurifolia*) and live oaks (*Quercus virginiana*), planted an average 15-feet on center; and,
- 75% of the trees planted 10-feet in height, two inch caliper; and,
- 25% of the trees planted 16-feet in height, three-four inch caliper; and,
- shrubs consistent with the restoration plan, planted in scattered clusters one gallon container size, three feet on center; and,
- a five-year monitoring report must be provided to ensure that the habitat restoration is successful.

### Conveyance Ditch and Easement

14. Prior to local development order approval for Phase V, the development order plans must demonstrate that the location of the conveyance ditch and associated easement are not located within the 40-foot wide area depicted as the Big Cypress Fox Squirrel buffer/preserve area. Per the Habitat and Restoration Plan the 40-foot wide buffer/preserve area must be restored in its entirety.

## B. DEVIATIONS

Deviation (1) is a request to deviate from Section 6.03 of Ordinance 86- 21 [now LDC Section 14-298(c)] for the development of the "TZ" area as indicated on the Master Concept Plan. Deviation (1) is hereby APPROVED, subject to the proposed mitigation plan, titled "Cypress Woods Monitoring and Maintenance Plan" submitted by Boylan Environmental Consultants, Inc., zoning counter stamped and dated May 18, 1995 (Attachment E). Mitigation must follow the phasing presented in these documents and all monitoring reports must be submitted to the Lee County Division of Environmental Sciences within thirty days of the scheduled monitoring events.

Deviation (2) is hereby DENIED.

Deviation (3) is a request to deviate from Appendix 9.9B of the DSO (now LDC Section 10-714.b.) which requires a 90 foot turn-out radius to 30 feet. This deviation is APPROVED subject to the developer providing a paved/stabilized surface with a minimum radius of 42 feet and, in addition, shall provide an unobstructed clear zone of 48-foot radius (6 feet clear zone beyond driving range).

Deviation (4) is a request to deviate from Section 202.18.B.2.a. of the Zoning Ordinance [now LDC Section 34-2192(a)] to allow a reduction in the street setback from 20 feet to 5 feet on the "side" lot line for corner lots. Deviation (4) is hereby APPROVED as provided for in Condition 2.

Deviation (5) is a request to deviate from Section 9.D, 9.0.10, and Table 9-1 of the DSO (Now LDC Sections 10-285.a., 10-285.a Table 1, and 10-296.j.) which requires 125 feet of street intersection separation, to 100 feet. This deviation is APPROVED to 100 feet. Approval of this deviation shall also permit the location of a temporary emergency



access, yet to be located, to the west of the approved access point in this deviation, in accordance with Deviation (6).

Deviation (6) is a request to deviate from Section 9.5.3 of the DSO (now LDC Section 10-291.3) to allow only one entrance for a development of more than 5 acres. Deviation (6) is hereby APPROVED with the condition that a temporary emergency access point shall be constructed from Luckett Road, into the project site, for the use of emergency vehicles only. This temporary access point shall remain in place until such time as a permanent emergency access point is constructed, or until this development provides a permanent functioning interconnection with an adjoining property. The temporary access point shall be constructed in accordance with the Land Development Code as administered by the Division of Development Services.

Deviation (7) is a request to deviate from Section 9.0.2 and Table 9-3 of the DSO (now LDC Sections 10-296.b and 10-296 Table 3) which require a 45-foot right-of-way for a local street with open drainage, to permit a local street with 30 feet of right-of-way and open drainage. This deviation is APPROVED subject to the condition that the typical lot cross section exhibits, subject to the approval by the Division of Development Services, that the drainage performs adequately showing the slab placement at the time of Development Order submittal.

Deviation (8) is a request to deviate from Section 480.05.D.2.f of the Zoning Regulations [now LDC Section 34-939(b)(6)] which requires a 5,000 square foot minimum lot to provide a 4,140 square foot minimum (46 feet x 90 feet). This deviation is APPROVED subject to Condition 2.

Deviation (9) is a request to deviate from Zoning Regulations Section 480.05.D.2.g.3.) [now LDC Section 34-939(b)(7)c.] which requires a side setback of 10 feet and a street (right-of-way) setback of 25 feet, to permit a side setback of 5 feet and a street (right-of-way) setback of 20 feet in the non-transient section of the park. This deviation is APPROVED provided that these setbacks are in conformance with the requirements of Condition 2 and all side setbacks apply to all portions of the structure or unit, including overhangs.

Deviation (9.a) is a request to deviate from Zoning Ordinance Section 480.05.D.2.c [now LDC Section 34-939(b)(3)] to permit an access road through the perimeter buffer to the boat storage area. This deviation is APPROVED subject to Condition 8.

Deviation (10) is a request to deviate from Table 423.B. of the Zoning Regulations [now LDC Section 34-736] which requires a 5,000 square foot minimum lot (50 feet x 100 feet) to provide a 4,140 square foot minimum lot (46 feet x 90 feet). This deviation is APPROVED subject to the requirements of Condition 2.

Deviation (11) is a request to deviate from Table 423.B. [now LDC Section 34-736] which requires a side setback of 7 feet, to permit a side setback of 5 feet. This deviation is APPROVED subject to the setbacks in Condition 2.

Deviation (12) is a request to deviate from Section 202.18.D.1. of the Zoning Ordinance [now LDC Sections 34-2222(1) and 10-254 (b)], to allow the corner lots to be the same size as the other lots within the development (and not have an additional 15 feet of width). This deviation is APPROVED subject to the requirements of Condition 2.

Deviation (13) is a request to deviate from Section 9.N. of the DSO [now LDC Section 10-295] to eliminate the requirement for street stubs to adjacent properties. This deviation is DENIED and left to the discretion of the Director of the Division of Development Services, in accordance with the Land Development Code.

Deviation (14) is a request to deviate from LDC Section 34-939(b)(3) to eliminate the requirement for a buffer between a recreational vehicle park and adjacent property interior to the site. This deviation (14) is APPROVED for the interior portion of the site, only.

Deviation (15) is a request to deviate from LDC Section 34-935(a)(l) to eliminate the requirement that a new recreational vehicle park be not less than 20 acres in size. This deviation (15) is APPROVED.

(Deviation 16) A Deviation seeking relief from LDC Section 34-2194(b) and (c) which requires a 25 foot water body setback; to allow a zero foot setback in order to permit the construction of a clubhouse, deck, pier and gazebo 90 feet into the artificial body of water. Approval of this Deviation is subject to substantially complying with the proposed construction of the clubhouse and related facilities on the approved Plan entitled, Cypress Woods, R.V. Resort Clubhouse Area Dev. Order Plans; Drainage, Parking & Site Dim. Plan; dated 04-14-03, stamped received AUG 21, 2003.

The approval of the deviation (Deviation 16 above) from the water body setback must not adversely impact any open space requirement; wetland vegetation plantings; or other buffering, landscaping, or preservation areas or requirements.

(Deviation 17) A Deviation seeking relief from LDC Section 34-2020 requiring a total of 135 parking spaces for the two clubhouse facilities; to allow only 44 off-street parking spaces. The approval of the parking deviation is subject to the reservation of Lots 85 and 86 (Phase "4") and Tract I (Phase "3", which lies immediately east of Lots 85 and 86, Phase "4") for the use of overflow parking only. These may not be used as a recreational vehicle or mobile home site. Upon the sale of the last lot (site) in the last Phase of this development, if the applicant can adequately demonstrate during the season of the highest occupancy of the development that the overflow parking areas were not needed, the two lots can then be used for recreational vehicle or mobile home sites as provided for in this planned development. A reduced copy of a Plan entitled Cypress Woods R.V. Resort Phase "IV", IVA, & IVB, stamped received SEP 08, 2003 depicting these parcels is attached hereto.

Deviation added by staff:

Deviation (18) is a request to deviate from LDC Section 34-935(a)(1) requiring a minimum of 5 acres of land is necessary for expanding an existing recreational vehicle park, to allow an expansion of 2.1± acres. This Deviation is recommended for approval.

Staff Comments: Staff offers no objection to the granting of this request. Approval helps achieve the intent of this application and, as conditioned in the recommended zoning actions, is not expected to adversely impact the public's health, safety, and welfare.

C. Findings and Conclusions:

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

1. The applicant has proved entitlement to the rezoning and amendment of the existing planned development demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations. The proposed development is consistent with the Urban Community future land use designation and with the following Lee Plan provisions: Policy 1.1.4, Objective 2.1, Policy 2.1.1, Objective 2.2, Policy 2.2.1, Policy 4.1.1, Policy 4.1.2, and Policy 110.1.2.

Furthermore, the existing AG-2 zoning is INCONSISTENT with the Lee Plan as it permits rural land uses within a future urban area, inconsistent with Objective 9.2.

2. The requested zoning, as conditioned:
  - a) meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; Policy 1.1.4
  - b) is consistent with the densities, intensities and general uses set forth in the Lee Plan; Policy 1.1.4
  - c) is compatible with existing or planned uses in the surrounding area; Policies 2.1.1 and 2.2.1 and
  - d) will not adversely affect environmentally critical areas or natural resources.
3. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development. Policies 2.1.1 and 2.2.1.
4. Urban services, as defined in the Lee Plan, are available and adequate to serve the proposed land use. Policy 2.2.1
5. The proposed use or mix of uses is appropriate at the subject location. Policies 1.1.4, 2.1.2, and 2.2.1.
6. The recommended conditions to the master concept plan and other applicable regulations proved sufficient safeguards to the public interest.
7. The recommended conditions are reasonable related to the impacts on the public's interest created by or expected from the proposed development.
8. The deviations, as conditioned:
  - a) enhance the achievement 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:**

#### Zoning History

This development has a long zoning history. The current RVPD/MHPD zoning was approved by the Board of County Commissioners in the adoption of Zoning Resolution Z-94-025 (August 15, 1994).

The original zoning has been amended five times over the years, in summary these have been:

- PD-95-19, reducing the number of units from 684 to 671 and reconfiguring wetland boundaries.
- ADD2002-00111, decreasing the lots in Phase V; decreasing the size of the proposed clubhouse and increasing the size of the existing clubhouse; increasing the hurricane shelter area within the project; identified recreational vehicle lots and mobile home lots; and reducing the total number of lots from 671 units to 647.
- ADD2003-00122, allowing an adjustment of the Plan and adding two deviations.
- Zoning Resolution Z-03-057, reducing the number lots within the development and the allowed mixture of recreational vehicle units and mobile homes.
- ADD2004-00102, reducing the phases and lots and adding a lake.

#### Introduction/Synopsis

This application seeks to rezone a 2.1 acre tract of land lying to the north of the existing Cypress Woods RV Park and adding that tract to Phased V of the existing park. In 1994, the Board of County Commissioners granted a rezoning for the existing park to Recreational Vehicle Planned Development/Mobile Home Planned Development (RVPD/MHPD).

Staff supports granting a rezoning of the 2.1 acre tract and adding it to the existing Phase V of the Cypress Woods development. Staff recommends granting the same zoning on this tract as found within the existing development and then codifying the zoning approval as needed. This will make it easier to administer the zoning approval and any related development permits sought in the future.

#### Master Concept Plan

The Master Concept Plan is the current Master Concept Plan with the 2.1 acres in the northeast portion of the development added. A total of 18 new lots are to be added. If approved, the total number of lots within the development would be 611 units.

Access to the park/resort is not changing, with existing connection to Luckett Road. The Plan depicts a second emergency access is shown in the southeast corner of the development, also connecting with Luckett Road.

#### DRI Threshold

Staff would note that Florida Statutes provides that a recreational vehicle park consisting of 500 or more units is a Development of Regional Impact. This project, however, is a

multiple use development of recreational vehicle and mobile homes. Staff is conditioning the project may not exceed the DRI thresholds without first undergoing review and approval of an Application for Development Approval.

#### Lee Plan Considerations

The subject property is located within the Urban Community future land use category. If all 611 lots are used for mobile homes, the overall density is 3.98 units per acre. This density is consistent with the standard density range for the future land use category, as provided for in the following. The Lee Plan does not consider recreational vehicles (RV) to be a residential unit. Therefore with RV's existing within this development, the overall density of the project is less. In addition, the development of a recreational vehicle and mobile home park is consistent with the allowed uses in this future land use category.

**POLICY 1.1.4:** The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, South Fort Myers, Iona/McGregor, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6) with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3., where appropriate. Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). Any bonus densities approved on the properties added to the Urban Community future land use category in conjunction with CPA2010-00002 must be achieved through use of the transfer of development rights program. (Amended by Ordinance No. 94-30, 02-02, 09-06, 10-10, 10-33)

In the following staff provides further analysis of this application with 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)

**POLICY 2.1.1:** Most residential, commercial, industrial, and public development is expected to occur within the designated Future Urban Areas on the Future Land Use Map through the assignment of very low densities to the non-urban categories.

The proposed addition of 2.1 acres of land into this planned development provides for contiguous and compact growth. The site is served by roads capable of handling the additional development, utilities services will be extended to serve the new lots when they are developed and does not by-pass other undeveloped lands in favor of development further from exiting communities. The application is consistent with this Objective and Policy. Staff finds that this request is consistent with this Objective and Policy.

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

**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)

Consistent with this Objective and Policy, the application is within a future urban area with adequate public facilities. This application seeks to add the property to the contiguous development. Fire, EMS, and police services are available in the area to serve the development. A 40 foot wide buffer is proposed on the perimeter of this site, which will serve to keep the development compatible with surrounding uses. In addition, the property to the north is the subject of a rezoning application to establish the right to develop an RV park to the north. Therefore, the subject development would be consistent with the proposed RV development to the north, if approved. Staff finds the request consistent with this Objective and Policy.

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

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

The proposed design changes in adding the 2.1 acres will be integrated into the existing development with the placement of uses maintaining nearly the same development design. The addition permits the development to provide for lots/units on both sides of the road, thus making the extension of the infrastructure to serve the development more economically feasible. The design maintains the safe flow of vehicles and pedestrians within the development. Staff finds, as conditioned, this application is consistent with this Policy.

**POLICY 21.6.3:** The owner or agent for any Planned Development request within the Caloosahatchee Shores Community must conduct one public informational session where the agent will provide a general overview of the project for any interested citizens. Lee County encourages zoning staff to participate in such public workshops. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed. (Added by Ordinance No. 03-21)

On September 20, 2011, the applicant held the requisite public information meeting consistent with this Policy. The meeting was held in the Olga Community Center and was hosted by the Caloosahatchee Shores Planning Committee. Approximately a dozen people were in attendance. The group discussed the development and the Planning Committee unanimously approved the development. In an earlier correspondence, dated September 8, 2011, the Committee found the 2.1 addition to Cypress Woods development would be a positive enhancement. (See Attachment G.)

**POLICY 110.1.2:** The county will not permit new or expanded mobile home or recreational vehicle development on barrier islands or in V-Zones as defined by the Federal Emergency Management Agency. (Amended by Ordinance No. 94-30, 00-22)

Consistent with this Policy, the subject property is not located on a barrier island or within a V-zone.

#### Planning Community Map and Allocation Table

The subject property is located within the Fort Myers Shores Planning Community. A recreational vehicle park is considered commercial in nature for allocation of land use by the Lee Plan.

The Division of Planning currently indicates that 400 acres is allocated for commercial use within the planning community. Of this 400 acres, 236 acres is already developed as commercial, resulting in a total of 164 acres left for commercial development.

#### Smart Growth Principles

##### *Mix land uses:*

The development was originally approved by the Board of County Commissioners as a mix of recreational vehicle and mobile home use. A community or recreational center is found in the south central portion of the development.

##### *Take advantage of compact building designs:*

The development consists of lots or parcel which are rather standard in nature. A consistent building design is found within the development. Compact building design was not a factor during the original development of the site.

##### *Create a range of housing opportunities and choices.*

Approval does provide some range of housing types in this portion of the overall planning community. Recreational vehicle units are not a housing unit, while the allowed mobile home dwelling unit would be. The current development does provide for a range of housing opportunity within the planning community.

##### *Create walkable neighborhoods:*

The development is compact enough that pedestrians within the development can walk from their unit to the amenity center. However, pedestrians must walk along the side of the road, or the adjacent grass area because no sidewalks exist within the development. The proposed 2.1 acre addition to the development is approximately 1,800 to 2,000 feet from the amenity center. As an alternative to walking, people within the development also opt for use of bicycles and golf carts as other means to travel to the amenity/clubhouse area.



*Foster distinctive, attractive communities with a strong sense of place.*

The project is a distinctive development consisting of a mixture of mobile homes and recreational vehicle units/lots. An amenity center/clubhouse is found in the central portion of the site.

*Preserve open space, farmland, natural beauty, and critical environmental areas:*

The development does preserve environmental areas by providing for habitat areas. Unfortunately, some of this area within the project was destroyed when the Big Cypress Fox Squirrel preservation and habitat area within this 2.1 acre site was cleared. As part of the conditioning of this approval, the 40 foot wide buffer area along the north of this site will re-include plantings to replace the area lost.

*Strengthen and direct development towards existing communities:*

The proposed development is adjacent to and part of the existing community.

*Provide a variety of transportation choices:*

Transportation choices within the development are varied: walking, bicycling, personal vehicle, and golf cart. Traveling outside of the development is by personal vehicle. A bicyclist would have to travel alongside of Lockett Road in the grass or in the lane of traffic west toward I-75, since no sidewalks or bike lanes exist.

*Make development decisions predictable, fair, and cost effective.*

It is reasonable to expect an addition of this nature to this planned development is fair. Certain conditions regarding buffers and re-establishment of indigenous areas are needed to

*Encourage community and stakeholder collaboration in development decisions:*

The Community has been given the opportunity to collaborate in this development decision. An early indication from the Community indicates support since they have commented that the "2.01 acre addition would result in a positive enhancement to the overall project".

#### Neighborhood Compatibility

The original planned development, as conditioned, was found to be compatible with the neighborhood. The 2.1 acre addition maintaining the current conditions, re-establishing the required 40 foot buffer, and re-establishing the indigenous area is compatible with the neighborhood.

It should be noted that the property immediately to the north of this site is seeking a rezoning to Recreational Vehicle Planned Development (RVPD). If that application is approved, the action would place development opportunity for a recreational vehicle park immediately north of this site, planned for RVPD/MHPD. The two projects are seen to be consistent and compatible as adjoining developments.

#### Environmental Issues

The following provides a summary of the complete Environmental Sciences report/memorandum found as Attachment D to this staff report.

The applicant is requesting to add  $\pm 2.1$  acres that will be added to the current phase under construction, Phase V (DOS2003-00186) for the development of additional RV

sites. The future land use is Urban Community and adjacent land uses include: pasture land to the north zoned AG-2, a fruit and vegetable farm to the east zoned AG-2, the remaining portion of the RV Resort abutting Phase V to the east and south.

Cypress Woods received original zoning approval in 1994 with subsequent Administrative Amendments over the years.

A vegetative community assessment was performed by the applicant and field verified by ES Staff. The subject parcel consists of previously cleared and filled lands, a borrow lake, and a lake excavated as part of the storm water management system. The filled areas are mostly unvegetated with scattered ruderal weeds, saltbush, and beggar ticks. Along the eastern portion of the site is an existing pine flatwoods indigenous area containing south Florida slash pine), cabbage palm, wax myrtle, myrsine, and saw palmetto. The preserve has been placed into a conservation easement dedicated to South Florida Water Management District (SFWMD) and has completed its five year monitoring requirements for exotic eradication.

The Land Development Code (LDC) requires the provision that 40% of the project is open space. The open space requirement for this project is 61.42 acres. The applicant has provided 67.66 acres with large contiguous indigenous areas, meeting the requirements of the LDC. A condition has been recommended to ensure compliance with this provision.

LDC 34-939(b)(3) requires a 40-foot wide landscaped buffer around the perimeter of the proposed Recreational Vehicle Planned Development. The applicant is requesting a deviation from LDC 34-939(b)(3) for the northern portion of Phase V. The original zoning and development order, provided that the buffer in the northern portion of the project was part of a Big Cypress Fox Squirrel Preserve area. The 2005 aerials show that the Phase V portion of the project was cleared in preparation for development. A subsequent site inspection revealed the indigenous 40-foot buffer/preserve area had been cleared. This caused staff to initiate a code violation for the clearing (ENV2009-00068).

A Restoration Plan (Habitat Restoration and Maintenance Guidelines attached to the ES Staff report) has been provided by the applicant in order to abate the violation and bring the project into compliance with the development order. Initial installation of the restoration plantings consistent with the Restoration Plan may not meet the requirements of LDC 34-939(b)(3), although once established the indigenous restoration will meet buffer requirements. Therefore, ES Staff recommended that the applicant request a deviation from LDC 34-939(b)(3) for the clearing and restoration of indigenous habitat along the northern boundary of Phase V.

Granting the deviation will restore the natural features onsite and the proposed plantings will meet the intent of the required eight-foot high opaque vegetative buffer. If approved, ES staff has recommended a condition (Condition 14) to ensure that the 40-foot indigenous buffer proposed for the northeastern property line is in substantial compliance with the Habitat Restoration and Maintenance Guidelines Stamped Received August 23, 2010 and Attached as ES Staff exhibit I.

The LDC requires large developments with existing indigenous vegetation to provide 50% of their open space requirement as indigenous open space. The indigenous open

space requirement established under Resolution Z-94-025 for the project is 30.71 acres and the applicant will provide 36.64 acres with credits. The previously noted site inspection noting the clearing also impacted the indigenous open space. Conditions have been offered that ensure the maintenance and management plan is followed and the 40 foot wide buffer is provided.

A conveyance ditch is located on the northern boundary of the planned development. This conveys onsite and offsite stormwater flow to Country Lakes Drive roadside ditches. Currently the ditch is impaired upstream of the subject property causing decreased flow. This contributes to flooding on neighboring properties. The Division of Natural Resources (DNR) is working with the applicant to restore hydrologic capacity and improving conveyance of offsite flow. ES Staff is concerned with the location of the ditch in reference to the proposed Big Cypress Fox Squirrel restoration area because both the ditch and the preserve are within the same area. Restoration for the Fox Squirrel may impede maintenance of the conveyance ditch, and placement of a drainage easement may conflict with installation of required restoration plantings. Staff and the applicant has discussed this and the applicant has indicated that the conveyance ditch will be relocated to the property boundary with all necessary easements being located to the adjacent property to the north. A condition ensuring the maintenance of the ditch does not conflict with the Big Cypress Fox Squirrel buffer/preserve area has been offered.

A protected species survey was submitted by the applicant and field verified by ES Staff on February 9, 2008. ES Staff's site inspection in 2008 indicated that, except for the preserved indigenous areas, the entire site was either developed or cleared for development and the adjacent properties had been cleared and were in use. Staff observed no listed species for the Phase V portion of the project. However to ensure protection for listed species that may still inhabit the remainder of the site the Gopher Tortoise Management Plans and Fox Squirrel Preserve Areas as conditioned in Zoning Resolution Z-94-025 must be brought forward and remain in full force and effect.

#### Transportation

Lee County DOT reports they have no objections to the addition of 2.1 acres of RVPD/MHPD zoned land to this overall planned development.

#### Utilities

The overall project is served by potable water and central sanitary sewer. The new lots will connect to the existing private system with the development.

#### **IV. SUBJECT PROPERTY:**

The applicant indicates that STRAP numbers are: 11-44-25-00-00002.101A and 11-44-25-00-00014.0020

#### **V. ATTACHMENTS:**

- A. Expert Witness Information
- B. Map of surrounding zoning
- C. Applicant supporting documentation
- D. Environmental Sciences memorandum
- E. Plan approved as part of Deviation 1
- F. Three-page Master Concept Plan
- G. Caloosahatchee Shores Planning Committee letter

**VI. EXHIBITS:**

A. Legal Description

cc: Applicant  
County Attorney  
Zoning File

LEE COUNTY STAFF EXPERT WITNESS INFORMATION  
PROVIDED PURSUANT TO AC-2-6, SECTION 2.2.b(5)(f)3.

Case Number: DCI2007-00078

Project Name: Cypress Woods RV Resort

Hearing Examiner Date: October 12, 2011

Alvin "Chip" Block, Principal Planner, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan, zoning, and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Doug Griffith, Planner, Environmental Sciences, 1500 Monroe Street, Fort Myers, FL 33901

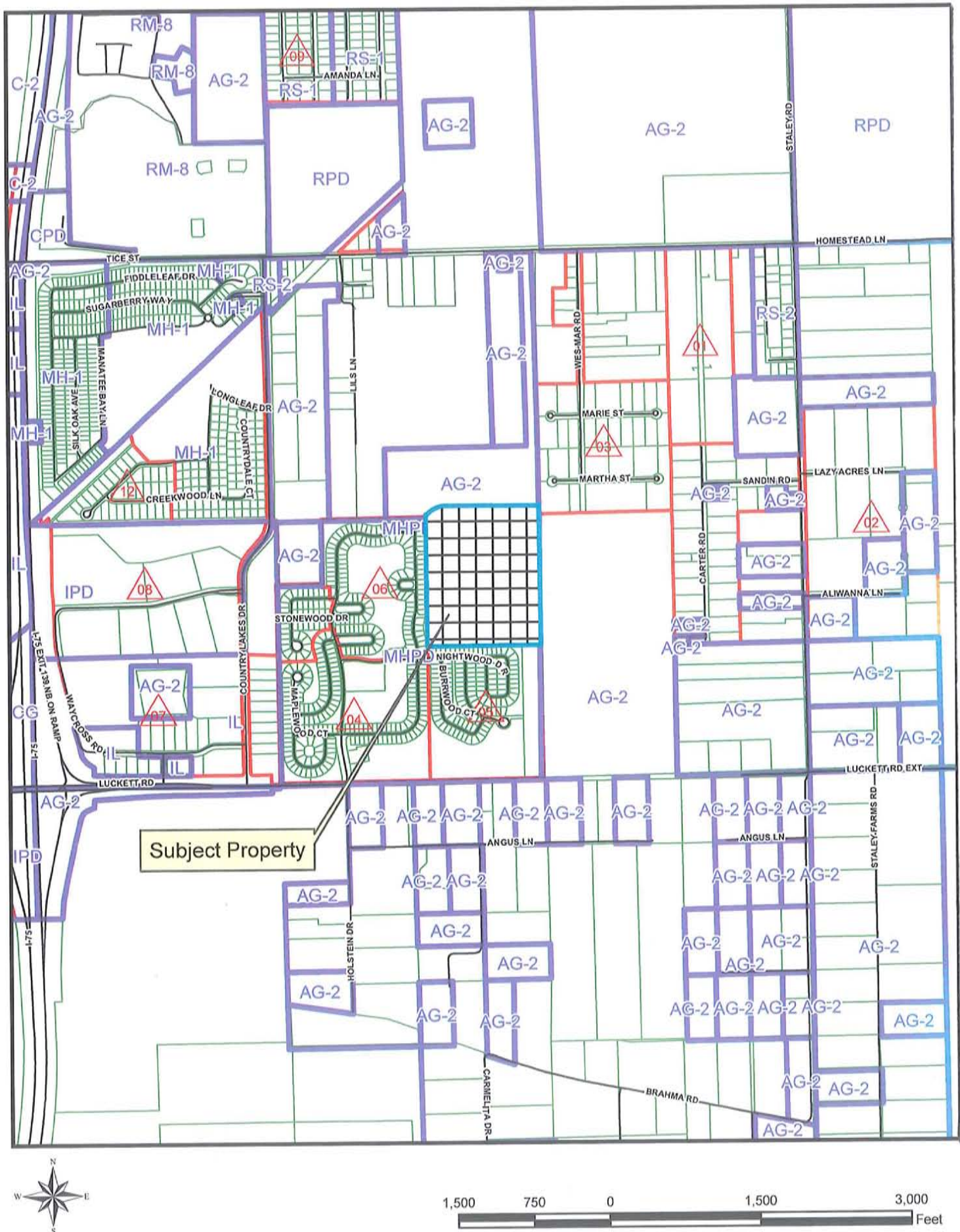
- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in Environmental Planning, Land Development Code, and Lee Plan.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

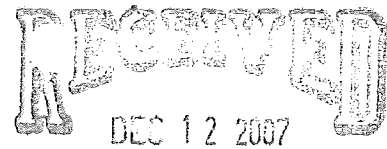
Robert Price, Senior Engineer, Development Services, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in Traffic Engineering and Transportation Planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

**ATTACHMENT A**

9/12/2011





**Exhibit D-7-J**  
**LEE Plan Compliance**

**PERMIT COUNTER**

*Please provide a narrative explanation as to how the proposed development complies with the LEE Plan. (34-373(a)(5))*

The subject application is a request to amend the existing RVPD/MHPD, known as Cypress Woods R.V. Resort, originally approved pursuant to Resolution No. Z-94-025. The purpose of the amendment is to include an additional 2.102 acres into the approved RVPD/MHPD. The 2.102 acres is currently zoned AG-2 and has a future land use designation of Urban Community. With the addition of this land area, the Applicant is requesting an additional 18 lots which will allow for a dual loaded road. Therefore, the applicant is requesting to increase the number of lots from 593 (as approved in ADD2004-00102) to 611. A continuation of the required 40 foot perimeter buffer will also be included in the area being added to Cypress Woods R.V. Resort.

This request is in compliance with the following goals, policies and objectives of the LEE Plan:

**Policy 1.1.4-** *Urban Community Land Use Category*

The proposed amendment is in compliance with Urban Community future land use category. MHPD/RVPH is a residential use as such, is consistent with the with the predominant land uses in Urban Community. The standard density range for the Urban Community land use category is one (1) to six (6) dwelling units per acre, with a maximum of ten (10) dwelling units per acre. As previously calculated in the application, the total number of permitted units is 921. The Applicant is only requesting 611 total units, which well below the total permitted units under the LEE Plan.

**Objective 2.1-** *Development Location*

The proposed planned development amendment furthers the LEE Plan objective of promoting contiguous and compact growth patterns. The subject site's inclusion into the Cypress Woods MHPD/RVPD will help to contain urban sprawl, minimize energy costs, conserve land, water and natural resources, and minimize the cost of services. The expansion of the already approved planned development makes use of the already existing services available to the site and does not require the extension of services to distant properties. The subject project actually acts as an infill area with the City of Fort Myers boundary to the south, industrial interchange to the west, the Urban Community land use designation to the north and the Rural Community Preserve designation to the east. The property also acts as a transition area from the more intense industrial use to the less intense Rural Community Preserve area. Thus, this application meets Objective 2.1 of the LEE Plan.

**ATTACHMENT C**  
**DCI 2007-00078**



**Objective 2.2-** *Development Timing*

The proposed amendment complies with the LEE Plan objective of directing growth to portions of the Future Urban Areas where adequate public facilities exist and where compact and contiguous development patterns can be created. The additional 18 lots will be connected to existing potable water and central sewer currently provided by Lee County Utilities.

**Policy 4.1.1-** *Development Design*

The proposed amendment is in compliance with the LEE Plan policy of placing uses within the development at locations that minimize the expansion and construction of streets and utility improvements. The location of the 2.102 acres and the 18 additional lots is directly north of Countrywood Drive, approved for Phase 5 of Cypress Woods R.V. Park. Therefore, the location of the proposed addition and lots will not require expansion or construction of road and utility improvements.

**Goal 5-** *Residential Uses*

The proposed amendment complies with the LEE Plan goal of providing for residential development with a variety of price ranges and housing types. Mobile homes are an affordable alternative to single-family and multi-family dwellings. Approval of this amendment will provide additional alternative housing into the market. The amendment will also increase the amount of product available at a lower price range, which meets the stated goals in the LEE Plan for variety of price ranges.

## **Exhibit D-7-K**

### **Designs Standards Compliance**

*Please provide a narrative explanation as to how the proposed development complied with the Design Standards set forth in LDC Section 34-411. (34-373(a)(5))*

As provided in Exhibit D-7-J, the Applicant's request is to amend the Cypress Woods R.V. Resort MHPD/RVPD to include an additional 2.102 acres and 18 lots. Said request is consistent with the provisions of the LEE Plan. The design and construction of said expansion will be in accordance with all applicable county development regulations in effect.

The development of the additional acreage will be located so as to minimize any potential negative effects to surrounding properties. A forty foot perimeter buffer will abut the adjacent landowner to the north, between the additional 18 lots and the property line. This buffering will minimize any potential negative effects to the surrounding properties and the public in general. In addition, the proposed addition will not create or increase hazards to persons or property. The surface water management system is equipt to handle the increase of lots therefore, flooding is not a concern. The addition will not create an increase in the emission of noise, glare, dust, odor, air or water pollutants, however, any unperceived emissions will be mitigated due to the buffering required around the perimeter of the site.

The expansion area will use the approved road network which provides sufficient access to existing roads. In addition, the proposed traffic generation can be accommodated without impacting level of service standards. As a transportation alternative for residents the approved development can access the public transit system Lee Tran Route 15, as shown in the attached Exhibit D-1-C. As an aside, utilities and recreational facilities are also sized to accommodate the additional lots.

The property proposed to be included in the approved planned development consists of cleared land and a portion of a man-made lake. The adjoining property owner cleared the land before it was sold to the Applicant. The portion of the property consisting of the lake will be filled to accommodate the new lots and the required buffering. Since the site had been previously cleared, there are no mature native trees or endangered native vegetation. Likewise, there is no significant wildlife habitat on the 2.102 acres. However, the approved planned development includes a Fox Squirrel Preserve consisting of 26.62 acres on the south and west property boundaries. The Applicant has received a waiver for providing a historical and archeological site map.

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**PERMIT COUNTER**

**DCI 2007-00078**

## Exhibit D-7-L Decision Making Compliance

*Please provide 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 Section 34-145(d)(3).*

The first two guidelines for decision-making reference ask whether there exist changed or changing conditions that make approval of this request appropriate and whether the request is consistent with the LEE Plan. The property owner was able to acquire additional land area adjacent to the north of the approved planned development. The acquisition of this additional area allows for the previously approved street, Countrywood Drive, to have lots on both sides of the street and thereby maximizing the use of the street improvements. As previously discussed, the proposed expansion is consistent with numerous provisions of the LEE Plan and will be in compliance with the provisions of the Lee County Land Development Code. The remainder of the guidelines will be discussed below.

The Applicant has shown in this application and accompanying exhibits entitlement to the planned development amendment requested by demonstrating compliance with the LEE Plan (see Exhibit D-7-J) and the Lee County Land Development Code. The request meets and exceeds all performance and locational standards for Mobile Home Planned Development. The additional 18 lots will be located on an approved road, utilize central water and sewer, and will result in a total number of units well below the maximum allowable density in the Urban Community land use designation.

The properties surrounding the Cypress Woods R.V. Resort to the north, south, east and west are all zoned AG-2. The future land use designation for properties to the north and south is Urban Community. The land use designation on the east side is Conservation and on the west side is industrial interchange. In light of the designated future uses of the neighboring properties, the subject property acts as a transition area between the intensive Industrial Interchange area and conservation lands and thus, is compatible. In addition, since this is an addition to an existing planned development, the expansion is consistent with the project as planned and constructed.

As previously discussed, the proposed expansion area of 2.102 acres does not consist of environmentally critical lands. A portion of the property is a man-made lake and the remainder has been cleared of vegetation. Therefore, there are no known adverse impacts to environmentally critical lands or natural resources.

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PERMIT COUNCIL

**Schedule of Uses (RVPD/MHPD)**

1. Recreational Vehicles
2. Park Trailers
3. Administrative Office
4. Recreational Facilities, Personal
5. Entrance Gate or Gatehouse
6. Essential Services Facility, Group "T"
7. Excavation, Water Retention
8. Model Home, Unit, Display Center
9. Signs
10. Tents
11. Vehicle and Equipment Dealers, Group "IV" (Restricted to Recreational Vehicles only)
12. Accessory Uses
  - Food Stores, Group "I"
  - Personal Services, Group "T"
  - Consumption on Premises
13. Storage
  - Indoor
  - Open (Limited to Recreational Vehicles, trailers, boats, and other vehicles and goods belonging to park residents.)
14. Mobile Homes

COMMUNITY DEVELOPMENT

DCI 2007-00078

**STAFF REPORT  
FROM  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
DIVISION OF ENVIRONMENTAL SCIENCES**

**Date:** September 2, 2011  
**To:** Chip Block, Principal Planner  
**From:** Doug Griffith, Environmental Planner *DG*  
**Phone:** 239-533-8323  
**E-mail:** [dgriffith@leegov.com](mailto:dgriffith@leegov.com)  
**Project:** Cypress Woods RV Resort  
**Case:** DCI2007-00078  
**Strap:** 11-44-25-00-00014.0020

DCI2007-00078 is an amendment to an existing Zoning Resolution (Z-94-025). The environmental conditions of the original Zoning Resolution Z-94-025, as amended by case numbers 95-03-166.13A 02.01 (AA-PD-95-19); ADD2002-00111; DCI2002-00062 (Resolution Z-03-057), ADD2003-00122, and ADD2004-00102 will be brought forward and remain in full force and effect, except as specifically amended herein.

The Division of Environmental Sciences (ES) Staff has reviewed the proposed amendment to the Cypress Woods RV Resort Planned Development (RVPD) and offers the following analysis and recommended conditions:

**PROJECT SITE:**

Cypress Woods RV Resort is a  $\pm 151$  acre project that has been constructed and developed in five phases. The applicant is requesting to add  $\pm 2.1$  acre to the project for a total of  $\pm 153.55$  acres. The additional acreage will be added to the current phase under construction, Phase V (DOS2003-00186) for the development of additional RV sites. The future land use is Urban Community and adjacent land uses include: pasture land to the north zoned AG-2, a fruit and vegetable farm to the east zoned AG-2, the remaining portion of the RV Resort abutting Phase V to the east and south.

**PROJECT HISTORY:**

Cypress Woods received original zoning approval in 1994 for a Recreational Vehicle and Mobile Home Planned Development (RVPD/MHPD) consisting of 399 recreational vehicle sites and 285 mobile home sites to be developed in six phases. Subsequent Administrative Amendments has revised the number of sites to 593 Recreational Vehicle sites and not more than 48 mobile home sites in five phases. Currently all infrastructure for Phases I-IV is installed with a portion of Phase V also constructed. The applicant submitted a rezoning (DCI2007-00078) on December 12, 2007 to add 2.1 acres to the Phase V portion of the development. With the addition of the 2.1

acres the applicant is requesting to increase the number of sites from 593 to 611, an additional 18 sites are being requested.

#### **VEGETATION:**

A vegetative community assessment was performed by Southern Biomes, Inc. on February 18, 2003, and field verified by ES Staff (Doug Griffith) on February 9, 2008. Per The Land Development Code (LDC) 10-473 (a) Approved species surveys are valid for five years from the date of approval. If the subject parcel has significantly altered habitat the Director may, at his discretion, determine a partial or complete resurvey is sufficient. The survey was almost five years old and did not include the 2.1 acres proposed in the rezoning request. Staff requested an updated survey which was provided for Phase V of the project to include the 2.1 acres, revised with a protected species survey on December 22, 2008. The assessment and a Florida Land Use, Cover and Classification System (FLUCCS) map was submitted by the applicant.

The subject parcel consists of previously cleared and filled lands, the southern portion of a borrow lake, and a lake excavated as part of the storm water management system. The filled areas are mostly unvegetated with scattered ruderal weeds predominately ragweed (*Ambrosia artemisiifolia*), saltbush (*Baccharis halimifolia*) and beggar ticks (*Bidens vulgata*). Along the eastern portion of the site is an existing pine flatwoods (FLUCCS 411) indigenous area containing south Florida slash pine (*Pinus elliotti*), cabbage palm (*Sabal palmetto*), wax myrtle (*Myrica cerifera*), myrsine (*Myrsine sp.*) and saw palmetto (*Serenoa repens*). The preserve has been placed into a conservation easement dedicated to South Florida Water Management District (SFWMD) and has completed its five year monitoring requirements for exotic eradication.

#### **OPEN SPACE**

The Land Development Code (LDC) section 10-415(a) requires large residential planned developments to provide 40% of the project as open space. The project consists of 153.55 acres and the open space requirement is 61.42 acres. The applicant has provided 67.66 acres with large contiguous indigenous areas, which meets the requirements of the LDC.

This is an existing project that is being developed in five phases. Four phases are complete and the applicant proposes to add an additional 2 acres to Phase V. The open space provided in DCI2002-00062 was 6.24 acres over what was required and no additional open space will be provided for DCI2007-00078.

The open space provided meets the requirement for the project and is consistent with the following Lee Plan Goals, Objectives and Policy:

**Lee Comprehensive Plan Goal 77:** requires 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 77.3.4:** The County encourages new developments to incorporate large, contiguous open space areas in the development design.

ES Staff recommends the following condition to ensure the open space committed to by the applicant is met:

***The project must provide a minimum of 67.66 acres of open space for all phases of the project in substantial compliance with the MCP.***

**BUFFERS & DEVIATION #13:**

LDC 34-939 (b)(3) requires a 40-foot wide landscaped buffer around the perimeter of the proposed Recreational Vehicle Planned Development. The applicant is requesting a deviation from LDC 34-939 (b)(3) for the northern portion of Phase V. For Cypress Woods RV Resort (DCI2002-00062, DOS2003-00186), the buffer in the northern portion of the project was depicted as part of a Big Cypress Fox Squirrel Preserve area. The 2005 aerials show that the Phase V portion of the project was cleared in preparation for development. ES Staff conducted a site inspection on February 9, 2008. During the site inspection staff observed that the indigenous 40-foot buffer/preserve area had been cleared in addition to the clearing for Phase V. The indigenous Big Cypress Fox Squirrel preserve was established under DOS2003-00186 and was an indigenous open space/buffer requirement for the project; therefore, staff initiated a code violation for the clearing (ENV2009-00068).

To abate the violation and bring the project into compliance with the development order, the applicant provided a restoration plan for ES staff review as the Habitat Restoration and Maintenance Guidelines (Attached as ES Staff Exhibit I) to satisfy the requirements of the Land Development Code (LDC) and Goals, Objectives and Policies of the Lee Plan and abate the code violation. Initial installation of the restoration plantings consistent with the Restoration Plan may not meet the requirements of LDC 34-939 (b)(3) although once established the indigenous restoration will meet buffer requirements. Therefore, ES Staff recommended that the applicant request a deviation from LDC 34-939 (b)(3) for the clearing and restoration of indigenous habitat along the northern boundary of Phase V.

**Deviation Request:**

The applicant is requesting a deviation from LDC 34-939 (b)(3) to allow restoration plantings per LDC 14-384 (a)(1)(a) along the northern portion of Phase V in lieu of the eight foot high opaque vegetative screen.

**Justification:**

To abate the environmental violation and replace Big Cypress Fox Squirrel habitat, Staff worked with the applicant to increase the height of the trees to be planted above what is required by LDC 14-384 (a)(1)(a). The applicant is installing indigenous vegetation including 16-foot and 10-foot tall trees to meet habitat requirements for the Big Cypress Fox Squirrel and to assist in providing additional screening towards meeting buffer requirements per LDC 34-939 (b)(3). The initial installation of the restoration plantings may not meet the requirements of an eight-foot high opaque vegetative screen however, once established the planting material will be sufficient to meet those requirements.



Restoring the 40-foot indigenous buffer in compliance with the Habitat Restoration and Maintenance Guidelines will assist in buffering the adjacent uses, provide connection with the remaining tracts of natural plant communities and abate the pending violation.

Clearing of indigenous is not consistent with the Goals, Objectives and Policies of the Lee Plan. However, as amended the project is consistent with the following Goals, Objectives and Policies.

**Lee Comprehensive Plan Goal 77:** requires 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.

**Lee Plan 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 or existing right-of-ways.

**Policy 107.2.4:** Encourage the protection of viable tracts of sensitive or high quality natural plant communities within developments.

**Policy 107.2.9:** Maintain regulation, incentives, and programs for preserving and planting native plant species and for controlling invasive exotics plants, particularly within environmentally sensitive areas

**Policy 107.2.13:** Promote optimal conditions rather than minimum conditions for the natural system as the basis for sound planning.

Granting the deviation will restore the natural features onsite and the proposed plantings will meet the intent of the required eight-foot high opaque vegetative buffer. ES Staff defers to zoning for compatibility however if approved recommends the following condition to ensure that the 40-foot indigenous buffer proposed for the northeastern property line is in substantial compliance with the Habitat Restoration and Maintenance Guidelines Stamped Received August 23, 2010 and Attached as ES Staff Exhibit I.

***Prior to local development order approval for Phase V, the landscape plans must depict restoration for the northern buffer in substantial compliance with the Habitat Restoration and Maintenance Guidelines (Stamped Received August 23, 2010 and Attached as ES Staff Exhibit I).***

#### **INDIGENOUS PRESERVATION:**

LDC section 10-415(b)(1)(a) requires large developments with existing indigenous vegetation to provide 50% of their open space requirement as indigenous open space. The indigenous open space requirement established under Resolution Z-94-025 for the project is 30.71 acres and the applicant will provide 36.64 acres with credits.

ES Staff recommends the following conditions to ensure that preservation of the indigenous habitat committed to by the applicant is met:

***The project must provide a minimum of ±36.64 acres of indigenous open space with credits for all phases of the project in conceptual compliance with the approved Master Concept Plan.***

ES Staff conducted a site inspection on February 9, 2008. During the site inspection staff observed that in addition to the clearing for Phase V the indigenous Big Cypress Fox Squirrel 40-foot buffer/preserve area had also been cleared.

To abate the violation and bring the project into compliance, the applicant is required to restore the indigenous vegetation within the 40-foot buffer area along the northern property line. The restored preserve will connect to additional preserves along the eastern property line ultimately connecting with the ±16-acre wetland on the southern portion of the project. The applicant provided a restoration plan for ES staff review. The restoration plan was not consistent with Big Cypress Fox Squirrel habitat and staff worked with the applicant to create a restoration plan consistent with Fox Squirrel habitat. The restoration plan was submitted, stamped received August 23, 2010, as the Habitat Restoration and Maintenance Guidelines (Attached as ES Staff Exhibit I) to satisfy the requirements of the LDC 10-423, 14-384 and to abate the code violation.

Per LDC10-415 (b)(4) the applicant must provide a maintenance and management plan for Phase V to include the 40-foot buffer/indigenous area and to ensure preservation in perpetuity once restored. This is consistent with Lee Plan Policy 107.2.4: Encourage the protection of viable tracts of sensitive or high-quality natural plant communities within developments.

ES Staff recommends the following condition to ensure a maintenance and management plan is provided for Phase V:

***Prior to local development order approval for Phase V, the applicant must submit a maintenance and management plan for the proposed Indigenous Preserve Areas as per the Land Development Code Section 10-415(b)(4) for Division of Environmental Sciences review and approval.***

ES Staff recommends the following conditions to ensure that the 40-foot indigenous buffer proposed for the northeastern property line is in substantial compliance with the Habitat Restoration and Maintenance Guidelines stamped received August 23, 2010 and Attached as ES Staff Exhibit I.

***Prior to local development order approval for Phase V, the landscape plans must be in substantial compliance with the Habitat Restoration and Maintenance Guidelines (Stamped Received August 23, 2010 and Attached as ES Staff Exhibit I) and depict:***

- *the planting of slash pines (*Pinus elliotti* var *densa*), dahoon holly (*Ilex cassine*), laurel oak (*Quercus laurifolia*) and live oaks (*Quercus virginiana*), planted an average 15-feet on center; and,*
- *75% of the trees planted 10-feet in height, two inch caliper; and,*
- *25% of the trees planted 16-feet in height, three-four inch caliper; and,*
- *shrubs consistent with the restoration plan, planted in scattered clusters one gallon container size, three feet on center; and,*
- *a five-year monitoring report must be provided to ensure that the habitat restoration is successful.*

The following Land Development Code (LDC) and Lee County Comprehensive Plan (Lee Plan) Goals, Objectives and Policies support ES Staff analysis and recommendations:

**LDC 10-415 (b)(4)** A plan must be submitted for the long term maintenance of vegetation in indigenous open space areas. This indigenous vegetation management plan must include the following criteria:

- a. Method and frequency of pruning and trimming
- b. Methods to remove and control all exotic and nuisance plants in perpetuity
- c. Debris removal
- d. Protected species management plan conditions
- e. Drafts of educational materials (signage and brochures) to be provided to the residents about the purpose and function of these areas
- f. Monitoring reports, including photos, that narratively document preserve area conditions must be submitted to obtain development order approval; and, again after project construction in order to obtain a certificate of compliance (CC). The CC monitoring report must describe and document ecological restoration activity that has occurred in the preserve areas. If review of the monitoring reports reveals death or significant decline to preserve vegetation, then revision of the management plan and restoration in accord with section 10-423 will be required.

**Policy 107.2.4:** Encourage the protection of viable tracts of sensitive or high quality natural plant communities within developments.

**Policy 107.2.9:** Maintain regulation, incentives, and programs for preserving and planting native plant species and for controlling invasive exotics plants, particularly within environmentally sensitive areas

#### **Conveyance Ditch:**

A conveyance ditch is located on the northern boundary that conveys onsite and offsite stormwater flow to Country Lakes Drive roadside ditches. Currently the ditch is impaired upstream of the subject property causing decreased flow and contributing to flooding on neighboring properties. Division of Natural Resources (DNR) is working with the applicant to restore hydrologic capacity, improving conveyance of offsite flow. ES Staff has concerns with the location of the ditch in reference to the proposed Big Cypress Fox Squirrel restoration area.

The current location of the ditch is within the same area being proposed for the Big Cypress Fox Squirrel buffer/restoration area. Restoration of this area may impede maintenance of the conveyance ditch. Also placement of a drainage easement may conflict with installation of required restoration plantings. ES Staff and DNR discussed with the applicant the relocation of the conveyance ditch so as not to encroach into the area proposed for restoration. The applicant has indicated that the conveyance ditch will be relocated to the property boundary with all necessary easements being located to the adjacent property to the north.

ES Staff recommends the following condition to ensure that maintenance of the ditch does not conflict with the Big Cypress Fox Squirrel buffer/preserve area.

***Prior to local development order approval for Phase V, the development order plans must demonstrate that the location of the conveyance ditch and associated easement are not located within the 40-foot wide area depicted as the Big Cypress Fox Squirrel buffer/preserve area. Per the Habitat and Restoration Plan the 40-foot wide buffer/preserve area must be restored in its entirety.***

The following Land Development Code (LDC) and Lee County Comprehensive Plan (Lee Plan) Goals, Objectives and Policies support ES Staff analysis and recommendations:

**LDC 10-328 (a)** Open drainage easements; Where a proposed development is traversed by or abuts a watercourse, drainage way, canal, IDD easement, lake, pond or stream, or where such a facility is proposed as part of a plan, a drainage easement or right-of-way must be provided that conforms substantially with the limits of the watercourse, drainage way, canal, IDD easement, lake, pond or stream. Additionally, on one side of the watercourse, drainage way, canal, IDD easement, lake, pond or stream, a 20-foot wide easement for maintenance purposes must be provided, unless a lesser dimension is approved by the Development Services Director after consultation with appropriate staff. For canals or flow-ways greater than 50 feet wide, measured at the top of the bank, the developer must provide a 20-foot-wide easement or right-of-way on both sides of the canal or flow-way for maintenance purposes, unless a lesser dimension is approved by the Director of Development Services. This easement or right-of-way must be kept clear by the property owners and have satisfactory vehicle access. No portion of the required maintenance easement area may be located within the limits of a platted single family residential lot. Residential docks/facilities may be located within the maintenance easements subject to compliance with section 26-71(g).

**Lee Comprehensive Plan Goal 77:** requires 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.

**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 or existing right-of-ways.

**Policy 107.2.4:** Encourage the protection of viable tracts of sensitive or high quality natural plant communities within developments.

**Policy 107.2.9:** Maintain regulation, incentives, and programs for preserving and planting native plant species and for controlling invasive exotics plants, particularly within environmentally sensitive areas

**Policy 107.2.13:** Promote optimal conditions rather than minimum conditions for the natural system as the basis for sound planning.

**PROTECTED SPECIES:**

A protected species survey for Lee County listed species meeting the requirements of Lee County Land Development Code (LDC) Section 10-473 was conducted by Southern Biomes, Inc. on February 18, 2003, and field verified by ES Staff (Doug Griffith) on February 9, 2008. The survey was almost five years old and did not include the 2.1 acres proposed in the rezoning request. Staff requested an updated survey for Phase V with the addition of the 2.1 acres which was provided, revised with the protected species survey on December 22, 2008.

Cypress Woods RV Resort was first approved in 1994 under Zoning Resolution Z-94-025. At the time historical aerials indicate the majority of the surrounding property was forested. In the initial rezoning request, staff conditioned a Big Cypress Fox Squirrel Preserve which was depicted in the southeastern portion of the project. The preserve extends north along the eastern property line then west along the northeastern property line. In addition staff also conditioned a Gopher Tortoise Management Plan for onsite burrows. Subsequent amendments altered the construction and the number of units among the phases and the adjacent properties were cleared and developed including phases I-IV of Cypress Woods. The Protected Species Survey submitted in 2003 indicated no remaining gopher tortoise burrows or other listed species. However the Big Cypress Indigenous Preserve depicted on the MCP remains in effect. ES Staff's site inspection in 2008 indicated that, except for the preserved indigenous areas, the entire site was either developed or cleared for development and the adjacent properties had been cleared and were in use. Staff observed no listed species for the Phase V portion of the project. However to ensure protection for listed species that may still inhabit the remainder of the site the Gopher Tortoise Management Plans and Fox Squirrel Preserve Areas as conditioned in Zoning Resolution Z-94-025 must be brought forward and remain in full force and effect.

**ES STAFF  
EXHIBIT I**

# Habitat Restoration and Maintenance Guidelines

for the

## Cypress Woods RV Resort Phase V

Sections 11, T44S, R25E, Luckett Road, Lee County, Florida

March 27, 2008  
Revised: Dec. 4, 2008  
June 9, 2009

Prepared for:

Cypress Woods RV Resort  
5551 Luckett Road.  
Fort Myers, FL 33905  
(239) 694-2191  
FAX: (239) 691-4969

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conducted by

DCI 2007-00078

### **Southern Biomes, Inc.**

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Ph.: (239) 334-6766 - Geza Wass de Czege, President - Fax: (239) 337-5028



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Habitat Restoration & Management Guidelines - Cypress Woods RV Resort Phase V - Luckett Road  
Section 11, T44E, R25S, Lee County, Florida Revised: June 9, 2009

**A. FOX SQUIRREL HABITAT RESTORATION GUIDELINES**

1. **RESTORATION SITE DESCRIPTION:** The subject restoration site is a forty foot wide buffer area located in the northeastern portion of the development, extending for approximately 800 feet east to the pine flatwoods buffer adjacent to the powerline easement. The previously existing forested buffer was unintentionally cleared and will be restored to meet Lee County Code, Sec. 14-384: Restoration standards, and the Sec. 10-420 Plant materials standards. The plantings will be according to Lee County's Department of Community Development, Division of Environmental Sciences indigenous habitat restoration area planting guidelines.
  
2. **HABITAT RESTORATION EXECUTIVE SUMMARY:** To help restore the habitat, slash pines and scattered live oaks will be planted an average of 15' on center, with 75% of the trees being a minimum 10' tall with two-inch caliper at 12 inches above ground, and the remaining 25% a minimum 16' tall with a 3-4 inch caliper, to provide more diversity sizes. Trees will be planted in random order so as not to appear as growing in rows. Shrubs will be limited to scattered clusters of saw palmetto, wax myrtle, beautyberry, gallberry and muhly grass, planted around selected tree clusters. Shrubs and groundcover vegetation must be in minimum one-gallon container, and clustered at an average of three feet (3') on center, to mimic pine flatwoods savanna habitat.

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Habitat Restoration & Management Guidelines, Cypress Woods RV Resort Phase V, Luckett Road,  
Section 11, T44E, R25S, Lee County, Florida

Revised: June 9, 2009

**Habitat Restoration Plant List**

- One hundred ten (110) trees, of which no more than 75% are to be 10' tall, minimum 2 inch caliper trees, and at least 25% are >16' tall, minimum 3 inch caliper trees. All trees are to be planted in random order on average 15' centers:
  - 68 slash pine (*Pinus elliottii*) 10' w/min 2" dbh
  - 22 slash pine (*Pinus elliottii*) 16' w/min 3" dbh
  - 6 live oak (*Quercus virginiana*) 10' w/min 2" dbh
  - 2 live oak (*Quercus virginiana*) 16' w/min 3" dbh
  - 4 laurel oak (*Quercus laurifolia*) 10' w/min 2" dbh
  - 2 laurel oak (*Quercus laurifolia*) 16' w/min 3" dbh
  - 4 dahoon holly (*Ilex cassine*) 10' w/min 2" dbh
  - 2 dahoon holly (*Ilex cassine*) 16' w/min 3" dbh
  
- Three thousand four hundred sixty six (3,466) in 1 gallon containerized shrubs & herbaceous species, randomly clustered within tree clusters, on 3' center:
  - 1000 saw palmetto (*Serenoa repens*)
  - 500 wax myrtle (*Myrica sp.*)
  - 500 beautyberry (*Callicarpa americana*)
  - 466 gallberry (*Ilex glabra*)
  - 1000 muhly grass (*Muhlenbergia sp.*)

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Habitat Restoration & Management Guidelines - Cypress Woods RV Resort Phase V - Luckett Road  
Section 11, T44E, R25S, Lee County, Florida Revised: June 9, 2009

**RESTORATION AREA SITE PREPARATION, MAINTENANCE AND MONITORING  
GUIDELINES:**

1. Restoration areas are to be graded to natural elevations of adjacent pine flatwoods uplands, and harrowed to remove all ruts from the planting areas.
2. Eradicate any torpedograss, primrose willow, or any other exotic or nuisance vegetation prior to replanting, with an approved systemic herbicide, and establish an annual eradication program to maintain the area free of exotic species, and the nuisance species to less than 2% coverage.
3. Replant restoration areas with plant species and quantities as designated in the plant list provided in the Habitat Restoration Plant List (approx. 31,200 sq. ft.).
  - One hundred ten (110) trees, with no more than 75% at least 10' tall, 2 inch caliper and the remaining trees >16' tall, with minimum 3 inch caliper, planted in clusters of 3-5, on average 15' centers.
  - Three thousand four hundred sixty six (3,466) 1 gallon containerized shrubs, cluster 3' o.c.
4. Maintain a semi-annual exotic plant control the first year, and an annual control thereafter, in perpetuity, to treat the exotic vegetation resprouting with an approved herbicide, and manually remove any seedlings. Conduct activities during the winter and spring dry season.
5. Signage shall be placed at each end of the indigenous preserve area to identify and protect the preserve during and after construction. The signs shall be no closer than ten feet from adjacent property lines; be limited to a maximum height of four feet and a maximum size of two square feet, stating: "Preserve Area" (in large letters), "Please do not cut or damage any plants unless authorization by permit, or obtained in writing by Lee County Community Development" (in small letters). See example attached with these guidelines.
6. Provide Lee County with an annual monitoring report, for 5 years, including plant survival data and qualitative narrative describing the vegetative changes within the mitigation area. Include the following:
  - a. Provide three fixed point photo station' panoramic photograph analyses at selected locations.
  - c. Narrative report of exotics invasion, and removal success.
  - d. Plant survival data and revegetation success data, including quantitative data, natural recruitment success, exotic invasion, general condition, and recommendations.
7. Mitigation success criteria are as follows:
  - a. The area is maintained free of exotic plants, as defined by the Florida Exotic Pest Plant Council, with no more than 2% coverage at any one time (including but not limited to melaleuca, Brazilian pepper, Australian pine, etc.), and the number of exotic plants eradicated each year has been greatly reduced.
  - b. All nuisance plant species (torpedograss, primrose willow, caesarweed, dog fennel, etc.) constitute no more than 5% of the total plant coverage.
  - c. There is an 80% survival rate of the planted vegetation and at least 80% coverage of the planted area by indigenous native vegetation at the end of the third year of monitoring.
  - d. There is a continual increase in indigenous plant species composition throughout the five year monitoring period.

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Habitat Restoration & Management Guidelines, Cypress Woods RV Resort Phase V, Lockett Road,  
Section 11, T44E, R25S, Lee County, Florida

Revised: June 9, 2009

Preserve Area Sign Sample

# Preserve Area

**No Dumping**

**No Cutting**

**No Disturbing**

RECEIVED

AUG 23 2010

COMMUNITY DEVELOPMENT

Please do not cut or damage any plants unless authorization by permit, or obtained in writing by Lee County Community Development.

**Please Help Keep it Natural!!**

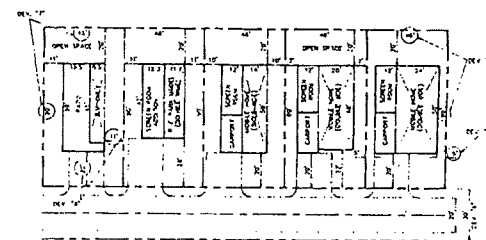
NOTE: Typical sign dimensions may range from 9" x 12" to 12" x 18" (vertical or horizontal), but should not exceed 288 sq. inches.

|              |                                   |               |                                              |
|--------------|-----------------------------------|---------------|----------------------------------------------|
| TOTAL AREA   | = 6,599,945.82 S.F. (151.514 AC.) | LAKE          | = 525,521.97 S.F. (12.064 AC.)               |
| RIGHT-OF-WAY | = 830,271.36 S.F. (19.060 AC.)    | NO. OF LOTS   | = 671 UNITS (392 R.V. SITES, 279 M.H. SITES) |
| LOT AREA     | = 3,043,520.84 S.F. (69.87 AC.)   | GROSS DENSITY | = 4.428 UNITS/AC.                            |
| R.P.A.       | = 266,157.74 S.F. (6.110 AC.)     |               |                                              |

## CYPRESS WOODS RESORT

 MHPD

**BUILDING HEIGHT NOT TO EXCEED 25'.**



**TYPICAL LOT DETAIL**

*SCHEDULE OF USES ( RVPD )*

RECREATIONAL ACTIVITIES  
 FROM PROBLEMS  
 ADMINISTRATIVE OFFICE  
 RECREATIONAL ACTIVITIES  
 RECREATION CAMP FOR CATHOLIC  
 RESERVING SERVICES FACILITY, COUNCIL "Y"  
 FACILITATION, WATER AND RECREATION  
 MODEL HOME, UNIT, DISPLAY CENTER  
 SONS  
 TENTS  
 TRUCKS AND TOY TRUCKS, GROUP "Y"  
 (CONFERRED TO RECREATIONAL ACTIVITIES (COUNCIL)  
 ACCESSORIES  
 FOOD SUPPLIES - GROUP "Y"  
 MATERIAL SUPPLIES - GROUP "Y"  
 CONSUMPTION ON MEALS  
 STATION:

**SCHEDULE OF USES ( MHPD )**

[illegible]

**GENERAL DEVIATIONS:**

1. A DEPARTMENT FROM SECTION 203 OF AN INVOICE MUST BE USED TO REPORT THE DEVELOPMENT OF THE NEW PRODUCT OR SERVICE TO THE CUSTOMER.
2. A DEPARTMENT FROM SECTION 203 OF AN INVOICE MUST BE USED TO REPORT THE DEVELOPMENT OF THE NEW PRODUCT OR SERVICE TO THE CUSTOMER.
3. A DEPARTMENT FROM SECTION 203 OF AN INVOICE MUST BE USED TO REPORT THE DEVELOPMENT OF THE NEW PRODUCT OR SERVICE TO THE CUSTOMER.
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9. A DEPARTMENT FROM SECTION 203 OF AN INVOICE MUST BE USED TO REPORT THE DEVELOPMENT OF THE NEW PRODUCT OR SERVICE TO THE CUSTOMER.
10. A DEPARTMENT FROM SECTION 203 OF AN INVOICE MUST BE USED TO REPORT THE DEVELOPMENT OF THE NEW PRODUCT OR SERVICE TO THE CUSTOMER.

**RVPD DEVIATIONS:**

1. A DEPRESSION FROM SECTION 40 AND 41 OF THE 21<sup>ST</sup> AND 22<sup>ND</sup> TOWNSHIPS  
WAS MEASURED AND FOUND TO BE A RECTANGLE 10 FEET BY 10 FEET  
IT CONTAINS A 4" X 4" SQUARE HOLE 4 FEET BY 4 FEET.

2. A DEPRESSION FROM SECTION 40 AND 41 OF THE 21<sup>ST</sup> AND 22<sup>ND</sup> TOWNSHIPS  
WAS MEASURED AND FOUND TO BE A RECTANGLE 10 FEET BY 10 FEET  
IT CONTAINS A 4" X 4" SQUARE HOLE 4 FEET BY 4 FEET.

3. A DEPRESSION FROM SECTION 40 AND 41 OF THE 21<sup>ST</sup> AND 22<sup>ND</sup> TOWNSHIPS  
WAS MEASURED AND FOUND TO BE A RECTANGLE 10 FEET BY 10 FEET  
IT CONTAINS A 4" X 4" SQUARE HOLE 4 FEET BY 4 FEET.

**MHPD DEVIATIONS:**

10. A DEVIATION FROM SECTION 1000 IN THE CONTRACT SHALL BE A 10% PENALTY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST OF THE DEVIATION FROM SECTION 1000. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST OF THE DEVIATION FROM SECTION 1000. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST OF THE DEVIATION FROM SECTION 1000.

CYPRESS WOODS  
R.V. RESORT

## MASTER CONCEPT PLAN

**CARBOT, STEUART & ASSOCIATES, INC.**

UNCLASSIFIED//FOR OFFICIAL USE ONLY

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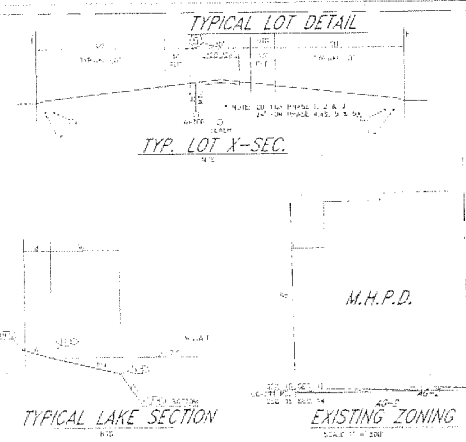
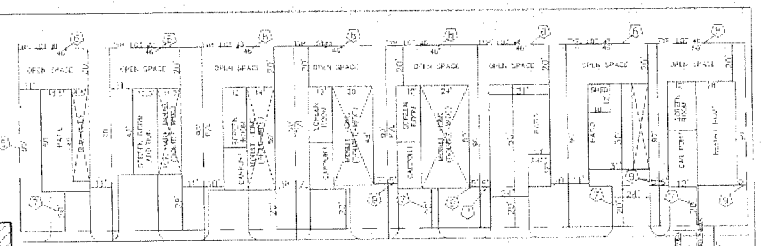
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"EXHIBIT 3A"

# CYPRESS WOODS RESORT

TOTAL AREA = 6,688,691.34 S.F. (153.55 AC.)  
 RIGHT-OF-WAY = 792,541.57 S.F. (18.19 AC.)  
 LOT AREA = 2,850,427.44 S.F. (65.44 AC.)  
 LAKES = 726,812.66 S.F. (16.68 AC.)  
 NO. OF LOTS = 611 UNITS (563 R.V. SITES, 48 M.H. SITES)  
 GROSS DENSITY = 3.98 UNITS/AC.  
 BUILDING HEIGHT NOT TO EXCEED 35' OR 2 STORIES.

ATTACHMENT F



**SCHEDULE OF DEVIATIONS**

| NO. | DESCRIPTION | REMARKS |
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## INDIGENOUS OPEN SPACE

| TYPE  | AREA        | PERCENT      |
|-------|-------------|--------------|
| 100'  | 1.00 ACRES  | 0.04 PERCENT |
| 150'  | 1.50 ACRES  | 0.06 PERCENT |
| 200'  | 2.00 ACRES  | 0.08 PERCENT |
| 250'  | 2.50 ACRES  | 0.10 PERCENT |
| 300'  | 3.00 ACRES  | 0.12 PERCENT |
| 350'  | 3.50 ACRES  | 0.14 PERCENT |
| 400'  | 4.00 ACRES  | 0.16 PERCENT |
| 450'  | 4.50 ACRES  | 0.18 PERCENT |
| 500'  | 5.00 ACRES  | 0.20 PERCENT |
| 550'  | 5.50 ACRES  | 0.22 PERCENT |
| 600'  | 6.00 ACRES  | 0.24 PERCENT |
| 650'  | 6.50 ACRES  | 0.26 PERCENT |
| 700'  | 7.00 ACRES  | 0.28 PERCENT |
| 750'  | 7.50 ACRES  | 0.30 PERCENT |
| 800'  | 8.00 ACRES  | 0.32 PERCENT |
| 850'  | 8.50 ACRES  | 0.34 PERCENT |
| 900'  | 9.00 ACRES  | 0.36 PERCENT |
| 950'  | 9.50 ACRES  | 0.38 PERCENT |
| 1000' | 10.00 ACRES | 0.40 PERCENT |

## OPEN SPACE

| COMMON AREA | PERCENT      |
|-------------|--------------|
| 100'        | 0.04 PERCENT |
| 150'        | 0.06 PERCENT |
| 200'        | 0.08 PERCENT |
| 250'        | 0.10 PERCENT |
| 300'        | 0.12 PERCENT |
| 350'        | 0.14 PERCENT |
| 400'        | 0.16 PERCENT |
| 450'        | 0.18 PERCENT |
| 500'        | 0.20 PERCENT |
| 550'        | 0.22 PERCENT |
| 600'        | 0.24 PERCENT |
| 650'        | 0.26 PERCENT |
| 700'        | 0.28 PERCENT |
| 750'        | 0.30 PERCENT |
| 800'        | 0.32 PERCENT |
| 850'        | 0.34 PERCENT |
| 900'        | 0.36 PERCENT |
| 950'        | 0.38 PERCENT |
| 1000'       | 0.40 PERCENT |

## HURRICANE SHELTER

| COMMON AREA | PERCENT      |
|-------------|--------------|
| 100'        | 0.04 PERCENT |
| 150'        | 0.06 PERCENT |
| 200'        | 0.08 PERCENT |
| 250'        | 0.10 PERCENT |
| 300'        | 0.12 PERCENT |
| 350'        | 0.14 PERCENT |
| 400'        | 0.16 PERCENT |
| 450'        | 0.18 PERCENT |
| 500'        | 0.20 PERCENT |
| 550'        | 0.22 PERCENT |
| 600'        | 0.24 PERCENT |
| 650'        | 0.26 PERCENT |
| 700'        | 0.28 PERCENT |
| 750'        | 0.30 PERCENT |
| 800'        | 0.32 PERCENT |
| 850'        | 0.34 PERCENT |
| 900'        | 0.36 PERCENT |
| 950'        | 0.38 PERCENT |
| 1000'       | 0.40 PERCENT |

DCI 2007-00078

## HISTORICAL RUNOFF

CYPRESS WOODS  
R.V. RESORT

MASTER CONCEPT PLAN

BARBOT, STEUART & ASSOCIATES, INC.

2007-00078

1 3 3434

## CYPRESS WOODS RESORT

TOTAL AREA = 6,000,007.04 S.F. (136.00 AC.)  
RIGHT-OF-WAY = 792,541.57 S.F. (18.19 AC.)

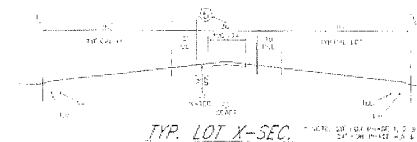
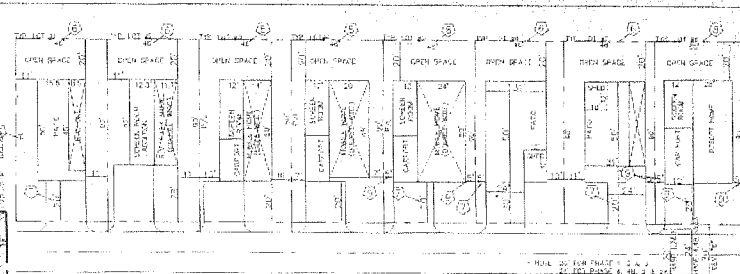
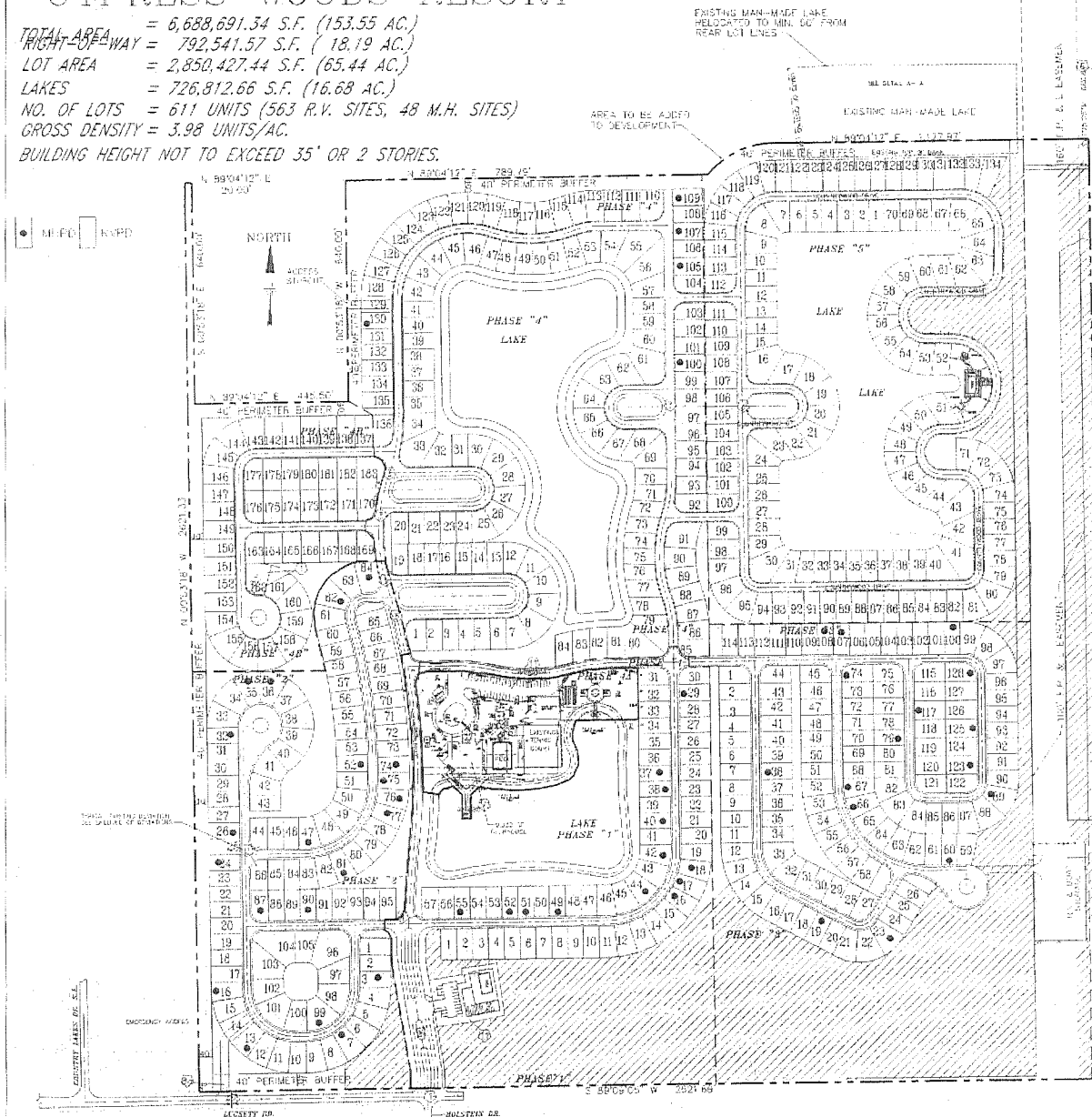
LOT AREA = 2,850,427.44 S.F. (65.44 AC.)

LAKES = 726,812.66 S.F. (16.68 AC.)

NO. OF LOTS = 611 UNITS (563 R.V. SITES, 48 M.H. SITES)

GROSS DENSITY = 3.98 UNITS/AC.

BUILDING HEIGHT NOT TO EXCEED 35' OR 2 STORIES.



LAKE SECTION

EXISTING ZONING

EXISTING PRESERVE

```

41) = FIVE FATHOMS = 305 ACRES
42) = DEEP FOREST = 556 ACRES
43) = FIVE MOUNTAIN FOREST = 511 ACRES
44) = FIVE MOUNTAIN = 100 ACRES
45) = INFORMATION AREA = 100 ACRES
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100) = FIVE MOUNTAIN FOREST = 305 ACRES

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701 R.C. FOX SQUIRREL  
RESERVE  
26.62 ACRES

OPEN SPACE

COMMON AREA:

12. FORD, SPARTAN BURL  
21. FORD, SPARTAN BURL

1907-18. LACROIX

WILSON DILLON, JR.  
BUTLER, CALIF.

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2007年 第24卷  
第 6 期 第 36 页

1000

Figure 1. The location of the study area in the north of Iran. The map shows the location of the study area in the north of Iran, with a scale bar indicating distances up to 100 km. The map also shows the location of the study area in the north of Iran, with a scale bar indicating distances up to 100 km.

$$\begin{array}{c} \vdots \\ \text{--- } \bar{\psi}_L^i \gamma_5 \psi_L^j \text{ ---} \\ \vdots \end{array}$$

Figure 1. Schematic representation of the experimental design. The subjects were divided into two groups: a control group and an experimental group. The control group received a standard training program, while the experimental group received a training program with a focus on the specific skills required for the task. The results of the training program were compared between the two groups.

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# *Caloosahatchee Shores Planning Committee*

9/8/2011

Alvin Block, AICP  
Principal Planner  
Lee County Department of  
Community Development

Subject: Cypress Woods RV Resort DCI2007-00078

The Caloosahatchee Shores Planning Committee has reviewed the proposed amendment, to expand the current project by 2.01+/- Acres. Details of the proposal were provided to us by Mr. Kenneth Notturmo- VP Harp Development and were sent to each of our Planning Committee members. A site visit was made and it was determined that the 2.01 acre addition would result in a positive enhancement to the overall project.

In consultation with all Planning Committee members, we have decided to forgo a Formal Committee meeting, and recommend the 2.01 acre addition to the Cypress Woods project.

Ed Kimball  
Chair- Caloosahatchee Shores Planning Committee

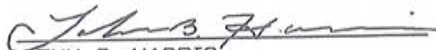
DCI 2007-00078

DESCRIPTION:

A TRACT OR PARCEL OF LAND LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (S.W.1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°15'35"W. ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER (S.W.1/4) FOR 1302.47 FEET TO THE NORTHEAST CORNER OF CYPRESS WOODS RV RESORT, UNIT THREE, AS RECORDED IN PLAT BOOK 72, PAGES 92 THROUGH 95, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.89°53'08"W. ALONG THE NORTH LINE OF CYPRESS WOODS RV RESORT, UNIT THREE FOR 1122.27 FEET; THENCE RUN N.00°17'00"E. FOR 1301.43 FEET TO A POINT ON THE NORTH LINE OF THE AFORESAID SOUTHWEST QUARTER (S.W.1/4); THENCE RUN S.89°56'19"E. ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER (S.W.1/4) FOR 11.92 FEET TO A POINT ON A TANGENT CURVE; THENCE RUN NORTHEASTERLY FOR 218.04 FEET ALONG THE ARC OF A CURVE CONCAVE SOUTHEASTERLY, WITH A RADIUS OF 255.00 FEET, A DELTA OF 48°59'28", A CHORD BEARING OF N.65°37'08"E. AND A CHORD DISTANCE OF 211.46 FEET TO A POINT OF TANGENCY; THENCE RUN S.89°53'08"E. FOR 917.66 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER (N.W.1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°15'35"W. ALONG SAID EAST LINE FOR 86.65 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 35.638 ACRES, MORE OR LESS.

  
JOHN B. HARRIS  
PLS #4631  
JULY 1, 2011

68  
7/14/11

COMMUNITY DEVELOPMENT

APPROVED  
LEGAL

CW-US

EXHIBIT A

UNPLATTED

UNPLATTED  
S.89°53'08"E. 917.66'

19°E. (1)

S.89°56'19"E. 1109.86'

NORTH LINE OF THE S.W.1/4 OF SECTION 11-44-25

S.00°15'35"W.  
86.65'

POINT OF BEGINNING  
SET 1/2" I.R. CAP PLS #4631  
AT THE N.E. CORNER OF THE  
S.W.1/4 OF SECTION 11-44-25  
&  
FOUND 3" X 3" C.M. LS #2465  
0.11' SOUTH & 1.27' WEST  
&  
FOUND 3" X 3" C.M. NO ID.  
2.2' SOUTH & 0.45' EAST  
STATE PLANE COORDINATES  
FLORIDA WEST ZONE  
N=846970.31  
E=726719.86

SKETCH OF DESCRIPTION  
**A PARCEL OF LAND LYING  
IN SECTION 11**  
TOWNSHIP 44 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA  
**APPROVED  
LEGAL**

**DESCRIPTION:**

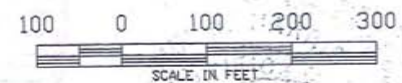
A TRACT OR PARCEL OF LAND LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (S.W.1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°15'35"W. ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER (S.W.1/4) FOR 1302.47 FEET TO THE NORTHEAST CORNER OF CYPRESS WOODS RV RESORT, UNIT THREE, AS RECORDED IN PLAT BOOK 72, PAGES 92 THROUGH 95, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.89°53'08"E. ALONG THE NORTH LINE OF CYPRESS WOODS RV RESORT, UNIT THREE FOR 1122.27 FEET; THENCE RUN N.00°17'00"E. FOR 1301.43 FEET TO A POINT ON THE NORTH LINE OF THE AFORESAID SOUTHWEST QUARTER (S.W.1/4); THENCE RUN S.89°56'19"E. ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER (S.W.1/4) FOR 11.92 FEET TO A POINT ON A ON TANGENT CURVE; THENCE RUN NORTHEASTERLY FOR 218.04 FEET ALONG THE ARC OF A CURVE CONCAVE SOUTHEASTERLY, WITH A RADIUS OF 255.00 FEET, A DELTA OF 48°59'28", A CHORD BEARING OF N.65°37'08"E. AND A CHORD DISTANCE OF 211.46 FEET TO A POINT OF TANGENCY; THENCE RUN S.89°56'19"E. FOR 917.66 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER (N.W.1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°15'35"W. ALONG SAID EAST LINE FOR 86.65 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 35.638 ACRES, MORE OR LESS.

**APPROVED  
LEGAL**  
Curve number 1

Radius= 255.00'  
Delta= 48°59'28"  
Arc= 218.04'  
Tangent= 116.19'  
Chord= 211.46'  
Chord Brg.= N.65°37'08"E.



FOUND 4" X 4"  
C.M. LB #6921  
STATE PLANE COORDINATES  
FLORIDA WEST ZONE  
N=845670.10  
E=725591.63



FOUND 4" X 4" C.M. LB #6921  
AT THE N.E. CORNER OF  
CYPRESS WOODS RV RESORT, UNIT THREE  
(P.B. 72, PG. 92-95)  
STATE PLANE COORDINATES  
FLORIDA WEST ZONE  
N=845667.86  
E=726713.90

| REVISED                                                                                                                          | DESCRIPTION   | BY       |
|----------------------------------------------------------------------------------------------------------------------------------|---------------|----------|
| 7/12/07                                                                                                                          | UPDATE SURVEY | FBH      |
| 1/10/09                                                                                                                          | REVISE SURVEY | FBH      |
| 7/20/10                                                                                                                          | REVISE SKETCH | FBH      |
| John B. Harris, PSM<br>FLORIDA LAND SURVEYOR #4631                                                                               |               |          |
| DATE                                                                                                                             | SCALE         | PROJ. #  |
| 12/21/06                                                                                                                         | 1"=200'       | CW-05    |
| SKETCH DATE                                                                                                                      | FILE NO.      | SHT. - 1 |
| 12/21/06                                                                                                                         | 44-25-11      | OF - 1   |
| HARRIS - JORGENSEN, INC.<br>2706 S.E. SANTA BARBARA PLACE<br>CAPE CORAL, FLORIDA<br>PHONE: (941) 772-9939<br>FAX: (941) 772-1315 |               |          |
| FLORIDA CERTIFICATE OF AUTHORIZATION # LB 6921                                                                                   |               |          |

A TRACT OR PARCEL OF LAND LYING IN SECTION 11, TOWNSHIP 44 NORTH, RANGE 25 EAST, OFF COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

[illegible]

THIS BOOK CONTAINS 25,000 WORDS. PRICE \$5.95

NOTE: AS TO TITLE OPINION, EASEMENT RECORDED IN INSTRUMENT NUMBER 201000031232 IS A BLANKET EASEMENT TO CIPCAST OF CALIFORNIA, INC.

OIL AND GAS MINERAL LEASE TO EXXON CORPORATION AT 62 FOUR  
1053, PAGE 1246.

PCI 2007-00078

RECEIVED  
MAY 11 2011

## COMMUNITY DEVELOPMENT

[illegible][illegible]

|                                                                                       |                         |          |     |
|---------------------------------------------------------------------------------------|-------------------------|----------|-----|
| WFO FORM 1057 (10-7-79)                                                               |                         |          |     |
| REVISED                                                                               | ISSUED FROM             | BY       |     |
| 2-28-80                                                                               | UPDATE PER TITLE NUMBER | FIN      |     |
| 2-28-80                                                                               | UPDATE SURVEY           | FIN      |     |
| 2-28-80                                                                               | UPDATE SURVEY           | FIN      |     |
| DATE OF LAST FIELD WORK: 6-30-81                                                      |                         |          |     |
| DATE                                                                                  | BY                      | TIME     | BY  |
| 6-30-81                                                                               | JRM                     | 12:00 PM | JRM |
| SURVEY DATA<br>2-28-80<br>6-30-81<br>6-30-81                                          |                         |          |     |
| FLORIDA GEOLOGICAL SURVEY<br>TALLAHASSEE, FLORIDA 32310-3000<br>PHONE: (904) 246-1000 |                         |          |     |

FLORIDA CERTIFICATE OF AUTHORIZATION - LB 602

Curve number: 2  
 Radius: 25500  
 Delta: 45°39'20"  
 Arc: 2004'  
 Tangent: 1613'  
 Chord: 21136'  
 Chord Brg: 46°33'20"





BOARD OF COUNTY COMMISSIONERS

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

Michael D. Hunt  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

September 08, 2011

533-8585

KENNETH C. NOTTURNO  
KENNETH C NOTTURNO  
5551 LUCKETT RD  
FT MYERS, FL 33905

RE: Agenda Schedule for CYPRESS WOODS RV RESORT  
Case No. DCI2007-00078

Dear KENNETH C. NOTTURNO :

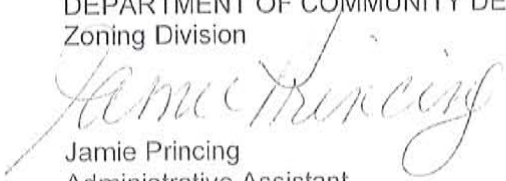
Your zoning request has been scheduled before the Hearing Examiner on Wednesday, October 12, 2011, at 9:00 AM. The hearing will be conducted in the Hearing Examiner Meeting Room, 1500 Monroe St., Ft. Myers, FL.

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, September 12, 2011, 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, September 27, 2011, and is to remain posted until final decision is rendered.

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Zoning Division

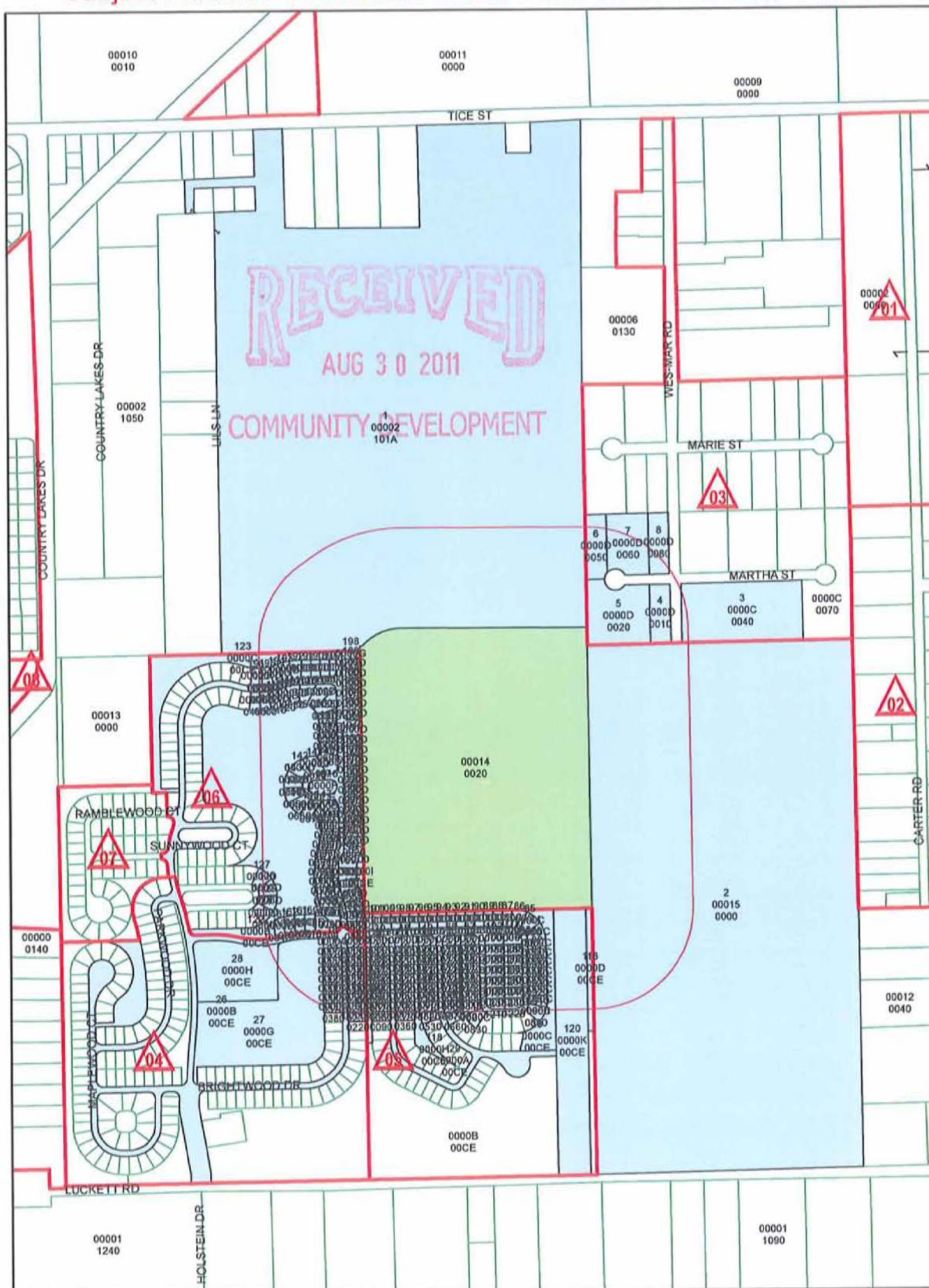
  
Jamie Princing  
Administrative Assistant

cc: CYPRESS WOODS V, LLC  
KENORA HOLDINGS LLC  
AVI HARPAZ, HARP MANAGEMENT LLC  
NEALE MONTGOMERY, PAVESE LAW FIRM  
JOHN ALLEN, BARBOT, STEUART & ASSOC., INC.  
Alvin Block, AICP, Principal Planner  
Zoning File

# VARIANCE REPORT

8/26/2011

Subject Parcels : 1 Affected Parcels : 200 Buffer Distance : 500 ft



11-44-25-00-00014.0020

825 412.5 0 825 Feet

DCI 2007-00078





# Lee County Property Appraiser

Kenneth M. Wilkinson, C.F.A.

GIS Department / Map Room

Phone: (239) 533-6159 • Fax: (239) 533-6139 • eMail: MapRoom@LeePA.org

## VARIANCE REPORT

Date of Report: August 26, 2011  
 Buffer Distance: 500 ft  
 Parcels Affected: 200  
 Subject Parcel: 11-44-25-00-00014.0020

RECEIVED  
 AUG 30 2011

COMMUNITY DEVELOPMENT

DCI 2007-00078

| <u>OWNER NAME AND ADDRESS</u>                                           | <u>STRAP AND LOCATION</u>                                           | <u>LEGAL DESCRIPTION</u>                                               | <u>Map Index</u> |
|-------------------------------------------------------------------------|---------------------------------------------------------------------|------------------------------------------------------------------------|------------------|
| KENORA HOLDINGS LLC<br>5551 LUCKETT RD<br>FORT MYERS FL 33905           | 11-44-25-00-00002.101A<br>5468 TICE ST<br>FORT MYERS FL 33905       | PAR IN NW 1/4 AS DESC IN<br>INST#2007000013058 +<br>INST#2008000005437 | 1                |
| DUKE FARMS LLC<br>13862 PINE VILLA LANE<br>FORT MYERS FL 33912          | 11-44-25-00-00015.0000<br>LUCKETT RD<br>FORT MYERS FL 33905         | W 1/2 OF SE 1/4 OF<br>SEC 11 TWN 44 RGE 25                             | 2                |
| ORR BRADLEY JAMES +<br>10690 MARTHA ST<br>FORT MYERS FL 33905           | 11-44-25-03-0000C.0040<br>10690 MARTHA ST<br>FORT MYERS FL 33905    | COLVINS U-2 TOWN +<br>COUNTRY<br>BLK C OR 674 PG 285<br>LOTS 1 THRU 5  | 3                |
| GOODWIN THOMAS I + ORAPHIN<br>10600 MARTHA ST<br>FORT MYERS FL 33905    | 11-44-25-03-0000D.0010<br>10600 MARTHA ST<br>FORT MYERS FL 33905    | COLVINS U-2 TOWN +<br>COUNTRY<br>BLK D OR 674 PG 285<br>LOT 1          | 4                |
| MUTCHLER PAUL S + NANCY F<br>10560 MARTHA ST<br>FORT MYERS FL 33905     | 11-44-25-03-0000D.0020<br>10560 MARTHA ST<br>FORT MYERS FL 33905    | COLVINS U-2 TOWN +<br>COUNTRY<br>BLK D OR 674 PG 285<br>LOTS 2 THRU 4  | 5                |
| MUTCHLER PAUL +<br>10560 MARTHA ST<br>FORT MYERS FL 33905               | 11-44-25-03-0000D.0050<br>10541 MARTHA ST<br>FORT MYERS FL 33905    | COLVINS U-2 TOWN +<br>COUNTRY<br>BLK D OR 674 PG 285<br>LOT 5          | 6                |
| CORCORAN TIMOTHY F<br>PO BOX 271<br>FORT MYERS FL 33902                 | 11-44-25-03-0000D.0060<br>10561 MARTHA ST<br>FORT MYERS FL 33905    | COLVINS U-2 TOWN +<br>COUNTRY<br>BLK D OR 674 PG 285<br>LOTS 6 + 7     | 7                |
| CORCORAN TIMOTHY<br>PO BOX 271<br>FORT MYERS FL 33902                   | 11-44-25-03-0000D.0080<br>10601 MARTHA ST<br>FORT MYERS FL 33905    | COLVINS U-2 TOWN +<br>COUNTRY<br>BLK D OR 674 PG 285<br>LOT 8          | 8                |
| JOHNSON LAWRENCE A + JANICE TR<br>16920 HARDY RD<br>MOUNT AIRY MD 21771 | 11-44-25-04-0000A.0220<br>5825 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UT 1<br>PB 65 PG 85 + 86<br>BLK A LOT 22    | 9                |
| MOORE DAVID M + JUDITH J<br>16249 ON PAR BLVD<br>FORT MYERS FL 33908    | 11-44-25-04-0000A.0230<br>5817 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UT 1<br>PB 65 PG 85 + 86<br>BLK A LOT 23    | 10               |
| CRANE FREDERICK G + SHIRLEY C<br>17525 HENNA AVE N<br>HUGO MN 55038     | 11-44-25-04-0000A.0240<br>5809 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UT 1<br>PB 65 PG 85 + 86<br>BLK A LOT 24    | 11               |
| MEDEIROS WALTER R + LINDA L<br>15 HOWARD ST<br>NORTH DARTMOUTH MA 02747 | 11-44-25-04-0000A.0250<br>5801 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UT 1<br>PB 65 PG 85 + 86<br>BLK A LOT 25    | 12               |
| MOERSCHER MARILEE C TR<br>13612 PARKWOOD DR<br>BURNSVILLE MN 55337      | 11-44-25-04-0000A.0260<br>5793 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UT 1<br>PB 65 PG 85 + 86<br>BLK A LOT 26    | 13               |
| CHAPMAN RICHARDW +<br>8005 NORTH HILLS DR<br>BROADVIEW HEIGHTS OH 44147 | 11-44-25-04-0000A.0270<br>5785 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UT 1<br>PB 65 PG 85 + 86<br>BLK A LOT 27    | 14               |



| <b>OWNER NAME AND ADDRESS</b>                                                  | <b>STRAP AND LOCATION</b>                                                  | <b>LEGAL DESCRIPTION</b>                                                                | <b>Map Index</b> |
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| SANNES JEFFREY W + RACHEL J<br>3525 VAN AMBERG RD<br>BRIGHTON MI 48114         | <b>11-44-25-04-0000A.0280</b><br>5777 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UT 1<br>PB 65 PG 85 + 86<br>BLK A LOT 28                     | 15               |
| BROUGH BETTY M<br>5551 LUCKETT RD LOT A29<br>FORT MYERS FL 33905               | <b>11-44-25-04-0000A.0290</b><br>5769 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UT 1<br>PB 65 PG 85 + 86<br>BLK A LOT 29                     | 16               |
| SUMNER GRAHAM T + DOROTHY TR<br>5551 LUCKETT RD LOT A30<br>FORT MYERS FL 33905 | <b>11-44-25-04-0000A.0300</b><br>5761 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UT 1<br>PB 65 PG 85 + 86<br>BLK A LOT 30                     | 17               |
| TERESI FRANK J + ARTIS F<br>5551 LUCKETT RD LOT A31<br>FORT MYERS FL 33905     | <b>11-44-25-04-0000A.0310</b><br>5760 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UT 1<br>PB 65 PG 85 + 86<br>BLK A LOT 31                     | 18               |
| BEBEE REX V + LINDA<br>5551 LUCKETT RD LOT A32<br>FORT MYERS FL 33905          | <b>11-44-25-04-0000A.0320</b><br>5768 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UT 1<br>PB 65 PG 85 + 86<br>BLK A LOT 32                     | 19               |
| LANGE FRED + LINDA<br>623 GLEN FORREST BLVD<br>WATERLOO ON N2L 4K1<br>CANADA   | <b>11-44-25-04-0000A.0330</b><br>5776 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UT 1<br>PB 65 PG 85 + 86<br>BLK A LOT 33                     | 20               |
| PETERS VERLYN +<br>4120 BROWN FARM DR<br>HAMILTON OH 45013                     | <b>11-44-25-04-0000A.0340</b><br>5784 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UT 1<br>PB 65 PG 85 + 86<br>BLK A LOT 34                     | 21               |
| SCHATZEL JOHN P SR + MARTHA L<br>771 MIDDLEBORO RD<br>OREGONIA OH 45054        | <b>11-44-25-04-0000A.0350</b><br>5792 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UT 1<br>PB 65 PG 85 + 86<br>BLK A LOT 35                     | 22               |
| WATTS BRIAN G + ROSANA H<br>5538 VALKEITH DR<br>HOUSTON TX 77096               | <b>11-44-25-04-0000A.0360</b><br>5800 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UT 1<br>PB 65 PG 85 + 86<br>BLK A LOT 36                     | 23               |
| JOSEPH JANET L<br>5551 LUCKETT RD LOT A37<br>FORT MYERS FL 33905               | <b>11-44-25-04-0000A.0370</b><br>5808 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UT 1<br>PB 65 PG 85 + 86<br>BLK A LOT 37                     | 24               |
| WOOLNOUGH CLAIRE F + IAIN<br>111 WINGATE DR<br>WILLIAMSBURG VA 23185           | <b>11-44-25-04-0000A.0380</b><br>5816 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UT 1<br>PB 65 PG 85 + 86<br>BLK A LOT 38                     | 25               |
| CYPRESS WOODS R V RESORT ASSN<br>5551 LUCKETT RD<br>FORT MYERS FL 33905        | <b>11-44-25-04-0000B.00CE</b><br>RIGHT OF WAY<br>FORT MYERS FL 33905       | CYPRESS WOODS RV RESORT<br>UT 1<br>PB 65 PG 85 + 86<br>TRACT B + ELY PORT OF<br>TRACT E | 26               |
| CYPRESS WOODS R V RESORT ASSN<br>5551 LUCKETT RD<br>FORT MYERS FL 33905        | <b>11-44-25-04-0000G.00CE</b><br>SUBMERGED<br>FORT MYERS FL 33905          | CYPRESS WOODS RV RESORT<br>UT 1<br>PB 65 PG 85 + 86<br>TRACT G                          | 27               |
| CYPRESS WOODS R V RESORT ASSN<br>5551 LUCKETT RD<br>FORT MYERS FL 33905        | <b>11-44-25-04-0000H.00CE</b><br>10100 NIGHTWOOD DR<br>FORT MYERS FL 33967 | CYPRESS WOODS RV RESORT<br>UT 1<br>PB 65 PGS 85 + 86<br>TRACT H                         | 28               |
| CYPRESS WOODS R V RESORT ASSN<br>5551 LUCKETT RD<br>FORT MYERS FL 33905        | <b>11-44-25-05-0000A.00CE</b><br>RIGHT OF WAY<br>FORT MYERS FL 33905       | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>TRACT A                   | 29               |
| VEILLEUX PAUL A + CYNTHIA S<br>121 EAST ST<br>WRENTHAM MA 02093                | <b>11-44-25-05-0000C.0010</b><br>5726 BURRWOOD CT<br>FORT MYERS FL 33905   | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 1               | 30               |
| BALLARD MATTHEW B + MARY M<br>514 ROTHBURY LN<br>LOUISVILLE KY 40243           | <b>11-44-25-05-0000C.0020</b><br>5734 BURRWOOD CT<br>FORT MYERS FL 33905   | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 2               | 31               |
| MILLER LEROY J + TAWNY I E<br>5551 LUCKETT RD LOT D57<br>FORT MYERS FL 33905   | <b>11-44-25-05-0000C.0030</b><br>5742 BURRWOOD CT<br>FORT MYERS FL 33905   | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 3               | 32               |

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| <b><u>OWNER NAME AND ADDRESS</u></b>                                                    | <b><u>STRAP AND LOCATION</u></b>                                            | <b><u>LEGAL DESCRIPTION</u></b>                                            | <b><u>Map Index</u></b> |
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| OXLEY ARTHUR R + MARIE B<br>5551 LUCKETT RD LOT C4<br>FORT MYERS FL 33905               | <b>11-44-25-05-0000C.0040</b><br>5750 BURRWOOD CT<br>FORT MYERS FL 33905    | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 4  | 33                      |
| MCAFFEE WILLIAM E + MARY JEAN<br>63 WALTER RD<br>GROVE CITY PA 16127                    | <b>11-44-25-05-0000C.0050</b><br>5758 BURRWOOD CT<br>FORT MYERS FL 33905    | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 5  | 34                      |
| BECKMANN BERNARD H JR + EVA L<br>8306 SALFORD WAY<br>LOUISVILLE KY 40222                | <b>11-44-25-05-0000C.0060</b><br>5766 BURRWOOD CT<br>FORT MYERS FL 33905    | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 6  | 35                      |
| KING BLANCHE TR<br>3520 JOHNSON ST<br>TRENTON MI 48183                                  | <b>11-44-25-05-0000C.0070</b><br>5774 BURRWOOD CT<br>FORT MYERS FL 33905    | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 7  | 36                      |
| LUTZ SUE ANN +<br>301 CAMELLIA LN<br>BARGERSVILLE IN 46106                              | <b>11-44-25-05-0000C.0080</b><br>5782 BURRWOOD CT<br>FORT MYERS FL 33905    | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 8  | 37                      |
| GARCIA JOSEPH D + VIRGINIA M<br>5551 LUCKETT RD LOT C9<br>FORT MYERS FL 33905           | <b>11-44-25-05-0000C.0090</b><br>5790 BURRWOOD CT<br>FORT MYERS FL 33905    | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 9  | 38                      |
| CYPRESS WOODS R V RESORT ASSN<br>5551 LUCKETT RD<br>FORT MYERS FL 33905                 | <b>11-44-25-05-0000C.00CE</b><br>ACCESS UNDETERMINED<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>TRACT C      | 39                      |
| DERICE PETER P + FRANCES<br>22 VINCENT ST<br>SOUTH PORTLAND ME 04106                    | <b>11-44-25-05-0000C.0360</b><br>5791 BURRWOOD CT<br>FORT MYERS FL 33905    | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 36 | 40                      |
| ASH APIARIES LTD<br>PO BOX 297<br>GILBERT PLAINS MB R0L 0X0<br>CANADA                   | <b>11-44-25-05-0000C.0370</b><br>5783 BURRWOOD CT<br>FORT MYERS FL 33905    | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 37 | 41                      |
| SAMPSON JAMES J + ELLA E<br>52 MOOSE RIDGE DR<br>LAKE GEORGE NY 12845                   | <b>11-44-25-05-0000C.0380</b><br>5775 BURRWOOD CT<br>FORT MYERS FL 33905    | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 38 | 42                      |
| KELLEY FRANCIS B + MARION D TR<br>50 POST RD<br>NORTH HAMPTON NH 03862                  | <b>11-44-25-05-0000C.0390</b><br>5767 BURRWOOD CT<br>FORT MYERS FL 33905    | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 39 | 43                      |
| RUTTEN JAMES F +<br>N3454 BUSINESS 141<br>POUND WI 54161                                | <b>11-44-25-05-0000C.0400</b><br>5759 BURRWOOD CT<br>FORT MYERS FL 33905    | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 40 | 44                      |
| LEPERA THOMAS J + CLAIRE L<br>5551 LUCKETT RD LOT C41<br>FORT MYERS FL 33905            | <b>11-44-25-05-0000C.0410</b><br>5751 BURRWOOD CT<br>FORT MYERS FL 33905    | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 41 | 45                      |
| BROWN GARY C TR +<br>19048 REDMAN RD<br>MILAN MI 48160                                  | <b>11-44-25-05-0000C.0420</b><br>5743 BURRWOOD CT<br>FORT MYERS FL 33905    | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 42 | 46                      |
| MCCREHIN JAY H + MARSEILLE E<br>26443 SANDPIPER CT<br>INDIAN LAND SC 29707              | <b>11-44-25-05-0000C.0430</b><br>5735 BURRWOOD CT<br>FORT MYERS FL 33905    | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 43 | 47                      |
| MC+J ENTERPRISES LLC<br>791 LAKE DR<br>COLDWATER MI 49036                               | <b>11-44-25-05-0000C.0440</b><br>5727 BURRWOOD CT<br>FORT MYERS FL 33905    | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 44 | 48                      |
| OOSTDYK WILLIAM + ELIZABETH<br>539 ROSEDALE CRESCENT<br>BURLINGTON ON L7N 2T2<br>CANADA | <b>11-44-25-05-0000C.0450</b><br>5750 PATHWOOD CT<br>FORT MYERS FL 33905    | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 45 | 49                      |
| PETERS EDWARD JR +<br>4565 MILLIKIN RD<br>HAMILTON OH 45011                             | <b>11-44-25-05-0000C.0460</b><br>5760 PATHWOOD CT<br>FORT MYERS FL 33905    | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 46 | 50                      |

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| GIBSON LARRY + BARBARA S<br>6512 BRECKENRIDGE COVE<br>COLUMBIA TN 38401                          | <b>11-44-25-05-0000C.0470</b><br>5770 PATHWOOD CT<br>FORT MYERS FL 33905   | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 47 | 51               |
| PLACE ROBERT J + CAROL A<br>1600 RIVERVIEW DR<br>HURON SD 57350                                  | <b>11-44-25-05-0000C.0480</b><br>5780 PATHWOOD CT<br>FORT MYERS FL 33905   | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 48 | 52               |
| WATTS WAYNE E + HARRIET D<br>228 LIME BLUFF RD<br>HUGHESVILLE PA 17737                           | <b>11-44-25-05-0000C.0490</b><br>5790 PATHWOOD CT<br>FORT MYERS FL 33905   | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 49 | 53               |
| VIRGILIO BERNARD + CYNTHIA<br>DONALD TANNER<br>23250 COCONUT SHORE DR<br>BONITA SPRINGS FL 34134 | <b>11-44-25-05-0000C.0500</b><br>5800 PATHWOOD CT<br>FORT MYERS FL 33905   | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 50 | 54               |
| MINCEMOYER RAY H + GLORIA B<br>5551 LUCKETT RD<br>C51<br>FORT MYERS FL 33905                     | <b>11-44-25-05-0000C.0510</b><br>5810 PATHWOOD CT<br>FORT MYERS FL 33905   | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 51 | 55               |
| BRADEN ALFRED G + LOIS D<br>400 SUMMERS ST<br>STEELTON PA 17113                                  | <b>11-44-25-05-0000C.0520</b><br>5820 PATHWOOD CT<br>FORT MYERS FL 33905   | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 52 | 56               |
| FERRIER VERNON D + MICHELINE<br>16 ARBORDAL WALK<br>GUELPH ON N1G 4X7<br>CANADA                  | <b>11-44-25-05-0000C.0530</b><br>5830 PATHWOOD CT<br>FORT MYERS FL 33905   | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 53 | 57               |
| YOUNG BRUCE F + JOYCE F<br>5551 LUCKETT RD LOT C66<br>FORT MYERS FL 33905                        | <b>11-44-25-05-0000C.0660</b><br>5841 PATHWOOD CT<br>FORT MYERS FL 33905   | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 66 | 58               |
| APPLETON FRED R +<br>5551 LUCKETT RD LOT C67<br>FORT MYERS FL 33905                              | <b>11-44-25-05-0000C.0670</b><br>5821 PATHWOOD CT<br>FORT MYERS FL 33905   | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 67 | 59               |
| APPLETON FRED R +<br>5551 LUCKETT RD LOT C67<br>FORT MYERS FL 33905                              | <b>11-44-25-05-0000C.0680</b><br>5811 PATHWOOD CT<br>FORT MYERS FL 33905   | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 68 | 60               |
| WIEGAND ROYCE F +<br>PO BOX 141<br>CAULFIELD MO 65626                                            | <b>11-44-25-05-0000C.0690</b><br>5801 PATHWOOD CT<br>FORT MYERS FL 33905   | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 69 | 61               |
| CAMPBELL D RULE TR +<br>216 BIG PINE AVE S<br>FROSTPROOF FL 33843                                | <b>11-44-25-05-0000C.0700</b><br>5791 PATHWOOD CT<br>FORT MYERS FL 33905   | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 70 | 62               |
| CAMPBELL D RULE TR +<br>216 BIG PINE AVE S<br>FROSTPROOF FL 33843                                | <b>11-44-25-05-0000C.0710</b><br>5781 PATHWOOD CT<br>FORT MYERS FL 33905   | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 71 | 63               |
| CORIELL RICHARD L<br>134 RIEGAL RIDGE RD<br>JACKSON OH 45640                                     | <b>11-44-25-05-0000C.0720</b><br>5771 PATHWOOD CT<br>FORT MYERS FL 33905   | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 72 | 64               |
| KNOL ANDREW W TR +<br>1125 WEBSTER LN<br>DES PLAINES IL 60016                                    | <b>11-44-25-05-0000C.0730</b><br>5761 PATHWOOD CT<br>FORT MYERS FL 33905   | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 73 | 65               |
| JILLET JOHN F TR +<br>5551 LUCKETT RD LOT C74<br>FORT MYERS FL 33905                             | <b>11-44-25-05-0000C.0740</b><br>5751 PATHWOOD CT<br>FORT MYERS FL 33905   | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 74 | 66               |
| DIETER RICHARD A +<br>26380 CROOKED TREE LN<br>BROOKSVILLE FL 34602                              | <b>11-44-25-05-0000C.0750</b><br>10457 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 75 | 67               |
| SMITH DOUGLAS D + NANCY A<br>5551 LUCKETT RD LOT C76<br>FORT MYERS FL 33905                      | <b>11-44-25-05-0000C.0760</b><br>10453 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 76 | 68               |
| SHOLTIS MICHAEL T + CAROL G<br>PO BOX 1584<br>WEBSTER FL 33597                                   | <b>11-44-25-05-0000C.0770</b><br>10449 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 77 | 69               |



| <b>OWNER NAME AND ADDRESS</b>                                                                   | <b>STRAP AND LOCATION</b>                                                  | <b>LEGAL DESCRIPTION</b>                                                    | <b>Map Index</b> |
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| SMITH LAWRENCE L JR + CHERYL<br>17834 ACACIA DR<br>NORTH FORT MYERS FL 33917                    | <b>11-44-25-05-0000C.0780</b><br>10445 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 78  | 70               |
| LAURENDEAU MICHAEL + SUZANNE<br>500 POMEROLE #504<br>STE-MARTHE SUR LE LAC QC J0N 1P0<br>CANADA | <b>11-44-25-05-0000C.0790</b><br>10441 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 79  | 71               |
| OLIGNY RENE + LISE L<br>25 FRANCOIS LE BER<br>LA PRAIRIE QC J5R 5M1<br>CANADA                   | <b>11-44-25-05-0000C.0800</b><br>10437 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 80  | 72               |
| PAPASIDERO ROBERT +<br>120 VALIQUETTE<br>MAGOG QC J1X 3W5<br>CANADA                             | <b>11-44-25-05-0000C.0810</b><br>10433 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 81  | 73               |
| ROGERS NOEL G<br>2797 1ST ST UNIT 1706<br>FORT MYERS FL 33916                                   | <b>11-44-25-05-0000C.0820</b><br>10429 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 82  | 74               |
| SHARP GARY A + PATRICIA C<br>345 INNES WAY SE<br>CEDAR RAPIDS IA 52403                          | <b>11-44-25-05-0000C.0830</b><br>10425 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 83  | 75               |
| TURCOT MICHEL +<br>1187 RUE DEVREUX<br>BOUCHERVILLE QC J4B 7T3<br>CANADA                        | <b>11-44-25-05-0000C.0890</b><br>10401 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 89  | 76               |
| JORGENSEN GARY W + EVA J<br>7834 SE 166TH SMALLWOOD PL<br>THE VILLAGES FL 32162                 | <b>11-44-25-05-0000C.0900</b><br>10397 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 90  | 77               |
| MORRIS DONN R + BARBARA J TR<br>7820 OSCEOLA ST<br>WESTMINSTER CO 80030                         | <b>11-44-25-05-0000C.0910</b><br>10393 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 91  | 78               |
| KUBA GARY + CHERYL<br>139 RAINBOW DR # 3944<br>LIVINGSTON TX 77399                              | <b>11-44-25-05-0000C.0920</b><br>10389 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 92  | 79               |
| HOPKINS BLAINE N + KAREN<br>PO BOX 573<br>GREENVILLE ME 04441                                   | <b>11-44-25-05-0000C.0930</b><br>10385 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 93  | 80               |
| LITCHFIELD EDWARD H +<br>8970 ALDEN MEADOWS DR<br>ALDEN MI 49612                                | <b>11-44-25-05-0000C.0940</b><br>10381 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 94  | 81               |
| PEACOCK DONALD T + JUDITH J<br>PO BOX 20010<br>BARRIE ON L4M 6E9<br>CANADA                      | <b>11-44-25-05-0000C.0950</b><br>10377 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 95  | 82               |
| PEACOCK DON + JUDY<br>PO BOX 20010<br>BARRIE ON L4M 6E9<br>CANADA                               | <b>11-44-25-05-0000C.0960</b><br>10373 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 96  | 83               |
| SEMMES RICHARD C +<br>1144 STATE ROUTE 32<br>ROUND POND ME 04564                                | <b>11-44-25-05-0000C.0970</b><br>10369 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 97  | 84               |
| TOPPING DANIEL F + ELAINE C<br>PO BOX 2303<br>PLAINVILLE MA 02762                               | <b>11-44-25-05-0000C.0980</b><br>10365 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 98  | 85               |
| YOUNG LINDA R TR<br>STE D3 PMB 235<br>8201 GOLF COURSE RD NW<br>ALBUQUERQUE NM 87120            | <b>11-44-25-05-0000C.0990</b><br>10361 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 99  | 86               |
| PEARSON C + JUDITH<br>20065 LAKESHORE RD<br>BAIRE DURFE QC H9X 1P4<br>CANADA                    | <b>11-44-25-05-0000C.1000</b><br>10357 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 100 | 87               |

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| <b>OWNER NAME AND ADDRESS</b>                                                         | <b>STRAP AND LOCATION</b>                                                  | <b>LEGAL DESCRIPTION</b>                                                    | <b>Map Index</b> |
|---------------------------------------------------------------------------------------|----------------------------------------------------------------------------|-----------------------------------------------------------------------------|------------------|
| CUNNINGHAM BRUCE C +<br>PO BOX 197<br>ROUND POND ME 04564                             | <b>11-44-25-05-0000C.1010</b><br>10353 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 101 | 88               |
| BELISLE RICHARD +<br>5122 JARRY ST<br>LEONARD QC H1R 1Y4<br>CANADA                    | <b>11-44-25-05-0000C.1020</b><br>10349 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 102 | 89               |
| DUFFEK DAVID K + BARBARA L<br>3448 ELM TREE RD<br>GREEN BAY WI 54313                  | <b>11-44-25-05-0000C.1030</b><br>10345 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 103 | 90               |
| CHARD MARVIN J + ELAINE E<br>5508 N CHARD RD<br>HESSEL MI 49745                       | <b>11-44-25-05-0000C.1040</b><br>10341 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 104 | 91               |
| DIETER RICHARD A<br>26380 CROOKED TREE LN<br>BROOKSVILLE FL 34602                     | <b>11-44-25-05-0000C.1050</b><br>10337 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 105 | 92               |
| MCCLISH BILLY L + JULIE A<br>5551 LUCKETT RD LOT C106<br>FORT MYERS FL 33905          | <b>11-44-25-05-0000C.1060</b><br>10333 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 106 | 93               |
| POLKINGHORN GEORGE E + CAROLYN<br>5551 LUCKETT RD LOT C107<br>FORT MYERS FL 33905     | <b>11-44-25-05-0000C.1070</b><br>10329 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 107 | 94               |
| WALSH MICHAEL L SR + ALICE TR<br>9066 YORK RD<br>NORTH ROYALTON OH 44133              | <b>11-44-25-05-0000C.1080</b><br>10325 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 108 | 95               |
| TOBIA VINCENT M TR +<br>4200 W CARRIAGE LN<br>PRESCOTT AZ 86305                       | <b>11-44-25-05-0000C.1090</b><br>10321 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 109 | 96               |
| SNYDER GARY + JOSEPHINE<br>2347 FRANKLIN PARK DR<br>STERLING HEIGHTS MI 48310         | <b>11-44-25-05-0000C.1100</b><br>10317 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 110 | 97               |
| STEWART DENNIS C + EILEEN D<br>3552 TUSCANY RESERVE BLVD<br>NEW SMYRNA BEACH FL 32168 | <b>11-44-25-05-0000C.1110</b><br>10313 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 111 | 98               |
| SLONE JOHNNY M + JUANITA K<br>567 BURNING FORK RD<br>PIKEVILLE KY 41501               | <b>11-44-25-05-0000C.1120</b><br>10309 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 112 | 99               |
| PLANERA CAROL K +<br>488 W 15TH PL<br>CHICAGO HEIGHTS IL 60411                        | <b>11-44-25-05-0000C.1130</b><br>10305 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 113 | 100              |
| BOBO DOUGLAS G +<br>1055 LANCASTER DR<br>MEDINA OH 44256                              | <b>11-44-25-05-0000C.1140</b><br>10301 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 114 | 101              |
| IRVIN DANNY W + VERA H<br>5551 LUCKETT RD LOT C115<br>FORT MYERS FL 33905             | <b>11-44-25-05-0000C.1150</b><br>10456 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 115 | 102              |
| CASE MARY LOUISE TR<br>1920 MT VERNON DR<br>COVINGTON KY 41011                        | <b>11-44-25-05-0000C.1160</b><br>10452 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 116 | 103              |
| MOUNT GARY + PAT<br>5551 LUCKETT RD LOT C117<br>FORT MYERS FL 33905                   | <b>11-44-25-05-0000C.1170</b><br>10448 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 117 | 104              |
| ANEY SHARON TR<br>806 WINCHESTER LN<br>HOLMEN WI 54636                                | <b>11-44-25-05-0000C.1180</b><br>10444 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 118 | 105              |
| PUTT MARSHALL P + CAROLINE J<br>404 W MONTGOMERY ST<br>FRANCESVILLE IN 47946          | <b>11-44-25-05-0000C.1190</b><br>10440 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 119 | 106              |



| <b>OWNER NAME AND ADDRESS</b>                                                                            | <b>STRAP AND LOCATION</b>                                                   | <b>LEGAL DESCRIPTION</b>                                                    | <b>Map Index</b> |
|----------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|-----------------------------------------------------------------------------|------------------|
| COMSTOCK JOHN D TR<br>201 WOODCREST DR<br>BURNSVILLE MN 55337                                            | <b>11-44-25-05-0000C.1200</b><br>10436 NIGHTWOOD DR<br>FORT MYERS FL 33905  | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 120 | 107              |
| THIELE WILFRED E + WILLA M<br>16303 RAVEN CREST DR<br>INDIAN LAND SC 29707                               | <b>11-44-25-05-0000C.1210</b><br>10428 NIGHTWOOD DR<br>FORT MYERS FL 33905  | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 121 | 108              |
| FOLEY PATRICK A + BARBARA J<br>1617 N REES RD<br>PEARL CITY IL 61062                                     | <b>11-44-25-05-0000C.1220</b><br>10398 NIGHTWOOD DR<br>FORT MYERS FL 33905  | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 122 | 109              |
| DUELL CHRIS L<br>720 PLUM LN<br>CLARKESVILLE GA 30523                                                    | <b>11-44-25-05-0000C.1230</b><br>10394 NIGHTWOOD DR<br>FORT MYERS FL 33905  | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 123 | 110              |
| DUELL CHRIS L<br>720 PLUM LN<br>CLARKESVILLE GA 30523                                                    | <b>11-44-25-05-0000C.1240</b><br>10388 NIGHTWOOD DR<br>FORT MYERS FL 33905  | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 124 | 111              |
| GERNAT WILLIAM L TR<br>PO BOX 7486<br>PORT ST LUCIE FL 34985                                             | <b>11-44-25-05-0000C.1250</b><br>10384 NIGHTWOOD DR<br>FORT MYERS FL 33905  | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 125 | 112              |
| GREENE ROBERT A + DIANE L TR<br>16 BEECHWOOD AVE<br>YORK ME 03909                                        | <b>11-44-25-05-0000C.1260</b><br>10380 NIGHTWOOD DR<br>FORT MYERS FL 33905  | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 126 | 113              |
| MEREDITH CHARLES W + WANDA<br>1438 MT AYR CIR<br>BOWLING GREEN KY 42103                                  | <b>11-44-25-05-0000C.1270</b><br>10376 NIGHTWOOD DR<br>FORT MYERS FL 33905  | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 127 | 114              |
| MORRISEY LINDA C<br>1216 PARK GREEN PL<br>WINTER PARK FL 32789                                           | <b>11-44-25-05-0000C.1280</b><br>10372 NIGHTWOOD DR<br>FORT MYERS FL 33905  | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>BLK C LOT 128 | 115              |
| CYPRESS WOODS R V RESORT ASSN<br>5551 LUCKETT RD<br>FORT MYERS FL 33905                                  | <b>11-44-25-05-0000D.00CE</b><br>ACCESS UNDETERMINED<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>TRACT D       | 116              |
| CYPRESS WOODS R V RESORT ASSN<br>5551 LUCKETT RD<br>FORT MYERS FL 33905                                  | <b>11-44-25-05-0000G.00CE</b><br>COMMON ELEMENT<br>FL 33905                 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>TRACT G       | 117              |
| CYPRESS WOODS R V RESORT ASSN<br>5551 LUCKETT RD<br>FORT MYERS FL 33905                                  | <b>11-44-25-05-0000H.00CE</b><br>COMMON ELEMENT<br>FL 33905                 | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>TRACT H       | 118              |
| CYPRESS WOODS R V RESORT ASSN<br>5551 LUCKETT RD<br>FORT MYERS FL 33905                                  | <b>11-44-25-05-0000I.00CE</b><br>10297 NIGHTWOOD DR<br>FORT MYERS FL 33967  | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>TRACT I       | 119              |
| CYPRESS WOODS R V RESORT ASSN<br>5551 LUCKETT RD<br>FORT MYERS FL 33905                                  | <b>11-44-25-05-0000K.00CE</b><br>RIGHT OF WAY<br>FL 33905                   | CYPRESS WOODS RV RESORT<br>UN 3<br>DESC IN PB 72 PGS 92-95<br>TRACT K       | 120              |
| CYPRESS WOODS R V RESORT ASSOC<br>CYPRESS WOODS RV R UT 4 ASSN<br>5551 LUCKETT RD<br>FORT MYERS FL 33905 | <b>11-44-25-06-0000A.00CE</b><br>RIGHT OF WAY<br>FORT MYERS FL 33967        | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>TRACT A             | 121              |
| CYPRESS WOODS R V RESORT ASSOC<br>CYPRESS WOODS RV R UT 4 ASSN<br>5551 LUCKETT RD<br>FORT MYERS FL 33905 | <b>11-44-25-06-0000B.00CE</b><br>LAKE<br>FORT MYERS FL 33967                | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>TRACT B             | 122              |
| CYPRESS WOODS R V RESORT ASSOC<br>CYPRESS WOODS RV R UT 4 ASSN<br>5551 LUCKETT RD<br>FORT MYERS FL 33905 | <b>11-44-25-06-0000C.00CE</b><br>COMMON ELEMENT<br>FL 33905                 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>TRACT C             | 123              |
| MCANULTY WILLIAM J + PATRICIA<br>6901 CLARK RD<br>ERIE PA 16510                                          | <b>11-44-25-06-0000D.0080</b><br>10180 SHADOWOOD CT<br>FORT MYERS FL 33905  | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 8       | 124              |

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|                                                                                       |                                                                                     |                                                                        |     |
|---------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|------------------------------------------------------------------------|-----|
| BUNTON IRWIN L + SALLY L<br>PO BOX 493<br>MADISON IN 47250                            | <b>11-44-25-06-0000D.0090</b><br>10190 SHADOWOOD CT<br>FORT MYERS FL 33905          | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 9  | 125 |
| ELLIS JEFFREY A + FLETA B<br>310 BAY DR<br>NOBLESVILLE IN 46062                       | <b>11-44-25-06-0000D.0100</b><br>10191 SHADOWOOD CT<br>FORT MYERS FL 33905          | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 10 | 126 |
| GETTY KENNETH LEIGH + CAROL A<br>234 COUNTRY CLUB DR<br>TELFORD PA 18969              | <b>11-44-25-06-0000D.0110</b><br>10181 SHADOWOOD CT<br>FORT MYERS FL 33905          | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 11 | 127 |
| CSAKY ERNOE +<br>414 NW KNIGHTS AVE UNIT 431<br>LAKE CITY FL 32055                    | <b>11-44-25-06-0000D.0490</b><br>5571 CYPRESSWOODS RESORT DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 49 | 128 |
| RAETSEN ADRIAN<br>6 MAUE CRT<br>BADEN ON N3A 3P3<br>CANADA                            | <b>11-44-25-06-0000D.0500</b><br>5561 CYPRESSWOODS RESORT DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 50 | 129 |
| SCHAEFFER CARSON + PAMELA<br>6303 LENCZKY DR<br>JACKSONVILLE FL 32277                 | <b>11-44-25-06-0000D.0510</b><br>5551 CYPRESSWOODS RESORT DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 51 | 130 |
| ALEY BARBARA ANN TR<br>109 SUNNY LN<br>TIFFIN OH 44883                                | <b>11-44-25-06-0000D.0520</b><br>5541 CYPRESSWOODS RESORT DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 52 | 131 |
| NESSLER MARK JOSEPH TR +<br>21606 LINDA DR<br>TORRANCE CA 90503                       | <b>11-44-25-06-0000D.0530</b><br>5521 CYPRESSWOODS RESORT DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLK D LOT 53   | 132 |
| SMITH COLIN<br>5551 LUCKETT RD # D54<br>FORT MYERS FL 33905                           | <b>11-44-25-06-0000D.0540</b><br>5511 CYPRESSWOODS RESORT DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 54 | 133 |
| RYAN HARRY M III TR +<br>9530 BURNING BRANCH RD<br>BURKE VA 22015                     | <b>11-44-25-06-0000D.0550</b><br>5501 CYPRESSWOODS RESORT DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 55 | 134 |
| REGENSTEIN JOSEPH III + DONNA<br>2540 S MARYLAND PKWY #381<br>LAS VEGAS NV 89109      | <b>11-44-25-06-0000D.0560</b><br>5574 BRIGHTWOOD DR<br>FORT MYERS FL 33905          | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 56 | 135 |
| MILLER LEROY J + TAWNEY I E<br>5551 LUCKETT RD LOT D57<br>FORT MYERS FL 33905         | <b>11-44-25-06-0000D.0570</b><br>5584 BRIGHTWOOD DR<br>FORT MYERS FL 33905          | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 57 | 136 |
| MORRIS ROBERT K + MARGARET A<br>413 WALNUT ST APT 5074<br>GREEN COVE SPRINGS FL 32043 | <b>11-44-25-06-0000D.0580</b><br>5592 BRIGHTWOOD DR<br>FORT MYERS FL 33905          | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 58 | 137 |
| MAXWELL DAVID V + CAROL L<br>110 E CENTER ST UNIT 1351<br>MADISON SD 57042            | <b>11-44-25-06-0000D.0590</b><br>5600 BRIGHTWOOD DR<br>FORT MYERS FL 33905          | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 59 | 138 |
| ORRIS FRANK J + KATHY J<br>5551 LUCKETT RD LOT D60<br>FORT MYERS FL 33905             | <b>11-44-25-06-0000D.0600</b><br>5608 BRIGHTWOOD DR<br>FORT MYERS FL 33905          | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 60 | 139 |
| RICHMAN MURRAY S + NANCY L<br>14504 CUTSTONE WAY<br>SILVER SPRING MD 20905            | <b>11-44-25-06-0000D.0610</b><br>10241 SURFWOOD CT<br>FORT MYERS FL 33905           | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 61 | 140 |
| WALD THOMAS G + CAMILLE ANN TR<br>7961 9TH STREET CT N<br>SAINT PAUL MN 55128         | <b>11-44-25-06-0000D.0620</b><br>10231 SURFWOOD CT<br>FORT MYERS FL 33905           | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 62 | 141 |
| JOHNSTON GARY + GRACE<br>1691 NEW LONDON RD<br>LANDENBERG PA 19350                    | <b>11-44-25-06-0000D.0630</b><br>10221 SURFWOOD CT<br>FORT MYERS FL 33905           | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 63 | 142 |
| WHETSTONE BRAD + JANEEN<br>23251 COCONUT SHORES DR<br>BONITA SPRINGS FL 34134         | <b>11-44-25-06-0000D.0640</b><br>10211 SURFWOOD CT<br>FORT MYERS FL 33905           | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 64 | 143 |



| <b>OWNER NAME AND ADDRESS</b>                                                   | <b>STRAP AND LOCATION</b>                                                  | <b>LEGAL DESCRIPTION</b>                                               | <b>Map Index</b> |
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| SMITH DONALD K +<br>PO BOX 417<br>BOKEELIA FL 33922                             | <b>11-44-25-06-0000D.0650</b><br>10210 SURFWOOD CT<br>FORT MYERS FL 33905  | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 65 | 144              |
| CASSATA ROBERT C + JOYCE M<br>427 15TH ST<br>HOLLY HILL FL 32117                | <b>11-44-25-06-0000D.0660</b><br>10220 SURFWOOD CT<br>FORT MYERS FL 33905  | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 66 | 145              |
| FERRERA FRANK J + VALERIE D<br>44864 RIVERGATE DR<br>CLINTON TOWNSHIP MI 48038  | <b>11-44-25-06-0000D.0670</b><br>10230 SURFWOOD CT<br>FORT MYERS FL 33905  | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 67 | 146              |
| HEYDON HOWARD S TR<br>6971 CADET AVE<br>FORT MYERS FL 33905                     | <b>11-44-25-06-0000D.0680</b><br>10240 SURFWOOD CT<br>FORT MYERS FL 33905  | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 68 | 147              |
| MILLER HAROLD F + MARGARET J<br>900 OCEAN DR UNIT 205<br>CAPE MAY NJ 08204      | <b>11-44-25-06-0000D.0690</b><br>5672 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 69 | 148              |
| PLACE ROBERT J + CAROL<br>1600 RIVERVIEW DR<br>HURON SD 57350                   | <b>11-44-25-06-0000D.0700</b><br>5680 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 70 | 149              |
| DURKEE ELAINE P<br>411 WALNUT ST PMB 188<br>GREEN COVE SPRINGS FL 32043         | <b>11-44-25-06-0000D.0710</b><br>5688 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 71 | 150              |
| MICHAUD ALAIN<br>96 ROBERVAL<br>REPENTIGNY QC J5Y 2Z7<br>CANADA                 | <b>11-44-25-06-0000D.0720</b><br>5696 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 72 | 151              |
| SCHAEFFER CARSON + PAMELA S<br>6303 LENCZYK DR<br>JACKSONVILLE FL 32277         | <b>11-44-25-06-0000D.0730</b><br>5704 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 73 | 152              |
| NEWELL RICHARD A + VIVIENNE<br>14665 PLUMOSA DR<br>JACKSONVILLE BEACH FL 32250  | <b>11-44-25-06-0000D.0740</b><br>5712 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 74 | 153              |
| WALKER JOHN W SR + MARY R<br>1546 LOREWOOD GROVE RD<br>MIDDLETOWN DE 19709      | <b>11-44-25-06-0000D.0750</b><br>5720 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 75 | 154              |
| STEINROEDER JOSEPH A<br>8951 BONITA BEACH RD STE 525<br>BONITA SPRINGS FL 34135 | <b>11-44-25-06-0000D.0760</b><br>5728 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 76 | 155              |
| CETRINO THERESA<br>5 BOVA COVE RD<br>HARWICH MA 02645                           | <b>11-44-25-06-0000D.0770</b><br>5736 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 77 | 156              |
| BRYDE DENNIS D + DAWN L<br>10070 OAK ISLAND DR<br>LAINGSBURG MI 48848           | <b>11-44-25-06-0000D.0780</b><br>5744 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 78 | 157              |
| DOUBET CHARLES B + TRUDY<br>2208 E OLIVE ST<br>BLOOMINGTON IL 61701             | <b>11-44-25-06-0000D.0790</b><br>5752 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 79 | 158              |
| MESSER DALE G + MARY JANE<br>26180 PANAMA AVE<br>WEBSTER MN 55088               | <b>11-44-25-06-0000D.0800</b><br>10241 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 80 | 159              |
| LUDWIG HOLDINGS INC<br>912 SE 46TH LN STE 204<br>CAPE CORAL FL 33904            | <b>11-44-25-06-0000D.0810</b><br>10231 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 81 | 160              |
| SEEHASE DEWEY + JOYCE<br>201 SHORE DR<br>SUTTONS BAY MI 49682                   | <b>11-44-25-06-0000D.0820</b><br>10221 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 82 | 161              |

DCI 2007-00078



| <b>OWNER NAME AND ADDRESS</b>                                                          | <b>STRAP AND LOCATION</b>                                                  | <b>LEGAL DESCRIPTION</b>                                                | <b>Map Index</b> |
|----------------------------------------------------------------------------------------|----------------------------------------------------------------------------|-------------------------------------------------------------------------|------------------|
| MCCAFFREY PATRICIA A + EAMON H<br>77 MUIRFIELD CT<br>POUGHKEEPSIE NY 12603             | <b>11-44-25-06-0000D.0830</b><br>10211 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 83  | 162              |
| MCCLAIN C LLOYD + MARGUERITE<br>PO BOX 4950<br>HOMOSASSA SPRINGS FL 34447              | <b>11-44-25-06-0000D.0840</b><br>10201 NIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 84  | 163              |
| STROUPE HELENA TR<br>335 DOVER AVE<br>EAST PROVIDENCE RI 02914                         | <b>11-44-25-06-0000D.0850</b><br>5753 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 85  | 164              |
| BOLAN MICHAEL DOUGLAS<br>312-1641 LONSDALE AVE<br>NORTH VANCOUVER BC V7M 2J5<br>CANADA | <b>11-44-25-06-0000D.0860</b><br>5745 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 86  | 165              |
| WAGERS LARRY S +<br>1407 OAKRIDGE DR<br>LOVELAND OH 45140                              | <b>11-44-25-06-0000D.0870</b><br>5737 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 87  | 166              |
| SIWICKI SANDRA L + DAVID J<br>737 S EASY ST<br>SEBASTIAN FL 32958                      | <b>11-44-25-06-0000D.0880</b><br>5729 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 88  | 167              |
| FRECHETTE PAUL + NICOLE L<br>105 CHEMIN DAVIS<br>LAC BROME QC J0E 1S0<br>CANADA        | <b>11-44-25-06-0000D.0890</b><br>5721 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 89  | 168              |
| LUTZ RICHARD C SR + JEANNE E<br>5551 LUCKETT RD LOT D90<br>FORT MYERS FL 33905         | <b>11-44-25-06-0000D.0900</b><br>5711 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 90  | 169              |
| FRADY ALBERT DAVID + GLENDA<br>3832 E 200 NORTH<br>GREENFIELD IN 46140                 | <b>11-44-25-06-0000D.0910</b><br>5697 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 91  | 170              |
| MICHAUD ALAIN<br>96 ROBERVAL<br>REPENTIGAY QC J5Y 2Z7<br>CANADA                        | <b>11-44-25-06-0000D.0920</b><br>5681 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLK D LOT 92    | 171              |
| WAKKER JAN D + DENISE E TR<br>3367 SPRUCE RIDGE CT<br>DAVISON MI 48423                 | <b>11-44-25-06-0000D.0930</b><br>5673 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 93  | 172              |
| TARTER BRUCE W + CAROL A<br>2150 CEMETERY RD<br>GOSHEN OH 45122                        | <b>11-44-25-06-0000D.0940</b><br>5665 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 94  | 173              |
| CORREIA JOSEPH E III + ANN P<br>8 GRINNELL ST<br>SOUTH DARTMOUTH MA 02748              | <b>11-44-25-06-0000D.0950</b><br>5657 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 95  | 174              |
| SNYDER THOMAS L + CAROL E<br>1991 PALO DURO BLVD<br>NORTH FORT MYERS FL 33917          | <b>11-44-25-06-0000D.0960</b><br>5649 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 96  | 175              |
| FARMER DAVID F + PATRICIA M<br>510 TERRAPIN LN<br>NEWARK DE 19711                      | <b>11-44-25-06-0000D.0970</b><br>5641 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 97  | 176              |
| DOYLE THOMAS M + MARILYN T +<br>248 GLOVER RD RR3<br>ELGIN ON K0G 1E0<br>CANADA        | <b>11-44-25-06-0000D.0980</b><br>5633 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 98  | 177              |
| LANDRY L KENT + JOANN E<br>5551 LUCKETT RD LOT D99<br>FORT MYERS FL 33905              | <b>11-44-25-06-0000D.0990</b><br>5625 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 99  | 178              |
| BEACHMAN JOHN R +<br>245 STAMFORD DR<br>POWELL OH 43065                                | <b>11-44-25-06-0000D.1000</b><br>5617 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 100 | 179              |
| DONALD A + SUSAN J SHULER TRUST<br>9950 MARDAN DR<br>DIMONDALE MI 48821                | <b>11-44-25-06-0000D.1010</b><br>5609 BRIGHTWOOD DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 101 | 180              |



| <b>OWNER NAME AND ADDRESS</b>                                                                            | <b>STRAP AND LOCATION</b>                                                           | <b>LEGAL DESCRIPTION</b>                                                | <b>Map Index</b> |
|----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------|------------------|
| BOESL NORBERT A TR +<br>2865 CARRINGTON CT<br>BROOKFIELD WI 53045                                        | <b>11-44-25-06-0000D.1020</b><br>5601 BRIGHTWOOD DR<br>FORT MYERS FL 33905          | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 102 | 181              |
| CUSTER GERALD W + HOLLE R<br>686 LITTLE SUGAR CREEK RD<br>WARSAW KY 41095                                | <b>11-44-25-06-0000D.1030</b><br>5593 BRIGHTWOOD DR<br>FORT MYERS FL 33905          | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 103 | 182              |
| BERRY GEORGE ROBERT + MARY LOU<br>28628 LEWES GEORGETOWN HWY<br>MILTON DE 19968                          | <b>11-44-25-06-0000D.1040</b><br>5583 BRIGHTWOOD DR<br>FORT MYERS FL 33905          | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 104 | 183              |
| BOUCHARD JEAN +<br>9 DUMAS ST<br>CANDIAC QC J5R 6H8<br>CANADA                                            | <b>11-44-25-06-0000D.1050</b><br>5575 BRIGHTWOOD DR<br>FORT MYERS FL 33905          | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 105 | 184              |
| KRINEK JANET + WILLIAM J<br>9703 CHIPPEWA RD<br>BRECKSVILLE OH 44141                                     | <b>11-44-25-06-0000D.1060</b><br>5567 BRIGHTWOOD DR<br>FORT MYERS FL 33905          | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 106 | 185              |
| KRAEMER LEE + KAREN<br>5551 LUCKETT RD LOT D107<br>FORT MYERS FL 33905                                   | <b>11-44-25-06-0000D.1070</b><br>5559 BRIGHTWOOD DR<br>FORT MYERS FL 33905          | CYPRESS WOODS RV RESORT<br>UT 4<br>BLK D PB 79 PGS 68-71<br>LOT 107     | 186              |
| JOEREG LLC<br>JOSEPH REGENSTEIN III<br>2540 S MARYLAND PKWY # 381<br>LAS VEGAS NV 89109                  | <b>11-44-25-06-0000D.1080</b><br>5551 BRIGHTWOOD DR<br>FORT MYERS FL 33905          | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 108 | 187              |
| KUIECK RICHARD D + LINDA J<br>5551 LUCKETT RD LOT D109<br>FORT MYERS FL 33905                            | <b>11-44-25-06-0000D.1090</b><br>5543 BRIGHTWOOD DR<br>FORT MYERS FL 33905          | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 109 | 188              |
| CAMERLAIN ROBERT +<br>13671 COTE DES CORBEIL<br>MIRABEL QC J7N 2G2<br>CANADA                             | <b>11-44-25-06-0000D.1100</b><br>5500 CYPRESSWOODS RESORT DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLK D LOT 110   | 189              |
| LUBBERS RICHARD A + RUTH E TR<br>430 QUINCY ST<br>GRANDVILLE MI 49418                                    | <b>11-44-25-06-0000D.1110</b><br>5510 CYPRESSWOODS RESORT DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 111 | 190              |
| OLSEN WARREN E + CAROLYN R<br>8604 COTSWOLD CT<br>ALEXANDRIA VA 22308                                    | <b>11-44-25-06-0000D.1120</b><br>5520 CYPRESSWOODS RESORT DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 112 | 191              |
| MORGAN JOHN M + NANCY E<br>8911 DANIELS PKWY STE 6<br>FORT MYERS FL 33912                                | <b>11-44-25-06-0000D.1130</b><br>5530 CYPRESSWOODS RESORT DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 113 | 192              |
| STEWART CAROLYN J<br>3400 CROSSWATER DR<br>NORTH FORT MYERS FL 33917                                     | <b>11-44-25-06-0000D.1140</b><br>5540 CYPRESSWOODS RESORT DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 114 | 193              |
| SCHAEFFER CARSON + PAMELA SUE<br>6303 LENCZYK DR<br>JACKSONVILLE FL 32277                                | <b>11-44-25-06-0000D.1150</b><br>5560 CYPRESSWOODS RESORT DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 115 | 194              |
| CASSABAUM LINDA S PER REP<br>5510 NW 78TH CT<br>JOHNSTON IA 50131                                        | <b>11-44-25-06-0000D.1160</b><br>5570 CYPRESSWOODS RESORT DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLK D LOT 116   | 195              |
| BELMAS DALE E + KATHLEEN<br>6416 HERITAGE HL<br>FENTON MI 48430                                          | <b>11-44-25-06-0000D.1170</b><br>5590 CYPRESSWOODS RESORT DR<br>FORT MYERS FL 33905 | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>BLOCK D LOT 117 | 196              |
| CYPRESS WOODS R V RESORT ASSOC<br>CYPRESS WOODS RV R UT 4 ASSN<br>5551 LUCKETT RD<br>FORT MYERS FL 33905 | <b>11-44-25-06-0000F.00CE</b><br>COMMON ELEMENT<br>FL 33905                         | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>TRACT F         | 197              |
| CYPRESS WOODS R V RESORT ASSOC<br>5551 LUCKETT RD<br>FORT MYERS FL 33905                                 | <b>11-44-25-06-0000G.0000</b><br>CYPRESS WOODS RV TRACT G<br>FL 33905               | CYPRESS WOODS RV RESORT<br>UNIT 4<br>PB 79 PGS 68-71<br>TRACT G         | 198              |

DCI 2007-00078

**OWNER NAME AND ADDRESS**

CYPRESS WOODS R V RESORT ASSOC  
5551 LUCKETT RD  
FORT MYERS FL 33905

**STRAP AND LOCATION**

**11-44-25-06-0000H.0000**  
CYPRESS WOODS TRACT H  
FL 33905

**LEGAL DESCRIPTION****Map Index**

CYPRESS WOODS RV RESORT 199  
UNIT 4  
PB 79 PGS 68-71  
TRACT H

CYPRESS WOODS R V RESORT ASSOC  
CYPRESS WOODS RV R UT 4 ASSN  
5551 LUCKETT RD  
FORT MYERS FL 33905

**11-44-25-06-0000I.00CE**  
COMMON ELEMENT  
FL 33905

CYPRESS WOODS RV RESORT 200  
UNIT 4  
PB 79 PGS 68-71  
TRACT I

**200 RECORDS PRINTED**

RECEIVED  
AUG 30 2011

COMMUNITY DEVELOPMENT

DCI 2007-00078

ZONING DIVISION  
LEE COUNTY  
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW  
TRANSMITTAL SHEET

TO: Distribution

FROM: Alvin Block, AICP

DATE: 08/17/2011

Michael D Jacob, 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 Huff, Lee County School District

Sam Lee, Natural Resources

Chick Jakacki, Zoning

Mike Pavese, Public Works

PROJECT NAME: CYPRESS WOODS RV RESORT

CASE #: DCI2007-00078

INFORMATION SUMMARY:

To update your file  
\_X\_ Review and forward substantive comments **ASAP**.

**FINAL STAFF REPORT** Comments due to Alvin Block by 09/05/2011

Additional Comments:

Sufficiency letter distribution

cc: DCI planner/working file  
DCI Zone File

Distributed by: Jamie Prining

Date: 08/17/2011



LEE COUNTY  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 239-533-8371

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*

Michael D. Hunt  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

August 16, 2011

BARBOT, STEUART AND ASSOCIATES, INC  
13861 PLANTATION ROAD  
SUITE 105  
FORT MYERS, FL 33912

Re: CYPRESS WOODS RV RESORT  
DCI2007-00078 - PDA Application (PD Amendment)

Dear BARBOT, STEUART AND ASSOCIATES, INC :

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:

Amend the existing RVPD/MHPD zoning for Cypress Woods R.V. Resort by rezoning 2.102 acres from Agriculture District (AG-2) to Mobile Home Planned Development (MHPD) to allow an additional 18 lots within the resort.

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 August 30, 2011 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 October 12, 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.

BARBOT, STEUART AND ASSOCIATES, INC  
RE: CYPRESS WOODS RV RESORT  
DCI2007-00078  
August 16, 2011  
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



Alvin Block, AICP  
Principal Planner

xc: Mike Pavese, Public Works

copy w/o attachments

Michael D Jacob, 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 Prining, DCD Administration

DCI Zoning File  
DCI Working File



ZONING DIVISION  
LEE COUNTY  
PLANNED DEVELOPMENT SUFFICIENCY REVIEW  
TRANSMITTAL SHEET

TO: Distribution

FROM: Alvin Block, AICP

DATE: 08/09/2011

Michael D Jacob, Asst County Attorney  
DS Reviewer - Becky Penfield  
Paul O'Connor, Planning  
Susie Derheimer, Environmental Sciences  
Sam Lee, Natural Resources

**\* REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: CYPRESS WOODS RV RESORT

CASE #: DCI2007-00078

INFORMATION SUMMARY:

**RESUBMITTAL**

☒ To update your file

**RESPONSE REQUIRED BY: N/A**

Additional Comments:

Resubmitted per meeting with staff

(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: 08/11/2011



# BARBOT, STEUART & ASSOCIATES, INC. CONSULTING ENGINEERS

13861 PLANTATION RD, SUITE 105 FORT MYERS, FLORIDA 33912

PHONE (239)936-7353 FAX (239)936-5823 EMAIL MAIN @ BSAENGINEERING.NET

## LETTER OF TRANSMITTAL

TO: Lee County Department of  
Community Development  
1500 Monroe St. Ft. Myers, FL 33901  
ATTENTION: Mr. Chip Block

DATE: August 9, 2011  
RE: Cypress Woods RV Resort  
DCI2007-00078

WE ARE SENDING YOU: ☒ ATTACHED ☐ UNDER SEPARATE COVER VIA \_\_\_\_\_ THE FOLLOWING ITEMS:

☐ SHOP DRAWINGS ☐ PRINTS ☒ PLANS ☐ SURVEYS ☐ SPECS.  
☒ COPY OF LETTER ☐ AERIALS ☐ OTHER

| COPIES | DATE   | DESCRIPTION                                                 |
|--------|--------|-------------------------------------------------------------|
| 4      | 8/9/11 | Revised Master Concept Plan, 24"x36"                        |
| 4      | 8/9/11 | Revised Master Concept Plan, 11"x17"                        |
| 4      | 8/9/11 | Revised Schedule of Deviations, Stormwater Design Narrative |
|        |        |                                                             |
|        |        |                                                             |
|        |        |                                                             |
|        |        |                                                             |
|        |        |                                                             |
|        |        |                                                             |
|        |        |                                                             |
|        |        |                                                             |

THESE ARE TRANSMITTED AS CHECKED BELOW:

☒ FOR APPROVAL ☐ APPROVED AS SUBMITTED ☐ RESUBMIT \_\_\_\_\_ COPIES FOR APPROVAL.  
☒ FOR YOUR USE ☐ APPROVED AS NOTED ☐ SUBMIT \_\_\_\_\_ COPIES FOR DISTRIBUTION  
☒ AS REQUESTED ☐ CORRECTIONS ☐ RETURN \_\_\_\_\_ CORRECTED PRINTS  
☐ REVIEW AND COMMENT ☐ PRINTS RETURNED ☐ FOR BIDS DUE ON \_\_\_\_\_  
☐ OTHER \_\_\_\_\_

REMARKS: If there are any questions, please contact (239) 936-7353. Thank you.

COPIES TO: \_\_\_\_\_

SIGNED:   
John Allen  
CAD Manager

DATE: 8/9/11



Exhibit D-7-R  
Description of Storm Water Management System

The proposed development will feature a surface drainage system consisting of open swales, catch basins & culverts. All runoff will be directed to surface swales which will convey runoff to a system of catch basins and culverts. This system of underground drainage will transfer runoff to a surface lake constructed on site. The proposed lake will be connected to the two existing on-site lakes from previous phases.

Along the north boundary of Phase Five, an existing swale carrying offsite flows will be relocated to the north onto the adjacent property through an agreement with the property owners.

The wet detention system will be designed per South Florida Water Management District and Lee County regulations, including LDC Section 10-329(3) & (4), to accommodate all storage requirements and re-charge the on-site wetlands.

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DCI 2007-00078



### Schedule of Deviations

1. A deviation from Section 6.03 of Ordinance 86-31 to allow for the development of the "TZ" area as indicated on the Master Concept Plan. (No longer applicable, No modern equivalent.)
2. A deviation from LDC Section 10-714 which requires a 90 foot turn-out radius to allow 30 feet.
3. A deviation from LDC Sections 34-222 & 34-2192 to allow the corner lots to be the same size as the other lots in the development and to allow a reduction in the street setback from 20 ft. to 5 ft. on the "side" lot line for these corner lots.
4. A deviation from Table 1 of LDC 10-286 which requires 125 feet of street intersection separation to allow 100 feet.
5. A deviation from LDC Section 10-291(3) to allow only one means of ingress and egress for a development of more than five acres.
6. A deviation from Table 3 of LDC 10-296 which requires a 45 foot right-of-way for a local street with open drainage to permit a local street with 30 foot right-or-way and open drainage.
7. A deviation from LDC Section 34-939(b)(6)(b) which requires a 5,000 square foot minimum lot to allow a 4,140 square foot minimum (46 feet x 90 feet).
8. A deviation from LDC Section 34-393(b)(7)(c) which requires side setbacks of 10 feet and a street (right-of-way) setback of 25 feet to permit a side setback of 5 feet and a street (right-of-way) setback of 20 feet for a non-transient park.
- 8a. A deviation from LDC Section 34-939(b)(3) to permit an access road through the perimeter buffer.
9. A deviation from Section 439.02 of the Lee County Zoning Ordinance (Now LDC 34-736) which requires a 5,000 square foot minimum lot (50 feet x 100 feet) to allow a 4,140 square foot minimum lot (46 feet x 90 feet).
10. A deviation from LDC Section 34-736 which requires a side setback of 7 feet to permit a side setback of 5 feet.
11. A deviation from LDC Section 34-2194(b)(3) of the Lee County Land Development Code to permit a water related use (i.e. clubhouse, deck, pier and gazebo) to encroach into the 25' setback and to extend 90 feet into an artificial body of water. This request is made pursuant to the exception provided in LDC 34-2194(c)(1)(a).
12. A deviation from Section 34-2020(4)(o)(2) which would require 135 spaces for the two clubhouse facilities to allow 44 spaces.
13. A deviation from LDC Section 34-939(b)(3) which requires a 40' buffer with an 8 foot high vegetative visual screen to allow restoration plantings along the northern portion of Phase Five in lieu of the 8 foot high vegetative screen.

Exhibit D-7-Q

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COMMUNITY DEVELOPMENT



CYPRESS WOODS RESORT

*TOTAL AREA = 6,688,691.34 S.F. (153.55 AC.)*

RIGHT-OF-WAY = 792,541.57 S.F. ( 18.19 AC.)

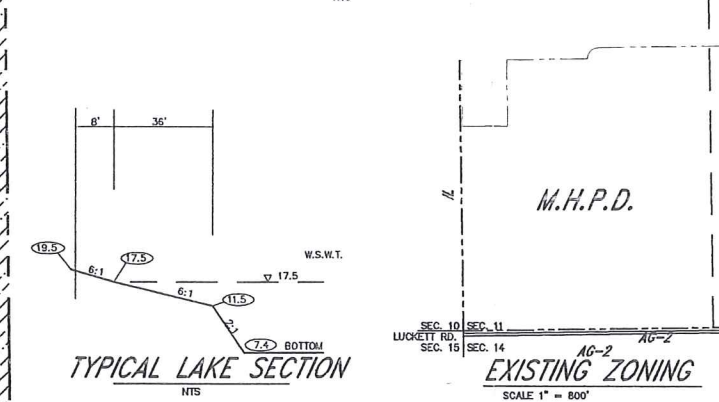
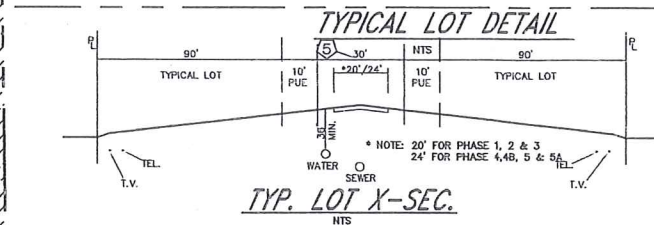
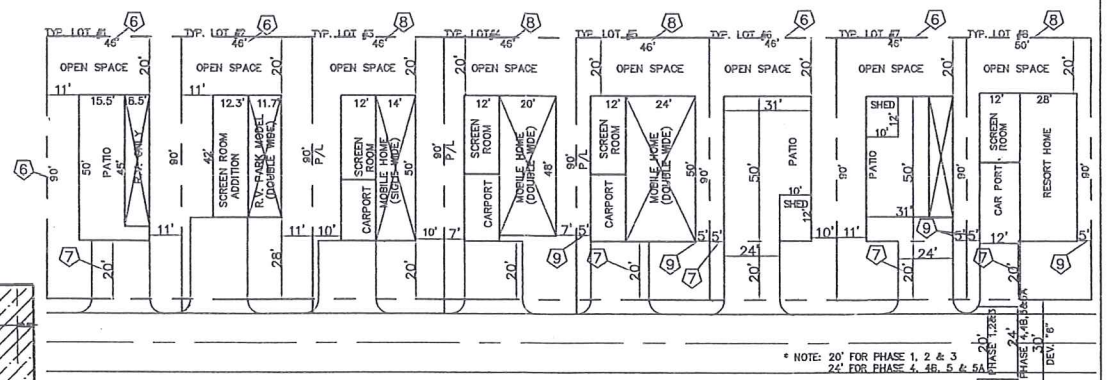
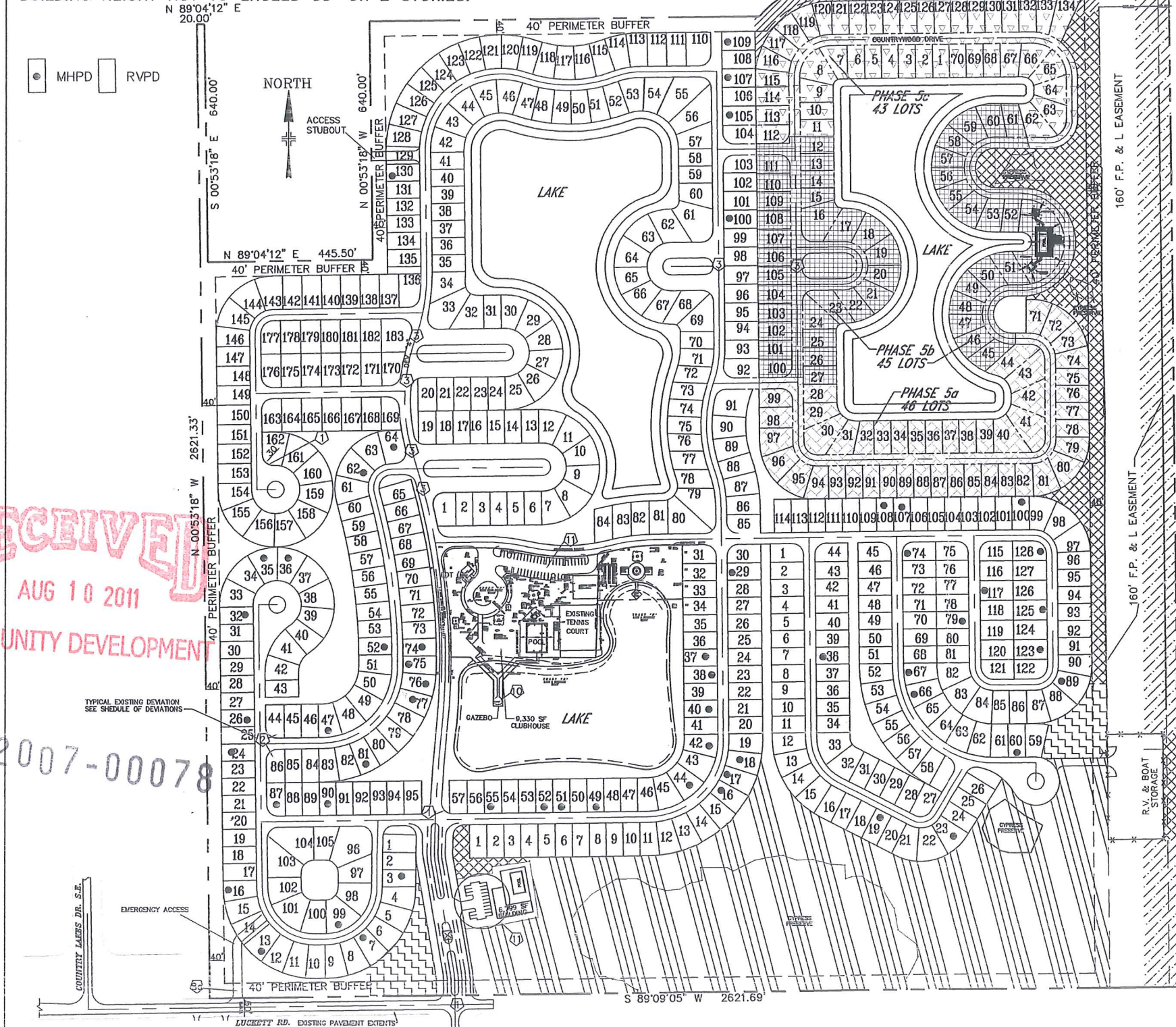
LOT AREA = 2,850,427.44 S.F. (65.44 AC.)

LAKES = 726,812.66 S.F. (16.68 AC.)

NO. OF LOTS = 611 UNITS (563 R.V. SITES, 48 M.H. SITES)

GROSS DENSITY = 3.98 UNITS/AC.

BUILDING HEIGHT NOT TO EXCEED 35' OR 2 STORIES.



| <i>INDIGENOUS OPEN SPACE</i>                                                               |             |             |
|--------------------------------------------------------------------------------------------|-------------|-------------|
| TYPES                                                                                      | ACTUAL      | CREDITS     |
| 100%  | 5.04 ACRES  | 5.04 ACRES  |
| 110%  | 1.27 ACRES  | 1.39 ACRES  |
| 125%  | 4.86 ACRES  | 6.08 ACRES  |
| 150%  | 16.70 ACRES | 25.05 ACRES |
| TOTAL PROVIDED:                                                                            | 27.87 ACRES | 36.64 ACRES |
| TOTAL REQUIRED:                                                                            |             | 30.30 ACRES |

*OPEN SPACE*

*COMMON AREA:*

40 FOOT PERMETER BUFFER = 417,979.95 S.F. (9.60 AC.)  
20 FOOT AROUND LAKE = 174,510.73 S.F. (4.00 AC.)  
LAKES = 732,335.74 S.F. (16.81 AC.)  
100' PVI EASEMENT = 435,687.83 S.F. (10.03 AC.)  
WETLAND CREATION (EXISTING) = 760,122.00 S.F. (17.45 AC.)  
ADDITIONAL COMMON AREA (AREA BETWEEN BLOCKS) = 430,223.79 S.F. (9.87 AC.)

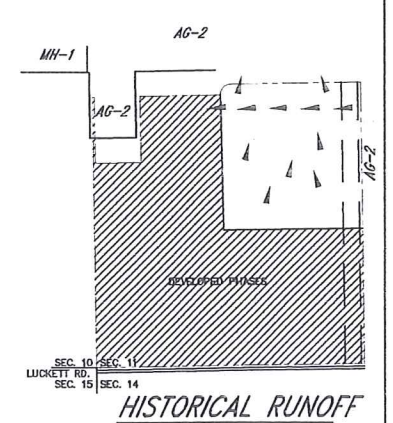
---

COMMON AREA TOTAL = 2,947,780 S.F. (67.65 AC.)  
± OF SITE = 44.04 %

---

*HURRICANE SHELTER* (PER LDC SECTION 10-255)

REQUIRED HURRICANE SHELTERS = (2,251,697)/(40)(25)=12,000 S.F.  
PROVIDED = 16,129 S.F.



|                                                                                                                                                                                   |                     |              |                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|--------------|------------------|
| <p style="text-align: center;">SCALE 1" = 600'</p> <p style="text-align: center;">CYPRESS WOODS<br/>R.V. RESORT</p> <p style="text-align: center;">ORIGINAL ZONING # Z-94-025</p> |                     |              |                  |
| <p>MASTER CONCEPT PLAN</p>                                                                                                                                                        |                     |              |                  |
| <p><b>BARBOT, STEUART &amp; ASSOCIATES, INC.</b></p> <p>— CONSULTING ENGINEERS —</p> <p>3228 EVANS AVENUE, FORT MYERS, FLORIDA 33901, PH. (239) 936-7353</p>                      |                     |              |                  |
| DESIGNED BY:<br>IKS                                                                                                                                                               | CHECKED BY:<br>IKS  |              |                  |
| DRAWN BY:<br>JTA                                                                                                                                                                  | CHECKED BY:<br>IKS  |              |                  |
| SCALE: 1" = 150'<br>OR AS NOTED                                                                                                                                                   | DATE:<br>09/14/2007 | SHEET 1 OF 3 | FILE No.<br>3434 |



ZONING DIVISION  
LEE COUNTY  
PLANNED DEVELOPMENT SUFFICIENCY REVIEW  
TRANSMITTAL SHEET

TO: Distribution

FROM: Alvin Block, AICP

DATE: 07/11/2011

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 Huff, Lee County School District  
Sam Lee, Natural Resources  
Chick Jakacki, Zoning  
Mike Pavese, Public Works

**\* REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: CYPRESS WOODS RV RESORT

CASE #: DCI2007-00078

INFORMATION SUMMARY:

**RESUBMITTAL**

☐ To update your file  
☒ Review and forward sufficiency  
questions or make finding of  
sufficiency

**RESPONSE REQUIRED BY: 07/25/2011**

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: 07/13/2011



Cypress Woods V, LLC  
5551 Lockett Road  
Fort Myers, FL 33905  
July 11, 2011

DCI 2007-00078

Alvin Block  
Department of Community Development  
Lee County  
P.O. Box 398  
Fort Myers, FL 33902-0398

Re: REZONING  
DCI 2007-00078 - Cypress Woods RV Resort

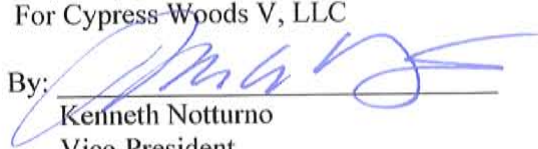
Dear Mr. Block:

In response to your letter of May 17, 2011, we are submitting the updated Application for a Public Hearing and Supplement D. I am also attaching the updated and revised Boundary Survey, Legal Description, Sketch and updated Title Opinion issued by Gordon Duncan.

The delay in supplying this information is as a result of our attempt to have the Oil Gas & Mineral Lease to Exxon Corporation removed as an exception to the Title Search and Notes on the Survey. That Oil Gas & Mineral Lease expired in 1979 on its face but was never released or removed from record. A title search of Oil Gas and Mineral leases is expensive. We have (finally) made contact with the appropriate department at Exxon Mobil and they are working on providing us with a release. We hope to have that within the next month and will advise you accordingly. As for now it is shown on the Title Opinion and on the Survey (it covers the entire property).

Hopefully this submission will deem this application sufficient to proceed to a hearing. Thank you very much for your anticipated cooperation.

Very truly yours,  
For Cypress Woods V, LLC

By: 

Kenneth Notturmo  
Vice-President  
Harp Management, LLC,



## APPLICATION FOR PUBLIC HEARING FOR ZONING ACTION UNINCORPORATED AREAS ONLY

Applicant's Name: Cypress Woods V, LLC

Project Name: Cypress Woods RV Resort

STRAP Number(s): 11-44-25-00014.0020

OCI 2007-00078

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### TYPE OF APPLICATION

- ☐ Special Exception (attach Supplement A)
- ☐ Variance (attach Supplement B)
- ☐ Conventional Zoning (attach Supplement C)
- ☐ Planned Development (not a Compact Community PD) (attach Supplement D)
- ☒ Amendment to built Planned Development (Supplement D may be required)
- ☐ Private Recreational Facilities Planned Development (PRFPD) (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)
- ☐ Compact Community Planned Development (CCPD) per LCLDC Section 32-501 et. seq. (attach Supplement H)
- ☐ DRI - with rezoning (submit completed DRI Application Form {do not use this form} and Supplement D)
- ☐ 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\* ☒ NO \*If YES, please note PART 4.G below for public information meeting summary document requirements.

### STAFF USE ONLY

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

PART 1  
APPLICANT/AGENT INFORMATION

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COMMUNITY DEVELOPMENT

A. Name of applicant: Cypress Woods V, LLC

Address: Street : 5551 Luckett Road

City, State, Zip: Fort Myers, FL33905

Phone Number: 239-333-3233

Fax: 239-694-4969

E-mail address: knotturmo@harpdevelopment.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: Harp Management, LLC

Contact Person: Kenneth Notturmo

Address: Street : 5551 Luckett Road

City, State, Zip: Fort Myers, FL

Phone Number: 239-333-3238

Fax: 239-333-2197

E-mail address: knotturmo@harpdevelopment.com

C.2. ☒ Additional Agent(s): The names of other agents that the County may contact concerning this application are attached as Exhibit PH-1.C.2. [34-202(b)(1)c.]



**PART 2  
PROPERTY OWNERSHIP**

**A. Property Ownership: Single owner (individual or husband & wife only) [34-201(a)(1)a.1.]**

**A.1.** Name: \_\_\_\_\_  
 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.** \_\_\_\_\_ Property owners list is attached as **Exhibit PH-2.C.1.** [34-202(a)(5)]

**C.2.** \_\_\_\_\_ Property owners map is attached as **Exhibit PH-2.C.2.** [34-202(a)(5)]

**D. Confirmation of Ownership/Title Certification [34-202(a)(3)]**

**D.1.** ☒ Title certification document is attached as **Exhibit PH-2.D.1.** [34-202(a)(3)]

**E.** Date property was acquired by present owner(s): August 30, 2007

**PART 3  
PROPERTY INFORMATION**

**A. STRAP Number(s):** 11-44-25-00-00014.0020 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**B. Street Address of Property:** 5551 Luckett Road (Countrywood Drive [New]), Fort Myers, FL 33905

**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)]

E. Planning Community: Buckingham

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 [34-373(a)(4)b.]}  
☒ X

F.2. Directions to property:

I-75 to Luckett Road, East on Luckett Road to dead end, left into Cypress Woods RV Resort

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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)]

COMMUNITY DEVELOPMENT

H. Current Zoning of Property: AG-2/MHPD/RVPD

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/Mobile Home Residential/Recreational Vehicle

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". [34-202(b)(3)]  
☒ N/A

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." [34-202(b)(7)]  
☒ N/A

J. Land Use Classification:

|                        |                     |                       |
|------------------------|---------------------|-----------------------|
| <u>Urban Community</u> | <u>153.55</u> Acres | <u>100</u> % of total |
| _____                  | _____ Acres         | _____ % of total      |
| _____                  | _____ Acres         | _____ % of total      |
| _____                  | _____ Acres         | _____ % of total      |

**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 \_\_\_\_\_ NAVD (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):     | <u>2621</u>   | Feet                               |
| 2. Depth (average if irregular parcel):     | <u>2700</u>   | Feet                               |
| 3. Total area:                              | <u>153.55</u> | Acres or square feet               |
| 4. Frontage on road or street:              | <u>0</u>      | Feet on <u>Luckett Road</u> Street |
| 2 <sup>nd</sup> Frontage on road or street: | <u>0</u>      | Feet on _____ Street               |

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**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 AG-2 to MHPD/RVPD

\_\_\_\_\_ 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 LCLDC Section 12-121(j). **Attached is Supplement G**

\_\_\_\_\_ Compact Community Planned Development (CCPD) per LCLDC Section 32-501 et. seq. **Attached is Supplement H**



**B. Blasting:**

☒ No blasting will be used in the excavation of lakes or other site elements.

☐ 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)**

☒ 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)**

☒ 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)**

☒ 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)**

☒ Property is subject to Airport Hazard District regulations. Attached is **Exhibit PH-4.F** [34-1001 et seq]

☐ 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]

☐ **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]

☐ **Boca Grande Planning Community.** Attached is **Exhibit PH-4.G.3** [Lee Plan Policy 22.1.5]

☐ **Caloosahatchee Shores Community Plan area.** Attached is **Exhibit PH-4.G.4** [Lee Plan Policy 21.6.3]

☐ **Page Park Community Plan area.** Attached is **Exhibit PH-4.G.5** [Lee Plan Policy 27.11.2; 33-1203]

☐ **Palm Beach Boulevard Community Plan area.** Attached is **Exhibit PH-4.G.6** [Lee Plan Policy 23.5.2]

☐ **Buckingham Planning Community.** Attached is **Exhibit PH-4.G.7** [Lee Plan Policy 17.7.2]

☐ **Pine Island Planning Community.** Attached is **Exhibit PH-4.G.8** [Lee Plan Policy 14.7.1]

☐ **Lehigh Acres Planning Community.** Attached is **Exhibit PH-4.G.9** [Lee Plan Policy 32.12.2]

- 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                                                             |
|------------------------------|--------------------------------------------------------------------------|
| <u>34-373(7)</u>             | <u>Traffic Impact Statement</u>                                          |
| <u>34-373(4)(a)</u>          | <u>Boundary Survey</u>                                                   |
| <u>34-373(4)(e)(i-iv)(f)</u> | <u>Maps reflecting soils, FLUCCS, habitats, topographic and flowways</u> |
| <u>34-373(5)</u>             | <u>Narrative Explanation regarding compliance with Lee Plan</u>          |

- I. **Potable Water & Central Sewer.** Will the project be connected to potable water and central sewer as part of any development of the property?   X   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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PLANNING & COMMUNITY DEVELOPMENT

**PART 5  
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*    |               |     |                   |                                                                                                                                                                                                                                        |
|----------------------|---------------|-----|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Var. or<br>Spe. Exc. | Conv.<br>Rez. | PDs | Exhibit<br>Number | SUBMITTAL ITEMS                                                                                                                                                                                                                        |
| 1                    | 3             | 15  |                   | Completed application for Public Hearing [34-201(b)]                                                                                                                                                                                   |
| 1                    | 1             | 1   |                   | Filing Fee - [34-202(a)(9)]                                                                                                                                                                                                            |
| Var. or<br>Spe. Exc. | Conv.<br>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 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 request                                                                                                                                                                  |
| 0                    | 0             | 15  | SUP H             | Compact Community Planned Development (CCPD) request                                                                                                                                                                                   |
| Var. or<br>Spe. Exc. | Conv.<br>Rez. | PDs | Exhibit<br>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             | 3   | PH-2.D.1          | Confirmation of Ownership/Title Certification [34-202(a)(3)]                                                                                                                                                                           |
| 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 (8.5" x 11") <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 & Supplement H)} [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 (8.5" by 11") 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 & Supplement H [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*    |               |     |                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|----------------------|---------------|-----|-------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Var. or<br>Spe. Exc. | Conv.<br>Rez. | PDs | Exhibit<br>Number | SUBMITTAL ITEMS (continued)                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 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             | 0   | 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]                                                                                                                                                                                                                                                                                                           |
| 1                    | 3             | 4   | PH-4.G.5          | Summary of Public Informational Session for Planned Development Applications, Special Exceptions and Variance Requests and Conventional Rezoning Actions located within Page Park Community Plan area (if applicable) [Lee Plan Policy 27.11.2; 33-1203]                                                                                                                                                                                                                                 |
| 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]                                                                                                                                                                                                                                                                                                            |
| 1                    | 3             | 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]                                                                                                                                                                                      |
| 1                    | 3             | 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]                                                                                                                                                                                                                                           |
| 1                    | 3             | 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 indicating the utility entity's name and ability to provide service to support the proposed development.<br><br>If the answer to Item 4.I was NO, a written explanation as to the reasons why connection will not be made must be submitted 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 A1  
(EXHIBIT PH-1.B.2)

RECEIVED  
JUL 11 2011

AFFIDAVIT FOR PUBLIC HEARING  
APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Kenneth Notturmo, 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 have authorized 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.

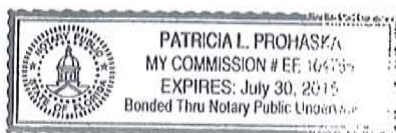
  
Signature

Kenneth Notturmo  
(Type or printed name)

STATE OF Florida

COUNTY OF Lee

The foregoing instrument was sworn to (or affirmed) and subscribed before me this July 7, 2011 (date) by Kenneth Notturmo (name of person providing oath or affirmation), who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification.



  
Signature of Notary Public  
Patricia Prohaska  
Printed Name of Notary Public



PART 1 AFFIDAVIT A2  
(EXHIBIT PH-1.B.2)

RECEIVED  
JUL 11 2011

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, \* Avi Harpaz as President of Harp Management, LLC, manager  
of Cypress Woods V, 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.

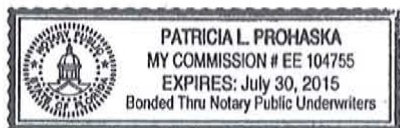
Cypress Woods V, LLC  
\*Name of Entity (corporation, partnership, LLP, LC, etc)

Avi Harpaz  
Signature  
President of Harp Management, LLC, Mgr. of Cypress Woods V, LLC  
(title of signatory)

Avi Harpaz  
(Type or printed name)

STATE OF Florida  
COUNTY OF Lee

The foregoing instrument was sworn to (or affirmed) and subscribed before me this June 11, 2011 (date) by Avi Harpaz, Pres. of Harp Management, LLC, manager of Cypress Woods V, LLC (name of person providing oath or affirmation), who is personally known to me or who has produced Identification (type of identification) as identification.



Patricia L. Prohaska  
Signature of Notary Public  
Patricia L. Prohaska  
Printed Name of Notary Public

\* 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.



EXHIBIT PH-2.B.1  
DISCLOSURE OF INTEREST FORM FOR:

DCI 2007-00078

STRAP NO. 11-44-25-00014.0020 CASE NO. DCI2007-00078

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 |
|----------------------------|---------------------|
| <u>See Attached Sheets</u> |                     |
|                            |                     |
|                            |                     |
|                            |                     |
|                            |                     |

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 |
|----------------------------|-------------------------|
| <u>See Attached Sheets</u> |                         |
|                            |                         |
|                            |                         |
|                            |                         |
|                            |                         |

Page 1 of 2

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.

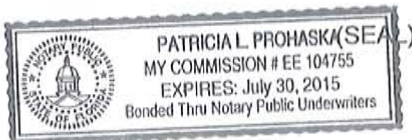
Signature: \_\_\_\_\_  
(Applicant)

Cypress Woods V, LLC by Harp Management, LLC, its Manager, by Avi Harpaz, its President  
(Printed or typed name of applicant)

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this July 7, 2011 (date) by Avi Harpaz, Pres. of Harp Management, LLC, et al who is personally known to me or who has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Signature of Notary Public



Patricia L. Prohaska  
Printed Name of Notary Public

**BENEFICIAL OWNERSHIP OF INTERESTS**  
**OF CYPRESS WOODS V, LLC**

**RECEIVED**  
 JUL 11 2011

1. Cypress Woods V, LLC is owned (51%) by Cypress Woods RV Resort Associates, a Florida general partnership and 49% by A.R.B.B., Ltd., Inc., an Israeli corporation owned 100% by Yehuda Assouline. The property is managed by Harp Management, LLC.

**CYPRESS WOODS RV RESORT ASSOCIATES**

2. The ownership of Cypress Woods RV Resort Associates is a complex partnership of a number of various types of entities (see attached Organization Chart) which are owned or controlled by the following individuals and their respective percentage interests are reflected below:

|                                                                                    |         |
|------------------------------------------------------------------------------------|---------|
| a. Yehuda Assouline, 10 Yekutiel Adam Street, Kfar Saba, Israel                    | 60.53%  |
| b. Hana Harpaz, 16 Arugot Street, Herezelia, Israel                                | 30.21%  |
| c. Dan H. and Barbara I. Ruhl, 1041 Churchill Lane, Watkinsville,<br>GA 30677-5173 | 3.56%   |
| d. Dan H. and Barbara I. Ruhl, 1041 Churchill Lane, Watkinsville,<br>GA 30677-5173 |         |
| David P. Faxon, PO Box 510688, Fort Myers, FL 33951                                | 5.70%   |
| Wayne E. Ballantyne, 1119 Regency Drive, Columbus, OH 43220                        | 100.00% |

3. Cypress Woods RV Resort Associates is a Florida general partnership owned as follows:
- a. 5.70% by Cypress Woods Domestic Corporation (whose shareholders are listed in Paragraph 2 (d) above);
  - b. 14.24% by Harwin Green Investors, LLC which is owned 25% by the Ruhls (Paragraph 2 (c) above), and 75% by RV Park Associates (See below);
  - c. 38.43% by Deer Run Associates which is a fictitious name for Six Mile Associates, Ltd. (which owns 99% of Deer Run Associates [see below] and 1% by Conover Holdings, Inc. [see below]); and
  - d. 41.63 % by RV Park Associates, a Florida general partnership, which is owned as follows:
    1. 24.41% by A.R.B.B., Ltd., Inc., an Israeli corporation owned 100% by Yehuda Assouline (see 2 (a) above);
    2. 40.95% by A.H.R. Real Estate Ltd., Inc. an Israeli corporation owned 100% by Hana Harpaz (see 2 (b) above);
    3. 14.64% by Conover Holdings, Inc., a British Virgin Islands Corporation, which is owned 100% by Hana Harpaz (see 2 (b) above);
    4. 20% by Deer Run Associates a fictitious name of 1% Conover Holdings, Inc. ([see 3 (d) (3) above] which is owned 100% by Hana Harpaz (see 2 (b) above) and 99% Six Mile Associates, Ltd., a Florida Limited Liability Company, owned as follows:
      - a. 1.33% (general partnership interest) by Taglin Investments, Inc., a British Virgin Islands Corporation, which is owned 100% by Hana Harpaz (see 2 (b) above); and



b. 98.67% (limited partnership interest) by Yehouda Assouline  
(See 2 (a) above).

CYPRESS WOODS V, LLC

4. Cypress Woods V is therefore owned or controlled indirectly by the following individuals and their respective percentage interests, are reflected below:

|                                                                                    |               |
|------------------------------------------------------------------------------------|---------------|
| a. Yehuda Assouline, 10 Yekutiel Adam Street, Kfar Saba, Israel                    | 79.87%        |
| b. Hana Harpaz, 16 Arugot Street, Herezelia, Israel                                | 15.41%        |
| c. Dan H. and Barbara I. Ruhl, 1041 Churchill Lane, Watkinsville,<br>GA 30677-5173 | 1.81%         |
| d. Dan H. and Barbara I. Ruhl, 1041 Churchill Lane, Watkinsville,<br>GA 30677-5173 |               |
| David P. Faxon, PO Box 510688, Fort Myers, FL 33951                                | 2.91%         |
| Wayne E. Ballantyne, 1119 Regency Drive, Columbus, OH 43220                        |               |
|                                                                                    | <hr/> 100.00% |

HARP MANAGEMENT, LLC

4. Harp Management, LLC is the Manager of Cypress Woods V, LLC and has a corporate management structure of Avi Harpaz as President and Kenneth Notturmo as Vice-President.

RECEIVED  
JUL 11 2011

COMMUNITY DEVELOPMENT

DCI 2007-00078

**RECEIVED**  
JUL 11 2011  
COMMUNITY DEVELOPMENT

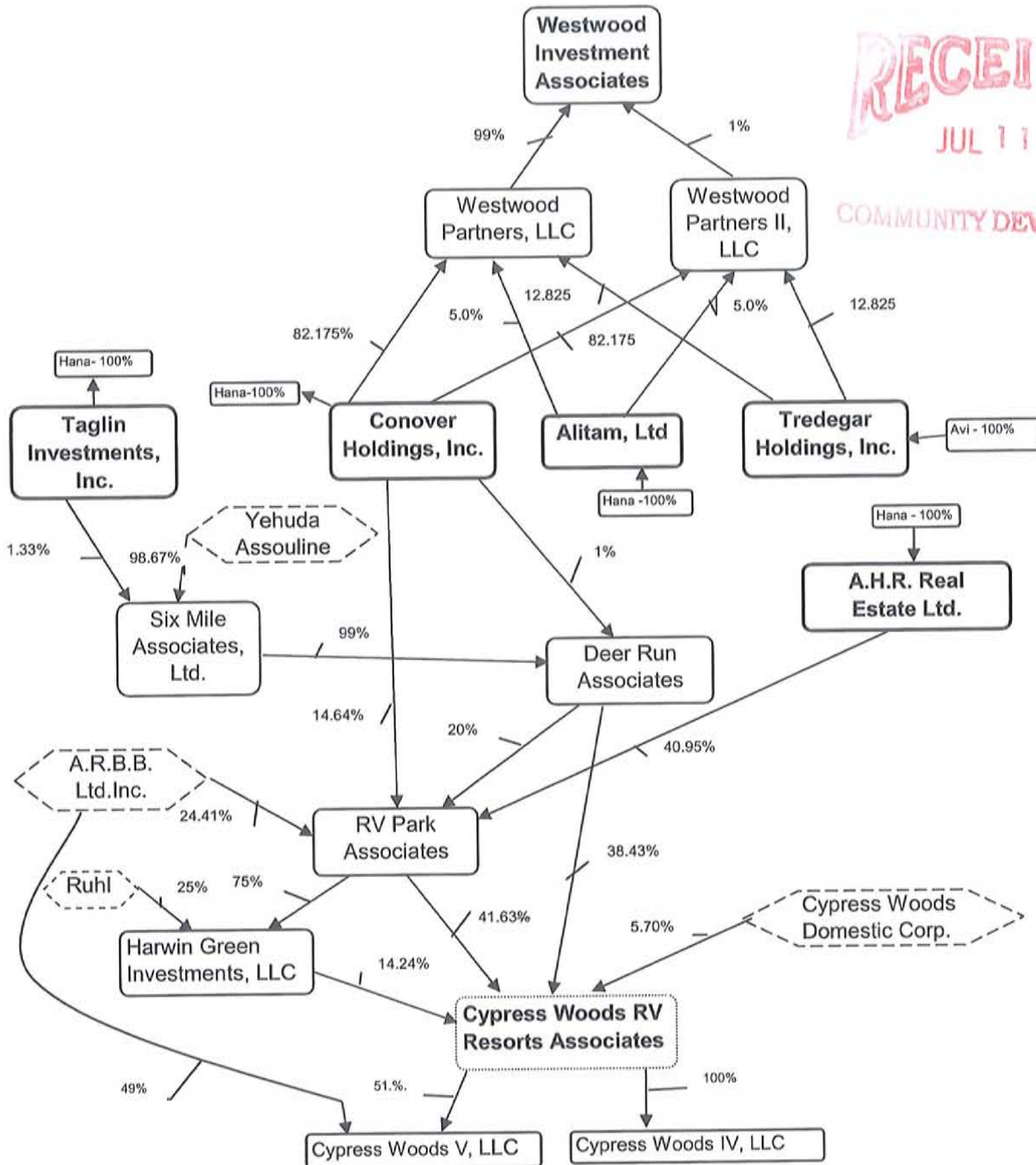


EXHIBIT PH-1.C.2  
ADDITIONAL AGENTSRECEIVED  
JUL 11 2011Company Name: Barbot, Steuart & Associates, Inc.Contact Person: John Allen or Don Slisher

COMMUNITY DEVELOPMENT

Address: Street : 13861 Plantation Road, Suite 105City, State, Zip: Fort Myers, FL 33912Phone: 239-936-7353Fax: 239-936-5823E-mail: jallen@bsaengineering.netCompany Name: Pavese Law FirmContact Person: Neale Montgomery or Neysa BorkertAddress: Street : 1833 Hendry StreetCity, State, Zip: Fort Myers, FL 33901Phone: 239-334-2195Fax: 239-332-2243E-mail: nealemontgomery@paveselaw.comCompany Name: Harp Management LLCContact Person: Kenneth Notturmo or Avi HarpazAddress: Street : 5551 Luckett RoadCity, State, Zip: Fort Myers, FL 33905Phone: 239-333-3233Fax: 239-694-4969E-mail: knotturmo@harpdevelopment.com

Company Name: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Address: Street : \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_





## PUBLIC HEARING SUPPLEMENT D

RECEIVED  
JUL 11 2011

### ADDITIONAL REQUIRED INFORMATION FOR DEVELOPMENT A PLANNED DEVELOPMENT APPLICATION UNINCORPORATED LEE COUNTY

Case Number: DCI2007-00078

Project Name: Cypress Woods RV Resort

Applicant's Name: Cypress Woods V, LLC

STRAP Number(s): 11-44-25-00-00014.0020

#### Brief Summary of Project:

Applicant is seeking to rezone and add approximately 2.1 acres to the existing 33.5 acres already approved for 120 lots and add an additional 14 lots to the existing approved Phase V plan.

#### 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))]

#### 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) Rezonings 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) Rezonings 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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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 and **is not within the Mixed Use Overlay**. Density has been calculated in Part 3 of this application and is summarized below:

|                          |       |                         |
|--------------------------|-------|-------------------------|
| Intensive Development    | _____ | Proposed dwelling units |
| Central Urban            | _____ | Proposed dwelling units |
| Urban Community          | _____ | Proposed dwelling units |
| Suburban                 | _____ | Proposed dwelling units |
| 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>             | _____ | Proposed dwelling units |



The property is located within one or more Future Land Use categories and **is within the Mixed Use Overlay** [see Lee Plan Map 1, Page 6 of 8]. Density has been calculated in Part 3 of this application and is summarized below:

|                          |       |                         |
|--------------------------|-------|-------------------------|
| Intensive Development    | _____ | Proposed dwelling units |
| Central Urban            | _____ | Proposed dwelling units |
| Urban Community          | _____ | Proposed dwelling units |
| Suburban                 | _____ | Proposed dwelling units |
| 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>             | _____ | Proposed dwelling units |

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## PART 2 TYPES OF LAND AREA ON PROPERTY

- A. Gross Acres (total area within described parcel)** 153.55 Acres
- |                                                    |       |       |
|----------------------------------------------------|-------|-------|
| 1. Submerged land subject to tidal influence:      | _____ | Acres |
| 2. Other non-freshwater Wetlands:                  | _____ | Acres |
| 3. R-O-W providing access to non-residential uses: | _____ | Acres |
| 4. Non-residential use areas <sup>(1) (2)</sup>    | _____ | Acres |
- B. Total area not eligible as gross residential acreage. Items A.1. + A.2 + A.3. + A.4.** \_\_\_\_\_ Acres
- C. Gross residential acres. (A minus B) <sup>(3)</sup>** 153.55 Acres
- D. Gross residential acres by Land Use Category**
- |                                                              |               |       |
|--------------------------------------------------------------|---------------|-------|
| 1. a. Intensive development - upland                         | _____         | Acres |
| b. Intensive development - freshwater wetland                | _____         | Acres |
| 2. a. Central Urban - upland                                 | _____         | Acres |
| b. Central Urban - freshwater wetland                        | _____         | Acres |
| 3. a. Urban Community or Suburban - upland                   | <u>119.29</u> | Acres |
| b. Urban Community or Suburban freshwater wetland            | <u>34.26</u>  | Acres |
| 4. a. Outlying Suburban - upland                             | _____         | Acres |
| b. Outlying Suburban - freshwater wetland                    | _____         | Acres |
| 5. a. Rural, Outer Island, Rural Community Preserve - upland | _____         | Acres |
| b. Rural, Outer Island, Rural Community Preserve -           | _____         | Acres |

|     |    |                                           |       |       |
|-----|----|-------------------------------------------|-------|-------|
| 6.  | a. | Open Lands - upland                       | _____ | Acres |
|     | b. | Open Lands - freshwater wetland           | _____ | Acres |
| 7.  | a. | DR/GR - upland                            | _____ | Acres |
|     | b. | DR/GR - freshwater wetland                | _____ | Acres |
| 8.  | a. | Wetlands - freshwater                     | _____ | Acres |
|     | b. | Wetlands - not freshwater                 | _____ | Acres |
| 9.  | a. | New Community - Upland                    | _____ | Acres |
|     | b. | New Community - freshwater wetland        | _____ | Acres |
| 10. | a. | University Community - upland             | _____ | Acres |
|     | b. | University Community - freshwater wetland | _____ | Acres |
| 11. | a. | Coastal Rural-Upland                      | _____ | Acres |
|     | b. | Coastal Rural-freshwater wetland          | _____ | Acres |

**TOTAL** (should equal "C" above) 153.55 Acres

**Notes:**

- (1) Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included except within the Mixed Use Overlay (see Note (2) below).
- (2) Within the Mixed Use Overlay, lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses may be included in density calculations (see Lee Plan Objective 4.3).
- (3) Lands to be used for residential uses including land within the development proposed to be used for streets and street rights of way, utility rights-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made waterbodies.

**PART 3  
RESIDENTIAL DEVELOPMENTS  
PRELIMINARY DENSITY CALCULATIONS\***

- \* 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 |
|----|---------------------------------------------------------------------------|--------------------------|-------|
| 1. | <b>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>              |                          | _____ |
| 2. | <b>Maximum Permitted Units</b>                                            | Maximum permitted        | Units |
| a. | Total upland Acres (from Part 2, D.1.a.)                                  | _____ times 18 equals    | _____ |
| 3. | <b>Total allowed standard units (A.1.c. or A.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 (A.4.a. plus A.4.b.)                                            |                          | _____ |
| 5. | <b>Total Permitted Units (A.3. plus A.4.c.):</b> <sup>(1)</sup>           |                          | _____ |

**B. Central Urban Category**

|                                                                              | Maximum standard density | Units |
|------------------------------------------------------------------------------|--------------------------|-------|
| 1. <b>Preliminary Standard Units</b>                                         |                          |       |
| a. Total upland Acres (from Part 2, D.2.a.)                                  | _____ times 10 equals    | _____ |
| 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>              |                          | _____ |
| 2. <b>Maximum Permitted Units</b>                                            | Maximum permitted        | Units |
| a. Total upland Acres (from Part 2, D.2.a.)                                  | _____ times 12.5 equals  | _____ |
| 3. <b>Total allowed standard units (B.1.c. or B.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 (B.4.a. plus B.4.b.)                                            |                          | _____ |
| 5. <b>Total Permitted Units (B.3. plus B.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.

**C. Urban Community Category**

|                                                                              | Maximum standard density     | Units      |
|------------------------------------------------------------------------------|------------------------------|------------|
| 1. <b>Preliminary Standard Units</b>                                         |                              |            |
| a. Total upland Acres (from Part 2, D.3.a.)                                  | <u>119.29</u> times 6 equals | <u>715</u> |
| b. Total freshwater wetland Acres (from Part 2, D.3.b.)                      | <u>34.26</u> times 6 equals  | <u>206</u> |
| c. Preliminary Total Standard units (a. plus b.) <sup>(1)</sup>              |                              | <u>921</u> |
| 2. <b>Maximum Permitted Units</b>                                            | Maximum permitted            | Units      |
| a. Total upland Acres (from Part 2, D.3.a.)                                  | <u>119.29</u> times 8 equals | <u>954</u> |
| 3. <b>Total allowed standard units (C.1.c. or C.2.a., whichever is less)</b> |                              | <u>921</u> |
| 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>           |                              | <u>921</u> |

**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**

|                                                                              | 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>                                            | Maximum permitted        | Units |
| 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. Preliminary Standard Units**

- |                                                                 |                          |       |
|-----------------------------------------------------------------|--------------------------|-------|
| a. Total upland Acres (from Part 2, D.4.a.)                     | Maximum standard density | Units |
|                                                                 | 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. Maximum Permitted Units**

- |                                             |                               |       |
|---------------------------------------------|-------------------------------|-------|
| a. Total upland Acres (from Part 2, D.4.a.) | Maximum permitted             | Units |
|                                             | times 4 equals <sup>(1)</sup> |       |

**3. Total allowed standard units (E.1.c. or E.2.a., whichever is less)**

**Notes:**

- (1) Outlying Suburban land located north of the Caloosahatchee River and east of Interstate-75, north of Pondella Road and south of Pine Island Road (SR 78), and in the Buckingham area (see Goal 19 of the LEE Plan): the maximum upland density is two (2) units per acre plus one (1) for a total of three (3) units per acre.

**PART 4  
COMMERCIAL, INDUSTRIAL, MINING, ASSISTED LIVING FACILITIES, HOTELS & MOTELS  
PRELIMINARY INTENSITY CALCULATIONS**

|                              |                          |               |                         |
|------------------------------|--------------------------|---------------|-------------------------|
| <b>A. Commercial</b>         | <b>Habitable Stories</b> | <b>Height</b> | <b>Total Floor Area</b> |
| A.1. Medical                 |                          |               | Sq. Ft.                 |
| A.2. General Office          |                          |               | Sq. Ft.                 |
| A.3. Retail                  |                          |               | Sq. Ft.                 |
| A.4. Other                   |                          |               | Sq. Ft.                 |
| A.5. <b>TOTAL FLOOR AREA</b> |                          |               | Sq. Ft.                 |

|                              |                          |               |                         |
|------------------------------|--------------------------|---------------|-------------------------|
| <b>B. Industrial</b>         | <b>Habitable Stories</b> | <b>Height</b> | <b>Total Floor Area</b> |
| B.1. Under Roof              |                          |               | Sq. Ft.                 |
| B.2. Not under Roof          | NA                       |               | Sq. Ft.                 |
| B.3. <b>TOTAL FLOOR AREA</b> |                          |               | Sq. Ft.                 |

|                           |              |                    |
|---------------------------|--------------|--------------------|
| <b>C. Mining</b>          | <b>Depth</b> | <b>Total Acres</b> |
| C.1. 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          |                          |               | Beds/Units                        |
| D.2. Independent Living Units        |                          |               | Beds/Units                        |
| D.3. <b>TOTAL BEDS/UNITS</b>         |                          |               | Beds/Units                        |

|                         |                  |                          |               |                               |
|-------------------------|------------------|--------------------------|---------------|-------------------------------|
| <b>E. Hotels/Motels</b> | <b>Room Size</b> | <b>Habitable Stories</b> | <b>Height</b> | <b>Number of Rental Units</b> |
| E.1. < 425 sq. ft.      |                  |                          |               | Units                         |
| E.2. 426-725 sq. ft.    |                  |                          |               | Units                         |
| E.3. 725 < sq. ft.      |                  |                          |               | Units                         |
| E.4. <b>TOTAL UNITS</b> |                  |                          |               | Units                         |

PART 5  
ENVIRONMENTAL ISSUES

A. **Topography:** Describe the range of surface elevations of the property:

Waiver granted.

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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].

Waiver granted

continued

C. **Preservation/Conservation of Natural Features:** Describe how the lands listed in PART 4.B. above will be protected by the completed project:

Waiver granted

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D. **Shoreline Stabilization:** If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:

N/A

**PART 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

C. **Spray Irrigation:** If spray irrigation will be used, specify:

1. The location and approximate area of the spray fields:

Not Applicable

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2. Current water table conditions:

Not Applicable

3. Proposed rate of application:

Not Applicable

4. Back-up system capacity:

Not Applicable



## PART 7 - SUBMITTAL REQUIREMENTS

| Copies*<br>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*<br>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<br>(24X36)<br>& D-7-M.2<br>(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<br>(24X36)<br>& D-7-N.2<br>(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*<br>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.

# DUNCAN & ASSOCIATES, P.A.



FOXWORTHY PROFESSIONAL BUILDING  
1601 JACKSON STREET, SUITE 101  
POST OFFICE BOX 249  
FORT MYERS, FLORIDA 33902-0249

TELEPHONE (239) 334-4574

FAX (239) 334-3378

EMAIL: [info@duncanassociatesfl.com](mailto:info@duncanassociatesfl.com)

GORDON R. DUNCAN

July 6, 2011

OCI 2007-00078

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JUL 11 2011

Board of County Commissioners, Lee County, Florida  
P.O. Box 398  
Fort Myers, FL 33902-0398

COMMUNITY DEVELOPMENT

Re: Title Opinion Letter for Cypress Woods V, LLC

Dear Board Members:

The undersigned is counsel for Cypress Woods V, LLC, a Florida limited liability company ("Applicant") for the purpose of furnishing the following opinion, consistent with the provision of Florida Statutes, Section 177.041(2) for land as described in Exhibit 1. The opinions below apply through 8:00 a.m. as of June 17, 2011.

Wherefore, the undersigned states as follows:

1. **ATTORNEY:** That he is an attorney duly licensed by the Supreme Court of the State of Florida, License #258563 and that he is in good standing with the Florida Supreme Court and The Florida Bar as of the date of this letter opinion.
2. **TITLE:** The record title to the subject land (Exhibit 1) is in the name of Cypress Woods V, LLC, a Florida limited liability company pursuant to that certain warranty deed from Kenora Land, LLC to Cypress Woods V, LLC recorded October 10, 2007 as Instrument #2007000308405 Public Records of Lee County, Florida. The undersigned has searched Lee County records through the date set forth in the first paragraph of this letter and is of the opinion that there is no subsequent conveyance of the land described in Exhibit 1.
3. **MORTGAGE(S):** Mortgage(s) not satisfied or released of record nor otherwise terminated by law and encumbering the land described in Exhibit 1 consist only of the following mortgages and none other:

A mortgage from Applicant to BAC Florida Bank whose address is 169 Miracle Mile R-10, Coral Gables, Florida 33134, recorded on June 7, 2004 in Official Records Book 4325, Page 4024 of the Public Records of Lee County, Florida as subsequently modified and amended.

A mortgage from Applicant to Peace River Investments of Wachula, LLC whose address is 1301 Shotgun Road, Weston, FL 33326 recorded on June 9, 2008 as Instrument #2008000153326 of the Public Records of Lee County, Florida.

4. **EASEMENTS:** The land described in Exhibit 1 is encumbered by the following easements:

Declaration of Covenants for Cypress Woods RV Resort, OR Book 3205, Page 893, as amended

Easement to Florida Power & Light at Deed Book 255, Page 492

Easement to Florida Power & Light at OR Book 255, Page 496

Oil, Gas & Mineral Lease to Exxon Corporation at OR Book 1053, Page 1246, as amended

Conservation Easement to South Florida Water Management District at OR Book 3793, Page 2637 (Tracts "A" & "B" Unit 6 [now Phase V] and Tracts "A" & "B" Unit 4 [now Phase V])

Easement from Cypress Woods RV Resort Associates (for Access) at OR Book 4315, Page 3112

Agreement for Easements and Shared Use of Facilities from Cypress Woods RV Resort Associates and Cypress Woods RV Resorts Homeowners Association, Inc., at Instrument #2007000290300

Easement from Cypress Woods RV Resort Homeowners Association, Inc., to Comcast of California XIV, LLC at Instrument #2007000311232

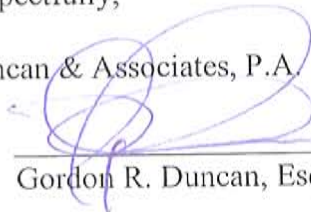


Page 3

5. **AUTHORITY:** Supporting documentation, Exhibit 2 attached hereto and made a part hereof, provides that Harp Management, LLC is the manager of Applicant and that Avi Harpaz as its president/manager is authorized to sign the instruments on behalf of the Applicant. It is the undersigned's opinion this empowerment is sufficient for the purpose intended.
6. **LEGAL DESCRIPTION:** The legal description, by metes and bounds, of the subject land is as shown on the attached Exhibit 1 and made a part hereof as if fully rewritten in this letter.

Respectfully,

Duncan & Associates, P.A.

By:   
Gordon R. Duncan, Esquire

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Parcel 1:

A tract or parcel of land lying in Section 11, Township 44 South, Range 25 East, Lee County, Florida, described as follows:

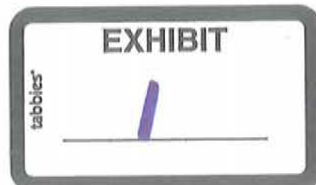
Beginning at the Northeast corner of the Southwest Quarter (SW (1/4)) of the aforesaid Section 11; thence run S 00°15'35" W along the East line of said Southwest Quarter (SW (1/4)) for 1302.47 feet to the Northeast corner of Cypress Woods RV Resort, Unit Three, as recorded in Plat Book 72, Pages 92 through 95, Public Records of Lee County, Florida; thence run N 89°53'08" W along the North line of said Cypress Woods RV Resort, Unit Three for 1122.27 feet; thence run N 00°17'00" E for 1301.43 feet to a point on the North line of the aforesaid Southwest Quarter (SW (1/4)); thence run S 89°56'19" E along the North line of said Southwest Quarter (SW (1/4)) for 11.92 feet to a point on a non-tangent curve; thence run Northeasterly for 218.04 feet along the arc of a curve concave Southeasterly, with a radius of 255.00 feet, a delta of 48°59'28", a chord bearing of N 65°37'08" E and a chord distance of 211.46 feet to a point of tangency; thence run S 89°53'08" E for 917.66 feet to a point on the East line of the Northeast Quarter (NE (1/4)) of the aforesaid Section 11; thence S 00°15'35" W along said East line for 86.65 feet to the Point of Beginning.

Parcel 2:

TOGETHER WITH: a Non-exclusive easement for ingress and egress for the benefit of Parcel 1 over the lands described on Exhibit C of that Easement Agreement between Cypress Woods RV Associates, a Florida general partnership and Kenora Land, LLC., a Florida limited liability company, filed May 27, 2004 in Official Records Book 4315, Page 3112, Public Records of Lee County, Florida.

Parcel 3:

TOGETHER WITH: that certain Agreement for Easements and Shared Use of Facilities, by and between Cypress Woods RV Resort Homeowners' Association, Inc., a Florida corporation, Cypress Woods RV Associates, a Florida general partnership and Cypress Woods V, LLC., a Florida limited liability company recorded in Official Records Instrument No. 2007000290300.



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## Detail by Entity Name

### Florida Limited Liability Company

CYPRESS WOODS V, LLC

### Filing Information

DCI 2007-00078

Document Number L07000077248  
FE/EIN Number 260596773  
Date Filed 07/26/2007  
State FL  
Status ACTIVE  
Effective Date 07/26/2007  
Last Event REINSTATEMENT  
Event Date Filed 07/21/2010  
Event Effective Date NONE

### Principal Address

5551 LUCKETT ROAD  
FORT MYERS FL 33905 US

### Mailing Address

5551 LUCKETT ROAD  
FORT MYERS FL 33905 US

### Registered Agent Name & Address

NOTTURNO, KENNETH C  
5551 LUCKETT ROAD  
FORT MYERS FL 33905 US

### Manager/Member Detail

#### Name & Address

Title MGR

HARP MANAGEMENT, LLC  
5551 LUCKETT ROAD  
FORT MYERS FL 33905 US

### Annual Reports

#### Report Year Filed Date

|      |            |
|------|------------|
| 2009 | 07/21/2010 |
| 2010 | 07/21/2010 |
| 2011 | 04/29/2011 |



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| <a href="#">04/22/2008 -- ANNUAL REPORT</a>             | View image in PDF format |
| <a href="#">07/26/2007 -- Florida Limited Liability</a> | View image in PDF format |

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## Detail by Entity Name

### Florida Limited Liability Company

HARP MANAGEMENT, LLC

#### Filing Information

Document Number L06000014397  
FEI/EIN Number N/A  
Date Filed 02/08/2006  
State FL  
Status ACTIVE  
Last Event LC AMENDMENT AND NAME CHANGE  
Event Date Filed 05/22/2006  
Event Effective Date NONE

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DCI 2007-00078

#### Principal Address

5551 LUCKETT RD.  
FT MYERS FL 33905

#### Mailing Address

5551 LUCKETT RD.  
FT MYERS FL 33905

#### Registered Agent Name & Address

NOTTURNO, KENNETH C  
5551 LUCKETT ROAD  
FORT MYERS FL 33905 US

Name Changed: 02/13/2007

Address Changed: 02/13/2007

#### Manager/Member Detail

##### Name & Address

Title MGR

HARPAZ, AVI PRES.  
5551 LUCKETT ROAD  
FT. MYERS FL 33905 US

Title MGR

HARPAZ, AMIR VP  
5551 LUCKETT ROAD  
FORT MYERS FL 33905 US



## Annual Reports

### Report Year Filed Date

|      |            |
|------|------------|
| 2009 | 01/27/2009 |
| 2010 | 05/27/2010 |
| 2011 | 04/29/2011 |

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| <a href="#">01/27/2009 -- ANNUAL REPORT</a>                | View image in PDF format |
| <a href="#">04/16/2008 -- ANNUAL REPORT</a>                | View image in PDF format |
| <a href="#">02/13/2007 -- ANNUAL REPORT</a>                | View image in PDF format |
| <a href="#">05/22/2006 -- LC Amendment and Name Change</a> | View image in PDF format |
| <a href="#">02/08/2006 -- Florida Limited Liability</a>    | View image in PDF format |

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UNPLATTED

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S.89°53'08"E. 917.66'

S.00°15'35"W.  
86.65'

SKETCH OF DESCRIPTION  
**A PARCEL OF LAND LYING  
IN SECTION 11**

TOWNSHIP 44 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA

POINT OF BEGINNING  
SET 1/2" I.R. CAP PLS #4631  
AT THE N.E. CORNER OF THE  
S.W.1/4 OF SECTION 11-44-25  
&  
FOUND 3" X 3" C.M. LS #2465  
0.11' SOUTH & 1.27' WEST  
&  
FOUND 3" X 3" C.M. NO ID.  
2.2' SOUTH & 0.45' EAST  
STATE PLANE COORDINATES  
FLORIDA WEST ZONE  
N=846970.31  
E=726719.86

**DESCRIPTION:**

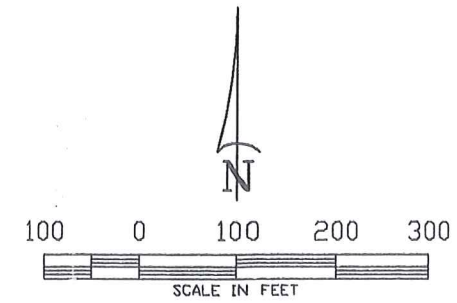
A TRACT OR PARCEL OF LAND LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (S.W.1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°15'35"W. ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER (S.W.1/4) FOR 1302.47 FEET TO THE NORTHEAST CORNER OF CYPRESS WOODS RV RESORT, UNIT THREE, AS RECORDED IN PLAT BOOK 72, PAGES 92 THROUGH 95, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.89°53'08"W. ALONG THE NORTH LINE OF CYPRESS WOODS RV RESORT, UNIT THREE FOR 1122.27 FEET; THENCE RUN N.00°17'00"E. FOR 1301.43 FEET TO A POINT ON THE NORTH LINE OF THE AFORESAID SOUTHWEST QUARTER (S.W.1/4); THENCE RUN S.89°56'19"E. ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER (S.W.1/4) FOR 11.92 FEET TO A POINT ON A ON TANGENT CURVE; THENCE RUN NORTHEASTERLY FOR 218.04 FEET ALONG THE ARC OF A CURVE CONCAVE SOUTHEASTERLY, WITH A RADIUS OF 255.00 FEET, A DELTA OF 48°59'28", A CHORD BEARING OF N.65°37'08"E. AND A CHORD DISTANCE OF 211.46 FEET TO A POINT OF TANGENCY; THENCE RUN S.89°56'19"E. FOR 917.66 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER (N.W.1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°15'35"W. ALONG SAID EAST LINE FOR 86.65 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 35.638 ACRES, MORE OR LESS.

Curve number 1

Radius= 255.00'  
Delta= 48°59'28"  
Arc= 218.04'  
Tangent= 116.19'  
Chord= 211.46'  
Chord Brg.= N.65°37'08"E.

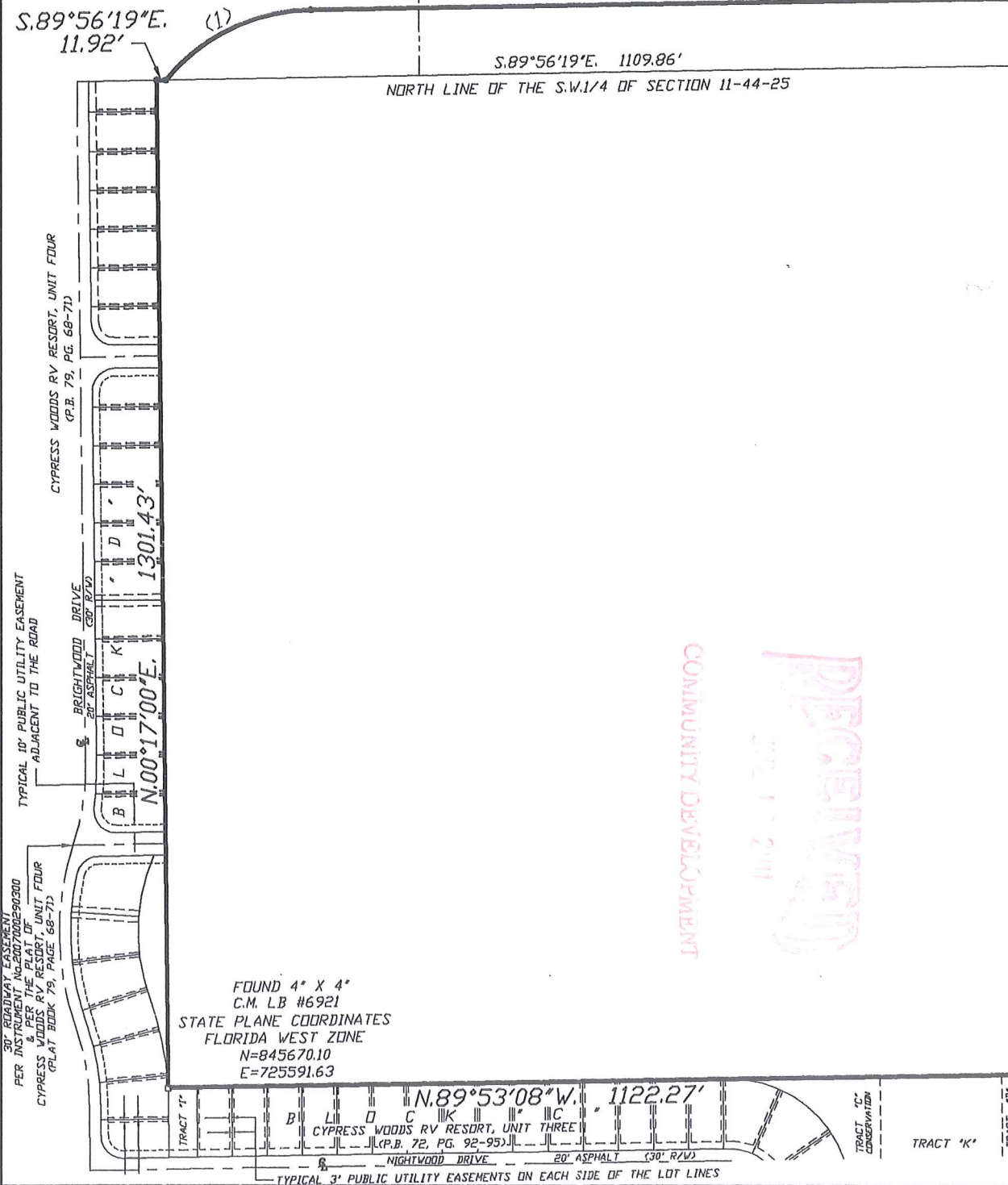


EAST LINE OF THE S.W.1/4  
OF SECTION 11-44-25

S.00°15'35"W. 1302.47'

87000-7002  
D.R. BOOK 2437, PAGE 674

FOUND 4" X 4" C.M. LB #6921  
AT THE N.E. CORNER OF  
CYPRESS WOODS RV RESORT, UNIT THREE  
(P.B. 72, PG. 92-95)  
STATE PLANE COORDINATES  
FLORIDA WEST ZONE  
N=845667.86  
E=726713.90



FOUND 4" X 4"  
C.M. LB #6921  
STATE PLANE COORDINATES  
FLORIDA WEST ZONE  
N=845670.10  
E=725591.63

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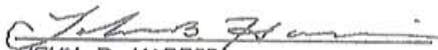
| REVISED                                        | DESCRIPTION   | BY      |                                                                                                                                  |
|------------------------------------------------|---------------|---------|----------------------------------------------------------------------------------------------------------------------------------|
| 7/12/07                                        | UPDATE SURVEY | FBH     |                                                                                                                                  |
| 1/10/09                                        | REVISE SURVEY | FBH     |                                                                                                                                  |
| 7/20/10                                        | REVISE SKETCH | FBH     |                                                                                                                                  |
|                                                |               |         | JOHN B. HARRIS, PSM<br>FLORIDA LAND SURVEYOR #4631                                                                               |
| DRAWN:                                         | SCALE         | PROJ. # |                                                                                                                                  |
| FBH                                            | 1"=200'       | CW-U5   |                                                                                                                                  |
| SKETCH DATE                                    | FILE NO.      | SHT.- 1 |                                                                                                                                  |
| 12/21/06                                       | 44-25-11      | OF - 1  |                                                                                                                                  |
|                                                |               |         | HARRIS - JORGENSEN, INC.<br>2706 S.E. SANTA BARBARA PLACE<br>CAPE CORAL, FLORIDA<br>PHONE: (941) 772-9939<br>FAX: (941) 772-1315 |
| FLORIDA CERTIFICATE OF AUTHORIZATION # LB 6921 |               |         |                                                                                                                                  |

DESCRIPTION:

A TRACT OR PARCEL OF LAND LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (S.W.1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°15'35"W. ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER (S.W.1/4) FOR 1302.47 FEET TO THE NORTHEAST CORNER OF CYPRESS WOODS RV RESORT, UNIT THREE, AS RECORDED IN PLAT BOOK 72, PAGES 92 THROUGH 95, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.89°53'08"W. ALONG THE NORTH LINE OF CYPRESS WOODS RV RESORT, UNIT THREE FOR 1122.27 FEET; THENCE RUN N.00°17'00"E. FOR 1301.43 FEET TO A POINT ON THE NORTH LINE OF THE AFORESAID SOUTHWEST QUARTER (S.W.1/4); THENCE RUN S.89°56'19"E. ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER (S.W.1/4) FOR 11.92 FEET TO A POINT ON A ON TANGENT CURVE; THENCE RUN NORTHEASTERLY FOR 218.04 FEET ALONG THE ARC OF A CURVE CONCAVE SOUTHEASTERLY, WITH A RADIUS OF 255.00 FEET, A DELTA OF 48°59'28", A CHORD BEARING OF N.65°37'08"E. AND A CHORD DISTANCE OF 211.46 FEET TO A POINT OF TANGENCY; THENCE RUN S.89°53'08"E. FOR 917.66 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER (N.W.1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°15'35"W. ALONG SAID EAST LINE FOR 86.65 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 35.638 ACRES, MORE OR LESS.

  
JOHN B. HARRIS  
PLS #4631  
JULY 1, 2011

001 2007-00078





LEE COUNTY  
SOUTHWEST FLORIDA  
BOARD OF COUNTY COMMISSIONERS

Direct Dial Number: 239-533-8371

John E. Manning  
District One

Brian Bigelow  
District Two

Ray Judah  
District Three

Tammy Hall  
District Four

Frank Mann  
District Five

Karen B. Hawes  
County Manager

Michael D. Hunt  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

May 17, 2011

BARBOT. STEUART AND ASSOCIATES  
13861 PLANTATION ROAD  
SUITE 105  
FORT MYERS, FL 33912

and

CYPRESS WOODS V LLC  
5551 LUCKETT RD  
FORT MYERS, FL 33905

RE: **DCI2007-00078**, Cypress Woods RV Resort Sufficiency Extension

Dear BARBOT. STEUART AND ASSOCIATES & CYPRESS WOODS V LLC:

On February 28, 2011, Lee County send the enclosed correspondence to Barbot, Steuart & Associates.

During a May 12, 2011 meeting with representatives of the owner(s) of the subject property of this application and John Allen (Barbot, Steuart, & Associates), Lee County staff asked about the status of the response to the February 28, 2011 correspondence. If no response was going to be provided, Lee County staff advised that the above noted application would be considered withdrawn in accordance with Lee County Land Development Code (LDC) Section 34-373(d)(1).

At that time the representatives asked for one (1) more extension of the deadline to submit a response to the above noted correspondence.

Lee County staff, therefore grants one final extension subject to the following:

1. The applicant fully responds to the letter of September 21, 2010 (attached to the February 28, 2011 letter).
2. The applicant fully completes and submits the enclosed updated Application for Public Hearing and Supplement D.

Staff has requested completion and submittal of the documents in Number 2 above because there have been at least two major revisions to these forms since the original submittal in 2007, and it is necessary for this application to be brought up to the current standards.

If the required information is not submitted on or before July 14, 2011, this application will be deemed withdrawn in accordance with Lee County Land Development Code Section 34-373(d)(1).

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 533-2111

lee-county.com

BARBOT, STEUART AND ASSOCIATES & CYPRESS WOODS V LLC  
RE: DCI2007-00078, Cypress Woods RV Resort  
May 17, 2011  
Page 2

Please feel free to contact me if you require clarification or additional information.

Sincerely,  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
Zoning Division

A handwritten signature in black ink that reads "Alvin Block". The signature is written in a cursive, flowing style.

Alvin Block, AICP  
Principal Planner

Enclosures

cc: Zoning File





BOARD OF COUNTY COMMISSIONERS

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*

February 28, 2011

BARBOT, STEUART AND ASSOCIATES  
13861 PLANTATION ROAD  
SUITE 105  
FORT MYERS, FL 33912

RE: CYPRESS WOODS RV RESORT  
DCI2007-00078

Diana M. Parker  
*County Hearing  
Examiner*

Dear BARBOT, STEUART AND ASSOCIATES, INC :

On December 12, 2007 an application was submitted for the above referenced case. Our last response in regards to the application was on September 21, 2010 with a letter of insufficiency. The insufficiency letter explains that additional information needs to be provided before proceeding with the public hearing.

Enclosed is a withdrawal form for your convenience. Please complete this form and return the original or provide the required information by April 29, 2011.

Please feel free to contact us if you require clarification or additional information.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Zoning Division

Alvin Block, AICP  
Principal Planner

cc: Pam Houck, Director Zoning Division  
Michael Jacob, CAO  
Tina Boone, Legal Administrative Secretary  
Robert Price, TIS Reviewer  
Becky Penfield, Development Services  
Susie Derheimer, Environmental Sciences  
Jamie Prining, DCD Admin  
Zoning File



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 239-533-8371

John E. Manning  
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*County Manager*

David Owen  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

September 21, 2010

BARBOT, STEUART AND ASSOCIATES, INC  
13861 PLANTATION ROAD  
SUITE 105  
FORT MYERS, FL 33912

Re: CYPRESS WOODS RV RESORT  
DCI2007-00078 - PDA Application (PD Amendment)

Dear BARBOT, STEUART AND ASSOCIATES, INC :

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

Alvin Block, AICP  
Principal Planner

BARBOT, STEUART AND ASSOCIATES, INC  
RE: CYPRESS WOODS RV RESORT  
DCI2007-00078  
September 21, 2010  
Page 2

xc: Mike Pavese, Public Works

cc: Pamela Houck, Division Director  
Paul O'Connor, Planning  
Susie Derheimer, Environmental Sciences  
Sam Lee, Natural Resources  
Robert Price, TIS Reviewer  
Jamie Prining, DCD Administration  
Michael D Jacob, Assistant County Attorney  
Becky Penfield, Development Review  
DCI Zoning File  
DCI Working File

BARBOT, STEUART AND ASSOCIATES, INC  
RE: CYPRESS WOODS RV RESORT  
DCI2007-00078  
September 21, 2010  
Page 3

**LC Zoning Action Legal Requirements Checklist (Ord 05-29)**

*10) Boundary Survey. A boundary survey of the subject property must be submitted unless the application is a non planned development request and the property consists of one or more undivided lots within a subdivision platted in accordance with Florida Statutes, Chapter 177 {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)]*

Changes to the Land Development Code as of July 1, 2009 requires a Title Certificate/Opinion, no greater than 90 days old at the time of initial zoning application be submitted to establish the following information concerning title to the subject property: (a) the owner of owners of the fee title; (b) all easements encumbering the property; (c) the legal description of the property. The title certification submittal must be either an opinion of title meeting the Florida Bar Standards prepared by a licensed Florida attorney or a certification of title/title certification prepared by a title abstractor or company. The certification must be unequivocal. A title binder/commitment, an O and E Report or title insurance policy is not acceptable to meet this requirement. Per LDC Sec 34-202(a)(2)

Please submit a copy to the surveyor as the survey must be tied to it and submit a copy of the title opinion/title certificate to this office as required by LDC SEC 34-202(a)(3) for the 2.3 additional acres.

*12) Contact. The reviewer may be contacted may be contacted regarding any questions on the LC Zoning Action Legal Requirements Checklist.*

Contact Chick Jakacki for questions regarding legal description, sketch of description and boundary survey comments  
By phone: 239-533-8578  
By email: [cjakacki@leegov.com](mailto:cjakacki@leegov.com)

**LC Public Hearing for Zoning Action Checklist (Ord. 05-29)**

*10) Boundary Survey. A boundary survey of the subject property must be submitted unless the application is a non planned development request and the property consists of one or more undivided lots within a subdivision platted in accordance with Florida Statutes, Chapter 177 {see LC Public Hearing Application Form, Part 3.D.}. [34-202(a)(2)]*

Please refer to the Zoning Legal Checklist for comments.

BARBOT, STEUART AND ASSOCIATES, INC  
RE: CYPRESS WOODS RV RESORT  
DCI2007-00078  
September 21, 2010  
Page 4

*32) Miscellaneous items.*

Ken Notturmo and Michael Jacob have indicated that there are some minor revisions to the title certificate and to the survey which are necessary. The applicant is working on those changes and the revised documents will be resubmitted.

*33) Contact. The Zoning Planner may be contacted regarding any questions on the LC Public Hearing for Zoning Action Checklist.*

If you have any questions about this portion of the checklist, please contact Chip Block at 239-533-8371.

**LC Development Review PD Application Sufficiency Checklist  
(Ord 05-29)**

*4) Miscellaneous items.*

Would you please provide the Development Order number in which the stipulation for lots 85 and 86 are set aside for parking.  
I have gone through our records and cannot locate the letter with this stipulation.

Thank you. Please contact me if you have any questions.  
rpenfield@leegov.com or 239-533-8587 extension 48802.





BOARD OF COUNTY COMMISSIONERS

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*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

December 22, 2010

BARBOT, STEUART AND ASSOCIATE  
13861 PLANTATION ROAD  
SUITE 105  
FORT MYERS, FL 33912

RE: CYPRESS WOODS RV RESORT  
DCI2007-00078 - PDA Application (PD Amendment)

Dear BARBOT, STEUART AND ASSOCIATES, INC :

The Zoning Division has reviewed your request for an extension of the response time allowed by the Lee County Land Development Code for the above referenced project. Staff recognizes that you are actively pursuing additional information necessary for the resubmittal of the request and will allow a 30 day extension expiring on January 19, 2011. This project could be deemed withdrawn after the extension date if you do not respond prior to this date.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Zoning Division

Alvin Block, AICP  
Principal Planner

cc: Pam Houck, Director Zoning Division  
Michael Jacob, CAO  
Tina Boone, Legal Administrative Secretary  
Robert Price, TIS Reviewer  
Becky Penfield, Development Services  
Paul O'Connor, Planning Division  
Susie Derheimer, Environmental Sciences  
Sam Lee, Natural Resources  
Jamie Prining, DCD Admin  
Billie Jacoby  
Zoning File

## **Block, Alvin**

---

**From:** Kenneth C. Notturmo [knotturmo@harpdevelopment.com]  
**Sent:** Wednesday, December 22, 2010 11:28 AM  
**To:** Block, Alvin  
**Subject:** Cypress Woods V

Dear Chip: I have not gotten the documents back from Exxon regarding removing the Oil and Gas Lease from the title yet. May a request an additional 30 day extension of time. Thank you in advance.

HAPPY HOLIDAYS!  
Kenneth Notturmo  
Vice President  
Harp Development, LLC  
5551 Lockett Road  
Fort Myers, Florida 33905  
239-333-3233 office  
239-333-3238 direct dial  
239-333-2197 direct fax  
239-784-4296 cell  
E-Mail: [Knotturmo@harpdevelopment.com](mailto:Knotturmo@harpdevelopment.com)

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## APPLICATION FOR PUBLIC HEARING FOR ZONING ACTION UNINCORPORATED AREAS ONLY

Applicant's Name: \_\_\_\_\_

Project Name: \_\_\_\_\_

STRAP Number(s): \_\_\_\_\_

### TYPE OF APPLICATION

- \_\_\_\_\_ Special Exception (attach Supplement A)
- \_\_\_\_\_ Variance (attach Supplement B)
- \_\_\_\_\_ Conventional Zoning (attach Supplement C)
- \_\_\_\_\_ Planned Development (not a Compact Community PD) (attach Supplement D)
- \_\_\_\_\_ Amendment to built Planned Development (Supplement D may be required)
- \_\_\_\_\_ Private Recreational Facilities Planned Development (PRFPD) (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)
- \_\_\_\_\_ Compact Community Planned Development (CCPD) per LCLDC Section 32-501 et. seq. (attach Supplement H)
- 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\* ☐ NO \*If YES, please note PART 4.G below for public information meeting summary document requirements.

### STAFF USE ONLY

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

**PART 1**  
**APPLICANT/AGENT INFORMATION**

**A. Name of applicant:** \_\_\_\_\_  
Address: Street : \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail address: \_\_\_\_\_

**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:** \_\_\_\_\_  
**Contact Person:** \_\_\_\_\_  
Address: Street : \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail address: \_\_\_\_\_

**C.2.** \_\_\_\_\_ **Additional Agent(s):** The names of other agents that the County may contact concerning this application are attached as **Exhibit PH-1.C.2.** [34-202(b)(1)c.]

**PART 2  
PROPERTY OWNERSHIP**

**A. Property Ownership: Single owner (individual or husband & wife only) [34-201(a)(1)a.1.]**

**A.1.** Name: \_\_\_\_\_  
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.** \_\_\_\_\_ Property owners list is attached as **Exhibit PH-2.C.1.** [34-202(a)(5)]

**C.2.** \_\_\_\_\_ Property owners map is attached as **Exhibit PH-2.C.2.** [34-202(a)(5)]

**D. Confirmation of Ownership/Title Certification [34-202(a)(3)]**

**D.1.** \_\_\_\_\_ Title certification document is attached as **Exhibit PH-2.D.1.** [34-202(a)(3)]

**E.** Date property was acquired by present owner(s): \_\_\_\_\_

**PART 3  
PROPERTY INFORMATION**

**A. STRAP Number(s):** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**B. Street Address of Property:** \_\_\_\_\_

**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)]



E. Planning Community: \_\_\_\_\_

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 [34-373(a)(4)b.]}

F.2. Directions to property:

G. Surrounding property owners:

G.1. \_\_\_\_\_ List of surrounding property owners is attached as **Exhibit PH-3.G.1.** [34-202(a)(6)]

G.2. \_\_\_\_\_ Map of surrounding property owners is attached as **Exhibit PH-3.G.2.** [34-202(a)(7)]

G.3. \_\_\_\_\_ 2 sets of mailing labels are attached as **Exhibit PH-3.G.3.** [34-202(a)(6)]

H. Current Zoning of Property: \_\_\_\_\_

H.1. \_\_\_\_\_ 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. \_\_\_\_\_ Current use(s) of the property are:

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**". [34-202(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.**" [34-202(b)(7)]

J. Land Use Classification:

|       |             |                  |
|-------|-------------|------------------|
| _____ | _____ Acres | _____ % of total |
| _____ | _____ Acres | _____ % of total |
| _____ | _____ Acres | _____ % of total |
| _____ | _____ Acres | _____ % of total |

**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 \_\_\_\_\_ NAVD (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):     | _____ | Feet                 |
| 2. Depth (average if irregular parcel):     | _____ | Feet                 |
| 3. Total area:                              | _____ | Acres or square feet |
| 4. Frontage on road or street:              | _____ | Feet on _____ 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 LCLDC Section 12-121(j). **Attached is Supplement G**
- \_\_\_\_\_ Compact Community Planned Development (CCPD) per LCLDC Section 32-501 et. seq.  
**Attached is Supplement H**

**B. Blasting:**

\_\_\_\_\_ No blasting will be used in the excavation of lakes or other site elements.

\_\_\_\_\_ 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)

\_\_\_\_\_ 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)

\_\_\_\_\_ 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)

\_\_\_\_\_ 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)

\_\_\_\_\_ Property is subject to Airport Hazard District regulations. Attached is **Exhibit PH-4.F** [34-1001 et seq]

\_\_\_\_\_ 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).

\_\_\_\_\_ **Estero Planning Community.** Attached is **Exhibit PH-4.G.1** [34-373(a)(10); 33-54(a) & (b); Lee Plan Policy 19.5.3]

\_\_\_\_\_ **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]

\_\_\_\_\_ **Boca Grande Planning Community.** Attached is **Exhibit PH-4.G.3** [Lee Plan Policy 22.1.5]

\_\_\_\_\_ **Caloosahatchee Shores Community Plan area.** Attached is **Exhibit PH-4.G.4** [Lee Plan Policy 21.6.3]

\_\_\_\_\_ **Page Park Community Plan area.** Attached is **Exhibit PH-4.G.5** [Lee Plan Policy 27.11.2; 33-1203]

\_\_\_\_\_ **Palm Beach Boulevard Community Plan area.** Attached is **Exhibit PH-4.G.6** [Lee Plan Policy 23.5.2]

\_\_\_\_\_ **Buckingham Planning Community.** Attached is **Exhibit PH-4.G.7** [Lee Plan Policy 17.7.2]

\_\_\_\_\_ **Pine Island Planning Community.** Attached is **Exhibit PH-4.G.8** [Lee Plan Policy 14.7.1]

\_\_\_\_\_ **Lehigh Acres Planning Community.** Attached is **Exhibit PH-4.G.9** [Lee Plan Policy 32.12.2]

- 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 |
|----------------|--------------|
|                |              |
|                |              |
|                |              |
|                |              |

- 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]

**PART 5  
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*    |               |     |                   |                                                                                                                                                                                                                                 |
|----------------------|---------------|-----|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Var. or<br>Spe. Exc. | Conv.<br>Rez. | PDs | Exhibit<br>Number | SUBMITTAL ITEMS                                                                                                                                                                                                                 |
| 1                    | 3             | 15  |                   | Completed application for Public Hearing [34-201(b)]                                                                                                                                                                            |
| 1                    | 1             | 1   |                   | Filing Fee - [34-202(a)(9)]                                                                                                                                                                                                     |
| Var. or<br>Spe. Exc. | Conv.<br>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 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 request                                                                                                                                                           |
| 0                    | 0             | 15  | SUP H             | Compact Community Planned Development (CCPD) request                                                                                                                                                                            |
| Var. or<br>Spe. Exc. | Conv.<br>Rez. | PDs | Exhibit<br>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             | 3   | PH-2.D.1          | Confirmation of Ownership/Title Certification [34-202(a)(3)]                                                                                                                                                                    |
| 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 (8.5" x 11") (2 originals required) [34-202(a)(1)]                                                                                                                                                            |
| 2                    | 2             | 5   | PH-3.C.2          | Sealed Sketch of the Legal Description (2 originals required) [34-202(a)(1)]                                                                                                                                                    |
| 1                    | 3             | 5   | PH-3.D.1          | Boundary Survey (tied to State Plane Coordinate System) (2 originals required) [34-202(a)(2)] {NOTE: This is a required submittal for all Planned Development Applications (see Supplement D & Supplement H)} [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 (8.5" by 11") 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 & Supplement H [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*    |               |     |                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|----------------------|---------------|-----|-------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Var. or<br>Spe. Exc. | Conv.<br>Rez. | PDs | Exhibit<br>Number | SUBMITTAL ITEMS (continued)                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 1                    | 3             | 3   | PH-3.I.2.         | Structure Affidavit (if applicable) [34-202(b)(3)]                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 1                    | 3             | 3   | PH-3.I.3.         | Affidavit entitled " <u>Existing Agricultural Uses at Time of Zoning Application</u> " (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, Special Exceptions and Variance Requests and Conventional Rezoning Actions located within Page Park Community Plan area (if applicable) [Lee Plan Policy 27.11.2; 33-1203]                                                                                                                                                                                                                                 |
| 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 indicating the utility entity's name and ability to provide service to support the proposed development.<br><br>If the answer to Item 4.I was NO, a written explanation as to the reasons why connection will not be made must be submitted 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 A1  
(EXHIBIT PH-1.B.2)

**AFFIDAVIT FOR PUBLIC HEARING  
APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT**

I, \_\_\_\_\_, 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 have authorized 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.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
(Type or printed name)

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was sworn to (or affirmed) and subscribed before me this \_\_\_\_\_  
(date) by \_\_\_\_\_ (name of person providing oath or affirmation),  
who is personally known to me or who has produced \_\_\_\_\_ (type of  
identification) as identification.

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Printed Name of Notary Public

PART 1 AFFIDAVIT A2  
(EXHIBIT PH-1.B.2)

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, \* \_\_\_\_\_ as \_\_\_\_\_  
of \_\_\_\_\_, swear or affirm under oath, that I am the owner  
or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I am hereby authorizing the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

\_\_\_\_\_  
\*Name of Entity (corporation, partnership, LLP, LC, etc)

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
(title of signatory)

\_\_\_\_\_  
(Type or printed name)

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

The foregoing instrument was sworn to (or affirmed) and subscribed before me this \_\_\_\_\_ (date) by  
\_\_\_\_\_ (name of person providing oath or affirmation), who is  
personally known to me or who has produced \_\_\_\_\_ (type of identification)  
as identification.

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Printed Name of Notary Public

\*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.

**EXHIBIT PH-2.B.1  
DISCLOSURE OF INTEREST FORM FOR:**

**STRAP NO.** \_\_\_\_\_ **CASE NO.** \_\_\_\_\_

1. If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

| Name and Address | Percentage of Ownership |
|------------------|-------------------------|
| _____            | _____                   |
| _____            | _____                   |
| _____            | _____                   |
| _____            | _____                   |
| _____            | _____                   |

2. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

| Name and Address | Percentage of Stock |
|------------------|---------------------|
| _____            | _____               |
| _____            | _____               |
| _____            | _____               |
| _____            | _____               |
| _____            | _____               |

3. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

| Name and Address | Percentage of Interest |
|------------------|------------------------|
| _____            | _____                  |
| _____            | _____                  |
| _____            | _____                  |
| _____            | _____                  |
| _____            | _____                  |

4. If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

| Name and Address | Percentage of Ownership |
|------------------|-------------------------|
| _____            | _____                   |
| _____            | _____                   |
| _____            | _____                   |
| _____            | _____                   |
| _____            | _____                   |

5. If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

| Name and Address | Percentage of Stock |
|------------------|---------------------|
| _____            | _____               |
| _____            | _____               |
| _____            | _____               |
| _____            | _____               |
| _____            | _____               |

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: \_\_\_\_\_  
(Applicant)

\_\_\_\_\_  
(Printed or typed name of applicant)

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this \_\_\_\_\_ (date) by  
\_\_\_\_\_ who is personally known to me or who has produced  
\_\_\_\_\_ as identification. .

(SEAL)

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Printed Name of Notary Public

Page 2 of 2

EXHIBIT PH-1.C.2  
ADDITIONAL AGENTS

**Company Name:** \_\_\_\_\_  
**Contact Person:** \_\_\_\_\_  
**Address: Street :** \_\_\_\_\_  
**City, State, Zip:** \_\_\_\_\_  
**Phone:** \_\_\_\_\_ **Fax:** \_\_\_\_\_  
**E-mail:** \_\_\_\_\_

**Company Name:** \_\_\_\_\_  
**Contact Person:** \_\_\_\_\_  
**Address: Street :** \_\_\_\_\_  
**City, State, Zip:** \_\_\_\_\_  
**Phone:** \_\_\_\_\_ **Fax:** \_\_\_\_\_  
**E-mail:** \_\_\_\_\_

**Company Name:** \_\_\_\_\_  
**Contact Person:** \_\_\_\_\_  
**Address: Street :** \_\_\_\_\_  
**City, State, Zip:** \_\_\_\_\_  
**Phone:** \_\_\_\_\_ **Fax:** \_\_\_\_\_  
**E-mail:** \_\_\_\_\_

**Company Name:** \_\_\_\_\_  
**Contact Person:** \_\_\_\_\_  
**Address: Street :** \_\_\_\_\_  
**City, State, Zip:** \_\_\_\_\_  
**Phone:** \_\_\_\_\_ **Fax:** \_\_\_\_\_  
**E-mail:** \_\_\_\_\_

## GUIDE FOR FILING AN APPLICATION FOR A PUBLIC HEARING

If questions of interpretations arise as a result of our attempt to provide easy-to-understand instructions for completing the application form(s), the provisions of the Land Development Code will be the final authority.

### GENERAL INSTRUCTIONS

1. All properties within a single application must be abutting. However, the Director may, at his discretion, allow a single application to cover non-abutting properties where it is in the public interest due to the size or scope and nature of the request, and there is a rational continuity to the properties in question.
2. An application for a conventional zoning district or planned development rezoning, special exception, or variance may be initiated by a landowner, or his authorized agent, for his own property, or by the Board of County Commissioners.
3. Except for County-initiated applications, if there is more than one owner, either legal or equitable, then all owners must jointly initiate the application or petition except that:
  - a. If a husband and wife own the property, only one of them needs to sign the application;
  - b. If the property is subject to a land trust agreement, the trustee may initiate the application;
  - c. If the fee owner is a corporation, any duly authorized corporate official may initiate the application;
  - d. If the fee owner is a partnership, a general partner may initiate the application;
  - e. If the owner is an association, the association or its governing body may appoint an agent to initiate the application on behalf of the association;
  - f. If the owner is a condominium, timeshare condominium, or a subdivision, please refer to Section 34-201(a)(1)b. and c. for information on who may initiate the application.

Notwithstanding the requirements of LCLDC Section 34-201(a)(1)a., the applicant for any action requiring a public hearing must sign a statement, under oath, that he is the owner or the authorized representative of the owner of the property and that he has full authority to secure the approval requested and to impose covenants and restrictions on the referenced property as a result of the action approved by the county in accordance with this Code. This must also include a statement that the property owner will not transfer, convey, sell or subdivide the subject parcel unencumbered by the covenants and restrictions imposed by the approved action. See Application Form, PART 1.B. and Exhibit PH-1.B.1 and Exhibit PH-1.B.2. [34-202(b)(1)b.]

4. Before an application may be accepted, it must fully comply with all information requirements enumerated in section 34-202 et seq., unless specifically stated otherwise in LDC Chapters 12 or 34.

Upon written request, the Director may modify the submittal requirements contained in this section if the applicant clearly demonstrates that the submission will have no bearing on the review and processing of the application. The request to the Director must be submitted prior to submitting this application. Multiple waiver requests must be made on individual request forms indicating each separate request. The Director's written response must accompany the application submitted and will become a part of the permanent file.

5. The applicant is responsible for the accuracy and completeness of the application. Any additional time delays or expenses necessitated because of inaccurate or incomplete information will be the responsibility of the applicant.
6. Applications must be submitted in person. Mailed-in applications will not be processed.
7. Unless specifically stated to the contrary, all attachments and exhibits must be of a size that will fit or conveniently fold to fit into a letter size (8 1/2" x 11") folder.
8. All applicants must pay an application fee as set forth in the County External Fees and Charges Manual.



## INSTRUCTIONS FOR COMPLETING COVER PAGE

**Case number:** Will be inserted by County staff.

**Project Name** (if applicable): Provide the name that you wish to have assigned to this project. The name is limited to 30 characters and spaces.

**Applicant's Name-Authorized Agent:** The applicant's name must be provided. This is the person to whom all County correspondence will be directed. This is usually the person who signs the Applicant's "Statement Under Oath". (See PART 1, Affidavit Form A1 or A2).

**STRAP(S):** The STRAP (Section, Township, Range, Area, Parcel) number is the 17-digit number used by the Property Appraiser to identify specific parcels. Where there is more than one parcel encompassed by the application, the STRAP number for every parcel must be provided. (If additional sheets are necessary label as "Exhibit PH-1".)

**Type of Application.** Self explanatory; select only one type.

**Planning Community Public Meetings.** If this project located in one of the following planning communities, public meetings with the community are required prior to submittal of an application for a public hearing and summary documents must be submitted with the Application (see Application Form Part 4.G. below).

- Estero Planning Community
- Captiva Planning Community
- North Captiva Community Plan
- Boca Grande Planning Community
- Caloosahatchee Shores Community Plan
- Page Park Community Plan
- Palm Beach Boulevard Community Plan
- Buckingham Planning Community
- Pine Island Planning Community
- Lehigh Acres Planning Community

## INSTRUCTIONS FOR COMPLETING PART 1: APPLICANT/AGENT INFORMATION

- A. Name of applicant:** Insert the name of the applicant (this is the person who signs the Applicant's "Statement Under Oath").
- B. Relationship of Applicant to Owner:** Indicate whether the applicant is the sole owner of the property (individual or husband and wife) or designate other relationship to the owner.

If the applicant is not the sole owner of the property but has been authorized to submit this application on behalf of the owner(s), or a contract purchaser/ vendee, check the appropriate response and submit the appropriate Notarized Affidavit Form. A statement is to be signed by the applicant, under oath, that he is the authorized representative of the owner(s) of the property and has full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of the issuance of a development order in accordance with this code. The signed statement also constitutes an agreement that the property will not be transferred, conveyed, sold or subdivided unencumbered by the covenants and restrictions imposed as part of the development order. {See **Part 1 Exhibits** for suggested forms where application is signed by either an individual owner or applicant (Affidavit A1; Exhibit PH-1.B.2), or is signed by a corporation, limited liability company (L.L.C.), limited company (L.C.), partnership, limited partnership, or trustee (Affidavit A2; Exhibit PH-1.B.2).

- C. Authorized Agent:** Indicate the name of the individual (or contact person if a company) who is to receive all County-initiated correspondence regarding the application. This may be the owner, the applicant, or an agent authorized by the owner or applicant to receive all County-initiated correspondence.
- D. Additional Agent(s):** List the names of other agents (consultants) that the County may contact concerning the application that are in addition to the authorized agent.

## INSTRUCTIONS FOR COMPLETING PART 2: PROPERTY OWNERSHIP

- A. **Property Ownership (Single Owner).** If the property is owned by an individual or husband and wife, complete the form with the name, address, etc., of the owner.
- B. **Property Ownership (Multiple Owners).** If the property is owned by more than one person (corporation, partnership, trust, association, etc.) submit an executed copy of Exhibit PH-2.B.1 "Disclosure Form."

A *Disclosure Form* is a list of the names of all owners, stockholders and trust beneficiaries, (including percentages of interest) of the property. It is required for all corporations, trusts and partnerships, as well as for contract purchases. Disclosure is not required for any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interests are solely equity interests which are regularly traded on an established securities market in the United States or another country.

- C. **Multiple Parcels.** If the property covered by the application consists of more than one parcel, submit a list of all of the owners and their mailing address, keyed to a map illustrating the individual owners interest in the property.
- D. **Confirmation of Ownership/Title Certification.** A document, no greater than 90 days old at the time of initial zoning application submittal, must be submitted to establish the following information concerning title to the subject property: (a) the owner or owners of the fee title; (b) all easements encumbering the property; and, (c) the legal description of the property. The title certification submittal must be either an opinion of title meeting the Florida Bar Standards prepared by a licensed Florida attorney or a certification of title/title certification prepared by a title abstractor or company. The certification must be unequivocal. A title binder/commitment or title insurance policy is not acceptable to meet this requirement.
- E. **Property Acquisition.** Indicate the date the property was purchased by the current owner(s).

## INSTRUCTIONS FOR COMPLETING PART 3: PROPERTY INFORMATION

- A. **STRAP number(s).** The STRAP (Section, Township, Range, Area, Parcel) number is the 17- digit number used by the Property Appraiser to identify specific parcels. STRAP numbers must be provided for all parcels subject to the application.

- B. **Street Address of Property.** May be obtained from Property Appraiser if unknown by applicant.

### C. &

- D.1. **Legal description and sketch to accompany legal description.** A metes and bounds legal description along with a sketch of the legal description, prepared by a Florida Licensed Surveyor and Mapper, must be submitted, unless the property consists of one or more undivided lots within a subdivision platted in accordance with Florida Statutes, Chapter 177. If the subject property is one contiguous parcel, the legal description must specifically describe the entire continuous perimeter boundary of the property subject to the zoning action; with accurate bearings and distances for every line. If the application seeks to rezone undivided, platted lots, then a complete legal description (i.e. lot, block, subdivision name, public records recording information) of the platted subject property is required. The director has the right to reject any legal description that is not sufficiently detailed so as to locate the property on county maps.

The legal description must be accompanied by a sealed sketch of the legal description. The sketch must be in recordable form and printed on a sheet no greater than 8 ½ x 14 inches in size.

A list of all STRAP numbers subject to the zoning action must be provided (see PART 3.A).

**Planned Development Applications- additional requirements for legal description and accompanying sketch.** A legal description and sketch meeting the requirements of LCLDC Section 34-202(a) is required. If the proposed planned development will encompass more than one zoning district (i.e. RPD/CPD), then a legal description and sketch for each separate zoning district will be required in addition to the legal description and

accompanying sketch of the overall planned development boundary. The boundary survey may not be used to satisfy this requirement. [34-373(a)(3)]

2. **Boundary Survey.** A boundary survey of the subject property must be submitted, unless the property consists of one or more undivided lots within a subdivision platted in accordance with Florida Statutes, Chapter 177. The survey must be based upon the title certification submitted in accord with section 34-202(a)(3). The boundary survey must identify and depict all easements affecting the subject property, whether recorded or unrecorded, and all other physical encumbrances readily identified by a field inspection.

All boundary surveys must meet the minimum technical standards for land surveying in the state, as set out in chapter 61G 17-6, F.A.C. 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.

If the subject property consists of one or more undivided lots within a subdivision, then a copy of the subdivision plat may be submitted in lieu of the boundary survey (see below). However, if the dimensions of the subject property differ from those in the original plat, then a boundary survey, including a metes and bounds legal description, will be required.

A boundary survey is required for all Planned Development Applications (see Supplement D).

3. **Undivided Platted Lots - Non Planned Development Applications:** For all applications, other than for Planned Development Applications, if the property consists of one or more undivided platted lots in a subdivision recorded in the Official Plat Books, a copy of the subdivision plat may be submitted in lieu of the boundary survey. The submittal must include the name of the subdivision, the Book and Page number of the Plat Book or the Instrument Number, and the Block (if applicable) and Lot number(s) of the property. In addition the individual STRAP numbers must be provided.

A boundary survey is required for all Planned Development Applications (see Supplement D).

- E. **Planning Community:** If the property is within a Planning Community (such as Estero, Captiva, Greater Pine Island, Caloosahatchee, Fort Myers Shores, etc.) please indicate. Otherwise enter "NA" (Not applicable). (See also PART 4.G below for additional required submittals for projects located in particular Planning Communities.)

If the subject property is located in the Estero Planning Community or the Greater Pine Island Planning Community, the owner/applicant will be required to demonstrate compliance with the requirements applicable to the specific community as outlined in LCLDC Chapter 33.

- F. **General Location of Property:** Submit a map, at suitable scale, drawn on an 8½ inch by 11 inch size sheet of paper, that depicts the property described in the legal description in relation to the surrounding neighborhood. The map must be sufficiently referenced to known major streets or other physical boundaries so as to be clearly identifiable to the general public.

Also submit a brief set of directions showing how a person could find the property. Reference at least one major Road such as U.S. 41, Alico Road, Bayshore, Pondella, etc

- G. **Surrounding Property Owners:** A complete list, map, and two sets of mailing labels, of all property owners, and their mailing addresses, for all property within 500\* feet of the perimeter of the subject parcel or the portion thereof that is the subject of the request. The list and mailing labels may be obtained from the Property Appraisers office. The map must reference by number or other symbol the names on the surrounding property owners list. The applicant is responsible for the accuracy of the list and map.

\*In those instances where fewer than 10 owners of property would be notified, the distance must be expanded to include all owners of property within 750 feet.

- H. **Current Zoning of Property:** Indicate the current zoning on the property. Attach copies of all Zoning Resolutions and Zoning Approvals applicable to the subject property.

**I. Use of Property.**

**I.1. Current Use of Property:** Provide a brief description of what uses are currently on the property.

**I.2. Structure Affidavit.** If buildings or structures exist on the property, an affidavit, signed by the property owner or specified contract purchaser, must be submitted stating whether the buildings and structures will be removed. If the property owner intends to retain the existing structures, then the affidavit must state the proposed use of the buildings; and structures. The existing structures must be depicted on the boundary survey; and, if the request is for a planned development the structures must be depicted on the Master Concept Plan along with detail indicating whether the structure will be removed or how it will be used. If the request is an amendment of an existing planned development, this affidavit is not required, unless specifically requested by the Director or designee. The exhibit should be entitled "Structure Affidavit."

**I.3. Existing agricultural use affidavit.** If the property is located in an agricultural zoning district at the time the request is filed, the application must include an agricultural use affidavit. The affidavit must identify the subject property with specificity and indicate whether or not a bona fide agricultural use existed at the time the application was filed.

If the property owner intends to continue an existing agricultural use subsequent to the zoning approval, an affidavit signed by the property owner and sworn before a notary must be submitted. The property owner affidavit must consist of: (1) a statement as to the specific type and location of the agricultural uses existing on the property at the time of the application; and, (2) a map or sketch of the property, preferably in metes and bounds, identifying with specificity the location and type of ongoing agricultural use as stated in the affidavit. The exhibit should be entitled "Agricultural Uses at Time of Zoning Application."

**J. Land Use Classification:** Indicate the land use category (ies) of the property as indicated on the Future Land Use Map of Lee County.

**K. Flood Hazard:** Indicate whether or not the property is located within an area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRMS). If it is within such an area, indicate the minimum elevation required for the first habitable floor. This information may be obtained from Residential Building Plan Review at (239) 533-8597.

**L. Deed Restrictions:** Indicate whether or not there are any deed restrictions or other covenants that may affect the requested action. If there are deed restrictions or covenants that may affect the requested action, provide a written explanation as to how they may affect the requested action.

**M. Property Dimensions:** Self explanatory. If the property is adjacent to more than one street, provide length of frontage on both streets.

**INSTRUCTIONS FOR COMPLETING PART 4: ACTION REQUESTED**

**A. Action Requested:** Check the applicable action.

If the request is for a special exception, indicate the type of special exception (proposed use) requested and attach a completed Supplement A.

If the request is for a variance, indicate the type of variance (setback, height, parking, etc.) and attach a completed Supplement B.

If the request is for a conventional rezoning, indicate the current zoning of the property as well as the requested rezoning and attach a completed Supplement C.

If the request is for a Planned Development (other than a Compact Community Planned Development {CCPD}), indicate whether it is a major DCI or minor DCI, or for a PRFPD, or for a Planned Development Amendment, or for a DRI, and attach a completed Supplement D. (See Supplement H below for CCPD applications.)

If the request is for an extension for a Master Concept Plan, attach a completed Supplement E.  
If the request is for the reinstatement of a Master Concept Plan, attach a completed Supplement F.

If the request is for a 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 Section 12-121(j), attach a completed Supplement G.

If the request is for a Compact Community Planned Development (CCPD) , attach a completed Supplement H.

- B. Blasting:** Indicate whether or not blasting will be used in the excavation of lakes or other site elements. If blasting is proposed to excavate lakes or other site elements, the applicant must provide information and data with the application showing the location of the proposed blasting and demonstrating what measures will be implemented to ameliorate the potential negative impacts. This information must include soil borings that demonstrate the necessity for blasting, drawings showing the location of proposed blasting, and other information deemed necessary by the Director to allow full and complete analysis of compatibility issues associated with the proposed blasting activity.
- C. Bonus density:** When applicable, the number of bonus density units requested, the source of the bonus density units (TDR's, housing density bonus, etc.), and the resulting gross residential density of the proposal must be provided. A copy of the bonus density application must also be included as an attachment to the zoning application. Complete and submit as Exhibit PH-4.C.
- D. Hazardous materials:** If the request for rezoning includes a private port facility, the applicant must submit a hazardous materials emergency plan, which will be subject to the approval of the County Divisions of Emergency Management, Water Resources and Planning, and of the appropriate Fire District. The plan must provide for annual monitoring for capacity and effectiveness of implementation. At the minimum, the plan must comply with the spill prevention control and countermeasure plan (SPCC) called for in the federal oil pollution prevention regulations, 40 CFR 112, as amended.
- E. Mobile Home Park:** If the request involves the rezoning of an existing mobile home park as defined in F.S. § 723.003, would result in the removal or relocation of mobile home owners, then the application must include facts sufficient to allow staff to conclude that adequate mobile home parks or other suitable facilities exist for the relocation of displaced owners. The facts to be provided are intended to meet the requirements of F.S. § 723.083 (1995). Therefore, the statutory definitions will prevail to the extent there is conflict with terms of this Code.

  - (1) Facts to be provided may typically include: STRAP number and street addresses of properties where mobile homes are to be removed from, and relocated to (i.e., the "relocation site"); and any building permit numbers issued for placement of the mobile home on the relocation site.
  - (2) If the relocation site is not within the legal description of the subject rezoning, then the property owner of property proposed for relocation must submit an affidavit stating that suitable facilities exist at the relocation site to accommodate the mobile home proposed to be relocated there.
- F. Aviation Hazard:** Indicate whether or not the property is subject to Section 34-1001 et seq. and whether or not a Tall Structures Permit will be required. If the property is located within a noise zone, indicate which noise zone.
- G. Planning Communities.**

  - 1. Estero Planning Community-Community Review:** If the proposed development is for Planned Development Zoning Action, Special Exception or Variance Request, or Conventional Rezoning Request located within the Estero Planning Community, the owner or agent submitting the application must conduct one public informational session within the boundaries of the Estero Planning Community where the agent will provide a general overview of the project for any interested citizens. The applicant is fully responsible for providing the meeting space and providing security measures as needed. Subsequent to this meeting, the applicant must provide county staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised.

2. **Captiva and/or North Captiva Planning Community-Community Review:** If the proposed development is located within the Captiva Planning Community or North Captiva Community Plan area, a meeting is required with the community and a copy of the Meeting Summary Document must be submitted.
3. **Caloosahatchee Shores Community Plan-Community Review:** If the proposed development is located within the Caloosahatchee Shores Community Plan area, a meeting is required with the community and a copy of the Meeting Summary Document must be submitted.
4. **Boca Grande Community Plan-Community Review:** If the proposed development is located within the Boca Grande Planning Community, a meeting is required with the community and a copy of the Meeting Summary Document must be submitted.
5. **Page Park Community Plan-Community Review:** If the proposed development is located within the Page Park Community Plan area, a meeting is required with the community and a copy of the Meeting Summary Document must be submitted.
6. **Palm Beach Boulevard Community Plan-Community Review:** If the proposed development is located within the Palm Beach Boulevard Community Plan area, a meeting is required with the community and a copy of the Meeting Summary Document must be submitted.
7. **Buckingham Community Plan-Community Review:** If the proposed development is located within or adjacent to the Buckingham Planning Community or with access to Buckingham Road, a meeting is required with the community and a copy of the Meeting Summary Document must be submitted.
8. **Pine Island Community Plan-Community Review:** If the proposed development is located within the Pine Island Planning Community, a meeting is required with the community and a copy of the Meeting Summary Document must be submitted.
9. **Lehigh Acres Community Plan-Community Review:** If the proposed development is located within the Lehigh Acres Planning Community, a meeting is required with the community and a copy of the Meeting Summary Document must be submitted.

- H. **Waivers from Application Submission Requirements:** Upon written request, on a form prepared by the County, the Director may modify the submittal requirements contained in this section where it can be clearly demonstrated that the submission will have no bearing on the review and processing of the application. The request for a waiver or modification must be submitted to the Director prior to submitting the application. A copy of the request and the Director's written response must accompany the application and will become a part of the permanent file.

Indicate on the application form the section(s) of the Land Development Code for which the Director has granted a waiver. Attach the waiver(s) to the application as Exhibit PH-4.K.

- I. **Potable Water & Sanitary Sewer:** Indicate "YES" if it is proposed that the project will be connected to potable water and a central sewer system as part of any development of the property. A letter from the appropriate utility entity must be provided indicating the utility entity's name and ability to provide service to support the proposed development.

Indicate "NO" if it is proposed that the project will not be connected to potable water and a central sewer system. A written explanation as to the reasons why connection will not be made must be submitted along with an explanation as to the means proposed to meet the water and sewer needs for the project. Note that it is the policy of the Lee County Board of County Commissioners that all development projects connect to central sewer and potable water services. [34-202(b)(8)]





## ADDITIONAL REQUIRED INFORMATION FOR A PLANNED DEVELOPMENT APPLICATION UNINCORPORATED LEE COUNTY

### Brief Summary of Project:

|  |
|--|
|  |
|--|

\_\_\_\_\_ 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 [(34-34(a)(2)]

- (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**

**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 and **is not within the Mixed Use Overlay**. Density has been calculated in **Part 3** of this application and is summarized below:

|                          |       |                         |
|--------------------------|-------|-------------------------|
| Intensive Development    | _____ | Proposed dwelling units |
| Central Urban            | _____ | Proposed dwelling units |
| Urban Community          | _____ | Proposed dwelling units |
| Suburban                 | _____ | Proposed dwelling units |
| 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>             | _____ | Proposed dwelling units |

The property is located within one or more Future Land Use categories and **is within the Mixed Use Overlay** {see Lee Plan Map 1, Page 6 of 8}. Density has been calculated in Part 3 of this application and is summarized below:

|                          |       |                         |
|--------------------------|-------|-------------------------|
| Intensive Development    | _____ | Proposed dwelling units |
| Central Urban            | _____ | Proposed dwelling units |
| Urban Community          | _____ | Proposed dwelling units |
| Suburban                 | _____ | Proposed dwelling units |
| 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>             | _____ | Proposed dwelling units |

## PART 2 TYPES OF LAND AREA ON PROPERTY

- A. Gross Acres (total area within described parcel)** \_\_\_\_\_ **Acres**
1. Submerged land subject to tidal influence: \_\_\_\_\_ Acres
  2. Other non-freshwater Wetlands: \_\_\_\_\_ Acres
  3. R-O-W providing access to non-residential uses: \_\_\_\_\_ Acres
  4. Non-residential use areas <sup>(1) (2)</sup> \_\_\_\_\_ Acres
- B. Total area not eligible as gross residential acreage. Items A.1. + A.2 + A.3. + A.4.** \_\_\_\_\_ **Acres**
- C. Gross residential acres. (A minus B) <sup>(3)</sup>** \_\_\_\_\_ **Acres**
- D. Gross residential acres by Land Use Category**
1.
    - a. Intensive development - upland \_\_\_\_\_ Acres
    - b. Intensive development - freshwater wetland \_\_\_\_\_ Acres
  2.
    - a. Central Urban - upland \_\_\_\_\_ Acres
    - b. Central Urban - freshwater wetland \_\_\_\_\_ Acres
  3.
    - a. Urban Community or Suburban - upland \_\_\_\_\_ Acres
    - b. Urban Community or Suburban freshwater wetland \_\_\_\_\_ Acres
  4.
    - a. Outlying Suburban - upland \_\_\_\_\_ Acres
    - b. Outlying Suburban - freshwater wetland \_\_\_\_\_ Acres
  5.
    - a. Rural, Outer Island, Rural Community Preserve - upland \_\_\_\_\_ Acres
    - b. Rural, Outer Island, Rural Community Preserve - \_\_\_\_\_ Acres

|     |    |                                           |       |       |
|-----|----|-------------------------------------------|-------|-------|
| 6.  | a. | Open Lands - upland                       | _____ | Acres |
|     | b. | Open Lands - freshwater wetland           | _____ | Acres |
| 7.  | a. | DR/GR - upland                            | _____ | Acres |
|     | b. | DR/GR - freshwater wetland                | _____ | Acres |
| 8.  | a. | Wetlands - freshwater                     | _____ | Acres |
|     | b. | Wetlands - not freshwater                 | _____ | Acres |
| 9.  | a. | New Community - Upland                    | _____ | Acres |
|     | b. | New Community - freshwater wetland        | _____ | Acres |
| 10. | a. | University Community - upland             | _____ | Acres |
|     | b. | University Community - freshwater wetland | _____ | Acres |
| 11. | a. | Coastal Rural-Upland                      | _____ | Acres |
|     | b. | Coastal Rural-freshwater wetland          | _____ | Acres |

**TOTAL** (should equal "C" above) \_\_\_\_\_ Acres

**Notes:**

- (1) Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included except within the Mixed Use Overlay {see Note (2) below}.
- (2) Within the Mixed Use Overlay, lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses may be included in density calculations {see Lee Plan Objective 4.3}.
- (3) Lands to be used for residential uses including land within the development proposed to be used for streets and street rights of way, utility rights-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made waterbodies.

**PART 3  
RESIDENTIAL DEVELOPMENTS  
PRELIMINARY DENSITY CALCULATIONS\***

- \* 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**

|                                                                              |                                 |              |
|------------------------------------------------------------------------------|---------------------------------|--------------|
| <b>1. Preliminary Standard Units</b>                                         | <b>Maximum standard density</b> | <b>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</b> <sup>(2)</sup>                                         |                                 |              |
| 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.):</b> <sup>(1)</sup>           |                                 | _____        |

**B. Central Urban Category**

| 1. Preliminary Standard Units                                         | Maximum standard density | Units |
|-----------------------------------------------------------------------|--------------------------|-------|
| a. Total upland Acres (from Part 2, D.2.a.)                           | _____ times 10 equals    | _____ |
| 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>       |                          | _____ |
| 2. Maximum Permitted Units                                            | Maximum permitted        | Units |
| a. Total upland Acres (from Part 2, D.2.a.)                           | _____ times 12.5 equals  | _____ |
| 3. Total allowed standard units (B.1.c. or B.2.a., whichever is less) |                          | _____ |
| 4. Bonus Units <sup>(2)</sup>                                         |                          |       |
| a. Low-moderate housing density:                                      |                          | _____ |
| b. TDR units:                                                         |                          | _____ |
| c. Sub-total (B.4.a. plus B.4.b.)                                     |                          | _____ |
| 5. Total Permitted Units (B.3. plus B.4.c.): <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.

**C. Urban Community Category**

| 1. Preliminary Standard Units                                         | Maximum standard density | Units |
|-----------------------------------------------------------------------|--------------------------|-------|
| a. Total upland Acres (from Part 2, D.3.a.)                           | _____ times 6 equals     | _____ |
| b. Total freshwater wetland Acres (from Part 2, D.3.b.)               | _____ times 6 equals     | _____ |
| c. Preliminary Total Standard units (a. plus b.) <sup>(1)</sup>       |                          | _____ |
| 2. Maximum Permitted Units                                            | Maximum permitted        | Units |
| a. Total upland Acres (from Part 2, D.3.a.)                           | _____ times 8 equals     | _____ |
| 3. Total allowed standard units (C.1.c. or C.2.a., whichever is less) |                          | _____ |
| 4. Bonus Units <sup>(2)</sup>                                         |                          |       |
| a. Low-moderate housing density:                                      |                          | _____ |
| b. TDR units:                                                         |                          | _____ |
| c. Sub-total (D.4.a. plus D.4.b.)                                     |                          | _____ |
| 5. Total Permitted Units (C.3. plus C.4.c.): <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. Preliminary Standard Units                                         | Maximum standard density | Units |
|-----------------------------------------------------------------------|--------------------------|-------|
| a. Total upland Acres (from Part 2, D.3.a.)                           | _____ times 6 equals     | _____ |
| b. Total freshwater wetland Acres (from Part 2, D.3.b.)               | _____ times 6 equals     | _____ |
| c. Preliminary Total Standard units (a. plus b.) <sup>(1)</sup>       |                          | _____ |
| 2. Maximum Permitted Units                                            | Maximum permitted        | Units |
| a. Total upland Acres (from Part 2, D.3.a.)                           | _____ times 8 equals     | _____ |
| 3. Total allowed standard units (D.1.c. or D.2.a., whichever is less) |                          | _____ |



### E. Outlying Suburban Category

|                                                                       |                                     |       |
|-----------------------------------------------------------------------|-------------------------------------|-------|
| 1. Preliminary Standard Units                                         | Maximum standard density            | Units |
| a. Total upland Acres (from Part 2, D.4.a.)                           | _____ times 3 equals                | _____ |
| b. Total freshwater wetland Acres (from Part 2, D.4.b.)               | _____ times 3 equals                | _____ |
| c. Preliminary Total Standard units (a. plus b.) <sup>(1)</sup>       |                                     | _____ |
| 2. Maximum Permitted Units                                            | Maximum permitted                   | Units |
| a. Total upland Acres (from Part 2, D.4.a.)                           | _____ times 4 equals <sup>(1)</sup> | _____ |
| 3. Total allowed standard units (E.1.c. or E.2.a., whichever is less) |                                     | _____ |

Notes:

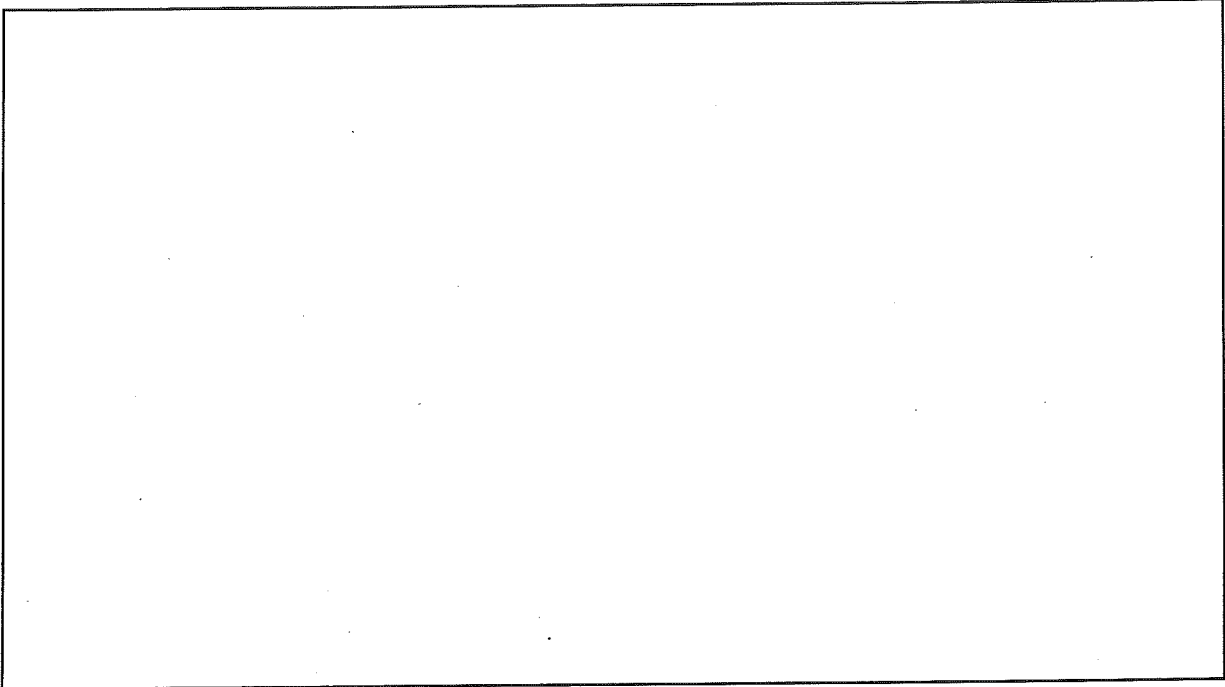
(1) Outlying Suburban land located north of the Caloosahatchee River and east of Interstate-75, north of Pondella Road and south of Pine Island Road (SR 78), and in the Buckingham area (see Goal 19 of the LEE Plan): the maximum upland density is two (2) units per acre plus one (1) for a total of three (3) units per acre.

### PART 4 COMMERCIAL, INDUSTRIAL, MINING, ASSISTED LIVING FACILITIES, HOTELS & MOTELS PRELIMINARY INTENSITY CALCULATIONS

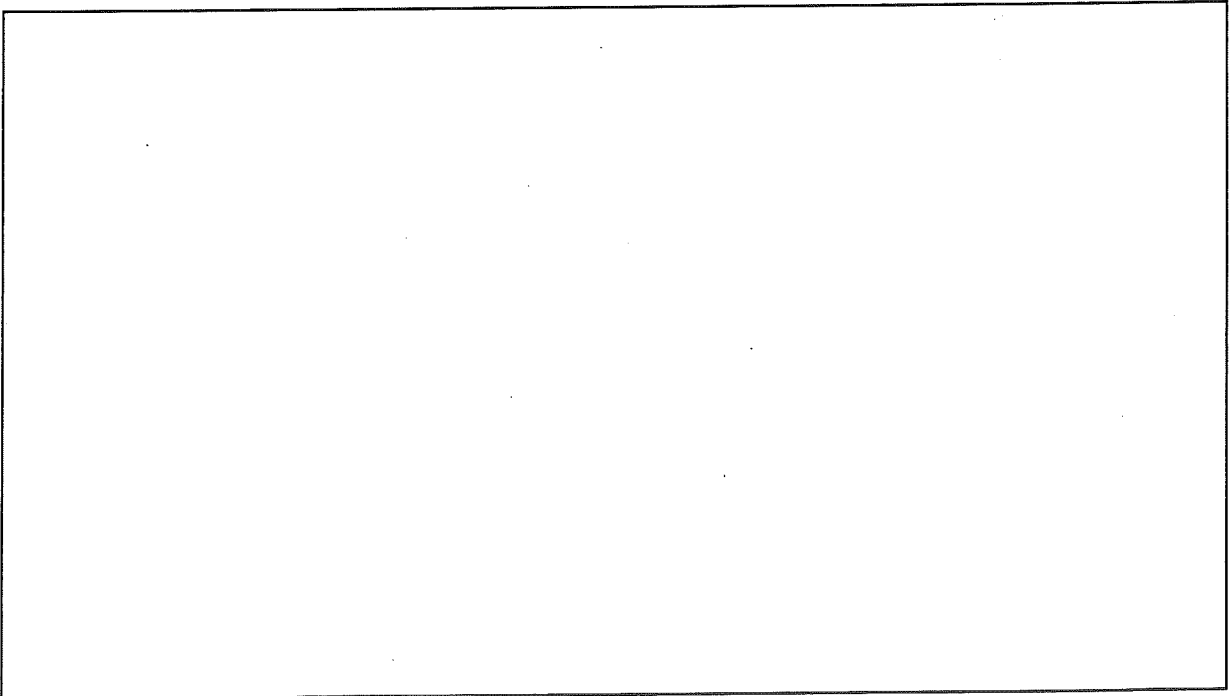
|      |                            |                   |        |                            |
|------|----------------------------|-------------------|--------|----------------------------|
| A.   | Commercial                 | Habitable Stories | Height | Total Floor Area           |
| A.1. | Medical                    |                   |        | Sq. Ft.                    |
| A.2. | General Office             |                   |        | Sq. Ft.                    |
| A.3. | Retail                     |                   |        | Sq. Ft.                    |
| A.4. | Other                      |                   |        | Sq. Ft.                    |
| A.5. | TOTAL FLOOR AREA           |                   |        | Sq. Ft.                    |
| B.   | Industrial                 | Habitable Stories | Height | Total Floor Area           |
| B.1. | Under Roof                 |                   |        | Sq. Ft.                    |
| B.2. | Not under Roof             | NA                |        | Sq. Ft.                    |
| B.3. | TOTAL FLOOR AREA           |                   |        | Sq. Ft.                    |
| C.   | Mining                     |                   | Depth  | Total Acres                |
| C1.  | Area to be excavated       | NA                |        | Acres                      |
| D.   | Assisted Living Facilities |                   |        |                            |
|      |                            | Habitable Stories | Height | Total Number of Beds/Units |
| D.1. | Dependent Living Units     |                   |        | Beds/Units                 |
| D.2. | Independent Living Units   |                   |        | Beds/Units                 |
| D.3. | TOTAL BEDS/UNITS           |                   |        | Beds/Units                 |
| E.   | Hotels/Motels              |                   |        |                            |
|      | Room Size                  | Habitable Stories | Height | Number of Rental Units     |
| E.1. | < 425 sq. ft.              |                   |        | Units                      |
| E.2. | 426-725 sq. ft.            |                   |        | Units                      |
| E.3. | 725 < sq. ft.              |                   |        | Units                      |
| E.4. | TOTAL UNITS                |                   |        | Units                      |

**PART 5  
ENVIRONMENTAL ISSUES**

**A. Topography:** Describe the range of surface elevations of the property:



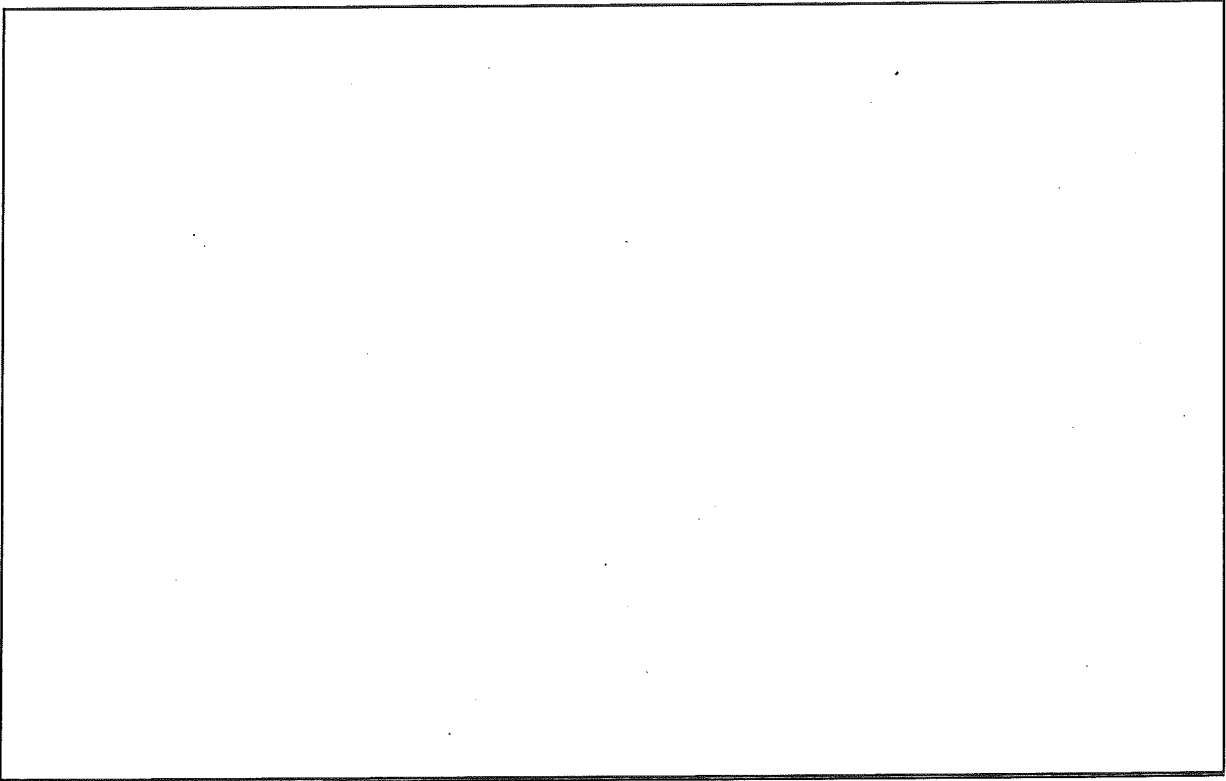
**B. Sensitive Lands:** Identify any environmentally sensitive lands, including, but not limited to, wetlands (as defined in the LEE Plan Section XII), flowways, creek beds, sand dunes, other unique land forms [see LEE Plan Policy 77.1.1 (2)] or listed species occupied habitat [see LCLDC Section 10-473].



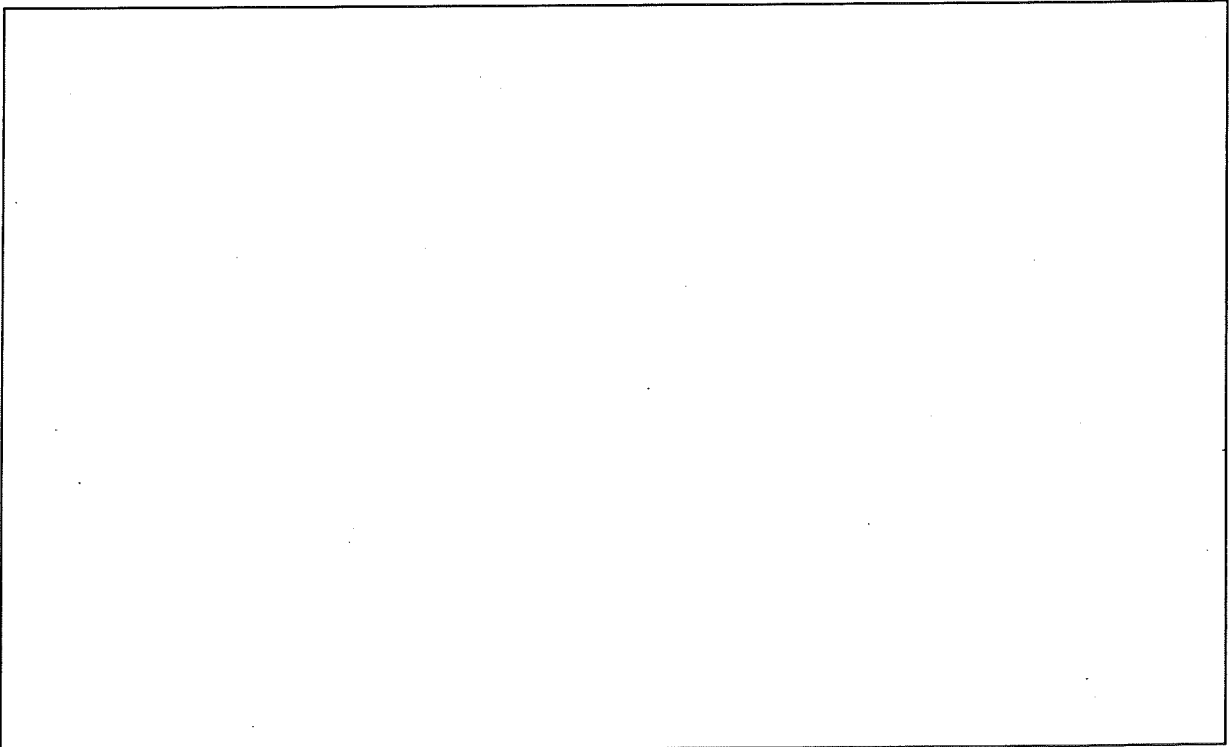
continued

...

**C. Preservation/Conservation of Natural Features:** Describe how the lands listed in PART 4.B. above will be protected by the completed project:



**D. Shoreline Stabilization:** If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:



**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:

- 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:

2. Quality of the effluent:

3. Expected life of the facility:

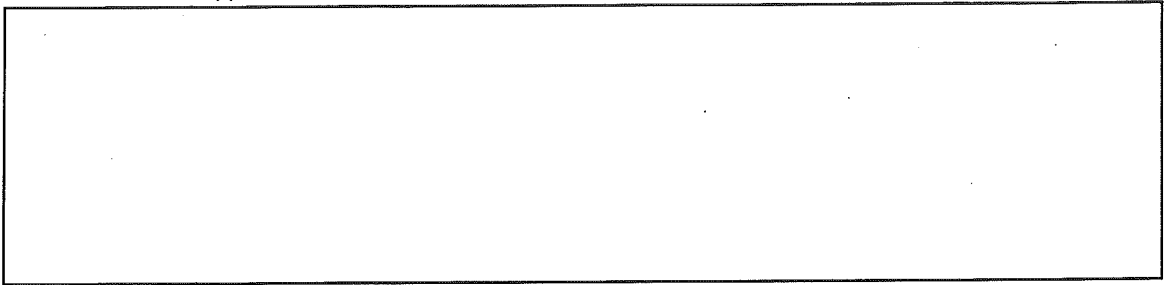
4. Who will operate and maintain the internal collection and treatment facilities:

5. Receiving bodies or other means of effluent disposal:

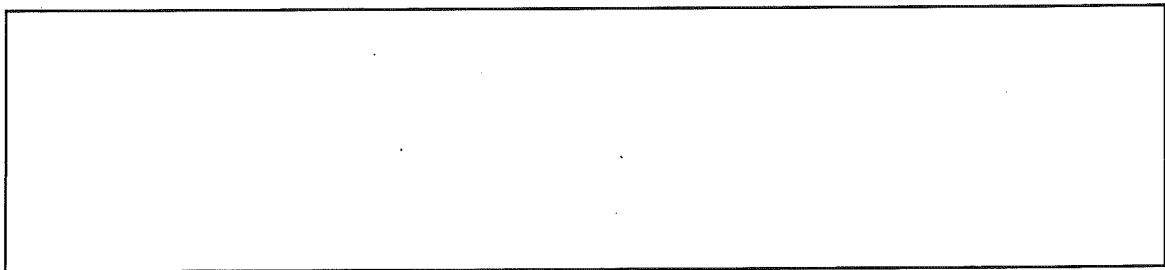
continued

C. **Spray Irrigation:** If spray irrigation will be used, specify:

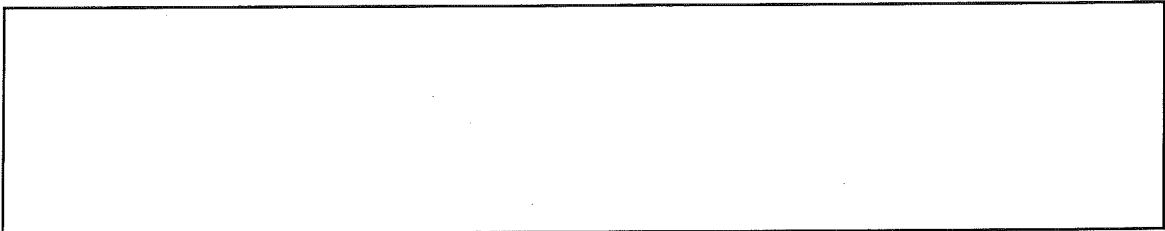
1. The location and approximate area of the spray fields:



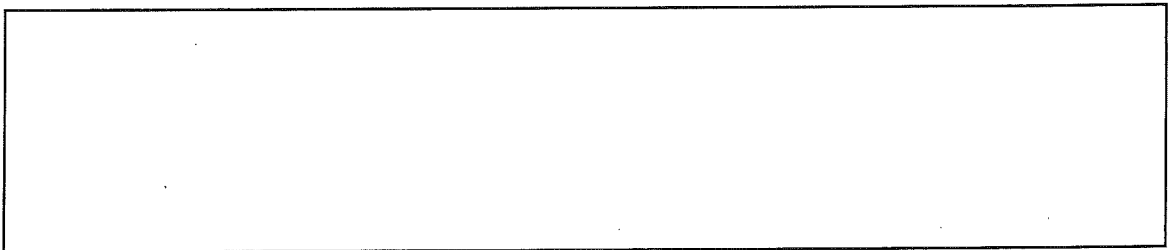
2. Current water table conditions:



3. Proposed rate of application:



4. Back-up system capacity:



## PART 7 - SUBMITTAL REQUIREMENTS

| Copies*<br>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*<br>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<br>(24X 36)<br>&<br>D-7-M.2<br>(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<br>(24X36)<br>& D-<br>7.N.2<br>(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*<br>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.

**GUIDE FOR FILING SUPPLEMENT D  
"ADDITIONAL REQUIRED INFORMATION FOR A PLANNED DEVELOPMENT APPLICATION,  
UNINCORPORATED LEE COUNTY"**

This form is for the purposes of providing additional information specific to a Planned Development request and must be submitted simultaneously with the appropriate "Application for Public Hearing."

**GENERAL INSTRUCTIONS**

The "General Instructions" provided for the applicable Public Hearing Application also apply to this supplemental form.

**COVER PAGE**

**Case number:** Will be inserted by County staff.

**Project Name** (if applicable): The name must be same as on Public Hearing Application.

**Applicant's Name-Authorized Agent:** This must be same as on Public Hearing Application.

**STRAP(S):** They must be same as on Public Hearing Application.

**Application type.** Self explanatory; select only one type.

**PART 1. GENERAL INFORMATION.** Self explanatory. Address each item on the form.

**PART 2. TYPES OF LAND AREA ON PROPERTY.** Self explanatory. See explanatory notes and address each item on the form.

**PART 3. RESIDENTIAL DEVELOPMENTS-PRELIMINARY DENSITY CALCULATIONS.** Self explanatory. See explanatory notes and address each item on the form if the application contains residential uses.

**Greater Pine Island Planning Community Coastal Rural Density Limitations.**

- a. Standard and adjusted densities. The "Coastal Rural" areas will remain rural except for portions of properties where smaller residential lots are permitted in exchange for permanent commitments to preservation or restoration of native upland habitat or to continued agricultural use of existing farmland.
  1. The standard maximum density established by Policy 1.4.7 of the Lee Plan is one dwelling unit per ten acres (1 DU/10 acres); however, see sections 33-1057 and 34-3273 regarding nonconforming lots.
  2. Maximum densities may increase in accordance with Table 33-1052 as higher percentages of upland portions of a site are permanently committed in one of the following ways:
    - (a) Land uses are restricted in native habitat that is permanently preserved on upland portions of a site.
    - (b) Land uses are restricted in native habitat that is restored and then permanently preserved on upland portions of a site.
    - (c) Existing farmland that is identified on Map 21 of the Lee Plan and is limited in the future to agricultural uses.

**able 33-1052. ADJUSTED MAXIMUM DENSITIES FOR PRESERVED/ RESTORED HABITAT AND FOR CONTINUED AGRICULTURAL USE**

| Percentage of the on-site uplands that are:<br>-preserved or restored native habitat; -or-<br>-for continued agricultural use on existing farmland | Adjusted Maximum Densities*                                                      |                                                                                 |
|----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
|                                                                                                                                                    | If undeveloped land will be permanently preserved or restored as native habitat: | If undeveloped land will be continued in agricultural use on existing farmland: |
| 0% to 4.99%                                                                                                                                        | 1 DU/ 17 acres                                                                   | 1 DU/ 17 acres                                                                  |
| 5% to 9.99%                                                                                                                                        | 1 DU/ 15 acres                                                                   | 1 DU/ 15 acres                                                                  |
| 10% to 14.99%                                                                                                                                      | 1 DU/ 13 acres                                                                   | 1 DU/ 15 acres                                                                  |
| 15% to 19.99%                                                                                                                                      | 1 DU/ 12 acres                                                                   | 1 DU/ 15 acres                                                                  |
| 20% to 29.99%                                                                                                                                      | 1 DU/ 10 acres                                                                   | 1 DU/ 13 acres                                                                  |
| 30% to 39.99%                                                                                                                                      | 1 DU/ 8 acres                                                                    | 1 DU/ 12 acres                                                                  |
| 40% to 49.99%                                                                                                                                      | 1 DU/ 7 acres                                                                    | 1 DU/ 10 acres                                                                  |
| 50% to 59.99%                                                                                                                                      | 1 DU/ 5 acres                                                                    | 1 DU/ 8 acres                                                                   |
| 60% to 69.99%                                                                                                                                      | 1 DU/ 4 acres                                                                    | 1 DU/ 5 acres                                                                   |
| 70% or more                                                                                                                                        | 1DU/ 2.7 acres                                                                   | 1 DU/ 4 acres                                                                   |

\* Lee County Resolution 06-03-24 determined that the 910 traffic counts for Pine Island Road have been exceeded. Accordingly, the density stated above is the maximum density permitted in the Coastal Rural land use category for purposes of section 33-1052.

(b) Two or more contiguous or noncontiguous "Coastal Rural" parcels may be combined into a single development application for purposes of computing the actual maximum density allowed on those properties. This provision would allow acreage on one parcel that is preserved or restored as native habitat, or existing farmland that is committed to continued agricultural use, to increase the density on another parcel that is included in the same development application. **[33-1052]**

**PART 4. COMMERCIAL, INDUSTRIAL, MINING, ASSISTED LIVING FACILITIES, HOTELS & MOTELS-PRELIMINARY INTENSITY CALCULATIONS.** Self explanatory. See explanatory notes and address each item on the form if the application contains the listed uses.

**PART 5. ENVIRONMENTAL ISSUES.** Self explanatory. Address each item on the form.

**PART 6. SANITARY SEWER FACILITIES.**

**6.A. - 6.C.** Self explanatory. Address each item on the form as applicable.

**PART 7. SUBMITTAL REQUIREMENTS-GENERAL.** This represents a summary list of the submittal requirements. Refer to the description of each item and the appropriate LCLDC sections referenced for further information and label each submitted exhibit as noted.

**PUBLIC HEARING APPLICATION FORM.** All applications for public hearings must be accompanied by a Application in a form prescribed by the County. See PART 7 for details.

**DESCRIPTION OF EXISTING CONDITIONS.** The application for a planned development must be accompanied by detailed information describing the existing conditions on the subject property. See PART 7 for details.

**NARRATIVE COMPLIANCE STATEMENTS.** A narrative explanation as to how the proposed development complies with: (a) the Lee Plan; (b) the design standards set forth in LCLDC Section 34-411; and (c) the guidelines for decision-making embodied in LCLDC Section 34-145(c)(2)a and (c)(2)e. and LCLDC Section 34-145(d)(3) must be provided. **[34-373(a)(5)]** {See below.}

## DESIGN STANDARDS.

### Section 34-411. General standards.

- (a) All planned developments shall be consistent with the provisions of the Lee Plan.
- (b) All planned developments, unless otherwise excepted, shall be designed and constructed in accordance with the provisions of all applicable county development regulations in force at that time.
- (c) The tract or parcel proposed for development under this article must be located so as to minimize the negative effects of the resulting land uses on surrounding properties and the public interest generally, and must be of such size, configuration and dimension as to adequately accommodate the proposed structures, all required open space, including private recreational facilities and parkland, bikeways, pedestrian ways, buffers, parking, access, on-site utilities, including wet or dry runoff retention, and reservations of environmentally sensitive land or water.
- (d) The tract or parcel shall have access to existing or proposed roads:
  - (1) In accordance with chapter 10 and as specified in the Lee Plan traffic circulation element or the official trafficways map of the county;
  - (2) That have either sufficient existing capacity or the potential for expanded capacity to accommodate both the traffic generated by the proposed land use and that traffic expected from the background (through traffic plus that generated by surrounding land uses) at a level of service D or better on an annual average basis and level of service E or better during the peak season, except where higher levels of service on specific roads have been established in the Lee Plan; and
  - (3) That provide ingress and egress without requiring site-related industrial traffic to move through predominantly residential areas.
- (e) If within the Lee Tran public transit service area, the development shall be designed to facilitate the use of the transit system.
- (f) Development and subsequent use of the planned development shall not create or increase hazards to persons or property, whether on or off the site, by increasing the probability or degree of flood, erosion or other danger, nor shall it impose a nuisance on surrounding land uses or the public's interest generally through emissions of noise, glare, dust, odor, air or water pollutants.
- (g) Every effort shall be made in the planning, design and execution of a planned development to protect, preserve or to not unnecessarily destroy or alter natural, historic or archaeological features of the site, particularly mature native trees and other threatened or endangered native vegetation. Alteration of the vegetation or topography that unnecessarily disrupts the surface water or groundwater hydrology, increases erosion of the land, or destroys significant wildlife habitat is prohibited. That habitats significant that is critical for the survival of rare, threatened or endangered species of flora or fauna.
- (h) A fundamental principle of planned development design is the creative use of the open space requirement to produce an architecturally integrated human environment. This shall be coordinated with the achievement of other goals, e.g., the preservation or conservation of environmentally sensitive land and waters or archaeological sites.
- (i) Site planning and design shall minimize any negative impacts of the planned development on surrounding land and land uses.
- (j) Where a proposed planned development is surrounded by existing development or land use with which it is compatible and of an equivalent intensity of use, the design emphasis shall be on the integration of this development with the existing development, in a manner consistent with current regulation.
- (k) Where the proposed planned development is surrounded by existing development or land use with which it is not compatible or which is of a significant higher or lower intensity of use (plus or minus ten percent of the gross floor area per acre if a commercial or industrial land use, or plus or minus 20 percent of the residential density), or is surrounded by undeveloped land or water, the design emphasis will be to separate and mutually protect the planned development and its environs.
- (l) In large residential or commercial planned developments, the site planner is encouraged to create subunits, neighborhoods or internal communities which promote pedestrian activity and community interaction.
- (m) In order to enhance the viability and value of the resulting development, the designer shall ensure the internal buffering and separation of potentially conflicting uses within the planned development.
- (n) Density or type of use, height and bulk of buildings and other parameters of intensity should vary systematically throughout the planned development. This is intended to permit the location of intense or obnoxious uses away from incompatible land uses at the planned development's perimeter, or,

conversely, to permit the concentration of intensity where it is desirable, e.g., on a major road frontage or at an intersection.

(o) Unless otherwise provided for in this article, minimum parking and loading requirements shall be as set forth in article VII, divisions 25 and 26, of this chapter. Where it can be reasonably anticipated that specified land uses are generators of occasional peak demand for parking space, a portion of the required parking may be pervious or semi-pervious surfaces subject to the condition that it be constructed and maintained so as to prevent erosion of soil. In all cases, however, sufficient parking shall be provided to prevent the spilling over of parking demand onto adjacent properties or rights-of-way at times of peak demand.

(p) Joint use of parking by various land uses within the planned development may be permitted by special condition where it can be demonstrated or required that the demand for parking by the various uses will not conflict. Joint parking agreements between uses within and uses without the planned development shall be governed by agreement per general regulation (see section 34-2018), without exception.

(q) Internal consistency through sign control, architectural controls, uniform planting schedules and other similar controls is encouraged. **[34-411]**

#### **Estero Planning Community and Greater Pine Island Planning Community.**

If the subject property is located in the Estero Planning Community or the Greater Pine Island Planning Community, the owner/applicant will be required to demonstrate compliance with the requirements applicable to the specific community as outlined in Chapter 33. **[34-6; 34-202(10); 33-51 et seq & 33-1001 et seq]**

#### **SUFFICIENCY.**

All applications for planned developments will be deemed sufficient unless a letter advising the applicant of insufficiencies has been provided within 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 15 working days 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 this section.

After notice of insufficiency, the applicant has 60 days to submit supplemental or corrected documents, unless a longer time is agreed to in writing by the director and the applicant prior to the expiration of the 60 days. If the supplement or corrections are not submitted within the 60 days (or other time period agreed to) the application will be deemed withdrawn.

Once an application has been found sufficient any new information submitted by the applicant, or any changes made to information submitted by the applicant may, at the discretion of the director, be grounds for a deferral or continuance of the public hearing, depending on the advertised status of the hearing and may result in revocation of the finding of sufficiency.

Where a proposed planned development is identified by staff as a possible Development of Regional Impact, the applicant will be notified that the application will be deemed sufficient only when accompanied by either a binding letter of interpretation from DCA or a complete and sufficient ADA. Failure by the county to notify the applicant in a timely manner (within 30 days of the application) will nullify any finding of insufficiency based on this requirement. Assuming the application is sufficient in all other respects, staff will commence its review of the Planned Development. However, there will be no hearing held before the Hearing Examiner until the applicant submits a binding letter of interpretation from DCA or a complete and sufficient ADA. **[34-373(d)]**

#### **GUIDELINES IN DECISION MAKING.**

Functions-Hearing Examiner. Regarding zoning matters, the Hearing Examiner has the following prescribed duties and responsibilities:



- a. Prepare recommendations to the Board of County Commissioners for changes or amendments relating to the boundaries of the various zoning districts or to the regulations applicable to those districts.
- b. Make recommendations to the Board of County Commissioners on applications relating to the following:
  - 1. Rezoning, including developments of county impact, planned unit developments and planned developments, and any accompanying request to use TDR or affordable housing bonus density.
  - 2. Developments of regional impact and Florida Quality Developments approval, which may or may not include a request for rezoning.
  - 3. Special exceptions that meet the criteria for a development of county impact, as set forth in LCLDC Section 34-203(b).
  - 4. Other special exceptions and variances which are submitted simultaneously with and are heard in conjunction with a rezoning.
  - 5. Variances from any county ordinance which specifies that variances from the ordinance may only be granted by the Board of County Commissioners.
  - 6. Applications to increase density above the Lee Plan standard density range through the use of affordable housing bonus density units.
  - 7. Reinstatements of master concept plans for planned developments. **[34-145(d)(1)]**

Considerations-Hearing Examiner. In reaching his recommendation, the Hearing Examiner must consider the following criteria, as well as any other issues that are pertinent and reasonable:

Staff recommendations, the testimony of the appellant and testimony of the general public must also be considered.

Cases under this LCLDC Section will be handled as a de novo proceeding and all parties will be entitled to present evidence and testimony as to any law or fact supporting their position in the case. **[34-145(c)(2)]**

In preparing his recommendation on any matter, the Hearing Examiner must consider the criteria set forth in LCLDC Section 34-145(c)(2) (see above) as well as the following, if applicable:

- a. Whether there exists an error or ambiguity which must be corrected;
- b. Whether urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve a proposed land use change, when reviewing a proposed change to a future urban area category; and
- c. Whether a proposed change is intended to rectify errors on the official zoning map.
- d. Whether the level of access and traffic flow (i.e. median openings, turning movements etc.) is sufficient to support the proposed development intensity. **[34-145(d)(2)]**

Findings-Hearing Examiner. Before preparing his recommendation to the Board of County Commissioners on a rezoning, the Hearing Examiner must find that:

- a. The applicant has proved entitlement to the rezoning or special exception by demonstrating compliance with the Lee Plan, this land development code, and any other applicable code or regulation; and
- b. The request will meet or exceed all performance and locational standards set forth for the potential uses allowed by the request; and
- c. The request, including the use of TDR or affordable housing bonus density units, is consistent with the densities, intensities and general uses set forth in the Lee Plan; and
- d. The request is compatible with existing or planned uses in the surrounding area; and
- e. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and
- f. Where applicable, the request will not adversely affect environmentally critical areas and natural resources.
- g. In the case of a planned development rezoning, the decision of the hearing examiner must also be supported by the formal findings required by LCLDC Sections 34-377(a)(2) and (4).

- h. Where the change proposed is within a future urban area category, the Hearing Examiner must also find that urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use. [34-145(d)(3)]

Function-Board of County Commissioners.

- a. The Board of County Commissioners must hold public hearings (see LCLDC Sections 34-231 through 34-236) on the following applications: rezoning, extension and reinstatement of master concept plans, the special exceptions that meet the criteria for developments of county impact, appeals from decisions of the Hearing Examiner concerning wireless communications facilities, developments of regional impact, and any other action in conjunction with such applications.
- b. All requests for variances, use of TDR or affordable housing bonus density units, and special exceptions which are part of an application for a rezoning must be considered by the Board of County Commissioners with the application for rezoning and heard together with and at the same time as the rezoning. [34-83(b)(1)]

Considerations-Board of County Commissioners. In rendering its decision, the Board of County Commissioners must consider the following:

- a. The considerations set forth in LCLDC Section 34-145(c)(2) which are applicable to the case (see above).
- b. The substantive recommendation of the Hearing Examiner when applicable. [34-83(b)(2)]

Findings-Board of County Commissioners. Before granting any rezoning, special exception, or appeal of a Hearing Examiner decision pertaining to a wireless communication facility, the Board of County Commissioners must find that:

- a. The applicant has proved entitlement to the rezoning or special exception by demonstrating compliance with the Lee Plan, the Lee County Land Development Code, and any other applicable code or regulation; and
- b. The request will meet or exceed all performance and locational standards set forth for the potential uses allowed by the request; and
- c. The request is consistent with the densities, intensities and general uses set forth in the Lee Plan; and
- d. The request is compatible with existing or planned uses in the surrounding area; and
- e. Approval of the request will not place an undue burden upon existing transportation or other services and facilities and will be served by streets with the capacity to carry traffic generated by the development; and
- f. Where applicable, the request will not adversely affect environmentally critical areas and natural resources.
- g. In the case of a planned development rezoning, the decision of the Board of County Commissioners must also be supported by the formal findings required by LCLDC Sections 34-377(a)(2) and (4).
- h. Where the change proposed is within a future urban area category, the Board of County Commissioners must also find that urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
- i. In the case of an appeal of a hearing examiner decision pertaining to wireless communication facilities, the decision of the Board of County Commissioners must also be supported by the formal findings set forth in LCLDC Sections 34-1445(b) and 34-1453, as applicable.  
[34-83(b)(3)]

Decisions and authority-Board of County Commissioners.

- a. In exercising its authority, the Board of County Commissioners:
  - 1. Must consider the recommendation of the Hearing Examiner, but may, in conformity with the provisions of this chapter, reverse, affirm or modify the recommendation of the Hearing Examiner, or remand the recommendation to afford due process;

2. May not approve a rezoning other than the rezoning published in the newspaper unless the change is more restrictive than the proposed rezoning published;
  3. Has the authority to attach such conditions and requirements to any approval of a request for a special exception, development of regional impact, planned development, use of TDR or affordable housing bonus density units in conjunction with a rezoning request, or variance within their purview, deemed necessary for the protection of the health, safety, comfort, convenience or welfare of the general public. These conditions and requirements must be reasonably related to the action requested.
  4. In the case of an appeal of a Hearing Examiner decision pertaining to wireless communication facilities, the Board of County Commissioners must consider the decision as a recommendation only and may, in conformity with the provisions of this chapter, reverse, affirm or modify the decision of the Hearing Examiner, or remand the case to the Hearing Examiner.
- b. The decision of the Board of County Commissioners on any matter listed in LCLDC Section 34-83(b) is final. If there is a tie vote, the matter considered will be continued until the next regularly scheduled meeting for decisions on zoning matters by the Board of County Commissioners, unless a majority of the members present and voting agree by motion, before the next agenda item is called, to take some other action. Such other action may be moved or seconded by any member, regardless of his vote on any earlier motion.
  - c. Any denial by the Board of County Commissioners is denial with prejudice unless otherwise specified by the Board of County Commissioners (see LCLDC Section 34-211). **[34-83(b)(4)]**

**Judicial Review.** Judicial review of final decisions of the Board of County Commissioners with respect to rezonings are to the circuit court in accordance with LCLDC Section 34-85. **[34-83(b)(4)c.]**

#### **MASTER CONCEPT PLAN.**

**Master Concept Plan, Non-PRFPD** Master concept plan. All applications must be accompanied by a graphic illustration (master concept plan) of the proposed development.

If blasting is proposed to be conducted on the property in order to excavate lakes or other site elements, the location of all proposed blasting must be shown. See LCLDC Section 34-202(b)(6) for other required information.

Copies of the master concept plan must be provided in two sizes, 24 inches by 36 inches, and 11 inches by 17 inches in size. Both sizes of the master concept plan must be clearly legible, depict the correct scale for the size drawing, and be drawn at a scale sufficient to adequately show and identify the following information:

- a. The exact location and explanation of all existing easements, whether or not those easements are recorded. If an easement is based upon a recorded document, the official records book reference must be stated.
- b. The exact location of all points of vehicular ingress and egress from existing easements or rights-of-way into the development. If a subdivision, the plan must also show the general location of all proposed internal street rights-of-way or easements and the general location of all points of vehicular ingress and egress from the proposed internal rights-of-way or easements into multiple-family, commercial, or industrial use lots.
- c. Where the subject property will be divided into lots or parcels, the plan must indicate the general location, configuration, and approximate dimensions of the lots or parcels (including outparcels) as well as lot coverage, and the minimum proposed setbacks for principal structures. The proposed use of the lots or parcels must be keyed to the list of proposed uses submitted with the application. If the property development regulations for a specific zoning district will be used, then reference to the specific district will be sufficient.
- d. Individual development areas (i.e. residential, retail, office, manufacturing, mixed use-listed, etc.) with detail showing:
  - i. the boundary of each development area within which buildings, parking or other uses will be located;

- ii. the maximum height, in feet and number of habitable stories. If parking under the buildings is proposed, the number of stories proposed for parking must be indicated and included in the total maximum height of the building.
  - iii. if residential, the maximum number of dwelling units by type;
  - iv. if a hotel or motel, the number of rooms by size;
  - v. if a health care facility, the number of beds; and
  - vi. if commercial or industrial, the type(s) and the total floor area of each type.
- e. The general location of service areas for delivery of goods or services must be shown for all developments that are not residential subdivisions.
- f. The general location of proposed parks and recreation areas and facilities, as well as indigenous areas and flow-ways to be preserved, restored or created.
- g. Open space design plan delineating the indigenous preserves and/or native tree preservation areas as required per LCLDC Section 10-415(b). Adjustments and field corrections to the plan can be done administratively at the time of development order review provided the minimum commitments made as part of zoning approval are maintained. No changes to a indigenous or native tree preserve area can be made administratively that would negatively effect screening or buffering to an adjacent property.
- h. The percentage of open space, unless the proposed development consists solely of conventional single-family dwelling units on lots of no less than 6,500 square feet. For commercial and industrial developments, the percentage of open space within each lot or outparcel must be as set forth in LCLDC Section 34-414(c);
- i. 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. References to types of buffers as described in LCLDC Chapter 10 are acceptable;
- j. Proposed access and facilities for public transit in accordance with LCLDC Sections 34-411(e) and 10-442.
- k. The general location of excavations for on-site fill and wet retention. If the applicant proposes to remove excavated material from the property a planned development for mining and a general mining permit may be required.
- If the development is located within a floodplain or flow way, it is the applicant's responsibility at the time of local development order or district permitting to compensate for impacts to flood storage capacity or flow ways due to filling of the site.
- l. The location of any requested deviations, keyed to the schedule of deviations, including drawings demonstrating the effect the requested deviations will have on the site plan. **[34-373(a)(6)]**
- Note:** An updated Master Concept Plan of the entire planned development boundary must be submitted for attachment to the resolution adopting the amendment. This is required whether or not the amendment will affect the entire Planned Development project or just one parcel. **[34-380(f)]**

**Master Concept Plan, PRFPD.** A clearly legible and properly scaled drawing must be provided in two sizes, 24 inches by 36 inches, and 11 inches by 17 in size. Both sizes of the master concept plan must be clearly legible, depict the correct scale for the size drawing and be drawn at a scale sufficient to adequately show and identify the information required by LCLDC Section 34-941(g) (notes and legends may be used to provide the required information).

- a. The general size, configuration and general location of proposed uses and structures, play fields and golf course routings. Minor adjustments to this master concept plan may be made administratively at the discretion of the director.
- b. The general area of any accessory buildings, structures and maintenance areas must be shown on the site plan. Minimum setbacks for accessory buildings and structures, as noted in subsection (d)(4), must be shown and used for the final placement of these buildings, structures or facilities.
- c. The maximum height, in feet and number of stories, of any proposed buildings or structures;
- d. The uses requested, and:
  - i. If a campground: the number of camping units; the number and size of the camping restrooms including the number of toilets and showers proposed; and the location and size of the camping area office.
  - ii. If a horse stable: the size of the stable building.
  - iii. If a golf course: the location and size of the clubhouse, administrative, and maintenance areas, the number of golf course holes, the approximate location of tees, fairways, and golf course greens, and the number and size of golf course restrooms.

- e. The minimum width and composition of all proposed buffers along the perimeter of the subject property. Minimum building setbacks for buildings and structures, as noted in subsection (d)(4) must be shown and used for the final placement of buildings, structures or facilities, unless a greater setback is deemed necessary by the board of county commissioners.
- f. The general location of all points of pedestrian and vehicular ingress and egress from existing easements or rights-of-way into the development.
- g. Proposed access and facilities for public transit in accordance with sections 34-411(e) and 10-442, if the development is located on a public transit route.
- h. The general location of open space including the location of natural and manmade bodies of water, and areas of native vegetation to be retained or created.
- i. The general location of excavations for on-site fill and wet retention;
- j. The location of any requested deviations, keyed to the schedule of deviations, including sample detail drawings of the effect on the site plan of the requested deviation;
- k. A traffic impact statement in a format and to the degree of detail required by a form furnished by the county and in conformance with the adopted county administrative code. Upon written request, the director may waive this requirement. [34-941(g)(1)]

**Note:** An updated Master Concept Plan of the entire planned development boundary must be submitted for attachment to the resolution adopting the amendment. This is required whether or not the amendment will affect the entire Planned Development project or just one parcel. [34-380(f)]

**TRAFFIC IMPACT STATEMENT.** A traffic impact statement in a format and to the degree of detail required by a form furnished by the county and in conformance with the adopted Lee County Administrative Code, Traffic Impact Statement Guidelines for Planned Development Rezonings, AC-13-17. Upon written request, the director may waive this requirement for minor planned developments. [34-373(a)(7)]

**SCHEDULE OF USES.** A schedule of uses keyed to the master concept plan as well as a summary for the entire property including the following information:

- a. The types of uses proposed for the entire site. For projects with residential uses, the summary must include the types of proposed dwelling units;
- b. The number of units (gross square feet for commercial/industrial uses, number of units for residential or motel/hotel uses, beds for institutional types of uses, etc.) for each proposed use.
- c. The proposed percentage of open space for the entire site. [34-373(a)(8)]

**SCHEDULE OF DEVIATIONS.** 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 indicated on the Master Concept Plan. [34-373(a)(9)]

Except where specifically suspended or preempted by alternative regulations in this article, or by special conditions adopted to the master concept plan, all general provisions of this chapter shall apply to any planned development. However, to provide design flexibility in developing land through this article, deviations from the general provisions of this chapter, as well as from any separate land development regulation or code, may be permitted where it can be demonstrated in the process of reviewing the concept plan that the planned development will be enhanced and that the intent of such regulations to protect health, safety and welfare will be served. Such deviations shall be set forth in a separate schedule in the application and be accompanied by documentation including sample detail drawings illustrating how each deviation would operate to the benefit, or at least not to the detriment, of the public interest. Approved deviations shall be set forth as part of the documentation attached to the master concept plan. [34-412(a)]

**ADDITIONAL REQUIREMENTS FOR MAJOR PDs.** Additional information is required for all Major Planned Development zoning applications (see LCLDC Section 34-341 for Major Planned Development criteria) as noted below. PRFPDs must also comply with the additional requirements contained in LCLDC Section 34-941.

A written description of the surface water management plan must be provided that includes:

- a. The runoff characteristics of the property in its existing state;

- b. In general terms, the drainage concept proposed, including the outfall to canals or natural water bodies including how drainage flow from adjacent properties will be maintained;
- c. The retention features (including existing natural features) that will be incorporated into the drainage system and the legal mechanism which will guarantee their maintenance;
- d. How existing natural features will be preserved. Include an estimate of the ranges of existing and post development water table elevations, where appropriate;
- e. If the property is subject to seasonal inundation or subject to inundation by a stream swollen by the rains of a 100-year storm event, indicate the measures that will be taken to mitigate the effects of expectable flooding. [34-373(b)(1)]

**ADDITIONAL REQUIREMENTS FOR LARGE PROJECTS.** A protected species survey 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}) as specified in LCLDC Section 10-473. [34-373(b)(2)]

**ADDITIONAL REQUIREMENTS-PHASED DEVELOPMENTS.** If the development is to be constructed in phases or if the traffic impact statement utilized phasing, then a description of the phasing program must be submitted. [34-373(b)(3)]

**ADDITIONAL REQUIREMENTS FOR AMENDMENTS TO BUILT PLANNED DEVELOPMENTS.** 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. See Note 3 on the Cover sheet, above, for further information regarding amendment to "Built Planned Development". [34-373(c)]

**ADDITIONAL REQUIREMENTS FOR DRIs.** In addition to submitting an Application for a Public Hearing for Development of Regional Impact and all information required therein, a Binding Letter of Interpretation from DCA or a complete and sufficient ADA is required. [34-373(b)(4)]

**ADDITIONAL SUBMITTAL REQUIREMENTS - PRFPDs.** If the application is for a Private Recreational Facilities Planned Development, in addition to the submittal requirements for planned developments set forth in the LCLDC, PRFPD applications, in addition to a PRFPD Master Concept Plan (see above), must include the following.

Environmental assessment: An environmental assessment including, at a minimum, an analysis of the environment, historical and natural resources.

A narrative explanation as to how the proposed development complies with the Lee Plan, as well as the guidelines for decision-making embodied in LCLDC Sections 34-145(c)(2)a, and e., and Section 34-145(d)(3) {see LC Supplement D Form, Part 7, Narrative Compliance Statements}.

Demonstration of compatibility. 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. [34-941(g)(2) - (g)(4)]





BOARD OF COUNTY COMMISSIONERS

John E. Manning  
*District One*

February 28, 2011

A. Brian Bigelow  
*District Two*

Ray Judah  
*District Three*

Tammy Hall  
*District Four*

Frank Mann  
*District Five*

Karen B. Hawes  
*County Manager*

BARBOT, STEUART AND ASSOCIATES  
13861 PLANTATION ROAD  
SUITE 105  
FORT MYERS, FL 33912

RE: CYPRESS WOODS RV RESORT  
DCI2007-00078

Diana M. Parker  
*County Hearing  
Examiner*

Dear BARBOT, STEUART AND ASSOCIATES, INC :

On December 12, 2007 an application was submitted for the above referenced case. Our last response in regards to the application was on September 21, 2010 with a letter of insufficiency. The insufficiency letter explains that additional information needs to be provided before proceeding with the public hearing.

Enclosed is a withdrawal form for your convenience. Please complete this form and return the original or provide the required information by April 29, 2011.

Please feel free to contact us if you require clarification or additional information.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Zoning Division

Alvin Block, AICP  
Principal Planner

cc: Pam Houck, Director Zoning Division  
Michael Jacob, CAO  
Tina Boone, Legal Administrative Secretary  
Robert Price, TIS Reviewer  
Becky Penfield, Development Services  
Susie Derheimer, Environmental Sciences  
Jamie Prining, DCD Admin  
Zoning File



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 239-533-8371

John E. Manning  
*District One*

A. Brian Bigelow  
*District Two*

Ray Judah  
*District Three*

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*District Four*

Frank Mann  
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Karen B. Hawes  
*County Manager*

David Owen  
*County Attorney*

Diana M. Parker  
*County Hearing  
Examiner*

September 21, 2010

BARBOT, STEUART AND ASSOCIATES, INC  
13861 PLANTATION ROAD  
SUITE 105  
FORT MYERS, FL 33912

Re: CYPRESS WOODS RV RESORT  
DCI2007-00078 - PDA Application (PD Amendment)

Dear BARBOT, STEUART AND ASSOCIATES, INC :

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

Alvin Block, AICP  
Principal Planner

BARBOT, STEUART AND ASSOCIATES, INC  
RE: CYPRESS WOODS RV RESORT  
DCI2007-00078  
September 21, 2010  
Page 2

xc: Mike Pavese, Public Works

cc: Pamela Houck, Division Director  
Paul O'Connor, Planning  
Susie Derheimer, Environmental Sciences  
Sam Lee, Natural Resources  
Robert Price, TIS Reviewer  
Jamie Prancing, DCD Administration  
Michael D Jacob, Assistant County Attorney  
Becky Penfield, Development Review  
DCI Zoning File  
DCI Working File

BARBOT, STEUART AND ASSOCIATES, INC  
RE: CYPRESS WOODS RV RESORT  
DCI2007-00078  
September 21, 2010  
Page 3

**LC Zoning Action Legal Requirements Checklist (Ord 05-29)**

*10) Boundary Survey. A boundary survey of the subject property must be submitted unless the application is a non planned development request and the property consists of one or more undivided lots within a subdivision platted in accordance with Florida Statutes, Chapter 177 {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)]*

Changes to the Land Development Code as of July 1, 2009 requires a Title Certificate/Opinion, no greater than 90 days old at the time of initial zoning application be submitted to establish the following information concerning title to the subject property: (a) the owner of owners of the fee title; (b) all easements encumbering the property; (c) the legal description of the property. The title certification submittal must be either an opinion of title meeting the Florida Bar Standards prepared by a licensed Florida attorney or a certification of title/title certification prepared by a title abstractor or company. The certification must be unequivocal. A title binder/commitment, an O and E Report or title insurance policy is not acceptable to meet this requirement. Per LDC Sec 34-202(a)(2)

Please submit a copy to the surveyor as the survey must be tied to it and submit a copy of the title opinion/title certificate to this office as required by LDC SEC 34-202(a)(3) for the 2.3 additional acres.

*12) Contact. The reviewer may be contacted may be contacted regarding any questions on the LC Zoning Action Legal Requirements Checklist.*

Contact Chick Jakacki for questions regarding legal description, sketch of description and boundary survey comments

By phone: 239-533-8578

By email: [cjakacki@leegov.com](mailto:cjakacki@leegov.com)

**LC Public Hearing for Zoning Action Checklist (Ord. 05-29)**

*10) Boundary Survey. A boundary survey of the subject property must be submitted unless the application is a non planned development request and the property consists of one or more undivided lots within a subdivision platted in accordance with Florida Statutes, Chapter 177 {see LC Public Hearing Application Form, Part 3.D.}. [34-202(a)(2)]*

Please refer to the Zoning Legal Checklist for comments.

BARBOT, STEUART AND ASSOCIATES, INC  
RE: CYPRESS WOODS RV RESORT  
DCI2007-00078  
September 21, 2010  
Page 4

*32) Miscellaneous items.*

Ken Notturmo and Michael Jacob have indicated that there are some minor revisions to the title certificate and to the survey which are necessary. The applicant is working on those changes and the revised documents will be resubmitted.

*33) Contact. The Zoning Planner may be contacted regarding any questions on the LC Public Hearing for Zoning Action Checklist.*

If you have any questions about this portion of the checklist, please contact Chip Block at 239-533-8371.

**LC Development Review PD Application Sufficiency Checklist  
(Ord 05-29)**

*4) Miscellaneous items.*

Would you please provide the Development Order number in which the stipulation for lots 85 and 86 are set aside for parking.

I have gone through our records and cannot locate the letter with this stipulation.

Thank you. Please contact me if you have any questions.  
rpenfield@leegov.com or 239-533-8587 extension 48802.



BOARD OF COUNTY COMMISSIONERS

John E. Manning  
*District One*

A. Brian Bigelow  
*District Two*

Ray Judah  
*District Three*

Tammy Hall  
*District Four*

Frank Mann  
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Karen B. Hawes  
*County Manager*

David Owen  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

December 22, 2010

BARBOT, STEUART AND ASSOCIATE  
13861 PLANTATION ROAD  
SUITE 105  
FORT MYERS, FL 33912

RE: CYPRESS WOODS RV RESORT  
DCI2007-00078 - PDA Application (PD Amendment)

Dear BARBOT, STEUART AND ASSOCIATES, INC :

The Zoning Division has reviewed your request for an extension of the response time allowed by the Lee County Land Development Code for the above referenced project. Staff recognizes that you are actively pursuing additional information necessary for the resubmittal of the request and will allow a 30 day extension expiring on January 19, 2011. This project could be deemed withdrawn after the extension date if you do not respond prior to this date.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Zoning Division

Alvin Block, AICP  
Principal Planner

cc: Pam Houck, Director Zoning Division  
Michael Jacob, CAO  
Tina Boone, Legal Administrative Secretary  
Robert Price, TIS Reviewer  
Becky Penfield, Development Services  
Paul O'Connor, Planning Division  
Susie Derheimer, Environmental Sciences  
Sam Lee, Natural Resources  
Jamie Prancing, DCD Admin  
Billie Jacoby  
Zoning File



## Block, Alvin

---

**From:** Kenneth C. Notturmo [knotturmo@harpdevelopment.com]  
**Sent:** Wednesday, December 22, 2010 11:28 AM  
**To:** Block, Alvin  
**Subject:** Cypress Woods V

Dear Chip: I have not gotten the documents back from Exxon regarding removing the Oil and Gas Lease from the title yet. May a request an additional 30 day extension of time. Thank you in advance.

HAPPY HOLIDAYS!

Kenneth Notturmo  
Vice President  
Harp Development, LLC  
5551 Lockett Road  
Fort Myers, Florida 33905  
239-333-3233 office  
239-333-3238 direct dial  
239-333-2197 direct fax  
239-784-4296 cell  
E-Mail: [Knotturmo@harpdevelopment.com](mailto:Knotturmo@harpdevelopment.com)

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LEE COUNTY  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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December 22, 2010

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*County Manager*

David Owen  
*County Attorney*

Diana M. Parker  
*County Hearing  
Examiner*

BARBOT, STEUART AND ASSOCIATE  
13861 PLANTATION ROAD  
SUITE 105  
FORT MYERS, FL 33912

RE: CYPRESS WOODS RV RESORT  
DCI2007-00078 - PDA Application (PD Amendment)

Dear BARBOT, STEUART AND ASSOCIATES, INC :

The Zoning Division has reviewed your request for an extension of the response time allowed by the Lee County Land Development Code for the above referenced project. Staff recognizes that you are actively pursuing additional information necessary for the resubmittal of the request and will allow a 30 day extension expiring on January 19, 2011. This project could be deemed withdrawn after the extension date if you do not respond prior to this date.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Zoning Division

Alvin Block, AICP  
Principal Planner

cc: Pam Houck, Director Zoning Division  
Michael Jacob, CAO  
Tina Boone, Legal Administrative Secretary  
Robert Price, TIS Reviewer  
Becky Penfield, Development Services  
Paul O'Connor, Planning Division  
Susie Derheimer, Environmental Sciences  
Sam Lee, Natural Resources  
Jarnie Prancing, DCD Admin  
Billie Jacoby  
Zoning File

## Block, Alvin

---

**From:** Kenneth C. Notturmo [knotturmo@harpdevelopment.com]  
**Sent:** Wednesday, December 22, 2010 11:28 AM  
**To:** Block, Alvin  
**Subject:** Cypress Woods V

Dear Chip: I have not gotten the documents back from Exxon regarding removing the Oil and Gas Lease from the title yet. May a request an additional 30 day extension of time. Thank you in advance.

HAPPY HOLIDAYS!  
Kenneth Notturmo  
Vice President  
Harp Development, LLC  
5551 Lockett Road  
Fort Myers, Florida 33905  
239-333-3233 office  
239-333-3238 direct dial  
239-333-2197 direct fax  
239-784-4296 cell  
E-Mail: [Knotturmo@harpdevelopment.com](mailto:Knotturmo@harpdevelopment.com)

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Please consider the environment before printing this e-mail



BOARD OF COUNTY COMMISSIONERS

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*District One*

October 27, 2010

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*County Manager*

David Owen  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

BARBOT, STEUART AND ASSOCIATE  
13861 PLANTATION ROAD  
SUITE 105  
FORT MYERS, FL 33912

RE: CYPRESS WOODS RV RESORT  
DCI2007-00078 - PDA Application (PD Amendment)

Dear BARBOT, STEUART AND ASSOCIATES, INC :

The Zoning Division has reviewed your request for an extension of the response time allowed by the Lee County Land Development Code for the above referenced project. Staff recognizes that you are actively pursuing additional information necessary for the resubmittal of the request and will allow a 30 day extension expiring on December 20, 2010. This project could be deemed withdrawn after the extension date if you do not respond prior to this date.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Zoning Division

Alvin Block, AICP  
Principal Planner

cc: Pam Houck, Director Zoning Division  
Michael Jacob, CAO  
Tina Boone, Legal Administrative Secretary  
Robert Price, TIS Reviewer  
Becky Penfield, Development Services  
Paul O'Connor, Planning Division  
Susie Derheimer, Environmental Sciences  
Sam Lee, Natural Resources  
Jamie Princing, DCD Admin  
Billie Jacoby  
Zoning File

## Block, Alvin

---

**From:** Kenneth C. Notturmo [knotturmo@harpdevelopment.com]  
**Sent:** Friday, October 22, 2010 1:17 PM  
**To:** Block, Alvin  
**Cc:** Neysa Borkert; Avi Harpaz  
**Subject:** Cypress Woods V

Dear Chip:

I hope this e-mail finds you well.

I wanted to give you a status report on the above. In reviewing the title search and the survey, one of the exceptions is an oil and gas lease that expired 20 years ago, but has a provision that it automatically renews if oil and gas exploitation has commenced on site. The title company refuses to remove it without a very expensive mineral search. Alternatively I am in contact with the Dallas office of Exxon to get them to execute a release for recording. This is taking several weeks. I hope to have this issue resolved and the title matter cleaned up within the next several weeks.

I am requesting a further extension, if required until November 30 for submitting the revised title opinion and survey.

Thank you for your anticipated cooperation.

Kenneth Notturmo  
Vice President  
Harp Development, LLC  
5551 Lockett Road  
Fort Myers, Florida 33905  
239-333-3233 office  
239-333-3238 direct dial  
239-333-2197 direct fax  
239-784-4296 cell  
E-Mail: [Knotturmo@harpdevelopment.com](mailto:Knotturmo@harpdevelopment.com)

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ZONING DIVISION  
LEE COUNTY  
PLANNED DEVELOPMENT SUFFICIENCY REVIEW  
TRANSMITTAL SHEET

TO: Distribution

Michael D Jacob, Asst County Attorney  
Paul O'Connor, Planning  
Chick Jakacki, Zoning

FROM: Alvin Block, AICP

DATE: 09/30/2010

**\* REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: CYPRESS WOODS RV RESORT

CASE #: DCI2007-00078

INFORMATION SUMMARY:

**RESUBMITTAL**

☐ To update your file  
☒ Review and forward sufficiency  
questions or make finding of  
sufficiency

**RESPONSE REQUIRED BY: 10/14/2010**

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: 10/01/2010



# PAVESE LAW FIRM

NEYSA BORKERT

Direct dial: (239) 336-6251  
Email: NeysaBorkert@PaveseLaw.com

1833 Hendry Street, Fort Myers, Florida 33901 | P.O. Drawer 1507, Fort Myers, Florida 33902-1507 | (239) 334-2195 | Fax (239) 332-2243

September 30, 2010

RECEIVED

SEP 30 2010

COMMUNITY DEVELOPMENT

Mr. Alvin "Chip" Block, Principal Planner  
Lee County Dept. of Community Dev't. - Zoning Dept.  
Post Office Box 398  
Fort Myers, Florida 33902

VIA HAND DELIVERY

RE: Cypress Woods RV Resort  
DCI2007-00078 - PDA Application (PD Amendment)

Dear Mr. Block:

Attached please find original legal descriptions with accompanying sketches which need to replace the ones submitted in the sufficiency response to you dated August 23, 2010. Please substitute the attached and discard the others.

Thank you very much for your assistance.

Very truly yours,



Neysa Borkert

NB:llg  
Enclosures

F:\WPDATA\NB\NM\Harpaz 69781\Cypress Woods .014\Block ltr replacement docs 9-30-2010.wpd

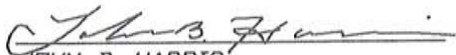
DCI 2007-00078

*DESCRIPTION:*

A TRACT OR PARCEL OF LAND LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (S.W.1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°15'35"W. ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER (S.W.1/4) FOR 1302.47 FEET TO THE NORTHEAST CORNER OF CYPRESS WOODS RV RESORT, UNIT THREE, AS RECORDED IN PLAT BOOK 72, PAGES 92 THROUGH 95, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.89°53'08"W. ALONG THE NORTH LINE OF CYPRESS WOODS RV RESORT, UNIT THREE FOR 1122.27 FEET; THENCE RUN N.00°17'00"E. FOR 1301.43 FEET TO A POINT ON THE NORTH LINE OF THE AFORESAID SOUTHWEST QUARTER (S.W.1/4); THENCE RUN S.89°56'19"E. ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER (S.W.1/4) FOR 11.92 FEET TO A POINT ON A ON TANGENT CURVE; THENCE RUN NORTHEASTERLY FOR 218.04 FEET ALONG THE ARC OF A CURVE CONCAVE SOUTHEASTERLY, WITH A RADIUS OF 255.00 FEET, A DELTA OF 48°59'28", A CHORD BEARING OF N.65°37'08"E. AND A CHORD DISTANCE OF 211.46 FEET TO A POINT OF TANGENCY; THENCE RUN S.89°56'19"E. FOR 917.66 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER (N.W.1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°15'35"W. ALONG SAID EAST LINE FOR 86.65 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 35.638 ACRES, MORE OR LESS.

  
JOHN B. HARRIS  
PLS #4631  
APRIL 28, 2010

DCI 2007-00078

RECEIVED

SEP 30 2010

COMMUNITY DEVELOPMENT

CW-U5

UNPLATTED

S. 89° 56' 19" E. (1)  
11.92' ↘

S. 89° 56' 19" E. 1109.86'

NORTH LINE OF THE S.W.1/4 OF SECTION 11-44-25

S. 00°15'35"W.  
← 86.65'

SKETCH OF DESCRIPTION

A PARCEL OF LAND LYING  
IN SECTION 11

TOWNSHIP 44 SOUTH, RANGE 25 EAST

LEE COUNTY, FLORIDA

RECEIVED

SEP 30 2010

## COMMUNITY DEVELOPMENT

DCI 2007-00078

DESCRIPTION:

A TRACT OR PARCEL OF LAND LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (S.W.1/4) OF THE AFORESAID SECTION 11, THENCE RUN S.00°15'35"W. ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER (S.W.1/4) FOR 1302.47 FEET TO THE NORTHEAST CORNER OF CYPRESS WOODS RV RESORT, UNIT THREE, AS RECORDED IN PLAT BOOK 72, PAGES 92 THROUGH 95, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.89°53'08"W. ALONG THE NORTH LINE OF CYPRESS WOODS RV RESORT, UNIT THREE FOR 1122.27 FEET; THENCE RUN N.00°17'00"E. FOR 1301.43 FEET TO A POINT ON THE NORTH LINE OF THE AFORESAID SOUTHWEST QUARTER (S.W.1/4); THENCE RUN S.89°56'19"E. ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER (S.W.1/4) FOR 11.92 FEET TO A POINT ON A ON TANGENT CURVE; THENCE RUN NORTHEASTERLY FOR 218.04 FEET ALONG THE ARC OF A CURVE CONCAVE SOUTHEASTERLY, WITH A RADIUS OF 255.00 FEET, A DELTA OF 48°59'28", A CHORD BEARING OF N.65°37'08"E. AND A CHORD DISTANCE OF 211.46 FEET TO A POINT OF TANGENCY; THENCE RUN S.89°56'19"E. FOR 917.66 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER (N.W.1/4) OF THE AFORESAID SECTION 11, THENCE RUN S.00°15'35"W. ALONG SAID EAST LINE FOR 86.65 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 35.638 ACRES, MORE OR LESS.

Curve number 1

Radius= 255.00'  
Delta= 48°59'28"  
Arc= 218.04'  
Tangent= 116.19'  
Chord= 211.46'  
Chord Brg.= N.65



100      0      100      200      300

SCALE IN FEET

|                                                |                |          |         |                                                                                                                                   |
|------------------------------------------------|----------------|----------|---------|-----------------------------------------------------------------------------------------------------------------------------------|
| REVISED:                                       | DESCRIPTION:   |          | BY      | <i>John Harris</i>                                                                                                                |
| 7/12/07                                        | UPDATE SURVEY: |          | FBH     |                                                                                                                                   |
| 1/10/09                                        | REVISE SURVEY: |          | FBH     |                                                                                                                                   |
| 7/20/10                                        | REVISE SKETCH: |          | FBH     |                                                                                                                                   |
|                                                |                |          |         |                                                                                                                                   |
|                                                |                |          |         | JOHN B. HARRIS, PSM<br>FLORIDA LAND SURVEYOR #463                                                                                 |
| DRAWN:                                         | ✓              | SCALE    | PROJ. # | HARRIS - JORGENSEN, INC.<br>2706 S.E. SANTA BARBARA PLACE<br>CAPE CORAL, FLORIDA<br>PHONE: (941) 772-9939<br>FAX : (941) 772-1315 |
| FBH                                            | JBH            | 1"=200'  | CW-U5   |                                                                                                                                   |
| SKETCH DATE                                    |                | FILE NO. | SHT.- 1 |                                                                                                                                   |
| 12/21/06                                       |                | 44-25-11 | OF - 1  |                                                                                                                                   |
| FLORIDA CERTIFICATE OF AUTHORIZATION # LB 6921 |                |          |         |                                                                                                                                   |





LEE COUNTY  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 239-533-8371

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*County Manager*

David Owen  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

September 21, 2010

BARBOT, STEUART AND ASSOCIATES, INC  
13861 PLANTATION ROAD  
SUITE 105  
FORT MYERS, FL 33912

Re: CYPRESS WOODS RV RESORT  
DCI2007-00078 - PDA Application (PD Amendment)

Dear BARBOT, STEUART AND ASSOCIATES, INC :

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

Alvin Block, AICP  
Principal Planner

BARBOT, STEUART AND ASSOCIATES, INC  
RE: CYPRESS WOODS RV RESORT  
DCI2007-00078  
September 21, 2010  
Page 2

xc: Mike Pavese, Public Works

cc: Pamela Houck, Division Director  
Paul O'Connor, Planning  
Susie Derheimer, Environmental Sciences  
Sam Lee, Natural Resources  
Robert Price, TIS Reviewer  
Jamie Prining, DCD Administration  
Michael D Jacob, Assistant County Attorney  
Becky Penfield, Development Review  
DCI Zoning File  
DCI Working File

**LC Zoning Action Legal Requirements Checklist (Ord 05-29)**

*10) Boundary Survey. A boundary survey of the subject property must be submitted unless the application is a non planned development request and the property consists of one or more undivided lots within a subdivision platted in accordance with Florida Statutes, Chapter 177 {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)]*

Changes to the Land Development Code as of July 1, 2009 requires a Title Certificate/Opinion, no greater than 90 days old at the time of initial zoning application be submitted to establish the following information concerning title to the subject property: (a) the owner of owners of the fee title; (b) all easements encumbering the property; (c) the legal description of the property. The title certification submittal must be either an opinion of title meeting the Florida Bar Standards prepared by a licensed Florida attorney or a certification of title/title certification prepared by a title abstractor or company. The certification must be unequivocal. A title binder/commitment, an O and E Report or title insurance policy is not acceptable to meet this requirement. Per LDC Sec 34-202(a)(2)

Please submit a copy to the surveyor as the survey must be tied to it and submit a copy of the title opinion/title certificate to this office as required by LDC SEC 34-202(a)(3) for the 2.3 additional acres.

*12) Contact. The reviewer may be contacted may be contacted regarding any questions on the LC Zoning Action Legal Requirements Checklist.*

Contact Chick Jakacki for questions regarding legal description, sketch of description and boundary survey comments  
By phone: 239-533-8578  
By email: [cjakacki@leegov.com](mailto:cjakacki@leegov.com)

**LC Public Hearing for Zoning Action Checklist (Ord. 05-29)**

*10) Boundary Survey. A boundary survey of the subject property must be submitted unless the application is a non planned development request and the property consists of one or more undivided lots within a subdivision platted in accordance with Florida Statutes, Chapter 177 {see LC Public Hearing Application Form, Part 3.D.}. [34-202(a)(2)]*

Please refer to the Zoning Legal Checklist for comments.



BARBOT, STEUART AND ASSOCIATES, INC  
RE: CYPRESS WOODS RV RESORT  
DCI2007-00078  
September 21, 2010  
Page 4

*32) Miscellaneous items.*

Ken Notturmo and Michael Jacob have indicated that there are some minor revisions to the title certificate and to the survey which are necessary. The applicant is working on those changes and the revised documents will be resubmitted.

*33) Contact. The Zoning Planner may be contacted regarding any questions on the LC Public Hearing for Zoning Action Checklist.*

If you have any questions about this portion of the checklist, please contact Chip Block at 239-533-8371.

**LC Development Review PD Application Sufficiency Checklist  
(Ord 05-29)**

*4) Miscellaneous items.*

Would you please provide the Development Order number in which the stipulation for lots 85 and 86 are set aside for parking.

I have gone through our records and cannot locate the letter with this stipulation.

Thank you. Please contact me if you have any questions.  
rpenfield@leegov.com or 239-533-8587 extension 48802.

ZONING DIVISION  
LEE COUNTY  
PLANNED DEVELOPMENT SUFFICIENCY REVIEW  
TRANSMITTAL SHEET

TO: Distribution

FROM: Alvin Block, AICP

DATE: 08/23/2010

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

**\* REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: CYPRESS WOODS RV RESORT

CASE #: DCI2007-00078

INFORMATION SUMMARY:

**RESUBMITTAL**

To update your file  
☒ Review and forward sufficiency  
questions or make finding of  
sufficiency

**RESPONSE REQUIRED BY: 09/06/2010**

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: Donna M Hock

Date: 08/24/2010

August 23, 2010



Mr. Alvin "Chip" Block, Principal Planner  
Lee County Dept. of Community Dev't. - Zoning Dept.  
Post Office Box 398  
Fort Myers, Florida 33902

VIA HAND DELIVERY

RE: Cypress Woods RV Resort  
DCI2007-00078 - PDA Application (PD Amendment)

Dear Mr. Block:

Please allow this letter and accompanying documentation to serve as the response to your insufficiency letter dated May 24, 2010. The comments included in your letter are listed below, along with the applicant's responses to those comments in bold italics.

**LC Zoning Action Legal Requirements Checklist (Ord 05-29)**

*10) Boundary Survey. A boundary survey of the subject property must be submitted unless the application is a non planned development request and the property consists of one or more undivided lots within a subdivision platted in accordance with Florida Statutes, Chapter 177 {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 affecting the subject property, whether recorded or unrecorded, and all other physical encumbrances readily identified by a field inspection. [34-202(a)(2)]*

Changes to the Land Development Code as of July 1, 2009, requires a Title Certificate/Opinion no greater than 90 days old at the time of initial zoning application be submitted to establish the following information concerning title to the subject property: (a) the owner or owners of the fee title; (b) all easements encumbering the property; (c) the legal description of the property. The title certification submittal must be either an opinion of title meeting the Florida Bar Standards prepared by a licensed Florida attorney or a certification of title/title certification prepared by a title abstractor or company. The certification must be unequivocal. A title binder/commitment, an O & E Report or title insurance policy is not acceptable to meet this requirement. Per LDC Sec 34-202(a)(2)

DCI 2007-00078



Mr. Alvin "Chip" Block  
August 23, 2010  
Page 2

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AUG 23 2010

COMMUNITY DEVELOPMENT

DCI

2007-00078

Please submit a copy to the surveyor as the survey must be tied to it and submit a copy of the title opinion/title certificate to this office as required by LDC Sec 34-202(a)(3) for the 2.3 additional acres.

***Please see the attached revised boundary survey and the requested Title Opinion.***

**LC Public Hearing for Zoning Action Checklist (Ord. 05-29)**

10) *Boundary Survey. A boundary survey of the subject property must be submitted unless the application is a non planned development request and the property consists of one or more undivided lots within a subdivision platted in accordance with Florida Statutes, Chapter 177 {see LC Public Hearing Application Form, Part 3.D.}. [34-202(a)(2)]*

Please refer to the Zoning Legal Checklist for comments.

***Noted.***

15) *Current Use of the Property. The application must list all of the current uses on the property {see LC Public Hearing Application Form, Part 3.I.1.} [34-202(a)(8); 34-202(b)(3)]*

15a) *Affidavit Regarding Proposed Use. If buildings or structures exist on the property, an affidavit is required stating that buildings & structures will be removed or that the proposed use of buildings, structures & land is/will be in compliance with all requirements of the LCLDC {see LC Public Hearing Application Form, Part 3.I.2.}.*

Staff has reviewed the submitted affidavit. Amir Harpaz has signed the affidavit noting that he is Vice President of Harp Management, LLC, and Manager of Cypress Woods V, LLC. As found in the following miscellaneous portion of this checklist, the County Attorney's office notes that the Cypress Woods V, LLC, is an inactive company. Please revise the affidavit or adequately address the County Attorney's office issues as follows.

***Please see the applicant's responses below.***

32) *Miscellaneous Items.*

Michael Jacob of the County Attorney's office provides the following comments for the applicant's response:

Cypress woods V, LLC, is an inactive (administratively dissolved) company. The Company must be reinstated before the matter may move forward.

***Please see the attached information showing that Cypress Woods V, LLC is an active company and was reinstated on July 21, 2010.***

The Beneficial Ownership Interest Form needs clarification:

- Please identify the proper name of the Trust that owns Cypress Woods V, LLC.

RECEIVED  
AUG 23 2010

DCI 2007-00078

- Please identify the beneficiaries of that trust. In doing so, identify each entity and its ownership down to the individual. The generic reference that Cypress Woods RV Resort Associates "is owned by various types of entities which are owned or controlled by" the listed individuals is not sufficient.

***Please see the attached narrative and exhibit setting forth the Beneficial Ownership Interests of Cypress Woods V, LLC.***

The survey is insufficient. The survey must identify that it is based on a Title Opinion or Title Certification meeting the requirements of §34-202, LDC.

***Please see the attached revised survey and Title Opinion.***

**LC Public Hearing for Planned Development Application - Supplement D Checklist (Ord. 05-29)**

7) *Environmental Issues.* Certain property and environmental issues must be addressed and information provided (see Supplement D Form, Part 5.A - 5.D.).

Please refer to the Environmental checklist elsewhere within this response for any comments.

***Noted. Please the Applicant's response to said comments below.***

**LC Environmental Sciences PD Application Sufficiency Checklist (Ord 05-29)**

12l) *Protected Species Management Plan.* Protected species preserve areas must be indicated on the Master Concept Plan; a final management plan as required by LDC Section 10-474 is not required until time of local development order. [10-474]

The Cypress Fox Squirrel Management Plan depicted in the resubmittal dated 4/30/2010 does not comply with the Habitat Restoration and Maintenance Guidelines referenced in ENV2009-00068 that was approved on June 9, 2009. Please submit a Cypress Fox Squirrel Management Plan depicting the same number and type of plantings specified in the Habitat Restoration and Maintenance Guidelines referenced in ENV2009-00068.

***Please see the attached Habitat Restoration and Maintenance Guidelines that were revised on June 9, 2009. I believe the confusion regarding this matter has been resolved with further discussions between Doug Griffith and Geza Wass de Czege.***

16a) *Surface Water Management Plan Description.* A written description of the surface water management plan must be submitted that includes (see Item #16a1 through #16a5 below): [34-373(b)(1)]

Please note: New Land Development Code Amendments were adopted June 23, 2009. Please address these amendments as they apply to the project. Please review the recent amendments to the LDC specifically 10-329(3) and (4) the planting of native trees, littorals and slope of lake.



***The lake referenced in the plan for Phase 5 was permitted and constructed with DOS2003-00186 and is existing. The lake slopes shown on the plan are those that are already constructed and currently functioning. No new lakes are proposed with this amendment.***

**LC Development Review PD Application Sufficiency Checklist (Ord 05-29)**

4) *Miscellaneous Items.*

Would you please provide the Development Order number in which the stipulation for Lots 85 and 86 are set aside for parking. I have gone through our records and cannot locate the letter with this stipulation.

***The requirement was included in ADD2003-00122, approved in September of 2003. As previously stated, additional information can be provided to substantiate this request if necessary.***

Please feel free to contact our office should you need anything further as it pertains to this request. Thank you for your time in reviewing this matter, it is greatly appreciated.

Very truly yours,



Neysa Borkert

NB:llg  
Enclosures

cc:

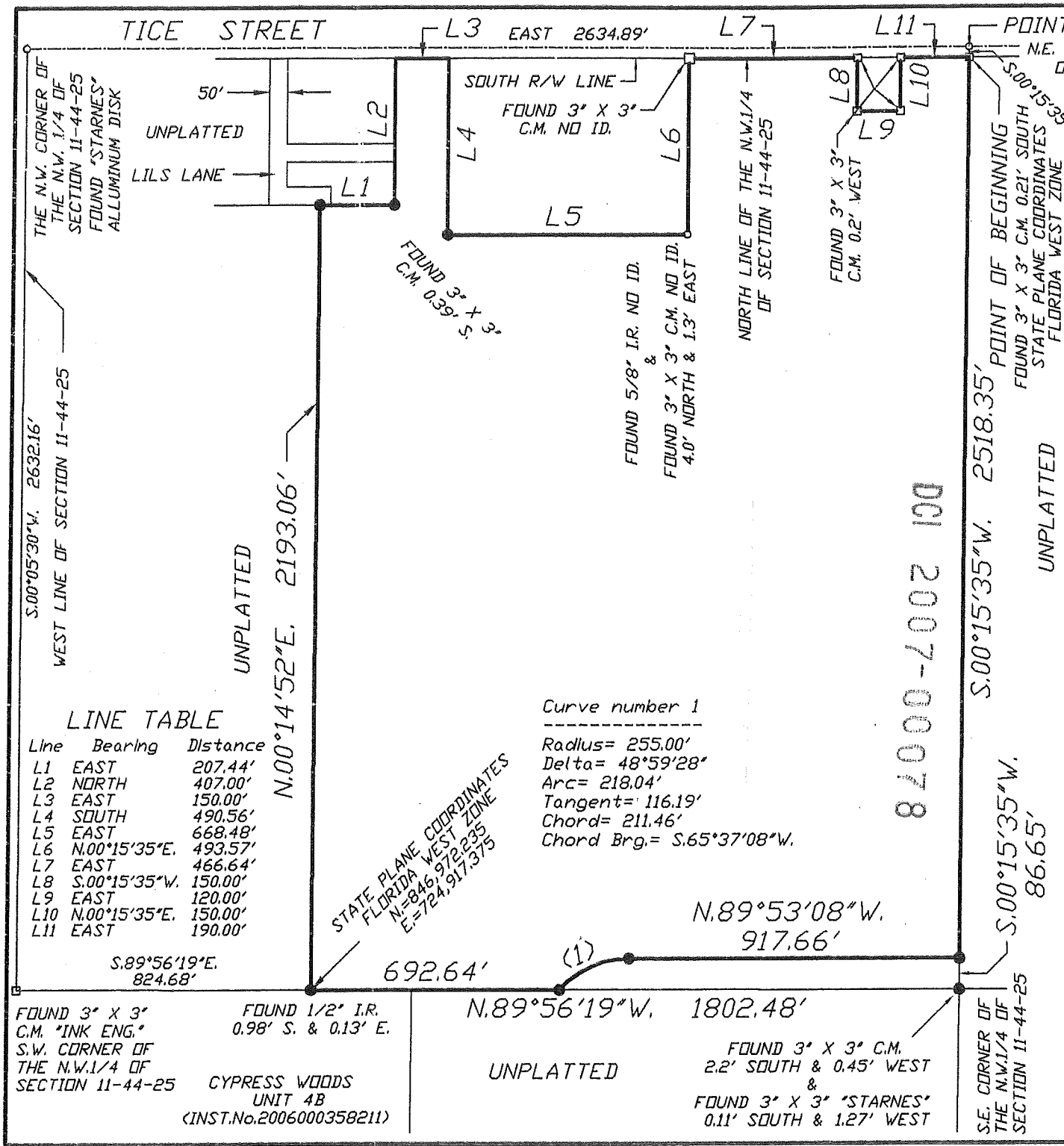
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LINE TABLE

| Line | Bearing       | Distance |
|------|---------------|----------|
| L1   | EAST          | 207.44'  |
| L2   | NORTH         | 407.00'  |
| L3   | EAST          | 150.00'  |
| L4   | SOUTH         | 490.56'  |
| L5   | EAST          | 668.48'  |
| L6   | N.00°15'35"E. | 493.57'  |
| L7   | EAST          | 466.64'  |
| L8   | S.00°15'35"W. | 150.00'  |
| L9   | EAST          | 120.00'  |
| L10  | N.00°15'35"E. | 150.00'  |
| L11  | EAST          | 190.00'  |

Curve number 1

Radius= 255.00'  
Delta= 48°59'28"  
Arc= 218.04'  
Tangent= 116.19'  
Chord= 211.46'  
Chord Brg.= S.65°37'08"W.

STATE PLANE COORDINATES  
FLORIDA WEST ZONE  
N=846,972.235  
E=724,917.375

FOUND 3" X 3" C.M. "INK ENG." S.W. CORNER OF THE N.W.1/4 OF SECTION 11-44-25  
FOUND 1/2" I.R. 0.98' S. & 0.13' E.  
CYPRESS WOODS UNIT 4B (INST.No.2006000358211)

UNPLATTED  
FOUND 3" X 3" C.M. 2.2' SOUTH & 0.45' WEST & FOUND 3" X 3" "STARNE'S" 0.11' SOUTH & 1.27' WEST

DESCRIPTION:

A TRACT OR PARCEL OF LAND LYING IN THE NORTHWEST QUARTER (N.W.1/4) OF SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (N.W.1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°15'35"W. ALONG THE EAST LINE OF SAID NORTHWEST QUARTER (N.W.1/4) FOR 30.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF TICE STREET (60.00 FEET WIDE) AND THE POINT OF BEGINNING; THENCE CONTINUE S.00°15'35"W. ALONG THE EAST LINE OF SAID NORTHWEST QUARTER (N.W.1/4) FOR 2518.35 FEET; THENCE RUN N.89°53'08"W. FOR 917.66 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHWESTERLY FOR 218.04 FEET ALONG THE ARC OF A CURVE CONCAVE SOUTHEASTERLY, WITH A RADIUS OF 255.00 FEET, A DELTA OF 48°59'28", A CHORD BEARING OF S.65°37'08"W. AND A CHORD DISTANCE OF 211.46 FEET TO A POINT OF NON-TANGENCY ON THE SOUTH LINE OF THE AFORESAID NORTHWEST QUARTER (N.W.1/4); THENCE RUN N.89°56'19"W. ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER (N.W.1/4) FOR 692.64 FEET; THENCE RUN N.00°14'52"E. FOR 2193.06 FEET; THENCE RUN EAST FOR 207.44 FEET; THENCE RUN NORTH FOR 407.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF THE AFORESAID TICE STREET; THENCE RUN EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE FOR 150.00 FEET; THENCE RUN SOUTH FOR 490.56 FEET; THENCE RUN EAST FOR 668.48 FEET; THENCE RUN N.00°15'35"E. FOR 493.57 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF THE AFORESAID TICE STREET; THENCE RUN EAST ALONG THE SAID SOUTH RIGHT-OF-WAY LINE FOR 466.64 FEET; THENCE RUN S.00°15'35"W. FOR 150.00 FEET; THENCE RUN EAST FOR 120.00 FEET; THENCE RUN N.00°15'35"E. FOR 150.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SAID TICE STREET; THENCE RUN EAST FOR 190.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 95.712 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER (N.W.1/4) OF THE AFORESAID SECTION 11 AS BEING EAST.

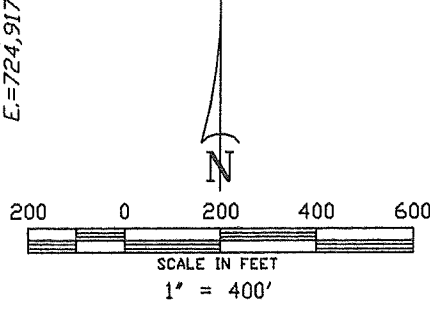
|                                                                                                                                  |  |
|----------------------------------------------------------------------------------------------------------------------------------|--|
| FLORIDA CERTIFICATE OF AUTHORIZATION LB #6921                                                                                    |  |
| JOB #: TICE STREET                                                                                                               |  |
| SURVEY DATE: 11/24/06                                                                                                            |  |
| SKETCH DATE: 7/20/10                                                                                                             |  |
| HARRIS - JORGENSEN, INC.<br>2706 S.E. SANTA BARBARA PLACE<br>CAPE CORAL, FLORIDA<br>PHONE: (239) 772-9939<br>FAX: (239) 772-1315 |  |
| JULY 20, 2010                                                                                                                    |  |
| JOHN B. HARRIS, PSM<br>FLORIDA LAND SURVEYOR #4631                                                                               |  |

A PARCEL OF LAND LYING IN THE N.W.1/4 OF SECTION 11

TOWNSHIP 44 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA

LEGEND:

- N. NORTH
- S. SOUTH
- SET IRON PIN (CAP #4631)
- FOUND IRON PIN (FND.I.R.)
- CONCRETE MONUMENT (C.M.)
- NAIL & DISK
- CONCRETE (CONC.)
- PERMANENT REFERENCE MONUMENT
- PERMANENT CONTROL POINT
- PUBLIC UTILITY EASEMENT
- LAKE MAINTENANCE EASEMENT
- DRAINAGE EASEMENT
- CENTERLINE
- RIGHT-OF-WAY



DESCRIPTION:

A TRACT OR PARCEL OF LAND LYING IN THE NORTHWEST QUARTER (N.W.1/4) OF SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (N.W.1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°15'35"W. ALONG THE EAST LINE OF SAID NORTHWEST QUARTER (N.W.1/4) FOR 30.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF TICE STREET (60.00 FEET WIDE) AND THE POINT OF BEGINNING; THENCE CONTINUE S.00°15'35"W. ALONG THE EAST LINE OF SAID NORTHWEST QUARTER (N.W.1/4) FOR 2518.35 FEET; THENCE RUN N.89°53'08"W. FOR 917.66 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHWESTERLY FOR 218.04 FEET ALONG THE ARC OF A CURVE CONCAVE SOUTHEASTERLY, WITH A RADIUS OF 255.00 FEET, A DELTA OF 48°59'28", A CHORD BEARING OF S.65°37'08"W. AND A CHORD DISTANCE OF 211.46 FEET TO A POINT OF NON-TANGENCY ON THE SOUTH LINE OF THE AFORESAID NORTHWEST QUARTER (N.W.1/4); THENCE RUN N.89°56'19"W. ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER (N.W.1/4) FOR 692.64 FEET; THENCE RUN N.00°14'52"E. FOR 2193.06 FEET; THENCE RUN EAST FOR 207.44 FEET; THENCE RUN NORTH FOR 407.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF THE AFORESAID TICE STREET; THENCE RUN EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE FOR 150.00 FEET; THENCE RUN SOUTH FOR 490.56 FEET; THENCE RUN EAST FOR 668.48 FEET; THENCE RUN N.00°15'35"E. FOR 493.57 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF THE AFORESAID TICE STREET; THENCE RUN EAST ALONG THE SAID SOUTH RIGHT-OF-WAY LINE FOR 466.64 FEET; THENCE RUN S.00°15'35"W. FOR 150.00 FEET; THENCE RUN EAST FOR 120.00 FEET; THENCE RUN N.00°15'35"E FOR 150.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SAID TICE STREET; THENCE RUN EAST FOR 190.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 95.712 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER (N.W.1/4) OF THE AFORESAID SECTION 11 AS BEING EAST.

John B. Harri

JOHN B. HARRIS  
P.S.M. #4631  
JULY 20, 2010

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**CYPRESS WOODS  
DCI2007-00078**

**BENEFICIAL OWNERSHIP INTERESTS OF  
CYPRESS WOODS V, LLC**

**NARRATIVE & EXHIBIT RE: BENEFICIAL OWNERSHIP INTERESTS**

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**BENEFICIAL OWNERSHIP OF INTERESTS**  
**OF CYPRESS WOODS V, LLC**

1. Cypress Woods V, LLC is wholly (100%) owned via an unrecorded Land Trust Agreement by Cypress Woods RV Resort Associates, a Florida general partnership. The property is managed by Harp Management, LLC.

**CYPRESS WOODS RV RESORT ASSOCIATES**

2. The ownership of Cypress Woods RV Resort Associates is a complex partnership of a number of various types of entities (see attached Organization Chart) which are owned or controlled by the following individuals and their respective percentage interests are reflected below:

|                                                                                 |                |
|---------------------------------------------------------------------------------|----------------|
| a. Yehuda Assouline, 10 Yekutiel Adam Street, Kfar Saba, Israel                 | 60.53%         |
| b. Hana Harpaz, 16 Arugot Street, Herezelia, Israel                             | 30.21%         |
| c. Dan H. and Barbara I. Ruhl, 1041 Churchill Lane, Watkinsville, GA 30677-5173 | 3.56%          |
| d. Dan H. and Barbara I. Ruhl, 1041 Churchill Lane, Watkinsville, GA 30677-5173 |                |
| David P. Faxon, PO Box 510688, Fort Myers, FL 33951                             | 5.70%          |
| Wayne E. Ballantyne, 1119 Regency Drive, Columbus, OH 43220                     |                |
|                                                                                 | <u>100.00%</u> |

3. Cypress Woods RV Resort Associates is a Florida general partnership owned as follows:

- a. 5.70% by Cypress Woods Domestic Corporation (whose shareholders are listed in Paragraph 2 (d) above;
- b. 14.24% by Harwin Green Investors, LLC which is owned 25% by the Ruhls (Paragraph 2 (c) above), and 75% by RV Park Associates (See below);
- c. 38.43% by Deer Run Associates which is a fictitious name for Six Mile Associates, Ltd. (which owns 99% of Deer Run Associates [see below] and 1% by Conover Holdings, Inc. [see below]); and
- d. 41.63 % by RV Park Associates, a Florida general partnership, which is owned as follows:

1. 24.41% by A.R.B.B., Ltd., Inc., an Israeli corporation owned 100% by Yehuda Assouline (see 2 (a) above);
2. 40.95% by A.H.R. Real Estate Ltd., Inc. an Israeli corporation owned 100% by Hana Harpaz (see 2 (b) above);
3. 14.64% by Conover Holdings, Inc., a British Virgin Islands Corporation, which is owned 100% by Hana Harpaz (see 2 (b) above);
4. 20% by Deer Run Associates a fictitious name of 1% Conover Holdings, Inc. ([see 3 (d) (3) above] which is owned 100% by Hana Harpaz (see 2 (b) above) and 99% Six Mile Associates, Ltd., a Florida Limited Liability Company, owned as follows:

- a. 1.33% (general partnership interest) by Taglin Investments, Inc., a British Virgin Islands Corporation, which is owned 100% by Hana Harpaz (see 2 (b) above); and

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b. 98.67% (limited partnership interest) by Yehouda Assouline  
(See 2 (a) above).

**HARP MANAGEMENT, LLC**

4. Harp Management, LLC is the Manager of Cypress Woods V, LLC and has a corporate management structure of Avi Harpaz as President and Amir Harpaz as Vice-President.

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## LAND TRUST AGREEMENT

THIS TRUST AGREEMENT, dated as of the 30<sup>th</sup> day of August, 2007, entered into by and between Cypress Woods V, LLC, a Florida Limited Liability Company, hereafter called the "Trustee" which designation shall include all successor trustees, and Cypress Woods RV Resort Associates, a Florida General Partnership, hereinafter called the "Beneficiary", which designation shall include all successors in interest to the beneficiary.

### WITNESSETH

WHEREAS, Cypress Woods RV Resort Associates, is about to convey to the Trustee, under this Agreement, title to the property in Lee County, Florida described on Exhibit "A" attached hereto (herein called the "Property"); and,

WHEREAS, when the trustee has taken title to that Property, or to any other property conveyed to him as Trustee under this Agreement, he will hold the title, in trust, for the uses and purposes and subject to the terms and conditions as hereinafter set forth; and,

WHEREAS, it is further the intent of Trustee to take title to the Property in accordance with the provisions of Section 689.071, Florida Statutes; and,

WHEREAS, the Trust created by this instrument shall be known for all purposes as the Cypress Woods V Trust.

NOW, THEREFORE, in consideration of the mutual premises herein contained the parties hereto agree as follows:

1. **Property.** Title to the Property shall be conveyed to the Trustee in accordance with and the rights of the parties shall be governed, to the extent applicable, by the provisions of Section 689.071, Florida Statutes. The Trustee agrees to accept the deed to the Property and to cause said deed to be recorded in the Public Records of Lee County, Florida, and to hold title to the Property for the uses and purposes herein stated. The Beneficiary shall advance to the Trustee all monies required by the Trustee to record said deed including, but not limited to, all appropriate documentary stamp taxes. The Beneficiary may not dedicate or cause any other property to be conveyed to the Trustee under this Trust Agreement unless the Trustee Consents thereto in writing. Should other property subsequently be conveyed to and held by the Trustee pursuant to this Trust Agreement, the term "Property" as used herein shall mean and refer to all property, the title to which is held by the Trustee pursuant to this Trust Agreement.

2. **Names, addresses and Interests of Beneficiaries:**

(a) Cypress Woods RV Resort Associates, 5551 Luckett Road, Fort Myers, FL, 33905 is the sole Beneficiary of this Trust, and as such shall be entitled to all of the earnings, avails and proceeds of the trust property.

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(b) The interest of the Beneficiary shall consist solely of the following rights respecting the trust property:

(1) Power to direct the Trustee to deal with title to the Property, which power shall include, but is not limited to, directions to the Trustee to execute deeds, leases, mortgages, promissory notes and all other instruments relating to the Property, provided however, as set forth in paragraphs 12 and 21 of this Trust Agreement, the Trustee shall have no liability whatsoever nor shall the Trustee be required to furnish any warranties that would result in an individual liability in regard to the execution of any such instruments. To the extent such warranties are provided the Beneficiary shall save and hold the Trustee harmless from any liability as a result of the warranties.

(2) Power to manage, possess, use and control the Property.

(3) Right to receive the earnings, avails, and proceeds from leases and other uses and from mortgages, sales and other dispositions of the Property.

(4) Enjoyment of all rights and privileges regarding the Property as if the Beneficiary was the legal and equitable owner of the Property.

Such rights and powers, as well as the interest of the Beneficiary under this Trust Agreement, shall be personal property. The Beneficiary shall not have any right, title or interest in or to any portion of the legal or equitable title to the Property.

3. **Obligation of Trustee with Respect to Property.** The Trustee shall have no obligation to file any income, profit or other tax reports or returns or pay such or any other taxes relating to the Property, provided, however, that the Trustee shall have the right but not the obligation to file any tax return or pay taxes relating to the Property which it, in its absolute discretion, deems should be filed by it, and in such event the Beneficiary will cooperate with the Trustee in providing such information as is necessary to the proper and correct preparation of such return and the Beneficiary shall promptly pay to the Trustee the amount of said taxes as set forth in paragraph 12 hereof. The Beneficiary shall make all returns and reports and pay all real estate and all other taxes or charges payable with respect to the Property and to the earnings, avails and proceeds of the Property or based on his interest under this Trust Agreement.

4. **Objects and Purposes of Trust.** The objects and purposes of this Trust shall be to hold title to the Property until its sale or other disposition or liquidation or until the expiration of this Trust Agreement as provided in paragraph 20 hereof. The Trustee shall not manage or operate the Property nor undertake any other activity not strictly necessary to the attainment of the foregoing objects and purposes; nor shall the Trustee transact business of any kind with respect to the Property within the meaning of Chapter 609 of the Florida Statutes, or any other law; nor shall this Agreement be deemed to be, or create or evidence the existence of a corporation, de facto or de jure, or any other type of business trust, or an association in the nature of a corporation, or a co-partnership or joint venture by or between the Trustee and the Beneficiary, or by or between the Beneficiaries, if there be more than one.

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5. **Beneficiary Manages and Operates Trust Property.** The Beneficiary shall have the sole possession, management and control of the selling, renting, repairing, maintaining and handling of the Property and the Trustee shall have no right or duty in respect to such matters. The Beneficiary shall and does hereby indemnify and hold the Trustee harmless from and against all expenses, including attorney's fees, obligations and liabilities which the Trustee may incur or become liable for by virtue of the Beneficiary performing the matters set forth herein or by virtue of the fact that the trustee holds legal title to the Property. The Beneficiary shall have the right to execute leases and collect rents in its own name or through its agents. The Beneficiary is not the agent of the Trustee for any purposes whatsoever and does not have any authority whatsoever to contract or to execute leases or to do any other act or in the name of the Trustee or to obligate the Trustee personally or as Trustee.

6. **Protection of Third Parties Dealing with Trustee.** No party dealing with the Trustee in relation to the Property in any manner whatsoever, and (without limiting the foregoing) no party to whom the Property or any part of it or any interest in it shall be conveyed, contracted or sold, leased or mortgaged by the Trustee, shall be obliged (a) to see to the application of any purchase money, rent or money borrowed or otherwise advanced on the Property, (b) to see that the terms of the Trust Agreement have been complied with, (c) to inquire into the authority, necessity or expediency of any act of the Trustee or (d) be privileged to inquire into any of the terms of this Agreement. Every deed, mortgage, lease or other instrument executed by the Trustee in relation to the Property shall be conclusive evidence in favor of every person claiming any right, title or interest under the Trust (a) that at the time of its delivery the Trust created under this Agreement was in full force and effect; (b) that instrument was executed in accordance with the terms and conditions of this Agreement and all its amendments, if any, and is binding upon all Beneficiaries under it; (c) that the Trustee was duly authorized and empowered to execute and deliver each such instrument; (d) if a conveyance has been made to a successor or successors in trust, that the successor or successors have been appointed properly and are vested fully with all the title, estate, rights, powers, duties and obligations of its, his or their predecessor in trust.

7. **Trust Agreement Not to be Recorded.** This Agreement shall not be placed on record in the county in which the trust property is situated, or elsewhere, but if it is so recorded, that recording shall not be considered as notice of the rights of any person under this Agreement derogatory to the title or powers of the Trustee.

8. **Beneficiary Cannot Bind Trustee or Other Beneficiary.** No Beneficiary shall have the authority to contract for or in the name of the Trustee or any other Beneficiary or to bind the Trustee or any other Beneficiary personally.

9. **Forbidding Use of Name of Trustee for Publicity.** The name of the Trustee shall not be used by the Beneficiary in connection with any advertising or other publicity whatsoever without the written consent of the Trustee.

10. **Insurance.** The Beneficiary shall during the term of this Trust Agreement maintain and purchase at its expense insurance either in the name of the Trustee or showing the Trustee as an additional insured thereunder with said insurance to protect the Trustee against

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public liability in the amount of \$1,000,000 and to protect the Trustee against such other hazards or liabilities as the Trustee may reasonably require and in such amounts as the Trustee may reasonably require. All such insurance shall be written on insurance companies reasonably acceptable to the Trustee. At the request of the Trustee, said policies of insurance shall be delivered to the Trustee or, in lieu thereof, certificates reflecting said coverage shall be delivered to the Trustee. In all events, said policies of insurance and certificates shall contain a provision that thirty (30) days notice shall be given to the Trustee by the insurance company issuing said policies prior to cancellation or termination of said policies of insurance. In the event the Beneficiary fails to make any payment for premiums on said policies of insurance the Trustee may, but is not required to, make said payment and said payment shall be considered an advance made by the Trustee under the provisions of paragraph 12 of this Trust Agreement.

11. **Multiple Beneficiaries.** In the event that the term "Beneficiary" as used in this Trust Agreement includes more than one beneficiary, then, in that event, all persons included in the term "Beneficiary" shall be jointly and severally liable for obligations of the Beneficiary under this Trust Agreement.

12. **Trustee Responsibility to Make Advances or Incur or Pay Expenses.** The Trustee shall have the right, but not the duty, to make any advances or incur or pay any expenses on account of this Trust Agreement or the Property. If the Trustee shall make any such advances or incur or pay any such expenses on account of this Trust Agreement of the Property, or shall incur any expenses by reason of being a party to any litigation in connection with this Trust Agreement or the Property, or if the Trustee shall be compelled to pay money on account of this Trust Agreement or the Property, whether for breach of contract, injury to person or property, taxes of any kind, fines or penalties under any law, or otherwise, in any manner under this Trust Agreement as set forth in paragraph 21 (provided, however, the Trustee shall not be individually liable in any manner under this Trust Agreement as set forth in paragraph 21 hereof) the Beneficiary, on demand by the Trustee, shall pay to the Trustee, with interest at the highest rate permitted by law, the amount of all such expenses, advances or payments made by the Trustee, plus all its expenses, including attorneys' fees, incurred by the Trustee in said matters, including attorneys' fees for appeals. The Trustee shall have the right, but not the duty, to employ and consult with attorneys regarding this Trust Agreement and the Property, and any and all costs and expenses incurred by the Trustee by virtue of said employment and consultation shall be deemed to be an advance or expense made or incurred by the Trustee under this paragraph to be paid by the Beneficiary on demand. Any other monies expended by the Trustee under any other provision of this Trust Agreement shall also be deemed to be an advance made by the Trustee under this paragraph 12. The Beneficiary further agrees to indemnify and hold the Trustee harmless of and from any and all expenses, including but not limited to, all costs and attorneys' fees, advances, payments or liabilities incurred by it for any reason whatsoever as a result of this Trust Agreement or the Trustee holding legal title to the Property under this Trust Agreement. The Trustee shall not be obliged to convey transfer or otherwise deal with the Property or any part of it or to follow any instructions of the Beneficiary unless and until all of the payments, advances and expenses made or incurred or paid by the Trustee on account of this Trust Agreement or the Property shall have been paid, with interest at the rate set forth herein. Further, after making written demand on the Beneficiary to pay to the Trustee all payments, advances and expenses made or incurred by the Trustee on account of this Trust Agreement or the Property,

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the Trustee shall be entitled to and shall have a lien on the Property to secure all such payments, advances and expenses, together with interest thereon at the rate set forth herein and all costs and expenses, including attorney's fees, which the Trustee may incur or become liable for in collecting said amounts from the Beneficiary.

13. **Trustee Responsibility with Respect to Legal Proceedings.** The Trustee shall be under no duty to take any action, to pay any money or to incur any expenses in regard to any legal proceeding involving this Trust Agreement or the Property unless it shall elect, in its absolute discretion, to do so and be furnished with sufficient funds or be indemnified to its satisfaction by the Beneficiary. If the Trustee is served with process or notice of legal proceedings or of any other matters concerning this Trust Agreement or the Property, the sole duty of the Trustee shall be to forward the process or notice to the Beneficiary as provided in paragraph 30 hereof; in such case, the Beneficiary may defend said action in the name of the Trustee with counsel reasonably acceptable to the Trustee provided, however, the Trustee may at any time resign as such under this Trust Agreement or personally appear in said proceeding.

14. **Resignation or Death of Trustee.** The Trustee may resign at any time by giving written notice of such intention to resign to the Beneficiary. The resignation shall become effective after the Trustee shall have executed any and all documents furnished to the Trustee by the Beneficiary and satisfactory to the Trustee for execution, which documents shall be for the purpose of conveying to any successor trustee all existing rights of Trustee under this Trust Agreement and title to the Property provided, however, that in all events said resignation shall become effective no later than thirty (30) days after notice of resignation has been delivered to the Beneficiary. If the Trustee is advised in writing by the Beneficiary as to who the successor trustee is to be, the Trustee has the right, but not the duty, to prepare, execute, deliver and/or record any and all documents which are necessary in the absolute discretion of the Trustee to convey or transfer title to the Property to such successor trustee. If notice of the successor trustee is not given to the Trustee in writing within twenty (20) days after notice of resignation has been delivered to the Beneficiary or if the Beneficiary fails to furnish documents satisfactory to the Trustee for execution within twenty (20) days after notice of resignation has been delivered to the Beneficiary, the Trustee may convey title to the Property to the Beneficiary, and the deed of conveyance may be recorded by the Trustee. Notwithstanding the resignation by the Trustee as provided herein, the Beneficiary shall upon such resignation immediately pay to the Trustee all payments, advances or expenses made or incurred by the Trustee in regard to this Trust Agreement or the Property and the Trustee shall continue to have a lien on the Property to secure the payment of such sums as set forth in paragraph 12, which lien the Trustee may evidence by causing to be recorded in the Public Records of Lee County, Florida, a notice of lien specifying the amount of monies owed to it by the Beneficiary. The Trustee may thereafter enforce its lien against the Property by appropriate judicial proceeding and, in said proceeding, the Trustee shall be entitled to recover from the Beneficiary, and the same shall be a lien on the Property, all its costs and expenses, including attorneys' fees, in such proceeding.

15. **Amendment of Trust Agreement.** This Agreement contains the entire understanding between the parties and may be amended, revoked or terminated only by a written agreement signed by the Trustee and the Beneficiary.

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16. **Florida Law Governs.** This Agreement shall be construed in accordance with the Laws of the State of Florida.

17. **Notices.** Any notice required to be given by the terms of this Agreement or by any applicable law by either party shall be in writing and shall be either hand delivered or sent by certified or registered mail, return receipt requested. Each written notice shall be addressed as follows:

If to Trustee: Cypress Woods V, LLC  
5551 Lockett Road  
Fort Myers, FL 33905  
Att: Amir Harpaz

If to Beneficiary: Cypress Woods RV Resort Associates  
5551 Lockett Road  
Fort Myers, FL 33905  
Att: Avi Harpaz

Either party may, by subsequent written notice, designate a different address for receiving notice.

18. **Successors Bound by this Agreement.** The terms and conditions of this Agreement shall inure to the benefit of and be binding upon any successor trustee under it, as well as upon the personal representatives, administrators, heirs, assigns and all other successors in interest of the Beneficiaries. Every successor trustee shall become fully vested with all the title, estate, rights, powers, trusts and shall be subject to the duties and obligations of its predecessor under this Trust Agreement. The term Trustee shall thereafter mean and refer to said successor trustee.

19. **Term.** The term of this Trust Agreement shall be for a period of twenty-one (21) years from the date of this Trust Agreement, unless sooner terminated as otherwise provided in this Trust Agreement. Upon expiration of this Trust Agreement the Trustee shall convey the Property to the Beneficiary.

20. **Trustee Acts Only on Written Authorization.** It is agreed by the parties hereto that the Trustee will deal with the Property including cash or other assets of any kind which may become subject to this Trust Agreement when authorized and directed to do so by the Beneficiary. On the oral or written direction of the Beneficiary, the Trustee shall execute deeds for, or mortgages or trust deeds (which may include a waiver of the right of redemption from sale under an order or decree of foreclosure) or execute leases all in regard to the Property or otherwise deal with the title to the Property including cash or other assets subject to this Trust Agreement, provided, however, that in regard to all documents to be executed by the Trustee said documents shall be prepared by the Beneficiary and furnished to the Trustee by the Beneficiary to execute and redeliver to the Beneficiary or to any third person or persons. The Trustee shall not under any circumstances be obligated to execute any instrument which may, in the opinion of the Trustee, result in personal liability to the Trustee and rather than executing any instruments under this paragraph, the Trustee may resign as Trustee under this Trust Agreement as provided

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in paragraph 14 and, in the event the Trustee so resigns, the Trustee shall be under no duty to execute any instruments other than instruments provided in paragraph 14 regarding conveyance of title to the Property. The Trustee shall not be required to inquire into the propriety of any oral or written direction by the Beneficiary or the authority of the person authorizing said direction. To the extent the Trustee follows any oral or written direction received from the Beneficiary including, but not limited to, the execution by the Trustee of any deed or other instrument relating to the Property and delivery of said deed or other instrument in accordance with said oral or written instructions, the Trustee shall have no duty, liability or obligation whatsoever and the Beneficiary shall indemnify and hold the Trustee harmless from and against all claims, demands, costs and expenses, including attorneys' fees, losses, liabilities and obligations which the Trustee may pay, incur or sustain by virtue of the Trustee following said oral or written instructions.

21. **Trustee Not Individually Liable.** The Trustee shall have no individual liability or obligation whatsoever arising from its ownership of or holding legal title to the Property, or with respect to any act done or contract entered into or indebtedness incurred by it in dealing with the Property or in otherwise acting under this Trust Agreement upon the direction of the Beneficiary except only so far as the Property and any trust funds in the actual possession of the Trustee shall be applicable to the payment and discharge of such liability or obligation. By way of illustration and not by way of limitation, the Trustee shall be under no duty whatsoever to execute or enter into any instrument or agreement which does not contain language acceptable to the Trustee providing that the Trustee shall have no personal liability whatsoever and that the liability of the Trustee shall be limited solely to any property that the Trustee holds under this Trust Agreement.

22. **Disclosure of Interests.** The Trustee shall not, without the prior written consent of the Beneficiary, disclose to any person this Trust Agreement or the Beneficiary for whom the Trustee holds title to the Property hereunder, unless compelled to do so by legal process. The Trustee shall not however be responsible under this paragraph for any inadvertent disclosures made by it.

23. **Trustee Not Required to Give Warranty.** The Trustee shall not be required to, but may, execute any instrument containing covenants of warranty.

24. **Multiple Beneficiaries.** In the event that the term "Beneficiary" as used in this Trust Agreement includes more than one beneficiary, then, in that event, all persons included in the term "Beneficiary" shall be jointly and severally liable for obligations of the Beneficiary under this Trust Agreement.

25. **No Third-Party Beneficiary.** This Trust Agreement is solely for the benefit of the parties hereto and no person or persons not a part to this Trust Agreement shall have any rights or privileges under this Trust Agreement either as a third-party beneficiary or otherwise.

26. **Revocation and Amendment.** The Beneficiary may, at any time, by written instrument delivered to the Trustee revoke, or with the consent of the Trustee, amend this Trust Agreement. In the case of revocation, the Trustee shall convey title to the Property in accordance with the procedures set forth in paragraph 14 of this Trust Agreement and, in the case

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of amendment, the Beneficiary shall furnish to the Trustee the written form of said amendment as executed by the Beneficiary. Upon the execution of said amendment by the Trustee, said amendment shall be considered to be an amendment to this Trust Agreement.

27. **Residency of Beneficiary.** The Beneficiary represents that it is a Florida Limited Liability Company.

28. **Assignment of Beneficial Interest.** The Beneficiary may not assign any or all of its interest as Beneficiary under this Trust Agreement unless and until both of the following two (2) conditions have been met:

(a) The original or executed duplicate of an assignment subscribed in the presence of two witnesses is delivered to the Trustee and the Trustee has accepted in writing said assignment provided, however, that the Trustee shall be under no duty or obligation whatsoever to so accept said assignment and may in its discretion reject said assignment; and

(b) The assignee of any beneficial interest agrees in writing to be bound by all the duties and obligations of the Beneficiary under this Trust Agreement including, but not limited to, the duty and obligation to pay to the Trustee all advances and expenses set forth in paragraph 12.

Upon the acceptance by the Trustee of an assignment as set forth in subparagraphs (a) and (b) hereof, the Beneficiary so assigning his interest under this Trust Agreement shall have no further liability or obligation under this Trust Agreement but only for any acts of the Trustee taken or performed after the acceptance by the Trustee of said assignment provided said assignment conveys the entire interest of said assigning Beneficiary under this Trust Agreement. The Beneficiary shall continue to be liable for matters occurring prior to the acceptance by the Trustee of said Assignment. Every assignment of any beneficial interest, the original or duplicates of which shall not have been delivered to and accepted by the Trustee in writing, shall be wholly ineffective as to the Trustee and all subsequent assignees or purchasers without notice. Although the death of the Beneficiary (or any one of the persons contained in the term Beneficiary if more than one person signs this Trust Agreement as the Beneficiary) shall not be deemed an assignment of the interest of the Beneficiary under this paragraph (as set forth in paragraph 2 hereof), any assignment of said interest by the personal representative of the Beneficiary shall be deemed to be an assignment under this paragraph 28 subject to required acceptance by the Trustee.

29. **Inquiries.** Written inquiries, legal and other notices, tax statements and all other documents and writings received by the Trustee and relating to this Trust Agreement or the Property shall be sent and forwarded within a reasonable time after receipt by the Trustee to the Beneficiary.

30. **Miscellaneous.** The captions for the paragraphs contained herein are solely for the convenience of the parties and do not, in themselves, have any legal significance. Time is of the essence of this Trust Agreement. In this Trust Agreement, the plural includes the singular and, vice versa, and masculine, feminine and neuter pronouns and the words "Trustee" and

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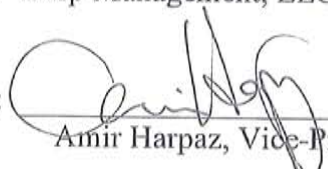
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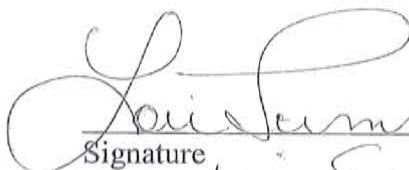
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"Beneficiary" shall each include all genders. This Trust Agreement constitutes the complete agreement between the parties hereto and there are no representations, agreement or under standings other than as set forth herein.

IN WITNESS WHEREOF, the Trustee and Beneficiary have executed this Agreement the day and year first written above.

Trustee: Cypress Woods V, LLC  
By: Harp Management, LLC, Its Manager

By:   
Amir Harpaz, Vice-President

  
Signature  
Lori Summers  
Printed Name

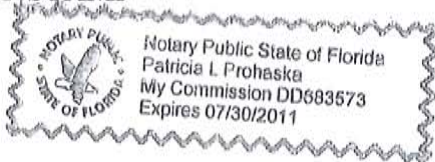
  
Signature  
KEANE C. NOTTURNO  
Printed Name

STATE OF FLORIDA       )  
COUNTY OF LEE        )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the county aforesaid, to take acknowledgements, personally appeared Amir Harpaz, who is personally known to me and who executed the foregoing instrument and he acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 30th day of August, 2007.

NOTARY STAMP



  
Printed Name: Patricia Prohaska

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Lori Summers  
Signature

Lori Summers

Printed Name

Kenneth C. Noturno  
Signature

KENNETH C. NOTURNO

Printed Name

Beneficiary:

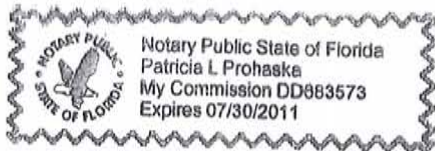
Cypress Woods RV Resort Associates

[Signature]

STATE OF FLORIDA       )  
COUNTY OF LEE        )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the county aforesaid, to take acknowledgments, personally appeared Avi Harpaz, who (is personally known to me) and who executed the foregoing instrument and he acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 30th day of August, 2007.



[Signature]

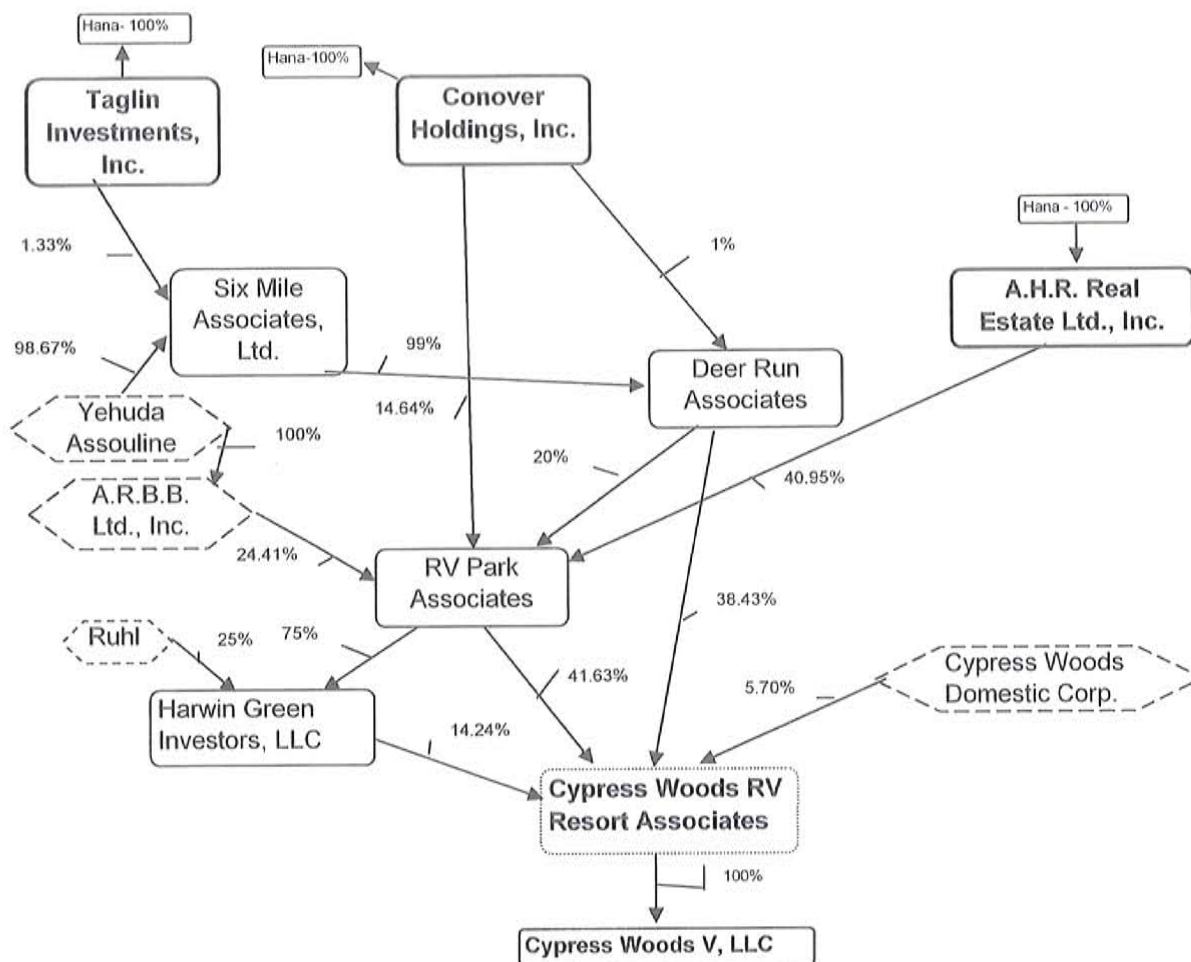
Printed Name: Patricia Prohaska  
Notary Public, State of Florida at Large

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**Detail by Entity Name****Florida Limited Liability Company**

HARWIN GREEN INVESTORS, L.C.

**Filing Information**

**Document Number** L93000000224  
**FEI/EIN Number** 650425785  
**Date Filed** 07/02/1993  
**State** FL  
**Status** INACTIVE  
**Effective Date** 06/28/1993  
**Last Event** ADMIN DISSOLUTION FOR ANNUAL REPORT  
**Event Date Filed** 09/25/2009  
**Event Effective Date** NONE

**Principal Address**5551 LUCKETT ROAD  
FORT MYERS FL 33905

Changed 04/22/2008

**Mailing Address**5551 LUCKETT ROAD  
FORT MYERS FL 33905

Changed 04/22/2008

**Registered Agent Name & Address**EDWARDS, NADIA S CPA  
290-174TH STREET  
SUITE 815  
SUNNY ISLES FL 33160 US

Name Changed: 07/08/2008

Address Changed: 07/08/2008

**Manager/Member Detail****Name & Address**

Title MGRM

R.V. PARK ASSOCIATES  
5551 LUCKETT ROAD  
FORT MYERS FL 33905**RECEIVED**  
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## Annual Reports

### Report Year Filed Date

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|------|------------|
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| 2008 | 04/22/2008 |
| 2008 | 07/08/2008 |

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A.R.B.B. LTD., INC.

**Filing Information**

**Document Number** F96000003199  
**FEI/EIN Number** 650474988  
**Date Filed** 06/25/1996  
**State** OC  
**Status** ACTIVE  
**Last Event** CANCEL ADM DISS/REV  
**Event Date Filed** 12/18/2006  
**Event Effective Date** NONE

**Principal Address**

5551 LUCKETT ROAD  
FORT MYERS FL 33905

Changed 03/26/2008

**Mailing Address**

5551 LUCKETT ROAD  
FORT MYERS FL 33905

Changed 03/26/2008

**Registered Agent Name & Address**

NOTTURNO, KENNETH C  
5551 LUCKETT ROAD  
FORT MYERS FL 33905

Name Changed: 03/26/2008

Address Changed: 03/26/2008

**Officer/Director Detail****Name & Address**

Title P

ASSOULINE, YEHUDA  
10 YEKUTIEL ADAM STREET  
KVAR-SAVA IS ISRAE-L IS

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**Report Year Filed Date**

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| 2007 | 04/22/2007 |
| 2008 | 03/26/2008 |
| 2009 | 04/13/2009 |

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| <a href="#">03/26/2008 -- ANNUAL REPORT</a>           | <a href="#">View image in PDF format</a> |
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| <a href="#">06/25/1996 -- DOCUMENTS PRIOR TO 1997</a> | <a href="#">View image in PDF format</a> |

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**CYPRESS WOODS**  
**DCI2007-00078**

**HABITAT RESTORATION AND MAINTENANCE GUIDELINES**

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# Habitat Restoration and Maintenance Guidelines

for the

## Cypress Woods RV Resort Phase V

Sections 11, T44S, R25E, Lockett Road, Lee County, Florida

March 27, 2008  
Revised: Dec. 4, 2008  
June 9, 2009

Prepared for:

Cypress Woods RV Resort  
5551 Lockett Road.  
Fort Myers, FL 33905  
(239) 694-2191  
FAX: (239) 691-4969

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conducted by

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### Southern Biomes, Inc.

1602 Woodford Ave., Fort Myers, FL 33901 - mail to: P.O. Box 50640, Fort Myers, FL 33994  
Ph.: (239) 334-6766 - Geza Wass de Czege, President - Fax: (239) 337-5028



**Southern Biomes, Inc.**

1602 Woodford Ave., Fort Myers, FL 33901 - mail to: P.O. Box 50640, Fort Myers, FL 33994

Ph.: (239) 334-6766 - Geza Wass de Czege, President - Fax: (239) 337-5028

---

Habitat Restoration & Management Guidelines - Cypress Woods RV Resort Phase V - Luckett Road  
Section 11, T44E, R25S, Lee County, Florida Revised: June 9, 2009

**A. FOX SQUIRREL HABITAT RESTORATION GUIDELINES**

1. **RESTORATION SITE DESCRIPTION:** The subject restoration site is a forty foot wide buffer area located in the northeastern portion of the development, extending for approximately 800 feet east to the pine flatwoods buffer adjacent to the powerline easement. The previously existing forested buffer was unintentionally cleared and will be restored to meet Lee County Code, Sec. 14-384: Restoration standards, and the Sec. 10-420 Plant materials standards. The plantings will be according to Lee County's Department of Community Development, Division of Environmental Sciences indigenous habitat restoration area planting guidelines.
  
2. **HABITAT RESTORATION EXECUTIVE SUMMARY:** To help restore the habitat, slash pines and scattered live oaks will be planted an average of 15' on center, with 75% of the trees being a minimum 10' tall with two-inch caliper at 12 inches above ground, and the remaining 25% a minimum 16' tall with a 3-4 inch caliper, to provide more diversity sizes. Trees will be planted in random order so as not to appear as growing in rows. Shrubs will be limited to scattered clusters of saw palmetto, wax myrtle, beautyberry, gallberry and muhly grass, planted around selected tree clusters. Shrubs and groundcover vegetation must be in minimum one-gallon container, and clustered at an average of three feet (3') on center, to mimic pine flatwoods savanna habitat.

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Ph.: (239) 334-6766 - Geza Wass de Czege, President - Fax: (239) 337-5028

Habitat Restoration & Management Guidelines, Cypress Woods RV Resort Phase V, Luckett Road,  
Section 11, T44E, R25S, Lee County, Florida

Revised: June 9, 2009

### Habitat Restoration Plant List

- One hundred ten (110) trees, of which no more than 75% are to be 10' tall, minimum 2 inch caliper trees, and at least 25% are >16' tall, minimum 3 inch caliper trees. All trees are to be planted in random order on average 15' centers:
  - 68 slash pine (*Pinus elliottii*) 10' w/min 2" dbh
  - 22 slash pine (*Pinus elliottii*) 16' w/min 3" dbh
  - 6 live oak (*Quercus virginiana*) 10' w/min 2" dbh
  - 2 live oak (*Quercus virginiana*) 16' w/min 3" dbh
  - 4 laurel oak (*Quercus laurifolia*) 10' w/min 2" dbh
  - 2 laurel oak (*Quercus laurifolia*) 16' w/min 3" dbh
  - 4 dahoon holly (*Ilex cassine*) 10' w/min 2" dbh
  - 2 dahoon holly (*Ilex cassine*) 16' w/min 3" dbh
  
- Three thousand four hundred sixty six (3,466) in 1 gallon containerized shrubs & herbaceous species, randomly clustered within tree clusters, on 3' center:
  - 1000 saw palmetto (*Serenoa repens*)
  - 500 wax myrtle (*Myrica sp.*)
  - 500 beautyberry (*Callicarpa americana*)
  - 466 gallberry (*Ilex glabra*)
  - 1000 muhly grass (*Muhlenbergia sp.*)

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Ph.: (239) 334-6766 - Geza Wass de Czege, President - Fax: (239) 337-5028

Habitat Restoration & Management Guidelines - Cypress Woods RV Resort Phase V - Luckett Road  
Section 11, T44E, R25S, Lee County, Florida Revised: June 9, 2009

### RESTORATION AREA SITE PREPARATION, MAINTENANCE AND MONITORING

#### **GUIDELINES:**

1. Restoration areas are to be graded to natural elevations of adjacent pine flatwoods uplands, and harrowed to remove all ruts from the planting areas.
2. Eradicate any torpedograss, primrose willow, or any other exotic or nuisance vegetation prior to replanting, with an approved systemic herbicide, and establish an annual eradication program to maintain the area free of exotic species, and the nuisance species to less than 2% coverage.
3. Replant restoration areas with plant species and quantities as designated in the plant list provided in the Habitat Restoration Plant List (approx. 31,200 sq. ft.).
  - One hundred ten (110) trees, with no more than 75% at least 10' tall, 2 inch caliper and the remaining trees >16' tall, with minimum 3 inch caliper, planted in clusters of 3-5, on average 15' centers.
  - Three thousand four hundred sixty six (3,466) 1 gallon containerized shrubs, cluster 3' o.c.
4. Maintain a semi-annual exotic plant control the first year, and an annual control thereafter, in perpetuity, to treat the exotic vegetation resprouting with an approved herbicide, and manually remove any seedlings. Conduct activities during the winter and spring dry season.
5. Signage shall be placed at each end of the indigenous preserve area to identify and protect the preserve during and after construction. The signs shall be no closer than ten feet from adjacent property lines; be limited to a maximum height of four feet and a maximum size of two square feet, stating: "Preserve Area" (in large letters), "Please do not cut or damage any plants unless authorization by permit, or obtained in writing by Lee County Community Development" (in small letters). See example attached with these guidelines.
6. Provide Lee County with an annual monitoring report, for 5 years, including plant survival data and qualitative narrative describing the vegetative changes within the mitigation area. Include the following:
  - a. Provide three fixed point photo station' panoramic photograph analyses at selected locations.
  - c. Narrative report of exotics invasion, and removal success.
  - d. Plant survival data and revegetation success data, including quantitative data, natural recruitment success, exotic invasion, general condition, and recommendations.
7. Mitigation success criteria are as follows:
  - a. The area is maintained free of exotic plants, as defined by the Florida Exotic Pest Plant Council, with no more than 2% coverage at any one time (including but not limited to melaleuca, Brazilian pepper, Australian pine, etc.), and the number of exotic plants eradicated each year has been greatly reduced.
  - b. All nuisance plant species (torpedograss, primrose willow, caesarweed, dog fennel, etc.) constitute no more than 5% of the total plant coverage.
  - c. There is an 80% survival rate of the planted vegetation and at least 80% coverage of the planted area by indigenous native vegetation at the end of the third year of monitoring.
  - d. There is a continual increase in indigenous plant species composition throughout the five year monitoring period.

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**Southern Biomes, Inc.**

1602 Woodford Ave., Fort Myers, FL 33901 - mail to: P.O. Box 50640, Fort Myers, FL 33994

Ph.: (239) 334-6766 - Geza Wass de Czege, President - Fax: (239) 337-5028

Habitat Restoration & Management Guidelines, Cypress Woods RV Resort Phase V, Lockett Road,  
Section 11, T44E, R25S, Lee County, Florida

Revised: June 9, 2009

Preserve Area Sign Sample

# Preserve Area

**No Dumping**

**No Cutting**

**No Disturbing**

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Please do not cut or damage any plants unless authorization by permit, or obtained in writing by Lee County Community Development.

**Please Help Keep it Natural!!**

NOTE: Typical sign dimensions may range from 9" x 12" to 12" x 18" (vertical or horizontal), but should not exceed 288 sq. inches.



**DUNCAN &  
ASSOCIATES, P.A.**



FOXWORTHY PROFESSIONAL BUILDING  
1601 JACKSON STREET, SUITE 101  
POST OFFICE BOX 249  
FORT MYERS, FLORIDA 33902-0249

TELEPHONE (239) 334-4574  
FAX (239) 334-3378  
EMAIL: info@duncanassociatesfl.com

GORDON R. DUNCAN

August 20, 2010

Board of County Commissioners, Lee County, Florida  
P.O. Box 398  
Fort Myers, FL 33902-0398

Re: Title Opinion Letter for Cypress Woods V, LLC

Dear Board Members:

The undersigned is counsel for Cypress Woods V, LLC, a Florida limited liability company ("Applicant") for the purpose of furnishing the following opinion, consistent with the provision of Florida Statutes, Section 177.041(2) for land as described in Exhibit 1. The opinions below apply through 5:00 p.m. as of July 28, 2010.

Wherefore, the undersigned states as follows:

1. **ATTORNEY:** That he is an attorney duly licensed by the Supreme Court of the State of Florida, License #258563 and that he is in good standing with the Florida Supreme Court and The Florida Bar as of the date of this letter opinion.
2. **TITLE:** The record title to the subject land (Exhibit 1) is in the name of Cypress Woods V, LLC, a Florida limited liability company pursuant to that certain warranty deed from Kenora Land, LLC to Cypress Woods V, LLC recorded October 10, 2007 as Instrument #2007000308405 Public Records of Lee County, Florida. The undersigned has searched Lee County records through the date set forth in the first paragraph of this letter and is of the opinion that there is no subsequent conveyance of the land described in Exhibit 1.
3. **MORTGAGE(S):** Mortgage(s) not satisfied or released of record nor otherwise terminated by law and encumbering the land described in Exhibit 1 consist only of the following mortgages and none other:

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A mortgage from Applicant to BAC Florida Bank whose address is 169 Miracle Mile R-10, Coral Gables, Florida 33134, recorded on June 7, 2004 in Official Records Book 4325, Page 4024 of the Public Records of Lee County, Florida as subsequently modified and amended.

A mortgage from Applicant to Peace River Investments of Wachula, LLC whose address is 1301 Shotgun Road, Weston, FL 33326 recorded on June 9, 2008 as Instrument #2008000153326 of the Public Records of Lee County, Florida.

4. **EASEMENTS:** The land described in Exhibit 1 is encumbered by the following easements:

Declaration of Covenants for Cypress Woods RV Resort, OR Book 3205, Page 893, as amended

Easement at Deed Book 255, Page 492

Easement at OR Book 255, Page 496

Easement at OR Book 1053, Page 1246, as amended

Covenants of Unified Control, OR Book 2089, Page 375 and OR Book 2107, Page 2167 and OR Book 2527, Page 3840.

Easement at OR Book 3793, Page 2637

Easement at OR Book 4315, Page 3112

Easement at Instrument #2007000290300

Easement at Instrument #2007000311232

5. **AUTHORITY:** Supporting documentation, Exhibit 2 attached hereto and made a part hereof, provides that Harp Management, LLC is the manager of Applicant and that Avi Harpaz as its president/manager is authorized to sign the instruments on behalf of the Applicant. It is the undersigned's opinion this empowerment is sufficient for the purpose intended.

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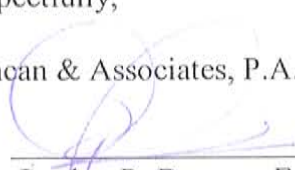
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6. **LEGAL DESCRIPTION:** The legal description, by metes and bounds, of the subject land is as shown on the attached Exhibit 1 and made a part hereof as if fully rewritten in this letter.

Respectfully,

Duncan & Associates, P.A.

By:   
Gordon R. Duncan, Esquire



Parcel 1:

A tract or parcel of land lying in Section 11, Township 44 South, Range 25 East, Lee County, Florida, described as follows:

Beginning at the Northeast corner of the Southwest Quarter (SW (1/4)) of the aforesaid Section 11; thence run S 00°15'35" W along the East line of said Southwest Quarter (SW (1/4)) for 1302.47 feet to the Northeast corner of Cypress Woods RV Resort, Unit Three, as recorded in Plat Book 72, Pages 92 through 95, Public Records of Lee County, Florida; thence run N 89°53'08" W along the North line of said Cypress Woods RV Resort, Unit Three for 1122.27 feet; thence run N 00°17'00" E for 1301.43 feet to a point on the North line of the aforesaid Southwest Quarter (SW (1/4)); thence run S 89°56'19" E along the North line of said Southwest Quarter (SW (1/4)) for 11.92 feet to a point on a non-tangent curve; thence run Northeasterly for 218.04 feet along the arc of a curve concave Southeasterly, with a radius of 255.00 feet, a delta of 48°59'28", a chord bearing of N 65°37'08" E and a chord distance of 211.46 feet to a point of tangency; thence run S 89°53'08" E for 917.66 feet to a point on the East line of the Northeast Quarter (NE (1/4)) of the aforesaid Section 11; thence S 00°15'35" W along said East line for 86.65 feet to the Point of Beginning.

Parcel 2:

TOGETHER WITH: a Non-exclusive easement for ingress and egress for the benefit of Parcel 1 over the lands described on Exhibit C of that Easement Agreement between Cypress Woods RV Associates, a Florida general partnership and Kenora Land, LLC., a Florida limited liability company, filed May 27, 2004 in Official Records Book 4315, Page 3112, Public Records of Lee County, Florida.

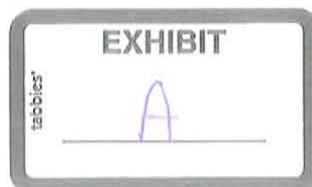
Parcel 3:

TOGETHER WITH: that certain Agreement for Easements and Shared Use of Facilities, by and between Cypress Woods RV Resort Homeowners' Association, Inc., a Florida corporation, Cypress Woods RV Associates, a Florida general partnership and Cypress Woods V, LLC., a Florida limited liability company recorded in Official Records Instrument No. 2007000290300.

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DCI 2007-00072





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## Detail by Entity Name

### Florida Limited Liability Company

CYPRESS WOODS V, LLC

### Filing Information

|                      |               |
|----------------------|---------------|
| Document Number      | L07000077248  |
| FEI/EIN Number       | 260596773     |
| Date Filed           | 07/26/2007    |
| State                | FL            |
| Status               | ACTIVE        |
| Effective Date       | 07/26/2007    |
| Last Event           | REINSTATEMENT |
| Event Date Filed     | 07/21/2010    |
| Event Effective Date | NONE          |

### Principal Address

5551 LUCKETT ROAD  
FORT MYERS FL 33905 US

### Mailing Address

5551 LUCKETT ROAD  
FORT MYERS FL 33905 US

### Registered Agent Name & Address

NOTTURNO, KENNETH C  
5551 LUCKETT ROAD  
FORT MYERS FL 33905 US

### Manager/Member Detail

**Name & Address**

Title MGR

HARP MANAGEMENT, LLC  
5551 LUCKETT ROAD  
FORT MYERS FL 33905 US

### Annual Reports

|                        |            |
|------------------------|------------|
| Report Year Filed Date |            |
| 2008                   | 04/22/2008 |
| 2009                   | 07/21/2010 |
| 2010                   | 07/21/2010 |

### Document Images

|                                                         |                                                         |
|---------------------------------------------------------|---------------------------------------------------------|
| <a href="#">07/21/2010 -- REINSTATEMENT</a>             | <input type="button" value="View image in PDF format"/> |
| <a href="#">04/22/2008 -- ANNUAL REPORT</a>             | <input type="button" value="View image in PDF format"/> |
| <a href="#">07/26/2007 -- Florida Limited Liability</a> | <input type="button" value="View image in PDF format"/> |

Note: This is not official record. See documents if question or conflict.

DCI 2007-00078

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COMMUNITY DEVELOPMENT

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COMMUNITY DEVELOPMENT

DCI 2007-00078



LEE COUNTY  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes  
*District One*

July 23, 2010

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*

BARBOT, STEUART AND ASSOCIATE  
13861 PLANTATION ROAD  
SUITE 105  
FORT MYERS, FL 33912

RE: CYPRESS WOODS RV RESORT  
DCI2007-00078 - PDA Application (PD Amendment)

Dear BARBOT, STEUART AND ASSOCIATES, INC :

The Zoning Division has reviewed your request for an extension of the response time allowed by the Lee County Land Development Code for the above referenced project. Staff recognizes that you are actively pursuing additional information necessary for the resubmittal of the request and will allow a 30 day extension expiring on August 22, 2010. This project could be deemed withdrawn after the extension date if you do not respond prior to this date.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Zoning Division

Alvin Block, AICP  
Principal Planner

cc: Pam Houck, Director Zoning Division  
Michael Jacob, CAO  
Tina Boone, Legal Administrative Secretary  
Robert Price, TIS Reviewer  
Becky Penfield, Development Services  
Paul O'Connor, Planning Division  
Susie Derheimer, Environmental Sciences  
Sam Lee, Natural Resources  
Jamie Pringing, DCD Admin  
Billie Jacoby  
Zoning File



**BARBOT, STEUART & ASSOCIATES, INC.**  
**CONSULTING ENGINEERS**

13861 PLANTATION RD, SUITE 105 FORT MYERS, FLORIDA 33912

PHONE (239)936-7353 FAX (239)936-5823 EMAIL MAIN @ BSAENGINEERING.NET

---

July 22, 2010

Lee County  
Department of Community Development  
Zoning Division  
1500 Monroe St.  
Fort Myers, Florida 33901

Attention: Mr. Alvin Block  
Principal Planner

Re: Cypress Woods RV Resort  
DCI2007-00078

Dear Mr. Block:

Please accept this letter as our formal request for an additional thirty (30) day extension of time to respond to your request for additional information. This would extend the response deadline from July 23, 2010 to August 22, 2010. My client is working diligently to provide the documentation needed to respond to staff comments and would greatly appreciate the additional time to obtain the required information. Should you have any questions or concerns, please feel free to contact my office. Thank you.

Sincerely,

I. K. Steuart, P.E.  
President  
Barbot, Steuart & Associates



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 239-533-8371

Bob Janes  
*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*

May 24, 2010

BARBOT, STEUART AND ASSOCIATES, INC  
13861 PLANTATION ROAD  
SUITE 105  
FORT MYERS, FL 33912

Re: CYPRESS WOODS RV RESORT  
DCI2007-00078 - PDA Application (PD Amendment)

Dear BARBOT, STEUART AND ASSOCIATES, INC :

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

Alvin Block, AICP  
Principal Planner



BARBOT, STEUART AND ASSOCIATES, INC  
RE: CYPRESS WOODS RV RESORT  
DCI2007-00078  
May 24, 2010  
Page 2

xc: Mike Pavese, Public Works

cc: Pamela Houck, Division Director  
Paul O'Connor, Planning  
Susie Derheimer, Environmental Sciences  
Sam Lee, Natural Resources  
Robert Price, TIS Reviewer  
Jamie Prancing, DCD Administration  
Michael D Jacob, Assistant County Attorney  
Becky Penfield, Development Review  
DCI Zoning File  
DCI Working File

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**LC Zoning Action Legal Requirements Checklist (Ord 05-29)**

*10) Boundary Survey. A boundary survey of the subject property must be submitted unless the application is a non planned development request and the property consists of one or more undivided lots within a subdivision platted in accordance with Florida Statutes, Chapter 177 {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)]*

Changes to the Land Development Code as of July 1, 2009 requires a Title Certificate/Opinion, no greater than 90 days old at the time of initial zoning application be submitted to establish the following information concerning title to the subject property: (a) the owner of owners of the fee title: (b) all easements encumbering the property; (c) the legal description of the property. The title certification submittal must be either an opinion of title meeting the Florida Bar Standards prepared by a licensed Florida attorney or a certification of title/title certification prepared by a title abstractor or company. The certification must be unequivocal. A title binder/commitment, an O and E Report or title insurance policy is not acceptable to meet this requirement. Per LDC Sec 34-202(a)(2)

Please submit a copy to the surveyor as the survey must be tied to it and submit a copy of the title opinion/title certificate to this office as required by LDC SEC 34-202(a)(3) for the 2.3 additional acres.

*12) Contact. The reviewer may be contacted may be contacted regarding any questions on the LC Zoning Action Legal Requirements Checklist.*

Contact Chick Jakacki for questions regarding legal description, sketch of description and boundary survey comments  
By phone: 239-533-8578  
By email: [cjakacki@leegov.com](mailto:cjakacki@leegov.com)

**LC Public Hearing for Zoning Action Checklist (Ord. 05-29)**

*10) Boundary Survey. A boundary survey of the subject property must be submitted unless the application is a non planned development request and the property consists of one or more undivided lots within a subdivision platted in accordance with Florida Statutes, Chapter 177 {see LC Public Hearing Application Form, Part 3.D.}. [34-202(a)(2)]*

Please refer to the Zoning Legal Checklist for comments.

*15) Current Use of the Property. The application must list all of the current uses on the property {see LC Public Hearing Application Form, Part 3.I.1.} [34-202(a)(8); 34-202(b)(3)]*

*15a) Affidavit Regarding Proposed Use. If buildings or structures exist on the property, an affidavit is required stating that buildings & structures will be removed or that the proposed use of buildings, structures & land is/will be in compliance with all requirements of the LCLDC {see LC Public Hearing Application Form, Part 3.1.2.}. [34-202(b)(3)]*

Staff has reviewed the submitted affidavit. Amir Harpaz has signed the affidavit noting that he is Vice President of Harp Management, LLC. and Manager of Cypress Woods V, LLC. As found in the following miscellaneous portion of this checklist, the County Attorney's office notes that the Cypress Woods V, LLC is an inactive company. Please revise the affidavit or adequately address the County Attorney's office issues as follows.

*32) Miscellaneous items.*

Michael Jacob of the County Attorney's office provides the following comments for the applicant's response:

Cypress Woods V, LLC is an inactive (administratively dissolved) company. The Company must be reinstated before the matter may move forward.

The Beneficial Ownership Interest Form needs clarification:

Please identify the proper name of the Trust that owns Cypress Woods V, LLC.

Please identify the beneficiaries of that trust. In doing so, identify each entity and its ownership down to the individual. The generic reference that the Cypress Woods RV Resort Associates "is owned by various types of entities which are owned or controlled" by the listed individuals is not sufficient.

The survey is insufficient. The survey must identify that it is based on a Title Opinion or Title Certification meeting the requirements of §34-202, LDC.

*33) Contact. The Zoning Planner may be contacted regarding any questions on the LC Public Hearing for Zoning Action Checklist.*

If you have any questions about this portion of the checklist, please contact Chip Block at 239-533-8371.

**LC Public Hearing for Planned Development  
Application-Supplement D Checklist (Ord 05-29)**

*7) Environmental Issues. Certain property and environmental issues must be addressed and information provided (see Supplement D Form, Part 5.A. - 5.D.).*

Please refer to the Environmental checklist elsewhere within this response for any comments.

*23) Contact. The Zoning Planner may be contacted regarding any questions on the LC Public Hearing for Planned Development Application-Supplement D Checklist.*

If you have any questions about this portion of the checklist, please contact Chip Block at 239-533-8371.

**LC Environmental Sciences PD Application Sufficiency Checklist  
(Ord 05-29)**

*12l) Protected Species Management Plan. Protected species preserve areas must be indicated on the Master Concept Plan; a final management plan as required by LDC Section 10-474 is not required until time of local development order. [10-474]*

The Cypress Fox Squirrel Management Plan depicted in the resubmittal dated 4/30/2010 does not comply with the Habitat Restoration and Maintenance Guidelines referenced in ENV2009-00068 that was approved on June 9, 2009. Please submit a Cypress Fox Squirrel Management Plan depicting the same number and type of plantings specified in the Habitat Restoration and Maintenance Guidelines referenced in ENV2009-00068.

*16a) Surface Water Management Plan Description. A written description of the surface water management plan must be submitted that includes (see item #16a1 thru #16a5 below): [34-373(b)(1)]*

Please note: New Land Development Code Amendments were adopted June 23, 2009. Please address these amendments as they apply to the project. Please review the recent amendments to the LDC specifically 10-329 (3) and (4) the planting of native trees, littorals and slope of lake

---

*20) Contact. The Environmental Planner may be contacted regarding any questions on the LC Environmental Sciences Planned Development Application Sufficiency Checklist.*

Doug Griffith, Environmental Planner  
Phone: 239-533-8323  
E-mail: dgriffith@leegov.com

**LC Development Review PD Application Sufficiency Checklist  
(Ord 05-29)**

*4) Miscellaneous items.*

Would you please provide the Development Order number in which the stipulation for lots 85 and 86 are set aside for parking.  
I have gone through our records and cannot locate the letter with this stipulation.

Thank you. Please contact me if you have any questions.  
rpenfield@leegov.com or 239-533-8587 extension 48802.